

Draft Pittwater Local Environmental Plan 2013

Attachment 1 Submission extracts and responses



PITTWATER
COUNCIL

www.pittwater.nsw.gov.au

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
1	<p><i>“The min lot size should be 600sqm. Sub division and secondary dwellings etc should be allowed. We should be able to build 2 homes and have them on separate titles in this area with minimum 600sqm.”</i></p>	<p>In August 2011, Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained.</p> <p>As there is no identified need to increase development potential, Council resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Accordingly, the proposed minimum subdivision lot sizes in the draft Pittwater LEP 2013 have been carried over from the current Pittwater LEP 1993.</p> <p>The subdivision of dual occupancy development is currently prohibited under the Pittwater LEP 1993.</p> <p>As Council resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development has proven historically to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council’s intention to do a ‘like for like’ translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The</p>

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		<p>intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or friend etc, or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.</p> <p>The submission suggests the minimum lot size for the development of dual occupancies should be reduced.</p> <p>Under the Pittwater LEP 1993, the subject property is in Area 2 of the Dual Occupancy Map where the minimum lot size for the development of dual occupancies is 400m² per dwelling (and 800m² per site).</p> <p>Under the draft Pittwater LEP 2013, the proposed minimum lot size to undertake a dual occupancy development is also 800m². It is noted that this is consistent with the current LEP and DCP for Area 2 of the Dual Occupancy Map.</p> <p>It should be noted that the specified minimum lot size for dual occupancy development does not allow for the subdivision of such development. Subdivision of dual occupancies (including strata subdivision and company title subdivision), is restricted to lots where the subdivision can meet the minimum lot size requirements for land subdivision.</p> <p>It is noted that 'secondary dwellings' are permitted with consent in the R2 Low Density Residential and the E4 Environmental Living zones, however it should be noted that these cannot be subdivided to be on a separate title.</p>

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2	<p><i>"I am STRONGLY AGAINST the following:- Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Educational establishments; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Respite day care centres; Roads; Seniors housing; Serviced apartments; Veterinary hospitals; Places of public worship; and FOR the following: Dual occupancies; Dwelling houses; Multi dwelling housing; Residential flat buildings; Secondary dwellings; Semi-detached dwellings; Building and Business identification signs are an eye-sore, and not welcome in a residential area, in my opinion"</i></p> <p><i>"there should be no building/business identifications anywhere, even in commercial areas"</i></p> <p><i>"Keep this area a residential area and remove the unwanted items from the proposed R3 zone."</i></p>	<p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than types of 'residential accommodation') in the R3 Medium Density Residential zone is discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R3 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Boarding houses ▪ Child care centres ▪ Community facilities ▪ Group homes ▪ Neighbourhood shops ▪ Places of public worship ▪ Respite day care centres ▪ Seniors housing <p>Accordingly, there is no option for removing these land uses from the R3 Medium Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that 'roads' must be included as either 'Permitted with consent' or 'Permitted without consent' in the R3 Medium Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p>

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		<p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R3 Medium Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'home occupations', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits these as exempt development (i.e. development consent is not required to undertake the use). As such, prohibiting this land use in the new LEP would have no effect.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R3 Medium Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R3 Medium Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p>

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		<p>In relation to the permissibility of 'health consulting rooms', SEPP Infrastructure provides that any person can carry out a 'health consulting room' with consent in the R3 Medium Density Residential zone.</p> <p>The following uses are considered appropriate in the R3 Medium Density Residential zone and are generally permissible uses in the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993:</p> <ul style="list-style-type: none"> ▪ Environmental protection works ▪ Exhibition homes ▪ Building identification signs ▪ Business identification signs ▪ Serviced apartments ▪ Veterinary hospitals <p>It is noted that some of the above uses are currently prohibited in the 2(e) and 2(f) zones; however, as there is only one medium density residential zone in the Standard Instrument LEP, it is necessary for areas of medium density housing to have the same zone. This does result in some additional permissible land use in these areas, however the likely impact of these uses in a medium density residential setting is considered to be acceptable. In addition, a Development Application (DA) would need to be lodged and approved for most new development in Pittwater, with neighbouring properties being notified and provided the opportunity to comment. It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R3 Medium Density Residential Zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>
3	<p><i>"We were surprised to read that it is proposed to rezone our land...to E4 Environmental Living. We will be lodging an objection to this proposal, especially due to the Increased Bushfire Hazard it</i></p>	<p>The purpose of an LEP is to regulate land uses through zones and development controls. The proposed zone permits an equivalent range of land uses as the current zone and therefore does not have any specific impact on bushfire hazard.</p>

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	<p><i>will present.”</i></p> <p><i>“Some of our grounds will be:</i></p> <ul style="list-style-type: none"> - <i>In view of the Victorian Bushfire enquiry, all councils should be taking greater measures to reduce bushfire hazard risk in susceptible areas, not embed it;</i> - <i>This is a high risk bushfire area, opposite Kuring-gai Chase National Park, which this year experienced a major fire;</i> - <i>Scientists are advising of increased fire risk in the future - everywhere;</i> - <i>Embers blown by a dry westerly wind could very easily start a fire quickly anywhere along this section of Barrenjoey Road;</i> - <i>Blocks larger than 700 m2 cannot be adequately maintained from a hazard reduction viewpoint;</i> - <i>At present, little if any hazard reduction takes place in this area, especially to the rear of houses along the high side of Barrenjoey Road;</i> - <i>A significant number of dwellings here are old and readily combustible;</i> - <i>A number of blocks have already been subdivided and the smaller lots provide adequate Scenic Protection;</i> - <i>Unless Council comes forward with some definite Fire Prevention Plan to accompany this proposal, it will expose residents to ever greater risk.”</i> 	<p>The proposed land uses in the E4 zone are generally equivalent to those currently permitted, and therefore there is neither an increased or decreased range of potential development.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) Residential “A” and 2(b) Residential “B” areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>There are no proposed controls that would increase the risk of bushfire or restrict bushfire hazard reduction works being undertaken within the E4 or any other zone.</p> <p>Council has responsibility for managing bushfire reduction works on Council owned or managed land. A Bush Fire Risk Management Plan (BFRMP) maps and describes the level of bush fire risk across an area, identifies assets within the community at risk from bush fire, assesses the level of risk to those assets, establishes treatment options to deal with the risk, and identifies who is responsible for carrying out those treatments. The BFRMP is used to determine such things as where clearing or hazard reduction burns are conducted, which areas require specialised fire protection and which areas need to be targeted for community education.</p> <p>The relevant BFRMP for Pittwater is has been prepared by the Warringah Pittwater Bush Fire Management Committee. When preparing a BFRMP the relevant Bush Fire Management Committee seek the opinions of local people through meetings and other communication channels.</p> <p>On privately owned land it is the responsibility of individuals to manage bushfire risks. In addition</p>

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		all residential development located on bushfire prone land, requiring development consent, are required to comply with the specifications of the Rural Fire Service publication, <i>Planning for Bushfire Protection</i> .
4	<p><i>“The list of possible developments in the with consent’ section is far too diverse. In ordinary suburban streets, such as ours, we would be alarmed that they would even be considered. There needs to be far tighter constraints to prevent inappropriate development and subsequent loss of property value”</i></p> <p><i>“I do not think that the following are appropriate in a normal residential suburban street; B&B accommodation, business signs, building signs - acceptable only when new homes/renovations are proceeding, health consulting rooms, home based child-care (numbers would be critical here), Dwelling houses, Child care centres, home industries (this would need to be VERY specific) places of worship, respite day care centres, water recreation structures (again the type would have to be specified) regular pools are obviously acceptable. Boat sheds and jetties only in appropriate locations.”</i></p>	<p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council’s LEP provisions.</p> <p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the ‘like for like’ approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than ‘dwelling houses’) in the E4 Environmental Living zone are discussed below.</p> <p>Home occupations are mandatory in the E4 Environmental Living zone in the Standard Instrument LEP. Accordingly, there is no option for removing this land use from the E4 zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of ‘roads’ as ‘Permitted with consent’, the Standard Instrument LEP directs that they must be included as either ‘Permitted with consent’ or ‘Permitted without consent’ in the E4 Environmental Living zone. Accordingly, ‘roads’ have been listed as ‘Permitted with consent’, rather than ‘Permitted without consent’.</p> <p>In relation to the permissibility of ‘home businesses’ and ‘home industries’, the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ ‘home businesses’ that do not involve skin penetration procedures ▪ ‘home industries’ that do not involve the manufacture of food products

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		<p>If we prohibit 'home businesses' and 'home industries' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>'Group homes' are currently permitted in this area under the Affordable Rental Housing SEPP.</p> <p>The following uses are considered appropriate in the E4 Environmental Living zone and are generally permissible uses in the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs ▪ Business identification signs ▪ Child care centres ▪ Educational establishments ▪ Health consulting rooms ▪ Places of public worship ▪ Respite day care centres ▪ Jetties ▪ Water recreation structures

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		<p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the E4 Environmental Living zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>
5	<p><i>"we wish to object to our whole block being thus rezoned because the potential for affecting any estimation of the unimproved capital value of the block. As a result of the previous zoning, considerable limitations were placed upon the options available to us by the Council when designing and building our current dwelling. Particularly as the block is not of a size which would allow subdivision the disadvantage which we experience will continue in the long term."</i></p> <p><i>"Could I suggest that the smaller portion of land currently zoned differently (6a - Existing Recreation "A") be given a separate classification such as RE2 (Private Recreation). This would draw attention to the rating authorities that the block has had historical restrictions placed upon it which would have influenced its valuation on the open market"</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
6	<p><i>"concerned at the Foreshore Building Line shown for the cliff area on Whale Beach Road between Rayner Road and Beauty Drive"</i></p> <p><i>"The residents in this area request that the</i></p>	<p>As part of a review of the DCP in 2009, Council resolved to amend the foreshore building line relevant to these properties. The draft Foreshore Building Line Map exhibited did not incorporate this amendment. It is therefore recommended that this error be rectified.</p>

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	<i>existing de facto line maintained. It would be appreciated if the draft LEP could be amended to include this set back."</i>	
7	<p><i>"We don't agree with the Proposed zone "E4 Environmental Living" for our Property 20 Beaconsfield Street, Newport. The reasons are:</i></p> <ul style="list-style-type: none"> <i>- There is a large and ugly looking block of home units at the back side of our property located.</i> <i>- Our property is close to public transport and the shops.</i> <i>- We own a large block of land.</i> <i>- Dual occupancy is and should be in future entirely appropriate in this area.</i> <i>- The intended zoning is a clear reduction of the value of the properties.</i> <i>- Neighbors have already got good offers from developers.</i> <i>- We see no environmental attributes worthy of retention in this special area."</i> 	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and

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		<p data-bbox="943 316 1783 339">- All residential parts of the Western Foreshores and Scotland Island.</p> <p data-bbox="902 376 2045 496">The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p data-bbox="902 533 2045 799">It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p data-bbox="902 836 2045 986">While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p data-bbox="902 1023 2045 1110">In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p data-bbox="902 1147 2045 1264">Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p>

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8	<i>"I wish to make a request for my property and the adjoining properties in Bellevue Avenue numbered 27 to 47 Bellevue Avenue (which are all situated behind the Avalon shops and have frontage to Wickham Lane) to be rezoned R3 Medium Density to accommodate low rise town house/unit development."</i>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
9	<i>"As a resident directly affected by the above Proposed LEP, I advise that it has my full support."</i>	N/A
10	<i>"I strongly object to the rezoning of 2(a) (Residential "A") to R2 Low Density Residential as this would downgrade the area of Elanora and lead to a devaluation of my property for resale purposes. There is already more development in Elanora shopping centre and Powderworks Road. The overdevelopment of the Warriewood Valley is already disgusting and placing pressure on the infrastructure of our area."</i>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>However, Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the zones proposed in the draft Pittwater LEP 2013 are considered the most equivalent to the current zone, including zone objectives and permissible land uses. The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime.</p> <p>The existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland that are not currently on the multi-unit housing map or the flat map, are divided into two areas: those areas</p>

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		<p>where dual occupancy is permitted and those areas where it is prohibited. It is proposed to apply the R2 Low Density Residential zone to areas where dual occupancy is currently permitted.</p> <p>The R2 Low Density Residential zone continues to provide the ability to undertake a dual occupancy development, as well as other uses currently permitted in the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones.</p> <p>In relation to the range of permissible land uses in the proposed in the R2 Low Density Residential zone, it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council’s LEP provisions.</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the ‘like for like’ approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than ‘dwelling houses’) in the R2 Low Density Residential zone are discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations ▪ Boarding houses ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of ‘roads’ as ‘Permitted with consent’, the Standard Instrument</p>

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		<p>LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the R2 Low Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>In relation to 'educational establishments', the Infrastructure SEPP provides that they may be carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the</p>

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		<p data-bbox="900 314 1267 339">new LEP would have no effect.</p> <p data-bbox="900 373 2047 464">The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul data-bbox="900 497 1621 895" style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings ▪ Veterinary hospitals ▪ Water recreation structures <p data-bbox="900 928 2047 1019">It is noted that ‘community facilities’ falls under the definition of ‘places of assembly’ in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones.</p> <p data-bbox="900 1053 2047 1171">In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density Residential zone is considered appropriate and generally consistent with the intended ‘like for like’ approach to preparing the draft Pittwater LEP 2013.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
11	<p><i>"my property...will be rezoned from 2(a) Residential "A" to E4 Environmental Living"</i></p> <p><i>"By undertaking this rezoning you are effectively placing a further barrier to any development of my land"</i></p> <p><i>"Council has the hypocrisy to restrict development on my land (which forms part of an already developed elevated urban landscape)"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p>
12	<p><i>"Any change I will object very strongly"</i></p> <p><i>"Patrick Street is already a narrow bus route and irresponsible public parking is a problem"</i></p>	<p>In 2005, the State Government produced a template for Local Environmental Plans (LEP) called the Standard Instrument LEP. All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones must change to a zone that is set out within the Standard Instrument LEP.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>As Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to preparing the new LEP, where possible and appropriate, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The draft Pittwater LEP 2013 is</p>

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		<p>intended to provide the same development potential as Pittwater's existing planning regime, and as such is unlikely to result in any more traffic and parking issues than the current LEP.</p> <p>As is currently the case, a Development Application (DA) would need to be lodged and approved for new development in Pittwater. Traffic and parking issues will continue to be assessed as part of the DA process with neighbouring properties being notified and provided the opportunity to comment. It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.</p>
13	<p><i>"The zoning boundaries around the above [marinas and commercial boatsheds and commercial clubs] have not been changed. In fact the current LEP and zone boundaries were drafted in 1991/2. This means they have been locked in without change for 20 years with the prospect of being locked in for 30 years."</i></p> <p><i>"Such intransigence is unreasonable and takes no account of</i></p> <ol style="list-style-type: none"> <i>1. Need to reduce swing moorings and increase marina berths to reflect change in market needs and access ability of an aging population and partially disabled boat users</i> <i>2. Need to open up public water space</i> <i>3. Environmental and visual impact benefit of onwater storage of boats using more space efficient methodology</i> <i>4. Growth in boats and boat size"</i> <p><i>"I encourage you to at least establish a widened zoning cordon around each existing facility to provide for growth and more efficient boat storage. If each boundary could be taken out a further 50m then any application could be</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

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	<i>considered on merit at the development assessment stage."</i>	
14	<p><i>"I have looked into the zoning and would hope that it is R5 Large Lot Residential without the restriction of over 4000square metres as opposed to the R5 Large lot residential."</i></p> <p><i>"It would just be a good opportunity to bring the street in line with each other – Currently 3 – 4 and 5 Utingu Place are the only properties over 4000 square metres. Number 3 has different zoning which allows smaller lots – I think it would be good to have all three the same zoning to save enormous energy and fuss when the new zoning occurs. As such Large Lot Residential – under 4000square metres should be considered as opposed to Large Lot Residential over 4000square metres"</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
15	<p><i>"regarding rezoning our area from 2a to E4, think there should be something there prohibiting the construction of high rise apartments or high density townhouses or developments like at Warriewood or Dee Why."</i></p> <p><i>"I'm in favour the odd cafes & restaurants, etc but I think I speak for most when I say we'd like this area, Bayview, kept as undeveloped as possible to keep it's peaceful "country" like atmosphere"</i></p>	<p>While it is understood that some members of the community consider that for that most non-residential land uses should not be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the E4 Environmental Living zone are discussed below.</p> <p>Home occupations are mandatory in the E4 Environmental Living zone in the Standard</p>

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		<p>Instrument LEP. Accordingly, there is no option for removing this land use from the E4 zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the E4 Environmental Living zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>'Group homes' are currently permitted in this area under the Affordable Rental Housing SEPP.</p>

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		<p>The following uses are considered appropriate in the E4 Environmental Living zone and are generally permissible uses in the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones in the Pittwater LEP 1993:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs ▪ Business identification signs ▪ Child care centres ▪ Educational establishments ▪ Health consulting rooms ▪ Places of public worship ▪ Respite day care centres ▪ Jetties ▪ Water recreation structures <p>It is noted that ‘community facilities’ falls under the definition of ‘places of assembly’ in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the E4 Environmental Living zone is considered appropriate and generally consistent with the intended ‘like for like’ approach to preparing the draft Pittwater LEP 2013.</p> <p>With regard to the request for the E4 zone to prohibit “high rise apartments or high density townhouses”, it is advised that the proposed E4 Environmental Living zone, as contained in the draft Pittwater LEP 2013, prohibits residential flat buildings, and other medium and high density forms of housing. The only forms of residential accommodation permitted in this zone under the draft Pittwater LEP 2013 are ‘dwelling houses’ and ‘secondary dwellings’ (otherwise known as ‘granny flats’).</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
16	<p><i>"strenuously oppose this change which will deny us the opportunity, should we ever decide on that course of action, to subdivide our 3000 square metre property into three lots similar to our adjoining neighbour."</i></p> <p><i>"Council's proposed changes are 'a little too much too late' and we suggest that reference to 1200 square metres as a minimum for any subdivision in our area be removed."</i></p>	<p>The proposed E4 Environmental Living zone and the proposed 1,200m² minimum subdivision lot size are separate issues and have come about for different reasons. While all properties with a proposed minimum subdivision lot size of 1,200m² are zoned E4 in the draft LEP, not all properties zoned E4 are proposed to have a minimum lot size of 1,200m².</p> <p>The proposal to increase the minimum subdivision lot size to 1,200m² for certain properties dates back to pre-Pittwater days. Prior to 1992, and the creation of Pittwater Council, Warringah council had a policy requiring a minimum subdivision lot size of 1,200m² in areas valued for their environmental and aesthetic qualities. Over the years, attempts to adopt this policy into the LEP have failed due to a lack of support from the State Government, however it has remained in force through council policy and the Pittwater 21 Development Control Plan (DCP).</p> <p>The minimum subdivision lot size of 1,200 m² lot size currently applies to approximately 10,500 lots under the Pittwater 21 DCP, representing a significant proportion of residential lots in Pittwater (approximately 56%).</p> <p>The exhibited draft Pittwater LEP 2013 proposed to apply the minimum subdivision lot size of 1,200 m² to areas with multiple constraints where a character or clustering of large lot sizes (above 1,150m²) exists. This was to ensure that the proposed minimum subdivision lot size of 1,200m² only applied to areas where large lot sizes actually exist. It also significantly reduced the number of lots where the control would apply i.e. 1,238 properties (approximately 6.6% of residential lots in Pittwater).</p> <p>Although all the lots that are proposed to have a minimum subdivision lot size of 1,200m² are also proposed to be zoned E4 Environmental Living, the two matters have come about for different reasons. However, ultimately they relate to the lots being considered areas as valued for their environmental and aesthetic qualities.</p> <p>Notwithstanding this, a number of submissions raised objection to the proposed minimum subdivision lot size of 1,200m² for their property. Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as</p>

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		<p>identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) Residential "A" and 2(b) Residential "B" areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island.
17	<p><i>"my property ... will be rezoned from 2(a) Residential "A" to E4 Environmental Living"</i></p> <p><i>"By undertaking this rezoning you are effectively placing a further barrier to any development of my land"</i></p> <p><i>"Council has the hypocrisy to restrict development on my land (which forms part of an already developed elevated urban landscape)"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development</p>

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		<p>outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential “A”) and 2(b) (Residential “B”) areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a ‘like for like’ translation of Council’s existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environment Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		control.
18	<i>"I am against the rezoning that you are planning for my properties"</i>	<p>In 2005, the State Government produced a template for Local Environmental Plans (LEP) called the Standard Instrument LEP. All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones must change to a zone that is set out within the Standard Instrument LEP.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993 where appropriate.</p>
19	<i>"I would like to strongly object to the permitted use for my property and surrounding properties. Current it is permitted to have dual occupancy and whilst there does not appear to have any significant change in use, I am concerned that the minimum land area has changed from 600m² to 800m². This change is a material change and will impact any future sale of land/property."</i>	<p>Currently, the Pittwater LEP 1993 and Pittwater 21 DCP provide the following relevant to the minimum lot size for the development of dual occupancies:</p> <ul style="list-style-type: none"> ▪ Area 2 Attached dwellings – 400m² per dwelling (and 800m² per site) ▪ Area 3 Attached dwellings – 300m² per dwelling (and 600m² per site) ▪ Area 3 (south of Mona Vale Road) Detached dwellings – 400m² per dwelling (and 800m² per site) <p>Under the draft Pittwater LEP 2013, the proposed minimum lot size to undertake a dual occupancy development is 800m². It is noted that this is not consistent with the current LEP and DCP, however this approach is proposed to reduce the complexity associated with determining whether a property meets the size requirements for undertaking a dual occupancy development or not, and working within the bounds of the Standard Instrument LEP.</p>

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		<p>It should be noted that the specified minimum lot size for dual occupancy development does not allow for the subdivision of such development. Subdivision of dual occupancies (including strata subdivision and company title subdivision), is restricted to lots where the subdivision can meet the minimum lot size requirements for land subdivision.</p>
20	<p><i>"restricting dual occupancy development in the LEP is not a land use issue but rather a development control issue. That is the role and purpose of a Development Control Plan"</i></p> <p><i>"I am totally against this proposed zoning E3 classification due to the negative affect this will have on the value of all properties on the western shores."</i></p> <p><i>"I have had some advice that the council could rezone to R2 and prohibit dual occupancy dwellings"</i></p> <p><i>"The LEP template is very flexible in accommodating the inherent complexities of land uses for a specific area of land. Council can apply the like for like R2 zone and then apply a lesser FSR, Height of Buildings restrictions map over this land or simply provide an overlay e.g. retention of vegetation or steep land subject to slippage for that particular area."</i></p> <p><i>"I do not understand which approach council is undertaking but to rezone your land from 2(a) to an E3 zone (and not an R2 Low Density residential zone) as proposed should be supported by technical studies that justify such an approach. If there are no studies that have been</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p>

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	<p><i>exhibited with the draft LEP, then it may simply be a planners view on what the “appropriate” zone should be. What studies have been relied upon by Council staff to form their recommendations to council?”</i></p> <p><i>“Council strategic planners are often ignorant of how onerous environmental assessments and requirements for the DA process under the Environmental Planning and Assessment Act including SEPP 19 Urban Bushland and the Threatened Species Act and the Water Management Act and Catchment Management Authorities etc. You could almost argue that these requirements are so onerous that it doesn’t matter what the zoning is i.e. put in place the R2 zone over your land and leave the assessment of future DAs in accordance with the DA assessment legislation requirements as mentioned.”</i></p>	<p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a ‘like for like’ outcome, and that the E3 Environmental Management zone, which allows for ‘dwelling houses’, is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E3 zone. It is important to note that people may still have the potential to undertake these types of development in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a ‘like for like’ translation of Council’s existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to the suggestion that council should zone these areas R2 Low Density Residential, this would be unacceptable as it would result in increased development potential, primarily for the purposes of dual occupancy and secondary dwellings, both of which are currently prohibited</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>in these areas under the Pittwater LEP 1993.</p> <p>Dual occupancy is a defined land use term in the Standard Instrument LEP, and its permissibility is therefore clearly a land use issue, that is solved most appropriately through the zoning of land. Building height and FSR standards cannot be used to prohibit certain land uses.</p> <p>It is also not accepted that Council should zone the land R2 Low Density Residential (which permits dual occupancies and secondary dwellings) and then seek other disingenuous ways to restrict these forms of development in certain areas. This would be misleading and inconsistent with the fundamental goals of the planning reforms that introduced the Standard Instrument, namely simplifying the planning system and making LEPs easier to understand.</p> <p>The main purpose of zoning land is to set a range of appropriate potential uses for the land. The E3 zone includes an appropriate range of land uses, including dwelling houses. In addition to this the LEP proposes no other controls that would specifically restrict development on land zoned E3 Environmental Management. There are no additional restrictions being proposed that would change the built form controls that apply to residential development in these areas, and nothing preventing people from rebuilding their dwellings.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
21	<p><i>"We ask that Council reconsiders the appropriate zoning for all road reserve, regardless of ownership, with a view to retaining the highly valued green edge which so significantly contributes to the character of McCarrs Creek Road"</i></p> <p><i>"We note that the front of our property is highlighted on Council's biodiversity map. While we are happy to be mapped we should clarify that this Lot is Largely occupied by the right of way serving us and 185 and is traversed by power and data lines limiting revegetation, yet 101, which supports an extensive casuarina woodland has not been included"</i></p> <p><i>"both lots and in fact the entire ribbon of road reserve along McCarrs Creek Road, should be included on Council's mapping."</i></p>	<p>In relation to the request to choose a different zone for the land, see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p> <p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is currently mapped and given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to a Development Application (DA). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The areas identified on the Biodiversity Map are consistent with mapping currently adopted by Council.</p>
22	<p><i>"My home is proposed as being changed from 2(a) residential "A" to E4 Environmental Living."</i></p> <p><i>"I am shocked to find you are suggesting that Home Industries may be approved in this area. I write to strongly object to the inclusion of Home Industries in this zoning"</i></p> <p><i>"Group homes and Respite Care Homes seem fine to me as long as homes are no larger than a</i></p>	<p>It is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>regular family residence in the area, and homes are not grouped together in the same street or location. So, they should just fit in and look like any other home in the area. Groupings of such homes may change the nature and look of the area, and would increase traffic in the one street."</i></p>	<p>In relation to the permissibility of 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home industries' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home industries' that involve the manufacture of food products.</p> <p>It should be noted that 'home industries' are required to meet the definition set out in the Standard Instrument LEP which is as follows:</p> <p>home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:</p> <ol style="list-style-type: none"> (a) the employment of more than 2 persons other than those residents, (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, (d) the exhibition of any signage (other than a business identification sign), (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, <p>but does not include bed and breakfast accommodation or sex services premises.</p> <p>In accordance with clause 5.4 of the draft Pittwater LEP 2013 'home industries' are also limited to a maximum of 50 square metres of floor area.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, 'home industries' are considered an appropriate land use in the E4</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>Environmental Living zone and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p> <p>In relation to ensuring that certain land uses are not grouped together in the same street, the draft Pittwater LEP 2013 cannot introduce provisions that relate to the clustering of certain permissible land uses. If the uses are permitted in the zone with consent, then a development application would need to be lodged. As part of any assessment a range of factors are considered, this would include the character of the area, the proposed built form and traffic and parking issues. Adjoining neighbours would be notified in accordance with Councils notification procedures in the Pittwater 21 DCP. (It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.)</p>
23	<p><i>"We are concerned about Boarding houses being allowed in our street. Currently it is inhabited by families. The street has become choked with parked cars due to granny flats being built without further parking considerations. Boarding houses being built without permission would impact the current residents due to potential noise levels and traffic. We do not want to become unable to park in our own street as in the Eastern suburbs. Please do not change the boarding house rules"</i></p>	<p>Boarding houses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 Low Density Residential zone in the Standard Instrument LEP.</p> <p>Accordingly, there is no option for removing them from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>boarding house means a building that:</p> <ul style="list-style-type: none"> (a) is wholly or partly let in lodgings, and (b) provides lodgers with a principal place of residence for 3 months or more, and (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment. <p>It is noted that boarding houses are only permissible with the consent of Council, and as such a development application would need to be lodged. As part of any assessment a range of factors are considered, this would include the character of the area, the proposed built form and traffic and parking issues. Adjoining neighbours would be notified in accordance with Councils notification procedures in the Pittwater 21 DCP. (It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.)</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
24	<i>"I fully support the rezoning application from 1(b) (Non Urban) to R3 residential"</i>	N/A
25	<p><i>"This submission suggests that 'bus depot' should remain a permissible use within the RU2 zone"</i></p> <p><i>"and that a definition of bus depot also be included in the 'dictionary'"</i></p> <p><i>"the zoning of the land as now proposed, represents an unreasonable alteration to permissible uses as regards community expectations and the public interest and as such, the range of permissible purposes should be broadened as much as possible so that those land uses reflect, to an appropriate extent, the current Non-Urban zone."</i></p> <p><i>"Clause 9 identifies that all development, other than development that is identified as being prohibited, is permissible with the development consent of the Council. As such a broad range of uses are permissible with development consent."</i></p> <p><i>"Arguably rezoning the land RU2 is a 'down zoning' as the new zone is significantly more inflexible and restrictive"</i></p>	<p>It is noted that in the preparation of Standard Instrument LEPs, councils are not permitted to add definitions to the 'dictionary'. However, although a 'bus depot' is not a land use term defined within the 'dictionary' of the Standard Instrument LEP, a bus depot would fall within the meaning of a 'transport depot', which means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.</p> <p>It is recognised that bus depots are currently permitted with consent in the 1(a) (Non-urban "A") zone, which is currently a very broad and open zone. However, they are not generally considered consistent with the objectives of the RU2 Rural Landscape zone. As such, the request to permit bus depots in the zone is not supported.</p> <p>However, it is recognised that the site currently contains a bus depot, and that at the time of writing Development Application N0140/13 for a bus depot is currently in progress. Should this application be approved and the use commenced, the site may benefit from existing use rights in accordance with the provisions of the Environmental Planning & Assessment Act (Sections 106, 107 and 108).</p>
26	<p><i>"I would like to lodge my objections to the change in possible uses with the proposed new zones: Palmgrove Road used to be zoned 2(a) (Residential A).</i></p> <p><i>This prohibited any developments without consent.</i></p>	<p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>The new zone of E4 environmental living now states that the following could be permitted: - Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Educational establishments; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Water recreation structures</i> WE HAVE NO PAVEMENTS OR PARKING FACILITIES ON PALMGROVE ROAD and most residents already park on the roads making this virtually a one way road. How on earth it could ever even be considered for some of the above industries (that I have highlighted) that would encourage traffic and more cars to be parked on the road is quite beyond my belief."</p>	<p>inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the E4 Environmental Living zone is discussed below.</p> <p>Home occupations are mandatory in the E4 Environmental Living zone in the Standard Instrument LEP. Accordingly, there is no option for removing this land use from the E4 zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the E4 Environmental Living zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>'Group homes' are currently permitted in this area under the Affordable Rental Housing SEPP.</p> <p>The following uses are considered appropriate in the E4 Environmental Living zone and are generally permissible uses in the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs ▪ Business identification signs ▪ Child care centres ▪ Educational establishments ▪ Health consulting rooms ▪ Places of public worship ▪ Respite day care centres ▪ Jetties ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the E4 Environmental Living zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>In relation to the suggestion that the range of permissible land uses, will increase traffic and parking problems, Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to preparing the new LEP, where possible and appropriate, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime, and as such is unlikely to result in any more traffic and parking issues than the current LEP.</p> <p>As is currently the case, a Development Application (DA) would need to be lodged and approved for new development in Pittwater. Traffic and parking issues will continue to be assessed as part of the DA process with neighbouring properties being notified and provided the opportunity to comment. It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.</p>
27	<p><i>"the proposed zoning of Jonah's Restaurant...to E4 Environmental Living does not reflect the Existing Use (since 1929 - 84 years) which includes various commercial uses including restaurant, hotel, etc."</i></p> <p><i>"Jonah's should be given specific additional permitted use/uses"</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
28	<p><i>"I built my house here over 30 years with the secure understanding that as a residential A area, small businesses, boarding houses, childcare centre etc could never be built next door, or across the road. Why would I want this situation to change?"</i></p>	<p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the R2 Low Density Residential zone are discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations ▪ Boarding houses ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the R2 Low Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>In relation to 'educational establishments', the Infrastructure SEPP provides that they may be carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the new LEP would have no effect.</p> <p>The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<ul style="list-style-type: none"> ▪ Veterinary hospitals ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density Residential zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>
29	<p><i>"I object to increasing a minimum block of Land to 1200 square meters, I prefer the "old regulation" of 700 square meter sized building blocks as it has been used in the past."</i></p> <p><i>"It is unreasonable because it affects those people who have a larger block of Land"</i></p> <p><i>"Until now over past decades a block size of 700 square meters has been the accepted norm"</i></p> <p><i>"if council intends to enforce a minimum size of 1200 square meters for a building block, then it should consider including permission for a house with dual occupancy to be established under strict Guidelines"</i></p> <p><i>"There are not many 1200 square meter (or larger) blocks of Land left to find within the Municipality, which could be subject to Subdivision, so why implicating the issue for just a very few people who want to break up their</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>In relation to the permissibility of dual occupancies, Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. As such, the permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993.</p> <p>The current Dual Occupancy Map, adopted into the Pittwater LEP 1993 in 1995, was produced based on a previous study that identified certain areas valued for their environmental and aesthetic qualities. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response																
	<p><i>Land into "normal sized" Building blocks of Land?"</i></p>	<ul style="list-style-type: none"> ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island. <p>Furthermore, in August 2011 Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such, the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p>																
<p>30</p>	<p><i>"the draft LEP downzones our lands and will further limit the range of permissible uses within the Southern Buffer"</i></p> <p><i>"The ideal outcome is for the Southern Buffer to be deferred from the Council wide draft LEP"</i></p>	<p>With regard to the Warriewood Valley Strategic Review, it was not possible for the draft Pittwater LEP 2013 to reflect the report during the first public exhibition period, as it had not yet been adopted by the Council. However, it is noted that Council, at its meeting of 12 June 2013, resolved to adopt the Warriewood Valley Strategic Review report.</p> <p>In its resolution, Council also endorsed to rezone and incorporate increased dwelling yields for certain land in Warriewood Valley, into the draft Pittwater LEP 2013 prior to the second exhibition period.</p> <p>Accordingly, Sectors 901A (including 9 Fern Creek Road) and Orchard Street Road Reserve (north-east portion), 901B, 901C, 901F, and 9 Fern Creek Road are now recommended to be zoned R3 Medium Density Residential, and the dwelling yields in the draft Pittwater LEP 2013 as exhibited are recommended to be replaced with the following table:</p> <table border="1" data-bbox="983 1082 1890 1342"> <thead> <tr> <th>Sector or Buffer Area</th> <th>Yield</th> </tr> </thead> <tbody> <tr> <td>Sector 1</td> <td>Not more than 209 dwellings or less than 195 dwellings</td> </tr> <tr> <td>Sector 101</td> <td>Not more than 4 dwellings</td> </tr> <tr> <td>Sector 2</td> <td>Not more than 54 dwellings or less than 49 dwellings</td> </tr> <tr> <td>Sector 3</td> <td>Not more than 34 dwellings</td> </tr> <tr> <td>Sector 301</td> <td>Not more than 53 dwellings or less than 42 dwellings</td> </tr> <tr> <td>Sector 302</td> <td>Not more than 84 dwellings or less than 66 dwellings</td> </tr> <tr> <td>Sector 303</td> <td>Not more than 29 dwellings or less than 23 dwellings</td> </tr> </tbody> </table>	Sector or Buffer Area	Yield	Sector 1	Not more than 209 dwellings or less than 195 dwellings	Sector 101	Not more than 4 dwellings	Sector 2	Not more than 54 dwellings or less than 49 dwellings	Sector 3	Not more than 34 dwellings	Sector 301	Not more than 53 dwellings or less than 42 dwellings	Sector 302	Not more than 84 dwellings or less than 66 dwellings	Sector 303	Not more than 29 dwellings or less than 23 dwellings
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No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response	
		Sector 501	Not more than 94 dwellings or less than 75 dwellings
		Sector 8	Not more than 140 dwellings
		Sector 801	Not more than 38 dwellings or less than 19 dwellings
		Sector 901A (including adjoining road reserve)	Not more than 192 dwellings or less than 156 dwellings
		Sector 901B	Not more than 36 dwellings or less than 12 dwellings
		Sector 901C	Not more than 22 dwellings or less than 17 dwellings
		Sectors 901D and 901E including adjoining Orchard Street road reserve	Not more 16 dwellings
		Sector 901F	Not more than 14 dwellings
		Sector 901G	Not more than 6 dwellings
		9 Fern Creek Road	Not more than 0 dwellings
		Sector 10	Not more than 134 dwellings
		Sector 10B	Not more than 45 dwellings or less than 28 dwellings
		Sector 11	Not more than 163 dwellings or less than 147 dwellings
		Sector 12	Not more than 180 dwellings or less than 163 dwellings
		Sector 12A	Not more than 19 dwellings
		Sector 20	Not more than 72 dwellings
		Buffer 1a	Not more than 17 dwellings or less than 15 dwellings
		Buffer 1b	Not more than 24 dwellings or less than 17 dwellings
		Buffer 1c	Not more than 18 dwellings or less than 13 dwellings
		Buffer 1d	Not more than 1 dwelling
		Buffer 1e	Not more than 15 dwellings or less than 11 dwellings
		Buffer 1f	Not more than 21 dwellings or less than 14 dwellings
		Buffer 1g	Not more than 23 dwellings or less than 17 dwellings
		Buffer 1h	Not more than 1 dwelling
		Buffer 1i	Not more than 39 dwellings or less than 27 dwellings
		Buffer 1j	Not more than 40 dwellings or less than 26 dwellings
		Buffer 1k	Not more than 21 dwellings or less than 14 dwellings
		Buffer 1l	Not more than 67 dwellings or less than 43 dwellings
		Buffer 1m	Not more than 0 dwellings
		Buffer Area 2	Not more than 113 dwellings

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response						
		<table border="1" data-bbox="983 312 1890 400"> <tr> <td data-bbox="983 312 1294 339">Buffer 2a</td> <td data-bbox="1294 312 1890 339">Not more than 29 dwellings or less than 20 dwellings</td> </tr> <tr> <td data-bbox="983 339 1294 367">Buffer Area 3</td> <td data-bbox="1294 339 1890 367">Not more than 186 dwellings</td> </tr> <tr> <td data-bbox="983 367 1294 394">Buffer 3b</td> <td data-bbox="1294 367 1890 394">Not more than 9 dwellings or less than 7 dwellings</td> </tr> </table> <p data-bbox="902 432 2047 552">It is noted that the Warriewood Valley Strategic Review did not recommend the rezoning of the Southern Buffer for residential or other urban development. As such the RU2 Rural Landscape zone is considered the most equivalent to the 1(b) (Non-urban “B”) zone, and is recommended to be maintained for land in the Southern Buffer.</p> <p data-bbox="902 587 2047 707">In relation to the range of permissible land uses in the RU2 Rural Landscape zone, it is noted that the current 1(a) (Non-urban “A”) and 1(b) (Non-urban “B”) zones are ‘open’ zones, permitting with consent ‘Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited’.</p> <p data-bbox="902 742 2047 831">The draft Pittwater LEP 2013 proposes the RU2 Rural Landscape zone permit certain uses with or without consent and prohibit any other development. This approach is intended to remove ambiguity and make clear what can and cannot be undertaken in the zone.</p> <p data-bbox="902 866 2047 1018">A number of submissions suggested specific land uses that they believe should be permissible in the RU2 Rural Landscape zone. A review of these land uses was undertaken, the outcome for each is as follows (<i>Please note: the land uses raised in submissions are those from the Pittwater LEP 1993. Where these differ from the land uses outlined in the Standard Instrument LEP, the recommendations incorporate the equivalent land use term/s</i>):</p> <ul data-bbox="949 1050 2047 1321" style="list-style-type: none"> <li data-bbox="949 1050 2047 1106">▪ Agriculture – Recommended to be included in RU2 Rural Landscape zone as ‘permitted with consent’ <li data-bbox="949 1106 2047 1137">▪ Rural industries – Recommended to be included as ‘permitted with consent’ <li data-bbox="949 1137 2047 1233">▪ Bus depots – ‘<i>Transport depots</i>’ are recommended to be prohibited, as the use is not considered appropriate in the RU2 Rural Landscape zone and it does not meet the zone objectives. <li data-bbox="949 1233 2047 1297">▪ Liquid fuel depots – Recommended to be prohibited, as the use is not considered appropriate in the RU2 Rural Landscape zone and it does not meet the zone objectives <li data-bbox="949 1297 2047 1321">▪ Motels – ‘<i>Hotel and motel accommodation</i>’ is recommended to be prohibited, as it is not 	Buffer 2a	Not more than 29 dwellings or less than 20 dwellings	Buffer Area 3	Not more than 186 dwellings	Buffer 3b	Not more than 9 dwellings or less than 7 dwellings
Buffer 2a	Not more than 29 dwellings or less than 20 dwellings							
Buffer Area 3	Not more than 186 dwellings							
Buffer 3b	Not more than 9 dwellings or less than 7 dwellings							

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>considered an appropriate use in the RU2 Rural Landscape zone and it does not meet the zone objectives</p> <ul style="list-style-type: none"> ▪ Places of assembly – ‘<i>Community facilities</i>’ are permitted with consent in the draft Pittwater LEP 2013, however ‘<i>entertainment facilities</i>’ are recommended to be prohibited, as they are not considered an appropriate use in the RU2 Rural Landscape zone and do not meet the zone objectives ▪ Road transport terminals – ‘<i>Freight transport facilities</i>’ are recommended to be prohibited, as it is not considered an appropriate use in the RU2 Rural Landscape zone and it does not meet the zone objectives ▪ Transport terminals – ‘<i>Passenger transport facilities</i>’ are recommended to be prohibited, as it is not considered an appropriate use in the RU2 Rural Landscape zone and it does not meet the zone objectives <p>Additional land uses currently permitted in the 1(a) (Non-urban “A”) zone, recommended to be included in the RU2 Rural Landscape zone are:</p> <ul style="list-style-type: none"> ▪ ‘Recreation areas’ as ‘permitted with consent’ ▪ ‘Forestry’ as ‘permitted with consent’ ▪ ‘Industrial retail outlets’ as ‘permitted with consent’ ▪ ‘Industrial training facilities’ as ‘permitted with consent’ ▪ ‘Farm stay accommodation’ as ‘permitted with consent’ ▪ ‘Rural worker’s cottage’ as ‘permitted with consent’ <p>‘Dwelling houses’ are generally not permissible in the existing 1(a) (Non-urban “A”) and 1(b) (Non-urban “B”) zones (except as provided by Clause 17), however they are proposed to be permitted with consent in the draft Pittwater LEP 2013. ‘Dwelling houses’ are a mandatory land use in the RU2 zone under the Standard instrument LEP so there is no option for Council to prohibit them on any land within this zone.</p> <p>‘Secondary dwellings’ and ‘attached dual occupancies’ are also not permissible in the existing 1(a) (Non-urban “A”) and 1(b) (Non-urban “B”) zones, however most properties that are able to develop a ‘dwelling house’ are also permitted to develop attached dwellings in accordance with the existing Clause 21E. As such, it is considered appropriate for ‘secondary dwellings’ and</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
31	<p><i>"Basically the proposed LEP 2013 does not seem to have a great change in our 2a residential area, except for allowed detached secondary dwellings. We have one of these next door And we feel parking should have been insisted"</i></p> <p><i>"Are all these dwellings going to resemble a typical caravan hut design? Surely this small requirement does not represent a standard for this area?"</i></p> <p><i>"We do have concerns for "Permitted with Consent"...1. Parking in every proposal....2. What criteria for boarding houses, vet hospitals, respite day care centre...3. commercialisation of the area, b & b accommodation, boat sheds, signs, child care, educational places, exhibition homes, group homes, health consulting, home industries, churches...4. Water recreation structure - surely involves a lot of space, slides pools etc. 5. Environmental protection works"</i></p> <p><i>"I feel the possibilities are there and could be taken on by some determined developer"</i></p> <p><i>"we have often applied to subdivide our block....any chance for us?"</i></p>	<p>'attached dual occupancies' to be permitted with consent in the RU2 zone.</p> <p>It is noted that secondary dwellings are currently permitted with consent under the Pittwater LEP 1993 in this area.</p> <p>Secondary dwellings are intended to be smaller than and secondary to the principle dwellings on the land. They are intended to provide for accommodation for family members or to provide rental housing stock. While at the same time having limited impact on the amenity of adjoining property owners.</p> <p>While it is understood that some people consider that 60m² is too small, it is important to ensure that a range of housing options, including size, are available in Pittwater. It is up to the individual to decide their own housing requirements, and many people across Sydney, especially single person households, comfortably live in spaces of 60m² or less.</p> <p>As Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, the proposed maximum floor area control for 'secondary dwellings' reflects the current situation under the Pittwater LEP 1993. It is also in line with the controls applied under State Environmental Planning Policy Affordable Rental Housing (the Affordable Rental Housing SEPP).</p> <p>In relation to the concern with the lack of parking requirements for 'secondary dwellings' in the LEP. The Standard Instrument LEP only provides the ability to incorporate a control for the maximum floor area of 'secondary dwellings'. Parking controls, are provided within the Pittwater 21 Development Control Plan (DCP). Control 'B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy' requires a minimum of 1 additional parking space for 'secondary dwellings', in addition to existing requirements for the principal dwelling. However, it is noted that State Environmental Planning Policy Affordable Rental Housing (the Affordable Rental Housing SEPP) overrides Council's DCP and stipulates that if an application is made under SEPP (ARH), Council cannot refuse an application for a 'secondary dwelling' on the grounds that no additional parking is provided on the site.</p> <p>Any changes to the development controls for 'secondary dwellings' would be inconsistent with Council's 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>In relation to the range of permissible land uses in the R2 Low Density Residential zone, these are generally consistent with the current 2(a) Residential “A” zone under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council’s LEP provisions.</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the ‘like for like’ approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than ‘dwelling houses’) in the R2 Low Density Residential zone are discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations ▪ Boarding houses ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of ‘roads’ as ‘Permitted with consent’, the Standard Instrument LEP directs that they must be included as either ‘Permitted with consent’ or ‘Permitted without consent’ in the R2 Low Density Residential zone. Accordingly, ‘roads’ have been listed as ‘Permitted with consent’, rather than ‘Permitted without consent’.</p> <p>In relation to the permissibility of ‘home businesses’ and ‘home industries’, the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>In relation to 'educational establishments', the Infrastructure SEPP provides that they may be carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the new LEP would have no effect.</p> <p>The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul style="list-style-type: none"> ▪ Boat sheds

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<ul style="list-style-type: none"> ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings ▪ Veterinary hospitals ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density Residential zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p> <p>Parking control in relation to any of the permissible land uses are provided within the Pittwater 21 Development Control Plan (DCP), or relevant SEPP.</p> <p>It is noted that the minimum lot size in this area is 700m².</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
32	<p><i>"The proposed E4 zone does not most closely reflect the current Residential 2(a) zone pursuant to the Pittwater LEP 1993 as it proposes a minimum 1200m² subdivision allotment standard."</i></p> <p><i>"The use of an E4 Environmental Living Zone as it applies to the subject site is contrary to Practice Direction PM11-002 dated 10th March 2001 as Council has not identified the special environmental or scenic values that are attributable to this land."</i></p> <p><i>"The provisions of the draft LEP are contrary to s117(2) of the EP&A Act 1979 and Part 3.1 5(a) of the Directions in that the draft LEP proposes to reduce the current permissible residential density of the land."</i></p> <p><i>"The exhibition of the LEP does not satisfy the requirements of clause 57 of the EP&A Act"</i></p> <p><i>"There is no discernible difference in the objectives of the R2 and E4 zone of the draft LEP and in those circumstances the E4 zone provides for an effective rezoning of the land with a specific objective of precluding the subdivision of the site."</i></p> <p><i>"The mapping of the subject site in the capability assessment is flawed, in that it is not a site specific assessment and is very general in nature"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p>

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		<p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>It is acknowledged that section 117 direction 3.1(5)(b) generally requires that LEPs do not reduce the density of residential land, and that the proposed introduction of a 1,200m² minimum lot size into the LEP is inconsistent with this direction. However, section 117 direction 3.1 also provides that a draft LEP may be inconsistent with the terms of the direction if a council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction,

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>or (d) of minor significance.</p> <p>Justification in accordance with the requirements of the section 117 direction was provided in the report to Council on 19 November 2012.</p> <p>The justification was accepted by the Department of Planning & Infrastructure who issued the certification for Council to publicly exhibit the draft LEP with the condition that additional information on the 1200m² minimum lot size be exhibited with the plan. This information was provided on Council's website and at Council's customer service centres, the Coastal Environment Centre and libraries.</p> <p>Notwithstanding all of the above, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>In relation to the comments on the public exhibition, Pittwater Council resolved, on 5 November 2007, to commence the statutory process under section 54 of the Environmental Planning and Assessment Act 1979 to prepare the draft Pittwater Local Environmental Plan 2011 in accordance with the Standard Instrument – Principal Local Environmental Plan. The Director-General of the Department of Planning was advised of this resolution on 14 November 2007.</p> <p>On 1 July 2009, amendments were made to the EP&A Act and EP&A Regulations inclusive of new requirements and procedures for preparing a draft LEP. Savings and transitional provisions provided that draft Standard Instrument LEPs, where the Council has resolved under Section 54 of the EP&A Act to prepare a draft LEP and where the Director-General has received notification of the resolution before 1 July 2009, will continue to be prepared and made under the previous</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>plan making provisions. Subsequently, Pittwater's Standard Instrument LEP will be made under the plan making provisions in place in November 2007 when the process to prepare a new LEP was commenced.</p> <p>Given the above, section 66 Public exhibition of draft local environmental plan of the EP&A Act (as per November 2007) outlines the statutory requirements. Council staff believe the necessary requirements of section 66 and the section 65 certificate issued by the Department of Planning & Infrastructure on 29 January 2013, have been met.</p> <p>Notwithstanding, in the interests of making readily available information that some members of the community would like access to, the maps associated with the Pittwater Local Planning Strategy will be publicly exhibited during the second public exhibition of the draft Pittwater LEP 2013. It is noted that these maps have been publicly accessible on Council's website since August 2011.</p>
33	<p><i>"I was subsequently informed by him that while Council will still allow the construction of a Dual occupancy if the site meets the relevant criteria; Clause 21F of the LEP "prohibits the subdivision to create separate entitlement in respect of each dwelling" - i.e. you can't have separate title's on each dwelling. Everyone I have spoken to, including the Town Planner is baffled by this position by Council. I simply can't see any reason why you would actually allow a Dual Occupancy to be constructed but then not enable the owner to have separate titles so as to live in one & sell the other...or to sell both...or sell one & rent the other etc etc etc."</i></p> <p><i>"I would be most grateful if you could address these issues, particularly in the context of the proposed future LEP amendments"</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary</p>

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		dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.
34	<p><i>"the Draft LEP allows for the rezoning of privately owned redundant road reserve into E4 - Environmental Living. In 1999 a hard battle was fought by local individuals and community groups to have this pristine bushland retained as a native wildlife corridor. It would appear that this new zoning would allow re-development"</i></p> <p><i>"E2 would seem to be the appropriate classification for the land in question regardless of ownership"</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
35	<p><i>"this property is to be zoned E4 Environmental Living. This zone permits only single residential dwellings. Please note that when the boundaries of this property were realigned, council approval was obtained for a subdivision."</i></p> <p><i>"It would be grateful if this matter could be noted on the final LEP"</i></p>	<p>If a subdivision has been approved and the works commenced then the consent may still be valid. However, if there is no valid consent for the subdivision, any subdivision would require the consent of the Council, and would need to comply with the relevant controls in Council's LEP.</p> <p>It is noted that the proposed minimum subdivision lot size for this site in the draft Pittwater LEP 2013 was 1,200m². However, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993 (which would be 700m² for this property). Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
36	<p><i>"2. (a) Given the continual amount of corruption endemic in Government Departments it should be incumbent to make any reference at all to a so called planning scheme?</i></p> <p><i>(b) The previous attempt was rolled in the foolish ... out of scale .. deal (due to Geos amendments), now visually a Berlin Wall, come Maginot Line, or Mausoleums a disgraceful reminder for the next 80 to 100 yrs (Particularly Warriewood residents).</i></p> <p><i>3. Therefore, what guarantee is there (if any) for your existing proposal not to be amended for similar sinister greed, driven by ... deals in Mona Vale/Warriewood?</i></p> <p><i>4. There appears to be no attempt at cleaning up Ponderosa Street and environs, a disjointed factory creation involving school, church, homes (it mirrors Darley/Bassett Streets and environs) Mona Vale."</i></p>	<p>The current Pittwater LEP 1993 and the draft Pittwater LEP 2013 set out local planning standards to achieve an overarching vision for Pittwater. However we recognise that under the NSW planning system there is State planning legislation that overrides local policies.</p> <p>Council regularly advocates for our local policies, however, our preferences are not always successful.</p> <p>In relation to Ponderosa Parade, the Pittwater LEP 1993 applies the 4(b) (Light Industrial "B") and the 3(e) (Office Business "E") zones to this street. The draft Pittwater LEP 2013 is intended as a 'like for like' translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Accordingly, the proposed zones proposed for Ponderosa Parade are considered the most equivalent to the current zone, including zone objectives and permissible land uses. The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime.</p>
37	<p><i>"we applaud Council's overall approach in this regard, however, must protest loudly, again, at a glaring inconsistency between a section of the Plan (whether it be LEP 1993 or LEP 2013) and the reality of the situation"</i></p> <p><i>"As we see it, on the one hand Council proclaims in its LEP 2013 that the Plan will continue to prohibit dual occupancy development, on the other hand this same Council has approved what you may define somewhat differently but which in fact is dual occupancy"</i></p>	<p>The current Pittwater LEP 1993 and the draft Pittwater LEP 2013 differentiate between dual occupancy and secondary dwellings. The definitions of these from the Standard Instrument are as follows:</p> <p>dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).</p> <p>dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.</p> <p>dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.</p> <p>secondary dwelling means a self-contained dwelling that:</p> <p>(a) is established in conjunction with another dwelling (the principal dwelling), and</p>

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		<p>(b) is on the same lot of land as the principal dwelling, and (c) is located within, or is attached to, or is separate from, the principal dwelling.</p> <p>A secondary dwelling (often referred to as a 'granny flat') is intended to be smaller than and secondary to the principle dwelling on the land. They are intended to provide accommodation for family members or to provide rental housing stock. While at the same time having limited impact on the amenity of adjoining property owners. Clause 5.4 of the draft Pittwater LEP 2013 requires that the total floor area of a secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:</p> <p>(a) 60 square metres, (b) 25% of the total floor area of the principal dwelling.</p> <p>Under both the current and proposed LEP's, dual occupancies are prohibited in this area, while secondary dwellings are permissible with consent. This is consistent with the 'like for like' approach Council has taken in preparing the new LEP.</p>
38	<p><i>"I support the proposed change as contained in the draft document. In particular, I strongly support the proposal to vary the zoning in my property is situated, by changing the existing 2(a) Residential to become E4 Environmental Living."</i></p>	N/A
39	<p><i>"As many businesses in the B7 light industrial business park zoning are already conducting E-tailing (Internet based direct selling) which does not involve anymore courier or Aus post. Pick up or deliveries than existing wholesale distribution. My submission is to include this under permissibility in the new LEP 2013"</i></p>	<p>In the preparation of Standard Instrument LEPs, councils are not permitted to add definitions to the 'dictionary', and cannot use undefined terms in the land use tables. 'E-tailing' is not a defined land use in the Standard Instrument dictionary, and as such cannot be specifically included in any land use table. E-tailing would therefore fall under one on the other defined terms in the dictionary.</p> <p>Depending on the specifics of the operation it could potentially fall under:</p> <p>warehouse or distribution centre, which means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.</p> <p>or</p>

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		<p>office premises, which means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.</p> <p>It is noted that both of these uses are permissible with consent in the B7 Business Park zone.</p>
40	<p><i>"My association is fully supportive of the E4 (environmental living) classification of land zoning around the shores of Careel Bay. This classification is entirely appropriate for the mix of environmentally sensitive flora and fauna and housing development that currently largely exists in this part of Pittwater"</i></p> <p><i>"Further, my Association is particularly keen to endorse, support, and ensure that those properties identified on Lot Size Map, sheet LSZ_016 with a minimum lot size of 1200sq.m. are not compromised further. These areas are environmentally sensitive, and it is vital to ensure that identified large lots (U2) are maintained to preserve and protect them from inappropriate excessive sub-division"</i></p> <p><i>"My Association's understanding of the W1 (natural waterways) land zoning classification for the Careel Bay Marina area goes some way towards preserving the existing character of Careel Bay Boatshed/Marina in George Street and is supported. Any further controls the Council can apply would gain our support."</i></p>	<p>In relation to the proposed 1,200m² lot size, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993 (which would be 700m² for this property). Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

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41	<p><i>"I oppose the rezoning of my property...from 2a (Residential "A") to E4 Environmental Living"</i></p> <p><i>"By altering a well established - built and landscaped - privately and individually owned area for so many years - to a new unexercised and unessayed one can have unwanted results"</i></p> <p><i>"because it does not have the years of validation, could be used as a contrivance by some with their own agenda, to deprive the local inhabitants of their present ownership rights"</i></p>	<p>In 2005, the State Government produced a template for Local Environmental Plans (LEP) called the Standard Instrument LEP. All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones must change to a zone that is set out within the Standard Instrument LEP.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>The purpose of an LEP is to regulate land uses through zones and development controls. In general, zones and development controls do not have any specific impact on ownership rights, with the exception of zones that reserve land for a public purpose, which can result in the acquisition of private land for purposes such as environmental conservation, public open space or roads. However, the E4 zone does not operate in this way.</p> <p>It is proposed to apply the E4 Environmental Living zone to areas currently zoned 2(a) (Residential "A") and 2(b) (Residential "B"). The zone allows for the private development of dwelling houses and a range of complimentary land uses.</p> <p>All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. The proposed land uses in the E4 zone are generally equivalent to those currently permitted under the Pittwater LEP 1993.</p> <p>The E4 zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, these zones are not environmental conservation zones that stop all forms development. Further, there is no intention for any acquisition by a public authority.</p>

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42	<p><i>"In our opinion the present use of the land associated with its intensive truck movements through residential streets, noise associated with the movement of vehicles and the operation of plant on site, dust suppression etc is not a low intensity land use and not one that in an ongoing sense is compatible with the objectives of the draft zone. Rather a more practical planning outcome would be to provide a land use zone that promotes and provides the opportunity for the land to be used for another compatible purpose - in this case a R3 Medium Density Residential Zone."</i></p> <p><i>"The translation in the current 2(a) zone to the proposed R2 zone has the effect of entrenching the current non conforming land use and precludes the opportunity to redevelop the site in an economic and logical fashion."</i></p> <p><i>"Having regard to Appendix 4 of the Pittwater Local Planning Strategy 2011 the projected yield of medium density housing in Mona Vale locality is at 75% of its projected capacity with an estimated take up to a maximum of 80% of available zoned capacity. On this basis if the locality is restricted to a projected 5% of the remaining zoned area (28087m²) then only an additional 4-5 multiunit dwellings (at the projected density of 228m²/dwelling) are anticipated to 2031 in this locality. Given the primacy of the Mona Vale Town Centre as a sub regional centre in both the Metropolitan and draft North East</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

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	<p><i>Subregional strategies this projected multi unit housing yield to 2013 is inconsistent with the primacy of this centre"</i></p>	
43	<p><i>"Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones [local] ... Given the proposed insertion of Clause 7.4, I suggest Council revert to the Status Quo prior to 9 February 1996, but with the requirement of a minimal land size of 400 square metres per dwelling of 800 square metres per lot."</i></p> <p><i>"Minimum subdivision lot size for the development of dual occupancies [local] ... I agree with the intention of sub-clauses 1-3 and in particular clause 3 where it states that the area of the lot must be equal to or greater than 800 square metres."</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual</p>

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	<p>"Given that the proposed LEP allows for approval of dual occupancy on this size land I cannot see any reason why a strata title should not be approved."</p>	<p>occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.</p> <p>Notwithstanding this, Clause 21F of the Pittwater LEP 1993 (adopted 9 February 1996), which prohibits the subdivision of dual occupancy developments, also provides that the prohibition does not apply to dual occupancy developments approved prior to 18 October 1995.</p> <p>On 2 June 2003, a report was presented to Council regarding dual occupancy developments that, notwithstanding Clause 21F, had been subdivided by way of company title. The report recognised this as an issue and made two recommendations:</p> <ol style="list-style-type: none"> 1. That the Pittwater LEP 1993 be amended to clarify that the subdivision of dual occupancy by way of company title is prohibited 2. That the Pittwater LEP 1993 be amended to allow the subdivision of dual occupancy developments that have been subdivided under company title where the consent did not contain a condition prohibiting subdivision and the company title was registered prior to 2 June 2003 <p>Council resolved to support this recommendation and the statutory process for amending the LEP was commenced, however due to a number of issues (including legal drafting issues), the amendments were never completed.</p> <p>Given that some dual occupancies constructed between 1995 and 2003 were subdivided by company title regardless of the prohibition intended by Clause 21F, and some were not. In the interests of providing an equitable outcome, and a simplified approach, it is considered appropriate to move the date prohibiting dual occupancy subdivision to 2 June 2003. In effect this will allow, subject to appropriate approval, for dual occupancy developments approved prior to this date to be subdivided.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
44	<i>"I ask that the existing minimum lot size of 700 square metres remain and be included in the LEP 2013."</i>	Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m ² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m ² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.
45	<i>"It is with great disappointment, Pittwater Council are attempted to re-zone to area to a Zone E4 - Environmental Living where a number of structures are permitted with consent."</i>	<p>It is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the E4 Environmental Living zone are discussed below.</p> <p>Home occupations are mandatory in the E4 Environmental Living zone in the Standard Instrument LEP. Accordingly, there is no option for removing this land use from the E4 zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the E4 Environmental Living zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as</p>

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		<p>exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>'Group homes' are currently permitted in this area under the Affordable Rental Housing SEPP.</p> <p>The following uses are considered appropriate in the E4 Environmental Living zone and are generally permissible uses in the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs ▪ Business identification signs ▪ Child care centres ▪ Educational establishments

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		<ul style="list-style-type: none"> ▪ Health consulting rooms ▪ Places of public worship ▪ Respite day care centres ▪ Jetties ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the E4 Environmental Living zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>
46	<p><i>"How can you re-zone without compensation? Is this something that will be imposed on us by the majority that are not effected by the rezoning"</i></p> <p><i>"We are boarded by a retirement homes and large block of flats. Now we have received a noticed of a rezoning from 2(a) to E4. Firstly I want to know how this can be justified? Secondly, as this will reduce the value of my properties I of course would expect to be compensated. If you're saying we're just changing the conditions for the benefit of the majority, would it be fair for the majority to vote to confiscate your property? If not, how is this different in kind not quantity?"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential “A”) and 2(b) (Residential “B”) areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a ‘like for like’ translation of Council’s existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environment Plan format. The draft Pittwater LEP 2013 does not intend to</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p>
47	<p><i>"We wish to support the possible concerns...in relation to McCarrs Creek Rd bushland which is privately owned and which is currently protected as providing a wildlife corridor"</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
48	<p><i>"I am writing this letter to bring to your attention a sudden turnaround of council attitude towards the zoning of North Ingleside. From 1994 the council, and as far as I was informed, NSW planning has intended Ingleside to meet its forecast demand for extra housing. With this new zoning, I can farm, mine, and strip the forest on my property."</i></p> <p><i>"Please reconsider this zoning and help move towards the 21st century"</i></p>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the RU2 Rural Landscape zone is proposed where the 1(a) Non-urban "A" zone currently applies.</p> <p>With regard to the Ingleside investigation area, Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the Ingleside Release Area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p> <p>It is noted that mining is not permitted in the proposed RU2 zone under the draft Pittwater LEP 2013, however the State Environmental Planning Policy for Mining overrides Council's controls in this regard.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
49	<p><i>"I believe the re-zoning should leave us in no worse position than we are in currently. The two options I suggest:- Amend E3 to NOT prohibit multi dwelling housing (and/or allow the SEPP to apply to E3 zone)- Re-zone to a different zoning that does not prohibit anything that is currently not prohibited under the current zoning I would like to point out that in today's extremely high cost of living (and housing), to take away the secondary dwelling possibility can have a significant financial impact on a family. As such, if Council does intend to go ahead with rezoning to the existing definition of E3, I believe Council needs to compensate residents for this impact."</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
50	<p><i>"We wish to raise a formal objection to the triple zoning proposed for Jendi Avenue, Bayview."</i></p> <p><i>"We would prefer 1A-46 Jendi Avenue (and Valley Close) fall under the same zone category namely Zone E4 Environmental Living with some residencies in Pamela Crescent remaining at the proposed Zone E2 Environmental Conservation"</i></p> <p><i>"We are strongly opposed to the dual occupancy component that being in Zone R2 will afford some residencies within Jendi Avenue."</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the zones proposed in the draft Pittwater LEP 2013 are considered the most equivalent to the current zone, including zone objectives and permissible land uses. The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime.</p> <p>The existing 2(a) (Residential "A") areas in Jendi Avenue are divided into two areas: those areas where dual occupancy is permitted under the Pittwater LEP 1993 and those areas where it is prohibited. It is proposed to apply the R2 Low Density Residential zone to areas where dual occupancy is currently permitted and the E4 Environmental Living zone to land where they are prohibited.</p>

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		<p>As the current LEP allows different types of development in different parts of the street, it is not possible to zone all land in Jendi Avenue the same, as this would be inconsistent with the 'like for like' approach adopted by Council in preparing the LEP.</p> <p>The third zone used in Jendi Avenue is the E2 Environmental Conservation zone which applies to a reserve.</p>
51	<p><i>"I strongly object to any proposal of a biodiversity protection clause on my property. The full width of the frontage of my place is opposite the Ku-Ring-Gai Chase National Park. Surely 15,000 hectares is sufficient area, for flora and the wildlife, to and fro in."</i></p>	<p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is currently mapped and given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to a Development Application (DA). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas, but to ensure that adequate consideration has been given to the impacts of any such development.</p>
52	<p><i>"I would like to advocate for minimum 700sqm limit for dual occupancies on separate titles."</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.</p> <p>Notwithstanding this, Clause 21F of the Pittwater LEP 1993 (adopted 9 February 1996), which prohibits the subdivision of dual occupancy developments, also provides that the prohibition does not apply to dual occupancy developments approved prior to 18 October 1995.</p> <p>On 2 June 2003, a report was presented to Council regarding dual occupancy developments that, notwithstanding Clause 21F, had been subdivided by way of company title. The report recognised this as an issue and made two recommendations:</p> <ol style="list-style-type: none"> 1. That the Pittwater LEP 1993 be amended to clarify that the subdivision of dual occupancy by way of company title is prohibited 2. That the Pittwater LEP 1993 be amended to allow the subdivision of dual occupancy developments that have been subdivided under company title where the consent did not contain a condition prohibiting subdivision and the company title was registered prior to 2 June 2003

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>Council resolved to support this recommendation and the statutory process for amending the LEP was commenced, however due to a number of issues (including legal drafting issues), the amendments were never completed.</p> <p>Given that some dual occupancies constructed between 1995 and 2003 were subdivided by company title regardless of the prohibition intended by Clause 21F, and some were not. In the interests of providing an equitable outcome, and a simplified approach, it is considered appropriate to move the date prohibiting dual occupancy subdivision to 2 June 2003. In effect this will allow, subject to appropriate approval, for dual occupancy developments approved prior to this date to be subdivided.</p>
53	<p><i>"We protest that Council should prevent us changing our title"</i></p> <p><i>"We did not realise when we bought into this development that Council had declared such company-title developments "illegal subdivisions"</i></p> <p><i>"If Company title creates a subdivision, then according to Council we are already subdivided. So why can't we change the title to Strata Title?"</i></p> <p><i>"Council made no provisions to warn the buyers of these properties - apart from publishing the revised LEP of 9th February 1996. There is nothing on our land title about it. There is no mention of Company Title on our Pittwater Council Section 149 Planning Certificate attached to our Contract for Sale."</i></p> <p><i>"If Council had taken their own regulations seriously, they should not have approved our development"</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>Notwithstanding this, Clause 21F of the Pittwater LEP 1993 (adopted 9 February 1996), which prohibits the subdivision of dual occupancy developments, also provides that the prohibition does not apply to dual occupancy developments approved prior to 18 October 1995.</p> <p>On 2 June 2003, a report was presented to Council regarding dual occupancy developments that, notwithstanding Clause 21F, had been subdivided by way of company title. The report recognised this as an issue and made two recommendations:</p> <ol style="list-style-type: none"> 1. That the Pittwater LEP 1993 be amended to clarify that the subdivision of dual occupancy by way of company title is prohibited 2. That the Pittwater LEP 1993 be amended to allow the subdivision of dual occupancy developments that have been subdivided under company title where the consent did not contain a condition prohibiting subdivision and the company title was registered prior to 2 June 2003 <p>Council resolved to support this recommendation and the statutory process for amending the LEP was commenced, however due to a number of issues (including legal drafting issues), the amendments were never completed.</p> <p>Given that some dual occupancies constructed between 1995 and 2003 were subdivided by company title regardless of the prohibition intended by Clause 21F, and some were not. In the interests of providing an equitable outcome, and a simplified approach, it is considered appropriate to move the date prohibiting dual occupancy subdivision to 2 June 2003. In effect this will allow, subject to appropriate approval, for dual occupancy developments approved prior to this date to be subdivided.</p>
54	<p><i>"I would like to lodge the strongest possible objection to the rezoning of my block in Towlers Bay to E3, Environmental Management. A narrow strip along the southern foreshore of this bay has been zoned for residential use for well over a century with NO major impact on the ecology."</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p>

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	<p><i>"As time passes, it is inevitable that even better technology will be utilised rendering redundant and unnecessary the need for rezoning to further protect what is already protected."</i></p> <p><i>"The residents, not the council, have been more responsible for the protection of this bay. The council should let well alone. Apart from the unnecessary intrusion, and the obvious effect on property values should council start enforcing further restrictions, this rezoning is a costly and superfluous waste of time and money. Council has not demonstrated a need for the rezoning."</i></p>	<p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as</p>

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		<p>Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>As the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

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55	<p><i>"I object quite vehemently to the rezoning of my property in Lovett Bay. The system here is not broken. Leave it alone. Let us get on with taking care of our environment without unnecessary council interference. In the end that same interference always ends up as an expensive codicil on a rates bill anyway."</i></p> <p><i>"And speaking of expensive, as far as I can tell, your ill-judged and questionable desire to downgrade the area from residential to a fringe transitional zone that sits uncomfortably somewhere between residential and a conservation area, will have a massive effect on property values."</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
56	<i>"Caltex wish to support the identification of the site in the proposed "Additional Permitted Use" provisions of DLEP 2013, and raise no further issues in response to the other related draft provisions."</i>	N/A
57	<i>"I agree with the attached and secondary dwellings for these large blocks of land. It would be helpful so I could bring my family back to the area."</i>	N/A
58	<i>"I therefore agree with any proposal for attached and secondary dwellings as mentioned in the draft Pittwater LEP"</i>	N/A

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59	<p><i>"I wish to object to the proposed rezoning of Towlers Bay (Morning Bay). This has been zoned residential for over 100 years with no adverse effect on the ecology of the area largely because the residents have been and still are very active in protecting the bay"</i></p> <p><i>"this could have a dramatic effect on real estate values in the bay"</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
60	<p><i>"My property...is in the proposed zoning area of E4 with an increased minimum lot size of 1,200sqm from the original 700sqm, which to me seems ridiculous and is in direct conflict with the State government's housing planning strategies for the area"</i></p> <p><i>"In my opinion minimum lot sizes should be around 600sqm to meet strong population growth demands"</i></p> <p><i>"Secondly, why would my properties minimum lot size be any different to the rest of Kamilaroi rd?"</i></p> <p><i>"I must also protest about Dual Occupancy being prohibited, this restriction is old or out of date and does nothing to help meet the strong demands of population growth for the area"</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>In relation to the permissibility of dual occupancies, Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. The permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993.</p> <p>The current Dual Occupancy Map, adopted into the Pittwater LEP 1993 in 1995, was produced based on a previous study that identified certain areas valued for their environmental and aesthetic qualities. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island.

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		<p>Furthermore, in August 2011 Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such, the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p>
61	<p><i>“Due to serious ambiguity on dual occupancy rules following the completion of our Dual occupancy residence we have been left in a very difficult position where there is great uncertainty about being able to sell our company title residence separately.”</i></p> <p><i>‘This ambiguity was recognized in Pittwater Council minutes of the Environmental and Planning Committee Meeting on the 2nd June 2003. The meeting resolved:</i></p> <p><i>“That council commence the statutory process for the preparation of a Draft Local Environmental Plan to allow subdivision of Dual Occupancy which have been subdivided under Company title where the consent for the Dual Occupancy did not contain a condition prohibiting subdivision, and the Company title being registered prior to 2 June 2003.”</i></p> <p><i>“This situation effects minimal properties so it would be prudent to legislate to correct this anomaly and allow a grand fathering clause for Strata or Torrens Title subdivision of Dual</i></p>	<p>As Council resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council’s intention to do a ‘like for like’ translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.</p> <p>Notwithstanding this, Clause 21F of the Pittwater LEP 1993 (adopted 9 February 1996), which</p>

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	<p><i>Occupancies who met the definition as detailed in the council minutes detailed above.</i></p> <p><i>“The draft LEP 2013 proposes Dual Occupancy of lots 800sqm's or greater. This is fine however Dual Occupancies cost a significant amount to build so without the opportunity to sell them separately the cost is prohibitive.”</i></p>	<p>prohibits the subdivision of dual occupancy developments, also provides that the prohibition does not apply to dual occupancy developments approved prior to 18 October 1995.</p> <p>On 2 June 2003, a report was presented to Council regarding dual occupancy developments that, notwithstanding Clause 21F, had been subdivided by way of company title. The report recognised this as an issue and made two recommendations:</p> <ol style="list-style-type: none"> 1. That the Pittwater LEP 1993 be amended to clarify that the subdivision of dual occupancy by way of company title is prohibited 2. That the Pittwater LEP 1993 be amended to allow the subdivision of dual occupancy developments that have been subdivided under company title where the consent did not contain a condition prohibiting subdivision and the company title was registered prior to 2 June 2003 <p>Council resolved to support this recommendation and the statutory process for amending the LEP was commenced, however due to a number of issues (including legal drafting issues), the amendments were never completed.</p> <p>Given that some dual occupancies constructed between 1995 and 2003 were subdivided by company title regardless of the prohibition intended by Clause 21F, and some were not. In the interests of providing an equitable outcome, and a simplified approach, it is considered appropriate to move the date prohibiting dual occupancy subdivision to 2 June 2003. In effect this will allow, subject to appropriate approval, for dual occupancy developments approved prior to this date to be subdivided.</p>
62	<p><i>“With lands of 2,450sq mts dual occupancies attached dwellings houses and also secondary dwellings at least be permitted.”</i></p>	<p>‘Secondary dwellings’ and ‘attached dual occupancies’ are also not permissible in the existing 1(a) (Non-urban “A”) zone, however most properties that are able to develop a ‘dwelling house’ are also permitted to develop attached dwellings in accordance with the existing Clause 21E in the Pittwater LEP 1993. As such, the draft Pittwater LEP 2013 includes ‘secondary dwellings’ and ‘attached dual occupancies’ as permitted with consent in the RU2 zone.</p>
63	<p><i>“I and most other home owners in our area have major concerns regarding the proposed rezoning of our area to E3. My research suggests that such a rezoning firstly doesn't appear to relate in</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out</p>

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	<p><i>its aims to our situation and offers no advantages. The end result seems to be a likely devaluation of our properties combined with possible issues relating to replacement of damaged/burnt buildings on the same footprint and other likely restrictions on what is a normal residential area.”</i></p> <p><i>“I can imagine that you might wish to apply some sort of Environmental zoning to the National Park but we are in what is and has been a regular residential area. We deserve the right for it to stay that way. In its apparent form I am an opponent to an E3 zoning and would not support it.”</i></p>	<p>within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater’s existing zones will change.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the ‘planning’ outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential “A”) areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of ‘secondary dwellings’.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a ‘like for like’ outcome, and that the E3 Environmental Management zone, which allows for ‘dwelling houses’, is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment</p>

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		<p>and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>As the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
64	<i>"I am most concerned about the Proposal for my property...to change the Current Zone 2(a)</i>	In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to

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	<p><i>(Residential “A”) to R2 Low Density Residential. My concerns, are that Sydney Road is such a busy road now with the route to the Mona Vale Hospital for NSW Ambulances and the 155 Bus Route to the Hospital. If some of these proposed developments were to be approved with the associated parking and movement of traffic it would become a very dangerous road. I have difficulty, at the moment exiting my drive. Another of my concerns would be the nature of some of the proposed businesses since this is a top quality Residential Area and the Land Values reflect this. Consequently our Land Rates reflect that.”</i></p>	<p>prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>This means that all of Pittwater’s existing zones must change.</p> <p>The existing 2(a) (Residential “A”) and 2(b) (Residential “B”) areas on the mainland that are not currently on the multi-unit housing map or the flat map, are divided into two areas: those areas where dual occupancy is permitted and those areas where it is prohibited. It is proposed to apply the R2 Low Density Residential zone to areas where dual occupancy is currently permitted.</p> <p>As Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993 to preparing the new LEP, where possible and appropriate, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater’s existing planning regime, and as such is unlikely to result in any more traffic and parking issues than the current LEP.</p> <p>As is currently the case, a Development Application (DA) would need to be lodged and approved for new development in Pittwater. Traffic and parking issues will continue to be assessed as part of the DA process with neighbouring properties being notified and provided the opportunity to comment. It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.</p>
65	<p><i>“...legal opinion from a practicing Professional in</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the</p>

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	<p><i>Planning Law...was sought."</i></p> <p><i>"I am advised that the correct conversion from the current 2(a) (Residential "A") in the new template would be Residential R2 in the new LEP."</i></p> <p><i>"...Council's planning staff have misunderstood the zoning categories under the Standard Instrument and have mistaken an E3 zone for a Residential zone. Some effects this will have on our properties, if Council were to proceed, include:</i></p> <ol style="list-style-type: none"> <i>1. Values will be substantially reduced by the proposed down-zoning,</i> <i>2. Incoming Purchasers, advised by their Lawyers will be advised of the contrary implications of an E3 zoning, reducing by a substantial amount the list of potential buyers.</i> <i>3. In the event of total loss (by say, bushfire - an annual threat); rebuilding automatically and on the same footprint may be prohibited or at the very least (with a proposed minimum lot size of 11,000m2) substantially frustrated."</i> <p><i>"The off-shore communities have, to a large extent, self-regulated their properties with restraint and considerable concern for the special environmental character of the area, without Council interference or assistance, for many decades. We believe we do not need more legislation to impact on our lives and asset values."</i></p> 	<p>Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of</p>

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	<p><i>Legal advice is attached to the submission. The legal advice includes:</i></p> <p><i>“While the range of permitted uses is not significantly different, the change of the zoning title from ‘Residential’ to ‘Environmental Management’ will significantly change market perceptions in relation to this land.”</i></p>	<p>the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas. The proposed zone would not prevent new houses being built or existing houses being extended or rebuilt.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a ‘like for like’ translation of Council’s existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>As the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General’s office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p>

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		<p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
66	<p><i>"We find it difficult to comprehend the methods used by Council to decide Lot Sizes for certain areas."</i></p> <p><i>"Our particular land has been sub dividable for some years as 2a Residential 'A'. Now we find proposed changes to E4 Environmental Living limits the subdivision size to 1,200sm."</i></p> <p><i>"The proposal if passed impact on ourselves as well as many others in the area.</i></p> <p><i>(A) Limit our potential to downsize our land to a more manageable size as people age.</i></p> <p><i>(B) Decrease the value of land holdings.</i></p> <p><i>(C) Deprive potential purchases the ability to purchase in the area.</i></p> <p><i>(D) Deprive Pittwater ratepayers the opportunity for the Council to collect more revenue.</i></p> <p><i>(F) Most prejudicial from the Council to existing stakeholders.</i></p> <p><i>(G) Not in anyway help the sensitivity of the area if building guidelines are set."</i></p> <p><i>"With the above in mind we would request Council become more realistic as to the size of allowable subdivision in E4 Environmental Living. Why not perhaps 800sm. Which is a very large footprint would be more appropriate for the Amenity of the area."</i></p>	<p>The proposed E4 Environmental Living zone and the proposed 1,200m² minimum subdivision lot size are separate issues and have come about for different reasons. While all properties with a proposed minimum subdivision lot size of 1,200m² are zoned E4 in the draft LEP, not all properties zoned E4 are proposed to have a minimum lot size of 1,200m².</p> <p>The proposed E4 Environmental Living zone has been applied to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland that are not currently on the multi-unit housing map or the flat map, and where dual occupancies are currently prohibited under the Pittwater LEP 1993. Dual occupancies are currently prohibited in certain areas of Pittwater as studies have previously identified these areas as valued for their environmental and aesthetic qualities.</p> <p>The proposal to increase the minimum subdivision lot size to 1,200m² for certain properties dates back to pre-Pittwater days. Prior to 1992, and the creation of Pittwater Council, Warringah council had a policy requiring a minimum subdivision lot size of 1,200m² in areas valued for their environmental and aesthetic qualities. Over the years, attempts to adopt this policy into the LEP have failed due to a lack of support from the State Government, however it has remained in force through council policy and the Pittwater 21 Development Control Plan (DCP).</p> <p>The minimum subdivision lot size of 1,200 m² lot size currently applies to approximately 10,500 lots under the Pittwater 21 DCP, representing a significant proportion of residential lots in Pittwater (approximately 56%).</p> <p>The exhibited draft Pittwater LEP 2013 proposed to apply the minimum subdivision lot size of 1,200 m² to areas with multiple constraints where a character or clustering of large lot sizes (above 1,150m²) exists. This was to ensure that the proposed minimum subdivision lot size of 1,200m² only applied to areas where large lot sizes actually exist. It also significantly reduced the number of lots where the control would apply i.e. 1,238 properties (approximately 6.6% of residential lots in Pittwater).</p>

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		<p>Although all the lots that are proposed to have a minimum subdivision lot size of 1,200m² are also proposed to be zoned E4 Environmental Living, the two matters have come about for different reasons. However, ultimately they relate to the lots being considered areas as valued for their environmental and aesthetic qualities.</p> <p>Notwithstanding this, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
67	<p><i>"We have no objections in our property being rezoned and be included in the W2 zoning, therefore allowing a jetty to be constructed from our property..."</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
68	<p><i>"I cannot understand why the council would want to increase lot size for subdivision to 1200m², based on the special environmental qualities of the area?"</i></p> <p><i>"I love Newport and wish for it to be carefully developed but what is so environmentally special about Beaconsfield St."</i></p> <p><i>"Who in this day and age needs such huge blocks on a main corridor?"</i></p> <p><i>"I don't think it should be too densely in filled but something similar to Avalon Parade or Bardo Road would be appropriate. Without gradual</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

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	<i>growth in the Newport population that shopping strip will continue to shrivel up and die.</i>	
69	<i>"My flat is part of the new zone E4. This seems like the wrong zone for my property as I live in a strata title flat."</i>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
70	<p><i>"We wish to strongly object to the proposal in the Draft Plan which proposes to zone our property E4 Environmental Living with a minimum Lot size of 1200m², whilst others remain unchanged. Whilst our preference would be for a R2 Low Density Residential zoning, if Council continues with the Environmental Living Zone, we request to retain our existing minimum lot size of 700m²."</i></p> <p><i>"Both Riverview Road and Paradise Avenue have an established pattern of variable lot sizes, with some blocks as small as 450m² and in fact the Avalon area has thousands of allotments which are well below 700m². We feel that it is very wrong of Pittwater to discriminate against us in this way, whilst neighbours to the north and immediately adjacent to the south either already have small lots, or at the very least, maintain their existing minimum lot size of 700m²."</i></p> <p><i>"I would also like to point out that the Draft Plan seeks to justify the 1200m² lot size by explaining that the Council is trying to bring the draft plan into line with the Pittwater DCP. At the moment, I am aware that the 1200m² minimum lot size control in the DCP is totally unenforceable following amendment to the planning Act in March of this year. This had the effect that</i></p>	<p>The proposed E4 Environmental Living zone and the proposed 1,200m² minimum subdivision lot size are separate issues and have come about for different reasons. While all properties with a proposed minimum subdivision lot size of 1,200m² are zoned E4 in the draft LEP, not all properties zoned E4 are proposed to have a minimum lot size of 1,200m².</p> <p>The proposed E4 Environmental Living zone has been applied to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland that are not currently on the multi-unit housing map or the flat map, and where dual occupancies are currently prohibited under the Pittwater LEP 1993. Dual occupancies are currently prohibited in certain areas of Pittwater as studies have previously identified these areas as valued for their environmental and aesthetic qualities.</p> <p>The proposal to increase the minimum subdivision lot size to 1,200m² for certain properties dates back to pre-Pittwater days. Prior to 1992, and the creation of Pittwater Council, Warringah council had a policy requiring a minimum subdivision lot size of 1,200m² in areas valued for their environmental and aesthetic qualities. Over the years, attempts to adopt this policy into the LEP have failed due to a lack of support from the State Government, however it has remained in force through council policy and the Pittwater 21 Development Control Plan (DCP).</p> <p>The minimum subdivision lot size of 1,200 m² lot size currently applies to approximately 10,500 lots under the Pittwater 21 DCP, representing a significant proportion of residential lots in Pittwater (approximately 56%).</p> <p>The exhibited draft Pittwater LEP 2013 proposed to apply the minimum subdivision lot size of 1,200 m² to areas with multiple constraints where a character or clustering of large lot sizes (above 1,150m²) exists. This was to ensure that the proposed minimum subdivision lot size of 1,200m² only applied to areas where large lot sizes actually exist. It also significantly reduced the number of lots where the control would apply i.e. 1,238 properties (approximately 6.6% of</p>

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	<p><i>any control in a DCP could not be "more stringent" that what is in the relevant LEP. As such I think it is misleading of the Council to use this as a reason. Applying it to only some properties and not others is very unfair, and raises further questions as to the reasons."</i></p> <p><i>"...do not disadvantage us in this way by increasing our minimum lot size to 1200m² whilst others stay at 700m²."</i></p>	<p>residential lots in Pittwater).</p> <p>Although all the lots that are proposed to have a minimum subdivision lot size of 1,200m² are also proposed to be zoned E4 Environmental Living, the two matters have come about for different reasons. However, ultimately they relate to the lots being considered areas as valued for their environmental and aesthetic qualities.</p> <p>Notwithstanding this, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

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71	<p><i>"By incorporating this requirement of 1200m² lot sizes into the LEP 2013 seems to run contrary to State Government guidelines of having higher density accommodation and therefore smaller lot sizes".</i></p> <p><i>"Why not therefore propose a maximum size of 1000m² which is more in keeping with the suggested trends."</i></p> <p><i>"You have kindly advised by email why our holding is mapped as Classification 5. After reading its difficult to see the relevance of some the 6 reasons for a lot size of 1200m². For example - what relevance is land size specified have on:</i></p> <p><i>Containing/adjoining spotted gum forest, bushfire buffer area, sloping land?"</i></p> <p><i>"How does land size have relevance on capacity of Barrenjoey Road which no doubt years ago was planned based upon the potential no of available blocks (minimum land size then was 700m²)."</i></p> <p><i>"As most of the ridge lines are already populated its difficult to the relevance of this item."</i></p>	<p>The minimum subdivision lot size standards control whether additional lots can be created and subsequently influence the number of dwellings in Pittwater. The capacity of the road network is relevant to whether there is sufficient infrastructure able to support the additional population that would occur with an increased number of dwellings.</p> <p>The subdivision of land leads to additional development and the need for additional areas of cleared land to support dwelling footprints, and in bushfire prone areas, asset protection zones. As such, on land containing endangered ecological communities such as spotted gum forest, especially in bushfire prone areas where additional clearing may be necessary, there is a greater chance that subdivision could have unacceptable environmental impacts.</p> <p>The slope of the land, can be relevant for a number of reasons, including (but not limited to) increased bushfire risk on sloping land, and the potential that any development would require a larger amount of site disturbance such as cut and fill in order to get a reasonable building footprint.</p> <p>As stated previously, subdivision tends to require land to be cleared to make space for dwellings and asset protection areas. The cumulative effects of this along ridgelines often lead to disturbance of the tree canopy and consequently significant impacts on the visual and aesthetic qualities of an area. In Pittwater, where views of ridgelines dominate the aesthetic qualities of the waterway and coastline, it is very important to protect the visual character of our ridgelines.</p> <p>Notwithstanding, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
72	<p><i>"Whilst we generally accept the proposition that the E4 Environmental Living zone reflects the</i></p>	<p>It is acknowledged that section 117 direction 3.1(5)(b) generally requires that LEPs do not reduce the density of residential land, and that the proposed introduction of a 1,200m² minimum</p>

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	<p><i>areas on the mainland where dual occupancy is currently prohibited and which have previously been identified as potentially environmentally sensitive we do not accept the proposition that the translation of such LEP prohibition is appropriately used to justify a reduction in minimum subdivision allotment size from 700 square metres to 1200 square metres as proposed"</i></p> <p><i>"The Land and Environment Court has adopted such policy interpretation to ensure that the current P21DCP control which seeks to increase the minimum lot size to 1200 square metres on "sensitive sites" does not derogate from the 700 square LEP 1993 development standard as is evidenced in numerous judgements including Miller v Pittwater Council (2011) NSWLEC 1117."</i></p> <p><i>"As shown in Figure 1 and Figure 2 the Barrenjoey Road fronting properties do not form an area appropriately characterised as having a character of larger lot sizes either throughout an area or in a cluster."</i></p> <p><i>"The current LEP prescribes a minimum subdivision lot size of 700 square metres. The 1200m2 proposed pursuant to the draft instrument is not a provision of a current environmental planning instrument and is therefore not a translation of the current LEP provisions as they apply to the land."</i></p>	<p>lot size into the LEP is inconsistent with this direction. However, section 117 direction 3.1 also provides that a draft LEP may be inconsistent with the terms of the direction if a council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:</p> <ul style="list-style-type: none"> (e) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (f) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or (g) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (h) of minor significance. <p>Justification in accordance with the requirements of the section 117 direction was provided in the report to Council on 19 November 2012.</p> <p>The justification was accepted by the Department of Planning & Infrastructure who issued the certification for Council to publicly exhibit the draft LEP with the condition that additional information on the 1200m² minimum lot size be exhibited with the plan. This information was provided on Council's website and at Council's customer service centres, the Coastal Environment Centre and libraries.</p> <p>Notwithstanding all of the above, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners</p>

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	<p><i>"The provisions of the draft LEP are contrary to S.117(2) of the EP & A Act 1979 and Part 3.1 (5)(a) of the Directions in that the draft LEP proposes to reduce the currently permissible residential density of the land."</i></p> <p><i>"The exhibition of the LEP does not satisfy the requirements of clause 57 of the EP&A Act"</i></p>	<p>affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>In relation to the comments on the public exhibition of the draft LEP, Pittwater Council resolved, on 5 November 2007, to commence the statutory process under section 54 of the Environmental Planning and Assessment Act 1979 to prepare the draft Pittwater Local Environmental Plan 2011 in accordance with the Standard Instrument – Principal Local Environmental Plan. The Director-General of the Department of Planning was advised of this resolution on 14 November 2007.</p> <p>On 1 July 2009, amendments were made to the EP&A Act and EP&A Regulations inclusive of new requirements and procedures for preparing a draft LEP. Savings and transitional provisions provided that draft Standard Instrument LEPs, where the Council has resolved under Section 54 of the EP&A Act to prepare a draft LEP and where the Director-General has received notification of the resolution before 1 July 2009, will continue to be prepared and made under the previous plan making provisions. Subsequently, Pittwater's Standard Instrument LEP will be made under the plan making provisions in place in November 2007 when the process to prepare a new LEP was commenced.</p> <p>Given the above, section 66 Public exhibition of draft local environmental plan of the EP&A Act (as per November 2007) outlines the statutory requirements. Council staff believe the necessary requirements of section 66 and the section 65 certificate issued by the Department of Planning & Infrastructure on 29 January 2013, have been met.</p> <p>Notwithstanding, in the interests of making readily available information that some members of the community would like access to, the maps associated with the Pittwater Local Planning Strategy will be publicly exhibited during the second public exhibition of the draft Pittwater LEP 2013. It is noted that these maps have been publicly accessible on Council's website since August 2011.</p>
73	<p><i>"I find this proposed change to low density ridiculous. When I look out the front of my yard I see a four story unit block slightly to the left and 20 metres away. If I turn to the right and less</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

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	<p><i>than 50 metres away, there is a two story block of units and another four story block of units in my street. If I look across the park, I see two four story blocks of units in Gladstone street, Newport. At the Northern end of my street there are numerous townhouses all throughout Bardo Road."</i></p> <p><i>"Where I live is medium to high density I believe. You need to reflect the accurate zoning of my street. In the street that runs behind Bishop Street, that is also full of high density unit blocks and many townhouse developments. My belief is that the low density residential really starts from King Street running up to Irrubel Street Newport."</i></p> <p><i>"So please keep our zoning as medium density at the very least"</i></p>	
74	<p><i>"We wish to make a submission to have the waterfront area immediately in front of our property rezoned to W2 "</i></p> <p><i>"we would like to then be able to apply to Council for permission to install some sort of waterfront recreation structure as is permitted in our new E4 environmental living specifications."</i></p> <p><i>"We cannot understand why all of the properties in Halesmith Road, six in number, have been excluded from the W2 zoning enjoyed by all of the other residences on the waterfront in Pittwater."</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
75	<i>"These comments relates to a property currently</i>	While it is understood that some members of the community consider that only residential land

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	<p><i>zoned 2(a) Residential "A" that is proposed to be rezoned to E4 Environmental Living. The current zoning prohibits various uses including; boarding houses commercial premises industries institutions group buildings places of assembly. Given that these uses are currently prohibited it is submitted that Council should reconsider and remove some of the uses that although inconsistent with the current zoning prohibitions would be permitted with consent under the current draft for the proposed zoning. These inconsistent uses include bed and breakfast accommodation child care centres community facilities educational establishments group homes health consulting rooms home industries places of public worship It is submitted that Council should consider that the proposed zoning should not be more permissive than the current zoning for development that is not residential particularly where there are environmental protection issues."</i></p>	<p>uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the E4 Environmental Living zone are discussed below.</p> <p>Home occupations are mandatory in the E4 Environmental Living zone in the Standard Instrument LEP. Accordingly, there is no option for removing this land use from the E4 zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the E4 Environmental Living zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p>

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		<p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>'Group homes' are currently permitted in this area under the Affordable Rental Housing SEPP.</p> <p>The following uses are considered appropriate in the E4 Environmental Living zone and are generally permissible uses in the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs ▪ Business identification signs ▪ Child care centres ▪ Educational establishments ▪ Health consulting rooms ▪ Places of public worship ▪ Respite day care centres ▪ Jetties ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p>

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		<p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the E4 Environmental Living zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>
76	<p><i>"I wish to formally lodge my objection to your advised proposal to re-zone my property from 2(a) Residential "A" to "E3 Environmental Management"</i></p> <p><i>"my purchase was based on the existing Torrens Title freehold Residential "A" zoning"</i></p> <p><i>"It is my understanding this zoning has existed for some 90 years (?). Why would Council now seek to change this zoning, and for what purpose?. to whose benefit?"</i></p> <p><i>"I have been advised that the proposed change in zoning would diminish the value of my property"</i></p> <p><i>"Does Council, or whoever, propose to compensate (financially or materially) owners for any such loss?"</i></p> <p><i>"If the proposed zoning does, as is stated, "permits single residential dwellings" (which is the case with my property), why is there any need for change?"</i></p> <p><i>"The title of a zone should reflect its primary use, and Residential R2 most appropriately describes the long standing and current use of my</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p>

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	<p><i>property."</i></p>	<p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas. The proposed zone would not prevent new houses being built or existing houses being extended or rebuilt.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>As the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause</p>

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		<p>any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
77	<p><i>"it is noted in particular that the report considered by the Council on 19 November 2012 in relation to the DLEP 2013, makes no reference to the Warriewood Strategic Review, or the application for rezoning which it is currently considering. This is considered to be a serious omission"</i></p> <p><i>"The uses proposed in this zone are also restricted, with dwelling houses being permitted on a minimum allotment of 20,000 square metres"</i></p> <p><i>"Because Council's report has not addressed itself to the detailed assessment of the site prepared by GMU and Charles Hill Planning, it has simply categorized the subject land into the RU2 Rural Landscape zone."</i></p> <p><i>"Council's assessment is based on outdated and incorrect mapping"</i></p> <p><i>"I would...request that that part of the Pittwater Council's draft Local Environmental Plan 2013 referring to 120-122 Mona Vale Road, 4</i></p>	<p>In relation to the request to rezone the site for residential development, see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p> <p>The draft Pittwater LEP 2013 is intended as a translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed mapping is consistent with that current adopted by the Council.</p>

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	<p><i>Boundary Street and 10 Jubilee Avenue, be rezoned to permit urban development generally in accordance with the masterplan prepared by GMU, or alternatively, deferred pending the outcome of the Joint Regional Planning Panel in relation to its consideration of the proposed rezoning of the subject land through the Gateway process."</i></p>	
78	<p><i>"I have a number of concerns regarding the proposed zoning change from Zone 2(a) to Zone E4, as follows-</i></p> <ol style="list-style-type: none"> <i>1. The proposed new zoning is not equivalent to the current zoning - a direct translation should have it as Zone R2, according to the council website.</i> <i>2. The property is comprised of two lots and would have been originally subdivided for use as commercial/residential as were the adjoining properties immediately to the south.</i> <i>3. The building on the property was original built in the 1950's as a duplex and has been used as such since then. Whilst records for this period were destroyed in a fire at the Warringah Shire Council, a letter from the Pittwater Council of the 11th June 1998 to the previous owner, (Patricia Thomson), stated that the Council "acknowledge that Existing Use Rights apply to the subject site for a duplex building or residential flat building containing two units."</i> <p><i>"I would therefore request that the zoning of the property under the new LEP allows for and maintains these existing use rights."</i></p>	<p>The Council website does not indicate that the land should be zoned R2 Low Density Residential. The proposed E4 Environmental Living zone has been applied to the existing 2(a) Residential "A" and 2(b) Residential "B" areas on the mainland where dual occupancy is currently prohibited (land in Area 1 of the Dual Occupancy Map). These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine the current Dual Occupancy Map was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation, regarding the objection to the E4 Environmental Living zone and the request to be zoned R2 Low Density Residential.</p> <p>It is acknowledged that 1120 Barrenjoey Road Palm Beach consists of two lots being Lot 7 & 8 of DP 14538. The proposed zoning under the draft Pittwater LEP 2013 does not affect or limit the continuation of any existing use rights that may apply in accordance with the provisions of the EP&A Act.</p>

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79	<p><i>"we strongly object to the proposed rezoning of offshore properties under this plan."</i></p> <p><i>"The re-zoning of these properties from Residential "A" to E3 Environmental Management is time wasting and unnecessary."</i></p> <p><i>"Existing safeguards are adequate to ensure that the lands involved will not suffer from inappropriate or over- development or degradation. Owners who have purchased homes classified as Residential "A" should have the right to maintain the normal residential zoning appropriate to their investment without concerns that their zoning may be perceived by many as "downgraded". Property will unjustly lose value in the eyes of Financiers and Valuers due to added restrictions and unnecessary controls."</i></p>	<p>In 2005, the State Government produced a template for Local Environmental Plans (LEP) called the Standard Instrument LEP. All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones must change to a zone that is set out within the Standard Instrument LEP.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not</p>

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		<p>achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>As the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property</p>

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		<p>Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
80	<p><i>"In the recent information sheet you sent about the new LEP you state: Your property is proposed to be zoned E4 Environmental Living. This zone permits single residential dwellings...This zone continues to prohibit dual occupancy development. We are mystified by this statement. Increasingly the houses in our street have been subdivided into flats or individual rooms for rent."</i></p> <p><i>"How is it possible for these houses to have multiple Pittwater garbage bins if they are single occupancy homes?"</i></p>	<p>The complaints regarding illegal dual occupancies have been passed on to Council's Environmental Compliance unit.</p>
81	<p><i>"The Pittwater LEP 2013 requires a provision to clearly identify that Company Title Dual Occupancy is not an allowed development."</i></p> <p><i>"Subsequently, provision should be made to provide a subdivision mechanism to a new land title for existing Council approved Company Title Dual Occupancy developments. Company Title is an archaic form of title that not only undermines Council's intent in the LEP for Dual Occupancy but also impacts on the residents that unwittingly legally purchase a Dual Occupancy residence under Company Title."</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>Notwithstanding this, Clause 21F of the Pittwater LEP 1993 (adopted 9 February 1996), which prohibits the subdivision of dual occupancy developments, also provides that the prohibition does not apply to dual occupancy developments approved prior to 18 October 1995.</p> <p>On 2 June 2003, a report was presented to Council regarding dual occupancy developments that, notwithstanding Clause 21F, had been subdivided by way of company title. The report recognised this as an issue and made two recommendations:</p> <ol style="list-style-type: none"> 1. That the Pittwater LEP 1993 be amended to clarify that the subdivision of dual occupancy by way of company title is prohibited

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		<p>2. That the Pittwater LEP 1993 be amended to allow the subdivision of dual occupancy developments that have been subdivided under company title where the consent did not contain a condition prohibiting subdivision and the company title was registered prior to 2 June 2003</p> <p>Council resolved to support this recommendation and the statutory process for amending the LEP was commenced, however due to a number of issues (including legal drafting issues), the amendments were never completed.</p> <p>Given that some dual occupancies constructed between 1995 and 2003 were subdivided by company title regardless of the prohibition intended by Clause 21F, and some were not. In the interests of providing an equitable outcome, and a simplified approach, it is considered appropriate to move the date prohibiting dual occupancy subdivision to 2 June 2003. In effect this will allow, subject to appropriate approval, for dual occupancy developments approved prior to this date to be subdivided.</p>
82	<i>"The proposed zoning designations for Scotland Island look very appropriate and reasonable."</i>	N/A
83	<p><i>"I have continuously over 28 years object to my property being zoned Industrial 4b and the new Industrial zoning planed for it in LEP 2013."</i></p> <p><i>"I will continue to object to the ridiculous situation of placing Industrial developments next to residential areas"</i></p> <p><i>"Our property is the gateway to the Valley from the North Eastern side and it would be an eyesore to see a ugly factory at the corner next to all the residential area."</i></p> <p><i>"I would like Council to consider rezoning our property to become some sort of residential."</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.

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84	<p><i>"Councils have an obligation to further define what is not permitted in these areas."</i></p> <p><i>"One example is home businesses and occupations. This may appear simple for a husband and wife to conduct a business from home but when it entails a high turnover of people and couriers visiting each day this can create an unacceptable noise and traffic/parking problem especially if conducted from a Strata unit complex"</i></p> <p><i>"another serious and major problem...relates to short term/holiday letting of houses and Strata units"</i></p> <p><i>"the new Zones R3 permits "attached dwellings and multi dwelling houses" as well as "Bed and breakfast accommodation and boarding houses". I trust that these two latter building types would be specifically defined as such houses. Accordingly they should also not be permitted in Strata units/townhouse complexes"</i></p>	<p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than types of 'residential accommodation') in the R3 Medium Density Residential zone is discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R3 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Boarding houses ▪ Child care centres ▪ Community facilities ▪ Group homes ▪ Neighbourhood shops ▪ Places of public worship ▪ Respite day care centres ▪ Seniors housing <p>Accordingly, there is no option for removing these land uses from the R3 Medium Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that 'roads' must be included as either 'Permitted with consent' or 'Permitted without consent' in the R3 Medium Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p>

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		<p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R3 Medium Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'home occupations', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits these as exempt development (i.e. development consent is not required to undertake the use). As such, prohibiting this land use in the new LEP would have no effect.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R3 Medium Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R3 Medium Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p>

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		<p>In relation to the permissibility of 'health consulting rooms', SEPP Infrastructure provides that any person can carry out a 'health consulting room' with consent in the R3 Medium Density Residential zone.</p> <p>The following uses are considered appropriate in the R3 Medium Density Residential zone and are generally permissible uses in the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993:</p> <ul style="list-style-type: none"> ▪ Environmental protection works ▪ Exhibition homes ▪ Building identification signs ▪ Business identification signs ▪ Serviced apartments ▪ Veterinary hospitals <p>It is noted that some of the above uses are currently prohibited in the 2(e) and 2(f) zones; however, as there is only one medium density residential zone in the Standard Instrument LEP, it is necessary for areas of medium density housing to have the same zone. This does result in some additional permissible land use in these areas, however the likely impact of these uses in a medium density residential setting is considered to be acceptable. In addition, a Development Application (DA) would need to be lodged and approved for most new development in Pittwater, with neighbouring properties being notified and provided the opportunity to comment. It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R3 Medium Density Residential Zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p> <p>Short term holiday rental accommodation is a small but anecdotally significant part of the Pittwater economy, with close to 100 properties in Pittwater listed on the popular holiday rental website Stayz.</p>

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		<p>Over the years there has been no planning control relating to short term holiday rental accommodation, with the position being that the duration of the rental period did not alter the definition of the use as a 'dwelling'.</p> <p>However in March this year, the judgement of Justice Pepper in <i>Dobrohotoff v Bennic [2013] NSWLEC 61</i> has altered this long standing position, as the decision indicates that the use of a dwelling for short term holiday rental accommodation is not consistent with the purpose of a 'dwelling house'. The decision defines 'short term holiday rental accommodation' as accommodation for a period of less than three months.</p> <p>Over the years there have generally been very few problems with short term holiday rental accommodation in Pittwater. However, recently there have been some issues raised where these rentals are being used for conferences, weddings and large parties, which are not consistent with the use of a 'dwelling house;' and more consistent with a commercial use, such as a 'function centre'.</p> <p>It is recognised that short term holiday rental accommodation can cause instances of noise and disturbance. However these issues are best managed in accordance with the <i>Protection of the Environment Operations Act 1997</i> or the <i>Protection of the Environment (Noise Control) Regulation 2008</i>, which cover neighbourhood noise laws. There are restrictions for noise from residential premises that are enforced by the NSW Police and /or Council.</p> <p>In 2012 the Real Estate Institute of NSW (REINSW) partnered with Holiday Letting Organisation Byron Bay; Stayz; rentahome.com.au; and TakeABreak to develop a self-regulation Code called the 'Holiday Rental Code of Conduct'. The Code provides a self-regulatory approach in the management of holiday rentals. The Code applies to dwellings that are rented for the purposes of holiday accommodation and outlines the obligations of all stakeholders including a framework for House Rules for Visitors and Guests at a Property to ensure that the amenity of neighbouring properties is not adversely affected.</p> <p>Formal 'tourist and visitor accommodation' in Pittwater, such as hotels and motels, are scarce and, as such, short term holiday rental accommodation fills an important gap and contributes to</p>

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		<p>the local economy.</p> <p>It is recommended that the draft Pittwater LEP 2013 be amended to ensure that the ongoing use of dwellings for short term holiday rental accommodation is permitted without the consent of Council. Accordingly, short term holiday rental accommodation is recommended to be added to Schedule 2 (Exempt development) in the draft Pittwater LEP 2013.</p>
85	<p><i>"I find this proposed change to low density ridiculous. When I look out the front of my yard I see a four story unit block slightly to the left and 20 metres away. If I turn to the right and less than 50 metres away, there is a two story block of units and another four story block of units in my street. If I look across the park, I see two four story blocks of units in Gladstone street, Newport. At the Northern end of my street there are numerous townhouses all throughout Bardo Road."</i></p> <p><i>"Where I live is medium to high density I believe. You need to reflect the accurate zoning of my street. In the street that runs behind Bishop Street, that is also full of high density unit blocks and many townhouse developments. My belief is that the low density residential really starts from King Street running up to Irrubel Street Newport."</i></p> <p><i>"So please keep our zoning as medium density at the very least"</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

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86	<p><i>"I suggest that the well know residential R zoning be maintained. Keep the E1, E2 and possibly E3 but replace E4 environmental living as follows:</i></p> <p><i>R1 Residential living single dwellings dual occupancy prohibited;</i></p> <p><i>R2 Residential living dual occupancy prohibited but secondary dwellings permitted with Council consent</i></p> <p><i>R3 Low density residential;</i></p> <p><i>R4 Medium density residential;</i></p> <p><i>R5 Large lot residential."</i></p> <p><i>"Dual occupancy permitted in R4-R5 where area of property is above 800 square metres"</i></p> <p><i>"I note there is a standard template ... so I do realize that the suggestion above may not be possible"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p>

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		<p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation in relation to the objection to the E4 Environmental Living zone.</p> <p>As noted in the submission, Council's draft LEP must conform to the Standard Instrument LEP prescribed by the State. Under the Standard Instrument LEP Council cannot provide additional zones or change the names of the prescribed zones.</p> <p>The draft Pittwater LEP 2013 uses the range of zones provided by the Standard Instrument LEP to provide for the range of land uses currently permitted under the current Pittwater LEP 1993.</p>
87	<p><i>"concerned about 3 aspects of the proposed new LEP Zones R2 and R3"</i></p> <p><i>"They both allow: 1 - "group housing" which I believe could be drug rehabilitation centres or facilities for the dangerously mentally disturbed."</i></p>	<p>(1) Group homes are a mandatory land use (i.e. the DP&I requires that these land uses must be included) in the R2 Low Density Residential zone in the Standard Instrument LEP. Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>(2) Development controls relating to the size of signage are contained in the Pittwater 21 DCP</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>Will council have any real ability to protect residents?"</i></p> <p><i>"2 --business signage. Are there any limits on size or type?"</i></p> <p><i>"3 --water recreation centres. Could we wind up with Water works fun park in mona vale?"</i></p> <p><i>"4 --where does a "granny flat" fit in? Currently we are allowed to build a flat of 60sm2, which I consider to be too small for a couple. Will this change? I guess that the NSW Govt dictates what types of constructions are permitted in each zone. What can the Council do ensure the quality of life of current residents of Mona Vale?"</i></p>	<p>(section C2.11).</p> <p>(3) The R2 zone permits 'water recreation structures' with consent. The Standard Instrument LEP defines a water recreation structure as a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp. As such, this land use is only relevant for waterfront properties, whose adjoining waterway zone also permits jetties and the like. The term '<i>water recreation structure</i>' does not include water fun parks, which would likely be defined as '<i>recreation facilities (outdoor)</i>'. It is noted that these are prohibited in the R2 zone.</p> <p>(4) A granny flat under the Standard Instrument LEP is known as a 'secondary dwelling'. Secondary dwellings are permitted with consent in the R2 zone and clause 5.4 provides that these must not exceed 60 square metres, or 25% of the total floor area of the principal dwelling, whichever of the following is the greater.</p> <p>Secondary dwellings are intended to be smaller than and secondary to the principle dwelling on the land. They are intended to provide for accommodation for family members or to provide rental housing stock. While at the same time having limited impact on the amenity of adjoining property owners.</p> <p>While it is understood that some people consider that 60m² is too small, it is important to ensure that a range of housing options, including size, are available in Pittwater. It is up to the individual to decide their own housing requirements, and many people across Sydney, especially single person households, comfortably live in spaces of 60m² or less.</p> <p>As Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, the proposed maximum floor area control for 'secondary dwellings' reflects the current situation under the Pittwater LEP 1993. It is also in line with the controls applied under State Environmental Planning Policy Affordable Rental Housing (the Affordable Rental Housing SEPP).</p> <p>Any changes to the development controls for 'secondary dwellings' would be inconsistent with</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		Council's 'like for like' approach to preparing the draft Pittwater LEP 2013.
88	<p><i>"our property ... is proposed to be zoned E4 Environmental Living, with a consequent change to the minimum subdivision lot size to 1200m. This is not warranted, and is prejudicial to the owners of lots that fall within the proposed rezoning area."</i></p> <p><i>"This proposal is prejudicial and discriminatory to the owners of blocks that fall within this new proposed zonings."</i></p> <p><i>"This additional restriction imposes a burden on land holders that will be subjected to this new zoning, which is likely to result, unfairly, in a decrease in land value"</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
89	<p><i>"My current zone is a 2(a) (Residential "A") with a proposed zone R2 Low Density Residential. My comment regarding the proposed change would be that the area DOES NOT need any more homes, sub divisions, units etc as the infrastructure can not cope with any more traffic. The parking in the street is at a premium level and hard to get a park outside ones own property. The roads are absolutely clogged at the weekend which impedes travelling to and from local venues / destinations."</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>As Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993</p>

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		<p>to preparing the new LEP, where possible and appropriate, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime, and as such is unlikely to result in any more traffic and parking issues than the current LEP.</p> <p>As is currently the case, a Development Application (DA) would need to be lodged and approved for new development in Pittwater. Traffic and parking issues will continue to be assessed as part of the DA process with neighbouring properties being notified and provided the opportunity to comment. It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.</p>
90	<p><i>"objection to certain provisions in the Draft Pittwater Local Environmental Plan 2013 including:-</i></p> <p><i>Rezoning of Land along Powderworks Road and Nareen Parade from Zone 2(a) to Zone E4</i> <i>Increase in minimum lot size to 1200 square metres</i> <i>Wildlife Corridor on Terrestrial Biodiversity zone</i> <i>Dual Occupancy Prohibition</i> <i>Secondary Dwellings Prohibition"</i></p> <p><i>"The Pittwater Council Wildlife Corridor map incorrectly classifies much of the area as Wildlife Corridor"</i></p> <p><i>"The Wildlife corridor map also incorrectly includes Powderworks Road (a Regional Road) and local roads"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p>

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	<p><i>"Biodiversity is adequately protected ... by Draft LEP Section 7.5 Biodiversity protection. To achieve required aims there is no need to use E4 zoning or 1200 square metre lot size restrictions"</i></p> <p><i>"The proposed LEP 2013 places minimum lot sizes of 1200 square metres on 66, 74 and 76 Powderworks Road and numbers 68 to 84 Nareen Parade... This decision appears to be made without any reason other than to penalise the owners for not developing earlier."</i></p> <p><i>"There is no difference in the character of the blocks compared to neighbouring lots with 600 square metre sizes"</i></p>	<p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environment Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>Wildlife corridors have been identified and mapped in Pittwater's Conservation Strategy for habitat and wildlife corridors (<i>Habitat & Wildlife Corridors – a Conservation Strategy</i>). The Conservation Strategy outlines that 'Aerial photographs, orthophotomaps, habitat maps, vegetation maps, the National Parks and Wildlife Service's Wildlife Atlas, the 1990 Koala Study</p>

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		<p>by Peter and Judy Smith and other plans and studies were examined (eg. Plans of Management for Angophora Reserve, McKay Reserve and Stapleton Park, the Ingleside/Warriewood Fauna Conservation Study and Council's Household Species Survey and maps)', as well as ground truthing of a sample of cross-sections of areas. The Conservation Strategy outlines that 'In built-up areas this involved inspection by streets checking the composition of street and yard trees. In lower density areas more time was spent checking habitat components.'</p> <p>It is noted that the same methodology has been used to review Pittwater's habitat and wildlife corridors and prepare an updated version of the Conservation Strategy (not yet adopted).</p> <p>In relation to the proposed 1200m² lot size, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats

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		<p>The abovementioned biodiversity is as currently mapped and adopted by the Council. These areas are currently given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to Development Applications (DAs). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>In relation to the prohibition on dual occupancies, as Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, the permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993.</p> <p>As described above the current Dual Occupancy Map, adopted into the Pittwater LEP 1993 in 1995, was produced based on a previous study that identified certain areas valued for their environmental and aesthetic qualities.</p> <p>Furthermore, in August 2011 Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such, the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p> <p>It is noted that the proposed E4 Environmental Living zone in the draft Pittwater LEP 2013 permits secondary dwellings with development consent.</p>

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91	<p><i>"Our property...is proposed to be zoned E4 Environmental Living, with a minimum subdivision size of 1200m2. While we agree in principle with the concept of larger lot sizes in areas of high environmental sensitivity and/or visual amenity, we are concerned that the new controls maybe applied too rigidly, and without consideration of practicality, or specific constraints and opportunities of each site. Sometimes a slightly smaller subdivision would achieve a better outcome."</i></p> <p><i>"if the Pittwater 2025 Strategic Plan, the Pittwater LEP 2013 and the Pittwater 21 DCP are to be considered commensurately, there appears to be some dissonance in the tacit implications of each. Many more dwellings and more affordable housing implies small lot sizes, whereas the LEP and DCP require larger lot sizes"</i></p> <p><i>"we wonder how the objectives of both the 2025 Strategic Plan and the 2013 LEP can be achieved"</i></p> <p><i>"The allowance of secondary dwellings, or 'granny flats' should be permitted where appropriate, as a means of providing more affordable housing."</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>To inform the preparation of a new LEP, Council prepared the Pittwater Local Planning Strategy, which was adopted in August 2011. The Pittwater Local Planning Strategy identified that Pittwater was on track to achieve housing targets currently set by the State Government in the draft North East Subregional Strategy, without the need to increase housing capacity in the LGA. Accordingly, the goals within the Pittwater 2025 Strategic Plan to provide additional housing to meet our targets can be achieved under our current planning regime, including the relevant controls applying to subdivision.</p> <p>It is noted that the proposed E4 Environmental Living zone in the draft Pittwater LEP 2013 permits secondary dwellings with development consent.</p>

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92	<p><i>"it appears from its Draft LEP 2013 that Pittwater Council has not looked to address the problem that it has with uncontrolled Short Term Letting / Serviced Apartments for Residential R3 zoning"</i></p> <p><i>"Unlike many other Council's, Pittwater does not require consent for short term letting and does not attempt to restrict it"</i></p> <p><i>"unrestricted use of a premises can have a profound detrimental effect on a large number of other residents"</i></p> <p><i>"Strata owners corporations are not able to legislate in conflict with Council regulations which in the case of Pittwater appears non-existent"</i></p> <p><i>"How does Pittwater Council differentiate between a Serviced Apartment and a Short Term Let?"</i></p> <p><i>"Does a loophole exist for those not wanting to operate formerly and not be subject to any regulation?"</i></p>	<p>Short term holiday rental accommodation is a small but anecdotally significant part of the Pittwater economy, with close to 100 properties in Pittwater listed on the popular holiday rental website Stayz.</p> <p>Over the years there has been no planning control relating to short term holiday rental accommodation, with the position being that the duration of the rental period did not alter the definition of the use as a 'dwelling'.</p> <p>However in March this year, the judgement of Justice Pepper in <i>Dobrohotoff v Bennic [2013] NSWLEC 61</i> has altered this long standing position, as the decision indicates that the use of a dwelling for short term holiday rental accommodation is not consistent with the purpose of a 'dwelling house'. The decision defines 'short term holiday rental accommodation' as accommodation for a period of less than three months.</p> <p>Over the years there have generally been very few problems with short term holiday rental accommodation in Pittwater. However, recently there have been some issues raised where these rentals are being used for conferences, weddings and large parties, which are not consistent with the use of a 'dwelling house;' and more consistent with a commercial use, such as a 'function centre'.</p> <p>It is recognised that short term holiday rental accommodation can cause instances of noise and disturbance. However, these issues are best managed in accordance with the <i>Protection of the Environment Operations Act 1997</i> or the <i>Protection of the Environment (Noise Control) Regulation 2008</i>, which cover neighbourhood noise laws. There are restrictions for noise from residential premises that are enforced by the NSW Police and /or Council.</p> <p>In 2012 the Real Estate Institute of NSW (REINSW) partnered with Holiday Letting Organisation Byron Bay; Stayz; rentahome.com.au; and TakeABreak to develop a self-regulation Code called the 'Holiday Rental Code of Conduct'. The Code provides a self-regulatory approach in the management of holiday rentals. The Code applies to dwellings that are rented for the purposes of holiday accommodation and outlines the obligations of all stakeholders including a framework for House Rules for Visitors and Guests at a Property to ensure that the amenity of neighbouring properties is not adversely affected.</p>

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		<p>Formal 'tourist and visitor accommodation' in Pittwater, such as hotels and motels, are scarce and, as such, short term holiday rental accommodation fills an important gap and contributes to the local economy.</p> <p>It is recommended that the draft Pittwater LEP 2013 be amended to ensure that the ongoing use of dwellings for short term holiday rental accommodation is permitted without the consent of Council. Accordingly, short term holiday rental accommodation is recommended to be added to Schedule 2 (Exempt development) in the draft Pittwater LEP 2013.</p>
93	<p><i>"we are the only property with a two storey boatshed on it in Palm beach; further besides the main house there is also a 2 bedroom flat that has existed for probably 50 years or more at one end of the property but incorporated in the overall structure and roof line that joins the main house and garage/two bedroom flat"</i></p> <p><i>"We were advised by council that our unique situation was 'grandfathered' due to the longevity of the various structures on the property"</i></p>	<p>The proposed zoning under the draft Pittwater LEP 2013 does not affect or limit the continuation of any existing use rights that may apply in accordance with the provisions of the EP&A Act. In situations where existing use rights may apply, the onus is on the owners of the land to prove existing use rights exist.</p>
94	<p><i>"The owners believe the zoning should be altered from the proposed R2, to R3."</i></p> <p><i>"A change of zoning to R3 would be a natural flow on from the current and existing multi density housing that continues along Park Street. It would then terminate at Kunari Place, providing a commonsense and natural boundary for such development"</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
95	<p><i>"We believe provision should be made for those currently in dual occupancies to be able to strata title when their circumstances change"</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p>

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		<p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.</p> <p>Notwithstanding this, Clause 21F of the Pittwater LEP 1993 (adopted 9 February 1996), which prohibits the subdivision of dual occupancy developments, also provides that the prohibition does not apply to dual occupancy developments approved prior to 18 October 1995.</p> <p>On 2 June 2003, a report was presented to Council regarding dual occupancy developments that, notwithstanding Clause 21F, had been subdivided by way of company title. The report recognised this as an issue and made two recommendations:</p> <ol style="list-style-type: none"> 1. That the Pittwater LEP 1993 be amended to clarify that the subdivision of dual occupancy by way of company title is prohibited 2. That the Pittwater LEP 1993 be amended to allow the subdivision of dual occupancy developments that have been subdivided under company title where the consent did not

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		<p>contain a condition prohibiting subdivision and the company title was registered prior to 2 June 2003</p> <p>Council resolved to support this recommendation and the statutory process for amending the LEP was commenced, however due to a number of issues (including legal drafting issues), the amendments were never completed.</p> <p>Given that some dual occupancies constructed between 1995 and 2003 were subdivided by company title regardless of the prohibition intended by Clause 21F, and some were not. In the interests of providing an equitable outcome, and a simplified approach, it is considered appropriate to move the date prohibiting dual occupancy subdivision to 2 June 2003. In effect this will allow, subject to appropriate approval, for dual occupancy developments approved prior to this date to be subdivided.</p>
96	<p><i>"The current zoning LEP has the area zoned as Reserve 6A with the intentions of it to be re-zoned to RE1 Public Recreation. It is with great disappointment Pittwater Council are attempted to re-zone"</i></p>	<p>All land in Pittwater LGA currently zoned 6(a) (Existing Recreation "A") under the Pittwater LEP 1993 is proposed to be zoned either RE1 Public Recreation or E2 Environmental Conservation, depending on the characteristics of the site. RE1 is proposed for areas of public recreation and E2 is proposed for areas of reserves that currently contain bushland.</p> <p>The 6(a) (Existing Recreation "A") zone currently relies on the adopted plans of management to identify uses that are permitted with or without consent, or prohibited. However, in converting to the Standard Instrument, we can no longer refer to a plan of management to specify permissible and prohibited land uses. Uses must be identified as with or without consent, or prohibited in the land use table. As such, it is necessary to provide a range of land uses permitted without consent in the proposed RE1 zone, consistent with what may be found permitted without consent under the larger range of current plans of management for reserves.</p> <p>The reserve discussed in this submission is currently covered by the Parks and Playgrounds Plan of Management. As a requirement of the Local Government Act 1993, Councils must prepare a plan of management for public land that is classified as 'community land'. As most of the areas of land covered by this plan are developed parks that perform similar functions in Pittwater's open space system, a "generic" plan of management has been prepared for the planning and management of all of these areas.</p>

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		<p>Under the current Parks and Playground Plan of Management the following uses are set out as exempt (not requiring development consent):</p> <ul style="list-style-type: none"> - Bush Regeneration - Fire hazard reduction activities - Parking ancillary to a reserve - Multi-use tracks (other than motor vehicle) , footpaths, boardwalks and minor bridges - Temporary commercial activities or developments requiring under the relevant policy of Council - Temporary activities or developments requiring a lease, licence or other estate under the Local Government Act (1993) - Recreational facilities other than buildings - Minor public drainage and stormwater works - Public gardens, landscaping work and the like - Compliance, directional, interpretive, identification and safety signage - Land restoration works - Shelters, shade structures, park furniture and picnic facilities - Playground facilities and structures - Dog exercise area <p>The following uses are set out as permissible with development consent:</p> <ul style="list-style-type: none"> - Utility installations - Toilet facilities and buildings ancillary or incidental to the reserve - Major public drainage and stormwater works - Community facilities - Road or vehicle access track <p>Management issues and future works for each park and playground, are set out in Appendix 1 to the plan, which is used as the basis for detailed recreation and landscape planning.</p> <p>The specific management objectives for this park are set out as follows:</p> <ul style="list-style-type: none"> - Provide adequate recreational facilities and maximise the advantages of the scenic foreshore location

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		<ul style="list-style-type: none"> - Improve landscape character by undertaking tree and shrub plantings - Investigate rationalisation of back section of reserve <p>Under the Local Government Act 1993 'community land' is required to be used and managed in accordance with the plan of management applying to the land. As such, if the plan of management does not permit uses set out in the land use table, then in accordance with the Local Government Act 1993, they cannot be undertaken.</p> <p>For Council to change a plan of management, the Local Government Act 1993 requires that council give public notice of the draft plan of management, including a minimum public exhibition period of 28 days.</p> <p>The reserve is owned partly by Council and partly by the State.</p> <p>It is noted that the submission requests that the RE2 Private Recreation zone be used for this site. The RE2 zone is not considered appropriate for publicly owned land. In submissions regarding the draft Pittwater LEP 2013, NSW Primary Industries – Catchment & Lands, has specifically advised that the RE2 Private Recreation zone is not considered applicable to Crown land and that the RE1 Public Recreation zone is preferred.</p>
97	<p><i>"I cannot understand why you would increase the minimum subdivision lot size in Beaconsfield St to 1200sqm."</i></p> <p><i>"what is the special environmental quality of this street"</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
98	<p><i>"I wish to register my objection to the proposal to rezone... our property from 2(a) Residential A to E3 Environmental Management."</i></p> <p><i>"we as property owners should not be disadvantaged because Council must comply"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p>

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	<p><i>with a State directive".</i></p> <p><i>"As western foreshore properties are not a fit with all the criteria of any of the new zone categories, without stating reasons or benefits to be gained, Council's letter states that our property should become zone E3 Environmental Management rather than the more obvious fit with zone R2 Low Density Residential."</i></p> <p><i>"This decision will disadvantage us by devaluing the market value of the property, by unreasonably limiting options for development, and by not reflecting the historical use of our residential freehold land."</i></p> <p><i>"Our property is a decades-old developed house and garden that does not meet the very first criteria set down in the objectives of E3 zones and it certainly does not have "special ecological, scientific, cultural or aesthetic values" requiring protection."</i></p> <p><i>"Moreover actual historical and permissible use of land in this locality is not reflected by E3 zone objectives as the western foreshores has been a fully developed residential locality since the 1980s."</i></p> <p><i>"I submit that our property should become Zone R2 Low Density Residential under PLEP 2013"</i></p>	<p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p>

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		<p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>As the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

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99	<p><i>"Our members a very frustrated at the fact that while Precinct Planning has not commenced we are being subject to a re-zoning that does not take into account the obvious fact that farming and agricultural activity ceased in this area years ago and the residents do not want it to recommence."</i></p> <p><i>"Once again we would ask that we are zoned R2 and not RU2. Such a rezoning would have no impact upon the Precinct Planning as lot sizes are determined by the lot sizes map not by zoning."</i></p> <p><i>"However, because of your unwillingness to reflect the actual use of the area we have to put up with, for example, illegal dog pounds run in private residences causing loss of amenity to neighbours."</i></p>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the RU2 Rural Landscape zone is proposed where the 1(a) Non-urban "A" zone currently applies.</p> <p>With regard to the Ingleside investigation area, Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the Ingleside Release Area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
100	<p><i>"Our members a very frustrated at the fact that while Precinct Planning has not commenced we are being subject to a re-zoning that does not take into account the obvious fact that farming and agricultural activity ceased in this area years ago and the residents do not want it to recommence."</i></p> <p><i>"Once again we would ask that we are zoned R2 and not RU2. Such a rezoning would have no impact upon the Precinct Planning as lot sizes are determined by the lot sizes map not by zoning."</i></p>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the RU2 Rural Landscape zone is proposed where the 1(a) Non-urban "A" zone currently applies.</p> <p>With regard to the Ingleside investigation area, Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the Ingleside Release Area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

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	<p><i>"However, because of your unwillingness to reflect the actual use of the area we have to put up with, for example, illegal dog pounds run in private residences causing loss of amenity to neighbours."</i></p>	
101	<p><i>"We are opposed to the proposed increase in the minimum subdivision lot size to 1200 sqm. We believe that the current 700 sqm subdivision lot size is adequate and is should be retained."</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
102	<p><i>"...I am certainly not in favour of the change from Residential A for my area..."</i></p> <p><i>"Patrick Street is narrow and used as a regular Government Bus Route...buses have difficulty getting through due to congested and irresponsible parking. Already there are home businesses...with the resultant increased use of street parking which includes private cars, boats on trailers and caravans. Allowing an R2 zoning will only increase this problem and create a danger..."</i></p>	<p>In 2005, the State Government produced a template for Local Environmental Plans (LEP) called the Standard Instrument LEP. All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones must change to a zone that is set out within the Standard Instrument LEP.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to</p>

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		<p>preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime, and as such is unlikely to result in any more traffic and parking issues than the current LEP.</p> <p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the R2 Low Density Residential zone are discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations ▪ Boarding houses ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument</p>

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		<p>LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the R2 Low Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>In relation to 'educational establishments', the Infrastructure SEPP provides that they may be carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the</p>

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		<p data-bbox="902 316 1272 339">new LEP would have no effect.</p> <p data-bbox="902 376 2045 464">The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul data-bbox="902 501 1621 895" style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings ▪ Veterinary hospitals ▪ Water recreation structures <p data-bbox="902 932 2045 1019">It is noted that ‘community facilities’ falls under the definition of ‘places of assembly’ in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones.</p> <p data-bbox="902 1056 2045 1171">In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density Residential zone is considered appropriate and generally consistent with the intended ‘like for like’ approach to preparing the draft Pittwater LEP 2013.</p>

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03	<p><i>“Objection to certain provisions in the Draft Pittwater Local Environmental Plan 2013 including:-</i></p> <ul style="list-style-type: none"> <i>- Rezoning of Land along Powderworks Road and Nareen Parade from Zone 2(a) to Zone E4.</i> <i>- Increase in minimum lot size to 1200 square metres</i> <i>- Wildlife Corridor on Terrestrial Biodiversity zone.</i> <i>- Dual Occupancy Prohibition</i> <i>- Secondary Dwellings Prohibition”</i> <p><i>“Wildlife Corridor and E4 Zoning... The proposed rezoning to E4 appears to be based on the existence of an undeveloped wildlife corridor between Powderworks Road and Nareen Parade. In reality this wildlife corridor does not exist...”</i></p> <p><i>“Clearly there is no evidence that a wildlife corridor actually exists and therefore no justification for rezoning the area to E4 or adopting a 1200 square metre minimum lot size.”</i></p> <p><i>“Minimum Lot Size...The proposed LEP 2013 places minimum lot sizes of 1200 square metres on No 64, 66, 74 and 76 Powderworks Road and numbers 68 to 84 Nareen Parade... This decision appears to be made without any reason other than to penalise the owners for not developing earlier. There is no difference in the character of the blocks compared to neighbouring lots with 600 square metre lot sizes. Many of the 600 square metre blocks are also in the erroneous Wildlife Corridor.”</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater’s existing zones must change.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential “A”) and 2(b) (Residential “B”) areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p>

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	<p><i>“The above map clearly shows that 64, 66, 71, 76, 78, 98 and 104 Powderworks Road can not be classified as areas where large lot sizes generally exist. While there are some lots of 1200 square metres these lots are generally isolated. The general character of the area is clearly dominated by lots sizes 600-800 square metres.”</i></p> <p><i>“Objectives for Draft Pittwater LEP 2013 Section 4.1 Minimum subdivision lot size is “to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,” In order to meet this objective the lot size of the 1200m² lots must be reduced to 550 square metres a lot size consistent with the 600 square metre lot size of neighbouring properties.”</i></p> <p><i>“We therefore respectfully request that Council:-</i></p> <ul style="list-style-type: none"> <i>- Correct the erroneous and misleading Wildlife Corridor Map</i> <i>- Redraft LEP 2013 to maintain the existing low density residential R2 zoning or rezone to a higher density more in line with community demand for the area.</i> <i>- Replace the 1200 square metre minimum lot size restrictions with 550 square metres to permit developments consistent with neighbouring areas between Nareen Parade and Powderworks Road.</i> <i>- Remove any general prohibition on Dual Occupancy for the area and rely on specific</i> 	<p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a ‘like for like’ translation of Council’s existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>Wildlife corridors have been identified and mapped in Pittwater’s Conservation Strategy for habitat and wildlife corridors (<i>Habitat & Wildlife Corridors – a Conservation Strategy</i>). The Conservation Strategy outlines that ‘Aerial photographs, orthophotomaps, habitat maps, vegetation maps, the National Parks and Wildlife Service’s Wildlife Atlas, the 1990 Koala Study by Peter and Judy Smith and other plans and studies were examined (eg. Plans of Management for Angophora Reserve, McKay Reserve and Stapleton Park, the Ingleside/Warriewood Fauna Conservation Study and Council’s Household Species Survey and maps)’, as well as ground truthing of a sample of cross-sections of areas. The Conservation Strategy outlines that ‘In built-up areas this involved inspection by streets checking the composition of street and yard trees. In lower density areas more time was spent checking habitat components.’</p> <p>It is noted that the same methodology has been used to review Pittwater’s habitat and wildlife corridors and prepare an updated version of the Conservation Strategy (not yet adopted).</p> <p>In relation to the proposed 1200m² lot size, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as</p>

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	<p><i>controls</i> - Remove any general prohibition Secondary Dwellings Prohibition for the area and rely on specific controls”</p>	<p>being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>As specified by Council’s Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is as currently mapped and adopted by the Council. These areas are currently given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to Development Applications (DAs). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>In relation to the prohibition on dual occupancies, as Council resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, the permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993.</p>

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		<p>As described above the current Dual Occupancy Map, adopted into the Pittwater LEP 1993 in 1995, was produced based on a previous study that identified certain areas valued for their environmental and aesthetic qualities.</p> <p>Furthermore, in August 2011 Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such, the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p> <p>It is noted that the proposed E4 Environmental Living zone in the draft Pittwater LEP 2013 permits secondary dwellings with development consent.</p>
104	<p><i>“Objection to certain provisions in the Draft Pittwater Local Environmental Plan 2013 including:-</i></p> <ul style="list-style-type: none"> - Rezoning of Land along Powderworks Road and Nareen Parade from Zone 2(a) to Zone E4. - Increase in minimum lot size to 1200 square metres - Wildlife Corridor on Terrestrial Biodiversity zone. - Dual Occupancy Prohibition - Secondary Dwellings Prohibition” <p><i>“Wildlife Corridor and E4 Zoning... The proposed rezoning to E4 appears to be based on the existence of an undeveloped wildlife corridor between Powderworks Road and Nareen Parade. In reality this wildlife corridor does not exist...”</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater’s existing zones must change.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential “A”)</p>

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	<p><i>“Clearly there is no evidence that a wildlife corridor actually exists and therefore no justification for rezoning the area to E4 or adopting a 1200 square metre minimum lot size.”</i></p> <p><i>“Minimum Lot Size...The proposed LEP 2013 places minimum lot sizes of 1200 square metres on No 64, 66, 74 and 76 Powderworks Road and numbers 68 to 84 Nareen Parade... This decision appears to be made without any reason other than to penalise the owners for not developing earlier. There is no difference in the character of the blocks compared to neighbouring lots with 600 square metre lot sizes. Many of the 600 square metre blocks are also in the erroneous Wildlife Corridor.”</i></p> <p><i>“The above map clearly shows that 64, 66, 71, 76, 78, 98 and 104 Powderworks Road can not be classified as areas where large lot sizes generally exist. While there are some lots of 1200 square metres these lots are generally isolated. The general character of the area is clearly dominated by lots sizes 600-800 square metres.”</i></p> <p><i>“Objectives for Draft Pittwater LEP 2013 Section 4.1 Minimum subdivision lot size is “to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,” In order to meet this objective the lot</i></p>	<p>and 2(b) (Residential “B”) areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a ‘like for like’ translation of Council’s existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environment Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to the proposed 1200m² lot size, having regard for the concerns raised during the</p>

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	<p><i>size of the 1200m² lots must be reduced to 550 square metres a lot size consistent with the 600 square metre lot size of neighbouring properties.”</i></p> <p><i>“We therefore respectfully request that Council:-</i></p> <ul style="list-style-type: none"> <i>- Correct the erroneous and misleading Wildlife Corridor Map</i> <i>- Redraft LEP 2013 to maintain the existing low density residential R2 zoning or rezone to a higher density more in line with community demand for the area.</i> <i>- Replace the 1200 square metre minimum lot size restrictions with 550 square metres to permit developments consistent with neighbouring areas between Nareen Parade and Powderworks Road.</i> <i>- Remove any general prohibition on Dual Occupancy for the area and rely on specific controls</i> <i>- Remove any general prohibition Secondary Dwellings Prohibition for the area and rely on specific controls”</i> 	<p>exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>As specified by Council’s Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is as currently mapped and adopted by the Council. These areas are currently given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to Development Applications (DAs). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>Wildlife corridors have been identified and mapped in Pittwater’s Conservation Strategy for habitat and wildlife corridors (<i>Habitat & Wildlife Corridors – a Conservation Strategy</i>). The</p>

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		<p>Conservation Strategy outlines that 'Aerial photographs, orthophotomaps, habitat maps, vegetation maps, the National Parks and Wildlife Service's Wildlife Atlas, the 1990 Koala Study by Peter and Judy Smith and other plans and studies were examined (eg. Plans of Management for Angophora Reserve, McKay Reserve and Stapleton Park, the Ingleside/Warriewood Fauna Conservation Study and Council's Household Species Survey and maps)', as well as ground truthing of a sample of cross-sections of areas. The Conservation Strategy outlines that 'In built-up areas this involved inspection by streets checking the composition of street and yard trees. In lower density areas more time was spent checking habitat components.'</p> <p>It is noted that the same methodology has been used to review Pittwater's habitat and wildlife corridors and prepare an updated version of the Conservation Strategy (not yet adopted).</p> <p>In relation to the prohibition on dual occupancies, as Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, the permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993.</p> <p>As described above the current Dual Occupancy Map, adopted into the Pittwater LEP 1993 in 1995, was produced based on a previous study that identified certain areas valued for their environmental and aesthetic qualities.</p> <p>Furthermore, in August 2011 Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such, the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p> <p>It is noted that the proposed E4 Environmental Living zone in the draft Pittwater LEP 2013 permits secondary dwellings with development consent.</p>

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105	<p><i>“The provisions of the draft LEP propose to change the zoning of the land from Residential 2(a)...to E4 Environmental Living and subsequently the minimum subdivision standard from 700m²...to 1200m².”</i></p> <p><i>“My client objects to the provision of the draft LEP...for the following reasons:</i></p> <ol style="list-style-type: none"> <i>1. The proposed E4 zone does not most closely reflect the current Residential 2(a) zone pursuant to the Pittwater LEP 1993 as it proposes a minimum 1200m² subdivision allotment standard. In this instance the 1200m² is not a provision of a current environmental planning instrument...and is therefore not a translation of the current LEP provisions as they apply to the land.</i> <i>2. The provisions of the draft LEP are contrary to S.117(2) of the EP & A Act 1979 and Part 3.1 (5)(a) of the Directions in that the draft LEP proposes to reduce the currently permissible residential density of the land.</i> <i>3. ...Given the status of the works in progress and as approved the land should not be regarded as sites retaining areas in excess of 1150m².</i> <i>4. The approval by the Court and the Council for subdivision on this site and the immediately adjacent confirm that the sensitivity of the land is not as described by the Pittwater Local Planning Strategy and that a detailed and thorough assessment of the site does not preclude approval for higher density subdivision that that proposed by the draft LEP.”</i> 	<p>The proposed E4 Environmental Living zone and the proposed 1,200m² minimum subdivision lot size are separate issues and have come about for different reasons. While all properties with a proposed minimum subdivision lot size of 1,200m² are zoned E4 in the draft LEP, not all properties zoned E4 are proposed to have a minimum lot size of 1,200m².</p> <p>The proposed E4 Environmental Living zone has been applied to the existing 2(a) (Residential “A”) and 2(b) (Residential “B”) areas on the mainland that are not currently on the multi-unit housing map or the flat map, and where dual occupancies are currently prohibited under the Pittwater LEP 1993. Dual occupancies are currently prohibited in certain areas of Pittwater as studies have previously identified these areas as valued for their environmental and aesthetic qualities.</p> <p>The proposal to increase the minimum subdivision lot size to 1,200m² for certain properties dates back to pre-Pittwater days. Prior to 1992, and the creation of Pittwater Council, Warringah council had a policy requiring a minimum subdivision lot size of 1,200m² in areas valued for their environmental and aesthetic qualities. Over the years, attempts to adopt this policy into the LEP have failed due to a lack of support from the State Government, however it has remained in force through council policy and the Pittwater 21 Development Control Plan (DCP).</p> <p>The minimum subdivision lot size of 1,200 m² lot size currently applies to approximately 10,500 lots under the Pittwater 21 DCP, representing a significant proportion of residential lots in Pittwater (approximately 56%).</p> <p>The exhibited draft Pittwater LEP 2013 proposed to apply the minimum subdivision lot size of 1,200 m² to areas with multiple constraints where a character or clustering of large lot sizes (above 1,150m²) exists. This was to ensure that the proposed minimum subdivision lot size of 1,200m² only applied to areas where large lot sizes actually exist. It also significantly reduced the number of lots where the control would apply i.e. 1,238 properties (approximately 6.6% of residential lots in Pittwater).</p> <p>Although all the lots that are proposed to have a minimum subdivision lot size of 1,200m² are also proposed to be zoned E4 Environmental Living, the two matters have come about for different reasons. However, ultimately they relate to the lots being considered areas as valued</p>

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	<p><i>"...request that the land retain the controls of Pittwater LEP 1993 by the simple translation of those controls to an R2 zone in Pittwater Draft LEP 1993."</i></p>	<p>for their environmental and aesthetic qualities.</p> <p>It is acknowledged that section 117 direction 3.1(5)(b) generally requires that LEPs do not reduce the density of residential land, and that the proposed introduction of a 1,200m² minimum lot size into the LEP is inconsistent with this direction. However, section 117 direction 3.1 also provides that a draft LEP may be inconsistent with the terms of the direction if a council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance. <p>Justification in accordance with the requirements of the section 117 direction was provided in the report to Council on 19 November 2012.</p> <p>The justification was accepted by the Department of Planning & Infrastructure who issued the certification for Council to publicly exhibit the draft LEP with the condition that additional information on the 1200m² minimum lot size be exhibited with the plan. This information was provided on Council's website and at Council's customer service centres, the Coastal Environment Centre and libraries.</p> <p>Notwithstanding this, a number of submissions raised objection to the proposed minimum subdivision lot size of 1,200m² for their property. A range of reasons were put forward supporting</p>

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		<p>these objections. Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>In relation to the proposed E4 zone, Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone</p>

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		<p>generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p>
106	<p><i>“Over the last 18 months I have visited the council town planners on 3 occasions enquiring what I could do to have either Torrens or Strata, applied to this property and been told this would be addressed in the Pittwater LEP 2013. This has been overlooked so could this problem be rectified? Because of Company title...is discriminating against my entitlements I believe that just a handful of properties in this area have this title and feel the council should address this problem and allow us to change our title”</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be</p>

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		<p>permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.</p> <p>Notwithstanding this, Clause 21F of the Pittwater LEP 1993 (adopted 9 February 1996), which prohibits the subdivision of dual occupancy developments, also provides that the prohibition does not apply to dual occupancy developments approved prior to 18 October 1995.</p> <p>On 2 June 2003, a report was presented to Council regarding dual occupancy developments that, notwithstanding Clause 21F, had been subdivided by way of company title. The report recognised this as an issue and made two recommendations:</p> <ol style="list-style-type: none"> 1. That the Pittwater LEP 1993 be amended to clarify that the subdivision of dual occupancy by way of company title is prohibited 2. That the Pittwater LEP 1993 be amended to allow the subdivision of dual occupancy developments that have been subdivided under company title where the consent did not contain a condition prohibiting subdivision and the company title was registered prior to 2 June 2003 <p>Council resolved to support this recommendation and the statutory process for amending the LEP was commenced, however due to a number of issues (including legal drafting issues), the amendments were never completed.</p> <p>Given that some dual occupancies constructed between 1995 and 2003 were subdivided by company title regardless of the prohibition intended by Clause 21F, and some were not. In the interests of providing an equitable outcome, and a simplified approach, it is considered appropriate to move the date prohibiting dual occupancy subdivision to 2 June 2003. In effect this will allow, subject to appropriate approval, for dual occupancy developments approved prior</p>

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107	<p><i>"...we most strenuously object to the re zoning of Brinawa Street from 2(a) Residential "A" to R2 Low Density Residential for the following reasons. The area proposed for development is fully occupied and further development would be detrimental to the amenity of Residents...Brinawa Street and surrounding Streets struggle daily to cope with traffic and parking issues generated by the expansion and development of the Mona Vale CBD, this negatively impacts on emergency and other services vehicles often resulting in traffic congestion...further development would only serve to further exacerbate an often intolerable situation. Having been identified at risk in the recent overland flood study the addition of further development in and around Brinawa Street would add to the already overburdened storm water system that struggles to cope in heavy down pours."</i></p>	<p>to this date to be subdivided.</p> <p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>However, as Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to preparing the new LEP, where possible and appropriate, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime, and as such is unlikely to result in any more stormwater or traffic and parking issues than the current LEP.</p> <p>The existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland that are not currently on the multi-unit housing map or the flat map, are divided into two areas: those areas where dual occupancy is permitted and those areas where it is prohibited. It is proposed to apply the R2 Low Density Residential zone to areas where dual occupancy is currently permitted.</p> <p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the R2 Low Density Residential zone are discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations ▪ Boarding houses ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the R2 Low Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>If we prohibit ‘home businesses’ and ‘home industries’ in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is ‘home businesses’ that involve skin penetration procedures and ‘home industries’ that involve the manufacture of food products.</p> <p>In relation to the permissibility of ‘bed and breakfast accommodation’, the SEPP Exempt and Complying Codes permits ‘bed and breakfast accommodation’ as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit ‘bed and breakfast accommodation’ in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, ‘bed and breakfast accommodation’ is currently permitted with consent in the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of ‘home-based child care’, the SEPP Exempt and Complying Codes permits ‘home-based child care’ as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit ‘home-based child care’ in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is ‘home-based child care’ on bushfire prone land.</p> <p>In relation to ‘educational establishments’, the Infrastructure SEPP provides that they may be carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the new LEP would have no effect.</p> <p>The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<ul style="list-style-type: none"> ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings ▪ Veterinary hospitals ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density Residential zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>
108	<p><i>"We object to Clause "Zone E4 - 3 Permitted with Consent" on page 21. We object to this clause supporting any land use which is not already permitted in the existing DCP for Residential 2a. Any permitted land use other residential will take away from the exclusively residential nature of Whale Beach Road."</i></p>	<p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the E4 Environmental Living zone are discussed below.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>Home occupations are mandatory in the E4 Environmental Living zone in the Standard Instrument LEP. Accordingly, there is no option for removing this land use from the E4 zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the E4 Environmental Living zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>'Group homes' are currently permitted in this area under the Affordable Rental Housing SEPP.</p> <p>The following uses are considered appropriate in the E4 Environmental Living zone and are generally permissible uses in the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs ▪ Business identification signs ▪ Child care centres ▪ Educational establishments ▪ Health consulting rooms ▪ Places of public worship ▪ Respite day care centres ▪ Jetties ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the E4 Environmental Living zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
109	<p><i>"...our zoning is been changed from dual occupancy attached to dual occupancy attached or detached, not sub division. The detached option is preferred by us as it will let us build a separate dwelling on our land...The problem arises in the future when it will become time to sell and having two homes on one title. Changing our zoning to sub division would alter this. To invest a large amount of money to build a second house and not be able to sub divide in the future is not a good option. There are four houses (our neighbours)...the same position. We are all on large blocks, ours being 1113m2. Your time to investigate changing our zoning to sub division would be appreciated."</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.</p>
110	<p><i>"I wish to object to the proposed minimum subdivision of 1200m(3) as this is substantially larger than the currently allowed subdivision lot size. I don't believe changing the minimum lot size is necessary. The existing subdivision lot size is still keeping with the objective of the "special environmental qualities of the area" and therefore I ask the council to re consider this."</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
111	<p><i>"We wish to strongly object to the rezoning of this section of Bangalow Ave Mona Vale from</i></p>	<p>In 2005, the State Government produced a template for Local Environmental Plans (LEP) called the Standard Instrument LEP. All councils in NSW were directed to prepare an LEP in line with</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>Residential 2a (Residential "A") to the proposed Zone R2 (Low Density Residential)."</i></p> <p><i>"...to increase the traffic flow or pedestrian use through this particular section of Bangalow Ave by increasing the volume of residential occupation, educational establishments, home industries or even child care establishments etc... as proposed by the zoning change, would be totally irresponsible if we have any concern for human life and safety."</i></p> <p><i>"You may argue that the activities listed in the Proposed Zone R2 Low Density Residential that are being proposed for this section of Bangalow Ave can only be permitted with consent...I am fully aware the "Permitted with consent" is an open swinging door. Pressure by developers on the elected representatives can be great and can open the door for approval...it is imperative that Council maintain and reaffirm the zoning as 2(a) (Residential "A")."</i></p> <p><i>"For the abovementioned reasons, we "strongly object" to any rezoning proposed for the section on Bangalow Ave that faces Patricia Giles Reserve."</i></p>	<p>the Standard Instrument, which means all zones must change. Accordingly, Pittwater Council has prepared the draft Pittwater LEP 2013 in response to this direction; not to increase development in Pittwater.</p> <p>As Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to preparing the new LEP, where possible and appropriate, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime, and as such is unlikely to result in any more traffic and parking issues than the current LEP.</p> <p>As is currently the case, a Development Application (DA) would need to be lodged and approved for new development in Pittwater. Traffic and parking issues will continue to be assessed as part of the DA process with neighbouring properties being notified and provided the opportunity to comment. It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.</p> <p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the R2 Low Density Residential zone are discussed below.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations ▪ Boarding houses ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the R2 Low Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p>

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		<p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>In relation to 'educational establishments', the Infrastructure SEPP provides that they may be carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the new LEP would have no effect.</p> <p>The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings ▪ Veterinary hospitals ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b)</p>

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		<p>(Residential “B”) zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density Residential zone is considered appropriate and generally consistent with the intended ‘like for like’ approach to preparing the draft Pittwater LEP 2013.</p>
112	<p><i>“Objection to certain provisions in the Draft Pittwater Local Environmental Plan 2013 including:-</i></p> <ul style="list-style-type: none"> <i>- Rezoning of Land along Powderworks Road and Nareen Parade from Zone 2(a) to Zone E4.</i> <i>- Increase in minimum lot size to 1200 square metres</i> <i>- Wildlife Corridor on Terrestrial Biodiversity zone.</i> <i>- Dual Occupancy Prohibition</i> <i>- Secondary Dwellings Prohibition”</i> <p><i>“Wildlife Corridor and E4 Zoning... The proposed rezoning to E4 appears to be based on the existence of an undeveloped wildlife corridor between Powderworks Road and Nareen Parade. In reality this wildlife corridor does not exist...”</i></p> <p><i>“Clearly there is no evidence that a wildlife corridor actually exists and therefore no justification for rezoning the area to E4 or adopting a 1200 square metre minimum lot size.”</i></p> <p><i>“Minimum Lot Size...The proposed LEP 2013 places minimum lot sizes of 1200 square metres on No 64, 66, 74 and 76 Powderworks Road and numbers 68 to 84 Nareen Parade... This decision appears to be made without any reason other</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater’s existing zones must change.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential “A”) and 2(b) (Residential “B”) areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island.

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	<p><i>than to penalise the owners for not developing earlier. There is no difference in the character of the blocks compared to neighbouring lots with 600 square metre lot sizes. Many of the 600 square metre blocks are also in the erroneous Wildlife Corridor."</i></p> <p><i>"The above map clearly shows that 64, 66, 71, 76, 78, 98 and 104 Powderworks Road can not be classified as areas where large lot sizes generally exist. While there are some lots of 1200 square metres these lots are generally isolated. The general character of the area is clearly dominated by lots sizes 600-800 square metres."</i></p> <p><i>"Objectives for Draft Pittwater LEP 2013 Section 4.1 Minimum subdivision lot size is "to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality," In order to meet this objective the lot size of the 1200m² lots must be reduced to 550 square metres a lot size consistent with the 600 square metre lot size of neighbouring properties."</i></p> <p><i>"We therefore respectfully request that Council:-</i> <i>- Correct the erroneous and misleading Wildlife Corridor Map</i> <i>- Redraft LEP 2013 to maintain the existing low density residential R2 zoning or rezone to a higher density more in line with community demand for the area.</i></p>	<p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to the proposed 1200m² lot size, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map</p>

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	<p>- Replace the 1200 square metre minimum lot size restrictions with 550 square metres to permit developments consistent with neighbouring areas between Nareen Parade and Powderworks Road.</p> <p>- Remove any general prohibition on Dual Occupancy for the area and rely on specific controls</p> <p>- Remove any general prohibition Secondary Dwellings Prohibition for the area and rely on specific controls”</p>	<p>includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is as currently mapped and adopted by the Council. These areas are currently given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to Development Applications (DAs). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>Wildlife corridors have been identified and mapped in Pittwater’s Conservation Strategy for habitat and wildlife corridors (<i>Habitat & Wildlife Corridors – a Conservation Strategy</i>). The Conservation Strategy outlines that ‘Aerial photographs, orthophotomaps, habitat maps, vegetation maps, the National Parks and Wildlife Service’s Wildlife Atlas, the 1990 Koala Study by Peter and Judy Smith and other plans and studies were examined (eg. Plans of Management for Angophora Reserve, McKay Reserve and Stapleton Park, the Ingleside/Warriewood Fauna Conservation Study and Council’s Household Species Survey and maps)’, as well as ground truthing of a sample of cross-sections of areas. The Conservation Strategy outlines that ‘In built-up areas this involved inspection by streets checking the composition of street and yard trees. In lower density areas more time was spent checking habitat components.’</p> <p>It is noted that the same methodology has been used to review Pittwater’s habitat and wildlife</p>

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		<p>corridors and prepare an updated version of the Conservation Strategy (not yet adopted).</p> <p>In relation to the prohibition on dual occupancies, as Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, the permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993.</p> <p>As described above the current Dual Occupancy Map, adopted into the Pittwater LEP 1993 in 1995, was produced based on a previous study that identified certain areas valued for their environmental and aesthetic qualities.</p> <p>Furthermore, in August 2011 Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such, the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p> <p>It is noted that the proposed E4 Environmental Living zone in the draft Pittwater LEP 2013 permits secondary dwellings with development consent.</p>
113	<p><i>"We the residents of Ingleside want R2 zoning for our area, we also want the same rights as the rest of Pittwater, the right to build granny flats, & to subdivide our blocks of land into smaller pieces of land."</i></p> <p><i>"We want the Council to put restrictions on the number of domestic animals that can be kept in the garages of private homes, just like the rest of Pittwater."</i></p>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the RU2 Rural Landscape zone is proposed where the 1(a) Non-urban "A" zone currently applies.</p> <p>With regard to the Ingleside investigation area, Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the Ingleside Release Area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p>

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	<p><i>"...we would ALL like the free-ing up of the use of the land that we own, at least so that we can have more than one house per 5 acres!"</i></p>	<p>The proposed RU2 zone permits 'Secondary dwellings' (otherwise known as granny flats) as permissible with consent.</p> <p>With regard to restricting the number of domestic animals that can be kept in private homes, the purpose of an LEP is to regulate land uses through zones and development controls. An LEP is not the appropriate mechanism to regulate the number domestic animals that can be kept in private homes.</p> <p>Pittwater's current LEP permits 'animal training or boarding establishments' in the 1(a) (Non-Urban "A") zone. Accordingly, the draft Pittwater LEP 2013 intends to permit 'animal boarding or training establishments' with consent.</p>
114	<p><i>"We are writing to advise our objections to the proposal to change minimum subdivision lot sizes from the current 700 square metres to the proposed 1200 square metres. Our property is over 1700 square metres in size and was bought with the view of a potential subdivision."</i></p> <p><i>"We have many neighbours whose properties have been the subject of subdivision over the years and are approx 700-800 square metres. In our view the precedent for subdivision has been established and the environmental quality of the area would not be impacted by allowing subdivision of our property, given the surrounding properties' existing lot sizes."</i></p> <p><i>"We also object to the changes to the procedures for complying developments etc on the basis that it is a restriction on our rights to develop our property, bearing in mind the precedents that have been established over the years by surrounding properties and the general</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual</p>

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	<p><i>neighbourhood.”</i></p> <p><i>“Generally, we consider that this proposal is prejudicial to our rights as landowners and a restriction on the reasonable use of our land. We paid market value for our property based on the ability to be able to subdivide and with this right removed, we give notice that we would require compensation for our (i) inability to be able to subdivide, or (ii) the additional costs that would be incurred to convince authorities that the special circumstances of our block warrant subdivision.”</i></p> <p><i>“The current LEP of 700 square metres should not be made to comply with the Council DCP on the basis of inconsistency.</i></p> <p><i>If anything, Council’s DCP should allow for smaller subdivisions and should be made to comply with the current overarching LEP.”</i></p>	<p>occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a ‘like for like’ translation of Council’s existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environment Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p>
115	<p><i>“Under the new proposed new zoning E4 Environmental Living should reflect “residential”.</i></p> <p><i>“Under the current draft LEP 2013 document, the subdivision per lot size of 700 m² is more than sufficient to achieve the overall objectives for</i></p>	<p>The objectives of the E4 Environmental Living zone are as follows:</p> <ul style="list-style-type: none"> - To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values. - To ensure that residential development does not have an adverse effect on those values.

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	<p><i>both residents and the environment Increasing the subdivision lot size for my property is unacceptable and biased in Council's decision-making, and not in line with the majority precedent By imposing this guided restriction, diminishes the value of my property, and its diverse usages for today's lifestyle requirements."</i></p> <p><i>"Part 4 Principal Development Standards, relating to access corridors to properties (Cl. 3 para 3A)...regarding the calculation of lot size and the access issues relating to each lot. Prior to a lot holder subdividing their property, they have purchased the lot in its entirety inclusive of any portion that is or has been set aside for an access corridor. This may include an existing driveway or one to be created. The access corridor forms part of the entire lot in terms of "valuation" of land. In this instance, 700m² and therefore the access corridor should be included in that figure."</i></p> <p><i>"...the draft LEP 2013 does not seem to include any reference to "ratio of usage by each lot holder" for common access corridors, eg if a lot is subdivided and both lot holders use a portion of the same corridor, eg 50:50 of a battle-axe corridor, how is this usage to be determined?"</i></p> <p><i>"Permitted Usage for E4...As regards the permitted uses currently written (with or without consent), and prohibitive, needs to be clearly described in the final LEP document...All too</i></p>	<ul style="list-style-type: none"> - To provide for residential development of a low density and scale integrated with the landform and landscape. - To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors. - To ensure development minimises unnecessary impacts on the natural characteristics of the site and surrounding area. - To maintain the desired character of the locality. <p>The first three objectives reflect the residential nature of the E4 Environmental Living zone, whilst providing for consideration of the ecological, scientific or aesthetic values of an area.</p> <p>It is proposed to apply the E4 zone to the existing 2(a) Residential "A" and 2(b) Residential "B" areas on the mainland where dual occupancy is currently prohibited. These areas have long been considered environmentally sensitive and are valued for their environmental and aesthetic qualities. The E4 Environmental Living zone provides for low-impact single dwelling housing and allows Council to continue the prohibition of dual occupancies in these areas.</p> <p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>With regard to comments relating to the subdivision of land and access corridors, Clause 4.1 of the draft Pittwater LEP 2013 includes that calculating the area of any lot resulting from a subdivision of land is not to include the area of a battle-axe handle or access corridor (including any right of carriage way, access way or other area that provides for vehicle access) (Clause 4.1(3A)). This is consistent with Clause 11 in Pittwater's current LEP.</p> <p>With regard to comments relating to 'ratio of usage' of an access corridor by each lot holder, the</p>

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	<p><i>often activities have gone undetected or not acted on successfully by Council when residents are displaying an anomaly.”</i></p> <p><i>“Home Businesses/Home Occupation), is quite diverse and should be described succinctly, or perhaps have a web link page reference if all details cannot be shown in the final LEP 2013 document.”</i></p> <p><i>“Council currently struggles, due to all manner of reasons, but more likely from inadequate resources and manpower to act on all requests, to these situations. For example, monitoring off street parking facilities on local roads. There seems to be a real issue in our local streets, either due to lack of parking within the already built homes, brought about by residents diminishing their parking facilities within their homes by using their garages for other activities eg B&B or granny flats, and now secondary dwellings (whether registered or not), or for storage of goods or unused items, therefore unnecessarily cluttering the kerb side parking with their vehicles which would normally be parked in their garages.”</i></p> <p><i>“Whilst Council has agreed to secondary dwellings, and a great monetary benefit for those who choose to have them, what is to be done with the parking facilities please? It has caused lack of safety for residents and drivers traversing along the roads, many of which are curved and</i></p>	<p>draft Pittwater LEP 2013 is not the appropriate mechanism for such consideration. The purpose of an LEP is to regulate land uses through zones and development controls; this does not include specifying usage ratios of access corridors, these details would be addressed in any subdivision application to ensure all proposed allotments had adequate access.</p> <p>With regard to comments relating to clearly describing permitted uses within the E4 zone, the Land Use Table (at Part 2 (Permitted or prohibited development) of the draft Pittwater LEP 2013) details which uses are permitted without consent, permitted with consent and prohibited in the E4 zone. The Dictionary (at the end of the draft Pittwater LEP 2013) clearly defines each land use listed in the Land Use Table.</p> <p>The current Pittwater LEP 1993 and the draft Pittwater LEP 2013 set out local controls to achieve an overarching vision for Pittwater. However under the NSW planning system, State planning legislation can override the local controls, which can result in developments appearing to be an ‘anomaly’; rather it is likely that such developments may have been approved under State legislation.</p> <p>With regard to comments relevant to parking concerns, as Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993 to preparing the new LEP, where possible and appropriate, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993. The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater’s existing planning regime, and as such is unlikely to result in any more traffic and parking issues than the current LEP.</p> <p>In addition, the Pittwater 21 DCP sets out the required amount of parking for different forms of development. When a Development Application is lodged, the proposed development is assessed against the relevant parking provision in the Pittwater 21 DCP. Whilst the Standard Instrument template provides the ability to incorporate certain development controls (namely minimum subdivision lot size, height and Floor Space Ratio), it does not provide the ability to incorporate parking provisions. Accordingly, parking provisions will remain in the Pittwater 21</p>

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	<p><i>with blind spots...Pittwater Council needs to tidy up the streets to ensure they meet safety requirements. How will this be achieved in the final LEP 2013 please?"</i></p> <p><i>"Junkyards and maintaining properties is a constant problem across Pittwater...This must be addressed in the LEP 2013 document please."</i></p> <p><i>"The Building Controls I believe monitor not just the physical building but, for example, lack of parking. Under the Building Codes of Australia there is certain criteria to allow for adequate off street parking. This does not relate only to "new built" homes. All homes are required to have these criteria in place. How is Council going to improve this please? Particularly where residents are "storing", "hoarding" or "warehousing" unnecessary vehicles."</i></p> <p><i>"Under the Real Property Act 1993 – Council can abate "nuisances" causing grievances or an unsafe environment to fellow residents. Why not write this in the LEP document as a reference for residents to put them on notice and the consequences to them if they don't act responsibly? Council likens to monitoring streetscapes. These go beyond "colours and flora" that are stipulated under the planning controls. How does Council intend reviewing the above prohibitive issues to maintain attractive street frontages please?"</i></p>	<p>DCP, rather than the draft Pittwater LEP 2013.</p> <p>In relation to the request for additional parking to be provided for secondary dwellings, the Standard Instrument LEP only provides the ability to incorporate a control for the maximum floor area of 'secondary dwellings'. Parking controls, are provided within the Pittwater 21 Development Control Plan (DCP). Control 'B6.5 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy' requires a minimum of 1 additional parking space for 'secondary dwellings', in addition to existing requirements for the principal dwelling. However, it is noted that State Environmental Planning Policy Affordable Rental Housing (the Affordable Rental Housing SEPP) overrides Council's DCP and stipulates that if an application is made under SEPP (ARH) Council cannot refuse an application for a 'secondary dwelling' on the grounds that no additional parking is provided on the site.</p> <p>The number of vehicles a private individual chooses to own or store on their property is not a planning matter for the LEP, but the choice of each private citizen. It is noted that the <i>Road Transport Act 2013</i> does not permit the parking of an unregistered vehicle on a public street. This law is enforced by NSW Police.</p> <p>Junk yards are considered a 'resource recovery facility', within the Standard Instrument template. A 'resource recovery facility' is defined as 'a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.' As a defined land use, the draft Pittwater LEP 2013 prohibits 'resource recovery facilities' within all zones. However, please note the Infrastructure SEPP (State legislation) provides 'resource recovery facilities' may be carried out by any person with consent on land in the following zones:</p> <ul style="list-style-type: none"> - RU1 Primary Production - RU2 Rural Landscape - IN1 General Industrial - IN3 Heavy Industrial - SP1 Special Activities

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p style="text-align: center;">- SP2 Infrastructure</p> <p>Over and above junk yards or 'resource recovery facilities' as a land use, it is the responsibility of the land owner to manage and maintain privately owned properties.</p> <p>As mentioned, the purpose of an LEP is to regulate land uses through zones and development controls; this does not incorporate the ability to put residents on notice if they don't act responsibly, unless it relates to illegal or non-complying development, which becomes a compliance matter.</p>
116	<p><i>"My concern is the change in the residential zoning to low density RU2. I fear this will ultimately change the character of the Pittwater area we all should fight to keep."</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>However, Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the zones proposed in the draft Pittwater LEP 2013 are considered the most equivalent to the current zone, including zone objectives and permissible land uses. The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime.</p> <p>The existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland that are not currently on the multi-unit housing map or the flat map, are divided into two areas: those areas where dual occupancy is permitted and those areas where it is prohibited. It is proposed to apply</p>

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		<p>the R2 Low Density Residential zone to areas where dual occupancy is currently permitted.</p> <p>The R2 Low Density Residential zone continues to provide the ability to undertake a dual occupancy development, as well as other uses currently permitted in the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones.</p>
117	<p><i>“...my objection to the proposed Zoning designation of our property...the proposed designation for the zoning of our property as E3 Environmental Management.”</i></p> <p><i>“...I do not understand why our property should not be zoned as E4 Environmental Living as this in my opinion is more in keeping with the current zoning of 2(a) (Residential A).”</i></p> <p><i>“...our property...is in a bushfire area, and quite rightly has heritage constraints. These two restrictions mean that the property is excluded from taking advantage of the complying development concessions available. I have no problem with this as it is in the general interests of the residents of the Western Foreshores to ensure that the 'quick' approval process being touted by the State Government does not take hold in this area.”</i></p> <p><i>“By proposing to adopt the existing residential areas of the Western Foreshores and Scotland Island as E3 Environmental Management, it appears that Council is relying on the definition given in the Department of Planning Practice Note PN 11-002...I fail to see with respect, how your planning department came to the conclusion</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater’s existing zones will change.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the ‘planning’ outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential “A”) areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of ‘secondary dwellings’.</p>

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	<p><i>that any of these areas have 'special ecological, scientific, cultural or aesthetic attributes'. Similarly I fail to see...how any land in that area could be considered to have been 'land highly constrained by geotechnical or other hazards'."</i></p> <p><i>"It is my opinion therefore that the more applicable zoning is E4 ENVIRONMENTAL LIVING considering that it is, as defined by the abovementioned practice note, 'generally intended for land with special environmental or scenic values, and accommodates low impact residential development'."</i></p> <p><i>"I understand that Council is stating at community meetings and in consultation with other interested groups that 'nothing will change'. Council officers fail to mention that there is a clear perception that properties on the Western foreshores' and Scotland island have special constraints other than those applied elsewhere in Pittwater. This quite clearly will affect the perceived values of those properties and this is my prime objection."</i></p> <p><i>"I look forward to your response and in particular justification of the proposed use of a zoning that by definition; is clearly flawed."</i></p>	<p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to the suggestion that council should zone these areas R2 Low Density Residential, this would be unacceptable as it would result in increased development potential, primarily for</p>

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		<p>the purposes of dual occupancy and secondary dwellings, both of which are currently prohibited in these areas under the Pittwater LEP 1993.</p> <p>Dual occupancy is a defined land use term in the Standard Instrument LEP, and its permissibility is therefore clearly a land use issue, that is solved most appropriately through the zoning of land. Building height and FSR standards cannot be used to prohibit certain land uses.</p> <p>It is also not accepted that Council should zone the land R2 Low Density Residential (which permits dual occupancies and secondary dwellings) and then seek other disingenuous ways to restrict these forms of development in certain areas. This would be misleading and inconsistent with the fundamental goals of the planning reforms that introduced the Standard Instrument, namely simplifying the planning system and making LEPs easier to understand.</p> <p>The main purpose of zoning land is to set a range of appropriate potential uses for the land. The E3 zone includes an appropriate range of land uses, including dwelling houses. In addition to this the LEP proposes no other controls that would specifically restrict development on land zoned E3 Environmental Management. There are no additional restrictions being proposed that would change the built form controls that apply to residential development in these areas, and nothing preventing people from rebuilding their dwellings.</p> <p>As the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
118	<i>"I am writing to strongly object to any changes to the current zoning for Pittwater. I bought my</i>	In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to

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	<p><i>heritage-listed property nearly twenty years ago on the basis and complete understanding that is was zoned residential and had been for the last century or even longer. And when the time comes when I am no longer fit enough to live offshore, I plan to sell it on that basis."</i></p> <p><i>"Although I am not completely up-to-date with Town Planning laws I believe the more appropriate zoning should be "Residential R2"</i></p>	<p>prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an</p>

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		<p>environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E3 zone. It is important to note that people may still have the potential to undertake these types of development in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a ‘like for like’ translation of Council’s existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to the suggestion that council should zone these areas R2 Low Density Residential, this would be unacceptable as it would result in increased development potential, primarily for the purposes of dual occupancy and secondary dwellings, both of which are currently prohibited in these areas under the Pittwater LEP 1993.</p> <p>Dual occupancy is a defined land use term in the Standard Instrument LEP, and its permissibility is therefore clearly a land use issue, that is solved most appropriately through the zoning of land. Building height and FSR standards cannot be used to prohibit certain land uses.</p>

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		<p>It is also not accepted that Council should zone the land R2 Low Density Residential (which permits dual occupancies and secondary dwellings) and then seek other disingenuous ways to restrict these forms of development in certain areas. This would be misleading and inconsistent with the fundamental goals of the planning reforms that introduced the Standard Instrument, namely simplifying the planning system and making LEPs easier to understand.</p> <p>The main purpose of zoning land is to set a range of appropriate potential uses for the land. The E3 zone includes an appropriate range of land uses, including dwelling houses. In addition to this the LEP proposes no other controls that would specifically restrict development on land zoned E3 Environmental Management. There are no additional restrictions being proposed that would change the built form controls that apply to residential development in these areas, and nothing preventing people from rebuilding their dwellings.</p> <p>As the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
119	<p><i>"The majority of the properties in Beaconsfield St have been subdivided...It is clear that the enforcement of a 1200sqm allotment size is discriminating against land owners that hold larger sized land."</i></p> <p><i>"It is clear that the enforcement of a 1200sqm allotment size is dicriminating against land owners that hold larger sized land."</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

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	<p><i>“The proposal will exclude any combination with other land under the current code allowing 700sqm allotments, thereby restricting the availability much needed in this area, which is clearly against Government standards.”</i></p> <p><i>“We also note that land at...was approved for subdivision by the Land and Environment Court into four allotments. These lots, three of which are under 1200sqm, are designated as 1200sqm in the same E4 zoning applying to our land. The DA is recent and subdivision is complete. If a home is not approved within the approval time limit will the land be capable of development under the LEP?”</i></p> <p><i>“We request the Council to reconsider the land size requirements in the E4 Zoning for our land...and others in the Pittwater Shire to reflect the current 700sqm which we consider to be a large allotment capable of addressing any of councils concerns, with any issues be addressed on a site by site basis as part of the DA process Council requires for subdivision.”</i></p>	
120	<p><i>“THE DRAFT LEP 2013 PROPOSED FOR ZONE RU2 RURAL LANDSCAPE IS TO BE APPLAUDED FOR AT LAST ALLOWING SECONDARY DWELLINGS, AS I UNDERSTAND THIS LEP SHOULD HAVE BEEN DONE 7 YEARS AGO.”</i></p>	N/A
121	<p><i>“This submission does not support the proposed reduction in minimum lot size from 700 sqm to</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP</p>

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	<p>1200sqm"</p> <p><i>"In viewing the lot size maps it is difficult to understand the contention that the 1200sqm minimum proposed lots are in environmentally sensitive areas. Clearly some are so situated, but most area to have been identified simply because they exceed 1150sqm"</i></p> <p><i>"Any understanding of environmental sensitivity is protected be the E4 zoning"</i></p> <p><i>"Objectives of the zone states an intention to 'provide for residential development of a low density...subdivision to 700sqm complies with that definition"</i></p> <p><i>"It does not enhance amenity, or preserve desired character (which is not described)"</i></p> <p><i>"...given nearly 42% of existing lots are under 700sqm, 21% under 650sqm, it might be equally argued that the character of 700sqm lots is historically established and consistent with the desired character"</i></p>	<p>2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

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122	<p><i>"I strongly object to the proposed change to the minimum lot size and believe it should remain at 700sqm."</i></p> <p><i>"It was then stated that a DCP (Pittwater 21) has a minimum lot size of 1200. This may be the case but what is its relevance when approximately 40 to 50% of properties are below 700sqms and over 95% are below 1200sqms."</i></p> <p><i>"It was also stated that our property was subject to classification 4 on the Pittwater LPS Land Capability Map however this classification applies to all the other properties in my area not just the ones where the minimum lot sizes are proposed to change."</i></p> <p><i>"I do not understand what is environmentally sensitive to my property that is not sensitive to the other 2 properties that adjoin my property which have not be included in the proposed change."</i></p> <p><i>"The proposed change to the LEP would have a major impact on the market value of my property but not necessarily the unimproved value."</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
123	<p><i>"The present LEP has served us well and has seen our area developed in a controlled and responsible manner into a highly sought after area in which to live and enjoy the Pittwater lifestyle"</i></p> <p><i>"I have reviewed the Pittwater Land Capability</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can</p>

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	<p><i>statement on your web site and from my review of the criteria for determining the number of " C " classifications which apply to my property and I do not believe that my property falls into the two or more category of " C " classifications which would place the property into the classification of 4 or 5"</i></p> <p><i>"The eastern boundary of my property has a residential flat building consisting of four apartments and further along that boundary are two separate dwelling house on 700 sq mtrs of land each and on the western boundary of my property there are two separate lots of land each of which are smaller residential lots so on either side I have medium density or more. Two doors down from me there is a further residential flat building which is about to start construction which I believe will contain more than 6 apartments which should suggest to all that the immediate area in close proximity is already highly developed"</i></p> <p><i>"The increase of the minimum lot size requirement seems to be at odds with the state government planning objectives"</i></p> <p><i>"proposed change would substantially adversely impact the value of my property"</i></p>	<p>occur without the pressures of the Standard Instrument program distracting from the issue.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
124	<p><i>"The land area is 3020m². The house is squeezed between the FBL and a cliff behind the house. This now results in the house being limited to a 300m² (approximately) footprint, which equates to a maximum building site coverage of 10%"</i></p> <p><i>"I request that the FBL on our land be positioned so the house can be modified to achieve a better design."</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
125	<p><i>"I would like to put forward my objection to the proposed plan to increase minimum block sizes from 700sqm to 1200sqm"</i></p> <p><i>"the proposed plan does not reflect the intentions of the NSW Department of planning residential density"</i></p> <p><i>"A 700 sqm lot size is consistent with current and adjoining lot sizes and is also consistent with the surrounding environment and streetscape in this area"</i></p> <p><i>"A 700sqm lot size has no more impact to the sensitivity of the environment than a 1200sqm lot size"</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

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126	<p><i>"my submission does not support this proposed plan as there are four properties on Queens Parade East Newport with adjoining boundaries to my properties that area approximately 700sqm in size"</i></p> <p><i>"The existing character of the local area consists of mixed lot sizes both under and over 700sqm with the majority of lot sizes approximately 700sqm"</i></p> <p><i>"There seems no apparent reason to decrease the minimum lot size to 700sqm which would be of no benefit to the environment"</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
127	<p><i>"I would like to record my objection to the proposed rezoning of my home from 2(b) (Residential "B") to R2 Low Density Residential"</i></p> <p><i>"When I review the R2 zone permitted usages there are at least 20 businesses added to the list"</i></p> <p><i>"A few examples are Health consulting rooms (Medical Centres), Veterinary hospitals, Group home (drug rehabilitation centres) Exhibition homes (building display villages) Water recreation structures (Swimming pool slides) Places of public worship (not for public as described, Educational establishments (dance schools) Boarding houses (transient population) Home industries (e.g. retail pie retail sales baked on property with Business identification signs)."</i></p>	<p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the R2 Low Density Residential zone are discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations ▪ Boarding houses

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<ul style="list-style-type: none"> ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the R2 Low Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>In relation to 'educational establishments', the Infrastructure SEPP provides that they may be carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the new LEP would have no effect.</p> <p>The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings ▪ Veterinary hospitals ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density Residential zone is considered appropriate and generally consistent with the intended 'like for</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		like' approach to preparing the draft Pittwater LEP 2013.
128	<p><i>"I wish to appeal the proposed land zoning for the above property. It is the only property with a Pittwater Rd address and direct access to Pittwater Rd in this area that has not been zoned R2."</i></p> <p><i>"This appears arbitrary and discriminatory as I have the only property in a row of approximately 20 properties which has suffered this fate."</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
129	<p><i>"We wish to object to the proposed zoning of E4 Environmental Living from the current 2(a) Residential "A". We believe this proposed standard template zoning does not most closely resemble the existing zone."</i></p> <p><i>"The current zoning enjoys the use of NSW Government SEPPs including:* Exempt and Complying Development &* Affordable Rental Housing - Secondary Dwelling."</i></p> <p><i>"In brief these SEPP's provide speedy approvals, cost savings, simplified process and certainty."</i></p> <p><i>"We think that the more appropriate zoning would be either Zone R1 or R2 to allow the use of the SEPP's mentioned above."</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p>
130	<p><i>"We wish to register our objection to the proposal to rezone ... our property from 2(a) Residential A to E3 Environmental Management."</i></p> <p><i>"Almost by definition, the residents have chosen to live there for the unique environment and the</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>significant low level of development."</i></p> <p><i>"The western foreshore properties are not an obvious fit with all of the criteria of any of the new zone categories...Perusal of the criteria would suggest a more obvious fit with zone R2 Low Density Residential."</i></p> <p><i>"A decision to rezone will disadvantage rate payers (property owners) by devaluing the market value of the property, by unreasonably limiting options for development, and by not reflecting the historical use of our residential freehold land."</i></p> <p><i>"Our property is a decades-old developed house and garden that does not meet the very first criteria set down in the objectives of E3 zones and it certainly does not have "special ecological, scientific, cultural or aesthetic values" requiring protection"</i></p> <p><i>"It would appear that the main difference arising from E3 zoning to immediately impact on the property on the western shores is prevention of dual occupancy...Consent is required for every use for R2 zones (with the exception of Home Businesses and Home Occupations)...to build on R2 land, any Council or Private Certifier consent has to comply with Council Development Control Plans which control size, height etc. of built form"</i></p>	<p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>As the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff considers it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
131	<p><i>"I note the State Government's requirement that additional housing be provided in future years"</i></p> <p><i>"Our request that Council consider allowing us to subdivide our 5 acre lot has led to continued disappointment. We had hoped that the new LEP may allow us to subdivide our block into one acre lots, consistent with our neighbours."</i></p> <p><i>"I object to the reclassification of our property to RU2 rural, if the effect of this will be to delay a successful subdivision application."</i></p> <p><i>"This view by Council seems unfair, since in reality it seems there is no likelihood that this area will ever be used for economic rural activity. Formally our property required amalgamation of several titles to allow the building of one dwelling, so constraint by out-dated regulations seems unreasonable."</i></p>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the proposed RU2 Rural Landscape zone, permissible land uses and subdivision potential in the draft Pittwater LEP 2013 is considered to generally reflect the current 1(a) (Non-urban "A") that applies in Ingleside under the Pittwater LEP 1993.</p> <p>A process for investigating a potential land release in Ingleside is being undertaken separate to the process of translating the existing LEP into the Standard Instrument format. Adopting the new RU2 zone for these areas in no way affects or slows the process for investigating the potential for an urban land release in Ingleside.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
132	<p><i>"The Palm Beach and Whale Beach Association Inc.(PBWBA) would like to congratulate the Pittwater Council on what we see is basically a good document"</i></p> <p><i>"Clause 4.6: We believe that this clause will be exploited. The core State Government requirement of "front loading" community involvement will only work if the LEP is set in stone. After discussion with the General Manager and Key Council staff it became apparent that there is a great deal of flexibility in the draft LEP and this will lead to community confusion and misunderstanding. Any divergence from the LEP should be on merit assessment."</i></p> <p><i>"We support the proposed 1200 square metre minimum block size as indicated in the draft LEP."</i></p> <p><i>"We also support the E4 environmental living Zoning"</i></p> <p><i>"We note the change in the way height will be assessed but believe that this will be a problem with future development given the flexibility mentioned above and the activation of existing use rights."</i></p> <p><i>"Views: This is probably the most contentious issue and little is said on this subject in the draft LEP. The Land and Environment Court has set clear guidelines on views and these should be</i></p>	<p>Clause 4.6 is a mandatory requirement of the Standard Instrument and as such Council has no option to amend or remove the clause. Its operation will be similar to the current provisions of <i>State Environmental Planning Policy No 1—Development Standards</i>, which currently provides for variations to standards within the Pittwater LEP 1993. The application of this policy will be replaced by clause 4.6.</p> <p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1,200m² minimum subdivision lot size requirement be deferred from the draft Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum subdivision lot size as identified in the Pittwater LEP 1993. Following the finalisation of the draft Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1,200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>In relation to the way building height will be calculated under the Standard Instrument LEP, Council cannot amend the definition of building height. There is no option but to comply with the requirements of the Standard Instrument LEP. However, it should be noted that the new definition could result in a range of outcomes, depending on the site circumstances.</p> <p>While it is agreed that view sharing is a significant planning issue in Pittwater, the Standard Instrument LEP does not provide for the incorporation of view loss controls in the draft Pittwater LEP 2013. View sharing controls are currently contained within the Pittwater 21 Development Control Plan (DCP), and these are considered adequate for addressing this issue.</p> <p>In relation to tree preservation, clause 5.9 (Preservation of trees or vegetation) is a mandatory clause under the Standard Instrument LEP, and as such there is no option for Council to alter or remove it from the draft Pittwater LEP 2013.</p> <p>Clause 5.9 aims to protect the amenity of Pittwater through the preservation of trees and vegetation. The clause applies to trees and vegetation that are prescribed in a Development Control Plan (DCP) and requires development consent or a permit to be obtained to ringbark, cut</p>

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	<p><i>adopted in the LEP."</i></p> <p><i>"More importance should be given in the LEP to the preservation of these unique areas and in particular the retention of trees"</i></p> <p><i>"The zoning map with the draft LEP does not show any provision for additional public parking."</i></p> <p><i>"The granting of the Ettalong ferry licence is an example where permission was given to proceed with the service without DA approval resulting in no additional parking being provided. This has created yet another bottleneck. The busy main artery, Barrenjoey road, has empty off duty articulated Sydney busses proceeding backward and forward between their home depots in Mona Vale and Brookvale to the end of the line in Palm Beach. An unnecessary use of Government assets which contributes to clogging Barrenjoey road."</i></p>	<p>down, top, lop, remove, injure, or wilfully destroy any tree or other vegetation listed in a DCP. The Pittwater 21 DCP identifies the trees and other vegetation to which this clause applies. Any trees or other vegetation not covered under Clause 5.9, can be removed or altered without development consent, in accordance with Clause 5.9AA (Trees or vegetation not prescribed by development control plan).</p> <p>The proposed clause on the preservation of trees and vegetation is also consistent with the current provision of the Pittwater LEP 1993.</p> <p>The car parking requirements of development are contained within the Pittwater 21 DCP. Private car parking facilities ancillary to other development do not require specific zoning. While some public car parks are zoned specifically for car parking it is not generally the case, nor is it necessary to facilitate the development of car parks. <i>State Environmental Planning Policy (Infrastructure) 2007</i> allows councils to develop public car parking in a range of situations and on land with a range of different zones.</p> <p>It is noted that Local Environmental Plans have no influence or control on the process surrounding ferry licensing. Ferry licences are issued by the State Government (Transport for NSW), who grant contracts for ferry services in NSW.</p>
133	<p><i>"it is proposed to change the zoning from 2(a) (Residential "A") to E3 Environmental Management."</i></p> <p><i>"It is said that this is to be done in an attempt to match existing zones with zones in the standard template for a LEP prepared by the State Government. Presumably when that matching is done, Council must have regard to existing and prospective land use in the zones affected"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>"We submit on behalf of our members that a translation from 2(a) to E3 is not appropriate, regardless of any criteria or description provided by the standard template. Such a change does not bring additional benefits to ratepayers or to Pittwater or the State and indeed may have a detrimental effect upon the value of properties held on the western foreshores."</i></p> <p><i>"WPCA has worked closely with Council to ensure that the DCPs for our locality deliver sound controls to protect and maintain the desired character of the locality and is satisfied that there is already an effective level of protection provided for property development and to the locality generally"</i></p> <p><i>"The stated objectives of the zone are incompatible with the description and the existing and prospective use of the land proposed to be affected by the change of zoning."</i></p> <p><i>"WPCA suggests, however, that E3 might properly be applied to a separation zone of land located BEHIND freehold properties but not to the residential properties, as they do not meet the criteria"</i></p> <p><i>"There is also concern that the proposal may lead to the banning of companion animals and highly restrictive development controls with an environmental classification"</i></p>	<p>beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>(development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
134	<p><i>"I have no objection to the rezoning of 2 Neptune Road as E4 Environmental Living."</i></p> <p><i>"However I strongly recommend that all the land that could be described as Porter Reserve should be Zoned RE1, Public Recreation. There should be no ambiguity about this Council owned land."</i></p>	<p>The land considered Porter Reserve is owned by the Department of Lands, though Council has care, control and management of the reserve.</p> <p>In line with the like for like approach taken to prepare the draft Pittwater LEP 2013, land that is currently zoned 2(a) (Residential "A"), is proposed to be zoned E4 Environmental Living; and land that is currently zoned 6(a) (Existing Recreation "A"), is proposed to be zoned RE1 Public Recreation or E2 Environmental Conservation. RE1 is proposed for areas of public recreation and E2 is proposed for areas of reserves that currently contain bushland.</p>

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135	<p><i>"Our recreation areas are special places, important places and Kitchener Park is no exception. I note in 'schedule 1 Additional permitted uses' that there is a proposal to allow development for shops... the gross floor space not exceeding 250 sqm. Green space is highly valued, we do not want to see our precious parks commercialised"</i></p> <p><i>"The controls relating to "miscellaneous permissible uses in 5.4" allow for only 20sqm for kiosks, 100sqm for neighbourhood shops and 400sqm for industrial retail outlets. 250sqm is veering towards industrial in size"</i></p> <p><i>"Kitchener Park already has a small kiosk installed serving the soccer club"</i></p> <p><i>"Mona Vale town centre can accommodate shoppers"</i></p>	<p>As a requirement of the Local Government Act 1993, Councils must prepare a plan of management for public land that is classified as 'community land'.</p> <p>Under the Pittwater LEP 1993, land zoned 6(a) (Existing Recreation "A") currently relies on the adopted plans of management to identify uses that are permitted with or without consent, or prohibited.</p> <p>The Kitchener Park Plan of Management, adopted on 7 September 2009 following a public exhibition period in accordance with the Local Government Act 1993, incorporates a new skate park facility and ancillary development, including 'a retail outlet that will cater for skaters.'</p> <p>In converting Pittwater's current LEP into the Standard Instrument format, we can no longer refer to a plan of management to specify permissible and prohibited land uses. Uses must be identified as with or without consent, or prohibited in the Land Use Table (at Part 2 (Permitted or prohibited development) of the draft Pittwater LEP 2013).</p> <p>As land that is currently zoned 6(a) (Existing Recreation "A") is proposed to be zoned RE1 Public Recreation for areas of public recreation, a range of land uses permitted without consent, permitted with consent and prohibited have been identified for the RE1 zone in the Land Use Table. These are considered consistent with what may be found as permitted with or without consent under the current plans of management for reserves.</p> <p>The Schedule 1 permitting shops on certain land at Kitchener Park is to provide for the adopted Kitchener Park Plan of Management, which incorporates the provision for a retail outlet as ancillary to the new skate park facility. This is to ensure that 'shops' are only permitted on certain RE1 land, rather than it being a permissible use in the RE1 zone generally.</p> <p>It is noted that the Schedule 1 sets a maximum limit for the size of the shop. The plan of management does not specify the planned size of the shop; therefore a number was selected that was considered large enough to accommodate a retail shop.</p> <p>Many reserves in Pittwater are now serviced by commercial activities such as restaurants and cafes, permitted in accordance with their adopted plans of management.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
136	<p><i>"We are very concerned at your proposed change of zoning for our properties in Bassett St East, Mona Vale."</i></p> <p><i>We would appreciate clarification (in plain English terms) and the differences between the terms: Group Homes, Dwelling houses and Secondary dwellings that will be allowed with your proposed changes in zoning."</i></p> <p><i>We also need to strongly voice our opposition to any changes in zoning that may further impact the excessive traffic and parking problems currently experienced by the residents of Bassett St."</i></p> <p><i>"Our concern particularly stems from the issues that has been created by the nursing home (Mona Vale House) which has greatly impacted the amount of traffic using Bassett St and parking which has become an absolute nightmare due to the inconsiderate attitude of visitors and staff members to local residents"</i></p> <p><i>"Therefore the terms as above, greatly concern us as it depicts a picture of intensely "crammed" housing/dwellings or even further (or extensions) of current nursing homes etc."</i></p> <p><i>"we are seriously alarmed by these proposed changes in zoning which may irreversibly change and damage Mona Vale Basin"</i></p>	<p>The draft Pittwater LEP 2013 is intended to be a like for like translation of the Pittwater LEP 1993, and as such, the R2 Low Density Residential zone is considered the most appropriate zone for this property.</p> <p>The proposed R2 Low Density Residential zone generally permits the same amount and range of development that is currently permitted in the 2(b) Residential "B" zone under the current Pittwater LEP 1993.</p> <p>A 'group home' means a dwelling used to provide permanent accommodation for people with a disability or people who are socially disadvantaged; and a 'dwelling house' means 'a building containing only one dwelling'.</p> <p>Under the Standard Instrument, 'group homes' and 'dwelling houses' are mandatory land uses in the R2 Low Density Residential zone.</p> <p>A 'secondary dwelling' (otherwise known as a 'granny flat') means 'a self-contained dwelling established on the same land as another dwelling (the principal dwelling), and can be attached or separate from the principal dwelling.</p> <p>Clause 5.4 of the draft Pittwater LEP 2013 provides that the total floor area of a 'secondary dwelling' (excluding any area used for parking) must not exceed whichever of the following is the greater:</p> <ul style="list-style-type: none"> (a) 60 square metres, (b) 25% of the total floor area of the principal dwelling. <p>'Secondary dwellings' are essentially a smaller dwelling than the principal dwelling.</p> <p>With regard to comments relevant to parking concerns, the Pittwater 21 DCP sets out the required amount of parking for different forms of development. When a Development Application is lodged, the proposed development is assessed against the relevant parking provision in the Pittwater 21 DCP. Whilst the Standard Instrument template provides the ability to incorporate certain development controls (namely minimum subdivision lot size, height and Floor Space Ratio), it does not provide the ability to incorporate parking provisions. Accordingly, parking</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
137	<p><i>"this zoning permits detached dual occupancy"</i></p> <p><i>"I am writing to request that the Council consider permitting these blocks to be subdivided"</i></p> <p><i>"Affordable housing for families is a huge issue for Pittwater"</i></p>	<p>provisions will remain in the Pittwater 21 DCP, rather than the draft Pittwater LEP 2013.</p> <p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p>
138	<p><i>"RU2 Rural is a very disappointing outcome, only one dwelling can be erected on a 5 acre lot."</i></p> <p><i>"The usage of land under RU2 Rural should not be considered"</i></p> <p><i>"The idea of a suburb like Ingleside and its position on the northern beaches, still to be considered "farming land" in 2013 is absurd"</i></p>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the RU2 Rural Landscape zone is proposed where the 1(a) Non-urban "A" zone currently applies.</p> <p>With regard to the Ingleside investigation area, Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the Ingleside Release Area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
139	<p><i>"As landowners in the area for many years, it has been frustrating to see the locality identified on urban development programs (since the early 1990's), with various studies and reports undertaken, yet despite the extended time that has elapsed and investigations to date, development upon our land is still restricted to rural planning controls."</i></p> <p><i>"In view of the above, and the opportunity currently before us, we cannot understand why the Ingleside Investigation Area, is not appropriately recognised within Council's new set of planning maps as an urban release area (albeit future) , with the appropriate model Local clause (attached) inserted into the new LEP."</i></p> <p><i>"Recommendation: The area is recognised for its urban potential, so should be mapped in Council's new LEP accordingly."</i></p> <p><i>"we are also concerned over the biodiversity mapping layer and Clause 7.5 of the draft LEP. In many (most) cases 'biodiversity ' has not been verified by on ground assessments."</i></p> <p><i>"The maps & Clause are an unnecessary duplication of environmental protection policy that is otherwise provided in the Environmental Planning & Assessment Act, Threatened Species Conservation Act and other such policies. Vegetation (and the subsequent biodiversity it provides) is also already protected by draft</i></p>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the RU2 Rural Landscape zone is proposed where the 1(a) Non-urban "A" zone currently applies.</p> <p>With regard to the Ingleside investigation area, Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the Ingleside Release Area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p> <p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is currently mapped and given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to a Development Application (DA). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>Clauses 5.9 Preservation of trees or vegetation & 5.9AA Trees or vegetation not prescribed by development control plan. isn't this sufficient protection, and reasonable upon landowners, until detailed studies are done?"</i></p> <p><i>"Recommendation: that the biodiversity maps and relevant clause be deferred from the current draft LEP until such time that detailed site assessments have occurred, which can then reliably inform the planning process."</i></p>	
140	<p><i>"As landowners in the area for many years, it has been frustrating to see the locality identified on urban development programs (since the early 1990's), with various studies and reports undertaken, yet despite the extended time that has elapsed and investigations to date, development upon our land is still restricted to rural planning controls."</i></p> <p><i>"In view of the above, and the opportunity currently before us, we cannot understand why the Ingleside Investigation Area, is not appropriately recognised within Council's new set of planning maps as an urban release area (albeit future) , with the appropriate model Local clause (attached) inserted into the new LEP."</i></p> <p><i>"Recommendation: The area is recognised for it's urban potential, so should be mapped in Council's new LEP accordingly."</i></p>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the RU2 Rural Landscape zone is proposed where the 1(a) Non-urban "A" zone currently applies.</p> <p>With regard to the Ingleside investigation area, Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the Ingleside Release Area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p> <p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>"we are also concerned over the biodiversity mapping layer and Clause 7.5 of the draft LEP. In many (most) cases 'biodiversity ' has not been verified by on ground assessments."</i></p> <p><i>"The maps & Clause are an unnecessary duplication of environmental protection policy that is otherwise provided in the Environmental Planning & Assessment Act, Threatened Species Conservation Act and other such policies. Vegetation (and the subsequent biodiversity it provides) is also already protected by draft Clauses 5.9 Preservation of trees or vegetation & 5.9AA Trees or vegetation not prescribed by development control plan. Isn't this sufficient protection, and reasonable upon landowners, until detailed studies are done?"</i></p> <p><i>"Recommendation: that the biodiversity maps and relevant clause be deferred from the current draft LEP until such time that detailed site assessments have occurred, which can then reliably inform the planning process."</i></p>	<p>The abovementioned biodiversity is currently mapped and given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to a Development Application (DA). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p>
141	<p><i>"I would like to be notified of any building developments between my property and the beach views"</i></p>	<p>The draft Pittwater LEP 2013 does not alter Council's current notification procedures in relation to a DA, which are contained in Appendix 1 of the Pittwater 21 Development Control Plan. As is currently the case, when a DA is lodged, neighbouring properties are notified and provided the opportunity to comment.</p> <p>It should be noted that some development can be done under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> that does not require the consent of the Council. However, neighbours are required to be notified prior to the commencement of building works.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		It should be noted that these processes may change having regard for the outcomes of the White Paper planning reforms.
142	<p><i>"Regarding the proposed rezoning of our property (16 / 49-51 Foamcrest Avenue) to B2 local centre. I note the objectives described under this zoning does not mention residential - only "above ground"."</i></p> <p><i>"Our property is a town house style property, not shop top housing."</i></p> <p><i>"We query whether the proposed rezoning is not appropriate?"</i></p> <p><i>"We also note that under B2 'sex 'services' are permitted. We are not sure that this would be appropriate adjacent to residential dwellings such as ours?"</i></p> <p><i>"Would this be permitted under the current zoning? We also would like to know whether the current "Newport Village Masterplan" remains under the proposed changes?"</i></p>	<p>It is acknowledged that the commercial centre in Newport contains an area currently zoned 3(a) (General Business "A") fronting Foamcrest Avenue, which while zoned for commercial use, is predominately residential, both at ground floor level and above.</p> <p>The draft Pittwater LEP 2013 proposes to zone this area B2 Local Centre, which is considered to provide for development generally consistent with the current 3(a) (General Business "A") zone. While both the current and the proposed LEP provide for shop-top housing in this area as permissible with consent, the Standard Instrument introduces a slightly different definition of shop-top housing, as follows:</p> <p style="text-align: center;"><i>one or more dwellings located above ground floor retail premises or business premises.</i></p> <p>Whereas the current LEP defines shop-top housing as:</p> <p style="text-align: center;"><i>a dwelling, group building or residential flat building in a business zone attached to and integrated with premises used for a non-residential purpose that is permitted in the relevant business zone.</i></p> <p>So where the current LEP was quite flexible with regard to the location of the residential use, the Standard Instrument definition would require shop-top housing to be above a ground level retail or business premises.</p> <p>While residential development at ground floor level would not be appropriate fronting Barrenjoey Road in Newport or in our other centres also proposed to be zoned B2 Local Centre, the Newport Commercial Centre Masterplan specifically states that Foamcrest Avenue is not suitable for retail uses. It suggests that ground floor uses on Foamcrest Avenue could include commercial uses such as professional suites and a higher proportion of residential use in mixed use buildings.</p> <p>The draft Pittwater LEP 2013 would make the requirements of the Newport Commercial Centre Masterplan impossible to comply with and would therefore undermine the achievement of its</p>

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		<p>vision. As such, it is recommended that Schedule 1 of the draft Pittwater LEP 2013 be amended to incorporate a provision permitting a range of residential uses on the land fronting Foamcrest Avenue.</p> <p>In relation to the permissibility of sex services premises in the residential areas of the B2 zone it is noted that the current 3(a) (General Business "A") zone permits these uses without consent. The draft Pittwater LEP 2013 while not prohibiting the uses would require the consent of the Council for any such facility. It should also be noted that clause 7.11 Location of sex service premises, does restrict the location of these facilities to ensure that they are not located adjoining or opposite land zoned E4 Environmental Living, R2 Low Density Residential, R3 Medium Density Residential or RE1 Public Recreation, or land that is used for the purposes of a child care centre, community facility, school, place of public worship, or children's sporting or recreation activities, or land that is used for another sex services premises.</p> <p>This clause is considered adequate to ensure that the location of sex services premises in the B2 zone will be acceptable.</p>
143	<p><i>"If a change is necessary why zone E3 Environmental rather than R2 Low Density Residential? Surely the later best fits who and what we are as a small off-shore community"</i></p> <p><i>"my property has been freehold land with a low impact developed house and garden for more than 50 years and it certainly does not have "special ecological, scientific, cultural and aesthetic values" requiring protection"</i></p> <p><i>What if I need to install an inclinor in order to remain in my house as I become older? Under E3 would this be denied?"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential “A”) areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of ‘secondary dwellings’.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a ‘like for like’ outcome, and that the E3 Environmental Management zone, which allows for ‘dwelling houses’, is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E3 zone. It is important to note that people may still have the potential to</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
144	<p><i>"Unless the accompanying maps e.g. biodiversity and Bushfire and flooding are the most current although maybe not yet adopted by Council any land capability for development could well be wrong."</i></p> <p><i>"The Biodiversity Map is absolutely wrong and the Bush fire hazard map is with the RFS awaiting acceptance."</i></p> <p><i>"I note too that on "Property Master" my land is noted to be "land containing of heathland vegetation" Although I have brought this to Council's attention previously nothing has been done"</i></p> <p><i>"Heath is not found in Warriewood or Bayview but can be found in Ingleside."</i></p> <p><i>"Q Re page 6 "the consent authority must have regard to the objectives....." does that include the PAC or the JRPP. If so can that be inserted?"</i></p>	<p>There are no flooding and bushfire maps associated with the draft Pittwater LEP 2013, these remain the Pittwater 21 DCP.</p> <p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is currently mapped and given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to a Development Application (DA). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>With regard to the comment relevant to Clause 2.3 (Zone objectives and Land Use Table) of the draft Pittwater LEP 2013, and whether the Planning Assessment Commission (PAC) or Joint Regional Planning Panel (JRPP) can be specified to 'have regard to the objectives'; as this clause is a mandatory clause in the Standard Instrument, it cannot be amended to include the PAC or the JRPP.</p> <p>Should the PAC or the JRPP be the consent authority for a particular Development Application, that is required to be determined under the Local Environmental Plan, the zone objectives are required to be considered by the consent authority. However, there may be situations where</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>development being determined by the JRPP or the PAC is not being determined in accordance with the LEP, but in accordance with State policies that override local controls. In these situations it would depend on the particular policy whether the local zone objectives were required to be considered in making a determination.</p> <p>The consent authority is defined by the EP&A Act 1979 as follows:</p> <p>consent authority, in relation to a development application or an application for a complying development certificate, means:</p> <p>(a) the council having the function to determine the application, or (b) if a provision of this Act, the regulations or an environmental planning instrument specifies a Minister, the Planning Assessment Commission, a joint regional planning panel or public authority (other than a council) as having the function to determine the application—that Minister, Commission, panel or authority, as the case may be.</p>
145	<p><i>"the application of the translation recreational zoning to the site excludes the existing lodge accommodation as a specific use on the site. While the RE2 zone does provide some allowance for "ancillary buildings" in connection with the recreational uses, it does not accurately reflect the significance of this use. Temporary accommodation is an established part of the Elanora Country Club offering and represents an important facility for club members and the ongoing viability of the site. Expansion of the club is also being considered by the club in order to meet the demand from club members."</i></p> <p><i>"Seniors housing for the use of club members has been identified as a use which is consistent with the existing (albeit temporary) accommodation on the site and would assist in</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>providing housing suitable to allow "ageing in place" as identified in Council's strategic planning policy"</i></p> <p><i>"Accordingly, to fully reflect the existing uses and accommodate appropriate and compatible future development, this submission seeks to permit tourist and visitor accommodation and seniors housing on the Elanora Country Club site under Schedule 1 of the LEP."</i></p> <p><i>"The club's separate land holding on Powder Works Road is currently zoned 1(a) (Non-urban "A"). The site is vacant and is proposed to be zoned RU2 Rural Landscape under Draft PLEP. While the proposed zoning allows for dwelling houses, development of the site is restricted by the minimum lot sizes controls. The southern portion of the site is currently cleared and could feasibly accommodate low density, small scale dwelling houses. The site is immediately adjacent to the R2 Low Density Residential zone and development to the south and the site represents a logical expansion of this. Accordingly, this submission seeks to replace the proposed RU2 Rural Landscape to R2 Low Density Residential zone at 233 Powder Works Road"</i></p>	
146	<p><i>"We have formed the considered opinion that the unique built form circumstance does not lend itself to adaptive reuse for any other permissible use in the RU2 Rural Landscape zone"</i></p> <p><i>"Such circumstance is unacceptable to our clients"</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>in circumstances where the demand for conference and training facilities has significantly decreased with a shift from face to face education and training to work based computer interface training. Should such trend continue and the economic environment further weaken there is a risk that the current operation will become unviable without the ability for the adaptive reuse of the existing buildings and infrastructure"</i></p> <p><i>"Having undertaken a thorough analysis of the Draft LEP provisions we are of the opinion that the existing facilities lend themselves to an adaptive use as an eco-tourist facility"</i></p> <p><i>"Due to the unique circumstances pertaining to the existing buildings and infrastructure on the site and the need to provide for an alternate use we request that an eco-tourist facility be included as a Schedule 1 "Additional Permitted Use" on the subject site"</i></p>	
147	<p><i>"Whilst we generally accept the proposition that the E4 Environmental Living zone reflects the areas on the mainland where dual occupancy is currently prohibited and which have previously been identified as potentially environmentally sensitive we do not accept the proposition that the translation of such LEP prohibition is appropriately used to justify a reduction in minimum subdivision allotment size from 700 square metres to 1200 square metres as proposed."</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible</p>

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	<p><i>"The Land and Environment Court has adopted such policy interpretation to ensure that the current P21DCP control which seeks to increase the minimum lot size to 1200 square metres on "sensitive sites" does not derogate from the 700 square LEP 1993 development standard as is evidenced in numerous judgements including Miller v Pittwater Council (2011) NSWLEC 1117."</i></p> <p><i>"As shown in Figure 1 and Figure 2 the subject properties do not form an area appropriately characterised as having a character of larger lot sizes either throughout an area or in a cluster"</i></p> <p><i>"The current LEP prescribes a minimum subdivision lot size of 700 square metres. The 1200m² proposed pursuant to the draft instrument is not a provision of a current environmental planning instrument and is therefore not a translation of the current LEP provisions as they apply to the land."</i></p> <p><i>"The provisions of the draft LEP are contrary to S.117(2) of the EP & A Act 1979 and Part 3.1 (5)(a) of the Directions in that the draft LEP proposes to reduce the currently permissible residential density of the land."</i></p> <p><i>"The exhibition of the LEP does not satisfy the requirements of clause 57 of the EP&A Act"</i></p> <p><i>"The mapping of the subject site in the capability assessment is flawed in that it is not a site</i></p>	<p>land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993,</p>

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	<p><i>specific assessment and is very general in its nature"</i></p> <p><i>"The established lot size and subdivision pattern in this locality is significantly less than 1150m²"</i></p> <p><i>"a number of adjoining properties have ben subdivided to create battleaxe allotments with no consistent established building alignment."</i></p>	<p>into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>It is acknowledged that section 117 direction 3.1(5)(b) generally requires that LEPs do not reduce the density of residential land, and that the proposed introduction of a 1,200m² minimum lot size into the LEP is inconsistent with this direction. However, section 117 direction 3.1 also provides that a draft LEP may be inconsistent with the terms of the direction if a council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:</p> <ul style="list-style-type: none"> (e) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (f) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or (g) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (h) of minor significance. <p>Justification in accordance with the requirements of the section 117 direction was provided in the report to Council on 19 November 2012.</p> <p>The justification was accepted by the Department of Planning & Infrastructure who issued the certification for Council to publicly exhibit the draft LEP with the condition that additional information on the 1200m² minimum lot size be exhibited with the plan. This information was provided on Council's website and at Council's customer service centres, the Coastal Environment Centre and libraries.</p>

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		<p>Notwithstanding all of the above, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>In relation to the comments on the public exhibition, Pittwater Council resolved, on 5 November 2007, to commence the statutory process under section 54 of the Environmental Planning and Assessment Act 1979 to prepare the draft Pittwater Local Environmental Plan 2011 in accordance with the Standard Instrument – Principal Local Environmental Plan. The Director-General of the Department of Planning was advised of this resolution on 14 November 2007.</p> <p>On 1 July 2009, amendments were made to the EP&A Act and EP&A Regulations inclusive of new requirements and procedures for preparing a draft LEP. Savings and transitional provisions provided that draft Standard Instrument LEPs, where the Council has resolved under Section 54 of the EP&A Act to prepare a draft LEP and where the Director-General has received notification of the resolution before 1 July 2009, will continue to be prepared and made under the previous plan making provisions. Subsequently, Pittwater’s Standard Instrument LEP will be made under the plan making provisions in place in November 2007 when the process to prepare a new LEP was commenced.</p> <p>Given the above, section 66 Public exhibition of draft local environmental plan of the EP&A Act (as per November 2007) outlines the statutory requirements. Council staff believe the necessary requirements of section 66 and the section 65 certificate issued by the Department of Planning & Infrastructure on 29 January 2013, have been met.</p> <p>Notwithstanding, in the interests of making readily available information that some members of the community would like access to, the maps associated with the Pittwater Local Planning Strategy will be publicly exhibited during the second public exhibition of the draft Pittwater LEP</p>

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		2013. It is noted that these maps have been publicly accessible on Council's website since August 2011.
148	<i>"the current zoning for Halesmith Road Mona Vale fore shore properties does not allow us, along with our five neighbours to apply for a private jetty, a privilege afforded to most water front residents in Pittwater. I therefore would like to lodge this submission to have this area included in the W2 zoning, to put us on an even footing with other residents in the district."</i>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
149	<i>"We strongly object to any change to the LEP that does not include Ingleside in total Land Release for high density subdivision"</i>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate. Subsequently, the proposed RU2 Rural Landscape zone, permissible land uses and subdivision potential in the draft Pittwater LEP 2013 is considered to generally reflect the current 1(a) (Non-urban "A") and 1(b) (Non-urban "B") zones that apply under the Pittwater LEP 1993.</p> <p>Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p> <p>Adopting the new RU2 zone for these areas in no way affects or slows the process for investigating the potential for an urban land release in these areas.</p>
150	<p><i>"The proposed E4 zone does not most closely reflect the current Residential 2(a) zoning of the land pursuant to the Pittwater LEP 1993 with the only identified sensitivities relating to its foreshore location and potential wave inundation/ sea level rise impacts"</i></p> <p><i>"The use of an E4 Environmental Living Zone as it applies to the subject site is contrary to Practice Direction PN 11- 002 dated 10th March 2011 as</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to</p>

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	<p><i>the Council has not identified the special environmental or scenic values that are specifically attributable to this land"</i></p> <p><i>"There is no discernible difference in the objectives of the R2 and E4 zone of the draft LEP and in those circumstances the E4 zone provides for an effective rezoning of the land with a specific objective of labelling the land environmentally sensitive. For the reasons outlined this is contrary to the planning principles of S.117 of the Act and unnecessary as Council effectively retains the opportunity to review the specific constraints impacting individual sites as a normal and ongoing assessment of individual development applications"</i></p> <p><i>"The mapping of the subject site in the capability assessment is flawed in that it is not a site specific assessment and is very general in its nature."</i></p> <p><i>"My client objects to the proposed E4 Environmental Lining zoning of the land as it unreasonably and unnecessarily labels the land environmentally sensitive in circumstances where the current 2(a) Residential zoning does not and where any site sensitivities can be appropriately dealt with through application of the current P21DCP provisions. Such labelling will unreasonably burden the land with consequential impact on valuation"</i></p>	<p>preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p>

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		<p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed E4 zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p>
151	<p><i>"Current zoning LEP has the area zoned as Reserve 6A with the intentions of it to be rezoned to RE1 Public Recreation...The ideal zone choice as discussed amongst the Owners Corporation is <u>Zone RE2 - Private Recreation</u>...We are nominating Zone RE2 (NOT RE1) as we believe due to close proximity of the area to the residential blocks, it is critical that any new usage of this land should have consultation with the surrounding areas."</i></p>	<p>All land in Pittwater LGA currently zoned 6(a) (Existing Recreation "A") under the Pittwater LEP 1993 is proposed to be zoned either RE1 Public Recreation or E2 Environmental Conservation, depending on the characteristics of the site. RE1 is proposed for areas of public recreation and E2 is proposed for areas of reserves that currently contain bushland.</p> <p>The 6(a) (Existing Recreation "A") zone currently relies on the adopted plans of management to identify uses that are permitted with or without consent, or prohibited. However, in converting to the Standard Instrument, we can no longer refer to a plan of management to specify permissible and prohibited land uses. Uses must be identified as with or without consent, or prohibited in the land use table. As such, it is necessary to provide a range of land uses permitted without consent in the proposed RE1 zone, consistent with what may be found permitted without consent under the current plans of management for reserves.</p> <p>The reserve discussed in this submission is currently covered by the Parks and Playgrounds Plan of Management. As a requirement of the Local Government Act 1993, Councils must prepare a plan of management for public land that is classified as 'community land'. As most of the areas of land covered by this plan are developed parks that perform similar functions in Pittwater's open space system, a "generic" plan of management has been prepared for the planning and management of all of these areas.</p>

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		<p>Under the current Parks and Playground Plan of Management the following uses are set out as exempt (not requiring development consent):</p> <ul style="list-style-type: none"> - Bush Regeneration - Fire hazard reduction activities - Parking ancillary to a reserve - Multi-use tracks (other than motor vehicle) , footpaths, boardwalks and minor bridges - Temporary commercial activities or developments requiring under the relevant policy of Council - Temporary activities or developments requiring a lease, licence or other estate under the Local Government Act (1993) - Recreational facilities other than buildings - Minor public drainage and stormwater works - Public gardens, landscaping work and the like - Compliance, directional, interpretive, identification and safety signage - Land restoration works - Shelters, shade structures, park furniture and picnic facilities - Playground facilities and structures - Dog exercise area <p>The following uses are set out as permissible with development consent:</p> <ul style="list-style-type: none"> - Utility installations - Toilet facilities and buildings ancillary or incidental to the reserve - Major public drainage and stormwater works - Community facilities - Road or vehicle access track <p>Management issues and future works for each park and playground are set out in Appendix 1 to the plan, which is used as the basis for detailed recreation and landscape planning.</p> <p>The specific management objectives for this park are set out as follows:</p> <ul style="list-style-type: none"> - Provide adequate recreational facilities and maximise the advantages of the

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		<p style="text-align: center;">scenic foreshore location</p> <ul style="list-style-type: none"> - Improve landscape character by undertaking tree and shrub plantings - Investigate rationalisation of back section of reserve <p>Under the Local Government Act 1993 'community land' is required to be used and managed in accordance with the plan of management applying to the land. As such, if the plan of management does not permit uses set out in the land use table, then in accordance with the Local Government Act 1993, they cannot be undertaken.</p> <p>For Council to change a plan of management, the Local Government Act 1993 requires that council give public notice of the draft plan of management, including a minimum public exhibition period of 28 days.</p> <p>The reserve is owned partly by Council and partly by the State.</p> <p>It is noted that the submission requests that the RE2 Private Recreation zone be used for this site. The RE2 zone is not considered appropriate for publicly owned land. In submissions regarding the draft Pittwater LEP 2013, NSW Primary Industries – Catchment & Lands, has specifically advised that the RE2 Private Recreation zone is not considered applicable to Crown land and that the RE1 Public Recreation zone is preferred.</p>
152	<p><i>“Current zoning LEP has the area zoned as Reserve 6A with the intentions of it to be re-zoned to RE1 Public Recreation...The ideal zone choice as discussed amongst the Owners Corporation is <u>Zone RE2 - Private Recreation</u>...We are nominating Zone Re2 (NOT RE1) as we believe due to close proximity of the area to the residential blocks, it is critical that any new usage of this land should have consultation with the surrounding areas.”</i></p>	<p>All land in Pittwater LGA currently zoned 6(a) (Existing Recreation “A”) under the Pittwater LEP 1993 is proposed to be zoned either RE1 Public Recreation or E2 Environmental Conservation, depending on the characteristics of the site. RE1 is proposed for areas of public recreation and E2 is proposed for areas of reserves that currently contain bushland.</p> <p>The 6(a) (Existing Recreation “A”) zone currently relies on the adopted plans of management to identify uses that are permitted with or without consent, or prohibited. However, in converting to the Standard Instrument, we can no longer refer to a plan of management to specify permissible and prohibited land uses. Uses must be identified as with or without consent, or prohibited in the land use table. As such, it is necessary to provide a range of land uses permitted without consent in the proposed RE1 zone, consistent with what may be found permitted without consent under the current plans of management for reserves.</p>

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		<p>The reserve discussed in this submission is currently covered by the Parks and Playgrounds Plan of Management. As a requirement of the Local Government Act 1993, Councils must prepare a plan of management for public land that is classified as 'community land'. As most of the areas of land covered by this plan are developed parks that perform similar functions in Pittwater's open space system, a "generic" plan of management has been prepared for the planning and management of all of these areas.</p> <p>Under the current Parks and Playground Plan of Management the following uses are set out as exempt (not requiring development consent):</p> <ul style="list-style-type: none"> - Bush Regeneration - Fire hazard reduction activities - Parking ancillary to a reserve - Multi-use tracks (other than motor vehicle) , footpaths, boardwalks and minor bridges - Temporary commercial activities or developments requiring under the relevant policy of Council - Temporary activities or developments requiring a lease, licence or other estate under the Local Government Act (1993) - Recreational facilities other than buildings - Minor public drainage and stormwater works - Public gardens, landscaping work and the like - Compliance, directional, interpretive, identification and safety signage - Land restoration works - Shelters, shade structures, park furniture and picnic facilities - Playground facilities and structures - Dog exercise area <p>The following uses are set out as permissible with development consent:</p> <ul style="list-style-type: none"> - Utility installations - Toilet facilities and buildings ancillary or incidental to the reserve - Major public drainage and stormwater works - Community facilities - Road or vehicle access track

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153	<p><i>“Current zoning LEP has the area zoned as Reserve 6A with the intentions of it to be re-zoned to RE1 Public Recreation...The ideal zone choice as discussed amongst the Owners Corporation is <u>Zone RE2 - Private Recreation</u>...We are nominating Zone Re2 (NOT RE1) as we believe due to close proximity of the</i></p>	<p>All land in Pittwater LGA currently zoned 6(a) (Existing Recreation “A”) under the Pittwater LEP 1993 is proposed to be zoned either RE1 Public Recreation or E2 Environmental Conservation, depending on the characteristics of the site. RE1 is proposed for areas of public recreation and E2 is proposed for areas of reserves that currently contain bushland.</p> <p>The 6(a) (Existing Recreation “A”) zone currently relies on the adopted plans of management to identify uses that are permitted with or without consent, or prohibited. However, in converting to</p>

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	<p><i>area to the residential blocks, it is critical that any new usage of this land should have consultation with the surrounding areas."</i></p>	<p>the Standard Instrument, we can no longer refer to a plan of management to specify permissible and prohibited land uses. Uses must be identified as with or without consent, or prohibited in the land use table. As such, it is necessary to provide a range of land uses permitted without consent in the proposed RE1 zone, consistent with what may be found permitted without consent under the current plans of management for reserves.</p> <p>The reserve discussed in this submission is currently covered by the Parks and Playgrounds Plan of Management. As a requirement of the Local Government Act 1993, Councils must prepare a plan of management for public land that is classified as 'community land'. As most of the areas of land covered by this plan are developed parks that perform similar functions in Pittwater's open space system, a "generic" plan of management has been prepared for the planning and management of all of these areas.</p> <p>Under the current Parks and Playground Plan of Management the following uses are set out as exempt (not requiring development consent):</p> <ul style="list-style-type: none"> - Bush Regeneration - Fire hazard reduction activities - Parking ancillary to a reserve - Multi-use tracks (other than motor vehicle) , footpaths, boardwalks and minor bridges - Temporary commercial activities or developments requiring under the relevant policy of Council - Temporary activities or developments requiring a lease, licence or other estate under the Local Government Act (1993) - Recreational facilities other than buildings - Minor public drainage and stormwater works - Public gardens, landscaping work and the like - Compliance, directional, interpretive, identification and safety signage - Land restoration works - Shelters, shade structures, park furniture and picnic facilities - Playground facilities and structures - Dog exercise area

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154	<p><i>“Current zoning LEP has the area zoned as Reserve 6A with the intentions of it to be rezoned to RE1 Public Recreation...The ideal zone choice as discussed amongst the Owners Corporation is <u>Zone RE2 - Private Recreation</u>...We are nominating Zone Re2 (NOT RE1) as we believe due to close proximity of the area to the residential blocks, it is critical that any new usage of this land should have consultation with the surrounding areas.”</i></p>	<p>All land in Pittwater LGA currently zoned 6(a) (Existing Recreation “A”) under the Pittwater LEP 1993 is proposed to be zoned either RE1 Public Recreation or E2 Environmental Conservation, depending on the characteristics of the site. RE1 is proposed for areas of public recreation and E2 is proposed for areas of reserves that currently contain bushland.</p> <p>The 6(a) (Existing Recreation “A”) zone currently relies on the adopted plans of management to identify uses that are permitted with or without consent, or prohibited. However, in converting to the Standard Instrument, we can no longer refer to a plan of management to specify permissible and prohibited land uses. Uses must be identified as with or without consent, or prohibited in the land use table. As such, it is necessary to provide a range of land uses permitted without consent in the proposed RE1 zone, consistent with what may be found permitted without consent under the current plans of management for reserves.</p> <p>The reserve discussed in this submission is currently covered by the Parks and Playgrounds Plan of Management. As a requirement of the Local Government Act 1993, Councils must prepare a plan of management for public land that is classified as ‘community land’. As most of the areas of land covered by this plan are developed parks that perform similar functions in Pittwater's open space system, a "generic" plan of management has been prepared for the planning and management of all of these areas.</p> <p>Under the current Parks and Playground Plan of Management the following uses are set out as exempt (not requiring development consent):</p> <ul style="list-style-type: none"> - Bush Regeneration - Fire hazard reduction activities - Parking ancillary to a reserve - Multi-use tracks (other than motor vehicle) , footpaths, - boardwalks and minor bridges - Temporary commercial activities or developments requiring - under the relevant policy of Council - Temporary activities or developments requiring a lease, - licence or other estate under the Local Government Act (1993) - Recreational facilities other than buildings - Minor public drainage and stormwater works

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		<ul style="list-style-type: none"> - Public gardens, landscaping work and the like - Compliance, directional, interpretive, identification and safety signage - Land restoration works - Shelters, shade structures, park furniture and picnic facilities - Playground facilities and structures - Dog exercise area <p>The following uses are set out as permissible with development consent:</p> <ul style="list-style-type: none"> - Utility installations - Toilet facilities and buildings ancillary or incidental to the reserve - Major public drainage and stormwater works - Community facilities - Road or vehicle access track <p>Management issues and future works for each park and playground are set out in Appendix 1 to the plan, which is used as the basis for detailed recreation and landscape planning.</p> <p>The specific management objectives for this park are set out as follows:</p> <ul style="list-style-type: none"> - Provide adequate recreational facilities and maximise the advantages of the scenic foreshore location - Improve landscape character by undertaking tree and shrub plantings - Investigate rationalisation of back section of reserve <p>Under the Local Government Act 1993 'community land' is required to be used and managed in accordance with the plan of management applying to the land. As such, if the plan of management does not permit uses set out in the land use table, then in accordance with the Local Government Act 1993, they cannot be undertaken.</p> <p>For Council to change a plan of management, the Local Government Act 1993 requires that council give public notice of the draft plan of management, including a minimum public exhibition period of 28 days.</p> <p>The reserve is owned partly by Council and partly by the State.</p>

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		<p>It is noted that the submission requests that the RE2 Private Recreation zone be used for this site. The RE2 zone is not considered appropriate for publicly owned land. In submissions regarding the draft Pittwater LEP 2013, NSW Primary Industries – Catchment & Lands, has specifically advised that the RE2 Private Recreation zone is not considered applicable to Crown land and that the RE1 Public Recreation zone is preferred.</p>
155	<p><i>“I wish to lodge my strong objection to the proposal to rezone my property...from 2(a) Residential A to E3 Environmental Management amounts to an expropriation of value from my wife and myself as owners to the council.”</i></p> <p><i>“It seems to us that the Council is making a quite arbitrary decision to rezone my property which contradicts the historical usage of the site (as well of those of my neighbours).”</i></p> <p><i>“...it is obvious to us that the State standardized classification of R2 Low Density Residential is demonstrably more appropriate.. There is no doubt that Western Foreshores properties do not neatly fit with the standard definitions, but this will be true of many situations across the council and, indeed, the state. Having said that there is strong historical precedent as to usage of these sites that more neatly fits with a residential zoning.”</i></p> <p><i>“If this decision were to stand the value of our property would inevitably drop as a result of inappropriate limitations on development options compared with traditional and historical use as residential properties. How does the Council propose to compensate us for such a loss of</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater’s existing zones will change.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the ‘planning’ outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential “A”) areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p>value?"</p> <p><i>"If the proposed zoning does, as is stated, "permits single residential dwellings" (which is the case with my property), why is there any need for change? The title of a zone should reflect its primary use, and Residential "A" most appropriately describes the long-standing and current use of my property. To propose a zoning of "Environmental Management" is a distortion of zoning scheme planning, and a corruption of the process."</i></p>	<p>development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of</p>

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		<p>the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>										
156	<p><i>"...a range of matters to which we object on our client's behalf and, which in our opinion should lead to the deferral of this area from the Draft LEP."</i></p> <p><i>"Inconsistency with Pittwater Local Planning Strategy...the Southern Buffer area is identified as an area suitable for further investigation to create a new centre adjoining the existing Warriewood Square. The new centre is identified as an opportunity to provide a significant contribution towards the 101, 000m² of the retail GFA to be provided by 2031 for the Pittwater area. It is further identified that the Pittwater Local Planning Strategy is intended to guide the preparation of the comprehensive LEP and that the outcomes of the Warriewood Valley Strategic Review should be considered in the development of the Comprehensive Standard Instrument LEP (the Draft LEP). An underlying objective of the Warriewood Valley Strategic Review is the investigation to accommodate additional retail floor space within the Southern Buffer."</i></p> <p><i>"The LEP as exhibited does not reflect the</i></p>	<p>The Pittwater Local Planning Strategy identifies the Southern Buffer as a 'potential location for a new centre' and 'potential key employment land for Pittwater', and it makes a recommendation to 'investigate the Southern Buffer for potential retail/commercial/civic/residential development'. The mechanism for undertaking such an investigation was the Warriewood Valley Strategic Review, which was intended to be considered in the development of the draft Pittwater LEP 2013. However, the timing of the Warriewood Valley Strategic Review and the draft Pittwater LEP 2013 meant that the draft Pittwater LEP 2013 was not able to incorporate the outcomes of the Warriewood Valley Strategic Review for the first public exhibition period.</p> <p>However, it is noted that Council, at its meeting of 12 June 2013, resolved to adopt the Warriewood Valley Strategic Review report. In its resolution, Council also endorsed to rezone and incorporate increased dwelling yields for certain land in Warriewood Valley, into the draft Pittwater LEP 2013 prior to the second exhibition period.</p> <p>Accordingly, Sectors 901A (including 9 Fern Creek Road) and Orchard Street Road Reserve (north-east portion), 901B, 901C, 901F, and 9 Fern Creek Road are now recommended to be zoned R3 Medium Density Residential, and the dwelling yields in the draft Pittwater LEP 2013 as exhibited are recommended to be replaced with the following table:</p> <table border="1" data-bbox="981 1174 1890 1350"> <thead> <tr> <th>Sector or Buffer Area</th> <th>Yield</th> </tr> </thead> <tbody> <tr> <td>Sector 1</td> <td>Not more than 209 dwellings or less than 195 dwellings</td> </tr> <tr> <td>Sector 101</td> <td>Not more than 4 dwellings</td> </tr> <tr> <td>Sector 2</td> <td>Not more than 54 dwellings or less than 49 dwellings</td> </tr> <tr> <td>Sector 3</td> <td>Not more than 34 dwellings</td> </tr> </tbody> </table>	Sector or Buffer Area	Yield	Sector 1	Not more than 209 dwellings or less than 195 dwellings	Sector 101	Not more than 4 dwellings	Sector 2	Not more than 54 dwellings or less than 49 dwellings	Sector 3	Not more than 34 dwellings
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	<p><i>preliminary outcomes of the Warriewood Valley Strategic Review released for public information. Instead...the Draft LEP seeks to down zone and reduce the existing development potential of the land."</i></p> <p><i>"Given the advanced stage of the review into the planning of Warriewood Valley, in particular the Southern Buffer, it is considered prudent that there be no changes to the planning framework and that the Southern Buffer area comprising Sectors B and 15 be deferred."</i></p> <p><i>"The Draft LEP as it applies to the land seeks to impose greater limitations upon land use and introduce unjustified environmental considerations. The drafting of the RU2 Rural Landscape zone in the Draft LEP has been reversed from the current structure of the existing Non-Urban 1(b) zone under Pittwater LEP 1993. The formulation of the RU2 Rural Landscape zone conversely identifies the uses permitted with consent, and all other uses are prohibited. This has led to the range of uses that are currently permitted being further restricted, contrary to the expectations of a translation LEP process. The uses that would no longer be permitted on the land with development consent include:</i></p> <ul style="list-style-type: none"> <i>- Bus depot;</i> <i>- Liquid fuel depot;</i> <i>- Motel;</i> <i>- Place of assembly (includes cinema);</i> <i>- Road transport terminal;</i> <i>- Rural industry; and</i> 	<table border="1"> <tr><td>Sector 301</td><td>Not more than 53 dwellings or less than 42 dwellings</td></tr> <tr><td>Sector 302</td><td>Not more than 84 dwellings or less than 66 dwellings</td></tr> <tr><td>Sector 303</td><td>Not more than 29 dwellings or less than 23 dwellings</td></tr> <tr><td>Sector 501</td><td>Not more than 94 dwellings or less than 75 dwellings</td></tr> <tr><td>Sector 8</td><td>Not more than 140 dwellings</td></tr> <tr><td>Sector 801</td><td>Not more than 38 dwellings or less than 19 dwellings</td></tr> <tr><td>Sector 901A (including adjoining road reserve)</td><td>Not more than 192 dwellings or less than 156 dwellings</td></tr> <tr><td>Sector 901B</td><td>Not more than 36 dwellings or less than 12 dwellings</td></tr> <tr><td>Sector 901C</td><td>Not more than 22 dwellings or less than 17 dwellings</td></tr> <tr><td>Sectors 901D and 901E including adjoining Orchard Street road reserve</td><td>Not more 16 dwellings</td></tr> <tr><td>Sector 901F</td><td>Not more than 14 dwellings</td></tr> <tr><td>Sector 901G</td><td>Not more than 6 dwellings</td></tr> <tr><td>9 Fern Creek Road</td><td>Not more than 0 dwellings</td></tr> <tr><td>Sector 10</td><td>Not more than 134 dwellings</td></tr> <tr><td>Sector 10B</td><td>Not more than 45 dwellings or less than 28 dwellings</td></tr> <tr><td>Sector 11</td><td>Not more than 163 dwellings or less than 147 dwellings</td></tr> <tr><td>Sector 12</td><td>Not more than 180 dwellings or less than 163 dwellings</td></tr> <tr><td>Sector 12A</td><td>Not more than 19 dwellings</td></tr> <tr><td>Sector 20</td><td>Not more than 72 dwellings</td></tr> <tr><td>Buffer 1a</td><td>Not more than 17 dwellings or less than 15 dwellings</td></tr> <tr><td>Buffer 1b</td><td>Not more than 24 dwellings or less than 17 dwellings</td></tr> <tr><td>Buffer 1c</td><td>Not more than 18 dwellings or less than 13 dwellings</td></tr> <tr><td>Buffer 1d</td><td>Not more than 1 dwelling</td></tr> <tr><td>Buffer 1e</td><td>Not more than 15 dwellings or less than 11 dwellings</td></tr> <tr><td>Buffer 1f</td><td>Not more than 21 dwellings or less than 14 dwellings</td></tr> <tr><td>Buffer 1g</td><td>Not more than 23 dwellings or less than 17 dwellings</td></tr> <tr><td>Buffer 1h</td><td>Not more than 1 dwelling</td></tr> <tr><td>Buffer 1i</td><td>Not more than 39 dwellings or less than 27 dwellings</td></tr> <tr><td>Buffer 1j</td><td>Not more than 40 dwellings or less than 26 dwellings</td></tr> <tr><td>Buffer 1k</td><td>Not more than 21 dwellings or less than 14 dwellings</td></tr> </table>	Sector 301	Not more than 53 dwellings or less than 42 dwellings	Sector 302	Not more than 84 dwellings or less than 66 dwellings	Sector 303	Not more than 29 dwellings or less than 23 dwellings	Sector 501	Not more than 94 dwellings or less than 75 dwellings	Sector 8	Not more than 140 dwellings	Sector 801	Not more than 38 dwellings or less than 19 dwellings	Sector 901A (including adjoining road reserve)	Not more than 192 dwellings or less than 156 dwellings	Sector 901B	Not more than 36 dwellings or less than 12 dwellings	Sector 901C	Not more than 22 dwellings or less than 17 dwellings	Sectors 901D and 901E including adjoining Orchard Street road reserve	Not more 16 dwellings	Sector 901F	Not more than 14 dwellings	Sector 901G	Not more than 6 dwellings	9 Fern Creek Road	Not more than 0 dwellings	Sector 10	Not more than 134 dwellings	Sector 10B	Not more than 45 dwellings or less than 28 dwellings	Sector 11	Not more than 163 dwellings or less than 147 dwellings	Sector 12	Not more than 180 dwellings or less than 163 dwellings	Sector 12A	Not more than 19 dwellings	Sector 20	Not more than 72 dwellings	Buffer 1a	Not more than 17 dwellings or less than 15 dwellings	Buffer 1b	Not more than 24 dwellings or less than 17 dwellings	Buffer 1c	Not more than 18 dwellings or less than 13 dwellings	Buffer 1d	Not more than 1 dwelling	Buffer 1e	Not more than 15 dwellings or less than 11 dwellings	Buffer 1f	Not more than 21 dwellings or less than 14 dwellings	Buffer 1g	Not more than 23 dwellings or less than 17 dwellings	Buffer 1h	Not more than 1 dwelling	Buffer 1i	Not more than 39 dwellings or less than 27 dwellings	Buffer 1j	Not more than 40 dwellings or less than 26 dwellings	Buffer 1k	Not more than 21 dwellings or less than 14 dwellings	
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	<p>- <i>Transport terminal.</i></p> <p><i>“It is also noted that agriculture in the broadest sense is no longer permitted without consent. The proposed zone is seeking to restrict the range of agricultural uses permitted on the land.”</i></p> <p><i>“Further concern is raised with the formulation of many of the zone objectives which include as an objective to ‘maintain the desired character of the locality’.</i></p> <p><i>“Environmental Considerations...In relation to creek line corridors, the provisions of clause 6.1(5) are potentially conflicting with the applicable provisions of the Water Management Act 2000...The introduction of inflexible potentially conflicting provisions should be avoided in an LEP. It is our submission that this provision should be deleted from the Draft LEP to allow the Water Management Act 2000 to remain as the appropriate mechanism for the control of watercourses.”</i></p> <p><i>“The second element of concern relates to the designation of the land as “Biodiversity”. From a practical perspective, the written provisions relate to land mapped as “High Biodiversity Value”. The mapping does not identify high, medium or low value biodiversity land. There is no justification or definition of what constitutes “High Biodiversity Value”. The mapping has indiscriminately identified all of the private landholdings within the Southern Buffer as having “biodiversity” value,</i></p>	<table border="1" data-bbox="983 312 1890 488"> <tr> <td>Buffer 1l</td> <td>Not more than 67 dwellings or less than 43 dwellings</td> </tr> <tr> <td>Buffer 1m</td> <td>Not more than 0 dwellings</td> </tr> <tr> <td>Buffer Area 2</td> <td>Not more than 113 dwellings</td> </tr> <tr> <td>Buffer 2a</td> <td>Not more than 29 dwellings or less than 20 dwellings</td> </tr> <tr> <td>Buffer Area 3</td> <td>Not more than 186 dwellings</td> </tr> <tr> <td>Buffer 3b</td> <td>Not more than 9 dwellings or less than 7 dwellings</td> </tr> </table> <p>It is noted that the Warriewood Valley Strategic Review did not recommend the rezoning of the Southern Buffer for residential or other urban development. As such the RU2 Rural Landscape zone is considered the most equivalent to the 1(b) (Non-urban “B”) zone, and is recommended to be maintained for land in the Southern Buffer. As such, the request to defer the Southern Buffer from the draft Pittwater LEP 2013 is not supported</p> <p>The Warriewood Valley Strategic Review states ‘Should landowners wish to pursue other development opportunities for their land, either individually or in partnership, they should do so through the preparation of a rezoning application, fully supported by the necessary studies including those matters highlighted by the Strategic Review (such as flood extent and potential impacts as a result of developing the land including cut and fill to provide building platforms above the flood level and low lying roads in the area would have to be raised if evacuation in the event of a major flood is to be achieved).’</p> <p>It is not the intention to ‘down-zone’ land currently zoned 1(b) (Non-urban “B”). It is noted that the current 1(b) (Non-urban “B”) zone is an ‘open’ zone, permitting with consent ‘Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited’.</p> <p>The draft Pittwater LEP 2013 proposes the RU2 Rural Landscape zone permit certain uses with or without consent and prohibit any other development. This approach is intended to remove ambiguity and make clear what can and cannot be undertaken in the zone.</p> <p>A number of submissions suggested specific land uses that they believe should be permissible in the RU2 Rural Landscape zone. A review of these land uses was undertaken, the outcome for each is as follows (<i>Please note: the land uses raised in submissions are those from the Pittwater LEP 1993. Where these differ from the land uses outlined in the Standard Instrument LEP, the</i></p>	Buffer 1l	Not more than 67 dwellings or less than 43 dwellings	Buffer 1m	Not more than 0 dwellings	Buffer Area 2	Not more than 113 dwellings	Buffer 2a	Not more than 29 dwellings or less than 20 dwellings	Buffer Area 3	Not more than 186 dwellings	Buffer 3b	Not more than 9 dwellings or less than 7 dwellings
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	<p><i>with no indication of high, medium or low value...</i></p> <p><i>"If the provisions of clause 7.5 are to relate to land of high biodiversity value, then only those lands of high biodiversity value should be mapped."</i></p> <p><i>"...considerable concerns over the veracity of the mapping which has been exhibited."</i></p>	<p><i>recommendations incorporate the equivalent land use term/s):</i></p> <ul style="list-style-type: none"> ▪ Agriculture – Recommended to be included in RU2 Rural Landscape zone as ‘permitted with consent’ ▪ Rural industries – Recommended to be included as ‘permitted with consent’ ▪ Bus depots – ‘<i>Transport depots</i>’ are recommended to be prohibited, as the use is not considered appropriate in the RU2 Rural Landscape zone and it does not meet the zone objectives. ▪ Liquid fuel depots – Recommended to be prohibited, as the use is not considered appropriate in the RU2 Rural Landscape zone and it does not meet the zone objectives ▪ Motels – ‘<i>Hotel and motel accommodation</i>’ is recommended to be prohibited, as it is not considered an appropriate use in the RU2 Rural Landscape zone and it does not meet the zone objectives ▪ Places of assembly – ‘<i>Community facilities</i>’ are permitted with consent in the draft Pittwater LEP 2013, however ‘<i>entertainment facilities</i>’ are recommended to be prohibited, as they are not considered an appropriate use in the RU2 Rural Landscape zone and do not meet the zone objectives ▪ Road transport terminals – ‘<i>Freight transport facilities</i>’ are recommended to be prohibited, as it is not considered an appropriate use in the RU2 Rural Landscape zone and it does not meet the zone objectives ▪ Transport terminals – ‘<i>Passenger transport facilities</i>’ are recommended to be prohibited, as it is not considered an appropriate use in the RU2 Rural Landscape zone and it does not meet the zone objectives <p>Additional land uses currently permitted in the 1(a) (Non-urban “A”) zone, recommended to be included in the RU2 Rural Landscape zone are:</p> <ul style="list-style-type: none"> ▪ ‘Recreation areas’ as ‘permitted with consent’ ▪ ‘Forestry’ as ‘permitted with consent’ ▪ ‘Industrial retail outlets’ as ‘permitted with consent’ ▪ ‘Industrial training facilities’ as ‘permitted with consent’ ▪ ‘Farm stay accommodation’ as ‘permitted with consent’ ▪ ‘Rural workers’ dwellings’ as ‘permitted with consent’

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		<p>'Dwelling houses' are generally not permissible in the existing 1(a) (Non-urban "A") and 1(b) (Non-urban "B") zones (except as provided by Clause 17), however they are proposed be to permitted with consent in the draft Pittwater LEP 2013. 'Dwelling houses' are a mandatory land use in the RU2 zone under the Standard instrument LEP so there is no option for Council to prohibit them on any land within this zone.</p> <p>'Secondary dwellings' and 'attached dual occupancies' are also not permissible in the existing 1(a) (Non-urban "A") and 1(b) (Non-urban "B") zones, however most properties that are able to develop a 'dwelling house' are also permitted to develop attached dwellings in accordance with the existing Clause 21E. As such, it is considered appropriate for 'secondary dwellings' and 'attached dual occupancies' to be permitted with consent in the RU2 zone.</p> <p>With regard to the comments relating to the zone objectives and specifically the incorporation of maintaining 'the desired character of the locality', it is recommended to amend the objective to the following:</p> <p style="text-align: center;"><i>To ensure that any development minimises unnecessary impacts on the natural environment of the site and surrounding areas, and <u>is compatible with the desired character of the locality.</u></i></p> <p>In relation to Clause 6.1(5) the requirements for creek line corridors are considered generally consistent with the current requirements of clause 'C6.7 Water Management and Creekline Corridors - Warriewood Valley Land Release Area' contained in the Pittwater 21 DCP.</p> <p>With regard to the comments relevant to the Biodiversity map, in particular that the map should identify areas of low, medium and high biodiversity, the Department of Planning & Infrastructure specifies standard technical requirements for LEP maps. The draft Pittwater LEP 2013 Biodiversity map has been prepared in accordance with these requirements.</p> <p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map includes:</p>

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		<ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is currently mapped and given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to Development Applications (DAs). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p>
157	<p><i>"I have carefully compared the proposed E3 zoning with R2 and with the current (2a). I approve of the move from listing prohibited uses (current plan) to listing permitted uses (proposed plan), as this makes permitted uses much clearer."</i></p> <p><i>"Further, I strongly approve of the proposed zone E3 for Scotland Island and the Western Foreshore. I think this is more appropriate than R2, as it is more restrictive and more in keeping with the unique character of these locations. It will favour owners who live on the property as opposed to those who are considering only investment potential and thus care less for preserving the nature of these extraordinary</i></p>	<p>Short term holiday rental accommodation is a small but anecdotally significant part of the Pittwater economy, with close to 100 properties in Pittwater listed on the popular holiday rental website Stayz.</p> <p>Over the years there has been no planning control relating to short term holiday rental accommodation, with the position being that the duration of the rental period did not alter the definition of the use as a 'dwelling house'.</p> <p>However in March this year, the judgement of Justice Pepper in <i>Dobrohotoff v Bennic [2013] NSWLEC 61</i> has altered this long standing position, as the decision indicates that the use of a dwelling for short term holiday rental accommodation is not consistent with the purpose of a 'dwelling'. The decision defines 'short term holiday rental accommodation' as accommodation for a period of less than three months.</p> <p>Over the years there have generally been very few problems with short term holiday rental accommodation in Pittwater. However, recently there have been some issues raised where</p>

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	<p><i>properties. I hope it will also curtail the potential for creating short-term rental properties (holiday homes, party houses, or commercial meeting venues) that create excess noise, refuse, sewage, and mainland parking.”</i></p>	<p>these rentals are being used for conferences, weddings and large parties, which are not consistent with the use of a ‘dwelling house;’ and more consistent with a commercial use, such as a ‘function centre’.</p> <p>It is recognised that short term holiday rental accommodation can cause instances of noise and disturbance, however these issues are best managed in accordance with the <i>Protection of the Environment Operations Act 1997</i> or the <i>Protection of the Environment (Noise Control) Regulation 2008</i>, which cover neighbourhood noise laws. There are restrictions for noise from residential premises that are enforced by the NSW Police and /or Council.</p> <p>In 2012 the Real Estate Institute of NSW (REINSW) partnered with Holiday Letting Organisation Byron Bay; Stayz; rentahome.com.au; and TakeABreak to develop a self-regulation Code called the ‘Holiday Rental Code of Conduct’. The Code provides a self-regulatory approach in the management of holiday rentals. The Code applies to dwellings that are rented for the purposes of holiday accommodation and outlines the obligations of all stakeholders including a framework for House Rules for Visitors and Guests at a Property to ensure that the amenity of neighbouring properties is not adversely affected.</p> <p>Formal ‘tourist and visitor accommodation’ in Pittwater, such as hotels and motels, are scarce and, as such, short term holiday rental accommodation fills an important gap and contributes to the local economy.</p> <p>It is recommended that the draft Pittwater LEP 2013 be amended to ensure that the ongoing use of dwellings for short term holiday rental accommodation is permitted without the consent of Council. Accordingly, short term holiday rental accommodation is recommended to be added to Schedule 2 (Exempt development) in the draft Pittwater LEP 2013. It should be noted that this would not permit the use of dwellings for commercial uses such as functions, conferences, weddings and the like.</p>

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158	<p><i>“...a more appropriate zoning which includes a wider breadth of potential permissible uses would suit not only the Club better, but also the wider community....”</i></p> <p><i>“...the following major changes will occur with the introduction of the Draft LEP when compared to the provisions of the 1993 LEP:</i></p> <ul style="list-style-type: none"> <i>• Use implications – the major impact being that the Club can no longer undertake the following uses:</i> <i>- Residential development</i> <i>- Seniors housing [with the exception of reliance upon SEPP (Housing for Seniors or People with a Disability) 2004]</i> <i>- Hotel and motel accommodation (despite not being a permissible use under the 1993 LEP)”</i> <p><i>“Most potential uses relevant to the future plans of the Club are not affected by the proposed changes in LEP. It is also recognized that there are some additional uses which allow for greater flexibility in utilizing the Club Site, such as commercial uses.”</i></p> <p><i>“Parcel 1 of the Club Site has historically been zoned residential. While this is not necessarily the most relevant land zoning given it places further limits on the development potential of the Club Site, it allows obvious land use as residential development. Parcels 2 and 3 are currently zoned 3(e) Office Park. While B7 Business Park is replacing 3(e) Office Park in the</i></p> 	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

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	<p><i>standard instrument, the effect of the change in LEPs is such as to extend the 3(e) Office Park across from western portion of the Club Site into the eastern portions in the form of a blanket B7 Business Park zoning. ... this does not provide fair and reasonable flexibility in potential use of the Club Site in terms of potential development options. The preliminary strategic planning work undertaken by the Club identified that the potential for residential development should be further explored in any assessment of highest and best use. Whether or not the Club would potentially seek approval for residential development is another issue, however, in prohibiting this use by way of zoning the Club Site B7 Business Park, Council removes this possibility altogether. This is not a fair and reasonable approach and removes a potentially valuable use of the land away from the Club.”</i></p> <p><i>“While the Club is not seeking to have the Club Site zoned solely residential in the Draft LEP, it is seeking some flexibility that the land, subject to proper planning and assessment by Council at the time of any potential development application, be used in part for potential residential purposes...a more flexible land zoning which allows for a multitude of land uses, but is in keeping with both B7 Business Park and residential land uses which surround the Club Site, such as B4 Mixed Use, would allow for greater flexibility.”</i></p>	

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	<p><i>"...prohibiting use of the Club Site as a motel accommodation unfairly limits the ability of the Club to have the option to develop (again subject to appropriate planning approval process approval) in this way...In removing this land use option, which is proven in various other NSW registered club examples to be compatible with registered club uses, is to deny the area exactly what is proposed as a stated objective, that is a new business and new additional employment."</i></p> <p><i>"A review of the Club Site floor space ratio under the 1993 LEP and Draft LEP provides that there is unlikely to be a significant change to density. However, the Draft LEP provides for a 1:1 FSR. This appears unreasonable given the development potential of the Club Site and the number of uses which could potentially be developed. An FSR of 1:1 is not conducive to a commercial use and reduces yields which can be achieved and therefore also the likelihood of a Club Site being developed. There is ample reasoning to support a request for an increase in FSR to at least a 2.5:1 ratio which would ensure there is adequate return on investment should the Club decide to develop the Club Site. For example, neighbouring uses would appear to have FSR which are in excess of 1:1 and in this respect it is reasonable that the Club should be permitted to intensify its use in a similar way at the time of development."</i></p>	
159	<p><i>"...object to the draft instrument as it relates to the subject property."</i></p>	<p>The proposed E4 Environmental Living zone and the proposed 1,200m² minimum subdivision lot size are separate issues and have come about for different reasons. While all properties with a</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>"The provisions of the draft LEP propose to change the zoning of the land from Residential 2(a) pursuant to the current Pittwater Local Environmental Plan 1993 ("LEP 1993") to E4 Environmental Living and subsequently the minimum subdivision standard from 700m² pursuant to clause 11 of LEP 1993 to 1200m²."</i></p> <p><i>"Whilst we generally accept the proposition that the E4 Environmental Living zone reflects the areas on the mainland where dual occupancy is currently prohibited and which have previously been identified as potentially environmentally sensitive we do not accept the proposition that the translation of such LEP prohibition is appropriately used to justify a reduction in minimum subdivision allotment size from 700 square metres to 1200 square metres as proposed."</i></p> <p><i>"Any actual or perceived site specific sensitivities are appropriately considered through application of the applicable Pittwater 21 Development Control Plan ("P21DCP") controls applicable to any identified sensitivities as is currently the case."</i></p> <p><i>"...the subject properties do not form an area appropriately characterised as having a character of larger lot sizes either throughout an area or in a cluster."</i></p>	<p>proposed minimum subdivision lot size of 1,200m² are zoned E4 in the draft LEP, not all properties zoned E4 are proposed to have a minimum lot size of 1,200m².</p> <p>The proposed E4 Environmental Living zone has been applied to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland that are not currently on the multi-unit housing map or the flat map, and where dual occupancies are currently prohibited under the Pittwater LEP 1993. Dual occupancies are currently prohibited in certain areas of Pittwater as studies have previously identified these areas as valued for their environmental and aesthetic qualities.</p> <p>The proposal to increase the minimum subdivision lot size to 1,200m² for certain properties dates back to pre-Pittwater days. Prior to 1992, and the creation of Pittwater Council, Warringah council had a policy requiring a minimum subdivision lot size of 1,200m² in areas valued for their environmental and aesthetic qualities. Over the years, attempts to adopt this policy into the LEP have failed due to a lack of support from the State Government, however it has remained in force through council policy and the Pittwater 21 Development Control Plan (DCP).</p> <p>The minimum subdivision lot size of 1,200 m² lot size currently applies to approximately 10,500 lots under the Pittwater 21 DCP, representing a significant proportion of residential lots in Pittwater (approximately 56%).</p> <p>The exhibited draft Pittwater LEP 2013 proposed to apply the minimum subdivision lot size of 1,200 m² to areas with multiple constraints where a character or clustering of large lot sizes (above 1,150m²) exists. This was to ensure that the proposed minimum subdivision lot size of 1,200m² only applied to areas where large lot sizes actually exist. It also significantly reduced the number of lots where the control would apply i.e. 1,238 properties (approximately 6.6% of residential lots in Pittwater).</p> <p>Although all the lots that are proposed to have a minimum subdivision lot size of 1,200m² are also proposed to be zoned E4 Environmental Living, the two matters have come about for different reasons. However, ultimately they relate to the lots being considered areas as valued for their environmental and aesthetic qualities.</p>

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	<p><i>“The current LEP prescribes a minimum subdivision lot size of 700 square metres. The 1200m² proposed pursuant to the draft instrument is not a provision of a current environmental planning instrument and is therefore <u>not</u> a translation of the current LEP provisions as they apply to the land.”</i></p> <p><i>“The provisions of the draft LEP are contrary to S.117(2) of the EP & A Act 1979 and Part 3.1 (5)(a) of the Directions in that the draft LEP proposes to reduce the currently permissible residential density of the land.”</i></p> <p><i>“The exhibition of the LEP does not satisfy the requirements of clause 57 of the EP&A Act as the exhibited documentation does not include the Pittwater Local Planning Strategy Maps that are central to the exclusion of the subject site from the 700m² minimum lot size standard and as such would appear to be contrary to the findings in Castle Constructions Pty Ltd v North Sydney Council & Anor (2008) NSWLEC 137.”</i></p> <p><i>“The application of a 1200 square metre minimum subdivision lot size is both unreasonable and unnecessary as Council effectively retains the opportunity to review the specific constraints impacting individual sites as a normal and ongoing assessment of individual development applications in accordance with the current P21DCP provisions.”</i></p>	<p>It is acknowledged that section 117 direction 3.1(5)(b) generally requires that LEPs do not reduce the density of residential land, and that the proposed introduction of a 1,200m² minimum lot size into the LEP is inconsistent with this direction. However, section 117 direction 3.1 also provides that a draft LEP may be inconsistent with the terms of the direction if a council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance. <p>Justification in accordance with the requirements of the section 117 direction was provided in the report to Council on 19 November 2012.</p> <p>The justification was accepted by the Department of Planning & Infrastructure who issued the certification for Council to publicly exhibit the draft LEP with the condition that additional information on the 1200m² minimum lot size be exhibited with the plan. This information was provided on Council’s website and at Council’s customer service centres, the Coastal Environment Centre and libraries.</p> <p>Notwithstanding this, a number of submissions raised objection to the proposed minimum subdivision lot size of 1,200m² for their property. A range of reasons were put forward supporting these objections. Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred</p>

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	<p><i>"...the capability mapping should not to be treated as indicators to preclude development but rather as factors to be considered in the future development of the land." (Court case referenced Miller v Pittwater Council (2011) NSWLEC 1117)</i></p> <p><i>"The established lot size and subdivision pattern in this locality is significantly less than 1150m2 with our client's property in no way creating or representing a discernible character of such significance as to warrant its preservation."</i></p> <p><i>"There is nothing in the draft LEP or supporting documents to justify a minimum lot size of 1200m2 as an appropriate standard."</i></p> <p><i>"Our client objects to the 1200 square metre minimum lot size provision of the draft LEP and request that the land retain the minimum 700 square metre lot size capability with identified sensitivities continuing to be addressed through compliance with the P21DCP provisions applicable to development on sites with identified sensitivities."</i></p>	<p>from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>Pittwater Council resolved, on 5 November 2007, to commence the statutory process under section 54 of the Environmental Planning and Assessment Act 1979 to prepare the draft Pittwater Local Environmental Plan 2011 in accordance with the Standard Instrument – Principal Local Environmental Plan. The Director-General of the Department of Planning was advised of this resolution on 14 November 2007.</p> <p>On 1 July 2009, amendments were made to the EP&A Act and EP&A Regulations inclusive of new requirements and procedures for preparing a draft LEP. Savings and transitional provisions provided that draft Standard Instrument LEPs, where the Council has resolved under Section 54 of the EP&A Act to prepare a draft LEP and where the Director-General has received notification of the resolution before 1 July 2009, will continue to be prepared and made under the previous plan making provisions. Subsequently, Pittwater's Standard Instrument LEP will be made under the plan making provisions in place in November 2007 when the process to prepare a new LEP was commenced.</p> <p>Given the above, section 66 Public exhibition of draft local environmental plan of the EP&A Act (as per November 2007) outlines the statutory requirements. Council staff believe the necessary requirements of section 66 and the section 65 certificate issued by the Department of Planning & Infrastructure on 29 January 2013, have been met.</p> <p>Notwithstanding, in the interests of making readily available information that some members of the community would like access to, the maps associated with the Pittwater Local Planning Strategy will be publicly exhibited during the second public exhibition of the draft Pittwater LEP 2013. It is noted that these maps have been publicly accessible on Council's website since August 2011.</p>

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160	<p><i>"The current zoning is 4(b) (Light Industrial "B"). The proposed zone is IN2- Light Industrial."</i></p> <p><i>"The existing property comprises of a light industrial complex with an integrated dwelling (single residential unit). This is both our home and our business premises."</i></p> <p><i>"Zone 4(b) currently permits the use of a dwelling where it is used in conjunction with industry and situated on the fond on which the industry is conducted. However, <u>there is no such provision</u> in the proposed IN2 -Industrial Zone, where a dwelling house (or indeed any other residential use) is not specified as a land use permitted with consent, and therefore it falls into the Prohibited category, being "any other development not specified in Item 2 or 3"."</i></p> <p><i>"The inclusion of the proposed IN2- Light Industrial Zone provisions in the Draft Pittwater LEP 2013, would render the existing use of part of our property as a dwelling, to be a non conforming use. We are therefore <u>opposed</u> to the proposed zoning of our property."</i></p> <p><i>"We hereby request that Council tailor the provisions of the proposed IN2- Light Industrial Zone of the proposed Pittwater Local Environmental Plan 2013, to include the opportunity for the development of dwelling(s) on industrial lands, with the consent of Council."</i></p>	<p>Practice Note (PN 13-001) 'How to characterise development' explains that if a component serves the dominant purpose of the site, it is ancillary to that dominant purpose, and includes a number of examples, such as a caretaker's residence. Accordingly, a care takers residence, despite not being specially listed in the land use table would continue to be permitted with consent, as an ancillary function to another permitted land use.</p> <p>It is not recommended to permit any form of non-ancillary residential accommodation in the industrial areas, as this would severely undermine the ongoing function of Pittwater's industrial areas and the services they provide to the community.</p>

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161	<p><i>“Our objections to the Draft Pittwater Local Environmental Plan 2013 (DPLEP 2013) relate to the following provisions:</i></p> <ul style="list-style-type: none"> <i>• Rezoning of from Residential 2(a) to Environmental Living 4; and</i> <i>• 1200m min allotment area.”</i> <p><i>“The change in zoning whilst will not significantly impacting upon the permissible uses has the effect of denying properties access to the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which apply to land within residential zones.”</i></p> <p><i>“The proposed Environmental Living 4 zoning is premised upon a desire by Council to prevent the development of dual occupancy more widely within the residential zones. This prohibition in some areas is not based in evidence that dual occupancy is an inappropriate form of development, but rather the result of the legacy of the exemptions to State Government dual occupancy provisions as a result of the widespread opposition to the impact of dual occupancy development upon streetscapes and residential amenity.”</i></p> <p><i>“The Environmental E4 zone will impact upon landowners, identifying the land as different with good reason and requiring the need for development consent for minor works previously</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater’s existing zones must change.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential “A”) and 2(b) (Residential “B”) areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p>

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	<p><i>dealt with under the SEPP (Exempt and Complying). As this requirement for consent is a result of the operation of the provisions of the SEPP and not stated specifically within the DPLEP 2013 or supporting documents, it is likely that the additional expense and time required to seek consent will not be apparent to the wider community. The change in consent requirements should have been made more obvious within the supporting information for the DPLEP 2013."</i></p> <p><i>"There is no supporting rationale to alter the zoning and the information supporting the exhibition other than reference to environmental factors which have been reviewed. This is at best motherhood statements and defies proper evidence based environmental planning. There is no detailed review that would typically be expected by a local environmental study supporting the proposed alteration on rational planning grounds. Should Council wish to adjust the zoning it should undertake a thorough review of urban capability supporting by competent environmental studies to underpin the changes with evidenced based recommendations and reasoning."</i></p> <p><i>"It is ironic that where Council considers a private proposal to alter the zoning of land it requires the appropriate comprehensive studies."</i></p> <p><i>"The arbitrary nature of the zoning boundary also demonstrates the inappropriateness of the zone."</i></p>	<p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environment Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to the proposed 1,200m² lot size, it is acknowledged that section 117 direction 3.1(5)(b) generally requires that LEPs do not reduce the density of residential land, and that the proposed introduction of a 1,200m² minimum lot size into the LEP is inconsistent with this direction. However, section 117 direction 3.1 also provides that a draft LEP may be inconsistent with the terms of the direction if a council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or

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	<p><i>The zoning boundary straddles property boundaries with no discernible difference. For example the zoning boundary on Queens Ave adjacent Edwin Ave evidences the arbitrary zoning boundary. How can it be reconciled that adjacent properties sharing identical attributes should support different zonings?"</i></p> <p><i>"In conclusion all properties currently zoned as residential land should be converted over to the new residential zone on the basis of the "like for like" transition contemplated in the Council's exhibition material."</i></p> <p><i>"Proposed 1200m minimum allotment area...is proposed to be applied to a limited number of lots where under under PLEP 1993, the minimum allotment area for land generally north of Mona Vale Road is 700m2 and 550m2 for land to the south of Mona Vale Road."</i></p> <p><i>"The information in the exhibition material is non-factual, misleading and even mischievous. The policy has never prevailed over the LEP and any suggestion of a "like for like" transition contemplated in the exhibition material is either naive, in error or simply an untruth."</i></p> <p><i>"The 1200m2 min allotment area proposed under DPLEP 2013 is contrary to s. 117 Direction 3.1 for Residential Zones."</i></p> <p><i>(This submission was missing page 3)</i></p>	<p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p> <p>Justification in accordance with the requirements of the section 117 direction was provided in the report to Council on 19 November 2012.</p> <p>The justification was accepted by the Department of Planning & Infrastructure who issued the certification for Council to publicly exhibit the draft LEP with the condition that additional information on the 1200m² minimum lot size be exhibited with the plan. This information was provided on Council's website and at Council's customer service centres, the Coastal Environment Centre and libraries.</p> <p>Notwithstanding all of the above, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

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	<p><i>"...any attempt to alter the lawful 700m2 subdivision standard should be abandoned and the current subdivision standards embodied in the PLEP 1993 should be maintained in the DLEP on the basis of the "like for like" translation contemplated in the Council's exhibition material."</i></p>	
162	<p><i>"I object to the re-zoning from 2a to e3as its not appropriate. It will not add any additional benefits to house owners, the council or the State and may well have a added detrimental effect on property values and house prices"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the</p>

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		<p>mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not</p>

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		<p>significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
163	<p><i>"Please DO NOT go ahead with the proposed rezoning. It will ruin our area and change completely how we feel about living here. I would not have bought a house in area with the proposed rezoning. I believe it will be unsafe for our young children and as this major change was not part of an election campaign is it not within your mandate. DON'T DO IT"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>However, Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the zones proposed in the draft Pittwater LEP 2013 are considered the most equivalent to the current zone, including zone objectives and permissible land uses. The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime.</p> <p>The existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland that are not currently on the multi-unit housing map or the flat map, are divided into two areas: those areas</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>where dual occupancy is permitted and those areas where it is prohibited. It is proposed to apply the R2 Low Density Residential zone to areas where dual occupancy is currently permitted.</p> <p>The R2 Low Density Residential zone continues to provide the ability to undertake a dual occupancy development, as well as other uses currently permitted in the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones.</p>
164	<p><i>“I am alarmed and disappointed by the proposal to change the zoning of properties on the Western foreshores of Pittwater. I believe that it would be entirely inappropriate to change from a residential zoning to environmental management. A cavalier disregard for the existing residential use of these properties, simply in the interests of conformity with an unsuitable template, displays an unusual lack of consideration by one of the State’s most progressive councils. This course is likely to devalue our properties without in any way benefiting the locality or the council’s ratepayers in general.”</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater’s existing zones will change.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the ‘planning’ outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential “A”) areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
165	<p><i>"I wish to submit an objection to the draft Pittwater LEP 2013, in particular to the proposed rezoning of my property...as E3 Environmental Management, rather than R2 Low Density Residential. Council has not clearly demonstrated how our properties fit the draft criteria for E3 Environmental Management. There is no evidence of threat to existing ecology. There is no evidence that the past and current classification of these properties – for residential use – has had any significant effect on existing ecology."</i></p> <p><i>"At the State level, the Environmental Management classification was intended and implemented as a measure to loosen development restrictions on Conservation zones, not to restrict and disadvantage existing low-level residential communities."</i></p> <p><i>"...I reject any suggestion that an E3 zoning would improve our little neighborhood's environmental record."</i></p> <p><i>"Every reasonable check and balance for</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p>

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	<p><i>development exists within the R2 classification. That is the right fit, consistent with Towlers' century-old history of residential zoning."</i></p>	<p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
166	<p><i>"We wish to object to the use of the current biodiversity map on exhibition with the Draft Pittwater LEP 2013 insofar as it affects our property. This is the same biodiversity map that was used to exclude our property from yield in the recent final draft of the Warriewood Valley Strategic Review, despite comments to the contrary from Council's own natural resources unit. This biodiversity map depicts the majority of our property as biodiversity of the highest order, when clearly from simple ground truthing, it is not."</i></p> <p><i>"We are seriously concerned that the continued use of this badly inaccurate map as it describes our property is seriously compromising our ability to move forward with the development of our land as part of the Warriewood Valley Land Release. This biodiversity map is simply not accurate, and as such it should not be used in a document as important as the LEP. To do so could seriously</i></p>	<p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is currently mapped and given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to a Development Application (DA). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p>

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	<i>disadvantage us, and affect the future use of our land as it is currently doing in the Warriewood Valley Strategic Review.</i>	
167	<p><i>"We believe that the new proposed zone E4 is not the right comparison to the current zoning - 2(a) - of our residence, we feel the appropriate proposed zone for our area would be Zone R2 Low Density Residential. We do not think that we should be subject to the environmental living clauses because of the area in Pittwater that we live in."</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
168	<p><i>"from what we've been told, a change from the current zoning of 2(a)Residential A, to the proposed R2 Low Density Residential, can result in more than just residential homes being permitted in our area. Already we have too many dual occupancy dwellings taking over, let alone allowing churches, community facilities, medical centres, vets etc in amongst our suburban houses. These should be designated to areas within the business sections of our suburbs, where they can be easily accessible, with ample</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>parking and infrastructure, not invading our local neighbourhoods.”</i></p> <p><i>“...we strongly object to the zoning changes.”</i></p>	<p>prepare a new LEP.</p> <p>This means that all of Pittwater’s existing zones must change.</p> <p>However, Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the zones proposed in the draft Pittwater LEP 2013 are considered the most equivalent to the current zone, including zone objectives and permissible land uses. The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater’s existing planning regime.</p> <p>The existing 2(a) (Residential “A”) and 2(b) (Residential “B”) areas on the mainland that are not currently on the multi-unit housing map or the flat map, are divided into two areas: those areas where dual occupancy is permitted and those areas where it is prohibited. It is proposed to apply the R2 Low Density Residential zone to areas where dual occupancy is currently permitted.</p> <p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council’s LEP provisions.</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the ‘like for like’ approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than ‘dwelling houses’) in the R2 Low Density Residential zone are discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<ul style="list-style-type: none"> ▪ Boarding houses ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the R2 Low Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>In relation to 'educational establishments', the Infrastructure SEPP provides that they may be carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the new LEP would have no effect.</p> <p>The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings ▪ Veterinary hospitals ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		Residential zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.
169	<p><i>"We are writing in response to the draft Pittwater Local Environmental Plan 2013 (the draft LEP) and the intention to prohibit the subdivision of dual occupancy development. This is counterproductive as it will unreasonably limit the diversity of future housing stock available and is inconsistent with higher order environmental planning instruments and is internally inconsistent."</i></p> <p><i>"Dual occupancies, like any other form of residential accommodation, are a valid form of housing choice and can play a role in a providing diversity in housing types. Like all other housing forms (except secondary dwellings), they should be allowed to be subdivided to enable them to be developed to their full potential. In the six years to 2010, 83% of new dwelling stock in Pittwater was in Warriewood Valley or a multi dwelling housing in centres. And this trend is set to continue. Yet, not everyone wants to live in Warriewood Valley or in shop top housing. Where is the diversity of housing choice outside these areas? Pittwater needs to enable a range of housing types throughout the LGA if it is to properly address future housing needs."</i></p> <p><i>"Pittwater needs to enable a range of housing types throughout the LGA if it is to properly address future housing needs."</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy is an alternative form of development, not a way to circumvent the minimum lot size controls.</p> <p>Notwithstanding this, Clause 21F of the Pittwater LEP 1993 (adopted 9 February 1996), which prohibits the subdivision of dual occupancy developments, also provides that the prohibition does not apply to dual occupancy developments approved prior to 18 October 1995.</p> <p>On 2 June 2003, a report was presented to Council regarding dual occupancy developments that, notwithstanding Clause 21F, had been subdivided by way of company title. The report recognised this as an issue and made two recommendations:</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>“If dual occupancies are proposed to be permissible with consent, there are no valid planning grounds to prohibit their subdivision or set a subdivision standard that cannot be reasonably achieved. All impacts of a dual occupancy are associated with the built form and not the subdivision and those impacts can be addressed through development standards within the LEP and DCP.”</i></p> <p><i>“The inability to subdivide dual occupancies is inconsistent with the policy positions of State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, both of which allow the subdivision of dual occupancy and multi dwelling housing in residential zones.”</i></p> <p><i>“The draft Pittwater LEP 2013 sends a mixed message. On the one hand it ties lot size for dual occupancies to the Minimum Lot Size Map, which is really setting the lot size for the traditional single detached dwelling. But it then states that a dual occupancy can be developed on a minimum lot size of 800m² - 400m² per dwelling - and the objective of this development standard is to:</i> <i>(a) to achieve planned residential densities,</i> <i>(b) to maintain a high level of residential amenity, including adequate provision of private open space.</i> <i>It is saying you can achieve a high level of residential amenity with a minimum of 800m² for</i></p>	<ol style="list-style-type: none"> 1. That the Pittwater LEP 1993 be amended to clarify that the subdivision of dual occupancy by way of company title is prohibited 2. That the Pittwater LEP 1993 be amended to allow the subdivision of dual occupancy developments that have been subdivided under company title where the consent did not contain a condition prohibiting subdivision and the company title was registered prior to 2 June 2003 <p>Council resolved to support this recommendation and the statutory process for amending the LEP was commenced, however due to a number of issues (including legal drafting issues), the amendments were never completed.</p> <p>Given that some dual occupancies constructed between 1995 and 2003 were subdivided by company title regardless of the prohibition intended by Clause 21F, and some were not. In the interests of providing an equitable outcome, and a simplified approach, it is considered appropriate to move the date prohibiting dual occupancy subdivision to 2 June 2003. In effect this will allow, subject to appropriate approval, for dual occupancy developments approved prior to this date to be subdivided.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>a dual occupancy, yet you cannot subdivide and realise the property's potential unless you meet a subdivision standard originally designed for the traditional detached single dwelling, which is almost twice the size."</i></p> <p><i>"We therefore respectfully request that the Pittwater Local Environmental Plan 2013 be amended to allow the subdivision of dual occupancy development to enable a greater diversity of housing types in the Pittwater area."</i></p>	
170	<p><i>"In response to Pittwater Council's attempts to create many environmental zones (E1,E2,E3,E4) I'd suggest much of the homework that you are supposed to do to provide reports and documentation to support use of these zones is totally lacking, what is going on here is therefore totally misguided and environmentally problematic."</i></p> <p><i>"Attached is a DOPI Planning note for "E" Zones. The context of this document would appear to suggest they are for rural and country zones that are not predominantly residential as we are in pittwater. It also suggests that existing use should be available in some E zones (eg E4). Existing use however usually precludes modification of structures or land use (ie Changes to existing use within the normal context of residential property renovations and improvements). This has quite profound land value implications."</i></p> <p><i>"If you look at the LEP map you will notice a map</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual</p>

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	<p><i>page called "biodiversity" which pretty well covers the entire area. If you look in the LEP explanatory document part 7 'biodiversity' (and a host of other local things) there are rules that can be misused to a point where many properties could become valueless in terms of future modifications to either the house or lands."</i></p> <p><i>"This 130 page documents contains so much subjective environmental and other gobblidy-gook that the time given to the rate payers to assess it paragraph by paragraph and in some cases word by word is a complete denial of procedural fairness and natural justice. What really needs to happen with this is for the council to hold a series of public meeting where each and every paragraph in this document is explained to us and refined to remove ambiguity."</i></p> <p><i>"Taken to the letter it seems to describe situations that can completely stop the beneficial use of property in the present owners hands and worse still may lay a foundation through the massive use of E4 zoning where some houses as they exist now can only do so in the hands of the existing owner thus spoiling the resale prospects of many properties."</i></p> <p><i>"...most of the green-space we have here cannot be left on its own, vehicular transport of weed and other seeds is impossible to stop..."</i></p> <p><i>"We have a secondary problem with the removal</i></p>	<p>occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environment Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to the statement that using the E4 zone as a residential area is inconsistent with the Practice Notes on the Standard Instrument LEP publishing by the Department of Planning & Infrastructure (DP&I), as these imply the E4 zone should be used in a rural setting. Practice Note PN09-002 states "this zone will be typically applied to existing low impact residential development. This may include areas already zoned for rural residential that have special</p>

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	<p><i>of the foxes.”</i></p> <p><i>“As a great user of national and state parks I find the use of Environmental Zones in city areas a total abuse of the rational planning principles that are intended to support and give us many good pristine environments that have some potential to generate revenue for their upkeep. Allowing “E” zones in already heavily developed residential areas will create occupation and use precedents that places all our beautiful areas deserving of environmental zoning at significant risk.”</i></p>	<p>conservation values.” The Practice Note does not specify that the zone may only be used in a rural setting.</p> <p>It should be noted that ‘dwelling houses’ are a mandatory land use in this zone, which also contains the mandatory objective “<i>to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values</i>”.</p> <p>As such, the suggestion that the E4 Environmental Living zone is not a zone suitable for residential areas is incorrect, as residential areas are compatible with the zone objectives and permissible land uses.</p> <p>Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General’s office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>In relation to the draft Biodiversity Map, this includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats

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		<p>The abovementioned biodiversity is currently mapped and given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to a Development Application (DA). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>With regard to comments relevant to understanding the draft Pittwater LEP 2013, a number of community engagement events were undertaken during the eight week public exhibition period. The community engagement events involved three information stalls, six drop-in sessions and four Q&A sessions, which were open to all land owners to attend to ask questions or seek clarification of the draft Pittwater LEP 2013. Several staff were also available via telephone or face to face during the eight week public exhibition period.</p> <p>The approach to community engagement for the draft Pittwater LEP 2013 was to enable one on one discussions to answer, more often than not, site-specific questions about the draft LEP i.e. how it affects specific properties.</p> <p>Issues relating to the spread of weeds, seeds and the removal of foxes are not considered relevant to the draft Pittwater LEP 2013.</p>
171	<p><i>“Current zoning LEP has the area zoned as Reserve 6A with the intentions of it to be rezoned to RE1 Public Recreation...The ideal zone choice as discussed amongst the Owners Corporation is Zone RE2 - Private Recreation...We are nominating Zone Re2 (NOT RE1) as we believe due to close proximity of the area to the residential blocks, it is critical that any new usage of this land should have consultation with the surrounding areas.”</i></p>	<p>All land in Pittwater LGA currently zoned 6(a) (Existing Recreation “A”) under the Pittwater LEP 1993 is proposed to be zoned either RE1 Public Recreation or E2 Environmental Conservation, depending on the characteristics of the site. RE1 is proposed for areas of public recreation and E2 is proposed for areas of reserves that currently contain bushland.</p> <p>The 6(a) (Existing Recreation “A”) zone currently relies on the adopted plans of management to identify uses that are permitted with or without consent, or prohibited. However, in converting to the Standard Instrument, we can no longer refer to a plan of management to specify permissible and prohibited land uses. Uses must be identified as with or without consent, or prohibited in the land use table. As such, it is necessary to provide a range of land uses permitted without</p>

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		<p>consent in the proposed RE1 zone, consistent with what may be found permitted without consent under the current plans of management for reserves.</p> <p>The reserve discussed in this submission is currently covered by the Parks and Playgrounds Plan of Management. As a requirement of the Local Government Act 1993, Councils must prepare a plan of management for public land that is classified as 'community land'. As most of the areas of land covered by this plan are developed parks that perform similar functions in Pittwater's open space system, a "generic" plan of management has been prepared for the planning and management of all of these areas.</p> <p>Under the current Parks and Playground Plan of Management the following uses are set out as exempt (not requiring development consent):</p> <ul style="list-style-type: none"> - Bush Regeneration - Fire hazard reduction activities - Parking ancillary to a reserve - Multi-use tracks (other than motor vehicle) , footpaths, boardwalks and minor bridges - Temporary commercial activities or developments requiring under the relevant policy of Council - Temporary activities or developments requiring a lease, licence or other estate under the Local Government Act (1993) - Recreational facilities other than buildings - Minor public drainage and stormwater works - Public gardens, landscaping work and the like - Compliance, directional, interpretive, identification and safety signage - Land restoration works - Shelters, shade structures, park furniture and picnic facilities - Playground facilities and structures - Dog exercise area <p>The following uses are set out as permissible with development consent:</p> <ul style="list-style-type: none"> - Utility installations - Toilet facilities and buildings ancillary or incidental to the reserve

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		<ul style="list-style-type: none"> - Major public drainage and stormwater works - Community facilities - Road or vehicle access track <p>Management issues and future works for each park and playground, are set out in Appendix 1 to the plan, which is used as the basis for detailed recreation and landscape planning.</p> <p>The specific management objectives for this park are set out as follows:</p> <ul style="list-style-type: none"> - Provide adequate recreational facilities and maximise the advantages of the scenic foreshore location - Improve landscape character by undertaking tree and shrub plantings - Investigate rationalisation of back section of reserve <p>Under the Local Government Act 1993 'community land' is required to be used and managed in accordance with the plan of management applying to the land. As such, if the plan of management does not permit uses set out in the land use table, then in accordance with the Local Government Act 1993, they cannot be undertaken.</p> <p>For Council to change a plan of management, the Local Government Act 1993 requires that council give public notice of the draft plan of management, including a minimum public exhibition period of 28 days.</p> <p>The reserve is owned partly by Council and partly by the State.</p> <p>It is noted that the submission requests that the RE2 Private Recreation zone be used for this site. The RE2 zone is not considered appropriate for publicly owned land. In submissions regarding the draft Pittwater LEP 2013, NSW Primary Industries – Catchment & Lands, has specifically advised that the RE2 Private Recreation zone is not considered applicable to Crown land and that the RE1 Public Recreation zone is preferred.</p>
172	<p><i>"A translation from 2(a) to E3 is not appropriate, regardless of any criteria or description provided by the standard template. Such a change does not bring additional benefits to ratepayers or to</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out</p>

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	<p><i>Pittwater or the State and may leave a detrimental effect on the value of properties held on the western foreshores."</i></p>	<p>within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment</p>

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		<p>and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
173	<i>"Proposed loss of status of Zone 2(a) (Residential</i>	In 2005, the State Government produced a template for Local Environmental Plans (LEP) called

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	<p><i>"A") for my property I object in the strongest terms to this proposal. Residential 2(a) is the gold standard for a residential property, and for Council to contemplate removing this status from any property in Pittwater is not acceptable"</i></p> <p><i>"It is a breach of faith with ratepayers who have already purchased a property with this zoning in place and of course would also detrimentally affect the value and resale of properties so rezoned."</i></p> <p><i>"Elimatta Road is a high quality residential area and many of the proposed permissible developments provided for under E4 zoning would detract very considerably from the amenity currently enjoyed in the neighbourhood."</i></p> <p><i>"High on this list of objections I have is the proposal to allow home businesses and home occupations to operate in Elimatta Road without consent being required."</i></p> <p><i>"This experience has left me convinced that no business/occupation should be permitted to operate in a residential area without consent."</i></p>	<p>the Standard Instrument LEP. All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones must change to a zone that is set out within the Standard Instrument LEP.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993 where appropriate.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>In relation to the land uses, while it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p>

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		<p>To limit the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than 'dwelling houses') in the E4 Environmental Living zone are discussed below.</p> <p>Home occupations are mandatory in the E4 Environmental Living zone in the Standard Instrument LEP. Accordingly, there is no option for removing this land use from the E4 zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the E4 Environmental Living zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, it would only be prohibited on</p>

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		<p>bushfire prone land.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the E4 Environmental Living zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>'Group homes' are currently permitted in this area under the Affordable Rental Housing SEPP.</p> <p>The following uses are considered appropriate in the E4 Environmental Living zone and are generally permissible uses in the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs ▪ Business identification signs ▪ Child care centres ▪ Educational establishments ▪ Health consulting rooms ▪ Places of public worship ▪ Respite day care centres ▪ Jetties ▪ Water recreation structures <p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the E4 Environmental Living zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
174	<p><i>"This is an objection to the failure of Pittwater Council to transfer from the Pittwater Local Environment Plan 1993 the Pittwater Foreshore Scenic Protection Area to the Pittwater LEP 2013."</i></p> <p><i>"Pittwater's Foreshore Scenic Protection Area was initiated as part of the County of Cumberland Planning Scheme 27th July 1948 and covers the eastern and southern escarpments of Pittwater and Scotland Island."</i></p> <p><i>"It is an "umbrella" clause over and above zoning controls giving future purchasers due warning of the community's concerns for aesthetics and giving Council, the Courts (and Commissions and Panels) additional legislation under which to act to protect the visual amenity of Pittwater."</i></p> <p><i>"Pittwater Council was established to protect the environment of Pittwater and for Council to now lessen an existing control is contrary to the Pittwater ethic and its reason for existence."</i></p> <p><i>"The "one size fits all" approach to planning is not appropriate here. Pittwater is a special case calling for special additional protections."</i></p>	<p>The draft Pittwater LEP 2013 does not incorporate the existing Foreshore Scenic Protection Area as the area is considered to be sufficiently protected by the objectives for each zone, which includes the consideration of scenic quality and environmental values, and clauses such as Clause 7.5 (Biodiversity protection), which covers the existing Foreshore Scenic Protection Area.</p>
175	<p><i>"The Geotech Risk Maps extends the geotech zones below the mean high water boundary of all the Pittwater estuary waterfront lots...The intertidal zone is very rarely at slope greater than 3% towards the adjacent navigation channel. For any commercial, residential jetty or ancillary</i></p>	<p>In line with the 'like for like' approach used to prepare the draft Pittwater LEP 2013, the current geotechnical hazards map has been used in the preparation of the draft Pittwater LEP 2013. The draft Pittwater LEP 2013 does not extend the application of the current maps.</p> <p>In relation to the request for the proposed waterways zones to be reviewed and amended see Chapter 10 of the Community Engagement Outcomes Report for consideration and</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>waterfront development application that contains, in part, this zone, an expensive Geotech report will now be required. Currently geotech reports are not required for development below mhw...Could the colouring for the relevant geotech zones on the maps be amended to coincide with the foreshore property boundaries?"</i></p> <p><i>"There are many residential waterfront strata & freehold lots around the Pittwater estuary that have again been denied any development below the mhw boundary of their property by an inappropriate adjacent waterway zoning."</i></p> <p><i>"The waterway zoning boundary lines need a more comprehensive review, especially in relation to the sometimes inaccurate digital cadastral map that Council uses for millimetre accuracy to control waterway development"</i></p> <p><i>"A review of the W1, W2 & IN4 boundary shapes, locations & dimensions should also be undertaken by Council prior to adoption of LEP 2013."</i></p> <p><i>"The Land Reservation Acquisition Map 010 requires review for No 174 Prince Alfred Pde & adjacent freehold lots. The map is unclear as to whether the (RE1) zone at No 174 Prince Alfred Pde is within private property. If so there could be a possible resumption of a strip of prime waterfront land from freehold title. Otherwise, is this (RE1) zone below the mhw boundary of No</i></p>	<p>recommendation.</p> <p>With regard to the comments relevant to the zoning of 174 Prince Alfred Parade, currently the lot (which is acknowledged as being privately owned) is zoned 2(a) (Residential "A") with a strip adjoining the waterway zoned 6(c) (Proposed Recreation). The Proposed Recreation zone identifies land which is intended to be acquired by Council for recreational purposes.</p> <p>In line with the 'like for like' approach used to prepare the draft Pittwater LEP 2013, the subject lot is proposed to be zoned E4 Environmental Living (where it is currently zoned 2(a) (Residential "A")) and E2 Environmental Conservation (where it is currently zoned 6(c) (Proposed Recreation)). The proposed E2 zone, as well as its identification on the Land Acquisition map, retains the ability for Council to acquire the relevant strip of land in the future.</p> <p>With regard to the comments relevant to minimum subdivision lots sizes on Scotland Island and the Western Foreshore and the ability to undertake a boundary adjustment, the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> provides the subdivision of land for the purpose of minor boundary realignments as exempt development (i.e. not requiring development consent) provided the minor realignment:</p> <ul style="list-style-type: none"> - will not create additional lots or the opportunity for additional dwellings, and - will not result in one or more lots that are smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (unless the original lot or lots are already smaller than the minimum size), and - will not adversely affect the provision of existing services on a lot, and - will not result in any increased bush fire risk to existing buildings <p>The provisions of the SEPP are considered adequate to ensure that minor boundary realignments can be completed on Scotland Island and the Western Foreshores.</p> <p>In relation to the request to review the foreshore building line, the draft Pittwater LEP 2013 is principally intended as a like for like translation of Council's existing Plan, the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. Consequently, the current foreshore building line has been maintained in the draft Pittwater LEP 2013.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>174? Why are these properties singled out for this (RE1) zoning???"</i></p> <p><i>"Minimum Lot Sizes on Scotland Is & western foreshores are to be 5,800m2 & more. Most lots average around 600m2 to 800m2. What implication will this have on "boundary adjustments" which are considered a "subdivision" in the LGA."</i></p> <p><i>"The FSB line also completely disregards the location of existing houses and other environmental constraints on the land. A more rigorous & site specific review of the FSB would help alleviate this planning issue"</i></p> <p><i>"Pt 7.6 (4) in the Draft LEP 2013 should be reviewed...as the effect on property values and property building restrictions in areas now subject to flooding from a prediction of sea level rise has proven to be very controversial, and often emotionally affecting our community"</i></p>	<p>It is recognised that a number of submissions have made requests to amend the FBL, and it is acknowledged that a review of the FBL may be necessary in the future. However, a review of the FBL is not considered appropriate as part of the process of preparing the draft Pittwater LEP 2013. Incorporating a review of the FBL would likely delay the process of finalising the new LEP and would be inconsistent with the 'like for like' approach to preparing the draft Pittwater LEP 2013.</p> <p>Regardless of any impacts on land values, in relation to clause 7.6(4), Council is required to act in good faith and advise people of potential risks to land from flood including impacts associated with climate change (including but not limited to sea level rise). Council is also required to consider any of these know risks when assessing applications for development.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
176	<p><i>"I wish to draw to Council's attention my concern at the inclination of both the Labour and the current NSW Liberal Governments to oversimplify zoning and so development controls. An example of potential damage to Pittwater would be the removal from the new draft LEP of the controls imposed by the 1993 LEP (page 118) Part III Consents "Consideration of certain applications" 5.0)."</i></p> <p><i>"I ask Council to note my opposition to any exclusion in the new LEP of the 5.(1) conditions of the adopted 1993 LEP"</i></p> <p><i>"Such exclusion in the new LEP of the older LEP conditions...could and certainly would open the way for the construction on the visible foreshores of Pittwater of any number of unsuitable structures"</i></p>	<p>The draft Pittwater LEP 2013 does not incorporate the existing Foreshore Scenic Protection Area as the area is considered to be sufficiently protected by the objectives for each zone, which includes the consideration of scenic quality and environmental values, and clauses such as Clause 7.5 (Biodiversity protection), which covers the existing Foreshore Scenic Protection Area.</p> <p>Clause 7.9 'Foreshore building line and access' is also considered to provide protection for land directly adjoining the waterway or foreshore area.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
177	<p><i>"objection to certain provisions in the Draft Pittwater Local Environmental Plan 2013 including:- Rezoning of Land along Powderworks Road and Nareen Parade from Zone 2(a) to Zone E4 Increase in minimum lot size to 1200 square metres Wildlife Corridor on Terrestrial Biodiversity zone"</i></p> <p><i>"The proposed rezoning to E4 appears to be based on the existence of an undeveloped wildlife corridor between Powderworks Road and Nareen Parade. In reality this wildlife corridor does not exist"</i></p> <p><i>"The Wildlife corridor map also incorrectly includes Powderworks Road (a Regional Road) and local roads"</i></p> <p><i>"Biodiversity is adequately protected...by Draft LEP Section 7.5 Biodiversity protection. To achieve required aims there is no need to use E4 zoning or 1200 square metre lot size restrictions"</i></p> <p><i>"Clearly there is no evidence that a wildlife corridor actually exists and therefore no justification for rezoning the area to E4 or adopting a 1200 square metre minimum lot size."</i></p> <p><i>"The proposed LEP 2013 places minimum lot sizes of 1200 square metres on 64, 66, 74 and 76 Powderworks Road and numbers 68 to 84 Nareen Parade...This decision appears to be</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. The location of the E4 Environmental Living zone is not directly related to the location of mapped wildlife corridors.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>made without any reason other than to penalise the owners for not developing earlier."</i></p> <p><i>"There is no difference in the character of the blocks compared to neighbouring lots with 600 square metre sizes"</i></p>	<p>that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>It is noted that 'secondary dwellings' are permitted with consent in the E4 Environmental Living zone.</p> <p>In relation to the draft Biodiversity Map, this includes areas that have been mapped as containing the following:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>The abovementioned biodiversity is currently mapped and adopted by Council and is given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to Development Applications (DAs). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>Wildlife corridors have been identified and mapped in Pittwater's Conservation Strategy for habitat and wildlife corridors (<i>Habitat & Wildlife Corridors – a Conservation Strategy</i>). The Conservation Strategy outlines that 'Aerial photographs, orthophotomaps, habitat maps, vegetation maps, the National Parks and Wildlife Service's Wildlife Atlas, the 1990 Koala Study by Peter and Judy Smith and other plans and studies were examined (eg. Plans of Management for Angophora Reserve, McKay Reserve and Stapleton Park, the Ingleside/Warriewood Fauna Conservation Study and Council's Household Species Survey and maps)', as well as ground truthing of a sample of cross-sections of areas. The Conservation Strategy outlines that 'In built-up areas this involved inspection by streets checking the composition of street and yard trees. In lower density areas more time was spent checking habitat components.'</p> <p>The same methodology has been used to review Pittwater's habitat and wildlife corridors and prepare an updated version of the Conservation Strategy (which is yet to be adopted).</p> <p>In relation to the 1,200m² lot size, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1,200m² minimum subdivision lot size requirement be deferred from the draft Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum subdivision lot size as identified in the Pittwater LEP 1993. Following the finalisation of the draft Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1,200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
178	<p><i>"Council should not vary Pittwater LEP 1993"</i></p> <p><i>"Council's use of Pittwater LEP 1993 for this local area achieved desirable outcomes for residents using 2a) Residential 'A' and specifically the 700 square metres minimum lot size. We submit that adoption of Draft LEP 2013 to our property in the is local area would not more closely meet the State Government standard template."</i></p> <p><i>"Council's applications of Pittwater LEP 1993, 2a) Residential 'A' have been applied to e.g. 2 properties immediately neighbouring our property and it would be inconsistent and contestable if Council did not apply this standard to our property when a future application is made."</i></p> <p><i>"The close proximity of a primary school, is a sufficient reason for retention of 2a Residential 'A' to our property in particular and to satisfy future population pressures which Draft Pittwater LEP 2013 must meet"</i></p> <p><i>"Residents will find much greater difficulty in future to sell their large blocks to an ever smaller clientele if enlarged land sizes are enforced."</i></p>	<p>In 2005, the State Government produced a template for Local Environmental Plans (LEP) called the Standard Instrument LEP. All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones must change to a zone that is set out within the Standard Instrument LEP.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993 where appropriate.</p> <p>In relation to the 1,200m² lot size, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1,200m² minimum subdivision lot size requirement be deferred from the draft Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum subdivision lot size as identified in the Pittwater LEP 1993. Following the finalisation of the draft Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1,200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
179	<i>"I wish to advise our support for the rezoning of the Western Foreshores to E3 Environmental Management. Living in Elvina Bay and backing onto the National Park we think it vital to protect this unique environment and its native fauna and flora from both inappropriate development and unleashed companion animals. As it is, there have been at least 2 new households that have brought cats into the Bay in contravention of existing prohibitions, and an increasing number of unleashed dogs whose owners not only flaunt council regulations but also take them into the National Park. This is negatively affecting the wildlife as well as some humans."</i>	N/A
180	<i>"We are happy to have our property rezoned and hope the rest of the community will too. This will be of great benefit to the fauna and flora of this beautiful area. With no sewerage or water supply, the idea of any large structures and the increased use of water and its disposal after use could become a future problem. This rezoning may help curtail this problem in the future. Thank you for all your hard work"</i>	N/A
181	<p><i>"The Draft LEP 2013 proposes to change the zoning of the western foreshore to E3 Environmental Management."</i></p> <p><i>"There has been no significant issue arise in property development on the western foreshore that would require a change from the present zoning and development criteria."</i></p> <p><i>"...this change would impact greatly on our</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>property value.”</i></p> <p><i>“We object strongly to this rezoning, and if you go ahead with it we will seek fair compensation from Council for the decrease in the market value of our property.”</i></p>	<p>preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the ‘planning’ outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential “A”) areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of ‘secondary dwellings’.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a ‘like for like’ outcome, and that the E3 Environmental Management zone, which allows for ‘dwelling houses’, is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E3 Environmental Management achieves this.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
182	<p><i>"I wish to register my objection regarding the proposed rezoning...to E3 Environmental Management under the new LEP."</i></p> <p><i>"The property does not have special ecological, scientific, cultural or aesthetic values and therefore does not fit the stated objectives of the</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p>

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	<p><i>E3 zoning for which the property is proposed. In this regard it is not an appropriate “like for like” rezoning from the current 2(a) classification.”</i></p> <p><i>“...concerns that rezoning from 2(a) to E3 will have a negative impact on property values.”</i></p> <p><i>“I submit that the Property should be zoned R2 Low Density Residential under the new LEP 2013.”</i></p>	<p>This means that all of Pittwater’s existing zones will change.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the ‘planning’ outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government’s Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential “A”) areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of ‘secondary dwellings’.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a ‘like for like’ outcome, and that the E3 Environmental Management zone, which allows for ‘dwelling houses’, is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
183	<p><i>“...objects to the RU2 zoning being applied to her property and instead wishes Council to apply a zoning with suitable provisions in the draft Plan that will allow the subdivision of her land into residential allotments; each with an area of approximately 4,000m2 and able to accommodate a dwelling house.”</i></p> <p><i>“Any new zoning under the draft Plan that prevents the further subdivision and development of 9 Minkara Road will result in an inefficient use of available land, infrastructure and resources and is an extremely poor urban outcome.”</i></p> <p><i>“To continue to deny the further residential subdivision and development...is inequitable and places an ever increasing financial burden upon...[the] owner, to maintain the land “as is”...bear the burden of increasing Council rates and land tax without any tax relief as the land has no income earning potential. The land has no agricultural value whatsoever.”</i></p> <p><i>“...the pattern of development in the surrounding locality demonstrates that there are a significant number of existing residential allotments with an area of approximately 4,000m2. There is a strong market demand for these lots.”</i></p> <p><i>“... [the property] has no agricultural value or ability to be used for sustainable primary industry production whatsoever... This land is not within a rural setting. It is surrounded by residential</i></p>	<p>In 2005, the State Government produced a template for Local Environmental Plans (LEP) called the Standard Instrument LEP. All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones must change to a zone that is set out within the Standard Instrument LEP.</p> <p>Council has resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate. Subsequently, the proposed RU2 Rural Landscape zone, permissible land uses and subdivision potential in the draft Pittwater LEP 2013 is considered to generally reflect the current 1(a) (Non-urban “A”) and 1(b) (Non-urban “B”) zones that apply under the Pittwater LEP 1993.</p> <p>Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p> <p>Adopting the new RU2 zone for these areas in no way affects or slows the process for investigating the potential for an urban land release in these areas.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>development. Notwithstanding, the division of this land into 4,000m2 allotments and the development of a small number of dwelling houses will have minimal impact on its landscape character, whether that character is considered rural or some other.”</i></p> <p><i>“The land has no agricultural value. The most compatible land use having regard to the land’s context is for large lot residential. The infrastructure for essential services is in place. Large lot residential development will add only extremely minimal demand for these services. The Pittwater Local Planning Strategy 2031 defines the desired future character of this locality and this document identifies land in this area as a “Large lot greenfield development opportunity”....</i></p> <p><i>“If any such conflict was ever previously envisaged in this locality then the opportunity to prevent or manage it was lost with the invasion into the 1(a) (Non-urban “A”) zone by the 400+ dwellings which make up the [nearby] Retirement Village. Large lot residential development on [the property] pales into insignificance when compared to the extent and density of development within the existing retirement village.”</i></p> <p><i>“...the proposed RU2 zoning over 9 Minkara Road is inappropriate and it will only serve to continue to prevent the orderly development of</i></p>	

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>her land for large lot residential purposes. Essential services are in place and available in this locality for immediate connection..."</i></p> <p><i>"A new zoning such as RU2 which prevents the further development...is inefficient from a public benefit perspective and is inequitable..."</i></p>	
184	<p><i>"I wish to lodge an objection to the rezoning as relevant to the above property from the current status of 2(a) (Residential "A") to proposed zone of E4 Environmental Living...My objection is on the restriction to prohibit dual occupancy development within the eastern side of Barrenjoey Rd between Beaconsfield Pde and Karloo Pde. I note that the restriction does not envelop the Karloo Pde residences bounding on these properties but rather discriminates on these few properties that are adjacent to Barrenjoey Rd. I propose that the residences within the area bounded by the eastern side of Barrenjoey Rd between Beaconsfield Pde and Karloo Pde continue to be zoned as 2(a) (Residential "A")."</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, the permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993.</p> <p>The current Dual Occupancy Map, adopted into the Pittwater LEP 1993 in 1995, was produced based on a previous study that identified certain areas valued for their environmental and aesthetic qualities. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>Furthermore, in August 2011 Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such, the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p>
185	<p><i>"I am opposed to the proposed increase in the minimum subdivision lot size to 1200 m2. I believe that the current 700m2 subdivision lot size is adequate and should be retained."</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1,200m² minimum subdivision lot size requirement be deferred from the draft Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum subdivision lot size as identified in the Pittwater</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		LEP 1993. Following the finalisation of the draft Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1,200m ² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.
186	<p><i>“For many years the owner...has been frustrated by omissions in permissible land uses and ill-fitting planning controls in the current Pittwater LEP 1993 and Council Draft LEPs relating to the subject properties that after numerous representations by the owner to Council have not been corrected to reflect the built and environmental realities of the various properties.”</i></p> <p><i>“The recommendations below request to apply the most appropriate zonings and development standards to the sites to reflect the existing development on the land and make permissible private marine facilities that are permissible throughout Pittwater. Accordingly there is considered to be no procedural or community consultative need for these matters to be resolved via a future planning proposal.”</i></p> <p><i>“...it is clear that the B2 zone is the most appropriate zone for the Newport Arms Hotel site and Newport Mirage site and continues the permissibility of the current land uses of the two sites.”</i></p> <p><i>“Residential flat buildings, shop-top housing and commercial premises are all prohibited development in the E4 zone. As such, the</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>existing developments at 8 & 8A Kalinya Street consisting of a mixed commercial-residential use development at 8A Kalinya Street and a residential flat building at 8 Kalinya Street continues to be prohibited under Draft Pittwater LEP 2013 and the existing use rights of the land would continue to apply...the most appropriate zoning for this site under Draft Pittwater LEP 2013 is the B2 zone. Identifying this site as within the B2 zone would bring the existing development at 8 and 8A Kalinya Street into permissibility as a conforming land use. Furthermore, given the location of the site immediately adjoining the Newport Mirage and wider B2 Local Centre zoning, hypothetically should redevelopment of the site occur to another permissible use (ie entertainment, restaurant, etc) the site is appropriately located and would represent only a marginal extension of the B2 Local Centre zoning.”</i></p> <p><i>“The foreshore area below the mean high water mark adjacent to the Newport Arms Hotel site is identified as within the W1 zone and therefore the long term intention of the owner to construct a private jetty or wharf to service the Newport Arms Hotel remains prohibited development under Draft Pittwater LEP 2013. Furthermore, the waterway identified as Area 18 that permits jetties, boat sheds and water recreation structures under Schedule 1 of Draft Pittwater LEP 2013 does not extend to water adjacent to the Newport Arms Hotel site, Newport Mirage or 8</i></p>	

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	<p><i>Kalina Street (Figure 3). It is noted that both the Newport Mirage and 8 Kalinya Street are serviced from the waterway via existing jetties. These jetties are currently prohibited under Pittwater LEP 1993 as they are not public, and rely upon existing use rights. We therefore request the W2 Recreational Waterways zone (W2 zone) be applied to the area of waterway immediately adjoining to the Newport Arms Hotel site and that Area 18 be applied to the waterway area adjoining the Newport Mirage and 8 Kalinya Street...Whilst the owner's preference is for the W2 zone to be applied to the waterway adjacent to the Newport Arms Hotel site, an alternative could be the application of Area 18 instead of a W2 zoning."</i></p> <p><i>"...building height development standards require a detailed approach in their application and should appropriately respond to the existing built environment and the desired future character of the area. In this instance, we recommend that nominating a building height on each of the subject sites that would allow the existing buildings to comply with the building height development standard of Draft Pittwater LEP 2013. Details of the appropriate building height to apply to each site (ie approximately 11m to 15m subject to survey) can be discussed at a meeting with the owner and then formally in a further submission to Council."</i></p>	

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
187	<p><i>"I wish to register my opposition to the proposal to rezone my property from Residential 2a to Environmental Management (E3). I believe this is an incorrect application of the zoning category. The guide to the environmental zonings put out by the Department of Planning clearly states1: "However, the zone is generally not intended for cleared lands including land used for intensive agriculture." While there is no intensive agricultural usage in the area, it has obviously been cleared for construction of dwelling houses, and can in no way be construed as uncleared land. This makes the application of the zoning E3 incorrect in planning terms. I believe that all of the objectives of the E3 zoning are currently well-catered for under the existing controls, and that the change will prove more burdensome to residents doing building works, lower property values, make it more difficult to borrow funds for building works and potentially increase insurance premiums because of more restrictive environmental management policies."</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p>

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		<p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p>

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		<p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
188	<p><i>"I am unable to support your proposed changes to zoning for Bassett Street East, Mona Vale from 2B residential to R2 Low Density Residential. My major issue is the broad nature of the terms of the proposed changes to R2. For instance: community facilities, educational establishments, group houses, boarding houses, roads and home industries - what exactly do these developments/consents entail and allow? Those proposed zoning changes could allow a vast array of development options, so I would appreciate a more concise explanation of what these zoning changes will allow. I would also like an exact definition of dwelling houses, group houses and dual occupancies - what are the differences, and again, what does this actually allow?"</i></p> <p><i>"All these changes imply a greater influx of people to Pittwater and I really do not believe Pittwater has the infrastructure to support such an increase in population which may result in negative consequences for Pittwater. Your proposed changes indicate overdevelopment, which would be a complete tragedy for Mona Vale Basin and Pittwater."</i></p>	<p>With regard to the meaning and definitions of land uses permitted in the R2 zone, the Land Use Table (at Part 2 (Permitted or prohibited development) of the draft Pittwater LEP 2013) details which uses are permitted without consent, permitted with consent and prohibited. The Dictionary (at the end of the draft Pittwater LEP 2013) clearly defines each land use listed in the Land Use Table.</p> <p>It is understood that many people are happy with the performance and outcomes achieved in Pittwater under the current planning regime, and that it is easy to perceive that changes could potentially result in unknown or undesirable outcomes. However, regardless of the value of the current planning regime or the quality of the outcomes it has provided, Council is required to prepare a new LEP.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>However, Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate. Subsequently, the zones proposed in the draft Pittwater LEP 2013 are considered the most equivalent to the current zone, including zone objectives and permissible land uses. The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime.</p> <p>While it is understood that some members of the community consider that only residential land uses should be permitted in residential areas, this is generally not the current situation under the Pittwater LEP 1993. Further, a range of State Environmental Planning Policies (SEPPs) will continue to permit many of the land uses proposed in the draft Pittwater LEP 2013, regardless of Council's LEP provisions.</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p>

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		<p>The proposed permissible land uses (other than 'dwelling houses') in the R2 Low Density Residential zone are discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations ▪ Boarding houses ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p> <p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the R2 Low Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>In relation to 'educational establishments', the Infrastructure SEPP provides that they may be carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the new LEP would have no effect.</p> <p>The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential "A") and 2(b) (Residential "B") zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings ▪ Veterinary hospitals ▪ Water recreation structures

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		<p>It is noted that 'community facilities' falls under the definition of 'places of assembly' in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential "A") and 2(b) (Residential "B") zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density Residential zone is considered appropriate and generally consistent with the intended 'like for like' approach to preparing the draft Pittwater LEP 2013.</p>
189	<p><i>"I disagree with the restriction to prohibit dual occupancy development in the designated zones."</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, the permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the current situation under the Pittwater LEP 1993.</p> <p>The current Dual Occupancy Map, adopted into the Pittwater LEP 1993 in 1995, was produced based on a previous study that identified certain areas valued for their environmental and aesthetic qualities. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>Furthermore, in August 2011 Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such, the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p>
190	<p><i>"...significant concerns over the lack of any meaningful consideration of the recreational</i></p>	<p>In relation to the request to defer the waterways zonings, see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

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	<p><i>boating needs of an expanding population and requests the consideration of the waterways component of the draft LEP be deferred until such time as the navigational and environmental constraints of the waterway are determined by proper investigation and consultation with user groups and authorities.”</i></p> <p><i>“We understand the proposed zoning is a “best fit” to encompass the existing use and ancillary uses thereunder and as such no objection is raised by the...Club.”</i></p> <p><i>“I note from my examination of the draft Pittwater Local Environmental Plan 2013 and maps thereunder, (in particular sheet no. LZN_017 the Land Zoning Map relevant to the subject site) that the proposed W2 Zoning encompasses the existing sites containing the RMYC Carpark namely Lots 3301 and 3302 of DP1148592 and Lots 1 and 2 of DP791314. I assume that this amendment to the western-most boundary of the W2/RE2 Zone is a reflection of the existing land-based activities and amends the previous Waterways zone which from my advice is that the western-most zone boundary reflected the Mean High Water Mark at that time. Could Council please confirm that this is the case so I may convey this advice to the representatives of the Royal Motor Yacht Club.”</i></p> <p><i>“...the draft Pittwater Local Environmental Plan fails to recognise the increased demands for</i></p>	<p>With regard to the comment relevant to clarifying the zone changes to the western-most boundary of the subject site, it is confirmed that the proposed RE2 Private Recreation zone reflects the existing land-based area; rather than maintaining it as a waterway zone.</p>

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	<p><i>recreational boating facilities.”</i></p> <p><i>“The Waterways component of the draft PLEP 2013 has no capacity for satisfying the increased demand for facilities by recreational boaters and requires proper consultation with all user groups and individuals by deferral of the Waterways component of the draft PLEP2013 and the establishment of a Waterway Zoning Needs Forum to identify the future needs of all users and the navigational and environmental capacity of the Pittwater Waterway to accommodate those future needs.”</i></p>	
191	<p><i>“My concern is that at a slope of 16.7 degrees the height of a building is limited to 8.5m, but at 16.8 degrees it can suddenly become 1.5m higher. This seems somewhat illogical. I suggest that you reconfigure this clause so that between 0 degrees and (say) 12 degrees the height of a building is limited to 8.5m, and then it can increase to 10m where the slope is (say) 20 degrees.”</i></p> <p><i>“I would also like to see some sort of clarification as to how the slope across the footprint of the building is measured. For example, is the slope to be measured at right angles to the contours? Or diagonally across the footprint of the building? Or parallel to the side boundaries? Or by the method that shows the greatest / least slope?”</i></p> <p><i>“I have similar concerns about landscaped area requirements in the DCP. In my opinion, it is</i></p>	<p>The proposed standards for the height of buildings in the draft Pittwater LEP 2013 is consistent with the current controls for height in the Pittwater 21 DCP. It should be noted that clause 4.3(6) requires that any variation to the 8.5 metre standard is minor.</p> <p>The Pittwater 21 DCP currently provides for this variation where the building footprint is situated on a slope in excess of 16.7 degrees (30%). Slope across the building footprint is generally measured by reference to a survey of the site. And involves an interpolation of the contours across the building footprint.</p> <p>Comments relevant to landscape controls in the Pittwater 21 DCP are noted. However, such controls are not proposed to be incorporated in the draft Pittwater LEP 2013, and as such, the landscaping controls in the DCP are not being reviewed as part of the LEP process.</p> <p>Such comments would be welcomed when a review of the Pittwater 21 DCP is being undertaken.</p>

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	<p><i>unreasonable to require 40% landscaped area to be achieved on both a (say) 500 sqm and a (say) 1500 sq m site. I suggest that the required landscaped area should be graded from (say) 50% landscaped area on a (say) 500 sqm site to (say) 30% landscaped area on a (say) 1500 sqm site, with required landscaped areas being determined by linear interpolation for site in areas in between these figures."</i></p>	
192	<p><i>"Council refers to the draft plan as a "like-for-like" translation of the existing zones ... into the draft standard template Pittwater LEP 2013. I believe this statement has confused many residents who are affected, into believing that there will be little change.</i></p> <p><i>"the change from Residential 2(a) with a minimum lot size of 700m2, is quite different to an Environmental Living Zone (E4), clearly intended to limit additional density, with a minimum lot size of 1200m2, and significant other restrictions including code-based or complying Development not being permitted."</i></p> <p><i>"The Pittwater 21 DCP should not enter into the process of translation from the current LEP to the proposed LEP, as currently the 1200m2 standard in the DCP is not enforceable"</i></p> <p><i>"because it is clearly inconsistent with Section 117 Direction 3 Housing Infrastructure and Urban Development Clause 3.1(5)(b)"</i></p>	<p>The proposed E4 Environmental Living zone and the proposed 1,200m² minimum subdivision lot size are separate issues and have come about for different reasons. While all properties with a proposed minimum subdivision lot size of 1,200m² are zoned E4 in the draft LEP, not all properties zoned E4 are proposed to have a minimum lot size of 1,200m².</p> <p>The proposed E4 Environmental Living zone has been applied to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland that are not currently on the multi-unit housing map or the flat map, and where dual occupancies are currently prohibited under the Pittwater LEP 1993. Dual occupancies are currently prohibited in certain areas of Pittwater as studies have previously identified these areas as valued for their environmental and aesthetic qualities.</p> <p>The proposal to increase the minimum subdivision lot size to 1,200m² for certain properties dates back to pre-Pittwater days. Prior to 1992, and the creation of Pittwater Council, Warringah council had a policy requiring a minimum subdivision lot size of 1,200m² in areas valued for their environmental and aesthetic qualities. Over the years, attempts to adopt this policy into the LEP have failed due to a lack of support from the State Government, however it has remained in force through council policy and the Pittwater 21 Development Control Plan (DCP).</p> <p>The minimum subdivision lot size of 1,200 m² lot size currently applies to approximately 10,500 lots under the Pittwater 21 DCP, representing a significant proportion of residential lots in Pittwater (approximately 56%).</p> <p>The exhibited draft Pittwater LEP 2013 proposed to apply the minimum subdivision lot size of</p>

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	<p><i>"The exclusion of the 1238 lots from the 700m² standard, because they are "highly constrained" when all the land is developed for housing anyway cannot be justified"</i></p> <p><i>"There is no proper justification for imposing this on people against their will and it is inequitable"</i></p>	<p>1,200 m² to areas with multiple constraints where a character or clustering of large lot sizes (above 1,150m²) exists. This was to ensure that the proposed minimum subdivision lot size of 1,200m² only applied to areas where large lot sizes actually exist. It also significantly reduced the number of lots where the control would apply i.e. 1,238 properties (approximately 6.6% of residential lots in Pittwater).</p> <p>Although all the lots that are proposed to have a minimum subdivision lot size of 1,200m² are also proposed to be zoned E4 Environmental Living, the two matters have come about for different reasons. However, ultimately they relate to the lots being considered areas as valued for their environmental and aesthetic qualities.</p> <p>It is acknowledged that section 117 direction 3.1(5)(b) generally requires that LEPs do not reduce the density of residential land, and that the proposed introduction of a 1,200m² minimum lot size into the LEP is inconsistent with this direction. However, section 117 direction 3.1 also provides that a draft LEP may be inconsistent with the terms of the direction if a council can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the draft LEP that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the draft LEP (if the draft LEP relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by an environmental study prepared in accordance with section 57 of the Environmental Planning and Assessment Act 1979 which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance. <p>Justification in accordance with the requirements of the section 117 direction was provided in the report to Council on 19 November 2012.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>The justification was accepted by the Department of Planning & Infrastructure who issued the certification for Council to publicly exhibit the draft LEP with the condition that additional information on the 1200m² minimum lot size be exhibited with the plan. This information was provided on Council's website and at Council's customer service centres, the Coastal Environment Centre and libraries.</p> <p>Notwithstanding all of the above, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>In relation the E4 zone, Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>As stated above, it is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p>
193	<p><i>"concern regarding the application of a 4 metre height control to the Holmeport Marina site at 2A McCarrs Creek Road, Pittwater (the site) under the Draft LEP. It requests that the current 8.5 metre height control be retained for the land-based part of the site"</i></p> <p><i>"no objection is raised against the imposition of a</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<i>4 metre building height control to the water-based part of the site"</i>	
194	<p><i>"Our property is surrounded by units (a massive unit development next door) and multi-dwelling properties only one block away, and we wish to appeal against the proposal to continue the restriction on our property for single dwelling only"</i></p> <p><i>"The fact that only one dwelling is permitted on our property, also prevents us from being allowed to have more than one vessel on our dock."</i></p> <p><i>"We are being forced to put our runabout onto a trailer and park it in the street along with the other 8-10 trailers that are permanently parked in Princes St and on the corner with Gladstone Street"</i></p> <p><i>"We wish to ask for your support to seek special dispensation from Crown Lands, to keep the vessel tied up on our dock for rescue purposes for the term of our ownership of this property, at which time we understand that permission would be relinquished."</i></p>	<p>The draft Pittwater LEP 2013 is principally intended as a like for like translation of Council's existing Plan, the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. The proposed E4 Environmental Living zone will generally maintain the current permissible land uses.</p> <p>Residential development currently permitted on the site includes dwelling houses and secondary dwellings. But the site is not in an area where dual occupancy development is permitted and is not located on the multi unit housing or flat maps. As such, medium density housing is not currently permitted on the site. It is acknowledged that the site is nearby to some properties that are currently on the multi unit housing and flat maps, and that there are higher density housing forms in the vicinity of the site that do not conform to Council's current planning controls. It is likely that these were developed under State Environmental Planning Policy's that apply now, such as SEPP Seniors Living, or those that applied in the past, such as SEPP 53 Metropolitan Development.</p> <p>With regard to the comments relevant to only being allowed one vessel per jetty, as this is not a council policy, it is not something the Council can override, either through an LEP or otherwise.</p> <p>The argument that only one vessel can be moored on the existing jetty as only one dwelling is permitted on the subject property is not a valid argument for increasing the density on the subject land.</p>
195	<i>"I support the proposed zoning change to E3."</i>	N/A

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
196	<p><i>"I am concerned with some of the proposed uses outlined in the draft lep namely bed and breakfast accommodation, dual occupancy, educational establishments and places of public worship."</i></p> <p><i>"these uses would increase traffic flow, create congestion and parking problems"</i></p> <p><i>"with regard to group homes proposal I am concerned that the use for drug and or alcohol rehabilitation would be detrimental and not be in keeping with the general area and to possibly introduce undesirable elements into the area"</i></p>	<p>Under the Standard instrument LEP group homes are a mandatory land use in the R2 zone.</p> <p>Furthermore, in all areas currently zoned 2(a) (Residential "A"), SEPP Affordable Rental Housing, currently allows development for the purpose of a permanent group home or a transitional group home to be carried out with consent, or without consent if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority.</p> <p>As such regardless of the adoption of the new LEP these types of group homes will remain a permitted use in the 2(a) (Residential "A") zone.</p> <p>As the draft Pittwater LEP 2013 generally provides for the same development potential as Pittwater's existing LEP, the Pittwater LEP 1993, the adoption the new LEP is unlikely to directly result in any more traffic and parking issues.</p>
197	<p><i>"I am concerned with some of the proposed uses outlined in the draft lep namely bed and breakfast accommodation, dual occupancy, educational establishments and places of public worship."</i></p> <p><i>"these uses would increase traffic flow, create congestion and parking problems"</i></p> <p><i>"with regard to group homes proposal i am concerned that the use for drug and or alcohol rehabilitation would be detrimental and not be in keeping with the general area and to possibly introduce undesirable elements into the area"</i></p>	<p>Under the Standard instrument LEP group homes are a mandatory land use in the R2 zone.</p> <p>Furthermore, in all areas currently zoned 2(a) (Residential "A"), SEPP Affordable Rental Housing, currently allows development for the purpose of a permanent group home or a transitional group home to be carried out with consent, or without consent if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority.</p> <p>As such regardless of the adoption of the new LEP these types of group homes will remain a permitted use in the 2(a) (Residential "A") zone.</p> <p>As the draft Pittwater LEP 2013 generally provides for the same development potential as Pittwater's existing LEP, the Pittwater LEP 1993, the adoption the new LEP is unlikely to directly result in any more traffic and parking issues.</p>

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198	<p><i>“Current zoning LEP has the area zoned as Reserve 6A with the intentions of it to be rezoned to RE1 Public Recreation...The ideal zone choice as discussed amongst the Owners Corporation is Zone RE2 - Private Recreation...We are nominating Zone RE2 (NOT RE1) as we believe due to close proximity of the area to the residential blocks, it is critical that any new usage of this land should have consultation with the surrounding areas.”</i></p>	<p>All land in Pittwater LGA currently zoned 6(a) (Existing Recreation “A”) under the Pittwater LEP 1993 is proposed to be zoned either RE1 Public Recreation or E2 Environmental Conservation, depending on the characteristics of the site. RE1 is proposed for areas of public recreation and E2 is proposed for areas of reserves that currently contain bushland.</p> <p>The 6(a) (Existing Recreation “A”) zone currently relies on the adopted plans of management to identify uses that are permitted with or without consent, or prohibited. However, in converting to the Standard Instrument, we can no longer refer to a plan of management to specify permissible and prohibited land uses. Uses must be identified as with or without consent, or prohibited in the land use table. As such, it is necessary to provide a range of land uses permitted without consent in the proposed RE1 zone, consistent with what may be found permitted without consent under the current plans of management for reserves.</p> <p>The reserve discussed in this submission is currently covered by the Parks and Playgrounds Plan of Management. As a requirement of the Local Government Act 1993, Councils must prepare a plan of management for public land that is classified as ‘community land’. As most of the areas of land covered by this plan are developed parks that perform similar functions in Pittwater's open space system, a "generic" plan of management has been prepared for the planning and management of all of these areas.</p> <p>Under the current Parks and Playground Plan of Management the following uses are set out as exempt (not requiring development consent):</p> <ul style="list-style-type: none"> - Bush Regeneration - Fire hazard reduction activities - Parking ancillary to a reserve - Multi-use tracks (other than motor vehicle) , footpaths, - boardwalks and minor bridges - Temporary commercial activities or developments requiring - under the relevant policy of Council - Temporary activities or developments requiring a lease, - licence or other estate under the Local Government Act (1993) - Recreational facilities other than buildings - Minor public drainage and stormwater works

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		<ul style="list-style-type: none"> - Public gardens, landscaping work and the like - Compliance, directional, interpretive, identification and safety signage - Land restoration works - Shelters, shade structures, park furniture and picnic facilities - Playground facilities and structures - Dog exercise area <p>The following uses are set out as permissible with development consent:</p> <ul style="list-style-type: none"> - Utility installations - Toilet facilities and buildings ancillary or incidental to the reserve - Major public drainage and stormwater works - Community facilities - Road or vehicle access track <p>Management issues and future works for each park and playground, are set out in Appendix 1 to the plan, which is used as the basis for detailed recreation and landscape planning.</p> <p>The specific management objectives for this park are set out as follows:</p> <ul style="list-style-type: none"> - Provide adequate recreational facilities and maximise the advantages of the scenic foreshore location - Improve landscape character by undertaking tree and shrub plantings - Investigate rationalisation of back section of reserve <p>Under the Local Government Act 1993 'community land' is required to be used and managed in accordance with the plan of management applying to the land. As such, if the plan of management does not permit uses set out in the land use table, then in accordance with the Local Government Act 1993, they cannot be undertaken.</p> <p>For Council to change a plan of management, the Local Government Act 1993 requires that council give public notice of the draft plan of management, including a minimum public exhibition period of 28 days.</p> <p>The reserve is owned partly by Council and partly by the State.</p>

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		<p>It is noted that the submission requests that the RE2 Private Recreation zone be used for this site. The RE2 zone is not considered appropriate for publicly owned land. In submissions regarding the draft Pittwater LEP 2013, NSW Primary Industries – Catchment & Lands, has specifically advised that the RE2 Private Recreation zone is not considered applicable to Crown land and that the RE1 Public Recreation zone is preferred.</p>
199	<p><i>"...objection to the Pittwater LEP 2013 proposal that North Ingleside be zoned RU2 Rural Landscape. My understanding is that RU2 is primarily a zoning for a farming/forestry/mining area which has absolutely no relevance to the desired requirements of Ingleside landowners and surrounding residents and I therefore feel that it is totally inappropriate"</i></p> <p><i>"we would welcome a LEP low density residential R2 zoning where the principal objective would be to provide for the housing needs of the community within a low density residential environment"</i></p> <p><i>"The current 1 (a) non urban A zoning is crippling landowners both financially and mentally in that it does not allow us to make plans of any nature due to the restrictions associated with a non urban zoning"</i></p>	<p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate. Subsequently, the proposed RU2 Rural Landscape zone, permissible land uses and subdivision potential in the draft Pittwater LEP 2013 is considered to generally reflect the current 1(a) (Non-urban "A") and 1(b) (Non-urban "B") zones that apply under the Pittwater LEP 1993.</p> <p>Council resolved, at its meeting on 18 February 2013, to participate with the Department of Planning & Infrastructure and UrbanGrowth NSW in the Precinct Planning process for the Ingleside Investigation area. This process is being undertaken separate to the preparation of the draft Pittwater LEP 2013 as the anticipated timeframes are unlikely to coincide.</p> <p>Adopting the new RU2 zone for these areas in no way affects or slows the process for investigating the potential for an urban land release in these areas.</p>
200	<p><i>"I believe that the Draft Pittwater LEP 2013 is in error and fails to address the current zoning of my property, land size over 1500 sq meters and is sufficiently large and of low gradient to allow subdivision as per the current plan to over 700 sq m each. I strongly object to the Draft Pittwater LEP and the proposed re-zoning of my property"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p>

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	<p><i>into 'E4 Environment Living'. I fail to see any special environment qualities which merit a change"</i></p>	<p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>development' in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to the proposed 1,200m² lot size, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1,200m² minimum subdivision lot size requirement be deferred from the draft Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum subdivision lot size as identified in the Pittwater LEP 1993. Following the finalisation of the draft Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1,200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
201	<p><i>"We are strenuously opposed to these changes. We believe that the current LEP accurately reflects our current usage and gives the safeguards to our environment that we require."</i></p> <p><i>"Our concern is that the new proposals are inappropriate to our situation because we are not a "Transitional Zone". We have owned our property since 1985 and we have always considered it to be appropriately zoned for the our and our neighbours usage. A change in zoning creates concern and uncertainty in our minds with regard to previous planning consents. We believe that this proposal may well have an</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the</p>

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	<p><i>adverse effect on property values."</i></p>	<p>State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also</p>

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		<p>known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>
202	<p><i>"I am requesting that the zoning for my property be changed from the proposed E4 to R2."</i></p> <p><i>"I understand that the E4 zoning will increase the minimum lot size to 1200m2 and therefore prohibit me from being able to subdivide my property"</i></p> <p><i>"Under the current LEP we are able to subdivide our 1450m2 property into two 700m2 properties. The majority of the properties on Beaconsfield</i></p>	<p>In relation to the request for the zoning to be R2, see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p> <p>The proposed E4 Environmental Living zone and the proposed 1,200m² minimum subdivision lot size are separate issues and have come about for different reasons. While all properties with a proposed minimum subdivision lot size of 1,200m² are zoned E4 in the draft LEP, not all properties zoned E4 are proposed to have a minimum lot size of 1,200m².</p> <p>The proposed E4 Environmental Living zone has been applied to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland that are not currently on the multi-unit housing map or the flat map, and where dual occupancies are currently prohibited under the</p>

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	<p><i>Street have already completed this process."</i></p> <p><i>"There is nothing 'environmentally sensitive' about our backyard. It is just a plain backyard"</i></p> <p><i>"To suggest that a single dwelling on 700m2 is somehow not low-impact residential development is unfathomable"</i></p> <p><i>"Due to the majority of the properties already been subdivided into 700m2 blocks it seems the horse has already bolted in consideration of the objectives outlined for E4 zone"</i></p>	<p>Pittwater LEP 1993. Dual occupancies are currently prohibited in certain areas of Pittwater as studies have previously identified these areas as valued for their environmental and aesthetic qualities.</p> <p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> ▪ Residential properties which are entirely or partly within 50 metres of the Foreshore; or ▪ Residential properties all or part of which are within 100 metres of a ridgeline; or ▪ Residential properties all or part of which have a slope in excess of 20%; and ▪ All residential parts of the Western Foreshores and Scotland Island <p>The proposal to increase the minimum subdivision lot size to 1,200m² for certain properties dates back to pre-Pittwater days. Prior to 1992, and the creation of Pittwater Council, Warringah council had a policy requiring a minimum subdivision lot size of 1,200m² in areas valued for their environmental and aesthetic qualities. Over the years, attempts to adopt this policy into the LEP have failed due to a lack of support from the State Government, however it has remained in force through council policy and the Pittwater 21 Development Control Plan (DCP).</p> <p>The minimum subdivision lot size of 1,200 m² lot size currently applies to approximately 10,500 lots under the Pittwater 21 DCP, representing a significant proportion of residential lots in Pittwater (approximately 56%).</p> <p>The exhibited draft Pittwater LEP 2013 proposed to apply the minimum subdivision lot size of 1,200 m² to areas with multiple constraints where a character or clustering of large lot sizes (above 1,150m²) exists. This was to ensure that the proposed minimum subdivision lot size of 1,200m² only applied to areas where large lot sizes actually exist. It also significantly reduced the number of lots where the control would apply i.e. 1,238 properties (approximately 6.6% of residential lots in Pittwater).</p> <p>Although all the lots that are proposed to have a minimum subdivision lot size of 1,200m² are also proposed to be zoned E4 Environmental Living, the two matters have come about for</p>

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		<p>different reasons. However, ultimately they relate to the lots being considered areas as valued for their environmental and aesthetic qualities.</p> <p>Notwithstanding this, a number of submissions raised objection to the proposed minimum subdivision lot size of 1,200m² for their property. A range of reasons were put forward supporting these objections. Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
203	<p><i>"Objection to provisions proposed in the Draft Pittwater LEP 2013. Particularly rezoning land along Powderworks Road and Nareen Parade from Zone 2(a) to Zone E4, Increase in minimum lot size to 1200 m2 and the proposal of a wildlife corridor on Terrestrial Biodiversity Zone."</i></p> <p><i>"I have a strong objection to the proposed changes. In particular the misconception that there exists a wildlife corridor exists between Powderworks Road and Nareen Parade with good habitat value due to good crown cover and under storey"</i></p> <p><i>"In regard to the proposed minimum block size of 1 200m2, this is a most onerous imposition on future development and goes against the State Government's Policies in relation to creating more residential development"</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones must change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Subsequently, the proposed zones are considered the most equivalent to the current zones, including zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p> <p>It is proposed to apply the E4 Environmental Living zone to the existing 2(a) (Residential "A") and 2(b) (Residential "B") areas on the mainland where dual occupancy is currently prohibited. These areas have long been valued for their environmental and aesthetic qualities.</p>

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		<p>The areas where dual occupancy is currently prohibited are set out on the Dual Occupancy Map adopted into the Pittwater LEP 1993 in 1995. The criteria used to determine where dual occupancy is currently prohibited was as follows:</p> <ul style="list-style-type: none"> - Residential properties which are entirely or partly within 50 metres of the Foreshore; or - Residential properties all or part of which are within 100 metres of a ridgeline; or - Residential properties all or part of which have a slope in excess of 20%; and - All residential parts of the Western Foreshores and Scotland Island. <p>The draft Pittwater LEP 2013 is generally intended to provide the same development potential as Pittwater’s existing planning regime. It is considered that the E4 Environmental Living zone generally achieves this. Further, the draft Pittwater LEP 2013 proposes no additional controls that would specifically restrict development on land zoned E4 Environmental Living.</p> <p>It is recognised that the E4 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for ‘Exempt and Complying Development’ and ‘Affordable Rental Housing’ these types of development cannot be undertaken as ‘complying development’ in the E4 zone. It is important to note that people may still have the potential to undertake these types of development in the E4 zone, but they require development consent from Council.</p> <p>While this outcome may not be ideal, the draft Pittwater LEP 2013 is principally intended as a ‘like for like’ translation of Council’s existing Plan, i.e. the Pittwater Local Environment Plan 1993, into the new Local Environmental Plan format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>The draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<ul style="list-style-type: none"> ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is currently mapped and given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to a Development Application (DA). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>Wildlife corridors have been identified and mapped in Pittwater's Conservation Strategy for habitat and wildlife corridors (<i>Habitat & Wildlife Corridors – a Conservation Strategy</i>). The Conservation Strategy outlines that 'Aerial photographs, orthophotomaps, habitat maps, vegetation maps, the National Parks and Wildlife Service's Wildlife Atlas, the 1990 Koala Study by Peter and Judy Smith and other plans and studies were examined (eg. Plans of Management for Angophora Reserve, McKay Reserve and Stapleton Park, the Ingleside/Warriewood Fauna Conservation Study and Council's Household Species Survey and maps)', as well as ground truthing of a sample of cross-sections of areas. The Conservation Strategy outlines that 'In built-up areas this involved inspection by streets checking the composition of street and yard trees. In lower density areas more time was spent checking habitat components.'</p> <p>It is noted that the same methodology has been used to review Pittwater's habitat and wildlife corridors and prepare an updated version of the Conservation Strategy (yet to be adopted).</p> <p>In relation to the proposed 1200m² lot size, having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1200m² minimum lot size</p>

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		<p>requirement be deferred from the Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum lot size as identified in the Pittwater LEP 1993. Following the finalisation of Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p> <p>As specified by Council's Natural Environment and Education unit, the draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is as currently mapped and adopted by the Council. These areas are currently given consideration in the Pittwater 21 Development Control Plan (DCP) in relation to Development Applications (DAs). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>In relation to the prohibition on dual occupancies, as Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, the permissibility of dual occupancies in the draft Pittwater LEP 2013 reflects the</p>

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		<p>current situation under the Pittwater LEP 1993.</p> <p>As described above the current Dual Occupancy Map, adopted into the Pittwater LEP 1993 in 1995, was produced based on a previous study that identified certain areas valued for their environmental and aesthetic qualities.</p> <p>Furthermore, in August 2011 Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such, the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained. Accordingly, it is not considered necessary to review the areas where dual occupancy development is currently prohibited as part of the process of preparing the draft Pittwater LEP 2013.</p> <p>It is noted that the proposed E4 Environmental Living zone in the draft Pittwater LEP 2013 permits secondary dwellings with development consent.</p>
204	<p><i>"I wish to register my strong objection to this proposed change."</i></p> <p><i>"if accepted, would be a devaluation in property values for affected properties."</i></p> <p><i>"Why is a change being contemplated? The existing zoning has served us well over the decades. The standard Residential A zoning contains provisions protecting bio-diversity values & vegetation (Clause 33) as well as providing Council site specific controls relating to land use."</i></p> <p><i>"The new zoning proposal E3 is not applicable to our (or adjoining) Western Foreshore property. First of all we are residential- and have been</i></p>	<p>In 2005, the NSW Government produced a template for Local Environmental Plans called the Standard Instrument Local Environmental Plan (LEP). All councils in NSW were directed to prepare an LEP in line with the Standard Instrument. Accordingly, Pittwater Council is required to prepare a new LEP, which means that all current zones will change to a zone that is set out within the Standard Instrument LEP. The names of the zones cannot be altered and no new zones can be added.</p> <p>This means that all of Pittwater's existing zones will change.</p> <p>Council has resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. While the names of the zones are beyond our control, they have no actual effect on the 'planning' outcomes. Subsequently, the proposed zones are considered the most equivalent to the current zones, in relation to zone objectives and permissible land uses. All care has been taken within the bounds imposed by the State Government's Standard Instrument LEP, to ensure that the draft Pittwater LEP 2013 provides for development outcomes generally consistent with the current Pittwater LEP 1993.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>zoned such for decades"</i></p> <p><i>"we do not have "special ecological, scientific, cultural or aesthetic values" that aren't shared by most northern beaches properties"</i></p> <p><i>"Secondly, the environmental management zones are not intended to relate to residential areas but rather apply to transitional areas between agricultural & residential areas obviously this excludes all western foreshore properties."</i></p> <p><i>"The title of a zone should surely reflect its primary land use."</i></p> <p><i>"It is also a concern that further limitations & restrictions (along the lines of the proposed prohibition of "multi dwelling housing "-granny flats??) may be imposed"</i></p>	<p>The proposed E3 Environmental Management zone in the draft Pittwater LEP 2013 was applied to the existing 2(a) (Residential "A") areas on Scotland Island and the Western Foreshores.</p> <p>These areas are aesthetically significant and environmentally sensitive and a limited range of development is considered acceptable. There are also multiple issues requiring management such as bushfire and geotechnical hazards and restricted access. There is also limited or no water and sewer servicing these areas.</p> <p>Currently additional restrictions are placed on these areas above and beyond that on the mainland areas zoned 2(a), such as prohibitions on further subdivision and a restriction on the development of 'secondary dwellings'.</p> <p>These additional restrictions mean that maintaining the same zone as the mainland would not achieve a 'like for like' outcome, and that the E3 Environmental Management zone, which allows for 'dwelling houses', is the most appropriate zoning choice.</p> <p>The E3 Environmental Management zone, whilst having objectives that require consideration of the effects on the environmental and aesthetic values of development on these areas, is not an environmental conservation zone that stops all forms development. The E3 zone allows for dwelling houses and a range of complimentary uses, while preserving the natural environment and preventing intensification of these areas.</p> <p>The draft Pittwater LEP 2013 is intended to provide the same development potential as Pittwater's existing planning regime. It is considered that the E3 Environmental Management achieves this.</p> <p>It is recognised that the E3 zone limits the ability to do certain types of complying development (development that can be approved by a private certifier) under State Environmental Planning Policies (also known as SEPPs). This includes removing the potential to do complying development for new dwellings, extensions to existing dwellings and secondary dwellings (also known as granny flats). Under the SEPPs for 'Exempt and Complying Development' and 'Affordable Rental Housing' these types of development cannot be undertaken as 'complying</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
		<p>development' in the E3 zone. It is important to note that people may still have the potential to undertake these types of development (other than secondary dwellings) in the E3 zone, but they require development consent from Council.</p> <p>While this outcome not be ideal, the draft Pittwater LEP 2013 is principally intended as a 'like for like' translation of Council's existing LEP – the Pittwater LEP 1993 – into the Standard Instrument LEP format. The draft Pittwater LEP 2013 does not intend to translate the application of State Environmental Planning Policies, over which Council has no control.</p> <p>In relation to property values, as the proposed zone objectives and permissible land uses do not significantly differ from those that apply now, Council staff consider it unlikely that the name of the zone alone would cause any reduction in property values.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that the proposed zones would be unlikely to have any effect on land values as the proposed zones, regardless of their title, do not significantly change the permissible land uses.</p> <p>Also see Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
205	<p><i>"significant concerns over the lack of any meaningful consideration of the recreational boating needs of an expanding population and requests the consideration of the waterways component of the draft LEP be deferred until such time as the navigational and environmental constraints of the waterway are determined by proper investigation and consultation with user groups and authorities."</i></p> <p><i>"The proposed Foreshore Building Line as portrayed in the PLEP 2013 maps is of significant concern due to the proposed FBL on Lot B DP 401973 effectively sterilising almost half of the site due to the fact that the FBL is shown as being at a point where almost 50% of the site is not available for building. We therefore request that the proposed FBL be amended to a point at least 10 metres closer to the foreshore than currently proposed."</i></p> <p><i>"request Council to amend the range of permissible uses in the E4 Zone to allow carparking"</i></p> <p><i>"The existing parking facility is a lawfully commenced use and as such my Clients require certainty as to the permissibility or otherwise of the existing use of the subject site as parking of vehicles associated with the activities of the Yacht Club."</i></p>	<p>See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.</p>

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
205	<p><i>"The proposed zoning of...properties as E4 (Environmental Living) is not supported...as a zoning of this designation, which prohibits Club uses, will severely constrain the ability of the Club to meet the increase in demand by owners of (primarily) sailing craft for facilities for storage and maintenance of craft."</i></p> <p><i>"The most appropriate zoning for the above sites is seen as the RE2 zone as this zone allows for a natural integration of the existing hard stand areas on Lot 328 and Lot 332 and allows for expansion onto site 4 and further expansion onto 7 Mitala Street."</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
205	<p><i>"It is noted that the provisions of the current PLEP 1993 extend the W3 zoning across the frontage of the above site...the "loss" of this area to the Club under the draft PLEP 2013 is of significant concern as it severely constrains the future use of the waterway by Club vessels."</i></p>	The error on draft Zoning Map in relation to this area of the waterway is noted. It is recommended that this error be rectified.
205	<p><i>"This location of the FBL is not considered appropriate as it is well behind the existing line of buildings to either side and severely limits the opportunity for the Club buildings in the future to be as close as possible to the prime boating activities. We therefore request that the FBL be amended to remove this salient and provide a FBL consistent with existing structures on the site."</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
205	<p><i>"Whilst the draft Local Environmental Plan clearly intends to give effect to the Housing Targets set by the current draft Metropolitan Strategy as evidenced by the draft Local Environmental Plan"</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>2013 and increased population densities thereunder, the draft Pittwater Local Environmental Plan fails to recognise the increased demands for recreational boating facilities."</i></p> <p><i>"The Club requests that Council favourably consider allowing the proposed W2 Zone be extended to encompass the entire water frontage of the Club owned or controlled properties resulting in a contiguous W2 Zone between, and including Lot 2 DP 1004425 and Lot F DP404261 and consider allowing an extension of the proposed W2 Zone further into the Pittwater waterway to assist in meeting these demands, within environmental and navigational constraints."</i></p> <p><i>"The Waterways component of the draft PLEP 2013 has no capacity for satisfying the increased demand for facilities by recreational boaters and requires proper consultation with all user groups and individuals by deferral of the Waterways component of the draft PLEP2013"</i></p>	
206	<p><i>"I raise concern about the impact the proposed rezoning will have on our rates...Rezoning of the portion of road reserve land we own will add to what is already a considerable financial burden on our household income."</i></p>	<p>The land along McCarrs Creek Road zoned 9(d) (Arterial Road Reservation) under the Pittwater LEP 1993, is generally privately owned. The current 9(d) zoning applies as the then NSW Roads and Traffic Authority (RTA) previously intended to acquire the land for the purpose of road widening. In 2008 the RTA advised Council that they no longer intended to acquire this land.</p> <p>The subject land is located between the road reserve and residentially zoned land. In some cases, the area zoned 9(d) comprises a separate allotment; in others, it is a portion of a larger residential lot.</p>

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		<p>As the area currently zoned 9(d) is relatively small and unable to accommodate a dwelling, Council staff considers it unlikely that removing the 9(d) Arterial Road Reservation zone would cause any significant increase in property values, which subsequently effects the calculation of rates.</p> <p>Notwithstanding this, advice was sought from the Valuer General's office in the Land & Property Information Division of the NSW Department of Finance & Services. The response indicated that any effect on land values was likely to be nominal.</p> <p>Some have suggested that the area currently zoned 9(d) should be zoned E2 Environmental Conservation zone. However, as this zone prohibits all forms of residential development, it is generally only suitable for publicly owned land or land that is intended to be acquired by Council or another public authority. If Council was to zone land currently zoned 9(d) to E2 Environmental Conservation, it may create an obligation for Council to acquire the land in accordance with the provisions of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</p> <p>Council's property section has confirmed that Council does not intend to acquire the land; therefore it cannot be zoned E2 Environmental Conservation, or any other zone that reserves the land as open space or for a public purpose.</p>
207	<i>"We would respectfully ask that you consider this aspect to rezone 4a Kamilaroi Road as R2, rather than what is proposed below in LEP as R5"</i>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
208	<p><i>"2a Residential "A" now the proposes change to E4 Environmental Living limits the subdivision size to a potential 1,200 sm."</i></p> <p><i>"What is wrong with 700sm. Land sizes which are still very large on today's residential land size usage"</i></p> <p><i>"The proposal would...limit our potential to downsize our land size to a more manageable size as people age...Decrease the value of land holdings...Deprive potential purchases ability to purchase in the area...Deprive Pittwater Council the opportunity to collect more revenue...Impact on previous arrangements individual owners may have allowed for the future under proposed changes...Most prejudicial from the Council to existing stake holders."</i></p> <p><i>"We would think 800 sm. would be more appropriate for the Amenity of this area."</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1,200m² minimum subdivision lot size requirement be deferred from the draft Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum subdivision lot size as identified in the Pittwater LEP 1993. Following the finalisation of the draft Pittwater LEP 2013 it is proposed to undertake specific consultation on the 1,200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>
209	<p><i>"I note that there is no zoning provided for redundant road reserve to the south of our properties at 185 through to 173 toward the Browns Bay catchment."</i></p> <p><i>"This 20m wide strip of high value bushland is a significant wildlife corridor and warrants protection through appropriate zoning."</i></p> <p><i>"This Road Reservation is redundant as the access road to properties behind us has been constructed on private land. I ask that Council</i></p>	<p>All roads are required to be zoned, including unmade roads. With the exception of classified State roads all roads are to be zoned in accordance with the surrounding zones. The road reserve to the south 173-185 McCarrs Creek Road is proposed to be zoned E4 Environmental Living consistent with the surrounding residential properties.</p> <p>Regardless of whether the road is made or unmade, it is not considered appropriate to zone the road reserve E2 Environmental Conservation.</p>

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	<i>considers an appropriate environmental protection zoning for this land under the new LEP."</i>	
210	<i>"This submission endorses the draft zoning of the site however seeks an increase in the prescribed building height from 8.5 to 11 metres consistent with the prescribed building height for the balance of the Mona Vale Town Centre."</i>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
211	<i>"I was hoping we could still add our voice to the call for the houses on Halesmith Road, Mona Vale to be zoned W2 like the rest of the houses fronting Pittwater as part of the rezoning underway in Pittwater."</i>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.
212	<p><i>"the draft RE2 Private Recreation zoning as it fails to represent a translation of the range of permissible uses within the existing 6(b) (Private Recreation "B") zone and in doing so significantly prejudices our client's right to develop their land"</i></p> <p><i>"Such zoning outcome would also preclude the application of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and State Environmental Planning Policy (Affordable Rental Housing) 2009 with both policies currently applying to the 6(b) private recreation zoning."</i></p> <p><i>"requests that Council give consideration to the rezoning of the land to R2 Low Density Residential"</i></p> <p><i>"Council has recently agreed to the rezoning of surplus 6(b) zoned Golf Course owned land along</i></p>	See Chapter 10 of the Community Engagement Outcomes Report for consideration and recommendation.

No.	Quotes (summarising main point, request or issue with the draft Pittwater LEP 2013)	Response
	<p><i>Darley Street West to enable medium density residential development"</i></p> <p><i>"To effectively prohibit residential uses on land upon which they are currently permissible with consent is contrary to the Section 117 (2) of the EP&A Act 1979"</i></p> <p><i>"This submission seeks to include seniors housing and affordable housing as permissible uses on the subject site consistent with the residential uses permissible in the current 6(b) Private Recreation zone"</i></p>	
213	<p><i>1. The Club is zoned RE2 under the new zoning and the Club has no comment on this status</i></p> <p><i>2. The Permissive Occupancy (PO) area is zoned W2 and again the Club has no comment on this</i></p> <p><i>3. We note that our PO area is identified on Map Land Zoning Map Sheet LZN_017 but not recorded (as others are) on any of the other Maps.</i></p> <p><i>4. On the Map Foreshore Building Line Map-Sheet FBL_017 we believe the pink line and shading should be removed from the northern half of the Boundary as this is where the existing Boat Ramp and Slipway are positioned.</i></p> <p><i>5. On Map Terrestrial Biodiversity Map- Sheet BIO_017 we questioned why in the channel in front of the Club (Winnererremy Bay) it is marked in green (Biodiversity) as this is a dredged bay with the dredged reclamation forming the reserve now called Winnererremy Bay Foreshore Reserve. We</i></p>	<p>Only land cadastral boundaries are shown on the LEP maps. Not all leases and licenses applying to the waterway have land parcel details associated with them, and as such they are not shown. The rectangular box drawn on the western side of Winnererremy Bay on the Zoning Map is a cadastral boundary.</p> <p>Issues relating the foreshore building line have been addresses in chapter 10 of the Community Engagement Outcomes Report.</p> <p>The draft Biodiversity Map includes:</p> <ul style="list-style-type: none"> ▪ Endangered Ecological Communities ▪ Category 1 bushland ▪ Wildlife corridors ▪ Seagrass beds ▪ Mangroves ▪ Estuarine habitat ▪ Freshwater wetlands ▪ Tidal flats <p>The abovementioned biodiversity is as currently mapped and adopted by the Council and given</p>

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	<p><i>believe these green markings need to be removed, for reasons as explained below.</i></p> <p><i>6. There is also a rectangular box drawn on the western side of Winererremy Bay. Could you please advise what this is?</i></p> <p><i>"There is a need, as discussed, for this LEP 2013 to include Maps or policies and practices of the Council relating to the storm water outfalls and the related silt build up to protect the environment."</i></p>	<p>consideration in the Pittwater 21 Development Control Plan (DCP) in relation to a Development Application (DA). Clause 7.5 (Biodiversity protection) in the draft Pittwater LEP 2013 will require the same. It will require development to be designed, sited and managed to avoid adverse environmental impacts or, where this is not possible, that the impacts are minimised.</p> <p>The intention of the Biodiversity Map and Clause 7.5 is not to prohibit all development in these areas.</p> <p>The purpose of an LEP is to regulate land uses through zones and development standards. The Standard Instrument LEP is not intended to cover issues relating to stormwater or siltation.</p>
214	<p><i>"We are the registered proprietors of 10 Old Samuel St Mona vale"</i></p> <p><i>"The property was redeveloped in 2011/12 as a dual occupancy: DA N0034/11"</i></p> <p><i>"The intention was to obtain separate titles for each residence by way of a strata subdivision or other Torrens titles"</i></p> <p><i>"Following completion of construction and the taking of possession, the owners, when seeking to apply for approval of a yet to be drawn up strata plan, were informed of the prohibition in the LEP to separate titles for the residences in the dual occupancy: clause 21F."</i></p> <p><i>"The owners are strongly of the view that the</i></p>	<p>As Council resolved to take a 'like for like' approach, or translation of the Pittwater LEP 1993, to prepare the new LEP, where possible and appropriate, prohibiting the subdivision of dual occupancies has been maintained in the draft Pittwater LEP 2013.</p> <p>While the request to subdivide dual occupancy development to increase development potential is understood, allowing the subdivision of dual occupancy development would be likely to result in a large uptake of this type of development in Pittwater. The Pittwater Local Planning Strategy, adopted by Council on 15 August 2011, concluded that there was currently no identified need to alter the controls relating to residential development, as it is estimated that Pittwater will be able to meet the requirements for new housing under the existing planning regime. If the subdivision of dual occupancy development was permitted, this would increase dwelling supply, which is inconsistent with the Pittwater Local Planning Strategy. Further, it would not be consistent with Council's intention to do a 'like for like' translation of the Pittwater LEP 1993.</p> <p>Some submissions express confusion as to why dual occupancy development would be permitted if it could not be subdivided. This assertion is likely a misinterpretation of what a dual occupancy is intended to be. A dual occupancy is intended to be two dwellings on one lot. The intention of a dual occupancy is to provide the ability for the additional dwelling to be used for housing a relative or rented out for additional income. Dual occupancies and secondary dwellings are considered important forms of affordable rental housing in Pittwater. The intention of permitting dual occupancies is not to allow two dwellings on one lot and then subdivide them into separate titles. If the minimum subdivision lot size control cannot be met, a dual occupancy</p>

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	<p><i>prohibition should be removed and the council have the discretion to permit separate titles by way of strata schemes or other Torrens system titles”</i></p> <p><i>“A dual occupancy is one way to develop land; encouraging slightly denser population and use of existing infrastructure and enabling families to pool resources for mutual benefit and incidentally reducing demand on community services which otherwise might be sought.”</i></p>	<p>is an alternative form of development, not a way to circumvent the minimum lot size controls.</p> <p>Clause 21F prohibiting the subdivision of dual occupancies was adopted into the Pittwater LEP in 1996. Since this time clause 21F has been a notation of section 149 certificates. In addition to this, the consent issued on 09/06/2011 included the following condition:</p> <p><i>Prior to occupation a covenant is to be created on the title of the land, at the applicants expense, the terms of which state that the ownership of the individual dwellings to be constructed on the property cannot be individually assigned by any agreement, dealing or instrument based on the ownership of company shares. Proof of the creation of the covenant is to be provided to the Private Certifying Authority with the Occupation Certificate application.</i></p>
215	<p><i>“We live in Howell Close Newport which is now Zoned R2 and majority of which is classified as being in a flood plain</i></p> <p><i>We would ask does Council consider it appropriate that places like child care centres, respite daycare centres, vet hospitals, boarding houses, educational establishments etc be permitted in a flood plain ? . If so what additional conditions would Council apply to any applications to build such establishments in this flood plain.”</i></p>	<p>It is considered that these land uses are generally permissible in the current zone under the Pittwater LEP 1993 or under State Environmental Planning Policies (SEPPs).</p> <p>Limiting the proposed permissible land uses in the draft Pittwater LEP 2013 would be inconsistent with the ‘like for like’ approach, or translation of the Pittwater LEP 1993 to prepare the new LEP, where possible and appropriate, as resolved by the Council, as it would restrict development currently permitted in many of these areas.</p> <p>The proposed permissible land uses (other than ‘dwelling houses’) in the R2 Low Density Residential zone are discussed below.</p> <p>The following land uses are mandatory (i.e. the DP&I requires that these land uses must be included) in the R2 zone in the Standard Instrument LEP:</p> <ul style="list-style-type: none"> ▪ Home occupations ▪ Boarding houses ▪ Group homes <p>Accordingly, there is no option for removing these land uses from the R2 Low Density Residential zone in the draft Pittwater LEP 2013.</p>

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		<p>In relation to the permissibility of 'roads' as 'Permitted with consent', the Standard Instrument LEP directs that they must be included as either 'Permitted with consent' or 'Permitted without consent' in the R2 Low Density Residential zone. Accordingly, 'roads' have been listed as 'Permitted with consent', rather than 'Permitted without consent'.</p> <p>In relation to the permissibility of 'home businesses' and 'home industries', the State Environmental Planning Policy (SEPP) Exempt and Complying Codes permits the following as exempt development (i.e. development consent is not required to undertake the use):</p> <ul style="list-style-type: none"> ▪ 'home businesses' that do not involve skin penetration procedures ▪ 'home industries' that do not involve the manufacture of food products <p>If we prohibit 'home businesses' and 'home industries' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home businesses' that involve skin penetration procedures and 'home industries' that involve the manufacture of food products.</p> <p>In relation to the permissibility of 'bed and breakfast accommodation', the SEPP Exempt and Complying Codes permits 'bed and breakfast accommodation' as complying development (i.e. a fast-tracked development assessment process may be utilised rather than lodging a DA with Council) on land that is not bushfire prone. If we prohibit 'bed and breakfast accommodation' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, it would only be prohibited on bushfire prone land.</p> <p>Further, 'bed and breakfast accommodation' is currently permitted with consent in the 2(a) (Residential "A") and 2(b) (Residential "B") zones under the Pittwater LEP 1993.</p> <p>In relation to the permissibility of 'home-based child care', the SEPP Exempt and Complying Codes permits 'home-based child care' as exempt development (i.e. development consent is not required to undertake the use) on land that is not bushfire prone. If we prohibit 'home-based child care' in the R2 Low Density Residential zone in the draft Pittwater LEP 2013, all that is prohibited is 'home-based child care' on bushfire prone land.</p> <p>In relation to 'educational establishments', the Infrastructure SEPP provides that they may be</p>

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		<p>carried out by any person with consent in the R2 zone. As such, prohibiting this land use in the new LEP would have no effect.</p> <p>The following uses are considered appropriate in the R2 Low Density Residential zone and are generally permissible uses in the areas of the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones in the Pittwater LEP 1993, proposed to be zoned R2 Low Density Residential:</p> <ul style="list-style-type: none"> ▪ Boat sheds ▪ Building identification signs; Business identification signs ▪ Child care centres ▪ Dual occupancies ▪ Environmental protection works ▪ Exhibition homes ▪ Health consulting rooms ▪ Jetties ▪ Places of public worship ▪ Respite day care centres ▪ Secondary dwellings ▪ Veterinary hospitals ▪ Water recreation structures <p>It is noted that ‘community facilities’ falls under the definition of ‘places of assembly’ in the Pittwater LEP 1993. As such, they are currently prohibited in the 2(a) (Residential “A”) and 2(b) (Residential “B”) zones.</p> <p>In consideration of the current permissible land uses under the Pittwater LEP 1993 and applicable SEPPs, the proposed range of permissible land uses in the R2 Low Density Residential zone is considered appropriate and generally consistent with the intended ‘like for like’ approach to preparing the draft Pittwater LEP 2013.</p> <p>All Development Applications on flood affected land are assessed by Council’s Catchment Management & Climate Change Division, who provide comments and conditions where appropriate.</p>

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216	<p><i>“My thought re the LEP is that bigger blocks should be subdivisible. We are on a nearly 1,000 sq.m. block and are surrounded by plenty of small blocks which seem to be about half the size of ours (we’re in Newport on Lovering Place between Bungan Head Road and Queens Parade East). And many people on small blocks are extending their houses so that they take up most of the block.”</i></p> <p><i>“Re development at Newport - I hear the vacant block on cnr Boulevarde and Barrenjoey Rd (east side of Barrenjoey) has proposal in for a development which resembles the Gateway building at Mona Vale (cnr Mona Vale Rd) in height but is even more obtrusive than the Gateway Building in that most of its storeys go straight up rather than being stepped back as the Gateway is. Can this possibly be true?? Can I look this up? I truly hope the council would not consider such an overwhelming design for this site. This building is at the very start of Newport Village as you drive in travelling north and would dwarf the rest of Newport. It would be totally out of character of Newport village which is very low-profile, not more than 2-3 storeys and, where it is 3 storeys, usually the third storey is stepped back.”</i></p>	<p>In August 2011, Council adopted the Pittwater Local Planning Strategy, which among other things, determined that the current planning regime, including zones, permissible forms of housing, density controls, and subdivision standards, were adequate to meet the demands for housing outlined in the draft North East Subregional Strategy. As such the Pittwater Local Planning Strategy recommended that the development potential provided by the current planning regime be maintained.</p> <p>As there is no identified need to increase development potential, Council resolved to take a ‘like for like’ approach, or translation of the Pittwater LEP 1993, to preparing the new LEP, where possible and appropriate. Accordingly, the proposed minimum subdivision lot sizes in the draft Pittwater LEP 2013 have been carried over from the current Pittwater LEP 1993.</p> <p>Development applications can be found on Council’s website at http://portal.pittwater.nsw.gov.au/internet/modules/TrackingDA/default.aspx?page=search</p> <p>At the time of writing, the most recent Development Application on the corner of Barrenjoey Road and The Boulevarde was N0466/11, for a shop top housing development and an attached dual occupancy. The application was refused by Council on 6 March 2013.</p>
217	<p><i>“I cannot understand why the council would want to increase lot size for subdivision to 1200sqm, based on the special environmental qualities of the area?”</i></p>	<p>Having regard for the concerns raised during the exhibition period, it is recommended that the proposal to apply the 1,200m² minimum subdivision lot size requirement be deferred from the draft Pittwater LEP 2013. The properties that were identified as being subject to this control are recommended to retain their current minimum subdivision lot size as identified in the Pittwater LEP 1993. Following the finalisation of the draft Pittwater LEP 2013 it is proposed to undertake</p>

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	<p><i>“what is so environmentally special about Beaconsfield Street. It is a main corridor for public transport, always has been, it has home units at either end, in the middle and next to it in Queens Parade and Livingston Place.”</i></p> <p><i>“All 13 properties from No 32 to No 8 accepted a development proposal by Marina Bay Developers, 3 years ago, that was rejected by council. Six of these properties are 1200sqm or more. Who in this day and age needs such huge blocks on a main corridor?”</i></p> <p><i>“Without gradual growth in the Newport population that shopping strip will continue to shrivel up and die”</i></p>	<p>specific consultation on the 1,200m² minimum lot size requirement with the property owners affected and the wider Pittwater community. In this way it is hoped that a more comprehensive and in depth conversation can occur without the pressures of the Standard Instrument program distracting from the issue.</p>