



**Planning proposal to rezone land adjacent to 47 Fisher Street Balgowlah Heights**

Proposal Title : **Planning proposal to rezone land adjacent to 47 Fisher Street Balgowlah Heights**

Proposal Summary : **This planning proposal seeks an amendment to Manly LEP 2013 to rezone Lot 2759 DP 752038 from RE1 Public Recreation to R2 Low Density Residential and Lot 1 DP577319 from R2 Low Density Residential to RE1 Public Recreation.**

PP Number : **PP\_2016\_NBEAC\_001\_00**      Dop File No : **16/09262**

**Proposal Details**

Date Planning Proposal Received : **30-Jun-2016**      LGA covered : **Northern Beaches**

Region : **Metro(CBD)**      RPA : **Northern Beaches Council**

State Electorate : **MANLY**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

**Location Details**

Street : **47 Fisher Street**

Suburb : **Balgowlah Heights**      City : **Sydney**      Postcode : **2093**

Land Parcel : **Lot 2579 DP 752038 (RE1 Public Recreation), Lot 1 DP 577319 (R2 Low Density Residential)**

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

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**Land Release Data**

Growth Centre :      Release Area Name :

Regional / Sub      Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg  
Residential /  
Employment land) :

No. of Lots : 0

No. of Dwellings : 0  
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government **Yes**

Lobbyists Code of  
Conduct has been  
complied with :

If No, comment :

**The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Have there been  
meetings or  
communications with  
registered lobbyists? :

**No**

If Yes, comment :

### Supporting notes

Internal Supporting  
Notes :

**This planning proposal seeks to amend the Manly LEP 2013 to correct an historical anomaly with the existing zoning and reflect the existing use of the land.**

**Lot 2759 DP 752038 at the rear of 47 Fisher Street, Balgowlah Heights is zoned RE1 Public Recreation under Manly LEP 2013 and was formerly zoned Open Space under the previous Manly LEP. In 1976 Council approved an application for extensions to 47 Fisher Street over the land and Lot 1 DP 577319 was transferred to the Crown.**

**A formal agreement was entered into exchanging these lots but the zoning was never amended to reflect these changes. Therefore, this planning proposal seeks to update Manly LEP 2013 to accurately represent the land use on the lots.**

**Zones surrounding the lots are RE1 Public Recreation and R2 Low Density Residential therefore the proposed zones are consistent with surrounding uses.**

**This planning proposal is the result of an ongoing study of small and residual lots commenced by the previous Manly Council in April 2016. The intent of the internal review is to determine a method of encouraging lot consolidation to provide a more efficient use of land.**

**The proposal will not result in any changes to the written instrument but will update the Land Use Zoning Maps relevant to the site.**

**The Department supports the planning proposal given both its intent and development outcomes are consistent with the current strategic planning framework.**

External Supporting  
Notes :

**Council supports the planning proposal for the following reasons:**  
**- the impact on the surrounding open space and residential zones is minimal as the proposed zoning reflects the existing and historical use of the land; and**  
**- the proposal is consistent with the relevant strategic plans and policies**

### Adequacy Assessment

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### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the proposal is to correct an historic anomaly identified in the planning proposal, and rezone the land accordingly. The rezoning recognises:**

- the existing use of the land;
- the ownership of the land;
- the value of open space and recreational space;
- the development standards that are applicable to surrounding development; and
- Northern Beaches LGA's need to protect open space.

### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposed objective of this planning proposal will be achieved by:**

- Amending the Manly LEP 2013 Land Zoning Map Grid Sheet 004 (LZN) to indicate Lot 2759 DP 752038 as R2 Low Density Residential and Lot 1 DP 577319 as RE1 Public Recreation
- Amending the Manly LEP Floor Space Ratio Map Grid Sheet 004 (FSR) to indicate Lot 1 DP 577319 with no FSR control
- Amending the Manly LEP Height of Buildings Map Grid Sheet 004 (HoB) to indicate Lot 1 DP 577319 with no HoB control
- Amending the Manly LEP Minimum Lot Size Map Grid Sheet 004 (LSZ) to indicate Lot 1 DP 577319 with no LSZ control

**No changes are proposed to the written Instrument.**

### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**3.1 Residential Zones**

\* May need the Director General's agreement

**7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 19—Bushland in Urban Areas**

**SREP (Sydney Harbour Catchment) 2005**

e) List any other matters that need to be considered :

**SEPP 19 - Bushland in Urban Areas**

**The proposal is considered to be consistent with the aims of the SEPP. The proposal is unlikely to have significant impacts on the remnant bushland within Heathcliff Park as it reflects the existing and historical uses of the land since the 1970s.**

**SREP (Sydney Harbour Catchment) 2005**

**The site is located within the Sydney Harbour Catchment but not within the foreshores and waterways area. The proposal is consistent with Clause 13 Planning Principles for Sydney Harbour Catchment and is unlikely to have any negative impacts on any of the principles of the Clause.**

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

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### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed public exhibition of 14 days given the minor nature of the proposal. State agencies and public authorities will be given 21 days to comment.**

**The Department agrees with this timeframe.**

### Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

## Proposal Assessment

### Principal LEP:

Due Date :

Comments in relation to Principal LEP : **On 5 April 2013, Manly LEP 2013 was published on the NSW Legislation website and came into effect on 19 April 2013.**

### Assessment Criteria

Need for planning proposal : **A planning proposal is the best means of meeting the intended outcomes of the planning proposal by amending Manly LEP 2013 land use zoning to address the historical anomaly.**

Consistency with strategic planning framework : **The proposal is consistent with "A Plan for Growing Sydney", specifically Direction 3.2 'Create a network of interlinked, multipurpose open green spaces across Sydney'. The zoning change will maintain the linkage of the open space at Heathcliff Park to the surrounding land and allow for a more formalised public access to Heathcliff Park to be provided from Geddes Street in the future.**

**The planning proposal is consistent with the Manly Community Strategic Plan - Beyond 2026, specifically Goal Three "A sustainable, protected and well managed natural and built Manly.**

Environmental social economic impacts : **The proposal has the potential provide positive environmental and social impacts if Council proceeds with its suggestion to develop a more formalised public access to Heathcliff Park from Geddes Street.**

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### Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

### Documents

Document File Name	DocumentType Name	Is Public
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### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones  
7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

**1. Community Consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:**

**(a) the planning proposal must be made publicly available for a minimum of 14 days; and**

**(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).**

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2. A public hearing is not required to be held into the matter.

3. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.

4. Northern Beaches Council be granted delegation to carry out the Minister's functions under section 59 of the EP&A Act to progress this planning proposal.

Supporting Reasons :

**This Planning Proposal is supported because:**

- the impact on the surrounding open space and residential zones is minimal as the proposed zoning reflects the existing and historical use of the land; and
- the proposal is consistent with the relevant strategic plans and polices.

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

29/7/16