

<b>ITEM 9.4</b>	<b>NARABANG WAY, BELROSE PLANNING PROPOSAL</b>
<b>REPORTING MANAGER</b>	<b>GROUP MANAGER STRATEGIC PLANNING</b>
<b>TRIM FILE REF</b>	<b>2016/248096</b>
<b>ATTACHMENTS</b>	<b>1</b> <a href="#">⇒</a> <b>8 Narabang Way, Belrose Planning Proposal (Included In Attachments Booklet)</b>
	<b>2</b> <a href="#">⇒</a> <b>Narabang Way, Belrose Planning Proposal Submission (Included In Attachments Booklet)</b>

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## EXECUTIVE SUMMARY

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### PURPOSE

To seek Council approval to submit a planning proposal to the NSW Department of Planning and Environment (the Department) for a Gateway determination to rezone parts of properties at Nos. 8, 10 and 12 Narabang Way, Belrose from E2 Environmental Conservation to B7 Business Park.

### SUMMARY

On 10 June 2016, Council received a planning proposal to rezone part of the allotment at No. 8 Narabang Way, Belrose (located within the Austlink Business Park) from E2 Environmental Conservation to B7 Business Park under Warringah Local Environmental Plan 2011 (WLEP 2011).

The Applicant's planning proposal was publicly exhibited from 25 June to 9 July 2016 (2 weeks). Council received 28 submissions, comprising 27 letters of objection and one submission from Sydney Water raising no issues. Many of the objections identified environmental and traffic concerns as key considerations.

Following a review of the applicant's planning proposal, Council has prepared a revised planning proposal to include the rezoning of parts of adjoining allotments at Nos. 10 and 12 Narabang Way from E2 to B7 as these allotments have already been developed. The proposed rezoning is considered to have merit and satisfies the pre-gateway requirements of the Department. It is recommended that Council resolves to approve the submission of a planning proposal to the Department for a Gateway determination and request to exercise its delegation.

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## RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Submit the Planning Proposal for 8, 10 and 12 Narabang Way, Belrose to the Department of Planning and Environment for a Gateway determination.
  - B. Request to exercise delegation from the Minister of Planning under Section 59 of the *Environmental Planning and Assessment Act, 1979* regarding the making of local environmental plans in relation to this planning proposal.
  - C. Publicly exhibit the Planning Proposal in accordance with any Gateway approval granted by the Department of Planning and Environment.
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REPORT

BACKGROUND

The Site

The site comprises three allotments - Nos. 8, 10 and 12 Narabang Way, Belrose (Lots 907, 906 and 905 in DP 867091 respectively) and is within the Austlink Business Park (Austlink) (see Figure 1). Austlink is located south of Mona Vale Road and to the west of Forest Way in Belrose.

No. 8 Narabang Way is currently undeveloped and is covered with vegetation. Nos. 10 and 12 Narabang Way are occupied by office premises and warehouse or distribution centre uses fronting Narabang Way, and vegetation covering the rear part of the properties.

Figure 1 - Site identification map



## Zoning Controls

The majority of the site is zoned B7 Business Park under WLEP 2011. An area of approximately 1,800 m<sup>2</sup> located towards the southern boundary is zoned E2 Environmental Conservation. This planning proposal relates only to this E2 zoned land and does not include a larger area of E2 zoned land at the rear of the site, which is known to have environmental significance.

The objectives of the E2 zone are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect and enhance the quality and character of visually sensitive areas and preserve significant natural landforms in their natural state.
- To manage development in areas having steep sloping topography or that is subject to any potential landslip.
- To manage water quality in significant water catchment areas.
- To ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.

'Environmental protection works' and 'Roads' are the only permissible uses with development consent in the E2 zone. All other uses are prohibited. A range of uses including office and light industrial uses are permitted with development consent in the B7 zone.

## Historical context of land zoning

Land within Austlink was identified as regionally significant development for a business park by the State Government through Sydney Regional Environmental Plan No. 15 – Terrey Hills (SREP 15). In 1988, the State Government rezoned Austlink for a business park and private golf course in return for the dedication of 920 hectares of land (east of Forest Way) to be placed under the control of National Parks and Wildlife Services (now Office of Environment & Heritage). The dedicated land now forms part of Garigal National Park covering a large proportion of the Deep Creek catchment.

Special provisions were contained in SREP 15, including the identification of 'restricted development areas'. These were shown as hatched areas on the SREP map. The hatched areas restricted certain development on land due to:

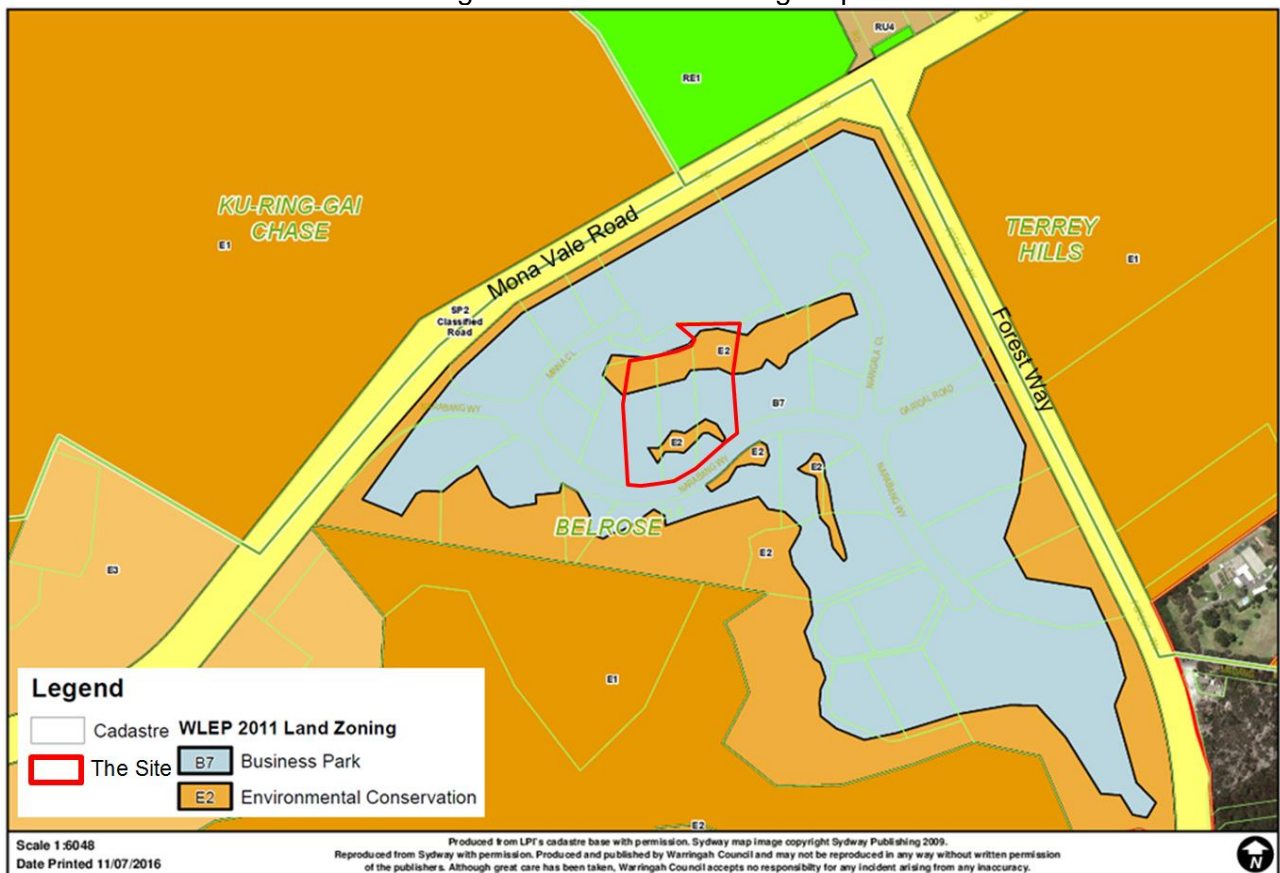
- Unsuitability of the land for development because of the topography of the land;
- The need to protect and conserve the natural features of the land; and/or
- The need to preserve Aboriginal relics situated on the land.

The area the subject of the planning proposal was identified as a 'restricted development area', most likely due to topographic constraints. With the revocation of SREP 15, restricted development areas were incorporated into *Warringah Local Environmental Plan 2000* (WLEP 2000). Importantly, as WLEP 2000 was a 'place-based' plan, it did not prohibit development within these areas, instead relying upon merit assessment to determine whether development could proceed.

With the adoption of the 'standard instrument' for LEP design by the NSW government, restricted development areas translated to E2 zones in WLEP 2011 (see Figure 2). Most development became prohibited under the E2 zone, preventing the assessment of proposals on merit.

The office premises and warehouse or distribution centre uses located on Nos. 10 and 12 Narabang Way were approved under WLEP 2000.

Figure 2 – Extract of zoning map

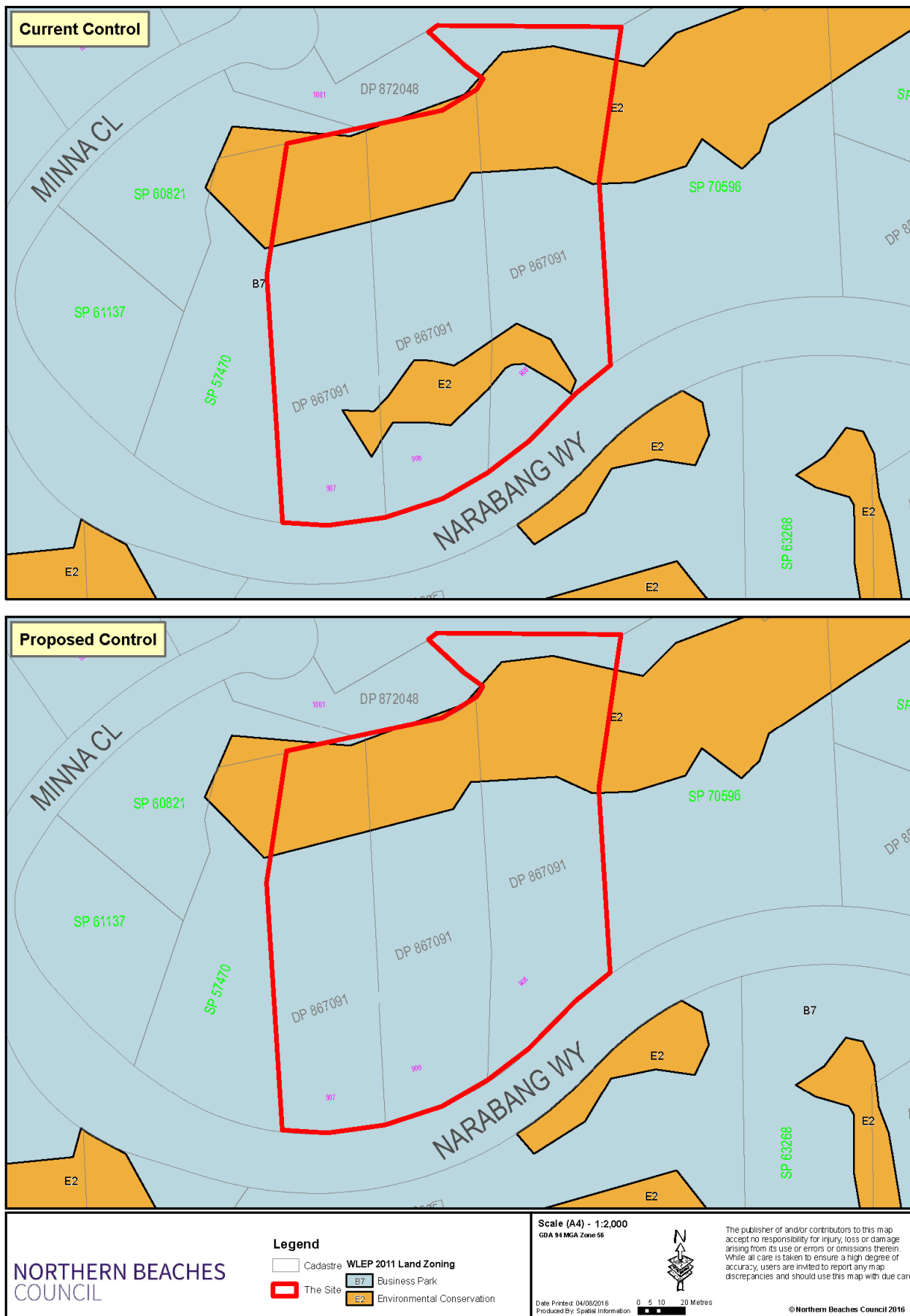


### Planning Proposal

The Applicant's planning proposal seeks to rezone a 200 m<sup>2</sup> area towards the southern boundary of No. 8 Narabang Way from E2 to B7. This would permit the development of a range of office or warehouse type uses on the land.

Council has prepared a revised planning proposal to include a change to the zoning of part of adjoining land at Nos. 10 and 12 Narabang Way from E2 to B7 (see Figure 3). This is in recognition that the land has been developed and no longer meets the objectives for the application of the E2 zone, being land with high ecological, scientific, cultural or aesthetic values.

Figure 3 – Current and proposed controls



Document Path: G:\GIS\ArcMap\Docs\Planning\Comprehensive\_LEP\LEP2011 Amendments\Warabang Way\Current\Proposed\_AAP\_Jayouts.mxd

## CONSULTATION

The Applicant's planning proposal was publicly exhibited from 25 June to 9 July 2016 (2 weeks) in accordance with the adopted Warringah Community Engagement Policy and Matrix. The exhibition included:

- A public notice in the Manly Daily newspaper on 25 June 2016
- Letters to land owners and occupiers within 100 metres of the site
- Electronic copies of the exhibition material on Council's website
- Email to registered community members who have listed their interest on Council's Community Engagement Register for the former Warringah local government area.

Council received 28 submissions comprising 27 letters of objection and one submission from Sydney Water raising no issues with the proposal (existing water and waste water services are available).

The key issues raised in submissions related to environmental and traffic concerns. An evaluation of submissions is provided below.

### Submission Evaluation

Note that x1 indicates that the theme has been raised 1 time.

Issue	Comments	Response
Environment	<p>Loss of habitat for flora and fauna including: (x13)</p> <ul style="list-style-type: none"> <li>• Native plant cover;</li> <li>• Threatened glossy black cockatoos;</li> <li>• Eastern pygmy possums; and</li> <li>• Wallabies.</li> </ul> <p>The proposed area for rezoning forms part of a wildlife corridor which is a major thoroughfare for wildlife (x9).</p> <p>The proposed area for rezoning comprises ecological and environmental values such as vegetation and rock outcrops (x6).</p> <p>The proposal will result in the incremental creep of loss of environmental land, which will create a precedent for similar applications (x4).</p>	<p>The Applicant's planning proposal relates only to a 200 m<sup>2</sup> E2 zoned area in the south-eastern corner of the site.</p> <p>The Applicant's Flora and Fauna Study notes that whilst the area zoned E2 at No. 8 Narabang Way contains remnant native vegetation and mature trees in good condition, no obvious natural features differentiate it from the adjoining remnant vegetation that is currently zoned B7.</p> <p>In addition, independent assessment of the proposed area for rezoning at No. 8 Narabang Way site by Council staff found that it did not form part of an endangered ecological community (EEC) as identified under the NSW Threatened Species Conservation Act 1995.</p> <p>Should the rezoning proceed, any future development of the overall site would be subject to a high degree of environmental scrutiny, including requirements for further survey, assessment and reporting to demonstrate that local populations of threatened species will not be impacted.</p> <p>It is noted that office premises and warehouse or distribution centre uses have been constructed at Nos. 10 and 12 Narabang Way despite the operation of similar controls under the former SREP 15 and WLEP 2000 restricting development on those sites. Approval of these developments was subject to the</p>

		<p>concurrence of the then National Parks and Wildlife Services (now Office of Environment and Heritage). Should Gateway determination be granted for this proposal, it is recommended that consultation with Office of Environment and Heritage be undertaken.</p>
Traffic	<p>The proposal will result in additional traffic generation with any future development on the site (x4).</p> <p>The one-way road system of Narabang Way is a traffic hazard (x2).</p> <p>A traffic study should be prepared (x1).</p>	<p>That part of the site at No. 8 Narabang Way zoned B7 could currently be developed as office premises and warehouse or distribution centre land uses. Assessment of the traffic impacts of such a proposal would be undertaken in the assessment of any development application.</p> <p>The proposed rezoning of an additional 200 m<sup>2</sup> of land to B7 at No. 8 Narabang Way would, by comparison, generate only a minor increase in traffic. This would be subject to further consideration at the development application stage.</p>
Legacy of Austlink	<p>Austlink is a significant example of urban bush land which must be retained (x2).</p>	<p>Austlink is characterised by modern forms of industry, manufacturing, research, warehouses, offices and related services set within the natural vegetation and landscapes of the business park and adjacent National Parks.</p> <p>Should the planning proposal proceed, approximately one quarter of the allotment at No. 8 Narabang Way would remain zoned E2 and would not be developed. In addition, any future development proposal would be subject to additional requirements for landscaping and the retention of native vegetation around the development.</p>
Unnecessary proposal	<p>There is no demand for additional office space in the business park. Also, Narabang Way is overdeveloped (x2).</p> <p>The southern E2 zoned area at No. 8 Narabang Way could be incorporated into the development as a landscape feature (x1).</p> <p>The business park function would not be impacted if the southern E2 zone is retained (x1).</p>	<p>This is an applicant-initiated planning proposal on behalf of the land owner.</p> <p>Incorporating the E2 zoned area at No. 8 Narabang Way into the landscaping of the site would significantly restrict potential redevelopment for office or warehouse purposes.</p> <p>As previously noted, landscaped areas will be required to be provided in the assessment of any future development application for the site.</p>
Social	<p>Queries how the proposal will benefit the community (x1).</p>	<p>The Applicant has indicated that the proposal will provide employment in an established business park.</p>
Process	<p>The Applicant's assessment report is biased. An independent ecological assessment should be undertaken and if the values have degraded, then the owner should be required to restore the land (x2).</p>	<p>Relevant Council staff have reviewed the survey provided and consider it adequate for its intended purpose. Council notes that further survey work addressing the entire allotment at No. 8 Narabang Way and the impacts of any proposed development would be required as part of</p>

		any future development application.
Other	No issues with the proposal as water and waste water services are readily available (x1).	Council acknowledges that water and waste water services are readily available to No. 8 Narabang Way.

## ASSESSMENT OF PLANNING PROPOSAL

The following issues, in addition to the matters raised in public submissions, were identified during the assessment of the planning proposal:

### *Approved development at Nos. 8, 10 and 12 Narabang Way*

Development consent has been granted for office, warehouse, industrial and commercial uses under WLEP 2000 for Nos. 8, 10 and 12 Narabang Way:

- DA2000/4802 for No. 8 Narabang Way was approved on 10 April 2002 for an industrial/commercial building. Approval was subject to concurrence with the then, National Parks and Wildlife Services. Concurrence was granted subject to long term management and compensatory measures. It is noted that this proposal included excavation and hard surface parking in the area that is seeking to be rezoned. That consent has lapsed.
- DA1999/2186 for No. 10 Narabang Way was approved on 1 May 2001 for an office and warehouse. Similar to No. 8 Narabang Way, approval was subject to concurrence with the then, National Parks and Wildlife Services. Concurrence was granted subject to long term management and compensatory measures. That consent was acted upon.
- DA2010/0634 for No. 12 Narabang Way was approved on 11 April 2011 by the NSW Land and Environment Court for a warehouse and office building. Approval was subject to conditions including a soil seed bank translocation plan, and levy to maintain the translocated site and fauna and tree relocation. That consent was acted upon.

This planning proposal would permit development that has previously been approved at 8 Narabang Way.

### *Objectives of the E2 Environmental Conservation Zone*

The area subject to the planning proposal does not meet the objectives of the E2 zone. The proposed area for rezoning at No. 8 Narabang Way does not contain land with high ecological, scientific, cultural or aesthetic values. This has been supported by the applicant's Flora and Fauna Study and Council's own assessment. Similarly, Nos. 10 and 12 Narabang Way are developed and the E2 zoning is no longer appropriate.

### *Streetscape*

Narabang Way is characterised by office and warehouse buildings fronting Narabang Way (see Figure 4). The proposed rezoning would allow any future development to be consistent with the existing streetscape and permit the orderly and economic use of the land.

### *Aboriginal Heritage*

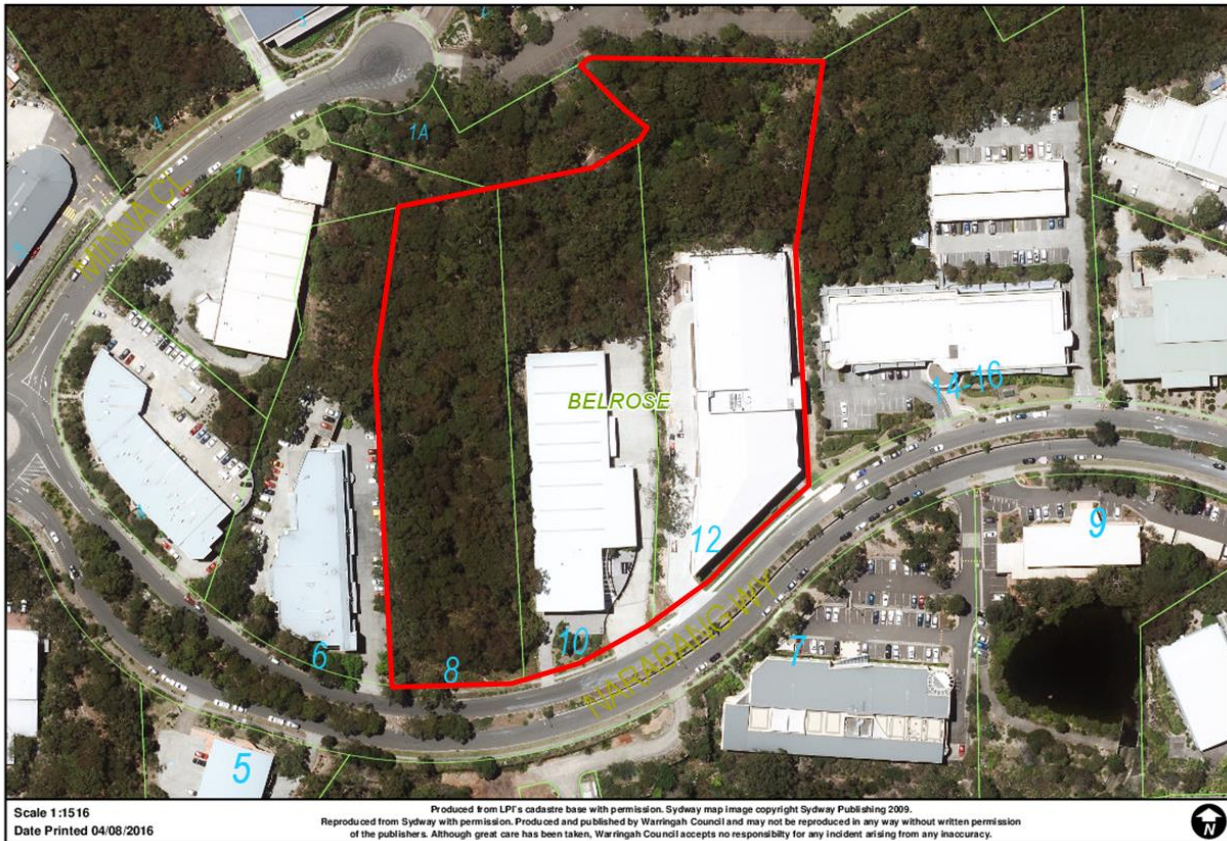
Council's records note that Austlink has potential to contain Aboriginal relics. Nos. 10 and 12 Narabang Way are developed. The Applicant has submitted a Preliminary Aboriginal Heritage Assessment confirming that No. 8 Narabang Way contains no Aboriginal archaeological potential. Any future development consent for No. 8 Narabang Way would contain specific conditions relating to Aboriginal heritage.



*Contamination*

The Applicant has submitted a Preliminary Contamination Investigation for No. 8 Narabang Way in accordance with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land. The study concludes that the potential for site contamination is low. Council's records indicate no contaminating land uses at Nos. 10 and 12 Narabang Way.

Figure 4: Narabang Way Streetscape



The Site

**CONCLUSION**

The planning proposal to rezone part of the site comprising Nos. 8, 10 and 12 Narabang Way, Belrose from E2 Environmental Conservation to B7 Business Park is considered appropriate as the land does not meet the objectives of the E2 zone. Specifically:

- Nos. 10 and 12 Narabang Way are already developed and no longer meet the criteria for the application of the E2 zone.
- No. 8 Narabang Way does not form part of an EEC as identified under the NSW Threatened Species Conservation Act 1995.
- No obvious natural features differentiate the E2 zoned area at No. 8 Narabang Way from adjoining vegetated areas on the site which are zoned B7 Business Park.
- Topography is not a significant constraint to development and can be addressed in any future development application for construction at No. 8 Narabang Way.

In addition, the proposal would allow any future development to be consistent with the existing streetscape and permit the orderly and economic use of the land.

**FINANCIAL IMPACT**

The preparation of the Narabang Way, Belrose Planning Proposal has been funded by the fees established in *Warringah Fees and Charges 2015-2016*.

**SOCIAL IMPACT**

Nil

**ENVIRONMENTAL IMPACT**

Nil

- B. Request to exercise its delegation to undertake the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* to amend *Warringah Local Environmental Plan 2011* to give effect to *BP Forestville Planning Proposal*.

#### 9.4 NARABANG WAY, BELROSE PLANNING PROPOSAL

087/16 RESOLVED

**D Persson**

That Council:

- A. Submit the Planning Proposal for 8, 10 and 12 Narabang Way, Belrose to the Department of Planning and Environment for a Gateway determination.
- B. Request to exercise delegation from the Minister of Planning under Section 59 of the *Environmental Planning and Assessment Act, 1979* regarding the making of local environmental plans in relation to this planning proposal.
- C. Publicly exhibit the Planning Proposal in accordance with any Gateway approval granted by the Department of Planning and Environment.

### 10.0 TRANSFORMATION, PEOPLE & CULTURE DIVISION REPORTS

#### 10.1 ALTERNATIVE PROCUREMENT FOR THE SUPPLY OF HIGH PERFORMANCE LEADERSHIP COACH PROGRAM FOR NORTHERN BEACHES COUNCIL

088/16 RESOLVED

**D Persson**

That Council:

- A. Pursuant to Section 55 (3) (i) of the Local Government Act, resolves that a satisfactory result would not be achieved by inviting tenders for the provision of a High Performance Leadership Coach Program for Senior Managers because of the following extenuating circumstances:
- i) Griffith Consulting Group has successfully delivered the program to the Senior Leadership Group of the former Warringah Council it is considered that a satisfactory result will not be achieved by inviting tenders and will only add to time delays in delivering the program. There is significant benefit in having the program delivered by the same organisation to ensure consistency.
- B. Delegate authority to the General Manager to negotiate and enter into a contract with Griffith Consulting Group for the provision of the High Performance Leadership Coach Program up to the limit of \$235,000.

### 11.0 NOTICES OF RESCISSION

Nil