

PLANNING PROPOSAL

NARABANG WAY, BELROSE

Proposed rezoning of parts of the properties at Nos. 8, 10 and 12 Narabang Way,
Belrose

AUGUST 2016

Contents

| | |
|---|-----------|
| Part 1 – Intended Outcomes | 3 |
| Part 2 – Explanation of Provisions | 4 |
| Part 3 – Justification | 5 |
| Part 4 – Maps | 10 |
| Part 5 – Community Consultation | 12 |
| Part 6 – Project Timeline | 13 |
| Attachment 1 – State Environmental Planning Policies (SEPPs) | 14 |
| Attachment 2 – Ministerial s.117 directions | 15 |

Part 1 – Intended Outcomes

This planning proposal applies to parts of the properties at Nos. 8, 10 and 12 Narabang Way, Belrose (Lots 907, 906 and 905 in DP 867091) as shown in Part 4 (Map 1).

The intended outcome of the planning proposal is to rezone the southern part of these properties from E2 Environmental Conservation zoned land to B7 Business Park, as shown in Part 4 (Map 2). This is in recognition that the land does not meet the criteria for the application of the E2 zone, that is, land which comprises high ecological, scientific, cultural or aesthetic values.

Part 2 – Explanation of Provisions

The proposed amendment to Warringah Local Environmental Plan 2011 is:

- Amend Land Zoning Map – Sheet LZN_007 to rezone part of the properties at Nos. 8, 10 and 12 Narabang Way, Belrose from Zone E2 Environmental Conservation to Zone B7 Business Park as shown in Part 4 (Map 2).

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No. The planning proposal is not the result of any strategic study or report. It was initiated by an application to Council on behalf of the land owner. Council has amended the applicant's planning proposal to include Nos. 10 and 12 Narabang Way.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The majority of the site is zoned B7 Business Park. This planning proposal will remove the southern portion of E2 zoned land on the site. This land no longer meets the objectives of the E2 zone, which is to comprise high ecological, scientific, cultural or aesthetic values. In particular:

- Nos. 10 and 12 Narabang Way are already developed under the previous planning instrument for the site, Warringah Local Environmental Plan 2000 (WLEP 2000). WLEP 2000 permitted development over the now E2 zoned area, subject to merit assessment.
- No. 8 Narabang Way does not form part of an endangered ecological community (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.
- A Preliminary Aboriginal Heritage Assessment confirms that the proposed area for rezoning at No. 8 Narabang Way contains no Aboriginal archaeological potential.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objective and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. This planning proposal achieves the overall intent of 'A Plan for Growing Sydney' and does not undermine the achievement of its planning principles, directions and priorities for subregions, strategic centres and transport gateways.

Due to the small scale of the planning proposal, overlaps with the directions and actions are limited. Notwithstanding this, the planning proposal is consistent with the following directions and actions:

- **Direction 3.1: Revitalise existing suburbs:** This planning proposal provides an opportunity for an employment land use within an established business park. This will improve access to jobs and services for the community.

- **Action 4.1.1 – Protect and deliver a network of high conservation value land by investing in green corridors and protecting native vegetation and biodiversity:** This planning proposal relates to the southern portion of E2 zoned land only. Nos. 10 and 12 Narabang Way are already developed and contain no conservation value, with the exception of the E2 zoned area on the northern boundary, which is to remain. 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.

In addition, independent assessment of the proposed area for rezoning at No. 8 Narabang Way 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.

The draft North East Subregional Strategy is not applicable as it has been made redundant by 'A Plan for Growing Sydney'.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. This planning proposal is consistent with the Warringah Community Strategic Plan 2023. The Warringah Community Strategic Plan 2023 identifies the actions to achieve Council's vision, namely:

- Objective 5.1 - We have attractive and functional urban and commercial centres that adapt to the needs of residents and business

This planning proposal provides the opportunity for an employment land use within an established business park. This will be consistent with the function and role of the Austlink Business Park as an important employment area for the local area.

The planning proposal is also consistent with the adopted Warringah Employment Study 2013. The Employment Study is a strategic planning background study used to inform Council's land use planning projects. The Study provides an assessment of all employment lands in the former Warringah Local Government area and identifies recommendations to improve and strengthen employment. The Austlink Business Park is recognised as a strategic employment site within the region to help meet employment targets. The planning proposal is consistent with the recommendations of this Study.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with applicable state environmental planning policies (as shown in Attachment 1), namely:

- **SEPP No. 19 (Bushland in Urban Areas):** This planning proposal takes into consideration the aims of the policy to protect and preserve bushland. The Applicant has prepared a Flora and Fauna Study for No. 8 Narabang Way. This study has also been reviewed by Council staff. The proposal is considered appropriate as the land subject to the proposed rezoning does not meet the objectives of the E2 Environmental Conservation zone, which is to comprise high ecological, scientific, cultural or aesthetic values, specifically.

- **SEPP No. 55 (Remediation of Land):** This planning proposal involves the rezoning of an E2 to B7 zone. 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 and the subject site is considered suitable for rezoning. Council's records indicate no potential land contaminating uses for Nos. 10 and 12 Narabang Way.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This planning proposal is consistent with applicable Ministerial s.117 directions (as shown in Attachment 2) including:

- **Direction 1.1 – Business and Industrial Zones:** This planning proposal retains the capacity of an existing employment area.
- **Direction 2.3 – Heritage Conservation:** This planning proposal takes into consideration a Preliminary Aboriginal Heritage Assessment to identify whether No. 8 Narabang Way contains Aboriginal archaeological potential. The Study concludes that there are no Aboriginal archaeological constraints to the proposal. Nos. 10 and 12 Narabang Way are already developed.
- **Direction 3.4 – Integrating Land Use and Transport:** The site is located in the vicinity of a local bus route and is within the Austlink Business Park. This planning proposal ensures land uses and building forms relate to walkable catchments to public transport and services.
- **Direction 7.1 – Implementation of A Plan for Growing Sydney:** This planning proposal is consistent with the actions contained in A Plan for Growing Sydney (see Section B(3)).

However, this planning proposal is likely to be inconsistent with certain Ministerial s.117 directions, namely:

- **Direction 2.1 – Environment Protection Zones:** This planning proposal is inconsistent with this direction as it proposes to rezone the southern parcel of E2 zoned land on the site.

In accordance with clause 6(b) of this direction, the Applicant has submitted a Flora and Fauna Study for No. 8 Narabang Way to address the inconsistency. Council has also reviewed this study. The Study concludes that the subject site does not contain the threatened ecological community, Duffys Forest. The Study also concludes that development of the subject site will not likely cause any significant impact on locally occurring threatened fauna species.

Further, in accordance with clause 6(d) of this direction, the inconsistency is considered to be of minor significance, given Nos. 10 and 12 are already developed.

- **Direction 4.4 – Planning for Bushfire Protection:** The site is located in a bushfire prone buffer in proximity to land mapped as bushfire prone land. Clause (4) requires

Council to consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway determination.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal. Nos. 10 and 12 Narabang Way are already developed. The applicant’s Flora and Fauna Study for No. 8 Narabang Way notes that whilst the area zoned E2 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.

In addition, independent assessment of the area proposed for rezoning at No. 8 Narabang Way 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.

Given that No. 8 Narabang Way is undeveloped, Council also conducted an assessment in accordance with sections 78A, 79B, 79C, 111 and 112 of the Environmental Planning and Assessment Act (EPA Act) (see Table 1).

Table 1: Assessment for significant effect on threatened species, populations or ecological communities, or their habitats

| Species, Community, Population | Is the assessment adequate? | Comment / Recommendations |
|---|--|---|
| Threatened Flora Epacris purpurascens var. purpurascens Microtis angusii Persoonia hirsuta Pimelea curviflora var. curviflora Tetratheca glandulosa | Yes | It is noted that surveys for cryptic species (e.g. <i>Pimelea curviflora</i> var. <i>curviflora</i> and <i>Tetratheca glandulosa</i>) were outside the flowering season. Given the previous level of flora surveys undertaken on site, it is considered unlikely that these species would occur. |
| Threatened Fauna Giant Burrowing Frog Red-crowned Toadlet Rosenberg’s Goanna Little Eagle Square-tailed Kite Gang-gang Cockatoo Glossy Black- Cockatoo Little Lorikeet Barking Owl Powerful Owl Masked Owl Sooty Owl Varied Sittella Scarlet Robin Spotted-tailed Quoll Southern Brown Bandicoot | Yes – for planning proposal purposes only Further assessment required at the development application stage. | Assessment is considered sufficient for the purposes of the current planning proposal (rezoning of 200m ² E2 zone in south of site). Given the scale of impacts associated with the pending warehouse development application, further fauna survey is required to properly assess potential usage of the site by threatened fauna species. It is recommended that fauna survey is undertaken on site during the appropriate season and climatic conditions (e.g for Red-crowned Toadlet). Survey methods need to be updated in accordance with relevant industry guidelines and should include the use of nest boxes (for detection of Eastern Pygmy Possum) and motion sensor cameras (for detection of Southern Brown Bandicoot). Given that the proposed future development would result in increased fragmentation and isolation of habitat, surveys should include the adjoining and potentially isolated areas of habitat (e.g. across the northern E2 portion). |

| Species, Community, Population | Is the assessment adequate? | Comment / Recommendations |
|---|-----------------------------|---|
| <p>Was the level of survey effort employed and techniques used adequate for the site and proposal?</p> <p><input checked="" type="checkbox"/> Yes – for planning proposal purposes only</p> | | <p>Comment: The level of survey effort is considered adequate in relation to the area affected by the planning proposal.</p> <p>As above, further survey for threatened fauna is recommended to make a more informed assessment for the pending warehouse development application proposal.</p> |

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This planning proposal addresses the natural hazards that impact on the subject site, namely bushfire hazard, as outlined in the Warringah Bush Fire Prone Land Map 2016. It is considered that this issue can be managed at the development assessment stage. In addition, the planning proposal will include consultation with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway determination.

9. Has the planning proposal adequately addressed any social and economic effects?

Due to the scale of the planning proposal, there are unlikely to be sizeable social or economic effects. The intended outcome of the planning proposal represents an opportunity to provide for employment within an established business park.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

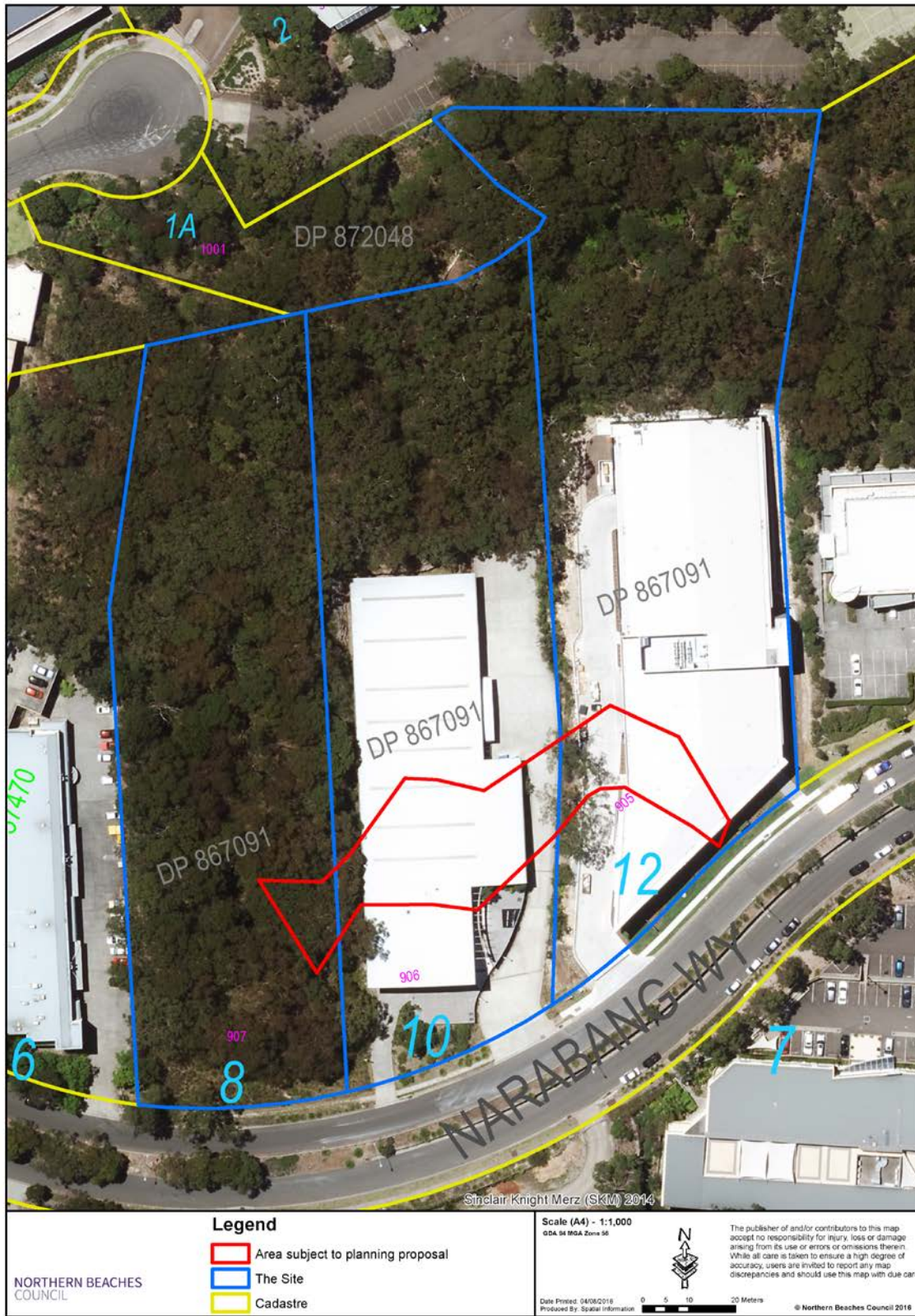
Yes. The existing local infrastructure is considered adequate to allow for the development of No. 8 Narabang Way resulting from the planning proposal.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

An update to this section of the planning proposal will occur following consultation with the State and Commonwealth public authorities following the gateway determination.

Part 4 – Maps

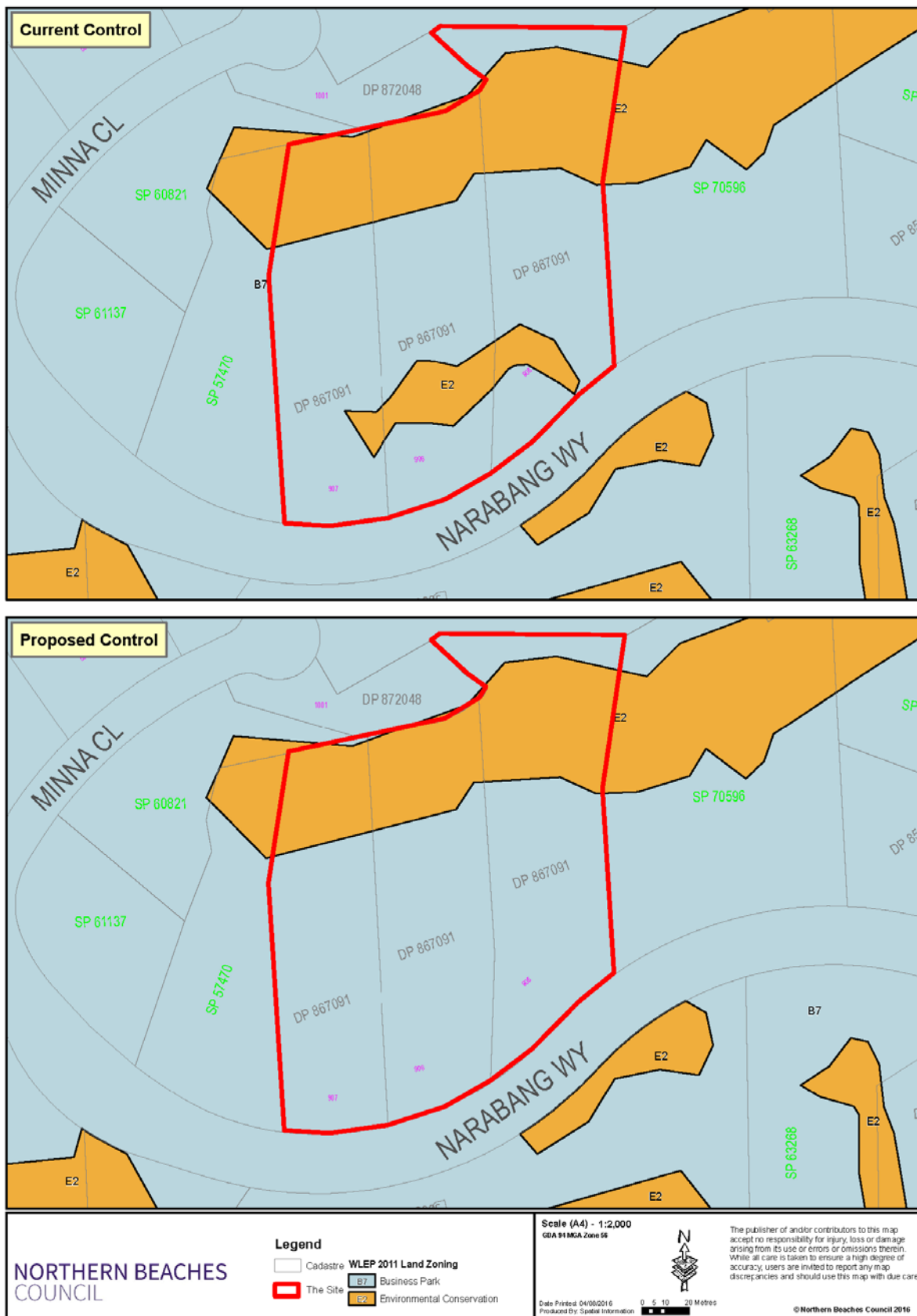
Map 1 – Site Identification Map



Document Path: G:\GIS\MapDocs\Planning\Comprehensive_1_EPA EP2011 Amendments\Narabang Way\Subject Site.mxd

NORTHERN BEACHES COUNCIL

Map 2 – Current and Proposed Land Zoning Map



Document Path: 0:\GIS\ArcMap\Output\Planning\Comprehensive_LEP_LEP2011_Amendment\Narabang Way\Current\Proposed_A4P_Layout.mxd

Part 5 – Community Consultation

Council placed the applicant's planning proposal on non-statutory public exhibition in accordance with the adopted Warringah Community Engagement Policy and Matrix from Saturday 25 June 2016 to Saturday 9 July 2016 (2 weeks). Notification included:

- A public notice in the Manly Daily notifying of the public exhibition on 25 June 2016
- Letters to land owners and occupiers within 100m of the subject 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

28 submissions were received in response to the public exhibition period. Council's response to the submissions is contained within the attached Council report of 23 August 2016. Key issues raised included environmental and traffic concerns.

It is noted that Sydney Water raised no objection to the planning proposal as existing water and waste water services are available for the site.

There have been no matters raised of such significance that should prevent the proposal proceeding to Gateway determination.

The Gateway determination will confirm the public consultation that must be undertaken. It is recommended that the following government agencies be consulted:

- Office of Environment and Heritage
- NSW Rural Fire Service

Part 6 – Project Timeline

| Task | Anticipated timeframe |
|--|------------------------------|
| Referral to Department of Planning & Environment for Gateway determination | August 2016 |
| Issue of Gateway determination | October 2016 |
| Government agency consultation (if required) | November 2016 |
| Public exhibition period | December 2016 |
| Consideration of submissions | January 2017 |
| Report to Council | February 2017 |
| Submit planning proposal to the Department of Planning & Environment for determination | February 2017 |

Attachment 1 – State Environmental Planning Policies (SEPPs)

| SEPPs (as at July 2016) | | Applicable | Consistent |
|--------------------------------|--|-------------------|-------------------|
| 1 | Development Standards | Yes | Yes |
| 14 | Coastal Wetlands | No | N/A |
| 15 | Rural Landsharing Communities* | No | N/A |
| 19 | Bushland in Urban Areas | Yes | Yes |
| 21 | Caravan Parks | Yes | Yes |
| 26 | Littoral Rainforests | No | N/A |
| 29 | Western Sydney Recreation Area* | No | N/A |
| 30 | Intensive Agriculture | Yes | Yes |
| 32 | Urban Consolidation (Redevelopment of Urban Land)* | Yes | Yes |
| 33 | Hazardous and Offensive Development | Yes | Yes |
| 36 | Manufactured Home Estates | No | N/A |
| 39 | Spit Island Bird Habitat* | No | N/A |
| 44 | Koala Habitat Protection | Yes | Yes |
| 47 | Moore Park Showground | No | N/A |
| 50 | Canal Estate Development | Yes | Yes |
| 52 | Farm Dams and Other Works in Land and Water Management Plan Areas | No | N/A |
| 55 | Remediation of Land | Yes | Yes |
| 59 | Central Western Sydney Regional Open Space and Residential* | No | N/A |
| 62 | Sustainable Aquaculture | Yes | Yes |
| 64 | Advertising and Signage | Yes | Yes |
| 65 | Design Quality of Residential Apartment Development | No | N/A |
| 70 | Affordable Housing (Revised Schemes) | No | N/A |
| 71 | Coastal Protection | No | N/A |
| | Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 | Yes | Yes |
| | (Affordable Rental Housing) 2009 | Yes | Yes |
| | (Building Sustainability Index: BASIX) 2004 | Yes | Yes |
| | (Exempt and Complying Development Codes) 2008 | Yes | Yes |
| | (Housing for Seniors or People with a Disability) 2004 | No | N/A |
| | (Infrastructure) 2007 | Yes | Yes |
| | (Integration and Repeals) 2016 | Yes | Yes |
| | (Kosciuszko National Park – Alpine Resorts) 2007 | No | N/A |
| | (Kurnell Peninsula) 1989 | No | N/A |
| | (Mining, Petroleum Production and Extractive Industries) 2007 | Yes | Yes |
| | (Miscellaneous Consent Provisions) 2007 | Yes | Yes |
| | (Penrith Lakes Scheme) 1989 | No | N/A |
| | (Rural Lands) 2008 | No | N/A |
| | (SEPP 53 Transitional Provisions) 2011* | No | N/A |
| | (State and Regional Development) 2011 | Yes | Yes |
| | (State Significant Precincts) 2005 | Yes | Yes |
| | (Sydney Drinking Water Catchment) 2011 | Yes | Yes |
| | (Sydney Region Growth Centres) 2006 | No | N/A |
| | (Three Ports) 2013 | No | N/A |
| | (Urban Renewal) 2010 | No | N/A |
| | (Western Sydney Employment Area) 2009 | No | N/A |
| | (Western Sydney Parklands) 2009 | No | N/A |

* SEPP to be repealed on 5 August 2016 in accordance with SEPP (Integration and Repeals) 2016.

Attachment 2 – Ministerial s.117 directions

| Directions | Applicable | Consistent |
|-------------------|---|-------------------|
| 1 | Employment and Resources | |
| 1.1 | Business and Industrial Zones | Yes |
| 1.2 | Rural Zones | No |
| 1.3 | Mining, Petroleum Production and Extractive Industries | No |
| 1.4 | Oyster Aquaculture | No |
| 1.5 | Rural Lands | No |
| 2 | Environment and Heritage | |
| 2.1 | Environment Protection Zones | Yes |
| 2.2 | Coastal Protection | No |
| 2.3 | Heritage Conservation | Yes |
| 2.4 | Recreation Vehicle Areas | Yes |
| 2.5 | Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's | No |
| 3 | Housing, Infrastructure and Urban Development | |
| 3.1 | Residential Zones | No |
| 3.2 | Caravan Parks and Manufactured Home Estates | Yes |
| 3.3 | Home Occupations | Yes |
| 3.4 | Integrating Land Use and Transport | Yes |
| 3.5 | Development Near Licensed Aerodromes | No |
| 3.6 | Shooting Ranges | No |
| 4 | Hazard and Risk | |
| 4.1 | Acid Sulfate Soils | No |
| 4.2 | Mine Subsidence and Unstable Land | No |
| 4.3 | Flood Prone Land | No |
| 4.4 | Planning for Bushfire Protection | Yes |
| 5 | Regional Planning | |
| 5.1 | Implementation of Regional Strategies | No |
| 5.2 | Sydney Drinking Water Catchments | No |
| 5.3 | Farmland of State and Regional Significance on the NSW Far North Coast | No |
| 5.4 | Commercial and Retail Development along the Pacific Highway, North Coast | No |
| 5.5 | Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010) | No |
| 5.6 | Sydney to Canberra Corridor (Revoked 10 July 2008 See amended Direction 5.1) | No |
| 5.7 | Central Coast (Revoked 10 July 2008. See amended Direction 5.1) | No |
| 5.8 | Second Sydney Airport: Badgerys Creek | No |
| 5.9 | North West Rail Link Corridor Strategy | No |
| 5.10 | Implementation of Regional Plans | No |
| 6 | Local Plan Making | |
| 6.1 | Approval and Referral Requirements | Yes |
| 6.2 | Reserving Land for Public Purposes | Yes |
| 6.3 | Site Specific Provisions | No |
| 7 | Metropolitan Planning | |
| 7.1 | Implementation of A Plan for Growing Sydney | Yes |
| 7.2 | Implementation of Greater Macarthur Land Release Investigation | No |