

Planning Proposal to amend Warringah LEP 2011 to reclassify land from Community to Operational for land at Wakehurst Parkway, Oxford Falls (0 jobs, 0 dwellings)

Proposal Title :	Planning Proposal to amend Warringah LEP 2011 to reclassify land from Community to Operational for land at Wakehurst Parkway, Oxford Falls (0 jobs, 0 dwellings)		
Proposal Summary :	The Planning Proposal seeks to reclassify land at Wakehurst Parkway, Oxford Falls (Part Lot 21 DP 819277) from Community to Operational to facilitate the potential future sale of the site. The Planning Proposal does not seek to amend the zoning or introduce building controls to the site.		
PP Number :	PP_2017_NBEAC_004_00	Dop File No :	17/08435

Proposal Details

Date Planning Proposal Received :	14-Jun-2017	LGA covered :	Northern Beaches
Region :	Metro(CBD)	RPA :	Northern Beaches Council
State Electorate :	DAVIDSON	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Part Lot 21 DP 819277		

DoP Planning Officer Contact Details

Contact Name :	Douglas Cunningham
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RPA Contact Details

Contact Name :	Jeanne Thuez
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DoP Project Manager Contact Details

Contact Name :	Wayne Williamson
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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

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 lobbyists 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 :

The Planning Proposal seeks to amend Schedule 4 of the Warringah Local Environmental Plan 2011 to reclassify part Lot 21 DP 819277 at Wakehurst Parkway, Oxford Falls from Community land to Operational land to facilitate the potential future sale of the site.

The Planning Proposal is supported as it assists Council to better manage Council-owned land and will not result in the loss of any land actively used for public recreation. The Planning Proposal does not seek to amend the zoning or introduce building controls to the site.

External Supporting
Notes :

In February 2017, Council received a planning proposal to reclassify the northern part of Lot 21 DP 819277 (the site) from Community to Operational land.

The site is located between Wakehurst Parkway and the western side of Oxford Falls Grammar School (School), Oxford Falls. The site is zoned RE1 Public Recreation and is approximately 15 metres by 133 metres. The land is currently vacant except for an on-site detention system, which serves the school. Council is not seeking to alter the current zoning of RE1 Public Recreation.

The Planning Proposal will seek to extinguish the restrictions applying to the site to allow the site to be potentially sold in the future. The School has expressed the intention to seek Council's agreement to purchase the land, should the Planning Proposal proceed to finalisation. There is currently no lease agreements in place for the use of the land by the School and no business dealings between Council and the School for the site.

Council is not seeking to rezone the site at this time as the operations of the School (should this reclassification proceed) can be permitted by State Environmental Planning Policy – Infrastructure 2007. Should the adjacent deferred lands be rezoned, the subject site's zoning will be reviewed in light of the outcome of this Planning Proposal.

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Council has requested delegation to make the plan. However, as the reclassification will involve the discharge of interests, delegation is not able to be granted in this instance. The Department will manage the finalisation process.

Adequacy Assessment

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

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

Comment : The intended outcome of the Planning Proposal is to reclassify Lot 21 DP 819277 (Part) Wakehurst Parkway, Oxford Falls from Community to Operational land to facilitate the potential future sale of the site.

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

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

Comment : The Planning Proposal states that the amendments to Warringah Local Environmental Plan 2011 are:

- amend Schedule 4 Part 1 to include reference to the land; and
- amend Land Reclassification (Part Lots) Map.

However given that Council has indicated that interests will be discharged, Schedule 4 Part 2 should be amended instead of Schedule 4 Part 1. A Gateway condition will be issued to correct this error.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

4.3 Flood Prone Land

* May need the Director General's agreement

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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 55—Remediation of Land

SEPP (Infrastructure) 2007

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

4.4 PLANNING FOR BUSHFIRE PROTECTION

The objectives of this direction are to protect life, property and the environment from bush fire hazards, and to encourage sound management of bush fire prone areas. As the subject site is identified as being subject to bushfire threats, it is subject to this Direction.

The land is predominantly mowed lawn and there is no intention to undertake any works. The supporting Bushfire Report notes that given no building works are proposed as part of the proposal, any future development application would need to meet the requirements or the intent of Planning for Bush Fire Protection – 20006 and of the construction requirements of AS3959 – 2009.

It is considered that any future development on the land can be appropriately managed to mitigate bushfire risk.

6.2 RESERVING LAND FOR A PUBLIC PURPOSE

The objective of this Direction is to facilitate the provision of public services and

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facilities by reserving land for public purpose and to facilitate the removal of reservations of land where the land is no longer required for acquisition.

The proposal does not seek to rezone the land and will not result in the loss of RE1 Public Recreation zoned land. At this time, there is no need to rezone the land as the operations of the School (should this reclassification proceed) can be permitted by State Environmental Planning Policy – Infrastructure 2007.

It is considered that the proposal is consistent with this Direction.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **The proposal is considered to be consistent will all S117 Directions and SEPPs.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping provided is considered adequate for the purposes of public exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Public consultation will be undertaken in accordance with the Gateway determination. Council suggests an exhibition period of 28 days.**

PROJECT TIMELINE

Council has provided an indicative project timeline with a submission date to the Department in December 2017. The Department considers a 12 month project timeline for completion is adequate.

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 : **The proposal is considered adequate and sufficient detail has been provided.**

Proposal Assessment

Principal LEP:

Due Date : **December 2016**

Comments in relation to Principal LEP : **Warringah Local Environmental Plan was gazetted on 9 December 2011.**

Assessment Criteria

Need for planning proposal : **A Planning Proposal is needed to reclassify the site and discharge the interests through the use of Schedule 4.**

Consistency with strategic planning framework : **The planning proposal is consistent with the goals and objectives of A Plan for Growing Sydney and the draft North District Plan. The Planning Proposal does not propose any changes to the strategic direction of the Warringah Local Environmental Plan 2011. The proposal is consistent with the Warringah Community Strategic Plan 2023.**

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Environmental social
economic impacts :

ENVIRONMENT

It is agreed that there are no known critical habitats or threatened species, populations or ecological communities or their habitats which will be affected by the proposal.

BUSHFIRE PROTECTION

The land is predominantly mowed lawn and there is no intention to undertake any works. As indicated in the Bushfire Report included in the Planning Proposal, the land can be appropriately managed to mitigate bushfire risk.

TRAFFIC

Given the sites location to Wakehurst Parkway, a classified road, the proposal will be referred to Roads and Maritime Services for comment.

ECONOMIC AND SOCIAL IMPACT

The Planning Proposal will not have any negative social or economic effects. The reclassification of the land to operational will increase its ability to be used for a purpose that will create a social and economic benefit.

The proposal will not result in the loss of any land actively used for public recreation.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **Yes**

(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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Letter to DPE requesting Gateway.pdf	Proposal Covering Letter	Yes
Attachment 1 - Information Checklist.pdf	Proposal	Yes
Attachment 2 - Planning Proposal.pdf	Proposal	Yes
Attachment 3 - Council Report and Resolution 26 April 2017.pdf	Proposal	Yes
Attachment 4 - Evaluation for the Delegation of Plan Making Functions.pdf	Proposal	Yes
Attachment 5 - Indicative Project Timeline.pdf	Proposal	Yes
Attachment 6 - Certificate of Title.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information :

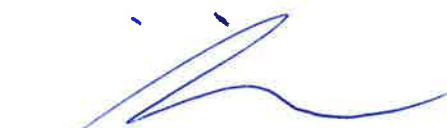
It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to public exhibition, the Planning Proposal is to be updated to remove reference to Schedule 4 Part 1 and replace with Schedule 4 Part 2, given that Council has indicated that interests will be discharged.
2. The planning proposal is to be publicly exhibited for a minimum of 28 days.
3. Consultation is required with Roads and Maritime Services.
4. A public hearing is required to be held on the reclassification of the subject land.
5. The planning proposal be completed within 9 months of the Gateway Determination.

Supporting Reasons :

- The planning proposal is supported because it:
- is consistent with the NSW strategic planning framework and Council's strategic plan;
 - assists Council to better manage Council-owned land; and
 - will not result in the loss of any land actively used for public recreation.

Signature:



Printed Name:

W. Williamson

Date:

29/6/2017