

PLANNING PROPOSAL

Wakehurst Parkway Oxford Falls

Reclassification of land from Community to Operational, Lot 21 DP 819277 (Part)

April 2017

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Part 1 – Intended Outcomes

This planning proposal applies to Lot 21 DP 819277 (Part) as shown in Part 4 (Map 1). The land is owned by Council.

The intended outcome of the planning proposal is to reclassify Lot 21 DP 819277 (Part) Wakehurst Parkway, Oxford Fall from Community land to Operational land under the *Local Government Act 1993* (LG Act)

The land is zoned RE1 Public Recreation under Warringah Local Environmental Plan 2011 (WLEP2011). It is not proposed to change the zoning of the land.

The land, which measures approximately 15m by 133 m, was dedicated to Council in 1992 for the purpose of a Public Reserve as a condition of development consent (DA1990/35) for the development of a new primary and infant's school. The land dedication was for the purpose of a buffer strip to Wakehurst Parkway, preventing access directly onto the road by the adjoining landowner.

In 2005 Council approved the reclassification of the southern part of Lot 21 DP 819277 (area encroached upon by the School oval) from Community to Operational land and a lease to the School to enable Council to generate an income from the underutilised parcel. The reclassification of that land was gazetted in 2008. Council is currently negotiating the sale of that land with the School. The northern section of the lot (the land) remained classified as Community land.

The land is "public reserve" under the LG Act and there is a caveat on the title by the Registrar General forbidding unauthorised dealings in this regard. Should the reclassification proceed, it is intended that this restriction be extinguished to allow the potential future sale of the land.

Oxford Falls Grammar School (the School) has expressed the intention to seek to purchase the land from Council should the Planning Proposal proceed. 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 e.g. agreements in place for the future sale or lease of the land.

If Council resolves to sell the subject land in the future, it will obtain proceeds from the sale of the land. Council's Allocation of Funds Obtained from the Sale of Council Real Property Policy requires funds raised to be used for the acquisition and management of other community land i.e. creation/improvement/embellishment of new or existing assets (land and buildings) in the same category as the original community land, or other community land acquisitions, embellishment or provision of community facilities and projects.

Part 2 – Explanation of Provisions

The proposed amendments to Warringah Local Environmental Plan 2011 are:

- Amend Schedule 4 Part 1 to include reference to the land
- Amend Land Reclassification (Part Lots) Map as follows:

Map Sheet	Map Identification Number
Land Reclassification (Part Lots) Map RPL_007	1800_COM_RPL_007_020_20170222

Part 3 – Justification

Section A – Need for the planning proposal

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

No. However, the proposed amendments do not raise any strategic planning issues. Whilst the land is zoned RE1 Public Recreation; it is not suitable for any significant public active open space use. The land is already being used by the Oxford Falls Grammar School (the School) and the LEP amendments would facilitate the potential sale of the land to the School.

In NSW there is a growing demand for student places and this is also likely to be the case in this area. If the land is purchased by the School, it may assist in providing space for future growth.

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

Yes. The site is currently classified as community land and therefore, Council is not able to develop, sell, exchange or dispose of the land under the provisions of the Local Government Act 1993. Section 27(1) of the Local Government Act 1993 requires that the reclassification of public land be made by a local environmental plan. A planning proposal for the site is therefore considered appropriate.

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. A Plan for Growing Sydney: A Plan for Growing Sydney establishes a long-term planning framework to manage Sydney's growth in a sustainable manner and strengthen its economic development whilst enhancing the unique lifestyle, heritage and environment of Sydney.

The following goals and directions apply to the Planning Proposal:

Goal 1: A competitive economy with world-class services and transport.

Plan for Education and Health Services to Meet Sydney's Growing Needs.

Assist the Department of Education and Communities, the Catholic Education Commission and the Association of Independent Schools of NSW to identify and plan for new school sites throughout Sydney.

The proposal will provide a potential opportunity for the School to continue to provide a high standard of education.

The proposal is also considered to be consistent with the draft North East Sub-regional Strategy.

Further to the above the Greater Sydney Commission has now been established and draft

District Plans have been released for comment. The draft Plan relative to this area is the Draft North District Plan. The subject site is close to the growth centre focused on the New Northern Beaches Hospital. With additional population increase there will be a demand for high class educational facilities. The proposal will utilise land that is no longer required for its intended use.

Although the proposal will have no direct implications for student numbers, the additional area will create a better overall environment for the school.

Having regard to the above, the Planning Proposal is considered to be consistent with the draft North District Plan.

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

Yes. The Warringah Community Strategic Plan 2023 is the Council's principal forward planning document for the area. The plan identifies six (6) Outcomes (below), two of which are relevant to the proposal:

- _ Vibrant Community
- _ Lifestyle and Recreation
- _ Healthy Environment
- _ Connected Transport
- _ Liveable Neighbourhoods
- _ Working Together

The outcomes relevant to the Planning Proposal are discussed below:

1. Vibrant Community

The School is an important part of the local community. The ability for the school to formally use the subject land will assist in it maintaining a high standard of education. The sharing of some school facilities with the broader community is currently being discussed with Council.

2. Working Together

The proposal will provide an example of public and private enterprises working together to create an outcome that is of benefit to the local community in terms of expanded school facilities and the potential for community use of school facilities.

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

Yes. The Planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as shown in Attachment 1). The two SEPPs of main relevance to this planning proposal are:

SEPP	Consistency
SEPP 55 Remediation of (contaminated) Land	The site is unlikely to have been used for any purpose that would cause contamination.
SEPP (Infrastructure) 2007	The provision of this SEPP has no direct relevance to the proposed changes to the LEP. It is noted that under this SEPP land adjoining an existing school can be used in association with the school use. The subject land adjoins

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

This including:

Yes. The planning proposal is consistent with applicable Ministerial s.117 directions (as shown in Attachment 2). Of particular relevance to the proposal are:

s117 Direction	Requirement	Comment
4.3 Flood Prone Land	1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Part of Lot 21 is traversed by a watercourse which may be subject to flooding. However this land is already zoned RE1 and the planning proposal will not alter the potential for flood risk.
4.4 Planning for Bushfire	1) The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	The subject land is subject to bushfire threat. A report assessing the impact of this threat has been prepared by the applicant and is attached.
6.1 Approval and Referral requirements	1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This direction applies as the proposal requires an amendment to the Warringah LEP 2011. The planning proposal is consistent with this direction, in that it will not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	(1) The objectives of this direction are: (a) to facilitate the provision of	This direction applies as the proposal requires an amendment to the Warringah LEP 2011.

	public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The planning proposal is consistent with this direction as it makes land available that is no longer required for public purposes.
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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?

No. The land is predominantly mowed lawn and is being used by the School as an extension of its grounds. This use is currently unauthorised but has been carried on for some years. An on-site detention system is also located under the land and serves the school. There is no intention to undertake any works on the land as part of this proposal.

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

No. 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.

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

The 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. The proposal will facilitate the use of the land for recreation in association with the adjoining school use.

Section D – State and Commonwealth interests

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

Yes. The proposal does not increase the development potential of the site as it will remain open space.

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

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway determination. This section of the planning proposal will be

completed following consultation with those public authorities nominated by the Gateway Determination.

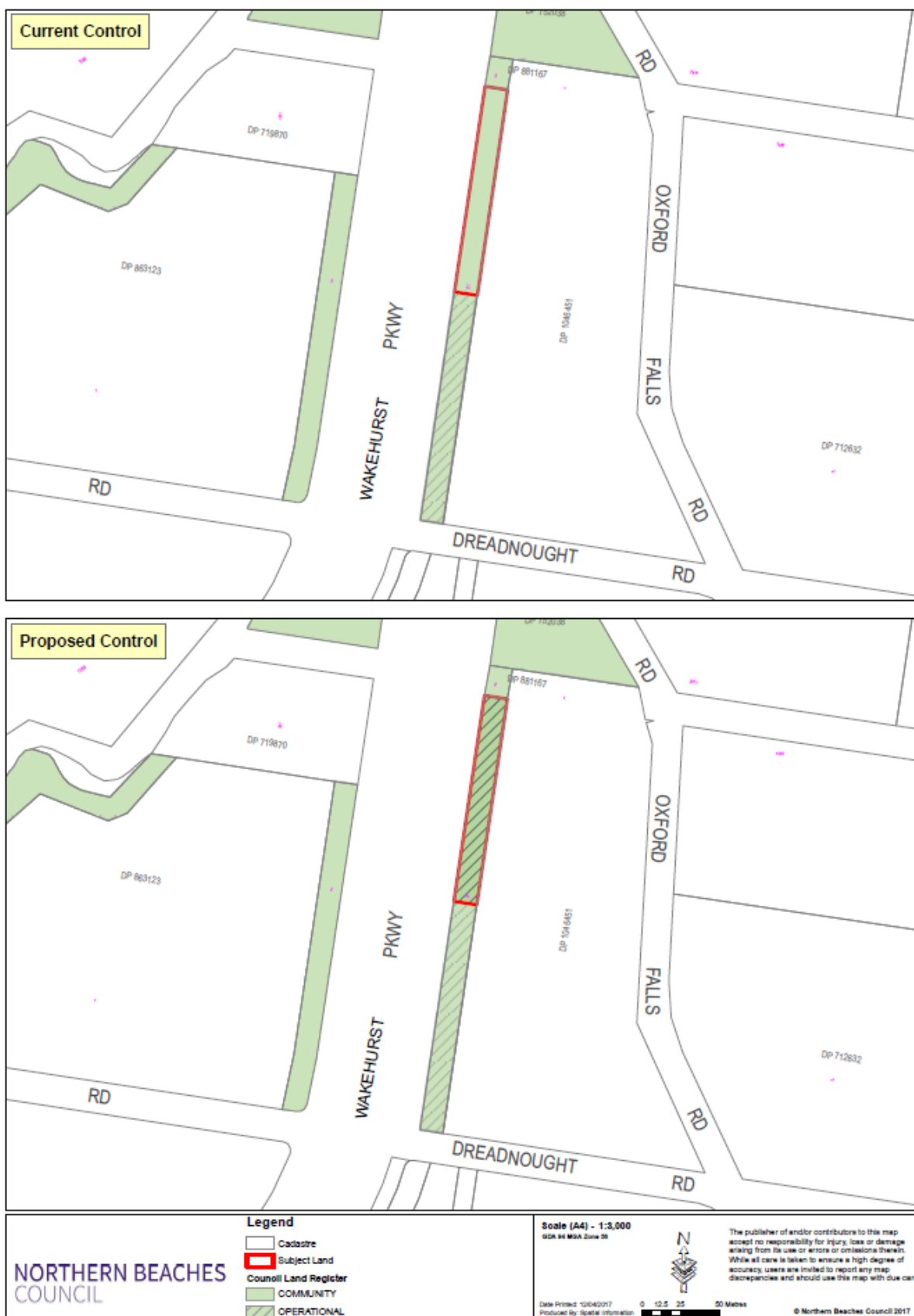
Part 4 – Maps

Map 1 – Site Identification Map



NORTHERN BEACHES COUNCIL

Map 2 – Current and Proposed Controls



Part 5 – Community Consultation

Council placed the applicant's planning proposal on non-statutory public exhibition in accordance with Council's adopted Community Engagement Policy from 4 March 2017 to 18 March 2017 (2 weeks). Notification included:

- A public notice in the Manly Daily notifying of the public exhibition on 4 March 2016
- Letters to land owners and occupiers were not sent out as the land adjoins Wakehurst Parkway and Oxford Falls Grammar School who are the applicants of the planning proposal. Landowners within 100 metre radius will not be affected by the reclassification of the land.
- Electronic copies of the exhibition material on Council's website
- Hard copy of the exhibition material was placed at Civic Centre, Dee Why
- Email to registered community members who have listed their interest on Council's Community Engagement Register for the former Warringah local government area

10 submissions were received in response to the public exhibition period. Council's response to the submissions is contained within the attached Council report of 26 April 2017. Key issues raised included protecting the environment, widening Wakehurst Parkway, keeping the buffer between Wakehurst Parkway and the school and selling off Council land.

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:

- Roads and Maritime Services (RMS)
- NSW Rural Fire Service (RFS)

Part 6 – Project Timeline

Task	Anticipated timeframe
Referral to Department of Planning & Environment for Gateway determination	May 2017
Issue of Gateway determination	June 2017
Government agency consultation (if required)	July – August 2017
Public exhibition period	July – August 2017
Consideration of submissions	September 2017
Report to Council	November 2017
Submit planning proposal to the Department of Planning & Environment for determination	December 2017

Attachment 1 – State Environmental Planning Policies (SEPPs)

SEPPs (as at March 2017)		Applicable	Consistent
1	Development Standards	Yes	Yes
14	Coastal Wetlands	No	N/A
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
26	Littoral Rainforests	No	N/A
30	Intensive Agriculture	No	No
33	Hazardous and Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	No
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
62	Sustainable Aquaculture	Yes	Yes
64	Advertising and Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	Yes	Yes
70	Affordable Housing (Revised Schemes)	Yes	Yes
71	Coastal Protection	No	N/A
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	N/A
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	No	N/A
	(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	No	No
	(Kosciuszko National Park – Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	No
	(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
	(State and Regional Development) 2011	Yes	Yes
	(State Significant Precincts) 2005	Yes	Yes
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(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

Attachment 2 – Ministerial s.117 directions

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