

### Rezoning of land at 26 Campbell Avenue, Cromer for low density residential and public recreation.

Proposal Title : Rezoning of land at 26 Campbell Avenue, Cromer for low density residential and public recreation.

Proposal Summary : The planning proposal seeks to rezone land (known as the Evergreen Tennis Centre) at 26 Campbell Avenue, Cromer (Lot 61 DP 611195) from RE2 Private Recreation to part R2 Low Density Residential and part RE1 Public Recreation under Warringah Local Environmental Plan (LEP) 2011.

PP Number : PP\_2012\_WARRI\_001\_00      Dop File No : 12/04010-1

#### Proposal Details

Date Planning Proposal Received : 21-Feb-2012      LGA covered : Warringah

Region : Sydney Region East      RPA : Warringah Council

State Electorate : WAKEHURST      Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

#### Location Details

Street : 26 Campbell Avenue

Suburb : Cromer      City : Sydney      Postcode : 2099

Land Parcel : Lot 1 DP 611195

#### DoP Planning Officer Contact Details

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#### RPA Contact Details

Contact Name : Lindsey Dey

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#### DoP Project Manager Contact Details

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#### Land Release Data

Growth Centre : N/A      Release Area Name : N/A

Regional / Sub Regional Strategy : Metro North East subregion      Consistent with Strategy : Yes

## Rezoning of land at 26 Campbell Avenue, Cromer for low density residential and public recreation.

|                        |   |                                                      |   |
|------------------------|---|------------------------------------------------------|---|
| MDP Number :           |   | Date of Release :                                    |   |
| Area of Release (Ha) : |   | Type of Release (eg Residential / Employment land) : |   |
| No. of Lots :          | 0 | No. of Dwellings (where relevant) :                  | 0 |
| Gross Floor Area :     | 0 | No of Jobs Created :                                 | 0 |

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Regional Team is not aware of any meetings or communications with registered lobbyists concerning this site.**

### Supporting notes

**Internal Supporting Notes :**

The subject site 'Evergreen Tennis Centre' is located at 26 Campbell Avenue, Cromer (Lot 61 DP 611195) and has a total area of 1.73ha. The site is zoned RE2 Private Recreation under Warringah LEP 2011.

The site is privately owned and includes 14 tennis courts, 8 squash courts, 3 volley ball courts, small mini-golf facility, administration building, car parking and other associated facilities. Council notes that existing facilities on site are in average to poor condition. The Evergreen Tennis Centre closed in December 2010.

It is proposed to zone 1.4ha (84%) of the site R2 Low Density Residential to deliver up to 34 dwelling houses. Zoning the site for residential use will accommodate housing demand in the Warringa Local Government Area (LGA) and the use is compatible with surrounding detached dwellings, seniors housing and apartment buildings. The site is also within close proximity to a range of services and existing infrastructure.

The remaining 0.3ha (16%) of the site will be dedicated to Council and rezoned RE1 Public Recreation and will be accessible to the public. The land is located on the northern edge of the site and is within the natural riparian area of the Dee Why Creek.

Prior to Council submitting the planning proposal to Gateway for a determination the proposal was informally exhibited from 28 February 2011 to 28 March 2011. 93 submissions were received including 87 objections to the proposal. Key issues raised included: loss of recreational space, overdevelopment of the site and construction-related disruptions. The proposed dedication of 0.3ha of land was not included in the initial proposal, made available to the public. The proposal also made provisions for 40 dwellings.

The following Government agencies were consulted during the informal exhibition: Ausgrid Energy Australia, Rural Fire Service, NSW Office of Water, State Transit and NSW Police. No objections were received from Government agencies.

**External Supporting Notes :**

### Adequacy Assessment

**Rezoning of land at 26 Campbell Avenue, Cromer for low density residential and public recreation.**

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

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

Comment : **The Statement of the objectives provided is considered to be adequate. Council has stated the objectives of the planning proposal are to:**

- rezone the subject site from RE2 Private Recreation to part R2 Low Density Residential and part RE1 Public Recreation under Warringah Local Environmental Plan (LEP) 2011;
- amend the lot size of the site to 300sqm on land proposed to be zoned for residential purposes. The subject site currently has no lot size as it is zoned RE2 Private Recreation; and
- delete the maximum building height applicable for that part of the site proposed to be zoned for public recreation purposes. This portion of the site currently has a maximum building height of 8.5m.

**The intended outcome of the planning proposal is to allow for 34 residential dwelling houses and the dedication of 0.3ha of the site to Council for public recreation purposes.**

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

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

Comment : **The explanation of provisions provided is considered to be adequate. However, Council has made reference to Warringah LEP 2000, which no longer applies to the site. It is considered that this part of the explanation of provisions should be deleted from the planning proposal as it is no longer relevant.**

**The proposed Warringah LEP 2011 will amend the below maps to reflect the subject planning proposal:**

- Land Zoning Map;
- Lot Size Map; and
- Height of Buildings Map.

**Council also proposes to have a Voluntary Planning Agreement (VPA) to accommodate for land to be dedicated to Council for public recreation and the proposed dwelling yield for 34 dwellings.**

**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

**3.4 Integrating Land Use and Transport**

**4.1 Acid Sulfate Soils**

**4.3 Flood Prone Land**

**6.2 Reserving Land for Public Purposes**

**7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

**SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**

**SEPP No 55—Remediation of Land**

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

**There are no other matters which need to be considered for this planning proposal.**

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

**The site is zoned for RE2 Private Recreation under Warringah LEP 2011 and the proposal will see 0.3ha of the site rezoned for RE1 Public Recreation.**

## Rezoning of land at 26 Campbell Avenue, Cromer for low density residential and public recreation.

Due to the proposed creation of public recreation land, Direction 6.2 Reserving Land for Public Purposes applies. It is noted that the RPA did not identify Direction 6.2 as being applicable.

Under this Direction, a planning proposal must not create existing zonings of land for public purposes without the approval of the Director General. It is considered that the rezoning of 0.3ha of land for public recreation is consistent with the objective to facilitate the provision of public services and facilities by reserving land for public purposes. The approval of the Director General is recommended under Direction 6.2.

It is noted that the riparian area of the Dee Why Creek is located to the north of the subject site. It is proposed that 0.3ha of the land will be dedicated to Council, which will improve the corridor's function as a recreational space and ecological habitat for flora and fauna.

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

Is mapping provided? **Yes**

Comment : **Maps provided include:**  
- a location map;  
- existing zoning map;  
- proposed zoning map; and  
- aerial photograph.

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

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the planning proposal for 28 days.**

### 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 : **The Warringah Comprehensive LEP 2011 was made in December 2011. The planning proposal uses Standard Instrument zones. It is noted that the planning proposal provides for a split zoning on the site.**

### Assessment Criteria

Need for planning proposal : **There is a need for the planning proposal as it facilitates the reuse of land for housing and public recreation purposes.**

**1.4ha of the site will be rezoned for low density residential use to deliver up to 34 dwellings. The additional dwellings will contribute to the demand for housing in the Warringah LGA.**

**Rezoning of land at 26 Campbell Avenue, Cromer for low density residential and public recreation.**

**The proposed residential use of the site is compatible with surrounding residential uses. The site is also within close proximity to a range of services and existing infrastructure.**

**The Dee Why Creek riparian corridor is located to the north of the site. The planning proposal will create 0.3ha of public recreation land which will be accessible to the community and expand the width of the strategically significant wildlife corridor. The proposal will improve the corridor's natural qualities and functions as recreational space and ecological habitat for flora and fauna.**

## **Rezoning of land at 26 Campbell Avenue, Cromer for low density residential and public recreation.**

Consistency with strategic planning framework :

The planning proposal is considered to be consistent with the aims of the draft North East Subregional Plan, Metropolitan Plan and Council's local strategies.

The proposal seeks to locate additional housing within close proximity to the Dee Why major centre (900m from the site) and within 500m of a bus service. The site is a large parcel of existing urban land in single ownership and will assist in achieving urban renewal.

Warringah has a dwelling target for an additional 10300 dwellings by 2031 as established in the draft North East Subregional Plan. Residential development of the site will contribute to this housing target and will ensure new housing is located in close proximity to public transport and local services including services located at the Dee Why major centre.

Council advised that Warringah's population is estimated to be 144000, which generates a demand for 408ha of open space. Over 800ha of land in the LGA including beaches, parks, walking trails and bushland is managed by Council for recreational purposes. Council is of the view that the current supply of open space provision exceeds the benchmark of 2.83ha of open space per 1000 people.

Council's Recreational Strategy 2009 states that walking, swimming and cycling were the three most popular recreational activities in the region. The addition of 0.3ha of public recreation land on the site will create opportunities for off-road walking and cycling.

Council is of the view that there is no evidence to indicate that there is an undersupply of active recreational facilities since the closure of the Evergreen Tennis Centre in December 2010. It is noted that there are 74 tennis courts in Warringah, excluding the Evergreen site and these will continue to provide adequate private recreational supply for the LGA.

The additional open space will improve the Dee Why Creek riparian corridor, its natural qualities and functions as recreational space and ecological habitat for flora and fauna.

The following Ministerial Directions have been considered for the proposal:

### **Direction 3.1 Residential Zones**

The proposal is considered to be consistent with this Direction as it would encourage a variety and choice of housing for the existing and future housing needs of the community; makes efficient use of existing infrastructure and services; and provides a buffer to minimise the impact of the residential development on the existing, adjacent open space.

### **Direction 3.4 Integrating Land Use and Transport**

The proposal is considered to be consistent with this Direction as it would improve access to housing, jobs and services by walking, cycling and public transport; and supports the efficient and viable operation of public transport services.

### **Direction 4.1 Acid Sulphate Soils**

The proposal is considered to be consistent with this Direction. The site is identified on Council's Acid Sulphate Soils Map as level 5 soil which represents the lowest level of affectation. The proposal includes a Preliminary Acid Sulphate Soil Assessment and concludes there is no need for a detailed Acid Sulphate Soil Assessment report.

### **Direction 4.3 Flood Prone Land**

The proposal is considered to be consistent with this Direction as there is no development proposed within the current predicted 100 year floor area.

### **Direction 7.1 Implementation of Metropolitan Plan for Sydney 2036**

The proposal is considered to be consistent with the aims and objectives of the NSW Government's Metropolitan Plan as it will contribute towards meeting subregional housing targets; locate 80% of new housing within the walking catchments of existing centres with good public transport; and increase choice of housing stock and style in Warringah LGA. No additional infrastructure is needed for the proposal.

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Environmental social economic impacts :

The planning proposal is considered to produce positive environmental, social and economic impacts.

There are no recorded threatened species populations or critical habitats on the site. A natural riparian corridor of the Dee Why Creek is located to the north of the site. The dedication of 0.3ha of land to Council will expand the width of the creek line corridor and improve the corridor's functions as a recreational space and ecological habitat.

Council is in the view that there is no evidence to indicate that an unmet demand for active recreational facilities has been created since the closure of the Evergreen Tennis Centre in December 2010. Furthermore, under Council's Recreational Strategy 2009, it was found that walking and cycling were two of three most popular recreational activities in the region and this proposal will allow for the sites use as an off-road walking and cycling corridor and contribute to opportunities for social interaction.

The proposal will facilitate the renewal of a large underutilised land parcel and provide additional housing supply for the Warringah LGA.

### Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **NSW Police Force  
NSW Rural Fire Service  
Transport for NSW  
Sydney Water**

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

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

If no, provide reasons : **It is considered that the planning proposal should proceed with a minor variation. The planning proposal documentation should be amended to:**

- delete the reference to Warringah LEP 2000, as the LEP is no longer applicable to the site; and
- make the Statement of the objectives clearer by noting that the Lot Size Map and Height of Buildings Map will also be amended.

**It is recommended that Council consult with Government agencies: NSW Police Force, NSW Rural Fire Service, Transport for NSW, Sydney Water and Energy Australia.**

**The planning proposal is consistent with the objectives of the draft North East Subregional Strategy and Metropolitan Plan as it provides for additional housing in an existing urban area with access to services, shops and transport. The planning proposal also provides for public open space which expands the Dee Why Creek corridor, enhancing its capabilities to act as a movement corridor for flora and fauna.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

## Rezoning of land at 26 Campbell Avenue, Cromer for low density residential and public recreation.

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 |
|---------------------------------------------------------------|--------------------------|-----------|
| Acid Sulphate Soils Map.pdf                                   | Map                      | Yes       |
| Flood Planning Level Map.pdf                                  | Map                      | Yes       |
| Aerial Photograph.pdf                                         | Map                      | Yes       |
| Locality Map.pdf                                              | Map                      | Yes       |
| Current Height of Buildings Map.pdf                           | Map                      | Yes       |
| Current Land Zoning Map.pdf                                   | Map                      | Yes       |
| Proposed Height of Buildings Map.pdf                          | Map                      | Yes       |
| Proposed Land Zoning Map.pdf                                  | Map                      | Yes       |
| Council Letter to Department of Planning & Infrastructure.pdf | Proposal Covering Letter | Yes       |
| Planning Proposal Part 1.pdf                                  | Proposal                 | Yes       |
| Planning Proposal Part 2.pdf                                  | Proposal                 | Yes       |
| Proposed Lot Size Map.pdf                                     | Map                      | Yes       |
| Current Lot Size Map.pdf                                      | Map                      | Yes       |

### Planning Team Recommendation

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

S.117 directions:      **3.1 Residential Zones**  
                                 **3.4 Integrating Land Use and Transport**  
                                 **4.1 Acid Sulfate Soils**  
                                 **4.3 Flood Prone Land**  
                                 **6.2 Reserving Land for Public Purposes**  
                                 **7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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

- a) The planning proposal be exhibited for at least 28 days.**
- b) The planning proposal be completed within nine months of the Gateway Determination.**
- c) The planning proposal be amended to delete reference to Warringah LEP 2000 because it is not relevant.**
- d) The planning proposal be amended to make the Statement of the objectives clearer by noting that the Lot Size Map and Height of Buildings Map will be amended.**
- e) The planning proposal is considered to be consistent with the Section 117 Directions and a Director General's approval to proceed under Direction 6.2 Reserving Land for Public Purposes is granted.**
- f) Consult with Government agencies: NSW Police Force, NSW Rural Fire Service, Transport for NSW, Sydney Water and Energy Australia.**
- g) No further studies are required to be carried out for the planning proposal.**

Supporting Reasons :      **It is noted that there was no objection from Government agencies consulted in Council's initial, non-statutory public exhibition.**



**Rezoning of land at 26 Campbell Avenue, Cromer for low density residential and public recreation.**

Furthermore, the planning proposal is consistent with the objectives of the draft North East Subregional Strategy and Metropolitan Plan as it provides for additional housing in an existing urban area with access to services, shops and transport. The planning proposal provides for public open space which expands the Dee Why Creek corridor, enhancing its capabilities to act as a movement corridor for flora and fauna.

Signature:

DPitney

Printed Name:

DAVID PITNEY

Date:

2/3/12