

Attachment Booklet

COUNCIL MEETING

13 December 2011

ITEM 8.4 - Planning Proposal, 26 Campbell Avenue, Cromer

Planning Proposal – Warringah Local Environmental Plan

26 Campbell Parade, Dee Why – December 2011



PLANNING PROPOSAL

WARRINGAH LOCAL ENVIRONMENTAL PLAN

26 CAMPBELL PARADE, DEE WHY

DECEMBER 2011

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1 Introduction

The proposal seeks to rezone the land at 26 Campbell Avenue Cromer, known to Council for some time as the Evergreen Tennis Centre (as referenced in LEP 2000). Two outcomes will result from the proposal:

- Rezoning of 1.4 hectares (84%) of the land to residential
- Dedication of 2,840 square metres (16%) of land to Council and rezoning to Public Recreation

It is recommended that Council support the proposal and refer the matter to the Department of Planning and Infrastructure for consideration.



2 The Site and surrounding area

2.1 Site context and location

The site is known as No. 26 Campbell Avenue Cromer. Key features of the site's location and context (as depicted in Figure 1) include:

- The site is located approximately 1 km north of the Dee Why town centre and 1.3 km north of the main bus interchange in Dee Why (near the corner of Pittwater Road and Howard Avenue).
- In terms of transport, the site is within convenient walking distance (500m) of the strategic bus corridor operating along Pittwater Road. A dedicated off-road cycle link also connects to the site. Bus stops adjoin the site and are serviced by 5 bus routes being the 180, 158, 146, 179 and E79 providing access to locations such as Dee Why, Warringah Mall, Manly, the Sydney CBD.
- The Dee Why Creek open space corridor adjoins the site and links Narrabeen and Dee Why Lagoons. As evident in Figure 1 the site adjoins the narrowest section of the corridor.
- Employment areas exist within convenient distance to north of the site at Cromer and to the South in Dee Why and Brookvale.

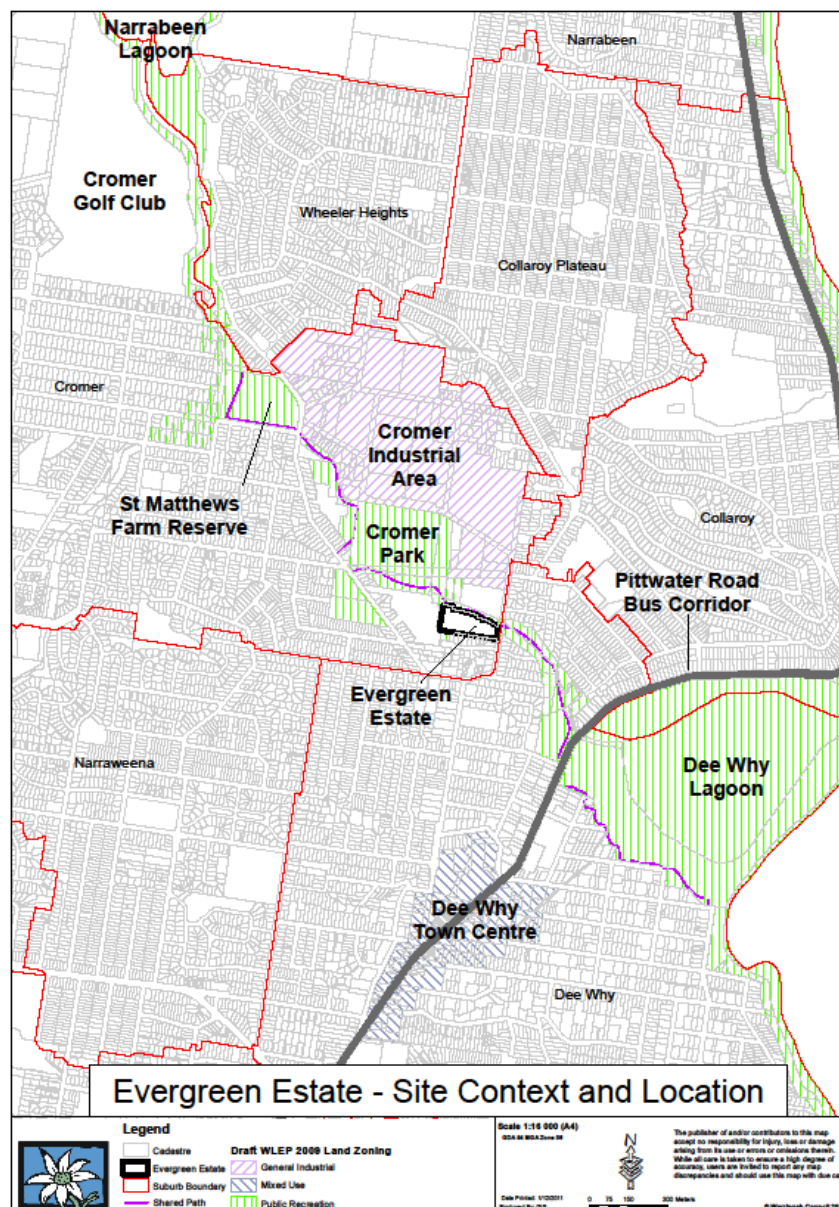


Figure 1- Site context and location

2.2 Surrounding development

The site's immediate surrounds comprise a mix of residential forms, from detached dwellings to seniors housing and apartment buildings with some business uses to the north interspersed with open space. More specifically:

- Detached style housing in Bruzzano Place adjoins the site's southern boundary;
- A medium density housing area is located approximately 50 metres to the south. This area takes in the southern side of Bruzzano Place, parts of Campbell Avenue, Lynwood Avenue and Fisher Road North.
- Public open space adjoins the northern and western boundaries of the site providing a buffer to adjoining development:
 - Dee Why Gardens Retirement Village is beyond the open space to the west;
 - The Time and Tide Hotel is beyond the creek-line corridor to the north.
- Playing fields are to the east of the site, on the opposite side of Campbell Avenue. This open space links the site through to Pittwater road.
- Open space containing Dee Why Creek forms the northern boundary of the site. It forms part of the open space corridor that links Narrabeen and Dee Why Lagoons and contains Dee Why Creek and a walking/cycling track. This significant open space link provides a buffer between the site and business related development to the north.

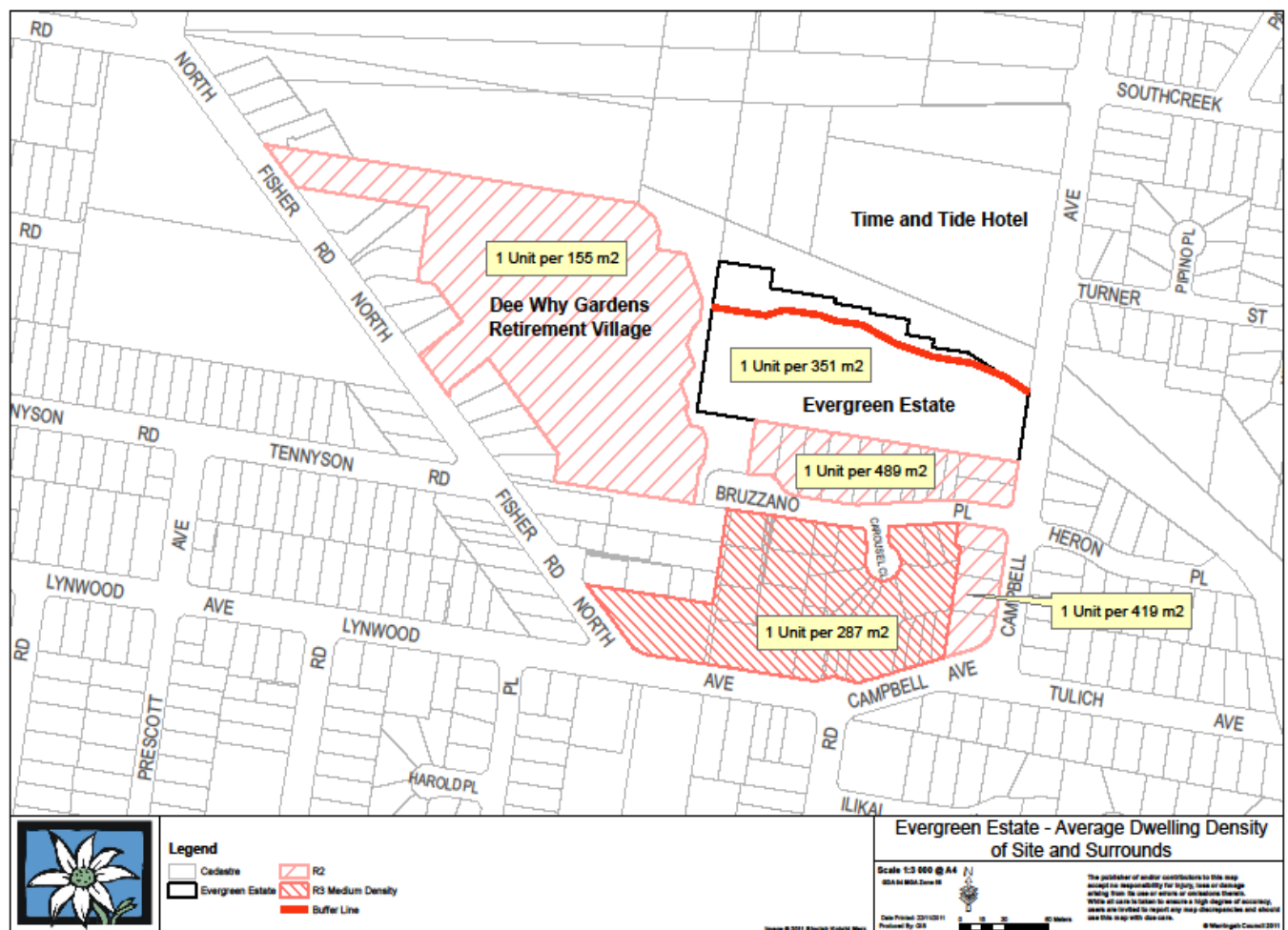


Figure 2- Surrounding development. Key residential development areas and their densities

2.3 Site details and features

Key features of the site include:

- The site is legally described as Lot 61 in DP 611195 and it has an area of 17,299sqm or 1.73 hectares.
- It is irregular in shape, its shortest (but still significant) boundary is its 46.6 metre frontage to Campbell Avenue (eastern boundary), its southern boundary is 221.28 metres and a western boundary is 99.25 metres.
- The northern boundary fronting the creek-line corridor is 228 metres in length.
- The site includes the following development:
 - 14 tennis courts
 - a brick building - containing 8 squash courts, administration office and amenities;
 - 3 volleyball courts and a small mini-golf ('putt-putt') facility;
 - vehicular access from Campbell Avenue; and
 - bitumen surfaced car park which is no longer line-marked but appears to have capacity for approx. 40-50 car spaces.
- The existing facilities are generally in average to poor condition.
- A number of established trees are present, principally around the perimeter of the site.
- Three 6-metre-wide easements traverse the site; one each for sewer, stormwater drainage and water supply.

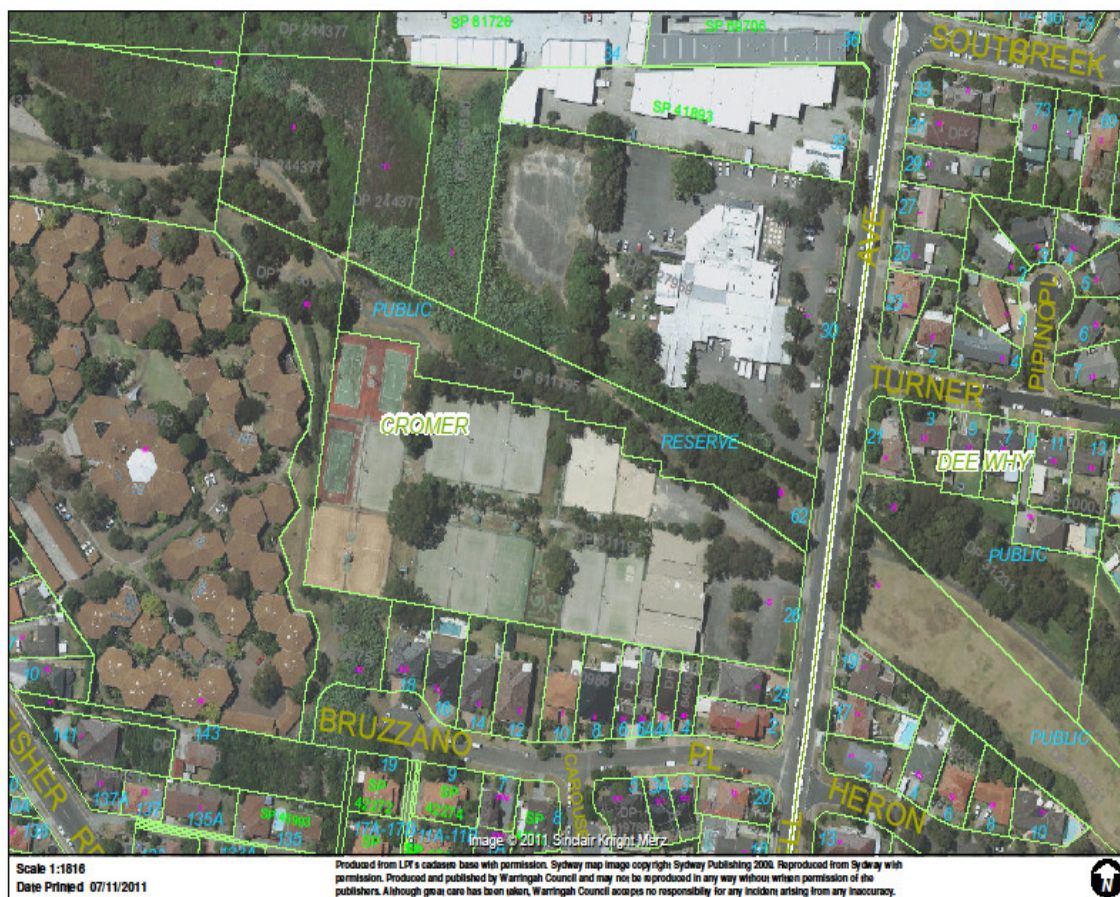


Figure 3- Aerial photograph of the site and its surrounds

2.4 Background

- Most recently the site has been known as Courtsportz. Prior to this it was known as the Evergreen tennis centre. For the purpose of clarity, the site is referred to only as the Evergreen tennis centre in this report.
- The recreational facility on the site closed in December 2010 and has not operated since. It has been secured with temporary construction fencing. Prior to closure, the Tennis and Squash Centre operated on the site for approximately 34 years.

The proponent has highlighted some historical context which is worth noting with respect to the land's zoning, use as a tennis and squash facility, and previous riparian enhancement:

- Private Recreation zoning of site is an historical consequence of the landowner at the time (Ampol Australia) requesting such a zoning to enable the development of the tennis and squash court facility.
- The tennis facilities on the site, were originally built 30 years ago by Ampol Australia. One of their prime motives for the development was to showcase synthetic grass tennis courts which at that time were a new product. Ampol Australia had created a division of their company to sell, distribute and market synthetic grass tennis courts throughout Australia. Some years later Ampol Australia sold the site.
- Tennis Australia has stated that synthetic tennis courts are being phased out in Australia as tennis facility upgrades occur.
- The proponent has advised that prior to the landowner requesting the rezoning Council had proposed the site be rezoned from Non-Urban 1(a) to Residential 2(a).
- Ampol dedicated 25% of the original site to enhance the riparian zone along its northern boundary and paid for much of the piping of the creek as a condition of approval of their commercial tennis operation.



3 The Planning Proposal

3.1 Overview

The Department of Planning and Infrastructure (DP&I) sets the form and structure for Planning Proposal reports. Accordingly, this report is set out in four main parts, as follows:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - Justification for those objectives, outcomes and provisions and the process for their implementation:
 - A. Need for the planning proposal
 - B. Relationship to strategic planning framework
 - C. Environmental, social and economic impact
 - D. State and Commonwealth interests
- Part 4 - Details of the community consultation that is to be undertaken on the planning proposal.



4 Part 1 - Objectives or intended outcomes of the proposed LEP [EPA Act s.55 (2)(a)]

The intended outcomes of the proposed LEP include:

- Residential development of 84% of the site. This will involve changing the zoning from Private Recreation (RE2) to Residential (R2 Low Density) for 1.4 hectares of the site.
 - The intended outcome from this zoning change is 34 residential dwellings.
- Public recreational use and ecological enhancement of 16% of the site. This will involve changing the zoning from Private Recreation (RE2) to Public Recreation (RE1) for 0.3 hectares of the site.
 - The intended outcome from this zoning change is the widening and enhancement of a public open space corridor that is strategically valued from recreation and ecological viewpoints.



5 Part 2 - An explanation of the provisions that are to be included in the proposed LEP [EPA Act s.55 (2)(b)]

The proposal involves rezoning the land from private recreation to residential and public recreation.

At the time of preparing this report, there are two local environmental planning instruments that require amendment, being:

- Warringah Local Environmental Plan (LEP) 2000; and
- draft Warringah Local Environmental Plan 2009 (as publicly exhibited)

If, as it is expected, the new LEP comes into force during the LEP amendment process, the provisions relating to the amendment of LEP 2000 can be discontinued. As a result of the above the following planning provisions would be required:

- Amend Warringah Local Environmental Plan (LEP) 2000, and
- Amend draft Warringah Local Environmental Plan 2009 (as publicly exhibited)
- Prepare a Voluntary Planning Agreement

These matters are outlined below.

It is also noted that the proponent has expressed a desire to concurrently seek development consent should the matter proceed through the Department's Gateway Approval process. This does not currently form part of the proposal, but is noted, as it may do so in the future.

5.1 Warringah LEP 2000 – Appendix E - Locality E2 Dee Why Lagoon Suburbs

1. Amend the Desired Future Character Statement for the E2 Locality (page 322, end of first paragraph) to exclude reference to "land occupied by the Evergreen Tennis Centre at Lot 61 DP 611195".
2. Amend Land Use Category 1 (page 322, dot point 1) by deleting the reference to housing not being allowed at Lot 1 DP 611195.
3. Under the heading BUILT FORM, amend as follows:
 - 3.1. Housing density - the site would be excluded from the housing density control in the following way: (page 325) under '*This control does not apply*' – add a new point (e):

'(e) to Lot 61 DP 611195 previously known as the Evergreen Tennis Centre'.

This provision is needed principally because the proposal will have a maximum housing density of greater than 1 dwelling per 600 square metres.
4. Amend Map Sheet 27 - to reflect the dedication of land and clearly identify this land as public open space (light green colouring). See zoning extract map for WLEP 2000 attached.

5.2 Draft Warringah Local Environmental Plan 2009

1. Amend the zoning of the land from RE2 Private Recreation to R2 Low Density Residential and RE1 Public Recreation; this will be achieved by amending the zoning map in accordance with the attached zoning extract map;
2. Amend the Lot Size Map by specifying a minimum lot size of 300 square metres on the residential land;
3. Other planning controls under the draft LEP, that currently apply to the land, and will continue to apply to the land include:
 - 3.1. 8.5 metre building height limit as shown on the Height of Buildings Map (residential land component only),

- 3.2. Flood Planning Area Map. The flood planning area affects the north western corner of the site. No residential development is proposed in this area.
- 3.3. Acid Sulphate Soils Map. Minor affectation.

5.3 Planning Agreement

The need for a Voluntary Planning Agreement (VPA) has been identified. It is needed to accommodate:

- The dedication of the land to Council for Public Recreation.
- The proposed dwelling yield, which involves a range of allotment sizes.

Whilst further discussion between Council and the proponent is needed to develop a formal VPA, the terms to which there is general agreement are outlined as follows:

1. Dwelling Yield

1.1. The dwelling yield for the site is 34 dwellings.

1.2. This requirement is best placed in the VPA because:

- It establishes a maximum density for the site that is linked to the dedication of public open space.
- It will allow a range of lot sizes varying between 300 and 461 square metres;
- The Housing Density Control under the LEP 2000 establishes a maximum housing density of 1 dwelling for 600 square metres of site area in the E2 Locality. This does not accommodate the proposal.
- The draft LEP, as required by the Standard Local Instrument, controls density by setting a minimum allotment size. This does not in itself accommodate the proposal given the range of lot sizes varying between 300 and 461 square metres.

2. Open Space Corridor:

2.1. Dedication to council, at no cost, approximately 2,840 square metres of land in the manner expressed in Figure 6 titled Concept Plan.

2.2. The dedication will occur concurrently with the rezoning.

2.3. The zoning of the land is to be public recreation and is to be processed in conjunction the proposed residential zoning for the larger portion of the existing allotment.

2.4. Embellishment of this land at no cost to Council.

2.5. Embellishment of this land in accordance with a landscape plan (and any other appropriate plan such as a Vegetation Management Plan) prepared in consultation with council and to council's requirements.

2.6. Maintenance and management of this land for a period of 5 years from the date of completion of the embellishment works.





Figure 4- Zone extract of site LEP 2000

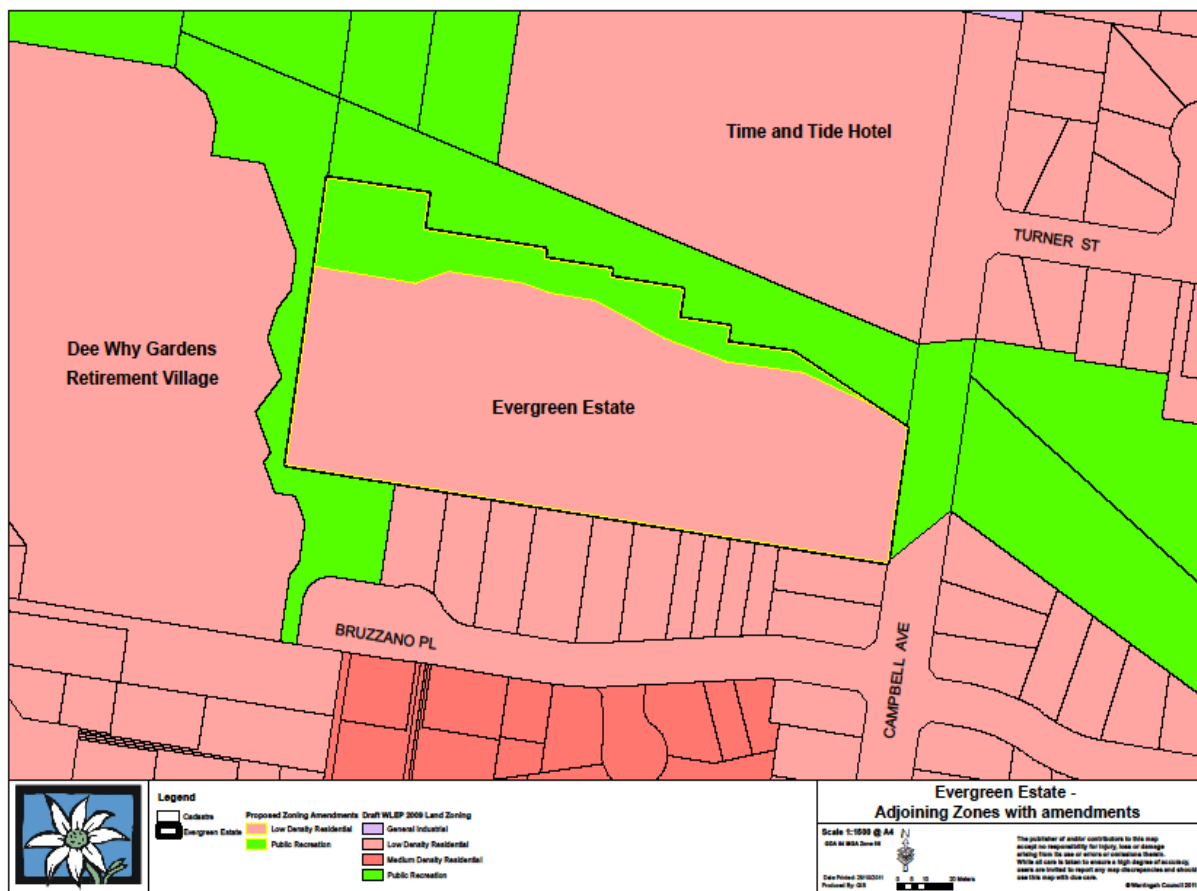


Figure 5- Zone extract of site LEP 2011



Figure 6- concept plan

6 Part 3 - Justification for those objectives, outcomes and provisions and the process for their implementation [EPA Act s.55 (2)(c)]

6.1 Section A - Need for the planning proposal

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

- The proponent has prepared a planning report and a range of technical studies that support the proposed zoning change. These documents include:
 - Planning Proposal Report by consultants Boston Blyth Fleming Town Planners
 - Housing Demand Assessment by consultants The Demographers Workshop
 - Recreation facility supply and demand assessment by consultants Parkland Environmental Assessment
 - Arboricultural Impact Assessment by consultants Redgum Horticultural
 - Flora and Fauna Impact Assessment by GIS Environmental Consultants
 - Transport and Traffic Assessment by consultants Transport and Traffic Planning Associates
 - Preliminary Acid Sulfate Soil Assessment by consultants SMEC Testing Services
 - Stormwater Drainage Concept and Flood Risk Management Plan by consultants Kozarovski and Partners
 - Preliminary Contamination Assessment and Geotechnical investigation by consultants GeoEnviro Consultancy
- These reports support the residential outcome foreshadowed for the site, along with the benefits (ecological and recreational) of the proposed land dedication for public open space.

Justification for Provisions

The proposed draft LEP provisions (detailed in Section 5 of this report) are needed to deliver the changes in zoning to facilitate the development of the site.

Further built form controls that are not included in the LEP (for example, building setback, building footprints and landscaped space), are required to guide the housing outcome foreshadowed for the site. it is noted:

- The potential exists to include some site-specific planning controls in the VPA designed to accommodate the integrated rezoning and 'smaller allotment' housing outcome that is proposed for the site, as expressed in the concept plan.
- Alternatively the potential exists to amend the draft Warringah DCP to provide some site-specific built form controls to accommodate the 'smaller allotment' housing outcome proposed.
- As these planning controls are not contained in the LEP, and whilst important to the proposed development of the site, they do not form part of the statutory LEP amendment. As such these are matters to be further considered in the assessment of the planning proposal once a Gateway determination has been made.

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

The proposal is a highly appropriate means of achieving the objectives for the redevelopment of the site and reinstatement of some of the riparian qualities of a 228m section the site that adjoins Dee Why Creek. The following points are noted in support of this view:

- the location is appropriate for residential use
- infrastructure is available to support residential use
- residential use is compatible with surrounding land uses
- the proposed residential density of the site is compatible with nearby development
- the housing density proposed for the site strikes an appropriate balance (34 dwellings, being equivalent to 1 dwelling per 351 sqm) with respect to the surrounding residential densities and the shift towards more compact urban housing
- there are no significant environmental constraints limiting residential use
- residential use will supply housing for which there is strong and growing demand
- there is sufficient recreation land in Warringah to satisfy demand
- dedication and embellishment of sensitive riparian land at no capital cost to Council and at no cost for the initial 5 years of maintenance
- the proposal presents an orderly means of renewing a large contiguous area of underutilised urban land that has become redundant (not having been used for approximately 12 months).

3. *Is there a net community benefit?*

The Planning Proposal will deliver a net community benefit. The community benefits include:

- Dedication of approximately 2,840 sqm of land into public ownership:
 - widening of a strategically significant wildlife corridor at its narrowest point; thereby enhancing the capability of the corridor to act as a movement corridor for flora and fauna; and
 - securing this function in perpetuity.
- Embellishment of the land to be dedicated into public ownership:
 - Landscaping with appropriate features and endemic native species to support the ecological function of the corridor.
 - Maintenance of this land by the landowner for 5 years from the time the embellishment is completed.
- Provision of additional housing:
 - for which there is high and growing demand;
 - in a highly appropriate location accessible to existing services, shops, and transport.
- Investment in the renewal of what has become (over the past 12 months) a large unused land parcel



6.2 Section B - Relationship to strategic planning framework

1. *Is the planning proposal consistent with the objectives and actions contained within the Sydney Metropolitan Strategy for 2036 of the draft North East Subregional Plan?*

The Metropolitan Strategy 2036 sets the strategic direction for decisions related to land use and transport planning in the Sydney Metropolitan Area.

Warringah's dwelling target of an additional 10,300 home by 2031 is established in the companion strategy - the draft North East Subregional Plan.

The Metropolitan Strategy establishes a number of strategic directions which are relevant to the planning proposal. These are identified and addressed in-turn below.

Strategic Direction A2 aims to achieve a compact, connected, multi centred and increasingly networked city structure. Objective A3 is to contain urban footprint and achieve a balance between greenfields growth and renewal in urban areas.

In response:

- The proposal is consistent with the Government's centres based approach and assists in containing the urban footprint. The site is a large, flat parcel of existing urban land, in single ownership and is suitable for the proposed residential development.

Strategic Direction B aims to focus residential development within centres with access to public transport and local services. It is the State government's aim to ensure that eighty percent of new houses are within walking distance (generally one kilometre) of existing and planned centres with good public transport (Objective B1.3).

In response:

- The site has immediate, convenient access to public transport via bus services operating along Campbell Avenue; It is also a 500 metre walk to Pittwater Road which is the major bus transport route for the Region and is consistent with this Direction.

Strategic Direction D aims to ensure an adequate supply of land and sites for residential development. Across Metropolitan Sydney, a target of between 60 and 70 per cent of new housing is to be accommodated in existing urban areas, focused around centres (Objective D1.1).

In response:

- The proposal provides an opportunity to increase the supply of housing within walking distance (nine hundred (900) metres) from the Dee Why major centre. The increased residential population will support local businesses and increase activity in the local area. The proposal is consistent with this Direction.

The draft North- Eastern Sub Regional Plan translates the objectives of NSW Government's Metro Strategy to the local level. A relevant key direction in the consideration of the proposal is "Better access to a variety of housing choice and create liveable and sustainable communities". An identified key action in the direction is to provide for an appropriate range of residential zonings to cater for changing housing needs in the community (NE C2.3.2). There is a related need to increase the mix of housing types with higher density forms of housing.

In response:

- The proposed dwelling density affords Council the opportunity to increase housing stock and housing choice in the area, and to meet the changing housing needs of the local community and is consistent with this Direction.

2. *Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?*

There are four plans of particular relevance to consider in responding to this question:

- Living Warringah Strategic Plan
- The Strategic Community Plan 2011
- Warringah Recreation Strategy 2009
- Draft Housing Strategy 2010

These are addressed in turn below.

Living Warringah Strategic Plan

Living Warringah 2005 is Council's overarching Strategic Plan. It identifies a number of outcomes in the Living Spaces chapter relating to Housing in the area. These outcomes include:

- provision of housing that responds to changing demographic profile of the community and reflects local needs and expectations;
- implementation of the NSW Government's Metropolitan Strategy;
- minimisation of the environmental impact from housing development and growth;
- encouragement of more sustainable travel behaviour i.e. walk, cycle or public transport;
- provision of a mix of densities around centres and along transport routes; and
- location of housing growth in proximity to existing services.

In response, the proposal is consistent with this Strategy as it will:

- provide additional housing stock and choice to assist in meeting current demand in the area;
- contribute to housing targets established in various strategy plans including Metropolitan and draft Subregional Strategies;
- efficiently use existing urban land that is surrounded by residential development on its east, south, and west sides;
- utilise Council's existing cycleway/pathway system and the existing local bus service;
- increase residential density on land that is in close proximity to facilities and services in the major centre of Dee Why and the one of the region's major bus transport routes; and
- utilise existing physical infrastructure on the land.

Strategic Community Plan 2011

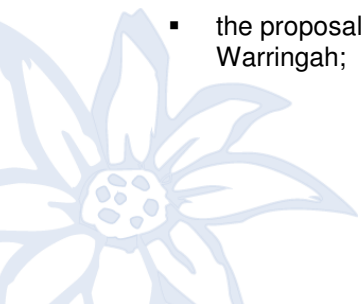
The Warringah Strategic Community Plan 2011 is the Council's primary forward planning document. The plan contains some objectives/goals relevant to the consideration of the planning proposal which are identified and addressed below.

With regards to recreation, the plan contains the goal:

Goal (3.1) Safe and well maintained public spaces that reflect community needs.

In response:

- the proposal provides approximately 2,840 square metres of additional land for public recreation in Warringah;



- The additional public open space will provide opportunities to improve and enhance the Dee Why Creek Open Space Corridor, and better balance the corridor's functions as a recreation space and ecological habitat.

With regard to urban development, the plan contains the goal:

Goal (3.2) Socially and environmentally responsible urban development.

The plan's goals relevant to housing and the planning proposal are:

- *Plan appropriately for future housing in Warringah, balancing State Government growth targets, the changing demographic profile of the community, local needs and expectations and the need to reduce carbon emissions and resource consumption and the challenges of infrastructure limitations.*
- *Ensure housing development is sensitive to the natural and built environments*

In response:

- The provision of housing on the site will be consistent with the goals of the strategic plan in relation to housing.
- The proposal is sensitive to the natural environment in that it will remove urban development from a sensitive riparian area, embellish this area and dedicate it to public ownership.
- The proposed additional housing:
 - is sufficiently supplied with infrastructure
 - will assist in addressing some of the demographic and housing affordability challenges that the plan identifies
 - is sensitive to the natural and built environment in that the site has no significant environmental constraints and is compatible with surrounding land uses
 - will assist in meeting the growth targets set in the Metropolitan Strategy.

Warringah Recreation Strategy 2009

The Warringah Recreation Strategy 2009 (Recreation Strategy) outlines many of the outstanding and varied recreation opportunities offered locally. These include the large assets like the beaches, Manly Dam, Brookvale Park and Cromer Park as well as a myriad of other smaller facilities like children's playgrounds, sports fields and pocket parks.

Council's involvement in the provision of recreation is extensive with the provision of land estimated to be in the vicinity of 1,629 hectares (excluding National parks). This land includes bushland, beaches, lagoons, sportsgrounds and parklands. Around 800 hectares of this land (almost 50%) is actively managed by Council for various recreational activities.

Based on the 800 hectare open space provision, Warringah's supply levels well exceed (by approximately 2 to 1) the historical benchmark provision which is 2.83 hectares of open space per 1,000 people of population. Applying the benchmark results in demand for 407.52 hectares of open space based on Warringah's estimated population is approximately 144,000. Whilst using this standard has a number of limitations, it does nevertheless provide a starting point for benchmarking purposes. These matters are further discussed in Section 6.3 of this report.

Beaches, parks, walking trails/bushland are the most visited recreation assets, ahead of outdoor sporting facilities and playing fields.

The strategy identifies that Warringah Council is one of the key providers of recreation assets, programs and services in the area but also that the commercial sector, and State and Federal governments also play roles. Council's commonly play a key role because recreation has a significant community benefit but the provision and management of recreational assets, and services are often financially unviable for the commercial sector.

The Strategy's survey results indicate that the three top activities in Warringah are walking, swimming and cycling. Also that visits to the beaches and parks prevail over those to sporting reserves and playing fields.

The change in the site's zoning is not inconsistent with the strategy, particularly having regard for the significant supply levels of recreational land and opportunities in Warringah. Further consideration is given to the supply and demand of recreational land in the area in Section 6.3 of this report.

Draft Housing Strategy 2010

The draft Housing Strategy 2010 is Council's response to the housing challenge facing Warringah. It is also a strategic planning response to the:

- Metropolitan Strategy
- draft North East Subregional Plan
- Ministerial Direction 7.1 Implementation of Metropolitan Plan for Sydney 2036.

Development of the draft strategy took place during 2010. The draft strategy foreshadows growth levels of residential dwellings ranging between 10,300 and 16,000 be gradually developed over the next 25 or so years.

However in July 2011 Council resolved to undertake no further development of the strategy until to State Government commits to funding infrastructure upgrades commensurate with the growth levels that have been foreshadowed.

It is relevant to distinguish the differences between infrastructure and housing growth that are associated with the draft Housing Strategy and those issues associated with the proposed rezoning of the site. Some clear distinctions can be drawn.

Firstly, the site is well located to benefit from a range of established infrastructure provisions including proximity to: open space, the adjacent off-road walking and cycling link, public transport, nearby shops, services and employment areas. The advantages of the site's location and level of infrastructure available do not trigger the need for a larger scale, strategic assessment of these issues.

Secondly, as a single, albeit large site at 1.7ha, the proposal makes provision for 34 dwellings. Whereas the draft Housing Strategy, in contemplating the growth of Narraweena for example, foreshadowed growth levels of 3,675 new dwellings over an area of approximately 65 hectares. The scales of the development outcomes are significantly different and the need for a larger scale, strategic assessment of these issues is not triggered.

There is sufficient strategic planning justification to support the proposal. The development of housing on the site is consistent with the principles of concentrated growth in and around town centres, and within close proximity to public transport links/corridors. In this sense the proposal is consistent with the principles that underpin Council's Residential Development Strategy 1998, its draft Housing Strategy 2010 and indeed the Metropolitan Strategy.

3. Is the planning proposal consistent with applicable state environmental planning policies?

SEPP 32 - Urban Consolidation

The aims and objectives of the SEPP relates to:

- the promotion of the orderly and economic development of land that is no longer required for its current purpose; and
- implementation of the State's urban consolidation policy.

In response:

- There is considerable evidence to justify the applicant's position that the previous use on the site is no longer viable, that there is sufficient land available to satisfy recreational need, and an alternative use is appropriate.

- The site is not environmentally constrained in terms of bushfire, flooding, ecological communities, heritage etc. and is therefore capable of accommodating residential development.
- The proposal involves the reuse of urban land in an area that has access to services, is close to many work and leisure opportunities and does not involve fringe land release.
- It does not involve the provision of new infrastructure.
- It will increase the supply and choice of housing locally.

The proposal is consistent with the aims and objectives of SEPP 32 Urban Consolidation.

SEPP 55 - Remediation of Land

The SEPP requires the planning authority to consider whether the land is contaminated in rezoning proposals.

SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination. In response:

- Information available from the Department of Lands and aerial photos of the site dating back to 1951 indicate the site was used for residential purposes and market gardening until the 1970s. From the 1970s the site was used for recreational purposes.
- A Preliminary Contamination Assessment and Geotechnical investigation (Geo Enviro Consultancy October 2006) accompanies the proposal and does not identify any significant issues at this stage.
- Further investigation of potential contamination issues would be required at later stages of the planning approval process. This may be needed following the gateway determination of the proposal.

The proposal has satisfactorily addressed the requirements of SEPP 55 Remediation of Land for the current phase of the proposal's assessment.

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

The following 5 Ministerial Directions are applicable to the proposal:

- Direction 3.1 Residential Zones
- Direction 3.4 Integrating Land Use and Transport
- Direction 4.1 Acid Sulphate Soils.
- Direction 4.3 Flood Prone Land.
- Direction 7.1 Implementation of Metropolitan Plan for Sydney 2036.

Consideration of the Ministerial Directions is provided below.

Direction 3.1 Residential Zones

The proposal is consistent with the aims and objectives of the Direction because it:

- Encourages a variety and choice of housing to provide for 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 land.

Direction 3.4 Integrating Land Use and Transport

The proposal is consistent with the aims and objectives of the Direction because it:

- improves 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 consistent with the aims and objectives of the Direction.

- The site is identified on the LEP map - Acid Sulphate Soil. A level 5 which represents the lowest level of affectation.
- The proposal includes a Preliminary Acid Sulphate Soil Assessment. It concludes that there is no need for a detailed Acid Sulphate Soil Assessment report.
- In light of the above, the extent of any further work in relation to Acid Sulphate Soil considerations can be deferred to a later phase in the planning approval process (eg. development application stage).

Direction 4.3 Flood Prone Land.

The proposal is consistent with the aims and objectives of the Direction. There is no development proposed within the current predicted 100 year flood area.

Direction 7.1 Implementation of Metropolitan Plan for Sydney 2036.

The proposal is consistent with the aims and objectives of the NSW Government's Metropolitan Plan in that:

- It will contribute towards Council's existing housing target of 10,300 additional dwellings by the year 2031.
- The proposal will increase choice of housing stock and style in the local area. It represents a modern form of detached housing on smaller lots.
- The site is adjacent to good public and pedestrian/cyclist transport, and other infrastructure. No additional infrastructure is required for the proposal.

6.3 Section C - Environmental, social and economic impact.

1. *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. There are no recorded threatened species populations or critical habitat located on the site.

Indeed the proposal, through the dedication and embellishment of addition public open space presents a unique opportunity to enhance the ecological characteristic of the creek-line corridor and to achieve 3 highly sought after outcomes, namely:

- Widen the existing public open space corridor at one of its narrowest points
- Secure this additional land in public ownership
- Embellish the natural vegetation and riparian characteristics of this section of the corridor

Through these means it is intended that the proposal will create additional capacity for the habitat and movement of different flora and fauna species.

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

As identified above, positive environmental effects are foreshadowed from the improvement of land within the riparian zone. This will be managed through preparation of the appropriate plans to guide the effective management of this space.

3. *How has the planning proposal adequately addressed any social and economic effects?*

Yes. Several expert studies have been undertaken in considering the social and economic effects of the proposal. These studies include:

- Recreation Facility Supply and Demand Assessment and Supplementary Information Report by consultants Parkland Environmental Planners
- Correspondence from Chesterton International land economists
- Correspondence from CMS consultants in Property, Financial and Corporate affairs
- Housing Demand Assessment by consultants The Demographers Workshop
- SGS Consultants (commissioned by council to provide an independent review of economic considerations)

The key social and economic considerations of the proposal are addressed below.

Economic Effects

Positive economic effects stemming from the proposal include: capital investment in the order of \$25 million in the renewal of the land, employment during the construction phase, economic multiplier effects in the construction sector.

Social Effects

In relation to social effects, being on the periphery of a Major Centre (as defined by the Metropolitan Strategy) there is sufficient social infrastructure and services to support the future residents of the site.

Recreational Land

Another social and economic consideration is the availability of recreational land in light of the proposed zoning change. The availability of recreational land is addressed below.

Recreation – supply and demand

Warringah has access to a wide range of recreation facilities. The following excerpt from the Warringah Recreation Strategy 2009 demonstrates the significant scale of recreational opportunities in Warringah. These are the facilities that Council is involved with, but excludes the various private and state operated facilities:

Warringah Council's involvement in the provision of recreation is extensive. Council manages over 800 hectares of open space including nine beaches, 54 sportsgrounds, 500 hectares of natural areas, a range of community buildings, over 200 parks, 170 playgrounds, a series of tracks, trails and pathways, the Warringah Aquatic Centre, and a variety of other developed assets, such as horse arenas, skate parks, ocean pools and sports courts.

The wide range of indoor and outdoor recreation facilities are supported by a number of different land tenures and zonings. The following table provides an outline of common recreational activities:

Recreation facility	Zone	Ownership
Beaches	Public Recreation	Crown
Bushland	National Park, Environmental (various types)	Multiple, for example, National Park, state agencies, private.
Sports fields (eg. football codes, netball, softball, baseball, cricket)	Public Recreation	Council
Courts – tennis, basketball, squash	Public Private Recreation	Council Private

Recreation facility	Zone	Ownership
Built specialist recreation facilities such as ten-pin bowling, indoor rock climbing, fitness centres	Medium Density Residential - Dee Why RSL ten pin	Private
	General Industrial - Northern Beaches Rock House Brookvale	Private
	Business Development -Fitness First Dee Why)	Private
Skate ramps	Public Recreation	Council
BMX track (Terry Hills)	Public Recreation	Council
Mountain biking trails	Public Recreation (eg Manly dam)	Council
	Bushland - National Park, Environmental (various types)	Multiple for example National Park, state agencies, private, crown land and public
Lawn bowling greens	Public Recreation (eg North Manly)	Council
	Private Recreation (eg Dee Why Bowling club)	Private
Golf courses	Public Recreation (eg Warringah and Wakehurst Golf courses)	Council
	Private Recreation (eg Cromer)	Private
Golf driving range	Primary Production Small Lots (eg Terrey Hills Driving Range)	Crown land – private lease
Surf clubs	Public Recreation	Public
Equestrian facilities	Public Recreation (eg JJ Melbourne Hills Memorial Reserve, Terrey Hills)	Public
	Rural small holdings	Private
Ocean pools	Public Recreation	Crown
Indoor swimming pools (eg, Warringah Aquatic Centre, Fitness First, Manly Leagues, Harbord Diggers)	Public Recreation	Public, private and Crown
Athletics - Narrabeen sports academy	Public recreation	State Owned - Minister administering the Sporting Venues Management Act
Shooting range (Terry Hills)	Rural small holdings (non conforming use)	Private
Cycling	Road ways – multiple zones	Public
	Public Recreation dedicated paths	
Registered Clubs	North Manly Bowling Club - Public Recreation	Public
	Harbord Bowling Club - Private Recreation	Private

In considering whether a change in zoning on the site is appropriate, it is necessary to consider the availability of land and range of opportunities within Warringah that are available for recreational pursuits. Firstly consideration is given below to the supply of recreation land generally.

An historical standard for open space provision is 2.83 hectares of open space per 1,000 people of population. This standard was developed in the early 1900's and is considered to be outdated by many experts in the field. It is nevertheless a reference point in the absence of any other widely accepted benchmark for open space provision. Applying it to Warringah results in the following:

- Warringah's estimated population is approximately 144,000.
- The benchmark of 2.83 hectares of open space per 1,000 people generates demand for 407.52 hectares of open space.
- Warringah's supply of open space provision has been estimated to be over 800 hectares, meaning that supply levels well exceed the standard at some 50% above this benchmark.

It is important to recognise the limitations of the benchmark and that there are a range of planning considerations beyond just the gross of open space provision. These considerations relate more to qualitative factors and whether the open space is fit to meet the particular needs of the community it serves. Examples of qualitative considerations include:

- Distribution and accessibility – where open space is located with respect to the communities that use it and how can people access it.
- Demographics - ensuring that the types of open space are suited to a community's age profile eg. more playgrounds for communities/locations where there is high numbers of children.
- Quality and level of maintenance – the ability for a community to financially sustain its open space assets to a standard that is safe for people to use and meets community expectations.
- Local conditions – the availability in Warringah of beaches and lagoons is a local characteristic that attracts a lot of recreational activity which an area like, for example, the Ryde LGA does not have.

Taking the above considerations into account, in both quantitative and qualitative terms Warringah is well served with recreational facilities. In quantitative terms Warringah is well above the historical standard for open space provision. In qualitative terms Warringah's wide range of recreation facilities and their distribution is healthy. Whilst there may be particular strategies needed to improve specific recreation user needs, the level of supply and distribution is broadly considered sufficient to meet current and projected demand.

Secondly, and further to the above, consideration is given below more specifically to the supply of private recreation land.

Private Recreation Land

Under the present zoning controls applicable to the site there is no requirement for it to operate as a tennis centre. As such it is appropriate to consider the proposed zoning change in light of the wider spectrum of land uses permitted by the zone.

There are a variety of recreational land uses permissible (with development consent) on the site within the Private Recreation zone, for example:

- *Recreation facilities (indoor)* which includes for example, indoor swimming pool, bowling alley, ice rink
- *Recreation facilities (outdoor)* which includes for example, golf driving range, skate board ramp, go-kart track, rifle range.
- *Community facilities;*
- *Kiosks*
- *Recreation areas*
- *Emergency services facilities*
- *Registered clubs*

As evidenced above, a wide range of recreation related commercial enterprises are permissible within the zone. Whilst 14 tennis courts (being the principal function of the existing facility) present some amenity conflicts with adjoining land, particularly housing to the south, some of the other potential uses (see outdoor recreation facility examples above) present higher potential for amenity impacts.

Consideration is given below to the supply of land zoned Private Recreation and in this regard the following points are noted:

- The total area of land zoned Private Recreation in Warringah is approximately 51 hectares which includes the Cromer Golf Course site that makes up 42ha or 81% of the total provision of Private Recreation zoned land.
- Excluding Cromer Golf course, the balance of Private Recreation zoned land is 10ha which is distributed across approximately 10 different land holdings (including the Evergreen site). Of this 10ha, 3ha has identified environmental constraints (flooding, bushfire, ecologically sensitive).
- 51 hectares of Private Recreation zoned land equates to approximately 6% of Warringah's recreational land supply (based on an overall supply of approximately 800ha). Whereas if Cromer Golf Course is excluded this percentage is reduced to 10ha or 1% of the overall recreational land supply.
- In overall recreational land supply terms Warringah's proportion of Private Recreation zoned land is relatively small. The change in zoning of the subject site will not significantly impact supply levels.
- It should be noted that this consideration of land supply is a quantitative measure rather than a consideration of qualitative considerations. Furthermore, other land capability considerations are equally important matters in contemplating the land's future potential.

Tennis specifically

There are 88 tennis courts in Warringah (including the Evergreen site; 74 excluding), 26 in Pittwater and, 22 in Manly; 136 in total on the Northern Beaches.

The Recreation Facility Supply and Demand Assessment by consultants Parkland Environmental Planners notes:

- Analysis shows that if the Evergreen tennis courts were available for use, only 17% of the capacity of existing tennis courts in Warringah was required to satisfy the demand for tennis court time.
- When the 14 Evergreen tennis courts were removed from the calculations, 36% of the capacity of the existing tennis courts in Warringah were needed to satisfy the demand for tennis court time.
- This analysis shows that there was an excess capacity of 64% in tennis court availability in Warringah even if the Evergreen courts were removed from the supply.

Evidence has also been provided to demonstrate that in the year since the centre has been closed there's been increased patronage at the council owned facility at Collaroy/Long Reef (Griffin Park) which is the closest tennis facility to the site, but no notable increase in demand elsewhere.

Tennis Australia have expressed that they have been actively looking for a site in Warringah to develop tennis courts at multi-sport 'hubs' in accessible and visible locations. Tennis Australia has subsequently advised it is not interested in pursuing the Evergreen site for tennis because of poor access, lack of public visibility, small street frontage, and irregular site dimensions. No other sport or community organisations have expressed an interest in funding sporting facilities on the site.

The commercial land rental costs paid by the operator to the owner of Evergreen, and court occupancy rates which didn't cover the land rental and other operating costs, resulted in a financial loss for a number of years prior to the centre's closure. In contrast, leases on tennis centres such as Collaroy, on public land leased from Council are based on total financial turnover. This is favourable from a financial viability perspective and preferred compared to a situation where an operator must first pay land rental costs as is the case with the Evergreen site.

In summary

The Warringah area offers a wide range of recreational activities, across different zones and land tenures.

As evidenced in Council's Recreation Strategy 2009, beaches, parks, walking trails/bushland are the most visited recreation assets, ahead of outdoor sporting facilities and playing fields.

Warringah involvement in the provision of recreation is extensive with the provision of land estimated to be well over 800 hectares. This means that supply levels well exceed the historical standard for open space provision is 2.83 hectares of open space per 1,000 people of population (144,000 people generating demand for 408 ha of open space) and are at some 50% above this benchmark.

It is notable that two of the three most popular recreational pursuits (at least at the time the Warringah Recreational Strategy 2009 was prepared) being walking and cycling, are able to occur virtually irrespective of land zoning and land tenure considerations, that is, along roads (cycling) and footpaths (walking). It is also notable that a dedicated off-road walking and cycling path adjoins the site's northern boundary and will be an asset for any future residents of the site.

Private recreational zoned land accounts for a small proportion of the supply in recreational activities. Furthermore court based sports make up a small proportion of the overall range of recreational activities.

There has been no evidence to indicate that, in the time since the closure of the Evergreen site in December 2010, an undersupply of recreational opportunities or an unmet demand has been created.

The proposed change in the site's zoning represents an insignificant impact on the supply of recreational facilities in Warringah.

In terms of the site's future use the site's poor access, lack of public visibility, small street frontage, and irregular site dimensions are considered salient and inherent characteristics that work against its future success for a renewed recreational use. Furthermore a number of the other uses permitted in the Private Recreation zone (eg, indoor recreation use, go-kart track, golf driving range, paint ball centre) are potentially incompatible with the adjoining residential housing. This is in part a reflection of the fact that residential development has built-up in the 34 years since the courts were originally developed on the site.

For these reasons, and given the site's compatibility with adjoining residential development, absence of significant environmental constraints, and capability to accommodate residential development a change in the land's zoning is appropriate.

6.4 Section D - State and Commonwealth Interests

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

Yes:

- Being within an existing urban area, key utilities such as water, electricity, sewer, storm water, and telephony are available to the site.
- The site is located approximately 1 km north of the Dee Why town centre and 1.3 km north of the main bus interchange in Dee Why (near the corner of Pittwater Road and Howard Avenue).
- In terms of transport:
 - the site is within convenient walking distance of the strategic bus corridor in operation along Pittwater Road.
 - A dedicated off-road walking and cycling link also connects to the site via the Dee Why Creek Corridor.
 - Bus stops adjoin the site and are serviced by 5 bus routes being the 180, 158, 146, 179 and E79 providing access to locations such as Dee Why, Manly, the Sydney CBD.
- Employment areas exist within convenient distance to north of the site at Cromer; and to the South in Dee Why and Brookvale.

2. *What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

The following Government agencies were consulted as part of Council's initial phase of public exhibition:

- Ausgrid-Energy Australia; Rural Fire Service; NSW Office of Water; State Transit ; NSW Police.

There was no objection to the proposal.

There will be further consultation with the relevant Government agencies should the proposal proceed to become a statutory LEP amendment.



7 Part 4. Details of the community consultation that is to be undertaken on the planning proposal [EPA Act s. 55(2)(e)]

The proposal was exhibited for 1 month from 28 February to 28 March 2011. 93 submissions were received including 87 which objected outright, and 6 that gave qualified support to the proposal.

- Key issues raised in objection, include:
 - Loss of publicly accessible tennis and squash courts
 - Loss of recreational space more generally
 - Overdevelopment of the site
 - Overdevelopment of Dee Why more generally
 - Undesirable precedent
 - Loss of trees
 - Impact on the riparian corridor
 - Traffic and parking related impacts
 - Construction related disruptions
- Key issues raised in support, principally centred on the details relating to the proposed residential outcome on the site.
- It is also noted the Council's Strategic Reference Group for Recreation and Open Space, comprising representatives from the community, lodged an objection to the proposal.

It is noted that the proposed dedication of 2,840 sqm of land was not part of the proposal when it was publicly exhibited. Also at this time the proposal made provision for 40 dwellings.

The dedication of land and the reduction in proposed dwellings from 40 to 34 resulted from discussions with the proponent following the assessment of the application and in particular the nature of matters relating to the riparian corridor.

Tennis Australia submission - concern about the loss of tennis and squash courts

A submission was received from Tennis Australia raising concern to the loss of a large-scale tennis facility. A number of submissions also raised concern to the loss of tennis and squash courts generally. It is a matter that requires some clarification and therefore a more detailed response is provided below.

Tennis Australia is the governing body of tennis within Australia. They are a large business with commercial interests vested in promoting and expanding participation in tennis. They raised concern to the loss of what they identify as a tournament scale tennis facility. That is, a facility with approximately 12 or more courts which is beneficial in the running of local (but larger) scale events from a single location without the need to use satellite venues.

However, as discussed in Part C3 of this report, from a planning perspective a variety of other uses are permitted under the current zoning provisions.

The mere fact that tennis courts exist presently on the site does not in itself mandate that this must continue. Whilst the current Private Recreation zoning limits development of the site to land uses permitted in this zone, there is no requirement compelling the landowner to only operate tennis and squash courts on the site. Indeed it is at the owner's discretion that none of the tennis, squash and other facilities on the site is currently being operated.

Under the current zoning it is well within the landowner's right to bring forward a development application for other uses permitted in the zone, for example an indoor recreation facility such as a bowling ally or ice rink.

For these reasons it is important to distinguish that the zoning in itself carries no requirement or guarantee that the site will be used for tennis and squash. It is therefore also relevant to acknowledge that the potential for tennis and squash to continue on the site in the future does not rest solely on the proposed zoning change.

In summary:

- Submissions raised have been assessed and taken into account in the consideration of the planning proposal.
- The submissions in support of the proposal came from residents close to the site. One objection was received from the Dee Why Gardens, the large seniors development to the west of the site.
- There have been no submissions raising matters of such substance or significance as to be given determining weight or that should influence the recommendation for support of the proposal
- There will be further community consultation as part of the statutory assessment of the proposal if Council and the Department resolve to support the proposed draft LEP.

