

To reconcile National Parks and Wildlife Service Holdings within Warringah Local Environmental Plan 2011

Proposal Title :	To reconcile National Parks and Wildlife Service Holdings within Warringah Local Environmental Plan 2011		
Proposal Summary :	The planning proposal seeks to reconcile zoning related to National Parks and Wildlife Service (NP&WS) holdings, within the Warringah Local Environmental Plan 2011 (WLEP 2011) by amending the: • WLEP 2011 - Land Zoning Map; • WLEP 2011 - Lot Size Map; and • WLEP 2011 - Height of Buildings Map The amendments include correctly zoning: 1. Parcels of land that should be zoned E1 National Parks and Nature Reserves that are currently not; and 2. Parcels of land that are currently zoned E1 National Parks and Nature Reserves and should not be. The Planning proposal relates to multiple locations within Warringah LGA, updating zoning and relevant controls.		
PP Number :	PP_2013_WARRI_002_00	Dop File No :	13/10610

Proposal Details

Date Planning Proposal Received :	24-Jun-2013	LGA covered :	Warringah
Region :	Sydney Region East	RPA :	Warringah Council
State Electorate :	WAKEHURST	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Various		
Suburb :	Various	City :	Sydney
		Postcode :	2100
Land Parcel :	Various land parcels will be rezoned to align with National Parks and Wildlife ownership. The land parcels can be viewed on pages 2-3 of the planning team report under 'Internal supporting documents'.		

To reconcile National Parks and Wildlife Service Holdings within Warringah Local Environmental Plan 2011

DoP Planning Officer Contact Details

Contact Name : **Nabil Alaeddine**
 Contact Number : **0292286593**
 Contact Email : **Nabil.alaeddine@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Taylor Richardson**
 Contact Number : **0299422933**
 Contact Email : **Taylor.Richardson@warringah.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
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 : **The Department of Planning and Infrastructure is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The planning proposal consists of 14 areas, some with multiple lots under different ownership (as described below) including the National Parks and Wildlife Services, Crown Lands and Monash Holdings Pty Ltd, as follows:**

- National Parks and Wildlife Services -

• Parcels with DPs:

- DP 752038 (No lot number available. Directly west/south west of Lot 797 DP 752038).**
- DP 752038 (No lot number available. Large Parcel directly south east of Lot 7306 DP 1146155).**

- Lot 117 DP 752017
- Lot 7 DP 237680
- Lot 8 DP 237680
- Lot B DP 355159
- Part Lot 15 DP 5204
- Part Lot 14 DP 5204
- Lot 23 DP 5204
- Lot 1 DP 11177
- Lot 11 DP 539237
- Lot 2 DP 22523
- Lot 3 DP 22523
- Lot 4 DP 22523
- Lot 5 DP 22523
- Lot 6 DP 22523
- Lot 7 DP 11177
- Lot 6 DP 11177
- Lot 5 DP 11177
- Lot 4 DP 11177
- Lot 1 DP 11166
- Lot 2 DP 721575

- **Parcels without DPs:**
 - Crescent shaped parcel directly south of Lot 2817 DP 728428.
 - D shaped parcel directly east of Lot 117 DP 752017.
 - Road reserve directly west/north west of Lot 117 DP 752017.
 - Parcel directly north of Lot 2816 DP 728428.
 - Parcel directly south of Lot 2 DP 522244.
 - Four (4) parcels which contain the Creek reserve at intersection of McCarrs Creek and McCarrs Creek Road.

- NSW Department of Trade and Investment - Crown Lands -

- **Parcels with DPs:**
 - Lot 7316 DP 1150241
 - Lot 7317 DP 1150241
 - Lot 7318 DP 1150241
 - Lot 7306 DP 1146155
 - Lot 7330 DP 1152588
 - Lot 7066 DP 93811
 - Lot 5 DP 749899

- **Parcels without DPs:**
 - Rectangular parcel directly east of Lot 1 DP 244599.
 - Deep Creek, directly east of Lot 1 DP 1031932.
 - Road reserve directly north of Lot 2 DP 794191.
 - Road reserve at intersection of McCarrs Creek and McCarrs Creek Road.

- Monash Holdings Pty Ltd -

- Lot 2 DP 792962

More details on the land parcels and areas involved can be found on page 7 to 26 of Attachment 1- Planning Proposal.

External Supporting Notes :

During the exhibition of draft Warringah LEP 2009, Warringah Council received correspondence from the (then) Department of Environment, Climate Change and Water (DECCW) which raised concerns in relation to the Warringah Land Zoning Map and the correct identification of National Parks and Reserve areas.

On 28 August 2012, Warringah Council resolved to prepare a planning proposal to accurately record boundaries of National Parks within the LGA. The planning proposal was created in coordination with Warringah Council, Crown Lands and National Parks and

To reconcile National Parks and Wildlife Service Holdings within Warringah Local Environmental Plan 2011

Wildlife Service (NP&WS).

The matter to correct the National Park boundaries was separated from other proposals because it required sufficient time to accurately research land parcels and liaise with relevant stakeholders.

Adequacy Assessment

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

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

Comment : The statement of objectives advises that the planning proposal is to reconcile:

1. parcels of land that should be zoned E1 National Parks and Natural Reserves but currently are not so zoned; and
2. parcels of land that are currently zoned E1 National Parks and Natural Reserves and should not be so zoned.

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

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

Comment : The explanation of provisions is considered to be adequate.

The planning proposal is an amendment to the Warringah LEP 2011 to rezone multiple parcels of land. The land is numbered on the index map on page 6 of Attachment 1 - Planning Proposal.

The proposed changes to the affected parcels of land, which include amending the Land Zoning Map, Lot Size Map and Height of Buildings Map, can be found between pages 7 to 26 in Attachment 1 - Planning Proposal, which includes extracts from the Land Zoning Maps.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **2.1 Environment Protection Zones**
4.3 Flood Prone Land

* May need the Director General's agreement

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 19—Bushland in Urban Areas**
SEPP (Exempt and Complying Development Codes) 2008

e) List any other matters that need to be considered : The planning proposal is consistent with applicable SEPPs. In relation to SEPP (Exempt and Complying Development) 2008 and SEPP 19 (Bushland in Urban Areas), Council has advised the planning proposal does not contain provisions that contradict or hinder the SEPPs.

Council has not mentioned any other SEPPs as relevant to the proposal. Council should refer to SEPP (Infrastructure) 2007 as certain land parcels include SP2 Infrastructure zone access roads and SEPP 71 - Coastal Protection as some land parcels are close or include waterways as boundaries.

The proposal is consistent with the objectives of s117 Directions:

- Direction 2.1 Environment Protections Zone as it protects and conserves environmentally sensitive areas; and
- Direction 4.3 Flood Prone Land as the proposal does not negatively impact on flood prone land.

To reconcile National Parks and Wildlife Service Holdings within Warringah Local Environmental Plan 2011

In addition, Council should be advised to consider s117 Directions:

- 2.2 Coastal Protection;
- 2.3 Heritage Conservation;
- 3.4 Integrating Land Use and Transport;
- 4.1 Acid Sulphate Soils; and
- 4.4 Planning for Bushfire Protection as certain land parcels are in close proximity to waterways and will affect roads, natural and built heritage.

It is noted that Council referred to 2.1 Environmental Protection Zone as 2.2. This is an error.

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

If No, explain :

It is noted that large parcels of land to be rezoned E1 are located in Bushfire prone land areas. Council has not identified 4.4 Planning for Bushfire Protection as a Direction for consideration, but has stipulated SEPP No19 - Bushland in Urban Areas as being relevant to the proposal.

Inconsistencies have not been adequately justified and further consideration as per conditions above maybe required.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The maps are not considered to be adequate as they do not clearly indicate current and proposed provisions including land use zoning, floor space ratio, height of buildings and minimum lot size. The maps should be prepared before exhibition to clearly indicate these current and proposed controls.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

Council proposes to exhibit the planning proposal for 28 days.

Council has advised that it will advertise the planning proposal in the local newspaper and on the Council's website at the start of the exhibition period. Council will also exhibit the planning proposal for a period of 28 days from the date it appears in the newspaper. Council further advises it will notify affected land and owners of adjoining properties.

Council intends to consult with Crown Lands and NP&WS as they are the majority land owners and will be most affected by the proposed changes. Council should also consult with the Office of Environment and Heritage, NSW Rural Fire Service, Sydney Water and RMS as boundary changes and rezoning affect land and waterways under administration of these organisations.

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 :

Council should amend the mapping as previously advised in the 'Mapping Provided' section under s55(2)(d).

To reconcile National Parks and Wildlife Service Holdings within Warringah Local Environmental Plan 2011

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 seeks to correct errors and anomalies regarding WLEP 2011 by updating zoning and relevant statutory controls to reflect the current holdings of NP&WS.

LEP Acceleration Fund (LEPAF) - Council received a total of \$150,000 under the LEPAF. This was for the Dee Why/Brookvale Major Centre Traffic Study.

Planning Reform Fund (PRF) - Council also received \$100,000 in round 3 of PRF to assist in the preparation of WLEP 2011.

Assessment Criteria

Need for planning proposal :

The planning proposal is a result of submissions lodged during the preparation of the WLEP 2011 by the (then) Department of Environment Climate Change and Water (DECCW) in December 2009. DECCW raised concerns in relation to the Warringah Land Zoning Map and the correct identification of National Parks and Reserve areas on these maps. The matter was deferred with the understanding that it would be revisited once the draft WLEP 2011 was made.

Council advises there is a need for the planning proposal because of a inconsistency in the boundary lines between parcels of land reserved under the National Parks and Wildlife Act 1974. The boundaries of land parcels, zoned E1 National Parks and Nature Reserves, are inconsistent with the objectives of WLEP 2011 and need to be rectified.

Consistency with strategic planning framework :

Council has advised that the planning proposal is consistent with the objectives and actions of the draft North East Subregional Strategy and the Sydney Metropolitan Strategy, and is not related to an action area of either study.

Council advises the planning proposal is consistent with the Council's Strategic Community Plan 2012, and is not related to an action of the Strategic Community Plan 2012.

Environmental social economic impacts :

Council has advised the planning proposal will not likely have any affect on threatened species, populations or ecological communities or their habitats, nor any environmental effects.

Council has advised that the planning proposal is to increase the integrity of the WLEP 2011, allowing for consistency and reliability of a statutory document that affects the Warringah community, providing positive social and economical outcomes for the community.

Assessment Process

Proposal type : Routine Community Consultation Period : 28 Days

Timeframe to make LEP : 9 months Delegation : RPA

Public Authority Consultation - 56(2) (d) : Office of Environment and Heritage
Department of Trade and Investment
Office of Environment and Heritage - NSW National Parks and Wildlife Service
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water

To reconcile National Parks and Wildlife Service Holdings within Warringah Local Environmental Plan 2011

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

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

If no, provide reasons : **Refer to Planning Team Recommendations for required variations.**

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

No further studies are required.

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
Warringah Council_Planning Proposal - NP&WS Reconciliation_Cover Letter_200613.pdf	Proposal Covering Letter	Yes
Warringah_Planning Proposal - NP&WS Reconciliation_2013 166591.pdf	Proposal	Yes
WLEP2011_NPWS Holdings_PP_-_Timeline.pdf	Proposal	No
WLEP2011_NPWSHoldings_PP_Attachment_1_-_Information_checklist.pdf	Proposal	No
WLEP2011_NPWSHoldings_PP_Attachment_4_-_Evaluation_criteria_fo.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones
4.3 Flood Prone Land**

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

- 1. The Planning proposal is exhibited for 28 days;**
- 2. The planning proposal is completed within 9 months of the Gateway Determination.**
- 3. Council proposes to progress the planning proposal under delegation. This matter is considered to be of local significance and the use of Council's delegation is supported.**
- 4. The planning proposal be amended by:**
 - a) the 'Statement of Objectives' should advise the planning proposal aims to correct errors and anomalies in the WLEP 2011 with the Land Zoning Maps, Lot Size Maps and Height of Buildings Maps to reconcile parcels of land and redefine boundaries relevant to the National Parks and Wildlife Service; and**
 - b) including maps which are consistent with WLEP 2011 format clearly showing current and existing Land Zoning, Lot Size, Height of Buildings and Floor Space Ratio controls**

To reconcile National Parks and Wildlife Service Holdings within Warringah Local Environmental Plan 2011

for all affected land parcels.

5. Council should consider Section 117 Directions 2.2 Coastal Protection, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils and 4.4 Planning for Bushfire Protection which may be of relevance to the planning proposal.

6. Inconsistencies with Section 117 Directions 2.1 Environment Protection Zones and 4.3 Flood Prone Land are considered to be of minor significance and the Director General's approval to proceed under this Delegation is granted. No further consideration of Section 117 Directions is required.

7. Consultation is required with Office of Environment and Heritage, Department of Trade and Investment - Crown Lands, NSW Rural Fire Service, Sydney Water and Transport for NSW - Roads and Maritime Services.

8. No further studies are required to be undertaken.

Supporting Reasons :

The proposal should be allowed to proceed as it updates zoning on Maps and corrects errors with boundary lines for land parcels related to National Parks and Wildlife Services in the Warringah LEP 2011.

It will also bring the WLEP 2011 in line with the National Parks and Wildlife Act 1974. The various changes will not affect the consistency and legibility of Warringah LEP 2011.

Signature:



Printed Name:

Megan Hollingsworth

Date:

5 July 2013.