



Property No.154-158 Pacific Parade, Dee Why  
(Lot 1, DP 34753)

## PLANNING PROPOSAL

To formalise the permissibility of  
'commercial premises' on the property under  
Warringah Local Environmental Plan 2011

Prepared by Warringah Council  
August 2014

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## Acronyms used in this Report

|            |                                                                                           |
|------------|-------------------------------------------------------------------------------------------|
| B2         | B2 Local Centre Zone of WLEP2011                                                          |
| Council    | Warringah Council                                                                         |
| Department | Department of Planning and Environment (former Department of Planning and Infrastructure) |
| R3         | R3 Medium Density Residential Zone of WLEP2011                                            |
| SEPP       | State Environmental Planning Policy                                                       |
| tbc        | To be confirmed                                                                           |
| The Site   | Property No.158 Pacific Parade, Dee Why (Lot 1, DP 34753)                                 |
| WLEP2011   | Warringah Local Environmental Plan 2011                                                   |
| WDCP2011   | Warringah Development Control Plan 2011                                                   |

## Preliminaries

### Introduction

On 21 May 2014 a Planning Proposal Application for Property No.158 Pacific Parade, Dee Why (Lot 1, DP 34753) was lodged with Council on behalf of the landowner, to formalise the permissibility of 'commercial premises' on the property under Warringah Local Environmental Plan 2011 (WLEP2011),

Despite its predominantly residential zoning, most of the site is occupied by 'commercial premises' which are prohibited landuses in the R3 Zone (i.e. a real estate agent, restaurant and a 82m2 laundromat).

The land is located at the southern edge of the Dee Why beach front retail precinct. Lawfully established on the land are three businesses: an Indian restaurant, laundromat, and real estate agency.

Under WLEP2011 the land has two zones applying to it:

- 'R3 Medium Density Residential' (approximately 530m2 or 95%) and
- 'B2 Local Centre' (approximately 26 m2 or 5%).

The dual zoning is the result of a mapping anomaly rather than any planning intention for the land to have different land use functions.

Despite the land's predominantly residential zoning, it is occupied by 'commercial premises' which are prohibited land uses in the R3 Zone (i.e. a real estate agent, restaurant and laundromat).

To align the established existing uses and the zoning of the site, the Planning Proposal requests an amendment to WLEP2011 Schedule 1 – Additional Permitted Uses, to permit 'commercial premises' on the land.

## **Site Context and Location**

**Location** Property No.158 Pacific Parade, Dee Why

**Legal Description** Lot 1, DP 34753



**Site Area** 543.8 m<sup>2</sup>

**Frontages** The property is a triangular shaped 'island site' surrounded by Griffin Road to the east, Pacific Parade to the south and The Strand to the west

**Slope** The site has a modest slope towards its northern corner

**Existing buildings on site consists of (Figures 2 & 3):**

- A single storey commercial building fronting the southern boundary of the site, currently containing a laundromat and Indian restaurant (zoned R3).
- A single storey residential dwelling (that adjoins the northern wall of the above mentioned building) with a north facing open garden area in the centre of the site (zoned R3).
- A second small single storey commercial building located within the northern corner of the site, currently occupied by a real estate agency (zoned in part R3 and B2).
- No existing car parking is provided on the site.

**Surrounding development consists of:**

- A service station including vehicle repair shop immediately to the west of the property.
- 3-4 storey medium density residential apartment buildings with ground floor car parking to the south of the property and along Pacific Parade (zoned R3 Medium Density Residential under WLEP2011).
- A small reserve immediately to the east of the property, adjoining a four storey apartment building (inclusive of ground floor car parking).
- To the north along The Strand fronting Dee Why Beach, development is generally characteristic of mixed use three storey buildings with ground floor commercial and two storeys residential above (zoned B2 Local Centre under WLEP2011).
- There is an established bicycle route running north/south along The Strand / Griffin Road and Pacific Parade.
- The property is within 200m of bus stops on Pacific Parade and The Strand.

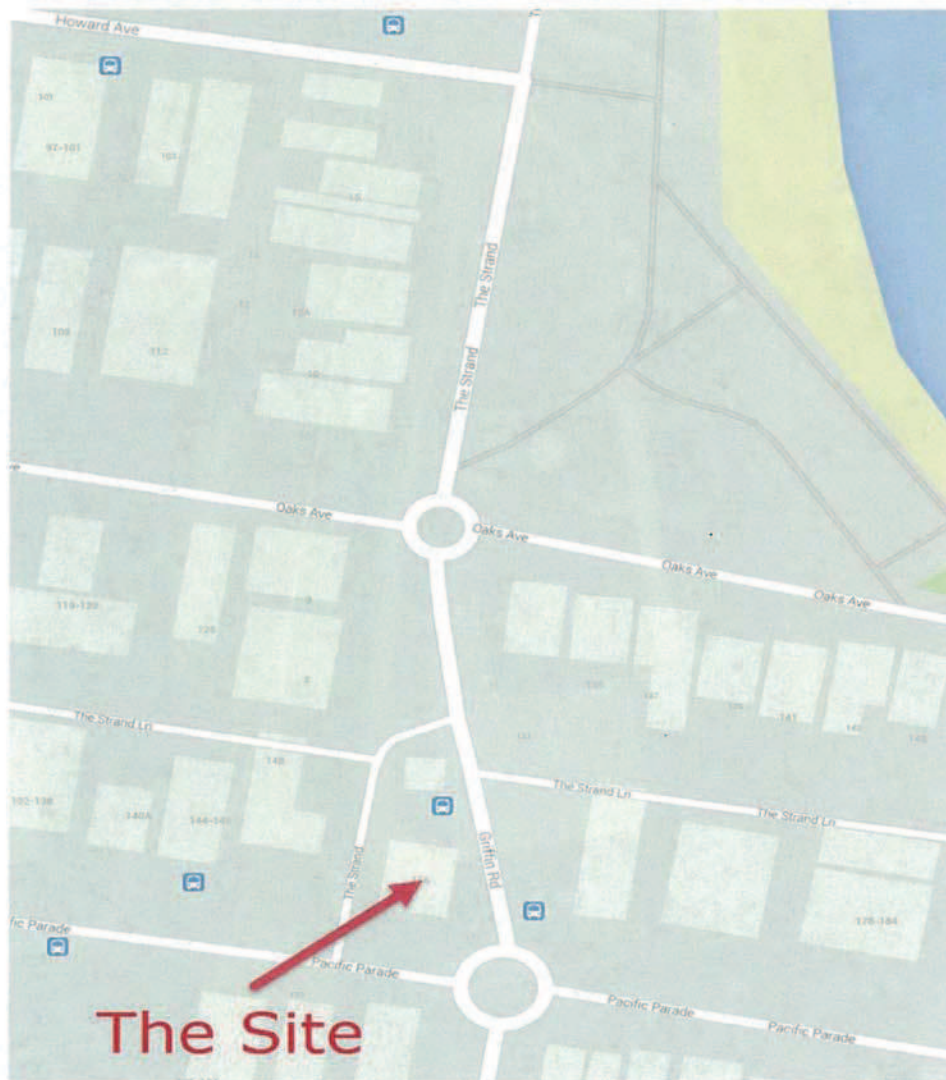


Figure 1: Site location Plan





Figure 2: Aerial photograph of the site



1. Real estate agent at the northern end of the site



2. Real estate agent facing The Strand



3. Laundromat and Indian restaurant facing Pacific Pd



4. Laundromat facing The Strand



5. Real estate, house and laundromat facing The Strand



6. Indian restaurant facing Griffin Road

Figure 3: Photographs of the site extracted from Planning Proposal prepared by Robinson Urban Planning Pty Ltd, 2014.



## History of Development on the Site

Existing use rights for the commercial uses on the property have been identified via the following points, noting that the information provided here does not imply compliance with the conditions of consent that may or may not exist with regard to the operation of these uses:

- Council's records indicate that those buildings on the subject site having frontage to Pacific Parade were in existence in 1946 at the coming into effect of town planning legislation. Accordingly, Council has previously acknowledged that existing use rights under the provisions of the Environmental Planning and Assessment Act 1979 apply for use of those buildings as a butcher shop, a general store and a chemist.
- Consent No.240/79 was granted on 22 January 1979 for a butcher shop to occupy the premises.
- Development Consent No.7112 was granted on 19th January 1971 for a coin operated laundry to occupy the premises previously occupied by the chemist shop.
- Development Consent No.1586 was granted on 14 April 1999 for change of use from Butcher Shop to India take-away restaurant.
- Development Consent No.3464 was also granted on 2 March 2000 for a Change of Use from a Spice Store to a Butcher Shop.
- Consent No.82/19 was granted on 13 January 1982 for use of the building in the northern corner of the site as an office.

## Statutory Context

The majority of the site is zoned R3 Medium Density Residential, with a small northern portion of the site zoned B2 Local Centre under WLEP2011 (Figure 4).

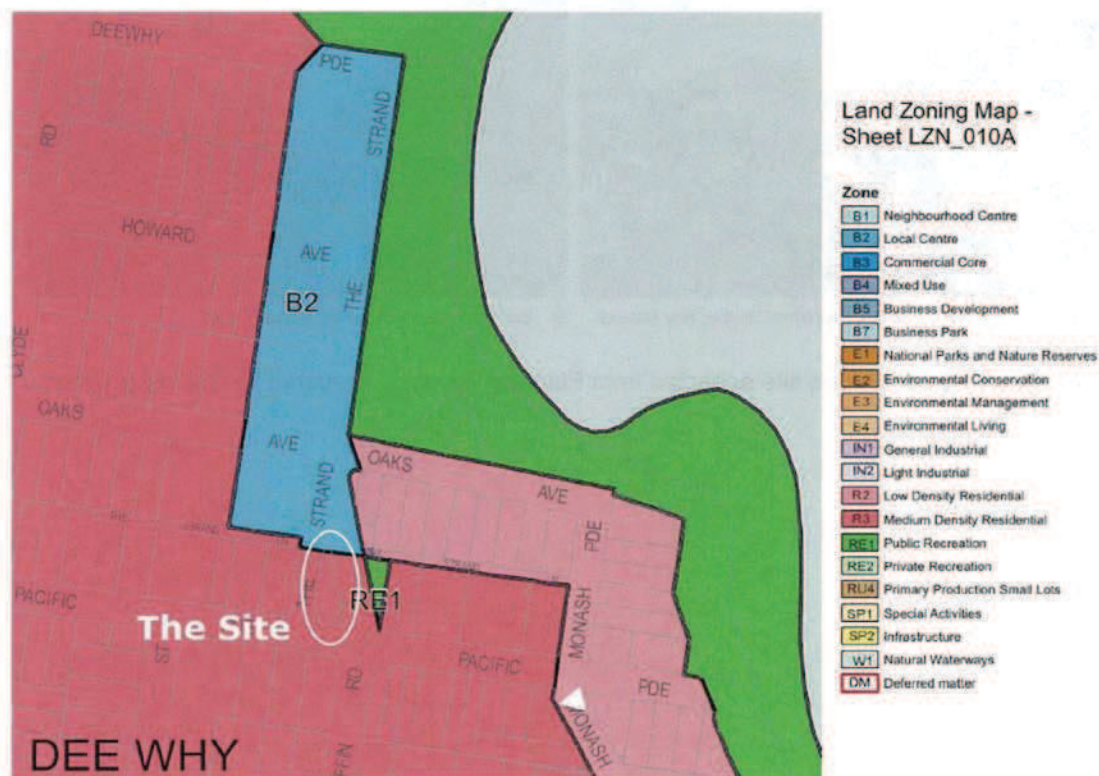


Figure 4: WLEP2011 Land Zoning Map.



The majority of the site is currently occupied by 'commercial premises' which are prohibited in the R3 Zone, however, permissible in the B2 Zone. These uses are all currently operating either fully (the restaurant and laundromat) or partially (the real estate agent) on the R3 zoned portion of the site under previous development consents.

With regard to the existing laundromat with a site area of 82m<sup>2</sup>, it is noted that neighbourhood shops are permissible in the R3 Zone (which may include a laundromat), however, in accordance with WLEP2011 Clause 5.4 a neighbourhood shop must not exceed 80m<sup>2</sup>. Therefore, this laundromat is currently not permissible in the R3 Zone.

The Planning Proposal requests a Schedule 1 Additional Permitted Use for 'Commercial Premises' to make Commercial Premises permissible with consent on the R3 zoned portion of the site.

Commercial Premises is defined as follows under WLEP2011:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Commercial Premises</b> means any of the following:</p> <p>(a) business premises, (b) office premises, (c) retail premises.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Business Premises</b> means a building or place at or on which:</p> <p>(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or</p> <p>(b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.</p> <p><b>Note.</b> Business premises are a type of <b>commercial premises</b>—see the definition of that term in this Dictionary.</p>                     |
| <p><b>Office Premises</b> means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.</p> <p><b>Note.</b> Office premises are a type of <b>commercial premises</b>—see the definition of that term in this Dictionary.</p>                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>Retail Premises</b> means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:</p> <p>(a) bulky goods premises, (b) cellar door premises, (c) food and drink premises, (d) garden centres, (e) hardware and building supplies, (f) kiosks, (g) landscaping material supplies, (h) markets, (i) plant nurseries, (j) roadside stalls, (k) rural supplies, (l) shops, (m) timber yards, (n) vehicle sales or hire premises, but does not include highway service centres, service stations, industrial retail outlets or restricted premises.</p> <p><b>Note.</b> Retail premises are a type of <b>commercial premises</b>—see the definition of that term in this Dictionary.</p> |



The zone objectives for the R3 and B2 zones on the site are outlined as follows:

**1 Zone R3 Medium Density Residential**

***Objectives of the zone***

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

**2 Zone B2 Local Centre**

***Objectives of the zone***

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide an environment for pedestrians that is safe, comfortable and interesting.*
- *To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.*
- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.*

It is considered that maintaining the R3 residential zoning of the site whilst permitting commercial premises will serve to maintain the residential objectives of land along Pacific Parade whilst recognising the sites long established commercial function and relationship to Dee Why Beach Local Centre.

**Planning Analysis**

Including 'commercial premises' as an additional permitted use on the site has been considered as follows:

- The site uniquely merges the characteristics and objectives of both the R3 and B2 zones at the interface of the Dee Why local centre to the north and the medium density residential environment to the south and east/west along Pacific Parade.
- The site has a long history of commercial land uses, generally providing facilities and services to meet the day to day needs of the residents.
- 'Commercial premises' as an additional permitted use would formalise the permissibility of existing and future commercial land uses under WLEP2011.
- Commercial premises are considered more suited to the ground floor of the site compared to residential development given the amenity issues resultant from the property being an island site surrounded by roads.
- As the property is an island site surrounded by roads, commercial premises is considered to have negligible environmental impact on the residential environment along Pacific Parade.
- A key objective of the Metro Strategy is to provide jobs close to home. The Planning Proposal would achieve this objective.
- Alternatively, rezoning the whole of the site to B2 would make other land uses in addition to commercial premises such as entertainment facilities, function centres, registered clubs and



restricted premises permissible with consent on the site. The impact of these land uses compared to commercial premises on the residential environment along Pacific Parade has not been assessed as part of this Planning Proposal.

- The following concerns have been raised by the landowner with regard to reliance on existing use rights:
  - *They provide insufficient certainty to the landowners and tenants.*
  - *They are complex, evolving and subject to a plethora of complex case law.*
  - *The fact that existing use right will be lost in situations where the use is abandoned for a period of 12 months or longer is an untenable risk for the land owner in the event of extended vacancy.*
  - *Any future change of use on the site would need to rely on existing use rights, exempt and complying development would not apply and any changes of use or minor alterations/additions would require a Development Application. This is anti-competitive and would discourage future tenants given inherent time, cost and uncertainty involved in obtaining development consent.*
  - *Existing use rights contradict the aims of Draft State Environmental Planning Policy (Competition) 2010.*

In summary, it is considered that maintaining the residential zoning of the site whilst permitting commercial premises will serve to maintain the residential objectives of land along Pacific Parade whilst recognising the sites long established commercial function and relationship to Dee Why Beach Local Centre.

## **The Planning Proposal**

This Planning Proposal comprises of the following seven parts that are consistent with the document titled *A guide to preparing Planning Proposals (October 2012)* and *A guide to preparing local environmental plans (April 2013)* by (former) NSW Department of Planning & Infrastructure and *Section 55 (2) of the Environmental Planning and Act 1979*:

- Part 1 - Objectives or Intended Outcomes
- Part 2 - Explanation of Provisions
- Part 3 - Justification
- Part 4 - Maps
- Part 5 - Community Consultation
- Part 6 - Project Timeline

### **Part 1: Objectives or Intended Outcomes**

Property No.158 Pacific Parade, Dee Why, functions predominantly as 'commercial premises', however, this established function is not reflected by current planning controls under WLEP2011.

This Planning Proposal seeks to address this inconsistency by formalising the permissibility of commercial premises on the property under WLEP2011. The intended outcome is to provide certainty for the landowner and existing/future tenants regarding the permissibility of commercial premises on the site, whilst maintaining the lands established employment and local service function.



## Part 2: Explanation of Provisions

The Planning Proposal would involve the following amendments to WLEP2011 on land legally described as Lot 1, DP 34753.

| No. | Relevant sections of WLEP2011               | Proposed Amendments                                                                                                                                                                                                                                                                                                                                                                   |
|-----|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | <b>Schedule 1 Additional Permitted Uses</b> | Insert new Item No. (tbc) as follows:<br><br><b>No.(tbc) Use of certain land at 158 Pacific Parade, Dee Why</b><br><br>(1) This clause applies to certain land at 158 Pacific Parade, Dee Why, being Lot 1, DP 34753, shown as "Area (No. tbc)" on the <u>Additional Permitted Uses Map</u><br><br>(2) Development for the purposes of commercial premises is permitted with consent. |
| 2   | <b>Additional Permitted Uses Map</b>        | Include a new "Area (No.tbc)" identifying the subject property on the Additional Permitted Uses Map that corresponds with the above mentioned Schedule 1 of WLEP2011 (Attachment 3)                                                                                                                                                                                                   |

## Part 3: Justification

### Section A - Need for the Planning Proposal.

#### 1 Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal is not the result of any strategic study or report. It was initiated by a Planning Proposal application submitted to Council on behalf of the landowner (Attachment 2).

The Planning Proposal application submitted on behalf of the landowner, in addition to Council's assessment to date, form the basis of this Planning Proposal.

#### 2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the best way of providing certainty for the landowner and existing/future tenants by formalising the permissibility of commercial premises on the subject property under WLEP2011 (as outlined in the 'Planning Analysis' section above).

### Section B - Relationship to Strategic Planning Framework.

#### 3 Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is consistent with the objectives and actions of the relevant metropolitan and sub-regional strategies applicable to the area as detailed below.

##### 3.1 Draft Metropolitan Strategy 2031 (2013)

The Draft Metropolitan Strategy is the latest strategy released by the Department of Planning and Infrastructure to set the framework for Sydney's growth to 2031 and beyond.

The draft Strategy lays a strong and ambitious strategic planning foundation for the metropolitan region to put Sydney on course to cement its position as Australia's pre-eminent city. To achieve this, the focus of the Strategy is on boosting housing and jobs growth across Sydney.



As such, the Draft Metro Strategy sets an employment target (net additional) of 39,000 and a housing target (net additional) of 37,000 for the Northern Subregion by 2031 (comprising Hornsby, Ku-ring-gai, Manly, Pittwater and Warringah).

The Planning Proposal will retain existing jobs on the site and create a planning regime that will support and encourage additional employment. The Planning Proposal will also encourage investment on the site, consistent with the wider objectives, policies and actions in the Draft Metropolitan Strategy (p.10) which states that:

*The Metropolitan Strategy for Sydney will help to create and support new opportunities for investment. It encourages balanced growth throughout Sydney by stimulating housing growth in both infill and greenfield areas in a way that delivers a range of different housing types across the whole region, and close to jobs and services....*

*As a general policy, the Strategy's approach to balanced growth means housing renewals and developments will reflect market demand, development feasibility, and infrastructure, transport and services provisions.*

### 3.2 Metropolitan Plan for Sydney 2036 (2010)

The Metropolitan Plan was prepared with the vision that, by 2036, Sydney will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.

Relevant policies of the Metropolitan Plan of relevance to this Planning Proposal are:

- 760,000 more jobs by 2036
- 770,000 additional homes by 2036
- Build at least 80% of all new homes within the walking catchments of existing and planned centres of all sizes with good public transport
- Enable residential and employment growth in areas where there is available or planned public transport capacity
- Containing growth to protect environmentally sensitive land

The Planning Proposal is consistent with and supportive of these high level policies.

### 3.3 Draft North East Subregional Strategy (2007)

The Draft North East Subregional Strategy (Strategy) relates to the LGAs of Warringah, Manly and Pittwater and identifies a subregional employment target of 19,500 additional jobs by 2031 (which equates to approximately 13,300 extra jobs between 2006 and 2031).

Dee Why - The Strand is nominated in the Strategy as a small village. The Strategy, Appendix 3 – Centre Types states the following in relation to smaller local centres, recognising their important economic and employment role:

*In addition to Strategic Centres, there over 500 Town Centres, Villages, Small Villages and Neighbourhood Centres in Sydney served by frequent public transport.*

*These other places are of a smaller scale and are most important to the people who live and work there.*

*Neighbourhoods, Villages and Town Centres are better managed by local government. Assistance from the State Government may be required to promote good urban design and provide infrastructure, or to initiate the process of renewal.*

*Smaller local centres contain a substantial proportion of employment and make a substantial contribution to the Sydney economy. Over 500,000 people are employed in these smaller*



*centres which are focused on providing retail and small local business and personal services for nearby populations, business and industry.*

Retention of existing jobs on the site and the provision of a planning regime that will support the established and continued employment function of the land will contribute towards the achievement of the subregional employment targets and enhance the economic and employment role of Dee Why - The Strand Small Village.

#### **4 Is the Planning Proposal consistent with council's local strategy or other local strategic plan?**

Warringah's *Community Strategic Plan 2023* sets out the long term aspirations of the Warringah community. Economic growth and jobs are addressed in the Strategic Plan which notes that:

*Our local economy needs to be resilient and provide a range of businesses and services to meet the needs of the community. Small business is a big part of our economy and we should support and foster innovation and have access to areas that are well designed and vibrant. This will also provide opportunities for more residents to work locally.*

Relevant community objectives stated in the Strategic Plan in relation to Liveable Neighbourhoods that are supported by the Planning Proposal include the following:

- Attractive and functional centres that meet the needs of residents and businesses
- Diversity of businesses that provide a range of services and employment opportunities

#### **5 Is the Planning Proposal consistent with applicable state environmental planning policies (SEPP's)?**

The Planning Proposal would enable existing and future commercial development on the site to be carried out as complying development pursuant to *SEPP (Exempt and Complying Development Codes) 2008*. As clause 1.18(1)(b) of the SEPP provides that complying development can only be carried out if the development is permissible with consent under an environmental planning instrument. This Planning Proposal would make commercial premises permissible with consent on the site, enabling complying development under the SEPP.

#### **6 Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?**

It is considered that the Planning Proposal is consistent with the relevant Directions issued under Section 117(2) of the *Environmental Planning and Assessment Act, 1979* by the Minister to Councils, as demonstrated in the following assessment table:

| Ministerial Direction                                   | Consistency | Comment                                                                                                                                                                                                                                         |
|---------------------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Employment and Resources</b>                      | -           | -                                                                                                                                                                                                                                               |
| 1.1 Business and Industrial Zones                       | Yes         | The Planning Proposal will retain and promote employment in the area by retaining commercial uses on the site and providing a flexible and workable planning regime for future commercial land use improvements, changes of use and expansions. |
| <b>2. Environmental Heritage</b>                        | N/A         | Not applicable                                                                                                                                                                                                                                  |
| <b>3. Housing, Infrastructure and Urban Development</b> | -           | -                                                                                                                                                                                                                                               |
| 3.1 Residential Zones                                   | Yes         | Residential uses (including multi dwelling                                                                                                                                                                                                      |



| Ministerial Direction                                       | Consistency | Comment                                                                                                                                                                          |
|-------------------------------------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                             |             | housing and residential flat buildings) will continue to be permitted with consent on the R3 zoned component of the site.                                                        |
| 3.4 Integrating Land Use and Transport                      | Yes         | The Planning Proposal will retain existing jobs in a location that has access to housing and services and that can be readily accessed by walking, cycling and public transport. |
| 4. Hazards and Risks                                        | N/A         | Not applicable                                                                                                                                                                   |
| 5. Regional Planning                                        | N/A         | Not applicable                                                                                                                                                                   |
| 6. Local Plan Making                                        | N/A         | Not applicable                                                                                                                                                                   |
| 7. Metropolitan Planning                                    | -           | -                                                                                                                                                                                |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036 | Yes         | The Planning Proposal is consistent with the Metropolitan Strategy as discussed above in Section B (3) of this report.                                                           |

### Section C - Environmental, Social and Economic Impact.

**7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Records indicate that the subject land does not contain critical habitat, threatened species populations, ecological communities or their habitats. Therefore, there is no likelihood of adverse affectation.

**8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

The subject land is not adversely affected by environmental issues such as riparian land, wetlands, wildlife corridors, slope / land slip, flooding, acid sulphate soils, bushfire hazard, European or Aboriginal heritage. This Planning Proposal will have a negligible environmental effect.

**9 Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal will retain the site's employment role which has a positive social and economic impact for the local community by maintaining its employment function - jobs close to home.

### Section D - State and Commonwealth Interests.

**10 Is there adequate public infrastructure for the Planning Proposal?**

Yes, the Planning Proposal does not generate a need to upgrade or improve public infrastructure.

**11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

The Planning Proposal will have minimal impact, enabling an additional permitted use that will reflect the established 'commercial' function of the land. The views of State and Commonwealth agencies will be known after the gateway determination (noting that the only agency likely to have an interest in the Planning Proposal is NSW Department of Planning and Environment.



## Part 5: Community Consultation

Council placed the Planning Proposal on 'preliminary' public exhibition from 13 June 2014 until the 27 June 2014. Notification included:

- Advertisements over two Saturdays in the Manly Daily notifying of the public exhibition.
- Notification letters to surrounding land owners.
- Advertising signs on site.
- Information provided on Council website and at Council Civic Centre of the Planning Proposal as submitted to Council.

No submissions were received during the public exhibition period.

Following Gateway Determination it is recommended that the Planning Proposal be placed on public exhibition for a minimum period of 14 days given the low impact nature of this proposal.

## Part 6: Project Timeline

The anticipated gazettal of this LEP Amendment is April 2015. Noting that Council has no control over the Department's timeframes. The below table provides an estimated timeframe for the Planning Proposal as follows:

| Planning Proposal Tasks |                                                                                                                                                                                                                                            | Anticipated Timeframes                        |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| 1                       | Reporting the Planning Proposal to Council                                                                                                                                                                                                 | August 2014                                   |
| 2                       | Referral to NSW Department of Planning and Environment for Gateway Determination (1 week)                                                                                                                                                  | September 2014                                |
| 3                       | Gateway Determination (4 weeks)                                                                                                                                                                                                            | October 2014                                  |
| 4                       | Timeframe for: <ul style="list-style-type: none"><li>▪ Potential government agency consultation</li><li>▪ Any required amendments to the Planning Proposal prior to exhibition</li><li>▪ Public exhibition preparation</li></ul> (4 weeks) | November 2014                                 |
| 5                       | Statutory Public Exhibition (14 days)                                                                                                                                                                                                      | November 2014                                 |
| 6                       | Assess Submissions (1 week)                                                                                                                                                                                                                | December 2014                                 |
| 7                       | Public Hearing (if required) (3 weeks)                                                                                                                                                                                                     | December 2014                                 |
| 8                       | Report to Council                                                                                                                                                                                                                          | February 2015 (no Council meeting in January) |
| 9                       | Council requests that a draft instrument be prepared under section 59(1) of the Act by emailing PCO. (1 weeks)                                                                                                                             | February 2015                                 |
| 10                      | Content of LEP finalised and Opinion issued by PCO that the plan can be made (4 weeks)                                                                                                                                                     | March 2015                                    |
| 11                      | Making of the WLEP2011 - Council advises the department that the plan has been made. Council requests the department to notify the plan. (2 weeks)                                                                                         | April 2015                                    |



WARRINGAH  
COUNCIL

# MINUTES

## ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

**TUESDAY 26 AUGUST 2014**

(2014/8)



**Minutes of an Ordinary Meeting of Council****held on Tuesday 26 August 2014****at the Civic Centre, Dee Why****Commencing at 6:03pm****ATTENDANCE:****Members**

Councillors M Regan (Mayor), S Heins (Deputy Mayor), P Daley, B Giltinan, W Gobert OAM, D Kerr, V Moskal, R Harrison, V De Luca OAM and J Menano-Pires

**Officers**

|                   |                                                       |
|-------------------|-------------------------------------------------------|
| Rik Hart          | General Manager                                       |
| John Warburton    | Deputy General Manager Community                      |
| Malcolm Ryan      | Deputy General Manager Environment                    |
| Vivienne Ingram   | Executive Legal Counsel                               |
| Anna Moore        | Governance Manager                                    |
| Trish Chaney      | Coordinator Governance                                |
| Nicki Adams       | Coordinator Office of the Mayor and Councillors       |
| Dinesh Mishra     | IM&T Support Officer                                  |
| David Walsh       | Chief Financial Officer                               |
| Campbell Pfeiffer | Group Manager Building Property & Spatial Information |
| David Kerr        | Group Manager Development Assessment & Compliance     |
| Melodie Whiting   | Group Manager Human Resources                         |
| Graham Middleton  | Group Manager Marketing & Communications              |
| Damian Ham        | Acting Group Manager Parks, Reserves and Foreshores   |
| Boris Bolgoff     | Group Manager Roads, Traffic and Waste                |
| Peter Robinson    | Group Manager Strategic Planning                      |
| Andrew Patterson  | Internal Ombudsman                                    |
| Belinda Noble     | Media and Content Manager                             |

**NOTES**

The meeting commenced at 6:03pm, adjourned at 8:07pm, resumed at 8:12pm and concluded at 9:02pm

- B. Should no submissions be received the Policy be adopted as per the draft.

**RESOLVED BY EXCEPTION**

**8.4 SELECTION OF COMMUNITY MEMBER TO VACANT POSITION ON FORESTVILLE  
RSL WAR MEMORIAL PLAYING FIELDS COMMUNITY COMMITTEE**

536/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council appoint Mr Brian Malligan to the Forestville RSL War Memorial Playing Fields Community Committee.

**RESOLVED BY EXCEPTION**

**8.5 MINUTES OF THE DEE WHY SOUTH CATCHMENT FLOOD STUDY WORKING  
GROUP MEETING HELD 8 MAY 2014**

537/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That the Minutes of the Dee Why South Catchment Flood Study Working Group meetings held 8 May 2014 be noted.

**RESOLVED BY EXCEPTION**

**8.6 MINUTES OF THE SYDNEY COASTAL COUNCILS GROUP HELD 14 JUNE 2014**

538/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That the Minutes of the Sydney Coastal Councils Group meeting held 14 June 2014 and the resolutions contained therein be noted.

**RESOLVED BY EXCEPTION**

**8.7 PLANNING PROPOSAL FOR 154-158 PACIFIC PARADE, DEE WHY**

539/14 **RESOLVED**

**Cr Regan / Cr Harrison**

That Council:

- A. Forward a Planning Proposal to amend Schedule 1 of Warringah Local Environmental Plan 2011 (by adding 'commercial premises' as an additional permitted use for Property No.154-158 Pacific Parade, Dee Why (Lot 1 DP 34753), to the Department of Planning and Environment seeking a Gateway Determination.
- B. Seek delegation from the Department of Planning and Environment to liaise directly with Parliamentary Counsel's Office in the making of the (amending) local environmental plan.

**RESOLVED BY EXCEPTION**