

PLANNING PROPOSAL

For reclassification of land at:
Units 9, 11, 12, 13, 14 and 16, No. 5 Vuko Place, Warriewood
(Lots 9, 11 and 12 of Strata Plan 36126 & Lots 13, 14 and 16 of Strata Plan 42156)
from "community" to "operational" land

Prepared By Pittwater Council

CONTENTS

Part 1 Objectives or Intended Outcomes

Part 2 Explanation of Provisions

Part 3 Justification

Part 4 Community Consultation

Appendix 1 Location Map

Appendix 2 Annotated Strata Plans

Appendix 3 Checklist – Consideration of State Environmental
Planning Policies

Appendix 4 Section 117 Ministerial Directions Checklist

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of the amending Local Environment Plan (LEP) is to reclassify public land at units 9, 11, 12, 13, 14 and 16, No. 5 Vuko Place, Warriewood (Lots 9, 11 and 12 of Strata Plan 36126 & Lots 13, 14 and 16 of Strata Plan 42156) from "community" to "operational".

The reclassification of the land would rectify an existing anomaly that occurred when the three (3) month deadline to classify the land by Council Resolution as provided under Section 31 of the Local Government Act 1993 passed. The subject units then became classified as "community" land pursuant to Section 31 (2A) of the Local Government Act 1993. The reclassification of the land to "operational" is intended to support the existing and continued use of the premises as Council's administration offices in accordance with the 3(e) (OFFICE BUSINESS "E") zoning of the site under Pittwater LEP 1993.

PART 2 EXPLANATION OF PROVISIONS

Amendment of the Pittwater LEP 1993 to reclassify land at units 9, 11, 12, 13, 14 and 16, No. 5 Vuko Place, Warriewood (Lot 9, 11, 12, 13, 14 and 16 of Strata Plan 36126), from "community" to "operational" as identified with crosshatching on the annotated strata plans shown in Appendix 2.

Incorporate the subject properties within Schedule 13 'Classification or reclassification of public land as operational land' of the Pittwater LEP 1993.

Zoning provisions of the subject properties remain unchanged. The proposed provisions are consistent with all relevant section 117 ministerial directions.

PART 3 JUSTIFICATION

A Is the planning proposal the result of any strategic study or report?

The planning proposal is not the result of any strategic study or report. The reclassification of Council's offices at Warriewood to "operational" is to address a procedural oversight that resulted in the land being classified as "community" land by default. The units at Warriewood were acquired for the sole intention of being used for "operational" purposes as Council offices and have been used as such since their acquisition in 2000 and 2003. Notwithstanding, unit 9 is currently being leased to a third party. The existing and continued use for Council's administration offices is in accordance with the 3(e) (OFFICE BUSINESS "E") zoning.

The existing classification of the land as "community" is the result of a procedural oversight. The Council missed the three (3) month deadline to classify the land by Council Resolution as provided under Section 31 of the Local Government Act 1993. The reclassification of the land to "operational" would be consistent with the Council's intentions in acquiring the site and provide for the continued use of the site as Council's administration offices.

The proposed reclassification is consistent with Ministerial Direction 1.1 'Business and Industrial Zones'. The Direction provides that Council must retain areas and locations of existing business and industrial zones and not reduce the total potential floor space area for employment uses and related public services in business zones. The proposal is consistent with this direction as it maintains the existing business zoning.

In relation to Ministerial Direction 6.2 'Reserving Land for Public Purposes' the proposed reclassification of public land from "community" to "operational" would not alter any existing

reservations of land for public purposes as the land in question is zoned 3(e) (OFFICE BUSINESS "E") under Pittwater LEP 1993 and was acquired for the sole intention of being used for "operational" purposes. The current classification of the land as "community" is an anomaly and occurred when the three (3) month deadline to classify the land by Council Resolution passed. The planning proposal is therefore consistent with the objectives of Ministerial Direction 6.2.

B Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

Council's strategic plan is the 'Strategic Plan 2020 and Beyond'. The strategic planning framework was created to ensure the integration of sustainability into future direction of and planning for Pittwater and to set out the vision, key directions, aims, goals and targets and strategies for the area.

The proposed reclassification is not inconsistent with the objectives of the Strategic Plan in relation to the provision of any "community" land or associated facilities as the site has never been identified for such use. The site has been and will remain zoned 3(e) (OFFICE BUSINESS "E") under Pittwater LEP 1993.

C If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The reclassification of the land does not extinguish any interest in the land.

D The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Pittwater Council is the freehold landowner of Units 9, 11, 12, 13, 14 and 16 at No. 5 Vuko Place, Warriewood (Lots 9, 11 and 12 of Strata Plan 36126 & Lots 13, 14 and 16 of Strata Plan 42156).

PART 4 COMMUNITY CONSULTATION

Council proposes that the planning proposal be exhibited consistent with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and section 29 of the Local Government Act 1993 and/ or any other requirements as determined by the Gateway under section 56 of the EP&A Act.

As a minimum Council proposes to undertake community consultation in accordance with Council's adopted Community Engagement Policy, in the following manner:

- advertising in the local newspaper and on Council's website at the start of the exhibition period,
- exhibition period of twenty-eight (28) days from the date it appears in the newspaper and on Council's website,

- notifying the strata management body and the property owners of sites adjoining No. 5 Vuko Place.
- holding a public hearing as required by Section 29 of the Local Government Act 1993 (at least 21 days after the public exhibition period),
- giving public notice of the arrangements for the public hearing in the local newspaper, at Council's customer service centre, library and on Council's website at least twenty-one (21) days before the public hearing.

LOCATION MAP



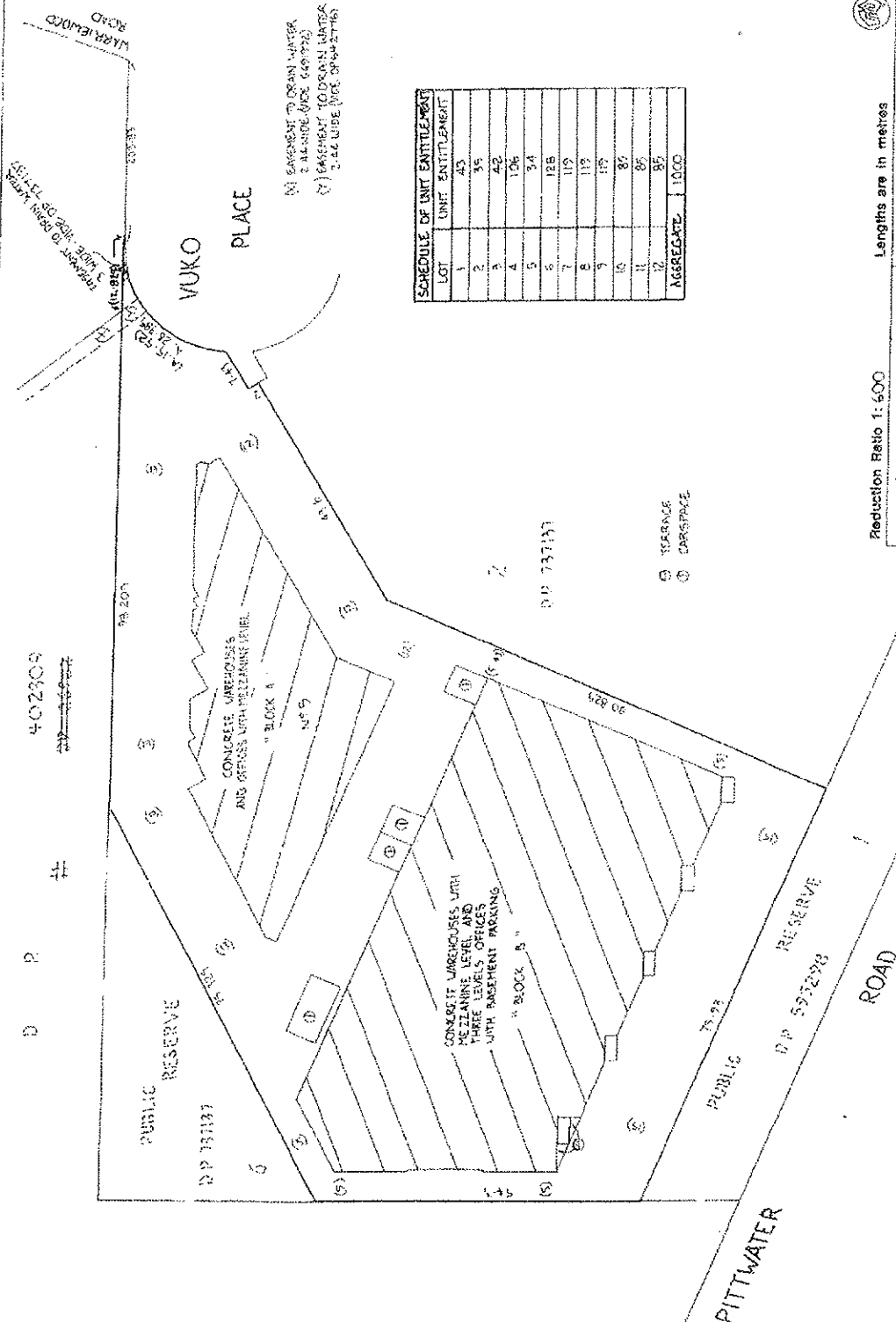
No. 5 Vuko Place, Warriewood – shown outlined in heavy black

The subject property is identified with crosshatching

The subject property is identified with crosshatching

Report to Planning an Integrated Built Environment Committee Meeting on 16 November 2009 Page 13

OFFICE USE ONLY



SCHEDULE OF UNIT ENTITLEMENT		UNIT ENTITLEMENT
LOT	1	43
	2	34
	3	42
	4	106
	5	34
	6	128
	7	119
	8	113
	9	115
	10	89
	11	86
	12	85
AGGREGATE		1000

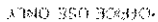
Lengths are in metres

Reduction Ratio 1:400

John Thompson
General Clerk

106L12 CONTAINS NO CHANGES

Box: 7-125 / Doc: 88 0036125 2 / Rev: 29-Apr-2009 / See OK OK / Rev: 30-Apr-2009 03:08 / Pgs: 411 / Seq: 2 of 2



[illegible]

[illegible]

2179D/7

FORM 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet No. 2 of 2 Sheets

STRATA PLAN 42156

BASEMENT
BLOCK "B"

AREAS ARE APPROXIMATE ONLY

- PROJECTION OF CENTRE OF COLUMNS
- LINE OF FACE OF COLUMNS
- ⊗ COMMON PROPERTY

SCHEDULE OF UNIT ENTITLEMENT

LOT	UNIT ENTITLEMENT
1	43
2	35
3	42
4	106
5	34
6	128
7	119
8	119
9	119
10	119
11	119
12	119
13	119
14	119
15	119
16	119
AGGREGATE	1000

CERTIFICATE THAT THE RIGHT CONDUITAGE AGREES TO THE
SCHEDULE OF UNIT ENTITLEMENT

In pursuance of the Strata Title Act, 1973, the Proprietor-Strata Plan 42156 hereby certifies that it was, by the special resolution referred to in Section 37(2)(a), agreed to each proposed unit entitlement and the proposed aggregate unit entitlement shown in the schedule on which this certificate is based.

The common seal of the Proprietor-Strata Plan 42156 was hereunto affixed on 11/11/2007 in the presence of Alan Jameson, Registrar of the Registrar-General, and the Registrar-General, 1973 to attest the validity of this seal.

Reduction Ratio 1:300

Lengths are in metres

7 Nov 2007

Alan Jameson
Registrar-General

OFFICE USE ONLY

APPENDIX 3**Checklist - Consideration of State Environmental Planning Policies**

The following SEPP's are relevant to the Pittwater Local Government Area.

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	NO	Not applicable	
SEPP No 4 – Development without consent...	NO	Not applicable	
SEPP No 6 – Number of Storeys in a Building	NO	Not applicable	
SEPP No 10 – Retention of Low-Cost Rental Accommodation	NO	Not applicable	
SEPP No 14 – Coastal Wetlands	NO	Not applicable	
SEPP No 21 – Caravan Parks	NO	Not applicable	
SEPP No 22 – Shops and Commercial Premises	NO	Not applicable	
SEPP No 26 – Littoral Rainforests	NO	Not applicable	
SEPP No 30 – Intensive Agriculture	NO	Not applicable	
SEPP No 32 – Urban Consolidation	NO	Not applicable	
SEPP No 33 – Hazardous and Offensive Development	NO	Not applicable	
SEPP No 44 – Koala Habitat Protection	NO	Not applicable	
SEPP No 50 – Canal Estate Development	NO	Not applicable	
SEPP No 55 – Remediation of Land	NO	Not applicable	
SEPP No 62 – Sustainable Aquaculture	NO	Not applicable	
SEPP No 64 – Advertising and	NO	Not	

Signage		applicable	
SEPP No 65 – Design Quality of Residential Flat Development	NO	Not applicable	
SEPP No 70 – Affordable Housing (Revised Schemes)	NO	Not applicable	
SEPP (Building Sustainability Index: BASIX) 2004	NO	Not applicable	
SEPP (Exempt and Complying Development Codes) 2008	NO	Not applicable	
SEPP (Housing for Seniors or People with a Disability) 2004	NO	Not applicable	
SEPP (Infrastructure) 2007	NO	Not applicable	
SEPP (Major Development) 2005	NO	Not applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	Not applicable	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	NO	Not applicable	

The following is a list of the deemed SEPP's (formerly Sydney Regional Environmental Plans) relevant to the Pittwater Local Government Area.

Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP)	Applicable	Consistent	Reason for inconsistency
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	NO	Not applicable	

Section 117 Ministerial Directions Checklist
(Directions as per DoP website 16 October 2009)

1 Employment and Resources

	Applicable	Consistent	Reason for inconsistency
1.1 Business and Industrial Zones	YES	YES	
1.2 Rural Zones	NO	Not applicable	
1.3 Mining, Petroleum Production and Extractive Industries	NO	Not applicable	
1.4 Oyster Aquaculture	NO	Not applicable	
1.5 Rural Lands	NO	Not applicable	

2 Environment and Heritage

	Applicable	Consistent	Reason for inconsistency
2.1 Environment Protection Zones	NO	Not applicable	
2.2 Coastal Protection	NO	Not applicable	
2.3 Heritage Conservation	NO	Not applicable	
2.4 Recreation Vehicle Areas	NO	Not applicable	

3 Housing, Infrastructure and Urban Development

	Applicable	Consistent	Reason for inconsistency
3.1 Residential Zones	NO	Not applicable	
3.2 Caravan Parks and Manufactured Home Estates	NO	Not applicable	
3.3 Home Occupations	NO	Not applicable	
3.4 Integrating Land Use and Transport	NO	Not applicable	
3.5 Development near Licensed Aerodromes	NO	Not applicable	

4 Hazard and Risk

	Applicable	Consistent	Reason for inconsistency
4.1 Acid Sulphate Soils	NO	Not applicable	
4.2 Mine Subsidence and Unstable Land	NO	Not applicable	
4.3 Flood Prone Land	YES	YES	
4.4 Planning for Bushfire Protection	NO	Not applicable	

5 Regional Planning

	Applicable	Consistent	Reason for inconsistency
5.1 Implementation of Regional Strategies	YES	YES	
5.2 Sydney Drinking Water Catchments	NO	Not applicable	
5.3 Farmland of State and Regional Significance on NSW Far North Coast	NO	Not applicable	
5.4 Commercial and Retail Development along the Pacific Hwy, North Coast	NO	Not applicable	

5.5 Development in the vicinity of Ellalong, Paxton and Millfield	NO	Not applicable	
5.8 Second Sydney Airport: Badgerys Creek	NO	Not applicable	

6 Local Plan Making

	Applicable	Consistent	Reason for inconsistency
6.1 Approval and Referral Requirements	YES	YES	
6.2 Reserving Land for Public Purposes	YES	YES – no change	
6.3 Site Specific Purposes	NO	Not applicable	