

Manly LEP 2013 Planning Proposal

**Rezoning of Manly Industrial Estate land from Zone IN2
Light Industrial, to Zone B6 Enterprise Corridor.**

MAY 2015

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INTRODUCTION

Background

This planning proposal has been prepared by Manly Council as a result of a Council resolution made on 20th April 2015 (see Attachment 6). The Council resolved to prepare a planning proposal to amend the zoning of land at Manly's Industrial Estate from IN2 Light Industrial, to B6 Enterprise Corridor, in the *Manly Local Environmental Plan 2013*.

Subject area

The subject area, known as the Manly Industrial Estate, Balgowlah, is positioned to the north of the Manly LGA, where it adjoins Warringah LGA. It covers an area of approximately 58,350m² (5.835ha), and is bounded by Quirk Road (east), Roseberry Street (west), Kenneth Road (north), Balgowlah Road (south). The subject area is characterised by commercial uses, with other commercial uses immediately west of the site, and Manly Golf Course to the east. Residential dwellings are both to the south and north of the subject area.

An electricity substation and Manly West Park is also within the vicinity of the subject area. However, these do not form part of this proposal to rezone land to B6 Enterprise Corridor as they are not identified as Zone IN2 Light Industrial land.

Land uses

The subject area is characterised by commercial premises conducting the following land uses:

- bulky good premises,
- depots
- warehouse or distribution centres,
- wholesale supplies,
- vehicle repair, sales and hire,
- landscaping material supplies
- veterinary hospitals
- signage
- business premises (fitness/gym facilities – a non-conforming use in Zone IN2)

The subject area also includes Manly Council's Depot and a vacant lot owned by the Council. Attachment 2 of this proposal details a full breakdown of uses as identified by a land use site survey.

An aerial view of the area which is the subject of this planning proposal, outlined in red, is attached on the following page.





Land Zonings

The subject area is zoned IN2 Light Industrial under the Manly Local Environmental Plan 2013. The electricity substation and Manly West Park (which do not form part of this proposal, but are located within the vicinity of the subject area) are Zoned SP2 Infrastructure (Electricity Supply), and Zone RE1 Public Recreation respectively.

The surrounding zones include:

Manly LEP 2013

- B6 Enterprise Corridor to the west of Roseberry Street.
- RE1 Public Recreation and RE2 Private Recreation to the centre of the site and east of the site respectively.
- R1 General Residential to the south along Balgowlah Road.

Warringah LEP 2011*

- Zone R3 Medium Density Residential to the north along Kenneth Road.
- Zone B2 Local Centre to the north-west, mostly along Condamine Street.

*This planning proposal does not propose to amend any zoning in the *Warringah LEP 2011*.

The following pages contain maps indicating the current land use zones in the Manly Industrial Estate area under the Manly LEP 2013 and the proposed land use zones. It is to be noted that the subject area is the only area in Manly under the current MLEP 2013, where land is zoned IN2 Light Industrial. The proposal is to rezone land that is currently zoned IN2 Light Industrial to B6 Enterprise Corridor (the same zoning that is west of the subject area).

The land use tables of Zones IN2 and B6, and the amended B6 land use table are included within Part 3 Question 1 of this planning proposal, and Attachment 3.

Current Manly LEP 2013 Zoning



Proposed Manly LEP 2013 Zoning



Objectives of the Planning Proposal

The objective of this planning proposal is to ensure the viability of the industrial land identified in this planning proposal, and rezone this accordingly. The rezoning recognises:

- the existing limited economic growth conditions of the Manly LGA,
- the existing transport/road transit constraints of the site limiting the viability of light industrial land uses,
- the changing nature of businesses on the existing industrial land,
- the potential impact of reducing current and future land use conflicts on surrounding land uses, including the neighbouring LGA, Warringah, and
- Manly LGA's need to meet the regional and sub-regional employment strategies.

Justifications for the Planning Proposal

The justifications for the planning proposal are summarised below:

Minimal impact on industrial zoned land

The predominant existing land uses that have been identified on the industrial zoned land are also permitted land uses in neighbouring Zone B6 Enterprise Corridor. Any non-conforming uses will be included in amended Zone B6 Enterprise Corridor land use table (see Attachment 3). This will ensure a minimal impact on land uses within the industrial zoned land and allow continued use of industrial floor space (being considerate of Section 117 Direction 1.1. *Business and Industrial Zone*).

Consistent with State Government Policy, Instruments and Local Strategies

The proposal is considered consistent with the Sydney Metropolitan Plan 'A Plan for Growing Sydney' and the objectives identified in applicable *State Environmental Planning Policies* to the area. The proposal is also considered consistent with the aims and objectives Council's *Community Strategic Plan – Beyond 2024*.

Employment Opportunities

The rezoning of land from IN2 Light Industrial to B6 Enterprise Corridor is anticipated to promote job opportunities through new enterprises, leases and development in the area. This will better equip Council in meeting any employment targets identified in the North sub-regional plan that is currently being drafted by the Department of Planning and Environment.

Improved residential amenity

The long-term use of the subject area (being rezoned to B6 Enterprise Corridor) will likely to encourage development and uses that are less detrimental to neighbouring residential amenities.

Consistent with surrounding land uses

The rezoning to B6 Enterprise Corridor mirrors the zoning immediately west of the subject area. This subject area is considered to be consistent with the character of land zoned B6, but also considered to be consistent with land zoned B2 Local Centre, north-west of the site, located in Warringah LGA. This recognises the nature of this particular precinct which transects municipal boundaries, strengthening the viability of the area as a growing centre.

Minimal impact on existing Balgowlah Centre

The Balgowlah Centre (located south of the subject area) is zoned B2 Local Centre. The character of the Balgowlah Centre is predominately smaller floor space (in comparison to Zone B6 and IN2 areas) retail businesses. Therefore the rezoning proposed will have a minimal impact on the existing Balgowlah Centre due to the zone objectives and land uses outlined by Zone B6 Enterprise Corridor, which do not compete directly with land Zoned B2 Local Centre.

CONCLUSION

This planning proposal concludes that the rezoning of land at Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor, is well founded, consistent with State policies and instruments, and beneficial to the Manly locality. The following parts of the planning proposal seek to justify and identify the opportunities afforded by the proposed rezoning.

It is considered the planning proposal will be publically exhibited for a period of 28 days, and open to consultation with State agencies and public authorities for 21 days. This is due to the nature of the proposal, and the size of the area the zoning would affect.

Part 1 Objectives of the planning proposal

The objective of this planning proposal is to ensure the viability of industrial land identified in this planning proposal, and rezone this accordingly. The rezoning recognises:

- the existing limited economic growth conditions of the Manly LGA,
- the existing transport/road transit constraints of the site limiting the viability of light industrial land uses,
- the changing nature of businesses on the existing industrial land,
- the potential impact of reducing current and future land use conflicts on surrounding land uses, including the neighbouring LGA, Warringah, and
- Manly LGA's need to meet the regional and sub-regional employment strategies.

Part 2 Explanation of provisions

The proposed objective of this planning proposal will be achieved by:

Manly LEP 2013 Mapping

- Amending the Manly LEP 2013 Land Zoning Map Grid Sheet 003 (LZN) at land identified as 'Manly Industrial Estate', Balgowlah, from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor. See Attachment 4 of this planning proposal.

Note: The existing development standards for the subject area contain a maximum floor space ratio of 1:1, and maximum building height of 11 metres. These are to remain the same as currently gazetted and are not the subject of this planning proposal.

Manly LEP 2013 Written Instrument

- Amending Part 1 of the Manly LEP 2013 written instrument by removing the wording 'and light industrial zones' from Clause 1.2 (2) (c) (i) '*Aims of Plan*'.
- Amending Part 2 of the Manly LEP 2013 written instrument by removing Zone IN2 Light Industrial from the Land Use Table.
- Amending Part 2 of the Manly LEP 2013 written instrument by inserting a series of land uses identified in Attachment 3 to Zone B6 Enterprise Corridor. These include:
 - Depots
 - Sex services premises
 - Vehicle repair stations
 - Veterinary hospitals

Note: For the affected land use tables of Zones IN2 and B6, and the proposed amended B6 land use table, see Part 3 Question 1 of this planning proposal and Attachment 3.

- Amending Part 6 of the Manly LEP 2013 written instrument by removing clause 6.18 '*Development for bulky goods premises in Zone IN2*'. This clause would no longer apply as Zone IN2 would no longer exist in the LGA. An **Employment and Economic Impact Assessment** is proposed to consider the assumption of this clause no longer being required.

Part 3 Justification

The following section addresses questions set out in Section 2.3(a) of *A Guide to Preparing Planning Proposals* in meeting the objectives of this planning proposal.

Section A - Need for the planning proposal

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

Yes. The planning proposal is a result of a review of existing strategic studies, known site constraints, and an on-site survey of land uses that has informed the decision to pursue to rezone the land from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor.

As advised by the Department of Planning and Environment, it is proposed as part of the planning proposal to conduct a series of studies to ascertain the impact of the rezoning of the subject land that recognises existing site constraints, suitable opportunities, and distinct advantages presented by the change of zoning.

Studies and reports that have already been conducted and form the evidence base of this planning proposal are listed below:

- **Manly Industrial Zone Masterplan (2011)** (see Attachment 1)
- **Site Survey and study of all existing businesses and land uses on the site** (see Attachment 2)
- **Comparative Zone Analysis** including existing land uses on Zone IN2 Light Industrial Land (see Attachment 3)

Studies and reports that are anticipated to be required as part of a Gateway Determination are outlined below:

- **Traffic and Active Transport Assessment:** This will address traffic impacts, cumulative impacts, mitigation impacts, alternative forms of travel, access and movement. It will include public transport and the adequacy of existing pedestrian and cycling facilities. It is anticipated Transport for NSW, in any consultation process as part of the Gateway Determination, will stipulate that the Assessment should be based on the Roads and Maritime Services "*Guide to Traffic Generating Developments*". This includes the projected impact rezoning would have on traffic generated on the local road network, including impacts on nearby intersections and the need for upgrading or road improvements. The Assessment would also consider how development could encourage use of sustainable transport through elements such as minimising on-site parking, car and bike share facilities, bike parking and sustainable transport packs for new owners and tenants.

- **Employment and Economic Impact Assessment:** This would account for the impact of loss of industrial IN2 commercial/employment land and gain of B6 commercial/employment land. Study to also identify the impact of the removal of Clause 6.18 of the LEP and the assumption that this local provision is no longer needed.
- **Land Contamination Study:** This study would meet the requirements of Section 6 'Contamination and remediation to be considered in zoning or rezoning proposal' of the *State Environmental Planning Policy No 55—Remediation of Land*.
- **Flood Inundation and Drainage Assessment:** This assessment will into consideration the existing situation, as the subject area contains flood affected lots, and the presence of the Sediment Basin at Manly West Park. The assessment would determine the viability of land suitable for Zone B6 land uses, considering Council's LEP and DCP controls, *Interim Policy – Flood Prone Land 2013*, and the NSW Government's *Floodplain Development Manual 2005*.

Review and Analysis of studies and reports already conducted.

Manly Industrial Zone Masterplan (2011): The review and analysis of the Masterplan, (conducted by consultants Hassell on behalf of Manly Council in 2011) identified the following constraints:

- Poor traffic function within and around the precinct.
- Existing uses within the precinct means that many of the land uses generate heavy truck movements along the internal roads of the precinct as well as the perimeter roads.
- Compromised pedestrian and cycle function and safety within the precinct due to a disjointed pedestrian network, lack of pedestrian crossings, and conflict between pedestrians, cyclist and property accesses.
- Poor streetscape appearance and impenetrable urban realm due to older building stock with long blank walls and poor articulation, lacking in an active street frontage.
- Semi-impenetrable/amputating roads of Condamine Street (far west), Balgowlah Road (south), Roseberry Street (west) and Kenneth Road (north, located in Warringah LGA).

It is anticipated the **Traffic and Active Transport Assessment** will support the planning proposal, recognising the constraints and opportunities already identified in the **Manly Industrial Zone Masterplan (2011)**.

Site Survey and study of all existing businesses and land uses on the site (see Attachment 2)

A site survey of the Manly Industrial Estate (the subject of this planning proposal) was conducted on 13th April 2015 by Manly Council. Attachment 2 of this proposal identifies all lots of land within the Zoned IN2 Light Industrial (all located on the Estate) and lists all the identified land uses for that lot of land.

The site survey assists in understanding the current land uses on Zone IN2 land, including vacancy rates. The site survey directly informs the **Comparative Zone Analysis** (see Attachment 3).

It should be noted fitness/gym facilities were identified at several premises whilst conducting the site survey (see Attachment 2). These are a non-conforming use in land zoned IN2 Light Industrial. Rezoning of land to Zone B6 Enterprise Corridor will make the use permissible with consent under the land use 'business premises'.

Comparative Zone Analysis including existing land uses on Zone IN2 Light Industrial land (see Attachment 3).

The Comparative Zone Analysis lists all land uses listed in the Manly LEP 2013 Zone IN2, Zone B6, and provides a proposed amended Zone B6 land use table. These include uses that are:

- Permissible without consent,
- Permissible with consent,
- Prohibited,
- Are a requirement of the Standard Instrument LEP (shown as emboldened).

The land use tables of Zone IN2 Light Industrial and Zone B6 Enterprise Corridor of the Manly LEP 2013 are listed in the first two columns, and clearly establishes where the land uses in the different zones do and do not overlap.

The third column lists the land uses identified in the site survey conducted on 13th April 2015 by Manly Council (see Attachment 2 for full details of the survey).

The fourth column lists the amended B6 land use table to replace the existing B6 land use table, incorporating additional IN2 land uses.

The following are the current Manly LEP 2013 Land Use Tables for Zone IN2 Light Industrial and Zone B6 Enterprise Corridor:

Zone IN2 *Light Industrial*

1 *Objectives of zone*

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To maintain economic strength and diversity by limiting large scale industrial activity.*

2 *Permitted without consent*

Nil

3 Permitted with consent

Agricultural produce industries; Aquaculture; Boat building and repair facilities; Bulky goods premises; Depots; Environmental protection works; Flood mitigation works; Freight transport facilities; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Research stations; Restricted premises; Roads; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

Zone B6 Enterprise Corridor

1 Objectives of zone

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Bulky goods premises; Business premises; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Garden centres; Hardware and building supplies; Helipads; Hotel or motel accommodation; Industrial retail outlets; Kiosks; Landscaping material supplies; Light industries; Markets; Mortuaries; Office premises; Passenger transport facilities; Plant nurseries; Recreation facilities (indoor); Restaurants or cafes; Restricted premises; Roads; Service stations; Shops; Signage; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Water treatment facilities; Any other development not specified in item 2 or 3

Site Survey results

Almost all of the existing land uses (as surveyed) are permissible land uses within Zone B6 Enterprise Corridor and Zone IN2 Light Industrial.

The only non-conforming uses in Zone B6, but permissible with consent in IN2, are Vehicle repair shops, a Veterinary hospital (at 14 Roseberry Street) and Council's Depot.

In accordance with this proposal, the following land uses are to be incorporated into the Zone B6 Enterprise Corridor land use table.

- Depots.
- Sex services premises.
- Vehicle repair stations.
- Veterinary hospitals.

The insertion of these uses into the B6 land use table recognises the existing uses and nature of land and businesses in the Estate, and their compatible use with the surrounding area. It is anticipated the insertion of these land uses into the B6 land use table will help facilitate the development of the commercial centre and secure new employment opportunities.

The following proposed Zone B6 land use table is amended to reflect surveyed and existing uses of the industrial zoned land.

Zone B6 Enterprise Corridor

1 Objectives of zone

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*

2 Permitted without consent

Nil

3 Permitted with consent

*Amusement centres; Bulky goods premises; Business premises; Community facilities; **Depots**; Environmental facilities; Environmental protection works; Flood mitigation works; Garden centres; Hardware and building supplies; Helipads; Hotel or motel accommodation; Industrial retail outlets; Kiosks; Landscaping material supplies; Light industries; Markets; Mortuaries; Office premises; Passenger transport facilities; Plant nurseries; Recreation facilities (indoor); Restaurants or cafes; Restricted premises; Roads; Service stations; **Sex services premises**; Shops; Signage; Take away food and drink premises; Timber yards; **Vehicle repair stations**; Vehicle sales or hire premises; **Veterinary hospitals**; Warehouse or distribution centres; Water recycling facilities; Water supply systems; Wholesale supplies.*

4 Prohibited

Water treatment facilities; Any other development not specified in item 2 or 3

Note: Although the land use 'sex services premises' was not identified in the site survey, the land use is a statutory requirement of the Standard Instrument LEP and Council must identify a zone where this is permissible with consent.

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

Yes. The planning proposal is the best means of meeting the intended outcomes of the planning proposal by amending the Manly LEP 2013 land use zoning to enable the primary objective of the proposal.

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)?

Note: This question relates to Question 9 'Social and Economic effects' of the proposal and should be read in conjunction with the consideration of social and economic effects and the impacts of the proposed rezoning.

The planning proposal is consistent with Sydney Metropolitan Plan "A Plan for Growing Sydney".

Strategic Centres

As Manly is not identified as having a strategic centre, it is reliant on its local centres (Zone B2), neighbourhood centres (Zone B1), enterprise corridor (Zone B6) and light industrial land (IN2) to provide local employment opportunities and commercial services and facilities to residents and visitors.

The closest strategic centre to Manly as identified in the Subregional Plan is Brookvale/Dee Why sub-regional centre. It is therefore important for the Manly LGA to be economically and commercially resilient in regards to the Plan's objectives by protecting and growing its commercial centres.

New Employment Opportunities

Employment targets are set out by the Sydney Metropolitan Strategy "A Plan for Growing Sydney" (published December 2014). The Plan identifies that by 2031, 689,000 new jobs will be required to service the Metropolitan economy. For the North Subregion (where Manly is allocated under), employment targets are to be distributed by the forthcoming sub-regional plan. As Manly is heavily reliant on its local centres (Zone B2), neighbourhood centres (Zone B1) enterprise corridor (Zone B6) and light industrial land (IN2) for employment within the LGA, it needs to maximise the viability of existing centres, ensuring their continued use and expanding them to meet commercial demand and increase employment opportunities

within the LGA. However the expansion of existing centres is limited by the high land values of surrounding residential land.

The surrounding residential land uses at the Manly Industrial Estate are separated by roads and are already impacted on by existing uses. By rezoning to B6 Enterprise Corridor and amending the B6 Land Use Table for additional uses, it is anticipated that a greater range of uses (including those associated with light industrial) will promote the use of land in this area.

Industrial Estate viability

The viability of the Manly's Industrial Estate is assessed under known site constraints, the Manly Industrial Zone Masterplan 2011, and the site land use survey (conducted on 13th April 2015). In summary, investigations reveal identified poor urban realm, streetscape, older building stock, and limited commercial opportunities. Therefore, it is not anticipated that any significant capital investment will be attracted to the area to regenerate the streetscape, poor traffic, etc., by the existing IN2 Light Industrial Zone.

It is anticipated that rezoning to the neighbouring B6 Enterprise Corridor and amending the B6 land use table will promote development to proceed in the area making the zone objectives of B6 more viable and increase the redevelopment of low grade, older building stock and poor urban realm to improved building stock, better urban realm and a better transport environment. Rezoning from IN2 to B6 will enable the redevelopment of the area by attracting a greater variety of land uses to the area and the precinct as a whole.

Priorities for the North Subregion

"A Plan for Growing Sydney" sets priorities for each subregional plan. For the North Subregion, one of the economic priorities identified is to *"Identify and protect strategically important industrial zoned land"* (page 124 of the Plan).

Land Zoned IN2 Light Industrial in Manly is not considered strategically important to the subregional economy. This is due to the site constraints previously identified, together with the relatively small area of 58,350m² (5.835ha) for industrial zoned land. The closest strategically important industrial zoned land is located in West Dee-Why/Cromer and Brookvale, Warringah, covering a substantive area.

Existing Uses and Tenants

It is recognised that it is important to protect the existing businesses in the industrial zoned land. The proposed rezoning to Zone B6 Enterprise Corridor will facilitate the viability of the area as a commercial precinct and as a long-term strategy, allowing existing businesses to adapt, benefit and continue to operate unhindered by any new rezoning.

The only non-conforming uses on the subject land are a veterinary hospital (at 14 Roseberry Street), some vehicle repair shops, and Council's depot. These will be inserted into the amended B6 land use table to protect the existing businesses and land uses already on the site, whilst also allowing for the opportunity to incrementally redevelop the area over time to encourage the regeneration of it by the uses permitted in B6.

4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Note: This question relates to Question 9 'Social and Economic effects' of the proposal and should be read in conjunction with the consideration of social and economic effects and impacts of the proposed rezoning.

The planning proposal is considered to be consistent with Manly Council's *Manly Community Strategic Plan - Beyond 2024* (CSP) local strategy, and will not limit any other local strategic plans.

In Chapter 5 of Manly's CSP four primary goals and strategies for the LGA are identified. Stated below are the goals and strategies identified on page 31 of the CSP.

I. A connected, involved and safe community that cares for its residents and visitors with goals to... • Improving Manly's community safety outcomes in relation to late night Manly's culture. • Promote healthy and active Manly community. • Maintain and support connected Manly neighbourhoods and amenities. • Create a more culturally vibrant Manly. • Facilitate services that support the social and welfare needs of the Manly community.
II. A viable Manly for work, employment and infrastructure with goals to... • Facilitate a diversified Manly economy that caters for local and visitors alike. • Promote tourism as an important part of the local economy. • Improve traffic, parking and sustainable transport options in Manly. • Maintain key amenities and physical infrastructure to acceptable service standards in Manly.
III. A sustainable, protected and well managed natural and built Manly with goals to... • Protect and conserve natural heritage, bushlands, water-ways and biodiversity. • Create liveable neighbourhoods with more affordable housing choices. • Maintain public health and building standards. • Facilitate reduction in greenhouse gas emissions in the Manly area. • Promote responsible waste management.
IV. A well governed Manly with transparent and responsible decision-making in partnership with the community by goals to... • Maintain public confidence in Council's transparent and accountable decision-making. • Work in partnership with the community. • Efficient use of Council's resources. • Advocate to State and Federal Governments.

Source: *Manly Community Strategic Plan - Beyond 2024*, page 31.

This planning proposal aims to meet and promote Goal Two ‘A viable Manly for work, employment and infrastructure’.

Chapter 7 ‘A viable Manly for Work, Employment and Infrastructure’ addresses how Manly may achieve Goal Two of the CSP, and identifies the known constraints and opportunities affecting the Goal.

In summary, these include:

“1. Facilitate a diversified and balanced Manly economy that caters for locals and visitors alike”

The CSP identifies the need for a strong local economy and increase in local employment opportunities within the LGA. The proposal will support this aim by increasing the viability of land for commercial related development from rezoning land from IN2 to B6, ensuring the viability of the local economy.

“2. Promote tourism as an important part of the local economy”

The proposal is unlikely to affect, impact on, or promote tourism as part of the local economy. However this is not the aim or objective of the planning proposal. The location of the Manly Industrial Estate makes it unsuitable to attract tourists, and therefore is best served by catering for the local economy. It is considered that this goal is not relevant to the proposal.

“3. Improve traffic, parking and sustainable transport options in Manly”

The subject area does suffer from unsuitable heavy vehicular movement and traffic and transport constraints, as identified in the ***Manly Industrial Zone Masterplan (2011)***. It is intended the rezoning from Zone IN2 to B6 Enterprise Corridor will facilitate a range of land uses that are more sympathetic to the streetscape, with developments and redevelopments (attracted by the rezoning) offering an opportunity to address streetscape, traffic and parking improvements through the development assessment process.

It is not anticipated the rezoning will have a negative impact on traffic, parking and sustainable transport options in Manly.

“4. Maintain key amenities and physical infrastructure services in Manly.”

Rezoning the subject area from IN2 Light Industrial to B6 Enterprise Corridor aims to improve the amenity of neighbouring residential development. The proposed rezoning aims to reduce air, dust, smell and noise pollutants. This will also improve the impact on both the neighbouring residential accommodation (Zone R1 General Residential), and the existing B6 land uses to the west of the subject area.

The subject area adjoins the Warringah Local Government Area to the north, consisting of Zone R3 Medium Density Residential (north) and Zone B2 Local Centre (north-west) in the Warringah LEP 2011. The proposal has considered the neighbouring LGA zonings, and it is considered to improve Warringah's residential and local centre amenities.

Physical infrastructure improvements are anticipated with the rezoning of the subject area due to the opportunities presented by the rezoning, and the opportunity to improve physical infrastructure through the development assessment process.

Consistency with the *Manly Community Strategic Plan – Beyond 2024*

Specifically, the planning proposal is consistent with the CSP, and aims to meet the objectives of the CSP by:

- Expanding the neighbouring B6 zone and making the area into a new business hub.
- Increase employment opportunities.
- Improving traffic safety by reducing the heavy vehicular traffic on the local road network.
- Improving amenity issues for surrounding residential accommodation, and the existing Zone B6 premises west of the site.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

the planning proposal is considered consistent with applicable State Environmental Planning Policies (SEPPs).

The list of all applicable SEPPs in Manly are:

- *State Environmental Planning Policy 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy 21 – Caravan Parks*
- *State Environmental Planning Policy 30 – Intensive Agriculture*
- *State Environmental Planning Policy 32 – Urban Consolidation (Redevelopment of Urban Land)*
- *State Environmental Planning Policy 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy 50 – Canal Estate Development*
- *State Environmental Planning Policy 55 – Remediation of Land*
- *State Environmental Planning Policy 64 – Advertising and Signage*
- *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development*
- *State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes)*
- *State Environmental Planning Policy 71 – Coastal Protection*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy (Major Development) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed State Environmental Planning Policy)*

The planning proposal does not contradict any SEPP provision that is applicable to the Manly LGA. The planning proposal does not impose any onerous development considerations not already outlined by a SEPP.

From the list of SEPPs that apply to Manly, the following SEPPs are considered to be relevant to the planning proposal:

- State Environmental Planning Policy No 33—Hazardous and Offensive Development
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy No 33—Hazardous and Offensive Development

Section 2 of the SEPP identifies the aims and objectives of policy. These are:

- (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and*
- (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and*
- (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and*
- (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*
- (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and*
- (f) to require the advertising of applications to carry out any such development.*

Any application or proposal for potential hazardous and offensive development will facilitate the need for an investigation and relevant remediation works as a requirement of any development application made to the Council to satisfy this SEPP provision. Additionally, a **Land Contamination Study** and investigation will need to be conducted as part of this planning proposal.

State Environmental Planning Policy No 55—Remediation of Land

Section 6 'Contamination and remediation to be considered in zoning or rezoning proposal' requires the planning authority to consider the potential of contaminated land, investigate this, and be satisfied that the land zoning is suitable, and/or remediation works can be conducted to allow the development of land uses under the proposed land zoning.

As part of this planning proposal, a **Land Contamination Study** and investigation is to be conducted to ensure consistency with the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

Section 2 of the SEPP identifies the aims and objectives of policy;

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

The planning proposal is considered consistent with the SEPP's aims and objectives to facilitate the effective delivery of infrastructure. The planning proposal does not seek to restrict the application of the SEPP in anyway, nor introduce additional development standards or requirements above that of the provisions given by the SEPP.

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

Note: This question relates to Question 9 '*Social and Economic effects*' of the proposal and should be read in conjunction with the consideration of social and economic effects and impacts of the proposed rezoning.

Of the list of Directions issued under Section 117 (2) of the *Environmental Planning and Assessment Act 1979*, this proposal falls under paragraph 1.1. '*Business and Industrial Zone*' of the applicable Ministerial directions.

The objectives of this direction are as follows:

(1) The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified strategic centres.*

The directions under 1.1 (4) specify what a relevant planning authority must do if this direction applies:

(4) A planning proposal must:

- (a) give effect to the objectives of this direction,*
- (b) retain the areas and locations of existing business and industrial zones,*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

This planning proposal is inconsistent with 1.1 (4) (d) to '*not reduce the total potential floor space area for industrial uses in industrial zones,*' as the proposal rezones Manly's industrial zone to business, and therefore reduces the potential floor space area for industrial uses by rezoning industrial zoned land.

When a planning proposal is inconsistent with a direction, the planning proposal may be allowed to be inconsistent under certain conditions, as outlined under 1.1 (5) '*Consistency*'

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

Note: In this direction, “identified strategic centre” means a centre that has been identified as a strategic centre in a regional strategy, sub-regional strategy, or another strategy approved by the Director General.

This planning proposal gives consideration to the objectives of Direction 1.1. ‘Business and Industrial Zone’ to justify the inconsistency with this Direction.

“(a) encourage employment growth in suitable locations”

The Manly Industrial Estate (the subject of this planning proposal) is considered an important area to encourage employment opportunities. The Estate is considered a suitable location and is discussed in Question 3 of this planning proposal. With regards to employment growth, part of Question 3 of this proposal is copied out below:

“Strategic Centres

As Manly is not identified as having a strategic centre, it is reliant on its local centres (Zone B2), neighbourhood centres (Zone B1), enterprise corridor (Zone B6) and light industrial land (IN2) to provide local employment opportunities and commercial services and facilities to residents and visitors.

The closest strategic centre to Manly is identified in the Plan as Brookvale/Dee Why sub-regional centre. It is therefore important for the Manly LGA to be economically and commercially resilient in regards to the Plan’s objectives by protecting and growing its commercial centres.

“New Employment Opportunities

Employment targets are set out by the Sydney Metropolitan Strategy “A Plan for Growing Sydney” (published December 2014). The Plan identifies that by 2031, 689,000 new jobs will be required to service the Metropolitan economy. For the North Subregion (where Manly is grouped under), employment targets are to be distributed by the forthcoming sub-regional plan. As Manly is heavily reliant on its local centres (Zone B2),

neighbourhood centres (Zone B1) enterprise corridor (Zone B6) and light industrial land (IN2) for employment within the LGA, it needs to maximise the viability of existing centres, ensuring their continued use and expanding them to meet commercial demand and increase employment opportunities within the LGA. However the expansion of existing centres is limited by the high land values of surrounding residential land.

The surrounding residential land uses at the Manly Industrial Estate are separated by roads and are already impacted on by existing uses. By rezoning to B6 Enterprise Corridor and amending the B6 Land Use Table for additional uses, it is anticipated that a greater range of uses (including those associated with light industrial) will promote the use of land in this area.

“(b) protect employment land in business and industrial zones”

It is considered that maintaining the zoning on the subject area to IN2 is restrictive and counteract the first objective of this Direction.

By maintaining the existing zoning, the subject area is disabled from being one of the only existing sites where employment potential could increase and meet the objectives of the Sydney Metropolitan Plan “A Plan for Growing Sydney” and any identified employment targets that are set out in the sub-regional plan for the North Subregion.

It is to be noted that the current zoning of the area is not protecting nor creating potential for employment as it is not really functioning as an industrial area. By rezoning to B6 Enterprise Corridor the potential to increase employment is vastly intensified as B6 zone provide for a range of employment uses, which includes business, office, retail and light industrial uses.

“(c) support the viability of identified strategic centres.”

Part of Question 3 of this planning proposal is copied out below that addresses this objective of this Direction.

“Strategic Centres

As Manly is not identified as having a strategic centre, it is reliant on its local centres (Zone B2), neighbourhood centres (Zone B1), enterprise corridor (Zone B6) and light industrial land (IN2) to provide local employment opportunities and commercial services and facilities to residents and visitors.

The closest strategic centre to Manly is identified in the Plan as Brookvale/Dee Why sub-regional centre. It is therefore important for the Manly LGA to be economically and commercially resilient with regards to the Plan's objectives by protecting and growing its commercial centres.

Conclusion

In light of regional and sub-regional strategies, and the constrictions on the development of IN2 Light Industrial land uses within the zone and neighbouring residential dwellings, it is considered appropriate to be inconsistent with 1.1 (4) (d) and ensure the viability of the area as an employment centre, able to offer a real increase in employment opportunities and reduction in potential land use conflicts.

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

No critical habitat, threatened species, populations, ecological communities or their habitats will be adversely affected as a result of the proposal.

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

The proposed **Land Contamination Study** and investigation to be conducted to meet requirements of *State Environmental Planning Policy No 55—Remediation of Land* is anticipated to identify any potential environmental effects of the proposed rezoning.

Additionally, any development applications on the land in either Zone B6 or Zone IN2 are required to conduct a contamination and remediation study. This will remain as a requirement and will apply to the site even when Zone B6 Enterprise Corridor.

Therefore there are no likely environmental effects as a result of the rezoning of the land.

9. Has the planning proposal adequately addressed any social and economic effects?

It is considered the planning proposal has adequately addressed the social and economic effects related to the rezoning of land proposed.

Question 1 of this proposal addresses social and economic effects due to the review and analysis of studies that have been conducted as part of this proposal.

Question 3 of the planning proposal addresses the social and economic effects in respect to regional and sub-regional planning.

Question 4 of the planning proposal addresses the social and economic effects in relation to **Manly's Community Strategic Plan – Beyond 2024**

Question 6 regarding applicable Section 117 Directions also supports the need for rezoning in both social and economic terms.

It is considered that all these sections of the planning proposal thoroughly addresses the social and economic effects of the proposal, and the proposal is beneficial to the social and economic environment of the Manly LGA.

Section D - State and Commonwealth interests

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

As the proposal is centrally concerned with rezoning land from IN2 Light Industrial to B6 Enterprise Corridor, the local road network, traffic, parking and public transport are considered essential components of the viability of the land as Zone B6.

The **Manly Industrial Zone Masterplan (2011)** has already identified constraints, congestion issues and unsuitable heavy vehicular traffic. The proposed **Traffic and Active Transport Assessment Study** is anticipated to support the planning proposal, recognising the constraints and opportunities already identified in the Masterplan and the viability of the subject area to sustain uses under Zone B6 Enterprise Corridor.

11. What are the view of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant public authorities will be consulted with in accordance with the Gateway determination.

Part 4 Mapping

This planning proposal contains two (2) maps.

- One 'current' Land Zoning Map for the subject area
- One 'proposed' Land Zoning Map for the subject area

See Attachment 4 of this proposal contains the two (2) maps stated above.

Part 5 Community Consultation

As the planning proposal affects a large area of land, and the Manly LGA's remaining industrial zone, it is considered the planning proposal will be publically exhibited for a period of 28 days, and open to consultation with State agencies and public authorities for 21 days.

Part 6 Project timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion
Anticipated commencement date (date of Gateway determination)	June 2015.
Anticipated timeframe for the completion of required technical information	August 2015
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	September 2015 (21 days)
Public exhibition period	September 2015 (28 days)
Timeframe for consideration of submissions	October 2015.
Date of submission to the department to finalise the LEP	November 2015.
Anticipated date RPA (Manly Council) will make the plan (if delegated)	November 2015.
Anticipated date RPA (Manly Council) will forward to the department for notification	November/December 2015.