

Rezoning of Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor

Proposal Title : **Rezoning of Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor**

Proposal Summary : **The planning proposal aims to amend Manly Local Environmental Plan (LEP) 2013 in order to rezone land known as Manly Industrial Estate, Balgowlah, from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor.**

PP Number : **PP_2015_MANLY_003_00** Dop File No : **15/08343**

Proposal Details

Date Planning Proposal Received : **20-May-2015** LGA covered : **Manly**

Region : **Metro(CBD)** RPA : **Manly Council**

State Electorate : **MANLY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : **Balgowlah** City : **Sydney** Postcode : **2093**

Land Parcel : **Land bound by Quirk Road, Roseberry Street, Kenneth Road and Balgowlah Road**

DoP Planning Officer Contact Details

Contact Name : **Lauren Templeman**

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RPA Contact Details

Contact Name : **Nayeem Islam**

Contact Number : **0299761582**

Contact Email : **Nayeem.Islam@manly.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **Other** Release Area Name :

Regional / Sub Regional Strategy : **Metro Inner North subregion** Consistent with Strategy : **Yes**

Rezoning of Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	773

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **Yes**

If Yes, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan Region (East) has not met any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **The Department supports the intent of the planning proposal given the subject site is not considered to be a significant industry cluster in it's subregional context. This means the proposal is not inconsistent with A Plan for Growing Sydney which aims to "identify and protect strategically important industrial - zoned land."**

However, further work is required to adequately justify current inconsistencies with S.117 Direction 1.1 Business and Industrial Zones, satisfy the requirements of State Environmental Planning Policy No.55 (Remediation of Land), assess current flooding issues and address the traffic impacts of the proposal.

In particular, the necessary studies are:

- employment and economic impact assessment to address the overall economic impact of the proposal on the locality, including its ability to support strategic employment targets for Metropolitan Sydney. This study should also consider the impact of removing clause 6.18 Development for bulky goods premises in Zone IN2, from Manly LEP 2013;**
- traffic and active transport assessment to address issues including localised and cumulative traffic impacts, access and movement around the subject site and sustainable travel options;**
- land contamination study to assess whether Manly Industrial Estate is suitable in its current state, or in a future remediated state, for the proposed land uses; and a**
- floodplain risk management plan to assess the suitability of Manly Industrial Estate for the proposed land uses given it currently contains flood affected lots; and**

A Plan for Growing Sydney (Action 1.9.2) identifies the need to undertake an analysis of Sydney's stock of industrial zoned land to identify key industrial precincts. The Department of Planning and Environment is responding to this action via an Industrial Lands Review, initially covering the North, Central and South Subregions. This study aims to determine the strategic importance of industrial precincts at a subregional scale and advise on appropriate planning controls to protect and enhance these precincts.

This study may make recommendations about the desired future of the Manly Industrial Estate in time for consideration by Council as part of the current planning proposal.

Rezoning of Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor

Manly Council has accepted the Minister's offer to delegate his plan-making functions under the EP&A Act. Council is seeking delegation to carry out the Minister's functions under section 59 of the EP&A Act to progress this planning proposal.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is to assure the economic viability and employment potential of the land currently within Manly Industrial Estate by rezoning this land from Zone IN2 Light Industrial to Zone B6 Enterprise Corridor.**

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

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

Comment : **To achieve the objectives of the planning proposal, the following Manly LEP 2013 Map Sheet will be amended to rezone land within Manly Industrial Estate from IN2 Light Industrial to Zone B6 Enterprise Corridor:**
- 5150_COM_LZN_003_010_20150311

All other existing development standards for Manly Industrial Estate remain the same.

Manly LEP 2013 will be amended as follows:

- remove "and light industrial zones" from clause 1.2(2)(c)(i) Aims of Plan;
- remove Zone IN2 Light Industrial from the Land Use Table;
- insert depots, sex service premises, vehicle repair stations, veterinary hospitals, to the Zone B6 Enterprise Corridor;
- remove clause 6.18 Development for bulky goods premises in Zone IN2, which permits the use of Zone IN2 for a bulky goods premises where:
 - a) land is not available for this purpose in a nearby business centre, and
 - b) the development will not have a negative impact on existing or future development in Zone IN2 or services offered by existing nearby shops.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**
4.3 Flood Prone Land
* May need the Director General's agreement **7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 33—Hazardous and Offensive Development**
SEPP No 55—Remediation of Land

e) List any other matters that need to be considered : **S.117 Directions:**
The planning proposal is inconsistent with S.117 direction 1.1 Business and Industrial Zones (4)(d) to 'not reduce the potential floor space area for industrial uses in industrial zones.'

It is noted that light industry will continue to be permitted on the subject site and that the proposal aims to expand Zone B6 to incorporate industrial land uses currently located in the Manly Industrial Estate but not currently permissible in Zone B6 (ie. depots, sex service premises, vehicle repair stations, veterinary hospitals). However, the proposal may impact on the feasibility of existing and future industrial uses.

Rezoning of Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor

Further assessment via a study such as an employment and economic impact assessment is required to determine whether the proposal's inconsistency with S.117 direction 1.1 (4)(d) is justified by demonstrating support for the relevant objectives of this direction, being:

- a) encourage employment growth in suitable locations, and
- b) support the viability of identified strategic centres.

The planning proposal is inconsistent with S.117 Direction 4.3 Food Prone Land, given it may increase development on flood affected lots. This inconsistency needs to be addressed via a floodplain risk management plan, in line with the NSW Government's Floodplain Development Manual 2005, and justified via discussion in the planning proposal.

The planning proposal is not inconsistent with S. 117 Direction 7.1, where the proposal must demonstrate consistency with A Plan for Growing Sydney, given it is not considered to be a significant industry cluster in the subregional context (see discussion under "Assessment Criteria").

SEPPs:

To satisfy the requirements of SEPP 55 - Remediation of Land, a land contamination study is needed as part of the planning proposal to assess whether Manly Industrial Estate is suitable in its current state or a future remediated state for the proposed land uses.

The requirements of SEPP 33 - Hazardous and Offensive Development, being to adequately assess and mitigate the impacts of a hazardous or offensive industry, will be met by Council at development application stage.

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

If No, explain :

Refer to list of further studies required under "Assessment Criteria", including an employment and economic impact assessment to justify the proposal's inconsistency with S.117 direction 1.1 (4)(d), a floodplain risk management plan to justify the proposal's inconsistency with S.117 Direction 4.3 Food Prone Land, and a land contamination study to satisfy the requirements of SEPP 55 - Remediation of Land.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal currently includes maps showing the existing and proposed zoning for Manly Industrial Estate.

For public exhibition purposes, Council will need to also provide the relevant LEP Zoning Map (LZN_003) showing the existing and proposed zoning for Manly Industrial Estate, consistent with the Department's technical mapping guidelines for LEPs.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes public exhibition for a period of 28 days.

Consultation will be undertaken in accordance with the conditions of the Gateway Determination. 28 days is considered sufficient.

Consultation with Transport for NSW - Roads and Maritime Services and Warringah Council is required during the public exhibition period.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment :

The Department supports the intent of the planning proposal given the subject site is not considered to be a significant industry cluster in its subregional context. This means the proposal is not inconsistent with A Plan for Growing Sydney which aims to "identify and protect strategically important industrial - zoned land."

However, further work is required to adequately justify current inconsistencies with S.117 Directions 1.1 Business and Industrial Zones and 4.3 Flood Prone Land, satisfy the requirements of State Environmental Planning Policy No.55 (Remediation of Land), and address the traffic impacts of the proposal.

Proposal Assessment

Principal LEP:

Due Date : **April 2015**

Comments in relation to Principal LEP :

On 5 April 2013, Manly LEP 2013 was published on the NSW Legislation website and came into effect on 19 April 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal is informed by Manly Industrial Zone Master Plan (Hassel 2010), Manly Industrial Zone Strategic Review (2009), known site constraints, and a recent on-site survey of existing land uses on the subject site (13 April 2015).

Council acknowledges the need for further studies to support the planning proposal, including:

- employment and economic impact assessment to address the overall economic impact of the proposal on the locality, including its ability to support strategic employment targets for Metropolitan Sydney. This study also needs to consider the impact of removing clause 6.18 Development for bulky goods premises in Zone IN2, from Manly LEP 2013**
- traffic and active transport assessment to address issues including localised and cumulative traffic impacts, access and movement around the subject site and sustainable travel options;**
- land contamination study to assess whether Manly Industrial Estate is suitable in its current state, or in a future remediated state, for the proposed land uses; and**
- floodplain risk management plan to assess the suitability of Manly Industrial Estate for the proposed land uses given it currently contains flood affected lots.**

Rezoning of Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor

Consistency with strategic planning framework :

A Plan for Growing Sydney:

A Plan for Growing Sydney aims to identify and protect strategically important industrial zoned land. The subject site is the last remaining industrial zoned land in the Manly LGA, making it important for the provision of local urban services. It is also approximately 100 metres east of Condamine Street which is a main thoroughfare from North to South for the Northern Beaches.

However, the site's strategic importance within a subregional context is reduced due to its small size (5.835 hectares) and its distance from the major industrial precinct servicing the Northern Beaches, Brookvale industrial precinct. Further, the site is not considered to be a significant industry cluster with various existing uses, including commercial, large format retail and light industrial businesses.

A Plan for Growing Sydney (Action 1.9.2) states that new proposals to convert existing industrial zoned land should be assessed against the Industrial Lands Strategic Assessment Checklist. This is contained within the draft Metropolitan Strategy for Sydney to 2031. Council needs to assess the current planning proposal against each item of this checklist and include outcomes in the planning proposal. This assessment should address the Department's concern that traditional light industrial uses will be forced out of Manly Industrial Estate to less accessible locations as land values increase.

Local Strategies:

The planning proposal is considered to be consistent with Manly Council Community Strategic Plan - Beyond 2041 by:

- making Manly Industrial Estate into a new business hub and increasing employment opportunities;
- improving traffic safety by reducing heavy vehicle traffic on local roads; and
- improving amenity for surrounding residential accommodation and business uses.

However, the Manly Industrial Zone Master Plan (2010) identifies the appropriate land use zone for the subject site to be IN2 Light Industrial. The current proposal is therefore inconsistent with this recommendation. Council needs to respond to this recommendation in the employment and economic impact assessment being prepared to support this proposal.

Environmental social economic impacts :

Environmental:

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

Council has acknowledged the need for a land contamination study to assess whether Manly Industrial Estate is suitable in its current state or a future remediated state for the proposed land uses (SEPP 55 Remediation of Land).

Council has also acknowledged the need for a floodplain risk management plan to assess the suitability of Manly Industrial Estate for the proposed land uses given it currently contains flood affected lots (S.117 Direction 4.3 Flood Prone Land).

Social and economic impacts:

As noted previously under "Justification" section of the planning proposal, the proposal limits the future development of a range of industrial uses in Manly LGA that may have a detrimental impact on neighbouring residential amenity.

However, the proposal would also result in the introduction of permissible uses on the subject site such as amusement centres, hotel or motel accommodation, markets and business premises, that also have the potential to create land use conflicts and compete with existing local and neighbourhood centres in the surrounding area.

A Plan for Growing Sydney forecasts the need for 689,000 new jobs across Metropolitan Sydney by 2031. Manly LGA is reliant on its existing local and neighbourhood centres, enterprise corridor, and light industrial land to contribute toward strategic employment targets. Further assessment via a study such as an economic and employment impact assessment is required to determine whether the planning proposal will increase

Rezoning of Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor

employment opportunities within the Manly Industrial Estate without detracting from other centres in the LGA.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Transport for NSW - Roads and Maritime Services Adjoining LGAs**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Economic

Other - provide details below

If Other, provide reasons :

See discussion above under "Need for Planning Proposal" outlining further studies required.

Identify any internal consultations, if required :

Employment Lands (ELDP)

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
proposal cover letter.pdf	Proposal Covering Letter	Yes
Copy of Site survey.xlsx	Study	Yes
Land Zoning_Current_20150415.pdf	Map	Yes
Land Zoning_Proposed_20150415.pdf	Map	Yes
Copy of Comparative zone analysis .xlsx	Study	Yes
Council Report and Resolution 20th April 2015.pdf	Proposal	Yes
Aerial View 2013 - IN2 Light Industrial Land.pdf	Photograph	Yes
Manly Industrial Zone Master Plan 2011.pdf	Study	Yes
Department's Information Checklist -IN2 Zoned Land.docx	Proposal	Yes
Manly LEP 2013 Planning Proposal to rezone land from Zone IN2 to Zone B6.pdf	Proposal	Yes

Planning Team Recommendation

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

Rezoning of Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor

S.117 directions: **1.1 Business and Industrial Zones**
 4.3 Flood Prone Land
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **It is recommended that the planning proposal should proceed, subject to the following requirements:**

1. Given the need to clarify and justify certain elements of the proposal, prior to public exhibition, the planning proposal is to be updated to:
 a. justify inconsistency with s. 117 Direction 1.1 Business and Industrial Zones, via a study such as an employment and economic impact assessment to address the overall economic impact of the proposal on the locality, including its ability to support strategic employment targets for Metropolitan Sydney;
 b. justify inconsistency with s.117 Direction 4.3 Flood Prone Land, via a floodplain risk management plan consistent with the principles of the NSW Government's Floodplain Development Manual 2005; and
 c. include an assessment of the planning proposal against each item of the Industrial Lands Strategic Assessment Checklist, including consideration of where local urban services will be provided if forced out of the Manly Industrial Estate.

2. Given the need to consider further impacts of the proposal, prior to public exhibition, the planning proposal is to be updated to include:
 a. land contamination study to satisfy the objectives of State Environmental Planning Policy 55 - Remediation of Land; and
 b. traffic and active transport assessment to address localised and cumulative traffic impacts, access and movement around the subject site and sustainable travel options.

3. The planning proposal be considered routine and exhibited for a period of no less than 28 days.

4. Prior to exhibition, Council seek comment from Transport for NSW - Roads and Maritime Services and Warringah Council. Each authority is to be given at least 21 days to comment.

5. Council provides relevant LEP Zoning Map showing the existing and proposed zoning for Manly Industrial Estate.

6. A public hearing is not required.

7. The planning proposal is to be finalised within 9 months from the date of the gateway determination.

8. Manly Council be granted delegation to carry out the Minister's functions under section 59 of the EP&A Act to progress this planning proposal.

Supporting Reasons : **The Department supports the intent of the planning proposal given the subject site is not considered to be a significant industry cluster in it's subregional context. This means the proposal is not inconsistent with A Plan for Growing Sydney which aims to "identify and protect strategically important industrial - zoned land." The proposal will also expand Zone B6 to incorporate industrial land uses currently located in the Manly Industrial Estate but not currently permissible in Zone B6.**

The Department remains concerned that this is the last remaining industrial zoned land in the Manly LGA and that urban services will be forced out of Manly Industrial Estate to less accessible locations. As a result, the Department has conditioned additional work from Council to further justify the planning proposal.

Rezoning of Manly Industrial Estate from IN2 Light Industrial to B6 Enterprise Corridor

Signature:



Printed Name:

TIM ARCHER

Date:

11TH JUNE 2015