

**Attachment 1 – Planning proposal**

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**Warringah  
Council**

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**PLANNING PROPOSAL**

**RECLASSIFICATION OF LAND AT  
COLLARROY BEACH RESERVE (LOT 1 DP346265) FROM  
COMMUNITY TO OPERATIONAL LANDS**

**JULY 2012**

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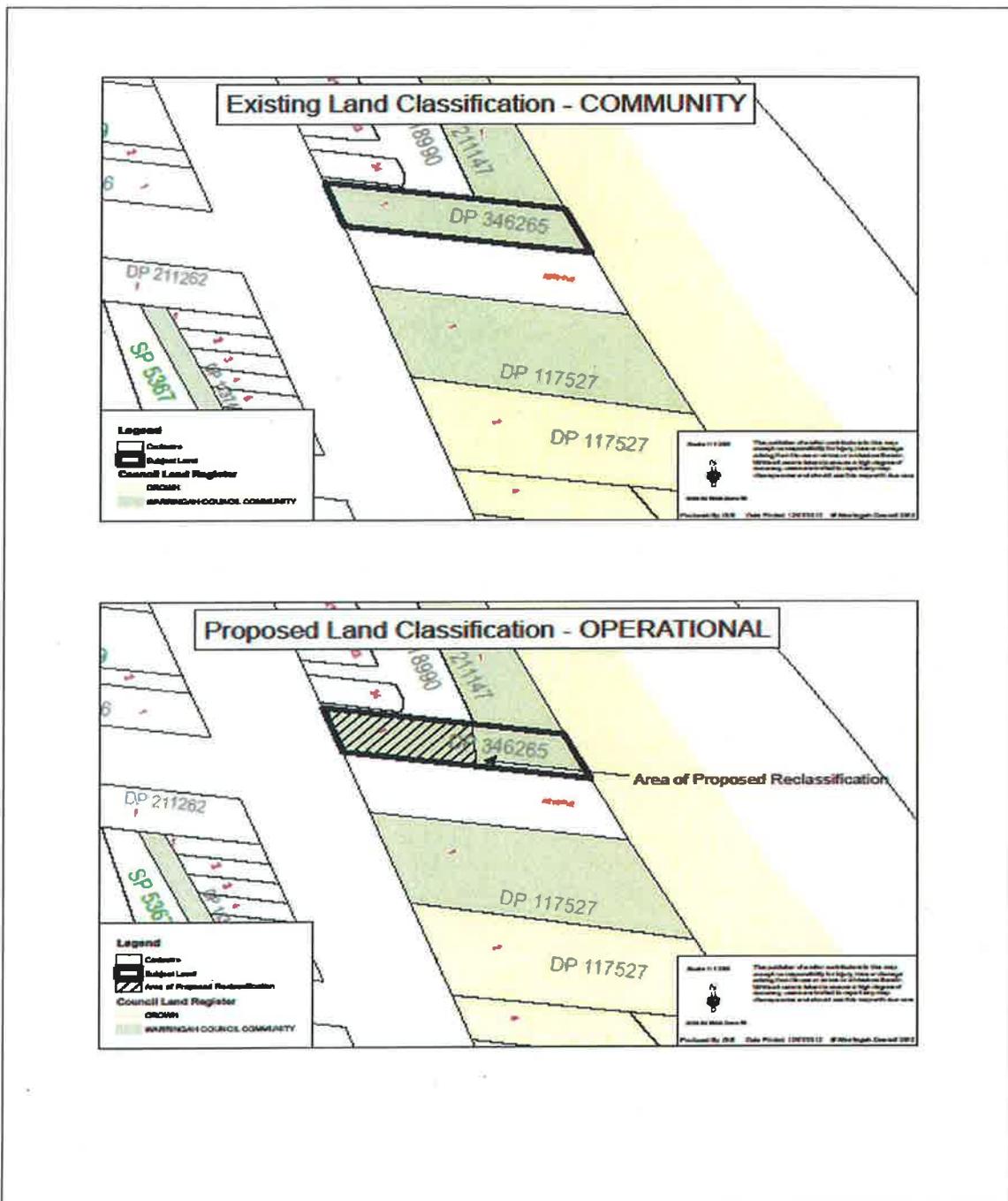
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# 1. Introduction

The planning proposal is for the reclassification of the western portion of the Collaroy Beach reserve carpark located at No.1054 Pittwater Road (Lot 1, DP346265). Currently the subject site is classified as "community" under Warringah Local Environmental Plan 2011 (WLEP 2011) and the planning proposal seeks to change this classification to "operational" (refer to Picture 1 below).

Picture 1. Existing and proposed land classifications of the subject site



Two (2) outcomes will result from the planning proposal:

- 1) the western portion of the carpark will be reclassified from "community" to "operational" land within the meaning of the Local Government Act 1993 (LG Act 1993)
- 2) Council will collaborate with the adjoining property owner, the Collaroy Beach Services Club (**the Club**) to formalise vehicular access for loading and unloading purposes within "operational" land with the intention of improving pedestrian safety within the carpark area.

## 2. Site Context and Location

Key features of the site's location and context include (refer to attachment 2 and 3).

- The western portion of the site forms part of the Collaroy Beach reserve carpark area (**the carpark**) which is approximately 1100sqm in area and comprises sixteen (16) marked car spaces in a circular arrangement.
- Vehicular access to the car park is provided from Pittwater Road. The car park adjoins the Club and the Collaroy Beach Hotel (**the Hotel**) to the north.
- No formalised vehicular access is provided to the Club and the car park is also used for vehicle loading and unloading by the Club.
- The eastern section of the site adjoins and comprises Collaroy beach. Collaroy Beach reserve and the southern portion of the car park adjoin the site to the south whilst Pittwater Road adjoins the site to the west.
- A pedestrian concrete pathway is located adjacent to the southern side of the Club and this pathway extends to and along the Collaroy Beach frontage.
- The Club and the Hotel are standalone buildings which are detached from the main portion of the Collaroy Retail Centre which is located on the western side of Pittwater Road.
- The surrounding form of development means that the car park serves both business and recreational users and is used for vehicle loading and unloading by the Club.
- The use of the car park for loading and unloading purposes to service the Club has not been formalised.

## 3. Background

The subject site was automatically classified as 'community' land after the Local Government Act 1993 (Schedule 7 Clause 6) came in to force on 1 July 1993.

A vehicle cross over is located within the north eastern corner of the carpark and has historically been used by service and delivery vehicles for loading and unloading purposes to service the Club. This access arrangement has not been formalised.

Council resolved at its meeting on 24 August 2010 to investigate ways to formalise a vehicle access arrangement between the Club and carpark.

WLEP 2011 came into force on 9 December 2010. The subject carpark is zoned RE1 Public Recreation (RE1) under WLEP 2011 and classified as 'community' land and located within a Coastal Zone. Carparks are permissible development with consent within the RE1 zone.

Council resolved at its meeting on 28 February 2012 for a planning report to be made to amend the WLEP 2011 to change the classification of part of Lot 1 DP 346265 (being the section between the lot's Pittwater Road frontage and the beach) from 'community' to 'operational' with the remainder of the carpark (two adjoining lots) to continue to be classified as community land (refer attachment 4).

The principal purpose of the reclassification amendment is to enable the formalisation of a vehicle access arrangement between the Council owned carpark and the Club. This action will also improve pedestrian safety where the pathway passes the Club and car park.

There is no intention to change the use of the carpark or develop the land for any other purpose and maintaining the land's RE1 Public Recreation zone will ensure this.

## **4. The Planning Proposal**

Section 55 (2) Environmental Assessment & Planning Act 1979 outlines what a planning proposal must include. To comply with these requirements, this planning proposal comprises four (4) main parts;

- Part 1 - Objectives or intended outcomes
- Part 2 - Explanation of provisions
- Part 3 - Justification
- Part 4 - Community consultation

## **5. Part 1 - Objectives or Intended Outcomes**

The carpark was automatically classified as "community" under Schedule 7, Clause 6 of the Local Government Act 1993 (LG Act 1993) and this classification was also transitioned to WLEP 2011.

The objective of the planning proposal is to amend the WLEP 2011 to reclassify the northern part of the Collaroy Beach reserve carpark located at No.1054 Pittwater Road (Lot 1, DP346265) from 'community' land to 'operational' land.

The reclassification of the land to "operational" will enable Council to support the existing and continued use of the Collaroy Business Centre as well as recreational uses associated with the adjoining beach and open space reserves.

## **6. Part 2 - Explanation of Provisions**

The planning proposal is an amendment to the WLEP 2011 to reclassify part of the carpark located at No.1054 Pittwater Road (Lot 1, DP346265) from 'community' land to 'operational' land. This land is identified with crosshatching on Picture 1 and the annotated plan in attachment 2 and 3.

The planning proposal will cause the subject land to be included within Schedule 4 - Classification and reclassification of public land Part 1 of WLEP 2011.

Zoning provisions of the subject property will remain unchanged. The planning proposal is consistent with all relevant section 117 Ministerial directions.

## **7. Part 3 – Justification**

### **A. Need for the planning proposal**

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

#### **Strategic Community Plan 2011**

The Strategic Community Plan 2011 outlines the ten (10) year strategic direction for Warringah Council including a twelve (12) month operational plan and annual budget costing until 2015.

A key initiative and operational action identified within the Strategic Community Plan 2011 (pg. 226) is the review of zoning and classifications of Council carparks.

Council has started a review of the zoning and classifications of all Council carparks and this is the first planning proposal prepared under the direction of the Strategic Community Plan 2011.

### **Planning Proposal**

Council's decision to prepare a planning proposal has been the result of the Strategic Community Plan 2011 and previous Council meetings (refer Attachment 4).

The proposal to reclassify part of the site from 'community' to 'operational' land will enable Council to maintain the public use of the carpark and formalise a vehicular access arrangement with the adjoining property, the Club (private land holding).

Section 46 of the Local Government Act 1993 effectively prohibits the sale or lease or use of 'community' land for 'private' use.

The reclassification of the land from 'community' to 'operational' will enable the continued use of the site as a carpark and provide for a formal vehicle access arrangement to be developed in collaboration with the Club.

The existing and continued use for the car park is consistent with the RE1 zoning of the site under WLEP 2011.

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

The planning proposal is the best means of achieving the objectives for the following reasons:

- a do nothing approach will maintain the existing vehicle access arrangement which has not been formalised
- a do nothing approach will not improve pedestrian safety where the pathway passes the Club and car park
- amending the relevant Plan of Management (Coastal Lands) will not alter the classification of the land which under the Local Government Act is restrictive in terms of formalising an vehicle access arrangement over public land to service private lands.

#### **Is there a community benefit?**

The planning proposal will result in the following net community benefits:

- provide for the normal operation of a public carpark for all users
- improve vehicular and pedestrian safety in the carpark
- protect the adjoining natural environments
- facilitate the orderly function of the carpark and its relationship with both the adjoining business and recreational zoned land.

### **B. Relationship to strategic planning framework**

#### **Is the planning proposal consistent with the objectives and actions contained within applicable Regional and sub-regional strategies?**

The planning proposal involves the reclassification of an existing carpark and will not alter the use of the land as a carpark. On this basis, the proposal will remain consistent with the objectives and actions of all relevant regional and sub-regional strategies including the Metropolitan Strategy 2036.

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

The relevant strategic plan to consider for this question is the Strategic Community Plan 2011 which provides the ten (10) year strategic direction for Warringah Council.

**Strategic Community Plan 2011**

As mentioned in the previous section of the report (section 7), the planning proposal is consistent with the Strategic Community Plan 2011.

**Is the planning proposal consistent with applicable state planning policies?**

State Environmental Planning Policy No.71 – Coastal Protection applies to the subject site. The planning proposal is consistent with the relevant matters of considerations contained within State Environmental Planning Policy No.71 – Coastal Protection. The planning proposal will have no impact on coastal processes, coastal hazards or will it alter the existing impacts of existing development on coastal processes and coastal hazards.

**Is the planning proposal consistent with Ministerial Directions?**

The planning proposal is consistent with all relevant Ministerial Directions, including:

- Ministerial Direction 2.1 Environmental Protection Zone - . the proposal will maintain the existing carpark area of the site and not impact on the ecological, scenic and leisure values of the Collaroy Beach and Reserve
- Ministerial Direction 2.2 Coastal Protection – the proposal will maintain the existing carpark area and not impact on the principles in the NSW Coastal Policy
- Ministerial Direction 6.2 Reserving Land for Public Purposes - the proposal will maintain the existing operation of the carpark area, enable Council to formalise a vehicle loading and unloading area within the carpark and remove the risk of pedestrian and vehicular conflict.

**C. Environmental, social and economic impact**

**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?**

The subject site does not contain any recorded threatened species populations or critical habitat and the planning proposal does not include any development works. Therefore, the proposal will not impact on any critical habitat or threatened species, populations or ecological communities, or their habitats

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

The planning proposal does not propose any new works or development or seek the change of use of the land as a carpark and therefore it will not cause any new environmental effects.

**How has the planning proposal adequately addressed any social and economic effects?**

The planning proposal will enable Council to create a formal vehicle access arrangement with the adjoining property owner (the Club) which will improve the operation of the car park and pedestrian access and safety within the car park area.

**D. State and Commonwealth interests**

**Is there adequate public infrastructure for the planning proposal?**

The planning proposal does not require any additional public infrastructure.

**What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?**

The planning proposal has not sought the views of State and Commonwealth Public Authorities as it involves the reclassification of an existing car park that will continue to be used as a carpark.

## **8. Part 4 – Community Consultation**

Council will exhibit the planning proposal in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act and section 29 of the Local Government Act 1993.

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

- advertise the planning proposal in a 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 news paper and on Council's website
- notifying the adjoining property owners of the exhibition of the planning proposal
- holding a public hearing to meet the requirements of 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, libraries and on Council's website at least 21 days before the public exhibition period.