

## Attachment 4 – Council report and minutes

10.9

### Council Car Park Adjacent to South of the Collaroy Beach Services Club

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#### EXECUTIVE SUMMARY

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##### Purpose

To report to Council findings from staff investigations into the zoning and classification of the car park adjacent to the southern side of the Collaroy Beach Services Club

##### Summary

- Council resolved at its meeting of 24 August 2010 Council to investigate legalising access to the privately owned club from the adjoining public car park.
- The matter has now been investigated and the results contained herein.
- It is recommended that Council resolve to prepare an amendment to the LEP to reclassify part of the land from community to operational.
- The principal purpose of the amendment is to formalise the access arrangements to the club from the public car park, and provide a safe pedestrian environment. There is no intention to change the use of the car park or develop the land for any other purpose and this intention is reflected by the fact that the site will remain zoned RE1 Public Recreation.

##### Financial Impact

The work will be undertaken by staff within existing budget allocation.

##### Policy Impact

Amendment to the Warringah LEP

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That Council prepare a Planning Proposal to amend the Warringah Local Environmental Plan 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 lot to continue to be classified as community land.
  - B. That once prepared, Council provide the Planning Proposal to the Department of Planning and Infrastructure.
  - C. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council, as required.
  - D. That upon receipt of the Department's Gateway Determination, and in accordance with any directions contained, Council authorises the public exhibition of the Planning Proposal.
  - E. That Council authorises the holding of a public hearing in accordance with Section 29 of the Local Government Act.
  - F. That Council advise the Collaroy Beach Services Club of its resolution.
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## REPORT

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### Background

- At its meeting of 24 August 2010 Council resolved to prepare a report on the Council car park adjacent to the Collaroy Services Beach Club following the making of the Warringah Local Environmental Plan
- The discussion of the item ('Item G') from this report (Mayoral Minute 15/2010) is relevant and provides context to the analysis.

#### *G. Carparks zoned RE1 Public Recreation and classified as community land*

##### *Matter discussed:*

*Part 3A.13 of Submissions Discussion booklet and the wider issue of appropriate zoning and classification of publicly owned land that is developed for public car parking purposes.*

##### *Summary of discussion:*

*In relation to the Collaroy Beach Services Club at Collaroy, to legalise access to the privately owned club land adjoining the public car park, the public land (zoned RE1 Public Recreation and used for access to un/loading facilities) needs to be reclassified (under the Local Government Act) to 'operational'. This matter also has relevance to the carparking land behind business premises fronting Pittwater Road between Winbourne Road and Chard Road at Brookvale and to the carparking land located to the rear of business premises in Freshwater Village (and various other public carparks in Warringah).*

*The Brookvale Employment Strategy may suggest options to resolving the issue with the Winbourne Road carparking land at Brookvale, however the other carparks remain outstanding as issues to be addressed.*

##### *Outcome of discussion:*

*Council staff are instructed to prepare planning proposals for 1056-1058 Pittwater Road Collaroy (Collaroy Beach Services Club) following the making of WLEP 2009.*

- Whilst the *Outcome of discussion* states that staff are to prepare a planning proposal (to amend the LEP) the adopted resolution of Council instructs staff to prepare a report on the matter following the making of the LEP 2011. As a result the matter has now been investigated and the results presented herein.
- It is recommended that Council resolve to prepare a planning proposal to effect an amendment to Warringah LEP 2011. The effect of this amendment to reclassify the northern part of the car park (part of Lot 1 DP 346265) that from community land to operational land.
- The principal purpose of the amendment is to formalise the access arrangements to the club from the public car park, and provide safe pedestrian environment. There is no intention to change the use of the car park or develop the land for any other purpose and maintaining the land's RE1 Public Recreation ensures this.

### Characteristics of the issue

The Collaroy Beach Services Club (the Club) is a long established business fronting the Collaroy beachfront. Like many Returned Serviceman's Clubs, the Club has a community base and provides its members with the opportunity to enjoy the amenity of Collaroy Beach in a social setting.

The car park adjacent to the southern side of the club is the subject of this report. The car park comprises 16 marked car spaces in a circular arrangement shown on Maps 1 and 2. The car park has an area of approximately 1,100sqm.

The Club has frontage to Pittwater Road to the west, the subject car park to the south and Collaroy Beach to the east.

Vehicular access to the Club is limited. There is no vehicular access from Pittwater Road or the site's beach frontage. The only available physical access point is from the public car park to the south.

As a result of these access limitations, several times each week, trucks and other service vehicles use part of the adjoining public car park to service the site (deliver and collect goods and waste from the Club). Use of the car park to gain access to the Club is understood to have existed for a considerable time but without being formalised.

The present arrangement has the potential to conflict with the ordinary operation of the car park, notably:

- The potential for pedestrian conflict arises due to the fact that service vehicles reverse across part of a public pathway that connects Pittwater Road to the beachfront.
- The car park has been designed / configured for standard sized vehicles. Service vehicles / trucks (for example, providing keg deliveries and garbage collection) are larger than standard vehicles and therefore have the potential to impact on access and manoeuvring of other car park patrons.

The current delivery area is located near the south east corner of the club building and shown on Map 1.

The current land classification of the car park limits Council's ability to facilitate the club formalising the access arrangements, and in turn, Council working to configure the pedestrian access and car park to minimise any potential safety risks. It is for these reasons that a change on the site's land classification is recommended.

This issue is not exclusive to the subject site. As touched-on previously in this report a number of other car parks within Warringah have conflicts between their use / land classification and adjoining land businesses / uses. Investigations indicate that this has arisen from the following:

- The *Local Government Act 1993*, provided that certain lands vested in council were to be taken to have been classified as community (under Schedule 7 of the Act). As a consequence, a number of parcels of land, some of which involved car parks, were classified as community.
- When Council made LEP 2000, being a locality based planning scheme there were no zones, and it was decided to mark all council owned land on the maps as 'green' being identified a Public Open Space, including public car parks.
- A principle adopted in preparing LEP 2011 was to translate (as best as possible) like for like planning provisions. This has resulted in the green areas being translated to RE1 Public Recreation.

It is also noted that Section 46 of the *Local Government Act 1993*, prohibits the sale or lease or use of community land for "private" use. This provision affects uses of publicly owned car parks for private and delivery vehicle movements. On this basis the classification of the land as community land limits the ability to regularise access to adjoining private land holdings, which in this case relates to the ability of the Collaroy Beach Club to receive deliveries of goods to its premises.

### **Means of addressing the issue**

It is sought to establish the appropriate classification that will enable Council to formalise the Club's present access arrangements. This will enable Council to:

- negotiate a lease with the club for use of the appropriate amount of space for access and servicing purposes. Design details will be determined following further discussions between Council staff and the club; and
- facilitate improved configuration of the car park at its interface with the club to minimise (or avoid) conflicts between the public and private uses (car parking and pedestrian thoroughfare).

The proposed change to the LEP controls will involve the reclassification of the northern section of the car park from community land to operational land.

The proposed amendment is part of the wider review of the zoning and classification of Council car parks. This work has been identified as a key initiative for Council in the Warringah Strategic Community Plan during the fiscal years of 2011-2012 and 2012-2013.

### **Justification for the amendment**

The amendment is justified on a number of grounds which are outlined as follows.

- The present Community Land classification is restrictive in terms of formalising an appropriate outcome matching the function of the centre which, to a significant degree, relates to the efficient use of land to support the business function of the Collaroy centre as well as the recreation uses of the beach.
- The Local Government Act places a number of restrictions on gaining access to private property across public land and entering into leasing arrangements with private land holders. For example, it is foreshadowed that there may be a need to formalise the club's access arrangements via a lease for the use of the area needed by the club to stand its service and delivery vehicles whilst they deliver/collect materials from/to the premises.
- The car park is both adjacent to the Collaroy business centre and the beach reserve. It no doubt serves (to varying degrees) both beach patrons and business centre patrons. However given these dual functions (business centre and recreation uses) it is considered appropriate for the zone to remain RE1 Public Recreation.
- There is no intention to in anyway develop or change the principal function of the reclassified portion of land which is to provide public car parking. This point is supported by the fact(s) that:
  - The zoning of the land will remain RE1 Public Recreation.
  - The land has minimal development capability given its exposure to coastal erosion and wave impact. All but a narrow sliver of the western part of the site is either within the 'Area of Reduced Foundation Capacity' or 'Area of Wave Impact and Slope Adjustment' meaning that there are significant limitations on placing new development within this area.

### **Conclusion**

It is recommended that Council resolve to prepare a Planning Proposal to progress reclassification of the Council car park adjacent the south of the Collaroy Services Beach Club.

### **Consultation**

Community Consultation, including a public hearing will be undertaken as part of the statutory LEP amendment and land reclassification process. This will occur following the Gateway Determination by the Department of Planning and Infrastructure.

**Timing**

The timing of the project and future community consultation is presently unable to be foreshadowed. It will be subject to the Department of Planning and Infrastructure's assessment of the proposal and their 'Gateway determination'.

**Policy Impact**

Amendment to the Warringah LEP

**Financial Impact**

The work will be undertaken by staff within existing budget allocation.

**Group Manager Strategic Planning****Attachment Booklet**

Map 1 Aerial Photo showing truck servicing Club and part of Lot 1 DP 346265 to be reclassified from community land to operational land

Map 2 Club Owned Land, Site Context and Subject Site

Map 1. Aerial Photo showing truck servicing Club and part of Lot 1 DP 346265 to be reclassified from community land to operational land



Map 2. Club Owned Land, Site Context and Subject Site



**Legend**

|  |              |                   |
|--|--------------|-------------------|
|  | Customers    | <b>Land Owner</b> |
|  | Subject Site |                   |
|  |              |                   |

Warrigal Council  
Colony/Gardens Beach Club Ltd

Scale 1:700 (A4)  
2020 to 2024 Scale 1:1



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## **10.9 Council Car Park Adjacent to South of the Collaroy Beach Services Club**

(BP REF 71)

### **RESOLVED**

- A. That Council prepare a Planning Proposal to amend the Warringah Local Environmental Plan 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 lot to continue to be classified as community land.
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- D. That upon receipt of the Department's Gateway Determination, and in accordance with any directions contained, Council authorises the public exhibition of the Planning Proposal.
- E. That Council authorises the holding of a public hearing in accordance with Section 29 of the Local Government Act.
- F. That Council advise the Collaroy Beach Services Club of its resolution.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)