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Planning Proposal



Lot 1 DP 879900
20 Tralee Avenue, Killarney Heights
Rezoning from RE2 Private Recreation to
R2 Low Density Residential

Prepared for: Mark Lawrence
Project No: 8042A
Date: November 2012



Planning Proposal

20-24 Tralee Ave, Killarney Heights

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Table of Contents

1	Introduction	1
2	Background	1
3	The Subject Site and Surrounds	3
3.1	The Subject Site	3
3.2	The Surrounds	6
3.3	Site Analysis	10
4	Existing Zoning	12
4.1	Warringah Local Environmental Plan 2011	12
5	Proposed Zoning	12
6	A Guide to Preparing Planning Proposals	13
6.1	Part 1 – Objectives or Intended Outcomes	13
6.2	Part 2 – Explanation of Provisions	13
6.3	Part 3 - Justification	13
7	Conclusion	21

Graphs

1. Average Weekly Coaching and Court Hire Hours During School Terms
2. Average Weekly Coaching and Court Hire Hours During School Holidays

Figures

1. The Subject Site
2. Aerial Photograph
3. View of eastern edge of tennis courts adjoining the public footpath
4. View of seating area immediately south of the tennis courts
5. View south from within car park looking towards tennis courts
6. View of primary retail/commercial Village Centre
7. View of two storey commercial building to the east of the Village Centre
8. View east of townhouse complex
9. View of two storey duplex to west of subject site
10. View of parking spaces along Tralee Avenue
11. Aerial photograph of surrounding development
12. Site Analysis
13. WLEP 2011 Zoning map extract

Appendices

- A. Pre-Lodgement Meeting Minutes from Meeting on 8 December 2008
- B. Summary of Usage Statistics
- C. Survey Plan
- D. Plan of Proposed Subdivision
- E. Statement of Heritage Impact

1 Introduction

Don Fox Planning Pty Ltd (DFP) has been commissioned by Mark Lawrence, the owner of 20-24 Tralee Avenue, Killarney Heights, the subject site, to prepare a submission to Warringah Council which justifies the rezoning of the land at 20-24 Tralee Ave, Killarney Heights. It is requested that Council rezone the subject site from RE2 Private Recreation to R2 Low Density Residential under the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011).

The purpose of the rezoning is to allow, with development consent, the subdivision of the subject site that will facilitate a subdivision into four (4) allotments and accommodate the construction of three new residential dwellings. The proposed RE2 Private Recreation zone pursuant to WLEP 2011 does not allow residential development. This submission will demonstrate why it is appropriate to rezone the site R2 Low Density in order to facilitate the subdivision of the site for residential purposes.

2 Background

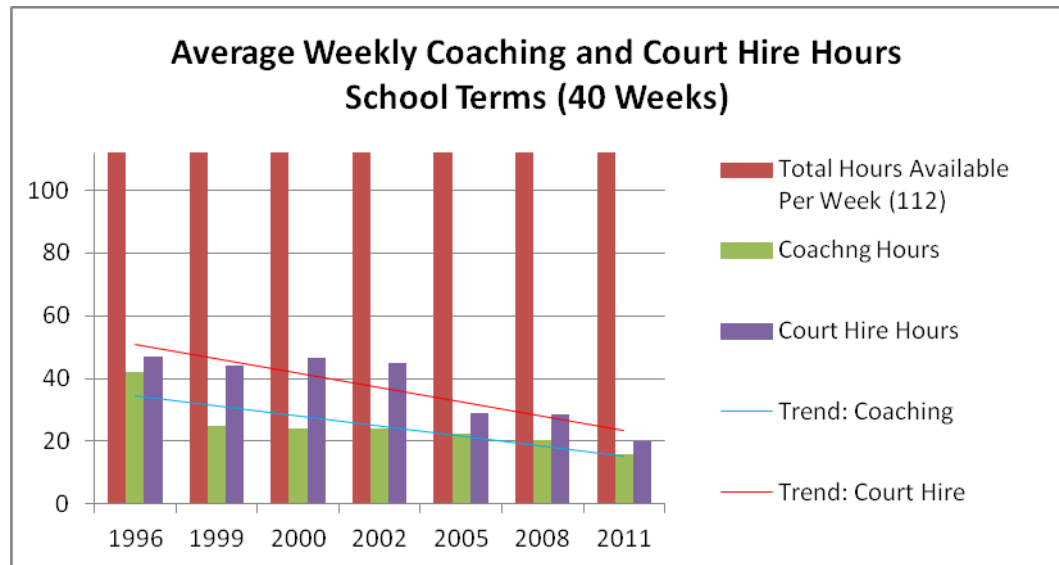
The subject site contains a dwelling house, 2 tennis courts and a booking office which also sells products ancillary to the tennis courts.

The applicant held a pre-lodgement meeting with Warringah Council (Council) on 8 December 2008, relating to the Torrens title subdivision of one lot into four, retention of the existing dwelling, and construction of three (3) new dwellings on proposed Lots 2-4, pursuant to the provisions of WLEP 2000.

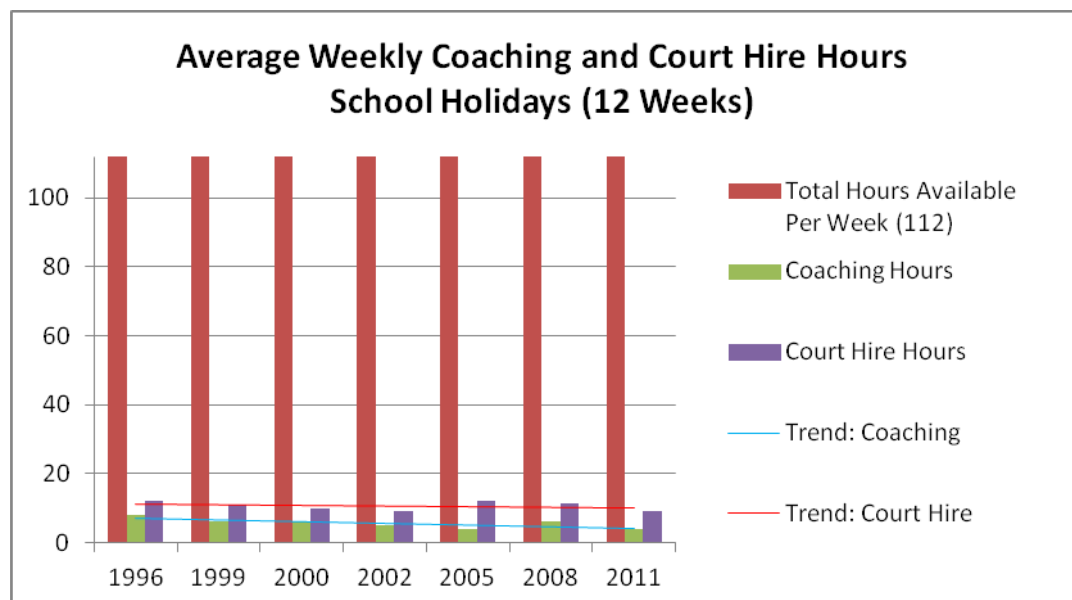
Council were of the opinion that the subdivision of the site would not be supported as any development that did not incorporate the recreational use would be inconsistent with the desired future character statement for the site pursuant to the WLEP 2000. Council advised to lodge a planning proposal to rezone the land to R2 Low Density Residential if a subdivision of the land was to be pursued.

A copy of the minutes from the pre-lodgement meeting is attached at **Appendix A** of this Planning Proposal.

A documented decline in demand for the tennis courts on the site has rendered the continued operation of the tennis courts financially unviable. It is considered that the best use of the site given the low density residential uses that exist in the street, is low density residential. Accordingly, this Planning Proposal is necessary to facilitate a future low density residential development on the site. Our client has provided a summary of court hire information that indicates a steady decline in demand for the courts at **Appendix B**. The court hire summary includes court hire statistics from 1996 to present and resident usage statistics in 2011. The subject tennis facility is open seven (7) days a week between the hours of 7am and 11pm. **Graph 1** and **2** below summarise the decline in demand (in hire hours) since 1996 by comparing average weekly coaching and court hire hours against the total hours of operation each week (i.e. 112 hours a week):



Graph 1: Average Weekly Coaching and Court Hire Hours During School Terms.



Graph 2: Average Weekly Coaching and Court Hire Hours During School Holidays.

The following events provide an indication of the decrease in demand within the Killarney Heights and surrounding communities:

- Forestville Park Tennis Club stopped hiring the subject courts for the Wednesday night competition in 1996 as their numbers had also declined;
- Killarney Heights Primary School stopped hiring the subject courts in 1999;
- Killarney Heights High School stopped hiring the subject courts in 2003; and
- Australian Tennis Academy at Oxford Falls stopped hiring the courts in 2004 for both Monday night and Friday morning competitions as their numbers had also declined and continue to do so.

It is clear that the demand for tennis facilities within the Killarney Heights locality has steadily declined over the last 16 years and is not likely to improve due to the cessation of court hire by local community and school organisations. It is considered that the decrease in demand for tennis courts is not limited to just the subject tennis facility at Killarney

Heights, rather it is resultant from a decline in the popularity of tennis as a sport and demand for tennis court facilities throughout the state and beyond.

3 The Subject Site and Surrounds

3.1 The Subject Site

The subject site is located on the northern side of Tralee Avenue, Killarney Heights and is directly south of the Killarney Heights Village Centre, across Tramore Place. The site adjoins residential dwellings and the Carile Swimming Centre to the west, and a public access reserve and dwelling houses to the east.

The site is approximately 2km south of Warringah Road, which is accessed via Melwood Avenue or Starkey Street to the north of the Village Centre. The location of the site is provided in **Figure 1**.

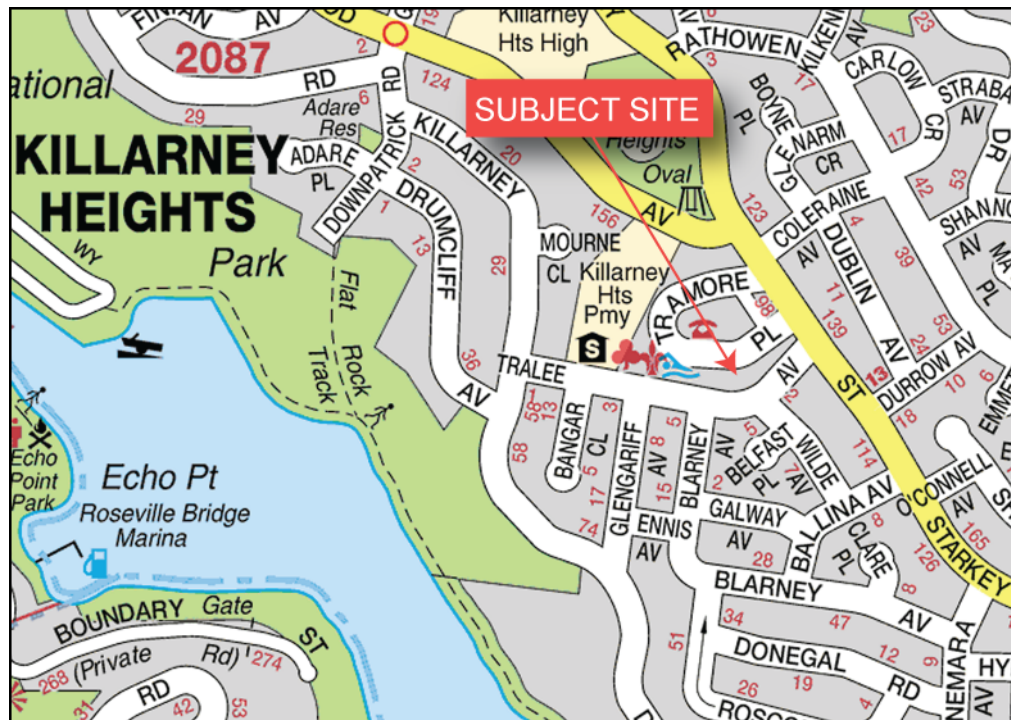


Figure 1: The subject site.

The legal description of the site is Lot 1 DP 879900. As shown in the aerial photograph at **Figure 2**, the subject site is irregular in shape.



Figure 2: Aerial Photograph.

The site has the following dimensions:

- Southern frontage to Tralee Avenue 49.28m
- Eastern frontage to public reserve/pedestrian walkway 56.20m
- Northern frontage to Tramore Place 40.09m
- Western frontage to residential dwellings 46.53m

The site area is 2,617.85m². A copy of the survey prepared by Bee & Lethbridge Pty Ltd is attached at **Appendix C**.

Site Topography

The site is generally flat, dropping 1.08m from RL107.58 in the south to RL106.50 in the north across 51m, representing a gradient of 2.1%. The primary change in ground level occurs at the southern end of the site where the ground level of Tralee Avenue (RL107.58) changes to that of the tennis court (RL106.54) (see **Figures 3 and 4**).



Figure 3: View of eastern edge of tennis courts adjoining the public footpath.



Figure 4: View of seating area immediately south of the tennis courts.

Vegetation

The site contains a small mix of vegetation on the northern, western and southern edges of the site including a variety of palms and eucalypts located both on the site and immediately adjacent to the site. The likely footprints of residential dwellings on the site are located in the vicinity of the existing tennis courts, and are therefore unlikely to necessitate removal

of the vegetation on the site. The exact location of all trees on and immediately adjoining the site is detailed in the survey plan at **Appendix C**.

Site Improvements

The site currently contains:

- Two astro-turf tennis courts that are floodlit and surrounded by a high chain-link fence, with an associated hard-stand seating area including covered rotundas with tables and chairs;
- A part one, part two storey dwelling with double garage and integrated shop area currently containing a booking office and pro-shop for the tennis courts, with associated landscaping and in-ground pool at the rear.

3.2 The Surrounds

Directly north of the subject site is the Killarney Heights Village Centre commercial area which is defined and bound by Tramore Place. The Village Centre comprises a retail/commercial group of buildings to the west (including a café, dance studio, grocery shop, patisserie, bottle shop, hair studio and shoe shop), a large open car parking area in the centre of the Village Centre, and a two storey commercial building to the east including an aquarium and offices at ground level and residential units above (see **Figure 5, 6 and 7**).



Figure 5: View south from within car park looking towards tennis courts.



Figure 6: View of primary retail/commercial Village Centre.



Figure 7: View of two storey commercial building to the east of the Village Centre.

A townhouse complex is located at the eastern end of Tralee Avenue at 100 Starkey Street, east of the subject site (**Figure 8**). This site was originally a squash court development located within the Killarney Heights Village Centre; however the site was rezoned and redeveloped for residential purposes in the late 1990's due to changes in demand and use of the facilities. The townhouse complex adjoins a two storey duplex dwelling at 26A and 26B, Tralee Avenue (**Figure 9**).



Figure 8: View east of townhouse complex.



Figure 9: View of two storey duplex to west of subject site.

Residential development is located to the south of the subject site across Tralee Avenue. A single dwelling is located immediately west of the subject site, while a private indoor swimming school is located further to the west. Tralee Avenue provides approximately 54 car parking spaces generally at 90° to the kerb, on the northern side of the road which provide parking for the swimming school, tennis pro shop and tennis courts (**Figure 10**). There are no parking spaces associated with the tennis courts on the site.



Figure 10: View of parking spaces along Tralee Avenue.

The Forestville Park Tennis Club complex is located less than 1.5km north of the subject site (**Figure 11**) and is centrally located between Forestville and Killarney Heights. The Forestville Park Tennis Club comprises six (6) floodlit artificial grass surface tennis courts with club house/facilities, gazebo and open car parking for approximately 23 car parking spaces.



Figure 11: Aerial Photograph of Surrounding Development

3.3 Site Analysis

A site analysis has been prepared by DFP and is depicted at **Figure 12** below.

The site analysis shows the following:

- Adjoining and surrounding residential development;
- Areas of open space;
- Solar access path;
- Directions of prevailing winds;
- Location of nearby educational facilities; and
- Surrounding national park.

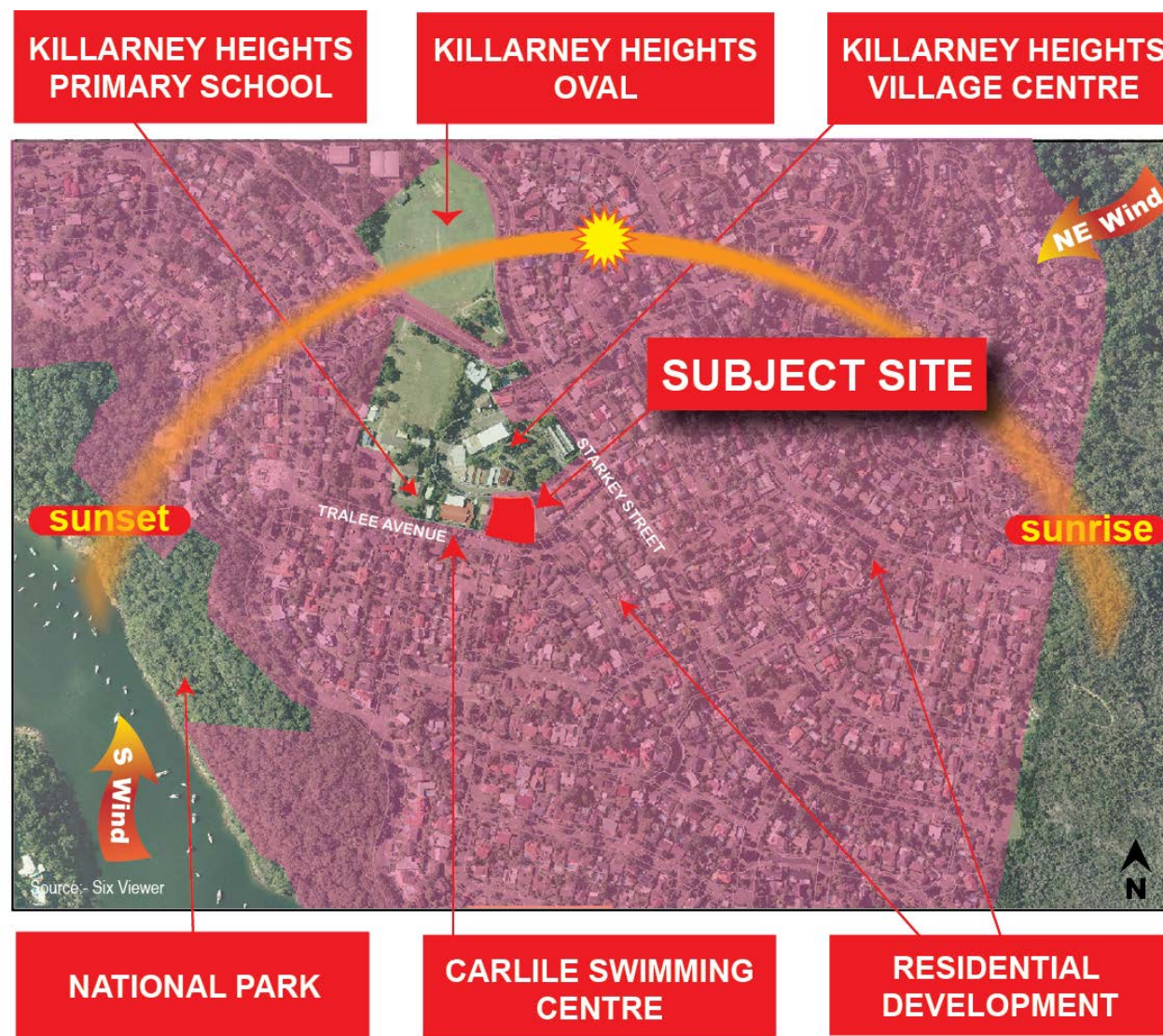
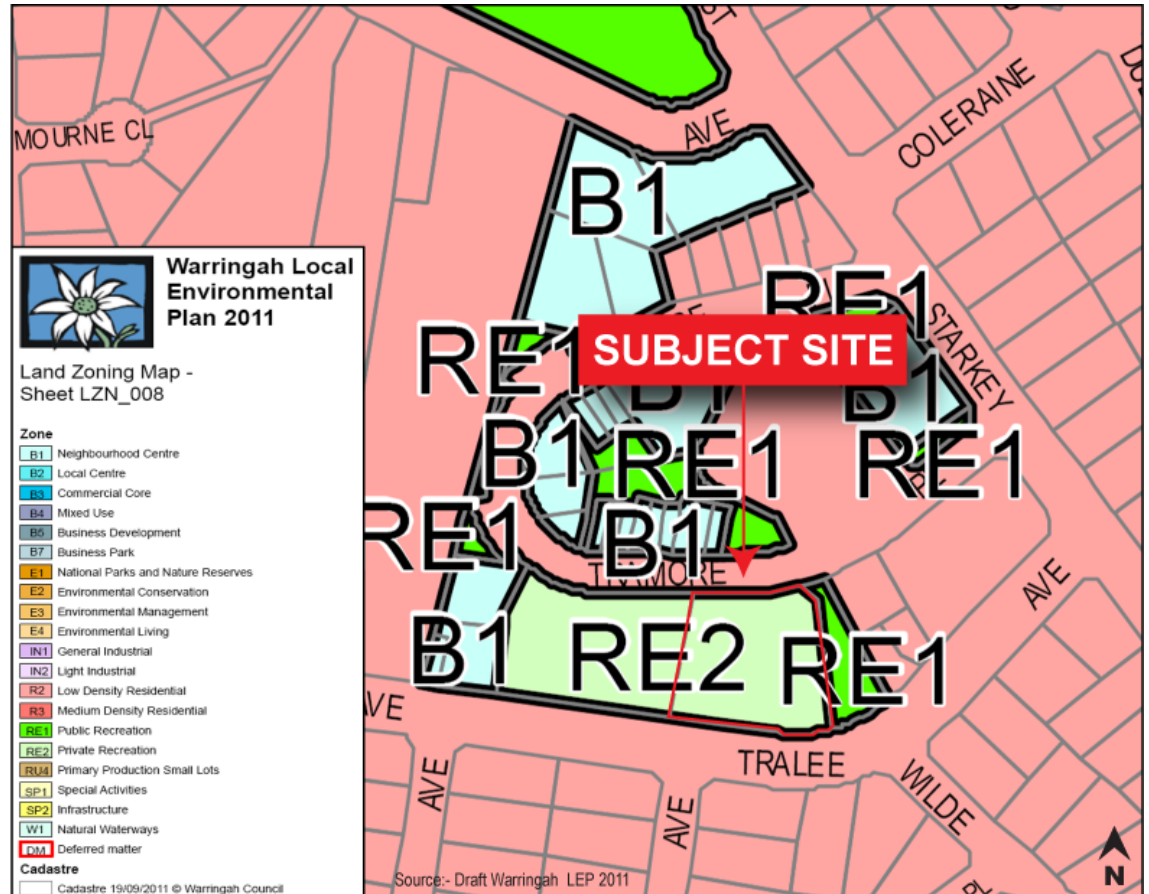


Figure 12: Site analysis.

4 Existing Zoning

4.1 Warringah Local Environmental Plan 2011

WLEP 2011 was adopted by Warringah Council on 9 December 2011. WLEP 2011 identifies the subject site within the RE2 Private Recreation Zone (**Figure 13**).



The indicative lot sizes are as follows:

- Lot 1 (existing dwelling) 805.9m²
- Lot 2 670.5m²
- Lot 3 571.2m²
- Lot 4 571.2m²

6 A Guide to Preparing Planning Proposals

This section of the report addresses the criteria to be considered in the NSW Department of Planning and Infrastructure's "A Guide to Preparing Planning Proposals" publication.

6.1 Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to rezone the subject site from RE2 Private Recreation to R2 Low Density Residential pursuant to WLEP 2011. The proposed rezoning is necessitated due to the decline in demand for use of the tennis court recreation facility currently located on the site. The use of the site for recreational purposes is no longer economically viable due to the decrease of demand for tennis facilities for the reasons discussed in Section 2.

The intended outcome would be to enable a development application to be lodged for the subdivision of the subject site to create a total of four (4) residential lots. The proposed subdivision would allow for the retention of the existing dwelling with associated swimming pool, and construction of three (3) new residential dwellings on the site.

The proposed R2 Low Density Zone is consistent with the adjoining residential development to the east and south. Therefore a future residential development on the site under an R2 Zone would ensure the development would provide a build outcome that was consistent with the detached housing which is the prevailing housing form in the locality.

The Plan of Proposed Subdivision over Lot 1 DP 879900 prepared by Bee & Lethbridge Pty Ltd attached at **Appendix D** of this proposal outlines the indicative layout and lot size of the four (4) allotments.

6.2 Part 2 – Explanation of Provisions

To facilitate the proposed amendment to WLEP 2011, it will be necessary to amend the zoning map by colouring the subject site pink and labelling it R2 Low Density Residential to match the zoning of surrounding residential development.

As discussed above, rezoning of the subject site to R2 Low Density Residential will facilitate the subdivision of the site for the purpose of creating four (4) residential lots. A copy of the indicative Plan of Proposed Subdivision is provided at **Appendix D**.

6.3 Part 3 - Justification

Part 3 - Justification addresses the questions that the Department of Planning applies to Gateway Determinations for the rezoning of land. Each of these questions is addressed individually below.

1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal is not the subject of any State Government or Council endorsed strategic study or report. However the proposed rezoning of the land is proposed as the two existing tennis courts on the site are not economically viable.

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

Rezoning of the subject site from RE2 Private Recreation to R2 Low Density Residential is considered to be the best option available to facilitate new the orderly development of the

site as the R2 Zone will enable future development on the site that is consistent with the prevailing residential development in the locality.

As discussed above, the subject site currently contains two floodlit tennis courts which have operated on the site for over three decades. Demand for the tennis courts has fallen considerably due to a variety of factors as outlined in Section 2 of this report. In order to undertake development for a non-recreational purpose on the site, the land is required to be rezoned under the proposed provisions of WLEP 2011.

The site is identified as being within the Killarney Heights Village Centre heritage item, which is described in the NSW State Heritage Register (SHR) heritage inventory sheet as an item:

"...of historical significance at a local level as a mostly intact, representative example of a planned commercial and community precinct servicing the 1960's 'garden suburb' of Killarney Heights."

Archnex Designs has prepared a Statement of Heritage Impact (**Appendix E**) that outlines that the significance of the Killarney Heights Village Centre is stated as a matter of history relating to the planning significance of the place. The Statement concludes that the proposal is supportable in both heritage and conservation terms, as:

"It would appear to follow that if the tennis courts are of such significance in the context of the Centre, they would be viable and there would be no desire to subdivide and redevelop the land."

It is therefore reasonable to consider that the role of the tennis courts as a recreational facility within the Killarney Heights Village Centre has become redundant from the primary land-use functions of the Centre as intended in the 1960's. The use of the land for residential purpose is recognised as the most suitable and compatible use of the land. Rezoning the subject site for residential purposes is considered to be the most suitable means of achieving this outcome.

The proposed R2 zoning of the site would be in keeping with the zoning and development controls applicable to the surrounding residential development within the Killarney Heights locality. Further, the proposed zoning will not detract from the recreational qualities of the area as popular and developed public tennis facilities are located approximately 1.5 kilometres to the north.

A public reserve and walkway adjoins the subject site so there will still be a physical and visual connection from Tralee Avenue to the Village Centre.

3. Is there a net community benefit?

It is considered that there will be a number of benefits to the Killarney Heights and Forestville communities and to the Warringah LGA. The net community benefits are discussed below:

- **Increased housing supply**

Should the subject site be rezoned R2 Low Density Residential it would be capable of supporting residential subdivision and the subsequent construction of three (3) new detached dwellings. The site is serviced with all necessary public utility services including electricity, water and sewer and accordingly there are no impediments to future residential development on the site.

The site is not affected by flooding, bush fire, mine subsidence, acid sulfate soils, coastline hazards or significant land slip (identified with slope less than 5 degrees), and is thus suitable for and capable of supporting residential development.

The locality is serviced by the Forest Coach Lines bus company (Service 278) which stops at the northern intersection of Starkey Street and Tramore Place. The bus stop is located 120 metres north of the subject site, and level access to the bus stop is achieved via Tramore Place.

The Plan of Proposed Subdivision prepared by Bee & Lethbridge Pty Ltd (**Appendix D**) outlines that the subject site is capable of supporting residential subdivision into four (4) allotments.

- **Minimal economic loss to Killarney Heights Village Centre**

As discussed above, the demand for tennis court facilities on the subject site is declining, with the demand for tennis facilities within the locality fully capable of being met by the Forestville Park Tennis Club.

The operation of the subject tennis facilities is not considered to provide a direct or significant positive economic impact upon the Killarney Heights Village Centre or neighbouring Killarney Heights Swim Centre as a result of the generation of economic activity. Further, the costs associated with the upkeep and maintenance of the tennis court facilities restricts improvement of the site or site facilities in order to attract new business.

Notwithstanding the loss of the tennis courts, the construction of three (3) new residential dwellings on the subject site would generate additional economic activity within the Killarney Heights locality, specifically in relation to the demand to goods, services and facilities from the adjoining Killarney Heights Village Centre.

The proposed rezoning of the site would not therefore result in an economic loss to the Killarney Heights locality, or Killarney Heights Village Centre.

- **Improvement to landscaped character**

Rezoning of the subject site to R2 Low Density Residential would enable development for the purpose of residential dwellings to be accommodated on the site in accordance with the provisions of Council's Development Control Plan. As such, additional landscaping treatment would be required to the site in order to satisfy Council's landscaping design controls.

It is considered that the proposed rezoning and subsequent residential subdivision of the site would result in a development that was consistent with the residential streetscape character of Killarney Heights and Tralee Avenue respectively.

In order to provide a balanced assessment of the net community benefit of the proposed rezoning and subsequent residential subdivision of the site, potential detrimental impacts of the proposal are discussed below:

- **Loss of recreational facilities**

The Planning Proposal would result in the removal of the existing tennis courts, which have operated from the site for three decades. The two tennis courts are privately owned and operated and charge a hire fee and accordingly must not be run at a loss to ensure its continued operation. As discussed in Section 2 above, the demand for the court facilities has steadily declined since 1996 (when records were available) as has demand from local residents (**Appendix B**) to a point where the tennis courts are not economically viable to operate.

The tennis courts have ceased being hired from a variety of local organisations including Killarney Heights Primary School and High School, the Australian Tennis Academy and Forestville Park Tennis Club and demand for the use of the courts by the general public is in decline.

It is considered that the removal of the tennis courts from within the Killarney Heights would not result in a significant loss of recreational (tennis) facilities within the locality due to the location and facilities at the Forestville Park Tennis Club approximately 1.5 kilometres to the north.

The significance of the tennis courts within the Killarney Heights Village Centre is derived from its role within the centre. This role as a recreational facility within the Centre has steadily declined for the past 15 years. It is therefore considered that the loss of the

recreational facilities will not result in a significant negative impact upon the social fabric of the Killarney Heights locality.

- **Impact upon Killarney Heights Village Centre Heritage Item**

The Statement of Heritage Impact provided at **Appendix E** has identified the heritage listing of the Killarney Heights Village Centre is *“by virtue of its significance in terms of town planning practices during the mid-20th century and its role in the identity of the Killarney Heights community”*.

The planned village centre incorporated a range of commercial, residential and recreational uses featuring as an early ‘garden suburb’. It is noted that *“while the general layout appears to have been maintained as designed, it is apparent that there has been significant change within the originally planned allotments”*. Changes include modifications to, or new commercial and residential development, and redevelopment of recreational facilities for residential purposes.

The Statement outlines that while the proposed subdivision will have no physical impact on the item, the views and internal ‘setting’ of the heritage item will change due to the implied redevelopment of the subject site. This is not considered to result in a negative impact upon the heritage significance of the Killarney Heights Village Centre, *“which is in essence an historical fact”*.

The Statement goes on to outline that the physical manifestation of the heritage significance of the Village Centre *“appears to have changed over time in terms of the specific uses of the various allotments”*. It is therefore considered that modifications and additions to the nature and characteristics of a planned village such as Killarney Heights are expected to change over time to reflect current demands and trends.

The Statement concludes:

“It would appear to follow that if the tennis courts are of such significance in the context of the Centre, they would be viable and there would be no desire to subdivide and redevelop the land.”

As discussed above, the role of the tennis courts as a recreational facility within the Killarney Heights Village Centre has become redundant from the primary land-use functions of the Centre as intended in the 1960’s. The Statement concludes that the proposal *“will have no impact on the heritage significance of the item”* and *“is supportable in both heritage and conservation terms”*.

4. Is the Planning Proposal consistent with the objectives and actions contained with the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited Draft Strategy)?

Yes the proposal is consistent with the aims of the Sydney Metropolitan Strategy as discussed below.

The Sydney Metropolitan Strategy has identified that the population of Sydney will grow by 1.1 million people by the year 2031. This has been revised in the Sydney Towards 2036 publication which indicates that the population is forecast to reach 6 million people by 2036, an increase of 1.7 million people since 2006. To accommodate the additional population, it will be necessary to construct approximately 770,000 new homes by 2036. The Sydney Metropolitan Strategy aims to provide 70% of new housing in existing urban areas. It is considered that the rezoning of the subject site from RE2 Private Recreation to R2 Low Density Residential is consistent with the aims of the Sydney Metropolitan Strategy.

- **North East Sub-Regional Strategy**

The North East Subregional Strategy sets out the aims and objectives for the North East subregion, including a housing density of 9-12 dwellings per hectare in the Killarney Heights locality and an additional 17,300 extra dwellings by 2031 within the subregion.

10,300 of those extra dwellings are to be located within the Warringah LGA. It is considered that the rezoning of the subject site from RE2 Private Recreation to R2 Low Density Residential is consistent with the aims of the North West Subregional Strategy.

5. Is the Planning Proposal consistent with the local community strategic plan or other local strategic plan?

Warringah Council has made available for public reference the Draft Housing Strategy, which was developed with extensive community consultation, including focus groups, stakeholder meetings, online forums and the Talk of the Town Community Summit.

At the Council Meeting on 28 June 2011, Council passed a motion to stop all work on the Draft Housing Strategy, stating:

"Warringah Council immediately cease any exhibition or further work on its Housing Strategy until the NSW Government confirms Council's dwelling target of 10,300 new dwellings and provides its commitment to funding additional infrastructure requirements to support the new development."

Although the Draft Housing Strategy is no longer in active preparation, it is relevant to identify that the Strategy sets a target of 10,300 additional dwellings within the Warringah LGA, in line with the provisions of the North East Subregional Strategy.

The Planning Proposal is considered to be consistent with the preliminary findings of the Draft Housing Strategy as the rezoning and subsequent subdivision would allow for the conversion of underutilised recreational facilities into four (4) low density residential allotments (3 new dwellings).

The indicative Plan of Proposed Subdivision (**Appendix D**) identifies how the subject site is capable of supporting four (4) allotments and can provide for low density residential dwellings in keeping with the surrounding low density development.

6. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

When considering an amendment to an LEP, it is necessary to consider the provisions of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Clause 6 of the SEPP requires the planning authority to consider whether the land is contaminated, requiring the preparation of a preliminary investigation for the classes of land identified within the clause.

However, Clause 6(4)(c) sets out the following provisions relating to the classes of land for the purposes of this clause, specifically to the extent to which it is proposed to carry out development for residential purposes:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Table 1 of the *Managing Land Contamination Planning Guidelines* identifies activities such as:

- Agricultural activities;
- Airports;
- Defence works;
- Gas works;
- Landfill sites;
- Power stations;
- Sheep and cattle dips; and

- Waste storage and treatment.

As the subject site has historically been used for the purpose of recreational facilities within a residential locality pursuant to the establishment of the Killarney Heights 'garden suburb' in the 1960's (refer **Appendix E** for history of land), the likelihood of development for a purpose listed in Table 1 of the *Managing Land Contamination Planning Guidelines* is considered to be low.

Therefore the risk of contamination of the land is considered low and it is considered reasonable that the planning authority would not require a Phase 1 Preliminary Assessment Report pursuant to the provisions of Clause 6 under SEPP 55.

However, should the NSW DoPI require additional information on this matter as part of the Gateway assessment process then a Phase 1 Assessment Report can be prepared accordingly.

The Planning Proposal would result in the conversion of recreational facilities into new allotments for low density residential purposes. The proposed rezoning and intended residential subdivision of the land is not therefore considered to be inconsistent with the aims and relevant provisions of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (S117 Directions)?

Yes, the proposal is consistent with the relevant Section 117 Directions – 3.1 Residential zones as discussed below.

Direction 3.1 - Residential Zones

Requires LEPs to include provisions consistent with the broad housing choice objectives. These objectives are as follows:

- “(a) to encourage a variety and choice of housing to provide for existing housing needs.*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.*
- (c) to minimise the impact of residential development on the environment and resource lands.”*

The proposed rezoning is consistent with the objectives of the Section 117 Direction as it will provide for identified housing needs within the North East Metropolitan Subregion, makes efficient use of fully serviced land that is suitable for residential development and is located centrally within the established Killarney Heights residential community.

The subject site is capable of supporting four (4) residential lots that are in keeping with the prevailing subdivision pattern of the surrounding locality and thus will minimise the impact of the intended residential development on the environment and resource lands.

Direction 3

“Is the LEP located in a global-regional city, strategic centre nominated within the metropolitan strategy or other regional sub-regional strategy?”

While the subject site is not located within a global-regional city or strategic centre nominated within the North East Subregional Strategy, the site is located within an established residential community that is bound by National Park and is incapable of further growth. The conversion of redundant recreational land into residential land within close proximity to community facilities and public transport is considered a positive outcome and is consistent the objectives of the North East Subregional Strategy and Draft Housing Strategy.

Direction 4

"Will the LEP facilitate permanent employment generating activity or a result in a loss of employment lands?"

While the subject site represents a minor private recreational employment opportunity within Killarney Heights, as discussed above the local demand for tennis court facilities is in a consistent decline (**Appendix B**), with existing demand capable of being met by the Forestville Park Tennis Club less than 1.5km north of the subject site. This has resulted in the redundancy of the subject land as a recreational facility within the Killarney Heights Village Centre. The long term implications of maintaining the recreational use of the site will not result in a positive contribution to the employment opportunities of the locality.

Direction 5

"Will the LEP be compatible – complementary with surrounding land uses?"

As indicated in the site analysis at Section 3.3 of this report, the subject site is surrounded by low density residential development throughout the Killarney Heights locality with the exception of the Killarney Heights Village Centre. The proposed R2 Low Density Residential zone would result in residential development of the site that is compatible with, and complimentary to, the surrounding land uses.

Direction 6

"Is the LEP likely to create a precedent, or create or change the expectations of the land owner or other land holders?"

The subject site is included in the heritage listing of the Killarney Heights Village Centre under the provisions of Warringah LEP 2000, as the Centre was planned and developed throughout the 1960's and 1970's as a new 'garden suburb' providing a mixture of commercial, retail and recreational uses to service the Killarney Heights community.

It is considered that modifications and additions to the nature and characteristics of a planned village such as Killarney Heights are expected to change over time to reflect current demands and trends.

As discussed above, the role of the tennis courts as a recreational facility within the Killarney Heights Village Centre has become redundant from the primary land-use functions of the Centre as intended in the 1960's. The decrease in demand for recreational facilities within the Village Centre is further exemplified through the rezoning and redevelopment of the squash court site on the corner of Tralee Ave and Starkey Street in the 1990's.

It is reasonable to consider that the proposed rezoning of land is therefore consistent with the expectations of land holders within the Killarney Heights Village Centre, as the proposal is a response to changes in demand and trends relating to the operation of tennis courts on the site. There are few sites in the Warringah Local Government Area proposed to be zoned RE2 Private Recreation and accordingly this request is unlikely to change the expectations of surrounding land holders.

Direction 7

"Will the LEP deal with a deferred matter in an existing LEP?"

No, this site is not proposed to be deferred in the WLEP 2011.

Direction 8

"Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?"

The proposed rezoning is considered to be compatible and complimentary to the surrounding low density residential development of the Killarney Heights locality. In addition, the removal of the existing tennis courts as a result of the proposed residential subdivision will not result in a negative impact upon the heritage significance of the

Killarney Heights Village Centre heritage item as the heritage significance relates to the establishment of the Centre at that time.

Notwithstanding the positive outcomes that would result from the proposed rezoning and subsequent residential subdivision of the subject site, it is unlikely that cumulative effects of other spot rezoning proposals in the Killarney Heights locality would be negative due to the established low density residential character of the locality.

Council has considered a number of submissions in relation to the new LEP, however there are not any rezoning proposals that have been supported by Council officers on land adjoining or in the vicinity of the site. The proposed R2 Low Density Residential zone is therefore consistent with recent Council land use zoning decisions.

Direction 9

"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 this Planning Proposal?"

The proposed rezoning, and intended residential subdivision of the subject site would not result in any potential negative impacts upon critical habitat, or threatened species, populations or ecological communities or their habitats as the proposed works would not impact upon the bushland that surrounds the Killarney Heights community.

Direction 10

"Are there any likely environmental effects as a result of the Planning Proposal and how are they to be managed?"

The subject site is not constrained by any of the following:

- Flooding;
- Bushfire
- Mine subsidence;
- Acid sulfate soils;
- Coastline hazards; or
- Significant land slip (identified with slope less than 5 degrees);

Due to the historical private recreational use of the land, and surrounding residential development, it is considered unlikely that the subject site would be contaminated by any previous use.

The subdivision would result in the loss of two (2) on street parking spaces. On street parking spaces adjacent to the site are 90°. The loss of two (2) parking spaces will not generate adverse parking impacts as the demand for on street parking will be reduced by the loss of the tennis courts.

The subject site is unconstrained and would not result in any significant environmental impacts on the locality. The site is therefore suitable for development for low density residential purposes.

Direction 11

"Has the planning proposal adequately addressed any social or economic effects?"

Social and economic effects associated with the proposed rezoning and subdivision of the subject site for low density residential purposes have been addressed within this Planning Proposal, including the likely impacts of the removal of private recreational (tennis) facilities from the Killarney Heights Village Centre upon the recreational/social amenity and economic activity of the Killarney Heights community.

The Council-owned Forestville Park Tennis Club is located less than 1.5km north of the subject site and comprises six (6) artificial grass surface tennis courts which service the Killarney Heights and Forestville communities. The removal of the subject tennis facilities is not considered to result in a significant negative impact upon the private recreational/social amenity of the locality.

It has been identified that the subject site does not have a direct or significant positive economic impact upon the Killarney Heights Village Centre or neighbouring Killarney Heights Swim Centre as a result of the generation of economic activity. It is therefore considered unlikely that the Planning Proposal and intended residential subdivision would not have a negative economic effect upon the locality.

Direction 12

"Is there adequate infrastructure for the Planning Proposal?"

The subject site is well serviced by all public utility services including:

- Electricity;
- Water;
- Sewer;
- Telephone and internet service; and
- Public transport.

Direction 13

"What are the views of State and Commonwealth public authorities in accordance with the Gateway Determination?"

There has been no consultation with Commonwealth public authorities or State Government authorities, however this consultation will be undertaken during the planning proposal process, once the matter has been referred for a Gateway determination.

7

Conclusion

This Planning Proposal includes an assessment of the subject site and surrounding development and has provided a detailed justification for the rezoning proposal against the criteria provided in "A Guide to preparing Planning Proposals" published by the Department of Planning.

The subject site is located centrally within the Killarney Heights locality, and has immediate access to the goods, services and facilities available from the Killarney Heights Village Centre. The site is located within a predominantly residential locality, and is capable of supporting a residential subdivision into four (4) allotments to create three (3) new dwelling lots that is compatible with the prevailing subdivision pattern and built form of the surrounding locality (Plan of Proposed Subdivision at **Appendix D**).

Demand for the tennis court facilities has declined significantly in the past 15 years (**Appendix B**) and has called into question the use of the site for recreational purposes. As it is no longer economically viable to operate the tennis courts it is considered the most appropriate use would be residential development consistent with the prevailing residential character of the locality which is low density dwellings.

The site is not constrained by any environmental hazards, is generally flat, clear of significant vegetation through the middle of the site and is capable of supporting development for the purpose of low density residential development.

The Statement of Heritage Impact prepared by Archnex Designs (**Appendix E**) concludes that the proposed development will have no impact on the heritage significance of the Killarney Heights Village Centre heritage item, and is supportable in both heritage and conservation terms.

Accordingly, it is considered appropriate by DFP for the subject site to be rezoned to R2 Low Density Residential zone pursuant to the Warringah Local Environmental Plan 2011 and recommend that this Planning Proposal be forwarded to the Department of Planning for a Gateway determination.