

Planning proposal to rezone three public carparks to ensure the function of the site is consistent with the land use zone

Proposal Title :	Planning proposal to rezone three public carparks to ensure the function of the site is consistent with the land use zone		
Proposal Summary :	The planning proposal seeks to rezone three public carparks to reflect the existing land use to ensure consistency with surrounding land use under Warringah Local Environmental Plan 2011.		
PP Number :	PP_2014_WARRI_004_00	Dop File No :	14/19354

Proposal Details

Date Planning Proposal Received :	20-Nov-2014	LGA covered :	Warringah
Region :	Metro(CBD)	RPA :	Warringah Council
State Electorate :	WAKEHURST	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Lot 1 McIntosh Road		
Suburb :	Narraweena	City :	Sydney
Land Parcel :	Lot 1 DP 35105		Postcode : 2099
Street :	9 and 11 Lagoon Street		
Suburb :	Narrabeen	City :	Sydney
Land Parcel :	Lot 1 DP 1117584, Lot 5 Sec 38 DP 111254		Postcode : 2101
Street :	6 Collary Street		
Suburb :	Collaroy	City :	Sydney
Land Parcel :	Lot 36 DP 11374		Postcode : 2097

Planning proposal to rezone three public carparks to ensure the function of the site is consistent with the land use zone

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Tim Archer**
Contact Number : **0285754120**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North East subregion	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan Delivery 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.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **Warringah Council has reviewed the planning controls relating to Council's public carparks, due to a number of issues arising since the Local Government Act 1993 came into force.**

Planning proposal to rezone three public carparks to ensure the function of the site is consistent with the land use zone

The review identified a number of conflicts between the zoning and land classification of some carparks and the manner in which they are being used. Carparks within local centres are zoned RE1 Public Open Space but do not provide carparking in association with open space usage, that is, to support the visitation to parks, playing fields or beaches.

To resolve this matter, a planning proposal has been prepared to amend the Warringah Local Environmental Plan 2011 for a number of sites to resolve the inconsistency between the objectives of the current zoning of the site and the manner in which it is being used (carpark). Rezoning the sites from RE1 Open Space to B2 Local Centre and B1 Neighbourhood Centre (Narraweena) will ensure that the function of the site better reflects the purpose for which the sites are used. A 'carpark' will continue to be a permitted use in the new zones.

The planning proposal will also amend the Height of Building Maps for the sites to reflect the height controls of surrounding land. A standard height of 11m and 8.5m (Narraweena) will be applied.

Council has requested delegation to carry out the Minister's function under section 59 of the EP&A Act 1979 to progress this planning proposal.

The Department supports an amended planning proposal proceeding to Gateway determination and considers the proposal suitable for delegation to Council.

Adequacy Assessment

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

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

Comment : **The statement of objectives adequately describes the intention of the planning proposal to amend the Warringah Local Environmental Plan 2011.**

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

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

Comment : **The explanation of provisions adequately addresses the intended changes to the Warringah Local Environmental Plan 2011.**

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

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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

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

d) Which SEPPs have the RPA identified?

N/A

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The proposal is consistent with the aims and objectives of s117 Directions.**

Planning proposal to rezone three public carparks to ensure the function of the site is consistent with the land use zone

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A minimum 14 day exhibition period and 9 month project time frame is proposed.**

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Warringah Local Environmental Plan was notified in 2011.

Assessment Criteria

Need for planning
proposal :

Council has undertaken a strategic review of all public carparks within the Local Government Area.

The planning proposal is needed to amend the Warringah Local Environmental Plan 2011 and make permissible a change of zone applying to the sites.

The use of RE1 Public Recreation zoned land for public carparks serving local and neighbourhood centres is inconsistent with the objectives of the zone, as the carparks are not serving a park, playing field, beach or other type of land zoned public recreation.

The sites operate as carparks for local and neighbourhood centres, and predominately adjoin business zones. It is more appropriate that the sites be zoned and provision of appropriate building heights be applied consistent with the surrounding land use that it serves.

Council feels that the application of RE1 Public Recreation to the sites is an anomaly and changing the land zoning will correct these inconsistencies. No reclassification is required.

Note is it considered to be more efficient and clearer if the three individual proposals and combined into one proposal.

Planning proposal to rezone three public carparks to ensure the function of the site is consistent with the land use zone

Consistency with strategic planning framework :

The planning proposal is consistent with the Metropolitan Plan for Sydney 2036 (2010) and draft Metropolitan Strategy for Sydney 2031 (2013) by providing accessibility for the community to local and neighbourhood centres.

Council considers that the planning proposal will also contribute to enhance the role local and neighbourhood centres play in providing liveable neighbourhoods.

Environmental social economic impacts :

The planning proposal will result in both social and economic benefits for the community, by rezoning the land to a more appropriate zone that is consistent with the current and future land use of the sites. The proposal will support the ongoing use of the local and neighbourhood centres.

Given the urban context of the site and the current land use; the nature of the planning proposal will not result in any adverse impact on the environment.

Assessment Process

Proposal type :

Routine

Community Consultation Period :

14 Days

Timeframe to make LEP :

9 months

Delegation :

Public Authority Consultation - 56(2) (d) :

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. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

01. Planning Proposal.pdf

Proposal

Yes

02. Attachment 4.pdf

Proposal

Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 4.3 Flood Prone Land
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition, Council is to consolidate the three individual planning proposals into one proposal that clearly identifies all three sites.**
- 2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:**
 - (a) the planning proposal must be made publicly available for a minimum of 14 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**
- 2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**
- 3. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**

Supporting Reasons : **The Department supports the planning proposal proceeding, to allow for public exhibition and feedback on the proposal. The proposal is considered suitable for delegation to Council.**

Signature:



Printed Name:

Lee McCourt

Date:

28.11.14