

Secretary
NSW Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Our Ref: PEX2014/0006
PEX2014/0007
PEX2014/0008

14 November 2014

Dear Sir

Re: Planning Proposal to rezone three (3) identified public carparks from RE1 Public Recreation to a zone which better reflects their surrounding land use zone within Warringah Local Environmental Plan 2011.

Warringah Council requests the Department of Planning and Environment to provide Gateway Determinations in relation to the three (3) Planning Proposals. This request is made with reference to section 56 of the Environmental Planning and Assessment Act 1979 to amend Warringah Local Environmental Plan 2011 (WLEP 2011).

The three (3) Planning Proposals relate to the following sites (refer to attachment 1):

1. *Lot 1/ McIntosh Road, Narraweena (Lot 1 DP 35105) - public carpark servicing the Narraweena neighbourhood centre, owned by the NSW Department of Housing and managed by Warringah Council;*
2. *9 & 11 Lagoon Street, Narrabeen (Lot 1 DP 1117584, Lot 5 Sec 38 DP 111254) - public carpark servicing the Narrabeen local centre, owned and managed by Warringah Council;*
3. *6 Collaroy Street, Collaroy (Lot 36 DP 11374) - public carpark servicing the Collaroy local centre, owned and managed by Warringah Council;*

Please find enclosed the following information relating to the three (3) Planning Proposals to amend WLEP2011:

- Planning Proposals (refer Attachment 1 - 3).
- Council Minutes for meeting held 25 March 2014 (refer Attachment 4).
- Information Checklist for each proposal.
- Evaluation Criteria for the delegation of plan making functions for each proposal.



Council requests to exercise its delegation authority for this Planning Proposal.

Should you have any enquiries, please feel free to contact us.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Michael Haynes'.

Michael Haynes
Sustainable Urban Planning Manager

Enquiries: Lara Goldstein, 9942 2330

ITEM 8.3	COUNCIL CARPARKS REVIEW
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2013/299676
ATTACHMENTS	1 Carpark Locations and Profiles (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To report to Council the results of a strategic review of Council's public carparks, specifically the conflicts identified between the zoning and land classification of some carparks and the manner in which they are being used.

SUMMARY

Council staff have conducted a review of the planning controls relating to Council's public carparks.

Issues with a number of carparks have arisen since the *Local Government Act 1993* came into force. These issues relate to conflicts between the zoning and land classification of some carparks and the manner in which they are being used. For example, adjoining private landholders (both residential and businesses) are using the community classified land to access their property, which is not allowed under the *Local Government Act 1993*.

To resolve these conflicts, it is recommended that the Warringah Local Environmental Plan 2011 (WLEP 2011) be amended to rezone several carparks. Also, that consideration is given to the reclassification of certain other carparks. Prior to proceeding to initiate any potential land reclassification, due to the interest in community classified land, it is recommended that the community be consulted and the results be reported to Council.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Prepare and seek Gateway Determination for planning proposals to rezone the following carparks from RE1 Public Recreation:
 - a. to B2 Local Centre - Collaroy Street Carpark, Collaroy
 - b. to B2 Local Centre - Lagoon Street Carpark, Narrabeen
 - c. to B2 Local Centre - Darley Street and Starkey Street Carpark, Forestville
 - d. to B1 Neighbourhood Centre - McIntosh Road Carpark, Narraweena (being Crown Land and subject to Owners consent)

-
- B. Prepare a planning report to consult with the community in regards to the potential reclassification of the following carparks from community land to operational land; and rezoning the land so that the carparks reflect the surrounding land use:
- a. Mooramba Road Carpark, Dee Why
 - b. Brookvale Carpark, Lot 10 / 9999 Winbourne Road, Brookvale
 - c. Oliver Street and Lawrence Street Carpark, Freshwater
- C. Prepare a planning report to consult with the community in regards to the potential reclassification or creation of a public road within the carpark adjacent to Dee Why Rockpool
- D. Seek delegation from the NSW Department of Planning and Infrastructure to liaise directly with Parliamentary Counsel's Office in the making of amending local environmental plans.
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REPORT

BACKGROUND

A review has been undertaken of Council's public carparks across the Warringah Local Government Area. The review was undertaken because Council was aware of incidents where there are conflicts and inconsistencies between the zoning and land classification of some carparks and the manner in which they are being used.

The public carparks reviewed can be summarised as having two key purposes; they provide car parking:

- for open space - parks, playing fields, beaches, foreshores, etc.; or
- for local centres, for example, Freshwater Village, Collaroy Beach, Narrabeen Village, some involving 'Park and Ride' usage by bus commuters.

Of the 237 public carparks that have been reviewed, nine carparks present conflicts between their usage and their planning provisions that are considered to be a priority for resolution. There are two key aspects to these usage concerns:

- All carparks within Warringah have been zoned open space, and as such are classified under the Local Government Act as 'Community Land'. 'Community Land' is not permitted to have access across it to adjoining private land. There are several incidents of this occurring, mainly at carparks within local centres
- Carparks within local centres are zoned RE1 Public Open Space but do not provide car parking in association with open space usage, that is, to support visitation to parks, playing fields or beaches. As a result these carparks are inconsistent with the objectives of the open space zone. The carpark would be better served by being zoned to be consistent with the land which it serves, in most cases one of the business zonings.

PURPOSE – WHY DID COUNCIL UNDERTAKE A CARPARK REVIEW?

A review of public carparks is an action within the Warringah Community Strategic Plan. The purpose of the carpark review was to find and resolve issues that have arisen during the operation of Council's carparks as:

- a) the *Local Government Act 1993* (LG Act) specified that Council owned land must be classified as community or operational and;
- b) Warringah Local Environmental Plan (WLEP) 2000 stated that if public open space land did not have a plan of management, only exempt development and development for the purpose of recreation facilities can be carried out on public open space.

WHY HAS THIS COME ABOUT?

In each case the carparks, the subject of concern, and their adjoining land holdings have been in existence for many years; as have the access arrangements. It is therefore appropriate to ask why this current problem has arisen.

The answers lie in a number of changes to legislation over an extended time period including the Local Government Act (change from the previous *Local Government Act 1919 Act* to the current *Local Government Act 1993 Act*), case law and changes in subsequent Local Environmental Plans (eg. WLEP 1985, WLEP 2000 and the current WLEP 2011). A brief summary of some key milestones in this history is provided as follows:

- 1993 - Introduction of the new *Local Government Act 1993*. When this came into force, Councils were given a time period to nominate the classification for each parcel of land. If this was not done, the land was automatically classified as 'community'

- 1994 – A Council report resolved to reclassify certain land parcels. Most Council owned carparks were recommended to be classified as operational land. This was resolved by Council and most carparks became operational
- 1997 – There was a landmark court case regarding these matters *Bathurst City Council v PWC Properties Pty Limited (30 September 1998)* (Bathurst City Council decision). The case successfully challenged the reclassification process undertaken by Councils of certain parcels of land following the introduction of the *Local Government Act 1993*
- 1997 – (9 December 1997) there was a further Council Report to again reclassify certain parcels of land following the Bathurst City Council decision
- 2000 – (22 February 2000) there was a Council Report identifying those parcels to be reclassified and those that should not be reclassified
- When Council prepared the WLEP 2000, being a locality based planning scheme, there were no zones. It was decided that most Council owned land be marked on the LEP maps as 'green', being identified as Public Open Space. This included public carparks
- WLEP 2011 came into force in December 2011 and reintroduced a traditional zoning scheme to Warringah. A principle adopted in preparing WLEP 2011 was to translate (as best as possible) like for like planning provisions. This has resulted in the green areas under WLEP 2000 being translated to RE1 Public Recreation.

WHY IS THE CURRENT SITUATION AN ISSUE?

Section 46 of the LG Act, prohibits the sale, or lease or use of community land for 'private' use. This provision affects uses of publicly owned carparks for private and delivery vehicle movements. On this basis the classification of a carpark as community land limits Council's ability to regularise access to adjoining private land holdings.

There are several carparks where private landholders are using Council carparks to access their land, without a formal access arrangement. Due to the legal risk of such a situation it is not appropriate for such an informal arrangement to continue. It is therefore preferable that Council reclassify the carparks that are being used for private access, to operational land.

In addition to the above the use of RE1 Public Recreation zoned land as a carpark is inconsistent with the objectives of the zone, where the carpark does not support public recreation. For example a carpark that supports a sportsfield is correctly zoned RE1 Public Recreation, compared to a carpark that is zoned RE1 Public Recreation, but it is used mainly in association with a local shopping centre. Council as a landowner must work within the objectives of a zone just as a private landholder is required to. It is preferable that the function of these sites better reflect the zone and the purposes for which they are used.

WHY RECLASSIFY: FORMALISE CURRENT ACCESS ARRANGEMENTS TO PRIVATE LAND

Once land is reclassified to operational, Council can enter into a licence agreement with the relevant private landowners, to formalise (or regularise) the private use of public land. In regard to the matters which are the subject of this report this would involve a licence agreement for access to the private land from the public land / carpark.

As discussed, the formalisation of such a use is required to protect Council and the broader community. A licence cannot be entered into between Council and private landholders over public land, whilst the land retains its community land classification.

WHAT IS PROPOSED TO FIX THE SITUATION?

It has been identified that there are eight carparks that require initial attention and these are the focus of this report (refer to Attachment 1 for a map of each carpark). In summary:

- Four carparks require a rezoning from RE1 Public Recreation to reflect, and be compatible, with their surrounding land use zone
- Three carparks require rezoning and potentially land reclassification (in part or whole)
- One carpark (adjoining Dee Why Rockpool) requires a section to be reclassified or potentially made into a public road.

These eight carparks and their proposed/ potential planning changes are summarised as follows:

- Collaroy Street Carpark, Collaroy. Zoned RE1 Public Recreation to be rezoned to B1 Neighbourhood Centre, to reflect the surrounding land uses that the carpark serves
- Lagoon Street Carpark, Narrabeen. Zoned RE1 Public Recreation to be rezoned to B1 Neighbourhood Centre, to reflect the surrounding land uses that the carpark serves
- Darley Street and Starkey Street Carpark, Forestville. Zoned RE1 Public Recreation to be rezoned to B1 Neighbourhood Centre, to reflect the surrounding land uses that the carpark serves
- McIntosh Road Carpark, Narrabeena. Zoned RE1 Public Recreation to be rezoned to B1 Neighbourhood Centre, to reflect the surrounding land uses that the carpark serves.

The following carparks potentially require land reclassification (in part or whole), with the exception of the carpark adjacent to Dee Why Rockpool which may benefit from part of its land being reclassified to a public road:

- Brookvale Carpark, Lot 10/ 9999 Winbourne Road, Brookvale. Multiple adjoining private landholders (mainly businesses) use the carpark for vehicle access to their properties and therefore this use conflicts with the land's community classification and open space zoning
- Oliver Street and Lawrence Street Carpark, Freshwater. Several adjoining private landholders use the carpark for vehicle access to their properties and therefore this use conflicts with the land's community classification and open space zoning
- Carpark adjacent to Dee Why Rockpool. An adjoining private landholder (apartment building) uses the carpark for vehicle access to their property and therefore this use conflicts with the land's community classification and open space zoning
- Mooramba Road Carpark, Dee Why. There are no access conflicts by adjoining land owners in relation to this carpark however the site occupies an important location within the Dee Why town centre and has been mooted in the past as a potential location for increased car parking provision and expanded use by park and ride commuters. It is therefore appropriate to consider the site's planning controls (including its classification) to determine whether there is a case to support a change in planning provisions.

THE REMAINING CARPARKS

As previously noted the review considered 237 carparks; eight being recommended for initial attention in this report. Council's asset register identifies that there are 237 carpark assets however in reality some carparks comprise more than one 'asset' within the register and therefore the actual number is less than this.

Of the remaining carparks there are approximately 200 within the asset register, mostly associated with open space, that do not require any further action stemming from this review.

There are approximately 15 other carparks that require further investigation to resolve different use and planning anomalies. The nature of these anomalies range from inconsistencies between Council's records (land register and GIS mapping system); ill-defined site boundaries that need to be clarified; and carparks occupying road reserves. Addressing these remaining anomalies will be prioritised as part of Council's future works program.

WHERE TO FROM HERE

In order to resolve the issues outlined above the following course of action is proposed:

- Proceed with the preparation of planning proposals for the four carparks within local centres that only require rezoning and seek Gateway Determinations from the Department of Planning and Infrastructure. Community consultation will occur as part of the statutory processing of the draft LEP
- In relation to the four carparks that have conflicts between their use by adjoining private land, zoning and land classification:
 - Prepare planning reports and consult with the community. These land holdings potentially require land classification to resolve their use / planning conflicts
 - Report back to Council the results of the community consultation prior to proceeding with any potential planning regime changes.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil



PLANNING PROPOSAL

6 COLLAROY STREET, COLLAROY

PROPOSED REZONING FROM RE1 PUBLIC RECREATION TO
B2 LOCAL CENTRE

NOVEMBER 2014



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1 Introduction

The subject site at 6 Collaroy Street, Collaroy (Lot 36 DP 11374) is a carpark which services the Collaroy Local Centre (shops). The regular rectangular site is located adjacent to the Collaroy shops (immediately east), bound by low density residential dwelling houses to the south and west, and bound by Collaroy Street to the north (access to the site). The site is owned and managed by Warringah Council.

The proposal is to amend the zoning applying to the site from the current RE1 Public Recreation to B2 Local Centre, which will reflect and be compatible with the surrounding land use zone which applies to the adjacent Collaroy shops.

In 2013 council undertook a review of its public carpark's undertaken by Warringah Council as an action within the Warringah Community Strategic Plan. This review established that under the Warringah Local Environmental Plan 2011 (WLEP 2011) carparks within local centres were zoned RE1 Public Recreation but do not provide carparking in association with open space usage, that is to support visitation to parks, playing fields or beaches.

As a result a number of carparks are inconsistent with the objectives of the open space zone including the subject site at 6 Collaroy Street, Collaroy. The proposed new zoning for the site will resolve this inconsistency between the objectives of the current zoning of the site and the manner in which it is being used (carpark).

In order to resolve this conflict and ensure that the function of the site better reflects the zone and the purpose for which it is used, it is proposed that the WLEP 2011 be amended to rezone the carpark from RE1 Public Recreation to B2 Local Centre.

Council supports the proposed rezoning and preparation of a planning proposal to rezone the subject site as per the discussion above.

2 Site Analysis

2.1 Site details and features

The site is known as 6 Collaroy Street, Collaroy address it is legally described as Lot 36 in Deposited Plan 11374. The site's key features in relation to the proposal are summarised as follows:

- Currently being used as a public carpark servicing Collaroy local centre (established land use).
- Site is owned and managed by Warringah Council.
- Site area of 471.7m².
- Multi directional vehicular access point (entry and exit) from 6 Collaroy Street (northern boundary of the site).
- Pedestrian access to the site is informal in nature and is generally directly from the public footpath along the Collaroy Street frontage directly adjoining the site. Car park is at-grade with pedestrian access.
- The site accomodates 18 carspaces.
- The carpark is timed, permitting a maximum stay of 3 hours (Monday to Friday), 2 hours (Saturday), and being untimed on Sunday.
- The site contains a number of trees and shrubs located along the site boundaries.



Figure 1: Aerial photograph showing subject site at 6 Collaroy Street, Collaroy (highlighted) and surrounding context.

2.2 Site context and location

The site's key features with regards to its context and location in relation to the proposal are summarised as follows:

- Located directly to the west (adjacent) to the Collaroy shops (local centre);
- Located near the intersection of Pittwater Road and Collaroy Street;
- Single street frontage to Collaroy Street, Collaroy;
- Collaroy Shops are on a local centre scale;
- Surrounding land uses include Collaroy local shops directly to the north and east (B2 Local Centre zoning), dwelling houses immediately to the south and west (R2 Low Density Residential zoning).



Image 1: Streetscape of Collaroy Street, Collaroy showing entrance to the subject site and existing function of the site as a carpark (foreground right) looking east towards Pittwater Road (Source: Google maps, 2013).



Image 2: Streetscape (Collaroy Street) looking west from the subject site (foreground left) showing existing residential development adjacent/opposite (Source: Google maps, 2013).



3 Report Structure

The Department of Planning and Infrastructure (DP&I) sets the form and structure for Planning Proposal reports. Accordingly, this the following sections of this report are set out in four main parts, as follows:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - Justification for those objectives, outcomes and provisions and the process for their implementation:
 - A. Need for the Planning Proposal
 - B. Relationship to strategic planning framework
 - C. Environmental, social and economic considerations
 - D. State and Commonwealth interests
- Part 4 - Details of the community consultation that is to be undertaken on the Planning Proposal.



4 Statement of Objectives and Intended Outcomes

The objective of the planning proposal is to apply a zone that reflects the established land use of the subject site and the land that it serves, in this case the Collaroy shops zoned B2 Local Centre.

The intended outcome of the planning proposal is that the applied zone to the subject site will reflect the established land use and be considered consistent with the zone of the associated Collaroy local centre.

5 Explanation of the Provisions

The following is an explanation of the provisions that are proposed to be included in the LEP [EPA Act s.55 (2)(b)].

The proposed map changes to the LEP are provided below.

The proposal involves amending Map Sheet LZN009 of the Land Zoning Map of the Warringah Local Environmental Plan 2011:

Current:

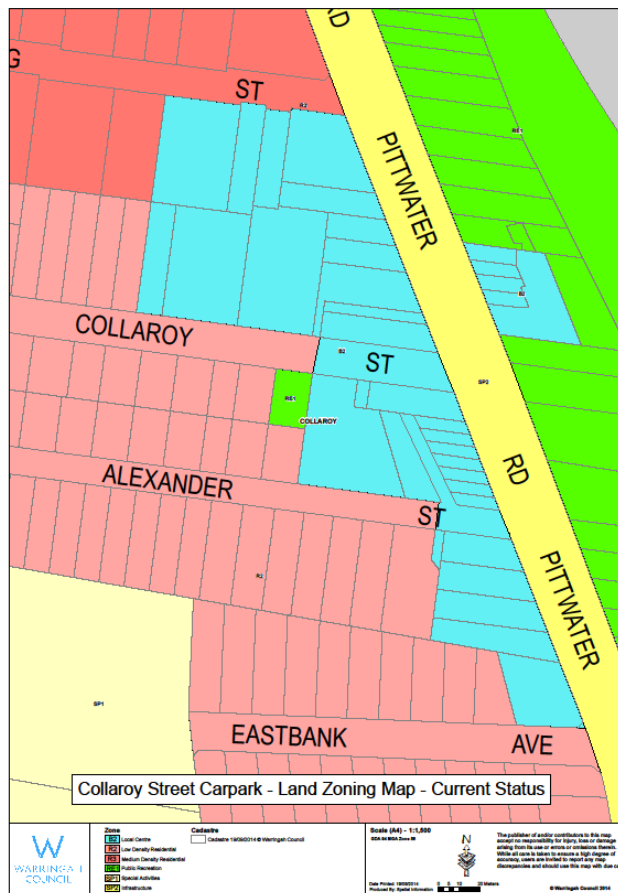


Figure 2: 6 Collaroy Street, Collaroy – current status on WLEP 2011 Land Zoning Map.

Proposed:

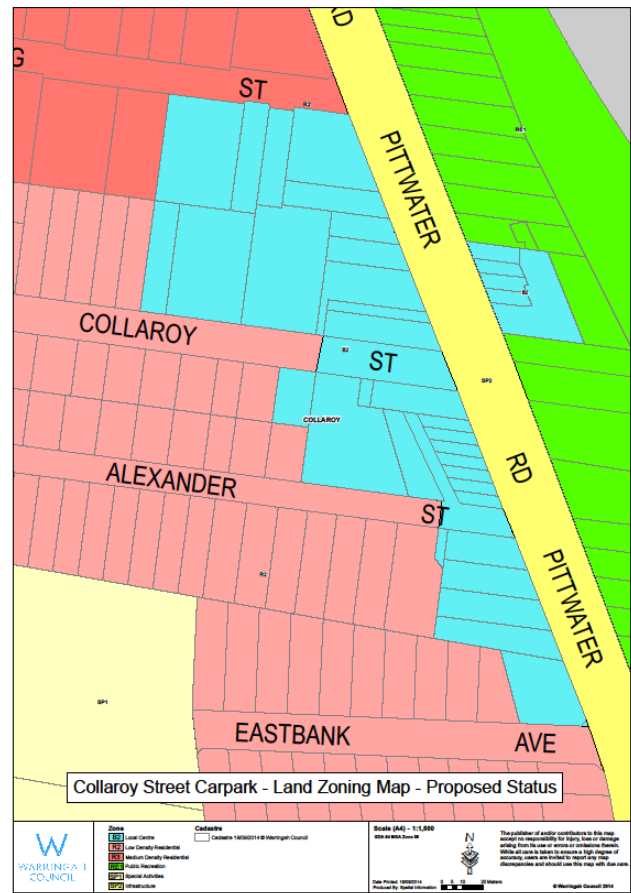


Figure 3: 6 Collaroy Street, Collaroy – proposed status on WLEP 2011 Land Zoning Map.

In addition, the application of a height control to the site is necessary because no height standards apply to the land zoned RE1 Public Recreation (generally) in the Warringah LEP. A height standard of 11m has been selected to reflect the height control for surrounding land.

The proposal involves amending Map Sheet HOB009 of the Height of Buildings Map of the Warringah Local Environmental Plan 2011:

Current:

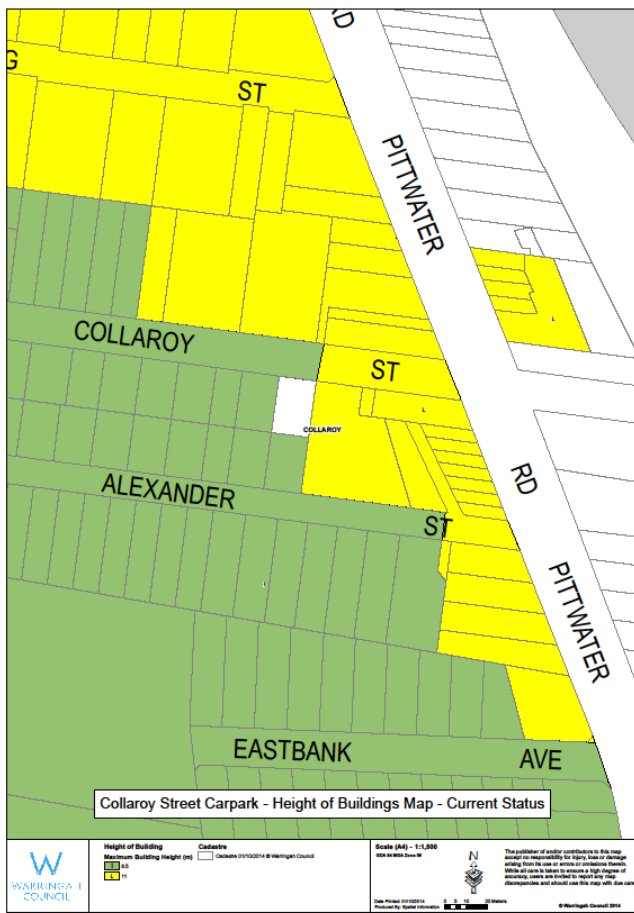


Figure 4: Collaroy Street carpark, Collaroy – current status on WLEP 2011 Height of Buildings Map.

Proposed:

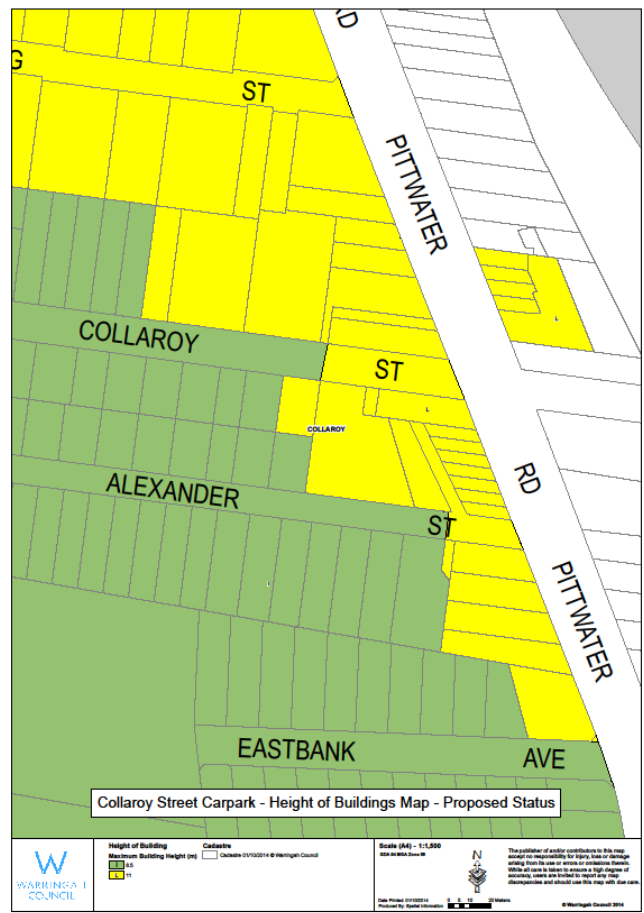


Figure 5: Collaroy Street carpark, Collaroy – proposed new status on the WLEP 2011 Height of Buildings Map.



6 Rezoning Justification

6.1 Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. A strategic review of Council's public carparks has been undertaken. The Planning Proposal results from the findings of this review which was reported to Council on the 25 March 2014.

This has taken into account the relevant local and state planning policies, the site's context within the Collaroy local centre and the merits of a different zoning being applied.

Justification for Provisions

The proposed draft LEP provisions (detailed in the previous Section of this report) are needed to amend the LEP and make permissible a change of zone applying to the land.

Justifications for the carpark Planning Proposals below:

1. The use of RE1 Public Recreation zoned land as a carpark serving the Collaroy Local Centre is inconsistent with the objectives of the zone, because the carpark does not serve a park, playing field, beach or other type of land zoned for public recreation.
2. The land operates as a carpark which is used mainly in association with the Local Centre which includes local shops and other businesses.
3. The carpark adjoins land zoned B2 Local Centre (Collaroy Local Centre). It is most appropriate that the land be zoned to be consistent with the land use that it serves, in this case the local centre. This will achieve compatibility between the established land use (carpark) and the zoning objectives.

To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

To ensure that neighbourhood centres provide a village-like atmosphere and safety and comfort for pedestrians.

To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.

In terms of the zone objectives (current RE1 Public Recreation and the proposed B2 Local Centre) the following comments are made in support of the proposed zoning change:

4. The carpark meets the first objective of the B2 Local Centre zone as it provides a small-scale community use that serves the needs of the people who live in, work in and visit the local area (Collaroy shops).
5. The land's established use as a carpark bears no relationship to the RE1 Public Recreation zone, as evidenced by the objectives for this zone which are provided below:

To enable land to be used for public open space or recreational purposes.

To provide a range of recreational settings and activities and compatible land uses.

To protect and enhance the natural environment for recreational purposes.

To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.

To prevent development that could destroy, damage or otherwise have an adverse effect on those values.



It is evident in considering these objectives that they do not relate to the function of this carpark, and as a result, the established use of the land as a carpark is inconsistent with the above zone objectives.

On this basis the application of the Zone RE1 Public Recreation to this land is an anomaly. Changing the land's zoning B2 Local Centre zone will correct these inconsistencies.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes?*

The proposal is an appropriate means of achieving the objectives for the current use of the land. The following points are noted in support of this view:

- The site supports a carpark and is zoned RE1 Public Recreation. However the site does not provide carparking in association with public recreation or open space usage, that is to support visitation to parks, playing fields or beaches. As a result the function of the site (carpark) does not reflect the zone and the purpose for which it is used.
- The location of the site is appropriate to support a *business zoning* because the carpark adjoins land zoned B2 Local Centre (Collaroy Shops) and the most appropriate outcome is one where the land is zoned consistent with the land use that it serves, in this case the local centre.
- The proposal is limited to a rezoning of the site with no other works proposed.

3. *Is there a net community benefit?*

The planning proposal will deliver a net community benefit. The key community benefits include:

- The planning proposal will address the current incompatibility between the land use of the site (carpark) and the objectives of the current zone by establishing a more appropriate zone, because the carpark does not serve a park, playing field, beach or other type of land zoned for public recreation.
- The proposal supports the site continuing to provide a small-scale community use (carpark) that serves the needs of people in the surrounding neighbourhood (Collaroy shops).



7 Strategic Planning Considerations

The following strategic planning considerations are applicable to the site:

- Metropolitan Strategy for Sydney (draft and current)
- North Eastern Subregion – draft Subregional Strategy
- Warringah Community Strategic Plan 2023
- State Regional Planning Policy (Infrastructure) 2007
- Applicable Ministerial Directions (Section 117)

These are addressed in-turn below.

7.1 *Is the planning proposal consistent with the objectives and actions contained within the Metropolitan Strategy for Sydney and the draft Subregional Plan?*

Draft Metropolitan Strategy for Sydney to 2031

The current New South Wales Government's plan for Metropolitan Sydney is still in draft form. The Strategy is titled Draft Metropolitan Strategy for Sydney to 2031. Despite its draft status it nevertheless is a principal planning policy for consideration in relation to any Planning Proposal. The proposal is consistent with a number of strategic objectives and these are identified and responded to below:

The subject site is located within the identified North subregion.

Objective 8: Create socially inclusive places that promote social, cultural and recreational opportunities.

The proposal is consistent with this objective. This accessible public carpark is within a Local Centre and performs a valued role in supporting the continued use of the centre. An accessible carpark supports the local shops as well as broader community facilities including the YHA Collaroy Beach. The proposed re-zoning of the Collaroy Street carpark, Collaroy will support and strengthen the local community.

Objective 24: Plan and deliver transport and land use that are integrated and promote sustainable transport choices

The proposal is consistent with this objective. The application of the B2 Local Centre zone onto the subject site will align the existing carpark land use with the land use objectives of the zone. The existing carpark acts as a support for future growth in the transport accessible Collaroy centre. The site performs a valued role in providing short term parking for shoppers off the street and directing traffic away from Pittwater Road.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 is the adopted plan for Sydney's growth. It sets the strategic direction and context for decisions related to land use and transport planning in the Sydney Metropolitan Area.

The Metropolitan Strategy establishes a number of strategic Actions / Objectives. The Planning Proposal is consistent with the action identified and responded to below:

Action H3.1 aims to design and plan for healthy, safe, accessible and inclusive places.

In response: the proposal is consistent with this action in that it aims to allow the continued uninterrupted use of the site as a public carpark. The carpark offers safe and accessible parking for the Collaroy shops. The Planning Proposal aims to consolidate the zoning of the Collaroy Local centre to ensure best practice planning can be applied in the future to this area. The land does not have metropolitan scale strategic importance.



North East Subregion - draft Subregional Strategy

The North East Subregion – draft Subregional Strategy translates the objectives of NSW Government's Metro Strategy to the local level. Indeed many of the aims of the draft Subregional Strategy mirror those of the companion Metropolitan Strategy which have been addressed above. The proposal is consistent with provisions of the draft Subregional Strategy. The land does not have metropolitan or subregional scale strategic importance.

7.2 *Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?*

The one plan of particular relevance to consider in responding to this question is the Warringah Community Strategic Plan 2023. This is addressed in more depth below.

Warringah Community Strategic Plan 2023

The *Warringah Community Strategic Plan 2023* is the Council's principal forward planning document. The plan contains some objectives/goals relevant to the consideration of the Planning Proposal which are identified and addressed below.

The plan is established under six (6) Outcomes and twenty-two (22) Objectives. The 6 Outcomes include:

- *Vibrant Community*
- *Lifestyle and Recreation*
- *Healthy Environment*
- *Connected Transport*
- *Liveable Neighbourhoods*
- *Working Together*

Two of these Outcomes are relevant to the proposal:

Connected Transport and *Liveable Neighbourhoods*. These Outcomes and their corresponding objectives under each are addressed in turn below.

Connected Transport.

The proposal will apply a more appropriate zoning to the existing carpark site. Applying a zone with land use objectives that are consistent with the existing land use of the site (carpark) will ensure the continued provision of accessible and convenient parking close to the urban (local) centre of Collaroy shops.

The accessible convenient location and layout of the carpark means that it is used by residents, in particular during business hours for the Collaroy local shopping centre.

Liveable Neighbourhoods

The proposal will make consistent the zoning of the site with the Collaroy local centre for the future and ensure a consistent approach to the land use planning of the centre; supporting the land's function as a liveable neighbourhood.

In summary the site is currently used as a carpark, being asphalted and marked as such and this use is intended to continue in the future. Being in the immediate vicinity of a local centre (the Collaroy Beach Shops) the objectives of the current zoning of RE1 Public Recreation is inconsistent with the carpark land use. The proposed zoning of the site as B2 Local Centre will rectify this issue and ensure continued access to easy parking for the local centre without visitors having to cross Pittwater Road to reach them.

The proposal positively responds to, and is supportive of, the relevant Outcomes and Objectives within the Warringah Community Strategic Plan 2023.



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

There are no State Environmental Planning Policies relevant to the assessment of this Planning Proposal. The proposal complies.

7.4 *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The following five (5) Ministerial Directions are applicable to the proposal:

- Direction 1.1 Business and Industrial Zones
- Direction 4.1 Acid Sulfate Soils
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 6.1 Approval and Referral Requirements
- Direction 6.2 Reserving Land for Public Purposes

Consideration of the Ministerial Directions is provided below.

s117 Direction	Requirement	Comment
1.1 Business and Industrial Zones	(1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The planning proposal is consistent with this direction, in that it: • ensures all land associated with the Collaroy shops is used with consistent land use planning objectives; • will create consistency between the zone objectives and the current and anticipated future land use of the site (carparking); • does not affect any areas or locations of existing business and industrial zones; • will not reduce the total potential floor space area for employment and related public services in business zones or industrial uses in industrial zones;
4.1 Acid Sulphate Soils	(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	This direction applies as the subject site is located within an area of Class 4 acid sulphate soil as shown in Figure 2.
4.2 Mine Subsidence and Unstable Land	(1) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The surrounding land is developed and therefore it is unlikely that there are any issues with mine subsidence which render the site unusable for the proposed purposes (Refer to Figure 3).
6.1 Approval and Referral Requirements	(1) The objective of this direction is to ensure that LEP provisions encourages the efficient and	This direction applies as the proposal requires an amendment to the Warringah LEP 2011 (draft



s117 Direction	Requirement	Comment
	appropriate assessment of development.	LEP). The planning proposal is consistent with this direction, in that it: will not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	(1) The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	This direction applies as the proposal requires an amendment to the Warringah LEP 2011. The planning proposal is consistent with this direction, in that it: - responds to an identified zoning inconsistency by proposing a change of zone. - seeks the approval of the relevant public authority and the Director General of the Department of Planning and Environment to alter the zoning of land for public purposes (public carpark). - will result in a positive social and economic outcome for the site and surrounding area as the proposed change of zone will ensure the function of the site relates to/reflects the zone and the purpose for which it is used.

The subject site contains Acid Sulfate Soils Class 4 as shown in Figure 6. The proposal to rezone the land at 6 Collaroy Street, Collaroy will not result in a disturbance to the ground level/soil as the established function of the site is not proposed to change. Given the limited scope of the proposal and compliance with the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning, the proposal is considered consistent with this Ministerial Direction.

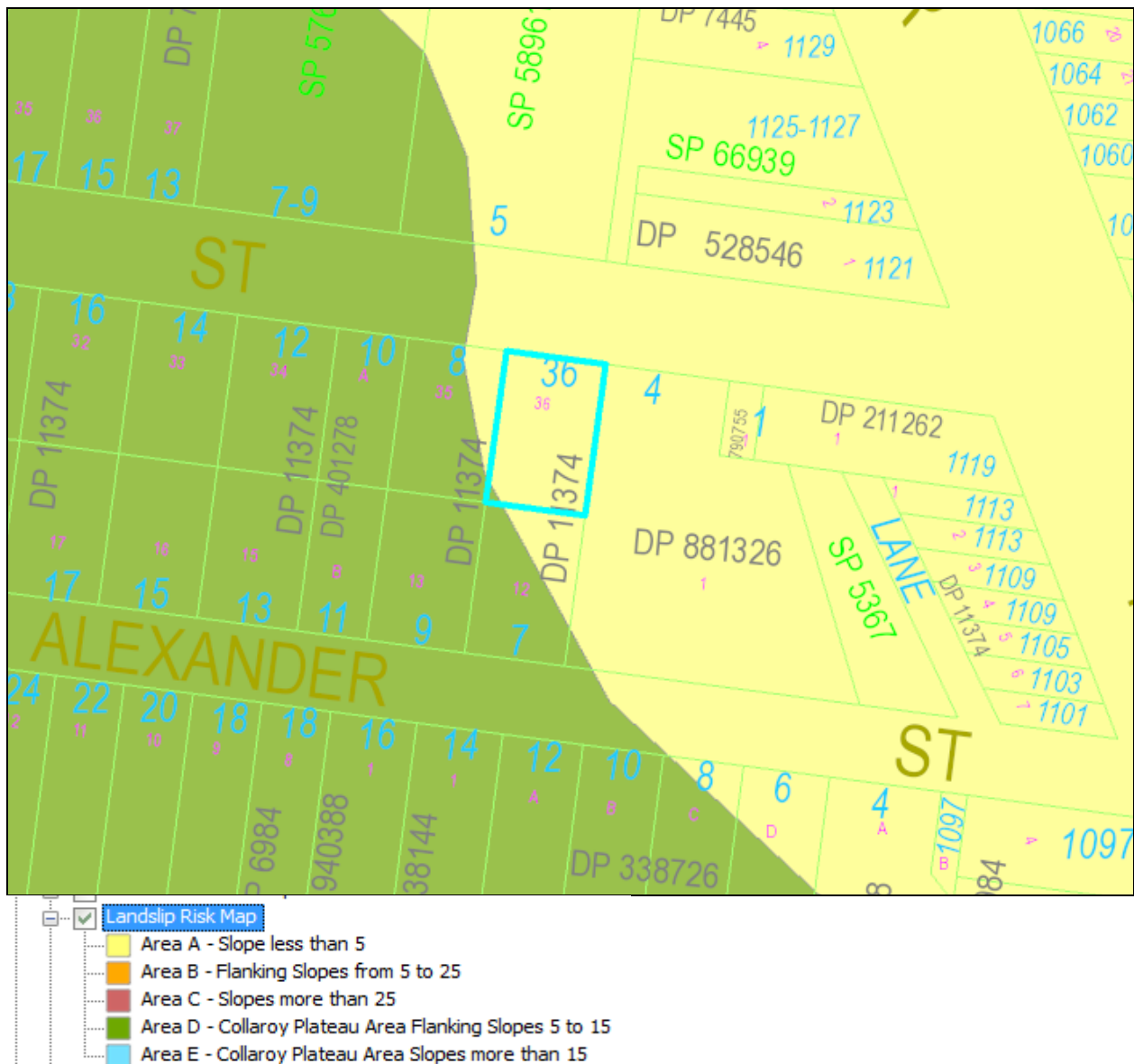


Figure 7: Extract from Warringah Landslip Risk map and legend (WLEP 2011) showing Area A – slope less than 5m (majority) and Area D – Collaroy Plateau Area Flanking Slopes 5 to 15 applying to subject site (south western corner).

The site has been identified on the Warringah Landslip Risk Map (WLEP 2011) as Area D – Collaroy Plateau Area Flanking Slopes 5 to 15 (majority) with a very minor Area A – Slope less than 5m affectation to the south western corner as established in Figure 7. Given this and that the established function of the site is not proposed to change (no earthworks or other tangible works proposed), the inconsistency with this Ministerial Direction is considered of minor and justifiable.



8 Environmental Social and Economic Considerations

8.1 *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?*

No. Given the urban context of the site and the nature of the planning proposal (a site rezoning with no physical works) the proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats.

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

No. Council's record system (GIS) indicates that there are no areas of biodiversity/environmental significance on or in the vicinity of the site. The proposal is also limited to the rezoning of the site, with no tangible works, change of use or change to lot boundaries.

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

Yes. The site's current and continued use as a public carpark has social and economic benefits to the Collaroy Local Centre.

The proposal to rezone the site is intended to address the current problem of an inappropriate zone that has been applied to the site but rezoning the land to a more appropriate zone for the current and future intended use of the site as public infrastructure for the Collaroy Shops and surrounding area. The proposal will support the continual viability of the Collaroy Local Centre.



9 State and Commonwealth Interests

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

Yes. The site is an existing, functioning public carpark with the current land use intended to continue. The proposal is limited to a rezoning of the site. All relevant public infrastructure necessary to service a public carpark are available to the site.

9.2 *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?*

There may be consultation with relevant Government agencies should the proposal proceed to become a statutory LEP amendment following a positive Gateway determination.



10 Community consultation to be undertaken on the Planning Proposal

There will be community consultation as part of the statutory assessment of the proposal if Council and the Department resolve to support the proposed draft LEP.

The views of the community will be matters to be considered once the application is publicly exhibited.



11 Conclusion

This Planning Proposal has been prepared in support of amending the Warringah LEP 2011 to rezone the land at 6 Collaroy Street, Collaroy (Lot 36 DP 11374).

The merits of a rezoning of this site have been assessed and satisfy the relevant considerations established by the current planning policies.

It is assessed that there is a case to support the proposed LEP amendment and these reasons are summarised as follows:

- Rezoning of the site in the manner proposed will unite the zoning of the Collaroy local centre and ensure consistency between the land use (carpark) and zoning objectives of the B2 Local Centre zone.
- The proposal will ensure that the site can continue to function as an accessible local centre public carpark.
- The proposal does not involve any changes to the existing streetscape amenity and function of the site as a public carpark.

It is recommended that the Department of Planning and Environment support the proposal and proceed in making a positive Gateway determination.

INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☒	☐
• Demonstrated consistency with relevant sub-regional strategy	☒	☐	• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Site Description/Context			Economic Considerations		
• Aerial photographs	☒	☐	• Economic impact assessment	☐	☒
• Site photos/photomontage	☒	☐	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☒	☐	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☐	☒	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☐	☒	• Open space management	☒	☐
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☐	☒
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☒	☐
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies		
• Stormwater management	☐	☒			
• Flooding	☐	☒			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			



PLANNING PROPOSAL

9 & 11 LAGOON STREET, NARRABEEN

PROPOSED REZONING FROM RE1 PUBLIC RECREATION TO
B2 LOCAL CENTRE

NOVEMBER 2014



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1 Introduction

The subject site at 9 & 11 Lagoon Street, Narrabeen (Lot 1 DP 1117584 & Lot 5 Sec 38 DP 111254 respectively) is a carpark which services the Narrabeen Local Centre (shops). The regular rectangular site is located adjacent to the Narrabeen shops (immediately east), bound by mixed use buildings directly to the north and south, medium density residential development to the east, and bound by Lagoon Street to the west (access to the site). The site is owned and managed by Warringah Council.

The proposal is to amend the zoning applying to the site from the current RE1 Public Recreation to B2 Local Centre, which will reflect and be compatible with the surrounding land use zone which applies to the adjacent Narrabeen shops.

In 2013 Council undertook a review its public carpark's undertaken by Warringah Council as an action within the Warringah Community Strategic Plan. This review established that under the Warringah Local Environmental Plan 2011 (WLEP 2011) carparks within local centres were zoned RE1 Public Recreation but do not provide carparking in association with open space usage, that is to support visitation to parks, playing fields or beaches.

As a result a number of carparks are inconsistent with the objectives of the open space zone including the subject site at 9 & 11 Lagoon Street, Narrabeen. The proposed new zoning for the site will resolve this inconsistency between the objectives of the current zoning of the site and the manner in which it is being used (carpark).

In order to resolve this conflict and ensure that the function of the site better reflects the zone and the purpose for which it is used, it is proposed that the WLEP 2011 be amended to rezone the carpark from RE1 Public Recreation to B2 Local Centre.

Council supports the proposed rezoning and preparation of a planning proposal to rezone the subject site as per the discussion above.

2 Site Analysis

2.1 Site details and features

The site is known as 9 & 11 Lagoon Street, Narrabeen address it is legally described as Lot 1 in Deposited Plan 1117584 & Lot 5 Sec 38 in Deposited Plan 111254. The site's key features in relation to the proposal are summarised as follows:

- *Currently being used as a public carpark servicing Narrabeen local centre (established land use).*
- *Site is owned and managed by Warringah Council.*
- *Site area of 1872.66m².*
- *Single directional vehicular access (enter and exit) points off Lagoon Street (on the western boundary of the site).*
- *Pedestrian access to the site is informal in nature and is generally directly from the public footpath along the Lagoon Street frontage directly adjoining the site. Car park is at-grade with pedestrian access.*
- *The site Accomodates approximately 47 carspaces.*
- *The carpark is timed, permitting a maximum stay of 3 hours (Monday to Friday), 2 hours (Saturday), and being untimed on Sunday.*
- *The site contains a number of trees primarily located along the Lagoon Street frontage, along the rear (eastern) boundary and two located in the centre of the site.*



Figure 1: Aerial photograph showing subject site at 9 & 11 Lagoon Street, Narrabeen (highlighted) and surrounding context.

2.2 Site context and location

The site's key features with regards to its context and location in relation to the proposal are summarised as follows:

- Located directly to the west (adjacent) to the Narrabeen shops (local centre);
- One street frontage – to Lagoon Street, Narrabeen;
- Narrabeen shops are on a local centre scale;
- Located near the intersection of Lagoon Street and Waterloo Street;
- Surrounding land uses include Narrabeen local shops directly to the north and east (B2 Local Centre zoning), dwelling houses immediately to the south and west (R2 Low Density Residential zoning).



Image 1: Subject site (carpark) at 9 & 11 Lagoon Street, Narrabeen (Source: Google maps, 2013).



Image 2: Streetscape of Lagoon Street, Narrabeen showing entrance to the subject site and existing function of the site as a carpark (foreground right) looking east towards Pittwater Road (Source: Google maps, 2013).



Image3: Streetscape (Lagoon Street) looking west from the subject site (foreground left) showing existing residential development adjacent/opposite (Source: Google maps, 2013).



3 Report Structure

The Department of Planning and Environment (DoPE) sets the form and structure for Planning Proposal reports. Accordingly, this the following sections of this report are set out in four main parts, as follows:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - Justification for those objectives, outcomes and provisions and the process for their implementation:
 - A. Need for the Planning Proposal
 - B. Relationship to strategic planning framework
 - C. Environmental, social and economic considerations
 - D. State and Commonwealth interests
- Part 4 - Details of the community consultation that is to be undertaken on the Planning Proposal.



4 Statement of the Objectives and Intended Outcomes

The objective of the planning proposal is to apply a zone that reflects the established land use of the subject site and the land that it serves, in this case the Narraweena shops zoned B1 Neighbourhood Centre.

The intended outcome of the planning proposal is that the applied zone to the subject site will reflect the established land use and be considered consistent with the zone of the associated Narraweena neighbourhood centre.

5 Explanation of the Provisions

The following is an explanation of the provisions that are proposed to be included in the LEP [EPA Act s.55 (2)(b)].

The proposed map changes to the LEP are provided below.

The proposal involves amending Map Sheet LZN009 of the Land Zoning Map of the Warringah Local Environmental Plan 2011:

Current:

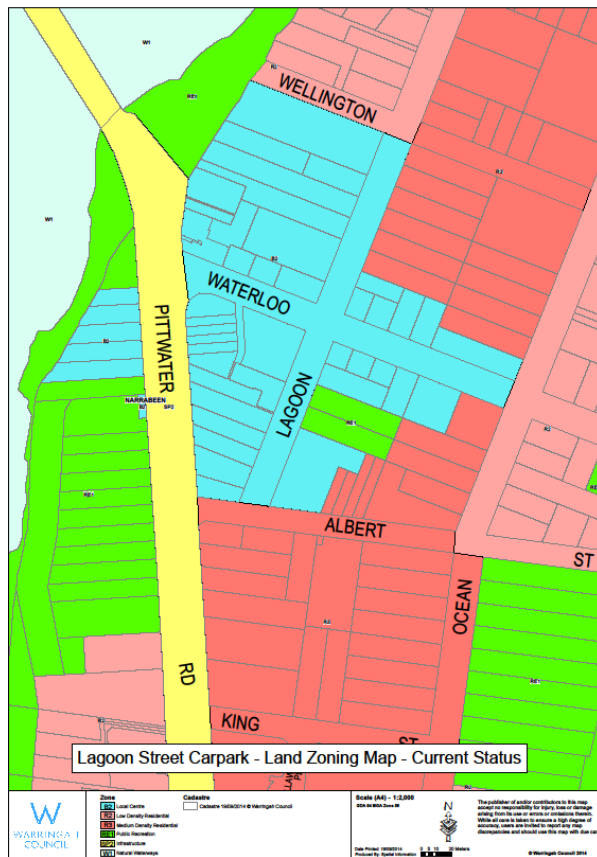


Figure 2: 9 & 11 Lagoon Street, Narrabeen – current status on WLEP 2011 Land Zoning Map

Proposed:

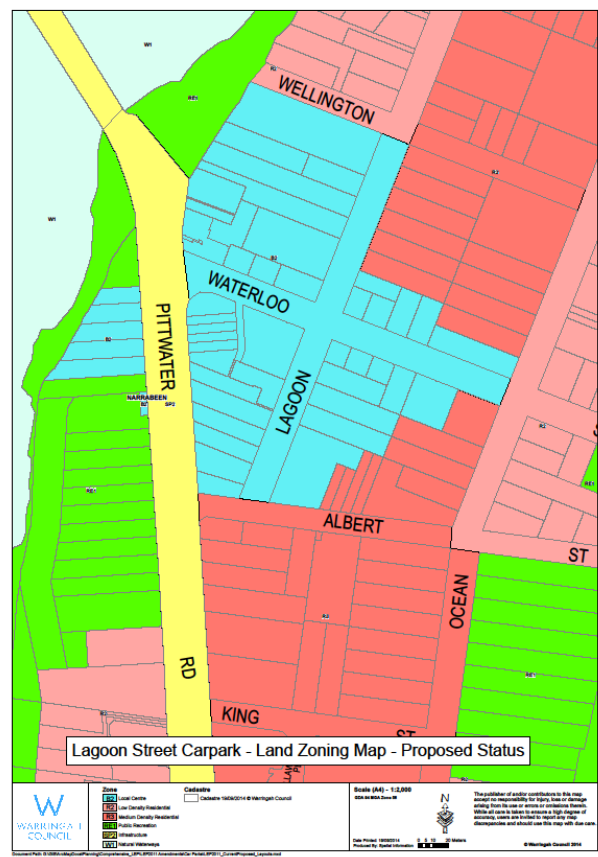


Figure 3: 9 & 11 Lagoon Street, Narrabeen – proposed status on WLEP 2011 Land Zoning Map

In addition, the application of a height control to the site is necessary because no height standards apply to the land zoned RE1 Public Recreation (generally) in the Warringah LEP. A height standard of 11m has been selected to reflect the height control for surrounding land.

The proposal involves amending Map Sheet HOB009 of the Height of Buildings Map of the Warringah Local Environmental Plan 2011:

Current:

Proposed:

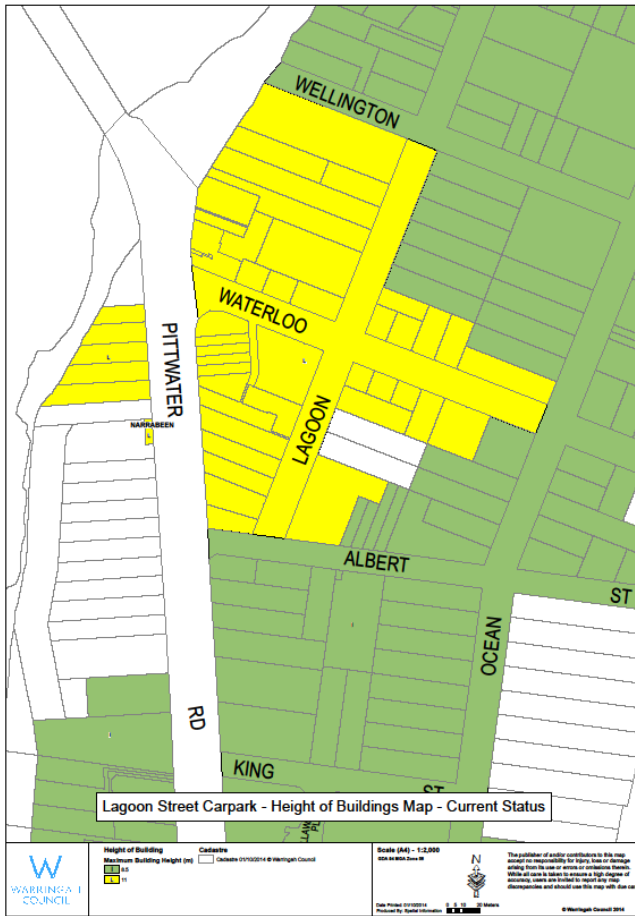


Figure 4: Lagoon Street carpark, Narrabeen – current status on WLEP 2011 Height of Buildings Map.

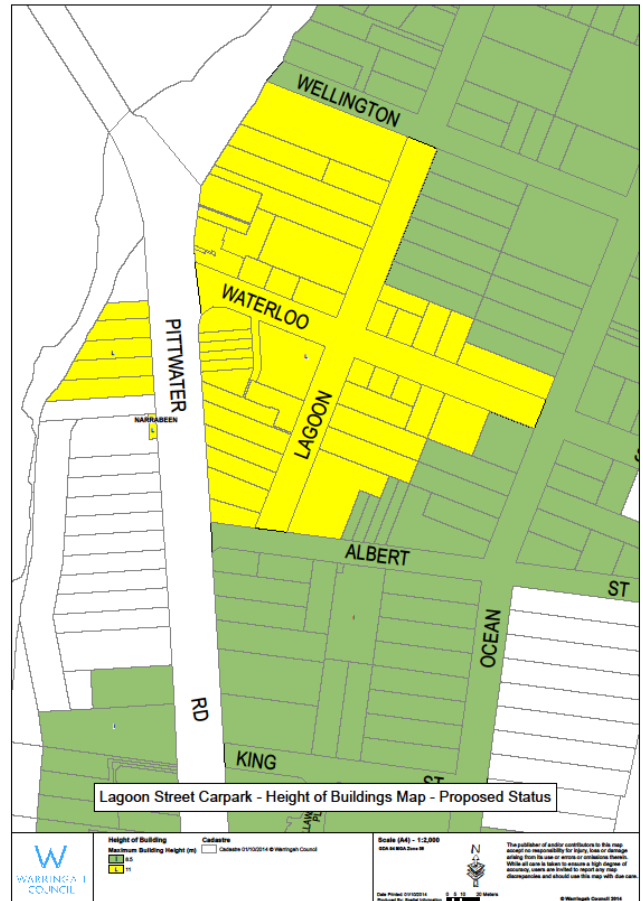


Figure 5: Lagoon Street carpark, Narrabeen – proposed new status on the WLEP 2011 Height of Buildings Map.



6 Rezoning Justification

6.1 Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. A strategic review of Council's public carparks has been undertaken. The planning proposal results from the findings of this review which was reported to Council on the 25 March 2014.

This has taken into account the relevant local and state planning policies, the site's context within the Narrabeen neighbourhood centre and the merits of a different zoning being applied.

Justification for Provisions

The proposed draft LEP provisions (detailed in the previous Section of this report) are needed to amend the LEP and make permissible a change of zone applying to the land.

Justifications for the carpark Planning Proposals below:

1. The use of RE1 Public Recreation zoned land as a carpark serving the Narrabeen Local Centre is inconsistent with the objectives of the zone, because the carpark does not serve a park, playing field, beach or other type of land zoned for public recreation.
2. The land operates as a carpark which is used mainly in association with the Local Centre which includes local shops and other businesses.
3. The carpark adjoins land zoned B2 Local Centre (Narrabeen Local Centre). It is most appropriate that the land be zoned to be consistent with the land use that it serves, in this case the local centre. This will achieve compatibility between the established land use (carpark) and the zoning objectives, which are provided below:

To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

To ensure that neighbourhood centres provide a village-like atmosphere and safety and comfort for pedestrians.

To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.

In terms of the zone objectives (current RE1 Public Recreation and the proposed B2 Local Centre) the following comments are made in support of the proposed zoning change:

4. The carpark meets the first objective of the B2 Local Centre zone as it provides a small-scale community use that serves the needs of the people who live in, work in and visit the local area (Narrabeen shops).
5. The land's established use as a carpark bears no relationship to the RE1 Public Recreation zone, as evidenced by the objectives for this zone which are provided below:

To enable land to be used for public open space or recreational purposes.

To provide a range of recreational settings and activities and compatible land uses.

To protect and enhance the natural environment for recreational purposes.

To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.

To prevent development that could destroy, damage or otherwise have an adverse effect on those values.



It is evident in considering these objectives that they do not relate to the function of this carpark, and as a result, the established use of the land as a carpark is inconsistent with the above zone objectives.

On this basis the application of the Zone RE1 Public Recreation to this land is an anomaly. Changing the land's zoning B2 Local Centre zone will correct these inconsistencies.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes?*

The proposal is an appropriate means of achieving the objectives for the current use of the land. The following points are noted in support of this view:

- The site supports a carpark and is zoned RE1 Public Recreation. However the site does not provide carparking in association with public recreation or open space usage, that is to support visitation to parks, playing fields or beaches. As a result the function of the site (carpark) does not reflect the zone and the purpose for which it is used.
- The location of the site is appropriate to support a *business zoning* because the carpark adjoins land zoned B2 Local Centre (Narrabeen Shops) and the most appropriate outcome is one where the land is zoned consistent with the land use that it serves, in this case the local centre.
- The proposal is limited to a rezoning of the site with no other works proposed.

3. *Is there a net community benefit?*

The planning proposal will deliver a net community benefit. The key community benefits include:

- The planning proposal will address the current incompatibility between the land use of the site (carpark) and the objectives of the current zone by establishing a more appropriate zone, because the carpark does not serve a park, playing field, beach or other type of land zoned for public recreation.
- The proposal supports the site continuing to provide a small-scale community use (carpark) that serves the needs of people in the surrounding neighbourhood (Narrabeen shops).



7 Strategic Planning Considerations

The following strategic planning considerations are applicable to the site:

- Metropolitan Strategy for Sydney (draft and current)
- North Eastern Subregion – draft Subregional Strategy
- Warringah Community Strategic Plan 2023
- State Regional Planning Policy (Infrastructure) 2007
- Applicable Ministerial Directions (Section 117)

These are addressed in-turn below.

7.1 *Is the planning proposal consistent with the objectives and actions contained within the Metropolitan Strategy for Sydney and the draft Subregional Plan?*

Draft Metropolitan Strategy for Sydney to 2031

The current New South Wales Government's plan for Metropolitan Sydney is still in draft form. The Strategy is titled Draft Metropolitan Strategy for Sydney to 2031. Despite its draft status it nevertheless is a principal planning policy for consideration in relation to any Planning Proposal. The proposal is consistent with a number of strategic objectives and these are identified and responded to below:

The subject site is located within the identified North subregion.

Objective 8: Create socially inclusive places that promote social, cultural and recreational opportunities.

The proposal is consistent with this objective. This accessible public carpark is within a Local Centre and performs a valued role in supporting the continued use of the centre. An accessible carpark supports the local shops. The proposed re-zoning of the Lagoon Street carpark, Narrabeen will support and strengthen the local community.

Objective 24: Plan and deliver transport and land use that are integrated and promote sustainable transport choices

The proposal is consistent with this objective. The application of the B2 Local Centre zone onto the subject site will align the existing carpark land use with the land use objectives of the zone. The existing carpark acts as a support for future growth in the transport accessible Narrabeen centre. The site performs a valued role in providing short term parking for shoppers off the street and directing traffic away from Pittwater Road.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 is the adopted plan for Sydney's growth. It sets the strategic direction and context for decisions related to land use and transport planning in the Sydney Metropolitan Area.

The Metropolitan Strategy establishes a number of strategic Actions / Objectives. The Planning Proposal is consistent with the action identified and responded to below:

Action H3.1 aims to design and plan for healthy, safe, accessible and inclusive places.

In response: the proposal is consistent with this action in that it aims to allow the continued uninterrupted use of the site as a public carpark. The carpark offers safe and accessible parking for the Narrabeen shops. The Planning Proposal aims to consolidate the zoning of the Narrabeen Local centre to ensure



best practice planning can be applied in the future to this area. The land does not have metropolitan scale strategic importance.

North East Subregion - draft Subregional Strategy

The North East Subregion – draft Subregional Strategy translates the objectives of NSW Government's Metro Strategy to the local level. Indeed many of the aims of the draft Subregional Strategy mirror those of the companion Metropolitan Strategy which have been addressed above. The proposal is consistent with provisions of the draft Subregional Strategy. The land does not have metropolitan or subregional scale strategic importance.

7.2 *Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?*

The one plan of particular relevance to consider in responding to this question is the Warringah Community Strategic Plan 2023. This is addressed in more depth below.

Warringah Community Strategic Plan 2023

The *Warringah Community Strategic Plan 2023* is the Council's principal forward planning document. The plan contains some objectives/goals relevant to the consideration of the Planning Proposal which are identified and addressed below.

The plan is established under six (6) Outcomes and twenty-two (22) Objectives. The 6 Outcomes include:

- *Vibrant Community*
- *Lifestyle and Recreation*
- *Healthy Environment*
- *Connected Transport*
- *Liveable Neighbourhoods*
- *Working Together*

Two of these Outcomes are relevant to the proposal:

Connected Transport and *Liveable Neighbourhoods*. These Outcomes and their corresponding objectives under each are addressed in turn below.

Connected Transport.

The proposal will apply a more appropriate zoning to the existing carpark site. Applying a zone with land use objectives that are consistent with the existing land use of the site (carpark) will ensure the continued provision of accessible and convenient parking close to the urban (local) centre of Narrabeen shops.

The accessible convenient location and layout of the carpark means that as a service it is able to operate at times convenient to residents, in particular during business hours for the Narrabeen local shopping centre.



Liveable Neighbourhoods

The proposal will make consistent the zoning of the site with the Narrabeen local centre for the future and ensure a consistent approach to the land use planning of the centre, in turn supporting the land's function as a liveable neighbourhood.

In summary the site is currently used as a carpark, being asphalted and marked as such and this use is intended to continue in the future. Being in the immediate vicinity of a local centre (the Narrabeen Shops) the objectives of the current zoning of RE1 Public Recreation is inconsistent with the carpark land use. The proposed zoning of the site as B2 Local Centre will rectify this issue and ensure continued access to easy parking for the local centre without visitors having to cross Pittwater Road to reach them (from the Berry Reserve carpark).

The proposal positively responds to, and is supportive of, the relevant Outcomes and Objectives within the Warringah Community Strategic Plan 2023.

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

There are no relevant State Environmental Planning Policies to the assessment of this planning proposal. The proposal complies.

7.4 *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The following five (5) Ministerial Directions are applicable to the proposal:

- Direction 1.1 Business and Industrial Zones
- Direction 4.1 Acid Sulfate Soils
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 6.1 Approval and Referral Requirements
- Direction 6.2 Reserving Land for Public Purposes

Consideration of the Ministerial Directions is provided below.

s117 Direction	Requirement	Comment
1.1 Business and Industrial Zones	(1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The planning proposal is consistent with this direction, in that it: • ensures all land associated with the Narrabeen shops is used with consistent land use planning objectives; • will create consistency between the zone objectives and the current and anticipated future land use of the site (carparking); • does not affect any areas or locations of existing business and industrial zones; • will not reduce the total potential floor space area for employment and related public services in business zones or



s117 Direction	Requirement	Comment
		industrial uses in industrial zones;
4.1 Acid Sulphate Soils	(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	This direction applies as the subject site is located within an area of Class 4 acid sulphate soil as shown in Figure 2.
4.2 Mine Subsidence and Unstable Land	(1) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The surrounding land is developed and therefore it is unlikely that there are any issues with mine subsidence which render the site unusable for the proposed purposes (Refer to Figure 3).
6.1 Approval and Referral Requirements	(1) The objective of this direction is to ensure that LEP provisions encourages the efficient and appropriate assessment of development.	This direction applies as the proposal requires an amendment to the Warringah LEP 2011 (draft LEP). The planning proposal is consistent with this direction, in that it: will not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	(1) The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	This direction applies as the proposal requires an amendment to the Warringah LEP 2011. The planning proposal is consistent with this direction, in that it: - responds to an identified zoning inconsistency by proposing a change of zone. - seeks the approval of the relevant public authority and the Director General of the Department of Planning and Environment to alter the zoning of land for public purposes (public carpark). - will result in a positive social and economic outcome for the site and surrounding area as the proposed change of zone will ensure the function of the site relates to/reflects the zone and the purpose for which it is used.

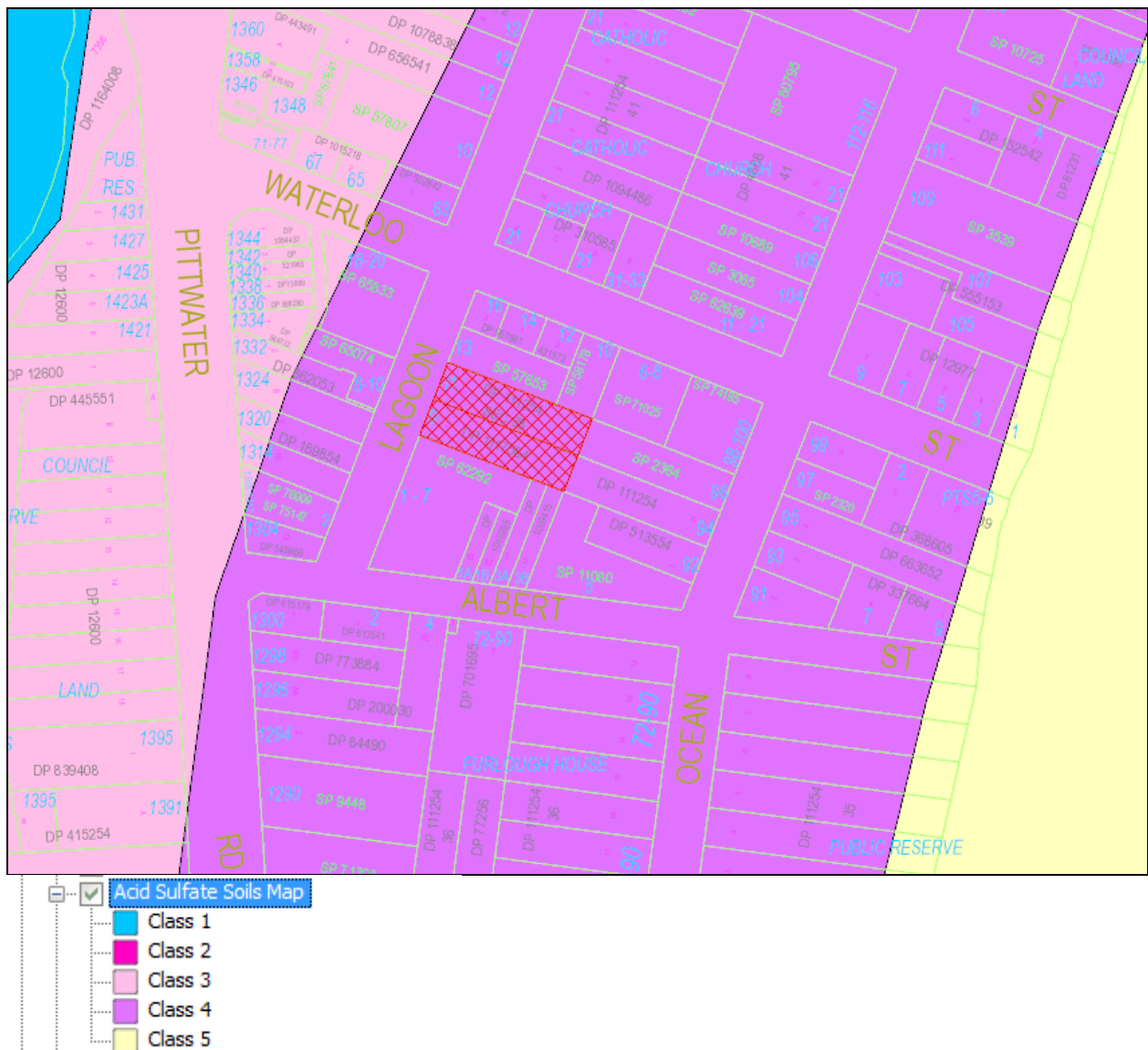


Figure 6: Extract from Warringah Acid Sulfate Soils map and legend (WLEP 2011) showing affectation by Class 4 acid sulphate soils.

The subject site contains Acid Sulfate Soils Class 4 as shown in Figure 6. The proposal to rezone the land at 9 & 11 Lagoon Street, Narrabeen will not result in a disturbance to the ground level/soil as the established function of the site is not proposed to change. Given the limited scope of the proposal and compliance with the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning, the proposal is considered consistent with this Ministerial Direction.

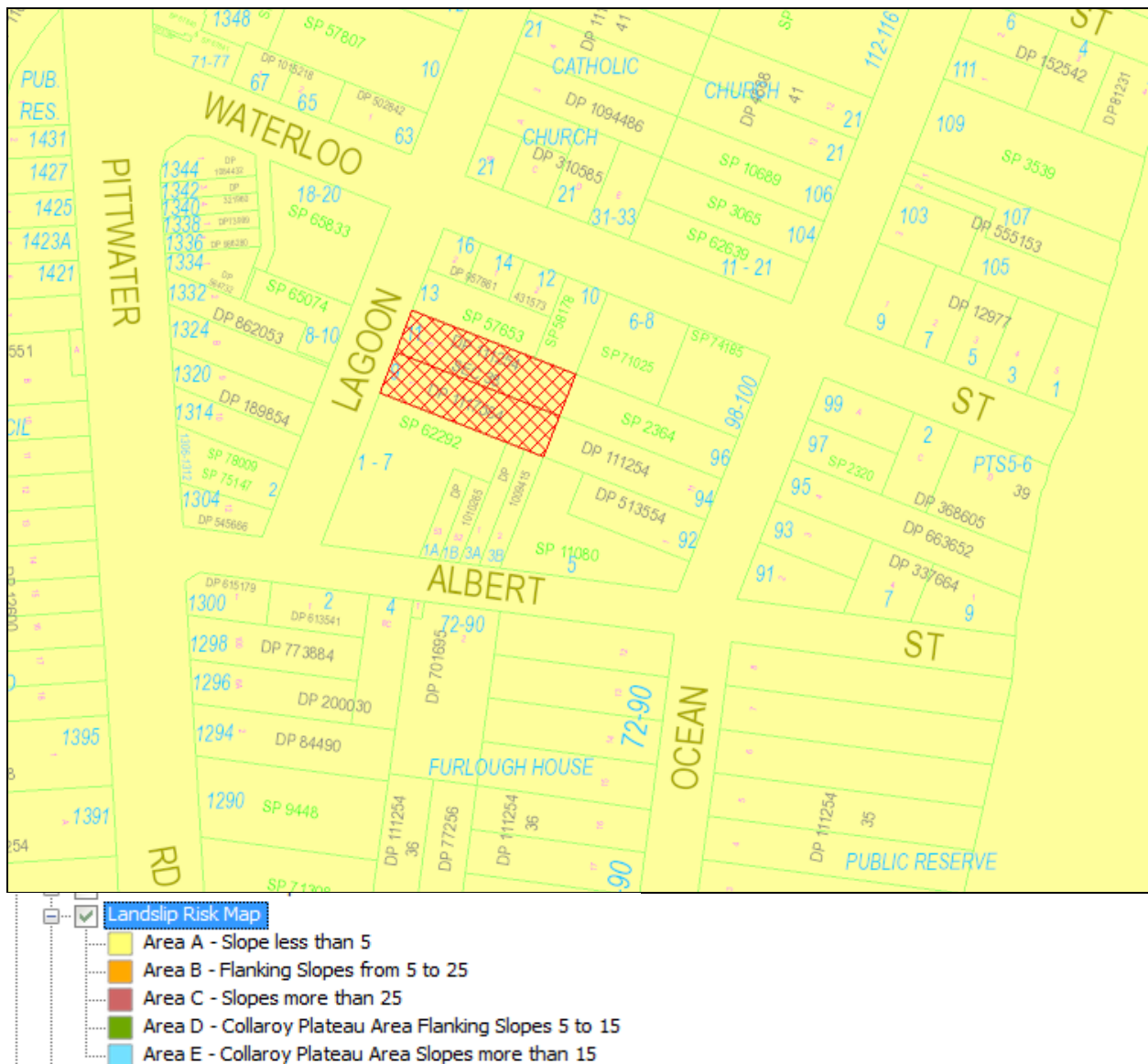


Figure 7: Extract from Warringah Landslip Risk map and legend (WLEP 2011) showing identification as Area A – slope less than 5m.

The site has been identified on the Warringah Landslip Risk Map (WLEP 2011) as Area A – slope less than 5m. The site is fairly level with a slope of less than 5 meters as established in Figure 7. Given this and that the established function of the site is not proposed to change (no earthworks or other tangible works proposed), the inconsistency with this Ministerial Direction is considered of minor and justifiable.



8 Environmental Social and Economic Considerations

8.1 *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?*

No. Given the urban context of the site and the nature of the planning proposal (a site rezoning with no physical works) the proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats.

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

No. Council's record system (GIS) indicates that there are no areas of biodiversity/environmental significance on or in the vicinity of the site. The proposal is also limited to the rezoning of the site, with no tangible works, change of use or change to lot boundaries.

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

Yes. The site's current and continued use as a public carpark has social and economic benefits to the Narrabeen Local Centre.

The proposal to rezone the site is intended to address the current problem of an inappropriate zone that has been applied to the site but rezoning the land to a more appropriate zone for the current and future intended use of the site as public infrastructure for the Narrabeen Shops and surrounding area. The proposal will support the continual use of the Narrabeen Local Centre.



9 State and Commonwealth Interests

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

Yes. The site is an existing, functioning public carpark with the current land use intended to continue. The proposal is limited to a rezoning of the site. All relevant public infrastructure necessary to service a public carpark are available to the site.

9.2 *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?*

There may be consultation with relevant Government agencies should the proposal proceed to become a statutory LEP amendment following a positive Gateway determination.



10 Community consultation to be undertaken on the Planning Proposal

There will be community consultation as part of the statutory assessment of the proposal if Council and the Department resolve to support the proposed draft LEP.

The views of the community will be matters to be considered once the application is publicly exhibited.



11 Conclusion

This Planning Proposal has been prepared in support of amending the Warringah LEP 2011 to rezone the land at 9 & 11 Lagoon Street, Narrabeen (Lot 1 DP 1117584 & Lot 5 Sec 38 DP 111254 respectively).

The merits of a rezoning of this site have been assessed and satisfy the relevant considerations established by the current planning policies.

It is assessed that there is a case to support the proposed LEP amendment and these reasons are summarised as follows:

- Rezoning of the site in the manner proposed will unite the zoning of the Narrabeen local centre and ensure consistency between the land use (carpark) and zoning objectives of the B2 Local Centre zone.
- The proposal will ensure that the site can continue to function as an accessible local centre public carpark.
- The proposal does not involve any changes to the existing streetscape amenity and function of the site as a public carpark.

It is recommended that the Department of Planning and Environment support the proposal and proceed in making a positive Gateway determination.

INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☒	☐
• Demonstrated consistency with relevant sub-regional strategy	☒	☐	• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Site Description/Context			Economic Considerations		
• Aerial photographs	☒	☐	• Economic impact assessment	☐	☒
• Site photos/photomontage	☒	☐	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☒	☐	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☐	☒	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☐	☒	• Open space management	☒	☐
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☐	☒
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☒	☐
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies		
• Stormwater management	☐	☒			
• Flooding	☐	☒			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			



PLANNING PROPOSAL

Lot 1/ McIntOSH ROAD, NARRAWEENA

PROPOSED REZONING FROM RE1 PUBLIC RECREATION TO
B1 NEIGHBOURHOOD CENTRE

NOVEMBER 2014



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1 Introduction

The subject site at Lot 1/ McIntosh Road, Narraweena (Lot 1 DP 35105) is a carpark which services the Narraweena neighbourhood centre. The site is of an irregular shape, and is located adjacent to the Narraweena shops and bound on three sides by roads – McIntosh Road (south), Alfred Street (west) and Alamein Avenue (north). This site is owned by the Department of Housing and managed by Warringah Council.

The proposal is to amend the zoning applying to the site from the current RE1 Public Recreation to B1 Neighbourhood Centre, which will reflect and be compatible with the surrounding land use zone which applies to the adjacent Narraweena shops.

In 2013 council undertook a review of its public carpark's undertaken by Warringah Council as an action within the Warringah Community Strategic Plan. This review established that under the Warringah Local Environmental Plan 2011 (WLEP 2011) carpark within local centres were zoned RE1 Public Recreation but do not provide carparking in association with open space usage, that is to support visitation to parks, playing fields or beaches.

As a result a number of carpark are inconsistent with the objectives of the open space zone including the subject site at Lot 1/McIntosh Road, Narraweena. The proposed new zoning for the subject site will resolve this inconsistency between the objectives of the current zoning of the site and the manner in which it is being used (carpark).

In order to resolve this conflict and ensure that the function of the site better reflects the zone and the purpose for which it is used, it is proposed that the WLEP 2011 be amended to rezone the carpark from RE1 Public recreation to B1 Neighbourhood Centre.

Council supports the proposed rezoning and preparation of a planning proposal to rezone the subject site as per the discussion above.

2 Site Analysis

2.1 Site details and features

The site is known as Lot 1/McIntosh Road, Narraweena. It is legally described as Lot 1 in Deposited Plan 35105. The site's key features in relation to the proposal are summarised as follows:

- *Currently being used as a public carpark servicing Narraweena neighbourhood centre (established land use).*
- *Site is owned by the NSW Department of Housing, managed by Warringah Council.*
- *Site area of 561m².*
- *Single directional vehicular access (enter and exit) points off Alamein Avenue (to the north of the site).*
- *Pedestrian access to the site is informal in nature and is generally directly from the public footpaths along the site street frontages directly adjoining the site. Car park is at-grade with pedestrian access.*
- *The site provides fifteen (15) regular carspaces and one (1) disabled/accessible carspace (16 total) .*
- *Carpark is not timed.*
- *There are a number of trees located on the site including four (4) paperbark trees located along the western boundary. A number of street trees also surround the site including two (2) eucalyptus trees along the northern boundary and three (3) trees of various species along the southern boundary.*



Figure 1: Aerial photograph showing subject site at Lot 1/McIntosh Road, Narraweena (highlighted) and surrounding context.

2.2 Site context and location

The site's key features with regards to its context and location in relation to the proposal are summarised as follows:

- Located at the intersection McIntosh Road and Alfred Street, and the intersection of Alfred Street and Alamein Avenue.
- Located directly to the north (adjacent to) of the Narraweena shops (neighbourhood centre);
- Located directly opposite from Narraweena Public School;
- Narraweena shops are on a local neighbourhood centre scale;
- Surrounding land uses include Narraweena local shops to the south (B1 neighbourhood centre zoning), low density residential development to the east (R2 low density residential zoning), and Narraweena Public School to the west (R2 low density residential zoning).



Image 1: The subject site - carpark - viewed from Alfred Street, looking east. Showing vehicular exit from the carpark to Alamein Avenue (on the left), pedestrian access via footpath and Narraweena neighbourhood shops in the background on the right (Source: Google maps, 2013).

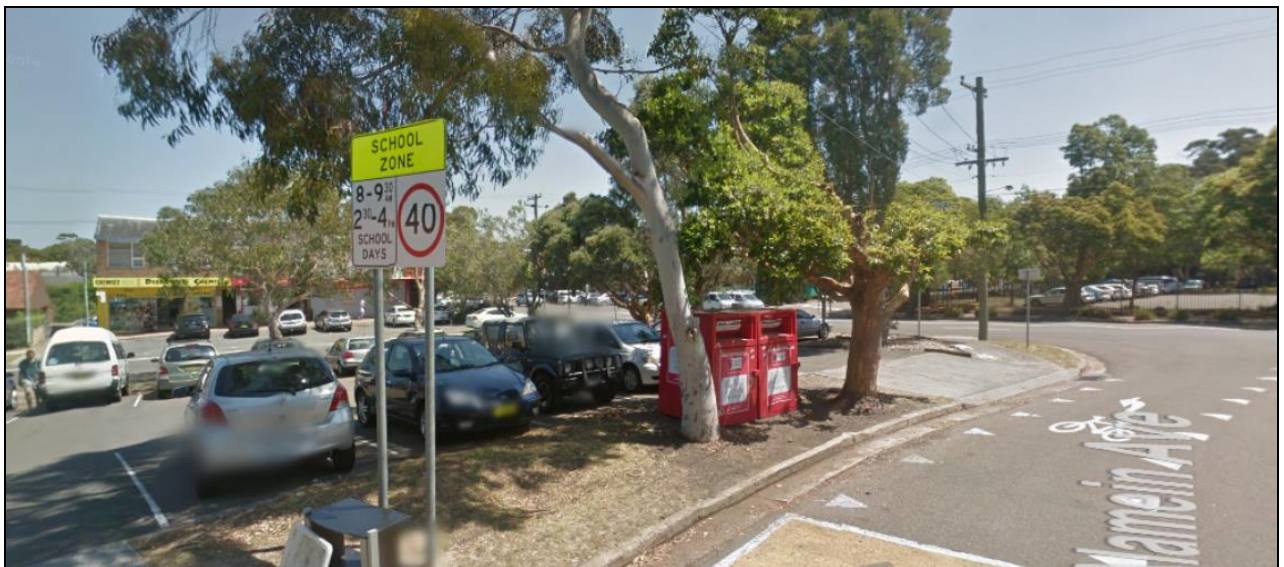


Image 2: the subject carpark viewed from Alamein Avenue, with Narraweena shops visible in the background, and Narraweena Public School visible across Alfred Street (on the right) (Source: Google maps, 2013).



Image 3: The subject carpark viewed from Alamein Avenue. Showing site in context. Residential dwelling house adjacent (image left) (Source: Google maps, 2013).



3 Report Structure

The Department of Planning and Environment (DoPE) sets the form and structure for planning proposal reports. Accordingly, this the following sections of this report are set out in four main parts, as follows:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - Justification for those objectives, outcomes and provisions and the process for their implementation:
 - A. Need for the planning proposal
 - B. Relationship to strategic planning framework
 - C. Environmental, social and economic considerations
 - D. State and Commonwealth interests
- Part 4 - Details of the community consultation that is to be undertaken on the planning proposal.



4 Statement of the Objectives and Intended Outcomes

The objective of the planning proposal is to apply a zone that reflects the established land use of the subject site and the land that it serves, in this case the Narraweena shops zoned B1 Neighbourhood Centre.

The intended outcome of the planning proposal is that the applied zone to the subject site will reflect the established land use and be considered consistent with the zone of the associated Narraweena neighbourhood centre.

5 Explanation of the Provisions

The following is an explanation of the provisions that are proposed to be included in the LEP [EPA Act s.55 (2)(b)].

The proposed map changes to the LEP are provided below.

The proposal involves amending Map Sheet LZN10A of the Land Zoning Map of the Warringah Local Environmental Plan (WLEP) 2011:

Current:

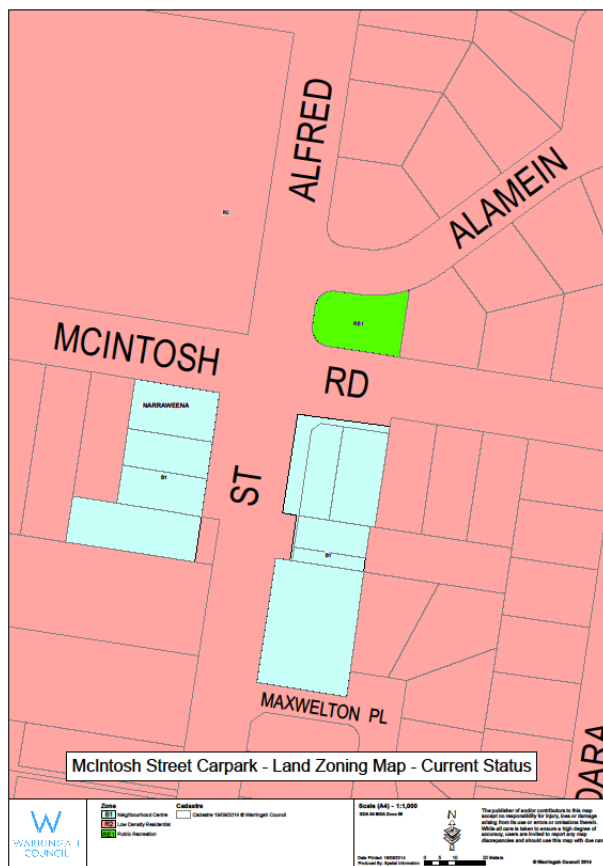


Figure 2: Lot 1/ McIntosh Road, Narraweena – current status on WLEP 2011 Land Zoning Map

Proposed:

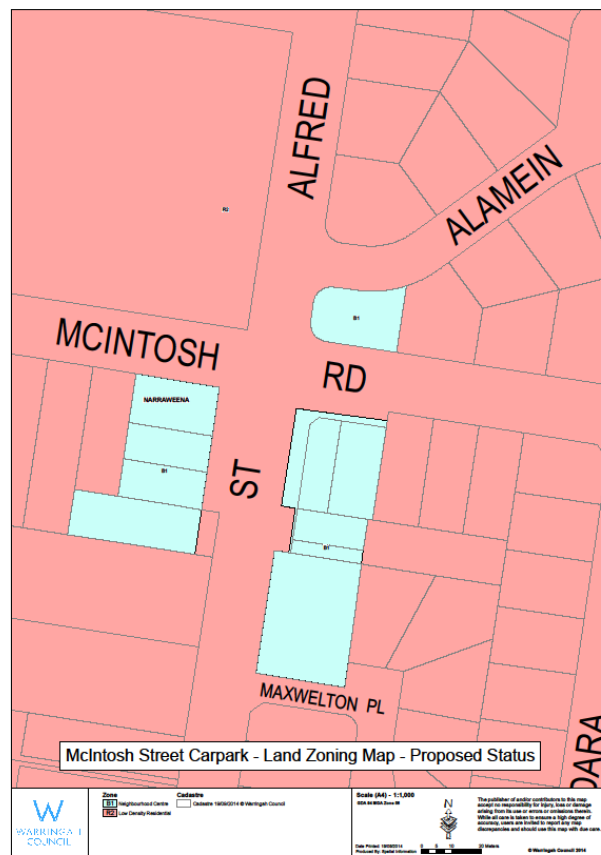


Figure 3: Lot 1/ McIntosh Road, Narraweena – proposed status on WLEP 2011 Land Zoning Map



In addition, the application of a height control to the site is necessary because no height standards apply to the land zoned RE1 Public Recreation (generally) in the Warringah LEP. A height standard of 8.5m has been selected to reflect the height control for surrounding land.

The proposal involves amending Map Sheet HOB010AA of the Height of Buildings Map of the Warringah Local Environmental Plan 2011:

Current:

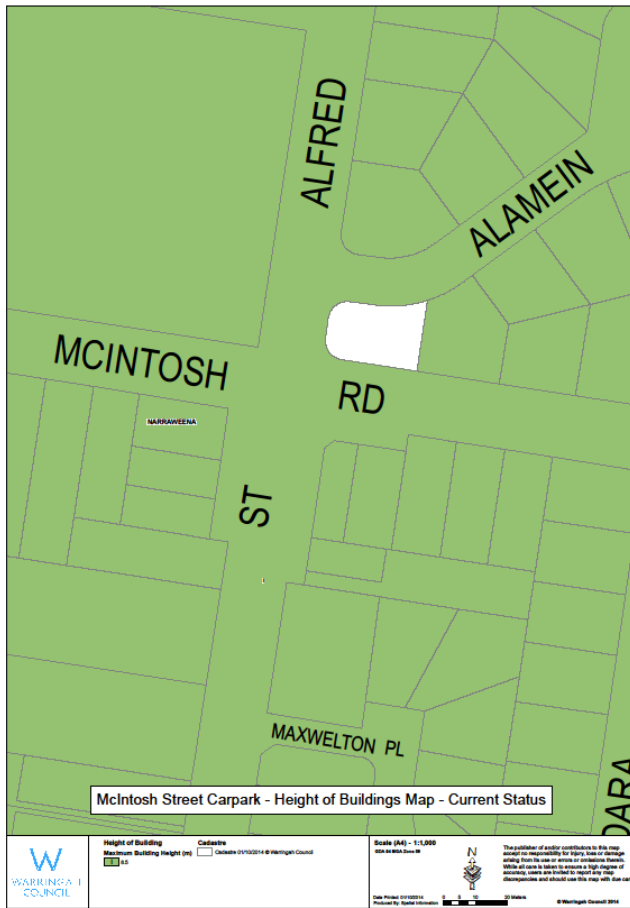


Figure 4: McIntosh Road carpark, Narraweena – current status on WLEP 2011 Height of Buildings Map.

Proposed:



Figure 5: McIntosh Road carpark, Narraweena – proposed new status on the WLEP 2011 Height of Buildings Map.



6 Rezoning Justification

6.1 Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. A strategic review of Council's public carparks has been undertaken. The planning proposal results from the findings of this review which was reported to Council on the 25 March 2014.

This has taken into account the relevant local and state planning policies, the site's context within the Narraweena neighbourhood centre and the merits of a different zoning being applied.

Justification for Provisions

The proposed draft LEP provisions (detailed in the previous Section of this report) are needed to amend the LEP and make permissible a change of zone applying to the land.

Justifications for the carpark Planning Proposals below:

1. The use of RE1 Public Recreation zoned land as a carpark serving the Narraweena Neighbourhood Centre is inconsistent with the objectives of the zone, because the carpark does not serve a park, playing field, beach or other type of land zoned for public recreation.
2. The land operates as a carpark which is used mainly in association with the Neighbourhood Centre which not only includes local shops but also broader community uses like the Narraweena primary school.
3. The carpark adjoins land zoned B1 Neighbourhood Centre (Narraweena Neighbourhood Centre). It is most appropriate that the land be zoned to be consistent with the land use that it serves, in this case the neighbourhood centre. This will achieve compatibility between the established land use (carpark) and the zoning objectives, which are provided below:

To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

To ensure that neighbourhood centres provide a village-like atmosphere and safety and comfort for pedestrians.

To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.

In terms of the zone objectives (current RE1 Public Recreation and the proposed B1 Neighbourhood Centre) the following comments are made in support of the proposed zoning change:

4. The carpark meets the first objective of the B1 Neighbourhood Centre zone as it provides a small-scale community use that serves the needs of the people in the surrounding neighbourhood (Narraweena shops).
5. The land's established use as a carpark bears no relationship to the RE1 Public Recreation zone, as evidenced by the objectives for this zone which are provided below:

To enable land to be used for public open space or recreational purposes.

To provide a range of recreational settings and activities and compatible land uses.

To protect and enhance the natural environment for recreational purposes.

To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.



To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

It is evident in considering these objectives that they do not relate to the function of this carpark, and as a result, the established use of the land as a carpark is inconsistent with the above zone objectives.

On this basis the application of the Zone RE1 Public Recreation to this land is an anomaly. Changing the land's zoning B1 Neighbourhood Centre zone will correct these inconsistencies.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes?

The proposal is an appropriate means of achieving the objectives for the current use of the land. The following points are noted in support of this view:

- The site supports a carpark and is zoned RE1 Public Recreation. However the site does not provide carparking in association with public recreation or open space usage, that is to support visitation to parks, playing fields or beaches. As a result the function of the site (carpark) does not reflect the zone and the purpose for which it is used.
- The location of the site is appropriate to support a *business zoning* because the carpark adjoins land zoned B1 Neighbourhood Centre (Narraweena Shops) and the most appropriate outcome is one where the land is zoned consistent with the land use that it serves, in this case the neighbourhood centre.
- The proposal is limited to a rezoning of the site with no other works proposed.

3. Is there a net community benefit?

The planning proposal will deliver a net community benefit. The key community benefits include:

- The planning proposal will address the current incompatibility between the land use of the site (carpark) and the objectives of the current zone by establishing a more appropriate zone, because the carpark does not serve a park, playing field, beach or other type of land zoned for public recreation.
- The proposal supports the site continuing to provide a small-scale community use (carpark) that serves the needs of people in the surrounding neighbourhood (Narraweena shops).



7 Strategic Planning Considerations

The following strategic planning considerations are applicable to the site:

- Metropolitan Strategy for Sydney (draft and current)
- North Eastern Subregion – draft Subregional Strategy
- Warringah Community Strategic Plan 2023
- Applicable Ministerial Directions (Section 117)

These are addressed in-turn below.

7.1 *Is the planning proposal consistent with the objectives and actions contained within the Metropolitan Strategy for Sydney and the draft Subregional Plan?*

Draft Metropolitan Strategy for Sydney to 2031

The current New South Wales Government's plan for Metropolitan Sydney is still in draft form. The Strategy is titled Draft Metropolitan Strategy for Sydney to 2031. Despite its draft status it nevertheless is a principal planning policy for consideration in relation to any Planning Proposal. The proposal is consistent with a number of strategic objectives and these are identified and responded to below:

The subject site is located within the identified North subregion.

Objective 8: Create socially inclusive places that promote social, cultural and recreational opportunities.

The proposal is consistent with this objective. This accessible public carpark is within a Neighbourhood Centre and performs a valued role in ensuring the continued use of the centre. An accessible carpark supports the local shops as well as broader community facilities including the Narraweena public school. The proposed re-zoning of the McIntosh Road carpark, Narraweena will support and strengthen the local community.

Objective 24: Plan and deliver transport and land use that are integrated and promote sustainable transport choices

The proposal is consistent with this objective. The application of the B1 Neighbourhood Centre zone onto the subject site will align the existing carpark land use with the land use objectives of the zone. The existing carpark acts as a support for future growth in the transport accessible Narraweena centre. The site performs a valued role in providing short term parking for shoppers, and parents in relation to pick-up and drop-off times for Narraweena Public School.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 is the adopted plan for Sydney's growth. It sets the strategic direction and context for decisions related to land use and transport planning in the Sydney Metropolitan Area.

The Metropolitan Strategy establishes a number of strategic Actions / Objectives. The planning proposal is consistent with the action identified and responded to below:

Action H3.1 aims to design and plan for healthy, safe, accessible and inclusive places.

In response: the proposal is consistent with this action in that it aims to allow the continued uninterrupted use of the site as a public carpark. The carpark offers safe and accessible parking for Narraweena shopping village. The planning proposal aims to consolidate the zoning of the Narraweena neighbourhood centre to ensure best practice planning can be applied in the future to this area. The land does not have metropolitan scale strategic importance.



North East Subregion - draft Subregional Strategy

The North East Subregion – draft Subregional Strategy translates the objectives of NSW Government's Metro Strategy to the local level. Indeed many of the aims of the draft Subregional Strategy mirror those of the companion Metropolitan Strategy which have been addressed above. The proposal is consistent with provisions of the draft Subregional Strategy. The land does not have metropolitan or subregional scale strategic importance.

7.2 *Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?*

The one plan of particular relevance to consider in responding to this question is the Warringah Community Strategic Plan 2023. This is addressed in more depth below.

Warringah Community Strategic Plan 2023

The *Warringah Community Strategic Plan 2023* is the Council's principal forward planning document. The plan contains some objectives/goals relevant to the consideration of the planning proposal which are identified and addressed below.

The plan is established under six (6) Outcomes and twenty-two (22) Objectives. The 6 Outcomes include:

- *Vibrant Community*
- *Lifestyle and Recreation*
- *Healthy Environment*
- *Connected Transport*
- *Liveable Neighbourhoods*
- *Working Together*

Two of these Outcomes are relevant to the proposal:

Connected Transport and *Liveable Neighbourhoods*. These Outcomes and their corresponding objectives under each are addressed in turn below.

Connected Transport.

The proposal will apply a more appropriate zoning to the existing carpark site. Applying a zone with land use objectives that are consistent with the existing land use of the site (carpark) will ensure the continued provision of accessible and convenient parking close to the urban (neighbourhood) centre of Narraweena shops.

The accessible convenient location and layout of the carpark means that it is used by residents, in particular during drop-off and pick-up times for the Narraweena Public School located directly to the west, and during business hours for the Narraweena neighbourhood shopping centre. It also is able to act as a park and ride facility for local residents, being untimed and located near a number of bus stops going in various directions.

Liveable Neighbourhoods

The proposal will make consistent the zoning of the site with the Narraweena neighbourhood centre and ensure a consistent approach to the land use planning of the centre; supporting the land's function as a liveable neighbourhood.

In summary the site is currently used as a carpark, being asphalted and marked as such and this use is intended to continue in the future. Being in the immediate vicinity of a neighbourhood centre (the Narraweena Shops) the objectives of the current zoning of RE1 Public Recreation is inconsistent with the



carparking land use. The proposed zoning of the site as B1 Neighbourhood Centre will rectify this issue and ensure continued access to easy parking for the neighbourhood centre.

The proposal positively responds to, and is supportive of, the relevant Outcomes and Objectives within the Warringah Community Strategic Plan 2023.

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

There are no State Environmental Planning Policies relevant to the assessment of this planning proposal.

7.4 *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The following four (4) Ministerial Directions are applicable to the proposal:

- Direction 1.1 Business and Industrial Zones
- Direction 4.3 Flood Prone Land
- Direction 6.1 Approval and Referral Requirements
- Direction 6.2 Reserving Land for Public Purposes

Consideration of the Ministerial Directions is provided below.

s117 Direction	Requirement/Objectives	Comment
1.1 Business and Industrial Zones	(1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The planning proposal is consistent with this direction, in that it: • ensures all land associated with the Narraweena shops is used with consistent land use planning objectives; • will create consistency between the zone objectives and the current and anticipated future land use of the site (carparking); • does not affect any areas or locations of existing business and industrial zones; • will not reduce the total potential floor space area for employment and related public services in business zones or industrial uses in industrial zones;
4.3 Flood Prone Land	(1) The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of	This Direction applies as the subject site is partially flood prone to a very minor degree. This affection refers to properties affected by the Flood Planning Level (i.e. the 1 in 100 year flood plus 0.5m freeboard. The level of flood prone hazard is minor as shown in Figure 3, and of



s117 Direction	Requirement/Objectives	Comment
	and LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	no consequence to the change in zone proposed.
6.1 Approval and Referral Requirements	(1) The objective of this direction is to ensure that LEP provisions encourages the efficient and appropriate assessment of development.	This direction applies as the proposal requires an amendment to the Warringah LEP 2011 (draft LEP). The planning proposal is consistent with this direction, in that it: • will not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	(1) The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	This direction applies as the proposal requires an amendment to the Warringah LEP 2011. The planning proposal is consistent with this direction, in that it: • responds to an identified zoning inconsistency by proposing a change of zone. • seeks the approval of the relevant public authority and the Director General of the Department of Planning and Environment to alter the zoning of land for public purposes (public carpark). • will result in a positive social and economic outcome for the site and surrounding area as the proposed change of zone will ensure the function of the site relates to/reflects the zone and the purpose for which it is used.

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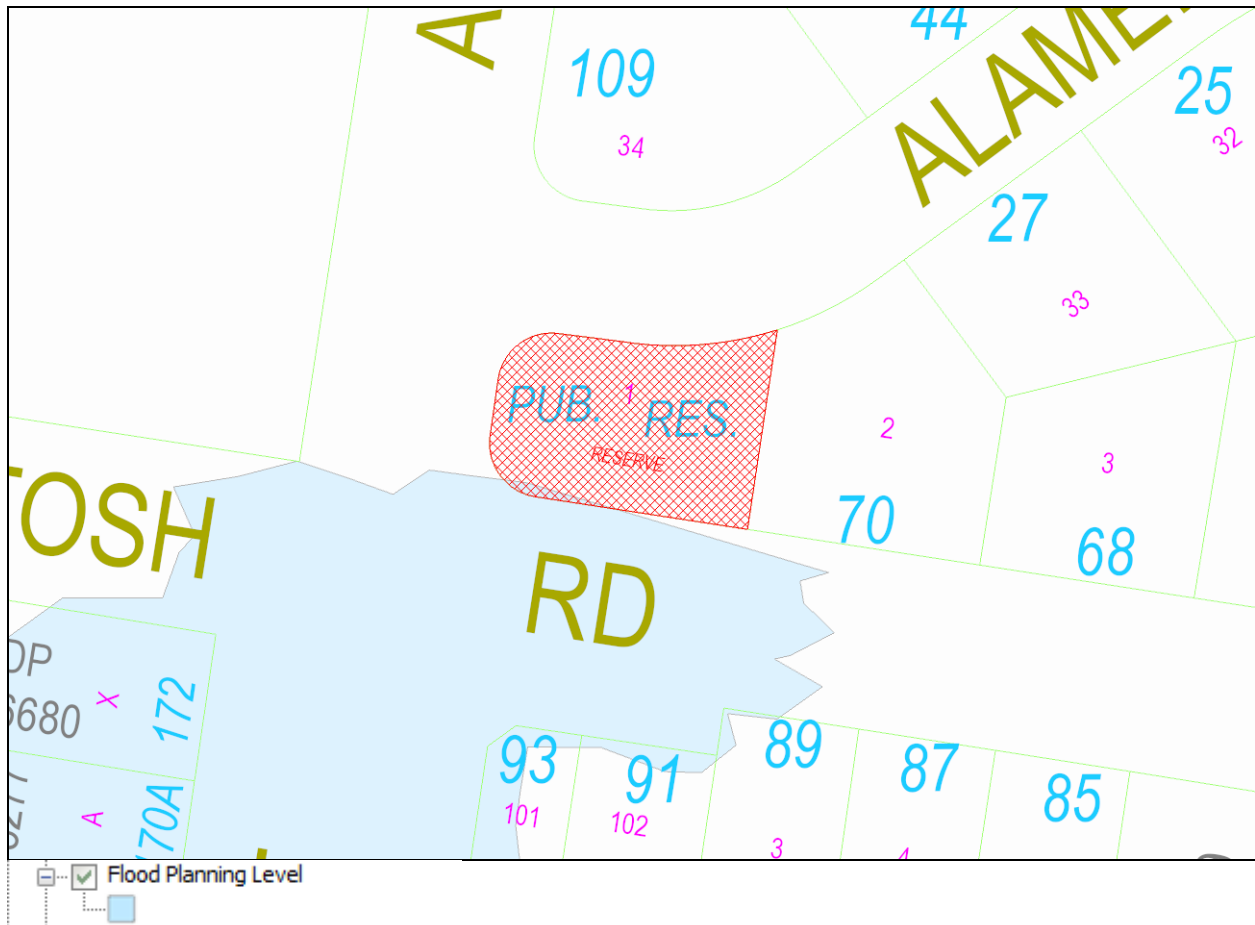


Figure 6: Extract from Warringah Flood Planning Level Map (WLEP 2011) showing minor flood affectation to the subject site.

There is a very minor flood affectation to the site as can be seen in *Figure 6*. Given this and that the established function of the site is not proposed to change, the inconsistency with this Ministerial Direction is considered of minor and justifiable.



8 Environmental Social and Economic Considerations

8.1 *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?*

No. Given the urban context of the site and the nature of the planning proposal (a site rezoning with no physical works) the proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats.

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

No. Council's record system (GIS) indicates that there are no areas of biodiversity/environmental significance on or in the vicinity of the site. The proposal is also limited to the rezoning of the site, with no physical works, change of use or change to lot boundaries.

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

Yes. The site's current and continued use as a public carpark has social and economic benefits to the Narrabeena Neighbourhood Centre.

The proposal to rezone the site is intended to address the current problem of an inappropriate zone that has been applied to the site but rezoning the land to a more appropriate zone for the current and future intended use of the site as public infrastructure for the Narrabeena Shops and surrounding area. The proposal will support the continued use of the Narrabeena Neighbourhood Centre.



9 State and Commonwealth Interests

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

Yes. The site is an existing, functioning public carpark with the current land use intended to continue. The proposal is limited to a rezoning of the site. All relevant public infrastructure necessary to service a public carpark are available to the site.

9.2 *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?*

There may be consultation with relevant Government agencies should the proposal proceed to become a statutory LEP amendment following a positive Gateway determination.



10 Community consultation to be undertaken on the Planning Proposal

There will be community consultation as part of the statutory assessment of the proposal if Council and the Department resolve to support the proposed draft LEP.

The views of the community will be matters to be considered once the application is publicly exhibited.



11 Conclusion

This planning proposal has been prepared in support of amending the Warringah LEP 2011 to rezone the land at Lot 1/McIntosh Road, Narraweena (Lot 1 DP 35105).

The merits of a rezoning of this site have been assessed and satisfy the relevant considerations established by the current planning policies.

It is assessed that there is a case to support the proposed LEP amendment and these reasons are summarised as follows:

- Rezoning of the site in the manner proposed will unite the zoning of the Narraweena neighbourhood centre and ensure consistency between the land use (carpark) and zoning objectives of the B1 Neighbourhood Centre zone.
- The proposal will ensure that the site can continue to function as an accessible neighbourhood centre public carpark.
- The proposal does not involve any changes to the existing streetscape amenity and function of the site as a public carpark.

It is recommended that the Department of Planning and Environment support the proposal and proceed in making a positive Gateway determination.

INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☒	☐
• Demonstrated consistency with relevant sub-regional strategy	☒	☐	• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Site Description/Context			Economic Considerations		
• Aerial photographs	☒	☐	• Economic impact assessment	☐	☒
• Site photos/photomontage	☒	☐	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☒	☐	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☐	☒	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☐	☒	• Open space management	☒	☐
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☐	☒
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☒	☐
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies		
• Stormwater management	☐	☒			
• Flooding	☐	☒			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			



Warringah Local Environmental Plan 2011

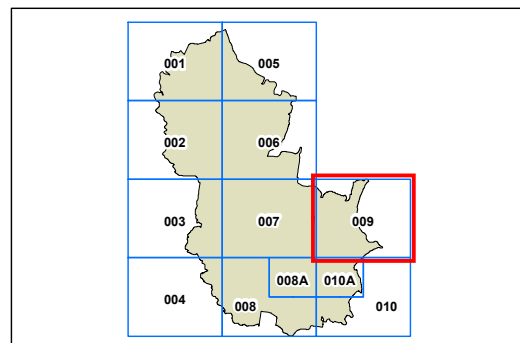
Land Zoning Map - Sheet LZN_009

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU4 Primary Production Small Lots
- SP1 Special Activities
- SP2 Infrastructure
- W1 Natural Waterways
- DM Deferred matter

Cadastre

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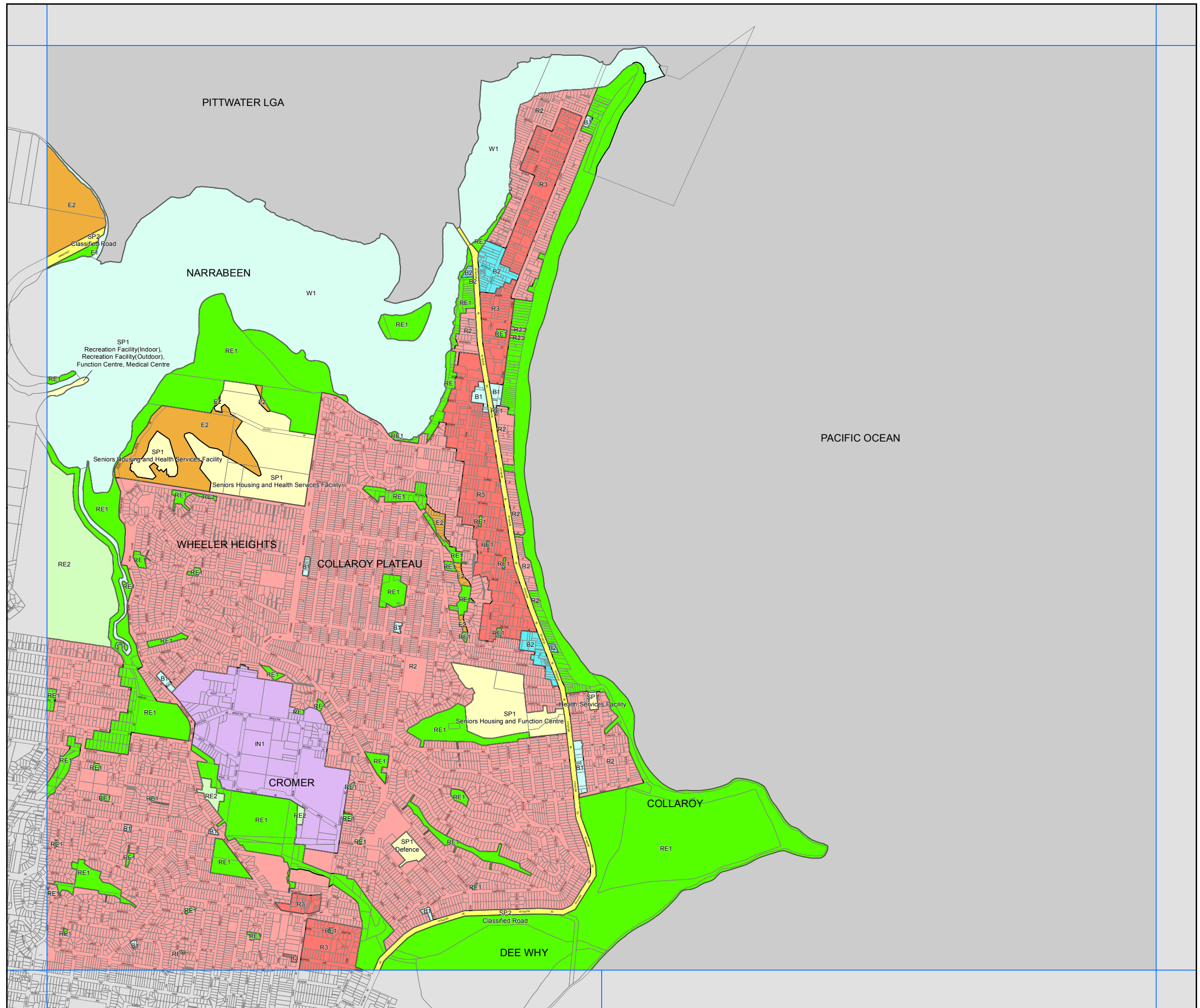


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Scale: 1:20,000 @ A3

Projection: GDA 1994
Zone 56

Map identification number: 1800_COM_LZN_009_020_20140922





Warringah Local Environmental Plan 2011

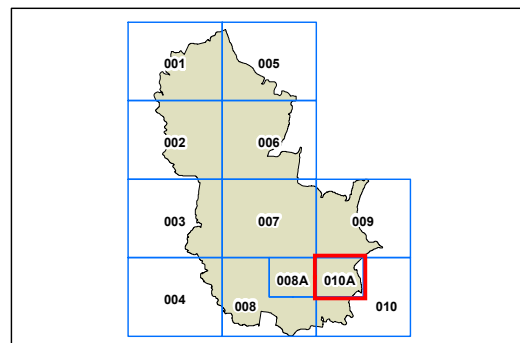
Land Zoning Map - Sheet LZN_010A

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU4 Primary Production Small Lots
- SP1 Special Activities
- SP2 Infrastructure
- W1 Natural Waterways
- DM Deferred matter

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0 200 Metres

Scale: 1:10,000 @ A3

Projection: GDA 1994
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