



PLANNING PROPOSAL

15-17 Suwarrow Street Fairlight

Prepared for Manly Golf Club

By

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This document has been prepared in accordance with the Department of Planning (Department of Planning) Guidelines for Preparing Planning Proposals. It outlines a proposal to rezone the subject land at 15-17 Suwarrow Street Fairlight from the 6. Open Space zone to the 2. Residential zone under Manly LEP 1988.

This Planning Proposal aims to rezone the land consistent with its previous use for residential purposes.

Local Government Area: Manly

Address of land: 15-17 Suwarrow Street Fairlight. No 15 comprises Lots 31-32 and No 17 comprises Lots 29-30 in DP939916 (see **Figures 1 and 2**).



Figure 1 - Location

The site has an area of 899.27sqm and is located adjacent to the intersection of Balgowlah Road and Suwarrow Street, to the north of 28-32 Balgowlah Road, properties which are also owned by Manly Golf Club. In their advice dated November 2010, Manly Council provided the following information in relation to the subject site and these adjoining properties.

“15 & 17 Suwarrow St, Fairlight: This land is zoned Open Space. It was previously developed for single dwellings. Manly Golf Club purchased the two properties No 15 in 1969 and No 17 in 1999 respectively. Manly Council approved the demolition of these two properties by letter dated 2nd August 1999. Since then the land has remained vacant. Manly Golf Club advises that it was previously paying rates although the land was zoned Open Space.

28 Balgowlah Rd, Fairlight: A cottage appears to have been constructed in or about the year 1916 and hence prior to the commencement of the Local Government Act, 1919. A number of alterations were made to the cottage by previous owners until Manly Golf Club purchase the property in 2002.

This property along with No. 30, 32 and 34 Balgowlah Road had been reserved under the Manly Planning Scheme since 1968 for “New Parks and Recreation Areas”.

30 Balgowlah Rd, Fairlight: Manly Golf Club has just recently purchase this property.

32 & 34 Balgowlah Rd, Fairlight: In 1990, the Town Clerk at the time confirmed that both properties are zoned Residential and not open space as previously indicated in Manly Local Environmental Plan 1988. This is an error since Council's plans indicate properties fronting Suwarrow Street and not Balgowlah Road in which properties actually facing Balgowlah Road do exists. This property was purchased by Manly Golf Club in 1997."



Figure 2 – Aerial photo showing site and surrounding development

Further to the above it is noted that the site previously had vehicular access to Suwarrow Street and a new driveway crossing has recently been constructed by Council provided as part of the roadworks that are being undertaken in Suwarrow Street (see **Figure 3**). No 28 Balgowlah Road also has vehicular access via Suwarrow Street (see **Figure 4**).

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Surrounding Environment

As noted above, to the south of the site are 4 lots containing 3 dwellings fronting Balgowlah Road (see **Figure 5**). This development is typical of the residential development found in the immediate locality.

To the north and west of the site is Manly Golf Club. As can be seen on **Figure 2**, the area adjoining the site to the north is used as a bowling green.



Figure 3 – New driveway crossing to site in Suwarrow Street

To the east, across Suwarrow Street is a Council run child care centre known as ‘The Roundhouse’ (see **Figure 6**).

Suwarrow Street itself is currently being reconstructed and provides access to a number of Council sporting facilities in the vicinity.



Figure 4 – Driveway crossing to No 28 Balgowlah Road in Suwarrow Street



Figure 5 – Adjoining development fronting Balgowlah Road



Figure 6 – The Roundhouse child care centre opposite the site

The Planning Proposal seeks to change the existing Open Space zoning to the Residential Zone under Manly LEP 1988. The land has not been used for open space for very many years (if ever) and it is not intended to be used for this purpose by Manly Golf Club. Given the recent use of the site for residential purposes, the proposed rezoning should be seen as correcting an anomaly in the current zoning which is inconsistent with this most recent use.

Although not part of the proposed amendment to LEP 1988, it is intended that the Manly Residential Development Control Plan 2007 be concurrently amended to include the site within Density Subzone 3 (1 unit per 250sqm of site area), consistent with adjacent residential areas. In this regard it is noted that the current version of the Density Map of the DCP does not include the existing residential land adjoining the site at 28-32 Balgowlah Road (see Figure 7).



Figure 7 – Extract of Density Map of Residential DCP

Part 1 - Objectives or Intended Outcomes

The overarching objective of the Planning Proposal is:

To rezone the land to be consistent with its most recent use – residential, in order to facilitate development that would be permitted on other residential land in the vicinity.

Part 2 - Explanation of Provisions

The requested amendment comprises a change to the zoning indicated on Council's LEP map from Open Space to Residential. The existing zoning is shown below and the proposed zoning is shown in **Appendix A**.

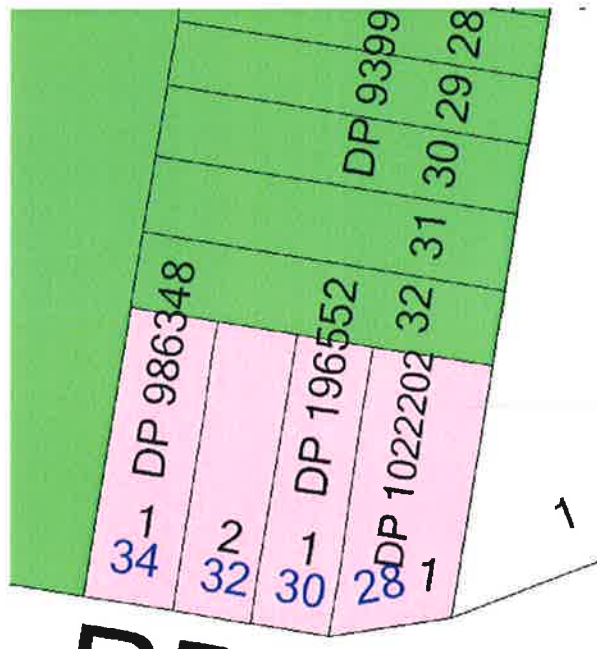


Figure 8 – Current zoning (as indicated in Council's advice dated November 2010)

Part 3 – Justification

Section A - Need for the planning proposal.

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

No, the Planning Proposal is very minor in nature and of little planning significance. As noted above it should be seen as simply correcting an anomaly in the existing zoning as the land has been used for many years for residential purposes (and would continue to be if the previous dwellings were not demolished).

Further, the proposal is considered to be consistent with the provisions of Manly LEP 1988 the main strategic planning instrument applicable.

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

The land is not required for private recreation associated with the golf club and as such a more appropriate land use is necessary. It is considered that the Planning Proposal is the best means of achieving the objectives for the site. As the previous dwellings have been demolished there is unlikely to be any existing use rights applying to the land and so any new residential use would be prohibited. Being zoned Open Space the permitted range of uses is very limited.

3. Is there a net community benefit?

The Planning Proposal is considered to be of net community benefit as the current vacant state of the land is of no community benefit. The current use is not public open space and it is surplus to the needs of Manly Golf Club for their private recreational use. The provision of additional land for residential use will increase the amount of local housing stock and contribute to more affordable housing. Increasing the population will have flow on economic benefits to local businesses and Council's Section 94 Contribution requirements will ensure that there are adequate services and facilities to meet the needs of the additional people on the site.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The site is within the area covered by the draft North East Subregional Strategy ('the draft Strategy'). The Planning Proposal is very minor in nature and simply seeks to rezone the land consistent with its most recent residential use. However, it may result in additional dwellings (even accounting for the previously demolished dwellings) and so will assist in meeting the objectives of the draft Strategy in regard to provision of additional dwellings and provide the opportunity to provide a greater range of dwelling types.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

We are not aware of any strategic plan of relevance to the subject site except for Council's draft LEP 2011 which is currently being prepared. As detailed in Council's advice dated November 2010, the properties along Suwarrow Street are intended to be zoned RE2 Private Recreation. The properties facing Balgowlah Road are intended to be zoned R2 Low Density Residential. This confirms there is no 'public' open space issue in this case as the land is and has for many years been privately owned and never used as public open space. If the Planning Proposal is supported and the land rezoned to Residential under LEP 1988, it would be appropriate to adopt an R2 zoning, consistent with the adjoining properties under the new draft 'template' LEP.

It is noted that the adjoining land including the child care centre, Suwarrow Street and the adjoining parkland is part of a Council reserve known as LM Graham Reserve (see Figure 9).

voluntary management proposal, not subject to an ongoing maintenance order and there is no copy of any site audit statement that has been provided at any time to Manly Council."

SEPP 71 Coastal Protection - the subject site is land within the Coastal Zone under the NSW Coastal Protection Act 1979. SEPP No 71—Coastal Protection applies to all land within that zone. The policy ensures:

- Development in the NSW Coastal Zone is appropriate and suitably located;
- There is a consistent and strategic approach to coastal planning and management;
- There is a clear development assessment framework for the Coastal Zone

The Planning Proposal is minor in nature and will not be inconsistent with any aspect of this Policy. The area is subject to coastal flooding from Manly Lagoon, however as discussed below the subject land is not specifically affected and this will not be significantly altered by anticipated rises in sea level identified in the NSW Sea Level Rise Policy Statement and guidelines.

SEPP (Housing for Seniors or People with a Disability) 2004 – this SEPP will apply if the land is rezoned and as with all residential land in the State could be used for this type of housing subject to development consent.

SEPP BASIX – All future residential development will be required to comply with this SEPP.

There are no REP's of relevant to the proposal.

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

The proposal is consistent with all relevant Section 117 Directions. Those most relevant are noted and commented upon below:

2.2 Coastal Protection - in accordance with this direction the Planning Proposal is not inconsistent with any of the following:

- (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and
- (b) the Coastal Design Guidelines 2003, and
- (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

3.1 Residential Zones - in accordance with this direction:

- the proposal will potentially increase in housing diversity in the area;
- the proposal makes use of existing infrastructure in that it involves the reinstatement of the most recent use of the site for residential purposes and is located close to existing services and facilities;
- the proposal will assist in meeting metropolitan housing targets aimed at reducing the need for development on the urban fringe;
- the proposal will have minimal impact on the environment. In this regard it is noted that the site does not contain any significant vegetation or habitat;
- the subject land is adequately serviced (see **Appendix B**).

3.4 Integrating Land use and Transport - in accordance with this direction the Planning Proposal provides for development with good access to transport as the No 142 public bus uses Balgowlah Road adjacent to the site. Further the proposal is not inconsistent with the following:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

4.1 Acid Sulphate Soils – the subject site is affected by Acid Sulphate soils as indicated in an extract from Council's map at **Figure 9**. Therefore any future development must have regard to provisions of Clause 33 of Manly LEP 1988. This affectation does not mean the site is unsuitable for residential use but rather that certain measures will need to be undertaken depending on the nature of future development. These measures will be specified as part of any future DA for the site.

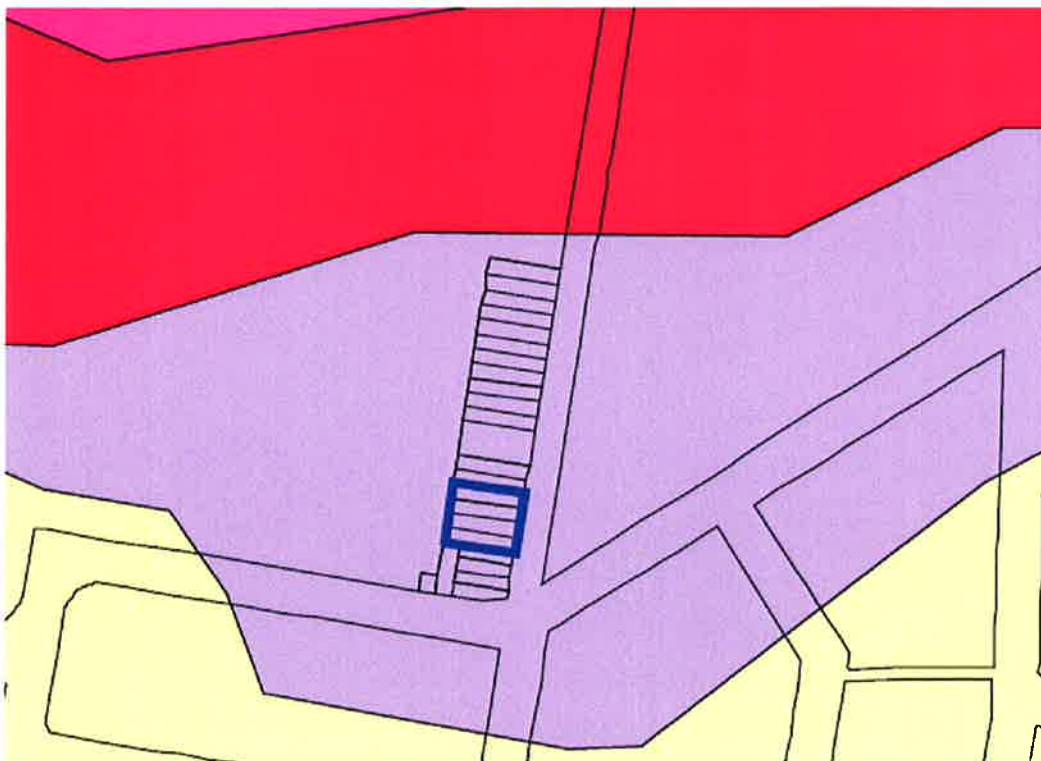


Figure 9 – Extract of LEP Acid Sulphate Soil map

4.3 Flood Prone Land – in this regard the following comments were included in Council's advice dated November 2010:

"The properties are in close proximity but are not within the current Manly Flood Zone (Potential 1:100) Map and therefore is not subject to Council's Interim Policy and Administration Guidelines for Development & Use of Land Affected by a 1 in a 100 Year Flood - Manly Lagoon."

Further to the above it is noted that the above Policy generally provides a 1:100 Yr Flood Level of RL2.6-2.7m. The 'freeboard' level is 0.5m above this level (ie RL3.1-3.2m). The NSW Sea Level Rise Policy Statement and guidelines indicate that an additional 90cm needs to be added to existing coastal flooding levels to account for sea level rise to 2100. This results in a level of RL4.0-4.1m. The lowest point of the site is RL4.43m and therefore it is not likely to be affected by coastal flooding even when climate change is taken into account.

7.1 Implementation of the Metropolitan Strategy

The proposal is consistent with the Metropolitan Strategy as indicated in the discussion of the draft North East Subregional Strategy above.

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site contains minimal vegetation and no significant native vegetation. As such it is extremely unlikely that any of the above would be issues in this case.

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

Most of the potential impacts have been addressed above. In addition Council has indicated that the following issues should be addressed.

Vehicular access

The existing vehicular access to the site is via Suwarrow Street which is closed at its intersection with Balgowlah Road and so access to the wider road network is via Odawarra Close. As noted above the previous dwellings on the site gained access in this way and No 28 Balgowlah Road continues to use this access.

Council has raised concern about the potential to increase traffic in the context of these roads being zoned for Open Space and designated community land and there being a child care centre across the road. In response it is noted that access rights to existing lots cannot be taken away and there is still a road fronting the site which provides suitable access to all four lots. Further, a recently constructed driveway crossing has been provided to the site.

If the Density Control of 1 unit/250sqm of site area of the Residential DCP is applied to the site, up to 3 dwellings could be provided. This is only one additional dwelling to that which previously existed and as such the potential for increased impact is minimal.

If the subject land were redeveloped in conjunction with the Balgowlah Road properties also owned by the Club, a maximum of 7 dwellings could be achieved. If this were the case the impacts of traffic associated with such development would have to be considered on its merits as part of any future DA.

Services

The existing dwellings on site had access to the necessary infrastructure with the exception that they had on-site septic sewer systems. As indicated in **Appendix B**, the relevant services remain easily accessible. In regard to sewer, connection to the existing system which runs through the golf club has been reviewed by a hydraulics engineer and an architect. As detailed in **Appendix C**, the indicative connection would require a floor level for any future development to be at PL6.0-6.3m. This is achievable on the site without any adverse impacts as it is only 0.5m (south boundary) and 1.5m (north boundary) above existing ground levels.

The rezoning will not significantly increase demand for services.

Climate change/Sea level rise

As detailed above, taking into account the potential for sea level rise to 2100 to increase flood levels in the area, the development of the site can be undertaken at a level above predicted levels without any unreasonable impacts.

Further to the above, the following impacts are also considered.

Impact on neighbours

The impact on neighbours is limited to the adjoining properties to the south. The next nearest neighbour, the child care centre, has limited potential for impacts as it is across Suwarrow Street. The only significant potential for impact on the Balgowlah Road properties relates to overshadowing and loss of privacy. However these matters can be suitably addressed and adequate controls are contained in the Residential DCP to ensure that amenity is appropriately protected.

Parking

Any future development will be required to provide parking in accordance with the Residential DCP. However if Council considers that due to the lack on street parking in the vicinity that additional parking should be provided, this will be considered as part of pre-DA discussions.

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

Yes. There is minimal potential for impact. Additional population will be of benefit to the local economy and Council has Section 94 contributions which ensure that adequate social and other facilities will be available.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

As noted above there is adequate transport and service infrastructure available in close proximity.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Planning Proposal is minor in nature and significant consultation is unlikely to be required as part of the 'Gateway Determination'.

Part 4 – Community Consultation

Given the minor nature of the proposal and the fact that the site was previously used for residential purposes it is considered that there will be adequate community consultation during the formal public exhibition stage should 'Gateway' approval be granted.

The Planning Proposal aims to rezone the land consistent with its previous use for residential purposes. The potential for adverse impact is minimal. There are adequate services and infrastructure available for the site. The Planning Proposal is consistent with all relevant local, subregional and State planning policies and strategies.

In view of the above, we fully support the Planning Proposal and request that Council agree to the support the proposed change in zoning and request the Department of Planning and Infrastructure to undertake their 'Gateway' consideration.