

Mayoral Minute

Draft Agenda deadline is 12 noon Thursday, 12 days prior to Council meeting

Report Title: **Mayoral Minute No 15/2010
OUTCOMES OF COUNCILLOR WORKSHOP ON
SUBMISSIONS TO DRAFT WARRINGAH LOCAL
ENVIRONMENTAL PLAN 2009**

EDMS Link:

Council Meeting Date: **24 August 2010**

**Notification of interested parties
required?** **YES / NO / NA**

Report written by: **Caroline Kades, Senior Strategic Planner**

Signature

Date

Reporting Manager: **Manager Strategic Planning**

Signature

Date

Director: **Director Planning and Development Services**

Signature

Date

Key Consultation:

Has consultation taken place with the following?

Corporate Lawyer **YES / NO / NA**

Reviewed by General Manager:

Signature

Date

Approved by Mayor:

Signature

Date



5.5**Mayoral Minute No 15/2010
Outcomes of Councillor Briefing on Submissions to Draft
Warringah Local Environmental Plan 2009****Background**

On 6 July 2010 Council staff briefed the Councillors as requested in more detail on various issues raised in submissions to the draft Warringah Local Environmental Plan (WLEP) 2009.

The booklet titled 'Submissions Discussion' (being Attachment Booklet 4 to item 4.1 of Council meeting 8 June 2010) formed the basis of discussion. After a brief overview of the statutory process for the making and amending of local environmental plans (LEPs) Councillors identified those matters for further discussion.

The matters discussed and the conclusions reached are at Attachment 1 to this Minute.

In regard to the consideration of WLEP 2009, I am informed by staff that recommendation G from Item 4.1 resolved at Council's meeting on 8 June 2010 has now been completed, ie:

- G That proponents of rezoning proposals or other suggested amendments to the Warringah Local Environmental Plan 2009 be advised that they can submit a planning proposal to Council with the required fee and all necessary documentation to support the proposal, for further consideration in accordance with the Environmental Planning and Assessment Act once the WLEP 2009 is in force. This advice in no way indicates support or otherwise of any such proposal.*

I am also informed that Recommendation V from Council's resolution of 8 June 2010 regarding the draft Warringah Local Environmental Plan 2009 will also be undertaken as part of the Strategic Planning Priorities for 2010/11 in accordance with the Council's resolution.

My recommendations below relate to the matters that Councillors agreed at the briefing should be carried out by staff following the making of WLEP 2009, with all other issues to be assessed in accordance with the Environmental Planning and Assessment Act, following receipt of any planning proposals by proponents.

RECOMMENDATION

- A. That in accordance with Attachment 1 to this Minute, reports on the following matters be prepared by staff for Council's consideration following the making of the WLEP 2009:
- (i) Myoora and Mona Vale Roads – RU4 Rural Small Holdings (Item A)
 - (ii) Schools (Item B)
 - (iii) E3 Environmental Management zone - land east of Forest Way (Item C)
 - (iv) the Collaroy Beach Services Club (Item G)
 - (v) the St Vincent de Paul site at Brookvale (Item L)
- B. That Council reiterates that proponents of rezoning proposals or other suggested amendments to the Warringah Local Environmental Plan 2009 may submit a planning
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proposal to Council with the required fee and all necessary documentation to support the proposal, for further consideration in accordance with the Environmental Planning and Assessment Act once the WLEP 2009 is in force. This in no way indicates support or otherwise of any such proposal.

Michael Regan
MAYOR



Matters discussed and conclusions

A. Myoora and Mona Vale Roads - RU4 Rural Small Holdings

Matter discussed:

Part 5C in Submissions Discussion booklet. Permitted / prohibited status of lawfully approved and established Category Three Land Uses in the current A4 Myoora Road Locality under the draft Warringah LEP 2009.

Summary of discussion:

It is possible to permit additional uses on the individual lots on which the uses are currently located by amending WLEP 2009, Schedule 1 Additional Permitted Uses, and the Additional Permitted Uses map.

Such a change would mean that the uses become permissible on those lots but that if expansion, for example, onto an adjoining lot is required, then a planning proposal would need to be submitted.

Land owners in Belrose North (Part 5B in Submissions Discussion booklet) have also made similar submissions. To achieve consistency the area for investigation may need to extend beyond the Myoora Road area.

Investigation is required around the question of whether the NSW Department of Planning (DOP) is open to accepting a significant number of additions to Schedule 1 or whether it will deem that the 'Existing Uses' provisions of the Environmental Planning and Assessment Act (EP & A Act), are appropriate to address this matter.

Outcome of discussion:

Council staff are instructed to further investigate these areas and report back to Council.

B. Schools

Matter discussed:

Permitted/ prohibited status of lawfully approved and established schools in the E3 Environmental Management zone (with particular reference to the Belrose North area). Consideration of the use of the SP2 Infrastructure zone for private schools.

Summary of discussion:

The issue has arisen as schools were removed from Schedule 1 Additional Permitted Uses of draft WLEP 2009 by the DOP. Council had sought to identify these on existing nominated sites in the RU4 Rural Small Holdings and E3 Environmental Management zones.

Councillors were advised that the DOP has accepted the zoning of private schools to SP2 Infrastructure - Educational Establishment in other LGAs (eg. Riverview, Lane Cove Council). Riverview is a significantly larger school than those in Warringah. Hence, investigation in this matter may involve seeking written advice from the DOP in relation to whether it is likely to accept departure from its guidelines.

Further investigation should be undertaken in respect of all public and private schools (church affiliated schools and infants/ primary as well as secondary schools) located in zones where these will be prohibited under WLEP 2009. This investigation is to include consideration of:

- use of the Special Purpose - SP2 Infrastructure zone;
- inclusion of *educational establishments* or *schools* into the land use table for the RU4 and E3 zones as uses permitted with consent;
- the effect of State Environmental Planning Policy (Infrastructure) 2007.

Outcome of discussion:

Council staff are instructed to undertake the investigations outlined above and prepare a report back to Council.



Matters discussed and conclusions

C. E3 Environmental Management zone

Matter discussed:

Zoning of land between Perentie and Dawes Roads and land on the southern side of Dawes Road. The land identified for discussion is zoned E3 Environmental Management and is surrounded by land zoned either R2 Low Density Residential and R3 Medium Density Residential.

Summary of discussion:

The land between Perentie and Dawes Roads is wholly developed as seniors housing. Land south of Dawes Road is largely developed with detached dwellings and the subdivision pattern is generally consistent with that of land zoned R2 Low Density Residential in Belrose.

Submissions (Part 5A in Submissions Discussion booklet) request that this land be rezoned either R2 Low Density Residential or R3 Medium Density Residential.

The land is not particularly close to a centre, nor is it identified in the Talk of the Town for further investigation as part of the Housing Strategy. However, it is in reasonable proximity to public transport along Forest Way and is essentially surrounded by residential development. Further investigation as to the most suitable zone for the land appears to be warranted. Such investigation should include consideration of services and infrastructure.

Outcome of discussion:

Council staff are instructed to undertake further investigation into the suitability of the proposed zone for the land and prepare a report back to Council.

D. RE2 Private Recreation zone for various recreation facilities

Matter discussed:

Part 4A in Submissions Discussion booklet. Four submissions were received seeking site specific changes either to remove the RE2 Private Recreation zone and replace with an alternate zone (eg. residential) or to add additional permitted uses on a site specific basis.

Summary of discussion:

The wider issue of maintaining recreation facilities for on going community use and managing land zoned RE2 Private Recreation was discussed. This included discussion of submissions that were made suggesting that all private clubs (eg. RSL Clubs) should be zoned RE2 Private Recreation specifically to maintain the recreational benefit to the community that otherwise may be lost by the redevelopment of club sites for residential, commercial or other non recreational uses.

Without prejudice, the likely environmental issues associated with rezoning and facilitating additional commercial uses are especially pertinent to 26 Campbell Avenue (Tennis Centre) and 223 Fisher Road (Dee Why Bowling Club) as these facilities are both located in an open space corridor aligning South Creek. Other issues, such as distance from identified centres and relationship to surrounding land uses, were also discussed.

With respect to the requested change to 101 South Creek Road (Manly Warringah District Soccer Club) discussion addressed the benefit of additional employment land compared to the potential loss of a recreational facility.

With respect to the requested change to 146 Forest Way (Belrose Bowling Club) discussion addressed the possibility of limiting a child care facility to a specific portion of the site whilst maintaining the requirement for a recreational facility on the remainder of the site and the social benefits that may accrue to the community if such changes are made on the site.

Outcome of discussion:

It was agreed that Council would not consider these matters further unless planning proposals are lodged with Council by proponents.



Matters discussed and conclusions

E. Salvation Army 23 Fisher Road Dee Why

Matter discussed:

Part 3B.5 in Submissions Discussion booklet. Redevelopment of the site for medium density residential development ranging in height between 3 storeys and 7 storeys.

Summary of discussion:

Concerns were expressed in regard to the proposed height of development. Discussion also addressed the proposed (wholly) residential use of commercial land; heritage significance and the possible linkage between the Civic Centre and the Dee Why commercial area.

Outcome of discussion:

It was agreed that the outcomes of the Dee Why urban form study and the Warringah housing strategy, both currently underway are relevant to any further consideration of changes to the LEP in respect of this site and that Council would not consider these matters further unless a planning proposal is lodged with Council.

F. Warringah LGA boundaries

Matter discussed:

Inconsistency in the location of the Local Government Area boundary in waterways and management implications.

Summary of Discussion:

The boundary between Warringah and adjoining local government areas, where located in waterways, for the most part lies at the centreline of the waterway. However, at Akuna Bay, Middle Harbour and Cottage Point this lies along the high water mark so creating complexities of land management across local government area boundaries.

Outcome of discussion:

Council staff are instructed to undertake the investigations outlined above and, if deemed warranted, pursue this matter within the future review of WLEP 2009 to be undertaken pursuant to Council's resolution 'V' of item 4.1 (Council Meeting 8 June 2010).

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

Matter discussed:

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

Summary of discussion:

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

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

Outcome of discussion:

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

Matters discussed and conclusions

H. Various sites

Matters discussed:

Referring to Submissions Discussions booklet:

- Part 4B.3 - RSL ANZAC Village, Narrabeen;
- Part 3B.3 - Manly Warringah Rugby League Club;
- Part 3B.7 - Austlink Business Park; and
- Attachment Booklet 5 - Internal Comments - Item 7 – registered clubs located on public land.

Summary of discussion:

Clarification was provided in relation to various issues raised by/ details of the above submissions.

Outcome of discussion:

No issues are identified for further action by staff.

I. Warringah Mall

Matter discussed:

Part 4C.4 of Submissions Discussion booklet. Consideration of additional permitted uses for Warringah Mall *being bulky goods premises, timber and building supplies and vehicle repair stations.*

Request from owners of Warringah Mall that the provisions in the Warringah DCP that allow the consent authority to vary the DCP requirements, if deemed warranted, should be changed for the Warringah Mall site.

Summary of discussion:

Discussion examined standard instrument definitions and concluded that the permitted uses included in the B3 Commercial Core zone, together with the existing use rights provisions of the Act, are appropriate for on going management of the land zoned B3.

Discussion also examined the application of the Warringah DCP and the current Warringah Mall DCP. It was generally agreed that the Warringah DCP needs to be applied consistently for all land in Warringah in order to remain strong as a non-statutory instrument.

Outcome of discussion:

No issues are identified for further action by staff.

J. Waratah Park Ranger's Cottage

Matter discussed:

Part 5D of Submissions Discussion booklet. Consideration of a heritage listing of the Waratah Park Ranger's Cottage.

Summary of discussion:

A request for consideration of inclusion of the ranger's cottage on the State Heritage Register has been referred to the NSW Heritage Office. The process to review heritage provisions in Warringah is to be carried out later this year and will include this property. The matter of any future proposed subdivision was also discussed inclusive of the need to take into account the likely impact on any heritage significance.

Outcome of discussion:

No issues are identified for further action by staff.



Matters discussed and conclusions

K. Harbord Diggers Club

Matter discussed:

Part 3B.4 of Submissions Discussion booklet.

Summary of discussion:

Clarification was provided in respect to the current development application process that proposes removal of bowling greens for residential development and retaining the club on site. The need to provide further traffic assessment in relation to the provision of car parking for both the residential development and the club development (inclusive of any future extended club operations) was also outlined. It is open to the club to pursue the current development application process for residential development.

It is also open to the club to submit a planning proposal that clearly articulates the desired future outcome of the site. The proposition of redevelopment of the club with an integrated approach to the provision of club, conference/ function and short term accommodation facilities might be suitable, subject to detailed investigations through the planning proposal process.

Outcome of discussion:

It was agreed that Council should await the Club's decision as to what action it make take in regard to the site and that Council would not consider these matters further unless a planning proposal is lodged with Council.

L. 638 Pittwater Road Brookvale (St Vincent de Paul)

Matter discussed:

Part 3A.11 of Submissions Discussion booklet. The site is subject to a split zoning with B5 Business Development at the Pittwater Road frontage and IN1 General Industrial at the rear.

Summary of discussion:

The site has dual frontage to both Pittwater Road and Carlton Lane (at the rear). All other sites lying to the north and having similar dual frontage are zoned B5. The anomaly appears to have occurred due to a previous subdivision pattern/ amalgamation of sites and warrants review.

Outcome of discussion:

Council staff are instructed to prepare planning proposals for 638 Pittwater Road Brookvale (St Vincent de Paul) following the making of WLEP 2009.

Conclusion

Reports on the following matters are to be prepared by staff for Council's consideration following the making of the WLEP 2009:

- (i) Myoora and Mona Vale Roads – RU4 Rural Small Holdings (Item A)
- (ii) Schools (Item B)
- (iii) E3 Environmental Management zone - land east of Forest Way (Item C)
- (iv) the Collaroy Beach Services Club (Item G)
- (v) the St Vincent de Paul site at Brookvale (Item L)

