

# Report on Public Hearing

## Reclassification of Community Land to Operational Land

### Forestville Local Centre Parking and Accessways

Prepared for:

Northern Beaches Council

May 2016

Project No: 10528



NORTHERN BEACHES  
COUNCIL

## Report on Public Hearing

Reclassification of Community Land to Operational Land  
Forestville Local Centre Parking and Accessways

GLN Planning Pty Ltd  
ABN 39 585 269 237

Level 10, 66 King Street Sydney NSW 2000  
GPO Box 5013 Sydney NSW 2001

P	[02] 9249 4100	E	<a href="mailto:info@glnplanning.com.au">info@glnplanning.com.au</a>
F	[02] 9249 4111	W	<a href="http://glnplanning.com.au">glnplanning.com.au</a>



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## 1.0 Introduction and Background

### 1.1 Commission

GLN Planning Pty Ltd (**GLN**) was commissioned by the then Warringah Council, now known as Northern Beaches Council (**Council**), to independently chair a Public Hearing and prepare a Public Hearing Report for a Planning Proposal which provides for the reclassification of land from community to operational for a relatively small part of the internal access ways providing pedestrian access to shops at the Forestville Local Centre. The reclassification is part of a broader Planning Proposal which also proposes to rezone all of the car parks and access ways at the Centre from Zone RE1 Public Recreation to Zone B2 Local Centre by amendment to Warringah Local Environmental Plan 2011 (WLEP). The public hearing is required to consider only the proposed reclassification of the land.

The stated purpose of the Planning Proposal is to reclassify and rezone the land *“to guarantee effective land use management for Forestville Local Centre as a whole, and ensure consistent and appropriate zoning for its current and intended future use.”* The Planning Proposal was publicly exhibited between 9 April 2016 and 16 May 2016. A total of 7 submissions were received by Council from the exhibition process.

The Public Hearing was conducted on Thursday, 19 May 2015 and this Public Hearing Report has been prepared in accordance with Section 29(1) of the *Local Government Act 1993* (the LG Act) and relates solely to the proposed reclassification of a Lot 18, DP 30880, identified as Allotment 6 in the Planning Proposal, and not the rezoning of the land.

The Author of this report, Ms Jillian Sneyd, chaired the Public Hearing. For the purposes of s.47G of the LG Act and the EP&A Act, Ms Sneyd was last an employee of Warringah Council in May 1999, in excess of 5 years and has never held the position of Councillor at Warringah Council.

### 1.2 Statutory Context

‘Public land’ is any land that is vested in or under the control of a council and pursuant to s.25 of the LG Act, must be classified as either Community Land or Operational Land.

Community Land is generally open to the public, for example, parks, reserves or sports grounds. Under s. 45 of the LG Act, Community Land must not be sold, exchanged or otherwise disposed of, leased or licensed unless in accordance with the provisions of the LG Act. Community classified land cannot under the LG Act be used by adjoining land owners to access their properties. Operational Land may be used for other purposes, for example, as access, works depots or garages, or held by a council as a temporary asset.

Classification or reclassification of public land may be undertaken pursuant to s. 27(1) of the LG Act via a Local Environmental Plan (LEP) made under the Environmental Planning and Assessment Act (EP&A Act) or pursuant to s. 27(2) of the LG Act via a resolution of a council.

Where it is proposed to reclassify Community Land to Operational Land via an LEP, a Council is required by s. 29 of LG Act to convene a public hearing and this public hearing must be held after the close of the statutory exhibition period for the LEP. Reclassification of land does not in itself affect any estate or interest a council has in the land.

## 2.0 The Site and Locality

### 2.1 The Site

The site is located within the area known as Forestville local centre. The land included in the Planning Proposal is legally described as Lot 7084 in Deposited Plan (DP) 93831; Lot 15 in DP 401139; Lot X & Y in DP 26598; Road Reserve "The Centre", Forestville; and Lot 18 in DP 30880.

Lot 18 in DP 30880 is identified as allotment 6 within the Planning Proposal and is the land proposed to be reclassified as operational land. Allotment 6 has an area of approximately 397m<sup>2</sup> and comprises part of an access way providing access to shops and the car parking area. All other pedestrian access ways and car parking area identified within the Planning Proposal are currently identified as operational land. **Figure 1** shows the land the subject of the Planning Proposal with the area to be reclassified highlighted with a blue boundary.

In addition to the access way to be reclassified, this and the remaining land included within the Planning Proposal for rezoning is:

- All land currently being used as public car parking areas and pedestrian access ways servicing Forestville local centre (established land use). Car parking is at grade and accommodates approximately 98 car spaces within the site and along the Starkey and Darley Street frontages. The car parking is time – limited to two (2) hours maximum during weekdays with some three (3) hour parking available on weekends. The pedestrian access ways within the site provide access in a 'mall' environment to individual shops from the street footpaths and car park areas in Starkey Street and Darley Street.
- Lot 7084 in DP 93831; Lot 15 in DP 401139; Lot X in DP 26598; and Lot Y in DP 26598 (allotments 1, 2, 4 & 5 in the site) is Crown land that is managed by Warringah Council.
- Road reserve "The Centre", Forestville (allotment 3 in the site) is owned and managed by Warringah Council.
- Total site area of the land to be rezoned is 4949m<sup>2</sup>.



**Photo 1 Aerial photograph**

Showing subject site at Darley & Starkey Streets, Forestville (crosshatched) with separate allotments identified. Land subject to reclassification is outlined blue. (Source: Warringah Council Planning Proposal)

On a broader scale, the site is situated approximately 8 kilometres to the west Dee Why Town Centre and approximately 18 kilometres to the north of Sydney CBD.

## 2.2 Locality

The site is situated approximately 8 kilometres to the west Dee Why Town Centre and approximately 18 kilometres to the north of Sydney CBD.

The key features of the site and its context and location are summarised as follows:

- The Forestville Centre is a local centre and made up of a number of smaller allotments;
- It has a through block road via Violet Lane connecting Darley Street to Starkey Street;
- Adjoining development to the Forestville Shops comprises dwelling houses to the north and south and west. Dwelling houses and the Forestville Public School are located to the east.

Photos 2 and 3 below illustrate the land identified as “Allotment 6” within the Planning Proposal for which reclassification to operational land is sought.



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**Photo 2:** Allotment 6 "The Centre" from the north western corner (looking east)  
(Source: J Sneyd 23 May 2016).



**Photo 3:** Allotment 6 from the north western corner toward car parking area (Allotment 1)  
(Source: J Sneyd 23 May 2016).



**Photo 4 :** Allotment 1 and 2 (carparking areas)  
(Source: J Sneyd 23 May 2016).



**Photo 5:** Allotment 4 (carparking area) viewed from Darley Street, Forestville.  
(Source: J Sneyd 23 May 2016).





**Photo 6:** Allotment 5 viewed from the corner of Starkey Street and Violet Lane with Forestville local centre shops  
(Source: Google maps, 2013).



**Photo 7:** Allotment 3 “The Centre” viewed from eastern end Starkey Street, Forestville (looking west)  
(Source: J Sneyd 23 May 2016).

Photos 4 – 7 above and on the previous page indicate the remainder of the allotments of land within the Planning Proposal.

## 3.0 Public Exhibition and Public Hearing

### 3.1 Public Exhibition

The proposal to reclassify Allotment 6 from Community Land to Operational Land was publicly exhibited as part of PP\_2016\_WARRI\_001\_00 from 9 April 2016 to 16 May 2016.

Residents and surrounding landowners were notified of the exhibition:

- By notice posted on Council's website;
- In the local newspaper;
- In writing to the adjoining landowners and relevant public authorities; and
- By information displayed at Council's Offices at Dee Why and various libraries.

A total of seven (7) written submissions were received during the public notification period.

**Table 1** below provides a summary of these submissions.

Table 1 Summary of Public Submissions	
Submitters Name	Issues Raised
J Grace	<ul style="list-style-type: none"><li>• Potential for sale;</li><li>• Loss of area used by the community;</li><li>• Stair access to Coles Carpark requires attention and cleaning.</li></ul>
G McCarthy	<ul style="list-style-type: none"><li>• Reclassification is sought to enable redevelopment of the Forestville Centre;</li><li>• Loss of open space and village appeal.</li></ul>
G Dionyssopoulos	<ul style="list-style-type: none"><li>• Reclassification will lead to metered parking.</li></ul>
J Deady	<ul style="list-style-type: none"><li>• Documentation and intent of Planning Proposal was unclear.</li></ul>
N Watson	<ul style="list-style-type: none"><li>• Community land classification restricts opportunity for sale, leasing and development and should be maintained to prevent development.</li></ul>
I Parsons	<ul style="list-style-type: none"><li>• Maintain access from Russet Place walkway and between Commonwealth Bank and Australia Post premises.</li></ul>
S Brideson	<ul style="list-style-type: none"><li>• Concerned about loss of the space in the open quadrangle and potential sale of the land by Council.</li></ul>

A copy of all submissions received are contained in **Appendix A**

### 3.2 Public Hearing

Council arranged a public hearing for the proposed reclassification of the Site to be held on Thursday 19 May 2016 from 6:00pm in the Heather Flawith Room at the Forest Community Arts Centre in accordance with Clause 29 of the Local Government Act 1993.

Notification of the Public Hearing was issued at least 21 days before the start of the hearing in the Manly Daily. Those persons who made written submissions and/or enquiries during the

public exhibition period were personally invited. The Public Hearing was also advertised on Council's website.

The hearing was independently chaired by Jillian Sneyd of GLN in accordance with the requirements of s. 47G of the LG Act and the EP&A Act and the following Council Officers also attended the hearing:

- Phil Jemison – Sustainable Urban Planning Manager; and
- Kate Hansen – Strategic Planner.

There were four (4) public attendees as representatives of three (3) properties at the Public Hearing and the meeting was closed at approximately 6.45pm. The register of those attending are contained in **Appendix B**.

Table 2 Summary of Submissions at Public Hearing	
Name	Issues
A and N Rozos	<ul style="list-style-type: none"><li>• Movements of trucks in the Coles Loading Bay and closure of the one-way access from Starkey Street to the loading dock.</li><li>• Potential damage to buildings from trucks.</li></ul>
K Bayl	<ul style="list-style-type: none"><li>• Impacts upon development potential and access to St David's Anglican Church located on Warringah Road from the existing carpark.</li></ul>
S Stevens	<ul style="list-style-type: none"><li>• Potential for redevelopment of the Council owned land.</li></ul>

### 3.3 Discussion

Having considered the written and verbal submissions, the key objections to the proposed reclassification can be summarised as follows:

- Operational issues and the movements of delivery vehicles to the Coles Supermarket loading dock;
- Potential impacts of future development.
- Potential for sale of the land.

In summary, the concerns raised are not applicable to the proposed reclassification. The reclassification is being undertaken as part of a series of Planning Proposals being prepared by Council to ensure land within public carparks and pedestrian access ways is appropriately zoned and classified. Reclassification of this part of the access way will bring it into alignment with the classification of the remaining land comprising the access ways and use of a consistent management framework when dealing matters relating to such things as outdoor seating in conjunction with shops and minor development such as under awning and other signage that may extend into or over this land. It is practical and sensible to ensure that all land is appropriately zoned and classified for the effective management of Council assets.

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The reclassification is not being undertaken to enable sale or redevelopment of the land. In light of the existing lot configuration and ownership pattern, any future plans for redevelopment would be subject to future development consent. Sufficient measures operate within the development consent provisions of the EP & A Act to enable opportunity for concerns to be raised should redevelopment be proposed in the future.

I am satisfied that the proposed reclassification is appropriate in the circumstances of the case.



## 4.0 Conclusion and Recommendation

The former Warringah Council, now Northern Beaches Council is proposing to reclassify the land at Forestville Local Centre from Community Land to Operational Land. The reclassification is to be undertaken in conjunction with a rezoning of the land from RE1 Public Recreation to B2 Local Centre.

The reclassification would “*guarantee effective land use management for Forestville Local Centre as a whole, and ensure consistent and appropriate zoning for its current and intended future use.*” The reclassification and rezoning will correct anomalies that have occurred as a result of dedication of land to Council, vesting of crown land in Council's care, control and management and various legislative changes over the years.

Seven (7) written public submissions were received during the formal public exhibition period regarding the reclassification. A Letter to the Editor was published in the Manly Daily on 10 May 2016 from one of the 6 submitters.

A Public Hearing was convened following the close of the exhibition period and advertised in local newspapers, on Council's website, at Council Administration Offices and libraries. All those who made written submissions or enquiries during the public exhibition period were directly contacted. There were four (4) public attendees to the meeting, as representatives of three (3) landowners and therefore three (3) verbal submissions were received.

Council has indicated that the proposed rezoning is to correct zoning and classification anomalies that have been identified within a number of Council owned and controlled carparks. There is no intention to seek redevelopment of the land nor is it proposed to dispose of the land by way of sale.

Having given consideration to the written public submissions and Council Officer responses, the independent chair of the Public Hearing, Ms Jillian Sneyd, is of the opinion that reclassification of Allotment 6, Lot 18 DP 30880, being land within the Forestville Local Centre from Community Land to Operational Land is appropriate in the circumstances of the case.

Accordingly, it is recommended that Council proceed with the proposal to reclassify Lot 18 DP 30880 from Community Land to Operational Land.

Section 47G(3) of the LG Act requires Council make a copy of this report available for inspection by the public within four days of receiving this report. It is recommended that Council:

1. Publish an e-copy of this Public Hearing Report on Council's website;
2. Make a hard copy of this Public Hearing Report available to the public for inspection at Council's Administration Offices and libraries; and
3. Write to or email those persons who made a written submission notifying them of the availability of this Public Hearing Report as outlined above.

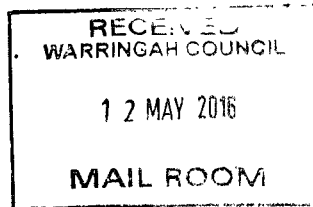
## APPENDIX A



Survey Response						
First Name	Surname	Email	Address	Suburb	Phone	Submission
Glen	McCarthy			FORESTVILLE, NSW		<p>From what I understand , the reclassification of the quadrangle in the shopping village. Can only mean one of two things 1.carpark enlargement or 2.a proposition from a developer to buy out the existing businesses surrounding the quadrangle and build a large commercial premises ie, a supermarket . I strongly oppose any such recommendation as it will markedly impact the open space and village appeal of the centre.</p> <p>Regards Glen Mccarthy</p>
George	Dionyssopoulos			FRENCHS FOREST, NSW		<p>Is this going to mean that our carpark are going to become metered and that we will have to PAY to park for a few hours?? If this is the case we are strongly opposed to such proposed changes to turn them into Operational areas. We pay SO much in rates and taxes already.</p> <p>Kind Regards.</p>
John	Deady			FORESTVILLE, NSW		<p>I find it very hard to follow the gobbley gook on the website about the car park changes .It seems that perhaps the play swings etc are to be replaced but if so how will it make more car spaces,?</p> <p>The whole explanation of the changes may as well have been written in Scottish english.</p>
Neil	Watson			FORESTVILLE, NSW		<p>The quadrangle next to the post office in the Forestville Centre is an open and favoured area for community relaxation and the alley-way provides ease of access to the toilets, children's park and library. It is currently classified as 'community land' which has restrictions on selling, leasing and development, but the proposal to classify it as</p>

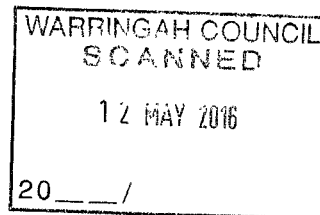
						<p>'operational land' has no such restrictions. This will provide the opportunity to develop or sell it at any time in the future, despite the Council claiming it currently has no such plans. I believe that this reclassification will be a loss to the community and any benefits to its management through reclassification is not in my opinion a substantial enough reason to make such a change. I recommend that the area maintains a zoning and classification that prevents selling, leasing or development and retains its ongoing availability for the community to use.</p>
Ian	Parsons			FORESTVILLE, NSW		<p>Please ensure that access to shops in Forestville Centre is maintained from the Walkway beside Russet Place to the Car Park and on to the Shops up the Passage Way between the Forestville Post Office and the Commonwealth Bank.</p>
Shirley	Brideson			KILLARNEY HEIGHTS, NSW		<p>I do not want the Forestville Centre open quadrangle and alleyway next to the post office to be reclassified. This is a lovely open area for people to access the carpark, and to sit down when tired, and even to sit in the sun when it is cold and to rest in shade when it is hot. To lose this open space would change the whole character of the Forestville shopping centre and with the reclassification there is the suggestion that the council will want to sell the land off which can occur without consultation. No reclassification!</p>





10<sup>th</sup> May 2016

The Manager,  
Warringah Shire Council,  
Pittwater Road,  
Dee Why 2099



Dear Sir,

I understand from today's "Manly Daily" that the Community quadrangle in the Forestville shopping centre is to be rezoned as 'operational land'. This of course, means it could be up for sale to development.

Why is the Council so greedy that it doesn't care about removing a special area that makes this centre so much more attractive than all the usual soul destroying shopping malls? This belongs to the Community, it is public land, not meant for private profit.

This area is used for community events, for relaxing. There is also a war memorial. We do not need more shops, more clutter.

Turn your attention instead to the disgraceful state of the stairs to the underground car park and to all the commuters who park all day, making it difficult for shoppers to get parking.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "Janet Grace".  
Janet Grace

I say

## Thanks to shopper who handed in phone

ON May 5 I obtained a new mobile phone at Warriewood Shopping Centre but, being the occasional old fool that I am, I managed to leave my old phone in the bag with my new phone accessories hanging in the shopping trolley. Many thanks to the kind person who handed it in to Dee Why police, making the first call I received on my new phone one from the very efficient Dee Why police. This all happened within a couple of hours of my foolishness. I therefore offer a huge thank you once more to the very kind person who handed it in.

Michael Jones, Narrabeen

## Track needs upgrade

I AM an athlete, coach and long-time user of athletics tracks. The Narrabeen track surface is in serious need of being completely replaced as the current surface has now gone excessively hard and is not suitable for regular users. It is likely the worst surface in NSW, with more than 30 patches of wear and tear that have the potential to cause serious injury.

The injuries now being experienced on this track in recent times can only be regarded as excessive and extremely dangerous. We have been forced to reduce

training loads but injuries are still paramount and of course very expensive. In my years of coaching at this track, the current rate of injuries is unprecedented. More than 55 per cent of our squad alone have sustained a lower leg injury in the past 12 months.

It is essential that the upgrade of the track surface be completed as a matter of urgency. Users of the track pay a premium price to use the surface for a substandard facility.

Amanda Coombe, Dee Why

## Community land may be lost under plan

THE open quadrangle and alleyway next to the post office in the Forestville Centre could soon be lost. It is currently classified as community land that has restrictions on selling, leasing and development but Warringah Council is proposing to reclassify it as operational land, which has no such restrictions.

This will provide the opportunity to develop or sell it at any time in the future, despite the council claiming it currently has no such plans.

I believe that this reclassification will be a loss to the community and I encourage readers to submit protests to the council by Monday, May 16. Submissions can be made at the council's website by entering "carpark" in the home-page search

## LETTER OF THE DAY

UNLESS Pittwater MP Rob Stokes can pull a rabbit out of a hat, Pittwater Council's belated birthday party to celebrate 24 amazing years will be a wake. The council staff and residents who have worked so hard, committing their heart, mind and soul into making Pittwater Council so successful, deserve better than that.

Lyme Czinner, former Pittwater councillor and mayor, Warriewood

window and selecting the Carpark Review and Rezoning link, which leads to the submission form.

Neil Watson, Forestville

## Please don't fell tree

CAN someone tell me the significance for the number markers on trees at the current Belrose Library precinct? Are these trees earmarked for removal? Please, don't remove the mulberry tree near the footpath adjoining Ashworth Ave. It has been there a long time.

Children pick the leaves to feed their pet silkworms and during the summer months the fruit is a source for my granddaughter to cook her favourite muffins.

I encourage her to only pick a small container full (enough for the recipe), and to leave some for others to share the free bounty.

Gloria Velleley, Belrose

## Planning idea spot on

WE ARE lucky to have such an enlightened Planning Minister in

Rob Stokes. His current proposal - that, prior to councils assessing development applications developers should be required to discuss their plans with neighbours - is spot on.

Consider how much pain and anguish could have been avoided by residents if Woolworths had embraced the community with its plans for a supermarket in Newport back in 2008.

Now Woolworths is back in town and it is deja vu all over again as secrecy surrounds discussions about any possible development.

Come on Woolworths and Pittwater Council - heed the advice of Mr Stokes, who obviously knows that people are just as important as profit.

David Catchlove, Friends of Newport

## Hue for white elephant

WITH respect to those complaining about the colour of the Manly Swim Centre, what colour do they expect a white elephant to be?

David Griffin, Balgowlah Heights

Letters should be no longer than 250 words. They must include the writer's full address (only the suburb is published) and a daytime phone number for verification. Letters should be concise and relevant to the local community. Letters are submitted on the condition that NewsLocal Newspapers, as publisher of the Manly Daily, may edit and has the right to license third parties to reproduce them in electronic form. Responsibility for all election comment in this issue is taken by Kathy Lipari, 2 Holt St, Surry Hills, 2010.

being too busy to fit exercise into your hectic schedule, could be sending a damaging message to your family.

Author, speaker and physiotherapist Rosemary Marchese says she empathises with busy mums but gets frustrated with those who place personal health and fitness at the bottom of their priority list.

"I have a career and am mum to three very active children but am always working on getting the right work-life blend. Even I have had moments where 'I can't be stuffed' exercising. By acknowledging this I was able to take ownership of my life and prioritise fitness."

Marchese says by building positive life habits, busy mums can achieve amazing health and lifestyle improvements, pointing out that more "me time" isn't a

simple matter. "It's not regularly are the time because this is lifestyle change - no fix. Being busy does to mean frantic. You busy when you are too."

Marchese's new book *Fit Busy Mum: Seven for Success*, says the difference between mums and just busy comes down to habits.

"Fit busy mums practice healthy and positive lifestyle habits. For example, they are on and have done some prep for the week. They don't make excuses lifestyle choices. Busy mums that are not fit are practising unhealthy habits such as making poor food choices and skipping exercise."

"You have to choose healthy ... I don't think



View all thumbnails

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YOUR SAY

LIFESTYLE

TRADE & SERVICE

## APPENDIX B



## Public Hearing - Forest Way Community Centre Thursday 19 May

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