

PLANNING PROPOSAL

Freshwater Village – Reclassification and Rezoning of Oliver
Street and Lawrence Street Carparks

Warringah Local Environmental Plan 2011

November 2019

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Background

Freshwater is identified as a local centre in the North District Plan. Freshwater Village is a mixed-use area with a range of local businesses, residential and cultural significance including local heritage items and proximity to Freshwater Beach. 'Lawrence Street' is the main road that runs through the village and 'Oliver Street' intersects Lawrence Street and bypasses the village.

The Council-owned Oliver Street and Lawrence Street carparks in Freshwater Village provide car parking for local residents visiting the centre.

The current classification of these carparks under the *Local Government Act, 1993* as "Community" land. Community land prevents the use of the land for private purposes.

A Plan of Management could arguably be used to grant a lease or licence for private access to adjoining properties subject to its amendment but Council's legal advice is that the legality of this approach is not without doubt. Council is therefore proposing to reclassify the land to "Operational" land.

With the commencement of the Local Government Act, 1993, Councils had 12 months to classify public land. Council owned land not classified within 12 months of the implementation of the Local Government Act was automatically classified Community Land. A number of carparks, including Oliver Street and Lawrence Street carparks, were classified Community Land. A series of resolutions about the carparks by the former Warringah Council followed:

- 24 May 1994 - a Council resolution to give public notice of its intention to reclassify both Oliver Street and Lawrence Street carparks to Operational Land. Proposed reclassification was exhibited for 28 days.
- 28 June 1994 - Council considered a report on the public exhibition and resolved to classify parcels of Council owned land, including Oliver Street and Lawrence Street Carparks, as Operational.
- 9 December 1997 - a report was put to Council after advice received from the Department of Local Government questioning the validity of the process of land classification undertaken by Council in 1994. Council resolved to undertake consultation as part of the reclassification process.
- 22 February 2000 – a report to Council recommended reclassification of land to Operational in accordance with a report prepared by an external consultant. Council resolved not to pursue due to community concerns expressed at the time about the potential sale of a community asset.
- 14 July 2009 - a report went to Council seeking to reclassify and rezone the Oliver Street Carpark. Council resolved to undertake community consultation, including a resident information session.
- 24 November 2009 - Council resolved to establish a Freshwater Village Working Party (FVWP) to consider issues relating to planning and reclassification of the carparks. The FVWP would report back to Council to make recommendations. First meeting of FVWP in February 2010.
- 27 April 2010 – Report to Council recommending reclassification of carparks. A Notice of Motion was carried requiring further consultation with FVWP before rezoning and reclassification considered.
- 22 June 2010 – Council resolved to engage independent consultants to prepare a site specific DCP for Freshwater Village.
- 22 February 2011 – Council resolved to defer work on DCP until Land and Environment Court decision received regarding development on 8 lots in Village, involving 91 units.

- 26 July 2011 – Council considered a request from FVWP to fund feasibility assessment of a new road from Oliver Street to Moore Road through the Oliver Street Carpark and 7 private properties. No resolution was made on the matter.
- 14 February 2012 - Council resolved to place the Freshwater Village DCP on public exhibition.
- 22 May 2012 - Council resolved to adopt the Freshwater Village DCP.
- 25 March 2014 - Council resolved to rezone a number of carparks in the Council area from Public Recreation to business zones and prepare planning reports to consult with the community about potential reclassification of a number of carparks including the Oliver and Lawrence Street Carparks to Operational land and to rezone these carparks to reflect the surrounding land use.

Currently 15 Lawrence Street has an agreement with Council to allow private vehicle access through Oliver Street carpark, while 21 Lawrence Street has informal access. Properties 25 and 27 Lawrence Street have obtained Right of Carriageway to access the rear of the properties over Lawrence Street carpark. 23 Lawrence Street has access to Lawrence Street carpark however it is unclear whether the property has a right of carriage.

Development Applications

Recently two development applications have been approved for shop top housing at 9-15 Lawrence Street (DA2017/1294) and 21 Lawrence Street (DA2017/1287) with separate vehicle crossovers onto Lawrence Street. 9 and 15 Lawrence Street have been consolidated for the development. The above mentioned agreement with 15 Lawrence Street does not carry over to 9 Lawrence Street, therefore the approved shop top housing does not have legal private vehicle access via Oliver Street carpark and the premises.

The two approvals received concern by the community regarding increased vehicle access onto Lawrence Street. Submissions during the exhibition periods raised concern regarding increase of traffic on Lawrence Street.

Since the above mentioned development applications have been approved for vehicle access from Lawrence street, therefore if either of the approved developments are to gain access via Oliver Street carpark, it is required that new development applications are submitted and assessed.

Council proposes to reclassify the land to “Operational” which will allow the two new shop top developments to have vehicle access for residents and commercial operators through Oliver Street carpark, deterring traffic from Lawrence Street.

The reclassification of the carparks from “Community” to “Operational” land would:

- permit owners of shops fronting Lawrence Street to obtain legal access to their land from Council’s carparks for unloading and parking etc.
- enable the gradual removal of driveway crossings on Lawrence Street as the shops are redeveloped with vehicular access from the carparks, improving pedestrian safety and amenity on Lawrence Street.

Lots & Deposited Plans

The proposal is to reclassify and rezone the following Lots and Deposited Plans (DP) as per the table.

| Property details | Address | Action | Owner |
|---------------------|--|------------------------------------|---------------------------|
| Lot 2 DP 517620 | Lot 2/ Oliver Street FRESHWATER | Reclassify, rezone, height control | Northern Beaches Council |
| Lot 1 DP 580780 | Lot 2/ Oliver Street FRESHWATER | Reclassify, rezone, height control | Northern Beaches Council |
| Lot 1 DP 581226 | Lot 2/ Oliver Street FRESHWATER | Reclassify, rezone, height control | Northern Beaches Council |
| Lot 1 DP 539445 | Lot 2/ Oliver Street FRESHWATER | Reclassify, rezone, height control | Northern Beaches Council |
| Lot 1 DP 539444 | Lot 2/ Oliver Street FRESHWATER | Reclassify, rezone, height control | Northern Beaches Council |
| Lot 7315 DP 1151796 | Lot 7315/1151796 Lawrence Street RESHWATER | Rezone, height control | Department of Crown Lands |
| Lot 201 DP 579893 | Lot 201/ Lawrence Street FRESHWATER | Reclassify, rezone, height control | Northern Beaches Council |

Report to Consult with the Community

The Planning Proposal is a result of a Council meeting and a report to consult with the community.

At its 25 March 2014 Council meeting, Council resolved to consult with the community regarding the proposed reclassification and rezoning. The consultation occurred between July and August 2018.

The Report to Consult with the Community exhibited the Council's proposal to reclassify the land to Operational, rezone and apply a height of building control. It proposed that the carparks be rezoned from RE1 to B2 and to implement a 11 metre height of building control.

The reason to rezone the carparks to B2 and adopt an 11 metre height standard was to align the zoning with the zoning and height controls applying to surrounding commercial uses. However, after the exhibited period it was decided that the land should be rezoned to SP2 and a restrictive 3 metre height control adopted due community concerns regarding potential sale of the land and redevelopment of the site.

The objectives of SP2 Infrastructure under Warringah Local Environmental Plan 2011 are 'to provide for infrastructure and related uses' and 'to prevent development that is not compatible with or that may detract from the provision of infrastructure'. These objectives support Council's desired outcome for the carparks.

A height of building of 3 metres is proposed to be applied over the two carparks to ensure the carparks retain the current use.

In accordance with the 25 March 2014 Council Resolution, a Report to consult with the community and Frequently Asked Questions were exhibited from 28 July 2018 until 26 August 2018. The exhibition material includes the following:

- Manly Daily Ad
- Councils 'Your Say' page
- Email to registered community members who have registered their interest
- Hard copies were placed at Dee Why Library and Dee Why Civic Centre

- Approximately 300 letters sent to adjoining local residents and businesses.

Thirteen (13) letters and eighty-six (86) pro-forma letters were received in support of the proposal and eight (8) submissions were received opposing the proposal. Two (2) submissions did not clearly state support or opposition but expanded on their concerns. Key issues raised cited concern for pedestrian and children safety in the carpark and the potential sale of the carparks in the future.

Submissions in support of the proposal cited increased pedestrian safety and decreased traffic congestion in Lawrence Street and reducing the impact of trucks along Lawrence. Support was also given to the provision of more street parking. However, submissions in support highlighted concern for increased traffic in the carparks affecting the safety of children and pedestrians, and emphasised a need for assurance that the carparks would not be sold off and redeveloped.

Submissions opposed to the proposed reclassification and rezoning raised concerns that the carparks would be sold off and redeveloped and that an increase of traffic in the carpark would potentially impact the safety of children and pedestrians.

Council has two pathways to allow private vehicle access through community land. One is to reclassify land to 'Operational' land, the second option is to grant a lease or licence over the land under the Plan of Management.

Planning Proposal

The planning proposal and report to Council was submitted to the 27 November 2018 Council meeting where it was resolved to submit the Planning Proposal to the Department of Planning and Environment for a gateway determination. The resolution follows:

That:

- A. Council submit a Planning Proposal to the Department of Planning and Environment for a Gateway determination to reclassify of Oliver Street carpark and Lawrence Street carpark in Freshwater Village from Community Land to Operational Land under the Local Government Act 1993, to rezone the carparks from RE1 – Public Recreation to SP2 – Infrastructure (carpark), and to adopt a 3 metre maximum building height control for the land.
- B. Council continues to utilise the land as a carpark in its present form.

None of the land the subject of the Planning proposal owned by Council is "Public Reserve". The Crown Land lot, is a Reserve (see title search) however the land is currently being used as part of the public carpark and it is not proposed to reclassify this land or to remove its "Reserve" status as part of the Planning proposal.

Interests in Land

Council owns six of the lots the subject of the Planning Proposal and the other lot is own by the Department of Crown Lands (see table). Some of the Council-owned lots are subject to rights of carriageway and easements for electricity purposes (adjoin sub-station).

Council consulted with the Department of Crown Lands for consent to rezone their parcel of land Lot 7315 DP 115796 from RE1 – Public Recreation to SP2 – Infrastructure (carpark), and to adopt a 3 metre maximum building height control for the land. Council received a response from the Department of Crown Lands on 18 October 2019, stating they had no objections to the planning controls sought under the planning proposal for Lot 7315 DP 115796 for the following reasons:

- The proposed SP2 infrastructure (Car Park) zoning is considered to be consistent with the purpose for which the Crown land has been reserved under the CLM Act 2016.
- Establishing a maximum building height of 3 metres is not considered likely to harm the use of the site for the purpose for which it has been reserved.



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The letter from the Department of Crown Land is attached. See Attachment 7.

Council does not intend to sell its land the subject of this Planning Proposal and does not therefore intend to discharge any interests in the land. There are no current or proposed lease agreements applying to the land.

Part 1 - Intended Outcomes

This planning proposal applies to Oliver Street carpark and Lawrence Street carpark, Freshwater as shown in Part 4, Map 1.

The intended outcome is to reclassify the carparks to “Operational” land, rezone both carparks to SP2 - Infrastructure and implement a height of building control of 3 metres under the *Warringah Local Environmental Plan 2011* (WLEP2011).

The changes will allow Council to permit private vehicle access from the carparks to adjoining development thereby allowing the removal of vehicular access crossings on Lawrence Street to these properties.

SP2 infrastructure under Warringah LEP 2011 permits:

“Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Environmental protection works; Roads”

SP2 prohibits any further development of the land for private development without initiating a public consultation for a rezoning.

The application of a 3 metre height of building control restricts development potential. The changes will secure the function of the carpark remains in the community’s benefit.

Part 2 – Explanation of Provision

The proposed amendments to Warringah Local Environmental Plan 2011 are:

- Amend Schedule 4 Part 1 to include reference to the land
- Amend LZN_010 map to change the zoning from RE1 – Public Recreation to SP2 – Infrastructure (Map sheet LZN_010).
- Amend HOB_010 map to implement a maximum height of building of 3 metres (Map sheet HOB 010).

Part 3 – Justification

Section A – Need for the planning proposal

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

The Planning Proposal is the result of the Freshwater Village Carpark - Report to consult with the Community. The consultation was a Council resolution from 25 March 2014. The report to consult with the community was exhibited between 28 July and 26 August 2018, and the majority of submissions received were in support of the proposal.

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

A Planning Proposal is the best means of allowing private vehicle access through Oliver Street carpark. The alternative option is a lease or licence agreement with the adjoining owners. A lease or licence agreement may be entered into under a Plan of Management (POM).

The relevant POM is 'Harbord Literary Institute and Early Childhood Health Care Centre', however legal advice sought by Council states that as the POM currently stands a lease or licence agreement cannot be made for the purposes of providing access to adjoining properties. It is possible to amend the existing POM or prepare a new POM to allow access to adjoining properties. The legal advice has concluded that the amendment or preparation of a POM is a considerable undertaking that involves community consultation and would result in further significant delay and costs for Council.

In addition, the legal advice indicates that it would be better to address the issue via the reclassification of land under the Planning Proposal process as:

- A Planning Proposal is still required to rezone the land from RE1 to SP2 and to change the height controls
- The POM approach is not without doubt
- The POM approach may not be best to accommodate long term leases

Whilst the reclassification of land can also be achieved through a resolution of Council in certain circumstances under sections 31, 32, and 33 of the Local Government Act 1993, none of those circumstances apply in this case.

Council originally proposed an 11 metre height standard for the site so as to align with height controls applying to surrounding commercial uses. However, following exhibition, a restrictive 3 metre height control was supported due to community concerns regarding potential sale of the land and redevelopment of the site.

The objectives of SP2 Infrastructure under Warringah Local Environmental Plan 2011 are 'to provide for infrastructure and related uses' and 'to prevent development that is not compatible with or that may detract from the provision of infrastructure'. These objectives support Council's desired outcome for the carparks. The 3 metre height standard applied over the two carparks will ensure the carparks retain the current use.

Therefore, Council has decided that proceeding with a reclassification, rezoning and application of a height of building control as the preferred avenue to achieve the outcome.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objective and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

3.1 A Metropolis of Three Cities

| Direction | Objective | Planning Proposal |
|------------------------------------|---|---|
| A City supported by infrastructure | Objective 3: Infrastructure adapts to future needs | Reclassifying the land to Operational Land will allow the carparks to maximise their use by servicing the future shop top housing and removing traffic away from Lawrence Street. |
| A City for people | Objective 6: Services and infrastructure meet communities' changing needs | There will be a traffic and population increase due to the proposed developments. By reclassifying the carparks traffic can be better managed. |
| A City for people | Objective 7: Communities are healthy, resilient and socially connected | Removal of vehicle crossovers along Lawrence Street will allow improved pedestrian experience i.e. safety and connectivity. |
| A City of great places | Objective 12: Great places that bring people together | Removal of vehicle crossovers along Lawrence Street will allow for opportunities for better streetscape treatments to encourage pedestrianisation. |
| A City in its landscape | Objective 30: Urban tree canopy cover is increased | Opportunities for improved streetscape includes increasing trees along the street. |

3.2 The North District Plan:

Theme 3. Liveability

| Priority | Objective | Planning Proposal |
|---|---|--|
| Planning Priority N3 - Providing services and social infrastructure to meet people's changing needs | Objective 6: Services and infrastructure meet communities' changing needs | Reclassifying the land to Operational Land will allow the carparks to maximise their use by servicing the future shop top housing and removing traffic away from Lawrence Street. |
| Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage | Objective 12: Great places that bring people together | The result of the reclassification supports the alignment of Freshwater Village with the North District Plan by delivering a high quality urban space. Permitting private vehicle access through the carparks provides opportunity to remove vehicle crossovers from Lawrence Street to improve the pedestrian environment and allow for streetscape opportunities. The pedestrian environment include improving walkability, safety and the making of a socially connected place. |

Theme 4. Productivity

| Priority | Objective | Planning Proposal |
|--|---|---|
| Planning Priority N10 - Growing investment, business opportunities and jobs in strategic centres | Objective 22: Investment and business activity in centres | Freshwater is identified as a local centre in the North District Plan. Decreasing traffic flow, vehicle crossovers, and improving streetscape and the pedestrian experience will support the local economy, making the village a desirable destination. |

Theme 5. Sustainability

| Priority | Objective | Planning Proposal |
|--|---|---|
| Planning Priority N19 - Increasing urban tree canopy cover and delivering Green Grid connections | Objective 30: Urban tree canopy cover is increased Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths | Improving the Lawrence Street streetscape includes planting more trees along Lawrence Street, therefore increasing tree canopy. This promotes a socially connected and healthier urban environment and supports the future opportunities to connect to the Greater Sydney Green Grid. |

3.3 Northern Beaches Local Strategic Planning Statement

| Priority | Principles | Planning Proposal |
|--|---|---|
| Planning Priority 21 Road space and facilities to match changing community needs | Prioritise pedestrians over cars in centres to create places where people want to spend time. | Reclassifying the land to Operational Land will allow the carparks to maximise their use by servicing the future shop top housing and removing traffic away from Lawrence Street. |

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

4.1 Community Strategic Plan SHAPE 2028

- Goal 5 – Our built environment is developed in line with best practice sustainability principles.

Rezoning the carparks from RE1 – Public Recreation to SP2 - Infrastructure will better align the zoning to the land use, supporting social and economic needs of the community.

- Goal 7 – Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.

Reclassifying to Operational Land and rezoning to SP2 - Infrastructure will better reflect the need of Freshwater Village by enhancing the pedestrian use of the shopping strip.

- Goal 8 – Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing

Pedestrianising the shopping strip will create a welcoming village and will support opportunities for increased urban design.

- Our Goal 17 - Our community can safely and efficiently travel within and beyond Northern Beaches

The reclassification enables safe walking networks as convenient transport options and improves parking options in the village by allowing for increased street parking.

4.2 Freshwater Development Control Plan

The reclassification outcomes align with the Freshwater Development

Control Plan (DCP). DCP Part G5

5. Access and loading

| Objectives | Requirements | Planning Proposal |
|---|--|--|
| O1. To improve amenity and safety for pedestrians | R1. Service and loading areas should improve the amenity of the streetscape and reduce any potential for vehicle / pedestrian conflict | The loading area related to the two approved development applications (DA2017/1294 and DA2017/1287) commercial component can be allocated within the development. |
| O3. To relocate loading and servicing away from Lawrence and Albert Streets | R3. No additional vehicle or loading access is to be provided from Lawrence or Albert Streets R4. Rear or underground loading, garbage collection and access for vehicles is to be provided as part of any new development for lots fronting Lawrence and Albert Streets wherever possible via new connected laneways or through negotiation with Council for access via existing surface car parking areas | With vehicle access via Oliver Street car parks, service and loading areas will be relocated away from Lawrence Street and be placed in an allocated area within the shop top development. |

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The majority of SEPP's are not relevant to the current Planning Proposal and no SREP's are relevant. An assessment of compliance with SEPPs is provided at Attachment 1.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

Rezoning of the land from Recreational RE1 to SP2 would secure the sites use as a carpark. The site is unlikely to have been used for any purpose that would cause contamination. It is not Council's intention to sell or redevelop the land but to permit vehicular access to adjoining properties.

6. Is the planning proposal consistent with applicable Ministerial Directions (S9.1)

| S9.1 Direction | Requirement | Comment |
|---|--|---|
| 6.2 Reserving Land for Public Purposes | A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning | The land is owned by Council. The Planning Proposal seeks approval of the Director- General of the Department of Planning and Environment to change the existing zoning from RE1 – Public Recreation to SP2 - Infrastructure as the use of the land as a carpark is inconsistent with the objectives of the RE1 zone and the land has no recreational values. |
| 7.1 Implementation of 'A plan for growing Sydney' | The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in 'A plan for growing Sydney'. | This Planning Proposal is consistent with themes from <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i> , as referred to under 3.1. |

Section C - Environmental, social and economic impact

7. 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. The land is currently operating as a paved carpark and will continue to be used as a carpark.

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

No. The changes are legal definitions and do not impact the current use or physical structure.

9. Has the planning proposal adequately addressed any social and economic effects?

The proposal will not have any negative social or economic effects. There will be no increase to housing growth; however, there may be a potential increase for job growth as a result of this planning proposal, because the removal of driveways onto Lawrence Street allows street frontage to be used by additional commercial premises. It is important to note that both development applications have been approved for vehicle access onto Lawrence Street and that new development applications are required to be submitted and assessed for vehicle access via both Oliver and Lawrence Street carparks.

Heritage Items

There are two existing local heritage items (171 and 172), being the Harbord Literary Institute and the Early Childhood Health Centre adjoining the site. Neither will be impacted by the proposed changes. Hatched area (top) Oliver Street carpark, (bottom) Lawrence Street carpark.



Traffic Impacts

The aim of a reclassification and rezoning is to improve traffic flow around Freshwater Village. This will allow for the removal of vehicle crossovers from Lawrence Street, and move the traffic flow through the carparks. The removal of vehicle crossovers will allow for more street parking.

Three properties, two with right of carriageways use Lawrence Street carpark for private access. Lawrence Street carpark is likely to retain current traffic flow. There may be a slight increase of residential traffic coming from the Lawrence Street carpark entry; however, access from Lawrence Street will be isolated to the one vehicle crossing entrance. The shop top developments will only have direct access to Oliver Street carpark.

Resident's and their visitors will unlikely use the carpark for parking as this will be provided on their property and the carparks have 3-hour time limits. Visitors may choose to park in the car park whether or not there is private vehicular access provided to these properties. In addition, there will be an increase of street parking made available in Lawrence Street as a result of the removal of the vehicle cross-overs.

Heavy vehicle access to the commercial component of the shop top developments will be made through the Oliver Street carpark. This will deter heavy vehicles from loading on Lawrence Street or on the existing vehicle crossovers, which is hazardous for other vehicles and pedestrians. This will support the local economy by easing heavy vehicle loading.

Pedestrian Experience

The removal of the vehicle crossovers and removal of loading areas will improve the pedestrian experience by improving pedestrian safety and opportunities to improve the streetscape in Lawrence Street.

Allowing vehicular access to the carparks from properties fronting Lawrence Street will result in a slight increase in traffic in the Oliver Street carpark. However, the increase in traffic would be minor as the development potential on these sites is limited and very few properties are affected.

It is unlikely that there will be an increase in pedestrians in the carpark as residents and their visitors of the new developments will have dedicated parking on site. Carparks are also an area that require slow and cautious vehicle movement due to the physical constraints and unpredictability of pedestrian movement.

It is also the case that the potential impacts on traffic and pedestrian safety can be assessed in detail as part of any development application for redevelopment of these sites.

Section D – State and Commonwealth interests

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

The land will remain undeveloped and therefore no public infrastructure is required. The use of the carpark as private vehicle access will allow an opportunity to improve the

pedestrian experience on Lawrence Street and decrease traffic congestion on Lawrence Street.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Planning Proposal has been referred to the Department of Crown Lands for notice of Council's intention to rezone a parcel of Crown Land. The Planning proposal will be referred to relevant public authorities nominated by the Gateway determination.

Council requests that as part of any Gateway Determination the requirements include consent from the Department of Lands to rezone parcel of Crown Land (Lot 7315 DP 1151796) prior to exhibition of the Planning Proposal.

Council consulted with the Department of Crown Lands for consent to rezone their Lot 7315 DP 115796 from RE1 – Public Recreation to SP2 – Infrastructure (carpark), and to adopt a 3 metre maximum building height control for the land. Council received a response from the Department of Crown Lands on 18 October 2019, stating they had no objections to the planning controls sought under the planning proposal for Lot 7315 DP 115796 for the following reasons:

- The proposed SP2 infrastructure (Car Park) zoning is considered to be consistent with the purpose for which the Crown land has been reserved under the CLM Act 2016.
- Establishing a maximum building height of 3 metres is not considered likely to harm the use of the site for the purpose for which it has been reserved.

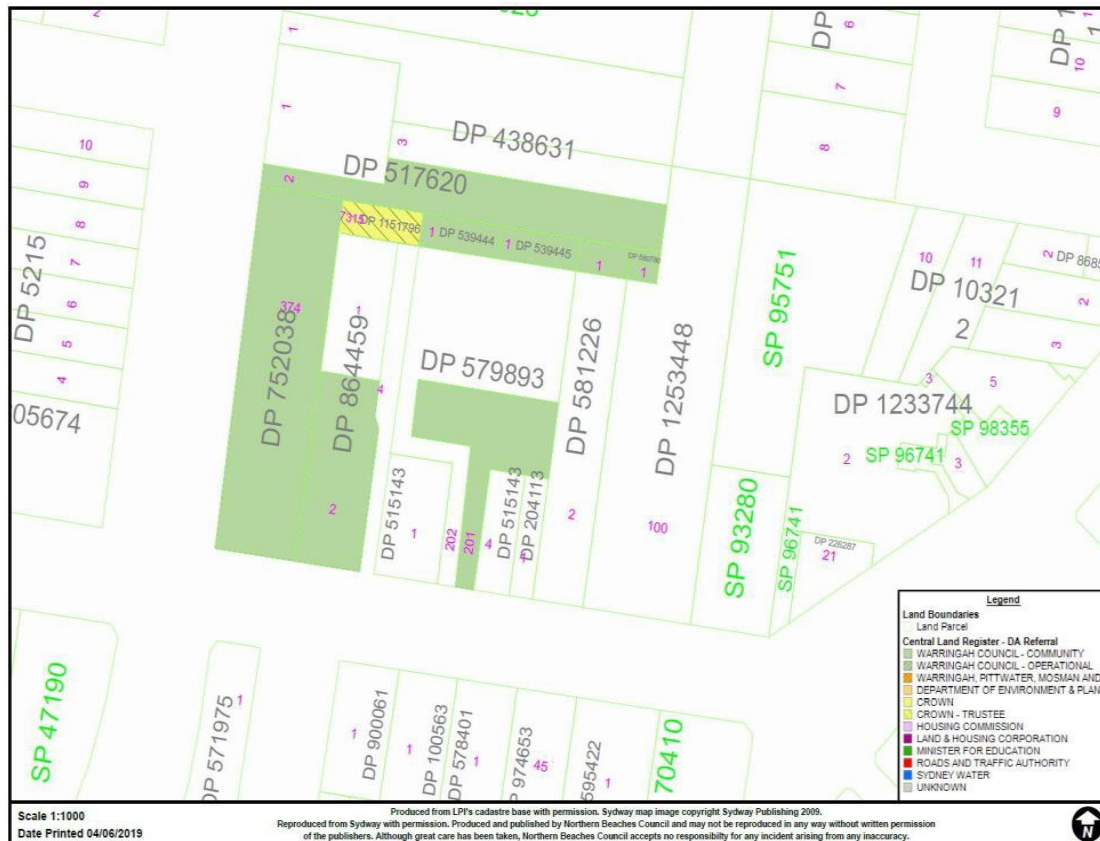
The letter from the Department of Crown Land is attached. See Attachment 7.

Part 4 – Maps

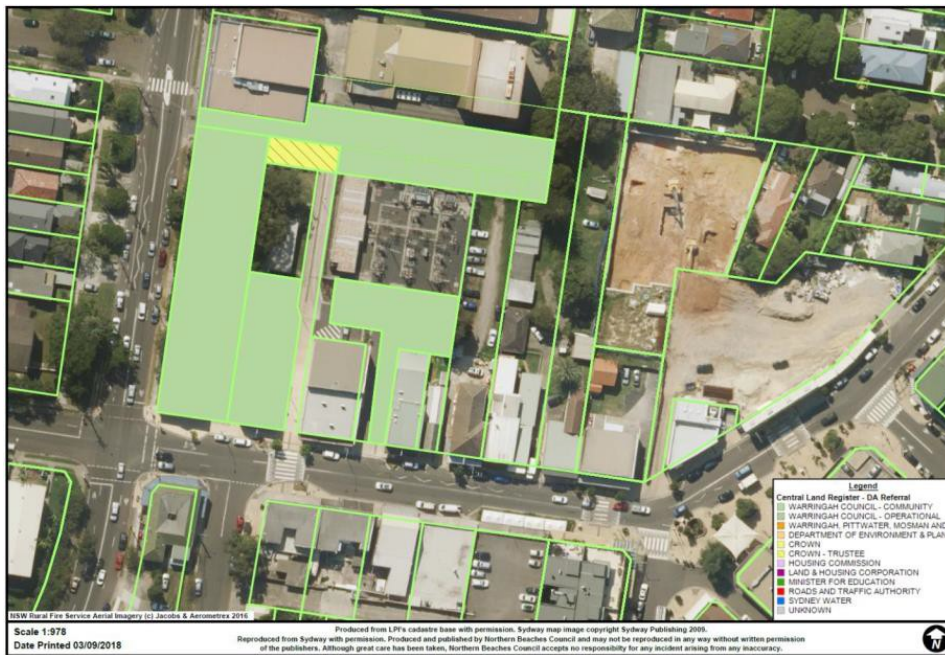
Map 1 – Site locality map



Map 2 – Existing classification and Lots & DP



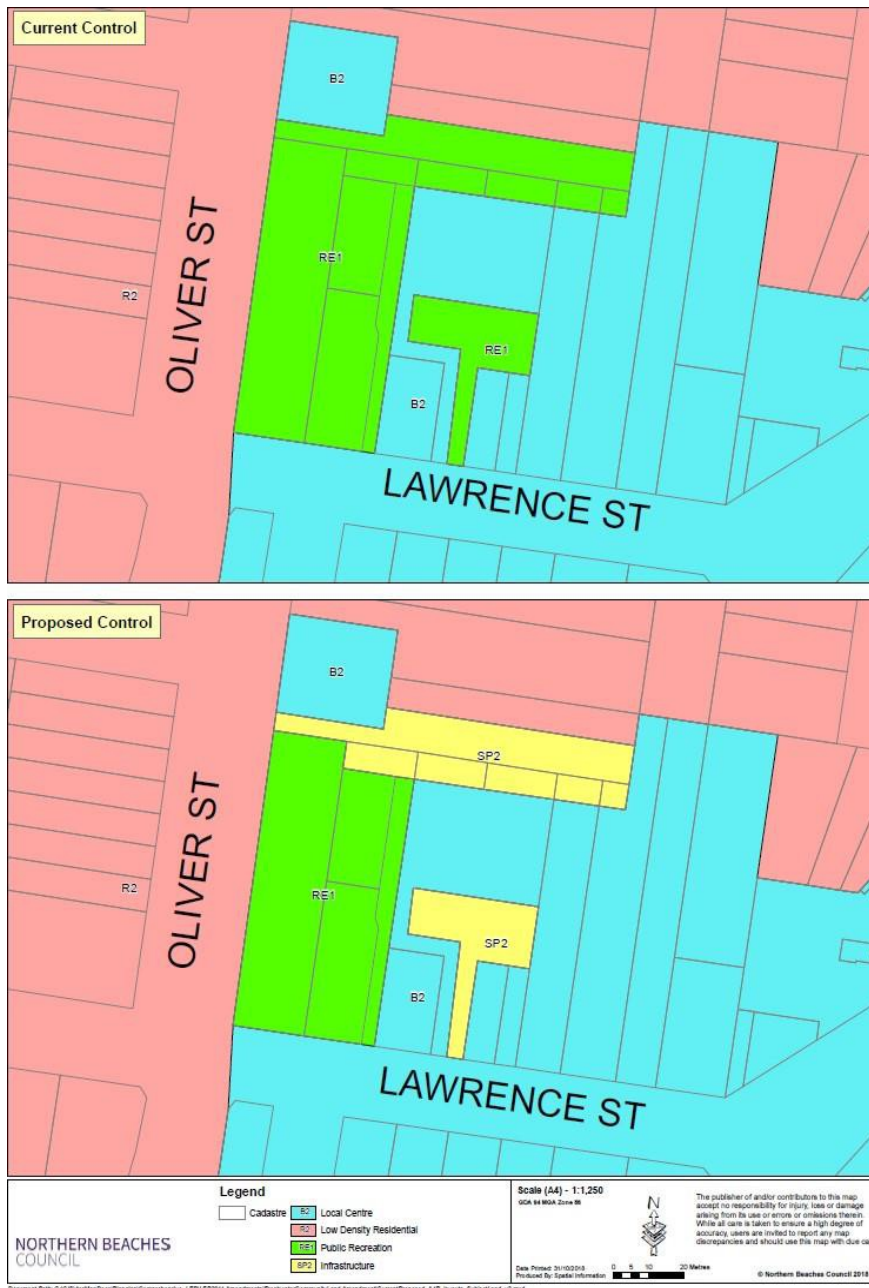
Map 3 – Existing classification map



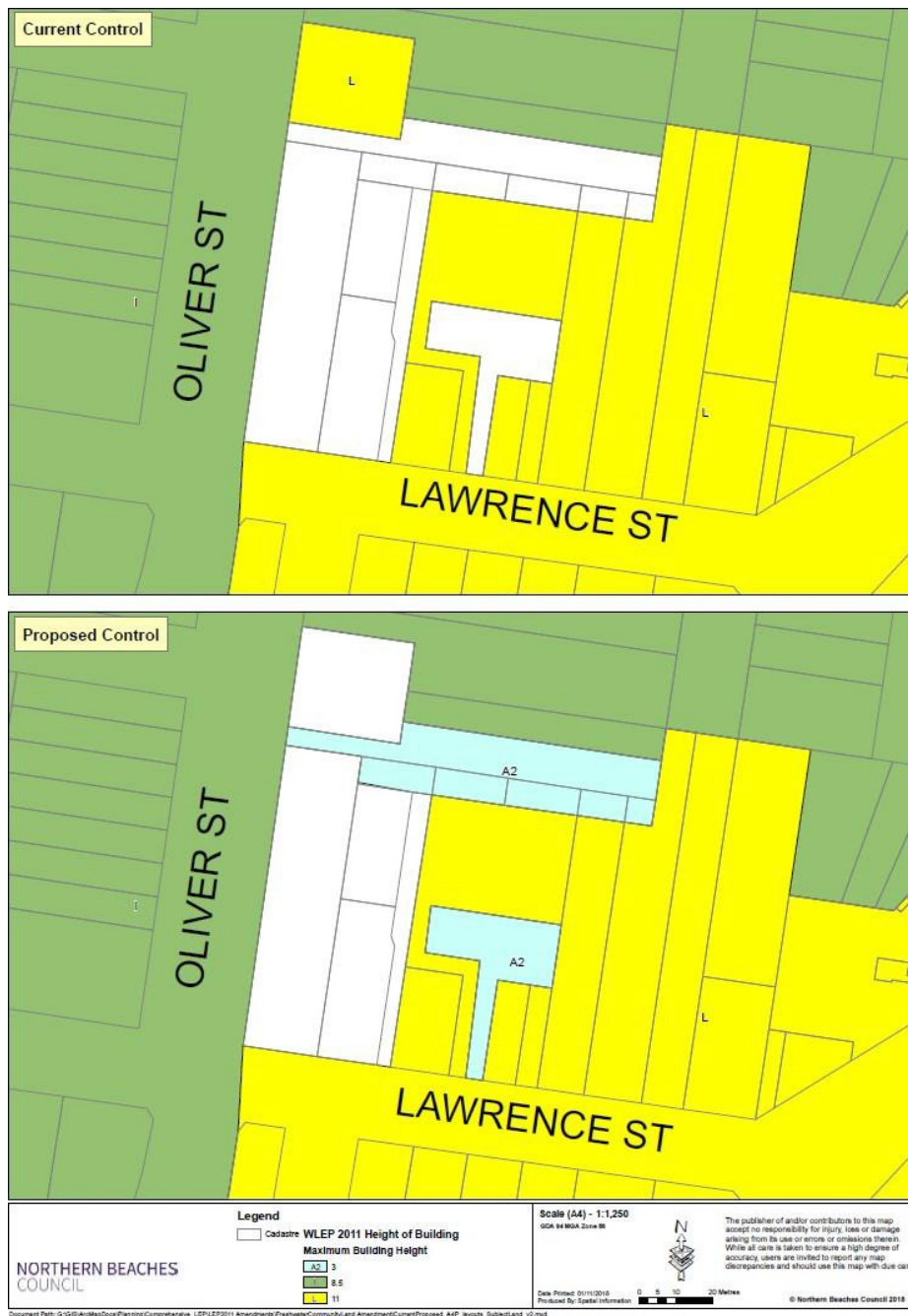
Hatched top – Oliver Street carpark, hatched bottom – Lawrence Street carpark



Map 4 – Land Zoning Map



Map 5 – Height of Building



Map 6 – Heritage



Part 5 – Community Consultation

Council proposes to place the Planning Proposal of public exhibition in accordance with a gateway determination for a period of 28 days. Exhibition material includes:

- Notification letter to adjoining landowners and occupiers
- Email to community members who have registered their interest
- A Manly Daily ad
- Hardcopies at Dee Why Library and Dee Why Civic Centre
- Update Council's public exhibition website 'Your Say' with relevant material

A public hearing is required to be held in accordance with the requirements of the Environmental Planning and Assessment Act and Local Government Act because a reclassification of Council lands is proposed. Council will retain a planning consultant to undertake the public hearing and reporting requirements under the Act.

Part 6 – Project Timeline

| Task | Anticipated timeframe |
|--|--------------------------|
| Submit Planning Proposal and report to Council to Council Meeting | 27 November 2018 |
| Pre exhibition government agency consultation | 13 June 2019 |
| Refer to Department of Planning and Environment for Gateway determination | 14 June 2019 |
| Receive Gateway determination | 23 September 2019 |
| Return amended Planning Proposal to the Department of Planning, Industry and Environment | October – November 2020 |
| Post Government agency consultation (if required) | November – December 2020 |
| Public exhibition period | January – February 2020 |
| Public Hearing | February – March 2020 |
| Consideration of submissions | April 2019 |
| Report to Council | June 2020 |
| Submit planning proposal to the Department of Planning & Environment for determination | July 2020 |

Attachment 1 – State Environmental Planning Policies (SEPPs)

| SEPP | Relevant | Consistent |
|--|----------|------------|
| SEPP No 1—Development Standards | Yes | Yes |
| SEPP No 14—Coastal Wetlands | No | NA |
| SEPP No 19—Bushland in Urban Areas | No | NA |
| SEPP No 21—Caravan Parks | No | NA |
| SEPP No 26—Littoral Rainforests | No | NA |
| SEPP No 30—Intensive Agriculture | No | NA |
| SEPP No 33—Hazardous and Offensive Development | No | NA |
| SEPP No 36—Manufactured Home Estates | No | NA |
| SEPP No 44—Koala Habitat Protection | No | NA |
| SEPP No 47—Moore Park Showground | No | NA |
| SEPP No 50—Canal Estate Development | No | NA |
| SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas | No | NA |
| SEPP No 55—Remediation of Land | Yes | Yes |
| SEPP No 62—Sustainable Aquaculture | No | NA |
| SEPP No 64—Advertising and Signage | No | NA |
| SEPP No 65—Design Quality of Residential Apartment Development | No | No |
| SEPP No 70—Affordable Housing (Revised Schemes) | No | NA |
| SEPP No 71—Coastal Protection | No | NA |
| SEPP (Affordable Rental Housing) 2009 | No | NA |
| SEPP (Building Sustainability Index: BASIX) 2004 | No | NA |
| SEPP (Educational Establishments and Child Care Facilities) 2017 | No | NA |
| SEPP (Exempt and Complying Development Codes) 2008 | No | NA |
| SEPP (Housing for Seniors or People with a Disability) 2004 | No | NA |
| SEPP (Infrastructure) 2007 | No | NA |
| SEPP (Integration and Repeals) 2016 | No | NA |
| SEPP (Kosciuszko National Park—Alpine Resorts) 2007 | No | NA |
| SEPP (Kurnell Peninsula) 1989 | No | NA |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | No | NA |
| SEPP (Miscellaneous Consent Provisions) 2007 | No | NA |
| SEPP (Penrith Lakes Scheme) 1989 | No | NA |
| SEPP (Rural Lands) 2008 | No | NA |
| SEPP (State and Regional Development) 2011 | No | NA |
| SEPP (State Significant Precincts) 2005 | No | NA |
| SEPP (Sydney Drinking Water Catchment) 2011 | No | NA |
| SEPP (Sydney Region Growth Centres) 2006 | No | NA |
| SEPP (Three Ports) 2013 | No | NA |
| SEPP (Urban Renewal) 2010 | No | NA |
| SEPP (Vegetation in Non-Rural Areas) 2017 | No | NA |
| SEPP (Western Sydney Employment Area) 2009 | No | NA |
| SEPP (Western Sydney Parklands) 2009 | No | NA |

Attachment 2 – Ministerial Directions

| | Direction | Applicable | Consistent |
|----------|---|------------|------------|
| 1 | Employment and Resources | | |
| 1.1 | Business and Industrial Zones | Yes | Yes |
| 1.2 | Rural Zones | No | NA |
| 1.3 | Mining, Petroleum Production and Extractive Industries | No | NA |
| 1.4 | Oyster Aquaculture | No | NA |
| 1.5 | Rural lands | No | NA |
| 2 | Environment and Heritage | | |
| 2.1 | Environmental Protection Zones | No | NA |
| 2.2 | Coastal Protection | No | NA |
| 2.3 | Heritage Conservation | No | NA |
| 2.4 | Recreation Vehicle Area | No | NA |
| 2.5 | Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | No | NA |
| 3 | Housing, Infrastructure and Urban Development | | |
| 3.1 | Residential Zones | No | NA |
| 3.2 | Caravan Parks and Manufactured Home Estates | No | NA |
| 3.3 | Home Occupations | No | NA |
| 3.4 | Integrating Land Use and Transport | No | NA |
| 3.5 | Development Near Licensed Aerodromes | No | NA |
| 3.6 | Shooting Ranges | No | NA |
| 4 | Hazard and Risk | | |
| 4.1 | Acid Sulphate Soils | No | NA |
| 4.2 | Mine Subsidence and Unstable Land | No | NA |
| 4.3 | Flood Prone Land | No | NA |
| 4.4 | Planning for Bushfire Protection | No | NA |
| 5 | Regional Planning | | |
| 5.1 | Implementation of Regional Strategies | No | NA |
| 5.2 | Sydney Drinking Water Catchments | No | NA |
| 5.3 | Farmland of State & Regional Significance Far North Coast | No | NA |
| 5.4 | Commercial and Retail Development along the Pacific Highway, North Coast | No | NA |
| 5.8 | Second Sydney Airport: Badgerys Creek | No | NA |
| 5.9 | North West Rail Link Corridor Strategy | No | NA |
| 5.10 | Implementation of Regional Plans | No | NA |
| 6 | Local Plan Making | | |
| 6.1 | Approval and Referral Requirements | No | NA |
| 6.2 | Reserving Land for Public Purposes | Yes | Yes |
| 6.3 | Site Specific Provisions | No | NA |
| 7 | Metropolitan Planning | | |
| 7.1 | Implementation of A Plan for Growing Sydney | Yes | Yes |
| 7.2 | Implementation of Greater Macarthur Land Release Investigation | No | NA |
| 7.3 | Parramatta Road Corridor Urban Transformation Strategy | No | NA |
| 7.4 | Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | No | NA |

Attachment 2 – Ministerial Directions

| | | | |
|-----|---|----|----|
| 7.5 | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | No | NA |
| 7.6 | Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | No | NA |

