



WARRINGAH
COUNCIL

ATTACHMENT BOOKLET 1

ORDINARY COUNCIL MEETING

TUESDAY 22 OCTOBER 2013



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Application of Investment Funds	Description	Value (\$)
Restricted Funds:		
Externally Restricted	Section 94 Old Plan	26,027,619
	Section 94A Plan Contributions	4,894,592
	Domestic Waste & Unexpended Grants	3,330,956
Internally Restricted Reserves	Held to ensure sufficient funds are available to meet future commitments or specific objectives. Employee Leave Entitlements, Bonds & Guarantees, Compulsory Open Space Land Acquisitions, & Insurance.	8,714,256
Unrestricted Funds	Funds Allocated to meet Current Budgeted Expenditure	49,017,714
Total		91,985,137

There has been an increase in the investments held of \$2,676,766, which is in line with budgeted movements at this time of year.

Reconciliation of Cash Book

Description	Value (\$)
Council's Cash Book balance	1,436,839
Kimbriki Bank balance	2,707,800

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* Weighted Average Life is the anticipated date of repayment of Council's full principal in mortgage backed securities based upon the expected repayment of a critical balance of underlying mortgages. It is calculated by professional actuaries and its use is market convention for securities such as these. Council's investment policy recognises Weighted Average life dates as appropriate maturity dates for these securities

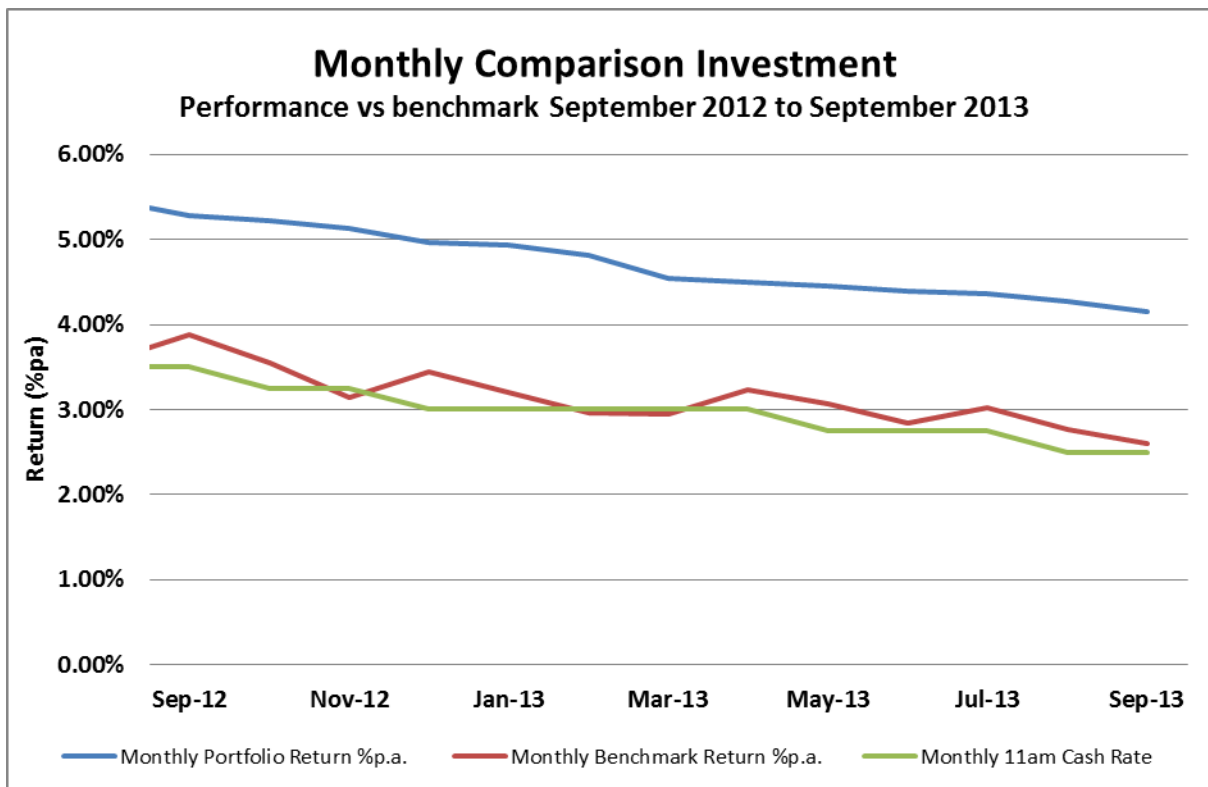
Portfolio Performance vs. 90 day Bank Bill Index over 12 month period.	✓	Council's investment performance did exceed benchmark.
Monthly Income vs. Budget	✓	Council's income from investments did exceed monthly budget.
Investment Policy Compliance		
Legislative Requirements	✓	Fully compliant
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

Investment Performance vs. Benchmark

	Investment Portfolio Return (%pa)*	Benchmark: UBS 90d Bank Bill Index	Benchmark: 11am Cash Rate **
1 Month	4.15%	2.60%	2.50%
3 Months	4.26%	2.79%	2.58%
6 Months	4.35%	2.92%	2.71%
FYTD	4.26%	2.79%	2.58%
12 Months	4.64%	3.06%	2.90%

* Excludes cash holdings (i.e. bank account, loan offset T/Ds, and Cash Fund)

** This benchmark relates to Cash Fund holdings

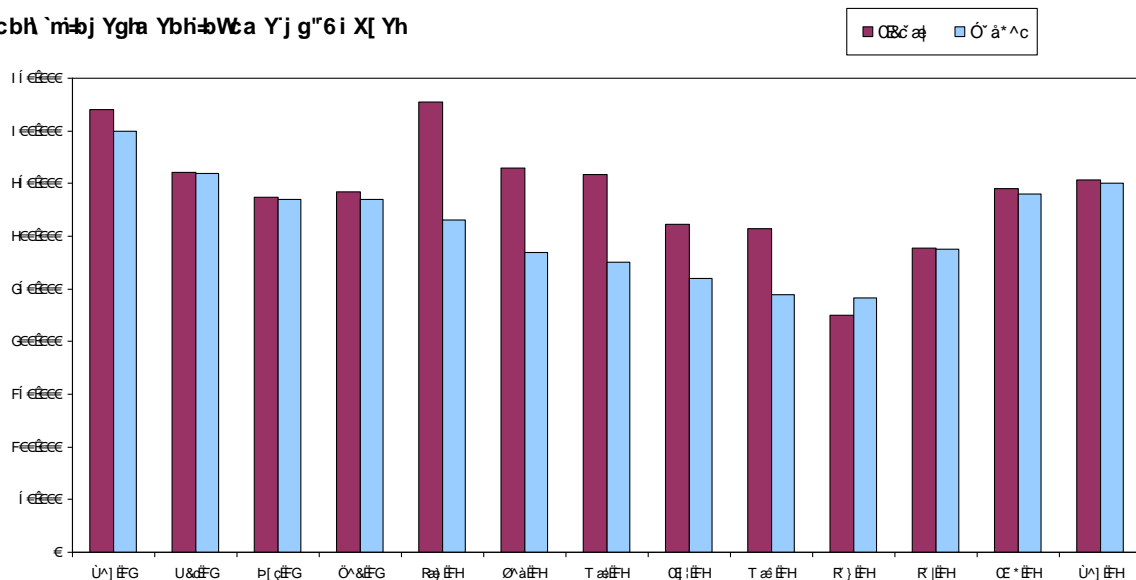


Monthly Investment Income* vs. Budget

	\$ September 13	\$ Year to Date
Investment Income	330,155	927,982
Adjustment for Fair Value	23,495	59,487
Total Investment Income	353,650	987,469
Budgeted Income	350,000	978,000

*Includes all cash and investment holdings

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In September we have reflected a fair value increase of \$23,495 in accordance with AASB 139 Financial Instruments: Recognition and Measurement. It is Council's intention to hold these investments to maturity and as such no gain of principal will occur in these circumstances. These investments could have been classified as Held-to-maturity investments upon initial recognition under AASB 139 in which case no fair value adjustment would be required through profit or loss. When these investments reach maturity any fair value adjustment which has been taken up will be written back to the Profit and Loss Account.

Economic Notes

Global

- After weeks of speculation that it would announce a tapering of its asset purchasing program (QE3), the US Federal Reserve surprised the markets by deciding to continue with its purchases at the current rate of \$85 billion a month.
- For the first time in seventeen years, the US government was forced to shutdown some of its services as lawmakers disagreed on a bill to fund the government. Further disruptions are likely during the month as the US approaches its debt-ceiling. If left unresolved, the US may be forced to default on its sovereign debt.
- Economic data from China showed a marked improvement on previous months. Industrial production, retail sales and manufacturing data all recorded strong gains, while inflation remains under control at 2.7%.

Domestic issues:

- Retail sales rose 0.4% in August, its best monthly gain since February, however the trend remains weak as consumers continue to show restraint.
- Employment data showed a further deterioration with 10,800 jobs being lost in August. The unemployment rate rose to 5.8% despite the participation rate, the percentage of people either employed or actively looking for work, falling to a 5 year low of 65%.

Interest rates:

- The RBA left the official cash rate at 2.50% at its October meeting. The RBA reiterated its September statement that it would “continue to assess the outlook and adjust policy as needed to foster sustainable growth in demand and inflation outcomes consistent with the target.”

Investment Portfolio Commentary

Council’s investment portfolio posted a return in September of 4.15%pa versus the bank bill index benchmark return of 2.60%pa. For the financial year to date, Council’s investment portfolio has exceeded the bank bill index benchmark by 1.47%pa (4.26%pa vs 2.79%pa).

Council has a well-diversified portfolio with nearly 99% of the portfolio spread among the top three credit rating categories (A long term/A2 short term and higher). It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short and long term holdings.

Attachment 1 – Planning Proposal



PLANNING PROPOSAL

Reconciliation of National Parks & Wildlife Service Holdings
within Warringah Local Environmental Plan 2011

June 2013

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Introduction

The Planning Proposal is for reconciliation of zoning related to National Parks and Wildlife Service (NP&WS) holdings within the Warringah Local Environmental Plan 2011 (WLEP 2011). The Planning Proposal relates to multiple locations within Warringah LGA, updating zoning and relevant statutory controls to reflect the current holdings of NP&WS. These changes impact the following maps:

WLEP 2011 – Land Zoning Map

WLEP 2011 – Lot Size Map

WLEP 2011 – Height of Buildings Map

The following outcomes will result from the Planning Proposal:

Amendment of WLEP 2011 to correctly zone:

- 1) Parcels of land that should be zoned E1 National Parks and Nature Reserves but currently are not so zoned
- 2) Parcels of land that are currently zoned E1 National Parks and Nature Reserves and should not be so zoned

Site Context and Location

The sites are comprised primarily of undeveloped land. The parcels are owned by:

National Parks and Wildlife Service:

Parcels with DPs:

DP 752038 (No lot number available. Directly west/south west of Lot 797 DP 752038)
 DP 752038 (No lot number available. Large Parcel directly south east of Lot 7306 DP 1146155)
 Lot 117 DP 752017
 Lot 7 DP 237680
 Lot 8 DP 237680
 Lot B DP 355159
 Part Lot 15 DP 5204
 Part Lot 14 DP 5204
 Lot 23 DP 5204
 Lot 1 DP 11177
 Lot 11 DP 539237
 Lot 2 DP 22523
 Lot 3 DP 22523
 Lot 4 DP 22523
 Lot 5 DP 22523
 Lot 6 DP 22523
 Lot 7 DP 11177
 Lot 6 DP 11177
 Lot 5 DP 11177
 Lot 4 DP 11177
 Lot 1 DP 11166
 Lot 2 DP 721575

Parcels without DPs:

Crescent shaped parcel directly south of Lot 2817 DP 728428
 D shaped parcel directly east of Lot 117 DP 752017
 Road reserve directly west/north west of Lot 117 DP 752017
 Parcel directly north of Lot 2816 DP 728428
 Parcel directly south of Lot 2 DP 522244

Four (4) parcels which contain the Creek reserve at intersection of McCarrs Creek and McCarrs Creek Road

Crown Lands:

Parcels with DPs:

Lot 7316 DP 1150241
Lot 7317 DP 1150241
Lot 7318 DP 1150241
Lot 7306 DP 1146155
Lot 7330 DP 1152588
Lot 7066 DP 93811
Lot 5 DP 749899

Parcels without DPs:

Rectangular parcel directly east of Lot 1 DP 244599
Deep Creek, directly east of Lot 1 DP 1031932
Road reserve directly north of Lot 2 DP 794191
Road reserve at intersection of McCarrs Creek and McCarrs Creek Road
Road reserve directly north-west of Lot 2 DP 1031932

Monash Holdings Pty Ltd

Lot 2 DP 792962

Background

In December 2009, Warringah Council received correspondence from the (then) Department of Environment Climate Change and Water in response to Council's public exhibition of the draft Warringah Local Environmental Plan 2009. One aspect of this correspondence raised concerns in relation to the Warringah Land Zoning Map and the correct identification of National Parks and Reserve Areas. This subject was deferred with the understanding that it would be revisited once the draft LEP was made.

On 28 August 2012, Warringah Council resolved to prepare a Planning Proposal to amend the Warringah Land Zoning Map to accurately record the boundaries of National Parks within the Local Government Area. This Planning Proposal has been created based on coordination between Warringah Council, Crown Lands and NP&WS to identify effected parcels of land and the most appropriate zoning for those parcels.

Note that on 28 August 2012 Council resolved to prepare a Planning Proposal to address various anomalies in WLEP 2011. At part (g) of the resolution Council decided to:

Amend the Land Zoning Map to accurately record the boundaries of National Parks within the Local Government Area.

All other parts of the resolution have been addressed by a separate Planning Proposal which is now with the Department of Planning and Infrastructure for making of the corresponding WLEP 2011 (Amendment). The matter of correcting the National Park boundaries in Warringah was separated from the other anomalies due to the anticipated time frame that would be required to properly research all land parcels and liaise with all relevant stakeholders.

The Planning Proposal

Section 55 (2) Environmental Planning & Assessment Act 1979 outlines what a Planning Proposal must include. To comply with these requirements, this Planning Proposal comprises four (4) main parts;

- Part 1 - Objectives or intended outcomes

- Part 2 - Explanation of provisions
- Part 3 - Justification
- Part 4 - Community consultation

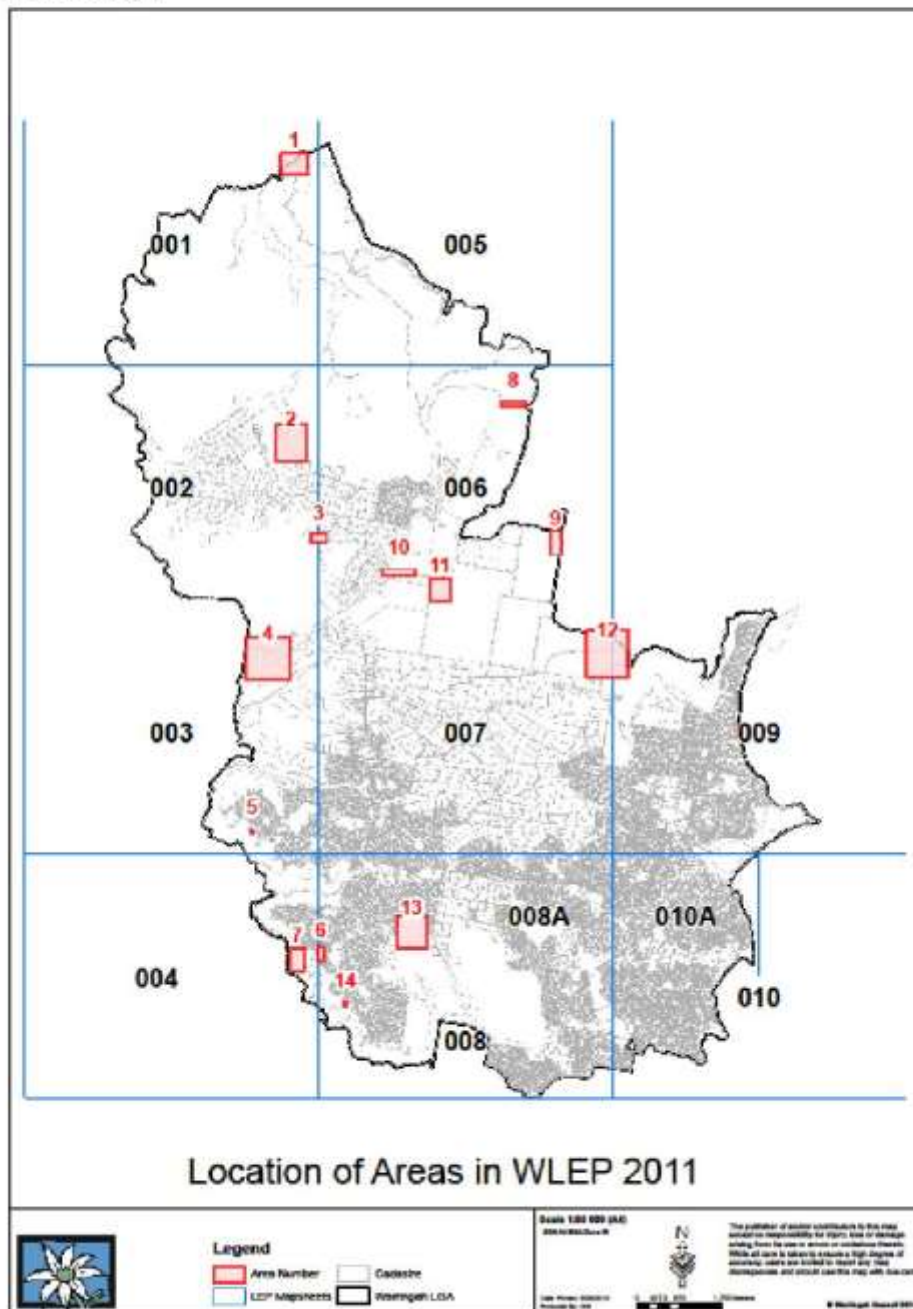
Part 1 – Objectives or Intended Outcomes

The proposal aims to correct errors and anomalies on the land zoning, lot size and height of buildings maps under Warringah LEP 2011 to reconcile parcels of land and define boundaries for land owned by or relevant to the National Parks and Wildlife Service.

Part 2 – Explanation of Provisions

The Planning Proposal is an amendment to the WLEP 2011 to rezone multiple parcels of land. This land is ordered as per the index map below and grouped by the Land Zoning Map Sheets currently on file with the Department of Planning and Infrastructure (e.g. Land Zoning Map – sheet 001). Maps identifying affected parcels, their current status and proposed status can be found in Attachment 3.

Index Map:



Area 1

See Index Map on Page 6 for location within Land Zoning Map – sheet 001

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcels

Lot 7 DP 237680
Lot 8 DP 237680
Lot 8 DP 355159
Part Lot 15 DP 5204
Part Lot 14 DP 5204
Lot 23 DP 5204
Lot 1 DP 11177
Lot 11 DP 539237
Lot 2 DP 22523
Lot 3 DP 22523
Lot 4 DP 22523
Lot 5 DP 22523
Lot 6 DP 22523
Lot 7 DP 11177
Lot 6 DP 11177
Lot 5 DP 11177
Lot 4 DP 11177
Lot 1 DP 11166
Lot 2 DP 721575

Current Status:

All affected parcels are owned by NP&WS

WLEP 2011 – Land Zoning Map: All parcels zoned E4 – Environmental Living

WLEP 2011 – Lot Size Map: 5000 square metres

WLEP 2011 – Height of Buildings Map: 8.5 metres

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: All parcels to be zoned E1 – National Parks and Nature Reserves

WLEP 2011 – Lot Size Map: Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

WLEP 2011 – Height of Buildings Map: Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

Area 2

See Index Map on Page 6 for location within Land Zoning Map – sheet 002

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcels

Lot 117 DP 752017

D shaped parcel directly east of Lot 117 DP 752017

Road reserve directly west/north west of Lot 117 DP 752017

Current Status:

All affected parcels are owned by NP&WS

WLEP 2011 – Land Zoning Map: All parcels zoned RU4 – Primary Production Small Lots

WLEP 2011 – Lot Size Map: 20,000 square metres

WLEP 2011 – Height of Buildings Map: 8.5 metres

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: All parcels to be zoned E1 – National Parks and Nature Reserves

WLEP 2011 – Lot Size Map: Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

WLEP 2011 – Height of Buildings Map: Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

Area 3

See Index Map on Page 6 for location within Land Zoning Map – sheet 002 and Land Zoning Map – sheet 006

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Parcel directly south of Lot 2 DP 522244

Current Status:

Affected parcel is owned by NP&WS

WLEP 2011 – Land Zoning Map: Parcel zoned RU4 – Primary Production Small Lots

WLEP 2011 – Lot Size Map: 20,000 square metres

WLEP 2011 – Height of Buildings Map: 8.5 metres

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned E1 – National Parks and Nature Reserves

WLEP 2011 – Lot Size Map: Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

WLEP 2011 – Height of Buildings Map: Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

Area 4 (Part 1)

See Index Map on Page 6 for location within Land Zoning Map – sheet 002

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Parcel directly north of Lot 2816 DP 728428

Current Status:

Affected parcel is owned by NP&WS

WLEP 2011 – Land Zoning Map: Parcel zoned E3 – Environmental Management

WLEP 2011 – Lot Size Map: 200,000 square metres

WLEP 2011 – Height of Buildings Map: 8.5 metres

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned E1 – National Parks and Nature Reserves

WLEP 2011 – Lot Size Map: Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

WLEP 2011 – Height of Buildings Map: Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

Area 4 (Part 2)

See Index Map on Page 6 for location within Land Zoning Map – sheet 002

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Crescent shaped parcel directly south of Lot 2817 DP 728428

Current Status:

Affected parcel is owned by NP&WS

WLEP 2011 – Land Zoning Map: Parcel zoned E3 – Environmental Management

WLEP 2011 – Lot Size Map: 200,000 square metres

WLEP 2011 – Height of Buildings Map: 8.5 metres

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned E1 – National Parks and Nature Reserves

WLEP 2011 – Lot Size Map: Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

WLEP 2011 – Height of Buildings Map: Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

Area 5

See Index Map on Page 6 for location within Land Zoning Map – sheet 003

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Rectangular parcel directly east of Lot 1 DP 244599

Current Status:

Affected parcel is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcel zoned R2 – Low Density Residential

WLEP 2011 – Lot Size Map: 600 square metres

WLEP 2011 – Height of Buildings Map: 8.5 metres

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned RE1 – Public Recreation

WLEP 2011 – Lot Size Map: Remove minimum lot size (Not applicable for RE1 zones)

WLEP 2011 – Height of Buildings Map: Remove maximum height of buildings (Not applicable for RE1 zones)

Area 6

See Index Map on Page 6 for location within Land Zoning Map – sheet 004 and Land Zoning Map – sheet 008

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Lot 7330 DP 1152588

Current Status:

Affected parcel is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcel zoned E1 – National Parks and Nature Reserves

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned RE1 – Public Recreation

Area 7

See Index Map on Page 6 for location within Land Zoning Map – sheet 004

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

DP 752038 (No lot number available. Directly west/south west of Lot 797 DP 752038)

Current Status:

Affected parcel is owned by NP&WS

WLEP 2011 – Land Zoning Map: Parcel zoned RE1 – Public Recreation

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned E1 – National Parks and Nature Reserves

Area 8 (Part 1)

See Index Map on Page 6 for location within Land Zoning Map – sheet 006

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Road reserve at intersection of McCarrs Creek and McCarrs Creek Road

Current Status:

Affected parcel is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcel zoned E1 – National Parks and Nature Reserves

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned SP2 – Infrastructure

Rationale:

This area outlined above in blue is actually McCarrs Creek Road. In WLEP 2011, The SP2 – Infrastructure zone mistakenly follows the creek. The actual road is zoned as the creek should be (E1 – National Parks and Nature Reserves).

Area 8 (Part 2)

See Index Map on Page 6 for location within Land Zoning Map – sheet 006

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcels

Four (4) parcels which contain the Creek reserve at intersection of McCarrs Creek and McCarrs Creek Road

Current Status:

Affected parcels are owned by NP&WS

WLEP 2011 – Land Zoning Map: Parcels zoned SP2 – Infrastructure

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcels to be zoned E1 – National Parks and Nature Reserves

Rationale:

The areas outlined above are actually McCarrs Creek. In WLEP 2011, The SP2 – Infrastructure zone mistakenly follows the creek. The actual road is zoned as the creek should be (E1 – National Parks and Nature Reserves).

Area 9 (Part 1)

See Index Map on Page 6 for location within Land Zoning Map – sheet 006

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Lot 2 DP 792962

Current Status:

Affected parcel is owned by Monash Holdings Pty Ltd

WLEP 2011 – Land Zoning Map: Parcels zoned E1 – National Parks and Nature Reserves

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcels to be zoned RE2 – Private Recreation

Rationale:

Land forms part of Monash Country Club, which is zoned RE2 – Private Recreation in Pittwater's draft LEP.

Area 9 (Part 2)

See Index Map on Page 6 for location within Land Zoning Map – sheet 006

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Lot 7066 DP 93811

Current Status:

Affected parcel is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcels zoned E1 – National Parks and Nature Reserves

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcels to be zoned E2 – Environmental Conservation

Rationale:

Land does not form part of the Mona Vale Road road reserve and is entirely surrounded by National Park

Area 10

See Index Map on Page 6 for location within Land Zoning Map – sheet 006

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Only applies to the section of road reserve currently zoned E1 – National Parks and Nature Reserves:

Section of road reserve directly north of Lot 2 DP 794191

Affected section of road reserve is owned by Crown Lands. It is currently zoned as E1 and E3.

Current Zoning Map Displaying entire road reserve:

Current Status:

Section of road reserve is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Section of road reserve zoned E1 – National Parks and Nature Reserves

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Section of road reserve to be zoned SP2 – Infrastructure

Rationale:

Road reserves are to be zoned as per their adjacent zoning, where able. Due to the specific nature of E1 – National Parks and Nature Reserves, the current zoning is inappropriate. Instead, the road should be zoned SP2 – Infrastructure in accordance with the neighbouring parcel to the north.

Area 11

See Index Map on Page 6 for location within Land Zoning Map – sheet 006

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Part Lot 74 DP 752046

Current Status:

Affected parcel is owned by NP&WS

WLEP 2011 – Land Zoning Map: Parcel zoned E3 – Environmental Management

WLEP 2011 – Lot Size Map: 200,000 square metres

WLEP 2011 – Height of Buildings Map: 8.5 metres

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned E1 – National Parks and Nature Reserves

WLEP 2011 – Lot Size Map: Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

WLEP 2011 – Height of Buildings Map: Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

Area 12 (Part 1)

See Index Map on Page 6 for location within Land Zoning Map – sheet 007 and Land Zoning Map – sheet 009

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Lot 5 DP 749899

Current Status:

Affected parcel is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcel zoned E1 – National Parks and Nature Reserves

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned RE1 – Public Recreation

Rationale:

RE1 – Public Recreation is consistent with nearby public land in Warringah generally to the south and east that adjoins Narrabeen Lagoon and supports public recreation use of the Lagoon.

Area 12 (Part 2)

See Index Map on Page 6 for location within Land Zoning Map – sheet 007 and Land Zoning Map – sheet 009

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Deep Creek, directly east of Lot 1 DP 1031932

Current Status:

Affected parcel is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcel zoned E1 – National Parks and Nature Reserves

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned W1 – Natural Waterways

Rationale:

Deep Creek should be zoned W1 – Natural Waterways where it joins Narrabeen lagoon. This is consistent with Middle Creek and South Creek.

Area 12 (Part 3)

See Index Map on Page 6 for location within Land Zoning Map – sheet 007 and Land Zoning Map – sheet 009

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Road reserve directly north-west of Lot 2 DP 1031932

Current Status:

Affected parcel is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcel zoned E1 – National Parks and Nature Reserves

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned E2 – Environmental Conservation

Area 13 (Part 1)

See Index Map on Page 6 for location within Land Zoning Map – sheet 008

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

Lot 7306 DP 1146155

Current Status:

Affected parcel is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcel zoned E1 – National Parks and Nature Reserves and RE1 – Public Recreation

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned RE1 – Public Recreation

Area 13 (Part 2)

See Index Map on Page 6 for location within Land Zoning Map – sheet 008

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcel

DP 752038 (No lot number available. Large Parcel directly south east of Lot 7306 DP 1146155)

Current Status:

Affected parcel is owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcel zoned E1 – National Parks and Nature Reserves and RE1 – Public Recreation

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcel to be zoned E1 – National Parks and Nature Reserves

Area 14 (Part 1)

See Index Map on Page 6 for location within Land Zoning Map – sheet 008

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcels

Lot 7316 DP 1150241

Lot 7317 DP 1150241

Lot 7318 DP 1150241

Current Status:

Affected parcels are owned by Crown Lands

WLEP 2011 – Land Zoning Map: Parcel zoned E1 – National Parks and Nature Reserves and RE1 – Public Recreation

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcels to be zoned RE1 – Public Recreation

Area 14 (Part 2)

See Index Map on Page 6 for location within Land Zoning Map – sheet 008

See Attachment 3 for maps identifying affected parcels, their current status and proposed status.

Affected Parcels

DP 1152588 (No lot number available. Surrounding Lots 7316 to 7318 DP 1150241)

Affected Parcels are owned by NP&WS. It is currently zoned as RE1 and E1.

Current Zoning Map Displaying Affected Parcel:

Current Status:

Affected parcel is owned by NP&WS

WLEP 2011 – Land Zoning Map: Parcel zoned E1 – National Parks and Nature Reserves and RE1 – Public Recreation

Description of Proposed Change:

WLEP 2011 – Land Zoning Map: Parcels to be zoned E1 – National Parks and Nature Reserves

Part 3 – Justification

A. Need for the Planning Proposal

Is the Planning Proposal the result of any strategic study or report?

The Planning Proposal is a result of submissions lodged during the draft LEP process by the (then) Department of Environment Climate Change and Water.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a Planning Proposal is the best means of achieving Council's intend outcomes, for the following reason:

Correct Allocation of E1 National Parks and Nature Reserves

As per the WLEP 2011, the objectives of the E1 National Parks and Nature Reserves zone are:

- to enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act,
- to enable uses authorised under the National Parks and Wildlife Act 1974, and
- to identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land.

As there is an inconsistency between parcels of land that have been reserved under the *National parks and Wildlife Act 1974* and lands zoned as E1 National Parks and Nature Reserves, the objectives of WLEP 2011 are not being met. Rezoning via a Planning Proposal is the best way to correct this issue.

Is there a community benefit?

Yes, the amendments will increase the integrity of WLEP 2011, allowing for increased consistency and reliability of a statutory document that affects the Warringah community.

B. Relationship to strategic planning framework

Is the Planning Proposal consistent with the objectives and actions contained within applicable Regional and sub-regional strategies?

The Planning Proposal is consistent with the objectives and actions of the Sydney Metropolitan Strategy and the Draft North East Subregional Strategy. However, the Planning Proposal is not related to an action area of either strategy.

Is the Planning Proposal consistent with the local council's community plan or other strategic plan?

The Planning Proposal is consistent with the Strategic Community Plan 2012. However, the Planning Proposal is not related to an action area of the Strategic Community Plan 2012.

Is the Planning Proposal consistent with applicable state planning policies?

Yes, the Planning Proposal is consistent with applicable state planning policies.

The following table provides an assessment of the Planning Proposal with the relevant SEPP's:

SEPP Title	Consistency
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The Planning Proposal is consistent with this SEPP and does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy	The parcels in Area 8 (Part 1) and Area 8 (Part 2) of this Planning Proposal affect SP2 – Infrastructure land

(Infrastructure) 2007	maintained by Roads Maritime Service (RMS). As the parcels are currently zoned incorrectly, the changes made by this Planning Proposal are consistent with the aims and objectives of this SEPP.
State Environmental Planning Policy No 19 (Bushland in Urban Areas)	The Planning Proposal is consistent with this SEPP and does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy 71 (Coastal protection)	The uses in the Planning Proposal do not reduce environmental value/amenity; reduce access; endanger Aboriginal heritage, places values, customs, beliefs or traditional knowledge; or increase development potential. As such, it is consistent with this SEPP and does not contain provisions that contradict or hinder the application of this SEPP.

Is the Planning Proposal consistent with Ministerial Directions?

Yes, the Planning Proposal is consistent with Ministerial Directions.

The following table provides an assessment of the Planning Proposal with the relevant s.117 Directions:

s117 Direction	Consistency
2.1 Environment Protection Zones	The Planning Proposal is consistent with this direction. Environmental protection standards for lands included in the Planning Proposal are not being reduced.
2.2 Coastal Protection	<p>Lot 5 DP 749899 and Deep Creek are within the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.</p> <p>The uses in this Planning Proposal give effect to and are consistent with:</p> <ul style="list-style-type: none"> – the NSW Coastal Policy: A Sustainable Future for New South Wales Coast 1997, and – the Coastal Design Guidelines 2003, and – 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).
2.3 Heritage Conservation	<p>The Planning Proposal will not infringe on the facilitation of the conservation of:</p> <ul style="list-style-type: none"> – items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, – Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and – Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an

	Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.
3.4 Integrating Land Use and Transport	<p>The Planning Proposal does not degrade access to housing or jobs, limit transport options or increase trip generation.</p> <p>The uses in this Planning Proposal give effect to and are consistent with:</p> <ul style="list-style-type: none"> - <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and - <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.
4.1 Acid Sulphate Soils	The Planning Proposal does not increase the risk of significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.
4.3 Flood Prone Land	The uses in this Planning Proposal do not impact upon the flooding risk of land located in flood prone areas.
4.4 Planning for Bushfire Protection	The Planning Proposal will not result in land uses that reduce the protection of life, property or the environment from bush fire hazards.

C. Environmental, social and economic impact

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. Critical habitat nor threatened species, populations or ecological communities, or their habitats will not be adversely affected as a result of the proposal.

Are there any other likely environmental effects as a result of the Planning Proposal and how they are proposed to be managed?

There are no likely environmental effects as a result of the Planning Proposal.

Has the Planning Proposal adequately addressed any social and economic effects?

The purpose of the Planning Proposal is to increase the integrity of WLEP 2011, allowing for increased consistency and reliability of a statutory document that affects the Warringah community, providing positive social and economic outcomes for that community.

D. State and Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

Yes. The Planning Proposal does not generate any need to upgrade or improve public infrastructure.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

Warringah Council has consulted with Crown Lands and NP&WS, as they are owners of affected parcels, as an input to the Planning Proposal process.

Council will engage any additional public authority in accordance with the Gateway Determination. As per the Gateway Determination, this will include:

- Office of Environment and Heritage;
- NSW Trade and Investment – Crown Lands;
- Sydney Water;
- Transport for NSW – Roads and Maritime Services;
- National parks and Wildlife Service; and
- NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection).

Part 4 – Community Consultation

Council will exhibit the Planning Proposal in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act.

Council will undertake community consultation in accordance with Council's adopted Community Engagement Policy, in the following manner:

- Advertise the Planning Proposal in a local newspaper and on Council's website at the start of the exhibition period;
- Exhibit the Planning Proposal for a period of twenty eight (28) days from the date it appears in the newspaper and on Council's website; and
- Notify owners of all affected land and owners of adjoining properties of the exhibition of the Planning Proposal.

This strategy aligns with the Gateway Determination, which prescribed a Community Consultation period of twenty eight (28) days.

Attachment 2 – Council Minutes

Resolution of Council Meeting on 28 August 2012

8.5 PLANNING PROPOSAL TO AMEND WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

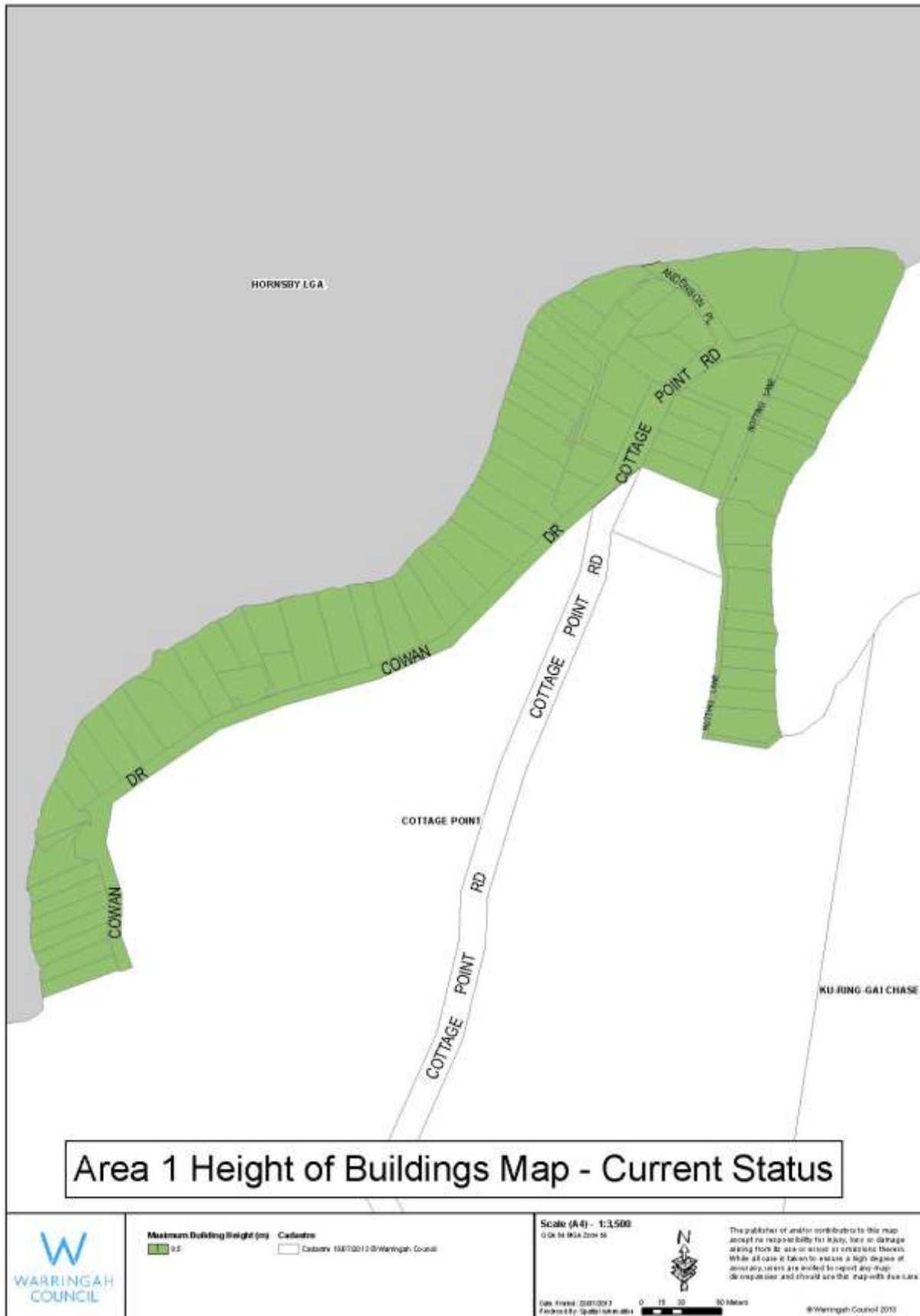
291/12 **RESOLVED**

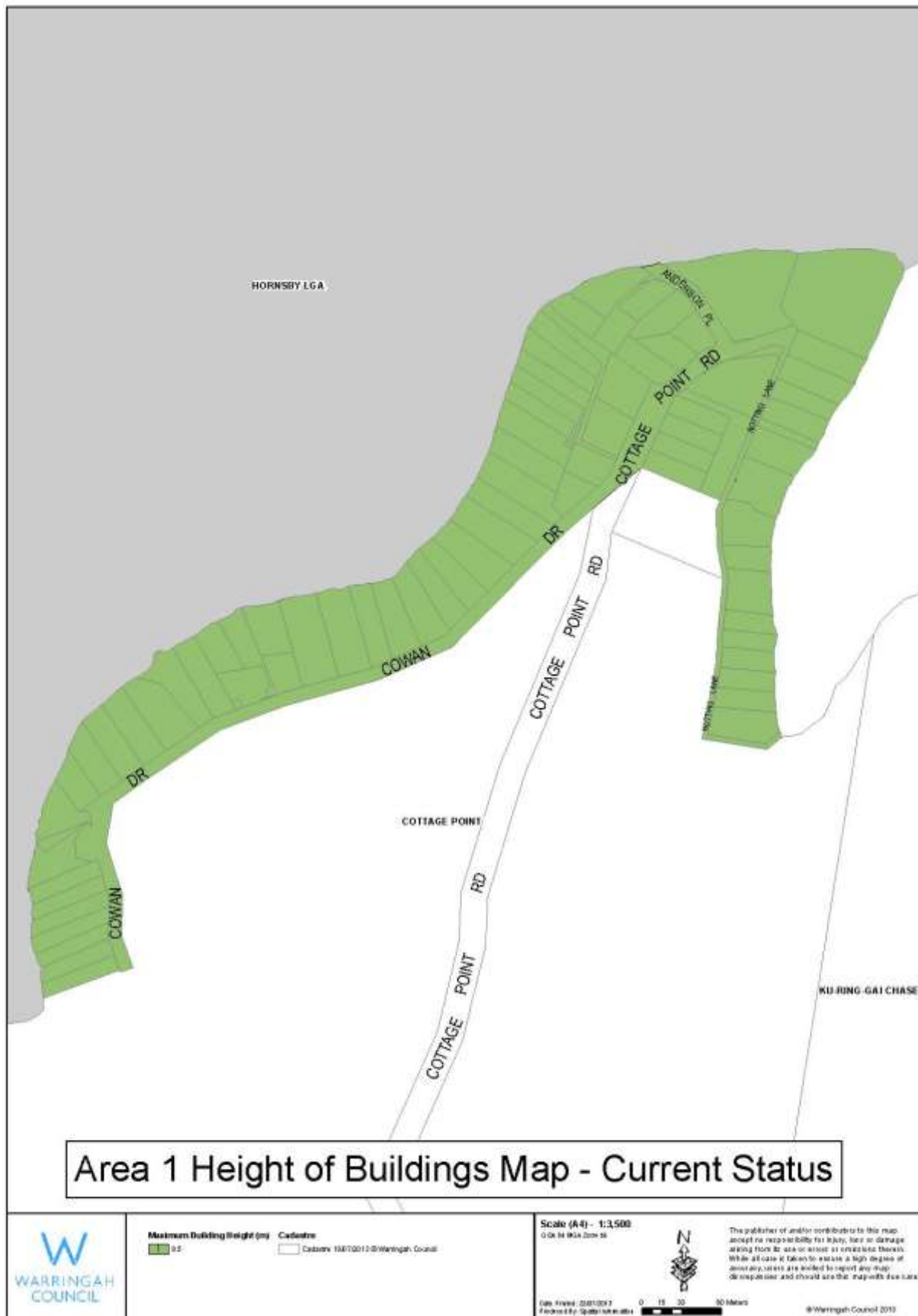
Cr Dr Kirsch / Cr Falinski

That Council:

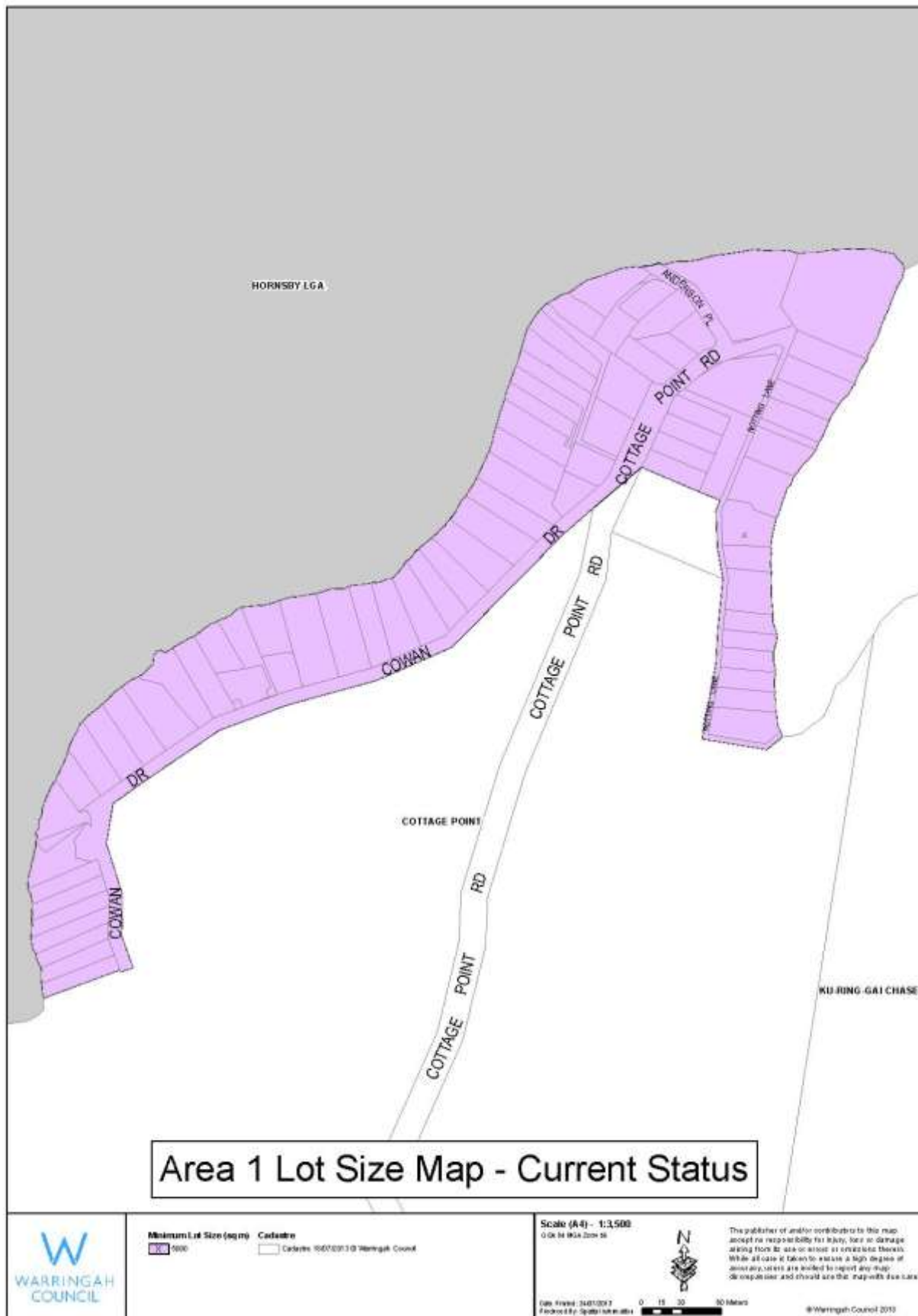
- A. Prepare a Planning Proposal for amending WLEP 2011 and refer this to the Minister for Planning and Infrastructure (Minister) that will:
 - a. Permit boat building and repair facilities in the IN1 General Industrial zone.
 - b. Delete "registered clubs" as a permitted use in the RE2 Private Recreation zone and
 - i) Zone Long Reef Golf Club; Manly Vale Bowling Club; North Manly Bowling Club and Wakehurst Golf Club RE1 Public Recreation.
 - ii) Add Long Reef Golf Club; Manly Vale Bowling Club; North Manly Bowling Club and Wakehurst Golf Club to Schedule 1 Additional Permitted Uses, making "registered clubs" a permitted use on these sites.
 - c. Reduce the maximum building height for land in Narrabeen that is bound by Pittwater Road and Narrabeen, Ocean and Albert Streets (see attachment 1), from 11 metres to 8.5 metres.
 - d. Omit Lot 1 DP960506 from the Land Reservation Acquisition Map.
 - e. Map all properties listed within Schedule 1 Additional Permitted Uses of WLEP 2011.
 - f. Omit clause 6.1 Acid Sulfate Soils and insert the latest Model Local Provision 7.1 Acid Sulfate Soils.
 - g. Amend the Land Zoning Map to accurately record the boundaries of National Parks within the Local Government Area.
- B. Should the Minister require additional information to enable the amending WLEP 2011 to proceed, endorses Council staff to respond as required.
- C. Upon receipt of the NSW Minister for Planning and Infrastructure Gateway Determination, and in accordance with any directions contained therein, authorises the public exhibition and consultation requirements to progress the Planning Proposal.
- D. If the Minister supports the Planning Proposal, endorses Council staff to review and if required prepare amendments to the WDCP.

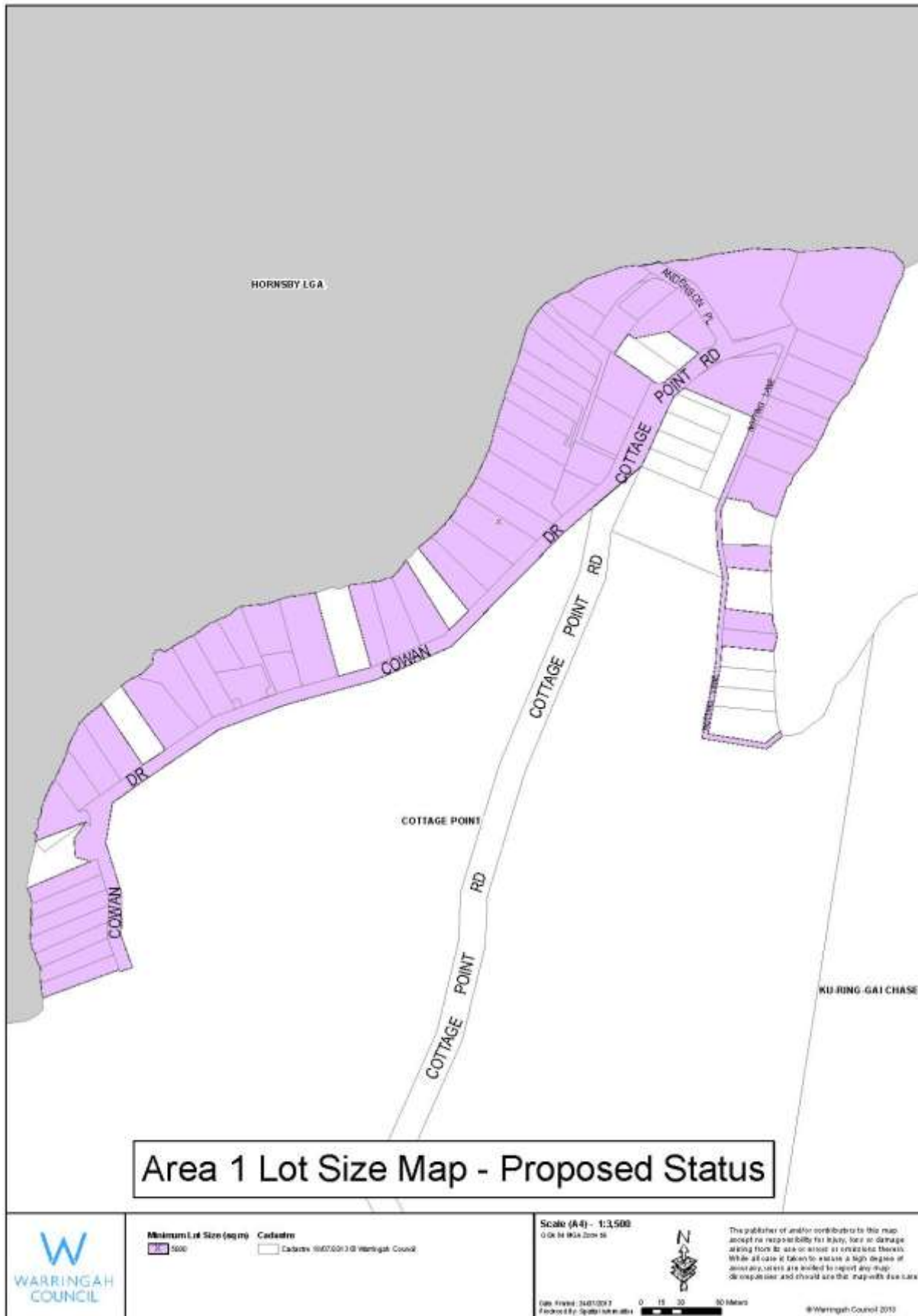
RESOLVED BY EXCEPTION

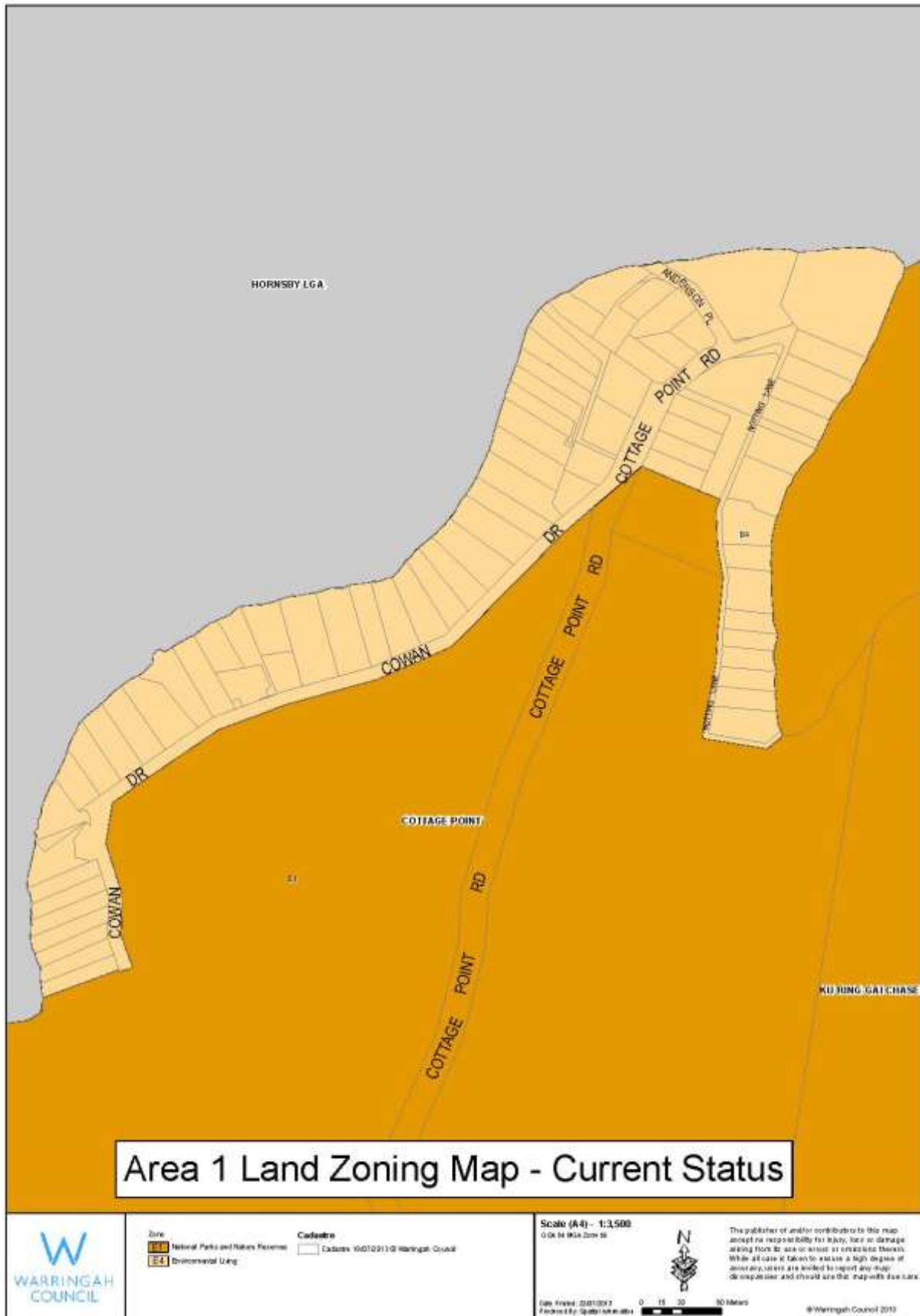








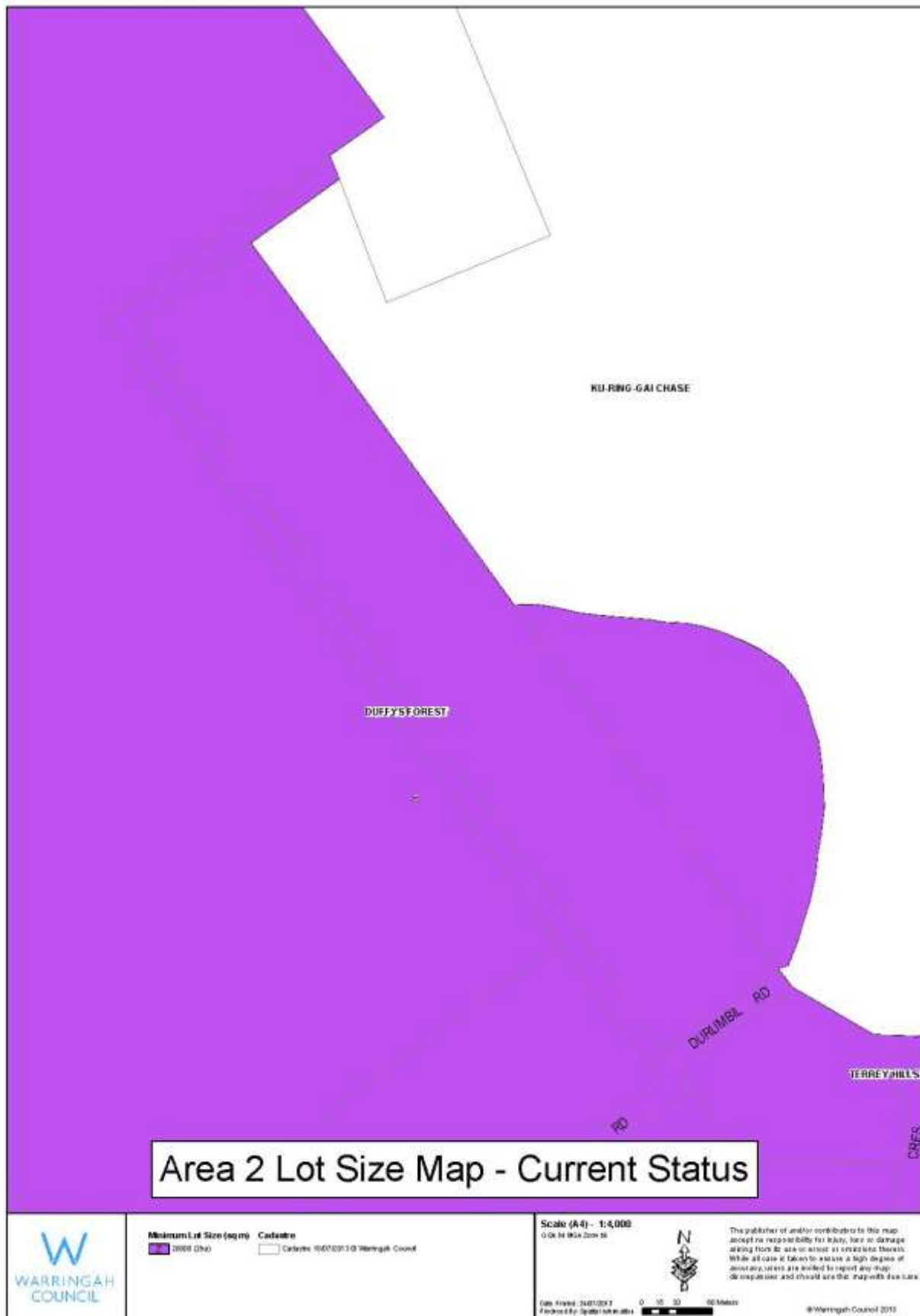


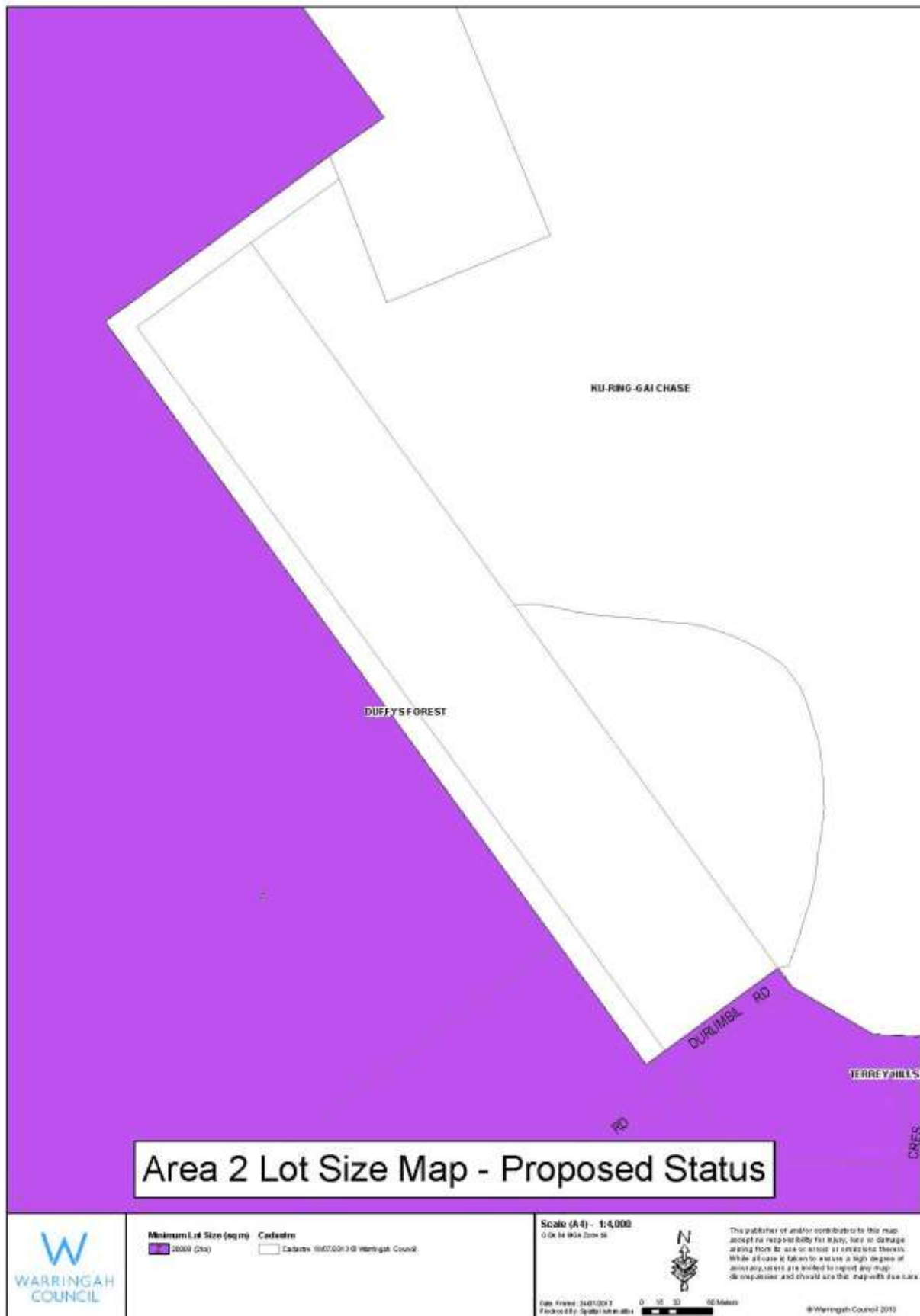


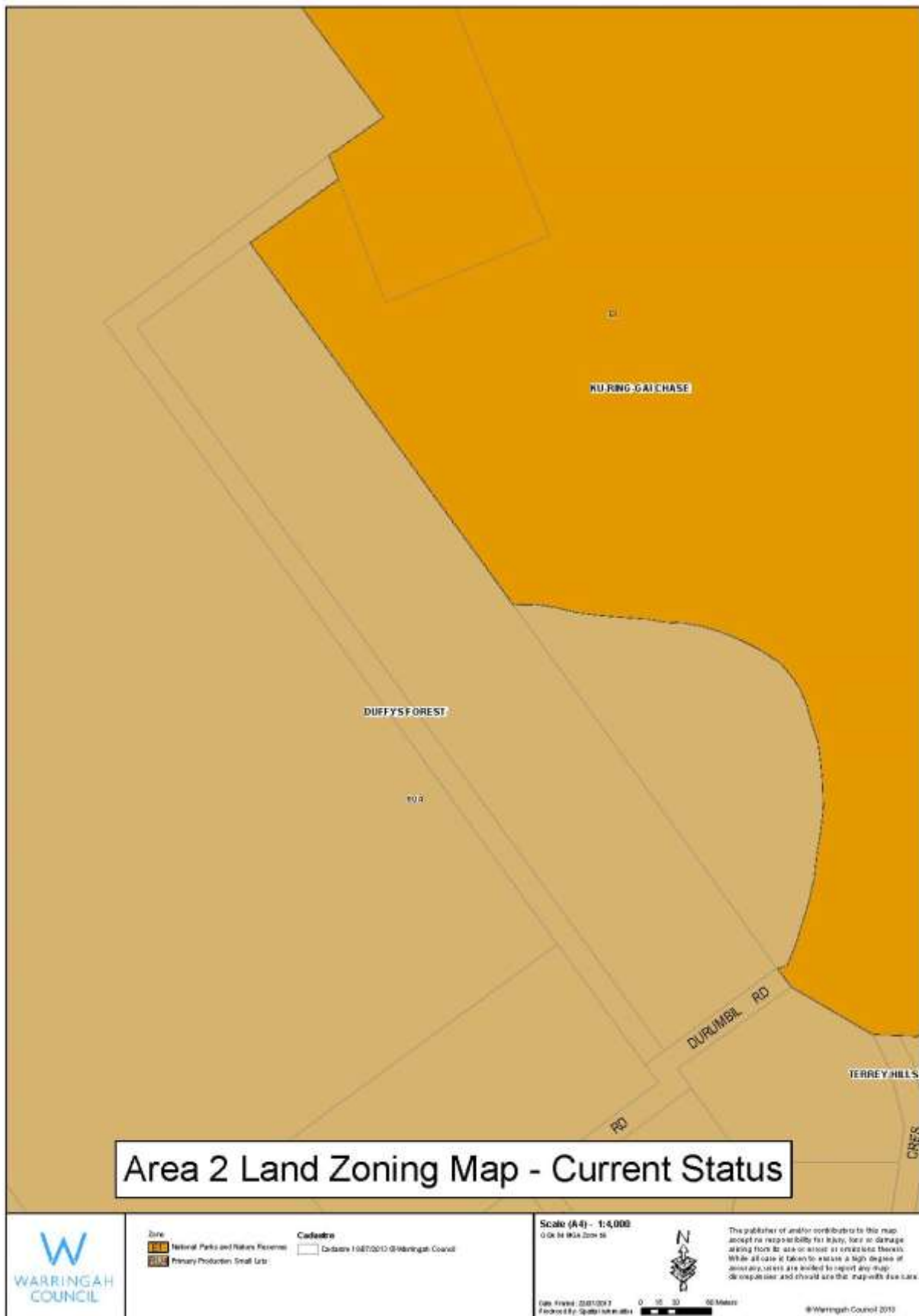


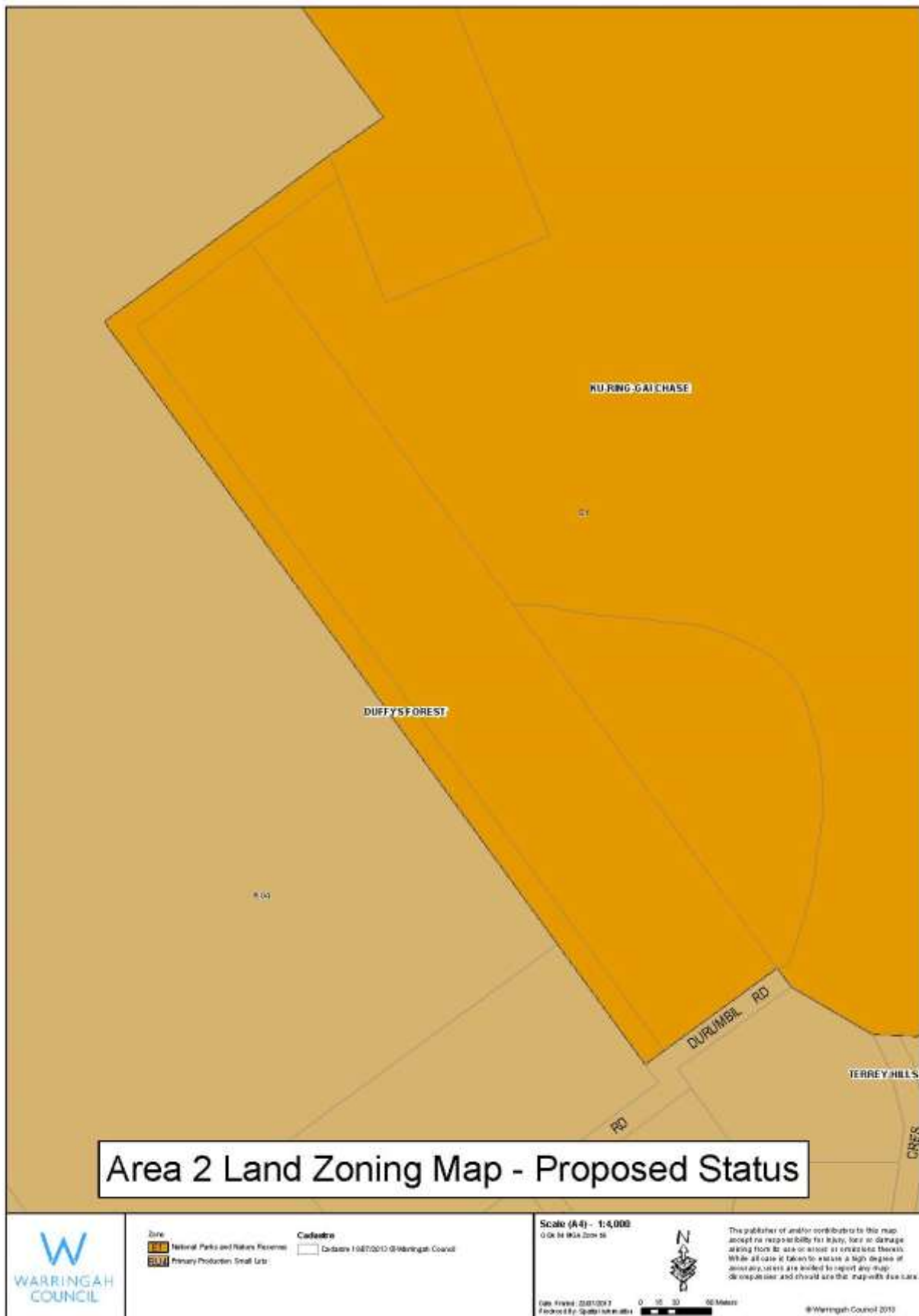


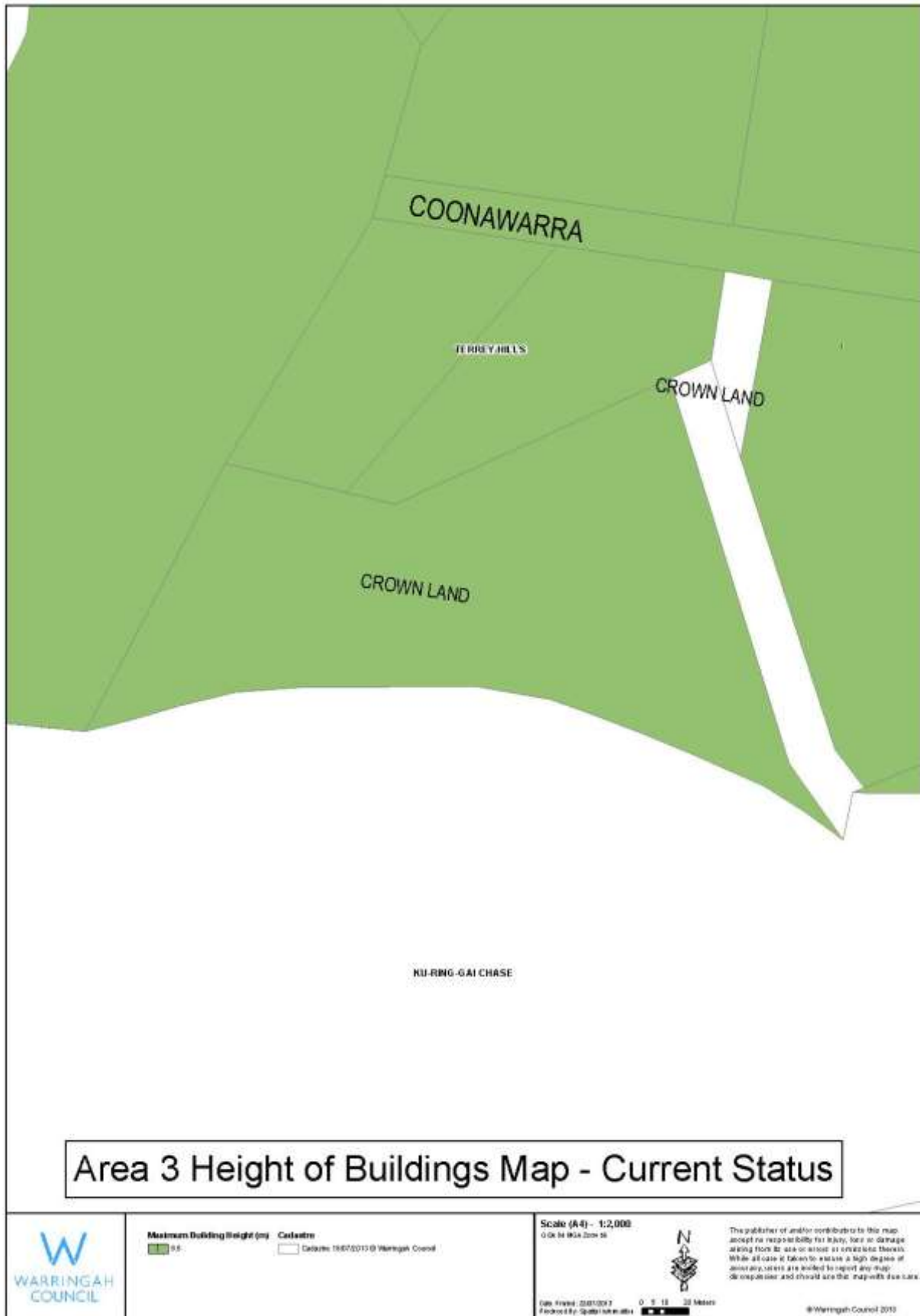


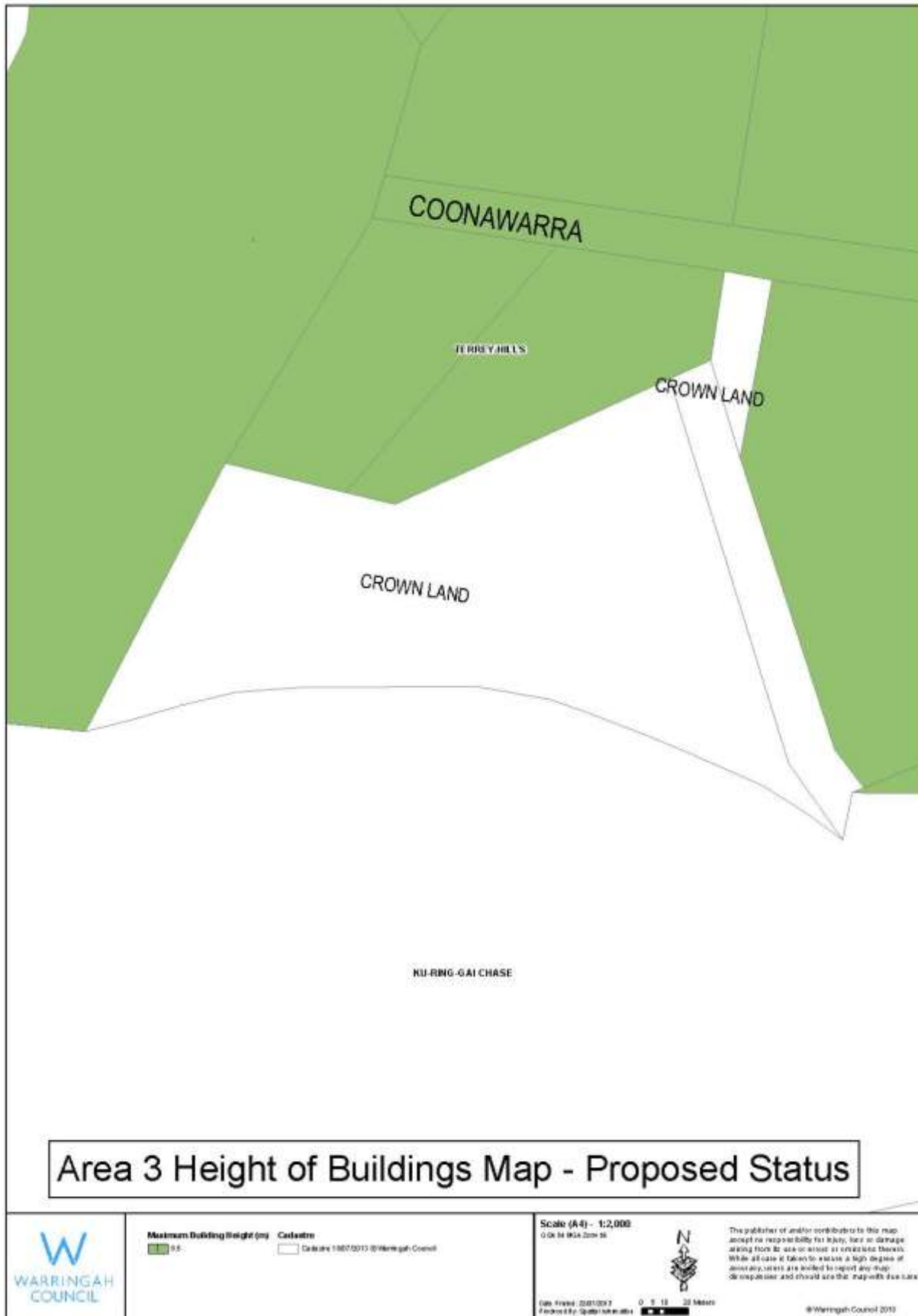


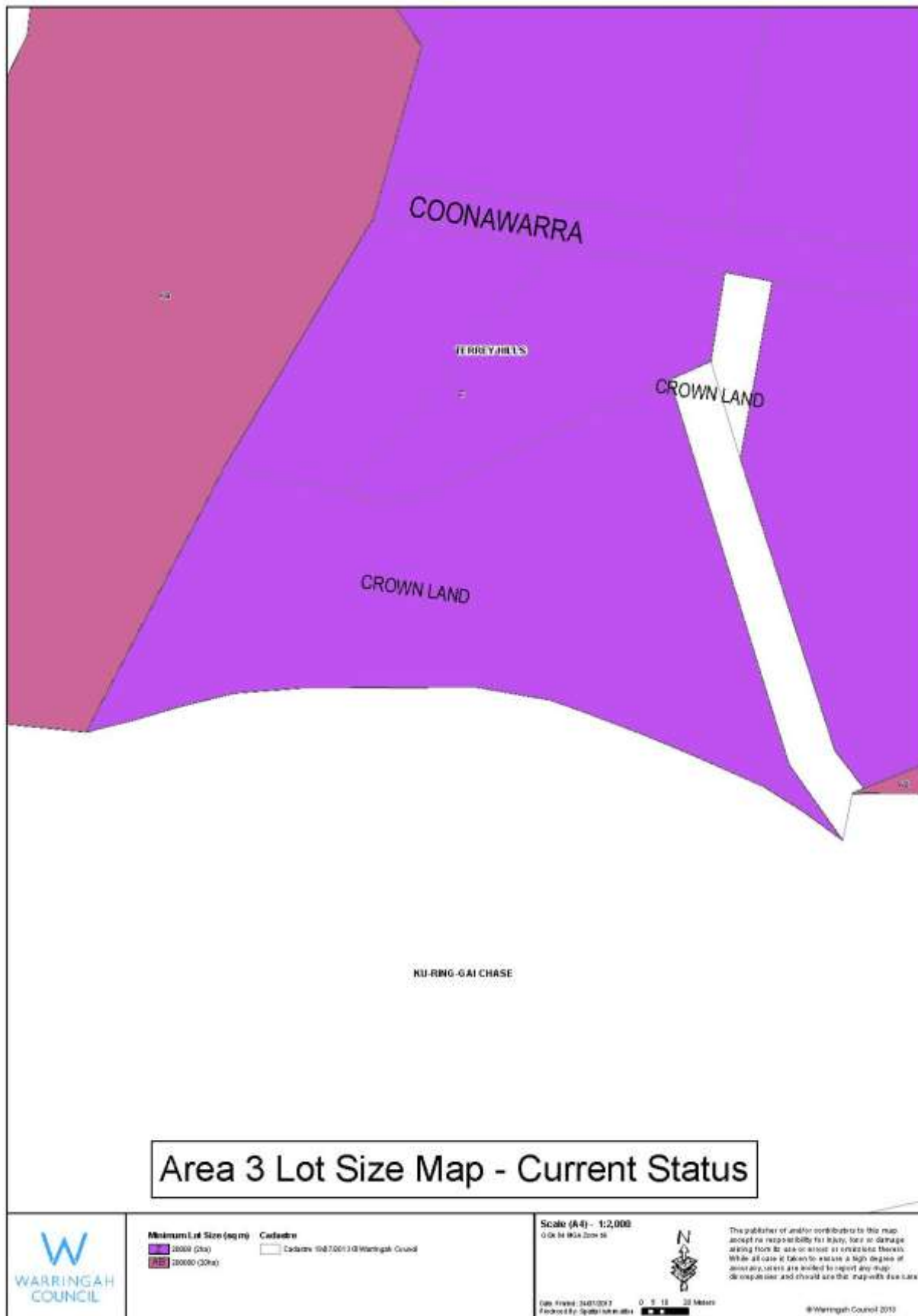


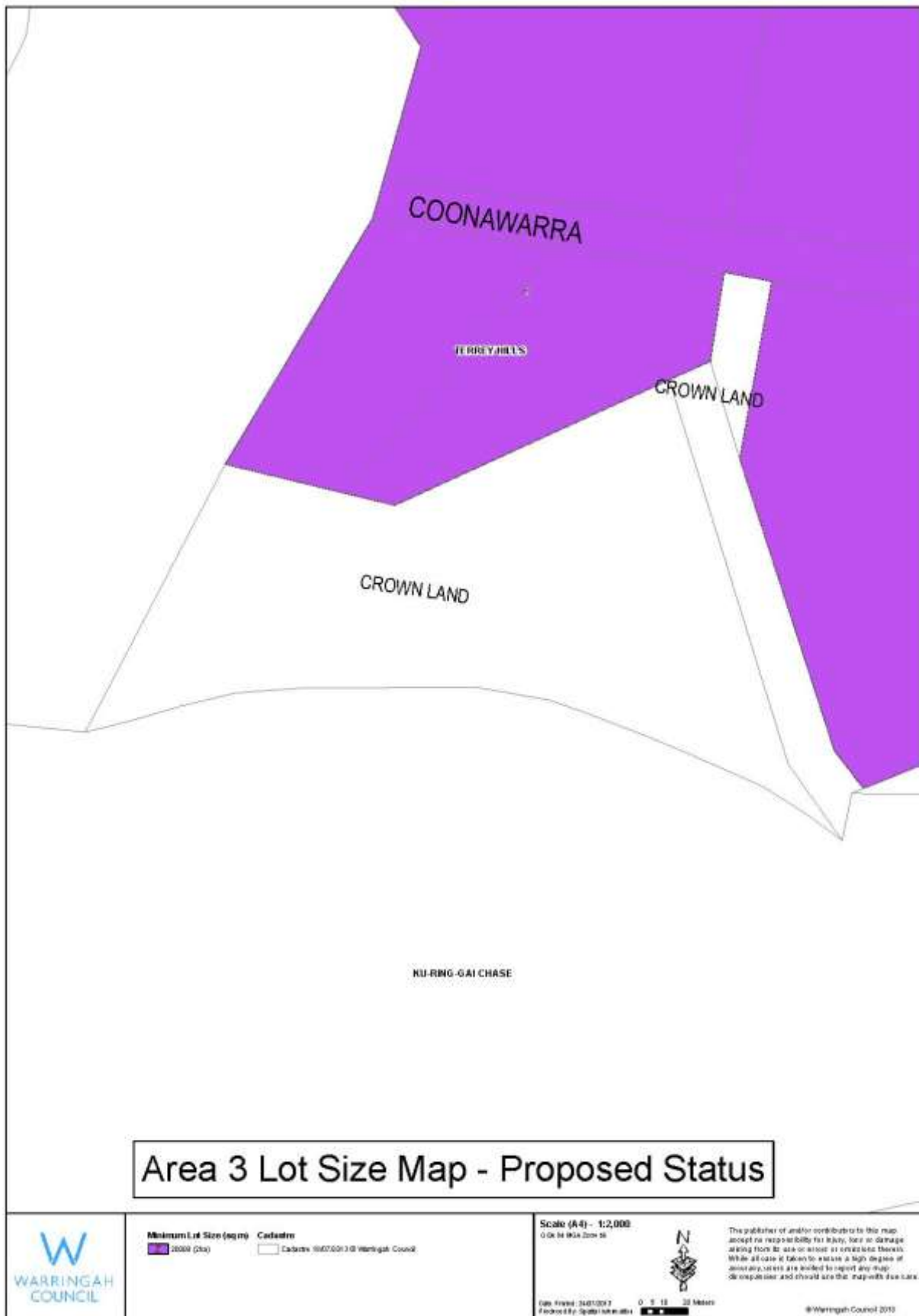


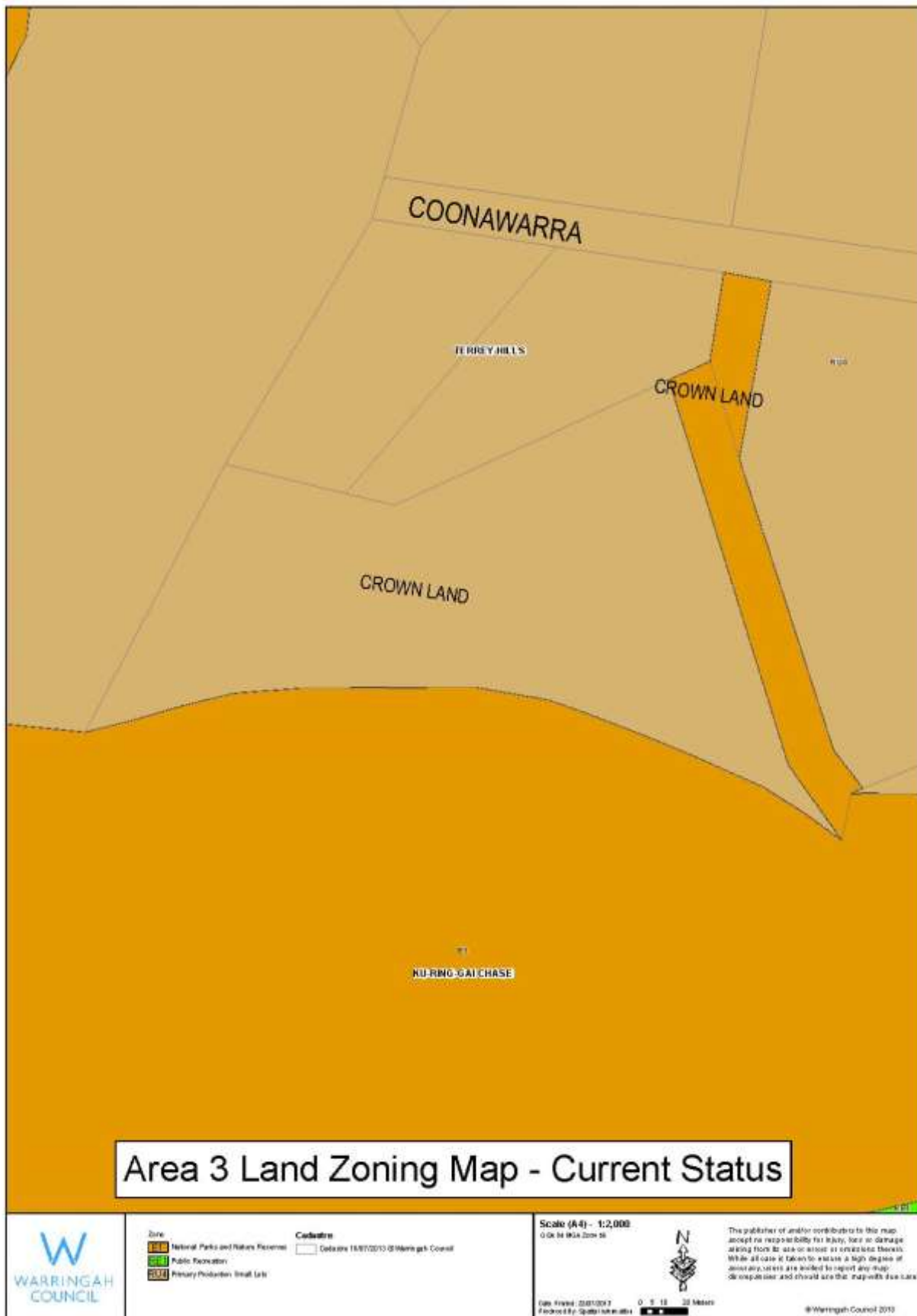




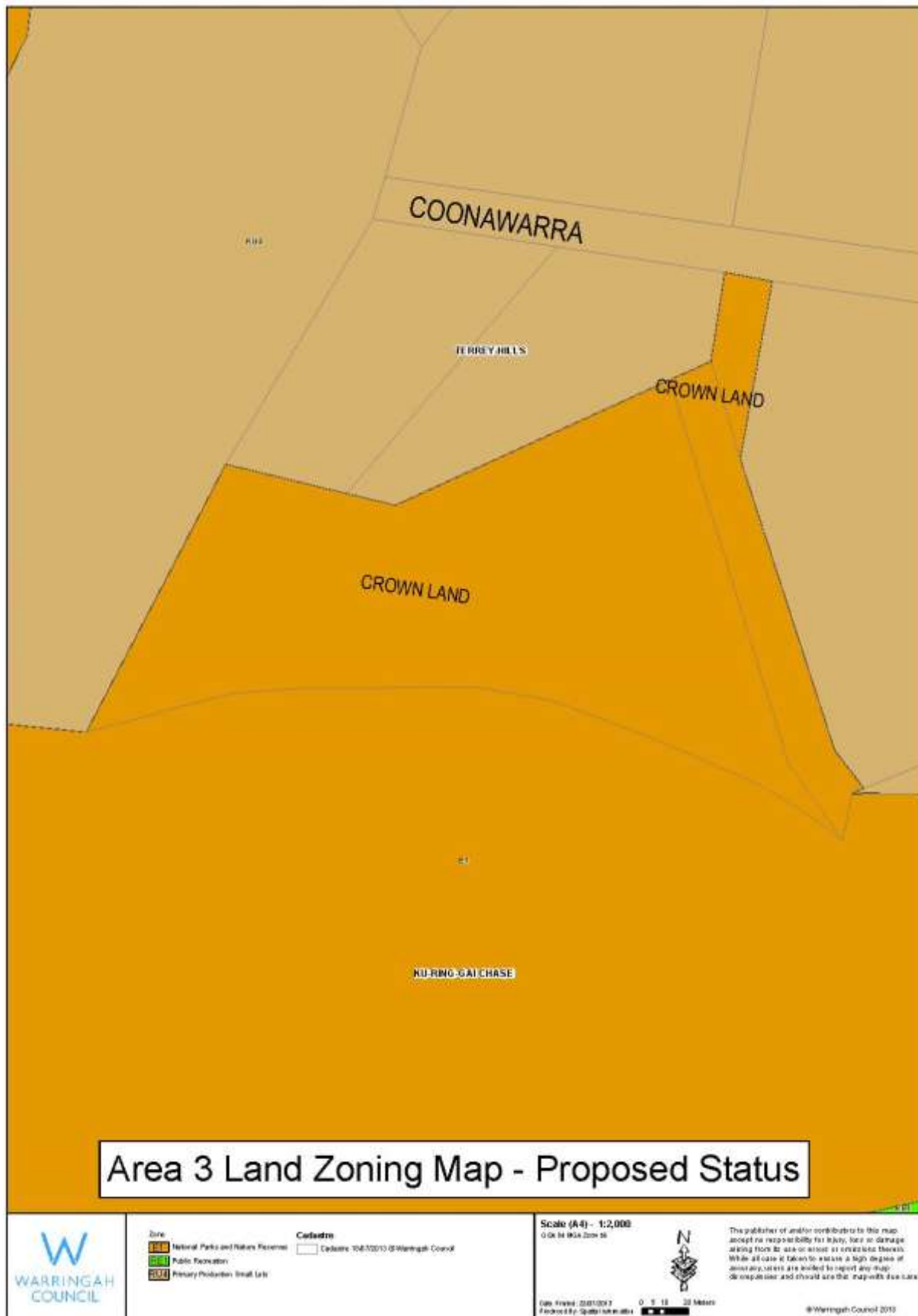






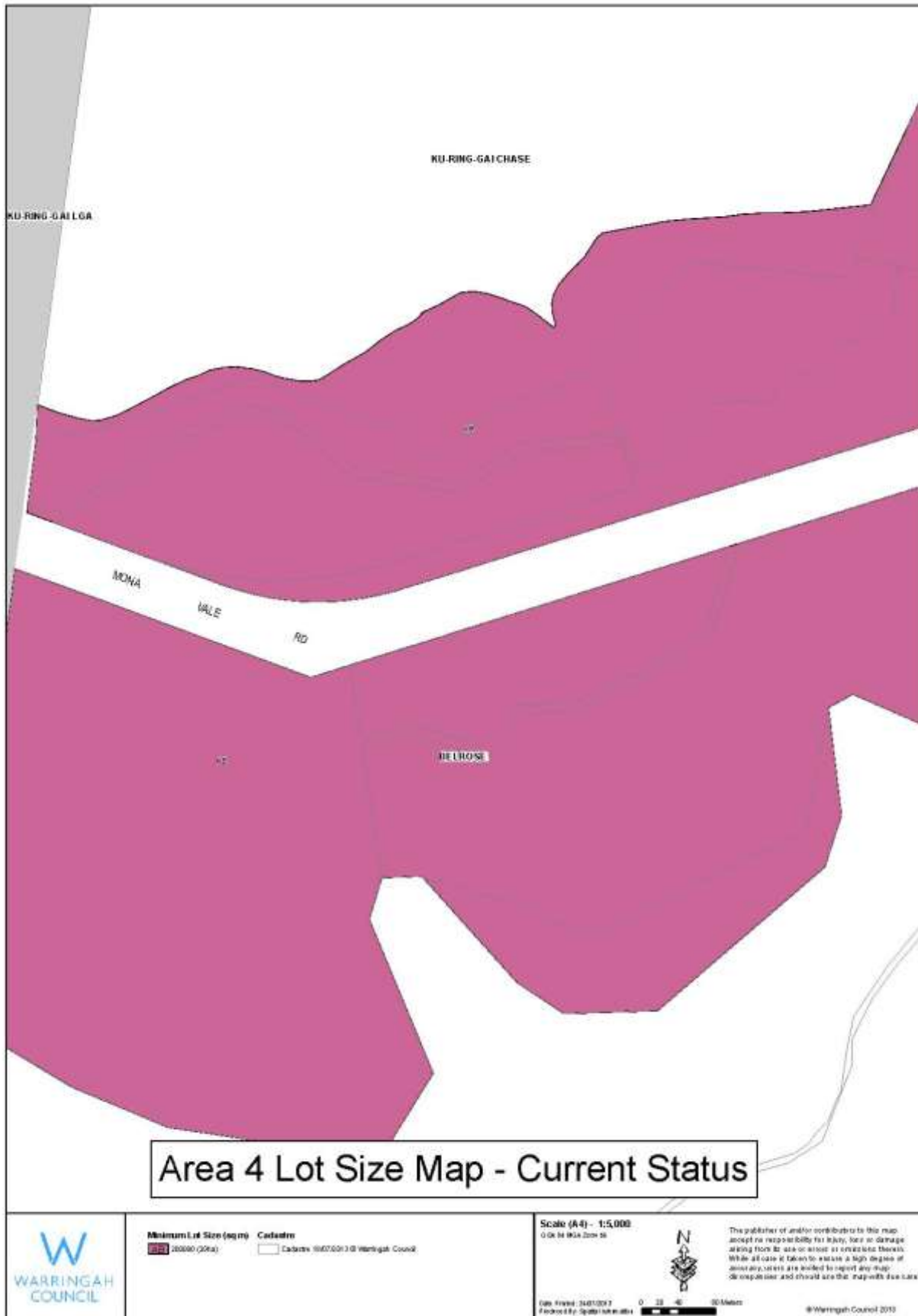


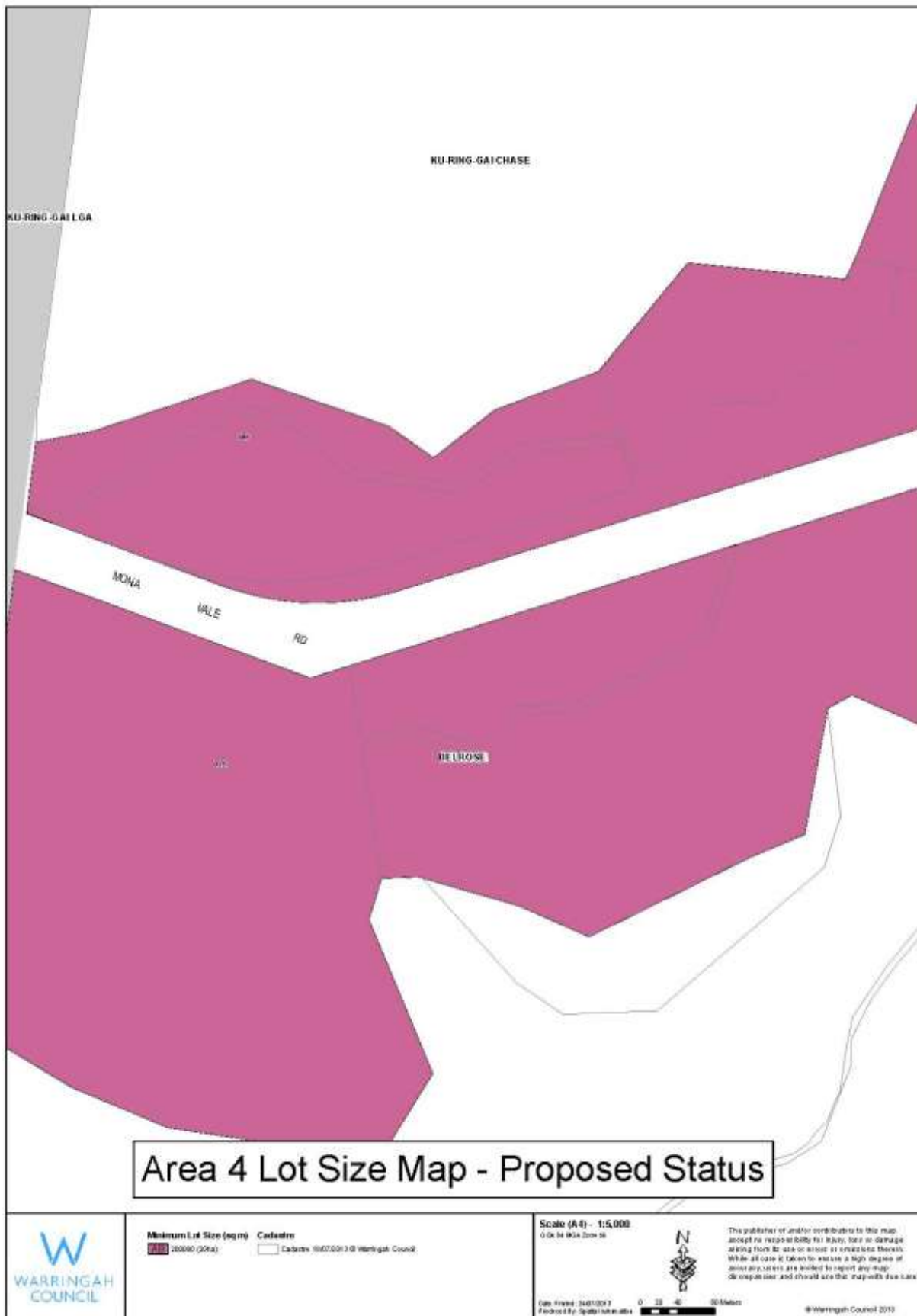


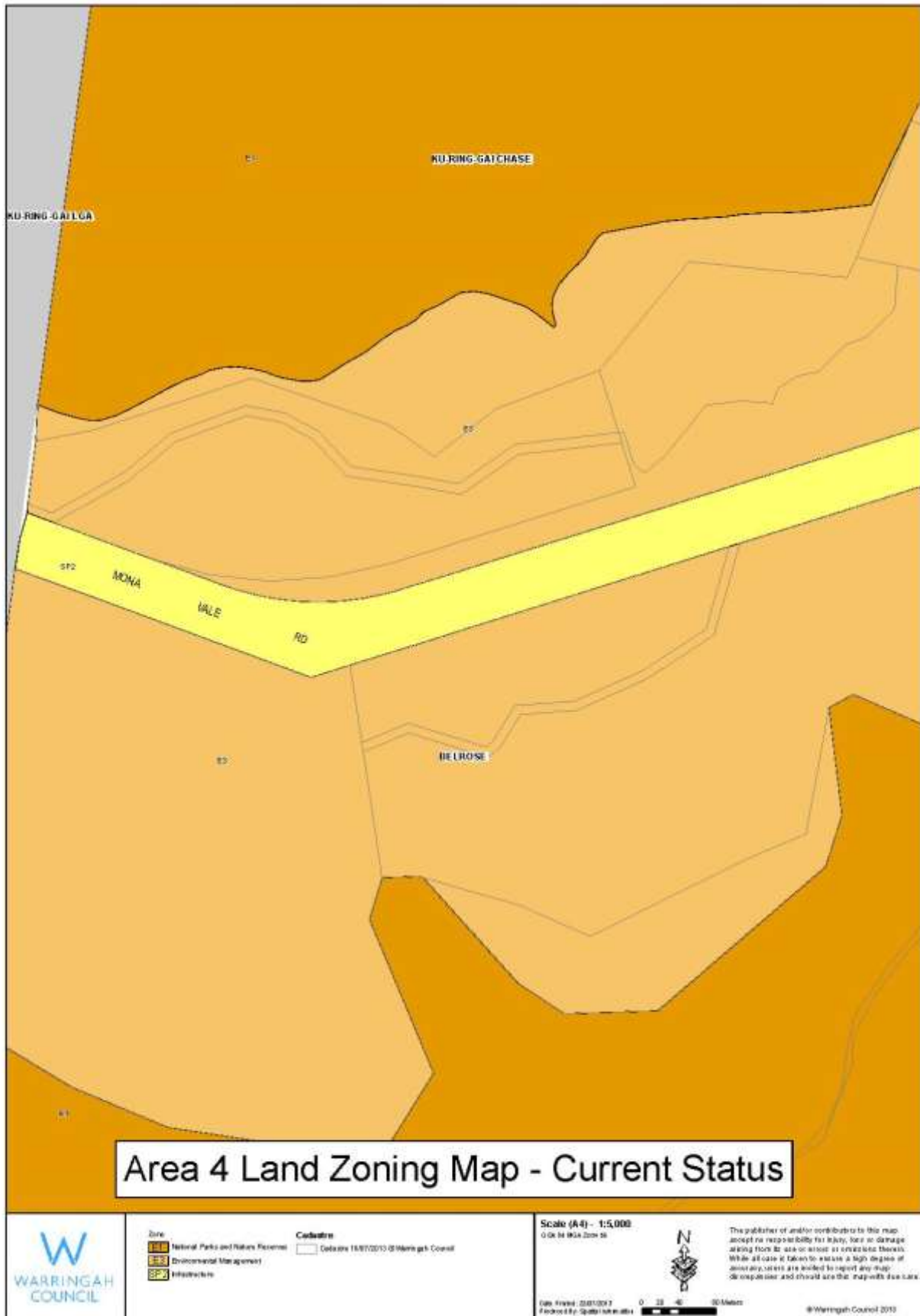


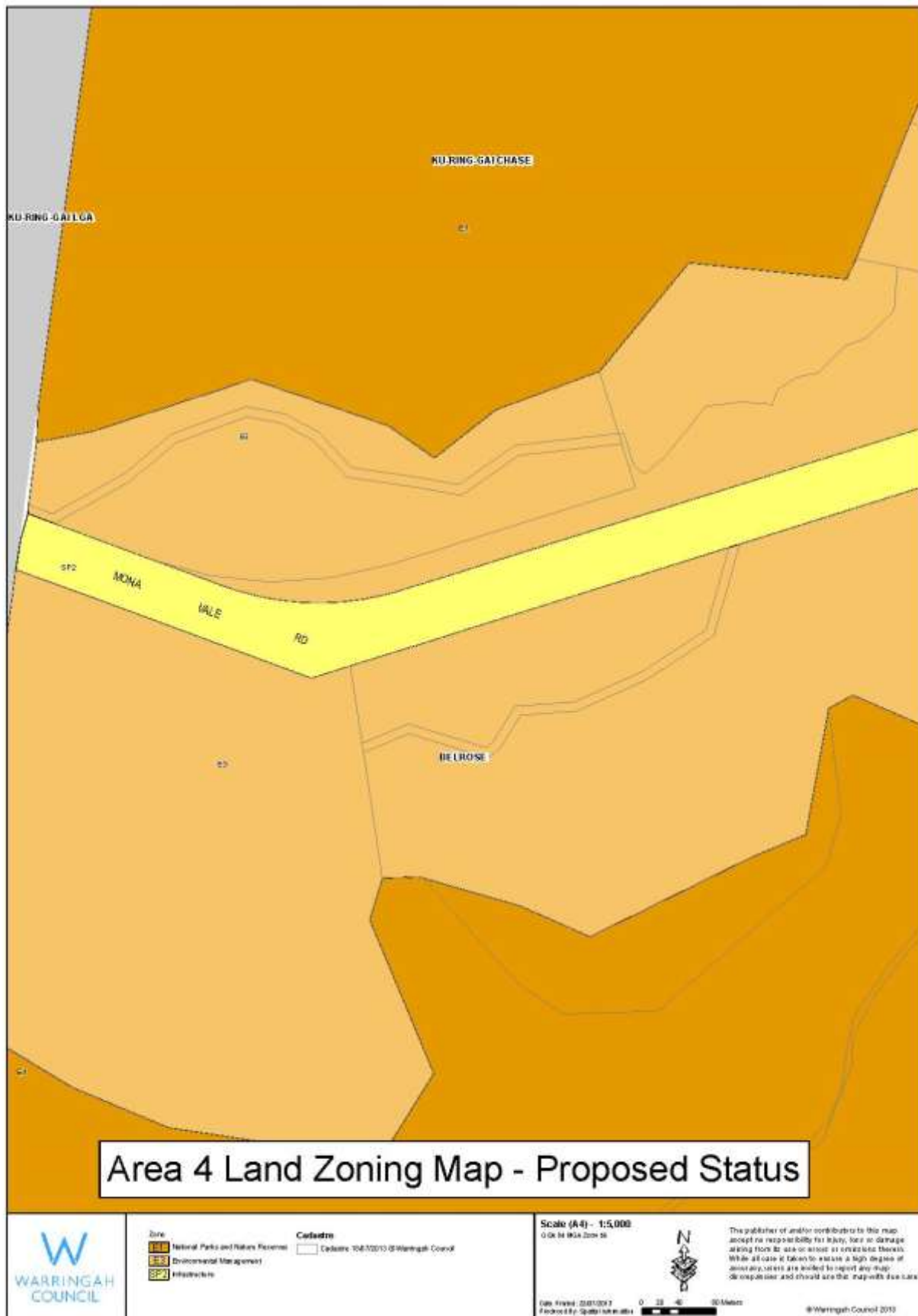


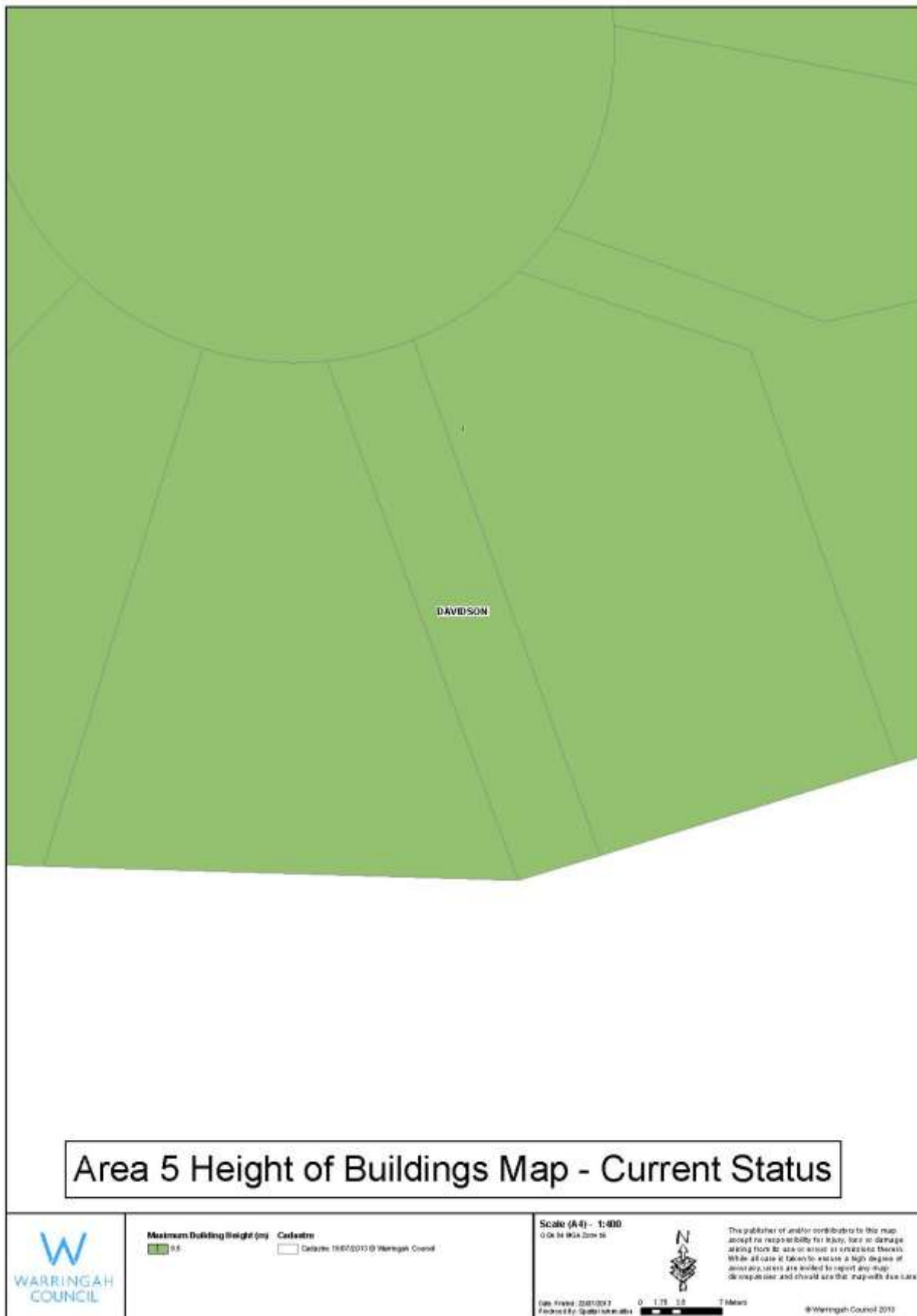










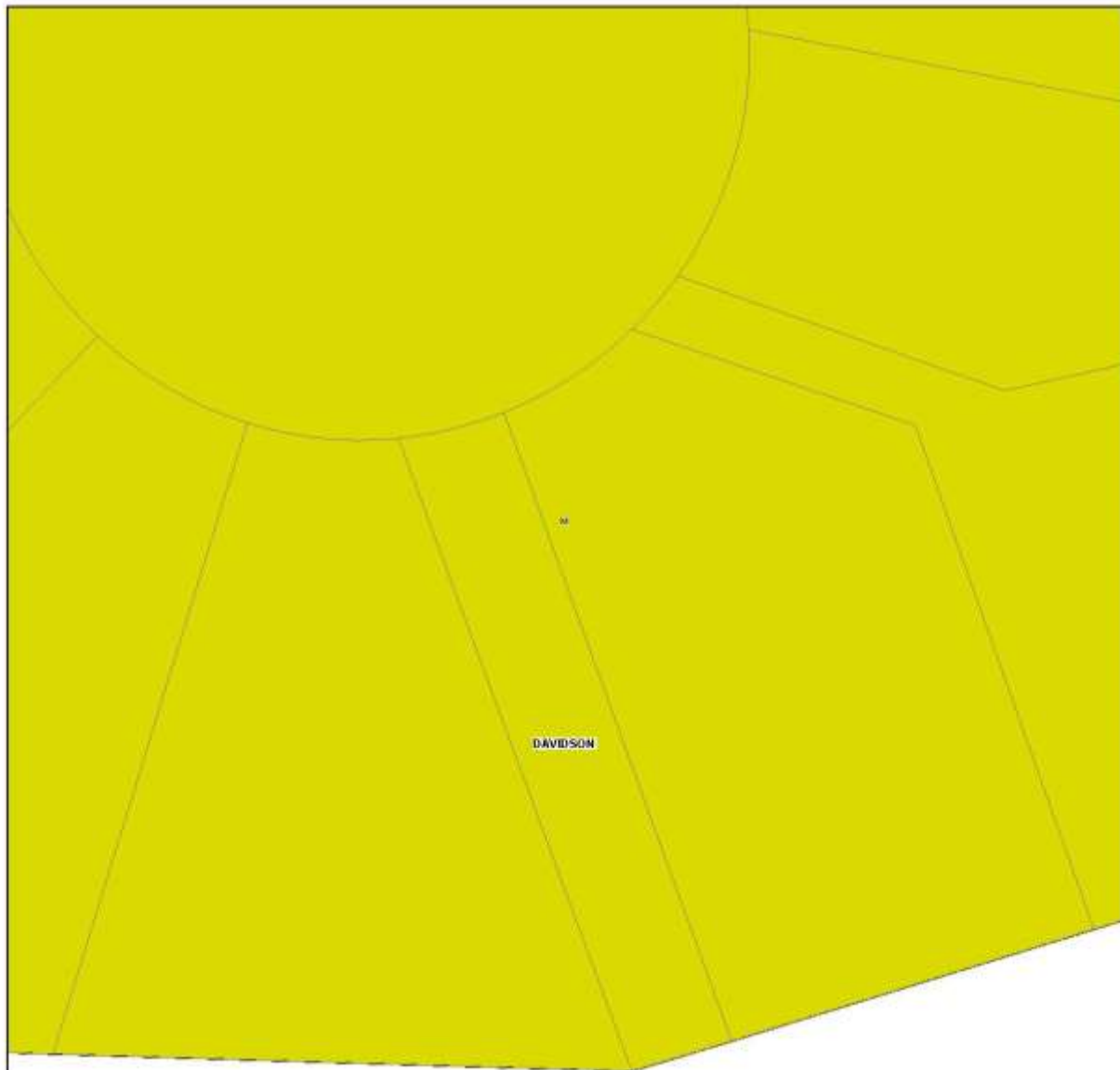




Area 5 Height of Buildings Map - Proposed Status

	<p>Maximum Building Height (m)</p> <p> 9.5</p> <p>Cartesian</p> <p> Date: 19/07/2013 @Warringah Council</p>	<p>Scale (A4) - 1:400 0.0k to 0.0k Zone 56</p> <p></p> <p><small>This publisher of and/or contributor to this map accepts no responsibility for injury, loss or damage arising from its use or misuse or omission thereof. While all care is taken to ensure a high degree of accuracy, users are invited to report any map discrepancies and should use this map with due care.</small></p> <p><small>Date: 19/07/2013 Prepared by: [illegible]</small></p> <p align="right"><small>©Warringah Council 2013</small></p>
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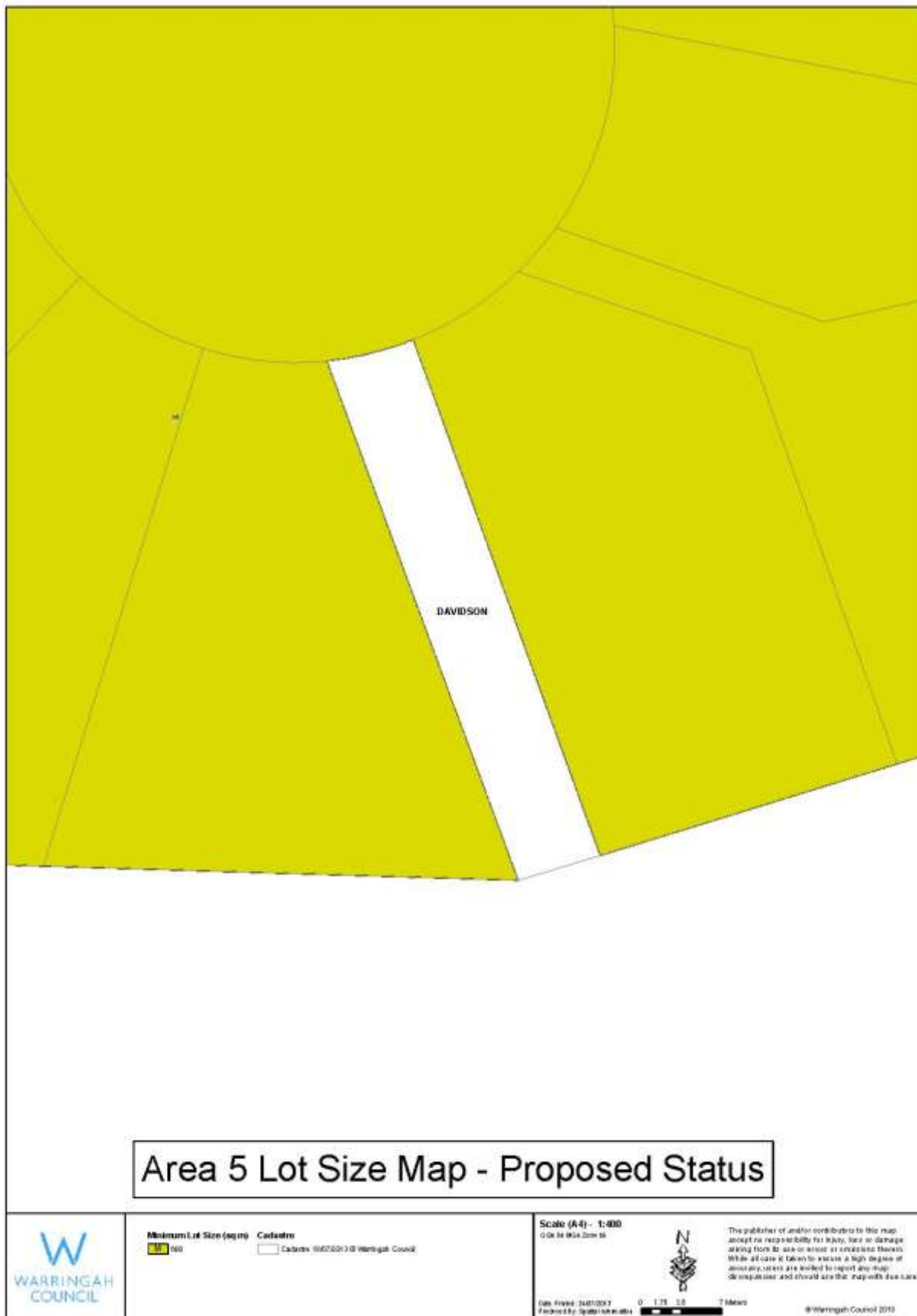
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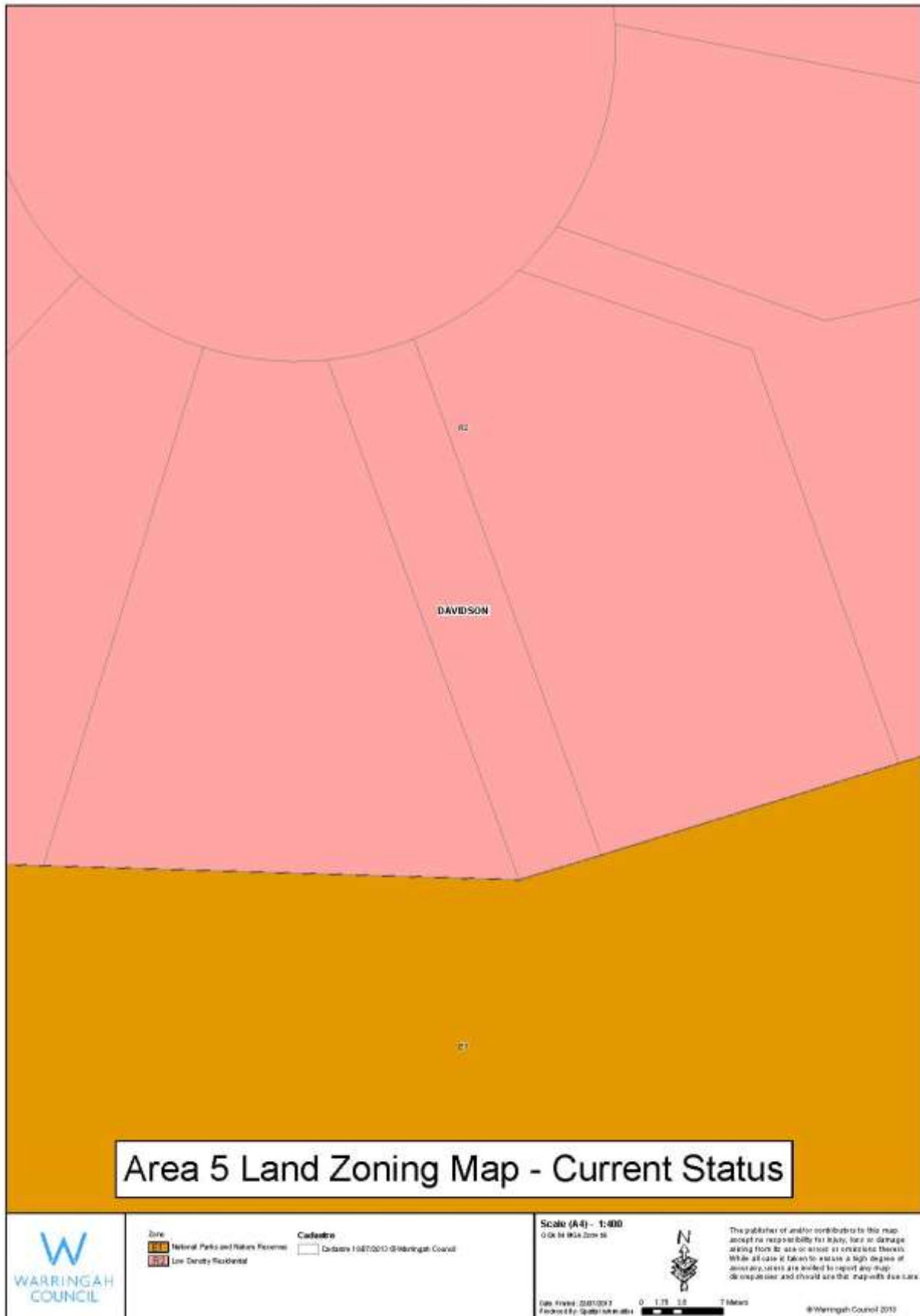


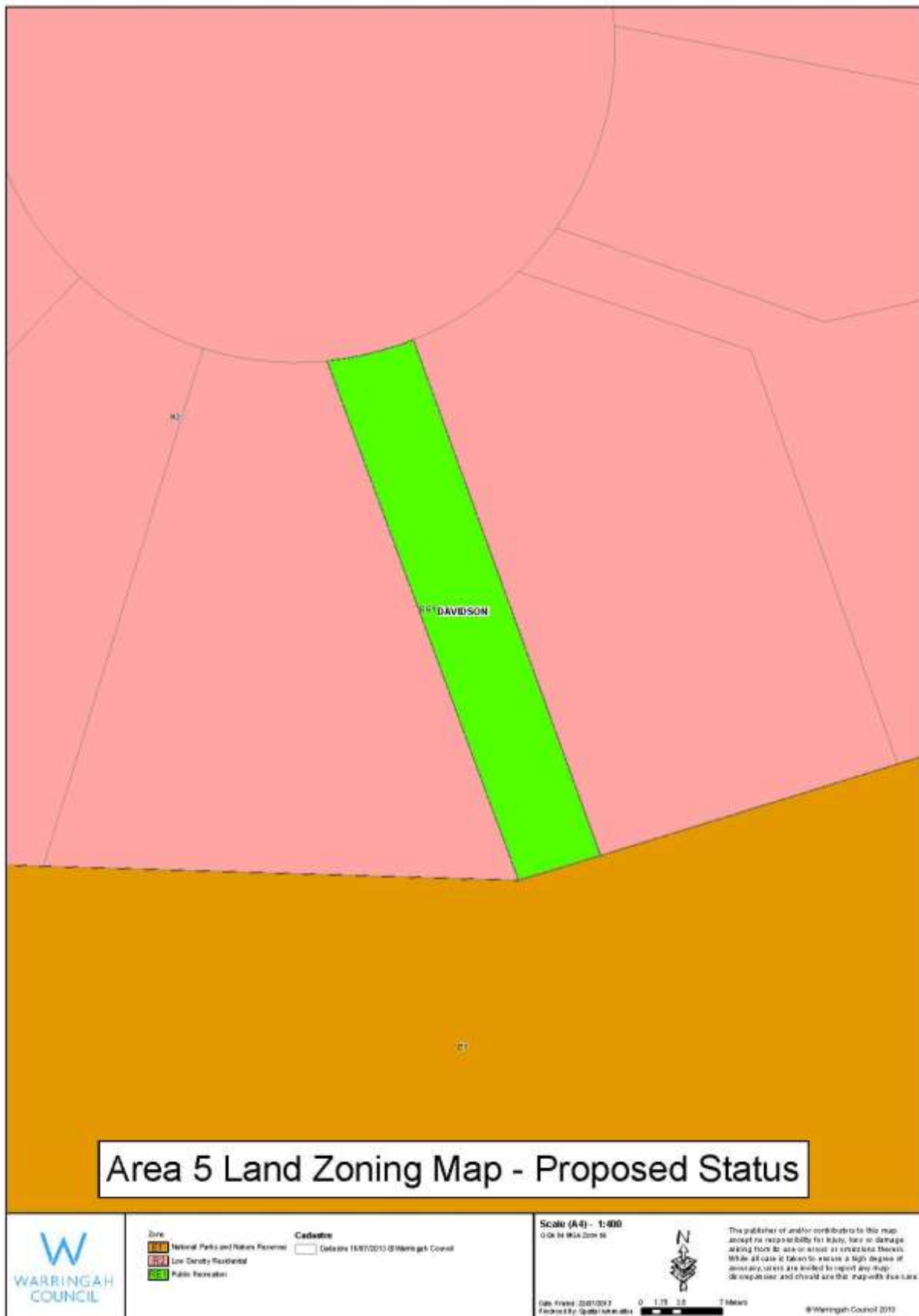
Area 5 Lot Size Map - Current Status

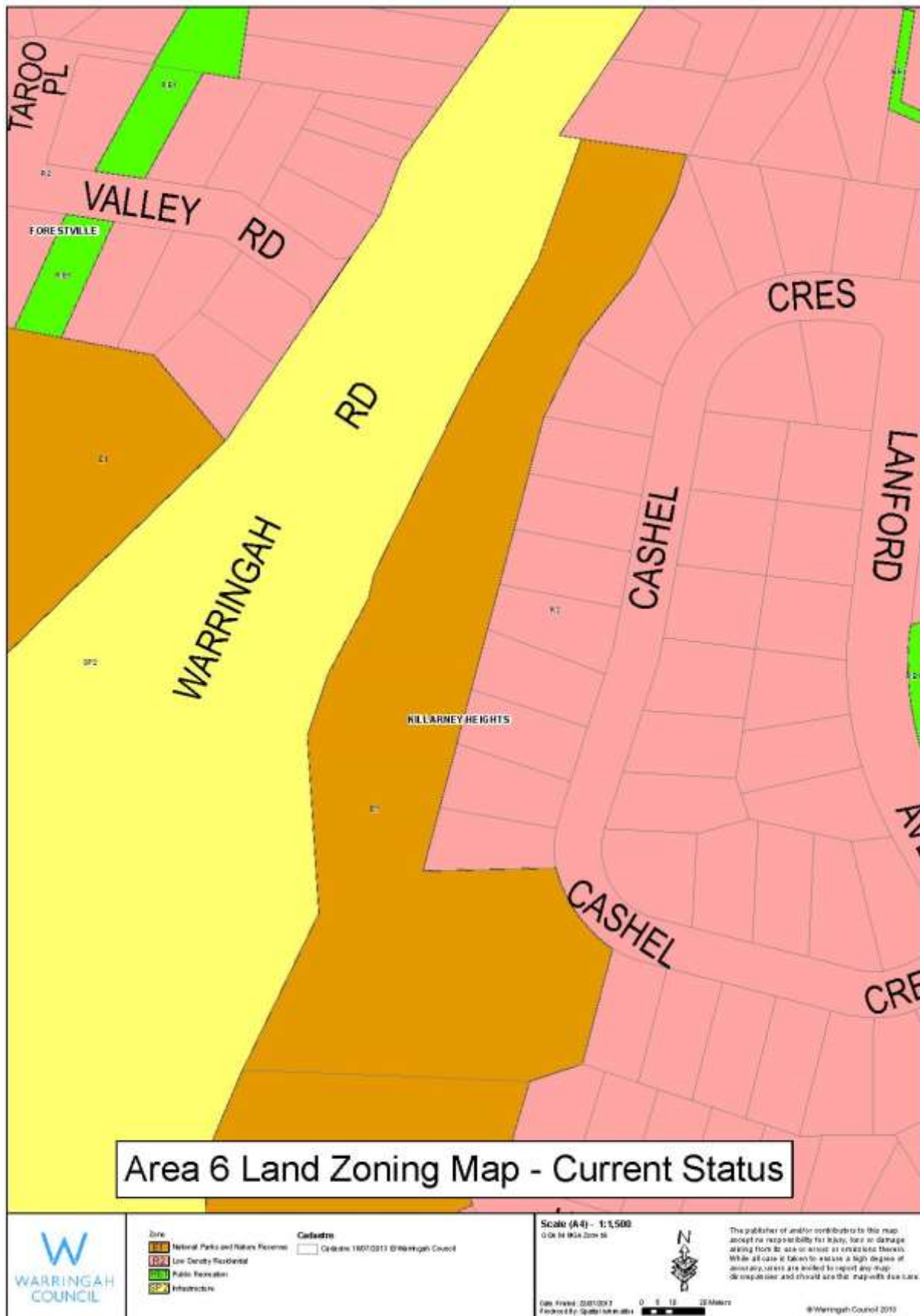
	<p>Minimum Lot Size (sqm) Cadastre</p> <p> 600 Cadastre 1967/2013 @ Warringah Council</p>	<p>Scale (A4) - 1:400 0.0k to 0.0k Zone 56</p> <div style="display: flex; align-items: center;"> <div style="margin-left: 20px;"> <p>0 1.25 2.5 Meters</p> </div> </div> <p><small>This publisher of and/or contributor to this map, accepts no responsibility for injury, loss or damage arising from its use or misuse or omission thereof. While all care is taken to ensure a high degree of accuracy, users are invited to report any map discrepancies and should use this map with due care.</small></p> <p><small>Date Printed: 14/01/2013 Printed by: Spatial Information Systems</small></p> <p align="right"><small>©Warringah Council 2013</small></p>
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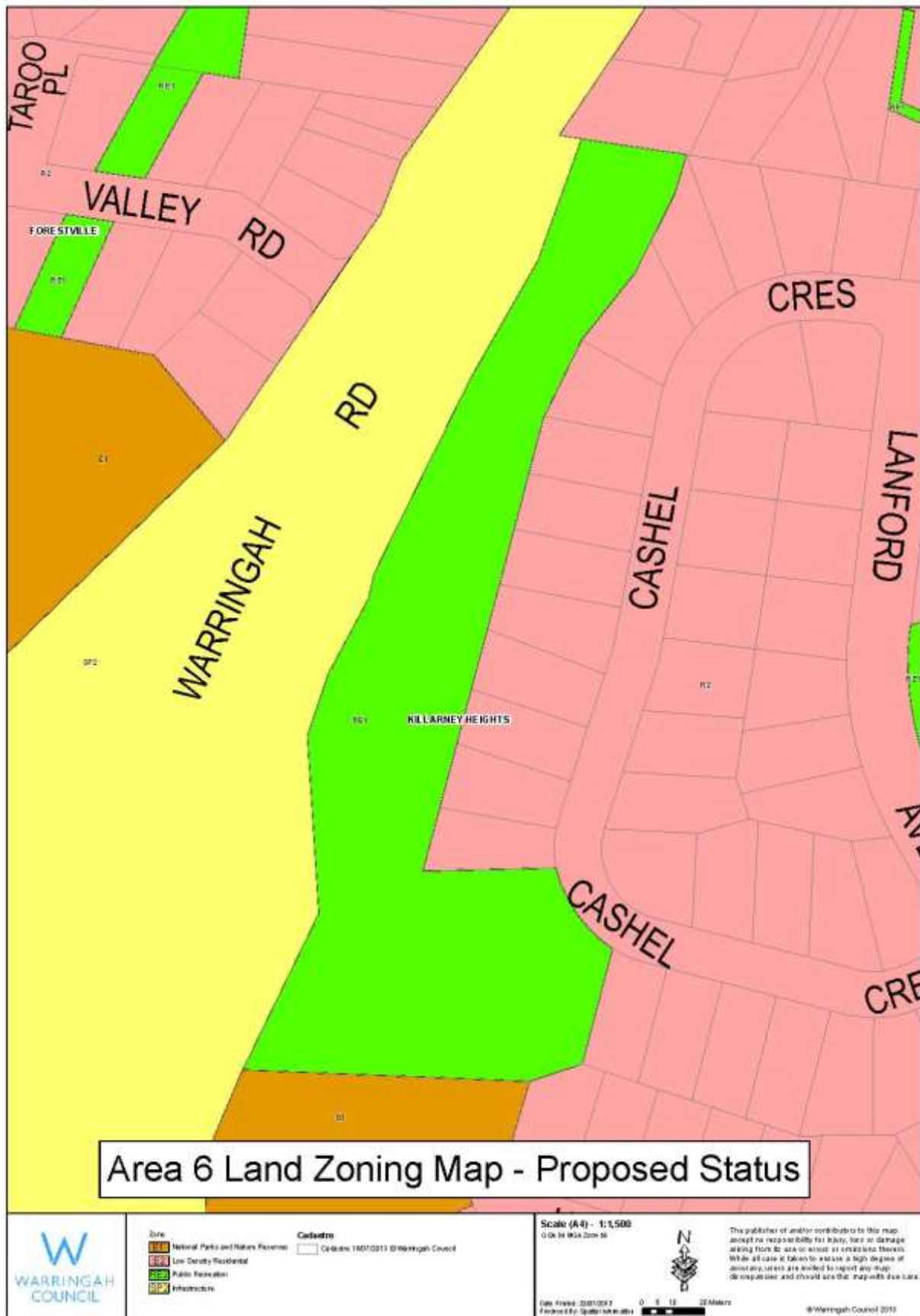
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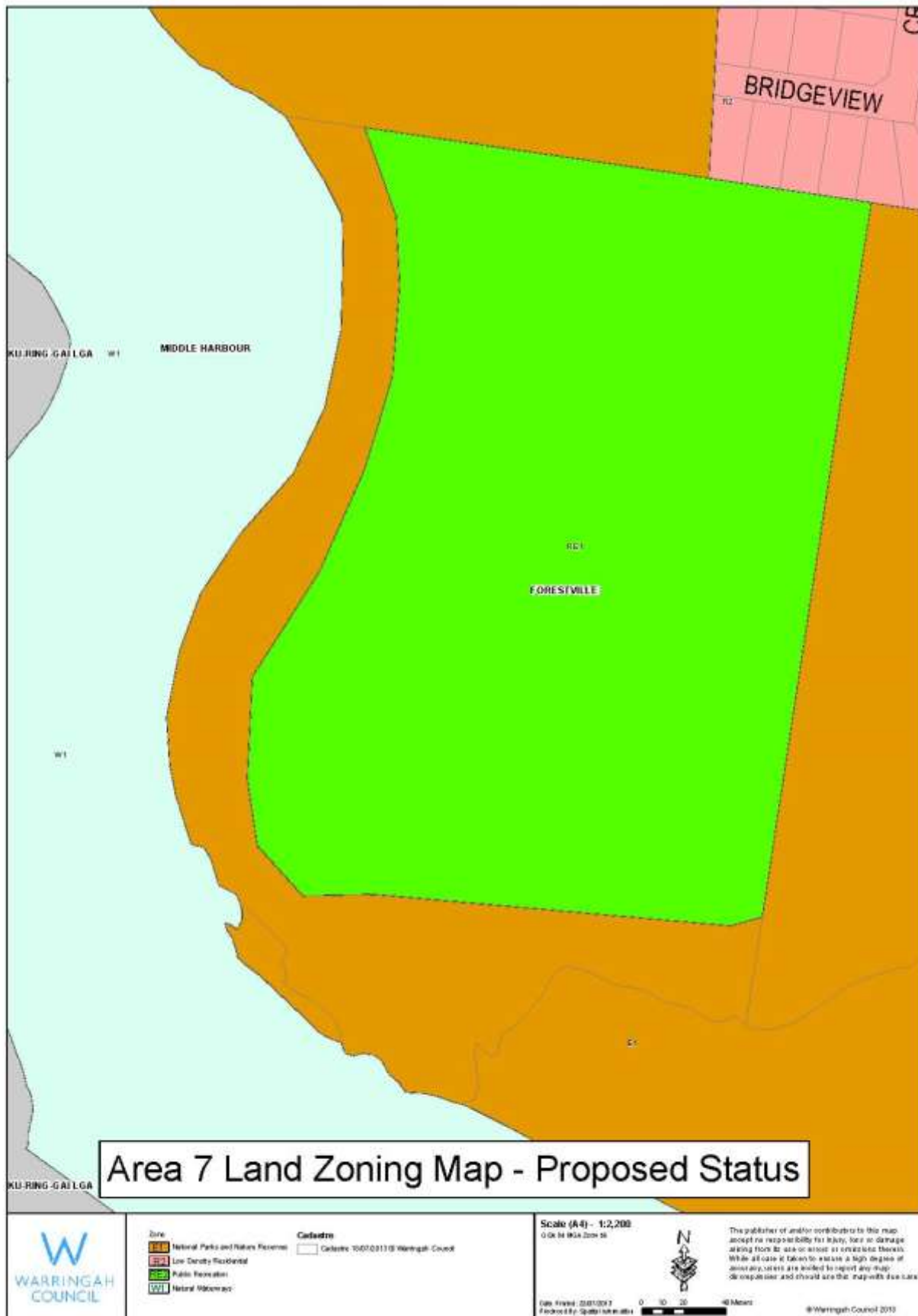






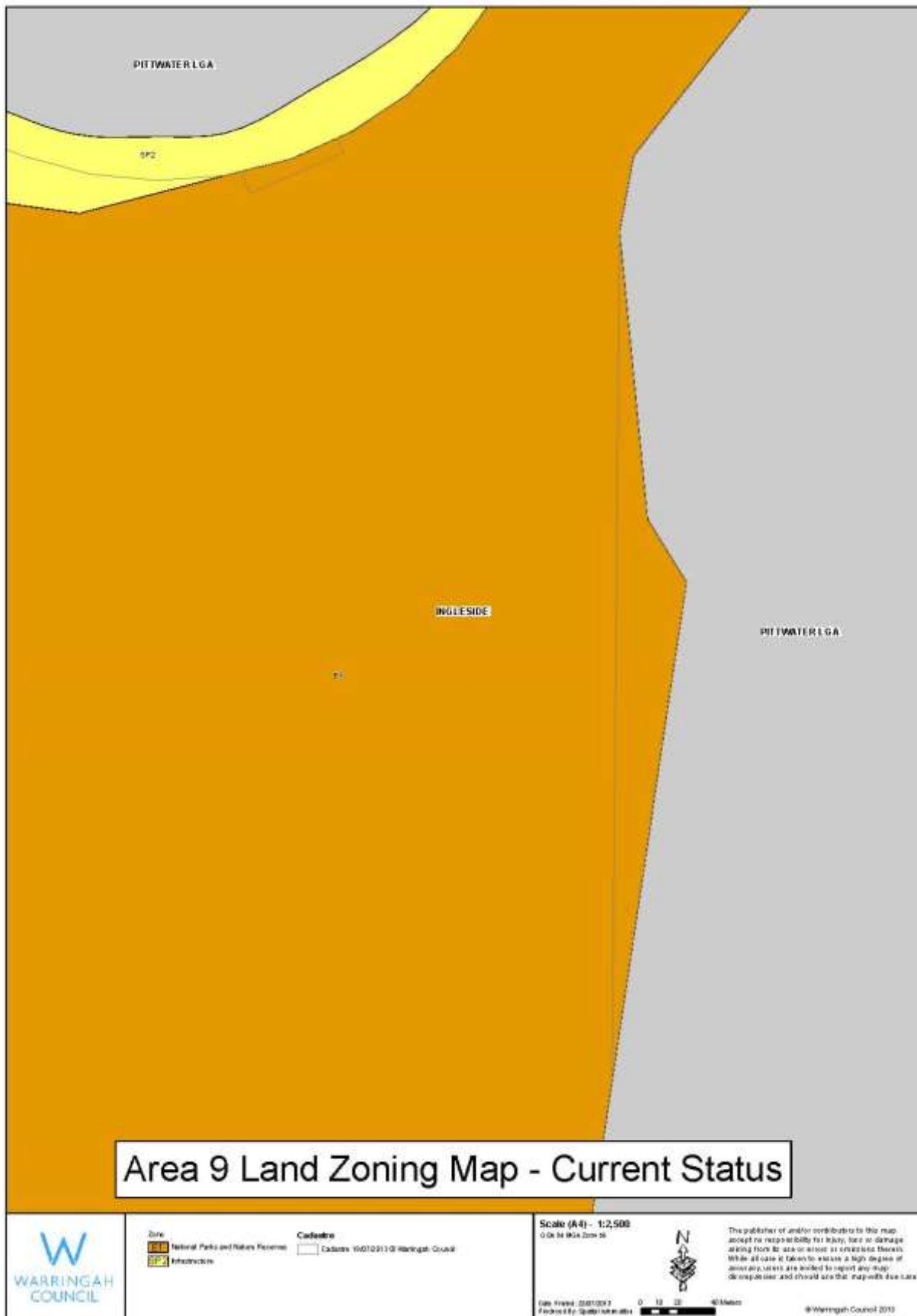


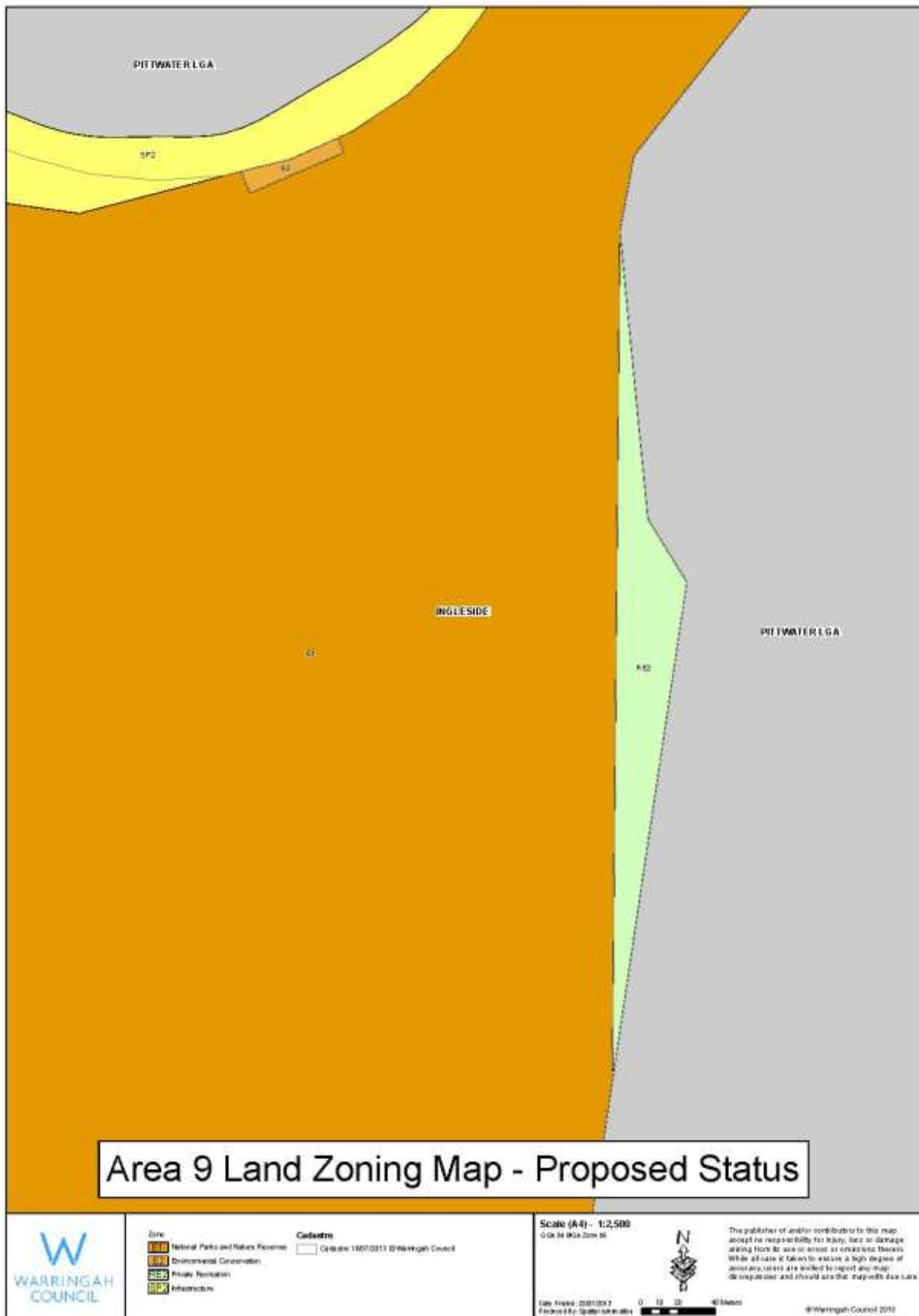






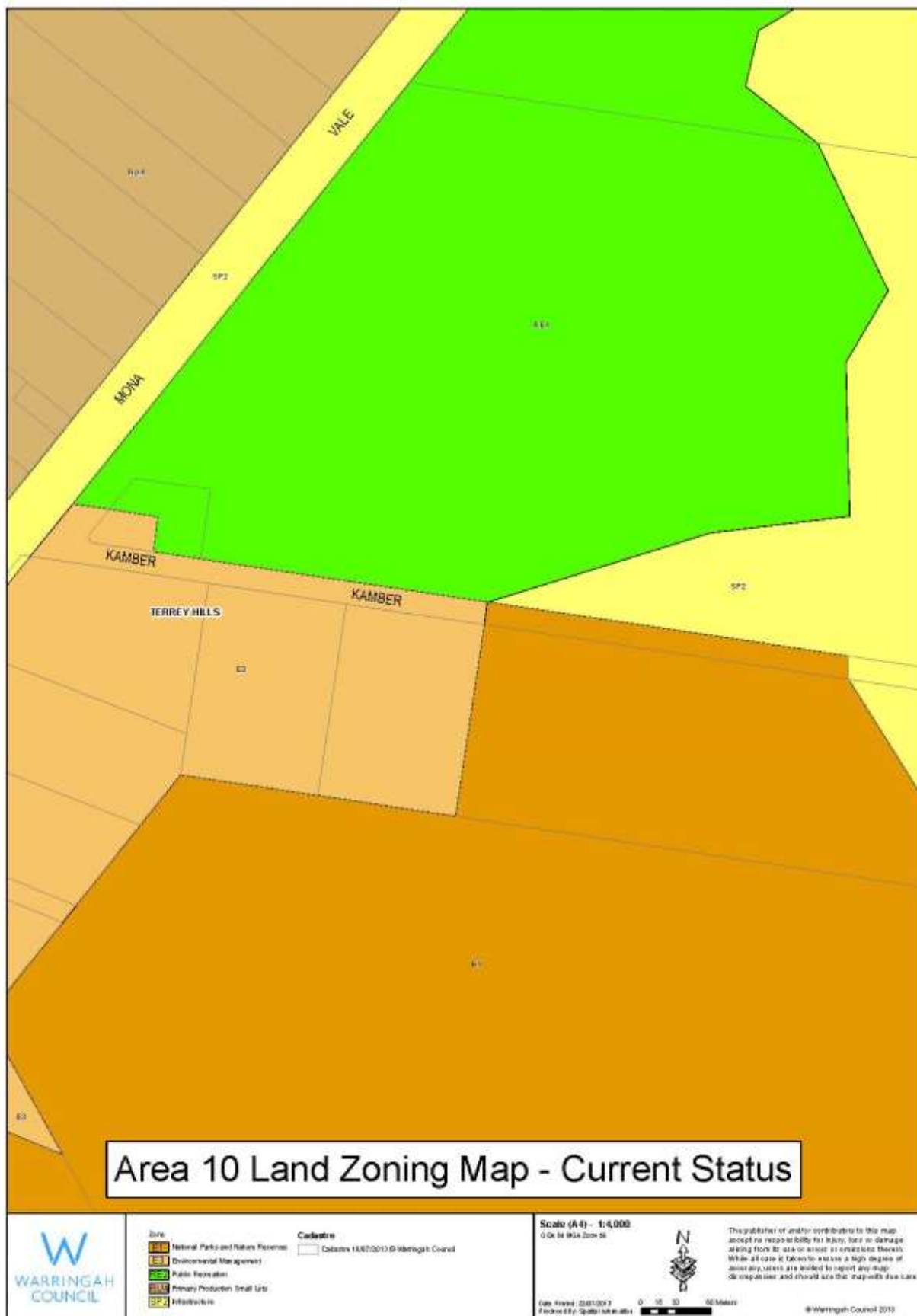


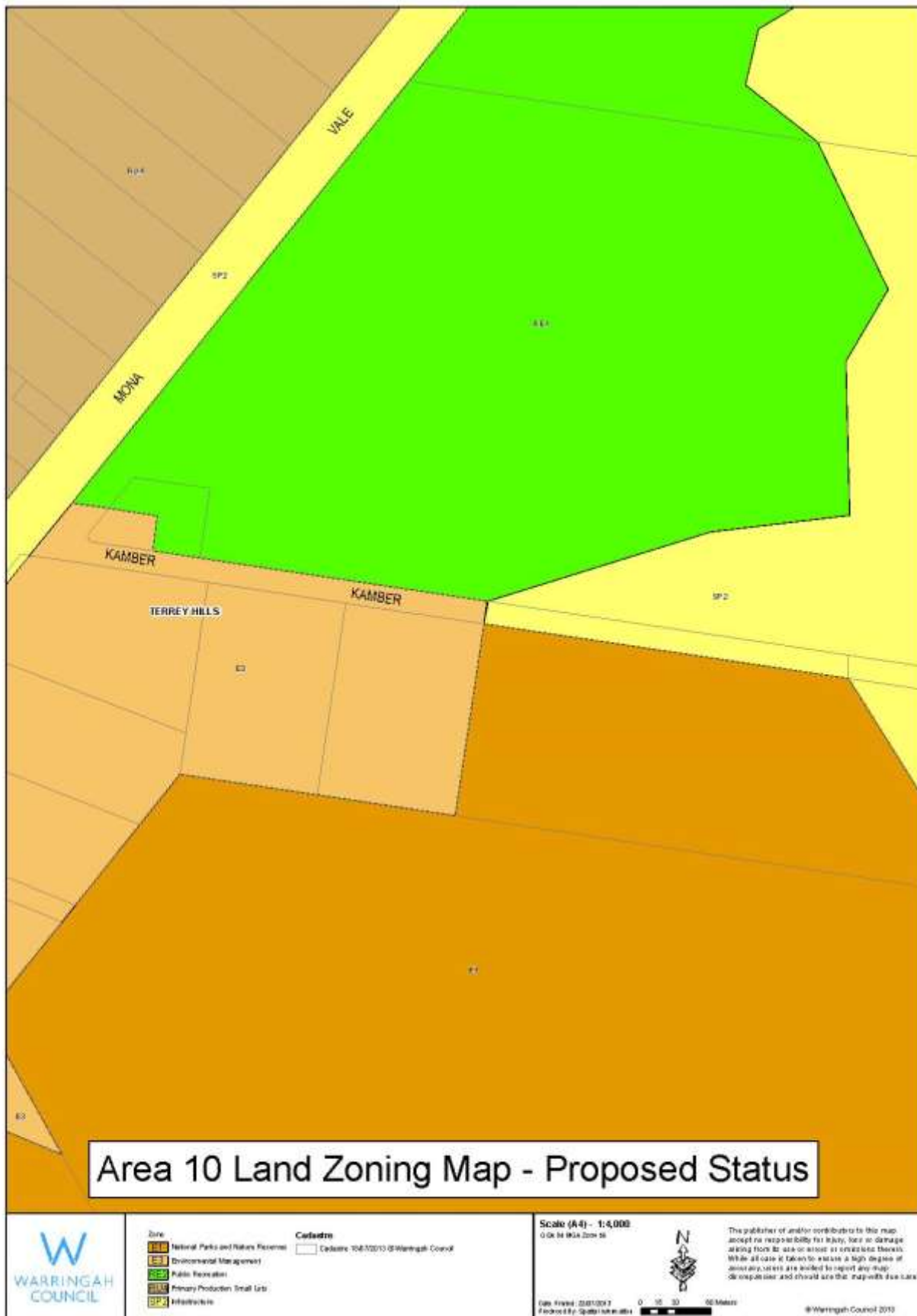








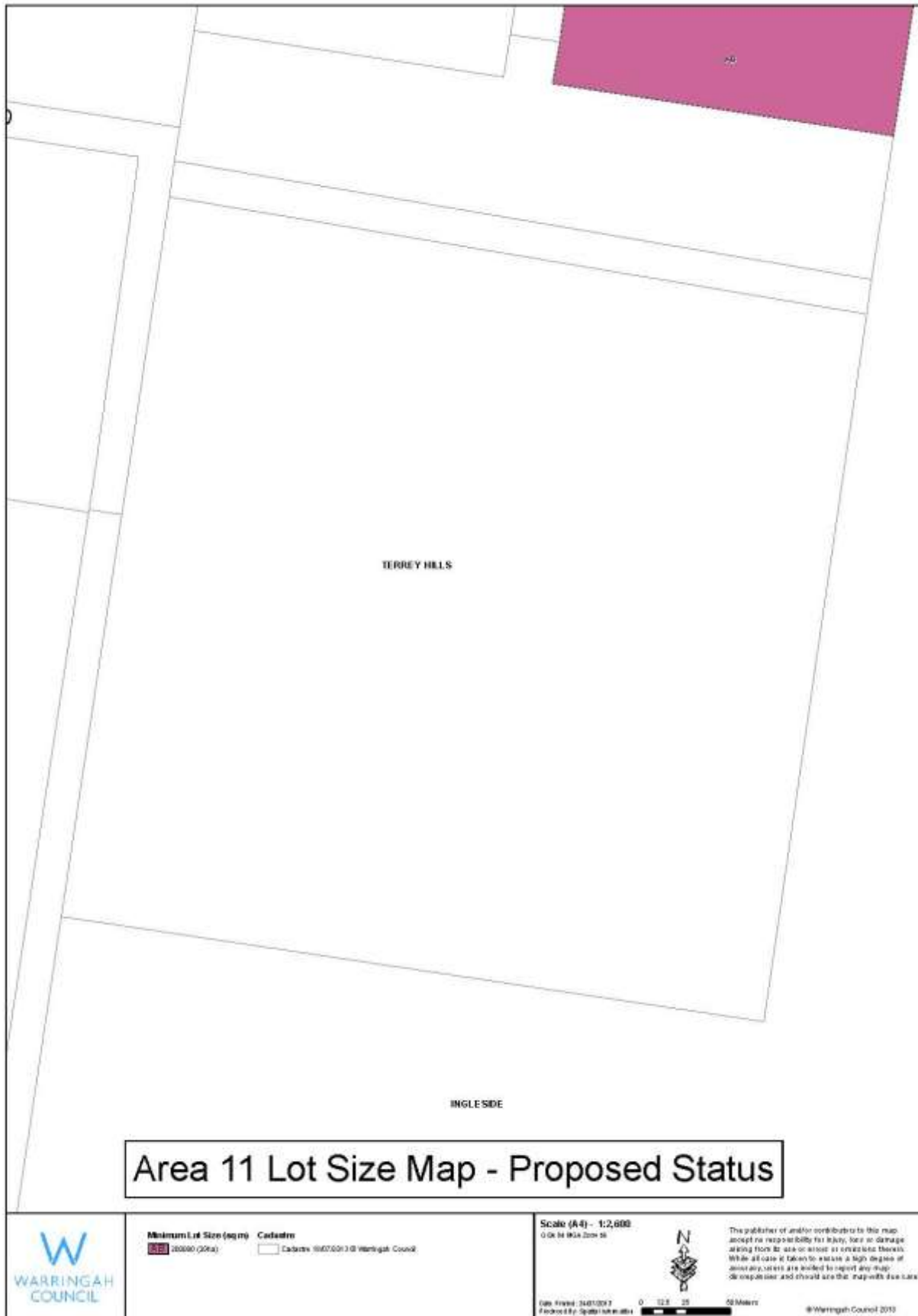


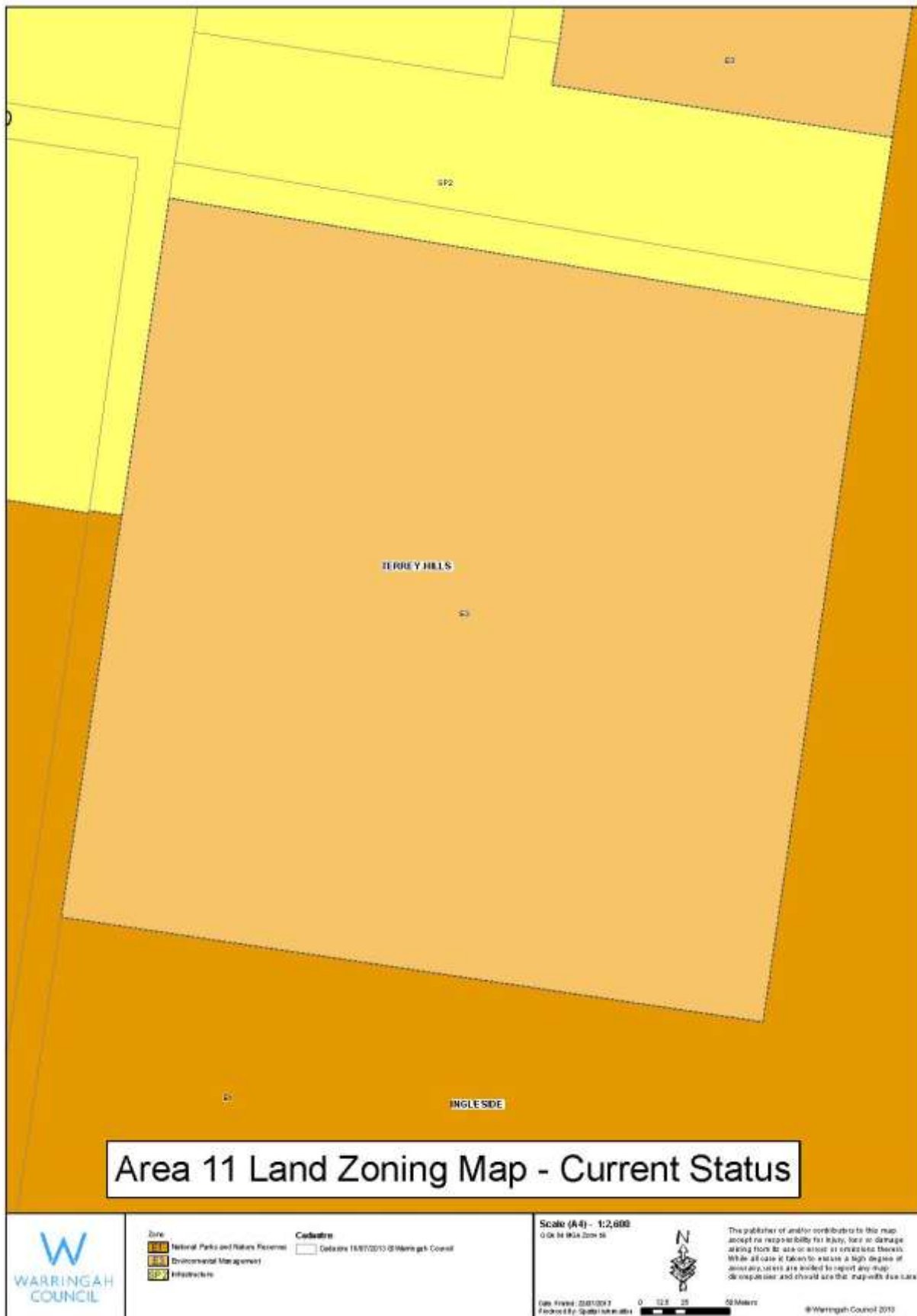


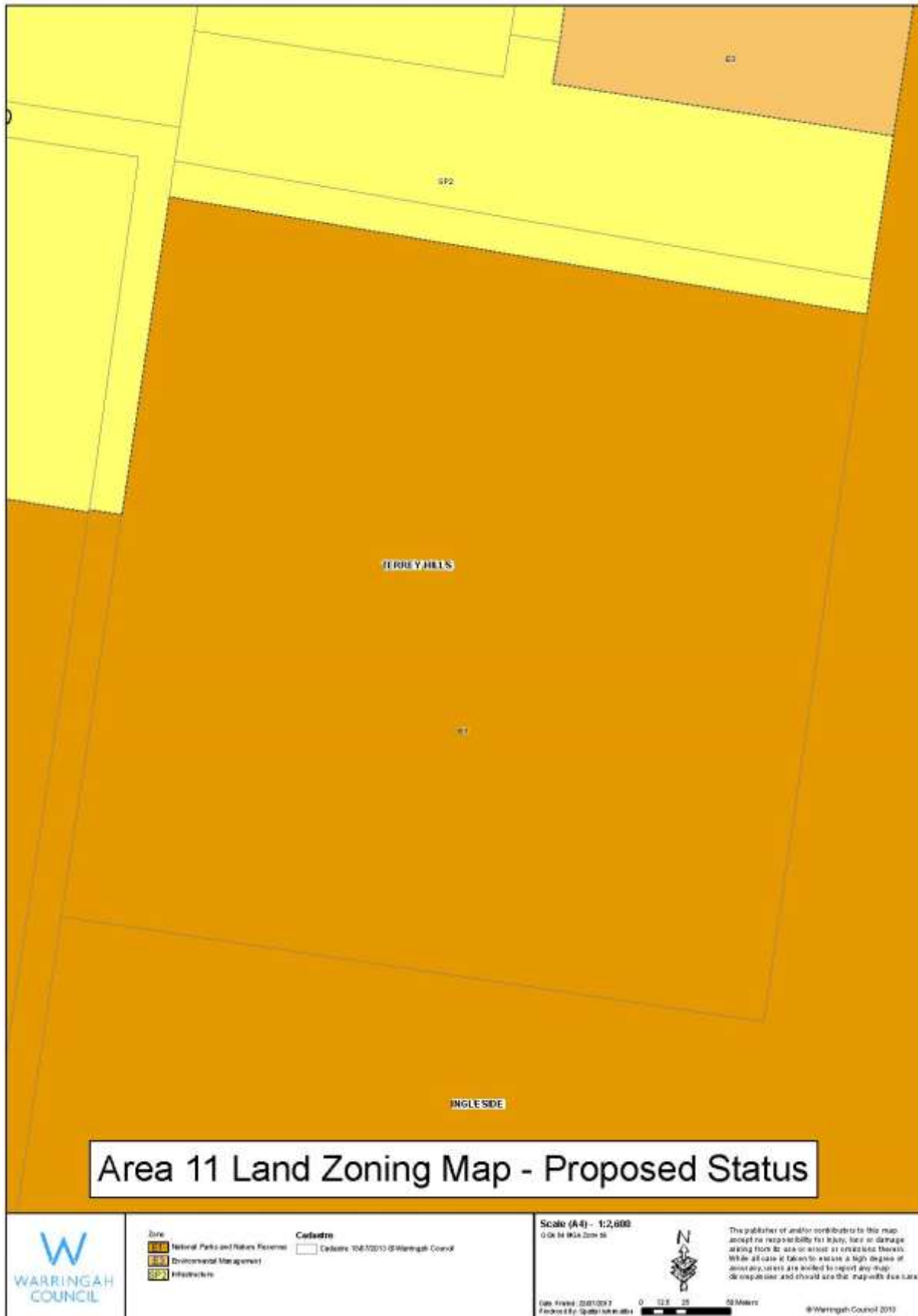










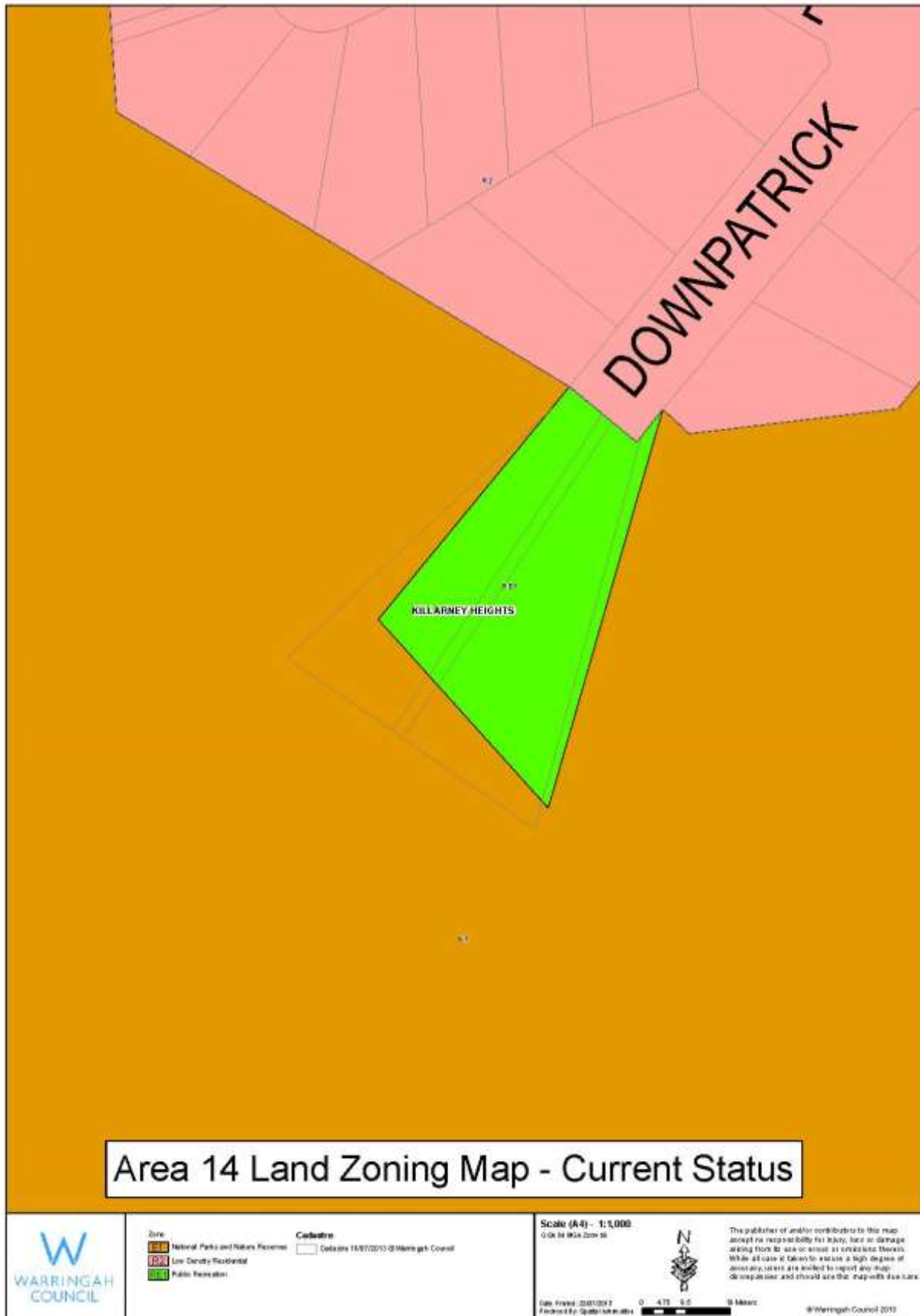
















**Planning &
Infrastructure**

Contact: Nabil Alaeddine
Phone: (02) 9228 6583
Fax: (02) 9228 6244
Email: Nabil.Alaeddine@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP_2013_WARRI_002_00 (13/10610)

Mr Rik Hart
General Manager
Warringah Council
Civic Centre
DEE WHY NSW 2099

Dear Mr Hart,

Planning proposal to amend Warringah Local Environmental Plan 2011

I am writing in response to your Council's letter dated 20 June 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone certain land in the Warringah local government area to E1 National Parks and Nature Reserves and rezone certain land from E1 to RE1 Public Recreation, SP2 Infrastructure, RE2 Private Recreation, E2 Environmental Conservation and W1 Natural Waterways and remove applicable minimum lot size and building height controls for certain land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 2.1 Environment Protection Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.


The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Nabil Alaeddine of the regional office of the department on 02 9228 6593.

Yours sincerely,


Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery

16-7.13



**Planning &
Infrastructure**

Gateway Determination

Planning proposal (Department Ref: PP_2013_WARRI_002_00): to rezone and amend the development standards for land in the Warringah local government area.

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Warringah Local Environmental Plan (LEP) 2011 to rezone certain land in the Warringah local government area to E1 National Parks and Nature Reserves and rezone certain land from E1 to RE1 Public Recreation, SP2 Infrastructure, RE2 Private Recreation, E2 Environmental Conservation and W1 Natural Waterways and remove applicable minimum lot size and building height controls for certain land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to advise that the proposal aims to correct errors and anomalies on the land zoning, lot size and height of buildings maps under Warringah LEP 2011 to reconcile parcels of land and define boundaries for land owned by or relevant to the National Parks and Wildlife Service.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning and where applicable lot size and height of buildings maps, which are at an appropriate scale and clearly identify the subject sites.
3. Council is to update the planning proposal to include sufficient additional information to demonstrate consistency or justify any inconsistency with S117 Directions 2.2 Coastal Protection, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils and 4.4 Planning for Bushfire Protection and State Environmental Planning Policy (SEPP) 71 - Coastal Protection and SEPP Infrastructure.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Trade and Investment – Crown Lands
 - Sydney Water
 - Transport for NSW - Roads and Maritime Services
 - National Parks and Wildlife Service
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.



**Planning &
Infrastructure**

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *16th* day of *July* 2013.

A handwritten signature in black ink, appearing to read "Daniel Keary".

**Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

Delegate of the Minister for Planning and Infrastructure



**Planning &
Infrastructure**

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Warringah Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_WARRI_002_00	Planning proposal to rezone certain land in the Warringah local government area to E1 National Parks and Nature Reserves and rezone certain land from E1 to RE1 Public Recreation, SP2 Infrastructure, RE2 Private Recreation, E2 Environmental Conservation and W1 Natural Waterways and remove applicable minimum lot size and building height controls for certain land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 16th July 2013


Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_WARRI_002_00
Date Sent to Department under s56	20/06/2013
Date considered at LEP Review Panel	11/07/2013
Gateway determination date	16/07/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Warringah Council
Civic Centre, 725 Pittwater Road
DEE WHY NSW 2099

Your Ref: -
Our Ref: LEP/0129
DA13072988366 GB

ATTENTION: Taylor Richardson

29 July 2013

Dear Sir/Madam

I acknowledge receipt of your letter dated 24 July 2013 regarding a Development Application for Planning Proposal To Reconciliation Of National Parks & Wildlife Service Holdings Within Warringah Local Environmental Plan 2011.

The matters raised are receiving appropriate attention and a response will be forwarded to you as soon as possible

For any queries regarding this correspondence please contact Garth Bladwell on 1300 NSW RFS.

Yours sincerely

A handwritten signature in dark ink, appearing to read "R. Bhandula", with a horizontal line underneath.

Ruchi Bhandula
Administration Officer

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.



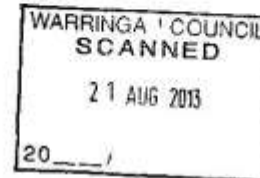
Transport
Roads & Maritime
Services

16 August 2013

SYD13/00869 (A5022785)
Your Reference N/A

The General Manager
Warringah Council
725 Pittwater Road
DEE WHY NSW 2099

Attention Taylor Richardson



**RECONCILIATION OF NATIONAL PARKS & WILDLIFE SERVICE HOLDINGS
WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011**

Dear Sir/Madam

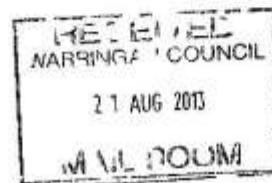
I refer to your letter dated 24 July 2013 with regard to the abovementioned development proposal which was referred to Roads and Maritime Services (RMS) for comment

RMS has reviewed the subject application and has no objection to the planning proposal for reconciliation of national parks & wildlife service holdings within the Warringah Local Environmental Plan 2011

Any inquiries can be directed to Jana Jegathesan by telephone on 8849 2313

Yours sincerely

Pahee Sellathurai
Senior Land Use Planner
Land Use Planning and Assessment



Roads & Maritime Services

Level 11 27 31 Argyle Street Parramatta NSW 2150 | PO Box 973 Parramatta CBD NSW 2150 DX28555 Parramatta
T 02 8849 2490 | F 02 8849 2918 | E development.sydney@rms.nsw.gov.au www.rms.nsw.gov.au | 13 22 13



Office of
Environment
& Heritage

Your reference:
Our reference: DOC13/38410
Contact: Marnie Stewart 9995 6868

Ms Taylor Richardson
Strategic Planner
Warringah Council
Civic Centre 725 Pittwater Road
Dee Why NSW 2099



Dear Mr Richardson

I refer to your letter of 24 July 2013 seeking comments from the Office of Environment and Heritage (OEH) on a planning proposal to reconcile National Parks and Wildlife Service holdings within Warringah Local Environmental Plan (LEP) 2011.

OEH has reviewed the planning proposal including the proposed amendments to the LEP maps. Council is advised that all OEH lands have been identified correctly with the exception of lands on the Area 12 Land Zoning Map. The attached map depicts the correct definition of the park boundary at this location. It is requested that Council amend the Area 12 Land Zoning Map to reflect the correct boundary prior to the public exhibition of the planning proposal.

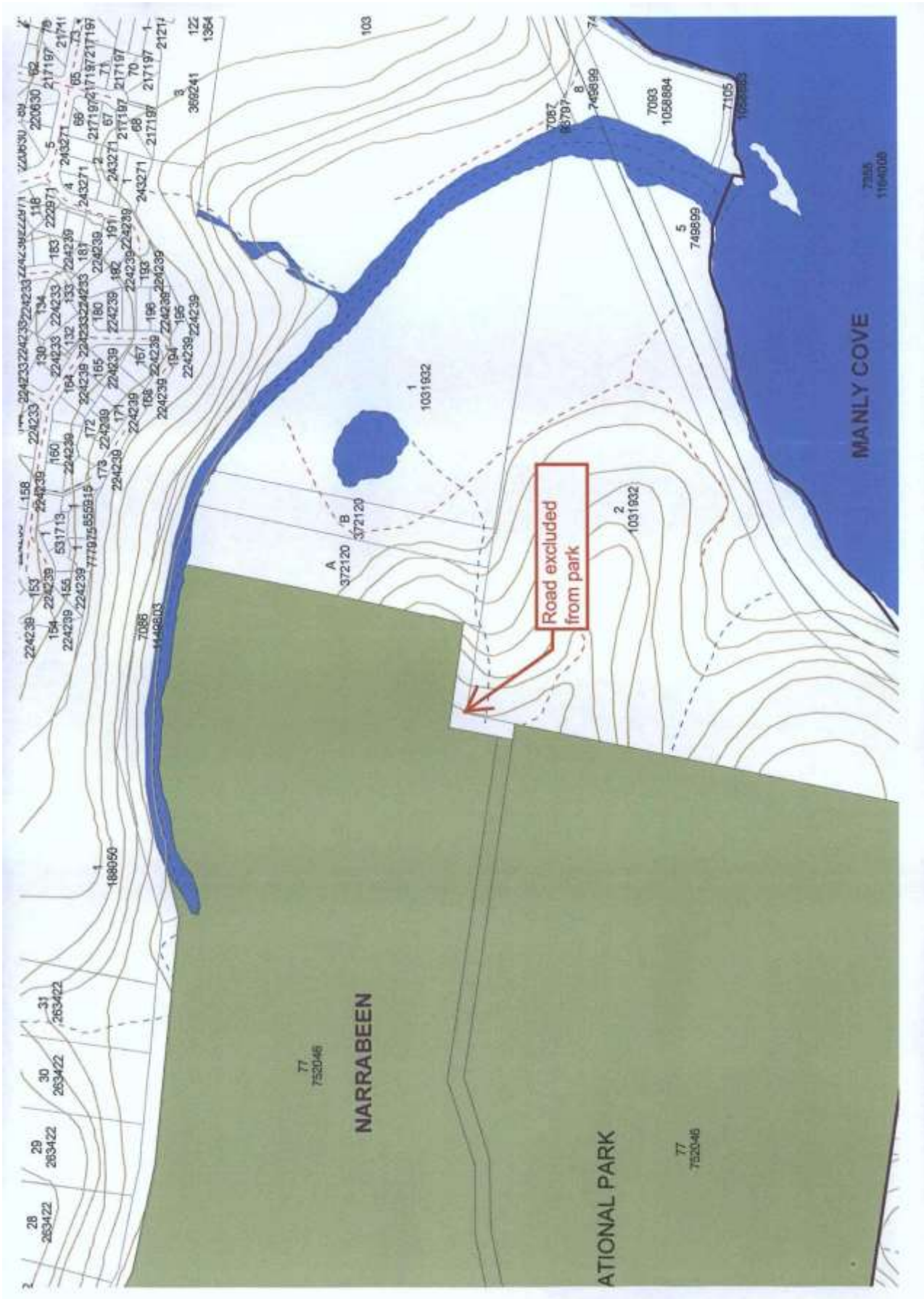
Should you have any queries in regard to this correspondence please contact Marnie Stewart, Conservation Planning Officer, on 9995 6868 or marnie.stewart@environment.nsw.gov.au

Yours sincerely

DAVID TREWIN
Senior Manager Greater Sydney
Regional Operations

22/8/13





Cottage Point Community Association

Cottage Point NSW 2084

Please address all
Correspondence to:
The Secretary,
P O Box 232
Terrey Hills NSW 2084

Warringah Council Planning Proposal-June 2013

This submission has been prepared by the Cottage Point Community Association (CPCA) on behalf of the community.

Summary Community Position.

a. Community Facilities.

There should be provision of land for community facilities at Cottage Point such as parking, public toilets etc for visitors who wish to access the waterways and walking tracks of the park from Cottage Point.

A suitable location for these community facilities would be the 4 residential sized blocks above the property know as "Sunrise" on the eastern side of Cottage Point road currently owned by National Parks and Wildlife Service (NPWS).

The rezoning of these blocks to E1 National Parks and Nature Reserves (E1 NPNR) should not be adopted if it will prevent or make more difficult the use of the land for parking and other community facilities.

b. NPWS Residential Blocks.

The CPCA believes that the blocks currently owned by the NPWS along the shoreline at Cottage Point should have the same zoning as residential blocks owned by private citizens that is E4 Environmental Living (E4EL).

Having National Park owned residential blocks zoned as E1 NPNR adjacent to and intermingled with residential blocks zoned E4 makes little sense as the blocks are not accessible to the public, are steep terrain , are a fire hazard as they are overgrown and not maintained by the NPWS.

We are of the opinion these blocks should be sold and the proceeds used to provide for the community facilities referred to above.

Background to Community Position.

a. Residential Land at Cottage Point.

Cottage Point is a Community of 60 freehold properties surrounded by 3400 hectares of KCNP that was created before the National Park came into existence.

Cottage point was freehold before the KCNP came into existence. That is to say the freehold properties existed prior to the creation of the Park by some 10 years.

The original land purchase at Cottage Point was an area of 100 acres in 1879 and in 1907 the owner subdivided the waterfront blocks and the Cumberland County Council took back approx. 50 acres.

b. National Park Presence at Cottage Point.

When the NPWS took control of the KCNP in 1967 its policy was to buy out Cottage Point properties.

Planning Agencies at the time were pressured by NPWS to refuse approval for services such as power, water and road access.

Also NPWS ceased honoring the use rights granted by the Trustees of KCNP (previous managers) to Cottage point Residents associated with water access.

In accordance with the NPWS Act 1967 the NPWS were bound to maintain all existing use rights.

The presence of residential properties at Cottage Point was seen as an impediment to the NPWS management of the KCNP even though they were freehold land 10 years before KCNP was gazetted

This is the only reason that the NPWS own the 17 blocks at Cottage Point.

The current NPWS Plan of Management (POM) for KCNP still pursues the same objectives as it did in 1967.

c. Council Fails Community at Cottage Point.

The Cumberland Council transferred approximately 83 acres of land to NPWS without meeting its obligations to the Cottage Point Community to provide land for community services such as parking, public toilets, playing fields, community hall, fire fighting services, walking paths, turning circles for Cowan Drive and Notting Lane. Also facilities not envisaged at that time, like Rural Fire Service (RFS), helicopter pad, better public access to Cowan Creek, visitor centre, bus station etc, etc.

All the facilities that council's today believe are essential for a healthy productive community.

NPWS have aggressively blocked any land allocation for these facilities for Cottage point except for the RFS Station because they still have a POM and mind set of the 1967 era and a hope that they still can extinguish this local community.

d. Rezoning of Land at Cottage Point.

The rezoning of areas within our community ignores the history of why these blocks were acquired by the NPWS and the fact that they are mixed in with blocks which all have a residential zoning.

The recent rezoning to E4 Environmental Living (E4EL) from 2A residential was carried out without proper consultation with the community and has resulted in the cost of building approvals, building construction costs, and maintaining of properties in Cottage Point being substantially increased.

Changes to planning proposals at Cottage Point should not be made without reference to the history and stated objectives of the NPWS Act and POM for the KCNP which surrounds Cottage Point.

The rezoning of areas within our community ignores the history of why these blocks were acquired by the National Parks and Wildlife Service (NPWS) and the fact that they are mixed in with blocks which all have a residential zoning.

Comments on Planning Proposal.

With Cottage Point history in mind we make the following comments about the Proposed Planning Proposal as set out in section Part 1 objectives and part 3 justification of Warringah Councils planning proposals.

Background statements.

The background document fails to address the reasons why the Department of Environment Climate Change and Water (DECCW) have acquired these properties and why they should retain them in the light of the history of Cottage Point. Surely the primary exercise in reviewing zoning of lands is to assess the impact on surrounding communities and make amendments where there are clear anomalies and inconsistencies and correct them.

The Planning Proposal parts 1,2,3,4.

- The proposal has ignored the needs of Cottage Point residents.
- The objectives are not consistent with NPWS acquisition agenda.
- There is no need for a planning Proposal as the DECCW land at Cottage Point is not desirable or accessible or an appropriate use as Park land and should be sold as residential lots.
- They DECCW have failed to manage the land properly.
- There is no inconsistency in the use remaining as residential lots.
- There is no community benefit in this land being rezoned park in fact as stated earlier it is undesirable from the community point of view for the reasons stated earlier.
- The land does not belong to the NPWS they are only custodians the public owns the land.

The document has been prepared as an attempt to correct boundaries of ownership. The assessment criteria used to do this is based on good planning policy at state and local level.

However every test that has been applied under justification part 3;

- Need for planning proposal
- Relationship to strategic planning framework
- Environmental social and economic impact
- State and Commonwealth interests

For Cottage Point residents there is a *negative impact* for every one of these proposed planning decisions. This exercise could have value for our community if our needs as a community were considered first and foremost.

For Cottage Point residents this document continues a long history of our needs as a community being ignored authorities being incapable of implementing effective town planning policies because exacerbated by NPWS refusal to be a competent neighbor and land management agency.



Rob Stokes

Pittwater MP

9 August 2013

Mr Rik Hart
General Manager
Warringah Council
Civic Centre
725 Pittwater Road
DEE WHY 2099



Dear Mr Hart, *Rik,*

I write to you on behalf of Mr Barry Brading, President of the Cottage Point Community Association, in relation to his concerns with the proposed rezoning of various parcels of land at Cottage Point.

Mr Brading has advised me that a consortium of local businesses and associations are currently in the process of finalising a proposal for consideration by Council to address the community's historic shortage of public parking spaces.

I am further advised that the Association is very concerned that should the proposed rezonings proceed, that any future efforts to address this need may be further prohibited.

Please find a copy of the Association's correspondence to me, outlining their concerns and requests, enclosed.

I would appreciate if you might consider the issues Mr Brading has raised and provide me with a response.

Thank you for your assistance.

Yours sincerely,

ROB STOKES MP
MEMBER FOR PITTWATER

Encl

1725 Pittwater Road MONA VALE NSW 2103

Phone: 02 9999 3599 Fax: 02 9999 0922 Email: pittwater@parliament.nsw.gov.au

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Cottage Point Community Association

Cottage Point NSW 2084

Please address all
Correspondence to:
The Secretary,
P O Box 232
Terrey Hills NSW 2084

Re-Zone Proposal-NPWS Cottage Point land Holdings

Introduction Cottage Point Community Association:

The association was formed in 1984 and its main objectives are:

1. To preserve the character of Cottage Point and the Cottage Point District
2. To promote and protect the interests of the Residents and Property Owners

The committee is elected annually by the residents and I am the current President of the Association.

My name is Barry Brading. My contact details are: Telephone 94561990

Email b.brading@bigpond.com

Current Position of Land Holdings at Cottage Point:

All land lots whether owned by residents or the NPWS are currently zoned as 4E

There is a proposal to re-zone the land lots owned by NPWS as 1E. Details are contained on the following link.
<http://yoursaywarringah.com.au/document/show/971>

Parking Facility at Cottage Point:

There is no off street parking at Cottage Point for visitors and they are forced to park on Cottage Point Road reducing the road to one vehicle width. There is no footpath and visitors are forced to walk on the road to access the various facilities.

Visitors to Cottage Point by road fall into the following categories:

1. Cottage Point Inn diners
2. Kiosk clients for casual food, boat hire (tinnies/Kayaks)
3. Clients of the Cottage Point Boatshed
4. Guests of KMYC members
5. People who board the daily Bobbin Head Ferry from the public wharf for the round trip.
6. Fishermen who use the public wharf

Solution:

The Cottage Point Community Association, KMYC and the Cottage Point Inn are in complete agreement that a solution needed to be found for the parking/traffic issue.

A working committee was formed and this committee identified the 4 blocks behind the property Sunrise (last property on the right side of Cottage Point Road) as the only viable area where a parking facility could be located. This area is large enough, and as it is close to the bottom of Cottage Point Road it would almost eliminate the need for people to walk down Cottage Point Road as there is no footpath on this road.

This working committee is currently in the process of developing a formal submission to council

Concerns:

Should the rezoning to 1E of the 4 blocks identified proceed it may be impossible to use them as a parking facility.

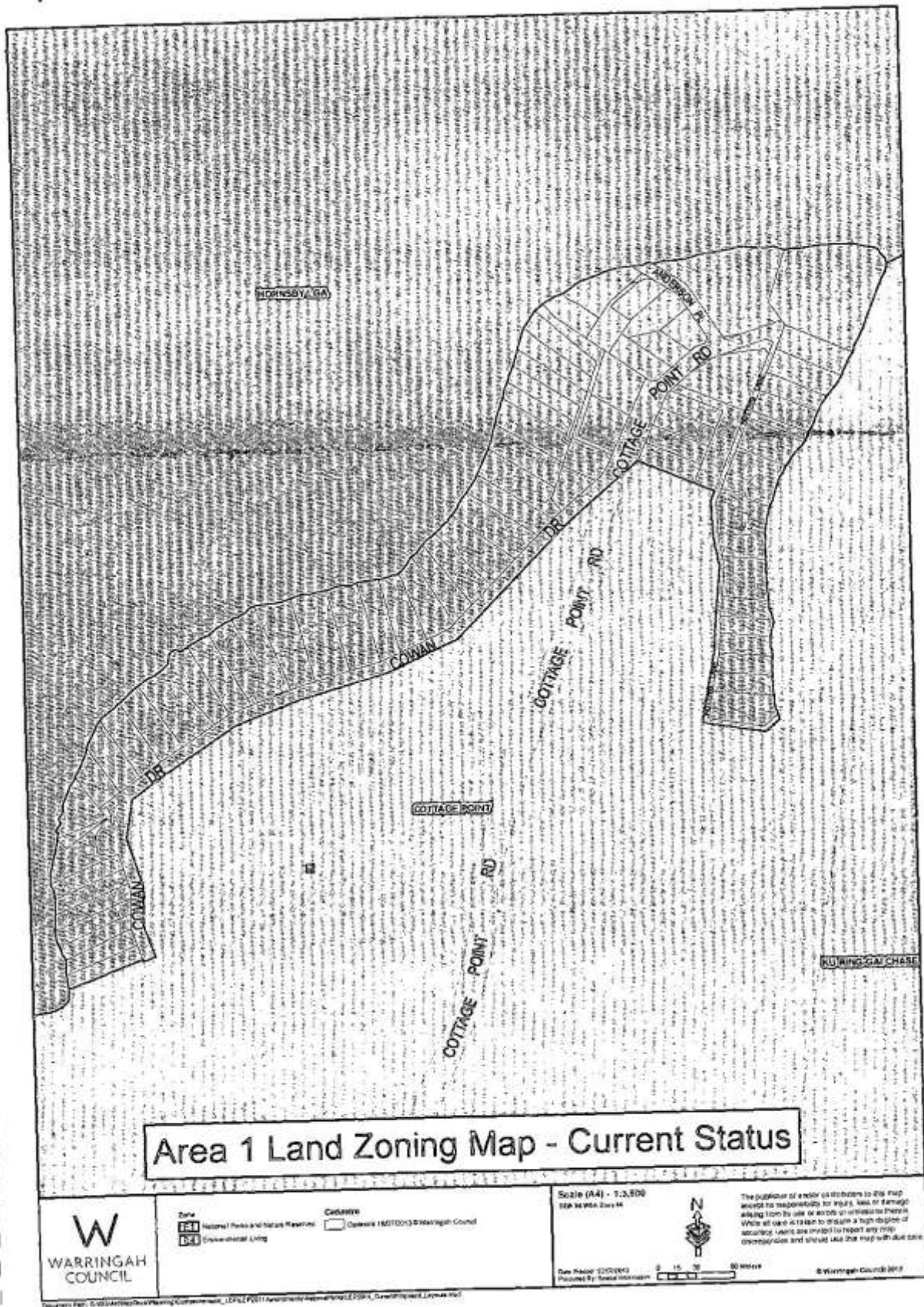
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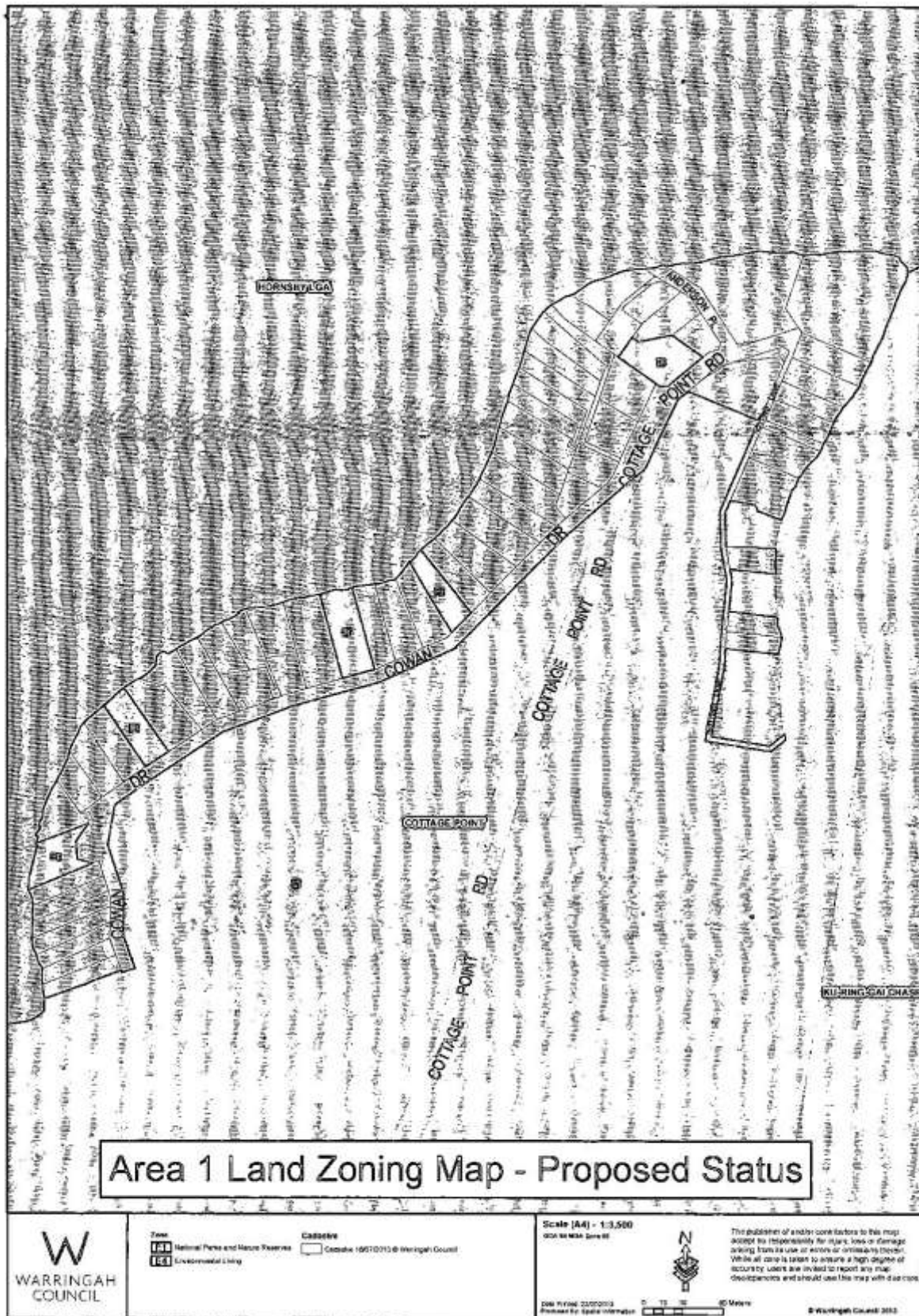
We have contacted:

1. Warringah Council and have a meeting with Taylor Richardson Strategic Planner (99422581) planned for the last week of August.
2. Rob Stokes our local member who is supportive of having an off street parking facility for road visitors to Cottage Point

Support:

Any support that you could provide to ensure these blocks are not quarantined from being available for establishing a community facility to increase the ease of access to the facilities of Cottage Point by road visitors would be appreciated.





Taylor Richardson

From: Tom Simmat [REDACTED]
Sent: Thursday, 15 August 2013 3:10 PM
To: Council Mailbox
Subject: National Parks & Wildlife Service Planning Proposal
Expires: Thursday, 12 September 2013 12:00 AM

National Parks & Wildlife Service Planning Proposal.

Within these National Parks and Wildlife (NPWS) managed lots are 19 lots at Cottage Point.

These are individual building lots, acquired from time to time from private owners over the past decades.

Unfortunately these lots are poorly maintained by NPWS, are a fire hazard and contain noxious weeds.

Many of these lots are waterfront lots, all have good views.

Conservatively they would average in value \$750,000 each totalling more than 14 million dollars.

The NPWS would be far better off if these lots were sold as residential lots and the realised \$14 million could be used to purchase a vast acreage of threatened privately owned pristine bushland.

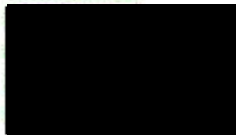
Further if these existing residential lots were developed, Warringah Council would attract the associated rates, making the maintenance of the Cottage Point roads more financially viable

The existing zoning would permit these realisations.

The proposed zoning would not.

The zoning should be left unchanged.

Tom Simmat



3/09/2013

Taylor Richardson

From: Owen Ow [REDACTED]
Sent: Tuesday, 13 August 2013 12:46 PM
To: Council Mailbox
Subject: National Parks & Wildlife Services Planning Proposal

Dear Warringah Council

In relation to the Planning Proposal to re-zone multiple locations relating to National Parks & Wildlife Service (NP&WS) under Warringah Local Environmental Plan 2011 (WLEP 2011), can you confirm if the area of Cottage Point 2084 is affected by any part of this proposal. Having a look of the maps online, it does not appear so.

Regards
Owen

Owen Ow | Director | Our Community
[REDACTED]

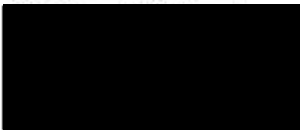
This email and any attachments are intended solely for the name recipient and are confidential. The copying or distribution of them or any information they contain by anyone other than the name recipient is prohibited. If you have received this document in error, please notify the sender and delete all copies from your computer system and destroy all hard copies. It is the recipient's responsibility to check this email and any attachments to this email for viruses before use.

3/09/2013

Taylor Richardson

From: Nicki Brake [N [REDACTED]]
Sent: Friday, 30 August 2013 8:42 AM
To: Council Mailbox
Cc: brake1@bigpond.com
Subject: National Parks & Wildlife Service Planning Proposal

Submission by:
Dr Ian Brake



To Whom It May Concern,

The exhibition plan was not very clear or detailed.

1. Lot size – 5000 square metres – minimum size is 700 square metres.
2. It is understood that the area was originally freehold before the national park was established and that the blocks concerned were purchased by the NP&WLS at a later date. This suggests that the national parks blocks are correctly zoned, not as otherwise stated.
3. Properties 8, 10, 12, 12a and possibly 18 Cottage Point Road have right of access and services over national park blocks 4 and 6 Cottage Point Road. Will these rights be legal with the change of zoning?
4. Other problems of maintenance, access, pest control, dumping of rubbish and fire hazard need discussion with the community and adequate documentation before a decision is made.

Kind regards,
Ian Brake

3/09/2013