

Freshwater Village Carpark – Reclassification of land – Frequently Asked Questions

Where is the carpark?

The carpark(s) are located behind the shops on the northern side of Lawrence Street in Freshwater Village.

The carpark(s) are accessed from Oliver Street and Lawrence Street. An Ausgrid substation separates the carparks.

Who owns the carpark land?

The land making up the carparks is predominantly owned by Northern Beaches Council.

A number of parcels of land are owned by the Department of Lands.

Ausgrid also own the substation located on the site.

Who uses the carpark?

The carpark is used by Freshwater Village customers, shop owners and employees.

Some shopkeepers and Ausgrid use the carparks to get vehicle access to their properties.

What is council planning to do with the car park?

Council proposes to reclassify the land from community land to operational land and to rezone the land from RE1 Public Recreation to B2 – Local Centre.

Council intends to continue to allow the land to be used as a public carpark as it is critical to the operation of the local centre.

What is community land and operational land?

All public land must be classified under the NSW Local Government Act 1993 (the Act).

There are two classifications for land – ‘community’ and ‘operational’.

Community land can only be used for public purposes and is usually associated with open space e.g. public parks.

Council cannot sell community land or grant a lease, license or other estate for private purposes over community land. This means that shop owners on Lawrence Street are not authorised to use the carparks to gain access to their properties e.g. for loading and unloading or for on-site parking.

Operational land can be used by Council for commercial purposes and can be leased or sold by Council.

Currently both Oliver Street carpark and Lawrence Street carparks are classified Community Land.

Why do you need to change classification of the car parks from community land to operational land?

The change in classification of the carparks from community land 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, thereby improving pedestrian safety and amenity on Lawrence Street.

Why do you have to rezone the carparks?

The carparks are currently zoned for RE1 - Public Recreation. This is an anomaly arising when Warringah Local Environmental Plan (LEP) 2000 was replaced by Warringah LEP 2011.



The carparks have no recreational or open space value. Re-zoning to B2 – Local Centre will better reflect the current use and purpose for which the space is used and match the adjacent land zonings surrounding the carparks.

What will happen if the carparks are not reclassified?

New “shop-top” housing developments proposed at 21 Lawrence Street and approved for 9-15 Lawrence Street, and other future developments, will be forced to gain vehicle access from Lawrence Street, increasing potential conflict between pedestrians and vehicles in the area

Vehicles may continue to access some sites illegally from Council’s carparks.

What are the potential future uses of the carparks?

Council has no plans to develop or sell the site.

While the rezoning would permit additional uses of the site, this is unlikely to occur because:

- the carparking is needed by the community
- the size and shape of the land would restrict development options
- the carparks are made up of a number of parcels of land not owned by Council e.g. one lot within Oliver Street carpark is owned by the Department of Lands, and one lot within the Lawrence Street carpark is owned by Ausgrid
- the Ausgrid substation will not be moving in the foreseeable future and underground cabling in the carpark associated with the substation will constrain development options.

It is proposed to recommend to Council as part of this process that if there was ever a proposal for the future sale of the carparks that this proposal be the subject of a separate report to Council and public consultation before a decision is made.