

## **PLANNING PROPOSAL**

**PROPOSAL TO AMEND WARRINGAH LOCAL ENVIRONMENTAL  
PLAN 2011 TO PERMIT THE ADDITIONAL USE OF 'MIXED USE  
DEVELOPMENT' (COMPRISING RESIDENTIAL FLAT BUILDINGS  
ABOVE OFFICE AND BUSINESS PREMISES) ON LOT A DP 166808,  
LOT 2 DP 600059 & LOT 1 DP 204107, NOS. 75-79 OLD PITTWATER  
ROAD & NO. 19 CROSS STREET, BROOKVALE.**

**JANUARY 2018**

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## 1. INTRODUCTION.

Application is made to Northern Beaches Council on behalf of Harrison Investments Pty Ltd (c/- The Harrison Group, PO Box 7002, Warringah Mall, NSW 2100) to initiate the Local Environmental Plan 'Gateway' process pursuant to section 55 of the Environmental Planning and Assessment Act 1979 so as to:

- amend Warringah Local Environmental Plan 2011 to permit the additional use of 'Mixed Use Development (office premises; business premises and residential apartments) on Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale.

The reason for this Planning Proposal application relates to the future business planning and long term growth of the Harrison Manufacturing Company Pty Ltd. The Harrison Group has manufactured and distributed specialized greases and lubricating products from the subject site since 1963. However, the Brookvale site will not be able to accommodate all of the business's future requirements, including expansion and long term growth.

With these longer term needs in mind, while a clear time frame has not yet been determined, considerable investment has already been made in a suitable site and in the planning and design for future needs. This incorporates the potential for a phased transition of various activities from the Brookvale site in the future.

As the site is strategically located within 'Brookvale Town Centre'; abuts Warringah Mall regional shopping centre; and is the largest single landholding within the immediate vicinity of Warringah Mall, it offers significant potential for urban renewal in a manner which would achieve the strategic objectives of the *Revised Draft North District Plan* and the *Draft Brookvale Structure Plan*, subject to an appropriate amendment being made to Warringah Local Environmental Plan 2011 in the manner proposed in this application.

The following guideline documents and planning strategies have been taken into consideration in the preparation of this Planning Proposal application:

- *Planning Proposals – A Guide to preparing planning proposals (NSW Planning and Environment);*
- *A Plan for Growing Sydney 2014 (NSW Planning and Environment);*
- *Revised Draft North District Plan (Greater Sydney Commission); and*
- *Draft Brookvale Structure Plan (Northern Beaches Council – 2017).*

The following analysis together with the information provided in the accompanying Planning Proposal Application Template (Appendix E) addresses the requirements of the Director-General regarding the specific matters that must be addressed in the justification for making a proposed local environmental plan.

## 2. SUBJECT LAND.

The subject land comprises Lot A DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale, having a combined site area of approximately 2.65 ha:

- a Locality Plan is provided in Figure 1;
- a Site Aerial View is provided in Figure 2; and
- site photographs are provided in Appendix A.

### **(i) Lot A DP 166808 & Lot 2 DP 600059 – Nos. 75-79 Old Pittwater Road, Brookvale.**

A detailed survey of the main site area (Lot A in DP 166808 and Lot 2 in DP 600059) is provided in Appendix B. This is an irregularly shaped area of 2.588 hectares with a frontage to Old Pittwater Road of 83.09 metres; adjoins industrial buildings to the west; adjoins the alignment of Brookvale Creek and a narrow strip of land owned by Warringah Council to the east; and adjoins Warringah Mall to the south.

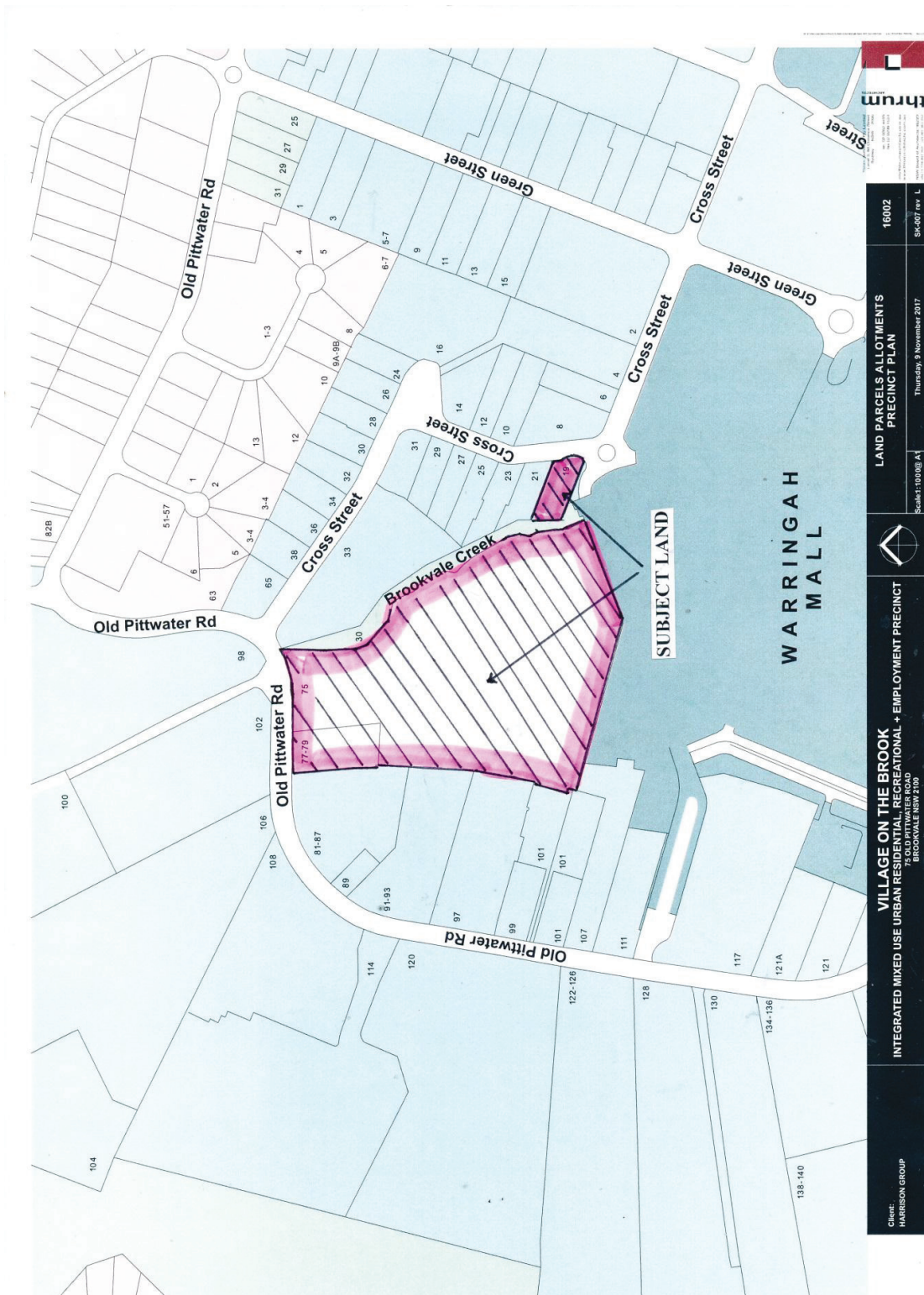
Topographically, the site lies at an elevation of approximately 15 metres above Australian Height Datum (AHD) and generally slopes down to the east, toward Brookvale Creek.

The site is occupied by the head office administration and manufacturing operations of Harrison Manufacturing Company Pty Ltd, providing 76 on-site jobs. A brick and aluminum clad office building is located at the frontage to Old Pittwater Road and a bitumen car park is located at the rear of this building; a large brick factory building occupies the rear the site; and several other sheds and structures associated with manufacturing operations, occupy the balance of the site.

Vegetation consisting of scattered trees and shrubs occurs around the site administration building and along the shared boundary with Brookvale Creek.

Drainage of gravel and grassy surfaces within the site (e.g. the car storage areas and the gravel roadway surrounding the factory) occurs through surface infiltration. A stormwater drainage system operates within the factory area, where stormwater runoff enters a drainage system that discharges into oil/water separator tanks located within the bunded area on site. Runoff from the factory roof enters a drainage system that discharges into Brookvale Creek, whilst runoff from the northern forecourt of the factory enters a separate drainage system that also discharges into Brookvale Creek.

Parts of the site are affected by mainstream flooding from Brookvale Creek in the 1 in 100 year ARI flood and has been mapped by the former Warringah Council as being subject to a flood planning level, which Clause 6.3 of the Warringah LEP 2011 defines to be *‘the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.’*



**Figure 1: Locality Plan.**

Planning Proposal 'Gateway' Application: Proposed amendment to Warringah Local Environmental Plan 2011 to permit the additional use of Lot A DP 166808, Lot 2 DP 600059 & Lot 1DP 204107, Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale, for the purpose of 'mixed use' development comprising office premises, business premises and residential apartments.

Doug Sneddon Planning Pty Ltd – January 2018.





**Figure 2: Locality Aerial Photograph.**

Planning Proposal 'Gateway' Application: Proposed amendment to Warringah Local Environmental Plan 2011 to permit the additional use of Lot A DP 166808, Lot 2 DP 600059 & Lot 1DP 204107, Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale, for the purpose of 'mixed use' development comprising office premises, business premises and residential apartments.

Brookvale Creek has been subject to significant recent remedial drainage channel engineering works (approved under Consent 2008/1742, as modified under modification applications 2014/0285 of the 4<sup>th</sup> May 2015 and 2014/0283 of the 26<sup>th</sup> May 2015), as shown in a selection of photographs provided in Appendix F. The Cardno Warringah Mall Flood Impact Assessment Addendum Report dated January 2009, concluded that the proposed drainage channel works will reduce flood levels in Brookvale Creek from Warringah Mall upstream to Old Pittwater Road (the length of which forms the north-eastern boundary of the subject land).

**(ii) Lot 1 DP 204107 - No. 19 Cross Street, Brookvale.**

Lot 1 DP 204107 has an area of 676.6 m<sup>2</sup>; a frontage to Cross Street of 20.345 metres; a southern sided boundary adjoining Warringah Mall of 38.1 metres; a western rear boundary to Brookvale Creek of 19.595 metres; and a northern side boundary of 36.225 metres adjoining neighbouring industrial/business premises. A site survey report is provided in Appendix C.

Erected on the subject land is a single storey rendered brick building with metal roof, currently used for the purpose of 'gymnasium'. The site adjoins a roundabout providing vehicular access to Warringah Mall.

**3. WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011.**

Warringah Local Environmental Plan 2011 provides the principal local development controls applicable to the subject land.

**3.1 Zoning.**

Under Warringah Local Environmental Plan 2011 the subject land is zoned *IN1 General Industrial* and shares its southern boundary with land zoned *B3 Commercial Core* (Warringah Mall). A copy of the zoning plan is provided in Figure 3.

**3.2 Zone Objectives and Permissibility of use.**

**(i) Objectives of Zone IN1 General Industrial:** The objectives of the *IN1 General Industrial Zone* are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To enable a range of compatible community and leisure uses.*
- *To maintain the industrial character of the land in landscaped settings*



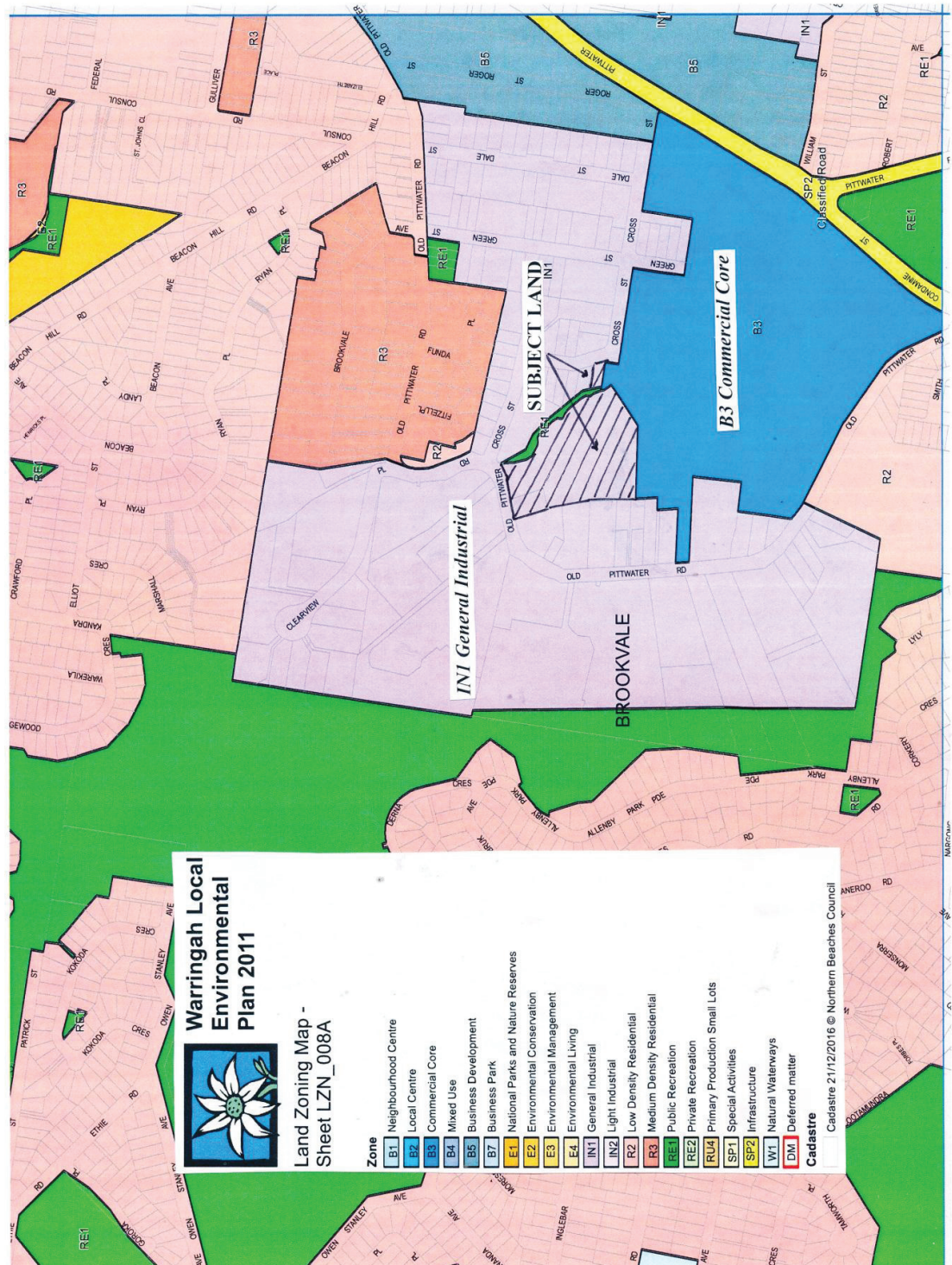


Figure 3: Zoning Plan (Warringah LEP 2011).

Planning Proposal 'Gateway' Application: Proposed amendment to Warringah Local Environmental Plan 2011 to permit the additional use of Lot A DP 166808, Lot 2 DP 600059 & Lot 1DP 204107, Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale, for the purpose of 'mixed use' development comprising office premises, business premises and residential apartments.

**(ii) Development permitted with consent:** The following development is permissible with consent within the *INI General Industrial zone*:

*Boat building and repair facilities; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Liquid fuel depots; Neighbourhood shops; Places of public worship; Roads; Storage premises; Take away food and drink premises; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4*

**(iii) Prohibited Development:** The following development is prohibited within the *INI General Industrial zone*:

*Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities*

### **3.3 Development Standards.**

Under clauses 4.1 and 4.3 of Warringah LEP 2011 the following development standards apply to development on the subject land:

- The minimum size of any lot resulting from subdivision of the subject land is 4000m<sup>2</sup>; and
- The maximum height of any building on the subject land is not to exceed 11 metres.

### **3.4 Clause 2.5: Schedule 1 – Additional Permitted Uses.**

Contrary to the zone land use table, Clause 2.5 of Warringah LEP 2011 permits additional permitted uses on land identified in LEP 2011 – Schedule 1.

Whilst the subject land is not currently described or referred to in Schedule 1, this clause does provide a suitable mechanism to permit mixed use development (office premises; business premises and residential apartments) on the land, subject to an amendment being made to Warringah LEP 2011 by this Planning Proposal.

## **4. PLANNING PROPOSAL.**

### **4.1 Proposed ‘Village on the Brook’ – Integrated Mixed Use Urban Residential, Recreational and Employment Precinct.**

The subject land presents a strategic urban renewal opportunity to:

- Achieve the housing and employment targets of the Revised Draft North District Plan in a manner consistent with its ‘Planning Priorities’ to:
  - provide housing supply, choice and affordability, with access to jobs and services;
  - create and renew great places and local centres and respecting the District’s Heritage;
  - grow investment, business opportunities and jobs in strategic centres;
  - protect and manage industrial and urban services land; and
  - deliver integrated land use and transport planning and a 30-minute city; and deliver high quality open space; and
- Support the four main development principles of the Draft Brookvale Structure Plan.

The urban renewal report *Village on the Brook – Integrated Mixed Use Urban Residential, Recreational and Employment Precinct*, prepared by Thrum Architects (copy provided in Appendix D) presents a vision and concept precinct masterplan for the transformation and redevelopment of this site in a manner which will deliver increased employment numbers (office/business premises and ancillary services); increased housing supply; and a high quality public domain/civic pedestrian spine.

Whilst the urban renewal report should be read in its entirety to ensure a comprehensive understanding of the subject land’s urban context and opportunity; urban design aims, principles and benefits; and the Concept Precinct Masterplan, the following summary is provided of its principal elements.

#### **(i) Concept Precinct Masterplan.**

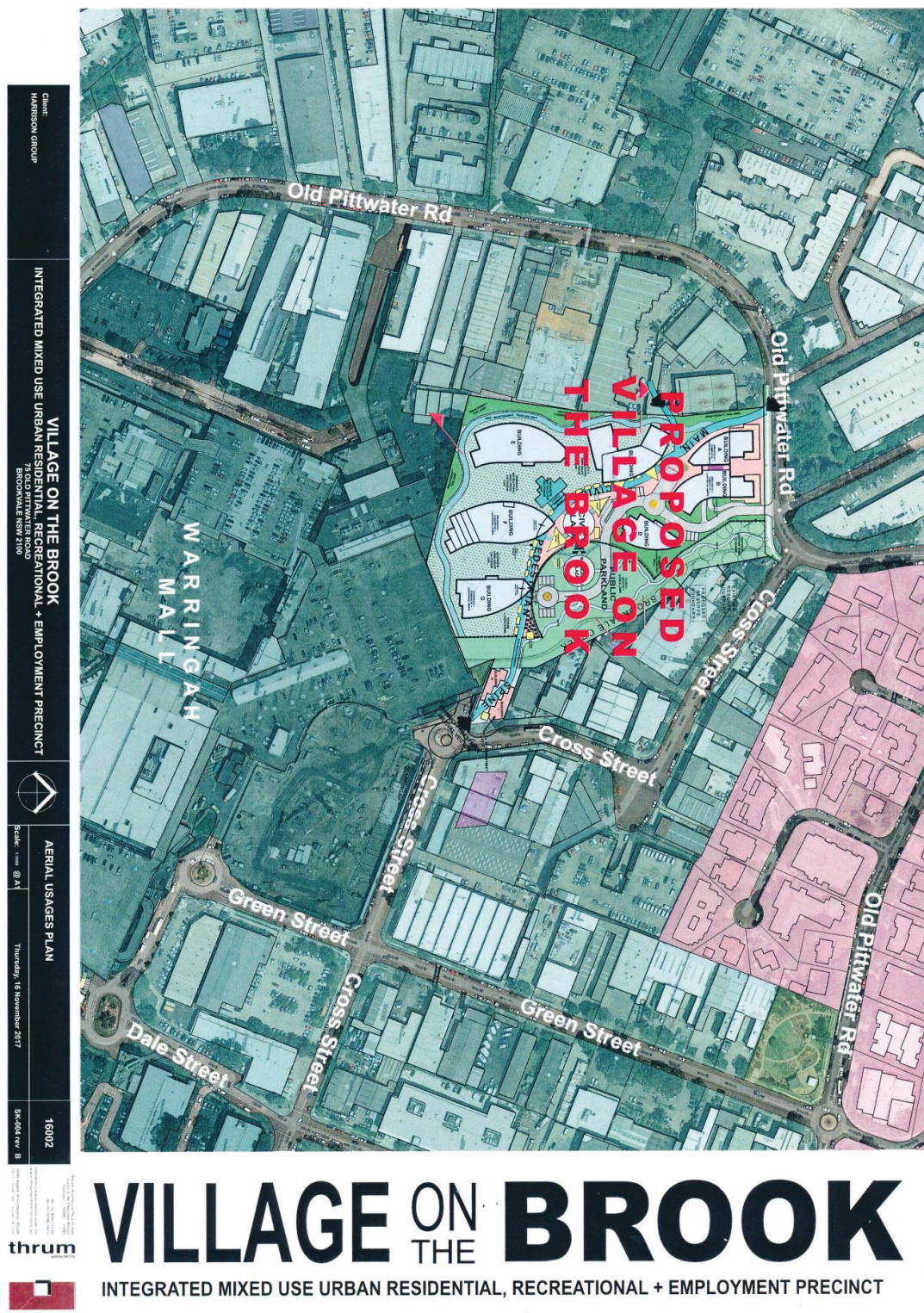
The Concept Precinct Masterplan is presented in the following figures prepared by Thrum Architects:

- Figure 4: Locality Aerial Usages Plan (Drawing SK-004); and
- Figure 5: Concept Precinct Masterplan (Drawing SK-001).

Other relevant figures included in the urban renewal report include:

- Drawing SK-002: Access/Usage/Ownership – Organizational Schematic Layout;
- Drawing SK-003: Schematic Employment Generation Areas Plan;
- Drawing SK-005: Building Heights and Residential Yields Diagram; and
- Drawing SK-006: Sections.





**FIGURE 4: Locality Aerial Usages Plan.**



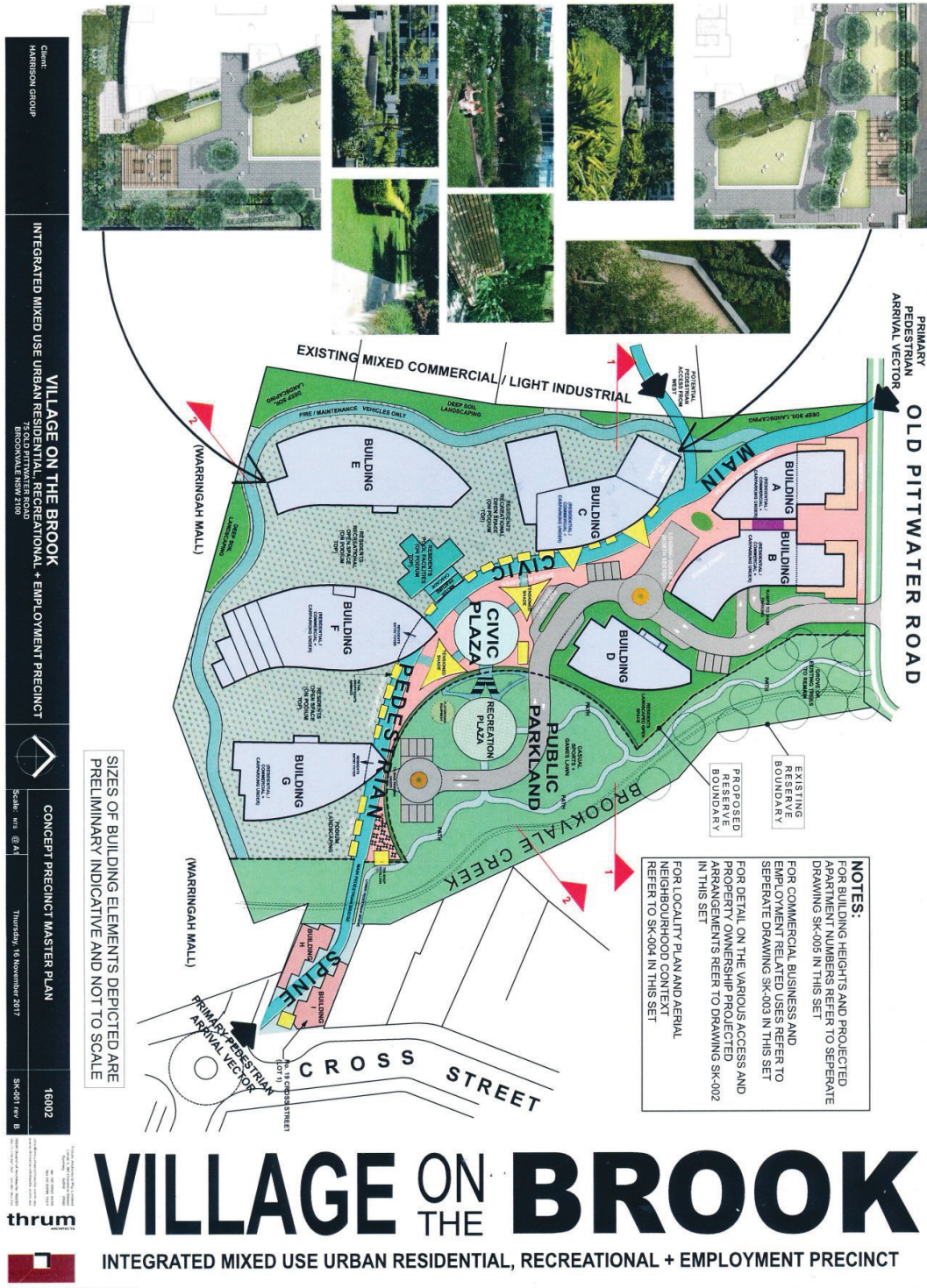


FIGURE 5: Concept Precinct Masterplan.

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Planning Proposal 'Gateway' Application: Proposed amendment to Warringah Local Environmental Plan 2011 to permit the additional use of Lot A DP 166808, Lot 2 DP 600059 & Lot 1 DP 204107, Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale, for the purpose of 'mixed use' development comprising office premises, business premises and residential apartments.

The master plan, divides the site into three proposed broad sectors:

- Public Ownership / Public Parkland sector (A combination of existing and donated land);
- Civil & Commercial sector (Public access provided to community titled land); and
- Private Residential sector. (Resident access only to strata & sub community titled land).

## **(ii) Site Calculations.**

The following site calculations are applicable to the Concept Precinct Masterplan:

- Site Area - 2.65ha;
- Projected business/office floor space - 11,894m<sup>2</sup>;
- Projected employment numbers: > 250 jobs;
- Existing on-site Harrison Manufacturing jobs - 76 employees;
- Projected number of apartments – 507 dwellings (mixed 1 bed/2bed/3 bed);
- Projected total GFA – 66,000m<sup>2</sup>;
- Projected FSR – 2.48:1; and
- Projected Building Height – 10 – 17 storeys.

## **(iii) Urban Context and Opportunity.**

The vision for this key site and its neighbourhood is to create a high quality mix of urban uses that together provide a living and breathing neighbourhood that integrates commercial employment, residential community and large scale recreational uses in a sustainable and socially responsible manner.

Having a land area of 26,560m<sup>2</sup> and being located within the heart of the commercial centre of Brookvale, makes this site highly unusual for its context. The fact that the site is located immediately abutting one of the largest regional shopping centres in Australia and the largest on the north shore of Sydney (Warringah Mall), presents a unique and rare urban renewal opportunity.

The combination of these factors, together with the fact that this large parcel of land is all under one ownership, offers a once in a generation opportunity for this area of Brookvale's town centre to be transformed, without being constrained by the need to first amalgamate a suitably large site.

The subject site is located centrally, being on the immediate north-west side of the Large Warringah Mall complex and is positioned at the hub of the extensive ring of existing large scale mixed commercial developments located around it.

The site is also ideal for urban renewal in that it has the benefit of two street frontages located at its diagonally opposite extremities. This gives the site direct contact with two different precincts in the town centre that are presently isolated from each other.

#### **(iv) Master Planning.**

The Concept Precinct Masterplan responds to the following site constraints and opportunities:

- The ribbon of Brookvale Creek located along the full length of its eastern boundary;
- The blank wall presence of the Warringal Mall building envelope located at zero setback from the site's southern boundary;
- The blank walls from 2 and 3 storey high commercial buildings located on neighbouring land along the site's western boundary;
- The wide main frontage to Old Pittwater Rd along the north boundary;
- The significant stand of mature trees located at the north east corner of the subject site adjacent to Brookvale Creek; and
- The most visually open and attractive edges of the site, located on its north and north east sides, in the same direction as the best solar source.

In responding to these site constraints and opportunities, the concept masterplan:

- Orients recreational uses and aspect and view vectors from commercial and civic spaces toward the north & east sides of the site;
- Turns proposed public enjoyment spaces away from the imposing blank walls of adjacent development located along the south & west sides of the site by placing a broad 2 storey high podium (containing car parking / services / plant and other non-sensitive uses) along these two less aesthetic edges;
- Places the private residential sector on top of that broad podium together with high quality landscaped and vegetated improvements across the podium, with localised pockets of deep soil zones with large trees placed strategically against the south & west walled edges of the site;
- Diminishes the bulkiness of the adjacent building envelopes along the south and western boundaries to a benign one storey scale from the perspective of the proposed residential apartments located in the upper levels of buildings placed on the top of this upper podium level. The adjacent buildings are also softened and obscured by proposed deep soil trees and podium trees;
- Creates a 'civic plaza' as a main central social interaction place;
- Places new Public Parkland centrally along the east side of site;

- Designs the 'Main Civic Pedestrian Spine' pathway route through the site, so that it encourages maximum usage and delivers a variety of public domain experiences;
- Designs the route of the meandering slow speed access roadway within the site, so that it both adds in a controlled way to the activation and presence of motion in the public areas, and also contributes to the level of night-time surveillance of these precincts;
- Designs a change of scale at the threshold / entry location at the Cross Street end of the Main Pedestrian Spine, with gentle inclines and a second bridge providing direct & convenient access to the new Parkland; and
- Provides ability for potential other pedestrian linkages to be received from the west.

#### **4.2 Proposed amendment to Warringah Local Environmental Plan 2011.**

In order to facilitate the urban renewal opportunity foreshadowed in the accompanying urban renewal report *Village on the Brook – Integrated Mixed Use Urban Residential, Recreational and Employment Precinct*, prepared by Thrum Architects, an application is made to Northern Beaches Council on behalf of Harrison Investments Pty Ltd (c/- The Harrison Group, PO Box 7002, Warringah Mall, NSW 2100) to initiate the Local Environmental Plan 'Gateway' process pursuant to section 55 of the Environmental Planning and Assessment Act 1979 so as to:

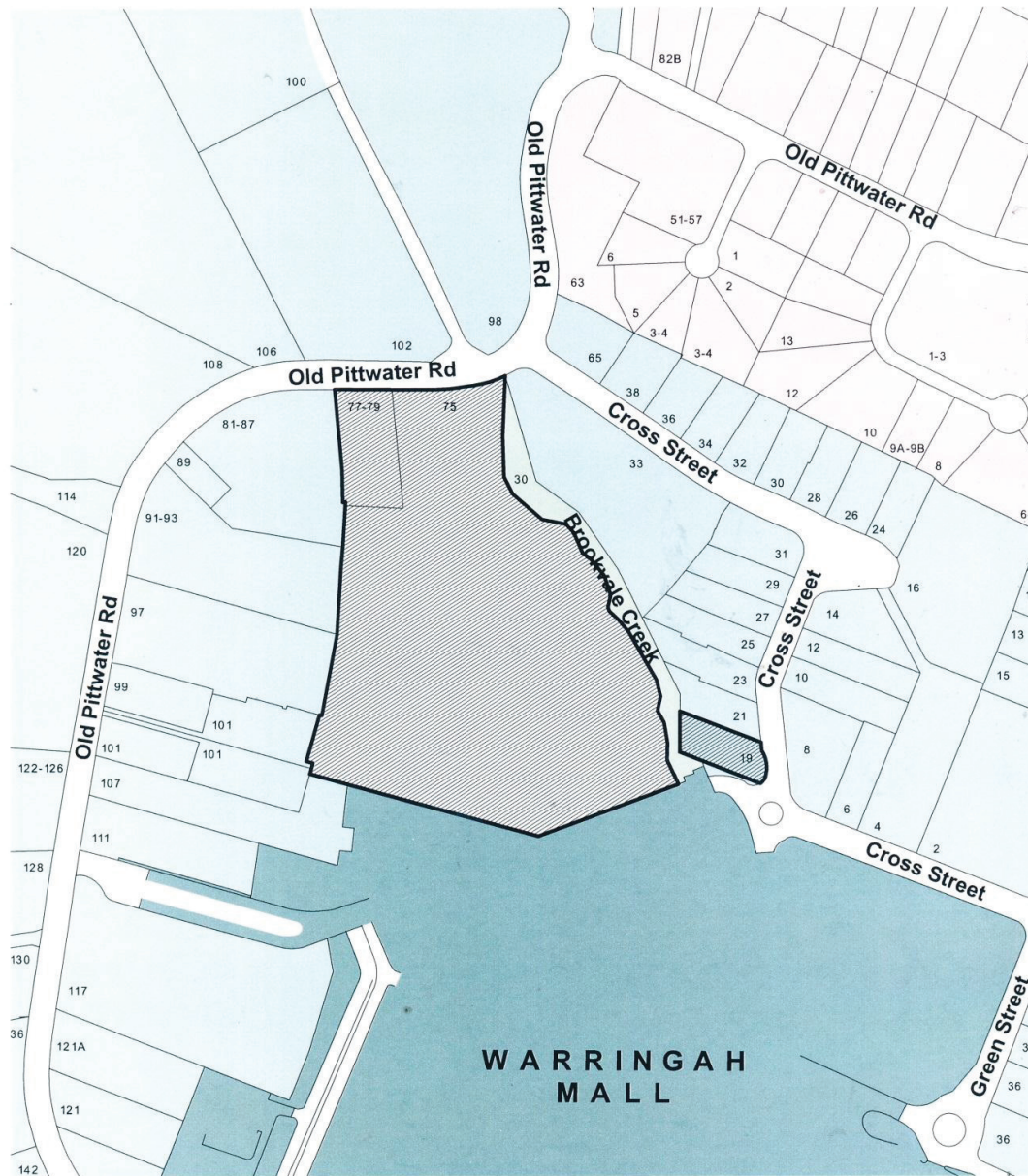
- amend Warringah Local Environmental Plan 2011 (Schedule 1 – Additional Permitted Uses) to identify that Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale, may be developed with the consent of Council for the purpose of multi-level mixed use development comprising residential flat buildings above office and business premises; and local open space, consistent with a precinct masterplan to be approved by Council.

The description of the additional permitted uses contained in Schedule 1 of Warringah LEP 2011 will include a provision to the effect that maximum permitted building height shown for the subject land on Sheet HOB\_008A of the Height of Buildings Map shall not apply in circumstances where the Council has approved buildings of greater height on the subject land under an approved precinct masterplan; and

- amend Warringah LEP 2011 - Additional Permitted Uses Map Sheet APU\_008A to identify the subject land as land to which Schedule 1 – Additional Permitted Uses applies (being the area identified in Figure 6).

The Planning Proposal Application Template provided in Appendix E addresses the requirements issued by the Director-General regarding the specific matters that must be addressed in the justification for preparing a draft local environmental plan.





Additional Permitted Uses: Lot A, DP 166808 and Lot 2 DP 600059,  
Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street,  
Brookvale

**thrum**  
ARCHITECTS



Project: VILLAGE ON THE BROOK 75 OLD PITTWATER ROAD		BROOKVALE 2100		Date: 21/12/2017	Dwg No: 16002 SK-100
Dwg Name: Additional Permitted Uses Zone		Drawn: FC	Scale: 1:1700 @ A3	QA Checked: A	Rev: A
Level 3, 80 Clarence Street, Sydney, NSW 2000 ABN 21 276 807 200 ACN 001 904 254		Telephone +61 2 9262 4455 Facsimile +61 2 9299 1524			



**Figure 6: Proposed amendment to Additional Permitted Uses Map Sheet APU\_008A.**

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Planning Proposal 'Gateway' Application: Proposed amendment to Warringah Local Environmental Plan 2011 to permit the additional use of Lot A DP 166808, Lot 2 DP 600059 & Lot 1 DP 204107, Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale, for the purpose of 'mixed use' development comprising office premises, business premises and residential apartments.

## 5. STRATEGIC PLANNING CONSIDERATIONS.

As indicated in sections B1 - B2 of the matters required to be addressed in a “*Guide to Preparing Planning Proposals – Department of Planning*” (refer to Appendix E), the planning proposal to amend Warringah Local Environmental Plan 2011 to permit the additional use of ‘Mixed Use Development (office premises; business premises and residential apartments) on Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale, is:

- consistent with relevant strategy actions within *A Plan for Growing Sydney* and the *Draft Revised North District Plan*; and
- justifiably inconsistent with the Draft Brookvale Structure Plan’s intended restriction to ‘*not propose to allow mixed use developments in the IN1 Industrial zone that include residential or retail uses*’.

The following analysis considers the strategic planning justification for amending Warringah LEP 2011 in the manner proposed by this Planning Proposal.

### 5.1 ‘A Plan for Growing Sydney’.

*A Plan for Growing Sydney*, released in December 2014 is the NSW Governments 20 year plan for the Sydney Metropolitan Area. It provides direction for Sydney’s productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

To achieve the NSW Government’s vision for Sydney as a “*strong global city, a great place to live*”, the Government has set down the following goals that Sydney will be:

- *a competitive economy with world class services and transport;*
- *a city of housing choice with homes that meet our needs and lifestyles;*
- *a great place to live with communities that are strong , healthy and well connected;*  
*and*
- *a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

Goals 1, 2 and 3 are principally relevant to this planning proposal to amend Warringah Local Environmental Plan 2011 to permit the additional use of ‘Mixed Use Development (office premises; business premises and residential apartments) on Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale.

### **5.1.1 GOAL 1: *Grow a more internationally competitive Sydney CBD.***

#### **DIRECTION 1.7: *Grow strategic centres-providing more jobs closer to home.***

*“Concentrating office development in strategic centres that are easy to get to benefits businesses and provides the opportunity for workers to access specialist jobs. Businesses benefit from proximity to other businesses and services when they are clustered in a few large centres. Focussing future growth in strategic centres will provide the greatest benefits to Sydney in terms of land and infrastructure costs, social infrastructure and social and environmental outcomes.”*

#### **Strategic Justification of the Planning Proposal.**

‘Brookvale- Dee Why’ is identified as one of 28 of Sydney’s strategic centres. This Planning Proposal is consistent with Direction 1.7 as it will generate mixed use office/business and residential development within ‘Brookvale- Dee Why’ Strategic Centre, providing increased services, jobs and housing in an integrated master planned environment with consequential benefits in terms of land and infrastructure costs, social infrastructure and environmental outcomes.

### **5.1.2 GOAL 2: *A city of housing choice, with homes that meet our needs and lifestyles.***

The following principal Directions and Actions contained within *A Plan for Growing Sydney* aimed to provide for housing choice, with homes that meet community needs and lifestyles, are applicable to the consideration of this Planning Proposal.

#### **(a) DIRECTION 2.1: *Accelerate housing supply across Sydney.***

The delivery of new housing must be accelerated to meet the needs of a bigger population and to satisfy a growing demand for different types of housing.

##### **Action 2.1.1: *Accelerate housing supply and local housing choices.***

The most suitable areas for significant urban renewal are those areas best connected to employment and include:

- in and around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving large numbers of people; and
- in and around strategic centres.

##### **Action 2.1.2: *Accelerate new housing in designated infill areas.***

Locations with large lots within the existing urban area that are close to centres on the rail, light rail and rapid bus systems are particularly well suited to urban renewal.



***Action 2.1.3: Deliver more housing by developing surplus or under-used Government land.***

Making surplus Government land available for housing will be a significant source of new housing.

***(b) DIRECTION 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs.***

New urban renewal locations will be selected in or near centres on the public transport network. Locating new housing here will make it easier for people to get to jobs and services and take pressure off congested roads.

***Action 2.2.1: Use the Greater Sydney Commission to support Council-led urban infill projects.***

A significant proportion of Sydney's additional housing supply needs to come from urban infill across Sydney.

The Government will support council-led urban infill and local efforts to lift housing production around local centres, transport corridors and public transport access point.

***Action 2.2.3: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.***

*A Plan for Growing Sydney* focuses new housing in centres which have public transport that runs frequently and can carry large numbers of passengers.

***(c) DIRECTION 2.3: Improve housing choice to suit different needs and lifestyles.***

There is currently a shortage of apartments in the middle and outer areas of the city. This is affecting the capacity of people to buy or rent a home. To respond to these issues the Government will introduce planning controls that increase the number of homes in established urban areas to take advantage of public transport, jobs and services.

**Strategic Justification of the Planning Proposal.**

The Planning Proposal is consistent with Directions 2.1, 2.2 and 2.3 as:

- the subject land provides a significant 'in-fill' opportunity for urban renewal, comprising a large site located within the 'Brookvale-Dee Why' Strategic Centre immediately adjacent to 'Warringah Mall' and is well served by public transport, including the new 'B-Line';

- the site provides an opportunity for approximately 500 apartments located in a number of master planned residential towers located above ground level office/business premises. This significant yield will make an important contribution to achieving dwelling targets and providing a mix of dwelling types, including a proportion of ‘affordable housing’.

**5.1.3 GOAL 3: *A great place to live with communities that are strong, healthy and well connected.***

*A Plan for Growing Sydney* aims to create more vibrant places and revitalised suburbs where people will want to live.

**(a) DIRECTION 3.1: *Revitalise existing suburbs.***

Provision of new housing within Sydney’s established suburbs brings real benefits to communities and makes good social and economic sense.

This type of development lowers infrastructure costs: reduces the time people spend commuting to work or travelling between places; gives people more time to spend with their families, relaxing and enjoying sport and other activities; and helps people get involved in the local community.

Directing new housing to the existing urban area will reduce the impact of development on the environment and protect productive rural land on the urban fringe. It also improves resident’s access to jobs, services and recreation and this will enhance the liveability of the city.

**(b) DIRECTION 3.3: *Create healthy built environments.***

The design of the city and suburbs plays an important role in supporting physical activity. Planning and development can promote healthy activities such as walking to the shops or school, cycling, meeting friends at the local park or café and visiting a community event.

**Strategic Justification of the Planning Proposal.**

The Planning Proposal is consistent with Directions 3.1 and 3.3. The accompanying urban renewal report *Village on the Brook – Integrated Mixed Use Urban Residential, Recreational and Employment Precinct*, prepared by Thrum Architects (copy provided in Annexure D) presents a vision and concept masterplan for the transformation and redevelopment of this site in a manner which will deliver increased employment numbers (office/business premises and ancillary services); increased housing supply; and a high quality public domain/civic pedestrian spine.

#### **5.1.4 NORTH SUBREGION – Priorities for Strategic Centres.**

*A Plan for Growing Sydney* contains the following priorities for ‘Brookvale-Dee Why’ Strategic Centre:

- *Work with council to retain a commercial core in Brookvale-Dee Why, as required, for long-term employment growth.*
- *Work with council to provide capacity for additional mixed-use development in Brookvale-Dee Why including offices, retail, services and housing.*
- *Work with council to improve walking and cycling connections between Warringah Mall, Brookvale and Dee Why.*
- *Progress planning for a Northern Beaches bus rapid transit corridor to service Brookvale-Dee Why.*

The Planning Proposal is consistent with these strategic priorities:

- The commercial core within the centre is retained and strengthened by the proposal to permit the additional use of office premises and business premises on the subject land, which shares its eastern boundary with the Warringah Mall’ retail centre;
- The Planning proposal provides for mixed use development in Brookvale Dee Why, including offices, business premises and housing;
- The Planning Proposal will result in the provision of walking and cycling connections through the site; and
- The Planning Proposal will provide for intensification of activity and patronage to public transport, including the new ‘B-Line’.

#### **5.1.5 Summary Assessment of Consistency of the Planning Proposal with ‘A Plan for Growing Sydney’.**

This planning proposal to amend Warringah Local Environmental Plan 2011 to permit the additional use of ‘Mixed Use Development (office premises; business premises and residential apartments) on Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale, is consistent with the goals and related actions contained in *A Plan for Growing Sydney* aimed to Grow strategic centres-providing more jobs closer to home; accelerate housing supply/choice; and revitalise existing suburbs:

- the subject land is located within the ‘Brookvale – Dee Why Strategic Centre’;

- the subject land provides a significant ‘in-fill’ opportunity for urban renewal, comprising a large lot located within the ‘Brookvale-Dee Why’ Strategic Centre adjacent to ‘Warringah Mall’ and well served by public transport, including the new ‘B-Line’;
- the Planning Proposal will strengthen the ‘Brookvale-Dee Why’ Strategic Centre by generating significant mixed use office/business and residential development within the centre, providing for increased services, jobs and housing in an integrated master planned development, with consequential benefits in terms of land and infrastructure costs, social infrastructure and environmental outcomes;
- the Planning Proposal presents a vision and concept masterplan for the transformation and redevelopment of this site in a manner which will deliver increased employment numbers (office/business premises and ancillary services); increased housing supply; and a high quality public domain/civic pedestrian spine;
- the Planning Proposal provides a significant opportunity for the development of up to 500 apartments located in a number of master planned residential towers located above ground level office/business premises. This significant yield will make an important contribution to delivering dwelling targets and a range of dwelling types, including a proportion of ‘affordable housing’.
- The Planning Proposal will result in the provision of walking and cycling connections through the site; and
- The Planning Proposal will provide for intensification of activity and patronage to public transport, including the new ‘B-Line’.

## **5.2 REVISED DRAFT NORTH DISTRICT PLAN.**

The Draft North District Plan, prepared by the Greater Sydney Commission identifies Brookvale-Dee Why as a strategic centre

It is a 20 year plan to manage growth at a district level and is a bridge between regional and local planning. In undertaking strategic planning processes and/or preparing or considering planning proposals, planning authorities must give effect to the draft District Plan, specifically the Planning Priorities and Actions.

### **5.2.1 Brookvale-Dee Why Strategic Centre: Targets and Applicable Planning Priority Statements.**

The Revised Draft North District Plan contains the following targets for Brookvale-Dee Why:

- Centre job target for Brookvale-Dee Why – 2016 (20,000 jobs) increasing to 23,000 – 26,000 jobs in 2036; and

- 5 year Housing targets for Northern Beaches LGA 2016 - 2021 is 3,400 dwellings.

*“The North District has a high proportion of knowledge and professional services jobs, compared to the Greater Sydney average. These fast growing employment sectors are the biggest contributors to economic growth in the District”.*

*“The North District has the least amount of industrial and urban services land in Greater Sydney. The transition from traditional industrial to advanced manufacturing and innovative industries will further boost productivity. It is critical to maintain this land and provide important services and jobs for the District... ..For the North District improving productivity can be achieved by ... ..protecting and managing industrial and urban services land”.*

The Draft North District Plan contains the following Planning Priority Statements N5; N6; N10; N11; N12; and N20, which have particular applicability to the preparation of this Planning Proposal:

- **“Planning Priority N5: Provide housing supply, choice and affordability, with access to jobs and services”.**
  - *Housing is more than just dwellings and needs to be considered across the housing continuum and with a place based approach that is designed to support communities and create great places.*
  - *New housing must be in the right places to meet locational demand.... Must be coordinated with local infrastructure to create livable, walkable and cycle friendly neighbourhoods with shops, services and public transport.*
  - *Opportunities for capacity can be realised by urban renewal, local infill developments and land release areas..... The Commission proposes locational criteria for urban renewal investigation opportunities to include:*
    - *Alignment with investment in regional and district infrastructure;*
    - *Accessibility to jobs;*
    - *Accessibility to regional transport;*
    - *Within walking distances of centres;*
    - *The feasibility of development;*
  - *Support the role of Centres.*
- **“Planning Priority N6: Creating and renewing great places and local centres and respecting the District’s Heritage”.**
  - *Places best achieve these outcomes when they exhibit human scale and provide fine grain urban form and land use mix at the heart of neighbourhoods. Accessibility for people of all ages and abilities is central to creating and*

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*renewing great places, particularly walking and cycling connections to and within local places.*

- *To deliver high quality, community specific and place based outcomes, planning for the District should integrate site-specific planning proposals with precinct-wide place and public domain outcomes through place based planning.*
- **“Planning Priority N10: Growing investment, business opportunities and jobs in strategic centres”.**
  - *Brookvale-Dee Why is identified as a strategic centre;*
  - *North District will need to accommodate more than 800,000 square metres of additional retail space over the next 20 years. In addition, there will be significant demand for additional office floor space....This requires growth in either existing or new centres.*
  - *Delivering housing within a walkable distance of strategic centres encourages non-vehicle trips, which also fosters healthier communities.*
  - *The strategic centre which combines Brookvale and Dee Why provides the greatest number of jobs in the Northern Beaches. Brookvale industrial area supports niche manufacturing and wholesale industries. Warringah Mall is one of the largest retail areas in Greater Sydney. Growth of the combined centre including greater connectivity will attract employment, retail and local services, strengthening the existing centre.*
  - *Strengthen Brookvale-Dee Why through approaches that:*
    - Maintain the mix of uses so that Brookvale-Dee Why continues to perform strongly;*
    - Encourage and support improvements to Warringah Mall and better integrate it with the fabric and life of Brookvale-Dee Why;*
    - Recognise and enhance the economic and employment opportunities along Pittwater Road and encourage revitalisation along the commercial strip;*
    - Promote walking, cycling and public transport to Warringah Mall, the Brookvale industrial area and Dee Why;*
    - Encourage the establishment of new, innovative and creative industries in the Brookvale industrial area;*
    - Encourage new lifestyle and entertainment uses to activate local streets in Brookvale-Dee Why; and*

*Improve connections between Brookvale-Dee Why and the Northern Beaches Hospital at Frenches Forest.*

- **“Planning Priority N11: Protecting and managing industrial and urban services land”.**

- *In the North District, given the limited supply of industrial and urban services land and the inability to increase supply, industrial and urban services land needs to be protected and efficiently managed;*
- *The North District has the lowest amount of industrial land in Greater Sydney and the highest proportion of the land used for urban services;*
- *Brookvale is shown to have 86ha of developed industrial land and no undeveloped land;*
- *Therefore, existing industrial and urban services land needs to be protected from conversion to residential and mixed use development and must be managed to accommodate businesses supporting the local economy and serving the local population.*

- **“Planning Priority N12: Delivering integrated land use and transport planning and a 30-minute city”.**

- *The District’s strategic and local centres provide a range of local jobs and services that support the growing population. Encouraging the growth of strategic and local centres will reduce the need for people to travel long distances to access jobs and local services;*
- *Northern Beaches B-Line is a committed transit initiative;*
- *Walking is a fundamental part of the transport system and most journeys start and end with walking. Creating pleasant and safe environments for walking and cycling contribute to great places where people and businesses choose to locate and invest in.*

- **“Planning Priority N20: Delivering high quality open space”.**

- *People in urban neighbourhoods should be able to walk to local open space. In high density neighbourhoods, public open space is used like a shared backyard, providing green communal living space.....High density neighbourhoods need to have high quality open space within close proximity.*
- *In local and strategic centres, local open space is important to provide places for workers to relax and for people to meet and socialize;*

- *For residents of high density, improving access to local open space together with its quality will be essential. Access to open space for residents.*

### **5.2.2 Consistency of the Planning Proposal with the Revised Draft North District Plan.**

The Revised Draft North District Plan has primacy over Council strategic plans and is required to be taken into consideration by Council's when preparing a Planning Proposal:

In relation to achieving job targets, the Revised Draft North District Plan seeks to protect and manage industrial and urban services land and 'growing' the existing Brookvale Centre;

In relation to delivering housing supply, the planning priorities of the Revised Draft North District Plan strongly advocates delivering housing targets by pursuing urban renewal opportunities which support the role of centres:

- *Opportunities for capacity can be realised by urban renewal, local infill developments and land release areas..... The Commission proposes locational criteria for urban renewal investigation opportunities to include:*
  - *Alignment with investment in regional and district infrastructure;*      - -
  - *Accessibility to jobs;*
  - *Accessibility to regional transport;*
  - *Within walking distances of centres;*
  - *The feasibility of development;*
- *Support the role of Centres;*
- *Delivering housing within a walkable distance of strategic centres encourages non-vehicle trips, which also fosters healthier communities*
- *To deliver high quality, community specific and place based outcomes, planning for the District should integrate site-specific planning proposals with precinct-wide place and public domain outcomes through place based planning.*
- *Encourage and support improvements to Warringah Mall and better integrate it with the fabric and life of Brookvale-Dee Why.*

The Planning Proposal is consistent with aim of the Revised Draft North District Plan to achieve job targets and protect and manage industrial and urban services land, as the existing *IN1 General Industrial* zone is retained over the land and the proposed additional permitted use of office and business premises will result in a significant increase in employment generation on the site.

The Planning Proposal's additional permitted use of mixed use/residential flat building's on the subject land will make a significant contribution to achieving housing targets (including affordable housing). The subject land satisfies the locational criteria adopted by the Greater



Sydney Commission in the Revised Draft North District Plan for the selection and support of urban renewal opportunities.

### **5.3 DRAFT BROOKVALE STRUCTURE PLAN.**

Northern Beaches Council recently completed exhibition of the *Draft Brookvale Structure Plan* for public comment.

In response to the public exhibition, a joint submission was made by Thrum Architects Pty Ltd and Doug Sneddon Planning Pty Ltd on behalf of Harrison Investments Pty Ltd/Harrison Manufacturing, the owner/occupier of land comprising Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale. A copy of that submission is provided in Appendix F.

In summary, the submission:

- supported the Draft Brookvale Structure Plan's proposal to allow the addition of 'business premises' and 'office premises' as permissible uses with the consent of Council within the Brookvale Industrial Area (West);
- identifies deficiencies of Brookvale's town centre configuration and the challenges faced in providing for an increased residential population in high quality residential spaces, required to bring life to Brookvale;
- identifies the draft Structure Plan's limitations in delivering significant new green links and public spaces;
- identifies factors which will act to restrict the rate of provision of new medium density housing (4 – 6 storeys) starts within the Brookvale Town Centre 'Mixed Use' zone identified and supported by Council and will thereby result in slow progress towards achieving the draft Structure Plan's residential development objectives over the 20 year planning period; and
- demonstrated that much more needs to be done to also allow higher density residential development (as part of mixed use development) to occur on identified urban renewal sites located within the Draft Brookvale Structure Plan Investigation Area, which satisfy the locational criteria for urban renewal investigation adopted by the Greater Sydney Commission in the recently released Draft North District Plan.

The Draft Structure Plan's intended restriction to '*not propose to allow mixed use developments in the IN1 Industrial zone that include residential or retail uses*' would, if adopted by Council, prevent achieving the strategic urban renewal opportunity afforded by Lot A DP 166808, Lot 2 DP 600059 and Lot 1 DP 204107, Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale ('Village on the Brook') as presented in section 4 of the submission.

The accompanying urban renewal report *Village on the Brook – Integrated Mixed Use Urban Residential, Recreational and Employment Precinct*, prepared by Thrum Architects (copy provided in Appendix D) presents a vision and concept masterplan for the transformation and redevelopment of the subject site in a manner which will deliver increased employment numbers (office/business premises and ancillary services); increased housing supply; and a high quality public domain/civic pedestrian spine. The following site calculations are applicable to the Concept Precinct Masterplan:

- Site Area - 2.65ha;
- Projected business/office floor space - 11,894m<sup>2</sup>;
- Projected employment numbers: > 250 jobs;
- Existing on-site Harrison Manufacturing jobs - 76 employees;
- Projected number of apartments – 507 dwellings;
- Projected total GFA – 66,000m<sup>2</sup>;
- Projected FSR – 2.48:1; and
- Projected Building Height – 10 – 17 storeys.

**Council was requested to modify the Draft Brookvale Structure Plan** so as to provide sufficient flexibility within the *IN1 Industrial Zone* for the Council to consider significant urban renewal opportunities for mixed use development (which include a residential component) on sites which satisfy the locational criteria for urban renewal investigation adopted by the Greater Sydney Commission in the Draft Revised North District Plan.

The submission argued that investigation and consideration of urban renewal opportunities could then occur via individual Planning Proposal applications lodged with Council. In the case of a Planning Proposal application being lodged for the subject site ('Village on the Brook') the submission indicated that:

- the existing IN1 General Industrial zone would be retained, thereby satisfying the requirement of S.117 Direction 1.1 – Business and Industrial zones, for a planning proposal to retain the areas and locations of existing business and industrial zones; and would also be consistent with the related planning principles and priorities of the Draft Brookvale Structure Plan and the Draft Revised North District Plan to protect and manage industrial and urban services land;
- whilst retaining the existing IN1 General Industrial zone, a planning proposal in respect to the subject land would seek to amend Warringah Local Environmental Plan 2011 and pursuant to 'Clause 2.5 - Additional permitted uses for particular land', describe in Schedule 1 of LEP 2011 the additional permitted uses (mixed use comprising office and business premises; and residential apartments) to be permitted on the subject land with the consent of Council; and
- a planning proposal for the subject site would be consistent with the current proposal of the Draft Brookvale Structure Plan to amend LEP 2011 to allow the addition of business and office premises within the Brookvale Industrial Area (West), as each proposed multi storey building within the subject site would have its lower floor

levels occupied by office and business premises, with only upper storeys allocated to residential apartments.

This Planning Proposal will facilitate the redevelopment of this site in a manner, which will deliver increased employment numbers (> 250 jobs in office/business premises and ancillary services); increased housing supply (507 apartments); and a high quality public domain/civic pedestrian spine, in a manner which would be consistent with Revised Draft North District Plan 'Planning Priority N5 – Provide housing supply, choice and affordability, with access to jobs and services', which encourages opportunities for housing capacity to be realised by urban renewal developments which satisfy the following locational criteria for urban renewal investigation:

- *Alignment with investment in regional and district infrastructure;*
- *Accessibility to jobs;*
- *Accessibility to regional transport;*
- *Within walking distances of centres; and*
- *The feasibility of development.*

The inconsistency of the Planning Proposal with the Draft Brookvale Structure Plan's intended restriction to '*not propose to allow mixed use developments in the IN1 Industrial zone that include residential or retail uses*' is considered justified having regard to:

- the future business planning and long term growth of the Harrison Manufacturing Company Pty Ltd proposes a phased transition of its various industrial activities from the Brookvale site in the future;
- the unique urban renewal opportunities presented by the location of this large site adjacent to the 'Warringah Mall' centre;
- the site satisfies the locational criteria for urban renewal investigation adopted by the *Revised Draft North District Plan*; and
- the vision and concept masterplan presented for the transformation and redevelopment of the subject site will deliver significant increased employment numbers (office/business premises and ancillary services); substantial housing supply; and provide a high quality public domain/civic pedestrian spine.

## **6. CONSISTENCY OF THE PLANNING PROPOSAL WITH STATE ENVIRONMENTAL POLICIES.**

The Planning Proposal has been considered against relevant State Environmental Planning Policies (SEPP).

The following assessment demonstrates that there are no State Environmental Planning Policies which would act to restrict or prevent redevelopment of the subject land in the manner which would be permitted under this Planning Proposal.

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## **6.1 State Environmental Planning Policy No. 14 - Coastal Wetlands (SEPP 14).**

SEPP 14 aims to ensure that identified coastal wetlands are preserved and protected in the environmental and economic interests of the state.

The provisions of SEPP 14 are not applicable to the Planning Proposal as the subject land does not contain a coastal wetland, nor is it located in close proximity to any coastal wetland identified under the Policy.

## **6.2 State Environmental Planning Policy No. 19 – Urban Bushland (SEPP 19).**

SEPP 19 aims:

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,*
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,*
- (c) to protect rare and endangered flora and fauna species,*
- (d) to protect habitats for native flora and fauna,*
- (e) to protect wildlife corridors and vegetation links with other nearby bushland,*
- (f) to protect bushland as a natural stabiliser of the soil surface,*
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,*
- (h) to protect significant geological features,*
- (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*
- (j) to protect archaeological relics,*
- (k) to protect the recreational potential of bushland,*
- (l) to protect the educational potential of bushland,*
- (m) to maintain bushland in locations which are readily accessible to the community, and*
- (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.*

‘Warringah’ is identified in Schedule 1 of SEPP 19 as an area to which the Policy applies. The subject land adjoins a drainage reserve (Brookvale Creek) within which ‘bushland’ has

substantially been removed in conjunction with recent stormwater drainage/flood remediation works undertaken by the Council.

The general aim of SEPP 19 is to protect and preserve bushland zoned or reserved for public open space. As 'Brookvale Creek' is zoned *RE1 Public Recreation* the provisions of 'Clause 10 – Preparation of Local Environmental Plans' are applicable to this Planning Proposal.

***“10 Preparation of local environmental plans.***

*When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall:*

- (a) have regard to the general and specific aims of the Policy, and*
- (b) give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.*

The Planning Proposal is consistent with the provisions of the Policy as it is intended to facilitate urban renewal within the existing developed footprint of the subject land and will not involve any vegetation clearing or development which would adversely impact Brookvale Creek.

**6.3 State Environmental Planning Policy No. 26 - Littoral Rainforests (SEPP 26).**

The aim of SEPP 26 is to provide a mechanism for the consideration of applications for development that is likely to damage or destroy littoral rainforest areas with a view to the preservation of those areas in their natural state.

The provisions of SEPP 26 are not applicable to the Planning Proposal as the subject land is not identified under Clause 4 of the Policy as containing land to which the Policy applies.

**6.4 State Environmental Planning Policy No. 44 - Koala Habitat (SEPP 44)**

This aim of SEPP 44 is to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) by encouraging the identification of areas of core koala habitat, and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

Whilst SEPP 44 applies to the former 'Warringah' council area, its provisions do not have any applicability to this Planning Proposal as the subject land does not contain either potential or core koala habitat.

## **6.5 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).**

The Objects of SEPP 55 are provided in clause 2 of the Policy:

*“2 Object of this Policy.*

*(1) The object of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land.*

*(2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

*(a) by specifying when consent is required, and when it is not required, for a remediation work, and*

*(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*

*(c) by requiring that a remediation work meet certain standards and notification requirements.*

Clause 6 of the Policy identifies circumstances in which contamination and remediation is to be considered in a rezoning proposal:

***“6. Contamination and remediation to be considered in zoning or rezoning proposal.***

*(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*

*(a) the planning authority has considered whether the land is contaminated, and*

*(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*

*(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

As the Planning Proposal does not seek to rezone the subject land in order to permit a change of use of the land, the provisions of Clause 6 of SEPP 55 are not strictly applicable to the Planning Proposal.

Notwithstanding, a *Phase 1 Environmental Site Assessment (November 2011)* has been previously prepared for the 2.6 hectare site (Lot 2 in DP600059 and Lot A in DP166808) by

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C.M. Jewell & Associates Pty Ltd, a copy of which is provided in Appendix G. This site investigation demonstrated that the site has a low contamination risk profile.

Should Council consider it necessary, a condition of the Gateway Determination could require the preparation of an updated site contamination assessment to be placed on public exhibition with the Planning Proposal.

#### **6.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65).**

SEPP 65 aims to improve the design quality of residential apartment development in New South Wales.

The provisions of SEPP 65 do not have any applicability to preparation of the Planning Proposal. The Policy will however apply to the preparation and determination of future development applications for multi-level residential apartment development on the subject land in the event that Warringah LEP 2011 is amended in the manner requested by this Planning Proposal.

#### **6.7 State Environmental Planning Policy No. 71 - Coastal Protection (SEPP 71).**

SEPP 71 aims:

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) to ensure that the visual amenity of the coast is protected, and*
- (f) to protect and preserve beach environments and beach amenity, and*
- (g) to protect and preserve native coastal vegetation, and*
- (h) to protect and preserve the marine environment of New South Wales, and*
- (i) to protect and preserve rock platforms, and*
- (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the [Protection of the Environment Administration Act 1991](#)), and*

*(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*

*(l) to encourage a strategic approach to coastal management.*

Whilst SEPP 71 applies to the ‘coastal zone’ within the former ‘Warringah’ council area, its provisions do not have any applicability to the Planning Proposal as the subject land is not located within the mapped ‘coastal zone’ for the purposes of the Policy. Consequently the Planning Proposal is not required to take into account the matters set out in Clause 8 of the Policy in respect to the preparation of a draft local environmental plan.

## **6.8 State Environmental Planning Policy (State Significant Precincts) 2005.**

The aim of State Environmental Planning Policy (State Significant Precincts) 2005 is to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.

As the subject land is not identified as part of a State Significant Precinct under the Policy, the Policy has no application to the Planning Proposal.

## **6.9 Draft Affordable Housing SEPP 70 Review (EIE).**

An Explanation of Intended Effect (EIE) for SEPP 70 is currently on exhibition until 31<sup>st</sup> January 2018. The EIE proposes the inclusion of five Councils – Randwick City, Inner West, **Northern Beaches**, City of Ryde and City of Canada Bay.

In the *Northern Beaches Affordable Housing Needs Analysis (December 2016)*, Northern Beaches Council has identified:

- Concern that the private rental market in its local government area cannot suitably respond to the housing needs of low and moderate income families at affordable levels;
- The Northern Beaches has comparatively low stocks of social or affordable housing targeted at very low to moderate income households;
- The declining affordability of housing is unlikely to slow without intervention into the market; and supply of new dwellings alone will not address this issue. Existing stocks of social and affordable housing must therefore be protected; and
- Further, opportunities to create new forms of affordable housing, especially rental, must be taken up to prevent deepening of the housing crisis, and to support demographic change and economic growth. There are a number of opportunities



arising with current Structure Planning undertaken by Council in key locations e.g. Northern Beaches Hospital and Ingleside precincts.

This Planning Proposal provides an opportunity to provide a component of affordable housing in the overall project yield of approximately 500 dwellings, in a location that adjoins the 'Warringah Mall' retail centre and has close proximity to all required community/social services, including public transport.

#### **6.10. Consideration of other State Environmental Planning Policies.**

Following consideration, the following State Environmental Planning Policies were assessed as being not applicable to the Planning Proposal:

- *State Environmental Planning Policy – Development Standards;*
- *State Environmental Planning Policy (Penrith Lakes Scheme)1989;*
- *State Environmental Planning Policy (Kurnell Peninsula)1989;*
- *State Environmental Planning Policy No.29 – Western Sydney Recreation Area;*
- *State Environmental Planning Policy No. 21 – Caravan Parks;*
- *State Environmental Planning Policy No. 30 – Intensive Agriculture;*
- *State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land);*
- *State Environmental Planning Policy No. 33 – Offensive and Hazardous Development;*
- *State Environmental Planning Policy No. 36 – Manufactured Home Estates;*
- *State Environmental Planning Policy No. 39 – Spit Island Bird Habitat;*
- *State Environmental Planning Policy No.47 – Moore Park Showground;*
- *State Environmental Planning Policy No.50 – Canal Estates;*
- *State Environmental Planning Policy No. 15 – Rural Land-Sharing Communities;*
- *State Environmental Planning Policy No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas;*
- *State Environmental Planning Policy No. 59 – Central Western Sydney Regional Open Space and Residential;*
- *State Environmental Planning Policy No. 62 – Sustainable Aquaculture;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage;*
- *State Environmental Planning Policy (Housing for Seniors or people with a disability) 2004;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Sydney Region Growth Centres) 2006;*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007;*
- *State Environmental Planning Policy (Miscellaneous Consent Conditions)2007;*
- *State Environmental Planning Policy (Infrastructure)2007;*
- *State Environmental Planning Policy (Kosciusko National Park – Alpine Resorts) 2007;*
- *State Environmental Planning Policy (Rural Lands) 2008;*

- *State Environmental Planning Policy (Western Sydney Employment Area) 2009;*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;*
- *State Environmental Planning Policy ( Western Sydney Parklands) 2009;*
- *State Environmental Planning Policy (Affordable rental Housing) 2009;*
- *State Environmental Planning Policy (Urban Renewal) 2010;*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011; and*
- *State Environmental Planning Policy (State and Regional Development) 2011.*

The matters required to be addressed under the “*Guide to Preparing Planning Proposals – Department of Planning*” in respect to consistency with State Environmental Planning Policies are further addressed in Appendix E.

## **7. CONSISTENCY OF THE PLANNING PROPOSAL WITH MINISTERIAL DIRECTIONS (S117 DIRECTIONS).**

The Planning Proposal has been considered against relevant S.117 Directions issued to planning authorities in regard to the preparation of Planning Proposals.

The following assessment demonstrates that this Planning Proposal to amend Warringah Local Environmental Plan 2011 to permit the additional use of ‘Mixed Use Development (office premises; business premises and residential apartments) on Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale, is consistent, or justifiably inconsistent with relevant S.117 Directions issued by the Minister to planning authorities in regard to the preparation of Planning Proposals.

### **7.1 Direction 1.1 - Business and Industrial Zones.**

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations;*
- (b) protect employment land in business and industrial zones;*
- (c) support the viability of identified strategic centres.*

This direction applies when a planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone, including the alteration of any existing business or industrial zone boundary.

The Planning Proposal is consistent with Clause (4) of the direction which requires that a planning proposal must:

- (a) give effect to the objectives of this direction.***

**Consistent:** The planning proposal is consistent with the objectives of the direction as the planning proposal retains the existing *IN1 General Industrial zone* and permits the additional uses of business and office premises consistent with the strategic

direction of the *Draft Brookvale Structure Plan* to permit business and office premises as additional uses within Brookvale Industrial Area (West), thereby supporting the viability of the 'Brookvale-Dee Why Strategic Centre'.

***(b) retain the areas and locations of existing business and industrial zones,***

**Consistent:** The Planning Proposal retains the area and location of the *INI General Industrial zone* thereby protecting existing employment land within the Brookvale Industrial Area (West).

***(c) not reduce the total potential floor space area for employment uses and related public services in business zones,***

**Consistent:** The planning proposal does not reduce the total floor space area for employment uses and related public services within a business zones.

***(d) not reduce the total potential floor space area for industrial uses in industrial zones,***

**Consistent:** The Planning Proposal does not reduce the total potential floor space area for industrial uses within industrial zones, as the Planning Proposal retains the existing *INI General Industrial zone* over the subject land and does not reduce the total potential floor space area for industrial uses on the subject land.

***(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.***

**Not Applicable:** The Planning Proposal relates to an existing employment area, not a proposed new employment area.

## **7.2 Direction 2.2 - Coastal Protection.**

The objective of this Direction is to implement the principles in the NSW Coastal Policy and applies when a planning authority prepares a planning proposal that applies to land within the coastal zone.

Whilst part of the former 'Warringah' council area is located within the 'Coastal Zone' Direction 2.1 – Coastal Protection does not apply to the Planning Proposal as the subject land is not located within the mapped 'coastal zone'. Consequently, the Planning Proposal is not required to give effect to the following requirements of Clause 4 of Direction 2.2:

*“(a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and*

*(b) the Coastal Design Guidelines 2003, and*

*(c) 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)."*

### **7.3 Direction 2.3 - Heritage Conservation.**

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The direction applies when a planning authority prepares a planning proposal and requires a planning proposal to contain provisions that facilitate the conservation of heritage items identified in a study of the environmental heritage of an area, or aboriginal objects, places and landscapes either protected by the National Parks and Wildlife Act, or identified through an Aboriginal Heritage Survey.

There are no items of European heritage significance identified on the subject land and given the existing developed character of the subject land it is highly unlikely that any aboriginal relics exist on the land.

Having regard to these circumstances and as the Planning Proposal is intended to permit the additional use of 'Mixed Use Development (office premises; business premises and residential apartments)' on the subject land whilst retaining its existing *INI General Industrial* zoning, the Planning Proposal is considered to be consistent with the objectives and requirements of Direction 2.3.

### **7.4 Direction 3.1 – Residential Zones.**

The objectives of Direction 3.1 – Residential Zones are:

*"(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*

*(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*

*(c) to minimise the impact of residential development on the environment and resource lands."*

The Direction applies when a planning proposal will affect:

*"(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*

*(b) any other zone in which significant residential development is permitted or proposed to be permitted".*

As this Planning Policy will affect any other zone (i.e. non-residential) in which significant residential development is proposed to be permitted, the following requirements of Clauses (4) and (5) of Direction 3.1 need to be addressed by the relevant planning authority:

- **Clause (4):**

***“(4) A planning proposal must include provisions that encourage the provision of housing that will:***

***(a) broaden the choice of building types and locations available in the housing market, and***

**Consistent:** Subject to Masterplan approval, the Planning Proposal could result in the provision of up to approximately 500 dwellings in mixed configuration in a number of multi-storey residential flat buildings on the subject land, located adjacent to ‘Warringah Mall’ and in close proximity to the new ‘B-Line’ public rapid transport service. The Planning Proposal will broaden the choice of building types and locations available in the local housing market.

***‘(b) make more efficient use of existing infrastructure and services, and’***

**Consistent:** The Planning Proposal will result in an increased business services; employment generation; and residential use of this strategically located site adjacent to ‘Warringah Mall’, thereby making more efficient use of existing infrastructure and services and improving the viability of the new ‘B-Line’ public rapid transport service.

***‘(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and’***

**Consistent:** The Planning Proposal will result in a significant yield of residential apartments, which will assist reducing the consumption of land for housing and associated urban development on the urban fringe.

***‘(d) be of good design’.***

**Consistent:** Future residential apartment development on the subject land will be of good design as it will be required to comply with the particular design requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the *Residential Flat Design Code*.

- **Clause (5):**

*“(5) A planning proposal must, in relation to land to which this direction applies:*

*(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and’*

**Consistent:** The subject land is adequately serviced for the purposes of the Planning Proposal.

*‘(b) not contain provisions which will reduce the permissible residential density of land.’*

**Consistent:** The Planning Proposal does not contain provisions which will reduce the permissible residential density of land.

## **7.5 Direction 3.4 – Integrating Land Use and Transport.**

The objective of Direction 3.4 is to ensure that urban structures, building forms, land use locations, development designs, subdivisions and street layouts achieve nominated planning objectives.

The direction applies when a planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

As the Planning Proposal seeks to alter an industrial zone by permitting nominated additional uses on the subject land, Direction 3.4 is applicable to the Planning Proposal.

### **(i) Planning Objectives:**

The following assessment demonstrates that the Planning Proposal is consistent with the applicable planning objectives of Direction 3.4:

*‘(a) improving access to housing, jobs and services by walking, cycling and public transport, and’*

**Consistent:** The subject land is well served by public transport. The Planning Proposal provides for improved access to housing, jobs and services by walking, cycling and public transport.

*‘(b) increasing the choice of available transport and reducing dependence on cars, and’*

**Consistent:** The subject land is located within an existing urban area and enjoys a high level of accessibility by public transport. The new ‘B-Line’ public transport

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Planning Proposal ‘Gateway’ Application: Proposed amendment to Warringah Local Environmental Plan 2011 to permit the additional use of Lot A DP 166808, Lot 2 DP 600059 & Lot 1 DP 204107, Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale, for the purpose of ‘mixed use’ development comprising office premises, business premises and residential apartments.



service will be within walking distance of the subject land, thereby increasing the choice of available transport and reducing dependence on cars.

***‘(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and’***

**Consistent:** The planning proposal will result in reduced travel demand and car usage as the site is located adjacent to the ‘Warringah Mall’ centre where an extensive range of services and facilities are available to future residents, within walking distance.

***‘(d) supporting the efficient and viable operation of public transport services, and’***

**Consistent:** The subject land is located within an existing urban area and enjoys a high level of accessibility by public transport. The new ‘B-Line public transport service will be within walking distance of the subject land. The proposed location of residential apartment development on the subject land will enhance the viability of public transport to the locality by generating increased passenger patronage.

***‘(e) providing for the efficient movement of freight’.***

**Consistent:** The subject land is well served by the intra/inter regional road system, facilitating the efficient movement of freight, as demonstrated by the movement of goods to/from the subject land in association with its existing use.

**(ii) Clause (4) – What a relevant planning authority must do if this direction applies:**

Clause (4) of the Direction requires the location of zones for urban purposes and the inclusion of provisions that give effect to:

- (a) Improving Transport Choice – guidelines for planning and development (DUAP 2001), and*
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001)*

The land use planning principles underlining these guidelines are as follows:

- people should be able to walk, cycle and use public transport, and not rely solely on private cars;
- a choice of transport helps the environment, provides more equitable access, and improves the liveability of our urban areas;
- the way we plan for land uses and transport can increase the proportion of trips that can be taken by foot, bicycle and public transport as people go about their daily task;

- when we plan for transport choice, we also help manage the demand for travel by minimising the number and length of individual trips people need to make;
- we need to maximise accessibility (i.e. the ability to undertake a range of daily activities with a minimum of travel); and
- as a general principle, decisions concerning the location of land uses in an LEP, should, represent a practical fit between the needs of a land use and the need to improve transport choice; support a strong pattern of centres and transport corridors; and minimise the need for and distance of travel.

The planning proposal is consistent with the objectives and requirements of Direction 3.4 as:

- the site is located adjacent to 'Warringah Mall' where there is an extensive range of existing facilities and services available to the community. The Planning Proposal reflects the consolidation of strategic centre activity within this node and provides opportunities for multipurpose trips to be made by workers and residents within the locality and consequently reduce the length of individual trips people need to make;
- the subject land is well served by public transport. The Planning Proposal will support the Dee-Why Brookvale Strategic Centre and the associated transport corridor. Future residents within the subject land will be able to access local services by walking and cycling, with a minimum length of trip and go about their daily business without needing to rely solely on private cars; and
- the Planning Proposal will enhance the viability of public transport (including the new 'B-Line' public transport service by generating increased patronage.

#### **7.6 Direction 4.1 - Acid Sulfate Soils.**

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The Direction applies when a planning proposal is prepared in respect to land that has a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps.

As the subject land is not shown to contain Acid Sulfate Soils on the Warringah LEP 2011 Acid Sulfate Soils Map (Sheet ASS\_008A), Direction 4.1 has no applicability to the Planning Proposal.

#### **7.7 Direction 4.3 - Flood Prone Land.**

The objectives of Direction 4.3 are to ensure the development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy; and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Historically the subject land has been subject to potential flooding from Brookvale Creek and has been mapped by the former Warringah Council as being subject to a flood planning level, which Clause 6.3 of the Warringah LEP 2011 defines to be *'the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.'*

Brookvale Creek has been recently subject to significant remedial drainage channel engineering works, as shown in a selection of photographs provided in Appendix H. The Cardno Warringah Mall Flood Impact Assessment Addendum Report dated January 2009, concluded that the then proposed drainage channel works will reduce flood levels in Brookvale Creek from Warringah Mall upstream to Old Pittwater Road (the length of which forms the north-eastern boundary of the subject land).

Any future development application for the subject land would be required to address the following requirements of Clause 6.3 of Warringah Local Environmental Plan 2011:

### ***"6.3 Flood planning"***

*(1) The objectives of this clause are as follows:*

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

*(2) This clause applies to land at or below the flood planning level.*

*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN: 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.*

(5) *In this clause:*

***flood planning level*** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.”

In order to suitably address these requirements, a Flood Risk Assessment would be required to be prepared by an accredited consultant to accompany any future development application for the subject land, to demonstrate that the proposed development would not adversely impact the flooding of upstream or downstream properties and would itself not be adversely affected by a 1:100 ARI flood event. This assessment would give effect to the *NSW Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*.

Should Council consider it necessary, a condition of the Gateway Determination could require the preparation of a Flood Risk Assessment to accompany the public exhibition of the Planning Proposal, addressing the suitability of the site for future urban renewal at the defined flood planning level in a manner which would not increase flood levels on downstream or upstream properties.

The Planning Proposal is consistent with the following requirements of clauses (4), (5), (6), (7) and (8) of Direction 4.3 (*What a relevant planning authority must do if this direction applies*):

*“(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*

**Consistent:** The provisions of Clause 6.3 of Warringah LEP 2011 give effect to the *NSW Flood Prone Land Policy* and the *Floodplain Development Manual 2005*. The Planning Proposal retains the applicability of these requirements to any future development application lodged in respect to the subject land.

*(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*

**Consistent:** The Planning Proposal does not rezone the subject land, which retains its existing *IN1 General Industrial* zoning under Warringah LEP 2011.

*(6) A planning proposal must not contain provisions that apply to the flood planning areas which:*

*(a) permit development in floodway areas,*

*(b) permit development that will result in significant flood impacts to other properties,*  
*(c) permit a significant increase in the development of that land,*  
*(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*  
*(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*

**Consistent:** The Planning proposal does not permit development in a ‘floodway’; will not permit development that will result in significant flood impacts on other properties; will not require increased government spending on flood mitigation measures, infrastructure or services; and will not permit development to be carried out without development consent.

*(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

**Consistent:** The Planning Proposal does not impose flood related development controls above the residential flood planning level.

*(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

**Consistent:** The Planning Proposal does not propose a flood planning level that is inconsistent with the Floodplain Development Manual 2005.

## **7.8 Direction 4.4 - Planning for Bushfire Protection.**

The objectives of this direction are to protect life, property and the environment from bushfire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas; and to encourage the sound management of bush fire prone areas.

As the subject land is not mapped by Northern Beaches Council as being bushfire prone land, the particular requirements of clauses (4), (5) and (6) of Direction 4.4 (i.e. What a relevant planning authority must do if this direction applies) do not apply to the Planning Proposal.

### **7.9 Direction 5.1 - Implementation of Regional Strategies.**

The objective of Direction 5.1 is to give effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Clause (4) of the Direction requires a planning proposal to be consistent with a Regional Plan released by the Minister for Planning. As the subject land is not subject to a Regional Plan released by the Minister for Planning, Direction 5.1 has no application to the Planning Proposal.

### **7.10 Direction 6.1 - Approval and Referral Requirements.**

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Clause (4) of the direction requires a planning proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as 'designated development'.

The Planning Proposal is consistent with Direction 6.1 as no such inclusions, or designation is proposed.

### **7.11 Direction 6.2 – Reserving Land for Public Purposes.**

The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of such reservations where land is no longer required for acquisition.

As the Planning Proposal does not reserve land for a public purpose, or remove such a reservation, Direction 6.2 has no application to the Planning Proposal.

### **7.12 Direction 6.3 - Site Specific Provisions.**

The objective of this direction is to discourage unnecessary restrictive site specific planning controls and applies when a planning authority prepares a planning proposal that will allow a particular development proposal to be carried out.

Direction 6.3 does not apply to the Planning Proposal, which is not seeking to permit a particular development proposal to be carried out on the subject land. Rather, it seeks to amend Warringah Local Environmental Plan 2011 – Schedule 1 to permit the additional use of 'Mixed Use Development (office premises; business premises and residential apartments) on Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale, whilst retaining its existing *IN1 General Industrial zone*.



### **7.13 Direction 7.1 – Implementation of A Plan for Growing Sydney.**

The Objective of Direction 7.1 is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*.

The Direction applies to land located in the former Warringah local government area and applies when a relevant Planning Authority prepares a planning proposal.

Clause (4) of the Direction requires a planning proposal to be consistent with the NSW Government's *A Plan for Growing Sydney* published in December 2014. As indicated in Section 5.1 of this Planning Proposal application report:

- the Planning Proposal is consistent with the applicable goals and related actions contained in *A Plan for Growing Sydney* aimed to Grow strategic centres; provide more jobs closer to home; accelerate housing supply/choice; and revitalise existing suburbs;
- the subject land is located within the 'Brookvale – Dee Why Strategic Centre';
- the subject land provides a significant 'in-fill' opportunity for urban renewal, comprising a large site located within the 'Brookvale-Dee Why' Strategic Centre adjacent to 'Warringah Mall' and is well served by public transport, including the new 'B-Line';
- the Planning Proposal will strengthen the 'Brookvale-Dee Why' Strategic Centre by generating significant mixed use office/business and residential development within the centre, providing for increased services, jobs and housing in an integrated master planned development, with consequential benefits in terms of land and infrastructure costs, social infrastructure and environmental outcomes;
- the Planning Proposal presents a vision and concept masterplan for the transformation and redevelopment of this site in a manner which will deliver increased employment numbers (office/business premises and ancillary services); increased housing supply; and a high quality public domain/civic pedestrian spine;
- the Planning Proposal provides a significant opportunity for the development of approximately 500 apartments located in a number of master planned residential towers located above ground level office/business premises. This significant yield will make an important contribution to achieving dwelling targets and providing a range of dwelling types, including a proportion of 'affordable housing'.
- The Planning Proposal will result in the provision of walking and cycling connections through the site; and

- The Planning Proposal will provide for intensification of activity and patronage to public transport, including the new 'B-Line'.

#### **7.14 Consideration of other S. 117 Directions.**

The following S. 117 Directions are considered to have no application to the Planning Proposal:

- *Direction 1.2 - Rural Zones;*
- *Direction 1.3 – Mining, Petroleum Production and Extractive Industries;*
- *Direction 1.4 – Oyster Aquaculture;*
- *Direction 1.5 – Rural Lands;*
- *Direction 2.1 – Environment Protection Zones;*
- *Direction 2.4 – Recreation Vehicle Areas;*
- *Direction 2.5 – Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's;*
- *Direction 3.2 – Caravan Parks and Manufactured Home Estates;*
- *Direction 3.3 – Home Occupations;*
- *Direction 3.5 – Development Near Licensed Aerodromes;*
- *Direction 3.6 – Shooting Ranges;*
- *Direction 4.2 Mine Subsidence and Unstable Land;*
- *Direction 5.2 – Sydney Drinking Water Catchment;*
- *Direction 5.3 – Farmland of State and Regional Significance on the NSW Far North Coast;*
- *Direction 5.4 – Commercial and Retail Development along the Pacific Highway, North Coast;*
- *Direction 5.8 – Second Sydney Airport: Badgerys Creek;*
- *Direction 5.9 – North West Rail Link Corridor Strategy;*
- *Direction 7.2 – Implementation of Greater Macarthur Land Release Investigation;*
- *Direction 7.3 – Parramatta Road Corridor Urban Transformation Strategy;*
- *Direction 7.4 – Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan;*
- *Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan; and*
- *Direction 7.6 – Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.*

## 8. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.

**(i) Environmental Impact:** As the Planning Proposal is intended to facilitate the urban renewal of an existing fully developed industrial site by permitting the additional use of 'Mixed Use Development (office premises; business premises and residential apartments) on the subject land, the planning proposal will not:

- adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats;
- adversely impact water or air quality; or
- cause adverse amenity impacts on neighbouring industrial or commercial properties.

**(ii) Social Impact:** The Planning Proposal will have a positive social impact as it will deliver significantly increased employment numbers (office/business premises and ancillary services); increase housing choice and supply in the locality; and will deliver a high quality public domain/civic pedestrian spine to be enjoyed by workers, residents and the general public.

**(iii) Economic Impact:** The planning proposal will have a positive economic impact, providing an increased number of jobs in office and business employment; resulting resident population will increase the patronage and viability of local services and amenities, including the use of public transport; and the planning proposal will facilitate significant employment in the construction and service sectors.

## 9. CONCLUSION.

This Planning Proposal application demonstrates that proposed amendment of Warringah Local Environmental Plan 2011 is consistent with applicable Ministerial Directions with regard to the preparation of Planning Proposals and the requirements of the Director-General regarding the specific matters that must be addressed in the justification for making a proposed local environmental plan.

Northern Beaches Council is requested to initiate the Local Environmental Plan 'Gateway' process pursuant to section 55 of the Environmental Planning and Assessment Act 1979 so as to:

- amend Warringah Local Environmental Plan 2011 (Schedule 1 – Additional Permitted Uses) to identify that Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale, may be developed with the consent of Council for the purpose of multi-level mixed use development comprising residential flat buildings above office and business premises; and local open space, consistent with a precinct masterplan to be approved by Council.

The description of the additional permitted uses contained in Schedule 1 of Warringah LEP 2011 will include a provision to the effect that maximum permitted building height shown for the subject land on Sheet HOB\_008A of the Height of Buildings Map shall not apply in circumstances where the Council has approved buildings of greater height on the subject land under an approved precinct masterplan; and

- amend Warringah LEP 2011 - Additional Permitted Uses Map Sheet APU\_008A so as to identify the subject land as land to which Schedule 1 – Additional Permitted Uses applies (being the area cross hatched on the Location Plan at Figure 1).

The Planning Proposal Application Template provided in Appendix E addresses the requirements issued by the Director-General regarding the specific matters that must be addressed in the justification for preparing a draft local environmental plan.

**Doug Sneddon**  
**7<sup>th</sup> January 2018**