

ITEM 9.2	PLANNING PROPOSAL - 729-731 PITTWATER ROAD DEE WHY TO PERMIT ADDITIONAL USES UNDER WARRINGAH LOCAL ENVIRONMENT PLAN 2011
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2017/249833
ATTACHMENTS	<ol style="list-style-type: none"> 1 Planning Proposal Application by Frank Knight Town Planning for 729 - 731 Pittwater Road Dee Why (Included In Attachments Booklet) 2 Planning Proposal Submission by Council Staff for 729 - 731 Pittwater Road Dee Why (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

To seek Council approval to submit a Planning Proposal to the NSW Department of Planning and Environment (the Department) for a Gateway Determination to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to permit the additional uses of a 'Medical Centre' and 'Office Premises' on land at 729-731 Pittwater Road, Dee Why.

SUMMARY

Council received a Planning Proposal application to amend Schedule 1 of WLEP 2011 to permit the additional uses of a 'Medical Centre' and 'Office Premises' on the subject site (Attachment 1). The site is currently zoned 'R3 Medium Density Residential' and is occupied by a purpose-built Medical Centre constructed with Council approval in the 1970's. There is no proposal to change the existing height or any built form controls on the site.

The Planning Proposal was publicly exhibited for 14 days from Saturday 8 July 2017 to Sunday 23 July 2017. One (1) submission was received in support of the proposal.

No objections were raised to the proposal by the Development Assessment, Strategic Planning, Economic Development, and Traffic teams within Council and the application is considered appropriate to support.

Council has prepared a Planning Proposal Submission supporting the issue of a Gateway Determination by the Department for the proposed amendments to WLEP 2011 (Attachment 2).

RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council:

- Forward the Planning Proposal Submission to amend Warringah Local Environmental Plan 2011 to permit the additional uses of a 'Medical Centre' and 'Office Premises' at 729-731 Pittwater Road, Dee Why to the Department of Planning and Environment for a Gateway Determination.
 - Publicly exhibit the Planning Proposal for 729 – 731 Pittwater Road Dee Why in accordance with any Gateway Determination issued by the Department of Planning and Environment.
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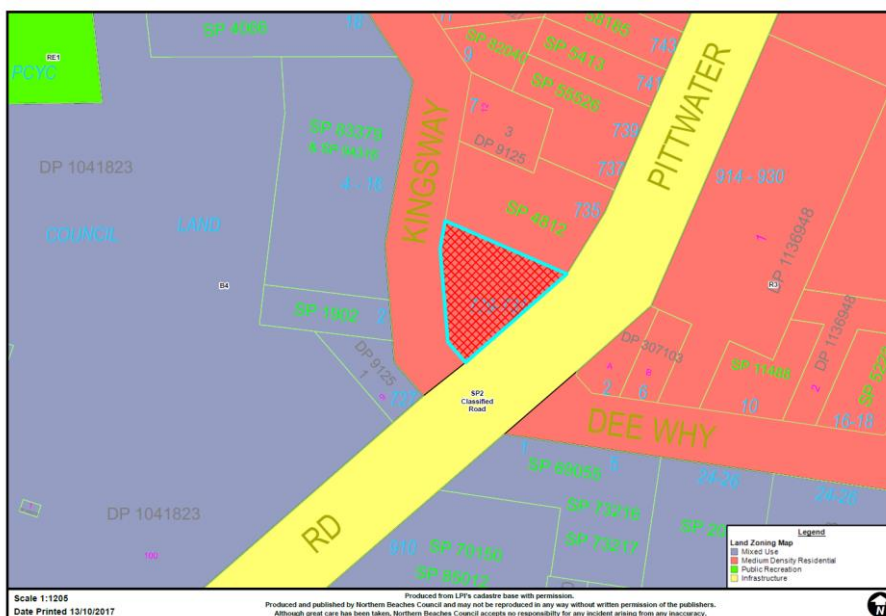
REPORT

BACKGROUND

Council received a Planning Proposal application on 27 June 2017 to amend Schedule 1 (Additional Permitted Uses) of Warringah Local Environmental Plan 2011 (WLEP 2011) to permit the additional uses of 'medical centre' and 'office premises' on land known as 729 to 731 Pittwater Road, Dee Why (Lot CP SP 13436).

The land is currently zoned R3 Medium Density Residential under WLEP 2011 which permits a range of mainly residential uses, including residential flat buildings. The land and surrounding residential area to the north is subject to a maximum 12 metre building height limit under WLEP 2011.

The land has an area of 1,334 m² and is currently occupied by a three story building with roof top and undercover parking for 31 spaces. The building was approved by Council in 1976 and is utilised for medical consulting purposes and a pharmacy. The medical centre use is now prohibited under the current zoning of the land and appears to operate as an "existing use".



CONSULTATION

The Planning Proposal was placed on public exhibition from Saturday 8 July 2017 to Sunday 23 July 2017. The exhibition included:

- Manly Daily Advertisement
- Approximately 460 letters to local land owners, residents and business
- Electronic copies of the exhibition material on Council's website
- Email to registered community members who have listed their interest on Council's Community Engagement Register
- Hard copies of the Planning Proposal were placed at Manly, Dee Why and Mona Vale Customer Service centres and Dee Why Library.

Council received one (1) submission in support of the Planning Proposal which is summarised below.

Issue	Comments	Response
Support for the Planning Proposal	This is an under-utilised corner that would benefit by allowing a greater use of the position including high rise residential. I have no problem with other uses to be allowed there.	Noted. The Planning Proposal does not involve an increase in permissible building height on the site (currently 12 metres)

Planning Considerations

Current uses and controls

The land subject to the Planning Proposal is currently occupied by a three storey building. Council granted development consent in 1976 (Consent No 73/76) for the purpose of a 'medical centre' (which was permissible at that time). However, since construction of the existing building, the site (and adjoining sites to the north) have been rezoned R3 Medium Density Residential under WLEP 2011. Medical centres and office premises are prohibited in this zone.

It is recognised that the site benefits from existing use rights for the "medical centre" use. However, the applicant has indicated that given changing conditions in the market there is a commercial need to utilise the existing premises for "office premises" in addition to the existing medical centre use. In accordance with the WLEP 2011 the uses are defined as follows:

- **Medical centre** – means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.
- **Office premises** – means a building or place used for the purpose of administrative, clerical, technical, professional, or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

The Planning Proposal application seeks an amendment to Schedule 1 – Additional Permitted Uses of WLEP 2011 to permit 'office premises' as well as 'medical centre' to formalise the current

land use being carried out on the subject site. There is no proposal to change the existing height or any built form controls on the site.

The subject site is within 50 metres of a Heritage Item, which consists of Council's Civic Centre, Library and carpark. However the site is separated from these items by a road (The Kingsway) and other development, and the proposed additional uses will not result in any change of the building form on the site.

The Proposal is considered to be consistent with plan-making Directions issued by the Minister for Planning under Section 117 of the *Environmental Planning and Assessment Act, 1979* and relevant State Environmental Planning Policies. Please see the Planning Proposal submission at Attachment 2 for details.

The Proposal is not expected to impact traffic or car parking demand as office premises generate requirements for less car parking than the current use of the site as a medical centre.

Despite the residential zoning of the site, the proposed additional permitted uses are considered appropriate given the purpose-built nature of the existing building on the site and the location of the site in close proximity to the Dee Why Town Centre.

Local Character

The subject land is located immediately to the north of the Dee Why Town Centre and is a corner site that directly adjoins residential apartment building to the north. The site is located on Pittwater Road and within 400 metres to the main Dee Why bus interchange. The *Plan for Growing Sydney (2014)* identifies Brookvale-Dee Why as a key strategic centre with an objective to retain the commercial core and encourage long term employment growth in the area.

The district centres of Brookvale – Dee Why accommodate retail and local services for communities. One of the key priorities of the *draft North District Plan (2016)* is to "recognise and enhance the economic and employment opportunities along Pittwater Road and encourage revitalisation along this commercial strip."

CONCLUSION

The Planning Proposal is considered to have merit and satisfies the pre-Gateway requirements of the Department of Planning and Environment. It is recommended that Council forward the Planning Proposal submission (Attachment 2) to the Department for Gateway Determination. Further community consultation will be undertaken in accordance with any Gateway Determination issued by the Department, with the outcomes reported to Council.

FINANCIAL IMPACT

The preparation of the Planning Proposal for 729 – 731 Pittwater Road Dee Why has been funded by the fees established in the *Northern Beaches Fees and Charges 2017 – 2018*.

SOCIAL IMPACT

This Planning Proposal for 729 – 731 Pittwater Road, Dee Why will have limited social impact, as the inclusion of the additional permitted uses of a 'medical centre' and 'office premises' are similar to the current uses of the site.

ENVIRONMENTAL IMPACT

The Planning Proposal will have no impact on the environment as the site is already fully developed and the proposed additional permitted uses of 'medical centre' and 'office premises' will be contained within the existing built form.

COUNCIL RESOLUTION

MINUTES OF ORDINARY COUNCIL MEETING
24 OCTOBER 2017

9.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

**9.2 PLANNING PROPOSAL - 729-731 PITTWATER ROAD DEE WHY TO PERMIT
ADDITIONAL USES UNDER WARRINGAH LOCAL ENVIRONMENT PLAN 20**

143/17 **RESOLVED**

Cr Regan / Cr Ferguson

That Council:

- A. Forward the Planning Proposal Submission to amend Warringah Local Environmental Plan 2011 to permit the additional uses of a 'Medical Centre' and 'Office Premises' at 729-731 Pittwater Road, Dee Why to the Department of Planning and Environment for a Gateway Determination.
- B. Publicly exhibit the Planning Proposal for 729 – 731 Pittwater Road Dee Why in accordance with any Gateway Determination issued by the Department of Planning and Environment.

VOTING

FOR: Crs Amon, Bingham, Daley, Ferguson, Grattan, Harrison, Heins, McTaggart, Philpott, Regan, Sprott, Walton, Warren and White

AGAINST: Cr De Luca

CARRIED