

Planning Services

Gateway Determination Report

LGA	Northern Beaches
RPA	Northern Beaches Council
NAME	Planning proposal to permit Medical Centres and Office Premises on land zoned R3 Medium Density Residential at 729-731 Pittwater Road, Dee Why
NUMBER	PP_2017_NBEAC_006_00
LEP TO BE AMENDED	Warringah Local Environmental Plan 2011 (WLEP 2011)
ADDRESS	729-731 Pittwater Road, Dee Why
DESCRIPTION	Lot CP SP 13436
RECEIVED	31/10/2017
FILE NO.	IRF/174
QA NUMBER	qA421260
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to permit Medical Centres and Office Premises on the subject land, without changing its zoning or associated development controls.

Site Description

The 1,334sqm site is located to the north of Pittwater Road, which separates it from Dee Why Town Centre immediately across the road. Existing built form on the site comprises a 729sqm 3 storey purpose built medical centre, with rooftop and underground parking, approved in 1976 by Warringah Council as a then permissible use.

Surrounding Area

The site, located at the southward apex of Pittwater Road and The Kingsway, is currently zoned R3 Medium Density Residential, as is the adjoining and surrounding land to the north of Pittwater Road, with no FSR and a 12m height limit under WLEP 2011. The medical centre has operated on an existing use right basis since 2011, when the site and surrounding land was converted to the R3 zoning.

The site is within 50m of local heritage item comprising Council's civic centre, library and carpark, which are separated from it by The Kingsway. It is also 400m from the main Dee Why bus interchange.

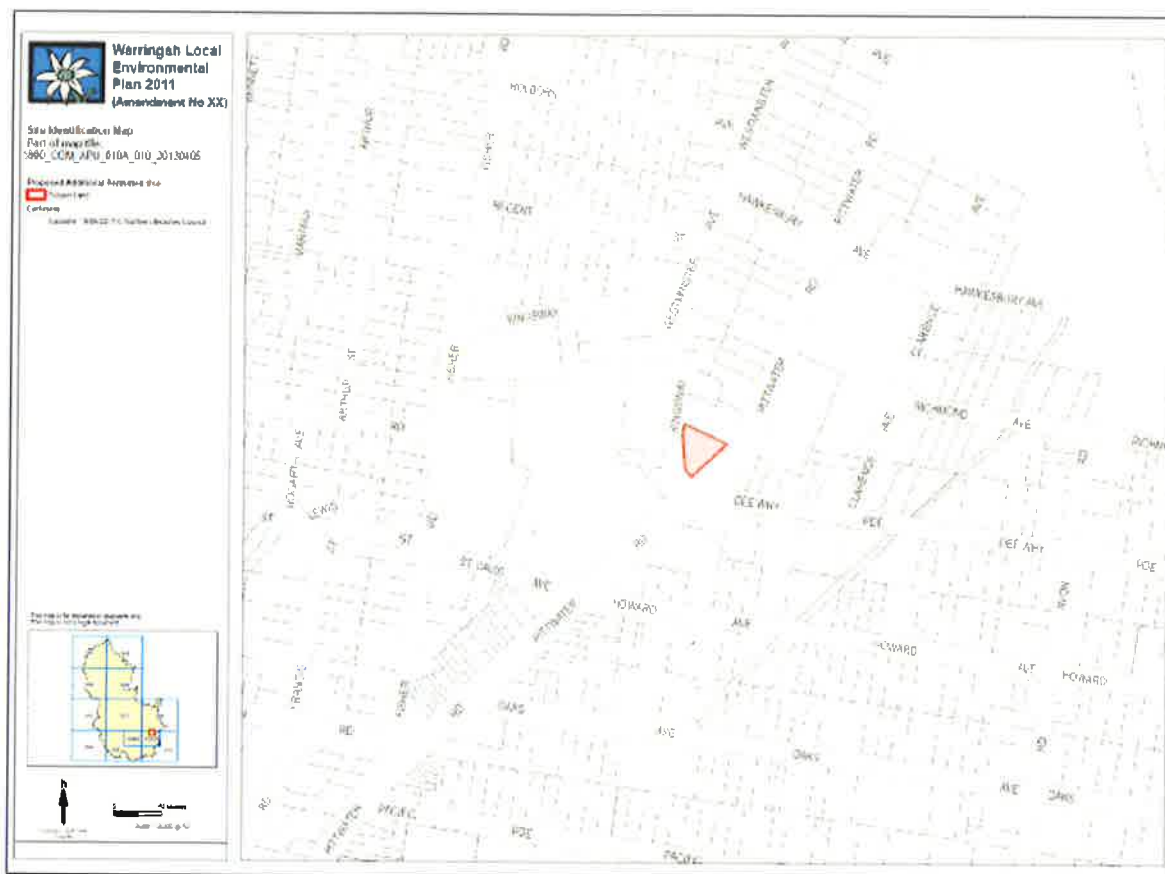


Figure 1: Site location



Figure 2: Extract from Warringah LEP 2011 Zoning Map

Summary of Recommendation

It is recommended that the planning proposal proceed, subject to conditions.

The planning proposal is considered to have strategic planning merit as it will assist in delivering increased employment opportunities adjacent to an existing centre well served by public transport and services.

The proposal will enhance the economic viability of the site and enable it to provide better services to the local community, without any adverse impacts on the adjacent properties. It will not change the zoning of the site or associated development controls. It will not prevent future use of the site for residential development if so desired.

PROPOSAL

Objectives or Intended Outcomes

The statement of objectives accurately describes the intention of the planning proposal. The proposal intends to amend WLEP 2011 to rationalise the existing medical centre use on the site, as well as allowing Office Premises, without any changes to the current R3 Medium Density Residential zoning and associated development controls.

Explanation of Provisions

The provisions of the plan stated above are clear and straight-forward.

Mapping

The proposal involves adding the site to the Schedule 1 maps, showing the proposed additional Medical Centres and Office Premises uses. The mapping provided is considered adequate. However, for clarity, Council should be requested to include a map showing the proposed addition of the site to the Additional Permitted Uses Map prior to public exhibition.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the subject of any strategic study or report. However, it does not seek to rezone the land, which could otherwise give rise to potential impacts with the neighbouring residential zone. In addition, the existing medical consulting room use and isolated corner location mitigate against any undesirable precedent in relation to adjoining R3 zoned properties. The planning proposal is thus the best way of making the additional uses permissible.

STRATEGIC ASSESSMENT

State

The planning proposal is broadly consistent with *A Plan for Growing Sydney* by:

- supporting the local economy by maintaining the medical consulting room use and introducing office premises, enabling the possibility of 40 future jobs (Direction 1.6);
- maintaining health services, to meet Sydney's growing needs (Direction 1.10); and
- maintaining the supply, diversity and choice of housing in an area close to public transport and good facilities (Directions 2.1 and 2.3).

The planning proposal is broadly consistent with similar policies in the *Draft Greater Sydney Region Plan* to:

- provide services and infrastructure to meet community needs (Objective 6);
- provide ongoing housing supply and types in right places (Objective 10);

- integrate landuse and transport, creating walkable cities (Objective 14); and
- focus investment and business activity in centres (Objective 22).

The proposal will need to be revised prior to exhibition to demonstrate consistency with the *Draft Greater Sydney Region Plan*, as this has not been addressed within the planning proposal.

Regional / District

The planning proposal is generally consistent with the *draft North District Plan's* priorities for the Brookvale/Dee Why commercial core (p56) because it:

- encourages maintaining a mix of uses to enable the Brookvale/Dee Why commercial core to perform strongly;
- recognises and enhances economic and employment opportunities along Pittwater Road; and
- reduces traffic congestion on Pittwater Road by reducing car dependency and promoting walking, cycling and public transport.

The planning proposal is broadly consistent with similar policy priorities in the *Revised Draft North District Plan* to:

- provide services and social infrastructure to meet people's changing needs (Planning Priority N3);
- provide housing supply, choice and affordability, with access to jobs and services (Planning Priority N5); and
- grow investment, business opportunities and jobs in strategic centres (Planning Priority N10).

The proposal will need to be revised prior to exhibition to demonstrate consistency with the *Revised Draft North District Plan*, as this has not been addressed within the planning proposal.

Local

The proposal is generally consistent with the *Warringah Community Strategic Plan 2023* which among other matters, seeks to meet the Government's housing and jobs targets and revitalise Dee Why, by:

- encouraging the convenience and safety of non-car based transport such as walking (objective 4.4);
- supporting businesses by providing a range of services and employment opportunities (objective 5.2); and
- providing a variety of housing choice that meets the needs of the community.

The planning proposal is generally consistent with the *Warringah Employment Lands Study 2013*, which identifies Dee Why and Brookvale as the main precincts for employment growth within the former LGA. As the subject land adjoins that area, the planning proposal would help to consolidate employment growth. Also, by providing medical and office services close to where people live and close to public transport, the proposal would contribute to addressing the identified issues restricting the precincts ability to meet its employment capacity.

Section 117(2) Ministerial Directions

The proposal is consistent with the relevant section 117 Directions, apart from 3.1 Residential Zones, with which it is justifiably inconsistent because the proposal is of minor significance.

The objectives of Direction 3.1 are to encourage housing types and choice, use infrastructure and services efficiently, and minimise environmental impacts; and applies because the planning proposal affects land in an existing residential zone.

While the proposal does not propose to affect the site's zoning and permissibility of medium density development, it is technically inconsistent with the Direction because it will introduce non-residential uses into the R3 zone. In addition, while medium density housing will remain permissible as a future form of redevelopment, the proposal is geared towards consolidating the medical consulting room existing use together with office premises that will provide services to meet the day to day needs of residents.

In view of the above, it is considered that the proposal is justifiably inconsistent with s117 Direction 3.1 Residential Zones is of minor significance, as the application of additional permitted uses on the site will legalise the existing use and also allows redevelopment for residential uses in the future.

In addition, the Gateway determination should be conditioned to require Council to explain this matter in the planning proposal prior to public exhibition, as this has not been discussed in the planning proposal.

State Environmental Planning Policies

The planning proposal is consistent with all identified relevant SEPPs.

SITE SPECIFIC ASSESSMENT

Environmental effects

There is very little likelihood of critical habitat or threatened species, given the site consists of a 3 storey building with limited vegetation, on Pittwater Road. There are no other known likely adverse environmental effects (eg contamination, land use conflicts) resulting from the planning proposal.

Social and economic effects

By rationalising the existing medical consulting room use and introducing office premises, the proposal will contribute to diversifying the local economy by increasing employment opportunities on the site by up to 22 jobs in addition to the existing 24 jobs. This outcome retains the possibility of redeveloping the site for up to 43 dwellings at a future time under the R3 Medium Density Residential zoning, which will not change.

The proposal will have a positive social effect by better servicing the local community and contributing to reducing car use and traffic congestion in the area.

CONSULTATION

Community

Council placed the proposal on non-statutory public exhibition for two weeks in July 2017, which received one submission in support of the proposal.

The submission does not suggest an exhibition period for the planning proposal. Given its relatively minor nature, a 14 day community consultation period is considered appropriate.

Agencies

Consultation with NSW Roads and Maritime Services is recommended, as the site has frontages onto classified roads.

TIMEFRAME

The planning proposal indicates the anticipated timeframe for preparation of the LEP amendment to be about 6 months. However, the Department considers a 9 month timeframe to be more appropriate, to cover for any unforeseen circumstances.

DELEGATION

Council has requested exercising its delegation to make the LEP and given its minor nature, this is considered appropriate.

CONCLUSION

The planning proposal is considered to have planning merit as it will consolidate the existing medical consulting room use on the site and generate additional jobs by adding office premises as permissible uses. The proposal will therefore contribute to the growth of the adjacent Brookvale-Dee Why commercial core, while maintaining the permissibility of medium density housing for the future.

The proposal will have a positive effect by better servicing the local community. As the site is well served by public transport, the proposal will also contribute to reducing car dependence and current traffic problems. There are no identified adverse environmental, social or economic effects that may potentially arise from the proposal.

RECOMMENDATION

It is recommended that the delegate of the Secretary agree that the planning proposal is consistent with the relevant section 117 Directions, except for Direction 3.1 Residential Development, with which it is justifiably inconsistent as it is of minor significance.

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - a) demonstrate consistency with the *Draft Greater Sydney Region Plan* and the *Draft Revised North District Plan*;
 - b) demonstrate that the planning proposal is of justified inconsistency with section 117 Direction 3.1 Residential Zones, given it is of minor significance; and
 - c) include a map showing the proposed addition of the site on the WLEP Additional Permitted Uses Map.
2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. Consultation is required with NSW Roads and Maritime Services.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. The timeframe for commencement of the community consultation period is to be 2

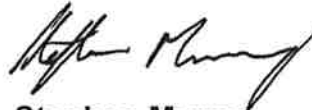
months from the date of the Gateway determination.

6. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



08/12/17

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