

PLANNING PROPOSAL

729 – 731 Pittwater Road Dee Why

Amend Schedule 1 Additional Permitted Uses

October 2017

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Part 1 – Intended Outcomes

This planning proposal applies to 729 – 731 Pittwater Road Dee Why, (Lot CP SP 13436) as shown in Part 4 (Map 1).

The intended outcome of the planning proposal is to amend Warringah Local Environmental Plan 2011 (LEP 2011) to include the following additional permitted uses on the site:

- Medical Centre
- Office Premises

The planning proposal would regularise the current approved use of the 1970's purpose-built medical centre building on the site and allow for a limited range of office premises to make better economic use of that building.

Part 2 – Explanation of Provisions

The proposed amendment to Warringah Local Environmental Plan 2011 is:

- Amend Schedule 1 Additional Permitted Uses to include medical centre and office premises
- Amend Schedule 1 Additional Permitted Uses Map as follows:

Map Sheet	Map Identification Number
Additional Permitted Uses Map APU_010A	1800_COM_APU_010A_010_20130405

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report, however due regard has been given to the *Warringah Employment Lands Study (2013)* which identifies the Dee Why to Brookvale corridor as a strategic employment precinct.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land is currently zoned R3 Medium Density Residential under the Warringah Local Environmental Plan (WLEP) 2011 and is occupied by an existing purpose-built building utilised for medical consulting rooms. The Planning Proposal is the only means by which additional uses can be made permissible on the site.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objective and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal has been reviewed against the relevant Outcomes of the *A Plan for Growing Sydney*. The current Metropolitan Plan for Sydney released in 2014 identifies a number of strategic directions and specific policy settings with regards to transport, housing growth, employment and existing centres.

North Subregion

The North Subregion includes the Northern Beaches Local Government Area (LGA) with an emphasis on retaining employment close to where people live to ease congestion on the roads. A key priority of the North Subregion is maintaining a commercial core in Brookvale-Dee Why to encourage long term employment growth.

The proposal will allow for increased usage of the existing purpose-built building which is ideally suited to office premises.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

By reference to s 3.4 of the Planning Proposal, a review has been undertaken of the Planning Proposal against the following policies and plans of Warringah Council:

1. Warringah Employment Lands Study 2013

The *Warringah Employment Lands Study* was prepared in 2013. Although the Dee Why – Brookvale precinct is identified as the main area of employment growth, the study makes reference to the lack of public transport and traffic issues that restricts the ability to develop the precinct to full employment capacity.

The existing building presents a unique set of circumstances, the established use of the site and additional use of office premises is considered to be appropriate in providing increased employment to the local area whilst minimising impacts as a result of the proximity to infrastructure including public transport.

2. Warringah Community Strategic Plan 2023

The Warringah Community Strategic Plan was formally adopted by Council in 2013. The Plan is built around themes of community, place, environment and leadership. The objectives and intended outcomes of the Planning Proposal support the Community Strategic Plan by enabling increased opportunity for employment growth within and around established centres that are well serviced by public infrastructure and transport. In particular, the Planning Proposal is considered to support the growth of the economy in a sustainable way by providing the opportunity for employment in an existing building close to medium density housing. The Planning Proposal assists in supporting the local employment sector by providing employment close to where people live.

3. Warringah Local Environmental Plan 2011

The site is currently zoned R3 Medium Density Residential under Warringah Local Environmental Plan 2011. The objectives of the current zoning have been considered in relation to the proposed additional uses in the table below:

Warringah LEP 2011 R3 Medium Density Housing Zone				
Objective	Consistent		N/A	Comment
	Yes	No		
To provide for the housing needs of the community within a medium density residential environment.		✓		The proposal will maintain the existing medical centre use of the premises and allow office premises as further additional use. The proposal will not restrict the future redevelopment of the site for residential purposes.
To provide a variety of housing types within a medium density residential environment.			✓	The site has not been used for residential purposes and the proposal does not propose any residential development
To enable other land uses that provides facilities or services to meet the day to day needs of residents.	✓			The proposed additional uses will allow for facilities and services to be provided within walking distance of nearby residential areas and the commercial centre
To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.			✓	The site has not been used for residential purposes and the proposal does not propose any residential development.
To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.			✓	The site has not been used for residential purposes and the proposal does not propose any residential development.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with applicable state environmental planning policies. As shown in the following table.

Table 1. State Environmental Planning Policies (SEPPs)

SEPPs (as at September 2017)		Applicable	Consistent
1	Development Standards	YES	YES
14	Coastal Wetlands	NO	N/A
19	Bushland in Urban Areas	YES	YES
21	Caravan Parks	YES	YES
26	Littoral Rainforests	NO	N/A
30	Intensive Agriculture	NO	N/A
33	Hazardous and Offensive Development	YES	YES
36	Manufactured Home Estates	NO	N/A
44	Koala Habitat Protection	YES	YES
47	Moore Park Showground	NO	N/A
50	Canal Estate Development	YES	YES
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	N/A
55	Remediation of Land	YES	YES
62	Sustainable Aquaculture	YES	YES
64	Advertising and Signage	YES	YES
65	Design Quality of Residential Apartment Development	YES	YES
70	Affordable Housing (Revised Schemes)	YES	YES
71	Coastal Protection	NO	N/A
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	NO	N/A
	(Affordable Rental Housing) 2009	YES	YES
	(Building Sustainability Index: BASIX) 2004	YES	YES
	(Exempt and Complying Development Codes) 2008	YES	YES
	(Housing for Seniors or People with a Disability) 2004	YES	YES
	(Infrastructure) 2007	YES	YES
	(Integration and Repeals) 2016	NO	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	NO	N/A
	(Kurnell Peninsula) 1989	NO	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	YES	YES
	(Miscellaneous Consent Provisions) 2007	YES	YES
	(Penrith Lakes Scheme) 1989	NO	N/A
	(Rural Lands) 2008	NO	N/A
	(State and Regional Development) 2011	YES	YES
	(State Significant Precincts) 2005	YES	YES
	(Sydney Drinking Water Catchment) 2011	NO	N/A
	(Sydney Region Growth Centres) 2006	NO	N/A
	(Three Ports) 2013	NO	N/A
	(Urban Renewal) 2010	NO	N/A
	(Western Sydney Employment Area) 2009	NO	N/A
	(Western Sydney Parklands) 2009	NO	N/A

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The Planning Proposal is consistent with applicable Section 117 Directions (as shown in Attachment 1). Comments on each of the applicable s. 117 Directions are provided in Table 2 below:

Table 2. Ministerial s.117 directions

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	
<p>A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of existing business and industrial zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</p> <p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> <p>(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</p>	<p>The proposal will not alter the existing zoning of the site or the existing use of the site. The proposal will allow for a greater level of services and employment uses to the area whilst maintaining the existing floor space.</p>
2 Environment and Heritage	
2.3 Heritage Conservation	
<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an</p>	<p>The subject property is not currently heritage listed, nor is it known to encompass any structures or archaeology worthy of conservation by way of related provisions in the Planning Proposal or any future LEP amendment.</p> <p>The subject property is within 50 metres of heritage items comprising the Council Civic Centre, Library and Car Park. However, the subject property is separated from these heritage items by a road and other development. In addition, the proposed additional permitted uses will not alter the existing building envelope on the site.</p>

3 Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (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 (b) not contain provisions which will reduce the permissible residential density of land. 	<p>The proposal will not alter the existing R3 Residential zoning of the site and will retain the location of the existing medical consulting rooms.</p> <p>The proposal will allow for a greater level of services and employment uses to the area whilst maintaining the existing floor space.</p> <p>There will be no reduction in the permissible residential density of land nor will the proposal reduce the ability to future development the site for residential purposes.</p>
6 Local Plan Making	
6.3 Site Specific Provisions	
<p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> 	<p>The Planning Proposal will allow for additional uses to be permitted on the site by listing the uses in Schedule 1 of the Warringah LEP 2011. In particular, there is a need to allow for 'office premises' usage on the site to facilitate the commercial viability of the site.</p> <p>The proposal will not restrict the overall use of the land and will maintain the residential zoning of the site.</p>

7 Metropolitan Planning

7.1 Implementation of A Plan for Growing Sydney

	<p>The NSW Government's 'A Plan for Growing Sydney' identified the following key priorities for the Brookvale-Dee Why region:</p> <ul style="list-style-type: none"> ○ <i>Work with council to retain a commercial core in Brookvale-Dee Why, as required, for long-term employment growth.</i> ○ <i>Work with council to provide capacity for additional mixed-use development in Brookvale-Dee Why including offices, retail, services and housing.</i> <p>The Planning Proposal will retain existing jobs on the site and create a planning regime that will support and encourage additional employment opportunities and office use.</p>
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Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The site consists of a 3 storey building with limited vegetation consisting of eucalypt trees on the Pittwater Road frontage. There are no mapped critical habitats, threatened species and or ecological communities present on the site. The building is currently used for medical consulting purposes.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no specific environmental effects likely as a result of the Planning Proposal. There are no known potential sources of contamination on the subject land. The land has been historically used as a medical centre which will remain as part of the Proposal. There will be no external works to the site to facilitate additional uses on the land. The proposal will provide an opportunity to better utilise an existing commercial site.

The Planning Proposal is unlikely to result in any land use conflicts with the immediate vicinity and therefore it is not expected to limit the ongoing use of the surrounding lands for the range of uses permitted in the current R3 residential zoning to the north and west. The proposal will complement the existing surrounding land uses to the south and east and allow for increased employment. The changing environment of the area allows for a greater range of future commercial uses which will support the viability of the Brookvale-Dee Why employment corridor.

9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will contribute to a diversifying of the local economy by providing for greater commercial viability of the site and increase employment opportunities. By providing for medical and office use, it will make a positive contribution to the local community by supporting local businesses and the community and make better use of a purpose-built facility.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The additional permitted uses will not result in an increase in demand for public infrastructure. The site is approximately 400m walking distance from the main Dee Why bus interchange. It is in the interest of the State Government to intensify employment and services in close proximity to these services and thereby increase employment opportunities for the Dee Why community.

Traffic and Parking

A review of Council's parking controls contained within Appendix 1 of Warringah Development Control Plan (DCP) as detailed in the Table 3 below:

Table 3. Comparison of car parking requirements in Warringah DCP 2011

Warringah DCP 2011 Parking Requirements		
Use	DCP Parking Rate	Parking required for premises
Office premises	1 per 40m ² GFA	18.225 car spaces
Medical Centre	4 spaces per 100m ² GFA	29.16 car spaces

NOTE: the above calculations are based on the whole building being used as one use.

The total gross floor area of the building is 729m² and the current 31 car spaces provided by the premises exceeds the minimum requirement for the use of the building as a medical centre or office premises, as demonstrated above. The introduction of office use has the potential to reduce traffic generated by the building as office premises require fewer parking spaces than the use of the building for medical centre purposes.

In addition to on-site parking, there is ample parking available in the Council car park located on the corner of Kingsway/St David's Road and Pittwater Road. Furthermore, the site is well served by public transport, with the main Dee Why bus interchange located approximately 400m from the site.

The subject building is already used for medical consulting purposes. The additional use of the building for office premises is not expected to result in any significant impacts on surrounding uses. The proposed additional uses are not expected to result in additional traffic or parking demand given the low rate of patronage expected for office premises.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No formal consultation has been undertaken with other State or commonwealth authorities. Where necessary, consultation with relevant authorities will be undertaken as required in accordance with initial Gateway determination.

NORTHERN BEACHES COUNCIL

Map 3 – Heritage Map and subject site shown as hatched



Part 5 – Community Consultation

Council placed the applicant's planning proposal on non-statutory public exhibition in accordance with Council's Community Engagement Policy from Saturday 8 July to Sunday 23 July 2017 (2 weeks). Notification included:

- A public notice in the Manly Daily notifying of the public exhibition on Saturdays 8 & 15 July 2017
- Letters to 460 land owners and occupiers within 100 m radius of the subject site
- 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 for the former Warringah local government area

One (1) submission was received supporting the proposal in response to the public exhibition period. Council's response to the submission is contained within the attached Council report of 24 October 2017. No submissions were received opposing the proposal.

There have been no matters raised of such significance that should prevent the proposal proceeding to Gateway determination.

The Gateway determination will confirm the public consultation that must be undertaken. It is recommended that the following government agencies be consulted:

- Roads and Maritime Services (RMS)

Part 6 – Project Timeline

Task	Anticipated timeframe
Referral to Department of Planning & Environment for Gateway determination	November 2017
Issue of Gateway determination	December 2017
Government agency consultation (if required)	January 2018
Public exhibition period	February 2018
Consideration of submissions	March 2018
Report to Council to determine planning proposal	April 2018
Submit planning proposal to the Department of Planning & Environment for determination	May 2018

Attachment 1 – Ministerial s.117 directions

Directions		Applicable	Consistent
1	Employment and Resources		
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	NO	N/A
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A
2	Environment and Heritage		
2.1	Environment Protection Zones	NO	N/A
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	YES	YES
2.4	Recreation Vehicle Areas	NO	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	NO	N/A
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	NO	N/A
3.3	Home Occupations	NO	N/A
3.4	Integrating Land Use and Transport	NO	N/A
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A
4	Hazard and Risk		
4.1	Acid Sulfate Soils	NO	N/A
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	NO	N/A
4.4	Planning for Bushfire Protection	NO	N/A
5	Regional Planning		
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	NO	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008 See amended Direction 5.1)	NO	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	NO	N/A
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A
5.10	Implementation of Regional Plans	NO	N/A
6	Local Plan Making		
6.1	Approval and Referral Requirements	NO	N/A
6.2	Reserving Land for Public Purposes	NO	N/A
6.3	Site Specific Provisions	YES	YES
7	Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	YES	YES
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A