

Rezoning of land at 638 Pittwater Road, Brookvale for business purposes and to permit additional uses on the site.

Proposal Title : Rezoning of land at 638 Pittwater Road, Brookvale for business purposes and to permit additional uses on the site.

Proposal Summary : The planning proposal seeks to rezone land at 638 Pittwater Road, Brookvale (Lot 1 DP 1001963) from a split zoning comprising of part IN1 General Industrial and part B5 Business Development to a B5 Business Development zone over the entire site and permit additional uses including office and retail premises and shop top housing on the site, under Warringah Local Environmental Plan (LEP) 2011.

PP Number : PP_2012_WARRI_002_00 Dop File No : 12/11823

Proposal Details

Date Planning Proposal Received : 06-Jul-2012 LGA covered : Warringah

Region : Sydney Region East RPA : Warringah Council

State Electorate : MANLY Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 638 Pittwater Road

Suburb : Brookvale City : Sydney Postcode : 2100

Land Parcel : Land at 638 Pittwater Road, Brookvale (Lot 1 DP 1001963) has a split zoning comprising of part IN1 General Industrial and part B5 Business Development under Warringah LEP 2011.

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment : **The Regional Team is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

However, as part of making of Warringah LEP 2011 submissions were received on behalf of St Vincent De Paul Society (including registered lobbyist Sarah Taylor) requesting to either defer land at 638 Pittwater Road, Brookvale from the draft Plan or amend the draft Plan to allow a DA for affordable housing to be considered.

Supporting notes

Internal Supporting Notes : **The subject site is located at 638 Pittwater Road, Brookvale (Lot 1 DP 1001963) and has a total area of 2,662sqm. The site currently has a split zoning comprising of part IN1 General Industrial and part B5 Business Development, under Warringah LEP 2011.**

The site is owned by the Trustee Society of St Vincent De Paul and includes a two storey building used as a retail, office and storage premises and car parking.

The proposal seeks to remove the split zoning on the site and zone the entire site B5 Business Development and also expand existing 'Area 9' of Schedule 1 Additional Permitted Uses to cover the entire site.

Part of the site is currently included in 'Area 9' of Item 5 in Schedule 1, which allows for the development of retail and office premises and shop top housing.

The proposal also seeks to rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development, so that the entire lane has the same zoning and also expand 'Area 9' of Schedule 1 to include the entire lane.

The proposal is consistent with the zoning of adjoining land in Brookvale and enables a higher utilisation of the land consistent with the centre's major centre status, as identified in the draft North East Subregional Strategy.

In 2011 the Department and the Minister received submissions, on behalf of the St Vincent De Paul, seeking an amendment to the exhibited version of Warringah's comprehensive

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LEP to allow shop top housing on the site and remove the split zoning.

On 23 August 2011 Council resolved that it would not oppose the addition of 'shop top housing' as an additional permitted use within 'Area 9' of Schedule 1, consistent with Warringah LEP 2000. This change was made to the Plan. This change did not apply to the entire site and only applied to that part of the subject site that was within 'Area 9'.

The planning proposal seeks to extend 'Area 9' to cover the entire site and therefore, will permit shop top housing on the whole of the site.

There are no additional items added to Schedule 1 through this proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to:

- rezone land at 638 Pittwater Road, Brookvale and Charlton Lane from a split zoning consisting of IN1 General Industrial and B5 Business Development to allow the entire site to be zoned B5 Business Development under Warringah LEP 2011;
- to expand 'Area 9' of Item 5 of Schedule 1 Additional Permitted Uses to include the entire site at 638 Pittwater Road, Brookvale and Charlton Lane.

The intended outcome of the planning proposal is to remove the split zoning on the site and lane and rezone the land consistent with adjoining land in Brookvale.

The statement of objectives should be amended to advise that additional permitted uses on the site will include retail and office premises and shop top housing.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions is adequate. The below Warringah LEP 2011 maps will be amended to reflect the planning proposal:

- Land Zoning Map, and
- Additional Permitted Use Map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007

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e) List any other matters that need to be considered :

SEPP 55 'Remediation of Land' may apply to the site, as the proposal is seeking to permit shop top housing on land which was zoned IN1 General Industrial under Warringah LEP 2011.

The SEPP advises that when preparing an LEP, consideration must be given as to whether the land is contaminated, and if the land is contaminated, that it is suitable for the proposed permitted uses. Council should consider the SEPP as part of this planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The planning proposal will see land currently zoned IN1 General Industrial rezoned to B5 Business Development. Due to the reduction of industrial land, Direction 1.1 Business and Industrial zones applies.

Under this Direction, a planning proposal must retain the areas and locations of existing industrial zones. It is considered that the rezoning is of minor significance and will not present a significant loss of industrial land as the site is only 2,662sqm, located on the edge of an existing industrial zone and currently occupies an office, retail and storage development. The planning proposal will support employment opportunities and job containment in the north east subregion.

It is recommended that the Director General agree that the planning proposal can proceed on the basis that the inconsistency with 1.1 Business and Industrial Zones is of minor significance.

As the planning proposal will see additional permitted uses apply to the site, Direction 6.3 Site Specific Provisions applies. It is noted that Schedule 1 already applies to part of the site under current planning controls and the proposal seeks to extend the application of Schedule 1 to cover the entire site. It is therefore recommended that the Director General be satisfied that the planning proposal can proceed on the basis that the inconsistency with this Direction is of minor significance.

The planning proposal is considered to be consistent with other Section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Maps provided are adequate and include:

- existing zoning map;
- proposed zoning map;
- existing additional permitted uses map;
- proposed additional permitted uses map; and
- aerial photograph.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council is proposing to place details of the public exhibition of the planning proposal in the Manly Daily newspaper and on Council's website. Letters are also proposed to be issued to adjoining property owners and emails sent to community groups. Council supports exhibiting the proposal for 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

Comments in relation to Principal LEP : The Warringah Comprehensive LEP 2011 was made in December 2011. The planning proposal uses Standard Instrument zones. The proposal does not include any additional items in Schedule 1, instead it extends the application of an existing schedule 1 item to cover the entire site.

The proposal removes a split zoning on the site.

Assessment Criteria

Need for planning proposal : The planning proposal responds to a submission made by the owner of the site to the exhibited version of Warringah's comprehensive LEP. The submission requested that the whole of the site be zoned B5 Business Development because the split zoning presents a constraint to development.

In 2010 Council resolved that it would prepare a report on several matters arising from submissions made during the public exhibition of its LEP, including the subject site.

Correspondence dated 7 February 2012 on behalf of St Vincent de Paul supports the proposed rezoning of the site. The planning proposal is supported as the most appropriate way to remove the split zoning of the site.

Consistency with strategic planning framework : Brookvale Dee Why is classified as a major centre within the north east subregion and under the Metropolitan Plan for Sydney 2036 the employment target for the centre is for 5,000 new jobs by 2036. The proposal will zone the entire site for business purposes and enable the provision for office and retail premises on the site, which will support the employment function of the centre and allow employment uses to be located close to public transport.

The proposal also allows shop top housing on the site. It is noted that the draft North East Subregional Strategy advises that Dee Why will be the location for higher density housing in a mixed use setting and Brookvale will be investigated for higher order employment activities and that planned residential growth surrounding Brookvale centre will need to be compatible with the employment capacity forecast for the centre.

Under Schedule 1, shop top housing is permitted in Area 9 if Council is satisfied that the development will have no adverse impact on adjoining industrial land. Furthermore, shop top housing is already permissible on part of the site as well as on adjoining land within Area 9. It is considered appropriate to allow this use on the site.

Environmental social economic impacts : Council has advised that there is no critical habitat, threatened species or ecological communities identified on the site.

The planning proposal will support Brookvale's economic competitiveness and increase employment opportunities and job containment in the north east subregion. The planning proposal will also provide the potential for additional residential opportunities through the permissibility of shop top housing on the site.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **RPA**

Public Authority
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The planning proposal will increase employment opportunities and job containment in the north east subregion and will also provide the potential for additional residential opportunities on the site.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The planning proposal will not have any adverse impacts on existing public infrastructure, due to its minor nature.**

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended the planning proposal proceed subject to the following conditions:**

- a) The planning proposal be exhibited for at least 28 days.**
- b) The planning proposal be completed within nine months of the Gateway**

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Determination.

c) The planning proposal be amended to make the statement of the objectives clearer by outlining the additional uses permitted on the site via Schedule 1.

e) The Director General is satisfied that the planning proposal can proceed under S.117 Direction 1.1 Business and Industrial Zones as the loss of industrial land is of minor significance.

f) Council to consider SEPP 55 'Remediation of Land' as the proposal is permitting residential uses on land which has been zoned IN1 General Industrial under Warringah LEP 2011.

f) No consultation with Government agencies is required.

g) No further studies are required to be carried out for the planning proposal.

Supporting Reasons :

The Planning Proposal should proceed for the following reasons:

(1) The proposal will enable the removal of the split zoning that currently exists on the site. The rezoning and additional permitted uses are consistent with adjoining land.

(2) The planning proposal will support Brookvale's economic competitiveness and increase employment opportunities and job containment in the north east subregion.

(3) The planning proposal will provide the potential for additional residential opportunities through the permissibility of shop top housing on the entire site.

(3) The planning proposal is not adding any additional items to Schedule 1.

Signature:

D. Pitney

Printed Name:

DAVID PITNEY

Date:

20/7/12