



Warringah  
Council

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Director-General

4 July 2012

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Mr Sam Haddad  
Director General  
NSW Department of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2011

Dear Mr Haddad

**Planning proposal for 638 Pittwater Road, Brookvale**

Warringah Council seeks a Gateway Determination from the NSW Department of Planning and Infrastructure in regard to the above site.

The attached planning proposal has been prepared in accordance with the Department's *Guide to Preparing Planning Proposals* (July 2009).

This planning proposal responds to a staff investigation into the appropriate zoning for the subject land and Council's resolution of 27 March 2012.

Warringah Council requests that the Department provide a Gateway Determination and inform Council of the requirements and timeframes for resolving the proposal.

Should you have any further enquiries, please contact Caroline Kades, Senior Strategic Planner on 9942 2330 (Mon, Tues, Wed).

Yours sincerely

Caroline Kades  
**Senior Strategic Planner**

Enquiries: Caroline Kades, 9942 2330

## PLANNING PROPOSAL

for

638 Pittwater Road, Brookvale

Prepared by Warringah Council, June 2012

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## 1. Introduction

The proposal seeks to

- rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development,
- extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of Lot 1, DP 1001963, 638 Pittwater Road Brookvale,
- rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development,
- extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the southern part of Charlton Lane, and
- amend the Land Use Zoning Map and the Additional Permitted Uses Map accordingly.

The intended outcomes will be:

1. a consistent zoning that removes the split zoning of the site,
2. a zoning that is consistent with the zoning of the Brookvale centre, and offers a higher utilisation of the land consistent with the functions of the major centre of Brookvale,
3. a zoning that provides employment, and
4. a zoning that does not cause conflict with the adjoining general industrial uses.

At its meeting on 27 March 2012, Warringah Council resolved to prepare a planning proposal in relation to this matter. The resolution of Council and report are at Attachment 6.

## 2. The site and surrounding area

### 2.1 Site context and location

The site is Lot 1, DP 1001963, at 638 Pittwater Road, Brookvale, located on a corner site on the eastern side of Pittwater Road, the northern side of Orchard Road and the western side of Charlton Lane.

The area of the site is 2662 m<sup>2</sup> (Source: SEA, Council's GIS system) and is irregularly shaped, with dimensions as follow:

| Road                          | Length of boundary (metres) |
|-------------------------------|-----------------------------|
| Pittwater Road                | 16.21                       |
| Orchard Road                  | 90.61                       |
| Cnr Orchard / Pittwater Roads | 7.3                         |
| Charlton Lane                 | 40.23                       |



Brookvale Bus Depot is to the south, adjoining Zone IN1 General Industrial development to both the south and east of the site, while the Zone B5 Business Development of Brookvale is to the west of Pittwater Road and to the north of the site.

## 2.2 Current ownership and development

Lot 1, DP 1001963 at 638 Pittwater Road Brookvale is owned by the Trustees Society of St Vincent de Paul.

St Vincent de Paul has advised that they have owned the site since 1979, and that they will retain the site as their Regional Centre and Offices for the Northern Beaches.

The site is currently occupied by a two storey industrial-style building with surface car parking and loading facilities to the east of the building, with vehicular access via Orchard Road.

St Vincent de Paul advises that the whole of the site is used for charitable 'not for profit' Society work, with the ground floor being used for receiving and reselling clothes, furniture, etc. The first floor is used for offices, meeting and storage.

Loading areas and carparking are provided to the east of the existing building.

Several trees are located along the eastern and southern boundaries (ie to Orchard Road and Charlton Lane).

## 2.3 Surrounding development

| Aspect from site | Address            | Occupier                    | Comments                                                                                                     |
|------------------|--------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------|
| North            | 640 Pittwater Road | Coates Hire                 | One storey masonry building, storage and display of goods for hire                                           |
| North            | 642 Pittwater Road | Valentine's function centre | Adjoins Coates and eastern part of site                                                                      |
| East             | 7 Orchard Road     | Lightpower                  | Two storey industrial building, rooftop carparking (access from Orchard Road), garage doors to Charlton Lane |
| South            | Lot A, DP 435910   | Brookvale Bus Depot         | Located west of Powells Lane                                                                                 |
| South            | 4 Orchard Road     | Hudson Building Supplies    | East of Powells Lane                                                                                         |
| West             | 481 Pittwater Road | Col Crawford                | Motor showrooms                                                                                              |

### **3. The planning proposal**

#### **3.1 Statement of the objectives or intended outcomes of the proposed instrument**

The planning proposal intends:

- to rezone Lot 1, DP 1001963 at 638 Pittwater Road Brookvale from the split B5 Business Development and IN1 General Industrial zones to be entirely zoned B5 Business Development, and
- to rezone the southern part of Charlton Lane from Zone IN1 General Industrial so that all of Charlton Lane is zoned B5 Business Development
- to expand Clause 5 of Schedule 1 (shown as Area 9 on the Additional Permitted Uses Map) so that the whole of Lot 1, DP 1001963, at 638 Pittwater Road, Brookvale is included within Area 9; and
- to expand Clause 5 of Schedule 1 (shown as Area 9 on the Additional Permitted Uses Map) so that all of Charlton Lane is included within Area 9.

The intended outcomes will be a consistent zoning that:

1. removes the anachronistic split zoning of Lot 1, DP 1001963,
2. is consistent with the zoning of the Brookvale centre, and offers a higher utilisation of the land consistent with the functions of the major centre of Brookvale,
3. provides employment and enjoys the same additional permitted uses as the immediately adjoining land, and
4. does not cause conflict with the adjoining general industrial uses.

#### **3.2 Explanation of the provisions that are to be included in the proposed instrument**

The planning proposal will require the following provisions of WLEP 2011 to be amended (see Attachments 1 and 2):

- Warringah LEP 2011 Land Zoning Map Sheets LZN 008A ([1800 COM LZN 008A 010 20110919](#)) and LZN 008A ([1800 COM LZN 010A 010 20110919](#)) in accordance with the Proposed Land Zoning Map (shown at Attachment 1), to rezone that part of Lot 1, DP 1001963 at 638 Pittwater Road Brookvale and the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development; and
- Warringah LEP 2011 Additional Permitted Uses Map Sheets APU 008A ([1800 COM APU 008A 010 20110919](#)) and APU 010A ([1800 COM APU 010A 010 20110919](#)) in accordance with the Proposed Additional Permitted Uses Map to expand Clause 5 of Schedule 1 (shown as Area 9 on the Additional Permitted Uses Map – see Attachment 2) to include all of Lot 1, DP 1001963, at 638 Pittwater Road, Brookvale, and all of Charlton Lane.

### **3.3 Justification for objectives, outcomes and provisions and the process for their implementation**

#### **A. The need for the planning proposal**

##### 3.3.1 Is the planning proposal a result of any strategic study or report?

Submission to draft WLEP 2009

The planning proposal results from a submission (see Attachment 4) by the owners of the site, the Trustees Society of St Vincent de Paul to the exhibition of draft Warringah Local Environmental Plan 2009, which was reported to Council on 8 June 2010 (see Attachment 5).

In brief, the submission requested that the whole of the site be zoned B5 Business Development, on the basis that current retail and office uses of the site can continue.

The submission advised that redevelopment is likely to include retail and offices at ground floor with additional office uses above, and that the split zoning presents a constraint to development.

##### Further report

In response to a Mayoral Minute of 24 August 2010, Council resolved that staff were to prepare a report on several matters arising from submissions to the draft WLEP 2009, including the St Vincent de Paul site at Brookvale.

An email (7 February 2012) on behalf of the Trustees Society of St Vincent de Paul in support of the proposed rezoning to B5 Business Development is at Attachment 3.

Following consideration of the report prepared for the St Vincent de Paul site, as previously stated, Council resolved to prepare a planning proposal at its meeting on 27 March 2012 (please see Attachment 6).

##### Planning history

The split zoning seems to be historically based. Under both the Warringah Shire Planning Scheme 1963 and under WLEP 1985, the site comprised three lots, of which the westernmost lot on the corner of Pittwater Road and Orchard Street was zoned general business and eastern two lots were zoned industrial.

Under WLEP 2000 the subject site was in two localities, which was then reflected in the zoning under the draft WLEP 2009:

- The former Locality F1 Brookvale Centre became the Zone B5 Business Development and Area 9 under Clause 5 of Schedule 1 Additional Permitted Uses; and
- The former Locality F3 Brookvale Industrial became the Zone IN1 General Industrial.

##### Present situation

The current split zoning appears to follow the original subdivision pattern and zoning, although the three lots are now consolidated into a single lot.

##### 3.3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

A planning proposal is needed to change to a single zone rather than a split zone to provide employment, and to be consistent over the subject site.

A planning proposal is also required to expand Area 9 to include the whole of the subject site, thereby increasing the range of permissible uses.

### 3.3.3 Is there a net community benefit?

The Planning Proposal will deliver a net community benefit. The community benefits include:

- Additional permissible land uses will be applicable to the whole site, thereby maximising flexibility
- Increased employment opportunities
- Clearer zoning, objectives and controls through a single zoning over the site

## **B. The relationship to strategic planning framework**

### 3.3.4 Is the planning proposal consistent with the objectives and actions contained in the applicable regional or subregional strategy?

Under the Metropolitan Plan for Sydney 2036 the employment target for the Dee Why-Brookvale strategic centre (being the identified major centre for the North East Subregion) is for an employment growth of 5000 jobs by 2036.

This requirement comes under the Metropolitan Plan for Sydney 2036 Objective E2: *To focus Sydney's economic growth and renewal, employment and education in centres*; with Action E2.1: *Plan for more commercial and retail jobs in highly accessible strategic centres*.

The planning proposal meets this Action and Objective by the proposed Zone B5 Business Development being applicable to the entire site, with the additional permitted uses of office and retail premises, with readily accessible public transport.

As the major centre for the Sydney North East Subregion, Brookvale / Dee Why has a special role in delivering the housing and jobs required under the Metropolitan Plan.

The subject site currently is partly in Area 9 and partly in Zone B5 in Brookvale, so there is an opportunity to gain consistency through the proposed rezoning and additional uses by the expansion of Area 9 to include the whole of this site.

### 3.3.5 Is the planning proposal consistent with the local council's Community Strategic Plan?

The Warringah Council Strategic Community Plan 2011 is the Council's primary forward planning document. The plan contains some goals and strategies relevant to the consideration of the planning proposal which are identified and addressed below:

The planning proposal meets the goal 4.1 *Sustaining a strong local economy that provides employment and training opportunities* by clarifying the anticipated land uses (including the additional permitted uses of office and retail premises) on the subject site through a single zoning of B5 Business Development over the site.

The planning proposal meets the following strategies associated with this goal:

- *Encourage a range of businesses and services at appropriate locations and centres to meet the service and employment needs of the local and regional community*

By its location at Brookvale on the edge of the B5 Business Development area and adjacent to the IN1 General Industrial area, the planning proposal to zone the whole site B5 Business Development with additional permitted uses of office premises and retail premises helps meet the employment needs of the community.

- *The location of commercial and retail development to be convenient for users, to provide ready access for employees and to avoid conflicts about land uses*

The subject site has a southbound bus stop located at its Pittwater Road frontage and a northbound bus stop on Pittwater Road within 100m of the site, providing readily available access by public transport to the site.

- *To reduce the demand for travel through more local jobs and services*

The planning proposal will help job containment on the northern beaches by providing employment and housing opportunities through its zoning and the expansion of the additional permitted uses over the whole of the site.

### 3.3.6 Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

The following table provides an assessment of the planning proposal with the relevant SEPPs:

| No | SEPP Title                                                                        | Consistency                                                                                                                                                       |
|----|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22 | Shops and Commercial Premises                                                     | The planning proposal does not contain provisions that contradict or would hinder application of this SEPP                                                        |
|    | State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | The planning proposal is consistent with this SEPP and does not contain provisions that contradict or would hinder application of this SEPP                       |
|    | State Environmental Planning Policy (Infrastructure) 2007                         | The planning proposal is consistent with this SEPP in general and in particular the objectives of clause 101 <i>Development with frontage to classified road.</i> |
|    | State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | The planning proposal is consistent with this SEPP and does not contain provisions that contradict or would hinder application of this SEPP                       |

### 3.3.7 Is the planning proposal consistent with applicable Ministerial Directions (s117 Directions)?

The following Ministerial Directions are applicable to the proposal (please see [www.planning.nsw.gov.au/LinkClick.aspx?fileticket=VUtdGWadrvE%3d&tabid=248&language=en-AU](http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=VUtdGWadrvE%3d&tabid=248&language=en-AU))

#### **Direction 1.1 Business and Industrial Zones**

The proposal is consistent with the aims and objectives of the Direction because it:

- encourages employment growth in a suitable location that is close to public transport and the Brookvale commercial / industrial centre,
- protects employment land in business and industrial zones, and

- c) supports the viability of the major centre of Brookvale/Dee Why.

#### **Direction 3.4 Integrating Land Use and Transport**

The proposal is consistent with the aims and objectives of the Direction as the location of the proposed B5 Business Development land use achieves and expansion of Area 9 allowing additional permitted uses :

- (a) access to employment and services by walking, cycling and public transport, and
- (b) reduced dependence on cars due to the proximity of public transport, and
- (c) potential reduction of travel demand through the provision of local employment and local housing opportunities
- (d) support for the efficient and viable operation of public transport services.

#### **Direction 4.1 Acid Sulfate Soils**

The proposal is consistent with the objectives of the Direction. The site is not identified on the Acid Sulfate Soils map.

#### **Direction 4.3 Flood Prone Land**

The proposal is consistent with the objectives of the Direction. The site is not within the current predicted 100 year flood area.

#### **Direction 6.1 Approval and Referral Requirements**

The proposal is consistent with the objective of this Direction in that there are no provisions requiring the concurrence, consultation or referral of development applications to the Minister or public authority and nor does the planning proposal identify any additional development as designated development.

#### **Direction 6.3 Site Specific Provisions**

The proposal is consistent with the objective of this Direction insofar as it allows particular additional land uses (in this case office premises, retail premises and shop top housing) to be carried out on the site.

#### **Direction 7.1 Implementation of Metropolitan Plan for Sydney 2036**

The proposal is consistent with the aims and objectives of the NSW Government's Metropolitan Plan in that it will help increase and maintain employment opportunities in the major centre of Brookvale and will help meet Warringah's employment target.

### **C. Environmental, social and economic impact**

**3.3.8 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 critical habitat or threatened species, populations or ecological communities, or their habitats, have been identified on the site.

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

Given the existing established uses on the site, the surrounding uses and context of the site, and the minor nature of this planning proposal, there are no other likely environmental effects as a result of the planning proposal.

**3.3.10 How has the planning proposal adequately addressed any social and economic effects?**

The planning proposal will help support and enhance Brookvale's economic competitiveness and increase employment opportunities and job containment in the SHOROC region through the proposed rezoning to B5 Business Development over the whole of the site. More flexibility in land uses will be created through the proposed expansion of Area 9 over the whole of the site to allow office and retail premises.

The planning proposal will also provide the potential for additional residential opportunities through shop top housing being made permissible over the whole of the site.

The St Vincent de Paul Society submission for the planning proposal clearly states that the Society's Regional Centre and Offices will remain at Brookvale to help meet social needs in the area.

### **D. State and Commonwealth interests**

**3.3.11 Is there adequate public infrastructure for the planning proposal?**

The planning proposal is applicable to only a single site and will not have any adverse impact on the existing public infrastructure.

**3.3.12 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Not applicable until advice is received from the gateway determination

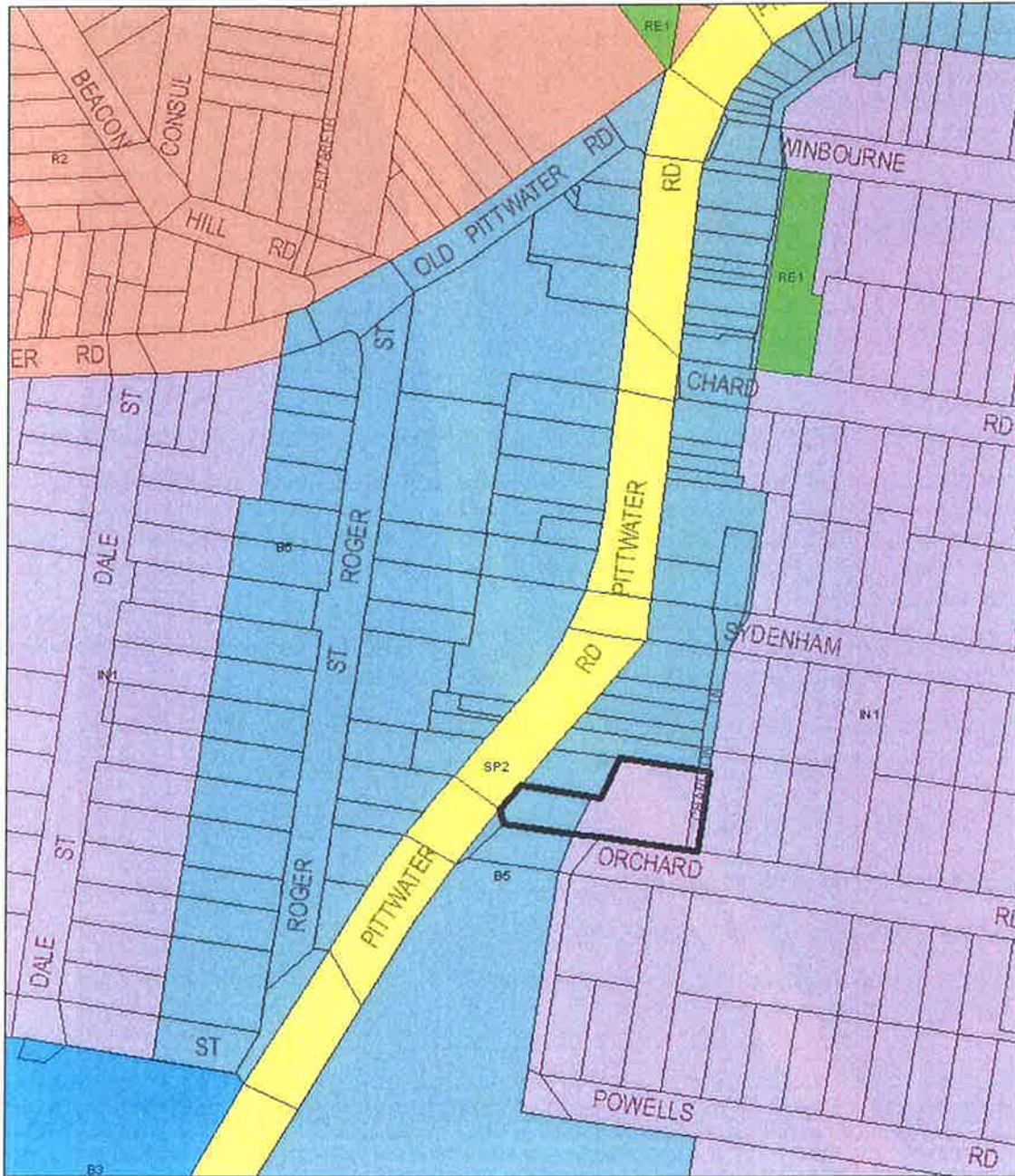
## **3.4 Maps**

The proposed instrument will require a revised Land Zoning map and a revised Additional Permitted Uses map.

The maps below indicate the substantive effect of the proposed instrument.



Current Land zoning map under WLEP 2011:



Legend

|                         |                                     |                               |                               |                        |
|-------------------------|-------------------------------------|-------------------------------|-------------------------------|------------------------|
| Cadastral               | B3 Commercial Core                  | B2 Environmental Conservation | P2 Low Density Residential    | SP1 Special Activities |
| Public Land             | B4 Mixed Use                        | B3 Environmental Management   | P3 Medium Density Residential | SP2 Infrastructure     |
| Land Zoning             | B5 Business Development             | B4 Environmental Living       | RE1 Public Recreation         | W1 Natural Waterways   |
| B1 Neighbourhood Centre | B7 Business Park                    | B11 General Industrial        | PE2 Private Recreation        |                        |
| B2 Local Centre         | B1 National Park and Nature Reserve | B12 Light Industrial          | PU1 Rural Small Holdings      |                        |

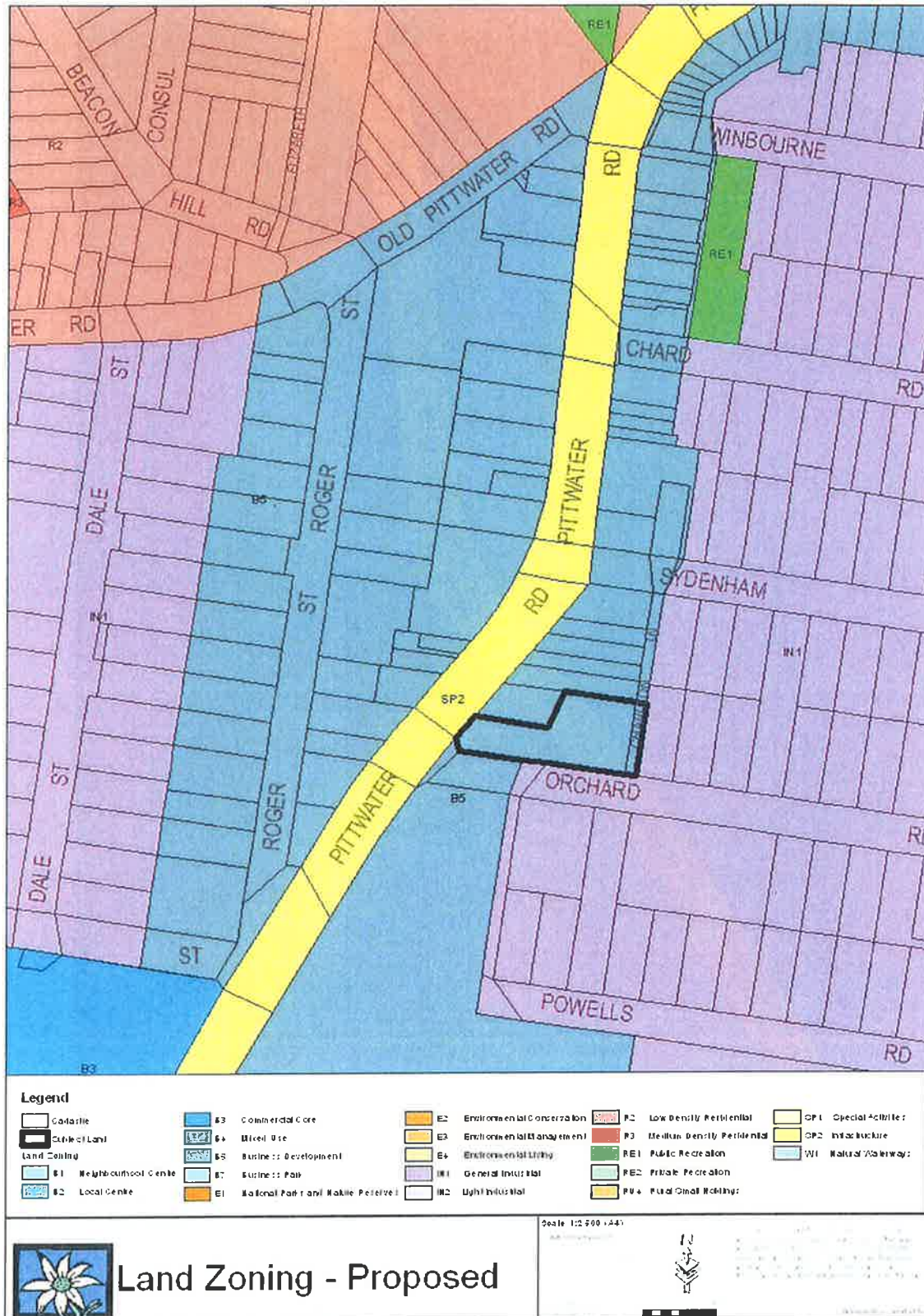


Land Zoning - Existing

Scale 1:2500 (+/-)



Proposed Land zoning map under Planning Proposal:



Current *Additional permitted uses* map under WLEP 2011:



Proposed *Additional permitted uses map* under Planning Proposal:



#### **4. Community consultation**

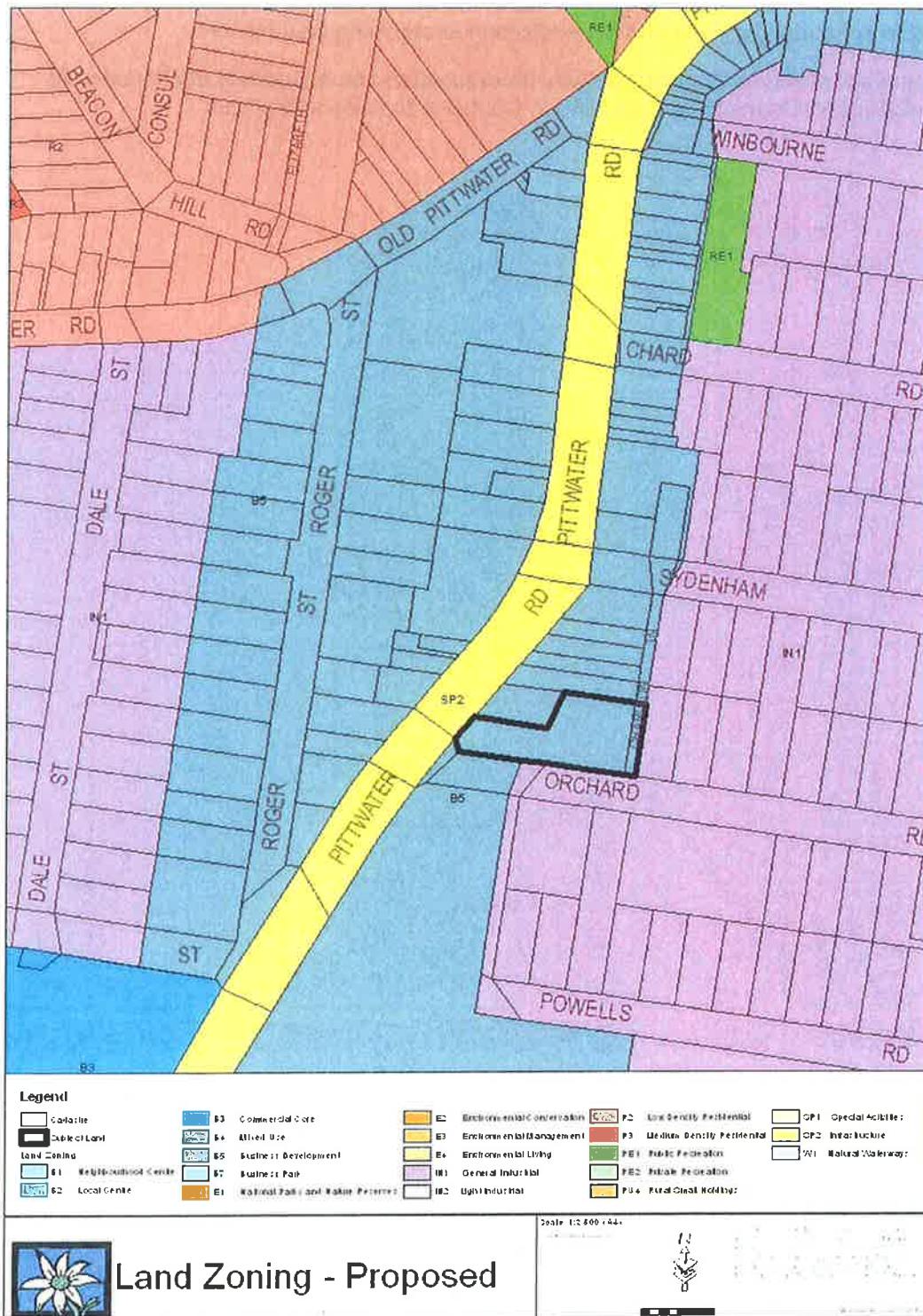
In accordance with State Government legislation as well as Council's community engagement policy and community engagement matrix, Council will undertake community consultation by giving notice of the public exhibition of the planning proposal in the Manly Daily newspaper, on Council's website, by email to community groups and by notification to adjoining land owners.

The planning proposals, report to Council, gateway determination and supporting documents will be available for viewing on Council's website, and in Council's libraries and offices

## 5. Attachments

### 5.1 Attachment 1

#### Proposed Land Zoning Map



## 5.2 Attachment 2

### Proposed Additional Permitted Uses Map



### **5.3 Attachment 3**

#### **Email received on behalf of Trustees Society of St Vincent de Paul, 7 February 2012**

Dear Caroline,

Thank you for discussing this matter with me last week. As advised the Society stills holds with its original submission to the Council of the 30 December, 2009 that the site should be wholly rezoned to B5 under the new LEP, thereby eliminating the current split zoning between B5 and IN1 (old F1/F3). In our discussion you indicated that it was the intention of the Council to rezone the site wholly to B5. In these circumstances the Council has the support of the Society. Do you still have a copy of our original submission?

We also discussed the Society's proposal; which is still being developed prior to the lodgement of a DA and discussion with Council staff, for the development of the site by the Society into a 'community hub' servicing the disadvantaged members of the Northern Beaches community. Essentially the Society would retain the retail aspect of the current site on the ground level but develop commercial levels above. These commercial levels would house community and not for profit agencies who currently offer services to the community such as mental health, drug and alcohol counselling, homeless services, legal aid, etc. It is also proposed to provide a dental clinic for low income and Centrelink benefit card holders as dental health amongst low income earners has been nationally identified as a chronic problem affecting this group. Also under investigation is the possibility of providing a child care facility for low income and single parents in order to assist these groups find and maintain employment, with the benefits that accrue to the community from this. Consideration is also being given in the proposal for the provision of community meeting space for local groups to obviate the need to meet in local halls, church rooms, etc. that may not be really suitable in terms of space, facilities, parking, security, etc.

The proposal aims to facilitate a 'wrap around' of services for clients so that a range of services can be provided in the one location that makes travel, referrals and coordination of services much better for clients and agencies together. It is the Society's belief that this type of facility can point the way to future developments around the country that service need and also help integrate many persons experiencing disadvantage back into the community in a more meaningful way.

Anyway this is for the future, but I would ask that if possible this be taken into account in the Council's deliberations on the change to the zoning for the site.

Regards,

John Kelly  
Executive Officer  
Broken Bay Diocesan Central Council  
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CHATSWOOD NSW 2057

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Warringah  
Council

## 5.4 Attachment 4

### Submission to Draft Warringah LEP 2009



St Vincent de Paul Society

NSW/ACT

*good works*

#### Northern Beaches Regional Council

464 725 913 3500R

30<sup>th</sup> December 2009

Mr Rik Hart, General Manager

Warringah Council,

Civic Centre, 725 Pittwater Road,

Dee Why NSW 2099



Dear Mr Hart,

**INITIAL SUBMISSION ON THE DRAFT 2009 WARRINGAH LEP 2009 BY THE SOCIETY OF ST VINCENT DE PAUL IN RELATION TO THEIR SITE AT 638 PITTWATER ROAD, BROOKVALE.**

Please find attached our initial submission in relation to the Draft Local Environmental Plan (DLEP) currently on exhibition. As this exhibition ends today, we request the right to provide further details in support of this initial submission, if required, after the holiday period.

Our submission essentially relates to the need to correct the inappropriate split zoning that currently exists within our site, and which the draft exhibited plan proposes to continue. The subject site is currently within the F1 Locality on its Pittwater Road frontage, and within the F3 Locality on its "rear" Charlton Lane frontage. The Draft LEP proposes to change these localities to a B5 zone on its Pittwater Road frontage, and an IN1 zone on its "rear" Charlton Lane frontage. For the reasons outlined in this submission we consider that it is more appropriate and logical from a town planning viewpoint that the whole site is zoned B5.

As you will be aware, the Society has occupied this site since 1979 and intends to remain. The Brookvale site will retain the Regional Centre and Offices for the Northern Beaches.

We are currently actively pursuing redevelopment proposals for the site which retain a mixed use with retail and offices at ground floor level. We have recently held preliminary meetings with officers of Council and it has already been identified that the proposed "split zoning" will present a major constraint in the processing of these redevelopment proposals. We therefore seek to resolve these difficulties before the Draft LEP is finalised.

If you require further clarification of any issues raised in this submission please do not hesitate to contact me (contact details below).

*for*  
Kindest regards,

Peter Hitchcox

Northern Beaches Regional President

St Vincent de Paul Society

#### Copies

Peter Sharp (Trustee SVDP)

John Donnelly (SVDP Diocesan President)

John Kelly (SVDP Diocesan Executive Officer)



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## SUBMISSION in response to DRAFT WARRINGAH LEP 2009

### 1 INTRODUCTION

This submission relates to the land owned by the Trustees of the St Vincent de Paul Society, known as 638 Pittwater Road, Brookvale (see Figure 1). The land is titled Lot 1 of DP 1001963.

The site is defined by:

- Pittwater Road to the west,
- Orchard Road to the south,
- Charlton Lane to the east, and
- Adjoining properties (Coates at 640 and Brookvale Auto AC at 642) to the north.

Figure 1: The SVDP Society Brookvale Site



source: Google Maps

The SVDP site is occupied by a two storey industrial building with surface car parking and loading/unloading facilities at the rear, with access from Orchard Road. Since its acquisition by the Society in 1979 the whole of the site has been used for the charitable "not-for-profit" works of the Society. The ground floor is used for the receipt and resale of clothes, furniture, bric-a-brac and the like, whilst the first floor is used for offices, meetings and storage purposes.

**Figure 2: Looking west along Orchard Road towards the Subject Site from its south east corner with Charlton Lane,**



source Google Maps

**Figure 3: The Subject Site viewed from its south western corner at the junction of Pittwater Road with Orchard Road.**



source Google Maps



## 2 WARRINGAH LEP 2000

Within the provisions of the existing Warringah LEP 2000 the SVDP site in Orchard Road is within land identified both within:

- the F1 "Brookvale Centre" Locality (along Pittwater Road) and
- the F3 "Brookvale Industrial" Locality (generally to the east of Charlton Lane and Powells Lane) - (see Figure 4).

Figure 4: The Orchard Road Site within an existing F1 and F3 Locality



The desired future character of the Brookvale Centre F1 Locality is stated in the LEP as follows:

*The Brookvale Centre locality will be developed as a mixed retail and business area incorporating low-rise shop-top housing. Future development will help create a pedestrian environment which is safe, active and interesting. Future development will incorporate street level retailing and business uses and contribute to creating cohesive and attractive streetscapes.*

The desired future character of the Brookvale Industrial F3 Locality is stated in the LEP as follows:

*The Brookvale Industrial locality will remain an industrial and employment centre incorporating industries, warehouses and ancillary service uses. New development or significant redevelopment will be designed to incorporate landscaping to soften the visual impact of industrial buildings and their associated parking and other paved areas as viewed from the street. At the interface of the locality with adjoining and adjacent residential areas, buildings will be sited and designed and the use of land managed to minimise interference with the amenity of such residential areas. Allotments are to be consolidated where necessary to ensure the development of one allotment will not render an adjoining allotment unsuitable for development.*

### 3 DRAFT WARRINGAH LEP 2009

The Draft LEP on exhibition splits the subject site into 2 zones, B5 within the Pittwater Road frontage and IN1 within the rear Charlton Lane frontage (see Figure 5).

**Figure 5: The Orchard Road Site within a B5 zone (purple) and an IN1 zone (yellow).**



Figure 6 below provides a comparison of the uses proposed in the template B5 zone, as compared to the uses allowed within the existing F1 Locality Statement.

**Figure 6: Comparison of uses in the proposed B5 Zone compared to the existing F1 Locality.**

| Existing Warringah LEP Zoning 2000                                                                                                                                                                                                                                             | Proposed Warringah Draft LEP Zoning 2009                                                                                                                                                                                                                                                                                            | Comment                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| F1 on Pittwater Road                                                                                                                                                                                                                                                           | B5 (Business)                                                                                                                                                                                                                                                                                                                       |                             |
| LOCALITY F1 BROOKVALE CENTRE<br>DESIRED FUTURE CHARACTER<br><br>The Brookvale Centre locality will be developed as a mixed retail and business area incorporating low-rise shop-top housing<br><br>Future development will help create a pedestrian environment which is safe. | Zone B5 Business Development<br><br>1 Objectives of zone<br>• To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.<br>• To provide for the location of vehicle sales or hire premises and bulky | Removal of shop top housing |

[illegible]



*SVDP Society Submission re Draft Warringah LEP 2009*

| Existing Warringah LEP Zoning 2000                                                                                                                                                                                                                | Proposed Warringah Draft LEP Zoning 2009                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Comment                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• potentially hazardous industries</li> <li>• potentially offensive industries</li> <li>• vehicle body repair workshops</li> </ul> <p>Canal estate development is also prohibited within this locality</p> | <p>Caravan parks;<br/>Cemeteries;<br/>Charter and tourism boating facilities;<br/>Correctional centres;<br/>Crematoria;<br/>Depots;<br/>Entertainment facilities;<br/>Environmental facilities;<br/>Exhibition homes;<br/>Exhibition villages;<br/>Farm buildings;<br/>Farm stay accommodation;<br/>Forestry;<br/>Freight transport facilities;<br/>Function centres;<br/>Health consulting rooms;<br/>Highway service centres;<br/>Home-based childcare;<br/>Home businesses;<br/>Home industries;<br/>Home occupations;<br/>Home occupation (sex services);<br/>Hospitals;<br/>Industrial retail outlets;<br/>Industries;<br/>Information and education facilities;<br/>Landscape and garden supplies;<br/>Marinas;<br/>Moorings;<br/>Movable dwellings.</p> <p><b>Office premises;</b></p> <p>Port facilities.<br/>Recreation facilities (major).<br/>Recreation facilities (outdoors);<br/>Research stations;<br/><b>Residential accommodation;</b></p> <p><b>Retail premises;</b><br/>Rural industries;<br/>Rural supplies;<br/>Sex services premises;<br/>Storage premises;<br/>Timber and building supplies;<br/>Tourist and visitor accommodation;<br/>Waste or resource management facilities;<br/>Water recreation structures;<br/>Wholesale supplies</p> | <p><b>Office premises now prohibited –</b><br/>although<br/>“additional permitted uses map” appears to allow office premises and retail premises within Area 9</p> <p><b>Residential now prohibited</b></p> <p><b>Retail premises now prohibited –</b><br/>although<br/>“additional permitted uses map” appears to allow office premises and retail premises within Area 9</p> |

**SVDP Society Submission re Draft Warringah LEP 2009**

| Existing Warringah LEP Zoning 2000 | Proposed Warringah Draft LEP Zoning 2009                                                                                                    | Comment                                        |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>PERMISSIBLE USES</b>            |                                                                                                                                             |                                                |
| business premises                  | <del>business</del>                                                                                                                         |                                                |
|                                    | warehouse                                                                                                                                   |                                                |
| shop-top housing                   | housing                                                                                                                                     |                                                |
| car showrooms                      |                                                                                                                                             |                                                |
| shops                              | Retail and specialised retail with a leaning to bulky goods<br>- retail premises an additional use<br>- (office premises an additional use) |                                                |
| offices                            |                                                                                                                                             |                                                |
| child care                         | Childcare is permitted                                                                                                                      |                                                |
| bulky goods                        |                                                                                                                                             |                                                |
| community facilities               |                                                                                                                                             |                                                |
|                                    | health consulting rooms                                                                                                                     |                                                |
|                                    |                                                                                                                                             | industry and industrial retail are prohibited. |

The following figures provide additional provisions applicable to the SVDP Site:

- Figure 7 illustrates the 11m height limit applicable to the site,
- Figure 8 illustrates the area within which the site is located where additional uses (offices and retail) are permissible, and
- Figure 9 illustrates the currently proposed zoning for the site.

**Figure 7: L = 11 metres height Limit – Draft 2009 WLEP**



SVDP Society Submission re Draft Warringah LEP 2009

**Figure 8: Additional Permitted Uses Map – Draft 2009 LEP**



**Figure 9: Proposed B5 & IN1 Uses – Draft 2009 LEP**





#### 4 SVDP SOCIETY SUBMISSION

It is the basic submission of the SVDP Society that the currently approved activities and use of our premises at 638 Pittwater Road, Brookvale should not be curtailed or restricted by the provisions of Draft LEP 2009. As stated earlier, the ground floor of the current building is used for the receipt and resale of clothes, furniture, bric-a-brac and the like, whilst the first floor is used for offices, meetings, storage purposes, and related Society activities.

We would request the whole of our site (Lot 1 of DP 1001963) to be included within the proposed B5 zone. This is on the assumption that our existing activities (mainly in relation to retail and office uses) can continue in a similar manner. A redevelopment of the site is likely to include additional office uses above ground floor retail and offices.

We believe that the whole site should be within one zone for the following reasons:

1. Charlton Lane provides a natural boundary between the B5 zone to the west and the IN1 zone to the east (as has been used in the zoning allocation to the north of the site and in the use of Powells Lane to the south of the site),
2. The current use and activities of the Society are common to the whole of the land and are not separated by this arbitrary line through our site,
3. The proposed redevelopment of the site and its future uses will be severely constrained if two different land use zones have different requirements applicable to the site (without sound town planning reasons),
4. The Society's use of the land and its activities are closer aligned to the Business zone than the Industrial zone.
5. The Society enables *"a mix of business and warehouse uses, and specialised retail"* on it's Pittwater Road site.

We trust that Warringah Council will give due consideration to this initial submission.

 **Peter Hitchcox**  
SVDP Society Northern Beaches Regional President.  
30<sup>th</sup> December 2009

## **5.5 Attachment 5**

### **Extract from Item 4.1 *Draft Warringah Local Environmental Plan 2009 – Consideration of Submissions* (Report to Council of 8 June 2010)**

#### **Submissions Discussion**

##### **3A.11 638 Pittwater Road, Brookvale - (Lot 1 DP 1001963)**

###### *Submission summary*

The St. Vincent de Paul Society has occupied these premises since 1979 and intends to remain.

Under Warringah LEP 2000 the site is located within two localities being F1 Brookvale Centre Locality (that portion of the site having frontage to Pittwater Road) and F3 Brookvale Industrial Locality (that portion of the site having frontage to Charlton Lane to the rear).

Consistent with the translation of Warringah LEP 2000, the draft LEP 2009 has carried forward the B5 Business Development B5 zone at the Pittwater Road frontage and the IN1 General Industrial zone to the balance of the site. The St. Vincent de Paul Society is actively pursuing redevelopment proposals for the whole site which will retain a mixed use development with retail and offices at ground level. The split zoning is presents a constraint to development and the submission seeks a single zone, being B5 Business Development, for the whole of the site.

###### *Planning assessment*

The subject site at approximately 2650m<sup>2</sup> in area and is not one title. It occupies a significant site at the entrance to Brookvale. Approximately one third of the site is to be zoned B5, the balance to be zoned IN1. All other properties that have a frontage to Pittwater Road and Charlton Lane at the rear and lying north of the site are to be zoned B5 Business Development.

The proposed alternate zoning of the site is not consistent with Councils' resolution to translate the provisions of Warringah LEP 2000 into the Standard Instrument LEP. However, the submission is worthy of further consideration, particularly having regard to the site's dual frontage to Pittwater Road and Charlton Lane and the role of the Brookvale Centre supporting that of Dee Why as the major centre for the sub region. Should the author wish to pursue this proposal this should be addressed by the submission of a Planning Proposal (under Part 3 Division 4 of the Environmental Planning and Assessment Act) for Council's further consideration.

Council is currently undertaking the Brookvale Employment Land Study which, when complete, will assist decision making about the future location, scale and mix of uses in the area and the role that Brookvale will play in the supply jobs for the subregion. Hence, any planning proposal in relation to this submission should be made after the making of Warringah LEP 2009 thereby giving Council the benefit of these investigations to assist it in its consideration of the proposal.

It is considered that there should be no alteration to the draft LEP arising from this submission in this process to finalise the Warringah LEP 2009.

## **5.6 Attachment 6**

### **Resolution and Report to Council 27 March 2012**

## **8.7 Planning Investigation - 638 Pittwater Road, Brookvale**

(BP REF 103)

### **RESOLVED**

- A. That Council prepare a planning proposal to amend the Warringah Local Environmental Plan 2011 to:
  - i. rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development,
  - ii. extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of the site, and
  - iii. rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development.
- B. That once prepared, Council provide the planning proposal to the Department of Planning and Infrastructure.
- C. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council, as required.
- D. That upon receipt of the Department's gateway determination, and in accordance with any directions contained, Council authorises the public exhibition of the Planning Proposal.
- E. That Council advise the owners, the Trustees Society of St Vincent de Paul, of its resolution.
- F. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council staff, as required.
- G. That, if necessary, development controls relating to the development of the land be incorporated in an amendment to the draft Warringah Development Control Plan 2009.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

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**EXECUTIVE SUMMARY**

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**Purpose**

To report to Council on the investigation of zoning on 638 Pittwater Road, Brookvale, known as the St Vincent de Paul site.

**Summary**

At its meeting of 24 August 2010, Council resolved to prepare a report on 638 Pittwater Road, Brookvale following the making of the Warringah Local Environmental Plan.

The site has a split zoning, partly zoned B5 Business Development and partly IN1 General Industrial. Schedule 1 Additional Permitted Uses of Warringah Local Environmental Plan (WLEP) 2011 applies only to that part of the site zoned B5 Business Development, fronting Pittwater Road.

It is recommended to prepare a planning proposal to permit office premises, retail premises and shop top housing over the whole of the site. This will help to achieve flexibility in land uses, maximise employment opportunities and bring the site into line with the planning provisions for land fronting Pittwater Road in Brookvale.

**Financial Impact**

The work will be undertaken by staff within existing budget allocation.

**Policy Impact**

Amendment to WLEP 2011.

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**RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT**

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- A. That Council prepare a planning proposal to amend the Warringah Local Environmental Plan 2011 to:
- i. rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development,
  - ii. extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of the site, and
  - iii. rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development.
- B. That once prepared, Council provide the planning proposal to the Department of Planning and Infrastructure.
- C. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council, as required.
- D. That upon receipt of the Department's gateway determination, and in accordance with any directions contained, Council authorises the public exhibition of the Planning Proposal.
- E. That Council advise the owners, the Trustees Society of St Vincent de Paul, of its resolution.
- F. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council staff, as required.
- G. That, if necessary, development controls relating to the development of the land be incorporated in an amendment to the draft Warringah Development Control Plan 2009.
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## REPORT

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### Background

At its meeting of 24 August 2010 Council resolved to prepare a report on the St Vincent de Paul site at Brookvale ('Item L') following the making of the Warringah Local Environmental Plan.

The discussion from this report (Mayoral Minute 15/2010) is extracted below:

***Item L. 638 Pittwater Road Brookvale (St Vincent de Paul)***

*Matter discussed:*

*Part 3A.11 of Submissions Discussion booklet. The site is subject to a split zoning with B5 Business Development at the Pittwater Road frontage and IN1 General Industrial at the rear.*

*Summary of discussion:*

*The site has dual frontage to both Pittwater Road and Charlton Lane (at the rear). All sites to the north and having similar dual frontage are zoned B5.*

*The anomaly appears to have occurred due to a previous subdivision pattern / amalgamation of sites and warrants review.*

*Outcome of discussion:*

*Council staff are instructed to prepare a planning proposal for 638 Pittwater Road Brookvale (St Vincent de Paul) following the making of WLEP 2009.*

While the above 'Outcome of discussion' states that staff are to prepare a planning proposal (to amend the LEP), the adopted resolution of Council instructs staff to prepare a report on the matter following the making of the WLEP (now WLEP 2011).

The matter has now been investigated and the results are presented in this report.

### Description of site and current zoning

The St Vincent de Paul site is described as Lot 1, DP 1001963, 638 Pittwater Road, Brookvale. The site has an area of 2662 m<sup>2</sup> (Source: SEA, Council's GIS system).

The site is located on the north eastern corner of Pittwater Road and Orchard Road. The rear of the site has an eastern frontage to Charlton Lane.

Lots to the north are zoned B5 Business Development, and zoned IN1 General Industrial to the west and south.

### Zoning under WLEP 2011

The site has a split zoning, being partly Zone B5 Business Development and partly Zone IN1 General Industrial:

- Zone B5 Business Development is located over the western third (approx) of the site with frontage to Pittwater Road;
- Zone IN1 General Industrial is located over the eastern two-thirds (approx) with frontage to Charlton Lane;
- Schedule 1 Additional permitted uses Clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street Brookvale*: applies to B5 zoned part of site only and permits with consent office premises, retail premises and shop top housing.

See the zoning and additional permitted uses extracts at Attachment 1 for further detail.

### **Characteristics of issues**

#### St Vincent de Paul submission to exhibition of draft WLEP 2009

In response to the exhibition of the draft WLEP 2009, the St Vincent de Paul Society made a submission requesting that the whole of the site be zoned B5 Business Development, so that the current retail and office uses of the site could continue.

St Vincent de Paul advised that redevelopment is likely to include retail and offices at ground floor with additional office uses above, and that the split zoning presents a constraint to development.

#### Further submission from St Vincent de Paul

Council notified St Vincent de Paul of its intention to review the planning provisions applicable to the site. St Vincent de Paul advised in response that the Society still holds with its original submission of 2009 that the site should be wholly zoned B5, eliminating the split zoning.

The Society has advised that they are developing a proposal to make the site a 'community hub' to service disadvantaged members of the community, retaining retail on the ground floor, with commercial levels above for community and not-for-profit agencies offering counselling, legal aid and other services. Consideration is also being given to a dental clinic, child care and community meeting space.

The Society advises that grouping services in one location makes travel, referrals and coordination better for both the clients and the agencies, and that this type of facility will point the way for future such developments around the country.

#### History of the split zoning

The split zoning seems to be historically based. Under both the Warringah Shire Planning Scheme 1963 and under WLEP 1985, the site comprised three lots, of which the westernmost lot on the corner of Pittwater Road and Orchard Street was zoned general business and eastern two lots were zoned industrial.

Under WLEP 2000 the subject site was in two localities, which was then reflected in the zoning under the draft WLEP 2009:

- The former Locality F1 Brookvale Centre became the Zone B5 Business Development and Area 9 under Clause 5 of Schedule 1 Additional Permitted Uses; and
- The former Locality F3 Brookvale Industrial became the Zone IN1 General Industrial.

The current split zoning appears to follow the original subdivision pattern and zoning, although the three lots are now consolidated into a single lot.

#### Current zoning restrictions

Under WLEP 2011, the site is split between B5 Business Development to the west and IN1 General Industrial to the east.

The B5 Business Development western part of the site is within 'Area 9', which allows office premises, retail premises, and shop top housing as additional permitted uses.

Area 9 is an area of land in Brookvale that is included in Schedule 1 Additional Permitted Uses (clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale*) under WLEP 2011.

For that part of the site that is not in Area 9, office premises, retail premises, and shop top housing uses are prohibited (shop top housing is prohibited under '*residential accommodation*', and business, office and retail premises are prohibited under '*commercial premises*').

This is a significant constraint to any future orderly and economic redevelopment and use of the site.

### **Means of addressing the issues**

The redevelopment envisaged by St Vincent de Paul would be facilitated by a consistent zoning under which the proposed uses would be permissible.

This can be achieved by an amendment to WLEP 2011 that covers:

- An amendment to the Land Use Zoning Map to rezone that part of the site zoned IN1 General Industrial to B5 Business Development under Warringah Local Environmental Plan (WLEP) 2011;
- An amendment to the Land Use Zoning Map to rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development, in order for the zoning to be consistent, and because roads need to be zoned under WLEP 2011; and
- An amendment to Clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale*, under WLEP 2011 Schedule 1 Additional permitted uses, so that Area 9 covers the entire site under the Additional Permitted Uses Map.

The justification for the amendments includes:

- To achieve a consistent B5 Business Development zone combined with an extended Area 9 (under Clause 5 of Schedule 1 Additional permitted uses) over the whole of the site. This will assist in providing additional employment opportunities in Brookvale and will achieve planning provisions for the site consistent with the functions of the Brookvale centre;
- To have a consistent single zone over the whole site and Charlton Lane that is compatible with the adjoining zones, noting that Charlton Lane forms the boundary between the B5 Business Development and IN1 General Industrial zones;
- To remove the historic anachronism of the split zoning that stems from the original three lot subdivision pattern and the zones of the 1960s, although the three lots are now consolidated into a single lot;
- To maintain Brookvale's significant strategic planning role as part of the major centre of Brookvale – Dee Why by facilitating redevelopment opportunities; and
- To permit with consent office premises and retail premises to maintain flexibility, maximise employment opportunities and meet the stated needs of the owners of the site.

### **Consultation**

Community consultation will be undertaken as part of the statutory LEP amendment and in accordance with Council's community engagement policy. This will occur following the gateway determination by the NSW Department of Planning and Infrastructure.

### **Policy Impact**

Amendment to the Warringah LEP

**Financial Impact**

The work will be undertaken by staff within existing budget allocation.

**Timing**

The timing of the project and future community consultation are unable to be foreshadowed. The timing is subject to the Department of Planning and Infrastructure's assessment of the proposal and their 'gateway determination' process.

**Conclusion**

It is recommended that Council resolve to prepare a planning proposal to amend WLEP 2011.

The effects of this amendment will be:

- to rezone the eastern part of the St Vincent de Paul site at Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development
- to amend the Additional Permitted Uses Map so that Area 9 covers the entire site under Clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale*, under WLEP 2011 Schedule 1 Additional Permitted Uses, and
- to amend the Land Use Zoning Map to rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development.

**Group Manager Strategic Planning**

