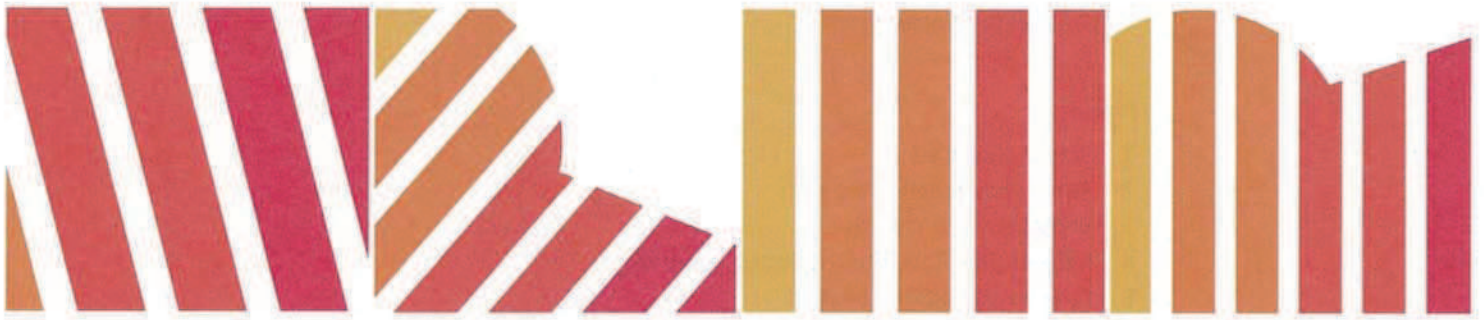


**Planning Proposal to insert a new Schedule 1 listing in Schedule 1 of
Warringah Local Environmental Plan 2011**
154-158 Pacific Parade, Dee Why Beach



Submitted to Warringah Council

Prepared on behalf of Harrington Dee Why Pty Limited
(ACN 163 345 702)

May 2014 | 14011

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1.0 Preliminaries

1.1 Introduction

This Planning Proposal is submitted to Warringah Council (the **Council**). It has been prepared by Robinson Urban Planning Pty Ltd on behalf of Harrington Dee Why Pty Limited (ACN 163 345 702) (the proponent and land owner). It relates to land at 154-158 Pacific Parade, Dee Why Beach (**the site**). Submission of the Planning Proposal follows a pre-lodgement meeting between the proponent and Council Officers on 6 May 2014.

Pursuant to Warringah Local Environmental Plan 2011 (**WLEP 2011**), the site is in the following two zones:

- Zone R3 - Medium Density Residential (which applies to most of the site)
- Zone B2 - Local Centre (which applies to the northern tip of the site).

Despite its predominantly residential zoning, most of the site is occupied by *commercial premises*¹ which are prohibited in Zone R3 (including a real estate agent's office, a restaurant and laundromat). To align the existing uses and the zoning of the site, the Planning Proposal requests a Schedule 1 – Additional Permitted Uses listing to permit *commercial premises* on the site.

The Planning Proposal explains the background to the requested amendment and consists of the following six parts (consistent with the document titled *A guide to preparing planning proposals*, by NSW Planning & Infrastructure, 2012):

- Part 1 Objectives or intended outcomes
- Part 2 Explanation of the provisions
- Part 3 Justification
- Part 4 Mapping
- Part 5 Community Consultation
- Part 6 Project timeline

It is accompanied by the following documents:

Appendix A Identification Survey

Appendix B Planning Proposal map (proposed amendment to the WLEP 2011 Additional Permitted Uses Map - Sheet APU_010A)

¹ Pursuant to WLEP 2011:

commercial premises means any of the following:

- (a) *business premises*,
- (b) *office premises*,
- (c) *retail premises*.

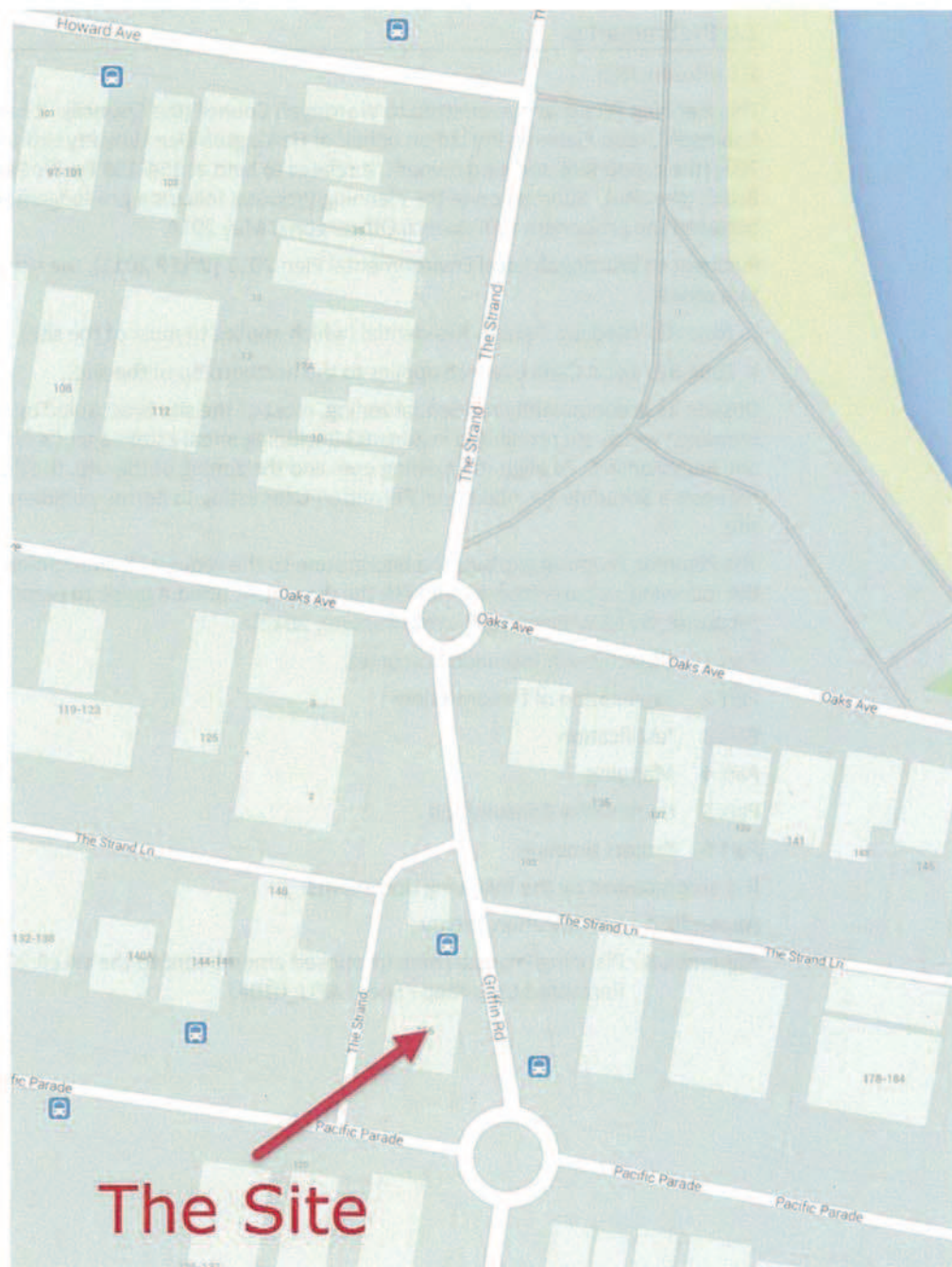


Figure 1 – Site location plan



Figure 2 – Aerial photograph of the site

1.2 Brief description of the site

The key characteristics of the site are summarised below:

Location	154-158 Pacific Parade, Dee Why Refer to Figure 1 – Site location plan
Legal description	Lot 1 in DP 34753 (Refer to Identification Survey at Appendix A)
Site area	543.8m ²
Frontages	Pacific Parade – 14.995m The Strand – 50.5m Griffin Road – 36.3m (plus 16.32m located behind Lot 4 in DP 130602)
Existing use	The site is occupied by the following uses and buildings: • Real estate agent (62m²) in a single storey commercial building located on land in Zone B2 and Zone R3 (a prohibited use in Zone R3) • Single storey building located on land in Zone R3 occupied by: – Indian restaurant (93m²) which is a prohibited use in Zone R3 – Laundromat (82m²) which is a prohibited use in Zone R3 • Dwelling house (88m²) which is a prohibited use in Zone R3 • Open garden area in the centre of the site Refer to Figure 2 – Aerial photograph and photographs of the site at Figure 3 .
Zoning	• Zone R3 - Medium Density Residential (516m² which is 95% of the site area) • Zone B2 - Local Centre (27m² which is 5% of the site area) Refer to Figure 4 – Land zoning map
Surrounding development	North Dee Why Beach and Dee Why - The Strand Small Village are to the north of the site (refer to Figure 5). Mixed use development with ground floor cafes and residential above, addresses The Strand. As shown by Figure 4, sites on the western side of The Strand are in Zone B2 – Local Centre. South Four storey residential flat buildings are to the south of the site, beyond Pacific Parade. East Beyond Griffin Road, there is a small pocket park and a four storey residential flat building to the east. West A service station is to the east of the site, access from The Strand. Located in Zone R3, the service stations is non-conforming use.



1. Real estate agent at the northern end of the site



2. Real estate agent facing The Strand



3. Laundromat and Indian restaurant facing Pacific Pd



4. Laundromat facing The Strand



5. Real estate, house and laundromat facing The Strand



6. Indian restaurant facing Griffin Road

Figure 3 – Photographs of the site

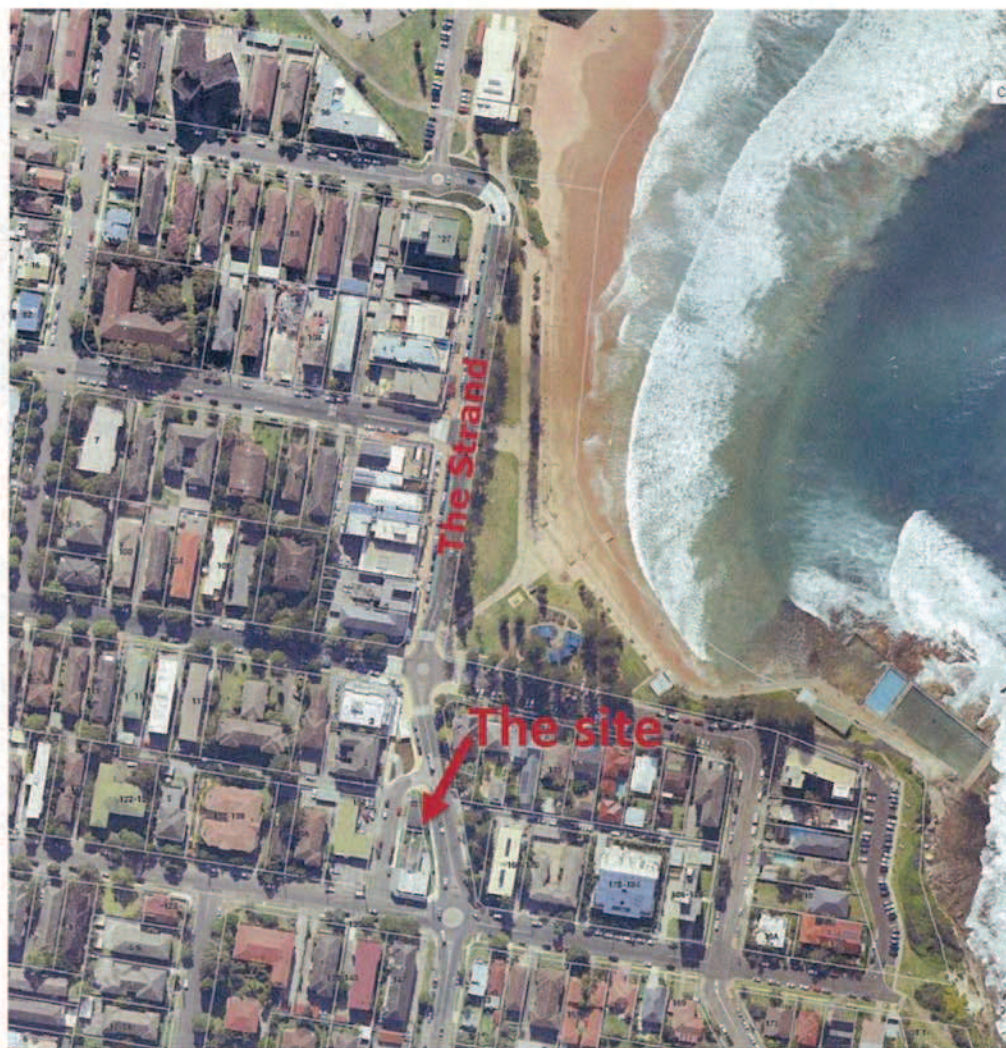


Figure 4 – Relationship of the site The Strand – Dee Why

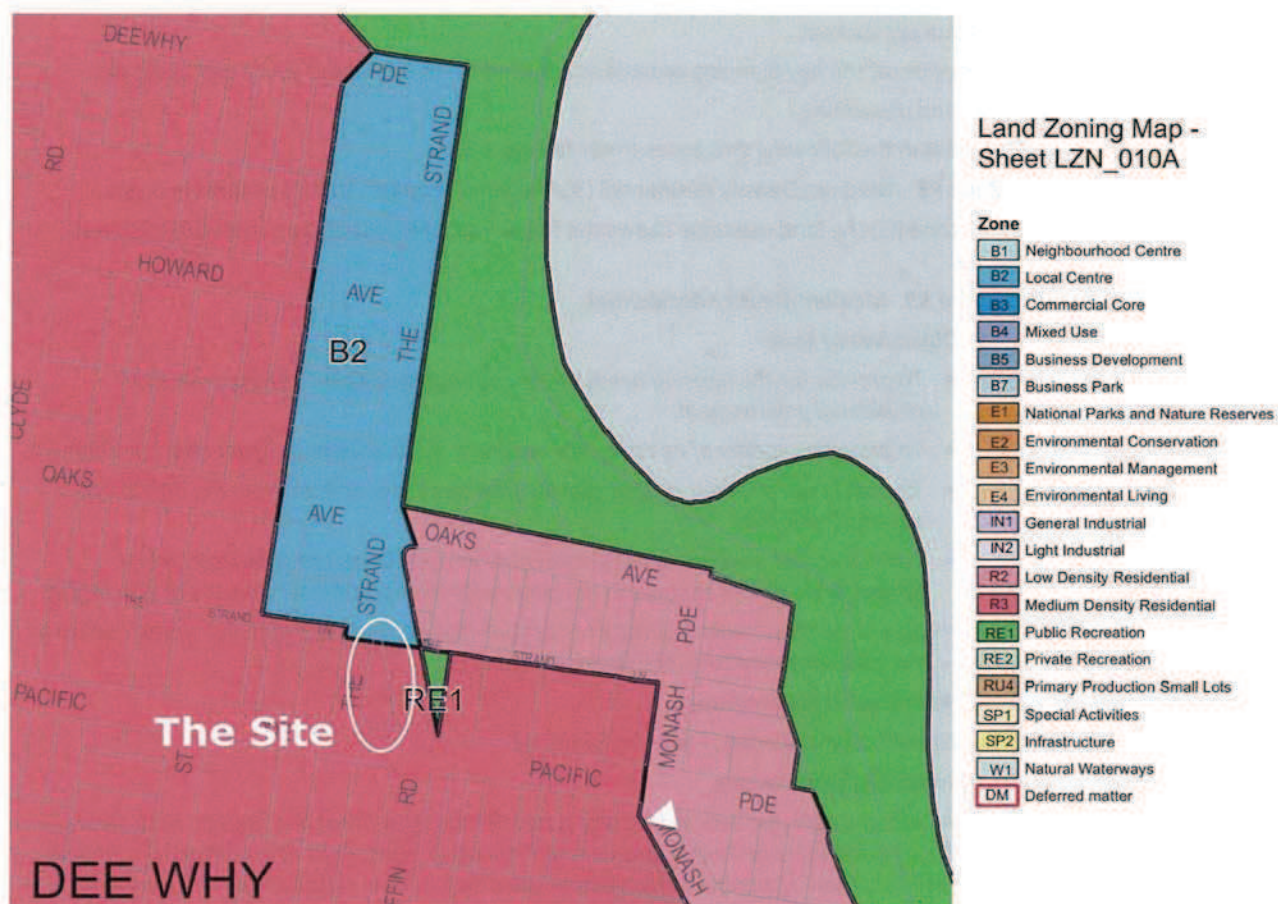


Figure 5 – Land zoning map, WLEP 2011

1.3 Statutory context

An overview of the key planning provisions applying to the site under WLEP 2011 follows:

1.3.1 Land use zoning

The site is in the following two zones (refer to **Figure 5**):

- **Zone R3 – Medium Density Residential** (516m² which equates to 95% of the site area)
For Zone R3, the land use table shows the following objectives and permitted/prohibited uses:

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
- To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Home businesses; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

The existing restaurant, laundromat, real estate agent and dwelling house are all prohibited uses in Zone R3.

- **Zone B2 Local Centre** (27m² which equates to 5% of the site area)

For Zone B2, the land use table shows the following objectives and permitted/prohibited uses:

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide an environment for pedestrians that is safe, comfortable and interesting.

- To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Environmental facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies.

Approximately half of the real estate agent (27m² of 62m²) is located in Zone B2 where it is permitted with consent.

1.3.2 Definitions

Table 1 summarises the relevant definitions for each of the existing uses on the site and notes whether the uses are permitted or prohibited. It shows that the existing uses are prohibited on the site, other than a very small portion of the real estate agent located in Zone B2. **Table 1** also demonstrates that the generic term *commercial premises* captures each of the existing non-conforming retail uses on the site.

Table 1 – Zoning/permmissibility summary

Use	Specific WLEP 2011 definition	Generic WLEP 2011 definition(s)	Zone	Permitted/Prohibited on the site
Real estate agent	<i>business premises</i>	<i>commercial premises</i>	Zone B2 Zone R3	Permitted in Zone B2 Prohibited in Zone R3
Indian restaurant	<i>food and drink premises</i>	<i>retail premises</i> <i>commercial premises</i>	Zone R3	Prohibited
Laundromat	<i>business premises</i>	<i>commercial premises</i>	Zone R3	Prohibited
Dwelling	<i>dwelling house</i>	<i>residential accommodation</i>	Zone R3	Prohibited

The existing uses and terms shown in **Table 1** are defined as follows in the Dictionary to WLEP 2011:

- Real estate agent:

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

- Indian restaurant:

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

- Laundromat:

business premises - see above

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area of neighbourhood shops. [WLEP 2011, cl. 5.4 specifies an 80m² retail area standard for neighbourhood shops whereas the existing Laundromat on the site has an area of 82m²]

Neighbourhood shops are a type of shop—see the definition of that term in this Dictionary.

- Dwelling:

dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

- Other terms relevant to the site and planning proposed include the following:

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,

- (j) secondary dwellings,
 - (k) semi-detached dwellings,
 - (l) seniors housing,
 - (m) shop top housing,
- but does not include tourist and visitor accommodation or caravan parks.

1.3.3 Height of buildings

The site is subject to the following two height of building standards:

- 11m in Zone R3
- 13m in Zone B2.

1.3.4 Floor space ratio

WLEP 2011 does not adopt a floor space ratio standard.

1.3.5 Development control plan

WLEP 2011 is supplemented by *Warringah Development Control Plan 2011 (WDCP 2011)* which provides guidelines on detailed aspects of development (including controls in relation to landscaped open space, number of storeys, floor to ceiling heights and setbacks).

For The Strand at Dee Why, WDCP 2011, Part F1 - Local and Neighbourhood Centres states the following requirements:

13. The Strand, Dee Why

Ground floor premises along The Strand, Dee Why will be characterised by restaurants, cafes, shops and leisure-related uses that create active building fronts and contribute to the life of the streets. Housing will characterise upper floors.

Despite Requirement 2, the minimum floor to ceiling height for buildings on land zoned B2 Local Centre at The Strand, Dee Why, is to be 3.6 metres for ground floor levels and 2.7 metres for upper storeys.

The interrelationship between the beach and park and development along The Strand is an important aspect of the character of the area. The design of buildings and shopfronts will have a strong complementary relationship to their beach and parkland setting and help create comfortable, interesting and safe pedestrian environments. Outdoor eating areas in particular will be encouraged.

Above the second storey, buildings will step back from The Strand, Oaks and Howard Avenues and Dee Why Parade and building height will be restricted to maintain solar access to the parklands and ensure the scale of buildings does not dominate public spaces or views from the park or beach.

The corners of Howard Avenue and The Strand, however, are to be strongly defined by virtue of building height and design. Vehicular access for the purposes of servicing at the rear of commercial premises along The Strand needs to be retained.

2.0 Planning proposal

2.1 Part 1 - Objectives or intended outcomes

At Dee Why, the existing zoning boundary between land in Zone R3 and Zone B2 follows the east-west alignment of The Strand Lane (refer to **Figure 3**). This boundary does not reflect the long standing commercial uses on the site and its inclusion in The Stand - Dee Why Small Village. The objective of the Planning Proposal is to regularise the existing and any future non-residential uses on the site by making them permissible with consent on the entire site including the portion in Zone R3. The intended outcome is to provide certainty for the land owner and existing/future tenants on the site.

2.2 Part 2 – Explanation of provisions

The objective and intended outcome set out above will be achieved by the following amendments to WLEP 2011.

2.2.1 Amend Schedule 1 – Additional permitted use

Amendment of Schedule 1 – Additional Permitted Use is proposed by inserting the following new listing:

20 Use of certain land at 154-158 Pacific Parade, Dee Why

- (1) *This clause applies to part of the land at 154-158 Pacific Parade, Dee Why, being part of Lot 1, DP 34753, shown as "Area 20" on the Additional Permitted Uses Map.*
- (2) *Development for the purposes of commercial premises is permitted with consent.*

2.2.2 Amend the Additional Permitted Uses Map

Amendment of the Additional Permitted Uses Map - Sheet APU_010A is proposed to identify part of the site as Area 20. A copy of the Planning Proposal map is included in **Appendix B**. Note that the Schedule 1 listing should only apply to the portion of the site in Zone R3 (being 95% of the site area).

2.3 Part 3 – Justification

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. Instead, the Planning Proposal is needed to ensure that existing non-residential uses on the site can continue, improve, grow and/or change. As detailed by the following points, there are sound justifications for a Planning Proposal:

(a) Existing use rights provide insufficient certainty for the land owner and tenants

The Department of Planning Circular titled *Changes to Existing Use Rights* (PS 06-007, dated 31 March 2006) encourages Councils to make development that would have existing use rights permissible, stating that:

Where feasible, councils will be encouraged to identify development that would have existing use rights and include 'permitted additional uses' on that land in their LEP, so that the land use is no longer prohibited (in effect, remove existing use rights).

Existing use rights are complex, evolving and subject to a plethora of complex case law including a Land and Environment Court Planning Principle (as set out in *Fodor Investments v Hornsby Shire Council* [2005] NSWLEC 71 and *Stromness Pty Limited v Woollahra Municipal Council* [2006] NSWLEC 587).

Furthermore an existing use right will be lost in situations where the use is abandoned for a period of 12 months or longer. This is an untenable risk for the land owner in the event of an extended vacancy.

Given this, existing use rights provide inadequate certainty for the site's landowner and existing/future tenants.

(b) Existing use rights would lead to unreasonable bureaucracy and is anti-competitive

As any future change of use on the site would need to rely on existing use rights, complying development would not apply and any changes of use or minor alterations/additions would require a development application (DA). Contrary to contemporary planning practice that strives to streamline approval processes, this would discourage future tenants given the inherent time, cost and uncertainty involved in obtaining development consent.

Other commercial premises in the Dee Why Beach Village would not be subject to the same bureaucracy, precluding a level and competitive playing field between landowners. Such an outcome would contradict the aims of *Draft State Environmental Planning Policy (Competition) 2010* which state:

The aims of this Policy are:

(a) to promote economic growth and competition, and

(b) to remove anti-competitive barriers in environmental planning and assessment.

(c) The zoning boundary should not be based upon an arbitrary line

Rather than applying the alignment of The Strand Lane as an arbitrary land use boundary (that splits the site's zonings and ignores existing/long standing commercial uses on the site and its place in Dee Why - The Strand Small Village), it is appropriate to extend the permissibility of non-residential uses southwards to include all of the site. Such a change would reflect the actual boundaries of Dee Why - The Strand Small Village and ensure that existing non-residential uses on the site need not rely on existing use rights.

(d) The proposed amendment would preserve the site as employment lands

The site is a recognised part of the Dee Why - The Strand Small Village. Existing uses on the site provide employment for around 13 people. The Planning Proposal would ensure that this employment role is protected.

(e) The site does not have any adjoining residential lands

As an island site, the land is bounded on all sides by roads (except for Lot 4 in DP 130602 which is a small triangular parcel of vacant land owned by Council). Given this, any existing or future non-residential uses should not give rise to adverse amenity impacts.

(f) Promotion of Council's vision for The Strand - Dee Why

As noted above at Section 1.3.5, WDCP 2011 notes that:

Ground floor premises along The Strand, Dee Why will be characterised by restaurants, cafes, shops and leisure-related uses that create active building fronts and contribute to the life of the streets.

The existing planning regime for the site contradicts this desired character as changes of use on the site would be constrained by existing use rights legislation. For example, it may not be possible to change the laundromat and real estate tenancies to a café or shop as existing uses are allowed to continue but not change to another non-conforming use.

In contrast, the Planning Proposal will enable the site to contribute to this desirable character as it will secure the existing non-residential uses on the site and promote future

improvements and changes of use that are consistent with the existing and desired future character of The Strand.

2. Is the Planning Proposal the best means of achieving the objective or intended outcomes or is there a better way?

Alternatives to the Planning Proposal, that are not achievable in the circumstances, include the following:

- **Rely on existing use rights**

As demonstrated above, reliance on existing use rights provides the applicant, existing tenants and future tenants with inadequate certainty. It would frustrate the proponent's plan to continue, improve, grow and/or change the existing non-residential uses on the site.

- **Compliance with the permitted uses in Zone R3**

The existing non-residential uses on the site have existed for approximately 60 years and to the proponent's knowledge, have not been the subject of any resident complaints. The uses provide a valuable service to the local community and provide employment for around 13 people. Compliance with the permitted uses in Zone R3 would severely constrain the existing uses and would limit redevelopment options on the site to one of the permitted uses (eg. *Multi dwelling housing or residential flat buildings*). The proponent intends to retain and improve non-residential uses on the site and this cannot be adequately accommodated in existing Zone R3.

- **Rely on the definition of neighbourhood shops which are permitted with consent in Zone R3**

Neighbourhood shops are a permitted non-residential use in Zone R3. The consistency of the existing non-residential uses with the definition and standards for *neighbourhood shops* follows (refer Section 1.3.2 above):

- **Real estate agent** – The real estate agent does not sell general merchandise and is not an ancillary service described in the definition of *neighbourhood shops*. Instead, it is defined as *business premises* which is a type of *commercial premises*. *Business premises/commercial premises* are prohibited in Zone R3.
- **Indian restaurant** – The restaurant does not sell general merchandise and it exceeds the 93m² retail floor area standard for *neighbourhood shops* (WLEP 2011, cl. 5.4(7)).
- **Laundromat** – The laundromat use may be consistent with the ancillary services listed in the definition of *neighbourhood shops* as dry cleaning is included in the dictionary. However, with an area of 82m², it is just above the 80m² retail floor area standard for *neighbourhood shops* (WLEP 2011, cl. 5.4(7)).

Given the above limitations, a Planning Proposal is the best mechanism to achieve the objectives and intended outcome set out in Part 1 above.

B. Relationship to strategic planning framework

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

Assessment Criteria

a. Does the proposal have strategic merit and:

- Is consistent with a relevant local strategy endorsed by the Director General or
- Is consistent with the relevant regional strategy or Metropolitan Plan or

- Can it other demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)

Relevant strategies and an assessment of consistency follows:

- *Metropolitan Strategy for Sydney to 2036*

The *Metro Strategy* policies and outcomes include:

- Accommodating 70-80% of new growth in established areas
- Containing growth to protect environmentally sensitive land
- Identifying and coordinating growth with infrastructure
- A global arc of economic development
- A hierarchy of existing and future centres

The Planning Proposal is consistent with these high level policies. Notably, it will not affect the hierarchy of existing and future centres as the site already presents and functions as part of Dee Why - The Strand Small Village (identified in the *Draft North East Subregional Strategy*).

- *Draft Metropolitan Strategy for Sydney to 2031* (which has been exhibited)

The Draft *Metro Strategy* sets an employment target (net additional) of 39,000 for the Northern Subregion by 2031 (comprising Hornsby, Ku-ring-gai, Manly, Pittwater and Warringah). The Planning Proposal will retain existing jobs on the site and create a planning regime that will support and encourage additional employment opportunities.

The Planning Proposal will also encourage investment on the site, consistent with the wider objectives, policies and actions in the Draft *Metro Strategy* (p. 10) which state that:

The Metropolitan Strategy for Sydney will help to create and support new opportunities for investment. It encourages balanced growth throughout Sydney by stimulating housing growth in both infill and greenfield areas in a way that delivers a range of different housing types across the whole region, and close to jobs and services....

As a general policy, the Strategy's approach to balanced growth means housing renewals and developments will reflect market demand, development feasibility, and infrastructure, transport and services provisions.

For the Northern Subregion, the Draft *Metro Strategy* (p. 91) states the following for the Brookvale-Dee Why Major Centre:

- *strengthen as a location for integrated retail, office, employment and service centre for the Northern Beaches and wider subregion*
- *continue to support the mixed-use renewal of Dee Why*
- *provide capacity for at least 3,000 additional jobs to 2031*

Although Dee Why - The Strand is a Small Village and not part of the Dee Why Major Centre, its proximity to the Major Centre supports the protection of existing and the provision of new jobs on the site.

- **Draft North East Subregional Strategy (DNESS)**

The DNESS related to the LGAs of Warringah, Manly and Pittwater and identified a subregional employment target of 19,500 additional jobs by 2031 (which equated to approximately 13,300 extra jobs between 2006 and 2031).

Dee Why - The Strand is nominated in the DNESS as a small village (Figure 11 – Centres an extract of which is shown in **Figure 6** below).

The DNESS, Appendix 3 – Centre Types states the following in relation to smaller local centres, recognising their important economic and employment role:

SMALLER LOCAL CENTRES

In addition to Strategic Centres, there over 500 Town Centres, Villages, Small Villages and Neighbourhood Centres in Sydney served by frequent public transport.

These other places are of a smaller scale and are most important to the people who live and work there.

Neighbourhoods, Villages and Town Centres are better managed by local government. Assistance from the State Government may be required to promote good urban design and provide infrastructure, or to initiate the process of renewal.

Smaller local centres contain a substantial proportion of employment and make a substantial contribution to the Sydney economy. Over 500,000 people are employed in these smaller centres which are focused on providing retail and small local business and personal services for nearby populations, business and industry.

Retention of existing jobs on the site and the provision of a planning regime that will promote new employment opportunities will contribute towards the achievement of the subregional employment targets and enhance the economic and employment role of Dee Why - The Strand Small Village.

Warringah is now in the North Subregion. New Subregional Delivery Plans will be prepared, replacing the draft subregional strategies.

- **Northern Beaches Regional Action Plan (NBRAP)**

The NBRAP relates to the LGAs of Pittwater, Warringah, Manly and Mosman and identifies actions the NSW Government will prioritise. It identifies a need to assist Warringah Council to prepare a transport study to accommodate job growth and road congestion in the district (particularly the Brookvale/Dee Why Major Centre). The NBRAP is not directly relevant to the Planning Proposal.

Relevant s. 117 directions are considered later in **Table 2**.



Figure 6 – Extract from Draft North East Subregional Strategy, Figure 11 – Centres in the North East Subregion

- b. Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following:
- the natural environment (including known significant environmental values, resources or hazards) and
 - the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
 - the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision

There are no natural environmental constraints or issues relevant to the Planning Proposal.

As demonstrated above in the Justification at Section 2.3, the Planning Proposal has site specific merit and is compatible with surrounding land uses noting that:

- The site functions and presents as part of Dee Why - The Strand Small Village and the planning regime should reflect this
- The Planning Proposal maintains the status quo in terms of existing land use, standards and controls and infrastructure demand
- The site has excellent access to recreation facilities (notably Dee Why Beach), transport, jobs and community services. Section 94 contributions could be levied on future development applications (if relevant).

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

Warringah's *Community Strategic Plan 2023* sets out the long term aspirations of the Warringah community. Economic growth and jobs are addressed in the Strategic Plan which notes that:

Our local economy needs to be resilient and provide a range of businesses and services to meet the needs of the community. Small business is a big part of our economy and we should support and foster innovation and have access to areas that are well designed and vibrant. This will also provide opportunities for more residents to work locally.

Relevant community objectives stated in the Strategic Plan in relation to Liveable Neighbourhoods that are supported by the Planning Proposal include the following:

- Attractive and functional centres that meet the needs of residents and businesses
- Diversity of businesses that provide a range of services and employment opportunities

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

The Planning Proposal is consistent all relevant State Environmental Planning Policies (SEPPs), notably it will enable certain development on the site to be carried out as complying development pursuant to *SEPP (Exempt and Complying Development Codes) 2008*. Relevantly, clause 1.18(1)(b) of the SEPP provides that complying development can only be carried out if the development is permissible with consent under an environmental planning instrument. As the majority of the non-residential uses are prohibited on the site (noting the exceptions discussed above in Section 1.3), complying development is not presently available to the existing tenants (and any future replacement tenants). The Planning Proposal would rectify this obstruction.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

It is considered that the Planning Proposal is consistent with the relevant Directions issued under Section 117(2) of the *Environmental Planning and Assessment Act, 1979* by the Minister to Councils, as demonstrated in the assessment at **Table 2**.

Table 2 – Consistency with Relevant Ministerial Directions

Direction	Consistency	Comment
1. Employment and Resources		
1.1. Business & Industrial Zones	Yes	The Planning Proposal retains non-residential uses on the site and provides a flexible and workable planning regime for future non-residential use improvements, changes of use and expansions. Therefore the planning proposal will retain and promote employment in the area.
2. Environmental Heritage	N/A	Not applicable
3. Housing, Infrastructure & Urban Development		
3.1. Residential Zones	Yes	Residential uses (including <i>multi dwelling housing</i> and <i>residential flat buildings</i>) will continue to be permitted with consent on the site.
3.4. Integrating Land Use & Transport	Yes	The Planning Proposal will retain existing and provide for improved non-residential uses and jobs in a location that has access to housing and services and that can be readily accessed by walking, cycling and public transport.
4. Hazard and Risk	N/A	Not applicable
5. Regional Planning	N/A	Not applicable
6. Local Plan Making	N/A	Not applicable
7. Metropolitan Planning		
7.1. Implementation of the Metropolitan Plan for Sydney 2036	Yes	The Planning Proposal is consistent with the Metropolitan Strategy as discussed above in Section 2.3, B above.

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.

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

No.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The planning proposal will retain and potentially enhance the site's employment role which has a positive social and economic impacts for the local community.

D. State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

It is considered that the Planning Proposal will have no adverse effect on the demand or availability of public infrastructure. Additional section 94 contributions can be levied (if relevant) at the development application stage for any future improvements or additions.

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

The views of State and Commonwealth agencies will be known after the gateway determination (noting that the only agency likely to have an interest in the Planning Proposal is NSW Planning and Infrastructure (P&I)).

2.4 Part 4 – Mapping

Mapping included in the Planning Proposal comprises:

- Site location plan (**Figure 1**) and Aerial photographs (**Figures 2 and 4**)
- Extract from WLEP 2011, Land Zoning Map - Sheet LZN – 010A showing the site's split zoning (**Figure 5**)
- Site Identification Survey (**Appendix A**)
- Planning Proposal map (proposed amendment to WLEP 2011 Additional Permitted Uses Map - Sheet APU_010A) (**Appendix B**).

2.5 Part 5 – Community consultation

Community consultation will be undertaken in accordance with Council's guidelines and any specific requirement made by the P&I's gateway determination. At this stage, public exhibition of the Planning Proposal is likely to be undertaken in the following manner:

- Notification in a newspaper that circulates in the area affected by the Planning Proposal
- Notification on Council's website
- Notification in writing to affected and adjoining landowners.

It is considered that the Planning Proposal is a "low impact proposal"² requiring exhibition for 14 days.

² Pursuant to A guide to preparing local environmental plans p. 24 (Planning & Infrastructure, April 2013)

2.6 Part 6 – Project timeline

An indicative timeline for the Planning Proposal is set out below:

- | | |
|--|----------------|
| • Submission of Planning Proposal to Council | May 2014 |
| • Reporting of Planning Proposal to Council | June 2014 |
| • Referral to Minister for Gateway determination | July 2014 |
| • Date of Gateway determination | July 2014 |
| • Public exhibition period (14 days) | August 2014 |
| • Timeframe for government agency consultation | August 2014 |
| • Timeframe for consideration of submissions | September 2014 |
| • Reporting of exhibition of Planning Proposal | October 2014 |
| • Date of submission to Department to finalise LEP | October 2014 |
| • Anticipated date RPA will make plan | November 2014 |
| • Anticipated date RPA will forward to Department for notification | November 2014 |

A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

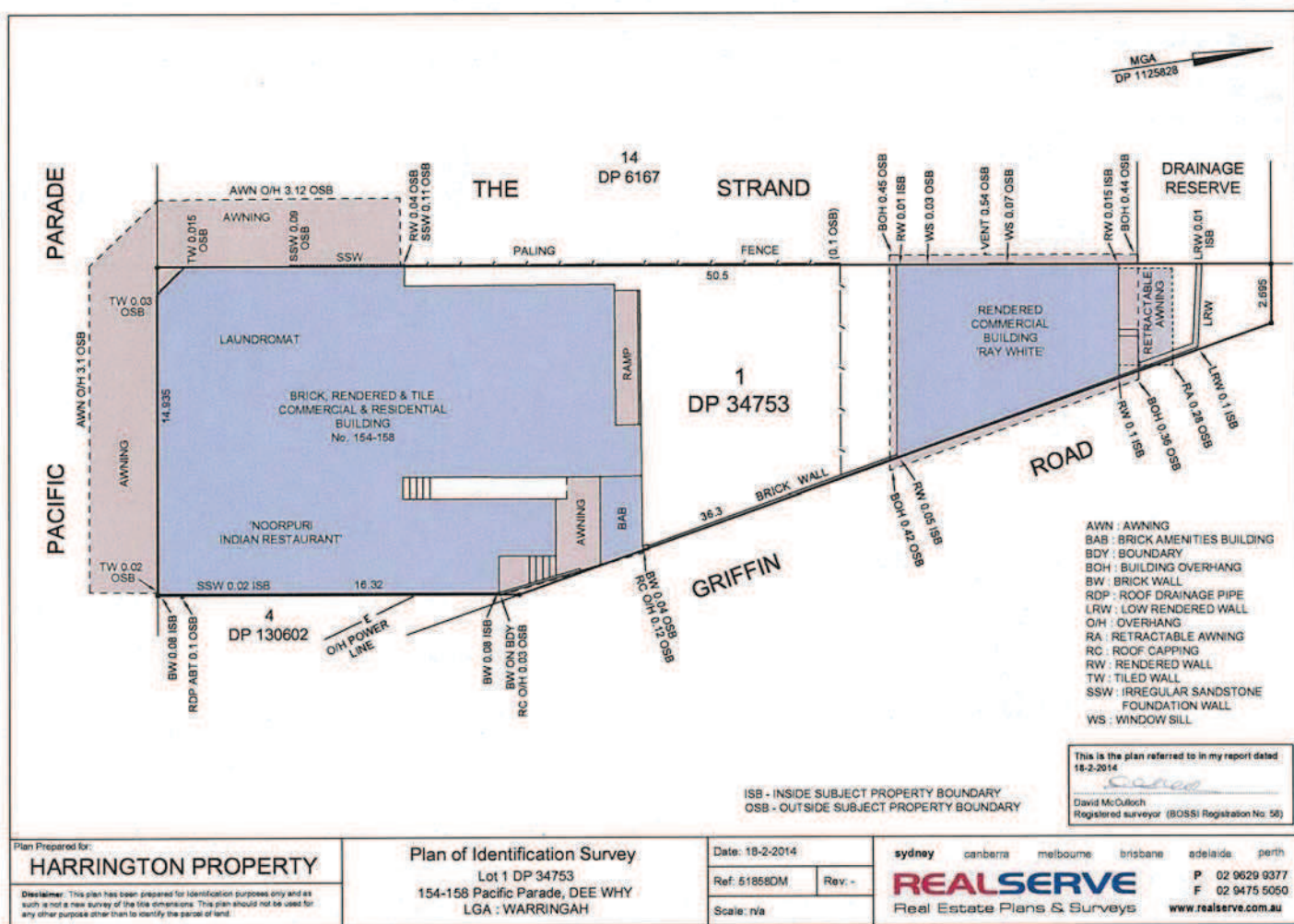
- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal LEP
- does not reclassify public land.

Appendix A

Identification Survey

Appendix B

Planning Proposal map (proposed amendment to WLEP 2011 Additional Permitted
Uses Map - Sheet APU_010A)



Planning Proposal Map Amendment - 154-158 Pacific Parade, Dee Why



Warringah Local
Environmental
Plan 2011

Additional Permitted Uses Map -
Sheet APU_010A

Additional Permitted Uses

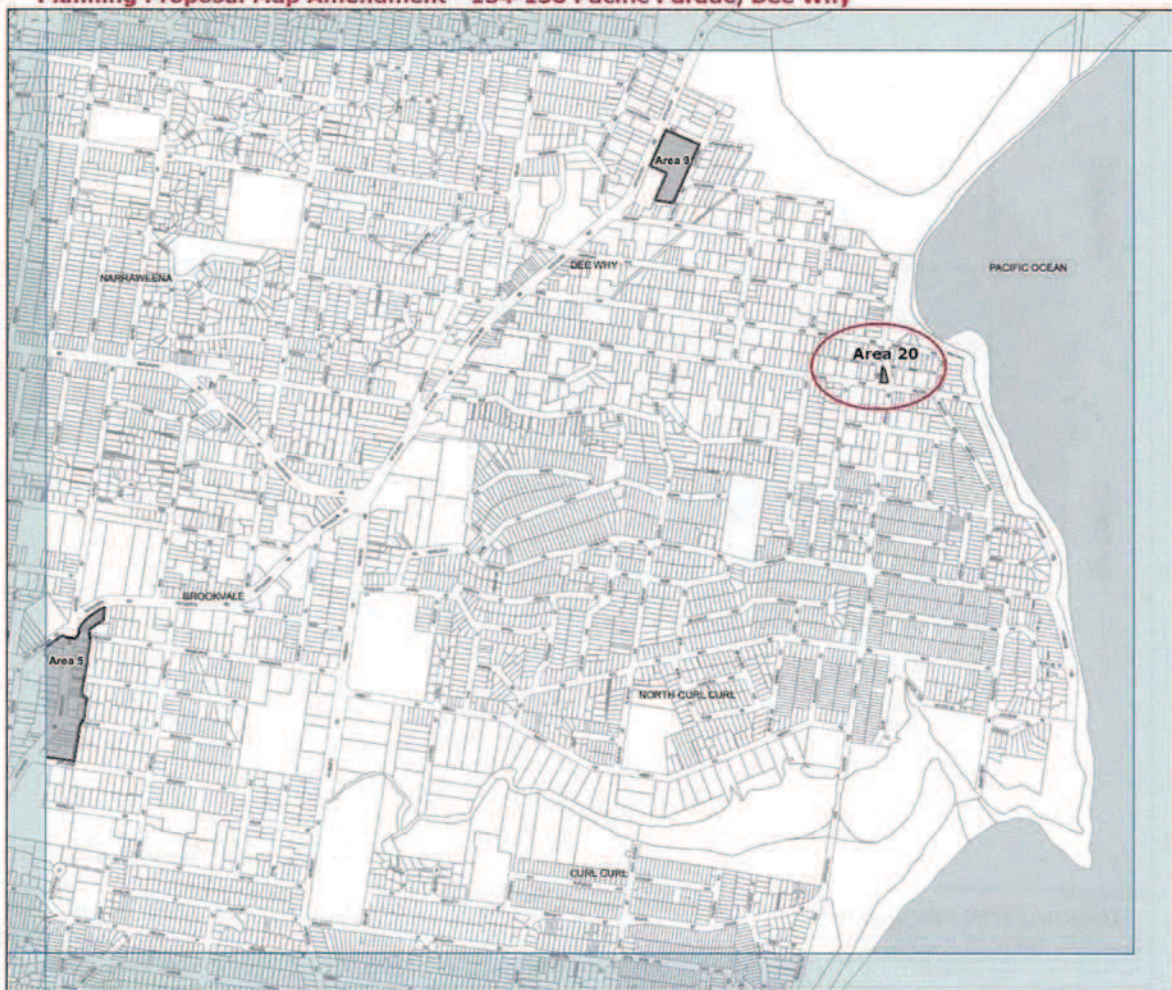
Cadastre
Cadastre 05/04/2013 © Warringah Council



Projection: GDA 1984
Datum: 85

Scale: 1:10,000 @ A3
200 Metres

Map identification number: 1983_008_APU_010A_010A000





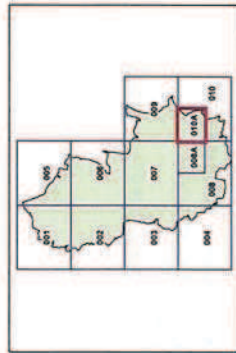
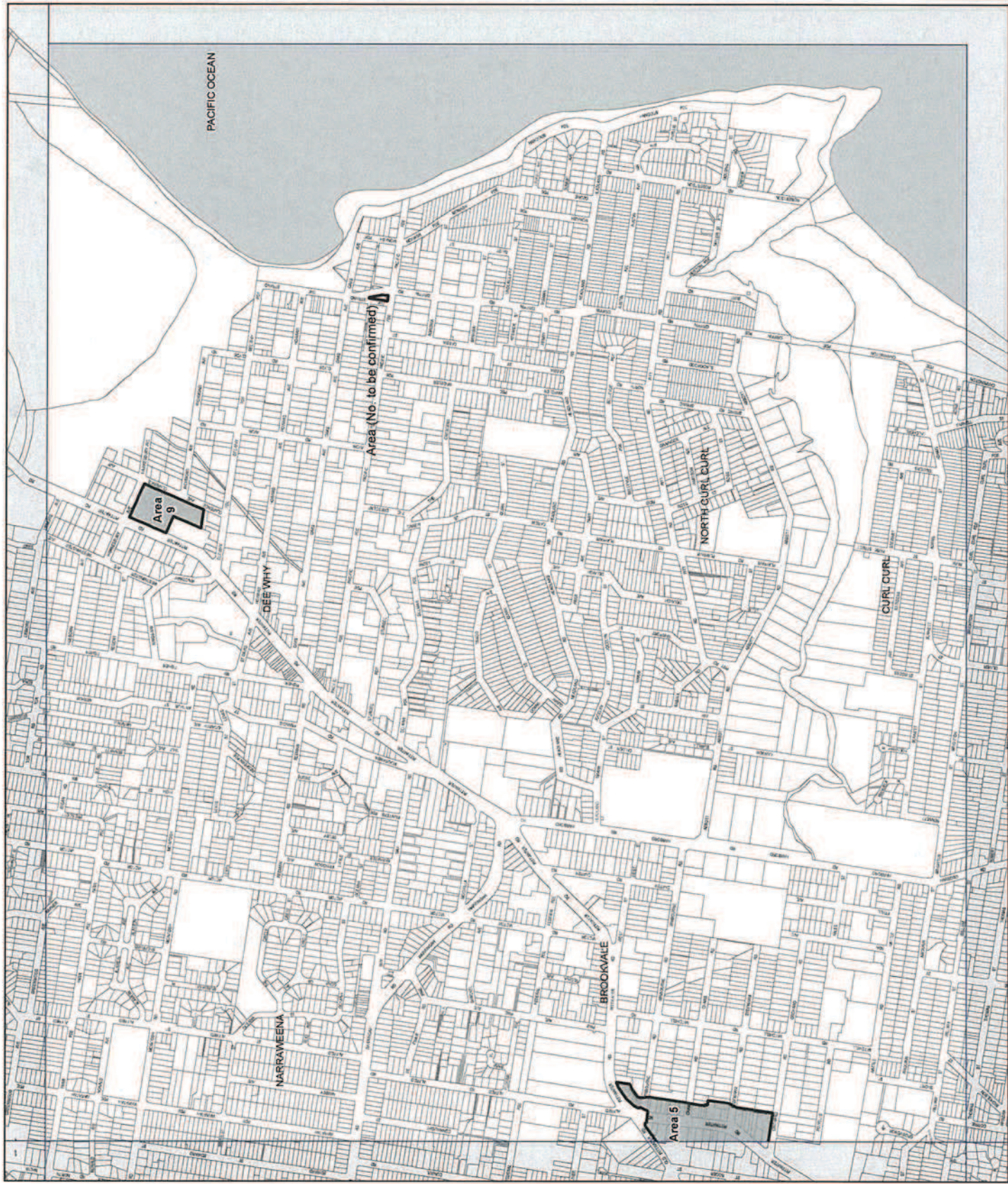
Warringah Local Environmental Plan 2011

Additional Permitted Uses Map - Sheet APU_010A

Additional Permitted Uses

Cadastral

Cadastral 30/07/2014 © Warringah Council



Program: LEP 1994

Zone: C2

Map identification number: 1900_CDM_APU_010A_010_20140730

Additional Permitted Uses Map

158 Pacific Parade,
Dee Why (Lot 1, DP 34753)

Draft Additional Permitted Uses

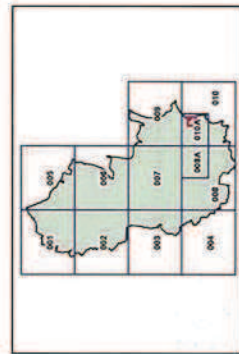
Additional Permitted Uses

Cadastral

Cadastral 30/07/2014 © Warringah Council



WARRINGAH
COUNCIL



50 Metres

Scale 1:2,500 @ A3

Position: GDA 1984
Zone 56

