



northern
beaches
council

PLANNING PROPOSAL

Amendments to Warringah Local Environmental Plan 2011

**1294, 1296, 1298 & 1300 Pittwater Road and
2 & 4 Albert Street, Narrabeen**

June 2021

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Part 1 – Objectives or Intended Outcomes

To amend the Warringah Local Environmental Plan (LEP) 2011 to increase the building height (excluding the existing heritage item and its curtilage) at 1294, 1296, 1298 & 1300 Pittwater Road and 2 & 4 Albert Street, Narrabeen (see Figure 1), and add additional permitted uses for part of the land for a medical centre, commercial premises and shop top housing.

To amend the Warringah LEP 2011 to include a new local provision that refers to the Northern Beaches Affordable Housing Contributions Scheme to enable collection of an affordable housing contribution of 5.7% of floorspace resulting from the increased height uplift from the Planning Proposal.

It is noted that the site currently has existing use rights on part of the site for a medical centre (4 Albert Street) and commercial premises (1300 Pittwater Road). The site has been amalgamated in single land ownership and the development concept proposes to reconfigure and modernise the existing commercial and medical floor space from its existing separate locations at 4 Albert Street towards the site frontage corner at 1298-1300 Pittwater Road to allow for a consolidated built form, street activation and a better urban design outcome.

Explanatory Note

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Warringah LEP 2011 Height of Building Map in accordance with the proposed height map, shown at Figure 2, which indicates:
 - a maximum permissible height of 11 metres for 4 Albert Street, 1294 and 1296 Pittwater Road and part of 1298 Pittwater Road (rear portion of site)
 - a maximum permissible height of 12 metres for 1300 Pittwater Road and part of 1298 Pittwater Road (front portion of site)
- Amending the Warringah LEP 2011 Additional Permitted Uses Map to include 1298 & 1300 Pittwater Road, shown at Figure 3
- Amending the Warringah LEP 2011 Schedule 1 Additional Permitted Uses to include 'medical centre', 'commercial premises' and 'shop top housing' at 1298 - 1300 Pittwater Road. The medical centre and commercial premises must not have a gross floor area exceeding 1,150m².
- Amending the Warringah LEP 2011 Part 6 additional local provisions to include an affordable housing contribution provision for the purposes of affordable housing

Explanatory Note

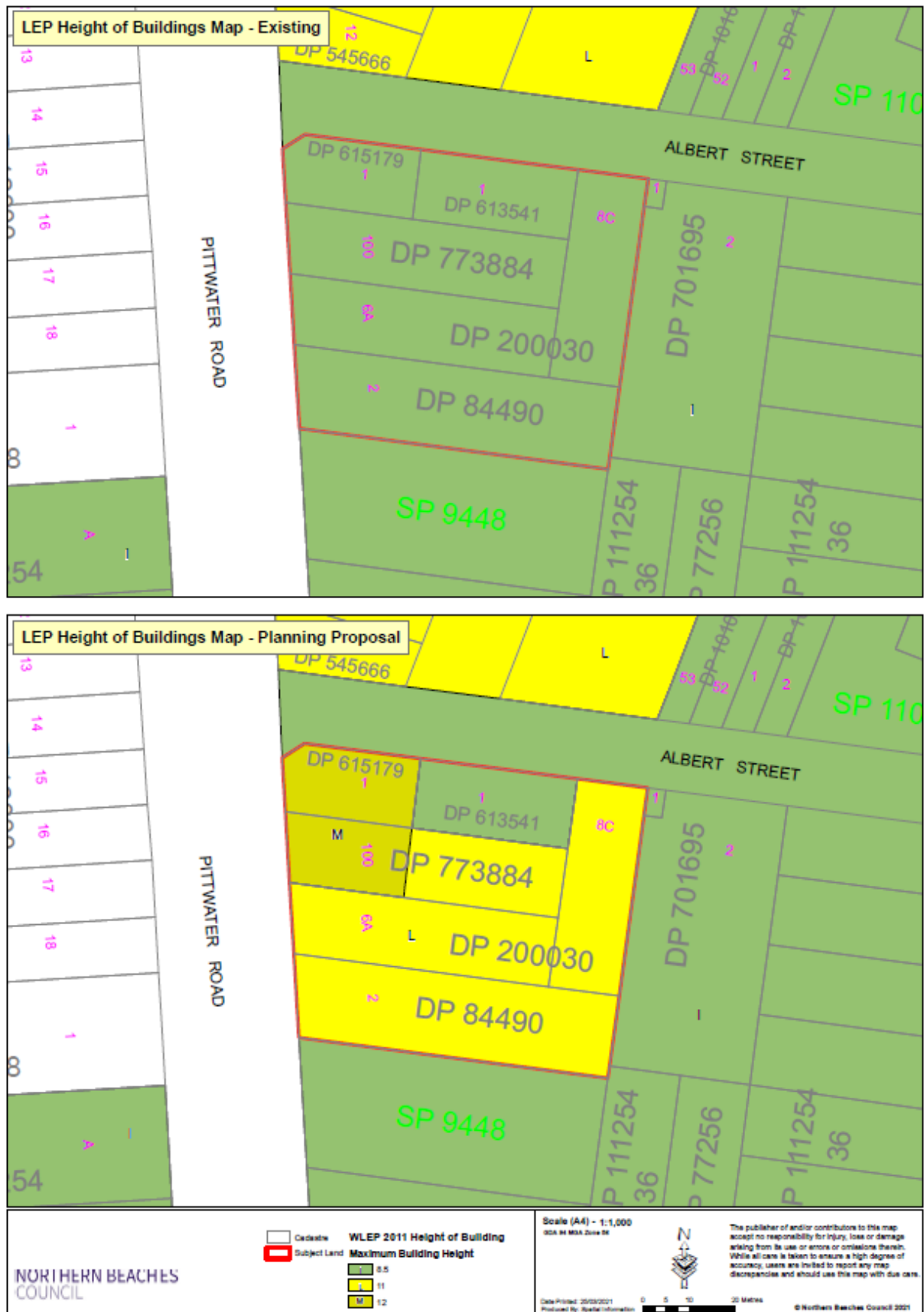


Figure 2: Showing the existing and proposed Height of Building for the site

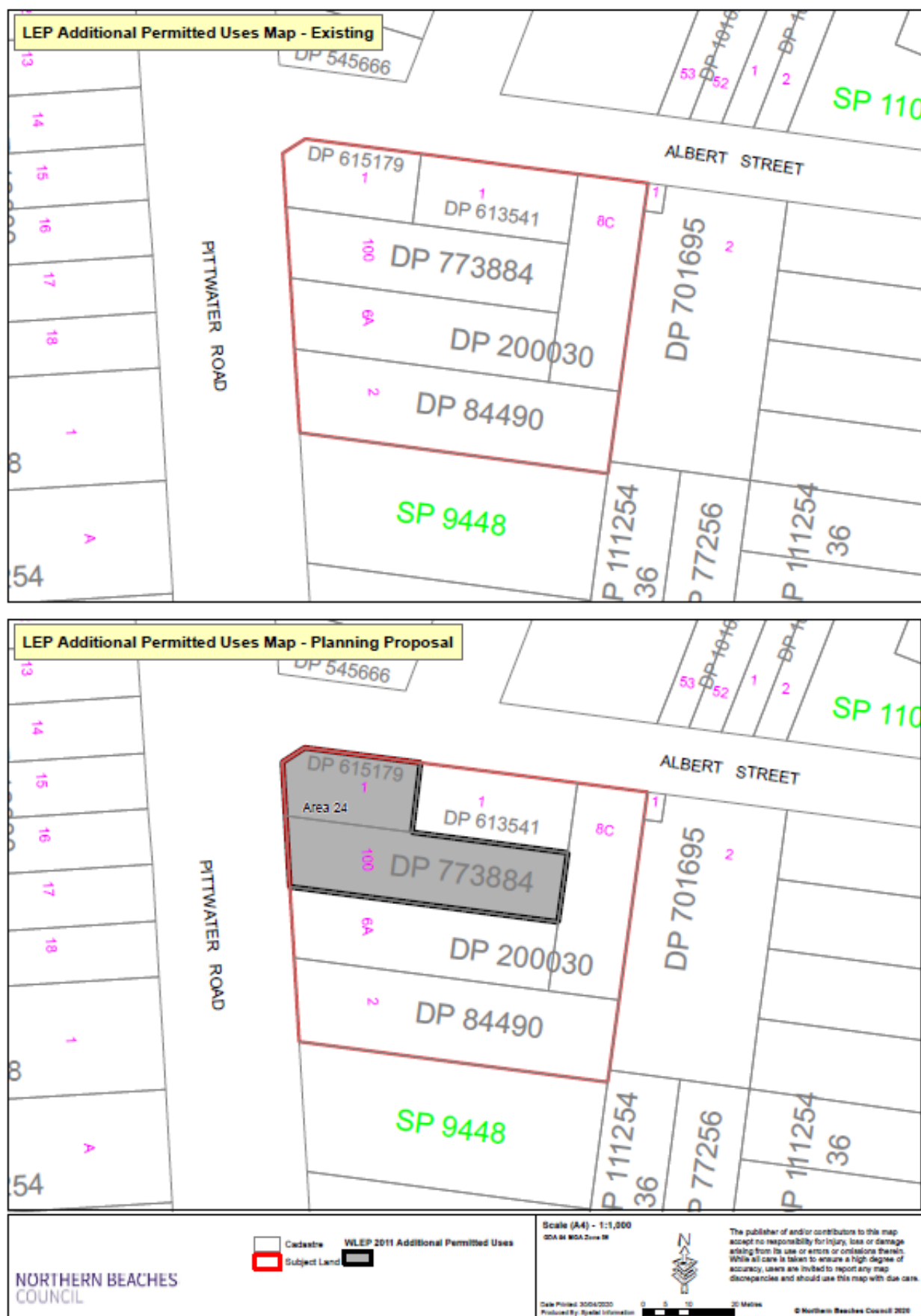


Figure 3: Showing the existing and proposed Additional Permitted Uses for the site

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

No - with regards to changes to height and permitted uses.

The Planning Proposal was initiated by an application to Council on behalf of the land owners. Council has amended the Applicant's Planning Proposal to retain the existing building height for the local heritage item and its north-eastern curtilage, allow a minor increase in building height to 12 metres at the corner of Pittwater Road and Albert Street to enable greater floor to floor heights for the non-residential uses and limited the gross floor area for commercial premises and medical centres to ensure that the majority of the site will be used for residential purposes to meet the objectives of the R3 Medium Density Residential zone.

Yes – with regards to the Northern Beaches Affordable Housing Contribution Scheme

- *Shape 2028 – Northern Beaches Community Strategic Plan 2018-2028* Goal 7, Strategy C is to 'Advocate for improved housing affordability'.
- *Towards 2040 Local Strategic Planning Statements* – Priority 16 focuses on access to quality social housing and affordable housing. Action 16.1 is to 'Increase the supply of affordable rental housing through the local housing strategy and LEP and DCP controls.
- *Northern Beaches Local Housing Strategy* – April 2021. Priority 3 Social and Affordable Housing formally adopts an affordable housing target that matches the 1,880 projected additional dwellings needed by 2036 (95 dwellings per year) to address the shortfall in social and affordable housing on the Northern Beaches.

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

Yes. Rezoning a part of the site to a different zone such as B2 Local Centre or B4 Mixed Use would permit a range of other land uses that Council cannot support due to a range of environmental, social and economic impacts. A more detailed Economic and Traffic Impact Assessment Report would be required in order to determine whether the land uses proposed in each of the alternative zones would be appropriate.

The concept plans submitted with the proposal are to consolidate existing commercial and medical centre uses at the front corner of the site facing Pittwater Road which adjoins the town centre. The remainder of the site will accommodate residential uses in line with the existing R3 Medium Density Residential Zone. Accordingly, an additional permitted use is the best, most efficient and time effective approach to delivering the objectives or intended outcome. A maximum gross floor area control would also ensure that most of the site will be used for residential purposes to meet the objectives of the R3 Medium Density Residential zone.

The proposal supports additional commercial floorspace to accommodate growth of the existing medical centre which has operated from 4 Albert St since 1956, which has outgrown its site and which is expected to see further growth in demand. Analysis undertaken by SGS Planning and Economics on behalf of council to support the LSPS process identifies that Narrabeen is expected to see strong growth in retirees of +34% to 2036 with 'Health Care and Social Assistance' expected to be the largest employment sector in Narrabeen by 2036 with 377 jobs. Retention and support for the expansion of the medical centre will support the changing needs

of the Narrabeen catchment and reduce the need to travel to Mona Vale or Dee Why for a medical centre of this scale.

The expansion of medical floorspace in Narrabeen town centre is unlikely to be detrimental to the viability of the centre or to the competition for other medical centres according to the economic assessment provided by the applicant. Existing uses include a medical centre at 4 Albert Street which currently occupies 325m² of Net Lettable Area and a commercial premise at 1300 Pittwater Road which currently provides 240m² of floorspace. The proposal includes a total of 892m² of Net Lettable Area (NLA) of commercial floorspace which will provide a consolidated built form with modern, accessible facilities with street activation and an improved urban design outcome. While vacancy analysis undertaken by Council shows there is a high vacancy rate in Narrabeen, particularly for first floor commercial space, these tend to be in much older buildings with accessibility constraints and small floorplates that would not be suitable for a modern medical centre. While Council supports the expansion of the medical centre, a floorspace cap of 1,150m² was proposed by the applicant and is supported by Council to prevent excess supply of commercial floorspace given the existing high vacancy rates for first floor commercial space in Narrabeen.

Regarding the maximum building height proposed, retaining the existing 8.5m maximum building height and requesting a Clause 4.6 variation would not achieve the objectives or intended outcome as the height variation would not allow for an additional storey. This additional storey is needed to support overall feasibility of this proposed development given the commercial floorspace and setbacks around the heritage bungalow at 2 Albert St which reduce the level of density which can be achieved on the site under existing controls.

An increase to the maximum building height for residential areas of the site of 11m recognises the 11m height limit in the adjoining B2 Local Centre zoned town centre which sets the benchmark for the maximum building height in the centre. Council supports the 12m height limit for Building A at the Corner of Pittwater Rd and Albert St where commercial and medical centre uses will be accommodated to support increased floor-to-floor heights in line with the Australian Design Guidelines (ADG). Council consider this approach to be the best, most efficient and time effective approach to deliver the desired outcome.

It is noted that the Concept Plans envisage a largely three storey-built form with the fourth storey in an attic configuration. To achieve the fourth storey at the rear of the site, this will require excavation and terracing to lower the finished ground level below existing ground level. It is proposed that most of the excavation will be below 1 metre, but in the south-west corner, this could be up to 1.95 metres. The Applicant has demonstrated that this concept (inclusive of the flood planning level) is able to be achieved. In addition, it is noted that a Clause 4.6 variation request is an additional mechanism available in the development assessment process, should this be required.

Northern Beaches Affordable Housing Contributions Scheme

At its meeting of 28 May 2019, Council adopted the Northern Beaches Council Affordable Housing Contributions Scheme (consistent with the guidelines developed by the Department of Planning, Industry and Environment (DPIE)). The Scheme is the primary mechanism for Council to levy for affordable housing through its Local Environmental Plans (LEPs) and contains principles and objectives, the areas to which the Scheme applies, contribution rates, how contributions are to be calculated and made, and conditions and administrative requirements.

DPIE completed a preliminary review of this planning proposal when it was previously submitted for gateway. Advice from DPIE is that this revised planning proposal include an LEP provision that refers to the Affordable Housing Contribution Scheme. Council notes that under the *Guideline for Developing an Affordable Housing Contribution* the process for implementing an

affordable housing contribution scheme includes an optional community consultation process before preparing a planning proposal. Affordable Housing has long been recognised as a priority for the Northern Beaches Community and has been a specific strategy in the Community Strategic Plan for several years to help retain a more diverse community on the Northern Beaches in the face of increased affordability constraints which have significant social impacts.

Further, we would highlight the recent public exhibition and adoption of the Northern Beaches Local Housing Strategy (LHS) on 27 April 2021. The LHS outlines how and where future housing will be delivered to meet our community's needs over the next 20 years. Part of this work included undertaking an affordable housing needs analysis which identified a current shortfall of 8,000 social and affordable housing dwellings on the Northern Beaches, which is set to increase by another 1,880 dwellings by 2036. The LHS adopts the 1,880-dwelling figure as a social and affordable housing target across the LGA to 2036. Council recognises that the Affordable Housing Contribution Scheme scheme is unlikely to deliver enough dwellings to meet this target and so the local Housing Strategy includes an action to develop a comprehensive affordable housing action plan, however implementation of this scheme is a critical first step to achieving this target and this planning proposal is likely to provide the first contribution.

The Scheme was to apply initially to the Frenchs Forest Planned Precinct, with Council resolving to submit the draft Scheme to DPIE for public exhibition with the amendments to Warringah LEP 2011 required to implement the Frenchs Forest Planned Precinct. Exhibition of the LEP to implement the Frenchs Forest Planned Precinct is yet to occur. The Scheme however can be extended to other areas that are rezoned or are subject to increases in residential density in the future, with each area subject to a separate feasibility analysis to determine the required contribution rate. The Scheme has therefore been amended to include 1294-1300 Pittwater Rd & 2-4 Albert St, Narrabeen with relevant Peer-review of feasibility work provided by SGS Economics and Planning included. Council can also provide the Commercial-in-confidence detailed feasibility analysis provided by the applicant to support the Department with its assessment.

The applicant submitted feasibility work to council in July 2020 which concluded that an affordable housing contribution is not viable. The owners instructed the applicant to offer a 2% contribution (\$320,000 indicatively) recognising the importance of affordable housing on the Northern Beaches. Council subsequently engaged SGS Economics and Planning to undertake a peer review of this feasibility analysis with support from sub-consultants Savills who reviewed the property valuation advice and MBM Pty Ltd who reviewed construction cost estimates. This peer-review challenged several assumptions used by the applicant and **found that an Affordable Housing Contribution of 5.7% is unlikely to prevent the development from proceeding**. These revised assumptions include a 10% construction contingency, reduced professional fees based on advice of Savills and removal of cost escalation as revenues are not escalated. Council staff have since noticed that the SEPP 70 feasibility tool provided by the Department includes guidance for an assumption 10% construction contingency, with 15% for complex projects and has sought confirmation of this advice from the Housing Policy team at DPIE.

Section B – Relationship to Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

a) Does the proposal have strategic merit?

Yes. The Planning Proposal achieves the overall intent of the Greater Sydney Region Plan – A Metropolis of Three Cities (Region Plan) and North District Plan (District Plan).

The Planning Proposal is consistent with the Region Plan, particularly with respect to the following objectives:

- **Objective 6 (Services and infrastructure meet communities' changing needs):** The Planning Proposal delivers social infrastructure that reflects the needs of the community now and in the future. Analysis by SGS for Council's Employment Study precinct profiles, shows strong growth in retirees (+34%) within the Narrabeen catchment between 2016 and 2036. It also notes that 'Health Care and Social Assistance' will be the largest sector (377 jobs) by 2036. Over the long term, retention and expansion of the medical centre would go towards supporting this sector and servicing the changing demographic within the Narrabeen catchment.
- **Objective 10 (Greater Housing Supply):** The Planning Proposal provides additional housing supply within an existing local centre that is supported by infrastructure and within walking distance to regional bus transport (B-Line). Based on the Concept Plans, the development will comprise between 48-60 dwellings onsite. Of this, the additional height provides for between 15-20 dwellings.
- **Objective 11 (Housing is more diverse and affordable):** This Planning Proposal supports implementation of the *Northern Beaches Affordable Housing Contribution Scheme* and will be the first site to which the scheme applies. The detailed design of this development shows a combination of smaller one bedroom apartments and larger two and three bedroom apartments. Two townhouses and three rooftop apartments with large private rooftop terrace gardens further contribute to diversity, providing attractive opportunities for local retirees to downsize or for young families near transport and amenity of Narrabeen Town Centre.
- **Objective 13 (Environmental heritage is identified, conserved and maintained):** The Planning Proposal identifies and maintains the heritage significance of the existing local heritage item onsite at 2 Albert Street and adjoining local heritage item at 72-90 Ocean Street known as Furlough House (Narrabeen Retirement Village). The proposal is accompanied by a Heritage Impact Assessment which recommends sympathetic built form controls through building height and curtilage setbacks. These built form controls are demonstrated in the Concept Plans. It is noted that whilst the building height will be addressed through this Planning Proposal, the setbacks will be addressed through site-specific development controls in the Warringah Development Control (DCP) 2011. The DCP amendments are subject to a concurrent process by Council.
- **Objective 14 (Integrating land use and transport creates walkable and 30-minute cities):** The Planning Proposal integrates land use and transport by allowing increased density within walking distance (100-200 metres) to regional bus transport (Northern Beaches B-Line – Narrabeen Stop). The B-Line connects the site to other strategic centres within the Northern Beaches and the Harbour CBD. The proposal delivers a 30-minute city for the Brookvale-Dee Why and Mona Vale Strategic Centres.
- **Objective 34 (Exposure to natural and urban hazards is reduced):** Part of the site is located within a medium and low flood risk precinct, with reference to the lots fronting Pittwater Road. The Flood Risk Assessment Report indicates that future development will have minimal impact on the flood behaviour. This position is supported by Council and it is considered that future development would require compliance with the flood controls in Council's LEP and DCP. Further design work during the development application stage would be required to ensure that buildings

are designed and constructed as flood compatible buildings and meet Council's relevant policy directions relating to flooding.

The Planning Proposal is consistent with the District Plan, particularly with respect to the following Planning Priorities:

- **Planning Priority N3 (Providing services and social infrastructure to meet people's changing needs):** The Planning Proposal provides different housing types and non-residential land uses which will meet the centre's changing needs. In addition to providing a range of medium-density housing in walking distance to public transport, the proposal will also provide health related uses. This will create opportunities for older people to age in place, where being close to family, friends and established health and support networks improves people's wellbeing.
- **Planning Priority N5 (Providing housing supply, choice and affordability, with access to jobs, services and public transport):** The Planning Proposal will facilitate new housing in good proximity to jobs, services and public transport. In addition, the proposal will provide the opportunity for different housing types, tenures and price points in the centre.
- **Planning Priority N6 (Creating and renewing great places and local centres, and respecting the District's heritage):** The site is located in the Narrabeen Local Centre and the proposal will provide new medium-density residential uses with local services. The proposal also identifies and conserves the onsite and adjoining local heritage items so that its heritage values can be experienced by current and future generations.
- **Planning Priority N9 (Growing and investing in health and education precincts)** action 35 – Strengthen Frenchs Forest through approaches that (c.) provide new housing, including affordable housing. While Frenchs Forest was anticipated to be the first site to which the Northern Beaches Affordable Housing Contribution Scheme applies, this site will be the first to which this scheme applies and will provide the framework for provision of affordable housing at Frenchs Forest.
- **Planning Priority N12 (Delivering integrated land use and transport planning and a 30-minute city):** The Planning Proposal integrates land use and transport by allowing increased density within walking distance (100-200 metres) to regional bus transport (Northern Beaches B-Line – Narrabeen Stop). The proposal will facilitate new housing in good proximity to jobs, services and public transport. This will improve the opportunity for people to walk and cycle to local shops and services, as well as reduce the need for people to travel long distances to access jobs and local services.
- **Planning Priority N22 (Adapting to the impacts of urban and natural hazards and climate change):** Part of the site is located within a medium and low flood risk precinct, with reference to the lots fronting Pittwater Road. The Flood Risk Assessment Report indicates that future development will have minimal impact on the flood behaviour. This position is supported by Council and it is considered that future development would require compliance with the flood controls in Council's LEP and DCP. Further design work during the development application stage would be required to ensure that buildings are designed and constructed as flood compatible buildings and meet Council's relevant policy directions relating to flooding.

b) Does the proposal have site-specific merit?

Yes. The Planning Proposal has site-specific merit with regard to the following:

The Natural Environment (including known significant environmental values, resources or hazards)

The Planning Proposal does not impact significantly on the natural environment. The site is not anticipated to have any adverse impacts on any critical habits or threatened species, native vegetation, wildlife corridors and is not bushfire prone land. However, the site is identified as containing a local heritage item, Class 4 Acid Sulfate Soils, Area A – Slope <5° Landslip Risk, medium to low flood risk for part of the site frontage and is within a coastal environment area under *State Environmental Planning Policy (Coastal Management) 2018*. These matters are standard items that are able to be addressed as part of the development application stage through appropriate building design in accordance with relevant Manuals and Policies.

In regards to environmental health, the Contamination Report indicates that there is no history of potentially contaminating land uses on the site. The site is currently being used for residential and commercial purposes. Council's records indicate no potential land contamination uses present on the site.

The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal

The site is currently zoned R3 Medium Density Residential and presently contains residential and commercial uses. It is noted that existing use rights apply for the commercial and medical floor space uses on part of the site. The proposal does not intend to change the existing uses onsite, rather, it proposes to reconfigure and modernise the location of the commercial and medical floor space from its existing separate locations towards the site frontage corner to allow for a consolidated built form, street activation and a better urban design outcome. The proposal will be consistent with land and building heights in the vicinity of the site being the Narrabeen Local Centre and residential uses including a nursing home and residential flat buildings.

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

The proposal will create minor demand for additional public infrastructure, however this is only considered marginal with existing infrastructure likely to sustain any increase in density directly related to the proposal (approximately 15-20 dwellings). It is considered that there are sufficient services and infrastructure that are available to meet the demands arising from the proposal. The Planning Proposal integrates land use and transport by allowing increased density within walking distance (100-200 metres) to regional bus transport (Northern Beaches B-Line – Narrabeen Stop). In addition, future development would be subject to Council's Section 7.12 Development Contributions Plan, a levy which would contribute towards the provision and/or embellishment of local infrastructure.

4. Will the Planning Proposal give effect to a Council's endorsed Local Strategic Planning Statement, or another endorsed local strategy or strategic plan?

Yes. The Planning Proposal gives effect to 'Towards 2040', Council's Local Strategic Planning Statement (LSPS), which was adopted on 25 February 2020.

The LSPS states in relation to Planning Proposals:

- *Planning Proposals to amend the LEP, prepared by Council or applicants, must accord with the Environmental Planning and Assessment Act 1979.*

- *Planning Proposals must include an assessment of whether they will give effect to Towards 2040. In making this assessment, the priorities and related principles must be considered together. It is not appropriate to justify a planning proposal based on a single element of Towards 2040.*

Accordingly, an assessment against all priorities is identified in Attachment 1. The Planning Proposal is considered consistent with the priorities and related principles, namely:

- **P1 (Healthy and valued coast and waterways):** The development assessment process will provide opportunities to enforce stormwater quality improvement for future development.
- **P5 (Green urban environments):** The Concept Plans demonstrate that existing trees will be retained and integrated into site planning where possible.
- **P7 (A low-carbon community, with high energy, water and waste efficiency):** The development assessment process will require future residential development to meet *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* requirements. For non-residential development, controls which address the conservation of energy, water and waste efficiency are contained within the DCP.
- **P8 (Adapted to the impacts of natural and urban hazards and climate change):** The proposal is not located in a high risk hazard area.
- **P9 (Infrastructure delivered with employment and housing growth):** The proposal is well located to employment and infrastructure as the site adjoins the Narrabeen Local Centre.
- **P15 (Housing supply, choice and affordability in the right locations):** The proposal provides affordable rental housing, new housing within walking distance to high frequency public transport, along with greater housing diversity and growth within a local centre. In addition, the Concept Plans demonstrate that future development will be designed to complement local character, heritage, the environment, and overall, provide a better urban design outcome. In regards to open space, the site is located within 200 metres of Berry Reserve.
- **Priority 16 (Access to quality social housing and affordable housing):** This proposal actively contributes to improving access to affordable housing by implementing the *Northern Beaches Affordable Housing Contribution Scheme* and providing the first contribution to affordable rental housing on the Northern Beaches. This proposal directly responds to Action 16.1 which seeks to 'Increase the supply of affordable rental housing through the local housing strategy and LEP and DCP controls.'
- **P18 (Protected, conserved and celebrated heritage):** The proposal retains and considers the significance of local heritage items onsite and adjoining the site.
- **P22 (Jobs that match the skills and needs of the community):** The proposal will increase local job opportunities supported by public transport in the short and long term through initial construction of the development and expansion of the medical and commercial floor space. Jobs will be supported by high frequency public transport, cycling and legible walking connections within the centre. The proposal maintains and increases employment floor space and will not diminish other

employment or economic opportunities. The proposal will also improve the amenity and design of the centre.

The Planning Proposal also gives effect to 'Shape 2028', Council's adopted Community Strategic Plan (CSP). The CSP identifies goals to achieve Council's vision. The Planning Proposal is consistent with the CSP goals, namely:

- **Goal 1 (Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations):** The proposal does not impact on the Narrabeen Lagoon Catchment.
- **Goal 2 (Our environment and community are resilient to natural hazards and climate change):** The Concept Plans demonstrate that future development will take into consideration potential risk to life and property from storm events and floods. Future development will be designed to mitigate possible impacts through compliance with relevant Manuals and Policies.
- **Goal 5 (Our built environment is developed in line with best practice sustainability principles):** The proposal achieves integrated land use planning by locating growth within walking distance of high-frequency public transport services. In addition, the proposal balances the economic needs of present and future generations by limiting non-residential floor space to ensure minimal impact to other commercial uses within the centre.
- **Goal 7 (Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community):** The proposal provides a mix of housing types to the centre, tenures and price points supported by infrastructure. Specifically, this proposal contributes to strategy (C) to 'Advocate for improved housing affordability'.
- **Goal 16 (Our integrated transport networks meet the needs of our community):** The proposal ensures transport planning is integrated with land use planning. The site's location within walking distance to the Northern Beaches B-Line – Narrabeen Stop will facilitate and promote safe transport options that will assist with reducing car-based commuter travel.

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

The Planning Proposal is considered consistent with applicable State Environmental Planning Policies (as shown in Attachment 2), namely:

- **SEPP (Coastal Management) 2008:** The site is identified within the 'coastal environment area'. Future development will comply with the principle-based management objectives identified in accordance with the development assessment process.
- **SEPP 70 (Affordable housing) 2009:** This site is proposed to be identified in the Northern Beaches Council Affordable Housing Scheme which has been prepared in accordance with the requirements of SEPP70. A need for affordable housing on the Northern Beaches has been established with most recent work through the [Local Housing Strategy](#) identifying a current shortfall of 8,000 affordable dwellings and a further 1,880 dwellings to 2036. This site will be the first to which the Northern Beaches Council Affordable Housing scheme will be applied with accompanying feasibility evidence that demonstrates a contribution rate of 5.7% is unlikely to

prevent development. These documents will be submitted to the department alongside this planning proposal as previously requested in the department after preliminary review of this planning proposal.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The Planning Proposal is consistent with applicable Ministerial Directions (as shown in Attachment 3) namely:

- **Direction 2.2 (Coastal Protection):** The site is not identified within a coastal vulnerability area of *SEPP (Coastal Management) 2018* and is not identified as a current or future coastal hazard in Council's LEP, DCP or any study undertaken. The proposal is considered consistent with the *Coastal Management Act 2016*, relevant manuals and plans and guidelines.
- **Direction 2.3 (Heritage Conservation):** The Planning Proposal takes into consideration the local heritage item onsite and adjoining the site. The Concept Plans demonstrate sympathetic built form controls through building height and curtilage setbacks, which will be implemented through amendments to Warringah DCP 2011.
- **Direction 2.6 (Remediation of Contaminated Land):** A Preliminary Site Contamination Investigation prepared in accordance with the Contaminated Land Planning Guidelines accompanies the Planning Proposal. The report concludes that the subject site has a low potential to result in contamination demonstrated by the site history, along with sampling and analysis of surface material across the site. The site is considered suitable for the proposed development.
- **Direction 3.1 (Residential Zones):** The Planning Proposal locates growth in existing areas which are well serviced by infrastructure and services. Further, the proposal does not contain provisions which reduce the permissible residential density of land. The existing objectives of the R3 Medium Density Residential zone encourage the provision of housing to comprise good design.
- **Direction 3.4 (Integrating Land Use and Transport):** The site is located in close walking distance to the Northern Beaches B-Line – Narrabeen Stop and is adjacent to the Narrabeen Local Centre. The Planning Proposal ensures land uses and building forms relate to walkable catchments to public transport and services.
- **Direction 4.3: Flood Prone Land** – The Planning Proposal retains the existing local provision relating to flood planning and is consistent with relevant floodplain policies and manuals. The flood prone land is identified on part of the lots with frontage to Pittwater Road. Future development will be designed in accordance with the flood planning level, relevant policies and manuals.
- **Direction 5.10 (Implementation of Regional Plans):** The Planning Proposal is consistent with the Greater Sydney Region Plan (see Section B(3)).

However, the Planning Proposal is likely to be inconsistent with certain Ministerial Directions, namely:

- **Direction 4.1 (Acid Sulfate Soils):** The site is identified as containing Class 4 Acid Sulfate Soils. The Planning Proposal is inconsistent with this direction as an Acid Sulfate Soils Study has not been prepared.

In accordance with clause 8(b) of this direction, the inconsistency is considered to be of minor significance, given that excavation of 2 metres or more below the natural ground surface may not be required due to the slope of the land and flood planning level requirement. Notwithstanding this, should future development require excavation exceeding the Class 4 requirements, this can be provided as part of the development application process.

- **Direction 6.3 (Site Specific Provisions):** The Planning Proposal is inconsistent with this direction as an additional permitted use is proposed as opposed to amending the Land Use Table for the R3 Medium Density Zone or the application of an alternative land use which permits commercial premises and medical centres. In addition, an additional development standard has been applied to limit the non-residential floor space. The Planning Proposal also refers to Concept Plans that show details of a future development proposal.

In accordance with clause 6 of this direction, this inconsistency is considered to be of minor significance given that Section A(2) of the Planning Proposal demonstrates why an additional permitted use with a limit on non-residential floor space is required. In addition, Concept Plans are referred to in order to connect the Planning Proposal to the corresponding DCP amendment, which will be exhibited concurrently.

Section C – Environmental, Social and Economic Impact

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

No. The site does not contain critical habitat or threatened species, populations or ecological communities, or their habitats that are mapped by Council. In addition, the site is already developed for residential and commercial purposes. Accordingly, the proposal is not anticipated to have any adverse impacts on any critical habitats or threatened species, populations or ecological communities, or their habitats.

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

Yes. The Planning Proposal addresses the natural hazards that impact on the site, namely flood risk and acid sulfate soils. It is considered that both issues can be managed at the development application stage.

Part of the site frontage to Pittwater Road is identified within a medium and low flood risk precinct. Further design work during the development application stage would be required to ensure that future buildings are designed and constructed as flood compatible buildings and meet Council's relevant policy directions relating to flooding.

The site is also identified as containing Class 4 Acid Sulfate Soils. Class 4 requirements indicate that excavation of 2 metres or below the natural ground surface requires an Acid Sulfate Soils Management Plan. Should future development require excavation exceeding the Class 4 requirements, it is considered that this can be provided as part of the development application process.

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

Yes. The Planning Proposal will achieve positive social and economic benefits including an additional 15 to 20 dwellings targeting downsizing retirees within easy walking distance to high frequency public transport and existing services. Further, this planning proposal seeks to implement the *Northern Beaches Affordable Housing Contribution Scheme* and will provide the first contribution to affordable rental housing on the Northern Beaches with 5.7% of floorspace uplift resulting from increased height under this planning proposal.

The building heights and setbacks have been designed to enhance the heritage values of the local heritage item at 2 Albert Street and prioritises the urban design outcome for the public domain. A 2m setback from the ground floor at the corner of Pittwater Rd and Albert St in the DCP supports active travel outcomes recognising the function of this corner in connecting residents to the South of Narrabeen with the B-line and the tramsheds precinct at one of only two pedestrian crossings of Pittwater Road in Narrabeen town centre. While setbacks and deep soil planting to support tree canopy at the site edges along Albert Street and Pittwater Road support high amenity shaded active travel links for the surrounding community to access Narrabeen Town Centre and the B-Line bus stop. This aligns with insights from the [2018 Placescore](#) (pg69) community survey which shows overall visual character of the area followed by vegetation and natural elements as the top priorities for investment in Narrabeen.

The proposed location of medical and commercial floorspace adjoining an established town centre, opposite public open space and in easy walking distance to the B-Line

supports amenity and accessibility for workers and patients/visitors, encouraging use of public transport, attracts visitation to the town centre and encourages enjoyment of public open space. Expanded floorspace to accommodate a growing medical practice will provide an important service to the local community in an accessible modern building with on-site parking, recognising the ageing population within the Narrabeen Town Centre catchment area which will drive continued growth in demand for medical services.

The Planning Proposal will achieve positive economic effects by accommodating four (4) additional General Practitioner jobs and further support staff. Construction of the project will provide at least 160 jobs. It is noted that there are currently six (6) full time employees within the medical practice and approximately ten (10) full time employees at 1300 Pittwater Road. The proposed increase in floor area will allow an approximate 75% increase in the current jobs on the site to approximately 28 full-time equivalent jobs.

The Economic Impact Assessment by LOCATIQN provided by the Applicant demonstrates that there is sufficient demand for large format medical centres and additional commercial floor space. The Assessment also identifies that there will not be a significant impact to the trade area as the majority of existing vacant sites have already been recently leased, with sites still for lease too small to accommodate the proposed development.

Section D – State and Commonwealth Interests

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

Yes. Whilst the proposal will create minor demand for additional public infrastructure, this is considered marginal with existing infrastructure likely to sustain any increase in density related to the proposal.

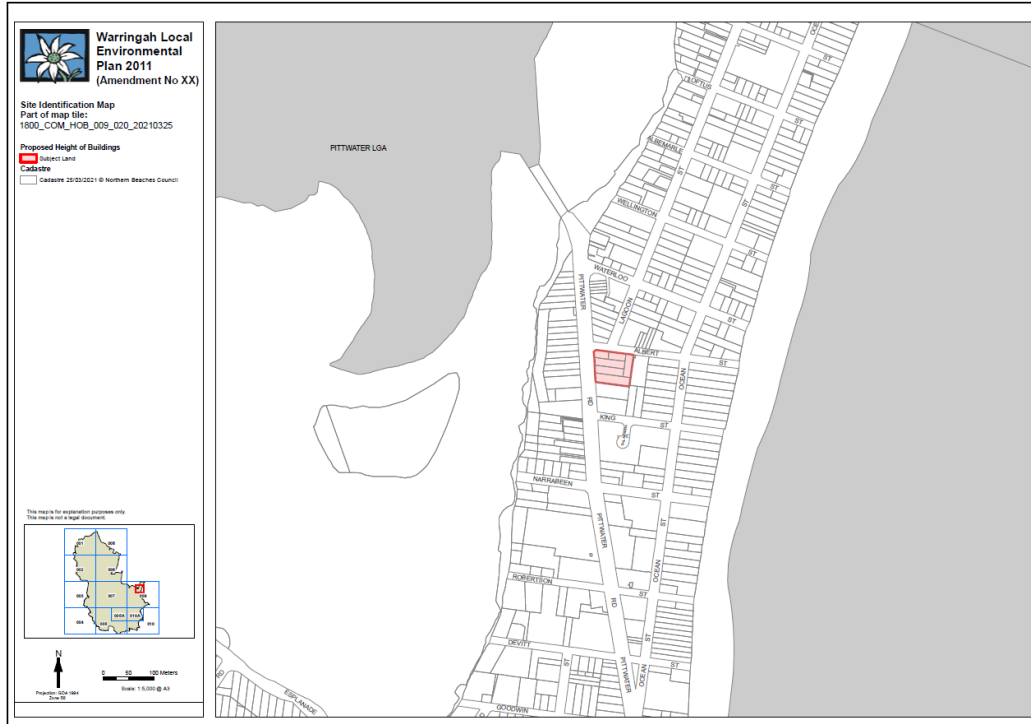
11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Planning Proposal is being prepared in accordance with consultation guidelines and provisions prepared by the Department of Planning, Industry and Environment and all statutory consultation will occur in accordance with the requirements of any future Gateway Determination, including any State or Commonwealth authorities.

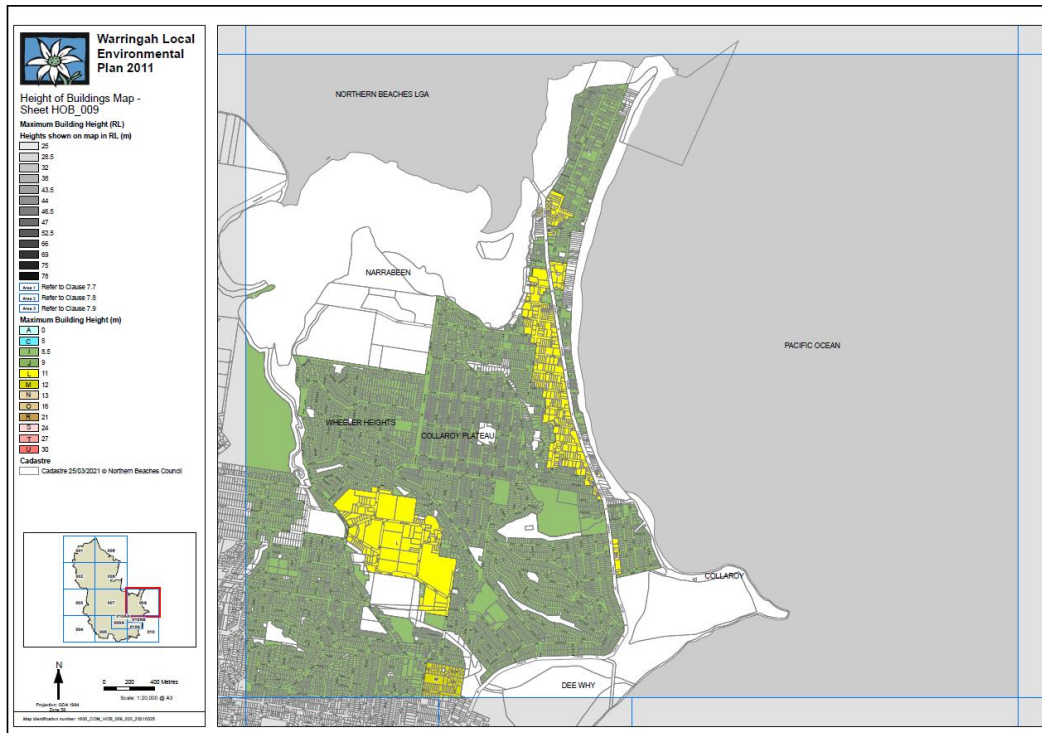
Part 4 – Maps

The relevant maps are provided as a separate attachment.

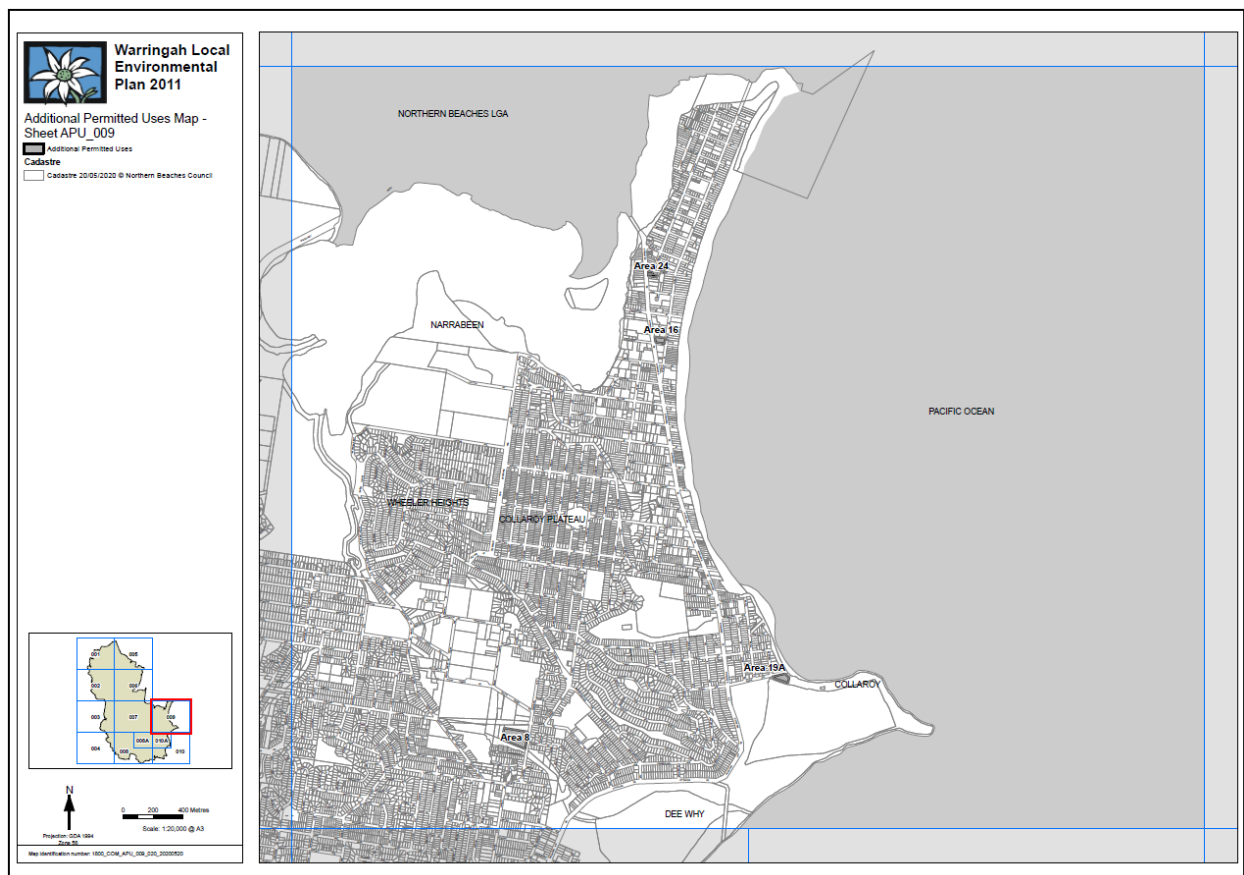
Map 1 – Site Identification Map



Map 2 – Height of Buildings Map



Map 3 – Additional Permitted Uses Map



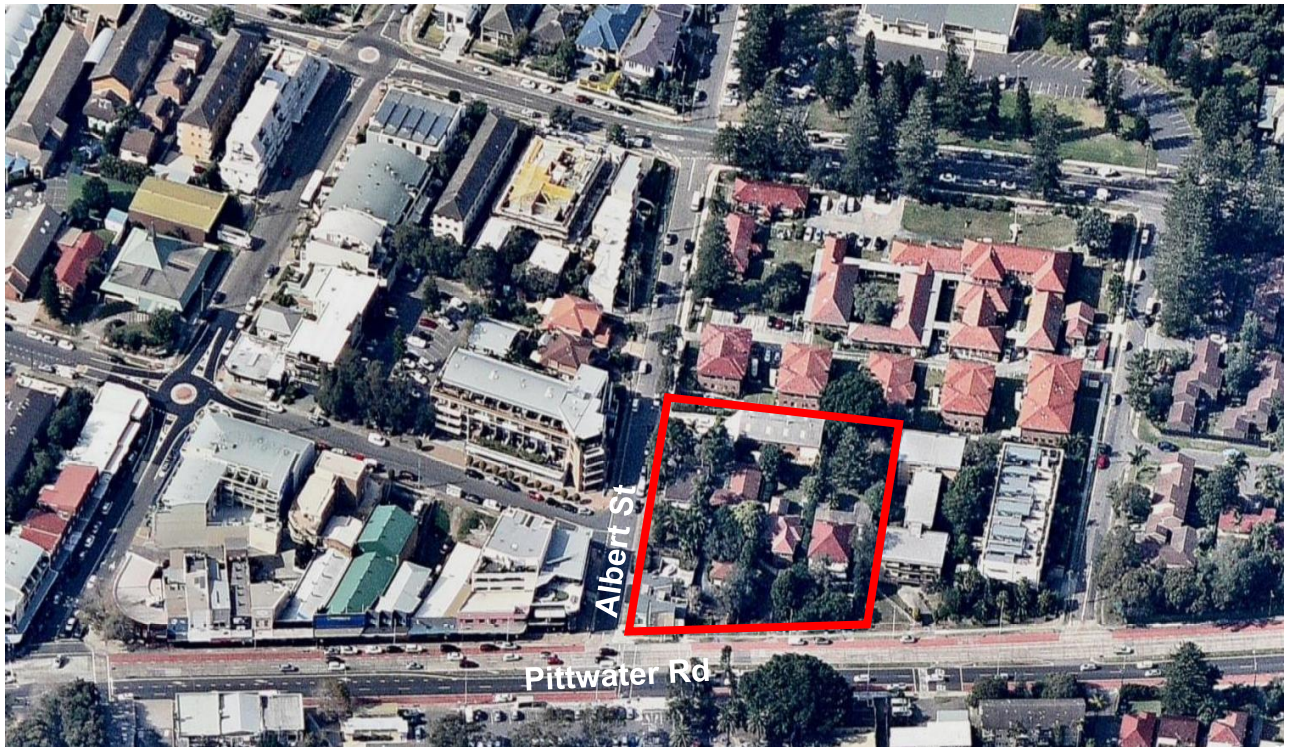
Aerial Photographs – Site outlined in red



Source: Nearmap (23 January 2020) – Looking north



Source: Nearmap (11 February 2017) – Looking north



Source: Nearmap (4 July 2016) – Looking east

Part 5 – Community Consultation

Council placed the Applicant's Planning Proposal on non-statutory public exhibition from 9 March 2019 to 24 March 2019 (2 weeks). Notification included:

- A public notice in the Manly Daily notifying of the public exhibition on 9 March 2019
- Electronic copies of the exhibition material on Council's website
- Letters to Owners within the immediate vicinity of the site
- Emails to registered community members who have listed their interest on Council's Community Engagement Register

25 submissions were received in response to the public exhibition period. Council's response to the submissions is contained within the Council report dated 28 May 2019. Key issues raised included the proposed change in height (12 submissions); congestion, safety and amenity issues from traffic and parking (13 submissions); general loss of amenity and character; lack of detailed design drawings; and landscaping. One submission indicated unqualified support and one indicated unqualified objection.

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

The Gateway determination will confirm the public consultation that must be undertaken. It is recommended that consultation with Transport for NSW (Roads and Maritime Services) is necessary as the subject site adjoins a State road (Pittwater Road).

Part 6 – Project Timeline

It is proposed that the Planning Proposal be finalised within 9 months, as suggested below.

Task	Anticipated timeframe
Anticipated commencement date (Gateway determination)	August 2021
Anticipated timeframe for the completion of required technical information	August 2021
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	September 2021 – October 2021
Commencement and completion dates for public exhibition period	October 2021 – November 2021
Dates for public hearing (if required)	November 2021
Timeframe for consideration of submissions	December 2021
Timeframe for the consideration of a proposal post exhibition	January - February 2021
Date of submission to the Department to finalise the LEP	February 2021
Anticipated date the local plan-making authority will make the plan (if authorised)	April 2022
Anticipated date the local plan-making authority will forward to the PCO for publication	April 2022

Attachment 1: Compliance with LSPS

Priority		Applicable	Consistent
Direction: Landscape			
1	Healthy and valued coast and waterways	Yes	Yes
2	Protected and enhanced bushland and biodiversity	No	n/a
3	Protected scenic and cultural landscapes	No	n/a
4	Protected Metropolitan Rural area	No	n/a
5	Greener urban environments	Yes	Yes
6	High quality open space for recreation	No	n/a
Direction: Efficiency			
7	A low-carbon community, with high energy, water and waste efficiency	Yes	Yes
Direction: Resilience			
8	Adapted to the impacts of natural and urban hazards and climate change	Yes	Yes
Direction: Infrastructure and collaboration			
9	Infrastructure delivered with employment and housing growth	Yes	Yes
Direction: People			
10	World-class education facilities, including a university	No	n/a
11	Community facilities and services that meet changing community needs	No	n/a
12	An inclusive, healthy, safe and socially connected community	No	n/a
13	Strong engagement and cooperation with Aboriginal communities	No	n/a
14	A community enriched through the arts and connected through creativity	No	n/a
Direction: Housing			
15	Housing supply, choice and affordability in the right locations	Yes	Yes
16	Access to quality social and affordable housing	Yes	Yes
Direction: Great places			
17	Centres and neighbourhoods designed to reflect local character and lifestyle	No	n/a
18	Protected, conserved and celebrated heritage	Yes	Yes
Direction: Connectivity			
19	Frequent and efficient regional public transport connections	No	n/a
20	Sustainable local transport networks	No	n/a
21	Redesigned road space and facilities to match changing community needs	No	n/a
Direction: Jobs and skills			
22	Jobs that match the skills and needs of the community	Yes	Yes
23	Frenchs Forest as a sustainable health and education precinct	No	n/a
24	Brookvale as an employment and innovation centre	No	n/a
25	Dee Why as a thriving cosmopolitan centre by the sea	No	n/a
26	Manly as Sydney's premier seaside destination	No	n/a
27	Mona Vale as the contemporary, urban heart of the north	No	n/a
28	Safeguarded employment lands	No	n/a
29	A thriving, sustainable tourism economy	No	n/a
30	A diverse night-time economy	No	n/a

Attachment 2: Compliance with SEPPs

SEPPs (as at March 2021)		Applicable	Consistent
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
33	Hazardous and Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	n/a
47	Moore Park Showground	No	n/a
50	Canal Estate Development	Yes	Yes
55	Remediation of Land	Yes	Yes
64	Advertising and Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	Yes	Yes
70	Affordable Housing (Revised Schemes)	Yes	Yes
	(Aboriginal Land) 2019	No	n/a
	(Activation Precincts) 2020	No	n/a
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Coastal Management) 2018	Yes	Yes
	(Concurrences and Consents) 2018	Yes	Yes
	(Education Establishments and Child Care Facilities) 2017	Yes	Yes
	(Exempt and Complying Development Codes) 2008	Yes	Yes
	(Gosford City Centre) 2018	Yes	Yes
	(Housing for Seniors or People with a Disability) 2004	Yes	Yes
	(Infrastructure) 2007	Yes	Yes
	(Koala Habitat Protection) 2020	Yes	Yes
	(Koala Habitat Protection) 2021	Yes	Yes
	(Kosciuszko National Park – Alpine Resorts) 2007	No	n/a
	(Kurnell Peninsula) 1989	No	n/a
	(Major Infrastructure Corridors) 2020	No	n/a
	(Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes
	(Penrith Lakes Scheme) 1989	No	n/a
	(Primary Production and Rural Development) 2019	Yes	Yes
	(State and Regional Development) 2011	Yes	Yes
	(State Significant Precincts) 2005	Yes	Yes
	(Sydney Drinking Water Catchment) 2011	No	n/a
	(Sydney Region Growth Centres) 2006	No	n/a
	(Three Ports) 2013	No	n/a
	(Urban Renewal) 2010	No	n/a
	(Vegetation in Non-Rural Areas) 2017	Yes	Yes
	(Western Sydney Aerotropolis) 2020	No	n/a
	(Western Sydney Employment Area) 2009	No	n/a
	(Western Sydney Parklands) 2009	No	n/a
Sydney Regional Environmental Plans (Deemed SEPPs):			
8	(Central Coast Plateau Areas)	No	n/a
9	Extractive Industry (No 2 -1995)	Yes	Yes
16	Walsh Bay	No	n/a
20	Hawkesbury – Nepean River (No 2 – 1997)	Yes	Yes
24	Homebush Bay Area	No	n/a
26	City West	No	n/a
30	St Marys	No	n/a
33	Cooks Cove	No	n/a
	(Sydney Harbour Catchment) 2005	No	n/a

Attachment 3: Compliance with Ministerial Directions

Directions (as at March 2021)		Applicable	Consistent
1	Employment and Resources		
1.1	Business and Industrial Zones	No	n/a
1.2	Rural Zones	No	n/a
1.3	Mining, Petroleum Production and Extractive Industries	No	n/a
1.4	Oyster Aquaculture	No	n/a
1.5	Rural Lands	No	n/a
2	Environment and Heritage		
2.1	Environment Protection Zones	No	n/a
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	n/a
2.6	Remediation of Contaminated Land	Yes	Yes
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations (Revoked 9 November 2020)	n/a	n/a
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Regulated Airports and Defence Airfields	No	n/a
3.6	Shooting Ranges	No	n/a
3.7	Reduction in non-hosted short term rental accommodation period	No	n/a
4	Hazard and Risk		
4.1	Acid Sulfate Soils	Yes	No
4.2	Mine Subsidence and Unstable Land	No	n/a
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	No	n/a
5	Regional Planning		
5.1	Implementation of Regional Strategies (Revoked 17 October 2017)	n/a	n/a
5.2	Sydney Drinking Water Catchments	No	n/a
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	n/a
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	n/a
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	n/a	n/a
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008)	n/a	n/a
5.7	Central Coast (Revoked 10 July 2008)	n/a	n/a
5.8	Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	n/a	n/a
5.9	North West Rail Link Corridor Strategy	No	n/a
5.10	Implementation of Regional Plans	Yes	Yes
5.11	Development of Aboriginal Land Council land	No	n/a
6	Local Plan Making		
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	No
7	Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney (Revoked 9 November 2020)	n/a	n/a
7.2	Implementation of Greater Macarthur Land Release Investigation (Revoked 28 November 2019)	n/a	n/a
7.3	Parramatta Road Corridor Urban Transformation Strategy	No	n/a
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	n/a

Directions (as at March 2021)		Applicable	Consistent
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	n/a
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	n/a
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	n/a
7.8	Implementation of Western Sydney Aerotropolis Plan	No	n/a
7.9	Implementation of Bayside West Precincts 2036 Plan	No	n/a
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	No	n/a
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	No	n/a
7.12	Implementation of Greater Macarthur 2040	No	n/a
7.13	Implementation of the Pyrmont Peninsula Place Strategy	No	n/a