

PLANNING PROPOSAL **for Lot 2 DP1174201 (drainage reserve)** **Winbourne Road, Brookvale**

Amendments to
Warringah Local Environmental Plan 2011:

- rezone from RE1 Public Recreation to E4 General Industrial;
- apply maximum building height of 11m on Height of Buildings Map;
- apply minimum lot size of 4,000sqm on Lot Size Map; and
- list in Part 2 of Schedule 4 to reclassify the land as Operational.

Council reference: PEX2024/0003

Planning Portal reference: PP-2024-928

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EXECUTIVE SUMMARY

Site Details

Legal description	Lot 2 DP 1174201
Area	92 sqm
Dimensions	Approximately 1.83m wide, 50.28m long
Address	Lot 2 Winbourne Road, Brookvale (located between 39 and 41 Winbourne Road, Brookvale)
Owner	Northern Beaches Council (land held as drainage reserve)

Planning Proposal

Proponent	Mr Nigel White, Planning Direction Pty Ltd on behalf of the adjacent land owner
Local Environmental Plan	Warringah Local Environmental Plan 2011

Proposed LEP Amendments

	Current	Proposed
Zoning	RE1 Public Recreation	E4 General Industrial
Height of Buildings	nil	11m maximum
Lot Size	nil	4,000sqm minimum
Classification	Community	Operational

Technical Studies and Supporting Information

Title	Author	Date
Planning Proposal Report	Planning Direction Pty Ltd	May 2024
Flood Impact and Risk Review	Costin Roe Consulting Pty Ltd	25 March 2024
Preliminary Contamination Assessment	Alliance Geotechnical Pty Ltd	2 May 2024
Civil Sketch - Service Overlay Co14488.00-SKC01 (v2)	Costin Roe Consulting Pty Ltd	25 March 2024
Site Survey - Detail and Levels Drawing: 693detail 1 Rev b	Waterview Surveying Services	11 March 2024

Site Description

The subject site is a narrow strip of land located between 39 and 41 Winbourne Road in the Brookvale industrial area (see Figures 1 and 2).

Brookvale is the Northern Beaches' largest employment hub. It includes expansive industrial zoned precincts to the eastern and western sides of the Pittwater Road arterial corridor, which together comprise the largest concentration of industrial land in northern Sydney. The site is located in the eastern industrial precinct and is surrounded by a wide variety of industrial and urban services activities.

The site is owned by Council, having been dedicated to Council as a drainage reserve in the early 1900s when the area was subdivided. The original drainage reserve extended through to Chard Road to the south. However, the southern half of the reserve was rezoned, reclassified, and sold to the owner of adjoining land in or around 2011, and has since been developed.

The site does not serve any significant drainage function. An existing underground stormwater pipe runs diagonally across the tip of the site's north-west corner, and on through adjoining land.

The site slopes gradually to the south. Its surface is largely concrete hardstand, and has been partly encroached on by structures and storage associated with the adjoining industrial activities which are primarily automotive servicing and repairs (see Figure 3).

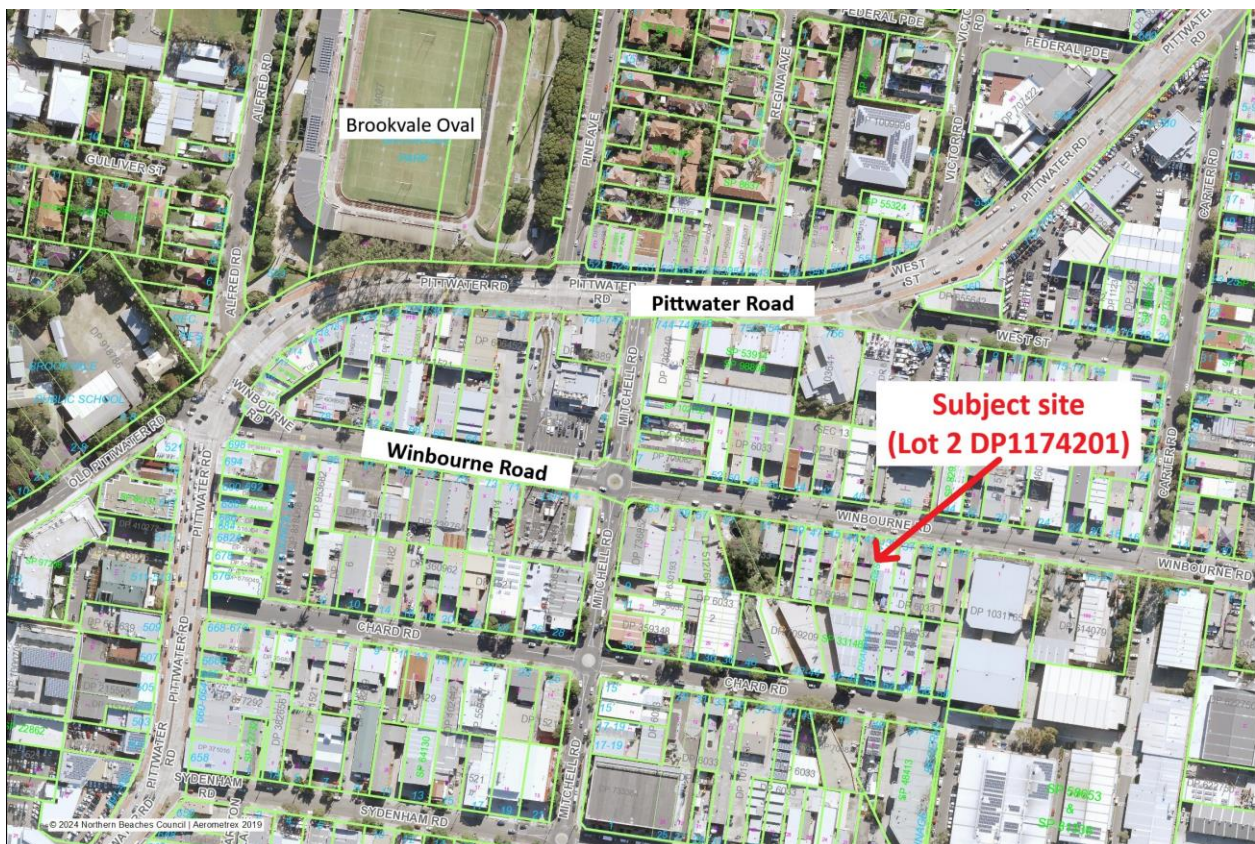


Figure 1 Location

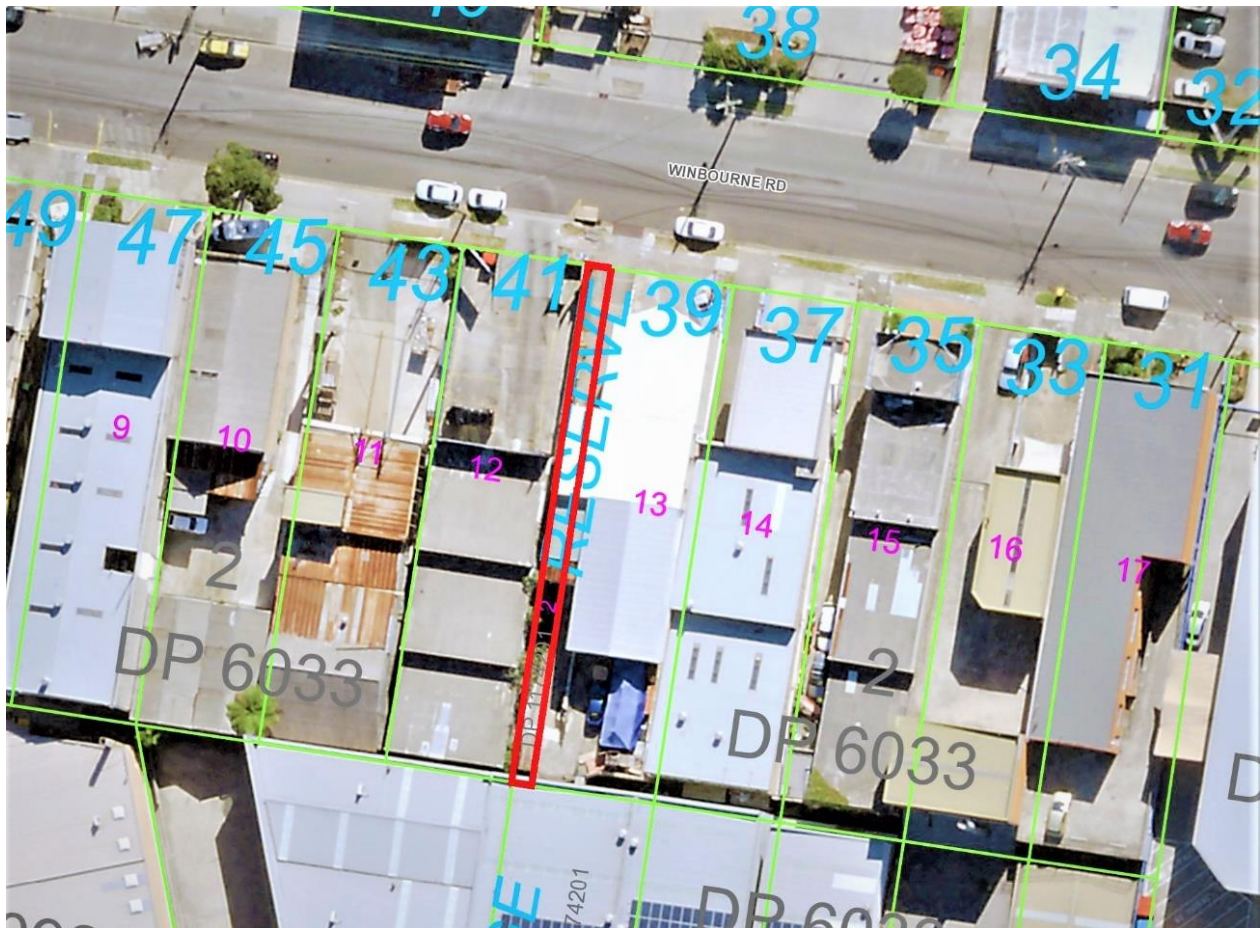


Figure 2 Subject Site (outlined in red)



Figure 3 Streetview (subject site runs between the two buildings pictured)

Proposal

This is a proponent-initiated Planning Proposal. The request was made by an applicant on behalf of the owners of adjoining properties, who are looking to purchase the site from Council and to amalgamate and develop the land in the future.

The intention is to rezone and reclassify the land to enable it to be sold and developed. The existing RE1 Public Recreation zoning is somewhat of an anomaly as the land has never been used for recreation and is not accessible to the public. The land does not provide any open space or public pathway function and is not required for drainage. It is surplus to Council's needs and able to be divested.

Before the site can be considered for sale or development, it must be rezoned and reclassified.

Pre-lodgement discussions were held with Council's Strategic Planning team, with specialist advice sought from Council's Property, Floodplain Planning and Stormwater Operations units, as well as the State Government agency responsible for flood planning. Council provided owner's consent for a Planning Proposal to be lodged.

The Planning Proposal seeks to amend Warringah Local Environmental Plan 2011 (WLEP) by:

- rezoning the land from RE1 Public Recreation to E4 General Industrial;
- applying a maximum building height of 11m on the Height of Buildings Map;
- applying a minimum lot size of 4,000sqm on the Lot Size Map; and
- listing the land in Part 2 of Schedule 4 to reclassify the land as Operational.

The first three amendments would bring the site under the same statutory planning controls as the adjoining properties and the broader industrial area. The reclassification would allow the site to be leased or sold. Any amalgamation and/or development would be subject to a future development application under the site's new zoning if the Planning Proposal is progressed.

Where public land is proposed to be reclassified, the legislation requires a public hearing to be held. The hearing would be chaired by an independent person and can only take place after statutory public exhibition of the Planning Proposal should a Gateway determination to proceed be issued.

For probity reasons, given the site's public ownership, an independent planning consultant has been engaged to assess the Planning Proposal. The report of the independent consultant is attached as Appendix C. The report recommends that Council support the progression of the Planning Proposal for a Gateway Determination.

Part 1 – Objectives and intended outcomes

Objective

The objective of this Planning Proposal is to amend Warringah Local Environmental Plan 2011 (WLEP) to rezone the subject land from RE1 Public Recreation to E4 General Industrial, apply a maximum building height of 11m and a minimum subdivision lot size of 4,000sqm, and reclassify the land from Community to Operational.

Intended outcomes

- To enable future sale, consolidation and development of the land.
- To remove a redundant drainage reserve from the industrial precinct and optimise future use of the land for industrial and employment generating purposes consistent with the surrounding land use pattern.
- To include the land in an appropriate zone that reflects its current and future potential use.
- To apply the same lot size and building height statutory controls as surrounding land.

Part 2 – Explanation of provisions

Intended Provisions

The following changes to the provisions of WLEP are sought:

- Amend Zoning Map (sheet LZN_010A) to include the land in E4 General Industrial Zone
- Amend WLEP Height of Buildings Map (sheet HOB_010A) to show a maximum building height of 11m
- Amend the WLEP Lot Size Map (sheet LSZ_010A) to show a minimum subdivision lot size of 4,000sqm
- Amend Part 2 of Schedule 4 to reclassify the land as Operational by adding the listing:

Part 2 Land Classified, or reclassified, as operational land – interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Brookvale	Lot 2, DP 1174201, Winbourne Road	Nil

With these amendments, the site's zoning and height and lot size designations will match that of the surround land. Part 4 of this document contains the existing and proposed WLEP mapping.

Part 3 – Justification of strategic and site-specific merit

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?

Yes. The recently endorsed Brookvale Structure Plan (BSP) makes reference to two drainage reserves in the eastern industrial precinct (one being the subject site) and recommends both be rezoned from RE1 Public Recreation to E4 General Industrial, in recognition of the fact that the land is not and was never intended to be used for public recreation. The Planning Proposal will rectify a zoning anomaly and provide additional E4 zoned land within an important industrial precinct. Rezoning and reclassification of the site will provide potential for surrounding industrial land businesses to expand through consolidation of lots, increase the development options, and enable more efficient utilisation of land which is in line with the broader planning intention to retain and manage industrial land and encourage employment and economic growth, as envisaged by both the Northern Beaches Local Strategic Planning Statement (LSPS) and BSP.

Implementation of the BSP is a long term project involving preparation of a suite of WLEP amendments, a Development Control Plan and Development Contributions Plan to bring into effect the recommended rezonings and planning and urban design controls. A number of technical studies are necessary and given current budget constraints this could take up to 5 years to complete.

The proponent in this case is looking to purchase and develop the drainage reserve in a shorter timeframe, so has requested the Planning Proposal to expedite their plans.

This Planning Proposal, if progressed, will enable future development applications for purposes consistent with the E4 General Industrial zone, and will ensure the planning controls are consistent with the surrounding area.

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

Yes. The Planning Proposal is the only option to rezone and reclassify the site and correct the current anomaly. The site has never been used for is not required for drainage purposes, has never been used for public recreation, and is not useful for any other public purpose. The existing zoning does not reflect its use, and an E4 General Industrial zoning consistent with the surrounding area would optimise its utilisation for the broader community benefit in terms of employment and economic growth.

To do nothing would result in an unusable parcel of land remaining inappropriately identified for public recreational use and would not be consistent with the Brookvale Structure Plan.

The site cannot be sold while it is classified Community land. Once reclassified as Operational, the site will no longer fall under the General Community Use Generic Plan of Management, and it can be considered for potential sale and amalgamation with adjoining properties.

Reclassification will involve a public hearing for community members to express and have their views considered by an independent chairperson. Any sale of the land would be managed by Council's Property Team in a separate transparent process at a later stage.

The matters the Planning Secretary requires to be addressed as part of the justification of the Planning Proposal are detailed in Appendix C.

Section B – Relationship to the 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)?

Yes. See commentary below.

Greater Sydney Region Plan (A Metropolis of Three Cities)

Direction	Objective/s	Alignment
A city of great places	<p>Objective 12 Great places that bring people together</p> <p>Objective 13 Environmental heritage is identified, conserved and enhanced.</p>	<p>Reclassification of the site to 'operational land' and rezoning of the site to E4 zone will allow for opportunities for future industrial development, thereby contributing to creating great places.</p> <p>The site is not mapped as containing any heritage or item or being within a heritage conservation area.</p>
A well-connected city	<p>Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.</p>	<p>The site is located in the Brookvale-Dee Why Strategic Centre and has adequate access to public transport. Rezoning and reclassification of the site provides an opportunity for industrial development close to public transport, contributing to the delivery of a 30-minute city.</p>
Jobs and Skills for the City	<p>Objective 22: Investment and business activity centres.</p> <p>Objective 23: Industrial and urban services land is planned, retained and managed.</p>	<p>The Planning Proposal if approved, will provide additional industrial zoned land for future development, including potential for consolidation with adjoining lots to achieve larger development sites, thereby creating opportunities for investment and business activity.</p> <p>Providing additional industrial zoned land, consistent with Brookvale Structure Plan.</p>
A city in its landscape	<p>Objective 25: The coast and waterways are protected and healthier</p>	<p>The site does not serve a drainage purpose. A Flood Impact and Risk Review submitted has identified the flood conditions related to the site and the relevant flood controls.</p>

Direction	Objective/s	Alignment
	<p>Objective 31: Public Open Space is accessible, protected and enhanced.</p> <p>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</p> <p>Objective 30: Urban tree canopy cover is increased.</p> <p>Objective 31: Public open space is accessible, protected and enhanced.</p> <p>Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycle paths</p>	<p>Flooding and stormwater impacts are to be addressed in any future Development Application stage for the site.</p> <p>Retention of the site as RE1 to protect the small amount of vegetation on public land would have minimal to no positive impact to the community due the land size being unusable for public recreation and the location being between two industrial buildings with poor access.</p> <p>Council pre-lodgement minutes note that the site does not support any public recreation, public open space, ecological, scientific, cultural or aesthetic values.</p> <p>The small portion of vegetation to the south of the site provides no connection to the wider open space network, nor does it provide a function of a riparian corridor to any waterway. To retain the site as RE1 zoned land to protect this small amount of vegetation on public land would have minimal to no positive impact to the community due the land size being unusable for public recreation and the location being between two industrial buildings.</p> <p>The site is identified on the NSW Planning Portal Spatial Viewer as having a 0.86% canopy cover pursuant to Greater Sydney Tree Canopy Cover 2022. Retention of the site for public recreation and compliance with the recommended tree canopy cover would not be in the best interest of the public. Future development applications could condition additional landscaping on the site to achieve additional tree canopy cover.</p> <p>The site is currently inaccessible and unusable as public recreation space. The site is identified in the Brookvale Structure Plan to be rezoned to E4 General Industrial. To protect the public open space would be inconsistent with Brookvale Structure Plan.</p> <p>The NSW Planning Portal Spatial Viewer identifies the site as Existing Green Grid Assets (Sydney) (non-EPI). The land to the south is also identified, however that land has since been re-classified to operational land, rezoned to E4 General Industrial and developed.</p>

Direction	Objective/s	Alignment
		Any intended connection from Winbourne Road to Chard Road no longer exists, therefore the mapping on this site appears to be an anomaly.
A resilient city	Objective 37: Exposure to natural and urban hazards is reduced	<p>Any future DA is to address any hazards to the site and surrounds. The site no longer serves a drainage purpose.</p> <p>The proponent has submitted a Flood Impact and Risk Review which reviewed the existing flood risks and relevant flood controls. This review concluded that the land can be rezoned, the site is generally subject to low hazard flooding and overland flows, and any future DA would need to include a development-specific flood impact and risk assessment with detailed flood modelling and confirmation of compliance with the relevant controls.</p>

North District Plan

Planning Priority	Objective/s	Alignment
N6 - Creating and renewing great places and local centres, and respecting the District's heritage	Objective 12: Great places that bring people together	This priority makes comment on place-based planning. The site is located within an existing industrial area and is nominated in the Brookvale Structure Plan to be rezoned to E4 General Industrial. The proposal to rezone and reclassify the site is in keeping with the place-based planning.
N10 - Growing investment, business opportunities and jobs in strategic centres.	Objective 22: Investment and business activity in centres.	The site currently does not have potential to create employment. The proposed rezoning and reclassification of the site offers an opportunity for future amalgamation with adjoining properties to achieve a larger site with greater potential for development and additional employment opportunities. Rezoning of the site is consistent with the Objective 22, noting the Brookvale-Dee Why locality is identified as a Strategic Centre.
N11 - Retaining and managing industrial and urban services land.	Objective 23: Industrial and urban services land is planned, retained and managed.	<p>The commentary in priority 11 notes:</p> <p><i>'In the North District, given the limited supply of industrial and urban services land and the inability to increase the supply, industrial and urban services land needs to be safe-guarded and efficiently managed'.</i></p> <p>Rezoning of the site to E4 General Industrial will provide additional industrial land to assist in alleviating the limited supply of industrial land in the North District.</p>

Planning Priority	Objective/s	Alignment
N12 - Delivering integrated land use and transport planning a 30-minute city.	Objective 14: A Metropolis of Three Cities - integrated land use and transport creates walkable and 30-minute cities.	The site is located within 30 minutes by public transport of residential dwellings. It has public transport to the Winbourne Road frontage and the nearby Pittwater Road corridor. Brookvale-Dee Why Is identified as a Strategic Centre. The Planning Proposal is in keeping with creating a 30-minute city.
N15 - Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways.	Objective 25: The coast and waterways are protected and healthier	NSW ESpatial viewer does not identify any water way or riparian area located within the site. Future impacts from development on surrounding waterways and riparian areas are to be addressed at the Development Application stage.
N16 - Protecting and enhancing bushland and biodiversity	Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	<p>This priority notes:</p> <p><i>'...for the North District, conservation planning will focus on opportunities to protect and enhance areas of endangered and critically endangered ecological communities outside the Protected Natural Area, including areas of native vegetation close to existing national parks. A strategic approach to protecting the biodiversity in the North District involves investing in connected bushland corridors and protecting larger pockets of remnant vegetation, as large and connected areas of bushland give the District's wildlife the greatest chance of survival. Councils are also working together to map opportunities to restore and reconnect areas of habitat in established urban areas. This complements the delivery of the Greater Sydney Green Grid. Selected species of trees and understorey plants for parks and street planting in targeted areas supports the movement of wildlife and helps strengthen connections between areas of habitat'.</i></p> <p>The site is not connected to an open space network and has no bushland or biodiversity values. Brookvale Structure Plan identifies the current zoning as an anomaly. Retention of the RE1 zoning will not assist connection to a larger "green grid" as the site is surrounded by industrial development.</p> <p>Rezoning of the site is inconsistent with this priority, however, it is consistent with the Brookvale Structure Plan, where the site is specifically identified by Lot and DP to be rezoned to E4 General Industrial.</p>

Planning Priority	Objective/s	Alignment
N19 - Increasing urban tree canopy cover and delivering Green Grid connections.	<p>Objective 30: Urban tree canopy cover is increased.</p> <p>Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths.</p>	<p>A future development application will be able to address tree canopy cover. This is not a matter to be addressed in a Planning Proposal.</p> <p>Retention of the site as RE1 would not assist in connection to a larger “green grid”, as the site is surrounded by industrial development.</p> <p>The site directly adjoining to the south is also mapped as ‘green grid’ and has been previously rezoned to E4 General industrial and developed. The site is not connected to a wider green grid.</p> <p>Rezoning of the site is inconsistent with this priority, however, it is consistent with the Brookvale Structure Plan, where the site is specifically identified by Lot and DP to be rezoned to E4 General Industrial.</p>
N20 - Delivering high quality open space.	Objective 31: Public open space is accessible, protected and enhanced.	<p>The site is not connected to an open space network and has never been used for public recreation. It is not accessible to the general public. Brookvale Structure Plan identifies the current RE1 zoning as an anomaly.</p> <p>Retention of the site as RE1 would not assist in connection to a larger “green grid”, as the site is surrounded by industrial development.</p> <p>Rezoning of the site is inconsistent with this priority, however, it is consistent with the Brookvale Structure Plan, where the site is specifically identified by Lot and DP to be rezoned to E4 General Industrial.</p>
N22 - Adapting to the impacts of urban and natural hazards and climate change.	Objective 37: Exposure to natural and urban hazards is reduced.	<p>Any future Development Application would be required to address any hazards to the site and surrounds.</p> <p>The site no longer serves a drainage purpose.</p> <p>The proponent has submitted a Flood Impact and Risk Review which reviewed the existing flood risks and relevant flood controls. This review concluded that the land can be rezoned, the site is generally subject to low hazard flooding and overland flows, and any future DA would need to include a development-specific flood impact and risk assessment with detailed flood modelling and confirmation of compliance with the relevant controls.</p>

4. Is the Planning Proposal consistent with a council Local Strategic Planning Statement that has been endorsed by the Planning Secretary or Greater Cities Commission, or another endorsed local strategy or strategic plan?

The Proposal is consistent with the following Council adopted plans: Local Strategic Planning Statement (Towards 2040), Community Strategic Plan (Northern Beaches Community Strategic Plan 2040), and the Brookvale Structure Plan.

Northern Beaches Local Strategic Planning Statement – Towards 2040

Priority	Alignment
Priority 5 - Greener urban Environments great places	The Planning Proposal is inconsistent with Priority 5. Rezoning the site to E4 General Industrial and reclassification to Operational land will provide opportunity for future industrial development with adjoining E4 zoned land. Future Industrial development of the site will reduce the existing vegetation and the 'green grid' identified on the site will be redundant. However, future industrial development may include planting of vegetation including trees, particularly along the frontage benefitting the pedestrian environment.
Priority 6 - High quality open space for recreation	The Planning Proposal is inconsistent with the principles of Priority 6. Rezoning of the site from RE1 Public Recreation to E4 General Residential will result in a net loss of public open space (by zone only). There will be no net loss of public open space in a practical sense as the site is not currently and never has been utilised as public open space for recreation. It is not suitable for use as open space due to its size, location and physical qualities. The site's zoning has been identified in the Brookvale Structure Plan as an anomaly in the LEP mapping.
Priority 17 - Centres and neighbourhoods designed to reflect local character, lifestyle and demographic changes	The Planning Proposal is consistent with the principles of Priority 17. Rezoning of the site to E4 General Residential will be in keeping with the local identify of the surrounding Brookvale area being, industrial uses
Priority 24 - Brookvale as an employment and innovation centre	The Planning Proposal is inconsistent and consistent with various principles of Priority 24. Rezoning the site to E4 General Industrial will preserve the industrial integrity of neighbouring industrial lands zoned E4 and will allow for future expansion, and the potential for additional employment. Refer to Priority 5 and 6 above for commentary regarding inconsistency with enhancing canopy cover and green links.
Priority 28 - safeguarded employment	The Planning Proposal is consistent with the principles of Priority 28. The current RE1 zoning of the site has been identified as an anomaly in the LEP. Rezoning the site to E4 General Industrial will assist in further supporting industrial land and future employment

Northern Beaches Community Strategic Plan 2040

Goal	Alignment
Protection of the environment Goal 1 a. Enhance, restore, and protect local biodiversity and bushland District Park Plan of Management	The target for this goal is no net loss of bushland. While the proposal will result in a loss of vegetation if the site is rezoned and further developed, vegetation on the site does not have bushland or biodiversity values. The site is mapped as a green grid, however it has no connectivity to a wider green network and has been identified by Council as an anomaly in the LEP.
Vibrant Local Economy Goal 13 a. Ensure that employment lands are retained and cater for a diverse range of businesses and industry	The Planning Proposal will provide additional employment land consistent with the Brookvale Structure Plan.

Brookvale Structure Plan

The proposal is consistent with Brookvale Structure Plan (BSP). The subject site is specifically nominated on page 39 by Lot and DP to be rezoned to E4 General Industrial (see Figure 4).

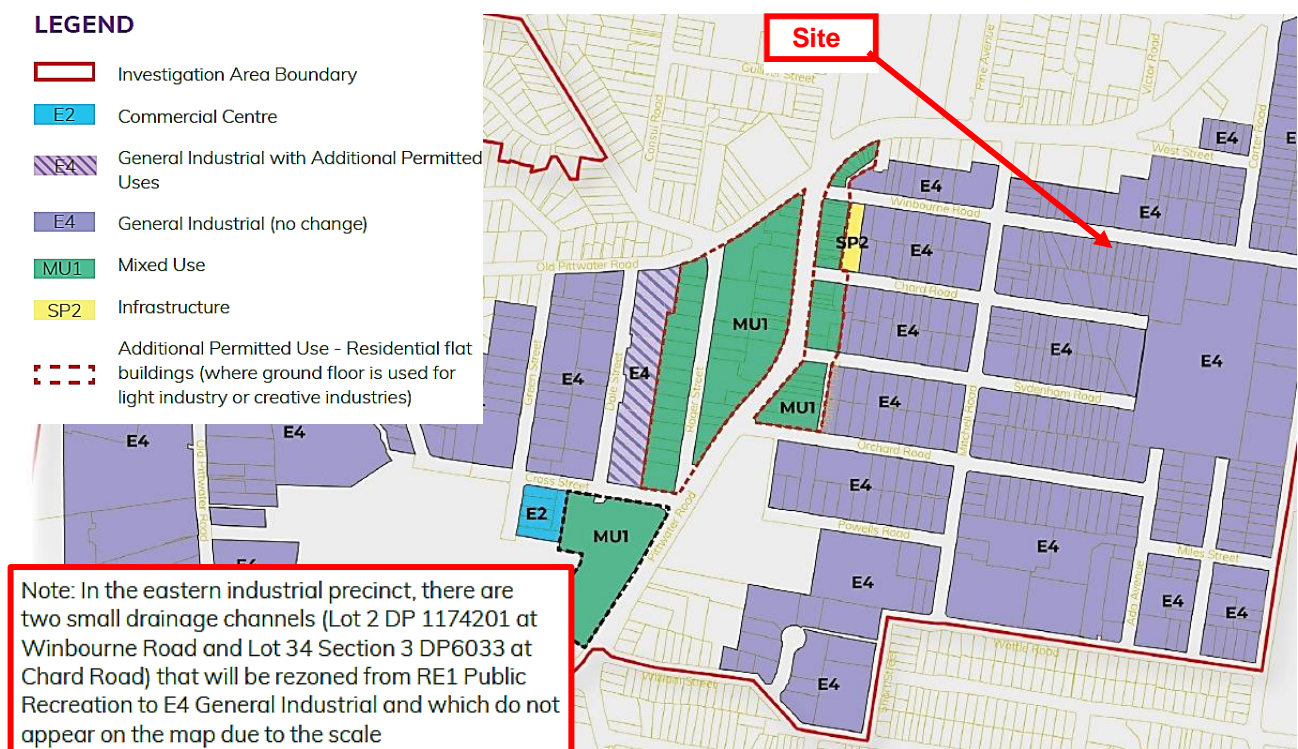


Figure 4 Brookvale Structure Plan - Recommended future land zoning map (extract)

Text on page 40 of the BSP also includes:

“Two drainage reserves are proposed to be rezoned from RE1 Public Recreation to E4 General Industrial. This land is not recreational and was never intended to be. Rezoning to an E4 zone will match the adjoining industrial zoning and rectifies a zoning anomaly when the planning controls were translated to the Standard Instrument format when all public land was assigned an RE1 Public Recreation zone”.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

NSW State Plan 2021

The NSW State Plan 2021 is a 10-year plan that sets the strategic direction and goals for the NSW Government for services and infrastructure. The following Goals are relevant to the proposal:

Goal 1 – Improve the performance of the NSW economy.

Target - Grow employment by an average of 1.25% per year to 2020.

The Planning Proposal is consistent with Goal 1. Rezoning and reclassification of the site will provide additional industrial land to be further developed, providing additional employment opportunities. The Planning Proposal will provide the potential for amalgamation to create a larger development site, which increases the options for employment and economic growth.

State Infrastructure Strategy 2022-2042

The NSW State Infrastructure Strategy 2022-2042 (the Strategy) sets out the NSW Government's infrastructure vision for the State over the next 20 years. The Strategy notes that to optimise land use where infrastructure capacity exists (Section 10.1):

“The NSW Government is increasingly focused on connecting people with jobs, services and amenity by planning for growth and development around public transport infrastructure, such as passenger rail stations, interchange hubs and freight routes”.

The Planning Proposal will rezone the site to E4 General Industrial and reclassify the site to Operational Land providing future opportunity for development and employment close to public transport, in an established industrial area well served by existing utilities and infrastructure.

Future Transport Strategy

The Future Transport Strategy provides a set of strategic directions for Transport to achieve mobility for customers, communities, businesses, and people. The strategy identifies a number of key priorities. The following priority is of relevance to the proposal:

P1 - Supporting growth through smarter planning.

The Planning Proposal is consistent with P1 as the site will be rezoned E4 General Industrial in accordance with the Brookvale Structure Plan to rectify an anomaly in the WLEP 2011 mapping.

6. Is the planning proposal consistent with applicable SEPPs?

Yes. See commentary below.

SEPP	Complies	Comment
(Biodiversity and Conservation) 2021	Yes	The Planning Proposal does not propose vegetation clearing or affect land subject to potential koala habitats, foreshore or waterways areas, water catchments, strategic conservation areas. Vegetation on the site is minimal and does not involve biodiversity or bushland values. Further information will be available at the DA stage to assess the impacts of future development on vegetation.
(Exempt & Complying Development Codes) 2008	Yes	The Planning Proposal does not propose any building works or changes relevant to this policy.
(Housing) 2021	N/A	The Planning Proposal does not relate to housing or a residential zone.
(Industry and Employment) 2021	Yes	The Planning Proposal does not propose any advertising or signage. The land is not located in the Western Sydney employment area.
(Planning Systems) 2021	N/A	N/A
(Primary Production) 2021	N/A	N/A
(Precincts – Western Parkland City) 2021	N/A	The site is not identified within a State Significant Precinct, Sydney Region Growth Centre, Western Sydney Aerotropolis, Penrith Lakes, St Marys, or Western Sydney Parklands.
(Resilience and Hazards) 2021	Yes	<p>The site is not mapped as containing land identified as 'coastal use', 'coastal environment area' or 'coastal vulnerability' nor is it proximate to land mapped on the 'Coastal Wetlands and Littoral Rainforests Area Map'.</p> <p>The site is located within an established industrial area of Brookvale, approximately 3km north-west from the nearest mapped coastal Foreshore area.</p> <p>The Planning Proposal will not adversely affect the coastal zone area.</p> <p>The Planning Proposal will not adversely impact public access to the foreshore area.</p>
(Resources and energy) 2021	Yes	The Planning Proposal does not affect any land containing mineral, petroleum and extractive material resources.
(Sustainable Buildings) 2022	N/A	N/A
(Transport and Infrastructure) 2021	Yes	The Planning Proposal does not propose any built form. Referral to state agencies can be undertaken post Gateway determination.

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 directions) or key government priority?

Yes. See commentary below on the applicable Ministerial Directions.

Direction	Complies	Comment
Focus Area 1 : Planning systems		
1.1 Implementation of Regional Plans	Yes	The Planning Proposal is consistent with the objectives and actions of the Sydney Region Plan (see earlier Section B - 3).
1.3 Approval and Referrals	Yes	The Planning Proposal does not include any provisions that require the concurrence, consultation, or referral of development applications to a Minister or public authority and does not identify development as designated development.
1.4 Site Specific Provisions	Yes	The Planning Proposal does not seek to impose any additional development standards or requirements, and does not contain or refer to drawings that show details of any proposed development.
Focus Area 3 : Biodiversity and Conservation		
3.1 Conservation Zones	Yes	The subject site does not involve environmentally sensitive areas or land within a conservation zone or otherwise identified for environment conservation/protection purposes.
3.2 Heritage Conservation	Yes	The Planning Proposal does not affect existing heritage provisions in Warringah Local Environmental Plan 2011. The subject land does not contain or adjoin any known heritage items, heritage conservation areas, archaeological sites, aboriginal objects or aboriginal places of significance.
3.5 Recreation Vehicle Area	Yes	The Planning Proposal does not enable land to be developed for a recreation vehicle area.
3.7 Public Bushland	Yes	The site is small with minimal vegetation. It is not connected to an open space network and has no bushland or biodiversity values. Brookvale Structure Plan identifies the current RE1 zoning as an anomaly as the land is not accessible to the public and has never been used for open space or recreation. Retention of the RE1 zoning will not assist connection to any green grid as the site is surrounded by industrial development.
Focus Area 4 : Resilience and Hazards		
4.1 Flooding	Yes	The Planning Proposal and supporting Flood Impact and Risk report has been reviewed by Council's Floodplain Planning team who advised that although not consistent with Direction 4.1(2), the proposed rezoning is of minor significance in relation to flood risk, having regard to the site's size and shape, the zoning of adjacent land, the layout of existing infrastructure, practical constraints on construction of flood mitigation infrastructure, and the ability to achieve compliance with the relevant WLEP and DCP controls.

Direction	Complies	Comment
		<p>Council's Stormwater Operations team who are the 'asset owner' of the drainage reserve have confirmed they do not have future plans to construct stormwater infrastructure through the site.</p> <p>Direction 4.1 provides that a planning proposal may be inconsistent with the direction if the planning proposal authority can satisfy the Planning Secretary that (d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.</p>
4.4 Remediation of Contaminated Land	Yes	<p>A Phase 1 Preliminary Site Investigation was undertaken by Alliance Geotechnical and Environmental Solutions, which made the following conclusions:</p> <ul style="list-style-type: none"> • The potential for land contamination to be present at the site as a result of current and previous land use activities, is considered to be low to moderate; • If there is land contamination on the site, and that land contamination presented an unacceptable human health or ecological exposure risk, there are readily available and proven technologies available to manage and/or remediate the contaminants of potential concern identified for the site; • The site would be suitable for the proposed rezoning to E4 - General Industrial, in the context of land contamination. This conclusion is based on the site suitability for a specific land use scenario under that zoning (permitted with or without consent) being assessed, in accordance with, but not necessarily limited to, the relevant provisions of: State Environmental Planning Policy (SEPP) Resilience and Hazards 2021; Warringah Development Control Plan 2011; and Warringah Local Environmental Plan.
4.5 Acid Sulphate Soils	Yes	<p>A Phase 1 Preliminary Site Investigation undertaken by Alliance Geotechnical and Environmental Solutions notes the site is not affected by Acid Sulphate Soils and the probability of occurrence is extremely low.</p>
Focus Area 5 : Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Yes	<p>Traffic generation from any future use is to be addressed at DA stage. The site is under 100m² and will have minimal impact in terms of additional traffic generated by future development.</p>
5.2 Reserving Land for Public Purposes	No	<p>The Planning Proposal will alter the permitted uses on Council owned "community" land, however, rezoning the site from RE1 Public Recreation to E4 General Industrial is consistent with Brookvale Structure Plan and will rectify an anomaly in WLEP.</p> <p>Reclassifying the site to Operational will allow Council to sell the land as it is no longer required for drainage or any other public purpose. The current Community land classification is also an anomaly as it not suitable for use by the general public and has never been accessible to the public. It has no potential to provide a pathway or any other obvious public purpose.</p>

Direction	Complies	Comment
Focus Area 7 : Industry and Employment		
7.1 Employment Zones	Yes	The Planning Proposal will increase the area of E4 Industrial land consistent with the Brookvale Structure Plan and will enable amalgamation to achieve a larger development site with increased options for employment-generating development.

Section C – Environmental, social and economic Impact

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

No. The site does not contain any habitat or threatened species. The vegetation on the site is not identified on the 'Biodiversity Values Map', nor is it mapped as containing 'riparian land', 'terrestrial biodiversity', 'natural resources' or 'environmentally sensitive land'. Notwithstanding, any future Development Application post rezoning and reclassification of the site will require an ecological assessment to assess the impact on the vegetation existing on the site.

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

Information submitted with the Planning Proposal has been reviewed internally by Council's Floodplain Planning, Stormwater Operations, Development Advisory Services, Traffic and Property teams. Feedback provided by these teams indicates that the site is considered suitable for the proposed rezoning and reclassification, and matters of environmental effects such as flood impact, stormwater management, traffic, parking, contamination, and noise would be addressed in detail at the DA stage for a future development proposal.

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

Council's Pre-Lodgement report for the Planning Proposal notes that the site no longer serves a drainage purpose and is not suitable for use as open space or for public recreation. The site currently provides no social benefit to the community. The Planning Proposal will result in a positive economic outcome for the community through the provision of additional industrial land and potential consolidation of industrial properties, enabling expanded or new industrial activities and potentially providing additional employment opportunities.

Planning Secretary's Requirements for Reclassifying Land

The Local Environmental Plan Making Guideline August 2023 (page 65) sets out the Planning Secretary's requirements for reclassifying land. The specific matters that are to be addressed when a Planning Proposal involves reclassification are detailed below.

Requirement	Comment
Is the planning proposal the result of a strategic study or report?	<p>Yes. The Brookvale Structure Plan identifies the site as one of two drainage reserves in the eastern industrial area in Brookvale that are recommended to be rezoned from RE1 Public Recreation to E4 General Industrial as both reserves are unsuitable for public recreation, are not accessible by the public, and are no longer required for drainage.</p> <p>The proposal to rezone and reclassify the site will enable its future sale, amalgamation and development for industrial purposes consistent with the character and pattern of development in the surrounding area.</p>
Is the planning proposal consistent with the council's community plan, or other local strategic plan?	<p>Yes. Part 3 of this document outlines the proposal's consistency with the Northern Beaches Local Strategic Planning Statement and Community Strategic Plan.</p> <p>Rezoning to E4 General Industrial and reclassification to allow sale, amalgamation and development of the site for industrial purposes will be in keeping with the local character. It will help to preserve the industrial integrity of adjoining lands, allow for future expansion and a greater range of development options on a larger consolidated site, enhance economic and employment outcomes, and support efficient use of land.</p> <p>The site is not required for drainage and is unsuitable for use as open space or for any public purpose. The current RE1 zoning and Community classification are an anomaly and do not reflect the site's characteristics.</p>
If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided	<p>The site's Certificate of Title (see Appendix B) shows no encumbrances on the title and there are no trusts associated with the land.</p> <p>The site's public ownership and status as a drainage reserve was established when the area was originally subdivided in 1910. The survey plan (see Appendix C) created two drainage reserves being Lots 34 and 35 on DP 6033. The two drainage reserve lots vested in local government ownership upon registration of the DP. The site is the northern half of original Lot 35. The southern half was reclassified in 2008 and later subdivided, sold, amalgamated with adjoining land and developed.</p>
The concurrence of the landowner must be obtained, where the land is not owned by the PPA	The land is owned by Northern Beaches Council who is the Planning Proposal Authority.
The effect of the reclassification, including loss of open space, any discharge of interests, and/ or removal of public reserve status	All interests will be discharged, including the drainage reserve status, upon reclassification. The land is not required for drainage and is unsuitable for any public purpose. It has never been used for public recreation or accessible by the general public. There is no potential to provide a public pathway as the southern part of the drainage reserve that originally connected with Chard Road no longer exists.

<p>The strategic and site-specific merits of the reclassification and evidence to support this</p> <p>Does the planning proposal deliver a public benefit?</p>	<p>Part 3 of this document outlines the strategic and site-specific merits. Reclassification is necessary to enable the land to be sold and later developed for industrial purposes. There is no public benefit in maintaining the site's Community land classification and RE1 Public Recreation zoning. This classification and zoning are an anomaly which do not reflect the characteristics or best use of the land and are out of character with the area. Greater public benefit will be derived from allowing the land to be divested by Council and amalgamated with adjoining land to significantly increase the development options for industrial purposes which will further support employment opportunities and economic growth.</p>
<p>Have the implications for open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space?</p>	<p>The reclassification will have no practical impact on the quantity of open space on the Northern Beaches. The site is very small and narrow, with no vegetation of any significance. It has never provided any genuine open space function.</p>
<p>How funds obtained from any future sale of the land will be used</p>	<p>Funds from future sale of the land would be added to the general pool of assets and income allocated in annual budgets to a range of Councils operations and projects. One of these could be the implementation of Brookvale Structure Plan which is a planning framework and land use strategy to grow and evolve the role of Brookvale as an employment-focused strategic centre.</p>
<p>How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification, if relevant</p>	<p>N/A</p>

Section D – Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the Planning Proposal?

Yes. The Proposal will not require any changes to the delivery of public infrastructure to the land. The site is near public transport services, including bus services. The site is in an established urban industrial area, with all typical utilities in place. The site itself is a very small land area and its future development is not expected to place any significant demand on public infrastructure.

Section E – State and Commonwealth interests

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

An update to this section of the Proposal will occur following consultation with relevant State and Commonwealth public authorities in accordance with the Gateway determination.

Part 4 – Maps

The Planning Proposal intends to amend the Land Zoning Map, Lot Size Map, and Height of Buildings Map of WLEP, so as to be consistent with surrounding land.

No amendment to the Floor Space Ratio Map is proposed, consistent with surrounding land which has no mapped floor space ratio.

Figures 5 - 10 are extracts of the existing and proposed WLEP maps, zoomed to a scale at which the site can be seen. Full size WLEP maps have been produced in accordance with the standard technical requirements and will be forwarded separately with the submission for Gateway Determination.

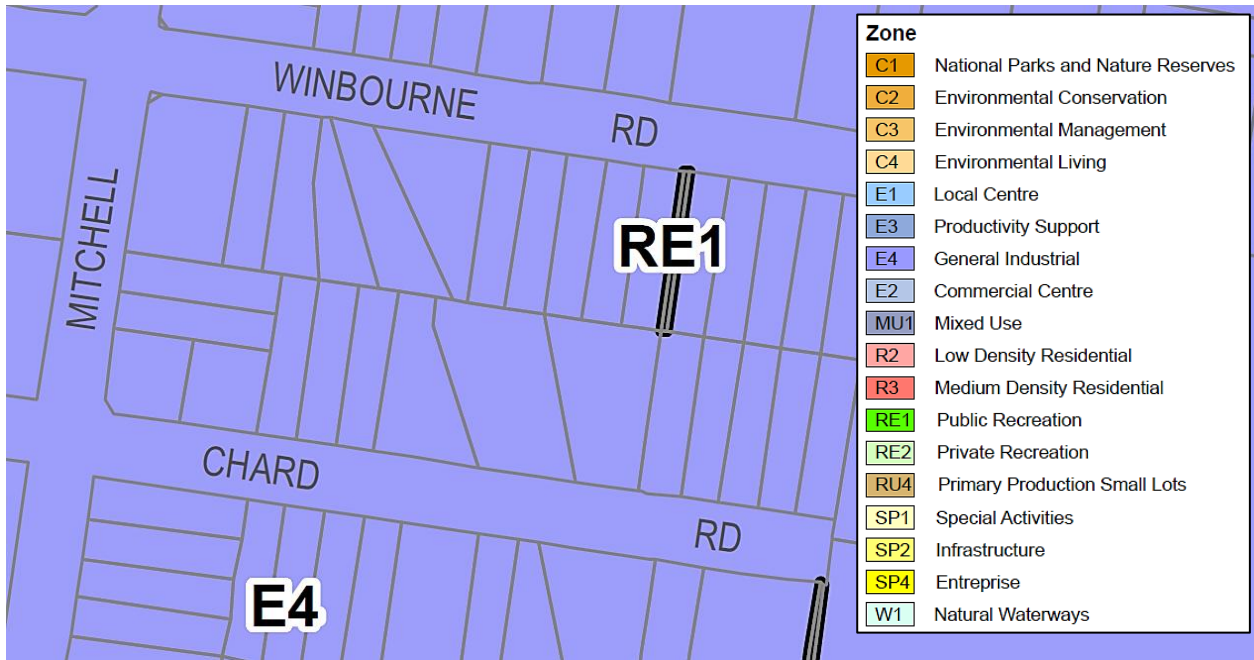


Figure 5 Existing Land Zoning Map – Sheet LZN_010A (extract)

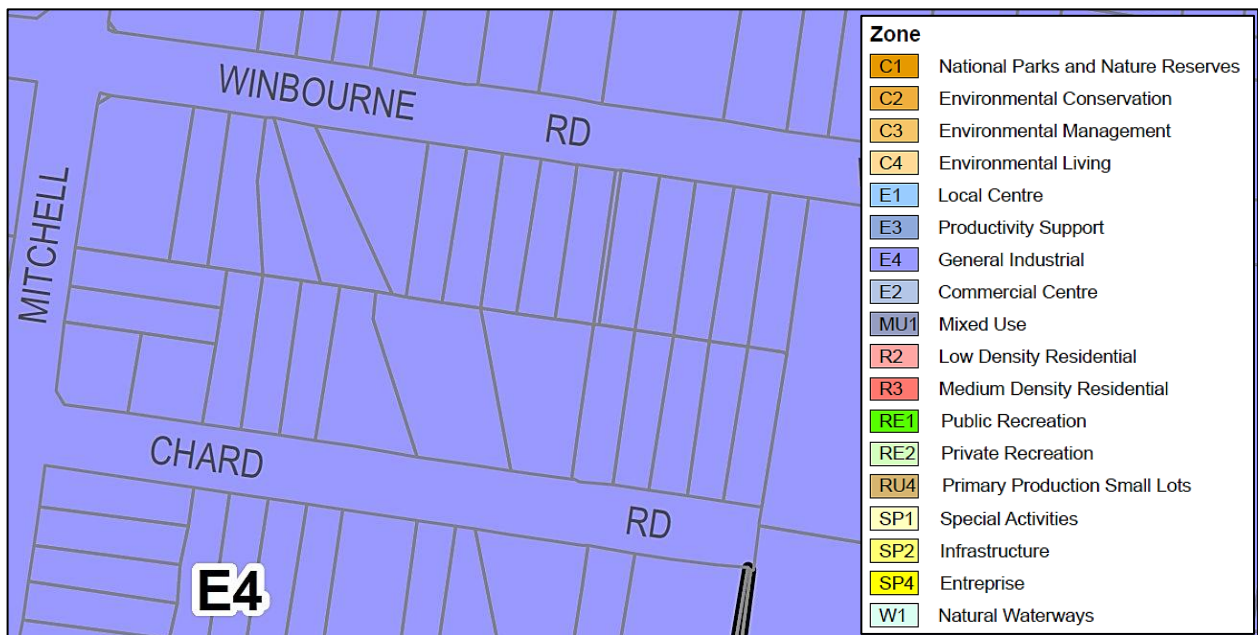


Figure 6 Proposed Land Zoning Map – Sheet LZN_010A (extract)

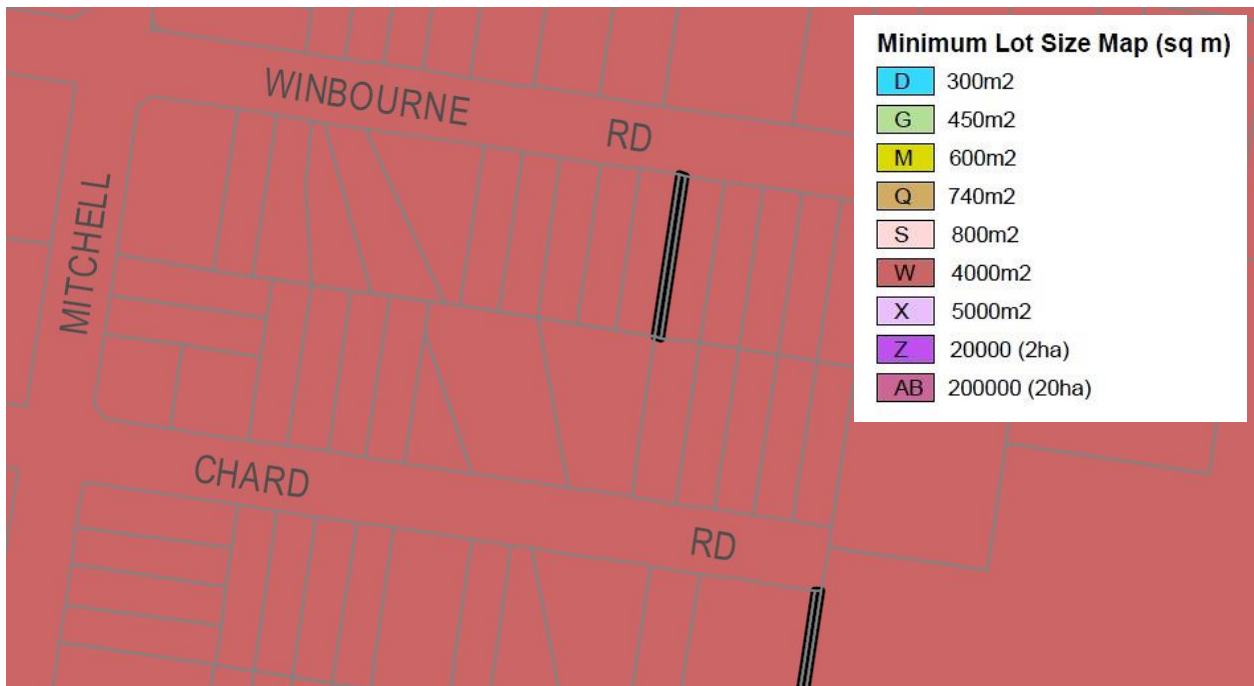


Figure 7 Existing Lot Size Map – Sheet LSZ_010A (extract)

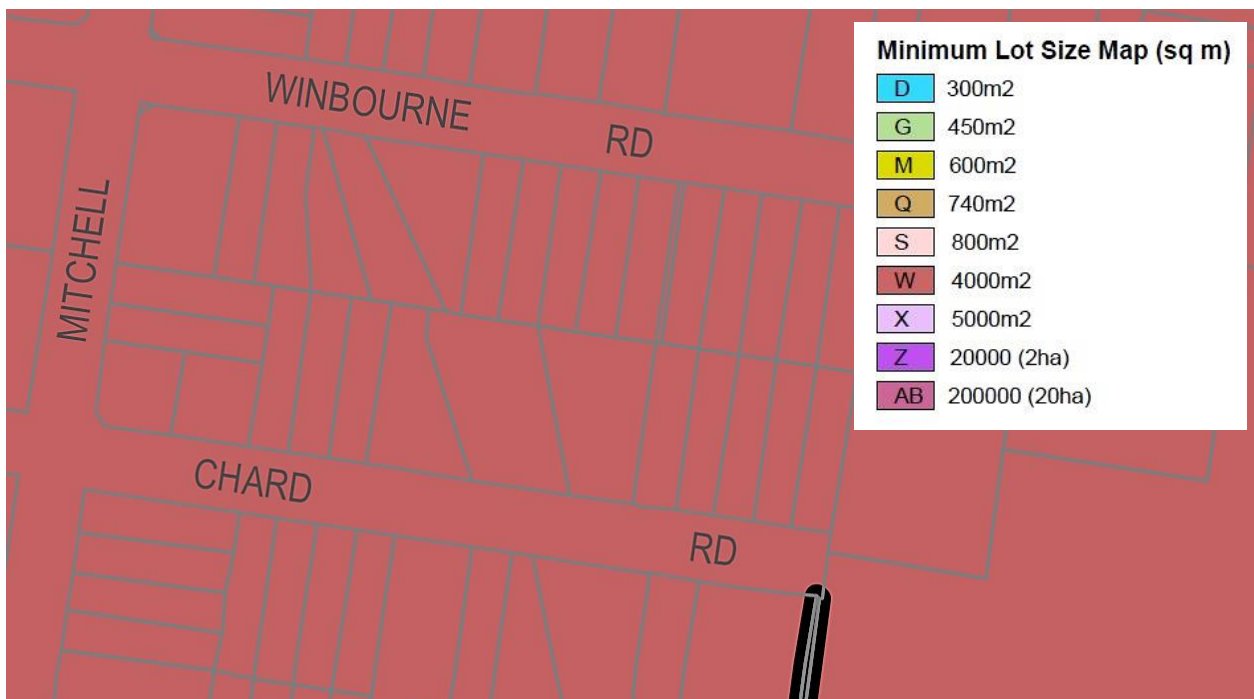


Figure 8 Proposed Lot Size Map – Sheet LSZ_010A (extract)

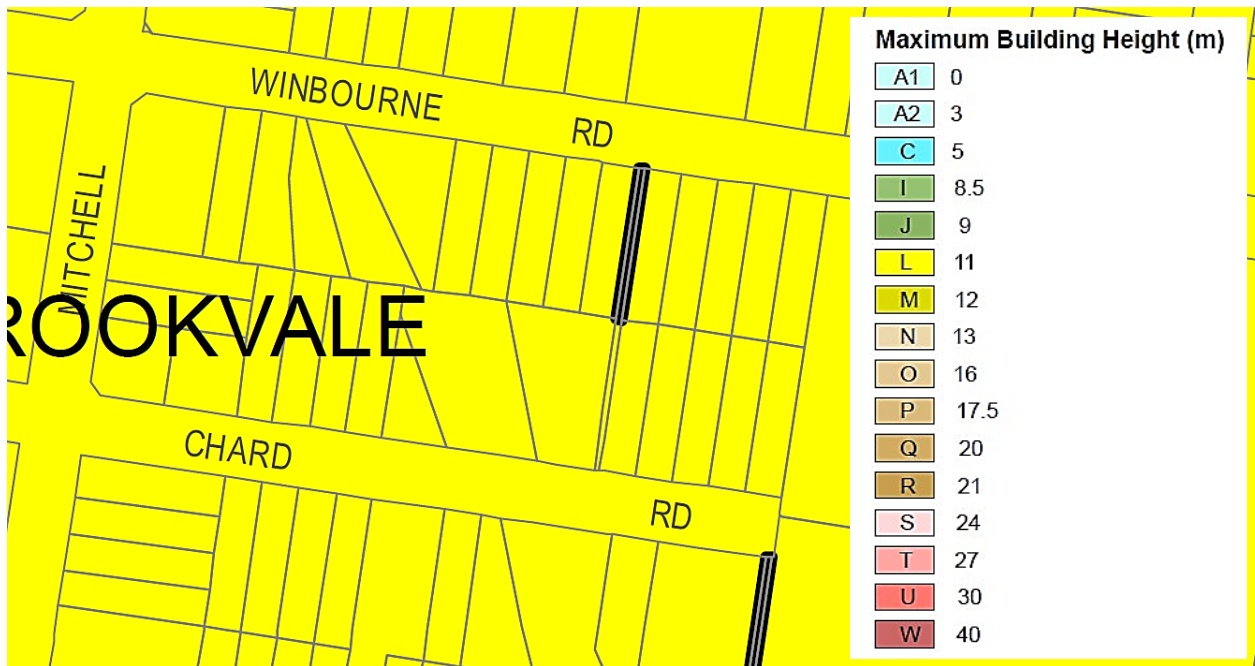


Figure 9 Existing Height of Buildings Map – Sheet HOB_010A (extract)

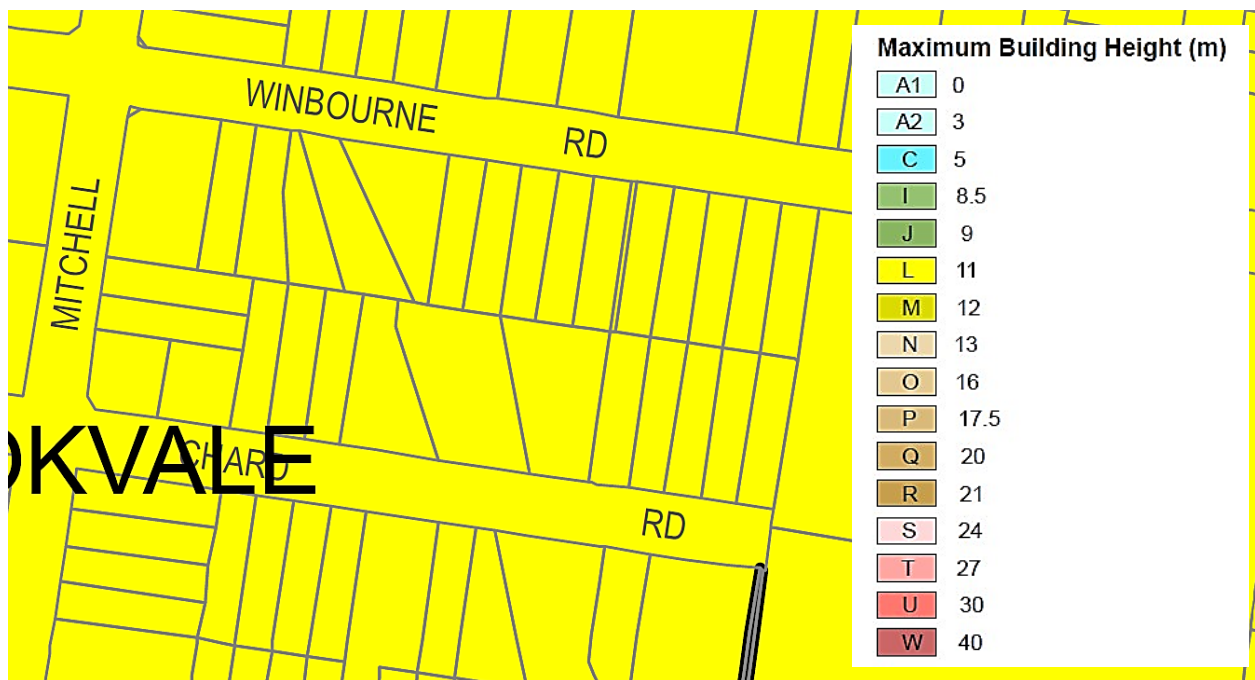


Figure 10 Proposed Height of Buildings Map – Sheet HOB_010A (extract)

Part 5 – Community Consultation

The Planning Proposal application was placed on non-statutory public exhibition for 14 days for the period 3 - 16 June 2024. No public submissions were received. One online submission was withdrawn as the submitter mistook the site for a different location.

Should a Gateway determination be granted, consultation will occur in accordance with the requirements of the determination. As the proposal involves reclassification of public land, a public hearing will also be held subsequent to the statutory public exhibition post-Gateway.

Part 6 – Project Timeline

Stage	Timeframe
Consideration by Local Planning Panel	July 2024
Consideration by Council	June-August 2024
Council Decision	August 2024*
Gateway Determination	September 2024
Public exhibition and consideration of submissions	September 2024
Public hearing and reporting	October 2024
Post-exhibition review and additional studies	October 2024
Submission to the Department for finalisation	November 2024
Gazettal of LEP amendment	December 2024

* no Council meeting to be held in September 2024 due to local government elections

Appendix A

Certificate of Title



Land & Property
Information

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/1174201

SEARCH DATE	TIME	EDITION NO	DATE
30/10/2012	4:09 PM	1	26/10/2012

LAND

LOT 2 IN DEPOSITED PLAN 1174201
AT BROOKVALE
LOCAL GOVERNMENT AREA WARRINGAH
PARISH OF MANLY COVE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1174201

FIRST SCHEDULE

WARRINGAH COUNCIL

SECOND SCHEDULE (1 NOTIFICATION)

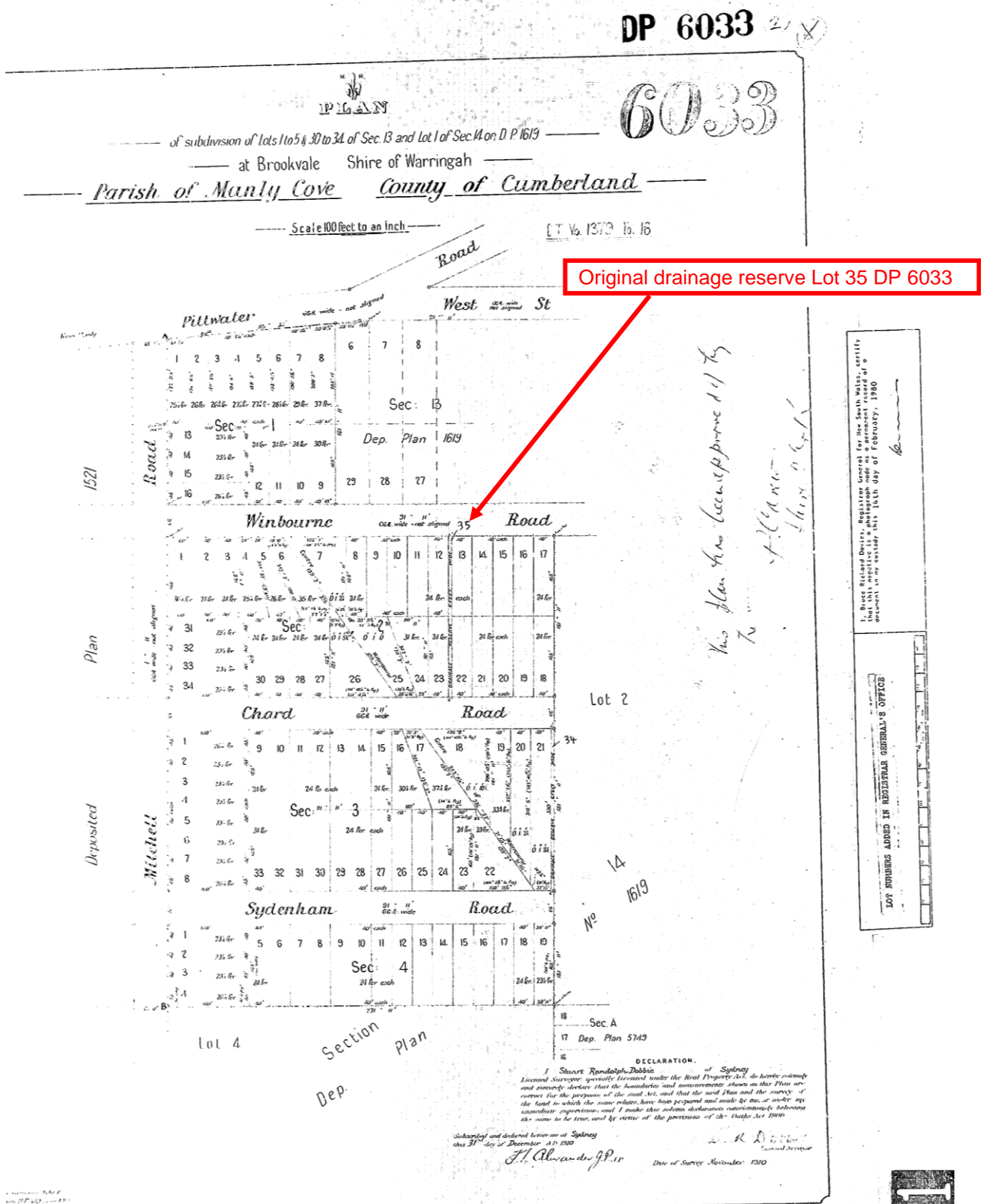
1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Original Survey Plan November 1910



Appendix C

**Independent Assessment Report by
DFP Planning Pty Ltd**