

Department of Planning and Environment
Sydney Region East
320 Pitt Street
SYDNEY NSW 2000

**REQUEST FOR REZONING REVIEW IN RESPECT TO NORTHERN BEACHES
COUNCIL'S REJECTION OF A PLANNING PROPOSAL IN RESPECT TO
NOS. 75-79 OLD PITTWATER ROAD AND NO. 19 CROSS STREET, BROOKVALE.**

I refer to the application lodged with the Department on 28th May 2018 requesting an independent review of the decision of Northern Beaches Council to reject a Planning Proposal to amend Warringah Local Environmental Plan 2011 to permit the additional use of Lot A DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale, for the purposes of office premises; business premises; residential apartments; and public domain open space.

In response to the Department's email request of the 29th May 2018 for additional information, I provide the attached amended Annexure H to my application report, addressing the proponent's justification as to why a review of the Council's decision to reject the planning proposal is warranted, having regard to the Strategic and Site Specific Merit Tests required by *'A Guide to preparing local environmental plans.'*

Yours Sincerely

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1st June 2018.

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ANNEXURE H: Proponent's justification/confirmation why a review in the circumstances of this application, is warranted (Strategic and Site Specific Merit Tests).

STRATEGIC & SITE SPECIFIC MERIT TESTS.

PLANNING PROPOSAL TO PERMIT THE ADDITIONAL USES OF OFFICE PREMISES; BUSINESS PREMISES AND RESIDENTIAL APARTMENTS ON LOT A DP 166808, LOT 2 DP 600059 & LOT 1 DP 204107, NOS. 75-79 OLD PITTWATER ROAD AND NO. 19 CROSS STREET, BROOKVALE.

On the 26th April 2018 Northern Beaches Council gave notice of its rejection of a Planning Proposal in respect to Lot A DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale.

‘A Guide to preparing local environmental plans’ sets out the process and information requirements for a proponent to make a request for an independent rezoning review if a council has notified that the request to prepare a planning proposal is not supported.

The rezoning review request is required to be accompanied by the *“proponent’s justification to the Strategic and Site Specific Merit Tests, to confirm why a review is warranted”*. The proponent is required to demonstrate firstly that the planning proposal has strategic merit and having met the strategic merit test, has site-specific merit.

The following analysis has regard to the required matters for consideration and demonstrates that the subject planning proposal has both strategic and site specific merit, warranting the planning proposal proceeding to ‘Gateway Determination’.

A. ASSESSMENT OF STRATEGIC MERIT.

‘A Guide to preparing local environmental plans’ provides that:

“The Planning Panel or Commission will undertake an assessment to determine whether the proposal:

a) has strategic merit as it is:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- consistent with a relevant local strategy that has been endorsed by the Department; or*
- responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.*

There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.”

Section 5 of the Planning Proposal application report (prepared by Doug Sneddon Planning Pty Ltd - January 2018), provides strategic planning justification for amending Warringah LEP 2011 in the manner proposed by this Planning Proposal, addressing the consistency of the Planning Proposal with:

- *'A Plan for Growing Sydney'*;
- The *Draft Revised North District Plan (November 2017)*; and
- Northern Beaches Council's *Draft Brookvale Structure Plan*.

It is noted that the Draft Revised North District Plan is superseded by the *North District Plan*, published in March 2018.

The following analysis demonstrates that the Planning Proposal has strategic merit as it is consistent with the relevant provisions of *A Plan for Growing Sydney*; the *North District Plan*; and the intent of the proposal of the *Draft Brookvale Structure Plan* to include the subject land in an area where it is proposed to the additional uses of permit business and office premises within the existing *IN1 Industrial Zone* via a future council amendment to Warringah LEP 2011.

A1. 'A Plan for Growing Sydney'.

A Plan for Growing Sydney, released in December 2014 is the NSW Governments 20 year plan for the Sydney Metropolitan Area. It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

To achieve the NSW Government's vision for Sydney as a "*strong global city, a great place to live*", the Government has set down the following goals that Sydney will be:

- *a competitive economy with world class services and transport;*
- *a city of housing choice with homes that meet our needs and lifestyles;*
- *a great place to live with communities that are strong , healthy and well connected;*
and
- *a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

Goals 1, 2 and 3 are principally relevant to this planning proposal to amend Warringah Local Environmental Plan 2011 to permit the additional use of 'Mixed Use Development (office premises; business premises and residential apartments) on Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale.

1.1 Goal 1: Grow a more internationally competitive Sydney CBD.

Direction 1.7: Grow strategic centres-providing more jobs closer to home.

"Concentrating office development in strategic centres that are easy to get to benefits businesses and provides the opportunity for workers to access specialist jobs. Businesses benefit from proximity to other businesses and services when they are clustered in a few large centres. Focussing future growth in strategic centres will

provide the greatest benefits to Sydney in terms of land and infrastructure costs, social infrastructure and social and environmental outcomes.”

Strategic Justification of the Planning Proposal.

‘Brookvale- Dee Why’ is identified as one of 28 of Sydney’s strategic centres. This Planning Proposal is consistent with Direction 1.7 as it will generate mixed use office/business and residential development within ‘Brookvale- Dee Why’ Strategic Centre, providing increased services, jobs and housing in an integrated master planned environment, with consequential benefits in terms of land and infrastructure costs, social infrastructure and environmental outcomes.

1.2 Goal 2: *A city of housing choice, with homes that meet our needs and lifestyles.*

The following principal Directions and Actions contained within *A Plan for Growing Sydney* aimed to provide for housing choice, with homes that meet community needs and lifestyles, are applicable to the consideration of this Planning Proposal.

(a) Direction 2.1: *Accelerate housing supply across Sydney.*

The delivery of new housing must be accelerated to meet the needs of a bigger population and to satisfy a growing demand for different types of housing.

Action 2.1.1: *Accelerate housing supply and local housing choices.*

The most suitable areas for significant urban renewal are those areas best connected to employment and include:

- in and around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving large numbers of people; and
- in and around strategic centres.

Action 2.1.2: *Accelerate new housing in designated infill areas.*

Locations with large lots within the existing urban area that are close to centres on the rail, light rail and rapid bus systems are particularly well suited to urban renewal.

Action 2.1.3: *Deliver more housing by developing surplus or under-used Government land.*

Making surplus Government land available for housing will be a significant source of new housing.

(b) Direction 2.2: *Accelerate urban renewal across Sydney – providing homes closer to jobs.*

New urban renewal locations will be selected in or near centres on the public transport network. Locating new housing here will make it easier for people to get to jobs and services and take pressure off congested roads.

Action 2.2.1: Use the Greater Sydney Commission to support Council-led urban infill projects.

A significant proportion of Sydney's additional housing supply needs to come from urban infill across Sydney.

The Government will support council-led urban infill and local efforts to lift housing production around local centres, transport corridors and public transport access point.

Action 2.2.3: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.

A Plan for Growing Sydney focuses new housing in centres which have public transport that runs frequently and can carry large numbers of passengers.

(c) Direction 2.3: Improve housing choice to suit different needs and lifestyles.

There is currently a shortage of apartments in the middle and outer areas of the city. This is affecting the capacity of people to buy or rent a home. To respond to these issues the Government will introduce planning controls that increase the number of homes in established urban areas to take advantage of public transport, jobs and services.

1.3 Goal 3: A great place to live with communities that are strong, healthy and well connected.

A Plan for Growing Sydney aims to create more vibrant places and revitalised suburbs where people will want to live.

(a) Direction 3.1: Revitalise existing suburbs.

Provision of new housing within Sydney's established suburbs brings real benefits to communities and makes good social and economic sense.

This type of development lowers infrastructure costs: reduces the time people spend commuting to work or travelling between places; gives people more time to spend with their families, relaxing and enjoying sport and other activities; and helps people get involved in the local community.

Directing new housing to the existing urban area will reduce the impact of development on the environment and protect productive rural land on the urban fringe. It also improves resident's access to jobs, services and recreation and this will enhance the liveability of the city.

(b) Direction 3.3: Create healthy built environments.

The design of the city and suburbs plays an important role in supporting physical activity. Planning and development can promote healthy activities such as walking to the shops or school, cycling, meeting friends at the local park or café and visiting a community event.

Strategic Justification of the Planning Proposal.

The Planning Proposal is consistent with Directions 3.1 and 3.3. The accompanying urban renewal report *Village on the Brook – Integrated Mixed Use Urban Residential, Recreational and Employment Precinct*, prepared by Thrum Architects (copy provided in Annexure C to the Planning Proposal application report) presents a vision and concept masterplan for the transformation and redevelopment of this site in a manner which will deliver increased employment numbers (office/business premises and ancillary services); increased housing supply; and a high quality public domain/civic pedestrian spine.

1.4 North Subregion – Priorities for Strategic Centres.

A Plan for Growing Sydney contains the following priorities for ‘Brookvale-Dee Why’ Strategic Centre:

- *Work with council to retain a commercial core in Brookvale-Dee Why, as required, for long-term employment growth.*
- *Work with council to provide capacity for additional mixed-use development in Brookvale-Dee Why including offices, retail, services and housing.*
- *Work with council to improve walking and cycling connections between Warringah Mall, Brookvale and Dee Why.*
- *Progress planning for a Northern Beaches bus rapid transit corridor to service Brookvale-Dee Why.*

The Planning Proposal is consistent with these strategic priorities:

- The commercial core within the centre is retained and strengthened by the proposal to permit the additional use of office premises and business premises on the subject land, which shares its eastern boundary with the Warringah Mall’ retail centre;
- The Planning proposal provides for mixed use development in Brookvale Dee Why, including offices, business premises and housing;
- The Planning Proposal will result in the provision of public domain walking and cycling connections through the site, at the developers cost; and
- The Planning Proposal will provide for intensification of activity and patronage to public transport, including the new ‘B-Line’.

1.5 Summary Assessment of Consistency of the Planning Proposal with ‘A Plan for Growing Sydney’.

This planning proposal to amend Warringah Local Environmental Plan 2011 to permit the additional use of ‘Mixed Use Development (office premises; business premises and residential apartments) on Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale, is consistent with the goals and related actions contained in *A Plan for Growing Sydney* aimed to Grow strategic

centres-providing more jobs closer to home; accelerate housing supply/choice; and revitalise existing suburbs:

- the subject land is located within the ‘Brookvale – Dee Why Strategic Centre’;
- the subject land provides a significant ‘in-fill’ opportunity for urban renewal, comprising a large land parcel located within the ‘Brookvale-Dee Why’ Strategic Centre adjacent to ‘Warringah Mall’ and well served by public transport, including the new ‘B-Line’;
- the Planning Proposal will strengthen the ‘Brookvale-Dee Why’ Strategic Centre by generating significant mixed use office/business and residential development within the centre, providing for increased services, jobs and housing in an integrated master planned development, with consequential benefits in terms of land and infrastructure costs, social infrastructure and environmental outcomes;
- the Planning Proposal presents a vision and concept masterplan for the transformation and redevelopment of this site in a manner which will deliver increased employment numbers (office/business premises and ancillary services); increased housing supply; and a high quality public domain/civic pedestrian spine;
- the Planning Proposal provides a significant opportunity for the development of up to 500 apartments located in a number of master planned residential towers located above ground level office/business premises. This significant yield will make an important contribution to delivering dwelling targets and a range of dwelling types, including a proportion of ‘affordable housing’.
- The Planning Proposal will result in the provision of walking and cycling connections through the site; and
- The Planning Proposal will provide for intensification of activity and patronage to public transport, including the new ‘B-Line’.

A2. NORTH DISTRICT PLAN (March 2018).

The North District Plan (March 2018), prepared by the Greater Sydney Commission identifies Brookvale-Dee Why as a strategic centre

It is a plan to manage growth at a district level and is a bridge between regional and local planning. In undertaking strategic planning processes and/or preparing or considering planning proposals, planning authorities must give effect to the District Plan, specifically the Planning Priorities and Actions.

2.1 Brookvale-Dee Why Strategic Centre: Targets and Applicable Planning Priority Statements.

The North District Plan contains the following targets for Brookvale-Dee Why:

- Centre job target for Brookvale-Dee Why – 2016 (20,000 jobs) increasing to 23,000 – 26,000 jobs in 2036; and

- 5 year Housing targets for Northern Beaches LGA 2016 - 2021 is 3,400 dwellings.

The North District Plan contains the following Planning Priority Statements N5; N6; N10; N11; N12; and N20, which have particular applicability to the preparation of this Planning Proposal:

- **“Planning Priority N5: Provide housing supply, choice and affordability, with access to jobs and services”.**
 - *Housing is more than just dwellings and needs to be considered across the housing continuum and with a place based approach.*
 - *New housing must be in the right places to meet demand for different housing types, tenure, price points, preferred locations and design.... Must be coordinated with local infrastructure to create livable, walkable and cycle friendly neighbourhoods with shops, services and public transport.*
 - *Opportunities for urban renewal need to be considered by location and by capacity of existing and proposed infrastructure. Where there is significant investment in mass transit corridors, both existing and proposed, urban renewal may best be investigated in key nodes along the corridor. Locational criteria for urban renewal opportunities include:*
 - *Alignment with investment in regional and district infrastructure;*
 - *Accessibility to jobs;*
 - *Accessibility to regional transport;*
 - *Within walking distances of centres;*
 - *The feasibility of development;*
 - *Support the role of Centres.*
- **“Planning Priority N6: Creating and renewing great places and local centres and respecting the District’s Heritage”.**
 - *Greater Sydney’s cities, centres and neighbourhoods each have a unique combination of local people, history, culture, arts, climate, built form and natural features creating places with distinctive identities and functions. Great places build on these characteristics to create a sense of place that reflects shared community values and culture. Through this, they attract residents, workers, visitors, enterprise and investment.*
 - *To deliver high quality, community specific and place based outcomes, planning for the District should integrate site-specific planning proposals with precinct-wide place and public domain outcomes through place based planning.*
- **“Planning Priority N10: Growing investment, business opportunities and jobs in strategic centres”.**
 - *Brookvale-Dee Why is identified as a strategic centre..... All strategic centres will be the focus of public transport investments that seek to deliver the 30-minute city objective;*

- *A balance must be struck in providing adequate mixed-use or residential zoned land around the commercial core zone to ensure new residential developments can benefit from access and services in centres;*
- *Delivering housing within a walkable distance of strategic centres encourages non-vehicle trips, which also fosters healthier communities.*
- *The strategic centre which combines Brookvale and Dee Why provides the greatest number of jobs in the Northern Beaches. Brookvale industrial area supports niche manufacturing and wholesale industries. Warringah Mall is one of the largest retail areas in Greater Sydney. Growth of the combined centre including greater connectivity will attract employment, retail and local services, strengthening the existing centre.*
- *Strengthen Brookvale-Dee Why through approaches that:*

Maintain the mix of uses so that Brookvale-Dee Why continues to perform strongly;

Encourage and support improvements to Warringah Mall and better integrate it with the fabric and life of Brookvale-Dee Why;

Recognise and enhance the economic and employment opportunities along Pittwater Road and encourage revitalisation along the commercial strip;

Promote walking, cycling and public transport to Warringah Mall, the Brookvale industrial area and Dee Why;

Encourage the establishment of new, innovative and creative industries in the Brookvale industrial area;

Encourage new lifestyle and entertainment uses to activate local streets in Brookvale-Dee Why; and

Improve connections between Brookvale-Dee Why and the Northern Beaches Hospital at Frenches Forest.

- **“Planning Priority N11: Protecting and managing industrial and urban services land”.**

- *In the North District, given the limited supply of industrial and urban services land and the inability to increase supply, industrial and urban services land needs to be protected and efficiently managed;*
- *The North District has the lowest amount of industrial land in Greater Sydney and the highest proportion of the land used for urban services;*
- *Brookvale is shown to have 86ha of developed industrial land and no undeveloped land;*

- *All existing industrial and urban services land needs to be protected from conversion to residential and mixed use development and must be managed to accommodate businesses supporting the local economy and serving the local population.*
- **“Planning Priority N12: Delivering integrated land use and transport planning and a 30-minute city”.**
 - *As the North District grows, planning and investment will integrate land use, transport and infrastructure, recognising and harnessing the city shaping role of transport infrastructure;*
 - *The District’s strategic and local centres provide a range of local jobs and services that support the growing population. Encouraging the growth of strategic and local centres will reduce the need for people to travel long distances to access jobs and local services;*
 - *Northern Beaches B-Line is a city shaping initiative;*
 - *Walking is a fundamental part of the transport system and most journeys start and end with walking. Pleasant and safe environments for walking and cycling contribute to great places where people and businesses choose to locate and invest;*
 - *Mixed-use neighbourhoods with homes and schools close to centres and public transport improve the opportunity for people to walk and cycle to local shops and services.*
- **“Planning Priority N20: Delivering high quality open space”.**
 - *People in urban neighbourhoods should be able to walk to local open space. In high density neighbourhoods, public open space is used like a shared backyard, providing green communal living space.....High density neighbourhoods need to have high quality open space within close proximity.*
 - *In local and strategic centres, local open space is important to provide places for workers to relax and for people to meet and socialize;*
 - *For residents of high density, improving access to local open space together with its quality will be essential. Access to open space for residents.*

2.2 Summary Assessment of consistency of the Planning Proposal with the North District Plan (March 2018).

The North District Plan has primacy over Council strategic plans and is required to be taken into consideration by Council's when preparing a Planning Proposal:

In relation to achieving job targets, the North District Plan seeks to protect and manage industrial and urban services land and 'growing' the existing Brookvale-Dee Why Centre;

In relation to delivering housing supply, the planning priorities of North District Plan advocates:

- *Considering opportunities for urban renewal by location and by capacity of existing and proposed infrastructure. Where there is significant investment in mass transit corridors, both existing and proposed, urban renewal may best be investigated in key nodes along the corridor. Locational criteria for urban renewal opportunities include:*
 - *Alignment with investment in regional and district infrastructure;*
 - *Accessibility to jobs;*
 - *Accessibility to regional transport;*
 - *Within walking distances of centres;*
 - *The feasibility of development;*
- *Supporting the role of Centres;*
- *Delivering housing within a walkable distance of strategic centres encourages non-vehicle trips, which also fosters healthier communities;*
- *Delivering high quality, community specific and place based outcomes. Planning for the District should integrate site-specific planning proposals with precinct-wide place and public domain outcomes through place based planning; and*
- *Encouraging and supporting improvements to Warringah Mall and better integrate it with the fabric and life of Brookvale-Dee Why.*

The Planning Proposal is consistent with aim of the North District Plan to achieve job targets and protect and manage industrial and urban services land, as the existing *INI General Industrial* zone is retained over the land. The proposed additional permitted use of office and business premises on the subject land is consistent with the intention of Council's draft Brookvale Structure Plan to permit these additional uses within Brookvale Industrial Area - West (refer to section 3 of this assessment) and will result in a significant increase in employment generation on the site.

The Planning Proposal's additional permitted use of mixed use/residential flat building's on the subject land will make a significant contribution to achieving housing targets (including affordable housing). The subject land satisfies the locational criteria adopted by the Greater Sydney Commission in the North District Plan for the selection and support of such urban renewal opportunities.

A3. DRAFT BROOKVALE STRUCTURE PLAN (NORTHERN BEACHES COUNCIL).

Northern Beaches Council has exhibited the *Draft Brookvale Structure Plan* for public comment (September – November 2017).

In response to the public exhibition, a joint submission was made by Thrum Architects Pty Ltd and Doug Sneddon Planning Pty Ltd on behalf of Harrison Investments Pty Ltd/Harrison Manufacturing, the owner/occupier of land comprising Lot A, DP 166808 and Lot 2 DP 600059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale.

A copy of that submission is provided in Appendix F of the Planning Proposal application report (prepared by Doug Sneddon Planning Pty Ltd - January 2018). In summary, the submission:

- supported the Draft Brookvale Structure Plan's proposal to allow the addition of 'business premises' and 'office premises' as permissible uses with the consent of Council within Brookvale Industrial Area (West), which includes the subject land;
- identifies deficiencies of Brookvale's town centre configuration and the challenges faced in providing for an increased residential population in high quality residential spaces, required to bring life to Brookvale;
- identifies the draft Structure Plan's limitations in delivering significant new green links and public spaces;
- identifies factors which will act to restrict the rate of provision of new medium density housing (4 – 6 storeys) starts within the Brookvale Town Centre 'Mixed Use' zone identified and supported by Council and will thereby result in slow progress towards achieving the draft Structure Plan's residential development objectives over the 20 year planning period; and
- demonstrated that much more needs to be done to also allow higher density residential development (as part of mixed use development) to occur on identified urban renewal sites located within the Draft Brookvale Structure Plan Investigation Area, which satisfy the locational criteria for urban renewal investigation adopted by the Greater Sydney Commission in the North District Plan.

The Draft Structure Plan's intended restriction to '*not propose to allow mixed use developments in the IN1 Industrial zone that include residential or retail uses*' would, if adopted by Council, prevent achieving the strategic urban renewal opportunity afforded by Lot A DP 166808, Lot 2 DP 600059 and Lot 1 DP 204107, Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale ('Village on the Brook') as presented in section 4 of the submission.

The accompanying urban renewal report *Village on the Brook – Integrated Mixed Use Urban Residential, Recreational and Employment Precinct*, prepared by Thrum Architects (copy provided in Appendix D of the Planning Proposal application report prepared by Doug Sneddon Planning Pty Ltd - January 2018), presents a vision and concept masterplan for the

transformation and redevelopment of the subject site in a manner which will deliver increased employment numbers (office/business premises and ancillary services); increased housing supply; and a high quality public domain/civic pedestrian spine.

Council was requested to modify the Draft Brookvale Structure Plan so as to provide sufficient flexibility within the *IN1 Industrial Zone* for the Council to consider significant urban renewal opportunities for mixed use development (which include a residential component) on sites which satisfy the locational criteria for urban renewal investigation adopted by the Greater Sydney Commission in the North District Plan.

The submission argued that investigation and consideration of urban renewal opportunities could then occur via individual Planning Proposal applications lodged with Council. In the case of a Planning Proposal application being lodged for the subject site ('Village on the Brook') the submission indicated that:

- the existing IN1 General Industrial zone would be retained, thereby satisfying the requirement of S.117 Direction 1.1 – Business and Industrial zones, for a planning proposal to retain the areas and locations of existing business and industrial zones; and would also be consistent with the related planning principles and priorities of the Draft Brookvale Structure Plan and the North District Plan to protect and manage industrial and urban services land;
- whilst retaining the existing IN1 General Industrial zone, a planning proposal in respect to the subject land would seek to amend Warringah Local Environmental Plan 2011 and pursuant to 'Clause 2.5 - Additional permitted uses for particular land', describe in Schedule 1 of LEP 2011, permit the additional uses of office and business premises; and residential apartments on the subject land with the consent of Council; and
- a planning proposal for the subject site would be consistent with the proposal of the Draft Brookvale Structure Plan to amend LEP 2011 to allow the addition of business and office premises within Brookvale Industrial Area (West), as each proposed multi storey building within the subject site would have its lower floor levels occupied by office and business premises, with only upper storeys allocated to residential apartments.

This Planning Proposal will facilitate the redevelopment of this site in a manner, which will deliver increased employment numbers (> 250 jobs in office/business premises and ancillary services); increased housing supply (up to 500 apartments); and provide a high quality public domain/civic pedestrian spine, in a manner which would be consistent with North District Plan '*Planning Priority N5 – Provide housing supply, choice and affordability, with access to jobs and services*', which encourages opportunities for housing capacity to be realised by urban renewal developments which satisfy the following locational criteria for urban renewal investigation:

- *Alignment with investment in regional and district infrastructure;*
- *Accessibility to jobs;*
- *Accessibility to regional transport;*
- *Within walking distances of centres; and*
- *The feasibility of development.*

The inconsistency of the Planning Proposal with the Draft Brookvale Structure Plan's intended restriction to '*not propose to allow mixed use developments in the IN1 Industrial zone that include residential or retail uses*' is considered justified in respect to the subject land, having regard to:

- the future business planning and long term growth of the Harrison Manufacturing Company Pty Ltd proposing a phased transition of its various industrial activities from the Brookvale site in the future;
- the unique urban renewal opportunities presented by the location of this large site adjacent to the 'Warringah Mall' centre;
- the site satisfies the locational criteria for urban renewal investigation adopted by the *North District Plan*;
- the vision and concept masterplan presented for the transformation and redevelopment of the subject site will deliver significant increased employment numbers (office/business premises and ancillary services); substantial housing supply; and provide a high quality public domain/civic pedestrian spine; and
- it is not the proposed residential component of this planning proposal that will result in the '*loss of one of the largest industrial landholdings in Brookvale*' but rather two other factors to which the Council's assessment report does not give due regard:
 - the transition from industrial to multi-faceted business employment in Australia means that the demand for 'traditional' industrial sites used for manufacturing is falling. In those industrial sectors where relocation and growth is occurring, site selection favours highly accessible metropolitan fringe locations, which is evident in the case of Harrison Manufacturing's decision to relocate from Brookvale sometime in the future; and
 - the Council's *Draft Brookvale Structure Plan* which proposes to permit the additional uses of 'business and office premises' on land within the Brookvale Industrial Area (West), which includes the subject land. This will inevitably result in the higher value use of the subject land for business and office premises, not industrial premises.

B. ASSESSMENT OF SITE-SPECIFIC MERIT.

'A Guide to preparing local environmental plans' provides that:

"The Planning Panel or Commission will undertake an assessment to determine whether the proposal:

b) having met the strategic merit test, has site-specific merit, having regard to:

- the natural environment (including known significant environmental values, resources or hazards);*
- the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal;*
- 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 following assessment of these matters demonstrates that the Planning Proposal has site-specific merit.

B1. *"The natural environment (including known significant environmental values, resources or hazards."*

(i) Lot A DP 166808 & Lot 2 DP 600059 – Nos. 75-79 Old Pittwater Road, Brookvale.

A detailed survey of the main site area (Lot A in DP 166808 and Lot 2 in DP 600059) is provided in Appendix B of the Planning Proposal application report, prepared by Doug Sneddon Planning Pty Ltd (January 2018).

This site area comprises an irregularly shaped area of 2.588 hectares with a frontage to Old Pittwater Road of 83.09 metres; adjoins industrial buildings to the west; adjoins the alignment of Brookvale Creek and a narrow strip of land owned by Warringah Council to the east; and adjoins Warringah Mall to the south.

The site is occupied by the head office administration and manufacturing operations of Harrison Manufacturing Company Pty Ltd, providing 76 on-site jobs. A brick and aluminum clad office building is located at the frontage to Old Pittwater Road and a bitumen car park is located at the rear of this building; a large brick factory building occupies the rear the site; and several other sheds and structures associated with manufacturing operations, occupy the balance of the site.

Vegetation consisting of scattered trees and shrubs occurs around the site administration building and along the shared boundary with Brookvale Creek.

Drainage of gravel and grassy surfaces within the site (e.g. the car storage areas and the gravel roadway surrounding the factory) occurs through surface infiltration. A stormwater drainage system operates within the factory area, where stormwater runoff enters a drainage system that discharges into oil/water separator tanks located within the bunded area on site.

Runoff from the factory roof enters a drainage system that discharges into Brookvale Creek, whilst runoff from the northern forecourt of the factory enters a separate drainage system that also discharges into Brookvale Creek.

(ii) Lot 1 DP 204107 - No. 19 Cross Street, Brookvale.

A site survey report of Lot 1 DP 204107 is provided in Appendix C of the Planning Proposal application report, prepared by Doug Sneddon Planning Pty Ltd (January 2018).

Lot 1 DP 204107 has an area of 676.6 m²; a frontage to Cross Street of 20.345 metres; a southern sided boundary adjoining Warringah Mall of 38.1 metres; a western rear boundary to Brookvale Creek of 19.595 metres; and a northern side boundary of 36.225 metres adjoining neighbouring industrial/business premises.

Erected on Lot 1 DP 204107 is a single storey rendered brick building with metal roof, currently used for the purpose of 'gymnasium'. The site adjoins a roundabout providing vehicular access to Warringah Mall.

(iii) Natural Environment.

As the subject land is fully developed for industrial and commercial purposes and as there is no native vegetation or fauna habitat on the subject land, the subject land does not possess any natural environmental values requiring conservation and protection.

Consequently the planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

The subject land is not shown to contain Acid Sulfate Soils on the Warringah LEP 2011 Acid Sulfate Soils Map (Sheet ASS_008A).

(iv) Resources.

The subject land does not contain any mineral or extractive resources which would be compromised by the planning proposal.

(v) Natural Hazard – Flooding.

Parts of the site are affected by flooding from Brookvale Creek in the 1 in 100 year ARI flood and has been mapped by the former Warringah Council as being subject to a flood planning level, which Clause 6.3 of the Warringah LEP 2011 defines to be *'the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.'*

Brookvale Creek has been subject to significant recent remedial drainage channel engineering works (approved under Consent 2008/1742, as modified under modification applications 2014/0285 of the 4th May 2015 and 2014/0283 of the 26th May 2015), as shown in a selection of photographs provided in Appendix F of the Planning Proposal application report, prepared by Doug Sneddon Planning Pty Ltd (January 2018). The Cardno Warringah Mall Flood Impact Assessment Addendum Report dated January 2009, concluded that the proposed drainage channel works will reduce flood levels in Brookvale Creek from Warringah Mall upstream to Old Pittwater Road (the length of which forms the north-eastern boundary of the subject land).

An assessment of the consistency of the planning proposal with S.117 Direction 4.3 – Flood Prone Land is provided in section 7.7 (pages 40 – 43) of the Planning Proposal application report, prepared by Doug Sneddon Planning Pty Ltd (January 2018).

Any future development application for the subject land would be required to address the following requirements of Clause 6.3 of Warringah Local Environmental Plan 2011:

“6.3 Flood planning

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) This clause applies to land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN: 0 7347 5476 0), published in 2005 by the NSW Government, unless it is otherwise defined in this clause.

(5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.”

In order to suitably address these requirements, a Flood Risk Assessment would be required to be prepared by an accredited consultant to accompany any future development application for the subject land, to demonstrate that the proposed development would not adversely impact the flooding of upstream or downstream properties and would itself not be adversely affected

by a 1:100 ARI flood event. This assessment would give effect to the *NSW Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*.

Should Council consider it necessary, a condition of the Gateway Determination could require the preparation of a Flood Risk Assessment to accompany the public exhibition of the Planning Proposal, addressing the suitability of the site for future urban renewal at the defined flood planning level in a manner which would not increase flood levels on downstream or upstream properties.

(vii) Potential for Site Contamination.

As the Planning Proposal does not seek to rezone the subject land in order to permit a change of use of the land, the provisions of Clause 6 of State Environmental Planning Policy 55 – Remediation of Land are not strictly applicable to the Planning Proposal.

Notwithstanding, a *Phase 1 Environmental Site Assessment (November 2011)* has been previously prepared for the 2.6 hectare site (Lot 2 in DP600059 and Lot A in DP166808) by C.M. Jewell & Associates Pty Ltd, a copy of which is provided in Appendix G of the Planning Proposal application report, prepared by Doug Sneddon Planning Pty Ltd (January 2018).. This site investigation demonstrated that the site has a low contamination risk profile.

Should it be considered necessary, a condition of ‘Gateway Approval’ could require the preparation of an updated site contamination assessment to be placed on public exhibition with the Planning Proposal.

B2. “*The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal.*”

As described in sections (i) and (ii) above, the site is occupied by the head office administration and manufacturing operations of Harrison Manufacturing Company Pty Ltd fronting Old Pittwater Road and other unrelated business premises fronting Cross Street.

The site adjoins mixed light industrial/business premises to the west; Brookvale Creek and a narrow strip of land owned by Warringah Council to the east; and ‘Warringah Mall’ to the south.

Draft Brookvale Structure Plan: Northern Beaches Council has publicly exhibited (September – November 2017) the Draft Brookvale Structure Plan to guide future development within the Brookvale Town Centre.

The draft Structure Plan’s proposes to allow ‘*business premises*’ and ‘*office premises*’ as additional permitted uses with the consent of Council within ‘Brookvale Industrial Area (West)’, an area which includes the subject land.

Consistent with the Draft Brookvale Structure Plan, the planning proposal proposes to permit the additional uses of ‘*business premises*’ and ‘*office premises*’ on the subject land.

The only inconsistency associated with the planning proposal relates to the proposal to permit the additional use of residential flat buildings, contrary to the Draft Brookvale Structure Plan’s intended restriction to ‘*not propose to allow mixed use developments in the IN1 Industrial zone that include residential or retail uses*’.

If the proposed restriction on residential use is adopted by Council, this would prevent achieving the strategic urban renewal opportunity afforded by Lot A DP 166808, Lot 2 DP 600059 and Lot 1 DP 204107, Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale ('Village on the Brook') as presented in section 4 of the Planning Proposal application report, prepared by Doug Sneddon Planning Pty Ltd (January 2018).

It is considered that an opportunity for mixed use development comprising office/business premises and residential flat buildings should be facilitated on the subject land in a similar manner to the concept of 'shop top housing' widely available throughout the Greater Metropolitan Region. The Planning Proposal involves the concept of permitting residential apartment development above lower level office or business premises. This outcome would not sterilise employment generating land because employment in office and business premises would be provided in lower floor levels.

B3. *"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."*

All utility and infrastructure services are currently available to the subject land to meet the demand arising from its existing industrial use.

The subject land provides a significant 'in-fill' opportunity for urban renewal, comprising a large site located within the 'Brookvale-Dee Why' Strategic Centre, adjacent to 'Warringah Mall'. A comprehensive range of educational, health and other community services are available within a short distance of the subject land.

The Planning Proposal will strengthen the 'Brookvale-Dee Why' Strategic Centre by generating significant mixed use office/business and residential development within the centre, providing for increased services, jobs and housing in an integrated master planned development, with consequential benefits in terms of land and infrastructure costs, social infrastructure and environmental outcomes.

The subject land is located within an existing urban area which enjoys a high level of accessibility by public transport. The new 'B-Line public transport service will be within walking distance of the subject land. The proposed location of residential apartment development on the subject land will enhance the viability of public transport to the locality by generating increased passenger patronage.

The Planning Proposal will result in the provision of public domain walking and cycling connections through the site, at the developers cost.

No financial arrangements are required to be accommodated in the planning proposal for infrastructure provision.