

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.**

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 1DP 204107, No. 19 Cross Street, Brookvale.

Application is herewith made requesting an independent review of the decision of Northern Beaches Council to reject this Planning Proposal to amend Warringah Local Environmental Plan 2011 to permit additional 'Mixed Use Development (office premises; business premises; residential apartments; and public domain open space) on the subject land.

This request for rezoning review contains the following sections and annexures:

1. Subject Land;
2. Background;
3. Planning Proposal;
4. Supporting Information;

Annexure A: NSW Planning & Environment Rezoning Review application form;

Annexure B: Planning Proposal Application Form (9th January 2018) and political Donations and Gifts Disclosure Statement (9th January 2018);

Annexure C: Planning Proposal application report, prepared by Doug Sneddon Planning Pty Ltd (January 2018);

Annexure D: Northern Beaches Council correspondence dated 26th April 2018;

Annexure E: Applicant's Briefing Note (dated 13th April 2018) provided to Councilors, responding to each of the reasons for refusal given in Council Report Item 10.0 of the 17th April 2018;

Annexure F: Copy of correspondence from Harrison Investments Pty Ltd to the Mayor of Northern Beaches Council (Councillor Michael Regan) dated 4th May 2018;

Annexure G: Item 10.1 to the Ordinary Council Meeting of 17th April 2018; and

Annexure H: Proponent's justification/confirmation why a rezoning review in the circumstances of this application is warranted.

2/101 Excelsior St,
Lisarow NSW 2250
TEL: 02 4328 3851
FAX: 02 4328 4050
MOB: 0408 432 838

sneddond@bigpond.net.au
ABN: 20 100 396 914

1. SUBJECT LAND.

The subject land comprises 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, having a combined site area of approximately 2.65 ha:

- a Locality Plan is provided in Figure 1; and
- a Site Aerial View is provided in Figure 2.

2. BACKGROUND.

The reason for this Planning Proposal application relates to the future business planning and long term growth of the Harrison Manufacturing Company Pty Ltd. The Harrison Group has manufactured and distributed specialized greases and lubricating products from the subject site since 1963. However, the Brookvale site is not able to accommodate the business's future requirements and long term growth.

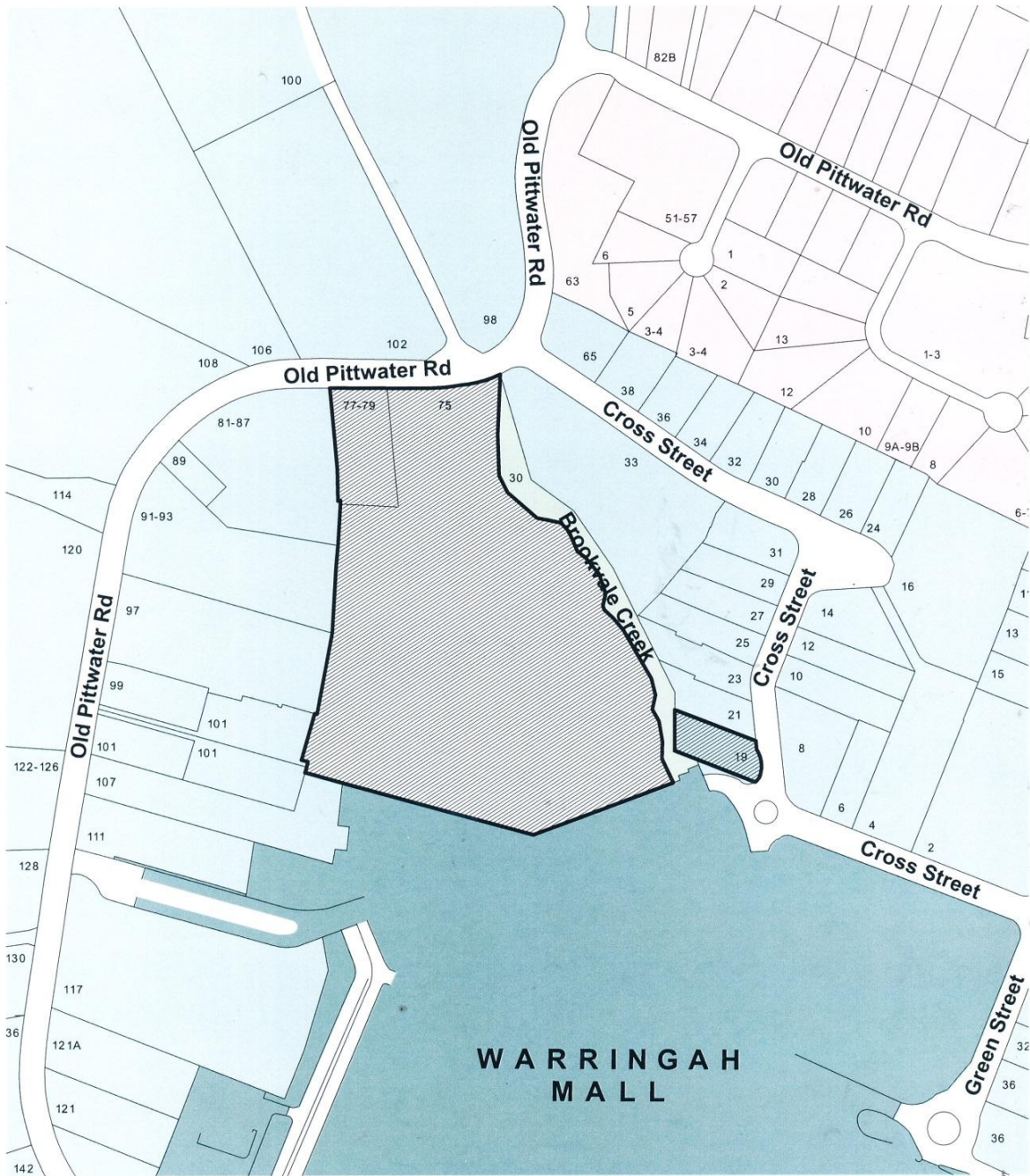
Harrison Manufacturing Company (HMC) has a clearly articulated strategy and vision for the future. This includes the intention to operate with a world class facility at best practice. The Brookvale site will not be able to accommodate all of the businesses' future requirements, including expansion and long term growth. With these longer term needs in mind, while a clear time frame has not yet been determined, considerable investment has already been made in a suitable site and in the planning and design for future needs. This incorporates the potential for a phased transition of various activities in the future.

As the site is strategically located within 'Brookvale Town Centre'; adjoins Warringah Mall regional shopping centre; and is the largest single landholding within the immediate vicinity of Warringah Mall, it offers significant potential for urban renewal in a manner which would achieve the strategic objectives of both the Council's adopted *Brookvale Structure Plan* and the *North District Plan*, subject to appropriate amendments being made to the Warringah Local Environmental Plan 2011, in the manner sought by this this Planning Proposal.

3. PLANNING PROPOSAL.

3.1 Proposed 'Village on the Brook' – Integrated Mixed Use Urban Residential, Recreational and Employment Precinct.

The 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 accompanying Planning Proposal application report, prepared by Doug Sneddon Planning Pty Ltd - January 2018) presents a vision and concept precinct masterplan for the transformation and redevelopment of the subject land 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.



Additional Permitted Uses: 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



thrum
ARCHITECTS



Project: VILLAGE ON THE BROOK 75 OLD PITTWATER ROAD BROOKVALE 2100		Date: 21/12/2017	Dwg No: 16002 SK-100
Dwg Name: Additional Permitted Uses Zone		Drawn: FC	Scale: 1:1700 @ A3
Level 3, 80 Clarence Street, Sydney, NSW 2000 ABN 21 278 857 200 ACN 001 964 254		QA Checked: A	Rev: A
© Copyright Thrum Architects Pty Limited. All rights reserved. This drawing and drawings produced by CAD and the CAD process stored on disk are subject to copyright and no part of this work may be accessed, reproduced or used in any form or by any means - graphic, electronic, mechanical or jetting, including photocopying or information storage and retrieval systems - without written permission of the producer.		Telephone +61 2 9262 4455	Facsimile +61 2 9299 1524

FIGURE 1: Location Plan.



FIGURE 2: Locality Aerial Photograph.

A Concept Precinct Masterplan (refer to Figure 3) has been prepared by Thrum Architects to show the strategic urban renewal opportunity afforded by the subject site, which directly adjoins Warringah Mall. The following site calculations are applicable to the Concept Precinct Masterplan.

- Site Area - 2.65ha;
- Projected business/office floor space - 11,894m²;
- Projected employment numbers: > 250 jobs;
- Existing on-site Harrison Manufacturing jobs - 76 employees;
- Projected number of apartments – 507 dwellings (mixed 1, 2 & 3 beds);
- Projected total GFA – 66,000m²;
- Projected FSR – 2.48:1; and
- Projected Building Height – 10 – 17 storeys.

3.2 Proposed amendment to Warringah Local Environmental Plan 2011.

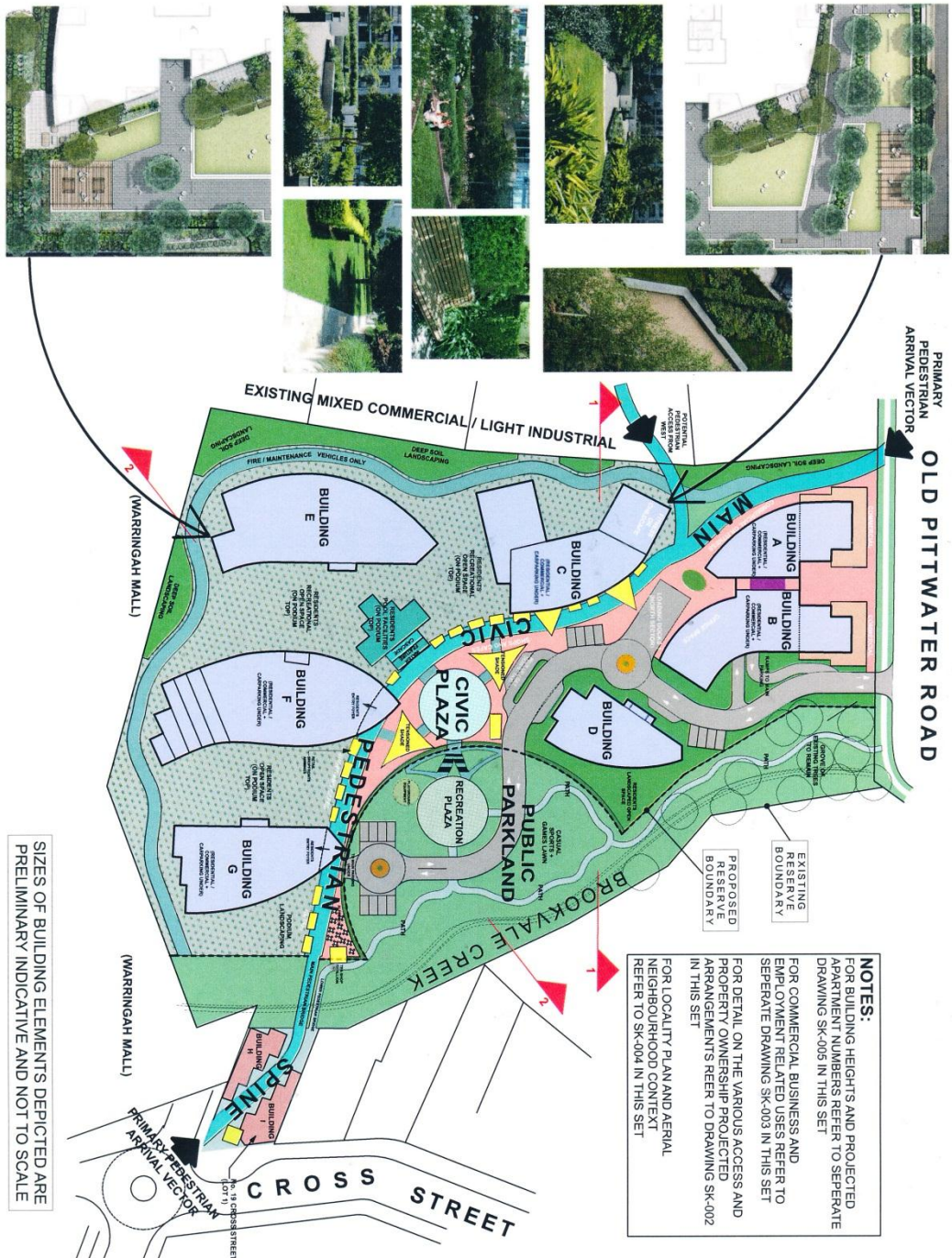
In order to facilitate the urban renewal opportunity foreshadowed in the accompanying urban renewal report *Village on the Brook – Integrated Mixed Use Urban Residential, Recreational and Employment Precinct* (prepared by Thrum Architects), application was made to Northern Beaches Council on behalf of Harrison Investments Pty Ltd (c/- The Harrison Group, PO Box 7002, Warringah Mall, NSW 2100) to initiate the Local Environmental Plan 'Gateway' process pursuant to section 55 of the Environmental Planning and Assessment Act 1979 so as to:

- amend Warringah Local Environmental Plan 2011 (Schedule 1 – Additional Permitted Uses) to identify that 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, may be developed with the consent of Council for the purpose of multi-level mixed use development comprising residential flat buildings above office and business premises; and local open space, consistent with a precinct masterplan to be approved by Council.

The description of the additional permitted uses to be contained in Schedule 1 of Warringah LEP 2011 would include a provision to the effect that maximum permitted building height shown for the subject land on Sheet HOB_008A of the Height of Buildings Map shall not apply in circumstances where the Council has approved buildings of greater height on the subject land under an approved precinct masterplan; and

- amend Warringah LEP 2011 - Additional Permitted Uses Map Sheet APU_008A to identify the subject land as land to which Schedule 1 – Additional Permitted Uses applies (being the area identified in Figure 1).

The Planning Proposal mirrors an earlier submission made by Harrison Investments Pty Ltd in response to the public exhibition of Council's the *Draft Brookvale Structure Plan*. It should be noted that Council did not provide Harrison Investments with any feedback, comment or enquiry in relation to that submission and consequently the Planning Proposal application was necessary in order to have Council give careful consideration to the urban renewal opportunities which will become available as a consequence of Harrison Manufacturing vacating this site in the future.



Client: HARRISON GROUP

VILLAGE ON THE BROOK
 INTEGRATED MIXED USE URBAN RESIDENTIAL, RECREATIONAL + EMPLOYMENT PRECINCT
 75 OLD PITTWATER ROAD
 BROOKVALE NSW 2100

CONCEPT PRECINCT MASTER PLAN

Scale: 1:1 @ A1

Thursday, 16 November 2017

16002
 SK-001 rev B

VILLAGE ON THE BROOK

INTEGRATED MIXED USE URBAN RESIDENTIAL, RECREATIONAL + EMPLOYMENT PRECINCT

FIGURE 3 Concept Precinct Masterplan.

4. INFORMATION PROVIDED IN SUPPORT OF THIS REZONING REVIEW REQUEST.

The Department's Rezoning Review Application Form requires the following information to accompany a rezoning review request.

4.1 'A completed application form'.

- The completed NSW Planning & Environment application form is provided in Annexure A.

4.2 'Copy of the proponent's request for the council to prepare and submit a planning proposal for Gateway determination'.

- A copy of the completed Council Planning Proposal Application Form, dated 9th January 2018 and political Donations and Gifts Disclosure Statement are provided in Annexure B.
- A copy of the Planning Proposal application report, prepared by Doug Sneddon Planning Pty Ltd (January 2018) is provided in Annexure C.

4.3 'All correspondence from Council in relation to the proposed instrument, including Council's advice detailing why the council did not proceed with preparing the planning proposal'.

- A copy of Northern Beaches Council correspondence dated 26th April 2018 advising that on the 17th April 2018 Council resolved to reject the Planning Proposal, is provided in Annexure D. Attached to that advice is a copy of Council resolution 091/18 providing reasons A – G for rejection of the Planning Proposal.
- A copy of a Briefing Note dated 13th April 2018 provided to Councilors, prepared by Doug Sneddon Planning Pty Ltd on behalf of Harrison Investments Pty Limited, responding to each of the reasons for refusal given in Council Report Item 10.0 of the 17th April 2018, is provided in Annexure E.
- A copy of correspondence from Harrison Investments Pty Ltd to the Mayor of Northern Beaches Council (Councillor Michael Regan), dated 4th May 2018 raising disappointment with the Council's reluctance to meet to discuss matters relating to the proposed relocation of the company from its Brookvale site and the strategic opportunity this presents to the community for employment generation and affordable housing on the subject land, is provided in Annexure F.

4.4 'All correspondence from other Government Agencies, if available, about the proposed instrument.'

- There is no evidence from Council's assessment report on this Planning Proposal (Report Item 10.1 to the Ordinary Council Meeting of 17th April 2018, copy provided in Annexure G) that any advice/comment on this Planning Proposal was sought by Council from any Government Agency.

- It is noted that Report Item 10.1 assumes a position of the Department of Planning in relation to protecting existing industrial land but there is no actual primary evidence that this is the Department's position in relation to this particular Planning Proposal.
- Harrison Investments Pty Ltd has requested Northern Beaches Council to advise whether it sought advice/comment from the Department of Planning and/or the Greater Sydney Commission in relation to this Planning Proposal, but as of the date of making this Rezoning Review application, the Council has not responded to this request (refer to Annexure F).

(v) *'Proponent's justification to the Strategic and Site Specific Merit tests, to confirm why a review is warranted.'*

- The proponent's justification/confirmation why a review in the circumstances of this application, is warranted, is provided in Annexure H.

(vi) *'Disclosure of reportable political donations under section 147 of the Act.'*

- Refer to the political Donations and Gifts Disclosure Statement (Northern Beaches Council) provided in Annexure B. There is no change to this disclosure statement as no donations have been made since that statement was made.

(vii) *'Fee for lodging a rezoning review'*.

- The required \$20,000 fee accompanies this application.

Yours Sincerely

**Doug Sneddon
28th May 2018.**

ANNEXURE A: NSW Planning & Environment Rezoning Review application form.



Date received:

Reference No.

LODGEMENT

Instructions to users

This form is to be completed if you wish to request an independent review of a request for a planning proposal prior to a Gateway determination being issued.

A Rezoning Review can be sought before a planning proposal has been submitted to the Department of Planning and Environment (Department) for a Gateway determination in the following circumstances:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported; or
b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information1 or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Before lodging a request for review, it is recommended that you consult the Planning Circular 'Independent reviews of plan making decisions' and 'A guide to preparing local environmental plans', which can be found on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/The-Gateway-Process. The guide gives a step-by-step explanation of the review procedure and submission requirements.

To ensure that your request for review is accepted, you must:

Note: Requests for review will not proceed to initial assessment stage unless the correct fee is provided.

- complete all relevant parts of this form
submit all relevant information required by this form, including the initial fee.
provide one hard copy of this form and required documentation
provide the form and documentation in electronic format (e.g. CD-ROM)

All requests should be lodged with the Department's relevant Regional Office. Please refer to www.planning.nsw.gov.au for contact details.

PART A - APPLICANT AND SITE DETAILS

A1 - Applicant Details

Principal contact

- Mr Ms Mrs Dr Other

First name

DOUG

Family name

SNEDDON

Name of company (N/A if an individual)

DOUG SNEDDON PLANNING PTY LTD

Street address

Unit/street no.

2/101

Street name

EXCELSIOR STREET

Suburb/town

LISAROW

State

NSW

Postcode

2250

Postal address (or mark 'as above')

PO Box or Bag

AS ABOVE

Suburb or town

AS ABOVE

State

-

Postcode

-

Daytime telephone

0408 432 838

Fax

-

Email

SneddonDoug@quail.com

Mobile

0408 432 838

1 'A guide to preparing planning proposals' sets out what information a proponent may provide when requesting council to prepare a planning proposal. Information requirements will depend on the complexity of the planning proposal. Section 55 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

A2 – Site Details

Identify the land that is to be the subject of the planning instrument and for which you seek a review

Unit/street no.	Street name	
75-79	OLD PITWATER ROAD	
Suburb/town	State	Postcode
BROOKVALE	NSW	2100

NAME OF THE SITE

HARRISON MANUFACTURING.

REAL PROPERTY DESCRIPTION

LOT 1 DP 66908 ; LOT 2 DP 600059 ; AND LOT 1 DP 204107

The **real property description** is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Finance and Services, Land and Property Information. Please ensure that you place a forward slash (/) to distinguish between the lot, section DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma (,) to distinguish between each real property description.

PROVIDE DETAILS OF ALL AFFECTED LANDOWNERS WHERE THEY ARE NOT THE DIRECT APPLICANT

HARRISON INVESTMENTS PTY LTD

HAVE ALL OWNERS OF LAND TO WHICH THIS PROPOSED INSTRUMENT APPLIES BEEN NOTIFIED?

- Yes
 No
 Some have but not all
 N/A (Applicant is owner)

Note: If some land owners, but not all, have been notified, list below those notified:

CURRENT ZONING OF THE LAND AT THE SITE

INI GENERAL INDUSTRIAL

CURRENT LAND USE AT THE SITE

MANUFACTURING OF SPECIALISED GREASES & PETROLEUM PRODUCTS

PART B – REASON FOR REVIEW AND THE PLANNING PROPOSAL

B1 – Reason for Rezoning Review and the Relevant Planning Authority (RPA)

Indicate below the reason for seeking a rezoning review. A review can only proceed if either of these two circumstances has occurred.

The council has confirmed in writing that the request to prepare a planning proposal is not supported. Confirmation dated 26 APRIL 2018

The council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information² or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Indicate below whether the request to prepare a planning proposal was submitted to the council prior to November 2012?

- Yes Date:
 No

Note: If you have answered 'yes' to the above question, please note that a review can only be sought where the supporting information accompanying the request is less than two years old.

Note: If you have answered 'no' to the above question, please note that a review request accompanied by information that is more than 2 years old, may, but will not normally, be considered.

NAME OF THE LOCAL GOVERNMENT AREA

NORTHERN BEACHES COUNCIL.

² "A guide to preparing planning proposals" sets out what information a proponent may provide when requesting council to prepare a planning proposal. Information requirements will depend on the complexity of the planning proposal. Section 55 of the Act sets out what information a planning proposal is to include when submitted for a Gateway determination.

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

PHIL JEMISON, MANAGER STRATEGIC AND PLACE PLANNING

B2 – The Proposed Instrument

PHIL JEMISON @ NORTHERN BEACHES, NSW
TEL: 1300 434 434

DESCRIPTION OF PROPOSED INSTRUMENT

TO PERMIT THE ADDITIONAL USES OF OFFICE & BUSINESS PREMISES AND RESIDENTIAL APARTMENTS.

LOCAL ENVIRONMENTAL PLAN (LEP) TO BE AMENDED BY THE PROPOSED INSTRUMENT

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

IS THE LEP TO BE AMENDED (ABOVE) A STANDARD INSTRUMENT LEP?

- Yes
- No

INFORMATION REQUIREMENTS

A proponent may request a review by writing to the Department and providing the following:

- a completed application form;
- a copy of the proponent's request for the council to prepare and submit a planning proposal for Gateway determination, including all supporting material and information that was submitted to Council (Note: A planning proposal request which has been amended after Council has resolved to not support the matter is not eligible for a Rezoning Review. The revised planning proposal request would need to be submitted to Council as a new planning proposal request);
- all correspondence from the council in relation to the proposed instrument, including (if relevant) a copy of the council's advice detailing why the council did not proceed with preparing a planning proposal;
- all correspondence from other Government agencies, if available, about the proposed instrument;
- proponent's justification to the Strategic and Site Specific Merit tests (refer to Step 2 of the Rezoning Review process set out in 'A guide to preparing local environmental plans'), to confirm why a review is warranted;
- disclosure of reportable political donations under section 147 of the Act, if relevant; and
- fee for lodging a rezoning review.

INFORMATION PROVIDED

List below all the documents, maps, plans, studies, information and any other supporting information that comprises your proposed instrument and request for rezoning review.

DOUG SNEEDS PLANNING P/L - REZONING REVIEW REQUEST - 28 MAR 2018
- PLANNING PROPOSAL REPORT - JANUARY 2018

PART C – PAYMENT, DISCLOSURE AND SIGNATURES

C1 – Application Fees

You are required to pay a fee on lodgement of your request. The relevant fee is confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning

Please note that a further fee payment shall be required if a Planning Panel or the Secretary of the Department of Planning and Environment is appointed as an alternate relevant planning authority. Further details can be found within 'A guide to preparing local environmental plans' and the Planning Circular 'Independent reviews of plan making decisions'

Payment methods:

- Cheque / bank order

C2 – Donation and Gift Disclosure

Section 147 of the Environmental Planning and Assessment Act 1979 requires the public disclosure of reportable political donations or gifts when lodging or commenting on a relevant planning application. This law is designed to improve the transparency of the planning system.

DO YOU HAVE ANY DONATIONS OR GIFTS TO DISCLOSE?

- Yes
- No

How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a reportable political donation or gift under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning submission if the donation is made before the

- submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning submission was made within 7 days after the donation is made.

What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act. A Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General can be found on the department's website: www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Systems/Donations-and-Gift-Disclosure

C3 – Signature(s)

By signing below, I/we hereby declare that all information contained within this application form is accurate at the time of signing.

Signature(s)

D. Sneddon

Name(s)

DOUG SNEDDON

In what capacity are you signing

ON BEHALF OF THE LAND OWNER - HARRISON INVESTMENTS PTY

Date

28th MAY 2018

ANNEXURE B: Planning Proposal Application Form (9th January 2018) and political Donations and Gifts Disclosure Statement (9th January 2018).



Contact us		Office Use Only	
The General Manager, 725 Pittwater Road, Dee Why NSW 2099		Locality / Zone	
Email	council@warringah.nsw.gov.au	P	E
Fax	9942 2606	X	2
If you need more help or information call Customer Service on (02) 9942 2111 or come in and talk to us at the Civic Centre, Dee Why.		0	
		Receipt Number	

December 2015

For applicable fees and charges, please refer to Council's website: warringah.nsw.gov.au or contact our Customer Service Centre.

Privacy & Personal Information Protection Notice

The personal information requested in this form is required under the Environmental Planning and Assessment Act 1979. It will only be used by Warringah Council in connection with the requirements of that Act and any other relevantly applicable legislation relating to the subject-matter of this application. The information is being collected for the following purposes, to enable us to (1) process and determine your application; (2) contact you in relation to your application should that be necessary; and (3) keep the public informed by making the application publicly accessible. If you do not provide the information, Council will not be able to process your application and it will be rejected.

Your application will be available to Councillors and Council Officers. Members of the public have certain rights of access to information and documents held by Council under the Government Information (Public Access) Act 2009 (GIPA), and under the Privacy and Personal Information Protection Act 1998 (NSW) to the extent permitted by those Acts.

Warringah Council is the agency that holds the information, which will be stored on Council's records management system or in archives and may be displayed on E-Services Online. You have a right to access information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) on application to Council, and to have that information updated or corrected as necessary. Please contact Warringah Council if the information you have provided is incorrect, has changed or if access is otherwise sought to the information. In addition, a person may request that any material that is available (or is to be made available) for public inspection by or under the Local Government Act 1993 (NSW) be prepared or amended so as to omit or remove any matter that would disclose or discloses the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk. Any such request must be made to Council's General Manager: see s.739 of the Local Government Act 1993 (NSW).

PART 1 - Applicant(s) Details

Applicant(s) Name	DOUG SWEDDON PLANNING PTY LTD		
Owner(s) Name	HARRISON INVESTMENTS PTY LTD		
Is the owner/applicant for this planning proposal a current employee or elected representative of Warringah Council?	No		
Warringah Council Employee	<input type="radio"/>	Elected Representative	<input type="radio"/>

PART 1 - Applicant(s) Details Cont'd

Pre-lodgement meeting number	P	L	M	2	0															
------------------------------	---	---	---	---	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Location of property: We need this to correctly identify the land. The details are shown on your rates notice/s, property title/s etc.

Unit No.		House No.	15-79 19	Street	OLD PITTLWANE ROAD CROSS STREET
Suburb	BROOKVALE				
Legal Property Description (This info must be supplied)					
Lot No.	LOTA LOT 2 LOT 1	Sect.		DP/SP.	DP 166808 DP 600059 DP 204107

Brief Planning Proposal Outline

AMEND WARRINGAH LEP 2011 (SCHEDULE 1 - ADDITIONAL PERMITTED USES) TO PERMIT, WITH THE CONSENT OF COUNCIL, THE DEVELOPMENT OF LOTA DP 166808; LOT 2 DP 600059; AND LOT 1 DP 204107 FOR THE PURPOSE OF MULTI-LEVEL MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL FLAT BUILDINGS ABOVE OFFICE AND BUSINESS PREMISES AND LOCAL OPEN SPACE:

- SITE AREA 2.65 ha;
- PROJECTED OFFICE/BUSINESS FLOOR SPACE - 11,894M²;
- PROJECTED NUMBER OF APARTMENTS - 507;
- PROJECTED TOTAL GFA - 66,000 M²;
- PROJECTED BUILDING HEIGHT - 10 TO 17 STOREYS.

Estimated Fee (This section must be completed and the relevant requirements supplied at lodgement)

For a current list of Fees and Schedules, please visit: warringah.nsw.gov.au, choose 'Your Council' then 'Rates Fees and Charges' then 'Fees and Charges 2015-2016'

Estimated fee payable: \$ 50,000 .

Note: Council may charge additional fees in accordance with Clause 11 of the Environmental Planning and Assessment Regulation 2000. In order to cover the costs of undertaking the peer review of technical studies, formal undertakings (e.g. Planning Agreements, biodiversity agreements etc.) and other assessment functions. The terms of the agreement including the additional fee amount and timing of payment is to be confirmed by Council in writing.

Note:
Non-Urban - Land (wholly or partly) zoned as follows:

- Deferred under WLEP 2000
- Rural (RU1-RU6)
- R5 Large Lot Residential
- SP1 Special Activities (land area over 5,000sqm)
- SP2 Infrastructure (land area over 5,000sqm)
- RE1 Public Recreation
- RE2 Private Recreation
- Environmental Conservation (E1-E4)
- Waterway (W1-W4)

Urban - Land zoned under any other WLEP 2011 land use zone.

SEPP's	Has the planning proposal addressed all relevant SEPP's?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
s.117 Directions	Has the proposal submission addressed all Section 117 Directions?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

PART 2 - Planning Proposal Details

Checklist		
<p>The details sought in the accompanying checklist must be provided. On-site inspections are carried out prior to the assessment of any application. As a result of this inspection further information may be required. A Council officer will contact you soon after the initial inspection if this is the case.</p> <p>A COMPLETED CHECKLIST MUST BE SUBMITTED WITH THIS APPLICATION. FAILURE TO PROVIDE ALL REQUIRED DOCUMENTATION OF AN ACCEPTABLE STANDARD MAY RESULT IN YOUR APPLICATION REJECTED FOLLOWING AN INITIAL REVIEW BY PLANNING STAFF.</p>		
Required	Supplied	
Contact Council if you are unsure what details will be required for your planning proposal application.	Yes <input type="radio"/>	No <input checked="" type="checkbox"/>
PREPARING YOUR APPLICATION		
<p>Minor Planning Proposal</p> <p>Four (4) copies of documentation including the application form are required. Additional copies of documentation may be requested on a case by case basis.</p> <p>or</p> <p>Planning Proposal - Non-urban land to an urban zone or urban intensification. Seven (7) copies of documentation including the application form are required. Only (1) copy of the checklist is required. Additional copies of documentation may be requested on a case by case basis.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Note:</p> <p>Non-Urban - Land (wholly or partly) zoned as follows:</p> <ul style="list-style-type: none"> • Deferred under WLEP 2000 • Rural (RU1-RU6) • R5 Large Lot Residential • SP1 Special Activities (land area over 5,000sqm) • SP2 Infrastructure (land area over 5,000sqm) • RE1 Public Recreation • RE2 Private Recreation • Environmental (E1-E4) • Waterway (W1-W4) <p>Urban - Land zoned under any other WLEP 2011 land use zone.</p>		
APPOINTMENT TO LODGE YOUR APPLICATION		
Please phone a customer service officer on 9942 2111 to make an appointment to lodge your application.		
Please fold all maps and plans to A4 size and make up complete sets. Each set is to contain one (1) copy of every document.		
<p>FOR ALL PLANS/MAPS (INCLUDING AMENDED SUBMISSIONS)</p> <ul style="list-style-type: none"> • Plans must be drawn to scale (preferably 1:100 or 1:200) sufficient to clearly indicate the current versus amended characteristics. • Illegible drawings will not be accepted. <p>The following information should be included on all plans and documents:</p> <ul style="list-style-type: none"> • Applicant(s) name(s) • Property address (block/house/shop/flat number) • Lot/Section/Deposited Plan/Strata Plan number • Measurements in metric • The position of true north • Draftsman/architect name, date, plan name and number, plan version and revision <p>CD</p> <ul style="list-style-type: none"> • An electronic copy of all documents is also to be provided in PDF format on CD/DISC. • One file for each document or map/plan, file name to include: document name, plan/map type, description and number (including version) and date. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PART 2 - Planning Proposal Details Cont'd

Required	Supplied	
	Yes	No
<p>DOCUMENTS REQUIRED</p> <p>The following information should be included: The Application For Planning Proposal To Modify (Make) A Local Environmental Plan form, addressing:-</p> <ul style="list-style-type: none"> Part 1: Objectives statement Part 2: Explanation statement Part 3: Section A - Need for the planning proposal Section B - Relationship to strategic planning framework Section C - Environ, social, economic impacts Section D - Only for major land release & urban renewal 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The following maps/plans should be included:</p> <ul style="list-style-type: none"> Site location Existing controls where relevant to the planning proposal (e.g. zoning; building height; FSR; additional permitted uses; heritage curtilage; lot size; classification; categorisation) Proposed controls (as above examples). Any other details outlined in PLM notes. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Supporting studies (if applicable). Name(s) of studies:</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>A4 PLANS & MAPS FOR NOTIFICATION PURPOSES</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Notification plans are to be submitted with all applications.</p> <ul style="list-style-type: none"> A4 sized Plans/maps are to be legible, including dimensions and wording. These plans need not include interior detail that may affect your rights to privacy. <i>However, if such plans are provided, then the signature on the Planning Proposal acknowledgements and accepts that all relevant A4 plans and maps submitted will be used for public notification purposes.</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Checked by:</p>	Date	
<p>Comments</p>		
<p>Disclosure of Gifts and Donations</p>		
<p>Have you completed Council's and the NSW Department of Planning and Infrastructure's Disclosure of Gifts and Donations forms?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Please note: Disclosure forms can be found on Council's and Department of Planning and Infrastructures websites: warringah.nsw.gov.au and planning.nsw.gov.au</p>		

PART 3 - Full Applicant's Details

Note: It is important that we are able to contact you if we need more information. Please give as much detail as possible. Council will deal only with the nominated applicant in the event of any query or communication regarding this application. The Applicant will own the consent. Information provided will be public information.

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Ms <input type="checkbox"/>	Other <input type="checkbox"/>
Full family name (no initials)		Sneddon	
Full given names (no initials)		Doug	
OR			
Company name		DOUG SNEEDON PLANNING PTY LTD	
ACN			
Postal Address		2/01 EXCELSIOR STREET LISARON NSW 2250	
Private Number		Business Number	
Mobile Number		Facsimile	
Contact Person (During business hours)		DOUG SNEEDON	
Email		SneddonDoug@gmail.com	

Access to land			
Is access readily available? (e.g. - Locked gates, vacant locked premises).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If no, please provide contact details.			
Name		Phone Number	
Is there a dog on the premises?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Declaration			
I/We wish to submit a planning proposal. I/We declare that all the information in the application and checklist is, to the best of my/our knowledge, true and correct.			
I/We also understand pursuant to the Environmental Planning and Assessment legislation that if the information is incomplete the application may be delayed, rejected, or refused without notice. I/We acknowledge that if the information provided is misleading any approval granted 'may be void'.			
I/We agree to the use of the plans provided in support of this application for advertising and notification purposes.			
Signed		Dated	
D. Sneddon		9.1.2018	

Certification of CD			
I/We declare that the information submitted on CD is identical to the details submitted on hard copy plans and documents. I/We accept Council cannot be held responsible for any discrepancies of information provided on the electronic and hard copy plans and documents.			
Signed		Dated	
D. Sneddon		9.1.2018	

THIS PAGE IS NOT TO BE SCANNED

ALL HARD COPIES TO BE DESTROYED
ACCORDING TO PROCEDURES

Credit Card Details Council Payment Fax No. (02) 9942 2606																					
Please charge my	Mastercard <input type="radio"/> Visa <input type="radio"/> American Express <input type="radio"/>																				
Card-holder's Name									Amount	\$											
Card Number																					
Expiry Date						Daytime Phone Number															
Signature								Date													
Please note: All credit card payments are subject to a 1% service fee																					
Office use only Application number																					

ALL HARD COPIES TO BE DESTROYED
ACCORDING TO PROCEDURES

THIS PAGE IS NOT TO BE SCANNED



HARRISON INVESTMENTS Pty Ltd

19th December 2017

Mr Mark Ferguson
General Manager
Northern Beaches Council
Civic Drive
725 Pittwater Road
DEE WHY NSW 2099

Dear Mr Ferguson,

I understand that in order for our representative, Doug Sneddon of Doug Sneddon Planning Pty Ltd, to lodge a **Planning Proposal Application** for our property, known as **Lot A in DP 166808 and Lot 2 in DP600059, 75 Old Pittwater Road, Brookvale and Lot 1 DP 204107, No. 19 Cross Street Brookvale** a letter of consent is required. This letter, submitted on our company letterhead, complete with Company Seal affixed provides the required Owners Consent for this project.

This letter grants permission for Doug Sneddon of Doug Sneddon Planning Pty Ltd to act on our behalf in relation to any matter relating to this application.

In addition, accompanying this letter is a current ASIC Company Extract for Harrison Investments Pty Limited dated 18th December 2017.

Many thanks for your assistance.

Kind regards

Julie Harrison
Director/Company Secretary

Geoffrey C Harrison
Director



cc. Doug Sneddon Planning Pty Ltd

HARRISON INVESTMENTS PTY LIMITED ABN 17 000 085 674
75 OLD PITTWATER ROAD BROOKVALE NSW 2100 TEL +612 8978 1000 FAX +612 9905 0065
MAIL: P.O. BOX 7002 WARRINGAH MALL NSW 2100 AUSTRALIA



If you need help lodging your form, contact us		Office use only		
Email	council@northernbeaches.nsw.gov.au	Form ID	3001	
Phone	1300 434 434	TRIM Ref		
Customer Service Centres	Manly Townhall, 1 Belgrave Street Manly NSW 2095	Dee Why Civic Centre, 725 Pittwater Road Dee Why NSW 2099	Last Updated	11 September 2017
	Mona Vale 1 Park Street Mona Vale NSW 2103	Avalon 59A Old Barrenjoey Road Avalon Beach NSW 2107	Business Unit	Governance & Risk
			Planning Application No.	
			Date Received	

Privacy Protection Notice

Purpose of collection:	For Council to provide services to the community
Intended recipients:	Northern Beaches Council staff
Supply:	If you choose not to supply your personal information, it may result in Council being unable to provide the services you seek
Access/Correction:	Please contact Customer Service on 1300 434 434 to access or correct your personal information

This form may be used to make a political donations and gifts disclosure under section 147(4) and (5) of the Environmental Planning Assessment Act 1979 for applications or public submissions to a council.
Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in italics below).
Once completed, please attach the completed declaration to your planning application or submission.

Part 1: Explanatory Information

Making a Planning Application to a Council

Under section 147(4) of the Environmental Planning and Assessment Act 1979 ('the Act') a person who makes a relevant planning application to a council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council.

Making a Public Submission to a Council

Under section 147(5) of the Act a person who makes a relevant public submission to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council.

A reference in sections 147(4) and 147(5) of the Act to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

How and When Do You Make a Disclosure?

The disclosure of a reportable political donation or gift under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
- (b) if the donation or gift is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made.

What Information Needs to be in a Disclosure?

The information requirements of the disclosure are outlined in the Act under section 147(9) for political donations and section 147(10) for gifts.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the relevant information requirements for disclosures to a council.

Note: A separate Disclosure Statement Template is available for disclosures to the Minister or the Director-General of the Department of Planning.

Warning: A person is guilty of an offence under section 125 of the Environmental Planning and Assessment Act 1979 in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147. The maximum penalty for any such offence is the maximum penalty under Part 6 of the Election Funding and Disclosures Act 1981 for making a false statement in a declaration of disclosures lodged under that Part.
Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

Part 2: Glossary of Terms

(under section 147 of the Environmental Planning and Assessment Act 1979)

gift means a gift within the meaning of Part 6 of the Election Funding and Disclosures Act 1981.

Note: A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the Election Funding and Disclosures Act 1981 gift is defined as follows:

gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

local councillor means a councillor (including the mayor) of the council of a local government area.

relevant planning application means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
 - f) an application for (or for the modification of) a complying development certificate, or
 - g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
 - h) any other application or request that is excluded from this definition by the regulations.

relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

reportable political donation means a reportable political donation within the meaning of Part 6 of the Election Funding and Disclosures Act 1981 that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the Election Funding and Disclosures Act 1981 reportable political donation is defined as follows:

86 Meaning of "reportable political donation"

(1) For the purposes of this Act, a reportable political donation is:

- (a) in the case of disclosures under this Part by a party, elected member, group or candidate - a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
- (b) in the case of disclosures under this Part by a major political donor - a political donation of or exceeding \$1,000:
 - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
 - (ii) made to the major political donor.

(2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).

(3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.

(4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

a person has a financial interest in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

persons are associated with each other if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the Corporations Act 2001 of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.

Part 3: Political Donations and Gifts Disclosure Statement to Council

If you are required under section 147(4) or (5) of the Environmental Planning and Assessment Act 1979 to disclose any political donations or gifts (see page 1 for details), please fill in this form and sign below.

DISCLOSURE STATEMENT DETAILS					
Name of person making this disclosure statement		DOUG SNEDDON			
Planning application reference (e.g. DA number, planning application title or reference, property address or other description)		PLANNING PROPOSAL APPLICATION IN RESPECT TO - LOT A DP 106808; LOT 2 DP 600059; LOT 1 DP 24107 NOS. 75-79 OLD PITKIVILLE ROAD AND NO. 19 CROSS ST. BROOKLYNE			
Person's interest in the application (tick relevant option below)					
You are the applicant yes <input checked="" type="checkbox"/> no or you are a person making a submission in relation to an application yes no					
<p>Reportable political donations or gifts made by person making this declaration or by other relevant persons</p> <p>* State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include Australian Business Number (ABN).</p> <p>* If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</p> <p>* If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.</p>					
Donation or gift?	Name of donor (or ABN if an entity); or name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor; address of person who made the gift or entity's address	Name of party or person for whose benefit the donation was made; or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift
—	—	—	—	—	—
NIL DONATIONS					
Please list all reportable political donations and gifts - additional space is provided overleaf if required.					
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.					
Signature(s)		D. Sneddon			
Date		9.1.2018			
Names(s)		DOUG SNEDDON			

Part 3: Political Donations and Gifts Disclosure Statement to Council Continued

Donation or gift?	Name of donor (or ABN if an entity); or name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor; address of person who made the gift or entity's address	Name of party or person for whose benefit the donation was made; or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift

NIL



**ANNEXURE C: Planning Proposal application report, prepared by Doug Sneddon
Planning Pty Ltd (January 2018)**

(Under Separate Cover).

ANNEXURE D: Northern Beaches Council correspondence dated 26th April 2018.



26 April 2018

Mr Doug Sneddon
Doug Sneddon Planning Pty Ltd
Capital Invest Group & Toga
2/101 Excelsior Street
LISAROW NSW 2250

Our Ref: 2018/246309

Dear Mr Sneddon

Council resolution for Planning Proposal – 75-79 Old Pittwater Road and 19 Cross Street, Brookvale

I am writing to advise you that on 17 April 2018, Council resolved to reject the above mentioned Planning Proposal and not submit it to the NSW Department of Planning and Environment for a Gateway Determination.

I have attached a copy of the resolution of Council for your information.

Should you require further information on this matter, please the Strategic and Place Planning Team on 1300 434 434.

Yours faithfully

A handwritten signature in black ink, appearing to read "Phil Jemison".

Phil Jemison
Manager Strategic & Place Planning

t 1300 434 434
e council@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au
PO Box 1336 Dee Why
ABN 57 284 295 198

Dee Why Office:
725 Pittwater Road
Dee Why NSW 2099
DX 9118 Dee Why
f 02 9971 4522

Mona Vale Office:
1 Park Street
Mona Vale NSW 2103
DX 9018 Mona Vale
f 02 9970 1200

Manly Office:
1 Belgrave Street
Manly NSW 2095
f 02 9976 1400

**10.1 PLANNING PROPOSAL - 75-79 OLD PITTWATER ROAD & 19 CROSS STREET,
BROOKVALE TO PERMIT ADDITIONAL USES AND INCREASE MAXIMUM BUILDING
HEIGHT**

091/18 RESOLVED

Cr Heins / Cr Harrison

That Council reject the Planning Proposal and not submit it to the NSW Department of Planning & Environment for a Gateway Determination for the following reasons:

- A. The proposal is inconsistent with regional and district planning for Brookvale as established by the Greater Sydney Region Plan and the North District Plan.
- B. The proposal is inconsistent with Council's endorsed Draft Brookvale Structure Plan (2017).
- C. There is no need for the planning proposal.
- D. The proposal has not demonstrated strategic merit or site-specific merit.
- E. The Planning Proposal is inconsistent with the following Local Planning Directions:
 - a. 1.1 Business and Industrial Zones
 - b. 3.4 Integrating Land Use and Transport
 - c. 5.10 Implementation of Regional Plans
 - d. 7.1 Implementation of *A Plan for Growing Sydney*.
- F. The proposal is not an appropriate strategic and development outcome, in particular:
 - a. it will introduce a non-conforming (residential) use in the General Industrial zone that is inconsistent with the zone's objectives and would set an undesirable precedent
 - b. it will alienate from industrial use land in an industrial zone, and in doing so fails to protect important employment land and undermines the planned growth of the Brookvale-Dee Why Strategic Centre
 - c. it will introduce new housing in an inappropriate location.
- G. The information provided in support of the proposal does not adequately address the likely impacts of the proposal, particularly with regards to the economic and traffic impacts.

VOTING

FOR: Unanimous

CARRIED

ANNEXURE E: Applicant's Briefing Note (dated 13th April 2018) provided to Councilors, responding to each of the reasons for refusal given in Council Report Item 10.0 of the 17th April 2018.



HARRISON INVESTMENTS Pty Limited

REF: AGENDA ITEM 10.0 (PLANNING PROPOSAL FOR 75-79 OLD PITTWATER ROAD & 19 CROSS STREET, BROOKVALE) TO ORDINARY MEETING OF NORTHERN BEACHES COUNCIL TO BE HELD ON 17th APRIL 2018.

The purpose of this briefing note is to provide Councillors with the applicant's summary response and disagreement to the reasons given in Report Item 10.0 (Trim File Ref: 2018/191849) proposing that Northern Beaches Council reject the Planning Proposal application in respect to land described as Nos. 75 – 79 Old Pittwater Road and No. 19 Cross Street, Brookvale.

1. Applicant's request to Council.

Having regard to the matters raised in this submission, it is requested that in Council's deliberations on Report Item 10.0 (Trim File Ref: 2018/191849) which proposes that Northern Beaches Council reject the Planning Proposal application in respect to land described as Nos. 75 – 79 Old Pittwater Road and No. 19 Cross Street, Brookvale, that Councillors' instead resolve:

- to defer consideration of Item 10.1 in order to enable discussions to be held between council staff, representatives of the Greater Sydney Commission and representatives of Harrison Investments Pty Ltd in relation to the analysis and recommendations contained in Council Report Item 10.1, following which a further report is to be submitted for consideration by Council.

2. Planning Proposal Application.

- On the 10th January 2018 a Planning Proposal was lodged with Northern Beaches Council on behalf of Harrison Investments Pty Ltd (c/- The Harrison Group, PO Box 7002, Warringah Mall, NSW 2100) to amend Warringah Local Environmental Plan 2011 to permit 'Mixed Use Development (office premises; business premises; residential apartments; and public domain open space) at Nos. 75-79 Old Pittwater Road and No. 19 Cross Street, Brookvale (refer to the attached locality plan – Figure 1).
- A Concept Precinct Masterplan (copy attached – Figure 2) has been prepared by Thrum Architects to show the strategic urban renewal opportunity afforded by the subject site, which directly adjoins Warringah Mall. The following site calculations are applicable to the Concept Precinct Masterplan.
 - Site Area - 2.65ha;
 - Projected business/office floor space - 11,894m²;
 - Projected employment numbers: > 250 jobs;
 - Existing on-site Harrison Manufacturing jobs - 76 employees;
 - Projected number of apartments – 507 dwellings (mixed 1, 2 & 3 beds);
 - Projected total GFA – 66,000m²;
 - Projected FSR – 2.48:1; and
 - Projected Building Height – 10 – 17 storeys.

HARRISON INVESTMENTS PTY LIMITED ABN 17 000 085 674
75 OLD PITTWATER ROAD BROOKVALE NSW 2100
TEL +612 8978 1000 FAX +612 9905 0065
MAIL: P.O. BOX 7002 WARRINGAH MALL NSW 2100 AUSTRALIA

- The reason for this Planning Proposal application relates to the future business planning and long term growth of the Harrison Manufacturing Company Pty Ltd. The Harrison Group has manufactured and distributed specialized greases and lubricating products from the subject site since 1963. However, the Brookvale site is not able to accommodate the business's future requirements and long term growth.

Harrison Manufacturing Company (HMC) has a clearly articulated strategy and vision for the future. This includes the intention to operate with a world class facility at best practice. The Brookvale site will not be able to accommodate all of the businesses' future requirements, including expansion and long term growth. With these longer term needs in mind, while a clear time frame has not yet been determined, considerable investment has already been made in a suitable site and in the planning and design for future needs. This incorporates the potential for a phased transition of various activities in the future.

- The Planning Proposal mirrors the earlier substantial submission made by Harrison Investments in response to the public exhibition of the *Draft Brookvale Structure Plan*. It should be noted that Council, to this date, has not provided Harrison Investments with any feedback, comment or enquiry in relation to that submission and consequently the Planning Proposal application was necessary in order to have Council give careful consideration to the urban renewal opportunities which will be available as a consequence of Harrison Manufacturing vacating this site.

3. Summary responses to proposed reasons for refusal of the Planning Proposal.

- **Reason A:** *"The proposal is inconsistent with regional and district planning for Brookvale as established by the Greater Sydney Region Plan and the North District Plan."*

The essence of Council's report's analysis in this respect is that the *'Planning Proposal would introduce residential uses at the expense of retaining a rare large parcel of industrial land.....The provision of housing on the site would not deliver a net community benefit when weighed against the cost of the loss of valuable employment land.'*

Response: Disagree. The Planning Proposal does not result in the loss of employment land as it proposes to retain the subject site's existing industrial zoning; it nominates the additional permitted uses of 'business and office premises' on the site in the same manner proposed by Council's Draft Brookvale Structure Plan within the Brookvale Industrial Area (West); and the proposed residential use does not result in the loss of employment land as residential apartments would be located above ground and level 1 business and commercial premises. The Planning Proposal will in fact significantly increase employment numbers on the site from the current 76 jobs to greater than 250 jobs.

The Council report also fails to address the Planning Priorities of the *Revised Draft North District Plan* in relation to delivering housing targets by pursuing urban renewal opportunities which support the role of centres such as Warringah Mall. The Planning Proposal satisfies the locational criteria adopted by the Greater Sydney Commission in the Revised Draft North District Plan for the selection and support of urban renewal opportunities.

- **Reason B:** *"The proposal is inconsistent with Council's endorsed Draft Brookvale Structure Plan (2017)."*

The essence of Council's report's analysis in this respect is that *'The Planning Proposal goes against all of the indicators which underlie a strategic imperative to protect the industrial and employment functions of Brookvale'*.

Response: Disagree. As indicated in response to reason A above, the Planning Proposal does not involve the removal of the site's current industrial zoning and does not result in the loss of employment land as it nominates the additional permitted uses of 'business and office premises' on the site in the same manner proposed by Council's Draft Brookvale Structure Plan within the Brookvale Industrial Area (West). The residential land use component will not result in the loss of employment land as the residential apartments will form part of multi storey 'mixed use' development and sit above lower level business and office premises.

• **Reason C: "There is no need for the Planning Proposal".**

The essence of Council's report's analysis in this respect is that the "*Draft Brookvale Structure Plan provides for housing growth in a more suitable location within the traditional Town Centre of Brookvale..... The planning proposal will enable the conversion to residential use and loss of one of the largest industrial landholdings in Brookvale.*"

Response: Disagree. In relation to provision within the *Draft Brookvale Structure Plan* for a limited amount of housing growth in Brookvale, our previous submission in response to public exhibition of the draft structure plan identified a number of significant 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 and thereby result in slow progress in achieving the draft Structure Plan's residential development objectives over the 20 year planning period. These factors do not appear to have been given consideration by Council when endorsing the *Draft Brookvale Structure Plan*.

Alternatively, the Planning Proposal presents a vision and concept precinct masterplan for the transformation and redevelopment of the subject site of 2.65 hectares 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, all without having to first consolidate a significant development site.

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 which Council's 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). This will inevitably result in the use of the subject land for business and office premises, not industrial premises.

• **Reason D: "The proposal has not demonstrated strategic merit or site-specific merit".**

Response: Disagree. Refer to responses to reasons A – C above. The following overview shows that the proposal has site-specific merit which warrants careful consideration by Council.

The vision for this key site and its neighbourhood is to create a high quality mix of urban uses that together provide a living and breathing neighbourhood that integrates commercial employment, residential community and large scale recreational uses in a sustainable and socially responsible manner.

Having a land area of 26,560m² and being located within the heart of the commercial centre of Brookvale, makes this site highly unusual for its context. The fact that the site is located immediately abutting one of the largest regional shopping centres in Australia and the largest on the north shore of Sydney (Warringah Mall), presents a unique and rare urban renewal opportunity.

The combination of these factors, together with the fact that this large parcel of land is all under one ownership, offers a once in a generation opportunity for this area of Brookvale's town centre to be transformed, without being constrained by the need to first amalgamate a suitably large site.

The site is also ideal for urban renewal in that it has the benefit of two street frontages located at its diagonally opposite extremities. This gives the site direct contact with two different precincts in the town centre that are presently isolated from each other.

• **Reason E:** *“The Planning Proposal is inconsistent with the following Local Planning Directions:*

- (a) 1.1 Business and Industrial Zones;*
- (b) 3.4 Integrating Land Use and Transport;*
- (c) 5.10 Implementation of Regional Plans;*
- (d) 7.10 Implementation of A Plan for Growing Sydney.*

Response: Disagree. The Planning Proposal application report comprehensively addresses each of these Section 117 Directions to the effect that:

- The proposal is consistent with Direction 1.1 Business and Industrial Zones as it retains the existing industrial zone over the land and permits additional business and office uses;
- The proposal is consistent with Direction 3.4 – Integrating Land Use and Transport because the land is well served by public transport and the proposal provides for improved access to housing, jobs and services by walking, cycling and public transport;
- Direction 5.1 – Implementation of Regional Plans has no application in this case because the subject land is not subject to a regional plan; and
- The proposal is consistent with applicable planning principles, directions and priorities contained in Direction 7.10 – Implementation of A Plan for Growing Sydney.

• **Reason F:** *“The proposal is not an appropriate strategic and development outcome, in particular:*

- (a) it will introduce a non-conforming (residential) use in the General Industrial zone that is inconsistent with the zone's objectives and would set an undesirable precedent;*
- (b) it will alienate from industrial use land in an industrial zone, and in doing so fails to protect important employment land and undermines the planned growth of the Brookvale-Dee Why Strategic Centre;*
- (c) it will introduce new housing in an inappropriate location.*

Response: Disagree. Refer to responses above to reasons A – D.

- **Reason G:** *“The information provided in support of the proposal does not adequately address the likely impacts of the proposal, particularly with regard to the economic and traffic impacts.”*

Response: Disagree. As Council would be aware, full documentation in relation to all relevant matters is not required to be lodged with a planning proposal application. The purpose of the initial assessment is to determine whether a proposal has strategic merit and warrants Council’s support in forwarding it to the Department for ‘Gateway’ determination. When referring a proposal for ‘Gateway’ determination a Council can identify any supporting studies and reports it requires to be prepared to accompany formal public exhibition of the proposal, or alternatively the Department can require the preparation of nominated supporting studies/reports to accompany a public exhibition.

In this case, it is open to the Council to require the preparation of additional information and reports on such matters as economic and traffic impacts.

**Prepared by Doug Sneddon
Doug Sneddon Planning Pty Ltd
On behalf of Harrison Investments Pty Ltd
13th April 2018.**



Additional Permitted Uses: Lot A, DP 166308 and Lot 2 DP 688059, Nos. 75-79 Old Pittwater Road and Lot 1 DP 204107, No. 19 Cross Street, Brookvale.

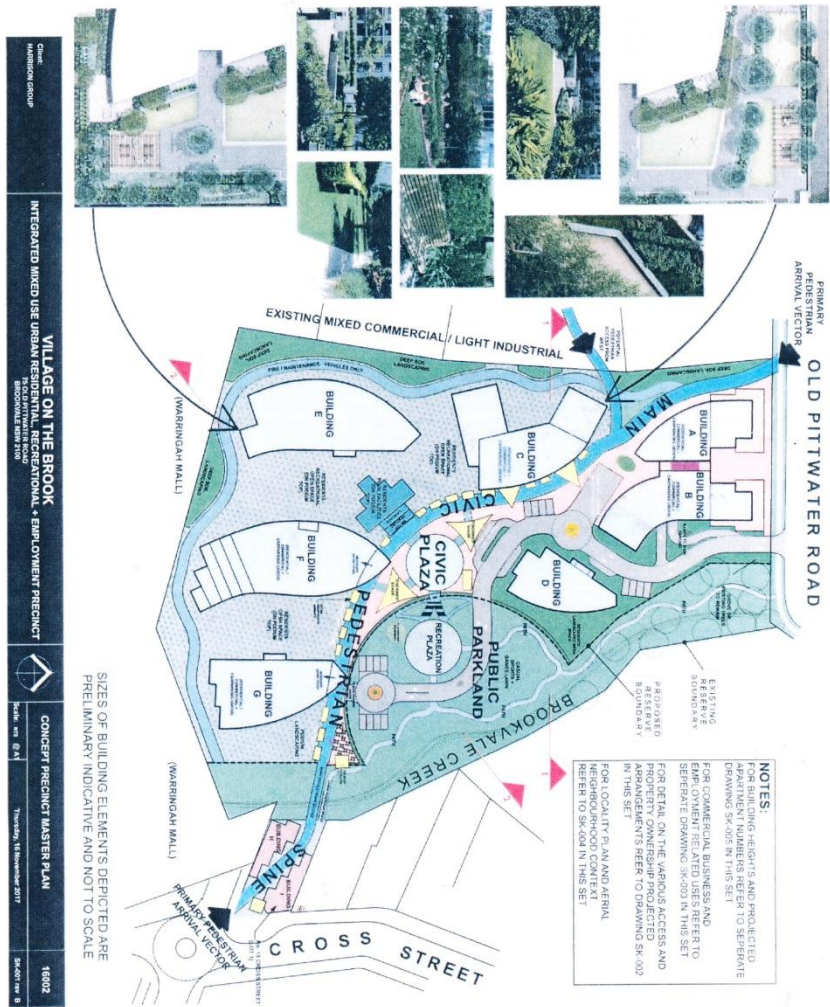


thrum
ARCHITECTS

<p>PROJECT: VILLAGE ON THE BROOK 75 OLD PITWATER ROAD</p> <p>DATE: 21/12/2017</p> <p>PROJECT NO: BROOKVALE 2100</p>	<p>DATE: 21/12/2017</p> <p>SCALE: 1:1750 @ A3</p> <p>PROJECT NO: 16002 SK-100</p>
<p>Additional Permitted Uses Zone</p> <p>Level: 3, 40 Glenview Street, Sydney, NSW, 2050</p> <p>WARRINGAH MALL</p>	

© copyright Thrum Architects Pty Limited
This drawing and all design produced by Thrum Architects Pty Limited is the property of Thrum Architects Pty Limited and shall remain the property of Thrum Architects Pty Limited. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Thrum Architects Pty Limited.

Figure 1: Location Plan.



VILLAGE ON THE BROOK

INTEGRATED MIXED USE URBAN RESIDENTIAL, RECREATIONAL + EMPLOYMENT PRECINCT

FIGURE 2: Concept Precinct Masterplan.

ANNEXURE F: Copy of correspondence from Harrison Investments Pty Ltd to the Mayor of Northern Beaches Council (Councillor Michael Regan) dated 4th May 2018.



HARRISON INVESTMENTS Pty Ltd

4th May 2018

Dear Councillor Regan,

Thank you for your email advice of the 28th April 2018 responding to our request for a meeting with yourself and senior Council staff to discuss Council Report Item 10.1 of the 17th April 2018 and the deliberation of Councillors at the Ordinary Meeting held on the 17th April 2018.

However, it is disappointing and hard to understand Council's apparent reluctance to meet with us to discuss matters relating to our proposed relocation from our Brookvale site and the strategic planning opportunity this presents to the community for employment generation and affordable housing.

It is noted that after paying the Council's substantial \$50,000 planning proposal application fee, there was no communication or enquiry from Council officers seeking clarification or discussion with our project design team in relation to the detail or strategic merits of our application. Our consultants report that their experience with other planning proposal applications in other LGA's has involved considerable discussion/meetings with council staff and in some cases, with Councillors also attending. Northern Beaches Council has not provided any such opportunity in relation to our application.

Our Planning proposal retains the existing industrial zoning over our site and consistent with Council's Draft Brookvale Structure Plan for the Brookvale West Industrial Area, proposes to permit the additional uses of 'business premises' and 'office premises'. In the Draft Brookvale Structure Plan, it is Council's own intention to transition the Brookvale West industrial area from its historical industrial use, to commercial use in the form of business and office premises. This very significant proposed transition of use from industrial to commercial use was not properly or transparently addressed in the Council Report, nor given due consideration in the statements made by Councillors. In the event that business and office premises are permitted within the Brookvale West Industrial Area, it is appropriate that a component of residential development be permitted adjacent to Warringah Mall, as a component of mixed use development.

The matters raised in debate by Councillors Heins, De Luca and Amon are noted, but none seemed to be aware of the strategic direction of Council's own Draft Brookvale Structure Plan which intends to transition the subject land and immediate locality from a 'traditional' industrial area to one of business and office development. We request of Council that we be provided with the official typewritten transcript of Council's Ordinary Meeting held on Tuesday 17th April 2018 to capture the comments made during the Council meeting specifically regarding our proposal.

HARRISON INVESTMENTS PTY LIMITED
75 OLD PITTWATER ROAD BROOKVALE NSW 2100 TEL +612 8978 1000
MAIL: P.O. BOX 7002 WARRINGAH MALL NSW 2100 AUSTRALIA

ABN 17 000 085 674
FAX +612 9905 0065

Notwithstanding however, both Councillors De Luca and Amon in their statements on Item 10.1, encouraged us to come back to Council with a 'more realistic proposal in keeping with the area' and to work with staff in relation to the Brookvale Structure Plan and any future LEP.

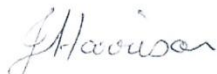
On this basis we wish to meet with yourself and senior Council staff to discuss the way forward for our site.

We also request advice as to whether Council sought advice/comment from the Department of Planning and the Greater Sydney Commission in relation to our Planning proposal application. It is noted that Report 10.1 assumes a position of the Department of Planning in relation to protecting industrial land but there is no actual primary evidence that this is the Department's position in relation to our particular application.

The review process available to us to the Joint Regional Planning Panel in relation to Council's decision not to proceed to the 'Gateway', does not preclude our meeting with yourself and Council staff, as this is primarily a 'peer expert' review, not a legal appeal process to the Land and Environment Court.

In consideration of the matters raised in this email we again request the opportunity to meet with yourself and senior Council staff to discuss Council's decision in relation to Item 10.1 of the 17th April 2018.

Yours sincerely,



Julie Harrison

Director

CC. Deputy Mayor Councillor Bingham
Executive Officer Nicki Adams, Mayor and Councillors' Office

ANNEXURE G: Item 10.1 to the Ordinary Council Meeting of 17th April 2018.

10.0 PLANNING PLACE & COMMUNITY DIVISION REPORTS

ITEM 10.1	PLANNING PROPOSAL - 75-79 OLD PITTWATER ROAD & 19 CROSS STREET, BROOKVALE TO PERMIT ADDITIONAL USES AND INCREASE MAXIMUM BUILDING HEIGHT
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2018/191849
ATTACHMENTS	1 Applicant's Planning Proposal (Included In Attachments Booklet 5) 2 SEPP Assessment (Included In Attachments Booklet 5) 3 Ministerial Directions (Included In Attachments Booklet 5) 4 Submissions Summary (Included In Attachments Booklet 5)

EXECUTIVE SUMMARY

PURPOSE

To report on the assessment of a Planning Proposal lodged for 75-79 Old Pittwater Road and 19 Cross Street, Brookvale to permit and to seek Council's approval to reject the Proposal.

SUMMARY

Council received a Planning Proposal from Harrison Investments Pty Ltd on 10 January 2018 to amend the Warringah Local Environmental Plan (WLEP 2011) to allow business premises, office premises, residential premises and local open space as additional permitted uses on the subject site, and to allow building heights of up to 17 storeys.

The proposal includes a concept masterplan that envisages:

- 7 main buildings ranging in height from 10-17 storeys (5 with office/business premises on the lower 1-3 storeys and residential towers above)
- 507 dwellings
- 11,893sqm of office/business floorspace
- public parkland alongside the creek
- a civic plaza and a public pedestrian spine.

Harrison Investments Pty Ltd has used the site for industrial purposes, manufacturing and distributing specialised greases and lubricating products, since 1963. The company is considering relocating its industrial activities to a suitable site elsewhere that can accommodate its long term growth and expansion.

The Planning Proposal was publicly exhibited for 17 days from 27 January to 12 February 2018. 74 submissions were received. 72 submissions raised objection to the proposal, with the main concerns relating to overdevelopment (excessive building height and dwelling numbers), and traffic impact (congestion and lack of parking). Two submissions gave general support.

The site (2.65ha) is one of the largest IN1 General Industrial zoned landholdings in the Brookvale-Dee Why Strategic Centre. Protection of employment land in the business and industrial zones is a fundamental tenet of planning for Strategic Centres, made explicit from the State Government's Regional and District Plans, as well as Council's Draft Brookvale Structure Plan.

The Draft Brookvale Structure Plan recognises the vital economic and employment role that Brookvale performs for the Northern Beaches and the wider metropolitan area, and is focused on guiding future development to enhance the employment functions. Protection of industrial land is a key principle and the Draft Structure Plan retains almost all of Brookvale's IN1 (General Industrial) zoning, including the subject site. It expresses a clear strategic intent for IN1 land that there be no uses that may potentially conflict with employment opportunities. The only change that the Draft Brookvale Structure Plan puts forward for the site is to allow business premises and office premises as additional permitted uses. Residential uses remain prohibited under the Draft Brookvale Structure Plan.

The Draft Brookvale Structure Plan provides for a limited amount of housing growth (around 670 dwellings) as mixed-use development in a Town Centre extending either side of Pittwater Rd, north of Cross St, to support local business and the industrial area, whilst not diminishing employment opportunities and still being within the identified traffic carrying capacities of the road network.

The proposal represents a significant departure from regional, district and local planning policy for Brookvale-Dee Why Strategic Centre and for industrial lands in general. There is no site-specific or strategic merit to justify this departure. The proposal would enable a conversion of the site from industrial to residential/commercial use, and fails to protect the important employment and economic functions associated with the IN1 (General Industrial) zoning. It would effectively consume 75% of the housing growth allocated to the Town Centre in the Draft Brookvale Structure Plan and would undermine the achievement of that plan's objectives and intent for Brookvale.

The proposal seeks to introduce residential uses that are inconsistent with the objectives of the General Industrial zone. The substantial increase in building height that is sought exacerbates this inconsistency and enables a scale of development far in excess of what the LEP currently allows and what is envisaged by the Draft Brookvale Structure Plan. The proposal fails to adequately address the likely impacts, including economic, traffic, and visual/character impacts.

RECOMMENDATION OF ACTING GENERAL MANAGER PLANNING PLACE & COMMUNITY

That Council reject the Planning Proposal and not submit it to the NSW Department of Planning & Environment for a Gateway Determination for the following reasons:

- A. The proposal is inconsistent with regional and district planning for Brookvale as established by the Greater Sydney Region Plan and the North District Plan.
 - B. The proposal is inconsistent with Council's endorsed Draft Brookvale Structure Plan (2017).
 - C. There is no need for the planning proposal.
 - D. The proposal has not demonstrated strategic merit or site-specific merit.
 - E. The Planning Proposal is inconsistent with the following Local Planning Directions:
 - a. 1.1 Business and Industrial Zones
 - b. 3.4 Integrating Land Use and Transport
 - c. 5.10 Implementation of Regional Plans
 - d. 7.1 Implementation of *A Plan for Growing Sydney*.
 - F. The proposal is not an appropriate strategic and development outcome, in particular:
 - a. it will introduce a non-conforming (residential) use in the General Industrial zone that is inconsistent with the zone's objectives and would set an undesirable precedent
 - b. it will alienate from industrial use land in an industrial zone, and in doing so fails to protect important employment land and undermines the planned growth of the Brookvale-Dee Why Strategic Centre
 - c. it will introduce new housing in an inappropriate location.
 - G. The information provided in support of the proposal does not adequately address the likely impacts of the proposal, particularly with regards to the economic and traffic impacts.
-

REPORT

BACKGROUND

Council received a Planning Proposal from Harrison Investments Pty Ltd on 10 January 2018 to amend the Warringah Local Environmental Plan (WLEP 2011) to allow business premises, office premises, residential premises and local open space as additional permitted uses on the subject site, and to allow building heights of up to 17 storeys.

The proposal includes a concept masterplan that envisages:

- 7 main buildings ranging in height from 10-17 storeys (5 with office/business premises on the lower 1-3 storeys and residential towers above)
- 507 dwellings
- 11,893sqm of office/business floorspace
- public parkland alongside the creek
- a civic plaza and a public pedestrian spine.

Description of Site and Surrounds

The subject site is located at 75-79 Old Pittwater Road and 19 Cross Street, Brookvale (Fig.1). It comprises Lot A DP 166808, Lot 2 DP 600059 and Lot 1 DP 204107, with a total area of 2.65ha.

The main part of the site is an irregular shaped parcel with an 83m frontage to Old Pittwater Road and side and rear boundaries adjoining Brookvale Creek, Warringah Mall and a number of office and industrial properties. Lot 1 is situated on the other side of Brookvale Creek with a 20.3m frontage to Cross Street. The land slopes gently toward the creek and is partly affected by 1:100 year flooding.

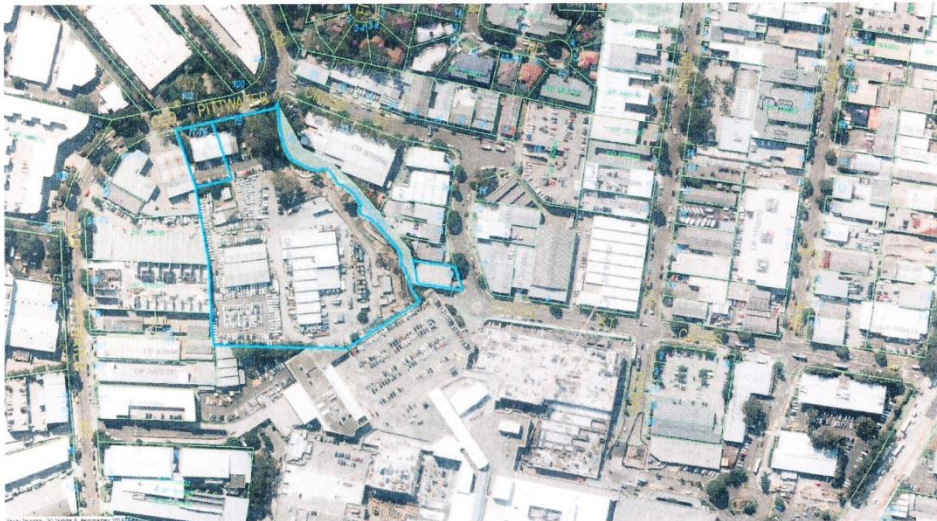


Figure 1 - Location of Subject Site

The site is occupied by the head office and manufacturing operations of Harrison Manufacturing Company Pty Ltd. It has been used by Harrison for the manufacture and distribution of specialised greases and lubricating products since 1963.

Built form structures on the site include a large brick factory building, an office building, bitumen car parks, and various sheds, structures and storage areas associated with the manufacturing activities. 76 jobs are currently provided on site. The smaller part (Lot 1) on the other side of the creek is developed with a building used for a gymnasium.

As the site will not be able to accommodate Harrison's long term growth and expansion, the company is considering relocation of its industrial activities to a suitable site elsewhere. The stated objective of the Planning Proposal is to facilitate the re-development of the site. It is put forward as a major urban renewal opportunity, providing office and business employment and new housing supply within the Brookvale-Dee Why Strategic Centre.

Local Planning Framework

Zoning

The subject site is zoned IN1 General Industrial under Warringah LEP 2011 (Fig.2).

The objectives of the IN1 zone are:

- To provide a wide range of industrial and warehouse land uses
- To encourage employment opportunities
- To minimise any adverse effect of industry on other land uses
- To support and protect industrial land for industrial uses
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area
- To enable a range of compatible community and leisure uses
- To maintain the industrial character of the land in landscaped settings.

Residential Accommodation and Commercial Premises are prohibited in the zone.

The surrounding zoning consists of IN1 General Industrial for properties to the west, north and east fronting Old Pittwater Rd and Cross St, and B3 Commercial Core for Warringah Mall to the south, and RE1 Public Recreation for Brookvale Creek where it adjoins the site.



Figure 2 – Zoning (site outlined in blue)

Building Heights

A maximum building height of 11m applies to the General Industrial zoned land in Brookvale, including the subject site. Depending on the floor to ceiling heights, this control typically results in buildings of 3 storeys. The objectives of the height limits relate to compatibility with surrounding development and minimising visual impact and loss of views, privacy and solar access.

Brookvale Structure Plan

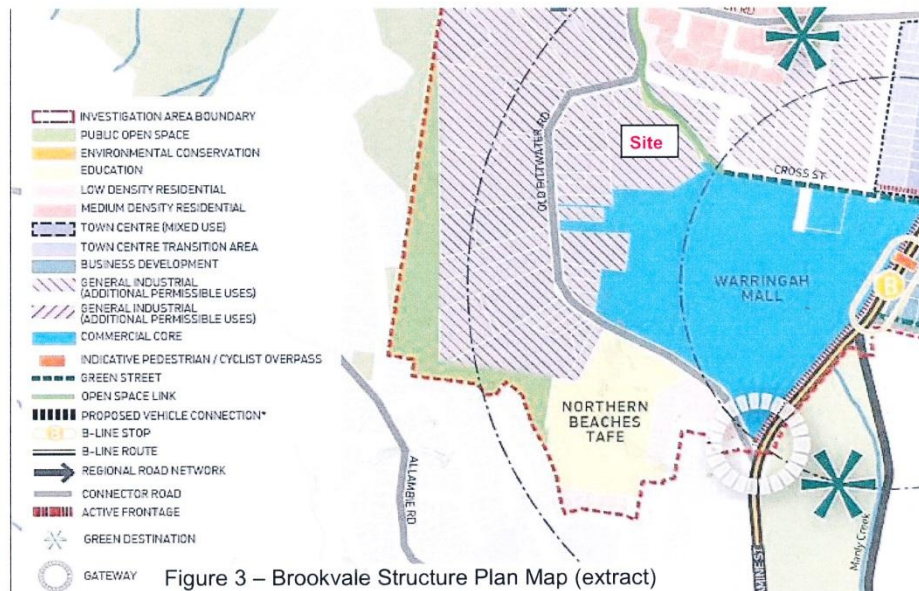
In August 2015, Council (former Warringah) resolved to prepare a Structure Plan for Brookvale. Extensive research and analysis was undertaken to understand how Brookvale functions and its role as an economic and employment centre. Extensive community engagement took place, along with detailed traffic and transport modelling and development feasibility testing.

At its meeting on 8 August 2017, Council endorsed the Draft Brookvale Structure Plan for public exhibition. The exhibition took place from 25 September to 20 November 2017. 119 submissions were received and a response to these submissions is currently being prepared.

Once complete, the Structure Plan will guide future development within Brookvale and recommend any land use changes necessary to ensure that it continues to function as a vibrant, sustainable employment-focused centre.

In line with regional and district planning objectives, the Draft Brookvale Structure Plan is focused on securing Brookvale as an employment centre. It recognises the vital economic and employment role the Brookvale-Dee Why Strategic Centre plays for the Northern Beaches and the metropolitan area. It describes Dee-Why's role as providing for housing, civic functions and supporting retail, service and commercial functions, and reinforces Brookvale's role in providing for employment within the industrial, commercial, retail, service and education sectors.

Protection of industrial zoned land is a key principle of the Draft Brookvale Structure Plan. The Structure Plan retains almost the entire General Industrial zone in Brookvale, including all of the IN1 zoned land on the subject site (Fig.3).



The Draft Brookvale Structure Plan expresses a clear strategic intent for the industrial land that there be no uses that may potentially conflict with employment opportunities, specifically no residential uses. The only proposed change for the site is to allow business and office premises as additional permitted uses, to build on emerging trends and provide more flexibility for job generating activities. Residential uses are to remain prohibited and building height limits are unchanged for the site.

The Draft Brookvale Structure Plan provides for a limited amount of housing growth in the area of the traditional town centre either side of Pittwater Road generally north of Cross St and Powells Rd to Winbourne Rd. Around 670 additional dwellings are provided for as mixed-use development in this location, based on a balancing of residential and employment floorspace that recognises that a component of residential growth is necessary for the viability of local business and to support the surrounding industrial functions. This housing growth is planned and located so as to preserve employment opportunities and to be within identified traffic carrying capacities of the surrounding road network. The designated 'Town Centre' location for the additional dwellings is in close proximity to the B-Line Bus Stop and is central to the industrial areas to the east and west and builds on existing land use patterns and planning controls applying in this area. A B4 Mixed Use zoning and building heights up to 6 storeys are proposed.

ASSESSMENT OF PLANNING PROPOSAL

The following assessment has been undertaken in accordance with s3.33(2) of the Environmental Planning and Assessment Act, and the Department of Planning and Environment's *A guide to preparing planning proposals (2016)* which sets out requirements for preparing a planning proposal.

The Planning Proposal includes a development concept that is described in an urban design report by Thrum Architects titled *Village on the Brook*. The report contains a concept master plan and other diagrams that depict how the site could be developed under the proposed new LEP controls. The diagrams show 7 main buildings of 10-17 storeys, achieving yields of 507 dwellings and 11,893sqm of office/business floorspace (see Figures 4 & 5).

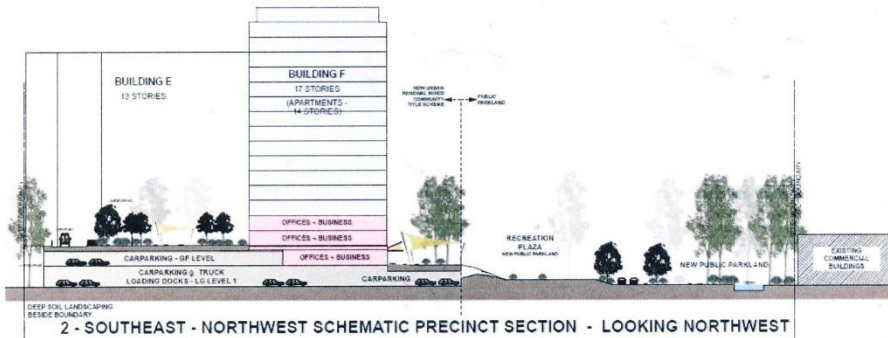
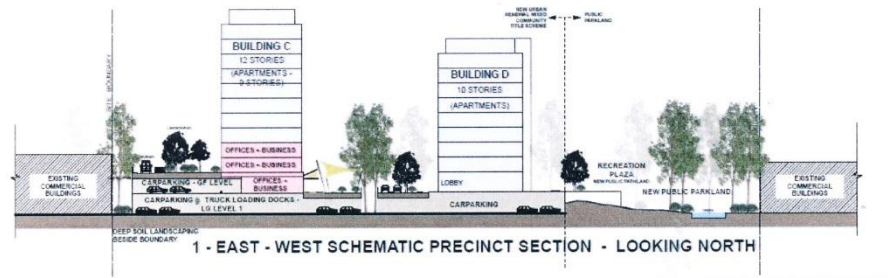


Figure 4 Sections - Thrum Architects Nov 2017 (extract)

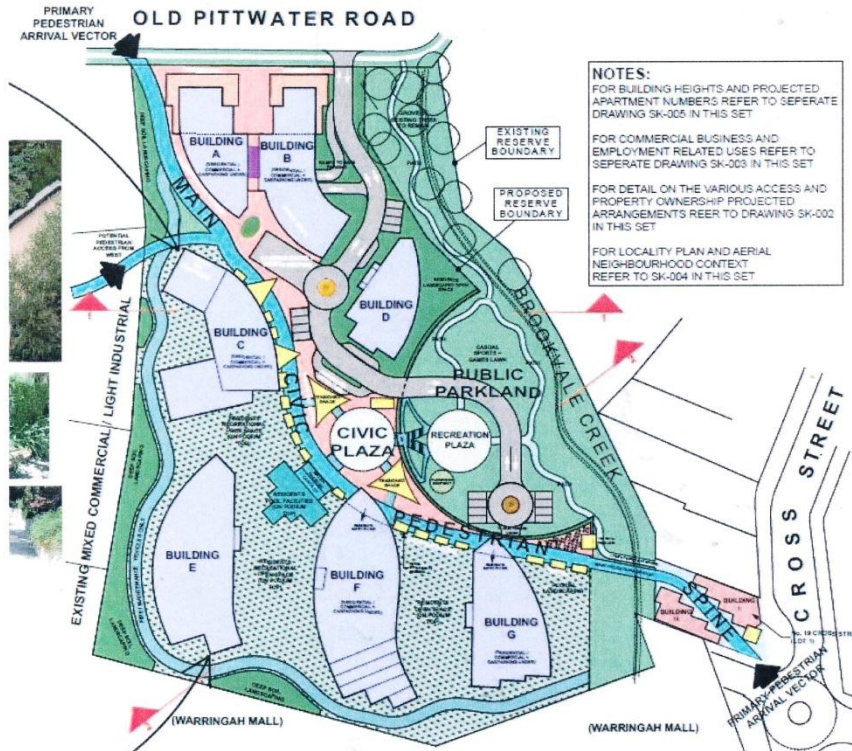


Figure 5 Concept Precinct Master Plan -Thrum Architects Nov 2017 (extract)

This concept is just one of many ways the site could be developed under the Applicant's proposed new LEP controls. As such, the assessment of the Planning Proposal is focused on the proposed additional permitted uses and increased building heights, having regard to the yields shown on the concept master plan merely as a guide to the potential scale and density of development.

As a general comment, the scale and density of development shown on the concept master plan is likely to involve significant impacts on the surrounding area, including impacts on traffic, parking, visual amenity, character and views. It creates the potential for substantial conflict between the new residential uses and surrounding industrial and commercial activities, which would undermine the viability of employment generating activities and the economic role and function of Brookvale. A new residential community of this scale and density is inappropriate in a location that is isolated from existing communities and difficult to achieve safe and convenient access to public transport, recreation, schools and other services. Buildings up to 17 storeys tall are far in excess of anything existing or planned in the vicinity of the site and would be out of character with the area.

The issues raised above are consistent with the issues raised by the community in their submissions received on the proposal. Information submitted by the Applicant in support of the Planning Proposal does not adequately address these likely impacts. The Applicant has not submitted any proper analysis of the economic impact of conversion of such a large industrial zoned site to residential use within an employment centre, nor any modelling of the traffic generation of a development of this scale and density and the capacity of the surrounding road network to accommodate the increase.

The following assessment is structured according to the State Government's requirements for explaining the intended effect of and setting out the justification for a planning proposal.

Part 1 – Objectives or Intended Outcomes

The applicant's stated objective of the Planning Proposal is to facilitate the re-development of the site as a major urban renewal opportunity, providing office and business employment and new housing supply within the Brookvale-Dee Why Strategic Centre.

The site is not considered to be a suitable site for urban renewal as it is a strategically important parcel of employment land that regional, district and local planning policy aims to protect.

Part 2 – Explanation of Provisions

The Planning Proposal seeks to amend WLEP 2011 by:

- amending Schedule 1 (Additional Permitted Uses) to allow mixed-use development comprising residential flat buildings above office and business premises and local open space, consistent with a precinct masterplan to be approved by Council, and to include in the description a provision to the effect that the maximum permitted building height shown on the Height of Building Map will not apply where the Council has approved buildings of greater height under an approved masterplan; and
- amending Additional Permitted Uses Map Sheet APU_008A to identify the subject land as land to which Schedule 1 applies.

The proposed amendments to Schedule 1 are somewhat vague and it is not clear how they would operate with regards to the masterplan and building height variation.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal the result of any strategic study or report?

No. The relevant strategic study is the Draft Brookvale Structure Plan and the background studies undertaken in the preparation of that plan.

The Applicant's response to this question relies on the view that the site offers significant potential for urban renewal in a manner that would achieve the objectives of the North District Plan and the Draft Brookvale Structure Plan. This argument is flawed as both of these plans are explicit in their objective to protect and retain industrial zoned land.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

No. The Draft Brookvale Structure Plan provides for housing growth in a more suitable location within the traditional Town Centre of Brookvale that will support local business and the surrounding industrial area and activate the commercial strip. The planning proposal will enable the conversion to residential use and loss of one of the largest industrial zoned landholdings in Brookvale.

The applicant's claim that the planning proposal is the best means of achieving the objectives because it retains the IN1 zone is a misrepresentation as the additional permitted uses will enable wholesale conversion of the activities on the site from industrial to residential and commercial.

Section B – Relationship to Strategic Planning Framework

Q3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?*

Greater Sydney Region Plan (March 2018) (Region Plan)

Under the key direction of “Jobs and skills for the city”, the Greater Sydney Region Plan includes the following objectives:

- Objective 22: Investment in business activity in centres
- Objective 23: Industrial and urban services land is planned, protected and managed

The first objective recognises the need to grow the city’s centres and depicts a hierarchy of centres that designates Brookvale-Dee Why as a Strategic Centre. The plan’s focus for Strategic Centres is on attracting investment, business activity and jobs. Growing the centres is fundamental to the goal of increasing the number of jobs close to where people live. The plan emphasises the need to build on the individual strengths of centres. While reference is made to the co-location of a wide mix of land uses, including residential, this is not to be “at the expense of the attraction and growth of jobs, retailing and services” (p.106). The planning proposal would introduce residential uses at the expense of retaining a rare large parcel of industrial zoned land. The North District has the least amount of industrial and urban services land stock in the whole of the Greater Sydney region, which makes it a more precious commodity. The provision of housing on the site would not deliver a net community benefit when weighed against the cost of the loss of valuable employment land.

The second objective recognises the significant contribution to jobs that is made by industrial and urban services land and that the provision of services and jobs close to business and where people live is critical to the region’s productivity. The discussion highlights the threat posed by conversion of industrial land to mixed-use residential zoning in response to unprecedented demand for residential supply (p.110). The plan aims to protect industrial and urban services land. The approach identified for Easter Harbour City (including North District) is to: “Protect all industrial zoned land from conversion to residential development, including conversion to mixed-use zonings” (p.112). While the Planning Proposal does not seek to rezone the site, the proposal to make mixed-use development permissible is directly contrary to the approach to protecting industrial land set out in the Greater Sydney Region Plan.

North District Plan (March 2018)

Similar to the Region Plan, the North District Plan has the following planning priorities:

- N10 Growing investment, business opportunities and jobs in strategic centres
- N11 Protecting and managing industrial and urban services land

The plan emphasises the need to grow existing centres and sees jobs growth and community access to goods and services as the core objective for centres. The jobs target for Brookvale-Dee Why is 3,000-6000 additional jobs by 2036. Action 32 refers to creating the conditions for residential development within strategic centres, but not at the expense of the attraction and growth of jobs, retailing and services. For Brookvale Dee-Why, Action 38 specifically seeks to maintain the mix of uses and encourage the establishment of new, innovative and creative industries in Brookvale.

The plan highlights limited supply and inability to increase supply in North District as underscoring the need to protect industrial and urban services land. Action 43 is to manage industrial land by protecting all industrial zoned land from conversion to residential development. The Planning Proposal is directly contrary to this Action.

The applicant's assertion that the Planning Proposal is consistent with the regional and district plans relies heavily on the idea that the residential component will meet the Plans' objectives for increasing housing supply and choice, urban renewal, providing jobs closer to homes, and delivering new housing in connected, walkable neighbourhoods.

This argument is flawed as it fails to recognise considerable inconsistencies with other more important priorities for protecting employment lands and preventing the conversion of industrial land to residential. Introducing residential as an additional permitted use that is likely to be the most profitable use would effectively alienate the land from future industrial activities and potentially curtail surrounding industrial activities due to traffic and amenity impacts. Any contribution made by the proposal towards meeting housing targets is of no net benefit to the community if it results in the loss of important employment land and detracts from the potential economic and employment functions of the centre. The site does not meet the locational criteria for urban renewal or infill as it is in an isolated location, detached from existing neighbourhoods and without convenient, walkable access to public transport, parks, schools and other services. The provision of civic and open space and a pedestrian spine through the site does not overcome these locational problems.

The applicant contends that the site's characteristics as a large landholding immediately adjacent to Warringah Mall provide a unique opportunity for urban renewal and creation of an integrated, master-planned environment. These same characteristics create a unique opportunity to attract investment in and development of new, innovative industries in line with the planned growth of the employment functions of the centre.

The Council, through its forward planning for Ingleside, Frenchs Forest, Dee-Why and Brookvale, North District Plan. Council intends to prepare a housing strategy which will refine how the long term targets will be met. It is already clear however that the housing targets can be met at various planned locations on the Northern Beaches without the need to sacrifice an important parcel of industrial-zoned land.

There is insufficient justification for the Planning Proposal having regard to the following assessment criteria:

a) does the proposal have strategic merit?

No. The proposal is not consistent with the relevant district plan and is not responding to any change in circumstances. There has been no investment in new infrastructure or changing demographic trends in the area which would support conversion of the site from industrial to residential use. The introduction of the B-line bus service and the new community health centre under construction on Pittwater Road do not support the introduction of a substantial new residential community on an isolated site that cannot offer convenient, safe pedestrian/cycle connections to surrounding neighbourhoods or community infrastructure.

As the region's population continues to grow and urban areas become more densely developed, industrial zoned land is increasingly a precious commodity. North District has the lowest amount of industrial land in both land area and per capita of the whole of Greater Sydney Region. Brookvale is the largest industrial precinct in North district and therefore offers the greatest potential for synergies and opportunities for industry to evolve and grow. Recent economic and employment analysis undertaken for Council's local strategy (Draft Brookvale Structure Plan) has identified the need for certain changes to the planning controls in the industrial zoned areas to support niche manufacturing and innovative and creative industries, and to respond to emerging trends for office-based activities. Changes are also identified to encourage revitalisation of the commercial strip.

None of the analysis undertaken has identified any strategic need to change the planning controls for the subject site to allow for residential development. Residential development would not only involve loss of an important industrial site, it would potentially curtail surrounding industrial and commercial activities due to traffic and amenity impacts.

The Planning Proposal goes against all of the indicators which underlie a strategic imperative to protect the industrial and employment functions of Brookvale.

b) does the proposal have site-specific merit?

No. There are no natural environmental values or hazards that give merit to the Planning Proposal. Issues related to Brookvale Creek, flooding and contamination can be addressed through ongoing management and approval processes under the site's IN1 zoning. Existing and likely future uses of land in the vicinity of the proposal are industrial and commercial, and the potential for conflict with these uses negates any site-specific merit for residential use. There are insufficient services or infrastructure available to meet the demands arising from the proposal, particularly with respect to the capacity of the surrounding road network and accessibility to schools, public transport and other services required by a residential community.

Q4. Is the planning proposal consistent with the local strategy or other local strategic plan?

As detailed earlier, the Draft Brookvale Structure Plan is focused on securing Brookvale as an employment centre and protection of industrial zoned land is a key principle. It expresses a clear strategic intent for the industrial land that there be no uses that may potentially conflict with employment opportunities, specifically no residential uses. The only proposed change for the subject site is to allow business and office premises as additional permitted uses in order to build on emerging trends and provide more flexibility for job generating activities. Residential uses are to remain prohibited and building height limits are unchanged for the site. The Planning Proposal is inconsistent with this. Not only does the proposal alter the planned use of the site, it has the potential to detract from the planned use of surrounding areas due to traffic and amenity impacts.

The Draft Brookvale Structure Plan provides for a limited amount of housing growth in the area of the traditional town centre either side of Pittwater Road generally north of Cross St and Powells Rd to Winbourne Rd. Around 670 additional dwellings are provided for as mixed-use development in this location, with commercial uses on ground and first floor levels, so as to preserve employment opportunities and not exceed the traffic carrying capacities of the surrounding road network. The designated 'Town Centre' location for the additional dwellings builds on existing land use patterns and planning controls, and is intended to achieve a highly activated, walkable environment with good connectivity. This planned housing growth will contribute to meeting the housing targets for the Northern Beaches in a way that supports Brookvale's economic and employment functions.

The Planning Proposal would effectively consume 75% of the housing growth allocated to the Town Centre in the Draft Brookvale Structure Plan and would undermine the achievement of the plan's objectives and intent for Brookvale.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is generally consistent with the applicable SEPPs (Attachment 2). With regards to SEPP 55 Remediation of Land, the applicant has submitted a Phase 1 Environmental Assessment (previously prepared for the site in November 2011) which evaluates the site's contamination risk profile as a result of the historical industrial activities. An updated contamination assessment would be required as a condition of Gateway Determination if the Planning Proposal were to proceed. Detailed investigations can be undertaken at development application stage to determine the level of contamination and the necessary remediation. Consistency with SEPP 65 Design Quality of Residential Apartment Development would be determined at development application stage.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

No. The Planning Proposal is inconsistent with the Ministerial Directions (Attachment 3) 1.1, 3.4, 5.10 and 7.1, and there are not sufficient valid reasons to justify the inconsistencies.

- Direction 1.1 Business and Industrial Zones. The proposal fails to give effect to objectives: (b) protect employment land in the business and industrial zones and (c) support the viability of identified centres. The proposal would effectively alienate the land from future industrial activities and potentially curtail surrounding industrial and commercial activities.
- Direction 3.4 Integrating Land Use and Transport. The proposal is inconsistent with objectives relating to improving access by walking, cycling and public transport, and reducing dependence on cars. The proposal provides for the establishment of a substantial new residential community on an isolated site, surrounded by industrial and commercial development, without convenient, safe pedestrian/cycle connection to surrounding neighbourhoods or community infrastructure. Although the site is within 800m of the B-line bus stop, the route from the site to that stop is along roads that are heavily trafficked by industrial and commercial vehicles, and lack the activation, amenity and casual surveillance to make them safe and enjoyable for pedestrians, particularly at night. Any route through Warringah Mall would be unsuitable after hours. Furthermore, the proposal does not consider traffic impact and the capacity of the surrounding road network.
- Direction 5.10 Implementation of Regional Plans. As outlined earlier, the proposal is contrary to the approach to protecting industrial land set out in the Greater Sydney Region Plan and would undermine the intended growth of business activity and jobs in the Brookvale-Dee Why Strategic Centre.
- Direction 7.10 Implementation of a Plan for Growing Sydney. This plan will be superseded when the Greater Sydney Region Plan is finalised and formally adopted. Nevertheless, it contains key directions and strategies for focussing jobs growth and the agglomeration of business in Strategic Centres and supporting key industrial precincts, and introduces a checklist for careful decision making that considers impacts on industrial land stocks and employment objectives. The proposal is inconsistent with this direction as it enables the conversion of a key industrial landholding to residential use and does not support the optimum growth of the Strategic Centre.

C – Environmental, social and economic impact

Q7. Is there any likelihood that habitat or species will be adversely affected?

No. The subject site does not contain any critical habitat or threatened species, populations, or economical community of their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal?

Matters related to Brookvale Creek, flooding and contaminated land can be addressed in detail at development application stage. The applicant has submitted a Phase 1 Environmental Assessment (November 2011) which evaluates the site's contamination risk profile. An updated contamination assessment could be required as a condition of Gateway Determination if the Planning Proposal were to proceed. With regards to the substantial increase in building heights that is proposed, the applicant has not submitted any visual impact assessment.

Q9. Has the planning proposal adequately addressed any social and economic effects?

No. The proposal has not adequately addressed the social and economic effects.

The applicant's justification relies on the purported benefits of delivering 250+ jobs, 500+ dwellings, and a high quality public domain and pedestrian spine. It fails to address the potential detrimental social and economic effects associated with the loss of a major parcel of industrial land, the introduction of land use conflicts that may curtail the surrounding industrial and commercial activities, and poor connections and walkability for a new residential community on an isolated site.

Traffic generated by development of the scale and density that is indicated on the masterplan is likely to exceed the capacity of the surrounding road network and the resulting congestion would be an impediment to the operations of all businesses in the IN1 area, particularly those accessed via Old Pittwater Road and Cross Street. The applicant has not submitted any traffic impact analysis to demonstrate that the surrounding road network can accommodate the additional traffic.

D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The applicant has failed to demonstrate that the surrounding road network has the capacity to accommodate traffic and parking generated by a development of the scale and density proposed. The amount and location of growth in employment floorspace and housing envisaged in the Draft Brookvale Structure Plan has been carefully configured to not exceed the identified traffic carrying capacities of the existing road network. The proposal would add a substantial amount of residential growth without proper assessment of the adequacy of either the road and public transport infrastructure, or other infrastructure such as parks, schools, health services, and utilities.

Q11. What are the views of state and Commonwealth authorities consulted in accordance with the Gateway determination?

The Planning Proposal has not been forwarded for a Gateway Determination. Given the strong emphasis in the regional and district planning policy on protection of industrial land from conversion to residential uses, it is anticipated that the Department of Environment & Planning is unlikely to support the proposal.

CONSULTATION

Submissions

The Planning Proposal was publicly exhibited for 17 days from 27 January to 12 February 2018. The exhibition included:

- Manly Daily advertisements
- letters posted to owners and occupiers in the area surrounding the site
- details of the proposal and an invitation of make a submission on the Have Your Say pages of Council's website
- emails to community members who registered their interest on Council's Community Engagement Register
- hard copies of the exhibition material at Customer Service Centres.

74 submissions were received. 72 raised objection to the proposal, with the main concerns relating to overdevelopment (excessive building height and dwelling numbers) and traffic impact (congestion and lack of parking). Other concerns included visual impact, the proposal being out of character with the area, lack of infrastructure and services (particularly roads and schools), need to retain industrial/commercial uses, loss of views, precedent and conflict with the Draft Brookvale Structure Plan. Two submissions gave general support. Refer to the Submissions Summary (Attachment 4) for further information on submissions received during the exhibition period.

FINANCIAL CONSIDERATIONS

The assessment of this Planning Proposal has been funded by the fees established in the *Northern Beaches Fees and Charges 2017-2018*.

SOCIAL CONSIDERATIONS

While housing supply is a priority for the Northern Beaches, the subject site is not considered to be an appropriate location for a new residential community. Any contribution made by the proposal towards meeting housing targets is of no net benefit to the community if it results in the loss of important industrial land and detracts from the potential economic and employment functions of the centre. Appropriate areas for residential development have been identified in Council's Draft Brookvale Structure Plan, namely the area of the traditional Town Centre.

The introduction of currently prohibited residential uses within the IN1 General Industrial zone would set an undesirable precedent, potentially curtail surrounding industrial and commercial activities, and undermine the employment growth potential of an area that is critical to the success of the Brookvale-Dee Why Strategic Centre.

The proposal fails to address the amenity impacts for future residents who will be surrounded by commercial and industrial operations, without safe, convenient connection to existing communities, public transport and other social infrastructure. The proposal will also have significant impacts on existing workers and business operators in the area due to the increased traffic.

ENVIRONMENTAL CONSIDERATIONS

The subject site does not contain critical habitat or threatened species. Matters related to the environmental values of Brookvale Creek, retention of existing trees, flooding and contaminated land can be addressed in detail at development application stage. Improved environmental outcomes for the site can be achieved in the design and management of future industrial and/or business development on the site. The proposed residential uses do not provide for any environmental benefit or an improved environmental outcome than what could be expected if the land was utilised for Industrial and/or business purposes.

With regards to the built environment, the proposed substantial increase in buildings heights from 11m (2-3 storeys) to up to 17 storeys is a major departure from the existing local character and could create an undesirable precedent. There has not been adequate assessment of the impacts of the increased heights, particularly with regards to visual amenity, character, view loss and overshadowing.

GOVERNANCE AND RISK CONSIDERATIONS

Council's role to consider the orderly planning of land is well set out in the *Environmental Planning and Assessment Act 1979*. This report addresses the requirements of the Act and recommends the proposal is unsuitable to proceed to a gateway determination.

ANNEXURE H: Proponent's justification/confirmation why a review in the circumstances of this application, is warranted.

ASSESSMENT OF STRATEGIC MERIT

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.

Section 5 of the Planning Proposal application report (prepared by Doug Sneddon Planning Pty Ltd - January 2018), a copy of which is provided in Annexure C, 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 current North District Plan, published in March 2018.

The following analysis is provided for consideration of the Planning Panel and provides strategic planning justification for amending Warringah LEP 2011 in the manner proposed by this Planning Proposal.

1. 'A Plan for Growing Sydney'.

A Plan for Growing Sydney, released in December 2014 is the NSW Government's 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 the Planning Proposal application report in Annexure C) 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 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’.

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’.

2. 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.

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

Northern Beaches Council has exhibited the *Draft Brookvale Structure Plan* for public comment.

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), a copy of which is provided in Annexure C.

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 the additional permitted uses (mixed use comprising office and business premises; and residential apartments) to be permitted 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 (507 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). This will inevitably result in the higher value use of the subject land for business and office premises, not industrial premises.