

# Planning Proposal

**729-731 PITTWATER ROAD, DEE WHY**

22 June 2017

For the use of

**Northern Beaches Council**

By

Knight Frank Town Planning

For

The owners of SP 13436

## Qualifications:

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2. This report is current at the date of publication only.
3. This report is to be read in its entirety and in association with other relevant documentation and documents submitted as part of this application.

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### Appendix 1

#### Pre-Lodgement Meeting Notes (30 June 2016)

## 1. Introduction

Knight Frank Town Planning has been engaged by the owners of the lots contained within Strata Plan 13436 as the owners of individual units located at 729-731 Pittwater Road, Dee Why to prepare a Planning Proposal to accompany a request to Northern Beaches Council to amend the *Warringah Local Environmental Plan 2011 (WLEP)* to allow for additional uses to be permitted on the site.

Submission of the Planning Proposal follows a pre-lodgement meeting between the proponent and Council officers on 30<sup>th</sup> June 2016. A copy of the Pre-Lodgement Meeting notes are attached – See Appendix 1.

The land subject to the Planning Proposal is currently occupied by a three storey building used as a medical centre. Development consent (No 73/76) for the construction of the building allows for the use of the building for health proposes only.

Since the construction of the existing building, the site (and adjoining sites to the north) have been zoned R3 Medium Density Residential pursuant to Warringah Local Environmental Plan (WLEP) 2011 where 'business premises' are prohibited. Despite the residential zoning of the site given the occupation of the site by an existing commercial building, the Planning Proposal requests a Schedule 1- Additional Permitted Uses listing to permit 'office premises' as well as 'medical centre' to formalise the existing land use of the site.

The land is in close proximity of the Dee Why Town Centre as well as existing public transport network. Permitted office premise uses in this precinct is a reflection of the changing commercial environment where there is a greater need for office premises within close proximity to town centres. The proposal is consistent in terms of uses with Council's Employment Lands Study, the NSW Government's A Plan for Growing Sydney and the Greater Sydney Commission's Draft North District Plan. The Planning Proposal is justified and supportable in terms of its strategic and site specific merit.

The Planning Proposal outlines the background to the requested amendment and consists of the following six parts being consistent with '*A guide to preparing Planning Proposals*', by NSW Planning and Environment 2016:

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

## 1.1 Background

The land is currently zoned R3 Medium Density Residential in the WLEP 2011. The WLEP 2011 was a comprehensive whole of local government area plan based on the current land uses on whole rather than site specific considerations. The site is currently occupied by an existing building utilised for medical consulting purposes, constructed in the 1970s. The area as a whole has undergone significant changes with a need to provide a greater range of employment and housing for the growing area.

Although the site benefits from existing use rights for the 'medical centre' use, the existing development consent restricts the use of site for a 'medical centre' only. Given the changing conditions of the market there is a commercial need to utilise the existing premises for 'office uses' in addition to the existing medical centre use.

A Pre-Lodgement Meeting between the proponent and Council officers took place on 30 June 2016. A copy of the Pre-Lodgement Meeting notes is provided in Appendix 1.

## 1.2 Purpose of this Planning Proposal

The purpose of this Planning Proposal and supporting attachments is to seek the following amendments to the Warringah Environmental Plan 2011 (WLEP) so as to enable the greater commercial use of the existing building:

Amend Schedule 1 of the WLEP 2011 to include the following 'Additional Permitted Uses' on the site:

- Medical Centre
- Office Premises

In accordance with the WLEP 2011, the proposed additional uses are defined as follows:

- **Medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.
- **Office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

The above uses are not considered to be contrary to the existing use of the site and furthermore, will not be contrary to the objectives of the current R3 zoning of the land.

The Planning Proposal aims to;

1. Demonstrate that the existing uses of the site under development consent No 73/76 are compatible with the current commercial circumstances
2. Outline how the proposed development is consistent with the proper and strategic planning principle of locating businesses within the area in accordance with the Warringah Employment Lands Study.
3. Outline the merits of the development as a site specific amendment to WLEP 2011.
4. Demonstrate that the proposed additional uses are supportive and justified in terms of both strategic and site specific merit.
5. Seek the endorsement of Northern Beaches Council to amend the WLEP 2011 in the manner described in the Planning Proposal so as to facilitate commercial utilisation of the existing building.

### **1.3 Planning Proposal Structure**

The Planning Proposal structure reflects the statutory requirements and inclusions for Planning Proposals outlined in Section 55 of the Environmental Planning & Assessment Act, 1979 (EP&A Act) and the Guide to Preparing Planning Proposals as issued by the Department of Planning and Infrastructure in October 2012.

The structure of this Planning Proposal is summarised below:

<b>Section 1</b>	Introduction
<b>Section 2</b>	Description of the site context
<b>Section 3</b>	Existing planning framework
<b>Section 4</b>	A statement of the objectives and intended outcomes of the Proposal
<b>Section 5</b>	An explanation of proposed instrument or LEP amendments
<b>Section 6</b>	Justification including need for the proposal; relationship to the relevant strategic planning framework; potential environmental social and economic impacts; State & Commonwealth interests
<b>Section 7</b>	Mapping
<b>Section 8</b>	Community Consultation
<b>Section 9</b>	Indicative project timeline

## 2. Site Description and Locality

### 2.1 Proponent

The proponent for the Planning Proposal is the owners of Strata Plan 13436.

### 2.2 The Locality - surrounding context and setting

The subject land is located immediately to the north of the Dee Why Town Centre and is a corner site directly adjoining residential apartment building to the north. The site is located on Pittwater Road and within 400 meters to the main Dee Why bus interchange.

To the immediate south of the subject land are the existing public carpark and Northern Beaches Council offices with the commercial precinct beyond. The proposed additional uses will not be to the detriment of the existing adjoining residential character.

### 2.3 Description of Subject Site

#### Land area

The subject land has an area of 1334 square metres.

Land ownership of SP 13436

Title description	Land owner
Lot 1	Comserv No 547 Pty Ltd
Lot 2	Manc Pty Ltd
Lot 3	Karl Paul Landers and George Dimaris
Lot 4	Karl Paul Landers and George Dimaris
Lot 5	Dorothy Anne Joy Arnold and Wilma Alison Taylor
Lot 6	Lionel Rupert Arnold and Dorothy Anne Joy Arnold
Lot 7	Basstrust Pty Ltd
Lot 8	Basstrust Pty Ltd
Lot 9	Comserv No 547 Pty Ltd

#### Current land uses

The land is currently occupied by a three storey building with thirty one (31) parking spaces and is occupied by medical practitioners and a pharmacy on the ground floor.

There are no known sources of contamination on the subject land.

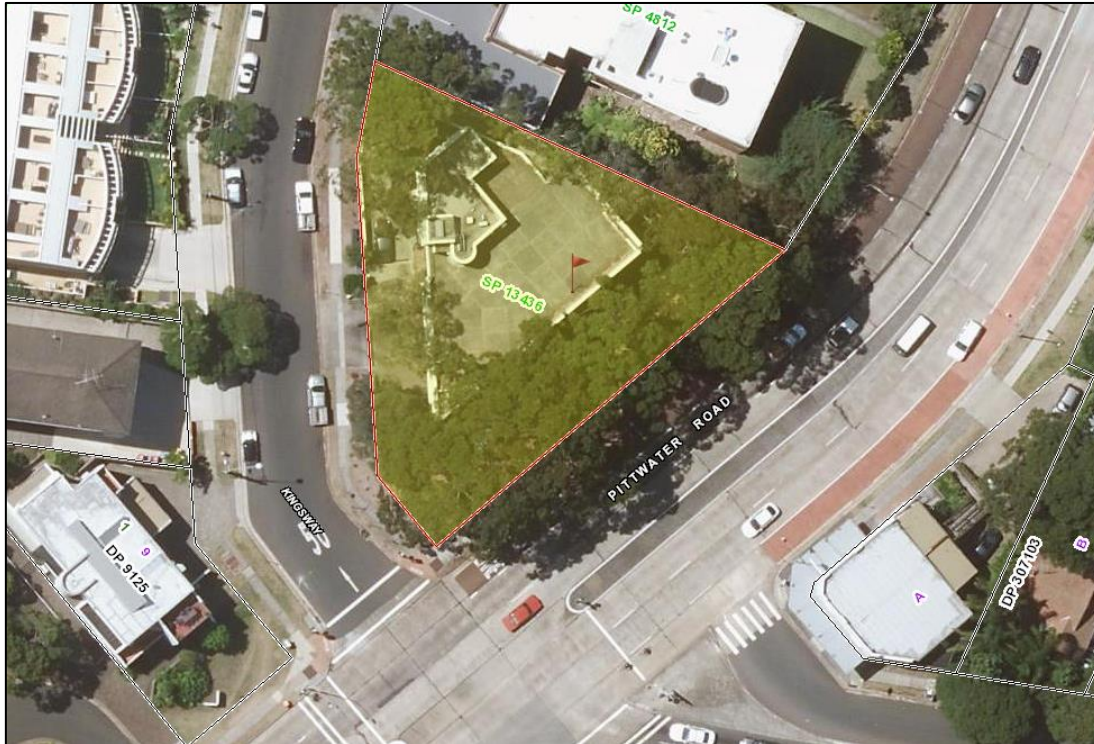


Figure 1: Site Location Map (SixMaps)

### 3. Existing Planning Framework

#### 3.1 Local Planning Controls (Warringah Local Environmental Plan 2011)

The site is currently zoned R3 Medium Density Residential under the Warringah *Local Environmental Plan* 2011 (WLEP).

##### **R3 Medium Density Residential**

The objectives of the R3 Medium Density Residential Zone are:

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



The range of uses permitted with development consent in the R3 zone is:

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

### **3.2 State and Regional Environmental Planning Policies**

The State and Regional Planning Policies relevant to the Planning Proposal are:

#### **State Environmental Planning Policy No 55 – Remediation of Land**

The State Environmental Planning Policy No 55 – Remediation of Land (SEPP) and accompanying Planning Guidelines on managing land contamination (1998) seek to ensure that any contamination of land on its use, say for rural residential purposes is addressed to reduce the risk of harm to human health. There are no known sources of potential contamination on the land.

### **3.3 Regional Strategies**

#### **3.3.1 A Plan for Growing Sydney'**

*A Plan for Growing Sydney* is the overarching guiding document setting actions for housing, population and employment growth across metropolitan Sydney. The Planning Proposal will retain existing jobs on the site and create a planning regime that will support and encourage additional employment opportunities. A key priority for the Brookvale-Dee Why strategic centre is to retain the commercial core in Brookvale-Dee Why, to encourage long term employment growth. Although the site is located just outside of the Dee Why Town Centre, its proximity to the centre and transport supports the protection of existing and provision of new jobs on the site.

#### **3.3.2 Draft North District Plan**

The Draft North District Plan, prepared by the Greater Sydney Commission in November 2016, provides the framework to manage growth whilst maintaining liveability and productivity across a key area in Sydney. The district centres of Brookvale-Dee Why accommodate retail and local services for communities. The subject site is located within the Brookvale-Dee Why district centre, and situated adjacent to the Dee Why Mixed Use Zone,

The following key priority is of particular relevance: *"Recognise and enhance the economic and employment opportunities along Pittwater Road and encourage revitalisation along this commercial strip"*.

The job target range for the Brookvale-Dee Why centre is 23,000-26,000 jobs. The proposed amendment to the Warringah LEP 2011 will contribute to addressing the projected increase in employment in the Draft North District Plan, while retaining the residential zoning of the site.

### 3.4 Local Planning Strategies

In terms of local planning strategies, the following are relevant to the Planning Proposal

Strategy	Commentary
<b>Warringah Local Environmental Plan 2011 (WLEP)</b>	The WLEP is the principal statutory plan for the LGA. The LEP was in part informed by a LGA wide Local Environmental Study however this was not specific to individual lots.
<b>Warringah Employment Lands Study (ELS) 2013</b>	The Warringah ELS provides analysis of the current and future employment trends with recommendations into the future land use of the LGA. The study identifies Dee Why as a strategic employment precinct and the proposal will support the aims of the study in providing increased employment opportunities close to where people live.
<b>Warringah Council Community Strategic Plan 2023</b>	The Warringah Community Strategic Plan was formally adopted by Council in 2013. The Plan is built around themes of community, place, environment and leadership. The objectives and intended outcomes of the Planning Proposal support the Community Strategic Plan by enabling increased opportunity for employment growth within and around established centres that are well serviced by public infrastructure and transport.
<b>Dee Why Town Centre Masterplan</b>	The Dee Why Town Centre Masterplan builds upon previous reviews of the area and provides an updated vision for the centre. It was developed with input from local businesses, land owners and community representatives. The result is a comprehensive plan to revitalise Dee Why, creating an attractive, liveable and thriving centre by the sea. The subject is not located within the Masterplan study area.

## 4. Objectives and Intended Outcomes (Part 1)

The Planning Proposal seeks to support and facilitate the orderly and effective economic development by allowing office premises and medical centres on the land zoned R3 Medium Density Residential, where medical and office uses are currently prohibited.

The specific intended outcomes of the Planning Proposal are outlined below:

- To confirm the suitability of the land for users other than those permitted in a R3 Medium Density Residential Zone
- To provide for a diversified area which supports the economic and employment future of Dee Why and the Central Northern Beaches
- To contribute to a diversity of local employment and education services in accordance with the recommendations of the Warringah Employment Lands Study and A Plan for Growing Sydney
- To respond to the market demand for office space in proximity to the existing town centre with access to public transport and walking distance to residential areas.

## 5. Explanation of Provisions (Part 2)

The Planning Proposal seeks to achieve the above objectives and intended outcomes by amending the Warringah Local Environmental Plan 2011 (WLEP) in the following manner:

Amend Schedule 1 of the WLEP 2011 to include the following 'Additional Permitted Uses' on the site:

- *Medical Centre*
- *Office Premises*

## 6. Justification (Part 3)

### 6.1 Introduction

The Planning Proposal responds to the changing environment of the commercial market and also recent new developments within the Dee Why Town Centre. The existing use of the building is reliant on an existing consent which permits the use of the building for a 'medical centre' only. A change in the needs of medical practitioners and the commercial property market has seen a demand for office premises uses in the existing building. This land use is considered to best align with the existing 'medical centre' land use in terms of worker and visitor use as well as impacts to the existing environment.

Although the site benefits from existing use rights for the 'medical centre' use, the existing development consent restricts the use of site for this use only. This Planning Proposal will formalise the use on the land by providing for a permissible use. Given the changing conditions of the market there is a commercial need for the use the building for 'office uses' in addition to the existing medical centre use.

In establishing how the Planning Proposal 'fits' in terms of the wider strategic setting of the Northern Beaches LGA and the broader regional setting, a review has been undertaken of the proposal against the local (Warringah) and regional (NSW Government) policy framework. The Planning Proposal is considered to be justified and supportable in terms of its strategic and site specific merit.

### 6.2 Section A - Need for the Planning Proposal

#### **Is the Planning Proposal a result of any strategic study or report?**

Whilst the Planning Proposal is not the result of any specific strategic study or report, due regard has been given to the Warringah Employment Lands Study (2013) which identifies the Dee Why to Brookvale corridor as a strategic employment precinct.

Given the unique planning circumstances and the established use of the site, the additional use of office premises is considered to be appropriate in providing increased employment to the local area whilst minimizing impact as a result of the proximity to infrastructure including public transport and an oversupply of parking on the site for the requested additional permitted uses.

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

The Planning Proposal is the best means for providing for additional permitted uses on the land in terms of permissibility and the purpose (objectives) of the R3 Medium Density zone. In particular, by reference to the zone objective of *enabling other land uses that provide facilities or services to meet the day to day needs of residents*.

The Planning Proposal is also the best way of achieving a consistent approach to the LEP controls and use of the site which supports its ongoing uses for commercial uses and additional local employment to the area.

### **6.3 Section B - Relationship to the Strategic Planning Framework**

**Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy.**

The Planning Proposal has been reviewed against the relevant Outcomes of the *A Plan for Growing Sydney*. The current Metropolitan Plan for Sydney released in 2014 identifies a number of strategic directions and specific policy settings with regards to transport, housing growth, employment and existing centres.

#### **North Subregion**

The North Subregion includes the Northern Beaches (Warringah) LGA with an emphasis on retaining employment close to where people live to ease congestion on the roads. A key priority of the North Subregion is maintaining a commercial core in Brookvale-Dee Why to encourage long term employment growth.

The proposal will allow for increased usage of the existing building which is ideally suited to office premises. The Planning Proposal will lend itself to assisting in supporting the growth of the existing commercial Brookvale-Dee Why Commercial area.

All of the proposed uses are considered appropriate for the existing building and the established use of the site. Therefore, additional permitted uses are considered to be the most appropriate means of achieving the intended outcomes.

**Is the Planning Proposal consistent with a council's plan, local strategy, or another local strategic plan?**

By reference to s 3.4 of the Planning Proposal, a review has been undertaken of the Planning Proposal against the following policies and plans of Warringah Council:

#### **1. Warringah Employment Lands Study 2013**

The Warringah Employment Lands Study was prepared in 2013. Although the Dee Why – Brookvale precinct is identified as the main area of employment growth, the study makes reference to the lack of public transport and traffic issues that restricts the ability to develop the precinct to full employment capacity.

The existing building presents a unique set of circumstances, the established use of the site and additional use of office premises is considered to be appropriate in providing increased employment to the local area whilst minimizing impact as a result of the proximity to infrastructure including public transport and an oversupply of parking on the site for the requested additional permitted uses.

### 2. Warringah Community Strategic Plan 2023

The Warringah Community Strategic Plan was formally adopted by Council in 2013. The Plan is built around themes of community, place, environment and leadership. The objectives and intended outcomes of the Planning Proposal support the Community Strategic Plan by enabling increased opportunity for employment growth within and around established centres that are well serviced by public infrastructure and transport. In particular, the Planning Proposal is considered to support the growth of the economy in a sustainable way by providing the opportunity for employment in an existing building close to medium density housing hence resulting in containment. The Planning Proposal assists in supporting the local employment sector by providing employment close to where people live.

### 3. Warringah Local Environmental Plan 2011

The site is currently zoned R3 Medium Density Residential pursuant to the Warringah Local Environmental Plan 2011. Whilst the subject site has been utilised as a 'medical centre' since the late 1970s the objectives of the current zoning have been considered in relation to the proposed additional uses requested in the table below:

<b>Warringah LEP 2011</b>				
<b>R3 Medium Density Housing Zone</b>				
Objective	Consistent		N/A	Comment
	Yes	No		
To provide for the housing needs of the community within a medium density residential environment.		✓		The proposal will maintain the existing medical centre use of the premises with additional office premises uses proposed.
To provide a variety of housing types within a medium density residential environment.			✓	The site has not been used for residential purposes and the proposal does not propose any residential development
To enable other land uses that provides facilities or services to meet the day to day needs of residents.	✓			The proposed additional uses will allow for facilities and services to be provided within walking distance of nearby residential areas and the commercial centre
To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.			✓	The site has not been used for residential purposes and the proposal does not propose any residential development.
To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.			✓	The site has not been used for residential purposes and the proposal does not propose any residential development.

### Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against the applicable State Environmental Planning Policies (SEPP's) is provided in the table below.

State Environmental Planning Policy (SEPPs)	Consistent		N/A	Comment
	Yes	No		
SEPP No.1 Development Standards			✓	No longer applies to Warringah LEP 2011
State Environmental Planning Policy No 19- Bushland in Urban Areas			✓	There is no existing vegetation on the site.
SEPP No.32 Urban Consolidation(Redevelopment of Urban Land)			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy No 50 - Canal Estate Development			✓	Not relevant to the proposed amendment.
SEPP No.55 – Remediation of Land			✓	Not relevant to the proposed amendment.
SEPP No.60 Exempt and Complying Development			✓	The SEPP (Exempt and Complying Development Codes) 2008 applies to the site.
SEPP No.64 Advertising and Signage			✓	The relevance of the SEPP would be addressed at the DA stage.
SEPP No.70 Affordable Housing (Revised Schemes)			✓	Not relevant to the proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Not relevant to the proposed amendment.
SEPP (BASIX) 2004			✓	Not relevant to the proposed amendment.
SEPP (Exempt and Complying Development Codes) 2008			✓	The SEPP may apply to any future development of the site.
SEPP (Infrastructure) 2007			✓	Not relevant to the proposed amendment.
SEPP (State and Regional Development) 2011			✓	Not relevant to the proposed amendment.
State Environmental Planning Policy (Urban Renewal) 2010			✓	Not relevant to the proposed amendment.

**Is the Planning Proposal consistent with applicable Section 117 Ministerial Directions (s 117 directions)?**

The Planning Proposal is consistent with the relevant Section 117 Directions in that it achieves and/or gives effect to the principles, aims, objectives or policies set out in the Directions noted in the table below.

Ministerial Direction	Comment
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	
<p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning</li> </ul>	<p>The proposal will not alter the existing zoning of the site or the existing use of the site. The proposal will allow for a greater level of services and employment uses to the area whilst maintaining the existing floor space.</p>
<b>2 Environment &amp; Heritage</b>	
<p>2.1 Environmental Protection Zones:</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Further, a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</p>	<p>The site and surrounds are not zoned for environmental protection purposes nor are they identified as such in the Warringah LEP 2011</p>
<p>2.3 Heritage Conservation:</p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> <li>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</li> <li>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</li> <li>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an</li> </ul>	<p>The subject property is not currently heritage listed, nor is it known to encompass any structures or archaeology worthy of conservation by way of related provisions in the Planning Proposal or any future LEP amendment.</p>



<p>Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	
<p><b>3 Housing, Infrastructure and Urban Development</b></p>	
<p>3.1 Residential Zones</p>	
<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul>	<p>The proposal will not alter the existing R3 Residential zoning of the site and will retain the location of the existing medical consulting rooms.</p> <p>The proposal will allow for a greater level of services and employment uses to the area whilst maintaining the existing floor space.</p> <p>There will be no reduction in the permissible residential density of land nor will the proposal reduce the ability to future development the site for residential purposes.</p>
<p><b>4. Hazard and Risk</b></p>	
<p>4.1 Acid Sulphate Soils</p> <p>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <ul style="list-style-type: none"> <li>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</li> <li>(b) such other provisions provided by the Director-General of the Department of Planning that are</li> </ul>	<p>Not applicable.</p> <p>The site to which the proposal applies is not affected by acid sulfate soils under the LEP.</p>



<p>consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</p>	
<p>4.3 Flood Prone Land</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit a significant increase in the development of that land,</li> <li>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</li> <li>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</li> </ul> <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	<p>Not applicable. The site to which the proposal applies is not affected by flooding.</p>

<p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	
<p><b>6 Local Plan Making</b></p>	
<p>6.1 Approval and Referral Requirements</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</li> <li>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> <li>(i) the appropriate Minister or public authority, and</li> <li>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</li> </ul> </li> <li>(c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> <li>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</li> <li>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</li> </ul> </li> </ul>	<p>The Planning Proposal does not propose any such provisions listed in Direction 6.1.</p>
<p>6.2 Reserving Land for Public Purposes</p> <p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p>	<p>No new reservations are proposed, nor are they proposed to be reduced by the Planning Proposal.</p>

<p><b>6.3 Site Specific Provisions</b></p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</li> </ul> <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>The Planning Proposal will allow for additional uses to be permitted on the site by listing the uses in Schedule 1 of the Warringah LEP 2011. In particular, there is a need to allow for 'office premises' usage on the site to facilitate the commercial viability of the site.</p> <p>The proposal will not restrict the overall use of the land and will maintain the residential zoning of the site.</p>
<p><b>7 Metropolitan Planning</b></p>	
<p><b>7.1 Implementation of A Plan for Growing Sydney</b></p>	<p>The NSW Government's 'A Plan for Growing Sydney' identified the following key priorities for the Brookvale-Dee Why region:</p> <ul style="list-style-type: none"> <li>○ <i>Work with council to retain a commercial core in Brookvale-Dee Why, as required, for long-term employment growth.</i></li> <li>○ <i>Work with council to provide capacity for additional mixed-use development in Brookvale-Dee Why including offices, retail, services and housing.</i></li> </ul> <p>The Planning Proposal will retain existing jobs on the site and create a planning regime that will support and encourage additional employment opportunities and office use.</p>

## 6.4 Section C - Environmental, Social and Economic Impacts

### Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no known potential sources of contamination on the subject land.

There are no specific environmental effects likely as a result of the Planning Proposal. The land has been historically used as a medical centre and which will remain as part of the Proposal. There will be no external works to the site to facilitate additional uses on the land. The proposal will provide an opportunity to better utilise an existing commercial site.

The Planning Proposal is unlikely to result in any land use conflicts with the immediate vicinity and therefore is not expected to limit the ongoing use of the surrounding lands for the range of uses permitted in the current R3 residential zoning to the north and west. The proposal will complement the existing surrounding land uses to the south and east and allow for increased employment. The changing environment of the area allows for a greater range of future commercial uses which will support the viability of the Brookvale-Dee Why employment corridor.

#### **Traffic and Parking**

In terms of traffic and parking, a review of Council’s parking controls contained within Appendix 1 of Warringah Development Control Plan (DCP) as detailed in the table below:

<b>Warringah DCP 2011 Parking Requirements</b>		
<b>Use</b>	<b>DCP Parking Rate</b>	<b>Parking required for premises</b>
Office premises	1 per 40m <sup>2</sup> GFA	18.225 car spaces
Medical Centre	4 spaces per 100m <sup>2</sup> GFA	29.16 car spaces

NOTE: the above calculations are based on the whole building being used as one use.

The total gross floor area of the building is 729m<sup>2</sup> and the current 31 car spaces provided by the premises which exceeds the minimum requirement for the use of the building for a medical centre or office premise, as demonstrated above,. The introduction of office use has the potential to reduce traffic generated by the building as office premises requires fewer parking spaces than the use of the building entirely for medical centre purposes, as indicated by the DCP parking requirements.

In addition to on-site parking, , there is ample parking available in the Council car park located on the corner of Kingsway/St David’s Road and Pittwater Road. Furthermore, the site is well served by public transport, with the main Dee Why bus interchange located approximately 400m from the site.

The subject building is already used for medical consulting purposes. The additional use of the building for office use is not expected to result in any significant impacts on the surrounding uses. The proposed additional uses are not expected to result in additional traffic or parking demand given the current parking rate provided to the building and the low rate of patronage expected to visit an office premises.

In summary there are no known major constraints nor will the proposed rezoning have any known adverse environmental impacts. Accordingly, the Planning Proposal is considered to have site specific merit.

#### **Has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal will contribute to a diversifying of the local economy by providing for greater commercial viability of the site and increase employment opportunities. By providing for medical and office use, it will make a positive contribution to the local community by supporting local businesses and the community.

### **6.5 Section D – State and Commonwealth Interests**

#### **Is there adequate public infrastructure for the planning proposal?**

The site is approximately 400m walking distance from the main Dee Why bus interchange. It is accordingly in the interest of the State Government to intensify employment and services in close proximity to these services and thereby increase opportunities to the Dee Why community.

#### **What are the views of State and Commonwealth public authorities consulted?**

The proponent has met with representatives from Northern Beaches Council.

No formal consultation has been undertaken with other State or Commonwealth authorities. Where necessary, consultation with relevant authorities will be undertaken as required in accordance with initial Gateway determination.

## **7. Mapping (Part 4)**

The proposed amendments to the current *Warringah Local Environmental Plan 2011* are as indicated in Section 5.

Should the Planning Proposal progress through the Gateway Determination and plan making process, additional mapping would be undertaken in accordance with the *Standard technical requirements for LEP maps* as issued by the Department of Planning and Environment.

## **8. Community Consultation (Part 5)**

No formal community consultation has been undertaken at this stage. Should Council resolve to endorse the proposal and a Gateway determination is issued by the Director-General of the Department of Planning & Infrastructure, then formal consultation and exhibition of the Planning Proposal will occur.

It is noted that adjoining landowners will be consulted with as part of this process and it is not a statutory requirement to consult with neighbours prior to lodging a planning proposal to Council.

In addition, the proposal is for a minor change to the existing use and therefore prior consultation was not deemed necessary given it will not significantly impact on adjoining landowners.

The minimum requirements and process for consultation are established within the Environmental Planning & Assessment Act, 1979 and are discussed in Section 5.5.2 of the Guide to Prepare LEP's (Department of Planning and Environment, 2016).

It is noted that public exhibition of the planning proposal is generally undertaken in the following manner:

- notification in a newspaper that circulates in the area affected by the planning proposal,
- notification on the website of the Relevant Planning Authority (RPA), and
- notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.

During the exhibition period, the following material is to be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Gateway determination,
- the Gateway determination, and
- any information or technical information relied upon by the planning proposal.

Proposals that are considered to be of low-impact are to be exhibited for a minimum of 14 days, whilst all other proposals are to be exhibited for a minimum 28 days.

It is important to note that Council (or the RPA) can undertake additional consultation if this is deemed appropriate or necessary. This may include, but is not limited to broad consultation by letter, open days or public forum.

## **9. Indicative Project Timeline (Part 6)**

Assuming the Planning Proposal is endorsed by Council, the timeframe for the consideration and completion of the Planning Proposal is dependent upon a number of variables including:

- Council's consideration of the proposal and need or otherwise for additional information,
- The need or requirement for referrals to any relevant Government agencies, and
- The extent and duration of community consultation (public exhibition).

The Department's 'A Guide to Preparing Planning Proposals' (2016) requires an indicative project timeline to be included with the Proposal. This is provided below and it assumes Council's endorsement of the Proposal and issue of a Gateway determination.

Stage	Estimated Timetable
Consideration by Council of Planning Proposal	July/August 2017
Referral to Department of Planning & Environment for Gateway Determination	August/September 2017
Gateway Determination	October 2017
Timeframe for completion of any technical information and any government agency referrals	November 2017
Public exhibition	November 2017
Timeframe for consideration of submissions and consideration of Planning Proposal following public exhibition	December 2017
Anticipated date the RPA will make the plan (assuming delegation to Council)	January 2018
Overall estimated timetable	July 2017 – January 2018 (6/7 months)

## 10. Conclusion

The Planning Proposal provides for a properly planned and strategic outcome for a site that is most appropriately used for office and medical centre use. It is a Planning Proposal that will:

- Contribute to the provision of office space and medical services in close proximity to the Dee Why town centre;
- Provide for a more appropriate and planned approach to the buffer/transition between the residential edge of the neighbourhood and Dee Why Town Centre; and
- Demonstrate that the proposed additional uses of the Site will not set an undesirable precedent for existing residential lands in the Northern Beaches LGA, but will contribute to convenient local services.

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## **Appendix 1**

**Pre-Lodgement Meeting Notes (30 June 2016)**