

<b>ITEM 11.4</b>	<b>PLANNING PROPOSAL FOR 28 LOCKWOOD AVENUE BELROSE - WITHDRAWAL</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2019/124564</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">↓</a> Letter from the NSW Department of Planning and Environment dated 11 December 2018</b>

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## SUMMARY

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*Note: This item was deferred from the Council Meeting of 26 February 2019*

### PURPOSE

To seek Council approval to withdraw the Planning Proposal for 28 Lockwood Avenue, Belrose following a request from the Department of Planning and Environment (the Department) to withdraw the proposal and submit a revised proposal (Attachment 1).

### EXECUTIVE SUMMARY

At its meeting on 19 December 2017, Council resolved to submit a Planning Proposal to the Department to permit additional land uses of “residential flat building” and “multi dwelling housing” on part of the former Belrose Library site and to establish a minimum floorspace ratio for commercial uses on the land (Council did not support the applicant’s proposal to increase the maximum height of buildings control on the site from 8.5 metres to 15 metres).

The Planning Proposal was submitted to the Department on 11 January 2018 and Council subsequently met with Department officers and provided further information as requested.

By letter dated 11 December 2018 the Department requested that Council withdraw the Planning Proposal and submit a revised proposal. This request was made on the grounds that the Planning Proposal as submitted did not result in “...*improved planning outcomes for the site, or the community, beyond which could be achieved under the current LEP controls*”.

Council staff does not agree with the reasons outlined by the Department to consider revising the Planning Proposal. Having regard for the time taken to date, lack of a clear forward path and that the fees for the Planning Proposal have been expended, it is recommended that the Planning Proposal be withdrawn.

Council considered a report on this matter at its meeting on 26 February 2019 and resolved as follows:

*That this item be deferred and be brought back to the Ordinary Council meeting on 26 March 2019.*

At the time of writing of this report Council had not received any further submissions by the proponent on the Planning Proposal.

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**RECOMMENDATION OF GENERAL MANAGER PLANNING PLACE AND COMMUNITY**

That:

- A. Council advises the Department of Planning and Environment that it wishes to withdraw the Planning Proposal for 28 Lockwood Avenue, Belrose and that it will not be submitting a revised Planning Proposal for the reasons outlined in this report.
  - B. Council advises the Proponent of its decision.
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## REPORT

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### BACKGROUND

Council at its meeting on 19 December 2017 resolved that:

- A. *Council does not support a Planning Proposal which changes the height standard for 28 Lockwood Avenue, Belrose.*
- B. *Council supports an amended Planning Proposal which:*
  - (a) *Permits additional land uses of “residential flat building” and “multi dwelling housing” on that part of the land fronting Lockwood Avenue only.*
  - (b) *Prohibits the granting of development consent for a residential flat building or multi dwelling housing on the land unless a minimum Floor Space Ratio of 0.5:1 is provided on the site for commercial premises.*
  - (c) *Negotiates and finalises a formal Voluntary Planning Agreement offer from the proponent which addresses pedestrian connections through the site, the provision of affordable rental housing, public space, and retention of green space to be included with the exhibition of the Planning Proposal following the Gateway Determination.*

A Planning proposal was subsequently lodged with the Department of Planning and Environment (the Department) on 11 January 2018.

### Consultation with Department

Since the lodgement of this Planning Proposal, Council has provided further details and clarifications to the Department on a number of occasions in response to requests received. Council also met with the Department to discuss the Planning Proposal and submitted additional information.

Despite regular contact with the Department about progress of the Planning Proposal, the Department advised by letter dated 11 December 2018 that the Planning Proposal was not supported and asked that Council withdraw it and submit a revised Planning Proposal.

### Response to the Department’s Reasons for Request to Withdraw

The Department’s reasons for the request to withdraw the Planning Proposal and Council’s responses are outlined below:

**1. *The retention of the B2 zone has not been justified given the site is predominantly envisaged for residential purposes***

The site is not predominantly envisaged for residential purposes (see comments under Point 4). In addition, Council in correspondence with the Department dated 10 April 2018 advised that it had not sought to rezone land fronting Lockwood Avenue to a residential zone as an alternative because:

- There is no Study or Strategy known to Council that would support the downsizing of this B2 Local Centre zone for sole residential purposes.
- The land zoned B2 Local Centre, including 28 Lockwood Avenue, comprises a diversity of retail, business, entertainment and community uses that serve the needs of the local community as required under the LEP objectives for this zone. In this regard the B2 zone provides for a mixed use development with both residential and non-residential uses which are compatible with this locality.

- 28 Lockwood Avenue is a single parcel of land which Council anticipates will be redeveloped as a singular mixed use development. The introduction of a dual zoning for the site would potentially constrain flexibility in future quality design outcomes for the site.
  - The future redevelopment of 28 Lockwood Avenue is made possible under the initiatives of the Belrose Revitalisation Project and Masterplan in 2013. Public investment in local centre improvements has been partly realised by the disposal of this site for redevelopment. The retention of the B2 zone is considered appropriate to provide opportunities for the revitalisation of the Local Centre with a range of uses which serve the local community.
- 2. *The introduction of a minimum floorspace requirement for commercial premises is not justified given it is not required on other B2 zoned sites and there is no economic evidence that it is required***

The 'requirement' was included in the proponent's original submission to Council to ease potential concerns that providing for an additional permitted use on the site would result in a loss of potential retail floorspace in any redevelopment.

A key purpose of the Council's Planning Proposal has been to curb the extent of residential uses for the site and not provide for an entirely residential use of the site, but rather provide for a locally determined solution with both residential and commercial street frontages.

- 3. *The retention of the 8.5 metre height limit is not justified when Council has indicated that additional density and a height of three storeys is expected***

The current Planning Proposal contemplates a potential minor increase in residential density, resulting from additional permitted uses (multi dwelling housing and residential flat building) in lieu of street fronted shops on that part of the land fronting Lockwood Avenue. Council specifically resolved not to support an increase to the 8.5 metre height limit.

- 4. *The exclusion of all permitted land uses other than residential on the Lockwood frontage of the site is not justified whilst retaining the B2 zone for this part of the site***

This comment seemingly demonstrates a misunderstanding of the Planning Proposal submitted to the Department. Council in correspondence with the Department dated 10 April 2018 confirmed:

"The Planning Proposal submitted for Gateway Determination is not intended to 'limit the use of land fronting Lockwood Avenue to residential uses only', but rather to provide for additional residential uses at that side of the site...This limitation is proposed in order to retain the integrity of the existing local centre/B2 zone."

- 5. *The Planning Proposal does not explain any consistency or inconsistency with SEPP 65 – Design Quality of Residential Apartment Development***

As the Planning Proposal included only schematic drawings and is not reliant upon these drawings to proceed, it was not considered necessary to assess the drawings against SEPP 65. Council has not been previously advised of this concern.

- 6. *The Planning Proposal incorrectly refers to consistencies with relevant 9.1 Directions***

It is unclear what this comment refers to.

**7. *The Planning Proposal is not supported by key technical information including a traffic study to demonstrate the impact on the road network as a result of the uplift***

As mentioned in Point 3 above, the Planning Proposal contemplates only a minor increase in residential density, offset by a minor reduction in retail floorspace on the site. Given that residential development generally generates less traffic than retail development and given the scale of the changes proposed, it was not considered necessary to support the Planning Proposal with a traffic study.

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with the withdrawal of the Planning Proposal. As the fees for the Planning Proposal have been expended, any future Planning Proposal for the site would be subject to a new set of fees.

**SOCIAL CONSIDERATIONS**

Social matters were considered in the preparation and lodgement of the Planning Proposal and the withdrawal of the Planning Proposal is based on a request from the Department of Planning.

**ENVIRONMENTAL CONSIDERATIONS**

Environmental matters were considered in the preparation and lodgement of the Planning Proposal with the Department. There are no environmental considerations associated with the withdrawal of the Planning Proposal.

**GOVERNANCE AND RISK CONSIDERATIONS**

There are no Governance or risk considerations associated with the withdrawal of the Planning Proposal being initiated by the Department.



IRF18/6073

Mr Ray Brownlee  
Chief Executive Officer  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Attention: Mr Neil Cocks

Dear Mr Brownlee



**Planning proposal for 28 Lockwood Avenue, Belrose (former Belrose Library)**

I refer to Council's planning proposal to amend the Warringah Local Environmental Plan (LEP) 2011 as it relates to land at 28 Lockwood Avenue, Belrose (Lot 1 DP 1199795) seeking to introduce 'residential flat buildings' and 'multi-dwelling housing' as additional permitted uses on land fronting Lockwood Avenue and a clause requiring the provision of a minimum floor space ratio of 0.5:1 (with respect to the total site area) for commercial premises before development consent can be granted for a 'residential flat building'.

I appreciate Council's vision to revitalise the site and create for a mixed-use development that provides additional housing and new commercial opportunities in Belrose.

I understand that the planning proposal is an amended version of a proposal lodged by Willana Urban on behalf of Property Platinum Advisors Pty Ltd. At Council's meeting of 19 December 2017, Council resolved to support an amended planning proposal to enable the site's redevelopment. These amendments included not agreeing to any increase in the maximum building height standard as sought by the proponent, requiring that residential development be permitted only to the land fronting Lockwood Avenue and that there be a minimum floor space ratio for commercial development on the site.

I am advised that the Department of Planning and Environment has had ongoing communications with Council representatives and the proponent to clarify what the planning proposal seeks to achieve.

Following the discussions, the Department has formed a view that Council's request for a Gateway determination for the planning proposal as submitted cannot be supported. The Department therefore asks that Council withdraw the proposal and submit a revised proposal.

The Department notes that the planning proposal does not demonstrate how the proposed amendments to the Warringah LEP 2011 will result in improved planning outcomes for the site, or the community, beyond that which could be achieved under the current LEP controls for the site.

In particular the Department is concerned that the following matters have not been adequately explained or justified:

- the retention of the B2 Local Centre zone when the site is predominantly envisaged for residential uses;
- the introduction of a minimum floor space requirement of 0.5:1 for commercial premises, when this is not required of other B2 Local Centre-zoned sites in the remaining parts of the village centre and there is no economic evidence of this requirement being necessary;
- that there be no increase in the maximum permitted building height standard of 8.5m, yet the indication from Council is that development on the site is expected to achieve additional density and scale of three storeys in height; and
- the exclusion of all permitted land uses and permitting only residential development on the land fronting Lockwood Avenue, and yet retaining the B2 zone for this part of the site.


The planning proposal does not explain any consistency, or inconsistency, with relevant state environmental planning policies (SEPPs), particularly SEPP No 65 – Design Quality of Residential Apartment Development. The planning proposal also incorrectly refers to consistencies of the proposal with the relevant section 9.1 Directions.

Additionally, the planning proposal is not supported by key technical information including a traffic study to demonstrate the impact on the road network as a result of the eventual uplift.

I encourage Council to liaise with the Department prior to submitting a revised planning proposal and to work with the proponent to address the above matters. The Department is willing to work with Council on potential options to align with Council's visions for the site.

Should you have any questions in relation to this matter, please contact Ms Yolande Miller, Senior Planner, Sydney Region East, at the Department on 9274 6500.

Yours sincerely



Marcus Ray  
Deputy Secretary  
Planning Services

11/12/2018