

ITEM 4.1 PEX2024/0003 PLANNING PROPOSAL FOR LOT 2 WINBOURNE ROAD, BROOKVALE (DRAINAGE RESERVE)

PURPOSE

The assessment of a proponent-initiated Planning Proposal is referred to the Northern Beaches Local Planning Panel for advice with a recommendation that the Panel advise Council to progress the Planning Proposal to a Gateway determination.

SUMMARY

Council has received a Planning Proposal (the Proposal) request to amend the Warringah Local Environmental Plan 2011 (WLEP) for Lot 2 DP 1174201 in Winbourne Road, Brookvale.

Proposed WLEP 2011 Amendments		
	Current	Proposed
Zoning	RE1 Public Recreation	E4 General Industrial
Height of Buildings	nil	11m maximum
Lot Size	nil	4,000sqm minimum
Classification	Community	Operational

The site is a small Council-owned strip of land (92sqm) held as drainage reserve. The site is not required for a drainage function.

The Proposal has been initiated by a proponent on behalf of the owners of the adjoining industrial properties who ultimately aim to purchase the land from Council and amalgamate it with adjoining properties to achieve a larger development site. No development is proposed at this stage. Before the land can be considered for development or sale, it must be reclassified and rezoned.

Non-statutory public exhibition of the Proposal was undertaken over the period 3 - 16 June 2024. No submissions were received.

An updated Planning Proposal document has been prepared (Attachment 1) for submission to the NSW Department of Planning, Housing, and Infrastructure for a Gateway determination.

As the site is Council-owned land, an independent planning consultant DFP Planning (DFP) was engaged to assess the Proposal. DFP's assessment (Attachment 2) has recommended that Council support the progression of the Proposal for a Gateway determination.

RECOMMENDATION OF A/EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING

That the Northern Beaches Local Planning Panel, recommends that Council **endorse** the Planning Proposal for Lot 2 Winbourne Road, Brookvale to be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

Reporting manager	Manager, Strategic & Place Planning
TRIM file ref	2024/445667
Attachments	1 PLANNING PROPOSAL FOR SUBMISSION TO GATEWAY 2 INDEPENDENT PLANNING ASSESSMENT BY DFP PLANNING

BACKGROUND

The subject site is a small Council-owned strip of land (92sqm) that was dedicated as a drainage reserve when the area was subdivided in the early 1900s. The original drainage reserve extended south through to Chard Road. However, the southern half of the reserve was reclassified in 2008, subdivided, and sold to the owner of adjoining land in or around 2011, and later developed.

The Proposal has been initiated by a proponent on behalf of the owners of the adjoining industrial properties who ultimately aim to purchase the land from Council to amalgamate with adjoining properties to achieve a larger development site. No development is proposed at this stage. Any development would be subject to a future application for development consent under the site’s new zoning if the Proposal is progressed.

Pre-lodgement discussions were held in 2023 and technical advice was sought internally from the relevant teams within Council and externally from the NSW Environment & Heritage Group (EHG).

Council gave owner’s consent for the application to be lodged.

SITE DESCRIPTION

The site is located on Winbourne Road in the eastern industrial precinct of Brookvale. It has an area of 92sqm, being approximately 1.83m wide and 50.28m (see Figures 1, 2 and 3 below).

Its surface is largely concrete hardstand and has been partly encroached on by structures and storage associated with the adjoining industrial activities which are primarily automotive servicing and repairs.

The site’s current RE1 Public Recreation zoning and “Community land” classification are anomalies as it has never been used for recreation and is not accessible to the general public. It is too small and narrow to be of value as open space, and as the reserve no longer connects through to Chard Road, it is of no utility as a pathway.

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

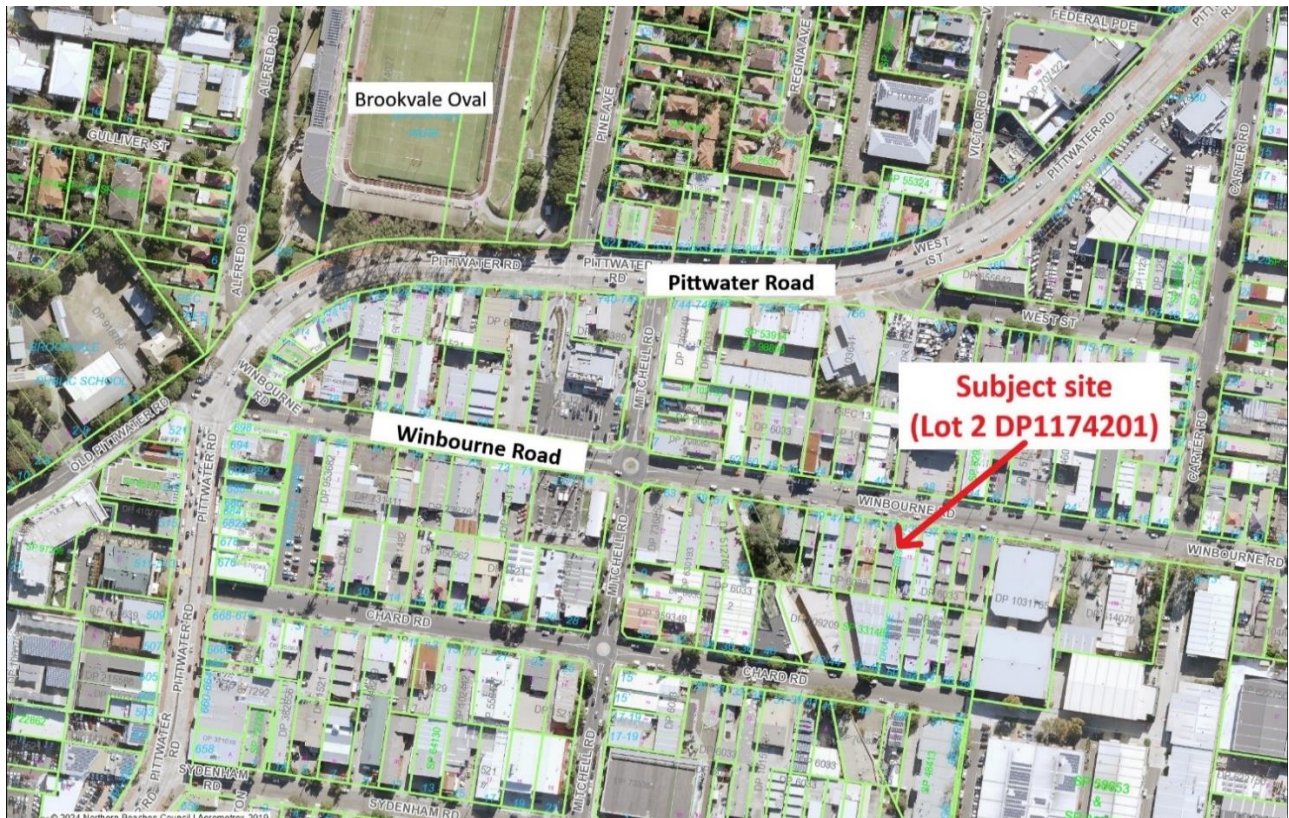


Figure 1 Location

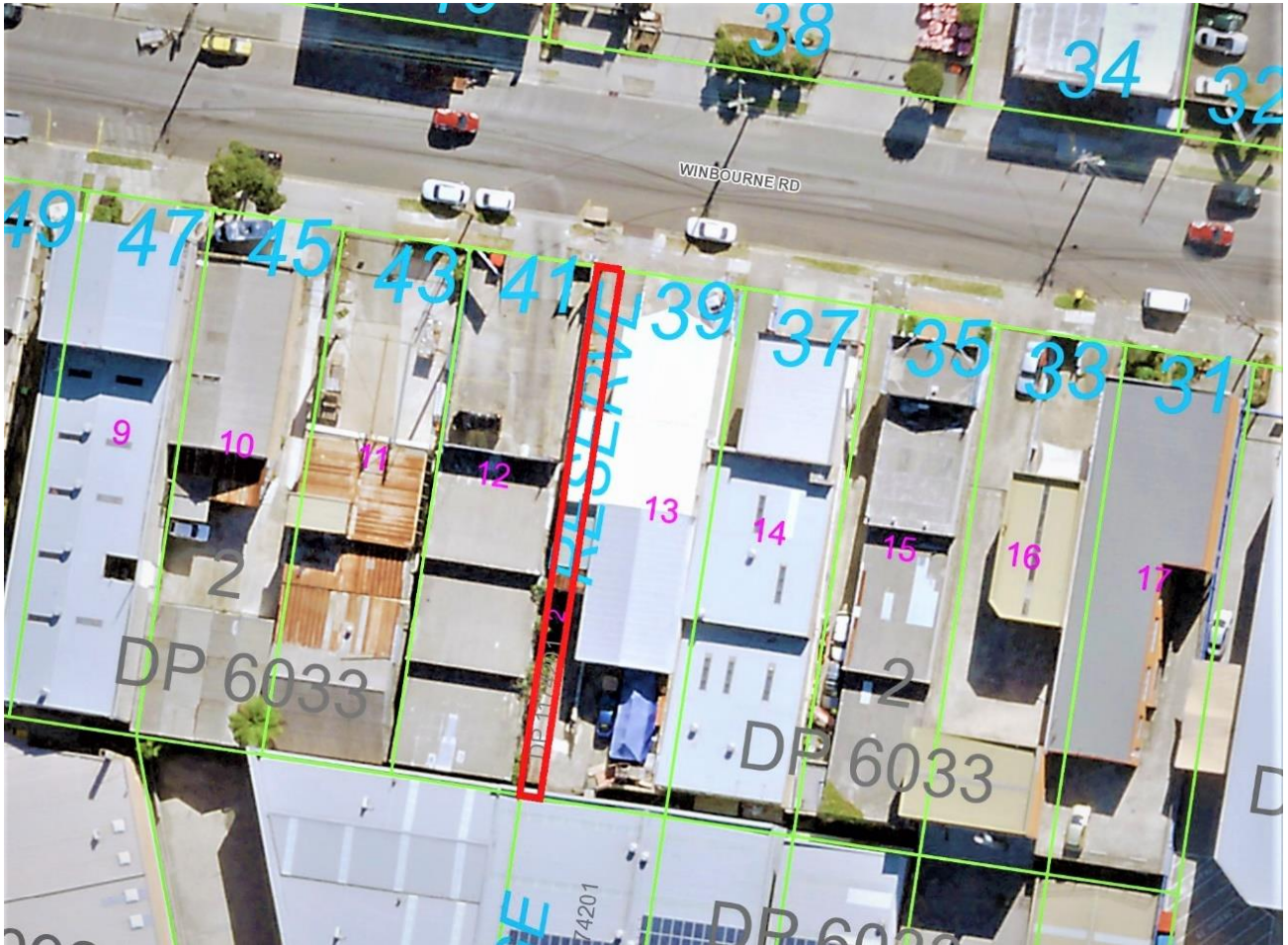


Figure 2 Subject Site (outlined in red)



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

PROPOSAL

The Planning Proposal has been initiated by the owners of adjoining land to each side, who seek to purchase the land from Council, consolidate it with the adjoining properties, and ultimately develop it as part of a larger development site. No development is proposed at this stage.

The Planning Proposal seeks to amend WLEP 2011 by:

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

The first three amendments would bring the site under the same statutory planning controls as the adjoining properties and the broader industrial area in Brookvale. The reclassification would allow the site to be leased or sold.

Summary details of the Proposal and supporting information are as follows:

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

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

An updated Planning Proposal document (Attachment 1) based on the document submitted by the proponent, has been prepared for Council who, as the Planning Proposal Authority, is responsible for submitting it for Gateway determination.

The updated Planning Proposal document includes the existing and proposed WLEP 2011 mapping and the proposed wording for a listing in Part 2 of Schedule 4 of WLEP 2011 to effect the reclassification.

COMMUNITY CONSULTATION

The Planning Proposal as lodged was placed on non-statutory public exhibition for 14 days for the period 3 - 16 June 2024. No submissions were received, apart from one online submission which was later withdrawn as the submitter mistook the site for a different location.

A period of statutory public exhibition would be required post Gateway determination, should the Planning Proposal proceed. As the proposal involves reclassification of public land, the legislation also requires a public hearing to be held subsequent to the post-Gateway exhibition.

The public hearing would be an opportunity for community members to express and have their views considered by an independent chairperson who will report back to Council.

Any sale of the land would be managed by Council's Property Team in a separate transparent process at a later stage, after the Planning Proposal is finalised.

ASSESSMENT

The Planning Proposal has been referred to Council's Property, Floodplain Planning, Stormwater Operations, Environmental Health, Transport Network, and Development Advisory Service teams.

DFP's assessment (Attachment 2) considers the advice received from these teams, which is supportive of the proposal, as well as advice received at pre-lodgement from the relevant NSW State Government agency regarding flooding aspects.

DFP undertook an assessment of the Proposal in accordance with the NSW Government's Local Environmental Plan Making Guideline (August 2023) and has recommended:

'That Council support the progression of the Proposal for a Gateway determination from DPHI under section 3.34(1) of the EP&A Act'.

DFP's assessment justifies the Proposal in terms of site and strategic merit. Of note, the Planning Proposal will:

- rectify a zoning and land classification anomaly
- provide additional E4 zoned land within an important industrial precinct
- enable consolidation of industrial properties to allow surrounding industrial businesses to expand, or new businesses to establish
- increase development options and enable more efficient utilisation of industrial land
- give effect to the objectives and actions of the Sydney Region Plan and North District Plan
- align with key a planning priority to retain and manage industrial land and encourage employment opportunities and economic growth, as envisaged by both the Northern Beaches Local Strategic Planning Statement (LSPS) and Brookvale Structure Plan (BSP)
- expedite the implementation of a key action of the BSP which specifically nominates the site for rezoning to E4 Industrial
- align with all applicable State strategies, SEPPs, and Ministerial Directions.

KEY ISSUES

Flooding

Council's Flood Hazard Mapping shows Low and Medium Risk precincts affecting the site. The proponent obtained a Flood Information Report from Council and provided a Flood Impact and Risk report which has been reviewed by Council's Floodplain Planning team.

In relation to Ministerial Direction 4.1 - Flooding, Council's Floodplain Planning team advised that although not consistent with Direction 4.1(2), the proposed rezoning is of minor significance in relation to flood risk, having regard to the site's size and shape, the zoning of adjacent land, the layout of existing infrastructure, practical constraints on the construction of flood mitigation infrastructure, and the ability to achieve compliance with the relevant WLEP and DCP controls.

Contamination

A Preliminary Contamination Assessment (Phase 1 Site Investigation) undertaken by Alliance Geotechnical and Environmental Services was submitted in support of the proposal, with the following conclusions:

- The potential for land contamination to be present at the site because of current and previous land use activities, is considered to be low to moderate;
- If there is land contamination on the site, and that land contamination presented an unacceptable human health or ecological exposure risk, there are readily available and proven technologies available to manage and/or remediate the contaminants of potential concern identified for the site;
- The site would be suitable for the proposed rezoning to E4 General Industrial, in the context of land contamination.

Council's Environmental Health team advised that it concurs with the conclusions of the Preliminary Contamination Assessment and the land is suitable for the proposed rezoning. This is sufficient to satisfy Ministerial Direction 4.4 - Remediation of Contaminated Land. More detailed investigation of contamination would be required at DA stage for any future development.

Reclassification and Rezoning of Public Land

The site is no longer required for drainage purposes, has never been used for public recreation, and is not useful for any other public purpose such as open space or pathways.

The existing RE1 Public Recreation zoning and Community classification do not reflect the site's physical characteristics or the nature of its use and are out of character with the area.

Council has specifically indicated its intention to rezone the site, in the recommendations of the Brookvale Structure Plan, which was endorsed in 2023.

An E4 General Industrial zoning consistent with the surrounding area would optimise its utilisation for the broader community benefit in terms of employment and economic growth.

Reclassification to Operational would allow Council to sell the site and it potentially be consolidated with properties adjoining to each side, achieving a larger development site with greater flexibility for utilisation for purposes consistent with the E4 General Industrial zone.

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

There is no public benefit in maintaining the site's Community land classification and RE1 Public Recreation zoning. Greater public benefit will be derived from allowing the land to be amalgamated with adjoining land to increase the options for development for industrial purposes which will support employment opportunities and economic growth on the Northern Beaches.

CONCLUSION

It is recommended that the Northern Beaches Local Planning Panel recommends that Council endorse the Planning Proposal for Lot 2 Winbourne Road, Brookvale to be forwarded to the Department of Planning, Housing, and Infrastructure for a Gateway Determination.