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Independent Planning Assessment of Proposed Amendment to Warringah LEP 2011

Amendment to Land Zoning Map, Minimum Lot Size Map, Height of
Building Map and Part 2 of Schedule 4

Lot 2 Winbourne Road, Brookvale

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Executive Summary

A Planning Proposal was received by Northern Beaches Council (Council) for Lot 2 Winbourne Road, Brookvale (the Site), legally known as Lot 2 in DP 1174201). The Site is largely vacant, with a concreted area to the north, a small amount of vegetation to the south, a 0.975m diameter stormwater pipe traverses the north-west corner of the site, which also has a stormwater inlet pit. A small portion of the built form of No 39 Winbourne Road encroaches onto the site. Overhead electrical wires are present to the north of the site, running from the road reserve on the frontage of No. 41 Winbourne Road to No.39 Winbourne Road.

The topography of the site falls from north (RL 13.86) to south (RL 10.6).

The land is owned by Council and is zoned RE1 Public Recreation under the Warringah Local Environmental Plan 2011 (Warringah LEP). The site is 1.8m wide, 50.28m long with a total site area of 92.0124m² and is located within the E4 General Industrial zoned land area of the Brookvale locality under the Warringah LEP.

The Site does not provide a recreational or drainage purpose and is an anomaly with surrounding land use zones.

A Pre-Lodgement meeting was held between the proponent and Council on 20 February 2023.

The Planning Proposal application was submitted to Council on 16 May 2024 and seeks to amend the land zoning map from RE1 Public Recreation to E4 General Industrial, the minimum lot size map from no mapped lot size to a minimum of 4000m², height of building map from no maximum height limit to a maximum of 11m and reclassify the land from 'community land' to 'operational land'.

If supported, the Planning Proposal will facilitate the future lawful development of the site, in conjunction with neighbouring sites for a general industrial use.

DFP Planning has been commissioned by Council to undertake an assessment of the application in accordance with the NSW Government's Local Environmental Plan Making Guideline (August 2023) and have 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'.

1 Introduction

1.1 Commission

DFP has been commissioned by Northern Beaches Council's Strategic and Place Planning Division (Council) to prepare an Independent Planning Assessment Report of a Planning Proposal submitted for Lot 2 Winbourne Street, Brookvale (the Site). A new Planning Proposal document, based on that submitted by the proponent, with an updated justification that aligns with this assessment, has been prepared by Northern Beaches Council who, as the Planning Proposal Authority, will be responsible for submitting it for Gateway determination. The Planning Proposal being assessed was prepared by Planning Direction Pty Ltd, dated May 2024.

The Planning Proposal application seeks to amend the Warringah Local Environmental Plan (WLEP) 2011 in regard to the Site to amend the land zoning map from RE1 Public Recreation to E4 General Industrial, the minimum lot size map from no mapped lot size to a minimum of 4000m², height of building map from no maximum height limit to a maximum of 11m and reclassify the land from 'community land' to 'operational land'. Reclassification will require an amendment to Part 2 of Schedule 4 of WLEP.

The proposed LEP amendment will facilitate the future lawful development of the site, in conjunction with neighbouring sites for a general industrial use.

1.2 Purpose of this Report

The purpose of this report is to provide Council with an independent assessment of the Planning Proposal, including the description of the site, assessment of statutory and strategic provisions, other relevant planning provisions and Ministerial Directions applicable to the Planning Proposal.

1.3 Assumptions

This Independent Assessment Report is based on information provided within the Planning Proposal Report, prepared by Planning Direction Pty Ltd, dated May 2024 and supporting specialist reports/ studies and further information as provided by Council, detailed in **Table 1**.

Title	Author	Date
Notes of Pre-Lodgement Meeting – Planning Proposal	Northern Beaches Council	23 February 2023
External Response – State Agency (Flooding and Water)	NSW Environment and Heritage Group	10 February 2023
Planning Proposal	Planning Direction Pty Ltd	May 2024
Preliminary Contamination Assessment	Alliance Geotechnical and Environmental Solutions	2 May 2024
Site Survey	Waterview Surveying Services	11 March 2024
Sketch showing service overlay	Costin Roe Consulting	25 March 2024
Flood Impact and Risk Review	Costin Roe Consulting	25 March 2024
Internal Response - Floodplain Planning	Northern Beaches Council	24 May 2024
Internal Response - Property	Northern Beaches Council	27 May 2024
Internal Response - Traffic	Northern Beaches Council	27 May 2024
Internal Response – Development Advisory Services	Northern Beaches Council	29 May 2024
Internal Response – Contamination	Northern Beaches Council	13 June 2024

2 Site Context

2.1 Location

The site is located in the Northern Beaches Local Government Area (LGA), on the southern side of Winbourne Road, within the existing industrial area of Brookvale (see **Figure 1**). The site is approximately 1.2km north-east of Warringah Mall and is proximate to public transport by of a bus stop within 20m of the Site on Winbourne Road.

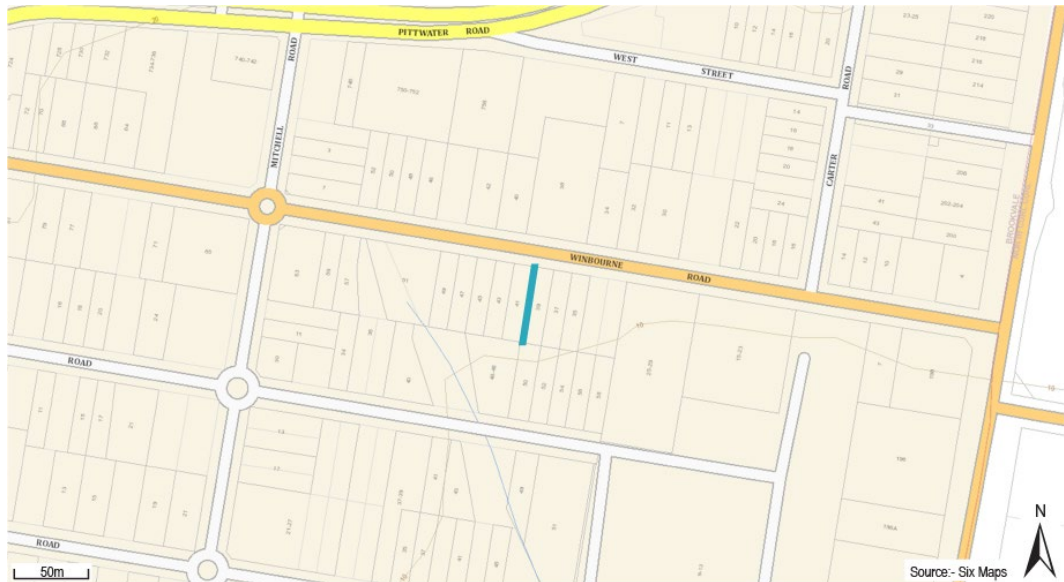


Figure 1 Broader Site Location (source Six Maps)

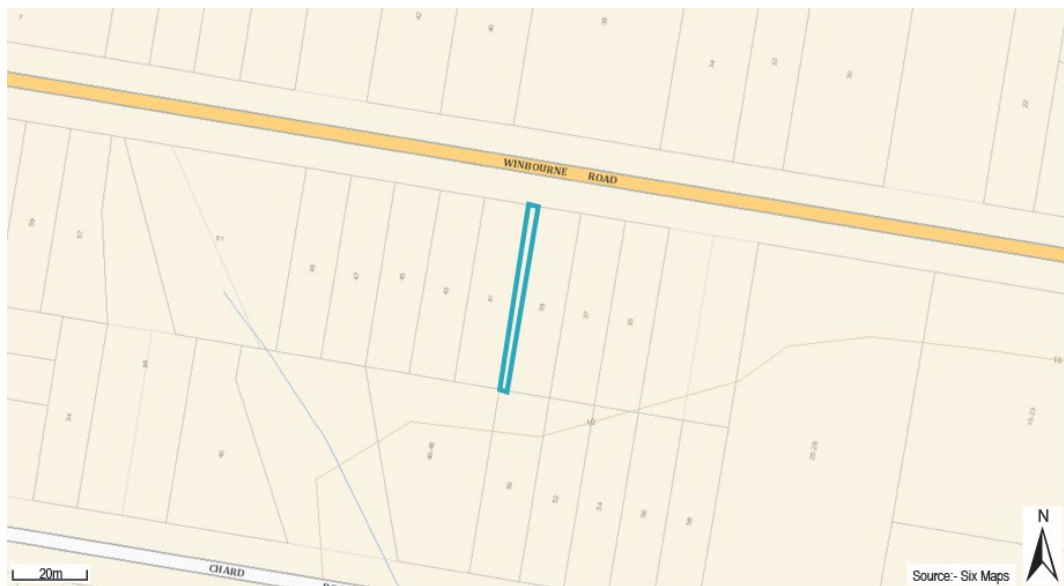


Figure 2 Site Location (source Six Maps)

2.2 Site Description

The site is legally described as Lot 2 in DP 1174201 and has a frontage to Winbourne Road.

The Site is largely vacant, with a concreted area to the north, a small amount of vegetation to the south, a 0.975m diameter stormwater pipe traverses the north-west corner of the site, with a stormwater inlet pit. A small portion of the built form of No 39 Winbourne Street encroaches onto the site. Overhead electrical wires are present to the north of the site, running from the road reserve on the frontage of No. 41 Winbourne Street to No.39 Winbourne Street. Topography of the site falls from north (RL 13.86) to south (RL 10.6).

2 Site Context

The land is owned by Council and is zoned RE1 Public Recreation under the Warringah Local Environmental Plan 2011. The site is classified as Community land, although is not and never has been accessed or used by the general public. The site is 1.8m wide, 50.28m long with total area of 92.0124m² and is located within a locality of E4 General Industrial zoned land at Brookvale.

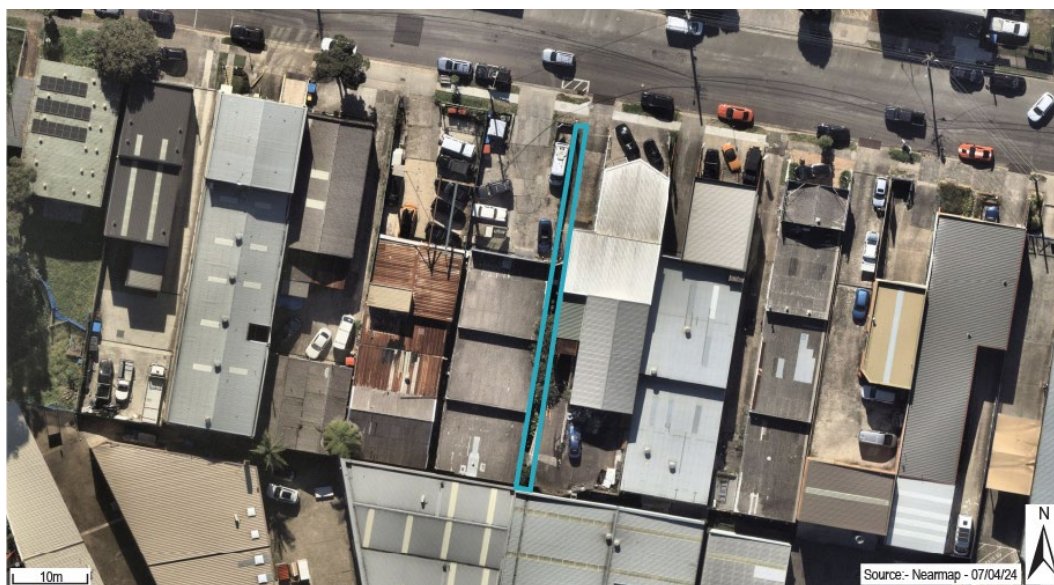


Figure 3 Site Context

2.3 Surrounding Development

The Site is surrounded by industrial development to the north, south, east, and west. Pittwater Road is approximately 160m to the north west of the site. Recreational areas are located approximately 300m north- west and 750m north east of the site, with the nearest major retail centre being Warringah Mall approximately 1.2km south west of the site. Residential properties are located approximately 600m south of the site and 500m east of the site.

2.4 Proposal

The Planning Proposal seeks to amend the Warringah Local Environmental Plan 2011 in regard to the Site to amend the land zoning map from RE1 Public Recreation to E4 General Industrial, the minimum lot size map from no mapped lot size to a minimum of 4000m² and height of building map from no maximum height limit to a maximum of 11m. The Planning Proposal will also need to include amendments to Part 2 of Schedule 4 of WLEP to reclassify the land to Operational, which will enable its future sale.

The proposed LEP amendment will facilitate the future lawful development of the site, in conjunction with neighbouring sites for a general industrial, land use development.

Council has noted in the Pre-Lodgement minutes that the site no longer serves a public recreational or drainage purpose.

2 Site Context

2.5 In force Planning Provisions

Pursuant to the Warringah LEP 2011, the provisions in **Table 2** apply to the site.

Table 2 WLEP Provision applicable to the site	
Clause	Relevance
Zone	The site is zoned RE1 Public Recreation
4.1 Minimum Lot Size	WLEP has no minimum lot size for the site.
4.3 Height of Buildings	WLEP has no maximum building height for the site.
4.4 Floor Space Ratio	WLEP has no floor space ratio for the site
5.2 Classification and reclassification of public land	Clause 25 of the <i>Local Government Act 1993</i> (the LG Act) requires that all public land must be classified. Clause 26 of the LG Act states that there are two classifications for public land- "community" and "operational". The Site is currently classified as community land. The Planning Proposal seeks to reclassify the site from community land to operational land.
5.10 Heritage Conservation	NSW Planning Portal Spatial Viewer does not identify any heritage items or conservation areas on the site or proximate to the site. Future DA's will need to assess impacts to conservation areas and items, approximately 300m north west and south east of the site.
6.3 Flood Planning	Council issued a Flood Information Report on 14 March 2023 which identifies the site is affected by flood.
6.1 Acid Sulfate Soils	NSW Planning Portal Spatial Viewer indicates there are no Acid Sulphate Soils affecting the site. This is further confirmed by the Preliminary Contamination Report submitted by Alliance Geotechnical and Environmental Solutions.
6.2 Earthworks	N/A – the Planning Proposal does not propose any physical works. Future Development applications are to address any proposed earthworks.
6.4 Development on Sloping Land	The site is identified as Landslide Risk Land – Area A – Slope <5. Any future Development Application will need to assess the Landslide Risk on the site.
Schedule 4 – Part 1 – Land classified, or classified, as operational land – no interest changed.	The site is classified as community land and will require a reclassification to operational land under Schedule 4 Part 2.

In addition, the below provisions in **Table 3** also apply to the site.

Table 3 Other Provision applicable to the site	
Item	Relevance
Green Grid Assets (Sydney) (Non-EPI)	NSW Planning Portal Spatial Viewer identifies the site as Existing Green Grid Assets (Sydney) (non-EPI). Noted that the land to the south which has since been re-classified to operational land was also identified as Existing Green Grid Assets (Sydney) (Non-EPI) and as such any intended connection from Winbourne Road to Chard Road no longer exists.
Greater Sydney Tree Canopy Cover 2022 (0.86)	NSW Planning Portal Spatial Viewer identifies the site as having a 0.86% canopy cover pursuant to Greater Sydney Tree Canopy Cover 2022.

3 Planning Proposal Assessment

An assessment of the Proposal has been undertaken below against the Local Environmental Plan Making Guideline (the 'Guideline'), dated August 2023 prepared by the NSW Department of Planning, Industry and Environment (now DPPI).

3.1 Part 1 – Objectives and Intended Outcomes

3.1.1 Proposal Objectives

The proponent notes:

'The intended objective or outcome of this Planning Proposal is:

- *To rezone the site which is currently zoned RE1 Public Recreation to E4 General Industrial to enable and facilitate potential consolidation of sites and future development across adjoining sites.*
- *Rationalise land ownership and remove a redundant open space corridor from the industrial precinct.*
- *Associated updates consistent with the proposed zoning of a maximum height of building of 11m and minimum subdivision lot size of 4,000sqm'.*

Assessment Comment:

The proposal also intends to reclassify the site from Community Land to Operational land to achieve the above objectives.

3.2 Part 2 – Explanation of Provisions

The proponent notes:

The proposed outcome will be achieved through the amendments to Warringah Local Environmental Plan 2011 as outlined below:

- *Amend the Warringah LEP 2011 Land Zoning Map from RE1 to E4 General Industrial.*
- *Amend the Warringah LEP 2011 Height of Building Map to identify the site as having a maximum building height of 11m.*
- *Amend the Warringah LEP 2011 Lot Size Map to identify the site as having a minimum lot size of 4,000sqm.*

Assessment Comments:

The proposal will also require an amendment to Schedule 4 to reclassify the land from Community Land to Operational Land.

3.3 Part 3 – Justification

3.3.1 Section A – Need for the planning Proposal

The Local Environmental Plan Making Guideline requires that the Proposal demonstrates Strategic and potential Site-Specific Merit. This section reviews the Proposal against the applicable Strategic Planning matters for consideration.

3.3.1.1 Question 1 - Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic Study or Report?

The Planning Proposal results from an anomaly within the WLEP zones, a recommendation within the Brookvale Structure Plan and is also consistent with outcomes of the Towards 2040 – Northern Beaches Local Strategic Planning Statement (LSPS) and the vision set out for Brookvale within the Brookvale Structure Plan.

Brookvale Structure Plan Vision

'Nestled in its unique coastal and bushland environment, Brookvale will be a vibrant, accessible and enlivened place. It will fulfil its role as an employment-focused centre, supporting the local economy with opportunities that are proudly diverse, innovative and creative. The centre will be a liveable and sustainable place supported by activity, public spaces, and community services that embrace parts of Brookvale's character and unique environmental qualities that will be highly valued by employees, residents and visitors'.

3 Planning Proposal Assessment

Brookvale Structure Plan

‘Two drainage reserves are proposed to be rezoned from RE1 Public Recreation to E4 General Industrial. This land is not recreational and was never intended to be. Rezoning to an E4 zone will match the adjoining industrial zoning and rectifies a zoning anomaly when the planning controls were translated to the Standard Instrument format when all public land was assigned an RE1 Public Recreation zone’.

The Site is specially identified by Lot and DP to be rezoned to E4 General Industrial in **Figure 4** below (page 39 of the Brookvale Structure Plan).

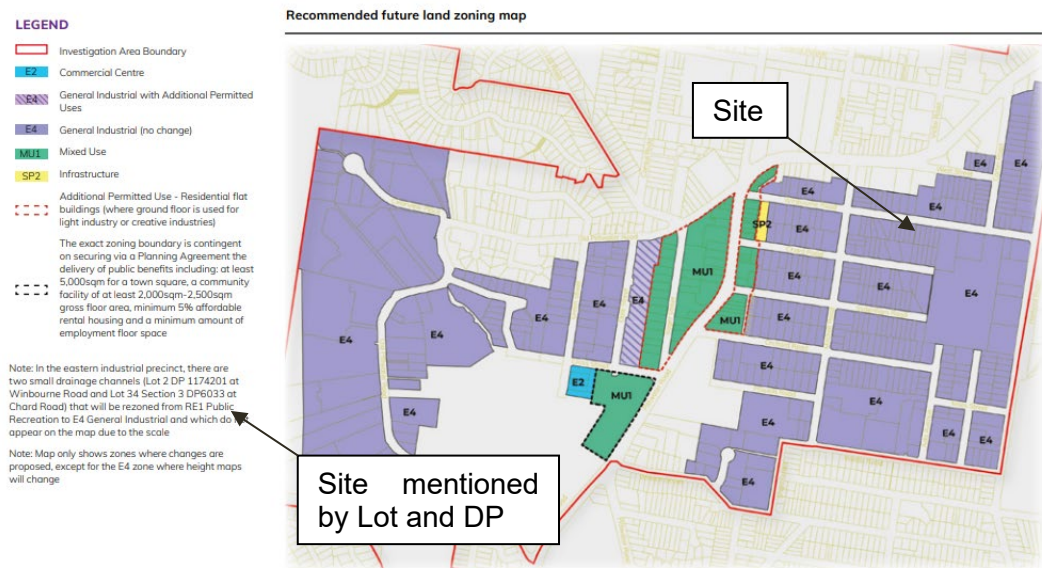


Figure 4 Brookvale Structure Plan – recommended Future Land Zoning Map

Northern Beaches LSPS Outcomes:

- supporting Brookvale as an employment-based centre
- ensuring appropriate land use interfaces

The proposal will provide additional E4 general industrial zoned land. Once the land is reclassified to operational land, there is potential for surrounding industrial land businesses to expand, therefore there is potential additional employment opportunities.

3.3.1.2 Question 2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only option to rezone the site, which will further permit industrial land uses in keeping with the surrounding character and objectives of the E4 General Industrial Zone.

The current zone is an anomaly in WLEP as identified in Brookvale Structure Plan. The classification is an anomaly. This is most likely a result of a default process wherein any public land that was not classified by Council within 12 months of commencement of the Local Government Act was automatically classified Community. The site's Community classification is not an accurate reflection of the original purpose of dedication to Council as drainage reserve, nor of its ongoing use and management. Community land is generally land that Council makes available for use by the general public such as parks or sportsgrounds. The site is not suitable for and has never been used by the general public. As the southern half of the original drainage reserve was rezoned, reclassified, and developed, there is no potential for any public pathway.

3 Planning Proposal Assessment

The site requires reclassification of the site from Community to Operational land before it can be considered for potential sale and amalgamation with adjoining properties.

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.

3.3.2 Section B – Relationship to Strategic Planning Framework

3.3.2.1 Question 3 - Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

3.3.2.1.1 Greater Sydney Regional Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan (GSRP) was released in March 2018 and provides a 40-year vision (to 2056) for the Greater Sydney Region. The GSRP establishes a 20-year plan to provide a vision of three cities where most residents live within 30 minutes of employment, education, health facilities, services, and great places. The three cities comprise the Western Parkland City, the Central River City, and the Eastern Harbour City.

The GSRP aims to achieve the vision through the implementation of 10 Directions based around a framework of core themes being, liveability, productivity, and sustainability. The 10 Directions consist of:

- A city supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The 10 Directions are a core component of the vision and are to be achieved through collaboration with State Agencies, Local Government, the community, and businesses.

An assessment against the relevant directions/ objectives of the GSRP and the Planning Proposal are listed in **Table 4**.

Table 4 Greater Sydney Region Plan Assessment			
Direction	Objective/s	Proponent Comment	Assessment
A City of great places	Objective 12: Great places that bring people together	Reclassification of land will allow for opportunities for future development, thereby contributing to creating great places.	Reclassification of the site to 'operational land' and rezoning of the site to E4 zone will allow for opportunities for future industrial development, thereby contributing to creating great places.

3 Planning Proposal Assessment

Table 4 Greater Sydney Region Plan Assessment			
Direction	Objective/s	Proponent Comment	Assessment
A City of great places	Objective 13: Environmental heritage is identified, conserved and enhanced.	There are no heritage items or conservation areas on the site.	The site is not mapped as containing any heritage or item or being within a heritage conservation area.
A well-connected city	Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.	The Planning Proposal will incentivise development on industrial land within the Strategic Centre of Brookvale-Dee Why, thereby contributing to the delivery of a 30-minute city.	The site is located within the Strategic Centre of Brookvale-Dee Why and has adequate access to Public Transport. Rezoning and reclassification of the site provides opportunity for industrial development, therefore contributing to the delivery of a 30-minute city.
Jobs and Skills for the City	Objective 22: Investment and business activity centres.	The Planning Proposal may facilitate increased jobs for surrounding land areas, thereby creating opportunities for investment and business activity.	The Planning Proposal if approved, will provide additional industrial zoned land for future development, therefore creating opportunities for investment and business activity.
Jobs and Skills for the city	Objective 23: Industrial and urban services land is planned, retained and managed.	The Planning Proposal will allow for the retention and management of industrial land which may promote a range of land use activities, such as light manufacturing, light industry, or urban services. This may create local employment opportunities within the strategic centre.	The Planning Proposal will provide additional industrial zoned land, consistent with the Brookvale Structure Plan.
A city in its landscape	Objective 25: The coast and waterways are protected and healthier	The Planning Proposal has identified the potential impacts of flooding and stormwater on the site. Flooding impacts and impacts to stormwater infrastructure can be suitably mitigated with a future development across the site.	<p>The Planning Proposal identified the potential impacts of flooding and stormwater on the site.</p> <p>The site no longer serves a drainage purpose.</p> <p>Flooding impacts and impacts to stormwater infrastructure are to be addressed in any Development Application stage for the site.</p>

3 Planning Proposal Assessment

Table 4 Greater Sydney Region Plan Assessment			
Direction	Objective/s	Proponent Comment	Assessment
A city in its landscape	Objective 31: Public Open Space is accessible, protected and enhanced.	While zoned for public recreation, the site is not currently used for this use. The open space strip of land is not obvious to a passing observer and serves no purpose as open space zoned land. The RE1 Public Recreation zoning offers limited opportunity to achieve the express purpose of recreation or any meaningful development.	Retention of the site as RE1 to protect the small amount of vegetation on public land would have minimal to no positive impact to the community due the land size being unusable for public recreation and the location being between two industrial buildings with poor access. Council Pre-lodgement minutes, note the site does not support any public recreation, public open space, ecological, scientific, cultural or aesthetic values.
A city in its landscape	Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Not addressed.	The small portion of vegetation to the south of the site provides no connection to the wider open space network, nor does it provide a function of a riparian corridor to any waterway. To retain the site as RE1 zoned land to protect the small amount of vegetation on public land would have minimal to no positive impact to the community due the land size being unusable for public recreation and the location being between two industrial buildings.
A city in its landscape	Objective 30: Urban tree canopy cover is increased.	Not addressed.	The site is identified on the NSW Planning Portal Spatial Viewer as having a 0.86% canopy cover pursuant to Greater Sydney Tree Canopy Cover 2022. Retention of the site for public recreation and compliance with the recommended tree canopy cover would not be in the best interest of the public. Future development applications could condition additional

3 Planning Proposal Assessment

Table 4 Greater Sydney Region Plan Assessment			
Direction	Objective/s	Proponent Comment	Assessment
			landscaping on the site to achieve additional tree canopy cover.
A city in its landscape	Objective 31: Public open space is accessible, protected and enhanced.	Not addressed.	The site is currently inaccessible and unusable as public recreation space. The site is identified in the Brookvale Structure Plan to be rezoned to E4 General Industrial. To protect the public open space would be inconsistent with the Brookvale Structure Plan.
A city in its landscape	Objective 32 – The Green Grid links parks, open spaces, bushland and walking and cycle paths	Not addressed.	NSW Planning Portal Spatial Viewer identifies the site as Existing Green Grid Assets (Sydney) (non-EPI). The land to the south is also identified, however, has since been re-classified to operational land, rezoned to E4 General Industrial and developed. Any intended connection from Winbourne Road to Chard Road no longer exists, therefore the mapping on this site appears to be an anomaly.
A resilient City	Objective 37: Exposure to natural and urban hazards is reduced	Any future development can adequately mitigate the risks of flooding and stormwater.	The proponent submitted a Flood Impact and Risk Review which concluded that a review of the relevant flood controls and existing flood risks shows that the land can be rezoned, the site is generally subject to low hazard flooding and overland flows, and any future DA would need to include a development-specific flood impact and risk assessment with detailed flood modelling and confirmation of compliance with the relevant controls.

3 Planning Proposal Assessment

Table 4 Greater Sydney Region Plan Assessment

Direction	Objective/s	Proponent Comment	Assessment
			The site no longer serves as a drainage purpose.

3.3.2.1.2 North District Plan

Table 5 North District Plan Assessment

Priority	Objective/s	Proponent Comment	Assessment
N6 - Creating and renewing great places and local centres, and respecting the District's heritage.	Objective 12: Great places that bring people together	Reclassification and rezoning of the site will allow for opportunities for future development, thereby contributing to creating great places.	This priority makes comment on placed based planning. The site is located within an existing industrial area and is nominated in the Brookvale Structure Plan to be rezoned to E4 General Industrial. The proposal to rezone and reclassify the site is in keeping with the place-based planning.
N10 - Growing investment, business opportunities and jobs in strategic centres.	Objective 22: Investment and business activity in centres.	The Planning Proposal may facilitate increased jobs for surrounding land areas, thereby creating opportunities for investment and business activity. The proposal may contribute to the job targets of an additional 3,000 to 6,000 jobs by 2036.	The site in its current form does not have the potential to create employment. The proposed rezoning and reclassification of the site offers an opportunity for future amalgamation with adjoining properties to achieve a larger site with greater potential for development and therefore additional employment opportunities. Rezoning of the site is consistent with the Objective 22, noting the Brookvale – Dee Why locality is identified as a Strategic Centre.
N11 - Retaining and managing industrial and urban services land.	Objective 23: Industrial and urban services land is planned, retained and managed.	The Planning Proposal will allow for the retention and management of industrial land, potentially providing for a mix of economic outcomes.	The commentary in the priority notes ' <i>In the North District, given the limited supply of industrial and urban services land and the inability to increase the supply, industrial and urban services land needs to be safe-</i>

3 Planning Proposal Assessment

Table 5 North District Plan Assessment			
Priority	Objective/s	Proponent Comment	Assessment
			<i>guarded and efficiently managed</i> . Rezoning of the site to E4 General Industrial will provide additional industrial land to assist in alleviating the limited supply of industrial land in the North District.
N12 - Delivering integrated land use and transport planning a 30-minute city.	Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.	The Planning Proposal will incentivise development on industrial land within the Strategic Centre of Brookvale-Dee Why, thereby contributing to the delivery of a 30-minute city.	The site is located within 30 minutes of residential dwellings and has public transport to the Winbourne Road frontage. Brookvale-Dee Why Is identified as a Strategic Centre. The Planning Proposal is in keeping with assisting in creating a 30-minute city.
N15 - Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways.	Objective 25: The coast and waterways are protected and healthier.	The Planning Proposal has identified the potential flooding and stormwater storm water considerations affecting the site. Flooding and stormwater infrastructure can be suitably resolved with a future development proposal over a consolidated site. Flooding and stormwater do not play a role in this instance as the application simply facilitates a transfer of land ownership. No development is proposed and the industrial development adjoining the lot will continue to operate unaffected by the proposal.	NSW ESpatial viewer does not identify any water way or riparian area located within the site. Future impacts from development on surrounding waterways and riparian areas are to be addressed at the Development Application stage.
N16 – Protecting and enhancing bushland and biodiversity.	Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.	Not addressed	This priority notes, <i>'for the North District, conservation planning will focus on opportunities to protect and enhance areas of endangered and critically endangered ecological communities outside the Protected Natural Area, including areas of native vegetation close to existing national parks. A strategic approach to</i>

3 Planning Proposal Assessment

Table 5 North District Plan Assessment			
Priority	Objective/s	Proponent Comment	Assessment
			<p><i>protecting the biodiversity in the North District involves investing in connected bushland corridors and protecting larger pockets of remnant vegetation, as large and connected areas of bushland give the District's wildlife the greatest chance of survival. Councils are also working together to map opportunities to restore and reconnect areas of habitat in established urban areas. This complements the delivery of the Greater Sydney Green Grid. Selected species of trees and understorey plants for parks and street planting in targeted areas supports the movement of wildlife and helps strengthen connections between areas of habitat'.</i></p> <p>The site is not connected to an open space network and as identified by Council in the Brookvale Structure Plan the current zoning is an anomaly. Retention of the site as RE1 would not assist in connection to a larger "green grid", as the site is surrounded by industrial development. Rezoning of the site is inconsistent with this priority, however, it is consistent with the Brookvale Structure Plan, where the site is specifically identified by Lot and DP to be rezoned to E4 General Industrial.</p>
N19 - Increasing urban tree canopy cover and delivering Green Grid connections.	Objective 30: Urban tree canopy cover is increased.	Not addressed	A future development application will be able to address tree canopy cover. This is not a matter to be addressed in a Planning Proposal.

3 Planning Proposal Assessment

Table 5 North District Plan Assessment			
Priority	Objective/s	Proponent Comment	Assessment
N19 - Increasing urban tree canopy cover and delivering Green Grid connections.	Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths.	Not addressed	Retention of the site as RE1 would not assist in connection to a larger "green grid", as the site is surrounded by industrial development. The site directly adjoining to the south is also mapped as 'green grid' and has been previously rezoned to E4 General industrial and developed. The site is not connected to a wider green grid. Rezoning of the site is inconsistent with this priority, however, it is consistent with the Brookvale Structure Plan, where the site is specifically identified by Lot and DP to be rezoned to E4 General Industrial.
N20 - Delivering high quality open space.	Objective 31: Public open space is accessible, protected and enhanced.	While zoned for public recreation, the site is not currently used for this use. The open space strip of land is not obvious to a passing observer and serves no purpose as open space zoned land. The RE1 Public Recreation zoning offers limited opportunity to achieve the express purpose of recreation or any meaningful development.	The site is not connected to an open space network and as identified by Council in the Brookvale Structure Plan; the current zoning is an anomaly. Retention of the site as RE1 would not assist in connection to a larger "green grid", as the site is surrounded by industrial development. Rezoning of the site is inconsistent with this priority, however, it is consistent with the Brookvale Structure Plan, where the site is specifically identified by Lot and DP to be rezoned to E4 General Industrial.
N22 - Adapting to the impacts of urban and natural hazards and climate change.	Objective 37: Exposure to natural and urban hazards is reduced.	Any future development can adequately mitigate the risks of flooding and stormwater.	The proponent submitted a Flood Impact and Risk Review which concluded that a review of the relevant flood controls and existing flood risks shows that the land can be rezoned, the site is generally subject

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Table 5 North District Plan Assessment			
Priority	Objective/s	Proponent Comment	Assessment
			<p>to low hazard flooding and overland flows, and any future DA would need to include a development-specific flood impact and risk assessment with detailed flood modelling and confirmation of compliance with the relevant controls.</p> <p>The site no longer serves as a drainage purpose.</p>

3.3.2.2 Question 4 - Is the Planning Proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The Proposal is consistent with the following Council adopted plans: Northern Beaches Local Strategic Planning Statement (Towards 2040), Community Strategic Plan (Northern Beaches Community Strategic Plan 2040) and Brookvale Structure Plan. An assessment against these plans is provided below.

3.3.2.2.1 Northern Beaches Local Strategic Planning Statement – Towards 2040

The Northern Beaches LSPS identifies a range of planning priorities which aim to deliver the directions and priorities within the Greater Sydney Regional Plan and North District Plan. The relevant planning priorities and principles within the LSPS are identified below:

Priority 5: Greener Urban Environments

Principles:

- *Create a resilient, healthy and interconnected urban tree canopy across the Northern Beaches.*
- *Protect, maintain and enhance the existing urban tree canopy, including mature trees.*
- *Provide a diverse range of species of varying families and genera, prioritising local native tree, shrub and ground cover species where possible.*
- *Offset tree canopy loss by planting a minimum of two trees for any one tree removed from public and private land.*
- *Integrate the design of green, blue and grey infrastructure in support of the urban tree canopy.*
- *Reduce exposure to UV radiation and the urban heat island effect by increasing the urban tree canopy and green cover, incorporating water sensitive urban design and improving infrastructure and building design.*
- *Provide habitat for wildlife and connect to the local green grid including wildlife corridors*

Proponent Comment: - Nil

Assessment Comment:

The proposal is inconsistent with Priority 5. Rezoning the site to E4 General Industrial and reclassification to operational land will provide opportunity for future industrial development with adjoining E4 zoned land. Future industrial development of the site will reduce the existing vegetation on site and the green grid identified on the site will be redundant. However, future industrial development may include planting of vegetation including trees.

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Priority 6: High quality open space for recreation

Principles:

- *Improve the provision, diversity and quality of open space for recreation.*
- *Design open space to be flexible, versatile, multifunctional and fit for purpose.*
- *Ensure open space responds to demand and meets diverse community needs.*
- *Use open space to connect people to nature.*
- *Ensure developments result in no net loss of public open space.*
- *Ensure new open space contributes to, connects and enhances the local green grid.*
- *Design sustainable open space that considers lifecycle costs, management and maintenance.*
- *Encourage collaboration and partnerships to promote shared use.*
- *Support rooftop parks, increased building setbacks and conversion of road space in built-up areas.*
- *Design vibrant, accessible and interactive open spaces.*
- *Ensure access to natural open space and waterways is sustainable so that these areas are preserved for the future.*
- *Ensure new residential development is located within 400m of open space and high-density areas within 200m of open space.*

Proponent Comment – Nil

Assessment Comment:

The Planning Proposal is inconsistent with the principles of Priority 6. Rezoning of the site from RE1 Public Recreation to E4 General Industrial will result in a net loss of public open space (by zone only). In this regard, the site has been identified by Council in the Brookvale Structure Plan as an anomaly in the LEP mapping, the site is not currently and never has been utilised as public open space. It is not suitable for use as public open space due to its size, location, and physical qualities.

Priority 17: Centres and neighbourhoods designed to reflect local character, lifestyle and demographic changes

Principles:

- *Renew great places through design excellence and innovative design while respecting and enhancing local character.*
- *Enhance the visual and environmental amenity of buildings and places in centres.*
- *Enhance local identity through place-based planning and design.*
- *Activate public spaces and walking, cycling and public transport opportunities.*
- *Enable appropriate outdoor dining, night-time activity, events and temporary and interim uses.*
- *Recognise heritage and culture as a fundamental aspect of the identity of place, including identification of places and items which contribute to the significant character of a place.*

Proponent Comment – Nil

Assessment Comment:

The proposal is consistent with the principles of Priority 17. Rezoning of the site to E4 General Industrial will be in keeping with the local identity of the surrounding Brookvale area being, industrial uses.

Priority 24: Brookvale as an employment and innovation centre

Principles:

- *Support Brookvale as an employment-based centre.*
- *Establish a town centre-activity point and open space outside of Warringah Mall.*
- *Support the expansion of Warringah Mall and integrate it with surrounding built form.*
- *Bring life back to the streets, including revitalisation of the main commercial strip on Pittwater Road.*
- *Ensure appropriate interfaces between different land uses.*

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- Enhance tree canopy and provide green links to Brookvale Park, Warringah Mall and the B-Line.
- Enhance Brookvale's identity and define gateways to create a sense of arrival.
- Improve public transport and regional cycle networks to Sydney CBD, Frenchs Forest, Mona Vale and Manly.
- Support the night-time economy, creative and innovative industries and public art.
- Preserve the industrial integrity of the industrially-zoned land.

Proponent Comment:

'The Planning Proposal will assist in supporting Brookvale as an employment-based centre by enabling future development on the lot and adjacent lots. In addition, the Planning Proposal will also enable the industrial integrity of the industrially zoned land by ensuring that land uses within the area is used for its intended purpose. The Proposal will also ensure that the industrial area remains cohesive, allowing for more efficient land use planning, infrastructure development, and economic activity within the zone'.

Assessment comment:

The Planning Proposal is inconsistent and consistent with various principles of Priority 24. Rezoning the site to E4 General Industrial will preserve the industrial integrity of neighbouring industrial lands zoned E4 and will allow for future expansion, and the potential for additional employment. Refer to assessment comment to Priority 5 and 6 for commentary regarding inconsistency with enhancing canopy cover and green links.

Priority 28: safeguarded employment lands

Principles:

- Safeguard employment land from noncompatible uses, particularly residential and mixed-use development.
- Restrict subdivision and strata titling of industrial lots to prevent further fragmentation.
- Focus on economic outcomes that support the population rather than job numbers.
- Support industrial and urban services by managing the interface with adjoining land uses and ensuring residential development does not sterilise industrial or urban services uses.
- Support efficient use of land and built form that responds to changes in technology and innovation

Proponent comment – Nil

Assessment Comment:

The Planning Proposal is consistent with the principles in Priority 28. The current RE1 zoning of the site has been identified as an anomaly in the LEP. Rezoning the site to E4 General Industrial will assist in further supporting industrial land and future employment opportunities.

3.3.2.2.2 Northern Beaches Community Strategic Plan 2040

Northern Beaches Community Strategic Plan (CSP) captures the community's vision, aspirations, and goals for the local area, with eight (8) community outcomes.

The proponent has stated the Planning Proposal is consistent with the CSP.

The relevant goals are discussed below:

Protection of the environment - Goal 1 – Influence

- a) Enhance, restore, and protect local biodiversity and bushland District Park Plan of Management

Assessment comment:

The target for this goal is no net loss of bushland. The proposal will result in a loss of vegetation if the site is rezoned and further developed. The site is mapped as a green grid, however, has no connectivity to a wider green network and has been identified by Council as

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an anomaly in the LEP. The site does not contain any vegetation with bushland or biodiversity values.

Vibrant Local Economy - Goal 13 – Influence

- (a) Ensure that employment lands are retained and cater for a diverse range of businesses and industry.

Assessment comment:

The Planning Proposal will provide additional employment land consistent with the Brookvale Structure Plan.

3.3.2.2.3 Brookvale Structure Plan

The proposal is consistent with Brookvale Structure plan, the site is specifically nominated on page 39 by Lot and DP to be rezoned to E4 General Industrial. Page 40 of the Brookvale Structure Plan also notes the following in regard to the site, *‘two drainage reserves are proposed to be rezoned from RE1 Public Recreation to E4 General Industrial. This land is not recreational and was never intended to be. Rezoning to an E4 zone will match the adjoining industrial zoning and rectifies a zoning anomaly when the planning controls were translated to the Standard Instrument format when all public land was assigned an RE1 Public Recreation zone’*. Refer to **Figure 4** of this report for the map on page 39 of the Brookvale Structure Plan.

3.3.2.3 Question 5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The proponent comments:

The Proposal is consistent with the following State Plans and Strategies:

- NSW State Plan 2021
- NSW State Infrastructure Strategy 2022-2042
- Future Transport Strategy 2056

Assessment Comments

NSW State Plan 2021

The NSW State Plan 2021 is a 10-year plan that sets the strategic direction and goals for the NSW Government for services and infrastructure. The following Goals are relevant to the proposal:

Goal 1 – Improve the performance of the NSW economy.

Target - Grow employment by an average of 1.25% per year to 2020.

The Planning Proposal is consistent with Goal 1. Rezoning and reclassification of the site will provide additional industrial land to be further developed, providing additional employment opportunities. The Planning Proposal will provide the potential for amalgamation to create a larger development site, which increases the options for employment and economic growth.

NSW State Infrastructure Strategy 2022-2042

The NSW State Infrastructure Strategy 2022-2042 (the Strategy) sets out the NSW Government’s infrastructure vision for the State over the next 20 years. The Strategy notes that to optimise land use where infrastructure capacity exists (Section 10.1):

“The NSW Government is increasingly focused on connecting people with jobs, services and amenity by planning for growth and development around public transport infrastructure, such as passenger rail stations, interchange hubs and freight routes”.

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The Planning Proposal will rezone the site to E4 General Industrial and reclassify the site to Operational Land providing future opportunity for development and employment close to public transport, in an established area well served by existing utilities and infrastructure.

Future Transport Strategy

The Future Transport Strategy provides a set of strategic directions for Transport to achieve mobility for customers, communities, businesses, and people. The strategy identifies a number of key priorities. The following priority is of relevance to the proposal:

- P1 - Supporting growth through smarter planning.

The Planning Proposal is consistent with P1 as the site will be rezoned E4 General Industrial in accordance with the Brookvale Structure Plan to rectify an anomaly in the WLEP 2011 mapping.

3.3.2.4 Question 6 - Is the Planning Proposal consistent with the applicable State Environmental Planning Policies (SEPPs)

The proponent provided a general assessment against relevant SEPPs and noted the proposal is generally consistent with the relevant SEPPs. The below table is an assessment against in force SEPPs.

Table 6 Compliance with State Environmental Planning Policies (SEPPs)			
SEPPs as of (June 2024)	Applicable	Consistent	Comment
(Biodiversity and Conservation) 2021	Yes	Yes.	The Planning Proposal does not propose to clear vegetation or affect land subject to potential koala habitats, foreshore or waterways areas, water catchments, strategic conservation areas. Further information is to be provided at the DA stage to assess the impacts of proposed vegetation removal that would be required to facilitate the future development.
(Exempt and Complying Development Codes) 2008	Yes	Yes.	The Planning Proposal does not propose any building works or changes to this policy.
(Housing) 2021	No.	N/A.	The Planning Proposal does not relate to housing or a residential zone.
(Industry and Employment) 2021.	Yes.	Yes.	The Planning Proposal does not propose any advertising or signage. The land is not located in the Western Sydney employment area.
(Planning Systems) 2021.	No	N/A	N/A
(Primary Production) 2021	No.	N/A	N/A
(Precincts – Western Parkland City) 2021	No	N/A	N/A – The site is not identified within a State Significant

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Table 6 Compliance with State Environmental Planning Policies (SEPPs)			
SEPPs as of (June 2024)	Applicable	Consistent	Comment
			Precinct, Sydney Region Growth Centre, Western Sydney Aerotropolis, Penrith Lakes, St Marys, or Western Sydney Parklands.
(Resilience and Hazards) 2021	Yes	Yes	<p>The site is not mapped as containing land identified as 'coastal use', 'coastal environment area' or 'coastal vulnerability' nor is it proximate to land mapped on the 'Coastal Wetlands and Littoral Rainforests Area Map'.</p> <p>The site is located within an industrial area of the Brookvale locality, approximately 3km north-west from the nearest mapped coastal Foreshore area.</p> <p>The Planning Proposal will not adversely affect the coastal zone area.</p> <p>The Planning Proposal will not adversely impact on the public access to the foreshore area.</p>
(Resources and energy) 2021	Yes.	Yes	The Planning Proposal does not affect any land containing mineral, petroleum and extractive material resources.
(Sustainable Buildings) 2022.	No.	N/A	N/A
(Transport and Infrastructure) 2021	Yes.	Yes.	The Planning Proposal does not propose any built form. Referral to state agencies can be undertaken post Gateway determination.

3.3.2.5 Question 7 - Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

The proponent provided a general assessment against relevant s9.1 Ministerial Directions and noted the Planning Proposal is generally consistent with the relevant s9.1 Directions. The below table is an assessment against in force Directions.

Table 7 Compliance with s9.1 Ministerial Directions				
Direction	Applicable	Consistent	Proponent Comment	Assessment Comment
Focus Area 1: Planning Systems				
1.1 Implementation of Regional Plans	Yes	Yes.	The Planning Proposal is consistent with the objectives and actions of the Regional Plans.	The Planning Proposal is consistent with the objectives and actions of the Regional Plans (See Table 4)

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Table 7 Compliance with s9.1 Ministerial Directions				
Direction	Applicable	Consistent	Proponent Comment	Assessment Comment
1.2 Development of Aboriginal Land Council	No	N/A	N/A	N/A
1.3 Approval and Referrals	Yes	Yes	The Planning Proposal does not include any provisions that require the concurrence, consultation, or referral of development applications to a Minister or public authority and does not identify development as designated development.	The Planning Proposal does not include any provisions that require the concurrence, consultation, or referral of development applications to a Minister or public authority and does not identify development as designated development.
1.4 Site Specific Provisions	Yes.	Yes.	The Planning Proposal will rezone the site to an existing zone already 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. The Planning Proposal does not contain or refer to drawings that show details of any proposed development.	The Planning Proposal does not seek to impose any additional development standards or requirements and does not contain or refer to drawings that show details of any proposed development.
1.4A Exclusion of Development Standards from Variation	No	N/A	N/A	N/A
Focus Area 1: Planning Systems – Place Based				
1.5 Parramatta Road Corridor Urban Transformation Strategy	No	N/A	N/A	N/A.
1.6 Implementation of North-West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	N/A	N/A
1.7 Implementation of Greater Parramatta Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	N/A	N/A.
1.8 Implementation of Wilton Growth	No.	N/A	N/A	N/A

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Table 7 Compliance with s9.1 Ministerial Directions				
Direction	Applicable	Consistent	Proponent Comment	Assessment Comment
Area Interim Land Use and Infrastructure Implementation Plan				
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	N/A	N/A.
1.10 Implementation of the Western Sydney Aerotropolis Plan	No	N/A	N/A	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	No	N/A	N/A	N/A
1.12 Implementation of Planning Principles for the Cooks River Precinct	No	N/A	N/A	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	No	N/A	N/A	N/A
1.14 Implementation of Greater Macarthur 2040	No	N/A	N/A	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	No	N/A	N/A	N/A
1.16 North West Rail Link Corridor Strategy	No	N/A	N/A	N/A
1.17 Implementation of the Bays West Place Strategy	No	N/A	N/A	N/A
1.18 Implementation of the Macquarie Park Innovation Precinct	No	N/A	N/A	N/A
1.19 Implementation of the Westmead Place Strategy	No	N/A	N/A	N/A
1.20 Implementation of the Camella-Rosehill Place Strategy	No	N/A	N/A	N/A
1.21 Implementation of South-West Growth Area Structure Plan	No	N/A	N/A	N/A

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Table 7 Compliance with s9.1 Ministerial Directions				
Direction	Applicable	Consistent	Proponent Comment	Assessment Comment
1.22 Implementation of the Cherrybrook Station Place Strategy	No	N/A	N/A	N/A
Focus Area 3: Biodiversity and Conservation				
3.1 Conservation Zones	Yes	Yes	The Planning Proposal does not contain environmentally sensitive areas, land within a conservation zone or identified for environment conservation or protection purposes.	The site is not in an environmentally sensitive area.
3.2 Heritage Conservation	Yes	Yes	No comment	The Planning Proposal does not affect existing heritage provisions in Warringah Local Environmental Plan 2011.
3.3 Sydney Drinking Water Catchments	No	N/A	N/A	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	N/A	N/A
3.5 Recreation Vehicle Areas	Yes	Yes	No comment	The Planning Proposal does not enable land to be redeveloped for a recreation vehicle area.
3.6 Strategic Conservation Planning	No	N/A	N/A	N/A
3.7 Public Bushland	Yes	Yes	No comment	Further information will be required at the future DA stage, to assess any impacts of vegetation removal.
3.8 Willandra Lakes Region	No	N/A	N/A	N/A
3.9 Sydney Harbour Foreshores and Waterways Area	No	N/A	N/A	N/A
3.10 Water Catchment Protection	No	N/A	N/A	N/A
Focus Area 4: Resilience and Hazards				
4.1 Flooding	Yes	Yes	The Planning Proposal will rezone land within the Flood Planning Level from RE1 Public Recreation to E4 General Industrial. However, the Planning	The proponent has submitted a Flood Impact and Risk Review The Planning Proposal and supporting flood risk information has been

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Table 7 Compliance with s9.1 Ministerial Directions

Direction	Applicable	Consistent	Proponent Comment	Assessment Comment
			<p>Proposal is supported by a flood and risk impact assessment that is prepared in accordance with the principles of the Floodplain Development Manual 2005. Council has also confirmed that flooding in the industrial precinct can be resolved and managed through a co-ordinated approach as identified in the Brookvale Structure Plan.</p> <p>The Planning Proposal does not permit development in floodway areas, residential dwellings or permit a significant increased in density. The Planning Proposal will not contribute to significant flood impact to adjacent properties. The Planning Proposal will not permit development where occupants cannot safely evacuate. The Planning Proposal will not create significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures. No hazardous materials are likely to be stored on the site. The Planning Proposal can adequately mitigate any risk with regards to flooding with a future development proposal across a consolidated site. The Planning Proposal is effectively the first stage in the process addressing specifically rezoning and reclassify the site and the transfer of ownership.</p> <p>(2) A Planning Proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use,</p>	<p>reviewed by Council’s Floodplain Planning team who 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 construction of flood mitigation infrastructure, and the ability to achieve compliance with the relevant WLEP and DCP controls.</p> <p>Council’s Stormwater Operations team who are the ‘asset owner’ of the drainage reserve have confirmed they do not have future plans to construct stormwater infrastructure through the site.</p> <p>Direction 4.1 specifically provides that a planning proposal may be inconsistent with the direction if the planning proposal authority can satisfy the Planning Secretary that (d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.</p>

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Table 7 Compliance with s9.1 Ministerial Directions				
Direction	Applicable	Consistent	Proponent Comment	Assessment Comment
			W4 Working Waterfront or Special Purpose Zones.	
4.2 Coastal Management	No	N/A	N/A	N/A
4.3 Planning for Bushfire Protection	No	N/A	N/A	N/A
4.4 Remediation of Contaminated Land	Yes	Yes	Based on the existing land use, it is unlikely that contamination will be an issue, and nonetheless a phase 1 contamination assessment has been undertaken.	<p>A Phase 1 Preliminary Site Investigation was undertaken by Alliance Geotechnical and Environmental Solutions, which made the following conclusions:</p> <ul style="list-style-type: none"> • The potential for land contamination to be present at the site as a result 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. This conclusion is based on the site suitability for a specific land use scenario under that zoning (permitted with or without consent) being assessed, in accordance with, but not necessarily limited to, the relevant provisions of: State Environmental Planning Policy (SEPP) Resilience and Hazards 2021; Warringah Development Control Plan 2011; and Warringah Local Environmental Plan.

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Table 7 Compliance with s9.1 Ministerial Directions				
Direction	Applicable	Consistent	Proponent Comment	Assessment Comment
4.5 Acid Sulphate Soils	Yes	Yes	The presence of Acid Sulfate Soils are unlikely to be a constraint to development and can be resolved at DA stage.	A Phase 1 Preliminary Site Investigation was undertaken by Alliance Geotechnical and Environmental Solutions, notes the site is not affected by Acid Sulphate Soils and the probability of occurrence is extremely low.
4.6 Mine Subsidence and Unstable Land	No	N/A	N/A	N/A
Focus Area 5: Transport and Infrastructure				
5.1 Integrating Land Use and Transport	Yes	Yes	The additional permitted use may require an assessment of traffic impacts at DA stage.	Traffic generation from any potential future use is a matter to be addressed at DA stage. The site is under 100m ² , any additional traffic generated for development of the site will be minimal.
5.2 Reserving Land for Public Purposes	Yes	No	The Planning Proposal alters the permitted uses on Council owned "community" land. The proposal will require approval of the relevant public authority and the Planning Secretary.	The Planning Proposal will alter the permitted uses on Council owned "community" land, however, rezoning the site from RE1 Public Recreation to E4 General Industrial is consistent with the Brookvale Structure Plan to rectify an anomaly in the LEP. Reclassification of the land to 'Operational Land' also forms part of the Planning Proposal. The existing Community classification is not an accurate reflection of the site's use as it not suitable for use by the general public and has never been accessible to the public. It has no potential to provide a pathway or any other obvious public purpose.
5.3 Development Near Regulated Airports and Defence Airfields	No	N/A	N/A	N/A
5.4 Shooting Ranges	No	N/A	N/A	N/A
Focus Area 6: Housing				

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Table 7 Compliance with s9.1 Ministerial Directions				
Direction	Applicable	Consistent	Proponent Comment	Assessment Comment
6.1 Residential Zones	No	N/A	N/A	N/A
6.2 Caravan Parks and Manufactured Home Estates	No	N/A	N/A	N/A
Focus Area 7: Industry and employment				
7.1 Employment Zones	Yes	Yes	The Planning Proposal will increase the area of Employment land and thereby increase the total potential flood space area.	The Planning Proposal will increase the area of E4 Industrial land consistent with the Brookvale Structure Plan and will enable amalgamation to achieve a larger development site with increased options for employment-related development.
7.2 Reduction in non-hosted short-term rental accommodation period	No	N/A	N/A	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	N/A	N/A
Focus Area 8: Resource and Energy				
8.1 Mining, Petroleum Production and Extractive Industries	No	N/A	N/A	N/A
Focus Area 9: Primary Production				
9.1 Rural Zones	No	N/A	N/A	N/A
9.2 Rural Lands	No	N/A	N/A	N/A
9.3 Oyster Aquaculture	No	N/A	N/A	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	N/A	N/A

3.3.3 Section C – Environmental, Social and Economic Impact

The Guideline requires that the Planning Proposal demonstrates site-specific merit. Section 3.3 reviews the Planning Proposal against the applicable site-specific matters for consideration.

3.3.3.1 Question 8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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The proponent states as follows:

'It is unlikely that the site contains any critical habitat or threatened species, populations or ecological communities, or their habitats'.

DFP Peer Review

The vegetation on site is not identified on the 'Biodiversity Values Map', nor is it mapped as containing 'riparian land', 'terrestrial biodiversity', 'natural resources' or 'environmentally sensitive land'. Notwithstanding, any future Development Application post rezoning and reclassification of the site will require an ecological assessment to assess the impact on the vegetation existing on the site.

3.3.3.2 Question 9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The proponent states as follows:

In addition to the ecological effects, the following potential environmental effects have been identified including:

Table 8 Proponent Response to Question 9	
Environmental Effect	Proponent Comment
Flooding and Stormwater	A Flood Impact Assessment and Stormwater Management Plan would need to be submitted with any DA. A fit for purposed flood impact and risk assessment (FIRA) has examined the constraints of the site relative to Council's flood model and identified methods to manage flood risk proposed by future development. Stormwater Infrastructure will also need to be readjusted to permit any development.
Traffic	The applicant may need to submit a Traffic Impact Assessment for review as part of the DA submission at a future date.
Bushfire.	Not applicable.
Contamination	Notwithstanding, based on the existing land use, it is unlikely that contamination will be an issue, and nonetheless contamination will be assessed at the DA stage.
Acoustic	Any DA lodged will be subject to assessment by Council's Environmental Health officer. Acoustic impacts can be assessed at this stage and can be mitigated by way of conditions of consent.
Heritage	The E-spatial viewer does not reveal any State Heritage items on the site. There are no locally listed heritage items on the site. Any development approval can provide standard conditions of consent in relation to unexpected finds procedures.

Internal Council Referral Comments

Contamination

3 Planning Proposal Assessment

'A Planning Proposal has been lodged in relation to the Council-owned drainage reserve at Lot 2 DP 1174201, in Brookvale. Lot 2 is located in between properties 39 and 41 Winbourne Road and comprises a site area of approximately 92sqm.

The Planning Proposal only involves the drainage reserve land. The following amendments to Warringah Local Environmental Plan (WLEP) are proposed to achieve consistency with the statutory planning controls applying to the surrounding land:

- *rezoning from RE1 Public Recreation to E4 General Industrial*
- *inclusion of the land in the Lot Size Map applying a minimum lot size of 4,000sqm*
- *including of the land in the Height of Buildings Map applying a height limit of 11m*
- *listing in Part 2 of Schedule 4 to reclassify the land from Community to Operational.*

No development is proposed at this stage. Any development of the land would be subject to a future development application.

A Preliminary Contamination Assessment was conducted by Alliance Geotechnical & Environmental Solutions dated 02 May 2024; reference report number 17769-ER-2-1 Rev 1.

The conclusion of the report states:

The potential for land contamination to be present at the site as a result of current and previous land use activities, is considered to be low to moderate. The site would be suitable for the proposed rezoning to E4 - General Industrial, in the context of land contamination.

Based on the permitted land uses for E4 General Industrial contained within The State Environmental Planning Policy Amendment (Land Use Zones) (No 5) 2022, Environmental Health concur with the conclusion of the Preliminary Contamination Assessment and the land is suitable for the proposed rezoning'.

Traffic

No comment. As there is no development proposed at this stage, matters raised at pre-lodgement related to vehicular access, manoeuvring and parking would be dealt with at a future development application stage. The Transport Network team acknowledged at pre-lodgement that rezoning and consolidation with adjoining lots would enable a larger development that is better able to accommodate on-site parking and to minimise the number of vehicle crossings (driveways).

Stormwater Operations

'The Stormwater Assets team has no objections to the rezoning proposal of Lot 2 in DP 117201 from RE1 Public Recreation to IN1 General Industrial.

As previously agreed by the former Manager – Stormwater and Floodplain Engineering (2019/739923), the drainage reserve at the subject site is not required due to the proposed relocation of the stormwater pipeline along the northern and western boundary of the development site.

Based on the Stormwater Pipeline Relocation plans prepared by Costin Roe, the proposal to relocate the stormwater pipeline to the proposed alignment would in theory be supported by Council, however it is not the preferred stormwater solution due to the multiple 90-degree bends proposed within the system.

The preferred option would be to reconstruct the stormwater pipeline along Winbourne Road opposite the frontages of 41-51 Winbourne Road. This will minimize the number of 90-degree bends and improve the hydraulics of the stormwater system.

This option will also unburden the subject property from Council's pipelines and drainage easements which has benefits to the applicant.

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In any case, the proposed stormwater system will need to be designed in accordance with Council Water Management for Development Policy and Council's AUS-SPEC #1.

Additionally, the existing Council pipeline through the site will need to be decommissioned and removed as part any stormwater relocation works.

All structures are to be located clear of any Council pipeline, pit or easement and comply with minimum vertical and horizontal clearances.

Hydraulic design plans and an accompanying report detailing the drainage system upgrade is to be prepared by a Civil Engineer registered on the NER demonstrating compliance with Council's Policy'.

Floodplain Planning

" Floodplain Planning and Response team have no objections to the planning proposal.

Although not consistent with with section 4.1 (2) of the Local Planning Direction, the proposed rezoning is of minor significance in relation to flood risk. This decision was reached after careful consideration of the following factors:

- *The proposal is consistent with all other sections of 4.1 of the Local Planning Direction*
- *The shape and relatively small size and the lot.*
- *The zoning of adjacent lots are E4.*
- *Construction of flood mitigation infrastructure on the lot is not practical due to downstream site constraints and the layout of existing infrastructure.*
- *The proposal is supported by councils Stormwater Assets team who have confirmed they don't have future plans to construct stormwater infrastructure through the lot.*
- *It is considered possible for the rezoned lot to achieve compliance with Clause 5.21 of the Warringah LEP and Section E11 of the Warringah DCP (2011)."*

DFP Peer Review

Flood mitigation and stormwater drainage services are not considered to be constraints to the Planning Proposal and can be satisfactorily addressed at the development application stage of a future industrial development of the site and adjoining properties.

Development Advisory Services

No issues raised.

3.3.3.3 Question 10 - Has the Planning Proposal adequately addressed any social and economic effects?

The proponent states as follows:

'This Planning Proposal provides social and economic benefits through the provision of land for industrial purposes.

Employment opportunities at future Development Application stages are anticipated from construction of buildings on the site and adjacent lots, and long-term employment opportunities through operation of any future industrial use.

The Proposal is unlikely to adversely impact existing social infrastructure or use of public open space. The site has not been used for open space since its inception'.

Assessment Comment:

Council's Pre-Lodgement minutes for the Planning Proposal note the site no longer serves a public recreational or drainage purpose. The site currently provides no social benefit to the

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community. The Planning Proposal will result a positive economic outcome through the provision of additional industrial land providing potential additional employment.

3.3.4 Section D – Infrastructure (Local, State and Commonwealth)

3.3.4.1 Question 11 - Is there adequate public infrastructure for the Planning Proposal?

The proponent states as follows:

‘Yes. The Proposal will not require any changes to the delivery of public infrastructure to the land. The site is in an established urban area and benefits from access to a range of existing facilities and services, including utilities.

The site is near several public transport services, including bus services along Winbourne Road and Pittwater Road which provides connections to the Manly Town Centre and the wider Northern Beaches. The site is located approximately 4 km from the Manly Town Centre, which provides additional public transport connections to the Sydney CBD, North Sydney CBD, and Chatswood’.

Assessment Comment:

Yes. The site is located within an established industrial area of the Brookvale locality connected to services. Public transport is available on Winbourne Road, proximate to the site frontage, which connects the site by public transport to a wider public transport network, including to Sydney CBD.

3.3.5 Section E – State and Commonwealth Interests

3.3.5.1 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination

The proponent states as follows:

‘This Planning Proposal will require public notification. Relevant government authorities will be notified during the exhibition period’.

Assessment Comment:

The Planning Proposal does not identify any specific referrals to State or Commonwealth public authorities. As the site is mapped within 40m of a mapped waterway, referral under Water Management Act will be required post Gateway determination of the Planning Proposal.

3.4 Part 4 – Maps

The Planning Proposal intends to amend the Land Zoning Map, Minimum Lot Size Map, and Height of Building Map of WLEP 2011.

No amendment to the Floor Space Ratio Map is proposed, consistent with surrounding land which has no mapped floor space ratio.

The Existing Land Zoning Map provided in the proponent's Planning Proposal incorrectly identified the existing zone as SP1. The existing zone is RE1 Public Recreation.

The updated Planning Proposal prepared by Council for submission to DPHI contains all maps necessary to correctly identify the existing and proposed LEP designations. The maps have been produced in accordance with the standard technical requirements for LEP mapping.

3.5 Part 5- Community Consultation

The proponent commented:

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'It is likely that Council will place the Planning Proposal of public exhibition in accordance with a gateway determination for a period of 28 days.

Exhibition material may include:

- *Notification letter to adjoining landowners and occupiers.*
- *Email to community members who have registered their interest.*
- *Update Council's public exhibition website 'Your Say' with relevant material.*

A public hearing is required to be held in accordance with the requirements of the Environmental Planning and Assessment Act and Local Government Act because a reclassification of Council lands is proposed'.

Assessment Comment

A Pre-Lodgement meeting was held between Council and the applicant on 23 February 2023. DFP have reviewed the Council's Pre-Lodgement notes on the Planning Proposal.

The Planning Proposal proposes to add the site to Schedule 4 Classification and Classification of public land as noted in the Pre-Lodgement minutes.

The Planning Proposal does not mention any amendments to DCP Maps as noted in the Pre-Lodgement minutes.

Relevant sections of the Greater Sydney Region Plan and North District Plan as identified in the Council's Pre Lodgement minutes were addressed in the Planning Proposal and this assessment.

Relevant supporting studies noted in the Council's Pre-Lodgement Minutes were submitted with the Planning Proposal.

The Planning Proposal did not outline any consultation with neighbours.

As noted in the Council's Pre-Lodgement minutes, if the application is supported by Council, the Planning Proposal will be forwarded to the NSW Department of Planning, Housing and Industry (DPHI) for a Gateway Determination. Consultation with public authorities and the community (statutory notification) will occur following a successful Gateway Determination and in accordance with any conditions set out therein. The reclassification will also require a public hearing to be held subsequent to the Statutory notification required by a successful Gateway determination. Public hearing requirement. PN16-001 requires at least 21 days' notice be given before the hearing, after the statutory notification has ended.

Council conducted non-statutory exhibition of the Planning Proposal from 3-16 June 2024. No submissions were received during the exhibition period. For clarity, one (1) submission was received incorrectly, which related to another project and was therefore withdrawn as a submission to this Planning Proposal.

3.6 Part 6 – Project Timeline

The proponent proposed the following project timeline.

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Table 9 Proposed Project Timeline	
Stage	Timeframe
Consideration by Council	June 2024
Council Decision	June 2024
Gateway Determination	August 2024
Commencement and completion of public exhibition period	August 2024.
Consideration of Submissions	September 2024.
Post-exhibition review and additional studies	September 2024
Submission to the Department for finalisation (where applicable)	October 2024
Gazettal of LEP amendment	October 2024

4 Recommendations

DFP Planning's engagement to undertake this independent planning assessment involved the following:

- Inspection of the site of the Planning Proposal and the surrounding Brookvale area.
- Assessment of the Planning Proposal application taking into account the relevant State and local planning legislation, policy and guidelines, technical feedback from internal referrals and external agencies, and submissions received through notification phases.
- Consideration of land classification requirements under the Local Government Act 1993.
- Recommendation as to whether the Planning Proposal should be supported or not.

Upon review and assessment of the information presented with the Proposal, it is recommended that Council support the progression of the Planning Proposal for a Gateway Determination from the Department of Planning, Housing and Industry (DPHI) under section 3.34(1) of the EP&A Act 1979.