

## 9.0 PLANNING & COMMUNITY DIVISION REPORTS

<b>ITEM 9.1</b>	<b>PLANNING PROPOSAL (PP0004/16) FOR 15 JUBILEE AVENUE, WARRIEWOOD</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2017/039167</b>
<b>ATTACHMENTS</b>	<p>1 <a href="#">Attachment 1 - Comment and Submissions - Council report for PP0004 16 - 15 Jubilee Avenue Warriewood - 28 February 2017 (Included In Attachments Booklet)</a></p> <p>2 <a href="#">Attachment 2 - Proposed changes to LEP mapping - Council report for PP0004 16 - 15 Jubilee Avenue Warriewood - 28 February 2017 (Included In Attachments Booklet)</a></p>

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### EXECUTIVE SUMMARY

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#### PURPOSE

The purpose of this report is to advise Council of the outcome of an assessment undertaken of a Planning Proposal (PP0004/16) lodged for 15 Jubilee Avenue, Warriewood.

#### SUMMARY

Northern Beaches Council received a Planning Proposal (PP0004/16) relating to 15 Jubilee Avenue, Warriewood which sought to amend the Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014) to permit a change in land use zone from IN2 (Light Industrial) to B7 (Business Park), an increase in building height from 11 metres to 15 metres and an increase in floor space ratio from 1:1 to 1.5:1. The applicant seeks this change in zone and built form development standards to facilitate and support the growth of the existing business located immediately across the street at 20 Jubilee Avenue, Warriewood.

This report recommends that the land use zone of 15 Jubilee Avenue, Warriewood is amended from IN2 (Light Industrial) to B7 (Business Park). The proposed amendments to the height and floor space controls for the site are not supported. It is recommended that the request to rezone the land be endorsed and forwarded to the Department of Planning and Environment accordingly.

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#### RECOMMENDATION OF DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Support the request to amend the land use zone of 15 Jubilee Avenue, Warriewood from IN2 (Light Industrial) to B7 (Business Park).
  - B. Prepare the Planning Proposal for the change in land use zone and forward to the Department of Planning and Environment with a request for a Gateway Determination to be made.
  - C. Do not support the applicant's changes to height and floor space, and retain the Height of Building of 11m, and the floor space ratio of 1:1 that already applies to 15 Jubilee Avenue.
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## REPORT

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### BACKGROUND

#### History of the subject site

Development consent N0667/07 approved the construction of a two story building on the site comprising 24 industrial units, a child care center for 80 children, loading facilities and car parking for 70 cars, and associated landscaping. From an inspection of the site, it is apparent that this development was not commenced and the consent has now lapsed.

Development consent N0316/16 approved the positioning of two shipping containers on the site for the purpose of storing boating and gardening equipment. These containers were not present at the time of site inspection, however a number of concrete piers, understood to be supporting piers for these structures, were evident in the southern portion of the site.

#### Current Planning Proposal application

On 6 December 2016 Northern Beaches Council accepted a Planning Proposal for 15 Jubilee Avenue, Warriewood which sought to amend the *Pittwater Local Environmental Plan 2014* (Pittwater LEP 2014).

Specifically, the Planning Proposal sought to amend the LEP in the following three ways:

- To change the zoning of the site from IN2 (Light Industrial) to B7 (Business Park) to facilitate the development of the site as an ancillary office and light industrial facility for use in conjunction with the pharmaceutical business (Blackmores) at 20 Jubilee Avenue, directly to the north of the site;
- To increase the maximum height control applicable to the site from 11 metres to 15 metres;
- To increase the maximum floor space ratio control applicable to the site from 1:1 to 1.5:1;

In the case of each of the three proposed amendments, changes to mapping only would be required, with no change proposed to the wording of any LEP clause, and no additional clauses being sought to be inserted. The proposed changes to mapping are demonstrated within **Attachment 2**.

### CONSULTATION

Preliminary (non-statutory) notification of the Planning Proposal was undertaken between 10 December 2016 and 11 January 2017 (comprising a standard 14 day consultation period with an 18 day extension to accommodate the Christmas break).

Properties were notified within Warriewood Valley and the area immediately surrounding the site (3,064 letters). An advertisement was placed in the Manly Daily (on Saturday 10 December 2016) and a site notice was displayed at the front of the site throughout the notification period. The application documents were made available electronically on Council's website and in hard copy in Customer Service Centres at Manly, Dee Why, Mona Vale, and Avalon.

Notification letters were also sent to:

- Warriewood Residents Association
- Mona Vale Chamber of Commerce

Notification letters were sent to the following State agencies:

- Sydney Water

- Roads and Maritime Services
- NSW Department of Planning and Environment
- Ausgrid

The Proposal was also referred to the following Council Business Units:

- Place Management
- Catchment Management and Climate Change
- Transport and Urban
- Environmental Compliance
- Section 94 Officer

The responses received from members of the public, State agencies, and internal Council Business Units are provided as **Attachment 1** within the Attachments Booklet. The Applicant has submitted a response to the public submissions, and this is also included within **Attachment 1**.

## ASSESSMENT

Section 55(2) of the Environmental Planning and Assessment Act 1979 requires the consideration of the following five criteria when preparing and considering a Planning Proposal:

- Part 1: A statement of the objectives or intended outcomes of the proposed instrument
- Part 2: An explanation of the provisions that are to be included in the proposed instrument
- Part 3: The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117)
- Part 4: If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument
- Part 5: Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument

These five criteria are replicated and expanded upon within the NSW Department of Planning & Environment document *Planning Proposals: A guide to preparing planning proposals (2016)*. The assessment of the subject planning proposal has been undertaken in accordance with this document and these criteria are discussed below.

### **Part 1: A statement of the objectives or intended outcomes of the proposed instrument**

The intended outcome of the Planning Proposal is to amend the Pittwater LEP 2014 to enable the redevelopment of the site for predominantly office-based activities, for use in conjunction with the existing Blackmores business operations at 20 Jubilee Avenue, Warriewood (directly to the north).

**Part 2: An explanation of the provisions that are to be included in the proposed instrument**

Specifically, the Planning Proposal documentation for 15 Jubilee Avenue seeks to amend the Pittwater LEP 2014 in the following three ways:

- Amendment of the Pittwater LEP 2014 Land Zoning Map to change the zoning of the site from IN2 (Light Industrial) to B7(Business Park)
- Amendment of the Pittwater LEP 2014 Height of Buildings Map to change the maximum permitted height on the site from 11 metres to 15 metres
- Amendment of the Pittwater LEP 2014 Floor Space Ratio Map to change the maximum permitted floor space ratio on the site from 1:1 to 1.5:1

No amendment of the text of the Pittwater LEP 2014 is proposed.

**Part 3: The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117)**

The NSW Department of Planning Guide poses a series of questions to assist in establishing whether there is suitable justification for the Planning Proposal. These questions are addressed below:

Section A: Need for the Planning Proposal

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

No, the proposed changes have not arisen as a result of a strategic study or report.

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

Yes. A Planning Proposal is the best and only means of achieving the objectives and intended outcomes.

Section B: Relationship to Strategic Planning Framework

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

- (a) Does the proposal have strategic merit? Is it:

<p>Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</p>	<p>The Draft North District Plan (released in November 2016) is the applicable Draft District Plan in this instance. The Plan outlines a range of priorities and actions which are broadly categorised as creating:</p> <ul style="list-style-type: none"> <li>• A productive city</li> <li>• A liveable city; and</li> <li>• A sustainable city</li> </ul> <p>With regard to the creation of a productive city, the Plan includes a priority to protect and support employment and urban services land, and to grow jobs. The Plan identifies that land which was previously zoned for industrial or similar purposes can now include other business zones that permit a number of industrial and commercial uses. In this instance, the proposal will support existing employment, by facilitating the growth of one of the Northern Beaches' largest employers, and through creating additional jobs on the subject site. The proposed change in land use zone is consistent with this part of the Draft District Plan.</p> <p>In terms of growing jobs, the future development of the site, whether it be subject to the existing height and floor space ratio controls or the proposed increased controls, would permit a notable increase in employment; the applicant anticipates that a scheme using the current height and FSR controls would generate an additional 112 jobs, and that a scheme using the proposed augmented controls would generate an additional 163 jobs.</p> <p>In terms of liveability, the site does not currently permit any form of residential development, nor would the proposed new land use zone. However, the increase in employment would provide for employment self-containment within the Northern Beaches.</p> <p>In terms of sustainability, it is considered that a future development could be designed and implemented (via the development application process) with acceptable impacts to the existing natural environment. The site is well-connected in terms of access to public transport (close to a variety of bus stops) and the ability for future occupants to cycle or walk to work.</p>
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<p>Consistent with a relevant local council strategy that has been endorsed by the Department; or</p>	<p>The relevant strategic study is the <i>Warriewood Valley Strategic Review Report</i> (2013). This Review was carried out by the former Pittwater Council and NSW Department of Planning and Infrastructure, in order to establish which of the remaining undeveloped sites were capable of increased development. The Strategic Review was endorsed by the former Director General on 1 May 2013, and was adopted by the former Pittwater Council on 12 June 2013.</p> <p>The focus of the Strategic Review was to investigate intensification of residential densities in the as-yet undeveloped land, particularly those identified as 'Designated Residential Sectors'. However, the subject site was already zoned 4(b): Light Industrial "B", and identified as being within a Designated Employment Sector. Designated Employment Sectors were not recommended for any increased dwelling density under the Strategic Review process.</p> <p>However, following the adoption of the Strategic Review, further investigations were carried out, and these resulted in the production of the <i>Warriewood Valley Strategic Review Addendum Report 2014</i>. The Addendum Report was undertaken in order to investigate sites which were not identified in the 2012 study; this includes the current site, which is identified as Sector 105 in this document. The sites were each given a Land Capability classification, identifying their suitability for further development. The subject site was given a classification of 1, being the most capable for future development.</p>
<p>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</p>	<p>The applicant seeks the change in zone and built form controls to allow for the expansion of the existing pharmaceutical business (Blackmores) at 20 Jubilee Avenue, located directly to the north of the subject site.</p> <p>In terms of changing trends, the submitted Economic Impact Assessment identifies that the nature and composition of industrial land generally has transitioned over past decades, with a shift to a range of business uses being accommodated on what was previously light industrial and warehousing land.</p> <p>This view is corroborated within local government documents including The SHOROC Regional Employment Study (March 2008), which assesses the former Council areas of Mosman, Manly, Warringah, and Pittwater, and notes: '<i>There is a growing demand for businesses to co-locate their industrial and commercial components within business parks across Sydney</i>'.</p> <p>It is acknowledged that there is still a need to retain land as industrial land, and that these areas play an important role in the economy and functioning of the wider region. However, the circumstances of this case are such that the change in land use would support an existing manufacturing business; the change in land use zone is supported.</p>

b) Does the proposal have site-specific merit, having regard to the following?

<p>The natural environment (including known significant environmental values, resources or hazards), and</p>	<p>The site is currently vacant, comprising a predominantly flat, grassed surface, with a number of small trees located around the perimeter of the site. The site is not located on the Biodiversity Map within Pittwater LEP 2014 and is not identified as accommodating protected or significant natural, environmental or wildlife features. Council's Landscape Architect raised no concerns relating to harm to the existing natural features of the site. It is considered that the site could be appropriately developed under either the IN2 zone or the B7 zone, with minimal adverse impact on the natural environment.</p> <p>The two sets of concept plans submitted with the Planning Proposal do not indicate a compliant amount of pervious area (approximately 21% is shown as being pervious whereas the control requires a minimum of 25%). It is evident however that compliance could be readily achieved through careful design, the restricting of the building footprint and the use of additional infrastructure (such as below-ground OSD tanks).</p> <p>Conversely, the proposed increase in building height and floor space ratio is likely to result in a building which is visually obtrusive and in a location which will detract from the current and future desired character of the area. The resulting building would be overly dominant and include a limited ability for landscaping.</p> <p>It is acknowledged that at development application stage the applicant will have the opportunity to seek a variation to the existing development standard through clause 4.6 (exceptions to development standards) of Pittwater LEP 2014. Such a request could only be supported however, it was found to meet each of the criteria contained within that clause.</p>
<p>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal, and</p>	<p>The area immediately surrounding the site is predominantly commercial and industrial, comprising the existing Blackmores site to the north, a second pharmaceutical business (Nature's Way) to the north west, and the Pittwater RSL site to the north east. To the south are a range of manufacturing and warehouse uses.</p>

	<p>The land uses which would be permissible within the B7 zone would be compatible with the existing context, and with the land uses permitted within the adjacent IN2 zone.</p> <p>There are also residential properties within the area however, the closest being directly to the east at 185 Warriewood Road, which despite being zoned as IN2 (Light Industrial) comprises two residential dwellings. It is anticipated that the change in land use zone from IN2 to B7 would be likely to result in similar, if not ameliorated impacts to this and other nearby residential properties. Full assessment of the likely amenity impacts would be the subject of a future development application assessment.</p> <p>In terms of the increased built form which would result from the proposed increase in height and floorspace, it is considered that a building of 15 metres would dominate the existing single storey dwelling directly to its east, resulting in an adverse amenity impact. Further, the increased built form which would result from an increased FSR would allow for little separation between the two sites (zero setback at basement level is shown within both concept schemes) and limited capacity for landscaping to soften the blank four storey side wall which is likely to be proposed.</p> <p>The extent of height, bulk and scale proposed is uncharacteristic with the existing and desired future character of this area. The resulting building would be visually obtrusive and would stand significantly higher than any other development within the surrounding area. The proposed changes to the height and floor space controls are not supported.</p> <p>The need to restrict building footprint for water management, landscaping, Sydney Water infrastructure and to meet DCP built form setback requirements, means that the building mass is likely to be forced upward to achieve the proposed 1.5:1 floor space ratio. This is likely to result in a building of excessive bulk and scale which is obtrusive when seen from the surrounding area.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p>	<p>The site is currently vacant. Being zoned IN2 and located within a designated employment sector, redevelopment is anticipated and encouraged. Any form of development will result in an increased need to access services and infrastructure, however, a development permissible within the B7 land use zone is not considered to require significant additional resources above those originally anticipated within the current IN2 zoning.</p> <p>Conversely, the proposed increase in height and FSR would result in the accommodation of an additional 51 employees (based on the figures within the Economic Impact Assessment) increasing in the amount of traffic movements likely to occur within the local road network. While it is not considered that sufficient detail has been provided within the submitted Traffic Report, it is not considered that the redevelopment of this one site, either at the existing or proposed built form controls, would have so adverse an impact on the surrounding road network as to render the proposal unacceptable.</p> <p>The applicant's Traffic Report has modelled the existing Ponderosa Parade/Jubilee Avenue intersection using SIDRA modelling, and concludes that during AM peak hour the intersection performs at Level A (good operation) and during PM peak hour the intersection performs at Level B (good with acceptable delays and spare capacity). Given that</p>



	<p>spare capacity is noted, it follows that an appropriate development could be accommodated within the site without seeing the Level of Service decrease unacceptably.</p> <p>The Warriewood Valley Strategic Transport Review, which informed the Warriewood Valley Strategic Review, identified the traffic implications for the development of residential sectors within Warriewood. The Report discusses a Baseline Scenario, where the development of the site at an FSR of 1:1 was factored in. The report concludes that under this Scenario <i>'there are no major traffic constraints'</i> and <i>'all intersections are expected to perform adequately, at or above Level of Service B'</i>.</p> <p>It is important to note that an assessment of traffic impact would also be required at development application stage, which may dictate the amount of floorspace, vehicle movements and car parking which would be possible on the site.</p>
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**Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

The *Pittwater Local Planning Strategy* is the relevant local strategy in this instance. Written prior to the implementation of the Warriewood Valley Strategic Review Report and the formulation of the Pittwater LEP 2014, the *Pittwater Local Planning Strategy* provided recommendations to inform the creation of the future standard instrument LEP.

The Strategy lists the Warriewood Valley Employment Lands as a key employment area in the former Pittwater LGA, and states that *'the area should generally be safeguarded from further encroachment of inappropriate retail uses'*. The Strategy does not identify a need for a significant increase in industrial land, rather that existing industrial land be safeguarded, and to generally retain existing employment land by the allocation of appropriate zones to maintain the existing employment functionality of these employment areas.

While it would not be appropriate to permit the change of all IN2 land to B7 land, the particular circumstances of this case are such that the amendment of land use zone for this particular site is acceptable. The change would stimulate an existing manufacturing business and allow its expansion, without prejudicing nearby industrial land.

The Warriewood Valley Strategic Review Report confirmed that 15 Jubilee Avenue, being already zoned 4(b): Light Industrial "B" under the Pittwater LEP 1993, was not within a Designated Residential Sector, within which an increased dwelling density could be realised. Accordingly, the properties were rezoned on a 'like-for-like' basis, from 4(b): Light Industrial "B" under the Pittwater LEP 1993 to the 'translation' IN2 zone (Light Industrial) under Pittwater LEP 2014.

Regardless of the fact that the site is of a generous size and regular dimensions, is generally free from existing constraints ordinarily affecting development opportunity, redevelopment has not yet been realised. Changing the land use zone for this as-yet undeveloped employment site may provide redevelopment opportunities to an otherwise under-utilised employment site. The B7 (Business Park) zone will continue to permit a range of industrial and commercial uses which are already permitted within the IN2 zone. Importantly, the rezoning of the subject site will facilitate and support the growth of the existing IN2 (Light Industrial) pharmaceutical business operating immediately across the street at 20 Jubilee Avenue, Warriewood.

The B7 (Business Park) zone will continue to prohibit (except for kiosks and food and drink premises) all forms of retail premises, thus protecting the type of employment activities consistent with the local planning strategy while at the same time ensuring that there are land uses (such as kiosk and food and drink premises) that service the working population within this employment precinct.

Rezoning may incentivise development as a result of a change in zoning which currently in the IN2 zone has not been realised (recognising this property has been zoned to permit employment generating land uses since the 1990s).

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

Consistency with the applicable State Environmental Planning Policies and Deemed State Environmental Planning Policy (SREP No 20 – Hawkesbury-Nepean River (No 2 -1997) is discussed below:

State Environmental Planning Policy (SEPP)	Applicable	Consistent
SEPP No 1 – Development Standards	YES	YES
SEPP No 14 – Coastal Wetlands	NO	N/A
SEPP No 19 – Bushland in Urban Areas	NO	N/A
SEPP No 21 – Caravan Parks	NO	N/A
SEPP No 26 – Littoral Rainforests	NO	N/A
SEPP No 30 – Intensive Agriculture	NO	N/A
SEPP No 33 – Hazardous and Offensive Development	YES	YES
SEPP No 36 – Manufactured Home Estates	NO	N/A
SEPP No 44 – Koala Habitat Protection	YES	YES
SEPP No 47 – Moore Park Showground	NO	N/A
SEPP No 50 – Canal Estate Development	NO	N/A
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	NO	N/A
SEPP No 55 – Remediation of Land	YES	YES
SEPP No 62 – Sustainable Aquaculture	YES	YES
SEPP No 64 – Advertising and Signage	YES	YES
SEPP No 65 – Design Quality of Residential Flat Development	NO	N/A
SEPP No 70 – Affordable Housing (Revised Schemes)	NO	N/A
SEPP 71 – Coastal Protection	NO	N/A
SEPP (Affordable Rental Housing) 2009	NO	N/A
SEPP (Building Sustainability Index: BASIX) 2004	NO	N/A
SEPP (Exempt and Complying Development Codes) 2008	YES	YES

SEPP (Housing for Seniors or People with a Disability) 2004	NO	N/A
SEPP (Infrastructure) 2007	YES	YES
SEPP (Integration and Repeals) 2016	NO	N/A
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	NO	N/A
SEPP (Kurnell Peninsula) 1989	NO	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	N/A
SEPP (Miscellaneous Consent Provisions) 2007	YES	YES
SEPP (Penrith Lakes Scheme) 1989	NO	N/A
SEPP (Rural Lands) 2008	NO	N/A
SEPP (State and Regional Development) 2011	YES	YES
SEPP (State Significant Precincts) 2005	NO	N/A
SEPP (Sydney Drinking Water Catchment) 2011	NO	N/A
SEPP (Sydney Region Growth Centres) 2006	NO	N/A
SEPP (Three Ports) 2013	NO	N/A
SEPP (Urban Renewal) 2010	NO	N/A
SEPP (Western Sydney Employment Area) 2009	NO	N/A
SEPP (Western Sydney Parklands) 2009	NO	N/A
<b>Deemed SEPP: Sydney Regional Environmental Plan (SREP)</b>		
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	NO	N/A

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?**

<b>1 Employment and Resources</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	NO	N/A
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A

<b>2 Environment and Heritage</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
2.1	Environment Protection Zones	YES	YES
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	YES	YES
2.4	Recreation Vehicle Areas	YES	YES
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	N/A

<b>3 Housing, Infrastructure and Urban Development</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
3.1	Residential Zones	NO	N/A
3.2	Caravan Parks and Manufactured Home Estates	NO	N/A
3.3	Home Occupations	NO	N/A
3.4	Integrating Land Use and Transport	YES	YES
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A

<b>4 Hazard and Risk</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
4.1	Acid Sulfate Soils	YES	YES
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	YES	NO
4.4	Planning For Bushfire Protection	NO	N/A

Justification to 4.3 Flood Prone Land

The subject site is identified as flood-prone as it is subject to a 'minor overland flow' affectation, triggering the provisions of this Direction. It is not however, designated as a 'floodway'.

Subsection (6)(b) of Direction 4.3 states that a Planning Proposal must not permit development that will result in significant flood impacts to other properties, and subsection (6)(c) states that it must not permit a significant increase in the development of the land which may result from the change in zoning. The change in zoning alone would not result in inconsistency with this Direction.

While the proposed increases in building height and floor space ratio do represent a significant increase, and are not supported due to their likely harmful effect on the visual amenity and character of the area, they will not result in adverse flood or water management impacts. This is because the additional floorspace would be accommodate above ground rather than a greater proportion of the site being covered. It is anticipated that the site's flood affectation and water cycle management requirements could be appropriately dealt with during the development application phase, with appropriate measures being included within the detailed design.

Insofar as the inconsistency to Direction 4.3 (a), (b) and (c) applies, the change in zoning (without changing the building height or floor space ratio) is of minor significance.

<b>5 Regional Planning</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Hwy, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (revoked)	-	-
5.6	Sydney to Canberra Corridor (revoked)	-	-
5.7	Central Coast (revoked)	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A
5.10	Implementation of Regional Plans	NO	N/A

<b>6 Local Plan Making</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Provisions	YES	YES

<b>7 Metropolitan Planning</b>			
	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
7.1	Implementation of the Metropolitan Strategy	YES	YES

7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	N/A

Section C: Environmental, social and economic impact

**Q7. 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?**

The site is currently vacant, comprising predominantly a flat, grassed surface, with a number of small trees located around the perimeter of the site. The site is not identified as accommodating protected or significant natural, environmental or wildlife features. The site is not identified on the Biodiversity Map of the Pittwater LEP 2014. The application has been referred to Council's Landscape Architect who raised no concerns relating to harm to the existing natural features of the site.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The Applicant identifies the principal environmental issues as being the potential for land contamination. A Contamination Report accompanies the application which identifies that the proposed change in zone would not change the risk profile associated with the site, and notes that further investigations would be required as part of the future development application process.

**Q9. How has the Planning Proposal adequately addressed any social and economic effects?**

The change in land use zone is anticipated to stimulate the development of an existing business and employment land that has been under-utilised since it was first rezoned for such a purpose in the 1990s. The change in zoning is anticipated to generate additional employment, positively benefiting the local economy.

Section D: State and Commonwealth interests

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

The sites are located within an established area, meaning that access to roads, sewerage, water and electricity are present. A development within either the existing IN2 (Light Industrial) zone, or the proposed B7 (Business Park) zone, would have adequate access to services and infrastructure.

Council's Section 94 Officer raises concern that the Warriewood Valley Section 94 Contributions Plan permits a levy based on site area only for commercial development, rather than the intensity of development. With the proposed increase in floorspace to 1.5:1, this would mean that the development on the site was intensified by 50% without any associated contribution towards surrounding infrastructure. This concern is noted, however does not in itself form a reason for the rejection of the increased built form controls (which are primarily objected to on the basis of a harm to visual amenity and the character of the area).

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

This is not applicable at this stage as the subject Planning Proposal has not yet progressed to the Gateway for a determination. The comments received from Sydney Water and Roads and Maritime Services are provided within **Attachment 1** (in the Attachments Booklet).

**Part 4: If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument;**

**Attachment 2** (located within the Attachments Booklet) demonstrates the existing land use zoning map, and the proposed change to this map which would result in the event that the change in zone were endorsed.

**Part 5: Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument**

The application has undergone a period of notification, known as a Non-Statutory Consultation Phase. The comments received in response to this are provided within **Attachment 1**.

If a Gateway Determination is issued, the Planning Proposal will be publicly exhibited in accord with the legislative provisions under the *Environmental Planning and Assessment Act 1979*. It is anticipated that the Planning Proposal will be exhibited for a period of fourteen (14) working days.

**TIMING**

Should the Planning Proposal proceed, it is anticipated that the amendment to the Pittwater LEP 2014 would be finalised within a six (6) month timeframe.

**FINANCIAL IMPACT**

Should the Planning Proposal proceed and subsequently be finalised, it is anticipated that the change in land use zone will stimulate the development of the site and allow for the creation of additional employment, which will benefit the local economy.

Any future Development Application would require a contribution to be paid by the Applicant in accordance with the *Warriewood Valley Section 94 Contributions Plan* to contribute to the provision of infrastructure and services required to support the development and the residents of Warriewood Valley.

**POLICY IMPACT**

Should the Planning Proposal proceed and subsequently be finalised, an amendment to the Pittwater LEP 2014 would ultimately result. If endorsed as recommended, this would necessitate a change to the land use zone map, from IN2 (Light Industrial) to B7 (Business Park) only (demonstrated within **Attachment 2**). If all proposed changes are endorsed, changes to the Height of Buildings and Floor Space Ratio maps would also be required. In either case, no change to the wording of the LEP would result and no new clauses would be required to be added.

**SOCIAL IMPACT**

There are potential negative social impacts associated with the proposed increase of building height and floor space, which are likely to result in an obtrusive building of excessive height, bulk and scale which has a harmful impact on the visual amenity and character of the area. This part of the proposal is not supported.

## ENVIRONMENTAL IMPACT

There are potential negative environmental impacts associated with the proposed increase of height and floor space, which are likely to result in flow-on impacts in terms of harm to the visual amenity and character of the area. This part of the proposal is not supported.

## CONCLUSION

The Planning Proposal is supported in part; the rezoning of the land from IN2 (Light Industrial) to B7 (Business Park) is supported and will result in the stimulation of an existing business and additional jobs within the region. However, the increase in the height and floor space ratio controls proposed for this site is not supported, principally for the following reasons:

- The Planning Proposal application has not provided sufficient justification for the need to increase these controls, instead stating that *'the proposed development at 15 Jubilee Avenue at a FSR of 1:1 would cater for the current expansion needs of the company'*.
- The increased height would result in a building which is at least 4 metres higher than any other building within the surrounding area; it would dominate the surrounding streetscape and be significantly higher than all other development around it. A 15 metre height control is considered uncharacteristic of the existing and desired future character of the area and the resulting building would appear obtrusive from the wider area. It is pertinent to note that a 15 metre height control has not been considered appropriate anywhere within the area covered by Pittwater LEP 2014, including in urban/town centre areas (for example, the greatest permitted height in Mona Vale town centre is 13 metres, and the greatest permitted height in Newport Commercial Centre is 11.5 metres)
- The increase in height and floor space ratio together, is likely to result in a building of an excessive amount of bulk and scale, disproportionate to development around it and resulting in a visually obtrusive building which has a harmful effect on visual amenity and character.



**Table 1: Comments received from State agencies**

Public agency	Comments	Response
Sydney Water	<p>We are generally supportive of the proposal to change the zoning of the site and have no objections.</p> <p>The site is however traversed by a 1050mm wastewater main. Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.</p>	<p>Noted.</p> <p>Sydney Water confirm that no form of development will be permitted over this easement; while both sets of concept plans show the location of a driveway, loading dock and car parking areas above this easement, no buildings are proposed in this location on either set of plans. It is understood that these elements would be permitted, with physical buildings being precluded due to the access constraints which would result. The applicant will be advised of Sydney Water commentary to facilitate any design changes needed prior to the lodgement of a Development Application for future development.</p>
Roads and Maritime Services	<p>Roads and Maritime raises no objection to the draft Planning Proposal and it is noted that the Warriewood Valley Roads Masterplan and associated Section 94 Contributions Plan are in place to identify the cost of traffic and transport works as a result of cumulative rezonings in the Warriewood Valley industrial/employment area.</p> <p>Furthermore, it is noted that redevelopment of the site will trigger development contributions for intersection and footpath improvements as identified in Council's Section 94 Plan.</p>	<p>Noted.</p> <p>The Warriewood Valley Section 94 Contributions Plan lists the upgrade of the Jubilee Avenue/Ponderosa Parade intersection as future works.</p>
NSW Department of Planning and Environment	No response received.	If the Planning Proposal is agreed to, it will be forwarded to the Department with a request to proceed to Gateway Determination, at which time DPE commentary will be known.
Ausgrid	No response received.	-

**Table 2: Advice received from Council Business Units**

Business Unit	Comments	Response
<p>Catchment Management &amp; Climate Change:  Water Cycle Management and Flooding</p>	<p>The proposal has a very large development footprint with 3 basement levels. A trunk drainage system and floodway are located along the eastern boundary (a lateral system to Narrabeen Creek) that will need to form part of any development proposal. It is uncertain if the submitted concept informing this Planning Proposal application has accounted for this infrastructure.</p> <p>Whether there are additional impacts by this rezoning proposal over current zoning requirements, any rezoning change/impact will, from a water management perspective, be related to the impervious fraction used in the water modelling. The application has not confirmed that the calculation of the % impervious area also includes the basement footprint to meet the 25% pervious area requirement for the entire site. There will also be additional impact to groundwater.</p> <p>Obviously, if the site coverage remains the same, then water management should be achievable under the current WVWM Specification requirements. If there is a major shift to the site coverage allowance, then a detailed impact assessment will need to be undertaken to verify whether the current WVWM Specification requirements are achievable.</p> <p>No objections to the proposal from a flood perspective. The flood issues associated with the property (minor – overland flow path on the western portion of the lot) can be dealt with at the Development Application stage as the flood affectation on the property is minor.</p>	<p>The applicant does not seek the amendment of LEP clause 7.3 Flood Planning.</p> <p>Both the 1:1 concept plans and the 1.5:1 concept plans indicate a pervious area of approximately 21%. Additional pervious area would be required in either case in order to achieve the minimum 25% impervious area required for the water cycle management requirements.</p> <p>Whilst the concept plans do not detail compliance, it is acknowledged that these are preliminary only, and intended to give an idea of potential future development. It is evident that design amendments and the inclusion of additional infrastructure (such as an OSD tank) could be made to ensure compliance in this regard.</p>

<p>Place Management Unit: Landscape Architect</p>	<p>The Planning Proposal request for an increase in the maximum height from 11 metres to 15 metres can be supported should the deep soil width within the front building setback increase accordingly.</p> <p>The Planning Proposal provides a front setback of approximately 10 metres (no measurements provided), of which approximately 6.5 m / 7.0 m appears as deep soil and 3.5m / 3.0 m appears as pavement. A landscape setback of 6.5 metres wide deep soil is required by the current DCP, D16.6 Front Building Lines. This however is a control for a building with a maximum height of 11 metres.</p> <p>To achieve the landscape requirements of other DCP controls, and in particular D16.1 Character as viewed from a Public Place, an increased deep soil front setback of 8.5 metres must be adopted for a building with a maximum height of 15 metres. This front setback shall consist of only deep soil and planting. No below or above ground structures shall be permitted, including basements, ground level parking, footpaths and ramps, and other pavements. Any design proposal for pavements or footpaths fronting the building shall be contained in the remaining area of the 10 metre building setback.</p> <p>An 8.5 metre wide deep soil front setback will provide sufficient soil volume to allow the establishment of suitably sized large trees (over 16 metres in height) within the front setback, to reduce the bulk and scale of a 15 metre high building, where the landscape is integrated with the building design to screen and soften the visual impact of the built form. D16.1 Character as viewed from a Public Place, requires that the “height and scale of the landscaping in the setback area to the public place must be proportionate to the height and scale of the building”</p> <p>The Planning Proposal, exhibiting a landscape front setback approximately 6.5 m / 7.0 m wide for a 15.0 metre building height, can’t support trees of a suitable height to achieve the landscape controls mentioned above. A 6.5 m / 7.0 m wide setback is insufficient to provide adequate deep soil and Tree Preservation Order protection.</p>	<p>Noted.</p> <p>Whilst it may be possible for the future building to be designed to include an increased front setback, this would be difficult to enforce at development application stage given that the front setback control is located within the Pittwater 21 DCP, which is inherently open to flexible application, and is not subject to change as part of this process.</p> <p>Further, an increased front setback would result in a need to reduce side and rear setbacks and to maximise the extent of the upper floor in order to achieve the proposed floor space ratio. Rather than the part-storey shown in the 1.5:1 concept drawings, the upper level is more likely to be a full level, resulting in additional bulk and harming the character of the area.</p> <p>With no changes to setback or the upper level as shown, and increasing the front setback by 2 metres as suggested, the 1.5:1 concept development would lose:</p> <ul style="list-style-type: none"> <li>• Approx. 430m<sup>2</sup> of GFA</li> <li>• Approx. 78 car spaces within basement levels</li> <li>• The front part of the roof terrace (removing opportunities for screening/softening).</li> </ul> <p>It is not considered appropriate to permit an increase in floor space ratio to 1.5:1 when it is clear that there would be difficulties in achieving this, when balancing the various constraints of the site.</p>
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<p>Place Management Unit: Urban Designer</p>	<p>The proposed increase in height will increase bulk. Council's Urban Designer and Landscape Architect concur that landscaping is a crucial component within the setback (to address bulk). Façade modulation is also important to work in conjunction with landscaping to improve built form appearance from the street. Using entry statement as an architectural feature to add interest can also put an emphasis on addressing pedestrians and improving built form relationship to the street. It is noted that the proposal shows a smaller platform on the top and a rooftop garden as additional amenities, these features should be kept in the subsequent detailed application.</p> <p>Option A (the 1:1 concept plans) shows a better proportion from the street (with more open terrace in line with the lower natural ground line and above vehicular entry). A setback from eastern boundary to the top floor to accommodate a smaller outdoor terrace (to take advantage of morning sun) can be suggested to improve Option A. Looking at the plan, it appears that the café component would only serving staff and students (not open for public). A separate direct entry to café can give an opportunity for this café to be open for public (similar to the café at Stockland office). There are many workers in this area and not many local lunch options.</p> <p>Increase in FSR should be combined with restriction in the extent of building footprints and site coverage to maintain the proportion of the building and to allow for landscaping and amenities within the campus.</p> <p>Bike and motorcycle parking or bike related infrastructure (shower, storage etc) can be suggested in line with future vision of Active Transport.</p> <p>Lastly, the front setback area MUST stay as a landscaped area, not to be converted as off-street parking and/or pavement areas.</p>	<p>Design of building to form detailed design for future development application.</p> <p>The need to restrict building footprint for water management, landscaping, Sydney Water infrastructure and to meet DCP built form setback controls, means that the building mass will be forced upward to achieve the proposed floor space ratio. This is likely to result in a building of excessive bulk and scale which is obtrusive as seen from the surrounding area.</p>
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<p>Transport and Urban</p>	<p>The report analyses the Ponderosa Parade/Jubilee Avenue intersection, based on a traffic survey undertaken on 30 June 2016 for the existing situation, and an assessment is provided on the projected impact of the proposed development following rezoning.</p> <p>Any traffic assessment must be based on future traffic volumes for the intersection when the Warriewood Valley is fully developed. The Traffic Assessment, which was prepared by AECOM and informed the Warriewood Valley Strategic Review, should be used as the base model.</p> <p>Furthermore, an analysis of the Foley St/Jubilee Ave/Warriewood Rd/Vineyard St intersection needs to be undertaken in addition to the Ponderosa Pde/Jubilee Ave intersection, to provide an overall assessment of the traffic implications.</p> <p>Final comments on the traffic impacts cannot be provided until this additional information and analysis is provided.</p> <p>With respect to parking, the proposal shows a 3 level basement car park. No dimensional details for car park spaces, circulation aisles, and ramps are provided. The final detailed design for the car park must be designed in accordance with Australian Standards. The number of spaces indicated must also meet the Pittwater DCP off-street parking requirements, however it is envisaged that the required spaces can be achieved based on the indicative layout.</p> <p>The proposal must also provide infrastructure to a collector road cross section fronting the development, in accordance with the Warriewood Valley Roads MasterPlan. This may include provisions for any shared paths and indented parking bays as required.</p>	<p>Noted. It is not possible to fully appreciate the impacts of the proposed built form intensification from the traffic information provided, and therefore not appropriate to permit a 50% intensification in floorspace without understanding the likely flow-on impacts.</p> <p>The change in land use zone alone is not considered likely to result in a significant adverse impact on traffic within the surrounding area, above what could already be proposed within the current land use zone.</p> <p>The applicant's Traffic Report has modelled the existing Ponderosa Parade/Jubilee Avenue intersection using SIDRA modelling, and concludes that during AM peak hour the intersection performs at Level A (good operation) and during PM peak hour the intersection performs at Level B (good with acceptable delays and spare capacity). Given that spare capacity is noted, it follows that an appropriate development using the current floorspace controls could be accommodated within the site.</p> <p>The comments relating to final car parking layout and the detailed design of the connection to the road are typically advice for a Development Application rather than a Planning Proposal; these can be provided to the applicant to inform the future development application.</p>
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<p>Environmental Compliance:</p>	<p>Contamination – Reports provided outline history and possible contamination, reports identify low risk mostly during development process at which point, any contamination could be controlled through good sediment control and dust suppression to prevent any contamination leaving the site.</p> <p>From a noise impact – main concern would be the air condition unit for the building and if a café is installed the noise from the exhaust system for that unit. The applicant would have to ensure the location of these units do not cause noise issues to property’s surrounding the property – particular to the west of the site towards Warriewood Road where residential properties are located.</p> <p>It is unlikely that car noises would be of great concern considering as the driveway and parking is location on the east side of the lot away from residential areas.</p>	<p>Noted.</p> <p>Each of these issues would form matters for consideration in the assessment of a future development application on the site. They do not represent a fundamental unsuitability of the site for the proposed changes to the LEP.</p>
<p>Section 94 Officer</p>	<p>The provision of public infrastructure and services is a fundamental component of the land release process. In the case of Warriewood Valley, a strategy and plan to provide appropriate services has been integral to the land release since its commencement in the early 1990s. The S94 Plan provides a funding mechanism for infrastructure and services for new residents and occupants in the release area, where these facilities cannot be directly and equitably provided through the development process.</p> <p>15 Jubilee Avenue (the subject site) is identified in PLEP as Sector 105 and falls within land to which the <i>Warriewood Valley Section 94 Contributions Plan</i> applies.</p> <p>In relation to infrastructure provision, the Planning Proposal advises “<i>The subject site is well serviced by existing public infrastructure and is within a built up area. As such there is considered to be adequate public infrastructure to support the planning proposal.</i>” A preliminary assessment of additional infrastructure required to meet the needs of the proposed development has been undertaken. In relation to the proposed zoning change from IN2 Light Industrial to B7 Business Park, it is not anticipated that this will result in a significant increase in demand for local infrastructure above what is to be provided under the Warriewood Valley S94 Plan.</p>	<p>The infrastructure and services planned for the Warriewood Valley Release Area are based on the anticipated development which will occur in Warriewood Valley including the subject property.</p> <p>If a development, via the Development Application process, has been identified to require infrastructure additional to what is planned and identified under the Warriewood Valley Section 94 Contributions Plan, the additional infrastructure (being a pre-requisite for that specific development) is to be directly provided by the development. Direct provision of infrastructure can be imposed by a condition of the development consent.</p>

	<p>As identified above, the S94 Plan equitably levies contributions for public infrastructure demanded by the future residents and occupants of Warriewood Valley. Contributions for light industrial and commercial development in Warriewood Valley are equitably apportioned and levied for traffic and transport improvements, multifunctional creekline corridors, pedestrian and cycle network, and plan administration. These contributions are calculated on an equivalent dwelling per square metre rate based on the site area of remaining undeveloped light industrial and commercial land. This rate has been modelled to levy development in these areas based on the current permissible FSR of 1:1. Any increase to the permissible FSR for this individual site cannot be levied appropriately by the S94 Plan and will result in an inequitable allocation of contributions. For this reason the proposed increase in FSR is not supported.</p> <p>Additionally, forward funding of drainage infrastructure within the Ponderosa Parade precinct facilitated the development of the Stage 1 release. The need to provide the trunk drainage system in the Ponderosa Parade precinct is directly generated by the development of the sectors within this precinct. It is therefore appropriate that all development in this precinct be subject to the full cost of providing this infrastructure. The subject site is within the Ponderosa Parade precinct. All sectors within this precinct have a permissible FSR of 1:1. The burden of this infrastructure was equitably split between all sectors within the precinct based on site area. Any increase in the FSR of the subject site will also result in the inequitable distribution of contributions for the Ponderosa Parade precinct trunk drainage infrastructure.</p> <p>It is noted that Council's Traffic Engineer has identified that the Applicant's traffic modelling must be updated to utilise appropriate future traffic volumes and assess the impacts on a greater number of intersections. Analysis of the updated modelling may reveal additional traffic and transport infrastructure requirements above what is planned to be provided by the S94 Plan.</p>	
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**Table 3: Submissions from the Community**

Ten (10) submissions were received as a result of the notification of this Planning Proposal. The issues raised are summarised and discussed below:

Submission issue	Response
<b>Traffic congestion</b>	
No higher volumes of traffic should be permitted until road widening is undertaken.	<p>The site is currently vacant and any development would therefore result in an increase in traffic to some degree, which is not unreasonable. It is not anticipated that the change in land use alone would result in a significant intensification of adverse traffic impacts, However, Council's Traffic Engineers have noted deficiencies within the submitted traffic report, which mean that a full understanding of the likely impacts of the augmented built form proposal is not possible.</p> <p>An intensification of built form controls is not therefore supported until such time as it has been demonstrated that the surrounding road network could accommodate the associated increase in traffic.</p> <p>The change in land use zone alone is not anticipated to result in a significant intensification in traffic.</p>
The roads within the surrounding area are already significantly congested and cannot support an increase in traffic.	
The increase in traffic would result in inconvenience and delays to those within the local area.	
<b>Appearance and character of the area</b>	
Any height increase will be out of character with the surrounding area.	Agreed; the proposed increase in the Height of Buildings control is not supported.
The height limit should remain at 11 metres	
The floor space ratio should remain at 1:1	Agreed; the proposed increase in the Floor Space Ratio control is not supported.
To have one building four metres higher than adjacent buildings would be an overdevelopment.	Agreed; it is apparent that a building of the height and floor space proposed would appear as obtrusive from the surrounding area.



<b>Loss of residential amenity</b>	
A building of this height would obliterate views of the valley enjoyed by surrounding residential properties.	The sites and their immediate surrounds are relatively flat and are located at a considerably lower elevation than the residential suburbs located to the north, east and south. The sharing of views would be a matter for consideration in the assessment of a future development application.
A brightly lit office tower will result in excessive light spill to surrounding residential properties.	The operations and security measures of the future building are matters for consideration within a future development application rather than a due consideration of this Planning Proposal application.
The 24 hour operations of the new building would result in disturbance to surrounding residential properties.	Limited information on the future business operations has been provided at the stage (and is not required at this stage), however full details of this will be required and assessed as part of a future development application.
24 hour truck movements at the new premises will result in adverse amenity impacts to surrounding residential properties.	Operations of a future land use already permitted in a land use zone would be the subject of a merit consideration for a future development application and not a Planning Proposal application. Conversely, it is recognised that this site is already zoned IN2.
<b>Natural Environment</b>	
The development would harm the site's fragile ecosystem.	The sites are not identified on the Biodiversity Map within the Pittwater LEP 2014, nor are the sites subject to any other affectation concerning the natural environment. Council's Landscape Architect has noted no particular natural features of the site which are of exceptional significance. The future development of the site is not likely to result in significant adverse effects upon the natural environment.
<b>Other</b>	
The proposal will benefit one business only and not the community as a whole.	The application will retain employment land that, when developed, results in the provision of additional jobs and positive benefits for the community as a whole.
Blackmores are able to expand their existing operations by maintaining the existing height and floorspace controls.	Agreed; the submitted documentation states that ' <i>the proposed development at 15 Jubilee Avenue at a FSR of 1:1 would cater for the current expansion needs of the company</i> '.

<p>The amendment would set a precedent for the spot rezoning of other sites and for 24 hour operations.</p>	<p>Any future applications (Planning Proposals or Development Applications) lodged with Council will be assessed on their own merits, taking into account the opportunities and constraints of that particular site. The progression of one Planning Proposal does not automatically authorise another.</p>
<p>The application does not include sufficient information regarding what will happen to the existing Blackmores operations when a new building is built. There should be a Master Plan for the whole of the operations.</p>	<p>The Applicant's documentation states that the existing Blackmores operations are to be expanded to include 15 Jubilee Avenue and does not note significant changes to the existing development at 20 Jubilee Avenue. The details of a future building on the site and any changes to the existing Blackmores site to the north, would undergo a separate detailed assessment as part of a future development application.</p> <p>The assessment of this Planning Proposal relates to the subject site (15 Jubilee Avenue), whether it is suitable for a change in zone, and whether an increased height and floor space ratio are appropriate in relation to 15 Jubilee Avenue, as proposed by the Applicant.</p>
<p>Previous compliance issues relating to the existing Blackmores operations have not been resolved satisfactorily.</p>	<p>This matter is not an issue that can be considered in the assessment of a Planning Application. Nonetheless, complaints received regarding Blackmores operations on 20 Jubilee Avenue have been investigated and acted upon.</p>

**Table 4: Applicant response to public submissions**

The following table was provided to Council by Mecone Planning on 2 February 2016 in response to the public submissions received:

Key issue	Items of Objection	Response
Traffic	Object to further development until Mona Vale road widening project is complete.	<p>With the site currently vacant, any reasonable development will increase traffic demands. The planning proposal has been supported by a Traffic Study which found that the rezoning of the site and the potential use as an office building under 1:1 or 1.5:1 FSR scenarios:</p> <ul style="list-style-type: none"> <li>• Would not trigger the need for upgrades to Ponderosa Parade / Jubilee Avenue;</li> <li>• Would facilitate the implementation of 'Collector Street' characteristics for Jubilee Avenue; and</li> <li>• Has a vehicle generation rate per hour which is similar to or lower than many currently permitted uses under the IN2 Zoning.</li> </ul>
	Existing traffic is already at capacity	
Out of character development	Existing area contains 11m height control. Anything higher will be totally out of character with the design intent of the area	<p>The addition of a single storey alongside a moderate increase in FSR does not represent a significant expansion upon the currently permitted built form. Therefore, claims that this planning proposal facilitates development 'totally out of character' with the surrounding area and an 'overdevelopment of the site' are overstated.</p> <p>The proposed building is not bulky and would not dominate the streetscape. The top level of the proposed 1.5:1 FSR design is stepped back from the west to allow an open terrace area, which reduces the perceived bulk and much of the visual impacts of an additional level. Further, no structures will be built over a significant portion of the site's western boundary due to the presence of an easement. When compared to the larger warehouse buildings constructed in the area, the proposed development will include a modulated façade with higher quality building materials and finishes.</p>
	Buildings in the area have been successfully designed to be lower than surrounding trees to minimise visual impact. A 15m will not enable this and tower over surrounding factories	
	Overdevelopment of the site	

Impacts of future operation	Light spill from future office use.	The majority of the issues raised in this category are manageable with appropriate design solutions and/or conditions of consent under a future development application. The proposed development is intended for office purposes, which would not result in significant heavy vehicle movements for deliveries or the like and are less than that of a traditional factory or warehouse. As these issues are hypothetical they should not be given substantial weight in the progression of this planning proposal, and can satisfactorily be dealt with during the development application stage.
	Ruining of views	
	24hr deliveries likely to significantly impact the local amenity and should never be considered.	
	Loss of residential amenity	
	Setting of precedent	
Current Operation	Existing Blackmores operation poorly designed and managed, with complaints to Council	Any concerns with the operation of the existing Campus at 20 Jubilee Avenue are not of relevance to this planning proposal and are to be dealt with by Council separately. Notwithstanding, the Blackmores campus has been the subject of a number of design awards and the proposed development will continue the trend of providing a high quality building.
Rezoning of the Warriewood Valley	Residents were assured originally throughout the rezoning of the Warriewood Valley that there would be no loss of residential amenity.	The Warriewood Valley is a significant local employment area in the LGA. The Blackmores Campus currently employs 441 employees, of which 78% live on the Northern Beaches. A need has been identified for additional space to allow the Campus to expand and increase the number of employees. This clearly demonstrates the demand for increased employment within the area for the local community.
	Many properties originally zoned industrial have been rezoned back to residential.	
	Community would prefer to live in the area than work in the area.	

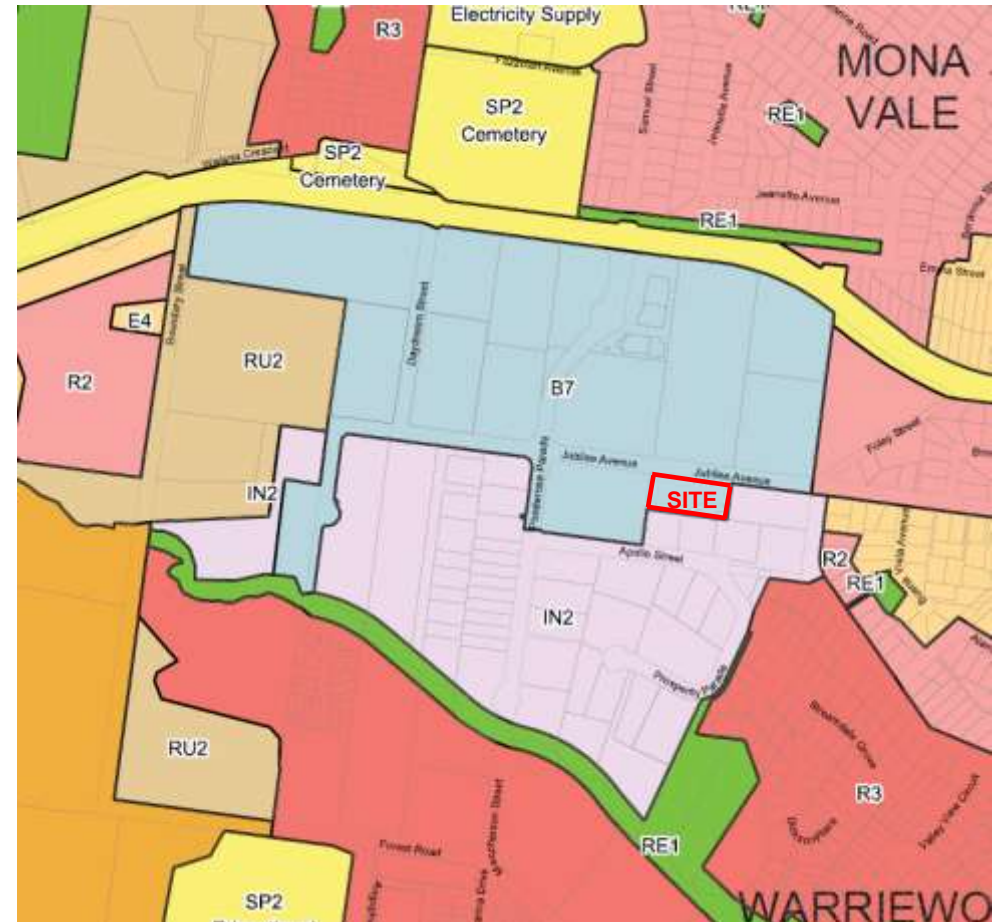
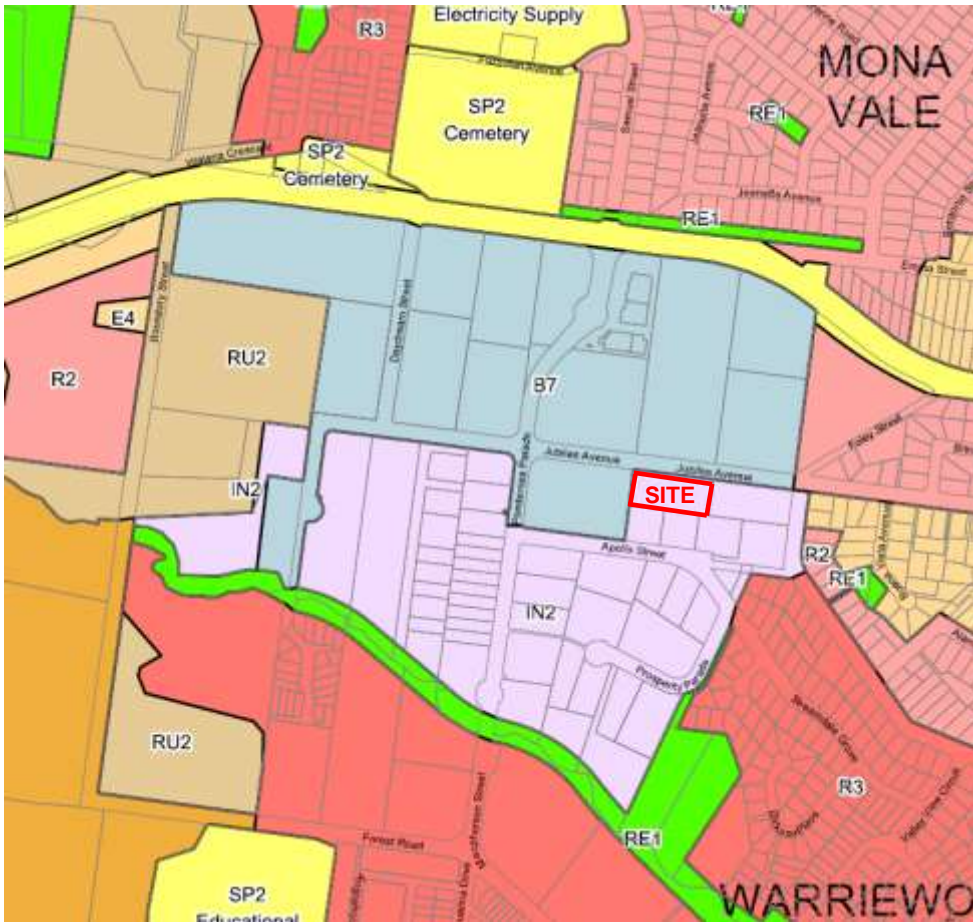


Figure 1: Existing Land Use Zoning map

Figure 2: Proposed Land Use Zoning map