

A low-angle, upward-looking photograph of several modern skyscrapers with glass facades. The buildings are reflected in each other, creating a complex geometric pattern. The sky is visible through the glass panels, showing a blue sky with some clouds. A large, semi-transparent blue circle is overlaid on the right side of the image, containing the title and date.

114-120 Old
Pittwater Road
Brookvale

Planning Proposal

July 2020



Lewis Advisory
Strategy | Planning | Projects



Prepared By	LEWIS ADVISORY 21 Ewart Street Marrickville NSW 2204 0421 014 517	Prepared for	PRIMEWEST FUNDS PTY LTD c/o Evans Projects PO Box1134 Randwick NSW 2031
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Contents

Executive Summary.....	iv
1 Introduction	1
2 The Site	2
2.1 Description	2
2.2 Existing Development	2
2.3 Local Context.....	3
2.4 Access and Transport	3
3 Background & Context	4
3.1 Site history	4
3.2 Changing trends in industrial land use.....	4
3.3 Consultation and chronology of events.....	4
3.4 Previous Planning Proposal.....	6
3.5 Current Office Demand	6
3.6 COVID-19 and Fast Tracked Assessments	6
4 Planning Proposal	8
4.1 Part 1: Objectives or Intended Outcomes	8
4.2 Part 2: Explanation of Provisions	9
4.4 Part 3 - Justification	10
4.4.1 Section A: The Need for a Planning Proposal.....	10
4.4.2 Section B: Relationship with the Strategic Planning Framework.....	12
4.4.3 Section C: Environmental, Social and Economic Impacts	19
4.4.4 Section D: State and Commonwealth Interests	21
4.5 Part 4: Mapping.....	22
4.6 Part 5: Community Consultation.....	22
5 Additional Considerations.....	23
5.1 Legal Opinion	23
5.2 Consistency with the Objects of the EP&A Act	24
5.3 Consistency with the Warringah LEP 2011	24
5.4 Priority Projects Criteria.....	25
6 Conclusion.....	26





Tables

Table 1 Development Schedule	3
Table 2 Strategic Merit Test	17

Figures

Figure 1 Site Location	2
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Appendices

Appendix A	Economic Needs and Impact Assessment prepared by Location IQ
Appendix B	Legal Opinion prepared by Holding Redlich
Appendix C	Mapping
Appendix D	Ministerial Directions (s 9.1)





Executive Summary

This report has been prepared by Lewis Advisory in support of a planning proposal to amend the Warringah Local Environmental Plan 2011 (WLEP 2011). The report has been prepared on behalf of Primewest Funds Pty Ltd for their site at 114-120 Old Pittwater Road, Brookvale.

The site is zoned IN1 under the WLEP 2011 and is currently occupied by two industrial buildings and substantial ancillary office space. While there continues to be demand for warehousing and industrial uses on the site, evolving business practices means there is no longer demand for the quantum of ancillary office space. Under the current planning controls, the office space cannot be used independently of the industrial operations. This has meant most of the high quality office space has been vacant for some years. There has been interest in the occupation of the office premises by other businesses, however this has not been pursued given the planning limitations on the use.

The planning proposal is seeking an amendment to Schedule 1 of the WLEP 2011 to include office premises as an additional permitted use on site. The office premises would be restricted to the existing buildings and to a maximum of 15,657 sqm, which is the current quantum of space available at the two buildings. The planning proposal is not seeking to increase the amount of office space currently on site and will not permit the development of new office buildings. Should the site be redeveloped in the future, the additional permitted use clause could not be relied on.

This approach ensures that the industrial zoning of the site is protected in the long term, consistent with the Greater Sydney Regional Plan, North District Plan and the Northern Beaches' Local Strategic Planning Statement. Importantly, it will also provide flexibility and economic certainty over the short to medium term while the site transitions from traditional (niche manufacturing and wholesale services) to advanced manufacturing and innovative industries.

The specific objectives of this planning proposal are to:

- make the most efficient use of existing built form and site infrastructure in the short to medium term
- capitalise on the current employment potential of the site and ensure it can operate at its full economic capacity
- facilitate the transitioning of the site from traditional (niche manufacturing and wholesale services) to advanced manufacturing and innovative industries, and
- protect the current manufacturing operations on site as well as the longer term strategic value of the industrial zoned land.

The approach outlined in the planning proposal will ensure that the Schedule 1 amendments are wholly consistent with the relevant strategic plans that apply to the site:

- Objective 23 of the Greater Sydney Plan (*Industrial and urban services land is planned, retained and managed*)
- Planning Priority N11 and Action 46 of the North District Plan (*Retaining and Managing industrial and urban services land*)
- Priority 22 of Towards 2040 (*Jobs that match the skills and needs of the community*)
- Priority 24 of Towards 2040 (*Brookvale as an employment and innovation centre*)
- Priority 28 of Towards 2040 (*Safeguarded employment Lands*)





Legal opinion has been sought on the proposed approach to ensure that it is robust and to give Council comfort that the planning proposal can proceed. Importantly, the legal opinion confirms that the approach taken ensures consistency with relevant strategic planning documents and that the proposal does not set a precedent. It provides examples of similar approaches in other LEPs, including the Sydney LEP 2012 and Liverpool LEP 2008.

Because the planning proposal does not facilitate the intensification of existing approved uses on the site, it will not result in any adverse environmental impacts. The planning proposal will create substantial social and economic benefits, particularly for Brookvale and the surrounding communities. These benefits include:

- Continued economic use of existing valuable assets on the site.
- Catering to modern innovative businesses with support services in an industrial precinct which is transitioning from traditional manufacturing to advanced manufacturing and last mile delivery.
- Significant improvement in the range of employment opportunities that would be available to residents of Brookvale and surrounding areas.
- Creating around 1,373 additional jobs, both directly and indirectly and contributing to the employment targets for Brookvale as set out in the LSPS.
- Improving the choice of tenants looking for larger office space within Brookvale. The commercial core zoning within Brookvale is predominately controlled by one land owner currently (Westfield Warringah Mall) meaning commercial floorspace is limited.
- Reducing the need for local residents to travel further afield to their place of work (i.e. improved employment self sufficiency).
- Additional customer flows created through increased labour intensities which would increase retail spending within Brookvale, positively impacting on the existing retail facilities and making more efficient use of infrastructure in the precinct.
- Contributing to the overall growth of Brookvale in line with its planning designation in the North Sydney District Plan and the Towards 2040 - Local Strategic Planning Statement.

Specifically, the planning proposal demonstrates strategic and site specific merit in that it will:

- give effect to the relevant strategic plans through the protection of industrial land in the longer term and facilitation of economic activity and innovation within an identified strategic centre (Brookvale)
- reflect emerging trends and facilitate the transitioning of the site from traditional to advanced manufacturing and innovative industries
- not allow for the intensification of existing approved uses and will have no additional impacts on the natural environment
- capitalise on existing built form and not place any additional demands on infrastructure.

Given the strategic planning merit of the amendments, it is requested that Council forward this planning proposal to the Minister for Planning and Public Spaces for a 'Gateway Determination' in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), with a view to the proposal being incorporated into a future tranche of fast tracked planning projects.



1 Introduction

This report has been prepared by Lewis Advisory in support of a planning proposal to amend the Warringah Local Environmental Plan 2011 (WLEP 2011). The report has been prepared on behalf of Primewest Funds Pty Ltd for their site at 114-120 Old Pittwater Road, Brookvale.

The site is currently occupied by two industrial buildings and substantial ancillary office space. While there continues to be demand for warehousing and industrial uses on the site, evolving business practices means there is no longer demand for the quantum of ancillary office space. Under the current planning controls, the office space cannot be used independently of the industrial operations. This has meant most of the office space has been vacant for some years.

The objective of this planning proposal is to amend Schedule 1 of the WLEP 2011 to include office premises as an additional permitted use on site. The office premises would be restricted to the existing buildings and to a maximum of 15,657 sqm, which is the current quantum of space available at the two buildings.

A previous planning proposal was lodged in April 2018, however was later withdrawn to enable key strategic planning documents to be finalised. These documents have now been finalised and it is the appropriate time to revisit the planning proposal.

The site and development history is outlined in **Sections 2 and 3** of this document. **Section 4** outlines the planning proposal, including the intended outcomes, an explanation of the proposed provisions and strategic justification. Additional relevant considerations are outlined in **Section 5**, including the recently released criteria for “fast tracked assessments” issued by the NSW Department of Planning, Industry and Environment.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and *A Guide to Preparing Planning Proposals* prepared by the NSW Department of Planning, Industry and Environment.



2 The Site

2.1 Description

Street Address	114-120 Old Pittwater Road, Brookvale
Local Government Area	Northern Beaches
Lot/DP	Lots 1 and 3 DP 868761, Lot 3 DP 444776
Land Area	4.2 ha
Primary Frontage	Old Pittwater Road (approx. 120m)
Local Environmental Plan	Warringah Local Environmental Plan 2011
Zoning	IN1 General Industrial



Figure 1 Site Location
(credit: RPS)

2.2 Existing Development

Existing improvements on the site include two industrial developments located to the north (114 Old Pittwater Road) and south (120 Old Pittwater Road). A substation is located on the eastern boundary (Lot 3 DP 444776).



114 Old Pittwater Road shares access to Old Pittwater Road with 108 Old Pittwater Road. There is also direct access from Old Pittwater Road to the site near the southern boundary of no.120, which caters for heavy vehicles.

A breakdown of current uses and car parking is provided in the table below.

Table 1 Development Schedule

	114 Old Pittwater Road	120 Old Pittwater Road	Total
Warehouse (GFA sqm)	6,214	8,459	14,673
Ancillary Office (GFA sqm)	11,317	4,340	15,657
Parking	225	309	534

2.3 Local Context

The site is located within a commercial and industrial precinct. It is surrounded by IN1 General Industrial zoned land to the north, south and east and RE1 land to the west.

The adjoining lot to the north of the site (108 Old Pittwater Road) contains offices, warehouses and workshops of mixed industry. To the south, 122-126 Old Pittwater Road contains the Villeroy & Boch Factory Outlet. There are a mix of employment and business uses along Old Pittwater Road and Westfield Warringah Mall is to the east on Pittwater Road.

The rear of the site abuts heavily vegetated public reserve zoned RE1 Public Recreation. The residential suburb of Allambie Heights is further west of the site, consisting of R2 Low Density Residential zoned land with single and two-storey detached dwellings.

2.4 Access and Transport

The site is well served by high frequency and highly accessible buses on Pittwater Road, which run from 4.30am until 12.30am. Services are regular at 15 to 30-minute headways during the peak periods.

The bus network, including the B-Line, provides a high level of accessibility to the Sydney CBD and other local destinations, including Manly, Dee Why, Collaroy Plateau, Mona Vale, Bayview and Frenchs Forest.



3 Background & Context

3.1 Site history

There are a number of development consents that relate to the site, which has been progressively redeveloped since 1985 when Hanimex first occupied the site. The most recent buildings were approved in 1993 under Consent 93/48.

Until recently, Fujifilm (previously Hanimex) and Avon occupied most of the two buildings for their respective national headquarters. Given the nature of these businesses at the time of occupation, a significant component of ancillary office space was required to support their manufacturing operations.

In October 2015 Primewest was informed that both these major tenants were downscaling their operations. Since then, Fuji has been progressively downsizing and shifting their operations closer to Macquarie Park and Avon have left Australia entirely. This has left much of the site vacant.

For the last 5 years Primewest has been trying to lease the existing industrial buildings and ancillary office space with minimal success. They have been forced to lease the industrial space separately from the office space and approximately 2,000 sqm of office space has been sitting primarily vacant for the last 3 years. Fujifilm vacated in May 2020, bringing the vacant office space to 5,000 sqm.

3.2 Changing trends in industrial land use

Business practices are evolving and many companies are no longer looking to co locate their office headquarters and manufacturing operations. There is a preference to locate manufacturing closer to logistics infrastructure, with primary office space in locations closer to CBDs. This has been an ongoing trend affecting many of Sydney's inner employment lands and is something a number of Councils are currently trying to resolve.

Since the 1980s, there has been a gradual conversion of many metropolitan industrial areas to other uses (predominantly housing). The remaining industrial lands in the inner/built up areas are a vital employment and service centre for the surrounding residential catchments. These areas are evolving, with a transition from traditional (niche manufacturing and wholesale services) to advanced manufacturing and innovative industries. Much of the built form in these areas is high quality, however does not meet the needs of modern industrial tenants. While these areas transition, there is often an underutilisation of existing developments as planning controls are not sufficiently flexible to support this process.

3.3 Consultation and chronology of events

Primewest has been collaborating with Council officers on a resolution to this problem since 2015, as outlined in the chronology of events below. They have also met with the Greater Sydney Commission and made representation to the Northern Beaches elected Council.

October 2015

- Primewest informed their 2 major tenants, Fujifilm and Avon, are downscaling their operations.



November 2015	<ul style="list-style-type: none">• Warringah Council commences stage 1 engagement of the Brookvale Structure Planning process. One of the issues to be considered as part of the study is the type of uses to be allowed in the West Brookvale Industrial area.
December 2015	<ul style="list-style-type: none">• Primewest commission consultants to investigate repurposing of large vacant office tenancies on site.
January - March 2016	<ul style="list-style-type: none">• Primewest engage and meet with Warringah Council senior planning officers. Council advise waiting to lodge a planning proposal to facilitate office premises until after the Draft Brookvale Structure Plan is advertised.
April 2016	<ul style="list-style-type: none">• Primewest lodge submission during the stage2 engagement phase of Brookvale Structure Planning Process.• Council inform in writing that they expect draft structure plan to be exhibited second half of 2016.
May - September 2016	<ul style="list-style-type: none">• In collaboration with Council planning officers, Primewest try to find simplest solution to re-purpose office facilities under existing LEP without success.• Council advise a planning proposal should not be lodged until after the Draft Structure Plan is presented to Council.
October 2016	<ul style="list-style-type: none">• Council advise the draft Brookvale Structure Plan will go to Council in February /March 2017, however this is delayed until May 2017.
August 2017	<ul style="list-style-type: none">• Brookvale Structure Plan is presented to Council for approval and endorsed. The Structure Plan recommends office and business uses for West Brookvale Industrial area which includes the subject site.
November 2017	<ul style="list-style-type: none">• Council publicly advertise the draft Brookvale Structure Plan• Primewest lodge submission supporting Structure Plan and meet with Council to discuss way forward.
April 2018	<ul style="list-style-type: none">• Primewest lodge a planning proposal with Northern Beaches Council (PEX2018/0004).
May - June 2018	<ul style="list-style-type: none">• Council request Primewest withdraw the planning proposal until their Local Strategic Planning Statement is finalised.• Primewest meet with GSC to discuss options and are advised that Northern Beaches Council need to undertake further investigation to justify office uses in Brookvale.• Primewest withdraw the application.
June 2018 – November 2019	<ul style="list-style-type: none">• Primewest monitors LSPS progress with regular interactions with Northern Beaches Council.
November 2019	<ul style="list-style-type: none">• Primewest makes a submission on the draft LSPS.



February 2020

- Elected Council considers the LSPS. Primewest make representation to the Council requesting amendment to wording to help facilitate flexibility. Council adopts LSPS unchanged.

3.4 Previous Planning Proposal

A planning proposal was submitted for the site on 12 April 2018 (PEX2018/0004). The proposal was seeking an amendment to Schedule 1 of the WLEP 2011, however without the limitations on floor space included in this proposal.

On 21 May 2018, Council advised the applicant that the planning proposal could not be considered until such time as further strategic analysis of Council's industrial lands was undertaken following the release of the North District Plan. Council raised a number of considerations, which have been addressed in **Section 5** of this report:

- Consistency with the Greater Sydney Region Plan and the North District Plan and ensuring there is sufficient justification for any inconsistencies
- Demonstrating strategic merit or site specific merit
- Consistency with ministerial directions, and
- Ensuring the proposal adequately addresses likely impacts, particularly economic and traffic impact.

The applicant decided to withdraw the planning proposal until such time as Council had finalised additional strategic analysis (namely their Local Strategic Planning Statement).

3.5 Current Office Demand

As outlined in **Appendix A**, demand for office floorspace in the Northern Beaches Council is higher than the state benchmark, with core office generating industries experiencing significant growth in demand recently. This demand is also occurring in the Northern Beaches area.

Existing office floor space supply in Brookvale is limited when compared to that of other surrounding precincts. There is generally a low level of supply as compared with other parts of Northern Sydney. Relevantly, the size of the office space for lease in this area are all typically quite small at less than 500 sqm and would suit a limited range of users.

In addition, much of the land zoned for office premises in Brookvale is associated with the Westfield Shopping Centre and is therefore unavailable for other office tenants.

Primewest has been approached by a number of potential office tenants, including Pullinen Property Group (1,000 sqm), Fulton Hogan (3,000 sqm) and Zanerobe (600 sqm), however due to the planning limitations on office premises at the site these have not progressed.

3.6 COVID-19 and Priority Projects

Since the previous planning proposal was withdrawn, there has been an unprecedented economic and social crisis with the worldwide COVID-19 pandemic. The social and economic impacts associated with this ongoing event and the implications for the site are discussed in more detail in **Section 4.3.3**.



There is an acknowledgement from all tiers of Government that all efforts should be made to stimulate the economy. This has resulted in the State Government introducing a process for “fast tracking” proposals which fit specific criteria. This planning proposal has been considered in the context of these criteria (refer **Section 5.4**).



4 Planning Proposal

This planning proposal has been prepared in accordance with Section 3.33 of the EP&A Act and A *Guide to Preparing Planning Proposals* (NSW Department of Planning and Environment), which requires the following to be addressed:

- Part 1: objectives and intended outcomes of the amendment to the LEP (**Section 4.1**)
- Part 2: explanation of provisions (**Section 4.2**)
- Part 3: justification, including its relationship to strategic planning frameworks; environmental, social and economic impact and State and Commonwealth interests (Section 4.3)
- Part 4: mapping (**Section 4.4** and **Appendix C**), and
- Part 5: community consultation (**Section 4.5**).

4.1 Part 1: Objectives or Intended Outcomes

This planning proposal seeks to allow the *existing* “ancillary office space” on site to be used independently of the approved warehouse uses. The planning proposal is not seeking to increase the amount of office space currently on site and will not permit the development of new office buildings.

While there continues to be demand for the industrial floor space on site, there is no longer demand for all of the ancillary office space. The ancillary office space has therefore been vacant for several years. There has been interest in the occupation of the office premises by other businesses, however this has not been pursued given the planning limitations on the use.

The objectives of this planning proposal are to:

- Make the most efficient use of existing built form and site infrastructure in the short to medium term
- Capitalise on the current employment potential of the site and ensure it can operate at its full economic capacity,
- Facilitate the transitioning of the site from traditional (niche manufacturing and wholesale services) to advanced manufacturing and innovative industries, and
- Protect the current manufacturing operations on site as well as the longer term strategic value of the industrial zoned land.

The planning proposal will ensure the site can operate at its full economic capacity, without reducing the quantum of industrial land in the area. This will protect the site’s strategic employment and service role over the longer term.

Legal opinion from Holding Redlich has been obtained to ensure the planning proposal can achieve the objectives and intended outcomes (**Appendix B**). In particular, the legal opinion confirms that the proposed approach is legally robust, protects the IN1 zone in the long term and is consistent with the District Plan and Local Strategic Planning Statement. This is discussed further in **Section 5.1**.



4.2 Part 2: Explanation of Provisions

The provisions to be included in the proposed LEP are outlined below, in accordance with Section 3.33(2) of the EP&A Act.

Warringah Local Environmental Plan 2011

Name of Plan

This Plan is Warringah Local Environmental Plan 2011.

Aims of the Plan

This Plan aims to amend the *Warringah Local Environmental Plan 2011* as follows:

- Insert the following subclause in Warringah LEP 2011 Schedule 1 Additional permitted uses:

24 Use of certain land at 114-120 Old Pittwater Road, Brookvale

- (1) This clause applies to Lots 1 and 3 DP 868761 and Lot 3 DP 444776, 114-120 Old Pittwater Road, Brookvale identified as “Area 24” on the Additional Permitted Uses Map.*
 - (2) Use of that land identified as “Area 24” for office premises is permitted with development consent if the consent authority is satisfied that:*
 - (i) there will be no reduction in gross floor area available for industrial activities on any Lot,*
 - (ii) the development is carried out in an existing building, and*
 - (iii) no more than 11,317 sqm on Lot 1 DP 868761, and 4,340 sqm on Lot 3 DP 868761 and Lot 3 DP 444776 of existing gross floor area will be used for office premises.*
- Amend Warringah LEP 2011 Additional Permitted Uses Map Sheet APU_008A in accordance with the proposed additional permitted uses map (**Appendix C**).

Land to which Plan applies

This Plan applies to 114-120 Old Pittwater Road, Brookvale being Lot 1 and 3 in DP 868761 and Lot 3 DP 444776.



4.3 Part 3 - Justification

Part 3 of *A Guide to Preparing Planning Proposals* outlines ten questions to help justify the planning proposal. The planning proposal is justified based on the responses to these questions, as demonstrated in **Sections 4.3.1 – 4.3.4** below.

4.3.1 Section A: The Need for a Planning Proposal

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

The proposal responds to a number of strategic planning documents prepared by local and State Governments. These are outlined in **Section 4.3.2**.

In addition, this planning proposal is accompanied by an economic needs and impact assessment (**Appendix A**), which demonstrates the economic need for the proposal.

Most significantly, the planning proposal is seeking to protect the long term integrity of the IN1 zone while also maximising the current economic potential of the site. These are fundamental themes in all relevant strategic planning documentation. The planning proposal is wholly consistent with the following relevant strategic plans that apply to the site:

- Objective 23 of the Greater Sydney Plan (*Industrial and urban services land is planned, retained and managed*)
- Planning Priority N11 and Action 46 of the North District Plan (*Retaining and Managing industrial and urban services land*)
- Priority 22 of Towards 2040 (*Jobs that match the skills and needs of the community*)
- Priority 24 of Towards 2040 (*Brookvale as an employment and innovation centre*)
- Priority 28 of Towards 2040 (*Safeguarded employment Lands*)

It is noted that Council is proposing to undertake additional investigations within the Brookvale industrial precinct to inform further amendments to the LEP and DCP. This further investigation is supported because, as demonstrated in this proposal, the nature of business activities on industrial lands is evolving and planning controls need to reflect current trends and demands. This sentiment is reflected in the Greater Sydney Plan which identifies at Objective 23 that the management of industrial lands should accommodate evolving business practices and changes in needs for urban services from the surrounding community and businesses.

This additional broader precinct based review should not impact the consideration of this planning proposal, which is necessary to solve an immediate problem at site and is consistent with existing strategic plans that apply.

The planning proposal will not impact the implementation of the other strategic planning investigations given that it will not change the existing zoning of the site and is limited to existing buildings on the site. If the site is ever redeveloped (resulting in the demolition of the existing buildings, then the amendments to Schedule 1 will no longer apply and could not be relied upon.



Q2 – Is the planning proposal the best means of achieving the intended outcome?

Yes.

The intended outcome of the planning proposal is to ensure the existing development on site realises its current employment and economic potential by creating additional jobs, while safeguarding existing employment lands.

In addition, it creates opportunity for innovation by allowing knowledge businesses and a broader diversity of jobs closer to home (strategy 23.1 – GSR Plan). It is a no-cost solution to providing additional employment generating floor space, without compromising the status quo.

To achieve this, the planning proposal is seeking an amendment to Schedule 1 of the LEP to enable the part of the existing buildings approved as ancillary office space to operate as standalone office space.

The planning proposal is clear that it only applies to the existing buildings on site and within the current GFA. It does not facilitate an expansion or intensification of office uses beyond what is already approved. If the site was comprehensively redeveloped and existing buildings demolished, standalone office premises would cease to be permissible.

There are two main alternatives to the current proposal:

1. Do nothing. The surplus office buildings remain largely vacant for the foreseeable future.
2. Redevelop the site. The existing buildings are demolished/substantially modified to cater for a permissible use.

Neither option is feasible or appropriate from a strategic planning or sustainability perspective.

Option 1 - the “do nothing” option does not represent the efficient use of existing built form and infrastructure and does not represent the economic and orderly use of land (refer **Section 5.2**). Further, it prevents an opportunity for employment generating businesses to relocate to the business park.

Option 2 - redeveloping the site is unnecessary, given the condition of the buildings and the fact that redevelopment would yield limited additional industrial floor space given the offices are multi-level over a relatively small footprint.

The approach set out in the planning proposal is considered the best means of achieving the outcome because it:

- ensures that the long term strategic value of the site for employment and urban services is retained
- makes the most efficient use of existing built form and infrastructure, allowing the economic potential of the site to be realised without substantial modifications
- is wholly consistent with the objects of the EP&A Act and in particular object (c); promoting the orderly and economic use and development of land
- is wholly consistent with the relevant strategic planning documentation, and
- provides an interim solution to a clearly articulated and site specific problem without setting a precedent for other employment land, including within the Brookvale industrial precinct.



4.3.2 Section B: Relationship with the 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)?

Yes.

The following section outlines the consistency of the planning proposal with the relevant *Objectives* of the Greater Sydney Plan and *Planning Priorities* of the North District Plan.

The Greater Sydney Region Plan - A Metropolis of Three Cities

The planning proposal is consistent with the Greater Sydney Region Plan (GSR Plan). In particular, the planning proposal supports the following relevant objectives of the Plan:

- ***Objective 23 Industrial and urban services land is planned, retained and managed (Productivity)***

The GSR Plan identifies the approach to managing industrial and urban services land in the Eastern City as “Retain and Manage”. The GSR Plan provides further detail on this approach and includes the following statements of direct relevance to this proposal (p.133):

All existing industrial and urban services land should be safeguarded from competing pressures, especially residential and mixed-use zones.

The planning proposal is not seeking a change in zoning and will safeguard the site for industrial uses in the long term. The additional permitted use is for employment uses, not residential, and is restricted to the existing office space on site. If there is redevelopment of the site, the clause will no longer apply and could not be relied upon.

The GSR Plan also provides (p.133):

The management of these lands should accommodate evolving business practices and changes in needs for urban services from the surrounding community and businesses. There will be a need, from time to time, to review the list of appropriate activities within any precinct in consideration of evolving business practices and how they can be supported through permitted uses in local environmental plans.

The planning proposal is a direct response to the evolving business practices of the original tenants. There is no longer demand for the co-location of manufacturing and office headquarters at this location and therefore the requirement for ancillary office space has substantially reduced. This planning proposal outlines a mechanism to support business through a period of transition, with negligible impacts. It could also facilitate the attraction of a broader diversity of jobs and businesses (including, for example, knowledge businesses) close to home as businesses evolve.

The GSR Plan notes that in parts of Greater Sydney such as Lane Cove West, Mascot, Camperdown and Warriewood, office, industrial and urban services activities have been able to co-locate successfully. These precincts offer a broad range of urban services and jobs to the surrounding community. This can be done on the site without having any permanent impact to the current zoning of the land.



Brookvale is identified as a strategic centre within the GSR Plan. Strategic (and metropolitan) centres are to be the focus of employment within Greater Sydney. The planning proposal is consistent with this outcome and achieves the relevant objective (Objective 23) in the GSR Plan.

North District Plan

The planning proposal is consistent with the North District Plan (District Plan). In particular, the planning proposal supports the following Planning Priorities and Actions of the District Plan:

- **Planning Priority N11 Retaining and managing industrial and urban services land.**

The District Plan includes a range of actions to support this planning priority. Action 46 is directly relevant to this planning proposal:

Action 46: Retain and manage industrial and urban services land, in line with the principles for managing industrial and urban services land, in the identified local government areas [i.e. retain and manage] by safe-guarding all industrial zoned land from conversion to residential development, including conversion to mixed-use zonings. In updating local environmental plans, councils are to conduct a strategic review of industrial lands.

The planning proposal is not seeking to change the land use zoning and the industrial land will be safeguarded from conversion to residential or mixed use. The planning proposal will allow existing office buildings on site to be used independently of the manufacturing uses.

The planning proposal provides the opportunity for an innovative approach and will present opportunities for other office uses. It can facilitate the attraction of knowledge businesses and a broader diversity of jobs closer to home. This will not compromise the operation of existing industrial activities, nor will it weaken the current zoning of the site.

Q4 – Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?

Yes.

The proposal is consistent with the following local strategies and plans:

- Northern Beaches’ Towards 2040: Local Strategic Planning Statement
- Shape 2028: Northern Beaches Community Strategic Plan
- Warringah Economic Development Plan 2011
- Warringah Employment Study 2013
- Draft Brookvale Structure Plan 2017 (noting this is proposed for review).

Each of these documents are discussed further below.

Northern Beaches’ Towards 2040: Local Strategic Planning Statement

Towards 2040 outlines a framework for growth in the Northern Beaches. Brookvale is identified as a strategic centre with a target/expectation of 3000-6000 additional jobs by 2040 – the highest growth in the LGA.

The following Priorities and actions are directly relevant to the planning proposal.

- **Priority 22 Jobs that match the skills and needs of the community**



One of the principles associated with this priority is to *maintain and increase employment floor space and ensure residential development within strategic and local centres does not diminish employment or economic opportunities (p. 158).*

The planning proposal maintains the existing employment floor space on site and is not proposing the introduction of non-employment uses. Rather than “diminishing” employment or economic opportunities, the planning proposal seeks to maximise these employment opportunities. The current planning controls applying to the site are restricting the economic and employment potential of the site, as they only allow for ancillary office space to meet onsite demand. Allowing the surplus office space to be used as office premises for separate use provides an opportunity for that surplus space to provide a broader range of job opportunities closer to home for the LGA’s residents.

It is noted that a number of the specific actions associated with Priority 22 relate to the preparation of additional studies to inform the LEP and DCP provisions (**Actions 22.1 and 22.2**, p. 158). These studies may make further recommendations in relation to the site and surrounding area, however this is not considered a reason for the planning proposal not to proceed. Nothing in the planning proposal would impact on the outcomes of such studies being realised. This is because the planning proposal will be limited to the existing buildings on the site and still protects and maintains that surplus GFA for industrial uses if the increased demand for ancillary office premises arises in the future. In addition, if the site is redeveloped, it must be consistent with the zoning of the site, which means that the industrial zoning is protected for future industrial purposes.

Action 22.3 (p. 158) also outlines the intention to review planning controls to support specific industry sectors. This acknowledges that planning controls are sometimes inappropriate for a particular type of development or sector and that there needs to be a flexible approach in these circumstances to ensure economic growth. This planning proposal is consistent with this action.

- **Priority 24 Brookvale as an employment and innovation centre**

Brookvale is the Northern Beaches’ largest employment hub. It is also the most accessible centre in the LGA by public transport. It has a history of innovation, something that Council wants to foster in the future.

Two relevant principles are associated with this priority (p.167):

- (i) Support Brookvale as an employment-based centre, and*
- (ii) Preserve the industrial integrity of the industrially-zoned land.*

The planning proposal seeks to capitalise on the employment potential of the surplus GFA within the existing buildings on the site. It is not proposing the introduction of non-employment uses and it is not proposing out of centre development. It is supporting the function of Brookvale as an employment hub.

Flexibility is an essential ingredient in fostering innovation, and the planning proposal would assist in delivering Council’s vision for Brookvale. A rigid approach to planning for this site would stifle any innovation and economic potential of the site, and the Brookvale industrial precinct. This is particularly relevant noting that Towards 2040 notes that all industrial precincts in the Northern Beaches LGA are fully developed with no development in the pipeline (p. 180 of the LSPS).

The industrial integrity of the IN1 zoning will be preserved in the long term. Stand-alone offices will only be permissible on the site within the existing buildings and GFA. The



planning proposal does not facilitate an expansion of existing office space and new development for office use would be prohibited.

The planning proposal will assist with providing high-quality and industry appropriate commercial and industrial floor space, focussing on flexible division of floor space. This approach will support businesses, by providing flexibility in how space on the site is used and means that one large tenant is not required to take up all the space on the site (p.156). This means that the GFA can be shared between multiple businesses. In short, there will be no loss of industrial land, and will supply additional office premises in an employment hub.

- **Priority 28 Safeguarded employment Lands**

It is noted that the Northern Beaches has the lowest amount of industrial land in Greater Sydney and the value of employment lands close to residential areas is increasing. There is increasing pressure in many parts of Greater Sydney to rezone land for non-employment uses. It is necessary that these lands are protected and managed appropriately.

Importantly, the LSPS states that *future planning must balance local needs, a transitioning economy and high-value industries* (p.180). Planning controls must be flexible to cater for the evolution and transitioning of businesses, such as those previously occupying this site. The ancillary office space on this site is a legacy of changing manufacturing practices. It is no longer needed or desired by industrial tenants. There is however, local demand for this high quality office space to be occupied independently from the manufacturing uses.

The planning proposal outlines a mechanism for this transition to occur, supporting an immediate local need while protecting the long term integrity of the IN1 zoning.

One of the critical principles associated with the action is to support efficient use of land and built form that responds to changes in technology and innovation (p. 183). The planning proposal is wholly consistent with this. It is facilitating the occupation of existing office space that will otherwise remain vacant. As identified above, it also could facilitate the attraction of knowledge businesses and a broader diversity of jobs close to home.

Actions 28.1 and 28.3 (p. 183) reference additional investigations proposed to inform the LEP and DCP. Specifically, a review of the draft Brookvale Structure Plan is proposed. This is important strategic work, however should not impact on the consideration of this planning proposal. This planning proposal is required to solve an immediate site specific problem related to existing GFA on the site. Any broader strategic planning changes to the site that may result from the additional investigations would not be impacted by this planning proposal, particularly given that in the event that the site is redeveloped and the existing buildings are demolished, the clause will no longer apply.

Shape 2028: Northern Beaches Community Strategic Plan

Shape 2028 is the community strategic roadmap for the Northern Beaches LGA. It outlines the community's vision and sets the future direction for the LGA. There are two community outcomes and associated goals and strategies directly relevant to this planning proposal.

- **Vibrant Local Economy**

Goal 13: Our businesses are well-connected and thrive in an environment that supports innovation and economic growth:

Strategy a: Ensure that employment lands are retained and cater for a diverse range of businesses and industry and



Strategy d: Support business and professional networks that are responsive to the evolving needs of the business community.

The planning proposal is entirely consistent with these goals and strategies. It will not result in a loss of employment land and will enable the use of surplus existing GFA on the site to maximise its employment generating potential. The planning proposal is a direct response to the evolving needs of business.

Goal 15 Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure and social life:

Strategy a Promote Northern Beaches as an attractive place to establish a business

Flexibility is an important consideration for businesses seeking to establish in the Northern Beaches. Businesses are constantly evolving and dynamic and it is important that the planning system can adequately respond to this. This planning proposal demonstrates an amendment to the planning controls can be made without any additional impacts and would illustrate Council's commitment to this goal and strategy.

- ***Environmental Sustainability***

There is a key theme of sustainability throughout this document, which is a relevant consideration for the planning proposal. It is clear that this is an important topic for the Northern Beaches community. The planning proposal aligns entirely with the community outcome of Environmental Sustainability, by making the most efficient use of existing built form and infrastructure, without any additional environmental impacts. It will also allow for complementary land uses and employment opportunities for residents within the Northern Beaches LGA, reducing the need to travel long distances to access a broad range of job opportunities (Strategy 23.1 GSR Plan).

The Warringah Economic Development Plan 2011

The Warringah Economic Development Plan 2011 (WEDP 2011) provides the framework and direction for economic development within Warringah. While the WEDP 2011 is almost 10 years old and is being progressively superseded with more recent planning, it is relevant to consider some of its objectives and high level themes.

- ***Objective: Create an environment that is conducive to business investment and industry development and attraction***
- ***Objective: Encourage sustainable and innovative business practices***
- ***Theme 1: Growing Employment Opportunities***

The planning proposal is entirely consistent with these objectives and themes. It demonstrates how flexibility in the planning system can help in achieving economic outcomes and encouraging employment diversity and innovation.

Draft Brookvale Structure Plan

The Draft Brookvale Structure Plan was exhibited in 2017. Subsequently, the Greater Sydney Plan and North District Plan were finalised. While the Brookvale Structure Plan had identified opportunities for diversification of the existing employment lands, the Greater Sydney and North District Plans placed a greater emphasis on protecting industrial land. Council has identified a need to undertake additional investigations before the Structure Plan is revised and re-exhibited in 2020.





Given that the planning proposal is consistent with these strategic plans, it is considered that the planning proposal will be consistent with any revised Brookvale Structure Plan.

4.3.2.1 Strategic Merit Test

A Guide to Preparing Planning Proposals requires a planning proposal to meet the Strategic Merit Test. Part 3 of the guide establishes assessment criteria for determining if planning proposals have strategic merit. These are addressed below.

Table 2 Strategic Merit Test

Criteria	Discussion
a) Does the proposal have strategic merit? Will it:	
<ul style="list-style-type: none">give effect to 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>Yes.</p> <p>The planning proposal is consistent with relevant strategic planning documentation.</p> <p>Refer Section 4.3.2 for detail.</p>
<ul style="list-style-type: none">give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; OR	<p>Yes.</p> <p>The planning proposal is consistent with the Northern Beaches LSPS.</p> <p>Refer Section 4.3.2 for further detail.</p>
<ul style="list-style-type: none">respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.	<p>Yes.</p> <p>Market trends and business practices have evolved since the current development was approved.</p> <p>Existing strategic plans (appropriately) focus on the protection of employment lands. The Greater Sydney Plan also acknowledges that there is a need to cater for evolving business practices in precincts. It specifically states there is a need to review permitted uses and amend LEPs if necessary.</p> <p>The planning proposal is responding to changes in business practices that have occurred since the original development application was approved.</p> <p>It is not seeking to change the zone of the land, thereby protecting the industrial zoning of the site. The additional permitted use is proposed only in association with existing buildings, and within existing GFA.</p>



Criteria	Discussion
b) Does the proposal have site-specific merit, having regard to the following?	
<ul style="list-style-type: none">the natural environment (including known significant environmental values, resources or hazards) AND	<p>Yes.</p> <p>The planning proposal will not result in an intensification of approved uses or development and will have no additional impacts on the natural environment.</p>
<ul style="list-style-type: none">the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal AND	<p>Yes.</p> <p>No change in land use is proposed and there will be no change in the context of existing, approved or future land uses in the vicinity.</p> <p>The current development consent permits office uses ancillary to the approved manufacturing use. The proposal is not intensifying the approved office use, only changing how it is occupied.</p> <p>The land will remain as a strategic, industrial landholding.</p>
<ul style="list-style-type: none">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>Yes.</p> <p>The planning proposal will not result in a change to existing infrastructure or services demand. It does not propose an intensification or change to existing approved uses.</p>

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

Yes.

The planning proposal is consistent with the following relevant SEPPs:

- SEPP No. 55 Remediation of Land***

The site is currently developed for warehouses and ancillary offices. The planning proposal does not propose a change in the zoning of the land and will not facilitate the development of office premises beyond what is already on site. It will only allow for the existing office space to be occupied independently from the warehouse uses. A Stage 1 Preliminary Site Contamination Investigation is not necessary.

- SEPP (Infrastructure) 2007***

The planning proposal is not proposing an intensification of existing employment uses on site and traffic impacts will be negligible. Consultation with TfNSW will occur during statutory exhibition of the planning proposal.



Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Yes.

An assessment of the planning proposal against applicable section 9.1 Directions is set out in **Appendix D**. In particular, the proposal is wholly consistent with Ministerial Direction 1.1 Business and Industrial Zones, which states a planning proposal must:

(a) give effect to the objectives of this direction

The planning proposal is consistent with the objectives of the direction because it will:

- Encourage employment in an identified strategic employment centre (Brookvale) and will support its viability as an employment hub in the Northern Beaches.
- Protect the industrial zone of the site, which will not change

(b) retain the areas and locations of existing business and industrial zones

There will be no change to the existing area, location or extent of the industrial zone.

(c) not reduce the total potential floor space area for employment uses and related public services in business zones

There will be no change in potential floor space area for employment uses.

(d) not reduce the total potential floor space area for industrial uses in industrial zones, and

The planning proposal is seeking amendments that would allow existing ancillary office space to be occupied independently of the manufacturing uses. This would only be permitted within existing buildings and current GFAs. The proposed amendment specifically states that no reduction in GFA for industrial uses may occur. If the site is redeveloped in the future, the amendment would cease to apply.

(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment

Not applicable.

4.3.3 Section C: Environmental, Social and Economic Impacts

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?

No.

The planning proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats. While the rear of the site contains native vegetation and is identified as a wildlife corridor in the Warringah Development Control Plan 2011, the planning proposal is not seeking an intensification of activity or additional development 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?

There will be no intensification of existing approved uses on the site. The proposal simply enables existing, approved office space to be occupied independently of the manufacturing uses on the site. There will therefore be negligible additional environmental impacts as a result of the planning proposal.

In particular, there will be negligible additional traffic and parking impacts associated with the planning proposal. In any case, it is important to consider:

- There is a considerable supply of parking on site, which exceeds the minimum requirements for existing and proposed uses as outlined in the Warringah DCP 2011 and is currently underutilised.
- The site is well serviced by public transport.
- Existing loading and waste collection arrangements are adequate to cater for future office tenants.

Improvements to the current traffic and parking situation could also be addressed as part of the future development application(s), which could require the provision of various measures (such as implementation of a Green Travel Plan) to reduce reliance on car travel.

Q9 – Has the planning proposal adequately addressed any social and economic impacts?

Yes.

The Economic Needs and Impact Assessment (**Appendix A**) outlines the substantial economic and associated social benefits of the proposal, particularly for Brookvale and the surrounding communities. These benefits include:

- Continued economic use of existing valuable assets on the site, being modern office buildings.
- Catering to modern innovative businesses with support services in an industrial precinct which is transitioning from traditional manufacturing to advanced manufacturing and last mile delivery.
- Significant improvement in the range of employment opportunities that would be available to residents of Brookvale and surrounding areas. In total, some 1,373 additional jobs are likely to be created both directly and indirectly due to the planning proposal.
- Assisting the Northern Beaches LGA to achieve the employment targets for Brookvale as set out in the LSPS. It is important to note that these additional jobs will result from no change in floorspace (GLA).
- Improving the choice of tenants looking for larger office space within Brookvale. The commercial core zoning within Brookvale is predominately controlled by one land owner currently (Westfield Warringah Mall) meaning commercial floorspace is limited.
- Reducing the need for local residents to travel further afield to their place of work (i.e. improved employment self sufficiency).
- Additional customer flows created through increased labour intensities which would increase retail spending within Brookvale, positively impacting on the existing retail facilities and make more efficient use of infrastructure in the precinct.
- Contributing to the overall growth of Brookvale in line with its planning designation in the North Sydney District Plan and the Towards 2040 - Local Strategic Planning Statement.



Importantly, the planning proposal will provide these substantial benefits with negligible additional impacts on the local community. There will be no construction required and no intensification of approved uses.

4.3.4 Section D: State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the planning proposal?

Yes.

The planning proposal will not result in additional infrastructure demand. It is not seeking a change of land use and will not facilitate an intensification of development on the site. The site is adequately serviced by all necessary infrastructure, including access to public transport.

Q11 – What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant State and Commonwealth authorities would be undertaken in accordance with the Gateway Determination.



4.4 Part 4: Mapping

This planning proposal seeks to amend the following map of WLEP 2011:

- Additional Permitted Uses Map APU_008A

The proposed map is included in **Appendix C**.

4.5 Part 5: Community Consultation

Community consultation will be conducted in accordance with Schedule 1 of the EP&A Act and *A Guide to Preparing Planning Proposals*.



5 Additional Considerations

5.1 Legal Opinion

In order to provide reassurance that the planning proposal was consistent with the relevant strategic planning documents and would not have unintended consequences more broadly, a legal review was undertaken by Holding Redlich (**Appendix B**). Their advice considered the following questions:

- **Does the proposed wording of the Schedule 1 amendment ensure protection of the IN1 zone in the long term?**

Response: *The drafting of the proposed clause, combined with clearly defining the area of the site that is currently occupied by the existing building, will provide a robust approach which will achieve the Intended Outcomes and, in particular, ensure consistency with the District Plan and LSPS by protecting the IN1 zone in the long term.*

This is because:

- (a) the Proposed Clause makes it clear that the use is limited to only a specific area and within an existing building. As such, the clause could not be relied upon for any proposed new buildings; and*
- (b) the clause requires any proponent to satisfy Council (and for Council to be satisfied) that the requirements of the clause have been met before development consent will be granted (and, in fact, can be granted). As is clear from clause (2) of the Proposed Clause, this includes Council being satisfied that there will be no reduction in GFA available for industrial uses and that the development is being carried out within an existing building.*

Their advice also provides examples from other LGAs where:

- similar wording has been used in Schedule 1, including Sydney LEP 2012, Auburn LEP 2010 and Leichhardt LEP 2013, and
- additional permitted uses in Schedule 1 are restricted to existing buildings, including Liverpool LEP 2008, Blue Mountains LEP 2005 and Byron LEP 1988.

This advice demonstrates that the proposed approach is sound and can be relied upon by Council to achieve the intended outcomes of the planning proposal.

- **Will the Planning Proposal create a precedent?**

During discussions with Council earlier in 2020, there was a question raised regarding the potential for this planning proposal to set a precedent given the LSPS has only recently been adopted. Holding Redlich have advised that a precedent for a range of reasons, but primarily because:

- *It is not a development application, which is assessed against specified planning controls, rather it is a Planning Proposal specific and unique to the site. Council is required to consider whether there is merit and whether it is consistent with the various strategic plans that it has for the site, the Precinct and the LGA before agreeing to progress the Planning Proposal. The only avenue of review is through the Pre-Gateway Review process where any proposal will need to meet both the Strategic Merit Test and the Site Specific Merit Test in order to proceed to Gateway.*



5.2 Consistency with the Objects of the EP&A Act

Section 1.3 Of the EP&A Act outlines the objects of the Act. Objects (b) and (c) are important considerations in the assessment of this planning proposal:

- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment*
- (c) to promote the orderly and economic use and development of land.*

Alternatives to the planning proposal include the “do nothing” option and the comprehensive redevelopment of the site. Neither of these options are consistent with Objects (b) and (c) of the EP&A Act. The “do nothing” option would result in an inefficient use of existing built form and infrastructure on the site and would not represent the optimum use of the land from an economic perspective. Redevelopment of the site to replace the ancillary office space with another permissible use is unnecessary, would not facilitate ecologically sustainable development and would be of little benefit from an economic perspective. The current buildings are in good condition and could readily be occupied by new businesses should this planning proposal proceed. Redevelopment of the office space is also unlikely to result in a significant increase in industrial floor area given the office space occupies a number of levels over a relatively small footprint.

The planning proposal is considered the only option that is wholly consistent with the Objects of the EP&A Act.

5.3 Consistency with the Warringah LEP 2011

The relevant aims of the Warringah LEP 2011 specific to this Proposal are as follows:

- (b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the subregion*
- (e) in relation to non-residential development, to:*
 - (ii) maintain a diversity of employment, services, cultural and recreational facilities*

The planning proposal is consistent with the aims of the Warringah LEP 2011 as it will:

- Reinforces and support the role of Brookvale as a strategic employment centre, ensuring its economic and employment potential can be realised and that strategically important employment lands are protected in the longer term.
- Encourage a diverse mix of employment opportunities and foster innovation, through the provision of unique and flexible employment space.

Under Warringah LEP 2011, the site is zoned IN1 General Industrial. The objectives of the zone are:

- *To provide a wide range of industrial and warehouse land uses;*
- *To encourage employment opportunities;*
- *To minimise any adverse effect of industry on other land uses;*
- *To support and protect industrial land for industrial uses;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area;*
- *To enable a range of compatible community and leisure uses; and*
- *To maintain the industrial character of the land in landscaped settings.*



The IN1 zone does not permit office premises. The existing office premises on site were approved as ancillary to the warehouses uses. The planning proposal is seeking to allow the ancillary office space to be occupied independently of the warehouse uses. This is considered consistent with the aims of the IN1 zone, primarily because it:

- facilitates flexibility and will enable a wide range of land uses
- ensures the site can realise its current employment capacity, and
- does not impact the integrity of the IN1 zone, will not result in a reduction of industrial GFA on site and will protect the industrial zoning in the long term.

5.4 Priority Projects Criteria

To support the recovery of the NSW economy during and after the COVID-19 pandemic, the NSW government have developed criteria to prioritise the assessment of planning projects. This planning proposal is consistent with these criteria, as outlined below:

- **Jobs**

The proposal would create an additional 1,373 jobs¹ on site, with no additional impacts.

- **Timing**

Once the planning proposal is approved, development applications could be lodged almost immediately. There is existing demand for the office space that could be capitalised on as soon as the planning controls are finalised.

There is negligible capital investment required to realise the additional jobs on site, because the existing office space is of high quality and would need only minor fit out works to cater for future tenants. There are no major site constraints, and with no construction works required, development applications could be assessed and determined quickly.

- **Public benefits**

The proposal will have substantial social and economic benefits, which are clearly articulated in section 4.4.3 and **Appendix A**.

¹assuming ancillary office space remains vacant



6 Conclusion

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Act 1979* (EP&A Act) and addresses the requirements of ‘A Guide to Preparing Planning Proposals’ (Department of Planning, Industry and Environment, 2016).

The planning proposal provides a sound justification for the proposed amendments to Schedule 1 of the Warringah Local Environmental Plan 2011, to include office premises as an additional permitted use at 114-120 Old Pittwater Road, Brookvale.

Specifically, the planning proposal seeks to allow the *existing* “ancillary office space” on site to be used independently of the approved warehouse uses. It is not seeking to increase the amount of office space currently on site and will not permit the development of new office buildings.

The planning proposal will ensure the site can operate at its full economic capacity, without reducing the quantum of industrial land in the area. This will protect the site’s strategic employment and service role over the longer term.

Importantly, the planning proposal will achieve this through no intensification of uses on site and therefore negligible environmental impacts. It will result in substantial social and economic benefits for the local community, including the creation of local employment opportunities.

The planning proposal:

- is consistent with relevant strategic plans and policies
- is consistent with the relevant legislation, statutory plans and policies including the objects of the EP&A Act and the aims of WLEP 2011
- demonstrates strategic and site specific merit and
- will result in no adverse environmental, economic or social impacts

Given the strategic planning merit of the amendments, it is requested that Council forward this planning proposal to the Minister for Planning and Public Spaces for a ‘Gateway Determination’ in accordance with Section 3.34 of the EP&A Act, with a view to the proposal being incorporated into a future tranche of fast tracked planning projects.



Appendices





Appendix A Economic Needs and Impact Assessment prepared by Location IQ





Appendix B Legal Opinion prepared by Holding Redlich





C Proposed Mapping





Appendix D Ministerial Directions (s 9.1)

Direction	Consistency	Discussion
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	<p>The proposal is wholly consistent with this direction which states that a planning proposal must:</p> <p><i>(a) give effect to the objectives of this direction</i></p> <p>The planning proposal is consistent with the objectives of the direction because it will:</p> <ul style="list-style-type: none">• Encourage employment in an identified strategic employment centre (Brookvale) and will support its viability as an employment hub in the Northern Beaches.• Protect the industrial zone of the site, which will not change <p><i>(b) retain the areas and locations of existing business and industrial zones</i></p> <p>There will be no change to the existing area, location or extent of the industrial zone.</p> <p><i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones</i></p> <p>There will be no change in potential floor space area for employment uses.</p> <p><i>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</i></p> <p>The planning proposal is seeking amendments that would allow existing ancillary office space to be occupied independently of the manufacturing uses. This would only be permitted within existing buildings and current GFAs. The proposed amendment specifically states that no reduction in GFA for industrial uses may occur. If the site is redeveloped in the future, the amendment would cease to apply.</p>



Direction	Consistency	Discussion
		<i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment</i> Not applicable.
1.2 Rural Zones	n/a	
1.3 Mining, Petroleum Production and Extractive Industries	n/a	
1.4 Oyster Aquaculture	n/a	
1.5 Rural Lands	n/a	
2. Environment and Heritage		
2.1 Environment Protection Zones	n/a	
2.2 Coastal Management	n/a	
2.3 Heritage Conservation	n/a	
2.4 Recreation Vehicle Areas	n/a	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	n/a	
2.6 Remediation of Contaminated Land	n/a	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	n/a	
3.2 Caravan Parks and Manufactured Home Estates	n/a	
3.3 Home Occupations	n/a	



Direction	Consistency	Discussion
3.4 Integrating Land Use and Transport	Yes	The planning proposal demonstrates consistency with this direction in accordance with clause 5(c) and 5(d). It will facilitate occupation of existing office space in an employment centre with good access to public transport. While the planning proposal is considered to be of minor significance in the context of this direction (5(d)) it is also in accordance with the Greater Sydney and North District Plans.
3.5 Development Near Regulated Airports and Defence Airfields	n/a	
3.6 Shooting Ranges	n/a	
3.7 Reduction in non-hosted short term rental accommodation period	n/a	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	n/a	
4.2 Mine Subsidence and Unstable Land	n/a	
4.3 Flood Prone Land	n/a	
4.4 Planning for Bushfire Protection	Yes	The planning proposal will not facilitate additional development on the site, or result in an intensification of already approved uses. It will not result in an increased bushfire risk.
5. Regional Planning		
5.1 Implementation of Regional Strategies	n/a	
5.2 Sydney Drinking Water Catchments	n/a	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	n/a	



Direction	Consistency	Discussion
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	n/a	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	n/a	
5.9 North West Rail Link Corridor Strategy	n/a	
5.10 Implementation of Regional Plans	n/a	
5.11 Development of Aboriginal Land Council land	n/a	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	This planning proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	Yes	This planning proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Yes	The planning proposal is introducing site specific planning controls for 114-120 Old Pittwater Road. These controls are considered necessary to ensure the planning proposal complies with the relevant State, Regional and Local strategies. They will apply only for the duration of existing buildings on site and are therefore not considered unnecessarily restrictive. The amendments are minor in nature.
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	Yes	As demonstrated in Section 4.4.2, the planning proposal is consistent with the relevant regional plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	n/a	



Direction	Consistency	Discussion
7.3 Parramatta Road Corridor Urban Transformation Strategy	n/a	
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	n/a	
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	n/a	
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	n/a	
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	n/a	
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	n/a	
7.9 Implementation of Bayside West Precincts 2036 Plan	n/a	
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	n/a	