
Sent: 16/02/2017 1:57:14 PM
Subject: RE: Submission to Planning Proposal PP0005/16 - Attention: Andreas Olsson
Attachments: Objection to PP0005-16 Vicinity Centres.pdf; Objection to PP0005-16 Vicinity Centres.pdf;

Attention: Andreas Olsson

Dear Andreas,

Please find attached a submission in relation to Planning Proposal PP0005/16.

As discussed over the phone Vicinity Centres would greatly appreciate The Northern Beaches Council giving consideration to this submission when preparing their report.

Could you please reply confirming receipt of this email.

Thank you in advance for your assistance.

Regards,

Shaun Doyle

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16 February 2017



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SUBMISSION TO PP0005/16 PLANNING PROPOSAL TO REZONE AND AMEND BUILDING HEIGHT AND FLOOR SPACE RATIO AT 8 JACKSONS ROAD, 10 BOONDAH ROAD AND 12 BOONDAH ROAD, WARRIEWOOD

Dear Madam/Sir

1. Introduction

This Submission is made on behalf of Vicinity Centres in relation to Planning Proposal PP0005/16 to amend the *Pittwater Local Environmental Plan 2004* (PLEL2014) to:

- Rezone 6 Jacksons Road, as well as 10 and 12 Boondah Road from RU2 Rural Landscape to R3 Medium Density Residential, B2 Local Centre, RE1 Public Recreation and E3 Environmental Management;
- Amend the height of buildings map from 8.5m to a maximum of 18.5m; and
- Apply a floor space ratio of 1.2:1.

The purpose of these planning amendments is to enable bulky goods retail, associated food and drink premises and a small element of residential development as a transition buffer to the residential development to the immediate north. This is to be known as the Boondah Precinct.

Vicinity Centres owns and operates the Warriewood Square Shopping Centre at 12 Jackson Road Warriewood, immediately adjoining the development site to the west. The Warriewood Square Shopping Centre is approximately 30,000m² in size, and is anchored by Kmart, Coles, Woolworths and Aldi stores.

While Vicinity Centres does not object in principal to the provision of low intensity development on the site, significant concern is raised in relation to the potential of adverse economic and traffic impacts, as well as a reduction of open space within the locality.

The Planning Proposal is supported by a Masterplan for the Boondah Precinct prepared by GM Urban Design, which provides for the establishment of a bulky good retail centre. Overall, this development would accommodate approximately 25-30 dwellings and 16,000m²-17,000m² of gross floor area within the bulky goods retail space.

This submission on behalf of Vicinity Centres is supported by the two expert reports and studies annexed as:

- **Appendix 1** – Economic Impact Assessment; and
- **Appendix 2** – Traffic Review.

The points of contention in relation to PP0005/16 are outlined below. It is considered that these matters should be addressed before PP0005/16 proceeds towards being determined.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

2. Previous Planning Proposal

A Previous Planning Proposal was prepared and rejected by the JRPP. This included the site, as well as 3, 6 and 8 Boondah Road, Warriewood. It was subject to a Pre-Gateway Review by the former Sydney Region East Joint Regional Planning Panel. This Previous Planning Proposal:

- Covered a total area of 6.24ha; and
- Proposed 35,000m² GFA of residential floor space and up to 36,000m² GFA of retail/commercial floor space.

The JRPP in its advice to the Minister recommended that the Previous Planning Proposal not proceed to Gateway Determination for the following reasons:

- *The Panel acknowledges that the Warriewood Valley Strategic Review Report 2013 suggests that individual landowners in the Southern Buffer may pursue their own planning proposals. However, the proposal is inconsistent with the Warriewood Valley Strategic Review Addendum Report 2014. This is a recent report prepared by the council and based on community input. The general intention of the Addendum Report for most of this land is to be used for recreation.*
- *The scale of the residential component of the proposal is twice that of nearby development and would be out of context with any other development in the Warriewood Valley.*
- *The site is floodprone land. The proposal is inconsistent with s117 Direction 4.3 in that it may have impact on other properties. The panel notes that the proponent acknowledges that, should the proposal proceed to Gateway, further work on flooding would be required. If this were the only problematic aspect of the proposal, the Panel would merely defer consideration pending completion of further flooding studies.*
- *The Panel notes that there are Endangered Ecological Communities on the land. While the proponent suggests that these communities could be replanted/relocated elsewhere, there is no firm proposal, approved by the landowner of the land, for such compensatory relocation or replanting.*
- *The future population of Warriewood Valley requires additional Open Space. The majority of the site (excluding 6 Jackson Road) has been identified for future active Open Space in the draft Warriewood Valley Section 94 Contribution Plan. The Panel notes that the population foreseen by this proposal (about 1,000 persons) alone generates a need for about 2.8ha of Open Space.*
- *The amount of retail area proposed is excessive. The proposed connection to the existing Warriewood Centre is unsatisfactory. The impact on the expanded Warriewood Centre of 18%, suggested by the applicant, is significant. The impact on Mona Vale centre has not been calculated.*

3. Current Planning Proposal

Henroth Investments Pty Ltd submitted an application for PP0005/16 on 21 December 2016. PP0005/16 seeks to:

- Amend the Land Zoning Map to show the site as part zone R3 Medium Density Residential, part B2 Local Centre, part RE1 Public Recreation and Part E3 Environmental Management in accordance with the configuration shown on the attached proposed Zoning Plan;
- Impose Building Heights ranging between 15.0m and 18.5m on the Height of Buildings Map in accordance with the configuration shown on the attached proposed Height of Buildings Plan (refer to Attachment 2);
- Impose an FSR of 1.2:1 to the B2 Local Centre zone;
- Delete the land from the Minimum Lot Size map; and
- Amend Clause 6.1 (3) of the PLEP2014 to reflect the development potential of the land with a dwelling range of 25-30 dwellings.

The non-statutory exhibition period for PP0005/16 commenced on 21 January 2017, and ended on 11 February 2017. Numerous submissions were received during this period.

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As at the time of preparing this Objection, no Pre-Gateway Report had been provided to the newly amalgamated Northern Beaches Council. Previously, the site fell within the jurisdiction of the former Pittwater Council.

PP0005/16 is supported by the *Boondah Road Precinct 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood: Planning Proposal* (SJB Planning, December 2016). The following specialist reports were also prepared in support of PP0005/16:

- Geotechnical Report;
- Economic Impact Report;
- Flooding and Stormwater Management Plan;
- Traffic and Parking Impact Report;
- Groundwater Report;
- Urban Design Report;
- Flora and Fauna Assessment; and
- Bushfire Risk Assessment Report.

4. Economic impacts on the existing trade area

The *Boondah Road Precinct 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood: Planning Proposal* (SJB Planning, December 2016) included *Economic Impact Assessment: Proposed Bulky Goods Centre, Warriewood* (Leyshon Consulting Pty Ltd, 2016) (Leyshon Assessment).

The Leyshon Assessment acknowledged that there is no standard definition of what constitutes acceptable and unacceptable impacts to existing shopping centres due to a new development. However, it concluded that:

- Development of the bulky goods retail centre would not cause any significant adverse economic effects for established business centres in the Northern Beaches Local Government Area or the surrounding region (within the range of <-10.0% which is in the very low or low/medium categories). However, impacts at the Belrose Super Centre and the Manly Vale bulky goods precinct are to be at the high end of the low/medium impact category in 2021. For Warriewood Square Shopping Centre, impacts are expected to be in the realm of -1.8%;
- There is an under-supply of bulky goods type floorspace at Warriewood; and
- The development would create 231 full time equivalent operational jobs.

An Economic Impact Assessment was prepared by LOCATIION in February 2017 to support this Submission (refer to **Appendix 1**). While the Economic Impact Assessment has not identified any significant concerns with the Leyshon Assessment, the following concerns are nevertheless noted:

- 1) The analysis of impacts details a low impact on Warriewood Square Shopping Centre at less than -1.8%, primarily reflective of the lack of bulky goods floorspace within Warriewood Square Shopping Centre and the assumption that the proposed development will primarily consist of furniture, floor coverings, electrical, lighting, kitchen, hardware, auto, type stores;
- 2) The planning proposal outlines that associated food and drinks premises would also be included as part of the site. However, this does not form part of the Leyshon Assessment;
- 3) The Leyshon Assessment is based on the development being for a bulky goods centre only. However, PP0005/16 proposes to rezone the proposed location of the bulky goods centre as B2 Local Centre; and
- 4) PP0005/16 proposes a B2 Local Centre zoning within the Boondah Precinct. However, the Leyshon Assessment did not consider account other proposed Local Centre zonings in the area (such as the future centre floorspace within the Ingleside Precinct Draft Structure Plan, which is a 700ha land release within around 1.2km west of the site).

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With regards to the first point above, no consideration has been given to potential impacts for the continued operation of various homemaker type retail tenants currently operating at Warriewood Square Shopping Centre, including:

- MyHouse;
- Swish Furniture and Homewares;
- Cottage and Coast;
- Whats Cooking; and
- Kmart.

The following assertion made in the Leyshon Assessment therefore cannot be supported:

The impact on traditional retail centres such as Mona Vale, Warriewood Square and Westfield Warringah Mall is expected to be insignificant due to the limited bulky goods offer in these centres.

Given this, it is also questionable whether the following statement in the Leyshon Assessment is also inaccurate:

there is a significant under-supply of bulky goods-type floorspace within the Warriewood trade area at present. We estimate this to be in the order of -48,000m².

With regards to the second point above, Warriewood Square Shopping Centre currently provides tenancy for a range of food and drinks premises, including a food court and takeaway stores, cafes and fresh food stores. Supermarket tenants Coles, Woolworths and Aldi also retail in food and drinks.

Food court and takeaway stores currently operating at Warriewood Square Shopping Centre include:

- Akira Sushi;
- Ali Baba;
- Bar Q Sushi;
- Boost Juice Bars;
- Breadwinners;
- Chickentime;
- Gloria Jean's Coffees;
- Hokka Hokka;
- Monkey King Thai Express;
- Pizza, Pasta e Passione;
- Soul Origin;
- Subway; and
- Top Juice.

Cafes currently operating at Warriewood Square Shopping Centre include:

- Leaf Cafe; and
- Three Beans.

Fresh food stores currently operating at Warriewood Square Shopping Centre include:

- Bakers Delight;
- Fitzgerald's Fine Meats;
- Ruling the Roost;
- The Source, Bulk Food; and
- Top Juice.

By not considering the implications of adding a food and drinks premises into the Boondah Precinct, the Leyshon Assessment has failed to consider:

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- The impacts of a new food and drinks premises on the existing food and drink retail tenants at Warriewood Square Shopping Centre; and
- The economic viability of establishing a new food and drinks premises at the Boondah Precinct by failing to establish relevant demand for these premises.

With regards to the third point above, PP0005/16 proposes to rezone the site of a bulky goods centre as B2 Local Centre. Under PLEP2014, one of the objectives of the B2 Local Centre zone is to:

provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

The following land uses are permitted within this zone:

*Amusement centres; Boarding houses; Car parks; Child care centres; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Environmental protection works; Function centres; Home-based child care; Home industries; Horticulture; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals.*

Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Commercial premises means any of the following:

- Business premises;
- Office premises; and
- Retail premises.

The Standard Instrument also provides definitions of Bulky goods premises and Retail premises, and specifies that Bulky goods premises are a type of Retail premises.

However, Retail premises under the Standard Instrument may also include:

- Cellar door premises;
- Food and drink premises;
- Garden centres;
- Hardware and building supplies;
- Kiosks;
- Landscaping material supplies;
- Markets;
- Plant nurseries;
- Roadside stalls;
- Rural supplies;
- Shops;
- Timber yards; and
- Vehicle sales or hire premises.

From the above, it is clear that the definition of Commercial premises is many-layered, encompassing numerous types of land uses with varying intensities. It is also relevant to note that the current zoning of the Warriewood Square Shopping Centre is B2 Local Centre.

However, the Layshon Assessment was solely based on the operation of Bulky goods premises without due consideration to other types of Retail premises (or indeed other types of Commercial premises such as Business premises and Office premises). This ignores the potential for PP0005/16 to enable development of a much wider variety of shops, possibly including supermarkets, discount department stores, specialty stores and the like which are already located at Warriewood Square Shopping Centre and which, if developed, would directly compete with tenants at Warriewood Square Shopping Centre.

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Specifically, if a more traditional shopping centre was developed at the site comprising 15,000m², the likely trading level for such a facility would be at \$7,000-\$8,000 per m², representing sales of in the realm of \$105-\$120 million. These are double the levels indicated in the Leyshon Assessment for a bulky goods centre. The impact to Warriewood Square Shopping Centre would likely be in the order of \$35-\$40 million, or above -15%. As identified in the Layshon Assessment, impacts in the realm of -15% and greater are considered high to very high impacts.

If the intention of the Boondah Precinct is to only provide bulky goods floodpace, then a B6 Enterprise Corridor zoning would be more appropriate. The objectives of this zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide healthy, attractive, functional and safe enterprise corridors.*

Within the B6 Enterprise Corridor zone, the following are permitted with consent:

Bulky goods premises; Business premises; Car parks; Community facilities; Environmental protection works; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Research stations; Roads; Service stations; Signage; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies.

This zoning would be more in keeping with the proposed development of Boondah Precinct, while at the same time safeguarding and protecting any impacts to Warriewood Square Shopping Centre.

As such, Vicinity Centres is concerned that any deviation from the assessed bulky goods centre within the Boondah Precinct has not been adequately considered in PP0005/16. Such a deviation has the potential to have a significantly greater economic impact on Warriewood Square Shopping Centre than has been identified in the Leyshon Assessment.

If the intention of the Boondah Precinct is for bulky goods floorspace, a more appropriate way to protect Warriewood Square Shopping Centre and surrounding retail centre activities would be with a B6 Enterprise Corridor zoning at the site of the propose bulky goods centre premises. The B6 zone would allow for a bulky goods premises, but not more traditional retail outlets such as discount department stores, supermarkets and specialty shops.

With regards to the fourth point above, the Ingleside Precinct Draft Structure Plan relates to land around 1.2km west of the site. The Ingleside *Employment and Retail Assessment: Draft Report* (SGS Economics and Planning, 2016) recommended that the Neighbourhood Centre within the Ingleside Precinct include a maximum of 2,000m² retail floorspace (at Chiltern Road, just north of Mona Vale Road). While the Leyshon Assessment considered the impacts of operating a bulky goods centre on other surrounding retail centres, it did not consider the impact of the operational bulky goods centre (or other commercial or retail premises) operating in potential competition with the retail floorspace set aside within the Ingleside Precinct.

5. Traffic impacts on the area

The *Boondah Road Precinct 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood: Planning Proposal* (SJB Planning, December 2016) included *Planning Proposal 10-12 Boondah Road and 6 Jacksons Road Warriewood Transport Impact Assessment* (GTA Consultants, 2016) (GTA Assessment).

Relevant conclusions made in the GTA Assessment include:

- The proposed Concept Plan comprises a mixed use development with bulky goods retail, residential apartments and ecological rehabilitation;

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- Previous studies in the area have established appropriate mitigation measures to provide satisfactory road operating conditions with expected/planned development of undeveloped in the area. The most recent study is the Warriewood Valley Strategic Transport Review (AECOM, 2011) which assessed the implications of two levels of development in the Southern Buffer; and
- The potential traffic generation is less than that assessed in the Warriewood Valley Strategic Transport Review for both Option 1 and Option 2 development of the Southern Buffer.

A Traffic Review was prepared by Colston Budd Rogers & Kafes Pty Ltd in February 2017 to support this Submission (refer to **Appendix 2**). The Traffic Review has identified several traffic and transport matters which require further assessment, having particular regard to the conclusions highlighted above:

- 1) There are inconsistencies in the development potential of the land between the *Boondah Road Precinct 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood: Planning Proposal* (SJB Planning, December 2016) and the GTA Assessment. Therefore, the GTA Assessment has not assessed the maximum traffic generation of PP0005/16;
- 2) The GTA Assessment relies on previous work undertaken by AECOM which did not consider the recent expansion of the Warriewood Square Shopping Centre; and
- 3) Future road works.

With regards to the first point above, PP0005/16 seeks to rezone the northern part of the site to B2 Local Centre (the same zoning as the Warriewood Square Shopping Centre). This would facilitate retail development on the site. However, as outlined in **Section 4** above, B2 Local Centre zoning allows for a range of permissible commercial and retail uses. The GTA Assessment assumed that bulky goods and residential development would occur at the site as a result of PP0005/16, noting that bulky goods is a lower traffic generating land use in the weekday AM and PM peak periods when compared to other retail land uses.

This Submission therefore recommends that either:

- The GTA Assessment be revised to assess the highest traffic generating use on the site (in this case traditional retail); or
- PP0005/16 be modified to only reflect the proposed uses assessed in the GTA Assessment.

With regards to the second point above, the GTA Assessment relies heavily on previous work undertaken by AECOM for the Warriewood Valley Strategic Review. The AECOM study did not consider the recent expansion of the Warriewood Square Shopping Centre. This recent expansion has resulted in additional traffic on the existing local road network. The GTA Assessment should have, as a minimum, assessed the traffic impacts of PP0005/16 on 2017 traffic flows (which would include the expanded Warriewood Square Shopping Centre traffic).

Overall, it is concluded that the GTA Assessment has not adequately assessed the traffic effects of PP0005/16.

With regards to the third point above, the GTA Assessment relies on previous transport studies completed in 2011. It has not undertaken additional assessment of the traffic impacts of PP0005/16 on the existing road network. The GTA Assessment has therefore failed to confirm how the existing road network can accommodate the proposed additional traffic.

The GTA Assessment also makes the following claim:

The proposed Concept Plan development is at a significantly reduced scale than that which has been the subject of previous planning for the Warriewood Valley area.

And furthermore, that:

generated peak hour traffic would not require any additional need for upgrade works at the key intersection of Pittwater Road with Jacksons Road.

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It is noted that the intersection of Pittwater Road and Jacksons Road is operating near to capacity during peak periods, and that this intersection was identified for upgrading in the AECOM study. The GTA Assessment also confirms that this upgrade, which was identified in the *Warriewood Valley S94 Contributions Plan*, has not yet been completed.

As the level of development proposed under PP0005/16 would generate significant traffic flows, an assessment of the impacts of PP0005/16 on this intersection should be undertaken to determine whether PP0005/16 triggers an intersection upgrade to accommodate the additional traffic generated by PP0005/16.

6. Reduction of Open Space within the Locality

As outlined in **Section 2**, the JRPP in its advice to the Minister recommended that the Original Planning Proposal not proceed to Gateway Determination for various reasons, including the following which specifically relate to open space:

- *The Panel acknowledges that the Warriewood Valley Strategic Review Report 2013 suggests that individual landowners in the Southern Buffer may pursue their own planning proposals. However, the proposal is inconsistent with the Warriewood Valley Strategic Review Addendum Report 2014. This is a recent report prepared by the council and based on community input. The general intention of the Addendum Report for most of this land is to be used for recreation.*
- *The future population of Warriewood Valley requires additional Open Space. The majority of the site (excluding 6 Jackson Road) has been identified for future active Open Space in the draft Warriewood Valley Section 94 Contribution Plan. The Panel notes that the population foreseen by this proposal (about 1,000 persons) alone generates a need for about 2.8ha of Open Space.*

With respect to the open space, PP0005/16 now makes the following claims:

- 1) That the *Warriewood Valley Strategic Review Report 2012* does not identify the site as being subject to open space provisions by the then Pittwater Council;
- 2) That the *Warriewood Valley Strategic Review Report 2012*, being endorsed by the NSW Department of Planning and Infrastructure, is the relevant strategic plan which must be referred to, and must take precedence over the *Warriewood Valley Strategic Review Addendum Report 2014* which was prepared later;
- 3) Comparison to neighbouring (former) Local Government Areas of Warringah, Manly and Ku-Ring-Gai confirms that the former Pittwater Local Government Area does in fact appear to have high provision of total open space, even when conservation, natural areas and national parks are taken out of the equation. It is noted that at 5.2ha/1000 residents, Council is providing open space well above the planning guide of 2.83ha per 1000 person adopted by the former Pittwater Council and included in the *NSW Growth Centres Code (2006)*;
- 4) That the current Council depot on Boondah Road should be reconsidered due to the amalgamation of the former Pittwater Council into the Northern Beaches Council, and that this could make up any shortfall in open space;
- 5) That the adopted s94 plan prescribes embellishment of existing playing fields if the subject lands are not purchased by Council for active open space (as opposed to a proponent identifying where new sports fields can be delivered), and that further lands are available in the area for Council to designate open space to make up any remaining shortfall;
- 6) The *Warriewood Valley Strategic Review Addendum Report 2014* conflicts with the Draft North District Plan designation of Warriewood as a Local Centre; and
- 7) Under the *Pittwater Local Planning Strategy: Planning for Pittwater Towards 2031*, the Southern Buffer area is identified as the area supported for further investigation for the establishment of a new centre to accommodate the necessary additional retail floor space.

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With respect to the first point above, the site is clearly identified in Figure 6 to the *Warriewood Valley Strategic Review Report 2012* as being subject to open space and recreation provisions, once their final locations are determined (refer to **Figure 1** below). Furthermore, in Table A of the *Warriewood Valley Strategic Review Addendum Report 2014*, the properties at 10 and 12 Boondah Road are identified as having been investigated as part of the *Warriewood Valley Strategic Review Report 2012*, but also having unresolved or outstanding issues at that time. It is therefore not correct to claim that the site was categorically not identified as being subject to open space provisions in the *Warriewood Valley Strategic Review Report 2012*.

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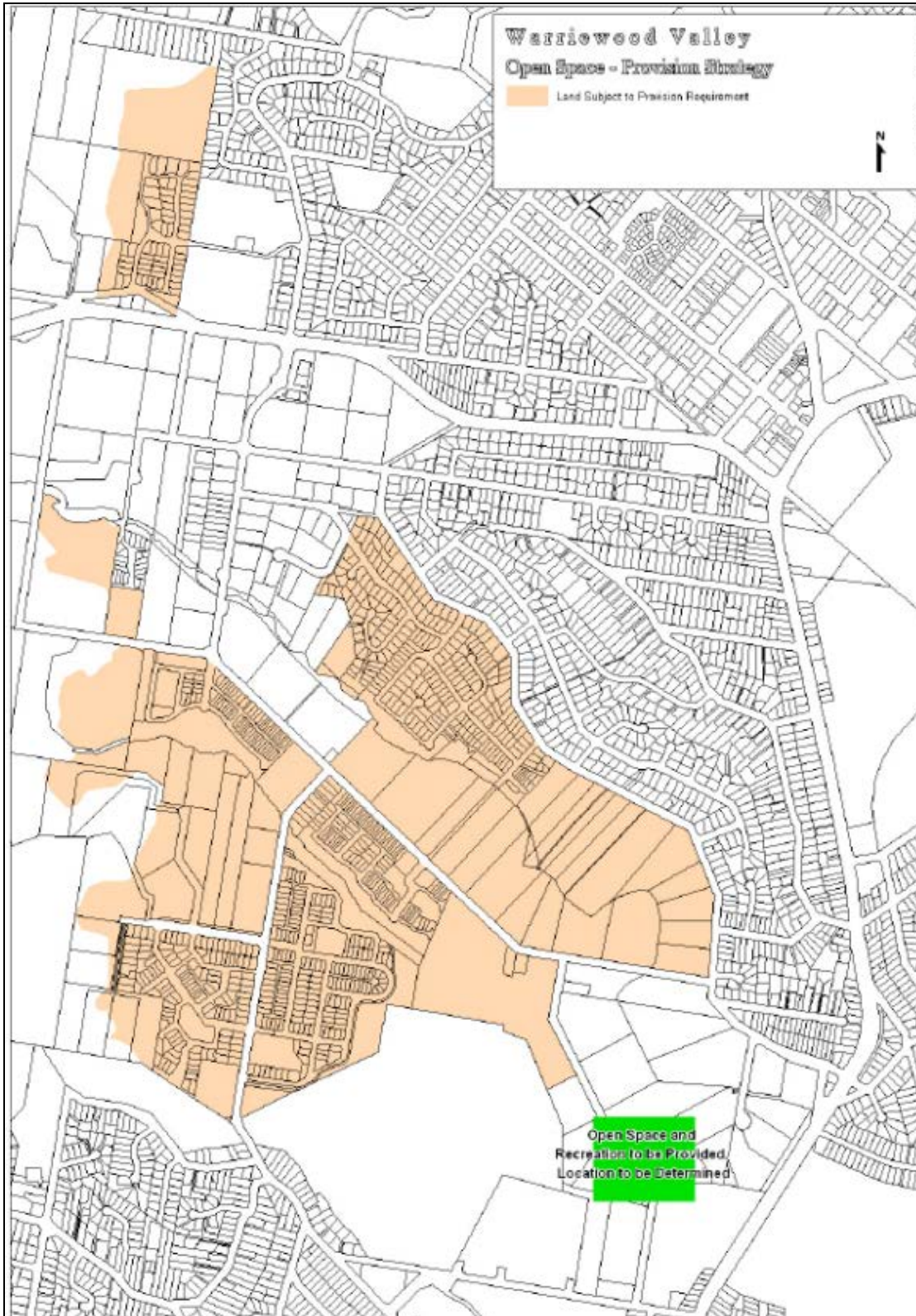


Figure 1 Figure 6 of Warriewood Valley Strategic Review Report 2012 (Pittwater Council, 2013)

With respect to the second point above, the *Warriewood Valley Strategic Review Report 2012* has been subject to revision by the *Warriewood Valley Strategic Review Addendum Report 2014*. The purpose of the 2014 Addendum Report is:

to identify and recommend a forward path for these remaining sectors (i.e. those identified in Table A).

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It recommends that the properties at 3, 6, 8, 10 and 12 Boondah Road be zoned for recreational land uses.

The 2014 Addendum Report was also subject of an extensive exhibition period, after which amendments were made to its draft form. During the exhibition period, the latest PLEP2014 was published and came into force. This was also considered in finalising the 2014 Addendum Report.

The community engagement strategy followed in finalising the 2014 Addendum Report was as follows:

- *Notification to all affected landowners of the recommendations of the draft Addendum Report, inviting them to meet with Council staff to discuss the recommendations for their property;*
- *Notification to the local community representative group which represents the interest of Warriewood Valley landowners advising them of the release of the draft Addendum Report;*
- *Media releases and website updates;*
- *Advertisement in the local newspaper advising of the exhibition of the draft Addendum Report; and*
- *Public exhibition of the draft Addendum Report for a minimum of 28 days.*

The implementation of this strategy ensured that all stakeholders in the community, whether affected directly or indirectly by the recommendations of the draft Addendum Report, were adequately informed and provided with opportunities to voice their concerns

PP0005/16 states:

It is relevant that the Warriewood Valley Strategic Review Report 2012 (“WVSRR”) was endorsed by the Department of Planning and Environment however the WVSRA was not.

and:

Given the WVSR was endorsed by the DP&E the PP should be assessed for consistency against that document and not against the WVSRA that contains the open space/recreation designation which has not been endorsed, and unlike the original WVSRR was not prepared in conjunction with the DP&E.

and finally:

the Council open space designation in the unendorsed WVSRA should not be supported for the subject lands and should not be determinative for this PP as the WVSRA is not a document that should be given any considerable weight in an independent review.

Such claims have no basis at law. This is, in fact, a legally flawed line of reasoning.

It is widely acknowledged that, while planning policies do not have statutory force, they are nevertheless still relevant in the consideration of the public interest when determining matters under the *Environmental Planning and Assessment Act 1979*.

The relevant legal test which is to be applied in considering the appropriate weight to be given to Council policies is as follows:

- i. The extent, if any, of research and public consultation undertaken when creating the policy;*
- ii. The time during which the policy has been in force and the extent of any review of its effectiveness;*
- iii. The extent to which the policy has been departed from in prior decisions;*
- iv. The compatibility of the policy with the objectives and provisions of relevant environmental planning instruments and development control plans;*
- v. The compatibility of the policy with other policies adopted by a council or by any other relevant government agency; and*
- vi. Whether the policy contains any significant flaws when assessed against conventional planning outcomes accepted as appropriate for the site or area affected by it.*

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This test was devised by McClellan CJ in *Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472, and was applied again by the Land and Environment Court as recently as December 2016 (by Dickson C in *Hurley v Sutherland Shire Council* [2016] NSWLEC 1630).

It is clear from this test that endorsement from the Department of Planning and Environment is not a relevant consideration in determining the weight to be given to a Local Council planning policy. Indeed, there are well over 100 Local Councils in NSW (with many in the process of being merged). Were Local Council policy documents required to be endorsed by the Department of Planning and Environment before they could be given weight, Local Councils would have their strategic planning powers curtailed and an absurd duplication of resources would result.

With respect to the items specified in McClellan CJ's above test, we make the following submissions:

- i. The 2014 Addendum Report was subject to an extensive research methodology and public consultation strategy;
- ii. The 2014 Addendum Report has been in force since being adopted by the then Pittwater Council on 17 November 2014. Council's Pre-Lodgement Report (meeting dated 2 November 2016) for PP0005/16 states that

The Warriewood Valley Strategic Review Report 2012 and the Warriewood Valley Strategic Review Addendum are the adopted strategic planning documents for the Warriewood Valley Release Area including the subject properties.

- iii. The 2014 Addendum Report has not been departed from in prior decisions. Indeed, it was applied by the JRPP in its advice to the Minister when recommending that the Previous Planning Proposal not proceed to Gateway Determination (refer to **Section 2** above);
- iv. During the exhibition period for the draft Addendum Report, the latest PLEP2014 was published and came into force. This was considered in finalising the 2014 Addendum Report. The 2014 Addendum Report is also consistent with Pittwater 21 Development Control Plan;
- v. The 2014 Addendum Report is compatible with other policies adopted by the former Pittwater Council, and other agencies, including but not limited to:
 - *Narrabeen Lagoon Flood Study 2013;*
 - *Pittwater 21 Development Control Plan;*
 - *Pittwater Bushfire Prone Lands Map;*
 - *Pittwater Public Space and Recreation Strategy 2014;*
 - *Warriewood Valley Section 94 Contributions Plan: Plan No 15 Amendment No 16, Revision No 1;* and
 - *Draft North District Plan.*
- vi. The 2014 Addendum Report is not considered to contain any significant flaws.

Overall, there are no grounds on which to consider the 2014 Addendum Report as irrelevant to PP0005/16. The 2014 Addendum Report recommends that the properties at 2 and 4 Jacksons Road, as well as 2, 2A, 3, 4A, 6, 8, 10 and 12 Boondah Road be made subject to a Recreational Area land use designation. PP0005/16 therefore clearly conflicts with the 2014 Addendum Report.

With respect to the third item above, the *Pittwater Public Space and Recreation Strategy 2014* confirms that there is a significant undersupply of recreation areas in the Pittwater Local Government Area (LGA). The s94 Plan also notes that:

The need to provide the public recreation and open space facilities identified in this part of the Plan is generated by the increase in residential development in the Warriewood Valley Release Area which has been developed as a stand alone open space system for the use by incoming residents only.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

Five lots are identified in the s94 Plan as providing future open space in this area. Both 10 and 12 Boondah Road are identified for future active open space. The five lots are as follows:

- 10 Boondah Road (10,238.516 m²);
- 12 Boondah Road (10,176.350m²);
- Lot 5 DP 26902 at 8 Boondah Road (10,299.494m²);
- Lot 2 DP 574339 at 6 Boondah Road (10,192.317m²); and
- Lot 2 DP 552465 at 3 Boondah Road (6,118.499m²).

Combined, these lots equate to 4.7ha. By removing 10 and 12 Boondah Road from this equation, a total of 2.04ha of potential open space may be lost amounts to a 43% reduction.

With respect to the fourth item above, the 2014 Addendum Report states that:

The property 1 Boondah Road currently contains Council's Operations Centre and is not likely to be relocated in the near future.

Any process of investigation to change the land use at 1 Boondah Road would take considerable time and, at this stage, is based on conjecture only as no relevant consultation has been undertaken with Council.

With respect to the fifth item above, no consideration has been given to consulting with Council over its preferred pathway for making up the shortfall in open space land under the s94 Plan options.

With respect to the sixth item above, the Draft North District Plan's designation of Warriewood as a Local Centre is based on high level mapping (refer to **Figure 2**). This does not provide any relevant level of specificity on which a declaration that the entire site falls within the Local Centre can be based. It is certainly not specific enough to be able to take precedence over existing Environmental Planning Instruments, Development Controls Plans or planning policy documents currently applying to the site.

In any event, there is no reason under existing planning policies why open space cannot be provided for within Local Centres.

It is furthermore acknowledged that providing open space at the site is consistent with the Draft North District Plan's Liveability Action of supporting planning for shared spaces, and Sustainability Action of Developing support tools and methodologies for local open space planning.

The claim that providing open space at Warriewood is inconsistent with the Draft North District Plan is therefore considered unfounded.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood



Figure 2 Figure 3-6 from the Draft North District Strategy (Greater Sydney Commission, 2016)

With respect to the seventh item above, the *Pittwater Local Planning Strategy: Planning for Pittwater Towards 2031* identified the creation of a new centre in the Southern Buffer adjoining Warriewood Square Shopping Centre as one option to meet employment targets for the area. The *Pittwater Local Planning Strategy: Planning for Pittwater Towards 2031* recommended that this option be subject to further investigations. However, it also recognised that this option involved many weakness and threats, such as natural hazards, environmental sensitivities and perceived loss of community areas.

It is most relevant to note that the *Pittwater Local Planning Strategy: Planning for Pittwater Towards 2031* was adopted by the former Pittwater Council on 11 August 2011. This planning strategy is therefore almost six years old. This strategic option to use the site for a new commercial centre has since been superseded by the alternative strategic identification of the site for open space uses under the 2014 Addendum Report and the s94 Plan.

Indeed, Council's Pre-Lodgement Report (meeting dated 2 November 2016) for PP0005/16 states that

Council's current strategic planning documents identify the subject sites for active open space. That is Council's clearly outlined position for the Southern Buffer. Any proposal to change that approach is considered high risk.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

Furthermore, one of the reasons outlined in the 2014 Addendum Report for the Original PP not be approved was that:

It did not meet the strategic objectives of the Draft North East Subregional Plan, SHOROC Employment Lands Study, Pittwater Local Planning Strategy and Warriewood Valley Strategic Review Report through the expansion of Warriewood Square shopping centre to provide a new town centre.

7. Conclusion

Based on the matters discussed above and expert evidence provided in **Appendix 1** and **Appendix 2**, it is recommended that PP0005/16 not proceed in its current form. Given the lack of thorough assessment of economic and traffic impacts of PP0005/16, as well as the disregard for Council's prevailing strategic intention for the land, it is evident that further detailed investigations and consultation with Council is required.

It is considered prudent for Northern Beaches Council to request the matters identified in this Submission be addressed so that a decision can be made in the public interest.

Yours faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd
ACN 146 035 707
acowan@willowtreeplanning.com.au

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

Appendix 1
Economic Impact Assessment

9th February 2017

Mr Shaun Doyle
Assistant Development Manager
Vicinity Centres – NSW Corporate
Level 39 MLC Centre
19 Martin Place
Sydney NSW 2000

BOONDAH ROAD PRECINCT – PLANNING PROPOSAL

This letter presents a review of the Economic Impact Assessment lodged as part of the planning proposal known as the Boondah Road Precinct located at 6 Jackson Road and 10 & 12 Boondah Road, Warriewood. This letter has been prepared on behalf of Vicinity Centres who are objecting to the proposed development.

Background

SJB Planning lodged a planning proposal with Northern Beaches Local Council on behalf of Henroth Investments Pty Ltd to rezone the subject sites to permit bulky goods retail, associated food and drink premises and a small element of residential.

The site is adjacent to the existing Warriewood Square Shopping Centre owned by Vicinity which is approximately 30,000 sq.m in size anchored by a Kmart discount department store and Coles, Woolworths and Aldi supermarkets.

The masterplan for the Boonah Road precinct demonstrates the land holdings of 3.565 hectares can accommodate and facilitate development ranging from 2 – 4 storeys in height including:

- Approximately 25 – 30 dwellings.
- 16,000 – 17,000 sq.m of gross floor area of bulky goods retail space.

The rezoning proposes the bulky goods land to be located in B2 Local Centre and the residential within R3 Medium Density Residential.

Leyshon Consulting Economic Impact Assessment

An Economic Impact Assessment was prepared by Leyshon Consulting on behalf of the proponents in December 2016. The report assessed the potential for 15,000 sq.m of gross leasable area of bulky goods floorspace. The difference between gross leasable area and gross floor area may account for the slightly smaller floorspace than outlined in the planning proposal.

The Leyshon Consulting Economic impact Assessment goes through the typical methodology employed within these types of studies, including:

- An overview of the competitive environment, identifying the location of existing traditional and bulky goods centres/precincts.
- Definition of the trade area which would likely be served by the proposed centre.
- Preparation of population and spending levels within the defined trade area.
- An assessment of ongoing demand for bulky goods floorspace.
- Analysis of likely sales for the subject development and consequently impacts on competing centres.

In general, there are no significant concerns with this Economic Impact Assessment prepared for the subject site on the basis of it being a bulky goods centre only. Our comments are as follows:

- The trade area likely to be served by a bulky goods centre to extend from Dee Why through to Mona Vale and Avalon and incorporating Belrose is appropriate and would be comparable to the trade area served by Warriewood Square.
- Population and spending levels and the analysis of demand for bulky goods floorspace all appear reasonable.
- Projected sales for the proposed centre as a bulky goods development are indicated to range from \$57 - \$69 million, expressed in constant 2016 dollars. For a 15,000 sq.m bulky goods centre, this represents an average trading level of between \$3,800 - \$4,600 per sq.m. This would be a typical level for a bulky goods style facility within the Sydney market.
- The analysis of impacts details a low impact on Warriewood Square at less than 1.8%, primarily reflective of the lack of bulky goods floorspace within Warriewood Square and the assumption that the proposed development will primarily consist of furniture, floor coverings, electrical, lighting, kitchen, hardware, auto, type stores (not located at Warriewood Square).
- The planning proposal outlines that associated food and drinks premises would also be included as part of the site, however, this does not form part of the Leyshon Consulting analysis.

B2 Zoning

The B2 Local Centre zoning in the Pittwater Local Environmental Plan 2014 is indicated to have the following objectives:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.

- To maximise public transport patronage and encourage walking and cycling.
- To provide healthy, attractive, vibrant and safe centres.
- To strengthen the role of centres as places of employment.
- To provide an active day and evening economy.
- To provide for residential uses above street level where they are compatible with the characteristics and uses of the site and its surroundings.

Permitted uses with consent include the following:

- Amusement centres
- Boarding houses
- Car parks
- Childcare centres
- Commercial premises
- Community facilities
- Educational establishments
- Entertainment facilities
- Environmental protection works
- Function centres
- Home based childcare
- Horticulture
- Information and education facilities
- Medical centres
- Passenger transport facilities
- Places of public worship
- Public administration buildings
- Recreation areas
- Recreation facilities (indoor)
- Registered clubs
- Respite daycare centres
- Restricted premises
- Roads
- Service stations
- Sex services premises
- Housing

- Signage
- Tourist and visitor accommodation
- Veterinary hospitals

Commercial premises is of most relevance to consider which includes business premises, office premises and retail premises. Retail premises in the Pittwater Plan is defined to include:

“Means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale) and includes any of the following:

- *Bulky goods premises*
- *Cellar door premises*
- *Food and drink premises*
- *Garden centres*
- *Hardware and building supplies*
- *Kiosks*
- *Landscaping material supplies*
- *Markets*
- *Plant nurseries*
- *Roadside stalls*
- *Rural supplies*
- *Shops*
- *Timber yards*
- *Vehicle sales or hire premises”*

The B2 Local Centre zoning, therefore, would allow a much wider variety of shops than bulky goods retail premises and potentially shops such as supermarkets, discount department stores, specialty stores and the like that are located at Warriewood Square.

Relevantly, if a more traditional shopping centre was built at the site at 15,000 sq.m, the likely trading level for such a facility would be at \$7,000 - \$8,000 per sq.m, representing sales of \$105 - \$120 million, double the levels indicated by Leyshon Consulting for a bulky goods centre.

More relevantly, the likely economic impacts on Warriewood Square would be significantly greater than indicated in the Leyshon report as a centre based on a discount department

store, supermarket, etc. would have direct competitive influence on Warriewood Square, with like for like retailers. The impact would likely be in the order of \$35 - \$40 million, or above 15%. As indicated in Section 5.5 of the Leyshon Consulting report on page 31, the impact of above 15% is considered high to very high.

The B2 Local Centre zoning, therefore, allows a wide range of facilities which would be directly competitive with Warriewood Square.

If the intention is to only provide bulky goods floorspace on the subject site, a B6 zoning entitled Enterprise Corridor would be a much more appropriate outcome with objectives of this zone including:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide healthy, attractive, functional and safe enterprise corridors.

Permitted uses with consent include bulky goods premises, business premises, hardware and building supplies, neighbourhood shops (with limit up to 100 sq.m per shop) and the like.

This zoning would be more in keeping with the proposal at the subject site, while at the same time safeguarding and protecting any impacts on Warriewood Square. A B2 zoning would allow directly comparable retailing such as a supermarket, discount department stores and specialty shops at the subject site.

Ingleside

In addition, the subject site proposes a B2 Local Centre zoning but does not take into account other proposed Local Centre zonings such as future centre floorspace within the Ingleside Structure Plan, which is a 700 hectare land release within the defined catchment area.

The employment and retail assessment prepared by SGS Economics in October 2016 as part of the Ingleside Draft Structure Plan recommended a centre of at least 2,000 sq.m in this release area.

Conclusions

The key conclusions of our review of the planning proposal for the Boonah Road Precinct and supporting Economic Impact Assessment are as follows:

- The Economic Impact Assessment prepared by Leyshon Consulting only assumes bulky goods floorspace within the B2 zoning. It does not take into account the possibility of higher trading floorspace that would be allowable on the subject site if rezoned.
- A B2 zoning would potentially result in sales levels for a 15,000 sq.m centre double that indicated in the Leyshon Consulting report.
- In this case, the likely impact on Warriewood Square would be greater than 15% and in the high to very high category as identified by Leyshon Consulting.

On the basis of all of the above, and if the intention of the site is for bulky goods floorspace, a more appropriate way to protect Warriewood Square and surrounding retail centre activities is if the subject development was zoned B6 Enterprise Corridor. B6 allows for bulky goods premises but not more traditional retail outlets such as discount department stores, supermarkets and specialty shops.

Yours Sincerely



Gavin Duane

Director

LOCATIQ

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

Appendix 2 Traffic Review

Colston Budd Rogers & Kafes Pty Ltd

as Trustee for C & B Unit Trust
ABN 27 623 918 759

Our Ref: TR/10466/jj

15 February, 2017

Transport Planning
Traffic Studies
Parking Studies

Vicinity Centres
Level 39, MLC Centre
19 Martin Place
SYDNEY NSW 2000

Attention: Shaun Doyle
Email: Shaun.Doyle@vicinity.com.au

Dear Sir,

RE: BOONDAH ROAD PLANNING PROPOSAL
TRAFFIC REVIEW

1. As requested, we have reviewed the planning proposal prepared by SJB Planning and supporting transport assessment prepared by GTA Consulting to allow rezoning of 10-12 Boondah Road and 6 Jacksons Road, Warriewood for mixed use development (residential and bulky goods development). The planning proposal is for land located within the Southern Buffer Zone as set out in the Warriewood Strategic Review.
2. Our review has identified a number of transport/traffic matters that require clarification or additional information in order for a proper assessment of the transport effects of the proposed rezoning. These matters are summarised below
 - inconsistencies in the development potential of the land between the planning report and the transport report. It would appear that the transport report has not assessed the maximum traffic generation of the planning proposal;
 - the transport report relies on previous work undertaken by Aecom for Warriewood Valley Strategic Review. This study did not take into account the recent expansion of Warriewood shopping centre; and
 - future road works.

Suite 1801/Tower A, Zenith Centre, 821 Pacific Highway, Chatswood NSW 2067
P.O. Box 5186 West Chatswood NSW 1515 Tel: (02) 9411 2411 Fax: (02) 9411 2422
Directors - Geoff Budd - Stan Kafes - Tim Rogers - Joshua Hollis ACN 002 334 296
EMAIL: cbhk@cbhk.com.au

3. It is our view that until these matters are appropriately addressed, there is insufficient information provided in the planning proposal for the transport effects to be assessed. Each of the above matters is discussed in the following sections.

Inconsistencies in Development Potential

4. The planning proposal prepared by SJB seeks to rezone the northern part of the site to B2 local centre (the same zoning as Warriewood shopping centre). This would allow retail development on the site. However, the GTA report has assumed bulky goods and residential development on the site, noting that bulky goods is a lower traffic generating use in the weekday AM/PM peak periods than a retail use. The GTA report should be revised to assess the highest traffic generating use on the site (in this case retail) or the planning proposal modified to reflect the proposed uses identified in the GTA report.

Traffic Assessment

5. The traffic assessment by GTA relies on previous work undertaken by Aecom for the Warriewood Valley Strategic Review. This study did not take into account the recent expansion of Warriewood shopping centre. This has resulted in additional traffic in the area and the transport report should as minimum have assessed traffic impacts of the planning proposal (consistent with the proposed rezoning) on 2017 traffic flows (which will include the expanded Warriewood shopping centre traffic). Hence the traffic assessment has not properly assessed the traffic effects of the planning proposal.

Future Road Works

6. As noted above the GTA report relies on previous studies completed in 2011 and has not undertaken any additional assessment of the traffic effects of the planning proposal on the existing road network. Thus it has not confirmed that the existing road network can accommodate the additional traffic. We note that the intersection of Pittwater Road and Jacksons Road is operating near to capacity in peak periods and this is an intersection that was identified for upgrading in the Aecom study. As the level of development in the planning proposal would generate significant traffic flows, an assessment of the impact of the planning proposal on this intersection should be undertaken to determine if upgrading the intersection to accommodate the additional traffic from the planning proposal is required.

Colston Budd Rogers & Kafes Pty Ltd

7. In summary, our review has identified a number of transport/traffic matters that require clarification or additional information in order for a proper assessment of the transport effects of the planning proposal.
8. We trust the above provides the information you require. Finally, if you should have any queries, please do not hesitate to contact us

Yours faithfully,
COLSTON BUDD ROGERS & KAFES PTY LTD

A handwritten signature in black ink, appearing to read 'T. Rogers'. The signature is stylized, with a large, circular 'O' in 'Rogers'.

T. Rogers
Director

16 February 2017



ACN: 146 035 707 ABN: 54 146 035 707
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P 02 9929 6974
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The General Manager
Northern Beaches Council
PO Box 882
MONA VALE 1660

SUBMISSION TO PP0005/16 PLANNING PROPOSAL TO REZONE AND AMEND BUILDING HEIGHT AND FLOOR SPACE RATIO AT 8 JACKSONS ROAD, 10 BOONDAH ROAD AND 12 BOONDAH ROAD, WARRIEWOOD

Dear Madam/Sir

1. Introduction

This Submission is made on behalf of Vicinity Centres in relation to Planning Proposal PP0005/16 to amend the *Pittwater Local Environmental Plan 2004* (PLEL2014) to:

- Rezone 6 Jacksons Road, as well as 10 and 12 Boondah Road from RU2 Rural Landscape to R3 Medium Density Residential, B2 Local Centre, RE1 Public Recreation and E3 Environmental Management;
- Amend the height of buildings map from 8.5m to a maximum of 18.5m; and
- Apply a floor space ratio of 1.2:1.

The purpose of these planning amendments is to enable bulky goods retail, associated food and drink premises and a small element of residential development as a transition buffer to the residential development to the immediate north. This is to be known as the Boondah Precinct.

Vicinity Centres owns and operates the Warriewood Square Shopping Centre at 12 Jackson Road Warriewood, immediately adjoining the development site to the west. The Warriewood Square Shopping Centre is approximately 30,000m² in size, and is anchored by Kmart, Coles, Woolworths and Aldi stores.

While Vicinity Centres does not object in principal to the provision of low intensity development on the site, significant concern is raised in relation to the potential of adverse economic and traffic impacts, as well as a reduction of open space within the locality.

The Planning Proposal is supported by a Masterplan for the Boondah Precinct prepared by GM Urban Design, which provides for the establishment of a bulky good retail centre. Overall, this development would accommodate approximately 25-30 dwellings and 16,000m²-17,000m² of gross floor area within the bulky goods retail space.

This submission on behalf of Vicinity Centres is supported by the two expert reports and studies annexed as:

- **Appendix 1** – Economic Impact Assessment; and
- **Appendix 2** – Traffic Review.

The points of contention in relation to PP0005/16 are outlined below. It is considered that these matters should be addressed before PP0005/16 proceeds towards being determined.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

2. Previous Planning Proposal

A Previous Planning Proposal was prepared and rejected by the JRPP. This included the site, as well as 3, 6 and 8 Boondah Road, Warriewood. It was subject to a Pre-Gateway Review by the former Sydney Region East Joint Regional Planning Panel. This Previous Planning Proposal:

- Covered a total area of 6.24ha; and
- Proposed 35,000m² GFA of residential floor space and up to 36,000m² GFA of retail/commercial floor space.

The JRPP in its advice to the Minister recommended that the Previous Planning Proposal not proceed to Gateway Determination for the following reasons:

- *The Panel acknowledges that the Warriewood Valley Strategic Review Report 2013 suggests that individual landowners in the Southern Buffer may pursue their own planning proposals. However, the proposal is inconsistent with the Warriewood Valley Strategic Review Addendum Report 2014. This is a recent report prepared by the council and based on community input. The general intention of the Addendum Report for most of this land is to be used for recreation.*
- *The scale of the residential component of the proposal is twice that of nearby development and would be out of context with any other development in the Warriewood Valley.*
- *The site is floodprone land. The proposal is inconsistent with s117 Direction 4.3 in that it may have impact on other properties. The panel notes that the proponent acknowledges that, should the proposal proceed to Gateway, further work on flooding would be required. If this were the only problematic aspect of the proposal, the Panel would merely defer consideration pending completion of further flooding studies.*
- *The Panel notes that there are Endangered Ecological Communities on the land. While the proponent suggests that these communities could be replanted/relocated elsewhere, there is no firm proposal, approved by the landowner of the land, for such compensatory relocation or replanting.*
- *The future population of Warriewood Valley requires additional Open Space. The majority of the site (excluding 6 Jackson Road) has been identified for future active Open Space in the draft Warriewood Valley Section 94 Contribution Plan. The Panel notes that the population foreseen by this proposal (about 1,000 persons) alone generates a need for about 2.8ha of Open Space.*
- *The amount of retail area proposed is excessive. The proposed connection to the existing Warriewood Centre is unsatisfactory. The impact on the expanded Warriewood Centre of 18%, suggested by the applicant, is significant. The impact on Mona Vale centre has not been calculated.*

3. Current Planning Proposal

Henroth Investments Pty Ltd submitted an application for PP0005/16 on 21 December 2016. PP0005/16 seeks to:

- Amend the Land Zoning Map to show the site as part zone R3 Medium Density Residential, part B2 Local Centre, part RE1 Public Recreation and Part E3 Environmental Management in accordance with the configuration shown on the attached proposed Zoning Plan;
- Impose Building Heights ranging between 15.0m and 18.5m on the Height of Buildings Map in accordance with the configuration shown on the attached proposed Height of Buildings Plan (refer to Attachment 2);
- Impose an FSR of 1.2:1 to the B2 Local Centre zone;
- Delete the land from the Minimum Lot Size map; and
- Amend Clause 6.1 (3) of the PLEP2014 to reflect the development potential of the land with a dwelling range of 25-30 dwellings.

The non-statutory exhibition period for PP0005/16 commenced on 21 January 2017, and ended on 11 February 2017. Numerous submissions were received during this period.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

As at the time of preparing this Objection, no Pre-Gateway Report had been provided to the newly amalgamated Northern Beaches Council. Previously, the site fell within the jurisdiction of the former Pittwater Council.

PP0005/16 is supported by the *Boondah Road Precinct 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood: Planning Proposal* (SJB Planning, December 2016). The following specialist reports were also prepared in support of PP0005/16:

- Geotechnical Report;
- Economic Impact Report;
- Flooding and Stormwater Management Plan;
- Traffic and Parking Impact Report;
- Groundwater Report;
- Urban Design Report;
- Flora and Fauna Assessment; and
- Bushfire Risk Assessment Report.

4. Economic impacts on the existing trade area

The *Boondah Road Precinct 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood: Planning Proposal* (SJB Planning, December 2016) included *Economic Impact Assessment: Proposed Bulky Goods Centre, Warriewood* (Leyshon Consulting Pty Ltd, 2016) (Leyshon Assessment).

The Leyshon Assessment acknowledged that there is no standard definition of what constitutes acceptable and unacceptable impacts to existing shopping centres due to a new development. However, it concluded that:

- Development of the bulky goods retail centre would not cause any significant adverse economic effects for established business centres in the Northern Beaches Local Government Area or the surrounding region (within the range of <-10.0% which is in the very low or low/medium categories). However, impacts at the Belrose Super Centre and the Manly Vale bulky goods precinct are to be at the high end of the low/medium impact category in 2021. For Warriewood Square Shopping Centre, impacts are expected to be in the realm of -1.8%;
- There is an under-supply of bulky goods type floorspace at Warriewood; and
- The development would create 231 full time equivalent operational jobs.

An Economic Impact Assessment was prepared by LOCATIION in February 2017 to support this Submission (refer to **Appendix 1**). While the Economic Impact Assessment has not identified any significant concerns with the Leyshon Assessment, the following concerns are nevertheless noted:

- 1) The analysis of impacts details a low impact on Warriewood Square Shopping Centre at less than -1.8%, primarily reflective of the lack of bulky goods floorspace within Warriewood Square Shopping Centre and the assumption that the proposed development will primarily consist of furniture, floor coverings, electrical, lighting, kitchen, hardware, auto, type stores;
- 2) The planning proposal outlines that associated food and drinks premises would also be included as part of the site. However, this does not form part of the Leyshon Assessment;
- 3) The Leyshon Assessment is based on the development being for a bulky goods centre only. However, PP0005/16 proposes to rezone the proposed location of the bulky goods centre as B2 Local Centre; and
- 4) PP0005/16 proposes a B2 Local Centre zoning within the Boondah Precinct. However, the Leyshon Assessment did not consider account other proposed Local Centre zonings in the area (such as the future centre floorspace within the Ingleside Precinct Draft Structure Plan, which is a 700ha land release within around 1.2km west of the site).

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

With regards to the first point above, no consideration has been given to potential impacts for the continued operation of various homemaker type retail tenants currently operating at Warriewood Square Shopping Centre, including:

- MyHouse;
- Swish Furniture and Homewares;
- Cottage and Coast;
- Whats Cooking; and
- Kmart.

The following assertion made in the Leyshon Assessment therefore cannot be supported:

The impact on traditional retail centres such as Mona Vale, Warriewood Square and Westfield Warringah Mall is expected to be insignificant due to the limited bulky goods offer in these centres.

Given this, it is also questionable whether the following statement in the Leyshon Assessment is also inaccurate:

there is a significant under-supply of bulky goods-type floorspace within the Warriewood trade area at present. We estimate this to be in the order of -48,000m².

With regards to the second point above, Warriewood Square Shopping Centre currently provides tenancy for a range of food and drinks premises, including a food court and takeaway stores, cafes and fresh food stores. Supermarket tenants Coles, Woolworths and Aldi also retail in food and drinks.

Food court and takeaway stores currently operating at Warriewood Square Shopping Centre include:

- Akira Sushi;
- Ali Baba;
- Bar Q Sushi;
- Boost Juice Bars;
- Breadwinners;
- Chickentime;
- Gloria Jean's Coffees;
- Hokka Hokka;
- Monkey King Thai Express;
- Pizza, Pasta e Passione;
- Soul Origin;
- Subway; and
- Top Juice.

Cafes currently operating at Warriewood Square Shopping Centre include:

- Leaf Cafe; and
- Three Beans.

Fresh food stores currently operating at Warriewood Square Shopping Centre include:

- Bakers Delight;
- Fitzgerald's Fine Meats;
- Ruling the Roost;
- The Source, Bulk Food; and
- Top Juice.

By not considering the implications of adding a food and drinks premises into the Boondah Precinct, the Leyshon Assessment has failed to consider:

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

- The impacts of a new food and drinks premises on the existing food and drink retail tenants at Warriewood Square Shopping Centre; and
- The economic viability of establishing a new food and drinks premises at the Boondah Precinct by failing to establish relevant demand for these premises.

With regards to the third point above, PP0005/16 proposes to rezone the site of a bulky goods centre as B2 Local Centre. Under PLEP2014, one of the objectives of the B2 Local Centre zone is to:

provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

The following land uses are permitted within this zone:

*Amusement centres; Boarding houses; Car parks; Child care centres; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Environmental protection works; Function centres; Home-based child care; Home industries; Horticulture; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals.*

Under the *Standard Instrument (Local Environmental Plans) Order 2006*, Commercial premises means any of the following:

- Business premises;
- Office premises; and
- Retail premises.

The Standard Instrument also provides definitions of Bulky goods premises and Retail premises, and specifies that Bulky goods premises are a type of Retail premises.

However, Retail premises under the Standard Instrument may also include:

- Cellar door premises;
- Food and drink premises;
- Garden centres;
- Hardware and building supplies;
- Kiosks;
- Landscaping material supplies;
- Markets;
- Plant nurseries;
- Roadside stalls;
- Rural supplies;
- Shops;
- Timber yards; and
- Vehicle sales or hire premises.

From the above, it is clear that the definition of Commercial premises is many-layered, encompassing numerous types of land uses with varying intensities. It is also relevant to note that the current zoning of the Warriewood Square Shopping Centre is B2 Local Centre.

However, the Layshon Assessment was solely based on the operation of Bulky goods premises without due consideration to other types of Retail premises (or indeed other types of Commercial premises such as Business premises and Office premises). This ignores the potential for PP0005/16 to enable development of a much wider variety of shops, possibly including supermarkets, discount department stores, specialty stores and the like which are already located at Warriewood Square Shopping Centre and which, if developed, would directly compete with tenants at Warriewood Square Shopping Centre.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

Specifically, if a more traditional shopping centre was developed at the site comprising 15,000m², the likely trading level for such a facility would be at \$7,000-\$8,000 per m², representing sales of in the realm of \$105-\$120 million. These are double the levels indicated in the Leyshon Assessment for a bulky goods centre. The impact to Warriewood Square Shopping Centre would likely be in the order of \$35-\$40 million, or above -15%. As identified in the Layshon Assessment, impacts in the realm of -15% and greater are considered high to very high impacts.

If the intention of the Boondah Precinct is to only provide bulky goods floodpace, then a B6 Enterprise Corridor zoning would be more appropriate. The objectives of this zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide healthy, attractive, functional and safe enterprise corridors.*

Within the B6 Enterprise Corridor zone, the following are permitted with consent:

Bulky goods premises; Business premises; Car parks; Community facilities; Environmental protection works; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (indoor); Research stations; Roads; Service stations; Signage; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies.

This zoning would be more in keeping with the proposed development of Boondah Precinct, while at the same time safeguarding and protecting any impacts to Warriewood Square Shopping Centre.

As such, Vicinity Centres is concerned that any deviation from the assessed bulky goods centre within the Boondah Precinct has not been adequately considered in PP0005/16. Such a deviation has the potential to have a significantly greater economic impact on Warriewood Square Shopping Centre than has been identified in the Leyshon Assessment.

If the intention of the Boondah Precinct is for bulky goods floorspace, a more appropriate way to protect Warriewood Square Shopping Centre and surrounding retail centre activities would be with a B6 Enterprise Corridor zoning at the site of the propose bulky goods centre premises. The B6 zone would allow for a bulky goods premises, but not more traditional retail outlets such as discount department stores, supermarkets and specialty shops.

With regards to the fourth point above, the Ingleside Precinct Draft Structure Plan relates to land around 1.2km west of the site. The Ingleside *Employment and Retail Assessment: Draft Report* (SGS Economics and Planning, 2016) recommended that the Neighbourhood Centre within the Ingleside Precinct include a maximum of 2,000m² retail floorspace (at Chiltern Road, just north of Mona Vale Road). While the Leyshon Assessment considered the impacts of operating a bulky goods centre on other surrounding retail centres, it did not consider the impact of the operational bulky goods centre (or other commercial or retail premises) operating in potential competition with the retail floorspace set aside within the Ingleside Precinct.

5. Traffic impacts on the area

The *Boondah Road Precinct 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood: Planning Proposal* (SJB Planning, December 2016) included *Planning Proposal 10-12 Boondah Road and 6 Jacksons Road Warriewood Transport Impact Assessment* (GTA Consultants, 2016) (GTA Assessment).

Relevant conclusions made in the GTA Assessment include:

- The proposed Concept Plan comprises a mixed use development with bulky goods retail, residential apartments and ecological rehabilitation;

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

- Previous studies in the area have established appropriate mitigation measures to provide satisfactory road operating conditions with expected/planned development of undeveloped in the area. The most recent study is the Warriewood Valley Strategic Transport Review (AECOM, 2011) which assessed the implications of two levels of development in the Southern Buffer; and
- The potential traffic generation is less than that assessed in the Warriewood Valley Strategic Transport Review for both Option 1 and Option 2 development of the Southern Buffer.

A Traffic Review was prepared by Colston Budd Rogers & Kafes Pty Ltd in February 2017 to support this Submission (refer to **Appendix 2**). The Traffic Review has identified several traffic and transport matters which require further assessment, having particular regard to the conclusions highlighted above:

- 1) There are inconsistencies in the development potential of the land between the *Boondah Road Precinct 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood: Planning Proposal* (SJB Planning, December 2016) and the GTA Assessment. Therefore, the GTA Assessment has not assessed the maximum traffic generation of PP0005/16;
- 2) The GTA Assessment relies on previous work undertaken by AECOM which did not consider the recent expansion of the Warriewood Square Shopping Centre; and
- 3) Future road works.

With regards to the first point above, PP0005/16 seeks to rezone the northern part of the site to B2 Local Centre (the same zoning as the Warriewood Square Shopping Centre). This would facilitate retail development on the site. However, as outlined in **Section 4** above, B2 Local Centre zoning allows for a range of permissible commercial and retail uses. The GTA Assessment assumed that bulky goods and residential development would occur at the site as a result of PP0005/16, noting that bulky goods is a lower traffic generating land use in the weekday AM and PM peak periods when compared to other retail land uses.

This Submission therefore recommends that either:

- The GTA Assessment be revised to assess the highest traffic generating use on the site (in this case traditional retail); or
- PP0005/16 be modified to only reflect the proposed uses assessed in the GTA Assessment.

With regards to the second point above, the GTA Assessment relies heavily on previous work undertaken by AECOM for the Warriewood Valley Strategic Review. The AECOM study did not consider the recent expansion of the Warriewood Square Shopping Centre. This recent expansion has resulted in additional traffic on the existing local road network. The GTA Assessment should have, as a minimum, assessed the traffic impacts of PP0005/16 on 2017 traffic flows (which would include the expanded Warriewood Square Shopping Centre traffic).

Overall, it is concluded that the GTA Assessment has not adequately assessed the traffic effects of PP0005/16.

With regards to the third point above, the GTA Assessment relies on previous transport studies completed in 2011. It has not undertaken additional assessment of the traffic impacts of PP0005/16 on the existing road network. The GTA Assessment has therefore failed to confirm how the existing road network can accommodate the proposed additional traffic.

The GTA Assessment also makes the following claim:

The proposed Concept Plan development is at a significantly reduced scale than that which has been the subject of previous planning for the Warriewood Valley area.

And furthermore, that:

generated peak hour traffic would not require any additional need for upgrade works at the key intersection of Pittwater Road with Jacksons Road.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

It is noted that the intersection of Pittwater Road and Jacksons Road is operating near to capacity during peak periods, and that this intersection was identified for upgrading in the AECOM study. The GTA Assessment also confirms that this upgrade, which was identified in the *Warriewood Valley S94 Contributions Plan*, has not yet been completed.

As the level of development proposed under PP0005/16 would generate significant traffic flows, an assessment of the impacts of PP0005/16 on this intersection should be undertaken to determine whether PP0005/16 triggers an intersection upgrade to accommodate the additional traffic generated by PP0005/16.

6. Reduction of Open Space within the Locality

As outlined in **Section 2**, the JRPP in its advice to the Minister recommended that the Original Planning Proposal not proceed to Gateway Determination for various reasons, including the following which specifically relate to open space:

- *The Panel acknowledges that the Warriewood Valley Strategic Review Report 2013 suggests that individual landowners in the Southern Buffer may pursue their own planning proposals. However, the proposal is inconsistent with the Warriewood Valley Strategic Review Addendum Report 2014. This is a recent report prepared by the council and based on community input. The general intention of the Addendum Report for most of this land is to be used for recreation.*
- *The future population of Warriewood Valley requires additional Open Space. The majority of the site (excluding 6 Jackson Road) has been identified for future active Open Space in the draft Warriewood Valley Section 94 Contribution Plan. The Panel notes that the population foreseen by this proposal (about 1,000 persons) alone generates a need for about 2.8ha of Open Space.*

With respect to the open space, PP0005/16 now makes the following claims:

- 1) That the *Warriewood Valley Strategic Review Report 2012* does not identify the site as being subject to open space provisions by the then Pittwater Council;
- 2) That the *Warriewood Valley Strategic Review Report 2012*, being endorsed by the NSW Department of Planning and Infrastructure, is the relevant strategic plan which must be referred to, and must take precedence over the *Warriewood Valley Strategic Review Addendum Report 2014* which was prepared later;
- 3) Comparison to neighbouring (former) Local Government Areas of Warringah, Manly and Ku-Ring-Gai confirms that the former Pittwater Local Government Area does in fact appear to have high provision of total open space, even when conservation, natural areas and national parks are taken out of the equation. It is noted that at 5.2ha/1000 residents, Council is providing open space well above the planning guide of 2.83ha per 1000 person adopted by the former Pittwater Council and included in the *NSW Growth Centres Code (2006)*;
- 4) That the current Council depot on Boondah Road should be reconsidered due to the amalgamation of the former Pittwater Council into the Northern Beaches Council, and that this could make up any shortfall in open space;
- 5) That the adopted s94 plan prescribes embellishment of existing playing fields if the subject lands are not purchased by Council for active open space (as opposed to a proponent identifying where new sports fields can be delivered), and that further lands are available in the area for Council to designate open space to make up any remaining shortfall;
- 6) The *Warriewood Valley Strategic Review Addendum Report 2014* conflicts with the Draft North District Plan designation of Warriewood as a Local Centre; and
- 7) Under the *Pittwater Local Planning Strategy: Planning for Pittwater Towards 2031*, the Southern Buffer area is identified as the area supported for further investigation for the establishment of a new centre to accommodate the necessary additional retail floor space.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

With respect to the first point above, the site is clearly identified in Figure 6 to the *Warriewood Valley Strategic Review Report 2012* as being subject to open space and recreation provisions, once their final locations are determined (refer to **Figure 1** below). Furthermore, in Table A of the *Warriewood Valley Strategic Review Addendum Report 2014*, the properties at 10 and 12 Boondah Road are identified as having been investigated as part of the *Warriewood Valley Strategic Review Report 2012*, but also having unresolved or outstanding issues at that time. It is therefore not correct to claim that the site was categorically not identified as being subject to open space provisions in the *Warriewood Valley Strategic Review Report 2012*.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

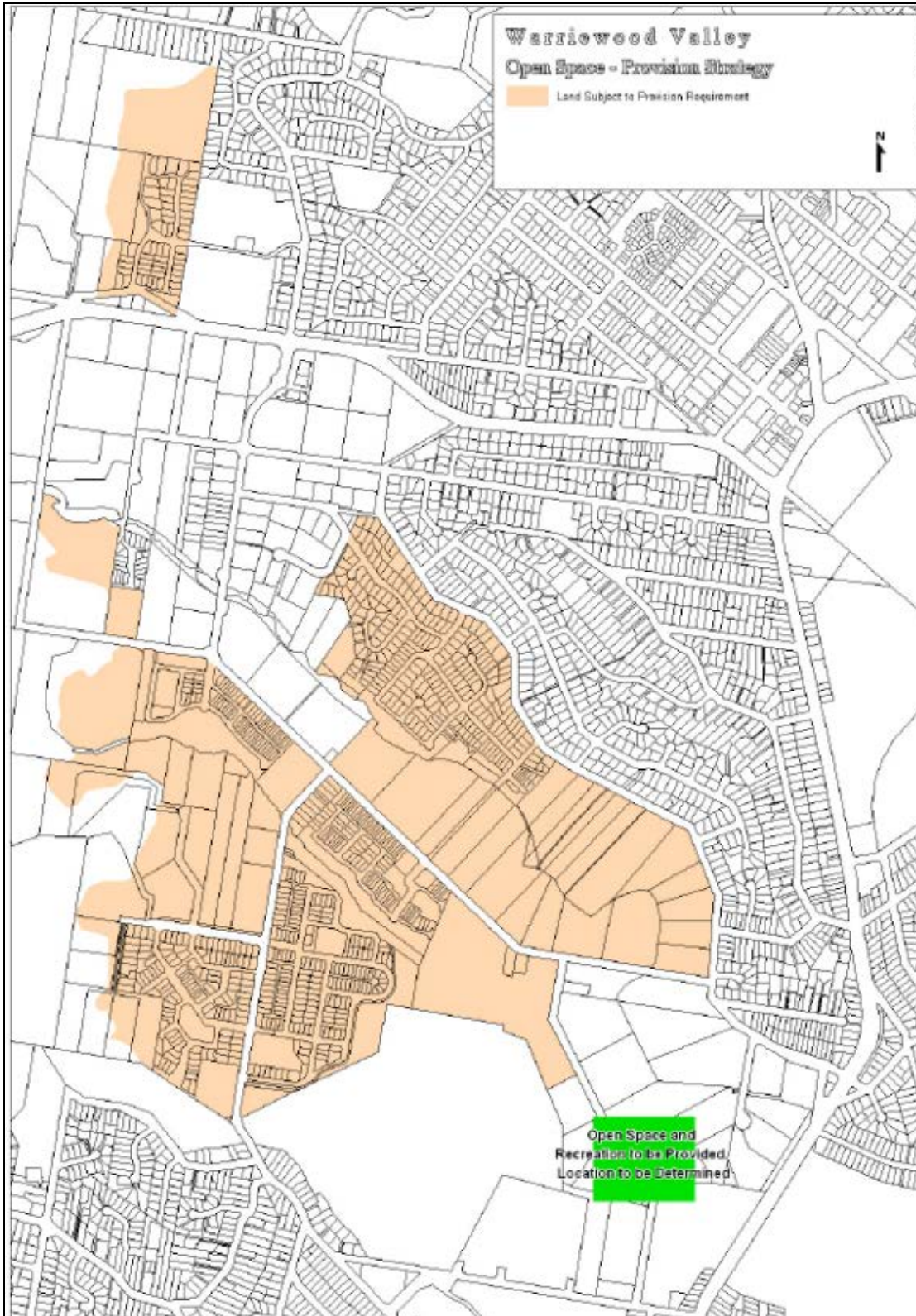


Figure 1 Figure 6 of Warriewood Valley Strategic Review Report 2012 (Pittwater Council, 2013)

With respect to the second point above, the *Warriewood Valley Strategic Review Report 2012* has been subject to revision by the *Warriewood Valley Strategic Review Addendum Report 2014*. The purpose of the 2014 Addendum Report is:

to identify and recommend a forward path for these remaining sectors (i.e. those identified in Table A).

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

It recommends that the properties at 3, 6, 8, 10 and 12 Boondah Road be zoned for recreational land uses.

The 2014 Addendum Report was also subject of an extensive exhibition period, after which amendments were made to its draft form. During the exhibition period, the latest PLEP2014 was published and came into force. This was also considered in finalising the 2014 Addendum Report.

The community engagement strategy followed in finalising the 2014 Addendum Report was as follows:

- *Notification to all affected landowners of the recommendations of the draft Addendum Report, inviting them to meet with Council staff to discuss the recommendations for their property;*
- *Notification to the local community representative group which represents the interest of Warriewood Valley landowners advising them of the release of the draft Addendum Report;*
- *Media releases and website updates;*
- *Advertisement in the local newspaper advising of the exhibition of the draft Addendum Report; and*
- *Public exhibition of the draft Addendum Report for a minimum of 28 days.*

The implementation of this strategy ensured that all stakeholders in the community, whether affected directly or indirectly by the recommendations of the draft Addendum Report, were adequately informed and provided with opportunities to voice their concerns

PP0005/16 states:

It is relevant that the Warriewood Valley Strategic Review Report 2012 (“WVSRR”) was endorsed by the Department of Planning and Environment however the WVSRA was not.

and:

Given the WVSR was endorsed by the DP&E the PP should be assessed for consistency against that document and not against the WVSRA that contains the open space/recreation designation which has not been endorsed, and unlike the original WVSRR was not prepared in conjunction with the DP&E.

and finally:

the Council open space designation in the unendorsed WVSRA should not be supported for the subject lands and should not be determinative for this PP as the WVSRA is not a document that should be given any considerable weight in an independent review.

Such claims have no basis at law. This is, in fact, a legally flawed line of reasoning.

It is widely acknowledged that, while planning policies do not have statutory force, they are nevertheless still relevant in the consideration of the public interest when determining matters under the *Environmental Planning and Assessment Act 1979*.

The relevant legal test which is to be applied in considering the appropriate weight to be given to Council policies is as follows:

- i. The extent, if any, of research and public consultation undertaken when creating the policy;*
- ii. The time during which the policy has been in force and the extent of any review of its effectiveness;*
- iii. The extent to which the policy has been departed from in prior decisions;*
- iv. The compatibility of the policy with the objectives and provisions of relevant environmental planning instruments and development control plans;*
- v. The compatibility of the policy with other policies adopted by a council or by any other relevant government agency; and*
- vi. Whether the policy contains any significant flaws when assessed against conventional planning outcomes accepted as appropriate for the site or area affected by it.*

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

This test was devised by McClellan CJ in *Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472, and was applied again by the Land and Environment Court as recently as December 2016 (by Dickson C in *Hurley v Sutherland Shire Council* [2016] NSWLEC 1630).

It is clear from this test that endorsement from the Department of Planning and Environment is not a relevant consideration in determining the weight to be given to a Local Council planning policy. Indeed, there are well over 100 Local Councils in NSW (with many in the process of being merged). Were Local Council policy documents required to be endorsed by the Department of Planning and Environment before they could be given weight, Local Councils would have their strategic planning powers curtailed and an absurd duplication of resources would result.

With respect to the items specified in McClellan CJ's above test, we make the following submissions:

- i. The 2014 Addendum Report was subject to an extensive research methodology and public consultation strategy;
- ii. The 2014 Addendum Report has been in force since being adopted by the then Pittwater Council on 17 November 2014. Council's Pre-Lodgement Report (meeting dated 2 November 2016) for PP0005/16 states that

The Warriewood Valley Strategic Review Report 2012 and the Warriewood Valley Strategic Review Addendum are the adopted strategic planning documents for the Warriewood Valley Release Area including the subject properties.

- iii. The 2014 Addendum Report has not been departed from in prior decisions. Indeed, it was applied by the JRPP in its advice to the Minister when recommending that the Previous Planning Proposal not proceed to Gateway Determination (refer to **Section 2** above);
- iv. During the exhibition period for the draft Addendum Report, the latest PLEP2014 was published and came into force. This was considered in finalising the 2014 Addendum Report. The 2014 Addendum Report is also consistent with Pittwater 21 Development Control Plan;
- v. The 2014 Addendum Report is compatible with other policies adopted by the former Pittwater Council, and other agencies, including but not limited to:
 - *Narrabeen Lagoon Flood Study 2013;*
 - *Pittwater 21 Development Control Plan;*
 - *Pittwater Bushfire Prone Lands Map;*
 - *Pittwater Public Space and Recreation Strategy 2014;*
 - *Warriewood Valley Section 94 Contributions Plan: Plan No 15 Amendment No 16, Revision No 1;* and
 - *Draft North District Plan.*
- vi. The 2014 Addendum Report is not considered to contain any significant flaws.

Overall, there are no grounds on which to consider the 2014 Addendum Report as irrelevant to PP0005/16. The 2014 Addendum Report recommends that the properties at 2 and 4 Jacksons Road, as well as 2, 2A, 3, 4A, 6, 8, 10 and 12 Boondah Road be made subject to a Recreational Area land use designation. PP0005/16 therefore clearly conflicts with the 2014 Addendum Report.

With respect to the third item above, the *Pittwater Public Space and Recreation Strategy 2014* confirms that there is a significant undersupply of recreation areas in the Pittwater Local Government Area (LGA). The s94 Plan also notes that:

The need to provide the public recreation and open space facilities identified in this part of the Plan is generated by the increase in residential development in the Warriewood Valley Release Area which has been developed as a stand alone open space system for the use by incoming residents only.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

Five lots are identified in the s94 Plan as providing future open space in this area. Both 10 and 12 Boondah Road are identified for future active open space. The five lots are as follows:

- 10 Boondah Road (10,238.516 m²);
- 12 Boondah Road (10,176.350m²);
- Lot 5 DP 26902 at 8 Boondah Road (10,299.494m²);
- Lot 2 DP 574339 at 6 Boondah Road (10,192.317m²); and
- Lot 2 DP 552465 at 3 Boondah Road (6,118.499m²).

Combined, these lots equate to 4.7ha. By removing 10 and 12 Boondah Road from this equation, a total of 2.04ha of potential open space may be lost amounts to a 43% reduction.

With respect to the fourth item above, the 2014 Addendum Report states that:

The property 1 Boondah Road currently contains Council's Operations Centre and is not likely to be relocated in the near future.

Any process of investigation to change the land use at 1 Boondah Road would take considerable time and, at this stage, is based on conjecture only as no relevant consultation has been undertaken with Council.

With respect to the fifth item above, no consideration has been given to consulting with Council over its preferred pathway for making up the shortfall in open space land under the s94 Plan options.

With respect to the sixth item above, the Draft North District Plan's designation of Warriewood as a Local Centre is based on high level mapping (refer to **Figure 2**). This does not provide any relevant level of specificity on which a declaration that the entire site falls within the Local Centre can be based. It is certainly not specific enough to be able to take precedence over existing Environmental Planning Instruments, Development Controls Plans or planning policy documents currently applying to the site.

In any event, there is no reason under existing planning policies why open space cannot be provided for within Local Centres.

It is furthermore acknowledged that providing open space at the site is consistent with the Draft North District Plan's Liveability Action of supporting planning for shared spaces, and Sustainability Action of Developing support tools and methodologies for local open space planning.

The claim that providing open space at Warriewood is inconsistent with the Draft North District Plan is therefore considered unfounded.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood



Figure 2 Figure 3-6 from the Draft North District Strategy (Greater Sydney Commission, 2016)

With respect to the seventh item above, the *Pittwater Local Planning Strategy: Planning for Pittwater Towards 2031* identified the creation of a new centre in the Southern Buffer adjoining Warriewood Square Shopping Centre as one option to meet employment targets for the area. The *Pittwater Local Planning Strategy: Planning for Pittwater Towards 2031* recommended that this option be subject to further investigations. However, it also recognised that this option involved many weakness and threats, such as natural hazards, environmental sensitivities and perceived loss of community areas.

It is most relevant to note that the *Pittwater Local Planning Strategy: Planning for Pittwater Towards 2031* was adopted by the former Pittwater Council on 11 August 2011. This planning strategy is therefore almost six years old. This strategic option to use the site for a new commercial centre has since been superseded by the alternative strategic identification of the site for open space uses under the 2014 Addendum Report and the s94 Plan.

Indeed, Council's Pre-Lodgement Report (meeting dated 2 November 2016) for PP0005/16 states that

Council's current strategic planning documents identify the subject sites for active open space. That is Council's clearly outlined position for the Southern Buffer. Any proposal to change that approach is considered high risk.

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

Furthermore, one of the reasons outlined in the 2014 Addendum Report for the Original PP not be approved was that:

It did not meet the strategic objectives of the Draft North East Subregional Plan, SHOROC Employment Lands Study, Pittwater Local Planning Strategy and Warriewood Valley Strategic Review Report through the expansion of Warriewood Square shopping centre to provide a new town centre.

7. Conclusion

Based on the matters discussed above and expert evidence provided in **Appendix 1** and **Appendix 2**, it is recommended that PP0005/16 not proceed in its current form. Given the lack of thorough assessment of economic and traffic impacts of PP0005/16, as well as the disregard for Council's prevailing strategic intention for the land, it is evident that further detailed investigations and consultation with Council is required.

It is considered prudent for Northern Beaches Council to request the matters identified in this Submission be addressed so that a decision can be made in the public interest.

Yours faithfully,



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Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

Appendix 1
Economic Impact Assessment

9th February 2017

Mr Shaun Doyle
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BOONDAH ROAD PRECINCT – PLANNING PROPOSAL

This letter presents a review of the Economic Impact Assessment lodged as part of the planning proposal known as the Boondah Road Precinct located at 6 Jackson Road and 10 & 12 Boondah Road, Warriewood. This letter has been prepared on behalf of Vicinity Centres who are objecting to the proposed development.

Background

SJB Planning lodged a planning proposal with Northern Beaches Local Council on behalf of Henroth Investments Pty Ltd to rezone the subject sites to permit bulky goods retail, associated food and drink premises and a small element of residential.

The site is adjacent to the existing Warriewood Square Shopping Centre owned by Vicinity which is approximately 30,000 sq.m in size anchored by a Kmart discount department store and Coles, Woolworths and Aldi supermarkets.

The masterplan for the Boonah Road precinct demonstrates the land holdings of 3.565 hectares can accommodate and facilitate development ranging from 2 – 4 storeys in height including:

- Approximately 25 – 30 dwellings.
- 16,000 – 17,000 sq.m of gross floor area of bulky goods retail space.

The rezoning proposes the bulky goods land to be located in B2 Local Centre and the residential within R3 Medium Density Residential.

Leyshon Consulting Economic Impact Assessment

An Economic Impact Assessment was prepared by Leyshon Consulting on behalf of the proponents in December 2016. The report assessed the potential for 15,000 sq.m of gross leasable area of bulky goods floorspace. The difference between gross leasable area and gross floor area may account for the slightly smaller floorspace than outlined in the planning proposal.

The Leyshon Consulting Economic impact Assessment goes through the typical methodology employed within these types of studies, including:

- An overview of the competitive environment, identifying the location of existing traditional and bulky goods centres/precincts.
- Definition of the trade area which would likely be served by the proposed centre.
- Preparation of population and spending levels within the defined trade area.
- An assessment of ongoing demand for bulky goods floorspace.
- Analysis of likely sales for the subject development and consequently impacts on competing centres.

In general, there are no significant concerns with this Economic Impact Assessment prepared for the subject site on the basis of it being a bulky goods centre only. Our comments are as follows:

- The trade area likely to be served by a bulky goods centre to extend from Dee Why through to Mona Vale and Avalon and incorporating Belrose is appropriate and would be comparable to the trade area served by Warriewood Square.
- Population and spending levels and the analysis of demand for bulky goods floorspace all appear reasonable.
- Projected sales for the proposed centre as a bulky goods development are indicated to range from \$57 - \$69 million, expressed in constant 2016 dollars. For a 15,000 sq.m bulky goods centre, this represents an average trading level of between \$3,800 - \$4,600 per sq.m. This would be a typical level for a bulky goods style facility within the Sydney market.
- The analysis of impacts details a low impact on Warriewood Square at less than 1.8%, primarily reflective of the lack of bulky goods floorspace within Warriewood Square and the assumption that the proposed development will primarily consist of furniture, floor coverings, electrical, lighting, kitchen, hardware, auto, type stores (not located at Warriewood Square).
- The planning proposal outlines that associated food and drinks premises would also be included as part of the site, however, this does not form part of the Leyshon Consulting analysis.

B2 Zoning

The B2 Local Centre zoning in the Pittwater Local Environmental Plan 2014 is indicated to have the following objectives:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.

- To maximise public transport patronage and encourage walking and cycling.
- To provide healthy, attractive, vibrant and safe centres.
- To strengthen the role of centres as places of employment.
- To provide an active day and evening economy.
- To provide for residential uses above street level where they are compatible with the characteristics and uses of the site and its surroundings.

Permitted uses with consent include the following:

- Amusement centres
- Boarding houses
- Car parks
- Childcare centres
- Commercial premises
- Community facilities
- Educational establishments
- Entertainment facilities
- Environmental protection works
- Function centres
- Home based childcare
- Horticulture
- Information and education facilities
- Medical centres
- Passenger transport facilities
- Places of public worship
- Public administration buildings
- Recreation areas
- Recreation facilities (indoor)
- Registered clubs
- Respite daycare centres
- Restricted premises
- Roads
- Service stations
- Sex services premises
- Housing

- Signage
- Tourist and visitor accommodation
- Veterinary hospitals

Commercial premises is of most relevance to consider which includes business premises, office premises and retail premises. Retail premises in the Pittwater Plan is defined to include:

“Means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale) and includes any of the following:

- *Bulky goods premises*
- *Cellar door premises*
- *Food and drink premises*
- *Garden centres*
- *Hardware and building supplies*
- *Kiosks*
- *Landscaping material supplies*
- *Markets*
- *Plant nurseries*
- *Roadside stalls*
- *Rural supplies*
- *Shops*
- *Timber yards*
- *Vehicle sales or hire premises”*

The B2 Local Centre zoning, therefore, would allow a much wider variety of shops than bulky goods retail premises and potentially shops such as supermarkets, discount department stores, specialty stores and the like that are located at Warriewood Square.

Relevantly, if a more traditional shopping centre was built at the site at 15,000 sq.m, the likely trading level for such a facility would be at \$7,000 - \$8,000 per sq.m, representing sales of \$105 - \$120 million, double the levels indicated by Leyshon Consulting for a bulky goods centre.

More relevantly, the likely economic impacts on Warriewood Square would be significantly greater than indicated in the Leyshon report as a centre based on a discount department

store, supermarket, etc. would have direct competitive influence on Warriewood Square, with like for like retailers. The impact would likely be in the order of \$35 - \$40 million, or above 15%. As indicated in Section 5.5 of the Leyshon Consulting report on page 31, the impact of above 15% is considered high to very high.

The B2 Local Centre zoning, therefore, allows a wide range of facilities which would be directly competitive with Warriewood Square.

If the intention is to only provide bulky goods floorspace on the subject site, a B6 zoning entitled Enterprise Corridor would be a much more appropriate outcome with objectives of this zone including:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide healthy, attractive, functional and safe enterprise corridors.

Permitted uses with consent include bulky goods premises, business premises, hardware and building supplies, neighbourhood shops (with limit up to 100 sq.m per shop) and the like.

This zoning would be more in keeping with the proposal at the subject site, while at the same time safeguarding and protecting any impacts on Warriewood Square. A B2 zoning would allow directly comparable retailing such as a supermarket, discount department stores and specialty shops at the subject site.

Ingleside

In addition, the subject site proposes a B2 Local Centre zoning but does not take into account other proposed Local Centre zonings such as future centre floorspace within the Ingleside Structure Plan, which is a 700 hectare land release within the defined catchment area.

The employment and retail assessment prepared by SGS Economics in October 2016 as part of the Ingleside Draft Structure Plan recommended a centre of at least 2,000 sq.m in this release area.

Conclusions

The key conclusions of our review of the planning proposal for the Boonah Road Precinct and supporting Economic Impact Assessment are as follows:

- The Economic Impact Assessment prepared by Leyshon Consulting only assumes bulky goods floorspace within the B2 zoning. It does not take into account the possibility of higher trading floorspace that would be allowable on the subject site if rezoned.
- A B2 zoning would potentially result in sales levels for a 15,000 sq.m centre double that indicated in the Leyshon Consulting report.
- In this case, the likely impact on Warriewood Square would be greater than 15% and in the high to very high category as identified by Leyshon Consulting.

On the basis of all of the above, and if the intention of the site is for bulky goods floorspace, a more appropriate way to protect Warriewood Square and surrounding retail centre activities is if the subject development was zoned B6 Enterprise Corridor. B6 allows for bulky goods premises but not more traditional retail outlets such as discount department stores, supermarkets and specialty shops.

Yours Sincerely



Gavin Duane

Director

LOCATIQ

Objection to Retail Planning Proposal

6 Jacksons Road (Lot 9 DP 806132), 10 Boondah Road (Lot 4 DP 26902), and 12 Boondah Road (Lot 3 DP 26902), Warriewood

Appendix 2 Traffic Review

Colston Budd Rogers & Kafes Pty Ltd

as Trustee for C & B Unit Trust
ABN 27 623 918 759

Our Ref: TR/10466/jj

15 February, 2017

Transport Planning
Traffic Studies
Parking Studies

Vicinity Centres
Level 39, MLC Centre
19 Martin Place
SYDNEY NSW 2000

Attention: Shaun Doyle
Email: Shaun.Doyle@vicinity.com.au

Dear Sir,

RE: BOONDAH ROAD PLANNING PROPOSAL
TRAFFIC REVIEW

1. As requested, we have reviewed the planning proposal prepared by SJB Planning and supporting transport assessment prepared by GTA Consulting to allow rezoning of 10-12 Boondah Road and 6 Jacksons Road, Warriewood for mixed use development (residential and bulky goods development). The planning proposal is for land located within the Southern Buffer Zone as set out in the Warriewood Strategic Review.
2. Our review has identified a number of transport/traffic matters that require clarification or additional information in order for a proper assessment of the transport effects of the proposed rezoning. These matters are summarised below
 - inconsistencies in the development potential of the land between the planning report and the transport report. It would appear that the transport report has not assessed the maximum traffic generation of the planning proposal;
 - the transport report relies on previous work undertaken by Aecom for Warriewood Valley Strategic Review. This study did not take into account the recent expansion of Warriewood shopping centre; and
 - future road works.

Suite 1801/Tower A, Zenith Centre, 821 Pacific Highway, Chatswood NSW 2067
P.O. Box 5186 West Chatswood NSW 1515 Tel: (02) 9411 2411 Fax: (02) 9411 2422
Directors - Geoff Budd - Stan Kafes - Tim Rogers - Joshua Hollis ACN 002 334 296
EMAIL: cbhk@cbhk.com.au

3. It is our view that until these matters are appropriately addressed, there is insufficient information provided in the planning proposal for the transport effects to be assessed. Each of the above matters is discussed in the following sections.

Inconsistencies in Development Potential

4. The planning proposal prepared by SJB seeks to rezone the northern part of the site to B2 local centre (the same zoning as Warriewood shopping centre). This would allow retail development on the site. However, the GTA report has assumed bulky goods and residential development on the site, noting that bulky goods is a lower traffic generating use in the weekday AM/PM peak periods than a retail use. The GTA report should be revised to assess the highest traffic generating use on the site (in this case retail) or the planning proposal modified to reflect the proposed uses identified in the GTA report.

Traffic Assessment

5. The traffic assessment by GTA relies on previous work undertaken by Aecom for the Warriewood Valley Strategic Review. This study did not take into account the recent expansion of Warriewood shopping centre. This has resulted in additional traffic in the area and the transport report should as minimum have assessed traffic impacts of the planning proposal (consistent with the proposed rezoning) on 2017 traffic flows (which will include the expanded Warriewood shopping centre traffic). Hence the traffic assessment has not properly assessed the traffic effects of the planning proposal.

Future Road Works

6. As noted above the GTA report relies on previous studies completed in 2011 and has not undertaken any additional assessment of the traffic effects of the planning proposal on the existing road network. Thus it has not confirmed that the existing road network can accommodate the additional traffic. We note that the intersection of Pittwater Road and Jacksons Road is operating near to capacity in peak periods and this is an intersection that was identified for upgrading in the Aecom study. As the level of development in the planning proposal would generate significant traffic flows, an assessment of the impact of the planning proposal on this intersection should be undertaken to determine if upgrading the intersection to accommodate the additional traffic from the planning proposal is required.

Colston Budd Rogers & Kafes Pty Ltd

7. In summary, our review has identified a number of transport/traffic matters that require clarification or additional information in order for a proper assessment of the transport effects of the planning proposal.
8. We trust the above provides the information you require. Finally, if you should have any queries, please do not hesitate to contact us

Yours faithfully,
COLSTON BUDD ROGERS & KAFES PTY LTD

A handwritten signature in black ink, appearing to read 'T. Rogers'. The signature is stylized, with a large, circular 'O' in 'Rogers'.

T. Rogers
Director