



St Vincent de Paul Society

NSW/ACT

good works

Northern Beaches Regional Council

464 725 913 35008

30th December 2009

Mr Rik Hart, General Manager.
Warringah Council,
Civic Centre, 725 Pittwater Road,
Dee Why NSW 2099.

WARRINGAH COUNCIL
SCANNED

31 DEC 2009

Dear Mr Hart,

INITIAL SUBMISSION ON THE DRAFT 2009 WARRINGAH LEP 2009 BY THE SOCIETY OF ST VINCENT DE PAUL IN RELATION TO THEIR SITE AT 638 PITTWATER ROAD, BROOKVALE.


Please find attached our initial submission in relation to the Draft Local Environmental Plan (DLEP) currently on exhibition. As this exhibition ends today, we request the right to provide further details in support of this initial submission, if required, after the holiday period.

Our submission essentially relates to the need to correct the inappropriate split zoning that currently exists within our site, and which the draft exhibited plan proposes to continue. The subject site is currently within the F1 Locality on its Pittwater Road frontage, and within the F3 Locality on its "rear" Charlton Lane frontage. The Draft LEP proposes to change these localities to a B5 zone on its Pittwater Road frontage, and an IN1 zone on its "rear" Charlton Lane frontage. For the reasons outlined in this submission we consider that it is more appropriate and logical from a town planning viewpoint that the whole site is zoned B5.

As you will be aware, the Society has occupied this site since 1979 and intends to remain. The Brookvale site will retain the Regional Centre and Offices for the Northern Beaches.

We are currently actively pursuing redevelopment proposals for the site which retain a mixed use with retail and offices at ground floor level. We have recently held preliminary meetings with officers of Council and it has already been identified that the proposed "split zoning" will present a major constraint in the processing of these redevelopment proposals. We therefore seek to resolve these difficulties before the Draft LEP is finalised.

If you require further clarification of any issues raised in this submission please do not hesitate to contact me (contact details below).


Kindest regards,
Peter Hitchcox
Northern Beaches Regional President
St Vincent de Paul Society

Copies

Peter Sharp (Trustee SVDP)
John Donnelly (SVDP Diocesan President),
John Kelly (SVDP Diocesan Executive Officer).



SUBMISSION in response to DRAFT WARRINGAH LEP 2009

1 INTRODUCTION

This submission relates to the land owned by the Trustees of the St Vincent de Paul Society, known as 638 Pittwater Road, Brookvale (see **Figure 1**). The land is titled Lot 1 of DP 1001963.

The site is defined by:

- Pittwater Road to the west,
- Orchard Road to the south,
- Charlton Lane to the east, and
- Adjoining properties (Coates at 640 and Brookvale Auto AC at 642) to the north.

Figure 1: The SVDP Society Brookvale Site



source: Google Maps

The SVDP site is occupied by a two storey industrial building with surface car parking and loading/unloading facilities at the rear, with access from Orchard Road. Since its acquisition by the Society in 1979 the whole of the site has been used for the charitable "not-for-profit" works of the Society. The ground floor is used for the receipt and resale of clothes, furniture, bric-a-brac and the like, whilst the first floor is used for offices, meetings and storage purposes.

Figure 2: Looking west along Orchard Road towards the Subject Site from its south east corner with Charlton Lane,



source: Google Maps

Figure 3: The Subject Site viewed from its south western corner at the junction of Pittwater Road with Orchard Road.



source: Google Maps

2 WARRINGAH LEP 2000

Within the provisions of the existing Warringah LEP 2000 the SVDP site in Orchard Road is within land identified both within:

- the F1 "Brookvale Centre" Locality (along Pittwater Road) and
- the F3 "Brookvale Industrial" Locality (generally to the east of Charlton Lane and Powells Lane) - (see Figure 4).

Figure 4: The Orchard Road Site within an existing F1 and F3 Locality



The desired future character of the Brookvale Centre F1 Locality is stated in the LEP as follows:

The Brookvale Centre locality will be developed as a mixed retail and business area incorporating low-rise shop-top housing. Future development will help create a pedestrian environment which is safe, active and interesting. Future development will incorporate street level retailing and business uses and contribute to creating cohesive and attractive streetscapes.

The desired future character of the Brookvale Industrial F3 Locality is stated in the LEP as follows:

The Brookvale Industrial locality will remain an industrial and employment centre incorporating industries, warehouses and ancillary service uses. New development or significant redevelopment will be designed to incorporate landscaping to soften the visual impact of industrial buildings and their associated parking and other paved areas as viewed from the street. At the interface of the locality with adjoining and adjacent residential areas, buildings will be sited and designed and the use of land managed to minimise interference with the amenity of such residential areas. Allotments are to be consolidated where necessary to ensure the development of one allotment will not render an adjoining allotment unsuitable for development.

3 DRAFT WARRINGAH LEP 2009

The Draft LEP on exhibition splits the subject site into 2 zones, B5 within the Pittwater Road frontage and IN1 within the rear Charlton Lane frontage (see Figure 5).

Figure 5: The Orchard Road Site within a B5 zone (purple) and an IN1 zone (yellow).

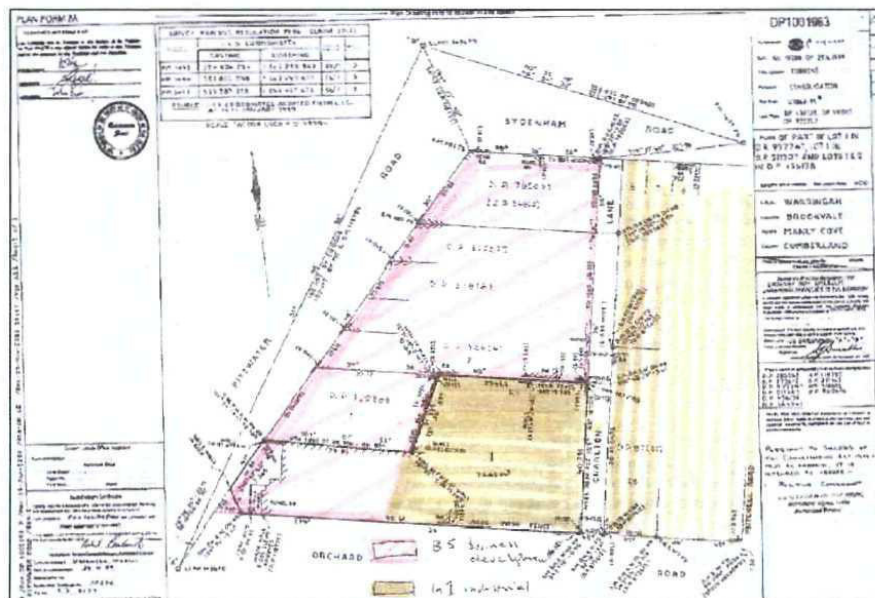


Figure 6 below provides a comparison of the uses proposed in the template B5 zone, as compared to the uses allowed within the existing F1 Locality Statement.

Figure 6: Comparison of uses in the proposed B5 Zone compared to the existing F1 Locality.

Existing Warringah LEP Zoning 2000	Proposed Warringah Draft LEP Zoning 2009	Comment
F1 on Pittwater Road	B5 (Business)	
LOCALITY F1 BROOKVALE CENTRE DESIRED FUTURE CHARACTER	Zone B5 Business Development	Removal of shop top housing
The Brookvale Centre locality will be developed as a mixed retail and business area incorporating low-rise shop-top housing.	1 Objectives of zone • To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres. • To provide for the location of vehicle sales or hire premises and bulky	
Future development will help create a pedestrian environment which is safe,		

Existing Warringah LEP Zoning 2000	Proposed Warringah Draft LEP Zoning 2009	Comment
active and interesting. Future development will incorporate street level retailing and business uses and contributes to creating cohesive and attractive streetscapes.	goods premises. • To create a pedestrian environment that is safe, active and interesting by incorporating street level retailing and business uses.	
Category One Development for the purpose of the following: <ul style="list-style-type: none"> • business premises • housing (not on ground floor) • motor showrooms • offices • shops 	3 Permitted with consent Neighbourhood shops; Passenger transport facilities; Roads; Self storage units; Take-away food and drink premises; Any development not specified in item 2 or 4	
Category Two Development for the purpose of the following: <ul style="list-style-type: none"> • bulky goods shops • child care centres • community facilities • entertainment facilities • further education • health consulting rooms • hire establishments • hotels • medical centres • places of worship • recreation facilities • registered club • restaurants • retail plant nurseries • service stations • short term accommodation • veterinary hospitals • other buildings, works, places or land uses that are not prohibited or in Category 1 or 3. 	Development for the purpose of the following: Child care centres (permissible); Hotel or motel accommodation (permissible);	
Category Three Development for the purpose of the following: agriculture..... • animal boarding or training establishments • hospitals • housing for older people or people with disabilities • industries • primary schools • vehicle repair stations • warehouses	(agriculture now prohibited) (hospitals now prohibited) (industries now prohibited) Warehouse or distribution centres;	
Prohibited Development for the purpose of the following is prohibited within this locality: • brothels • extractive industries • heliports	4 Prohibited Advertising structures; Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Boat sheds;	

Existing Warringah LEP Zoning 2000	Proposed Warringah Draft LEP Zoning 2009	Comment
<ul style="list-style-type: none"> • potentially hazardous industries • potentially offensive industries • vehicle body repair workshops <p>Canal estate development is also prohibited within this locality.</p>	<p>Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Health consulting rooms; Highway service centres; Home-based childcare; Home businesses; Home industries; Home occupations; Home occupation (sex services); Hospitals; Industrial retail outlets; Industries; Information and education facilities; Landscape and garden supplies; Marinas; Moorings; Movable dwellings; Office premises;</p> <p>Port facilities; Recreation facilities (major); Recreation facilities (outdoors); Research stations; Residential accommodation;</p> <p>Retail premises; Rural industries; Rural supplies; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Wholesale supplies</p>	<p>Office premises now prohibited – although “additional permitted uses map” appears to allow office premises and retail premises within Area 9</p> <p>Residential now prohibited</p> <p>Retail premises now prohibited – although “additional permitted uses map” appears to allow office premises and retail premises within Area 9</p>

Existing Warringah LEP Zoning 2000	Proposed Warringah Draft LEP Zoning 2009	Comment
PERMISSIBLE USES		
business premises	business	
	warehouse	
shop-top housing	housing	
car showrooms		
shops	Retail and specialised retail with a leaning to bulky goods - retail premises an additional use	
offices	- (office premises an additional use)	
child care	Childcare is permitted	
bulky goods		
community facilities		
	health consulting rooms	
		industry and industrial retail are prohibited.

The following figures provide additional provisions applicable to the SVDP Site:

- Figure 7 illustrates the 11m height limit applicable to the site,
- Figure 8 illustrates the area within which the site is located where additional uses (offices and retail) are permissible, and
- Figure 9 illustrates the currently proposed zoning for the site.

Figure 7: L = 11 metres height Limit – Draft 2009 WLEP

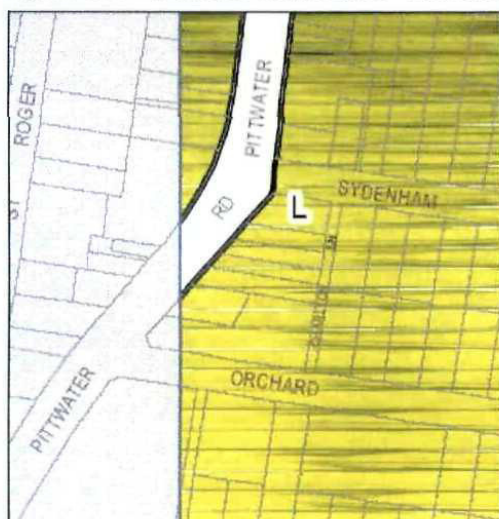
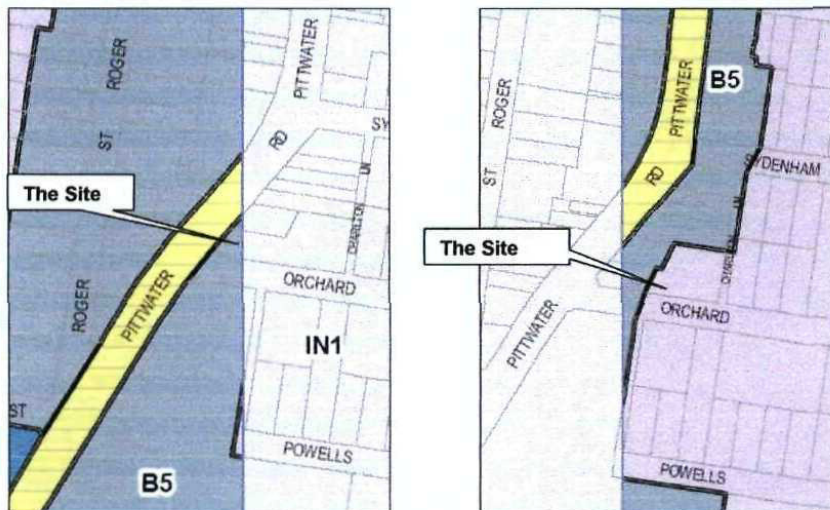


Figure 8: Additional Permitted Uses Map – Draft 2009 LEP



Figure 9: Proposed B5 & IN1 Uses – Draft 2009 LEP



4 SVDP SOCIETY SUBMISSION

It is the basic submission of the SVDP Society that the currently approved activities and use of our premises at 638 Pittwater Road, Brookvale should not be curtailed or restricted by the provisions of Draft LEP 2009. As stated earlier, the ground floor of the current building is used for the receipt and resale of clothes, furniture, bric-a-brac and the like, whilst the first floor is used for offices, meetings, storage purposes, and related Society activities.

We would request the whole of our site (Lot 1 of DP 1001963) to be included within the proposed B5 zone. This is on the assumption that our existing activities (mainly in relation to retail and office uses) can continue in a similar manner. A redevelopment of the site is likely to include additional office uses above ground floor retail and offices.

We believe that the whole site should be within one zone for the following reasons:

1. Charlton Lane provides a natural boundary between the B5 zone to the west and the IN1 zone to the east (as has been used in the zoning allocation to the north of the site and in the use of Powells Lane to the south of the site),
2. The current use and activities of the Society are common to the whole of the land and are not separated by this arbitrary line through our site,
3. The proposed redevelopment of the site and its future uses will be severely constrained if two different land use zones have different requirements applicable to the site (without sound town planning reasons),
4. The Society's use of the land and its activities are closer aligned to the Business zone than the Industrial zone.
5. The Society enables *"a mix of business and warehouse uses, and specialised retail"* on it's Pittwater Road site.

We trust that Warringah Council will give due consideration to this initial submission.

 **Peter Hitchcox**
SVDP Society Northern Beaches Regional President.
30th December 2009

Extract from Item 4.1 *Draft Warringah Local Environmental Plan 2009 – Consideration of Submissions* (Report to Council of 8 June 2010)

Attachment 4 Submissions Discussion

3A.11 638 Pittwater Road, Brookvale - (Lot 1 DP 1001963)

Submission summary

The St. Vincent de Paul Society has occupied these premises since 1979 and intends to remain.

Under Warringah LEP 2000 the site is located within two localities being F1 Brookvale Centre Locality (that portion of the site having frontage to Pittwater Road) and F3 Brookvale Industrial Locality (that portion of the site having frontage to Charlton Lane to the rear).

Consistent with the translation of Warringah LEP 2000, the draft LEP 2009 has carried forward the B5 Business Development B5 zone at the Pittwater Road frontage and the IN1 General Industrial zone to the balance of the site. The St. Vincent de Paul Society is actively pursuing redevelopment proposals for the whole site which will retain a mixed use development with retail and offices at ground level. The split zoning is presents a constraint to development and the submission seeks a single zone, being B5 Business Development, for the whole of the site.

Planning assessment

The subject site at approximately 2650m² in area and is not one title. It occupies a significant site at the entrance to Brookvale. Approximately one third of the site is to be zoned B5, the balance to be zoned IN1. All other properties that have a frontage to Pittwater Road and Charlton Lane at the rear and lying north of the site are to be zoned B5 Business Development.

The proposed alternate zoning of the site is not consistent with Councils' resolution to translate the provisions of Warringah LEP 2000 into the Standard Instrument LEP. However, the submission is worthy of further consideration, particularly having regard to the site's dual frontage to Pittwater Road and Charlton Lane and the role of the Brookvale Centre supporting that of Dee Why as the major centre for the sub region. Should the author wish to pursue this proposal this should be addressed by the submission of a Planning Proposal (under Part 3 Division 4 of the Environmental Planning and Assessment Act) for Council's further consideration.

Council is currently undertaking the Brookvale Employment Land Study which, when complete, will assist decision making about the future location, scale and mix of uses in the area and the role that Brookvale will play in the supply jobs for the subregion. Hence, any planning proposal in relation to this submission should be made after the making of Warringah LEP 2009 thereby giving Council the benefit of these investigations to assist it in its consideration of the proposal.

It is considered that there should be no alteration to the draft LEP arising from this submission in this process to finalise the Warringah LEP 2009.