

# Council Report Cover Sheet

*Deadline is 12 noon Thursday - 12 days prior to Council meeting*

**Report Title:** Planning Investigation - 638 Pittwater Road Brookvale

**Trim Container:** EC09473

**Council Meeting Date:** 27 March 2012

**Notification of interested parties required?** YES / NO / NA

**Report written by:** Caroline Kades, Senior Strategic Planner

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*Signature*

*Date*

**Report reviewed by:** Michael Haynes, Sustainable Urban Planning Manager

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*Signature*

*Date*

**Reporting Manager:** David Kerr, Group Manager Strategic Planning

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*Signature*

*Date*

**Key Consultation:**

*Has consultation taken place with the following?*

Chief Financial Officer YES / NO / NA

Corporate Lawyer YES / NO / NA

**DGM:** Deputy General Manager Environment

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*Signature*

*Date*



## 8.7 Planning Investigation – 638 Pittwater Road, Brookvale

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### EXECUTIVE SUMMARY

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#### Purpose

To report to Council on the investigation of zoning on 638 Pittwater Road, Brookvale, known as the St Vincent de Paul site.

#### Summary

At its meeting of 24 August 2010, Council resolved to prepare a report on 638 Pittwater Road, Brookvale following the making of the Warringah Local Environmental Plan.

The site has a split zoning, partly zoned B5 Business Development and partly IN1 General Industrial. Schedule 1 Additional Permitted Uses of Warringah Local Environmental Plan (WLEP) 2011 applies only to that part of the site zoned B5 Business Development, fronting Pittwater Road.

It is recommended to prepare a planning proposal to permit office premises, retail premises and shop top housing over the whole of the site. This will help to achieve flexibility in land uses, maximise employment opportunities and bring the site into line with the planning provisions for land fronting Pittwater Road in Brookvale.

#### Financial Impact

The work will be undertaken by staff within existing budget allocation.

#### Policy Impact

Amendment to WLEP 2011.

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### RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- A. That Council prepare a planning proposal to amend the Warringah Local Environmental Plan 2011 to:
    - a. rezone part of Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development,
    - b. extend Schedule 1 Additional Permitted Uses of WLEP 2011 to apply to the whole of the site, and
    - c. rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development.
  - B. That once prepared, Council provide the planning proposal to the Department of Planning and Infrastructure.
  - C. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council, as required.
  - D. That upon receipt of the Department's gateway determination, and in accordance with any directions contained, Council authorises the public exhibition of the Planning Proposal.
  - E. That Council advise the owners, the Trustees Society of St Vincent de Paul, of its resolution.
  - F. That should the Department of Planning and Infrastructure require additional information to enable the amending LEP to proceed, this be provided by Council staff, as required.
  - G. That, if necessary, development controls relating to the development of the land be incorporated in an amendment to the draft Warringah Development Control Plan 2009.
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## REPORT

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### Background

At its meeting of 24 August 2010 Council resolved to prepare a report on the St Vincent de Paul site at Brookvale ('Item L') following the making of the Warringah Local Environmental Plan.

The discussion from this report (Mayoral Minute 15/2010) is extracted below:

***Item L. 638 Pittwater Road Brookvale (St Vincent de Paul)***

*Matter discussed:*

*Part 3A.11 of Submissions Discussion booklet. The site is subject to a split zoning with B5 Business Development at the Pittwater Road frontage and IN1 General Industrial at the rear.*

*Summary of discussion:*

*The site has dual frontage to both Pittwater Road and Charlton Lane (at the rear). All sites to the north and having similar dual frontage are zoned B5.*

*The anomaly appears to have occurred due to a previous subdivision pattern / amalgamation of sites and warrants review.*

*Outcome of discussion:*

*Council staff are instructed to prepare a planning proposal for 638 Pittwater Road Brookvale (St Vincent de Paul) following the making of WLEP 2009.*

While the above 'Outcome of discussion' states that staff are to prepare a planning proposal (to amend the LEP), the adopted resolution of Council instructs staff to prepare a report on the matter following the making of the WLEP (now WLEP 2011).

The matter has now been investigated and the results are presented in this report.

### Description of site and current zoning

The St Vincent de Paul site is described as Lot 1, DP 1001963, 638 Pittwater Road, Brookvale. The site has an area of 2662 m<sup>2</sup> (Source: SEA, Council's GIS system).

The site is located on the north eastern corner of Pittwater Road and Orchard Road. The rear of the site has an eastern frontage to Charlton Lane.

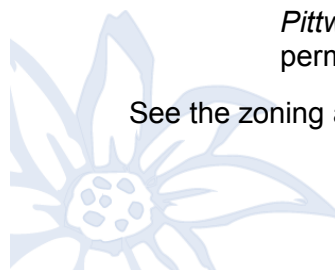
Lots to the north are zoned B5 Business Development, and zoned IN1 General Industrial to the west and south.

### Zoning under WLEP 2011

The site has a split zoning, being partly Zone B5 Business Development and partly Zone IN1 General Industrial:

- Zone B5 Business Development is located over the western third (approx) of the site with frontage to Pittwater Road;
- Zone IN1 General Industrial is located over the eastern two-thirds (approx) with frontage to Charlton Lane;
- Schedule 1 Additional permitted uses Clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street Brookvale*: applies to B5 zoned part of site only and permits with consent office premises, retail premises and shop top housing.

See the zoning and additional permitted uses extracts at Attachment 1 for further detail.



## Characteristics of issues

### St Vincent de Paul submission to exhibition of draft WLEP 2009

In response to the exhibition of the draft WLEP 2009, the St Vincent de Paul Society made a submission requesting that the whole of the site be zoned B5 Business Development, so that the current retail and office uses of the site could continue.

St Vincent de Paul advised that redevelopment is likely to include retail and offices at ground floor with additional office uses above, and that the split zoning presents a constraint to development.

### Further submission from St Vincent de Paul

Council notified St Vincent de Paul of its intention to review the planning provisions applicable to the site. St Vincent de Paul advised in response that the Society still holds with its original submission of 2009 that the site should be wholly zoned B5, eliminating the split zoning.

The Society has advised that they are developing a proposal to make the site a 'community hub' to service disadvantaged members of the community, retaining retail on the ground floor, with commercial levels above for community and not-for-profit agencies offering counselling, legal aid and other services. Consideration is also being given to a dental clinic, child care and community meeting space.

The Society advises that grouping services in one location makes travel, referrals and coordination better for both the clients and the agencies, and that this type of facility will point the way for future such developments around the country.

### History of the split zoning

The split zoning seems to be historically based. Under both the Warringah Shire Planning Scheme 1963 and under WLEP 1985, the site comprised three lots, of which the westernmost lot on the corner of Pittwater Road and Orchard Street was zoned general business and eastern two lots were zoned industrial.

Under WLEP 2000 the subject site was in two localities, which was then reflected in the zoning under the draft WLEP 2009:

- The former Locality F1 Brookvale Centre became the Zone B5 Business Development and Area 9 under Clause 5 of Schedule 1 Additional Permitted Uses; and
- The former Locality F3 Brookvale Industrial became the Zone IN1 General Industrial.

The current split zoning appears to follow the original subdivision pattern and zoning, although the three lots are now consolidated into a single lot.

### Current zoning restrictions

Under WLEP 2011, the site is split between B5 Business Development to the west and IN1 General Industrial to the east.

The B5 Business Development western part of the site is within 'Area 9', which allows office premises, retail premises, and shop top housing as additional permitted uses.

Area 9 is an area of land in Brookvale that is included in Schedule 1 Additional Permitted Uses (clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale*) under WLEP 2011.

For that part of the site that is not in Area 9, office premises, retail premises, and shop top housing uses are prohibited (shop top housing is prohibited under '*residential accommodation*', and business, office and retail premises are prohibited under '*commercial premises*').



This is a significant constraint to any future orderly and economic redevelopment and use of the site.

### **Means of addressing the issues**

The redevelopment envisaged by St Vincent de Paul would be facilitated by a consistent zoning under which the proposed uses would be permissible.

This can be achieved by an amendment to WLEP 2011 that covers:

- An amendment to the Land Use Zoning Map to rezone that part of the site zoned IN1 General Industrial to B5 Business Development under Warringah Local Environmental Plan (WLEP) 2011;
- An amendment to the Land Use Zoning Map to rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development, in order for the zoning to be consistent, and because roads need to be zoned under WLEP 2011; and
- An amendment to Clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale*, under WLEP 2011 Schedule 1 Additional permitted uses, so that Area 9 covers the entire site under the Additional Permitted Uses Map.

The justification for the amendments includes:

- To achieve a consistent B5 Business Development zone combined with an extended Area 9 (under Clause 5 of Schedule 1 Additional permitted uses) over the whole of the site. This will assist in providing additional employment opportunities in Brookvale and will achieve planning provisions for the site consistent with the functions of the Brookvale centre;
- To have a consistent single zone over the whole site and Charlton Lane that is compatible with the adjoining zones, noting that Charlton Lane forms the boundary between the B5 Business Development and IN1 General Industrial zones;
- To remove the historic anachronism of the split zoning that stems from the original three lot subdivision pattern and the zones of the 1960s, although the three lots are now consolidated into a single lot;
- To maintain Brookvale's significant strategic planning role as part of the major centre of Brookvale – Dee Why by facilitating redevelopment opportunities; and
- To permit with consent office premises and retail premises to maintain flexibility, maximise employment opportunities and meet the stated needs of the owners of the site.

### **Consultation**

Community consultation will be undertaken as part of the statutory LEP amendment and in accordance with Council's community engagement policy. This will occur following the gateway determination by the NSW Department of Planning and Infrastructure.

### **Policy Impact**

Amendment to the Warringah LEP

### **Financial Impact**

The work will be undertaken by staff within existing budget allocation.

### **Timing**



The timing of the project and future community consultation are unable to be foreshadowed. The timing is subject to the Department of Planning and Infrastructure's assessment of the proposal and their 'gateway determination' process.

### **Conclusion**

It is recommended that Council resolve to prepare a planning proposal to amend WLEP 2011.

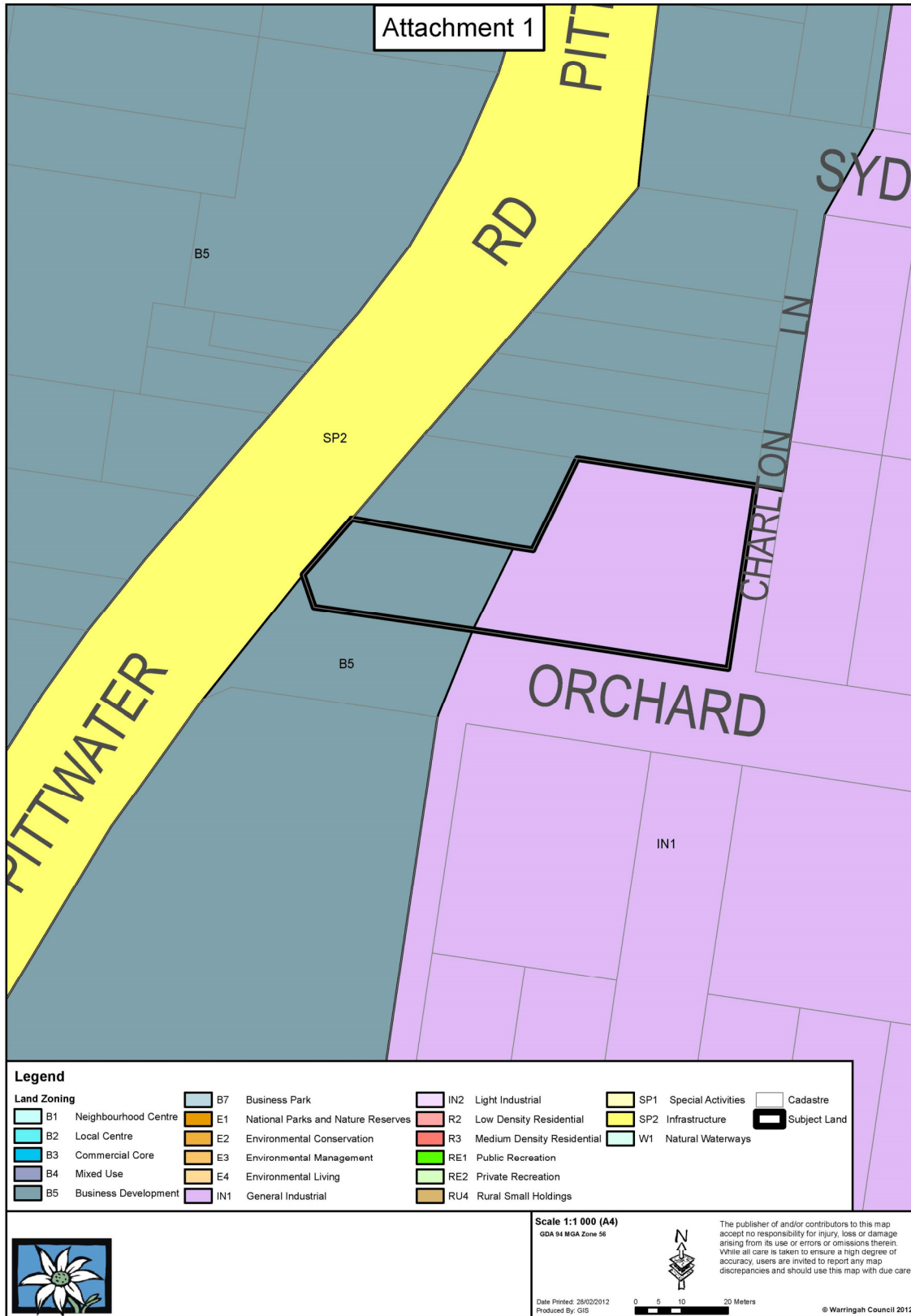
The effects of this amendment will be:

- to rezone the eastern part of the St Vincent de Paul site at Lot 1, DP 1001963, 638 Pittwater Road Brookvale from IN1 General Industrial to B5 Business Development
- to amend the Additional Permitted Uses Map so that Area 9 covers the entire site under Clause 5 *Use of certain land in the vicinity of Pittwater Road and Roger Street, Brookvale*, under WLEP 2011 Schedule 1 Additional Permitted Uses, and
- to amend the Land Use Zoning Map to rezone the southern part of Charlton Lane from IN1 General Industrial to B5 Business Development.

**Group Manager Strategic Planning**



WLEP 2011 Current Land Zoning Map and Additional Permitted Uses Area 9 Map



WLEP 2011 Current Land Zoning Map and Additional Permitted Uses Area 9 Map

