

NORTHERN BEACHES
COUNCIL

PLANNING PROPOSAL

To amend the Land Zoning Map within Pittwater Local
Environmental Plan 2014 relating to 15 Jubilee Avenue,
Warriewood

TABLE OF CONTENTS

PART 1: OBJECTIVES OR INTENDED OUTCOMES	3
PART 2: EXPLANATION OF PROVISIONS.....	4
PART 3: JUSTIFICATION.....	5
SECTION A NEED FOR THE PLANNING PROPOSAL.....	5
SECTION B RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	5
SECTION C ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.....	8
SECTION D STATE AND COMMONWEALTH INTERESTS	8
PART 4: MAPPING	9
PART 5: COMMUNITY CONSULTATION.....	10
PART 6: PROJECT TIMELINE	11
APPENDIX 1: CONSIDERATION OF SEPPS.....	12
APPENDIX 2: CONSIDERATION OF SECTION 117 DIRECTIONS	13
APPENDIX 3: CURRENT LEP MAP	15
APPENDIX 4: PROPOSED LEP MAP AMENDMENT	16
APPENDIX 5: CORRESPONDENCE FROM STATE AGENCIES.....	17

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to amend the Pittwater Local Environmental Plan 2014 to:

1. Change the land use zoning of 15 Jubilee Avenue, Warriewood (Lot 202 DP 1019363) from IN2 (Light Industrial) to B7 (Business Park) to facilitate the development of the site as an ancillary office and light industrial facility for use in conjunction with the pharmaceutical business (Blackmores) at 20 Jubilee Avenue, Warriewood.

PART 2: EXPLANATION OF PROVISIONS

	Proposed Amendments	Description
1	Amendment to Land Zoning Map – Sheet LZN_012	Change the land use zone of 15 Jubilee Avenue, Warriewood from IN2 (Light Industrial) to B7 (Business Park)

PART 3: JUSTIFICATION

Section A Need for the Planning Proposal

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

No, the proposed change has not arisen as a result of a strategic study or report.

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

Yes. A Planning Proposal is the best and only means of achieving the objective and intended outcome.

Section B Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Strategic Merit:

Consistency with the relevant Draft District Plan

The exhibited Draft North District Plan (released in November 2016) is the applicable Draft District Plan in this instance. The Plan outlines a range of priorities and actions which are broadly categorised as creating:

- A productive city
- A liveable city; and
- A sustainable city

With regard to the creation of a productive city, the Plan includes a priority to protect and support employment and urban services land, and to grow jobs. The Plan identifies that land which was previously zoned for industrial or similar purposes, can now include other business zones that permit a number of industrial and commercial uses. In this instance, the proposal will support existing employment, by facilitating the growth of one of the Northern Beaches' largest employers, and through creating additional jobs on the subject site. The proposed change in land use zone is consistent with this part of the Draft District Plan.

In terms of liveability, the site does not currently permit any form of residential development, nor would the proposed new land use zone. However, the increase in employment would provide for employment self-containment within the Northern Beaches.

In terms of sustainability, it is considered that a future development could be designed and implemented (via the development application process) with acceptable impacts to the existing natural environment. The site is well-connected in terms of access to public transport (close to a variety of bus stops) and the ability for future occupants to cycle or walk to work.

Consistency with relevant local Council strategy

The relevant strategic study is the *Warriewood Valley Strategic Review Report (2013)*. This Review Report, carried out by the former Pittwater Council and NSW Department of Planning and Infrastructure, was endorsed by the former Director General of Planning on 1 May 2013, and was adopted by the former Pittwater Council on 12 June 2013.

The focus of the Strategic Review was to investigate intensification of residential densities in the as-yet undeveloped land, particularly those identified as 'Designated Residential Sectors'. Although it was vacant, the subject site was already zoned 4(b): Light Industrial "B" under Pittwater Local Environmental Plan 1993 (as amended), and identified as an Employment Sector. Designated Employment Sectors were not recommended for any increased dwelling density under the Strategic Review process.

Following the adoption of the Strategic Review, further investigations were carried out, and these resulted in the production of the *Warriewood Valley Strategic Review Addendum Report 2014*. The Addendum Report was undertaken in order to investigate sites which were not identified in the Review Report; this includes the current site, which is identified as Sector 105 in this document. The sites were each given a Land Capability classification, identifying their suitability for further development. The subject site was given a classification of 1, being the most capable for future development. The land being rezoned from IN2 to B7 under Pittwater Local Environmental Plan 2014 is consistent with the Addendum Report as it applies to this land.

Response to a change in circumstances

In terms of changing trends, the Economic Impact Assessment submitted by Mecone Planning identifies that the nature and composition of industrial land generally has transitioned over past decades, with a shift to a range of business uses being accommodated on what was previously light industrial and warehousing land.

This view is corroborated within local government documents including The SHOROC Regional Employment Study (March 2008), which assesses the former Council areas of Mosman, Manly, Warringah, and Pittwater, and notes:

'There is a growing demand for businesses to co-locate their industrial and commercial components within business parks across Sydney.'

It is acknowledged that there is still a need to retain land as industrial land, and that these areas play an important role in the economy and functioning of the wider region. However, the circumstances of this case are such that the change in land use would support an existing light industrial pharmaceutical business which is a key employer in the region; the change in land use zone is supported.

Site-Specific Merit:

The natural environment

The site is currently vacant, comprising a predominantly flat, grassed surface, with a number of small trees located around the perimeter of the site. The site is not located on the Biodiversity Map within Pittwater LEP 2014 and is not identified as accommodating protected or significant natural, environmental or wildlife features. Council's Landscape Architect raised no concerns relating to harm to the existing natural features of the site. The site could be appropriately developed, as shown by the concept plan submitted by the applicant, with minimal adverse impact on the natural environment.

Existing, approved and likely future uses of the land

The area immediately surrounding the site is predominantly commercial and industrial, comprising the existing Blackmores site to the north, a second pharmaceutical business (Natures Way) to the north west, and the Pittwater RSL site to the north east. To the south are a range of manufacturing and warehouse uses. The land uses which would be permissible within the B7 zone would be compatible with the existing context, and with the land uses permitted within the adjacent IN2 zone.

There are also residential properties within the area however, the closest being directly to the east at 185 Warriewood Road, which despite being zoned as IN2 (Light Industrial) comprises two residential dwellings. It is anticipated that the change in land use zone from IN2 to B7 would be likely to result in similar, if not ameliorated impacts to this and other nearby residential properties.

Services and infrastructure to meet the demands of the proposal

The site is currently vacant. Being zoned IN2 and located within a designated employment sector, redevelopment is anticipated and encouraged. Any form of development will result in an increased need to access services and infrastructure which is already accounted for under the Warriewood Valley Section 94 Contributions Plan. A development permissible within the B7 land use zone would not require significant additional resources above those originally anticipated and accounted for within the current IN2 zoning.

4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?

The *Pittwater Local Planning Strategy* is the relevant local strategy applicable to land under the former Pittwater Local Government Area. Written prior to the implementation of the *Warriewood Valley Strategic Review Report* and the formulation of the Pittwater LEP 2014, the *Pittwater Local Planning Strategy* provided recommendations to inform the creation of the future standard instrument LEP (now gazetted as Pittwater Local Environmental Plan 2014).

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

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

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

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

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

The Planning Proposal is generally consistent with the relevant State Environmental Planning Policies (see **Appendix 1**).

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

The Planning Proposal is generally consistent with the applicable Ministerial Directions. Where there are inconsistencies, justification has been provided addressing how the inconsistency can be waived consistent with the Directions (see **Appendix 2**).

Section C Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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

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

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

9. How has the planning proposal adequately addressed any social and economic effects?

The change in land use zone will stimulate the redevelopment of an existing parcel designated as employment land that has been under-utilised since it was first rezoned for such a purpose in the 1990s. The change in zoning, aimed to permit the development of ancillary office and light industrial premises operating in conjunction with an existing pharmaceutical business, is anticipated to generate additional employment, positively benefiting the local economy.

Section D State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The sites are located within an established area, meaning that access to roads, sewerage, water and electricity are present. A development within either the existing IN2 (Light Industrial) zone, or the proposed B7 (Business Park) zone, would have adequate access to services and infrastructure. The change in land use zone would not alter the levy applicable under the Warriewood Valley Section 94 Contributions Plan.

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

The preliminary views of the following state agencies are provided at **Appendix 5**:

- Sydney Water
- NSW Roads and Maritime Services

It is understood that upon the issuing of a Gateway Determination, further consultation with these public authorities as well as Ausgrid will be undertaken.

PART 4: MAPPING

An extract of the current Pittwater LEP 2014 Land Zoning Map, showing the subject land being sheet LZN_012 is contained in **Appendix 3**.

The proposed amendment to the Pittwater LEP 2014 Land Zoning Map, being sheet LZN_012, is contained in **Appendix 4**.

PART 5: COMMUNITY CONSULTATION

The Proposal has undergone a preliminary (non-statutory) consultation phase, which was undertaken between 10 December 2016 and 11 January 2017. Properties were notified within the Warriewood Valley suburb and also the area immediately surrounding the site (3,064 letters in total). An advertisement was placed in the Manly Daily (displayed on Saturday 10 December 2016) and a site notice was displayed at the front of the site throughout the notification period. The application documents were made available electronically on Council's website and in hard copy in Customer Service Centres at Manly, Dee Why, Mona Vale, and Avalon. Notification letters were also sent to Warriewood Residents Association and Mona Vale Chamber of Commerce.

Ten responses received from members of the public. The matters raised are discussed and addressed within the report made to the ordinary Council meeting on 28 February 2017.

The Planning Proposal is considered a 'low impact' proposal.

In keeping with '*A guide to preparing local environmental plans*' (Department of Planning & Environment 2016) the following consultation is considered appropriate following the issuing of a Gateway Determination:

- 14 day exhibition period
- Notification in local newspaper at commencement of exhibition period
- Notification on Council's website for the duration of the exhibition
- Notification in writing to affected landowners and the Local Community Group/s at commencement of exhibition period

PART 6: PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date
Date of Gateway determination	6 weeks from Council decision to forward Planning Proposal to Gateway	Documentation forwarded to DPE on 14/03/2017 (11 days after Council decision. Gateway determination expected by mid-April
Completion of required technical information	Due to the nature of the proposal additional technical information is not sought by Council	N/A
Government agency consultation	Any required formal consultation will occur concurrent with public exhibition	Late April/Early May (14 days from receipt of the Gateway Determination, to be held concurrent with public exhibition)
Public exhibition	14 days	Late April/Early May
Consideration of submissions	2 weeks from close of public exhibition	Late May
Consideration of proposal post-exhibition and report to Council	4 weeks from close of public exhibition	Late June
Submission to Department and PCO to prepare draft instrument	Following Council decision to finalise LEP	Early July
RPA to make plan (if delegated)	4 weeks from Council decision to finalise LEP	Early August
Notification of LEP/LEP comes into force	1 week from RPA making plan	Late August

Appendix 1: Consideration of SEPPS

The following SEPPs and deemed SEPPs are relevant to the former Pittwater Local Government Area. The Table identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and if applicable, whether the Planning Proposal is consistent with the provisions of that SEPP.

State Environmental Planning Policy (SEPP)	Applicable	Consistent
SEPP No 1 – Development Standards	YES	YES
SEPP No 14 – Coastal Wetlands	NO	N/A
SEPP No 19 – Bushland in Urban Areas	NO	N/A
SEPP No 21 – Caravan Parks	NO	N/A
SEPP No 26 – Littoral Rainforests	NO	N/A
SEPP No 30 – Intensive Agriculture	NO	N/A
SEPP No 33 – Hazardous and Offensive Development	YES	YES
SEPP No 36 – Manufactured Home Estates	NO	N/A
SEPP No 44 – Koala Habitat Protection	YES	YES
SEPP No 47 – Moore Park Showground	NO	N/A
SEPP No 50 – Canal Estate Development	NO	N/A
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	NO	N/A
SEPP No 55 – Remediation of Land	YES	YES
SEPP No 62 – Sustainable Aquaculture	YES	YES
SEPP No 64 – Advertising and Signage	YES	YES
SEPP No 65 – Design Quality of Residential Flat Development	NO	N/A
SEPP No 70 – Affordable Housing (Revised Schemes)	NO	N/A
SEPP 71 – Coastal Protection	NO	N/A
SEPP (Affordable Rental Housing) 2009	NO	N/A
SEPP (Building Sustainability Index: BASIX) 2004	NO	N/A
SEPP (Exempt and Complying Development Codes) 2008	YES	YES
SEPP (Housing for Seniors or People with a Disability) 2004	NO	N/A
SEPP (Infrastructure) 2007	YES	YES
SEPP (Integration and Repeals) 2016	NO	N/A
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	NO	N/A
SEPP (Kurnell Peninsula) 1989	NO	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	N/A
SEPP (Miscellaneous Consent Provisions) 2007	YES	YES
SEPP (Penrith Lakes Scheme) 1989	NO	N/A
SEPP (Rural Lands) 2008	NO	N/A
SEPP (State and Regional Development) 2011	YES	YES
SEPP (State Significant Precincts) 2005	NO	N/A
SEPP (Sydney Drinking Water Catchment) 2011	NO	N/A
SEPP (Sydney Region Growth Centres) 2006	NO	N/A
SEPP (Three Ports) 2013	NO	N/A
SEPP (Urban Renewal) 2010	NO	N/A
SEPP (Western Sydney Employment Area) 2009	NO	N/A
SEPP (Western Sydney Parklands) 2009	NO	N/A
Deemed SEPP: Sydney Regional Environmental Plan (SREP)		
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	NO	N/A

Appendix 2: Consideration of Section 117 Directions

1 Employment and Resources

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

2 Environment and Heritage

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

3 Housing, Infrastructure and Urban Development

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

4 Hazard and Risk

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

Justification to 4.3 Flood Prone Land

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

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

Insofar as the inconsistency to Direction 4.3 (a), (b) and (c) applies, the change in zoning alone is of minor significance.

5 Regional Planning

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

6 Local Plan Making

	Direction	Applicable	Consistent
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Provisions	YES	YES

7 Metropolitan Planning

	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Strategy	YES	YES

Appendix 3: Current LEP Map

Appendix 4: Proposed LEP Map Amendment

Appendix 5: Correspondence from State Agencies
