

Strategic Planning Referral Response

Application Number:	DA2019/0239
To:	Daniel Milliken
Land to be developed (Address):	Lot 1 DP 1001963 , 638 Pittwater Road BROOKVALE NSW 2100

Officer comments

The proposal is considered acceptable in terms of Council's Strategic Planning, subject to suitable conditions to resolve matters related to SOHO units (no residential use at ground level), provision for possible future additional floors and a driveway connection to adjoining land at 640 Pittwater Road, and adequate acoustic and landscape treatment of apartments adjoining IN1 land to reduce conflict.

Draft Brookvale Structure Plan

On 8 August 2017, Council endorsed the Draft Brookvale Structure Plan for public exhibition. The Draft Plan was exhibited for 6 weeks until 20 November 2017.

The Draft Brookvale Structure Plan Map designates the subject site as Town Centre (Mixed Use), and indicates a Proposed Vehicle Connection along the site's eastern boundary to Charlton Lane. Orchard Road is also designated as a Green Street.

The strategic intent for the Town Centre, expressed in the Draft Brookvale Structure Plan, is focused on revitalisation, activation, providing for employment growth and encouraging residential development in mixed use arrangements to assist viable commercial redevelopment and provide housing choice and affordability.

The Draft Brookvale Structure Plan recommends the following changes to the zoning, land use and development controls for the Town Centre (Mixed Use) area which includes the subject site:

- rezoning from B5 Business Development to B4 Mixed Use, with a requirement for ground floor and first floor retail/business/office uses, and the option for residential uses (shop top housing) above first floor level
- increasing the maximum building height from 11m (3 storeys) to 21m (6 storeys)

Character and built form recommendations include:

- active street frontages and enhanced pedestrian environment
- two-storey podiums with setbacks above podium

Submissions on the Draft Brookvale Structure Plan were made on behalf of the owners of the subject site. The submissions sought an increase in building heights to 8 storeys (27m). Reference was made to the site's size, prominent corner location and proximity to the B-line and Warringah Mall, making it suitable for more intensive, landmark development and a potential catalyst to the redevelopment of the town centre and the provision of housing choice and affordability.

In response to over 100 submissions received on the Draft Brookvale Structure Plan, Council has engaged consultants to undertake a traffic and transport study for Brookvale-Dee Why. At the same time, LGA-wide housing and employment studies have commenced as part of the LEP review. These studies will assist in ensuring all options are considered for the future growth and development of Brookvale as a vital Strategic Centre for the region. Once the transport, housing and employment studies are complete, the Draft Brookvale Structure Plan will be revised and finalised for implementation through subsequent LEP and DCP amendments.

The proposed development in a general sense does not preclude the strategic land use intent expressed in the Draft Brookvale Structure Plan. The site is a good location for residential and employment growth, particularly in terms of accessibility to public transport, provided impacts can be managed effectively at the interface with the IN1 General Industrial zone. Matters which require further consideration are outlined below.

Future Expansion

The proposed development at 3 storeys is potentially an under-utilisation of the site compared with the potential building height which may ultimately be envisaged by the Brookvale Structure Plan.

Although the Draft Brookvale Structure Plan recommends 6 storeys for the site, further studies are underway which may result in revisions to the final recommendations on building height and scale.

The design of the proposed development incorporates provision for additional storeys, a future basement driveway connection to adjoining land at 640 Pittwater Road, and a basement commercial tenancy which could be converted to future parking for additional floors and/or redevelopment of 640 Pittwater Road. It appears from the evidence submitted that the applicant has made a reasonable effort, albeit unsuccessful, to purchase the adjoining site at 640 Pittwater Rd for amalgamation with the subject site. The basement driveway connection to 640 Pittwater Rd is shown on drawing A04. Conditions of consent can secure this connection, along with the ability to convert the basement commercial area to future parking and an appropriate certification to ensure the structural design of the building can accommodate at least 2 additional floors in the future. Pre-lodgement advice suggested the applicant provide a concept plan for redevelopment of 640 Pittwater Road. Such a plan could

illustrate how future development on 640 Pittwater Road could in concept integrate with the proposed development, and satisfy Council's concerns about potential sterilisation of that land, and the ability to achieve vehicular access and SEPP 65 Apartment Design Guide compliance.

First Floor Residential

Although the Draft Brookvale Structure Plan recommends mandatory retail/commercial uses on ground and first floor levels, the proposed residential apartments at first floor level are permissible under the site's current zoning and therefore cannot be reasonably opposed.

Likewise, although the Draft Brookvale Structure Plan recommends mandatory setback of buildings levels above two storey podiums, the existing DCP controls do not require this.

Ground Level Commercial and SOHO Units

Suitable conditions will need to be imposed to ensure that the ground level commercial and SOHO unit spaces will not be used for residential purposes. With the possibility of the ground level SOHO units being rented out for commercial uses, separate to the residential uses above, consideration may need to be given to provision for amenities for commercial tenants. Appropriate allocation of parking spaces to each unit will also need to be considered.

Basement Commercial

An email from BBF Planners following the pre-lodgement meeting makes reference to self-storage units being considered for the basement and ground floor commercial space of the development. Self-storage units are permissible under the site's B5 zoning.

Self-storage units would be prohibited if the site were rezoned to B4 Mixed Use as recommended by the Draft Brookvale Structure Plan. A key reason for excluding self-storage units from a Mixed Use zone, with the potential for shop-top housing, is the need avoid potential conflicts between uses, particularly with regards to residential amenity and impacts associated with more intensive and potentially noisy or hazardous uses. These issues will need to be considered at such time that a development application/s is received for use of the basement and ground floor commercial spaces. If an application is received in the future for self-storage units, it may be pertinent to impose conditions designed to reduce potential conflict such as restrictions on storage materials and hours of operation. Fire risk may also be a consideration as it is difficult to control the materials stored in self-storage

facilities.

Industrial Interface

Clause 5(3) of Schedule 1 of the Warringah LEP states:

“Consent must not be granted under this clause to development for the purposes of shop top housing unless the consent authority is satisfied that the development will not have a significant adverse impact on any adjoining land in Zone IN1 General Industrial.”

Whilst the 6m building setback, retention of mature trees and landscaping to Charlton Avenue will assist with reducing noise and visual impacts, suitable conditions may be necessary to require acoustic treatment to the apartments adjoining the IN1 zone to ensure an adequate standard of residential amenity.

Plans Master Set – Omission of A07

It is noted that drawing A07 Second Floor Plan appears to be missing from the Master Set (drawing A06 First Floor Plan is included twice).

Conclusion

These comments are provided in relation to the strategic planning framework for Brookvale. They do not indicate any assessment of the application against relevant planning controls.

Strategic Planning considers the proposal to be acceptable, subject to suitable conditions to resolve matters related to SOHO units (no residential use at ground level), provision for possible future additional floors and a driveway connection to adjoining land at 640 Pittwater Road, and adequate acoustic and landscape treatment of apartments adjoining IN1 land to reduce conflict.

Strategic Planning Conditions:

Nil.