



PLANNING PROPOSAL

Small Bars in Kirribilli Village

V_4 March 2020

1 INTRODUCTION

North Sydney Council (Council) has prepared a Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013.

The intent of the Planning Proposal is to include small bars as an additional permissible use on nominated sites within Kirribilli Village where these sites are not located adjacent to a residential interface.

The Planning Proposal responds to recent community consultation, wherein support was expressed for small bars and later trading hours within Kirribilli Village, whilst ensuring its local character and village atmosphere is retained. This planning proposal is consistent with the resolution of the Council meeting held on 23 September 2019.

The intent of the Planning Proposal can be achieved by amending Schedule 1 – Additional permitted uses as follows:

- Include a new clause to permit small bars with development consent on the following sites:
 - 11-33 Broughton Street, Kirribilli (inclusive)
 - 32 Burton Street, Kirribilli
- Amend Clause 14 – 2-28 Ennis Road, Kirribilli, to incorporate a new subclause to permit small bars with development consent on the subject lands and to correct the street address to 2-44 Ennis Road.

The Planning Proposal has been prepared in accordance with 3.33 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the Department of Planning, Industry and Environment's (DPIE) document *"A guide to preparing planning proposals"* (December 2018).

A subsequent amendment to North Sydney Development Control Plan 2013 is being concurrently exhibited with this planning proposal, seeking to amend the trading hours of licensed premises, including small bars, within the Kirribilli Village.

2 BACKGROUND

2.1 Council Reports

Council resolved at its meeting held on 28 March 2018:

1. *That public consultation be undertaken to gauge community expectation in relation to both café and restaurant trading hours and the permissibility of small bars in Kirribilli Village and Milsons Point.*
2. *That a draft consultation strategy be reported to the Legal and Planning Committee in May 2018 and include a financial and resourcing implications and the strategy have particular regard to accessing the views of residents and small business owners in both Milsons Point and Kirribilli*
3. *That following the consultation period, a further report be submitted to Council.*

A report including the draft Community Engagement Strategy was considered at the Legal and Planning Committee held on 7 May 2018. The minutes of this meeting were endorsed at the Council Meeting on 25 May 2018, where it was resolved;

1. *That the Small Bars and Extended Trading Hours for Kirribilli Village – Draft Community Engagement Strategy report be noted.*
2. *That the community consultation be undertaken in accordance with the draft Community Engagement Strategy.*
3. *That the outcome of the consultation be reported back to Council.*

Community engagement was undertaken between 19 July and 17 August 2018 wherein Council undertook a comprehensive engagement process to ascertain community views on trading hours and small bars in Kirribilli Village. This included direct letters to residents and business across the Kirribilli Peninsular (over 7,000 letters); notification on Council's website, Mosman Daily Advertisements together with social media posts and direct correspondence to government and industry stakeholders. A total of 918 survey responses and 9 individual submissions were received. Key outcomes of the survey included:

- A total of 69% of respondents said they would like to see later trading hours in Kirribilli.
- The majority of respondents (62%) supported trading hours until 12 midnight Thursday – Saturday (weekends), with a further 18% of respondents supporting trading beyond 12pm midnight.
- A total of 75% of respondents said that small bars should be permitted in Kirribilli Village.
- A total of 47% considered trading hours for small bars should be the same as other businesses and an additional 39% of respondents felt that trading hours for small bars should be longer than other businesses.

North Sydney Local Area Command were consulted and verbally advised they raised no objection in principle to considering expanded trading hours and small bars in Kirribilli Village subject to careful amenity impacts, particularly at the zone interface. Premises located on the interface with residential zones are likely to result in a greater level of amenity impacts from small bars.

Concerns that were raised by those who did not support the introduction small bars and later trading hours in Kirribilli Village included:

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- Loss of amenity for residents
- Increased noise and disturbance
- Decreased level of safety
- Increased level of crime
- Loss of the Village atmosphere and character
- Loss of diversity of offerings in Kirribilli if small bars proliferate the locality
- Lack of car parking and greater traffic impacts

The outcomes of the consultation were reported to Council on 24 September 2018 wherein Council resolved:

1. *That Council note the outcomes of the community consultation.*
2. *That Council staff prepare a detailed report outlining options for implementation of extended trading hours and allowing small bars in Kirribilli in response to the outcomes of the community consultation.*

A further report was considered by Council on 23 September 2019 which outlined options available for implement of small bars and later trading hours in Kirribilli Village and recommended as follows:

1. *That Council prepare a planning proposal to amend North Sydney Local Environmental Plan 2013 to include an additional permitted use under Schedule 1 to allow small bars within those parts of Kirribilli Village that are not located adjacent to a residential interface.*
2. *That the Planning Proposal be referred to the Local Planning Panel for their advice prior to being reported back to Council for the purposes of seeking a Gateway Determination.*
3. *That Council prepare an amendment to North Sydney Development Control Plan 2013 Section 7 (Late night trading) to extend trading hours for the Kirribilli Village and strengthen development controls relating to small bars within Kirribilli Village.*
4. *That once resolution 3 has been completed, that the draft DCP amendment be reported back to Council for adoption and endorsement to be placed on public exhibition.*
5. *That the planning proposal and draft DCP amendment be exhibited concurrently.*

This planning proposal has been prepared to respond to this resolution of Council.

In response to Resolution No.3 above, Council resolved on 24 February 2020 to adopt draft amendments to NSDCP 2013 and place those draft amendments on public exhibition concurrently with this planning proposal.

2.2 Gateway Determination

On 7 February 2020, a Gateway Determination was issued by the DPIE allowing the Planning Proposal to proceed to public exhibition, subject to satisfying a number of conditions. In particular, Condition No. 1 of the Gateway Determination required that:

Prior to public exhibition the planning proposal is to be updated to:

- (a) *demonstrate consistency with the Draft North Sydney Local Strategic Planning Statement (LSPS). This must include removing references to actions from the Draft LSPS that are not applicable to land subject to the planning proposal;*

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- (b) *ensure that directions from the North Sydney Community Strategic Plan (CSP) that are referenced in the planning proposal are consistent with directions contained in the CSP;*
- (c) *ensure that the project timeline is accurate and updated to reflect the anticipated twelve month timeframe for completion; and*
- (d) *ensure that the draft amendment to clause 14 of schedule 1 in the explanation of provisions does not include conflicting or duplicated property descriptions.*

This version of the Planning Proposal has been amended to comply with this Condition.

3 SITE LOCALITY

The Planning Proposal applies to certain land, illustrated by a solid red line within FIGURE 1, located within the Kirribilli Village, illustrated by a dotted yellow line in FIGURE 1.

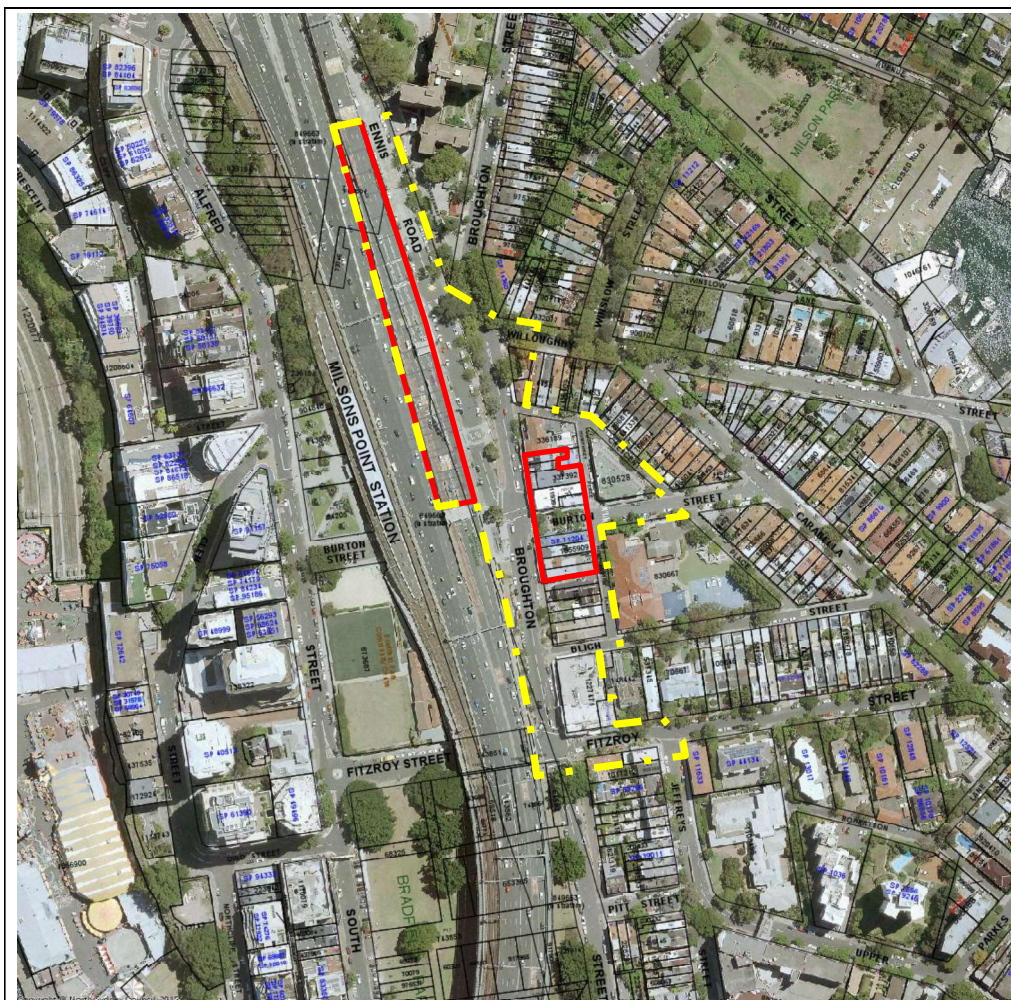


FIGURE 1:
Aerial Photograph (2018)

The specific allotments affected by the planning proposal are identified in TABLE 1.

TABLE 1: Site Identification		
Street Address	Suburb	Legal Description
11-17 Broughton Street	Kirribilli	Lot 3 and 4, Sec B, DP 1537
19 Broughton Street	Kirribilli	Lot 2, DP1055909
21 Broughton Street	Kirribilli	SP71204
23-25 Broughton Street	Kirribilli	Lot 1, DP119391
32 Burton Street	Kirribilli	Lot 1, DP103130
27-29 Broughton Street	Kirribilli	Lot 1, DP 337392

TABLE 1: Site Identification		
Street Address	Suburb	Legal Description
31 Broughton Street	Kirribilli	Lot 1, DP1031721
33 Broughton Street	Kirribilli	Lot 2, DP1031721
RMS Bays 24-44, 2-44 Ennis Road	Kirribilli	N/A

3.1 Kirribilli Village

Kirribilli Village is a vibrant local centre with a harbourside location and served by Milsons Point Railway Station. Ennis Road, as part of Kirribilli Village, comprises a series of bays located below the approaches to the Sydney Harbour Bridge. Kirribilli Village provides a variety of small-scale retail, business and community uses that serve the needs of the people who live and work in the surrounding neighbourhood.

3.2 Local Context

Kirribilli Village is generally surrounded by residential zones to the northern, eastern and southern periphery, which incorporates a mix of *R2 Low Density Residential*, *R3 Medium Density Residential* and *R4 High Density Residential* development.

The Railway line provides the western boundary to Kirribilli Village. To the west of the Railway line is Milsons Point, comprising B4 Mixed Use development. It is noted that the *B4 Mixed Use* zone permits small bars.

Bradfield Park and Sydney Harbour are located to the south and southwest of Kirribilli Village.

4 STATUTORY CONTEXT

NSLEP 2013 is the principal planning instrument that applies to the land subject to the planning proposal. The relevant provisions of NSLEP 2013 are discussed in the following subsections.

4.1 Aims of Plan

Clause 1.2 of NSLEP 2013 outlines the aims of the LEP. In particular, it states:

- (1) *This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
 - (a) *to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,*
 - (b) *in relation to the character of North Sydney's neighbourhoods:*
 - (i) *to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and*
 - (ii) *to maintain a diversity of activities while protecting residential accommodation and local amenity, and*
 - (iii) *to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,*
 - (c) *in relation to residential development:*
 - (i) *to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and*
 - (ii) *to maintain and provide for an increase in dwelling stock, where appropriate,*
 - (d) *in relation to non-residential development:*
 - (i) *to maintain a diversity of employment, services, cultural and recreational activities, and*
 - (ii) *to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and*
 - (iii) *to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,*
 - (e) *in relation to environmental quality:*
 - (i) *to maintain and protect natural landscapes, topographic features and existing ground levels, and*
 - (ii) *to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,*
 - (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,*
 - (g) *to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.*

4.2 Land Use Table

The Planning Proposal applies to land in the following zones:

- *B1 Neighbourhood Centre; and*
- *SP2 Infrastructure.*

The relevant objectives and provisions of these zones, other than those zones that only apply to road reserves, state:

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To encourage active street life while maintaining high levels of residential amenity.
- To encourage development for the purpose of shop top housing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Tank-based aquaculture; Take away food and drink premises

4 Prohibited

Pond-based aquaculture; Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

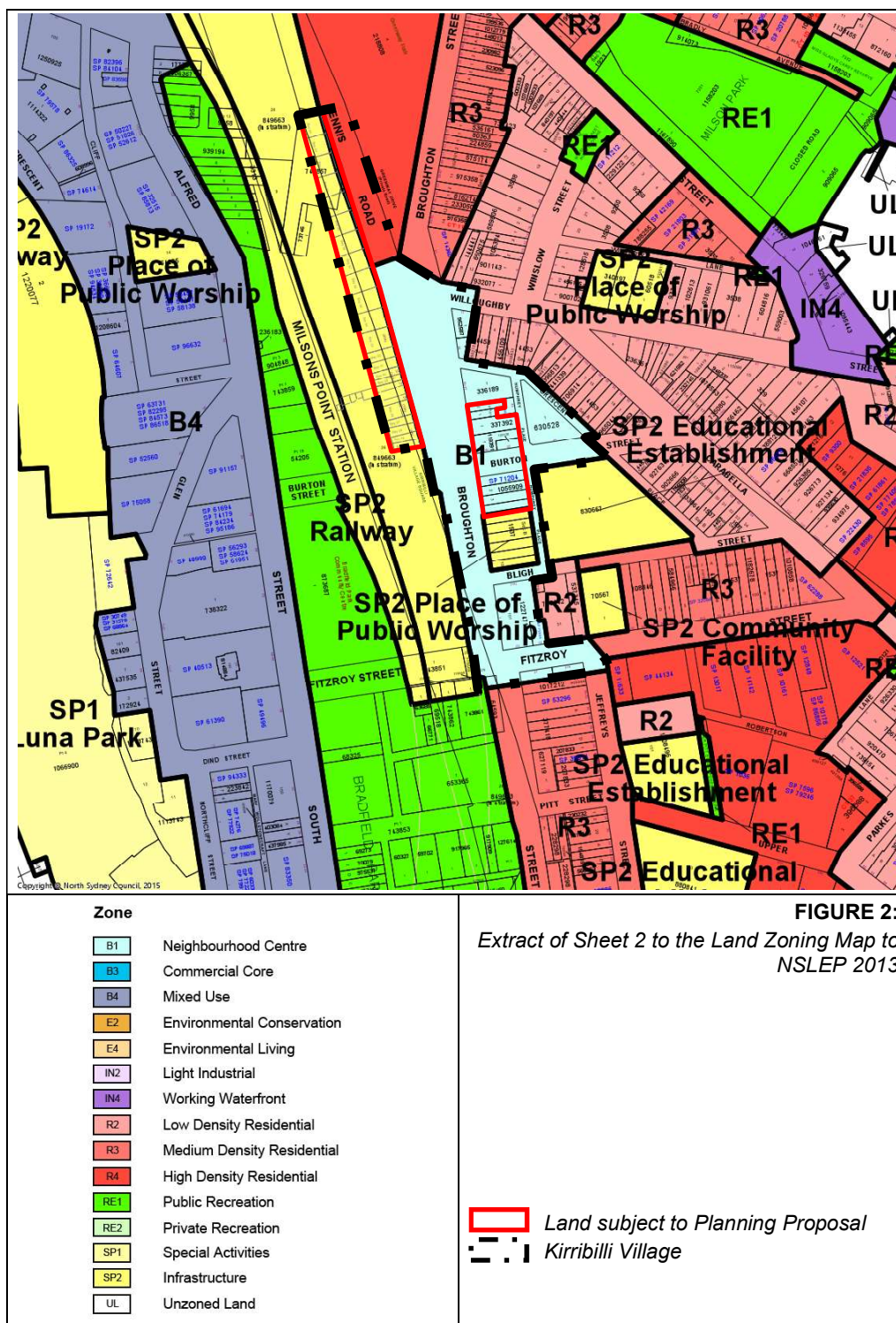
Aquaculture; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

The zoning of land is identified on the Land Zoning Map, which comprises 5 separate sheets. Land to which the Planning Proposal principally relates is identified on Sheet LNZ_002, an extract of which is illustrated in FIGURE 2.

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4.3 Additional Permitted Uses

Clause 2.5 of NSLEP relates to additional permitted uses for particular land. This clause states:

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out:*
 - (a) *with development consent, or*
 - (b) *if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.*
- (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

The following clauses within Schedule 1 to NSLEP 2013 are relevant to the Planning Proposal:

14 Use of certain land at 2–28 Ennis Road, Kirribilli

- (1) *This clause applies to land at Bays 24–44, 2–28 Ennis Road, Kirribilli, being cubic spaces under the Warringah Expressway.*
- (2) *Development for the purposes of any permissible use in Zone B1 Neighbourhood Centre is permitted with development consent.*

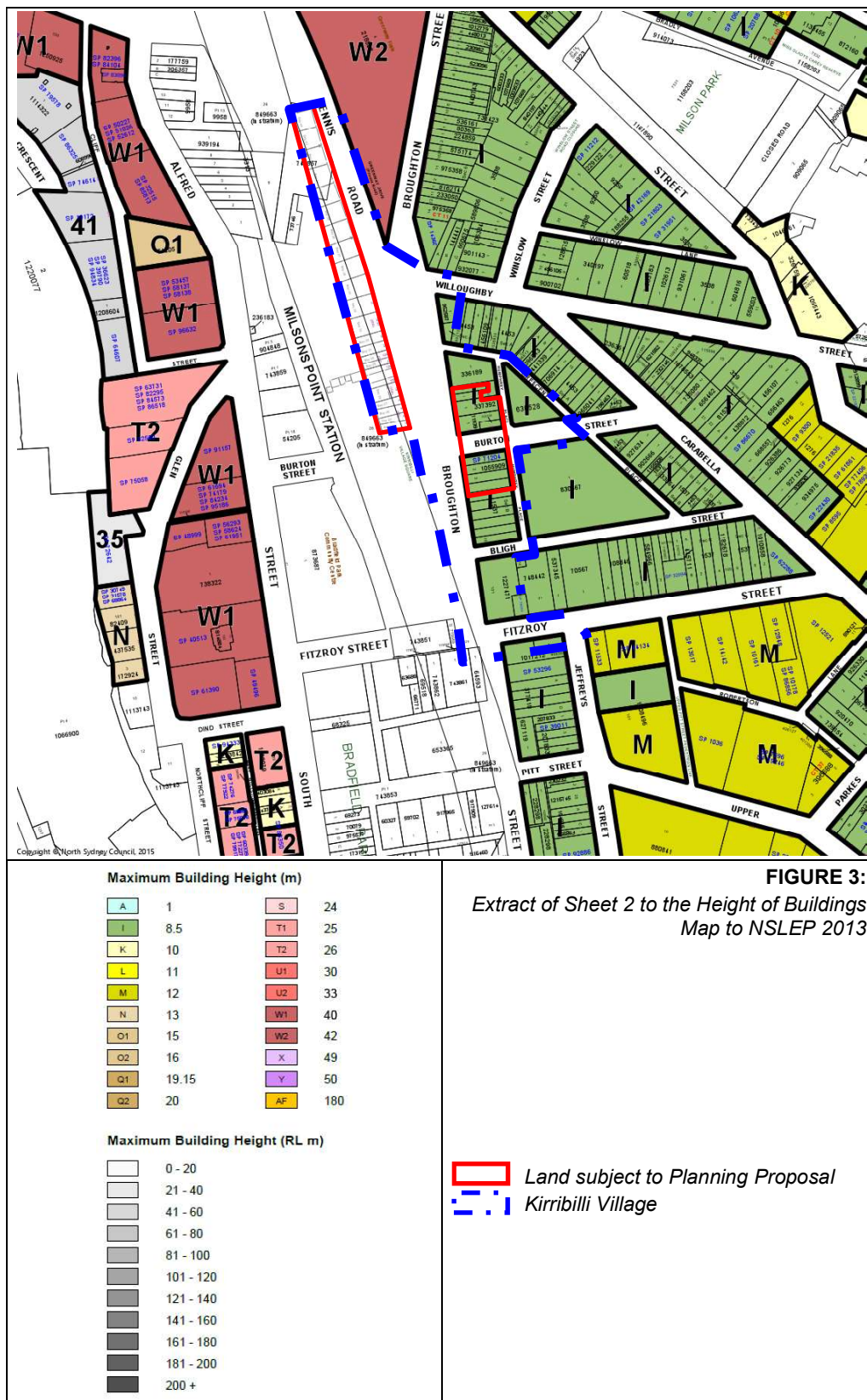
4.4 Building Height

Clause 4.3 of NSLEP 2013 sets maximum building heights for all land identified on the Height of Buildings Map. In particular, it states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
 - (b) *to promote the retention and, if appropriate, sharing of existing views,*
 - (c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
 - (d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
 - (e) *to ensure compatibility between development, particularly at zone boundaries,*
 - (f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- (2A) - (2C) *(Repealed)*

Land to which the Planning Proposal relates is identified on Sheet HOB_002 of the Height of Buildings Map, an extract of which is illustrated in FIGURE 3.

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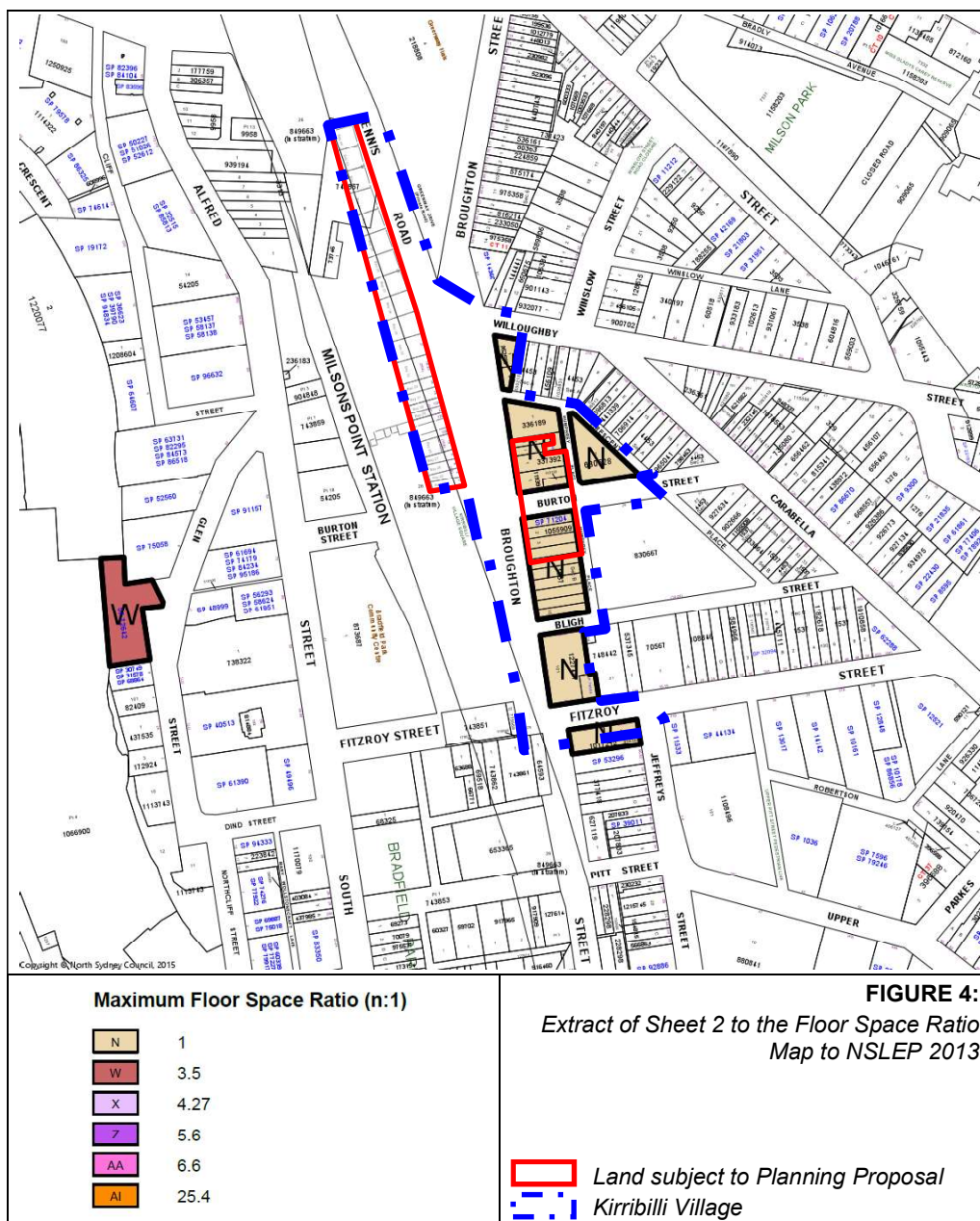
4.5 Floor space ratios

Clause 4.4 of NSLEP 2013 sets maximum floor space ratios for all land identified on the Floor Space Ratio Map. In particular, it states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure the intensity of development is compatible with the desired future character and zone objectives for the land,*
 - (b) *to limit the bulk and scale of development.*
- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

Land to which the Planning Proposal relates is identified on Sheet FSR_002 of the Floor Space Ratio Map, an extract of which is illustrated in FIGURE 4.

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4.6 Heritage conservation

Clause 5.10 of NSLEP contains specific provisions relating to heritage conservation and states:

- (1) **Objectives**
The objectives of this clause are as follows:
- to conserve the environmental heritage of North Sydney,
 - to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
 - to conserve archaeological sites,
 - to conserve Aboriginal objects and Aboriginal places of heritage significance.

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- (2) *Requirement for consent*
Development consent is required for any of the following:
- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
 - (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
 - (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
 - (d) *disturbing or excavating an Aboriginal place of heritage significance,*
 - (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
 - (f) *subdividing land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
- (3) *When consent not required*
However, development consent under this clause is not required if:
- (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
 - (b) *the development is in a cemetery or burial ground and the proposed development:*
 - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
 - (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
 - (d) *the development is exempt development.*
- (4) *Effect of proposed development on heritage significance*
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) *Heritage assessment*
The consent authority may, before granting consent to any development:
- (a) *on land on which a heritage item is located, or*
 - (b) *on land that is within a heritage conservation area, or*
 - (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*

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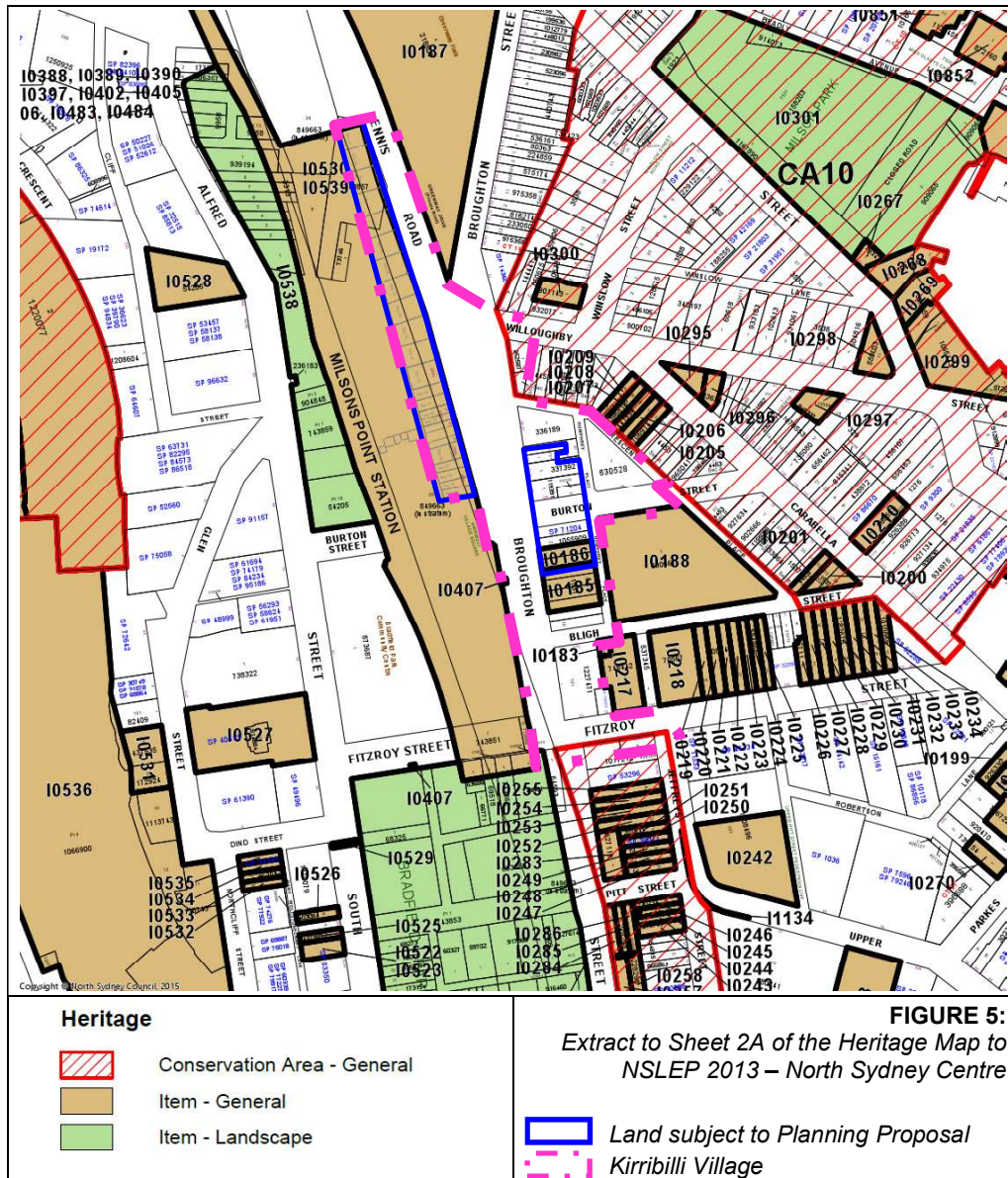
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*
- (6) *Heritage conservation management plans*
The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) *Archaeological sites*
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):
- (a) notify the Heritage Council of its intention to grant consent, and*
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (8) *Aboriginal places of heritage significance*
The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*
- (9) *Demolition of nominated State heritage items*
The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
- (a) notify the Heritage Council about the application, and*
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (10) *Conservation incentives*
The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
 - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

A note is also attached to this clause which states:

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

Land to which the Planning Proposal relates is identified on Sheet HER_002 of the Heritage Map, an extract of which is illustrated in FIGURE 5.

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The following clauses within Schedule 5 to NSLEP 2013 are relevant to the Planning Proposal:

Locality	Item Name	Address	Property description	Significance	Item No.
Kirribilli	The Fantasia Preschool	11–17 Broughton Street	Lots 3 and 4, Section B, DP 1537	Local	I0186
Milsons Point	Sydney Harbour Bridge approach viaducts, arches and bays under Warringah Freeway	Sydney Harbour Bridge and approach viaducts, including 2–4 Ennis Road and 2–74 Middlemiss Street		State	I0530

A small portion of Kirribilli Village (45 Broughton Street and 17 Willoughby Street) is located within the Careening Cove Conservation Area (CA10).

A small portion of Kirribilli Village (31 and 31a Fitzroy Street) is located within the Jeffreys Street Conservation Area (CA26).

4.7 Definitions

Clause 1.4 of NSLEP 2013 makes reference to the Dictionary which provides definitions of terms used within the LEP. In particular, the relevant terms to the Planning Proposal are defined as follows:

North Sydney Centre means the land identified as “North Sydney Centre” on the North Sydney Centre Map.

North Sydney Centre Map means the North Sydney Local Environmental Plan 2013 North Sydney Centre Map.

Small bars means a small bar within the meaning of the Liquor Act 2007.

Note. Small bars are a type of food and drink premises—see the definition of that term in this Dictionary.

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of this Planning Proposal is to enable the use of 'small bars' as an additional permitted use, pursuant to Schedule 1, on specific sites within Kirribilli Village which do not have a residential interface.

It is also proposed to correct the address to the Ennis Road Bays located at 2-44 Ennis Road, Kirribilli which Schedule 1 incorrectly describes as 2-28 Ennis Road.

5.2 PART 2: EXPLANATION OF PROVISIONS

The intent of the Planning Proposal can be achieved by amending Schedule 1 – Additional permitted uses NSLEP 2013 as follows:

1. Including a new clause to permit small bars with development consent on land at:
 - 11-33 Broughton Street, Kirribilli; and
 - 32 Burton Street, Kirribilli
2. Amending clause 14 (use of certain land at 2-28 Ennis Road, Kirribilli) to:
 - correct the street number from "2-28" to "2-44"; and
 - permit small bars with development consent on land to which this clause applies.

The specific amendments sought to the written instrument are identified in the following subsection.

5.2.1 Schedule 1 – Additional permitted uses

The intent of the Planning Proposal is proposed to be achieved by Schedule 1 – Additional permitted uses being amended as follows (blue underline represents an insertion and ~~red-strikethrough~~ represents a deletion):

14 Use of certain land at 2-~~28~~44 Ennis Road, Kirribilli

- (1) *This clause applies to land at Bays 24–44, 2-~~28~~44 Ennis Road, Kirribilli, being cubic spaces under the Warringah Expressway.*
- (2) *Development for the following purposes ~~of-is permissible with development consent:~~*
 - (a) *any permissible use in Zone B1 Neighbourhood Centre ~~is permitted with development consent.~~*
 - (b) *small bars.*

Use of certain land at 11-33 Broughton Street and 32 Burton Street, Kirribilli

- (1) *This clause applies to land at 11-33 Broughton Street, Kirribilli, being Lots 3 and 4, Sec B, DP 1537; Lot 2 DP 1055909; SP 71204; Lot 1, DP 119391; Lot 1, DP 337392; Lots 1 and 2, DP 1031721 and 32 Burton Street being Lot 1, DP 103130.*
- (2) *Development for the purposes of small bars is permitted with development consent.*

5.3 PART 3: JUSTIFICATION**5.3.1 Section A – Need for the planning proposal****1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?***

YES.

The Planning Proposal is informed by the following reports:

- Report to Legal and Planning Committee on 7 May 2018 (minutes endorsed by Council on 25 May 2018)
- Report to Council on 24 September 2018 (Post consultation outcomes)
- Report to Council Meeting on 23 September 2019. (See **Attachment A**)

North Sydney Local Strategic Planning Statement (LSPS)

On 25 November 2019, Council resolved to adopt an LSPS for the LGA and to forward the LSPS to the GSC for assurance purposes. Council has yet to receive assurance from the GSC. The LSPS expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and reflects the outcomes sought by *A Metropolis of Three Cities* (Metropolitan Plan) and North District Plan (NDP).

The relevant actions of the LSPS that apply to the Planning Proposal are as follows:

Action P1.4

Review/amend planning controls to allow for the contemporary requirements of late night trading and small bars to activate North Sydney CBD's streets and public spaces and support the night-time economy's diversity and ability to grow. (short term)

Action P4.1

Implement the North Sydney Visitor Economy Strategy and Action Plan to support the growth of a sustainable local visitor economy, maximising the economic benefits while managing the environmental and social impacts on the North Sydney LGA. (short - medium term)

The planning proposal is consistent with the relevant actions by permitting small bars on nominated sites within the Kirribilli Village to improve flexibility as to where these types of uses can occur and to further enhance the night-time economy within Kirribilli Village.

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

YES

The consultation outcomes outline community support for the introduction of small bars within Kirribilli Village. Various options have been explored with regards to implementation, as outlined below:

Option 1: Allowing small bars as a permitted use in the B1 Neighbourhood Centre zone

This option involves Council including small bars as a permitted use within the B1 Neighbourhood Centre zone. This zone is Council's lowest order business

zone, comprising the smaller Villages of Kirribilli and Cammeray, as well as numerous isolated pockets and sites that are immediately surrounded by residential zones.

Allowing small bars as a permissible use across all B1 Neighbourhood Centre zone sites is considered likely to result in adverse amenity impacts at the residential interface, particularly within smaller centres and isolated sites. The impacts of these uses would generally be provided with no buffer to the small bars.

These centres and sites that are zoned B1 Neighbourhood Centre were reviewed as part of adoption of the North Sydney Local Environmental Plan 2013 and are considered to generally co-exist appropriately in their surroundings and context. Allowing small bars across all of these sites would be contrary to the objectives of the B1 Neighbourhood Centre zone and contrary to the desired character in some localities. This option is not considered to be appropriate.

Option 2: Rezoning Kirribilli Village to an alternative business zoning

This option involves rezoning land within Kirribilli Village to a higher order business zone which permits small bars as a permitted use. Available options are the B4 Mixed Use or B3 Commercial core zones that are currently used by Council, or the B2 Local Centre zone that is zone that is not utilised with the NSLEP 2013. A detailed comparison of the objectives and permitted uses within the B1 Neighbourhood Centre zone and the differences with the B4 Mixed Use, B3 Commercial Core, and the B2 Local Centre have been undertaken are attached to the Council Report 23 September 2019 (**See Attachment 1**). In summary:

- B3 Commercial core zone reflects the highest order commercial centre. The B3 Commercial core objectives and permitted uses provide employment opportunities and prohibit residential development. North Sydney CBD as well as small part of Crows Nest and St Leonards are zoned Commercial Core. The objectives of this zone do not include retaining a residential character. Kirribilli Village comprises shop to housing as well as commercial development. The objectives and permitted uses within the B3 Commercial Core zone are inconsistent with the existing and desired character of the Kirribilli Village.
- B4 Mixed Use zone is a higher order zone to B1 Neighbourhood Centre zone, illustrated through the additional types of commercial activities that are permitted. This zone typically provides for larger scale retail and business uses, intended to serve the needs of a sub-regional catchment. The objectives and permitted uses within the B4 Mixed Use zone are inconsistent with the existing and desired character of the Kirribilli Village, which is a local centre.
- B2 Local Centre zone is a zone that is within the standard instrument however is not currently utilised in the NSLEP 2013. It is also a higher order zone providing a focus on employment and does not include objectives on maintaining a high level of residential amenity. Whilst this zoning is the least intensive option of the rezoning options available to Council, it remains a higher order zone that is considered to be

inconsistent with the existing and desired character of the Kirribilli Village.

Options 1 and 2 were considered to be inappropriate, likely to change the local character of Kirribilli Village. The community consultation outcomes overwhelmingly supported retaining the existing character of Kirribilli Village, which is a vibrant local centre. Future planning for this local centre should ensure the existing character is maintained, with additional uses complementing the existing uses, rather than changing its character. This option is not considered to be appropriate.

Option 3 (Recommended) - Small bars as an additional permitted use on certain sites within the Kirribilli Village – The Planning Proposal aims to implement this option.

In order to retain the existing local character and built form of Kirribilli Village, this planning proposal recommends the existing B1 Neighbourhood Centre zoning be retained. This zoning is considered to best reflect the character of Kirribilli Village, with its zone objectives reflecting its unique local character as a neighbourhood centre.

To facilitate small bars, it is considered most appropriate to nominate sites where small bars could be permitted within Kirribilli Village in locations where their operation would be unlikely to result in amenity impacts to properties within the residential zones located on the zone interface. This approach seeks to facilitate the outcomes of the community consultation, whilst minimising the amenity impacts and ensuring the retention of the local character of Kirribilli Village.

Each site within Kirribilli Village has been examined with a view to allowing small bars. Proposed locations where small bars are proposed to be permitted with development consent have been selected where they can demonstrate:

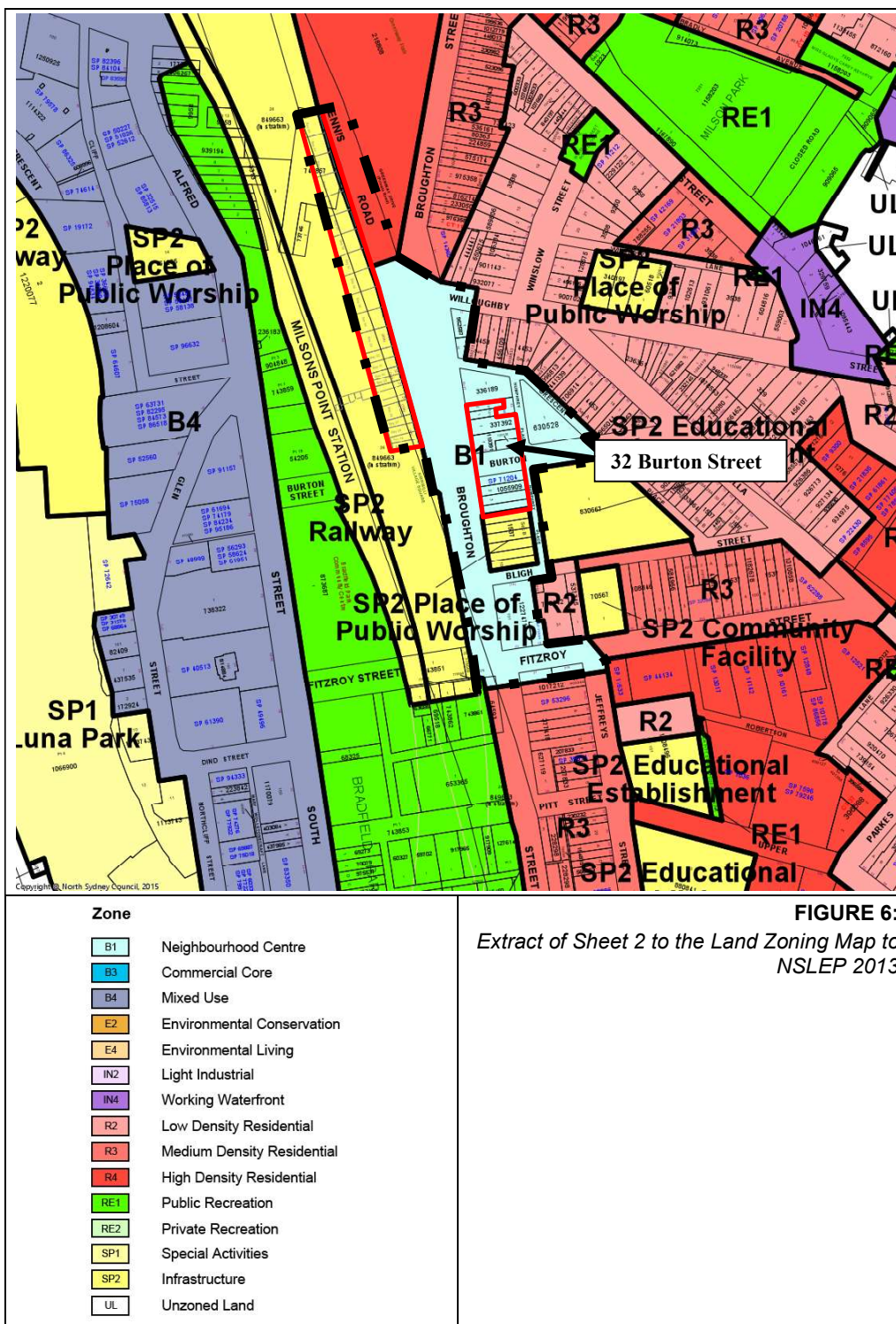
- There is no interface with a residential zone;
- The site benefits from access to, or in proximity to, the primary roads of Broughton Street or Ennis Road.

The sites which were consistent with this criteria form the basis of this planning proposal. They include:

- **11-33 Broughton Street, Kirribilli** – These sites each have a frontage to Broughton Street and do not have an interface with a residential zone. It is noted that to the north of this row of premises at No.35-37 Broughton Street is the Kirribilli Hotel which benefits from an additional permitted use of a pub. To the south of this row of premises at No. 7-9 Broughton Street is a Church zoned 'Special Use – church'.
- **32 Burton Street, Kirribilli** – This site is located at the rear (south) of 25 Broughton Street and its frontage does not have an interface with a residential zone.
- **Bays 2-44 Ennis Road** – These sites are located within a series of bays below the approach to the Sydney Harbour Bridge and have a frontage to Ennis Road. The closest residential development is located at least 30m away, within the Greenway Development.

Planning Proposal – Small Bars in Kirribilli Village

These sites are illustrated by a solid red line within FIGURE 6, located within the Kirribilli Village (illustrated by a dotted black line in Figure 6).



5.3.2 Section B – Relationship to strategic planning framework**3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?***A Metropolis of Three Cities*

Released by the GSC in March 2018, *A Metropolis of Three Cities* (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 40 years. The Metropolitan Plan sets targets of an additional 725,000 homes and 817,000 jobs in Greater Sydney by 2036.

Objectives, Strategies and Actions identified in the Metropolitan Plan which are relevant to the Planning Proposal are as follows:

- *Objective 12: Great places that bring people together*
 - *Strategy 12.1: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*
 - *prioritising a people-friendly public realm and open spaces as a central organising design principle*
 - *recognising and balancing the dual function of streets as places for people and movement*
 - *providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres*
 - *integrating social infrastructure to support social connections and provide a community hub*
 - *recognising and celebrating the character of a place and its people.*
- *Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*
 - *Strategy 14.1: Integrate land use and transport plans to deliver the 30-minute city.*
 - *Strategy 14.2: Investigate, plan and protect future transport and infrastructure corridors*
 - *Strategy 14.3: Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.*
- *Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive*
- *Objective 22: Investment and business activity in centres*
 - *Strategy 22.1: Provide access to jobs, goods and services in centres by:*
 - *attracting significant investment and business activity in strategic centres to provide jobs growth*
 - *diversifying the range of activities in all centres*
 - *creating vibrant, safe places and a quality public realm*
 - *focusing on a human-scale public realm and locally accessible open space*
 - *balancing the efficient movement of people and goods with supporting the liveability of places on the road network*
 - *improving the walkability within and to centres*
 - *completing and improving a safe and connected cycling network to and within centres*

- *improving public transport services to all strategic centres*
- *conserving and interpreting heritage significance*
- *designing parking that can be adapted to future uses*
- *providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts*
- *creating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.*
- **Objective 24:** Economic sectors are targeted for success
 - **Strategy 24.1:** Consider the barriers to the growth of internationally competitive trade sectors including engaging with industry and assessing regulatory barriers
 - **Strategy 24.2:** Consider the following issues when preparing plans for tourism and visitation:
 - *encouraging the development of a range of well-designed and located facilities*
 - *enhancing the amenity, vibrancy and safety of centres and township precincts*
 - *supporting the development of places for artistic and cultural activities*
 - *improving public facilities and access*
 - *protecting heritage and biodiversity to enhance cultural and eco-tourism*
 - *supporting appropriate growth of the night-time economy*
 - *developing industry skills critical to growing the visitor economy*
 - *incorporating transport planning to serve the transport access needs of tourists*

The Planning Proposal is considered to be generally consistent with the relevant goals, directions and actions of the Metropolitan Plan, as it will enhance the vibrancy of Kirribilli Village as an important local centre within the North Sydney LGA, whilst protecting the amenity of surrounding residential development.

North District Plan

Also in March 2018, the GSC released North District Plan (NDP). The North Sydney LGA is located in the North District along with other LGAs including Lane Cove, Ryde, Willoughby, Hunters Hill, Mosman, Ku-ring-gai, Hornsby and Northern Beaches. The NDP sets the following relevant targets:

- **Employment:** an additional 15,600-21,100 jobs by 2036 in the North Sydney Strategic Centre; and
an additional 6,900-16,400 jobs by 2036 in the St Leonards (some of which is to be accommodated in the LGAs of Lane Cove and Willoughby)
- **Housing:** an additional 3,000 dwellings by 2021 for the North Sydney LGA; and
an additional 97,000 dwellings by 2036 for the North District.

 Planning Proposal – Small Bars in Kirribilli Village

Priorities identified in the NDP which are relevant to the Planning Proposal are as follows:

- *Planning Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage.*
 - Objective 12: Great places that bring people together.
 - Objective 13: Environmental heritage is identified, conserved and enhanced.
 - *Action 19: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*
 - a. *prioritising a people-friendly public realm and open spaces as a central organising design principle*
 - b. *recognising and balancing the dual function of streets as places for people and movement*
 - c. *providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
 - d. *integrating social infrastructure to support social connections and provide a community hub*
 - e. *recognising and celebrating the character of a place and its people*
- *Planning Priority N8: Eastern Economic Corridor is better connected and more competitive.*
 - Objective 15: The Eastern, GOP and Western economic corridor are better connected and more competitive
- *Planning Priority N12: Delivering integrated land use and transport planning and a 30-minute city*
 - Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.
 - *Action 50: Integrate land use and transport plans to deliver the 30-minute city.*
- *Planning Priority N13: Supporting growth of targeted industry sectors.*
 - Objective 24: Economic sectors are targeted for success.
 - *Action 54: Consider the barriers to the growth of internationally competitive trade sectors including engaging with industry and assessing regulatory barriers.*
 - *Action 55: When preparing plans for tourism and visitation, consider:*
 - a. *encouraging the development of a range of well-designed and located facilities.*
 - b. *enhancing the amenity, vibrancy and safety of centres and township precincts*
 - c. *supporting the development of places for artistic and cultural activities.*
 - d. *improving public facilities and access*
 - e. *protecting heritage and biodiversity to enhance cultural and eco-tourism*
 - f. *supporting appropriate growth of the night-time economy*
 - g. *developing industry skills critical to growing the visitor economy.*
 - h. *incorporating transport planning to serve the transport access needs of tourists.*

- *Action 58: Consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experiences and ensure connections to transport at key tourist attractions.*
- *Action 59: Consider opportunities to enhance the tourist and visitor economy in the District, including a coordinated approach to tourism activities, events and accommodation.*

The Planning Proposal is considered to be consistent with the above priorities, objectives and actions of the NDP. The inclusion of the additional permitted use of small bars will ensure the unique and valued local character of Kirribilli Village is retained, whilst including an additional contemporary use of small bars will complement the existing uses on appropriate sites.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

YES.

North Sydney Local Strategic Planning Statement

Consistency with this document is addressed above.

Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan 2018–2028 (CSP) outlines the community-wide priorities and aspirations for the LGA, and provides long-term goals, objectives and actions to achieve these visions. The CSP is Council's most important strategic document and is used to guide and inform Council's decision making and planning for the next ten years.

The relevant Directions, Outcomes, and Strategies of the CSP are as follows:

Direction: 2 Our Built Environment

Outcome: 2.2 *Vibrant centres, public domain, villages and streetscapes*

Strategies: 2.2.1 *Enhance public domains and village streetscapes through planning and activation, celebrating their unique character*

Direction: 3 Our Economic Vitality

Outcome: 3.1 *Prosperous and vibrant economy*

Strategy: 3.1.1 *Encourage a diverse mix of business size and type*

Strategy: 3.1.2 *Support existing business and attract and foster new businesses*

Strategy: 3.1.4 *Promote and enhance the night time/after hours and weekend offer*

Strategy: 3.1.5 *Foster and support tourism activity in North Sydney*

Strategy: 3.1.6 *Balance visitor impacts with residents' lifestyles and economic development*

The Planning Proposal will allow these Directions, Outcomes and Strategies to be pursued in a robust and strategic manner. In particular, it will:

- Contribute to the vitality of the Kirribilli Village
- Allow for an appropriate mix of uses centrally within the Village
- Balance the amenity impacts of additional use of small bars through providing a buffer to the residential zone
- Retain and complement the local character of the Kirribilli Village

North Sydney Council Delivery Program 2018/19-2020/21

The North Sydney Council Delivery Program 2018/19-2020/21 (Delivery Program) was prepared in accordance with NSW State Government's Integrated Planning and Reporting Framework requirements. The Delivery Program outlines Council's priorities and service delivery programs over four years that will contribute to the long-term strategies and desired outcomes of the Plan.

The Planning Proposal directly supports the vision of the Delivery Program as the five Directions mirror those of the CSP.

5. *Is the planning proposal consistent with applicable state environmental planning policies?*

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney Local Government Area, as demonstrated in TABLE 3.

TABLE 3: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP No. 1 – Development Standards	N/A	This SEPP does not apply pursuant to Clause 1.9 of NSLEP 2013.
SEPP No. 19 - Bushland in urban areas	N/A	This SEPP does not apply as the lands affected by the Planning Proposal do not contain bushland or are located adjacent to land containing bushland.
SEPP No. 33 - Hazardous and offensive development	N/A	This SEPP does not apply as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.
SEPP No. 50 - Canal estate development	YES	The Planning Proposal is consistent with the SEPP by maintaining a prohibition on canal estate development.
SEPP No. 55 - Remediation of land	N/A	The Planning Proposal does not seek to amend the permissibility of land use within any zone, nor introduce a site specific use which may be sensitive to contamination issues.
SEPP No. 64 - Advertising and signage	N/A	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP No. 65 - Design Quality of Residential Apartment Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Affordable Rental Housing) 2009	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	The Planning Proposal does not relate to building sustainability.

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TABLE 3: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP (Coastal Management) 2018	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Educational Establishments and Child Care Facilities) 2017	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Exempt and Complying Development Codes) 2008	N/A	The Planning Proposal does not seek to introduce any additional exempt or complying development types.
SEPP (Housing for Seniors or People with a Disability) 2004 - <i>formerly SEPP (Seniors Living) 2004</i>	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Infrastructure) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (State Significant Precincts) 2005 - <i>formerly SEPP Major Development, SEPP Major Projects & SEPP State Significant Development</i>	N/A	The Planning Proposal does not relate to any state significant sites identified under this SEPP and therefore does not apply.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007 - <i>formerly SEPP (Temporary Structures) 2007</i>	N/A	This SEPP does not apply as the Planning Proposal does not relate to development for the purposes of temporary structures.
SEPP (State and Regional Development) 2011	N/A	This SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.
SEPP (Vegetation in Non-Rural Areas) 2017	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
Sydney REP (Sydney Harbour Catchment) 2005	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is consistent with the relevant Directions issued under Section 9.1 of the EP&A Act by the Minister to Councils, as demonstrated in TABLE 4.

Planning Proposal – Small Bars in Kirribilli Village

TABLE 4: Consistency with s.117 Directions		
Direction	Consistency	Comment
1. Employment and Resources		
1.1 Business & Industrial Zones	YES	The Planning Proposal does not seek to reduce any commercial or industrial zoning under NSLEP 2013 nor does it seek to reduce the level of permissible non-residential floor space achievable on the affected lands.
1.2 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 or proposed under the Planning Proposal.
1.3 Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
1.4 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal is not located in a water catchment area that directly drains to a water body containing a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate.
1.5 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not propose any changes that will affect development in a rural or environmental protection zone.
2 Environmental Heritage		
2.1 Environmental Protection Zones	N/A	This Direction does not apply as the Planning Proposal does not affect land in an environmental protection zone.
2.2 Coastal Protection	YES	<p>The Planning Proposal is consistent with the Direction as it will not impede the attainment of the objectives of the Coastal Management Act, NSW Coastal Management Manual, or NSW Coastal Design Guidelines.</p> <p>The Planning Proposal does not seek to rezone land that would enable increased development or more intensive land use on land:</p> <ul style="list-style-type: none"> • within a coastal vulnerability area • land affected by an identified coastal hazard; and • coastal wetlands and littoral rainforest area.
2.3 Heritage Conservation	YES	<p>The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 which already satisfy the requirements of the Direction.</p> <p>Nor is it proposed to remove any heritage items from Schedule 5.</p>

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TABLE 4: Consistency with s.117 Directions		
Direction	Consistency	Comment
2.4 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3 Housing, Infrastructure & Urban Development		
3.1 Residential Zones	YES	The Planning Proposal is consistent with the requirements of the Direction as it will not reduce the ability to use land zoned B1 Neighbourhood Centres for residential accommodation.
3.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.
3.3 Home Occupations	YES	The Planning Proposal does not alter the existing provisions within NSLEP 2013 that relate to home occupations, which already satisfy the requirements of the Direction.
3.4 Integrating Land Use & Transport	YES	The Planning Proposal seeks to allow an additional commercial use within close proximity to an existing railway station thereby maximising public transportation use for a wider variety of uses.
3.5 Development Near Licensed Aerodromes	YES	Despite not being located in close proximity to Sydney Airport, almost the entire LGA is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. Whilst the Planning Proposal seeks to introduce new maximum building heights on some sites within the LGA, none of these new controls will result in OLS being exceeded.
3.6 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.
4.2 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
4.3 Flood Prone Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.

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TABLE 4: Consistency with s.117 Directions		
Direction	Consistency	Comment
4.4 Planning for Bushfire Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being bushfire prone land.
5 Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by one of the identified strategies.
5.2 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.9 North West Rail Link Corridor Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.10 Implementation of Regional Plans	YES	Refer to question 3 to Section 5.3.2 of this report.
5.11 Development of Aboriginal Land Council land	N/A	This Direction does not apply as the Planning Proposal does not relate to any land identified under State Environmental Planning Policy (Aboriginal Land) 2019.
6 Local Plan Making		
6.1. Approval & Referral Requirements	YES	The Planning Proposal seeks to remove the Director General's certification requirements for the satisfactory provision of railway infrastructure.
6.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	YES	The Planning Proposal seeks to incorporate an additional specific use on certain land within Kirribilli Village. This is the preferred solution as described in section 5.3 to this report.
7 Metropolitan Planning		
7.1 Implementation of the A Plan for Growing Sydney	N/A	This Regional Plan has been superseded by the Greater Sydney Region Plan – A Metropolis of Three Cities, which was released in March 2018.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.

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TABLE 4: Consistency with s.117 Directions		
Direction	Consistency	Comment
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the Greater Parramatta Priority Growth Area.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.

5.3.3 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 Planning Proposal relates to land in densely urbanised areas and it is unlikely that the Planning Proposal will adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The exclusion of sites which have a residential interface is considered to adequately address the likely impacts of the proposed additional use of small bars within Kirribilli Village.

Section 7 NSDCP 2013 provides additional amenity controls for managing the impacts of late night trading. It is intended that, as resolved by Council, a further amendment to the NSDCP will be made in the context of this planning proposal. Specific impacts of each future use will be considered in the assessment of any future development application.

There are considered to be no environmental effects anticipated by the implementation of the planning proposal.

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

The additional use of small bars is considered unlikely to result in any adverse social or economic effects. No change is proposed to any other permissible use within the zone. Despite the additional use of small bars, it is considered that this is unlikely to change the character of the locality with regards to its retail or business offering. In addition, no change is proposed to the permissible uses within the 'buffer' areas. The planning proposal is considered to ensure that a range of retail, business, food and drink premises will continue to be provided within the Kirribilli Village.

There is no reduction in permissible uses within Kirribilli Village. There are considered to be no social or economic impacts anticipated by the implementation of the planning proposal.

5.3.4 Section D – State and Commonwealth interests**10. *Is there adequate public infrastructure for the planning proposal?***

The planning proposal provides no additional floor space. Kirribilli Village is well served with public transport with Milsons Point Railway Station. Implementation of the Planning Proposal is unlikely to adversely impact upon the provision of other public infrastructure services within the locality.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

Condition 3 of the Gateway Determination required that consultation be undertaken with the NSW police Force (North Sydney Police Area Command).

In accordance with this Condition, each of the above public authorities was provided with a copy of the Planning Proposal, associated DCP amendment and all relevant supporting material and given a minimum of 21 days within which to comment. This consultation was undertaken concurrently with the public exhibition of the Planning Proposal.

5.4 PART 4 : MAPPING

No maps to the LEP are proposed to be amended to give effect to the planning proposal.

5.5 PART 5: COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements made by the Gateway Determination and Council's guidelines and it is noted that significant preliminary public consultation has been undertaken to arrive at this point of the plan making process.

5.6 PART 6: PROJECT TIMELINE

TABLE 5 provides a project timeline having regard to identified milestones and estimating approximately 9 months from submitting the proposal to the DPIE to the amending LEP being made. The Gateway Determination states that the amending LEP is to be made within 12 months (6 February 2021) of the issue of the Gateway Determination.

TABLE 5 – Project Timeline											
Milestone	Dec 2019	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	June 2020	Jul 2020	Jul 2020		Feb 2021
1. Request for Gateway Determination sent to DPIE											
2. DPIE considers request											
3. Gateway Determination issued to Council											
4. Amendment of Planning Proposal to align with Gateway Determination											
5. Public exhibition undertaken											
6. Council considers submissions											
7. Council considers post exhibition report											
8. Submission to DPIE requesting making of LEP											
9. Drafting of LEP and making											
10. Gateway Determination expires											