

Planning Proposal – 545 – 553 Pacific Highway, St Leonards

Proposal Title : **Planning Proposal – 545 – 553 Pacific Highway, St Leonards**

Proposal Summary : **The proposal seeks to amend North Sydney LEP 2001 in relation to land at 545-553 Pacific Highway, St Leonards, to increase the building height from 26 metres to 50 metres and introduce a maximum overall floor space ratio control of 6.6:1.**

PP Number : **PP_2012_NORTH_007_00** Dop File No : **tbc**

Proposal Details

Date Planning Proposal Received : **25-Oct-2012** LGA covered : **North Sydney**

Region : **Sydney Region East** RPA : **North Sydney Council**

State Electorate : **NORTH SHORE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **545-553 Pacific Highway**

Suburb : **St Leonards** City : **North Sydney** Postcode : **2066**

Land Parcel : **545 – 553**

DoP Planning Officer Contact Details

Contact Name : **Danijela Karac**

Contact Number : **0292286207**

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RPA Contact Details

Contact Name : **Alex Williams**

Contact Number : **0299368100**

Contact Email : **alex.williams@northsydney.nswgov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro Inner North subregion** Consistent with Strategy : **Yes**

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	Both
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **The proposed changes implement the St Leonards / Crows Nest Planning Study (endorsed by Council in December 2011).**

The Study, which covers four precincts, was initiated in December 2010 in response to developer interest in the area and was partly funded by the LEP Acceleration Fund. The Study originally recommended increasing the maximum building heights along the Pacific Highway and awarding an FSR 'bonus' in return for contributions towards upgrading the nearby Hume Street Park and pedestrian link to Willoughby Road.

Council prepared an addendum to the Study, which was exhibited between August and September 2012 and recommends that built form outcomes for Precinct 1 be implemented through developer-initiated changes to local planning provisions.

The Planning Proposal relates to precinct 1 and has been lodged in accordance with this addendum. An accompanying VPA provides for the dedication of a portion of the subject land for public open space, consistent with the study.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The PP seeks to amend the North Sydney LEP 2001 as it relates to the subject site so as to allow a building height control of 50 metres and introduce a floor space ratio control of 6.6:1. An accompanying VPA provides for significant public benefit. The PP's changes are to enable the preferred option for Precinct 1 identified within the St Leonards / Crows Nest Planning Study.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Change to Clause 29(2) Building Height Controls - Council proposes that Map 2 - Floor Space Ratios, Heights and Reservations be amended to the height for the subject site from**

26m to 50m.

Change to Clause 31 Floor Space - Council proposes to alter this clause to allow a site specific FSR of 6.6:1, comprising a base FSR of 5:1 and a bonus of 1.6:1, which has been agreed to under the terms of the VPA.

Under North Sydney LEP 2001, land within the Mixed Use zone is subject to a 'non-residential' FSR and not an overall FSR. A site specific provision would be required to establish an overall FSR of 6.6:1 for this land.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

5.2 Sydney Drinking Water Catchments

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

St Leonards / Crows Nest Planning Study

Council commenced the St Leonards / Crows Nest Planning Study in December 2010. The Study seeks, in part, to encourage renewal and reinvestment in the study area and strengthen St Leonards as a specialised centre. It also identifies the need for public domain improvements to support any increased density.

The study area encompasses land that may be able to support employment and residential growth close to St Leonards Station, along the main links with Crows Nest and south along the Pacific Highway (see attached map).

The Study covering precinct 1 was placed on public exhibition from Thursday 27 October 2011 to Friday 18 November 2011 and was formally adopted by Council on 5 December 2011.

Future amendments to height and FSR controls will be required as further precincts are examined.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The PP is consistent with all relevant section 117 Direction, with the exception of Direction 6.3 Site specific provisions. Under North Sydney LEP 2001, land zoned Mixed Use is subject to a non-residential FSR control, but not a maximum overall FSR. The PP requires a site specific provision to enable a maximum overall FSR to be set for the subject land. As a result, the PP creates an inconsistency with Subclause (4)(c) of the Direction, which requires the PP to allow a land use on the subject land without imposing any development standards or requirements in addition to those already contained in the Principal LEP. Under the draft SI Principal LEP, the site specific provision can be incorporated into mapped overall FSR provisions. Therefore, this inconsistency is considered to be of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

A Land Zoning Map and Aerial Photo highlighting the subject land are provided. These resources adequately identify the subject land to which the PP applies.

The proposed site specific provision would require an amending map to be prepared which identifies subject land. Should the PP proceed, this map may be prepared by Council after completion of community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has indicated that consultation will be undertaken in accordance with the requirements of the Gateway Determination. It should be noted that The St Leonards / Crows Nest Planning Study, which informs elements of this PP, has been publicly exhibited by the council prior to its subsequent adoption.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **March 2013**

Comments in relation to Principal LEP : **Due to the extent of changes made to the draft Principal LEP since its exhibition between January and March 2011, Council has determined that the draft Plan should be re-exhibited.**

The public exhibition of DLEP 2012 commenced on 25 October 2012 and will be finalised on 21 November 2012.

Under the draft Principal LEP, the site is zoned B4 Mixed Use and has a maximum building height control of 26 metres and a minimum non-residential FSR control of 1.5:1. No maximum overall FSR applies to the site.

Assessment Criteria

Need for planning proposal : **It is necessary to amend the current LEP via a PP in order to achieve Council's preferred built form as indicated within the St Leonards/Crows Nest Planning Study - Precinct 1.**

A previous PP, which intended to provide a mechanism within the LEP to levy contributions toward open space, was deemed inappropriate by the Department and a VPA process was recommended instead. The new PP seeks to give effect to a draft VPA on the site after consultation which will effectively enable a contribution toward public space and greater public amenity achieved by controls on building design in exchange for the additional height and FSR.

In August 2010, the JRPP granted development consent to a mixed-use development on the subject site (DA153/10), which comprised A height limit of 32.9m and an overall FSR of 5.26:1, including 53 residential units at a residential FSR of 3.7:1 (average 104 sqm per dwelling) and a non-residential FSR of 1.56:1.

Some construction has already commenced on part of the site in accordance with this development consent. The existing approval does not provide any new open space and so an expedited decision via this PP would ensure that the opportunity to provide additional public space through the VPA is not missed.

Consistency with strategic planning framework :

The Metropolitan Strategy 2036 and draft Inner North Subregional Strategy 2031 include the site within the Specialised Centre of St Leonards and the Global Economic Corridor.

This PP is consistent with the overall theme of those strategies in as much as it will:

- provide better pedestrian links
- increase the attractiveness of the public domain
- increase residential density in strategic centres
- utilise existing transport infrastructure

The St Leonards / Crows Nest Planning Study forms part of the strategic planning context for the PP. The Planning Proposal seeks to enable the preferred option for the area which is generally consistent with the wider strategic framework.

The PP is also consistent with North Sydney Residential Development Strategy 2009 which indicates that in order to meet its residential development targets 'The majority of new residential development will comprise high density residential flat buildings and apartments within mixed use developments, concentrated in and around centres which provide ready access to retail, office, health, education, transport, leisure, entertainment facilities and community and personal services'.

The proposal is consistent with the current Mixed Use zoning under North Sydney LEP 2001 and no change is proposed to the zoning of this site under the draft Principal LEP, which has been endorsed by the Department for re-exhibition.

Environmental social economic impacts :

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Adjoining LGAs**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

**1.1 Business and Industrial Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
5.2 Sydney Drinking Water Catchments
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information :

It is recommended that this PP proceed without variation.

- The Planning Proposal be placed on public exhibition for 14 days.

- Adjoining LGA's Willoughby and Lane Cove to be consulted

Supporting Reasons :

The PP is consistent with the Metropolitan Plan for 2036 and the draft Inner North Subregional Strategy.

There is demonstrated need for this PP.

The Proposal is inconsistent with section 117 Direction 6.3 Site specific provisions as it allows the subject site within an existing zone its own height controls which differ to those applied across the zone. The amendment is however, informed by The St Leonards / Crows Nest Study so this is of minor significance.

It is therefore recommended that the Director General also be satisfied that the planning proposal can proceed on the basis that the inconsistency with this Direction is of minor significance.

Signature:



Printed Name:

SUSAN Sky

Date:

2.11.2012.