

### Planning Proposal - St Thomas' Church, North Sydney

|                    |                                                                                                                                                                                                                                                              |               |     |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----|
| Proposal Title :   | Planning Proposal - St Thomas' Church, North Sydney                                                                                                                                                                                                          |               |     |
| Proposal Summary : | The Planning Proposal seeks to amend North Sydney Local Environmental Plan 2001 by including a site specific provision enabling a 'car park' as an additional permitted use on land at 34 McLaren Street, North Sydney, known as St Thomas' Anglican Church. |               |     |
| PP Number :        | PP_2012_NORTH_006_00                                                                                                                                                                                                                                         | Dop File No : | TBC |

### Proposal Details

|                                   |                    |                      |                        |
|-----------------------------------|--------------------|----------------------|------------------------|
| Date Planning Proposal Received : | 13-Sep-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 :      | McLaren Street                                                                                                                          |            |              |
| Suburb :      | North Sydney                                                                                                                            | City :     | North Sydney |
|               |                                                                                                                                         | Postcode : | 2060         |
| Land Parcel : | Land at 34 McLaren Street, North Sydney, comprising 7 allotments defined as Lot 1 DP 1033999, Lots 1-4 DP 1042467 and Lots 1-2 DP 62370 |            |              |

### DoP Planning Officer Contact Details

|                  |                                 |
|------------------|---------------------------------|
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### RPA Contact Details

|                  |                                      |
|------------------|--------------------------------------|
| Contact Name :   | Brad Stafford                        |
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### DoP Project Manager Contact Details

|                  |  |
|------------------|--|
| Contact Name :   |  |
| Contact Number : |  |
| Contact Email :  |  |

### Land Release Data

|                                    |                             |                            |     |
|------------------------------------|-----------------------------|----------------------------|-----|
| Growth Centre :                    |                             | Release Area Name :        |     |
| 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) : |
| No. of Lots : 7        | 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 :

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment :

### Supporting notes

Internal Supporting Notes :

External Supporting Notes :

## Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : Adequate. The objective of this Planning Proposal is to amend NSLEP 2001 to allow a car park as a permissible use on the subject land.

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

Is an explanation of provisions provided? Yes

Comment : Adequate. The Planning Proposal consists of a site specific clause to be included under Part 5 Site Specific Provisions of NSLEP 2001, enabling development for the purposes of a car park as an additional permitted use on the site.

### Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

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?

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

On 18 September 2012, the Department of Planning and Infrastructure released a draft Practice Note (PN) for Schedule 1 Additional Permitted Uses, for public consultation. The Planning Proposal comprises an amendment to NSLEP 2001 and if approved, would require an amendment to Schedule 1 Additional Permitted Uses of the draft North Sydney Principal LEP. Therefore, the draft PN is a relevant consideration for this Planning Proposal.

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

If No, explain :

### 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 Planning Proposal applies.

The proposed site specific provision would require an amending map to be prepared which identifies subject land. Should the Planning Proposal 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 not nominated a timeframe for exhibition of the Planning Proposal.

This is considered a low impact proposal.

### 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 : **February 2013**

Comments in relation to Principal LEP :

The draft Principal LEP was exhibited in January - March 2011 and is presently at section 68 stage.

Under NSLEP 2001, the subject site is zoned Special Uses - Church and Special Uses - Church Hall. Under the exhibited draft LEP, the subject land was zoned R3 Medium Density Residential. This change of zoning was made in accordance with the Department's Practice Note PN 10-001.

On 7 November 2011, Council resolved to forward a revised draft LEP to the Department under section 68 of the EP&A Act. Under this revised draft LEP, the site was rezoned to SP2 Infrastructure.

Council has since resolved to re-exhibit the draft Principal LEP, in order to account for the number of post-exhibition changes to the draft Plan. Parliamentary Counsel was consulted to provide a revised draft LEP for exhibition by Council. No objection was raised to the proposed SP2 zoning.

## Assessment Criteria

Need for planning proposal :

The landowners, St Thomas' Anglican Church, have historically operated a commercial car park on the site. However, 'car park' is an innominate land use under NSLEP 2001 and has been recognised as an unlawful use. As Relevant Planning Authority, Council has endorsed this proposal to recognise 'car park' as lawful use on the site.

The draft PN for Schedule 1 Additional Permitted Uses encourages the inclusion of permitted land uses within the Land Use Table and recommends the use of site specific provisions for additional permitted uses only in exceptional circumstances.

The proposed land use 'car parks' would be prohibited by the current zoning under NSLEP 2001 and by both the exhibited R3 zoning and the proposed SP2 zoning under the draft Principal LEP. There are a number of other sites in North Sydney LGA zoned Special Use under NSLEP 2001 and SP2 under the draft Principal LEP where 'car parks' would not be a suitable use to permit.

Therefore, in order to recognise this land use as a lawful use, a site specific provision permitting 'car parks' as an additional permitted use will be required.

Consistency with strategic planning framework :

The Planning Proposal does not trigger any inconsistency with the Metropolitan Plan for 2036 or the draft Inner North Subregional Strategy.

The proposal to permit a 'car park' on the subject land is inconsistent with Objective (1)(b) of section 117 Direction 3.4 Integrating Land Use and Transport, in that it does not contain provisions to reduce the dependence on cars. It is acknowledged that a commercial car park has historically operated on the subject land and that the site on which this use would be permitted covers a small land area. Therefore, it is considered that this inconsistency is of minor significance.

Direction 6.3 Site Specific Provisions is also relevant to this proposal. The Planning Proposal allows an additional land use on the site without imposing any development standards or requirements in addition to those already contained in the Principal LEP and, therefore, is not inconsistent with this Direction.

No further inconsistencies with SEPPs or section 117 Directions are identified.

Environmental social economic impacts :

The proposal is intended to recognise existing arrangements. Therefore, no detrimental environmental, social or economic impacts are envisaged.

## Assessment Process

|                                            |         |                                 |         |
|--------------------------------------------|---------|---------------------------------|---------|
| Proposal type :                            | Minor   | Community Consultation Period : | 14 Days |
| Timeframe to make LEP :                    | 6 Month | Delegation :                    | DG      |
| Public Authority Consultation - 56(2)(d) : |         |                                 |         |
| Is Public Hearing by the PAC required?     | No      |                                 |         |
| (2)(a) Should the matter proceed ?         | Yes     |                                 |         |
| If no, provide reasons :                   |         |                                 |         |

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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**

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

If Yes, reasons :

### Documents

| Document File Name                                                 | DocumentType Name               | Is Public  |
|--------------------------------------------------------------------|---------------------------------|------------|
| <b>Covering Letter - PP St Thomas Church North Sydney.pdf</b>      | <b>Proposal Covering Letter</b> | <b>Yes</b> |
| <b>Council Report - PP St Thomas Church North Sydney.pdf</b>       | <b>Proposal</b>                 | <b>Yes</b> |
| <b>Map and Aerial Photo - PP St Thomas Church North Sydney.pdf</b> | <b>Map</b>                      | <b>Yes</b> |
| <b>Planning Proposal - PP St Thomas Church North Sydney.pdf</b>    | <b>Proposal</b>                 | <b>Yes</b> |

### Planning Team Recommendation

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

S.117 directions:      **2.3 Heritage Conservation**  
                                 **3.4 Integrating Land Use and Transport**  
                                 **6.3 Site Specific Provisions**  
                                 **7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information :      **It is recommended that this Planning Proposal proceed without variation.**

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

Supporting Reasons :      **The Planning Proposal is consistent with the Metropolitan Plan for 2036 and draft Inner North Subregional Strategy.**

**There is a demonstrated need for this Planning Proposal and a site specific provision permitting 'car parks' as an additional permitted use is the only feasible option to achieve the proposal's intent.**

**The proposal's inconsistency with section 117 Direction 3.4 Integrating Land Use and Transport is of minor significance and no further inconsistencies with SEPPs or section 117 Directions are identified.**

Signature:

Printed Name:

**DANIJELA KARAC'**

Date:

**24 September 2012.**

