

St Thomas' Anglican Church, North Sydney
PLANNING PROPOSAL – CAR PARK

Prepared for the Wardens of St Thomas' Anglican Church, North Sydney

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1 INTRODUCTION

This Planning Proposal supports a request by the Wardens of St Thomas' Anglican Church, North Sydney to amend the North Sydney Local Environmental Plan 2001 (North Sydney LEP 2001) to enable the St Thomas' Anglican Church landholding (the site) at McLaren Street, North Sydney to be used as a car park in addition to a place of public worship.

The site is known as 34 McLaren Street, North Sydney. Development consent has recently been granted for the subdivision of the church landholding (DA29/2011) to create a separate lot for the building fronting 34 McLaren Street. The property address may therefore change when the approved subdivision is registered. However, this report refers to the site as 34 McLaren Street.

The site is zoned Special Uses under the North Sydney LEP 2001. The primary use of the site is as a place of public worship. There are a number of ancillary uses which occur on the land in association with the use as a place of public worship, including parking for staff and the site caretaker. However, a car park has also been in use on the site for some time operating on weekdays between the hours of 6am and 10pm. This Planning Proposal seeks to formalise the permissibility of the car park within the statutory planning instrument.

The Planning Proposal responds to a Council resolution of 5 July 2010 which encouraged discussions with the Wardens of St Thomas' Anglican Church to determine a way to regularise the car park either through a planning proposal or other appropriate application. This is discussed in the body of the report.

The preparation of a planning proposal is the first step in creating (or amending) a local environmental plan (LEP). The report has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Guidelines published by the Department of Planning "A guide to preparing planning proposals".

The Planning Proposal explains the intended effect of the proposed LEP amendment and the justification for the change. Planning proposals are required to include the matters set out in the Department's Guidelines, comprising four parts:

- Part 1 Statement of the **Objectives or Intended Outcomes** of the proposed LEP;
- Part 2 An **Explanation of the Provisions** that are to be included in the proposed LEP;
- Part 3 The **Justification** for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 Details of the **Community Consultation** that is to be undertaken.

The report provides the necessary documentation for North Sydney Council to submit the Planning Proposal for approval through the gateway process including:

- Background information about the car park use and its relationship to Church operations
- Description of the amendment sought to the LEP and associated details
- Details about relevant planning controls and relationship to the existing statutory instruments
- Assessment in relation to the Section 117 Ministerial Directions and other matters as set out in the Department of Planning Guidelines.

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2. CONTEXT

2.1 The site

The site extends between Church Street, McLaren Street and the Council civic centre on the northern edge of the North Sydney commercial centre. The site comprises Lot 1 DP1033999, Lots 1, 2, 3 and 4 DP1042467 and Lots 1 and 2 DP62370 and is known as 34 McLaren Street.

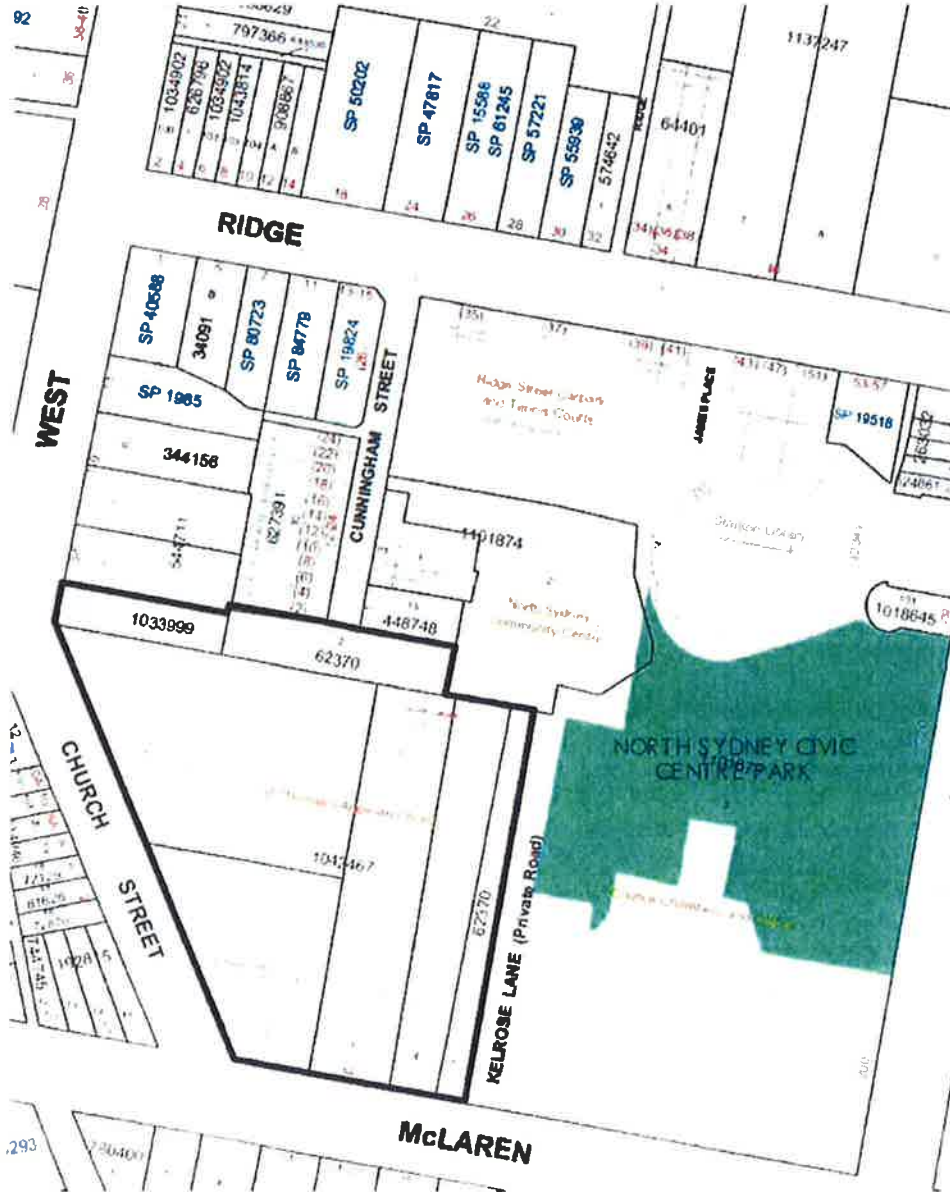


Figure 1 – Site plan

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The main buildings on the site include the St Thomas' Anglican Church, the former St Thomas' Church Rectory (Ministry Centre), St Thomas' Preschool, St Thomas' Memorial Hall and the building at 34 McLaren Street. Figure 2 shows the uses and building on the site.

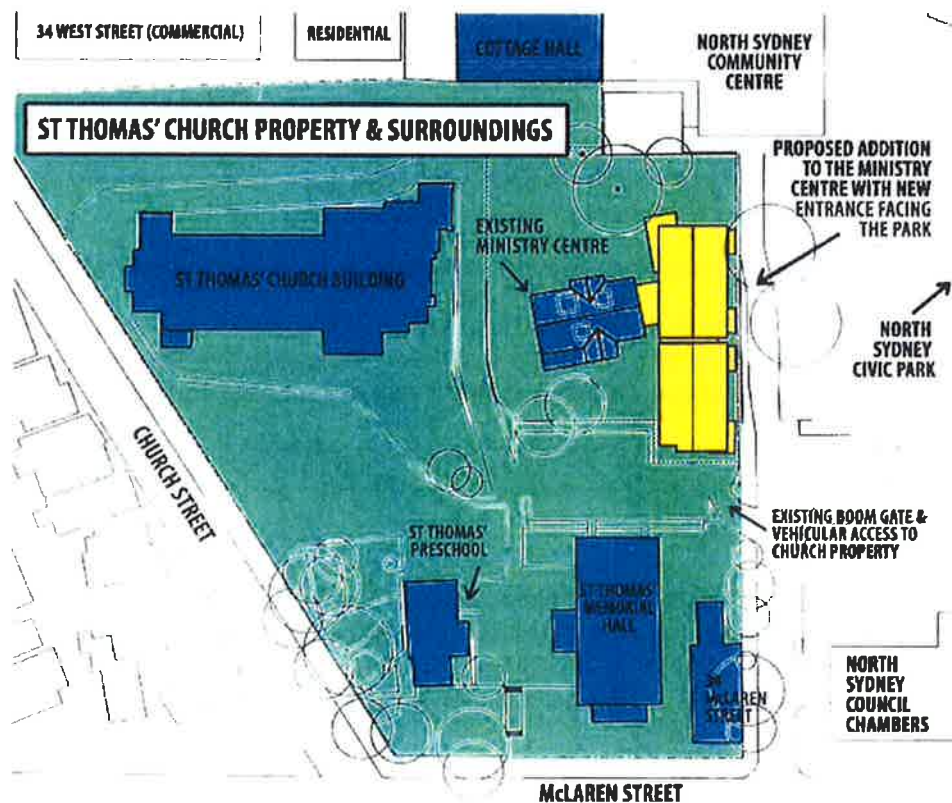


Figure 2 – St Thomas' Church buildings

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2.2 Existing uses

Place of public worship

The primary use of the site is as a place of public worship. Ancillary and incidental uses include the St Thomas' Ministry Centre, St Thomas' Preschool and St Thomas' Memorial Hall.

Ministry Centre development

At its meeting of 5 July 2010 Council considered an application for alterations and additions to the former St Thomas Rectory for a new Ministry Centre and residential accommodation (DA 176/09). The development assessment report for the application identified the car park as a non-conforming use on the site and recommended that the matter be pursued as a compliance issue.

In granting consent to the Ministry Centre development application the Council also resolved:

THAT Council staff hold discussions with the wardens of St Thomas' Church to determine a way to regularise the car parking arrangements and encourage them to lodge a planning proposal and/or appropriate application to permit a car park to continue on the site.

This Planning Proposal is submitted in response to this resolution. Extracts of the report are included in Appendix B.

Subdivision of 34 McLaren Street

DA29/2011 for consolidation of three lots and subdivision into two lots at 34 McLaren Street was approved under delegation on 7 July 2011. The approved subdivision plan (Figure 3) affects Lots 3 and 4 DP1042467 and Lot 1 DP62370 which become Lot 11 (containing the existing building at 34 McLaren Street) and Lot 10 being the residual lot containing the St Thomas Ministry Centre (former Rectory) and St Thomas Memorial Hall.

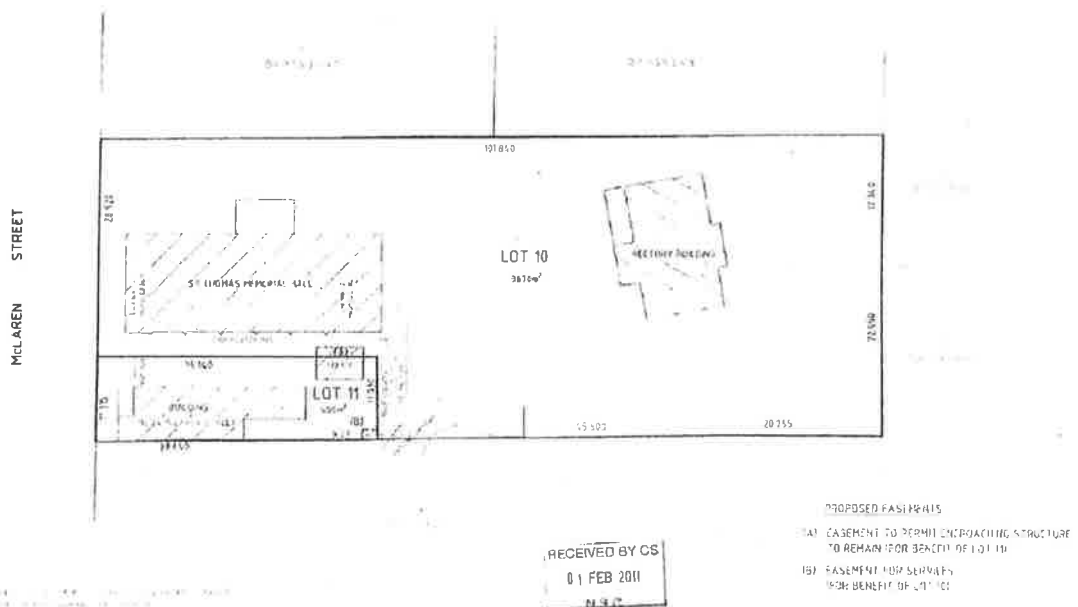


Figure 3 – Approved plan of subdivision, DA29/2011

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The Church Wardens are in the process of complying with Council's approval conditions, prior to lodging the survey plan of subdivision for approval and registration. It is anticipated that the process will result in a new street reference for the primary St Thomas' church landholding (currently also known as 34 McLaren Street). This report refers to the site as 34 McLaren Street but anticipates that the site will require a new address when the subdivision is registered.

Existing parking on the site

There are 118 parking spaces on the St Thomas' Anglican Church site. Four (4) parking spaces, including one disabled space, are permanently reserved for use in association with the church, being incidental and ancillary to the use of the land as a place of public worship. The remaining 114 spaces are used as a car park unrelated to church activities during the hours of 6am and 10pm, Monday to Friday. At other times, including weekends, these parking spaces are used by parishioners and visitors attending church services, weddings, funerals and other church related activities.

The main vehicle entry is via from Kelrose Lane off McLaren Street. Kelrose Lane is the driveway beside the Council Civic Centre. Entry to the St Thomas' Anglican Church site is controlled via a boom gate between 6am and 10pm on weekdays when the car park is in use. The boom gates are open at all other times.

The distribution of the spaces not reserved for the church across the site is set out below:

<u>Spaces*</u>	<u>Location</u>
56 spaces	Top parking area Lot 1 DP 1033999 and Lot 2DP 62370
34 spaces	Upper (northern) parking area Part Lots 1, 3 and 4 DP 1042467 and part Lot 1DP 62370 to become Lot 10
24 spaces	Lower (southern) parking area Part Lots 3 and 4 DP 1042467 and part Lot 1DP 62370 to become Lot 10

*Excludes 4 spaces reserved for exclusive church use

A Traffic Report considering the proposal is included at Appendix C. The report notes that 37 of the available parking spaces are currently being used for construction activity. These spaces are expected to be reinstated at the completion of the Ministry Centre project.

The report acknowledges the link between revenue from the commercial car park and maintenance and restoration of the church heritage buildings, making it an effective use of the parking resource with benefits to the wider community. However, the car park is not consistent with the planning objectives for North Sydney, expressed in the North Sydney LEP 2001 and draft LEP 2009, which seek to constrain parking supply within the centre as a means to encourage public transport use. The report finds that these objectives are not directly relevant to the site for a number of reasons:

- The use has been operating for many years and traffic and planning impacts arising from the car park are already imposed on the road network. That is, no additional impacts will arise from the proposal;
- Deletion of the car park would displace the existing spaces and place additional parking pressures on the local road system and potentially residential locations of the locality;
- The car park is not a traffic generating use in its own right but rather provides a facility for other surrounding developments;

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- The car park is not of sufficient scale to fundamentally impact on the choice of travel mode for residents and visitors to the North Sydney CBD.

Overall, the proposal is supported in terms of traffic and transport planning considerations.

2.3 Restoration of church buildings

History

The first church was built on the site in 1846. The original church was replaced by the current church which was built between 1877 and 1844 to a design by Edmund Blacket. An excellent example of a Victorian Gothic Church, St Thomas' Anglican Church is an important heritage item in North Sydney and is considered to be one of the most historically important buildings on the North Shore. The statement of significance for the church states:

Excellent example of a Victorian Gothic church, designed by Edmund Blacket. Important regional church and probably the most important historically on the North Shore. Imposing building on prominent hill with associations to surrounding buildings. Associated with a number of important historical figures, such as Rev. Clarke and Conrad Martens and with many prominent attendees.

The former Rectory, Preschool and Memorial Hall are also listed as heritage items.

Restoration works

A range of important restoration works have been carried out to the St Thomas' Anglican Church heritage buildings over the last twenty to thirty years. Most of the restoration works have been possible because of income from the car park. This has encompassed extensive works to the Church and other heritage buildings on the site including:

1. Restoration works to the northern side of the church including replacement of the roof, re-pointing the northern facade and repairs and replacement of sandstone.
2. Restoration works to the southern side of the church including replacement of the slate roof.
3. Restoration works to the Preschool.
4. Restoration works to the Memorial Hall.

The church has recently completed costly maintenance works associated with drainage improvements. This required the repair of stormwater pipes beside the church and replacing life expired earthenware down pipes. The cost of the maintenance works in the order of \$130,000.00.

Future works and priorities are set out below. These works would not be possible without the income source provided by the weekday car park:

1. Additional drainage works under the church
2. Replacing the final third of the church slate roof
3. Sandstone replacement and re-pointing (note this is required to most of the church building)
4. Replacing the church floor
5. Replacing the church organ
6. Possible construction of a bell tower which was originally designed
7. Electrical work to the sections of the church not included in the previous electrical upgrading
8. Repair of the sandstone fencing on Church Street.

3. PLANNING ISSUES

3.1 Proposed LEP amendment

The purpose of the proposed amendment to the North Sydney LEP 2001 is to allow development for the purposes of a car park as a permissible use on the site. The North Sydney LEP 2001 defines *car park* as:

Car park means a building or place used for the parking of motor vehicles, other than parking which is ancillary to or incidental to development which is permissible either with or without development consent.

The site is zoned Special Uses under the North Sydney LEP 2001. The land use table permits the following development with consent:

- (a) On all sites – apartment buildings; attached dwellings; duplexes; dwelling-houses; open space; remediation; telecommunications facilities; utility installations other than gas holders or generating works.
- (b) On site on the map with red lettering – the land use indicated.

Uses not listed above, such as car park, are not permissible in the Special Uses zone. A site specific clause is suggested as the most appropriate means to include the use as permissible use on the land. The proposed amendment is based on other similar amendments to the North Sydney LEP 2001.

The Planning Proposal is consistent with Council's resolution of 5 July 2010 (refer report extracts contained in Appendix B). The detailed Planning Proposal is set out in Section 4 of this report.

3.2 Draft North Sydney LEP 2009

Proposed zone

The Draft North Sydney LEP 2009 was publicly exhibited from 20 January 2011 to 31 March 2011. The draft LEP zones the site R3 Medium Density Residential. The R3 zone objectives (as exhibited) are:

- To provide for the housing needs of the community within a medium density residential environment
- To provide a variety of housing types within a medium density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To encourage development of sites for medium density housing forms, where such development does not compromise the amenity of the surrounding areas, or the natural or cultural heritage of the area
- To provide for a suitable visual transition between high density residential areas and lower density areas
- To ensure that a high level of residential amenity is achieved and maintained.

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The land use table permits a range of uses in the zone with development consent;

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Telecommunications facilities.

Uses not specified as permissible with or without consent, such as car park, are prohibited.

Submission to Draft LEP

The Wardens of St Thomas' Anglican Church made a submission to the draft LEP recognising and supporting the change of zone proposed for the church property from Special Uses to R3. The church submission also requested that the draft LEP include "car park" as an additional permissible use in Schedule 1 of the Draft instrument.

Council responded to the Church's submission by letter dated 29 March 2011 noting the resolution of 5 July 2010 in consideration of DA176/09 that encouraged the Church Wardens to lodge a planning proposal or appropriate application to permit a car park to continue on the site. The correspondence requested submission of additional information in relation to the operation of the car park with a view to establishing existing use rights for the car park use. Should this not be possible the Church was encouraged to:

- (a) Lodge a planning proposal to amend the existing LEP 2001 or
- (b) Lodge a development application for the commercial use of the car park utilising clause 51 (Conservation Incentives) of the North Sydney LEP 2001 which allows for flexible use of heritage items to ensure their conservation.

The planning proposal is consistent with the advice of Council's letter (29 March 2011).

Consistency with Draft LEP

Clauses of the draft LEP that are relevant to the planning proposal are considered in turn below. The Planning Proposal is consistent with the provisions of the draft LEP as exhibited, other than the R3 zone objectives, where the inconsistency is reasonable in the circumstances of the case as:

1. Funds from the car park have enabled significant conservation and restoration works to be undertaken to the St Thomas' Anglican Church heritage buildings and
2. The ongoing car park operation is critical to the future maintenance, restoration and conservation works planned for this important heritage item.

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Review of consistency between the Draft LEP and Planning Proposal

Clause	Comment	Consistency of planning proposal
Clause 1.2 - Aims	The particular aims of the Plan cover a range of issues. The proposal is consistent with the aims in relation to: <ul style="list-style-type: none"> the character of North Sydney's neighbourhoods in terms of maintaining a diversity of activities while protecting residential accommodation and local amenity; non-residential development as a land use which supports a diversity of employment, services, cultural and recreational activities and which does not adversely affect the amenity of residential property or public places; environmental quality as a land use which maintains the landform and landscape of the site; environmental heritage as a land use that facilitates the conservation and long term maintenance of a significant heritage item for North Sydney. 	The planning proposal is consistent with the exhibited draft LEP.
Land Use Table R3 Zone	The car park use is an unusual use within the site context. A number of the zone objectives are not directly relevant to the use, which primarily exists to support the ongoing maintenance and conservation of the important heritage buildings on the land.	While not directly consistent with the zone objectives, the car park use is justified in the circumstances of the case because of its direct link to the longer term funding of conservation and maintenance works to the St Thomas' Anglican Church group of heritage items.
Clause 4.1 Min subdivision lot size	The site is subject to a minimum lot size for subdivision of 230m ² . The site is significantly larger than the minimum required.	The planning proposal is consistent with the exhibited draft LEP.
Clause 5.10 Heritage conservation	Income from the car park has facilitated significant conservation works to the heritage buildings on the site.	The planning proposal is consistent with the exhibited draft LEP, particularly in relation to clause 5.10(10)

Draft LEP status

A report on submissions to the draft LEP was considered by Council at its meeting of 4 July 2011. Staff review of submissions to the draft LEP recommended no change to the provisions affecting St Thomas' Anglican Church. The requested amendment to include "car park" as an additional permitted use on the site on the grounds was not supported under criteria 2e:

- The draft LEP **would not** be amended if the issues raised in the submission (represented) an alternate viewpoint received on the topic but the recommendation of the draft Plan still considered the best option.

Council resolved to adopt the Draft LEP 2009 for the purposes of s.68 of the EPA Act at the meeting of 4 July 2011. However, the resolution deferred all land zoned Special Use under the North Sydney LEP 2001 from the Draft LEP. The draft LEP is understood to be subject to ongoing discussions between North Sydney Council and the Department.

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4. PLANNING PROPOSAL

Part 1 - Intended outcomes

The objective of this planning proposal is to amend the North Sydney LEP 2001 to allow a car park as a permissible use on the site at 34 McLaren Street, North Sydney. The land is described as:

St Thomas' Anglican Church, North Sydney (Church and McLaren Streets, North Sydney) being Lot 1 DP1033999, Lots 1-4 DP1042467 and Lots 1 and 2 DP 62370

A car park has been in use on the site for some time. Income from the car park has supported extensive conservation works to the heritage buildings on the land. The amendment will allow the car park to be considered as a permissible use on the land.

Part 2 - Explanation of the provisions

The proposed LEP amendment comprises a site specific clause based on existing site specific provisions in Part 5 of the North Sydney LEP 2001 as below:

Clause xx – St Thomas' Anglican Church, 34 McLaren Street, North Sydney

(1) Subject land

This clause applies to Lots 1-4 DP 1042467, Lots 1- 2 DP 62370 and Lot 1 DP 1033999, 34 McLaren Street, North Sydney as shown edged heavy black on the map marked "North Sydney LEP 2001 (Amendment No xx)".

(2) Objective

The specific objective of this clause is to permit a car park on the subject land.

(3) Despite the Table to Part 2, development for the purposes of a car park is permitted, with development consent, on the subject land.

Part 3 - Justification

NEED FOR THE PLANNING PROPOSAL

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

The Planning Proposal is not a result of any strategic study. However, the need to regularise the use was identified in a development assessment report for a proposed development on the site (DA 176/09). In approving the development application Council resolved to hold discussions with the church Wardens with a view to encouraging the resolution of the non-conforming use possibly through a planning proposal. The planning proposal is therefore consistent with this resolution. An extract of the Planners Report is contained in Appendix B.

The planning proposal is also consistent with the response to the St Thomas' Anglican Church submission to the exhibition of the draft North Sydney LEP 2009. In considering a request to include "car park" as an additional permitted use on the site the Church was advised by letter dated 29 March 2011 to lodge a planning proposal to amend the existing LEP should it not be possible to establish existing use rights for the car park use. This recommendation was endorsed by Council at its meeting of 4 July 2011 Council.

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

The proposed amendment of Part 5 of the North Sydney LEP 2001 through the planning proposal process is the best means of achieving the intended outcomes. The car park has been in use on the site for some time but requires an amendment to the land use table to be formally recognised. The proposed approach is similar to LEP amendments that have occurred in relation to car parks at Hipwood Street (Clause 58) and Blue Street (Clause 71).

The site specific clause which permits a car park as a particular use on the site is preferable in planning terms than rezoning the entire site to a zone which would permit a car park. The approach also respects the primary use of the land as a place of public worship.

3. *Is there a net community benefit?*

The site includes four historically important buildings being the St Thomas' Anglican Church, former Rectory, Preschool and Memorial Hall. The car park is an unusual development scenario as income from the use supports ongoing conservation and restoration works of the church property.

Each heritage building has required significant funds for conservation and restoration works since the car park's establishment. Forward planning confirms significant ongoing capital contributions will be critical for the longer term maintenance and conservation of these important heritage buildings.

The community places a strong value on its built heritage as places to be valued by current and future generations. The net community benefit derived from the upkeep and maintenance of the church buildings is very strong. The car park is critical to the ongoing security of funds for maintenance and conservation works of the St Thomas' Anglican Church heritage items.

RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

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

The Metropolitan Plan for Sydney 2036 was released in December 2010 and updates the *City of Cities* Metropolitan Strategy. The new Plan continues the City of Cities concept, encouraging growth and revitalisation in strategic centres and new housing and employment growth within existing areas. The Plan continues to recognise North Sydney as a key element of Global Sydney.

The Planning Proposal is consistent with the relevant objectives and actions of the Metropolitan Plan and draft Inner North Subregional Strategy. Relevant considerations are:

Strategic Direction C – Transport for a Connected City

Objective C3 seeks to develop a Metropolitan Parking Policy. The draft Inner North Subregional Strategy notes that the policy is being developed by the Department of Planning in consultation with stakeholders. The policy will guide the supply and management of parking to support the use of sustainable transport to strategic centres, including North Sydney.

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The draft Inner North Subregional Strategy requires local councils to implement the Metropolitan Parking Policy when it is finalised. It is not possible to assess the Planning Proposal against the policy as the details are not yet available. Irrespective, the car park is a relatively minor element in the context of the North Sydney commercial centre and Global Sydney. Formalising the car park will have a negligible impact on the future policy, particularly in terms of the metropolitan context, as it will not alter the availability of commercial parking in North Sydney, or otherwise significantly contribute to any change in mode split.

Strategic Direction H – Achieving Equity, Liveability and Social Inclusion

Objective H4 seeks to “continue to identify, enliven and protect places of special cultural, social and community value”.

Protecting the cultural and heritage elements of the subregion is a key direction for the Inner North Subregional Strategy for Environment, Heritage and Resources. The Subregional Strategy recognises the pressures on cultural heritage, particularly from rising land values and development pressures, but also from ensuring adequate resources to manage heritage items. Formalising the car park ensures a longer term resource to support the ongoing maintenance and conservation of the important St Thomas' Anglican Church heritage buildings.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The North Sydney Local Development Strategy 2009 contains the strategic vision for North Sydney. The Strategy was prepared to inform the draft comprehensive LEP (draft LEP 2009) to:

- Ensure consistency with relevant metropolitan, regional and local planning strategies and
- Identify policies to manage the future natural, cultural, economic and built environment of North Sydney.

The vision statement on which the Strategy is based is:

North Sydney is a vibrant community with a major and unique commercial centre surrounded by related villages and neighbourhood centres. We celebrate community harmony, respect and diversity and we are recognised for our excellence in innovation, business and ecological sustainability.

Ours is a place where residents and businesses are proud to belong and we welcome students and others who work in, visit and enjoy the area. Our community supports social, economic and environmental wellbeing through local and practical solutions.

The Strategy acknowledges the key direction of the draft Inner North Subregional Strategy which calls on Council to work with its community to create an urban environment that is welcoming, safe and beautiful, reflecting Council's commitment to its unique local heritage, culture and good urban design.

The Planning Proposal is consistent with the broad vision of the Local Development Strategy, comprising a local and practical solution to support the significant and ongoing maintenance and conservation costs associated with the St Thomas' Anglican Church heritage buildings.

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed state environmental planning policy (SEPP). The Plan applies to land within the Sydney Harbour Catchment and aims to recognise, protect and enhance the catchment, foreshores, waterways and islands of Sydney Harbour.

The plan contains particular provisions which apply to the foreshores and waterways, various strategic foreshore sites, certain heritage items, the Sydney Opera House and wetland protection areas. The site is not identified as a heritage item under the Plan and is not subject to any other specific provisions contained in the Plan.

There are no other SEPP's that apply to the site or are relevant to the Planning Proposal.

7. Is the planning proposal consistent with applicable Ministerial Directions?

A review of Local Planning Directions is appended to this report. Relevant Directions are described below.

Direction 2.3 – Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The Direction requires planning proposals to contain provisions that facilitate conservation of heritage items, objects, places and indigenous heritage.

The Planning Proposal is consistent with the Direction as it does not alter the heritage provisions that apply to the site.

Direction 3.4 – Integrating Land Use and Transport

This Direction promotes the application of integrated land use and transport planning principles in planning proposals. This includes improving access to housing, jobs and services by walking, cycling and public transport and generally supporting transport efficiency. The Direction requires planning proposals to give effect to, and be consistent with, Department published guidelines.

The Planning Proposal will have a negligible impact on parking availability in the North Sydney CBD, and is not likely to adversely affect strategies to reduce travel demand or otherwise affect mode split in the locality to the detriment of public transport. Any inconsistency with the Direction is generally of minor significance.

Direction 6.3 – Site specific provisions

This Direction discourages unnecessarily restrictive site specific planning controls. Planning proposals that seek to amend an environmental planning instrument to enable a particular development to be carried out are to allow the relevant land use without imposing development standards or requirements in addition to those already contained in the principal instrument.

The proposed amendment seeks to permit the particular land use (being car park) on the site and is therefore consistent with the Direction.

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Direction 7.1 – Implementation of the Metropolitan Plan for Sydney 2036

This Direction seeks to give legal effect to the current Metropolitan Plan for Sydney by requiring consistency with the plan as published in December 2010. As set out above the car park is a minor element in the context of the North Sydney CBD and Global Sydney the Planning Proposal is consistent with this Direction.

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

The site is highly disturbed and does not contain any critical habitat or threatened species, populations or ecological communities or their habitats. It is not likely to support habitat that fauna would be reliant upon and it is reasonable to conclude that no adverse impacts would occur to threatened species, populations, ecological communities or their habitats.

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

The car park has been in use on the site for some time without significant adverse impacts to the St Thomas' Anglican Church heritage items, local traffic conditions or other environmental considerations. The car park is available on weekends for community parking, including use for the community markets held regularly on the adjoining civic centre.

Any environmental effects arising from the Planning Proposal could be effectively managed through the normal development processes.

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

The social and economic effects of the proposal are generally positive. The car park is critical to the ability of the St Thomas' Anglican Church parish being able to fund maintenance and conservation works to the important heritage items on the site. The car park also supports community markets held regularly on the adjoining Council civic centre by augmenting parking availability, including parking for delivery trucks and the like.

STATE AND COMMONWEALTH INTERESTS

11. *Is there adequate public infrastructure for the planning proposal?*

The site has access to utility services including power, communications and stormwater disposal.

Access to the local and regional road network is available from the Council driveway. Documents to formalise an easement in favour of St Thomas' Anglican Church right of access along the Council driveway have been submitted to Council and are subject to current discussions.

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

Formal consultation with State and Commonwealth agencies is expected to occur following the gateway decision.

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Part 4 – Community consultation

Community consultation is expected to occur in accordance with Council's normal procedures and Section 57 of the Environmental Planning and Assessment Act, 1979.

5. SUMMARY

This Planning Proposal report accompanies a request that North Sydney Council proceed with an amendment to the North Sydney LEP 2001 to permit "car park" as a permissible use on the St Thomas' Anglican Church site through the gateway process. The site comprises Lot 1 DP 1033999, Lots 1, 2, 3 and 4 DP 1042467 and Lots 1 and 2 DP62370.

The majority of the existing parking spaces on the site have been used as car park on weekdays (unrelated to the church operations) for some time without significant adverse impacts on the heritage, local traffic conditions or other environmental conditions of the locality. The same parking spaces are available to parishioners and visitors on weekends for parking in connection with church activities.

The weekday car park is an important source of income for the St Thomas' Anglican Church. Funds from the use have been critical to the ability of the parish to carry out important maintenance and conservation works to the St Thomas' Anglican Church heritage items.

The proposed amendment to the North Sydney LEP 2001 will formalise a long standing use. The proposal is consistent with Council's resolution of 5 July 2010 which encouraged the St Thomas' Anglican Church Wardens to lodge a planning proposal or other appropriate application to regularise the car park.

The Planning Proposal provides all information as required by the Department of Planning guidelines. The proposed change is consistent with the draft North Sydney LEP 2009, relevant Ministerial Directions and strategic planning policies for North Sydney, and is recommended for Council's consideration and action.

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APPENDIX A:

Review of Local Planning Directions

St Thomas Car Park Planning Proposal Attachment

REVIEW OF LOCAL PLANNING DIRECTIONS

Direction	Objective	Comment	Consistent
Employment and Resources			
1.1 Business and Industrial zones	Encourage employment growth, protect employment land and support viability of strategic centres	Relevant when land is within an existing or proposed business or industrial zone.	N/A
1.2 Rural zones	Protect agricultural production value of rural land.	Relevant when land is within an existing or proposed rural zone.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Protect future extraction of State or regionally significant extractive materials from inappropriate development.	Relevant to planning proposals affecting extractive processes.	N/A
1.4 Oyster Aquaculture	Protect oyster aquaculture industries.	N/A	N/A
1.5 Rural Lands	Protect agricultural production value of rural land	Does not apply to North Sydney	N/A
Environment and Heritage			
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas	Planning proposals must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the environmental protection standards that apply.	N/A
2.2 Coastal Protection	Implement the principles of the NSW Coastal Policy	Does not apply to the site	N/A
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance	Planning proposals must contain provisions to facilitate the conservation of heritage items and places.	Yes
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts.	Requirements relevant where vehicle recreation areas are proposed.	N/A
Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Encourage housing variety and choice, efficient use of infrastructure and services and minimise impacts on the environment and resource lands.	Relevant when land is zoned residential or permits significant residential development.	Yes
3.2 Caravan Parks and Manufactured Home Estates	Provide for a variety of housing types and opportunities for caravan parks and manufactured home estates.	Relevant to planning proposals relating to caravan parks.	N/A

St Thomas Car Park Planning Proposal Attachment

3.3 Home Occupations	Encourage low-impact small businesses in dwelling houses	Planning proposals must permit home occupations in dwelling houses without the need for development consent.	Yes
3.4 Integrating Land Use and Transport	Application of integrated land use and transport principles.	Relevant to planning proposals that create, alter or remove a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Yes
3.5 Development Near Licensed Aerodromes	Ensure the safe operation of aerodromes	Relevant to land near aerodromes.	N/A
3.6 Shooting Ranges	Maintain appropriate levels of public safety and amenity and reduce land use conflicts associated with shooting ranges	Relevant to planning proposals that relate to land adjoining or adjoining a shooting range.	N/A
Hazard and Risk			
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from use of land that has a probability of containing acid sulfate soils.	Relevant where maps identifying potential acid sulfate soils are prepared.	N/A
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land unstable or potentially subject to mine subsidence.	Does not apply to the site.	N/A
4.3 Flood Prone Land	Ensure consistency with the NSW Government Flood Prone Land Policy and ensure LEP provisions for flood prone land are commensurate with flood hazards.	Does not apply to the site.	N/A
4.4 Planning for Bushfire Protection	Protect life, property and the environment from bush fire hazards and encourage sound management of bush fire prone areas.	Relevant to planning proposals affecting, or in proximity to, bush fire prone land.	N/A
Regional Planning			
5.1 Implementation of Regional Strategies	Give legal effect to the vision, land use strategies, policies, outcomes and actions in regional strategies.	Does not apply to North Sydney.	N/A
5.2 Sydney Drinking Water Catchments	Protect the Sydney drinking water catchment.	Does not apply to North Sydney	N/A
5.3 Farmland on the NSW Far North Coast	Protect agricultural land and reduce land use conflicts.	Does not apply to North Sydney	N/A
5.4 Commercial Development, North Coast	Manage commercial and retail development along the Pacific Highway.	Not relevant to North Sydney	N/A
5.5 Revoked			

St Thomas Car Park Planning Proposal Attachment

5.6 Revoked			
5.7 Revoked			
5.8 Badgerys Creek Airport	Avoid incompatible development in the vicinity of Badgerys Creek.	Does not apply to North Sydney	N/A
Local Plan Making			
6.1 Approval and Referral Requirements	Ensure LEP provisions encourage the efficient and appropriate assessment of development.	Requires inclusion of concurrence, consultation and referral provisions.	Yes
6.2 Reserving Land for Public Purpose	Facilitate provision of public services and facilities and removal of reservations when land is no longer required.	Relates to planning proposals zoning land for public purposes.	N/A
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls.	Applies where a planning proposal allows a particular development to be carried out.	Yes
Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney.	Planning proposals are required to be consistent with the Metropolitan Strategy.	Yes

St Thomas' Anglican Church, North Sydney – Car Park Planning Proposal

APPENDIX B:

Extract, Report to Council 5 July 2010

Report of Ben Lusher, Team Leader Assessments
Re: 34 McLaren Street, North Sydney

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CLAUSE 14 NSLEP 2001

Consistency With The Aims Of Plan, Zone Objectives And Desired Character

The provisions of Clause 14 of NSLEP 2001 have been examined.

It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and of the controls.

As such, consent to the development may be granted.

CURRENT USE OF SITE AS A CAR PARK

During the assessment of the current development application it came to the attention of the assessments staff that the St Thomas' Church grounds are being used for the purpose of a car park between Monday and Friday. It has been observed that this car parking use is not ancillary or incidental to the use of the St Thomas' Church as it appears that numerous cars are parked on the site by people who are most likely commuting into the North Sydney CBD or similar. This has been informally acknowledged and confirmed by the applicant during discussions in relation to the assessment of the DA.

Whilst it appears that Council has been aware of this use for some time, a search through Council's records shows that there is no evidence of any development approval for this purpose which renders this use as unauthorised. Further it is noted that 'car park' is not a permissible use in the Special Use zone and as such Council is not empowered to give development consent for this use, regardless of merit. Any consent granted is recommended to be furnished with a condition that ensures that no consent is implied for this use.

Should St Thomas' Church seek to authorise this use it would appear that the most appropriate and expedient approach would be to submit a Planning Proposal to expand the range of permissible uses on the site to include 'car park'. Should this occur Council would need to give full consideration to the merits of such a permissible use on the Church grounds.

In the meantime however this use remains unauthorised and as such it is recommended that Council resolve to refer this matter to Council's compliance section for appropriate investigation and any necessary action.

CONCLUSION

This site forms a significant part of the McLaren Conservation Area and is afforded a unique setting as part of both the McLaren Conservation Area and the Civic Park precinct. The proposed development site is an unusual situation and comprises a new infill building on a large ecclesiastical landholding. The proposed building does not directly adjoin or face other residential properties rather is situated in a position that links the St Thomas' Church site and the Civic Park.

Given the Special Use zoning of the land the LEP prescribes that the proposal comply with the development standards applicable to the nearby residential zone in Cunningham Street to the north of the site, even though there is no real connectivity between the proposed building and to

**DECISION OF 3553rd COUNCIL (ASSESSMENTS) MEETING
HELD ON 5 JULY 2010**

389. PDS05: 34 McLaren Street, North Sydney (V) - DA176/09

Applicant: The Church Wardens for the St Thomas' Anglican Church North Sydney

Report of Ben Lusher Team Leader (Assessments) -23 June 2010

- The proposed development includes:
- Continued use of the former Rectory building for the purpose of office space for church staff at the ground and first floor level;
- Construction of a three storey eastward extension to the former Rectory building. This wing will provide further office accommodation at the ground floor and residential accommodation at the second and third floors. This accommodation comprises four units including one x 2 bedroom unit and three x 3 bedroom apartments.
- Reconfiguration of ground level parking on-site.
- Associated landscaping in proximity to the proposed building and site works.

Recommending:

PURSUANT TO SECTION 80/91 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

- A. **THAT** Council, as the consent authority, assume the concurrence of the Director General of the Department of Planning and invoke the provisions of SEPP 1 for Clause 17 (building height), Clause 30 (building height plane) and Clause 31 (non-residential floor space) of NSLEP 2001 and grant deferred commencement consent to Development Application No. 53/08, subject to the attached standard conditions and following site specific conditions:-

PART A – DEFERRED COMMENCEMENT CONDITIONS

THAT this consent shall not operate until the applicant satisfies the Council that the following deferred commencement condition in this part has been complied with:

Easement for Right of Way

- AA1. An easement shall be registered that gives the Registered Proprietor of the land being the St Thomas's Church site known as 34 McLaren Street, North Sydney, Folio Identifier Lots 1 & 2 DP62370 and Lots 1,2,3 & 4 DP 1042467 a Right-of-Carriageway along Council's driveway (adjacent to the eastern boundary of 34 McLaren Street) extending northward from McLaren Street to the entrance to the existing car park on the subject site as demarcated by the boom gate entry point, in terms satisfactory to Council. All costs associated with the registration and execution of the easement must be borne by the Applicant;

(Reason: To ensure that legal access may be provided to the approved development.)

Submission of Additional Details – Landscaping

- AA2. The following additional details be submitted to and approved by Council:

1. A detailed landscape plan which clearly shows:
 - (a) the species of all trees to be removed and those to be retained
 - (b) the location of two replacement trees being an advanced (minimum 150 litre) Port Jackson Fig and Bloodwood tree,
 - (c) treatment of verges to the pathway along the northern extent of the site,
 - (d) a detailed planting scheme provided with a species selection (and pot size) that is complementary to the Civic Park and its surrounds,

- (e) surface treatments of all pathways
- 2. Detailed plans clearly showing:
 - (a) lighting design scheme along pathways and at building entry points;
 - (b) fencing and gate design along the eastern boundary of the site showing the extent of the fencing being limited to between the northern extent of the approved building and the north eastern corner of the site. This fencing shall be visually open in appearance and have a height no greater than 1.5 metres.

(Reason: To ensure that the approved development is provided with landscaping and ancillary details that are complementary to the amenity of the surrounding locality)

Submission of Additional Details – Car Parking

- AA3. Additional details shall be submitted to and approved by Council indicating the exclusive provision of on-site car parking for both the residential and non-residential components of the Ministry Centre in accordance with Section 9 of North Sydney Development Control Plan 2002. Such detail is to include the provision of resident, visitor, disabled and motorbike parking and the provision of a loading and unloading area.

Satisfactory documentation to satisfy the above condition must be submitted to Council within twelve (12) months of the date of this consent, or the consent will lapse in accordance with Clause 96 of the Environmental Planning and Assessment Regulations 2000. Written concurrence from North Sydney Council will be required to demonstrate satisfactory compliance with the above deferred commencement condition, with this to be supplied to the Certifying Authority. Upon satisfaction of the deferred commencement conditions the following conditions apply.

PART B – CONDITIONS OF CONSENT

Office area ancillary to St Thomas' Church use only

- A1. This consent authorises use of the approved office area as an ancillary use to St Thomas' Church only.
(Reason: Permissibility)

No approval for use as a commercial carpark

- A2. No consent is granted or implied for the use of the existing on-site car parking as a commercial car park.
(Reason: Permissibility)

Works to be contained wholly with the subject site

- A3. All works are to be contained wholly within the subject site.
(Reason: To confirm terms of Council's consent)

External Finishes and Materials

- A4. The colour and type of all external materials for the new building shall be generally be in accordance with the submitted schedule A-9710 revision A, dated 6 May 2010 prepared by Allen Jack & Cottier Architects and received at Council on 14 May 2010. The exterior colour scheme for the Rectory shall match the existing scheme.
(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Fire Safety Upgrade

- A5. Fire fighting equipment, egress and detection system items are to be located sympathetically with regard to the character of the heritage-listed buildings. While having proper regard to building and fire regulations, notices and signs are to be located sympathetically. Electrical and plumbing services are to be concealed.
(Reason: The fire safety upgrade of the buildings is to have no detrimental impact upon the heritage significance of the buildings.)

Skylights

- A6 Flashing and frames of skylights to be coloured to match roofing materials. Skylights to be no greater than 100mm above the roof plane when in a closed position.
(Reason: To ensure that the skylights do not dominate the roof planes.)

Construction And Traffic Management Plan Required

- B1 Prior to issue of the Construction Certificate the Applicant must have a *Construction and Traffic Management Plan* prepared. The following matters must be specifically addressed in the Plan:
1. **A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:**
 - a. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - b. RTA approved signage type and location to manage pedestrian in the vicinity,
 - c. The locations of any proposed Work Zones in the frontage roadways,
 - d. Locations and type of hoardings proposed,
 - e. Area of site sheds and the like,
 - f. Location of any proposed crane standing areas,
 - g. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - h. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - i. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 2. **A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.**
 - a) Light traffic roads and those subject to a load or height limit must be avoided at all times.
 - b) Once approved, a copy of the route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
 3. **Traffic Control Plan(s) for the site**
 - a. All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red card' qualification).
 - b. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

A suitably qualified and experienced traffic consultant shall prepare the Construction and Traffic Management Plan. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site. As the plan has a direct impact on the local road network and public amenity, the plan must be submitted to and reviewed by Council. A written acknowledgment from Council engineers as to the result of this review shall be obtained (attesting to this condition being appropriately satisfied) and must be sighted as part of the supporting documentation lodged with the Certifying Authority for approval of the Construction Certificate application.

Notes:

 1. North Sydney Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.

2. Any use of Council property shall require the necessary approvals prior to such work commencing (e.g crane standing, work zone, hoarding, stand plant and the like).
3. Failure to provide complete and detailed information may result in delays. It is recommended that your Construction Management Plan be lodged with Council as early as possible.
4. Dependent on the circumstances of the site, Council may request additional information to that detailed above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

Dilapidation Report – Damage to Public Infrastructure

C1 The applicant must have a dilapidation survey and report (including photographic record) prepared which details the pre-developed condition of the existing public infrastructure in the vicinity of development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. The developer may be held liable to damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition. The Applicant shall bear the cost of restoration of all infrastructure damaged as a result of the development, and no occupation of the development shall occur until damage is rectified. A copy of the dilapidation report must be lodged with North Sydney Council by the Certifying Authority with submission of the Construction Certificate documentation.

(Reason: To ensure protection of existing built infrastructure)

Damage Bond (Potential Damage)

C2 A Bond of \$7000 shall be deposited with Council, prior to the issue of any construction certificate, against the potential for damage to Council's infrastructure during the construction process.

(Reason: To ensure appropriate security is in place for the protection or repair of Public Infrastructure)

Bond & Fees Schedule

C3 All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

Security Bonds	Amount (\$)
Infrastructure Damage Bond	\$7,000.00
Section 94 contribution	\$73,328.63
TOTAL FEES	\$80,328.63

(Reason: Compliance with the development consent)

Bonds

C4 Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and shall be in place prior to the issuing of the Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works.

(Reason: Information, Protection of infrastructure and the environment)

Stormwater Management and Disposal Design Plan – Construction issue detail

C5 Prior to issue of the Construction Certificate, the applicant shall have a site drainage management plan prepared by a qualified drainage design engineer. The site drainage management plan must detail the following requirements of North Sydney Council:

- a. Compliance with BCA drainage requirements, Councils Engineering Performance guide and current Australian Standards and guidelines, such as AS/NZ3500.3.2 1998, National Plumbing and Drainage Code.
- b. Stormwater runoff and subsoil drainage generated by the approved dwellings must be conveyed in a controlled manner by gravity via existing system to Council's underground pipe system at the corner of McLaren Street and Church Street.
- c. On site detention must be provided to ensure that the maximum discharge from the site does not exceed discharge which would occur during a 1 in 5 year storm of 1 hour duration for the existing site conditions. All other stormwater run-off from the site for all storms up to the 1 in 100 year storm is to be retained on the site for gradual release to the kerb and gutter or drainage system as required by Director of Engineering & Property Services. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.
- d. The stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 20 years.
- e. Surface inlet pits shall be located to catch surface flows, and shall be provided at all pipe junctions and site boundaries, changes in pipe direction exceeding 45 degrees and at the road boundary (within the property) prior to connection to the public drainage system and shall be of sufficient size to accept the flow
- f. The design and installation of the Rainwater Tanks shall comply with Basix and **Sydney Water** requirements. Overflow from tank shall be connected by gravity to the stormwater disposal system.
- g. Prevent any stormwater egress into adjacent properties by creating physical barriers and surface drainage interception.
- h. Provide subsoil drainage to all necessary areas with pump out facilities as required.

The Certifying Authority issuing the Construction Certificate must ensure that the approved drainage plan and specifications, satisfying the requirements of this condition, is referenced on and accompanies the Construction Certificate.

(Reason To ensure controlled stormwater management and disposal without nuisance)

Service adjustments

- E1 Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the person acting on the consent and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Public Safety and amenity in vicinity of works

- E2 All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve without approval. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by

Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

(Reason: To ensure public amenity and safety during works)

Infrastructure Repair and Completion of Works

G1 Prior to issue of the final occupation certificate and return of any bond lodged with Council, all required works in the road reserve must be completed in full and any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.

(Reason: Maintain quality of Public assets)

Utility Services

G2 All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to issue of a final occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

Works as Executed Drawings – Stormwater

G3 Prior to issue of the final occupation certificate, the applicant shall obtain a works-as-executed survey drawing (W.A.E.) of the completed site drainage system. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, pits and ancillary plumbing. The W.A.E shall be reviewed by a qualified civil engineer and certification provided to the PCA that the as-built system achieves the design intent of the plans approved with the Construction Certificate. This certification shall be provided with the W.A.E survey.

(Reason: Ensure compliance and provide record of completed drainage system for future reference and maintenance purposes)

- B. **THAT** in approving Development Application No176/09 and in the event of the applicant lodging an appeal to the Land & Environment Court against any conditions of any consent of the application, the Council pursuant to Section 377 of the Local Government Act 1993 grants delegated authority to the General Manager to resist such appeal having regard to the reasons for the conditions identified above.
- C. **THAT** the matter of the use of the St Thomas' Church grounds for the purpose of a car park be referred to Council's compliance section for investigation and appropriate action.

Mr Hicks addressed the meeting.

RESOLVED:

THAT the report be adopted subject to Condition AA1 and Recommendation C being amended as follows:

Easement for Right of Way

AA1. An easement shall be registered that gives the Registered Proprietor of the land being the St Thomas's Church site known as 34 McLaren Street, North Sydney, Folio Identifier Lots 1 & 2 DP62370 and Lots 1,2,3 & 4 DP 1042467 a Right-of-Carriageway along Council's driveway (adjacent to the eastern boundary of 34 McLaren Street) extending northward from McLaren Street to the entrance to the existing car park on the subject site as demarcated by the boom gate entry point, in terms satisfactory to Council **such easement to be dependent upon the land remaining in the ownership of St Thomas'**

Church. All costs associated with the registration and execution of the easement must be borne by the Applicant;
 (Reason: To ensure that legal access may be provided to the approved development.)

- C. **THAT** Council staff hold discussions with the wardens of St Thomas' Church to determine a way to regularise the car parking arrangements and encourage them to lodge a planning proposal and/or appropriate application to permit a car park to continue on the site.

The Motion was moved by Councillor Zimmerman and seconded by Councillor McCaffery.

Voting was as follows:

Unanimous

Councillor	Yes	No	Councillor	Yes	No
McCaffery	Y		Zimmerman	Y	
Gibson	Y		Baker	Y	
Christie	Y		Robjohns	Y	
Reymond	Y		Carland	Y	
Marchandean	Y		Burke	Y	
Raymond	Y		Pearson	Y	
Barbour	Y			Y	

St Thomas' Anglican Church, North Sydney - Car Park Planning Proposal

APPENDIX C:

Traffic Report prepared by Traffix, 21 December 2011



Reference: 11.391

21 December 2011

Wardens of St Thomas' Anglican Church, North Sydney

Attention: John Wenden,

Re: St Thomas' Anglican Church, Church Street, North Sydney - Car Park Planning Proposal

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Dear John,

We refer to the subject planning proposal which is intended to formalise the historic and continued use of the subject site as a commercial car park from 6.00am to 10.00pm on weekdays, by way of consent. In this regard, we note that further details regarding the proposal are available within the Planning Proposal report prepared by Sue Haertsch Planning. We therefore now advise as follows:

➤ Existing Site

The greater St Thomas site is located on the northeast corner of the intersection of Church Street with McLaren Street, North Sydney. It is legally described as Lots 1 & 2 in DP 62370 and Lots 1-4 in DP 1042467.

The primary access to the site, from McLaren Street, is provided via a Right of Carriageway along Kelrose Lane (Council's driveway). Vehicle access is also provided via a driveway onto Church Street which provides access to the north of the Church building.

A total of 118 parking spaces are currently provided on-site, of which 4 are for the exclusive use of the church. The remaining 114 spaces have historically been used as a commercial car park on weekdays when there is very low demand for church parking, with the revenue used to fund maintenance and restoration projects on the historically significant church building and surrounds. All spaces are for use by parishioners, staff and visitors attending the church on weekends. This historic use of the site makes effective use of this parking resource and is a benefit to the wider community.

➤ The Proposal

The purpose of this Planning Proposal is to legitimise the current use of these spaces as a commercial car park on weekdays from 6.00am until 10.00pm in order to continue to fund future restoration projects, but with an improved level of certainty and confidence that only a formal approval can provide.

➤ Traffic Impacts of the Proposal

Existing traffic volumes on surrounding roads will remain unchanged by the proposal which relates to a use that is already occurring on the subject site.



2 Policy Considerations

The provision of public car parking within North Sydney is not generally consistent with North Sydney DCP's objective to restrain car parking supply, with the intention of encouraging the use of public transport. Nevertheless, this policy position is not considered to be applicable to the site in the circumstances for the following reasons:

- The proposed use has in fact been operating for many years and the traffic and parking impacts that arise from the use are already imposed on the road network. Hence, there are no additional impacts that arise from the development;
- Conversely, the deletion of this parking would cause existing demands accommodated by this car park to be displaced. This is likely to result in additional parking pressures on the local road system and in particular will place additional pressure on the amenity of residents in the locality. This would likely be associated with intrusion of parking into residential areas that are not presently impacted by parking associated with the commercial centre;
- The car park usually accommodates 118 spaces, although at the present time 37 of these parking space are being used for construction activity. The parking is known to be fully utilised on numerous other occasions and this would equate to some 700 metres of kerb space. This is the extent of on-street parking that could occur through displacement, in the event that the parking facility ceases to operate to serve the needs of the local community. This would in turn contradict Objective 6 of Council's Draft DCP which seeks to minimise impacts to on-street parking provisions.
- The proposed use as a car park is not a traffic generating use in its own right and simply provides a facility for other surrounding developments. The car park is particularly well used by short term parkers (visitors) to the locality, for whom public transport is not a viable alternative. This may be contrasted with long-stay parkers (commuters) who are more likely to travel during peak periods. This is supported by observations that demonstrate that peak parking demands occur in the middle of the day.
- The car park is not considered to be of sufficient scale to fundamentally impact on the choice of travel mode for residents and visitors of the North Sydney business district, particularly as it does not have a predominant commuter catchment.

In summary, while the proposed car park would not be generally consistent with Council's objective of promoting alternate travel modes, it provides an existing public service and this has occurred over many years. The use of the site as a car park on weekdays also generates an important (alternate) revenue stream that contributes towards future restoration works relating to this important heritage building.

In the circumstances, we consider that the proposed development is supportable in traffic/transport planning terms. Please contact the undersigned should you have any queries or require any further information regarding the above.

Yours faithfully,

traffix

Tim Lewis
Associate Engineer

