

DECISION OF 3576th COUNCIL (ASSESSMENTS) MEETING HELD ON 16 MAY 2011

314. **PDS02: Planning Proposal for 239-247 Pacific Highway, North Sydney**

Report of Mark Yee, Strategic Planner, 11 May 2011

Council has received a Planning Proposal for the site of 239-247 Pacific Highway, North Sydney. The Planning Proposal seeks to amend North Sydney Local Environmental Plan 2001 to reduce the minimum non-residential floor space ratio on the subject site from 3:1 to 0.5:1.

These provisions were originally proposed for the site under Draft North Sydney Local Environmental Plan 2001 Amendment 28 – North Sydney Centre (DLEP 28), which Council has previously resolved to incorporate into the comprehensive Draft North Sydney Local Environmental Plan 2009 (DLEP 2009). As such, the Planning Proposal contains the same provisions that are proposed for the site under DLEP 2009, which was on public exhibition on 20 January 2011 to 31 March 2011.

The Planning Proposal is supported as it:

- generally complies with the relevant Local Environmental Plan making provisions under the Environmental Planning & Assessment Act 1979;
- generally complies with the Department of Planning's "A guide to preparing planning proposals";
- is unlikely to result in any adverse impacts on the environment or wider community; and
- is compatible with surrounding land uses.

As such, the Planning Proposal is considered to be satisfactory and should be forwarded to the Department of Planning and Infrastructure for Gateway Determination

Recommending:

THAT Council resolve to forward the attached Planning Proposal to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

Note: Councillors Reymond and Marchandean declared an interest in this item and left the Chamber taking no part in debate or voting.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Robjohns and seconded by Councillor Carland.

Voting was as follows:

For/Against 8/2

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



Report to General Manager

Attachments: Planning Proposal

SUBJECT: Planning Proposal for 239-247 Pacific Highway, North Sydney

AUTHOR: Mark Yee, Strategic Planner, 11 May 2011

EXECUTIVE SUMMARY:

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RECOMMENDATION:

THAT Council resolve to forward the attached Planning Proposal to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979.

ORIGINAL SIGNED

Signed: _____

Endorsed by: _____
Manager Strategic Planning

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

- Direction:** 2 – Our Built Environment
Goal: 2.2 – Improve mix of land use and quality development

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications which are addressed in full in this report:

QBL Pillar	Implications
Environment	• The site is located in an area which is well serviced by public transport and is in close proximity to local services. • If implemented could enable the site to be redeveloped to incorporate water and energy efficiency measures to increase the sustainability of the site.
Social	• The Planning Proposal will enable an increase in the housing density and type that is available in the North Sydney Centre.
Economic	• An increase in residents would have flow-on effects to businesses in the CBD. • The reduced non-residential FSR will help to curb the relatively high levels of vacant commercial space in the fringe mixed use area of North Sydney Centre.
Governance	• The Planning Proposal is in accordance with DLEP 2009.

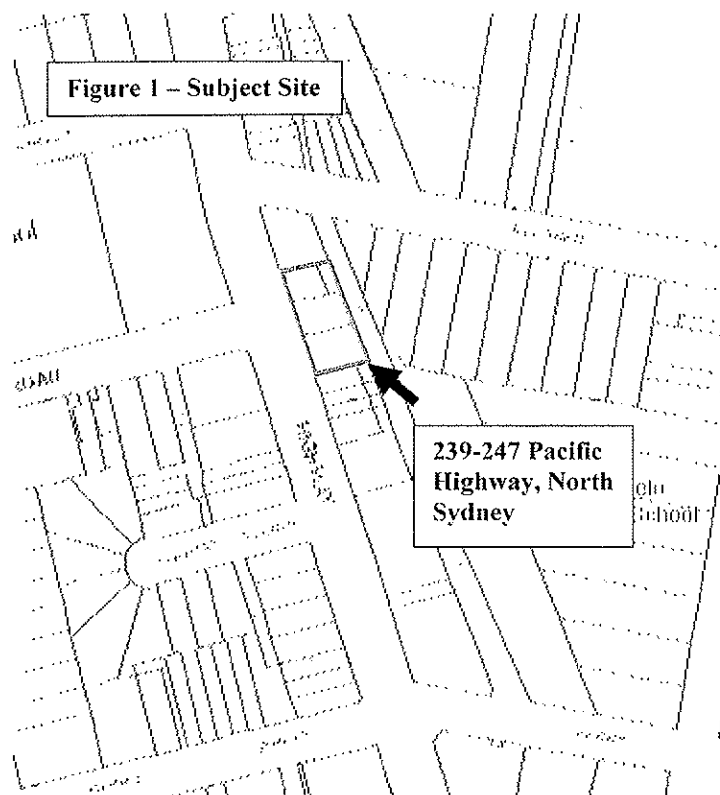
BACKGROUND

Council has received a Planning Proposal for the site known as 239-257 Pacific Highway, North Sydney, seeking to amend the non-residential floor space ratio control that applies to the site. Under North Sydney Local Environmental Plan 2001 (NSLEP 2001), the site currently requires the range of non-residential floor space between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR to 0.5:1 only.

The Planning Proposal is a result of a Development Application (DA 145/2011) for the demolition of commercial buildings and erection of an 11 storey mixed use development with 4 levels of car parking. This application is to be determined by the Joint Regional Planning Panel.

The Planning Proposal would expedite a rezoning matter that previously formed a part of Draft North Sydney Local Environmental Plan 2001 Amendment 28 – North Sydney Centre (DLEP 28), which Council resolved to incorporate into the comprehensive Draft North Sydney Local Environmental Plan 2009 (DLEP 2009).

SITE DESCRIPTION



The site comprises 4 allotments of land, legally described as Lot 1, DP 52804, Lot 1 DP 186220, Lot 1 DP 597003 and SP 47574. The site is located on the eastern side of the Pacific Highway, between McLaren and Berry Streets. The site is currently occupied by three commercial buildings. The site is zoned Mixed Use under NSLEP 2001 and forms part of the *North Sydney Centre*.

PLANNING APPRAISAL

The Planning Proposal as submitted is considered to be generally in accordance with the requirements under Section 55(2) of the Environmental Planning and Assessment Act 1979 and the Department of Planning's (2009) *A guide to preparing planning proposals*.

In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

The following subsections provide a more detailed analysis of the principal issues considered against the Planning Proposal.

JUSTIFICATION FOR PLANNING PROPOSAL

The Planning Proposal contains the same provisions as those previously proposed for the site under DLEP 28. Council resolved to incorporate these provisions into DLEP 2009 and will not progress through to gazettal in its own right. Given the time taken to progress DLEP 2009, in which the proposed control is reflected, it is considered appropriate for the Planning Proposal to proceed.

The reduction of the required minimum non-residential floor space was introduced for a number of sites under DLEP 28 within the North Sydney Centre, to provide added flexibility for these sites. Similar Planning Proposals in the North Sydney Centre have come into force at 144-150 Walker Street and 225 Miller Street. Council has also recently publicly exhibited Planning Proposals at 12-16 Berry Street, North Sydney and 156-158 Pacific Highway, North Sydney, and resolved on 2 May 2011 to forward these Planning Proposals to the DoPI for gazettal.

These Planning Proposals all sought to decrease the minimum non-residential FSR on their sites to 0.5:1. As these Planning Proposals have reflected the proposed provisions under DLEP 2009, Council and the DoPI have been supportive of them.

Whilst the Planning Proposal seeks a reduction in the non-residential FSR for the site under NSLEP 2001, any development on the site would still require that any commercial floor space must be provided on the lower levels of the building. As such, it is considered that the site will maintain the mixed use character of the area, with the increase in residential floor space merely reflecting the current market demand in that particular area.

The Planning Proposal is therefore considered to be consistent with the objectives for the Mixed Use zone under NSLEP 2001.

Policy and Strategic Context

Metropolitan Plan for Sydney 2036

In December 2010, the State Government released the *Metropolitan Plan for Sydney 2036* covering the North Sydney LGA. The Plan replaced the former 2005 *City of Cities: A plan for Sydney's Future*. The Plan is to provide an additional 770,000 homes and 760,000 new jobs by 2036. The Plan sets a new dwelling increase of 44,000 in 2036 for the Inner North Subregion, of which North Sydney is a part.

The Planning Proposal will enable an increase in residential development on the site and is therefore considered to be consistent with the aims of the Plan.

Draft Inner North Subregional Strategy

In July 2007, the State Government released the draft Inner North Subregional Strategy (INSS). The Inner North Subregion is to provide 30,000 new dwellings by 2031. From this total the target for the North Sydney LGA is 5,500 additional dwellings. It is anticipated that the INSS will be updated to reflect the new targets under the Metropolitan Plan. Further clarification will be sought in 2011.

However, it is anticipated that the Strategy's overall objectives will remain the same. The Strategy identifies that future growth should be concentrated in centres and have good access to public transport.

Policy B2.1.1 of the draft INSS, states that Council should restrict residential development within the commercial core of North Sydney. As the site is not located within the commercial core of North Sydney, the proposed reduction in the non-residential FSR is considered to be consistent with the INSS.

Draft North Sydney Local Development Strategy

The draft North Sydney Local Development Strategy (LDS) generally follows the rationale of the draft INSS.

The LDS identifies the North Sydney Centre as being a location where future growth for both residential and commercial uses can be accommodated. It also states residential development should be encouraged in mixed-use areas outside of the commercial core. The LDS also acknowledges the changes proposed under DLEP 2009 and the flexibility it introduces.

The Planning Proposal is therefore considered to be consistent with the LDS.

Residential Development Strategy

The draft North Sydney Residential Development Strategy (RDS) generally follows the rationale of the draft INSS and LDS.

The RDS identifies the potential for an increase in dwellings of 6,199 additional dwellings by 2031. The RDS specifies that new residential development will mainly comprise of high density residential flat buildings, concentrated in and around centres.

The Planning Proposal will enable an increase in residential development on the site and is therefore considered to be consistent with the aims of the RDS.

Draft North Sydney LEP 2009

The provisions in the Planning Proposal are identical to what is proposed for the site under DLEP 2009, which proposes a minimum non-residential floor space of 0.5:1. Accordingly, the Planning Proposal is considered to be consistent with the future controls for the site.

CONCLUSION

The Planning Proposal is consistent with the proposed future aims and objectives for the subject site under DLEP 2009. It is recommended that Council expedite the implementation of the proposed controls for the site, and submit the Planning Proposal to the Minister of Planning and Infrastructure for Gateway Determination.
