



PLANNING PROPOSAL

North Sydney Bus Shelters

17 February 2015

1 INTRODUCTION

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

The primary intent of the Planning Proposal is to remove the heritage listing (I0407) under NSLEP 2013 from seven (7) bus shelters. In particular, the proposed amendment seeks to amend the Heritage Map to NSLEP 2013 such that the following seven bus shelters are no longer identified as heritage items:

- BS018: 'CHURCHILL' – Corner Carter Street and Cammeray Road, Cammeray
- BS022: 'MILNER' – Milner Crescent, Wollstonecraft
- BS030: 'LINDSAY' – Ben Boyd Road, Neutral Bay
- BS044: 'BRADFIELD' – High Street, North Sydney
- BS055: 'JAMES MILSON' – Corner High Street and Clarke Road, North Sydney
- BS065: UNNAMED – Corner Carter Street and Cammeray Road, Cammeray
- BS067: 'BENELONG' – Corner Gerard Street and Benelong Road, Cremorne

The need for the Planning Proposal has arisen in response to a Council resolution to ensure that all heritage listed bus shelters are appropriately listed and the recommendations arising from an independent heritage review of the bus shelters.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the Department of Planning and Environment's (DPE) document "*A guide to preparing planning proposals*" (October 2012).

2 BACKGROUND

Council has a total of 65 bus shelters (refer to Appendix 1) in the North Sydney Local Government Area, of which 51 (bus shelters 1-13, 16, 18-20, 22-26, 28-31, 33-35, 38, 41-46, 50-61, 65-67 as illustrated on Appendix 1) are listed as heritage items under NSLEP 2013.

On 14 October 2013, Council considered a report with respect to advertising in the North Sydney CBD, commercial centres and on Council infrastructure, including bus shelters. This report made reference to the preparation of a new Public Domain Design Style Code, which included designs and specifications for a new contemporary type of bus shelter. In considering this report, Council resolved in part:

That Council delist as heritage items all Council owned bus shelters that are of no heritage value.

The inclusion of the above resolution was to ensure that bus shelters which have no heritage value could be easily demolished and replaced with the new contemporary structures as identified within the Public Domain Style Manual and Design Code which was adopted by Council in final form on 17 February 2014.

In response to this resolution, Council engaged David Scobie Architects on 5 September 2014 to undertake an independent heritage review of all bus shelters that are currently listed as heritage items under NSLEP 2013. The intent of the review was to confirm whether all of the currently heritage listed bus shelters should retain their heritage listing or have their listing removed where they did not satisfy the relevant criteria for heritage listing.

On 13 October 2014, Council considered Notice of Motion No.25/14 which related to bus shelters. In response to this Motion, Council resolved:

THAT North Sydney Council:

- a) Prepare a report of the cost benefit analysis of installing individualised “off the shelf” bus shelter options across the North Sydney Local Government area;*
- b) Prepare a heritage report of the heritage value of the current bus shelters. All heritage items of bus shelters will be protected and maintained and not affected as part of this upgrade consideration;*
- c) Prepare a social impact report with community consultation process for the replacement of the current “heritage look” bus shelters to possible modern alternative bus shelters;*
- d) Investigate feasibility of installing bus stops with a similar look to those of the current upgrade of Gas Works Bus Stops 1 and 2.*

Council received the completed Heritage Review (refer to Appendix 2) from the consultant on 14 January 2015. The Review recommended that:

- 44 of the bus shelters meet the criteria for listing as a local heritage item and should retain their heritage listing under NSLEP 2013;
- 7 of the bus shelters do not meet the criteria for listing as a local heritage item and should be removed from listing under NSLEP 2013; and
- 1 bus shelter has the potential to meet the criteria for listing on the State Heritage Register.

3 SITE & LOCALITY

The Planning Proposal applies to seven bus shelters. Each site is described in turn.

3.1 BS018: 'CHURCHILL'

Bus shelter BS018 is located on the northern side of the road reserve to Carter Street, directly adjacent to No.64 Cammeray Road, Cammeray (refer to Figure 1). The shelter is positioned approximately 13m to the west of the intersection of Carter Street and Cammeray Road.

The bus shelter comprises a standard timber framed building with hipped terra-cotta shingled roof, in a traditional design modelled on early tram shelters. The back wall is glass and sheet panels, returned partly on the two ends. The south eastern end accommodates a community notice board. A proprietary seat is located against the rear wall.

The locality is predominantly characterised by single, semi detached and attached dwellings ranging from 1 to 2 storeys in height.

Under NSLEP 2013, the land on which the bus shelter is located is zoned *R2 Low Density Residential* (refer to Figure 3) and is currently identified as a heritage item – I0407 (refer to Figure 2).

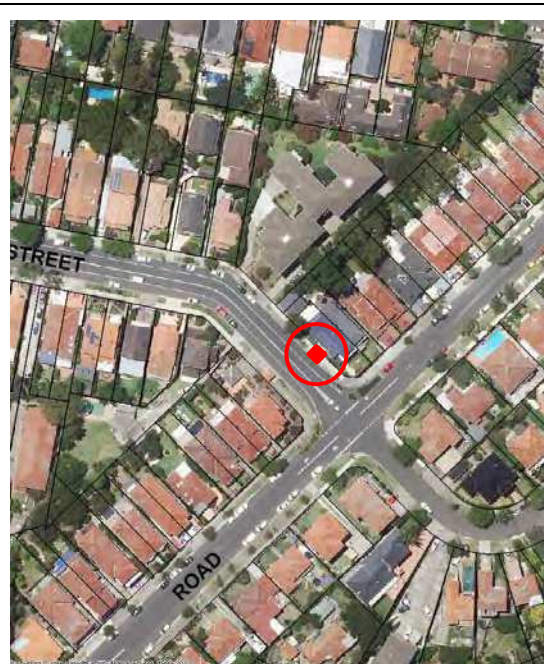


Figure1: Aerial Photo

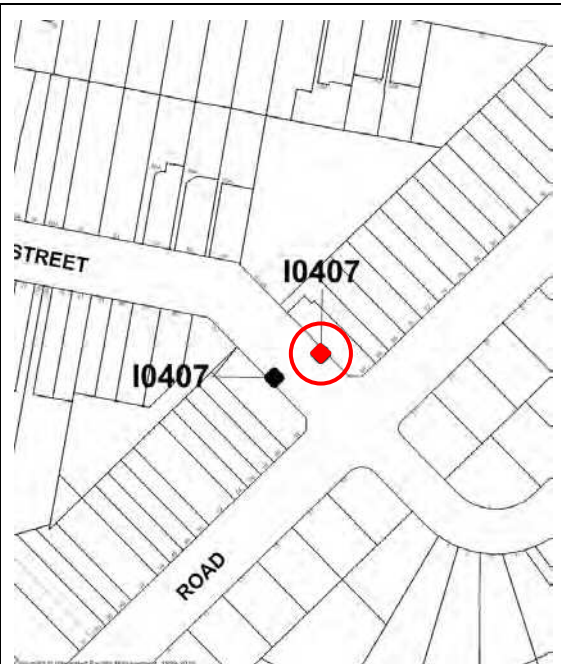
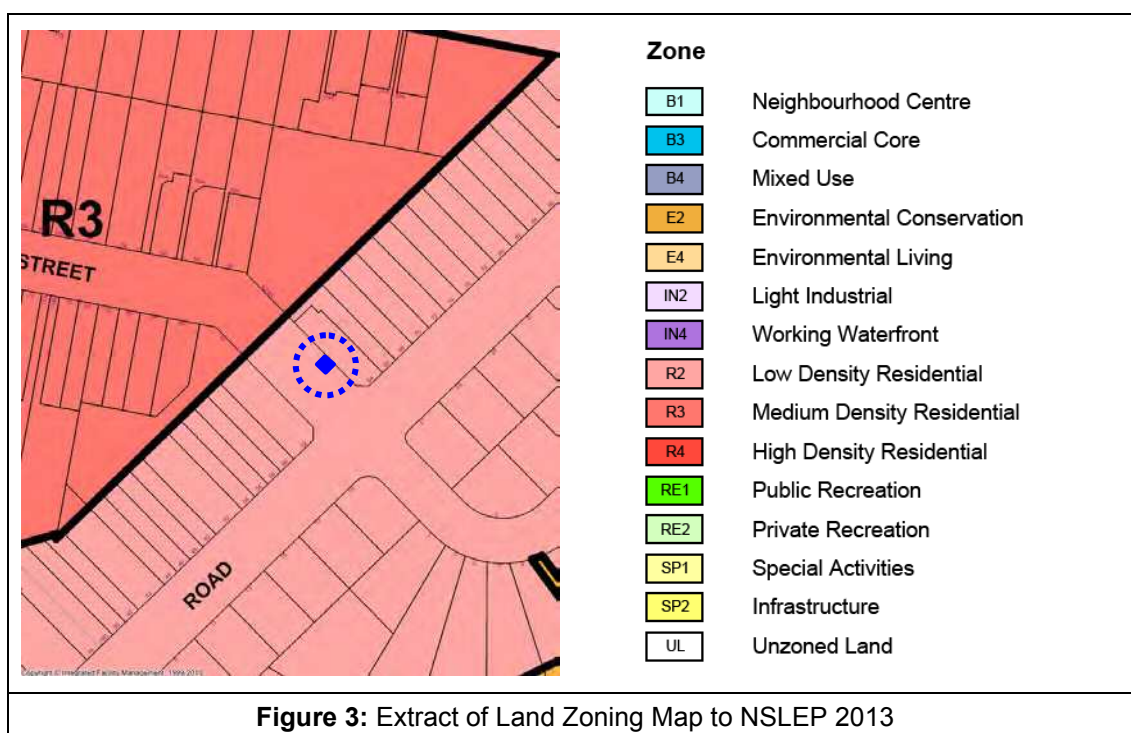


Figure 2: Extract of Heritage Map to NSLEP 2013



3.2 BS022: 'MILNER'

Bus shelter BS022 is located on the western side of the road reserve to Milner Crescent, directly adjacent to No.2 Milner Crescent, Wollstonecraft (refer to Figure 4). The shelter is positioned approximately 56m to the north of the intersection of Milner Crescent and Shirley Road.

The bus shelter comprises a standard timber framed building with hipped terra-cotta shingled roof, in a traditional design modelled on early tram shelters. The back wall is glass and sheet panels, returned partly on the two ends. The northern end accommodates a community notice board. A proprietary seat is located against the rear wall.

The locality is predominantly characterised by attached dwellings and residential flat buildings ranging from 2 to 4 storeys in height. Waverton Railway Station is located approximately 65m to the west of the bus shelter.

Under NSLEP 2013, the land on which the bus shelter is located is zoned *R4 High Density Residential* (refer to Figure 6) and is currently identified as a heritage item – I0407 (refer to Figure 5).



Figure 4: Aerial Photo

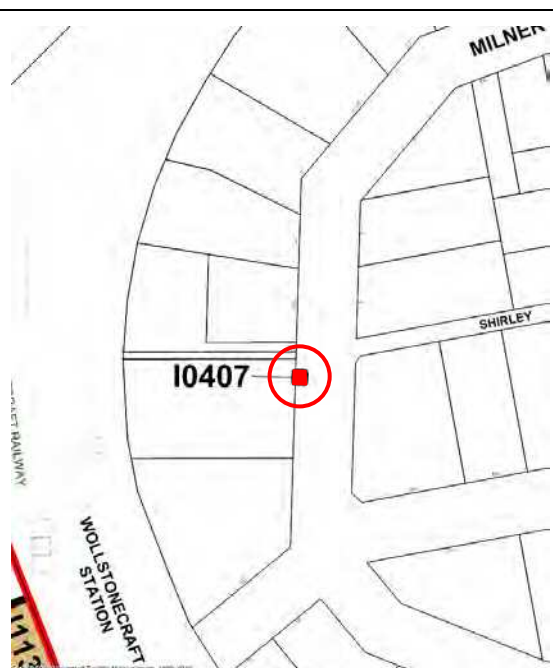
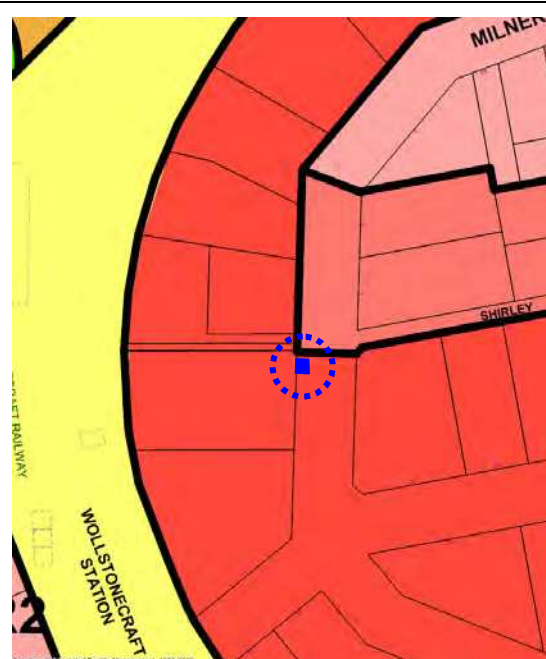


Figure 5: Extract of Heritage Map to NSLEP 2013



Zone

B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

Figure 6: Extract of Land Zoning Map to NSLEP 2013

3.3 BS030: 'LINDSAY'

Bus shelter BS030 is located on the eastern side of the road reserve to Ben Boyd Road, directly adjacent to No.131 Ben Boyd Road, Neutral Bay (refer to Figure 7). The shelter is positioned approximately 63m to the south of the intersection of Ben Boyd Road and Lindsay Street.

The bus shelter comprises a standard timber framed building with hipped terra-cotta shingled roof, in a traditional design modelled on early tram shelters. The back wall is glass and sheet panels, incorporating a community notice board, returned partly on

its northern end. The southern end accommodates an electronic advertising panel. A proprietary seat is located against the rear wall.

The locality is predominantly characterised by single, semi detached and attached dwellings and residential flat buildings ranging from 2 to 4 storeys in height.

Under NSLEP 2013, the land on which the bus shelter is located is zoned *R4 High Density Residential* (refer to Figure 9) and is currently identified as a heritage item – I0407 (refer to Figure 8).



Figure 7: Aerial Photo

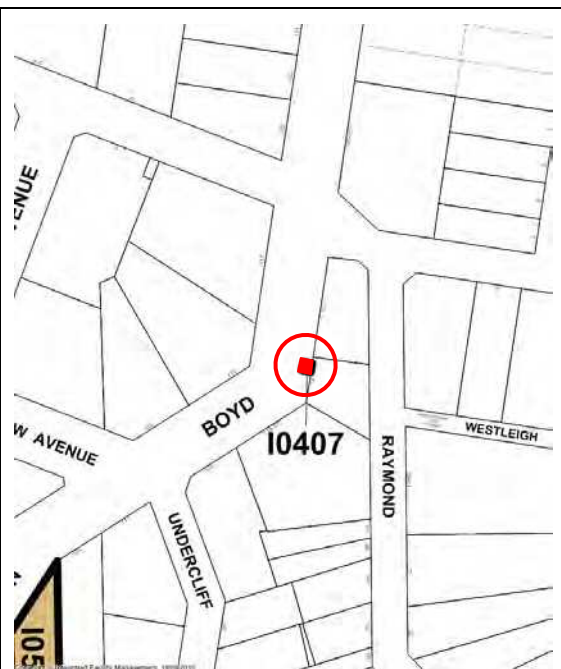
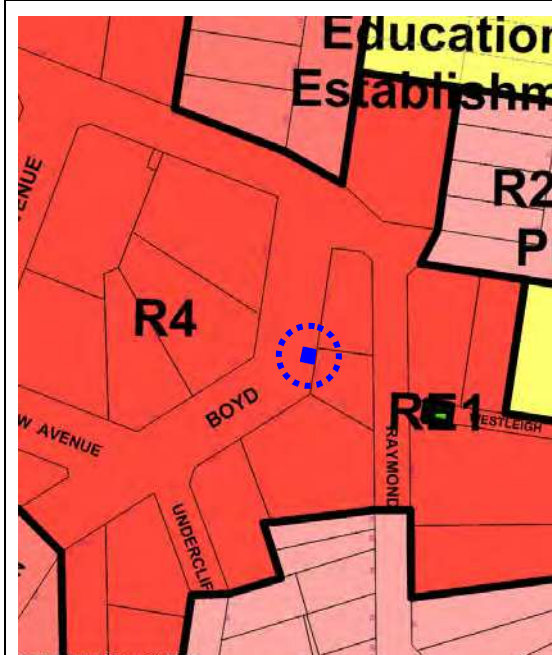


Figure 8: Extract of Heritage Map to NSLEP 2013



Zone

B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

Figure 9: Extract of Land Zoning Map to NSLEP 2013

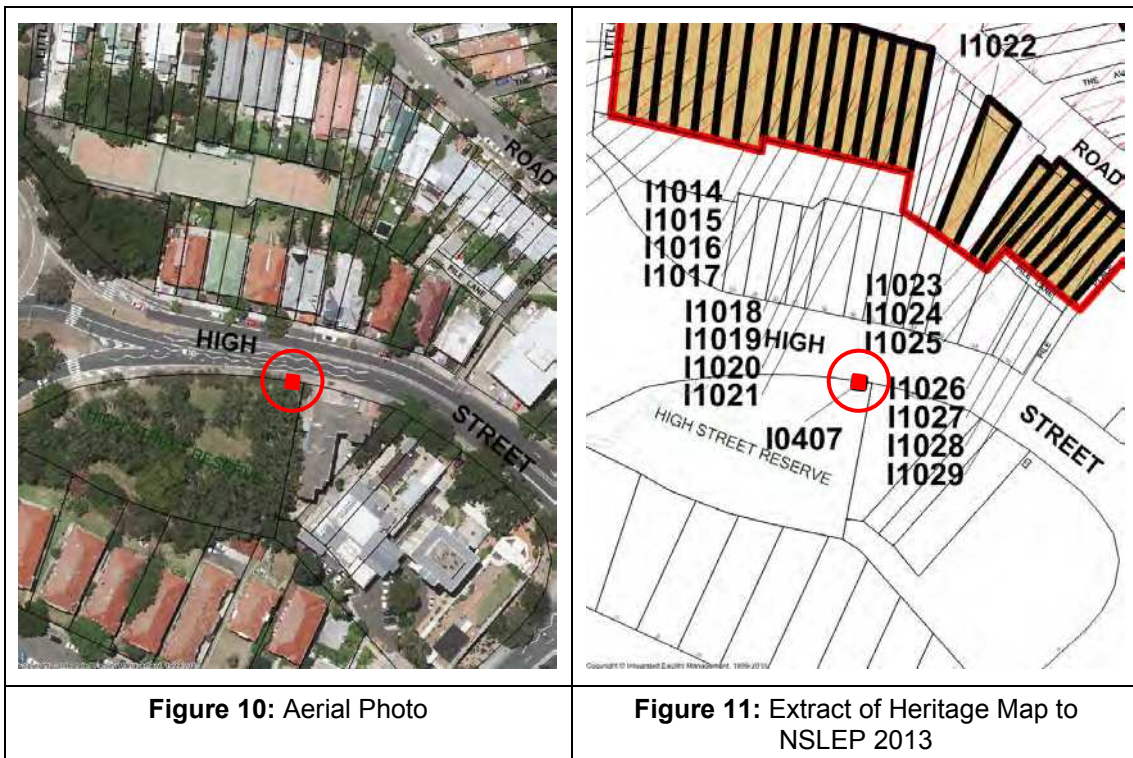
3.4 BS044: 'BRADFIELD'

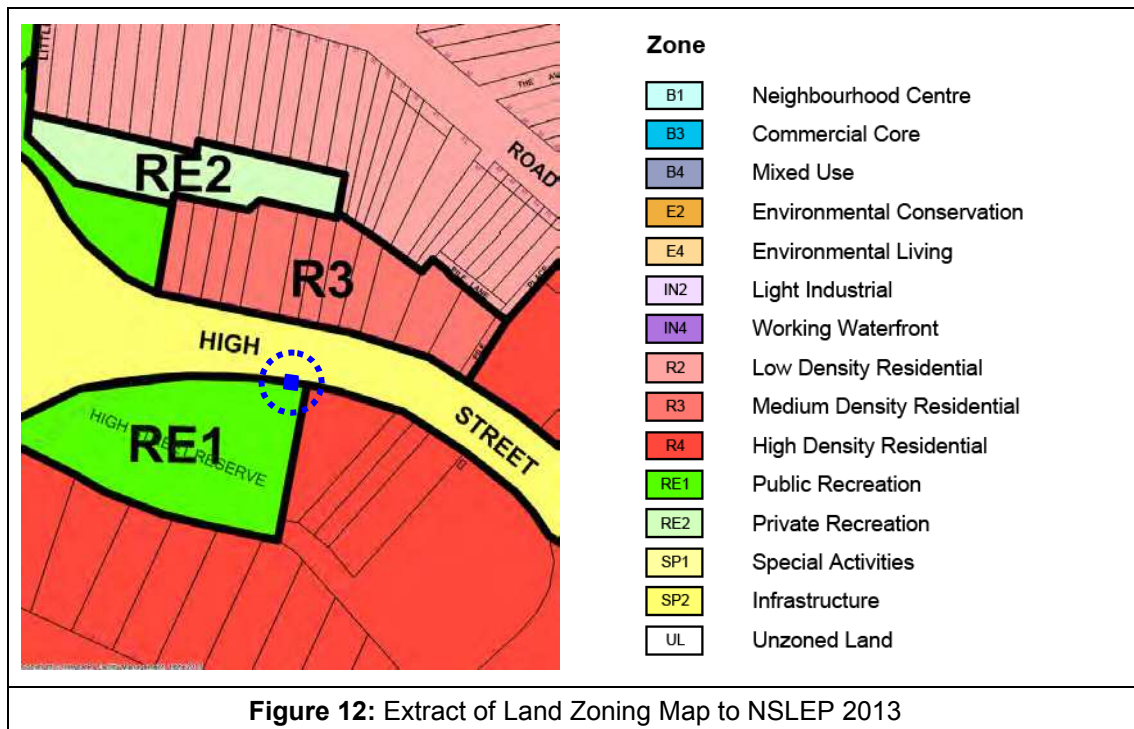
Bus shelter BS044 is located on the southern side of the road reserve to High Street, and partially over High Street Reserve at its north-eastern corner (refer to Figure 10). The shelter is positioned approximately 125m to the west of the intersection of High Street and Clarke Road.

The bus shelter comprises a standard timber framed building with hipped terra-cotta shingled roof, in a traditional design modelled on early tram shelters. The back wall is glass and sheet panels, returned partly on its ends. The western end accommodates a community notice board. A proprietary seat is located against the rear wall.

The locality is predominantly characterised by attached dwellings and residential flat buildings ranging from 2 to 9 storeys in height.

Under NSLEP 2013, the land on which the bus shelter is located is zoned part *RE1 – Public Recreation* and part *SP2 - Infrastructure (classified road)* (refer to Figure 12) and is currently identified as a heritage item – I0407 (refer to Figure 11).





3.5 BS055: 'JAMES MILSON'

Bus shelter BS055 is located on the northern side of the road reserve to High Street, North Sydney and located directly adjacent to 54 High Street (refer to Figure 13). The shelter is positioned approximately 30m to the west of the intersection of High Street and Clarke Road.

The bus shelter comprises a standard timber framed building with hipped terra-cotta shingled roof, in a traditional design modelled on early tram shelters. The back wall is glass and sheet panels, incorporating a community notice board, returned partly on its northern end. The southern end accommodates an electronic advertising panel. A proprietary seat is located against the rear wall.

The locality is predominantly characterised by attached dwellings and residential flat buildings ranging from 2 to 9 storeys in height.

Under NSLEP 2013, the land on which the bus shelter is located is zoned *SP2 - Infrastructure (classified road)* (refer to Figure 15) and is currently identified as a heritage item – I0407 (refer to Figure 14).



Figure 13: Aerial Photo

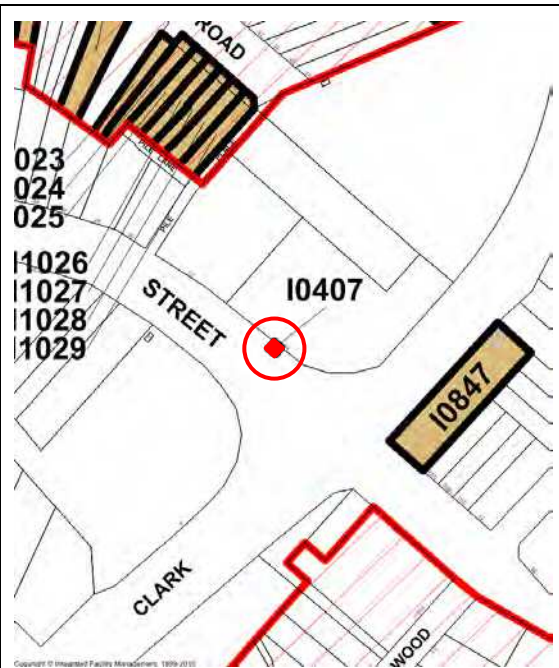
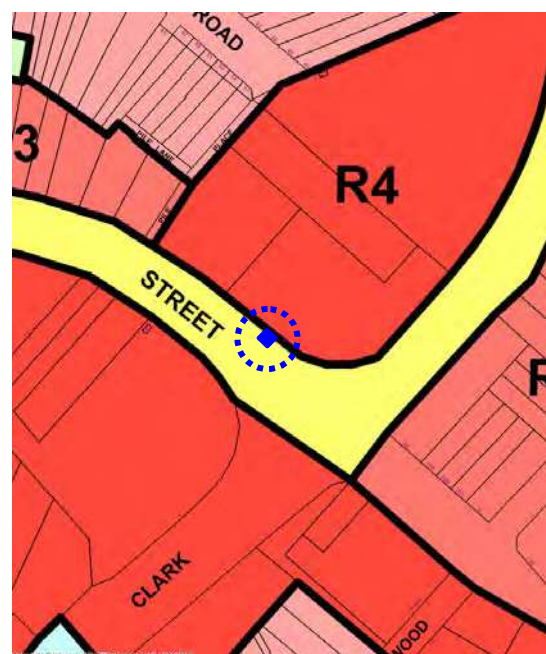


Figure 14: Extract of Heritage Map to NSLEP 2013



Zone

B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

Figure 15: Extract of Land Zoning Map to NSLEP 2013

3.6 BS065: UNNAMED

Bus shelter BS065 is located on the southern side of the road reserve to Carter Street, directly adjacent to No.62 Cammeray Road, Cammeray (refer to Figure 16). The shelter is positioned approximately 20m to the west of the intersection of Carter Street and Cammeray Road.

The bus shelter comprises a standard timber framed building with hipped terra-cotta shingled roof, in a traditional design modelled on early tram shelters. The back wall is glass and sheet panels, returned partly on the two ends. The north-western end

accommodates a community notice board. A proprietary seat is located against the rear wall.

The locality is predominantly characterised by single, semi detached and attached dwellings ranging from 1 to 2 storeys in height.

Under NSLEP 2013, the land on which the bus shelter is located is zoned *R2 Low Density Residential* (refer to Figure 18) and is currently identified as a heritage item – I0407 (refer to Figure 17).

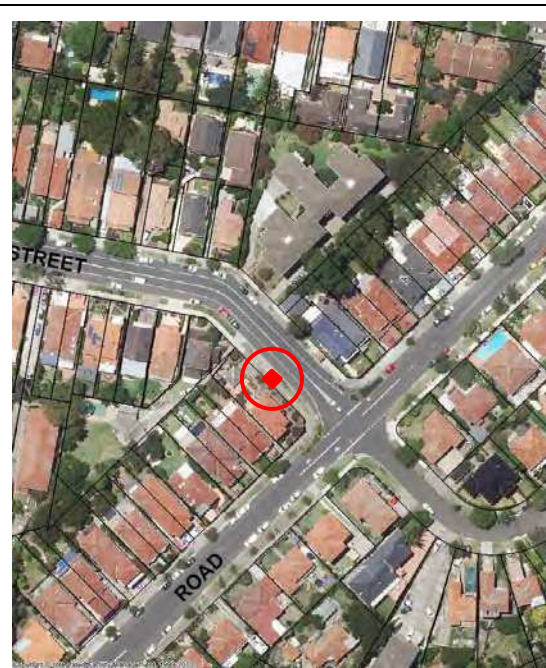


Figure 16: Aerial Photo

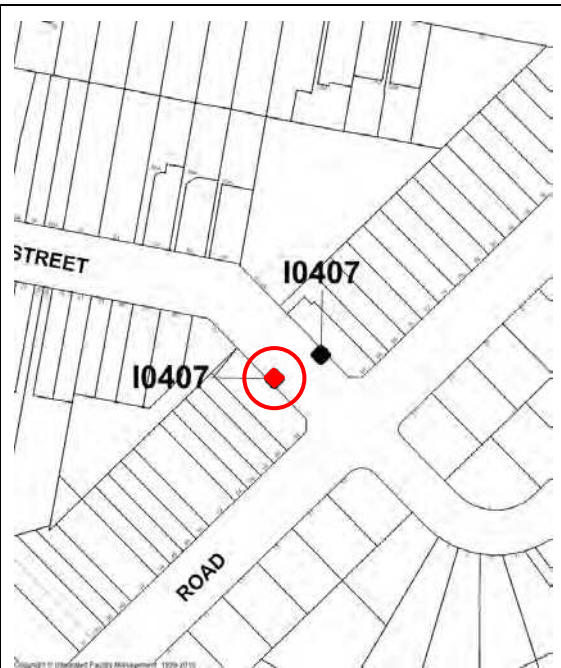
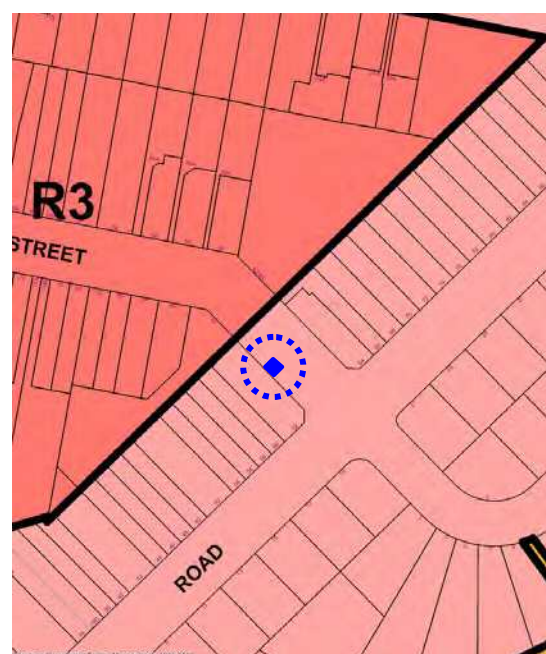


Figure 17: Extract of Heritage Map to NSLEP 2013



Zone

B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

Figure 18: Extract of Land Zoning Map to NSLEP 2013

3.7 BS067: ‘BENELONG’

Bus shelter BS067 is located on the southern side of the road reserve to Gerard Street, directly adjacent to No.81A-81B Gerard Street, Cremorne (refer to Figure 19). The shelter is positioned approximately 20m to the west of the intersection of Gerard Street and Benelong Road.

The bus shelter comprises a standard timber framed building with hipped terra-cotta shingled roof, in a traditional design modelled on early tram shelters. The back wall is glass and sheet panels, incorporating a community notice board, returned partly on its eastern end. The western end accommodates an electronic advertising panel. A proprietary seat is located against the rear wall.

The locality is predominantly characterised by single and semi detached dwellings ranging from 1 to 2 storeys in height and residential flat buildings ranging from 3 to 8 storeys in height.

Under NSLEP 2013, the land on which the bus shelter is located is zoned *SP2 - Infrastructure (classified road)* (refer to Figure 21) and is currently identified as a heritage item – I0407 (refer to Figure 20).

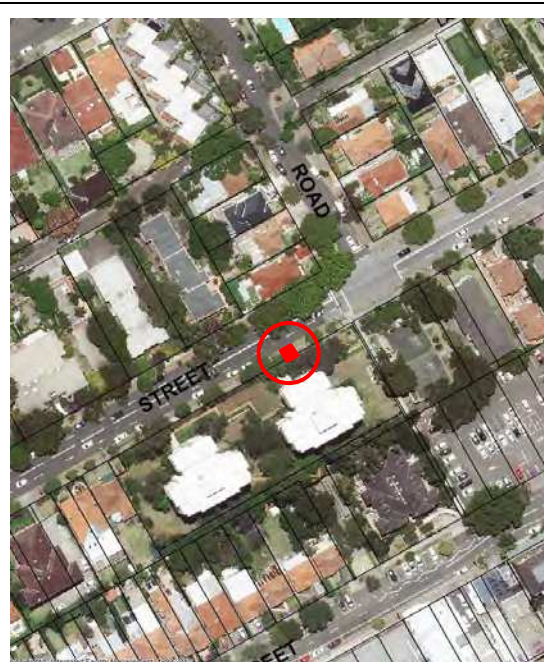
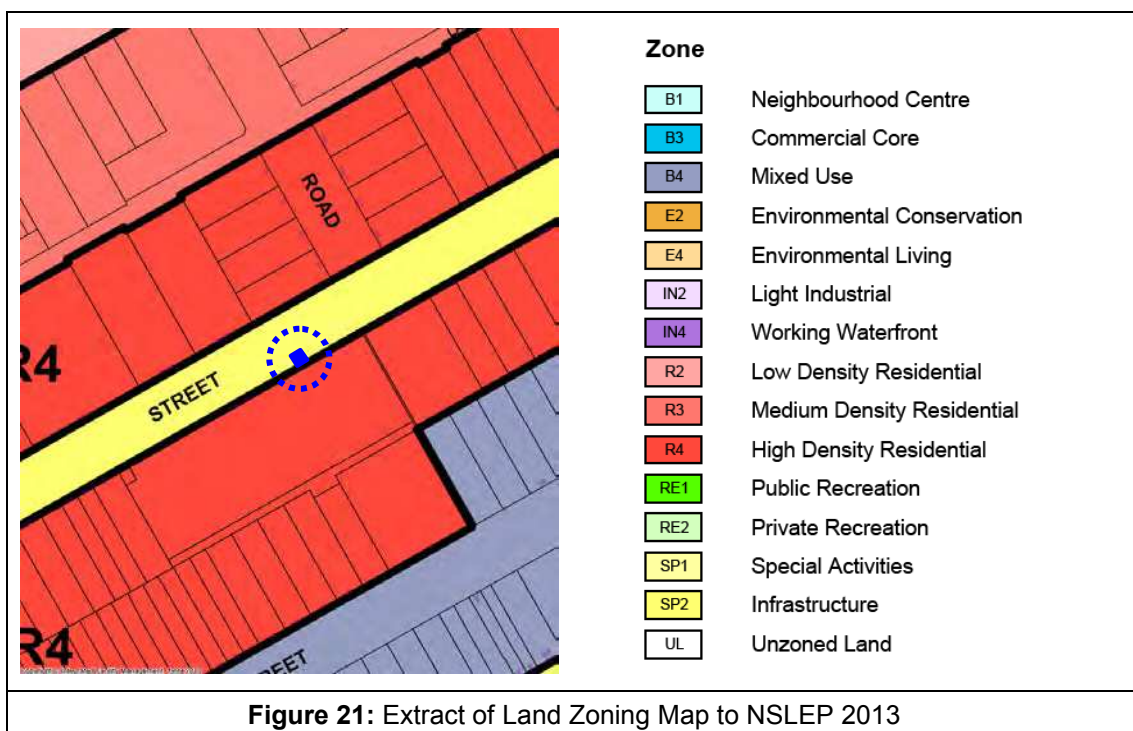


Figure 19: Aerial Photo



Figure 20: Extract of Heritage Map to NSLEP 2013



4 STATUTORY CONTEXT

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

4.1 Aims of Plan

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

- (1) *This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
 - (a)
 - (f) *to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance, ...*

4.2 Heritage conservation

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

- (1) *Objectives*

The objectives of this clause are as follows:

 - (a) *to conserve the environmental heritage of North Sydney,*
 - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - (c) *to conserve archaeological sites,*
 - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- (2) *Requirement for consent*

Development consent is required for any of the following:

 - (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*
 - (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
 - (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
 - (d) *disturbing or excavating an Aboriginal place of heritage significance,*
 - (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
 - (f) *subdividing land:*

- (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
 - (3) When consent not required*

However, development consent under this clause is not required if:

 - (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
 - (b) the development is in a cemetery or burial ground and the proposed development:*
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
 - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
 - (d) the development is exempt development.*
 - (4) Effect of proposed development on heritage significance*

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
 - (5) Heritage assessment*

The consent authority may, before granting consent to any development:

 - (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
 - (6) Heritage conservation management plans*

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
 - (7) Archaeological sites*

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than

land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

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

A note is also attached to this clause which states:

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

4.3 Schedule 5 – Environmental Heritage

All heritage items are identified within Schedule 5 to NSLEP 2013. The listing comprises, if any:

- Locality (suburb)
- Item name
- Address (street address)
- Property description (legal description)
- Significance
- Item No.

The Planning Proposal relates to item No. I0407 which is listed as follows:

Locality	Item Name	Address	Property description	Significance	Item No.
	<i>North Sydney Bus Shelters</i>	<i>Various</i>	<i>Various</i>	<i>Local</i>	<i>I0407</i>

4.4 Heritage Map

Heritage items are identified on the Heritage Map to NSLEP 2013 (refer to Appendix 3) and comprise the following sheets:

- HER_001 5950_COM_HER_001_010_20130607
- HER_002 5950_COM_HER_002_010_20130607
- HER_002A 5950_COM_HER_002A_005_20130607
- HER_003 5950_COM_HER_003_010_20130607
- HER_004 5950_COM_HER_004_010_20130607

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of this Planning Proposal is to remove the heritage listing that applies to seven bus shelters, in response to the outcomes of an independent heritage review.

5.2 PART 2: EXPLANATIONS OF PROVISIONS

The intent of the Planning Proposal is to be achieved by amending the Heritage Map to NSLEP 2013. In particular, it is proposed to remove Item No.I0407 from the Heritage Map to NSLEP 2013 at the following locations:

- BS018: 'CHURCHILL' – Corner Carter Street and Cammeray Road, Cammeray
- BS022: 'MILNER' – Milner Crescent, Wollstonecraft
- BS030: 'LINDSAY' – Ben Boyd Road, Neutral Bay
- BS044: 'BRADFIELD' – High Street, North Sydney
- BS055: 'JAMES MILSON' – Corner High Street and Clarke Road, North Sydney
- BS065: UNNAMED – Corner Carter Street and Cammeray Road, Cammeray
- BS067: 'BENELONG' – Corner Gerard Street and Benelong Road, Cremorne

The location of the subject shelters are identified on the Sheets located in Appendix 4.

The intent of the Planning Proposal is to be achieved by replacing the following Sheets to the Heritage Map:

- HER_001 5950_COM_HER_001_010_20130607
- HER_002A 5950_COM_HER_002A_005_20130607
- HER_003 5950_COM_HER_003_010_20130607
- HER_004 5950_COM_HER_004_010_20130607

with the Sheets located within Appendix 5.

5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

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

Yes. The need to amend NSLEP 2013 has arisen from the recommendations of an comprehensive independent heritage review (refer to Appendix 2) of all bus shelters subject to a heritage listing under NSLEP 2013.

Despite all the currently heritage listed bus shelters meeting the 'historic' and 'associative' criteria for heritage listing due to their design, this alone is not considered sufficient to warrant heritage listing. Those bus shelters which are recommended to retain their heritage listing also meet other heritage criteria including 'social' and 'aesthetic'. These additional criteria are met through

various shelters being located on original tram routes and their locational context with respect to other heritage items, conservation areas and proximity to social and recreational infrastructure.

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

Yes. There is no other way to correct the extent of the group heritage item identified under NSLEP 2013.

5.3.2 Section B – Relationship to strategic planning framework

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

A Plan for Growing Sydney (2014)

Released in December 2014, *A Plan for Growing Sydney* (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 25 years. The Metropolitan Plan sets targets of an additional 664,000 homes and 689,000 jobs by 2031.

There are no specific Directions and Actions identified in the Metropolitan Plan which are relevant to the Planning Proposal. Despite the absence of any relevant Directions or Actions, the Planning Proposal will not prevent the attainment of the goals aims of the Metropolitan Plan.

Draft Inner North Subregional Strategy

In July 2007, the NSW Government released the draft Inner North Subregional Strategy (draft INSS). The North Sydney LGA is located within the Inner North subregion with the other LGAs of Lane Cove, Ryde, Willoughby, Hunters Hill and Mosman. The Draft INSS sets targets of an additional 5,500 homes and 15,000 jobs by 2031 for the North Sydney LGA.

There are no specific Directions and Actions identified in the draft INSS which are relevant to the Planning Proposal. Despite the absence of any relevant Directions or Actions, the Planning Proposal will not prevent the attainment of the aims of the draft INSS.

4. *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

North Sydney Council Delivery Program 2010/11-2013/14

The North Sydney Council Delivery Program 2010/11-2013/14 (Delivery Program) was prepared in accordance with NSW State Government's Integrated Planning and Reporting Framework requirements. The Delivery Program outlines Council's priorities and service delivery programs over four years, set out under five key Directions.

The directions and goals of the Delivery Program which are relevant to the Planning Proposal are as follows:

Direction: 2 Our Built Environment

Outcome: 2.1 Infrastructure, assets and facilities that meet community needs

2.3 *Vibrant, connected and well maintained streetscapes and villages that build a sense of community*

2.4 *North Sydney's heritage is preserved and valued*

Direction: 4 Our Social Vitality

Outcome: 4.4 *North Sydney's history is preserved and recognised*

4.8 *Enhanced community facilities, information and services*

4.9 *Enhanced community safety and accessibility*

The Planning Proposal will allow these directions and outcomes to be pursued in a robust and strategic manner.

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

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney Local Government Area, as demonstrated in TABLE 1.

TABLE 1: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP No. 1 – Development Standards	N/A	This SEPP does not apply pursuant to Clause 1.9 of NSLEP 2013.
SEPP No. 19 - Bushland in urban areas	YES	The Planning Proposal does not seek to reduce any bushland protection standards applying to land or adjacent land containing bushland.
SEPP No. 32 - Urban consolidation (redevelopment of urban land)	N/A	This SEPP does not apply, as the Planning Proposal does not seek to alter the land use permissibility of any land to which the Planning Proposal relates.
SEPP No. 33 - Hazardous and offensive development	N/A	This SEPP does not apply as, the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.
SEPP No. 50 - Canal estate development	YES	The Planning Proposal is consistent with the SEPP as it does not seek to permit canal estate development anywhere within the LGA.
SEPP No. 55 - Remediation of land	N/A	This SEPP does not apply as the Planning Proposal does not seek to alter the land use permissibility of any land to which the Planning Proposal relates.
SEPP No. 64 - Advertising and signage	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP No. 65 - Design Quality of Residential Flat Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

TABLE 1: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP (Affordable Rental Housing) 2009	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	This SEPP does not apply, as the Planning Proposal does not relate to building sustainability.
SEPP (Exempt and Complying Development Codes) 2008	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Housing for Seniors or People with a Disability) 2004 - <i>formerly SEPP (Seniors Living) 2004</i>	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Infrastructure) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Major Development) 2005 - <i>formerly SEPP Major Projects & SEPP State Significant Development</i>	N/A	This SEPP does not apply, as the Planning Proposal does not relate to any state significant sites identified under this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Miscellaneous Consent Provisions) 2007 - <i>formerly SEPP (Temporary Structures) 2007</i>	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (State and Regional Development) 2011	N/A	This SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.
Sydney REP (Sydney Harbour Catchment) 2005	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

It is considered that the Planning Proposal is consistent with the relevant Directions issued under Section 117(2) of the EP&A Act by the Minister to Councils, as demonstrated in TABLE 2.

TABLE 2: Consistency with s.117 Directions		
Direction	Consist -ency	Comment
1. Employment and Resources		
1.1 Business & Industrial Zones	N/A	The Planning Proposal does not seek to reduce any commercial or industrial zoning under NSLEP 2013, nor does it seek to reduce the level of permissible non-residential floor space achievable on the affected lands.
1.2 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 or proposed under the Planning Proposal.
1.3 Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
1.4 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal does not propose any changes in land use.
1.5 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not propose any changes that will affect development in a rural or environmental protection zone.
2 Environmental Heritage		
2.1 Environmental Protection Zones	YES	The Planning Proposal does not seek to reduce any environmental protection standards apply to land zoned E2 – Environmental Conservation or E4 – Environmental Living under NSLEP 2013.
2.2 Coastal Protection	N/A	This Direction does not apply as the Planning Proposal does not affect land within a coastal zone.
2.3 Heritage Conservation	YES	The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 which already satisfy the requirements of the Direction. In addition the Planning Proposal seeks to undertake minor amendments to the Heritage Map to NSLEP 2013 to ensure that only items with heritage significance are identified. The correction of the subject group heritage item has resulted from the recommendations of a comprehensive independent heritage review of Council's bus shelters (refer to Appendix 2).
2.4 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.

TABLE 2: Consistency with s.117 Directions		
Direction	Consist -ency	Comment
3 Housing, Infrastructure & Urban Development		
3.1 Residential Zones	YES	The Planning Proposal does not seek to reduce any residential zoning under NSLEP 2013, nor does it seek to reduce the residential development potential on any site.
3.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.
3.3 Home Occupations	YES	The Planning Proposal does not alter the existing provisions within NSLEP 2013 that relate to home occupations, which already satisfy the requirements of the Direction.
3.4 Integrating Land Use & Transport	N/A	The Planning Proposal does not alter the zoning or the permissible land uses of any parcel of land to which NSLEP 2013 applies.
3.5 Development Near Licensed Aerodromes	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a licensed aerodrome nor does it propose to amend a height limit that exceeds the Obstacle Limitation Surface level that applies to the North Sydney LGA.
3.6 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.
4.2 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
4.3 Flood Prone Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.
4.4 Planning for Bushfire Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being bushfire prone land.
5 Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by one of the identified strategies.
5.2 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.

TABLE 2: Consistency with s.117 Directions		
Direction	Consistency	Comment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.8 Second Sydney Airport: Badgerys Creek	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
6 Local Plan Making		
6.1. Approval & Referral Requirements	YES	The Planning Proposal does not alter any concurrence, consultation or referral requirements under NSLEP 2013, nor does it identify any development as designated development.
6.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	This Direction does not apply, as it does not allow a particular type of development to be carried out.
7 Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	YES	Refer to question 4 to Section 5.3.2 of this report.

5.3.3 Section C – Environmental, social and economic impact.

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

No. The Planning Proposal merely seeks to amend the mapped extent of a group heritage listing that applies to bus shelters and will not result in an adverse impact on any critical habitat or threatened species, populations or ecological communities, or their habitats.

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

No. The Planning Proposal merely seeks to amend the mapped extent of a group heritage listing that applies to bus shelters and is unlikely to result in any adverse environmental impacts.

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

Council engaged David Scobie Architects to undertake a comprehensive heritage review (refer to Appendix 2) of all bus shelters which are currently identified as heritage items under NSLEP 2013. The purpose of the review was to ensure that only those bus shelters with demonstrated heritage significance were appropriately listed and to remove any bus shelters that had no significance.

There may be potential community objection to the delisting of the subject bus shelters. In particular, the community raised concern when two bus shelters (BS036: Gas Co.1 and BS037: Gas Co 2) located on the northern side of the Pacific Highway road reserve, directly adjacent to 111 Pacific Highway, North Sydney were recently demolished and replaced with contemporary bus shelters in accordance with Council's Public Domain Style Manual and Design Code. Whilst the demolished bus shelters had been constructed in the typical heritage style, they were not listed as heritage items under NSLEP 2013.

The public exhibition of the Planning Proposal will provide the opportunity for the community to determine whether heritage listing of the subject bus shelters is considered appropriate or not.

5.3.4 Section D – State and Commonwealth interests

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

The Planning Proposal merely seeks to correctly identify items of heritage significance and will not impact upon the demand for public infrastructure.

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

The Planning Proposal has not yet been considered by State or Commonwealth public authorities. Views of the State will be gained through the Gateway Determination process if required.

5.4 PART 4: MAPPING

The Planning Proposal requires amendment of the Heritage Map to NSLEP 2013. In particular, the Planning Proposal would require the replacement of the following Sheets to the Heritage Map:

- HER_001 5950_COM_HER_001_010_20130607
- HER_002A 5950_COM_HER_002A_005_20130607
- HER_003 5950_COM_HER_003_010_20130607
- HER_004 5950_COM_HER_004_010_20130607

New Heritage Map sheets which achieve the intent of the Planning Proposal are located in Appendix 5.

5.5 PART 5: COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements made by the Gateway Determination and Council's guidelines.

5.6 PART 6: PROJECT TIMELINE

TABLE 3 provides a project timeline having regard to identified milestones and estimating approximately 9 months from submitting the proposal to the DPE to the amending LEP being made.

TABLE 3 – Project Timeline							
Milestone	Mar 2014	Apr 2015	May 2015	Jun 2015	Jul 2015	Aug 2015	Sept 2015
1. Request for Gateway Determination sent to DPE							
2. DPE considers Request							
3. Gateway Determination Issued to Council							
4. Public Exhibition Undertaken							
5. Council considers post exhibition report							
6. Submission to DPE requesting making of LEP							
7. Drafting of LEP and making							

APPENDIX 1

North Sydney Bus Shelter Locations

