

SECTION 59 PLANNING REPORT

Planning proposal details:

PP_2013_NORTH_002_00

Planning proposal summary:

The Planning Proposal seeks to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) to rezone a portion of 12 Shirley Road, Wollstonecraft from *IN4 - Working Waterfront* to *E4 - Environmental Living* and to apply a minimum subdivision lot size requirement of 450m² to that part of the site which is to be rezoned.

Date of Gateway determination:

9 September 2013

1.0 SUMMARY

North Sydney Council has prepared a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) to rezone a portion of 12 Shirley Road, Wollstonecraft from *IN4 - Working Waterfront* to *E4 - Environmental Living* and to apply a minimum subdivision lot size requirement of 450m² to that part of the site which is proposed to be rezoned.

Government Property NSW submitted the Planning Proposal after the NSW Department of Primary Industries advised that the eastern portion of the site had become surplus to their needs. The Planning Proposal is being sought to allow the surplus land to be sold and subsequently be privately redeveloped

On 17 September 2013, Council received a Gateway Determination from NSW Planning and Infrastructure (now Planning and Environment) allowing the Planning Proposal to proceed to public exhibition. The Gateway Determination also contained a number of conditions which were required to be satisfied prior to or as part of the Planning Proposal. The Gateway Determination also granted delegated authorisation to Council to directly request Parliamentary Counsel's Office to make the plan.

Upon meeting the conditions of the Gateway Determination, the Planning Proposal was placed on public exhibition for a period of 21 days from Thursday 30 January 2014 to Wednesday 19 February 2014.

At its meeting on 17 March 2014, Council considered a report regarding the submissions received during the public exhibition. From this, Council resolved to adopt the Planning Proposal unamended and proceed with the making of a Local Environmental Plan.

On 24 March 2014, Council requested Parliamentary Counsel to draft an LEP to give effect to the Planning Proposal. Council settled on the form of the draft LEP on 22 April 2014.

On 9 May 2014, Parliamentary Counsel issued an Opinion CEG e2014-108-d06: to Council that the LEP could be made. The LEP is North Sydney Local Environmental Plan 2013 (Amendment No.3).

2.0 GATEWAY DETERMINATION

On 17 September 2013, Council received a Gateway Determination from NSW Planning and Infrastructure (now Planning and Environment) allowing the Planning Proposal to proceed to public exhibition. The Gateway Determination also contained a number of conditions that were required to be satisfied prior to, or as part of the public exhibition of the Planning Proposal.

These conditions included the following:

1. The Planning Proposal was to proceed as an amendment to North Sydney Local Environmental Plan 2013.
2. The Planning Proposal is revised to address the proposal's inconsistency with Section 117 Direction 1.1 - Business and Industrial Zones.
3. A preliminary contamination assessment, be undertaken in accordance with Clause 6 of State Environmental Planning Policy No 55 - Remediation of Land.

The conditions of the Gateway Determination were met prior to the public exhibition.

3.0 COMMUNITY CONSULTATION

The Gateway Determination required the Planning Proposal to be on public exhibition for a minimum period of 14 days. The Planning Proposal was on public exhibition from Thursday 30 January 2014 to Wednesday 19 February.

No submissions were received from the public.

At its meeting on 17 March 2014, Council considered a post exhibition report. As no objections were received Council resolved to adopt the Planning Proposal unamended and proceed with the making of a Local Environmental Plan.

4.0 VIEWS OF PUBLIC AUTHORITIES

The Gateway Determination also required Council to consult with the following public authorities for a minimum period of 21 days:

- NSW Office of Environmental Heritage

- NSW Department of Primary Industries – Fishing and Aquaculture

Consultation was undertaken with these authorities during the public exhibition period.

Correspondence was received from both public authorities, neither of which raised objection the Planning Proposal.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

It is considered that the Planning Proposal is consistent with the relevant Directions issued under Section 117(2) of the Act by the Minister to Councils, as demonstrated in TABLE 1.

TABLE 1: Consistency with s.117 Directions		
Direction	Consist -ency	Comment
1. Employment and Resources		
1.1 Business & Industrial Zones	No	The planning proposal has a minor inconsistency with this direction as the IN4 Working Waterfront zone currently provides limited employment. This inconsistency is of minor significance as the site is not considered to be a significant employment area and is unlikely to generate employment growth.
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	N/A	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 site is not located in a Priority Oyster Aquaculture Area.
2 Environmental Heritage		
2.1 Environmental Protection Zones	Yes	The planning proposal is considered to be consistent with this direction for the following reasons: • The proposal seeks to amend the existing IN4 Working Waterfront zoning for the surplus site to E4 Environmental Living to provide for future low-density housing needs. • The proposal contains provisions that are consistent with the sites former planning controls under NSLEP 2001 where low-impact residential development was a permissible use.

TABLE 1: Consistency with s.117 Directions		
Direction	Consistency	Comment
		- The proposal identifies E4 Environmental Living as the most appropriate zoning for the surplus site, noting that it is consistent with the adjoining and surrounding residential character. - The proposal seeks to introduce a minimum lot size control of 450m², which is consistent with the surrounding area. - The proposal makes use of existing infrastructure and is located to existing services and facilities. - The proposal will assist in meeting metropolitan housing targets aimed at reducing the need for development on the urban fringe. - The proposal is unlikely to have any adverse environmental impacts and any future development on the site will be capable of protecting existing vegetation as required. - The subject land is adequately serviced.
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	N/A	This Direction does not apply as the Planning Proposal site is not heritage listed or in a conservation area.
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.
3 Housing, Infrastructure & Urban Development		
3.1 Residential Zones	Yes	The Planning Proposal rezones the site from IN4 Working Waterfront to E4 Environmental Living. The E4 Environmental Living zone will allow low scale residential development which is consistent with neighbouring property.
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	Yes	The objective of this direction is to ensure that urban structures are located on sites with good access to transport. In accordance with this direction the

TABLE 1: Consistency with s.117 Directions		
Direction	Consist -ency	Comment
		planning proposal provides for development with good access to transport.
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.
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.
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	N/A	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	N/A	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

TABLE 1: Consistency with s.117 Directions		
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6.3 Site Specific Provisions	N/A	The proposed amendment does not impose unnecessarily restrictive site-specific planning controls.
7 Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	The Planning Proposal is minor in nature as it relates to the development of only 2 to 3 dwellings on a site that is not located in a centre or an area identified for future growth. As such it is considered that Planning Proposal has no significant implications for the implementation of the Metropolitan Plan for Sydney.

6.0 PARLIAMENTARY COUNSEL OPINION

On 24 March 2014, Council requested Parliamentary Counsel to draft an LEP to give effect to the Planning Proposal. Council settled on the form of the draft LEP on 22 April 2014.

On 9 May 2014, Parliamentary Counsel issued an Opinion CEG e2014-108-d06: to Council that the LEP could be made. The LEP is North Sydney Local Environmental Plan 2013 (Amendment No.3).

7.0 OTHER RELEVANT MATTERS

N/A

8.0 MAPPING

The Planning Proposal will be implemented by revoking:

- **Land Zoning Map**
LZN_002 5950_COM_LZN_002_010_ 20130607
- **Lot Size Map**
LSZ_002 5950_COM_LSZ_002_010_ 20130607

The following map sheets will be adopted:

- **Land Zoning Map**
LZN_002 5950_COM_LZN_002_010_ 20140114
- **Lot Size Map**
LSZ_002 5950_COM_LSZ_002_010_ 20140114

A signed copy of the Map Cover Sheet (5950_COM_MCS_20140423) is attached.

9.0 RECOMMENDATION

It is recommended that North Sydney Local Environmental Plan 2013 (Amendment No. 3) be made unamended pursuant to s.59(2)(a) of the Environmental Planning and Assessment Act 1979.

NOTES:

The following documents are attached to this report:

1. Gateway Determination;
2. Parliamentary Counsel Opinion (CEG e2014-108-d06);
3. Signed copy of North Local Environmental Plan 2013 (Amendment No 3);
4. Signed copy of Map Cover Sheet (5950_COM_MCS_20140423); and
5. Delegated plan making reporting template