

PLANNING PROPOSAL

12 Shirley Road, Wollstonecraft

Prepared by the State Property Authority

June 2013

CONTENTS

Introduction	3
Background	3
Site description	
Surrounding development	
Statutory Context	6
Current planning controls	
Proposed planning controls	
The Planning Proposal	
Part 1 – Objectives or Intended Outcomes	7
Part 2 – Explanation of Provisions	7
Part 3 – Justification	7
Need for planning proposal	
Relationship to strategic planning framework	
Environmental, social and economic impact	
State and Commonwealth interests	
Part 4 – Community Consultation	9

INTRODUCTION

This planning proposal relates to land at 12 Shirley Road, Wollstonecraft (Lot 2 DP 1153081). The purpose of this planning proposal is to rezone part of the site to permit residential uses, consistent with the residential zone adjoining the land.

BACKGROUND

The State Property Authority (SPA) has been advised by the NSW Department of Primary Industries (DPI) that the front portion of the Sydney North Fisheries Centre at 12 Shirley Road, Wollstonecraft has become surplus to its needs and has requested that SPA investigate divestment options for that part of the site (see **Figure 1**).

Site Description

The subject site is located at 12 Shirley Road, Wollstonecraft being Lot 2 in DP 1153081, on the western side of the street and within proximity to Berry Island Reserve. The site also runs through to the shores of Gore Cove which is part of Sydney Harbour. The site comprises a generally rectangular shaped, steeply sloping site with an area of 2,649m². The land has been levelled in sections to provide building platforms.

The improvements on the site comprise the following:

- Office 1: A single level brick residence converted to office accommodation, located at the Shirley Road frontage.
- Office 2: A split level commercial office building, stepped down the sloping site, located in the middle of the site.
- Office 3: An older style single level, workshop style building converted into office accommodation, located on the wharf/water frontage at the western side of the site.
- Wharf/Jetty: Extending from the rear of the site and into Gore Cove is a wharf constructed of timber pillions and timber slab and concrete decking. It has deep water access and is suitable for medium to large vessels. Attached to the wharf is a floating jetty with berthing for two vessels.
- A driveway is located along the southern boundary of the site and provides access to the rear of the site and wharf/jetty.

The front portion of the site which has become surplus to the operations of DPI has an area of approximately 1700m². The surplus portion has an eastern boundary to Shirley Road of 34.56m, a northern boundary of 51.6m, a western boundary of 35.27m, and a southern boundary of 46.35m. The access handle to the rear of the site has a width of 6.05m to Shirley Road (**Attachment A**).



Figure 1: Location/Site Map – surplus portion of the site

Surrounding Development

The site is located within an exclusively residential area with adjoining boundaries demonstrating detached dwelling houses. Directly opposite the site, to the east, is bushland area and public recreation areas to the south (Berry Island Reserve). Wollstonecraft train station is located within a reasonable walking distance of the site. Directly adjoining the site to the north is bushland and to the south is a two-storey dwelling house.

STATUTORY CONTEXT

Current Planning Controls

The subject site is currently zoned Special Use under the North Sydney Local Environmental Plan 2001 (NSLEP 2001), with a portion of the site facing the waterfront zoned Public Open Space a small part in the north-western corner zoned Bushland. Adjoining the northern boundary is land zoned bushland beyond which is land zoned Residential A1. Adjoining the southern boundary is a site zoned Residential A1 (see **Figure 3**).

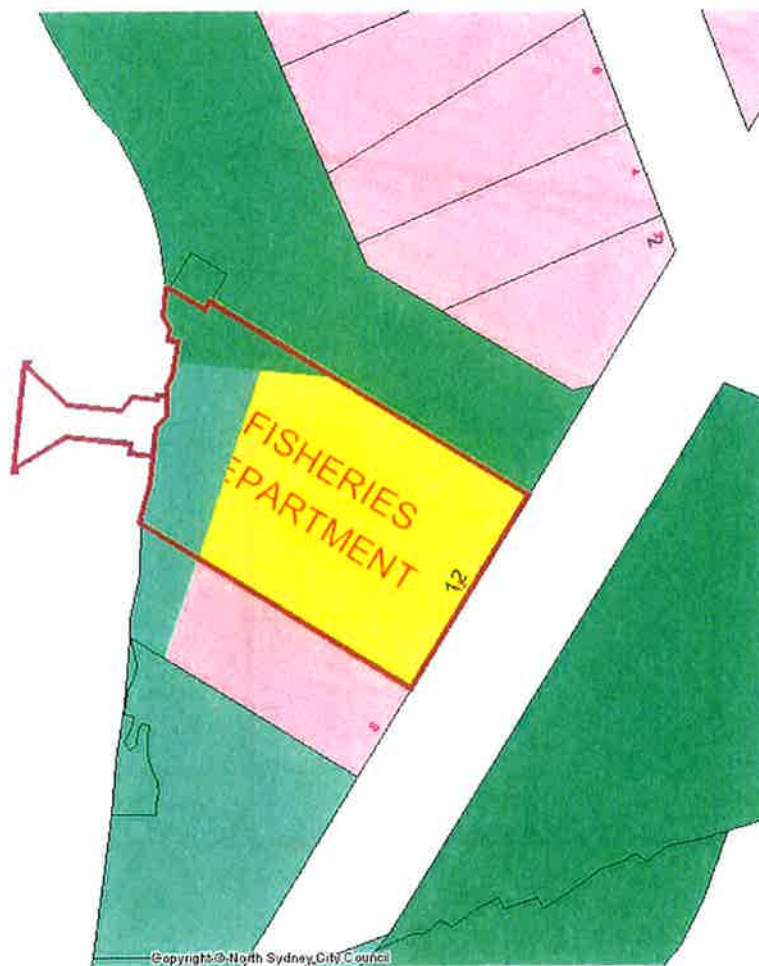


Figure 3: Current zoning controls – North Sydney LEP 2001

NSLEP 2001 is supplemented by North Sydney Development Control Plan 2002 (NSDCP 2002), which provides guidelines on detailed aspects of development. The NSDCP 2001 also contains Character Statements for the various planning areas within the municipality which describe the desired future outcomes for development in the area. The subject site is located within the 'Waverton Wollstonecraft Planning Area' which is seen as a leafy residential area with strong links to the water. The statement notes that the remaining natural foreshores should be conserved and protected, and pedestrian access to these areas extended and improved.

The objectives of the Special Use zone under NSLEP 2001 are to:

- (a) identify land on which special land uses are carried out, and
- (b) minimise the impact of the use of that land on adjoining land.

Development which may be carried out in the Special Use zone for the purpose of:

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

In addition, Clause 34 of NSLEP 2001 refers to buildings in the special use zone. Specifically, Clause 34(2) states the objectives of the buildings in the special use zone controls are to:

- (a) ensure that buildings within the zone are similar in type, height, bulk and scale to surrounding buildings, and
- (b) minimise the adverse effects of development on surrounding residential development.

Further, Clause 34(3) refers to building controls for buildings in a special use zone and states that a building must not be erected on land to which this clause applies unless:

- (a) the building is consistent with the objectives and permissible uses that apply to the land adjoining the site and land directly across a road from the site, and
- (b) the building complies with the relevant development standards, for the particular type of building, that apply to the land adjoining the site, and land directly across a road from the site.

It is acknowledged that the current Special Use zone permits dwelling houses. The proposal to rezone the surplus front portion of the site to Residential A1 has become necessary in light of Council's forthcoming draft North Sydney LEP 2009 (draft LEP 2009) which proposes to zone the entire site IN4 Working Waterfront, under which dwelling house development is prohibited. In preparing a divestment strategy for the surplus portion of the site, a Residential A1 zone will provide greater certainty when the site is placed on the market prior to the gazettal of the draft LEP 2009.

Proposed Planning Controls

The entire site is proposed to be zoned IN4 Working Waterfront under the draft North Sydney Local Environmental Plan 2009 (draft LEP 2009), as exhibited from 20 January 2011 – 3 March 2011, in keeping with operations that have been taking place on the site to date. It is noted that this proposed zoning does not take into account that operations on part of the site will cease. The surrounding residential area was proposed to be zoned R2 Low Density Residential, as exhibited however on 14 November 2011 Council resolved to adopt an amended section 68 report which sought to rezone the surrounding residential area to E4 Environmental Living in response to issues raised by the Department of Planning and Infrastructure. As such, it is hoped the draft LEP 2009 will be amended to reflect this planning proposal.

THE PLANNING PROPOSAL

Part 1 – Objectives or Intended Outcomes

The objective of the planning proposal is to enable low-density residential land uses on the surplus front portion of the site by rezoning it from its current Special Uses zone to Residential A1. The intended outcome is to provide certainty that the site will be zoned for low-density residential uses in the future. The planning proposal does not intend to rezone parts of the site which are currently zoned Bushland.

Part 2 – Explanation of Provisions

The planning proposal seeks to amend NSLEP 2001 Map Sheet 1 to illustrate the front surplus portion of the site as being zoned Residential A1.

DLEP 2012

Draft Local Environmental Plan 2012 (DLEP 2012) was adopted by Council on 18 February 2013 and subsequently forwarded to the Minister for Planning and Infrastructure, with a request that the Plan be made.

As DLEP 2012 seeks to replace NSLEP 2001, the Planning Proposal will amend DLEP 2012 in the event that the DLEP 2012 comes into force before the Planning Proposal is finalised.

Should the Planning Proposal be implemented under DLEP 2012, the designated portion of land will be rezoned from IN4 - Working Waterfront to E4 - Environmental Living. This will be completed through an amendment to the relevant map.

Part 3 - Justification

A. Need for the planning proposal

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

The planning proposal is not the result of any strategic study or report. The need for a planning proposal is the result of the front portion of the site becoming surplus to the requirements of the Department of Fisheries. The planning proposal seeks to change the existing Special Uses zone which applies to the front surplus portion site to a Residential A1 zone.

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

A planning proposal is the only means by which the necessary amendments can be made to NSLEP 2001. Whilst it is noted that residential uses are currently permitted on the site under its Special Use zone, it is considered that rezoning the surplus portion of the site to a Residential A1 zone will ensure future development on the site is consistent with the surrounding residential zone and provide certainty when placed on the market, in light of Council's forthcoming draft LEP 2009 which proposes a IN4 Working Waterfront zone for the site, effectively prohibiting any residential development.

3. Is there a net community benefit?

The provision of additional land for residential use will increase the amount of local housing stock and meet relevant strategic planning objectives both at the sub-regional and local levels.

Residential amenity will not be adversely affected as the planning proposal seeks a zone that will ensure low density development. An appropriate built form responding to an envelope established by appropriate building setbacks and maximum building heights, consistent with the surrounding development, will achieve an appropriate planning outcome and maintain residential amenity.

The planning proposal is unlikely to result in an adverse increase in traffic generation or parking requirement due to the low density residential zone proposed.

B. Relationship to strategic planning framework

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

The planning proposal is consistent with the Sydney Metropolitan Strategy and the Draft Inner North Subregional Strategy (DINSS). The DINSS identifies housing choice and protecting and promoting the area's harbour and bushland setting as key directions for the subregion. The DINSS also requires that an additional 5,500 dwellings be provided in the North Sydney LGA by 2031. It is considered that the planning proposal will contribute to achieving the strategies identified in the DINSS.

As the operations of the DPI Fisheries will cease on the front part of the site, as indicated in on the NSLEP 2001 zoning map in red lettering as Fisheries Department, it is considered this part of the site will no longer meet the objectives for the Special Use zone under NSLEP 2001 *"identify land on which special land uses are carried out"*. As such, in order to minimise the impact of future uses on the site on adjoining land, a residential zone is considered the most appropriate future land use.

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

The planning proposal is consistent with Council's Community Strategic Plan 2020 Vision to the extent that by proposing a low-scale residential zone for the subject site it will encourage a land use that will meet ESD principles, respond to state and regional planning initiatives, and contribute to maintaining and protecting the natural bushland setting of the locality.

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

The planning proposal is consistent all relevant state environmental planning policies (SEPPs). The most relevant SEPP is noted and commented upon as follows:

State Environmental Planning Policy 55 – Remediation of Land

This part of the site contains a disused underground fuel storage tank. Consideration of the planning proposal will be subject to Clause 6 of SEPP 55, including undertaking a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines and necessary remediation works before the land is used for residential purposes.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site falls within the boundaries of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP). This SREP applies to the harbour in a range of ways in order to provide a clear and consistent planning framework to protect and enhance the unique attributes of the harbour. The provisions of the SREP apply to the subject site as follows:

- **Foreshore and Waterways area:** This area covers the waterways of the harbour and its tributaries as well as land within the immediate foreshore area (being land between the foreshore and an area generally "one street back" from the foreshore). The subject site falls within this area.
- **Wetlands Protection Areas:** Wetland Protection Areas are wetland habitats plus a 40 metre buffer zone to address movement, growth and seasonal variation. The SREP has wetland protection provisions to conserve and protect wetland habitats. The subject site is within the Wetland Protection Area as identified in the SREP.

The SREP does not affect any existing land-based zoning under any other environmental planning instrument, such as Council's LEPs, and the relevant council is the consent authority for land-based development, i.e. development wholly above Mean High Water Mark.

7. 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 Act by the Minister to Councils, as demonstrated in the assessment of the following table:

Direction	Consistency	Comment
1. Employment and Resources		
1.1. Business & Industrial Zones	NA	Not applicable
1.2. Rural Zones	NA	Not applicable
1.3. Mining, Petroleum Production & Extractive Industries	NA	Not applicable
1.4. Oyster Aquaculture	NA	Not applicable
1.5. Rural Lands	NA	Not applicable
2. Environmental Heritage		
2.1. Environmental Protection Zones	NA	Not applicable
2.2. Coastal Protection	NA	Not applicable
2.3. Heritage Conservation	NA	Not applicable
2.4. Recreation Vehicle Areas	NA	Not applicable
3. Housing, Infrastructure & Urban Development		
3.1. Residential Zones	Yes	The planning proposal is considered to be consistent with this direction for the following reasons: • The proposal will provide for existing and future housing needs • The proposal does not contain provisions that will reduce the permissible residential density of the land as current controls applying to the site requires buildings to be in keeping with the surrounding low-scale residential density of the 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 will have minimal environmental impact and any future development on the site will be capable of protecting existing vegetation as required;

		The subject land is adequately serviced.
3.2. Caravan Parks & Manufactured Home Estates	NA	Not applicable
3.3. Home Occupations	NA	Not applicable
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 planning proposal provides for development with good access to transport.
3.5. Development Near Licensed Aerodromes	NA	Not applicable
3.6. Shooting Ranges	NA	Not applicable
4. Hazard and Risk		
4.1. Acid Sulfate Soils	NA	Not applicable
4.2. Mine Subsidence & Unstable Land	NA	Not applicable
4.3. Flood Prone Land	NA	Not applicable
4.4. Planning for Bushfire Protection	NA	Not applicable
5. Regional Planning	NA	Not applicable
6. Local Plan Making		
6.1. Approval & Referral Requirements	NA	Not applicable
6.2. Reserving Land for Public Purposes	NA	Not applicable
6.3. Site Specific Provisions	NA	Not applicable
7. Metropolitan Planning		
7.1. Implementation of the Metropolitan Plan for Sydney 2036	Yes	The proposal is consistent with the Metropolitan Strategy as discussed above in B.4 in relation to the Draft Inner North Subregional Strategy.

C. Environmental, social and economic impact

4. 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 planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities that may exist in the area. It is noted that adjacent to the site along the northern boundary is bushland that forms part of a local walking trail. Any future residential development on the subject site would need to take into consideration potential impacts on existing vegetation both on and within vicinity of the site.

The planning proposal is not likely to create any adverse environmental impacts in the area.

It is noted that existing improvements on the site are similar to built form envisaged under a residential zone, the building at the front of the site being a single level brick residence conversion to office accommodation.

Overall, it is considered that there will be minimal adverse environmental, social and economic impacts from the planning proposal.

D. State and Commonwealth interests

5. Is there adequate public infrastructure for the planning proposal?

It is considered that the planning proposal will have no adverse effect on the demand or availability of public infrastructure.

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

Discussions have been held with the NSW Department of Planning (DPI) and Infrastructure who has advised that SPA discuss a planning proposal with Council to achieve the desired zoning and controls for the site. The letter from DPI encouraging SPA to pursue a planning proposal with Council is attached with this planning proposal (**Attachment B**). Views of the State will be gained formally through the gateway process.

COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with Council's guidelines and any specific requirement made by the Department of Planning's gateway determination.

The consultation period will include notifying all affected property owners of the planning proposal and invite submissions during the exhibition period.