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Ms Juliet Grant
Director Sydney East Region
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



PCU045327

MY (PDS)

14 June 2013

Dear Juliet

Re: Planning Proposal for 12 Shirley Road, Wollstonecraft

At its meeting on 27 May 2013, Council considered a report regarding Planning Proposal for 12 Shirley Road, Wollstonecraft. From this, Council resolved to support the Planning Proposal so that it may be forwarded to the Department of Planning and Infrastructure in order to receive a Gateway Determination.

The Planning Proposal seeks to amend North Sydney Local Environment Plan 2001 (NSLEP 2001) to rezone a portion of the subject site currently zoned *Special Uses - "Fisheries Department"* to *Residential A1*.

The subject site is owned by Government Property NSW (formerly known as State Property Authority) and is currently occupied and operated by NSW Department of Primary Industries for fisheries purposes. The Planning Proposal was submitted by Government Property NSW after it had been advised by the NSW Department of Primary Industries that the eastern portion of the subject site fronting Shirley Road had become surplus to its needs.

It would therefore be appreciated if the Planning Proposal be referred to the LEP Review Panel for determination under the 'gateway process'. Please find attached the following:

- Council officer's report including Council's resolution;
- Planning Proposal; and
- Draft Amendment Map.

Enquiries should be directed to Mark Yee or the undersigned of Council's Strategic Planning Department on 9936 8100.

Yours sincerely

Joseph Hill
MANAGER STRATEGIC PLANNING

**DECISION OF 3627th COUNCIL (ASSESSMENTS) MEETING
HELD ON 27 MAY 2013**

308. PDS02: Planning Proposal at 12 Shirley Road, Wollstonecraft

Report of Mark Yee, Strategic Planner

Council received a Planning Proposal for the site known as 12 Shirley Road, Wollstonecraft on 16 April 2012. The Planning Proposal seeks to amend North Sydney Local Environment Plan 2001 (NSLEP 2001) to rezone a portion of the subject site currently zoned *Special Uses - "Fisheries Department"* to *Residential A1*. A report providing an assessment of the Planning Proposal was previously considered by Council at the Council Meeting on 23 July 2012, where it resolved:

THAT the matter be deferred for Council to seek a meeting with the Minister and local MP regarding the dedication of all or part of land as open space.

In accordance with this resolution, Council sought meetings with both the Minister (The Hon. Katrina Hodgkinson, MP) and local MP (The Hon. Jillian Skinner, MP) but was unsuccessful in obtaining these meetings.

On 18 April 2013, Council received correspondence from the applicant which re-affirmed their desire to rezone the subject land and requested that the Planning Proposal be reported back to Council for determination.

Given Council's unsuccessful attempts to obtain meetings with the Minister and local MP and the significant amount of time which has passed since the original Council resolution, this matter is being re-reported to Council.

The Planning Proposal is supported as it:

is compatible with surrounding land uses;

is compatible with the outcomes envisaged under the Special Use zoning;

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*"; and

is unlikely to result in any adverse impacts on the environment or wider community.

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:

1. 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, subject to the following amendments:

a. That a statement be included in the Planning Proposal that requests that the subject land be rezoned to *E4 - Environmental Living* should Draft North Sydney Local Environmental Plan 2012 come into force before the Planning Proposal is finalised under NSLEP 2001.

2. THAT Council approach the applicant to discuss the potential of dedicating the foreshore portion of 12 Shirley Road to Council once the existing operations cease and the land is found to be surplus to their needs.

RESOLVED:

1. THAT the report be adopted.

The Motion was moved by Councillor Reymond and seconded by Councillor Marchandean.

Voting was as follows:

Unanimous

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Morris	Y	
Reymond	Y		Clare	Y	
Carr	Y		Baker	Absent	
Bevan	Y		Robertson	Y	
Butcher	Y		Marchandean	Y	
Burke	Y		Beregi	Y	
Barbour	Y				

**Report to General Manager**

Attachments:

1. Previous Council Report - 23 July 2012 (PDS01)
2. State Property Authority Correspondence - 14 August 2012

SUBJECT: Planning Proposal at 12 Shirley Road, Wollstonecraft**AUTHOR:** Mark Yee, Strategic Planner**EXECUTIVE SUMMARY:**

Council received a Planning Proposal for the site known as 12 Shirley Road, Wollstonecraft on 16 April 2012. The Planning Proposal seeks to amend North Sydney Local Environment Plan 2001 (NSLEP 2001) to rezone a portion of the subject site currently zoned *Special Uses* - "*Fisheries Department*" to *Residential A1*.

A report providing an assessment of the Planning Proposal was previously considered by Council at the Council Meeting on 23 July 2012, where it resolved:

THAT the matter be deferred for Council to seek a meeting with the Minister and local MP regarding the dedication of all or part of land as open space.

In accordance with this resolution, Council sought meetings with both the Minister (The Hon. Katrina Hodgkinson, MP) and local MP (The Hon. Jillian Skinner, MP) but was unsuccessful in obtaining these meetings.

On 18 April 2013, Council received correspondence from the applicant which re-affirmed their desire to rezone the subject land and requested that the Planning Proposal be reported back to Council for determination.

Given Council's unsuccessful attempts to obtain meetings with the Minister and local MP and the significant amount of time which has passed since the original Council resolution, this matter is being re-reported to Council.

The Planning Proposal is supported as it:

- is compatible with surrounding land uses;
- is compatible with the outcomes envisaged under the Special Use zoning;
- 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*"; and
- is unlikely to result in any adverse impacts on the environment or wider community.

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

RECOMMENDATION:

1. **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, subject to the following amendments:
 - a. That a statement be included in the Planning Proposal that requests that the subject land be rezoned to *E4 - Environmental Living* should Draft North Sydney Local Environmental Plan 2012 come into force before the Planning Proposal is finalised under NSLEP 2001.
2. **THAT** Council approach the applicant to discuss the potential of dedicating the foreshore portion of 12 Shirley Road to Council once the existing operations cease and the land is found to be surplus to their needs.

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

BACKGROUND

Council received a Planning Proposal for the site known as 12 Shirley Road, Wollstonecraft on 16 April 2012. The Planning Proposal seeks to amend North Sydney Local Environmental Plan 2001 (NSLEP 2001) to rezone a portion of the subject site currently zoned *Special Uses – “Fisheries Department”* to *Residential A1*.

The subject site is owned by Government Property NSW (formerly known as State Property Authority) and is currently occupied and operated by NSW Department of Primary Industries for fisheries purposes. The Planning Proposal was submitted by Government Property NSW after it had been advised by the NSW Department of Primary Industries that the eastern portion of the subject site fronting Shirley Road had become surplus to its needs.

A report providing an assessment of the Planning Proposal was previously considered by Council at the Council Meeting on 23 July 2012, where it resolved:

THAT the matter be deferred for Council to seek a meeting with the Minister and local MP regarding the dedication of all or part of land as open space.

SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported in the initial report to Council of 23 July 2012.

DETAIL

1. Response to Council resolution

In accordance with the Council resolution on 23 July 2012, meetings were sought with both the Minister and local MP in August 2012, but Council was unsuccessful in obtaining these meetings, despite enquiring on a number of occasions.

2. Discussions with Applicant

Council received a letter from State Property Authority on 14 August 2012 (refer to Attachment 2) outlining their disappointment with the way that Council had determined its position in respect of the assessment of the Planning Proposal. They also sought to clarify a number of issues that had been raised with respect to the meeting.

On 28 November 2012, Council staff met with the applicant to discuss the progression of the Planning Proposal. The applicant had indicated that they were seeking to lodge a development application to subdivide the subject site which would reflect the proposed zoning alignments shown in the Planning Proposal. In order to progress the Planning Proposal it was suggested that the applicant:

- submit a letter to Council requesting that, failing a meeting being organised with the Minister and local MP, the Planning Proposal be reported back to Council to formally determine the matter;
- consider organising a meeting with the Mayor, to discuss the matter further;
- contact the Department of Planning & Infrastructure (DoPI) requesting them to direct Council to rezone the site.

The applicant subsequently held a meeting with the Mayor on 4 April 2013. The applicant was re-advised at this meeting to submit a letter to Council, requesting the Planning Proposal be reported back to Council to formally determine the matter.

On 18 April 2013, Council received a letter from the applicant which re-affirmed their desire to rezone the subject land and requested that the Planning Proposal be reported back to Council to determine whether or not to progress the Planning Proposal.

Given that Council has been unable to obtain a meeting with the Minister and local MP and the significant time which has passed since the Council resolution, this matter is being re-reported to Council.

3. Draft North Sydney Local Environmental Plan 2102

During the original assessment of the Planning Proposal as detailed in report of 23 July 2012 (refer to Attachment 1), Council staff noted that the existing *Bushland* zone that affects the western portion of the subject site under North Sydney Local Environmental Plan 2001 (NSLEP 2001) was not reflected under Draft North Sydney Local Environmental Plan 2009 (now DLEP 2012), which had been zoned *IN4 – Working Waterfront*. The *E2 – Environmental Conservation* zone is the equivalent to the *Bushland* zone under DLEP 2012.

This issue was subsequently addressed and reported to Council on 15 October 2012 in relation to the progression of DLEP 2012, wherein Council resolved to zone that portion of the subject site zoned *Bushland* under NSLEP 2001 to *E2 – Environmental Conservation* under DLEP 2012.

This zoning was reflected in exhibited version of DLEP 2012, which was subsequently adopted unchanged in the post exhibition version by Council on 18 February 2013.

4. Justification for Planning Proposal

A detailed assessment of the merits of the Planning Proposal was originally considered in the report considered by Council on 23 July 2012 (refer to Attachment 1).

DLEP 2012 has since been revised and publically re-exhibited and is now nearing completion. Whilst the timeframe for the gazettal of DLEP 2012 is uncertain, given the progress of DLEP 2012 it is considered that any amendment to the site's zoning would likely be through an amendment to DLEP 2012 and not NSLEP 2001.

4.1 Proposed zoning

The original Planning Proposal noted that the subject site was proposed to be zoned *IN4 – Working Waterfront* under DLEP 2012 and that should DLEP 2012 come into force before the Planning Proposal is finalised under NSLEP 2001, that the *E4 – Environmental Living* zone be adopted as the equivalent to the *Residential A1* zone under NSLEP 2001.

However, as indicated above, Council resolved on 15 October 2012 to amend the zoning of the subject site to part *IN4 – Working Waterfront* and *Part E2 – Environmental Conservation*. The rezoning of the site had arisen in response to the initial assessment of this Planning Proposal. On 18 February 2013, Council resolved to adopt DLEP 2012, including the dual zoning over the subject site and send it to the DoPI with a request that the Minister for Planning and Infrastructure make the plan.

Due to the change in the zoning of the subject site under DLEP 2012 and in line with the previous recommendation for the Planning Proposal, it is recommended that the Planning Proposal be amended to reflect the rezoning of the larger site comprising 12 Shirley Road to rezone the designated portion of land to *E4 – Environmental Living* zone under DLEP 2012.

The Planning Proposal does not propose to rezone any of the subject land which is to be zoned *Bushland* under NSLEP 2001 nor *E2 – Environmental Conservation* under DLEP 2012.

4.2 Consideration against DLEP 2012 provisions

Should the Planning Proposal come into force under DLEP 2012, the designated land should be rezoned to *E4 – Environmental Living*, which is the equivalent zone to the existing *Residential A1* zone under NSLEP 2001. The objectives and permitted uses of this zone are as follows:

Zone E4 Environmental Living

1. Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To ensure that a high level of residential amenity is achieved and maintained.

2. Permitted without consent

- Environmental protection works; Home occupations.

3. Permitted with consent

- Child care centres; Dwelling houses; Health consulting rooms; Places of public worship; Recreation areas; Respite day care centres; Roads; Seniors housing.

4. Prohibited

- Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

The objectives and permitted uses in these zones are comparable with the existing *Residential A1* zones under NSLEP 2001.

The neighbouring sites which are currently zoned *Residential A1*, will be zoned *E4 – Environmental Living* under DLEP 2012. This zone will maintain the existing character of the area consisting predominantly lower scale residential development.

The development potential of the *E4 – Environmental Living* zone is comparable to the existing *Residential A1* zone. In particular the *E4 – Environmental Living* zone will continue to prohibit other forms of residential development other than single dwelling houses.

5. Dedication for Public Open Space

Council deferred the progression of the Planning Proposal to seek to have the land dedicated to Council for public open space purposes, despite the subject site (i.e. that portion to be rezoned) never being identified by Council to be acquired for public open space purposes.

However, the portion of 12 Shirley Road that is currently zoned Public Open Space and Bushland under NSLEP 2001 and fronts Gore Cove has been identified in Council's planning instruments for acquisition by the State Government for public open space purposes for a number of years. The Planning Proposal states that this portion of land will continue to be operated by NSW Department of Primary Industries and is not sought to be rezoned.

As the land is already owned by the State Government it does not need to be acquired. However, it is not currently being used for public open space purposes. Council's Foreshore Access Strategy identifies this foreshore portion of the site as a future link to provide foreshore access between Gore Cove Reserve and Berry Island Reserve. It would be beneficial to complete this link should the current uses on this foreshore portion of Shirley Road cease.

It is therefore recommended that the applicant be approached to discuss the potential of dedicating the foreshore portion of 12 Shirley Road to Council, once the existing operations cease and the land is found to be surplus to their needs.

6. Development Application

On 9 April 2013, Council received a development application (DA 94/13) to subdivide the subject site into two allotments. It is understood that the subdivision of the site is sought to enable the surplus portion to be sold if the site is rezoned. The application has yet to be determined.

As the development application is not dependent on the Planning Proposal proceeding, this application may continue to be assessed under merit.

CONCLUSION

Given that Council has been unable to obtain a meeting with the Minister and local MP and the significant time which has passed since the Council resolution this matter is being re-reported to Council.

The Planning Proposal to rezone a surplus portion of the site from Special Uses to Residential A1 is generally considered to be acceptable. This will assist in allowing the State Property Authority to dispose of surplus lands and enable it to be redeveloped for purposes consistent with neighbouring development.

The proposed Residential A1 zone is consistent with the zoning of nearby properties. It is recommended that Council submit the Planning Proposal to the Minister of Planning for Gateway Determination.

It is also recommended that the applicant be approached to discuss the potential of dedicating the foreshore portion of 12 Shirley Road to Council once the existing operations cease and the land is found to be surplus to their needs.

**DECISION OF 3606th COUNCIL MEETING
HELD ON 23 JULY 2012**

407. PDS01: Planning Proposal - 12 Shirley Road, Wollstonecraft

Report of Mark Yee, Strategic Planner, 11 July 2012

Council has received a Planning Proposal for the site known as 12 Shirley Road, Wollstonecraft. The Planning Proposal seeks to amend North Sydney Local Environment Plan 2001 (NSLEP 2001) to rezone a portion of the subject site currently zoned *Special Uses - "Fisheries Department"* to *Residential A1*.

The subject site is currently owned by the State Property Authority and is currently occupied and operated by NSW Department of Primary Industries for fisheries purposes.

The Planning Proposal has been submitted by the State Property Authority after it had been advised by the NSW Department of Primary Industries that a large part of the subject site had become surplus to its needs.

The surplus portion of the subject site is partly zoned *Special Uses - Fisheries Department* and part *Bushland* under NSLEP 2001. It is proposed to subdivide the site to enable the surplus portion to be sold and redeveloped for alternative purposes being low density residential purposes consistent with adjoining and neighbouring properties.

Despite the current *Special Uses* zoning enabling residential development (including apartment buildings, attached dwelling, duplexes and dwelling houses) to be undertaken with development consent, the applicant is of the opinion that the current zoning would not provide sufficient clarity or certainty as to the development potential for the surplus lands if sold to another party. Accordingly, the applicant seeks to maximise the certainty of the surplus land's development potential.

Under Draft North Sydney Local Environmental Plan 2009 (DLEP 2009) the entirety of the subject site is proposed to be rezoned IN4 - Working Waterfront. The equivalent zone under DLEP 2009 to the existing Residential A1 zone is E4 - Environmental Living zone.

The Planning Proposal is supported as it:

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

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

As part of its assessment of the Planning Proposal, Council staff have also recognised a minor error in the alignment of zoning boundaries pertaining to the subject site under DLEP 2009. Given the need to re-exhibit DLEP 2009 in the near future, it is recommended that the zoning boundaries be amended prior to its re-exhibition.

Recommending:

1. 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.

2. THAT the surplus portion of the subject site to be rezoned Residential A1 under NSLEP 2001 as a result of the Planning Proposal, be zoned to E4 - Environmental Living under DLEP 2009.

3. THAT Council rezone the area currently zoned Bushland to E2 - Environmental Conservation under DLEP 2009, prior to its re-exhibition, as detailed in the body of the report.

RESOLVED:

1. THAT the matter be deferred for Council to seek a meeting with the Minister and local MP regarding the dedication of all or part of land as open space.

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

Voting was as follows:

Unanimous

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

**Report to General Manager**

Attachment:
1. Planning Proposal

SUBJECT: Planning Proposal - 12 Shirley Road, Wollstonecraft

AUTHOR: Report of Mark Yee, Strategic Planner, 11 July 2012

SUMMARY:

Council has received a Planning Proposal for the site known as 12 Shirley Road, Wollstonecraft. The Planning Proposal seeks to amend North Sydney Local Environment Plan 2001 (NSLEP 2001) to rezone a portion of the subject site currently zoned *Special Uses - "Fisheries Department"* to *Residential A1*.

The subject site is currently owned by the State Property Authority and is currently occupied and operated by NSW Department of Primary Industries for fisheries purposes.

The Planning Proposal has been submitted by the State Property Authority after it had been advised by the NSW Department of Primary Industries that a large part of the subject site had become surplus to its needs.

The surplus portion of the subject site is partly zoned *Special Uses - Fisheries Department* and part *Bushland* under NSLEP 2001. It is proposed to subdivide the site to enable the surplus portion to be sold and redeveloped for alternative purposes being low density residential purposes consistent with adjoining and neighbouring properties.

Despite the current *Special Uses* zoning enabling residential development (including apartment buildings, attached dwelling, duplexes and dwelling houses) to be undertaken with development consent, the applicant is of the opinion that the current zoning would not provide sufficient clarity or certainty as to the development potential for the surplus lands if sold to another party. Accordingly, the applicant seeks to maximise the certainty of the surplus land's development potential.

Under Draft North Sydney Local Environmental Plan 2009 (DLEP 2009) the entirety of the subject site is proposed to be rezoned IN4 - Working Waterfront. The equivalent zone under DLEP 2009 to the existing Residential A1 zone is E4 - Environmental Living zone.

The Planning Proposal is supported as it:

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

Report of Mark Yee, Strategic Planner, 11 July 2012
Re: Planning Proposal - 12 Shirley Road, Wollstonecraft

(2)

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

As part of its assessment of the Planning Proposal, Council staff have also recognised a minor error in the alignment of zoning boundaries pertaining to the subject site under DLEP 2009. Given the need to re-exhibit DLEP 2009 in the near future, it is recommended that the zoning boundaries be amended prior to its re-exhibition.

RECOMMENDATION:

- 1. 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.
- 2. THAT** the surplus portion of the subject site to be rezoned Residential A1 under NSLEP 2001 as a result of the Planning Proposal, be zoned to E4 - Environmental Living under DLEP 2009.
- 3. THAT** Council rezone the area currently zoned Bushland to E2 - Environmental Conservation under DLEP 2009, prior to its re-exhibition, as detailed in the body of the report.

Signed: _____

Endorsed by: _____

Manager Strategic Planning

Report of Mark Yee, Strategic Planner, 11 July 2012
Re: Planning Proposal - 12 Shirley Road, Wollstonecraft

(3)

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 Planning Proposal is seeking to rezone the site to Residential A1. As the site is already developed it is considered that the rezoning would not create a significant environmental impact.
Social	• There are no significant social implications as a result of this rezoning.
Economic	• There are no significant economic implications as a result of this rezoning
Governance	• If implemented, then DLEP 2009 should be amended to reflect the outcomes of the Planning Proposal. In particular, the surplus portion of the subject site to be rezoned Residential A1 under NSLEP 2001 be zoned E4 – Environmental Living under DLEP 2009.

BACKGROUND

Council has received a Planning Proposal for the site known as 12 Shirley Road, Wollstonecraft. The Planning Proposal seeks to amend North Sydney Local Environment Plan 2001 (NSLEP 2001) to rezone a portion of the subject site currently zoned *Special Uses – “Fisheries Department”* to *Residential A1*.

The subject site is currently owned by the State Property Authority and is currently occupied and operated by NSW Department of Primary Industries for fisheries purposes.

The Planning Proposal has been submitted by the State Property Authority after it had been advised by the NSW Department of Primary Industries that a large part of the eastern portion of the subject site has become surplus to its needs. This surplus portion of the subject site had previously been used for administrative purposes.

SITE DESCRIPTION

The subject site comprises a single allotment of land legally described as Lot 2 DP 1153081, otherwise known as 12 Shirley Road, Wollstonecraft.

Report of Mark Yee, Strategic Planner, 11 July 2012
Re: Planning Proposal - 12 Shirley Road, Wollstonecraft

(4)

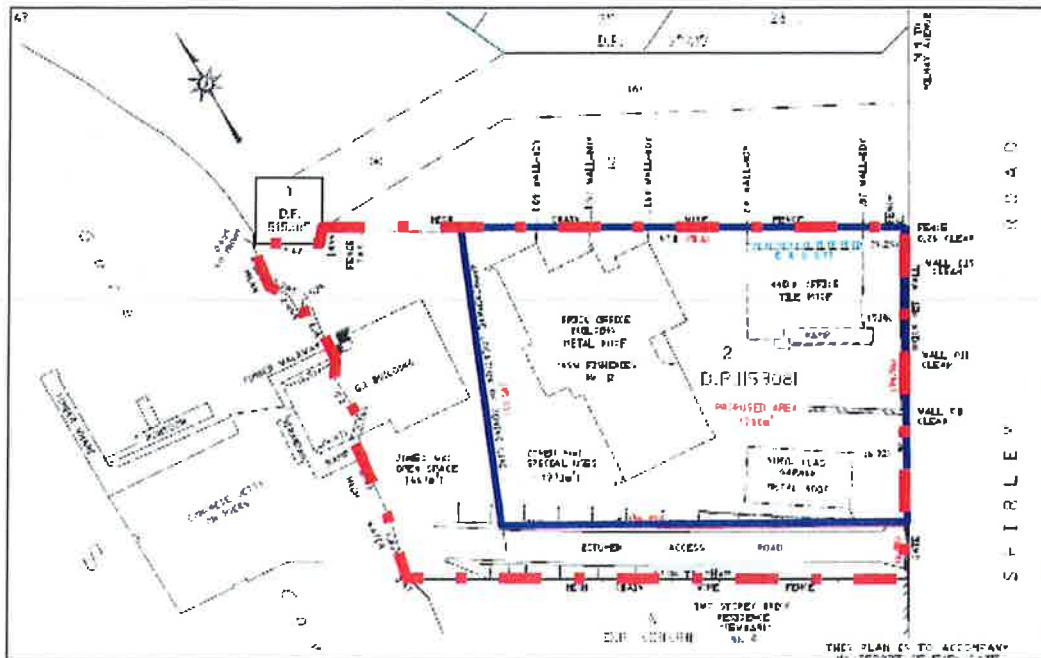


Figure 1: Subject Site



Figure 2: Aerial Photo

Figure 3: NSLEP 2001 extract

Report of Mark Yee, Strategic Planner, 11 July 2012
 Re: Planning Proposal - 12 Shirley Road, Wollstonecraft

(5)

The site is currently occupied by:

- A former single storey brick residence converted to office accommodation, located over the eastern portion of the subject site fronting Shirley Road;
- A split level commercial office building, located in the middle of the site;
- A single storey workshop that has been converted into office accommodation, located over the western portion of the subject site fronting Gore Cove;
- A deep water wharf/jetty extending into Gore Cove; and
- A driveway which is located along the length of the southern side boundary providing vehicular access between Shirley Road and the wharf/jetty to the rear of the subject site.

The site is currently zoned a mixture of Special Uses, Bushland and Public Open Space under North Sydney Local Environmental Plan 2001 (NSLEP 2001). The entire site is zoned IN4 Working Waterfront under Draft North Sydney Local Environmental Plan 2009 (DLEP 2009).

PROPOSED LEP AMENDMENT

NSLEP 2001

The Planning Proposal seeks to amend the NSLEP 2001 Zoning Map, by rezoning that portion of the subject site currently zoned Special Uses and subject to surplus requirements to Residential A1 (refer to Figure 4).

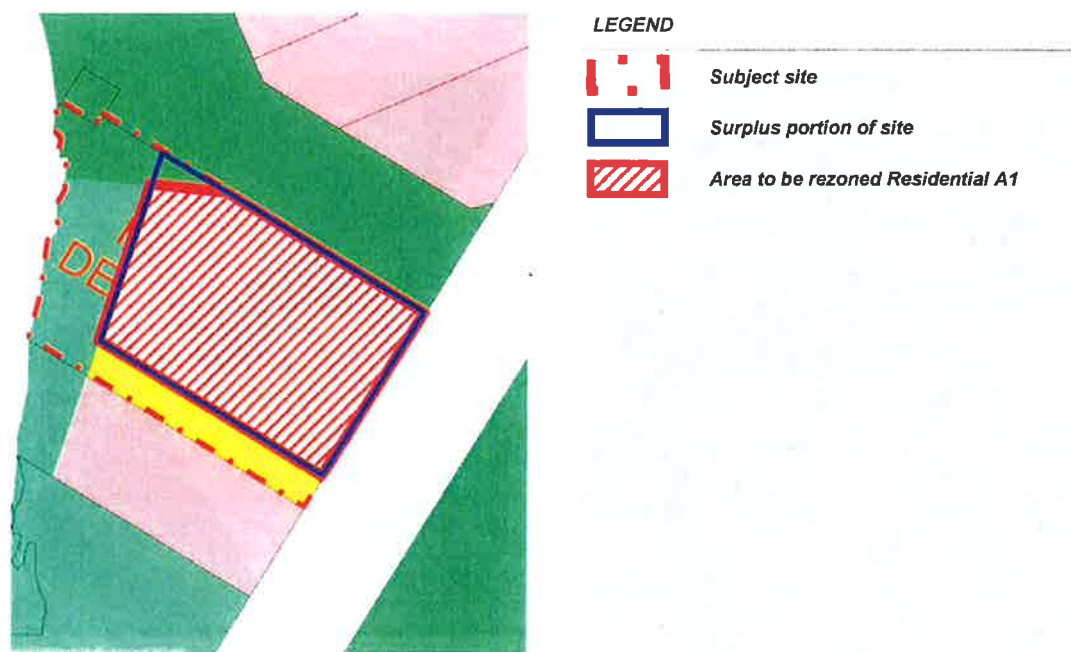


Figure 4:
Land to be rezoned under NSLEP 2001

Report of Mark Yee, Strategic Planner, 11 July 2012
Re: Planning Proposal - 12 Shirley Road, Wollstonecraft

(6)

The Planning Proposal does not seek to rezone any land which is currently zoned bushland, nor does it propose to rezone the area of land comprising the access driveway to the rear of the site which is to retain its Special Uses zoning.

DLEP 2009

The Planning Proposal notes that the subject site is proposed to be zoned IN4 – Working Waterfront under DLEP 2009 (refer to Figure 5). The zoning reflects the requirement of a condition placed on the s.65 Certificate issued by the Department of Planning and Infrastructure (DPI) in relation to DLEP 2009. This zone only permits with development consent a small range of waterfront industrial and maritime activities.

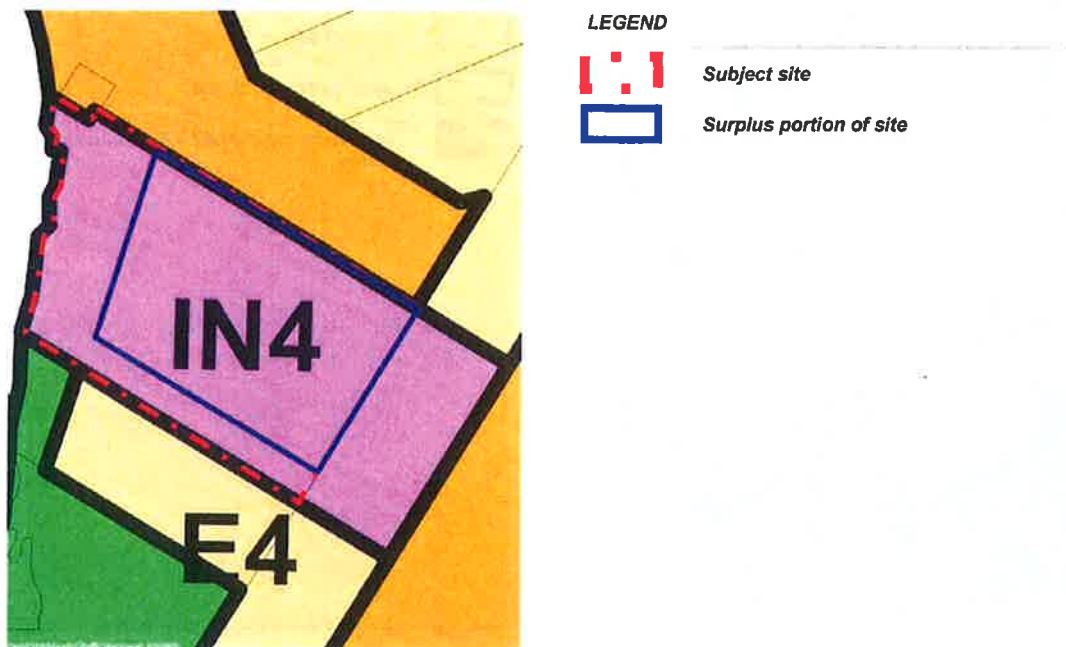


Figure 5:
Zoning extract under DLEP 2009

DLEP 2009 was previously on public exhibition from 20 January 2011 to 3 March 2011. Council resolved in July 2011 to adopt DLEP 2009 subject to amendments and send it to the Department of Planning and Infrastructure (DPI) pursuant to s.68 of the EP&A Act, with a request that the Minister make the plan. Council has not yet received a formal response to that request, but informal discussions with the DPI have indicated that the plan will likely be required to be re-exhibited before it can be gazetted.

Whilst the timeframe for the gazettal of DLEP 2009 is uncertain, it is possible that development may be sought on the site once DLEP 2009 comes into force. Under the proposed IN4 – Working Waterfront zone, development would be restricted to waterfront industrial and maritime activities. The Planning Proposal is therefore seeking that if a portion of the site is rezoned to Residential A1 under NSLEP 2001, then this rezoning be reflected under DLEP 2009.

Report of Mark Yee, Strategic Planner, 11 July 2012
 Re: Planning Proposal - 12 Shirley Road, Wollstonecraft

(7)

Under the exhibited version of DLEP 2009, the R2 Low Density Residential was the equivalent zone to the existing Residential A1 zone. The surrounding residential area was proposed to be zoned R2 Low Density Residential. However, on 14 November 2011, Council resolved to adopt an amended s.68 report which sought to zone all properties currently zoned Residential A1, from R2- Low Density Residential to E4-Environmental Living under DLEP 2009.

If Council resolves to rezone the identified area of the subject site to Residential A1 under NSLEP 2001, it is also recommended that this area be rezoned to E4 – Environmental Living, under DLEP 2009 (refer to Figure 6).

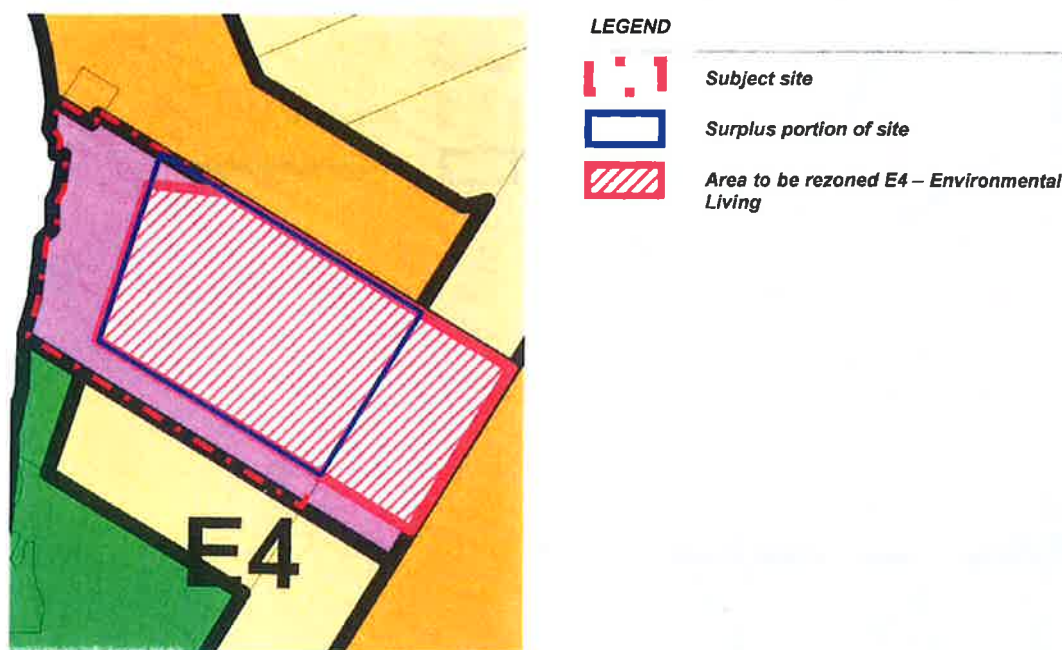


Figure 6:
Land to be rezoned under DLEP 2009

Bushland Status

In assessing the Planning Proposal, Council staff noted that the existing bushland zoning that affects the subject site under NSLEP 2001 was not reflected under DLEP 2009. Under DLEP 2009, the E2 – Environmental Conservation zone is the equivalent zone to the existing Bushland zone.

Condition 8 to the s.65 Certificate issued by DPI on 2 July 2010 in relation to DLEP 2009 directed Council to rezone that part of 12 Shirley Road that was proposed to be zoned SP2 – Research Station and RE1 – Public Recreation to IN4 – Working Waterfront. This was adopted by Council at its meeting on 30 August 2010.

Report of Mark Yee, Strategic Planner, 11 July 2012
 Re: Planning Proposal - 12 Shirley Road, Wollstonecraft

(8)

At the time of issue of the s.65 Certificate, Council's records indicated that 12 Shirley Road comprised land only zoned Special Uses and Public Open Space as indicated in Figure 7. It originally formed a small portion of Lot 1 DP 115700, which fell under the ownership of the State Property Authority. A large portion of this lot comprise Gore Cove Reserve, which is under Council's control and care, with a small section of the southern portion of the site leased to NSW Fisheries.



LEGEND



Subject site (Lot 2 DP 1153081)

Subject Site as recognised by Council prior to creation of DP 1153801

Figure 7: Pre-exhibition (s.64) version of DLEP 2009.



LEGEND



Subject site (Lot 2 DP 1153081)

Subject Site as recognised by Council prior to creation of DP 1153801

Figure 8: Exhibition (s.65) version of DLEP 2009

On 19 August 2010, Lot 1 DP 115700 was subdivided to create 2 new allotments – Lots 1 and 2 in DP 1153081. Lot 1 comprises all of Gore Cove Reserve and Lot 2 comprises the Fisheries site at 12 Shirley Road.

DP 1153081 had been created pursuant to the provisions of the *State Property Authority Act 2006* (SPA Act 2006).

The SPA Act 2006 allows property owned by the NSW Government to be vested to the State Property Authority (SPA). As such, the SPA would then take ownership and control of the land. The subject site was vested under the State Property Authority Act on 29 June 2007, under SPA Order (No 2) 2007. A new title plan reflecting the new boundaries was subsequently registered on 19 August 2010 (i.e. DP 1153801).

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(9)

The provisions of the SPA Act 2006 prevail over those of the EP&A Act and accordingly development consent under Part 4 of the EP&A Act is not required.

SPA staff have informed council that it was not their intention to deliberately include land zoned Bushland, but to simply continue the straight line along the northern boundary.

As the new parcel was created without the involvement of Council, it was unaware that the site would now include land zoned Bushland when it agreed to zone the whole of the site IN4 – Working Waterfront under DLEP 2009.

When DLEP 2009 was amended to satisfy condition 8 of the s.65 Certificate prior to its exhibition, the IN4 - Working Waterfront zoning was applied to the entire allotment comprising Lot 2 DP 1153081. The new allotment contained a small portion of bushland.

As indicated, DLEP 2009 will need to be re-exhibited. It is therefore recommended that Council rezone the area currently zoned Bushland under NSLEP 2001 to E2 – Environmental Conservation under DLEP prior to its re-exhibition (refer to Figure 9). This will ensure that the bushland is adequately protected.

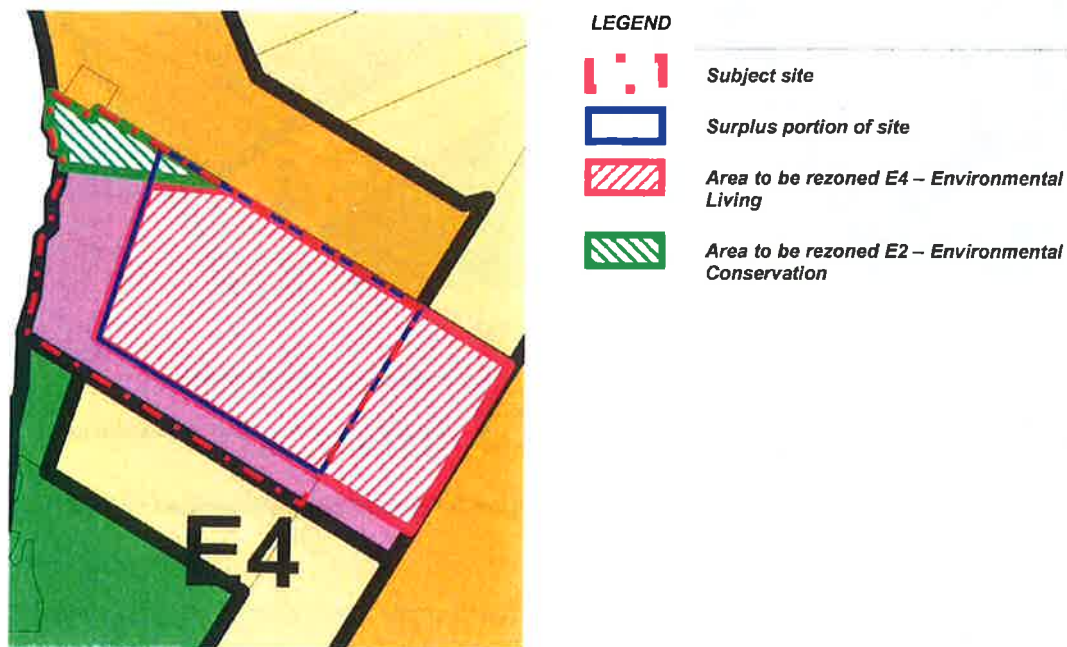


Figure 9:
Proposed Bushland Zoning under DLEP 2009

PLANNING APPRAISAL

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

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(10)

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 principle issues considered against the Planning Proposal.

JUSTIFICATION FOR PLANNING PROPOSAL

Permitted Uses

NSLEP 2001

The owners of the site seek to subdivide off the surplus lands from the main operations of the site with the view to selling that land for purposes which generally reflects the predominant form of development in the locality. In particular, the Planning Proposal seeks to rezone the surplus portion of the site which is also zoned *Special Uses* to *Residential A1* under NSLEP 2001. This is considered to be consistent with the predominant zoning of neighbouring developable land.

The objectives and permitted uses for the existing zone and proposed zone under NSLEP 2001 are provided in Table 1.

TABLE 1: Comparison of Zones under NSLEP 2001		
	Special Uses	Residential A1
Objectives	The particular objectives of this zone 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.	The particular objectives of this zone are to: (a) maintain lower scale residential neighbourhoods of mainly detached housing, and (b) assist in the conservation of heritage and other sensitive areas, and (c) minimise the impact of non-residential uses and ensure these are in character with the zone.
Permitted Uses	on all sites in the zone - <i>apartment buildings; attached dwellings; duplexes; dwelling-houses; open space; remediation; telecommunications facilities; utility installations, other than gas holders or generating works, and</i> On sites shown on the map with red lettering – <i>the land use indicated by red lettering on the map (i.e. "Fisheries Department")</i>	<i>apartment buildings revision; attached dwellings revision; child care centres; community notice signs; duplexes; dwelling-houses; educational establishments; established apartment buildings; established attached dwellings; home industries; home occupations; hospitals; housing for aged or disabled persons; open space; places of public worship; real estate signs; remediation; resident medical practices; telecommunications facilities; temporary signs; utility installations, other than gas holders or generating works.</i>

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Despite the Special Uses zoning enabling residential development (including apartment buildings, attached dwellings, duplexes and dwelling houses) to be permitted with development consent, the applicant is of the opinion that the current zoning would not provide sufficient clarity or certainty as to the development potential for the surplus lands if sold to another party. Accordingly, the applicant seeks to maximise the certainty of the surplus land's development potential.

If the site was to be redeveloped under the Special Use zone, clause 34(3)(b) of NSLEP 2001 would also apply. This clause generally requires that all development in the Special Use zone must comply with the development standards (namely, minimum lot size, maximum building height, minimum landscaping and maximum building height plane controls) applying to the most restrictive adjacent zone.

The subject site currently adjoins the Bushland, Public Open Space and Residential A1 zone. The Residential A1 zone is the only adjacent zone which applies development standards to new development on the Special Uses land and therefore these controls would apply. Accordingly, rezoning the site to Residential A1, would not see a change to the development potential of the site in this regard and is considered acceptable.

Suitability of Zone

The neighbouring developable sites are currently zoned Residential A1. This zone is mainly for lower scale residential development, consisting of mainly detached housing. As such the proposed zone is considered to be consistent with the character of the surrounding area.

Furthermore it is noted that the Residential A1 zone does not permit other forms of residential development (apartment buildings, attached dwelling, duplexes) that are currently permitted under the Special Use zone. Given the low density character of this area, it is considered that these other forms of residential development could result in a negative impact on this established character.

Development Potential

As indicated, the Residential A1 zone mainly caters for detached dwelling houses. The site plan provided in the Planning Proposal indicates that the area proposed to be rezoned, has an area of approximately 1,700 square metres.

Pursuant to clause 15(3) of NSLEP 2001, land in the Residential A1 zone must not be subdivided unless those allotments have a minimum area of 450 square metres. This could result in the site being subdivided into a maximum of 3 allotments.

It is noted that neighbouring sites which are zoned Residential A1 on Milray Avenue and Tryon Avenue, exhibit lot sizes generally between 750-1000 square metres. These sites are typically occupied by a single detached dwelling house.

Environmental Impact

A part of the surplus portion of the subject site is currently zoned Bushland, with land to the north of the subject site also zoned Bushland. It is not proposed to reduce the extent of land zoned bushland on the subject site.

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Given the subject site is already developed, it is considered that there will be little impact on this bushland. Notwithstanding, any development on the land will be required to consider the provisions of Section 11 – *Bushland* of the North Sydney Development Control Plan 2002 (NSDCP 2002). In particular, it contains specific controls relating to setbacks, buffers and interactions with land zoned bushland.

Policy and Strategic Context

Section 117 Directions

Section 117 of the Environmental Planning and Assessment Act 1979 enables the Minister for Planning to issue directions regarding the content of Planning Proposals. There is a range of section 117 Directions, requiring certain matters to be addressed if they are affected by a Planning Proposal. Each Planning Proposal must identify which section 117 Directions are relevant to the proposal.

The Planning Proposal is consistent with all relevant 117 directions. Of particular relevance is Direction 3.1 Residential Zones. Clause 5(b) to Direction 3.1, which requires that Planning Proposals must:

(b) not contain provisions which will reduce the permissible residential density of land.

The Planning Proposal addresses this by noting that development on the site would already have to comply with development controls of the Residential A1 zone. As such the Planning Proposal would not reduce the built form potential of the surplus portion of the site. Despite a reduction in residential development types permissible on the land, it is considered that development for the purposes of apartment buildings, attached dwellings and duplexes would be inconsistent with the prevailing character of development in the locality.

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 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.

Draft Inner North Subregional Strategy

In July 2007, the State Government released the draft Inner North Subregional Strategy. 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.

As the site does not form part of a specified centre, it has not been designated to accommodate significant growth. Despite this, it is considered that the Planning Proposal is consistent with the aims of the Strategy, by creating certainty about the redevelopment of the site for residential purposes.

Residential Development Strategy

The North Sydney Residential Development Strategy (RDS) identifies the potential for an increase in dwellings of 6,199 additional dwellings in the North Sydney LGA by 2031.

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(13)

The RDS identifies that Waverton and Wollstonecraft has the capacity to supply 322 additional residential dwellings over the next 23 years. The vast majority of this development potential is situated in the areas zoned high density residential and mixed use developed in the vicinity of the Pacific Highway, with limited opportunities for development throughout the rest of the area.

As the site is not in close proximity to the Pacific Highway, the proposed low density residential development is considered to be consistent with the Strategy.

North Sydney Local Development Strategy

The North Sydney Local Development Strategy (LDS) reflects the outcomes sought by the Metropolitan Plan, draft INSS and RDS. As such, the proposal is considered to be consistent with the LDS.

CONCLUSION

The Planning Proposal to rezone a surplus portion of the site from Special Uses to Residential A1 is considered to be acceptable. This will assist in allowing the State Property Authority to dispose of surplus lands and enable it to be redeveloped for purposes consistent with neighbouring development.

The proposed Residential A1 zone is consistent with the zoning of nearby properties. It is recommended that Council submit the Planning Proposal to the Minister of Planning for Gateway Determination.

The minor zoning boundary anomaly across the subject site has been identified and should be rectified under DLEP 2009 prior to it being re-exhibited. This will ensure that the bushland values of the site currently recognised under NSLEP 2001 are retained.

PLANNING PROPOSAL

12 Shirley Road, Wollstonecraft

Prepared by the State Property Authority

May 2012

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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**).

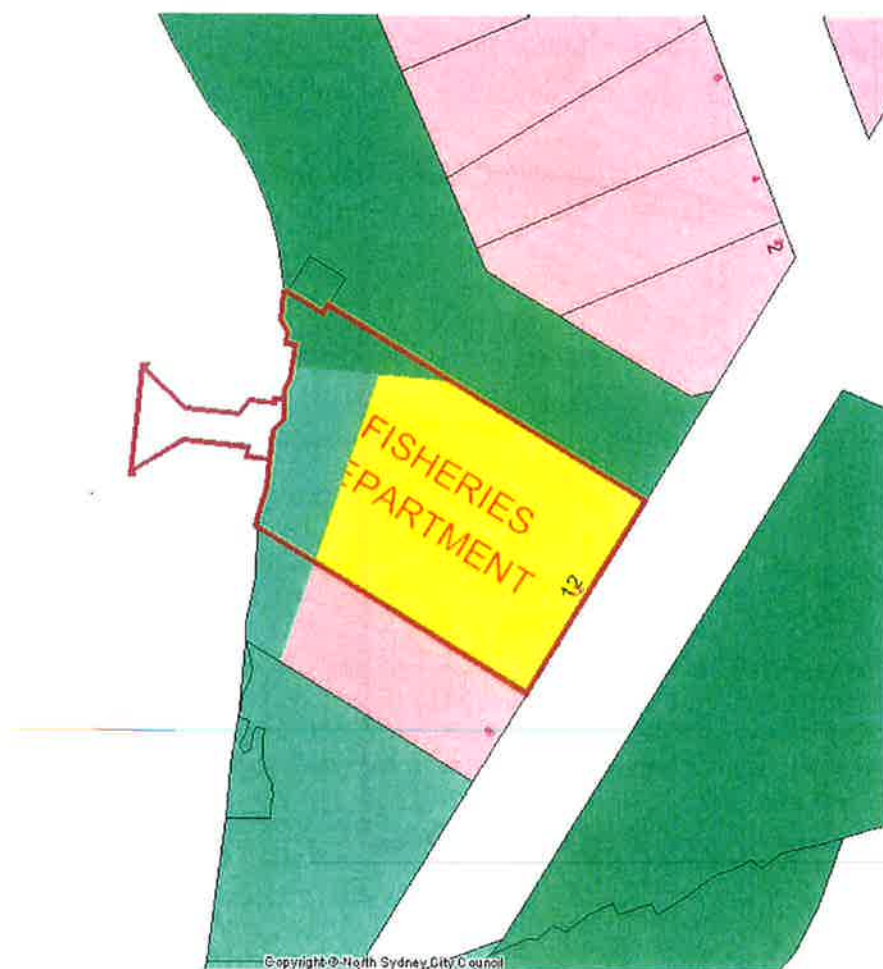


Figure 3: Current zoning controls – North Sydney LEP 2001

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.

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.



14 August 2012

Ms Genia McCaffery
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059



Ref: 11/12294

Dear Ms McCaffery

I refer to the planning proposal for 12 Shirley Road, Wollstonecraft (the site) lodged with North Sydney Council (Council) by the State Property Authority (SPA).

SPA is concerned about the manner in which the planning proposal was dealt with by Council at its meeting on 23 July 2012, and would like to clarify comments and points of discussion made by Councillors.

SPA is managing the disposal of the surplus portion of the site in accordance with Government policy, which provides that market value is to be realised on the sale of surplus Government assets. At the meeting the subject site was referred to as public land, however it is Government owned office accommodation in a residential area which has become surplus to the needs of the Department of Primary Industries (DPI). The rear of the site includes a jetty and associated structures which will remain in the ownership of Government and will continue to operate as waterfront facilities.

SPA is concerned that Council has made a decision to reject the planning proposal without considering the recommendations put forward by Council's planning officer or the reasons for supporting the planning proposal on planning grounds and in accordance with the EP&A Act.

In accordance with the Department of Planning's guidelines for preparing a planning proposal, SPA has been liaising with Council's strategic planning officers since the beginning of 2012 to prepare a planning proposal for the rezoning of the surplus portion of the subject site to Residential A1. These discussions commenced following advice and support from the Department of Planning to pursue a planning proposal with Council. SPA would like to correct comments made by Council that the planning proposal is an 11th hour attempt to rezone the site.

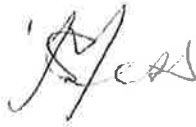
The surplus portion of land will be offered on the open market and proceeds from the sale will be returned to consolidated funds and reinvested by Government in services and infrastructure. SPA notes comments made by Council that the subject site, as it has become surplus, should be made into public open space. We note from Council's planning report that the site has not been identified as an area of interest for acquisition by Council, however Council may wish to consider purchasing the surplus land at market value.

It should also be noted that the current Special Uses zoning permits residential development with consent. SPA's planning proposal does not change the development potential of the site but, rather seeks to provide a zoning for the surplus land consistent with neighbouring development.

I have been advised by SPA staff who attended the meeting that the planning issues raised above were not discussed by Council. Noting the current recess prior to Local Government elections, SPA intends to have the matter considered again through an appropriate planning pathway.

Should you wish to discuss the matter please contact Simon Furness on 9273 3834.

Yours sincerely



Simon Furness
Executive Director, Commercial Transactions and Developments

CC: The General Manager, North Sydney Council
The Regional Director, Sydney Region East, Department of Planning & Infrastructure