

DECISION OF 3567th COUNCIL & COUNCIL (ASSESSMENTS) MEETING HELD ON 31 JANUARY 2011

17. **PDS01: Planning Proposal at 12-16 Berry Street, North Sydney**

Report of Katie Miles, Student Strategic Planner, and Brad Stafford, Senior Strategic Planner, 19 January 2011

Council has received a planning proposal for the site known as 12-16 Berry Street, North Sydney. The Planning Proposal seeks to amend the non-residential Floor Space Ratio (FSR) controls for the site. Under North Sydney Local Environmental Plan (NSLEP) 2001, the site currently requires the range of non-residential FSR between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR from 3:1 to 0.5:1.

As the Planning Proposal contains the same provisions that were proposed for the site under DLEP 2009, which is currently on exhibition, it is considered that the Planning Proposal is satisfactory and should be forwarded to the Department of Planning for Gateway Determination.

Recommending:

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

It was moved by Councillor Baker and seconded by Councillor McCaffery.

THAT the matter be deferred until a development application is received by Council.

It was moved as an amendment by Councillor Zimmerman and seconded by Councillor Marchandau.

THAT the report be adopted.

The amendment was put and **carried**.

Voting on the amendment was as follows: For/Against 7/6

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

The amendment thereupon became the motion, was put and **carried**.

Voting was as follows: For/Against 9/4

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

RESOLVED:

THAT the report be adopted.



Report to General Manager

Attachments: Planning Proposal

SUBJECT: Planning Proposal at 12-16 Berry Street, North Sydney

AUTHOR: Katie Miles, Student Strategic Planner, and Brad Stafford, Senior Strategic Planner, 19 January 2011

EXECUTIVE SUMMARY:

Council has received a planning proposal for the site known as 12-16 Berry Street, North Sydney. The Planning Proposal seeks to amend the non-residential Floor Space Ratio (FSR) controls for the site. Under North Sydney Local Environmental Plan (NSLEP) 2001, the site currently requires the range of non-residential FSR between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR from 3:1 to 0.5:1.

As the Planning Proposal contains the same provisions that were proposed for the site under DLEP 2009, which is currently on exhibition, it is considered that the Planning Proposal is satisfactory and should be forwarded to the Department of Planning for Gateway Determination.

RECOMMENDATION:

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

Signed: _____

ORIGINAL SIGNED

Endorsed by: _____
Manager Strategic Planning

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2 – Our Built Environment

Goal: 2.2 – Improve mix of land use and quality development

SUSTAINABILITY STATEMENT

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

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

BACKGROUND

Council has received a request to undertake a Planning Proposal for the site known as 12-16 Berry Street, North Sydney. The Planning Proposal seeks to amend the non-residential floor space ratio control that applies to the site. Under NSLEP 2001, the site currently requires the range of non-residential floor space between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR to 0.5:1.

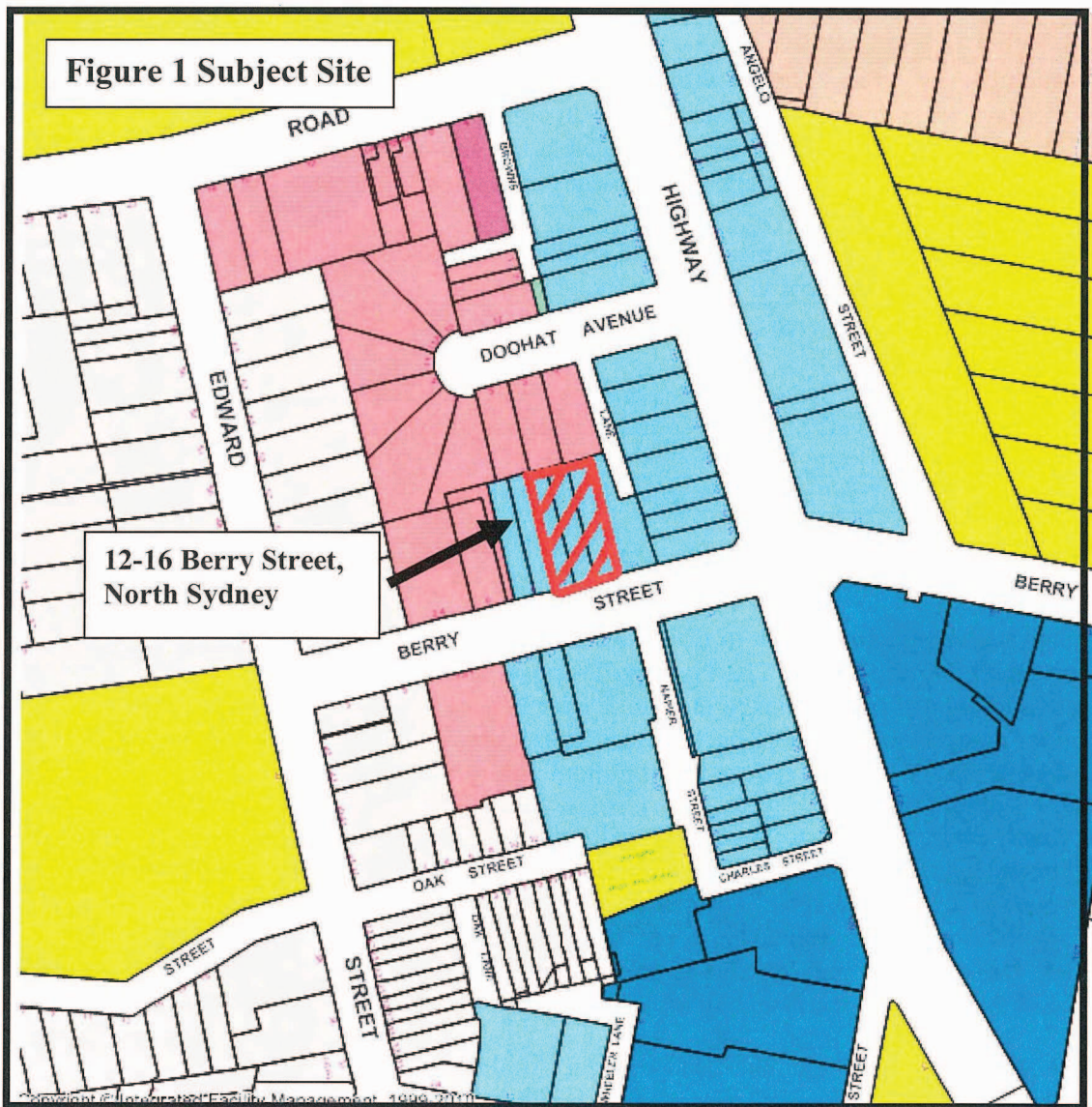
On 7 May 2007, Council approved a Development Consent (DA 66/07) for the retention and refurbishment of the existing buildings, reconfiguration of the existing car parking areas, and construction of five levels of residential accommodation. This provided 2,787m² of non-residential floor space and 2,483m² of residential floor space, giving the site an FSR of 2.93:1. Off-street car parking was approved for 26 vehicles, with a separate loading dock, 3 motorbike parking spaces, and 18 bicycle rails.

On 8 December 2010 another Development Application (DA 494/10) was submitted to Council for the demolition of the existing buildings, and the construction of a mixed-use development. The proposed development provides a non-residential FSR of 0.53:1. This change of floor space mix from commercial to residential has prompted the Planning Proposal.

On 14 December 2010, Council advised the Applicant that the variation to the non-residential FSR control incorporated in *Clause 31* of the LEP was more appropriately addressed via an amendment to the LEP, rather than through an objection pursuant to State Environmental Planning Policy (SEPP) No. 1 – Development Standards.

The Planning Proposal would expedite a rezoning matter that previously formed a part of North Sydney DLEP Amendment 28 (DLEP 28), which Council resolved to incorporate into the comprehensive North Sydney DLEP 2009 (DLEP 2009). During the public exhibition of DLEP Amendment 28, no objections were received in relation to the proposed reduction of the non-residential FSR on the subject site.

SITE DESCRIPTION



The site comprises 3 allotments of land, legally described as Lots 5, 6 & 7 in DP 237104, otherwise known as 12-16 Berry Street. The site is located on the northern side of Berry Street, between Doohat Lane to the east and Edward Street to the west.

The site is currently occupied by 2 x 4-storey commercial buildings with a café occupying a portion of the ground floor level fronting Berry Street. The site is zoned Mixed Use and forms part of the North Sydney Centre.

JUSTIFICATION FOR PLANNING PROPOSAL

Given the time taken to progress the comprehensive NSDLEP 2009, in which the proposed control is reflected, it is considered appropriate for the Planning Proposal to proceed.

Similar Planning Proposals in the North Sydney Centre have been considered recently by Council at 144-150 Walker Street, North Sydney, and 225 Miller Street, North Sydney. As they have reflected the provisions of Council's draft controls, Council and the Department of Planning have been supportive of them.

It is considered that the Planning Proposal will maintain the mixed use character of the area, with the increase in residential floor space merely reflecting the current market demand in that particular area.

Policy and Strategic Context

Draft Inner North Subregional Strategy

The Sydney Metropolitan Strategy was prepared to guide the growth of the Sydney Region for the next 25 years, and embodies major decisions on the location of urban growth, new housing areas, employment, transport, schools and hospitals. The Draft Inner North Subregional Strategy was released to provide more detail guidance as to how the Metropolitan Strategy can be applied at the local and subregional level.

According to the Metropolitan Plan 2005 the draft Inner North Subregional Strategy 2007 was formulated which stated North Sydney was to provide 30,000 new dwellings and capacity for 60,100 additional jobs by 2031, of which North Sydney is required to contribute 5,500 dwellings and capacity for 15,000 new jobs. The new Metropolitan Plan 2010 is expected to increase these numbers. Further clarification will be stated in the as yet undisclosed draft Inner North Subregional Strategy 2011.

The Metropolitan Plan 2005 has been updated to the Metropolitan Plan 2010 which sets a new dwelling increase of 44,000 in 2036 for the Inner North Subregion, of which North Sydney is a part of. The implication for the Inner North Sydney LGAs is that it is currently unclear what the new targets are for each LGA. Further clarification will be sought in 2011.

Nonetheless, the Strategy's overall objectives will remain the same. The Inner North Subregion is already densely populated, and that future growth will be concentrated in centres. The Planning Proposal will increase the potential residential development capacity of the site in accordance with the overall intent of Sydney's Metropolitan Strategy.

The North Sydney Draft Residential Development Strategy 2008 specifies that residential development should be encouraged in mixed-use areas outside of the primary commercial core, consistent with the provisions of the Draft.

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

Draft North Sydney Local Development Strategy 2008

The draft North Sydney Local Development Strategy (LDS) 2008 generally follows the rationale of the Draft Inner North Subregional Strategy.

The LDS identifies the North Sydney Centre as being a location where future growth for both residential and commercial uses can be accommodated. The LDS also acknowledges the changes proposed under DLEP 2009 and the flexibility it introduces.

The LDS also states residential development should be encouraged in mixed-use areas outside of the commercial core.

Whilst the Planning Proposal seeks a reduction in the non-residential FSR of the site from the controls set in LEP 2001, any development on the site would still have to provide commercial floor space on the lower levels of the building. As such it is considered that the Planning Proposal is consistent with the objectives for the Mixed Use zone under NSLEP 2001.

Draft North Sydney LEP 2009

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

CONCLUSION

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