

Planning proposal to amend North Sydney Local Environmental Plan 2013 to facilitate the redevelopment of Hume Street Park

Proposal Title :	Planning proposal to amend North Sydney Local Environmental Plan 2013 to facilitate the redevelopment of Hume Street Park		
Proposal Summary :	The planning proposal seeks to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) to facilitate the redevelopment of Hume Street Park consistent with the concept design endorsed by North Sydney Council. The proposed amendments seek to: rezone the entire site to RE1 Public Recreation; introduce a number of specific uses via Schedule 1 of NSLEP 2013; remove height controls from the site; remove non-residential floor space ratio controls from the site; identify the site at 90 Willoughby Road, St Leonards, on the Land Reservation Acquisition Map; and classify the land (with the exception of 90 Willoughby Road) as 'operational'.		
PP Number :	PP_2016_NORTH_001_00	Dop File No :	16/02181

Proposal Details

Date Planning Proposal Received :	14-Mar-2016	LGA covered :	North Sydney
Region :	Metro(CBD)	RPA :	North Sydney Council
State Electorate :	WILLOUGHBY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 1 DP 627992		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 1151 DP 1001452		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 1148 DP 728437		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 1149 DP 728437		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 32 Sec 4 DP 2872		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 0 SP 33062		

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Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 30 DP 667133**

Street : **90 Willoughby Road**

Suburb : **St Leonards**

City : **Sydney**

Postcode : **2065**

Land Parcel : **Lot 11 Sec 4 DP 2872**

Street :

Suburb :

City :

Postcode :

Land Parcel : **portion of Hume Street between its intersection with Pole Lane and its intersection with Clark Street (approximately 135 metres)**

Street :

Suburb :

City :

Postcode :

Land Parcel : **portion of Hume Lane (approximately 30 metres)**

DoP Planning Officer Contact Details

Contact Name : **Belinda Morrow**

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RPA Contact Details

Contact Name : **Alex Williams**

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DoP Project Manager Contact Details

Contact Name : **Sandy Chappel**

Contact Number : **0292286591**

Contact Email : **sandy.chappel@planning.nsw.gov.au**

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings : 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting
Notes :

SITE DESCRIPTION

The site is 8,664sqm in area and is irregular in shape. The site is generally defined by a triangle formed by Oxley/Clarke Streets, Pole Lane and Hume Street, with the addition of a rectangular parcel of land between Hume Street and Hume Lane, and a single parcel of land between Hume Lane and Willoughby Road. The site has a 170m frontage to Oxley and Clarke Streets on its western side, and 87m frontage to Pole Lane on the northern boundary, and includes 135 metres of the Hume Street road reservation. The site includes frontages to private property on Hume Street and also includes 30 metres of the Hume Lane Road reservation.

The site contains:

- the Hume Street car park, which accommodates the North Sydney Indoor Sports Centre on its upper level;
- Kelly's Place Children's Centre;
- the existing Hume Street Park, which is located between the car park/sports centre and Kelly's Place Children's Centre;
- a 2 & 1/2 storey commercial building at 43 Hume Street;
- a 2 storey strata-titled commercial building at 45-47 Hume Street;
- a 2 storey commercial building at 49 Hume Street; and
- 2 single storey retail buildings at 90 Willoughby Road.

SURROUNDING AREA

The site is located within a predominantly commercial area between the Pacific Highway and Willoughby Road which is increasingly transitioning to a mixed-use residential precinct. All buildings to the east of the site on Hume Street are aging 2-3 storey commercial buildings.

Many sites in the surrounding area have been redeveloped as largely residential mixed-use buildings (particularly on The Pacific Highway, Clarke Street and Albany Street), consistent with the mixed use zoning of the precinct.

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A State Heritage listed Electricity Power House is located directly to the north of the site across Pole Lane. The 'St Leonards Centre' is listed as a local heritage item, and is located directly opposite the site on Clarke Street.

RECLASSIFICATION

Council proposes to classify the site (with the exception of 90 Willoughby Road, St Leonards, which is privately owned land) as 'operational', and has submitted title searches for each property. The title searches indicate the majority of properties are the subject of current leases, which North Sydney Council is party to.

INTERNAL CONSULTATION

The Urban Renewal team were consulted during the assessment of this planning proposal, as the work being undertaken for the St Leonards strategic review may have an impact on the Hume Street Park. The advice from this team has resulted in the inclusion of specific Gateway conditions requiring consistency with any available findings of the St Leonards strategic review prior to finalisation of the planning proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The primary purpose of the planning proposal is to facilitate the redevelopment of Hume Street Park consistent with the concept design option endorsed by North Sydney Council at its meeting on 21 September 2015.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The intent of the planning proposal will be achieved by amending North Sydney Local Environmental Plan 2013 (NSLEP 2013) as follows:

- rezoning the entire site to RE1 Public Recreation;
- introduce 'recreation facilities (indoor)', 'child care centres', 'health consulting rooms', 'entertainment facilities', 'business premises', and 'car parks' as site specific uses via Schedule 1 Additional Permitted Uses;
- remove height controls from the site on the Building Height Control Map;
- remove non-residential floor space ratio controls from the site on the Non-Residential Floor Space Ratio Range Map;
- identify the site at 90 Willoughby Road, St Leonards, on the Land Reservation Acquisition Map;
- classifying the land (with the exception of 90 Willoughby Road) as 'operational' by listing the subject site within Part 2 of Schedule 4 of NSLEP 2013.

NOTES:

- Clause 6.7(3)(c) of NSLEP 2013 stipulates land zoned RE1 Public Recreation is subject to the most restrictive development standards applying to any adjacent land, including height of buildings, floor space ratios and setbacks. Land adjacent to the subject site on the eastern side of Hume Street currently has a 10 metre building height control. Removing the building height control from the Hume Street Park site will therefore result in the development on the site subject to a 10 metre building height control.
- The reclassification of 90 Willoughby Road will be considered by Council via a separate report, following acquisition.
- Currently some parts of the site are classified as 'operational', and some portions are classified as 'community'. The planning proposal report indicates that the way that Council

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had classified several of its properties was questioned during the preparation of NSLEP 2013. Council state that the planning proposal provides an opportunity to confirm the classification of the site as a whole as 'operational land', which will allow the redevelopment of the site to occur.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 50—Canal Estate Development

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Temporary Structures and Places of Public Entertainment)

2007

SREP (Sydney Harbour Catchment) 2005

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

SEPP No. 55 – Remediation of land:

Council has considered whether the land is contaminated, and advises none of the existing parcels or existing uses have been identified as potentially being contaminated. It notes the requirement for contamination issues to be addressed with any development application.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

1.1 BUSINESS AND INDUSTRIAL ZONES and 3.1 RESIDENTIAL ZONES

The proposal is inconsistent with this Direction in that it seeks to rezone a number of properties from B4 Mixed Use to RE1 Public Recreation, thereby reducing potential employment and residential floorspace.

The properties currently zoned B4 Mixed Use include:

- a triangular shaped wedge of land on the southern part of the site, where Kelly's Place Children's Centre is located;
- a 2 & 1/2 storey commercial building at 43 Hume Street;
- a 2 storey strata titled commercial building at 45-47 Hume Street;
- a 2 storey commercial building at 49 Hume Street; and
- 2 single storey retail buildings at 90 Willoughby Road

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Council justifies the reduced provision of potential employment and residential floorspace on the basis that:

- the sites which are zoned B4 Mixed Use do not currently include any residential dwellings;
- the rezoning is consistent with St Leonards/Crows Nest Planning Study - Precinct 1 ('the Study'), which was adopted by North Sydney Council on 22 October 2012;
- Council's planning studies in St Leonards facilitate the planned growth of both employment and residential land uses, consistent with in force and draft metropolitan and subregional plans;
- an important component of the Study was the expansion of Hume Street Park and the associated benefits to existing and future residents and workers;
- it is considered that the benefit resulting from the expansion of the park and the redevelopment of the recreation facility would substantially outweigh the negligible loss of any employment floorspace. This facility and expanded park will improve the amenity of the area and make the area overall more attractive for business and residents; and
- the growth in dwellings facilitated by the study of Precinct 1 was dependent on the expansion of Hume Street Park and the recreation facility. It is considered that the planning proposal should be supported as it forms part of a strategy which results in an overall increase in dwellings.

A planning proposal may be inconsistent with Direction 1.1 Business and Industrial Zones and Direction 3.1 Residential Zones, if the provisions contained within the planning proposal are justified by a study which gives consideration to the objectives of these Directions, namely:

- encourage employment growth in suitable locations;
- protect employment land in business and industrial zones;
- support the viability of identified strategic centres;
- encourage a variety and choice of housing types to provide for existing and future housing needs;
- make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and
- minimise the impact of residential development on the environment and resource lands.

Council has undertaken a local planning study for this area, known as the St Leonards/Crows Nest Planning Study - Precinct 1, which aims to develop new strategies and initiatives to provide:

- new open space in St Leonards / Crows Nest;
- increased investment in St Leonards and decreased commercial vacancy rates, with particular focus on the rejuvenation of the Pacific Highway between St Leonards train station and the intersection of Pacific Highway and Willoughby Road;
- improved connectivity, particularly between St Leonards / Pacific Highway and Willoughby Road;
- improved urban design and street level amenity particularly in St Leonards and along the Pacific Highway; and
- improved building design and residential amenity in St Leonards.

Council intends to upgrade existing community facilities and infrastructure, in order to support the residents, workers and visitors to this strategic centre.

It is considered the inconsistency with S117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones is justified based on the strategic work that has been undertaken by Council; the recent rezoning approvals to B4 Mixed Use in other areas of St Leonards, which will result in an increased residential community in the vicinity of the site; and that the planning proposal will result in improved public amenity in this strategic centre, enabling residents and workers to have access to improved community infrastructure and services.

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided draft maps which reflect the proposed controls. In addition to a site map, the following maps have been provided (current and proposed versions):

- Land Zoning Map;
- Additional Permitted Uses Map;
- Height of Buildings Map;
- Non-Residential Floor Space Ratio Map; and
- Land Reservation Acquisition Map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Consultation will be undertaken in accordance with the requirements of the Gateway determination, and Council's Community Engagement Protocol.

Council intend to exhibit the proposed Development Control Plan (DCP) amendment concurrently with the planning proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The planning proposal is consistent with relevant local strategic planning instruments, however:

(1) Although the planning proposal is broadly consistent with current State strategic documents, the planning controls for this land are under review as part of the priority precinct investigation for St Leonards being undertaken by the Department in consultation with North Sydney, Lane Cove and Willoughby Councils and Transport for NSW. The proposal may be inconsistent with the findings of this review.

(2) Furthermore, on 16 November 2015, the location of a new station for the Sydney Metro was announced in Crows Nest - on the western fringe of Crows Nest village with access to the station via the corner of Pacific Highway and Oxley Street, and the corner of Clarke Street and Hume Street, the latter access point being located on the site of this planning proposal.

In order to address (1) and (2) above and in line with Department policy, a condition has been included in the Gateway determination, which requires the planning proposal to be amended to demonstrate consistency with any available findings of the St Leonards strategic review.

Given the above, delegation to Council is considered inappropriate.

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The North Sydney LEP 2013 was gazetted in August 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal is required to allow for the development of the land in accordance with North Sydney Council's strategic planning framework, namely the St Leonards/Crows Nest Planning Study - Precinct 1.

ST LEONARDS/CROWS NEST PLANNING STUDY - PRECINCT 1

North Sydney Council has undertaken a planning study of St Leonards/Crows Nest to examine opportunities to increase housing and employment capacity in the area, whilst delivering high quality public domain and services to support the current and future community's needs. The Planning Study for Precinct 1 was adopted by Council on 22 October 2012, and identifies opportunities for improved urban design outcomes in this precinct whilst accommodating managed increases in height and density. A component of the Study is the Open Space and Pedestrian Masterplan and Built Form Masterplan that together provide an holistic approach to planning and development in the precinct. The masterplans include provisions for:

- an expanded Hume Street Park with a pedestrian link to Willoughby Road;
- widened footpaths along the Pacific Highway and key pedestrian routes; and
- high amenity mixed use buildings on key sites.

In August 2014, a consultancy team was engaged for the concept and feasibility planning for the expansion of the park, resulting in three concept design options which all involve the partial closure of Hume Street and the creation of a new urban plaza and link to Willoughby Road. After exhibiting all three options, Council adopted design option 3 as the preferred vision for the expansion of Hume Street Park, which represents a whole of block redevelopment outcome that includes over 5,000sqm of new open space (8,000sqm in total).

The planning proposal seeks to ensure the planning framework enables the development of the concept design option adopted by Council on 21 September 2015.

Council considered applying a B4 Mixed Use zone to the site, as the required land uses are permissible in this zone, however decided against this as the objectives of this zone do not reflect Council's primary objective for this land, which is the provision of open space. Council's justification is supported.

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Consistency with strategic planning framework :

IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

A direction in A Plan for Growing Sydney (December 2014) is to accelerate new housing in designated infill areas through priority precincts and Urban Growth NSW programs. The NSW Government has endorsed the investigation of the St Leonards Precinct as a potential Priority Precinct as it meets the criteria for the Priority Precinct Program identified in A Plan for Growing Sydney. The NSW Government is also proposing significant infrastructure investment in the precinct, through the construction of a new Sydney Metro station in Crows Nest - adjacent to the site.

The detailed project plan and scope of works for the priority precinct investigation have not been finalised. Although the planning proposal is generally consistent with A Plan for Growing Sydney, there is potential that the priority precinct investigation will deliver a different outcome for the site and surrounds.

ST LEONARDS/CROWS NEST PLANNING STUDY - PRECINCT 1

The planning proposal and associated development control plan amendments are a direct result of the local strategic work under taken by North Sydney Council (St Leonards/Crows Nest Planning Study - Precinct 1), and the subsequent concept design work. The proposed amendments to North Sydney Local Environmental Plan 2013 are the best means available to facilitate the redevelopment of Hume Street Park, consistent with the concept design option endorsed by Council.

Environmental social economic impacts :

It is not envisaged that the planning proposal will have adverse environmental or social impacts. Whilst the rezoning of a number of existing low-scale commercial buildings to RE1 Public Recreation will have a potential economic impact in this locality, it may be balanced by the increased quality and amount of community infrastructure that could be provided as a result.

The planning proposal will facilitate the expansion of Hume Street Park, which will provide new open space for new and existing residents, workers and visitors to St Leonards/Crows Nest. The deficit of open space in the St Leonards/Crows Nest area has been identified in Council's Open Space Provision Strategy.

Council cite the nearby location of the Sydney Metro station at Crows Nest as leading to an increase of housing and employment in the area. The planning proposal report states the expanded Hume Street Park will complement the identified location of the Crows Nest Metro station and station entry points at the intersection of Oxley Street and the Pacific Highway, and at the intersection of Hume and Clarke Streets. Also, the proposed link from the expanded park to Willoughby Road will form an important connection from the new Metro station to Willoughby Road. Whilst the Department supports this rationale, it is recommended that a Gateway condition require Council to liaise with Transport for NSW prior to exhibition, to ensure the planning proposal reflects the current planning for the proposed Sydney Metro station.

It is further recommended that Council be required to consult with Transport for NSW - Roads and Maritime Services prior to exhibition, regarding the proposed part closure of Hume Street and potential effects on Hume Street Lane. In addition, consultation with the Office of Environment and Heritage is recommended during exhibition, due to the nearby location of an item listed on the State Heritage Register (being the Electricity Power House at 23 Albany Street).

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **18 months** Delegation : **Nil**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Public Works
Transport for NSW
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
Adjoining LGAs**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **Due to the location of Hume Street Park being within the St Leonards priority precinct investigation area, it is likely the findings of the St Leonards planning review impact the planning for Hume Street Park. As such, it is recommended the planning proposal be amended to demonstrate consistency with any available findings of the St Leonards strategic review.**

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Study	Yes
Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.3 Home Occupations**

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3.4 Integrating Land Use and Transport
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions
 7.1 Implementation of A Plan for Growing Sydney

Additional Information :

It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to finalisation, the planning proposal is to be amended to demonstrate consistency with any available findings of the St Leonards planning strategic review work being undertaken by the Department in consultation with North Sydney, Lane Cove and Willoughby councils and Transport for NSW.

2. Prior to undertaking public exhibition, consultation is required under section 56(2)(d) of the EP&A Act:

- Transport for NSW – Sydney Metro;
- Transport for NSW – Sydney Trains;
- Transport for NSW – Roads and Maritime Services;
- Lane Cove Council; and
- Willoughby City Council.

Prior to exhibition, each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment. The planning proposal should be updated to respond to this consultation, and copies of all submissions from public authorities must be included in the public exhibition material.

3. The planning proposal is to be amended to reflect the above conditions and a copy provided to the Director, Sydney Region East prior to community consultation under sections 56(2)(c) and 57 of the Act being undertaken.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

5. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the Act. The Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the Local Environmental Plan is to be 18 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported based on the strategic work that has been undertaken by Council; the recent rezoning approvals to B4 Mixed Use in other areas of St Leonards, which will result in an increased residential community in the vicinity of the site; and because the planning proposal will result in improved public amenity in this strategic centre, enabling residents and workers to have access to improved community infrastructure and services.

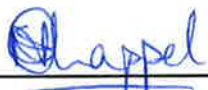
The planning proposal is supported by a strategic planning process undertaken over a number of years, and community consultation undertaken at various times throughout.

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Whilst other projects currently being undertaken may result in the need for a revision of planning controls for Hume Street Park (such as the location of the Sydney Metro station and the St Leonards planning review), these results can be incorporated by including appropriate conditions in the Gateway determination, requiring Council to liaise with the relevant agencies prior to exhibition and finalisation of the planning proposal.

Given the strategic importance of St Leonards and the planning review work underway, delegation to Council is considered inappropriate.

It is recommended that this planning proposal proceed, subject to conditions.

Signature: 

Printed Name: Sandy Chappel Date: 11/4/16