



Planning Proposal Amendment to North Sydney Local Environmental Plan 2013



167-169 Blues Point Road, North Sydney
Amendment to Schedule 1 of the North Sydney Local
Environmental Plan 2013

Submitted to North Sydney Council
On Behalf of Kim Stevens and Ross Macpherson

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This report has been prepared by:



Timothy Smith

30/03/2015

This report has been reviewed by:



Yvette Carr

30/03/2015

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	<i>Weir Phillips Heritage Consultants</i>

1.0 Introduction

This report has been prepared by JBA on behalf of the owners of 167 and 169 Blues Point Road (the sites) in support of a Planning Proposal to amend *North Sydney Local Environmental Plan 2013* (NSLEP 2013). The Planning Proposal seeks an amendment to Schedule 1 of the NSLEP 2013 to permit development for the purposes of 'business premises' and 'office premises' on the sites. It does not seek to rezone the sites.

This Planning Proposal describes the sites, details the proposed amendments and provides justification for the proposed additional uses. This Planning Proposal has been prepared in accordance with the (then) Department of Planning and Infrastructure's '*A Guide to Preparing Planning Proposals*'.

This Planning Proposal is consistent with the guiding strategic documents, State Environmental Planning Policies and relevant Section 117 Ministerial Directions.

2.0 Site Description

2.1 Site Description and Locational Context

The two allotments to which this Planning Proposal relates are adjacent sites located at 167 and 169 Blues Point Road, McMahons Point. The two sites are located on the eastern side of Blues Point Road, just south of the intersection between Blues Point Road and Lavender Street (see **Figure 1** below).



Figure 1 – Aerial photograph of the sites
Source: JBA

Both sites are located within the North Sydney Local Government Area (LGA). The sites are located approximately 250m south of North Sydney Railway Station, 800m north of McMahons Point Ferry Wharf and 2.5km north of the Sydney Central Business District. The locational context of the two sites is shown at **Figure 2**.

The sites form the southern extent of McMahons Point Neighbourhood Centre, which is focussed around the intersection of Blues Point Road and Lavender Street, and is depicted in **Figure 3**.

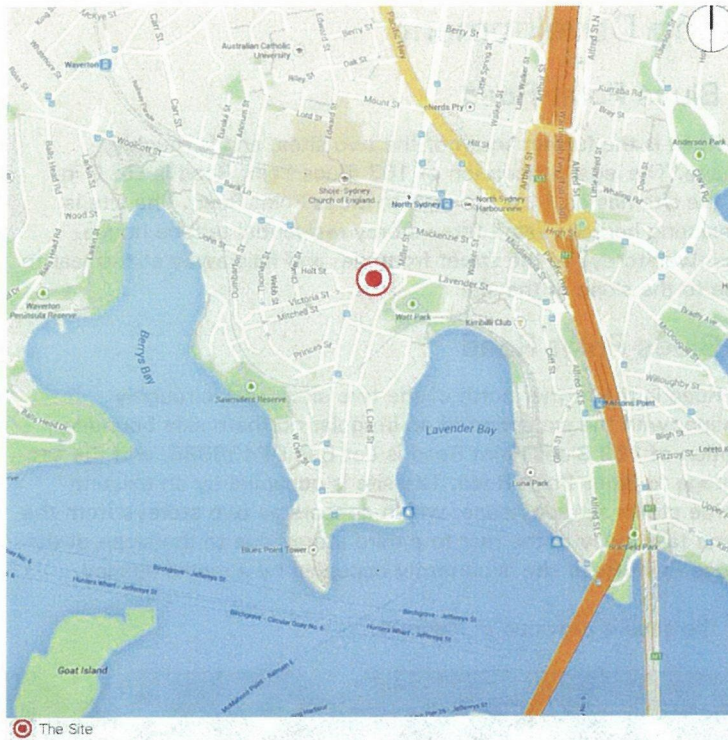


Figure 2 – Locational context of the site
Source: Google Maps and JBA

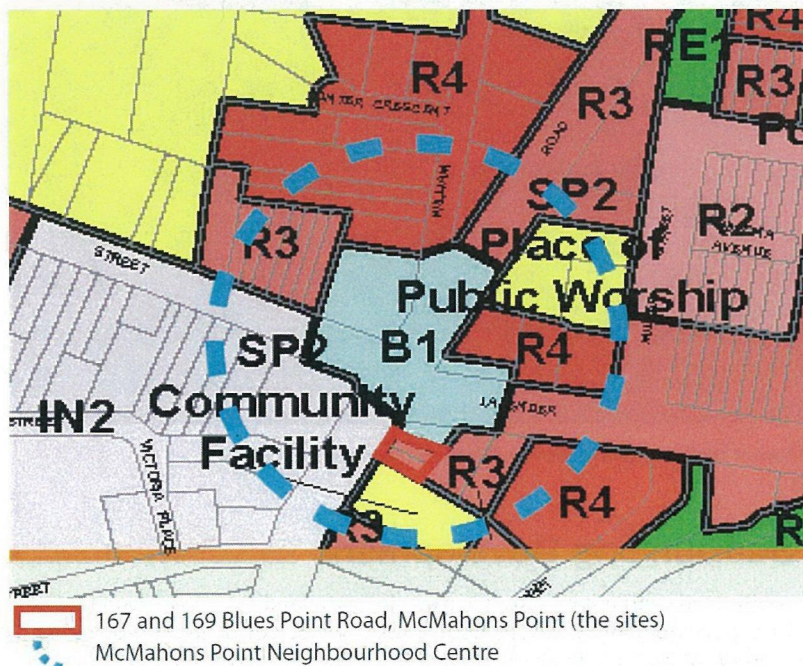


Figure 3 – Indicative location of McMahon's Point Neighbourhood Centre
Source: JBA

2.2 Existing Development

2.2.1 167 Blues Point Road

167 Blues Point Road is the further south of the two sites, and is roughly rectangular in shape. The legal description of 167 Blues Point Road is Lot C in DP436985, and the site has an 11m frontage to Blues Point Road. The site is occupied by an existing heritage listed three storey residential terrace house, which appears as two storeys at the street frontage, and falls away at the rear to a third storey due to the slope of the site.

2.2.2 169 Blues Point Road

169 Blues Point Road is the further north of the two sites, and is roughly rectangular in shape, with the exception of an irregular northern side boundary. The legal description of 169 Blues Point Road is Lot B in DP436985, and the site has an 11m frontage to Blues Point Road. The site is occupied by an existing heritage listed three storey terrace house, which appears as two storeys from the street frontage and falls away at the rear to a third storey due to the slope of the site. The 169 Blues Point Road site is currently occupied by a media agency.

A photograph of the sites is provided at **Figure 4**.



Figure 4 – View of the sites from Blues Point Road to the west
Source: JBA

2.3 Surrounding Development

The sites are located within a mixed use area characterised by retail, commercial and residential development. The area comprises a variety of building typologies, due to the variety of historical uses and zone interfaces within the immediate vicinity of the sites. Development surrounding the site is depicted in **Figures 5** to **9**.

Immediately to the north of the sites, and abutting 169 Blues Point Road is 171 Blues Point Road, which is a two storey commercial building occupied by Snap Printing on the ground floor. This frames the south-eastern corner of the McMahons Point Neighbourhood Centre. Further north of the sites is the southern end of North Sydney commercial centre.

To the east of both sites is 1 Lavender Street, which is a medium density residential building. Further residential buildings are located to the east.

Immediately to the south of the sites is a café, a community centre and an associated car parking access handle. Further to the south along Blues Point Road is a mix of medium density residential and commercial buildings of varying ages and configurations. Additional commercial uses, including office premises and small retail outlets are dispersed along the spine of Blues Point Road.

To the west of the sites, directly opposite Blues Point Road are various commercial premises, including the Commodore Hotel and a commercial office building with ground floor retail. A four storey residential flat building is also located opposite the sites.



Figure 5 – Commercial development at 171 Blues Point, to the north of the sites
Source: JBA



Figure 6 – North Sydney Centre, further to the north
Source: JBA



Figure 7 – Development to the north-east
Source: JBA



Figure 8 – Café to the south
Source: JBA



Figure 9 – Commodore Hotel to the west
Source: JBA

3.0 The Planning Proposal

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), and '*A Guide to Preparing Planning Proposals*' prepared by the former Department of Planning and Infrastructure, which requires the following matters to be addressed:

- objectives and intended outcomes of the amendment to the LEP;
- explanation of provisions;
- justification;
- relationship to strategic planning frameworks;
- environmental, social and economic impact;
- State and Commonwealth interests; and
- community consultation.

The first two of the above matters are addressed within this chapter of the report, while the remaining matters are addressed within the next chapter.

3.1 Objectives and Intended Outcomes

The objective of this planning proposal is to enable the use of the two sites at 167 and 169 Blues Point Road, McMahon's Point for office or business premises, whilst maintaining the flexibility to convert the sites back to residential uses in future if required.

3.2 Explanation of Provisions

The proposed outcome will be achieved by amending Schedule 1 of the NSLEP 2013. Schedule 1 identifies additional permitted uses on certain sites within the North Sydney LGA. An additional Clause 44 is proposed under Schedule 1 as follows:

44 Use of certain land at 167-169 Blues Point Road, McMahon's Point

- (1) This clause applies to land at 167 and 169 Blues Point Road, McMahon's Point being Lots B and C, DP436985.*
- (2) Development for the purposes of business premises and office premises are permitted with development consent.*

3.3 Mapping

This Planning Proposal does not propose to amend any maps that form part of the NSLEP 2013.

4.0 Justification

The following section includes an assessment against the requirements in *'A guide to preparing local environmental plans'* (April 2013) and *'A guide to preparing planning proposals'* (October 2012) published by the former Department of Planning and Infrastructure.

4.1 Need for the Planning Proposal

4.1.1 Q1 – Is the Planning Proposal a result of any strategic study or report?

No.

This Planning Proposal has been initiated by the proponent so as to allow for the use of the sites as business or office premises, consistent with the surrounding commercial area.

4.1.2 Q2 – Is the Planning Proposal the best means of achieving the intended outcome?

Yes.

In preparing this Planning Proposal, seven options were considered to enable business or office premises on the site. These are the seven options listed below:

- Option 1: Do nothing.
- Option 2: Rezone the two sites from R3 Medium Density Residential to B1 Neighbourhood Centre.
- Option 3: Rezone the two sites from R3 Medium Density Residential to B1 Neighbourhood Centre, and add “dwelling house” as a permissible use under Schedule 1 to maintain flexibility of uses.
- Option 4: Rezone the two sites from R3 Medium Density Residential to B1 Neighbourhood Centre, and amend the Land Use Table for the B1 Zone to permit “dwelling houses”.
- Option 5: Rezone the two sites from R3 Medium Density Residential to B1 Neighbourhood Centre, and remove clause 6.14 from the NSLEP 2013.
- Option 6: Amend the permissible uses in the Land Use Table for the R3 Medium Density Residential zone to permit “business premises” and “office premises”.
- Option 7: Add “business premises” and “office premises” as permissible uses under Schedule 1 (the preferred option).

Option 1 – Do Nothing

The first option considered was to do nothing. This would mean that business premises and office premises would continue to be prohibited on the sites. The only way these uses could be permitted would be to use clause 5.10(10) of the NSLEP 2013 in a future DA. This clause applies to heritage items and specifies that if the conservation of the heritage item is facilitated by the granting of consent, then the proposal would be permissible regardless of that development otherwise being prohibited under the plan.

The Heritage Impact Statement provided at **Appendix A** states that the terraces are moderately intact. It is difficult to determine what level of conservation work would be required to be undertaken in order to satisfy the requirements of this

clause. Both properties are in reasonably good condition and it is likely that they will not require conservation works to the level which would satisfy clause 5.10(10). Furthermore, both properties were originally constructed for residential purposes which would create even further difficulties in satisfying clause 5.10(10). The Land and Environment Court has tended to interpret conservation incentive clauses strictly, and a future change of use application to business or office premises may not be capable of facilitating conservation of the heritage items.

This is also considered to be an unnecessarily complicated and uncertain process to achieve what is a relatively simple planning outcome of permitting business or office premises on the site, which would involve minimal (or no) physical works.

Option 2 – Rezone to B1 Neighbourhood Centre

The second option considered was to rezone the sites from R3 Medium Density Residential to B1 Neighbourhood Centre, consistent with the adjoining sites to the north. The benefits of this option are that a broader range of non-residential uses would become permissible on the sites (including office and business premises), and the numerous zones that apply on Blues Point Road would be partially rationalised.

However, this option is undesirable for the following reasons:

- It would limit the flexibility of the sites in the future. The location of the sites adjacent to the McMahon's Point Centre gives the sites the opportunity of being used for either residential or commercial purposes in the future, in accordance with the requirements of future owners and tenants. The B1 Neighbourhood Centre zone prohibits all forms of residential accommodation, with the exception of shop top housing.
- It would trigger clause 6.14 of the NSLEP 2013, which states that development consent must not be granted for the purposes of office premises unless the premises *"will be located above ground floor level or away from the primary street frontage at the ground level of the building in which the office premises are located"*. Essentially, this clause would necessitate retail premises at the ground floor fronting the street. This may not be a desirable outcome due to the heritage issues which could potentially arise from significant changes to the building fabric.
- It would necessitate the use of clause 5.10(10) to either reinstate residential uses in future, or to overcome clause 6.14. As discussed in relation to Option 1, reliance on clause 5.10(10) creates some uncertainty for the applicants and could unnecessarily complicate what should be a relatively simple DA.

Option 3 – Rezone to B1 Neighbourhood Centre with Additional Permitted Uses

The third option is to rezone the sites to B1 Neighbourhood Centre as in Option 2 above, and amend Schedule 1 to permit dwelling houses on the sites. However, this is considered to be an unduly complicated method of achieving the same result as Option 7 below.

Option 4 – Rezone to B1 Neighbourhood Centre and Amend the Land Use Table to permit dwelling houses

Option 4 involves rezoning the sites to B1 Neighbourhood Centre and amending the list of permissible uses within the Land Use Table for the B1 Neighbourhood Centre zone, so as to include "dwelling houses". However, this amendment would have wider implications throughout the North Sydney LGA, as it would result in all B1 Neighbourhood Centre zoned properties having "dwelling houses" as a

permissible use. This may not be a suitable outcome for all other B1 zoned sites and it is beyond the scope of this Planning Proposal to investigate this.

Option 5 – Rezone the Sites to B1 Neighbourhood Centre and Remove Clause 6.14

Option 5 involves rezoning the sites to B1 Neighbourhood Centre and deleting clause 6.14 from the NSLEP 2013 entirely.

However, this option has wider implications throughout the North Sydney LGA. Although not suitable within the heritage context of the subject sites, there are situations where ground floor retail is desirable in the B1 Neighbourhood Centre zone. Although McMahons Point is well suited to provide additional business / office premises to support North Sydney, some B1 Neighbourhood Centre zoned areas are better suited to providing local retail services which will activate the street frontage. In addition, it would not permit dwelling houses and therefore would not promote future flexibility of land use.

Option 6 – Amend the Land Use Table for the R3 Medium Density Residential Zone

Option 4 involves amending the list of permissible uses within the R3 Medium Density Residential zone, so as to include “business premises” and “office premises”. However, this amendment would have wider implications throughout the North Sydney LGA, as it would result in all R3 Medium Density Residential zoned properties having “business premises” and “office premises” as permissible uses.

This may not be a suitable outcome for all other R3 zoned sites and it is beyond the scope of this Planning Proposal to investigate this.

Option 7 – Additional Uses Only (Recommended)

Option 7 involves amending Schedule 1 to permit “business premises” and “office premises” at the sites. This is justified for the following reasons:

- Option 7 provides flexibility to use the sites as either residential dwellings, or office / business premises as needed, both of which are compatible within the local context. The site is located at the edge of the McMahons Point village centre, and is uniquely suitable for both residential purposes (in accordance with its current zoning) and commercial purposes. The transitional location of the site enables both purposes to be suitable within the surrounding area.
- The Heritage Impact Assessment provided at **Appendix A** concludes that the proposed uses are not likely to have an adverse heritage impact on the sites, or other nearby heritage items.
- Option 7 obviates the need to rely on clause 5.10(10) of the NSLEP 2013, which may be difficult to satisfy, particularly given that the existing properties are in good condition. The conservation of the heritage items does not depend upon the granting of consent for a change of use.
- A rezoning of the sites to B1 Neighbourhood Centre would result in clause 6.14 of the NSLEP 2013 applying to the site, which requires uses at the ground floor to be for active retail purposes.

The site is located within the McMahons Point neighbourhood centre. In this context, clause 6.14 would be unduly restrictive considering Council’s intentions for the future of the McMahons Point Neighbourhood Centre as set out in the North Sydney Local Development Strategy 2009. This states that *“most of the non-residential uses in McMahons Point provide support services for business located in the North Sydney Centre such as advertising agencies”*. Prohibiting business or office premise uses on the ground floor would be

contrary to the role of the McMahons Point Neighbourhood Centre, and Council's intention to maintain that role.

The site is just a short walk away from North Sydney, and is well suited to provide supporting office services to the businesses within the main North Sydney centre, as envisaged by the Strategy.

- The mandatory use of the ground floor for retail purposes (under clause 6.14) could require additional physical intervention to the buildings. This may not be appropriate considering the sites' heritage significance. On the other hand, minor (or no) physical works would be required to convert the properties into office or business premises.
- The proposed amendment to Schedule 1 of the NSLEP 2013 is consistent with the treatment of other similar sites within the area. A similar example within the local context of the site is 2 Thomas Street, McMahons Point which is also zoned R3 Medium Density Residential and on which restaurants or cafes are an additional permitted use under Schedule 1.

As outlined above, all other options have been exhausted and none of them are appropriate in the circumstances. Accordingly, this is the only available option to achieve the desired outcome which is to permit office premises and business premises, while continuing to permit residential accommodation. For these reasons, we consider there are exceptional circumstances to warrant an amendment to Schedule 1 of the NSLEP 2013.

4.2 Relationship to the Strategic Planning Framework

This section discusses the consistency of the Planning Proposal with the State, regional and metropolitan strategic planning framework.

4.2.1 Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes.

A Plan for Growing Sydney

A Plan for Growing Sydney is the current strategic plan for the Sydney metropolitan area, since its publication in December 2014.

Within *A Plan for Growing Sydney*, the sites are located within the area defined as Global Sydney. It is stated (Action 1.1.1) that the government will “*work in partnership with the City of Sydney and North Sydney Council to grow the office and residential markets...*” Although the sites only comprise two existing terrace houses in McMahons Point and will make a minimal contribution to housing and / or jobs provision, the Planning Proposal still achieves the objectives of this action.

North Sydney has been included in *A Plan for Growing Sydney* as part of the Central Subregion, which McMahons Point has been included within. One of the objectives of the North Sydney centre is to retain a commercial core in North Sydney for long-term employment growth. This Planning Proposal will contribute to the fulfilment of this objective.

The sites are also located within the global economic corridor. One of the main objectives of the global economic corridor (Action 1.6.1) is to *“grow high-skilled jobs in the global economic corridor by expanding employment opportunities and mixed-use opportunities.”* The Planning Proposal will enable the growth of jobs at 167-169 Blues Point Road, albeit not significantly.

Draft Inner North Subregional Strategy 2007

The metropolitan area is too large and complex to effectively resolve all of the planning challenges down to a detailed local level. The former *Metropolitan Strategy for Sydney 2036*, therefore formulated ten subregions within the Sydney metropolitan area to facilitate the delivery of the objectives of the plan. The sites fall within the Inner North Subregion and are governed by the *Inner North Subregional Strategy 2007*. Although the Draft Strategy has been superseded, it is still the most recent subregional level strategic planning document which is relevant to the sites.

The sites are located in the Blues Point Road McMahons Point Neighbourhood Centre. This Planning Proposal is consistent with the intended function of a Neighbourhood Centre, which is to provide a small cluster of shops, services and housing.

Metropolitan Plan for Sydney to 2036

The *Metropolitan Plan for Sydney to 2036* (Metropolitan Plan) was the preceding strategic plan to the above *Plan for Growing Sydney*. As of December 2014, it has been superseded by the *Plan for Growing Sydney*, however the applicable Section 117 Directions outlined at **Table 2** below require a Planning Proposal to address the consistency with the Metropolitan Plan.

The sites are located within the North Sydney CBD Precinct. The characteristics of the North Sydney CBD Precinct are:

- *“Extension of Global Sydney with high value-added economic activities especially in communications, finance, insurance and engineering.*
- *Second largest office market in Sydney with A grade offices at lower rents*
- *Accessible employment with surrounding high amenity and high intensity housing.”*

The Planning Proposal broadly meets these objectives by providing the potential for additional office or business accommodation.

4.2.2 Q4 – Is the Planning Proposal consistent with a Council’s local strategy or other local strategic plan?

Yes.

North Sydney Local Development Strategy 2009

The *North Sydney Local Development Strategy 2009* (North Sydney Strategy) sets out the strategic vision for North Sydney Council as identified in the Metropolitan and Subregional Strategies. It informed the preparation of the NSLEP 2013. The strategy aims to identify appropriate planning approaches to manage the future natural, cultural, economic and built environments of North Sydney.

Section 4.4.6 identifies the McMahons Point area as being a mixture of two or three storey commercial buildings amidst one or two storey historic terrace houses and timber or stone cottages. It also notes that most of the non-residential uses

within McMahon's Point provide support services for businesses located within North Sydney Centre such as advertising agencies.

The Planning Proposal is consistent with this desired role of the McMahon's Point Neighbourhood Centre in that it will enable the provision of further commercial / business premises within the centre, which could be used to provide support services for businesses located in the North Sydney centre.

4.2.3 Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes.

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 1** below.

Table 1 – Consistency with State Environmental Planning Policies

SEPP	Consistency			Comment
	Yes	No	N/A	
SEPP No. 1 Development Standards			✓	SEPP 1 does not apply to North Sydney Council
SEPP (State and Regional Development) 2011			✓	Not relevant to proposed LEP amendment
SEPP (Affordable Rental Housing)			✓	Not relevant to proposed LEP amendment
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed LEP amendment. May apply to future development on the sites.
SEPP No. 64 Advertising and Signage			✓	Not relevant to proposed LEP amendment.
SEPP No. 55 Remediation of Land			✓	Not relevant to proposed LEP amendment.
SREP (Sydney Harbour Catchment) 2005	✓			The site falls within the Sydney Harbour Catchment. This Planning Proposal is not inconsistent with the planning principles of the Sydney Harbour Catchment. These principles will be considered in further detail at the DA stage, where relevant.

4.2.4 Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes.

An assessment of the Planning Proposal against applicable Section 117 Directions is set out in **Table 2** below.

Table 2 – Consistency with Section 117 Directions

Direction	Consistency			Comment
	Yes	No	N/A	
1. Employment and Resources				
1.1 Business and Industrial Zones			✓	This direction applies to land within an existing or proposed business or industrial zone, and therefore does not apply to this Planning Proposal. It is

Direction	Consistency			Comment
	Yes	No	N/A	
				noted though that the sites will be able to contribute to employment growth as a result of this Planning Proposal.
1.2 Rural Zones			✓	
1.3 Mining, Petroleum Production and Extractive Industries			✓	
1.4 Oyster Aquaculture			✓	
1.5 Rural Lands			✓	
2 Environment and Heritage				
2.1 Environmental Protection Zones			✓	The sites are not environmentally sensitive, and this Planning Proposal will not impact on environmentally sensitive areas.
2.2 Coastal Protection			✓	Sites are not within coastal zone.
2.3 Heritage Conservation	✓			167 and 169 Blues Point Road are both listed as local heritage items (I0418 and I0419). This Planning Proposal does not affect Clause 5.10 which contains provisions relating to heritage items. The proposed additional uses will not compromise the conservation of both heritage listed sites, with any future change of use being able to be assessed on heritage grounds at the Development Application stage. A Statement of Heritage Impact has been provided at Appendix A .
2.4 Recreational Vehicle Area			✓	
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			Both sites to which this Planning Proposal relates are within residential zones, and accordingly this Direction applies. Although this Planning Proposal seeks the addition of business / office premises uses as permissible on the sites, residential uses are also maintained as permissible. The Planning Proposal is consistent with this Direction as: ▪ It will enable the use of the sites as residential if required so as to meet existing and future needs. ▪ The sites are well located to existing infrastructure. Further, the Direction states that a Planning Proposal must: a) Contain a requirement that residential development is not permitted until land is adequate serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and b) Not contain provisions which will reduce the permissible residential density of land. The Planning Proposal does not affect the adequate servicing of land (Part 6, Division 2) or the permissible density of land (Part 4).

Direction	Consistency			Comment
	Yes	No	N/A	
3.2 Caravan Parks and Manufactured Home Estates			✓	
3.3 Home Occupations			✓	Home occupations are currently a prohibited use within the R3 Medium Density Residential zone. No change is proposed to the permissibility of home occupations.
3.4 Integrating Land Use and Transport	✓			This Direction applies due to this Planning Proposal relating to a residential zone. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of: a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will provide potential jobs in a location which is close to North Sydney Centre and McMahons Point Neighbourhood centre, and will encourage the use of alternate modes of transport to cars for people travelling to the sites due to the proximity of the site to North Sydney station and bus services.
3.5 Development Near Licensed Aerodromes			✓	
3.6 Shooting Ranges			✓	
4. Hazard and Risk				
4.1 Acid Sulfate Soil			✓	
4.2 Mine Subsidence and Unstable Land			✓	
4.3 Flood Prone Land			✓	North Sydney does not have a flood prone land map.
4.4 Planning for Bushfire Protection			✓	North Sydney does not have a bushfire prone land map.
5. Regional Planning				
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision	✓			This Direction requires that a Planning Proposal which will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: allow that land use to be carried out in the zone the land is situated

Direction	Consistency			Comment
	Yes	No	N/A	
				on, or - rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or - allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. This Planning Proposal seeks to allow the additional uses of office and business premises to be carried out on the sites. It does not propose to rezone the sites, and will not involve the imposition of any additional development standards or requirements on the sites other than those contained within the NSLEP 2013. Accordingly, this Planning Proposal is consistent with the provisions of this Direction.
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney to 2036	✓			Although the Metropolitan Plan for Sydney to 2036 has now been superseded by <i>A Plan for Growing Sydney</i> , the Planning Proposal is consistent with the Metropolitan Plan, as discussed in Section 4.2.1 above.

4.3 Environmental, Social and Economic Impacts

4.3.1 Q7 – 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 result in any impact on critical habitat or threatened species, populations or ecological communities or other habitats. These matters can be appropriately considered at the Development Application stage, if relevant.

4.3.2 Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

In the event that future works are undertaken on the sites to facilitate the additional permissible uses, these matters will be appropriately considered at the Development Application stage. It is considered that the development controls under the NSLEP 2013 and North Sydney Development Control Plan provide appropriate guidance to ensure that a high quality development outcome is achieved for any future development of the sites. Notwithstanding this, potential

impacts of the proposed uses on surrounding amenity and heritage have been analysed below.

Amenity Impacts

A future use of the site as business / office premises may result in additional amenity impacts on adjoining properties near to the site. However, the site is located within the context of Blues Point Road and the McMahons Point Neighbourhood Centre, which already comprises a high number of commercial premises of various types co-located with residential uses. Use of the sites as business premises or office premises is considered to be consistent with this established surrounding character.

Heritage Impacts

A Heritage Impact Statement (HIS) has been prepared in regards to the potential use of the sites for commercial purposes by Weir Phillips Heritage Consultants, and is provided at **Appendix A**. This HIS provides a brief history of the site, conducts a site assessment, assesses the site significance and the potential impacts of a change of use.

Included within the HIS is an assessment of any potential impact on either the sites or other nearby heritage items arising from the in principal use of the commercial use of the sites. This includes an analysis of specific potential impacts arising from any future signage, cabling for services, or any future office fitout.

The HIS concludes that the application:

“does not involve any works and will thus have no impact on the terraces or nearby heritage items. Should future fit-out or signage works be undertaken to facilitate commercial use, they will be subject to a DA and thus a heritage impact assessment. The terraces have been altered internally. Further sympathetic alterations could be carried out if required to house a commercial use without compromising the significance of these items.”

4.3.3 Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

The Planning Proposal will have a positive economic impact by increasing the flexibility of future uses of the sites to reflect changing economic and market demands. The sites form the southern portion of the McMahons Point Neighbourhood Centre, and it is considered that the sites have the unique characteristics of being compatible with the surrounding area both as residential uses, and as commercial uses such as the business / office premises proposed.

The proposal is unlikely to have any negative social impacts, as the Planning Proposal will only facilitate the provision of additional compatible uses within the area. If the sites are used in the future for office or business premises, it is also likely to increase the activity of the McMahons Point Neighbourhood Centre during business hours.

4.4 State and Commonwealth Interests

4.4.1 Q10 – Is there adequate public infrastructure for the Planning Proposal?

Existing public transport, roads utilities, waste management, recycling services and other essential services exist within the North Sydney LGA and are generally adequate to serve and meet the needs of the proposal. A future use of the sites as business / office premises will be subject to further analysis at the Development Application stage. Due to the heritage listing of both sites, future DAs are not likely to propose a significant intensification of the sites.

4.4.2 Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

5.0 Community Consultation

Confirmation of the public exhibition period and requirements for the planning proposal will be given by the Minister as part of the LEP Gateway determination.

Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

6.0 Conclusion

This Planning Proposal seeks an amendment to Schedule 1 of the NSLEP 2013 to permit additional uses on the sites, namely 'business premises' and 'office premises'.

The Planning Proposal is considered justified for the following reasons:

- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land.
- The proposal is consistent with the metropolitan, regional and sub-regional strategic planning framework which places a strong emphasis on achieving efficient use of existing urban areas which already enjoy access to existing infrastructure and services.
- The proposal is consistent with the existing and desired future character of the Blues Point Road McMahons Point Neighbourhood Centre which comprises a mix of residential and non-residential uses.
- The proposal is consistent with the *North Sydney Local Development Strategy 2009*, in that it will enable future office and business premises to contribute to the role of McMahons Point Neighbourhood Centre as providing services for the local catchment, as well as support services to the North Sydney centre.
- The proposal is consistent with the applicable SEPPs and Section 117 Directions.

In light of the above, we would have no hesitation in recommending that the Planning Proposal proceed through the Gateway to public exhibition.