

Planning Proposal to include additional permitted uses for 167 - 169 Blues Point Road, McMahon's Point

Proposal Title : **Planning Proposal to include additional permitted uses for 167 - 169 Blues Point Road, McMahon's Point**

Proposal Summary : **The planning proposal seeks to include the additional permitted uses of 'business premises' and 'office premises' at 167 and 169 Blues Point Road, McMahon's Point.**

PP Number : **PP_2015_NORTH_005_00** Dop File No : **15/07239**

Proposal Details

Date Planning Proposal Received : **01-May-2015** LGA covered : **North Sydney**

Region : **Metro(CBD)** RPA : **North Sydney Council**

State Electorate : **NORTH SHORE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **167 Blues Point Road**

Suburb : **McMahon's Point** City : **Sydney** Postcode : **2060**

Land Parcel : **Lot C DP436985**

Street : **169 Blues Point Road**

Suburb : **McMahon's Point** City : **Sydney** Postcode : **2060**

Land Parcel : **Lot B DP436985**

DoP Planning Officer Contact Details

Contact Name : **Sandy Shewell**

Contact Number : **0285754115**

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RPA Contact Details

Contact Name : **Scott Williamson**

Contact Number : **0299368100**

Contact Email : **scott.williamson@northsydney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

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 : 4

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with' Metropolitan 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.**

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **North Sydney Council is seeking delegation to carry out the Minister's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). Delegation is considered appropriate as the matter is of local significance.**

The proposal is for 2 residential lots known as 167 and 169 Blues Point Road, McMahon's Point, which is currently zoned R3 Medium Density Residential. Each site is currently occupied by a 2 storey attached Victorian terrace house.

Both sites have a history of accommodating small scale commercial and office uses dating back to the 1960s, albeit without development consent. To date, neither site has satisfactorily made a justified claim to existing use rights.

169 Blues Point Road is currently being used as an office premises, and has done so for an extended period. Compliance action in the 1980's unsuccessfully sought to cease the use.

167 Blues Point Road is presently leased to a residential tenant.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective of this proposal is to enable the use of 167 and 169 Blues Point Road,**

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McMahons Point**

McMahons Point for office or business premises, whilst maintaining the flexibility for the sites to be used for residential purposes.

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

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to amend Schedule 1 Additional Permitted Uses to make 'business premises' and 'office premises' permissible for the 2 sites.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

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? **No**

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

d) Which SEPPs have the RPA identified?

SREP (Sydney Harbour Catchment) 2005

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

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

If No, explain : **The proposal is not considered to be inconsistent with any SEPPs and section 117 Directions.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Map amendments are not required.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Public consultation will be undertaken in accordance with the Gateway determination. Given the low impact nature of the proposal, 14 days exhibition is considered sufficient.**

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of January 2016. The Department considers a 9 month project timeline for completion is adequate.

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 :

Proposal Assessment

Principal LEP:

Due Date : **August 2013**

Comments in
relation to Principal
LEP :

The North Sydney LEP 2013 was gazetted in August 2013.

Assessment Criteria

Need for planning
proposal :

The proponent has initiated the proposal to allow for the use of the sites as business or office premises, which is consistent with the surrounding neighbourhood.

The proposal offers 7 options to enable business or office premises to be permissible on the sites, while retaining residential uses.

Option 1 - Do nothing.

Both sites are local heritage items and could use cl 5.10. 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 further difficulties in satisfying clause 5.10(10).

Option 2 - Rezone from R3 to B1

This option would allow a broader range of non-residential uses, however, it would prohibit residential uses, except for shop-top housing. Rezoning to B1 would also trigger a satisfactory arrangements clause within the North Sydney LEP that requires any development consent in the B1 zone to have commercial premises located above ground level.

Option 3 - Rezone from R3 to B1 and add dwelling houses to schedule 1

The proponent considers this option to be an unduly complicated method of achieving the permissible uses.

Options 4,5,6 suggest amending the B1 or R3 land uses tables or removing the satisfactory arrangements clause. These options have far wider implications for the local government area and are not considered appropriate.

Option 7 - The preferred option by the proponent and Council is to add business and office premises to schedule 1.

The proposal has considered all possible options, and concludes option 7 is the most appropriate LEP amendment to achieve the desired outcome of permitting office premises and business premises, while continuing to permit residential uses.

While it is noted that the sites represent a set of circumstances for which the use of schedule 1 may be appropriate, it is generally the Department's preference to apply a land use zone which reflects the intended land uses. Keeping the land use table and zoning as the primary tools for land use controls makes it easier for landowners and the community to determine what land uses are permissible on the land. Thus, Council should be encouraged to consider allocating an appropriate zone rather than using Schedule 1 for future proposals.

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Consistency with strategic planning framework :

A Plan for Growing Sydney

The sites are located within an area defined as Global Sydney. The objectives for this area state that government will work in partnership with the City of Sydney and North Sydney Council to grow the office and residential markets. Although the proposal represents a minimal contribution to local jobs, the proposal achieves the objectives of this action.

Draft Inner North Subregional Strategy 2007

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

The proposal is also consistent with the North Sydney Local Development Strategy 2009.

Environmental social economic impacts :

Environmental Impacts

The proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or other habitats.

Social and Economic Impacts

The 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 proposal is unlikely to have any negative social impacts, as the proposal will only facilitate the provision of additional compatible uses within the area.

Amenity Impacts

Future use of the site as business or office premises may result in additional amenity impacts on adjoining properties. However, the site is located within the Blues Point Road 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 the surrounding area.

Heritage

A Heritage Impact Statement (HIS) has been prepared which concludes that business or office premises would have a minimal impact of the heritage status of the sites. Should future fit-out or signage works be undertaken to facilitate commercial uses, they will be subject to a development application and heritage impact assessment.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage**

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 :

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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? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
CouncilLetter.pdf	Proposal Covering Letter	Yes
PlanningProposal.pdf	Proposal	Yes
HeritageImpactStatement.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

2.3 Heritage Conservation
3.1 Residential Zones
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. The planning proposal be publicly exhibited for a period of not less than 14 days.

2. Consultation is required under section 56(2)(d) of the EP&A Act with the Office of Environment and Heritage prior to exhibition and the outcome of this consultation is to be included as part of the planning proposal when exhibited.

Public authorities are 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. The planning proposal should respond to this consultation.

If comment from the Office of Environment and Heritage is not received within 21 days, Council is to exhibit the planning proposal and seek input from the relevant agencies during the consultation period.

3. A public hearing is not required.

4. North Sydney Council be granted delegation to carry out the Minister's functions under section 59 of the EP&A Act 1979 to progress this planning proposal.

5. The planning proposal is to be finalised within 9 months from the date of the gateway determination.

Supporting Reasons :

Due to the mixed residential and commercial nature of the adjoining properties and the absence of any impacts upon the surrounding properties, it is considered these sites are well placed to support low intensity business or office premises uses.

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McMahons Point**

Signature:



Printed Name:

Tim Archer

Date:

15.5.15