

PLANNING PROPOSAL

AMENDED APPLICATION FOR A PLANNING PROPOSAL

AMENDMENT TO NON-RESIDENTIAL FLOOR SPACE

CLAUSE 31 – NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2001

•THE LONDON•

156 – 158 PACIFIC HWY NORTH SYDNEY

Original DECEMBER 2010
Amended January 2011

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1.0 INTRODUCTION

- 1.1 A development application has been submitted to North Sydney Council for the demolition of the existing building and erection of a 13 storey mixed use building containing 323m² of retail floor space, 48 residential apartments and three levels of basement carparking for 45 vehicles.
- 1.2 This Planning Proposal seeks to reduce the amount of non-residential floor space required on the site.
- 1.3 Technically the minimum non-residential floor area is a development standard within an environmental planning instrument and could be varied under a State Environmental Planning Policy No. 1 (SEPP 1) objection. Due to the extent of variation, Council have advised that a SEPP 1 could not be supported and a planning proposal to amend the minimum non-residential floor space is required.
- 1.4 Accordingly, this application seeks to amend the minimum required non-residential floor area under the current North Sydney Local Environmental Plan 2001 (NSLEP 2001).

2.0 SITE DESCRIPTION AND SURROUNDING CONTEXT

Subject Site

- 2.1 The subject site is located at 156-158 Pacific Hwy, North Sydney. The site has dual frontage to Doohat Lane. The site is to the north of the intersection with Berry Street.
- 2.2 The site is in the local government area of North Sydney and located within the North Sydney town Centre.
- 2.3 The site is legally described as Lot 5 DP 8869 and Lot 100 DP 1088503. It has a total area of 792.7m².
- 2.4 The site is zoned Mixed Use under the provisions of North Sydney LEP 2001.
- 2.5 The site is rectangular in shape with an eastern frontage of 26 metres to Pacific Hwy and western frontage to Doohat Avenue of 26 metres. The site has a depth of 30.48 metres.
- 2.6 The site has a significant fall from Doohat Avenue to Pacific Hwy of up to 6.6 meters. The fall reduces to approximately 5 metres at the northern end of the site.
- 2.7 Pacific Hwy contains three existing street trees adjacent to the property. There are no trees within the subject site.
- 2.8 The site is currently connected to all services including water, electricity, gas, sewer, Telstra and optic fibre. The location of the services is shown on the survey plan.
- 2.9 The subject site is not heritage listed and is not located within a conservation area. The property at 1 Doohat Avenue is heritage listed.
- 2.10 The location of the site is shown on the following aerial photo:



Aerial view – subject site

- 2.11 No 156 is currently vacant with the former building previously demolished. The vacant site demonstrates clearly the fall from Doochat Lane. This site is currently secured by a chain wire fence and features a brick / sandstone retaining wall along the Pacific Hwy frontage.
- 2.12 No 158 contains a two storey commercial building which has a primary entry off Pacific Hwy. The commercial building is built to the property boundary on Pacific Hwy and is setback from Doochat Lane to provide car parking perpendicular to the Land. Vehicular access is provided at grade from Doochat Lane. The building contains a range of commercial spaces, however given the age of the building, they are not conducive to the current market and commercial realities. The demolition of this building will facilitate more appropriate retail and residential uses in this highly assessable location.

- 2.13 The following photos identify the existing site:



Pacific Hwy frontage



Shopfront of 158 Pacific Hwy



Northern wall of 158 Pacific Hwy



Western elevation of 158 Pacific Hwy



Vacant site at 156 Pacific Hwy

Surrounding Context

2.14 To the north of the site is an existing 5 storey commercial building. The commercial building known as 160 Pacific Hwy is located at the corner of Pacific Hwy and Doochat Avenue. It also has frontage to Doochat Lane. The building's design wraps and addresses the corner.

2.15 The building covers the entire site with zero setback to all three street frontages. Vehicular access to the building's basement capark is provided off Doochat Lane. The building has windows that face the subject site.

2.16 The following photos identify 160 Pacific Hwy and its relationship to the site.



Relationship between 158 & 160



Northeast towards 160 Pacific Hwy



Corner of Pacific Hwy & Doochat St



Corner of Doochat Ave & Lane

2.17 To the south of the site is an existing 7 storey building, at 154 Pacific Hwy and known as the RTA building. The building is a mixed use building containing commercial uses on the podium and residential above.

2.18 The building is built to its northern boundary with recesses to windows at the upper levels. A large advertising structure is located on the roof of the building which extends to RL 103.65.

2.19 The following photographs identify 154 Pacific Hwy and its relationship to the site.



154 Pacific Hwy & relationship to site



Northern wall of 154 Pacific Hwy



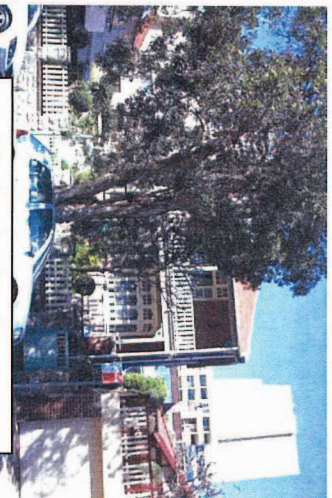
Looking south towards 154 Pacific

2.20 Doochat Lane which forms the rear boundary of the site contains a mix of residential and commercial uses. At the corner of Doochat Lane and Doochat Avenue is 1 Doochat which is a listed heritage item. This dwelling comprises a 2 storey brick building with a carport and vehicle access off the Lane. The main entry of the dwelling is located to the north on Doochat Avenue.

2.21 A second smaller dwelling known as 1A Doochat fronts the laneway.

2.22 The remainder of Doochat Lane towards the south comprises commercial buildings with the laneway acting as an access point and rear of building servicing. The Laneway narrows significantly towards the southern end with a commercial building cantilevering over part of the road.

2.23 The following photos identify the buildings fronting Doochat Lane.



1 Doohat – listed heritage item



1 Doohat eastern elevation & carport



Looking south along Doohat Lane



Looking north along Doohat Lane

2.24 Opposite the site on Pacific Hwy contains a series of high rise commercial buildings.

2.25 The site is located within close proximity to the North Sydney town centre. The area currently contains a mix of commercial and residential uses. The residential uses are to the west of the site and are areas located outside of the North Sydney Town Centre.

2.26 The dominance of commercial uses is slowly eroding with the recent approval of a number of mixed use developments within the vicinity of the site. In particular a 13 storey building on Berry Street which forms part of the context of this site.

2.27 The centre is undergoing a shift towards encouraging permanent residential accommodation to support the existing commercial functions of the town centre and add vitality in the evenings and on weekends.

2.28 The site is located to take advantage of the employment and service opportunities available in the town centre. The town centre contains a mix of buildings forms, heights and uses which adds to the vitality of the place. The context of the site in relation to the commercial buildings in the city centre is shown in the following photograph.



Looking south towards North Sydney CBD

- 2.29 The site is at the interface between the North Sydney CBD and the residential area. The site represents a transition between the large scale commercial development and the lower density residential.
- 2.30 The North Sydney Town Centre is primarily a commercial core. The centre is experiencing a trend of high vacancy rates which reflects the current over supply of commercial floor space.
- 2.31 Market analysis shows vacancy rates in the North Sydney centre for the current financial year of 11.8%. Rents have seen little to no growth over the past five years.

3.0 STATUTORY CONTEXT

3.1 The site is zoned Mixed Use under the provisions of North Sydney LEP 2001.

3.2 The objective of the Mixed Use zone are:

The particular objectives of this zone are to:

- a) encourage a diverse range of living, employment, recreational and social opportunities, which do not adversely affect the amenity of residential areas, and*
- b) create interesting and vibrant neighbourhood centres with safe, high quality urban environments with residential amenity, and*
- c) maintain existing commercial space and allow for residential development in mixed use buildings with non-residential uses at the lower levels and residential above, and*
- d) promote affordable housing*

3.3 Permissible development includes inter alia apartment buildings, commercial premises, community facilities, medical centres, refreshment rooms, shops, take away food shops and taverns.

3.4 Pursuant to Clause 31(2) of the NSLEP 2001, the subject site is required to provide a non-residential floor space between 3:1 and 4:1

4.0 THE PLANNING PROPOSAL

4.1 Objectives - Intended outcomes

- 4.1.1 The objective is to allow for the minimum provision of non-residential floor space to be reduced from the present minimum required under the NSLEP 2001.
- 4.1.2 Clause 31(2) specifies the range of non residential floor space allowable to between a minimum of 3:1 and a maximum of 4:1.
- 4.1.3 The development outcome under this planning proposal would mean the reduction of non-residential floor space from 3:1 to 0.5:1.
- 4.1.4 The planning intention previously under Draft Amendment 28 of the NSLEP was to reduce the minimum non residential floor area to 0.5:1 of the total allowable floor space. That Draft instrument has not been pursued in its original form, but rather Council resolved in August 2010 to incorporate those amendments into the comprehensive North Sydney DLEP 2009.
- 4.1.5 The draft Comprehensive North Sydney LEP 2009 has been adopted by Council and is awaiting S65 certification. At the time of writing this report, the draft LEP had not been exhibited and accordingly was not a matter for consideration with the concurrent DA.
- 4.1.6 The North Sydney Residential Strategy 2008 as adopted by Council will be incorporated into Council's future LEP and is intended to meet the following goals:

"Contain sufficient capacity to accommodate over 7,000 additional dwellings over the next 25 years, and therefore meet the NSW Government's housing target of 5,500 additional dwellings by 2031, without having to make significant policy changes, upzonings or increases in development potential; Concentrate the bulk of new dwellings in Mixed Use centres in close proximity to retail, office, health, education, transport, leisure, entertainment facilities and community and person services.

Deliver housing choice for a range of socio-economic groups throughout North Sydney to meet the needs of existing and future residents; and

Minimise the impact of new development on local character, amenity, environment and heritage."

- 4.1.7 It is proposed that NSLEP 2001 be amended to require a minimum non-residential floor space on the site of 0.5:1.

4.2 Explanation of Amended Provisions

- 4.2.1 As there are no changes to the objectives of the NSLEP, the only change required would be the minimum non-residential floor area shown on the floor space map.

- 4.2.2 The current provisions read as follows:

*"31 Floor Space
(1) Floor space objectives*

The specific objectives of the floor space ratio controls in the mixed use zone are to:

- (a) ensure a diverse mix of uses in each building in the mixed use zone, and
- (b) minimise traffic generation from commercial development.

(2) Floor space controls

A building must not be erected in the mixed use zone if the floor space ratio of the part of the building to be used for non-residential purposes is not within the range specified on the map."

- 4.2.3 In order to achieve the requested change, the map would be amended to reflect a non-residential floor space of 0.5:1 for the subject site.

4.3 Justification

Section A – Need for a Planning Proposal

a. Is the Planning Proposal a result of any strategic Study or Report

- 4.3.1 The planning proposal relates only to the subject site. It is generally consistent with the previously draft Amendment 28 which sought to reduce the amount of non-residential floor space on the site.

- 4.3.2 Amendment 28 was a result of analysis by Council and the existing capacities and levels of commercial floor space in the North Sydney Town centre.

b. Is the planning proposal a better means of achieving the objectives or intended outcomes, or it there a better way.

- 4.3.3 Yes. The current and future objectives remain the same. The development standard that is to be amended could be changed via a SEPP 1 objection. However given the extent of the variation, the Council has advised that SEPP 1 is not appropriate.

- 4.3.4 A planning proposal is the most appropriate way to reduce the non-residential floor space.

c. Is there a net community benefit?

- 4.3.5 The provision of an increased amount of residential floor space is a direct benefit to the community. This will enable the efficient development of land and increase the amount of permanent residential accommodation in the town centre.

- 4.3.6 An increased residential presence will revitalise the town centre and encourage a cosmopolitan mix of after hours and weekend activity. Increase residential in close proximity to major employment and transport nodes is a direct benefit to the community, reducing the reliance on the motor vehicle and encouraging use of public transport.

- 4.3.7 As the site is located at the edge of the North Sydney Town Centre, a reduction in non-residential floor space provides a more appropriate mix of uses considering the predominantly residential land uses to the west of the subject site.

Section A – Relationship to Strategic Planning Framework

d. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy

4.3.8 Under the provisions of the Metropolitan Plan for Sydney 2036, the aim is to locate 80% of new housing within walking distance to centres. The plan establishes an inner north target of 44,000 more dwellings by 2036. The development proposes 48 residential apartments which will assist in North Sydney achieving its quota for increased residential development in close proximity to the major centre.

4.3.9 In addition, the planning proposal will assist in achieving Council's target of 7,000 additional dwellings over the next 25 years.

4.3.10 This planning proposal proposes to change the minimum non-residential requirement which is consistent with the strategic direction of Council and the state government.

e. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local Strategic Plan?

4.3.11 Reduction to the non-residential floor space from 3:1 to 0.5:1 is consistent with the intent of the former Amendment 28.

4.3.12 Council resolved in August 2010 to incorporate Amendment 28 into the comprehensive North Sydney LEP 2009. Council has resolved to proceed with the DLEP and forwarded to the department of Planning for issue of the Section 65 certificate. At the time of writing this report the Draft LEP had not been exhibited.

f. Is the planning proposal consistent with applicable state environmental planning policies?

4.3.13 The Planning Proposal is not inconsistent with any State Environmental Planning Policy. There are no State Environmental Planning Policies that affected or relate to the change in floor space in the Mixed Use zone.

g. Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?

4.3.14 Under Section 117 of the Act, the Minister requires Council to achieve the vision, land use strategy, policies, outcomes and actions of the Metropolitan Strategy and the newly released Metropolitan Plan.

4.3.15 The planning proposal maintains consistency with the plans as it will result in increased residential accommodation within close proximity to major employment and transport facilities, assisting in meeting the target of 44,000 new dwellings in the inner north by 2036.

Section C

h. Is there a likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

4.3.16 The site does not contain any critical habitat, threatened species or ecological communities/

i. Are there any other likely environmental impacts as a result of the planning proposal (and if so) how are they to be managed?

4.3.17 The Planning proposal will not result in any adverse impacts.

j. Have the planning policy adequately address any social and economic impacts?

4.3.18 The Planning Policy facilitates a higher level of residential accommodation on this site which is on the fringe and a transition between the high rise commercial activity and low density residential dwellings.

4.3.19 The incorporation of residential uses is more compatible with the surrounding area and the context of the site.

4.3.20 In regards to economic impacts, the North Sydney Town Centre is currently experiencing high commercial vacancy rates which reflect an oversupply in the market. Vacancy rates in the North Sydney centre have risen to 11.8%.

4.3.21 The provision of further non-residential floor space on this site would not be economically viable.

Section D

k. Is there adequate public infrastructure for the planning proposal?

4.3.22 The existing infrastructure in North Sydney is adequate to meet the needs of the subject site as a result of this planning proposal.

l. What are the views of State and Commonwealth public authorities consulted in accordance with the "Gateway" determination?

4.3.23 The relevant State and Commonwealth authorities will be consulted during the gateway process.

4.4 Community Consultation

4.4.1 This Planning Proposal is considered to represent a 'low impact' planning proposal for the following reasons:

- The amendment is of a minor nature that relates solely to the subject site.
- It is not a principle LEP
- The proposal is consistent with surrounding land uses in particular the use is appropriate given the sites fringe location.
- It provides increased residential accommodation within close proximity to public transport and major employment opportunities.
- There will be no net increase in demand on existing infrastructure

- There will be no impact on a classified road.

4.4.2 North Sydney Council will exhibit the Planning Proposal as required.

5.0 CONCLUSION

5.1 The Planning Proposal is consistent with the direction of North Sydney Council to increase residential floor space in the North Sydney Town Centre. It will assist in achieving the increase dwelling target of 44,000 new dwellings in the Inner North by 2036.

5.1.1 The North Sydney Town Centre is currently experiencing high vacancy rates which reflect an oversupply in the market. Vacancy rates in the North Sydney centre have risen to 11.8%.

5.1.2 The incorporation of residential uses is more compatible with the surround area and the context of the site. The site enables a transition between the primarily commercial uses and the adjacent residential uses outside of the town centre.

5.1.3 The Planning Proposal represents economically viable development and accordingly should be supported.