

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

## 18. **PDS02: Amended Planning Proposal at 156-158 Pacific Hwy, North Sydney**

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

Council has received an amended Planning Proposal for the site known as 156-158 Pacific Hwy, North Sydney. The Planning Proposal seeks to amend the non-residential Floor Space Ratio (FSR) controls for the site. Under North Sydney Local Environmental Plan (NSLEP) 2001, the site currently requires the range of non-residential FSR between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR from 3:1 to 0.5:1, with no maximum set.

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

### **Recommending:**

**THAT** Council forward the Planning Proposal to the Minister for Planning requesting a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

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

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

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

**THAT** the report be adopted.

The amendment was put and **carried**.

Voting on the amendment was as follows: For/Against 8/5

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

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

Voting was as follows: For/Against 8/5

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

### **RESOLVED:**

**THAT** the report be adopted.



## Report to General Manager

Attachments: Planning Proposal

**SUBJECT:** Amended Planning Proposal at 156-158 Pacific Hwy, North Sydney

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

### EXECUTIVE SUMMARY:

Council has received an amended Planning Proposal for the site known as 156-158 Pacific Hwy, North Sydney. The Planning Proposal seeks to amend the non-residential Floor Space Ratio (FSR) controls for the site. Under North Sydney Local Environmental Plan (NSLEP) 2001, the site currently requires the range of non-residential FSR between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR from 3:1 to 0.5:1, with no maximum set.

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

### RECOMMENDATION:

**THAT** Council forward the Planning Proposal to the Minister for Planning requesting a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

Signed: \_\_\_\_\_

**ORIGINAL SIGNED**

Endorsed by: \_\_\_\_\_  
Manager Strategic Planning

## LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

**Direction:** 2 – Our Built Environment

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

## SUSTAINABILITY STATEMENT

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

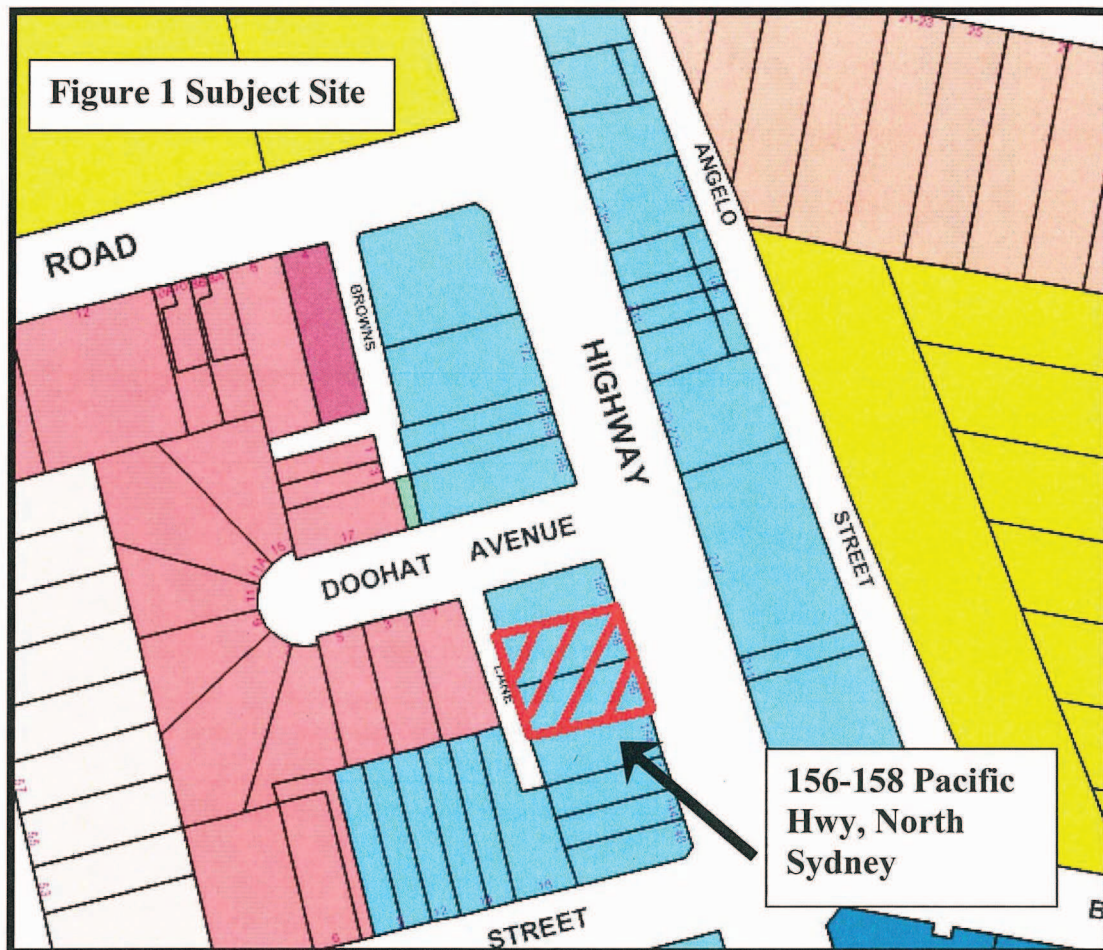
| QBL Pillar  | Implications                                                                                                                                                                                                                                                                                                                                                                      |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment | <ul style="list-style-type: none"><li>• The Planning Proposal site is located in an area which is well serviced by public transport and is in close proximity to local services.</li><li>• The Planning Proposal if implemented could enable the site to be redeveloped to incorporate water and energy efficiency measures to increase the sustainability of the site.</li></ul> |
| Social      | <ul style="list-style-type: none"><li>• The Planning Proposal will increase the housing density and type that is available in the North Sydney Centre.</li></ul>                                                                                                                                                                                                                  |
| Economic    | <ul style="list-style-type: none"><li>• An increase in residents would have flow-on effects to businesses in the CBD.</li><li>• The reduced non-residential FSR will help to curb the relatively high level of vacant commercial space in that part of North Sydney Centre.</li></ul>                                                                                             |
| Governance  | <ul style="list-style-type: none"><li>• The Planning Proposal is in accordance with Council's DLEP 2009.</li></ul>                                                                                                                                                                                                                                                                |

## BACKGROUND

Council has received a request to undertake a Planning Proposal for the site known as 156-158 Pacific Hwy, North Sydney. The Planning Proposal seeks to amend the non-residential floor space ratio control that applies to the site. Under NSLEP 2001, the site currently requires the range of non-residential floor space between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR from 3:1 to 0.5:1. This correlates with the proposed provisions of North Sydney DLEP 2009 of the minimum non-residential FSR at 0.5:1.

There is currently a development application pending on the subject site to remove the existing 2 storey commercial building on site 158 Pacific Hwy and erect a 13 storey mixed-use building containing 48 residential apartments, 323m<sup>2</sup> of retail floor space and parking for 45 vehicles.

## SITE DESCRIPTION



The site comprises 2 allotments of land, legally described as Lot 5 in DP 8869 and Lot 100 in DP 1088503, otherwise known as 156-158 Pacific Hwy, North Sydney. The site is located on the western side of the Pacific Hwy between Doohat Avenue and Berry Street.

Site 156 Pacific Hwy is currently a vacant lot whilst site 158 Pacific Hwy is occupied by a 2 storey commercial building. The site is zoned Mixed Use and forms part of the North Sydney Centre.

## JUSTIFICATION FOR PLANNING PROPOSAL

The 0.5:1 control is both the intent of the Planning Proposal and DLEP 2009. The Planning Proposal holds that the amendment will directly benefit the local community by increasing the amount of permanent residential accommodation and local economy. This is in line with the provisions of the Metropolitan Plan for Sydney 2036 which aims to locate 80% of new housing within walking distance to centres.

Similar Planning Proposals in the North Sydney Centre have been considered recently by Council at 136-138-140 Walker Street, North Sydney, and 225 Miller Street, North Sydney. As they have reflected the provisions of Council's draft controls, Council and the Department of Planning have been supportive of them.

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

### **Policy and Strategic Context**

#### *Draft Inner North Subregional Strategy*

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

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

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

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

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

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

#### *Draft North Sydney Local Development Strategy 2008*

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

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

---

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

Re: Amended Planning Proposal at 156-158 Pacific Hwy, North Sydney (5)

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

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

*Draft North Sydney LEP 2009*

The provisions in the Planning Proposal seek to amend the minimum FSR of non-residential Mixed Use zones to 0.5:1. The Planning Proposal is considered consistent with all objectives of DLEP 2009.

DLEP 2009 proposes a minimum non-residential floor space of 0.5:1. The Planning Proposal is consistent with this, and it is recommended that the Planning Proposal be supported in the next Council Meeting.

## **CONCLUSION**

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

---