



PLANNING PROPOSAL

***Removal of maximum non-residential
floor space ratio requirements***

December 2014

1 INTRODUCTION

North Sydney Council (Council) has prepared a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013).

Clause 4.4A to NSLEP 2013 requires developments located on certain land in the *B1 Neighbourhood Centre*, *B4 Mixed Use* and *SP2 Infrastructure* zones to provide a certain level of non-residential floor space to encourage an appropriate mix of residential and non-residential uses.

Land affected by the clause is generally required to provide non-residential floor space:

- in excess of a minimum requirement;
- not exceed a maximum requirement; or
- within a range (i.e. between a minimum and maximum requirement).

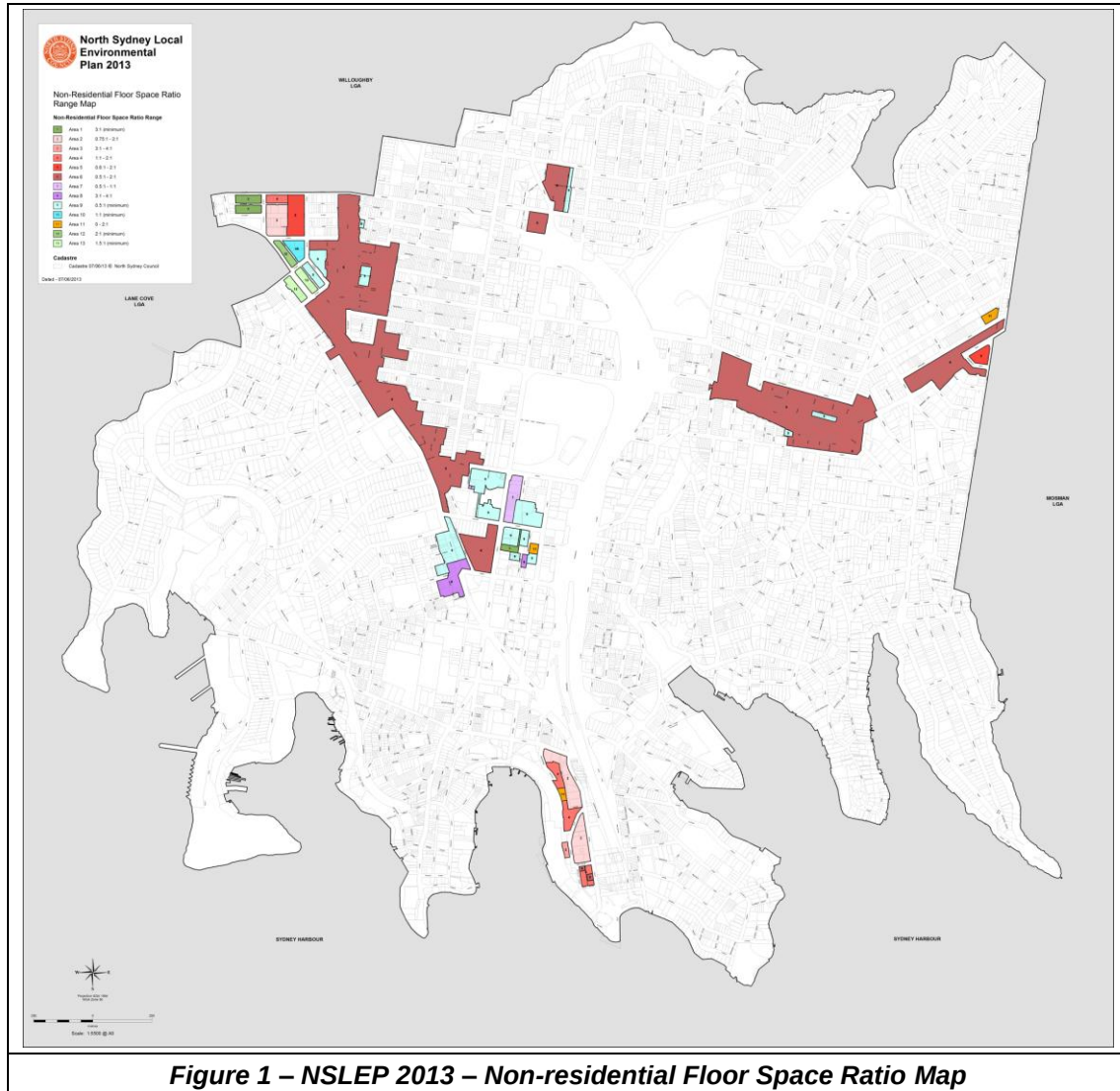
The maximum non-residential floor space requirements generally fall short of the maximum floor space achievable on the same site. This is primarily due to the application of generous maximum building heights. Therefore, the maximum floor non-residential space ratio control unreasonably restricts development potential for a fully non-residential development where it is desirable and feasible to do so.

This Planning Proposal seeks to amend clause 4.4A to NSLEP 2013 such that the maximum non-residential floor space requirements are removed, thereby providing greater flexibility regarding the provision of employment generating floor space.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) and the Department of Planning and Environment's (DPE) document "*A guide to preparing planning proposals*" (October 2012).

2 SITE LOCALITY

The Planning Proposal applies to all land to which clause 4.4A currently applies as identified on the Non-residential Floor Space Ratio Range Map to NSLEP 2013 (Refer to Figure 1).



3 BACKGROUND

The application of non-residential floor space ratio controls date back to the commencement of North Sydney Local Environmental Plan 1989. The application of maximum non-residential floor space ratio controls was primarily imposed to ensure a mixture of residential and non-residential development in the Mixed Use zone. The maximum quantum of non-residential floor space required is thought to relate to the requirement for meeting other planning controls such as the establishment of podiums. The actual quantum depended upon a site's location.

The non residential floor space requirements of NSLEP 1989 have generally been carried over to NSLEP 2001 and NSLEP 2013, largely unchanged.

The non-residential floor space ratio controls were not subject to a detailed review when NSLEP 2013 was being prepared. However, the non-residential floor space ratios were reviewed within the North Sydney Centre during the preparation of Draft Amendment No.28 to NSLEP 2001, which was ultimately rolled into NSLEP 2013. This review however resulted in the lowering of the minimum non-residential floor space ratio requirements and no changes made to the maximum.

Council has commenced the development of a *Economic Development Strategy* for the North Sydney LGA. The primary objective of the Strategy will be to outline Council's plan for economic development in a consolidated policy document. Despite the Strategy still being in its preliminary stages, initial research undertaken to date has indicated a pressing need to strengthen mechanisms that promote the provision of employment generating uses.

One of the interim mechanisms identified for protecting and promotion of employment floor space involves the removal of the maximum non-residential floor space ratio controls imposed under clause 4.4A to NSLEP 2013. This will also improve the economic and orderly development of land in accordance with the objectives of the EP&A Act.

4 STATUTORY CONTEXT

The relevant provisions of NSLEP 2013 that relate to the Planning Proposal are discussed in the following subsections.

4.1 Land Use Table

The Planning Proposal applies to land in the *B1 Neighbourhood Centre*, *B4 Mixed Use* and *SP2 Infrastructure* zones. The relevant objectives and provisions to these zones state:

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To encourage active street life while maintaining high levels of residential amenity.
- To encourage development for the purpose of shop top housing.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Entertainment facilities; Health services facilities; Information and education facilities; Kiosks; Medical centres; Neighbourhood shops; Office premises; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Restaurants or cafes; Roads; Shops; Shop top housing; Signage; Take away food and drink premises

4 Prohibited

Any development not specified in item 2 or 3

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.
- To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses on the lower levels and residential uses above those levels.

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

4.2 Non-residential floor space ratios

Clause 4.4A of NSLEP 2013 sets minimum and maximum floor space ratios for non-residential development on certain land in the *B1 Neighbourhood Centre*, *B4 Mixed Use* and *SP2 Infrastructure* zones. In particular, it states:

- (1) The objectives of this clause are as follows:
 - (a) to provide for development with continuous and active street frontages on certain land in Zone B1 Neighbourhood Centre, Zone B4 Mixed Use and Zone SP2 Infrastructure,
 - (b) to encourage an appropriate mix of residential and non-residential uses,
 - (c) to provide a level of flexibility in the mix of land uses to cater for market demands,
 - (d) to ensure that a suitable level of non-residential floor space is provided to reflect the hierarchy of commercial centres.
- (2) The non-residential floor space ratio for all buildings within a site on land identified on the Non-Residential Floor Space Ratio Range Map as specified in Column 1 of the Table to this subclause must not be less than the ratio shown for that land in Column 2 of that Table and must not exceed the ratio shown for that land in Column 3 of that Table.

Column 1	Column 2	Column 3
Area 2	0.75:1	2:1
Area 3	3:1	4:1
Area 4	1:1	2:1
Area 5	0.6:1	2:1
Area 6	0.5:1	2:1
Area 7	0.5:1	1:1
Area 8	3:1	4:1

- (3) The non-residential floor space ratio for all buildings within a site on land identified as follows on the Non-Residential Floor Space Ratio Range Map must not be less than the ratio shown for that land:
 - (a) Area 1—3:1,
 - (b) Area 9—0.5:1,
 - (c) Area 10—1:1,
 - (d) Area 12—2:1,
 - (e) Area 13—1.5:1.
- (4) The non-residential floor space ratio for all buildings within a site on land identified as Area 11 on the Non-Residential Floor Space Ratio Range Map must not exceed 2:1.
- (5) Development consent must not be granted to the erection of a building on land identified as Area 1–13 on the Non-Residential Floor Space Ratio Range Map unless the consent authority is satisfied that the building will have an active street frontage after its erection.
- (6) Despite subclause (5), an active street frontage is not required for any part of a building that is used for any of the following:

- (a) entrances and lobbies (including as part of a mixed use development),
 - (b) access for fire services,
 - (c) vehicular access.
- (7) In this clause, a building has an active street frontage if no part of the ground floor of the building facing a street is used for residential accommodation.
- (8) In this clause, non-residential floor space ratio means the ratio of the gross floor area of that part of a building used or proposed to be used for any purpose other than residential accommodation, a car park or a telecommunications facility, in all buildings within a site to the site area.

4.3 Definitions

Clause 1.4 of NSLEP 2013 makes reference to the Dictionary which provides definitions of terms used within the LEP.

In particular, the definition of Non-Residential Floor Space Ratio Range Map is stated as follows:

Non-Residential Floor Space Ratio Range Map means the North Sydney Local Environmental Plan 2013 Non-Residential Floor Space Ratio Range Map

4.4 Non-Residential Floor Space Ratio Range Map

The Non-Residential Floor Space Ratio Range Map comprises the following:

- LCL_001 5950_COM_LCL_001_010_20130607
- LCL_002 5950_COM_LCL_002_010_20130607
- LCL_002A 5950_COM_LCL_002A_005_20130607
- LCL_003 5950_COM_LCL_003_010_20130607
- LCL_004 5950_COM_LCL_004_010_20130607

A copy of these Plans are provided in Annexure A.

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES

The primary purpose of this Planning Proposal is to improve the flexibility of the existing planning controls, especially in the *B4 Mixed Use* zone. In particular, the Planning Proposal seeks to amend NSLEP 2013 by removing the maximum non-residential floor space ratio requirement over land subject to clause 4.4A.

5.2 PART 2: EXPLANATIONS OF PROVISIONS

The Planning Proposal seeks to remove the maximum non-residential floor space ratio requirements that apply to land affected by Clause 4.4A of NSLEP 2013. The intent of the Planning Proposal will result in the need to amend:

- clause 4.4A to remove the maximum non-residential floor space ratio requirements from affected lands;
- the definition of Non-Residential Floor Space Ratio Range Map within the Dictionary to NSLEP 2013; and
- the Non-Residential Floor Space Ratio Range Map to the LEP maps.

The specific amendments sought are identified in the following subsections:

5.2.1 Clause 4.4A –Non-residential floor space ratio ranges

The intent of the Planning Proposal is proposed to be achieved by amending clause 4.4A as follows (~~red strike through~~ represents a deletion and blue underline represents an insertion):

4.4A Non-residential floor space ratio ~~ranges~~

- (1) *The objectives of this clause are as follows:*
- to provide for development with continuous and active street frontages on certain land in Zone B1 Neighbourhood Centre, Zone B4 Mixed Use and Zone SP2 Infrastructure,*
 - to encourage an appropriate mix of residential and non-residential uses,*
 - to provide a level of flexibility in the mix of land uses to cater for market demands,*
 - to ensure that a suitable level of non-residential floor space is provided to reflect the hierarchy of commercial centres.*
- (2) *The non-residential floor space ratio for all buildings within a site on any land ~~identified on the Non-Residential Floor Space Ratio Range Map as specified in Column 1 of the Table to this subclause~~ must not be less than the ratio shown for that land on the Non-Residential Floor Space Ratio Map in Column 2 of that Table and ~~must not exceed the ratio shown for that land in Column 3 of that Table.~~*

Column 1	Column 2	Column 3
Area 2	0.75:1	2:1
Area 3	3:1	4:1
Area 4	1:1	2:1
Area 5	0.6:1	2:1
Area 6	0.5:1	2:1
Area 7	0.5:1	1:1
Area 8	3:1	4:1

- ~~(3) The non-residential floor space ratio for all buildings within a site on land identified as follows on the Non-Residential Floor Space Ratio Range Map must not be less than the ratio shown for that land:~~
- ~~(a) Area 1 3:1,~~
~~(b) Area 9 0.5:1,~~
~~(c) Area 10 1:1,~~
~~(d) Area 12 2:1,~~
~~(e) Area 13 1.5:1.~~
- ~~(4) The non-residential floor space ratio for all buildings within a site on land identified as Area 11 on the Non-Residential Floor Space Ratio Range Map must not exceed 2:1.~~
- ~~(53)~~ Development consent must not be granted to the erection of a building on land in Zone B1 Neighbourhood Centre and Zone B4 Mixed Use, ~~identified as Area 1–13 on the Non-Residential Floor Space Ratio Range Map~~ unless the consent authority is satisfied that the building will have an active street frontage after its erection.
- ~~(64)~~ Despite subclause ~~(53)~~, an active street frontage is not required for any part of a building that is used for any of the following:
- (a) entrances and lobbies (including as part of a mixed use development),
(b) access for fire services,
(c) vehicular access.
- ~~(75)~~ In this clause, a building has an active street frontage if no part of the ground floor of the building facing a street is used for residential accommodation.
- ~~(86)~~ In this clause, non-residential floor space ratio means the ratio of the gross floor area of that part of a building used or proposed to be used for any purpose other than residential accommodation, a car park or a telecommunications facility, in all buildings within a site to the site area.

5.2.2 Definitions

The intent of the Planning Proposal is proposed to be achieved by amending the definition of *Non-residential Floor Space Ratio Range Map* follows (~~red strike through~~ represents a deletion and blue underline represents an insertion):

Non-Residential Floor Space Ratio ~~Range~~ Map means the North Sydney Local Environmental Plan 2013 Non-Residential Floor Space Ratio ~~Range~~ Map.

5.2.3 Non-residential Floor Space Ratio Range Map

The Planning Proposal also requires the deletion of the following NSLEP 2013 maps:

- LCL_001 5950_COM_LCL_001_010_20130607
- LCL_002 5950_COM_LCL_002_010_20130607
- LCL_002A 5950_COM_LCL_002A_005_20130607
- LCL_003 5950_COM_LCL_003_010_20130607
- LCL_004 5950_COM_LCL_004_010_20130607

And replacement with a new set of maps as identified within Annexure B to this Planning Proposal.

5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

1. ***Is the planning proposal a result of any strategic study or report?***

Yes. The need for the Planning Proposal has arisen from preliminary work that has been undertaken by Council in relation to the *North Sydney Economic Development Study*.

The primary objective of the Strategy will be to outline Council's plan for economic development in a consolidated policy document. In particular, the Strategy will:

- Provide an understanding of the existing operation of all employment land in the North Sydney LGA;
- Identify recent development trends and their impact on the provision of employment generating floor space;
- Provide an understanding of the market conditions which affect existing economic activity in North Sydney LGA and greater Sydney;
- Provide an understanding of the opportunities and constraints for future employment growth in the North Sydney LGA;
- Identify the demand for employment generating floor space in the North Sydney LGA;
- Set clear employment targets which are consistent with state government targets;
- Set strategies to actively encourage the provision of additional employment generating floor space and uses.

Despite the Strategy still being in the preliminary stages, initial research undertaken to date has indicated a pressing need to strengthen mechanisms that promote the provision of employment generating uses.

In particular, it was identified that where a property is affected by a maximum non-residential floor space ratio, the land cannot be developed to its maximum potential as a non-residential development. This generally occurs where a site has say a relatively high maximum building height and a low maximum non-residential FSR. For example a site which has a maximum height of 40m (or approximately 13 storeys) and a maximum non-residential FSR of 2:1 (equating to approximately 3 storeys) removes the potential to undertake a non-residential development of equivalent scale to a mixed use development.

The proposed amendment to NSLEP 2013 has been identified as a simple measure to encourage the provision of more employment generating floor space in North Sydney.

2. ***Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Yes. Allowing the market the flexibility to determine the amount of non-residential floor space above specified minimum requirements can only be achieved through the removal of the maximum non-residential floor space requirements.

The removal of the maximum requirement for non-residential floor space can only be achieved via an amendment to NSLEP 2013.

The North Sydney Economic Development Strategy will also seek to identify other strategies which encourage the provision of additional employment generating floor space.

5.3.2 Section B – Relationship to strategic planning framework

3. *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)?*

Metropolitan Plan for Sydney 2036

Released in December 2010, the Metropolitan Plan for Sydney 2036 (Metropolitan Plan) sets the planning framework for the growth of the Sydney metropolitan area over the next 25 years. The Metropolitan Plan sets targets of an additional 770,000 homes and 760,000 jobs by 2036.

Objectives and Actions identified in the Metropolitan Plan which are relevant to the Planning Proposal are as follows:

- Objective A3 - To contain the urban footprint and achieve a balance between greenfields growth and renewal in existing urban areas;
- Objective A4 To continue strengthening Sydney's capacity to attract and retain global businesses and investment;
 - Action A4.1 – Protect commercial core areas in key Strategic Centres to ensure capacity for companies engaged in global trade, services and investment, and to ensure employment targets can be met.
- Objective B1 – To focus activity in accessible centres;
 - Action B1.1 – Plan for centres to grow and change over time;
- Objective B2 – To strengthen major and specialised centres to support sustainable growth of the city;
 - Action B2.2 – Provide sufficient capacity for the clustering of businesses and knowledge-base activities in Major and Specialised Centres;
- Objective D1 – To ensure an adequate supply of land and sites for residential development;
 - Action – D1.1 – Locate at least 70% of new housing within existing urban areas ...;
- Objective E2 – To focus Sydney's economic growth and renewal, employment and education in centres;
 - Action E2.1 – Plan for more commercial and retail jobs in high accessible strategic centres
 - Action E2.2 – Ensure that an adequate supply of retail, office space and business parks;
- Objective E3 – To provide employment lands to support the economy's freight and industry needs;
 - Action E3.1 – Monitor supply and demand for employment lands, and plan for new employment lands;
 - Identify and retain strategically important employment lands

The Planning Proposal is generally consistent with the objectives and actions of the Metropolitan Plan in so far that it will increase the potential employment

generating capacity in the North Sydney LGA on sites which generally have excellent access to transport infrastructure.

Increasing the provision of employment floor space within existing centres will come at the expense of the provision of residential accommodation which the Metropolitan Plan also seeks to achieve.

One particular issue with the Metropolitan Plan is that it does not clearly indicate whether preference is given to the provision of jobs or housing. Whilst housing can essentially be accommodated anywhere, it's far more difficult to appropriately locate floor space for employment purposes. Given the importance of locating employment generating floor space close to public transport, greater weight should be given to retaining existing employment related functions over housing, within and adjacent to existing commercial centres. These issues are further exacerbated by strata titling of residential development rarely being converted back for commercial purposes.

If preference is given to the provision of housing over employment generating opportunities, the strategic economic importance of identified centres under the Metropolitan Plan will be severely undermined.

Draft Metropolitan Strategy for Sydney to 2031

Released in March 2013, the Draft Metropolitan Plan for Sydney to 2031 (Draft Metropolitan Strategy) sets the planning framework for the growth of the Sydney metropolitan area over the next 25 years. The Draft Metropolitan Strategy sets targets of an additional 545,000 homes and 625,000 jobs by 2031.

Objectives and Policies identified in the Draft Metropolitan Strategy which are relevant to the Planning Proposal are as follows:

- Objective 2 – Strengthen and grow Sydney's centres
 - Policy 2.A – Plan for housing growth in centres of all sizes.
 - Policy 2.B – Strategic Centres will be the focus of medium and high density housing and business and commercial growth with supporting infrastructure.
 - Policy 2.C – Encourage growth in all centres and Specialised Precincts within the Global Economic Corridor and extend its overall reach to Norwest and Parramatta.
 - Policy 2.D – Mixed use development will be encouraged in all centres, including central commercial core areas, where there is market demand and complementary land uses.
 - Policy 2.E – Expand central commercial core areas in Global Sydney and the Regional Cities.
 - Policy 2.F – Plan commercial cores for Major Centres and Specialised Precincts where there is market demand and investment opportunities.
 - Policy 2.G – Maintain a strong employment focus in Specialised Precincts.
 - Policy 2.H – Locate larger commercial premises in Strategic Centres.
 - Policy 2.I – Plan new centres to meet growth and market demand and provide investment opportunities.
- Objective 4 – Deliver strategic outcomes - nine city shapers

- Policy 4.A – Transform the city by delivering the priorities for each city shaper.
 - Global Sydney
 - Global Economic Corridor
 - Sydney Harbour
- Objective 5 – Deliver new housing to meet Sydney’s growth
 - Policy 5.A – Plan for at least 273,000 additional homes by 2021 and 545,000 additional homes by 2031.
 - Policy 5.B – New housing will be encouraged in areas close to existing and planned infrastructure in both infill and greenfield areas.
 - Policy 5.E – The supply of housing in established urban areas and zoned release areas will be fast tracked.
- Objective 7 – Deliver well-designed and active centres that attract investment and growth
 - Policy 7.A – Existing centres will grow and change and new centres will be supported.
 - Policy 7.B – Retail, employment, cultural and social infrastructure will be included in centres undergoing growth and renewal.
- Objective 10 – Provide capacity for jobs growth and diversity across Sydney
 - Policy 10.A – Plan for at least 339,000 additional jobs by 2021 and 625,000 additional jobs by 2031.
- Objective 14: Provide a good supply of office space
 - Policy 14.A – Strategic Centres and Specialised Precincts that contain business parks/office clusters will be the primary location for office space.
 - Policy 14.B – Major new office developments will be supported in Global Sydney
- Objective 15 – Provide for a good supply of retail space
 - Policy 15.A – Centres of all sizes will be the primary location of retail, at a scale reflecting the level of public transport accessibility.

The Planning Proposal is generally consistent with the objectives and policies of the Draft Metropolitan Strategy in so far that it will increase the potential employment generating capacity in the North Sydney LGA on sites which generally have excellent access to transport infrastructure.

However, increasing the provision of employment floor space within existing centres will come at the expense of the provision of residential accommodation which the draft Metropolitan Strategy also seeks to achieve.

One particular issue with the draft Metropolitan Strategy is that it does not clearly indicate whether preference is given to the provision of jobs or housing. As indicated in response to the Metropolitan Plan, preference should be given to the provision of jobs over housing.

Draft Inner North Subregional Strategy

In July 2007, the NSW Government released the draft Inner North Subregional Strategy (draft INSS). The North Sydney LGA is located within the Inner North subregion with the other LGAs of Lane Cove, Ryde, Willoughby, Hunters Hill and Mosman. The Draft INSS sets targets of an additional 5,500 homes and 15,000 jobs by 2031 for the North Sydney LGA.

Directions and Actions identified in the draft INSS which are relevant to the Planning Proposal are as follows:

- Direction A1 – Provide suitable commercial sites and employment lands in strategic areas
 - Action A1.1 – Provide a framework for accommodating jobs across the city
 - Action A1.2 – Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands
 - Action A1.4 – Contain the rezoning of employment lands to residential zonings across Sydney
- Direction B1 – Provide places and locations for all types of economic activity and employment across the Sydney region
 - Action B1.2 Establish a typology of centres
- Direction B2 – Increase densities in centres whilst improving liveability
 - Action B3.4 – Ensure sufficient commercial office sites in strategic centres
- Direction B3 – Cluster businesses and knowledge-base activities in strategic centres
 - Action B3.2 – Strengthen centres management
- Direction B4 – Concentrate activities near public transport
 - Action B4.1 – Concentrate retail activity in centres, business development zones and enterprise corridors
- Direction B5 – Protect and strengthen the primary role of economic corridors
 - Action B5.1 – Establish a stronger corridors planning and development initiative
- Direction C3 – Renew local centres
 - Action C3.1 – Renew local centres to improve economic viability and amenity

The Planning Proposal is generally consistent with the objectives and policies of the draft INSS in so far that it will increase the potential employment generating capacity in the North Sydney LGA on sites which generally have excellent access to transport infrastructure.

However, increasing the provision of employment floor space within existing centres will come at the expense of the provision of residential accommodation which the draft INSS also seeks to achieve.

One particular issue with the draft INSS is that it does not clearly indicate whether preference is given to the provision of jobs or housing. As indicated in response to the Metropolitan Plan, preference should be given to the provision of jobs over housing.

North Sydney Residential Development Strategy

The North Sydney Residential Development Strategy (RDS) identifies the potential for an additional 6,199 dwellings in the North Sydney LGA by 2031 under the provisions of NSLEP 2013.

The removal of the maximum non-residential floor space ratio controls will have no impact on the potential yields determined under the RDS, as they had been calculated based on developments incorporating the minimum non-residential floor space ratio requirements.

Furthermore, due to the current strong demand for residential over non-residential floor space, it is unlikely that the removal of the maximum non-residential floor space ratio control will impact on the ability to meet the additional residential development envisaged by the RDS.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

North Sydney Council Delivery Program 2010/11-2013/14

The North Sydney Council Delivery Program 2010/11-2013/14 (Delivery Program) was prepared in accordance with NSW State Government's Integrated Planning and Reporting Framework requirements. The Delivery Program outlines Council's priorities and service delivery programs over four years, set out under five key Directions.

The directions and goals of the Delivery Program which are relevant to the Planning Proposal are as follows:

Direction 2: Our Built Environment

Outcomes 2.2: Improve mix of land use and quality development

Direction 3: Our Economic Vitality

Outcomes 3.1 Ensure a vibrant, strong, and sustainable local economy

Outcomes 3.2 North Sydney CBD is one of Australia's largest commercial centres

Direction 5: Our Civic Leadership

Outcomes 5.5: Ensure the long term financial sustainability of North Sydney

The Planning Proposal will allow these directions and outcomes to be pursued in a robust and strategic manner.

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

It is considered that the Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney Local Government Area, as demonstrated in TABLE 1.

TABLE 1: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP No. 1 – Development Standards	N/A	This SEPP does not apply pursuant to Clause 1.9 of NSLEP 2013.
SEPP No. 19 - Bushland in urban areas	N/A	This SEPP does not apply as the lands affected by the Planning Proposal do not contain bushland or are located adjacent to land containing bushland.
SEPP No. 32 - Urban consolidation (redevelopment of urban land)	YES	The Planning Proposal does not seek to alter the provision of residential accommodation in the B4 Mixed Use zone.
SEPP No. 33 - Hazardous and offensive development	N/A	This SEPP does not apply as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.

TABLE 1: Consistency with SEPPs		
Direction	Consistency	Comment
SEPP No. 50 - Canal estate development	YES	The Planning Proposal is consistent with the SEPP by maintaining a prohibition on canal estate development.
SEPP No. 55 - Remediation of land	YES	The Planning Proposal does not seek to alter the types of uses permissible on the subject lands. Accordingly, no detailed contamination assessments are required in this instance. Contamination can be dealt with at development application stage if required.
SEPP No. 64 - Advertising and signage	N/A	The Planning Proposal does not relate to development for the purposes of advertising and signage.
SEPP No. 65 - Design Quality of Residential Flat Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Affordable Rental Housing) 2009	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	The Planning Proposal does not relate to building sustainability.
SEPP (Exempt and Complying Development Codes) 2008	N/A	The Planning Proposal does not seek to introduce any additional exempt or complying development types.
SEPP (Housing for Seniors or People with a Disability) 2004 - <i>formerly SEPP (Seniors Living) 2004</i>	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Infrastructure) 2007	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Major Development) 2005 - <i>formerly SEPP Major Projects & SEPP State Significant Development</i>	N/A	The Planning Proposal does not relate to any state significant sites identified under this SEPP and therefore does not apply.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007 - <i>formerly SEPP (Temporary Structures) 2007</i>	N/A	This SEPP does not apply as the Planning Proposal does not relate to development for the purposes of temporary structures.
SEPP (State and Regional Development) 2011	N/A	This SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.

TABLE 1: Consistency with SEPPs		
Direction	Consistency	Comment
Sydney REP (Sydney Harbour Catchment) 2005	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

It is considered that the Planning Proposal is consistent with the relevant Directions issued under Section 117(2) of the EP&A Act by the Minister to Councils, as demonstrated in TABLE 2.

TABLE 2: Consistency with s.117 Directions		
Direction	Consistency	Comment
1. Employment and Resources		
1.1 Business & Industrial Zones	YES	The Planning Proposal does not seek to reduce any commercial or industrial zoning under NSLEP 2013. The Planning Proposal will provide an opportunity to increase the level of non-residential floor space achievable on the affected lands.
1.2 Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 or proposed under the Planning Proposal.
1.3 Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
1.4 Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal does not propose any changes in land use.
1.5 Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not propose any changes that will affect development in a rural or environmental protection zone.
2 Environmental Heritage		
2.1 Environmental Protection Zones	N/A	This Direction does not apply as the Planning Proposal does not affect land in an environmental protection zone.
2.2 Coastal Protection	N/A	This Direction does not apply as the Planning Proposal does not affect land within a coastal zone.
2.3 Heritage Conservation	YES	The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 which already satisfy the requirements of the Direction.
2.4 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.

TABLE 2: Consistency with s.117 Directions		
Direction	Consist -ency	Comment
3 Housing, Infrastructure & Urban Development		
3.1 Residential Zones	YES	The Planning Proposal is consistent with the requirements of the Direction as it will not place any greater limitation on the provision of residential accommodation.
3.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.
3.3 Home Occupations	YES	The Planning Proposal does not alter the existing provisions within NSLEP 2013 that relate to home occupations, which already satisfy the requirements of the Direction.
3.4 Integrating Land Use & Transport	YES	The Planning Proposal is considered to be consistent with the aims objectives and principles of “ <i>Improving Transport Choice – Guidelines for planning and development</i> ” and “ <i>The Right Place for Business and Services – Planning Policy</i> ”. In particular, it enables an ability to increase non-residential development in close proximity to high levels of transport.
3.5 Development Near Licensed Aerodromes	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a licensed aerodrome nor does it propose to amend a height limit that exceeds the Obstacle Limitation Surface level that applies to the North Sydney LGA.
3.6 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.
4 Hazard and Risk		
4.1 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.
4.2 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
4.3 Flood Prone Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.
4.4 Planning for Bushfire Protection	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being bushfire prone land.
5 Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by one of the identified strategies.

TABLE 2: Consistency with s.117 Directions		
Direction	Consistency	Comment
5.2 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
5.8 Second Sydney Airport: Badgerys Creek	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
6 Local Plan Making		
6.1. Approval & Referral Requirements	YES	The Planning Proposal does not alter any concurrence, consultation or referral requirements under NSLEP 2013, nor does it identify any development as designated development.
6.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	This Direction does not apply, as it does not allow a particular type of development to be carried out.
7 Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	YES	Refer to question 4 to Section 5.3.2 of this report.

5.3.3 Section C – Environmental, social and economic impact

7. *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 relates to land in a densely urbanised area and it is unlikely that the Planning Proposal will adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The Planning Proposal merely seeks to increase the flexibility in the provision of non-residential floor space on certain lands and is unlikely to result in any adverse environmental impacts.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The Planning Proposal seeks to remove an unreasonable restriction on the development of a site for entirely non-residential purposes. Despite non-residential uses being permissible in the B1 – Neighbourhood Centre and B4

Mixed Use zones, as a stand alone use, they are generally unable to obtain an approval for a building of the same size and scale as would be permitted if it was a mixed residential and non-residential building. This is contrary to the attainment of the objectives of the EP&A Act.

In addition, the removal of the maximum non-residential floor space ratio controls provides the opportunity for developments to provide greater employment generating floor space which is vital to overall economic vitality of the North Sydney LGA, greater Sydney and the state of NSW.

Conversely, the Planning Proposal has the potential to reduce the level of residential accommodation on the affected lands. However, due to the strong demand for residential accommodation over non-residential accommodation at this point in time it is unlikely to have an adverse impact on the provision of housing in accordance with regional and subregional plans and strategies.

5.3.4 Section D – State and Commonwealth interests

10. *Is there adequate public infrastructure for the planning proposal?*

The Planning Proposal does not seek to allow an increase the overall developable yield on any site. Rather the amendment will provide the opportunity to allow a greater proportion of employment generating floor space to be accommodated on affected sites.

It is therefore considered that the planning proposal does not increase the demand for public infrastructure.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

The Planning Proposal has not yet been considered by State or Commonwealth public authorities. Views of the State will be gained through the Gateway Determination process.

5.4 PART 4 : MAPPING

The Planning Proposal requires the replacement of all the Non-Residential Floor Space Ratio Range Maps to NSLEP 2013. The maps to be replaced include:

- LCL_001 5950_COM_LCL_001_010_20130607
- LCL_002 5950_COM_LCL_002_010_20130607
- LCL_002A 5950_COM_LCL_002A_005_20130607
- LCL_003 5950_COM_LCL_003_010_20130607
- LCL_004 5950_COM_LCL_004_010_20130607

Replacement maps are provided within Annexure B to this report.

5.5 PART 5 : COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements made by the Gateway Determination and Council's guidelines.

5.6 PART 6 : PROJECT TIMELINE

TABLE 3 provides a project timeline having regard to identified milestones and estimating approximately 9 months from submitting the proposal to the DPE to the amending LEP being made.

TABLE 3 – Project Timeline									
Milestone	Dec 2014	Jan 2015	Feb 2015	Mar 2015	April 2015	May 2015	June 2015	July 2015	Aug 2015
1. Request for Gateway Determination sent to DPE									
2. DPE considers Request									
3. Gateway Determination Issued to Council									
4. Public Exhibition Undertaken									
5. Council considers post exhibition report									
6. Submission to DPE requesting making of LEP									
7. Drafting of LEP and making									

ANNEXURE A

- Current Non-Residential Floor Space Ratio Range Map



North Sydney Local Environmental Plan 2013

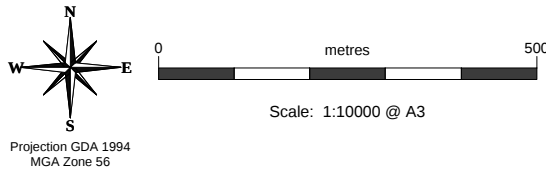
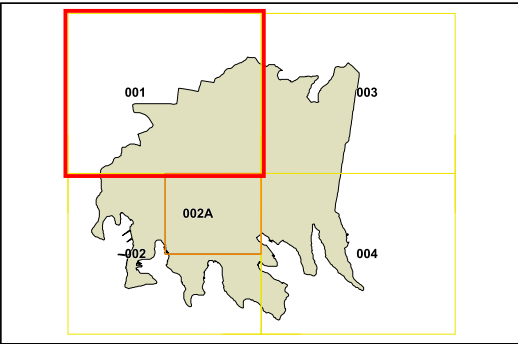
Non-Residential Floor Space Ratio Range Map - Sheet LCL_001

Non-Residential Floor Space Ratio Range

- | | |
|----|---------|
| 1 | Area 1 |
| 2 | Area 2 |
| 3 | Area 3 |
| 4 | Area 4 |
| 5 | Area 5 |
| 6 | Area 6 |
| 7 | Area 7 |
| 8 | Area 8 |
| 9 | Area 9 |
| 10 | Area 10 |
| 11 | Area 11 |
| 12 | Area 12 |
| 13 | Area 13 |

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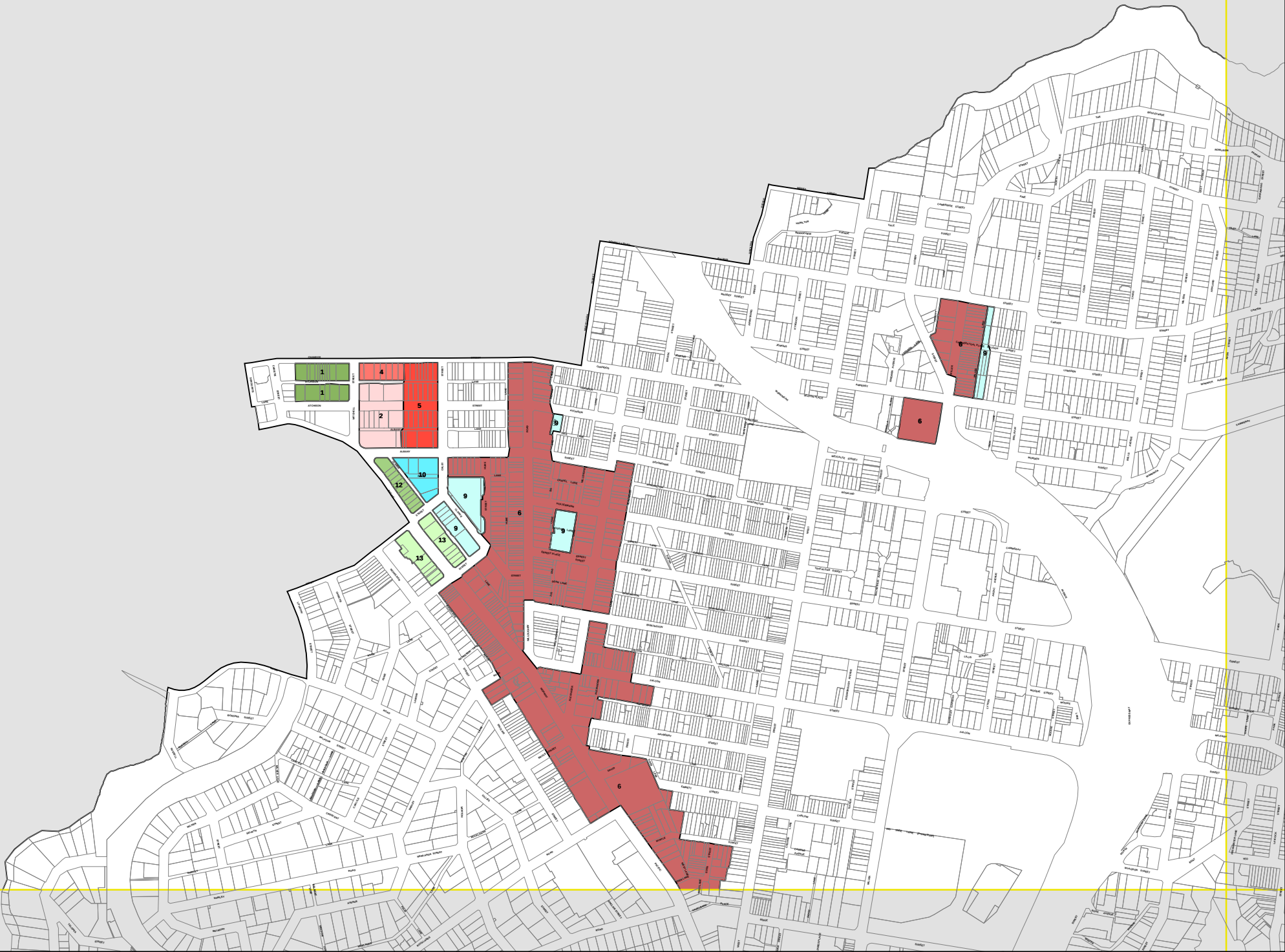
Cadastre 07/06/13 © North Sydney Council



Map identification number:
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WILLOUGHBY
LGA

LANE COVE
LGA





North Sydney Local Environmental Plan 2013

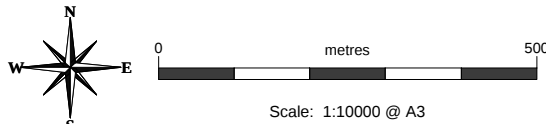
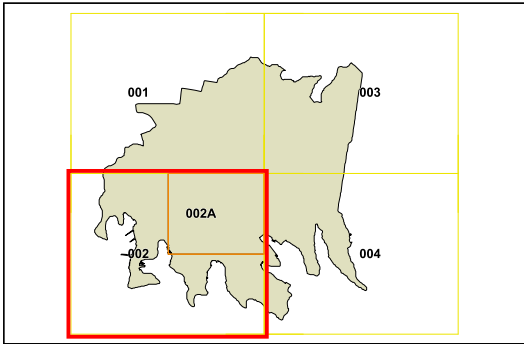
Non-Residential Floor Space Ratio Range Map - Sheet LCL_002

Non-Residential Floor Space Ratio Range

- | | |
|----|---------|
| 1 | Area 1 |
| 2 | Area 2 |
| 3 | Area 3 |
| 4 | Area 4 |
| 5 | Area 5 |
| 6 | Area 6 |
| 7 | Area 7 |
| 8 | Area 8 |
| 9 | Area 9 |
| 10 | Area 10 |
| 11 | Area 11 |
| 12 | Area 12 |
| 13 | Area 13 |

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Projection GDA 1994
MGA Zone 56

Map identification number:
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LANE COVE
LGA

SYDNEY HARBOUR

Refer to map LCL_002A



North Sydney Local Environmental Plan 2013

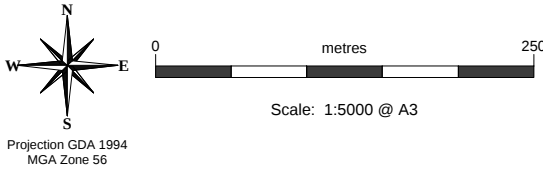
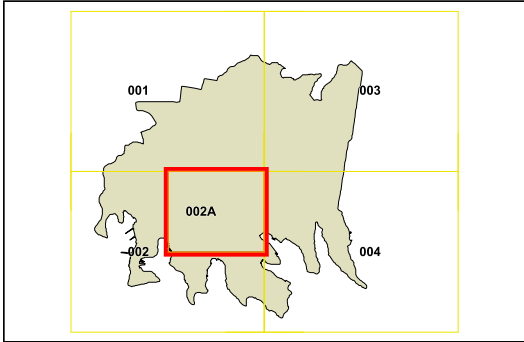
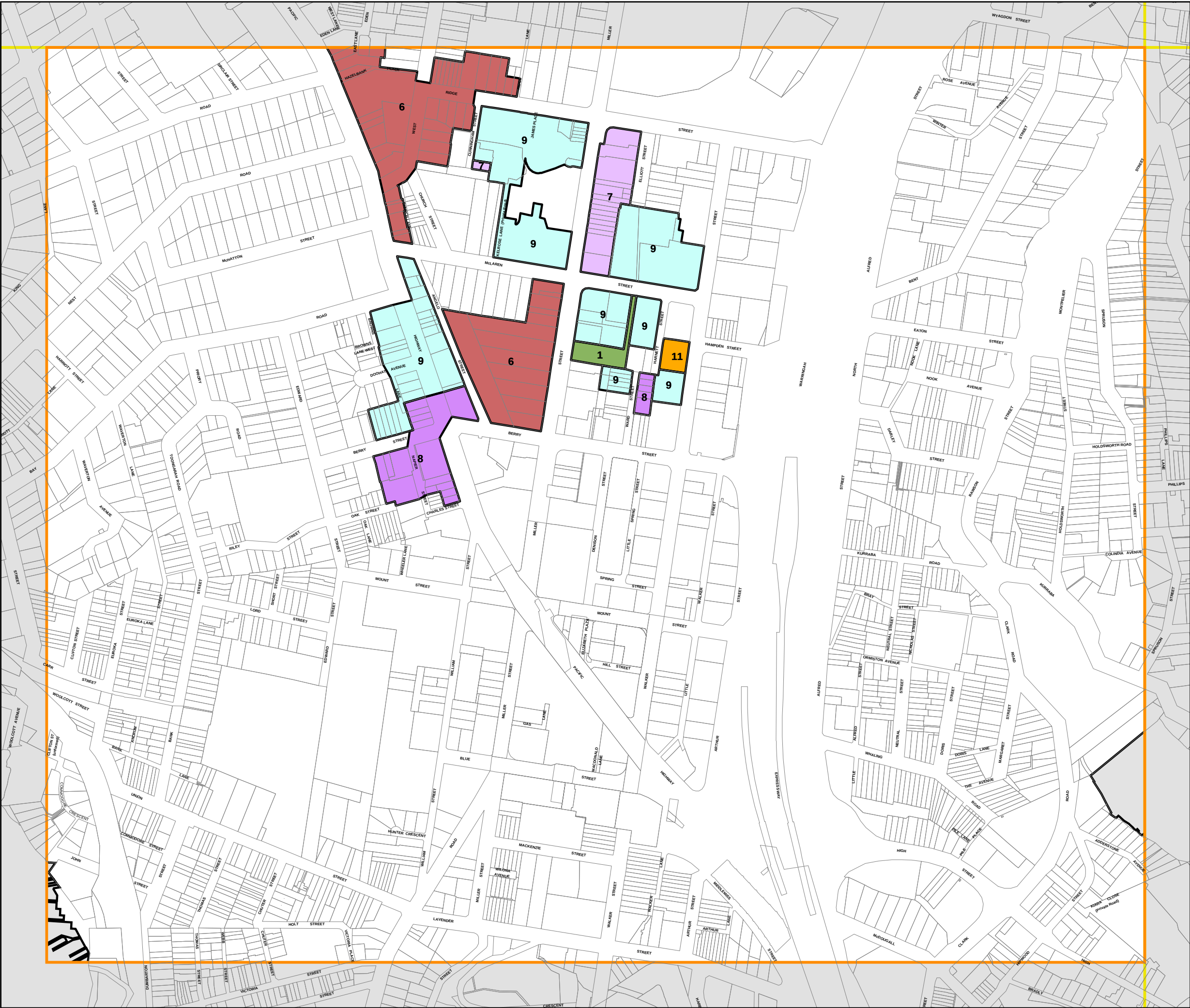
Non-Residential Floor Space Ratio Range Map - Sheet LCL_002A

Non-Residential Floor Space Ratio Range

- 1 Area 1
- 2 Area 2
- 3 Area 3
- 4 Area 4
- 5 Area 5
- 6 Area 6
- 7 Area 7
- 8 Area 8
- 9 Area 9
- 10 Area 10
- 11 Area 11
- 12 Area 12
- 13 Area 13

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North Sydney Local Environmental Plan 2013

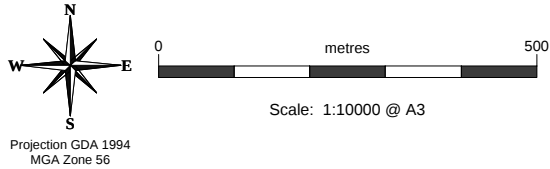
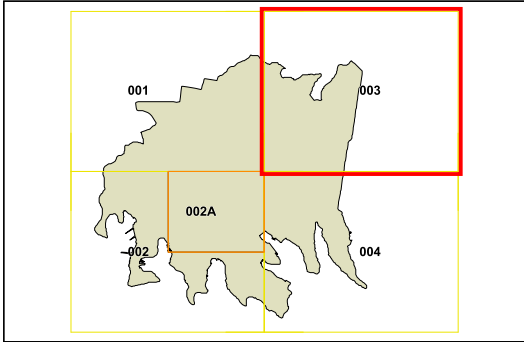
Non-Residential Floor Space Ratio Range Map - Sheet LCL_003

Non-Residential Floor Space Ratio Range

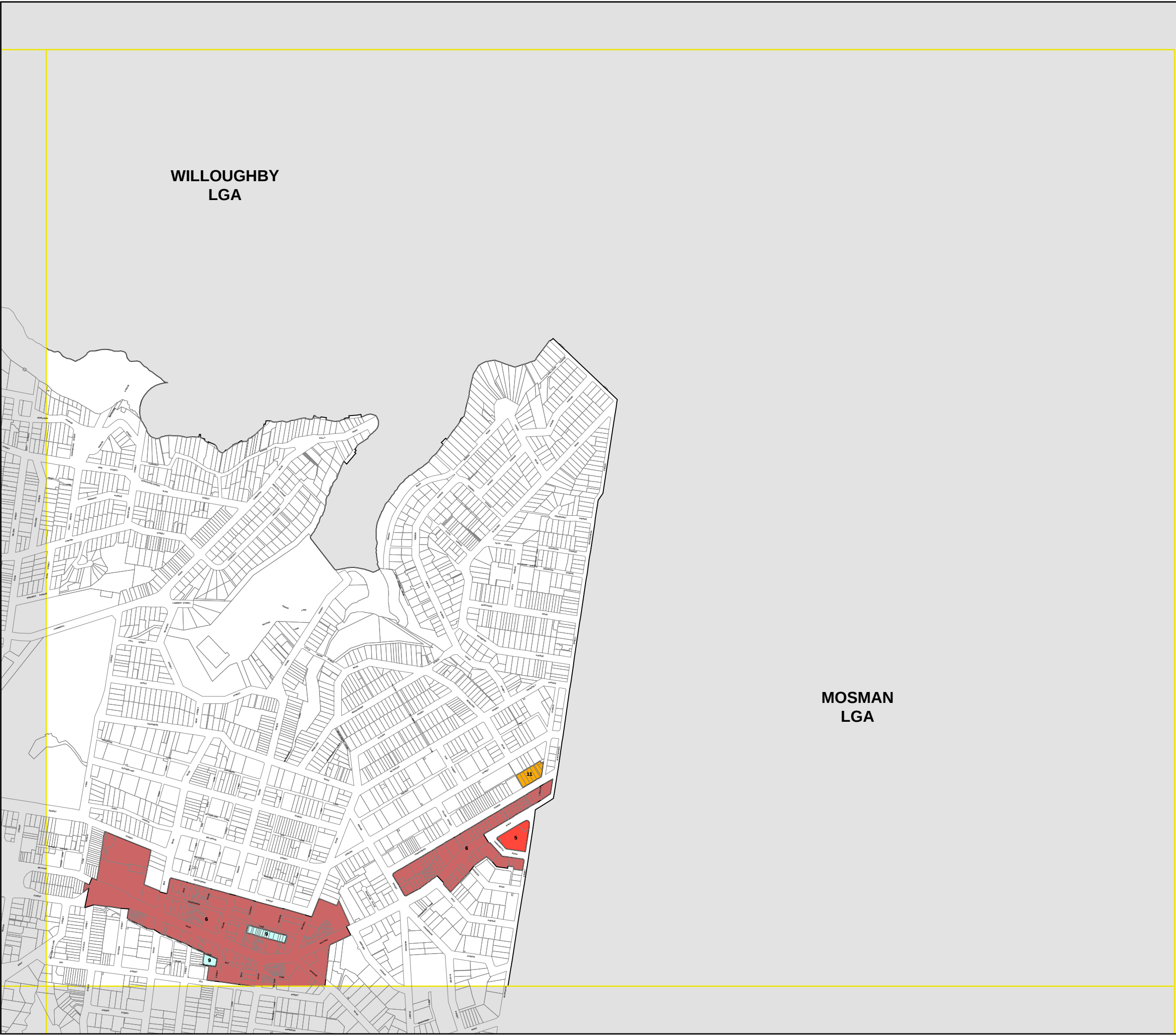
- | | |
|----|---------|
| 1 | Area 1 |
| 2 | Area 2 |
| 3 | Area 3 |
| 4 | Area 4 |
| 5 | Area 5 |
| 6 | Area 6 |
| 7 | Area 7 |
| 8 | Area 8 |
| 9 | Area 9 |
| 10 | Area 10 |
| 11 | Area 11 |
| 12 | Area 12 |
| 13 | Area 13 |

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Map identification number:
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North Sydney Local Environmental Plan 2013

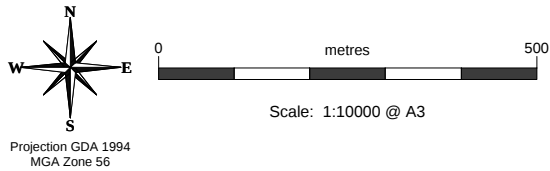
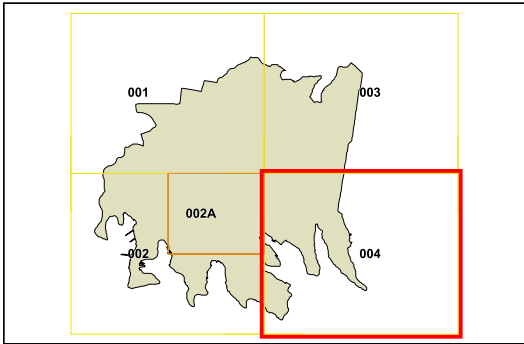
Non-Residential Floor Space Ratio Range Map - Sheet LCL_004

Non-Residential Floor Space Ratio Range

- 1 Area 1
- 2 Area 2
- 3 Area 3
- 4 Area 4
- 5 Area 5
- 6 Area 6
- 7 Area 7
- 8 Area 8
- 9 Area 9
- 10 Area 10
- 11 Area 11
- 12 Area 12
- 13 Area 13

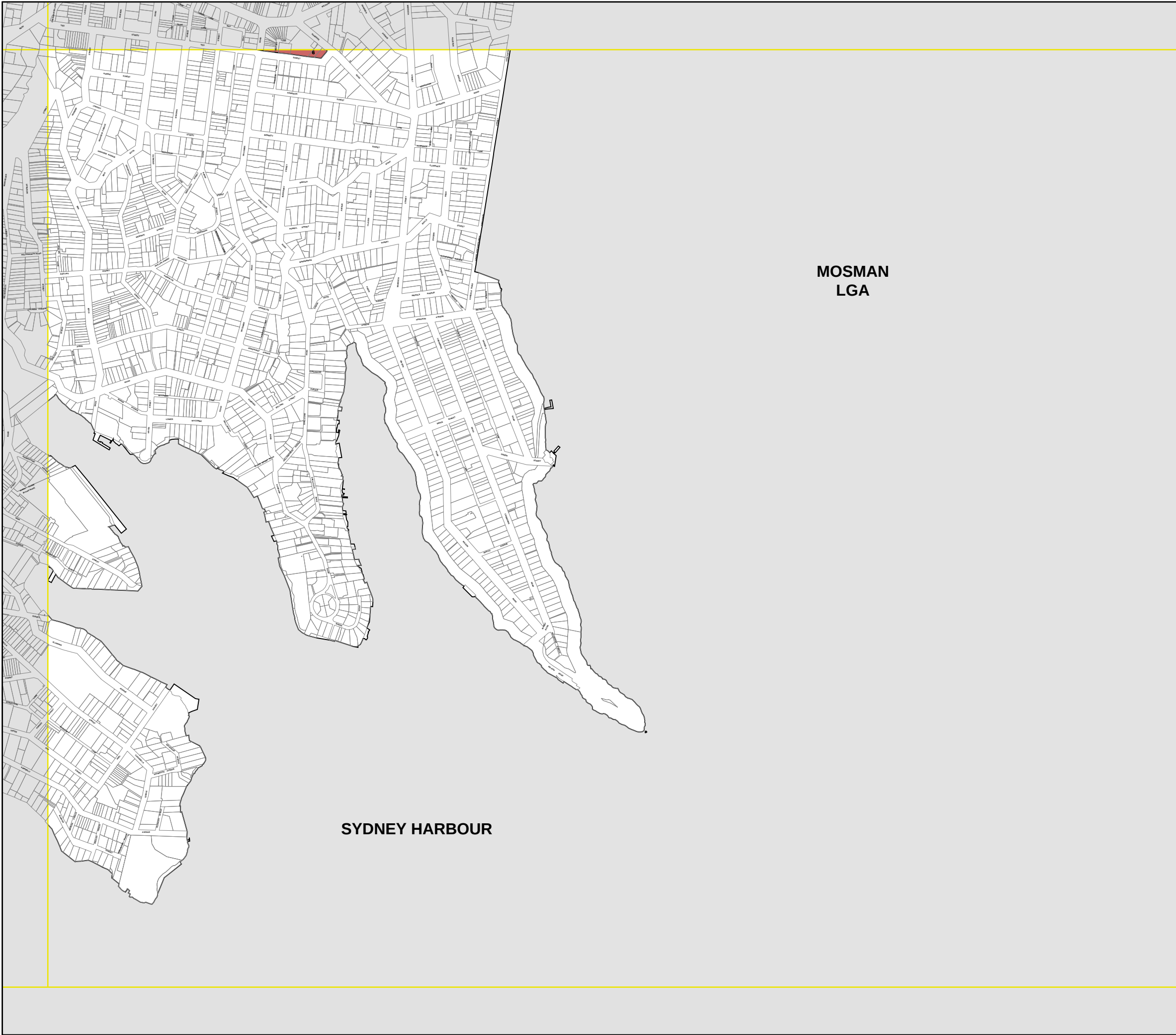
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Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_LCL_004_010_20130607



ANNEXURE B

- Proposed Non-Residential Floor Space Ratio Map



North Sydney Local Environmental Plan 2013

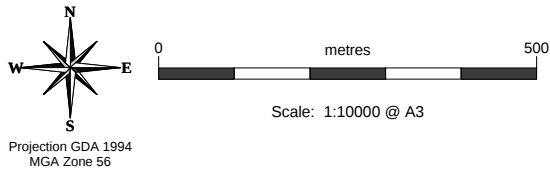
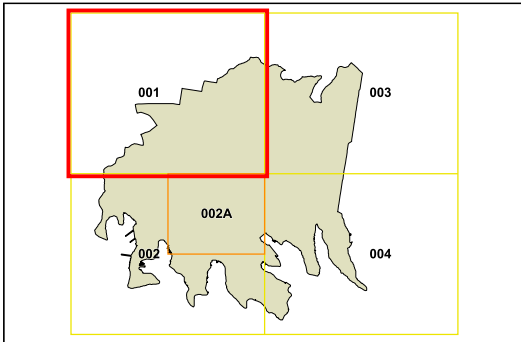
Non-Residential Floor Space Ratio Map - Sheet LCL_001

Minimum Non-Residential Floor Space Ratio (n:1)

D	0.5
F	0.6
I	0.75
N	1
S	1.5
T	2
V	3

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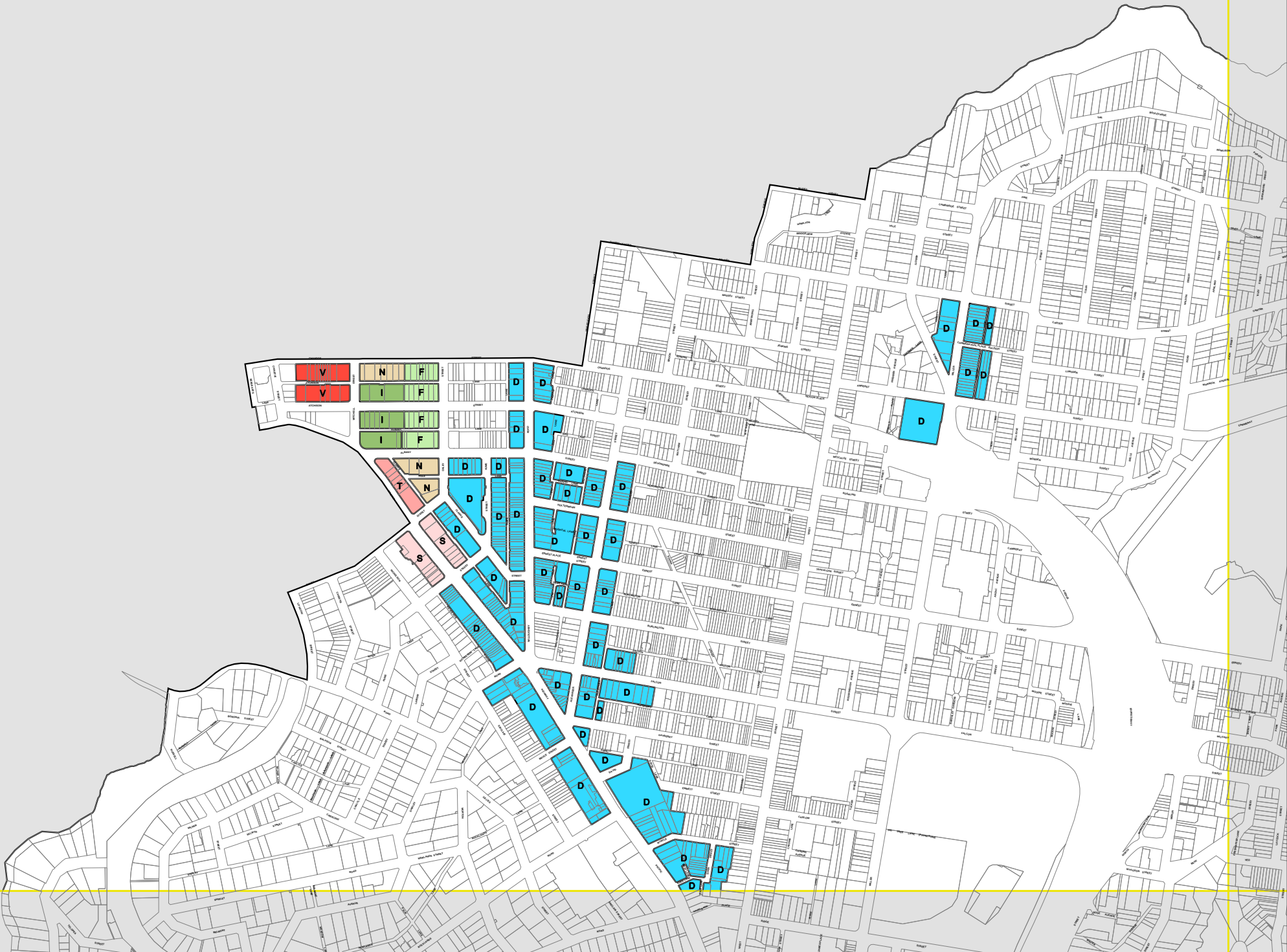
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Map identification number:
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WILLOUGHBY
LGA

LANE COVE
LGA





North Sydney Local Environmental Plan 2013

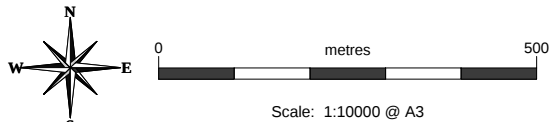
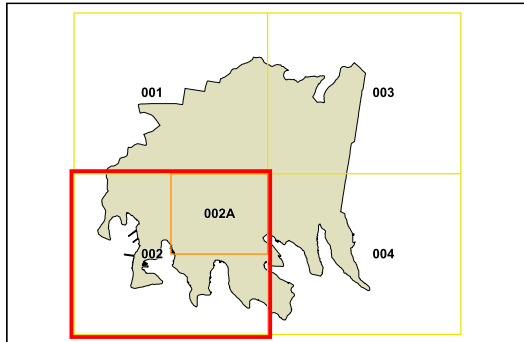
Non-Residential Floor Space Ratio Map - Sheet LCL_002

Minimum Non-Residential Floor Space Ratio (n:1)

D	0.5
F	0.6
I	0.75
N	1
S	1.5
T	2
V	3

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Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_LCL_002_010_20141208

LANE COVE
LGA

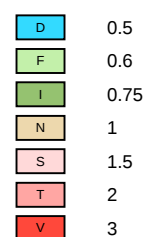
SYDNEY HARBOUR

Refer to map LCL_002A



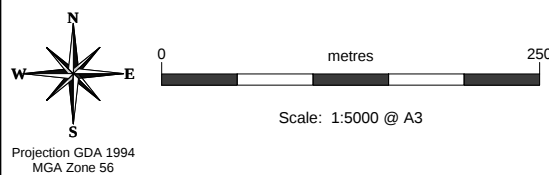
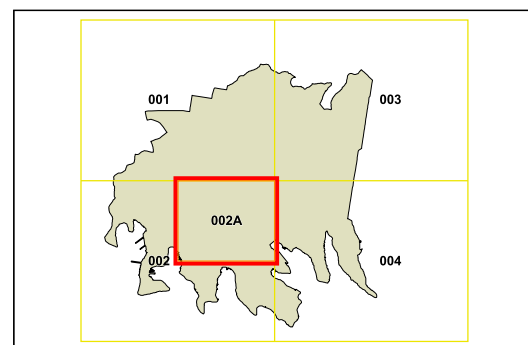
Non-Residential Floor Space
Ratio Map
- Sheet LCL_002A

Minimum Non-Residential Floor Space Ratio (n:1)

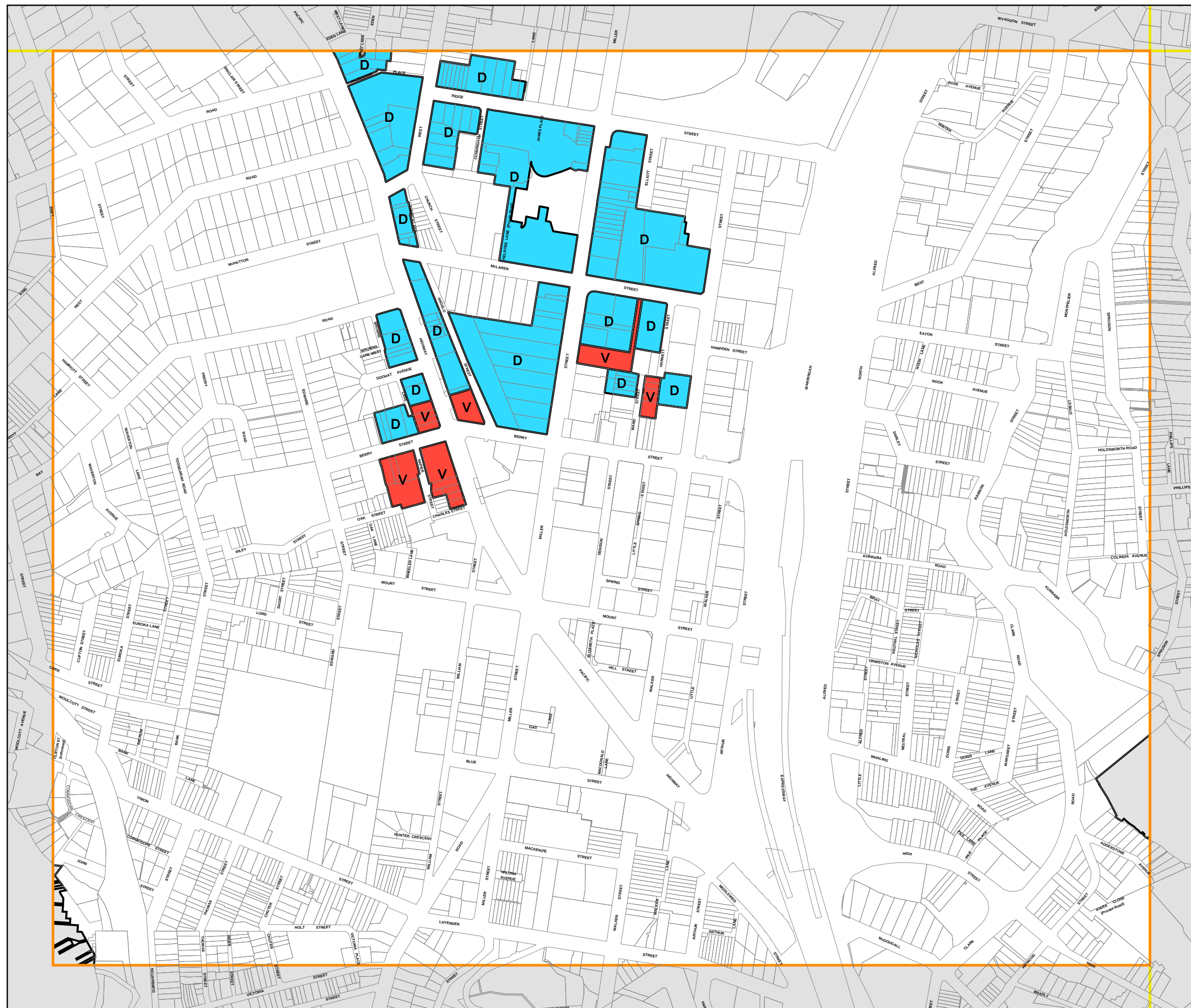


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**North Sydney Local
Environmental
Plan 2013**

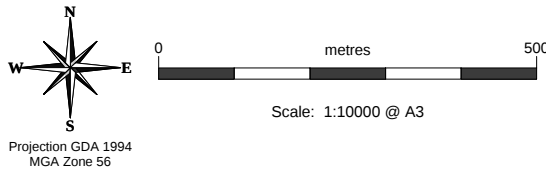
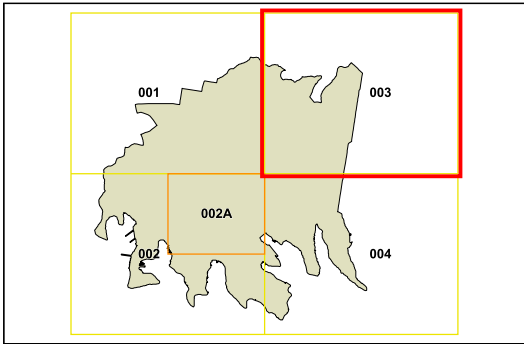
**Non-Residential Floor Space
Ratio Map
- Sheet LCL_003**

Minimum Non-Residential Floor Space Ratio (n:1)

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F	0.6
I	0.75
N	1
S	1.5
T	2
V	3

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**WILLOUGHBY
LGA**

**MOSMAN
LGA**



**North Sydney Local
Environmental
Plan 2013**

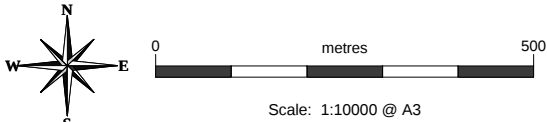
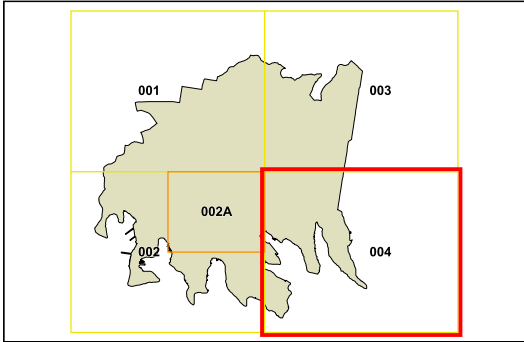
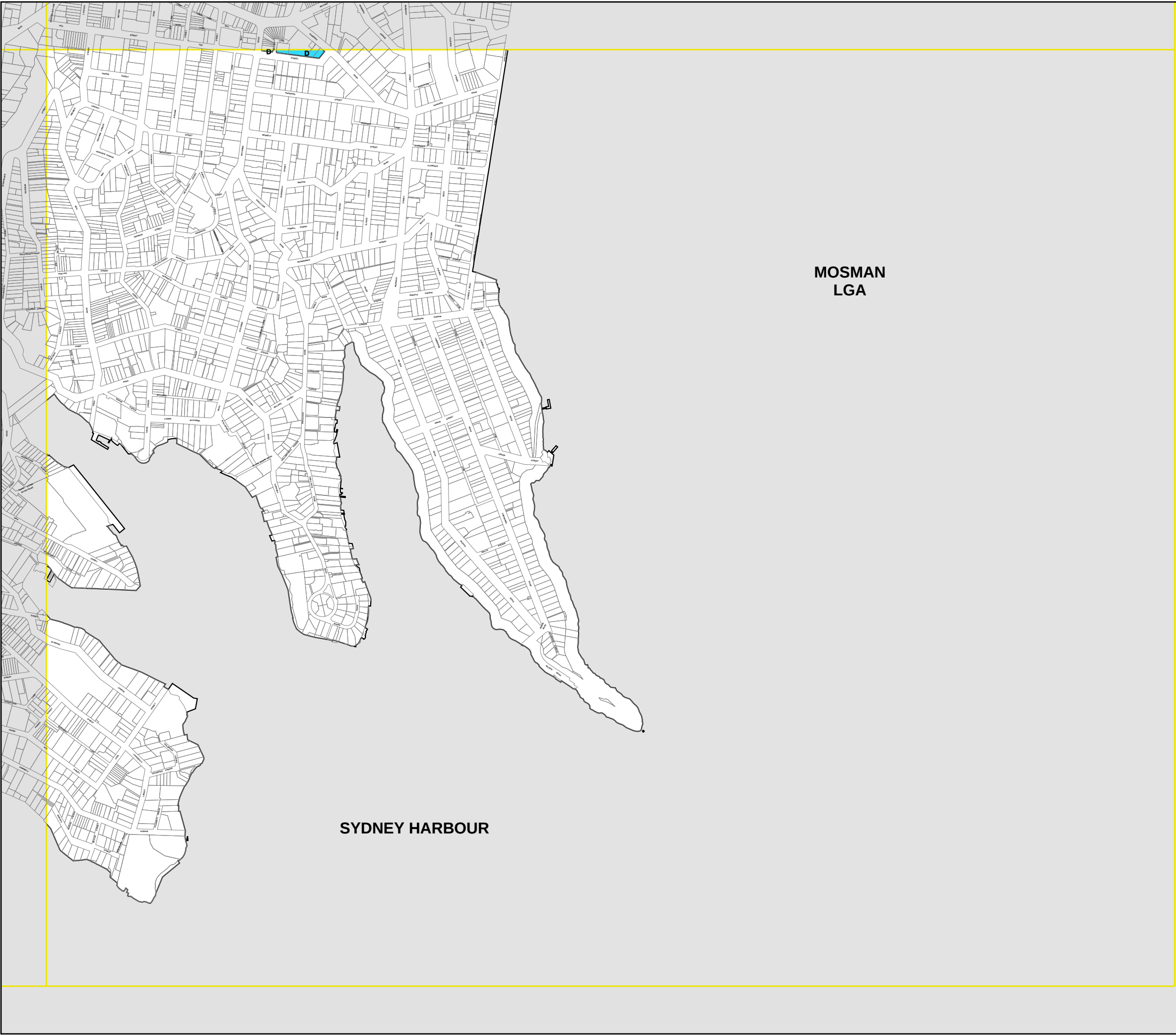
**Non-Residential Floor Space
Ratio Map
- Sheet LCL_004**

Minimum Non-Residential Floor Space Ratio (n:1)

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F	0.6
I	0.75
N	1
S	1.5
T	2
V	3

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