



address 200 Miller Street North Sydney NSW 2060

all correspondence General Manager North Sydney Council
PO Box 12 North Sydney NSW 2059
DX10587

telephone (02) 9936 8100

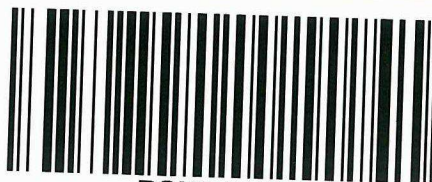
facsimile (02) 9936 8177

email council@northsydney.nsw.gov.au

internet www.northsydney.nsw.gov.au

ABN 32 353 260 317

Ms Juliet Grant
Director Sydney East Region
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



PCU012969

MY (PDS)

6 December 2012

Dear Juliet

Re: Planning Proposal – North Sydney Olympic Pool

At its meeting on 3 December 2012, North Sydney Council considered a report regarding a Planning Proposal for the site of the North Sydney Olympic Pool. From this, Council resolved to forward the Planning Proposal to the Department of Planning & Infrastructure in order to receive a Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

The Planning Proposal seeks to amend North Sydney Local Environmental Plan 2001 (NSLEP 2001) by adding a site specific provision under Part 5 of NSLEP 2001 to enable “commercial premises” to be undertaken on the subject site. The additional use is being sought to allow a designated portion of the premises to be used for private/corporate functions.

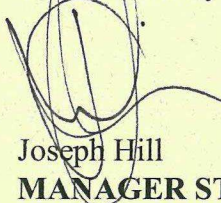
Please find attached the following:

- Council officer’s report including Council’s resolution;
- Planning Proposal.

It would be appreciated if the Planning Proposal is referred to the LEP Review Panel for determination under the ‘Gateway Process’.

Enquiries should be directed to Mark Yee or the undersigned of Council’s Strategic Planning Department on 9936 8100.

Yours sincerely


Joseph Hill
MANAGER STRATEGIC PLANNING



ENGLISH	If you do not understand this information, please ring the Translating and Interpreting Service (TIS) on 13 14 50, and ask for an interpreter in your language to contact North Sydney Council on (02) 9936 8100. This is a free service.
ARABIC	إذا لم يكن بمقدورك فهم هذه المعلومات، فالرجاء الاتصال بخدمات الترجمة الخفية والفورية (Translating and Interpreting Service (TIS)) على الرقم 13 14 50 والطلب من مترجم فوري يتحدث العربية أن يتصل لك بمجلس مدينة شمال سيدني على الرقم (02) 9936 8100 - هذه الخدمة مجانية.
GREEK	Αν δεν καταλαβαίνετε αυτές τις πληροφορίες, παρακαλώ τηλεφωνήστε στην Υπηρεσία Μετάφρασης και Διερμηνείας (Translating and Interpreting Service (TIS)) στο 13 14 50, και ζητήστε να σας διαθέσουν ένα διερμηνέα στη γλώσσα σας για να επικοινωνήσει με το Δήμο του North Sydney στο (02) 9936 8100. Αυτή είναι μια δωρεάν υπηρεσία.
HINDI	यदि आप इस जानकारी को समझ नहीं सकते हैं तो कृपया अनुवाद और दुभाषिया सेवा (Translating and Interpreting Service - TIS) को 13 14 50 पर फोन करें और अपनी भाषा के दुभाषिए द्वारा उत्तरी सिडनी काउंसिल (North Sydney Council) को (02) 9936 8100 पर फोन करने के लिए कहें। यह सेवा नि:शुल्क है।
INDONESIAN	Jika Anda kurang memahami informasi ini, silakan telepon Translating and Interpreting Service (TIS) di 13 14 50, dan mintalah seorang juru bahasa dalam bahasa Anda untuk menghubungi North Sydney Council di (02) 9936 8100. Layanan ini tidak dipungut biaya.
ITALIAN	Se non capite queste informazioni, chiamate il Servizio di Traduzione e Interpretariato (TIS - Translating and Interpreting Service) al numero 13 14 50, e chiedete ad un interprete nella vostra lingua di contattare il North Sydney Council al numero (02) 9936 8100. Il servizio è gratuito.
JAPANESE	上記の情報について何かご質問がございましたら、通訳・翻訳サービス (Translating and Interpreting Service (TIS)) 電話番号 13 14 50 までお問い合わせください。また、ご自分の国の言語で通訳の手配をご希望の方は、ノース・シドニー・カウンスル (North Sydney Council) 電話番号 (02) 9936 8100。まで電話でお問い合わせください。尚、このサービスは、無料です。
KOREAN	이 정보를 이해하지 못하실 경우 번역 통역 서비스 (Translating and Interpreting Service (TIS))에 13 14 50으로 연락하셔서 한국어 통역사를 요청하시고 노스 시드니 카운슬 (North Sydney Council) 연락처인 (02) 9936 8100로 연결하도록 요청하십시오. 이 서비스는 무료입니다.
TAGALOG	Kung hindi ninyo naiintindihan ang impormasyong ito, mangyari lamang na tumawag sa Translating and Interpreting Service (TIS) sa 13 14 50, at hilingin sa interpreter ng inyong wika na tawagan ang North Sydney Council sa (02) 9936 8100. Ito ay isang libreng serbisyo.
TRADITIONAL CHINESE	如果你不明白這份資料，請致電13 14 50聯絡Translating and Interpreting Service (TIS)，要求一名能說你的語言的傳譯員，代你致電(02) 9936 8100聯絡North Sydney Council。這是免費服務。

DECISION OF 3616th COUNCIL (ASSESSMENTS) MEETING HELD ON 3 DECEMBER 2012

764 PDS02: Planning Proposal for North Sydney Olympic Pool

Report of Mark Yee, Strategic Planner, 27 November 2012

Council has been exploring the potential for further revenue streams from the North Sydney Olympic Pool (NSOP). One of these options is the proposed use of the sundeck and adjacent area to be hired for private/corporate functions that are unrelated to the primary use of the swimming pool. This proposal is consistent with the North Sydney Olympic Pool Marketing Plan 2009-2011.

The proposed activities comprise a "*commercial premises*" under the North Sydney Local Environmental Plan 2001 (NSLEP 2001) and a "*function centre*" under draft North Sydney Local Environmental Plan 2012 (DLEP 2012). These land uses are currently prohibited on the subject site under both instruments.

The necessary Planning Proposal seeks to amend North Sydney Local Environmental Plan 2001 by adding a site specific provision under Part 4 of the LEP to enable "*commercial premises*" to be undertaken with development consent.

The Planning Proposal is supported as it:

- generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- generally complies with the Department of Planning's "*A guide to preparing planning proposals*";
- is unlikely to result in any adverse impacts on the environment or wider community; and
- is compatible with surrounding land uses.

As such, the Planning Proposal is considered to be satisfactory and should be forwarded to the Department of Planning and Infrastructure for Gateway Determination.

Recommending:

1. THAT Council resolve to forward the attached Planning Proposal to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

RESOLVED:

1. THAT Council resolve to forward the attached Planning Proposal to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

The Motion was moved by Councillor Burke and seconded by Councillor Bevan

Voting was as follows:

Unanimous

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Morris	Y	
Reymond	Y		Clare	Y	
Carr	Y		Baker	Absent	
Bevan	Y		Robertson	Y	
Butcher	Absent		Marchandean	Y	
Burke	Y		Beregi	Y	
Barbour	Y				

**Report to General Manager**Attachment:
1. Planning Proposal**SUBJECT:** Planning Proposal for North Sydney Olympic Pool**AUTHOR:** Mark Yee, Strategic Planner, 27 November 2012**EXECUTIVE SUMMARY:**

Council has been exploring the potential for further revenue streams from the North Sydney Olympic Pool (NSOP). One of these options is the proposed use of the sundeck and adjacent area to be hired for private/corporate functions that are unrelated to the primary use of the swimming pool. This proposal is consistent with the North Sydney Olympic Pool Marketing Plan 2009-2011.

The proposed activities comprise a "*commercial premises*" under the North Sydney Local Environmental Plan 2001 (NSLEP 2001) and a "*function centre*" under draft North Sydney Local Environmental Plan 2012 (DLEP 2012). These land uses are currently prohibited on the subject site under both instruments.

The necessary Planning Proposal seeks to amend North Sydney Local Environmental Plan 2001 by adding a site specific provision under Part 4 of the LEP to enable "*commercial premises*" to be undertaken with development consent.

The Planning Proposal is supported as it:

- generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- generally complies with the Department of Planning's "*A guide to preparing planning proposals*";
- is unlikely to result in any adverse impacts on the environment or wider community; and
- is compatible with surrounding land uses.

As such, the Planning Proposal is considered to be satisfactory and should be forwarded to the Department of Planning and Infrastructure for Gateway Determination.

RECOMMENDATION:

1. THAT Council resolve to forward the attached Planning Proposal to the Minister for Planning in order to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

Signed: _____

Endorsed by: _____
Manager Strategic Planning

LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 3. Our Economic Vitality

Goal: 3.1 Ensure a vibrant, strong, and sustainable local economy

Direction: 4. Our social vitality

Goal: 4.1 Promote diverse, dynamic and connected local communities

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	There are no significant environmental implications.
Social	The proposed functions at the site will help increase the vitality of the area. However such functions will need to be managed to ensure that they do not have a detrimental impact to the surrounding area. This can be addressed at the DA stage.
Economic	- The use of the site for private functions will generate additional income for Council. - Functions held at the pool may bring additional customers to the surrounding businesses in the area.
Governance	- The proposal is consistent with the NSOP Marketing Plan 2009-2011. - Should the Planning Proposal receive a Gateway Determination, it is likely that it will have a condition requiring the public exhibition.

BACKGROUND

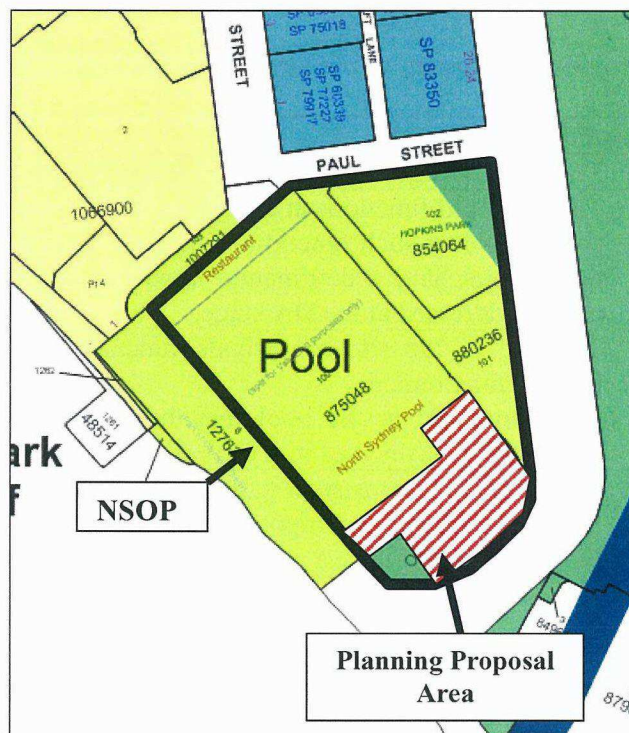
Council has been exploring the potential for further revenue streams from the North Sydney Olympic Pool (NSOP). One of these options is the proposed use of the sundeck and adjacent area to be hired for private/ corporate functions that are unrelated to the primary use of the swimming pool. This proposal is consistent with the North Sydney Olympic Pool Marketing Plan 2009-2011.

The proposed activities comprise a “*commercial premises*” under the North Sydney Local Environmental Plan 2001 (NSLEP 2001) and a “*function centre*” under draft North Sydney Local Environmental Plan 2012 (DLEP 2012). These land uses are currently prohibited on the site under both instruments.

The necessary Planning Proposal seeks to amend North Sydney Local Environmental Plan 2001 by adding a site specific provision under Part 4 of the LEP to enable “*commercial premises*” to be undertaken with development consent.

1. Site Description

The site is zoned of mixture of Public Recreation and Public Open Space. It is located on the foreshore of Sydney Harbour and is neighbouring the key features of Luna Park, Bradfield Park and the Sydney Harbour Bridge. The rest of the area is mainly characterised by medium to high-rise mixed use development.



The Planning Proposal only applies to a designated portion of the site as identified as following:



2. Proposed LEP Amendment

The proposed amendment is in the form of an additional site-specific provision to be inserted to Part 5 of the NSLEP 2001, as outlined below:

North Sydney Olympic Pool

(1) Subject land

This clause applies to that part of Lot 100 in DP 875048 that comprises the North Sydney Olympic Pool sundeck and lower level and lower level recreation area.

(2) Objective

The specific objective of the control in relation to the subject land is to permit use of the subject land for the holding of events, functions, conferences and the like.

(3) Development that may be carried out on the subject land

Despite the Table to Part 2, but subject to subclause (4), development for the purpose of the following is permitted, with development consent, on the land: commercial premises.

(4) Development for the purposes of commercial premises on the subject land is limited to use for the holding of events, functions, conferences and the like.

The intention of the Planning Proposal is to enable functions not associated with the principal operation of the swimming pool to be held on the subject site. Such activities fall under the definition of “commercial premises”, which is defined under NSLEP 2001 as follows:

commercial premises means a building or place used as an office or for other business or commercial purposes, but (in Part 2) does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a land use elsewhere specifically defined in this Schedule.

As the definition of “commercial premises” allows a wide range of activities, the Planning Proposal needs to ensure that commercial activities are limited to that originally proposed. It is considered the addition of subclause (4) addresses this concern.

The Planning Proposal acknowledges Draft North Sydney Local Environmental Plan 2012 (DLEP 2012) and that the proposal would remain prohibited under the provisions of DLEP 2012. It recognises that the proposal would be defined as a “function centre” under DLEP 2012 and that the intent of the Planning Proposal could be rolled into DLEP 2012 at the appropriate time.

3. Planning Appraisal

The Planning Proposal as submitted (attached) is considered to be generally in accordance with the requirements under Section 55(2) of the Environmental Planning and Assessment Act 1979 and the Department of Planning’s (2009) ‘*A guide to preparing planning proposals*’. In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

4. Justification of the Planning Proposal

4.1. Purpose of Planning Proposal

The Planning Proposal seeks to amend NSLEP2001 to allow the uses of “commercial premises” to be operated on a designated portion of the site. It also seeks to amend DLEP 2012 to reflect the intent of the Planning Proposal

The purpose of the proposed amendment is to allow a portion of the premises to be used for functions. It is envisaged that NSOP management would rent this space for a range of private/corporate functions.

The functions are proposed to be restricted to the sundeck located at the south eastern end of the site overlooking the pool, the area underneath the sundeck adjoining the existing Ripples Café and the adjacent lawn area. It is not expected to affect the primary use of the site for a swimming pool, as these areas can be cordoned off.



Figure 1 - Sundeck



Figure 2 - Lawn area adjacent to café

4.2. Suitability of Planning Proposal

Location

The proposal seeks to take full advantage of the excellent location of the NSOP and the iconic views that it provides of Sydney Harbour and its surroundings. These qualities should make the NSOP an attractive location for parties seeking a venue for functions and help to generate revenue to assist in the operation and management of the subject site.

It is considered that the proposal will help increase the vitality of the area, particularly outside of business hours. It should be noted that Council has operated events at the site on New Years Eve and Australia Day for a number of years, which have proved to be popular and successful.

Impact on Surrounding Area

The Planning Proposal acknowledges that the proposed functions would generate additional traffic and some increase in demand for both on-street and off-street parking.

However, these increases are likely to be below the peaks already created by other events that currently occur at the NSOP. It should be noted that every year a small number of night time swimming carnivals are held at the site, that can be held up to 10pm. It is also considered that the activity generated from any functions at the site will likely be well below the activity from the various events and concerts operated from the neighbouring Luna Park site.

As such any impacts from functions could be manageable through the undertaking of regulated event scheduling. It is also noted that the site is well served by public transport, in particular being within easy walking distance of Milsons Point railway station.

The Planning Proposal also acknowledges that like the existing swimming carnivals, the functions would generate additional noise and activity. Measures would therefore be required to minimise the impact of the activity on the surrounding area.

The Planning Proposal therefore suggests the following measures be considered during the detailed environmental assessment stage:

- *Limitations on the number of functions that may be held in any given calendar year and any given calendar month. This would allow respite for surrounding uses and generally moderate the overall impact of holding function at the site.*
- *Limitations on the permitted hours of operation for functions. Permitted hours of operation should be consistent with clause 51 of the Protection of the Environment Operations (Noise Control) Regulation 2008. That provision regulates noise from musical instruments or electrically amplified sound equipment.*
- *Preparation of a noise management plan that addresses all aspects of the proposed use and specification that have the potential to generate noise impacts. Coverage would include positioning of for loudspeakers, setting of noise targets and monitoring.*

The introduction of the above proposed measures is strongly supported and would significantly reduce the impact of functions to the amenity of nearby residential property.

It is considered that matters related to the operation of the functions should be addressed at the development assessment stage and not through the Planning Proposal process. As the site is owned and operated by Council, site specific DCP controls are not considered necessary in this instance. However should Council resolve to include DCP controls, it is recommended controls limiting the number of events only be inserted.

As functions would be restricted to a designated portion of the site, it is considered holding of functions would not affect the broader use of the pool and other facilities. However, it is suggested that careful planning be undertaken to ensure that there is no conflict between the different uses.

4.3. Policy Implications

As the proposal is minor in nature, there are no policy implications for this Planning Proposal.

4.4. DLEP 2012

The site is proposed to be zoned RE1 – Public Recreation under DLEP 2012. The proposed use is defined as a “*function centre*” under DLEP 2012, which is a prohibited use in this zone.

As such, if the Planning Proposal proceeds, the additional use “*function centre*” would have to be carried over into the DLEP 2012. As DLEP 2012 only recently came off public exhibition, this will most likely be undertaken by Parliamentary Counsel.

CONCLUSION

The Planning Proposal to allow the additional use of “*commercial premises*” to allow the operation of functions on the subject site is generally supported.

It is considered that the relevant requirements under s.55 of the EP&A Act and the matters identified in the Department of Planning’s “*A guide to preparing planning proposals*” have been adequately addressed in the Planning Proposal. It is considered that the proposal is appropriate and is adequately justified.

It is therefore recommended that Council support the forwarding of the Planning Proposal to the Department of Planning and Infrastructure, seeking a Gateway Determination under s.56 of the EP&A Act 1979.
