

North Sydney Olympic Pool - to enable "commercial premises" as an additional permitted use

Proposal Title : **North Sydney Olympic Pool - to enable "commercial premises" as an additional permitted use**

Proposal Summary : **Amend North Sydney Local Environmental Plan 2001 to allow the uses of "commercial premises" to be operated on a designated portion of the site. The intention is to rent a portion of the site for a range of private/corporate functions which will not affect the primary use of the site for a swimming pool.**

PP Number : **PP_2012_NORTH_012_00** Dop File No : **12/20623**

Proposal Details

Date Planning Proposal Received :	14-Dec-2012	LGA covered :	North Sydney
Region :	Sydney Region East	RPA :	North Sydney Council
State Electorate :	NORTH SHORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	4 Alfred Street South		
Suburb :	Milsons Point	City :	Sydney
		Postcode :	2061
Land Parcel :	North Sydney Olympic Pool (Lot 100 in DP 875048)		

DoP Planning Officer Contact Details

Contact Name : **Martin Cooper**
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RPA Contact Details

Contact Name : **Brad Stafford**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	Yes

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MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment : **The regional team is not aware of any meetings or communication with registered lobbyists concerning this Planning Proposal.**

Supporting notes

Internal Supporting Notes : **North Sydney Council has been exploring the potential for further revenue streams from the North Sydney Olympic Pool, including diversification of uses. One of the preferred options is the proposed hire of the sundeck and adjacent area for private/corporate functions.**

A planning proposal is required to enable this use on one of the lots comprising the pool site through the introduction of a site specific clause to allow 'commercial premises' as an additional permitted use.

The proposal is consistent with the North Sydney Olympic Swimming Pool Marketing Plan 2009-2011 and as demonstrated in the attached planning proposal, the diversification of use at the site is generally consistent with the North Sydney Community Strategic Plan 2009-2020.

North Sydney Council does not yet have plan making delegations.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is to allow for part of the North Sydney Olympic Pool site to be used for private and corporate functions.**

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

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

Comment : **The LEP amendment proposes to add the following site-specific provision to Part 5 of the North Sydney Local Environmental Plan 2001:**

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(1) Subject land

This clause applies to that part of Lot 100 in DP 875048 that comprises the North Sydney Olympic Pool sundeck, 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.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SREP (Sydney Harbour Catchment) 2005

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

SREP (Sydney Harbour Catchment) 2005

The North Sydney Olympic Pool site is within the catchment and defined Foreshore and Waterways Area under the SREP. Whilst not directly applicable to planning proposals, the proposal has been examined against matters listed in Part 3 Division 2 of the SREP. As reflected in section 4-4 of the attached planning proposal, the diversification of uses at the North Sydney Olympic Pool is consistent with the provisions of the Sydney Harbour REP.

s117 Direction 3.4 Integrating Land Use and Transport

While the proposal has the potential to increase travel demand and trips made by cars, the site is well serviced by public transport, thereby providing options to reduce car dependency. The planning proposal is consistent with this Direction.

s117 Direction 6.3 Site Specific Provisions

The proposal would introduce an additional site specific land use for the site, warranting consideration of Direction 6.3 Site Specific Provisions. As the proposal does not involve any additional development standards or requirements to those already contained in the North Sydney LEP 2001 and draft North Sydney LEP 2012, it is consistent with this Direction.

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

If No, explain :

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Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : The proposal does not involve any map amendments. The map on page 3 of the attached Council report identifies the subject land.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : The planning proposal only outlines that a community consultation process will be undertaken by Council in accordance with Section 57 of the EP&A Act. Following discussions with Council and given the minor nature of the proposal, a 14 day consultation period is considered adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Draft North Sydney LEP 2012 (the SI LEP) is currently at s.68 stage and was re-exhibited between 25 October to 21 November 2012. At its meeting of 10 December 2012 Council resolved to defer consideration of the draft LEP until its second meeting in February 2013.

The draft LEP Land Zoning Map - Sheet LZN_002 proposes to zone the site as RE1 - Public Recreation.

Whilst the planning proposal does not currently seek to amend the draft LEP, Council recognises the potential for incorporating it into the draft LEP.

Under the draft LEP, the proposed use of the site is defined as a "function centre", which is a prohibited use in this zone. Therefore an amendment to 'Division 2 General Provisions' of 'Part 6 Addition local provisions' under the draft LEP would be required to enable use of the site as a 'function centre' by introducing the following clause:

6.20 North Sydney Olympic Pool

(1) This clause applies to part of Lot 100 in DP 875048 comprising the North Sydney Olympic Pool sundeck and lower level and lower level recreation area.

(2) Despite any other provision of this Plan, development for the purposes of a function centre is permitted with consent.

Given Council's recent deferral of the LEP, the timing of notification is uncertain. However, there is potential for notifying the principal LEP ahead of finalisation of this planning proposal. Therefore, dependent upon this timing, it is recommended that the planning proposal amends either the current North Sydney LEP 2001 or draft North Sydney LEP 2012.

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Assessment Criteria

Need for planning proposal :	To enable the use of part of the North Sydney Olympic Pool site for functions and corporate events. The current and proposed Public Recreation zoning of the site under the provisions of North Sydney LEP 2001 and draft North Sydney LEP 2012 prohibits the intended use of the site. A site specific amendment is required to enable use of the site for the intended purpose of this planning proposal.
Consistency with strategic planning framework :	The proposed diversification of uses at the North Sydney Olympic Pool is compatible with the strategic direction set by the draft Inner North Subregional Strategy 2007 and Metropolitan Strategy 2036. As discussed in the adequacy section of this report, the inconsistency with s117 Direction 3.4 is considered minor.
Environmental social economic impacts :	The current public use of the site as a pool and recreation purposes can at times generate amenity impacts in terms of noise and traffic on the surrounding neighbourhood. However, the site is well serviced by public transport and with event scheduling and conditions of consent, any additional noise and traffic impacts can be ameliorated at the DA stage.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :			
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
If Other, provide reasons :			
Identify any internal consultations, if required :			
No internal consultation required			
Is the provision and funding of state infrastructure relevant to this plan?	No		
If Yes, reasons :			

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Documents

Document File Name	DocumentType Name	Is Public
Cover Letter and Council Report.pdf	Proposal Covering Letter	Yes
Planning Proposal - North Sydney Olympic Pool.pdf	Proposal	Yes
Project Timeline.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 3.4 Integrating Land Use and Transport
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **Proceed with the planning proposal subject to the following conditions:**

(1) Public exhibition period of 14 days;

(2) Completion period of 9 months.

The RPA should be advised that:

(1) No public authority consultation is required;

(2) No further studies are to be carried out;

(3) Dependent upon publication date of the draft SI LEP, the planning proposal shall amend either the North Sydney LEP 2001 or draft North Sydney LEP 2012;

(4) The planning proposal is consistent with relevant s 117 directions: 1.1 Business and Industrial Zones; 6.3 Site Specific Provisions; and, 7.1 Implementation of the Metropolitan Plan for Sydney 2036.

(5) The planning proposal is consistent with all other s 117 Directions and Council need not address these directions further; and

Supporting Reasons : **It is recommended that the Director General or his delegate be satisfied that the proposal can proceed on the basis that the proposed change is minor and will assist with the economic viability and use of the North Sydney Olympic Pool.**

Signature:



Printed Name:

MICHAEL KOROT

Date:

19/1/13