

Planning Proposal to amend the non-residential floor space ratio range for 200-220 Pacific Highway, Crows Nest

Proposal Title : **Planning Proposal to amend the non-residential floor space ratio range for 200-220 Pacific Highway, Crows Nest**

Proposal Summary : **The planning proposal seeks to amend the non-residential floor space ratio (FSR) range across 200-220 Pacific Highway, Crows Nest to facilitate an increase in residential uses on site.**

PP Number : **PP_2015_NORTH_001_00** Dop File No : **15/01140**

Proposal Details

Date Planning Proposal Received : **06-Jan-2015** LGA covered : **North Sydney**

Region : **Metro(CBD)** RPA : **North Sydney Council**

State Electorate : **NORTH SHORE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **200-220 Pacific Highway**

Suburb : **Crows Nest** City : **Sydney** Postcode : **2065**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Nava Sedghi**

Contact Number : **0285754117**

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RPA Contact Details

Contact Name : **Ben Boyd**

Contact Number : **0299368100**

Contact Email : **ben.boyd@northsydney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

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) :	6
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 Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan (CBD) has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **THE SITE**

The site contains a 17 storey mixed use building, comprising ground floor retail, 6 serviced apartments on the first floor, 204 residential apartments and 140 car parking spaces. Majority of the residential component is occupied, however the serviced apartments on the first floor have been vacant since the building was completed.

The site is surrounded by a mix of land uses including commercial, residential, retail and medical facilities. North Sydney Girl's High School is located opposite the site.

BACKGROUND

On 28 April 2014, Council considered a previous version of the planning proposal which sought to amend the minimum non-residential FSR standard from 0.5:1 to 0.2:1. Council's report recommended amending the proposed minimum non-residential FSR standard to 0.24:1. This is equivalent to the loss of non-residential floor space that would result from the conversion of the existing 6 serviced apartments to residential accommodation. Council did not resolve to make a determination in relation to the planning proposal at that time.

On 19 May 2014, the planning proposal was reported back to Council where it resolved in part:

1) that a precinct based planning study that reviews the non-residential floor space requirements of mixed use areas in Crows Nest Town Centre be undertaken; and

2) that if the planning study meets the approval of Council's Director Planning and Development Services in supporting the planning proposal's objectives, that the planning proposal be forwarded for a Gateway determination subject to the non-residential FSR range be amended to 0.24:1 - 2:1.

In accordance with Council's resolution, Council engaged SGS Economics and Planning to prepare a planning study of land in Zone B4 Mixed Use under North Sydney Local Environmental Plan 2013. On 12 November 2014, Council received the completed Crows Nest South Planning Study.

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On 2 December 2014, Council determined that the Crows Nest South Planning Study supports the objectives of the planning proposal. Council resolved to forward the planning proposal for a Gateway determination subject to:

- 1) the non-residential FSR range for the site be amended to 0.24:1 - 2:1; and
- 2) the planning proposal incorporates discussion with respect to the outcomes of the Crows Nest South Planning Study.

The subject planning proposal has been revised in accordance to the Council's resolution dated 2 December 2014.

DELEGATION OF PLAN MAKING FUNCTIONS

North Sydney Council is seeking delegation to carry out the Minister's functions under section 59 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to progress this planning proposal. Council has provided Attachment 4 - Evaluation criteria for the delegation of plan making functions. Delegation is considered appropriate.

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 reduce the minimum non-residential FSR standard applying to the site. The intended outcome is to enable residential use of the approved first floor serviced apartments constructed on site.

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

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

Comment : The planning proposal seeks to amend the non-residential FSR range for the site from 0.5:1 - 2:1 to 0.24:1 - 2:1.

The proposal will amend North Sydney Local Environmental Plan 2013 in the following ways:

- amend the Non-Residential FSR Range Map (Sheet LCL_001) to nominate the site as Area 14 and add Area 14 to the key; and
- amend clause 4.4A(2) - Non-residential FSR ranges by adding a minimum non-residential FSR standard of 0.24:1 and maximum non-residential FSR standard of 2:1 for Area 14 (refer to planning proposal).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

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 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

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

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

If No, explain :

SECTION 117 DIRECTION 1.1 - BUSINESS AND INDUSTRIAL ZONES

The planning proposal is inconsistent with this direction as it will reduce the level of floor space made available for employment purposes.

The planning proposal is supported by the Crows Nest South Planning Study (2014) which concludes it is unlikely that serviced apartments provided onsite will be feasible. The study identifies that above-ground non-residential floorspace is not desirable in Crows Nest and that commercial properties with street frontages are more in demand. The site does not contain floor plates to support large businesses. Further, Crows Nest has relatively high commercial office vacancy rates in comparison with nearby North Sydney and Chatswood Major Centres and there is pressure to convert existing commercial floorspace into residential development.

The Department supports the findings of the study and considers the inconsistency to be of minor significance and is adequately justified.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains existing and proposed mapping reflecting the intent of the amendment to North Sydney Local Environmental Plan 2013.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A 14 day public consultation is proposed consistent with the Department's guidelines for low impact proposals. This is considered appropriate.

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 : **August 2013**

Comments in relation to Principal LEP :

North Sydney Local Environmental Plan 2013 was notified on 2 August 2013.

Assessment Criteria

Need for planning proposal :

CROWS NEST SOUTH PLANNING STUDY (2014)

The planning proposal is supported by the Crows Nest South Planning Study, prepared by SGS Economics and Planning in November 2014. The feasibility assessment found that the minimum non-residential FSR of 0.5:1, on the western side of Pacific Highway applying to the study area is generally feasible. However, in response to the site, it concludes:

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- the provision of serviced apartments within the development is not feasible;
- there is little demand for commercial floor space at first floor level;
- serviced apartments are most in demand in employment areas and areas served by train stations (ie. St Leonards and North Sydney); and
- the site should be considered in isolation and not establish precedent for relaxing non-residential floorspace ratios in the study area as a whole.

The study provides an analysis of other potential non-residential uses on the first floor within the development. The study identifies there is demand for childcare centres in the Crows Nest area. Notwithstanding, due to the planning requirements for childcare centres, it is unlikely that the serviced apartments on site could be converted into a childcare centre.

A planning proposal is deemed to be an appropriate mechanism in addressing the outcomes of the study.

Consistency with strategic planning framework :

The planning proposal is partially inconsistent with the draft Inner North Subregional Strategy (draft Inner North Strategy) and Council's strategic planning documents in that it will reduce employment potential generated from 6 serviced apartments, being 2 full time equivalent jobs. This loss is considered to be insignificant and justified by the Crows Nest Planning Study.

The draft Inner North Strategy states an additional 5,500 dwellings would need to be accommodate in the North Sydney local government area (LGA) by 2031. Council's North Sydney Residential Development Strategy (2009) demonstrates that Council has already planned for sufficient zoned land to accommodate the additional 6,199 dwellings by 2031. Despite the excess in the minimum target, the planning proposal will result in an increase in 6 additional dwellings.

The planning proposal will contribute to housing choice in an area that is serviced by bus routes that connect to strategic centres, including North Sydney, St Leonards and the Sydney CBD. This is consistent with the priority of the North Subregion in 'A Plan for Growing Sydney.'

It is recommended that the planning proposal be updated to address consistency with 'A Plan for Growing Sydney' prior to public exhibition.

Environmental social economic impacts :

It is not considered there would be adverse environmental, economic and social impacts associated with the planning proposal.

The planning proposal and planning study indicate the difficulty in finding a serviced apartment operator for the small number of serviced apartments within the development.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :			

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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 :

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal 200-220 Pacific Hwy Crows Nest (Dec 2014).pdf	Proposal	Yes
Appendix A - Building A Level 1 Plan and Building A East Elevation.pdf	Drawing	Yes
Appendix B - Existing and proposed non-residential floor space ratio range map Sheet LCL_001.pdf	Map	Yes
Appendix C - Crows Nest South Planning Study (Nov 2014).pdf	Study	Yes
Council report endorsed by the General Manager (2 Dec 2014).pdf	Proposal	Yes
Council report and resolution (19 May 2014).pdf	Proposal	Yes
Council report and resolution 28 April 2014.pdf	Proposal	Yes
Attachments to Council's report of 28 April 2014.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
3.1 Residential Zones
3.4 Integrating Land Use and Transport
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

1. Prior to public exhibition, the planning proposal is to be revised to demonstrate consistency with A Plan for Growing Sydney, released on 14 December 2014.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

(a) the planning proposal is classified as low impact as described in A Guide to

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Preparing LEPs (Department of Planning and Environment 2013) and must be made publicly available for a minimum of 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

3. Inconsistency with s117 Direction 1.1 Business and Industrial Zones is of minor significance and has been adequately justified.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. A written authorisation to exercise delegation under section 59 of the EP&A Act is issued to Council in relation to the planning proposal.

7. The planning proposal is to be completed within 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported for the following reasons:

- it is accompanied by a planning study that supports the proposal;
- it is unlikely to have significant impact on the overall supply of non-residential floor space in the study area; and
- Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of council's delegation is supported.

Signature:



Printed Name:

Lee McCourt

Date:

9.01.15