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Juliet Grant  
Director Sydney East Region  
NSW Department of Planning and Infrastructure  
**Attention: Susan Sky**  
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SYDNEY NSW 2001



KM3 (PDS)

12 March 2012

Dear Juliet

**PLANNING PROPOSAL – 211-223 PACIFIC HIGHWAY, NORTH SYDNEY**

Council has prepared a Planning Proposal for land at 211-223 Pacific Highway, North Sydney, in accordance with section 55 of the *Environmental Planning and Assessment Act, 1979*. In summary, it is proposed that a mixed use building be erected on the site with a floor space ratio of 0.5:1 which is in accordance with North Sydney's Draft LEP 2009, which was sent to the Department of Planning and Infrastructure as a Section 68 package on 21 July 2011.

Please find attached the following:

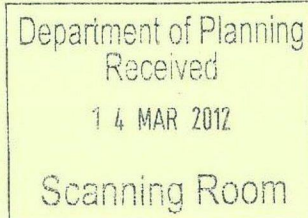
- Planning Proposal and attachments;
- Officer's report to Council including Council's resolution.

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

Enquiries should be directed to Katie Miles or the undersigned of Council's Strategic Planning Department, on 9936 8100.

Yours faithfully

Joseph Hill  
**MANAGER STRATEGIC PLANNING**



**DECISION OF 3597th COUNCIL MEETING  
HELD ON 27 FEBRUARY 2012**

**92. PDS01: Planning Proposal at 211-223 Pacific Highway, North Sydney**

Report of Report of Katie Miles, Strategic Planner 21 February 2012

Council has received a Planning Proposal for the site known 211-223 Pacific Highway, North Sydney. The Planning Proposal seeks to amend the minimum non-residential Floor Space Ratio (FSR) control under North Sydney Local Environment Plan 2001 (NSLEP 2001) to 0.5:1. Currently a minimum of 3:1 and a maximum of 4:1 non residential FSR range applies to the subject site under NSLEP 2001.

The Planning Proposal reflects the same FSR provisions that are proposed for the site under draft North Sydney Local Environmental Plan 2009, which was sent to the Department of Planning and Infrastructure on 21 July 2011 in accordance with the former plan making provisions under Section 68 of the Environmental Planning and Assessment Act 1979.

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 Zimmerman and seconded by Councillor Robjohns.

Voting was as follows:

Unanimous

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



**Report to General Manager**

Attachments:  
1. Planning Proposal

**SUBJECT:** Planning Proposal at 211-223 Pacific Highway, North Sydney

**AUTHOR:** Report of Katie Miles, Strategic Planner 21 February 2012

**SUMMARY:**

Council has received a Planning Proposal for the site known 211-223 Pacific Highway, North Sydney. The Planning Proposal seeks to amend the minimum non-residential Floor Space Ratio (FSR) control under North Sydney Local Environment Plan 2001 (NSLEP 2001) to 0.5:1. Currently a minimum of 3:1 and a maximum of 4:1 non residential FSR range applies to the subject site under NSLEP 2001.

The Planning Proposal reflects the same FSR provisions that are proposed for the site under draft North Sydney Local Environmental Plan 2009, which was sent to the Department of Planning and Infrastructure on 21 July 2011 in accordance with the former plan making provisions under Section 68 of the Environmental Planning and Assessment Act 1979.

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.

**Sustainability Implications**

The environmental, social, economic and governance implications are set out in this report.

Signed \_\_\_\_\_

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

## LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2 – Our Built Environment

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

## SUSTAINABILITY STATEMENT

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

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

## BACKGROUND

Council has received a Planning Proposal for the site known 211-223 Pacific Highway, North Sydney. The Planning Proposal seeks to amend the minimum non-residential floor space ratio (FSR) control under North Sydney Local Environment Plan 2001 (NSLEP 2001) to 0.5:1. Currently a minimum of 3:1 and a maximum of 4:1 non residential FSR range applies to the subject site under NSLEP 2001.

On 19 September 2005, Council granted development consent to DA606/04 for the demolition of the existing building at 211 Pacific Highway and erection of a nine storey mixed use building containing 16 residential apartments and 3 levels of commercial floor space. Only demolition of the existing building pursuant to this development consent has been undertaken to date.

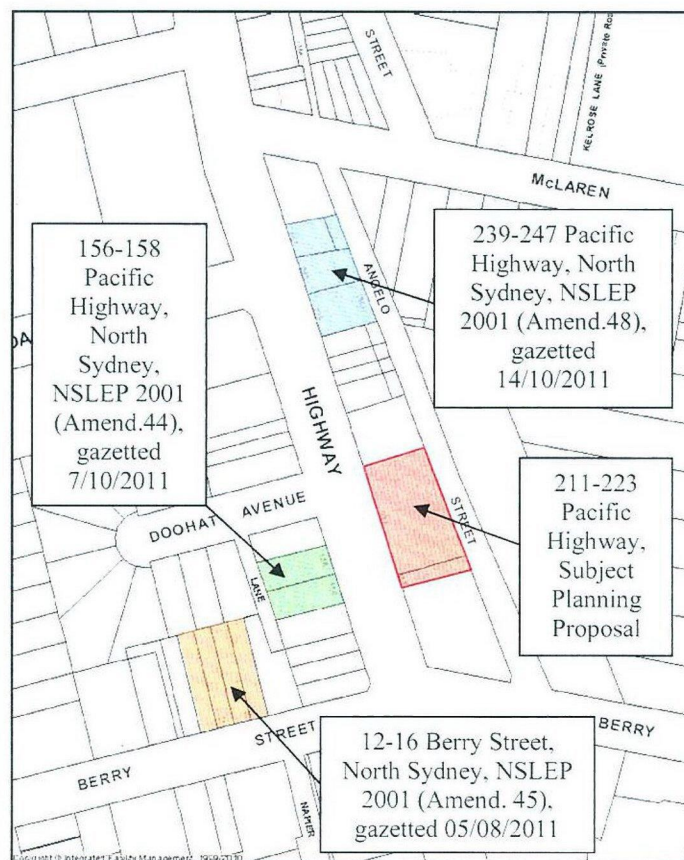
On 29 April 2011, the Joint Regional Planning Panel granted development consent to DA 503/10 for the demolition of existing building and structures at 211-223 Pacific Highway, and erection of an 18 storey building containing 4 levels of basement car parking, 3 levels of commercial floor space, 144 residential units. This development consent supersedes the approval to DA 606/04. The approved development has a total gross floor area (GFA) of 18,828.9sqm and a non-residential floor space ratio of 2.6:1 (approved via a variation pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1)). No works have commenced pursuant to this development consent.



On 5 October 2011, a preliminary meeting was held with Council Staff to discuss options to further reduce the level of non-residential FSR on the site. In particular, the applicant sought to reduce the minimum non-residential FSR on the site to 0.5:1. Whilst this proposed reduction was consistent with the controls contained within draft North Sydney Local Environmental Plan 2009 (DLEP 2009), Council advised the applicant that the degree of variation to the non-residential FSR control under NSLEP 2001 was more appropriately addressed via an amendment to the LEP, rather than through an objection pursuant to SEPP 1.

The Planning Proposal would expedite a rezoning matter that previously formed a part of Draft NSLEP 2001 - Amendment 28 (DLEP 28), which Council resolved to incorporate into DLEP 2009. During the public exhibition of DLEP 28 and DLEP 2009, no objections were received in relation to the proposed reduction of the non-residential FSR on the subject site.

Additionally, a number of Planning Proposals requesting the same amendment to the minimum non-residential FSR control in the vicinity of the subject site have been made to Council and have subsequently resulted in amendment to NSLEP 2001. The details and location of these Planning Proposals are shown in Figure 1 below.



**Figure 1 - Subject site and surrounding sites which have gazetted amendments for a minimum FSR 0.5:1**

## SITE DESCRIPTION

The site comprises 2 allotments of land, legally described as Lot B, DP 383735 (211 Pacific Highway) and Lot 1, DP 629449 (215-223 Pacific Highway). The site is located on the eastern side of the Pacific Highway adjacent to Doohat Avenue. No. 211 is currently vacant, whereas No.215 is occupied by a 5 storey commercial building with a GFA of 2,302sqm and No. 223 is occupied by a 6 storey commercial building with a GFA of 2,330sqm.



Figure 2: Subject Site - Context



Figure 3: Subject Site - Aerial Photo (2011)

It is surrounded by commercial development as well as the Mount St Angelo Catholic Girls School to the east and southeast. Residential flat buildings, shop-top housing and educational institutions are prevalent in the locality.

Under NSLEP 2001, the subject site is zoned Mixed Use and forms part of the North Sydney Centre. The site has a minimum 3:1 and a maximum 4:1 non residential FSR control applying to it.

Under DLEP 2009, the subject site is zoned B4 - Mixed Use and forms part of the North Sydney Centre. The site has a minimum 0.5:1 and a maximum 4:1 non residential FSR control applying to it.



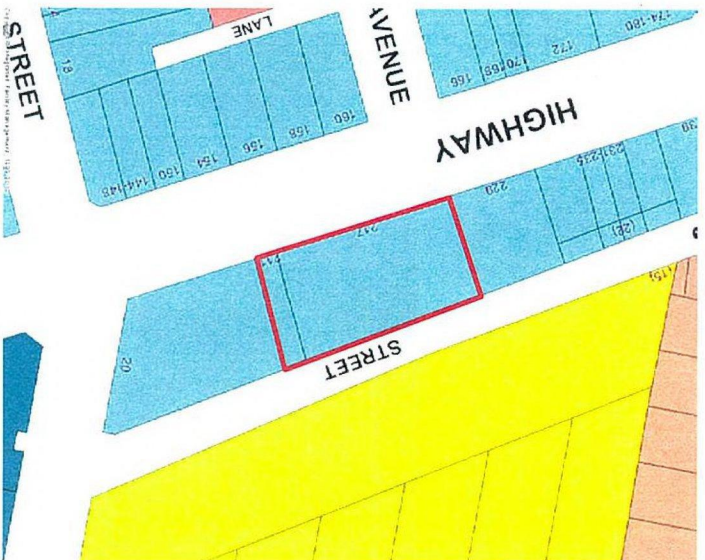


Figure 4: NSLEP 2001 Zoning - Mixed Use

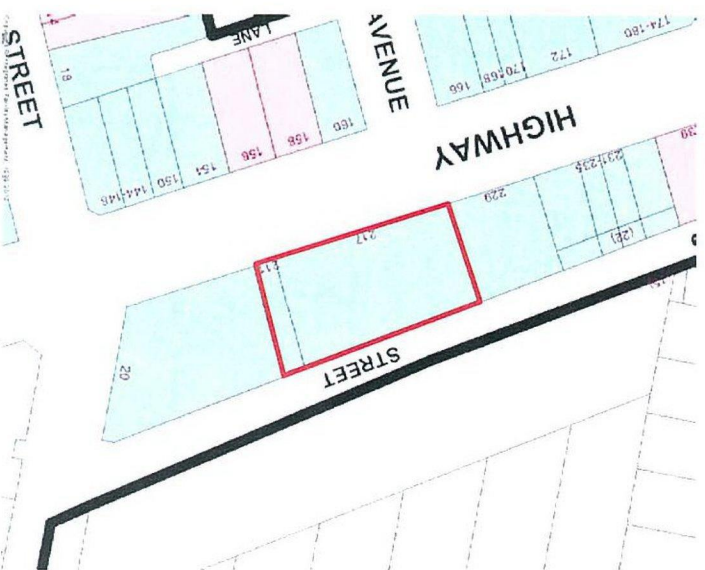


Figure 5: NSLEP 2001 Non-residential FSR range - 3:1 - 4:1.

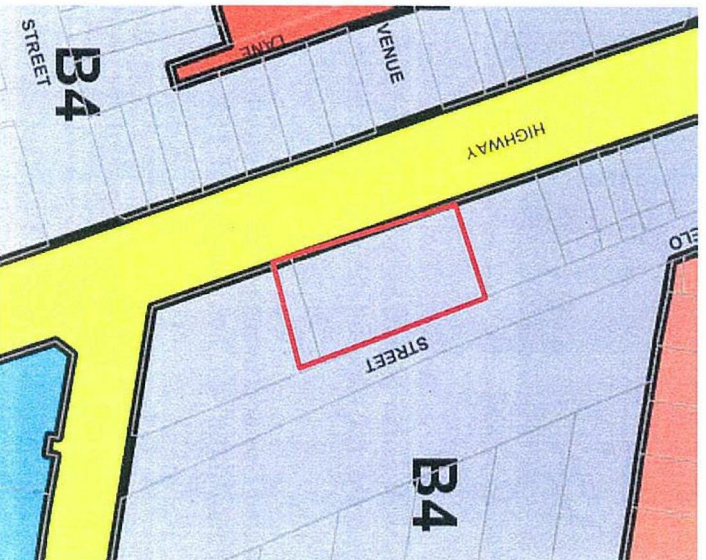


Figure 4: DLEP 2009 Zoning - B4 - Mixed Use



Figure 5: DLEP 2009 Non-residential FSR range - Area 10: 0.5:1 - 4:1.

## PROPOSED LEP AMENDMENT

The Planning Proposal seeks to amend the NSLEP 2001 Floor Space Ratio Map to reflect a non-residential floor space ratio range of 0.5:1 - 4:1 on the subject site.



## **PLANNING APPRAISAL**

The Planning Proposal as submitted 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.

The following subsections provide a more detailed analysis of the principle issues considered against the Planning Proposal.

## **JUSTIFICATION FOR PLANNING PROPOSAL**

The Planning Proposal contains the same provisions as those previously proposed for the site under DLEP 28. Council resolved to incorporate into these provisions into DLEP 2009 and will not progress through to gazettal in its own right. Given the time taken to progress DLEP 2009, in which the proposed control is reflected, it is considered appropriate for the Planning Proposal to proceed.

The reduction of the required minimum non-residential floor space was introduced for a number of sites under DLEP 28 within the North Sydney Centre, to provide added flexibility for these sites. Similar Planning Proposals in the North Sydney Centre have been considered recently by Council at 12-16 Berry Street, 239-247 & 156-158 Pacific Highway, 144-150 Walker Street, and 225 Miller Street, North Sydney. These Planning Proposals all sought to decrease the minimum non-residential FSR on their sites to 0.5:1. As these Planning Proposals have reflected the proposed provisions under DLEP 2009, Council and the DoPI have been supportive of them.

Whilst the Planning Proposal seeks a reduction in the non-residential FSR for the site under NSLEP 2001, any development on the site would still require that any commercial floor space must be provided on the lower levels of the building. As such, it is considered that the site will maintain the mixed use character of the area, with the increase in residential floor space merely reflecting the current market demand in that particular area.

The Planning Proposal is therefore considered to be consistent with the objectives for the Mixed Use zone under NSLEP 2001.

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Policy and Strategic Context

*Metropolitan Plan for Sydney 2036*

In December 2010, the State Government released the *Metropolitan Plan for Sydney 2036* covering the North Sydney LGA. The Plan replaced the former 2005 *City of Cities: A plan for Sydney's Future*. The Plan is to provide an additional 770,000 homes and 760,000 new jobs by 2036. The Plan sets a new dwelling increase of 44,000 in 2036 for the Inner North Subregion, of which North Sydney is a part. The Planning Proposal will enable an increase in residential development on the site and is therefore considered to be consistent with the aims of the Plan.

*Draft Inner North Subregional Strategy*

In July 2007, the State Government released the draft Inner North Subregional Strategy (INSS). The Inner North Subregion is to provide 30,000 new dwellings by 2031. From this total the target for the North Sydney LGA is 5,500 additional dwellings. It is anticipated that the INSS will be updated to reflect the new targets under the Metropolitan Plan. Further clarification will be sought in 2011. However, it is anticipated that the Strategy's overall objectives will remain the same.

The Strategy identifies that future growth should be concentrated in centres and have good access to public transport. Policy B2.1.1 of the draft INSS, states that Council should restrict residential development within the commercial core of North Sydney. As the site is not located within the commercial core of North Sydney, the proposed reduction in the non-residential FSR is considered to be consistent with the INSS.

*Draft North Sydney Local Development Strategy*

The draft North Sydney Local Development Strategy (LDS) generally follows the rationale of the draft INSS. The LDS identifies the North Sydney Centre as being a location where future growth for both residential and commercial uses can be accommodated. It also states residential development should be encouraged in mixed-use areas outside of the commercial core. The LDS also acknowledges the changes proposed under DLEP 2009 and the flexibility it introduces. The Planning Proposal is therefore considered to be consistent with the LDS.

*Residential Development Strategy*

The draft North Sydney Residential Development Strategy (RDS) generally follows the rationale of the draft INSS and LDS. The RDS identifies the potential for an increase in dwellings of 6,199 additional dwellings by 2031. The RDS specifies that new residential development will mainly comprise of high density residential flat buildings, concentrated in and around centres. The Planning Proposal will enable an increase in residential development on the site and is therefore considered to be consistent with the aims of the RDS.

*Draft North Sydney LEP 2009*

The provisions in the Planning Proposal are identical to what is proposed for the site under DLEP 2009, which proposes a minimum non-residential floor space of 0.5:1. Accordingly, the Planning Proposal is considered to be consistent with the future controls for the site.

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## **CONCLUSION**

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

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Prepared for:  
Australian Institute of Management and  
Crown Group

## Planning Proposal

211-223 Pacific Highway, North Sydney  
To amend Clause 31 (non-residential floor space ratio)  
North Sydney Environmental Plan 2001

13 February 2012  
Rev B



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## 1 Introduction

The development site is located at 211-223 Pacific Highway. The site comprises 1,616.00 sq m and consists of 2 allotments:

- DP 383735 (211 Pacific Highway)
- DP 629449 (215-223 Pacific Highway)

The site's primary frontage is to Pacific Highway and secondary frontage to Angelo Street.

The subject site, located in North Sydney Centre, is currently zoned Mixed Use under the North Sydney LEP 2001 (NSLEP 2001). The site is subject to a maximum non-residential Floor Space Ratio control of 3:1-4:1. The Draft LEP 2009 maintains the Mixed Use zoning of the site but modifies the maximum non-residential Floor Space Ratio control to 0.5 - 4:1.

North Sydney Council granted approval for DA 503/10 on 29 April 2011 for an 18 storey mixed use development on the subject site. This DA includes 138 parking spaces over 4 basement levels, retail commercial uses on ground floor and commercial floor space over levels 1, 2 and 3. A total of 144 units are proposed over levels 4 to 17. These units are a mix of 1, 2 and 3 bedroom units. Communal open space is located on the rooftop. The approved non-residential floor space of the development is 2.6:1, varied under SEPP 1.

This planning proposal seeks to reduce the non-residential floor space control for the site reflecting the draft control for non-residential floor space proposed in Draft North Sydney Local Environmental Plan 2009.

Although technically the change of non-residential floor area is a standard within a planning instrument and could be proposed under a SEPP 1 Objection, that course has been discouraged following advice from Council, at a meeting with Council on 29 November 2011.

In this regard, this application is for modification of the "Maximum Non-Residential Floor Space Ratio" (Clause 31 and corresponding Map Sheet FSR\_002A) of 3:1-4:1 to 0.5:1 – 4:1.



## 2 Site and Context

### 2.1 Site Description and Location

The development site is located at 211-223 Pacific Highway. The site consists of 2 allotments:

- Lot B, DP 383735 (211 Pacific Highway)
- Lot 1, DP 629449 (215-223 Pacific Highway)

The site's location is depicted in Figure 1 below.

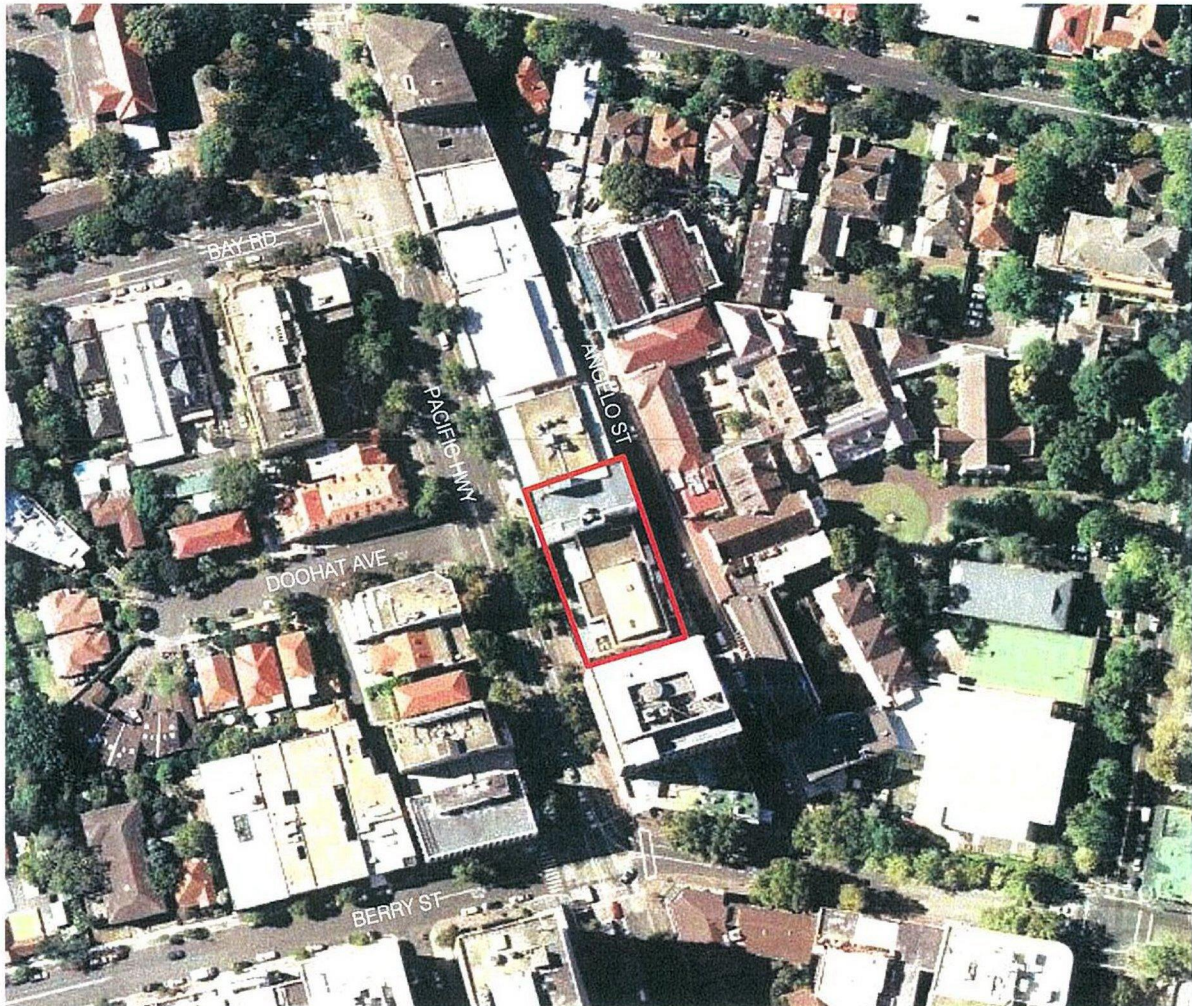


Figure 1: Site Location

### 2.2 Site Area and Dimensions

The development site has a total area of approximately 1,616.00 sqm. Site dimensions are:

Eastern Boundary: approximately 55.9m  
Southern Boundary: approximately 30.7m  
Western Boundary: approximately 54.5m  
Northern Boundary: approximately 27.8m



## 2.3 Surrounding Land Uses

The subject site is located within the North Sydney Centre. It is surrounded by commercial development as well as the Mount St Angelo Catholic Girls School to the east and southeast. Residential flat buildings, shop top housing and educational institutions are also prevalent in the locality. The character of the area is consistent with its Mixed Use zoning. Neighbouring developments are depicted in figures 2 to 6.



Figure 2: 209 Pacific Highway (3 level building built to the property line)

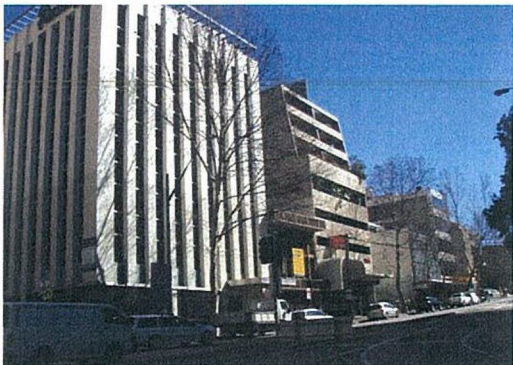


Figure 3: Development on the western side of Pacific Highway, across from the site.



Figure 4: 229 Pacific Highway (approx 15 storeys)



Figure 5: Multi-unit residential and dwellings on western side of Pacific Highway near site



Figure 6: Residential development in Doohat Avenue



## 2.4 Existing Site Development

Currently, the site at No. 211 is vacant. The site at 215 Pacific Highway is occupied by a 5 storey commercial building with a GFA of 2,302 sqm. The site at No. 223 is occupied by a 6 storey commercial building with a GFA of 2,330 sqm. The existing development is depicted in Figures 7 to 11.



Figure 7: Vacant site at 211 Pacific Hwy



Figure 8: View of No. 213-215 from Pacific Highway



Figure 9: Existing site condition (No. 223) viewed from Doohat Avenue

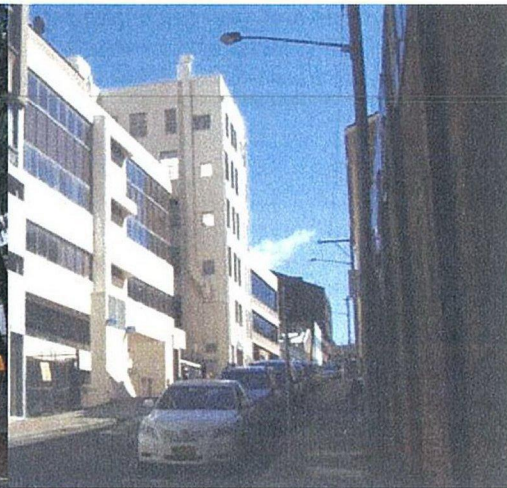


Figure 10: Rear of 213-223 Pacific Highway



Figure 11: Rear of No. 211 (vacant) viewed from Angelo St.



## 2.5 Development History

### *213-223 Pacific Highway*

The commercial buildings at 213-215 and 217-223 have existed for several decades.

### *211 Pacific Highway*

211 Pacific Highway is currently vacant. The previous building on site, a small 2 storey commercial building used most recently as a Budget Rent-a-Car office, was demolished in accordance with DA 606/04.

DA 606/04 commenced on 19/09/2005 and granted consent to the demolition of the existing building and erection of a nine storey mixed use building comprised of nine storeys containing 12 x 1 bedroom and 2 x 2 bedroom apartments; commercial office suites over part of level 1 and part of level 2; the ground floor area fronting Pacific Highway containing an entry foyer and coffee bar; and the ground floor area fronting Angelo Street containing car parking.

Only demolition of the existing building has been undertaken to date.

### *211-223 Pacific Highway*

DA 503/10 was approved on 29 April 2011. The DA was determined by the JRPP and affects No. 211 – 223 Pacific Highway, amalgamating the sites. The approval included demolition of existing structures on site and erection of an 18 storey building with 4 levels of basement car parking with a total of 136 vehicle parking spaces, 15 motorcycle spaces and 144 bicycle parking spaces; 2 ground floor commercial tenancies specified for restaurant use; 3 levels of commercial development (levels 1 to 3); Communal terrace space for use by commercial tenants; 14 levels of residential development (levels 4 to 17) consisting of 144 units; and a rooftop garden with communal recreation facilities for residents.

The approved development comprises a total GFA of 18,828.9 sqm and a non-residential floor space ratio of 2.6:1 (granted as a SEPP 1 variation). The 144 units are comprised of 60 x 1 bedroom apartments, 64 x 2 bedroom apartments and 20 x 3 bedroom apartments.

While the DA has been granted, works have not yet commenced.

### 3 Statutory Context

#### 3.1 Zoning

The subject site is currently zoned Mixed Use under NSLEP 2001, gazetted on 1st June 2001 and last amended in October 2011. Draft LEP 2009 maintains a Mixed Use zoning for the site.

Clause 9 of NSLEP 2001 lays out the objectives of the zone and the primary development controls which apply. The objectives of the Mixed Use Zone are as follows:

- a) *encourage a diverse range of living, employment, recreational and social opportunities, which do not adversely affect the amenity of residential areas, and*
- b) *create interesting and vibrant neighbourhood centres with safe, high quality urban environments with residential amenity, and*
- c) *maintain existing commercial space and allow for residential development in mixed use buildings with non-residential uses at the lower levels and residential above, and*
- d) *promote affordable housing.*

Permissible development in the mixed use zone includes Business Premises, Shop Top Housing, Boarding Houses, Refreshment Rooms, Shops, Taverns, Office Premises, and Hotel or Motel accommodation.

The site is surrounded by various land use zones reflecting the transitional, mixed use character of the locality, being at the northern fringe of the North Sydney CBD.

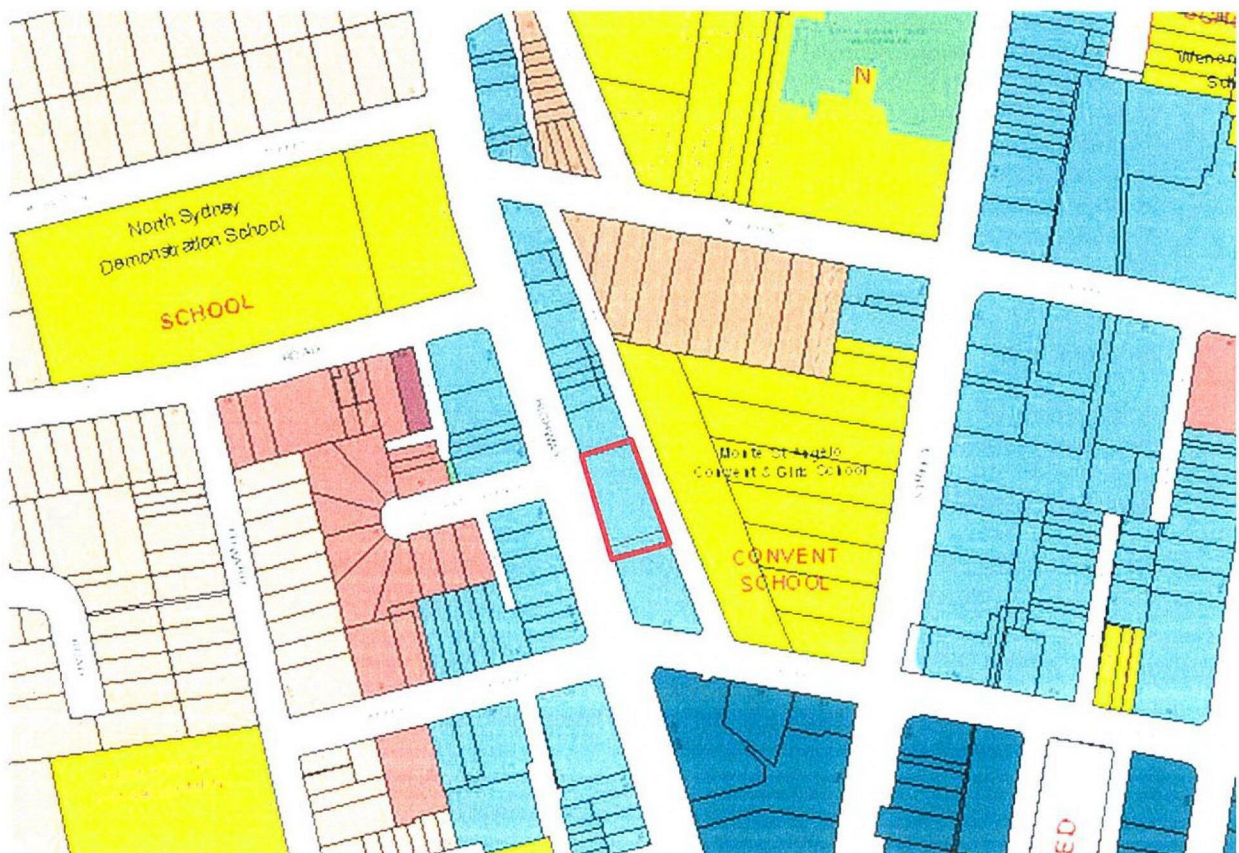


Figure 12: NSLEP2001 Land Use Zoning Map



### 3.2 Primary Development Controls

Under Clause 31(2) of the NSLEP 2001, the subject site is required to achieve a non-residential floor space ratio between 3:1 and 4:1.

The Draft LEP 2009 does not seek any change to the land use zoning of the site nor its permissible uses and building height. It however does seek to reduce the non-residential floor space ratio required on the site to a minimum of 0.5:1. This planning proposal is consistent with the Draft North Sydney LEP controls.

### 3.3 Strategic Context

#### Draft LEP 2009

The North Sydney Draft LEP 2009 was publically exhibited and at its meeting of 4 July 2011, Council resolved to adopt the Draft LEP (with amendments) and send it to the Department of Planning and Infrastructure ('the Department') with a request that the Minister for Planning make the plan. The Draft LEP was sent to the Department for consideration on 21 July 2011.

The overall planning objectives of the LEP remain unchanged from previous Environmental Planning Instruments. The minimum threshold for non-residential relative to residential floor space is reduced by the DLEP 2009. This shift in the FSR control in the Draft LEP supports the strategic need to accommodate for future residential growth and better respond to changing commercial market demands over time. It also acknowledges the modest demand for office space in North Sydney over the past several years, particularly at the edges of the CBD.

#### Draft Amendment No. 28

Draft Amendment No 28 (to NSLEP 2001) contemplated new primary development controls for North Sydney Centre. Amendment No. 28 was derived from extensive analysis, was publically exhibited and included the Department of Planning's involvement. A detailed height study was prepared and extensive analysis of FSR controls for the CBD was undertaken. The issue of FSR controls was debated with Council supporting control of development intensity through building envelope controls (height and setbacks) rather than through maximum FSR and the Department of Planning supporting maximum FSR controls in accordance with the NSW LEP Template (Planning and Development Committee Minutes 11/2/09). It was resolved to maintain minimum non-residential floor space ratio controls in mixed use zones within the Centre and reduce the minimum non-residential FSR in certain areas (including the subject site). This would allow greater flexibility in mixed use zones while allowing an additional 250,000m<sup>2</sup> of non-residential floorspace in the Centre identified by demand studies which informed Amendment 28.

At its meeting of 10 August 2009, Council resolved to incorporate the provisions of DLEP Amendment 28 into the comprehensive North Sydney DLEP 2009, which has yet to be publically exhibited.

#### North Sydney Residential Strategy

The North Sydney Residential Strategy as adopted by Council on 20 June 2011 states that the DLEP 2009 meets housing targets through the following:

- Contain sufficient capacity to accommodate over 6,000 additional dwellings by 2031 in addition to the 1,300 dwellings already approved since 2004. The DLEP 2009 achieves the NSW Government's draft housing target without having to make significant policy changes, upzonings or increases in development potential;
- Concentrate the bulk of new dwellings in Mixed Use centres in close proximity to retail, office, health, education, transport, leisure, entertainment facilities and community and personal services;
- Deliver housing choice for a range of socio-economic groups throughout North Sydney to meet the needs of existing and future residents; and

- Minimise the impact of new development on local character, amenity, environment and heritage.

The proposed development is consistent with all of these objectives.

#### **Australian Bureau of Statistics and The Department's Discussion Paper**

Since the drafting of that Residential Strategy and the NSW Government's housing targets, new Australian Bureau of Statistics (ABS) figures have been released which indicate that population growth shall be greater than what was considered when State, Regional and Local strategic planning documents were drafted. The Department of Planning discussion paper "Metropolitan Strategy Review: Sydney Towards 2036" analyses the planning implications of the recent population projections from the ABS. The paper stresses that the provision of 1 and 2 bedroom apartments will be increasingly important to accommodate the NSW population profile over the next several decades. The paper states:

*"Latest projections for Sydney's population by the Australian Bureau of Statistics are higher than those used when the Metropolitan Strategy was developed in 2005, when we were planning for 5.3 million by 2031. Our population is now expected to be 5.7 million by 2031, and 6 million by 2036 [pg 10]. "... Smaller housing – for example one or two bedroom dwellings- must be planned for [pg 21]."*

These new figures have yet to inform revised housing targets set out in the Metropolitan Plan and be reflected in regional and local strategies. The proposed modification to NSLEP 2001 which forms this proposal seeks to expeditiously address the Sydney's Metropolitan Area's particular challenge over the next several decades to provide housing which has excellent access to infrastructure, transport, amenities and services.



## 4 The Planning Proposal

### 4.1 Objectives – Intended Outcomes

The objective of this planning proposal is to allow for the minimum provision of non-residential floor space to be reduced from the present minimum of 3:1 required under NSLEP 2001 to Council's proposed DLEP 2009 control which reduces the non-residential floor space ratio to 0.5:1. The proposal to reduce non-residential floor space is consistent with the future nominated minimums when the current NSLEP controls are amended and intends only to more quickly achieve a revised planning control which has already been endorsed by Council. No modification of the maximum non-residential floor space ratio is proposed. It remains at 4:1.

### 4.2 Explanation of Amended Provisions

There are no changes to the objectives to the NSLEP proposed, only that the minimum non-residential floor space ratio (FSR) be amended.

To achieve this, the NSLEP 2001 FSR Map would be amended to reflect a non-residential floor space of 0.5:1 – 4:1 for the subject site.

### 4.3 Justification

#### 4.3.1 Section A - Need for a Planning Proposal

##### *1. Is the Planning Proposal a result of any strategic Study or Report?*

The planning proposal relates only to the subject site known as 211-223 Pacific Highway, North Sydney. It is consistent with the exhibited NSLEP 2009 controls which have been adopted by Council and are awaiting gazettal by the Department.

The provisions in the Draft LEP are also consistent with Draft Amendment 28 to NSLEP 2001 which was subject to community consultation, exhibition of the draft and subsequent revised versions of the amendment, heavy Department of Planning involvement and a Council vote. Council resolved to incorporate the provisions of Amendment 28 into the NSDLEP 2009. Amendment 28 resulted from an analysis undertaken by Council which examined the existing capacity and levels of commercial floor space in the North Sydney Centre. Amendment 28 is consistent with the North Sydney Regional Development Strategy 2009, the Local Development Strategy 2009, the Metropolitan Plan for Sydney 2036 and the Draft Inner North Subregional Strategy.

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

Yes, the proposed modification to NSLEP 2001 serves to expedite the achievement of planning strategies which have been endorsed by Council but await action by the Department.

A minimum non-residential FSR control of 0.5:1 – 4:1 for the site has been incorporated in the Draft LEP 2009. This control has remained unchanged on the subject site since the Draft LEP 2009 was first adopted by North Sydney Council in 2007. It has consistently been adopted since.

As per the advice of North Sydney Council in the meeting of 29 November 2011, a planning proposal is the most appropriate way to reduce the non-residential floor space at this time. While the draft LEP 2009 has been adopted by Council and is awaiting gazettal by the Minister for Planning, there is no certainty as to the actual date of gazettal of the new LEP. A number of similar Planning Proposals have been put forward with a similar aim, establishing a precedent.



### 3. *Is there a net community benefit?*

The provision of increased residential accommodation within the city centre benefits the community within a local and a regional context. It will enable a faster roll out of additional housing to meet the larger than expected population growth in the Sydney metropolitan area. The ABS' population projections, released in 2010 are not reflected as yet in major strategic planning documents such as the Metropolitan Strategy. This Planning Proposal provides an opportunity to address these large population projections and meets perhaps the most fundamental community need – housing.

The site is located within a strategic area first identified in the Sydney Metropolitan Strategy as Sydney's 'Global Arc', now referred to in the Draft Inner North Subregional Strategy as the 'Global Economic Corridor', extending from Macquarie Park in the north to Kingsford-Smith Airport in the south. The heart of this corridor is the City of Sydney and North Sydney Centre.

The site is located near to employment, services, amenities and major public transport infrastructure. The site can accommodate additional residential floor space within an already approved building envelope, consistent with existing LEP height and setback controls so that the proposal does not represent a major impact on desired built form character of the area.

The proposed revision to the minimum non-residential floor space control is consistent with the existing and draft development controls which have undergone an extensive process of community consultation.

Provision of additional accommodation in this location meets state, regional and local planning strategies including urban consolidation, reducing where possible the release of non-urban land for urban purposes by providing additional housing in existing urban areas and fully utilising existing infrastructure.

The Draft Inner North Subregional Strategy targets 30,000 new dwellings in the area by 2031. The North Sydney Local Residential Strategy seeks to provide 6,000 additional dwellings by 2036 in North Sydney itself. The recent population projections by the Australian Bureau of Statistics indicate that population growth will be even greater than that reflected in the Subregional Strategy and Local Residential Strategy. The proposal, by providing a greater proportion of residential floor space on the site helps meet these targets.

Increased residential accommodation in this location meets sustainability criteria. The "compact cities" model is a widely supported ESD strategy for reducing a city's eco-footprint and is reflected in NSW's long policy of "urban consolidation". The proposal facilitates mixed-use walk-able communities where residents can meet their needs within a 5-10 minute walk of their home. The close proximity of the site to major public transport nodes decreases the need for private vehicle use and helps to reduced traffic congestion. The proposal encourages a mix of after hours and weekend activity by modestly increasing the number of local residents in the area. An increase in residential floor space supports the revitalization of the North Sydney Centre and shall reduce rates of commercial vacancy in the locality.

The provision of additional housing in the area is contextually compatible with the existing character of the area given the transitional nature of the zone and the predominantly residential uses to the west of the site. Maintaining active ground floor retail uses with increased housing above can better facilitate an urban environment that supports diverse activities and choices, benefiting the quality of life of the community by creating more demand and more opportunity.

Recent approval of a large volume of new office space nearby further reduces the demand for office space in this particular locality. The site is in the mixed use transitional zone has proven to experience less demand for commercial office space than that envisaged in earlier planning instruments. The draft LEP's reduction in the minimum non-residential floor space control recognizes the need for flexibility in the mixed use, transitional zone. In short, providing housing is a better planning outcome than providing additional offices on the site at this time and by providing a greater range of non-residential floor space now, the area will be better equipped to respond to changing demand over time.



#### 4.3.2 Section B – Relationship to Strategic Planning Framework

**4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and the exhibited draft strategies)?***

The Draft Inner North Subregional Strategy bases its dwelling targets for the Sydney region on an estimated population growth to 5.3 million inhabitants by 2031. As identified in the Bureau of Statistics findings of 2010 and the State Government's discussion paper "Metropolitan Strategy Review: Sydney Towards 2036" (2010), population growth is expected to be greater than expected at the time of the drafting of the Metropolitan Strategy as well as the Draft Inner North Subregional Strategy, with the metropolitan area reaching 5.7 million inhabitants by 2031 and reaching 6 million by 2036.

The Metropolitan Plan for Sydney 2036 aims to locate 80% of new housing within walking distance to centres.

This new estimate makes the expeditious roll out of additional housing with access to employment and existing infrastructure even more critical than previously thought.

The Planning Proposal does not seek to change the zoning of the site and employment generating uses are retained on site by virtue of retaining a minimum non-residential FSR within the mixed use zone of 0.5:1. The marginal decline in commercial floor space by virtue of the proposed amendment to the non-residential floor space ratio minimally changes the intensity but not the permissible uses or commercial mixed use character of the site.

**5. *Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local Strategic Plan?***

The proposed reduction in non-residential floor space is consistent with the Draft North Sydney LEP 2009 which is supported by local strategic plans including the North Sydney Local Development Strategy 2009, North Sydney Residential Development Strategy 2009 the 2020 Vision and the Social Plan for North Sydney 2008-2012.

##### **The North Sydney Local Development Strategy 2009**

The North Sydney Local Development Strategy is a translation of the strategic vision for North Sydney Council as identified in the Metropolitan and Subregional Strategies. It has informed the preparation of Council's draft comprehensive Local Environmental Plan (DLEP 2009). The proposed reduction in non-residential floor space is consistent with the North Sydney Local Development Strategy which identifies the need to maintain both commercial and residential uses in mixed use zones but acknowledges the need to allow greater flexibility in planning controls to anticipate and respond to changing market demands and demographics. The proposed development is consistent with the Strategy by ensuring that employment generating commercial land use is included in any development on the site but allowing more flexibility in the ratio of commercial to residential land uses to meet market demand over time.

##### **The North Sydney Residential Development Strategy 2009**

The North Sydney Local Residential Strategy seeks to provide 6,000 additional dwellings by 2036, concentrating the bulk of new dwellings in Mixed Use centres in close proximity to retail, office, health, education, transport, leisure, entertainment venues, community centres and personal services. In light of the ABS' projections, additional dwellings may need to be considered. The proposed reduction in non-residential floor space for the site is consistent with the Strategy by facilitating more residential development in mixed use areas in close proximity to major public transport and the array of services, amenities, employment, infrastructure existing in and near the North Sydney Centre.



**North Sydney 2020 Vision**

The North Sydney 2020 Vision seeks to reduce the reliance on private motor vehicles and provide a range of dwellings in close proximity to services, amenities, employment and transport. The proposed reduction in non-residential floor space is consistent with this vision by providing additional dwellings in close proximity to major public transport nodes and employment opportunities that will facilitate a greater range of activities in the local area. The proposal also ensures that any future development on site provides a mix of uses, further supporting the vision to have a diversity of service, amenity and activities available to the local residential and working population.

**Social Plan for North Sydney 2008-2012**

The proposed reduction in non-residential floor space is consistent with the Social Plan for North Sydney 2008-2012 by providing additional housing which can be suitable for an aging population and smaller household sizes, as well as facilitate a more diverse range of activities in the Centre by increasing residential densities and maintaining a mixed use character.

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

There are no SEPPs that have a direct bearing on the outcome of this proposal; SEPP 65 will be applicable to the development application assessment process, pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*.

**7. Is the Planning Proposal consistent with applicable Ministerial Directions (S117 Directions)?**

The following Local Directions under S117 must be considered in this Planning Proposal:

**1.1 Business and Industrial Zones**

Direction 1.1 generally aims to encourage and retain employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.

The Planning Proposal ensures employment generating commercial uses on the site by specifying a minimum non-residential floor space of 0.5:1 – 4:1. This meets the objective of the zone and ensures the mixed use character of the site is achieved.

**3.1 Residential Zones**

Direction 3.1 generally seeks to facilitate housing choice, meet existing and future housing needs, make efficient use of existing infrastructure, and minimise the impact of residential development on the environment.

The Direction specifies that a Planning Proposal must include provisions that will improve the choice, accessibility and distribution of housing stock, reduce the consumption of land on the urban fringe, and be of good design.

The Planning Proposal will allow a greater provision of housing near to a major centre, improve housing choice, and make more efficient use of existing infrastructure, services and amenities.

**3.4 Integrating Land Use and Transport**

Direction 3.4 aims to ensure that urban structures, building forms, land uses, developments, subdivision and street layouts achieve improved accessibility, increased choice of transport, reduced travel demand, and efficient movement of freight.

The proposed development allows additional housing within close walking distance of major public transport infrastructure which reduces demand for the private motor vehicle and provides better



accessibility to Sydney's primary employment lands within the Global Economic Corridor. Additional housing in this particular location supports reduced traffic demand on Sydney's road.

The site is particularly suitable for increased residential densities as it has a secondary road access away from Pacific Highway and thus will have a minimum impact on the road network while being optimally located in one of the most accessible places in the region.

#### 6.1 Approval and Referral Requirements

Direction 6.1 aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal meets the requirements of this direction since it does not contain any provision which would result in a subsequent application requiring the concurrence, consultation or referral to the Minister or a public authority. The proposal does not contain any provision that would deem a development designated development.

#### 6.3 Site Specific Provisions

Direction 6.3 aims to discourage unnecessarily restrictive site specific planning controls and relate primarily to land use. The proposal does not aim to affect the land uses permissible on the site and it therefore consistent with the existing LEP zoning. The proposal only aims to alter the proportion of one land use in relation to another in accordance with Draft LEP 2009 controls. The proposal does not contain or refer to drawings that show details of the development proposal. The planning proposal is therefore consistent with the direction.

#### 7.1 Implementation of the Metropolitan Plan for Sydney 2036

North Sydney Council studies show that the most intensive and viable commercial uses are best located in the core portion of the Centre while areas at the periphery best function as transitional, mixed use areas with flexibility in the proportion of non-residential floor space to residential floor space achievable. The Draft NSLEP 2009 reflects this approach. Such flexibility allows for change and adaptation over time. The proposal affects one of these transitional areas and thus the proposed flexibility is consistent with the Metropolitan Plan for Sydney.

#### 4.3.3 Section C – Environmental, Social and Economic Impact

##### **8. *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?***

No critical habitat or threatened fauna have been identified in relation to this site.

##### **9. *Are there any other likely environmental impacts as a result of the Planning Proposal (and if so), how are they to be managed?***

There are no environmental impacts as a result of this Planning Proposal. The proposed change of the proportion of land use types does not give rise to any particular environmental impact in itself. Any development application for the site would be assessed within the jurisdiction of North Sydney Council and the provisions of the EP&A Act 1979.

##### **10. Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal has addressed its consistency with strategic planning documents which seek to accommodate the future residential population of Sydney more sustainably. First and foremost this can be achieved by locating the majority of new dwellings within walking distance of key centres which provide a range of employment, services and amenities and which have good access to public transport.



The Planning Proposal allows for more residential accommodation on the site than that envisaged in the NSLEP 2001. The change to the non-residential floor space control contained in the Draft LEP indicates that the controls in the NSLEP 2001 are no longer meeting the strategic goals of North Sydney and a more flexible arrangement is now supported. The site is located on the edge of the CBD and within a transitional area between the intensive commercial uses of the CBD core and the lower density residential areas outside of the CBD.

It has been found that the provision of further non-residential floor space on this site would not be economically viable. Greater flexibility in the minimum non-residential floor space on the site will allow the site to respond more readily to market realities while maintaining a planning framework which allows for change over time to meet supply and demand.

Higher commercial vacancy rates have been observed in North Sydney over the past several years, particularly at the edge of the CBD. The NSDLEP 2009 and Draft Amendment 28 recognise this and envisage the majority of commercial space within the CBD core and greater flexibility at the edge. This Planning Proposal, in echoing the provisions of the NSDLEP 2009, reflects this overall strategy which is more generally indicated by the mixed use zoning of the site.

#### 4.3.4 Section D – State and Commonwealth Interests

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

There is considerable infrastructure provision in North Sydney to support the future development achievable under this proposal. The Planning Proposal reflects the provisions of the North Sydney LEP 2009 which has been adopted by Council and is awaiting gazettal by the Minister. The proposal does not seek a variation to Council's vision but only seeks to expedite the supported and Council-endorsed change in non-residential floor space.

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

The relevant State and Commonwealth authorities will be consulted during the gateway process.

#### 4.4 Community Consultation

The planning proposal is considered to be a 'low impact' planning proposal for the following reasons:

- The amendment is of a minor nature that relates to the subject site only.
- The amendment is consistent with the DLEP 2009 which has been adopted by Council and is awaiting gazettal by the State Government.
- The proposal is consistent with surrounding land uses and the mixed use zoning of the locality.
- The proposal provides the opportunity for more people to live in close proximity to public transport, employment, infrastructure, services and amenities.
- There will be no impact on a classified road as access to the site can be via the rear lane (Angelo Street).
- There will be no net increase in demand for the infrastructure servicing the site as the proposed use is of the same general intensity as that currently approved on the site.

Given the extent to which the proposed modification is consistent with the Draft NSLEP 2009, the level of community consultation is deemed to be both extensive and adequate in terms of considering the appropriate controls for future non-residential floor space minimums in the locality. North Sydney Council will complete the community consultation process in accordance with Section 57 of the EP&A Act 1979.



## 5 Conclusion

The Planning Proposal is consistent with the direction of North Sydney Council to increase residential floor space in the North Sydney Centre, particularly in mixed use zones and transitional areas. The Planning Proposal will assist in meeting the housing targets contained in strategic plans as well as accommodate the further housing demand arising from the new population projections of the ABS released in 2010.

The Planning Proposal is wholly consistent with North Sydney Council's planning framework and only seeks an early implementation of the provisions under the publically exhibited and Council endorsed Draft North Sydney LEP 2009.

The incorporation of additional residential dwellings on the site is compatible with the surrounding area and context of the site. The proposed control for minimum non-residential FSR ensures that commercial uses are retained on the site while allowing greater flexibility to meet changing demands over time.

The minimum non-residential FSR of 3:1-4:1 contained in NSLEP 2001 is not consistent with the adopted planning initiatives of Council and is restricting the redevelopment of the site. For these reasons the NSLEP 2001 should be amended to reflect an FSR range of 0.5:1 to 4:1.



NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2001

(Amendment #)



Planning Officer - Katie Miles

Filename - 211-223 Pacific Hwy - FSR Amendment

Date - 5/3/11

Government Gazette No -

Scale 1:1500

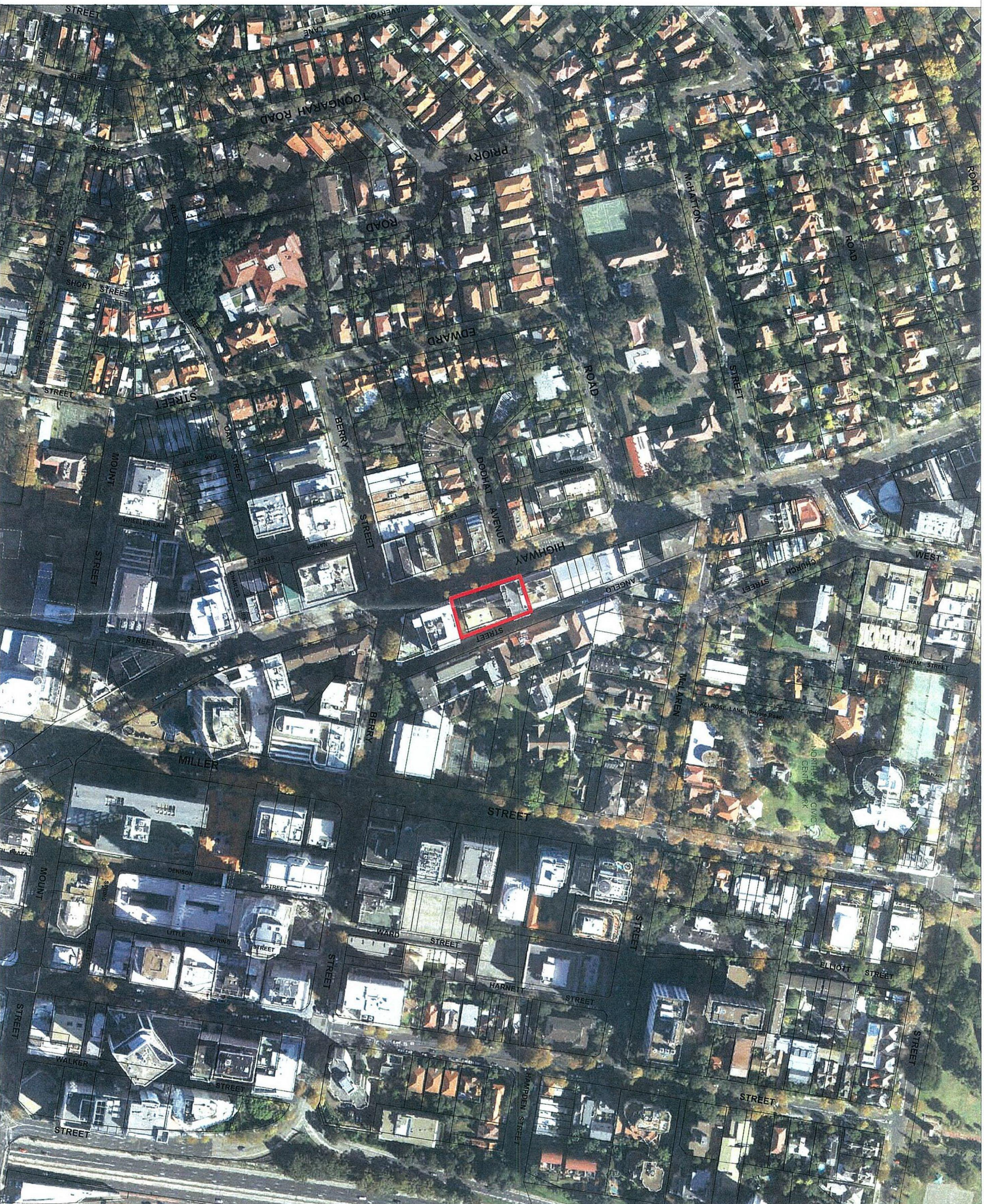


General Manager  
Certified in accordance with the Environmental  
Planning & Assessment Act 1979, and Regulations

This plan amends:-  
NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2001

Date  
12/3/11





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Scale 1:3000

# Planning Proposal - 211-223 Pacific Highway, North Sydney

## 2011 Aerial Photo

Subject Site







North Sydney Council

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Scale 1:7500

# Planning Proposal - 211-223 Pacific Highway, North Sydney

## North Sydney Local Environmental Plan 2001 - Location Map

Subject Site





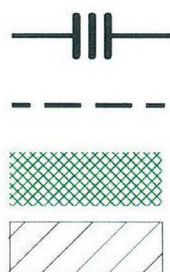
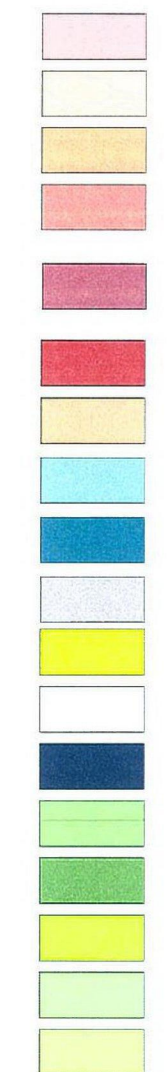
# LEGEND

## ZONES

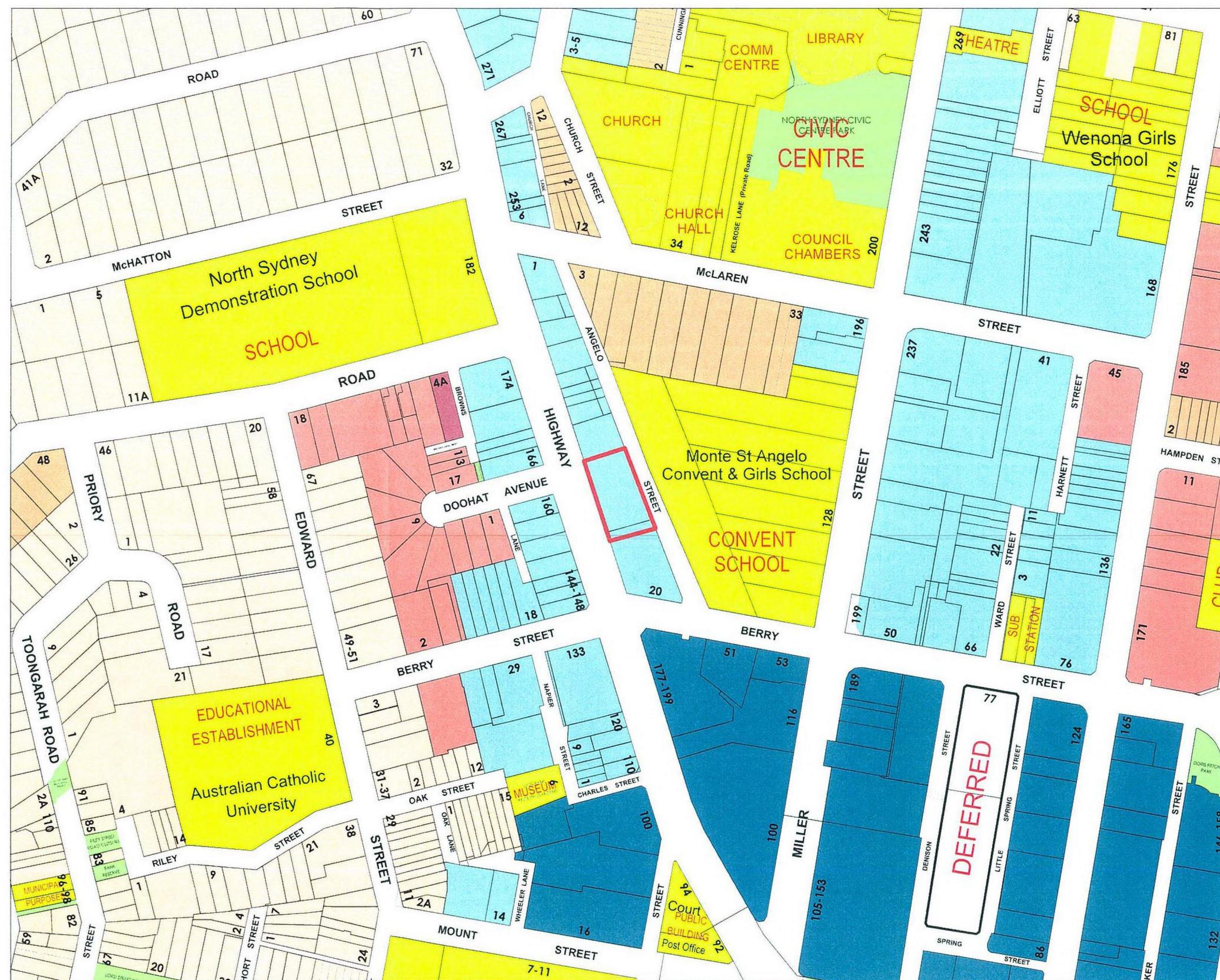
- Residential A1
- Residential A2
- Residential B
- Residential C
- Residential / Neighbourhood Business D
- Residential F
- Residential G
- Mixed Use
- Commercial
- Waterfront
- Special Uses
- Road
- Railway
- Public Open Space
- Bushland
- Public Recreation
- Private Recreation
- Luna Park

## GENERAL

- Local Government Boundary
- Foreshore Building Line
- Open Space Building Line
- Land Affected by Clause 59



Scale 1:3000



## Planning Proposal - 211-223 Pacific Highway, North Sydney

### North Sydney Local Environmental Plan 2001 - Zoning

Subject Site

