

225 Miller Street, North Sydney: reduce the minimum FSR requirement for non residential floorspace

Proposal Title :	225 Miller Street, North Sydney: reduce the minimum FSR requirement for non residential floorspace		
Proposal Summary :	The planning proposal seeks to amend North Sydney Local Environmental Plan 2001 to reduce the minimum requirement for non residential floorspace from 3:1 to 0.5:1 at 225 Miller Street, North Sydney.		
PP Number :	PP_2009_NORTH_004_00	Dop File No :	09/01923

Proposal Details

Date Planning Proposal Received :	19-Nov-2009	Person entering data :	dkaraccooke
RPA :	North Sydney Council	LGA covered :	North Sydney
Region :	Sydney Region East	Planning Officer responsible :	ebooth
State Electorate :	NORTH SHORE	Section of the Act:	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	225 Miller Street		
Suburb :	North Sydney	City :	SYDNEY
		Postcode :	2060
Land Parcel :	Lot 1 DP 656 437		

Land Release Data

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

Supporting notes

Internal Supporting Notes :	The planning proposal has been made in order to expedite a rezoning matter that previously formed part of North Sydney draft LEP Amendment 28 (DLEP 28), for which the Department had issued section 65(2) certificates on 27 August 2007 and 26 October 2007.
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External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **Adequate. The proposal seeks to reduce the minimum FSR control for non residential floorspace to allow a greater proportion of residential development at 244 Miller Street. This was proposed under DLEP Amendment 28 which has now been rolled into North Sydney Comprehensive LEP, due end of 2010.**

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

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

Comment : **Adequate. The provisions would allow a greater amount of residential development to occur on site, currently restricted by Clause 31(2) of the North Sydney LEP 2001 which requires a non residential FSR of 3:1 to 4:1 on this site. Provision 32(1) can be either amended by removing reference to the subject site under Clause 31(2) or by reducing the non residential floorspace required on the subject site by adding a new subclause.**

Justification - s55 (2)(c)

a) Has the council's strategy been agreed to by the Director General? **N/A**

b) S.117 directions : **1.1 Business and Industrial Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Strategy**

Is the Director General's agreement required? **Yes**

c) Standard Instrument (LEPs) Order 2006: **N/A**

d) SEPP including deemed SEPP : **SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Major Projects) 2005**

e) Development Programs (e.g. MDP) : **N/A**

f) Other matters in the Guide to Preparing Local Environmental Plans:

Are inconsistencies in a) to f) justified? **Unknown**

If No, explain : **The Director General's approval is required in relation to Direction 1.1. Council should be reminded to review s117 Directions and seek Director General's approval for any inconsistencies.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The map provided is an extract from the North Sydney LEP 2001. A map change will not be required for this proposal.**

Community consultation - s55(2)(e)

Should there be community consultation? **Yes**

Comment : **This is a low impact planning proposal. A community consultation period of 14 days is considered suitable.**

Additional Director-General's requirements

Are there any additional Director-General's requirements? **N/A**

Consistency :

Overall adequacy of the proposal

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

Explain : **Adequate information has been submitted to proceed with this proposal.**

Proposal Assessment

Principal LEP:

Proposed principal LEP Due Date : June 2011

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning
proposal :

The proposed provisions have already been adopted by Council as part of DLEP 2001 (Amendment 28) which will now be rolled into the Comprehensive LEP, due end of 2010. This planning proposal will expedite the controls for the subject site. The proposal would introduce more flexible redevelopment options for the site which is consistent with controls for other sites on the fringe of North Sydney Centre benefiting from this reduction.

Consistency with
strategic planning
framework :

The Draft Inner North Subregional Strategy identified a dwelling target of 5,500 additional dwellings for North Sydney by 2031. The planning proposal would allow conversion of 24 serviced apartments into residential which will contribute to Council meeting its dwelling target.

The site is not within the commercial core of North Sydney Centre and the proposed changes to the non residential floorspace requirements is consistent with other mixed use site controls on the edge of North Sydney Centre.

The proposed changes are consistent with Council's Draft LEP 2001(Amendment 28) which sought to reduce the non residential floorspace on the site from 3:1 to 0.5:1 however, Council resolved on 10 August 2009 to incorporate DLEP (Amendment 28) into its comprehensive LEP which has not yet been resubmitted under s64.

Environmental social
economic impacts :

The proposals will involve a change of use of 24 serviced apartments into residential units which are unlikely to have additional adverse environmental, social or economic impacts.

Assessment Process

Proposal type : Routine Community Consultation 14 Days
Period :

Timeframe to make 6 Month Delegation : RPA
LEP :

Public Authority
Consultation - 56(2)
(d) :

Public Hearing : Not Required

(2)(a) whether the matter should proceed and the reasons: Yes

Reason : This is a low impact proposal that will provide additional dwellings.

The proposed amendment is consistent with Council's strategic framework as demonstrated through the Draft LEP (Amendment 28) which will now proceed as part of North Sydney Comprehensive LEP, due December 2010.

Resubmission - s56(2)(b) : No

Reason : The risk is of a minor nature.

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Identify any additional studies, if required. :

Internal consultation required.

NIL

Any other recommendations as relevant to the proposal?

None

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

Explain :

North Sydney Railway Station underwent an upgrade which provides additional commuter capacity into this area. Funding for this project was allocated on the basis that an additional 250,000m2 of commercial floor space would be added to the centre by Amendment 9 gazetted on 28 February 2003. CI 28C established a mechanism for collecting funds to contribute to the upgrading of the station. The planning proposal would result in loss of some potential funding when the approved 24 serviced apartments are converted to residential which would preclude commercial development.

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

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

Additional Information :

Proceed with the Planning Proposal subject to the following conditions:

- 1. The public exhibition period shall be 14 days.**
- 2. No public authority consultation is required.**

Supporting Reasons :

The proposal is of a minor nature.

Signature:



Printed Name:

F ROBERTS

Date:

27.11.09