

The background of the report cover is a photograph of the Blue Street Car Park in North Sydney. In the foreground, there is a paved area with shadows from trees. A chain-link fence runs across the middle ground. Behind the fence, there are several tall buildings. One building has a large 'SAMSUNG' sign on its side, and another has a 'SHARP' sign. A construction crane is visible behind the Samsung building. The sky is clear and blue.

Blue Street Car Park, North Sydney

Planning report

August 2010

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Contents

1 Introduction	1-1
1.1 Preamble	1-1
1.2 Purpose	1-1
2 Site details and context	2-1
2.1 Site details	2-1
2.2 Site context	2-2
3 Proposed amendment	3-1
4 Legislative context	4-1
4.1 Objectives or intended outcomes	4-1
4.2 Explanation of provisions	4-1
4.3 Justification	4-2
4.4 Community consultation	4-6
5 Conclusion	5-1

Figures

Figure 2-1 Location of the site	2-2
Figure 2-2 Site and surrounds	2-3

Tables

Table 4-1 Review of Ministerial Directions	4-5
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Appendices

Appendix A Property information
Appendix B Traffic Assessment



Introduction

1.1 Preamble

This Planning Report has been prepared on behalf of the Roads and Traffic Authority of NSW ("RTA") in relation to the vacant site at the northern extent of the Sydney Harbour Bridge approach structures, Blue Street, North Sydney.

The site has been used for a car park over many years. In 2006 it was leased to the Transport Infrastructure Development Corporation ("TIDC") for use as a construction compound during the upgrade of North Sydney Station. The RTA now proposes to resume the car parking use.

Car parking at the site is not a permissible use under the provisions of the *North Sydney Local Environmental Plan 2001* ("the North Sydney LEP") and the RTA has to date been unable to establish existing use rights.

1.2 Purpose

This Planning Report has been prepared to accompany a formal request that North Sydney Council proceed with an amendment to the North Sydney LEP to permit a car parking use at the site. It has been prepared pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* and in recognition of the Department of Planning publication *A guide to preparing planning proposals* ("the Guidelines"). To that end, it:

- Identifies the site and describes the surrounding locality;
- Describes the nature and purpose of the proposed LEP amendment;
- Identifies the relevant planning controls; and
- Provides a preliminary assessment of the proposed LEP amendment against the provisions of Section 55(2) of the EP&A Act to assist council in the preparation of a formal planning proposal.

2

Site details and context

2.1 Site details

The site formally comprises:

- Part Lot 1 DP 87564 (Folio 1/87564).
- Land resumed and vested in the Minister for Public Works by Government Gazette of 26 February 1932 (folios 765 and 766).
- Land resumed and vested in the Minister for Public Works by Government Gazette of 1 April 1926 (folios 1536 and 1537)
- Part Lot 1 DP 536871 (Folio: Auto Consol 1217-148) owned by the Minister for Public Works¹.

The site is located at the eastern end of Blue Street and is bounded by the North Shore Railway line to the south-west and the Pacific Highway to the north-east. Vehicular access is only available from Blue Street.

The site is approximately 230m long and of variable width from approximately 9m to 19m. It is located on a rendered steel and masonry structure that forms the northern most extent of the Sydney Harbour Bridge approaches.

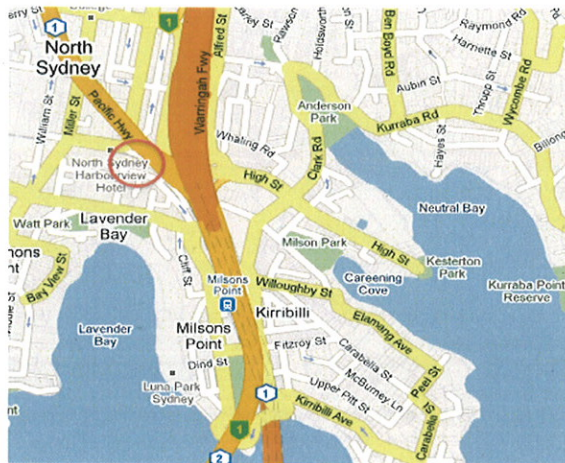
The site contains 95 line marked car spaces consistent with its former use as a car park. The configuration of is generally two rows of parallel to curb parking in the northern part of the site changing to four rows of parallel parking to the south as the site widens. A number of rear-to-curb spaces are located abutting the rear boundary. A standard height kerb is located towards the south-eastern end of the site (where the site widens) and helps delineate the rows of parallel parking. Laybacks at either end of the kerbed section assist with traffic circulation.

The grade of the site poses no encumbrance to parking and manoeuvring.

The location of the proposal is shown by Figure 2-1.

¹ Land owned by the Minister for Public Works was later vested in the Roads and Traffic Authority of NSW by statute, including the *Transport Administration Act 1988*

Figure 2-1 Location of the site



Source: Google Maps, Google Earth Pro
Illustrative only. Not to scale

2.2 Site context

Surrounding and nearby land uses include the railway line and North Sydney railway station, the Harbourview Hotel, elements of the State and local road networks and various medium to high rise buildings used for commercial purposes.

Traffic on Blue Street is two way and represents an important bus/rail interchange point. The intersection between Blue Street, Walker Street and the Pacific Highway is signalised. Traffic enters Blue Street at this location from Walker Street, or via a left turn or right turning movements from the Pacific Highway. This intersection is an important link between the employment areas of central North Sydney and the Station. Consequently pedestrians heavily use it at the start and end of the working day.

Immediately to the North of the site is the 'no through traffic' section of Blue Street. This area is used as a taxi rank but also provides access the Harbourview Hotel car park and a Railcorp staff car park. Recent pavement improvements were noted during site investigations.

The site is elevated on structure with the spaces underneath formed into rooms and workshop spaces, some of which are currently leased to private interests, with the dominant uses being vehicle workshops. Articulation of the western elevation of this structure includes windows of varying form and a dentillated cornice running the length of the site. Arthur Street crosses under the site via an arched passage.

The Pacific Highway and the adjacent commercial development dominate the visual context of the surrounding area. Views to the site are limited. Those most prominent are from trains entering and leaving North Sydney Station, and from surrounding buildings.

The context of the site is illustrated by Figure 2-2.

Figure 2-2 Site and surrounds



Photographs: Stuart J. Hill P/L

3

Proposed amendment

The purpose of the proposed amendment is to allow development for the purposes of a car park as a permissible use at the subject site.

Clause 6 (with Schedule 2) of the North Sydney LEP defines the term car park as follows:

car park means a building or place used for the parking of motor vehicles, other than parking which is ancillary to or incidental to development which is permissible either with or without development consent.

The site is located within the Road Zone under the North Sydney LEP. Pursuant to the zoning and permissible use table, the following development types may be undertaken in the Road Zone

advertisements; display of goods associated with an adjacent shop; drainage; footpath seating associated with an adjacent refreshment room; open space; remediation; roads; telecommunications facilities; temporary structures for the sale of produce and merchandise; utility installation, other than gas holders or generating works.

As an unnamed use, development for the purposes of a car park is therefore prohibited in the Road Zone. Further, it is not rendered permissible by any other specific provision in the LEP.

The suggested form of the proposed amendment is in section 4.2. It involves the amendment of Part 5 of the LEP to include a specific provision for the site.

4

Legislative context

The *Environmental Planning and Assessment Amendment Act 2008* and the *Environmental Planning and Assessment Amendment (Plan Making) Regulation 2009* commenced on 1 July 2009, and incorporate amending provisions relating to the making of environmental planning instruments.

The amending provisions introduce a system known as the "gateway plan making process", which is intended to streamline plan making allowing environmental planning instruments to be prepared, considered and approved in a much shorter timeframe, with benchmark timeframes for minor spot rezonings currently set at three (3) months.

Section 55(1) of the EP&A Act specifies that before an environmental planning instrument is made, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument, and sets out the justification for its making ("the planning proposal").

Section 55(2) specifies that the planning proposal is to include a statement of the objectives and intended outcomes of the proposed instrument, an explanation of the provisions that are to be included in the proposed instrument, the justification for those objectives, outcomes and provisions, maps to be adopted by the proposed instrument, and details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Further, the Department of Planning has published *A Guide to Preparing Planning Proposals* (July 2009), to explain the format and content of a planning proposal to be prepared by the relevant planning authority.

4.1 Objectives or intended outcomes

The objective of this planning proposal is to allow car parking as a permissible use on the northern extent of the Sydney Harbour Bridge approach structures at North Sydney. This area is a stratum lot formally known as Lot 1 in SK5926.

The amendment would allow the continuation of car parking at the site as well as associated improvements to fencing, security and visual appearance. Development of the site for the purposes of a car park would also present an opportunity to provide secure bicycle parking in close proximity to North Sydney Station.

4.2 Explanation of provisions

LEP amendment proposed is in the form of an additional site-specific provision in Part 5 of the North Sydney LEP, as outlined below:

XX Blue Street Car Park

(1) Subject land

This clause applies to land owned by the Roads and Traffic Authority of NSW at Blue Street, North Sydney, being:

- (a) Part Lot 1 DP 87564 (Folio 1187564).
 - (b) Land resumed and vested in the Minister for Public Works by Government Gazette of 26 February 1932 (folios 765 and 766).
 - (c) Land resumed and vested in the Minister for Public Works by Government Gazette of 1 April 1926 (folios 1536 and 1537)
 - (d) Part Lot 1 DP 536871 (Folio: Auto Consol 1217-148) owned by the Minister for Public Works
- and occupying the northern extent of the Sydney Harbour Bridge approach structures.

Note: Land owned by the Minister for Public Works was later vested in the Roads and Traffic Authority of NSW by statute, including the Transport Administration Act 1988

(2) Objective

The specific objective of the controls in relation to the land is to ensure that the land can continue to be used for a car park consistently with the amenity of surrounding areas.

(3) Control

Despite the Table to Part 2, development for the purposes of a car park is permitted, with consent, on the land.

Any proposed car park on the land must be single level only.

4.3 Justification

Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

The proposed amendment is not the result of any strategic study or report.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed amendment to Part 5 of the North Sydney LEP is similar in form and purpose to the existing clause 58 and for that reason it is considered an appropriate mechanism. Clause 58 allows the continuation of a car parking use at Hipwood Street, Kirribilli.

A rezoning of the subject land would not achieve the stated objective because car parking is currently prohibited in all zones described in Part 2 of the North Sydney LEP. The addition of *car park* in the list of permissible uses for the Road Zone more generally would have potential implications beyond the subject site.

Is there a net community benefit?

The *Draft Centres Policy - Planning for Retail and Commercial Development* (NSW Department of Planning, 2009) incorporates evaluation criteria to determine the net community benefit of an environmental planning instrument relating to retail and commercial development.

The evaluation criteria generally require consideration of compatibility with strategic planning framework, precedent and cumulative effects, employment generation, availability of public infrastructure, access to transport, and compatibility with surrounding land uses.

The resumption of a car parking use at the subject site would simply restore the previous level of paid public car parking available in this part of North Sydney prior to the construction period for the North Sydney Station upgrade. Parking at this location represents an important service for users of the area.

The proposed car parking use at the site also creates the opportunity for the realisation of ancillary public benefits through improvements to security at the site, visual enhancements, safety improvements at the rail interface and the potential provision of bicycle parking facilities.

Further, revenue from advertising would assist in the provision of infrastructure and services by the RTA. In this context it represents a community benefit.

It is not considered that the proposed amendment would create a precedent because the site has operated as a car park for many years. It is solely concerned with allowing that use to resume/continue. For similar reasons cumulative effects are not expected.

The proposed amendment would not result in an incompatible relationship with adjoining land uses, both visually and functionally. There are only limited views to the site from adjacent sites due to its elevation and relative enclosure.

A car parking use at the site would have a low traffic generation, equivalent to one vehicle every one to two minutes during peak hours. This would not have significant effects on the operation of the surrounding road network, including the nearby intersection with the Pacific Highway.

No natural/physical constraints to the proposed development have been identified. The site has adequate access to power and communications.

The relationship of the proposed amendment to the strategic planning framework as well as potential environmental, social and economic impacts is considered separately below.

Relationship to the strategic planning framework

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 exhibited draft strategies)?

City of Cities: A Plan for Sydney's Future (DoP, 2005) is the overarching planning framework for Sydney, setting the parameters for residential and economic development in centres and corridors. The Metropolitan Strategy divides the city into a number of subregions each served by a regional centre such as the Sydney CBD, North Sydney, Parramatta, Liverpool, or Penrith.

Action D3.2.1 of the Metropolitan Strategy states:

Develop and implement a metropolitan-wide parking policy to encourage use of public transport to centres and ensure a consistent approach across centres.

The commentary associated with this action notes that the availability and cost of car parking has a significant impact on people's travel choices including where they go and the mode they use. Excess parking in locations with good public transport accessibility can undermine public transport use.

In July 2007, the NSW Government released the draft Inner North Subregional Strategy, which implements the Metropolitan Strategy at the subregional level. North Sydney LGA is located within the Inner North Subregion.

Action IN D3.2.1 of the draft Inner North Subregional Strategy states:

Local government to implement the Metropolitan Parking Policy and ensure planning instruments are consistent with the policy.

The Metropolitan Parking Policy, to which both the above actions relate, is yet to be released. Notwithstanding, the following observations may be made.

North Sydney has one of the lowest parking to floorspace ratios in Metropolitan Sydney. This is the result of policy settings that recognise the North Sydney provides good access to workers from across the Sydney Region, and which seek to encourage the use of public transport.

The proposed LEP amendment would not disturb this situation to any significant extent. While it would facilitate an increase in car parking over current provision, it needs to be acknowledged that this site was operating as a car park at the time the policy settings in question became operative. In this context, no real increase is proposed and the previous use would simply be resumed.

The proposed amendment would also not lead to parking on a scale or at a price likely to have a significant effect on travel behaviour to the detriment of public transport use. According to the *North Sydney Demand Study* (Urbis JHD, 2004) there are 16,904 public parking bays in the North Sydney CBD². The 95 bays the subject site accommodates represent approximately 0.6% of the total public supply.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The draft North Sydney Local Development Strategy ("LDS") generally follows the rationale of the Draft Inner North Subregional Strategy, which has been discussed above.

The LDS makes reference to Council controls on parking and the objective of limiting traffic generation associated with private vehicle use. As argued above, the proposed amendment is considered to be a special case and not necessarily inconsistent with this objective.

Objectives of the Road zone in the North Sydney LEP are to:

- (a) identify land used for roads, and
- (b) allow for the flexible use of roads appropriate to their context.

Objective (a) is neutral to range of permitted uses within the zone. While zoned for road purposes, the site does not serve through traffic and has a limited access function for adjacent uses. Railcorp does access the adjacent railway land from this location and this access would need to be maintained.

The proposed amendment is consistent with objective (b) by allowing a flexible use of the land for parking, a purpose consistent with the overall road transport function of the zone. The provision of additional parking proximate to the North Sydney Station and other surrounding uses represents an important service for users of this area – and would replace the parking lost during the construction periods for the station upgrade.

Is the planning proposal consistent with applicable State environmental planning policies?

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed State environmental planning policy (SEPP). It applies to all land within the Sydney Harbour Catchment as

² Given the date of the study, this would likely have included the spaces provided by the then operating car park at the subject site.

shown on the Sydney Harbour Catchment Map. While the site is within the catchment, it is not however within the defined Foreshores and Waterways Area, is not identified as a strategic foreshore site and is not zoned.

No other SEPPs are directly relevant to the proposed amendment.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Potentially relevant section 117 directions considered in Table 4-1 below.

Table 4-1 Review of Ministerial Directions

Direction	Comment
2.3 Heritage conservation A planning proposal must contain provisions that facilitate the conservation of heritage items, Aboriginal objects and Aboriginal places.	The site already forms part of the listed heritage item known as Sydney Harbour Bridge and approach viaducts. Clause 45 of the North Sydney LEP requires development consent the demolition, alteration and certain other changes to a listed item. Aboriginal objects or places would not be affected.
3.4 Integrating land use and transport A planning proposal must be consistent with Department of Planning guidelines for improving access to housing, jobs and services by walking, cycling and public transport.	As discussed above, the proposed amendment would not lead to parking of on a scale or at a price likely to have a significant effect on travel behaviour to the detriment of public transport use. There is an opportunity to integrate bicycle parking into the car park use at this location.
6.3 Site specific provisions This direction discourages unnecessarily restrictive site-specific planning controls. It prohibits a planning proposal from including drawings that show details of a development proposal.	The proposed amendment is limited to allowing the continuation of a car park at the subject site.
7.1 Implementation of the Sydney Metropolitan Strategy Requires that planning proposals be consistent with the Metropolitan Strategy.	This has been discussed above.

Environmental, social and economic impact

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?

The site is highly disturbed and contains no vegetation, native or otherwise. It does not provide habitat on which fauna would be reliant. Accordingly, there would be no impact on threatened species, populations or ecological communities or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is located within the curtilage of a local and State listed heritage item being the *Sydney Harbour Bridge and approach viaducts*. A car park could be operated at the site (as previously) with minimal

adverse impact on the heritage significance of this item. Physical changes could be minor and of a reversible character, and there are limited views to the site from street level. The visual context of the workshop bays underneath the site would be largely unaffected, as would the broader setting for the Sydney Harbour Bridge. As part of the development assessment phase, the proponent would need to liaise with the Heritage Branch of the Department of Planning regarding approval requirements under the *Heritage Act 1977* and the application of any exemptions to those requirements.

Use of the site for a car park would not, when considered as a continued use, result in additional traffic generation. When compared to the current vacant site, additional traffic generation would be low (see paragraph 3.8 of the Traffic Assessment – Appendix B) and parking provision is not of a scale such that a significant shift away from public transport usage would be expected.

Environmental issues associated with physical works at the site (eg water quality, dust etc) can be appropriately managed through the implementation of site-specific safeguards and mitigation measures. These matters can be considered in detail at the development assessment stage.

How has the planning proposal adequately addressed any social and economic effects?

The proposed amendment would not alter the access to any businesses and would not result in a reduction in community services. Significant social impacts are not expected, especially as the proposal represents the resumption/continuation of a previous use.

The proposal is likely to generate and support economic activity.

State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The subject site has adequate access to required services including power and communications.

Safe access to the local and State road networks can be achieved from the site.

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

A development application (DA09/298) was lodged in 2009 for a car park at the subject site (while investigations into the availability of existing use rights were continuing). The DA was exhibited and no public submissions were received.

When consulted, Railcorp identified the need for upgraded fencing along the boundary line between RTA property and the rail corridor.

4.4 Community consultation

It is expected that North Sydney Council would implement a community consultation process in accordance with Section 57 of the EP&A Act.

5

Conclusion

The subject site was previously used as a public car park up until 2006 when it was leased to the TIDC for use as a construction compound during the upgrade of North Sydney Station. Car parking is an expected use at the site, which can be undertaken with minimal environmental, social and economic impact.

The resumption of a car parking use at the site would provide an important service in this part of North Sydney and is not expected to affect travel behaviour to the detriment of public transport use.

The proposed amendment would formalise a long-standing use of the site and would clarify the applicable planning controls. For the reasons outlined above, the proposed amendment is recommended for Council's consideration.

Appendices