

Planning proposal to correct anomalies and amend the Height of Building maps, as well as deleting relevant sub clauses 4.3 (2A) and 4.3 (2B) to remove Height of Building controls for certain residential zoned land under the North Sydney Local Environmental Plan 201

Proposal Title :	Planning proposal to correct anomalies and amend the Height of Building maps, as well as deleting relevant sub clauses 4.3 (2A) and 4.3 (2B) to remove Height of Building controls for certain residential zoned land under the North Sydney Local Environmental Plan 201		
Proposal Summary :	The planning proposal seeks to amend the North Sydney Local Environmental Plan 2013 by correcting minor amendments: Correction of anomalies 1. Correct minor errors with the legend and application of colours to the Height of Building Maps. Remove maximum building height 2. Remove maximum Height of Building controls for land (comprising road reserves and a public open space) at: • Harriet Lane, Neutral Bay; • Balls Head Road, Waverton; • The Avenue, North Sydney; • Gas Lane, North Sydney; • High Street, North Sydney; • 10 Tucker Street, North Sydney; • McDonald Lane, North Sydney; and • Master Gardens, 194 Pacific Highway, Wollstonecraft. Apply maximum building height (to reinstate controls prior to the Standard Instrument LEP, as was intended) 3. Apply a maximum building height of: • 8.5 metres on land at 124 Alexander Street, Crows Nest; and • 10 metres on land at 74 McDougall Street, Kirribilli. Delete 4. Delete sub clause 4.3(2A) which will remove the maximum Height of Building control of 5.5 metres for land in Zone R2 Low Density Residential that is also within a heritage conservation area; and 5. Delete sub clause 4.3(2B) which will remove the Height of Building control of 5.5 metres for land in Zone R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential, with a site area of less than 230 square metres. The Planning Proposal is housekeeping and minor in nature.		
PP Number :	PP_2016_NORTH_002_00	Dop File No :	16/09225

Proposal Details

Date Planning Proposal Received :	06-Jul-2016	LGA covered :	North Sydney
Region :	Metro(CBD)	RPA :	North Sydney Council
State Electorate :	NORTH SHORE WILLOUGHBY	Section of the Act :	55 - Planning Proposal

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government **Yes**
 Lobbyists Code of
 Conduct has been
 complied with :
 If No, comment :

Have there been **No**
 meetings or
 communications with
 registered lobbyists? :
 If Yes, comment :

Supporting notes

Internal Supporting
 Notes : **The Department received the planning proposal from Council on 6 July 2016. The proposal seeks to make minor amendments to North Sydney Local Environmental Plan 2013 to clarify the intent with specific sites and is housekeeping in nature.**

The proposed LEP amendment as detailed in the attached Planning Proposal seeks to achieve two aims.

Firstly, the proposed amendments will correct a number of mapping errors (Items 1-11) which are inconsistent with internal Council policies for applying building height controls

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- McDonald Lane, North Sydney; and
- Master Gardens, 194 Pacific Highway, Wollstonecraft.

Apply maximum building height

Apply a maximum Height of Building of 8.5 metres for land at 124 Alexander Street, Crows Nest and 10 metres on land at 74 McDougall Street, Kirribilli.

Delete

Delete sub clause 4.3(2A) and sub clause 4.3(2B) which removes Height of Building controls for certain Residential zone land of the NSLEP2013.

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

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

Comment : **The planning proposal provides an adequate explanation of provisions for each Item. The explanation of provisions is considered adequate.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

2.3 Heritage Conservation

3.3 Home Occupations

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

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)

SEPP No 50—Canal Estate Development

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SREP (Sydney Harbour Catchment) 2005

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

The following strategic planning documents have been considered in respect of this planning proposal:

•A Plan for Growing Sydney (2014);

•State Environmental Planning Policies; and,

•Section 117 Directions.

•North Sydney Council Delivery Program 2010/11 – 2013/14;

•North Sydney Residential Development Strategy;

•Draft Inner North Sydney Subregional Strategy;

A PLAN FOR GROWING SYDNEY

The planning proposal is consistent with A Plan for Growing Sydney.

State Environmental Planning Policies

No relevant SEPP's are applicable to the planning proposal.

Section 117 Directions

6.2 Reserving Land for Public Purposes

The Direction aims is to facilitate the provision of public services and facilities by

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Overall adequacy of the proposal

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

If No, comment : **The planning proposal has adequately met all required criteria.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The NSLEP was notified on 2 August 2013, and commenced on 13 September 2013.**

The planning proposal is a housekeeping LEP amendment and is not based on a specific strategic study or report. The planning proposal results from Council staff reviewing the NSLEP2013 and identifying minor anomalies in the written instrument and its associated maps.

In response to these issues, the planning proposal has been prepared to amend NSLEP 2013 to correct obvious errors on the Height of Buildings Map and to improve the application and interpretation of planning controls relating to building height.

Assessment Criteria

Need for planning proposal : **A planning proposal is deemed to be an appropriate mechanism for amending inconsistencies and improve the accuracy of the current NSLEP2013.**

An amendment to a LEP cannot be advanced without a planning proposal.

Consistency with strategic planning framework : **The planning proposal is consistent with A Plan for Growing Sydney, Direction 2.1 Accelerate housing supply and local housing choices, Direction 2.3 Improve housing choice to suit different needs and lifestyles and Action 2.3.3 Deliver more opportunities, as it provides the facilitation of opportunities to increase residential accommodation and housing choices. It is consistent with relevant SEPP's and S117 Directions.**

Council considers the planning proposal consistent with the Draft Inner North Sydney Subregional Strategy, Direction 1 Ensure adequate supply of land and sites for residential development, as it will provide increased opportunities to increase residential accommodation and housing choices.

The planning proposal satisfies the directions and goals of the North Sydney Council Delivery Program 2010/11 – 2013/14, Outcome 2.2 Improved mix of land use and quality development through design excellence and Outcome 2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community.

It is considered that the implementation of the planning proposal is unlikely to affect the attainment of the forecast residential potential envisaged under the North Sydney Residential Development Strategy.

Environmental social economic impacts : **Environmental**
The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

There are no known critical habitats or threatened species, populations or ecological communities or their habitats which will be affected by the proposal. Other environmental effects (bushfires, land slips and flooding) are unlikely in North Sydney LGA and the proposal will not impact or enhance environmental risks.

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Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal 1 of 4.pdf	Proposal	Yes
Planning Proposal 2 of 4.pdf	Proposal	Yes
Planning Proposal 3 of 4.pdf	Proposal	Yes
Planning Proposal 4 of 4.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
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.3 Heritage Conservation
- 3.3 Home Occupations
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of A Plan for Growing Sydney

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 updated to include a plain English explanation of the intended effect of the proposed provisions.
- 2. The planning proposal is to be publicly exhibited for 14 days.
- 3. Consultation is required;
- 4. A public hearing is not required to be held.
- 5. The timeframe for completing the LEP is to be 6 months.

Supporting Reasons :

The planning proposal should be approved for the following reasons:

- The planning proposal seeks to amend inconsistencies, anomalies and minor errors in the NSLEP2013;
- 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;

This planning proposal is considered minor and the Gateway determination is to be issued under delegation by the Director, Sydney Region East.

Signature:

Sandy Chappel

Printed Name:

Sandy Chappel

Date:

2.9.16