

DECISION OF 3558th COUNCIL (ASSESSMENTS) MEETING HELD ON 6 SEPTEMBER 2010

558. **PDS02: Planning Proposal for 136 & 138-140 Walker Street, North Sydney**

Report of Mark Yee, Strategic Planner, 25 August 2010

Council has received a planning proposal for the site known as 136 & 138-140 Walker Street, North Sydney. The Planning Proposal seeks to amend the non-residential Floor Space Ratio (FSR) controls for the site. Under North Sydney Local Environmental Plan (NSLEP) 2001, the site currently requires the range of non-residential FSR between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR from 3:1 to 0.5:1.

The Planning Proposal addresses a rezoning matter that previously formed a part of North Sydney draft LEP Amendment 28 (DLEP 28). On 10 August 2009, Council resolved to incorporate into the comprehensive North Sydney draft LEP 2009 (DLEP 2009).

As the Planning Proposal contains the same provisions that were proposed for the site under DLEP 28, it is considered that the Planning Proposal is satisfactory and should be forwarded to the Department of Planning for Gateway Determination.

Recommending:

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.

Mr Byrnes was available for questions.

RESOLVED:

THAT the report be adopted.

The Motion was moved by Councillor Marchandean and seconded by Councillor Zimmerman.

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	
Marchandean	Y		Burke	Y	
Raymond	Y		Pearson	Y	
Barbour	Y				



Report to General Manager

Attachment: Planning Proposal

SUBJECT: Planning Proposal for 136 & 138-140 Walker Street, North Sydney

AUTHOR: Mark Yee, Strategic Planner, 25 August 2010

EXECUTIVE SUMMARY:

Council has received a planning proposal for the site known as 136 & 138-140 Walker Street, North Sydney. The Planning Proposal seeks to amend the non-residential Floor Space Ratio (FSR) controls for the site. Under North Sydney Local Environmental Plan (NSLEP) 2001, the site currently requires the range of non-residential FSR between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR from 3:1 to 0.5:1.

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RECOMMENDATION:

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.

Signed: _____

ORIGINAL 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	• The Planning Proposal if implemented could result in a reduced reliance on private car usage, as the site is reasonably serviced by public transport and is in close proximity to local services; • The rezoning could result in a development that will increase the potential number of vehicles accommodated on the site. This may be alleviated by the site's reasonable proximity to public transport routes; • The Planning Proposal if implemented could enable the site to be redeveloped to incorporate water and energy efficiency measures to increase the sustainability of the site.
Social	• No anticipated impacts.
Economic	• The Planning Proposal if implemented could result in an increase in residents near the North City Centre which is likely to improve its economic vitality.
Governance	• No anticipated impacts.

BACKGROUND

Council has received a request to undertake a planning proposal for the site known as 136 & 138-140 Walker Street, North Sydney. The planning proposal seeks to amend the non-residential FSR controls to the site. Under NSELP 2001, the site currently requires the range of non-residential floor space between a minimum of 3:1 and a maximum of 4:1. The Planning Proposal seeks to reduce the minimum non-residential FSR from 3:1 to 0.5:1.

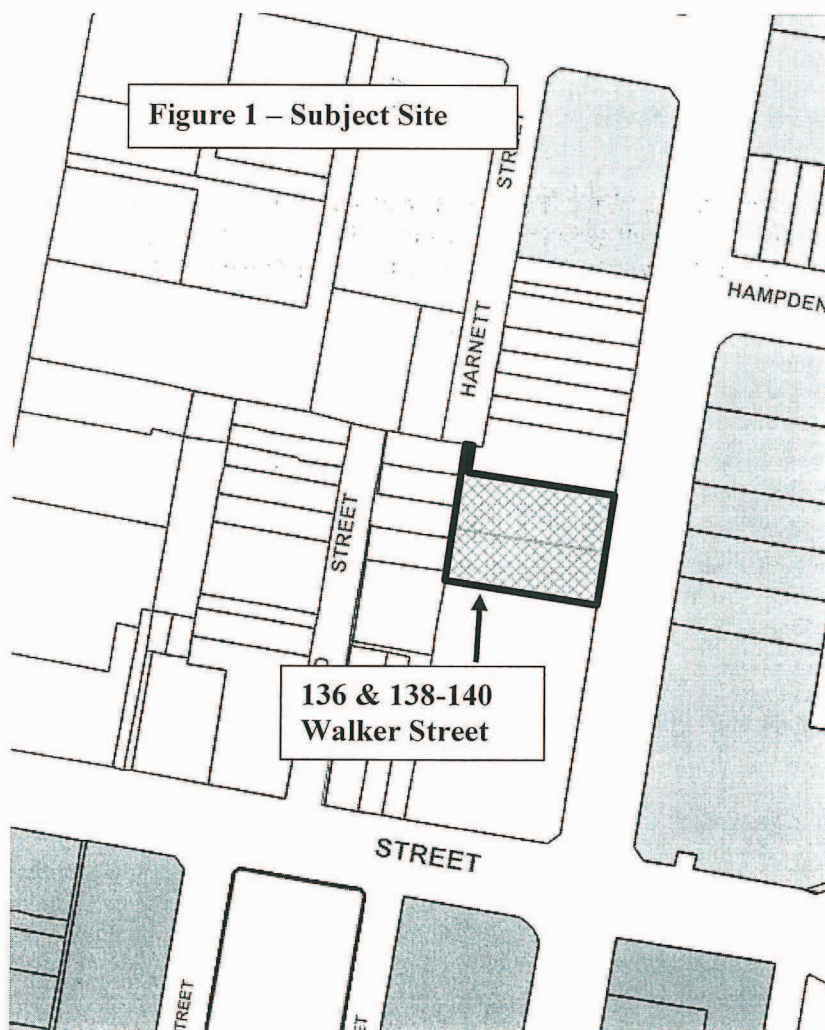
On 22 December 2008, Council approved an application (DA 195/08) for a Mixed Use development that contained 46 residential units, 3,530m² of commercial floor space and parking for 58 vehicles. This DA has yet to be progressed.

On 19 August 2010, Council received a development application (DA 316/10) for the subject site. This application proposes to retain the building envelope in terms of height, footprint and floor space approved under DA 195/08, but to reduce the amount of commercial floor space and replace it with additional residential floor space and car parking space. The proposed development would result in non-residential FSR of 1.37:1. This change of floor space from commercial to residential has prompted the Planning Proposal.

The applicant had originally intended to process this change to the development as a Section 96 application, to modify the consent for DA 195/08. However, due to the substantial increase in the amount of residential floor space and associated car parking spaces, Council could not support the Section 96 application.

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

SITE DESCRIPTION



The site comprises 2 allotments of land, legally described as Lot B in DP 952192 and SP 12057 (including Lots 1 & 2), otherwise known as 136 & 138-140 Walker Street. The site is located on the western side of Walker Street, between McLaren and Berry Streets.

The site is currently occupied by two low-rise residential flat buildings. The site is zoned Mixed Use and forms part of the North Sydney Centre.

JUSTIFICATION FOR PLANNING PROPOSAL

The provisions proposed in the Planning Proposal are identical to the provisions proposed for the site under DLEP 28. As DLEP 28 has now been incorporated into DLEP 2009, it will not progress through to gazettal in its own right. This impedes the provisions of the subject site from being applied in a timely manner, and as such has prompted the site-specific Planning Proposal. As these provisions have already been adopted by Council under DLEP 28, it is considered appropriate for the Planning Proposal to proceed.

Similar Planning Proposals have been completed for the nearby sites of 144-150 Walker Street and 225 Miller Street. Both of these Planning Proposals introduced provisions that were identical to the provisions proposed for these respective sites under DLEP 28. Both of these Planning Proposals involved a reduction in the non-residential FSRs in order to create more flexibility for the development and use of the site.

The site is located at the interface between the North Sydney CBD and the residential area of North Sydney. The site is located in close proximity to the commercial and mixed use buildings on Berry Street, with the building adjoining the southern boundary of the site being multi-storey commercial building. The neighbouring development on Walker Street consists of a range of low to medium density residential development. As such, it is considered that the Planning Proposal will maintain the mixed use character of the area, with the increase in residential floor space being consistent with the neighbouring buildings on Walker Street.

Policy and Strategic Context

Draft Inner North Subregional Strategy

In July 2007, the State Government released the draft Inner North Subregional Strategy covering the North Sydney LGA. The Inner North Subregion is to provide 30,000 new dwellings and capacity for 60,100 additional jobs by 2031.

From this, 5,500 new dwellings are to be located in the North Sydney LGA. The Strategy states that as the Inner North Subregion is already relatively densely populated, that future growth will be concentrated in centres.

Policy B2.1.1 of the draft Inner North Subregional Strategy, 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 acceptable.

Draft North Sydney Local Development Strategy 2008

The draft North Sydney Local Development Strategy (LDS) 2008 generally follows the rationale of the Draft Inner North Subregional Strategy.

The LDS identifies the North Sydney Centre as being a location where future growth for both residential and commercial uses can be accommodated. The LDS also acknowledges the changes proposed under DLEP 28 and the flexibility it introduces.

The LDS also states residential development should be encouraged in mixed-use areas outside of the commercial core. The LDS states that this is consistent with the provisions set out in policy B2.1.1 of the draft Inner North Subregional Strategy.

North Sydney LEP 2001

The site is located in the Mixed Use Zone. Under NSLEP 2001 the objectives of this zone are to:

- (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.*

Whilst the Planning Proposal seeks a reduction in the non-residential FSR of the site, any development on the site would still have to provide commercial floor space on the lower levels of the building. As such, it is considered that the Planning Proposal is consistent with the objectives for the Mixed Use zone under NSLEP 2001.

Draft North Sydney LEP 2009

The provisions in the Planning Proposal are identical to what is proposed for the site under DLEP 2009. As such, it is considered that the Planning Proposal is consistent with the objectives of DLEP 2009.

CONCLUSION

As these provisions have already been adopted by Council as part of amendment DLEP 28 and DLEP 2009, it is recommended that Council forward the Planning Proposal for the site known as 136 & 138-140 Walker Street, North Sydney to the Department of Planning for Gateway Determination.