

**DECISION OF 3528th COUNCIL MEETING
HELD ON 10/08/09**

542. G01: Report of Planning & Development Committee

**Re Minute No.22 PD04: Planning proposal – Additional permitted use
at 162 Blues Point Road, McMahons Point**

Report of Alex Williams, Strategic Planner, 22 July 2009

The subject site, being 162 Blues Point Road, McMahons Point, is currently zoned Residential F (McMahons Point).

The owner is seeking to expand the range of permissible uses on the site so as to allow the premises to be utilised by business and/or office premises which are currently prohibited. To achieve this the applicant has requested that 'commercial premises' as defined in NSLEP 2001 be permitted on the site via a site specific provision.

The planning proposal is supported as the built form clearly suggests that a commercial use is appropriate and there is unlikely to be additional impacts on the surrounding area.

Amendments to the plan making process contained in the Environmental Planning and Assessment Act 1979 came into force on 1 July 2009. This report and associated recommendations have been drafted in accordance with these changes.

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.

Resolved to recommend:

THAT the report be adopted

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

**Report to General Manager****Planning & Development Committee**

Attachments: Planning proposal

SUBJECT: Planning proposal – Additional permitted use at 162 Blues Point Road, McMahon's Point

AUTHOR: Alex Williams, Strategic Planner, 22 July 2009

SUMMARY:

The subject site, being 162 Blues Point Road, McMahon's Point, is currently zoned Residential F (McMahon's Point).

The owner is seeking to expand the range of permissible uses on the site so as to allow the premises to be utilised by business and/or office premises which are currently prohibited. To achieve this the applicant has requested that 'commercial premises' as defined in NSLEP 2001 be permitted on the site via a site specific provision.

The planning proposal is supported as the built form clearly suggests that a commercial use is appropriate and there is unlikely to be additional impacts on the surrounding area.

Amendments to the plan making process contained in the Environmental Planning and Assessment Act 1979 came into force on 1 July 2009. This report and associated recommendations have been drafted in accordance with these changes.

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.

Financial Implications:

There are no immediate additional financial implications.

Signed _____

ORIGINAL SIGNED

Endorsed by _____
Manager Strategic Planning

THE SITE

The subject site, being 162 Blues Point Road (Cnr Lot 2, DP 557873), McMahons Point, is located on the south western corner of Blues Point Road and Mitchell Street, McMahons Point. The site also has access to Princes Place on its southern boundary. The site has an area of 2,232m² with frontages of 29.2 metres to Blues Point Road and 77.2 metres to Mitchell Street. The site is bounded by residential properties to the south and west.

The site contains a two-three storey building and incorporates secure carparking and some outdoor spaces for use by the occupants. It has the appearance of a modern commercial building with a gross floor area of approximately 4,000m². The site is currently zoned Residential F (McMahons Point).

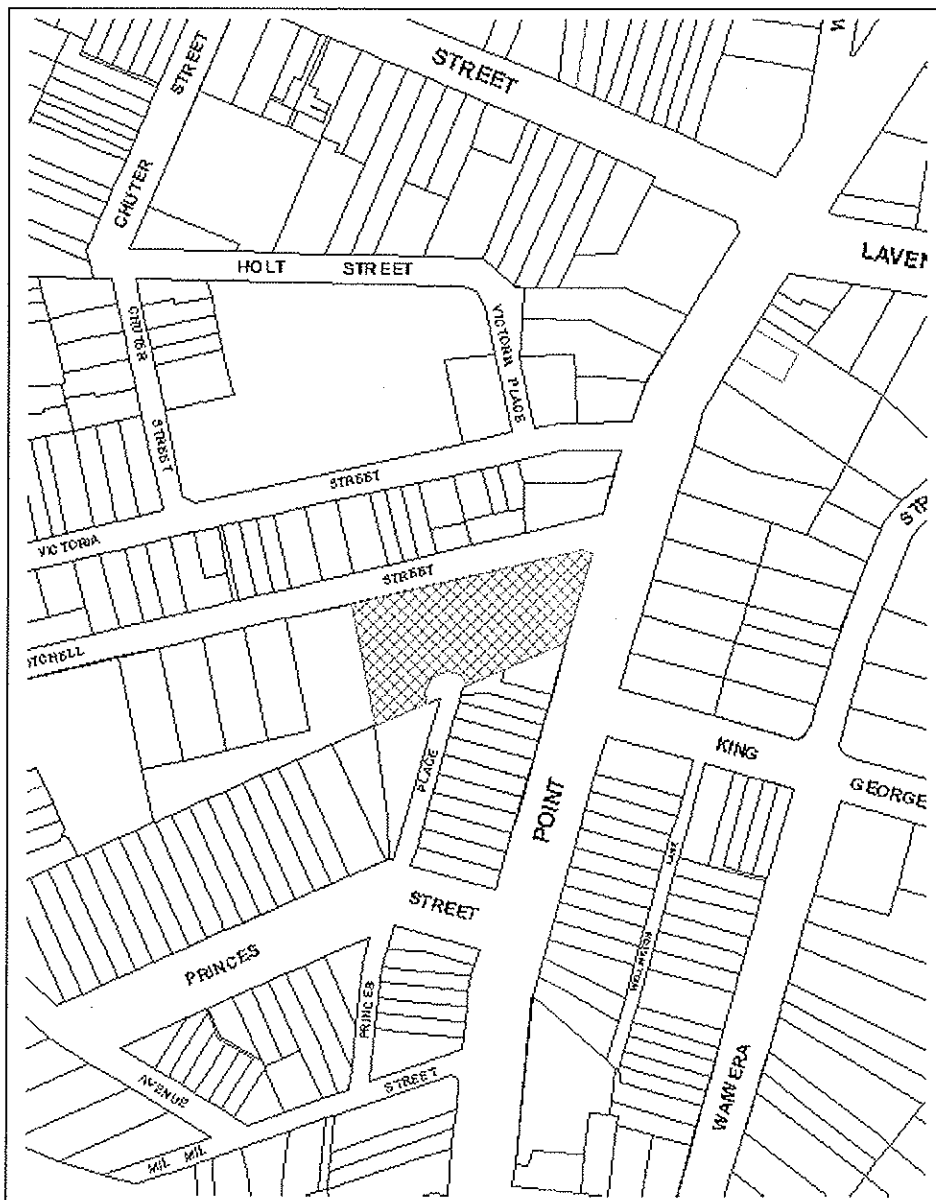


Figure 1 – Site Location

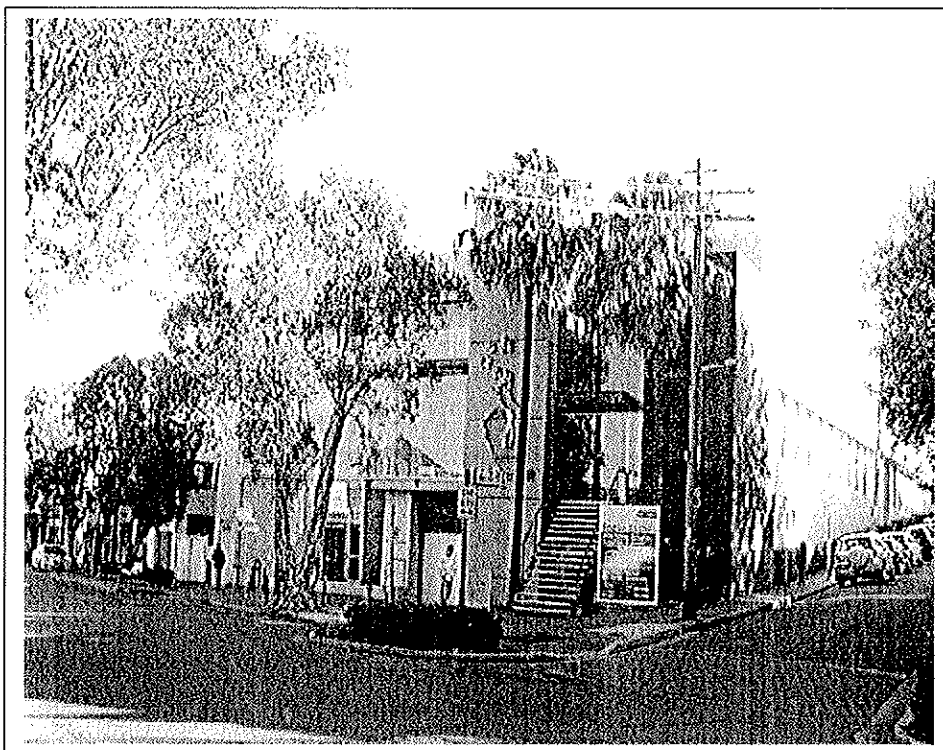


Figure 2 – Blues Point Road facade

BACKGROUND

The site currently accommodates the Sydney office of the Leo Burnett advertising agency however they are scheduled to vacate the premises in the near future. This use is consistent in appearance, function and impacts to that of commercial premises.

The owner is seeking to expand the range of permissible uses on the site so as to allow the premises to be utilised by business and/or office premises which are currently prohibited. To achieve this the applicant has requested that 'commercial premises' as defined in NSLEP 2001 be permitted on the site via a site specific provision. This requires an amendment to NSLEP 2001.

Under the DLEP 2009 the current Residential F zone will be replaced by the IN2 Light Industrial zone. In the copy of DLEP 2009 that is with the Department of Planning awaiting certification so as to allow public exhibition office premises and business premises are included as permissible uses. Given that the finalisation of DLEP 2009 is not expected in the short term, the owner has requested that a rezoning process be undertaken to amend NSLEP 2001, in order to avoid the potentially lengthy DLEP process.

PROPOSED AMENDMENT

Note: Amendments to the plan making process contained in the Environmental Planning and Assessment Act 1979 came into force on 1 July 2009. This report and associated recommendations have been drafted in accordance with these changes.

Report of Alex Williams, Strategic Planner – 22 July 2009

Re: Planning Proposal – Additional permitted use to 162 Blues Point Road, McMahon's Point

The attached planning proposal proposes to add the additional permitted use of 'Commercial Premises' on the subject site. 'Commercial Premises' are defined in NSLEP 2001 as:

'... a building or place used as an office or for other business or commercial purposes, but (in Part 2) does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a land use elsewhere specifically defined in the Schedule.'

Proposed Part 5 clause:

66. 162 Blues Point Road, McMahon's Point

(1) Subject Land

This clause applies to the site known as 162 Blues Point Road, McMahon's Point, Cnr Lot 2, DP 557873.

(2) Objective

The specific objective of the control in relation to the subject land is to permit commercial premises.

(3) Permissible Development

Despite the table in Part 2, development for the purposes of commercial premises is permitted, with development consent, on the subject land.

PLANNING APPRAISAL

The subject site is currently zoned Residential F (McMahon's Point). The objectives of the Residential F (McMahon's Point) Zone are to:

- (a) *encourage a mix of lower scale housing types, and*
- (b) *permit light industries which do not interfere with residential and public amenity, and*
- (c) *permit development which is compatible with the scale and character of the surrounding residential area.*

The following uses are listed as permissible within the Residential F zone:

advertisements; attached dwellings; boarding houses; child care centres; duplexes; dwelling-houses; dwellings in conjunction with light industries; educational establishments; established apartment buildings; home industries; hospitals; housing for aged or disabled persons; light industries; open space; places of assembly; places of public worship; recreational facilities; remediation; resident medical practices; roads; telecommunications facilities; utility installations, other than gas holders or generating works.

The addition of commercial uses on the subject site is not inconsistent with the objectives of the Residential F zone. It will facilitate the continuation of a land use that has the external appearance of the current use. Future commercial premises are likely to support businesses within the North Sydney Centre and are unlikely to adversely impact the surrounding area.

Traffic and parking

A commercial use on the subject site is unlikely to result in an increase in traffic generation or parking requirements. Workers travelling to and from the subject site associated with a commercial use are likely to travel by public transport due to the site's proximity to the North Sydney train station and bus routes. Further, a commercial use would be less likely to generate heavy vehicle traffic than a currently permissible light industrial use. Regarding parking requirements, DCP 2002 does not differentiate between the current use and commercial premises.

Residential Amenity

There is unlikely to be any additional impact on the amenity of surrounding residential properties as a result of permitting commercial uses on the site. Commercial premises typically operate during business hours (i.e. 9am – 5pm) and not on weekends. Further, commercial uses are generally not noisy operations.

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. The strategy, amongst other things, aims to focus the majority of new commercial development within the North Sydney and St Leonards CBDs. In addition, it encourages smaller scale development in smaller centres and villages. Blues Point Road is identified as a Neighbourhood Centre.

It is considered that the planning proposal is consistent with these aims given the opportunity to create additional employment within close proximity to the North Sydney train station. It is further considered consistent as the amount of floor space (4,000m²) is relatively small and will be located within what the draft strategy identifies as a Neighbourhood Centre.

Draft North Sydney Local Development Strategy 2008 - The draft North Sydney Local Development Strategy 2008 generally follows the rationale of the Draft Inner North Subregional Strategy. The draft strategy notes that the Blues Point Road and McMahon's Point areas include a mix of land uses with non-residential uses meeting the day to day requirements of residents or providing support services for businesses in the North Sydney Centre. It is considered that the proposal is consistent with the draft LDS as commercial premises on the site are likely to provide support services for the North Sydney Centre.

North Sydney LEP 2001 – It is considered that allowing commercial premises to occupy the existing building will not conflict with the Residential F zone objectives as there will be no impact on the amenity or scale and character of the surrounding residential area.

Report of Alex Williams, Strategic Planner – 22 July 2009

Re: Planning Proposal – Additional permitted use to 162 Blues Point Road, McMahon's Point

Draft North Sydney LEP 2009 - The subject site is proposed to be zoned IN2 Light Industrial under the DLEP 2009. In the version of DLEP 2009 that is currently awaiting certification from the Department of Planning so as to allow public exhibition both 'business premises' and 'office premises' are identified as permissible uses.

DEPARTMENT OF PLANNING COMMENT

No correspondence has been received from the Department of Planning regarding the subject planning proposal. However, recent correspondence from the Department of Planning, dated 13 May 2009 regarding a planning proposal for commercial premises at Cammeray Square, has encouraged Council to consider the inclusion of office premises as a permissible use throughout the B1 zone. While not in a proposed B1 zone, it is considered that allowing commercial premises in the Blues Point Road neighbourhood centre is consistent with Departmental directions.

CONCLUSION

It is considered suitable for commercial premises to be a permissible use on the subject site. In the current built form that exists on the site a commercial use will be of a similar appearance to the existing use and is unlikely to result in additional impacts on the surrounding area. It is therefore recommended:

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.
