

PLANNING PROPOSAL

162 Blues Point Road, McMahon's Points

Prepared by North Sydney Council

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This planning proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and the Department of Planning's guide to preparing planning controls. A gateway determination under Section 56 of the Act is requested.

Part 1 – Objectives or Intended Outcomes

The objective of the proposed instrument is to allow a greater number of permissible land uses at 162 Blues Point Road, McMahon's Point. It is understood that the owner is having trouble securing a tenant for the existing premises.

Part 2 – Explanation of Provisions

The objective of the proposed instrument shall be achieved through the inclusion of a site specific provision in Part 5 of the NSLEP 2001. The site specific provision will allow commercial premises on the site as a permissible use. The likely wording of the site specific provision is included at Appendix 4.

Part 3 – Justification

Section A – Need for the Planning Proposal

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

No.

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

It is considered that the planning proposal is the best means of achieving the intended outcome.

3. Is there a net community benefit?

It is considered that allowing commercial premises on the subject site 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. Further, allowing commercial uses on the site will lessen the likelihood of the premises remaining vacant thus helping to activate the site and the surrounding area with flow on benefits for other businesses.

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.

Section B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

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.

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

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 McMahons 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.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable State Environmental Planning Policies (refer to Appendix 3).

7. Is the planning proposal consistent with applicable Ministerial Directions?

It is considered that the draft proposal is not inconsistent with any s.117 directions. Refer to Appendix 5 - Statement of Consistency with Section 117 Directions.

Section C – Environmental, Social and Economic Impact

8. 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?

No. The planning proposal relates to an additional use in an existing building in a fully urbanised environment.

9. Are there any other likely environmental effects as a result of the planning proposal?

The planning proposal is unlikely to have any additional environmental effects.

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

It is considered that the planning proposal will have a neutral or positive effect on the local economy and community.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal is unlikely to place significant additional burden on public infrastructure.

Nearby public transport is considered adequate to service any additional working population.

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

A gateway determination has not yet been issued.

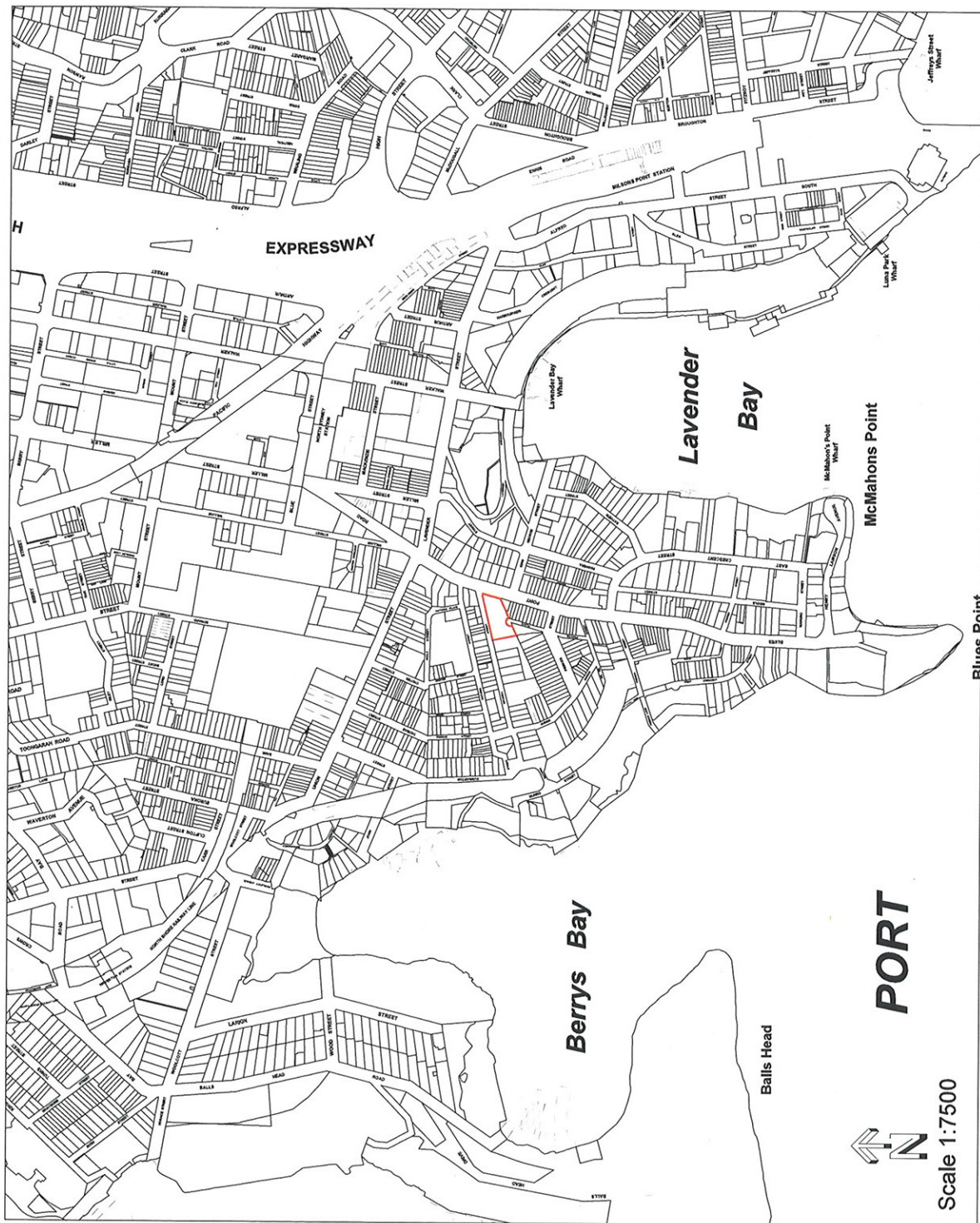
Part 4 – Community Consultation

Community consultation will involve an exhibition period of 28 days. The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on North Sydney Council's website. The written notice will:

- Give a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Give the name and address of the RPA for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The planning proposal, in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies relied upon by the planning proposal.



Planning Proposal - 162 Blues Point Road, McMahon's Point North Sydney Local Environmental Plan 2001 - Location Map



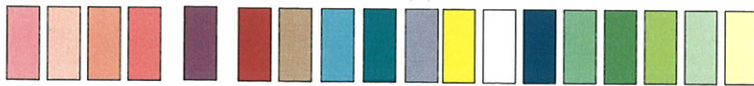
Subject site



LEGEND

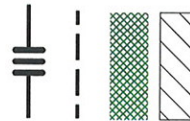
ZONES

Residential A1
Residential A2
Residential B
Residential C
Residential / Neighbourhood
Business D
Residential F
Residential G
Mixed Use
Commercial
Waterfront
Special Uses
Road
Railway
Public Open Space
Bushland
Public Recreation
Private Recreation
Luna Park

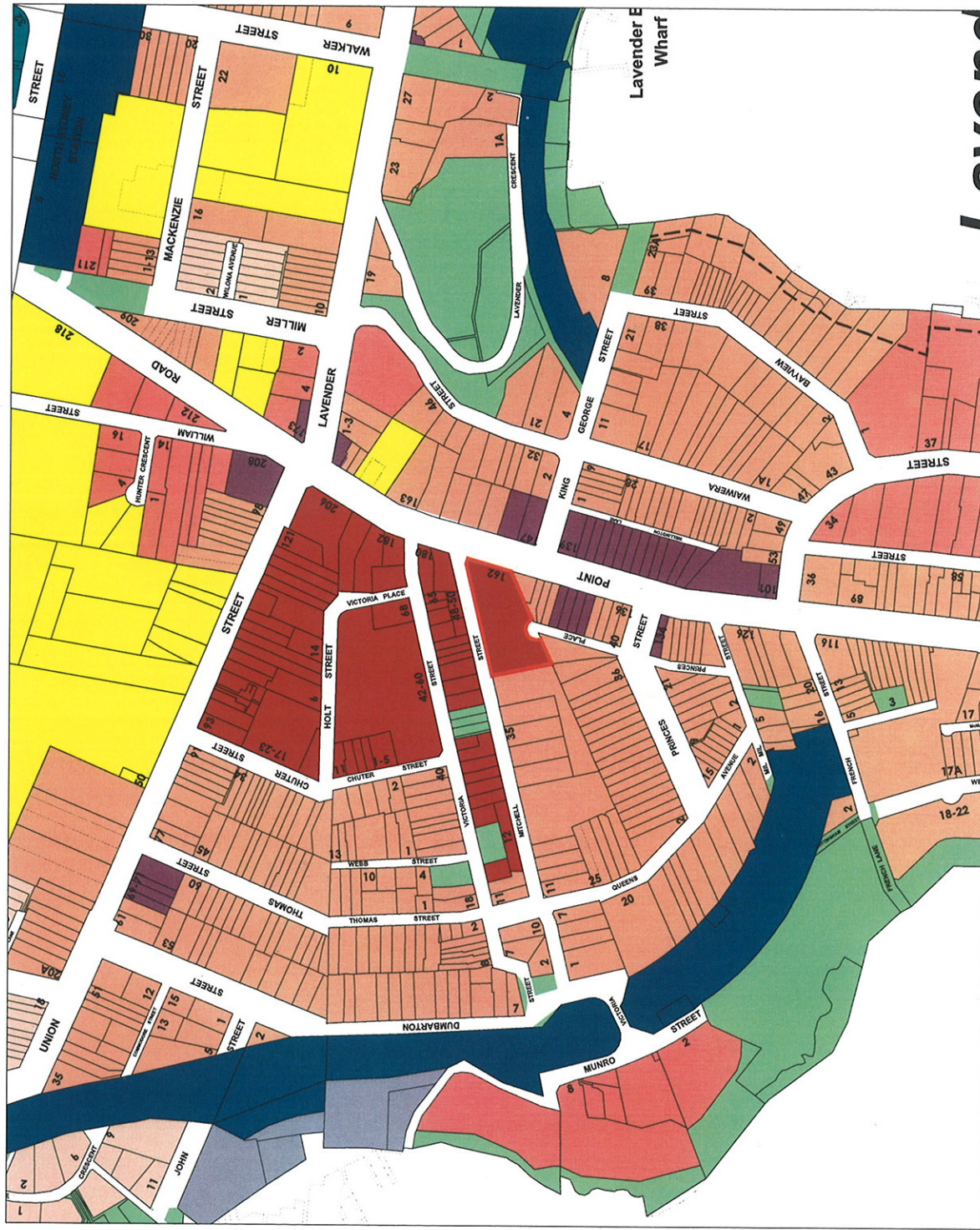


GENERAL

Local Government Boundary
Foreshore Building Line
Open Space Building Line
Land Affected by Clause 59



Scale 1:3000



Planning Proposal - 162 Blues Point Road, McMahon's Point

North Sydney Local Environmental Plan 2001 - Zoning

Subject site





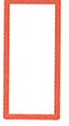
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Planning Proposal - 162 Blues Point Road, McMahon's Point

Aerial Photo

Subject site



Appendix 4 – Consideration of State Environmental Planning Policies (SEPPs)

The following SEPPs are relevant to the North Sydney Local Government Area.

Title of SEPP	Applicable to proposal	Consistent	Reason for inconsistency
SEPP No. 1 – Development standards	No	N/A	
SEPP No. 4 – Development without consent and miscellaneous complying development	No	N/A	
SEPP No. 6 – Number of storeys in a building	No	N/A	
SEPP No. 19 – Bushland in urban areas	No	N/A	
SEPP No. 22 – Shops and commercial premises	No	N/A	
SEPP No. 32 – Urban consolidation (re development of urban land)	Yes	Yes	
SEPP No. 33 – Hazardous and offensive development	No	N/A	
SEPP No. 50 – Canal estate development	No	N/A	
SEPP No. 55 – Remediation of land	No	N/A	
SEPP No. 60 – Exempt and Complying Development	No	N/A	
SEPP No. 64 – Advertising and signage	No	N/A	
SEPP No. 65 – Design Quality of Residential Flat Development	No	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	No	N/A	
SEPP (Housing for Seniors or People with a Disability) 2004 – formerly Seniors Living	No	N/A	
SEPP (Major Development) 2005 – formerly Major Projects & State Significant Development	No	N/A	
SEPP (Infrastructure) 2007	No	N/A	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	No	N/A	
SEPP (Affordable Rental Housing) 2009	No	N/A	

The following is a list of the deemed SEPPs (formally Sydney Regional Environmental Plans) relevant to North Sydney Local Government Area.

Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP)	Applicable	Consistent	Reason for inconsistency
SREP (Sydney Harbour Catchment) 2005	No	N/A	

Appendix 5 – Draft Site Specific Provision (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.

Explanation: This provision states the legal description of the land and ensures that the land to which the provision applies can be identified.

2. Objective

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

Explanation: This provision states the objective of the control that applies to the subject land. Note: '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.'

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.

Explanation: This provision allows for commercial premises to be a permissible use above ground floor on the subject land. This use is additional to those uses that are already listed as permissible on the subject land.

Appendix 6 – Statement of Consistency with Section 117 Directions (162 Blues Point Road, McMahon's Point)

1. Employment and Resources

1.1 Business and Industrial Zones

check wording of direction

The planning proposal is consistent with the objectives of the Direction in that it:

Gives effect to the objectives of this direction

- Whilst not located in an existing or proposed Business or Industrial zone it is considered that the planning proposal is consistent with the objectives of this direction.

Retains the areas and locations of existing business and industrial zones

- The planning proposal does not propose any change to the area or location of existing business and industrial zones.

Does not reduce the total potential floor space area for employment uses and related public services in business zones

- The planning proposal relates to a parcel of land in close proximity to the North Sydney Central Business District. It is anticipated to have a positive effect on the overall viability of the centre due to the relatively small floor area involved and the likely commercial uses being support services for existing businesses in the centre.

Does not reduce the total potential floor space area for industrial uses in industrial zones

- The planning proposal does not relate to land within an industrial zone.

Ensures that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning

- The planning proposal is not expected to increase employment numbers significantly.

1.2 Rural Zones

The planning proposal is not affected by this Direction.

1.3 Mining, Petroleum Production and Extractive Industries

The planning proposal is not affected by this Direction.

1.4 Oyster Aquaculture

The planning proposal is not affected by this Direction.

1.5 Rural Lands

The planning proposal is not affected by this Direction.

2. Environment and Heritage

2.1 Environmental Protection Zones

The planning proposal is not affected by this Direction.

2.2 Coastal Protection

The planning proposal is not affected by this Direction.

2.3 Heritage Conservation

The planning proposal is not affected by this Direction.

2.4 Recreation Vehicle Areas

The planning proposal is not affected by this Direction.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

check wording of Direction
The site is zoned Residential F (McMahons Point). The planning proposal does not propose to reduce or increase the residential floor space or dwelling numbers and is therefore not inconsistent with the direction.
on this

3.2 Caravan Parks and Manufactured Home Estates

The planning proposal is not affected by this Direction.

3.3 Home Occupations

The planning proposal is not affected by this Direction.

3.4 Integrating Land Use and Transport

The planning proposal is consistent with the objectives of the Direction in that it:

- Improves access to housing, jobs* • The site to which the planning proposal relates is located a

<i>and services by walking, cycling and public transport.</i>	short distance from the major north-south strategic bus corridor, the bus/rail interchange at North Sydney train station (approximately 450 metres) and McMahon's Point Ferry Wharf (approximately 750 metres). The site is also located on a cycle route, as shown on the Cycling North Sydney bike map (2005), with links within and beyond the LGA.
<i>Increases the choice of available transport and reduces dependence on cars</i>	The site to which the planning proposal relates is located a short distance from the major north-south strategic bus corridor, the bus/rail interchange at North Sydney train station (approximately 450 metres) and McMahon's Point Ferry Wharf (approximately 750 metres). The site is also located on a cycle route, as shown on the Cycling North Sydney bike map (2005), with links within and beyond the LGA.
<i>Reduces travel demand including the number of trips generated by development and the distances travelled, especially by car</i>	The planning proposal is not expected to generate significant increases or decreases in travel demand.
<i>Supports the efficient and viable operation of public transport services</i>	The planning proposal supports the viability of existing public transport infrastructure by allowing commercial uses in an area that is well-served by public transport.
<i>Provides for the efficient movement of freight</i>	The planning proposal does not propose changes to any existing transport infrastructure that caters for the movement of freight.

Further, it is considered that the planning proposal is consistent with the aims, objectives and principles of:

- Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- The Right Place for Business and Services – Planning Policy (DUAP 2001).

3.5 Development Near Licenced Aerodromes

The planning proposal is not affected by this Direction.

4. Hazard and Risk

4.1 Acid Sulfate Soils

The planning proposal is not affected by this Direction.

4.2 Mine Subsidence and Unstable Land

The planning proposal is not affected by this Direction.

4.3 Flood Prone Land

The planning proposal is not affected by this Direction.

4.4 Planning for Bushfire Protection

The planning proposal is not affected by this Direction.

5. Regional Planning

The following Directions do not apply to North Sydney Council

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

5.6 Sydney to Canberra Corridor

5.7 Central Coast

5.8 Second Sydney Airport: Badgerys Creek

6. Local Plan Making

6.1 Approval and Referral Requirements

The planning proposal does not alter provisions relating to approval and referral requirements.

6.2 Reserving Land for Public Purposes

The planning proposal is not affected by this Direction.

6.3 Site Specific Provisions

The planning proposal is consistent with the objectives of the Direction in that it:

Discourages unnecessarily restrictive site-specific planning controls.

- Is not restrictive in that it adds an additional use to a residentially zoned site, thereby creating a more flexible range of uses for the site.