

PLANNING PROPOSAL

**450 Miller Street and 11 Amherst Street,
Camberay**

Prepared by North Sydney Council

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, including office uses, at 450 Miller Street and 11 Amherst Street, Cammeray, on levels 1 and 2 of the building immediately adjacent to the Warringah Expressway. It is understood that the owner is having trouble securing tenants for these areas.

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 above ground level. 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 above ground level is unlikely to have any negative impacts and will benefit the community through activation of the site and provision of services that meet local needs.

Although the proposed amendment will allow commercial premises above ground level on the entire site this use is likely to be limited to levels 1 and 2 of the building immediately adjacent to the Warringah Expressway. This is because in the current built form that exists on the site floor space above ground level in all other buildings on the subject site is occupied by residential uses.

Location and context

The addition of commercial uses at Levels 1 and 2 of the building immediately adjacent to the Warringah Expressway is consistent with the mixed use nature of the development itself and the mixed use nature of Cammeray shops. The existing zone objective – “to permit a range of small scale businesses which serve local needs” will continue to apply to future commercial uses on the subject site and is considered sufficient to control scale and ensure future uses are directed towards serving local residents. 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 local businesses.

Traffic and parking

North Sydney Council Executive Planner Geoff Mossemeneer was asked to provide comment due to the complex nature of the Land and Environment Court decision regarding on site parking. Relevant comments are as follows:

“As indicated in the explanatory notes (regarding the Residential D – Neighbourhood Business zone objectives) ... the development should have minimal adverse impact in terms of traffic. The L & E Court limited parking on the site to restrict the traffic generation to an acceptable level (minimise traffic without the need for traffic calming) and any use that generates a need for more parking than is available on site is considered not to minimise traffic and accordingly not satisfy the objectives of the zone.

The parking required under DCP 2002 for the current approved uses is calculated as follows:

	Area (m ²)	Use	Classification	Parking Rate	Number Spaces Required
1	65	Café	Refreshment	50	1.3
2	110	Takeaway	Refreshment	50	2.2
3	101	Restaurant	Refreshment	50	2.0
4	64	Bookstore	Non-residential	100	0.6
5	98	Takeaway	Refreshment	50	2.0
6	98	Optometrist	Non-residential	100	1.0
7	42	Hair	Non-residential	100	0.4
8	44	Nailbar	Non-residential	100	0.4
9	229	Pharmacy	Non-residential	100	2.3
10	249	Fresh produce	Non-residential	100	2.5
11	464	Fruit market	Supermarket	25	18.6
12	110	Bakery	Non-residential	100	1.1
13	125	Butcher	Non-residential	100	1.3
14	113	Seafood	Non-residential	100	1.1
15	50	Drycleaner	Non-residential	100	0.5
16	182	Restaurant	Refreshment	50	3.6
17	190	Restaurant	Refreshment	50	3.8
	2038	Level 1 and Level 2 of Building C	Non-residential	100	20
		Total			64.7

With level 1 and 2 being used for non residential uses such as an office (requiring one space per 100m²) it is clear from the above table that the mixture of developments creates a demand for parking which would require 65 of the 70 parking spaces approved for the non-residential uses on this site. There would be surplus of 5 spaces on site that would allow part of level 1 or 2 to possibly be used as a small medical centre that would require a higher rate of parking. It should also be noted that the parking requirement for retail shops and offices is the same yet the demand on parking or the turnover of parking would be different. The retail parking would generate more traffic than office parking.

The parking provided on site would be adequate for the use of levels 1 and 2 as "commercial premises" and the use of these levels as "commercial premises" would not generate traffic above the levels allowed for by the Land and Environment Court."

Residential amenity

The residential amenity of both the apartments within the Cammeray Square development and neighbouring properties in Amherst Street is unlikely to be affected as a result of permitting commercial uses on the site. Commercial premises typically operate during business hours (ie 9am – 5pm) and not on weekends. In addition, 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 as well as to encourage mixed use development in the smaller centres and villages. Cammeray is identified as a Small Village. It is considered that the proposed amendment is not inconsistent with these aims given the relatively small amount of floor space envisaged (ie ~2,000m²).

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 Cammeray, Cremorne Junction and Kirribilli areas are small villages consisting of attractive residential neighbourhood shopping areas. The small-

scale shops of the area and street level activity serve the needs of local residents.” It is considered that the proposal is not inconsistent with the draft LDS as residential amenity and street level activity will not be impacted and future commercial premises will serve local residents due to the existing objectives of the Residential D zone.

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 will not 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 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 will not place any additional burden on public infrastructure.

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.

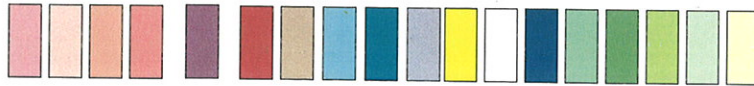
During the exhibition period, the following material will be made available for inspection:

- 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.

LEGEND

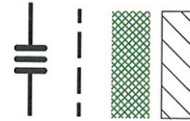
ZONES

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

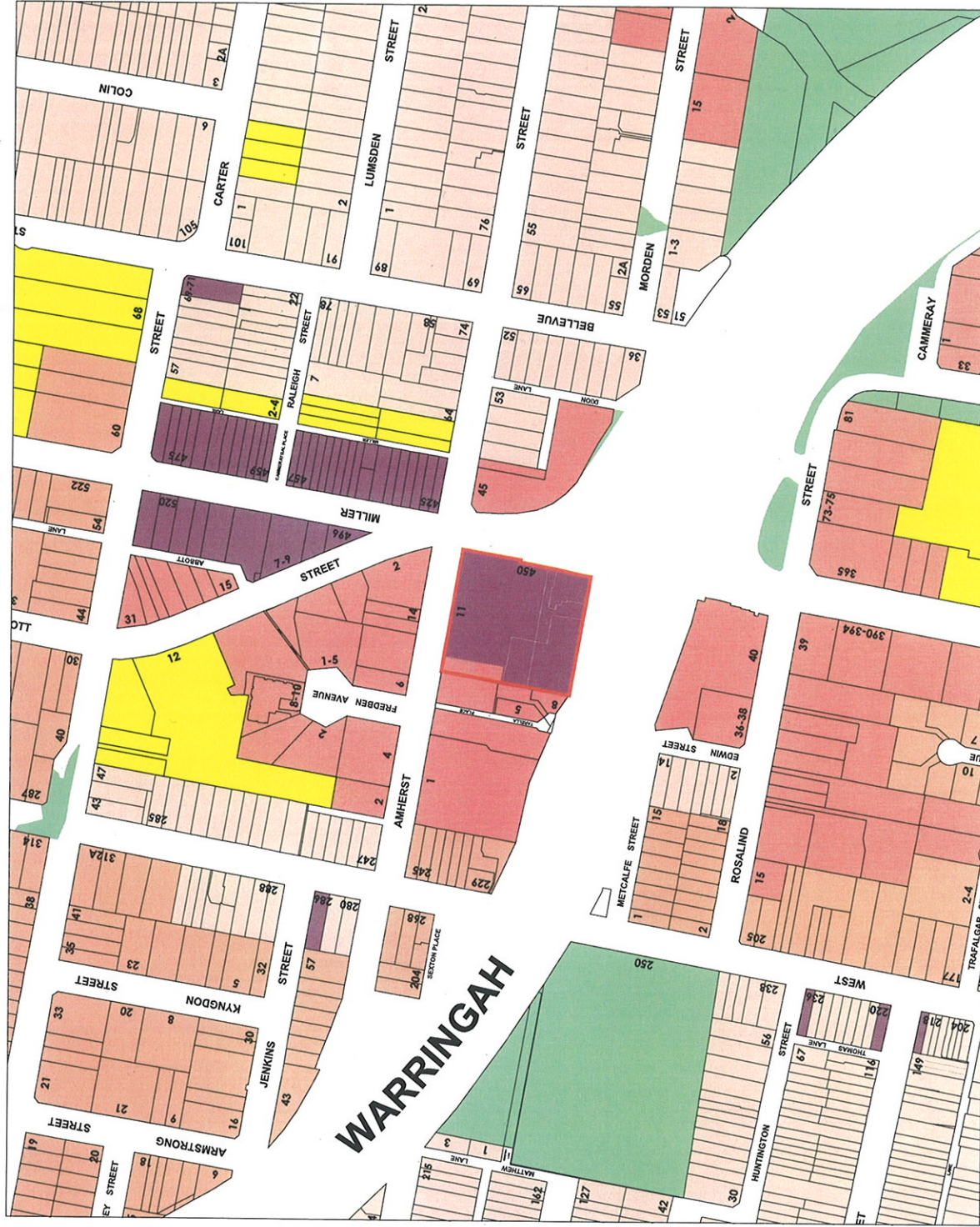


GENERAL

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



Scale 1:3000



Planning Proposal - 450 Miller Street & 11 Amherst Street, Cammeray

Appendix 1- North Sydney Local Environmental Plan 2001 - Zoning

Subject site





Scale 1:3000

Planning Proposal - 450 Miller Street & 11 Amherst Street, Cammeray

Appendix 2 - Aerial Photo

Subject site



Appendix 3 – 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	

Attachment 4 - Draft Site Specific Provision (450 Miller Street and 11 Amherst Street, Cammeray)

1. Subject land

This clause applies to the site known as 450 Miller St and 11 Amherst Street, Cammeray, Lots 2-5, DP 1129460.

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 above the ground floor.

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 above the ground floor, 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 5 – Statement of Consistency with Section 117 Directions (450 Miller Street and 11 Amherst Street, Cammeray)

1. Employment and Resources

1.1 Business and Industrial Zones

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 St Leonards town Centre, Crows Nest Town Centre and the North Sydney Central Business District. It is anticipated to have negligible effect on the overall viability of these centres due to the likely commercial uses being directed towards serving local residents.

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 or reduce 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

The site is zoned Residential D – Neighbourhood Business. 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.

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 and services by walking, cycling and public transport.

- The site to which the planning proposal relates is well serviced by public buses.

Increases the choice of available transport and reduces dependence on cars

- The site to which the planning proposal relates is well serviced by public buses.

Reduces travel demand including the number of trips generated by development and the distances travelled, especially by car

- The planning proposal is not expected to generate significant increases or decreases in travel demand.

Supports the efficient and viable operation of public transport services

- The planning proposal supports the viability of existing public transport infrastructure by allowing commercial uses an area that is well-served by public transport.

Provides for the efficient movement of freight

- 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.