

**Report to General Manager**Attachments:
Nil**SUBJECT:** Local Government Wide Planning Proposal**AUTHOR:** Marcelo Occhiuzzi, Manager Strategic Planning**ENDORSED BY:** Joseph Hill, Director City Strategy**EXECUTIVE SUMMARY:**

The Greater Sydney Commission (GSC) created the Regional Plan for Sydney, *A Metropolis of Three Cities* and six District Plans including the *North District Plan* in 2018 to guide and manage the future development and growth of Sydney. The NSW Government has mandated that all Councils must undertake a range of strategic planning work and analysis to bring local planning controls and policies into alignment with the wider GSC vision, objectives and actions as outlined in these plans. The relevant legislation requires that this be achieved within three years. Council endorsed the acceptance of LEP Acceleration Funding in late 2018 which requires that this program be completed in two rather than three years.

Council has previously endorsed an initial LEP Review, the purpose of which was to determine the level of consistency between Council's planning documents and the *North District Plan*. This process identified that there was a relatively close alignment between the provisions of the *North District Plan* and Council's planning framework. Council has subsequently prepared the *Local Strategic Planning Statement (LSPS)* as well as the *Local Housing Strategy (LHS)* in addition to a host of other studies that will contribute to this alignment over time.

A pivotal component of this alignment process is the preparation of a Planning Proposal to amend the *North Sydney Local Environmental Plan 2013* to give effect to some of the strategic directions that have been identified through the LSPS, LHS and other relevant strategic planning work. The LSPS in particular is seen as the key link between Council's local planning controls and the higher-level provisions and aspirations outlined in the *North District Plan* and is planned to be reported to Council in October 2019.

New plan making procedures introduced in 2018 mean that it will be necessary to report the LGA wide Planning Proposal to the North Sydney Local Planning Panel for its advice prior to being able to be reported to Council. This gives rise to an unusual situation in that Council will be considering a Planning Proposal for the first time when it is reported in November 2019 but which has already been publicly ventilated in a different public forum.

The purpose of this report, therefore, is to provide Council with a high level overview of the Planning Proposal ahead of it being reported to the Local Planning Panel in October 2019. Because of the challenging timeframes for completion of the LSPS and LHS, this report provides only a conceptual overview of the likely broad parameters of the Planning Proposal that will be reported to Council in a more detailed form in November 2019. It is nonetheless

ahead of it being reported to the Local Planning Panel.

FINANCIAL IMPLICATIONS:

Council entered into a grant funding agreement with the Department of Planning Industry and Environment in late 2018 which facilitates the funding of projects associated with the preparation of the Planning Proposal which is the subject of this report.

RECOMMENDATION:

1. THAT the report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- Direction: 2. Our Built Infrastructure
- Outcome: 2.2 Vibrant centres, public domain, villages and streetscapes
- Direction: 3. Our Future Planning
- Outcome: 3.4 North Sydney is distinctive with a sense of place and quality design
- Direction: 5. Our Civic Leadership
- Outcome: 5.1 Council leads the strategic direction of North Sydney

BACKGROUND

The Greater Sydney Commission (GSC) created the Regional Plan for Sydney, *A Metropolis of Three Cities* and six District Plans including the *North District Plan* in 2018 to guide and manage the future development and growth of Sydney. The NSW Government has mandated that all Councils must undertake a range of strategic planning work and analysis to bring local planning controls and policies into alignment with the wider GSC vision, objectives and actions as outlined in these plans. The relevant legislation requires that this be achieved within three years. Council endorsed the acceptance of LEP Acceleration Funding in late 2018 which requires that this program be completed in two rather than three years.

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A pivotal component of this alignment process is the preparation of a Planning Proposal to amend the *North Sydney Local Environmental Plan 2013* to give effect to some of the strategic directions that have been identified through the LSPS, LHS and other relevant strategic planning work. The LSPS in particular, is seen as the key link between Council's local planning controls and the higher level provisions and aspirations outlined in the *North District Plan* and is planned to be reported to Council in October 2019.

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Planning Proposal ahead of it being reported to the Local Planning Panel in October 2019. Because of the challenging timeframes for completion of the LSPS and LHS, this report provides only a conceptual overview of the likely broad parameters of the Planning Proposal that will be reported to Council in a more detailed form, in November 2019. It is nonetheless ahead of it being reported to the Local Planning Panel.

Council would otherwise receive a report recommending that a planning proposal be endorsed for public exhibition after it has been publicly made available through the North Sydney Independent Local Planning Panel.

CONSULTATION REQUIREMENTS

Community engagement is not required at this stage. Should a Gateway Determination be issued to enable the future planning proposal to public exhibition, community engagement will be undertaken in accordance with Council's Community Engagement Protocol and any requirements of the Gateway Determination.

SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported on during the initiation phase of this project.

DETAIL

Role of the North Sydney Local Planning Panel

As discussed below, an important element of the GSC's higher level planning directions, is to ensure that these are reflected and implemented at the local level. The link between the high level district and local level strategic directions are intended to be established through Council's LSPS. These are implemented through the *North Sydney Local Environmental Plan (NSLEP) 2013* and *Development Control Plan (DCP) 2013*. It is anticipated that following the completion and adoption of the LSPS in October 2019, a subsequent report will be presented to Council in November 2019 including the Planning Proposal, to give various amendments to the NSLEP 2013, effect.

By Ministerial direction, all planning proposals are required to be referred to a council's Local Planning Panel before it can make a determination as to whether a planning proposal should proceed to the next stage of the plan making process. This change in procedure was established in March 2018 and was designed to introduce a level of independent review of planning proposals to assist Councils considering such proposals. An unintended consequence of this is that the first public airing of such planning proposals will be to the North Sydney Local Planning Panel (NSLPP) rather than Council.

The purpose of this report is to provide Council with a high-level overview of the future Planning Proposal before it is reported to the Local Planning Panel in October 2019 for its consideration.

LGA Wide Planning Proposal

As discussed above, in developing the regional plan and district plans for the Sydney Metropolitan area, the GSC has been overt in designing a process that requires all councils to align their local planning policies and controls with these wider regional and district plans. The LSPS is the most tangible requirement that links this hierarchy of plans. This is illustrated in Figure 1 below.



Figure 1: Regional Planning and Policy Hierarchy

Council endorsed a draft LSPS and draft LHS in June 2019 for public exhibition purposes. Both these documents were exhibited during July and August 2019 and will be reported to Council in November 2019 after submissions have been reviewed and documented. This suite of documents form the basis of proposed amendments to the North Sydney Local Environmental Plan (LEP) and Development Control Plan (DCP) that are required to complete the alignment process with the GSC higher level documents. Whilst it is recognised that this alignment process will be an ongoing one, this initial amendment to Council’s planning controls is required to be completed by mid-2020 which requires its initial reporting to Council by November 2019 to enable exhibition and finalisation. These timelines have been mandated in Council’s LEP Acceleration grant funding agreement and have previously been acknowledged as being challenging.

In the first instance, the types of matters listed below will be included in the Planning Proposal to be reported to Council in November 2019. It is important to note that the amendment of the North Sydney LEP will be an ongoing process over time and will respond to strategic changes at the local and district level as they arise.

In the first instance, the Planning Proposal will address matters that have been highlighted in the LSPS and LHS post exhibition to comply with the NSW Government’s district plans “alignment” agenda including:

- “Existing use rights” – some sites in residential zones which enjoy existing use rights under the Environmental Planning and Assessment Act have exploited opportunities to propose development that was not envisaged within the relevant zone.

- Implementation to Council’s urban forest strategy
- ensure that Council’s planning policies are kept up to date with contemporary planning practices;
- ensure that the LEP is consistent with revisions to the Standard Instrument LEP and various State and Environmental Planning Policies;
- to correct any obvious errors; and
- incorporate any outstanding council resolutions.

This planning proposal will not incorporate any changes to planning controls within the St Leonards Crows Nest Planned Precinct. This planning proposal will also not include any amendments to planning controls of a site specific nature or precinct wide nature in other areas of the Local Government Area.

Timeframes

The following indicates the timeframes that Council is obliged to comply with to remain consistent with the LEP grant funding agreement:

- 23 October 2019*NSLPP considers draft LGA wide Planning Proposal
- 28 October 2019 Council considers LSPS and LHS for final adoption
- 25 November 2019 Council considers draft LGA wide Planning Proposal to seek Gateway Determination for public exhibition
- Early 2020 Public exhibition of Planning Proposal
- Mid 2020 LEP amendment made giving effect to the Planning Proposal

As discussed above, it will be necessary to maintain the North Sydney LEP and DCP over time. This mandated Planning Proposal to amend the LEP is a step in an ongoing process with opportunities post this, to effect changes that may be appropriate or desirable.