

8.7. North Sydney LEP 2013 (Amendment 29) - Post Gazettal Report

AUTHOR: Liam Rogers, Student Strategic Planner and Ben Boyd, Executive Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. NSLEP 2013 (Amendment No 29) - Written Instrument [8.7.1 - 2 pages]

PURPOSE:

To inform Council of the making of NSLEP 2013 Amendment 29 (Small Bars in Kirribilli) and to provide a brief overview of the Planning Proposal process.

EXECUTIVE SUMMARY:

On 28 March 2018, Council resolved to undertake public consultation to gauge community expectation in relation to extending café and restaurant trading hours, as well as permitting small bars, in Kirribilli Village and Milsons Point.

Having considered the results of the community consultation, Council prepared Planning Proposal 8/19, which sought to permit small bars on sites within Kirribilli Village that do not share a boundary with residential development. On 25 November 2019, Council adopted this Planning Proposal and resolved to forward it to the Department of Planning, Industry and Environment to receive a Gateway Determination.

At its meeting on 24 February 2020, Council endorsed an associated draft amendment to NSDCP 2013 to extend trading hours within Kirribilli Village.

Following the issuing of a Gateway Determination on 7 February 2020, the Planning Proposal and draft amendments to NSDCP 2013 were placed on public exhibition from 12 March 2020 to 8 April 2020.

On 22 June 2020, Council considered a post exhibition report and resolved to forward the Planning Proposal to Parliamentary Counsel unamended with a request that an LEP be made giving effect to the Planning Proposal. At the same meeting, Council adopted the associated draft amendments to NSDCP 2013. These amendments came into effect on 2 July 2020, following notification on Council's website.

North Sydney Local Environmental Plan 2013 (Amendment 29) gives effect to the Planning Proposal and came into force on 31 July 2020 following its publication on the NSW legislation website.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

- 1. THAT** the report be received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

2. Our Built Infrastructure

2.1 Infrastructure and assets meet community needs

2.2 Vibrant centres, public domain, villages and streetscapes

3. Our Future Planning

3.1 Prosperous and vibrant economy

BACKGROUND

28 March 2018 – In response to a Mayoral Minute, Council resolved to undertake public consultation to gauge community expectation in relation to potentially extending trading hours for cafes and restaurants as well as permitting small bars in Kirribilli Village and Milsons Point.

19 July to 17 August 2018 – Extensive public consultation was undertaken to ascertain community views on trading hours and small bars in Kirribilli Village and Milsons Point. This consultation primarily consisted of a survey for residents and visitors. Residents and the general public were advised of by direct letters, notification on Council's website, Mosman Daily advertisements, social media posts, a pop-up engagement stall at local markets and direct correspondence with government and industry stakeholders.

Council received a total of 918 survey responses and 9 individual submissions during this consultation period. The key outcomes of the survey were:

- A total of 69% of respondents said they would like to see later trading hours in Kirribilli.
- The majority of respondents (62%) said they supported trading hours until 12 midnight Thursday – Saturday (weekends) with a further 18% of respondents supporting trading hours beyond 12am midnight.
- A total of 75% of respondents said that small bars should be permitted in Kirribilli Village.
- A total of 47% of respondents considered trading hours for small bars should be the same as other businesses and an additional 39% of respondents felt that trading hours for small bars should be longer than other businesses.

4 September 2018 – Council considered a report summarizing the outcomes of community engagement and resolved to prepare a detailed report outlining options for implementing extended trading hours and allowing small bars in Kirribilli Village.

23 September 2019 – Council considered a report outlining options available to implement small bars and later trading in Kirribilli Village. Council resolved to prepare a Planning Proposal to permit small bars in Kirribilli Village and an associated DCP amendment to extend trading hours.

23 October 2019 – The North Sydney Local Planning Panel considered the Planning Proposal and endorsed it to proceed.

25 November 2019 – Council resolved to endorse the planning Proposal and forward it to the Minister for Planning and Public Spaces to receive a Gateway Determination and permit the proposal to be placed on public exhibition.

7 February 2020 – A Gateway Determination was issued enabling the Planning Proposal to be placed on public exhibition.

24 February 2020 – Council resolved to endorse draft amendments to NSCP 2013 to extend trading hours within Kirribilli Village.

12 March to 8 April 2020 – The Planning Proposal and draft amendments to NSDCP 2013 were placed on public exhibition for 28 days.

22 June 2020 - Council considers a post exhibition report and resolves to forward the Planning Proposal to Parliamentary Counsel with a request that an LEP be made giving effect to the Planning Proposal. At the same meeting, Council adopted the associated draft amendments to NSDCP 2013.

2 July 2020 – Associated amendments to NSDCP 2013 came into effect following notification of these amendments on Council’s website.

7 July 2020 – Council requests Parliamentary Counsel to draft an LEP to give effect to the Planning Proposal.

10 July 2020 – Council settles on the form of the draft LEP amendment giving effect to the Planning Proposal.

14 July 2020 – Parliamentary Counsel issues an opinion that the LEP amendment can be made. Council subsequently requests the DPIE to publish the LEP amendment on the NSW Legislation website on the same day.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

1. Amendment 29 to NSLEP 2013

NSLEP 2013 (Amendment No. 29) gives effect to the Planning Proposal and is now in force following its publication on the NSW legislation website on 31 July 2020. A copy of the instrument is provided in Attachment 1 to this report.

The Amendment amends existing and adds new clauses to Schedule 1 - *Additional permitted uses* of NSLEP 2013 permitting small bars with development consent on the following sites within Kirribilli Village:

- 2-44 Ennis Road, Kirribilli;
- 11-33 Broughton Street, Kirribilli; and
- 32 Burton Street, Kirribilli.



New South Wales

North Sydney Local Environmental Plan 2013 (Amendment No 29)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MARCELO OCCHIUZZI, MANAGER STRATEGIC PLANNING,
NORTH SYDNEY COUNCIL
As delegate for the local plan-making authority

Published LW 31 July 2020 (2020 No 447)

North Sydney Local Environmental Plan 2013 (Amendment No 29)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *North Sydney Local Environmental Plan 2013 (Amendment No 29)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the following land in Kirribilli—

- (a) 11–33 Broughton Street, being Lots 3 and 4, Sec B, DP 1537, Lot 2, DP 1055909, SP 71204, Lot 1, DP 119391, Lot 1, DP 337392 and Lots 1 and 2, DP 1031721,
- (b) 32 Burton Street, being Lot 1, DP 103130,
- (c) 2–44 Ennis Road.

4 Amendment of North Sydney Local Environmental Plan 2013

Schedule 1 Additional permitted uses

Omit clause 14. Insert instead—

13A Use of certain land at 11–33 Broughton Street and 32 Burton Street, Kirribilli

- (1) This clause applies to the following land in Kirribilli—
 - (a) 11–33 Broughton Street, being Lots 3 and 4, Sec B, DP 1537, Lot 2, DP 1055909, SP 71204, Lot 1, DP 119391, Lot 1, DP 337392 and Lots 1 and 2, DP 1031721,
 - (b) 32 Burton Street, being Lot 1, DP 103130.
- (2) Development for the purposes of small bars is permitted with development consent.

14 Use of certain land at 2–44 Ennis Road, Kirribilli

- (1) This clause applies to land at Bays 24–44, 2–44 Ennis Road, Kirribilli, being cubic spaces under the Warringah Expressway.
- (2) Development for the purposes of any permissible use in Zone B1 Neighbourhood Centre or small bars is permitted with development consent.