



**NORTH SYDNEY COUNCIL**

Council Chambers  
3 November 2022

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Supper Room, North Sydney at 12pm on Wednesday 9 November 2022 when your attendance is requested.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

I would like to acknowledge the traditional owners of these lands in which we meet and to pay our respect to the ancestors, and spirits past and present.

**ROB EMERSON**  
**A/GENERAL MANAGER**

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**BUSINESS**

**Minutes**

Confirmation of Minutes of the previous Planning Proposal Meeting held on Wednesday 14 September 2022.

(Circulated)

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**PP01: 71-89 Chandos Street, St Leonards - PP5/22**

Applicant: Ethos Urban

Report of Katerina Papas, Senior Strategic Planner

On 25 March 2022, Council received a Planning Proposal to amend *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 71-89 Chandos Street, St Leonards. The site is located within the area covered by two planning studies, these being:

- 1) The *St Leonards and Crows Nest 2036 Plan*, adopted by the Department of Planning and Environment in August 2020; and
- 2) The *St Leonards/Crows Nest Planning Study – Precincts 2 & 3*, adopted by Council in May 2015.

The Planning Proposal seeks to amend NSLEP 2013 as it relates to the subject site as follows:

- Increase the maximum building height control from 20m to 44m;
- Impose a maximum floor space ratio (FSR) of 4:1;
- Increase the minimum non-residential FSR from 0.6:1 to 1:1; and
- Introduce a site-specific provision allowing the maximum building height to be exceeded to a maximum 46.7m (RL131.920) for the purposes of providing inclusive access to communal open space at the rooftop level.

The intent of the proposal is to facilitate the delivery a 12-storey mixed-use building with a 4-storey podium and tower above. The indicative reference scheme includes 64 residential apartments with 7,401 sqm Gross Floor Area (GFA), 2,460 sqm non-residential GFA and parking over 2 basement levels.

The proposal is accompanied by a non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to provide public benefits consistent with Council's *St Leonards/Crows Nest Planning Study – Precincts 2&3 (2015)*. This includes dedication and embellishment of land to Council for the purposes of a linear park along Oxley Street; delivery of a pedestrian through-site link with public right of way; and public domain improvements adjacent to the site.

A detailed assessment of the proposal has been completed having regard to the assessment criteria in the DPE's "*LEP Making Guidelines*" (September 2022). The Planning Proposal and accompanying reference design is considered to demonstrate strategic and site-specific merit as it:

- achieves the objectives and actions of high-level strategic planning strategies relating to the site, including:
  - Greater Sydney Regional Plan – A Metropolis of Three Cities
  - North District Plan
  - North Sydney Local Strategic Planning Statement
- is consistent with the provisions of the *St Leonards/Crows Nest Planning Study – Precincts 2&3*, the *St Leonards and Crows Nest 2036* and accompanying *Ministerial Direction 1.13 – Implementation of St Leonards and Crows Nest 2036 Plan*; and
- demonstrates that the site can be acceptably developed to the requested height and density insofar that it achieves an appropriate level of amenity and the impacts arising from the proposal (overshadowing, privacy, wind, traffic) are not significantly different to that anticipated under the *2036 Plan*.

To ensure future development on the site is consistent with the number of storeys under the *2036 Plan*, it is recommended the Planning Proposal be amended to a maximum building height of 43m and an additional local provision allowing the maximum building height to be exceeded by no more than 2m for portions of the building providing inclusive access to the communal open space at the rooftop (i.e. lift overrun).

Subject to the above amendment, it is recommended that the Planning Proposal be supported to proceed to a Gateway Determination, and that the Planning Proposal and draft VPA be exhibited concurrently.

**Recommending:**

For the reasons outlined in this report, it is recommended that the Local Planning Panel support the progression of the Planning Proposal to a Gateway Determination subject to the Planning Proposal be amended to a maximum building height of 43m for 12-storeys and an additional local provision allowing the maximum building height to be exceeded by no more than 2m for portions of the building providing access to the communal open space at the rooftop (i.e. lift overrun).

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**NORTH SYDNEY LOCAL PLANNING PANEL**

**PLANNING PROPOSALS**

**RECOMMENDATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN  
THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 14 SEPTEMBER 2022, AT  
12.00PM.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Linda McClure, Panel Member  
Michel Reymond, Panel Member  
Ken Robinson, Community Representative

**Staff:**

Marcelo Occhiuzzi, Manager Strategic Planning  
Neal McCarry, Team Leader Policy  
Katerina Papas, Senior Town Planner

**Administrative Support**

Peita Rose, Governance Officer (Minutes)

In accordance with the Covid 19 Public Health Order this meeting was conducted by remote (Zoom) means.

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of Wednesday, 13 July 2022 were confirmed following that meeting.

**2. Declarations of Interest**

Nil.

### 3. Business Items

*The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended in relation to development applications, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018 in relation to Planning Proposals.*

*The Panel has considered the following Business Items and resolves to recommend each matter as described within these minutes.*

#### ITEM 1

<b>PP No:</b>	8/22
<b>ADDRESS:</b>	15 Allister Street, Cremorne
<b>PROPOSAL:</b>	To amend the North Sydney Local Environmental Plan 2013 such that the property at 15 Allister Street, Cremorne is identified as a heritage item under Schedule 5 – Environmental Heritage and identification on the Heritage Map.
<b>REPORT BY NAME:</b>	Jayden Perry, Strategic Planner
<b>APPLICANT:</b>	North Sydney Council

#### Registered to Speak

##### 1 Written Submission

Submitter	Applicant/Representative
	Garry McDonald - representing owners

The Panel was advised by the applicant's heritage expert that the development application plans for numbers 13 - 15 Allister Street have been amended to incorporate the retention of the subject site at No. 15 Allister Street, Cremorne. This will require the repurposing of the building and entail both internal and external alterations and development at the rear of the building, and the adjacent site to the south at No.13.

The applicant's heritage expert also questioned the description of No. 15 Alister Street as a 'Functionalist' interwar flat building and contended that it does not meet the heritage criteria for listing in that it was not remarkable, not distinguishable, not aesthetic and not uncommon.

To date amended DA plans have not been received by the Council.

#### Panel Recommendation:

All the Panel members have undertaken independent site inspections prior to the meeting.

The Panel recommends to the Council that it:

- (i) Seek confirmation of whether an amended DA has been lodged that retains the subject building. At the same time it is recognised, this may not necessarily ensure the retention of the building, however, it may lead to adaptive re-use and inform the extent of an inventory as to elements to be retained.
- (ii) The Panel accepts that there is a degree of heritage significance for the subject site. However, this needs to be further investigated and it is recommended this also be done in the context of the subject site with the adjoining site at No. 17 Allister Street, and the adjoining heritage item at No.7 Cranbrook Avenue, contributing to the heritage streetscape and potentially a grouping or conservation area.
- (iii) Given the circumstances and the need for certainty as to the future of the building, the Panel recommends the Council proceed to 'Gateway' and this will allow exhibition and further enquiry to inform the heritage significance of the building in isolation, or whether it is of more heritage significance in its context with No 17 Allister Street and the heritage item at No.7 Cranbrook Avenue.

The Panel considers that public exhibition will also allow further investigation as to the significance of the subject building and an appropriate inventory, in particular whether its interiors are also worthy of protection.

The Panel considers the planning proposal has sufficient site specific and strategic merit to proceed to "Gateway", to allow public exhibition.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
Linda McClure	Y				
Michel Reymond	Y				

## ITEM 2

<b>PP No:</b>	6/22
<b>ADDRESS:</b>	1-7 Rangers Road & 50 Yeo Street, Neutral Bay
<b>PROPOSAL:</b>	<p>To amend North Sydney Local Environmental Plan (NSLEP) 2013 as follows:</p> <ul style="list-style-type: none"> <li>• Increase the maximum building height control for the site from 16m to part 30m (at 50 Yeo Street) and part 40m (at 1-7 Rangers Road); and</li> <li>• Increase the minimum non-residential floor space ratio control from 0.5:1 to 1.7:1.</li> </ul> <p>To provide greater certainty over a future built form on the site, the Planning Proposal is accompanied by suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan (NSDCP) 2013 and an offer to enter into a</p>

	Voluntary Planning Agreement (VPA) to deliver a number of public benefits.
<b>REPORT BY NAME:</b>	Katerina Papas, Senior Strategic Planner
<b>APPLICANT:</b>	Fabcot Pty Ltd (Woolworths)

### Registered to Speak

### 5 Written Submissions

Submitter	Applicant/Representative
Glen Curyer – Chair of Neutral Precinct	Richard Armitage - Woolworths - Applicant
Meredith Trevallyn Jones – Chair of Willoughby Bay Precinct	Georgia Wilson - Koichi Takada Architects – representing Applicant
Aleksandra Serafimovska - Resident	Ben Craig - Ethos Urban - Applicant
Barry Ford - Resident	Josh Milston - JMT Consulting
Peter Moor - Resident	Pierre Abrahamse -Woolworths - (Observing Only)
Nea MacCulloch - Resident	Rafe Wilson - Koichi Takada Architects (Observing Only)
Kathleen Fairley - Resident - (Observing Only)	

The Panel members have undertaken independent site inspections prior to the meeting.

The Panel’s recommendation to the Council is that the matter does not proceed to ‘Gateway’ for the reasons outlined in the Council’s Officer’s report.

The Panel notes that the Applicant has publicly advised that the number of storeys would be reduced in a revised scheme. The Panel, however, is not privy to any details and it does not constitute an amended planning proposal and as such, the Panel can only consider the planning proposal as submitted..

The Panel notes that the Neutral Bay Military Road Corridor Planning Study was rescinded by Council in January 2022, after being adopted February 2021, and this was after three years of preparation and consultation. The Proponent of this planning proposal is concerned about the time lag for another strategy to be endorsed and adopted by Council. At the same time the Panel notes the current planning proposal does not reflect the urban design outcomes envisaged by the now rescinded Military Road Corridor Planning Study.

The Panel understands that the Council is seeking to incentivize site amalgamation and uplift to facilitate the provision of community facilities including open space, a through-site link, public domain improvements, a meeting place and the like in an overall strategy.

**Panel Recommendation:**

The Panel urges the Council to finalise its strategy and plans as a matter of priority for all stakeholders, including the community. The Panel recognises the importance of strategic planning to guide change and future development having regard to providing certainty on a comprehensive basis, to deliver improved built form outcomes, function and accessibility for the centre as whole.

The Panel considers the planning proposal does not demonstrate either site specific or strategic merit to justify a spot rezoning for this site in isolation, given its location within the Neutral Bay Town Centre

Voting was as follows:

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Ken Robinson	<b>Y</b>	
Linda McClure	<b>Y</b>				
Michel Reymond	<b>Y</b>				

The public meeting concluded at 1:30pm

The Panel Determination session commenced at 1:40pm.

The Panel Determination session concluded at 3:10pm

Endorsed by Jan Murrell  
North Sydney Local Planning Panel  
**14 September 2022**