



NORTH SYDNEY COUNCIL

Council Chambers
8 September 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 14 September 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

BUSINESS

Minutes

Confirmation of Minutes of the previous Planning Proposal Meeting held on Wednesday 13 July 2022.

(Circulated)

PP01: 15 Allister Street, Cremorne – PP No. 8/22

Applicant: North Sydney Council

Report of Jayden Perry, Strategic Planner

In March 2022, a petition was provided to Council signed by over 100 individuals requesting that North Sydney Council investigate imposing an Interim Heritage Order (IHO) on the property. The petition notes:

“15 Allister Street, built in 1913, was designed by prominent architect, Clifford Finch. From 1927-30, Finch was in partnership with renowned architect, John Burcham Clamp, and jointly designed many significant buildings including Sydney’s Tattersall’s Club, Lawson House (212-218 Cumberland Street), Canberra Grammar School and the Ainslie Hotel, Canberra. Finch also practiced as an independent architect. Several of his designs are listed as local heritage items in the Ku-Ring-Gai LGA.

Art-Deco residential flat buildings need to be acknowledged and protected as part of North Sydney’s heritage. The Art-Deco era is Cremorne’s theme as acknowledged in North Sydney Council’s urban design branding.”

In response to these concerns, Council considered a Notice of Motion at its meeting on 28 March 2022, and resolved:

1. *THAT Council obtain urgent advice as to an Interim Heritage Order being supported on 15 Allister Street, Cremorne.*
2. *THAT Council receive the tabled petition in this matter.*

In response to this resolution, Council engaged Kemp & Johnson Heritage Consultants to prepare a preliminary heritage assessment (Preliminary Assessment) to determine if the properties may potentially satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The Preliminary Assessment identified that the site may be eligible for heritage listing with the potential to meet Heritage Listing Criteria:

- a) Historical significance;
- b) Historical Association;
- c) Aesthetic and Technical Significance;
- f) Rarity; and
- g) Representativeness

Furthermore, Council Officers identified that the site was under threat of harm as a result of an active development application which sought the complete demolition of the existing building on the site, which is one of the mandatory criteria before an IHO can be imposed. Subsequently, on the 31 May 2022, the Acting General Manager, under delegation, authorised an IHO on 15 Allister Street, Cremorne, with the IHO being published in the Government Gazette on 3 June 2022.

In response to the outcomes and recommendations of the final Heritage Assessment report produced by Kemp and Johnson, Council has prepared a planning proposal to amend NSLEP 2013 such that the property at 15 Allister Street, Cremorne is identified as a local heritage item through its listing within Schedule 5 - Environmental Heritage and identification on the Heritage Map.

The Planning Proposal is supported as it:

- generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;

- generally complies with the Department of Planning and Environment's Local Environmental Plan Making Guidelines (December 2021);
- on balance, does not contradict the ability to achieve the objectives and actions of higher order level planning strategies;
- will contribute to the preservation of the character and built heritage of the Cremorne Area.

As such, the Planning Proposal is considered to be satisfactory and should be forwarded to the DPE for Gateway Determination.

Recommending:

THAT the Local Planning Panel support the progression of the Planning Proposal to the DPE seeking a Gateway Determination.

PP02: 1-7 Rangers Road & 50 Yeo Street, Neutral Bay – PP No. 6/22

Applicant: Fabcot Pty Ltd (Woolworths)

Report of Katerina Papas, Senior Strategic Planner

On 20 May 2022, Council received a Planning Proposal seeking to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay. The subject site is located within the area covered by the now rescinded *Neutral Bay Town Centre Future Directions Report* (also referred as *Military Road Corridor Planning Study Stage 1*).

The Planning Proposal seeks to amend NSLEP 2013 as follows:

- 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
- Increase the minimum non-residential floor space ratio control for the site from 0.5:1 to 1.7:1.

The intent of the proposal, as reflected in the accompanying indicative reference design, is to facilitate the delivery of a part 2, 7 and 10 storey mixed-use development comprising a supermarket at a subterranean level, retail and commercial floor space within the podium and 91 apartments located above. A basement car park containing 350 car parking spaces is proposed.

To provide greater certainty over a future built form on the site, the Planning Proposal is accompanied by a suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan 2013 (NSDCP 2013).

The Planning Proposal is also accompanied by non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver a number of public benefits including: the provision of 65 car parking spaces for public use, in perpetuity, located within the basement of the future development; a public plaza; an arcade-style pedestrian through-site link; and streetscape upgrades adjacent to the site.

Having consideration of the assessment criteria outlined in the Department of Planning and Environment's '*LEP Making Guideline*' (December 2021), the Planning Proposal is not considered to demonstrate strategic and site-specific merit for the following reasons:

- The proposal is not underpinned by a comprehensive strategic planning study for the locality and if implemented, will undermine the ability to

achieve the objectives and actions of high-level strategic planning policies relating to the site, including:

- Greater Sydney Regional Plan – *A Metropolis of Three Cities*;
 - North District Plan; and
 - North Sydney Local Strategic Planning Statement.
- The proposal is inconsistent with the following section 9.1 Ministerial Directions under the *Environmental Planning and Assessment Act 1979*:
 - *Direction 1.1 – Implementation of Regional Plans*
 - *Direction 5.1 – Integrating Land Use and Transport*
 - *Direction 7.1 – Business and Industrial Zones*
 - The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context and will result in significant level of public and private amenity impacts including dominance of the public domain, overshadowing and traffic generation;
 - The proposal would set an unacceptable precedent prior to the establishment of a finalised policy position for future development in the locality, and undermine the future strategic planning work for the Neutral Bay town centre; and
 - The proposal undermines the development potential and public benefit opportunities of the immediately adjoining site to the north.

It is recommended that Planning Proposal (PP6/22) not be supported to proceed to Gateway Determination

Recommending:

- 1. THAT** the Planning Proposal (PP6/22) not be supported to proceed to a Gateway Determination.
 - 2. THAT** the applicant be invited to comment on the future revised Military Road Corridor Planning Study.
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NORTH SYDNEY LOCAL PLANNING PANEL

PLANNING PROPOSAL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 13 JULY 2022, AT 11.00AM.

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

Grant Christmas, Panel Member
Gerard Turrisi, Panel Member
Jane van Hagen, Community Representative

Staff:

Marcelo Occhiuzzi, Manager Strategic Planning
Neal McCarry, Team Leader Policy
Jayden Perry, Strategic Planner

Administrative Support

Hollie Whale, City Strategy Administration 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, 8 June 2022 were confirmed following that meeting.

2. Declarations of Interest

Jane van Hagen – declared a perceived conflict of interest and it was agreed that in the interest of the independence of the Panel that she be excused from the meeting.

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

PP No:	7/22
ADDRESS:	115, 117, 119, 121, 123, 125, 131 & 133 Holt Avenue, Cremorne
PROPOSAL:	To amend North Sydney Local Environmental Plan 2013 such that the properties at 115, 117, 119, 121, 123, 125, 131 & 133 Holt Avenue, Cremorne are identified as heritage items under Schedule 5 – Environmental Heritage and identification on the Heritage Map.
REPORT BY NAME:	Jayden Perry, Strategic Planner
APPLICANT:	North Sydney Council

Public Submissions

8 Written Submissions

Registered Speakers

Fiona Gracie - Cremorne Conservation Group
Dr Anne Lytle Resident of Spofforth Street - Resident
Chris Cunningham-Reid – Helm
John Oultram -from John Oultram Heritage & Design
Mr W – representing a commercial firm
Stephen Davies from Urbis
Paula Mottek - Resident
Bernadette Kan - Resident
Graham Brooks – GBA Heritage
Samantha Polkinghorne – NBRS Architecture
James Phillips - Weir Phillips Heritage and Planning
Pamela Jeffery - City Plan Heritage

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

Panel Consideration:

In making its recommendation to the Council on whether this Planning Proposal proceed to Gateway Determination the Panel is of the opinion that the options the Council may consider in its deliberations of this matter are:

- Defer consideration pending the outcome of the Court hearings on the Interim Heritage Order (IHO) in respect of certain sites. It is noted one appeal has been heard and awaiting judgment and the other is scheduled to be heard by the Court in approximately a week.
- Alternatively, if the Council is of the opinion that it make a decision now, given the six-month period contained in the IHO (issued 22 March 2022), then the Panel recommends to the Council that it not proceed with the Planning Proposal as both site specific and strategic merit has not been demonstrated.
- If the Council decides to wait for the Court decisions and defer the matter after a further inquiry, the Panel would be happy to reconsider the Planning Proposal in the fullness of time and this would also allow the planning process to take its course.

The Panel notes the Council's resolution to engage a heritage consultant to investigate a new conservation area over an extended area. The consultant's report considers that an HCA would not be warranted but instead recommends the heritage listing of 8 specific properties in Holt Avenue, Cremorne.

Based on the reports, information and submissions the Panel is not persuaded, given the extensive alterations and additions over decades, and in more recent years, that these properties would warrant listing as heritage items in their own right. Furthermore, the streetscape has been significantly altered by redevelopment over the years and the Panel agrees with the Council's heritage consultant that an HCA is not warranted.

It is also noted that these 8 sites have been zoned for many years to permit higher densities, however, the Planning Proposal does not seek to change the zoning. As noted above over the last few decades redevelopment has occurred that has changed the streetscape character in this section of Holt Avenue and the context of these sites in question. By way of comment, the Panel notes the character of this part of Holt Avenue between Spofforth St and Military Road has undergone significant change as a result of the zoning and is very different in character and form to the remainder of Holt Avenue that exhibits a much finer grain, subdivision pattern and a coherent built heritage form.

Panel Recommendation:

The Panel recognises its role in this matter is limited to making a recommendation only to the Council. In the opinion of the Panel the subject properties require a more thorough and lengthy inquiry to fully review and reconcile whether these 8 properties warrant being listed as heritage items and meet the necessary threshold for heritage listing under the North Sydney Local

Environmental Plan. Numerous heritage studies have been undertaken over the years by both the Council and heritage experts, suffice to say the advice differs significantly.

On the information before it, the Panel is not persuaded the properties meet the threshold for listing under the Heritage Assessment Guidelines and that the current Planning Proposal lacks both site specific and strategic merit and does not meet the objectives of the Act.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Jane van Hagen Did not participate as Conflict of interest declared.		
Grant Christmas	X				
Gerard Turrisi	X				

The public meeting concluded at 12.25pm.

The Panel Determination session commenced at 12.35pm

The Panel Determination session concluded at 1.40pm

Endorsed by Jan Murrell

North Sydney Local Planning Panel

13 July 2022