



NORTH SYDNEY COUNCIL

Council Chambers
7 July 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 11.00am on Wednesday 13 July 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 8 June 2022.
(Circulated)

PP01: 115, 117, 119, 121, 123, 125, 131 & 133 Holt Avenue, Cremorne - PP 7/22

Applicant: North Sydney Council

Report of Jayden Perry, Strategic Planner

In response to heritage concerns raised by the public during the assessment of 2 development applications (DA 239/21 - 131, 133, 135, 137 and 139 Holt Avenue, Cremorne; and DA243/21 at 115, 117 and 119 Holt Avenue, Cremorne), Council considered a Notice of Motion at its meeting on 24 January 2022, where it resolved:

1. *THAT Council obtain urgent advice, including review of existing studies in relation to whether an Interim Heritage Order(s) can be supported in respect of a group of dwellings known as 115, 117, 119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne.*
2. *THAT Council prepare an urgent report, including review of existing studies to assess whether a new Heritage Conservation Area ought to be identified and adopted in relation to the area bounded by Spofforth Street, Military Road, Cranbrook Avenue and Cabramatta Road, Cremorne and that such review consider the inclusion of the group of dwellings at 115, 117, 119, 121, 123, 125 and 131, 133 Holt Avenue, Cremorne and be informed by the provisions relating to Mosman Council's Holt Estate Conservation Area.*
3. *THAT the review consider whether there are contributory items within any recommended conservation area.*

In accordance with this resolution, Council engaged heritage consultants GML 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).

On 11 March 2022, Council imposed an Interim Heritage Order (IHO) on the sites (115, 117, 119, 121, 123, 125, 131, 133 Holt Avenue, Cremorne). in response to the outcomes of the Preliminary Assessment, which identified that the sites may be eligible for heritage listing.

A comprehensive final assessment report was produced by GML Heritage on 3 June 2022. The detailed assessment of the properties concluded that the following group, pair and individual items meet the criterion for heritage listing at a local level:

- The Holt Avenue group (115-123 Holt Avenue) meets the threshold for cultural significance for historic, aesthetic, rarity and representative values, as a rare group of Federation Bungalows constructed as part of a speculative housing development in Cremorne.
- 125 Holt Avenue meets the threshold for cultural significance for historic, aesthetic, rarity and representative values, as a rare extant two-storey Federation Bungalow in the Cremorne area (which has been converted to flats).
- 131 and 133 Holt Avenue meet the threshold for cultural significance for historic, aesthetic and rarity values as a pair of Victorian semi-detached dwellings which serve as rare surviving examples of their type.

The final detailed report made the recommendation that Council prepare a planning proposal to amend Schedule 5 of the Heritage Maps of NSLEP 2013 to include the following items of local significance:

1. The 'Holt Avenue Group' comprising property Nos 115, 117, 119, 121 and 123 Holt Avenue, Cremorne.
2. 'Carina', No. 125 Holt Avenue, Cremorne.
3. 'Victorian semi-detached houses', Nos 131 and 133 Holt Avenue, Cremorne.

In response to the outcomes and recommendations of the final Heritage Assessment report produced by GML, Council has prepared a planning proposal to amend NSLEP 2013 such that the properties at 115, 117, 119, 121, 123, 125, 131, 133 Holt Avenue, Cremorne are identified as local heritage items through their 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 high 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.



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 8 JUNE 2022, AT 12.00PM.

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

David Logan, Panel Member
Lloyd Graham, Panel Member
Virginia Waller, Community Representative

Staff:

Administrative Support

Neal McCarry, Team Leader Policy
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 April 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

PP No:	3/22
ADDRESS:	Land bounded by Pacific Highway, Falcon Street and Alexander Street, Crows Nest (also know as 'Five Ways Triangle Site')
PROPOSAL:	To amend North Sydney Local Environmental Plan 2013 as follows: <ul style="list-style-type: none"> • Increase the maximum building height on the subject site from 16m to 63.5m; • Establish an overall maximum FSR on the subject site of 5:8:1; and • Increase the minimum Non-Residential Floor Space Ration (FSR) on the subject site from 0:5:1 to 2:5:1.
REPORT BY NAME:	Katerina Papas, Senior Strategic Planner
APPLICANT:	Stephen Kerr, Glyde Consulting

Public Submissions

No Written Submissions

Submitter	Applicant/Representative
John Hancox - Chair of Wollstonecraft Precinct	Greg Colbran - Deicorp Projects (Crows Nest) Pty Ltd – Representing Applicant
Sue Yelland - Resident	Stephen Cox - Turner Architects - Representing Applicant
	Stephen Kerr - Gyde Consulting - Applicant

Panel Recommendation:

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

The Panel considers that development of the proposed height and bulk on this site will inevitably change the existing character of the Crows Nest Village. Nevertheless, it is acknowledged that development of this nature is anticipated in the 2036 Strategy.

Subject to the further recommendations below, and the need to ensure the massing of the development is appropriate to minimize overshadowing of the Conservation Area, the Panel considers the concept proposed presents a considered option that is generally consistent with the 2036 Strategy.

Council Officer’s Report and the Recommendation is generally endorsed by the Panel subject to a maximum height of 60 metres. The Panel recognizes the need to facilitate sustainable building methods to satisfy the Design and Building Practitioners Act 2020, and the Building Practitioners Regulation 2021. At the same time this provides certainty as to the number of storeys capable of being built within the 60 metre height limit, that is, 16 storeys.

The Panel agrees that a development control plan for the site is necessary given the prominence of this ‘Five Ways Triangle Site’ and that there should be continuing dialogue between the applicant and council as to the finer details contained within the DCP. This includes: ensuring there are clear public/community benefits of any through site link; guidelines for the overall massing to minimize overshadowing of the extensive and significant Conservation Areas to the south and east; appropriate materials and finishes; the tower to be setback a minimum 6 metres above the podium (from all sides), given that the building will be seen in the round; affordable housing; sustainability measures; wind analysis; and the lower parking rates as recommended in the Council officer’s report. A development of this size also warrants inclusion of car share spaces.

Any future DA will also be the subject of review by the Council’s Design Excellence Panel.

As anticipated in the 2036 Strategy, the site can accommodate increased densities for both commercial and residential purposes given the investment in public infrastructure that has occurred in this area. It follows that the Panel considers that it is imperative, and in line with best practice, that the car parking be reduced and indeed this is a prerequisite of the 2036 Strategy that has identified this site for substantial uplift in densities.

The Panel’s recommendation to the Council is that having regard to the above comments the Planning Proposal proceed to a Gateway Determination.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
David Logan	Y				
Lloyd Graham	Y				

By way of comment, the Panel encourages Council to review its DCP for parking rates, as a matter of priority, to exclude the area covered by the 2036 Strategy in the DCP, to ensure reduced maximum parking rates apply, in line with the principle contained in the 2036 Strategy.

ITEM 2

PP No:	9/21
ADDRESS:	360 Pacific Highway, North Sydney
PROPOSAL:	To amend North Sydney Local Environmental Plan 2013 as follows: <ul style="list-style-type: none"> • Amend the maximum building height from 10m to RL 166m (18 storeys); • Establish a maximum Floor Space Ratio (FSR) of 5:5:1 and; • Amend the minimum non-residential FSR from 05:1 to 2:1
REPORT BY NAME:	Neal McCarry, Team Leader Policy
APPLICANT:	Curtis Field (on behalf of Galifrey Property Pty Ltd)

Public Submissions**No Written Submission**

Submitter	Applicant/Representative
John Hancox - Chair of Wollstonecraft Precinct	Jeremy Bishop - Architect
Sue Yelland - Resident	John Wynne - Urbis Planning
	Barrie Nesbitt - Applicant

Panel Recommendation:

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

The Council Officer's Report is endorsed for the reasons in the report and the following comments.

The Panel considers that the heritage listed sites immediately to the north would become isolated and, in any event, the proposed development does not have adequate regard to the existence of the heritage items on these sites. The proposed 3 metre setback of the tower from the Pacific Highway is considered inadequate in relation to these heritage items and the heritage items in the streetscape to the south. A tower of this scale with limited setbacks would inevitably have adverse impacts on those nearby heritage items, contrary to the objectives of the 2036 Strategy, notwithstanding that the tower form numerically complies with the minimum setbacks within the Strategy. A more acceptable streetscape design would require a greater setback for the tower from the Pacific Highway boundary. The Panel also considers the built form has not adequately considered the streetscape, laneway and the lower scale of development to the west.

The Panel acknowledges that higher densities are appropriate having regard to the nearby public investment in infrastructure. Nevertheless, the Panel considers that in order to achieve the high quality outcomes envisaged by the 2036 Strategy, further analysis of the site in its context is required.

The Panel's recommendation to the Council is that this Planning Proposal not proceed to Gateway.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
David Logan	Y				
Lloyd Graham	Y				

By way of comment the Panel considers that a more holistic approach to the implementation of the 2036 Strategy should be embarked upon to facilitate appropriate built form outcomes. This could be undertaken on a block by block basis to ensure the objectives and actions of the Strategy are more sensitively resolved.

The public meeting concluded at 2.25pm.

The Panel Determination session commenced at 2.38pm.

The Panel Determination session concluded at 4.40pm.

Endorsed by Jan Murrell
North Sydney Local Planning Panel
8 June 2022