



**NORTH SYDNEY COUNCIL**

Council Chambers  
2 June 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 12.00pm on Wednesday 8 June 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**  
**ACTING GENERAL MANAGER**

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**BUSINESS**

**Minutes**

Confirmation of Minutes of the previous Planning Proposal Meeting held on Wednesday 13 April 2022.  
(Circulated)

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**PP01: 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest (W) – also known as ‘Five Ways Triangle site.’ - PP 3/22**

Applicant: Deicorp Projects (Crows Nest) Pty Limited

Report of Katerina Papas, Senior Strategic Planner

On 19 January 2022, Council received a Planning Proposal to amend *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 391-423 Pacific Highway, 3-15 Falcon Street and 8 Alexander Street, Crows Nest, also known as ‘Five Ways Triangle site.’

The planning proposal seeks to amend NSLEP 2013 as it relates to the subject site as follows:

- Increase the maximum building height control from 16m to 63.5m;
- Impose a maximum Floor Space Ratio (FSR) of 5.8:1; and
- Increase the minimum non-residential FSR from 0.5:1 to 2.5:1.

The intent of the proposal, as reflected in the accompanying indicative reference scheme, is to facilitate the delivery a 16-storey mixed-use building comprising a total of 18,566 sqm Gross Floor Area (GFA), with approx. 129 apartments located above 8,002 sqm of commercial floor space and 247 car spaces over 7 basement levels.

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

On balance, the Planning Proposal is considered to have strategic and site-specific merit as it:

- does not contradict the ability to achieve the objectives and actions of high-level planning policies and strategies;
- is generally consistent with the provisions of the *St Leonards and Crows Nest 2036 (2036 Plan)* and accompanying Ministerial Direction; and
- the bulk and scale of any future development on the site, and associated impacts to the surrounding environment and wider community, has the ability to be appropriately mitigated as part of the implementation of appropriate standards within NSDCP 2013 and the development application process.

The Planning Proposal is considered satisfactory to be forwarded to the Department of Planning and Environment (DPE) seeking a Gateway Determination, subject to:

- the planning proposal being amended to a maximum building height of 56m; and
- the preparation of site-specific DCP provisions that satisfactorily address the recommendations of this report with respect to podium height and treatment, setbacks, building mass and transition, heritage, future public open space/through-site links and parking rates.

It is also recommended that the applicant’s indicative reference scheme be amended in accordance with Council’s recommendations, prior to being placed on public exhibition.

**Recommending:**

That the Panel resolves to support the Planning Proposal being forwarded to the Department of Planning and Environment seeking a request for a Gateway Determination subject to:

- the planning proposal being amended to a maximum building height of 56m; and
- the preparation of site specific DCP provisions that satisfactorily address the recommendations of this report with respect to podium height and treatment, setbacks, building mass and transition, heritage, future public open space/through-site links and parking rates.

It is also recommended that the applicant's indicative reference scheme be amended in accordance with the site-specific DCP provisions, prior to being placed on public exhibition.

### **PP02: 360 Pacific Highway, North Sydney - PP 9/21**

Applicant: Urbis Pty Ltd (on behalf of Galifrey Property Pty Ltd)

Report of Neal McCarry, Team Leader Strategic Planning

On 8 December 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 360 Pacific Highway, Crows Nest. The site is located within the area covered by the *St Leonards Crows Nest 2036 Plan (2036 Plan)*, adopted by the then Department of Planning, Industry and Environment (DPIE) on 29 August 2020. It is accompanied by a s9.1 Ministerial Direction which requires planning decisions be made consistent with the Plan.

The Planning Proposal seeks amendment of NSLEP 2013 to:

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 0.5:1 to 2:1.

The Planning Proposal seeks to deliver an 18-storey mixed-use commercial and residential building with a 3-storey podium and tower above. The indicative reference design scheme includes 42 residential apartments with a 4,921m<sup>2</sup> Gross Floor Area (GFA), 2,812m<sup>2</sup> non-residential GFA and approximately 80 car parking spaces.

Having completed an assessment of the Planning Proposal against the provisions of the *2036 Plan* and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to a Gateway Determination for the following reasons:

- The planning proposal will likely result in the isolation of neighbouring sites to the north (366-376 Pacific Highway), which have the same density and height uplift potential under the 2036 Plan as the subject site. This is not considered to be a satisfactory strategic planning outcome as it undermines the ability to achieve the housing objectives of several high-level planning policies including the Greater Sydney Regional Plan and North District Plan, the North Sydney Local Strategic Planning Statement, the 2036 Plan and accompanying Ministerial Directions 1.1 and 1.13; and
- The accompanying indicative reference design does not demonstrate how the site could be acceptably developed to the requested height and density controls without resulting in reduced amenity outcomes and inappropriate interface and transition outcomes. The cumulative impacts of the proposal

are not considered to be of minor significance and has the potential to undermine the overall intent of the 2036 Plan and the achievement of the Plan's vision, objectives and actions.

Whilst the planning proposal site is located within a block considered appropriate for increased height and density given its proximity to the future Crows Nest Metro, the planning proposal as submitted does not adequately demonstrate satisfactory strategic and site-specific merit.

**Recommending:**

For the reasons outlined in this report, it is recommended that the Local Planning Panel not support the progression of the Planning Proposal to the DPE seeking a Gateway Determination.

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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 APRIL 2022, AT 12.00PM.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

James Harrison, Panel Member  
Michel Reymond, Panel Member  
Veronique Marchandean, Community Representative

**Staff:**

**Administrative Support**

Neal McCarry, Team Leader Policy  
Marcelo Occhiuzzi, Manager Strategic Planning  
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, 9 March 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>	7/21
<b>ADDRESS:</b>	378-390 Pacific Highway, North Sydney
<b>PROPOSAL:</b>	To amend North Sydney Local Environmental Plan 2013 as follows: <ul style="list-style-type: none"> <li>• amend the maximum building height from 16m to RL176 (24 storeys)</li> <li>• establish a maximum floor space ratio control of 7.5:1</li> <li>• amend the minimum non-residential floor space ratio control from 1.5:1 to 2:1.</li> </ul>
<b>REPORT BY NAME:</b>	Neal McCarry, Team Leader Policy
<b>APPLICANT:</b>	Urbis Pty Ltd on behalf of Futuro Capital

#### Public Submissions

##### 1 Written Submission

Submitter	Applicant/Representative
Bruce Donald - Resident	Ben Hopkins - Futuro Capital
Daniel McNamara - Resident	Sophy Purton - Urbis
John Hancox - Wollstonecraft Precinct	Lucian Gormley
Sue Yelland - Resident	Peter Adam - Futuro Capital
David Milston (observing only)	

#### Panel Recommendation:

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

Council Officers Report and the Recommendation is endorsed by the Panel, and the Panel recommends to the Council that the Planning Proposal not proceed to Gateway.

It is recognised that the FSR and height mirrors that in the '2036 Strategy' endorsed by the Minister in August 2020. However, given this significant increase in density/floor space ratio to 7.5:1 together with the height increase to 24 storeys, the Panel is of the opinion that to ensure an appropriate built form outcome, consideration of site amalgamation to the north is required to achieve satisfactory separation distances and demonstration of ADG compliance. This would also facilitate a better resolution of the interface with the adjoining R3 lower density four storey zoning to the west. In this regard further work is also required with mass modelling to achieve an appropriate built form outcome and to manage adverse impacts for both the amenity of adjoining areas and residents of the future development.

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	Y		Veronique Marchandeanu	Y	
James Harrison	Y				
Michel Reymond	Y				

## **ITEM 2**

<b>PP No:</b>	3/21
<b>ADDRESS:</b>	20 Berry Street, North Sydney
<b>PROPOSAL:</b>	To amend North Sydney Local Environmental Plan 2013 at 20 Berry Street, North Sydney, as follows: <ul style="list-style-type: none"> <li>• Increase the maximum height control for the site from RL 145 to RL 172;</li> <li>• Rezone from B4 Mixed Use to B3 Commercial Core;</li> <li>• Include a new Special Area at 20 Berry Street on the NSLEP 2013 North Sydney Centre map</li> </ul>
<b>REPORT BY NAME:</b>	Jayden Perry, Strategic Planner
<b>APPLICANT:</b>	Holdmark NSW Pty Ltd

### **Public Submissions**

### **No Written Submission**

<b>Submitter</b>	<b>Applicant/Representative</b>
David Milston (Observing Only)	Sue Francis - Planning Consultant
	Karl May - Architect
	Annraoi Morris - Architect

**Panel Recommendation:**

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

The Council Officer's Report is noted by the Panel.

The Panel considers that with further studies there may be merit for a planning proposal. However, further works would need to be undertaken to ensure that the "Special Area" of Miller Street is not unreasonably impacted in terms of solar access, and the proposed public domain area would provide appropriate amenity given a variety of weather conditions. The Panel does not see the proposed public domain area as a "Special Area", but rather a public benefit in the context of the uplift in the potential development of the site. It is noted that the scheme has limited, and possibly manageable, impact on the Berry Street "Special Area".

The Panel also considers that the for height of the proposal in terms of the Berry Street "Special Area" to be acceptable this must be demonstrated through a detailed shadow analysis with half hour intervals between 12 noon and 2pm. This is to reference the impact of overshadowing set out in table 2 on page 22 of the report.

Given the above there may be both strategic and site-specific merit for a planning proposal and the Panel RECOMMENDS to the Council that the matter be DEFERRED to allow the applicant the opportunity to submit further documentation including the following:

- Further details of the public domain area are to be provided detailing how public access is to be provided for the life of the development, and the landscape materials and finishes plan for this area according to the NSC Public Domain Style Manual and Design Code guidelines,
- An analysis of the public benefit of the proposed public domain area,
- A detailed wind analysis of the proposed newly created public domain area,
- A detailed shadow analysis of the equinoxes impact on the Berry Street "Special Area" between 12pm and 2pm,
- An incremental height analysis to interpret the potential overshadowing impact on the Miller Street "Special Area" with each additional level of the Planning Proposal above the gazetted height of RL145 per NSLEP 2013 Heights of Buildings, Map Extract on page 11 of NSLPP Report PP02 dated 13/04/22. (Noting that a prohibition currently applies in the LEP for any overshadowing on the Miller Street "Special Area" and Berry Street "Special Area").

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	Y		Veronique Marchandean	Y	
James Harrison	Y				
Michel Reymond	Y				



**ITEM 3**

<b>PP No:</b>	2/22
<b>ADDRESS:</b>	12-14 Waters Road, Neutral Bay
<b>PROPOSAL:</b>	To amend North Sydney Local Environmental Plan 2013 at 12-14 Waters Road, Neutral Bay, as follows: <ul style="list-style-type: none"> <li>• Increase the maximum height control for the site from 16m to 26m;</li> <li>• Introduce a minimum 1.2:1 Non-residential Floor Space Ratio Standard.</li> </ul>
<b>REPORT BY NAME:</b>	Jayden Perry, Strategic Planner
<b>APPLICANT:</b>	CE Waters Road Pty Ltd

**Public Submissions****3 Written Submission**

<b>Submitter</b>	<b>Applicant/Representative</b>
Meredith Trevallyn Jones (Willoughby Bay Precinct)	Daniel Barber - Central Element – Representing Applicant
David Milston (Observing Only)	Benjamin Knowles - Central Element- Representing Applicant

**Panel Recommendation:**

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

The Council Officer's Report is endorsed by the Panel and for the reasons articulated in the report, the Panel recommends to the Council that this planning proposal not proceed to Gateway.

The Panel considers the proposal lacks strategic merit and must be considered in the context of a new study for Neutral Bay, and an ad hoc rezoning is not supported.

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	Y		Veronique Marchandeanu	Y	
James Harrison	Y				
Michel Reymond	Y				

The public meeting concluded at 1.45pm.

The Panel Determination session commenced at 2.20pm.

The Panel Determination session concluded at 4.25pm.

Endorsed by Jan Murrell  
North Sydney Local Planning Panel  
**13 April 2022**