



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

PP No:	7/21
ADDRESS:	378-390 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 16m to RL176 (24 storeys) • establish a maximum floor space ratio control of 7.5:1 • amend the minimum non-residential floor space ratio control from 1.5:1 to 2:1.
REPORT BY NAME:	Neal McCarry, Team Leader Policy
APPLICANT:	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:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandean	Y	
James Harrison	Y				
Michel Reymond	Y				

ITEM 2

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

Public Submissions

No Written Submission

Submitter	Applicant/Representative
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:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandean	Y	
James Harrison	Y				
Michel Reymond	Y				

ITEM 3

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

Public Submissions**3 Written Submission**

Submitter	Applicant/Representative
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:

Panel Member	Yes	No	Community Representative	Yes	No
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