



## NORTH SYDNEY COUNCIL

Council Chambers  
17 February 2022

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Supper Room Council Chambers, via zoom, at 12.00pm on Wednesday, 23 February 2022 when your attendance is requested.

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

**KEN GOULDTHORP**  
**GENERAL MANAGER**

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### BUSINESS

**1. Minutes**

Confirmation of Minutes of the previous Planning Proposal Meeting held on Wednesday, 29 September 2021.  
(Circulated)

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**2. PP01: 253-267 Pacific Highway, North Sydney - Proposal No: PP2/21**

Report of Annelize Kaalsen of AK Planning (on behalf of North Sydney Council) On 12 April 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at Nos. 253-267 Pacific Highway. The site is located within the area covered by the *Civic Precinct Planning Study (CPPS)*, adopted by North Sydney Council on 30 November 2020.

The Planning Proposal seeks amendment of North Sydney Local Environmental Plan 2013 to allow:-

- an increase to the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;
- an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall FSR of 4.83:1 to Nos. 253-261 Pacific Highway and a maximum FSR of 1.83:1 to Nos. 265-267 Pacific Highway;

The purpose of the amended Planning Proposal is to deliver a 3; 8 & 10-storey mixed-use commercial and residential building with a 2-storey street wall or podium with towers above. The Amended Reference Design includes 37 residential apartments with a residential Gross Floor Area (GFA) of 3,893sqm (including winter gardens), and 1,775sqm non-residential GFA as well as 38 car parking spaces.

Having completed an assessment of the amended Planning Proposal against the Civic Precinct Planning Study (CPPS) and relevant Regional, District and Local Plans, the following is noted:

- The proposed height is generally consistent with that anticipated under the CPPS;
- The location / placement of the towers is generally consistent with that anticipated under the CPPS,
- It will provide higher density development near the new Victoria Cross Metro Station consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcome for this precinct;
- The future building form will have an acceptable overshadowing impact on North Sydney Demonstration School;
- Stepped podium resulting in human-scale spaces along Pacific Highway and an appropriate interface and scale with the contributory building at No 6-8 McLaren Street;
- The proposal will have an acceptable impact in relation to heritage and conservation in relation to the curtilage and relationship to the existing (retained) heritage item on the site at No. 265 Pacific Highway and its height relationship with the adjoining conservation area.

Having completed an assessment of the Planning Proposal against the Civic Precinct Planning Study and relevant Regional and District Plans, it is recommended that the Planning Proposal be supported to proceed to Gateway Determination.

Having regard to the sensitivity concerning built form and amenity surrounding the site, it is recommended that the draft site-specific DCP be further developed for the site to help manage the transitional relationship and

interface with neighbouring low-density sites and contributory building including overshadowing impacts. In addition, feedback is sought from the Panel on an appropriate height for the site, given the proposed height of 37m is somewhat higher than would be ordinarily expected for a 10-storey residential tower.

**Recommending:**

For the reasons outlined in this report, it is recommended that the Local Planning Panel support the progression of the Planning Proposal to the DPIE seeking a Gateway Determination, noting the recommendation for site-specific DCP provisions to be prepared to help guide future detailed design and development application assessment process.

**3. PP02: 45 McLaren Street, North Sydney (W) – Proposal No: 6/20**

Report of Ben Boyd, Executive Strategic Planner

On 22 October 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 45 McLaren Street, North Sydney. In particular, it seeks the following amendments to NSLEP 2013:

- Rezone the site from *R4 High Density Residential* to *B4 Mixed Use*;
- Increase the maximum height of building limit from 12m to part RL 103 (approximately 36-43m) and Part RL 115 (approximately 47-51m);
- Impose a maximum floor space ratio of 6.25:1;
- Impose a non-residential floor space ratio of 1:1;
- Amend Clause 4.4A – *Non-Residential Floor Space Ratios* to permit residential development at ground level facing Walker Street; and
- Amend Clause 6.12A – *Residential flat buildings in Zone B4 Mixed Use* to permit residential development at ground level facing Walker Street.

The indicative concept scheme accompanying the Planning Proposal includes a 10-14-storey mixed use building, comprising approximately 11,200sqm of Gross Floor Area (GFA), with 82 apartments located above 2,091sqm of commercial floorspace and 3 levels of basement car parking.

To ensure that the envisaged built form outcome is achieved, the Planning Proposal is accompanied by suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan (NSDCP) 2013.

The Planning Proposal is also accompanied by an offer to enter into a Voluntary Planning Agreement with Council to deliver a number of public benefits to the value of approximately \$5.8 million including a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan, streetscape upgrades adjacent to the site and expansion of an existing through site link across the site.

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, Industry 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;
- is generally consistent with and promotes the desired future outcomes of the Ward Street Precinct Masterplan; and
- the scale and bulk of any future development on the site is unlikely to result in any significant adverse impacts on the environment or wider community, or has the ability to be appropriately mitigated as part of the implementation of appropriate standards within NSDCP 2013 and the development application process.

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

**Recommending:**

That the Panel resolves to support the Planning Proposal being forwarded to the Department of Planning, Industry and Environment seeking a request for a Gateway Determination and support the progression of site-specific DCP provisions to help guide future detailed design and the development application assessment process.

It is also recommended that the Visual Assessment Report should be amended prior to being placed on public exhibition to provide increased illustrative analysis of the view impacts from residential premises located to the west fronting McLaren and Miller Streets.

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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 29 SEPTEMBER 2021, AT 2.00PM.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

John McInerney, Panel Member  
James Harrison, Panel Member  
Ken Robinson, Community Representative

**Staff:**

**Administrative Support**

Marcelo Occhiuzzi, Manager Strategic Planning  
Ben Boyd, Executive Strategic Planner  
Neal McCarry, Team Leader Policy  
Jayden Perry, Strategic Planner  
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, 5 May 2021 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, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.*

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

#### **ITEM 1**

<b>PP No:</b>	1/21
<b>ADDRESS:</b>	270-272 Pacific Highway, Crows Nest
<b>PROPOSAL:</b>	To amend North Sydney Local Environmental Plan 2013 as follows: <ul style="list-style-type: none"> <li>• Amend the Height of Buildings Map from 16m to a maximum height of 59m;</li> <li>• Amend the Floor Space Ratio Map to introduce a Floor Space Ratio. This is to be a maximum of 5.6:1;</li> <li>• Amend the Non-residential Floor Space Ratio Map to increase the minimum non-residential FSR from 0.5:1 to 5.6:1; and</li> <li>• Insert a Site-specific clause allowing a maximum FSR of 6.02:1, provided any additional floor space above 5.6:1 is located below ground level and comprises non-residential uses.</li> </ul>
<b>REPORT BY NAME:</b>	Jayden Perry, Strategic Planner
<b>APPLICANT:</b>	Keylan Consulting on behalf of the applicant Silvernight (Crows Nest) Landowner Pty Ltd

#### **Public Submissions**

1 written submission prior to public meeting

<b>Submitter</b>	<b>Applicant/Representative</b>
	Paul Reidy - Project Architect
	Steven Papadopoulos - Applicant
	Dan Keary - Applicant
	Cameron Thomson - Keylan Consulting (observing only)

## Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Council Officer's Report is endorsed by the Panel,

The reasons are as outlined in the Officer's Report, and the Panel recommends to the Council the progression of the Planning Proposal to the DPIE seeking a Gateway Determination, noting a reduction in height from 59m to 54m and the recommendation for a site specific DCP. All to be prepared to help guide future detailed design and development application assessment process. The DCP is to be exhibited concurrently with the Planning Proposal.

### Panel Reason:

The Panel is satisfied the Planning Proposal as amended above is consistent with the 2036 Strategy, and the development of this site for commercial purposes will be an important employment node for the precinct.

The Panel also notes the site is well served by public transport being 400m from the Metro, and 1 kilometre to St Leonards Station.

The Panel recognises the potential impact on dwellings in Sinclair Street, and therefore supports the preparation of the site specific DCP to ameliorate the impacts.

The Panel recommends that the DCP include a provision providing a maximum 13 storeys above ground, and for the additional FSR proposed to be below ground for commercial uses appropriate to this location.

The Panel agrees with the assessment of a maximum height of 54m and acknowledges an architectural design element may be provided over this.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
John McInerny	Y				
James Harrison	Y				

## ITEM 2

PP No:	4/21
ADDRESS:	153 & 157 Walker Street, North Sydney

<b>PROPOSAL:</b>	To amend North Sydney Local Environmental Plan 2013 by inserting a site specific clause to permit a 23m height bonus at 153 and 157 Walker Street, if the two properties are redeveloped under a single proposal and meet a number of criteria relating to setbacks delivery of a through-site link and sustainability outcomes.
<b>REPORT BY NAME:</b>	Ben Boyd, Executive Strategic Planner
<b>APPLICANT:</b>	APP Corporation Pty Limited

### Public Submissions

No written submissions

Submitter	Applicant/Representative
	Nathan Michael - On behalf of Marprop - Fund Management
	Carina Cowham - On behalf of Marprop (Observing Only)
	Alyce Kliese - Applicant
	Marko Damic - Architect
	Josh Owen - Planner
	Rick Miller - Owner 153 Miller (Observing Only)

### Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered all submissions, both written and oral.

The Council Officer's Report and Recommendation is noted.

The applicant requested that the matter be deferred to allow the opportunity to address issues raised in the report. To this end the Panel has decided to allow the deferral to provide the applicant the opportunity to discuss the issues with Council Officers, and for a meaningful dialogue with the owner of No. 157 Walker Street.

The Panel considers that a better urban design outcome could be achieved by the amalgamation of the two sites. The Panel noted that an amalgamated site could deliver a development with additional height without overshadowing public open space and could provide a significant public benefit in the form of a through site link between Walker Street and Little Walker Street, and public domain benefits to both streets. In this regard greater certainty needs to be provided by the applicant to accompany the Planning Proposal.

The applicant is to liaise with Council's relevant officers in submitting further and refined details to address issues raised, and any other necessary documentation.

The timing for the amendments and additional information submitted by the applicant to allow a supplementary report by Council Officers should take place to facilitate the matter to come back before the Panel in early 2022.



Panel Reason:

The Panel to provide the applicant with the opportunity to address issues raised in the report and liaise with the adjoining owner.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
John McInerney	Y				
James Harrison	Y				

**ITEM 3**

<b>PP No:</b>	8/21
<b>ADDRESS:</b>	North Sydney Centre
<b>PROPOSAL:</b>	To amend North Sydney Local Environmental Plan 2013 by amending clauses 6.3(3) and 6.3(5) and thereby confine all applications that seek to vary the building height development standards to clause 4.6 ( <i>Exceptions to Development Standards</i> ) ensuring greater consistency and transparency.
<b>REPORT BY NAME:</b>	Marcelo Occhiuzzi, Manager, Strategic Planning
<b>APPLICANT:</b>	North Sydney Council

**Public Submissions**

No written submissions

Submitter	Applicant/Representative
	Marcelo Occhiuzzi - Manager Strategic Planning, North Sydney Council

**Panel Determination**

The Panel members have considered the Officer's Report and Recommendation. The Council Officer's Report is endorsed by the Panel.

That the Panel resolves to recommend to the Council that the Planning Proposal be forwarded to the Department of Planning and Environment to seek a Gateway Determination.

Panel Reason:

The Panel considers the proposal to amend Clause 6.3(3) and 6.3(5) provisions of the North Sydney LEP, is the appropriate course of action and will provide greater clarity to the community for variations to be considered under the mechanism of Clause 4.6, which is more comprehensive of the issues to be addressed for such variations.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Ken Robinson	Y	
John McInerney	Y				
James Harrison	Y				

The public meeting concluded at 1.25 pm.

The Panel Determination session commenced at 1.35 pm.

The Panel Determination session concluded at 2.33 pm.

Endorsed by Jan Murrell  
North Sydney Local Planning Panel  
**29 September 2021**



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<b>REPORT BY NAME:</b>	Jayden Perry, Strategic Planner
<b>APPLICANT:</b>	Keylan Consulting on behalf of the applicant Silvernight (Crows Nest) Landowner Pty Ltd

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<b>REPORT BY NAME:</b>	Ben Boyd, Executive Strategic Planner
<b>APPLICANT:</b>	APP Corporation Pty Limited

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No written submissions

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<b>REPORT BY NAME:</b>	Marcelo Occhiuzzi, Manager, Strategic Planning
<b>APPLICANT:</b>	North Sydney Council

**Public Submissions**

No written submissions

Submitter	Applicant/Representative
	Marcelo Occhiuzzi - Manager Strategic Planning, North Sydney Council

**Panel Determination**

The Panel members have considered the Officer's Report and Recommendation. The Council Officer's Report is endorsed by the Panel.

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Panel Reason:

The Panel considers the proposal to amend Clause 6.3(3) and 6.3(5) provisions of the North Sydney LEP, is the appropriate course of action and will provide greater clarity to the community for variations to be considered under the mechanism of Clause 4.6, which is more comprehensive of the issues to be addressed for such variations.

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James Harrison	Y				

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Endorsed by Jan Murrell  
North Sydney Local Planning Panel  
**29 September 2021**