



NORTH SYDNEY COUNCIL

Council Chambers
3 December 2020

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL - PLANNING PROPOSALS** will be held in the Supper Room, North Sydney at 12 noon on Wednesday 9 December 2020 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

BUSINESS

1. Minutes

Confirmation of Minutes of the previous Meeting held on Wednesday 1 July 2020. (Circulated)

2. PP01: 1A Little Alfred Street, North Sydney – PP No. 2/20

Applicant: Ethos Urban on behalf of the applicant Tooma & Tooma Pty Ltd
Report of Jayden Perry, Strategic Planner - 1 December 2020

Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 1A Little Alfred Street, North Sydney.

The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- allow ‘Serviced apartments’, ‘Office premises’ and ‘Boarding House’ as additional permissible uses on the site (NB: ‘Kiosk’ and ‘Recreation facility (indoor)’ uses are already permissible on the site under the existing RE2 - Private Recreation zone. Should the Housing Diversity SEPP be finalised and gazetted, the proposed newly defined use of ‘co-living’ also be added to the permissible land uses;
- amend the Height of Buildings Map with a maximum height of 15m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.62:1 on the western portion of the site.

The indicative concept scheme accompanying the Planning Proposal includes a 3 storey building, inconsistent with the proposed 15m height control, on the western portion of the site comprising:

- 11 x 1-2 bedroom apartments (at levels 1-2); and
- a 38m² kiosk style café, a 62m² health/wellness space that could be used for yoga, gym space or the like, and 55m² of shared ‘co-working’ space, accommodation lobby and back of house, all at ground level.

The eastern portion of the site will be utilised as an outdoor garden and active recreation space used in conjunction with the “health/wellness” space. The eastern most tennis court is proposed to be retained and would remain available to the public for hire.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide;

- Ongoing maintenance and operation of one tennis court [existing] for a period of 15 years, which will remain open and accessible for use by the public via an online booking system. This contribution is to commence upon release of a Construction Certificate for a future mixed-use development at the site.
- A monetary contribution of \$400,000 to go towards upgrades of local recreational or public domain infrastructure, or towards a new park above Warringah Freeway.

Having completed an assessment of the Planning Proposal and draft VPA against the Department of Planning, Infrastructure and Environments’ (DPIE) Regional and District Plans and against Council’s existing controls and policies, it is considered that the Planning Proposal is not compatible with the surrounding area nor does it align Council’s future vision for the area and as such should not be supported to proceed to Gateway Determination.

In particular, the proposal will result in a built form that is of an inappropriate height and scale, will result in the loss of private recreational area, is likely to impact upon the amenity of surrounding residents and is considered to be inconsistent with the objectives of the RE2 zone and with the objectives of the adjacent zones.

The Planning Proposal has not been prepared in response to any Council Planning Study and is therefore not consistent with Council's assured Local Strategic Planning Statement which sets the strategic vision for the future of North Sydney. The Planning Proposal is not considered to be satisfactory for the reasons outlined above and discussed in detail in this report and it is therefore recommended that the Local Planning Panel does not support the progression of the Planning Proposal to the DPIE seeking a Gateway Determination.

It is noted that whilst not the subject of formal exhibition, Council has received a total of seventy-five (75) submissions raising concerns over the proposal.

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 DPIE seeking a Gateway Determination.

3. PP02: 52 Alfred Street South, Milsons Point - PP No. 5/20

Applicant: Milsons Point 2 Pty Ltd

Report of Karen Buckingham – Executive Strategic Planner

On 2 October 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 52 Alfred Street South, Milsons Point. In particular, the Planning Proposal seeks the following amendment to NSLEP 2013:

- Increase the maximum building height on the Height of Buildings Map from 40m to RL 87 (55 metres). This represents an increase of 15 metres above the existing maximum height control.

Planning Proposal PP5/20 includes a site-specific Development Control Plan (DCP) amendment which attempts to demonstrate how the indicative concept design would be realised in a DCP amendment and control the potential build form outcomes on the subject site.

Having completed an assessment of the Planning Proposal, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- *The Planning Proposal and Site-Specific DCP amendment fails to demonstrate how the site could be acceptably developed to ensure that the height proposed would not have a significant detrimental impact on the character of the area and impact on public and private amenity.*
- *It is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013;*
- *It is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013;*
- *It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;*
- *Sufficient residential capacity is already provided under NSLEP 2013 and identified in the NSLHS to meet State housing targets, without the need to change the land use mix on the subject site; and*

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- *The Planning Proposal if implemented, could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed use zoned land in highly accessible locations without the benefit of a comprehensive planning study of Milsons Point.*

Recommending:

That the Panel resolves to recommend that PP 5/20 not proceed to Gateway Determination for the following reasons:

- *The Planning Proposal and Site-Specific DCP amendment fails to demonstrate how the site could be acceptably developed to ensure that the height proposed would not have a significantly detrimental impact on the character of the area and impact on public and private amenity.*
 - *From the information submitted, the Planning Proposal, indicative concept design and associated Site-Specific DCP amendment do not respond adequately to the site attributes and context and will result in a significant level of public and private amenity impacts;*
 - *It is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013;*
 - *It is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013;*
 - *It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;*
 - *Sufficient residential capacity is already provided under NSLEP 2013 and identified in the NSLHS to meet State housing targets, without the need to change the land use mix on the subject site; and*
 - *The Planning Proposal if implemented, could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed use zoned land in highly accessible locations without the benefit of a comprehensive planning study of Milsons Point.*
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NORTH SYDNEY LOCAL PLANNING PANEL – PLANNING PROPOSALS

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON 1 JULY 2020,
AT 2PM.**

PRESENT

Chair:

Grant Christmas in the Chair.

Panel Members:

Jan Murrell, Panel Member
Ian Pickles, Panel Member
Veronique Marchandau, Community Representative

Staff:

Marcelo Occhiuzzi, Manager Strategic Planning
David Hoy, Team Leader, Assessments

Administrative Support

Peita Rose, Governance Officer (Minutes)

Apologies: Nil.

1. Minutes of Previous Meeting

The Minutes of the NSLPP - Planning Proposal Meeting of 5 February 2020 were confirmed following that meeting.

2. Declarations of Interest

Nil.

3. Business Items

On 23 February 2018, the Minister for Planning released a Section 9.1 Direction which outlines the instance when a Planning Proposal must be referred to a Local Planning Panel for advice prior to a Council determining as to whether that Planning Proposal should be forwarded to the Department of Planning and Environment for the purposes of seeking a Gateway Determination.

The Panel has considered the following Business Items and provided recommendations on each matter as described in these Minutes.

ITEM 1

PP No:	3/18
ADDRESS:	50-56 Atchison Street, St Leonards
PROPOSAL:	To amend North Sydney Local Environmental Plan 2013 as follows: <ul style="list-style-type: none"> • increase the maximum building height control applying to the site from 20m to 58.1m (RL147.1); • increase the non-residential FSR control for the site from 0.6:1 to 1.7:1; and • establish an overall maximum Floor Space Ratio (FSR) control for the site of 6.4:1.
REPORT BY NAME:	Nigel Riley
APPLICANT:	Christophe Charkos (Urbis Pty Ltd)

Public Submissions

Submitter	Applicant/Representative
	Christophe Charkos (Urbis)
	Stephen Jamison (Architect)

Panel Recommendation to Council:

The Panel endorses the Officer's Report and Recommendation and supports the Planning Proposal to be forwarded to the Department of Planning Industry and Environment (DPIE) for a Gateway Determination, subject to the provision of a special clause for the height of the building to exclude the lift overrun for access to the communal rooftop.

The Panel notes that the Planning Proposal is consistent with the general strategic direction of both the State Government and North Sydney Council.

The timing in respect to any Voluntary Planning Agreement is a matter for Council and the applicant.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandau	X	
Ian Pickles	X				
Grant Christmas	X				

ITEM 2

PP No:	PP1/20
ADDRESS:	41 McLaren Street, North Sydney
PROPOSAL:	<p>Planning Proposal PP1/20 seeks to amend NSLEP as it relates to land at 41 McLaren Street, North Sydney. In particular, the Planning Proposal seeks the following changes to NSLEP 2013:</p> <ul style="list-style-type: none"> • Increase the maximum Height of Buildings from RL100 metres to RL226 metres; • Increase the minimum non-residential floor space ratio control from 0.5:1 to 3:1 <p>The Planning Proposal is also supported by a public benefit offer to the value of approximately \$4.75 million to be formalised through a Voluntary Planning Agreement. The public benefit offer comprises the provision of affordable housing or works in kind.</p>
REPORT BY NAME:	Karen Buckingham, Executive Strategic Planner, reporting on the independent assessment of PP1/20 by Planning Ingenuity
REASON FOR NSIPP REFERRAL:	Planning Proposal PP1/20 is referred to the NSLPP for advice prior to reporting to Council in accordance with Environmental Planning and Assessment Act 1979.
APPLICANT:	Erolcene Pty Ltd and Claijade Pty Ltd (contact person- Paris Wojcik)

Public Submissions

40 Written Submissions received and shared with panel
1 x presentation / submission from applicant

Submitter	Applicant/Representative
	Michael Harrison (Speaker/Presenter, Strategic Advisor Urban Design and Planning)
	Piran Trethewey (Traffic Engineer)
	Greg Reed (Applicant and Landowner Representative)
	Paris Wojcik (Urban Planner)
	Jyoti Somerville (Heritage Consultant)

Panel Recommendation to Council:

The Panel recognises the proponent’s efforts and detailed submissions with respect to this Planning Proposal.

The Panel notes that the applicable Local Strategic Planning Statement has recently been adopted and assured by the Greater Sydney Commission. The LSPS included reference to the Ward Street Masterplan, which was prepared following extensive research and consultation over a number of years. Council considered the decision of the Independent Planning Commission on 7 June 2019 in adopting that Masterplan.

The Panel generally agrees with the Council’s assessment report (prepared by an independent planning consultant) and the reasons for not supporting the planning proposal. However, the Panel does not support this planning proposal for the fundamental reason that the proposal will result in unacceptable solar impacts on the proposed public open space contained in the Ward Street Masterplan area for many months of the year, not just mid-winter.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	X		Veronique Marchandean	X	
Ian Pickles	X				
Grant Christmas	X				

The public meeting concluded at 4.15pm.

The Panel Determination session commenced at 4.35pm.

The Panel Determination session concluded at 6.30pm.

Endorsed by Grant Christmas

North Sydney Local Planning Panel, 1 July 2020