

**NORTH SYDNEY LOCAL PLANNING PANEL****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING
HELD IN THE SUPPER ROOM, COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 3 MARCH 2021, AT 2.00PM.****PRESENT****Chair:**

Jan Murrell

Panel Members:

Tony Caro (Panel Member)

Ian Pickles (Panel Member)

Kenneth Robinson (Community Representative)

Staff:

Stephen Beattie, Manager Development Services

David Hoy, Team Leader Assessments

Robyn Pearson, Team Leader Assessments

Peita Rose, Governance Officer (Minutes)

Apologies: Nil**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of 3 February 2021 were confirmed at 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.

Panel Members inspected sites independently and have had access to Council's electronic file, including details of all written submissions, plans, site photographs and supporting documentation. This meeting was recorded for the purposes of preparing minutes in accordance with the NSW Panel Secretariat's Panel Operating Guidelines.

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

ITEM 1

DA No:	324/20
ADDRESS:	19 Bennett Street, Cremorne
PROPOSAL:	Alterations and additions to dwelling including construction of pavilion and pergola, new fence and tennis court fence, gate, steps, driveway widening, landscaping including removal of trees.
REASON FOR NSLPP REFERRAL	The application is referred to the North Sydney Local Planning Panel for determination as the proposed development has received more than ten (10) submissions objecting to the proposal.
REPORT BY NAME:	Andrew Beveridge, Graduate Assessment Officer
APPLICANT:	Weir Phillips Architects

Public Submissions

1 written submission received.

Submitter	Applicant/Representative
Geoffrey Kells	William Dangar - Landscape Architect
	Robert Weir - Applicant

Panel Determination

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

The Council Officer's Report and Recommendation is approved by the Panel subject to the recommended conditions with the following amendments:

Protection of Trees

C10. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree	Location	Height
T31 <i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street	5m
<i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street-west of driveway	8m
T29 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	7m
T30 <i>Washingtonia robusta</i>	Rear setback of 19 Bennett Street	20m
T32-T34 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	1-4m
T13-17 and T21-23 <i>Howea forsteriana</i>	Eastern boundary – rear setback 19 Bennett – To be transplanted	(2-9m)
<i>Lagerstroemia indica</i>	Council verge in front of 19A Bennett Street – west of driveway	3m

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

(Reason: Protection of existing environmental and community assets)

Approval for removal of Trees

C11. The following tree(s) are approved for removal in accordance with the development consent:

Trees that are acceptable to remove	Location	Reason
T1-T12 <i>Lagerstroemia indica</i> (9m)	Eastern boundary – rear setback 19 Bennett	Facilitate proposal
T18, T19 <i>Pyrus calleryana</i> (12,13m)	Eastern boundary – rear setback 19 Bennett	Facilitate proposal
T20 <i>Jacaranda mimosifolia</i> (14m)	Eastern boundary – rear setback 19 Bennett	Facilitate proposal
T35 <i>Ulmus parvifolia</i> (14m)	Rear setback adjacent outbuildings 19 Bennett	Removal approved under DA68/18
T36 <i>Liquidambar styraciflua</i>	Northern boundary – rear setback 19 Bennett	Facilitate proposal

Removal of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order. Any tree(s) shown as being retained on the approved plans (regardless of whether they are listed in the above schedule or not) must be protected and retained in accordance with this condition.

Prior to the approved removal of any tree(s), the tree(s) must be aerially inspected for the presence of active nests and/or hollows by a qualified arborist. Where an active nest or hollow is identified, tree removal must be deferred until after the breeding season is complete and any juveniles have fledged/dispersed. In the case of a permanently occupied hollow or nest (e.g., possum drey), a Licensed wildlife contractor must be engaged to relocate the affected animal to an alternative hollow, provided by the applicant, that is situated within 50m of the existing hollow.

(Reason: Protection of existing environmental and community assets)

Tennis Court Fence and Outdoor Lighting

C15. All outdoor lighting must comply with, where relevant AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282:1997 Control of the Obtrusive Effects of Outdoor lighting. (No approval is given or implied under this consent for tennis court lighting).

Full details of the tennis court fence must be submitted to Council's Manager Development Services for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To maintain the amenity of adjoining land uses)

Amendments to the Landscape Plan

C16. The landscape plan must be amended as follows to provide an appropriate landscaped setting:

- 1) The 2 x additional *Magnolia* 'Exmouth' (400-L) shall be planted along the eastern boundary within the rear setback of 19 Bennett Street.
- 2) 1 x *Lagerstroemia indica* 'Tuscarora' (75-L) shall be planted in the council verge immediately to the east of the driveway of 19 Bennett Street

- 3) A green screen planting shall be included along the eastern face of the pavilion in order to provide screening and soften the built form when viewed from adjoining properties. This screening may be either free standing in nature, or a creeper growing on a suitable support structure.
- 4) The proposed *Macadamia sp.* tree shall be replaced by a species that is only able to reach a maximum height of 9m and must be a minimum 400-L pot size.
- 5) 1 x additional *Cupaniopsis anacardiodes* (400-L) shall be planted within the subject site close to the eastern boundary with No. 19A Bennett Street.
- 6) The Tree Data Schedule P1 contained within the Arborist Report prepared by Tree Management Services dated 3/12/20 incorrectly shows T1-T12 *Lagerstroemia indica* (9m) to be transplanted. These trees are proposed for removal, and an amended Tree Data Schedule that accurately reflects this shall be provided.
- 7) Trees 24-28 (*Magnolia* ‘Exmouth’) identified within the Arborist Report prepared by Tree Management Services dated 18 February 2021 and received by Council on 18 February 2021, are conditioned for retention and protection as per Condition C10 of this consent. Amended plans are to be provided that allow for their retention and protection as per AS-4970. Sensitive construction techniques shall be required, and no level changes shall be permitted within the TPZs of these trees. New designs should be carried out in consultation with an AQ5 arborist.
- 8) Tree 36 *Liquidambar styraciflua* shall be replaced by a suitable deciduous tree which will reach a height of 12 metres at maturity to be located in the general vicinity of the tree that will be removed.
- 9) Two of the existing Crepe Myrtles to be retained and incorporated into the landscape plan and the Tuckeroo is to be planted in the same vicinity.

An amended landscape plan complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the amended landscape plan and other plans and specifications submitted fully satisfy the requirements of this condition.

(Reason: To ensure residential amenity)

Protection of Public Trees

- D3. The following tree(s) are required to be protected and retained as part of the development consent in accordance with AS 4970-2009 – Protection of trees on development sites:

Tree Species	Location	Protection
T31 <i>Sapium sebiferum</i> (5m)	Council verge in front of 19 Bennett Street	1.8m high steel mesh tree protection fencing
<i>Sapium sebiferum</i> (8m)	Council verge in front of 19 Bennett Street-west of driveway	1.8m high steel mesh tree protection fencing
<i>Lagerstroemia indica</i> (3m)	Council verge in front of 19A Bennett Street – west of driveway	1.8m high steel mesh tree protection fencing

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on, and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Protection of existing environmental and community assets)

Certification of Tree Condition

- G4. Prior to the issue of an Occupation Certificate, a report prepared by an appropriately qualified person (being an arborist or the like) must be submitted to the Certifying Authority, describing the health of the trees specifically nominated below: -

Tree	Location	Height
T31 <i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street	5m
<i>Sapium sebiferum</i>	Council verge in front of 19 Bennett Street-west of driveway	8m
T29 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	7m
T30 <i>Washingtonia robusta</i>	Rear setback of 19 Bennett Street	20m
T32-T34 <i>Howea forsteriana</i>	Rear setback of 19 Bennett Street	1-4m
T13-17 & T21-23 <i>Howea forsteriana</i>	Eastern boundary – Rear setback 19 Bennett – To be transplanted	(2-9m)
2 x additional <i>Magnolia</i> 'Exmouth' (400l)	Eastern boundary – Rear setback of 19 Bennett Street [See Condition C16(1)]	
1 x <i>Lagerstroemia indica</i> 'Tuscarora' (75l)	Council verge to the east of the driveway of 19 Bennett St [See Condition C16(2)]	
Green screen planting	Along the eastern face of the proposed pavilion [See Condition C16(3)]	
1 x additional <i>Cupaniopsis anacardioides</i>	Within the subject site [See Condition C16(5)]	400-L
<i>Lagerstroemia indica</i>	Council verge in front of 19A Bennett Street – west of driveway	2-3m

The report must detail the condition and health of the nominated trees upon completion of the works and shall certify that the trees has/have not been significantly damaged during the works on the site and have reasonable prospects for survival.

(Reason: To ensure compliance with the terms of this consent)

Panel Reason:

The Panel has carefully considered all submissions made both oral and written, and is satisfied subject to conditions that the development does not adversely impact on the heritage significance of the item and its curtilage or the amenity of the adjoining properties. The proposal will sit comfortably on this large site and has less than 25% overall site coverage. The replacement plantings over time, will provide an appropriate setting for the heritage item and will contribute to the streetscape.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 2

DA No:	317/20
ADDRESS:	61 Lavender Street, Milsons Point

PROPOSAL:	Fit out and use of the two ground floor retail tenancies as a restaurant and a bakery/delicatessen.
REPORT BY NAME:	Thomas Holman, Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is referred to the North Sydney Local Planning Panel for determination as the proposed development has received more than ten (10) submissions objecting to the proposal.
APPLICANT:	Robinson Urban Planning Pty Ltd

Public Submissions

2 written submissions received

Submitter	Applicant/Representative
Brigitte Noble	Randy Liang - Applicant
Joycelyn Morton	Lisa Hobbs - Applicant
Andrew Crofts	Jeff Ellis - Applicant
	Kyeema Doyle - Town Planner

Panel Determination

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

The Council Officer's Report and Recommendation is endorsed by the Panel subject to the recommended conditions in the officer's report with the following additions/amendments to mitigate residential amenity impacts.

- The extended hours are not approved between 11pm to midnight, Mondays to Wednesdays.
- Condition I15 is to be amended to exclude commercial loading and unloading to take place on a weekend
- A condition is to be imposed to require the door to the bakery to be kept closed prior to approved opening times.
- The following condition is to be imposed to require a complaints register to be maintained and made available for Council for inspection on request.

Complaints Register

- I22. As part of Management's ongoing complaints handling, the Manager's mobile telephone number is to be visible on the outside of the premises and a complaints register must be maintained on the premises, recording at a minimum: the time, date, and particulars of any complaint and the appropriate action taken by Management to reasonably resolve the complaint.

The relevant contact details of the premises' Management are to be externally signposted on the building in a prominent position to enable anyone to lodge a complaint with Management.

Records are to be retained for a minimum of five years and made available for inspection by Council, NSW Police or other appropriate authority upon request.

(Reason: To provide a record of the steps taken by Management to resolve any complaints raised by the local community)

- A condition is to be imposed to require the Plan of Management to be updated to reflect the amended conditions of approval. The condition is to require that the plan of management be implemented at all times during operation.
- A condition is to be imposed to require a post operational acoustic report to be prepared by a suitably qualified acoustic consultant which is to be submitted to Council 6 months after full operation.

The Council's Manager Development Services is delegated the power under Section 2.20 of the Act to prepare and impose conditions incorporating the above requirements in the final notice of approval.

Panel Reason:

The Panel has carefully considered all submissions made both oral and written and is satisfied with the further conditions imposed, the development is consistent with the B4 mixed use zone objectives and warrants approval.

The Panel notes the applicant stated that the application is for an ala carte restaurant only, with no live music, entertainment or major functions.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 3

DA No:	232/20
ADDRESS:	1-11 Rodborough Avenue, Crows Nest
PROPOSAL:	Demolition of all structures and construction of a part 4, part 5 storey residential flat building containing 35 units over two levels of basement parking for 53 vehicles and associated works.
REASON FOR NSLPP REFERRAL	The application is reported to the North Sydney Local Planning Panel for determination as the application relates to SEPP 65 development, seeks a variation to a development standard by more than 10% and attracted more than 10 submissions by way of objection.
REPORT BY NAME:	Michael Stephens, Senior Assessment Officer
APPLICANT:	Platform Project Services

Public Submissions

Submitter	Applicant/Representative
Myron Hartley-Holl	Mathew Gilling - Applicant

Panel Determination

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

The Council Officer's Report and Recommendation is endorsed by the Panel and the application is refused.

Panel Reason:

The proposal fails to comply with the key planning controls of height and ADG guidelines. The applicant is encouraged to discuss an amended proposal with Council officers prior to submitting a Section 8.2 request for a review of the Panel’s decision and to have regard to the matters identified in the report.

The matters raised by the submitter have been noted at the meeting.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 4

DA No:	5/21
ADDRESS:	229 and 231 Miller Street, North Sydney
PROPOSAL:	Installation of three (3) business identification signs
REPORT BY NAME:	Hugh Shouldice, Assessment Officer
REASON FOR NSLPP REFERRAL:	This application is reported to North Sydney Local Planning Panel for determination because the application received twelve (12) submissions.
APPLICANT:	Platino Properties

Public Submissions

Submitter	Applicant/Representative
Brooke Boiella	Paula Mottek - Town Planner

Panel Determination

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

The Council Officer’s Report and Recommendation is endorsed by the Panel.

With respect to sign 1, pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is not satisfied that the written request in relation to the contravention of the height of buildings development standard, in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request does not demonstrate that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development is not in the public interest because it is inconsistent with the objectives of the standard and zone objectives.

The Panel has determined the application by the approval of the business identification signs two and three and refusal of sign one, that is not consistent with the objectives of the B4 mixed use zone.

Panel Reason:

The Panel endorses the officer's reasons for the refusal of sign one and considers it would create an undesirable precedent for the mixed use zone.

Signs 1 and 2 are considered to be most appropriate to identify the business.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 5

DA No:	302/20
ADDRESS:	4 Holt Street, McMahons Point
PROPOSAL:	Part demolition of existing building and construction of new three storey office premises.
REPORT BY NAME:	Kim Rothe, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to NSLPP for determination due to the level of breach proposed to Clause 4.3(2) Building Height control of NSLEP 2013 with exceeds 10% variation and public interest in the application with greater than 10 unique submissions.
APPLICANT:	O2 Architecture Pty Ltd

Public Submissions

Submitter	Applicant/Representative
	Rocky Zappia - Applicant
	Greg Foster - Town Planner

Panel Determination

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

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

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard, in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the standard and zone objectives.

The development is approved subject to the recommended conditions in the officer's report.

Panel Reason:

The Panel considers the development will continue to serve as a light industrial use consistent with the zoning. Whilst the site is in a conservation area it is not within the visual catchment of the important Victorian streetscape of Chuter Street, and the Panel considers the development is appropriate to the diverse character of the precinct.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 6

DA No:	237/20
ADDRESS:	30-34 Grosvenor Street, Neutral Bay
PROPOSAL:	Demolition of existing buildings and construction of a 4 storey residential flat building containing nine (9) units and basement parking for fifteen (15) vehicles.
REPORT BY NAME:	Robin Tse, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The proposal is subject to SEPP 65 and proposes a variation to the building height development standard which is greater than 10%.
APPLICANT:	Willowtree Planning

Public Submissions

Submitter	Applicant/Representative
	Matt Billing - Applicant
	Andrew Chung - Architect
	Georgia Wilson - Architect
	Ashleigh Smith - Town Planner

Panel Determination

The Panel members have undertaken independent site inspections prior to the meeting and considered the applicant's submission dated 2 March 2021.

The Council Officer's Report and Recommendation is endorsed by the Panel subject to amendments to condition AA1 to require a 3 metre setback from Young Lane, and modifications to the design of the basement to increase deep soil landscaping along the Grosvenor Street frontage with additional planting of a canopy tree.

Modify Condition AA1 (a):

The western building line of the apartment building on the Ground Level, Levels 01 and 02 must provide a minimum 3m setback from the western (Young Lane) property boundary to provide adequate building setback from the laneway. Modifications to the internal layout for the affected apartment units on the Ground Level, Level 01 and Level 02 could be required in order to accommodate the above changes;

Add Condition AA1(f):

The design of the basement be amended to provide a 2.4m setback from the southern (Grosvenor Street) boundary and a 3.5m setback from the northern property boundary as indicated on the applicant’s submission “Basement Plan” dated 2 March 2021. Soft landscaping must be provided within the modified Grosvenor Street setback including the planting of a canopy tree (*Pyrus Ussuriensis* Manchurian Pear). The landscape plan as required in Condition AA2 must reflect the additional landscaping treatments required in this condition.

Pursuant to the provisions of Clause 4.6 of the North Sydney Local Environmental Plan 2013 (“the LEP”), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard, in clause 4.3 of the LEP, adequately addresses the required matters in clause 4.6 of the LEP. In the opinion of the Panel the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the standard and zone objectives.

Panel Reason:

The Panel considers the development is satisfactory subject to the conditions.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

ITEM 7

DA No:	198/20/2
ADDRESS:	425-429 Pacific Highway, Crows Nest
PROPOSAL:	Section 4.55 application to modify DA 198/20 in respect of changes to Conditions G2 Time period for advertising’ and I1 ‘Dwell Time and Curfew on Advertising’.
REPORT BY NAME:	Luke Donovan, Senior Assessment Officer
REASON FOR NSLPP REFERRAL:	The application is reported to the North Sydney Local Planning Panel for determination as the application is a Section 4.55(2) which seeks changes to conditions that were modified by the Panel in its original determination.
APPLICANT:	Legge & Legge Architects Pty Ltd

Public Submissions

No persons elected to speak on this item.

Panel Determination

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

The Council Officer’s Report and Recommendation is endorsed by the Panel.

Panel Reason:

The Panel is satisfied the modification application relates to the development as originally approved.

The panel endorses the officer's recommendation to allow the dwell time to be reduced to 25 seconds as this is consistent with the relevant guidelines.

However, the Panel considers given the adoption of the St Leonards/Crows Nest Plan 2036, the period of the consent should be limited to 5 years. This does not prevent the applicant from making a further application at that time.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

PLANNING PROPOSAL

ITEM 8 (considered after Development Applications)

PROPOSAL No:	3/20
ADDRESS:	20-22 Atchison Street, St Leonards
PROPOSAL:	<p>To amend North Sydney Local Environmental Plan 2013 as follows:</p> <ul style="list-style-type: none"> • Increase the maximum building height control applying to the site from 49m to 127m; • Establish an overall maximum Floor Space Ratio (FSR) control for the site of 14.9:1; and • Include a site specific provision to permit an additional 1,887 sqm of residential Gross Floor Area (GFA) for winter gardens
REPORT BY NAME:	Katerina Papas, Strategic Planner
APPLICANT:	Urbis Pty Ltd (on behalf of CVWL Atchison Pty Ltd & Radaca Investments Pty Ltd)

Public Submissions

Submitter	Applicant/Representative
	Stephen White - Applicant

Panel Recommendation to Council:

The Planning Proposal seeks to amend NSLEP 2013 to:

- increase the maximum building height control applying to the site from 49m to 127m;
- establish an overall maximum Floor Space Ratio (FSR) control 14.9:1; and
- include an additional Local Provision under Part 6 of NSLEP 2013 to permit an additional 1,887sqm of residential gross floor area (GFA) on the site for the purposes of winter gardens.

Having completed an assessment of the amended Planning Proposal against the DPIE’s 2036 Plan and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reason:

- It is inconsistent with the Built Form controls (number of storeys and FSR) identified in the *St Leonards and Crows Nest 2036 Plan* and by virtue of the degree of non-compliance and impacts arising, is inconsistent with the vision, objectives and actions of the 2036 Plan;

The Planning Proposal if made would create an undesirable precedent and undermine the integrity of the strategic planning policies relating to the site, in particular St Leonards and Crows Nest 2036 Plan and the supporting Special Infrastructure Contribution (SIC) Plan.

It is also inconsistent with *Direction 5.10 – Implementation of the Regional Plan* and *Direction 7.11 – Implementation of St Leonards and Crows Nest 2036 Plan* to section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act (EP&A Act) 1979, which requires Planning Proposals to be consistent with the 2036 Plan or any inconsistencies to be of minor significance.

The Planning Proposal is seeking to maximise height resulting in a most significant variation to the FSR control of 11.5:1 identified in the 2036 Plan (14.9:1). This is further exacerbated by seeking a provision to exclude winter gardens area from GFA.

The indicative scheme accompanying the Planning Proposal is unacceptable in so far as it fails to demonstrate acceptable environmental and community benefits.

It is considered that a scheme that complies with the 2036 Plan would produce an acceptable urban design outcome for the site and be able to largely address the impacts identified, and that an FSR of 11.5:1 assumes greater setbacks and building articulation than currently proposed.

Council has received numerous enquiries for sites within the St Leonards and Crows Nest Precinct seeking to challenge the Height and FSR controls of the 2036 Plan. If the Planning Proposal is approved, it would establish a precedent for significant non-compliances and result in an unanticipated level of demand that cannot be supported by the established or future infrastructure provisions.

The Planning Proposal does not demonstrate acceptable - strategic or site specific merit.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Tony Caro	Y				
Ian Pickles	Y				

The public meeting concluded at 4.35 pm.

The Panel Determination session commenced at 5.00pm.

The Panel Determination session concluded at 7.00pm.

Endorsed by Jan Murrell
Chair North Sydney Local Planning Panel

3 March 2021