



**NORTH SYDNEY COUNCIL**

Council Chambers  
24 May 2023

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 12pm on Wednesday 31 May 2023 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.

**THERESE MANNS  
GENERAL MANAGER**

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**BUSINESS**

**Minutes**

Confirmation of Minutes of the previous Planning Proposal Meeting held on Wednesday 19 April 2023.

(Circulated)

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**PP01: 17-25 Falcon Street, Crows Nest - PP 9/22**

Applicant: HDC Planning (on behalf of 21 Falcon Pty Ltd)

Report of Neal McCarry - Acting Manager - Strategic Planning

On 1 November 2022, the Planning Proposal was lodged seeking amendments to NSLEP 2013 as it relates to land at 17-25 Falcon Street, 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. The site is also within the Civic Precinct Planning Study (CPPS) endorsed by Council 20 November 2020.

The Planning Proposal as submitted seeks amendment of NSLEP 2013 to:

- amend the maximum building height from 10m to 21m (6 storeys);
- amend the height of buildings map to extend “Area 2”, clause 4.3A to apply to the site - to allow an exceedance of the height limit for the purposes of plant, lift and overrun for provision of access to roof top facilities.

The Planning Proposal seeks to facilitate the delivery of a 6-storey mixed-use commercial and residential building with a 4-storey podium and 2 storey tower above. The indicative reference design scheme includes 23 residential apartments with a total 2,450<sup>2</sup> Gross Floor Area (GFA), 1,062m<sup>2</sup> non-residential GFA above basement parking.

Having completed an assessment of the Planning Proposal against the provisions of the 2036 Plan, Civic Precinct Planning Study (CPPS) and relevant Regional, District and Local Plans, it is recommended that the Planning Proposal be supported to proceed to a Gateway Determination subject to the following amendments:

- Include a provision to increase the non-residential floorspace ratio control from 0.5:1 to 1:1 consistent with the Civic Precinct Planning Study.

Several elements of the accompanying reference design have been identified as requiring further amendment and refinement. These matters include podium height, sub-terranean commercial floorspace, building height and upper level setbacks and can be addressed through the provision of an amended reference design prior to any future public exhibition.

Subject to these amendments, it is considered that the planning proposal has strategic and site-specific merit.

**Recommending:**

For the reasons outlined in this report, it is recommended that the Local Planning Panel support the progression of the Planning Proposal subject to the following;

- The Planning Proposal being amended to include a provision to increase the minimum non-residential floorspace on the site from 0.5:1 to 1:1.
- The accompanying reference design being amended to;
  - Provide a three-storey podium scale
  - Remove the subterranean commercial floorspace.
  - Amend the extent of building elements projecting above the identified height limit such that it complies with the proposed provision of Clause 4.3A – Area 2 to allow an exceedance of the height limit for the purposes of plant, lift and overrun for provision of access to roof top facilities.

- Provide an increased upper-level setback to the southern property boundary for Levels 4-6 to 9m at the Alexander Lane side of the site.
- The applicant be invited to consider revising the extent of their public benefits offering.

**PP02: 52 McLaren Street, North Sydney - PP 6/21**

Applicant: Sydney Metro Authority

Report of Neal McCarry, Acting Manager - Strategic Planning

On 23 August 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at No. 52 McLaren Street in North Sydney. In response to issues raised in relation to building setbacks and heights, the Planning Proposal was amended and revised documentation was lodged on 29 September 2022.

The site is located within the area covered by Council endorsed Civic Precinct Planning Study (CPPS) in November 2020. The intent of the Planning Proposal is to facilitate the delivery of a part 8 storey and part 24 storey mixed-use development comprising of approximately 172 residential apartments on top of a 3-storey podium. The Applicant's Urban Design report includes residential Gross Floor Area (GFA) of 13,487m<sup>2</sup>, non-residential GFA of 3,000m<sup>2</sup> and a 900m<sup>2</sup> childcare facility (450m<sup>2</sup> internal space and 450m<sup>2</sup> external space) as well as 117 car parking spaces across three basement levels. The proposal constitutes a maximum Floor Space Ratio (FSR) of 5.3:1 and requires a minimum non-residential FSR of 1:1.

The Planning Proposal is accompanied by a letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver public benefits which would include a childcare facility to be dedicated to Council and a publicly accessible pedestrian through-site link between McLaren and Elliot Streets.

Having completed an assessment of the Planning Proposal against the Civic Precinct Planning Study (CPPS) and relevant Regional and District Plans, this assessment report concludes that the Planning Proposal has adequately justified the following aspects of strategic and site-specific merit:

- The Planning Proposal will facilitate a mixed-use development directly adjacent to the new Victoria Cross Metro Station (North Portal) consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcomes for this precinct in terms of integrating density, land use and transport opportunities.
- The Planning Proposal will facilitate dedication of a purpose-built childcare facility to Council, free of cost, providing an opportunity for a potential relocation of the existing 'Kelly's Place' childcare from Crows Nest, which would facilitate the intended redevelopment of Hume Street Park and provision of much needed public open space in that growth precinct.
- Consistent with the vision of Council's Public Domain Strategy, the planning proposal will facilitate dedication of pedestrian thoroughfare to Council, along the eastern boundary of the site connecting Ward Street Precinct with Elliot Street.

- The Planning Proposal has demonstrated ability in achieving key objectives of the Apartment Design Guide (ADG) and appropriately addressed matters relating to sensitivity concerning the proposed built form and amenity consideration surrounding the site. The proposed height of the development is generally consistent with that anticipated under the CPPS and is comparable with future building heights along McLaren Street between Miller and Walker Streets.
- The Planning proposal has appropriately addressed interface issues with the adjacent heritage items along the western edge of the site via the proposed 3 to 4 storeys podium heights which is more sympathetic to the existing heritage items. The amended reference design also provided a reduced maximum height (8 storeys) in this portion of the site.

In consideration to the above matters, the Planning Proposal has adequately justified the key strategic and site-specific merit considerations. The Planning Proposal reflects the evolving character of this part of North Sydney and the proposed building height and built forms are generally comparable with those anticipated under Council endorsed plans and policies to guide future growth. It is recommended that the Planning Proposal be supported to proceed to Gateway Determination, subject to the amendments identified in this report and any further suggestion from the Local Planning Panel.

**Recommending:**

- 1. THAT** the Planning Proposal (PP 6/21) be supported to proceed to a Gateway Determination.
  - 2. THAT** further site-specific provisions including siting of building height, setbacks, building length, podium heights and through site link design, be prepared prior to public exhibition.
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**NORTH SYDNEY LOCAL PLANNING PANEL**

**PLANNING PROPOSALS**

**RECOMMENDATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN  
THE COUNCIL CHAMBERS, NORTH SYDNEY,  
ON WEDNESDAY 19 APRIL 2023, AT 12.00PM.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Gerard Turisi, Panel Member  
Linda McClure, Panel Member  
Lindsey Dey, Community Representative

**Staff:**

Neal McCarry, Team Leader Policy  
Katerina Papas, Senior Strategic Planner  
Amita Maharjan, Strategic Planner

**Administrative Support**

Miranda Shoppee, Team Meeting Administrator (Minutes)

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of Wednesday, 9 November 2022 were confirmed following that meeting.

**2. Declarations of Interest**

Nil

## 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.

### PLANNING PROPOSAL ITEM 1

<b>PP No:</b>	1/23
<b>ADDRESS:</b>	1-7 Rangers Road & 50 Yeo Street, Neutral Bay
<b>PROPOSAL:</b>	<p>To amend North Sydney Local Environmental Plan 2013 as follows:</p> <ul style="list-style-type: none"> <li>• Increase the maximum height of buildings limit control for the site from 16m to part 27m and part 33m; and</li> <li>• Increase the minimum non-residential floor space ratio control from 0.5:1 to 1:8.:1;</li> </ul> <p>The Planning Proposal is accompanied by a suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan (NSDCP) 2013.</p> <p>The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver: a publicly accessible plaza and pedestrian through site link; public wi-fi; and 88 car parking spaces for public use in perpetuity, located within the basement of the future development.</p>
<b>REPORT BY NAME:</b>	Katerina Papas, Senior Strategic Planner
<b>APPLICANT:</b>	Fabcot Pty Ltd (Woolworths Group)

### Two Written Submissions

#### Registered to Speak

Submitters	Applicant/Representatives
Meredith Trevallyn-Jones - Chair Willoughby Bay Precinct	Richard Armitage - Woolworths Group
Cathy Peters – Secretary Neutral Precinct	Ben Craig - Ethos Urban

## Background

The Panel members have undertaken independent site inspections prior to the meeting. The Panel also has the benefit of the Council officer's report and submissions made by the Community and the Applicant's representatives during the public meeting.

By way of background, the Panel notes that the Council rescinded the *Military Road Corridor Planning Study* (MRCPS) on 24 January 2022. This document was endorsed by Council 22 February 2021 after three years preparation. The Panel notes that the Council is currently preparing a revised document titled the *Neutral Bay Town Centre Planning Study* (NBTCPS) and this includes the subject site. This draft document is proposed for public release in September 2023.

The Applicant's representative submits that negotiations with the adjoining owner fronting Military Road commenced some three years ago, however, no agreement could be reached. The Panel notes the Applicant has also been in discussions with the Council for about the same period of time whilst working on a planning proposal, and then before the first PP for the site was submitted (May 2022) to the Council, the MRCPS had been rescinded (January 2022). The current PP the subject of consideration was accepted for lodgment in January 2023.

The Applicant submits the current Planning Proposal satisfies the provisions of the rescinded MRCPS. However, the Panel notes that it is inconsistent in terms of facilitating the provision of a 1,250 square metre community space that would be required in combination with the adjoining site on Military Road, as the Applicant's concept would prevent any physical connection or integration with the community space in the future with a two storey component of the proposed development abutting the boundary of the Military Road site. The contribution of the community space – public domain area, including the through site link, in the proposal is some 1,000 sq m. However, this appears to be compromised by not only the lack of connection to the adjoining site but its urban design presentation to Rangers Road and Yeo Street.

Furthermore, there would appear to be a significant additional height with the 6 and 8 storey provisions of the MRCPS because of the generous commercial floor to ceiling and podium heights in the concept. The concept plan to support the PP provides 88 public parking spaces that the Applicant considers to be a public benefit. However, this must be further considered in the context of the location of the site and its surrounding local street pattern.

## Panel Recommendation

The Panel notes that for the subject site, a draft DCP is appropriate. However, the DCP submitted is based on an overdevelopment of the site. If the Planning Proposal was to proceed in a revised format, a draft DCP would play an important role in shaping the massing, bulk and scale, open space, public domain/through-link, solar access, and pedestrian amenity to be provided by the future redevelopment.

The Panel is of the view that if a Planning Proposal is to progress for the subject site, it should have regard to the following matters:

- reducing the proposed overall height to 21 metres to Yeo Street and 28 metres to Rangers Road plus a lift overrun of 2.5 metres not visible from public domain. This could include a reduction in the height of the podium and commercial space to ensure that the development provides for a better built form outcome in its context;
- reducing the bulk, scale, and massing of the development to provide an improved relationship with adjoining developments/streetscape and ensure a better design, interface and transition to nearby lower-density development in Yeo Street;
- ensuring a through-site link that is open-to-sky with appropriate setbacks to ensure higher levels of amenity to pedestrians and provide better visual and physical connections/cues from Rangers Road/Military Road to Yeo Street;
- a public plaza that is more generously and appropriately proportioned to enable a genuine community space that can also accommodate outdoor dining and landscaping opportunities without eroding the space's usability, amenity and public function;
- a public plaza that facilitates the opportunities in the redevelopment of the adjoining site (183-185 Military Road) to enhance and improve its size, proportions, solar access and visual and physical connections to Military Road and beyond;
- removal of the north-western two storey retail structure to enable connectivity with the adjoining site and Military Lane;
- removing the level of public parking of 88 spaces that is excess of the DCP;
- maintaining the proposed 1.8:1 non-residential component on the site to provide employment opportunities;
- demonstration that ADG requirements can be satisfied; and
- provision of key worker and affordable housing components within the proposal.

With the above matters being addressed in a future Planning Proposal, accompanied by a VPA, the Panel considers both site specific and strategic merit would be met. However, the current Planning Proposal fails to demonstrate the necessary strategic and site specific merit. The site clearly presents as a key opportunity and focus within the Neutral Bay Town Centre and as such further work is required to ensure an uplift in the zoning demonstrates positive urban design and public domain outcomes can be achieved.

The Panel's advice to the Council is that the current Planning Proposal should not proceed to Gateway. At the same time the Panel is of the opinion that in the circumstances the Applicant should be given the opportunity to have further dialogue with the Council that could include the matters raised above.

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		Lindsey Dey	Y	
Gerard Turisi	Y				
Linda McClure	Y				



**ITEM 2**

<b>PP No:</b>	3/23
<b>ADDRESS:</b>	50-88 Parraween Street, Cremorne
<b>PROPOSAL:</b>	To amend North Sydney Local Environmental Plan 2013 such that: <ul style="list-style-type: none"> <li>• The properties at 50,52,54,56,70,72,78,80,82,84, 86 and 88 Parraween Street, Cremorne are identified as local heritage items through their listing within Schedule 5 – Environmental Heritage and identification on the Heritage Map;</li> <li>• Zoning Map for the properties at 50,52,54,56,58,60,62,64, 66,68,70,72,74,76,78,80,82,84,86 and 88 Parraween Street, Cremorne is amended from Zone R4 High Density Residential to Zone R3 Medium Density Residential; and</li> <li>• Height of Building Map for the properties at 50,52, 54,56,58,60,62,64,66,68,70,72,74,76,78,80,82,84,86 and 88 Parraween Street, Cremorne is amended from 12m to 8.5m</li> </ul>
<b>REPORT BY NAME:</b>	Neal McCarry, Team Leader Policy
<b>APPLICANT:</b>	North Sydney Council

**Registered to Speak**

<b>Submitter</b>	<b>Applicant/Representative</b>
Fiona Gracie – Cremorne Conservation Group	Juliet Grant Gyde Consulting
	Jennifer Hill - Architectural Projects Pty Ltd – Architect and Heritage Consultant
	Tai Ropiha - Chrofi - Architect
	Markham Ralph - Morrison Design Partnership (observing)

**Written Submission**

Denise Grannall

**Background**

The Panel members have undertaken independent site inspections prior to the public meeting. The Panel has also had the benefit of the assessment report and the submissions from both Community representatives and the Applicant's consultants.

By way of background, the Applicant has purchased the majority of the subject sites and a scheme is being prepared for an aged care facility that is for Independent Living and Aged Care to be submitted as State Significant Development. The Applicant has obtained a Secretary's

Environmental Assessment Requirement (SEARs) for the project by the Department of Planning on 24 October 2022. In addition, the design philosophy and indicative scheme was presented to the State Design Review Panel on 9 February 2023. This Panel notes the Applicant proposes to incorporate and retain several of the dwellings in the scheme.

At its meeting of the 10th of January 2022 Council raised a Notice of Motion as a Matter of Urgency - Creation of Heritage Conservation Area and resolved the following:

- 1. THAT Council immediately commences a review of the creation of a heritage conservation area being the Paraween St. Conservation area to protect the characteristic buildings and history for the row of late 1880s and early 1900s federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to McPherson Street.*
- 2. THAT Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.*

The Council subsequently engaged an independent heritage consultant to assess the dwellings the subject of this Planning Proposal. The recommendation in summary is for individual local heritage listings over the majority of the properties. At the same time the consultant in her report recommended that the subject area did not meet the threshold for a heritage conservation area.

### **Panel Recommendation**

In the circumstances that the Interim Heritage Order is the subject of an appeal to the NSW Land and Environment Court that has already commenced, although proceedings have been adjourned, the Panel considers that it would be inappropriate to make a recommendation to the Council at this point in time.

Furthermore, the Panel is not in a position to provide advice or a recommendation to the Council on the local heritage significance of the dwellings given the contradictory heritage advice that has been provided by Council's consultant heritage expert and the Applicant's heritage expert.

Given the above the Panel considers the Planning Proposal initiated by Council in its resolution of 10 January 2022 should be deferred to allow the current appeal on the IHO to be determined prior to this panel making a recommendation to the Council.

Similarly, with respect to the issue of rezoning the subject sites from R4 to R3 it follows that the Panel considers this premature given the need to have regard to the outcome of the IHO appeal and proposed heritage listings.

In the event the appeal is discontinued it is recommended the Council have its consultant's heritage study peer reviewed by another heritage consultant. Such a review should also provide information in the context of an assessment of the Local Government Area with existing comparable items. The findings of such a review can then be also considered before proceeding with a draft LEP amendment to the heritage schedule.

If the Council's decision is to defer the matter, the Panel will reconsider the matter when the above information is at hand and this will also inform the site specific and strategic merit.

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		Lindsey Dey	Y	
Gerard Turisi	Y				
Linda McClure	Y				

The public meeting concluded at 1.36pm

The Panel Determination session commenced at 1.55pm.

The Panel Determination session concluded at 4.26pm

Endorsed by Jan Murrell  
North Sydney Local Planning Panel  
**19 April 2023**