



**NORTH SYDNEY COUNCIL**

Council Chambers  
12 July 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 19 July 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 31 May 2023.

(Circulated)

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**PP01: 601 Pacific Highway, St Leonards - PP2/23**

Applicant: Stockland Development Pty Ltd

Report of Paris Wojcik and Haley Rich of Element Environment (on behalf of North Sydney Council)

On 19 January 2023, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 601 Pacific Highway, St Leonards. The site is located within the area covered by the St Leonards and Crows Nest 2036 Plan, adopted by the Department of Planning and Environment in August 2020. It is accompanied by a s9.1 Ministerial Direction which requires planning decisions be made consistent with the 2036 Plan.

The Planning Proposal seeks to amend NSLEP 2013 as it relates to the subject site as follows:

Increase the maximum building height control from 49m to RL276.5 (equivalent to 189m); and

Impose a maximum floor space ratio (FSR) of 20:1.

The intent of the proposal is to facilitate the delivery a 42-storey commercial building with a part 5-storey and part 6-storey podium and 36-storey tower above. The indicative reference scheme includes 56,348 sqm of commercial office floor space; 408 sqm of retail floor space and 128 car spaces over 4 basement levels.

Having completed an assessment of the Planning Proposal against the provisions of the 2036 Plan and relevant Regional, District and Local Plans, it is found that the requested maximum building height is considered excessive for the number of storeys as envisaged under the 2036 Plan and will result in a greater level of impact (overshadowing and visual) than necessary.

The requested podium height is also considered excessive and is inconsistent with the maximum street wall height under the 2036 Plan and North Sydney Development Control Plan (NSDCP 2013).

To ensure future development on the site is consistent with the number of storeys stipulated under the 2036 Plan, it is recommended the Planning Proposal and supporting concept design be amended to a maximum building height of RL259 (equivalent to 171m) and a maximum street wall height of between 4 and 5 storeys.

Subject to the above amendments, it is recommended that the Planning Proposal be supported to proceed to a Gateway Determination.

**Recommending:**

For the reasons outlined in this report, it is recommended that the Local Planning Panel support the Planning Proposal being forwarded to the DPE seeking a request for a Gateway Determination subject to the Planning Proposal and supporting concept design being amended to:

a maximum building height of RL 259 (equivalent to 171m); and

a maximum street wall height of between 4 and 5 storeys.

It is also recommended that the Applicant's indicative concept design scheme be amended in accordance with other recommendations of this report, prior to being forwarded for a Gateway Determination.

**PP02: 115, 117, 119, 121, 123 & 125 Holt Avenue Cremorne (c)**

Applicant: North Sydney Council

Report of Amita Maharjan, Strategic Planner

The Planning Proposal (PP 5/23) intends to amend the North Sydney Local Environmental Plan (NSLEP) 2013 by identification and local heritage listing of 115, 117, 119, 121, 123 & 125 Holt Avenue in Cremorne.

This Planning Proposal has been prepared following previous recommendations of the North Sydney Local Planning Panel (the Panel) meeting of 13 July 2022 and the Advice Report of the Independent Planning Commission (the Commission) dated 9 March 2023 regarding Council's previous planning proposal (PP 7/22) which sought local heritage listing of eight properties inclusive of 115, 117, 119, 121, 123, 125, 131 & 133 Holt Avenue in Cremorne.

Nos. 115, 117 & 119 Holt Avenue are currently subject of an Interim Heritage Order (IHO) which was issued by the Minister for Environment and Heritage on 2 March 2023. It is to be noted that the first IHO, issued by North Sydney Council (effective on 11 March 2022) under delegation applied to a total of five (5) properties including 115, 117, 119, 131 & 133 Holt Avenue. A subsequent Class 1 Appeal against the original IHO resulted in a Court decision upholding the applicant's appeal on 131 & 133 Holt Avenue, whilst dismissing the appeal on 115-119 Holt Avenue. The properties at 131 & 133 Holt Avenue were subsequently demolished following the Court decision.

This report to the Panel establishes the strategic and site-specific merit of the new Planning Proposal (PP 5/23) and takes into consideration recommendations of the Independent Planning Commission, the previous gateway determination and the recommendations of the Panel on the previous planning proposal applying to the subject sites.

The Planning Proposal is supported by a revised heritage assessment prepared by a suitably qualified heritage consultant, (GML) in July 2023. The assessment demonstrates that the subject sites meet the threshold for local heritage listing, consistent with the criteria set out by the NSW Heritage Office and therefore the subject sites have site-specific merit to support the progression of the proposal.

The GML Revised Heritage Assessment concluded that the following group and individual items meet relevant threshold and criterion for heritage listing at a local level:

- Group Item: The Holt Avenue Group (115-123 Holt Avenue) meets the threshold for local heritage listing as a group item under historic, associative, aesthetic, rarity and representative criterion.
- Individual Item: 125 Holt Avenue meets the threshold for local heritage listing as an individual item under historic, associative, aesthetic, rarity and representative criterion.

The Planning Proposal (PP 5/23) is generally consistent with applicable state and local plans/policies as detailed in this report, and is recommended to proceed to the Gateway Determination, having satisfied strategic and site-specific merit considerations for local heritage listing of the subject items.

**Recommending:**

That the Local Planning Panel support the progression of the Planning Proposal to the DPE seeking a Gateway Determination.

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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 31 MAY 2023, AT 12.00PM.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair

**Panel Members:**

Gary Shiels, Panel Member

Lloyd Graham, Panel Member

Virginia Waller, Community Representative

**Staff:**

Neal McCarry, Team Leader Policy

**Administrative Support**

Miranda Shoppee, Team Meeting Administrator (Minutes)

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP Meeting of Wednesday, 19 April 2023 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>	9/22
<b>ADDRESS:</b>	17-25 Falcon Street, Crows Nest
<b>PROPOSAL:</b>	To amend North Sydney Local Environmental Plan 2013 as follows:- <ul style="list-style-type: none"> <li>• amend the maximum building height from 10m to 21m;</li> <li>• amend the height of buildings map to extend “Area 2”, clause 4.3A – to allow an exceedance of the height limit for the purposes of lift overruns and provision of access to roof top facilities.</li> </ul>
<b>REPORT BY NAME:</b>	Neal McCarry, Acting Manager Strategic Planner
<b>APPLICANT:</b>	HDC Planning (on behalf of 21 Falcon Pty Ltd)

**Written Submissions: 0**

**Registered to Speak:**

Submitters	Applicant/Representatives
Nil	Lauren Honey – Drew Dickson Architects
	Harry Vakili - Applicant (observing only)
	Reza Vakili – Applicant (observing only)
	Polina Pavlenko – Applicant’s PA (observing only)
	Gilbert Blandin de Chalain - Town Planner (observing only)

## Background

The Panel members have undertaken independent site inspections prior to the meeting. The Panel has also has the benefit of the assessment report and submissions from the Applicant’s consultants.

## Panel Recommendation

The Panel generally endorses the assessment report of the Planning Proposal and recommends to the Council that the Planning Proposal proceed to Gateway, subject to the following amendments that will require further information to be submitted by the Applicant.

With respect to the height, and having regard to the topography of the site, the Panel recommends a maximum height of 22 metres. At street level it is important that the topography of the site is respected in the built form. The requirement for up to 3 metres additional height, including lift overrun, is only supported to the extent that all roof top elements over the maximum height are centralised and not visible from the public domain.

In terms of strategic planning the Panel considers that the uplift of the development potential for the site for increased height warrants a greater contribution to the community than the draft planning agreement suggests. In this regard, it is recommended that Council seek a Voluntary Planning Agreement that requires a minimum of 10% of the additional residential Gross Floor Area of the uplift to be dedicated in perpetuity as affordable housing. This would make a long-term contribution to the community and as such the Panel considers the suggested monetary contribution of \$156,500 could be set aside as the affordable housing component will provide a much greater benefit to the community long term.

The location of the subject site is one that warrants higher density given the public infrastructure investment, however at the same time, the opportunity for affordable housing in this location with the uplift is the appropriate outcome.

With respect to 'site specific merit' the concept plan currently presents as a building with excessive bulk without detailed consideration of urban design excellence for this corner site. In this regard further concept drawings are required to guide future development, and this includes a reduction in the height of the podium by one storey with a setback as per the tower element. The Panel also concurs with the assessment report that the basement commercial area would have limited amenity and access, and is more suitable for storage, plant and equipment. Further consideration also needs to be given to the architectural presentation and the use of materials and finishes.

As such a site specific DCP should be exhibited with the Planning Proposal that further considers appropriate guidelines to address all the above matters.

The Panel's unanimous recommendation to the Council is to support the Planning Proposal progressing to Gateway subject to amendments, in particular, the need for the dedication of an affordable housing component.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Virginia Waller	Y	
Gary Shiels	Y				
Lloyd Graham	Y				

## PLANNING PROPOSAL ITEM 2

<b>PP No:</b>	6/21
<b>ADDRESS:</b>	52 McLaren Street, North Sydney
<b>PROPOSAL:</b>	<p>To amend North Sydney Local Environmental Plan (NSLEP) 2013 as follows:</p> <ul style="list-style-type: none"> <li>• amend the maximum building height from RL 110m to part RL 107m and part RL 156m (8 and 24 storeys respectively);</li> <li>• apply a maximum Floor Space Ratio of 5.3:1; and</li> <li>• amend the minimum non-residential FSR from 0.5:1 to 1:1.</li> </ul> <p>The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver a childcare facility and a pedestrian through-site link.</p>
<b>REPORT BY NAME:</b>	Neal McCarry, Acting Manager Strategic Planning
<b>APPLICANT:</b>	Sydney Metro Authority

**Written Submissions: 12**

**Registered to Speak**

Submitters	Applicant/Representative
Nil	Sean Kaufman, Sydney Metro – Senior Manager, Urban Planning – Applicant
	Eric Gotla, Sydney Metro – Land Development Analyst, Property – Applicant
	Clare Swan, Ethos Urban – Planning Consultant (observing only)
	Karen Armstrong, Ethos Urban – Planning Consultant
	Juliet Wittenoom Louw, Ethos Urban- planning Consultant
	Lee Collins , GHD Woodhead – Architect Consultant
	Shaun Ho, GHD Woodhead – Architect Consultant



## **Background**

The Panel members have undertaken independent site inspections prior to the meeting. The Panel also has the benefit of the assessment report, the written submissions from the community in July 2021, and the presentations made to the Panel on behalf of the Applicant including its consultants.

## **Panel Recommendation**

The Panel notes the strategic importance of the subject site, immediately adjacent to the Victoria Cross Metro Station (North Portal), where higher density is appropriate for a transit-oriented development (TOD).

However, the Panel has concerns that no dedication of affordable housing is proposed with the significant uplift in the planning proposal.

The Panel recognizes that there is a need to ensure higher densities on sites that benefit from public investment in infrastructure. But notwithstanding this are also the unique circumstances of this site being surplus to government needs. This provides the ultimate opportunity for a 'whole of government approach' to deliver a minimum of 10% to 20%, of the residential GFA of the whole project to be dedicated in perpetuity as affordable housing.

As such, the Panel recommends to the Council that the Planning Proposal be DEFERRED to allow the government/applicant (Sydney Metro Authority) the opportunity to consider the merit of providing affordable housing for this TOD site.

Notwithstanding the above fundamental issue, the Panel considers there are site specific matters that would also benefit from further analysis. For example, the inherent constraint of this elongated site may require further consideration of the massing and design before prescribing a floor space ratio. As such it is recommended a development control plan be prepared simultaneously, and then exhibited with the Planning Proposal, to assist in guiding the controls, to inform a better design outcome including the massing of buildings and articulation of the building envelopes.

The Panel is cognisant of the fact that the Applicant has invested considerable time in the concept design for the Planning Proposal. However, the Panel considers that this unique opportunity for the matters raised to be addressed are vitally important given the confluence of surplus government land and the current housing affordability issues.

While it is recognized there is a need to strategically rezone sites for the development pipeline. This must be considered in the context that currently in the LGA the status of planning proposals gazetted have the capacity for approximately 900 additional dwelling/apartments, and for planning proposals on exhibition, or nearing finalization, there is further potential capacity for 500 new dwelling/apartments. The Panel also recognizes there are a number of variables at play in the rate of uptake. Nonetheless, the additional time required to finalize this PP if

deferred is warranted. By deferring the PP this provides the opportunity for this TOD site to deliver a component of affordable housing in perpetuity on surplus government land.

The circumstances here could provide an exemplary holistic approach to planning and development and should be embraced. The long term benefits to the community are exponential.

Accordingly, the Panel recommends to the Council that the matter be DEFERRED to allow the Applicant the opportunity to explore the issues raised above that are of significant strategic, and secondly site-specific importance.

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		Virginia Waller	Y	
Gary Shiels	Y				
Lloyd Graham	Y				

The meeting concluded at 1pm.

The Panel Determination session commenced at 1.48pm.

The Panel Determination session concluded at 3.00pm

Endorsed by Jan Murrell

Chair

North Sydney Local Planning Panel

**31 May 2023**