



NORTH SYDNEY COUNCIL

Council Chambers
18 October 2023

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Ros Crichton Pavilion, North Sydney at 1pm on Wednesday 25 October 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**

BUSINESS

Minutes

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

(Circulated)

PP01: 183-185 Military Road, Neutral Bay – PP 4/23

Applicant: Equitibuild Pty Ltd

Report of Tom Mojsiejuk, Strategic Planner

On 6 April 2023, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to 183-185 Military Road, Neutral Bay.

The Planning Proposal seeks the following amendments to NSLEP 2013:

- Increase the maximum building height from 16m to 43m (12 storeys); and
- Increase the minimum non-residential FSR from 0.5:1 to 2:1.

The intent of the proposal is to facilitate a 12-storey mixed-use development comprising retail floorspace at the ground and basement levels; a community centre on level 1; commercial floorspace at levels 2-3; and residential floorspace from levels 4-11, with approximately 57 car spaces across 4 basement levels.

The Planning Proposal is accompanied by non-binding letter of offer to enter into a VPA with Council to deliver a 2.5m setback along Military Road (95m²) and increased setback along the eastern boundary (135m²) contributing to a future public plaza fronting Rangers Road, a new community facility (323m²) and 14 public bicycle parking spaces at ground level.

A detailed assessment of the proposal has been completed having regard to the assessment criteria in the DPE's '*LEP Making Guidelines*' (September 2022). It is recognised that the Neutral Bay Town Centre is undergoing change, and that the previously endorsed *Military Road Corridor Planning Study Stage 1 (MRCPS)* and current work to revise the Study, provides a clear indication of the Council's and community's desire to revitalise and renew the precinct. Notwithstanding this, the Planning Proposal is not considered to demonstrate the required strategic and site-specific merit for the following reasons:

- The Planning Proposal is not underpinned by an endorsed place-based strategy for the locality and is inconsistent with the North Sydney Local Strategic Planning Statement; North District Plan and Greater Sydney Regional Plan;
- The Planning Proposal does not satisfy the objectives and intended outcomes of the rescinded MRCPS for this identified key site (known as 'site 3') and is inconsistent with the strategic objectives of Council's renewed Strategy for the Neutral Bay Town Centre as outlined in Council's 24 January 2022 resolution and endorsed scoping framework for the revised Neutral Bay Town Centre Planning Study, which sought to further engage with the community and stakeholders to prepare '*a revised recommendation that has a better balance between development height and the provision of additional public open space.*'
- The proposal does not demonstrate adjacent site integration, and the overall height, bulk and scale of the proposed built form is unacceptable in terms of providing a human scale frontage to the future Rangers Road plaza; overshadowing impacts to the public and private domain; traffic impacts and delivering a genuinely 'public' and high amenity public domain and community facility.

The proposal, if progressed, will lead to a disjointed and sub-optimal outcome of reduced public benefit, and further encourage spot rezonings throughout the precinct, creating uncertainty and leading to unpredictable and fragmented development outcomes that do not deliver the genuine, long-term community benefits envisaged by Council for the precinct.

It is recommended that Planning Proposal (PP4/23) not be supported to proceed to Gateway Determination.

Recommending:

THAT Planning Proposal (PP4/23) not be supported to proceed to a Gateway Determination.



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 JULY 2023, AT 12.00PM.**

PRESENT

Chair:

Jan Murrell in the Chair

Panel Members:

Helen Lochhead, Panel Member

Grant Christmas, Panel Member

Lindsey Dey, Community Representative

Staff:

Neal McCarry, Team Leader Policy

Katerina Papas, Strategic Planner

Administrative Support

Peita Rose Governance Officer (Minutes)

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 31 May 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

PP No:	2/23
ADDRESS:	601 Pacific Highway, St Leonards
PROPOSAL:	To amend North Sydney Local Environmental Plan 2013 as follows: <ul style="list-style-type: none"> • Increase the maximum height of buildings limit from 49m to 276.5 RL (equivalent to 189m); • Introduce a maximum floor space ratio (FSR) of 20:1
REPORT BY NAME:	Element Environment (on behalf of North Sydney Council)
APPLICANT:	Stockland Development Pty Ltd

2 Written Submissions

Registered to Speak:

Submitters	Applicant/Representatives
Zoe Liu - resident	Graeme Collins - Development Director, Stockland - Applicant
Mark Bartel - resident	Stephen White – Director, Urbis Planning consultant
	Ryan Crabbe - Arup, Structural engineer
	Michele McSharry - Architectus Architect
	Lulu Woods - Senior Development Manager, Stockland
	Caroline Choy - Project Director, Stockland
	Jennie Buchanan - NSW Planning Manager, Stockland
	Rob Battersby - Urbis (Observing Only)

Background

The Panel members have undertaken independent site inspections prior to the meeting and had the benefit of written submissions; submissions heard at the public meeting; and the detailed assessment report.

The proponent and their consultants for the Planning Proposal also addressed the Panel and presented an amended concept that included reduced height of the podium and a reduction in the overall height of the building.

The Panel advised the meeting that if the Planning Proposal is supported by the Council to proceed to Gateway, then a draft Local Environmental Plan is required to be placed on public exhibition for a period of 42 days with a formal consultation process.

Panel Recommendation

The Panel has considered all the material before it and this includes the St Leonards Strategy 2036 prepared by the Department. This Strategy provides an overall framework and guidelines and identifies the subject site for a commercial building to provide employment for the centre with potentially a 42 storey and 20:1 floor space ratio for the site. The current building on the site is a multi storey commercial offices.

Council's independent consultants prepared an Assessment Report for the Panel's consideration and recommended the concept proposed by the Proponent be reduced in its overall height to respect the height transition in the Strategy. It was also recommended the podium be reduced by one level in accordance with the DCP for the centre.

The Panel has considered the Proponent's amended heights tabled at the meeting, however, considers the overall height and podium heights should be reduced in accordance with the Assessment Report to provide the necessary transition in overall height as envisaged by the 2036 Strategy, and reduce overshadowing impacts and the podium height reduced to provide a better urban design outcome.

The Panel considers that the plant room can be adequately accommodated within the maximum overall height limit of RL 259, (equivalent to 171 metres), noting that this could require a reduction in gross floor area, and a reduction in the height of the architectural element. The Panel considers the reduced height to be consistent with the 2036 Strategy with other anticipated heights of buildings within the immediate context.

Similarly, as discussed above, the Panel concurs with the Report that the podium be reduced to 4 and 5 storeys with a maximum height of 20.5 metres.

The Panel is of the view that the FSR of 20:1, is a maximum and this clearly may not be achievable for the subject site given the need to accommodate all the planning considerations and consequential impacts on the St Leonards Centre.

The Panel considers, in the absence of a design competition for this highly prominent site, that a draft site specific DCP be prepared and exhibited simultaneously with the draft LEP. This will provide greater certainty of the built form and public realm outcomes.

The Panel is supportive of commercial development to achieve employment targets required in the LGA, and on this basis the Panel recommends to the Council that the Planning Proposal with the above amendments proceed to Gateway.

By way of comment, the Panel notes the potential development uplift of the Planning Proposal and considers that the Proponent and the Council may wish to pursue the opportunity for a VPA to deliver public/community benefits.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Lindsey Dey	Y	
Helen Lochhead	Y				
Grant Christmas	Y				

PLANNING PROPOSAL ITEM 2

PP No:	5/23
ADDRESS:	115, 117, 119, 121, 123 & 125 Holt Avenue, Cremorne
PROPOSAL:	To amend the North Sydney Local Environmental Plan 2013 such that the properties at 115, 117, 119, 121, 123 & 125 Holt Avenue Cremorne are identified as local heritage items under Schedule 5 – Environmental Heritage and identification on the Heritage Map.
REPORT BY NAME:	Amita Maharjan, Strategic Planner
APPLICANT:	North Sydney Council

47 Written Submissions

Registered to Speak

Submitters	Applicant/Representative
Mark Marsi -resident	Bernadette Kan - owner of 121 Holt Ave
Fiona Gracie - Cremorne Conservation Group	John Oultram - John Oultram Heritage and Design
Sarah Kok - resident	
Paul Mottek	Samantha Polkinghorne -NBRS
	Pamela Jeffery - City Plan
	Fiona Binns - Urbis
	Michael Wang - MMK Developments

Background

The Panel members have undertaken independent site inspections prior to the meeting. The Panel held a public meeting and heard from community representatives, submitters and consultants engaged by various property interests.

At the beginning of the meeting it was stated that this is the preliminary stage of the process and if the matter proceeds to Gateway, there would be full consultation under Council's Community Engagement Strategy and an exhibition held for 42 days.

The Panel notes that there is currently a development application for the properties known as 115-119 Holt Avenue, Cremorne, and the Applicant's application and reports, including the heritage reports by its consultants, are available on Council's DA tracker, and were made available for the Panel to consider.

The Council's Assessment Report provides a history of this matter in terms of previous consideration by the North Sydney Local Planning Panel, the Independent Planning Commission (IPC), the Department of Planning, and the Land and Environment Court.

Given the change in circumstances the IPC required the Council to provide an updated heritage report to address key issues in particular, consideration of the group listing of 115-123 Holt Avenue, Cremorne, the removal of 131-133 Holt Avenue, and the identification of 125 Holt Avenue as a standalone heritage item.

In response the Council engaged GML Heritage Consultants to prepare a further report to address the issues raised by the IPC requiring additional analysis and information.

The Panel has considered all the submissions, both written and oral, in its deliberations and in its role to make a recommendation to the Council.

Panel Recommendation

The Panel is satisfied the updated revised report addresses the issues raised by the IPC. In particular, the Panel notes that this is a new Planning Proposal and the heritage significance of the group (115-123 Holt Ave, Cremorne), requires an assessment that includes the cohesiveness and integrity of the external fabric of the group. In addition the individual listing of (125 Holt Avenue, Cremorne), as a local heritage item has been considered in the revised heritage report. Given the above defined criteria, the Panel is of the opinion the Planning Proposal should proceed to exhibition.

As such, the Panel, recommends to the Council that the Planning Proposal proceed to Gateway and any draft instrument should provide clear *explanatory notes* for the 'group listing'.

By way of comment the Panel is of the opinion that the Council continue to pursue with high priority a heritage review for the LGA.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Lindsey Dey	Y	
Helen Lochhead	Y				
Grant Christmas	Y				

The meeting concluded at 2:00pm.

The Panel Determination session commenced at 2.15pm.

The Panel Determination session concluded at 4:30pm

Endorsed by Jan Murrell

Chair

North Sydney Local Planning Panel

19 July 2023