

## **8.12. Planning Proposal 5/20 - 52 Alfred Street South, Milsons Point - Planning Proposal Authority**

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### **ATTACHMENTS:**

1. Briefing Report - 52 Alfred Street South, Milsons Point [8.12.1 - 17 pages]
2. SNPP Decision - Rezoning Review - 52 Alfred Street South, Milsons Point [8.12.2 - 4 pages]

### **PURPOSE:**

This report seeks Council's determination on whether it should accept or decline the role of Planning Proposal Authority (PPA) for Planning Proposal 5/20 - 52 Alfred Street South, Milsons Point.

### **EXECUTIVE SUMMARY:**

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. The Planning Proposal seeks to increase the maximum building height control from 40m to part RL87.1m (western portion) and RL84m (eastern portion).

The Planning Proposal is accompanied by a site-specific Development Control Plan (DCP) that outlines controls relating to setbacks, through site links and number of storeys.

Due to Council not having made a formal determination within 90 days of the lodgment of the Planning Proposal, the applicant lodged a request with the Department of Planning, Infrastructure and Environment (DPIE) for a Rezoning Review on 29 January 2021.

Council considered an assessment report in relation to the Planning Proposal and the advice from the North Sydney Local Planning Panel (NSLPP) on 22 February 2021, wherein it resolved not to support the progression of the Planning Proposal to Gateway Determination.

On 15 September 2021, the Rezoning Review request was considered by the Sydney North Planning Panel (SNPP), which handed down its recommendation on 22 September 2021. The SNPP recommended that the Planning Proposal proceed to Gateway Determination, contrary to both the NSLPP's recommendations and Council's decision.

The SNPP determined that an increased height limit would be appropriate on the subject site given the prevailing height of buildings in the near vicinity. It concurrently acknowledged, however, that it "has concerns about the indicative future built form, particularly in relation to the amount of floor space and the massing of a future building on the site." The SNPP placed particular importance on the site-specific DCP to ensure that local impacts and

amenity issues are satisfactorily addressed during the assessment and determination of a future development application.

Further to this, the SNPP recommended the applicant's site-specific DCP be reviewed and amended to address a list of various specific matters, including reduced floor space to achieve an appropriate built form outcome than that demonstrated in the applicant's reference design. The SNPP also recommended more clarity and certainty be provided by the applicant in relation to a formal public benefit offer in the form of a Voluntary Planning Agreement (VPA).

In its correspondence of 24 September 2021, the SNPP sought Council's advice with respect to accepting the role of Planning Proposal Authority (PPA). The PPA is responsible for progressing Planning Proposals through the plan making process, including ensuring the Planning Proposal is consistent with the Gateway Determination, the public exhibition process, consideration of submissions and the making of an amendment to Council's Local Environmental Plan giving effect to the Planning Proposal.

This report considers the implications of taking on the PPA role in light of the recommendations of the SNPP and Council's previous resolutions in relation to the subject land. In consideration of these implications, it is recommended that Council accept the PPA role, given how central the preparation of a site-specific DCP is to ensuring an appropriate future built form outcome is achieved.

#### **FINANCIAL IMPLICATIONS:**

Should Council accept the role of PPA, the applicant of the Planning Proposal would be required to pay the Stage 2 Planning Proposal Fees to cover the expenses of placing the Planning Proposal on public exhibition and the associated administrative requirements of the making of the plan.

If Council does not accept the role of PPA, the applicant of the Planning Proposal would be required to pay a fee to the Department of Planning, Industry and Environment (DPIE) to cover the expenses of placing the Planning Proposal on public exhibition and the making of the plan.

#### **RECOMMENDATION:**

**1.THAT** Council accept the role of the Planning Proposal Authority for Planning Proposal 5/20 – 52 Alfred Street South, Milsons Point.

**2.THAT**, in accepting the Planning Proposal Authority role, that Council advise the Department of Planning, Industry and Environment:

- a. any recommendations of the Sydney North Regional Planning Panel form conditions to any Gateway Determination issued;
- b. Council prepare a Development Control Plan that addresses the built form concerns raised by Council and the Sydney North Planning Panel;

- c. It consider Council's assessment report and resolution in relation to the progression of the Planning Proposal in determining the imposition of any conditions on the Gateway Determination;
- d. The terms of any draft Voluntary Planning Agreement or public benefit associated with the Planning Proposal be determined prior to the public exhibition of the Planning Proposal in conjunction with Council; and

**3.THAT** Council advise the Sydney North Regional Planning Panel of its decision.

**4.THAT** once Gateway Determination is issued, the Planning Proposal, any VPA and site specific DCP controls, be placed on public exhibition concurrently.

**5.THAT** should Council resolve to accept the role of Planning Proposal Authority, that upon receiving Gateway Determination, Council seek Stage 2 fees to progress the Planning Proposal prior to public exhibition.

## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

### 1. Our Living Environment

1.4 Public open space and recreation facilities and services meet community needs

### 2. Our Built Infrastructure

2.2 Vibrant centres, public domain, villages and streetscapes

2.3 Sustainable transport is encouraged

### 3. Our Future Planning

3.4 North Sydney is distinctive with a sense of place and quality design

### 4. Our Social Vitality

4.4 North Sydney's history is preserved and recognised

### 5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

5.3 Community is informed and consulted

## BACKGROUND

### 1. Planning Proposal

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. The Planning Proposal seeks to increase the maximum building height control on the Height of Buildings Map from 40m to part RL87.1m (western portion) and RL84m (eastern portion).

The Planning Proposal is accompanied by a site-specific Development Control Plan (DCP), which outlines the proposed building envelope and massing controls including setbacks, through site links and number of storeys.

The proposal seeks to accommodate a part 22-storey (west) and part 16-storey (east) mixed-use building. The indicative concept design proposes 159 apartments with a total Gross Floor Area (GFA) of 23,771 sqm.

On 9 December 2020, the North Sydney Local Planning Panel (NSLPP) considered a Council officer's assessment report and recommendations. The report recommended that the Planning Proposal not proceed to Gateway Determination for the following reasons:

- i. The Planning Proposal and Site-Specific DCP amendment fail 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.*
- ii. 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.*
  - iii. The Planning Proposal is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013;*
  - iv. The Planning Proposal is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013;*
  - v. The Planning Proposal is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;*
  - vi. 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*
  - vii. 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.*

The NSLPP agreed with the reasons for not supporting the Planning Proposal outlined in the Council officer's assessment report and recommended that Council not support the progression of the Planning Proposal to Gateway Determination.

On 22 February 2021, Council considered the advice of the NSLPP and resolved not to support the Planning Proposal proceeding to Gateway Determination for the reasons outlined in the Council officer's assessment report.

The subject Planning Proposal represents the third attempt by applicant who has submitted two previous Planning Proposals involving similar building heights. The first Planning Proposal (PP7/17) was refused by Council in October 2018 following a recommendation from the North Sydney Local Planning Panel (NSLPP) that the proposal not proceed to a Gateway Determination. The second Planning Proposal (PP4/19) was refused by Council in August 2019 and subsequently not supported by the Sydney North Planning Panel (SNPP) at Rezoning Review in March 2020.

## **2. Rezoning Review**

On 29 January 2021, the applicant lodged a request with the Department of Planning, Industry and Environment (DPIE) for a Rezoning Review, due to Council not having made a formal determination within 90 days of the lodgement of the Planning Proposal. Prior to the lodgement of the applicant's Rezoning Review request, the North Sydney Local Planning Panel (NSLPP) had considered a Council officer's assessment report and recommended the proposal not be supported to progress to a Gateway Determination.

Council was formally advised of the applicant's request on 21 June 2021 and invited to provide a response detailing why the original request to Council was not progressed. Council provided a formal response to the DPIE on 7 July 2021.

On 3 September 2021, Council was provided with a copy of the Briefing Paper (refer to Attachment 1) to the Sydney North Planning Panel (SNPP). It was noted that the report made reference to Council's letter dated 7 July 2021 but did not provide any commentary with respect to Council's detailed assessment report and determination of the matter on 22 February 2021, despite being supplied to the DPIE prior to the finalisation of the Briefing Paper.

The SNPP considered the applicant's request for a Rezoning Review on 15 September 2021 and delivered its decision on 22 September 2021. The SNPP recommended that the Planning Proposal proceed to Gateway Determination on strategic and site-specific merit grounds. The SNPP determined that an increased height limit would be appropriate on the subject site given the prevailing height of buildings in the near vicinity. It also acknowledged, however, that:

*"the Panel has concerns about the indicative future built form, particularly in relation to the amount of floor space and the massing of a future building on the site."*

The SNPP placed particular importance on the proposed site-specific Development Control Plan (DCP) to ensure that local impacts and amenity issues are satisfactorily addressed during the assessment and determination of a future development application. Further to this, the SNPP recommended that the proposed DCP should be reviewed and amended as follows:

- *reduce the massing of the building envelope to better reflect the dual frontage character of the block and residential building typologies, two distinct tower forms above a podium may be more appropriate in this regard;*
- *the building envelope should ensure that view loss, overshadowing and other amenity impacts on neighbouring residential buildings and impacts on heritage and the public domain are minimised;*
- *any amendments should not comprise elements of the proposed DCP supported by the Panel, including provision of new and enhanced north-south and east-west through site links, active frontages along streets and through site links and reduced overshadowing of Bradfield Park;*
- *opportunities to ensure design excellence and improvements to the public domain are realised.*

A copy of the SNPP's letter and record of decision form Attachment 2 to this report.

In addition, the SNPP has requested that Council indicate whether it would like to assume the role of Planning Proposal Authority (PPA) for the ongoing processing of the Planning Proposal

(i.e. to undertake public exhibition and prepare the post exhibition report) within 42 days of its letter.

On 30 September 2021, Council sent a letter to the DPIE expressing its disappointment with the Panel's recommendation and its concerns with respect to the reference design submitted with the Planning Proposal, including overshadowing, loss of views, building separation and associated amenity/visual impacts and general Apartment Design Guideline (ADG) concerns.

Council raised concerns that the site-specific DCP prepared and submitted by the applicant as part of its Planning Proposal submission would essentially "lock in" some very poor planning outcomes, and that this was acknowledged by the SNPP in its commentary about the preparation of a DCP. Given how central this issue is, it was recommended that a Gateway Determination include a requirement to prepare a draft DCP that addresses the various specific matters outlined by the SNPP. It also requested that Council officers be provided the opportunity to elaborate on these issues prior to any Gateway Determination being issued by the DPIE.

Further to this, the letter advised that it was not able to provide a formal response with regards to the PPA role until Council had formally considered the matter at its next available Council meeting, consistent with previous practices.

This report seeks Council's determination on whether it should accept or decline the role of PPA for the Planning Proposal.

## **CONSULTATION REQUIREMENTS**

Should Council determine that that it wishes to accept the role of PPA, community engagement will be undertaken in accordance with Council's Community Engagement Protocol, the requirements of any Gateway Determination issued in relation to the Planning Proposal and the Environmental Planning and Assessment Regulations 2000. Should Council not accept this role, community engagement will be undertaken by the SNPP in accordance with the latter two of these instruments.

## **DETAIL**

### **1. Determination of the PPA Role**

Following the issue of a Gateway Determination, the PPA is responsible for progressing a Planning Proposal through the next stages of the plan making process. This includes finalisation of planning proposals, consulting with the community and relevant agencies, considering submissions, finalising assessment of the proposal and, should the plan progress to the final stage, request the making of the plan (being amendments to NSLEP 2013).

There are a number of advantages and disadvantages to accepting/declining the role of PPA that should be considered by Council. These are addressed in the following subsections.

## **2. Options**

### **2.1 Council Accepts the PPA Role**

#### **2.1.1 Control of the Plan Making Process**

If Council resolves to accept the role of PPA, Council would have administrative control of the plan making process, including public exhibition, post exhibition report and finalisation of the amendment to the relevant LEP. This is reflective of Council's present role.

#### **2.1.2 Quality of the Planning Proposal**

A PPA must be satisfied with the content of a Planning Proposal and the quality of the information provided in support of the proposal. It must ensure that the information provided is accurate, current and sufficient for issuing a Gateway Determination. If Council resolves to accept the role of PPA, it would have greater control over the content, quality and clarity of information provided in the Planning Proposal prior to it being placed on public exhibition.

Council's detailed assessment of the Planning Proposal identified a number of deficiencies with the information submitted and inadequate justifications to support the progression of the Planning Proposal. This position was generally reflected in the NSLPP's recommendation to not support the Planning Proposal. This position was supported by Council in general terms.

The applicant will not amend their Planning Proposal to address Council's primary concerns as it would be generally detrimental to justifying their position. Should Council be perceived to be preventing the progression of the Planning Proposal, the DPIE has the power to remove the PPA role from Council and reallocate the role to an alternate body.

#### **2.1.3 Community Concerns**

Council has a much broader understanding of its community's concerns and is able to better articulate those concerns and in turn, address them with respect to the potential impacts arising from the Planning Proposal.

#### **2.1.4 Influencing Final Outcomes**

In considering the assessment of submissions made and recommendations of the post-exhibition report, Council as the PPA would still have the ability to resolve that the Planning Proposal not proceed.

Notwithstanding Council's ability to resolve that a Planning Proposal should not proceed, the Minister for Planning or their delegate can vary or overturn Council's decision in the making of the plan. In the past 5 years, this occurred when the Planning Proposals for 18 Berry Street and 144-154 Pacific Highway, North Sydney and 11 Cowdroy Avenue, Cammeray were considered following Rezoning Reviews as Council did not support their progression. In all these instances, Council adopted the PPA role, sought to overturn the intent of each of these Planning Proposal but was unsuccessful in each case.

#### **2.1.5 Fees**



If Council resolves to accept the role of PPA, Stage 2 fees to progress the Planning Proposal to public exhibition will need to be paid to Council prior to any public exhibition of the Planning Proposal.

## **2.2 Council Declines the PPA Role**

If Council resolves not to accept the role of PPA, the DPIE may appoint an alternate PPA to prepare the Planning Proposal and undertake the next stages of the plan making process including exhibition, post exhibition report and finalisation of the amendment to the relevant LEP. An alternate PPA may include the SNPP, the Planning Secretary of DPIE or any other person or body authorised under the Environmental Planning and Assessment Regulations 2000. The applicant will be required to pay the DPIE a fee to fulfil its role as PPA.

By not accepting the role of PPA, it is considered likely that the role will be allocated to the SNPP. The SNPP has been nominated as the PPA in all instances where a council has resolved not to accept the role.

Despite not having control of the plan making process or control over the quality of the information provided in the Planning Proposal, Council will still be provided the opportunity to lodge a submission when the Planning Proposal is publicly exhibited. This will be in a similar way to Council addressing Development Applications that are determined by the SNPP.

## **3. Gateway Determination**

The SNPP does not have the authority to issue a Gateway Determination, only the Minister for Planning or their delegate has the authority to do so. The SNPP can only recommend if a planning proposal should proceed to Gateway Determination following the consideration of a Rezoning Review request. Therefore, nothing prevents Council from writing to the DPIE requesting that the Minister for Planning or their delegate not issue a Gateway Determination for the Planning Proposal.

Whilst Council has put similar requests to the DPIE in the past, there is no record of the Minister or their delegate not issuing a Gateway Determination contrary to the recommendations of a Regional Planning Panel.

It should be noted that any resolution to request the Minister not to issue a Gateway Determination does not obviate Council's need to advise the SNPP of whether it would like to accept the role of PPA or not.

## **4. Proposed Amendment to North Sydney Development Control Plan (NSDCP) 2013**

The Planning Proposal is accompanied by a draft amendment to NSDCP 2013. It is noted that SNPP recommended that the proposed amendment to NSDCP 2013 submitted with the Planning Proposal should be reviewed and amended to address a list of various specific matters.

Amendments to DCPs are generally prepared and facilitated by councils as they are best placed to do so. Whilst the Minister for Planning or their delegate has the ability under the Environmental Planning and Assessment Act, 1979 (EP&A Act) to implement the proposed amendment to NSDCP 2013 this report recommends that Council undertake this work given its intimate knowledge of the proposal and its impacts.

To add clarity and transparency, any associated DCP amendments should be placed on public exhibition concurrently with the Planning Proposal. The coordination of any such DCP amendments concurrently with the progression of the Planning Proposal would be better served by the same planning authority responsible for the Planning Proposal.

## **5. Rezoning Review Requirements**

Should Council resolve to accept the role of PPA, Council would then be required to prepare and submit for Gateway Determination, a Planning Proposal within 42 days of accepting the role of PPA.

In doing so, Council would forward the Planning Proposal as submitted to Council to the DPIE. Whilst this version of the Planning Proposal would be inconsistent with the recommendations of the SNPP, the Minister for Planning or their delegate has the ability to include conditions on the Gateway Determination. Therefore, should Council accept the PPA role, it should include in its response to the DPIE a recommendation that the issues raised by the SNRPP be incorporated as conditions on the Gateway Determination.

This would require the applicant to revise the Planning Proposal prior to public exhibition. The PPA would still be responsible for ensuring the information provided in the Planning Proposal is accurate, current and compliant with the Gateway Determination.

## **6. Conclusion**

Council has been asked by the SNPP if it would like to accept or decline the role of PPA for progressing Planning Proposal 5/20 – 52 Alfred Street South, Milsons Point, through the plan making process following its consideration of a request for a Rezoning Review.

It is clear that the SNPP has expressed significant concerns with the indicative future built form envisaged by the applicant, particularly in relation to the amount of floor space and the massing of a future building on the site. The SNPP has recommended that the applicant's draft DCP be reviewed and amended to address a list of specific matters to ensure that local impacts and amenity issues, which formed the basis of Council's objections to the proposal, are satisfactorily addressed during the assessment and determination of a future development application.

In its correspondence with the DPIE on 30 September 2021, Council recommended that a Gateway Determination include a requirement to prepare a draft DCP that addresses the various specific matters outlined by the SNPP.

If Council were to accept the role of the PPA, Council would have greater control over the content and quality of the Planning Proposal moving forward. As the PPA, Council would need to be satisfied that any information provided by the applicant to address the conditions of a Gateway Determination is accurate and sufficient.

Given the complexity of the site's attributes and issues involved, particularly with respect to overshadowing, loss of views, building separation and other associated amenity/visual impacts to the locality and adjoining dwellings, and how central the preparation of a site-specific DCP is in addressing these issues and ensure a more appropriate built form outcome is achieved on the site, this report recommends that Council accept the PPA role in this particular instance.


**REZONING REVIEW – Briefing Report**

<b>Date of referral</b>	29 January 2021 (Council considered 22 February 2021)	
<b>Department ref. no</b>	RR-2021-82	
<b>LGA</b>	North Sydney	
<b>LEP to be amended</b>	North Sydney Local Environmental Plan 2013	
<b>Address</b>	52 Alfred Street, Milsons Point	
<b>Reason for review</b>	<input type="checkbox"/> Council notified the proponent it will not support the proposed amendment	<input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
<b>Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?</b>	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: no donations or gifts to disclose.	

## **1. SUMMARY OF THE PROPOSAL**

### **1.1 Description of Proposal**

The request for a rezoning review relates to a planning proposal pertaining to land at 52 Alfred Street, North Sydney. The planning proposal seeks to amend the North Sydney LEP 2013 to facilitate a mixed use development at the subject site comprising 20,603m<sup>2</sup> of residential floor space (159 dwellings) and 2,642m<sup>2</sup> of non-residential floor space.

Specifically, the proposal seeks to amend Sheet \_002 of the North Sydney Height of Buildings Map to increase the maximum permitted building height from 40m to part RL 83.55 (54.43m) and 87.10 (57.53m). The planning proposal is accompanied by a draft site-specific development control plan (DCP) prepared by the proponent.

This is the second rezoning review request for the site to be considered by the Sydney North Planning Panel. The revised scheme includes a reduction in the proposed maximum building height of 9.9m on the western frontage and 0.45m on the eastern frontage and a reduction in gross floor area of 238m<sup>2</sup>.

### **1.2 Locality and context**

The site at 52 Alfred Street Milsons Point is located within the Milsons Point Town Centre, which is approximately 1.6km south of the North Sydney CBD.

Immediately north of the site is 37 Glen Street which is a 22 storey residential building. Milsons Point Train Station is also approximately 110m north east of the subject site, as well as the Kirribilli Markets.

East of the site on the opposing side of Alfred Street South is Bradfield Park and beyond that is the Bradfield Highway leading towards the Sydney Harbour Bridge.

Adjacent to the south is a 3 storey commercial centre known as Milson Village, Camden House which is a two storey heritage listed house and a 21 storey residential tower known as the Milson. These sites along with the subject site once formed a singular site when a development approval was granted in 1985. The sites have since been subdivided.

To the west of the site on the opposing side of Glen Street are a series of 4-8 storey residential, commercial and mixed use buildings. Beyond these sites to the west is Luna Park and Lavender Bay.

A context map has been provided below at Figure 1 and **Attachment A**.



**Figure 1:** Site Context Map (Source: Nearmap)

### 1.3 Site description

The site comprises a total site area of 2,711m<sup>2</sup> and is legally described as Lot 1, DP 738322. The site is zoned B4 Mixed Use and has dual frontages to Alfred Street to the east and Glen Street to the west (**Figure 2**).

The existing development at the site comprises a 13 storey (55.1m) commercial building known as 'The Kimberly-Clark House'. The development includes a four storey podium, including a ground floor retail tenancy for a convenience store. The building is recognised for its landscaped balconies which wrap around the eastern and southern facades of the building. The site also includes a pedestrian through site link on its southern boundary between Alfred Street South and Glen Street.

The site map is also provided at **Attachment B**.

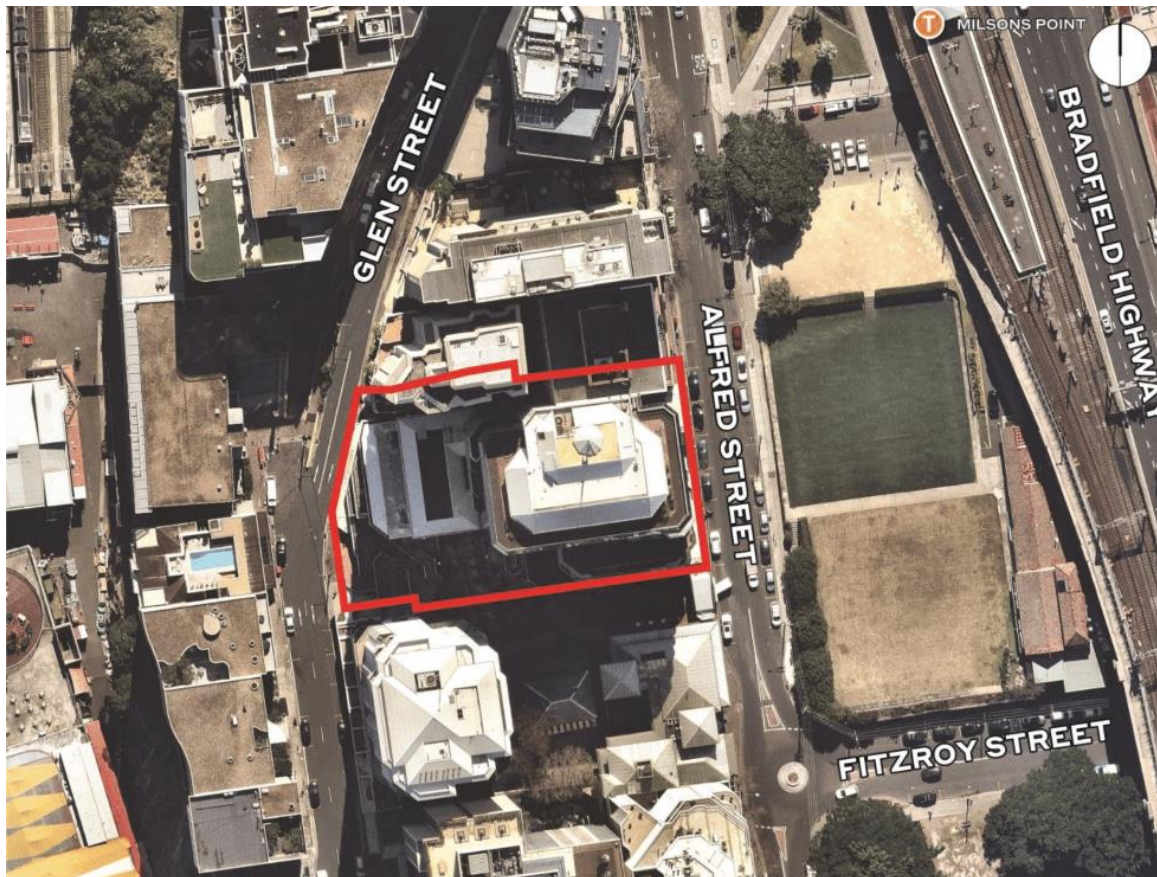


Figure 2: Site Map (Source: Ethos Planning Proposal)

#### 1.4 Current planning provisions

The site is currently subject to the following planning controls under the North Sydney LEP 2013:

- B4 Mixed Use Zoning (**Figure 3**);
- A maximum permitted building height of 40m (**Figure 4**);
- A minimum non-residential FSR of 0.75:1 (**Figure 5**).

It should be noted that the site is not subject to a maximum FSR control under the LEP. Additionally, although the site is not listed as a heritage item under Schedule 5, the proposal is located in proximity to several significant heritage items. Surrounding heritage items include, Camden House, Luna Park and the Sydney Harbour Bridge.

**Figure 6** depicts the site in the context of its surrounding heritage items.

The following table provides a comparative summary of the existing controls pertaining to the site, the controls sought under the original planning proposal and the currently sought controls.

Control	Existing	Originally Proposed	Currently Proposed
<b>Zoning</b>	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
<b>Height</b>	40m	Part RL 84 Part RL 97	Part RL 83.55 (-0.45m) Part RL 87.10 (-9.9m)
<b>FSR</b>	N/A	N/A	N/A
<b>Non-Residential FSR</b>	0.75:1	0.75:1	0.75:1

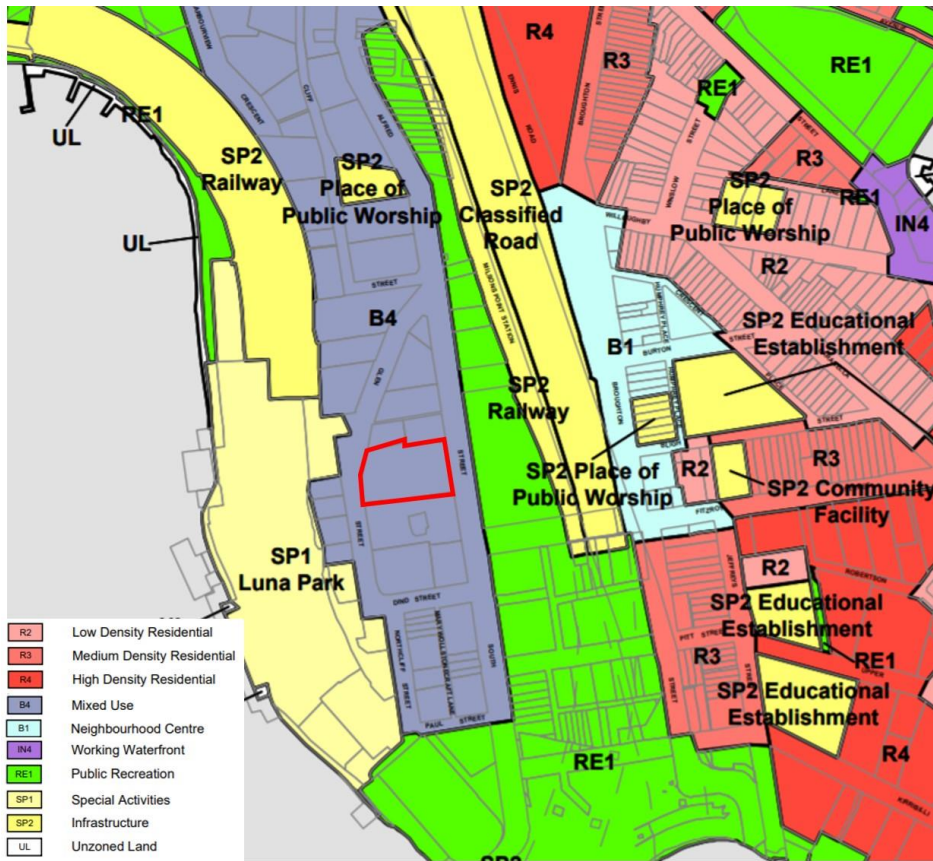


Figure 3: Existing Zoning Map Extract (Source: North Sydney LEP 2013)



Figure 4: Existing Height of Buildings Map Extract (Source: North Sydney LEP 2013)



Figure 5: Minimum Non-Residential FSR Map Extract (Source: North Sydney LEP 2013)

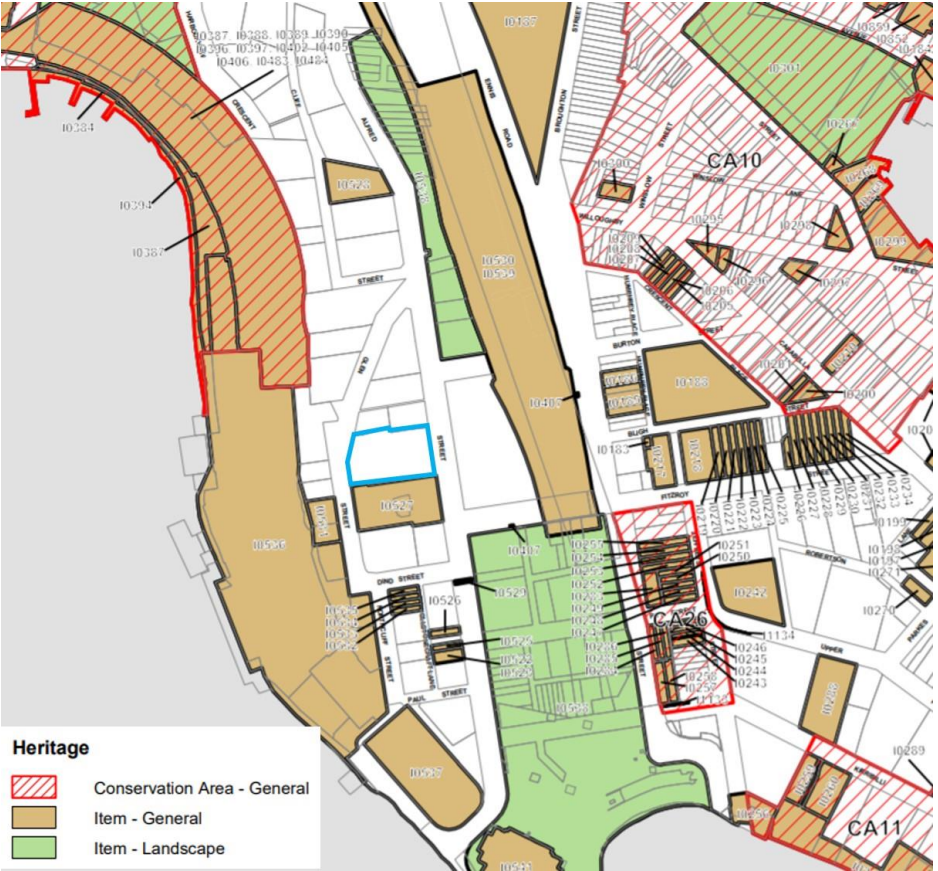


Figure 6: Existing Heritage Map Extract (Source: North Sydney LEP 2013)



**1.5 Proposed planning provisions:**

The planning proposal seeks to amend Sheet\_002 of the Height of Buildings map to increase the maximum permitted building height from 40m to part RL 83.55 and part RL 87.10. **Figure 7** below depicts the proposed mapping amendment sought under the planning proposal.



**Figure 7:** Proposed Height of Buildings Map (Source: Ethos Urban Planning Proposal)

**1.5 Planning Background**

Original Planning Proposal:

On 12 December 2017, the original planning proposal was lodged with Council. The original proposal sought to increase the maximum building height to part RL 84 and part RL 97. Council refused the proposal in October 2018 following a recommendation from the North Sydney Local Planning Panel that the proposal should not proceed.

Revised Planning Proposal and First Rezoning Review:

On 26 March 2019, the proponent lodged a revised planning proposal with Council. On 27 June 2019, the proponent submitted a rezoning review application, as Council had failed to make a determination within 90 days of lodgement (RR\_2020\_NORTH\_004\_00).

Council commissioned Ingham Planning to prepare an independent assessment of the proposal. The Ingham report recommended that the proposal undergo some additional refinements before proceeding to Gateway. However, Council included a “Managers Advisory Note” which recommended the proposal not proceed.

Council formally refused the proposal in August 2019.

On 12 March 2020, the Sydney North Planning Panel considered the rezoning review request and determined (**Attachment D**) that the proposal demonstrated strategic merit but had not demonstrated sufficient site specific merit. The primary reason for refusal related to the height of the proposed western Glen Street frontage which was considered excessive. The Panel also recommended that a site-specific DCP be prepared to manage bulk and height across the site.

#### Current Planning Proposal and Rezoning Review:

On 2 October 2020, the proponent lodged the revised planning proposal with Council. The proposal was considered by the North Sydney Local Planning Panel on 9 December 2020, where it was recommended the proposal not proceed 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
- 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.

On 29 January 2021, the rezoning review application was lodged with the Department following advice from Council that the proposal would not be supported. The application indicates the review was sought as Council has failed to indicate its support 90 days after the proponent submitted a request. The proposal was subsequently considered by Council at its meeting of 22 February 2021 where it resolved not to support the progression of the proposal.

#### **1.6 Concept Scheme**

The planning proposal is accompanied by an Urban Design Report prepared by Koichi Takada Architects (**Attachment F4**). The proposed concept development is described as a building comprising two towers being part 16 and 18 storeys, including 20,603m<sup>2</sup> of residential floor space (159 apartments), 2,642m<sup>2</sup> of non-residential floor space and 191 carparking spaces (**Figure 8-10**).

The 16 storey tower proposed to be positioned on the Alfred Street frontage, is depicted above 4 levels of basement carparking. However, it should be noted that under the concept design, the 18 storey built form on the Glen Street frontage is depicted above four commercial levels described as basements that will actually be located above ground. As such, the Glen Street tower is likely to be perceived as a 22 storey tower and is noted as such in the proponent's draft DCP.



Figure 8: Concept Scheme Alfred Street Frontage (Source: KTA)



Figure 9: Concept Scheme Glen Street Frontage (Source: KTA)

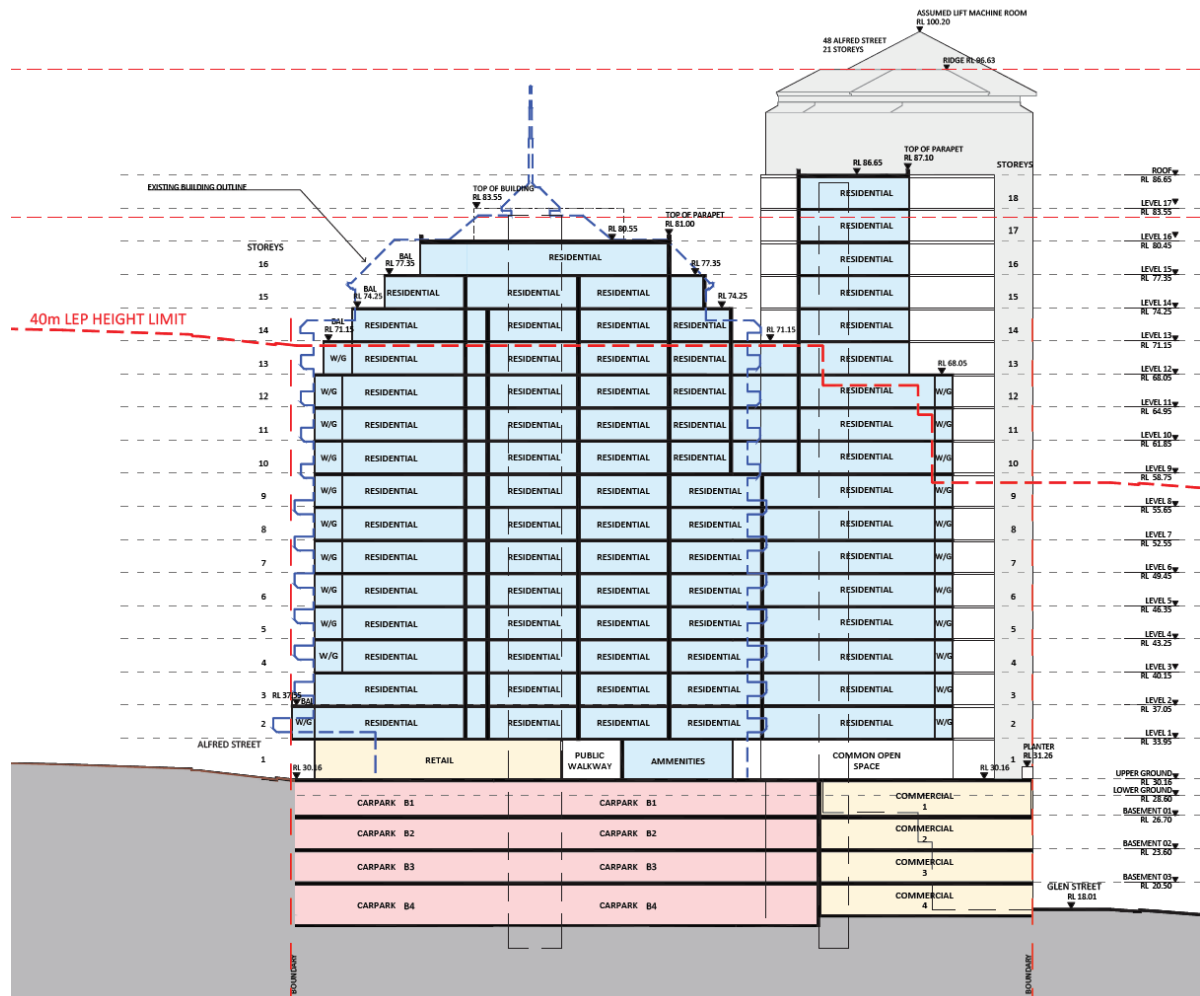


Figure 10: Concept Scheme Elevation (Source: KTA)

### **Comparison of Schemes:**

The application notes the following amendments have been made since the previous 2019 proposal:

- Additional north to south through site link connecting the existing pedestrian access to Glen Street down to Camden House
- Reduction of three storeys on the Glen Street frontage (from 21 to 18 storeys).
- Increased setbacks on Glen Street frontage from 3m to 4.8m (Increase view sharing)
- Reduced residential yield from 173 to 159 apartments and
- Inclusion of site-specific Development Control Plan.

The applicant also notes that the previous scheme included a 'slot' in the massing to maintain solar access to Bradfield Park. Following additional shadow analysis it was discovered that there was existing shadow caused by the balconies of 38 Alfred Street to Bradfield Park. The new scheme has merged the building mass and is stated not to create any additional overshadowing to Bradfield Park.

Council notes that despite the reduction in height (0.45m east and 9.9m west), there has been only a slight reduction in gross floor area of 238m<sup>2</sup>. It is evident that the removal of the 'slot' has allowed for the majority of the floor area lost by reducing the proposed building height on the Glen Street frontage to be retained between the two towers.

## **2. INFORMATION ASSESSMENT**

*Does the proposal seek to amend a zone or planning control that is less than five years old?*

No, the North Sydney LEP 2013 was made on 2 August 2013 and commenced effect on 13 September 2013.

### **2.1 Strategic merit test**

*Consistency with the relevant regional plan outside the Greater Sydney region, district plan within the Greater Sydney region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.*

*Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning and Public Spaces or the Department of Planning, Industry and Environment have announced that such a plan will be updated before being able to be relied on.*

#### **North District Plan:**

The proponent notes that the District Plan states that an additional 92,000 homes will be required in the North District by 2036 to support a significant population growth of approximately 196,000 people. The proponent notes that this equates to an average annual supply of 4,600 dwellings over the next 20 years. The District Plan also prescribes five year housing targets for each LGA, with the North Sydney LGA requiring 3,000 additional dwellings by 2021.

The proponent also notes that the District plan identifies the need to increase housing choice around centres and stations to make it easier to walk and cycle to shops or services, to travel to work and reduce traffic congestion.

The rezoning review request states that the site is located directly opposite Milsons Point Railway Station within the Milsons Point Town Centre. The proponent therefore considers the proposed increase in height at the subject site to deliver more housing to be consistent with the aims of the plan due to the sites location in an established transport corridor. Further, it is stated that the proposed uplift seeks to provide housing diversity in a built form conducive to a town centre environment.

*Consistency with a relevant local strategy that has been endorsed by the Department.*

#### **North Sydney Local Strategic Planning Statement (LSPS)**

In its rezoning review request the proponent notes the following planning priorities from the North Sydney LSPS:

- L1 – Diverse housing options that meet the needs of the North Sydney community.
- L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage.

The proponent notes Council's position that housing growth is to occur around existing centres and in line with existing strategic plans and studies. The proponent states that the subject site represents an ideal locational context amidst surrounding buildings of a residential nature as well as its ideal dual frontage, size and connectivity to accommodate a portion of much needed housing within North Sydney. The proponent is of the view that the proposal presents a unique, ideal opportunity to deliver housing growth in a managed approach as proposed within the LSPS, supported by walking access to public transport, employment services and the amenity of the Milsons Point Town Centre.

The proponent also notes Council's position established under its LSPS that there is to be a focus on the creation of precinct based plans to prevent ad-hoc planning proposals. The proponent acknowledges that there is merit in Council's planning approach. However, notes that the proposal represents greater consistency with the surrounding built form and land use trends within its immediate context.

The proponent states that a precinct based plan is not appropriate in this context as the environmental impacts of the scheme are consistent with the existing approach to development in the immediate surrounds. The proponent is of the view that the exhibition of the proposal and exhibition requirements under a future development application will provide similar levels of community engagement to help shape the future of the existing precinct.

North Sydney Local Housing Strategy (LHS):

The rezoning review request notes that the North Sydney LHS proposes that the 6-10 year housing target can be accommodated within known capacity within existing zoned land and development projects that are supported by Council. The proponent states that Council's approach does not consider the feasibility or likeliness of the existing available zoned land to be redeveloped within the timeframe. The proponent is of the view that it cannot be guaranteed that this forecasted growth will be delivered with consideration of shifting market demands.

The proponent also notes that if Council is to maintain the same proportion of contribution towards the District wide housing targets (11.5%), its 6-10 year housing delivery must be between 3,000 to 3,800 dwellings as opposed to the 2,809 dwellings forecasted under the North Sydney LHS.

*Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The rezoning review documentation states that it seeks to respond to the growing demand for housing and that there is a need to capitalise on opportunities to deliver Transit Oriented Development around key transport nodes.

**2.2 Site-specific merit test**

The rezoning review documentation states that the proposal demonstrates site specific merit for the following reasons:

- The site is large in size and of an appropriate configuration to accommodate a mixed-use development of the proposed scale.
- The site is situated directly adjacent to Milsons Point Railway Station with other transport services also close by. It is therefore ideally placed to support high density residential development.
- Local, district and state level policy see the North Sydney CBD as being the focal point for commercial office floor space in the North Sydney LGA. Increasing residential stock within the nearby Milsons Point Town Centre will support the growth of this office market by providing housing close to employment opportunities.
- The proposed massing for the site will not result in unacceptable overshadowing impacts to key public spaces, including the adjacent Bradfield Park and surrounding public domain. It will in fact reduce overshadowing of Bradfield Park at key times as shown in the shadowing analysis.
- The proposed height is capable of delivering a building that will provide a high standard of residential amenity for future occupants, particularly in regard to solar access, access to views, cross ventilation and internal functionality.
- The scheme will not result in unacceptable amenity impacts on surrounding properties in respect to privacy, overshadowing and view impacts.
- As demonstrated throughout the indicative concept design the site has the potential to accommodate a building envelope that is strategically sited to ensure an appropriate view sharing outcome in achieve in accordance with the LEC Tenacity Planning Principle.

- A high-quality design solution is capable of being achieved on the site that exhibits design excellence and which will significantly improve the quality of building stock in Milsons Point.
- A site specific DCP has been prepared as part of the proposed rezoning in order to provide the greatest possible certainty over the intended outcome for the site as shown within the indicative reference scheme.
- The indicative design concept confirms that a design response is capable of complying with the key parameters established by the ADG.
- Any future redevelopment of the site is capable of maintaining and enhancing the setting of the adjoining heritage listed item known as Camden House.
- The site's redevelopment provides an opportunity to deliver a significant public benefit in the form of through site links and public domain upgrades that will improve the vitality of the streetscape, increase pedestrian permeability of the area and provide a new focal point of activity for residents and visitors of Milsons Point.
- The proposal is acceptable with regards to traffic, access and parking.
- The site is within proximity to two key strategic centres including North Sydney and the Sydney CBD and is therefore well serviced by cultural assets and public amenities.
- The site is well supported by health facilities contained within North Sydney and education facilities located within the North Sydney Education Precinct that consist of establishments such as the Australian Catholic University, The Sydney Church of England Grammar School and North Sydney Demonstration School.

#### Draft Site Specific Development Control Plan (DCP):

One of the key findings in the Panel's determination of the previous rezoning review for the site was that a revised scheme should include a site-specific DCP that shows the distribution of mass and height across the site.

The revised planning proposal is accompanied by a draft site-specific DCP (**Attachment F8**) The draft DCP includes a range of provisions relating to the built form of the proposed development under section 9.1.4.3. This section is supported by a series of massing and elevation diagrams outlining the building envelope which includes height measurements in both storeys and RL.

The site-specific DCP also includes a range of provisions for other site specific matters including the conservation of nearby heritage items, public domain improvements and through site links, design, active street frontages, access and parking and noise.

#### Overshadowing:

The rezoning review documentation states that the surrounding buildings and public domain are already overshadowed by the existing built form of Milsons Point. The analysis indicates that the concept scheme will result in some additional overshadowing west of the site. This western overshadowing will occur to the existing developments located at 2-2A Glen Street, Luna Park and the Harbour.

The rezoning review request also discusses the potential overshadowing of Bradfield Park and highlights that under the North Sydney DCP there is to be no additional overshadowing to Bradfield Park between 12pm and 3pm.

The rezoning review documentation states that when compared to the existing scenario the concept scheme will reduce overshadowing to Bradfield Park during the winter solstice in the afternoon period. The proponent outlines that it has strategically distributed the mass of the proposed concept across the site to minimise shadowing impacts to the greatest extent possible.

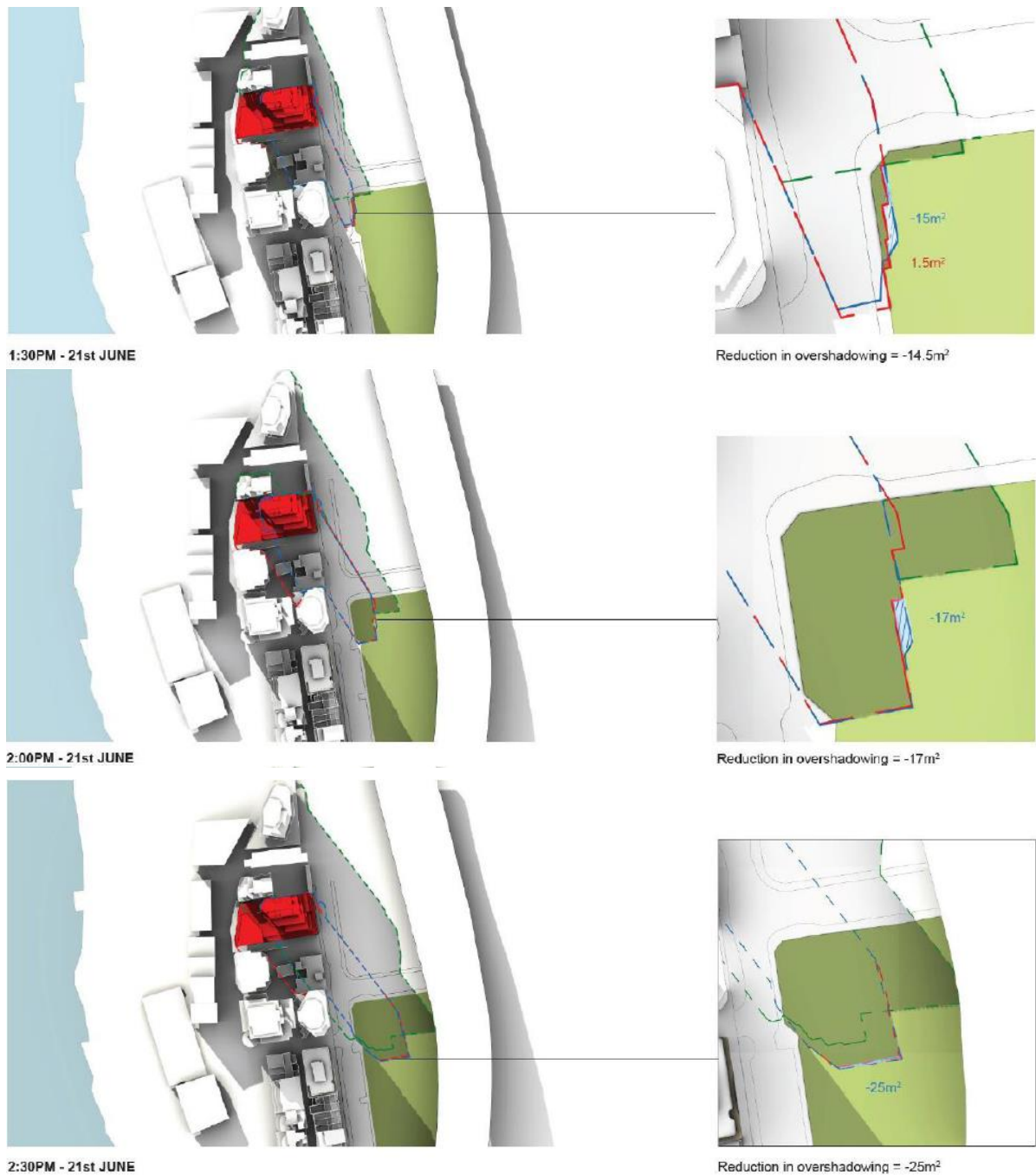


Figure 11: Overshadowing of Bradfield Park

#### View Loss:

The planning proposal is supported by a Visual Impact and View Loss Assessment which has been prepared by Clouston Associates (**Attachment F5**). The proponent states that the assessment confirms that the proposed height will not have a significant or adverse impact on the view corridors obtained from neighbouring properties or the visual quality of significant vantage points within the surrounds.

Of particular relevance to the proposal are the potential view loss impacts to the neighbouring 37 Glen Street, Milsons Point.

The View Loss Assessment notes that the views afforded from 37 Glen Street are considered to be of a high value given that they are of land-water interfaces, iconic buildings and landmarks including the Sydney Harbour Bridge. The Assessment outlines that the views



from 37 Glen Street derive from the living areas that are oriented towards the west and south-west at the rear of the building. It is also noted that there are existing views from bedrooms, however under the tenacity principles the retention of views from living rooms are considered of greater significance.

Views were analysed from the above perspectives from apartments on levels 12, 21 and 26 of 37 Glen Street to gain a broad perspective of potential view loss. The extent of the potential view loss is demonstrated in the comparative montages below (**Figures 12-14**).



Figure 12: View loss comparison from Level 12 of 37 Glen Street (Source: Clouston Associates)



Figure 13: View loss comparison from Level 21 of 37 Glen Street (Source Clouston Associates)

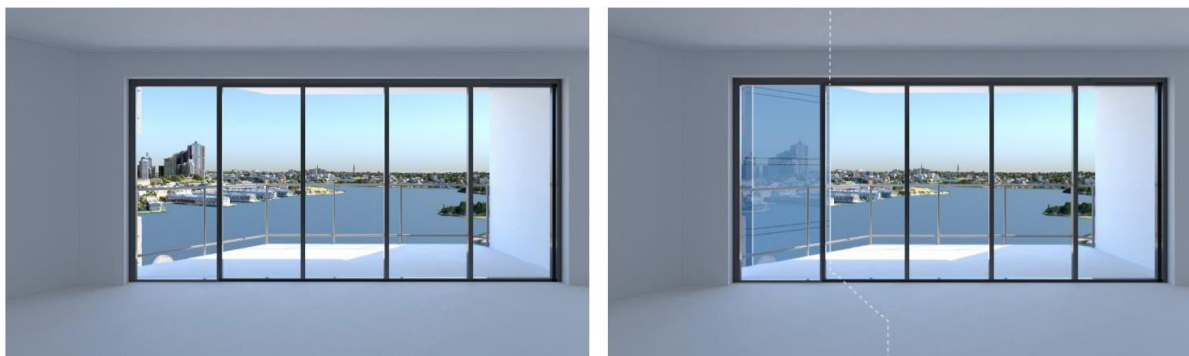


Figure 14: View loss comparison from Level 26 of 37 Glen Street (Source: Clouston Associates)

In summary the following reasons are provided to outline the reasonableness of the proposal:

- Most views are considered to experience negligible or low impact view loss (minor or no found discernible change from the selected viewpoint).
- Some southern elevation views are anticipated to experience a moderate degree of view loss. Notwithstanding, the degree to which the view corridors are obstructed is not considered to be significant given that the envelope only impedes the periphery of the view corridor. However its important to note that the views that experience moderate view loss are contained to master bedrooms or secondary dining or living room windows.

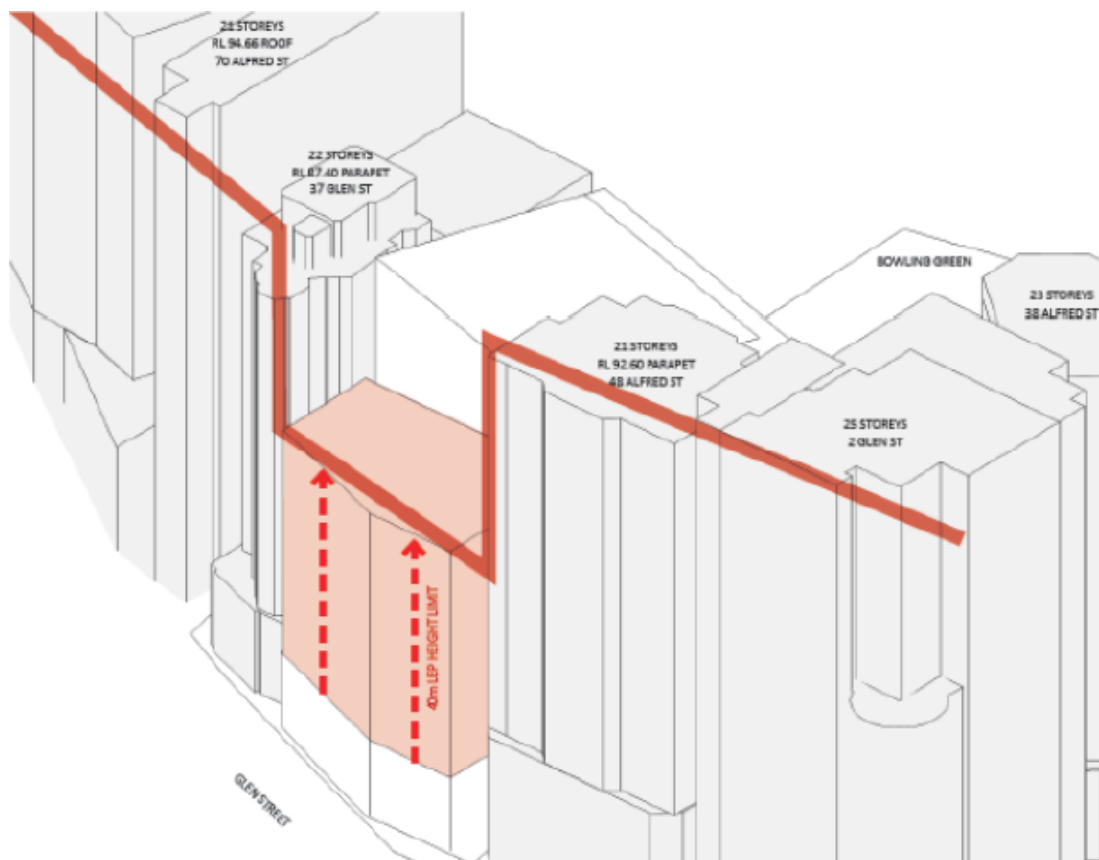
- Whilst the Harbour Bridge will be partially concealed in some cases, the view loss impacts to the moderately affected view corridors will be counterbalanced by the multiple points at which iconic views can be obtained from other positions within each main living space and balcony

Overall, the Clouston Associates report concludes that in respect to view loss, the reasonableness test can be deemed to be met and no mitigation measures are required.

*The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.*

The current planning controls that apply to the site do not reflect its strategic potential and are inconsistent with the existing built form. The height limit prescribed by the LEP sets a limit of 40, effectively permitting development at the site that reach no more than 11 storeys, some 6 to 14 storeys below that of the existing adjacent buildings. The existing maximum height and typical storey height is incompatible with the existing building heights that prevail along Alfred Street South, which range from 17 to 25 storeys.

The proponent has included **Figure 15** below to demonstrate what a compliant scheme would look like if built under the existing 40m height limit in the North Sydney LEP 2013.



**Figure 15:** Indicative massing of a compliant scheme fronting Glen Street (Source: KTA)

### **3. COUNCIL VIEWS**

Council wrote to the Department on 7 July 2021 providing a summary of reasons as to why the planning proposal was not supported. A copy of Council's comments is provided at **Attachment E**.

Council raises concern that there is incorrect and inaccurate information in the planning proposal report. The proponent's architectural plans indicate the intent of the planning proposal is to accommodate a part 22 storey (RL 87.10 or 69m) and part 16 storey (RL83.55 or 54.95m) mixed use building. Council's report outlines that the planning proposal states that the maximum building height fronting Alfred Street is 18 storeys and 16 storeys fronting Glen Street, however with reference to the sections the proposal seeks to achieve a 16 storey

maximum building height fronting Alfred Street (with 4 true basement car parking levels) and 18 storeys maximum building height fronting Glen Street, with 4 further levels referred to as basement levels that all project above ground level at RL18.01. Importantly, the maximum building height fronting Glen Street will be read as a true 22 storey tower, not an 18 storey tower.

Council notes that the proponent has submitted two previous planning proposals for the site, which have both previously been refused by Council. Council is of the view that the revised indicative concept scheme has only undergone a modest reduction in floor space (by 238sqm) and density when compared to the two previous planning proposals. Council maintains the view that the proposal and associated indicative concept design do not adequately demonstrate how a 72% increase in building height across the western portion of the site could be achieved without resulting in significant levels of public and private amenity impacts in an already compromised environment. Other changes noted include the increased massing and reduced separation between the two proposed towers resulting in a single built form up to and including level 12.

#### **Site-Specific Merit:**

Council is of the view that the planning proposal exhibits a number of issues with regard to the design principles set out under State Environmental Planning Policy (SEPP) No 65 Apartment Design Guidelines that are unlikely to be supported should a subsequent development application be lodged for the site. Council concedes that strict adherence to the ADG requirements are difficult to achieve in a dense urban environment such as Milsons Point.

Council notes that the concept scheme for the Gateway determination would need to undergo refinements at the development application stage, however also raises concern that issues may not be resolved through the provision of greater building separation and setbacks without further design changes resulting in subsequential amenity impacts.

The indicative design and supporting analysis do not demonstrate how a 72% increase in height along the western portion of the site could be achieved without resulting in a significant level of amenity impacts to adjoining residents in an already compromised environment. No consideration has been given to the amenity impact involved in a development complying with the current controls.

#### Solar Access:

- 30% of proposed apartments will receive no sun, well below the maximum of 15% under the ADG.
- Insufficient information has been provided regarding the potential solar access impacts on neighbouring buildings, with particular concern for 2 Dind Street and 48-50 Alfred Street.

#### Views:

- Insufficient information is provided to determine the extent of the potential view loss impacts to 70 Alfred Street, as well as public viewpoints including Lavender Bay and Luna Park foreshore.
- Council notes that two apartments at each level up to level 19 and one apartment from levels 20-22 of the neighbouring 37 Glen Street will be affected by view loss. Council note that this view loss relates to views of iconic landmarks including the Sydney Harbour Bridge from living rooms.

#### **Strategic Merit**

Council accepts that the proposal can be considered consistent with the North District and Greater Sydney Region Plan *A Metropolis of three cities*, as it will provide housing within

proximity to high frequency public transport, jobs and services and provide ground floor retail uses.

However, Council is of the view that the proposal is inconsistent with the Liveability objectives of the Regional Plan, particularly Objective 12 which relates to the delivery of great places for people through place based planning. Council outlines that due to the cumulative impacts of the proposed scheme and the existing and future levels of residential amenity, the proposal is considered unreasonable in a context where substantial levels of development in Milsons Point has resulted in sub-standard levels of amenity in relating to overshadowing, building separation, privacy and solar access.

Council notes that it objects to the proposal as there are no site specific local studies or strategies that provide any basis for the proposal. Under the North Sydney Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) Council establishes its vision for housing growth across the LGA over the next 20 years.

Council notes that its LHS demonstrates that North Sydney already has the capacity within its existing planning controls and studies to exceed projected housing demand until 2036, without the need for increased residential densities elsewhere.

North Sydney Council implemented a range of significant rezonings in Milson Points B4 Mixed Use Zones following the *North Sydney Residential Development Strategy 2009*. The Strategy identified a residential capacity of 326 dwellings to 2021, of which 200 are within the B4 zone. Council notes that this low level of residential capacity reflects that Milsons Point has reached or is near its development capacity. Council states that it has approved 182 dwellings in the Milsons Point B4 zone during this period.

## **ATTACHMENTS**

Attachment A – Context Map

Attachment B – Site Map

Attachment C – Proposed Height of Buildings Map

Attachment D – Previous Panel Rezoning Review Decision

Attachment E – Council Comments

Attachment F – Rezoning Review Documentation

- F1 – Application form
- F2 – Cover letter – rezoning review request
- F3 – Draft planning proposal
- F4 – Urban Design Package
- F5 – Visual and View Loss Impact Assessment
- F6 – Pedestrian Wind Environment Statement
- F7 – Traffic and Parking Assessment
- F8 – Draft Site-Specific DCP
- F9 - Heritage Impact Assessment
- F10 – Landscape Plan
- F11 – Survey Plan
- F12 - Council's independent assessment of previous proposal

Assessment officer: Bailey Williams  
Planning Officer, North District  
Contact: 8275 1306


**REZONING REVIEW  
RECORD OF DECISION  
SYDNEY NORTH PLANNING PANEL**

<b>DATE OF DECISION</b>	22 September 2021
<b>PANEL MEMBERS</b>	David Ryan (Acting Chair), Noni Ruker, Susan Budd and Kevin Alker
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Peter Debnam, Julie Savet Ward, Brian Kirk, Stephen Barbour have previously considered a Rezoning Review for the site and was of the understanding that this might have led to perceived conflict.  Ken Robinson and Virginia Waller declared conflicts having voted on this proposal in their capacity as North Sydney Councillors.

**REZONING REVIEW**

RR-2021-82 – 52 Alfred Street, North Sydney (AS DESCRIBED IN SCHEDULE 1)

## Reason for Review:

- The council has notified the proponent that the request to prepare a planning proposal has not been supported
- The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- should not** be submitted for a Gateway determination because the proposal has
- not demonstrated strategic merit
  - has demonstrated strategic merit but not site specific merit

The decision was unanimous.

**REASONS FOR THE DECISION**
**Strategic merit**

The Panel is satisfied that the planning proposal is consistent with the applicable strategic planning context of the site and thus demonstrates strategic merit.

**Site Specific merit**

The Panel notes that the earlier Panel's decision, that the planning proposal did not demonstrate site specific merit, was primarily based on the excessive building height fronting Glen Street. The planning proposal has subsequently been modified to reduce the height on that part of the site by 9.9 metres. The Panel supports this reduced height.

The Panel notes that the built environment around the site overwhelmingly exceeds the applicable 40 metre height standard, and the existing building on the site also exceeds that standard. As such, it appears anomalous to retain a height standard that evidently does not represent the established and likely future character of the locality. Since this planning proposal only involves an amendment to the building height standard in the LEP to one more consistent with the prevailing and likely future built environment, the Panel considers that it has site specific merit. The site, however, has a number of

constraints, including its relationship to a heritage item, to Bradfield Park and to existing residential towers. The ultimate built form will need to be carefully designed to respect these constraints and to provide a high level of amenity to the future occupants of any residential development on the site while minimising impacts on the amenity of the occupants of existing residential towers in close proximity to the site. The panel makes the following comments in relation to these matters.

#### **Development Control Plan**

The Panel acknowledges Council's objections to the proposal, which are primary based on what it considers to be adverse internal and external amenity outcomes relative to the sensitive and constrained context arising from future development as envisaged in the documentation accompanying the planning proposal, including the proposed Development Control Plan (DCP). It appears to the Panel that many of these concerns relate to built form massing and extent of floor space on the site, more than directly relating to the proposed building height.

Whilst the proponent's analysis has demonstrated the potential for amenity issues to be mitigated within the proposed building height and acknowledging that detailed impact assessment will be necessary at development application stage, the Panel has concerns about the indicative future built form, particularly in relation the amount of floor space and the massing of a future building on the site.

It is acknowledged that issues of building layout and massing unrelated to height are not directly the subject of this planning proposal. However, the Panel considers that in circumstances where there is no floor space ratio standard applicable to this site under the LEP and where Council relies on 'proxies' such as DCP setback controls, in conjunction with the LEP height standard, to limit building bulk and scale, the Panel places particular importance on the proposed DCP that accompanies the planning proposal (at the request of the previous Panel).

Whilst the Panel supports the reduction in the height fronting Glen Street, it notes that most of the associated 'lost' floorspace has been transferred to the middle of the proponent's reference scheme and DCP building envelope in place of a previous separation between the building elements.





The Panel therefore considers that the DCP should be reviewed and amended as follows:

- Reduce the massing of the building envelope to better reflect the dual frontage character of the block and residential building typologies. Two distinct tower forms above a podium may be more appropriate in this regard.
- The building envelope should ensure that view loss, overshadowing and other amenity impacts on neighbouring residential buildings and impacts on heritage and the public domain are minimised.
- Any amendments should not compromise elements of the proposed DCP supported by the Panel, including provision of new and enhanced north-south and east-west through site links, active frontages along streets and through site links and reduced overshadowing of Bradfield Park.
- Opportunities to ensure design excellence and improvements to the public domain are realized.

#### **Public benefits**

The planning proposal includes references to its public benefits, most particularly in the form of proposed ground level through site links. It also indicates a preparedness to enter into a VPA. However, it is noted that the full benefit of the links relies upon land not owned or controlled by the proponent. The planning proposal does not include a formal outline of offer in relation to these and other suggested benefits and how they would be secured.

The Panel considers the through site links to be positive elements of future site development that appear to be made possible by the total site redevelopment associated with the uplift in height. As such, the Panel suggests that more clarity and certainty is sought from the proponent as to its intentions in relation to formalising any such public benefit offer and if proposed, the mechanism through which those benefits will be secured.

PANEL MEMBERS	
 David Ryan (Acting Chair)	 Noni Ruker
 Susan Budd	 Kevin Alker

SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	RR-2021-82 – 52 Alfred Street, North Sydney - 52 Alfred Street, Milsons Point
2	<b>LEP TO BE AMENDED</b>	North Sydney Local Environmental Plan 2013
3	<b>PROPOSED INSTRUMENT</b>	The proposal seeks to amend the North Sydney Local Environmental Plan 2013 to increase the maximum permitted building height at 52 Alfred Street, Milsons Point to facilitate mixed use development.
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning, Industry and Environment</li> </ul>
5	<b>BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY</b>	<p><b>Site inspection</b> has been curtailed due to COVID-19. Panel members to undertake site inspection individually.</p> <ul style="list-style-type: none"> <li><b>Briefing with Department of Planning, Industry and Environment (DPIE):</b> 15 September 2021 <ul style="list-style-type: none"> <li>Panel members in attendance: David Ryan (Acting Chair), Noni Ruker, Susan Budd and Kevin Alker</li> <li>DPIE staff in attendance: Bailey Williams, Brendan Metcalfe and Charlene Nelson</li> </ul> </li> <li><b>Briefing with Council:</b> 15 September 2021 <ul style="list-style-type: none"> <li>Panel members in attendance: David Ryan (Acting Chair), Noni Ruker, Susan Budd and Kevin Alker</li> <li>DPIE staff in attendance: Bailey Williams, Brendan Metcalfe and Charlene Nelson</li> <li>Council representatives in attendance: Marcelo Occhiuzzi, Katerina Papas, Alice Brown and Neal McCarry</li> </ul> </li> <li><b>Briefing with Proponent:</b> 15 September 2021 <ul style="list-style-type: none"> <li>Panel members in attendance: David Ryan (Acting Chair), Noni Ruker, Susan Budd and Kevin Alker</li> <li>DPIE staff in attendance: Bailey Williams, Brendan Metcalfe and Charlene Nelson</li> <li>Proponent representatives in attendance: Ben Craig, Anna McLaurin, Weir Phillips, Koichi Takada, Georgia Wilson, Rohan</li> </ul> </li> </ul>

		<p>Dickson, Julia Moiso, Andrew Chung, Danica Canoza, Billy Leung and Sara Kwan.</p> <ul style="list-style-type: none"><li>• Papers were circulated electronically on 3 September 2021.</li></ul>
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