

DATE OF DECISION	22 September 2021
PANEL MEMBERS	David Ryan (Acting Chair), Noni Ruker, Susan Budd and Kevin Alker
APOLOGIES	None
DECLARATIONS OF INTEREST	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 primarily 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 to 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	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2021-82 – 52 Alfred Street, North Sydney - 52 Alfred Street, Milsons Point
2	LEP TO BE AMENDED	North Sydney Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	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	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<p>Site inspection has been curtailed due to COVID-19. Panel members to undertake site inspection individually.</p> <ul style="list-style-type: none"> Briefing with Department of Planning, Industry and Environment (DPIE): 15 September 2021 <ul style="list-style-type: none"> Panel members in attendance: David Ryan (Acting Chair), Noni Ruker, Susan Budd and Kevin Alker DPIE staff in attendance: Bailey Williams, Brendan Metcalfe and Charlene Nelson Briefing with Council: 15 September 2021 <ul style="list-style-type: none"> Panel members in attendance: David Ryan (Acting Chair), Noni Ruker, Susan Budd and Kevin Alker DPIE staff in attendance: Bailey Williams, Brendan Metcalfe and Charlene Nelson Council representatives in attendance: Marcelo Occhiuzzi, Katerina Papas, Alice Brown and Neal McCarry Briefing with Proponent: 15 September 2021 <ul style="list-style-type: none"> Panel members in attendance: David Ryan (Acting Chair), Noni Ruker, Susan Budd and Kevin Alker DPIE staff in attendance: Bailey Williams, Brendan Metcalfe and Charlene Nelson Proponent representatives in attendance: Ben Craig, Anna McLaurin, Weir Phillips, Koichi Takada, Georgia Wilson, Rohan

		Dickson, Julia Moiso, Andrew Chung, Danica Canoza, Billy Leung and Sara Kwan.
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- Papers were circulated electronically on 3 September 2021.