

NORTH SYDNEY COUNCIL

Council Chambers
20 September 2018

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL - PLANNING PROPOSALS** will be held in the Supper Room, North Sydney at 12 noon on Wednesday 26 September 2018 when your attendance is requested.

Your attention is directed to the accompanying statement of the business proposed to be transacted at such meeting.

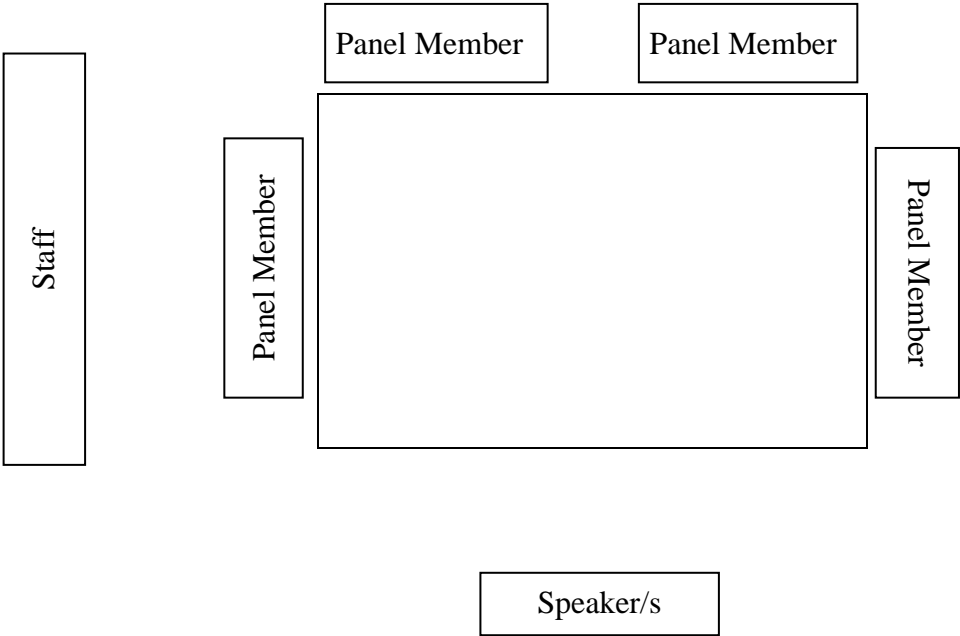
KEN GOULDTHORP
GENERAL MANAGER

BUSINESS

1. Minutes

Confirmation of Minutes of the previous Meeting held on Wednesday 13 June 2018.
(Circulated)

NSLPP COUNCIL CHAMBERS SEATING PLAN



PUBLIC GALLERY

1. PP01: 601 Pacific Highway, St Leonards (T) – PP No. 4/18

Applicant: Stockland Trust Management Limited

Report of Joanne Chan, Strategic Planner, 10 September 2018

On 27 June 2018, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land bound by the Pacific Highway, Atchison Street and Mitchell Street, St Leonards. In particular, the Planning Proposal seeks the following changes to NSLEP 2013:

- Amend the Land Zoning Map from B3 Commercial Core to B4 Mixed Use to permit residential uses;
- Increase the maximum Height of Buildings (HOB) from 49metres to 212metres (an increase of 163 metres);
- Establish a site-specific minimum non-residential floor space ratio control of 3.9:1; and
- Establish a site-specific maximum overall floor space ratio control of 20:1 (if deemed necessary).

Having completed an assessment of the Planning Proposal, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- It has the potential to significantly undermine strategic planning work currently being undertaken by the Department of Planning and Environment relating to the *St Leonards Crows Nest Planned Precinct*;
- It is contrary to meeting a number of objectives and actions under the relevant regional and district plans applying to the land. In particular, the proposal:
 - does not promote a strategic planning response to an identified Planned Precinct;
 - is not required to meet State housing targets, as sufficient residential capacity is already provided under NSLEP 2013 without the need to significantly change the land use mix on the subject site; and
 - fails to protect the commercial core of St Leonards as a *Strategic Centre/Health and Education Precinct*;
- It is inconsistent with the desired outcomes of the *St Leonards Crows Nest Station – Interim Statement*. In particular, the proposal:
 - does not protect or strengthen the Precinct’s commercial role;
 - reduces employment opportunities leveraging off the new metro station;
 - does not prioritise employment growth and leverage off government investment in infrastructure to increase employment capacity;
 - results in poor public amenity within the locality; and
 - would undermine the strategic planning work carried out by local and state agencies.

It is inconsistent with the desired outcomes within Council’s *St Leonards Crows Nest Planning Study – Precincts 2 & 3*;

The opportunities and impacts of revised planning controls are better considered and managed on a precinct-wide basis; and

The delivery of public benefits identified within the Planning Proposal cannot be guaranteed without an offer by the applicant to enter into a Voluntary Planning Agreement.

It is also noted that there are various landowners in the locality with a keen interest to redevelop their sites. Allowing this to occur, on an ad-hoc basis could create an unacceptable precedent and significantly undermine the DPE and

Council's strategic planning efforts for the locality to facilitate the best outcomes.

The Planning Proposal seeks to amend the zoning, increase the maximum height of buildings, establish a minimum non-residential FSR and maximum FSR under NSLEP 2013 as it relates to the subject site.

The Planning Proposal is generally consistent with the relevant requirements under s3.33 of the EP&A Act.

Whilst the Planning Proposal would result in the increased provision of residential accommodation in close proximity to transport, services and facilities, the Planning Proposal cannot be supported for the following reasons: It has the potential to significantly undermine strategic planning work currently being undertaken by the Department of Planning and Environment relating to the *St Leonards Crows Nest Planned Precinct*;

It is contrary to meeting a number of objectives and actions under the relevant regional and district plans applying to the land. In particular, the proposal:

does not promote a strategic planning response to an identified Planned Precinct;

is not required to meet State housing targets, as sufficient residential capacity is already provided under NSLEP 2013 without the need to significantly change the land use mix on the subject site; and

fails to protect the commercial core of St Leonards as a *Strategic Centre/Health and Education Precinct*;

It is inconsistent with the desired outcomes of the *St Leonards Crows Nest Station Precinct – Interim Statement*. In particular, the proposal:

does not protect or strengthen the Precinct's commercial role;

reduces employment opportunities leveraging off the new metro station;

does not prioritise employment growth and leverage off government investment in infrastructure to increase employment capacity;

results in poor public amenity within the locality; and

would undermine the strategic planning work carried out by local and state agencies.

It is inconsistent with the desired outcomes within Council's *St Leonards Crows Nest Planning Study – Precincts 2 & 3*;

The opportunities and impacts of revised planning controls are better considered and managed on a precinct-wide basis; and

The delivery of public benefits identified cannot be guaranteed without an offer by the applicant to enter into a Voluntary Planning Agreement.

It is therefore recommended that the NSLPP considers the issues identified within this report and provide their comments.

2. PP02: 52 Alfred Street South, Milsons Point - PP No. 7/17

Applicant: Ethos Urban, 173 Sussex Street, Sydney NSW 2000

Report of Katerina Papas, Strategic Planner, 12 September 2018

On 12 December 2017, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 52 Alfred Street South, Milsons Point. The Planning Proposal principally seeks to increase the maximum building height control applying to the site under NSLEP 2013.

On 13 February 2018, the Planning Proposal was referred to the Design Excellence Panel for review. Several major concerns were raised with respect to the indicative concept scheme supporting the Planning Proposal, including height and overshadowing, relationship to context, built form and scale, and amenity and design impacts.

A preliminary assessment letter was sent to the applicant on 27 February 2018, advising that Council was unable to support the Planning Proposal in its current form due to the issues arising from the reference design accompanying the application. To progress the Planning Proposal, it was suggested that a reconsideration of the reference design be undertaken addressing the issues raised by Council Officers and the Design Excellence Panel.

On 8 August 2018, Council received a revised Planning Proposal and amended concept scheme. The amended Planning Proposal seeks to increase the maximum building height control applying to the site under NSLEP 2013 from 40m to a split height control across the site of RL97 (western portion) and RL84 (eastern portion). This equates to a maximum building height of approximately 79.6m (western portion) and 55.4m (eastern portion), and represents a 38.5-99% increase above the existing height control under NSLEP 2013.

The Planning Proposal is not accompanied by a Voluntary Planning Agreement (VPA) regarding the provision of local services and facilities outside of the scope of Council's Local Contributions Plan.

Having completed an assessment of the revised Planning Proposal, it is recommended the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context and will result in a significant level of public and private amenity impacts;
- 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 will result in a reduction of commercial floor space over the site which is inconsistent with *Direction 1.1 – Business and Industrial Zones* to the section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979;
- 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 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.

Recommending:

It is therefore recommended that the North Sydney Local Planning Panel considers the issues identified within this report and provide their comments.



NORTH SYDNEY LOCAL PLANNING PANEL – PLANNING PROPOSALS

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 13 JUNE 2018, AT 12.00PM.

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

Lesley Finn, Panel Member
Michel Reymond, Panel Member
Veronique Marchandean, Community Representative

Staff:

Present for Determination Session

Marcelo Occhiuzzi, Manager Strategic Planning
Neal McCarry, Team Leader – Policy
Ben Boyd, Executive Strategic Planner
Joanne Chan, Strategic Planner

Administrative Support

Melissa Dunlop, Governance Co-ordinator (Minutes)

Apologies: Nil.

1. Declarations of Interest:

Nil.

2. Business Items

On 23 February 2018, the Minister for Planning released a Section 9.1 Direction which outlines the instance when a Planning Proposal must be referred to a Local Planning Panel for advice prior to a Council determining as to whether that Planning Proposal should be forwarded to the Department of Planning and Environment for the purposes of seeking a Gateway Determination.

The Panel has considered the following Business Items and provided recommendations on each matter as described in these Minutes.

ITEM 1

PROPOSAL No:	1/18
ADDRESS:	23-35 Atchison Street, St Leonards
PROPOSAL:	The Planning Proposal is seeking to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) to increase the maximum building height from 20m to RL146, increase the minimum non-residential floor space ratio (FSR) control from 0.6:1 to 1.5:1 and establish an overall maximum FSR control for the site to 6.3:1.
REPORT BY NAME:	Joanne Chan, Strategic Planner
APPLICANT:	Urbis Pty Ltd (Stephen White)

Public Submissions

Submitter	Applicant/Representative
Nil	Tony Polvere
	Jim Koopman

Business Item Recommendations

The Panel considered the Council Officer's report and accompanying documentation for the Planning Proposal and carried out a site inspection earlier in the day. At the public meeting the Panel notes that the representatives for the Applicant agreed with the findings of the Officer's report. It is further noted the Planning Proposal has been amended through the process of discussions with Council such that it is now consistent with the St Leonards/Crows Nest Planning Study Precincts 2 and 3.

The Panel notes that the Planning Proposal will have the effect of isolating the site known as 21 Atchison Street, St Leonards.

Panel Recommendation:

The Panel is satisfied that the Planning Proposal will provide a statutory framework to facilitate a good outcome in terms of the public domain and streetscape for this Precinct. Furthermore, the 5 metre linear open space along Oxley Street is supported as providing amenity for the community and residents of the development. The Panel also endorses the notion of a through-site link 6 metres in width which will allow for further activation and minimise adverse impacts for adjoining residential developments.

The Panel accepts the Officer's recommendation that the building height be amended and clearly defined as 56 metres in the Planning Proposal and the Applicant indicated that this was acceptable.

The Panel therefore recommends to the Council that it support the Planning Proposal as assessed and forward it to the Department of Planning for the purposes of the Gateway Determination.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandau	Y	
Lesley Finn	Y				
Michel Reymond	Y				

ITEM 2

PROPOSAL No:	2/18
ADDRESS:	Fiveways Triangle Site – 391-401 Pacific Highway, 3-15 Falcon Street, and 8 Alexander Street, Crows Nest
PROPOSAL:	To amend the Height of Buildings Map under North Sydney Local Environmental Plan 2013 as follows: <ul style="list-style-type: none">• increasing the maximum building height on the subject site from 16m to 205m (a 189m increase).
REPORT BY NAME:	Ben Boyd, Executive Strategic Planner
APPLICANT:	Eastern Property Alliance

Public Submissions

The Panel notes that representatives of the Applicant were contacted and made aware this Planning Proposal was to be considered by the Panel today. Before closing the public meeting, the Panel requested Council officers endeavour to contact the Applicant's representatives to provide them with every opportunity to address and meet with the Panel, however these attempts were unsuccessful.

Panel Recommendation:

The Panel inspected the subject site the morning of the meeting and has the benefit of considering the Council Officer's report and accompanying documentation. The Panel is not persuaded that this Planning Proposal should proceed to a Gateway Determination. The Panel also notes that there are significant State and Council initiatives and studies that on completion will inform the future development, character and infrastructure needs of this Precinct.

The Panel recommends to the Council that it not support the Planning Proposal.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Veronique Marchandean	Y	
Lesley Finn	Y				
Michel Reymond	Y				

The public meeting concluded at 12.45pm.

The Panel Determination session commenced at 12.45pm.

The Panel Determination session concluded at 1.35pm.

Endorsed by Jan Murrell
North Sydney Local Planning Panel
13 June 2018