

- b. The Planning Proposal and associated supporting documents not being exhibited in a form to make a reasonable assessment of the potential impacts;
- c. The Planning Proposal progressing ahead of an associated draft development control plan (DCP) amendment and draft Voluntary Planning Agreement (VPA);
- d. Overshadowing remaining a key issue with increased height;
- e. The Floor Space Ratio (FSR) controls being far in excess of what could be achieved if the intent of the proposed DCP built form controls was to be complied with;
- f. The lack of inclusion of setting a minimum non-residential floor space ratio;
- g. The inclusion of sub-optimal setback and separation distances proposed within the draft DCP; and
- h. Does not encourage site amalgamation which would result in a more orderly and managed development outcome.

2.THAT the submission also highlights the following matters, which are elaborated upon in the Detail sections of this report:

- a. The poor handling of the public exhibition process, contrary to best practice;
- b. Revision of the proposed bonus FSR clause to avoid ambiguity or confusion;
- c. Inclusion of additional height controls along the Precinct's eastern alignment to protect the amenity of residential development to the east;
- d. Exclusion of the signage aspects of the proposed development; and
- e. That should DPIE support the progression of the Planning Proposal, that a deferred commencement date be included by DPIE to allow additional time for Council and the proponent to negotiate the proffered draft VPA and draft DCP amendment applying to the Precinct.

Cr Barbour returned to the meeting at 8.12pm

8.3. Planning Proposal PP2/20 - 1A Little Alfred Street, North Sydney

AUTHOR: Jayden Perry, Strategic Planner

To present an assessment report in response Planning Proposal No. 2/20 at 1A Little Alfred Street, North Sydney after its consideration by the Local Planning Panel on 9 December 2020. Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 1A Little Alfred Street, North Sydney.

The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):

- allow 'Serviced apartments' as additional permissible uses on the site (NB: 'Kiosk' and 'Recreation facility (indoor)' uses are already permissible on the site under the existing RE2 - Private Recreation zone). Should the Housing Diversity SEPP be finalised and gazetted, the proposed newly defined use of 'co-living' also be added to the permissible land uses;
- amend the Height of Buildings Map with a maximum height of 12.5m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.9:1 on the western portion of the site.

The indicative concept scheme accompanying the Planning Proposal includes a 3 storey building on the western portion of the site comprising:

- 11 x 1-2 bedroom apartments (at levels 1-2); and
- a 38m² kiosk style café, a 62m² health/wellness space that could be used for yoga, gym space or the like, and 55m² of shared ‘co-working’ space, accommodation lobby and back of house, all at ground level.

The eastern portion of the site will be utilised as an outdoor garden and active recreation space used in conjunction with the “health/wellness” space. The eastern most tennis court is proposed to be retained and would remain available to the public for hire.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide;

- Ongoing maintenance and operation of one tennis court [existing] for a period of 15 years, which will remain open and accessible for use by the public via an online booking system. This contribution is to commence upon release of a Construction Certificate for a future mixed-use development at the site.
- A monetary contribution of \$400,000 to go towards upgrades of local recreational or public domain infrastructure, or towards a new park above Warringah Freeway.

Having completed an assessment of the Planning Proposal and draft VPA against the Department of Planning, Infrastructure and Environments’ (DPIE) Regional and District Plans and against Council’s existing controls and policies, it is considered that the Planning Proposal is not compatible with the surrounding area nor does it align Council’s future vision for the area and as such should not be supported to proceed to Gateway Determination.

In particular, the proposal will result in a built form that is of an inappropriate height and scale, will result in the loss of private recreational area, is likely to impact upon the amenity of surrounding residents and is considered to be inconsistent with the objectives of the RE2 zone and with the objectives of the adjacent zones.

The Planning Proposal has not been prepared in response to any Council Planning Study and is therefore not consistent with Council’s assured Local Strategic Planning Statement which sets the strategic vision for the future of North Sydney. The Planning Proposal is not considered to be satisfactory for the reasons outlined above and discussed in detail in this report.

As part of the plan making process Council staff are required to report on this planning proposal to the Local Planning Panel prior to the elected Council. This took place on 9 December 2020 and the minutes of this meeting are provided at Attachment 5. The panel supported its progression in principle, contingent on meeting a range of concerns provided in the body of the report. This support was not unanimous.

It is noted that the applicant has made ongoing updates to original proposal, having submitted two revised schemes since its lodgement in March 2020. Whilst these have sought to address various concerns, it has added unnecessary complication to the process, effectively undertaking a form of negotiation prior to the exhibition stage of the proposal.

Whilst not the subject of formal exhibition, Council has received a total of seventy-five (75) submissions raising concerns over the proposal.

The Planning Proposal is accompanied by an offer to enter into a draft Voluntary Planning Agreement (VPA) that proposes to provide monetary and in-kind contributions to Council. These include:

- Ongoing maintenance and operation of one tennis court [existing] for a period of 15 years, which will remain open and accessible for use by the public via an online booking system. This contribution is to commence upon release of a Construction Certificate for a future mixed-use development at the site.
- A monetary contribution of \$400,000 to go towards upgrades of local recreational or public domain infrastructure, or towards a new park above Warringah Freeway.

RECOMMENDATION:

1. THAT Council resolves to not support the Planning Proposal proceeding to Gateway Determination.

2. THAT Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulations 2000.

The Recommendation was moved by Councillor Brodie and seconded by Councillor Baker.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Gibson, Councillor Beregi, Councillor Keen, Councillor Brodie, Councillor Carr, Councillor Barbour, Councillor Drummond, Councillor Gunning, Councillor Mutton, Councillor Baker

Against: nil

Absent: nil

11. RESOLVED:

1. THAT Council resolves to not support the Planning Proposal proceeding to Gateway Determination.

2. THAT Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulations 2000.

8.4. Planning Proposal PP5/20 - 52 Alfred Street South, Milsons Point

AUTHOR: Karen Buckingham, Executive Strategic Planner

To present to Council the assessment of a Planning Proposal which seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 52 Alfred Street South, Milsons Point following its review by the North Sydney Local Planning Panel which is included.

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, Milson Point. In particular, the Planning Proposal proposes the following amendments to NSLEP 2013: