



NORTH SYDNEY LOCAL PLANNING PANEL

PLANNING PROPOSAL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 23 FEBRUARY 2022, AT 12.00PM.

PRESENT

Chair:

Helen Lochhead in the Chair.

Panel Members:

Jan Murrell, Panel Member
John McInerny, Panel Member
Jane van Hagen, Community Representative

Staff:

Administrative Support

Marcelo Occhiuzzi, Manager Strategic Planning
Ben Boyd, Executive Strategic Planner
Neal McCarry, Team Leader Policy
Peita Rose, Governance Officer (Minutes)

In accordance with the Covid 19 Public Health Order this meeting was conducted by remote (Zoom) means.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 29 September 2021 were confirmed following that meeting.

2. Declarations of Interest

Jane Van Hagen declared a potential conflict of interest on Item 1 and absented herself from the consideration and deliberation of this matter.

3. Business Items

The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.

The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

PP No:	2/21
ADDRESS:	253-267 Pacific Highway, North Sydney
PROPOSAL:	Local Environmental Plan 2013 as follows: <ul style="list-style-type: none"> • Amended building height controls across the site with maximum heights of 15m, 29m and 37m; • Provide a maximum FSR of 4.83:1 to Nos 253-261 Pacific Highway and a maximum FSR of 1.83:1 to Nos 265-267 Pacific Highway; and • Provide a minimum non-residential FSR control of 1:1.
REPORT BY NAME:	Annelize Kaalsen (AK Planning)
APPLICANT:	Tim Turpin Legacy Property

Public Submissions

2 Written Submissions were received prior to the public meeting

Submitter	Applicant/Representative
Vincent & Wendy Lam - Resident	Tim Turpin - Legacy Property - Applicant
Wu Qiong - Resident	Adam Peacock - Legacy Property – Applicant
Wen & Yao Xiao - Resident	Siobhan McInerney - PTW Architects
Tim and Georgina Harricks (observing only)	Samantha Polkinghorne - NBRS Architecture
	Chris Croucamp - Urbis
	Stephen White - Urbis

The key issues raised in the public submissions included light and solar access, privacy and overlooking, height and bulk, impacts on heritage precinct and vehicular access. Concerns around construction impacts were also raised, however the Panel Chair noted that these impacts will be considered as part of the development application assessment process.

Panel Recommendation:

The Panel members have undertaken independent site inspections prior to the meeting and the Panel has considered all written and oral submissions made on the Planning Proposal in making its recommendation to Council.

Council's Consultant Report is endorsed by the Panel.

The Panel recommends support of:

- the Planning Proposal being forwarded to the Department of Planning, Industry and Environment seeking a request for a Gateway Determination; and
- site specific DCP provisions to help guide future detailed design and the development application process.

It is also recommended that:

1. the maximum height be 37m to accommodate the sloping topography, lift overrun and a floor-to-floor height of 4.4m for the ground floor, (noting that the maximum number of storeys is to remain the same);
2. the setback of the tower on the Pacific Highway elevation be modified to provide a minimum tower setback above the podium of 1m, with at least 30% of the envelope setback to 3m, to provide façade articulation and wind mitigation. The setbacks to all other frontages are to remain as per the draft DCP.

The Panel noted that subject to an assessment of the impacts for any development application the maximum FSR for the site may not be able to be achieved.

The Panel encourages the applicant to respond to the recommendation for an updated Travel Plan, while waiting for a Gateway Determination, to enable the additional information to be placed on exhibition with the formal Planning Proposal.

Panel Reasons:

The Planning Proposal is supported as it:

- generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- generally complies with the Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals (August 2016);
- on balance, does not contradict the ability to achieve the objectives and actions of high-level planning strategies;
- the proposed height is consistent with that anticipated under the Civic Precinct Planning Study (CPPS);
- the location / placement of the towers is generally consistent with that anticipated under the CPPS;

- will provide higher density development near the new Victoria Cross Metro Station consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcome for this precinct;
- the future building form will have an acceptable overshadowing impact on North Sydney Demonstration School;
- includes a stepped podium resulting in human-scale spaces along Pacific Highway and an appropriate interface and scale with the contributory building at No. 6-8 McLaren Street;
- the proposal will have an acceptable impact in relation to heritage and conservation in relation to the curtilage and relationship to the existing heritage item on the site at No. 265 Pacific Highway and its height relationship with the adjoining conservation area.

The amended Planning Proposal and Reference Design Scheme is considered to be consistent with the LSPS position of only supporting amendments to the NSLEP which are supported by an endorsed precinct wide based planning study.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Jane van Hagen	Absent	
Jan Murrell	Y				
John McInerney	Y				

ITEM 2

PP No:	6/20
ADDRESS:	45 McLaren Street, North Sydney
PROPOSAL:	<p>To amend North Sydney Local Environmental Plan 2013 as follows:</p> <ul style="list-style-type: none"> • Rezone the site from R4 High Density Residential to B4 Mixed Use; • Increase the maximum height of building limit from 12m to part RL 103 (36-43m) and Part RL 115 (approximately 47-51m); • Impose a maximum floor space ratio of 6.25:1; • Introduce a non-residential floor space ratio of 1:1; • Amend Clause 4.4A – Non-Residential floorspace ratios to permit residential development at ground level facing Walker Street; and • Amend Clause 6.12A – Residential flat buildings in Zone B4 Mixed Use to permit residential development at ground level facing Walker Street.

	To ensure that the envisaged built form outcome is achieved, the Planning Proposal is accompanied by suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan (NSDCP) 2013 and offer to enter a Voluntary Planning Agreement to deliver a number of public benefits.
REPORT BY NAME:	Ben Boyd, Executive Strategic Planner
APPLICANT:	45 McLaren Pty Limited

Public Submissions

3 Written Submissions were received prior to the public meeting.

Submitter	Applicant/Representative
Susan Fryda-Blackwell - Resident	Michael Grassi - Director, Podia -Developer and applicant
	Stephen White - Director, Urbis
	Sophie Purton Town Planner, Urbis
	Matthew Davis - Architect, Bates Smart

The key issues raised in the public submissions included light and solar access, privacy and overlooking, height and bulk, vehicular access, retention of trees and consideration of cumulative impacts of all recent development.

Panel Recommendation:

The Panel members have undertaken independent site inspections prior to the meeting and the Panel has considered all written and oral submissions made on the Planning Proposal in making its recommendation to Council.

The Council Officer's Report is endorsed.

The Panel recommends support of:

- the Planning Proposal being forwarded to the Department of Planning, Industry and Environment seeking a request for a Gateway Determination; and
- site specific DCP provisions to help guide future detailed design and the development application process.

It is also recommended that:

1. the visual assessment report be amended to provide increased illustrative analysis of the view impacts from residential properties located to the west and fronting McLaren and Miller Streets, before being placed on public exhibition;
2. consideration be given to the provision of affordable housing given the development uplift; and

3. all vehicular access and servicing be provided from Walker Street and included in the DCP to be exhibited.

Panel Reasons:

The Planning Proposal is supported as it:

- generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- generally complies with DPIE's *A Local Environmental Plan Making Guideline* (December 2021);
- on balance, does not contradict the ability to achieve the objectives and actions of high level planning strategies;
- is generally consistent with and promotes the desired future outcomes of the Ward Street Precinct Masterplan; and
- the scale and bulk of any future development on the site is unlikely to result in any significant adverse impacts on the environment or wider community, or could be appropriately mitigated as part of the implementation of appropriate standards within NSDCP 2013 and the development application process; and
- will contribute to the delivery of several public benefits in the immediate locality of the site.

The Panel noted that the planning proposal has minimised the overshadowing and solar impacts of a future development of the site, by containing it within the overshadowing from the already approved development at 168 Walker Street, North Sydney in line with the proposed amendments to the site specific DCP.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Jane van Hagen	Y	
Jan Murrell	Y				
John McInerney	Y				

The public meeting concluded at 1.02 pm.

The Panel Determination session commenced at 1.10 pm.

The Panel Determination session concluded at 2.20 pm.

Endorsed by Helen Lochhead
North Sydney Local Planning Panel
23 February 2022