



NORTH SYDNEY COUNCIL

Council Chambers
12 April 2023

I wish to inform you that a Meeting of the **NORTH SYDNEY LOCAL PLANNING PANEL** will be held in the Supper Room, North Sydney at 12pm on Wednesday 19 April 2023 when your attendance is requested.

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

I would like to acknowledge the traditional owners of these lands in which we meet and to pay our respect to the ancestors, and spirits past and present.

**THERESE MANNS
GENERAL MANAGER**

BUSINESS

Minutes

Confirmation of Minutes of the previous Planning Proposal Meeting held on Wednesday 9 November 2022.

(Circulated)

PP01: 1-7 Rangers Road & 50 Yeo Street, Neutral Bay – PP 1/23

Applicant: Fabcot Pty Ltd (Woolworths Group)

Report of Katerina Papas, Senior Strategic Planner

On 11 January 2023, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 1-7 Rangers Road and 50 Yeo Street, Neutral Bay.

The Planning Proposal seeks to amend NSLEP 2013 as follows:

- Increase the maximum building height control for the site from 16m to part 27m and part 33m; and
- Increase the minimum non-residential floor space ratio control for the site from 0.5:1 to 1.8:1.

The intent of the Planning Proposal is to facilitate the delivery of a part 6 storey and part 8 storey mixed-use development comprising a supermarket at a subterranean level; retail and commercial floorspace in the podium; and approximately 63 residential apartments located above. A basement car park comprising a total 350 spaces is proposed.

To provide increased certainty over a future built form on the site, the Planning Proposal is accompanied by a suite of suggested amendments to North Sydney DCP 2013. It is also accompanied by non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver public benefits including: a publicly accessible plaza and pedestrian through-site link; public wi-fi; and 88 car parking spaces for public use, in perpetuity, located within the basement of the future development.

A detailed assessment of the proposal has been completed having regard to the assessment criteria in the DPE's *"LEP Making Guidelines"* (September 2022).

It is recognised that the Neutral Bay Town Centre is undergoing change, and that the previously endorsed *Military Road Corridor Planning Study Stage 1 (MRCPS)* and current work to revise the Study, provides a clear indication of the Council's and community's desire to revitalise and renew the precinct. Notwithstanding this, the Planning Proposal is not considered to demonstrate adequate strategic or site-specific merit.

A driving principle of Council's rescinded MRCPS and the renewed Study for the Neutral Bay Town Centre, is to deliver high quality public open space and community facilities by incentivising site amalgamation through targeted and modest increases in height and density, whilst maintaining and enhancing the village atmosphere of the centre. The Planning Proposal does not achieve the objectives and intended outcomes of the rescinded MRCPS and is inconsistent with and undermines the strategic objectives of Council's renewed Study for the precinct.

In particular, the proposal if progressed will facilitate an overly intense and visually dominant built form in its context, contrary to the existing and future desired village character of Neutral Bay. It also proposes to deliver a plaza and through-site link of compromised amenity and reduced public benefit and prevents the opportunity to deliver a genuinely 'public' and high amenity plaza, through-site link and community facility that fronts onto, and better activates, the plaza by limiting the capacity of the adjacent site at No. 183-185

Military Road to contribute to the public domain as envisaged in Council's rescinded MRCPS.

The Planning Proposal is not considered to demonstrate adequate site-specific merit as the overall height, bulk and scale of the proposed built form is unacceptable in terms of providing a human scale frontage to the future plaza; an appropriate interface with the low-scale residential area immediately to the south of the site; overshadowing impacts and traffic impacts.

It is recommended that Planning Proposal (PP1/23) not be supported to proceed to Gateway Determination.

Recommending:

1. THAT the Planning Proposal (PP1/23) not be supported to proceed to a Gateway Determination.

PP02: 50,52,54,56,58,60,62,64,66,68,70,72,74,76,78,80,82,84,86 and 88 Parraween Street, Cremorne – PP 3/23

Applicant: North Sydney Council

Report of Neal McCarry, Team Leader Strategic Planning

At its meeting of 10 January 2022, Council raised a Notice of Motion as *Matter of Urgency – Creation of Heritage Conservation Area* and resolved the following:

1. THAT Council immediately commences a review of the creation of a Heritage Conservation Area, being the Parraween St Conservation Area to protect the characteristic buildings and history for the row of late 1800's and early 1900's federation detached and semi-detached cottages on the northern side of Parraween Street that extends from Paling Street to Macpherson Street.

2. THAT Council urgently receives appropriate advice by a person with the required knowledge and skills to assess if Council can establish an Interim Heritage Order (IHO) for the above properties to cover the period while Council reviews the establishment of the Heritage Conservation Area.

On 14 March 2022, Council's Legal and Planning Committee considered a report to determine whether Council could potentially establish an IHO for the properties on the northern side of Parraween Street if heritage significance was established.

The report indicated that, notwithstanding any potential heritage value of the properties, the sites did not meet the criteria under Section 25(2) of the Heritage Act 1977 to establish an IHO as there was no immediate threat of harm at the time.

In May 2022, Council officers procured the services of a suitably qualified heritage consultant, Lucas Stapleton Johnson & Partners (LSJ) to undertake a heritage review of the properties along the northern side of Parraween Street in order to determine if the properties may potentially satisfy the criteria for heritage listing under North Sydney Local Environmental Plan 2013 (NSLEP 2013).

The LSJ Heritage Assessment Report of October 2022 established potential heritage significance of properties at Nos. 50, 52, 54, 56, 70, 72, 78, 80 Parraween Street and recommended that further research into the history of the Harbutt Brothers including a thorough comparative analysis of Nos. 82-88

Parraween Street would likely confirm heritage significance of these properties.

On 4 November 2022, Council received an 'Advice of application for a Complying Development Certificate' (CDC) from a registered certifier, in relation to the proposed full or partial demolition of dwellings and structures on land at Nos. 50-88 Parraween Street and Nos. 63-67 Gerard Street, Cremorne.

The receipt of the CDC notification confirmed an intention to demolish potential heritage items within the study area, establishing a clear 'threat of harm' to the subject items.

On 9 November 2022, Council issued an Interim Heritage Order (3/2022) on properties at 50, 52, 54, 56, 70, 72, 78 and 80 Parraween Street, Cremorne. On 11 November 2022, Council issued an Interim Heritage Order (4/2022) on properties at Nos. 82, 84, 86 and 88 Parraween Street, Cremorne. The IHOs were made in accordance with Section 25 of the Heritage Act 1977 in response to a clear 'threat of harm' to the subject sites, consistent with the outcomes of the heritage assessment report which identified that the sites may be eligible for heritage listing.

An Addendum Heritage Assessment Report was completed in March 2023 following an internal inspection of all properties which were the subject of the IHO. This report was completed following internal site visits of the subject items and further research into the history of the Harbutt Brothers. The detailed assessment of the properties concluded that the following group, pair and individual items meet the criterion for heritage listing under Schedule 5 of the North Sydney Local Environmental Plan 2013 at a local level:

- Nos. 50, 52, 54 and 56 Parraween Street warrant listing as a local heritage item (group listing);
- Nos. 70 and 72 Parraween Street warrant listing as local heritage item (group listing);
- Nos. 78 and 80 Parraween Street warrant listing as local heritage item (group listing); and
- Nos. 82, 84 and 88 Parraween Street warrant listing as local heritage items (individual listings).

Note: No. 86 Parraween Street was found to not warrant listing as a local heritage item.

In response to the outcomes and recommendations of the Addendum Heritage Assessment report of March 2023, Council has prepared a planning proposal to amend NSLEP 2013 such that the properties at 50, 52, 54, 56, 70, 72, 78, 80, 82, 84 and 88 Parraween Street, Cremorne are identified as local heritage items through their listing within Schedule 5 - Environmental Heritage and identification on the Heritage Map.

The Planning Proposal also seeks to amend the zoning of 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88 Parraween Street, Cremorne from Zone R4 High Density Residential to Zone R3 Medium Density Residential.

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 and Environment's Local Environmental Plan Making Guidelines (September 2022);
- on balance, does not contradict the ability to achieve the objectives and actions of higher order planning strategies;
- will contribute to the preservation of the character and built heritage of the Cremorne Area.

As such, the Planning Proposal is recommended to be forwarded to the Department of Planning & Environment (DPE) for Gateway Determination.

Recommending:

1. THAT the Local Planning Panel support the progression of the Planning Proposal to the DPE seeking a Gateway Determination.



NORTH SYDNEY LOCAL PLANNING PANEL

PLANNING PROPOSALS

**RECOMMENDATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN
THE COUNCIL CHAMBERS, NORTH SYDNEY,
ON WEDNESDAY 9 NOVEMBER 2022, AT 12.00PM.**

PRESENT

Chair:

Jan Murrell in the Chair.

Panel Members:

John McInerney, Panel Member
Grant Christmas, Panel Member
Ken Robinson, Community Representative

Staff:

Neal McCarry, Team Leader Policy
Katerina Papas, Senior Strategic Planner

Administrative Support

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, 14 September 2022 were confirmed following that meeting.

2. Declarations of Interest

Nil.

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 in relation to development applications, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018 in relation to Planning Proposals.

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

ITEM 1

| | |
|------------------------|--|
| PP No: | 5/22 |
| ADDRESS: | 71-89 Chandos Street, St Leonards |
| PROPOSAL: | <p>To amend North Sydney Local Environmental Plan 2013 as follows:</p> <ul style="list-style-type: none"> • Increase the maximum height of buildings limit from 20m to 44m; • Introduce a maximum floor space ratio of 4:1; • Increase the minimum non-residential floor space ratio from 0.6:1 to 1:1; and • Introduce a site-specific provision allowing the maximum building height to be exceeded to a maximum 46.7m (RL131.920) for the purpose of providing inclusive access to communal open space at the rooftop level. <p>The Planning Proposal is accompanied by a non-binding letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to provide public benefits in addition to applicable section 7.11 and 7.12 local infrastructure contributions and Special Infrastructure Contributions (SIC).</p> |
| REPORT BY NAME: | Katerina Papas, Senior Strategic Planner |
| APPLICANT: | Ethos Urban |

No Written Submission

Registered to Speak

| Submitter | Applicant/Representative |
|------------------|---|
| | Tom Goode - Ethos Urban - applicant (town planner) |
| | Sarah Papalia - Ethos Urban - representing applicant (town planner) |
| | William Smart- Smart Studio - representing applicant (architect) |
| | Harald Straatveit - Smart Studio - representing applicant (architect) |
| | Gavin Zhang - TWT Global - applicant |

The Panel members have undertaken independent site inspections prior to the meeting.

Panel Recommendation:

The Panel concurs with the Officer's Assessment Report and accordingly recommends to the Council that the Planning Proposal proceed to a Gateway determination, subject to the Planning Proposal being amended to a maximum building height of 43 metres for a twelve storey building, with an additional height allowance for the lift overrun and use of the rooftop for communal open space. These elements, including the balustrade, are all to be located to be not visible from the public domain at street level.

The Planning Proposal demonstrates both site specific and strategic merit and is consistent with the State 2036 Strategy and Local Government plans and policies.

The Panel endorses the comments provided in the Council Officer's report to assist the preparation of the development application to guide the built form outcome for this prominent corner site.

Further, by way of comment, the Panel considers that in the final detail of the architectural plans, consideration must be given to providing an appropriate interface to the lower density residential area to the east of Oxley Street. In this regard the design must consider the massing and architectural detail. This includes the height of the ground floor commercial area and fenestration, and consideration to respect the change in topography as well as the need to reduce the basement footprint to ensure deep soil planting with canopy trees on the Oxley Street setback.

The Panel considers that the entering into of a voluntarily planning agreement is a fundamental aspect in order to proceed with the Planning Proposal to ensure public domain improvements. In this regard the offer made by the applicant for an active through-site link, the dedication of land for a linear park and associated public domain works is required as a minimum. The Panel encourages the applicant to also investigate more affordable housing which may be achieved through a mix of reduced dwelling sizes and minimisation of parking given the strategic location of the site close to public transport. Consideration should also be given to making available a number of units to be managed by a housing provider/authority for a period of 15 years for essential workers, and sustainability measures incorporated into the development.

Voting was as follows:

| Panel Member | Yes | No | Community Representative | Yes | No |
|---------------------|------------|-----------|---------------------------------|------------|-----------|
| Jan Murrell | Y | | Ken Robinson | Y | |
| John McInerney | Y | | | | |
| Grant Christmas | Y | | | | |

The public meeting concluded at 12.40pm

The Panel Determination session commenced at 1.00pm.

The Panel Determination session concluded at 1.45pm

Endorsed by Jan Murrell
North Sydney Local Planning Panel
9 November 2022