



**NORTH SYDNEY LOCAL PLANNING PANEL – PLANNING PROPOSALS**

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING  
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON 13 FEBRUARY 2019,  
AT 12 NOON.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Ian Pickles, Panel Member  
Kenneth Robinson, Community Representative

**Staff:**

Jeff Cooke, Senior Strategic Planner – Urban Design  
Ben Boyd, Executive Strategic Planner  
Mary Ellen Trimble, Student Strategic Planner

**Administrative Support**

Melissa Dunlop, Governance Co-ordinator (Minutes)

**Apologies:** Nil.

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP - Planning Proposal Meeting of 26 September 2018 were confirmed following that meeting.

**2. Declarations of Interest**

Nil.

### 3. 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

|                        |   |
|------------------------|---|
| <b>PROPOSAL No:</b>    | PP 5/18   |
| <b>ADDRESS:</b>        | 55-89 Chandos Street & 58-64 Atchison Street, St Leonards   |
| <b>PROPOSAL:</b>       | <ul style="list-style-type: none"> <li>• <b>Increase the maximum building height on the Height of Buildings Map:</b> <ul style="list-style-type: none"> <li>○ from 33m to 67m (a 34m increase) at 55-65 Chandos Street,</li> <li>○ from part 33m and part 20m to 101m (a part 68m and 81m increase respectively) at 67-89 Chandos Street, and</li> <li>○ from 20m to 85m (a 65m increase) at 58-64 Atchison Street.</li> </ul> </li> <li>• <b>Increase the minimum non-residential floor space ratio on the Non-residential Floor Space Ratio Map:</b> <ul style="list-style-type: none"> <li>○ from 1:1 to 2.5:1 (a 150% increase) at 55-65 Chandos Street, and</li> <li>○ from part 1:1 and part 0.6:1 to 1.61:1 (a part 61% and 101% increase respectively) at 67-89 Chandos Street.</li> </ul> </li> <li>• <b>Impose a floor space ratio on the Floor Space Ratio Map:</b> <ul style="list-style-type: none"> <li>○ 7.9:1 at 55-65 Chandos Street,</li> <li>○ 8.7:1 at 67-89 Chandos Street, and,</li> <li>○ 9.1:1 at 58-64 Atchison Street.</li> </ul> </li> </ul> |
| <b>REPORT BY NAME:</b> | Ben Boyd, Executive Strategic Planner & Mary Ellen Trimble, Student Strategic Planner   |
| <b>APPLICANT:</b>      | TWT Property Group Pty Ltd  |

#### Public Submissions

| Submitter | Applicant/Representative |
|-----------|--------------------------|
|           | Michael Harrison         |
|           | Gavin Zhang              |

#### Panel Recommendation to Council:

The Panel has considered the above Planning Proposal submitted to the Council together with the Council Officer's Report and Recommendation and the presentation provided at the public meeting. A site inspection was carried out prior to the public meeting.

The Panel has carefully considered the submissions made on behalf of the Proponent and the request to progress this Planning Proposal with a recommendation to a Gateway Determination, or alternatively defer the matter.

The Panel recognises that there have been considerable studies and documentation prepared on behalf of the Proponent. However, the Panel is not persuaded that the Planning Proposal should proceed due to the number of studies and reviews that have been completed and currently being undertaken by Council. This includes: the St Leonards/Crows Nest Planning Study for Precincts 2 & 3 (2015); the Crows Nest Placemaking and Principles Study (2016); the draft Local Strategic Planning Statement (LSPS), due to be finalised in December 2019; and the Accelerated Local Environmental Plan (LEP) Review, due to be completed mid-2020. In addition, the Department of Planning & Environment (DPE) recently released the draft Land Use and Infrastructure and Implementation Plan (LUIIP) for the St Leonards Crows Nest Planned Precinct and this only came off exhibition on 8 February 2019. The Panel notes the anticipated timing for the findings and making of the above documents are all scheduled to be completed within the next 12 months except for the LEP which is by mid-2020.

Future Planning Proposals of this magnitude should be developed in the context of and be informed by all the findings and studies above as this will provide an important strategic framework for the North Sydney area, and the St Leonards/Crows Nest Precinct. This more strategic approach to planning also has the benefit of being developed through the public consultation process.

The Panel notes a consistent, comprehensive approach to strategic planning for the North Sydney area is promoted by the Greater Sydney Commission requiring a review of its LEP with a need for a more coordinated, integrated, collaborative approach to planning across State and Local Government. The Panel notes that a firm timeline for completion of the Accelerated LEP Review also includes, but is not limited to, the Local Strategic Planning Statement and Local Housing Strategy and in this regard funding by the DPE has now been committed. Council at its meeting held on 29 October 2018 endorsed the Accelerated LEP Review Grant from the DPE with a target date for public exhibition of the draft LEP in June 2020. Therefore the Panel is satisfied that the planning process is not likely to drag out unreasonably.

Furthermore, on a merits assessment for the reasons below, the Panel does not consider deferring the Planning Proposal is an appropriate course of action. The Panel is not persuaded that the Planning Proposal will deliver a satisfactory transition to the Naremburn Heritage Conservation Area to the north. Furthermore, the heights sought are out of character with the predominant height of the adjacent development of the residential areas on the eastern side of the site and the height of development recently approved to the south of the site that is 16 storeys as per Council's Planning Study and Draft LUIIP. The increased height and bulk in the Planning Proposal to 28 storeys in the opinion of the Panel does not provide for an appropriate transition from the subject site to the less densely developed areas to the north, south and east. Furthermore, the bulk, height and scale are not consistent with future development as envisaged in the current studies.

The Proponent questioned the rationale of identifying Significant Sites under the Draft LUIIP and stated that in their opinion the subject site warranted nomination. The Panel is not in a position to comment on sites previously identified, however by way of comment note these are generally not on the periphery but more centrally located to accommodate slender towers. Furthermore the assessment of future developments for these sites should also benefit by the confluence of the numerous studies and reviews noted above. Also by way of comment, there appears to be a misunderstanding by the Proponent as the 40-metre reference is to the maximum building width of towers and not the building separation.

For the reasons contained in the Officer's Report and as above, the Panel recommends to the Council that the Planning Proposal not proceed to a Gateway Determination.

Voting was as follows:

Unanimous

| Panel Member | Yes | No | Community Representative | Yes | No |
|--------------|-----|----|--------------------------|-----|----|
| Jan Murrell  | Y   |    | Kenneth Robinson         | Y   |    |
| Ian Pickles  | Y   |    |                          |     |    |

## ITEM 2

|                        |   |
|------------------------|---|
| <b>PROPOSAL No:</b>    | PP 6/18   |
| <b>ADDRESS:</b>        | 253-267 Pacific Highway, North Sydney   |
| <b>PROPOSAL:</b>       | <ul style="list-style-type: none"> <li>• Increase the maximum Height of Buildings from 10m to part 23m and part 68m (an increase of 13m and 58m respectively);</li> <li>• Increase the minimum non-residential floor space ratio control from 0.5:1 to 1:1; and</li> <li>• Establish a site-specific maximum overall floor space ratio control of 7.2:1.</li> </ul> |
| <b>REPORT BY NAME:</b> | Neal McCarry, Team Leader - Strategic Planning<br>External Consultant Assessment Report - Ingham Planning   |
| <b>APPLICANT:</b>      | Legacy Property Group Pty Ltd   |

### Public Submissions

| Submitter       | Applicant/Representative          |
|-----------------|-----------------------------------|
| Margaret Jewell | Stephen White, Planner            |
|                 | Samantha Polkinghorne, Heritage   |
|                 | Karla Castellanos, Urban Designer |

### Panel Recommendation to Council:

The Panel has considered the Consultant's Report prepared for the above Planning Proposal submitted to the Council. The Panel also has the benefit of the presentations made to the public meeting on behalf of the proponent and local resident. A site inspection was undertaken earlier in the day by the Panel.

After careful consideration, the Panel is not persuaded that the Planning Proposal should proceed to a Gateway Determination. The Panel does not support the proposed height or floorspace ratio, as it appears excessive in the context of the surrounding area and this part of the Highway. Furthermore, it would be inappropriate to endorse such a Planning Proposal which would pre-empt the outcome of the North CBD Precinct Planning Study.

The Panel notes that a firm timeline for completion of the Accelerated LEP Review which includes, but is not limited to, the Local Strategic Planning Statement, Local Housing Strategy and Northern CBD Planning Study has been committed to with funding from the Department of Planning and Environment (DPE). In this regard, Council at its meeting held on 29 October 2018 endorsed the Accelerated LEP Review Grant from the DPE with a target date for public exhibition of the draft LEP in June 2020. Therefore, the Panel is satisfied that the planning process is not likely to drag out unreasonably.

The Panel is aware that the request for the Planning Proposal was submitted in September 2018 which is five months after Council endorsed its submission to the DPE for the Accelerated LEP Review

funding, that included the requirement to undertake the North CBD Precinct Planning Study. While the Planning Proposal was submitted prior to the Council accepting funding for the Accelerated LEP Review program in October 2018, the Council then wrote to the Proponent on 9 October 2018 to advise that the Planning Proposal for the subject site should be withdrawn and the Proponent was also advised of Council's progression regarding the undertaking of the North CBD Precinct Planning Study. However, the Proponent responded requesting the matter continue to be assessed by Council.

The Panel also notes the Council's resolution at its meeting of 30 July 2018 that Council not accept any new Planning Proposals involving a residential use until July 2020 at the earliest, or the completion of any gazetted amendments to the North Sydney LEP. This resolution relates to any land use and infrastructure plan produced by the Department of Planning's Priority Precinct planning process. The Panel also notes that Council resolved at this meeting to write to the Minister for Planning seeking an amendment to the State policy for rezoning reviews to exclude its operation for the North Sydney LGA in respect of new residential Planning Proposals until 1 July 2020 or the completion of any gazetted amendments to the North Sydney LEP. The Panel, in the light of all the studies currently being undertaken at both State and Local Government level, supports this position.

The Panel notes a consistent, comprehensive approach to Strategic Planning for the North Sydney area is promoted by the Greater Sydney Commission requiring a review of its LEP with a need for a more coordinated, integrated, collaborative approach to planning across State and Local Government.

The submission was made on behalf of the proponent that the Proposal would assist in meeting the Council's required housing target. The Panel however understands that the Council's contribution is well on track for 3,000 dwellings between 2016 and 2021 as the Department has forecast delivery of 2,830 dwellings and this has been confirmed by the GSC.

Whilst the Applicant has duly considered the restoration of the heritage item, at the same time the Panel is not persuaded that the total development respects the adjacent Conservation Areas. The Panel also notes that while the Applicant referred to 8 and 9 storey buildings to the north on the Highway, this Proposal is located in an area of the Highway that is quite distinctive with the North Sydney Demonstration School opposite and the adjoining Conservation Areas providing a lower scale development interface. This in comparison to the North Sydney CBD and the subject site is not in the CBD boundary. The future emerging character of this part of the Highway and Conservation Areas is not suited to the scale and bulk of the development proposed and is premature without the benefit of the studies and work currently being carried out.

The Panel concurs with the Consultant's Report that the Planning Proposal is inappropriate both in its context and in the light of the numerous studies currently being undertaken.

Therefore, the Panel recommends to the Council that this Planning Proposal not proceed to a Gateway Determination.

Voting was as follows:

Unanimous

| <b>Panel Member</b> | <b>Yes</b> | <b>No</b> | <b>Community Representative</b> | <b>Yes</b> | <b>No</b> |
|---------------------|------------|-----------|---------------------------------|------------|-----------|
| Jan Murrell         | <b>Y</b>   |           | Kenneth Robinson                | <b>Y</b>   |           |
| Ian Pickles         | <b>Y</b>   |           |                                 |            |           |

The public meeting concluded at 2.40pm.

The Panel Determination session commenced at 2.45pm.

The Panel Determination session concluded at 5.20pm.

Endorsed by Jan Murrell

North Sydney Local Planning Panel, 13 February 2019