

**Report to General Manager**Attachments:  
Nil**SUBJECT:** Preparation of Alfred Street Precinct Planning Study**AUTHOR:** Marcelo Occhiuzzi, Manager Strategic Planning**ENDORSED BY:** Joseph Hill, Director City Strategy**EXECUTIVE SUMMARY:**

On 3 September 2015, Council received a Planning Proposal seeking to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) for 275 Alfred Street, North Sydney (also known as the 'Bayer Building'). In particular, the Planning Proposal sought to:

- rezone the land from B3 Commercial Core to B4 Mixed Use;
- increase the maximum building height over the majority of the site to 85m (from the current actual height of approximately 52m); and
- increase the maximum floor space ratio from 3.5:1 to 10.2:1 (the existing building on the site is 7.3:1).

Council refused this Proposal at its meeting of 15 February 2016 for various reasons including that the Proposal was prepared in isolation of a wider study. Following the lodgment of a Pre Gateway Review, the Department of Planning and Environment indicated that the Proposal had strategic merit and it was referred to the Joint Regional Planning Panel (JRPP) for consideration. At its meeting of 13 September 2016, the JRPP recommended refusal of the Proposal. In doing so, however, the Panel provided some indicators for the potential favourable consideration of a future amended proposal. On this basis and taking into account Council's previous resolutions, this report recommends a pathway for the preparation of a Council led study as the framework for the consideration of a potential future planning proposal for this site. The alternative would be that the applicant lodges an amended planning proposal for Council to respond to.

Given the prominence of this site, it is more prudent to pro-actively prepare a framework, through a planning study, which guides the preparation of any future planning proposal. Whilst the deliberations and directions provided by the JRPP are noted, they are not binding on Council's strategic planning for the precinct.

**FINANCIAL IMPLICATIONS:**

Nil.

**Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period**

The Guidelines have been considered in the preparation of this report and are not applicable.

**RECOMMENDATION:**

**1.THAT** Council endorse the preparation of a planning study for the Alfred Street precinct as a basis to guide the preparation of any future planning proposal for the site at 275 Alfred Street, North Sydney.

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## **LINK TO DELIVERY PROGRAM**

The relationship with the Delivery Program is as follows:

- Direction: 2. Our Built Environment
- Outcome: 2.2 Improved mix of land use and quality development through design excellence
- Outcome: 2.3 Vibrant, connected and well maintained streetscapes and villages that build a sense of community
- Direction: 3. Our Economic Vitality
- Outcome: 3.1 Diverse, strong, sustainable and vibrant local economy
- Direction: 4. Our Social Vitality
- Outcome: 4.2 Community is diverse
- Direction: 5. Our Civic Leadership
- Outcome: 5.1 Council leads the strategic direction of North Sydney

## **BACKGROUND**

The planning controls for the site at 275 Alfred Street, North Sydney have been the subject of requested amendment from the landowner since at least 2003. Most recently, on 3 September 2015, Council received a Planning Proposal seeking to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) for 275 Alfred Street, North Sydney (also known as the ‘Bayer Building’). In particular, the Planning Proposal sought to:

- rezone the land from B3 Commercial Core to B4 Mixed Use;
- increase the maximum building height over the majority of the site to 85m (from the current actual height of approximately 52m); and
- increase the maximum floor space ratio from 3.5:1 to 10.2:1 (the existing building on the site is 7.3:1).

On 15 February 2016, Council considered a report into the matter and resolved to refuse the Proposal for various reasons including that the proposal had not been informed by comprehensive strategic planning study for the locality. At that meeting, Council resolved that “any changes to the planning controls for the precinct be considered holistically and involve all landowners in the context of a comprehensive strategic planning study for the locality which includes planning for defined public benefits for any additional residential density”.

On 29 June 2016, the Department of Planning and Environment completed its report into the Proposal and found that there was sufficient planning merit to warrant forwarding to the Joint Regional Planning Panel (JRPP) for its review and consideration.

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On 13 September 2016, the JRPP recommended that the proposal should be refused but provided some indicators for the potential favourable consideration of a future amended proposal. On this basis and taking into account Council's previous resolutions, this report recommends a pathway for the preparation of a Council led study as the framework for the consideration of any future planning proposal for this site.

## **CONSULTATION REQUIREMENTS**

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

## **SUSTAINABILITY STATEMENT**

The following statement provides a summary of the key sustainability implications:

The proposed planning study intends to provide a holistic planning framework to guide the preparation of future planning proposals in a structured and ordered manner and avoid an *ad hoc* approach to changes to the applicable planning controls of the precinct. Environmental, social, economic and governance implications will be considered in such study.

## **DETAIL**

The JRPP advice and justification for its recommendation provide useful input into the consideration of a future planning proposal. Following its meeting on 13 September 2016, the Panel recommended the following:

1. *“The Panel considers that this site and the street block zoned B3 in which it is located, is isolated from the main commercial centre of North Sydney and closely related to the adjoining residential area. Therefore, a change in zoning that would allow residential use in the street block, would be appropriate.*
  2. *The main reason why the Panel does not recommend that this planning proposal proceed to Gateway Determination is that it deals with one site only rather than the area zoned B3 in which it is located. This piecemeal approach is contrary to the strategic intent of zoning decisions. In addition, the planning proposal leads to this site having three times the development potential of the other sites within the B3 zone. It fails to achieve the desirable separation distances between residential buildings and adversely affects the development potential of the adjoining sites.*
  3. *The Panel considers that, in any future planning proposal for the block zoned B3, it would be appropriate to grant this site the density it now enjoys by virtue of the existing building on it, with some additional height so that a mixed use building with appropriate amenity may be developed on it. As concerns the other sites within the B3 zone, the existing density of 3.5:1 may be combined with some additional height, so that it becomes possible to develop them to their development potential for mixed use buildings with appropriate amenity.”*
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As the JRPP recommendation indicates, a fundamental failing of the previous proposal was that it did not deal holistically with the B3 zoned land as indicated blue on Figure 1 below. This is consistent with Council’s resolution of 15 February 2016 which required that “any changes to the planning controls for the precinct be considered holistically and involve all landowners...” It should be noted that whilst the study area is identified as the extent of the B3 zone, any development impacts and implications will be considered more widely and well into the adjacent residential and open space areas.

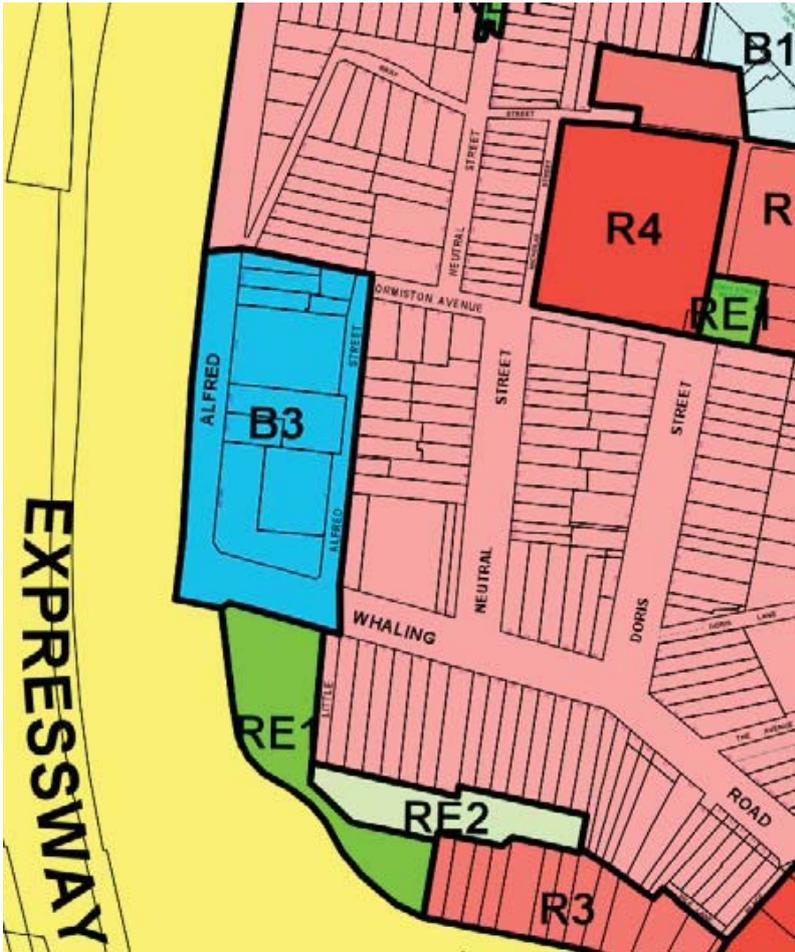


Figure 1: Study Area identified in blue (B3)

The landowner has approached Council seeking feedback on how the planning proposal may be amended to achieve support. Whilst the JRPP recommendation as outlined above provides a useful basis for the preparation of an amended proposal, it clearly requires a collaborative approach with adjoining landowners. This is also reflected in Council’s previous decision.

Council is best placed to prepare such a holistic planning study that provides the framework for consideration of changes to the planning controls for the B3 zoned land within this precinct.

Such planning study will consider site specific and wider implications with regard to (in no particular order):

- Solar access
- Building separation
- Visual impact

- Built form
- Employment capacity/demand
- Heritage
- Relationship to North Sydney CBD
- Public benefit.

This will be conducted in a consultative manner, both with the landowners within the B3 zone and those beyond within the wider precinct. It is expected that this study will be completed in draft form for stakeholder consultation in mid 2017.

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