



NSLPP MEETING HELD ON 13/04/22

Attachments:

1. Planning Proposal
2. Urban Design Reports

ADDRESS/WARD: 20 Berry Street, North Sydney

PROPOSAL No: 3/21

PROPOSAL: To amend North Sydney Local Environmental Plan 2013 at 20 Berry Street, North Sydney, as follows:

- Increase the maximum height control for the site from RL 145 to RL 172;
- Rezone from B4 Mixed Use to B3 Commercial Core;
- Include a new Special Area at 20 Berry Street on the NSLEP 2013 North Sydney Centre map

OWNER: Sarkis Nassif – 357 Mount Street Pty Ltd

APPLICANT: Holdmark NSW Pty Ltd

AUTHOR: Jayden Perry, Strategic Planner

DATE OF REPORT: 28 March 2022

DATE LODGED: 15 April 2021

EXECUTIVE SUMMARY

On 15 April 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 20 Berry Street, North Sydney. In particular, the Planning Proposal seeks to amend North Sydney Local Environmental Plan (NSLEP) 2013 as it applies to the subject site as follows:

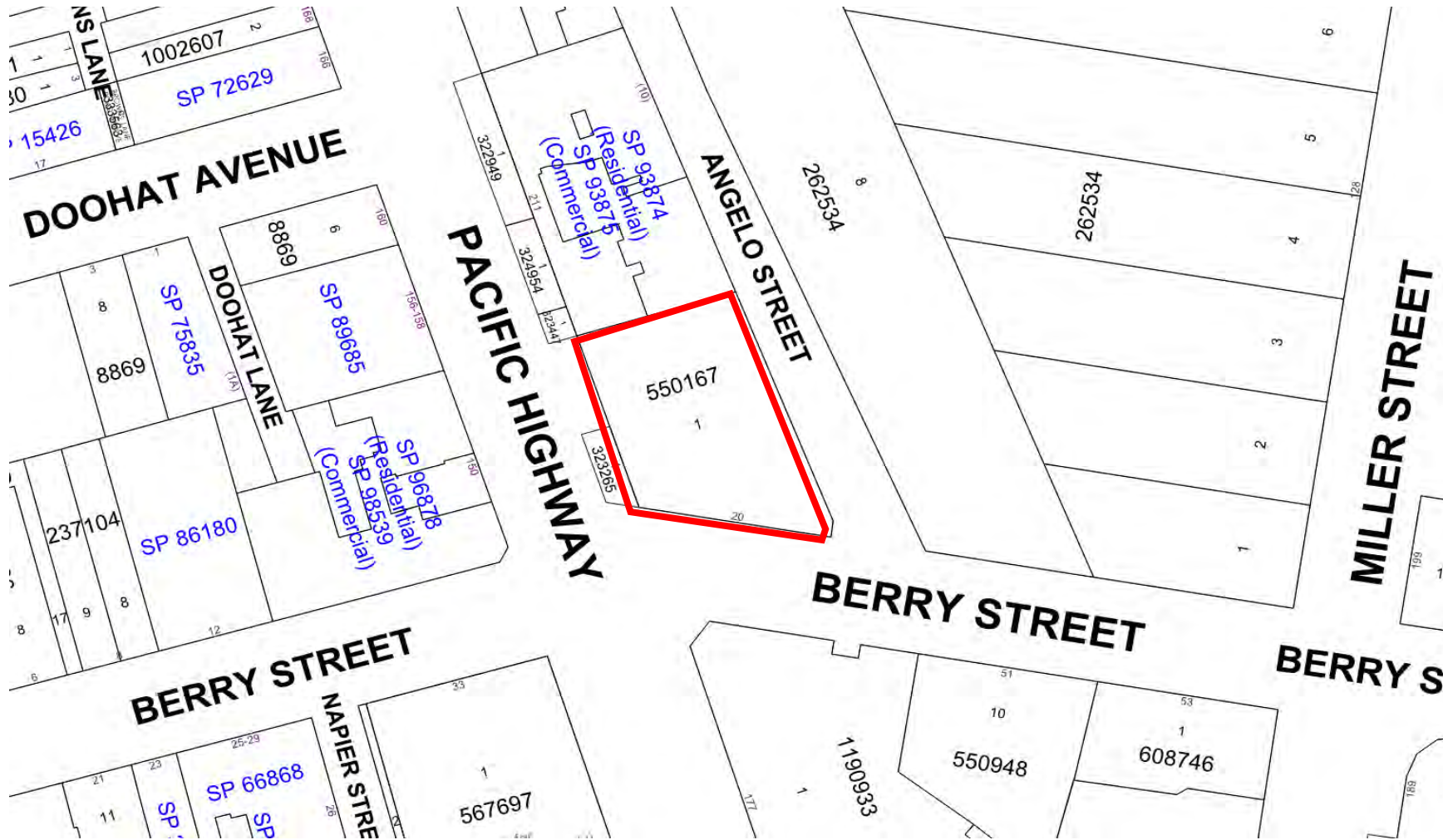
- Increase the maximum height control for the site from RL 145 to RL 172;
- Rezone from B4 Mixed Use to B3 Commercial Core;
- Include a new Special Area at 20 Berry Street on the NSLEP 2013 North Sydney Centre map.

Having completed an assessment of the Planning Proposal, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- The proposal does not demonstrate strategic merit as it challenges the implementation of a number of recently adopted policies including the *North Sydney Local Strategic Planning Statement* (LSPS) and would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality which is enshrined within the LSPS, particularly the *North Sydney CBD Public Domain Strategy* (PDS).
- The proposal is contrary to delivering on the key priorities of the North District Plan, namely:
 - it will not deliver a great place, through the proposal's lack of prioritising a people-friendly public realm as a central organising design principle, nor comfortable human scale, due the excessive bulk and associated impacts along Berry Street; and
 - it will reduce the amenity of the public domain in terms of reduced access to sunlight and daylight; and
- The proposal does not demonstrate site specific merit due to the following:
 - the expected reduction in sunlight and daylight access to Berry Street resulting from the proposal; and
 - The proposed height is excessive and will result in overshadowing to the Berry Street (West) Special Area with potential to overshadow the Miller Street Special Area;
 - The proposal will result in a built form that does not adhere to established or envisioned urban design elements including podium heights and setbacks, tower setbacks and the provision of awnings;
- The proposed new Special Area does not provide a high enough level of public amenity to warrant classification as a Special Area nor does it adequately offset the reduction in solar access to the existing Berry Street (West) Special Area.

LOCATION MAP

† Property/Applicant ● Submitters - Properties Notified



DESCRIPTION OF PROPOSAL

Planning Proposal 3/21 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 20 Berry Street, North Sydney (the site). In particular, the Planning Proposal seeks to amend North Sydney Local Environmental Plan (NSLEP) 2013 as it applies to the subject site as follows:

- Increase the maximum height control for the site from RL 145 to RL 172;
- Rezone from B4 Mixed Use to B3 Commercial Core;
- Include a new Special Area at 20 Berry Street on the NSLEP 2013 North Sydney Centre map.

The primary objectives of the Planning Proposal as described by the applicant are:

- *Provide additional opportunities for commercial floorspace and employment growth within the North Sydney CBD.*
- *Facilitate the redevelopment of the site and provide a landmark office tower building on this prominent street corner within the North Sydney CBD.*
- *Increase the height on the site, whilst minimising its impact to the Berry Street (West) Special Area.*
- *Provide a new “special area” with good levels of solar access on the south-eastern corner of the site, which could be used for open space purposes and to increase the solar access to the Special Areas’ in the precinct.*

The proposed special area on the application site is proposed to be no less than 800m² to offset additional overshadowing to the existing Berry Street (West) Special Area. The planning proposal also includes a concept building design for a 24-storey (102m) commercial building with a FSR of 16.35:1, and a total GFA of 22,750m².



FIGURE 1: Photomontage of Proposed Development Concept (left as seen from Pacific Highway – right as seen from Berry Street)

Table 1 outlines the applicant’s envisaged built form outcomes.

TABLE 1 – Concept Development Statistics	
Development Aspect	Detail
Building Height (Max)	RL 102 (24 storeys)
Podium / Street Wall Height	
– Angelo Street	5 storey
– Berry Street	5 storey
– Pacific Highway Street	5 storey
Setbacks	
– North	Nil
– East (Angelo Street)	Podium Nil (reverse podium elements above proposed special area) Tower Nil (south-east corner of the tower along Angelo Street protrudes out to the site boundary at 13 storeys, before tapering back in at 20 storeys)
– South (Berry Street)	Podium Nil Tower 5m
– West (Pacific Highway)	Podium Nil Tower 1.5m
Total Commercial GFA	22,750m ²
Podium Floor Plate	982.67sqm (Approx.)
Commercial Tower Floor Plate	946.5sqm (Approx.)

PANEL REFERRAL

On 23 February 2018, the Minister for Planning released a Section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the Department of Planning, Industry and Environment (DPIE) for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that Council’s General Manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

BACKGROUND

North Sydney Centre Capacity and Land Use Strategy

On 1 May 2017, Council adopted the *North Sydney Centre Capacity and Land Use Strategy*. The *Strategy* was informed by the findings of the draft *North Sydney Centre Capacity and Land Use Study*, which was prepared to explore opportunities for growth in order to improve the Centre's employment capacity, its resilience and vibrancy as well as its investment attractiveness.

The *North Sydney Centre Capacity and Land Use Study* (together with the final *Strategy* document) formed the final component of Council's comprehensive *North Sydney Centre Planning Review*, which took place over more than 6 years to address the changes and growth expected in the area as a result of the arrival of the new metro station and directions of the State government under the North District Plan.

The aim of the *North Sydney Centre Planning Review* was to identify and implement policies and strategies to ensure that the North Sydney Centre retains and strengthens its role as a key component Sydney's global economic arc, remains the principle economic engine of Sydney's North Shore, and becomes a more attractive, sustainable and vibrant place for residents, workers and businesses.

The *Capacity and Land Use Study* and final *Strategy* sought to:

- *Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre;*
- *Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;*
- *Inform and respond to district planning, particularly employment and commercial floor space targets for the North Sydney Centre;*
- *Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure;*
- *Offset commercial floor space losses in the mixed use zone of the Centre;*
- *Identify residential development opportunities in the mixed use periphery; and*
- *Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability.*

The *Strategy* investigated a number of options to meet the key desired outcomes for the Centre, in particular the ability to deliver capacity to accommodate an additional 11,600-15,000 jobs. It sought to achieve this additional capacity by increasing the maximum building height control to areas of commercially zoned land within the Core, whilst maintaining solar access to land zoned for residential and open space purposes outside of the Centre between 10am and 2pm.

The adopted *Strategy* identified a number of recommendations to deliver on the intended aims and objectives, including the following:

1. *Apply new height controls to B3 Commercial Core sites in accordance with the future indicative height map at Section 3.2.5.*
2. *Consider planning proposals for sites within the B4 Mixed Use zone, based on the future indicative height map at Section 3.2.5.*
3. *Apply a new height variation control based on the maintenance of at least two hours of solar access to residential properties outside of the North Sydney CBD.*
4. *Remove the Elizabeth Plaza, Blue Street, and Tower Square special areas.*
5. *Apply special area status to the rear of 100 Pacific Highway.*
6. *Prohibit development for the purposes of serviced apartments within the B3 Commercial Core zone.*
7. *Amend NSDCP 2013 in accordance with the recommendations of this Strategy and the planning proposal to amend NSLEP 2013.*
8. *Ensure that adequate future provisions are made for a mechanism to capture value share from development within the B4 Mixed Use zone and within the Ward Street Precinct as defined by the Ward Street Masterplan 2017.*
9. *Amend NSLEP 2013 to remove clauses relating to railway infrastructure and limitations on future commercial floor space development.*
10. *Amend NSLEP 2013 to allow development on commercial sites less than 1000m². Impose a building height limit of 45m to such sites.*

On 1 May 2017, Council resolved to support the progression of a planning proposal to Gateway Determination stage to give effect to the outcomes of the adopted Strategy. The planning proposal was finally given effect on 26 October 2018, following the publication of Amendment 23 to NSLEP 2013 on the NSW Legislation website.

It is of note that the adopted Strategy did not identify any increase in height on the site the subject of this application.

Pre lodgement

On 20 August 2020, the Applicant met with Council Staff through a formal Pre-Planning Proposal meeting. The proposal involved the redevelopment of 20 Berry Street, North Sydney into a larger, premium grade commercial tower.

In response to the concept proposal presented, Council raised the following concerns:

- If the proposal is for a commercial building then the Planning Proposal for the site should propose a rezoning from B4 – Mixed Use to B3 – Commercial Core;
- Council is currently on track to meet commercial development targets and therefore, the delivery of additional commercial floorspace through a Planning Proposal for this site is not considered necessary to meet Council's employment targets;
- Council's (at the time) draft North Sydney CBD Public Domain Strategy envisages a re-imagined Berry Street and this should be considered as part of any proposal;
- The Western Harbour Tunnel project may impact upon the viability of both special areas;

- The creation of a new special area may further restrict the development potential of the Monte Sant Angelo College;
- Concerns over the value of the proposed new 'Special Area' when weighed against the value and potential of the existing Berry Street Special Area;
- Concerns regarding the proposed built form and height;
- Expressed concern regarding the overshadowing likely to result from the proposal.

Planning Proposal

The Planning Proposal was lodged on 15 April 2021. The proposal seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 20 Berry Street, North Sydney (the site). In particular, the Planning Proposal seeks to amend North Sydney Local Environmental Plan (NSLEP) 2013 as it applies to the subject site as follows:

- Increase the maximum height control for the site from RL 145 to RL 172;
- Rezone from B4 Mixed Use to B3 Commercial Core;
- Include a new Special Area at 20 Berry Street on the NSLEP 2013 North Sydney Centre map.

The special area is proposed to be no less than 800m² to offset additional overshadowing to the existing Berry Street (West) Special Area. The planning proposal also includes a concept building design for a 24-storey (102m) commercial building with a FSR of 16.35:1, and a total GFA of 22,750m².

In response to a preliminary assessment letter sent by Council Officers to the applicant on 21 July 2021, on 13 October 2021 the applicant submitted a revised scheme which increased the size of the special area to approx. 780sqm and included an 'under-croft' area on ground level adjoining Berry and Angelo Streets. Council raised the following issues with the amended special area:

- The proposed under-croft area will not represent a worthwhile addition to the overall public domain offering in North Sydney;
- The impact on solar access to the existing Berry Street Special area is a key concern. In terms of the material provided, the solar analysis does not provide a clear picture of the overshadowing impacts of the proposal on Berry Street (West) Special Area compared to the existing built form.

In response to Council, on 2 February 2022 the applicant submitted a further revised special area which included changed the location of the vehicular egress/ingress points and the lift lobby, allowing for additional Special Area to be provided bringing the total to 800 sqm. Furthermore, the applicant provided additional overshadowing information.

DETAIL

1. Applicant

The applicant for the proposal is Holdmark NSW Pty Ltd.

2. Site Description

The subject site comprises one parcel of land located at 20 Berry Street, North Sydney. It is legally described as Lot 1, DP 550167.

The site is trapezoidal in shape covering an area of 1,420sqm, with a 34.6m frontage to Pacific Highway to the west, a 35m boundary to Berry Street to the south, a 48m frontage to Angelo Street to the east and a 30m side boundary to 211 Pacific Highway to the north.

The land generally falls in a south-easterly direction from its north-western corner down to the south-eastern corner of the site.

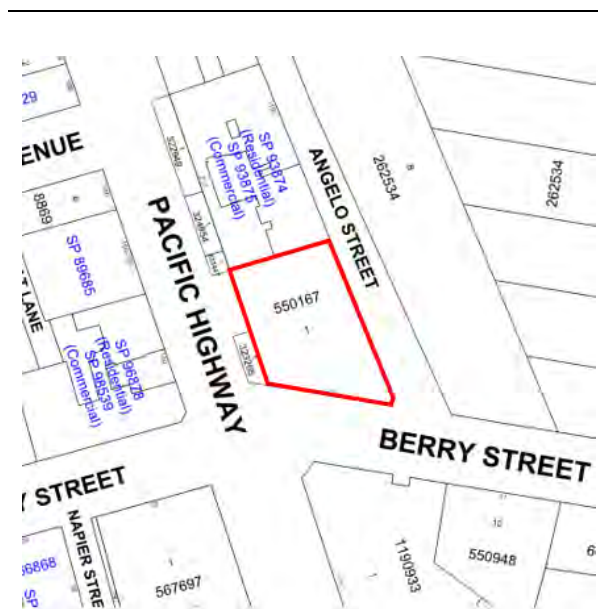


FIGURE 2: Subject Site



FIGURE 3: Aerial Photo

The site currently comprises a fifteen-storey commercial office tower. The site benefits from frontages to Berry Street to the south, the Pacific Highway to the west and Angelo Street to the east. Vehicular access to the existing building is provided from Angelo Street.

3. Local Context

The subject site is located in the north-western portion of the commercial core of the North Sydney Centre, which is a major commercial centre in the Sydney Metropolitan area. The area is undergoing a significant transformation from typically 10-20 storey commercial buildings constructed between the 1960s and 1980s with contemporary office towers of up to 40 storeys in height currently having recently been constructed or under construction.

North Sydney Railway Station is located approximately 500m walk to the south, which provides regular services to the south to Sydney City CBD, and north to Chatswood, Macquarie Park and Hornsby. The main pedestrian access point to the future Victoria Cross Metro Station is located approximately 140m walk to the east of the site, at the intersection of Berry and Miller Streets. The Metro line will provide future services to the northwest of Sydney via Chatswood and the southwest of Sydney via the City and Bankstown.

To the north of the site at 211 Pacific Highway is a mixed-use building consisting of ground floor uses with residential above. This is reflected by buildings further to the north.

To the south of the site across Berry Street is the 'Vodafone' building, which was completed in late 2016. Further south and east is the commercial core of the North Sydney CBD, predominately characterised by commercial office buildings and retail tenancies.

To the east of the site is the Monte Sant' Angelo Mercy College. Further to the east, is the remaining commercial core of the North Sydney CBD, characterised by high rise commercial office buildings.

To the west of the site, the built form transitions from high-rise mixed-use development, to single storey detached housing, which forms part of the Edward Street Heritage Conservation Area.

4. Current Planning Provisions

The following subsections identify the relevant planning instruments that apply to the subject site.

4.1 NSLEP 2013

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The principal planning provisions relating to the subject site are as follows:

- Zoned *B4 Mixed Use* (refer to Figure 4);
- A maximum building height of RL145m (refer to Figure 5); and
- Located within the North Sydney Centre (refer to Figure 6).

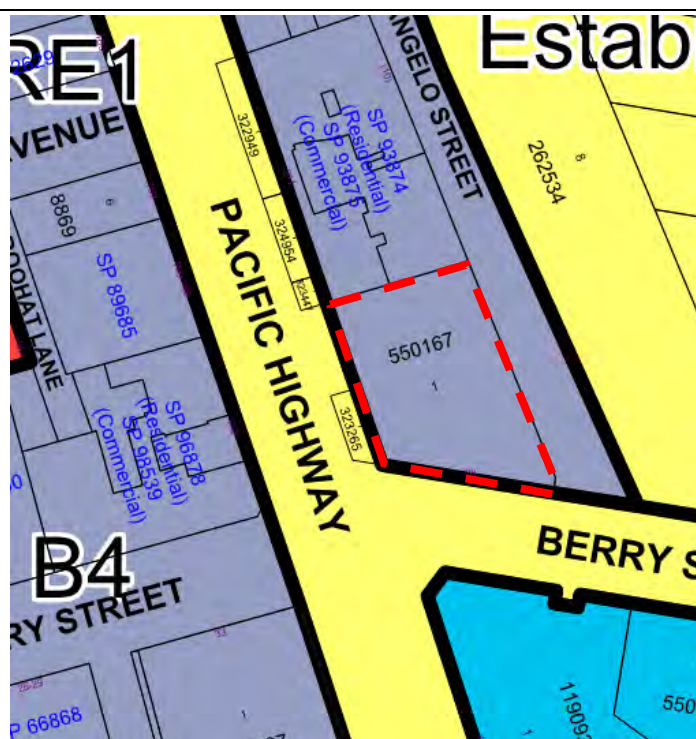


FIGURE 4:
NSLEP 2013 Zoning Map extract

*The subject site is zoned B3
Commercial Core*

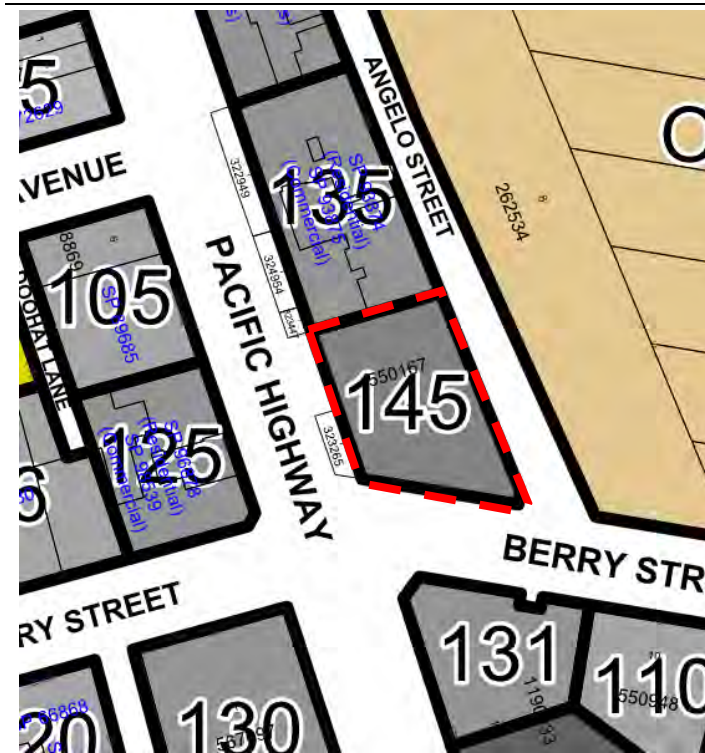


FIGURE 5:
NSLEP 2013 Height of Buildings
Map extract

The subject site has a maximum height of RL 145

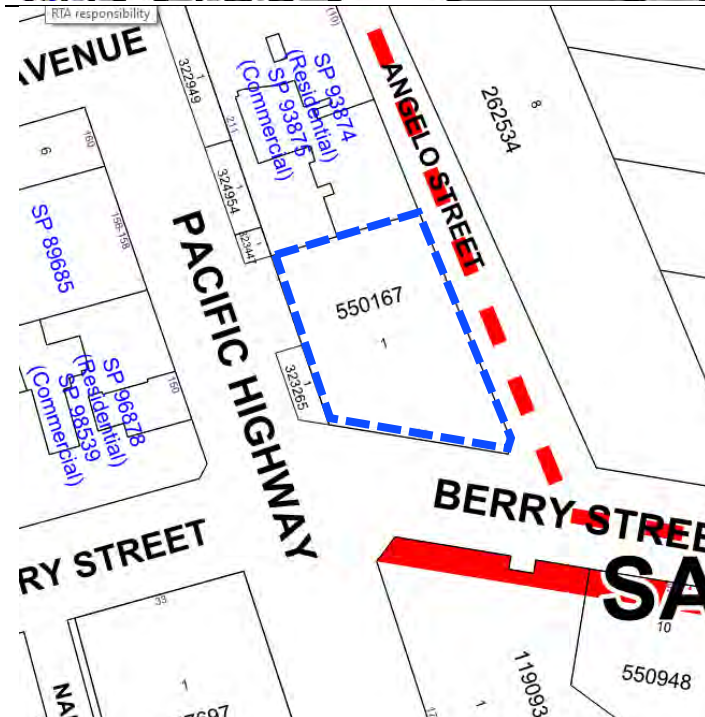


FIGURE 6:
NSLEP 2013 North Sydney Centre
Map extract

The subject site is located within the North Sydney Centre

5. Mapping Amendments

The Planning Proposal requires a number of mapping amendments which are described below:

- amend the Land Zoning Map (ref: 5950_COM_LZN_002A_005_20200810) to NSLEP 2013 such that a land zone of B3 applies to 20 Berry Street, North Sydney; and
- amend the Height of Buildings Map (ref: 5950_COM_HOB_002A_005_20211026) to NSLEP 2013 such that a maximum building height for 20 Berry Street, North Sydney, is increased from RL 145 to RL172; and

- amend the North Sydney Centre Map (ref: 5950_COM_CL1_002A_005_20180206) to NSLEP 2013 such that a new Special Area is added to 20 Berry Street, North Sydney.

The applicant's Planning Proposal anticipates that the Maps would be amended similar to those depicted below in Figures 4, 5 and 6.

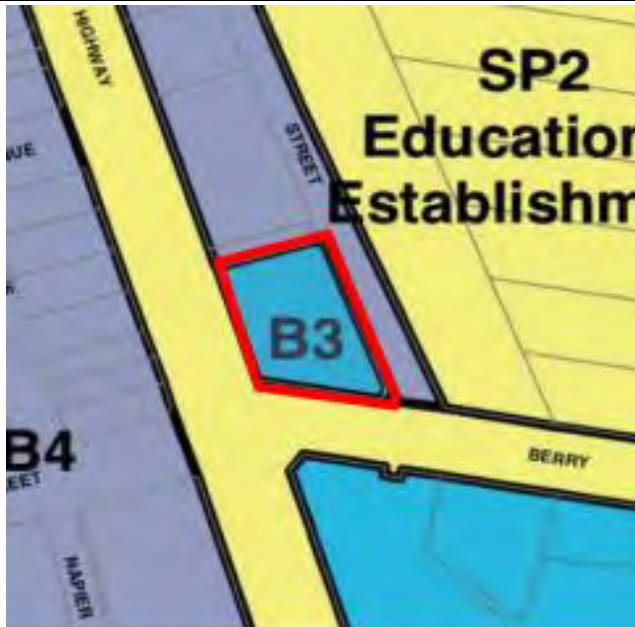


FIGURE 4:
NSLEP 2013 Zoning Map extract

Land subject to a change in maximum building zone.

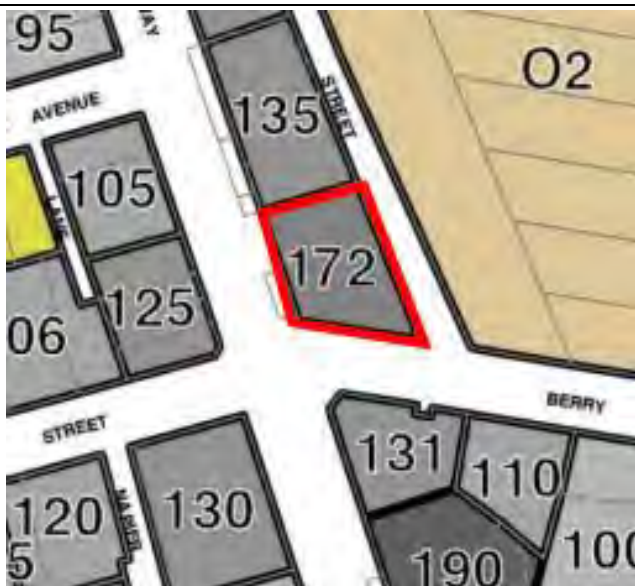


FIGURE 5:
NSLEP 2013 Height of Buildings Map extract

Land subject to a change in maximum building height.

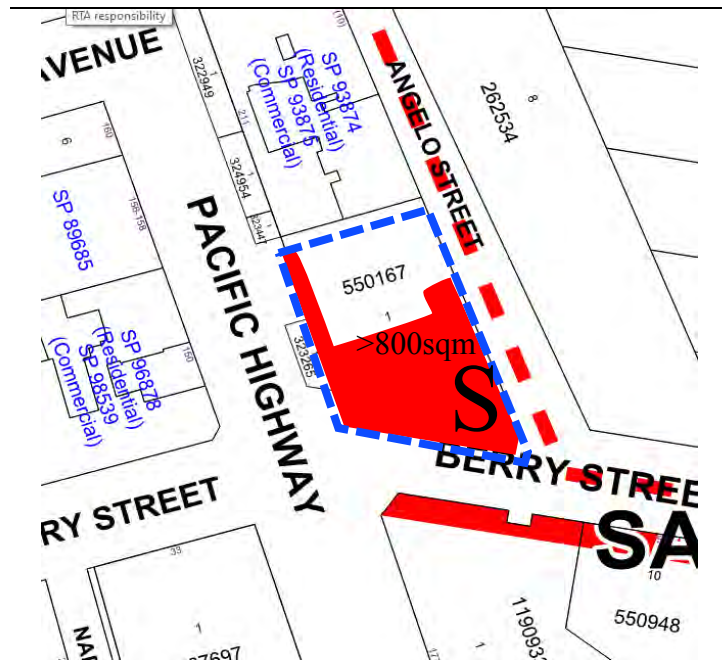


FIGURE 6:
NSLEP 2013 North Sydney Centre
Map extract

The land and map subject to a change in special area. Note: This area is approximate. Should Council choose to endorse the proposal, this will be the subject of exact specification prior to forwarding for gateway review.

ASSESSMENT

6. Planning Proposal Structure

The Planning Proposal has been prepared generally in accordance with the requirements of Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and *Local Environmental Plan Making Guidelines* (DPE 2021). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

7. Justification of the Planning Proposal

7.1 Objectives of the Planning Proposal

The objectives and intended outcomes of the Planning Proposal and an explanation of the proposed amendments to NSLEP 2013 to achieve the objectives and intended outcomes are set out on pages 22, 23 and 24 of the Planning Proposal. These have been listed below:

1. *Provide additional opportunities for commercial floorspace and employment growth within the North Sydney CBD;*
2. *Facilitate the redevelopment of the site and provide a landmark office tower building on this prominent street corner within the North Sydney CBD;*
3. *Increase the height on the site, whilst minimising its impact to the Berry Street (West) Special Area;*

4. *Provide a new “special area” with good levels of solar access on the south-eastern corner of the site, which could be used for open space purposes and to increase the solar access to the Special Areas’ in the precinct;*
5. *Allow for the site to be redeveloped and provide a 24-storey tower (102 metres in height) with an approximate GFA of 22,750 sqm and approximately 704 jobs;*
6. *Minimise shadowing to existing “special areas”, while providing a new “special area” with an area of approximately 200 sqm. The new “special area” provides useable open space with good levels of solar access. The sun hours to the new “special area” exceeds the reduction of sun hours to the existing “special area” on Berry Street caused by the proposed development. This results in a net increase in solar access.*

It is agreed that the planning proposal would facilitate the development of a commercial building on the site. Notwithstanding this, North Sydney Council is currently on track to meet required employment floorspace targets within the North Sydney CBD and St Leonards/Crows Nest areas. Furthermore, the proposed increase to height and resultant building will significantly impact solar access to the existing Berry Street (West) special area.

The proposed new special area will do little to offset the reduction in solar access in the area during the lunchtime hours. This is due to its location being largely beneath the proposed new building.

There is a very significant and ongoing discussion taking place at present regarding the impact of the Covid pandemic on the characteristics of the long term office floor space market. This potentially has important policy ramifications for Council that the Greater Cities Commission is currently giving serious thought to in a regional policy sense.

Given the redevelopment of this site is not pivotal in terms of meeting employment/development targets, it is considered that the associated impacts with the development of the site outweigh any benefit gained from additional commercial floorspace and new special area.

On balance, the proposed amendments to NSLEP 2013 do not achieve the objectives and intended outcomes of the Planning Proposal.

7.2 Alternative Options

The applicant undertook an analysis of alternative options to achieve the objectives and intended outcomes of the proposal. They posed the following questions in the planning proposal report:

- *Why a development application could not be supported without the benefit of a PP?*
- *Why the zoning should be changed in comparison to retaining the B4 zoning?*
- *Why the height limit should or should not be changed?*

The applicant provided answers as to why the alternative approaches were not appropriate in this instance. In consideration of the questions and answers posed by the applicant in their planning proposal report, it is accepted that the applicant has duly explored alternative options for the proposal. The proposed means of amending NSLEP 2013 is considered the most appropriate option to achieve the intent of the Planning Proposal.

7.3 The Need for the Planning Proposal

The Planning Proposal states that its need has risen in response to the following planning priorities contained within the North Sydney Local Strategic Planning Statement (LSPS):

I2 – Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places:

Collaborate with State Government agencies to:

- *provide local input on the development of State Significant Infrastructure (SSI) to ensure that local infrastructure and services are delivered to maximise the opportunities and address the challenges associated with growth; and*
- *finalise and implement the Draft St Leonards and Crows Nest 2036 Plan, to ensure the delivery of new jobs, housing, infrastructure and services meets the needs of the North Sydney community*

L3 – Create great places that recognise and preserve North Sydney’s distinct local character and heritage:

Take a people-focused approach to planning and place-making; protect the character of North Sydney’s distinctive neighbourhoods, heritage and history.

P1 – Grow a stronger, more globally competitive North Sydney CBD:

Provide opportunities for commercial office and employment growth while improving user and public domain amenity to support an attractive, vibrant and globally competitive North Sydney CBD with an 18- hour economy and greater range of after-hour activities.

P4 – Develop a smart, innovative and prosperous North Sydney economy

Attract small businesses and start-ups, encourage collaboration and use of adaptive technologies, and support public events to diversify the local economy.

The key motivation behind the submission of the Planning Proposal is to maximise the redevelopment potential of 20 Berry Street, as currently the existing building on the site (approx. 15 storeys) is unlikely to be developed under the existing controls.

As discussed in section 7.1 of this report, it is acknowledged that the planning proposal would facilitate the development of a commercial building on the site, in line with priority I2 and P1. Notwithstanding this, North Sydney Council is currently on track to meet required employment floorspace targets within the North Sydney CBD and as such is already working toward this priority.

Furthermore, the proposed increase to height and resultant building will significantly impact solar access to the existing Berry Street (West) special area, which conflicts with priorities L3 and P1 which seek to improve the public domain of the CBD. The proposed new special area does not negate these impacts and is not aligned to existing strategies which seek to address these priorities, including Councils Public Domain Strategy (PDS).

With respect to priority P4, this could be achieved without the redevelopment of this particular site. Refurbishment of the existing building, changes to existing uses or ground level alterations to the site with the intention of creating collaboration areas would just as equally assist toward achieving this priority as would the sites redevelopment and as such this shouldn't be taken as justification for the proposal.

On balance, the proposed amendments to NSLEP 2013 are not necessary for the priorities listed under the LSPS to be achieved.

7.4 Strategic Assessment

7.4.1 Regional / District Plans

7.4.1.1 Greater Sydney Region Plan

In March 2018, the State Government released *A metropolis of three cities – Greater Sydney Region Plan* (Regional Plan). It provides a 40-year vision of Sydney to be a city where people will live within 30 minutes of jobs, education and health facilities, services and great places. The Regional Plan seeks to provide an additional 725,000 homes and 817,000 new jobs by 2036. No targets are set for any of the Districts, of which the North Sydney LGA is part of the North District. District Plans, consistent with the Regional Plan were released at the same time as the Regional Plan. North Sydney is identified as part of a Metropolitan Centre (Harbour CBD – Incorporating North Sydney CBD) which is also identified as part of an Economic Corridor under the Regional Plan.

Some aspects of the Planning Proposal are considered to be generally consistent with the Directions, Objectives, Strategies and Actions of the Regional Plan, in so far that it will provide development opportunities to increase employment accommodation in a Metropolitan Centre in proximity of high frequency public transport, without adversely impacting upon the provision of active street frontages.

However, the Planning Proposal is also contrary to the Regional Plan, in that it:

- will not contribute to prioritising a people-friendly public realm as a central organising design principle nor comfortable human scale, due the excessive bulk and associated impacts of the resulting structure along Berry Street.
- will reduce the amenity of the public domain in terms of reduced access to sunlight and daylight.

7.4.1.2 North District Plan

In March 2018, the NSW Government released the North District Plan (NDP). The North Sydney LGA is located within the North District along with the other LGAs of Hornsby, Ku-ring-gai, Ryde, Hunter Hill, Lane Cove, Willoughby, Mosman and Northern Beaches. The NDP sets the following relevant targets:

- **Employment:** an additional 15,600-21,100 jobs by 2036 in the North Sydney portion of the Harbour CBD; and
- **Housing:** an additional 3,000 dwellings by 2021 for the North Sydney LGA; an additional 25,950 dwellings by 2021 for the North District; and an additional 92,000 dwellings by 2036 for the North District.

The Planning Proposal is considered to be generally consistent with the above Priorities and Actions of the NDP, in so far that it will:

- Provide an opportunity to increase employment floorspace within a Strategic Centre;
- Capitalise on existing infrastructure to promote a “30 minute city”;
- Facilitating future improved pedestrian connectivity across the locality through the provision of a through site link.

As discussed previously, it should be noted that whilst Council has been and continues to be supportive of commercial redevelopment in the North Sydney CBD as an economic driver and key ingredient to the long-term employment sustainability of the North District, the Covid pandemic has raised relevant questions about the long-term characteristics of the office floor space market. The North Sydney CBD is currently experiencing strong levels of interest in approvals being sought and potential future development being explored. There is a very significant commercial floor space pipeline in the Centre that may be impacted by the market’s longer-term response to the Pandemic including attitudes to working styles and travel to work. Council understands that these issues are currently being considered in the context of long-term policy settings, by the Greater Cities Commission.

It is considered that the Planning Proposal is also contrary to the District Plan, in that it:

- will not deliver a great place, through the proposal’s lack of prioritising a people-friendly public realm as a central organising design principle, nor comfortable human scale, due the excessive bulk and associated impacts along Berry Street; and
- will reduce the amenity of the public domain in terms of reduced access to sunlight and daylight.

7.4.2 Local Strategic Plans

7.4.2.1 North Sydney Local Strategic Planning Statement

The North Sydney Local Strategic Planning Statement (LSPS) was adopted by Council on 25 November 2019, and subsequently assured by the Greater Sydney Commission (GSC) on 20 March 2020.

One of the key roles of the LSPS is to draw together, in one document, the priorities and actions for future land use planning, and present an overall land use vision for the North Sydney LGA for the next 20 years. The LSPS is required to be consistent with the Regional Plan and North District Plan, and provide a clear line-of-sight between the key strategic priorities identified at the regional and district level and the local and neighbourhood level.

The LSPS must be considered as part of the LEP making process (planning proposals) and forms part of the strategic merit test for a Gateway Determination.

Of relevance to consideration of the subject Planning Proposal, the LSPS incorporates the outcomes of the *North Sydney Centre Land Use and Capacity Strategy* and *North Sydney CBD Public Domain Strategy* into the strategic planning framework and directly links its implementation to the planning priorities under the North District Plan and the objectives of the Regional Plan.

Whilst the Planning Proposal is generally consistent with the delivery of the relevant identified Planning Priorities and Actions of the LSPS, there are notable inconsistencies that cannot be overlooked.

In particular, the proposal is inconsistent with Actions L3.1, L3.2 and P1.3 by adversely impacting the public domain due to its excessive height, bulk and scale and subsequent overshadowing to the Berry Street Special Area.

Furthermore, the proposal does not align with any Council endorsed planning study including the *North Sydney Centre Land Use and Capacity Strategy* and *North Sydney CBD Public Domain Strategy*. This goes against Action L1.5 of the LSPS which states that, "*Council will only support Planning Proposals that are consistent with Council's endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community.*"

7.4.2.2 North Sydney Centre Land Use and Capacity Strategy

Under the *North Sydney Centre Land Use and Capacity Strategy*, the site was not subject to any additional uplift. . As such, the proposal is considered to not be compatible with the Strategy. The proposal does not sufficiently justify the proposed increase in height and subsequent overshadowing of the Berry Street Special Area.

7.4.2.3 North Sydney CBD Public Domain Strategy

The *North Sydney CBD Public Domain Strategy* (PDS) resulted from the *North Sydney Centre Review* which took place over several years to address the changes and growth expected in the area as a result of the arrival of the Victoria Cross metro station and directions of the State government under the NDP.

The PDS addresses the acute lack of public space in the CBD and identifies a suite of potential new high quality open spaces and stronger pedestrian networks across the CBD.

The PDS has been prepared in two stages. Stage 1 was a vision and ideas phase that was endorsed by Council on 27 May 2019, following extensive community consultation. Stage 2 establishes a vision for the centre's public domain that prioritises pedestrian amenity over through-traffic, identifies a suite of short to long term projects and puts in place an implementation framework for delivery. Stage 2 was endorsed by Council on 28 September 2020, also following extensive community consultation.

The adopted PDS:

- Outlines a vision and a series of goals for the CBD;
- Recognises necessary access improvements that prioritise walking, public transport and cycling, and moves regional traffic away from the centre;
- Establishes a strong pedestrian corridor from North Sydney station to St Leonards Park and a series of east-west laneway connections;
- Identifies opportunities for new and upgraded public space; and
- Outlines the process and funding arrangements to deliver the projects.

The North Sydney Public Domain Strategy 2020 (PDS) includes 'Capturing the sun in the CBD' as a priority goal, noting that solar access in North Sydney CBD is limited to a few key spots in winter. Berry Street (West) is identified as a location with good solar access year-round.

Berry Street is also identified as a key public domain project within the PDS. The project envisions the street as '*a pleasant, green and sunlit boulevard,*' with '*new outdoor dining along [the] southern edge [of Berry Street] to take advantage of solar access.*' The PDS lists several positive environmental factors of the street including good natural light penetration to the central and west end of the street.

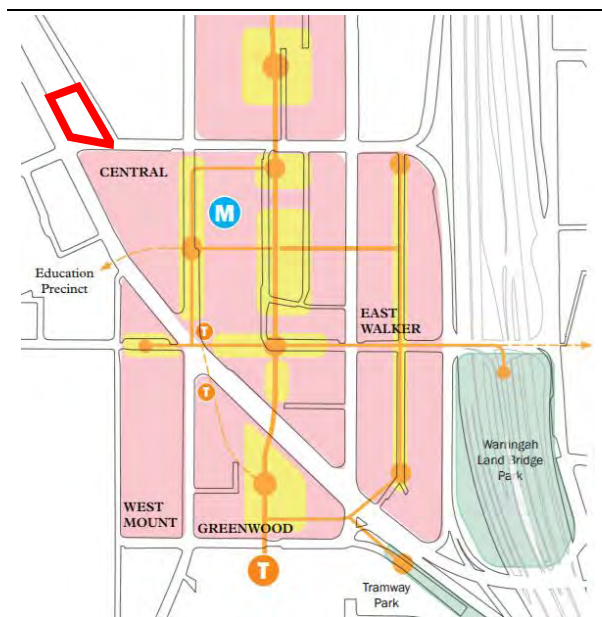


FIGURE 7: Extract of the Structure Plan
(Source: NSC PDS)

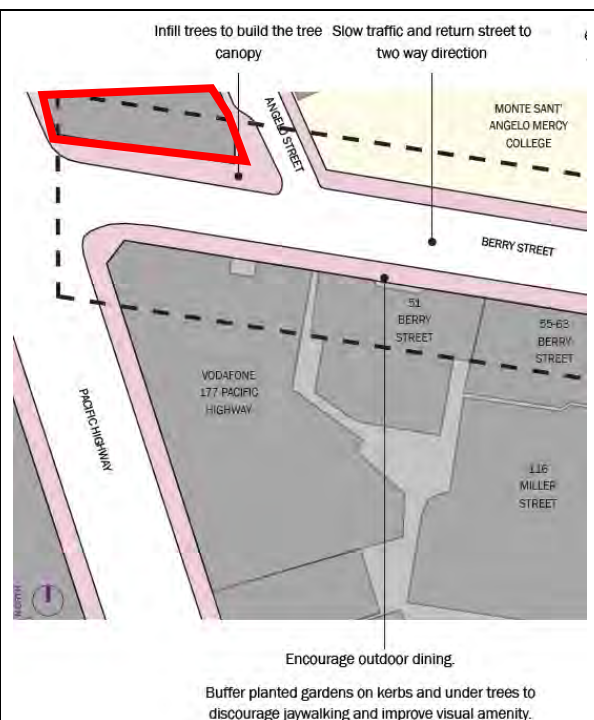


FIGURE 8: Extract of the Detailed Plan for Berry Street
(Source: NSC PDS)

The PDS was underpinned by the North Sydney CBD Transport Masterplan. The principles of this are captured by the NSW Government's North Sydney Integrated Transport Program (NSITP).

The PDS envisages the transformation of Berry Street into a bidirectional road with slower traffic and footpath upgrading with additional street furniture. It has the potential to become a rich and attractive connection between the Victoria Cross Metro Station and nearby commercial businesses, including the education hub further to the west of the site. This will be strengthened by the completion of Miller Place (the closure of Miller Street between Berry Street and Pacific Highway). The creation of Miller Place will encourage existing retail tenancies to provide better activation to this highly pedestrianised area. This vision, coupled with the Special Area's location at the intersection of the future pedestrianised Miller Place, further increases the potential value of the Berry Street (West) Special Area.

Special Areas identified in NSLEP 2013 have been designated as such because they provide public domain spaces with good amenity, with good solar access being a key principle. Therefore, any proposed new Special Area, especially one that is being proposed to offset overshadowing impacts to an existing Special Area, should be required to provide a high level of amenity, including solar access, to ensure that the quality of such spaces are not diminished.

The proposed plaza and under-croft area are not considered to provide a high enough level of public amenity to warrant classification as a Special Area, let alone act as sufficient offset for reductions in solar access to the existing Berry Street (West) Special Area.

In taking into consideration the likely impacts of the proposal, what is being proposed is inconsistent with the future vision of the public domain in the area as outlined under the PDS.

7.4.2.4 Draft Amendment to North Sydney Development Control Plan 2013 – Commercial Tower Setback and Separation Controls

On 28 June 2021, Council considered a review of its built form controls for commercial development in the North Sydney Centre in light of the need to manage issues arising from recent increases to building height controls within the Centre and to address Strategy 5 to the *North Sydney Centre Land Use and Capacity Study*. These issues include a lack of guidance and certainty with regard to building setbacks and tower separation that could result in continuous, uninterrupted walls of tall commercial towers that reduce daylight and sky views from the street and within the towers.

The review recommended the following amendments be made to North Sydney Development Control Plan (NSDCP) 2013 to address these issues and provide increased certainty and clarity to the existing controls:

- 6m minimum above podium whole of tower side setbacks to the boundary for sites over 1,000sqm
- Tower facades above podium should not exceed 55m in length
- No portion of a commercial tower should be located within 3m of the podium façade. Above podium weighted setback controls will continue to apply.

- Commercial towers on the same site require a minimum building separation of 12m
- Commercial towers on lots with adjoining rear boundaries (i.e. without street frontage) require a minimum 6m above podium rear setback
- Visually interesting treatment to party walls.

Council subsequently endorsed these proposed amendments for the purposes of public exhibition. The draft amendments were placed on public exhibition from 19 July to 30 August 2021. Council has yet to consider a post exhibition report in relation to this matter. Whilst a formal position has yet to be attained in relation to these draft amendments, the objectives of these controls are an important consideration.

It is noted that the proposal is generally inconsistent with these proposed controls. Of particular concern, is the lack of proposed above podium setback to Angelo Street which provides an overbearing and dominant form to the street. The proposal would also not comply with the proposed above podium side setback controls of 6m. Increased setbacks to the proposal would facilitate additional access to natural light to the surrounding public domain and to Berry Street.

7.4.3 Section 9.1 Ministerial Directions

Section 9.1 of the *Environmental Planning and Assessment Act 1979* enables the Minister for Planning to issue directions regarding the content of planning proposals. There are a number of Section 9.1 Directions that require certain matters to be addressed if they are affected by a planning proposal. Each planning proposal must identify which Section 9.1 Directions are relevant to the proposal and demonstrate how they are consistent with that Direction.

The following Directions are relevant to the Planning Proposal:

- 1.1 Business and Industrial Zones;
- 3.4 Integrating Land Use and Transport
- 5.10 Implementation of Regional Plans; and
- 6.3 Site Specific Provisions

The Planning Proposal is considered to be generally consistent with the relevant Section 9.1 Directions.

7.4.4 State Environmental Planning Policies

The submitted documentation (refer to Attachment 1) has adequately demonstrated the proposal's consistency with the relevant State Environmental Planning Policies.

7.4.5 Environmental Impacts

7.4.5.1 Natural Environment

The subject site is located within a highly established urban area of the North Sydney CBD. There are no known critical habitats, threatened species, populations or ecological communities that will be adversely impacted as a result of the proposal. There does exist a number of mature street trees adjoining the site. The proposed new special area includes hard and soft landscaping and planter areas.

7.4.5.2 Access to Sunlight During Lunchtime Hours

The North Sydney Public Domain Strategy 2020 (PDS) includes ‘Capturing the sun in the CBD’ as a priority goal, noting that solar access in North Sydney CBD is limited to a few key spots in winter. Berry Street (West) is identified as a location with good solar access year-round. Berry Street is also identified as a key public domain project within the PDS, with the strategy envisioning the street as ‘a pleasant, green and sunlit boulevard,’ with ‘new outdoor dining along [the] southern edge [of Berry Street] to take advantage of solar access.’ The PDS lists several positive environmental factors of the street including good natural light penetration to the central and west end of the street.

The NSLEP 2013 currently requires that development consent must not be granted within North Sydney CBD if:

- a) The development would result in a new increase in overshadowing between 12.00 pm and 2.00 pm from the March equinox to the September equinox (inclusive) on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as “Special Area” on the North Sydney Centre Map (Clause 6.3(2)).

NSDCP 2013 reflects this need for nil overshadowing to Special Areas in the Environmental Criteria for the North Sydney Planning Area Character Statement:

- Solar access to Special Areas and open spaces is maintained and contributes to the enjoyment of those spaces for use by the public.

The southern side of Berry Street between the Pacific Highway and Miller Street is identified as Berry Street (West) Special Area. This area includes part of the publicly accessible indoor plaza at 177 Pacific Highway. Table 2 below shows the extent of overshadowing resulting from the proposal:

TABLE 2 – Solar Access resulting from the proposal.

Month	Berry Street (West) Special Area	Indoor foyer at 177 Pacific Highway
March	Significant overshadowing from 12.00-2.00 pm	Significant overshadowing from 12.00-2.00 pm
April	Some overshadowing from 1.30-2.00 pm	Significant overshadowing from 12.00-2.00 pm
May	No additional overshadowing	No additional overshadowing
June	No additional overshadowing	No additional overshadowing
July	Some overshadowing from 1.30-2.00 pm	Significant overshadowing from 12.00-2.00 pm
August	Some overshadowing from 1.30-2.00 pm	Significant overshadowing from 12.00-2.00 pm
September	Significant overshadowing from 12.00-2.00 pm	Significant overshadowing from 12.00-2.00 pm

The proposal results in significant additional overshadowing during the 12.00 pm-2.00 pm period between the March and September equinoxes, with the majority of additional overshadowing occurring in March and in September. The 12.00 pm-2.00 pm period aligns with the lunch periods for many workers and providing sun-lit streets and spaces to walk, eat and gather at this time is a key goal of the PDS.

This is seen in figures 9 and 10 below, which show shadow diagrams from the March equinox (21 March):

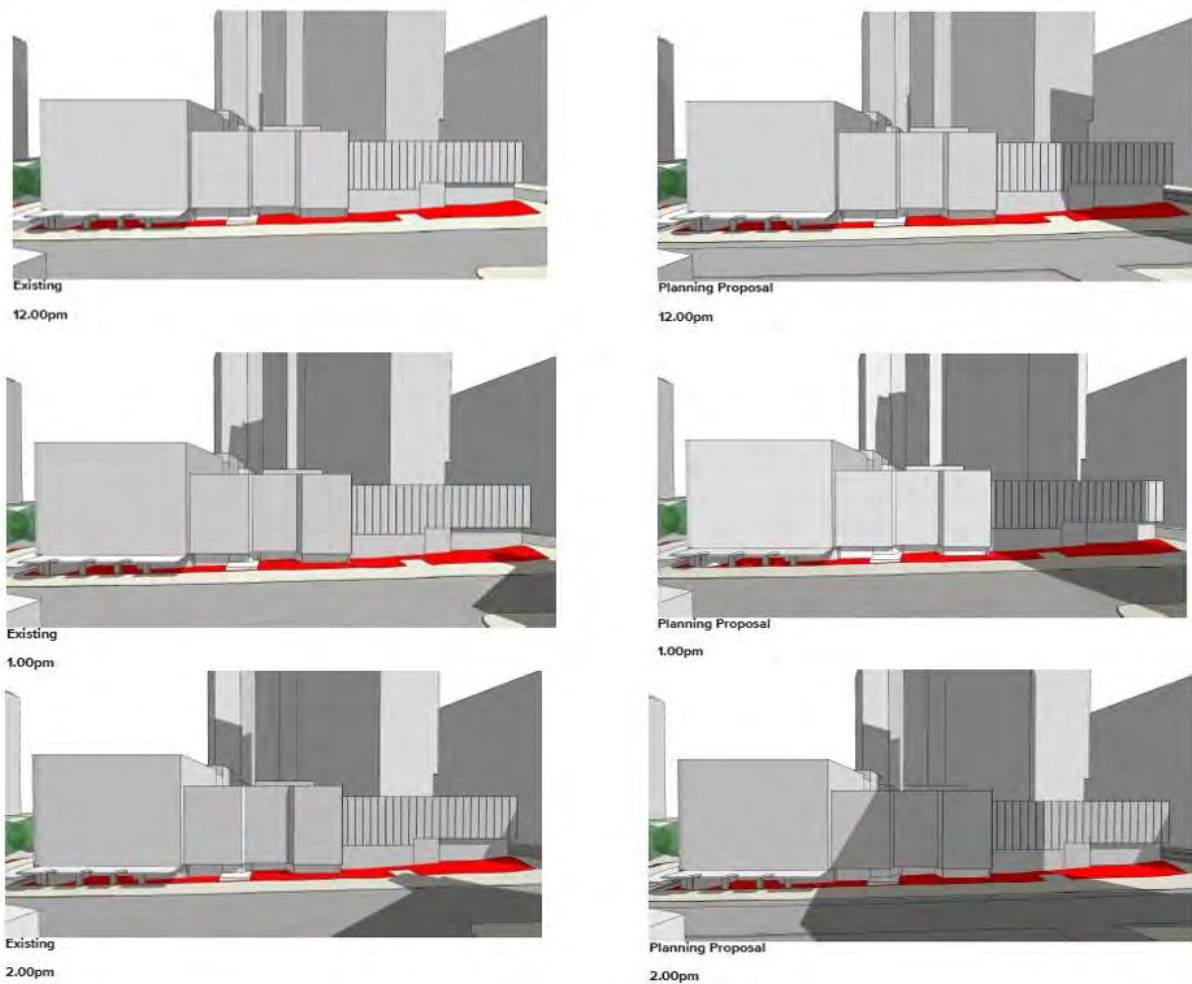


FIGURE 9: Overshadowing of Berry Street (West) Special Area on March equinox (21 March) as viewed from the northern elevation (Special Area shown in red)

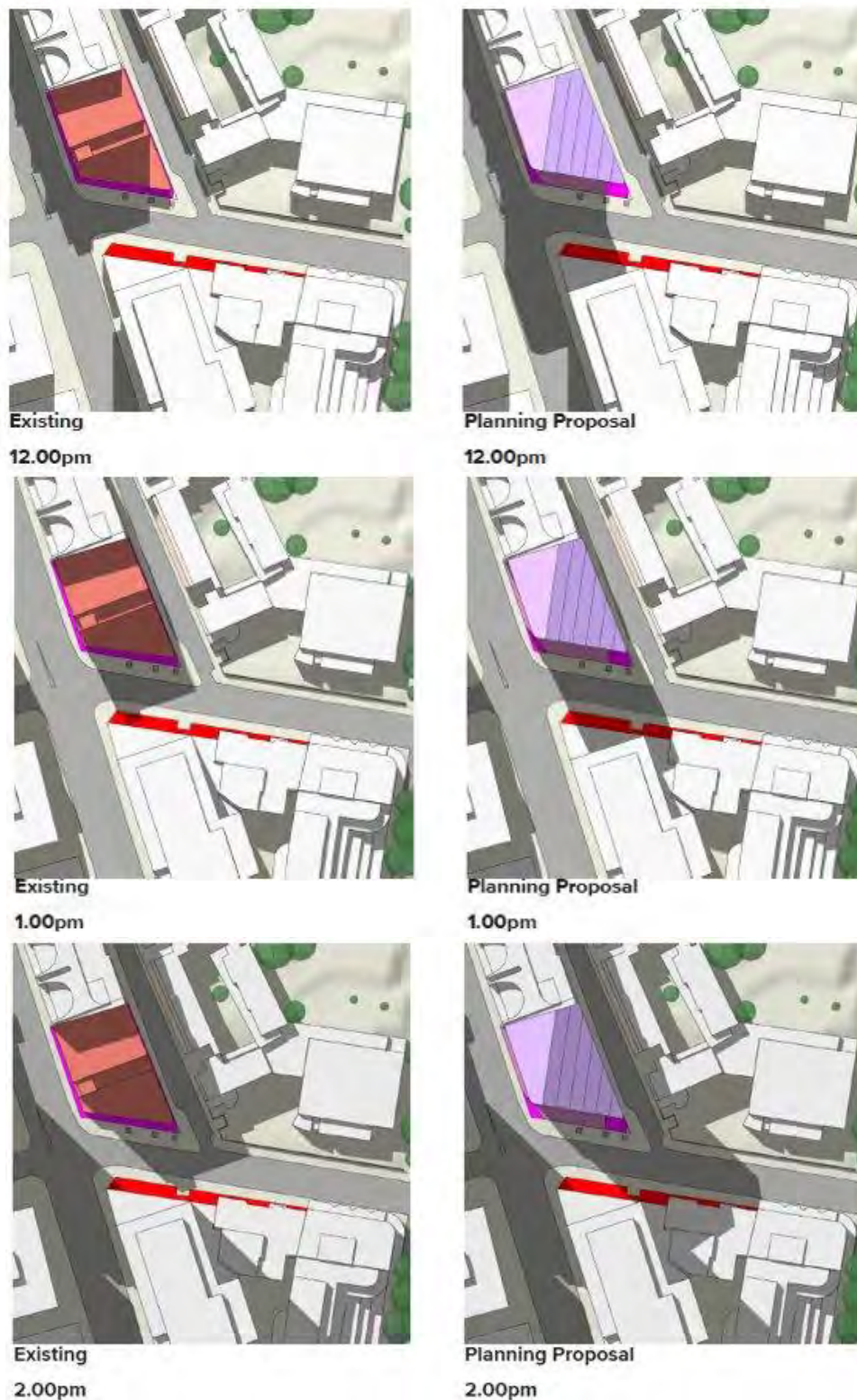


FIGURE 10: Overshadowing of Berry Street (West) Special Area on March equinox (21 March) as viewed from birds eye perspective (Special Area shown in red)

In their argument for supporting the proposal, the applicant has relied upon solar hours analysis. This is done by comparing the number solar hours per year to the Berry Street (West) Special Area with the number of solar hours per year received by the proposed new Special Area (solar losses to Berry Street (West) Special Area and solar gains of proposed Special Area). The applicant raises the following point in their argument:

The proposed extended Special Area receives 48,490 sun hours (compared to 38,870 sun hours of the previous concept design) and a total of 119,554 sun hours when combined with the existing special area. This represents a 45.2% increase in solar hours (refer to Figure 3). The calculation has been prepared for the period between March and September.

It is noted that the proposal will in fact result in a net gain in 'sun hours', with hours being lost in the existing Berry Street (West) Special Area and hours being gained along the eastern and western edges of the proposed new special area on the subject site. However, the areas which seek to gain additional sunlight are of marginal utility (being adjacent to either the Pacific Highway or along Angelo Street). Furthermore, the additional solar access is largely outside of the lunchtime hours of 12pm-2pm.

The PDS focuses on public domain upgrades that will benefit residents, visitors, and workers to North Sydney CBD, with an emphasis on new or upgraded areas for people to walk, sit and gather during lunchtime hours. Berry Street (West) Special Area, which includes some outdoor dining, has good solar access during this lunchtime period and should be protected. Any new Special Area should have the same quality and quantity of solar access at this time.

Taking into account the significant overshadowing the proposal will create on the Berry Street (West) Special Area particularly during lunchtime hours and considering the proposed new special area does little to offset this overshadowing during this time, it is considered in this instance that the proposed overshadowing is unacceptable and is not adequately addressed through the design of the structure and associated new special area.

7.4.5.3 Building Height

NSLEP 2013 identifies a maximum height of RL 145 for the site. The proposal seeks an increase to the maximum height of 27m up to RL 172. The height as proposed will result in additional overshadowing to the Berry Street (West) Special Area and potentially Miller Street Special Area. This has been detailed in 'Additional overshadowing to Berry Street (West) Special Area'.

The proposal purports to be of a relative scale to the surrounding context, with direct comparison to the Vodafone building south of the subject site (RL 195). However, when comparing the proposal to its immediate block, it is significantly taller than adjacent development, with a considerable jump from RL 141.80 to the proposed RL 172 height. While the top of the tower has been sculpted to the south to minimise overshadowing impacts, there is no staggering or stepping of the tower up to the maximum height from the north, weakening any height transition between the buildings and making the proposal appear to be overscale for the block. This is magnified by the overall bulk of the building envelope.

The site was not identified as being suitable for any increase in height under the North Sydney CBD Capacity and Land Use Strategy and subsequent LEP amendment. Considering a tower of the height proposed will be significantly out of context with surrounding buildings, will result in significant overshadowing impacts and taking into account Council's endorsed strategic direction for the site, the proposed height in this instance is not supported.

7.4.5.4 Podium and Tower Design

The proposal was referred internally to Council's specialist Urban Design and Development Assessment officers for comment. Both these areas raised significant issues in relation to the proposal's built form in relation to its local context.

The proposal includes a podium height (or street wall) of 5 storeys on Pacific Highway, Berry Street and Angelo Street, exhibiting a varied setback from the boundary on ground floor level. The podium has been offset from the tower above it, resulting in a 'reverse podium' at the south-east corner of the site over the proposed new Special Area.

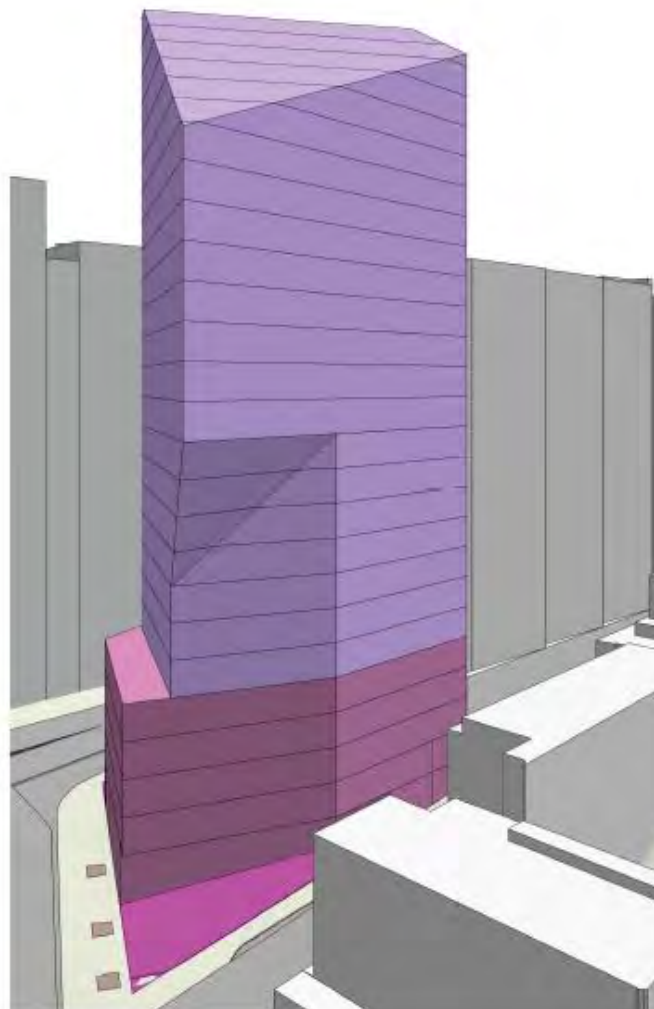


FIGURE 11: Proposed new Special Area.

The proposed podium of 5 storeys across all elevations (excluding the northern elevation) is considered to be excessive in bulk and scale and will result in an undesirable building form. Considering the narrowness of Angelo Street, a 2-3 storey podium along Angelo Street rather than a 5-storey podium would be more suitable for the immediate context and would provide a better human-scale to surrounding pedestrian environment, reflecting controls outlined in NSDCP 2013.

It is noted that in the updated concept design includes a reverse podium design to Angelo Street, with the amended design further 'stepping-in' of the podium to bring added sunlight to the plaza area. The reverse podium will overhang the proposed plaza resulting in a reduction in solar access and sky views, has the potential to increase wind levels in the plaza, reduces the potential for passive surveillance to occur and ultimately reduces any sense of human-scale to the development. As such, it is not supported.

In relation to podium setbacks, the PDS includes built form guidelines that promote building to the site boundary at ground level. The proposed podium is not entirely built to the site boundary at the ground floor, with setbacks to services and lobby entries, as is the entrance to the main lobby and the proposed new Special Area at the south-east corner. Setbacks to the main entry and plaza are rational, the former allowing for a widened footpath on the corner of a busy street, and therefore contribute positively to the public realm. Setbacks to the lobby entries do not provide the same purposefully activated spaces and should be built to the boundary to prevent ambiguous indented areas, as much of the pedestrian flow will come through the main entry and foyer, rather than through these secondary entries.

As discussed in section 7.4.2.4 of the report, the tower itself is generally non-compliant with the proposed CBD setbacks. Of particular concern is the lack of above podium setback to Angelo Street which provides an overbearing form to the street. The proposal would also not comply with the proposed DCP above podium side setback controls of 6m.

A structure and podium of lesser bulk and scale with increased setbacks would facilitate additional access to natural light to the surrounding public domain and to Berry Street (West) Special Area. Taking into account the overbearing design of the proposed tower, the excessive podium height of the design and reverse setback to the podium along Angelo Street, it is considered that the proposed design of the overall structure is not supportable in its current form.

7.4.5.5 Wind Impacts

The applicant has provided a formal wind assessment which indicates that the proposed development will have some effect on the local wind environment, however this will be negligible in the broader context of the CBD.

Council's Urban Design staff have identified that the proposed plaza and under-croft area may be subject to wind impacts that would affect pedestrians, particularly upon Angelo Street.

No specific analysis has been provided to demonstrate that the reverse podium to Angelo Street will result in a superior outcome with respect to wind impacts in accordance with Council's requirements. Accordingly, should the proposal progress, greater analysis will be required at the DA stage to address this issue.

7.4.5.6 Transport, Traffic and Parking

The Planning Proposal is accompanied by a Traffic and Transport Report which concludes that the concept proposal is likely to have a negligible impact on the surrounding road network and performance of key intersections in the locality.

The Planning Proposal was referred to Council’s Strategic Transport Planner and Traffic Engineer for comment. They did not object to the overall progression of the Planning Proposal, however made the following recommendations:

Travel Plan

Should the proposal progress, a “Draft Travel Plan”, in line with the requirements of Provision P1 (b) and (c) of the North Sydney DCP 2013 (NSDCP2013), should be submitted to Council to demonstrate how the applicant intends to: reduce car reliance; increase uptake of walking, cycling, public transport, and car sharing; and further reduce on-site car dependency, car ownership, parking demand and parking supply for the site.

Parking Rates

Should the proposal progress, it is recommended that proposed parking spaces for cars, motorcycles and bicycles (including visitor parking) be increased to align with the NSDCP 2013.

In consideration of the above comments, it is unlikely that the proposal would create any traffic concerns that are not able to be addressed either post-Gateway or during the development application stage. Other issues can also be resolved further along in the process.

7.4.6 Public Benefits

7.4.6.1 Proposed New Special Area

To offset additional overshadowing to Berry Street (West) Special Area, a new Special Area approx. 800m² in size is proposed in the form of a large under-croft area beneath the tower connecting to an uncovered area on the south-eastern corner of Berry and Angelo streets. This area is seen in figure 12 below.



FIGURE 12: Proposed new Special Area.

The PDS recommends that publicly accessible spaces should have a high level of amenity, including good solar access, comfortable wind conditions, seating, and landscape elements. Special Areas identified in NSLEP 2013 have been designated as such because they provide public domain spaces with good amenity, particularly good solar access. Therefore, any proposed new Special Area, especially one that is being proposed to offset overshadowing impacts to an existing Special Area, should be required to provide a high level of amenity, including solar access, to ensure that the quality of such spaces are not diminished.

As the proposal reduces solar access to Berry Street during the lunchtime period (12-2pm), any proposed Special Area should at a principle receive, at minimum, an equal amount of solar access at roughly the same time, to ensure that an overall loss in quantity of solar access for the CBD does not occur.

Solar hours analysis indicates that the plaza and under-croft area will have poor solar access across the year, even potentially in summer months. Shadow diagrams of the plaza also indicate generally poor solar access at key times in the day - in the early morning when people arrive to work and during lunchtime hours. There is potential for high traffic and wind impacts on the area which is bordered by Pacific Highway, Berry Street and Angelo Street. The ground floor includes a vehicle entry ramp, as well as a truck loading bay entrance off Angelo Street, directly adjacent to the proposed plaza, which could create a noisy, and unpleasant environment, and limit use. Activation of the plaza edges is minimal, with one café located within the ground floor of the building.

These issues highlight that the proposed new Special Area is not of a high enough level of amenity nor does it achieve good levels of solar access to merit classification as a Special Area. As such, it is recommended that as currently designed, the proposed area should not qualify for status as a Special Area in NSLEP 2013. In addition, it has been Council's experience that proposals for public benefit that are inter-related to the development of a building, can be further eroded in quality from this early concept stage, at a future DA stage, in favour of achieving better outcomes for the development being proposed.

7.4.7 Social Impacts

The redevelopment site alone has the potential to increase the site's interaction and integration with the surrounding public domain. However, when considered within the context of Council's broader strategic vision for the area as outlined under the PDS, the proposal will result in the further fragmentation of public areas with access to sunlight during the lunchtime period of 12pm-2pm. Whilst the applicant has provided a new special area to try to offset this impact, as argued above the area is considered to be of lesser value than existing and envisioned future areas (such as Miller Place) and is not aligned with Council's strategic direction for the area.

7.4.8 Economic Impacts

The proposal would result in an increase in the quantum of employment floorspace than what currently exists on the site. Accordingly, in general terms, increased density on the site is likely to result in positive economic impacts both in construction and ongoing operation that will be of benefit to the local and regional economy.

The proposed increase in development potential, whilst potentially beneficial economically, is not vital for delivering on North Sydney's employment targets and it is considered that the social and amenity impacts of the proposal would outweigh any economic gain it provides to the area.

7.4.9 Infrastructure

The site is located in proximity to existing and proposed transport infrastructure, including existing road connections and public transport. The site is in a locality that would allow future residents and workers to capitalise on the wide range of infrastructure and services available and planned within the area.

At the development application stage, consultation would be required with utility providers to ensure that sufficient capacity exists in water, sewer, gas, telecommunications and other utility services.

There is likely to be adequate services and infrastructure in the area to accommodate the proposed increases in demand, alternatively the applicant will be required to pay for any upgrades required.

7.5 Strategic and Site-Specific Merit Test

DPIE's 'A guide to Preparing Planning Proposals' (2021) includes Assessment Criteria (otherwise known as the 'Strategic and Site-Specific Merit Tests') to be considered in the case where the relevant strategy plan does not have Sustainability Criteria. As the North District Plan does not have specific Sustainability Criteria, the Strategic and Site-Specific Merit Tests are considered below.

7.5.1 Strategic Merit

The Strategic Merit Test requires consideration of the following:

a) *Does the proposal:*

- *Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or*
- *Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or*

- *Respond to a change in circumstances that has not been recognised by the existing planning framework.*

Each of the components of the strategic merit test are considered below.

District Plan

The proposal's consistency with the North District Plan has been considered in Section 7.4.1.2. In summary, whilst the Planning Proposal in general terms can be considered to be consistent with the District Plan as it provides for additional employment floor space, however, it does so at the expense of maximising the amenity of the public domain.

Local Strategic Planning Statement

The proposal's consistency with the North Sydney Local Strategic Planning Statement (LSPS) is considered in Section 7.4.2.1. The LSPS incorporates the *North Sydney Centre Review* and *North Sydney CBD Public Domain Strategy* into the strategic planning framework and directly links its implementation to the planning priorities under the North District Plan and the objectives of the Regional Plan. Despite the Planning Proposal being consistent with the provision of employment floorspace, it is contrary to the PDS in terms of public domain outcomes.

The Planning Proposal would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality, particularly the PDS. In particular, it will result in adverse overshadowing of the proposed public domain space and will negatively impact on the ability to implement the related strategies within the PDS. Furthermore, the proposal does not align with any Council endorsed planning study including the North Sydney Centre Land Use and Capacity Strategy and North Sydney CBD Public Domain Strategy. This goes against Action L1.5 of the LSPS.

Therefore, it is considered that the proposal is contrary to the endorsed LSPS.

Change of Circumstances

The Planning Proposal indicates it is motivated by the planned delivery of the LSPS, and therefore is responding to a change in circumstances. The subject site has already been the subject of assessment through the North Sydney Centre Review which is embedded in the relevant planning priorities and actions of the LSPS. No changes were identified on the site. It is considered that the actions outlined in the LSPS can be sufficiently addressed through the development of other sites identified in the CBD. Consequently, this is not considered to be a sufficient reason to give support to the proposal.

As described previously, an emerging and ongoing policy discussion relates to the characteristics of commercial floor space and their role in a post pandemic environment. Then Greater Cities Commission is understood to be considering this and other policy questions in its review of the regional and district plans.

Conclusion

Based on the above, it is considered that the Planning Proposal does not have strategic merit for the main reason that it is contrary to the LSPS, and would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality, which is integrated within the LSPS and PDS.

Given the adoption of the above suite of high-level strategic documents, which the Planning Proposal is inconsistent with, the proposal fails to demonstrate strategic merit.

7.5.2 Site Specific Merit

The Site Merit Test requires consideration of the following:

- “b) Does the proposal have site-specific merit, having regard to the following?*
- *the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)*
 - *the built environment, social and economic conditions*
 - *existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates; and/or*
 - *services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision*

The site-specific issues associated with the Planning Proposal have been considered in Section 7.4.5. Overall, the Planning Proposal is not considered to have site specific merit due to the following:

- the expected increase in overshadowing and the reduction in solar access likely to occur on the public domain and Berry Street (West) Special Area;
- inappropriate bulk and scale of the podium and tower including the reverse setback to Angelo Street which will create a domineering structure impacting upon the pedestrian environment;
- the proposed new ‘special area’ is of marginal quality and does not sufficiently offset the impacts resulting from the proposal.

8. SUBMISSIONS

There are no statutory requirements to publicly exhibit a planning proposal before the issuance of a Gateway Determination.

However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council’s application tracking webpage.

These submissions are normally considered as part of Council's assessment report for a planning proposal, to illustrate the level of public interest in the matter before Council makes its determination.

At the time of reporting, no submissions have been received.

CONCLUSION

The Planning Proposal seeks to amend North Sydney Local Environmental Plan 2013 at 20 Berry Street. The Planning Proposal is generally consistent with the relevant requirements under s3.33 of the EP&A Act.

Whilst the Planning Proposal would result in a small increase in potential employment floor space and delivery of a new Special Area, the Planning Proposal is not supported for the following reasons:

- The proposal does not demonstrate strategic merit as it challenges the implementation of a number of recently adopted policies including the *North Sydney Local Strategic Planning Statement (LSPS)* and would significantly undermine the extensive place-based strategic planning work that has been undertaken in the locality which is enshrined within the LSPS, particularly the *North Sydney CBD Public Domain Strategy (PDS)*.
- The proposal is contrary to delivering on the key priorities of the North District Plan, namely:
 - it will not deliver a great place, through the proposal's lack of prioritising a people-friendly public realm as a central organising design principle, nor comfortable human scale, due the excessive bulk and associated impacts along Berry Street; and
 - it will reduce the amenity of the public domain in terms of reduced access to sunlight and daylight; and
- The proposal does not demonstrate site specific merit due to the following:
 - the expected reduction in sunlight and daylight access to Berry Street resulting from the proposal; and
 - The proposed height is excessive and will result in overshadowing to the Berry Street (West) Special Area with potential to overshadow the Miller Street Special Area;
 - The proposal will result in a built form that does not adhere to established or envisioned urban design elements including podium heights and setbacks, tower setbacks and the provision of awnings;
- The proposed new Special Area does not provide a high enough level of public amenity to warrant classification as a Special Area nor does it adequately offset the reduction in solar access to the existing Berry Street (West) Special Area

RECOMMENDATION

That the Panel resolves not to support the Planning Proposal being forwarded to the Department of Planning, Industry and Environment seeking a request for a Gateway Determination.

Jayden Perry
STRATEGIC PLANNER

Marcelo Occhiuzzi
MANAGER STRATEGIC PLANNING

A large background graphic featuring a dark blue diagonal shape on the left. The background is a grayscale image of a city skyline with a pattern of white 3D rectangular blocks overlaid on it.

Planning Proposal

20 Berry Street, North Sydney


Submitted to North Sydney Council
On Behalf of Holdmark Property Group

April 2021



Planning Proposal
20 Berry Street, North Sydney
Project #20-039
April 2021

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	17/3/2021	Revision tracking notes	
02	7/4/2021	Prepared by	Verified by
		Anthony Kazacos Senior Associate	Susan E. Francis Executive Director
			

Disclaimer

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1. EXECUTIVE SUMMARY

This Planning Proposal (PP) is being submitted to North Sydney Council on behalf of the proponent, Holdmark Property Group.

This PP explains the intended effect of, and justification for, the proposed amendment to North Sydney Local Environmental Plan 2013 (NSLEP). The amendment is site specific for 20 Berry Street, North Sydney (the site). It has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and the relevant Department of Planning Guidelines including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”.

It sets out the justification for the proposed rezoning of the subject site at 20 Berry Street, North Sydney, to allow for a new commercial office building in the North Sydney CBD and near the new Victoria Cross Metro Station. To achieve the vision outlined in this report, the following amendments to the NSLEP are required.

- Rezone from B4 Mixed Use to B3 Commercial Core. It is accepted that this zone change is not ‘*required*’ to facilitate this PP however, it was requested by Council staff as a way to ensure and maintain employment GFA on the site into the future; and
- Include a new “*special area*” on the south-eastern corner of 20 Berry Street of no less than 200 sqm in area; and
- Amend the maximum building height control for the site from RL145 to a maximum RL172.

The proposed controls could allow for the site to be redeveloped, to accommodate 22,750 sqm of commercial floorspace (equating to approximately 704 jobs) in a 24 storey landmark development. The proposed building will include a high-quality design outcome (refer to Figure 1) in terms of built form, quality commercial office space, place-making and net solar amenity.

As outlined in this PP, the proposed building envelope will generate additional shadowing to the Berry Street (West) Special Area, however, to offset this impact, a new “special area” on the corner of Berry and Angelo Streets is proposed, with a minimum area of 200 sqm. This new “special area” will exceed the reduction of solar access to the existing “special area” on Berry Street caused by the proposed development. The proposal results in a net increase of 28,859 sun hours (per square metre).

The proposed development will have numerous economic benefits, during both the construction and operational phases, including the generation of 289 jobs during the construction phase and 1,335 jobs during the operational phase.

Table 1: Summary of Economic Benefits

	Construction Phase	Operational Phase
Output	\$110.5 million in output (\$68.1 million directly)	\$566.8 million additional in output (including \$332.6 million in direct activity)
Gross Regional Product (GRP)	\$46.5 million contribution to GRP (\$23.3 million direct contribution)	\$297.6 million additional in contribution to GRP (including \$168.2 million in direct activity)



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Salaries	\$26.9 million in wages and salaries paid to local workers (\$15.7 million directly)	\$135.0 million additional in incomes and salaries paid to households (including \$76.4 million directly).
Full Time Equivalent (FTE) jobs	289 Full Time Equivalent (FTE) jobs (167 direct FTE)	1,335 additional FTE jobs (including 704 additional FTE jobs directly related to activity on the site).

The District Plan employment targets require approximately 340,000 sqm to 460,000 sqm GFA of additional floorspace. Since 2016, the North Sydney CBD has had office net floorspace additions of 130,000 sqm. There is approximately 160,000 sqm in the supply pipeline. Assuming 100% delivery of the supply pipeline this would bring the North Sydney CBD approximately only halfway to meeting its 2036 employment targets.

The proposed development is therefore capable of assisting Council in meeting its target by providing 22,750 sqm of commercial floorspace within the North Sydney CBD.

In summary, there is a sound planning basis and strategic merit to support the zoning of the site as promoted by this PP. We therefore request that Council forwards this PP to the Department of Planning, Industry and Environment for a Gateway determination to receive a Gateway Determination.



Figure 1: Photomontage of indicative built form (Source: Turner)



2. PRE-LODGE MENT MEETING

A pre-lodgement meeting was held with Council on 20 August 2020 (minutes provided at Appendix 7). Table 2, provide a summary response to some of the comments provided by Council.

Table 2: Summary response to pre-lodgement minutes

Council Comment	Response
Council advised that if the proposal is for a commercial building then the Planning Proposal for the site should propose a rezoning from B4 – Mixed Use to B3 – Commercial Core. This would avoid an approved building envelope being inappropriately repurposed for residential development in future.	The PP proposes to rezone the site from B4 Mixed Use to B3 Commercial Core, to ensure the site will be developed for commercial purposes. Refer to Section 10 for a summary of the proposed controls.
Council advised that while the State Government has imposed ambitious targets for employment growth in the North Sydney CBD (15,600–21,100 additional jobs by 2036), Council is currently on track to meet these targets. Therefore, the delivery of additional commercial floorspace through a Planning Proposal for this site is not considered necessary to meet Council's employment targets.	<p>An Economic Impact Assessment has been prepared by Atlas Urban Economics and provided at Appendix 8. There is approximately 160,000sqm of commercial floorspace in the supply pipeline. Assuming 100% delivery of the supply pipeline and deducting 20% of pipeline supply for existing floorspace to be demolished, the pipeline supply could potentially accommodate 5,800 workers (based on approximately 1 worker per 27sqm).</p> <p>This would bring the North Sydney CBD about halfway to meeting its 2036 employment targets.</p> <p>The proposed development will therefore assist Council in meeting its employment targets by providing approximately 22,750 sqm of commercial floorspace, equating to 704 direct jobs or 1,335 direct/indirect jobs.</p> <p>Refer to the Economic Impact Assessment at Appendix 8 for further detail.</p>
Council staff highlighted the uncertainties surrounding the potential impacts of the Western Harbour Tunnel (WHT) road project on the North Sydney CBD, and Berry Street in particular.	The Environmental Impact Statement for the tunnel states: <i>"Increased traffic demands and delays for traffic in the North Sydney area would be minimised through the proposed changes to road access and network arrangements in North Sydney Central Business District (CBD), as well as the ongoing development of the North Sydney Integrated Transport Program by Transport for NSW. The broader network travel time</i>



	<p><i>and reliability benefits delivered by the project are expected to outweigh increases to localised delays. Key local adverse impacts on public and active transport would include the potential for travel times on bus routes through North Sydney to generally increase in the absence of further mitigation measures.</i></p> <p>The proposed tunnel will therefore improve traffic in the North Sydney CBD. There may be some local adverse impacts on public and transport, however this will be mitigated by the Transport for NSW's Integrated Transport Program and the construction of the new Victoria Cross metro station.</p>
<p>The creation of the proposed Special Area would provide an additional constraint to the development potential of the school which is already required to have regard to the existing Special Area.</p>	<p>As outlined in Section 11.3.2, a solar impact assessment has been undertaken on the new proposed special area. The assessment has taken into account the redevelopment of the Monte Sant' Angelo Mercy College. Should the school's existing building's be redeveloped to the permissible 16 metre height limit, it would not overshadow the new "special area" between 12-2pm between the March and September equinoxes.</p>
<p>Council staff raised concerns over the value of the proposed new Special Area when weighed against the value and potential of the existing Berry Street Special Area.</p>	<p>Refer to Section 11.3.2. The new "special area", which has an area of approximately 200 sqm, will receive 57,146 hours/year (across the "special area"). This represents an increase of 28,859 hours/year.</p>
<p>It should also be noted that the Vodafone building directly south of the subject site contains an indoor public plaza, part of which is included in the mapped Special Area. Though this space is enclosed, it does constitute a semi publicly accessible space during working hours, and as such overshadowing impacts to this space should be carefully considered.</p>	<p>Refer to Section 11.3.2 for a detailed analysis of the solar impact to the Vodafone building's indoor plaza (noting that this plaza has a solid roof). It should be noted that the indoor plaza is not within the mapped LEP "special area". The proposed development will however result in additional shadowing to part of the plaza for 4 months of the year. The remaining months, the plaza will not be impacted by the proposed building.</p>
<p>Council staff raised concerns regarding the proposed built form. In its attempt to minimise overshadowing and maximise commercial floorplates, the proposed building is overly contrived in form.</p>	<p>The concept plan proposes a modern built form which responds to its surrounding context, whilst minimising overshadowing to surrounding "special area". It should however be noted that this an indicative concept plan. Further refinement of the envelope will be undertaken a DA stage.</p>

3. BACKGROUND

3.1. Statutory Planning

North Sydney Local Environmental Plan 2013

The main Environmental Planning Instrument (EPI) applicable to the site is the North Sydney Local Environmental Plan 2013 (NSLEP).

In accordance with the NSLEP, the subject site is zoned B4 Mixed Use (refer to Figure 2) and is surrounded by SP2 Infrastructure to the east and B3 Commercial Core to the south.

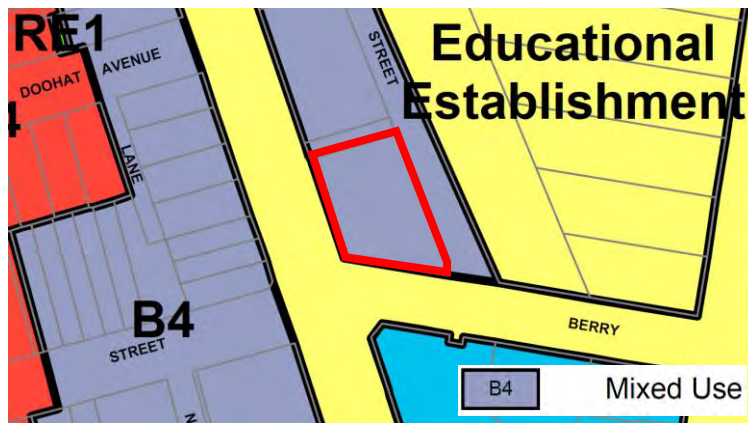


Figure 2: Existing Zoning Map, site highlighted with red boundary (Source: NSW Legislation)

The site is subject to a 145RL height limit (refer to Figure 3).

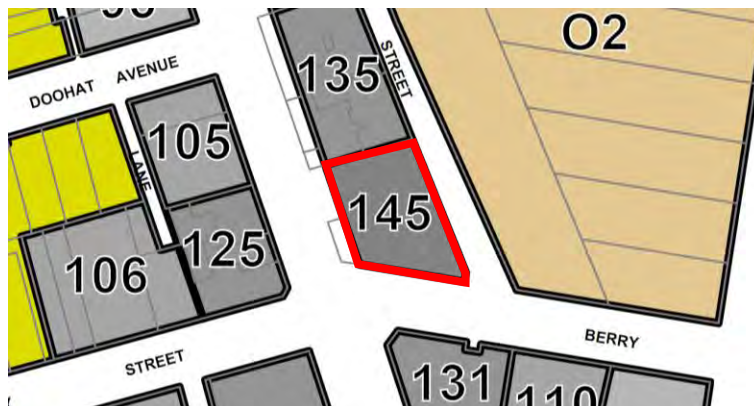


Figure 3: Existing Building Height, site highlighted with red boundary (Source: NSW Legislation)

The site is subject to a minimum non-residential FSR of 3:1 (refer to Figure 4).



Figure 4: Existing Minimum non-residential FSR, site highlighted in blue (Source: NSW Legislation)

The site is opposite to the Berry Street (West) Special Area (refer to Figure 5). Future redevelopment on the site is restricted by Clause 6.3 which requires there to be no net increase in overshadowing between 12pm and 2pm from the March equinox to the September equinox (inclusive) on land that is identified as a "Special Area".



Figure 5: Existing "Special Areas", site highlighted in blue (Source: NSW Legislation)

4. THE SITE

4.1. Location and description

The proposal relates to the site at 20 Berry Street, North Sydney. The site has an area of approximately 1,420sqm and consists of one allotment, legally described as Lot 1 DP 550167 (refer to Figure 6).



Figure 6: Aerial Image of the site, site highlighted in yellow (Source: Six Maps)

The site currently comprises a fifteen-storey commercial office tower (refer to Figure 7). The site benefits from frontages to Berry Street to the south, the Pacific Highway to the west and Angelo Street to the east.

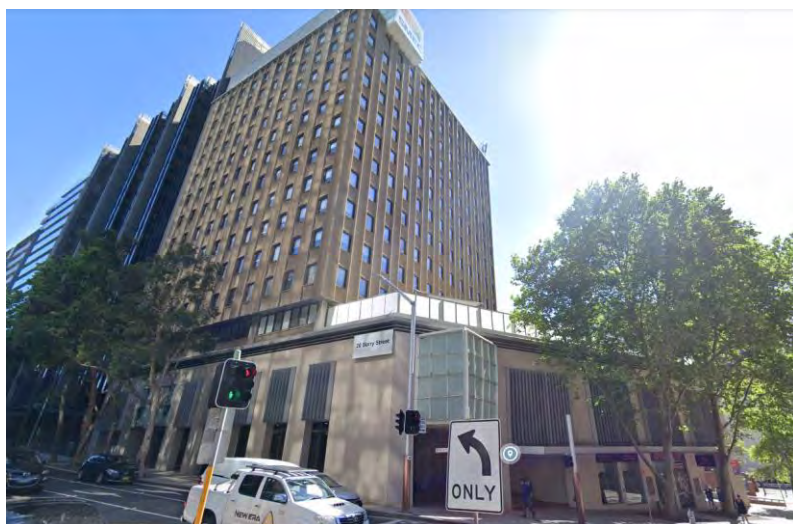




Figure 7: The site (Source: Google Images)

4.2. Adjacent and surrounding development

A summary of the site's context and surrounding development is summarised in Table 3.

Table 3: Adjacent and surrounding development

Direction	
To the north	<p>To the north of the site is a mixed-use precinct, predominately comprised of multi-storey shop-top housing developments (refer to Figure 8).</p>  <p><i>Figure 8: To the north of the site (Source: Google Images)</i></p>
To the south	<p>To the south of the site is the commercial core of the North Sydney CBD, predominately characterised by commercial office buildings and retail tenancies (refer to Figure 9).</p>  <p><i>Figure 9: To the south of the site (Source: Google Images)</i></p>

To the east

To the east of the site is the Monte Sant' Angelo Mercy College (refer to Figure 10). Further to the east, is the remaining commercial core of the North Sydney CBD, characterised by high rise commercial office buildings.



Figure 10: To the east of the site (Source: Google Images)

To the west

To the west of the site, the built form transitions from high-rise mixed-use development, to single storey detached housing, which forms part of the Edward Street Heritage Conservation Area (refer to Figure 11).



Figure 11: To the west of the site (Source: NSW Legislation)

5. SURROUNDING INFRASTRUCTURE

5.1. Sydney Metro City and Southwest

The Sydney Metro City and Southwest link will include six new stations across Sydney, including one located at Victoria Cross. The station is located beneath Miller Street (to the north of the Pacific Highway) between McLaren Street and south of Berry Street. The Victoria Cross Station will have a north and south entrance. The subject site is located in between both entrances (refer to Figure 12).

The new line, including the new Victoria Cross Station, is expected to open in 2024.

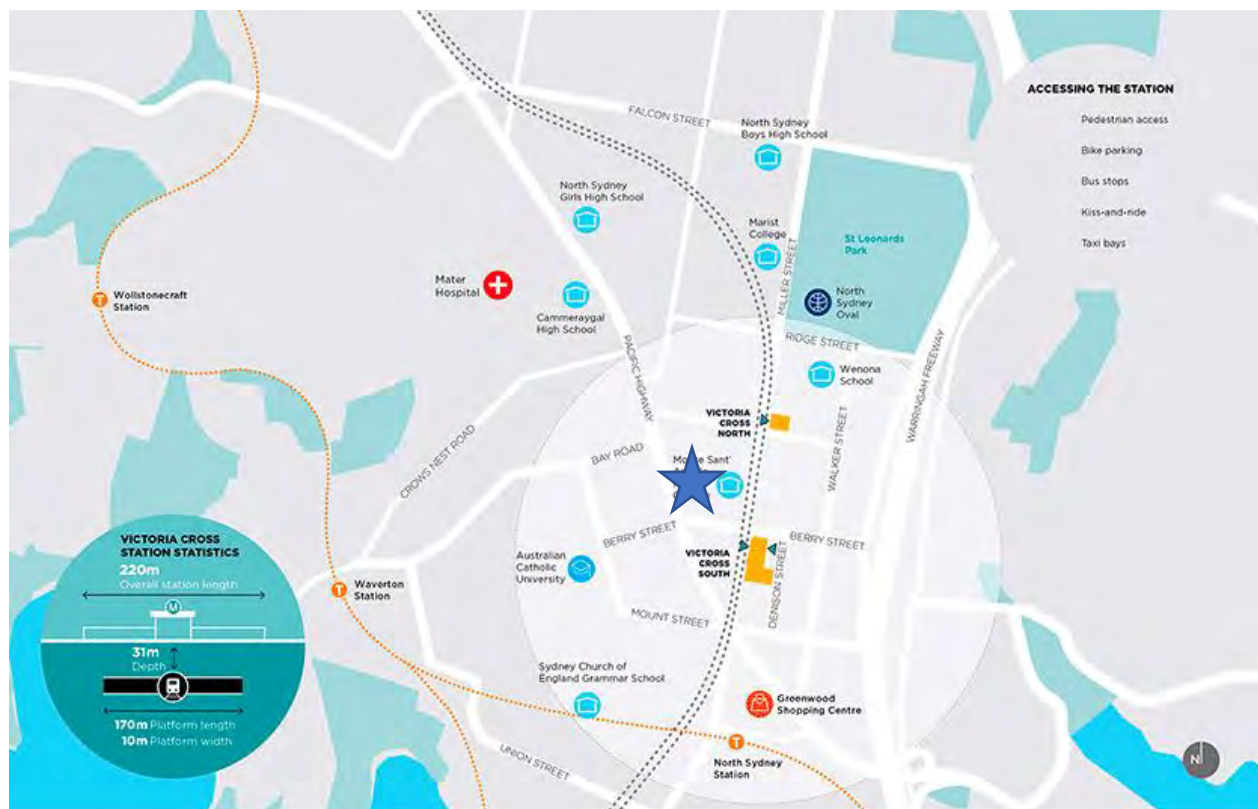


Figure 12: Victoria Cross Metro Station, site highlighted with star (Source: Department of Planning, Industry and Environment)

5.2. Western Harbour Tunnel and Beaches Links

The Western Harbour Tunnel and Beaches Link tunnel will connect to the Warringah Freeway, cross underneath Middle Harbour and connect with the Burnt Bridge Creek Deviation at Balgowlah. The Wakehurst Parkway will be upgraded to two lanes each way between Seaforth and Frenchs Forest.

The Western Harbour Tunnel will connect to WestConnex at the Rozelle Interchange, cross underneath Sydney Harbour and connect with the Warringah Freeway at North Sydney.



Figure 13: Western Harbour Tunnel and Beaches Link (Source: NSW Government)

As outlined below, there will be surface connections to the Warringah Freeway, Falcon Street and Berry Street (in close proximity to the site) in North Sydney (refer to Figure 14).

The tunnel was approved by the Department of Planning, Industry and Environment on 21 January 2021. It is expected that construction will commence in 2022 and the tunnel be open to the public by 2026.

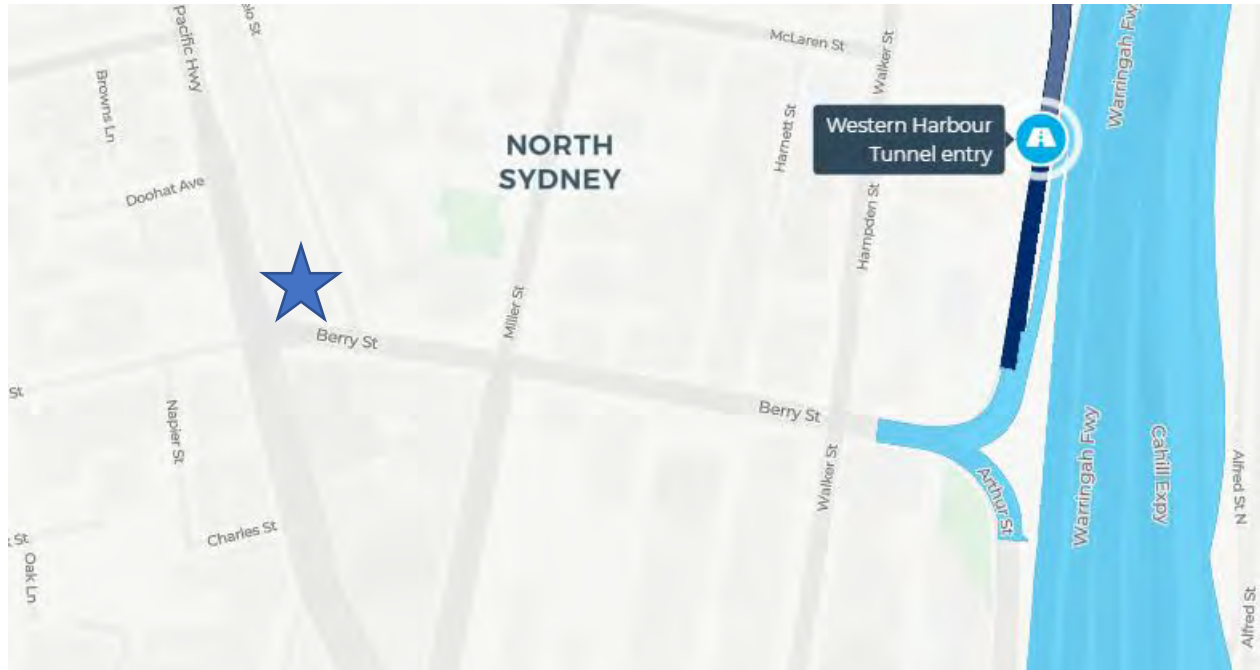


Figure 14: Berry Street connection, site highlighted with star (Source: Transport for NSW)

6. BERRY STREET (WEST) SPECIAL AREA

Future redevelopment on the site is restricted by Clause 6.3 which requires that there is no net increase in overshadowing between 12pm and 2pm from the March equinox to the September equinox (inclusive) on land that is identified as a "Special Area".

The Berry Street (West) Special Area is an established setback along the southern side of Berry Street between the Pacific Highway and Miller Street (refer to Figure 15). The "special area" provides limited activation at street level and is void of any street furniture or landscaping. The "special area" partially sits within the interior of the buildings at 51 and 53 Berry Street, refer Figure 16. At present, the "special area" provides a sub-optimal area of outdoor space within the North Sydney CBD. As confirmed by Council in 2016 below.

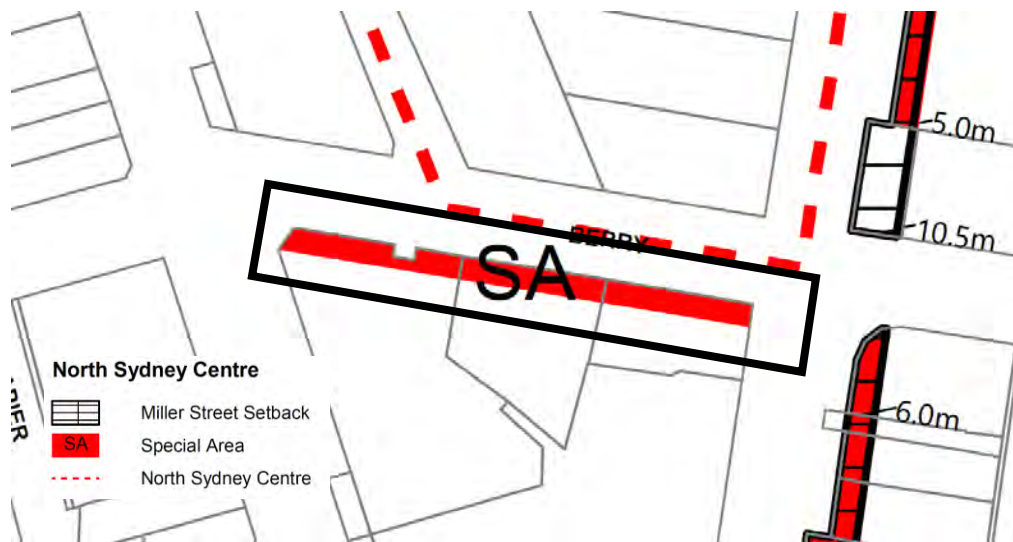


Figure 15: "Special Area" map, Berry Street (West) highlighted with black boundary (Source: NSW Legislation)



Figure 16: Street elevation showing extent of Berry Street (West) Special Area (Source: Turner)



An assessment of all “special area” was undertaken by Council in 2016 in the North Sydney Centre Special Areas Review 2016 (the Review). The Review highlighted the deficiency of this space for users:

Berry Street (West) is a highly active pedestrian thoroughfare between 12noon and 2pm, connecting the Education Precinct to the North Sydney Centre. It offers relatively limited public domain in the form of footpaths adjacent to a 3 lane road and a small paved plaza with café seating.

Whilst a highly active thoroughfare, it provides poor user experience. This is largely due to heavy vehicular traffic, poor building interface and lack of greenery and things to do.

An assessment of the “special area” was undertaken as part of the Review (refer Figure 17). The Review identified that the Special Area’s user experience was **poor**, its function, primary use and future potential use **average** and its frequency of use and solar access **good**. Despite this assessment, it was determined to retain the area due to the current and future use of Berry Street which Council considered heightens the importance of this space.

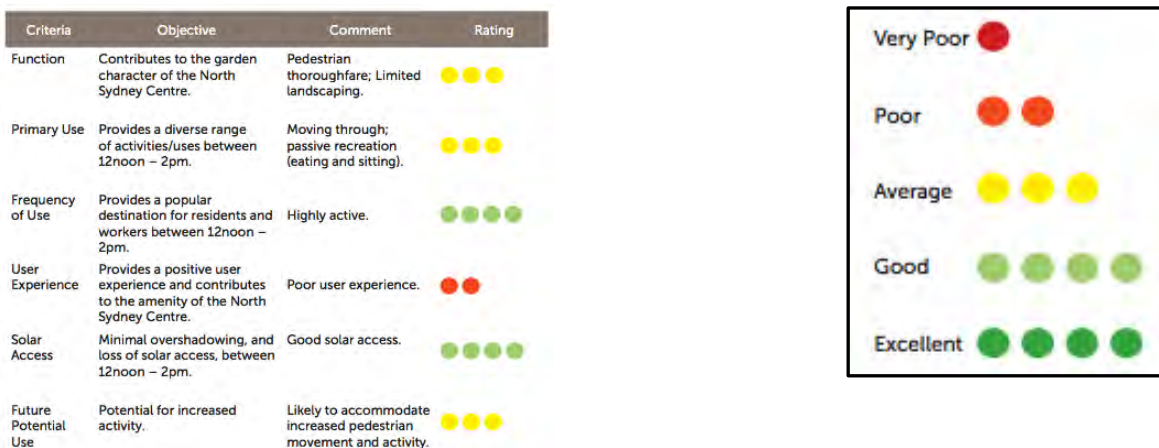


Figure 17: Assessment of Berry Street Special Area extracted from The Review (Source: North Sydney Council)

Due to the overshadowing restrictions in the LEP and the proximity of the Berry Street (West) Special Area, the site is not feasible for redevelopment within the current planning controls. A compliant built form is shown in Figure 18. This demonstrate a steeply tapering building envelope which is impractical in shape and will achieve marginal additional yield on the site than at present. While it is hard to accurately estimate the GFA and height of the ‘compliant envelope’ because of the high restrictive and inefficient form, it is estimated that the compliant envelope provides circa 13,260 sqm of GFA and a height of approximately RL 145. From a financial feasibility perspective, retention and refurbishment of the existing building is the only likely outcome of the site, as redevelopment under existing controls for commercial or mixed-use purposes are not viable options. Retention and refurbishment of the existing building will not however generate any additional jobs on the site. Refer to Section 11.3.3 for a comparison of the different redevelopment options.

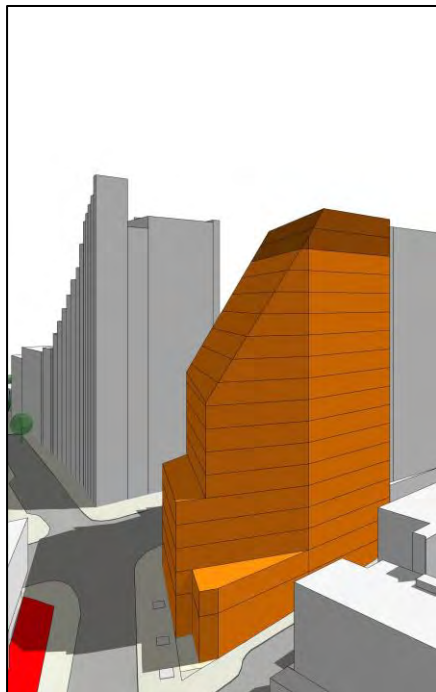


Figure 18: Compliant Envelope (Source: Turner)



7. NORTH SYDNEY CBD PUBLIC DOMAIN STRATEGY

In September 2020, Council endorsed the North Sydney CBD Public Domain Strategy. The Strategy recognises a need to provide amenity for the 20,000 additional workers that will work in North Sydney CBD by 2036. In particular, it notes that the new Victoria Cross Station (150m from the site) will be one of the main arrival points of these workers. The document identifies a need for more public space within the CBD.

The strategy outlines the following specific vision for Berry Street:

Berry St has strong potential to become a pleasant, green and sunlit boulevard with upgraded footpaths, awnings, outdoor dining, new squares and new architecture with the redevelopment of the Ward Street Precinct and the opening of the new Metro Station.

The Strategy also notes the following key public domain goals for Berry Street.

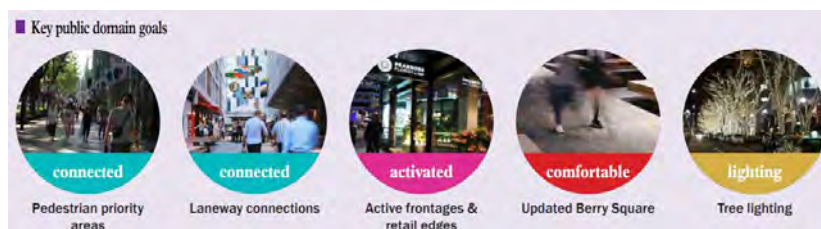


Figure 19: Key Public Domain Goals (Source: North Sydney CBD Public Domain Strategy)

The proposed new “special area” is consistent with the strategy as it will provide a new public domain area with good levels of solar. It will also enhance the amenity of the CBD, by providing new areas for workers/residents/visitors to utilise and opportunities for new street tree plantings and landscaping.



Figure 20: North Sydney CBD Public Domain Strategy (Source: North Sydney Council)

8. INDICATIVE DESIGN CONCEPT

The indicative development is a 24-storey (102 metres, RL 172) office tower (refer to Figure 21) that will replace the existing 14 storey office building on the site. It will provide for approximately 22,750 sqm of non-residential GFA in the North Sydney CBD.

The tower design is unique in its massing design with a stepped form that is widest at mid-height, and a podium with a saw-toothed façade. Pedestrian areas include the ground level perimeter, plaza proposed at the southeast corner, terrace on the podium and nearby sidewalks.

The envelope form of the proposal has been shaped to comply with the solar controls set out in NSLEP Clause 6.3 with the exception of “special area” opposite the site on the south side of Berry Street. The design minimises its impact to the Berry Street Special Area, however it does cause a net increase in shadowing approaching the equinoxes on the existing ‘Special Areas’

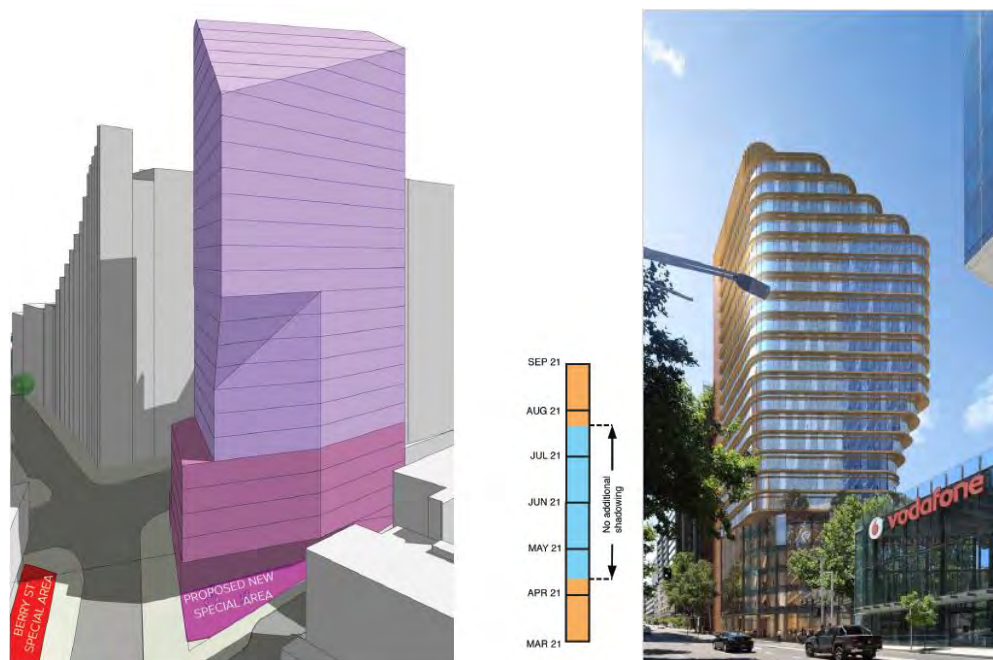


Figure 21: Indicative Built Form (Source: Turner)

The indicative scheme would sit at the northern edge of the tall building cluster of the North Sydney CBD and immediately to the south of two of the tallest towers - 177 Pacific Highway and 100 Miller Street. The scheme would also provide a transition between the taller towers to the south and the residential / mixed use towers to the north and west (refer to Figure 22).

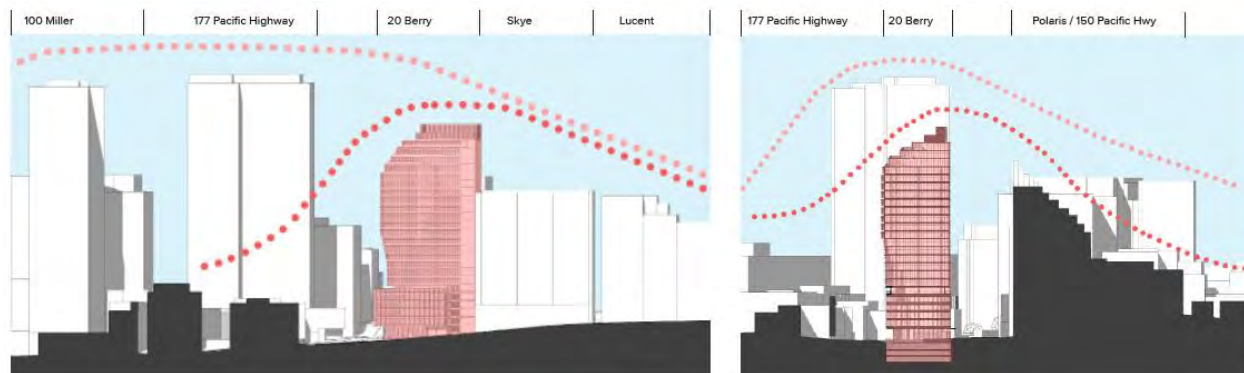


Figure 22: Built form transition (Source: Turner)

A key element of the PP is the creation of a new “special area” of approximately 200 sqm on the southeastern corner of the site (refer to Figure 23 and Figure 24). It is important to note that when this includes the surrounding footpaths, the greater plaza/area has an area of approximately 450sqm. This new “special area” provides usable, open space with good levels of solar access. Sun hour analysis included within this report demonstrates that the sun hours to the proposed new “special area” exceeds the reduction of sun hours to the existing “special area” on Berry Street. The proposal thus would result in a net increase of 28,859 sun hours / year (per square metre).



Figure 23: New “special area”, highlighted in red (Source: Turner)



AERIAL VIEW OF PLAZA



VIEW OF PLAZA FROM SOUTH

Figure 24: Artist image of proposed plaza area (Source: Turner)



9. OBJECTIVES OR INTENDED OUTCOMES

The objective of this PP is to amend the North Sydney Local Environmental Plan 2013 to:

- Provide additional opportunities for commercial floorspace and employment growth within the North Sydney CBD.
- Facilitate the redevelopment of the site and provide a landmark office tower building on this prominent street corner within the North Sydney CBD.
- Increase the height on the site, whilst minimising its impact to the Berry Street (West) Special Area.
- Provide a new “special area” with good levels of solar access on the south-eastern corner of the site, which could be used for open space purposes and to increase the solar access to the Special Areas’ in the precinct

The intended outcomes of the PP are to:

- Allow for the site to be redeveloped and provide a 24-storey tower (102 metres in height) with an approximate GFA of 22,750 sqm and approximately 704 jobs.
- Minimise shadowing to existing “special areas”, while providing a new “special area” with an area of approximately 200 sqm. The new “special area” provides useable open space with good levels of solar access. The sun hours to the new “special area” exceeds the reduction of sun hours to the existing “special area” on Berry Street caused by the proposed development. This results in a net increase in solar access.



10. EXPLANATION OF THE PROVISIONS

To facilitate this PP, it is proposed to amend the NSLEP as follows:

- Rezone from B4 Mixed Use to B3 Commercial Core (as requested by Council staff to ensure employment GFA is maintained for the future);
- Include a new “*special area*” on the south-eastern corner of 20 Berry Street of no less than 200 sqm in area; and
- Amend the maximum building height control for the site from RL145 to a maximum RL172.

Clause 6.3 of the LEP provides additional provisions to ensure development minimises shadowing to surrounding residential development, open space and “special areas”. Given its importance to the subject site, a summary of compliance has been provided in Table 4 below.

Table 4: Compliance with Clause 6.3

6.3 Building heights and massing	Compliance
<p>(2) Development consent must not be granted for the erection of a building on land to which this Division applies if—</p> <p>(a) the development would result in a net increase in overshadowing between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as “Special Area” on the North Sydney Centre Map, or</p> <p>(b) the development would result in a net increase in overshadowing between 10 am and 2 pm from the March equinox to the September equinox (inclusive) of the Don Bank Museum, or</p> <p>(c) the site area of the development is less than 1,000 square metres and any building resulting from the development would have a building height greater than 45 metres.</p>	<p>(a) The proposed development will result in minimal additional overshadowing to the Berry Street (West) Special Area during the March and September equinoxes. However, the creation of a new mapped “special area” will allow for additional solar access and result in the proposal not offending clause 6.3.</p> <p>(b) The proposed development does not generate any additional shadowing to the Don Bank Special Area.</p> <p>(c) The subject site has an area of 1,391 sqm, which exceeds the minimum area requirement.</p>
<p>(3) The consent authority may grant development consent to development on land in the North Sydney Centre that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm from the March equinox to the September equinox (inclusive) will not result in any private open space, or window to a habitable room, located outside the North Sydney Centre receiving—</p> <p>(a) if it received 2 hours or more of direct sunlight immediately before the commencement of North Sydney Local Environmental Plan 2013 (Amendment No 23)—less than 2 hours of direct sunlight, or</p>	<p>The proposed development does not result in additional overshadowing between 9 am and 3 pm from the March equinox to the September equinox (inclusive) to any private open space, or window to a habitable room, located outside the North Sydney Centre.</p> <p>Accordingly, the development proposal would not offend this clause. However, for abundant caution, this PP, proposes to amend the maximum building height to RL 172 at the request of Council.</p>



<p>(b) if it received less than 2 hours of direct sunlight immediately before the commencement of North Sydney Local Environmental Plan 2013 (Amendment No 23)—less direct sunlight than it did immediately before that commencement.</p>	
<p>(4) Brett Whiteley Plaza Development consent may be granted to development on land at 105–153 Miller Street, North Sydney, known as the MLC Building, that would result in a net increase in overshadowing of the land known as Brett Whiteley Plaza that is within Zone RE1 Public Recreation from the March equinox to the September equinox (inclusive).</p>	<p>Not applicable.</p>
<p>(5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following—</p> <p>(a) the likely impact of the proposed development on the scale, form and massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining the North Sydney Centre,</p> <p>(b) whether the proposed development preserves significant view lines and vistas,</p> <p>(c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments.</p>	<p>(a) The site is located at a point of transition in scale. To the south and east are tall buildings of the CBD. To north are new multi-storey shop top housing developments. To the west beyond the Pacific Highway the scale changes to 2/3 storey apartment blocks and 1/2 detached and semi-detached houses. The proposed development therefore provides an adequate transition to the built form.</p> <p>(b) Given the site is surrounding by tall buildings to the south and east (the direction of Sydney Harbour and the Sydney CBD) and given the envelope of site's existing building, the proposed development will unlikely impact any significant view lines and vistas. Additional detail and information could be provided at DA stage to demonstrate compliance with this clause.</p> <p>(c) The proposed development has the potential to enhance the streetscape by providing an urban renewal opportunity in the centre of the North Sydney CBD. The redevelopment will include high quality finishes and materials, whilst also including a new "special area".</p>



11. JUSTIFICATION

11.1. Need for the Planning Proposal

11.1.1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The North Sydney Local Strategic Planning Statement (LSPS) sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure for LGA.

The LSPS guides the content of Council's Local Environmental Plan (LEP) and supports Council's consideration and determination of any proposed changes to the development standards under the LEP.

Table 5 outlines consistency with the main priorities of the LSPS.

Table 5: Consistency with LSPS

Priority/Direction/Action	Response
Collaborate with State government Agencies and the community to deliver new housing, jobs, infrastructure and great places.	The PP will facilitate the redevelopment of the site and provide 22,750 sqm of commercial floorspace, which is an increase when compared to the site's existing building within 100m of the new Victoria Cross Metro Station and 500m of North Sydney Station. It responds to the desire to have transport led growth within walking distance of public transport
Create great places that recognise and preserve North Sydney's distinct local character and heritage.	The PP will deliver an important public domain outcome with the creation of an additional "special area" within the North Sydney CBD. This area will offer a unique space for workers, residents and visitors to the CBD.
Grow a stronger, more globally competitive North Sydney CBD.	The PP will facilitate the redevelopment of the site and provide opportunities for additional commercial office and employment growth. The PP will assist in meeting the employment target of 15,600 - 21,000 additional jobs for the North Sydney CBD by 2036, by providing approximately 704 jobs as a direct result of the PP. The PP will also improve user and public domain amenity within the CBD to support an attractive, vibrant and globally competitive North Sydney CBD.
Develop a smart, innovative and prosperous North Sydney economy.	The site currently comprises an ageing commercial office building. Redevelopment of the site will unlikely occur under existing controls, as the built form will result in an unfeasible building envelope with inefficient floorplates. The proposed controls will enable and encourage redevelopment, by provide a landmark commercial tower for the North Sydney CBD.



11.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This PP is the best means of achieving the desired outcomes for the site. The form and scale of redevelopment cannot occur without a PP to alter the LEP controls. Specifically, at the request of Council, this PP has addressed the following:

Table 6: Alternative Options

<p>Why a development application could not be supported without the benefit of a PP?</p>	<p>The proposed development will result in minimal but some additional overshadowing to the Berry Street (West) Special Area during the March and September equinoxes, which would result in a non-compliance with Clause 6.3(2)(a) of Council's LEP. This clause is not a development standard that can be varied by Cl4.6, and so a PP is required to address this issues whilst achieving the objectives of cl6.3</p> <p>Accordingly, the purpose of the PP is to create a new mapped "special area" which will allow for an overall increase to solar access in the Berry Street (west) Special Area. As a result, the proposed development will not result in a net increase to overshadowing to surrounding "special areas" and therefore it will not offend clause 6.3.</p> <p>A PP is therefore required to amend Council's LEP map to create a new "special area".</p>
<p>Why the zoning should be changed in comparison to retaining the B4 zoning?</p>	<p>The PP proposes changing the zone from B4 Mixed Use to B3 Commercial Core at the request of Council and as stated in Council's meeting minutes from the pre-lodgement meeting dated 20 August 2020 (refer to Table 2). Given all strategic plans and policies highlight the importance of encouraging employment generating development, Council requested this change to ensure any uplift generated from this PP will be dedicated to employment GFA.</p> <p>A PP is therefore required to change the zone. Alternatively, the proponent is willing to retain the B4 Mixed Use zone, given it provides flexibility and allows a variety of additional uses.</p>
<p>Why the height limit should or should not be changed?</p>	<p>Clause 6.3 (3) of Council's LEP allows the consent authority to "grant development consent to development on land in the North Sydney Centre that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm from the March equinox to the September equinox (inclusive) will not result in any private open space, or window to a habitable room, located outside the North Sydney Centre receiving....."</p> <p>The proposed development does not result in additional overshadowing between 9 am and 3 pm from the March equinox to the September equinox (inclusive) to any private open space, or window to a habitable room, located outside the North Sydney Centre.</p>



	Accordingly, the proposal would not offend this clause. However, despite the wording of this clause and in accordance with comments from Council, for abundant caution, this PP proposes to increase the height to RL 172.
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11.2. Relationship to Strategic Planning Framework

11.2.1. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The table below demonstrates consistency with the Greater Sydney Region Plan – A Metropolis of Three Cities.

Table 7: Response to Greater Sydney Region Plan

Objectives	Response
Objective 4 Infrastructure use is optimised	The proposed development can provide an increased quantum of commercial floorspace within walking distance to both the existing North Sydney train station and approximately 100m away from the new Victoria Cross Metro Station. The proposed development will maximise the usage of this infrastructure.
Objective 6 Services and infrastructure meet communities' changing needs	There are sufficient services in the vicinity of the site to accommodate the redevelopment. This will be enhanced with the construction of the new Victoria Cross Metro Station and the Western Harbour Tunnel. Additionally, the proposed development includes a new "special area" which could be used by visitors, workers and residents of North Sydney.
Objective 7 Communities are healthy, resilient and socially connected	The PP proposes to provide a new 200 sqm "special area", with increased levels of solar access, which could be used for open space purposes, which could be used by visitors, workers and residents of North Sydney.
Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The proposed development can provide approximately 704 direct jobs within walking distance to major public transport and existing residential development, which will assist in creating a 30-minute walking city.
Objective 15 The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	Council's LSPS identifies the value and significance of the North Sydney CBD to the Eastern Economic Corridor and to North Sydney's ability to provide for employment. It also identifies the challenges that the CBD has faced, which includes the encroachment of residential development on commercial uses. The PP will promote urban renewal by encouraging redevelopment of a key site in the North Sydney CBD, for employment purposes, which is in close proximity to existing, new and proposed infrastructure. The proposed development will create approximately 704 jobs.
Objective 18 Harbour CBD is stronger and more competitive	
Objective 30 Urban tree canopy cover is increased	The proposed development will provide a new "special area". The area will include new landscaping such as mature trees, which will assist in increasing urban tree canopy cover within the North Sydney CBD.



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Objective 31 Public open space is accessible, protected and enhanced

The proposed development includes a new “*special area*”, which will include increased levels of amenity (which could include new landscaping, street furniture and mature trees) when compared to surrounding “special areas”. The new “special area” could be used by residents, visitors and workers of the CBD, in addition to workers and students of the adjacent Monte Sant’ Angelo Mercy College.

The North District Plan is applicable to the site and has been prepared to give effect to the Greater Sydney Region Plan. Consistency with the plan's planning priorities, objectives and actions is demonstrated in the table below.



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Table 8: Consistency with Regional and District Plans

Planning Priority	Greater Sydney Regional Plan Objective	Action	Comment	Consistent
Planning Priority N1 Planning for a city supported by infrastructure	Objective 2 Infrastructure aligns with forecast growth – growth infrastructure compact. Objective 4 Infrastructure use is optimised.	3. Align forecast growth with infrastructure. 4. Sequence infrastructure provision using a place-based approach 6. Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities.	The proposed development will promote urban renewal and the use of alternative modes of transportation, including walking, cycling and the use of the Sydney Metro which is currently under construction within 100m from the site and the future Western Harbour Tunnel and Beaches Link which is currently being planned.	Yes
Planning Priority N3 Providing services and social infrastructure to meet people's changing needs	Objective 6 Services and infrastructure meet communities' changing needs.	8. Deliver social infrastructure that reflects the needs of the community now and in the future.	The PP proposes to provide a new 200 sqm "special area", which would be used for open space purposes, which could be used by visitors, workers and residents of North Sydney. The new "special area" provides for additional solar access to the special areas of the precinct than those anticipated by Councils current controls	Yes
Planning Priority N4 Fostering healthy, creative, culturally rich and socially connected communities	Objective 7 Communities are healthy, resilient and socially connected Objective 8 Greater Sydney's communities are culturally rich with diverse neighbourhoods. Objective 9 Greater Sydney celebrates the arts and supports creative industries and innovation.	10. Deliver healthy, safe, and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by: a. providing walkable places at a human scale with active street life b. prioritising opportunities for people to walk, cycle and use public transport c. co-locating schools, health, aged care, sporting and cultural facilities. d. promoting local		Yes



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		access to healthy fresh food and supporting local fresh food production.		
Planning Priority N6 Creating and renewing great places and local centres, and respecting the District's heritage	Objective 12 Great places that bring people together. Objective 13 Environmental heritage is identified, conserved and enhanced.	1. Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by: a. prioritising a people-friendly public realm and open spaces as a central organising design principle b. recognising and balancing the dual function of streets as places for people and movement c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres d. integrating social infrastructure to support social connections and provide a community hub e. recognising and celebrating the character of the place and its people	The proposed new "special area" will improve the amenity of the North Sydney CBD. It will provide much needed useable open space, whilst promoting walkability and increased amenity.	Yes
Planning Priority N7 Growing a stronger and more competitive Harbour CBD	Objective 18 Harbour CBD is stronger and more competitive	24. Grow economic development in the North Sydney CBD to: a. maximise the land use opportunities provided by the new station b. grow jobs in the centre and maintain a commercial core c. strengthen North Sydney's reputation as an education centre, to grow jobs and add diversity d. expand after hours' activities e. encourage growth in business tourism as a conference location that takes advantage of North Sydney's identity as a business	The PP will promote urban renewal by encouraging redevelopment of a key site in the North Sydney CBD, for employment purposes, which is in close proximity to existing, new and proposed infrastructure. The proposed development will also create additional jobs (approximately 740 jobs) in close proximity to existing and proposed new infrastructure.	Yes



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		<p>hub, its location, access and views</p> <p>f. provide a variety of high quality civic and public spaces befitting a globally-oriented CBD, which can be utilised for a range of cultural and entertainment activities</p> <p>g. improve amenity by reducing the impact of vehicle movements on pedestrians</p> <p>h. create capacity to achieve job targets by reviewing the current planning controls.</p>		
<p>Planning Priority C8 Eastern Economic Corridor is better connected and more competitive</p>	<p>Objective 15 The Eastern, GOP and Western Economic Corridors are better connected and more competitive.</p>	<p>29. Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GOP Economic Corridor.</p>	<p>The site is located within walking distance to existing, new and proposed public transport and road infrastructure. Providing additional employment in this location will assist in creating a 30-minute city.</p>	<p>Yes</p>
<p>Planning Priority C10 Growing investment, business opportunities and jobs in strategic centres</p>	<p>Objective 22 Investment and business activity in centres</p>	<p>36. Provide access to jobs, goods and services by:</p> <p>a. attracting significant investment and business activity in strategic centres providing jobs growth</p> <p>b. diversifying the range of activities in all centres</p> <p>c. creating vibrant, safe places and quality public realm</p> <p>d. focusing on a human-scale public realm and locally accessible open space</p> <p>e. balancing the efficient movement of people and goods with supporting the liveability of places on the road network</p> <p>f. improving the walkability within and to the centre</p> <p>g. completing and improving a safe and connected cycling network to and within the centre.</p> <p>h. improving public transport services to all</p>	<p>The redevelopment of the site will provide additional gross floor area for employment purposes such as commercial office space and retail tenancies.</p>	<p>Yes</p>



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		<p>strategic centres i. conserving and interpreting heritage significance j. designing parking that can be adapted to future uses k. providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts l. creating the conditions for residential development within strategic centres and within walking distance (up to 10 mins), but not as the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.</p>		
<p>Planning Priority N12 Delivering integrated land use and transport planning and a 30-minute city</p>	<p>Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.</p>	<p>53. Plan for urban development, new centres, better places and employment uses that are integrated with, and optimise opportunities of, the public values and use of Sydney Metro City & Southwest, as well as other city-shaping projects.</p>	<p>The proposed development would maximise the usage of major transport investment, given its close proximity to both the new Sydney Metro Line and Western Harbour Tunnel and Beaches Link.</p>	
<p>Planning Priority N20 Delivering high quality open space</p>	<p>Objective 31 Public open space is accessible, protected and enhanced.</p>	<p>73. Maximise the use of existing open space and protect, enhance and expand public open space by: a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow b. investigating opportunities to provide new open space so that all residential areas are within 400</p>	<p>The PP provides an opportunity to expand and enhance the open space network in the North Sydney CBD, by providing a new “special area”, with an area of approximately 200 sqm.</p>	



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		<p>metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved d. planning new neighbourhoods with a sufficient quantity and quality of new open space e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses f. delivering, or complementing the Greater Sydney Green Grid g. providing walking and cycling links for transport as well as leisure and recreational trips.</p>	
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DPIE have prepared assessment criteria for assessing PPs, justify and determine if the PP has strategic planning merit.

In this respect, as outlined in the below summary table, there can be no doubt that this site, due to its position in Metropolitan Sydney and its proximity to significant proposed new infrastructure, has strategic merit and is consistent with the objectives and directions of the Greater Sydney Region Plan.

Table 9: Merit Test

Consideration	Response
a) Does the proposal have strategic merit? Will it:	
give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	As outlined in Table 8, the proposal is consistent with both "A Metropolis of Three Cities" and the North City District Plan.
give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or	As outlined in Table 5, the proposal is consistent with the Council's LSPS.
responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.	The proposed development directly responds to the NSW government's infrastructure investment, given the site is in the vicinity of new stations which form part of the new Sydney Metro line (under construction) and the Western Sydney Harbour Tunnel.
b) Does the proposal have site-specific merit, having regard to the following?	
the natural environment (including known significant environmental values, resources or hazards) and	As outlined in Section 11.3, the proposed development will have minimal impact to the natural environment.
the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and	The PP has been carefully developed to ensure it does not impact the redevelopment of any surrounding sites. To the east of the site is the Monte Sant' Angelo Mercy College, which is a heritage site. Given the site is a heritage item, it has limited redevelopment potential. The permissible height limit on the site is 16 metres. The shadow analysis at Section 11.3.2, demonstrates that should the school be redeveloped to a 16 metre height limit, it will not overshadow the new "special area" between 12-2pm during between the March and September Equinoxes. The new "special area"



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	will therefore not restrict the redevelopment of the school.
the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	As outlined in Section 11.3, the surrounding road and traffic infrastructure can accommodate the proposed development. It is likely that the surrounding utility infrastructure can also accommodate the proposal, with further information to be provided at Development Application stage, should the proposal proceed.

11.2.2. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes, the PP will give effect to Council's endorsed LSPS (refer to Table 5).

11.2.3. Is the planning proposal consistent with applicable state environmental planning policies?

Table 10: Consistency with applicable State Environmental Policies (SEPPs).

SEPP Title	Consistency	Comment
State Environmental Planning Policy No 55— Remediation of Land	Yes	Refer to Section 11.3.2.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N/A	Not Applicable – this SEPP will no longer be applicable given the proposed change of zone from B4 to B3.
State Environmental Planning Policy (Infrastructure) 2007	N/A	Not Applicable – given the site's location, in close proximity to road and transportation infrastructure, any future Development Application will likely need to be referred to Transport for NSW for comment.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Yes	The site is within the Sydney Harbour Catchment, however given the site's location, it will unlikely have any adverse impacts to Sydney Harbour.

11.2.4. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

It is considered that the PP is consistent with the relevant Directions issued under Section 9.1 of the Act by the Minister to Councils, as demonstrated in the assessment of the following:



Table 11: Consistency with S117 Ministerial Directions.

Direction Title	Consistency	Comment
1.1 Business and Industrial Zones	Yes	<p>The PP is accompanied by an Economic Impact Assessment prepared by Atlas Urban Economics and provided at Appendix 8. The assessment considers the following redevelopment scenarios:</p> <ul style="list-style-type: none"> • Existing building – 9,902 sqm • Development of new commercial building – 13,260 sqm • Development of new mixed use residential building – 9,300 sqm • Proposed development – 22,750 sqm <p>Both development options that are compliant with existing planning controls are not feasible. This is because their respective values are lower than the existing use. The proposed development option results in a site value that is greater than the existing use, thereby making it a commercially viable development option. An amendment to the site's current controls is therefore required, to act as a catalyst to trigger the site's redevelopment.</p> <p>The PP is directly consistent with this direction, as it allows for greater commercial floorspace be provided within the North Sydney CBD. The PP proposes to also rezone the site from B4 Mixed Use to B3 Commercial Core, to ensure the uplift generated from this PP is dedicated for non-residential purposes.</p>
2.3 Heritage Conservation	N/A	Not applicable. Refer to Section 11.3.2 for a summary of the surrounding heritage items in the vicinity of the site.
2.6 Remediation of Contaminated Land	Yes	Refer to Section 11.3.2.
3.1 Residential zones	Yes	<p>The objectives of this direction are provided below.</p> <ul style="list-style-type: none"> (a) To encourage a variety and choice of housing types to provide for existing and future housing needs (b) To make efficient use of existing infrastructure and service and ensure that new housing has appropriate access to infrastructure and services; and



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Direction Title	Consistency	Comment
		<p>(c) To minimise the impact of residential development on the environment and resource lands.</p> <p>The ministerial direction allows a PP to be inconsistent if the development is consistent with the direction's objectives or if it is consistent with any Regional or District Plan.</p> <p>The PP proposes to rezone the site from B4 Mixed Use, which permits residential development, to B3 Commercial Core. This amendment is proposed at the request of Council, to ensure the uplift generated from the PP is dedicated to employment generating land uses.</p> <p>It is acknowledged that the PP will reduce the amount of residential zoned land with the North Sydney CBD. It will however allow for greater employment generating land uses, which is directly consistent with both Council's LSPS and the North District Plan.</p> <p>Council's LSPS identifies the value and significance of the North Sydney CBD to the Eastern Economic Corridor and to North Sydney's ability to provide for employment. It also identifies the challenges that the CBD has faced, which includes the encroachment of residential development on commercial uses.</p> <p>The North District Plan also outlines the importance to grow jobs in the centre and encourage growth in business tourism. It is therefore important to ensure that there is sufficient capacity within the CBD to accommodate the viable redevelopment for commercial purposes.</p> <p>Employment growth in this area of the CBD, has generally been slower, given it is currently zone B4 Mixed Use which permits non-employment uses such as residential. The site being located on the edge of the B3 Commercial Core has the potential to expand the CBD's commercial core and to help spur greater employment activity, maximising the land use opportunities provided by the new metro station.</p>
3.4 Integrating land use and transport	Yes	<p>The PP will enable high density commercial development near existing and future housing, jobs and services encouraging walking, cycling and use of public transport. This will be further enhanced with the construction of Sydney Metro and its stations, which</p>



Direction Title	Consistency	Comment
		will increase accessibility, to the site and surrounding area.
3.5 Development Near Regulated Airports and Defence Airfields	Yes	<p>The objectives of this direction are provided below:</p> <p>(a) to ensure the effective and safe operation of regulated airports and defense airfields;</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p> <p>(c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise</p> <p>As outlined in Section 11.3.2, the proposal will not impact the operation of any nearby airports or airfields. The site is not situated on noise sensitive land.</p>
4.1 Acid sulphate soils	N/A	The site is not located on acid sulphate soils. Accordingly, Direction 4.1 is not applicable.
4.3 Flood Prone Land	N/A	Not applicable – the site is not within a known flood prone location.
5.10 Implementation of Regional Plans	Yes	Refer to Table 7.
6.3 Site Specific Provisions	Yes	The PP proposes to introduce a new “special area” which in turn will increase the net solar hours available to the “special areas” in the precinct, thus permitting the proposed development.

11.3. Environmental, Social and Economic Impact

11.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is within an urban setting and will therefore have no adverse impacts to critical habitat or threatened species, populations or ecological communities or their habitats.



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11.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Heritage

A Statement of Heritage Impact has been prepared by GBA Heritage and provided at Appendix 2.

As outlined in the figure below, the site is not a heritage item, however, is in the vicinity of several items and Heritage Conservation Areas (HCA), including the Monte Sant Angelo Group east of the site, and the McLaren Street Heritage Conservation Area (HCA) to its north-east.

The potential impact on the HCA and surrounding heritage items is minimal, given the intervening distance and the extant tall buildings already visible, notably the Skyscraper Centre. A building within the proposed site envelope would therefore have an acceptable additional visual impact on the HCA. Similarly, several tall buildings are already visible from within and as a backdrop to the Monte Sant Angelo Group and its individually listed buildings.

Additionally, neither the overshadowing of a section of the Berry Street Special Area, i.e., the footpath along the south side of Berry Street, nor the reservation of a portion of the public space on the corner of Berry and Angelo Streets for a new "special area", would have any adverse impact on any heritage item or heritage conservation area.

GBA Heritage conclude that the PP is considered acceptable from a heritage perspective.



Figure 25: Heritage Map, site highlighted with blue boundary (Source: GBA Heritage)



Pedestrian Wind

A Pedestrian Wind Assessment has been prepared by RWDI and provided at Appendix 3 to conduct a qualitative assessment of the pedestrian wind conditions expected around the proposed development. A summary of the report's findings is outlined below:

- The development site is sheltered from prevailing winds by the existing surroundings but is influenced by southerly winds to the northeast winds in the summer.
- The proposed building is comparable in height to the taller buildings in the surrounding area.
- The proposed indicative design incorporates several wind-responsive features, including massing and façade articulations, a wide canopy above street level, recessed main level, tall balustrades on the terrace, which will moderate the potential wind impacts on the surroundings.
- Wind conditions on and around the development site are not expected to exceed the recommended criteria for pedestrian safety; conditions are likely to remain similar to the existing conditions post completion.
- The terrace on the podium will also benefit from overhead features like a trellis, high-canopied trees or a canopy, particularly at the east end.

Wind conditions around the base of the development are expected to be comfortable for sitting or standing through most of the year. Higher wind speeds comfortable for walking may be expected occasionally at the intersections of Berry Street at Pacific Highway and Angelo Street, and in the proposed "special area" due to the westerly and north-easterly winds. However, the inclusion of the stepped façade form and recessed terrace level is expected to ensure conditions are similar to the existing conditions. The proposed tree planting at the corner of Angelo and Berry Streets will further help to reduce wind activity in this area.

RWDI concludes that wind tunnel testing can be conducted at detailed design stage, to quantify the wind conditions and to determine whether there is a need for measures to mitigate any impacts.

Traffic

A Traffic and Transport Report has been prepared by SMEC and provided at Appendix 4.

The building is located at the north-eastern corner of Pacific Highway and Berry Street. The Pacific Highway runs in the north/south direction with Berry Street in the east/west direction. Access to the building's basement parking is via Angelo Street.

The intersections around the site generally perform at an acceptable level of service in both the AM and PM peaks, operating at a LOS of C or higher. Of specific importance is Pacific Highway/Berry Street intersection which performs at a LOS C in the AM peak and LOS A in the PM peak, operating under maximum capacity, with queues of 138 metres (in the AM Peak). The intersection of Berry and Miller Street performs satisfactorily in both peaks, operating at a LOS of C with queues of around 140 metres. Pedestrian levels of service are estimated to be similarly acceptable.



The site and surrounding area is serviced by frequent bus services as well as train services via North Sydney Station and the future Victoria Cross Metro Station. North Sydney station is located around a 550 metres radius from the site.

Table 12 summarises the trip generation of an existing vs compliant vs proposed redevelopment scenarios. The results indicate that, based on the North Sydney Office Block Rate survey the proposed development is likely to generate a similar amount of traffic as that of the current site. The AM Peak development is slightly higher in the proposed development as compared to the current site, 40 vs 38, with a difference of two vehicles, while in the PM peak the proposed development is estimated to generate less traffic than the current development, 33 compared to 43. There is minimal difference when the proposed development is compared to a compliant development scheme (under existing controls), with only one vehicle increase in the AM and PM periods.

Under the use of the above trip generation assumption, no adverse traffic impacts are expected on the local road network because of the proposed development.

Table 12: Summary of Traffic Generation (Source: SMEC)

Building	Scale (m ² GFA)	AM			PM			Daily					
		Rate (per 100m ²)	Total	In	Out	Rate (per 100m ²)	Total	In	Out	Rate (per 100m ²)	Total	In	Out
Existing Development (Counts)(office and child care)	9,720		38	30	8		43	7	36				
Existing Building (used as office)	9,026	0.17	16			0.14	13						
Compliant Proposal (used as office)	13,260	0.17	23			0.14	19						
Current Planning Proposal (used as office)	22,750	0.17	39			0.14	32						
Proposed Development (North Sydney Office Block Rate)	23,500	0.17	40	32	6	0.14	33	5	28	1.23	289	145	145

Aviation

An Aeronautical Impact Assessment has been prepared by Landrum & Brown and provided at Appendix 5. The proposed development, with a building to a maximum height of RL 172 AHD including temporary associated construction crane activity of the same height:



- will unlikely upon review affect the Sydney Airport OLS;
- will not require obstacle lighting;
- will not infringe the Bankstown Airport OLS;
- will not infringe any PANS OPS surfaces;
- will not infringe any BRA for navigation aids;
- will unlikely impact upon ATC Surveillance systems;
- will not impact the safety of flight operations in at Sydney Airport; and
- will not have an impact on the regularity of flight operations at Sydney Airport.

The existing tall buildings in the Sydney CBD, between the airport and North Sydney provide shielding for the proposed development and crane activity. An application to Sydney Airport would be required but approval would be likely due to other infringements of the OLS by taller buildings in the immediate vicinity of the development and in the Sydney CBD, all of which would provide shielding from impacts to aviation activities in the area.

Preliminary Site Investigation

A Preliminary Site Investigation has been prepared by EI Australia and provided at Appendix 6.

Based on the available historical information, the site had been continuously used for commercial purposes since at least 1943. Visual evidence of contamination, including fragments of fibre cement sheeting was not observed on the site nor any suspicious odours detected. There was also not evidence that an underground petroleum storage system or any underground storage tank was present on the site.

Based on the assessment's findings, EI Australia concludes that the potential for contamination is low. The site is deemed suitable for the proposed (commercial) development, in accordance with Clause 7 of the State Environmental Planning Policy 55 – Remediation of Land.

Shadowing

Clause 6.3 (provided below) of the NSLEP outlines that development must not be granted that would result in a net increase to RE1 zoned land or a "special area" between the March to September equinox.

(2) Development consent must not be granted for the erection of a building on land to which this Division applies if—

(a) the development would result in a net increase in overshadowing between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as "Special Area" on the North Sydney Centre Map,

Given there is no RE1 zoned land in the vicinity of the site, a solar assessment has been undertaken to the surrounding "special areas", between the March to September.

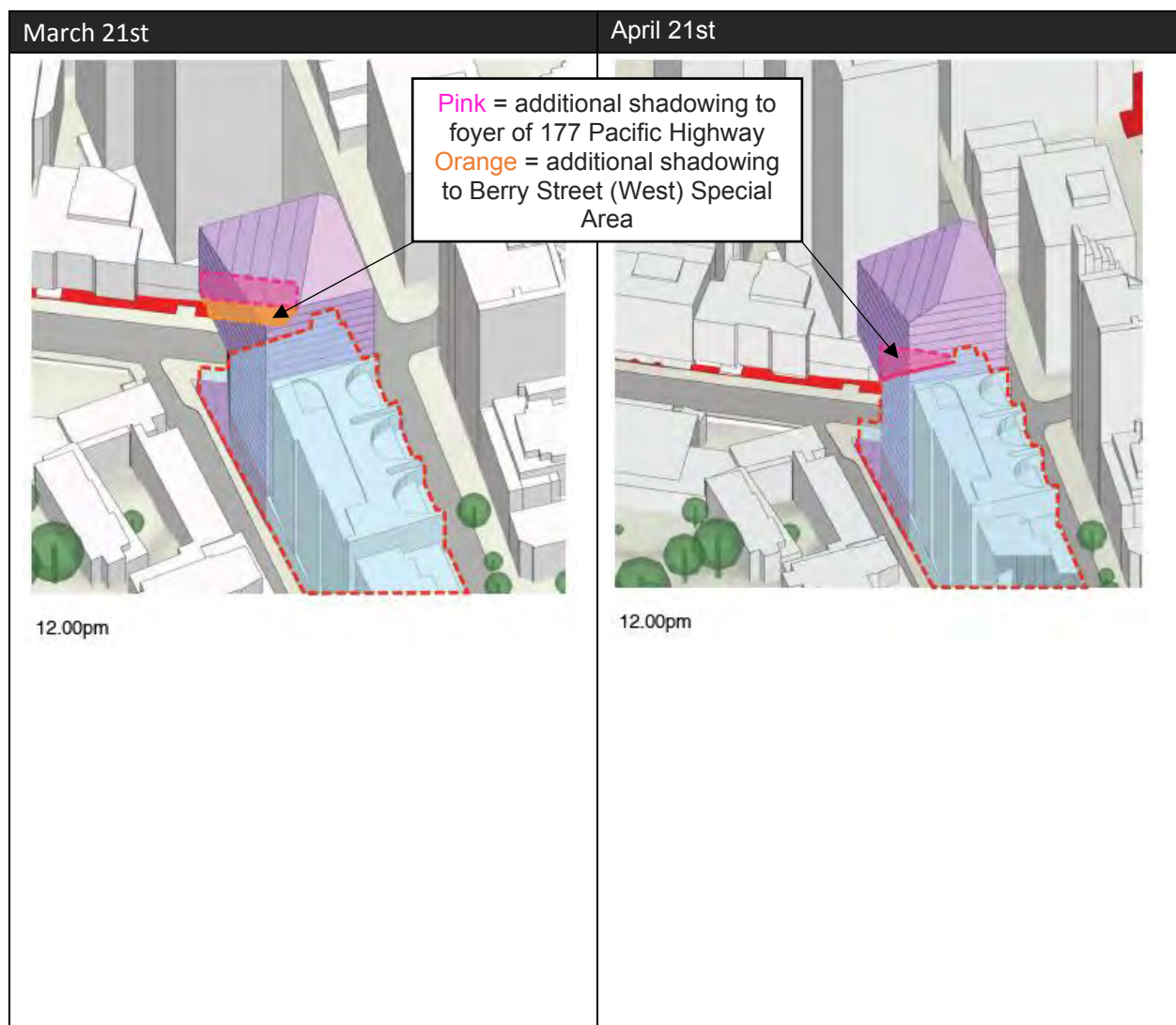


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As outlined in Table 13, the proposal only affects the 'Berry Street (west) Special Area' and avoids shadowing the Miller Street and Don Bank "special areas". The proposal does not generate any additional shadowing to the Berry Street (west) Special Area between May-June and additional shadowing is limited to only March and September, to only a small area, directly opposite the subject site.

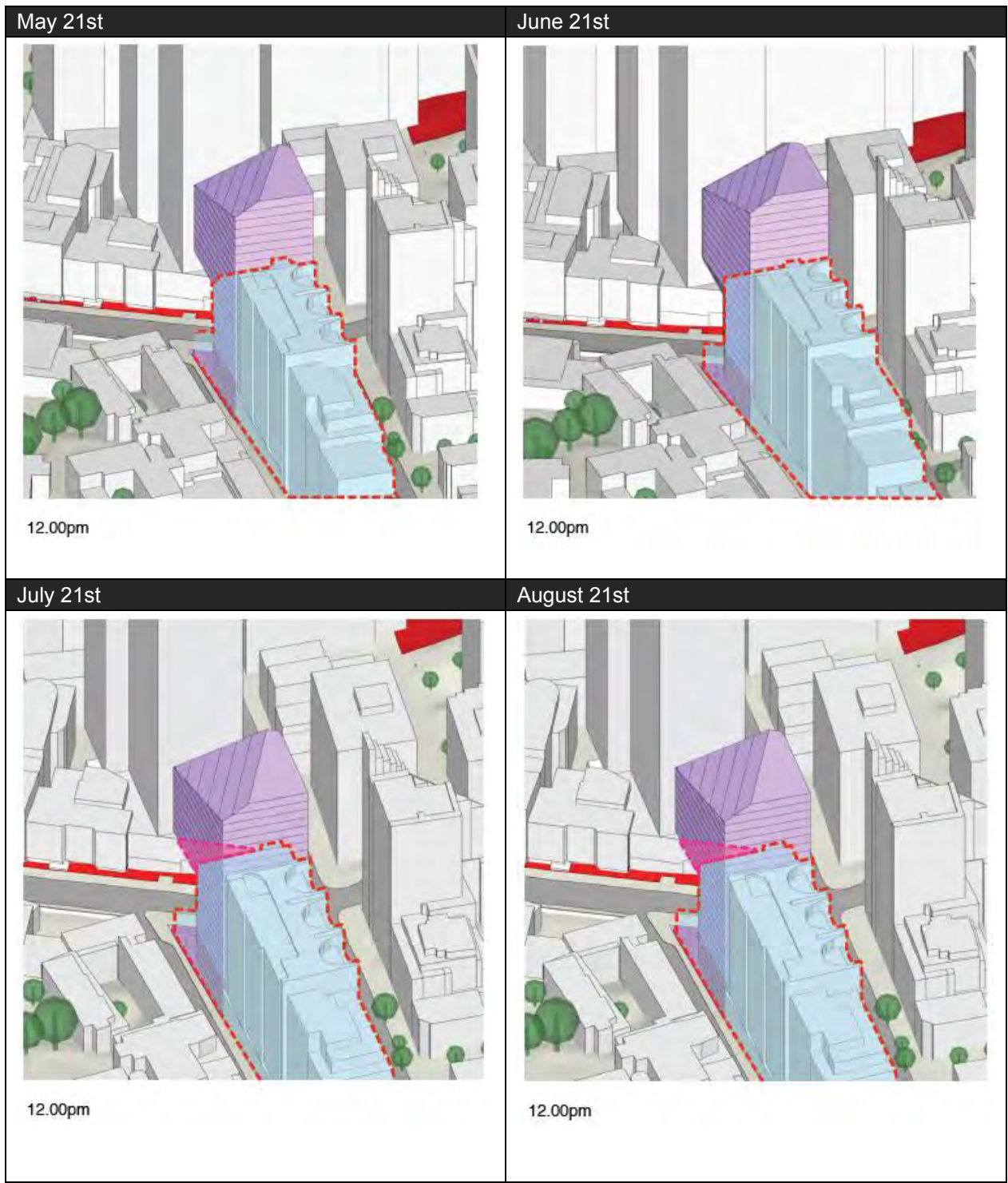
The foyer of 177 Pacific Highway is also part of the "special area", however it is important to note that this is an "indoor plaza" which has a solid roof. This area is only subject to minimal additional shadowing over a 4-month period.

Table 13: Shadow Assessment (Pink = areas of additional overshadowing to foyer of 177 Pacific Hwy, Red = Berry Street Special Area) and Orange = areas of additional overshadowing to Berry Street Special Area)





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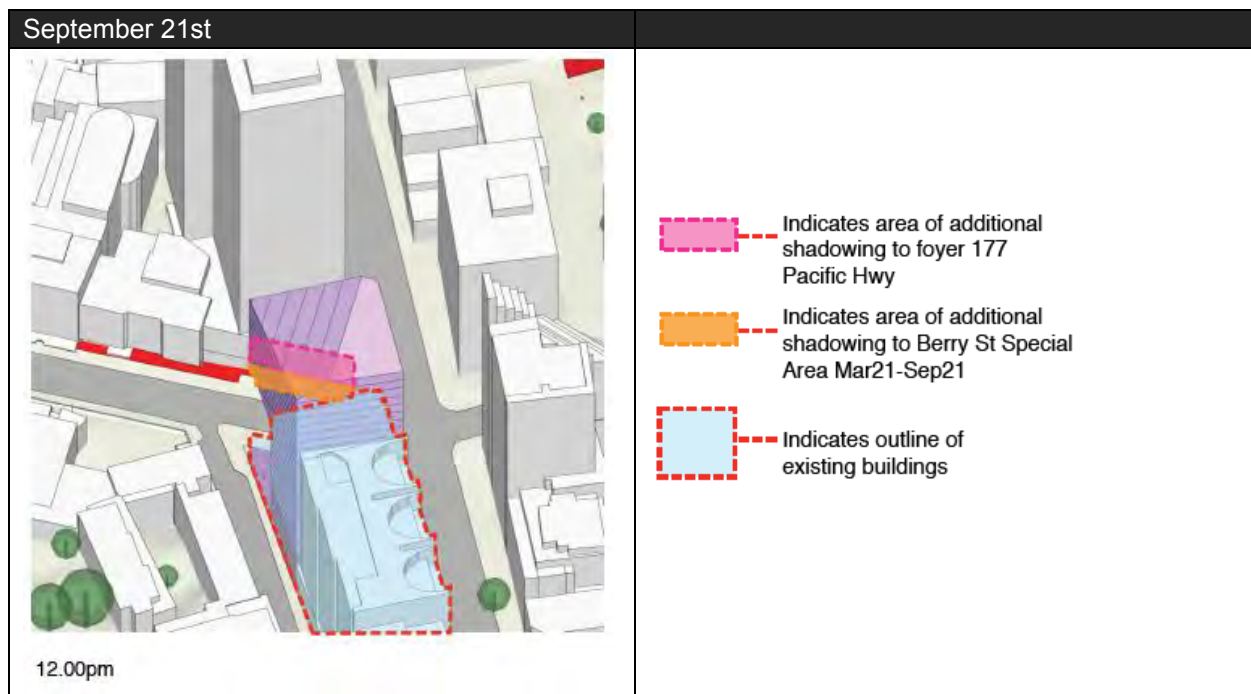


Table 14 summarises the solar access to the Berry Street “special area” (an area of approximately 580 sqm directly opposite the subject site). The solar access results are based on the “special area” being divided into individual square metre fragments, to allow for a specific and accurate analysis of the solar access received to each component of the area (refer to Figure 26).

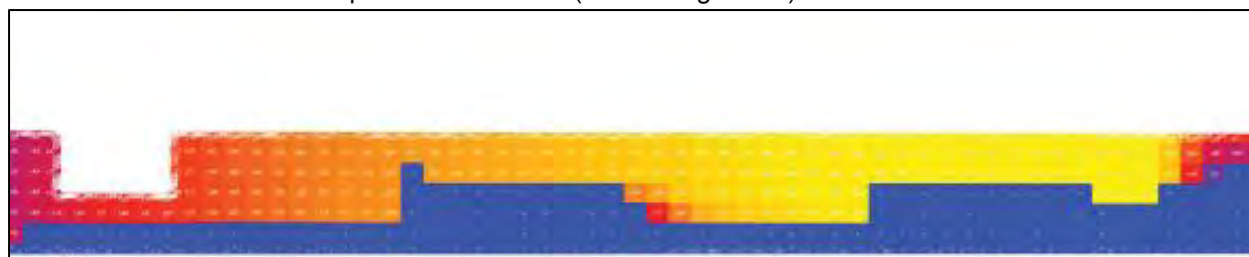


Figure 26: Solar Access Calculation - each square represents has been individual analysed (Source: Turner)

The “special area” currently receives 195,803 hours/year (per square metre). As a result of the proposal, the solar access to this part of the “special area” will be reduced to 167,516 hours/year (per square metre). This is an overall reduction of 28,287 hours/year (per square metre).

Table 14: Reduction in Solar Access per square metre

Current Solar Access	Proposed Solar Access	Reduction
195,803 hours/year	167,516 hours/year	-28,287 hours/year



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The new “special area”, which has an area of approximately 200 sqm, and is the subject of this PP, together with the existing ‘special areas” will however receive 57,146 hours/year (per square metre). This represents an increase of 28,859 hours/year, which is a 14.7% increase. This new “special area” will commence received solar access from between approximately 10:30am in September and 11:45am in June (refer to Figure 27).

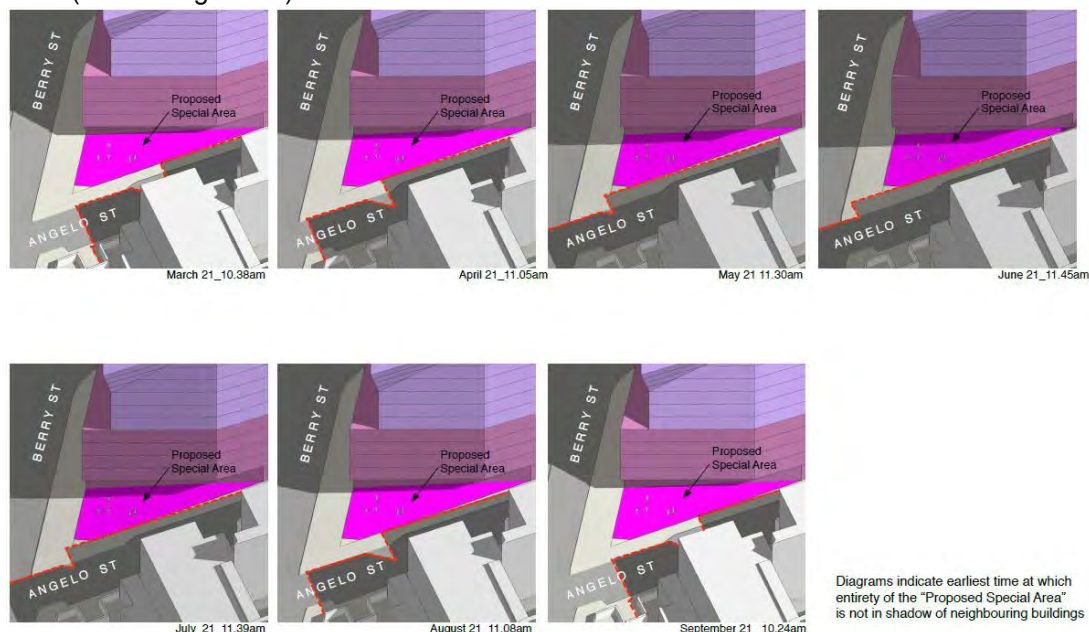


Figure 27: Proposed solar access to new “special area” (Source: Turner)

In mid-winter, the new “special area”, receives solar access from approximately 11.30am until 12.30pm.



Figure 28: Solar access to proposed special area during mid-winter (Source: Turner)

The above analysis has taken into account any shadowing impact of the Mont Sant’Angelo Mercy College, assuming the school’s buildings were redeveloped to the permissible 16 metre height limit. The analysis



demonstrates that a 16m building located anywhere on the Mont Sant'Angelo site would not overshadow the proposed Special Area from 12pm-2pm between the March and September equinoxes. Any future development on the Mont Sant'Angelo would only have a minor shadowing impact earlier in the morning. The proposed Special Area will therefore not compromise the development of the Mont Sant'Angelo Mercy College under the current LEP controls.

This new "special area" provides useable open space with good levels of solar access. Sun hour analysis included within the accompanying Urban Design Report demonstrates that the sun hours to the proposed new "special area" exceeds the reduction of sun hours to the existing "special area" on Berry Street caused by the proposed development.

11.3.3. Has the planning proposal adequately addressed any social and economic effects?

An Economic Impact Assessment has been prepared by Atlas Urban Economics and provided at Appendix 8.

The North Sydney CBD is a major office market and plays a complementary role to the Sydney CBD. The North Sydney CBD is identified as part of the Eastern Economic Corridor in strategic planning documents, specifically Greater Sydney Region Plan - A Metropolis of Three Cities and the North District Plan.

One of the key challenges for the North Sydney CBD will be the ability of its high proportion of secondary grade office space (B and C-grade) to renew and redevelop. The District Plan and LSPS identify the importance of capacity to grow employment.

The notion of capacity is two-fold - theoretical capacity and market capacity. Market capacity refers to whether capacity in the planning framework is deliverable from a commercial viability perspective, firstly whether there is market demand, and secondly whether the planning controls enable viable development. In order for existing office buildings to be redeveloped, that redevelopment must be a commercially viable proposition.

For illustrative purposes, Table 15 compares the site values of various development options against the existing-use value of the 15-storey commercial building.

Both development options that are compliant with existing planning controls are not feasible. This is because their respective site values (\$66m and \$51m) are lower than the existing use (\$105m) as an investment property, giving no incentive to displace the current use. The proposed commercial-only option results in a value that is greater than the existing use, thereby making it a commercially viable proposition.

The proposed development will also result in a net increase in the number of jobs. The proposed development will generate approximately 704 direct employment opportunities, which is more than double when compared to the site's existing building (estimated at 330 jobs) and over 100 more jobs when compared to the site's redevelopment potential under existing controls.



Table 15: Feasibility of Development Options (Source: Atlas Economics)

Option	No. of Jobs	Total GFA (sqm)	Commercial (sqm)	Residential (sqm)	Estimated Value	Feasibility
Retention and refurbishment	330	9,902	9,902	-	\$105,387,500	n/a
New Commercial under existing controls	600	13,260	13,260	-	\$66,300,000	No
New Mixed Use under existing controls	190	9,300	4,173	5,127	\$51,448,500	No
Proposed development	704	22,750	22,750	-	\$113,750,000	Yes

The ability of North Sydney CBD to be competitive will depend on the capacity of its secondary grade stock to renew, improving its commercial office offer and transforming parts of the centre that are aged and in need or reinvestment.

The site being located on the edge of the B3 Commercial Core has the potential to help spur greater employment activity, maximising the land use opportunities provided by the new metro station.

Structural changes in office market trends have been accelerated by the COVID-19 pandemic, shifting business and employee expectations, and entrenching a 'permanent flight to quality' mindset. In any economic downturn (including the present), occupancy rates for secondary grade buildings are not only challenged by falling tenant demand but also by a 'flight to quality' by existing tenants upgrading to prime grade buildings. Post-COVID, office assets will be required to 'work harder' in order to be competitive. Secondary grade assets like the site (which is nearly 50 years old) will be particularly vulnerable to tenant selectiveness and amenity expectations.

The District Plan employment targets (15,600 to 21,100 additional jobs) require approximately 340,000sqm to 460,000sqm GFA of additional floorspace (net of demolished floorspace). Since 2016, the North Sydney CBD has had office net floorspace additions of 130,000sqm (approx. 5,900 workers). There is approximately 160,000sqm in the supply pipeline. Assuming 100% delivery of the supply pipeline and deducting 20% of pipeline supply for existing floorspace to be demolished, the pipeline supply could potentially accommodate 5,800 workers. This would bring the North Sydney CBD about halfway to meeting its 2036 employment targets.

The proposed development envisages smaller floorplates compared to other new A-grade buildings (recently completed or in the pipeline). The majority of the new prime grade commercial buildings comprise floorplates in excess of 1,900sqm and up to 4,000sqm. With typical floorplates of 800sqm to 900sqm, the proposed development adds a diversity of stock to the North Sydney CBD office market.



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This caters to smaller occupiers who may want A-grade space in a boutique offer building. The PP offers a boutique commercial building with smaller floorplates that could accommodate approximately 1,000 workers.

It would enable the existing B-grade building to be redeveloped, contributing to Council's objective of renewing the large proportion of B and C-grade office space in the North Sydney CBD.

Summary of Economic Benefits

The PP is estimated to result in a net increase in economic activity during construction through direct and indirect (flow-on) at:

- \$110.5 million in output (\$68.1 million directly).
- \$46.5 million contribution to Gross Regional Product (GRP) (\$23.3 million direct contribution).
- \$26.9 million in wages and salaries paid to local workers (\$15.7 million directly).
- 289 Full Time Equivalent (FTE) jobs (167 direct FTE).

When operational, the PP is estimated to result in a net increase in economic activity above the Base Case through direct and indirect (flow-on) annually at:

- \$566.8 million additional in output (including \$332.6 million in direct activity).
- \$297.6 million additional in contribution to GRP (including \$168.2 million in direct activity).
- \$135.0 million additional in incomes and salaries paid to households (including \$76.4 million directly).
- 1,335 additional FTE jobs (including 704 additional FTE jobs directly related to development).

11.4. State and Commonwealth Interests

11.4.1. Is there adequate public infrastructure for the planning proposal?

The site is in walking distance of the existing North Sydney Train station and the future Victoria Cross Metro Station (currently under construction). The site is also well serviced by road infrastructure, with the new Western Harbour Tunnel (which has been approved) also in close proximity.

Existing utility services will adequately service any future development proposal as a result of this PP and will be upgraded or augmented where required.

Waste management and recycling services are available through North Sydney Council.

The area is generally well-serviced with Police, Ambulance, Fire and other emergency services.

11.4.2. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth public authorities have not yet been contacted at this early stage in the PP process. It is anticipated that the relevant authorities will be identified in the Gateway Determination.



12. MAPPING

The PP proposes to amend the land use zoning (refer to Figure 29), building height map (refer to Figure 30) and the “special area” map (refer to Figure 31). Reference should be made to the Urban Design Report (Appendix 1), for more detailed maps.

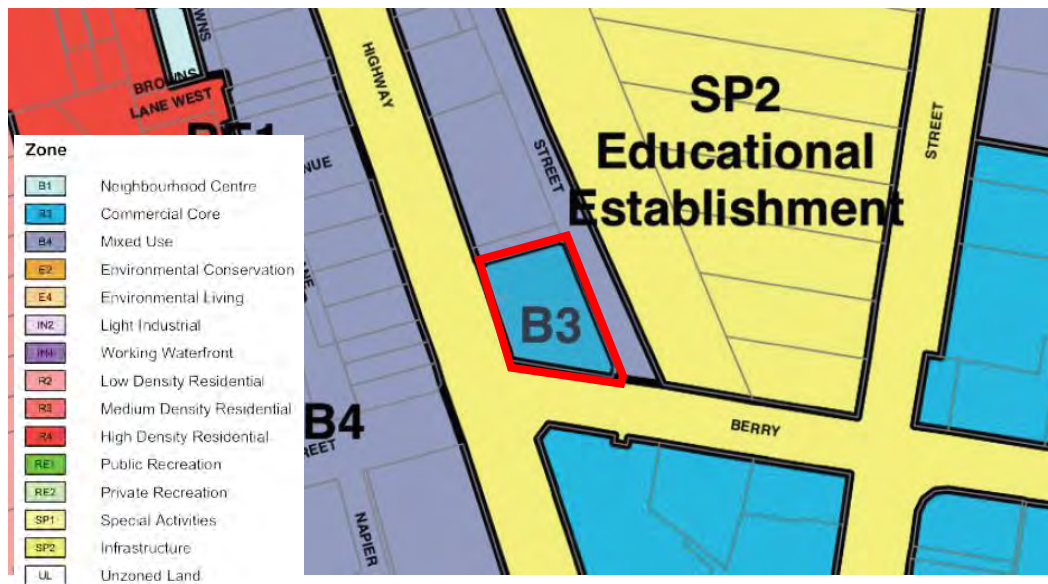


Figure 29: Proposed zoning map, site highlighted in red (Source: Turner)



Figure 30: Proposed height map, site highlighted in red (Source: Turner)



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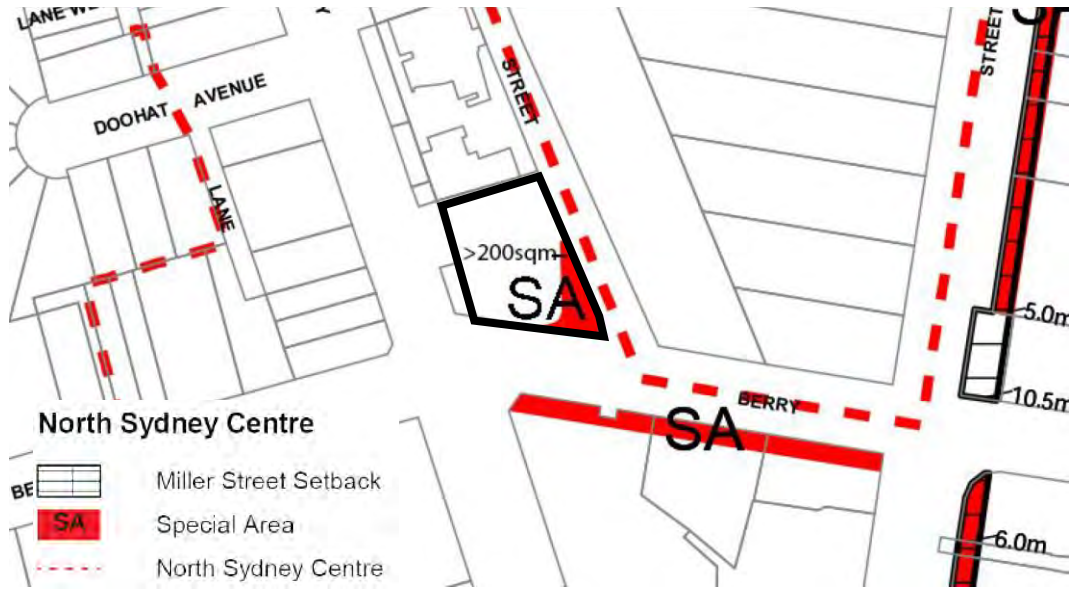


Figure 31: Proposed "special areas" map, site highlighted in black (Source: Turner)



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13. COMMUNITY CONSULTATION

It is anticipated that this PP will be made publicly available for a minimum of 28 days, to ensure all matters and concerns the Council or the community may have, are adequately and thoroughly addressed. The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on Council's website. The written notice will:

- Give a brief description of the objectives or intended outcomes of the PP;
- Indicate the land affected by the PP;
- State where and when the PP can be inspected;
- Give the name and address of the RPA for the receipt of any submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The PP, in the form approved for community consultation by the Secretary of the Department of Planning, Industry and Environment;
- The Gateway determination; and
- Any studies relied upon by the PP.



14. PROJECT TIMELINE

The timeframe for the completion of the PP will depend on the complexity of the matters, the nature of any additional information that may be required and the need for agency and community consultation. The following details are indicative only and may be amended at Gateway to provide the necessary level of confidence that the PP will be finalised within a reasonable time.

Table 16: Indicative Project Timeline

Step	Indicative Timeframe
Anticipated commencement date	Date of Gateway determination
Anticipated timeframe for the completion of required technical information	Not applicable. Technical analysis have already been commissioned to support the PP.
Timeframe for government agency consultation (pre and post exhibition as required by the Gateway determination)	Anticipated timeframe is to run concurrently with the public exhibition period.
Commencement and completion dates for public exhibition period.	Dates are dependent on the date of the Gateway determination.
Dates for public hearing (if required)	Not applicable at this stage.
Timeframe for consideration of submissions	To be determined by Council.
Timeframe for the consideration of proposal post exhibition	To be determined by Council.
Date of submission to the Department to finalise the LEP	Not known.
Anticipated date RPA will make the plan (if delegated)	Not known.
Anticipated date RPA will forward to the Department for notification	Not known.



15. CONCLUSION

This PP has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant guidelines prepared by DPIE, including “A Guide to Preparing Local Environmental Plans” and “A Guide to Preparing Planning Proposals”.

It sets out the justification for the proposed rezoning of the subject site at 20 Berry Street, North Sydney, to allow for a new commercial office building. In order to achieve the vision outlined in this report, the following amendments to the NSLEP are required.

- Rezone from B4 Mixed Use to B3 Commercial Core;
- Include a new “*special area*” on the south-eastern corner of 20 Berry Street of no less than 200 sqm in area; and
- Amend the maximum building height control for the site from RL145 to a maximum RL172.

The proposed controls could allow for the site to be redeveloped, to accommodate 22,750 sqm (equating to approximately 704 FTE jobs) of commercial floorspace in a 24 storey landmark development, with a high-quality design outcome in terms of built form, quality commercial office space, place-making and net solar amenity.

The new “*special area*” on the corner of Berry and Angelo Streets with a minimum area of 200 sqm will exceed the reduction of solar access to the existing “*special area*” on Berry Street caused by the increased height of the development. The proposal results in a net increase of 28,859 sun hours (per square metre).

The proposal has been demonstrated as being the best means of achieving the objectives and intended outcomes. The PP is considered suitable and appropriate as it:

- Is consistent with the Greater Sydney Regional Plan and the North District Plan;
- Is consistent and complies with the strategic planning test outlines in DPIE’s “A guide to preparing planning proposals”;
- Is consistent with Council’s Local Strategic Planning Statement;
- Is consistent with the relevant Ministerial Directions under Section 9.1 of the Act; and
- Does not pose any adverse environmental or social impacts to the surrounding community.

In summary there is a sound planning basis and strategic planning merit to support the rezoning of the site as promoted by this PP.

2 February 2022

Marcelo Occhiuzzi
 Manager Strategic Planning
 North Sydney Council

Dear Marcelo,

RE: PLANNING PROPOSAL - 20 BERRY STREET, NORTH SYDNEY

As you are aware, GYDE Consulting represents Holdmark, the applicant for the Planning Proposal (PP) located at 20 Berry Street, North Sydney (Council Reference: 3/21).

This letter has been prepared in response to the email from Council dated 29 November 2021 and the subsequent letter from Council dated 20 January 2022. Since this correspondence, Holdmark has reviewed the scheme in light of your comments and further amended the concept design (refer to Figure 1) to push back the vehicular egress/ingress points and the lift lobby, further to the north. This amendment to the concept plan allows for further Special Area to be provided, along Angelo Street and more plaza area to adjoin it. The total Special Area now has an area of 800 sqm, which is a 600sqm increase when compared to the original PP (dated March 2021).

It is our intention for this updated Special Area to also be shown on the North Sydney Local Environmental Plan 2013 "North Sydney Centre" map, which will supersede the LEP mapping shown in the original PP, dated March 2021. Refer to the updated Urban Design Report prepared by Turner attached to this letter for further information.

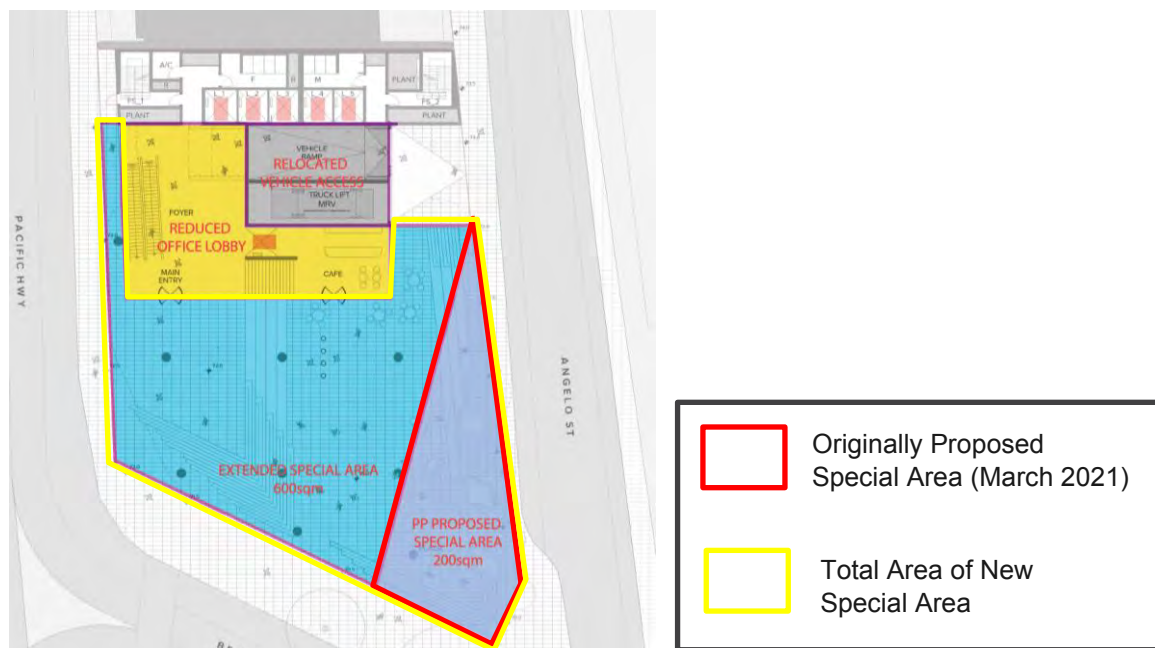


Figure 1: Amended Concept Plan

Despite being a concept plan only, the concept has been amended to provide a stepped down approach along Angelo Street, to maximise sun hours into the proposed plaza area. Further detail and refinement could be provided at DA stage (refer to Figure 2).



Figure 2: Stepped design along Angelo Street (Source: Turner)

The proposed extended Special Area receives 48,490 sun hours (compared to 38,870 sun hours of the previous concept design) and a total of 119,554 sun hours when combined with the existing special area. This represents a 45.2% increase in solar hours (refer to Figure 3). The calculation has been prepared for the period between March and September.

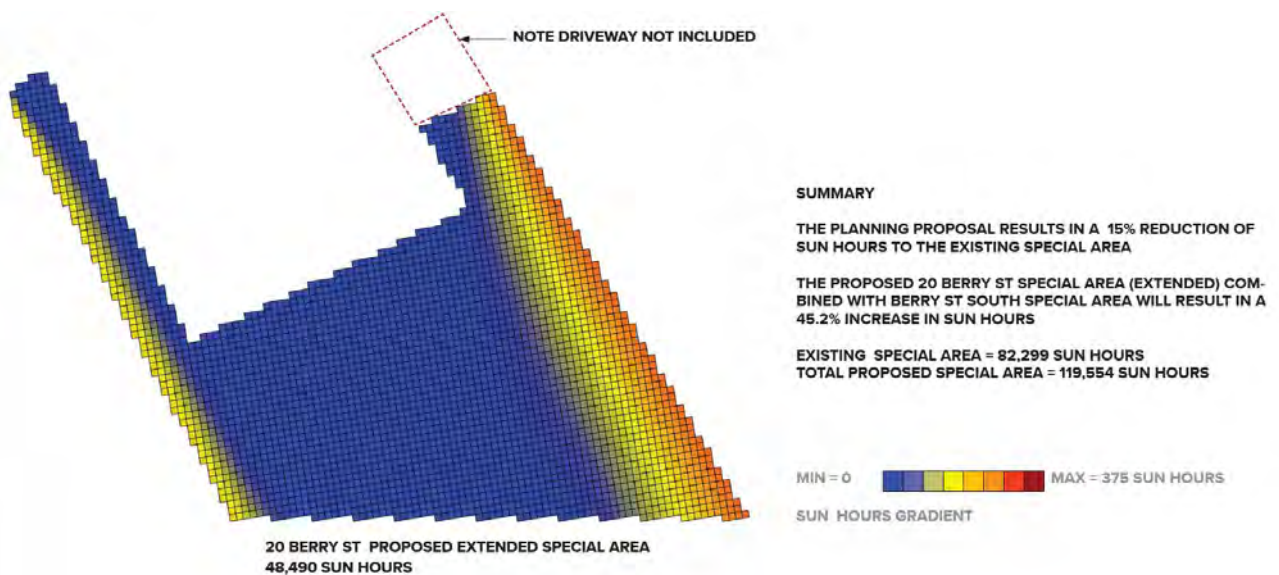


Figure 3: Proposed sun hours (Source: Turner)

As requested by Council, the following additional shadow diagrams have also been prepared and are provided in the updated Urban Design Report prepared by Turner and attached to this letter:

- Aerial shadow diagrams (in map view) that clearly compare the existing building shadow and the shadow of the proposal.
- Shadow diagrams showing an uninterrupted perspective view of the Berry Street (West) Special Area (including building facades) from the Pacific Highway to Miller Street that clearly show the existing building shadow compared with the shadow of the proposal.

This solar analysis has been prepared between the March and September equinoxes (inclusive) and has been detailed at 15-minute increments of overshadowing from 12-2pm.

The analysis shows that the proposed PP generates similar shadowing when compared to the existing building (refer to Figure 5), for the period of April to September. It is however acknowledged that for the month of March, the proposed additional height does generate additional shadowing when compared to the existing building (refer to Figure 4). Any impacts associated with the proposed development are mainly limited to the Special Area occupied by the carpark entry of the Vodafone building. Additionally, the area which will be impacted upon, will be more than offset by the solar access received by the expanded/additional Special Area, which now provides an additional 37,255 solar hours (i.e. total hours (119,554) – existing special area (82,299) = additional solar hours (37,255)).



Figure 4: Solar Analysis - March 21st (Source: Turner)



Figure 5: Solar Analysis - July 21st (Source: Turner)

We believe that the proposed extension to the Special Area, will further maximise the solar access received along Angelo Place and will provide an unique plaza area for the North Sydney CBD, which could incorporate active uses such as cafes, new landscaping and public domain features such as artworks and table/benches. The



quantum of solar access and size of the Special Area will make it an engaging and desirable location, more desirable than the existing Berry Street Special Area, which is heavily constrained with developed buildings and driveways. We believe that the amended area will provide a positive impact to the site and Berry Street, which would only be achievable through the preparation of the PP.

The amended PP and Special Area, not only increases solar access available by 37,255 solar hours but also increases the proposed special area from 200 sqm (PP from March 2021) to 800 sqm (amended PP/concept plan). We see this as a benefit to both Council and public, by dedicating an area along Berry Street for an expanded public domain, which would not otherwise be delivered under existing controls or conditions.

We look forward to discussing the PP with Council further and welcome the opportunity to meet with Council to discuss next step the amended design.

Should you have any questions or require any additional information, please do not hesitate to contact Anthony Kazacos (Senior Associate) on (02) 9068 7500 or anthonyk@gyde.com.au

Yours sincerely

A handwritten signature in black ink that reads "Susan E. Francis".

Susan E. Francis
Executive Director

20 BERRY ST NORTH SYDNEY

URBAN DESIGN REPORT

April 2021

TURNER

HOLDMARK



CONTENTS

- 01** Introduction
- 02** Strategic Context
- 03** Site Analysis
- 04** Special Areas
- 05** Massing Resolution
- 06** Design Principles
- 07** Shadowing Analysis
- 08** Indicative Scheme
- 09** Proposed LEP Plans

INTRODUCTION 01

OVERVIEW

The subject site is located at 20 Berry St North Sydney. It sits within the North Sydney Centre. It is located on a prominent corner at the junction of the Pacific Highway and Berry St. Our client Holdmark seeks to redevelop the existing 14-storey office building on the site into a premium-grade commercial office building. This is in line with Clause 6.3.1(e) of the NSLEP:

(e) to encourage the consolidation of sites for the provision of high grade commercial space.

The site allows for a maximum RL of 145m. This equates to a building height of 75m. The LEP building height may be exceeded if the extent of shadowing outside of the North Sydney Centre complies with Clause 6.3.2 of NSLEP. In addition to the height constraints, any development must comply with the shadowing constraints to “Special Areas” set out in Clause 6.3.2 of the LEP and indicated on Map Sheet CL1_002A, which require there to be no net increase in overshadowing between 12 pm and 2pm from the March equinox to the September equinox.

The proposal has been developed to satisfy the provisions of Clause 6.3 by providing additional ‘special areas’ and greater solar access throughout the specified critical areas.

This report provides the following:

Site and context analysis

An evaluation of planning controls and a study of each the Special Areas within North Sydney.

An indicative design showing a design that delivers a potential high quality design outcome in terms of built form, quality commercial office space, place-making and net solar amenity.

Detailed shadowing analysis is included demonstrating the extent of the proposal’s shadowing .

Sun-hours analysis that quantifies the affect of the proposal in terms of sun-hours to the Berry St Special Area.



Image: Nearmap

VISION

RESPONSIVE TO CONTEXT

The 20 Berry St site is located on a prominent Landmark corner in North Sydney. The proposal is highly visible and responds to the context and site constraints with a unique building form.

A PLACE FOR PEOPLE

The proposal is designed to have a varied, permeable and highly activated ground plane. The main entry foyer is prominently located addressing the main street corner. In addition to the foyer the ground floor is configured to support a number of retail tenancies, /food concession areas that connect directly to a proposed outdoor Plaza at the corner of Berry St and Angelo St.

A HIGH QUALITY COMMERCIAL OFFICE BUILDING

20 Berry St will provide a high quality workspace. The floorplates are open-plan, generous in size and have an extensive glazed perimeter. Future occupants will enjoy excellent views and have the convenient amenity of food and beverage offering and access to an outdoor public space at ground floor.

A LANDMARK BUILDING

20 Berry Street is a landmark building. Sited at the corner of The Pacific Highway and Berry St, the building will be highly visible from the public domain. The form of the building is divided into a base and tower with a core anchoring the northern aspect.

The building terminates the southern end of 'street wall' of buildings to the North consisting of Skye and Lucent apartments with a distinctive sculptural form.

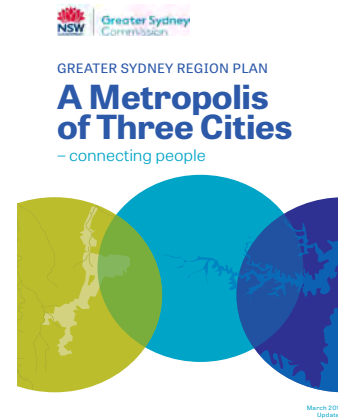


STRATEGIC CONTEXT 02

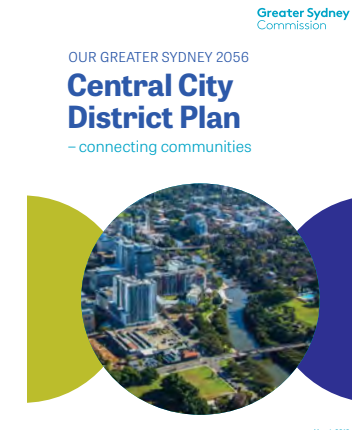
The strategic context reviews the planning context of the site, specifically the relationship between the site and the changing urban context.

STRATEGIC ALIGNMENT

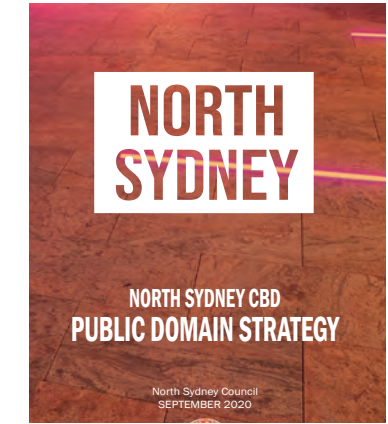
The vision and objectives for the site align with the strategies and goals set out across State and Local Policies.



CONNECTED TO THE 30
MINUTE CITY



PART OF THE FUTURE OF
THE NORTH DISTRICT



NORTH SYDNEY PUBLIC
DOMAIN STRATEGY 2020



INCORPORATING THE
SEVEN DESIGN OBJECTIVES

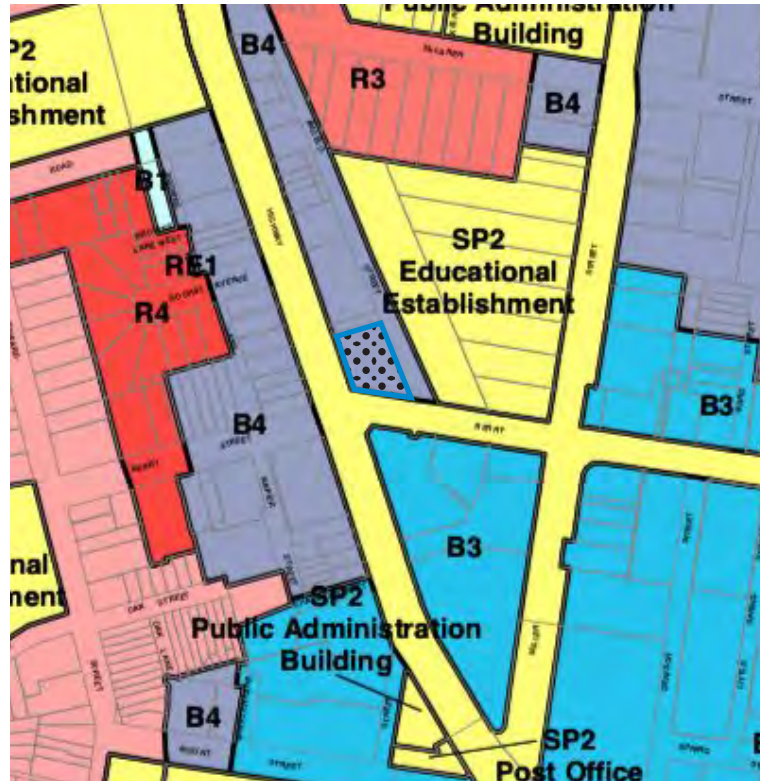


SUPPORTING HEALTHIER,
LIVEABLE AND SUSTAINABLE
ENVIRONMENTS



NORTH SYDNEY DCP AND LEP
2013

LEP Planning Controls



ZONING

The site is zoned B4 Mixed Use.

- Provide a mixture of compatible land uses
- Integrate suitable business, office, residential, retail and other
- Development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure uses support the viability of centres.



FLOOR SPACE RATIO

There is no limit to the overall floor space ratio on the site. There is a constraint indicated on the 'Non-Residential Floor Space Ratio Map' regarding the minimum non-residential FSR at a rate of 3:1. The proposal exceeds this amount. In addition the proposal seeks to change the zoning to B3

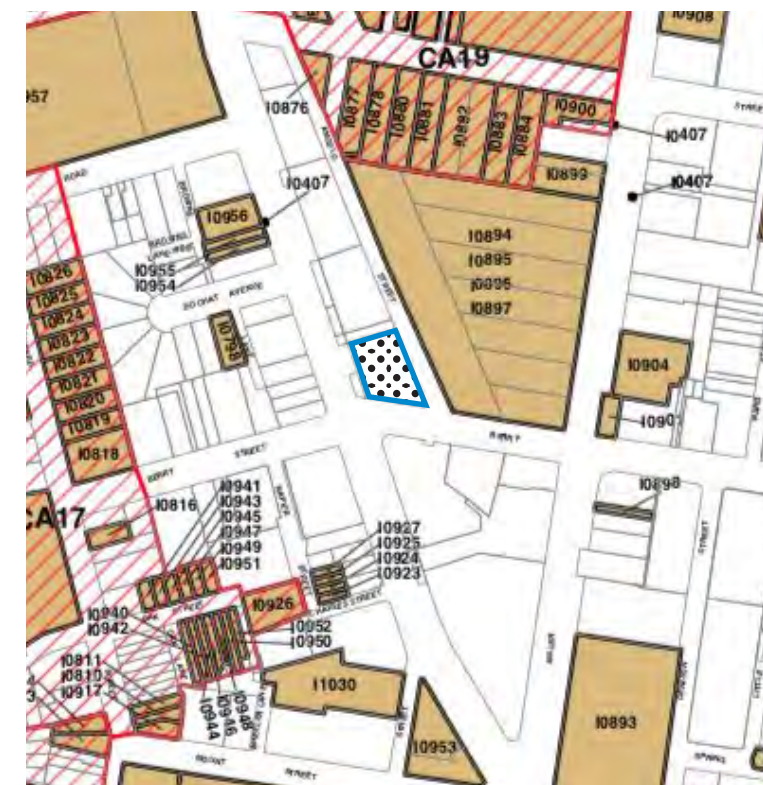
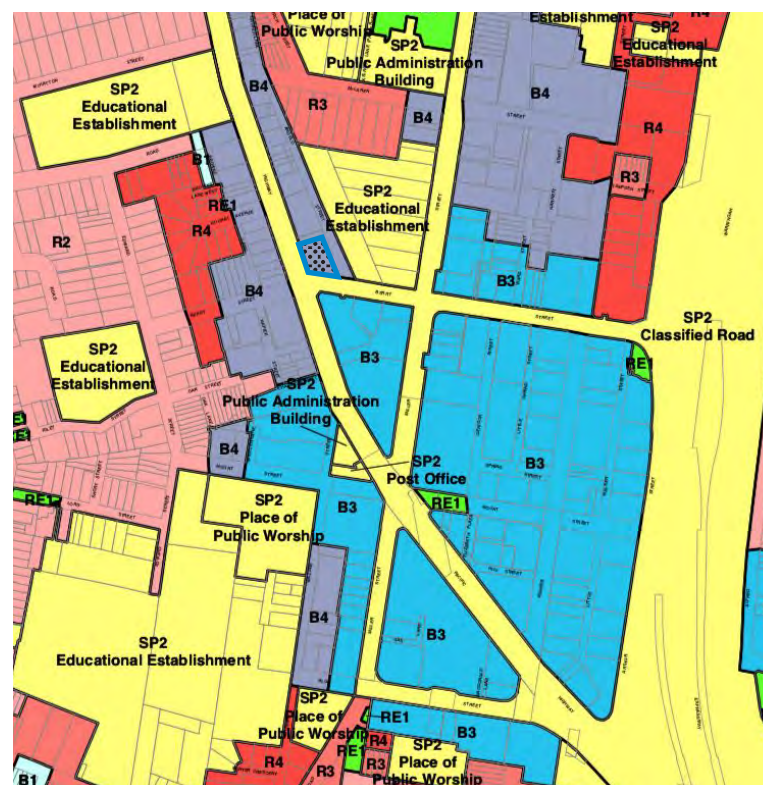


HEIGHT CONTROLS

The LEP height limit of the site is RL 145. This height may be exceeded if the proposal meets the parameters of Clause 6.3 of NSLEP

The proposal does exceed the height limit and seeks to amend the LEP in regard to the height limit.

LEP Planning Controls



NORTH SYDNEY SPECIAL AREAS

The North Sydney Centre Map identifies a number of special areas.

These areas have specific shadowing requirements set out in Clause 6.3 of the NSLEP

This proposal seeks to amend the Berry St special area by providing an additional area on the site to compensate for the affect on the existing Berry St

This document has a further study of the special areas in section 7

Zone RE1 Public Recreation

Clause 6.3 of the NSLEP requires there to be no net increase in overshadowing between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land zoned RE1 within the North Sydney Centre.

The proposal does not overshadow any of the RE1 Zones within the specified times.

HERITAGE

To the east of the site is the Monte Sant' Angelo Mercy College a secondary school with a diverse range of low-scale buildings that includes a number of significant heritage buildings,

Refer to the heritage report by GBA Heritage for a detailed assessment of the heritage impact

SITE ANALYSIS 03

The site analysis provides an initial synthesis, conducted by the Design Team, of the wide range of technical studies that has been undertaken to date.

SITE DESCRIPTION

The site is located at the northern edge of the North Sydney CBD. The site has a prominent position on the corner of two major thoroughfares within North Sydney - the Pacific Highway and Berry St. Berry St is a 3-4 lane one-way road that provides access to the Harbour Bridge / Cahill Expressway. The Pacific Highway is a six-lane dual carriageway and is a major arterial road within Sydney

It is a peninsula site with roads on three sides. The site forms the southern end of a continuous bar of buildings running from of Building between McClaren and Berry St.



Site Conditions



SITE DIMENSIONS

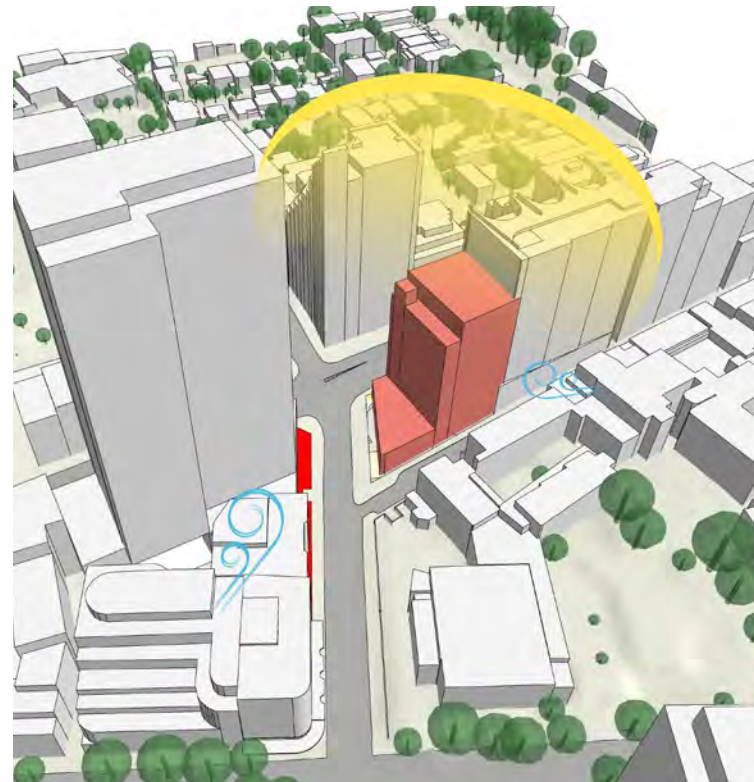
The site is relatively compact in form. It measures roughly an average of 31m between Angelo St and The Pacific Highway.

The longest side is on Angelo St resulting from the angled intersection of Berry St and the Pacific Highway.

The Pacific Highway is 25.7m wide ensuring ADG building separation is achieved to the Polaris building (no. 150)

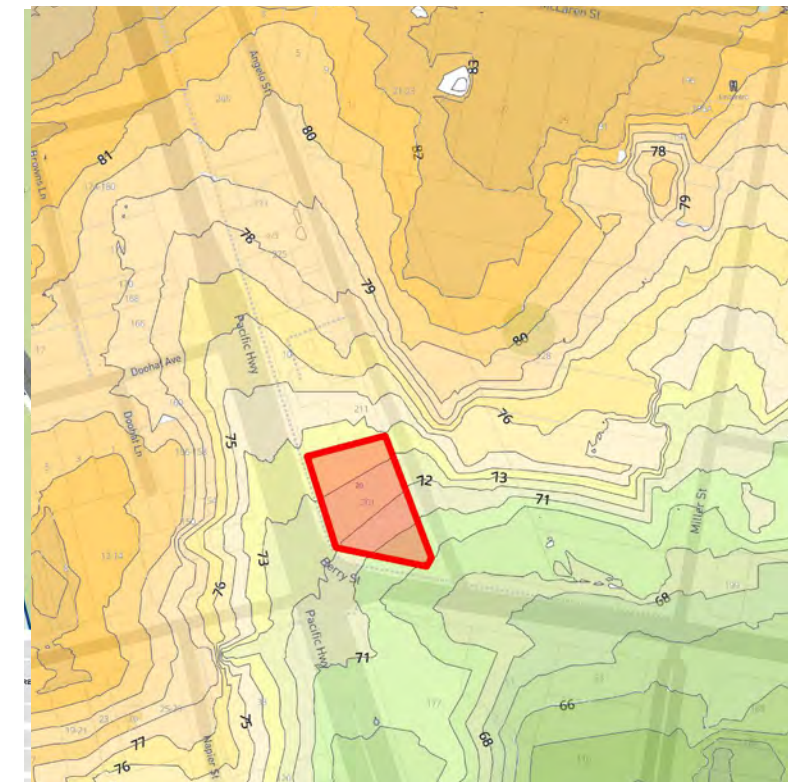
To the south Berry St is 23.3 m wide. The main tower of 177 Pacific Highway is set back at an angle providing ample building separation.

To the east Angelo St has a narrower laneway character.



CLIMATE

The prevailing wind directions are from the north-east and south-east quadrants. Westerly winds are more common in winter. North Sydney is known to be exceptionally windy, therefore it is considered that from a massing perspective, any tower in this location is expected to affect the local wind conditions.



TOPOGRAPHY

Similar to the surrounding topography the site slopes from North to South. The high point is on the site is on the north west corner and the low point is on the south-East corner with a maximum difference in height of 3.5 metres

TRANSPORT NETWORK

The site's central location gives it good connectivity to all forms of transport.

Car: The site is easily accessible by car being located on the junction of two of the main roads within North Sydney - the Pacific Highway and Berry St. However on-street parking is very limited other than on Angelo St.

Bicycle: North Sydney CBD is a challenging environment for cyclists. North Sydney Council is working to improve the cycle network

Rail: The site is located 400m from North Sydney Station - the fifth busiest station on the Sydney Trains network.

Bus: Several bus routes service the North Sydney Centre, with Blue Street, Miller Street and Pacific Highway forming the basis of that network. Services link the Centre with the North Shore, Northern Beaches and Sydney CBD.

Metro. The sites connectivity will be greatly improved with new Victoria Cross Metro station which is scheduled for completion in 2024. The station is located approximately 150m from the site on Miller St. This location will have a major impact on the activation of the Northern areas of the CBD



20 BERRY STREET URBAN DESIGN STRATEGY



VIEW A



VIEW B



VIEW C



VIEW D



VIEW E



VIEW LOCATIONS



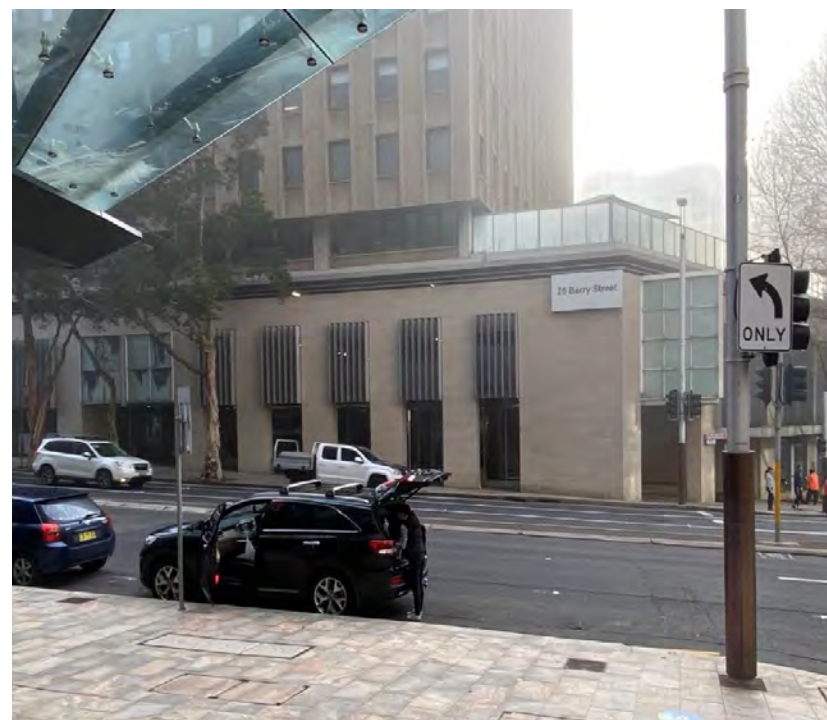
View from southwest - Corner to Pacific Highway

20 BERRY ST - EXISTING BUILDING

Landmark location on Pacific Highway Existing, 16-storey precast concrete brutalist-style office building dating from the late seventies with a more recent podium refurbishment. The building consists of 12 levels of commercial office above three levels of above-ground parking with a ground floor containing the lobby and retail units. The building has an enclosed appearance with limited activation at street level.



View from south east - looking up Angelo St



View from West - Pacific Highway

URBAN GRAIN

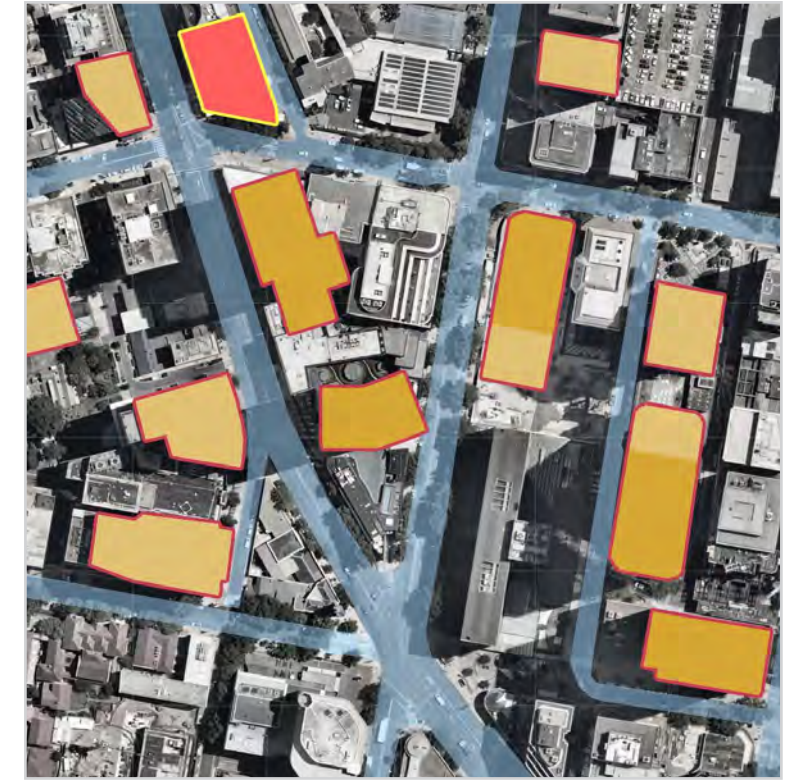
The site sits at a point of transition at the north west corner of the North Sydney CBD



URBAN GRAIN

The site is located at a point of transition in scale. To the South and the East are tall buildings of the CBD. To the west beyond the Pacific Highway the scale changes to 2/3 storey apartment blocks and 1/2 detached and semi-detached houses.

With the exception of Monte Sant' Angelo Mercy College to the East, the buildings in the immediate vicinity consists of tall buildings defining the street edges of the Pacific Highway and Berry St



TALL BUILDINGS

The site is located at the northern perimeter of the North Sydney CBD. North Sydney has a diverse collections of tall buildings that vary both in age and appearance. Many of the more recent developments have a more sculptural form, often as a response to solar/shadowing constraints

NORTH SYDNEY SPECIAL AREAS 04



North Sydney Local Environmental Plan 2013

Foreshore Building Line Map
North Sydney Centre Map
Exceptions to Development Standards Map
- Sheet CL1_002A

Foreshore Building Line

- Foreshore Area
- Foreshore Building Line

North Sydney Centre

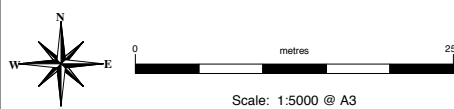
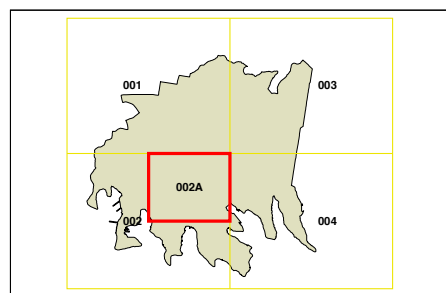
- Miller Street Setback
- Special Area
- North Sydney Centre

Exceptions to Development Standards

- Land in St Leonards

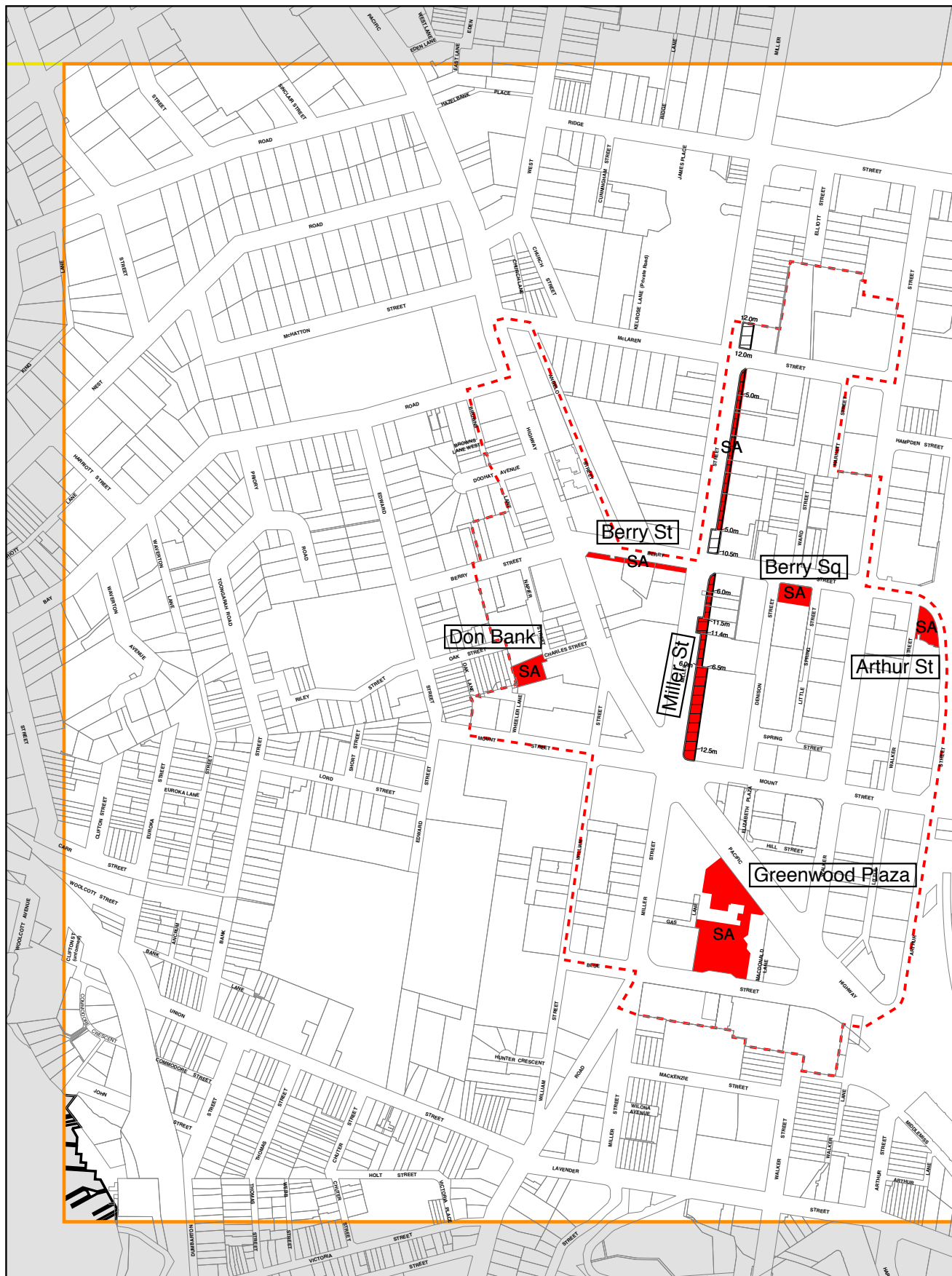
Cadastre

- Cadastre 06/02/18 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_CL1_002A_005_20180206



NORTH SYDNEY SPECIAL AREAS

The following pages document a photographic study of the special areas listed in Clause 6.3 of the LEP and a brief description of their physical appearance and character. The Special Areas comprise a diverse collection of spaces.

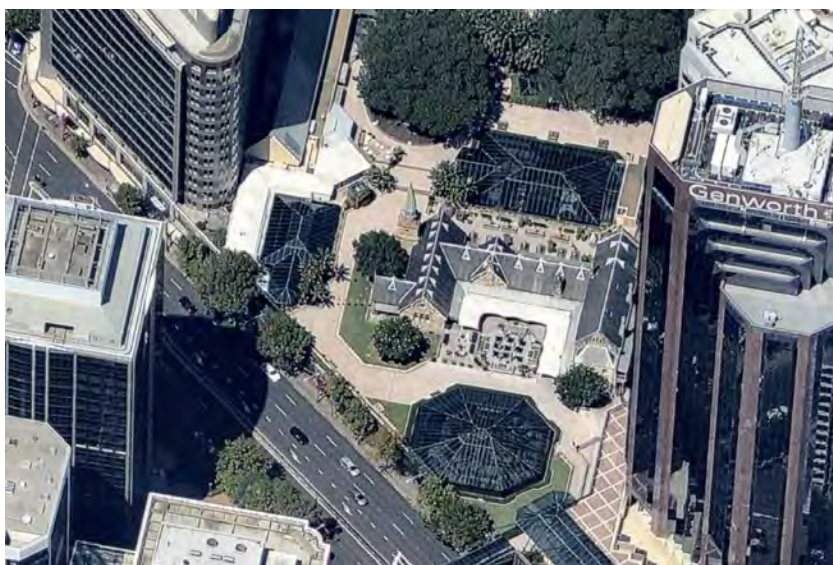
Clause 6.3.2 of the LEP states

- (2) Development consent must not be granted for the erection of a building on land to which this Division applies if—
 - (a) The development would result in a net increase in overshadowing between 12 pm and 2 pm from the March equinox to the September equinox (inclusive) on land to which this Division applies that is within Zone RE1 Public Recreation or that is identified as “Special Area” on the North Sydney Centre Map, or
 - (b) The development would result in a net increase in overshadowing between 10 am and 2 pm from the March equinox to the September equinox (inclusive) of the Don Bank Museum, or
 - (c) The site area of the development is less than 1,000 square metres and any building resulting from the development would have a building height greater than 45 metres.



GREENWOOD PLAZA

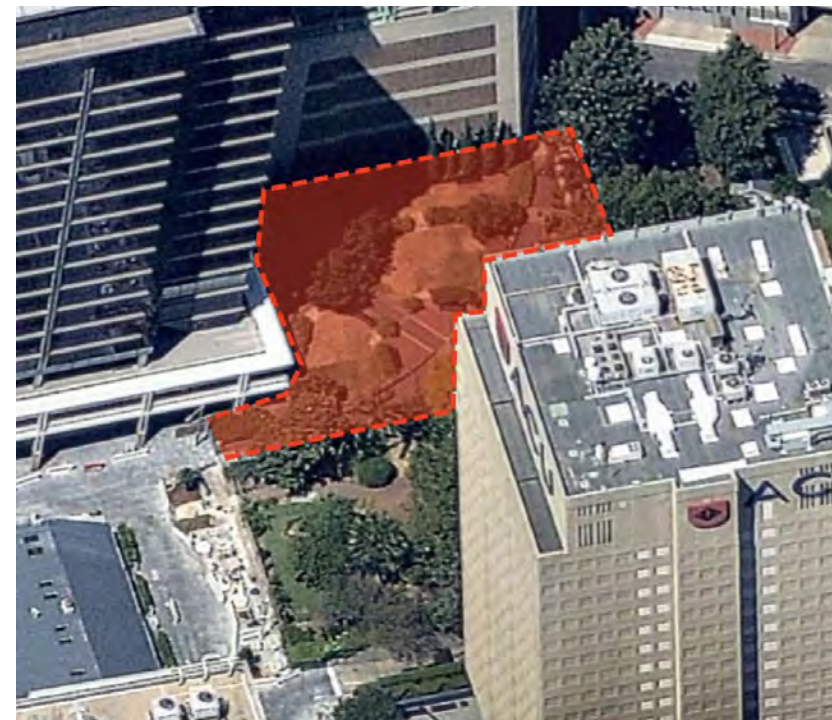
Located between Pacific Highway and Blue St. The Special Area consists of Heritage school buildings retained above a retail centre, with outdoor landscaped areas and seating for recreation, food and beverage amenities.





DON BANK SPECIAL AREA

- Pocket Park to south of Don Bank museum
- Lush mature planting
- A quiet secluded urban park

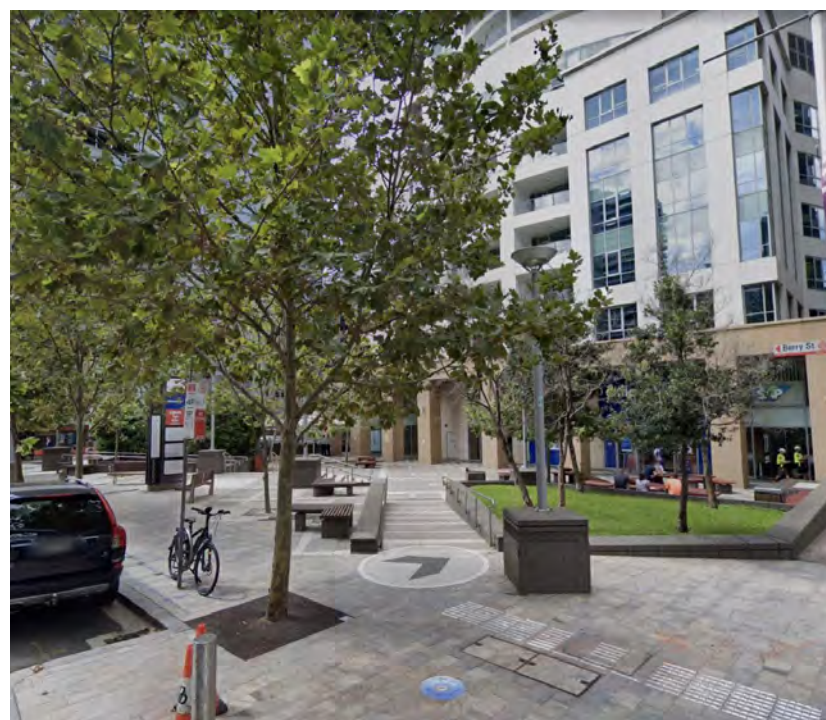
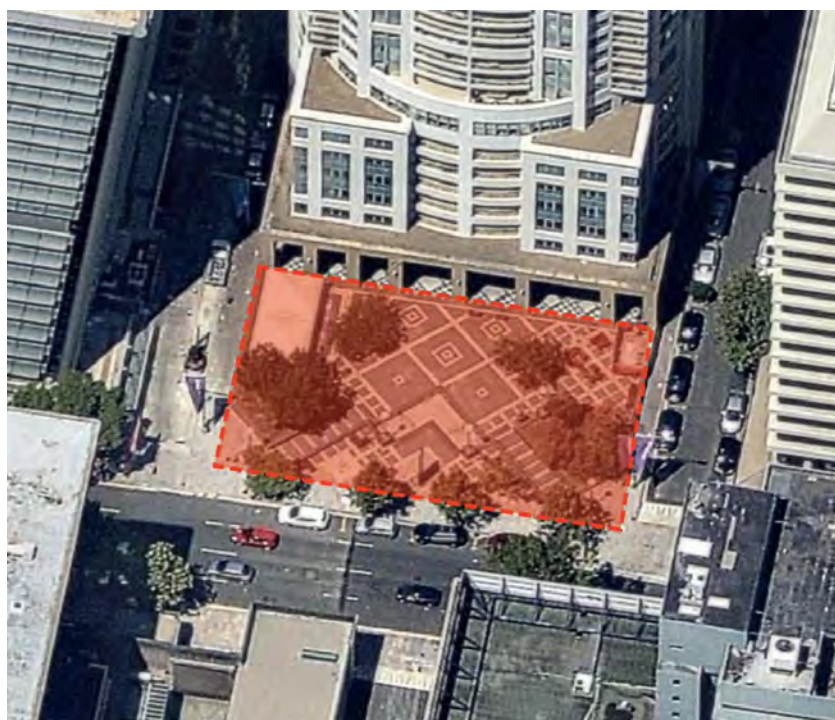




BERRY SQUARE

Public Square on South side of Berry St between Denison and Little Spring St.

- Predominantly hard paved public square with trees and areas of lawn.
- Extensive street furniture/seating walls.

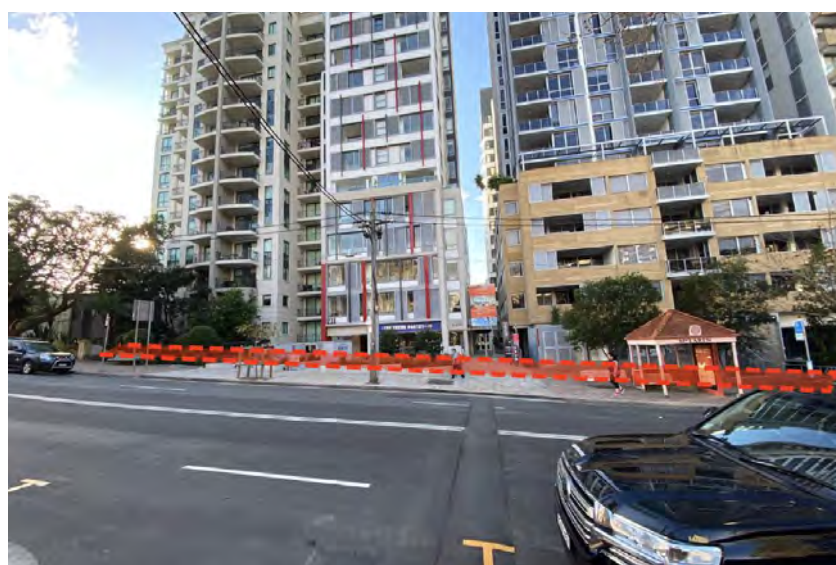




ARTHUR ST SPECIAL AREA

Located between Little Walker St and Arthur St - a feeder road to the Bradfield Highway / Harbour bridge. A small pocket-park with a central sloping lawn with mature trees to the perimeter, enjoys Harbour views.

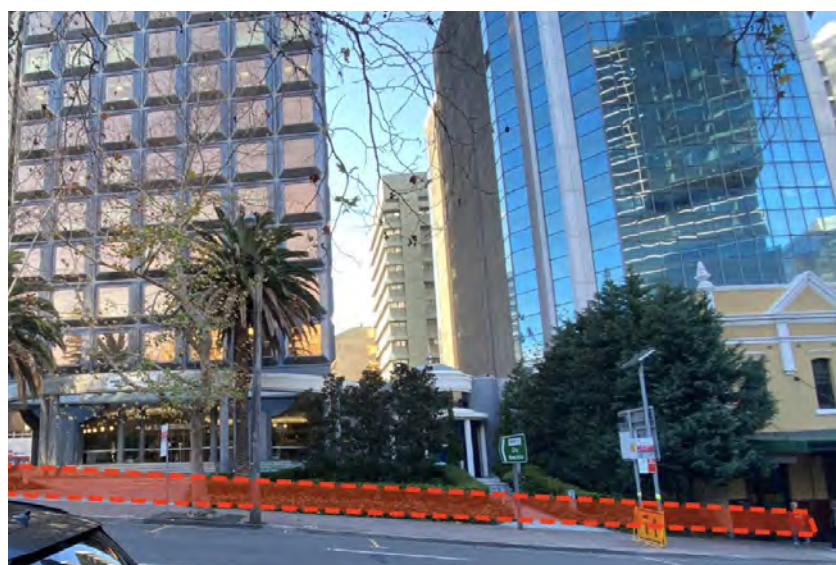
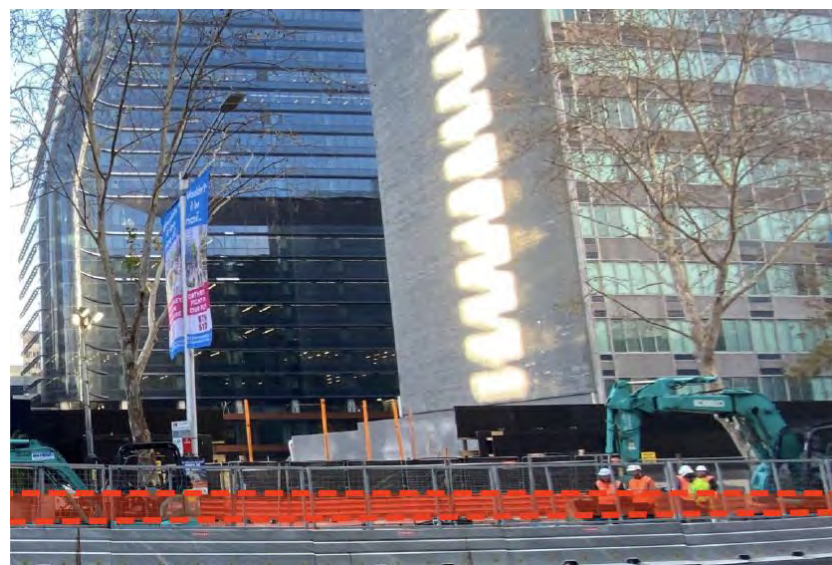




MILLER ST SPECIAL AREA

Setback located on eastern side of Miller st between McLaren and Mount St.

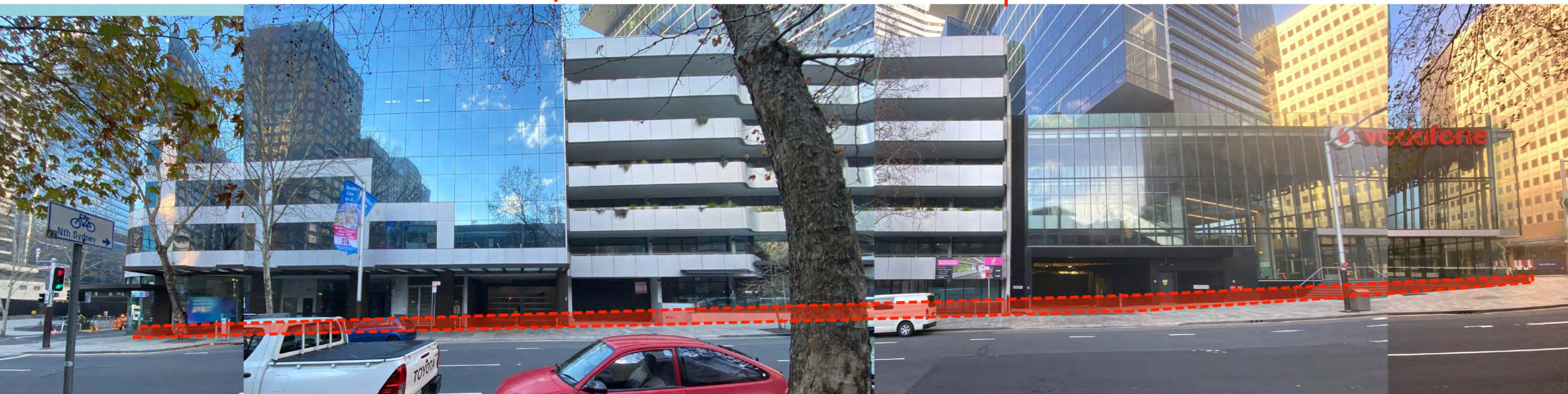
The northern portion is mainly landscaped forecourts to office/ apartment buildings. The southern portion has a substantial setback with food and beverage to the southern end.



53 Berry St

51 Berry St

177 Pacific Highway



Retail

Lobby

Loading/service

Cafe

Lobby

Medical Centre

Loading/service

Lobby

BERRY ST SPECIAL AREA

Located on Southern side of Berry St between Pacific Highway and Miller St - 5m deep setback located on a busy road. Limited activation at street level. No street furniture or landscaping. Note Berry St Special Area partially sits within the interior of the buildings at 51 Berry St and 53 Berry St

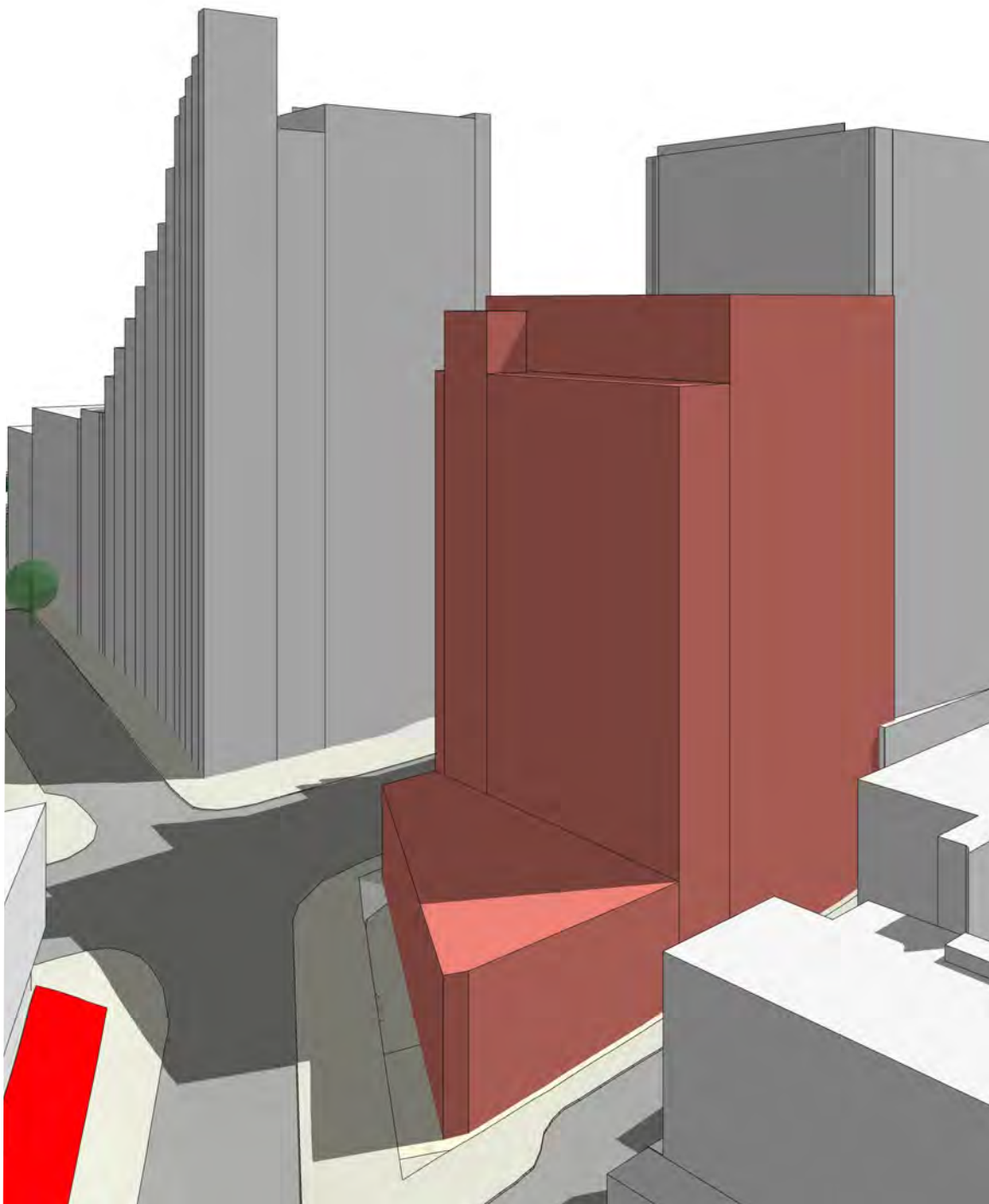


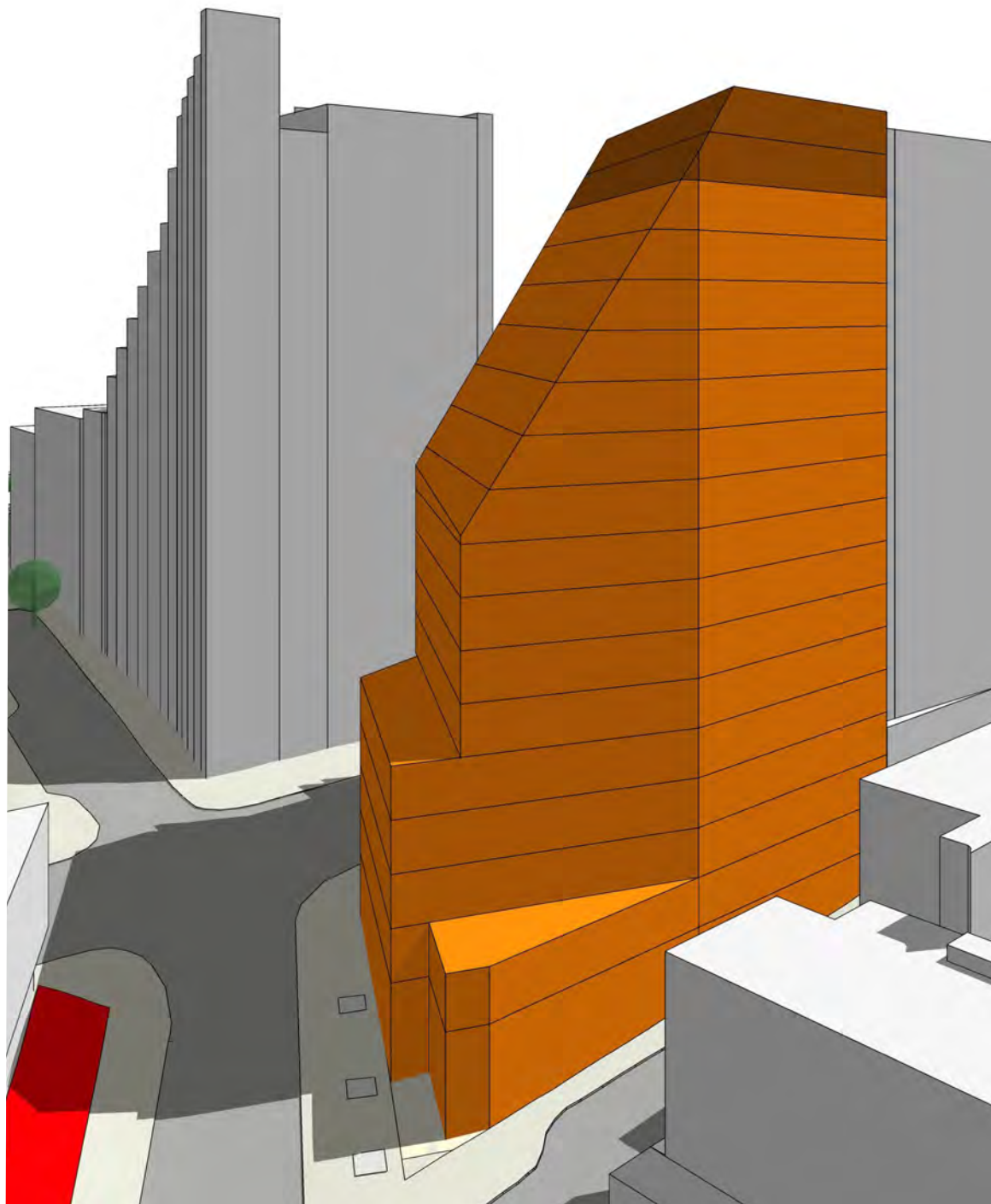
BUILT FORM STRATEGY 05

EXISTING BUILDING FORM

—

The existing building is a squat 12 storey tower on a 3-4 storey podium. The main tower form does not follow the Berry St alignment and is set back from Berry St 7-24 metres. Its height has been exceeded by recent adjacent developments. It does cast substantial shadows on the Berry St Special Area throughout the March equinox to September Equinox time period.



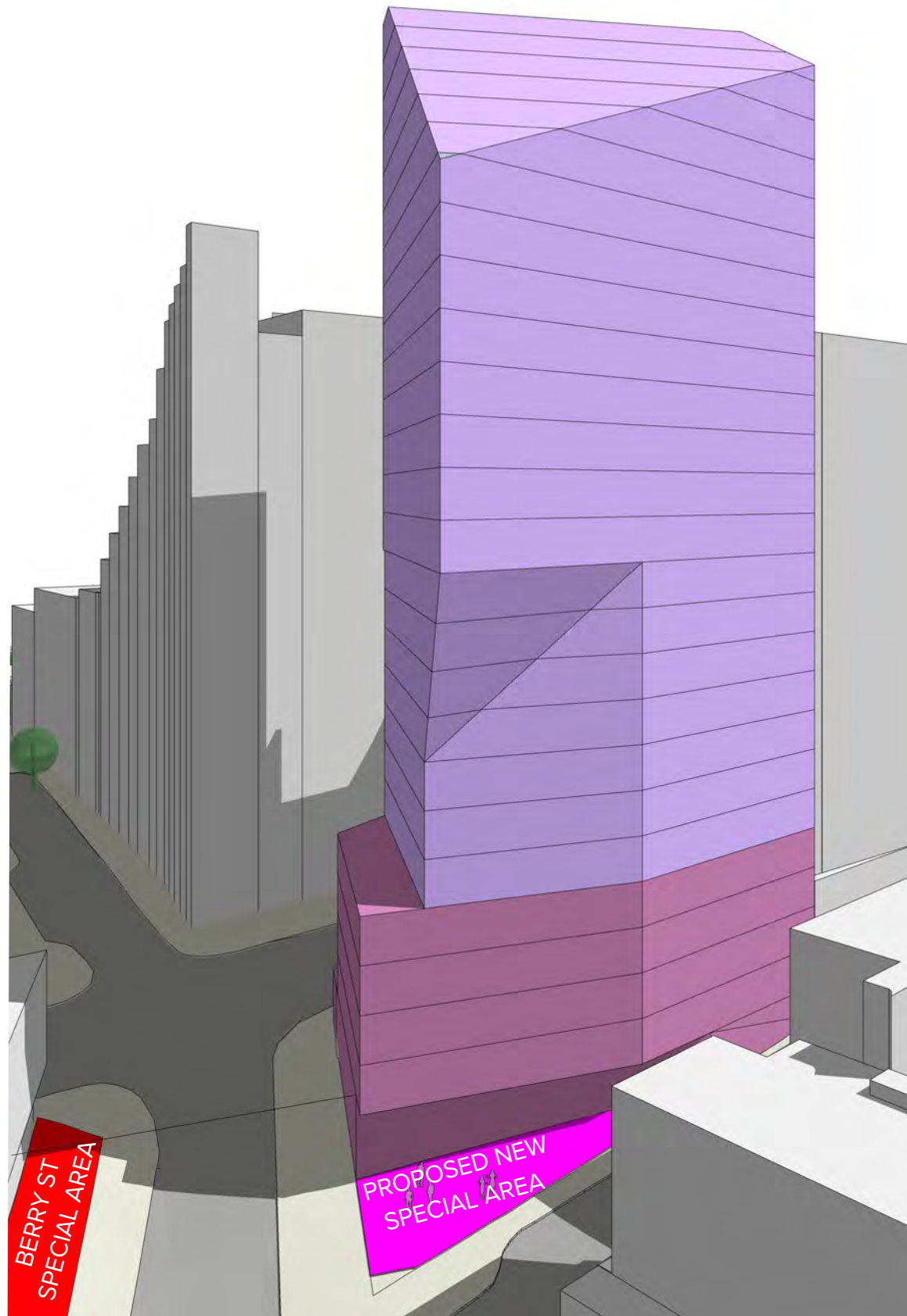


COMPLIANT ENVELOPE

—

The cumulative effect of the various shadowing restrictions results in a steeply tapering and irregular building envelope. This form is impractical in shape and does not achieve much more yield than the existing building. The estimated yield of this option is 13,260sqm (existing building GFA = 9,026sqm)

These factors demonstrate that the site is unfeasible for redevelopment within the current planning constraints.



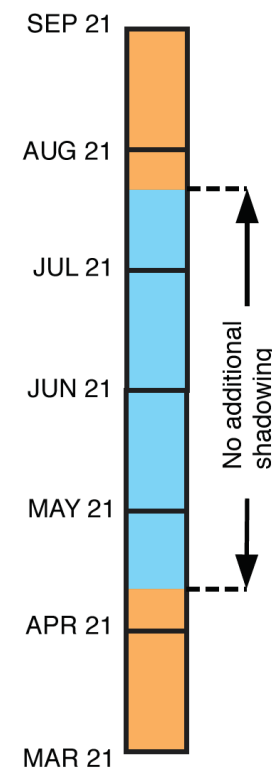
PROPOSED ENVELOPE FORM

The envelope form of the proposal has been shaped to comply with the solar controls set out in NSLEP Clause 6.3 with the exception of Special Area opposite the site on the south side of Berry St.

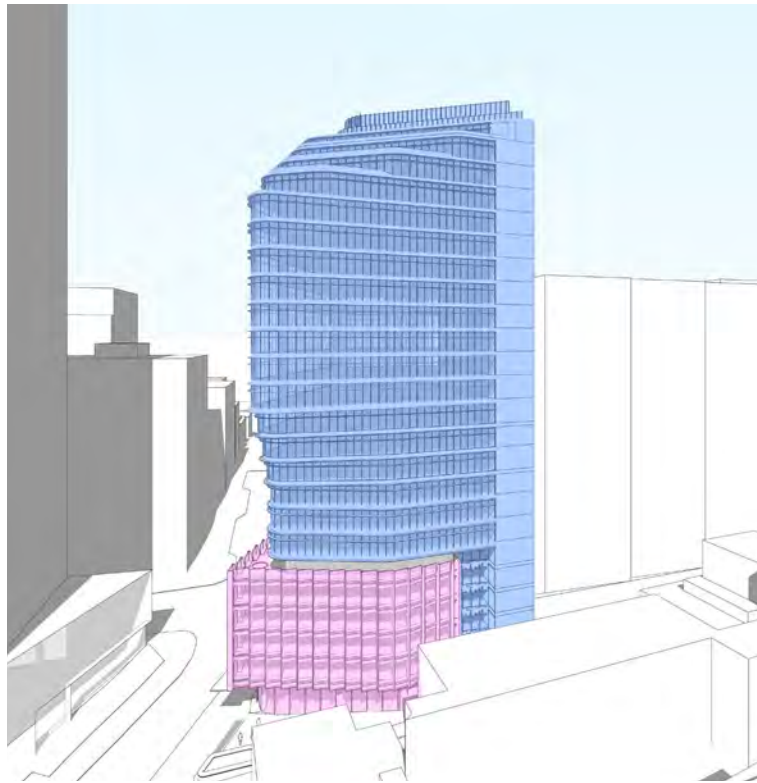
The design minimises its impact to the Berry St Special Area, however it does cause a net increase in shadowing to the Berry Special Area approaching the equinoxes.

The proposed envelope includes a proposed new special area of approximately 200sqm on the south-eastern corner of the site. This proposed Special Area provides usable, open space with good levels of solar access. Sun-hour analysis included within this report demonstrates that the sun-hours to the proposed new Special Area exceeds the reduction of sun-hours to the existing Special Area on Berry Street caused by the proposed development. The proposal results in a net increase of sun-hours between 21 March and 21 September.

The proposal is 24 storeys and 102m in height with an approximate GFA of 22,750sqm GFA



MASSING



TOWER AND PODIUM

In line with the DCP. The proposed massing consists a tower on a podium.

The podium provides a human scale and mitigates wind impact

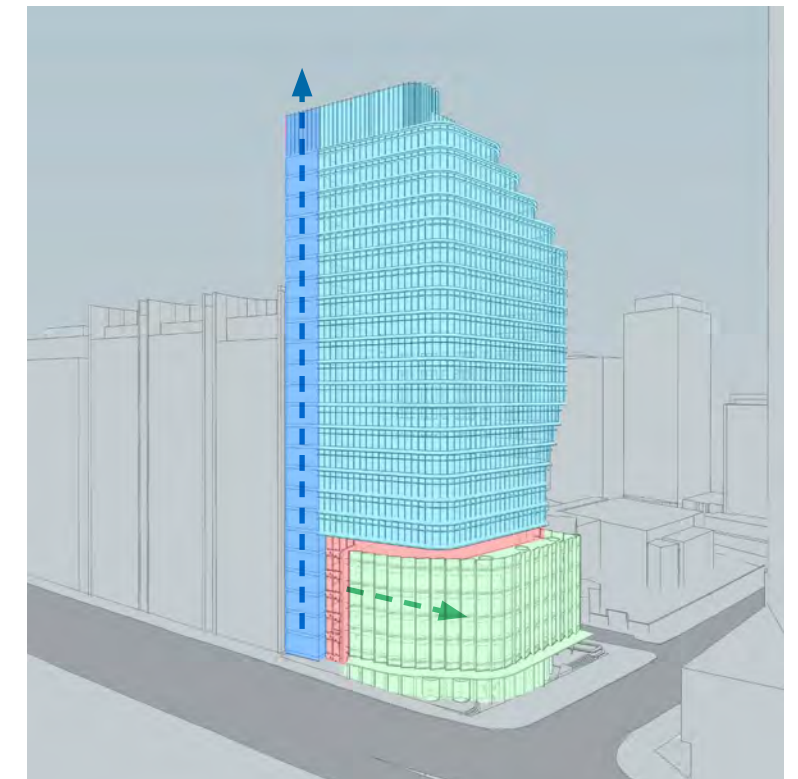
The podium is pulled away/shifted from the main tower from.



SOLAR PLANE

In a similar fashion to numerous other proposals in North Sydney the proposed tower is sculpted to minimise the shadowing impact. The design avoids addition shadowing impact to Special Areas, with the exception of the Berry St Special Area. It avoids any overshadowing of The Don Bank and Miller st Special Areas - which may have been affected by a tower in this location.

Please refer to Chapter 7 : Shadowing Analysis for a detailed explanation of the shadowing impacts of the proposal

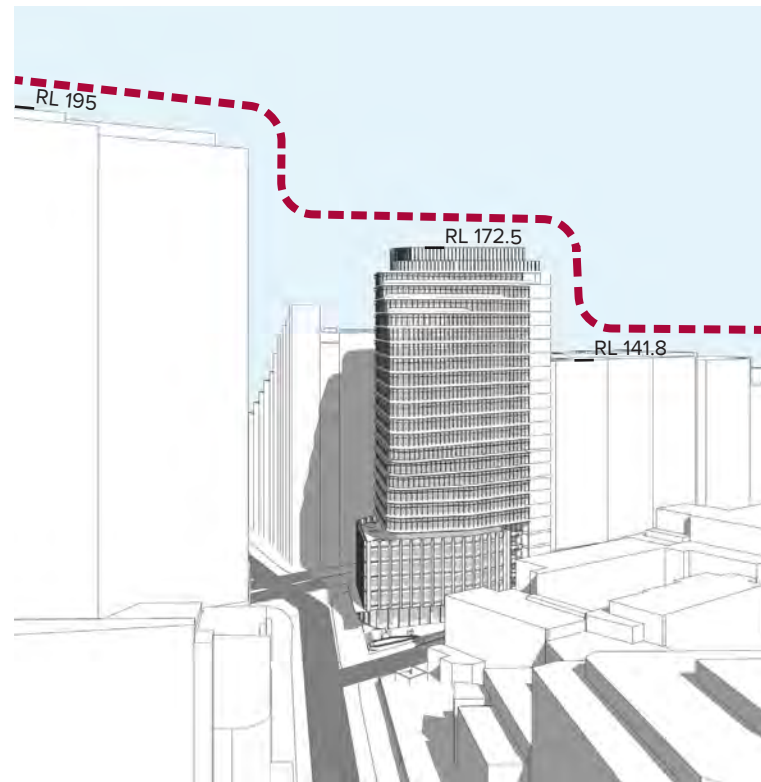


ARTICULATION

The tower's form is modulated by a number of devices to help reduce apparent bulk and provide a sense of scale.

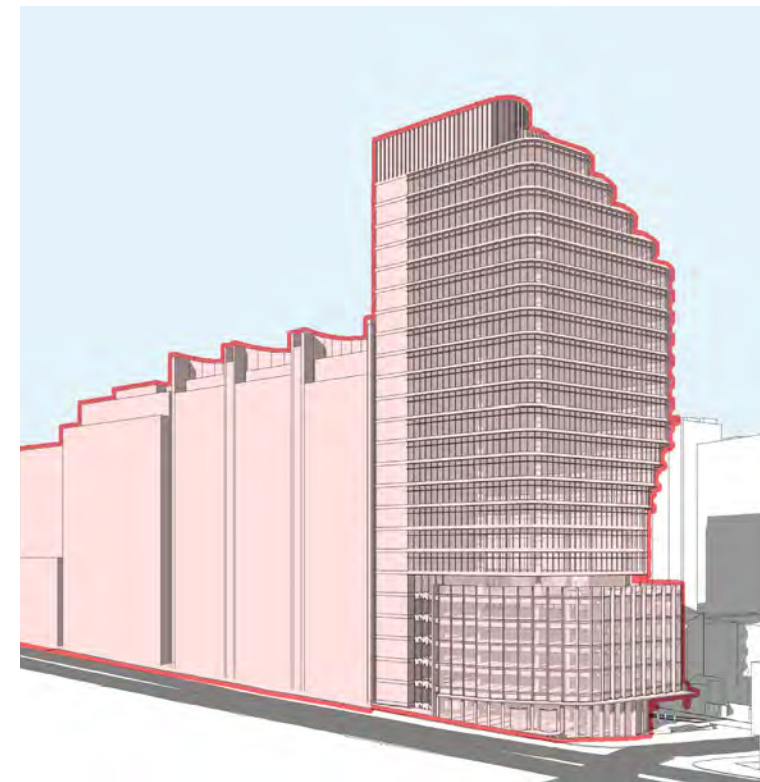
- The podium has a serrated treatment emphasizing the turning of the corners
- Curved corners soften the main upper tower form
- The junction of the podium an the tower is articulated by an undercut recess and a vertical slot
- The tower form is anchored to the North by the solid expression of the stair/lift core

BULK AND SCALE IN CONTEXT



RELATIVE SCALE

The scale of the tower mediates between the scale of 177 Pacific Highway (Top RL 195m) and the scale of the Skye apartments RL.(141.80) to the North. The stepping form relates to 150 Pacific Highway (Polaris) building to the west



CITY BLOCK

The proposed tower terminates the southern end of the 'street wall' block of buildings that extends to the North along the Pacific Highway. The Pacific Highway and Angelo St facades align with this block



BUILDING FORM

The proposal's sculptural form mitigates the impact of its scale. The planes of the facades transition smoothly around curved corners. Stepped transitions and indents further reduce the scale of the facade elements. The building presents a "front facade" to all sides without blank side walls.

Built Form - Setbacks

Section 2.1.3 of the North Sydney DCP requires the following setbacks:

Maximum 5 storey Podium

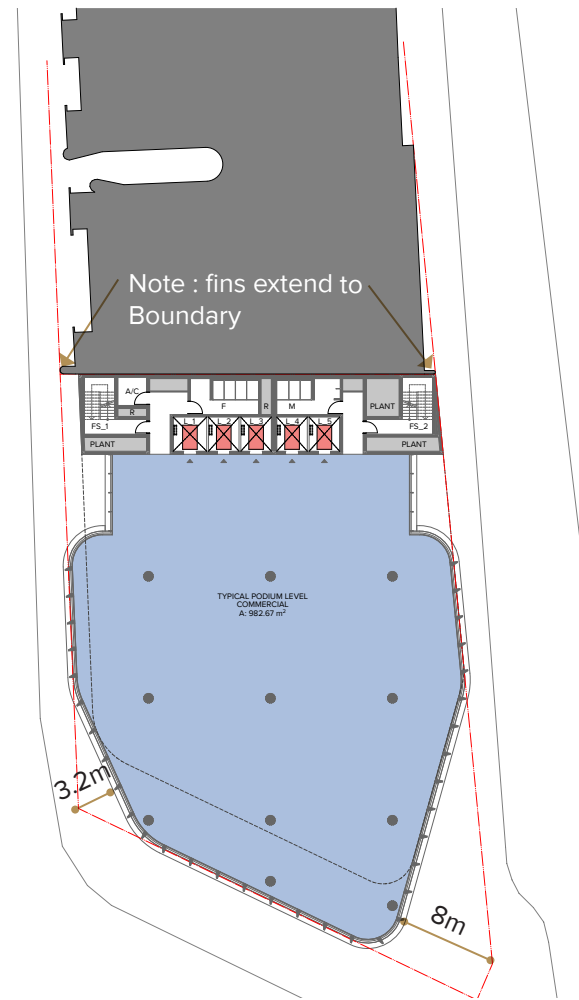
2-3 Storey Podium to Angelo St

0m setback to podium

5m Setback above podium

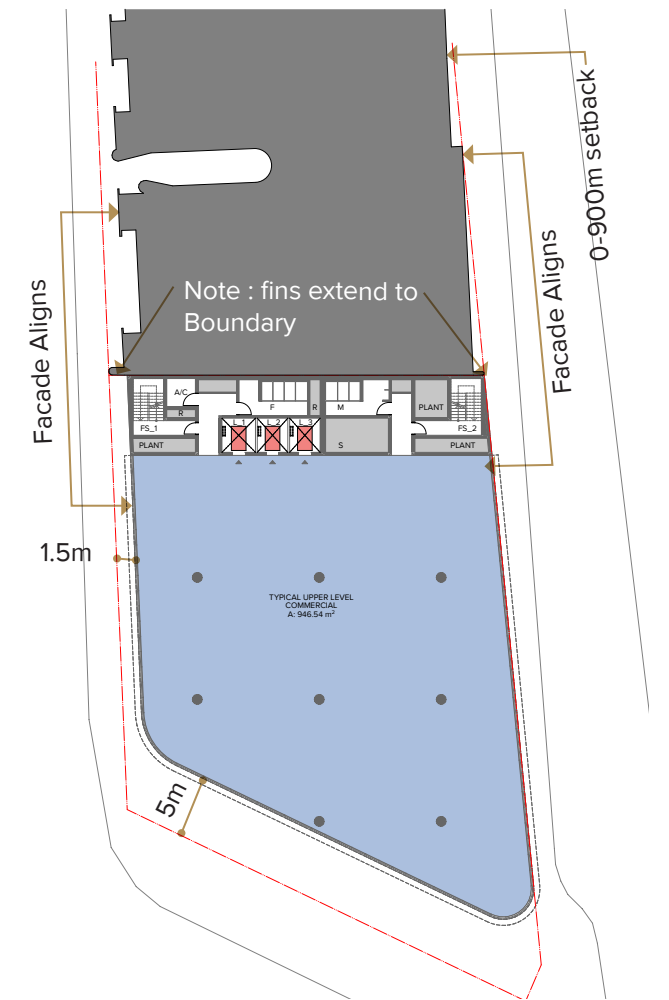
The existing Tower has 0m setbacks to the podium. The existing tower has 0m setbacks to the Pacific Highway and Angelo St. The existing tower is setback between 6 and 22m from Berry St.

177 Pacific Highway to the south has a 0m setback to the Pacific Highway



PODIUM

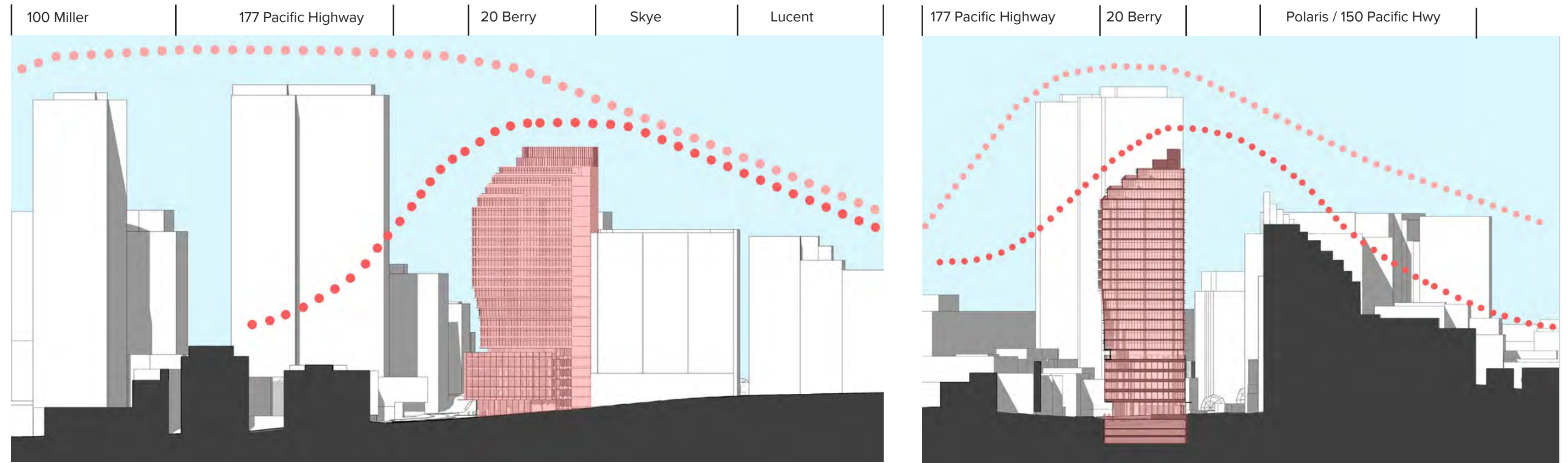
The proposal has a 5 storey podium which complies with the DCP for Berry St and the Pacific Highway. The podium maintained at 5m to Angelo St for visual consistency. The podium generally has a 0m setback with a number of insets and chamfers for improved light and amenity. Both of the southern corners have been chamfered, which minimises shadowing to the existing Berry St Special Area and contributes space and natural light at ground level to the main building entry and Plaza. A indent to the facade to the south of the core articulates the podium from the stair/lift core.



TYPICAL UPPER LEVEL

The 5m DCP tower setback is observed to Berry St. The east and west facades take their alignment from their northern neighbour - Skye apartments. The Angelo Street side of Skye has an indented form that could be considered a 0m setback. The proposed building has a 0m setback to Angelo St. The Pacific Highway side of Skye has an indented facade with the main outer facade being 1.5 m from the western boundary which the proposal aligns with. Also notable are the 'fin' facade elements on the southern wall of Skye that extend to the boundary on both eastern and western sides.

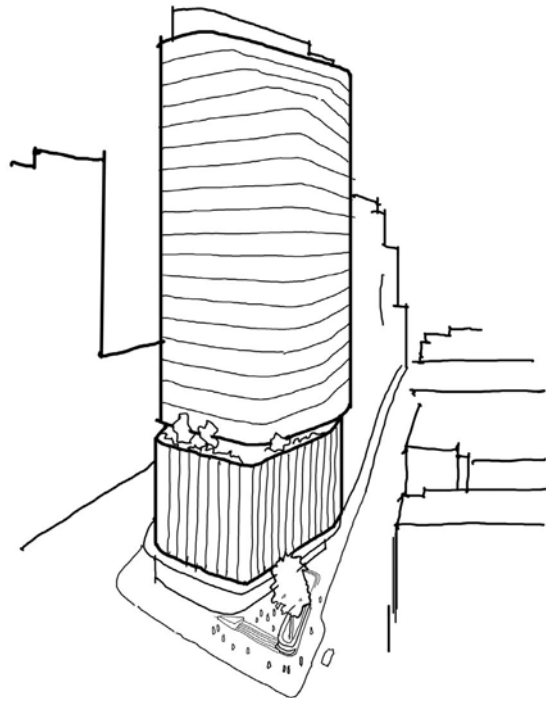
HEIGHT AND SCALE



HEIGHT AND SCALE

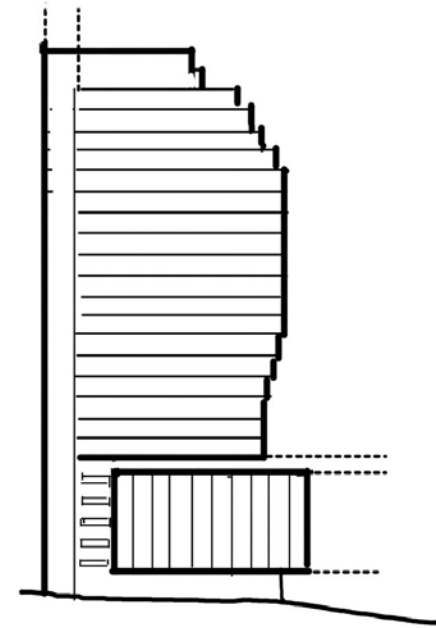
The proposal sits at the northern edge of the tall building cluster of the North Sydney CBD and immediately to the south of two of the tallest towers - 177 Pacific Highway and 100 Miller St. The tower's relative bulk and scale is a transition between the taller towers to the south and the residential /mixed use towers to the north and west.

DESIGN PRINCIPLES 06



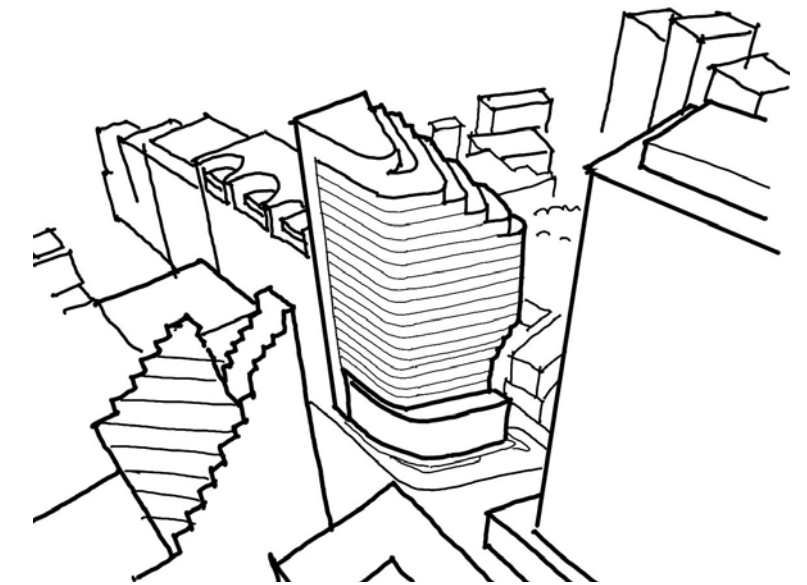
LANDMARK ARCHITECTURE

A distinctive architectural response with quality materials and a defined silhouette.



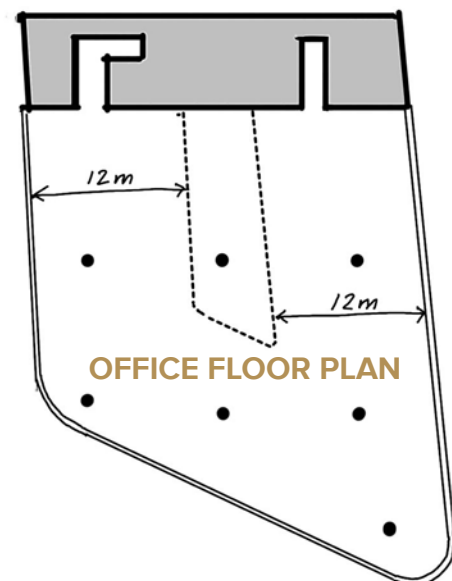
SCALE

A design that mediates its bulk and scale through a series of setbacks and form articulation.



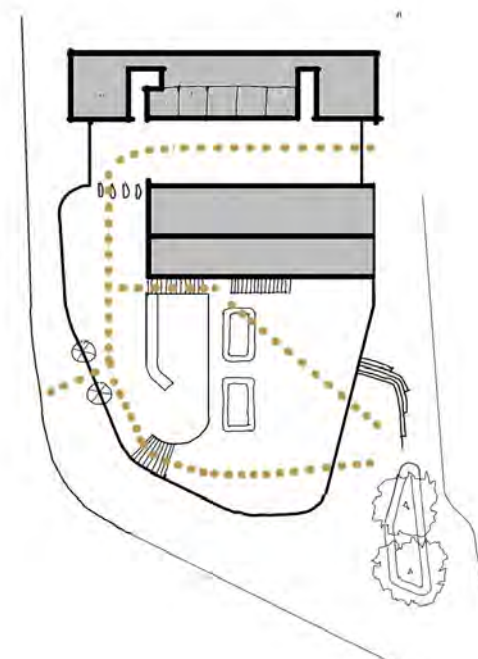
ENVIRONMENT

The design considers its impact in terms of solar access, reflection and wind environment.



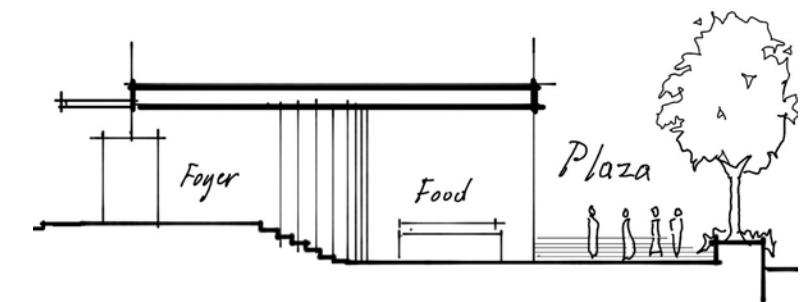
A HIGH QUALITY WORKPLACE

The proposal provide large regular floorplates with an extensive glazed perimeter providing natural light and access to views.



A POROUS GROUND PLANE

A ground plane that is permeable and creates new connections to adjoining streets and potentially to adjacent developments.



SITE TOPOGRAPHY

The ground plane needs to mediate the sloping topography to maintain an active and well resolved street interface.

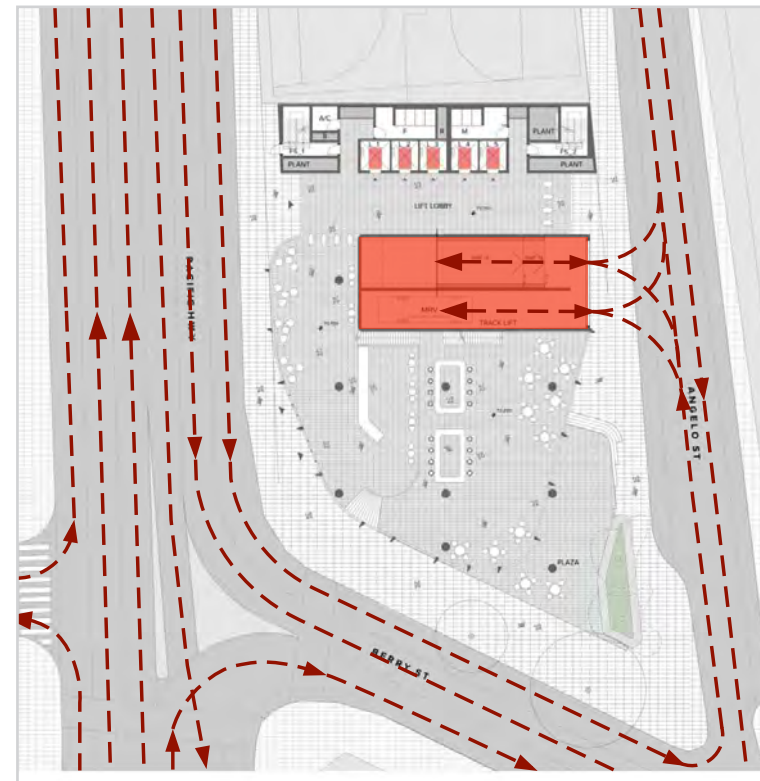
A LANDMARK BUILDING

The proposal has a singular consistent expression, giving it a unique identity within the tall buildings of North Sydney. The facade to the Pacific Highway is a taut plane maintaining the Pacific Highway facade alignment. The expression to Berry St changes as the building steps in both above and below to reduce solar impact to the Berry St Special Area. This practical requirement has been sublimated and developed into a distinctive sculptural form. Soft curves further unify the facade and soften the transitions of its form.



ACCESS

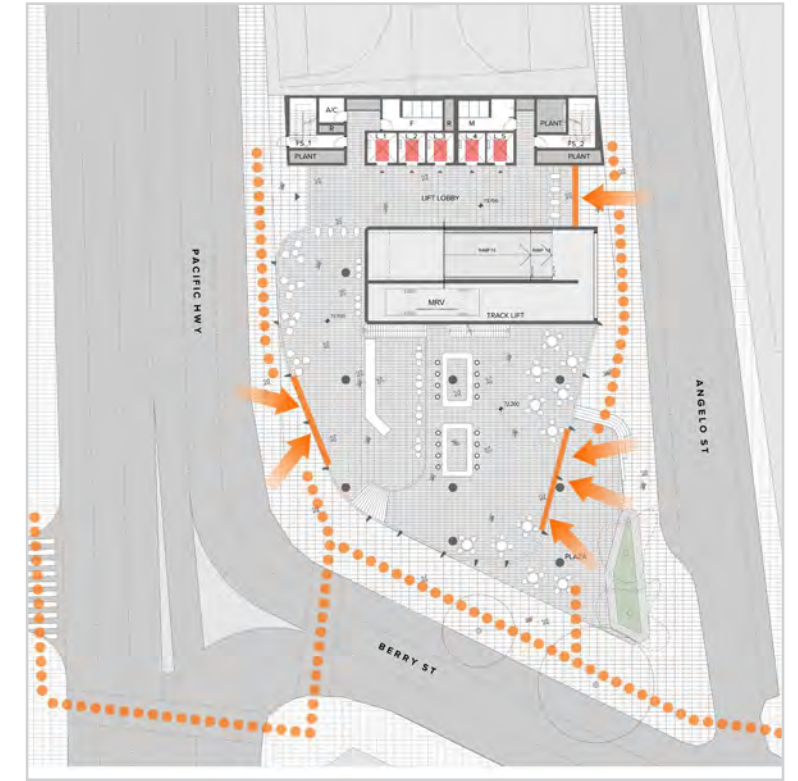
The proposal had considered how the building is accessed with a focus on pedestrian convenience and legibility. Vehicle access is discretely but practically located.



VEHICLE ACCESS AND LOADING

The proposal locates access and loading off Angelo Street - in the same location as the existing building. Car parking is located below ground with access via a ramp. For trucks and service vehicles there is a lift (sized for an MRV) with a turntable and loading dock at basement level.

Refer to traffic report by Colin Henson//SMEC for further information.



PEDESTRIAN ACCESS

The main building access point is positioned on the Berry St / Pacific Highway junction, close to the pedestrian crossing. The facade is chamfered back to give some additional room to the pavement. The food and beverage offering are located to open out onto the proposed Plaza to the south-east of the site.

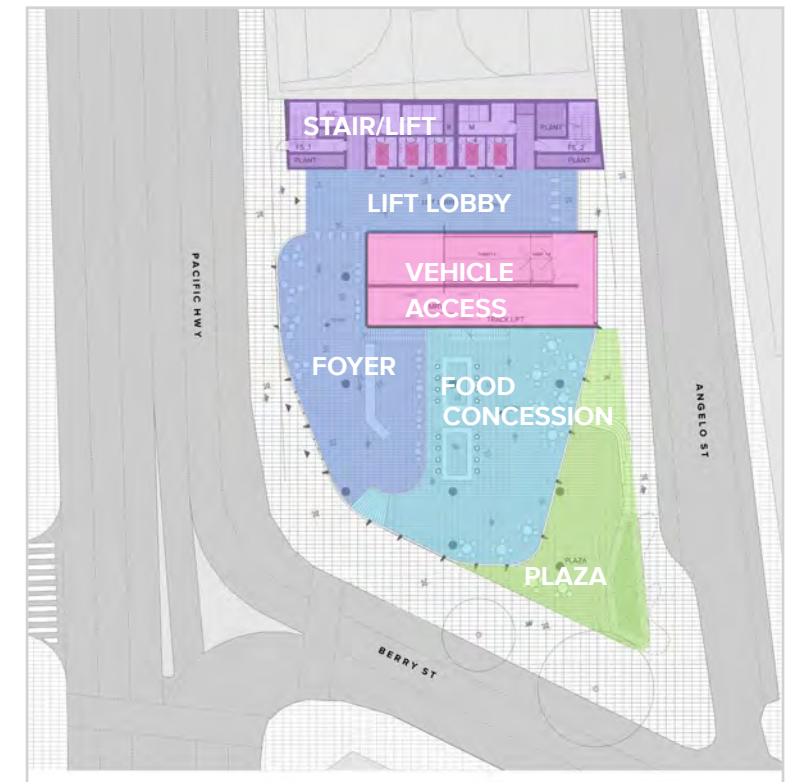
GROUND PLANE ACTIVATION

The proposal provides activation to all street frontages.



STREET ACTIVATION

The proposal arranges an active program to its street frontages. The combination of retail and lobby will provide active usage throughout the course of the day. The Plaza invites the broader public to engage with the building.



GROUND FLOOR USES

The ground floor has been arranged to optimize activation and visibility from outside to inside. The service components, stair/lift core and parking ramp are located to the north of the site, permitting an open layout to the (more visible) south of the site. This configuration permits clear view lines between the foyer, concession area and plaza. The ground floor plan is split/level. The Main building Entry accesses the upper portion and is located on the corner of Pacific Highway and Berry St. The lower section is set at the level of the Plaza.

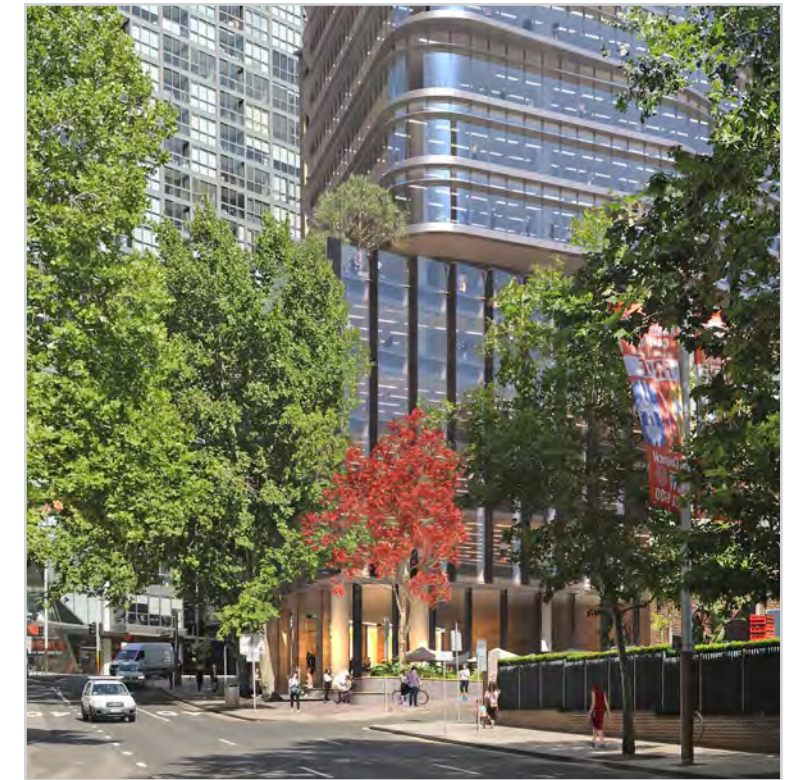
PUBLIC OPEN SPACE

As noted in the North Sydney CBD Public Domain strategy, North Sydney has a dearth of public spaces. The proposal makes available 200sqm of the site for a publicly accessible Plaza. It is proposed that the LEP is amended to add this 200sqm is added to the North Sydney Special Area Sheet CL1_002A



PLAZA DIMENSIONS

200sqm of the site is to be made available as a public open space. The location of this plaza is adjacent to wide area of paving at the junction of Berry and Angelo St. When one includes the area of adjacent footpaths the effective area of the plaza is approximately 450sqm - a considerable small public space. The Plaza enjoys direct sun in the mid to late morning for most of the year. The usability of the space is further extended when one considers the 400sqm food concession area in the base of the tower.



VIBRANT PUBLIC SPACE

The proposed plaza is relatively sheltered from road traffic with much of it well set back from Berry St. The Plaza is intended to be an out-go space for the food and beverage offerings located immediately inside. It enjoys mid to late morning sun throughout the year. It mediates the changes in level of the adjacent footpaths to be fully accessible for all users. It will provide a welcome addition to the public spaces of the North Sydney CBD.

PROPOSED SPECIAL AREA



AERIAL VIEW OF PLAZA



VIEW OF PLAZA FROM SOUTH

NORTH SYDNEY PUBLIC DOMAIN STRATEGY

The North Sydney CBD Public Domain Strategy recognises a need to provide amenity for the 20,000 additional workers that will work in North Sydney CBD by 2036. In particular it notes that the new Victoria Cross Station (150m from the site) will be one of the main arrival points of these workers. The document identifies a need for more public space within the CBD.

The specific section on Berry Street notes: *“Berry St has strong potential to become a pleasant, green and sunlit boulevard with upgraded footpaths, awnings, outdoor dining, new squares and new architecture with the redevelopment of the Ward Street Precinct and the opening of the new Metro Station.”*

The proposed Special Area/plaza will increase the amenity of Berry St by providing an outdoor space with good amenity in line with the goals of the North Sydney Public Domain Strategy. It is noted that the immediate area near the Pacific Highway is particularly lacking in public outdoor spaces.



PLACEMAKING VISION - NORTH SYDNEY PUBLIC DOMAIN STRATEGY

YIELD SUMMARY

Total GFA	22,7500 sqm
Site Area	1,391 sqm
Floor Space Ratio	16.35:1
Maximum Height	102 m
Office parking	57 spaces
Bicycle parking	151



SHADOWING ANALYSIS 07

SHADOWING

BERRY ST SPECIAL AREA

The following section examines the affect of the proposal on the North Sydney Special Areas. The proposal only affects the Berry St Special Area and avoids shadowing the Miller St and Don Bank Special areas. The proposal has been developed to minimise shadowing to the Berry St Special Area, with little or no difference to the shadowing in the mid-winter months of May - July. The proposal's main affect to the Berry St Special Area is in the months close to the equinoxes.

The sun-eye diagrams show the additional shadowing to the foyer of 177 Pacific Highway. These diagrams show that there is little difference to the overshadowing of this space in the mid winter months May-July.

PROPOSED SPECIAL AREA

This application proposes to add the proposed plaza to the North Sydney Special area. Our calculations demonstrate that including the plaza as part of the North Sydney Special Areas would lead to a considerable net increase in solar hours equating to an increase in 14% more sun-hours overall.

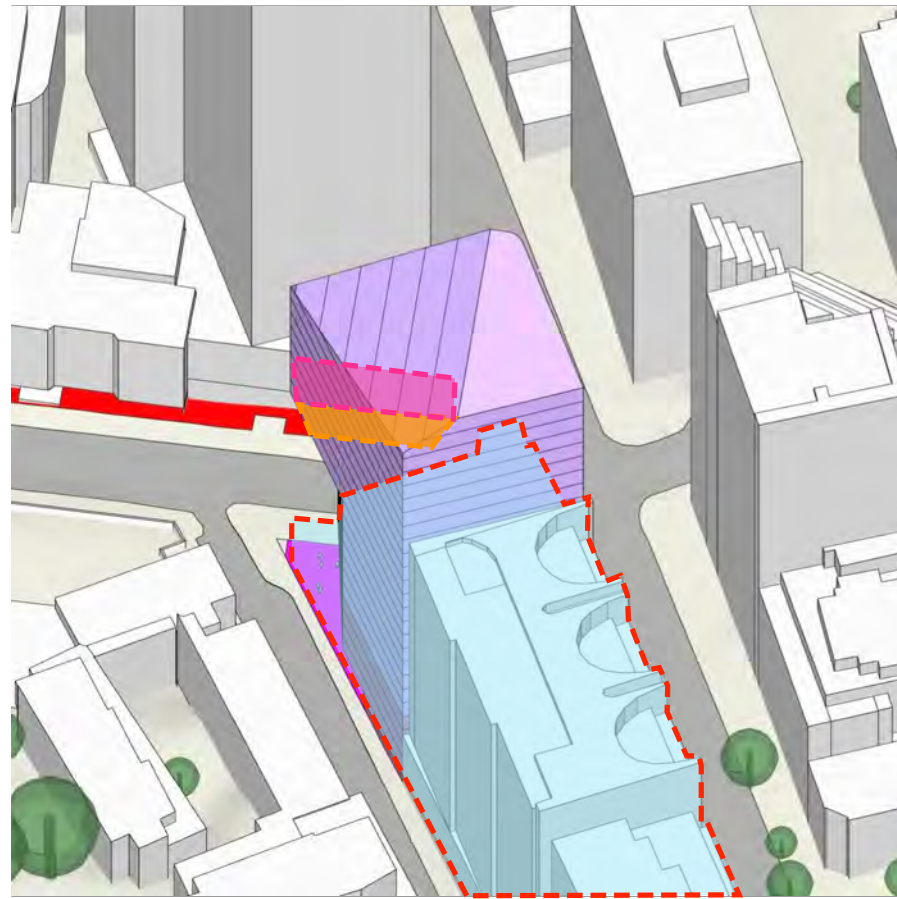
The Shadow Diagrams demonstrate that the proposed Special Area receives a substantial amount of morning to lunchtime sun throughout the period between the March and September equinoxes. When one also considers the adjacent footpath - which will form part of the overall public space - it is clear that the proposed special area will have a good level of solar amenity.

MONT SANT'ANGELO MERCY COLLEGE

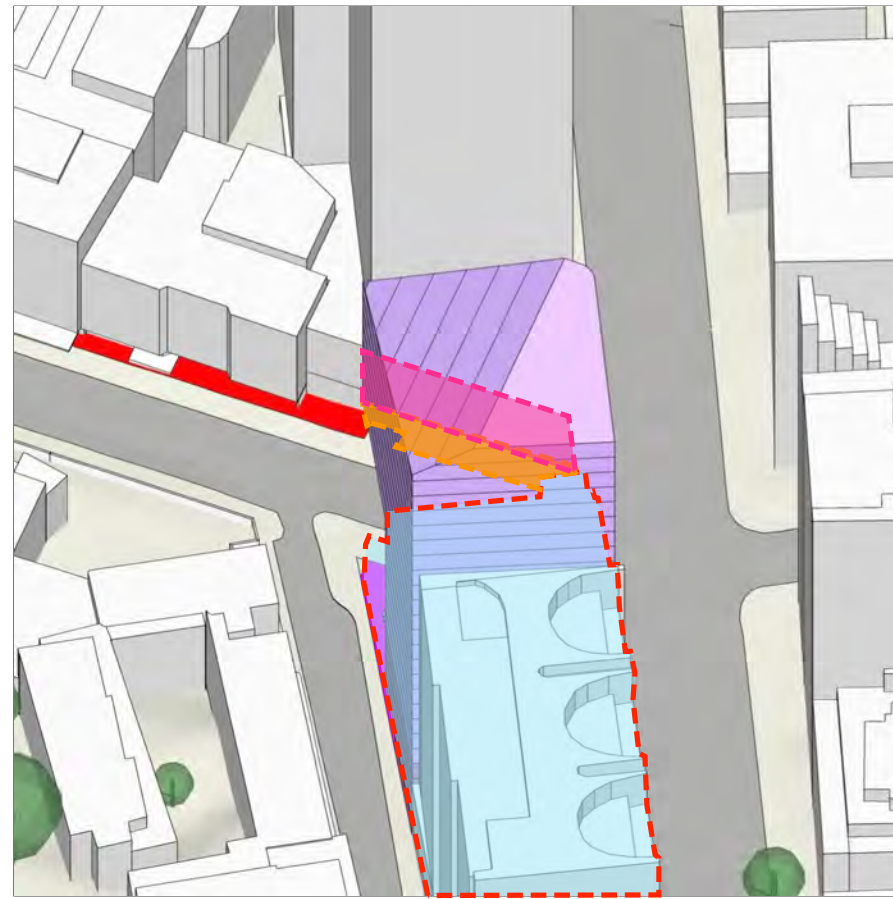
Mont Sant'Angelo Mercy College has an LEP Height limit of 16m. The shadowing analysis of the proposed Special Area shows the shadowing effect of the 16m height plane. The analysis demonstrates that a 16m building located anywhere on the Mont Sant'Angelo site would not overshadow the proposed Special Area from 12pm-2pm between the March and September equinoxes. Any future development on the Mont Sant'Angelo would only have a minor shadowing impact earlier in the morning during some months.

The proposed Special Area will not compromise the development of the Mont Sant'Angelo Mercy College under the current LEP controls

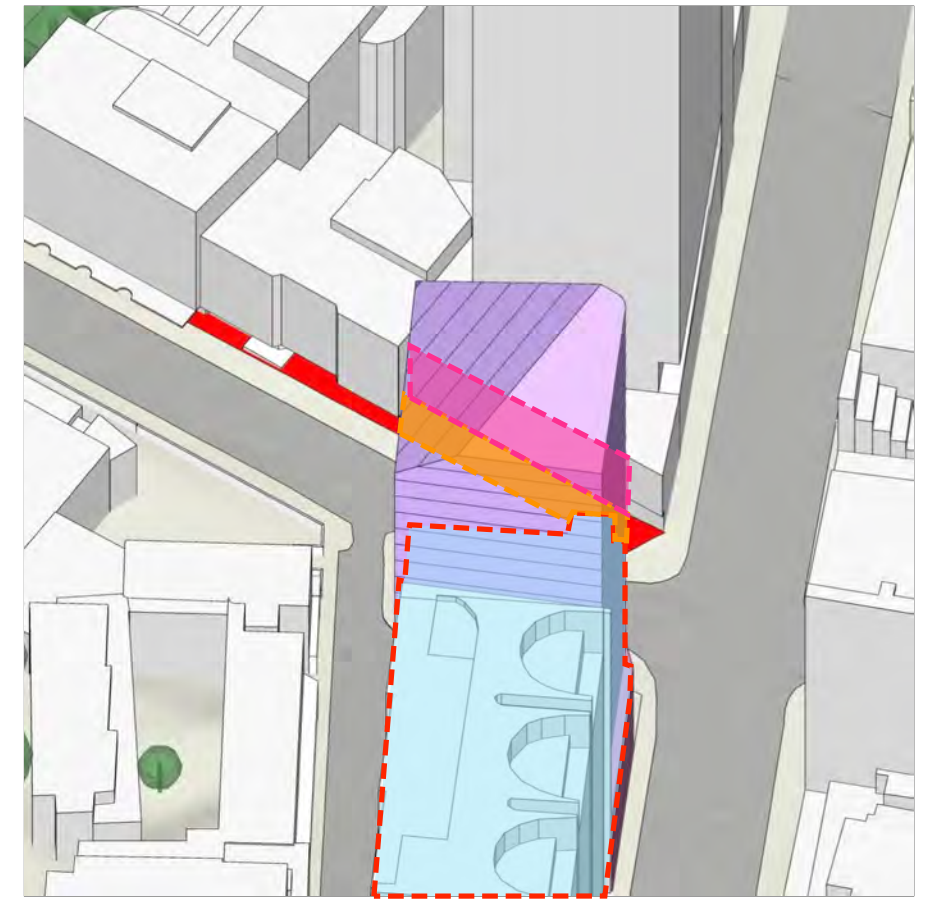
20 BERRY STREET URBAN DESIGN STRATEGY



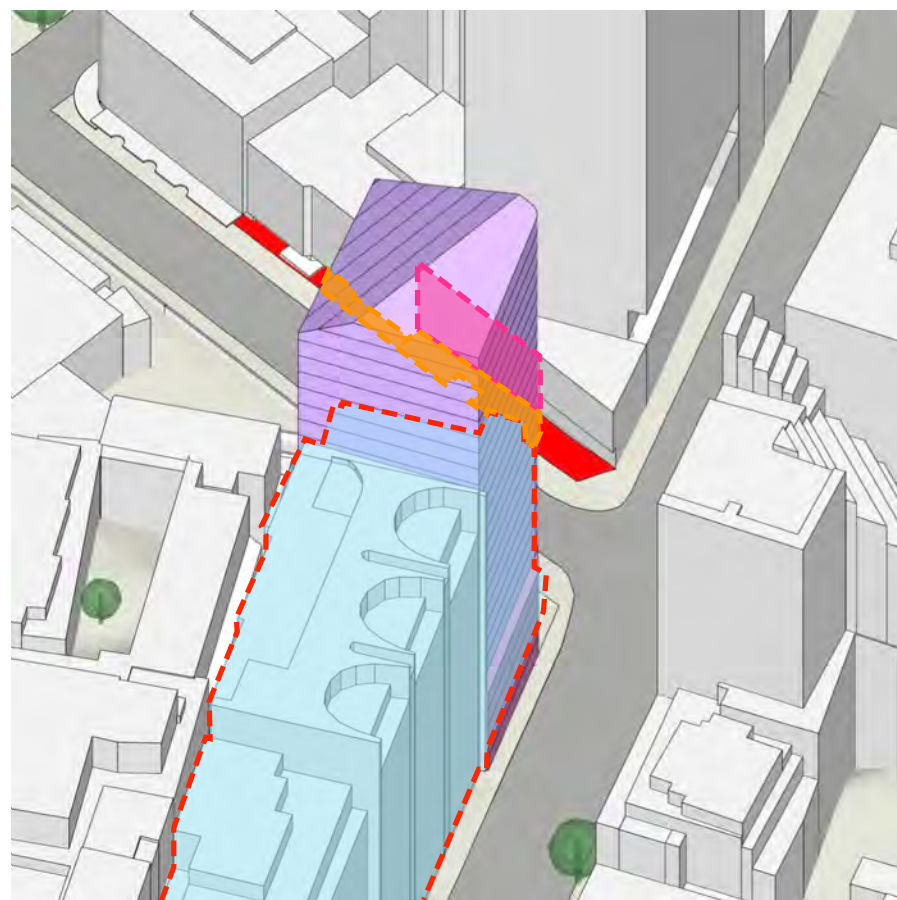
12.00pm



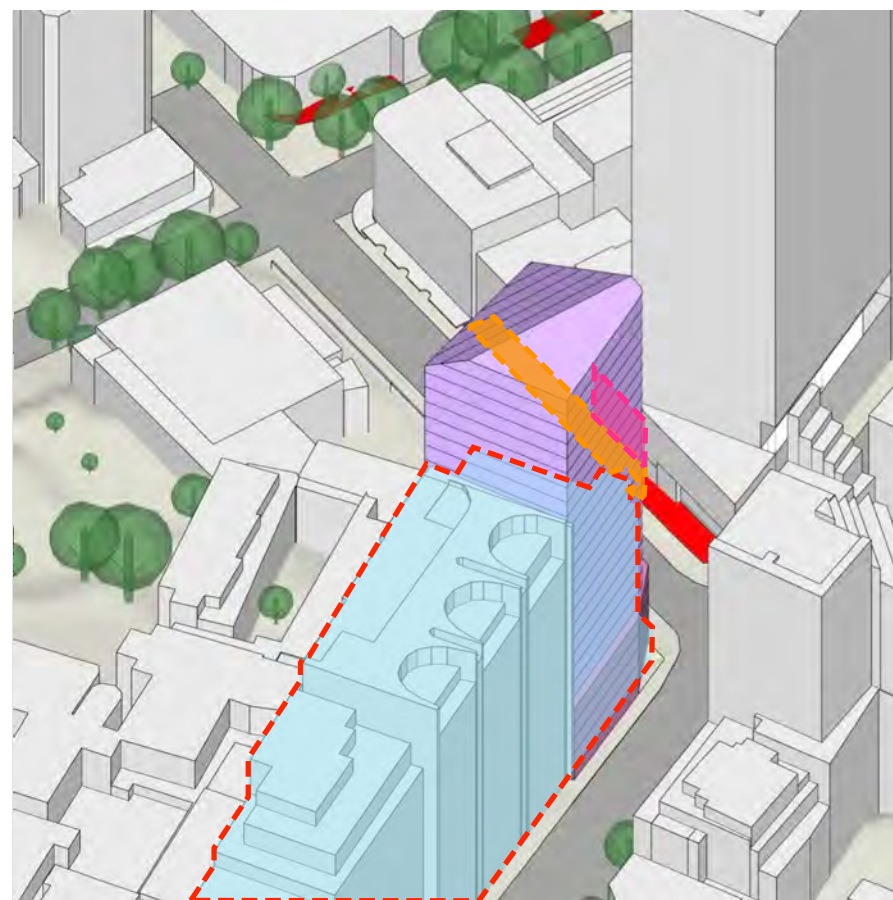
12.30pm






1.00pm



1.30pm

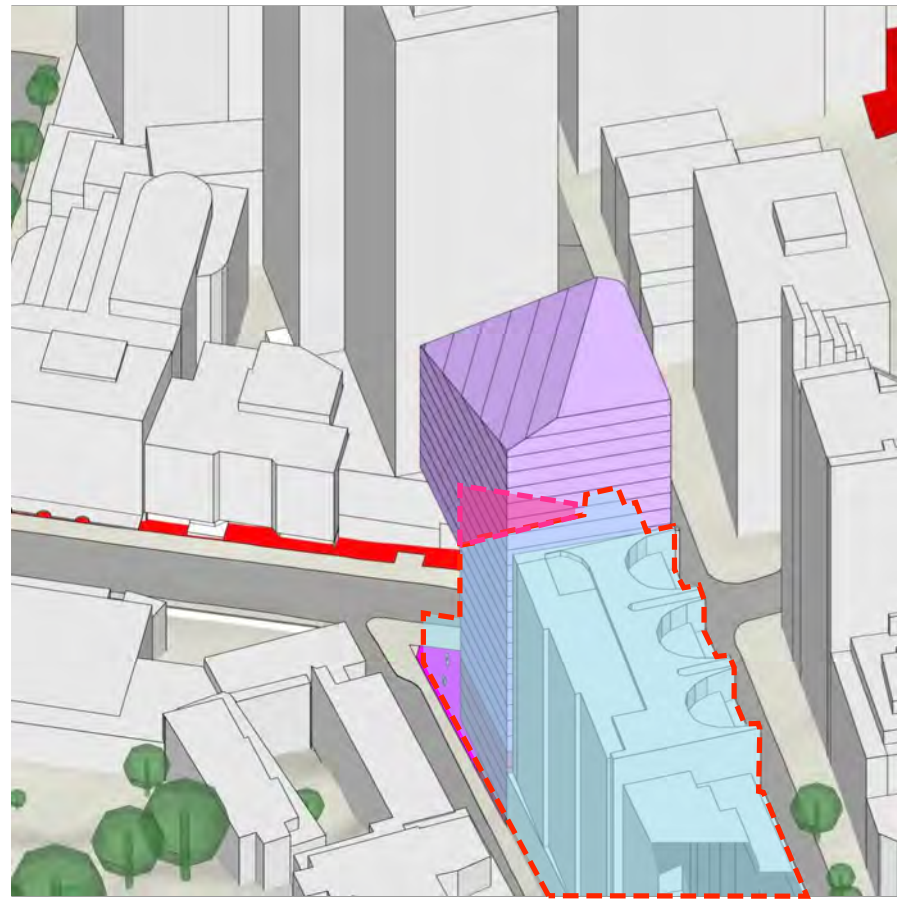


2.00pm

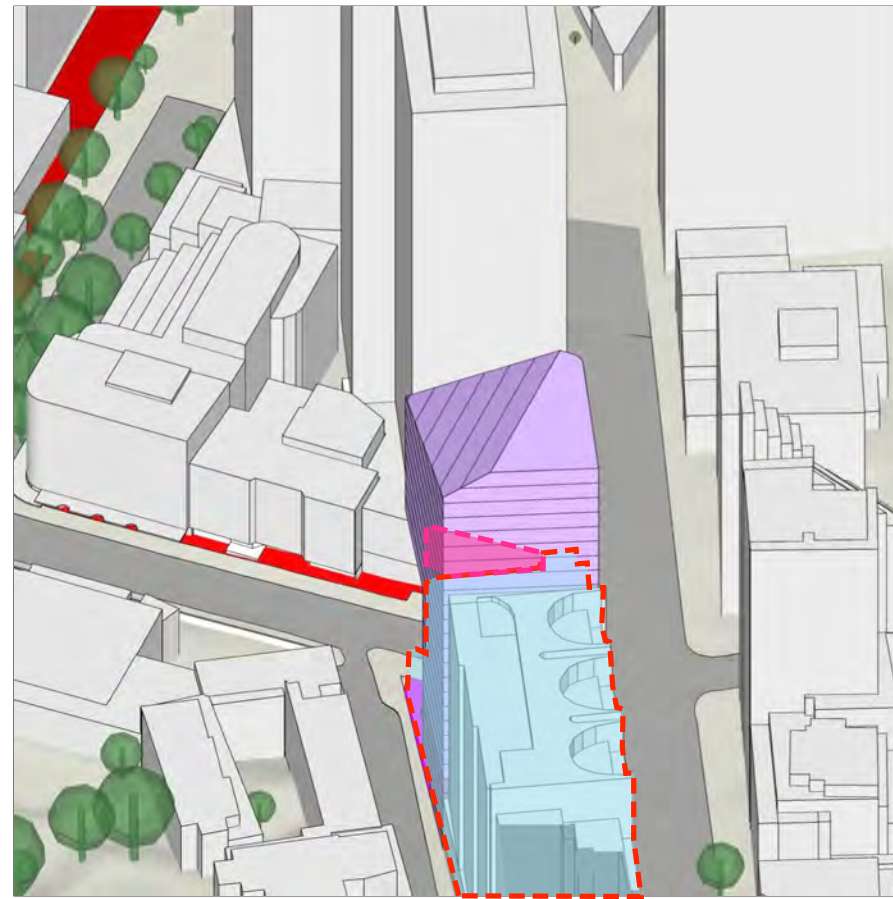
-  Indicates area of additional shadowing to foyer 177 Pacific Hwy
-  Indicates area of additional shadowing to Berry St Special Area Mar21-Sep21
-  Indicates outline of existing buildings

MARCH 21st

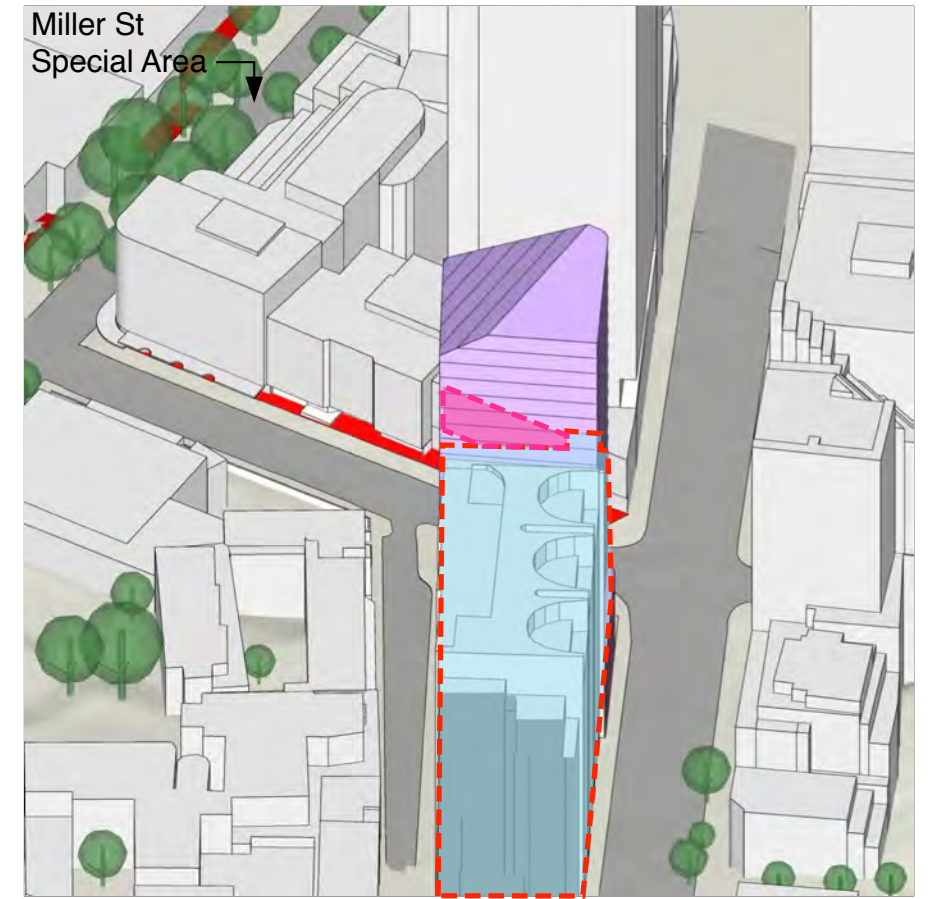
20 BERRY STREET URBAN DESIGN STRATEGY



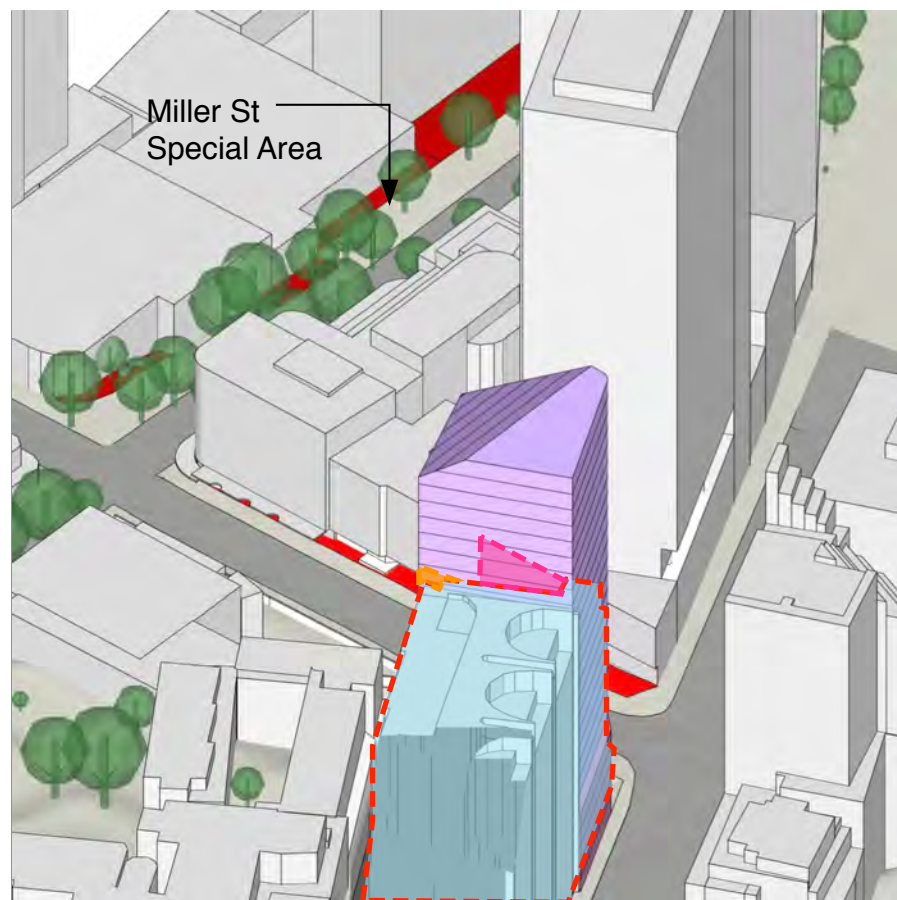
12.00pm



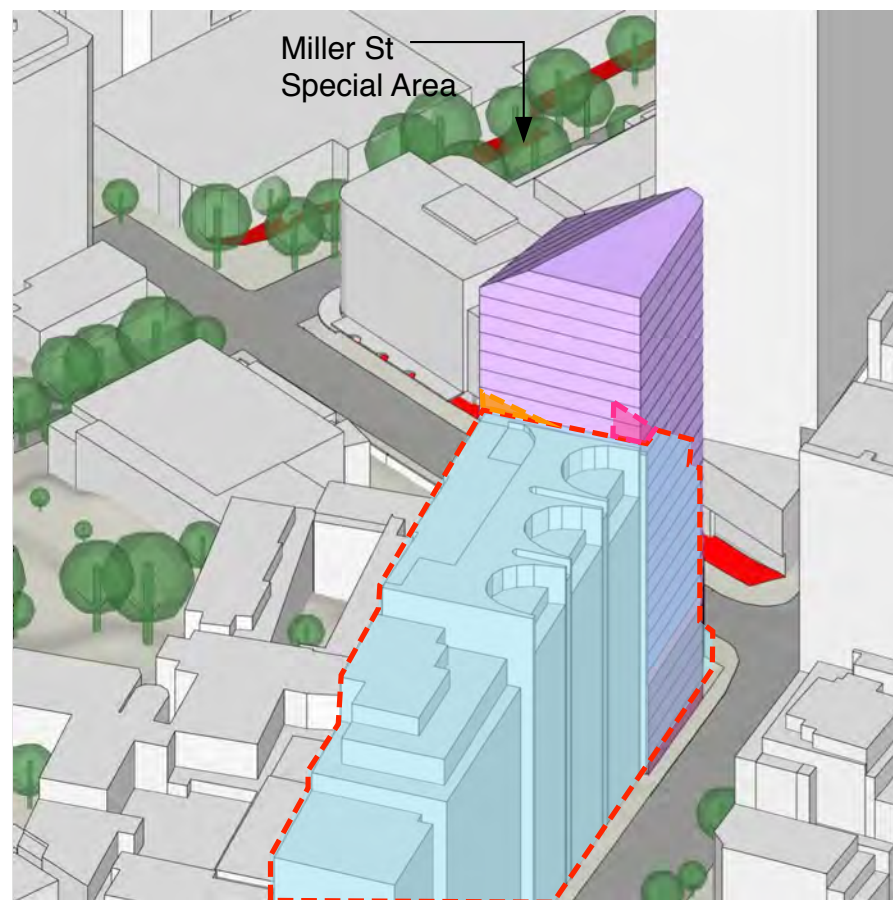
12.30pm






1.00pm



1.30pm

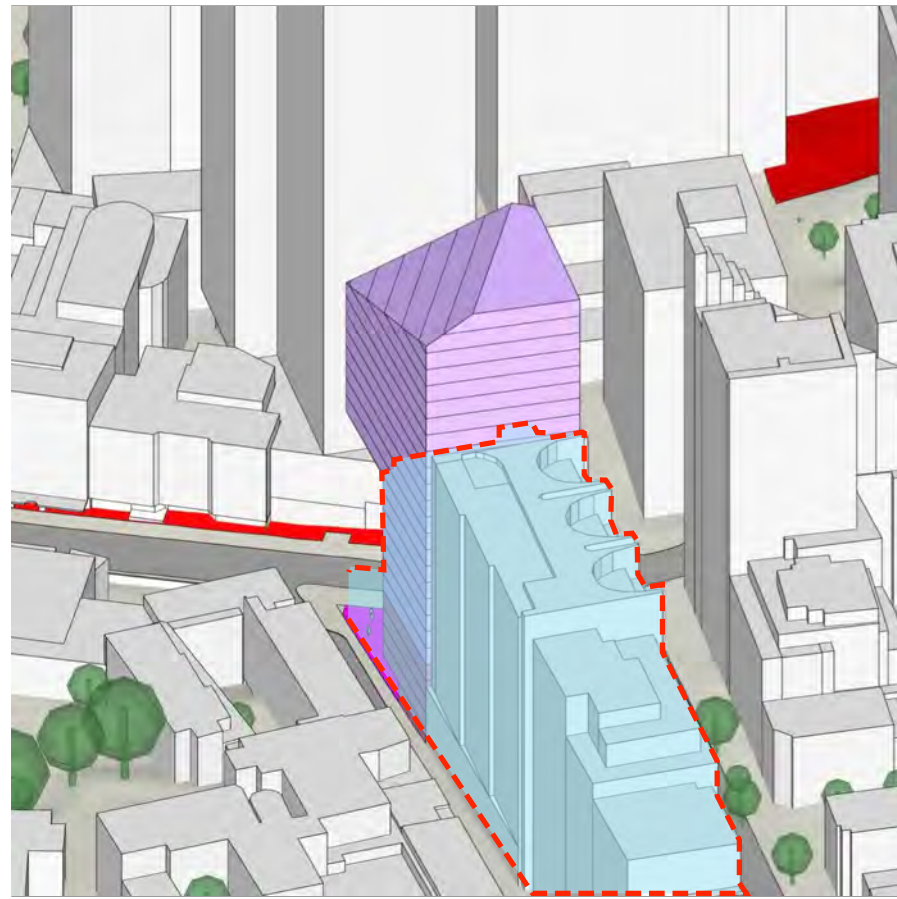


2.00pm

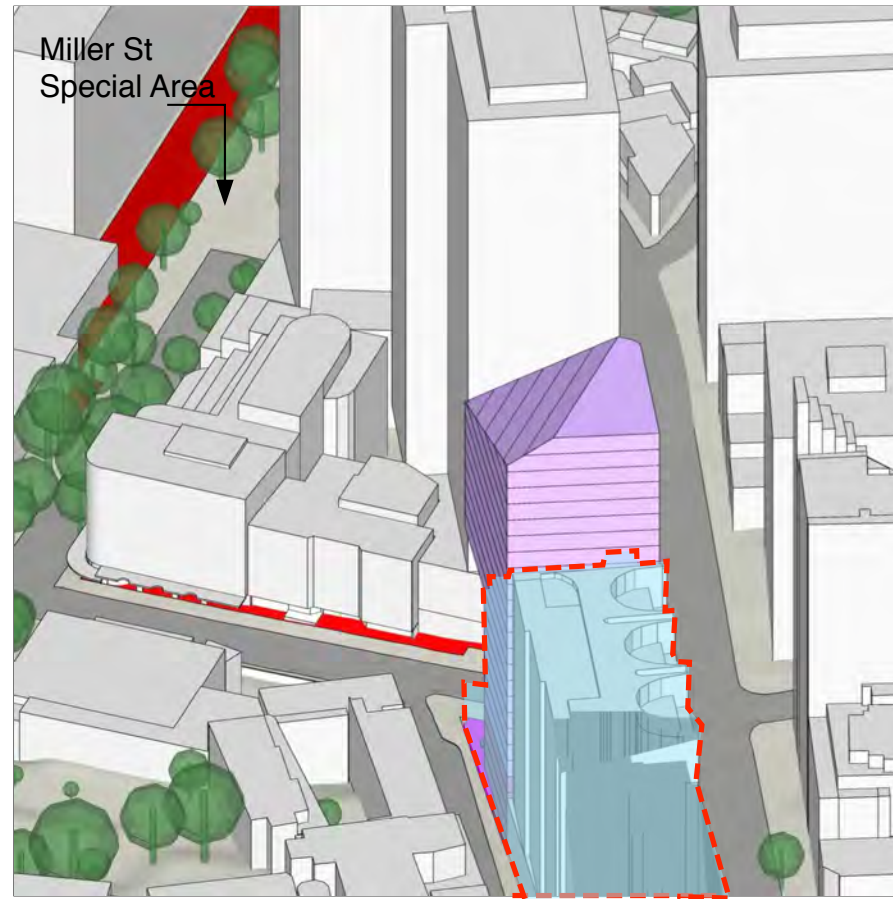
-  Indicates area of additional shadowing to foyer 177 Pacific Hwy
-  Indicates area of additional shadowing to Berry St Special Area Mar21-Sep21
-  Indicates outline of existing buildings

APRIL 21st

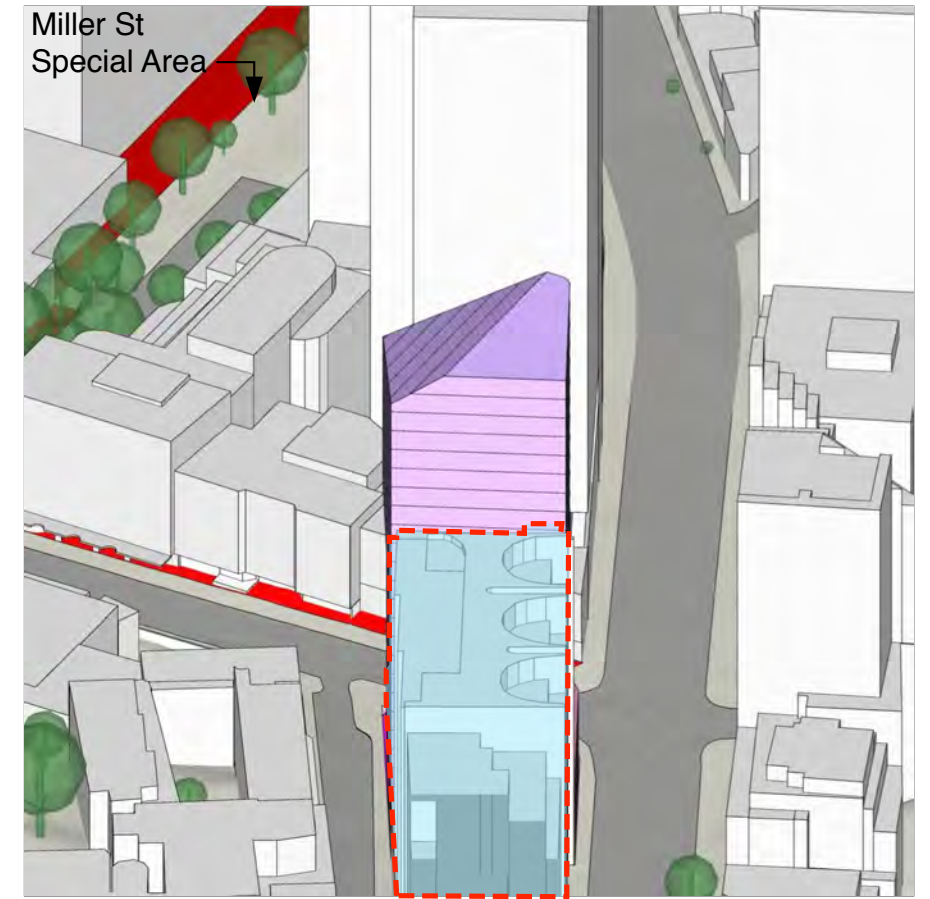
20 BERRY STREET URBAN DESIGN STRATEGY



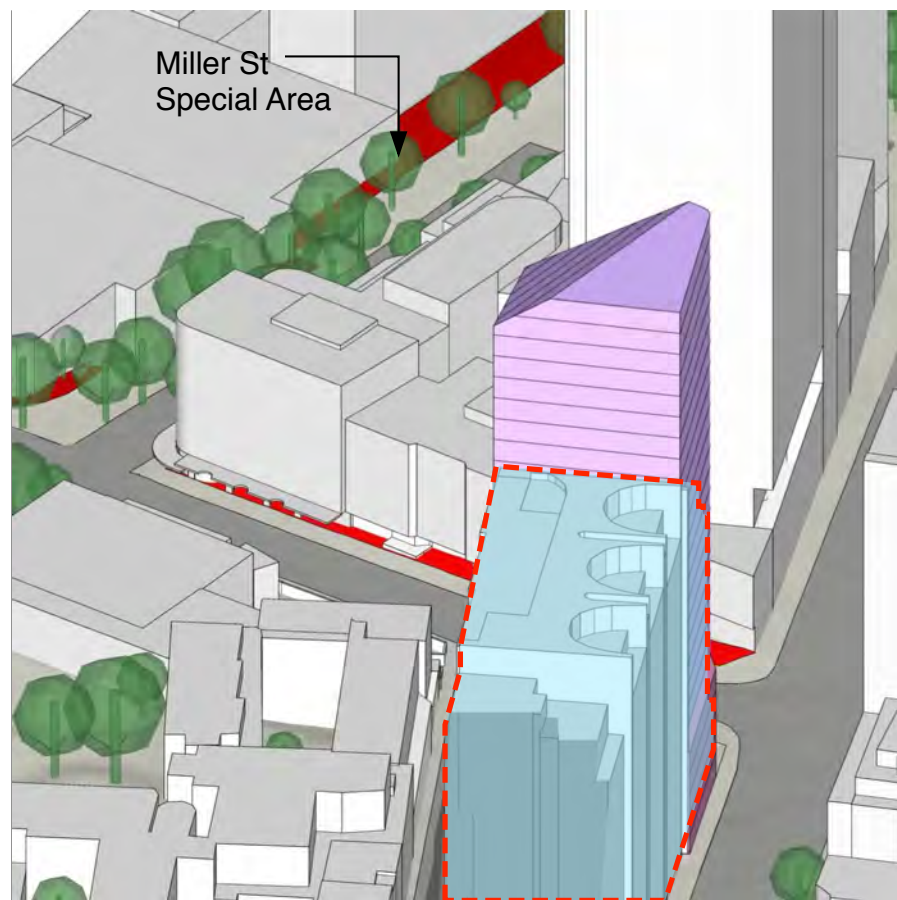
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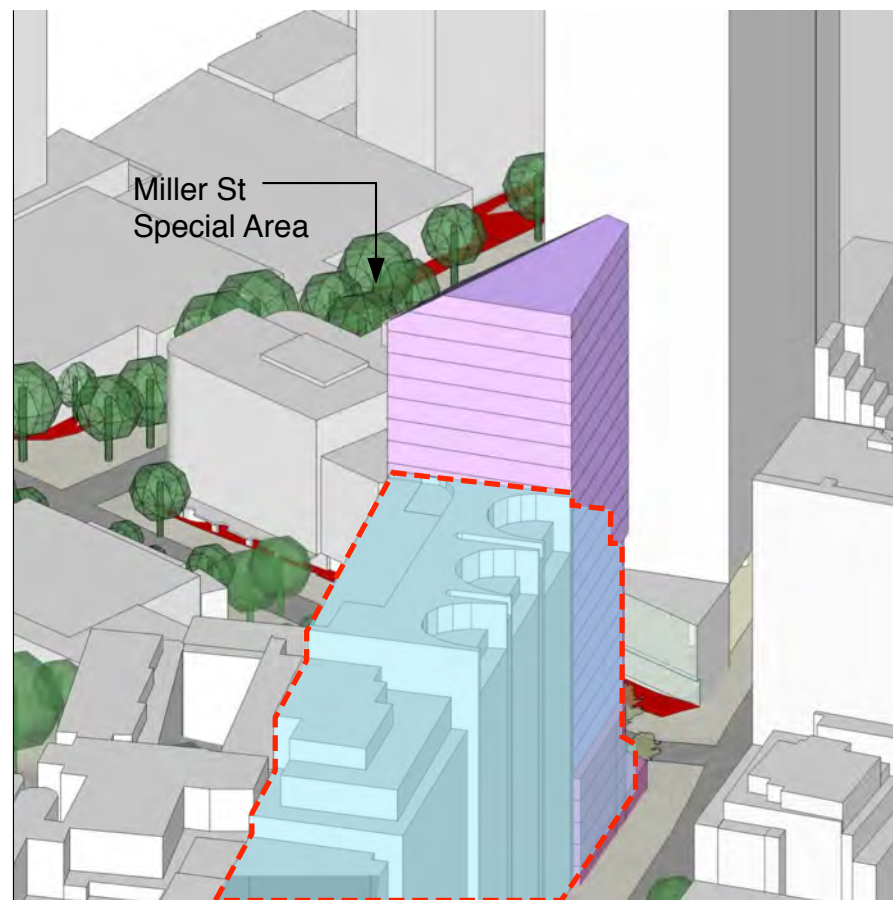
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1.00pm



1.30pm



2.00pm

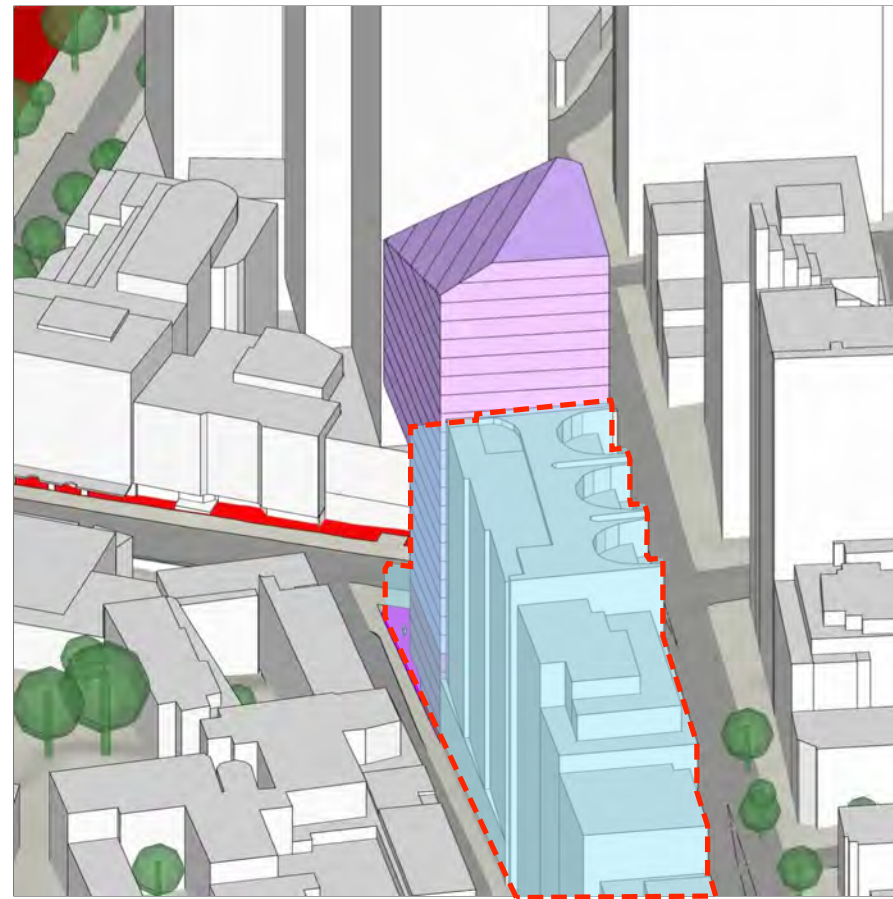
-  Indicates area of additional shadowing to foyer 177 Pacific Hwy
-  Indicates area of additional shadowing to Berry St Special Area Mar21-Sep21
-  Indicates outline of existing buildings

MAY 21st

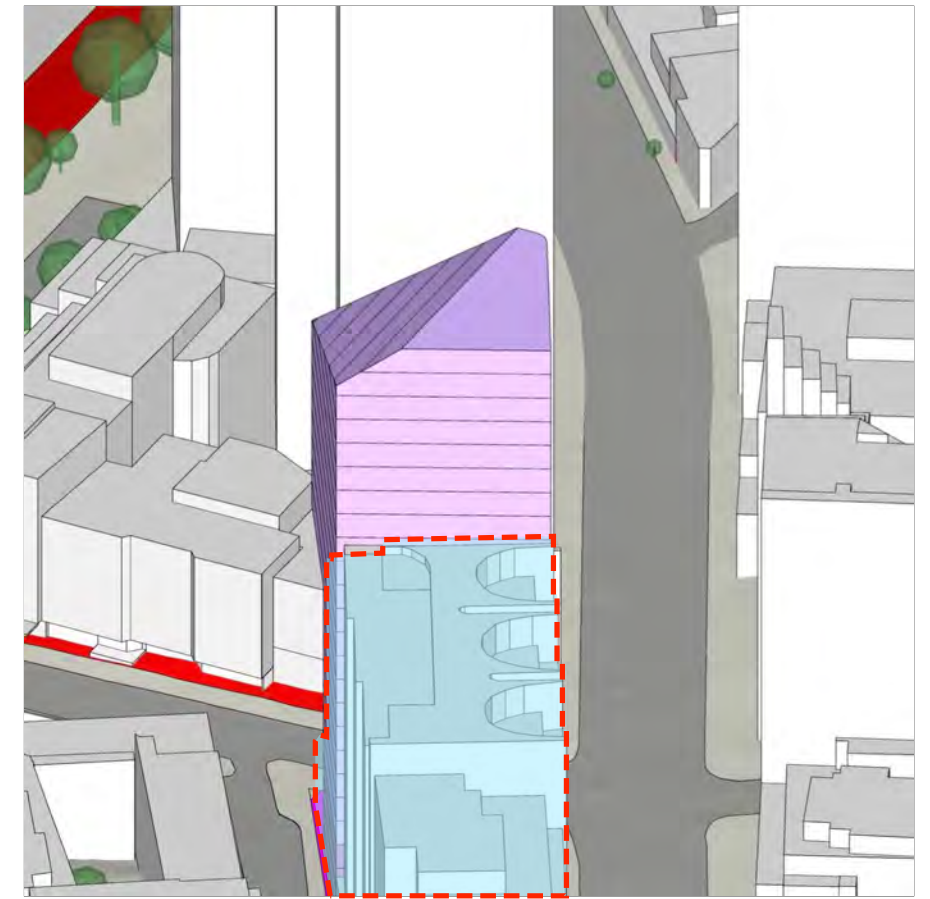
20 BERRY STREET URBAN DESIGN STRATEGY



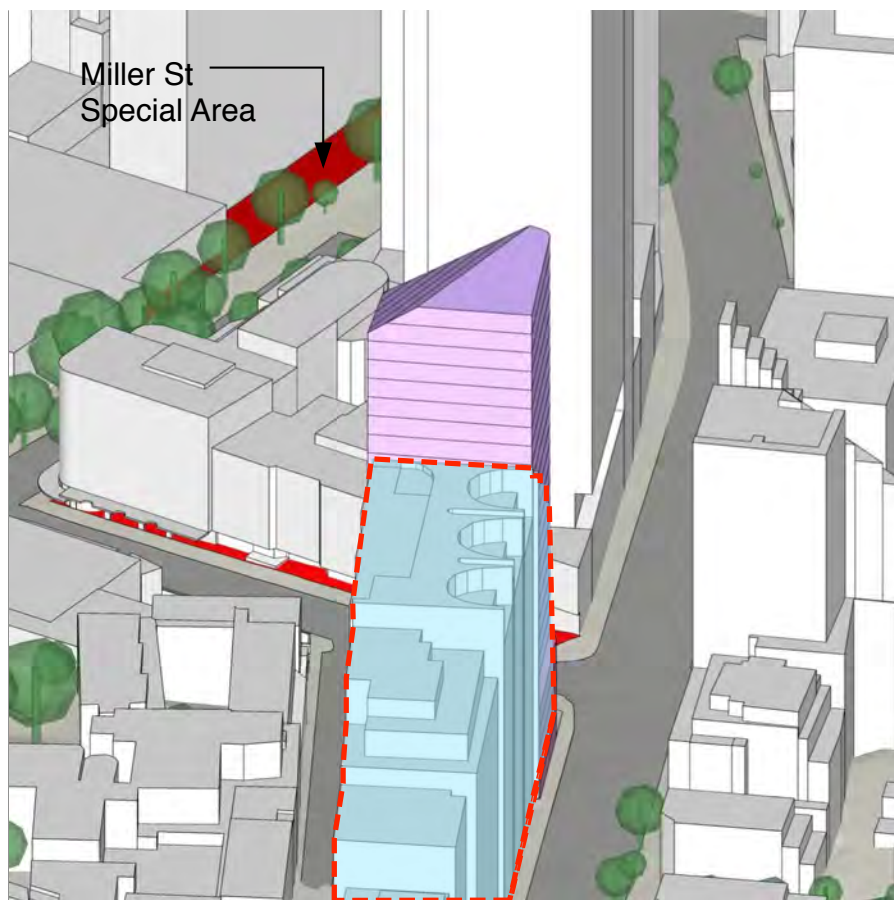
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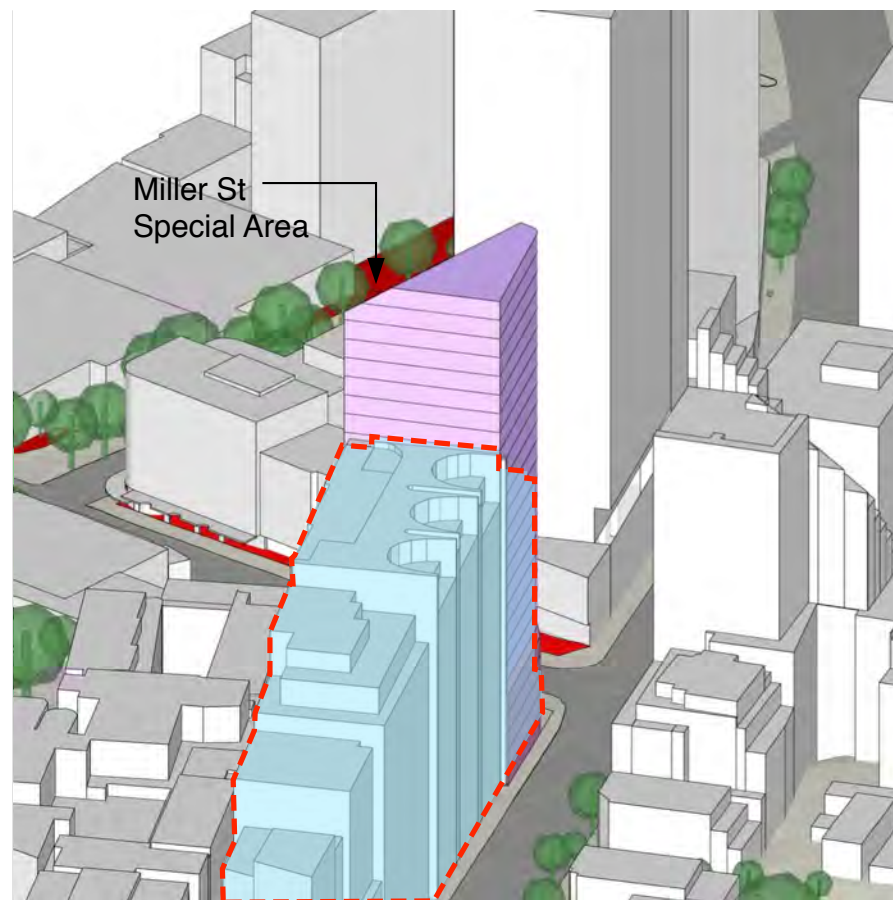
12.30pm






1.00pm



1.30pm



2.00pm

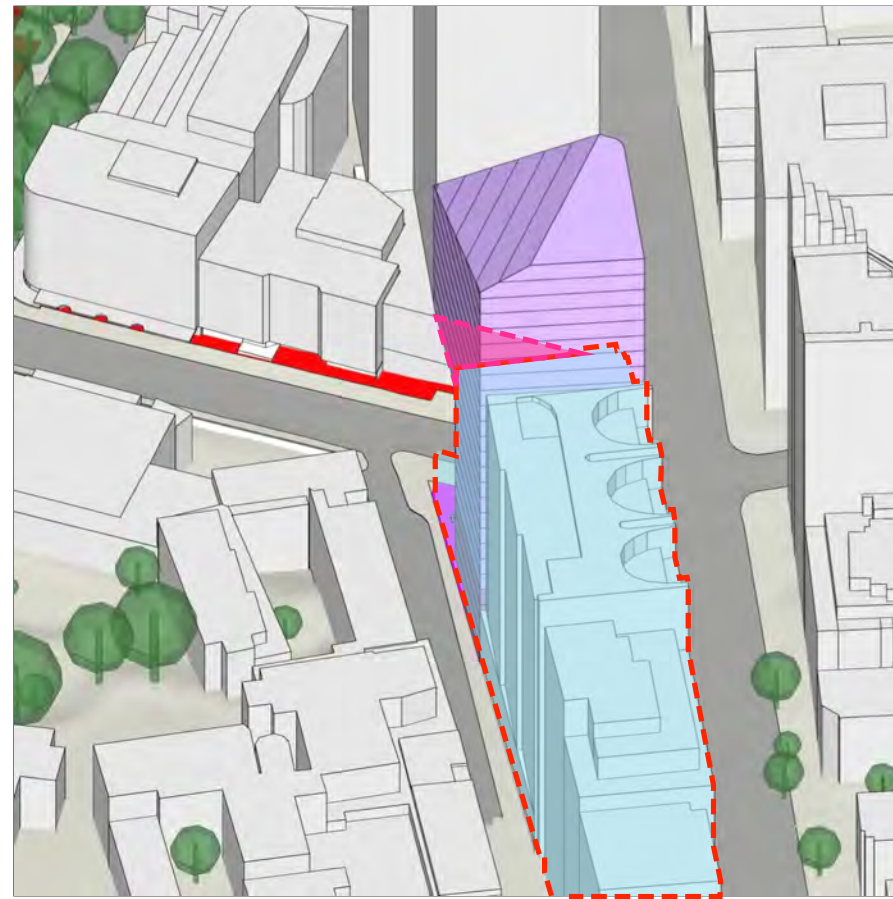
-  Indicates area of additional shadowing to foyer 177 Pacific Hwy
-  Indicates area of additional shadowing to Berry St Special Area Mar21-Sep21
-  Indicates outline of existing buildings

JUNE 21st

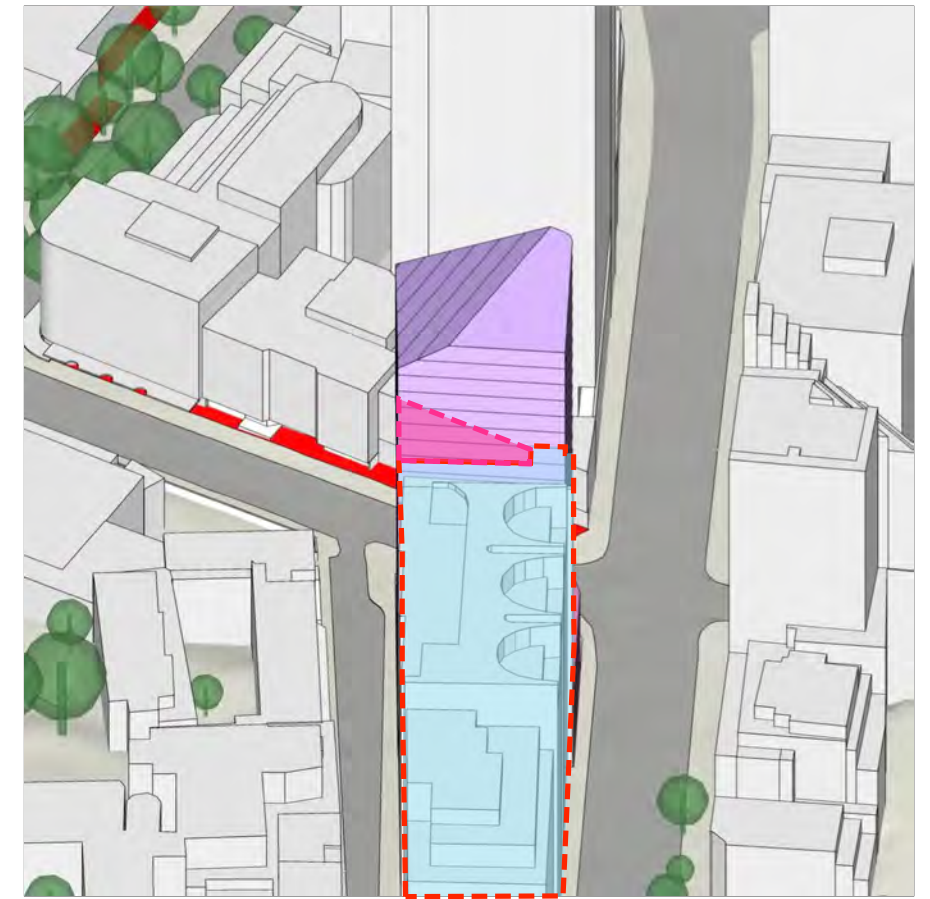
20 BERRY STREET URBAN DESIGN STRATEGY



12.00pm



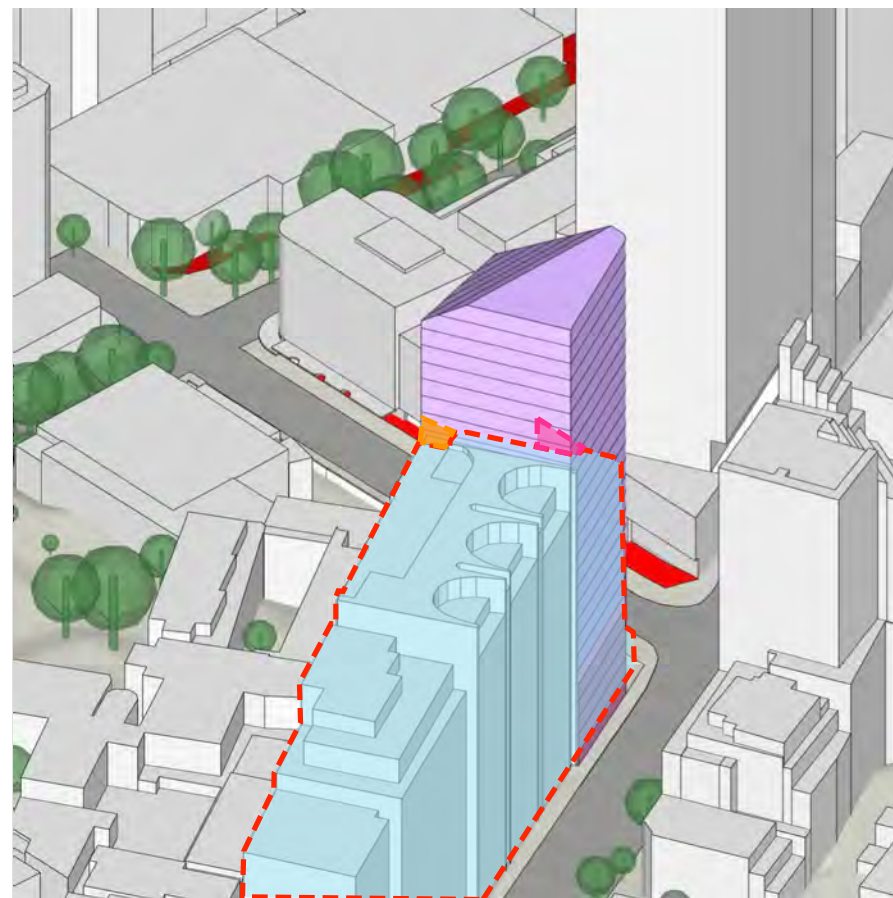
12.30pm






1.00pm



1.30pm



2.00pm

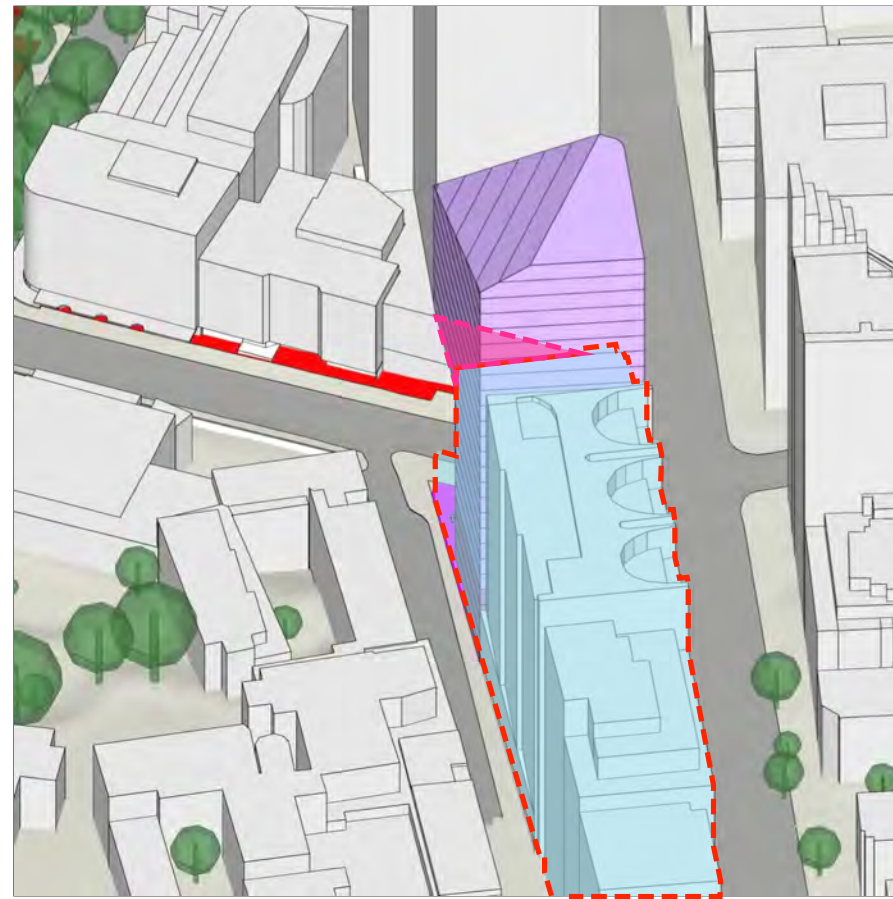
-  Indicates area of additional shadowing to foyer 177 Pacific Hwy
-  Indicates area of additional shadowing to Berry St Special Area Mar21-Sep21
-  Indicates outline of existing buildings

JULY 21st

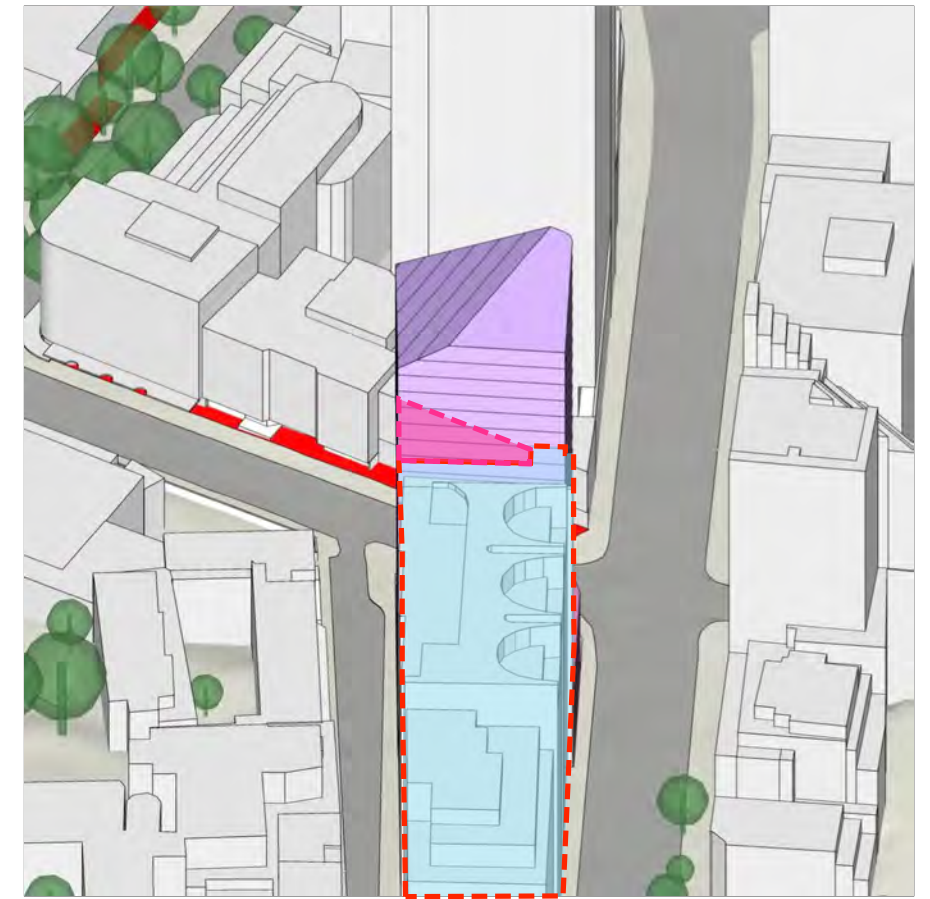
20 BERRY STREET URBAN DESIGN STRATEGY



12.00pm



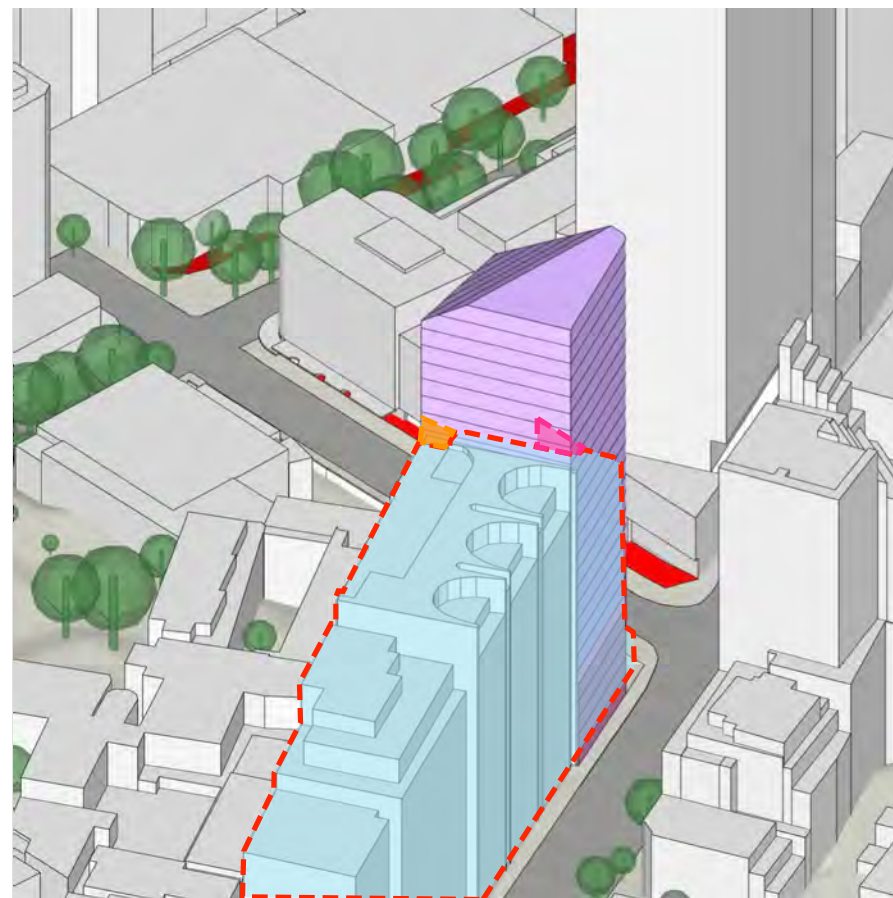
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1.00pm



1.30pm

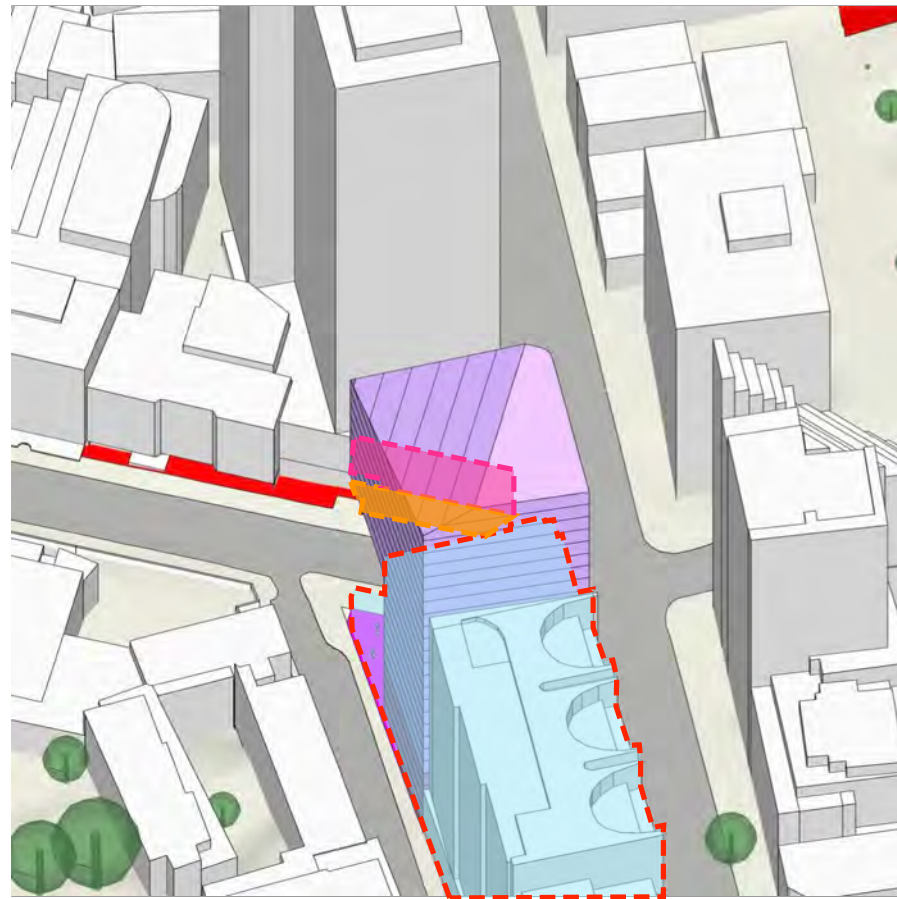


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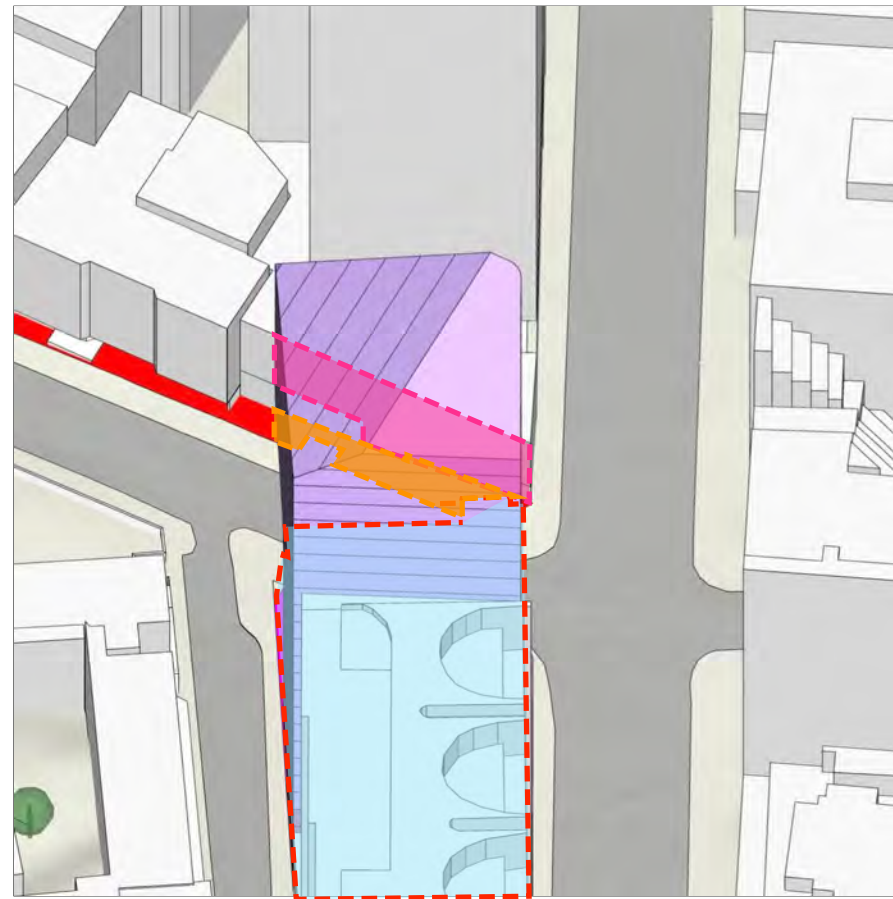
-  Indicates area of additional shadowing to foyer 177 Pacific Hwy
-  Indicates area of additional shadowing to Berry St Special Area Mar21-Sep21
-  Indicates outline of existing buildings

AUGUST 21st

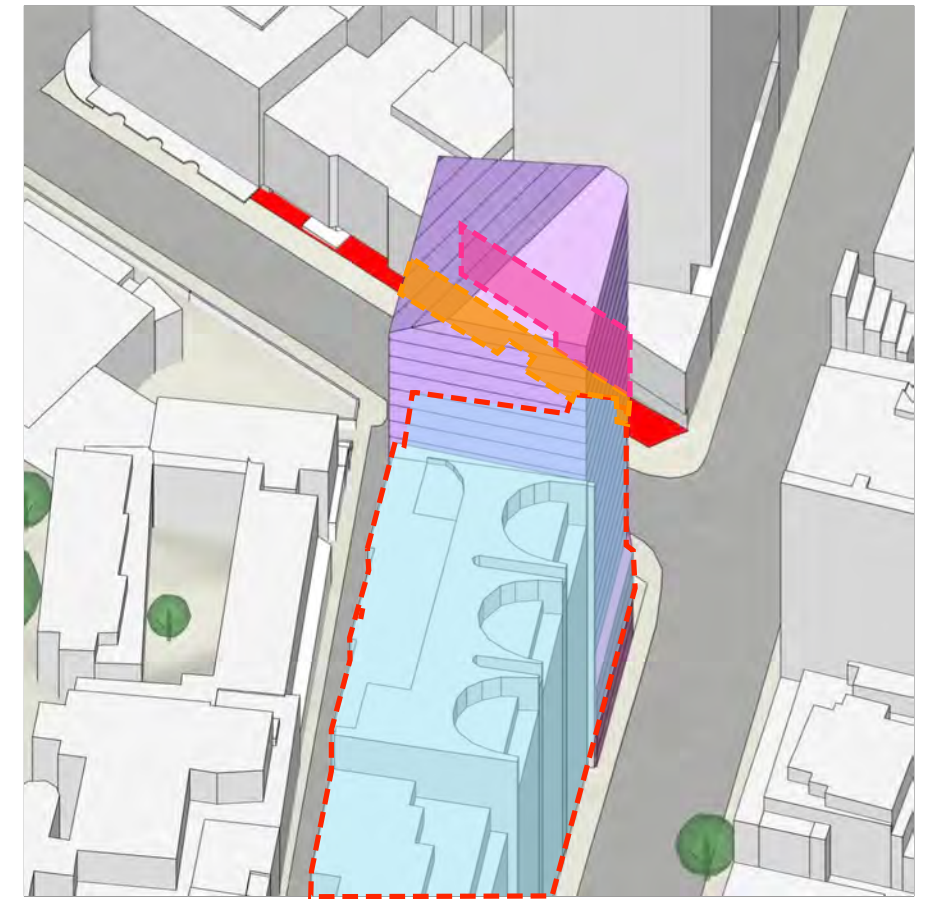
20 BERRY STREET URBAN DESIGN STRATEGY



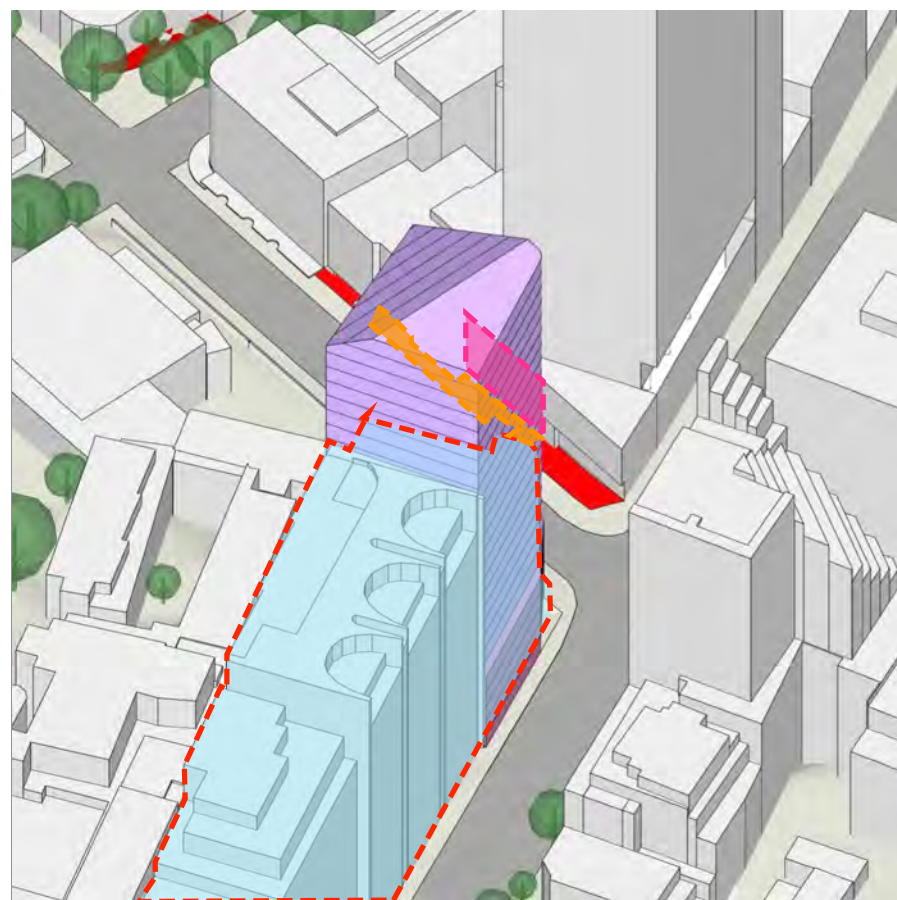
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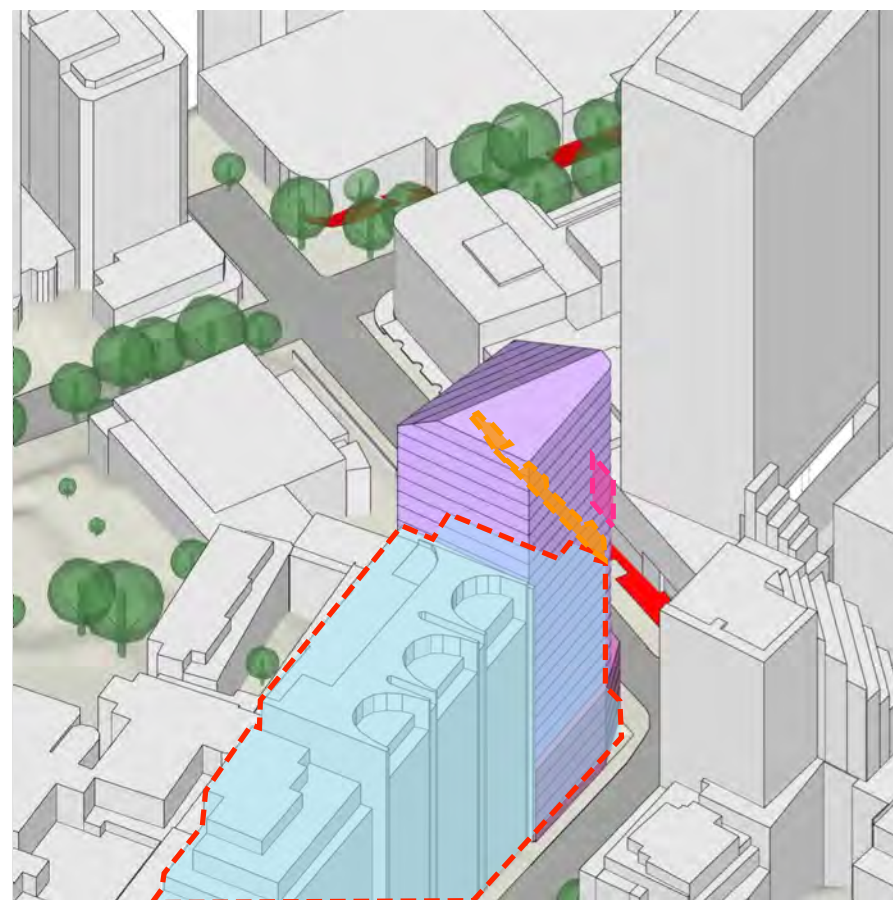
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1.00pm



1.30pm

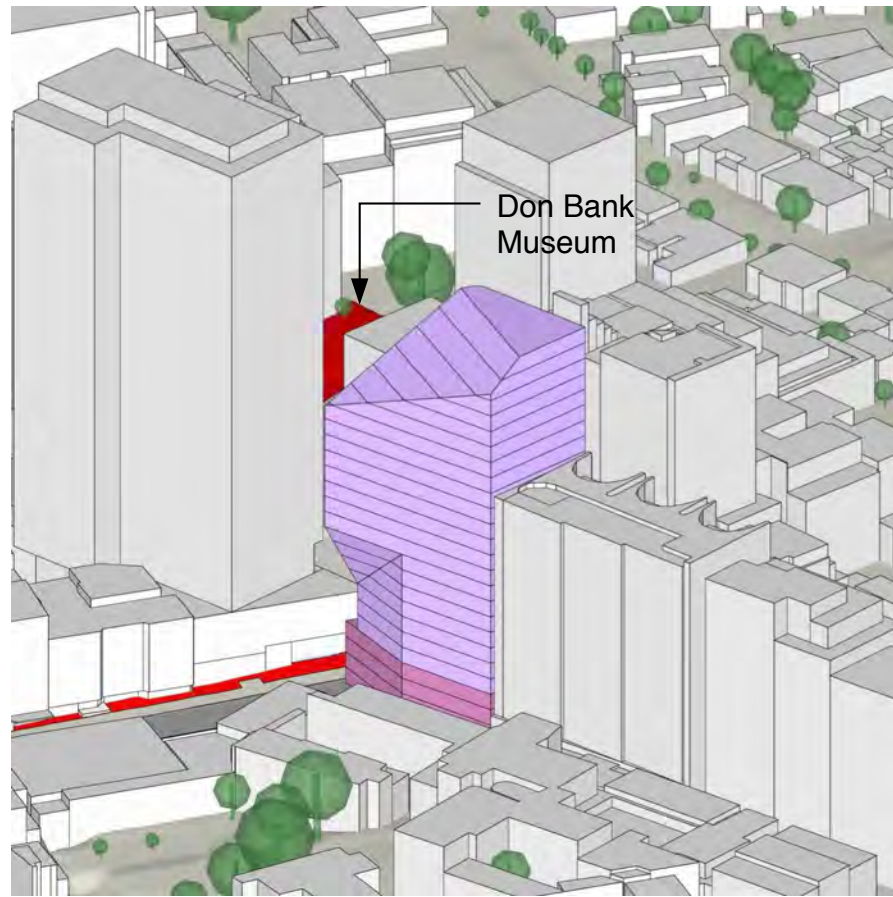


2.00pm

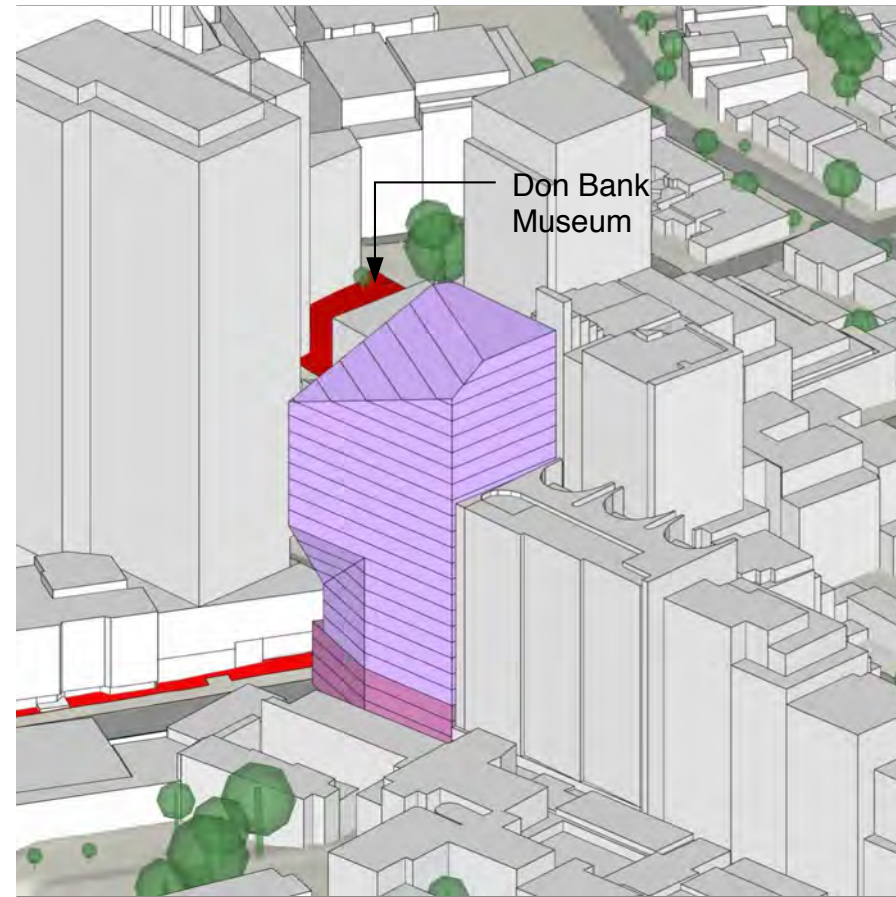
-  Indicates area of additional shadowing to foyer 177 Pacific Hwy
-  Indicates area of additional shadowing to Berry St Special Area Mar21-Sep21
-  Indicates outline of existing buildings

SEPTEMBER 21st

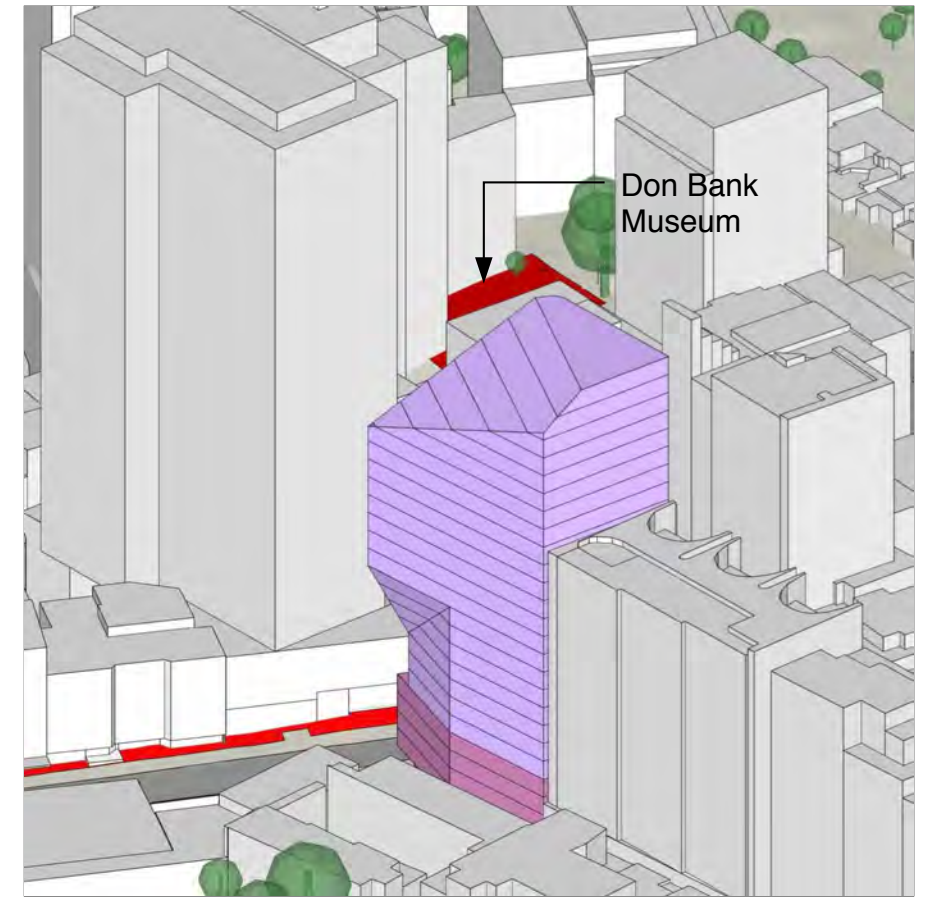
20 BERRY STREET URBAN DESIGN STRATEGY



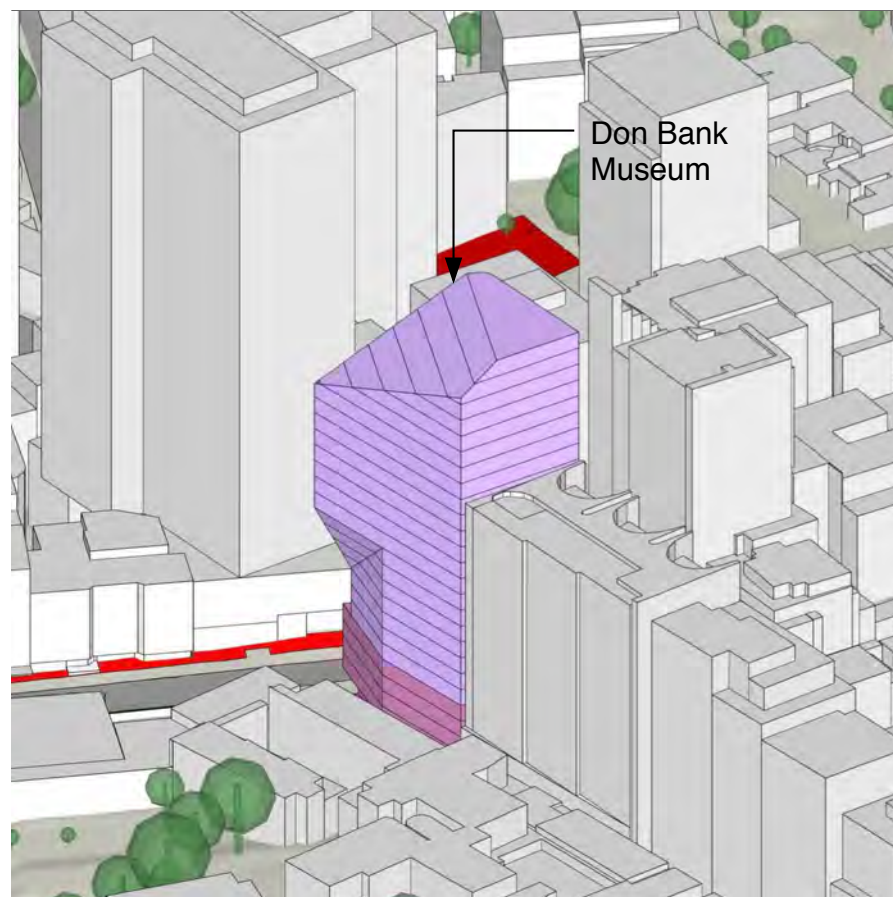
10.00am



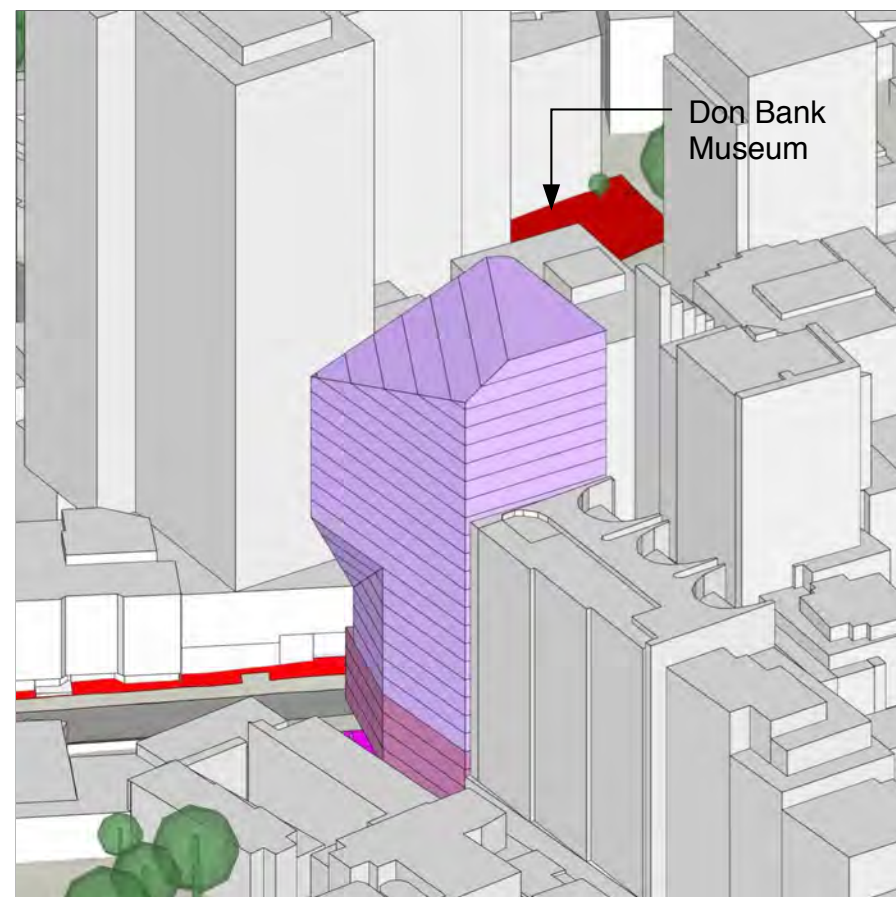
10.15am



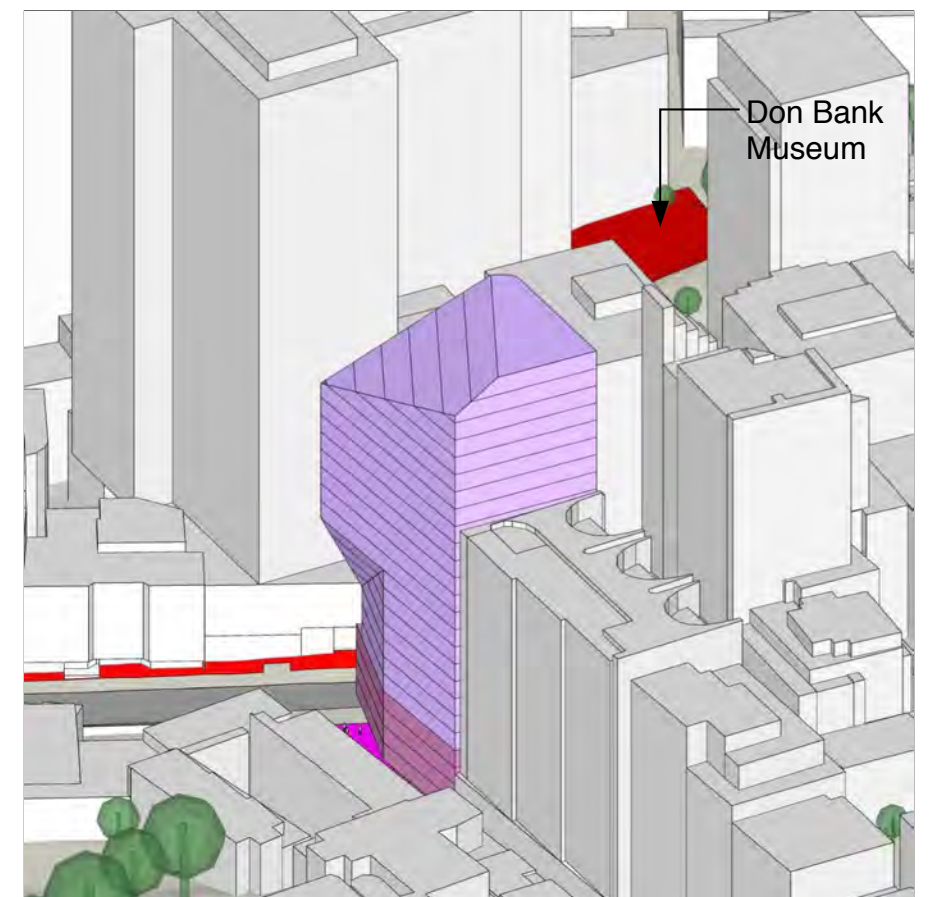
10.30am



10.45am

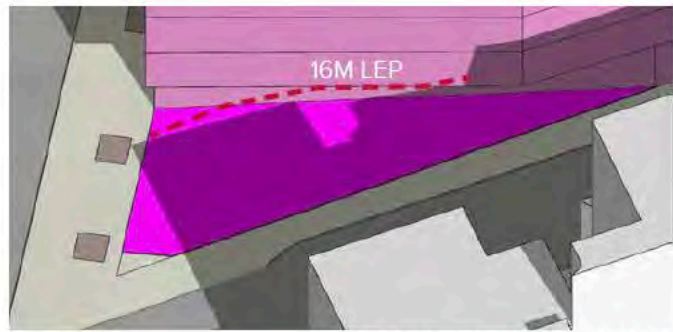


11.00am



11.15am

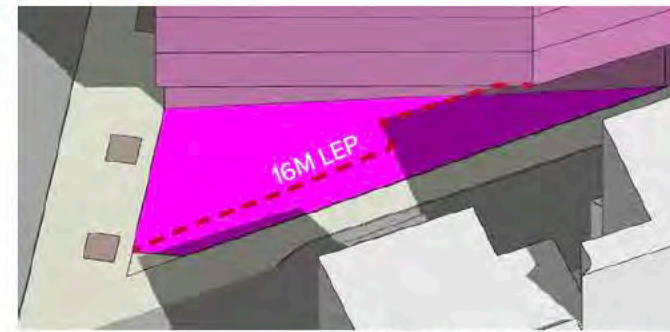
20 BERRY STREET URBAN DESIGN STRATEGY



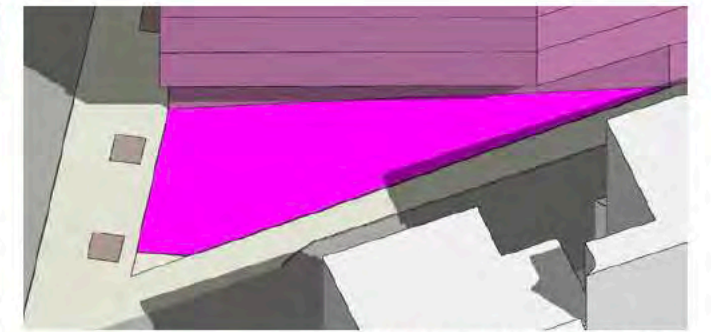
March 21st 09.00am



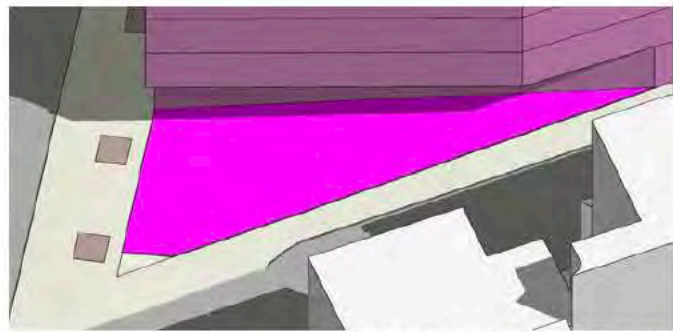
March 21st 09.30am



March 21st 10.00am



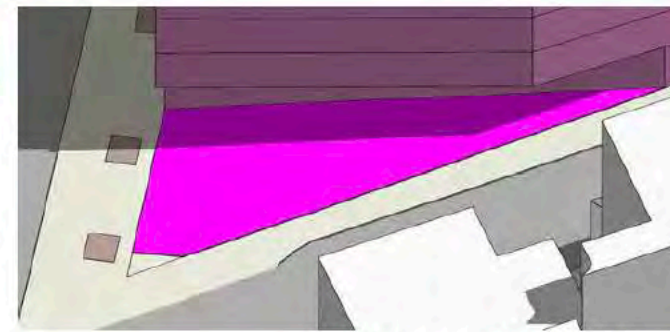
March 21st 10.30am



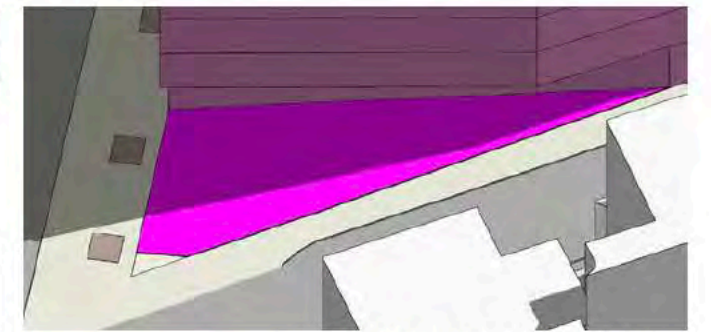
March 21st 11.00am



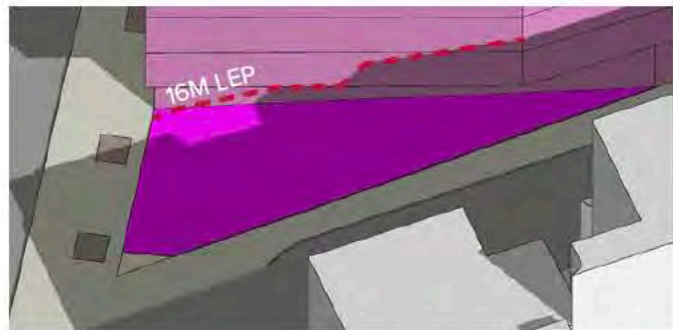
March 21st 11.30am



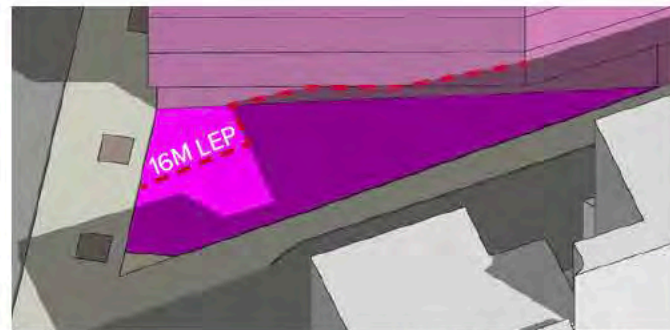
March 21st 12.00pm



March 21st 12.30pm



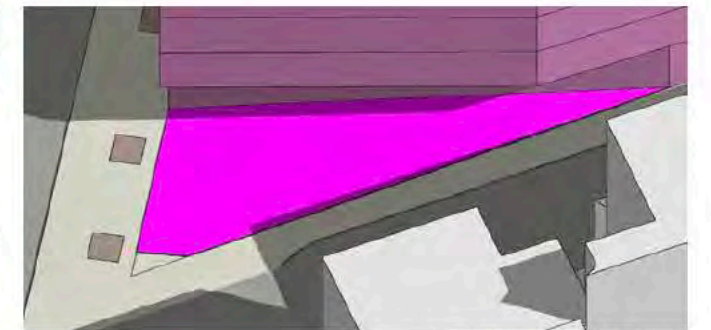
April 21st 09.30am



April 21st 10.00am



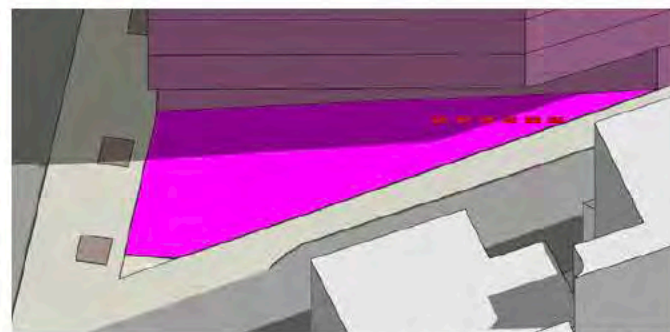
April 21st 10.30am



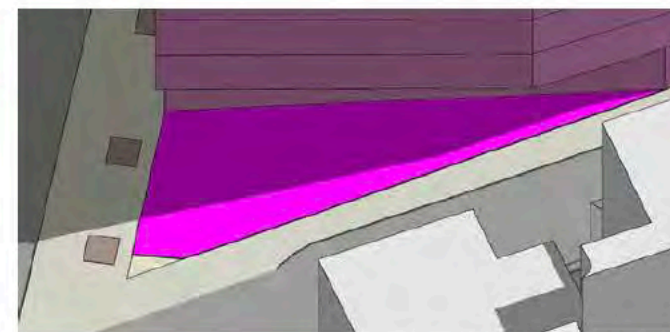
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April 21st 11.30am



April 21st 12.00pm



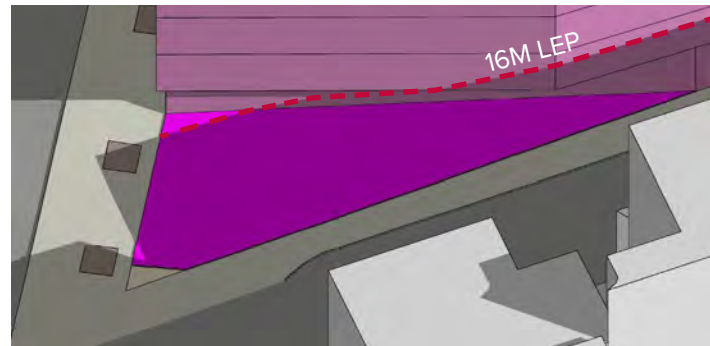
April 21st 12.30pm

LEGEND

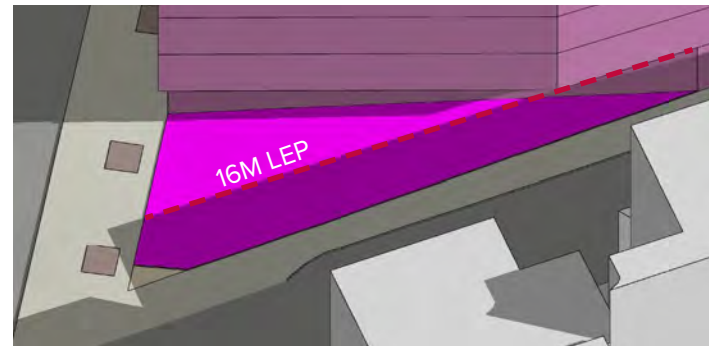
----- This line indicates the shadowing cast by a 16M height plane above the site of the Mont Sant'Angelo Mercy College

PROPOSED SPECIAL AREA - SHADOW DIAGRAMS

20 BERRY STREET URBAN DESIGN STRATEGY



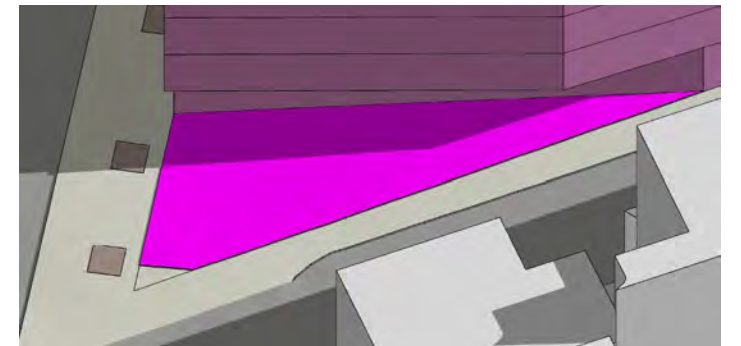
May 21st 10.30am



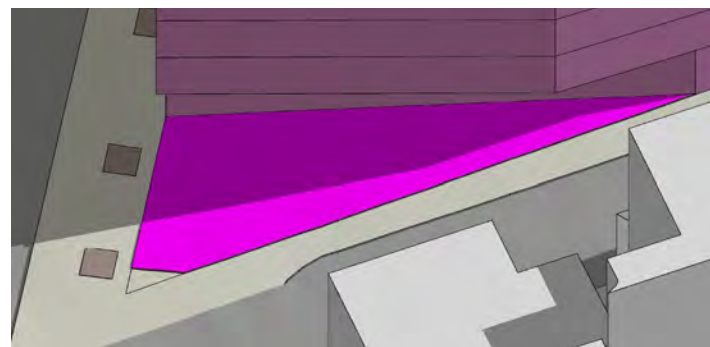
May 21st 11.00am



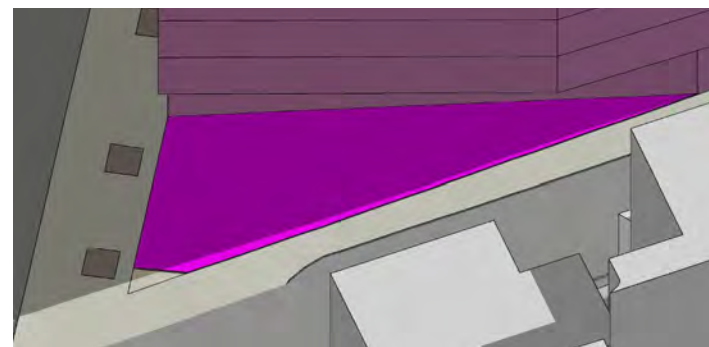
May 21st 11.30am



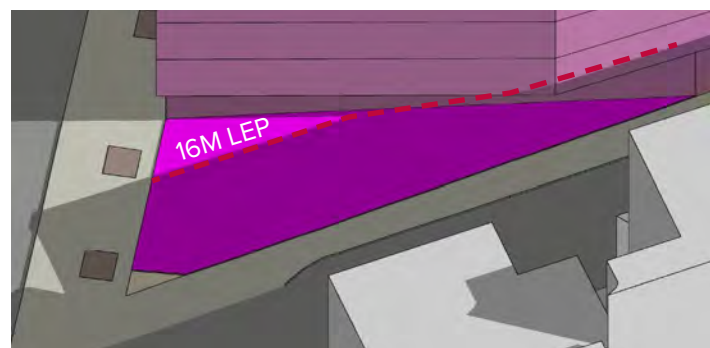
May 21st 12.00pm



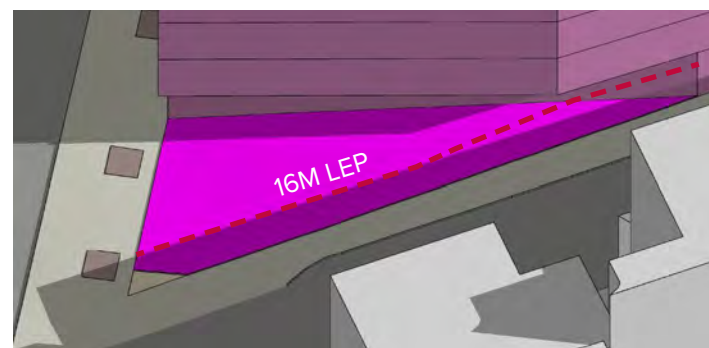
May 21st 12.30pm



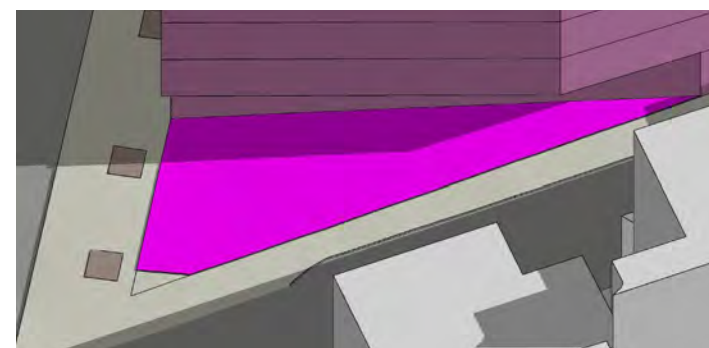
May 21st 12.30pm



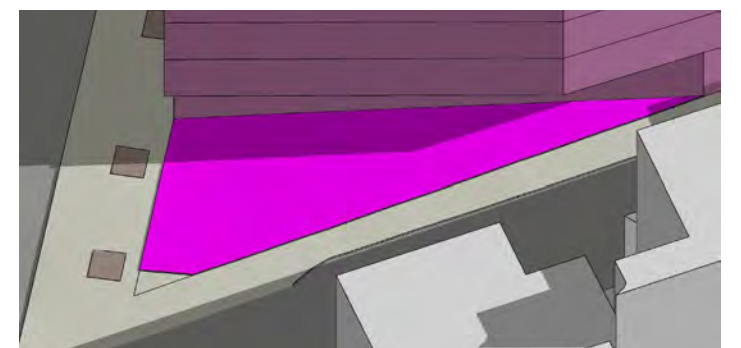
June 21st 11.00am



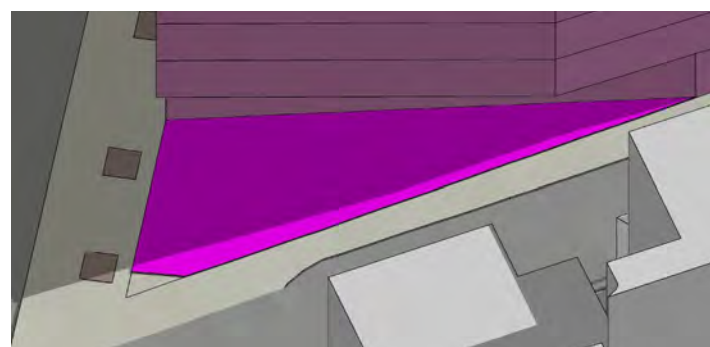
June 21st 11.30am



June 21st 12.00am



June 21st 12.30am



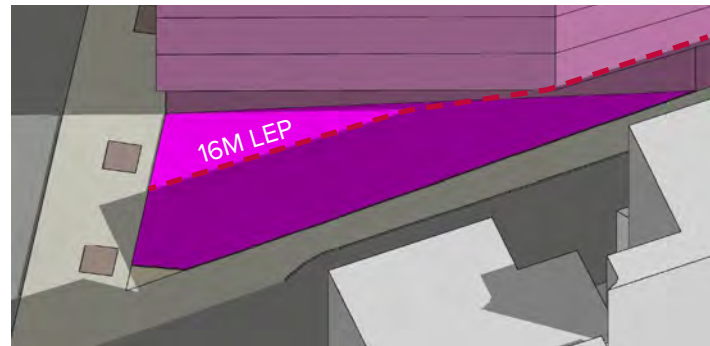
June 21st 01.00pm

LEGEND

----- This line indicates the shadowing cast by a 16M height plane above the site of the Mont Sant'Angelo Mercy College

PROPOSED SPECIAL AREA - SHADOW DIAGRAMS

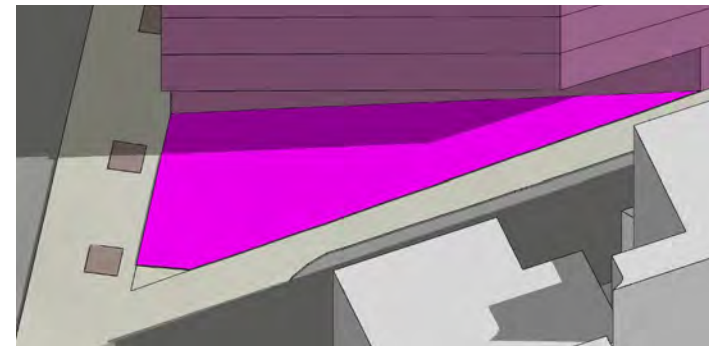
20 BERRY STREET URBAN DESIGN STRATEGY



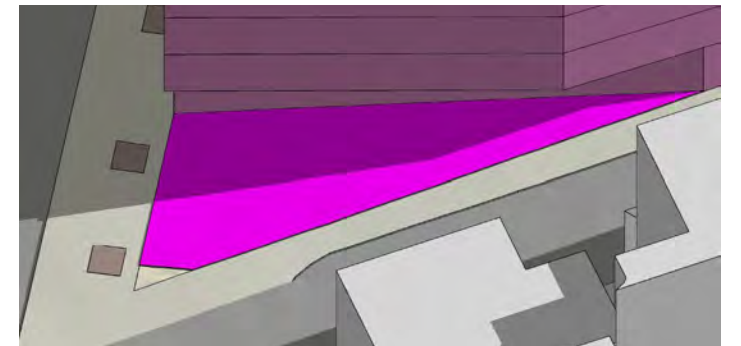
July 21st 11.00am



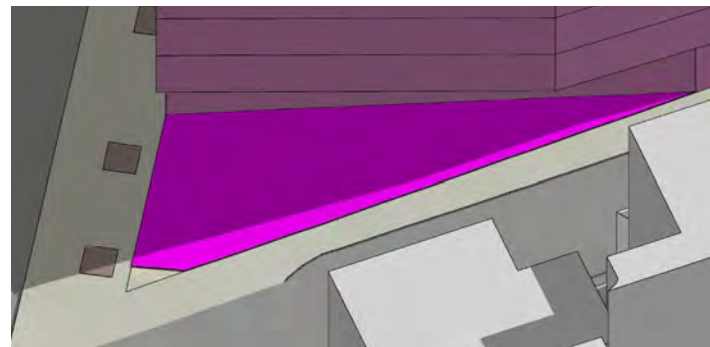
July 21st 11.30am



July 21st 12.00am



July 21st 12.30am



July 21st 01.00pm

LEGEND

----- This line indicates the shadowing cast by a 16M height plane above the site of the Mont Sant'Angelo Mercy College



August 21st 09.30am



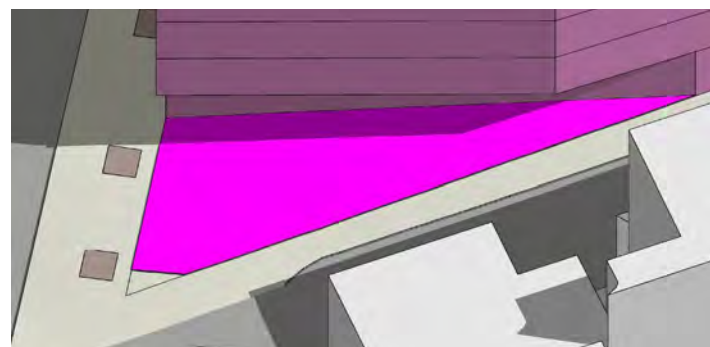
August 21st 10.00am



August 21st 10.30am



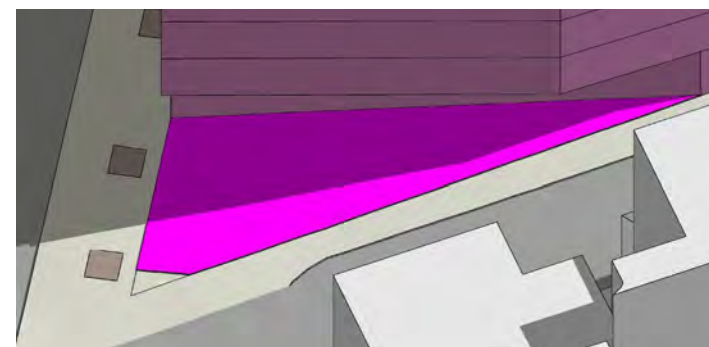
August 21st 11.00am



August 21st 11.30am



August 21st 12.00pm



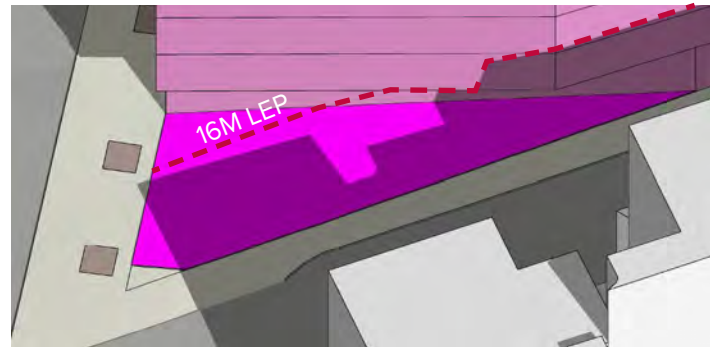
August 21st 12.30pm



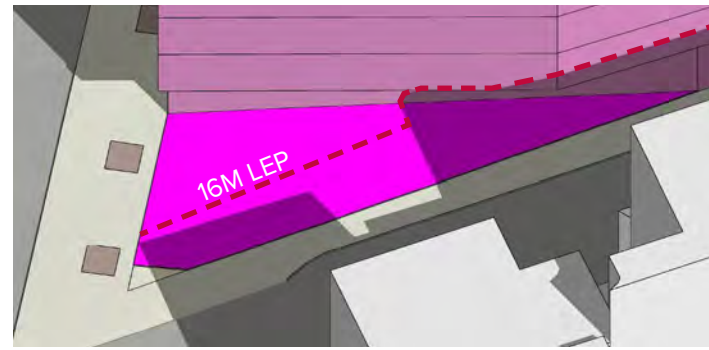
August 21st 01.00pm

PROPOSED SPECIAL AREA - SHADOW DIAGRAMS

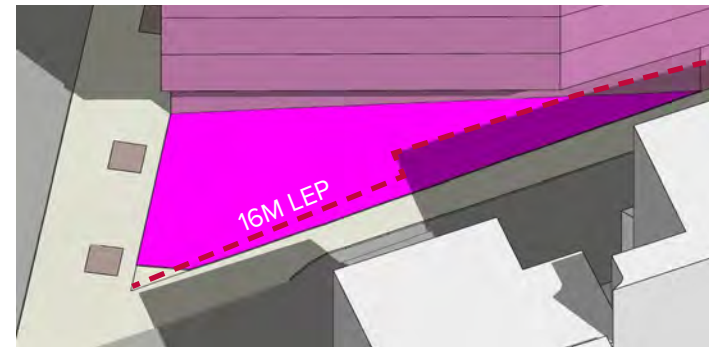
20 BERRY STREET URBAN DESIGN STRATEGY



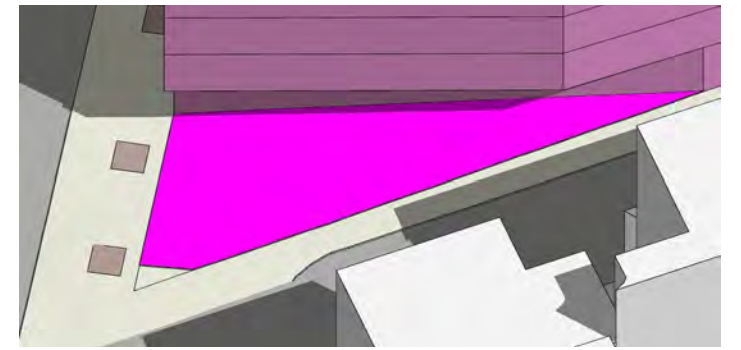
September 21st 09.00am



September 21st 09.30am



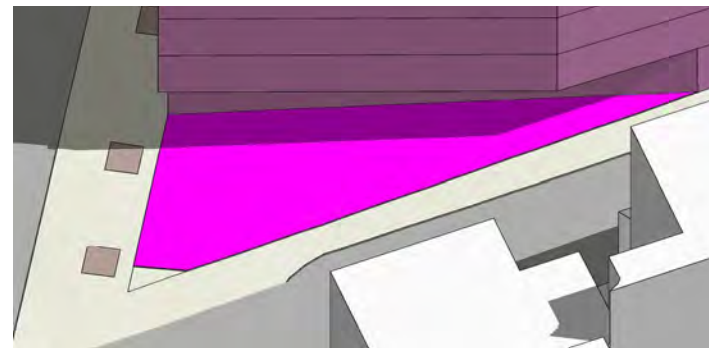
September 21st 10.00am



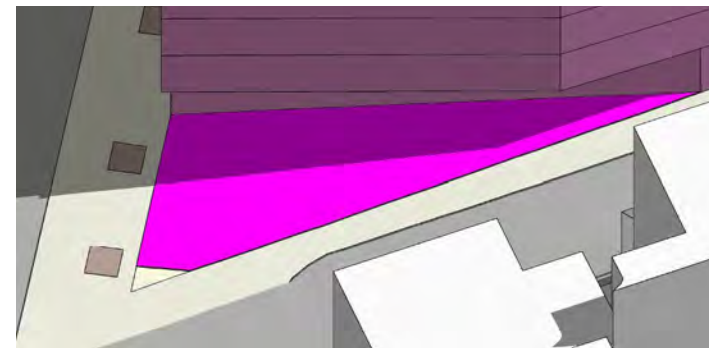
September 21st 10.30am



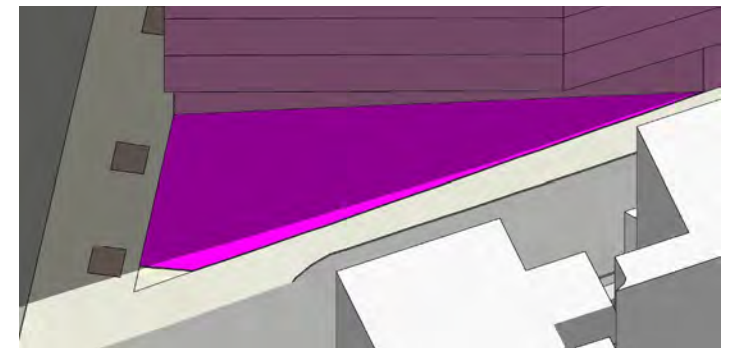
September 21st 11.00am



September 21st 11.30am



September 21st 12.00pm



September 21st 12.30pm

LEGEND

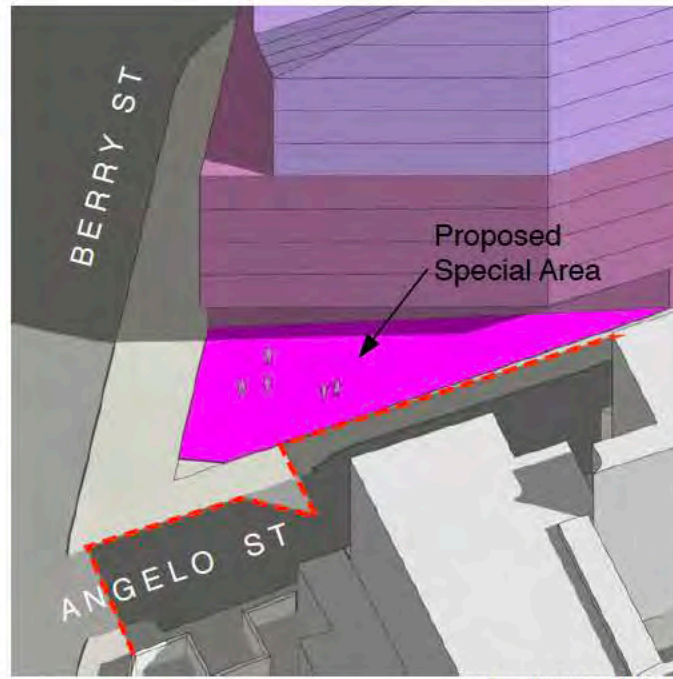
----- This line indicates the shadowing cast by a 16M height plane above the site of the Mont Sant'Angelo Mercy College

PROPOSED SPECIAL AREA - SHADOW DIAGRAMS

20 BERRY STREET URBAN DESIGN STRATEGY



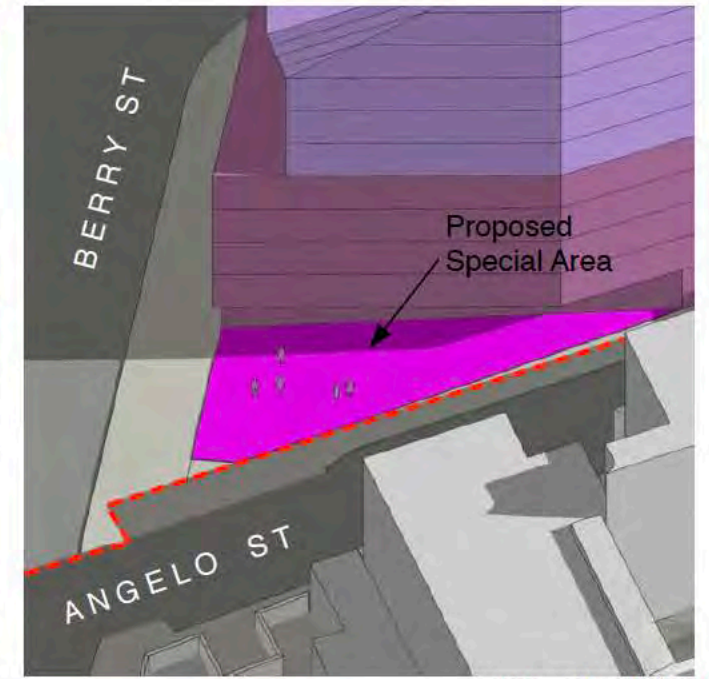
March 21_10.38am



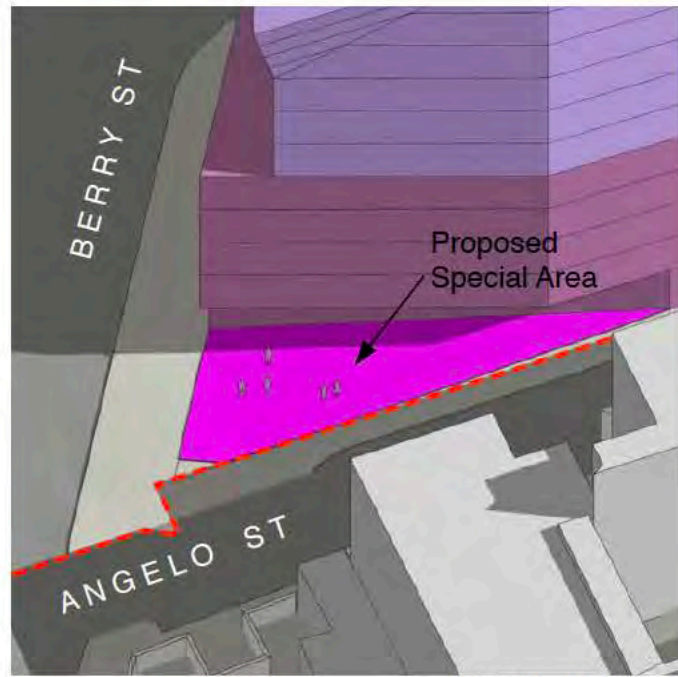
April 21_11.05am



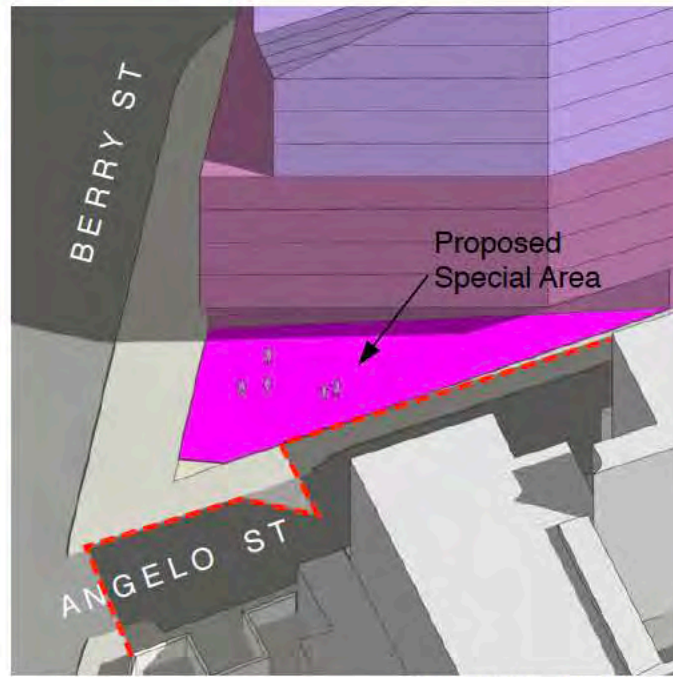
May 21_11.30am



June 21_11.45am



July 21_11.39am



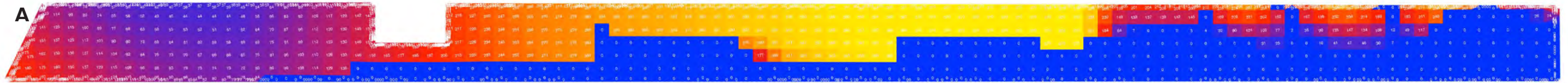
August 21_11.08am



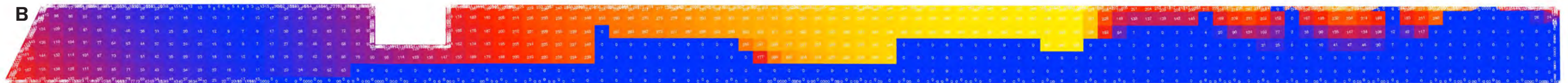
September 21_10.24am

Diagrams indicate earliest time at which entirety of the "Proposed Special Area" is not in shadow of neighbouring buildings

PROPOSED SPECIAL AREA



A
20 Berry St Special Area - Current Solar Hours
Total Test Area = 580sqm
Total Sun Hours received = 195,803 hours/sqm



B
20 Berry St Special Area - Proposed Solar Hours
Total Test Area = 580sqm
Total Sun Hours received = 167,516 hours/sqm

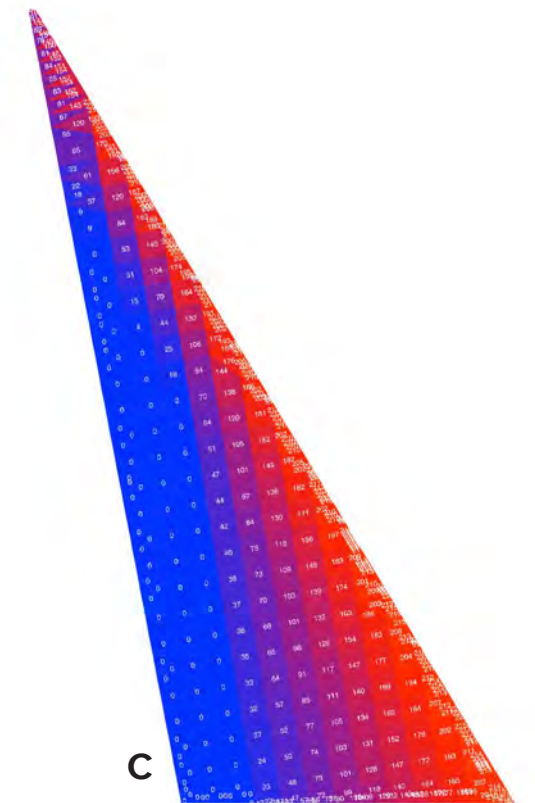
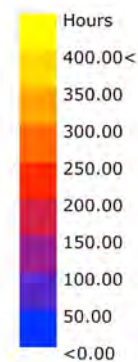
Proposed Special Area (Plaza)
Total Test Area = 200sqm
Total Sun Hours received = 57,146 hours/sqm

SUMMARY

This analysis compares the solar hours currently received by the Berry St Special (A) to the solar hours that would be received with the Planning Proposal scheme (B) + (C)

The net result (B+C/A) is an increase in hours of 28,859/sqm, which equates to an increase in solar hours of 14.7%

Legend



PROPOSED LEP PLANS 08



North Sydney Local Environmental Plan 2013

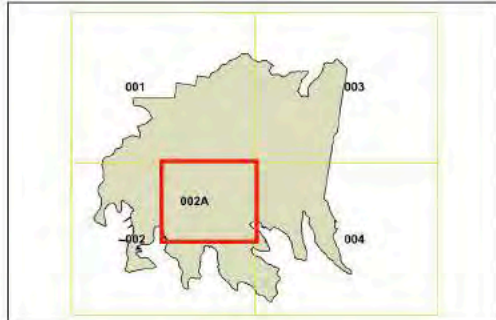
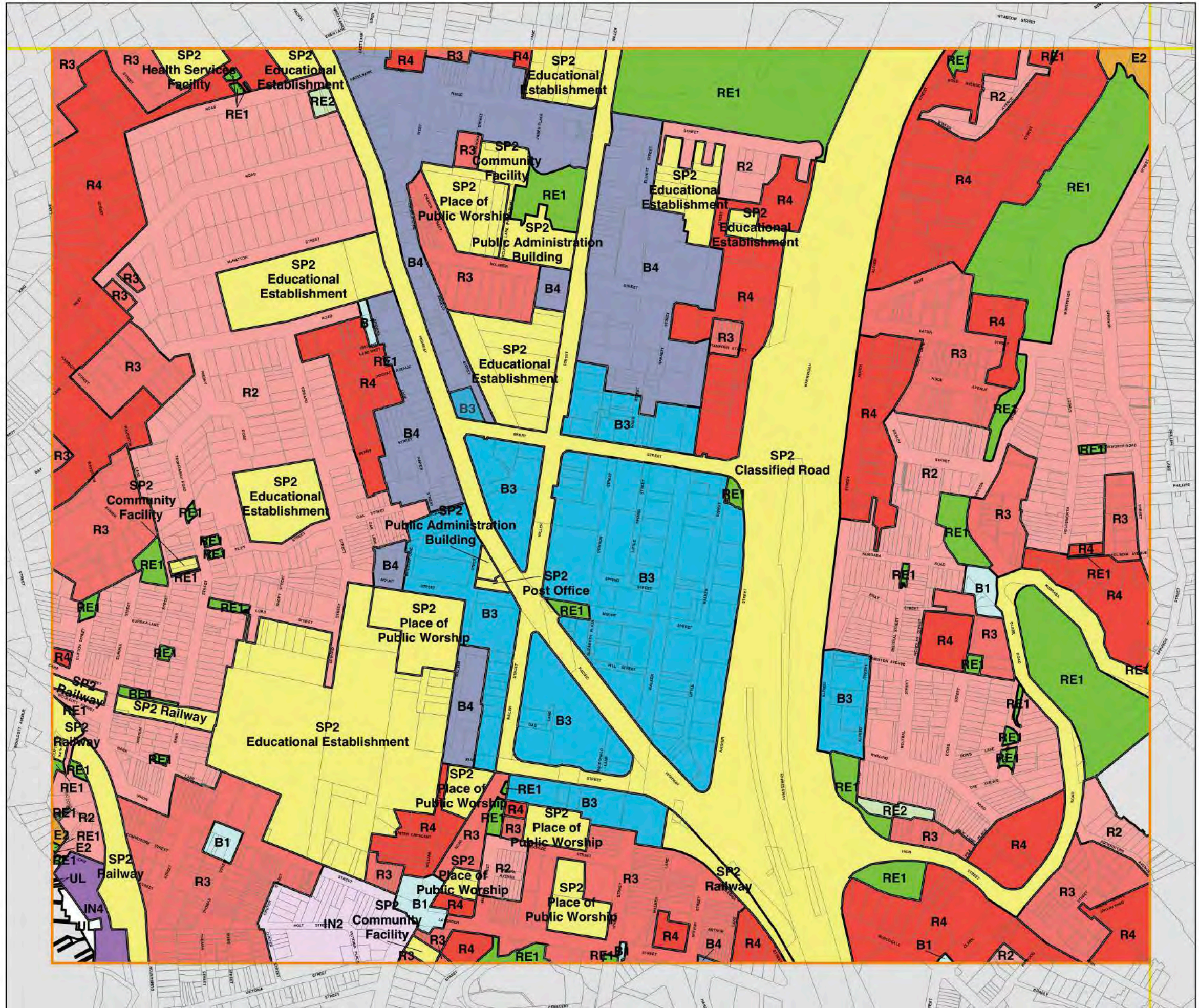
Land Zoning Map - Sheet LZN_002A

Zone

- B1 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- E2 Environmental Conservation
- E4 Environmental Living
- IN2 Light Industrial
- IN4 Working Waterfront
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- UL Unzoned Land

Cadastre

Cadastre 07/06/13 © North Sydney Council



Map identification number: 5650_CCM_LZN_002A_035_20130607



North Sydney Local Environmental Plan 2013

Foreshore Building Line Map North Sydney Centre Map Exceptions to Development Standards Map - Sheet CL1_002A

Foreshore Building Line

- Foreshore Area
- Foreshore Building Line

North Sydney Centre

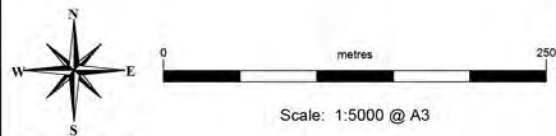
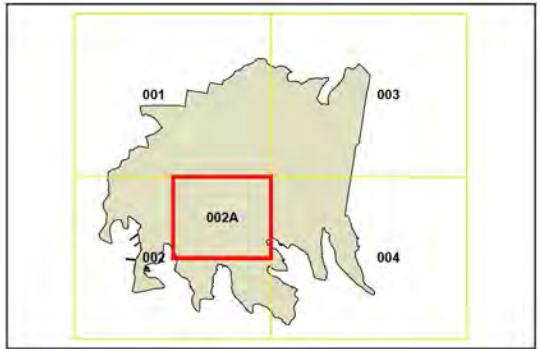
- Miller Street Setback
- Special Area
- North Sydney Centre

Exceptions to Development Standards

- Land in St Leonards

Cadastre

- Cadastre 06/02/18 © North Sydney Council



Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_CL1_002A_005_20180206



North Sydney Local Environmental Plan 2013

Height of Buildings Map - Sheet HOB_002A

Maximum Building Height (m)

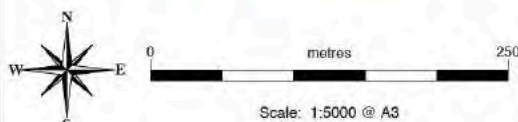
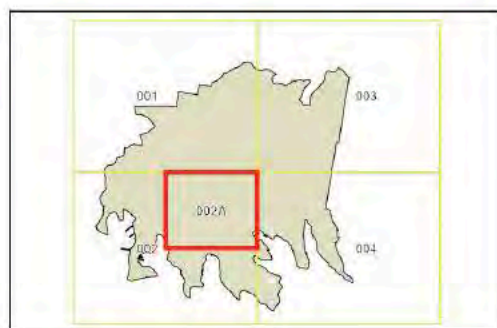
A	1	S	24
I	8.5	T1	25
K	10	T2	26
L	11	U1	30
M	12	U2	33
N	13	W1	40
O1	15	W2	42
O2	16	X	49
O1	19.15	Y	50
O2	20	AF	180

Maximum Building Height (RL m)

[White]	0 - 20
[Lightest Grey]	21 - 40
[Light Grey]	41 - 60
[Medium-Light Grey]	61 - 80
[Medium Grey]	81 - 100
[Medium-Dark Grey]	101 - 120
[Dark Grey]	121 - 140
[Very Dark Grey]	141 - 160
[Darkest Grey]	161 - 180
[Black]	181 - 200
[Black]	200 +

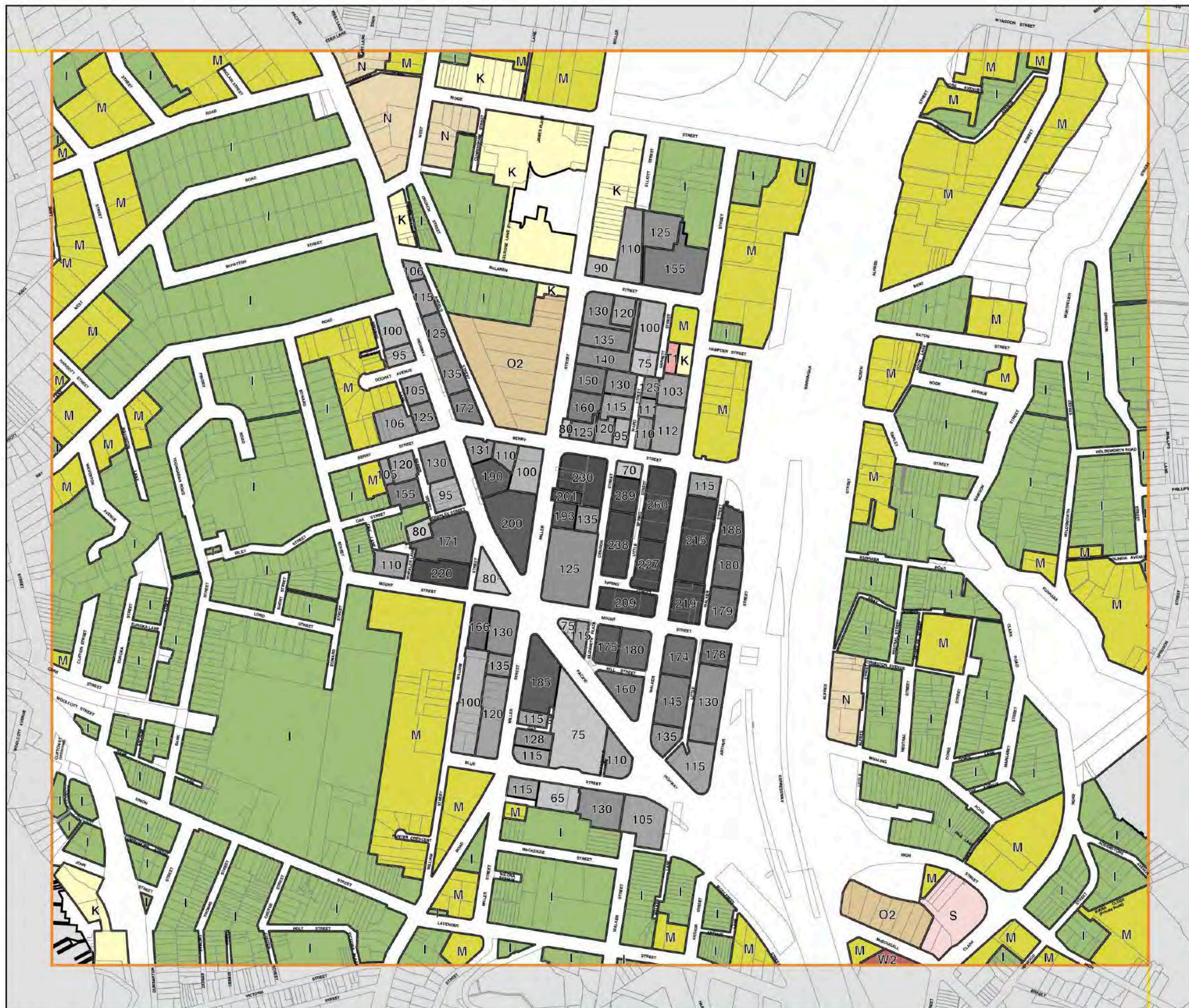
Cadastre

Cadastre 11/04/18 © North Sydney Council

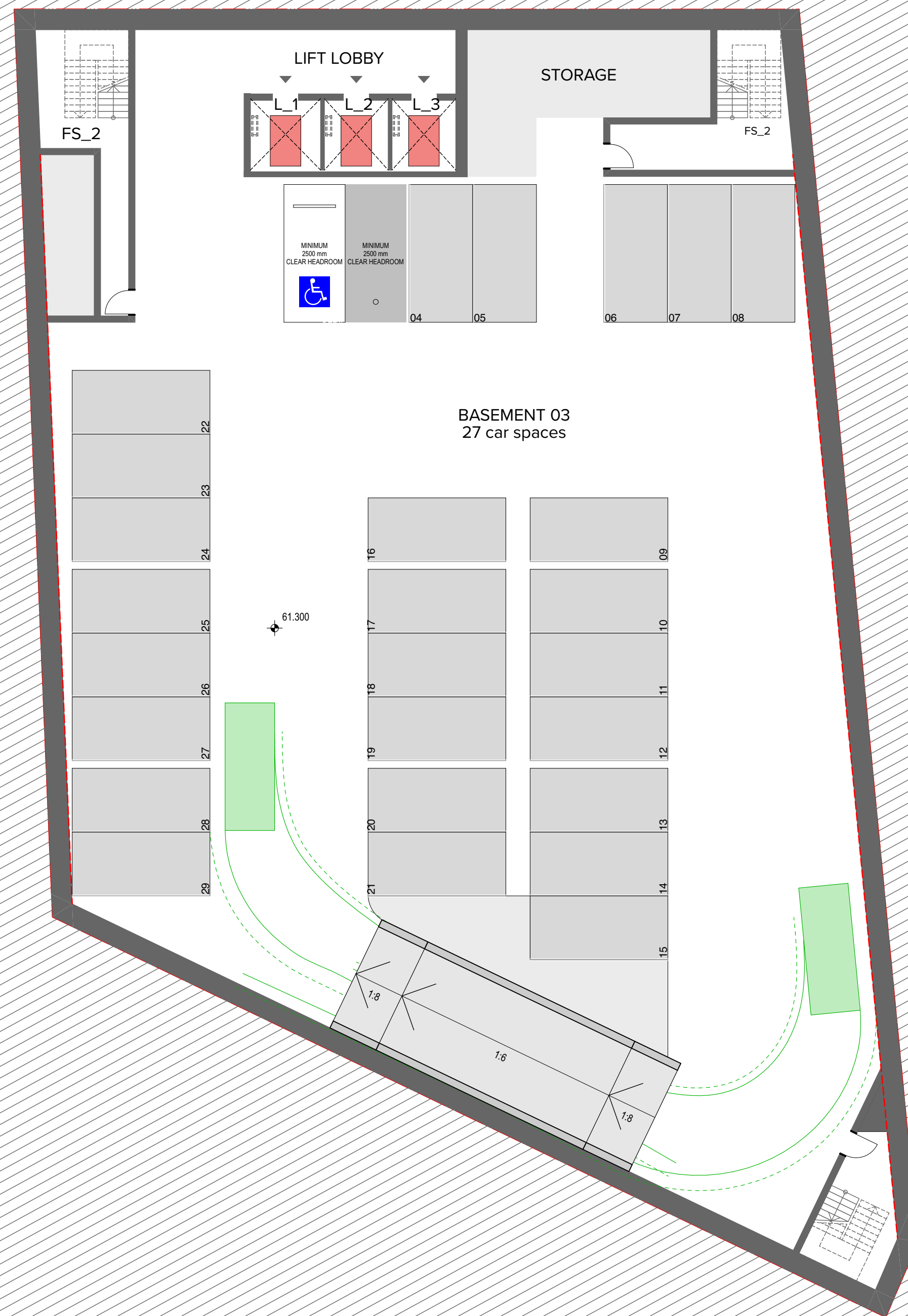


Projection GDA 1994
MGA Zone 56

Map identification number:
5950_COM_HOB_002A_005_20180411



INDICATIVE SCHEME 09



Basement 03

Feasibility Study

20 Berry Street_North Sydney
 SK-110-005

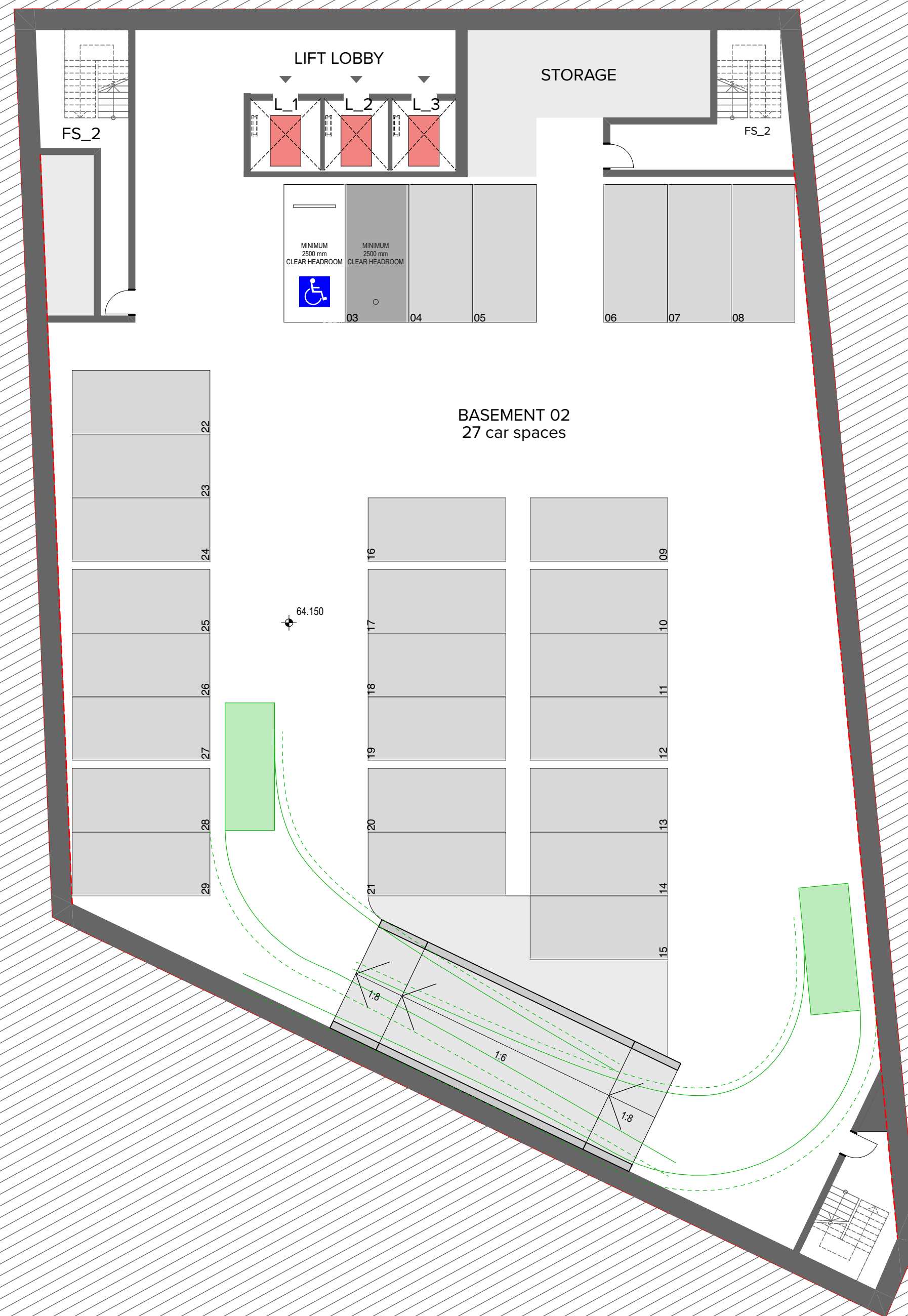


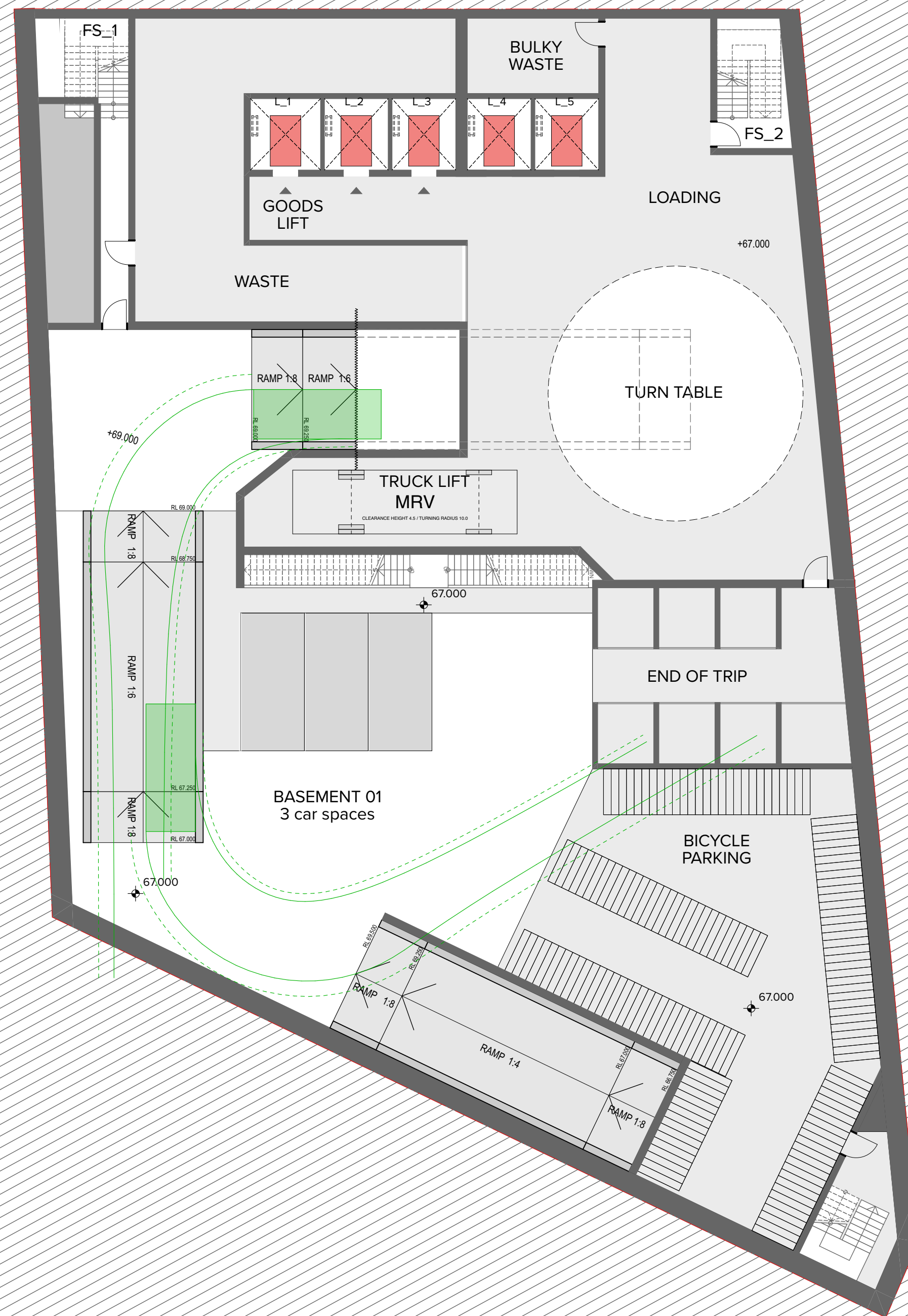
Project No. 20008 Rev. 1:150 @A1, 50%@A3



nominated architect: Nicholas Turner 6695 ABN 86 064 084 911

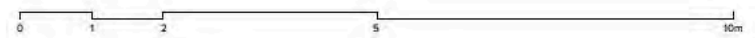
TURNER







20 Berry Street_North Sydney
 SK-110-008

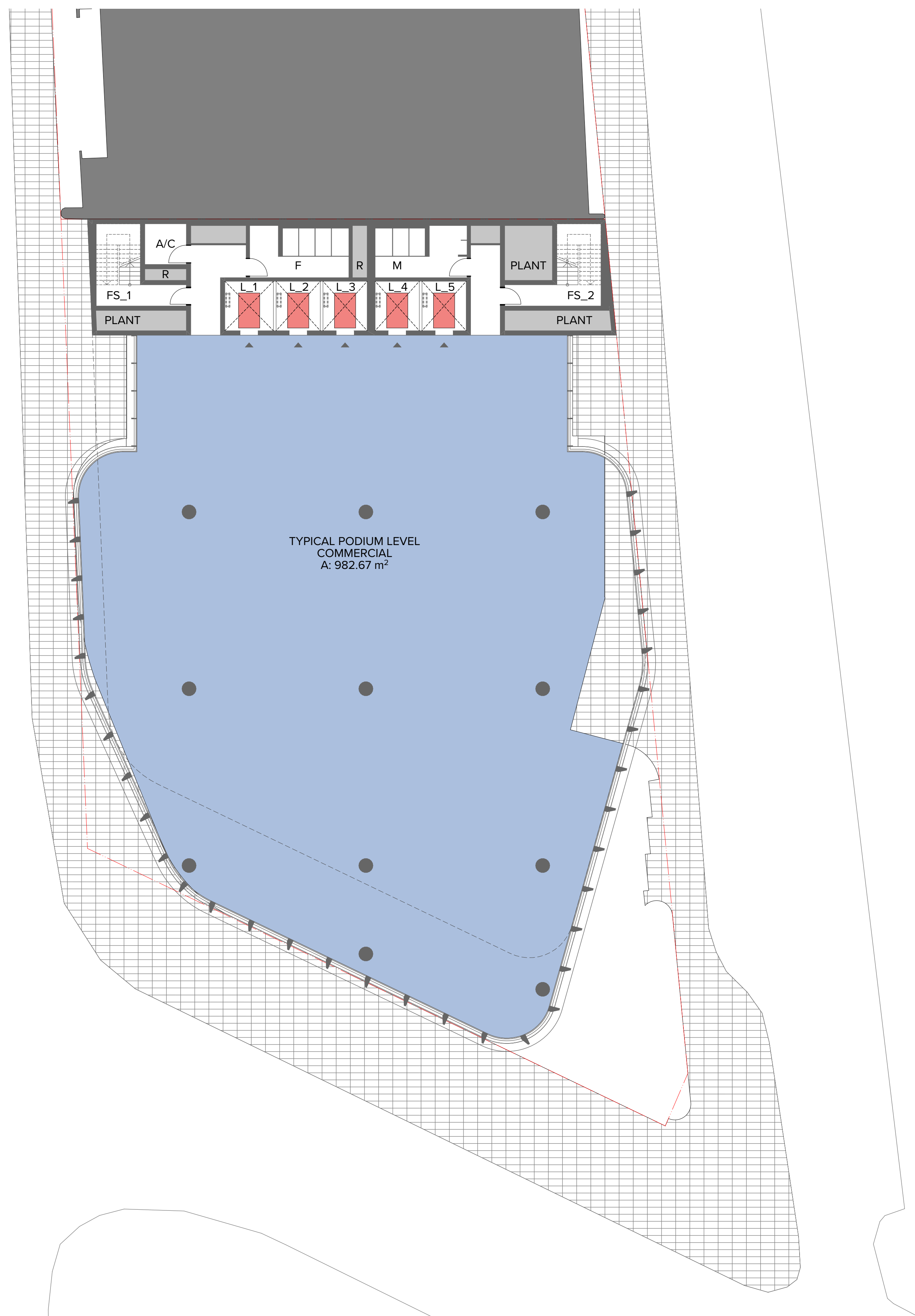


Project No. 20008 Rev.01 - WIP
 1:150 @A1, 50% @A3

**Ground Level
 Feasibility Study**

TURNER

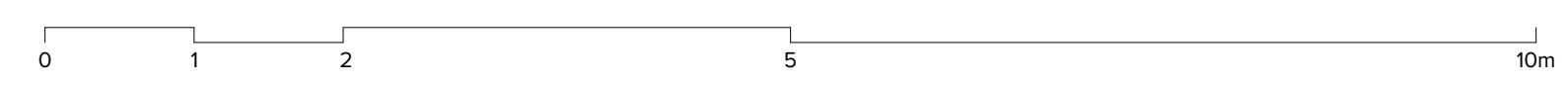
nominated architect: Nicholas Turner 6 695 ABN 86 064 084 911



Typical Podium Level

Feasibility Study

Project No. 20008 Rev.01 - WIP
 1:150 @A1, 50%@A3



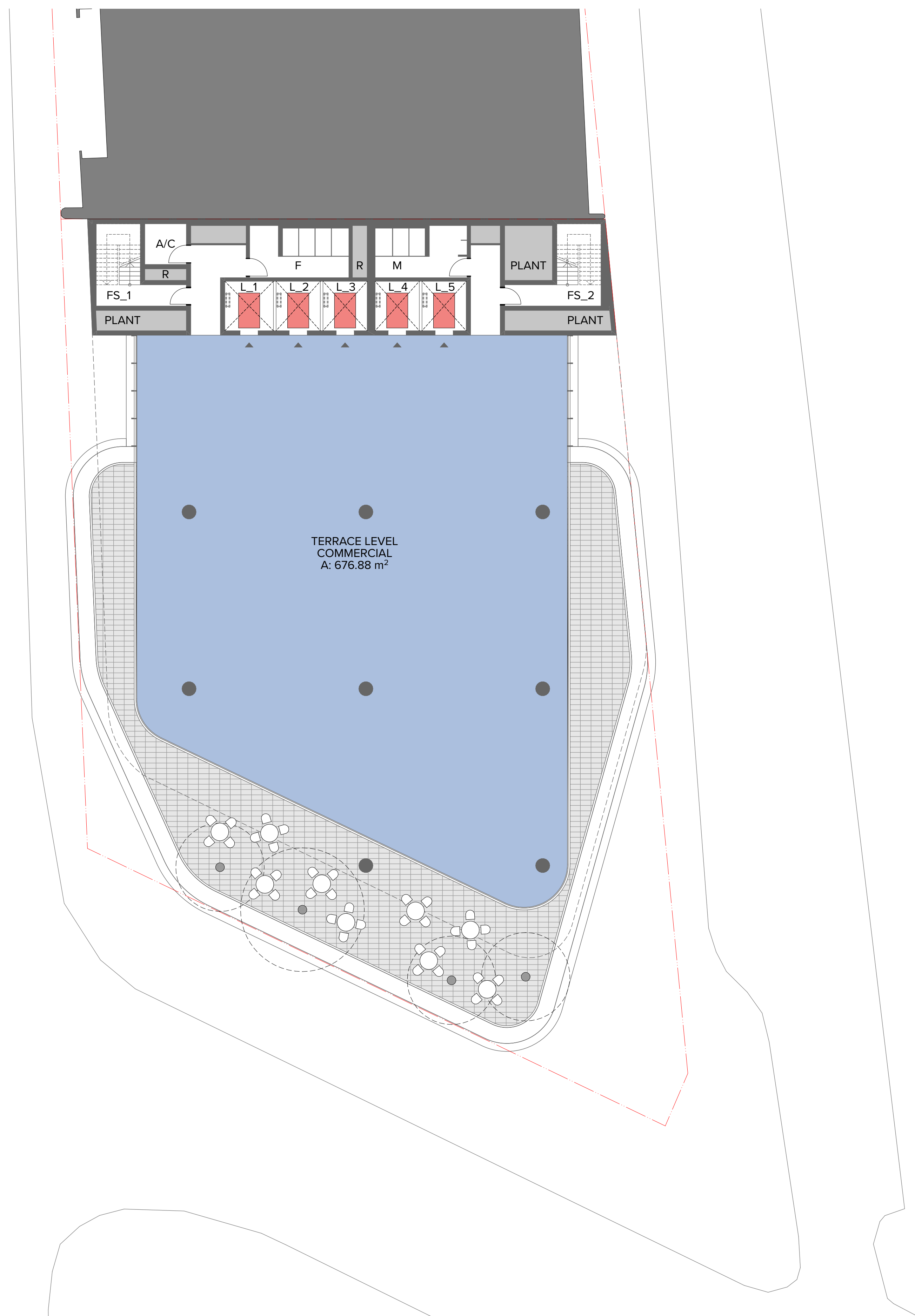
nominated architect: Nicholas Turner 6695 ABN 86 064 084 911

TURNER

20 Berry Street_North Sydney

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SK-110-030



20 Berry Street_North Sydney

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SK-110-050



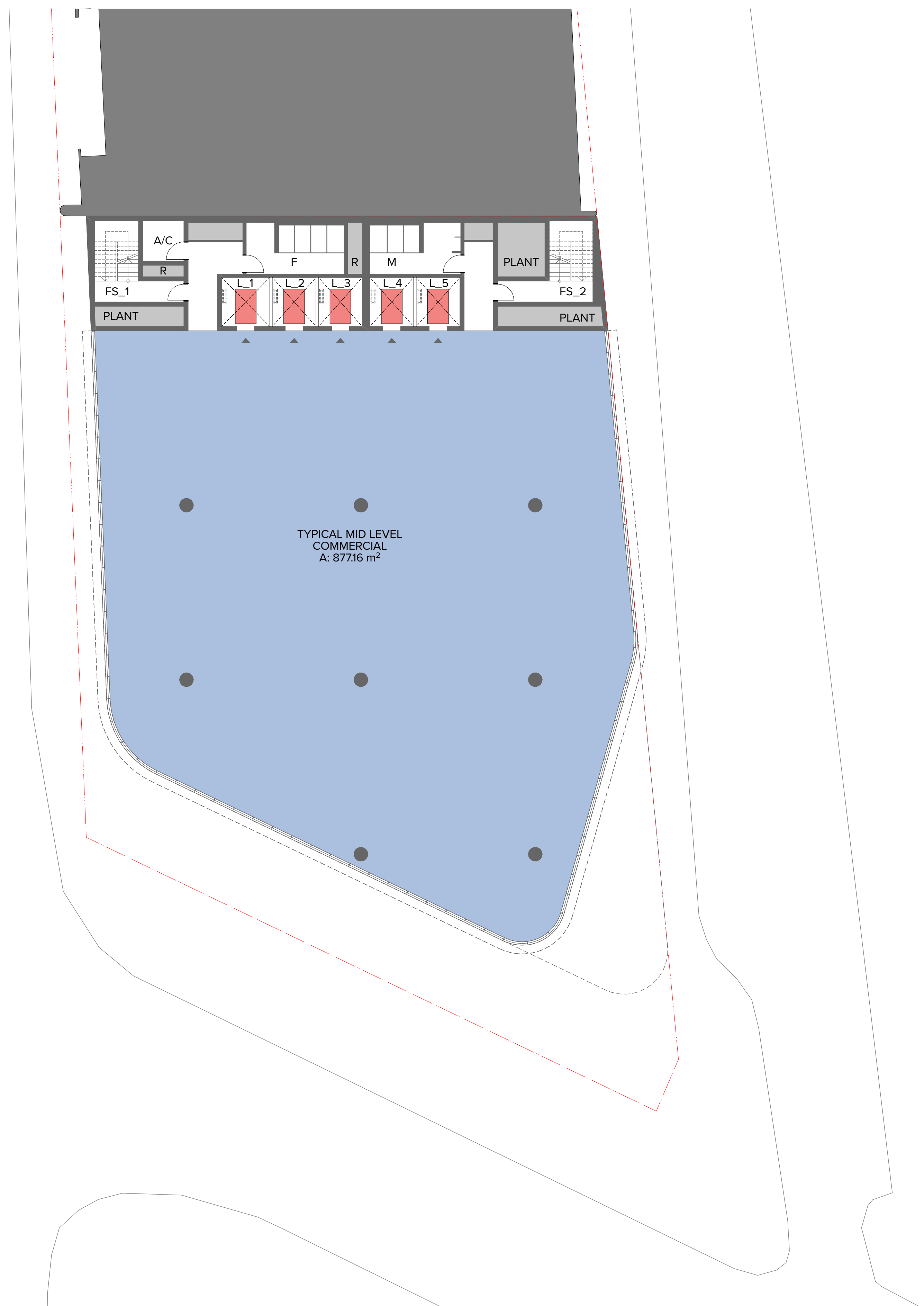
Project No. 20008 Rev.01 - WIP
1:150 @A1, 50% @A3



Terrace Level Feasibility Study

TURNER

nominated architect: Nicholas Turner 6695 ABN 86 064 084 911



TYPICAL MID LEVEL
COMMERCIAL
A: 87716 m²

20 Berry Street_North Sydney

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SK-110-070



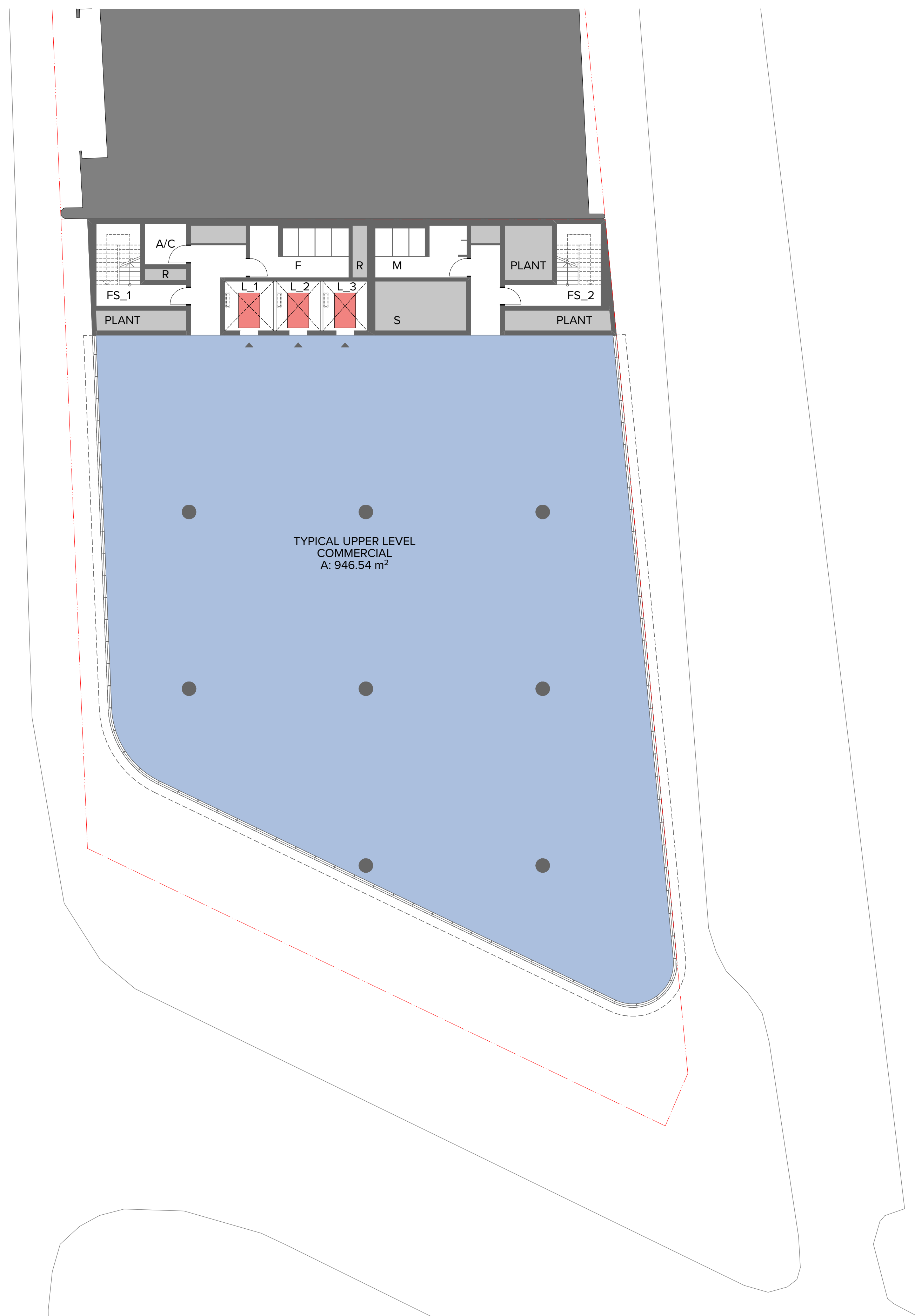
Typical Mid Level Feasibility Study

Project No. 20008 Rev.01 - WIP
1:150 @A1, 50%@A3



nominated architect: Nicholas Turner 6695 ABN 86 064 084 911

TURNER



TYPICAL UPPER LEVEL
COMMERCIAL
A: 946.54 m²

20 Berry Street_North Sydney

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SK-110-150



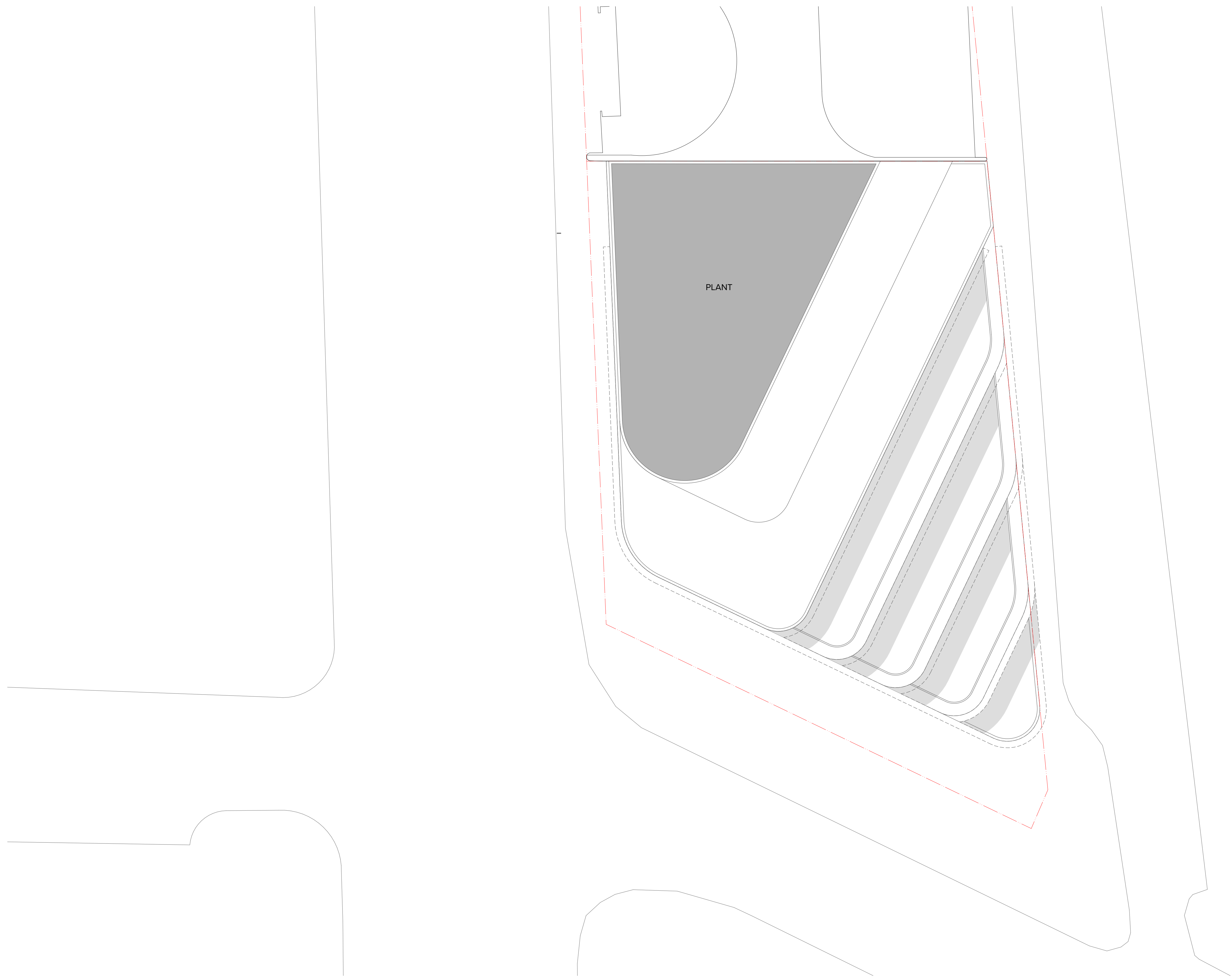
Typical Upper Level Feasibility Study

Project No. 20008 Rev.01 - WIP
1:150 @A1, 50% @A3



nominated architect: Nicholas Turner 6695 ABN 86 064 084 911

TURNER



PLANT

20 Berry Street_North Sydney

SK-110-260

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Project No. 20008
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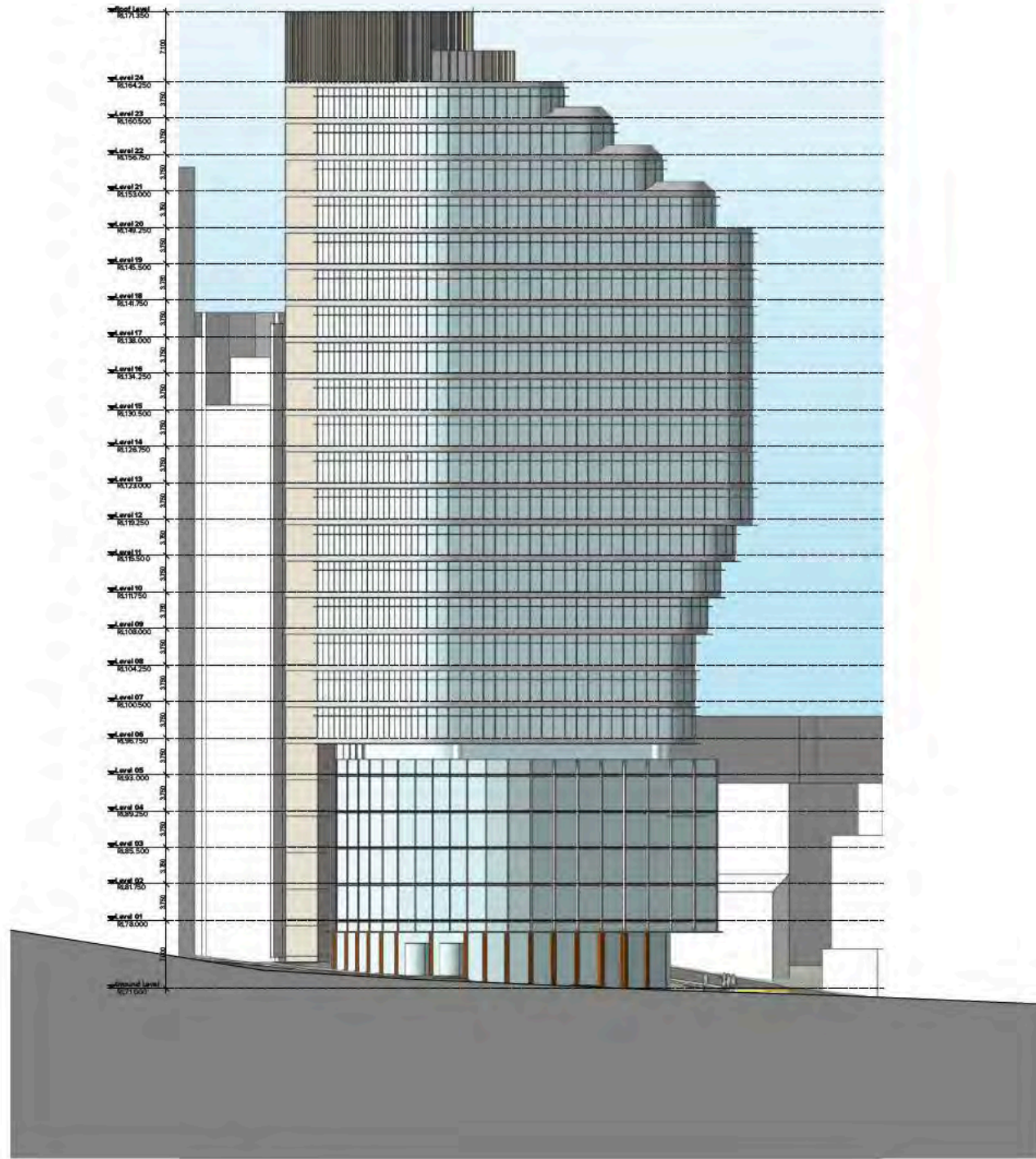
Rev.01 - WIP



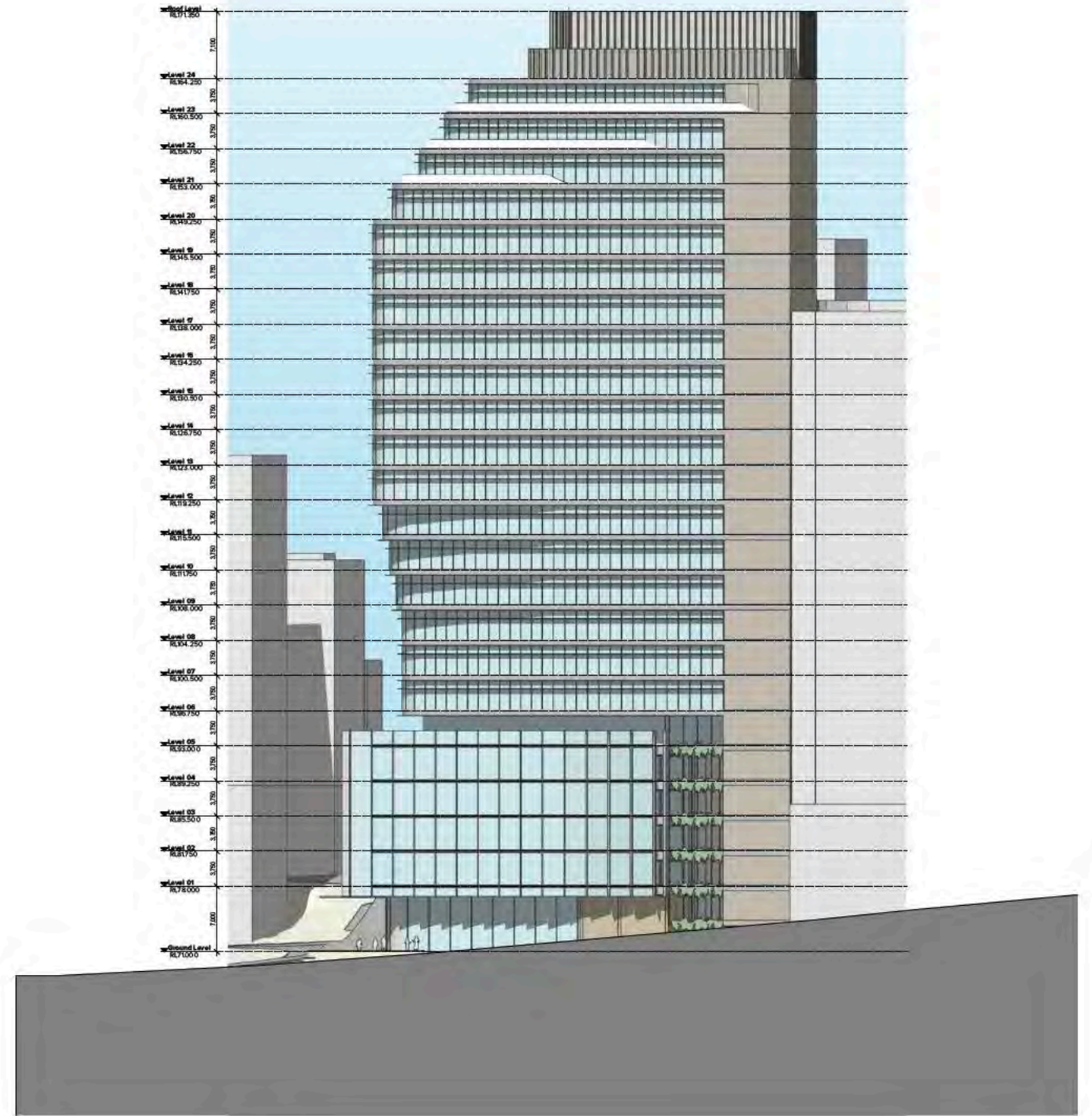
Roof Level Feasibility Study

TURNER

nominated architect: Nicholas Turner 6695 ABN 86 064 084 911



North Elevation



East Elevation

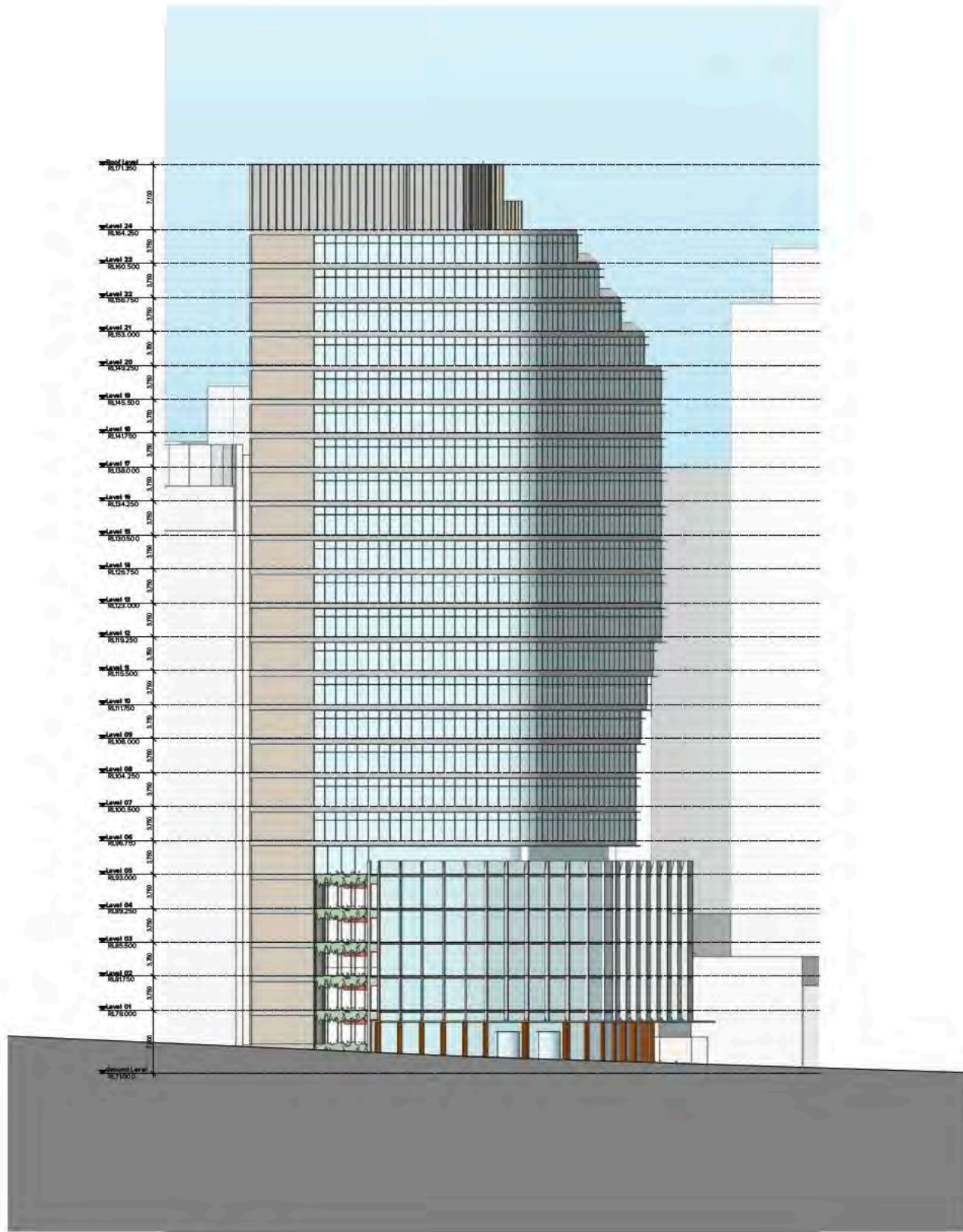
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CLIENT
Client Name
 Client Address City State Postcode Country

Rev	Date	Approved By	Revision Notes

Project Title
 20 Berry Street North Sydney
 Project Address Suburb State Postcode Country

Scale
 1:300 @ A1 50% @ A3
Project No. 00000
Client No. SK-210-101
Drawn by TURNER
Rev 00



1 West Elevation

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 1. THIS DRAWING IS A COPY OF A DESIGN OR REPRODUCTION OF AN ORIGINAL DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF TURNER. TURNER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. TURNER'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED BY IT AND ITS SUBSIDIARIES AND ASSOCIATES. TURNER DOES NOT ACCEPT LIABILITY FOR ANY OTHER SERVICES PROVIDED BY OTHER CONSULTANTS OR CONTRACTORS. TURNER'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED BY IT AND ITS SUBSIDIARIES AND ASSOCIATES.

CLIENT
 Client Name
 Client Address City State Postcode Country

Rev	Date	Approved by	Revision Notes

Project Title
20 Berry Street, North Sydney
 Project Street Address Suburb State Postcode Country

Scale	Project No.	Drawn by	Check
1:200 @ A1, 50% @ A3	00000	TURNER	
Date	Drawn No.	Rev	
	SK-210-102	00	

For Information

Drawing Title
**GA Elevations
 Elevation**

TURNER

Level 70000 to 100000
 Drawing No. SK-210-102
 13/04/22
 1:200 @ A1, 50% @ A3



TURNER

HOLDMARK

20 BERRY ST NORTH SYDNEY

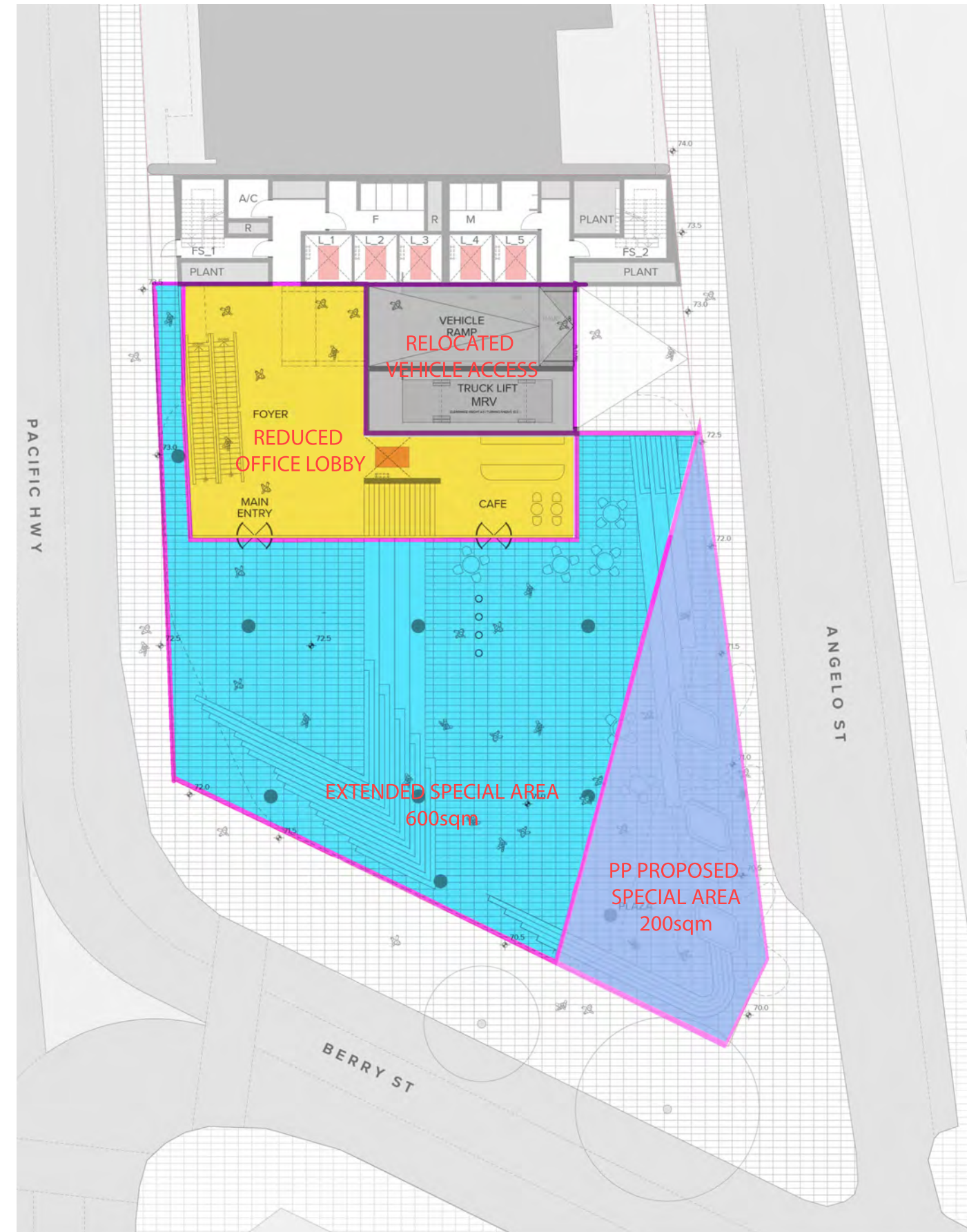
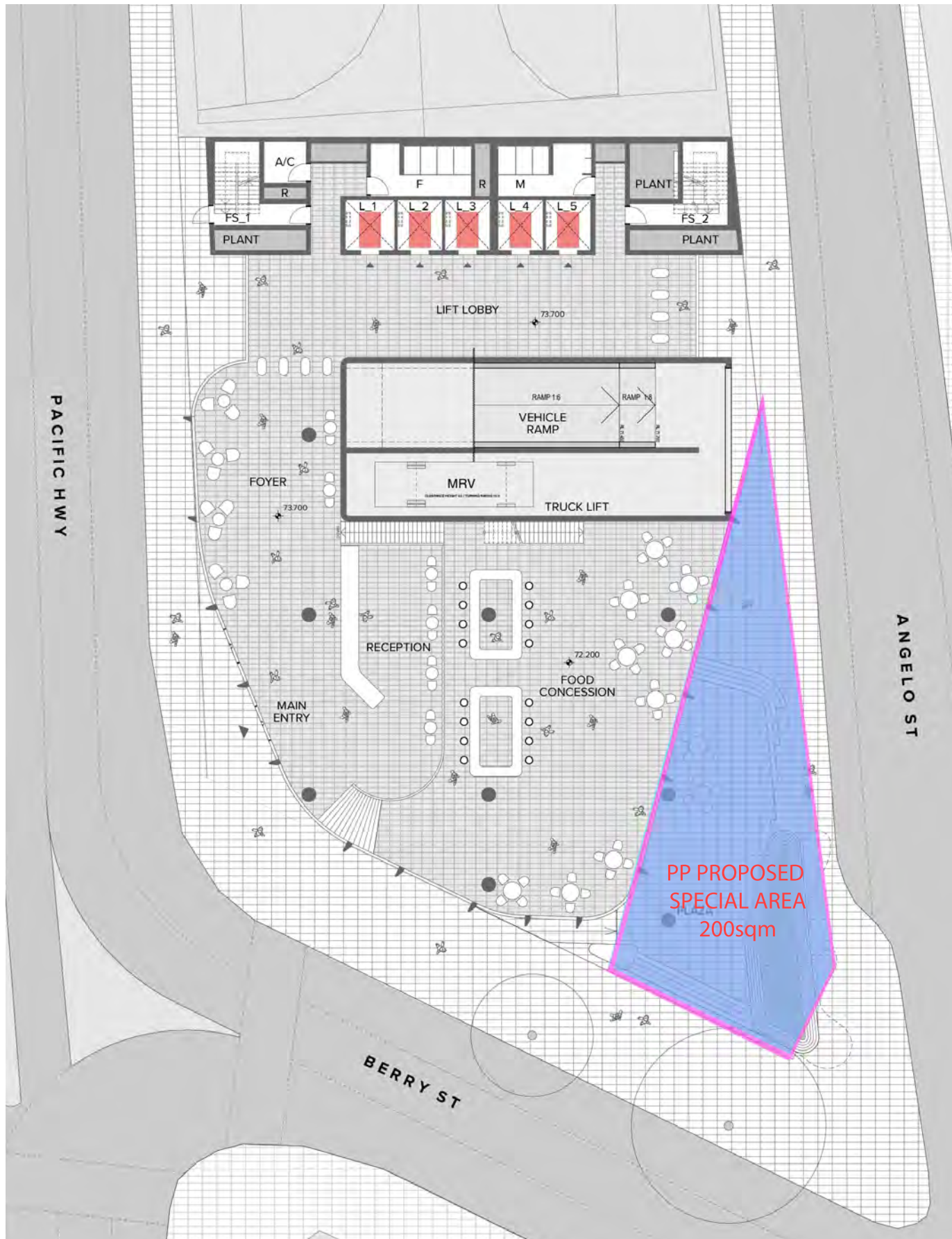
UPDATED SPECIAL AREA PROPOSAL

02.02.2022



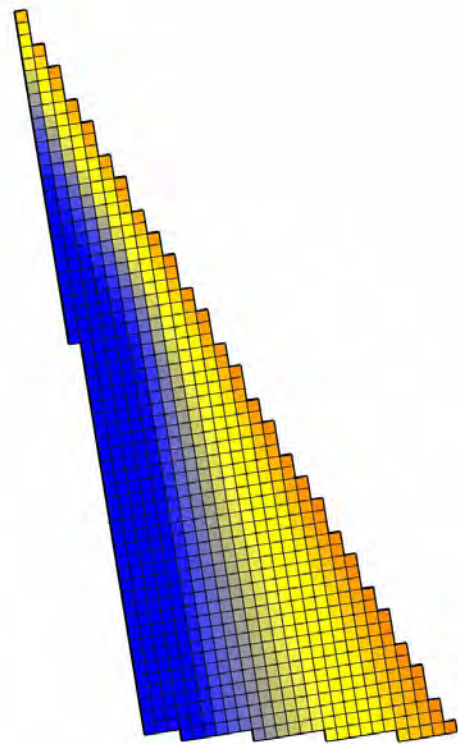
TURNER

HOLDMARK



PLANNING PROPOSAL

EXTENDED SPECIAL AREA : 790sqm = 395% INCREASE IN AREA



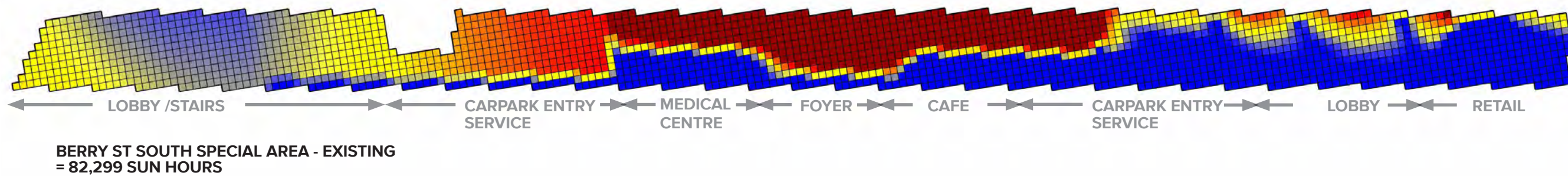
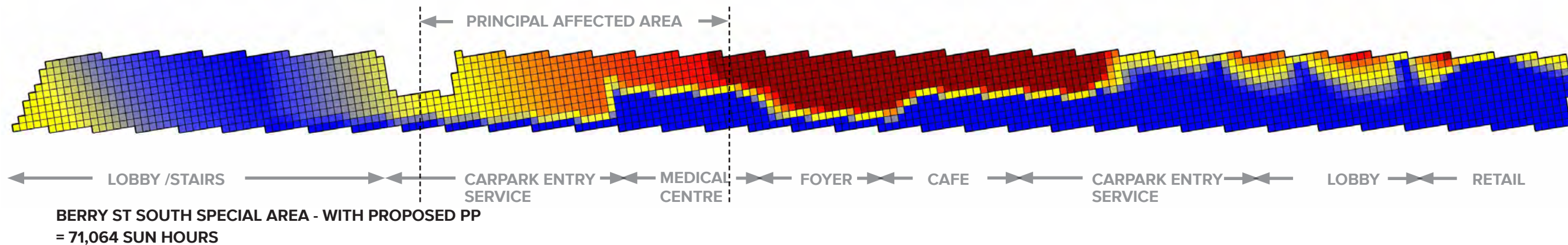
20 BERRY PLAZA PP SPECIAL AREA
22,348 SUN HOURS

SUMMARY

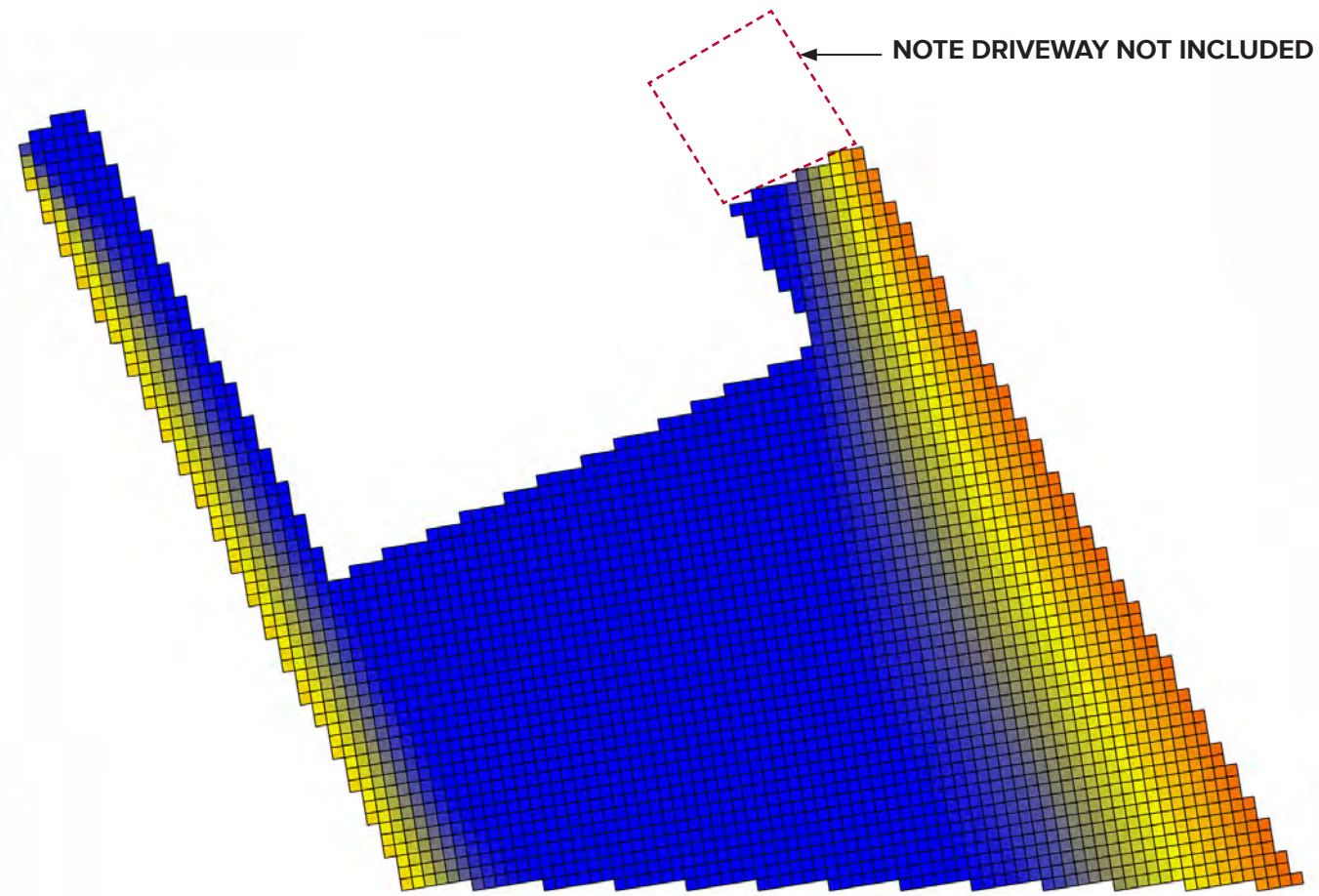
THE PLANNING PROPOSAL RESULTS IN A 15% REDUCTION OF SUN HOURS TO THE EXISTING SPECIAL AREA

THE PROPOSED 20 BERRY ST (PP) SPECIAL AREA COMBINED WITH BERRY ST SOUTH SPECIAL AREA WILL RESULT IN A 13.5% INCREASE IN SUN HOURS

EXISTING SPECIAL AREA = 82,299 SUN HOURS
TOTAL PP SPECIAL AREA = 93,412 SUN HOURS



SUN HOURS TO SPECIAL AREAS - PLANNING PROPOSAL - MAR 21st - SEP 21st



NOTE DRIVEWAY NOT INCLUDED

SUMMARY

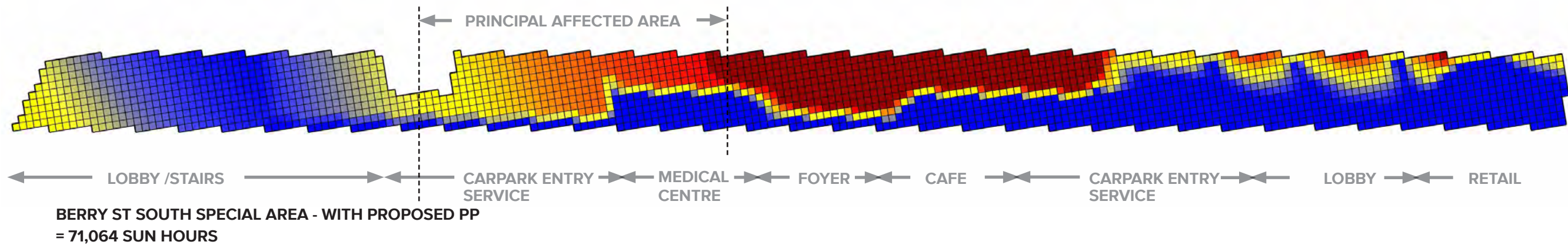
THE PLANNING PROPOSAL RESULTS IN A 15% REDUCTION OF SUN HOURS TO THE EXISTING SPECIAL AREA

THE PROPOSED 20 BERRY ST SPECIAL AREA (EXTENDED) COMBINED WITH BERRY ST SOUTH SPECIAL AREA WILL RESULT IN A 45.2% INCREASE IN SUN HOURS

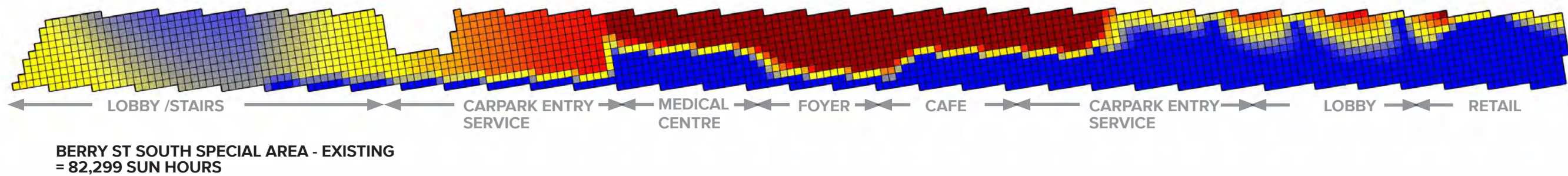
EXISTING SPECIAL AREA = 82,299 SUN HOURS
TOTAL PROPOSED SPECIAL AREA = 119,554 SUN HOURS



20 BERRY ST PROPOSED EXTENDED SPECIAL AREA
48,490 SUN HOURS

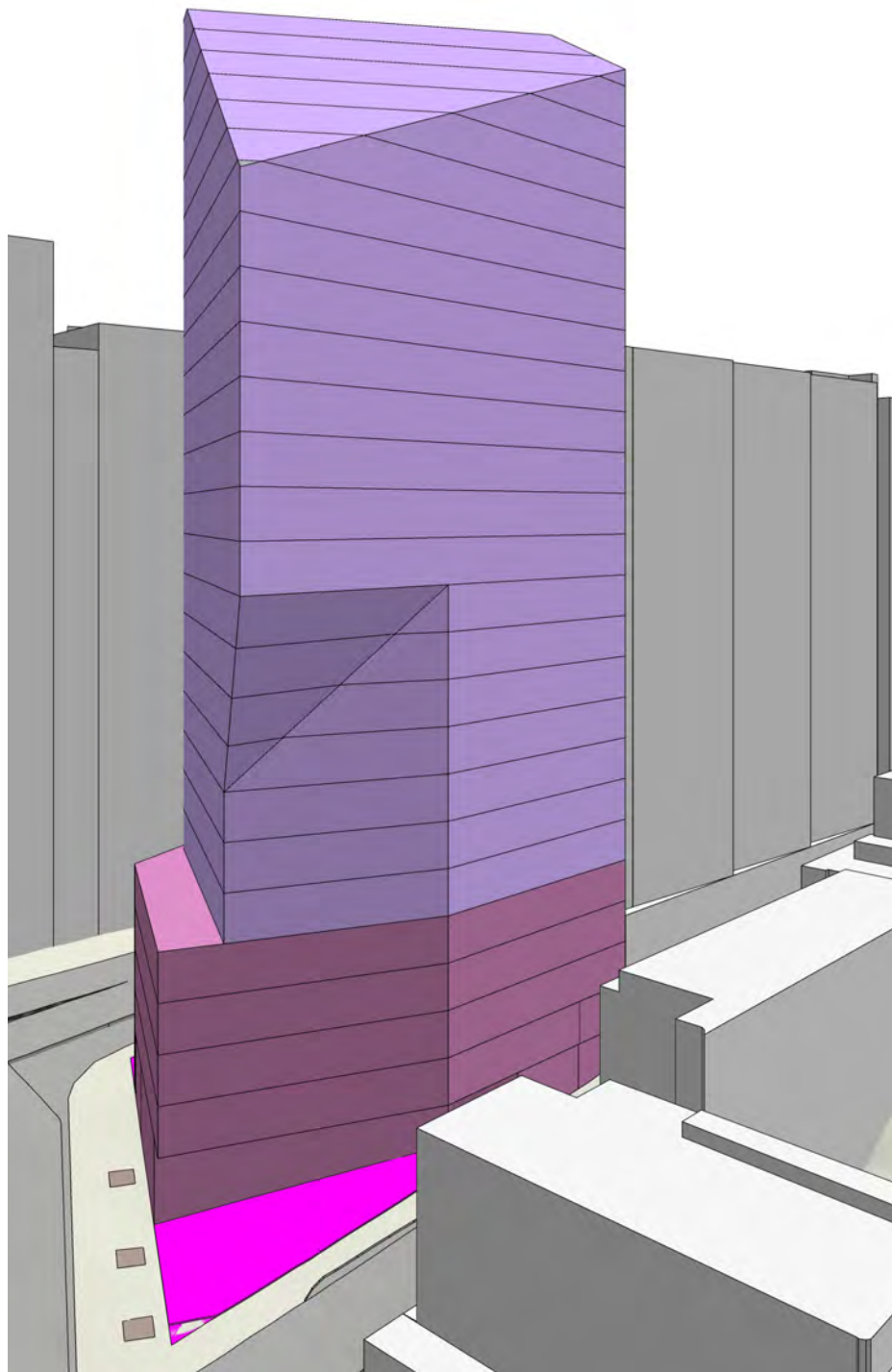


BERRY ST SOUTH SPECIAL AREA - WITH PROPOSED PP
= 71,064 SUN HOURS

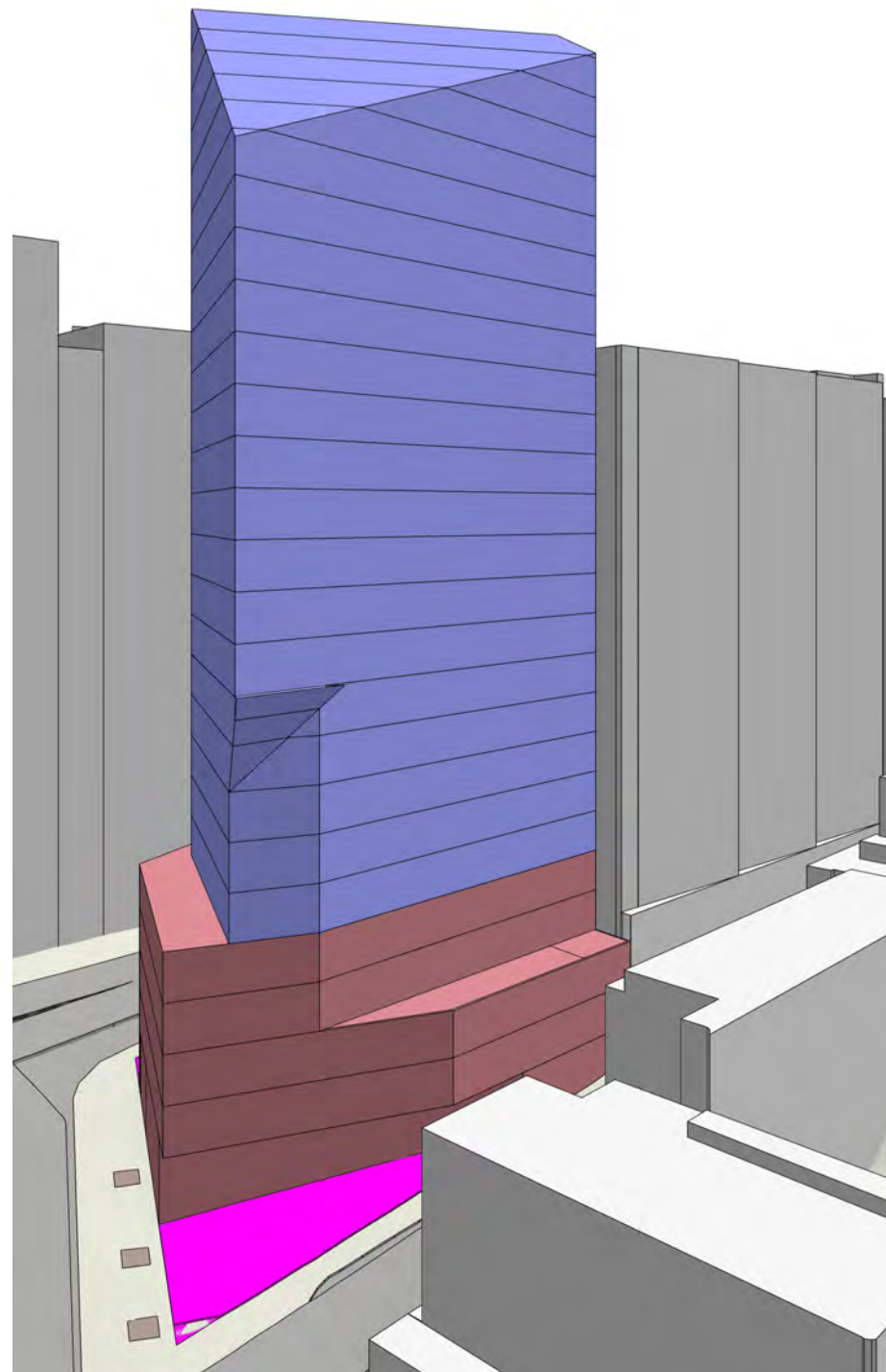


BERRY ST SOUTH SPECIAL AREA - EXISTING
= 82,299 SUN HOURS

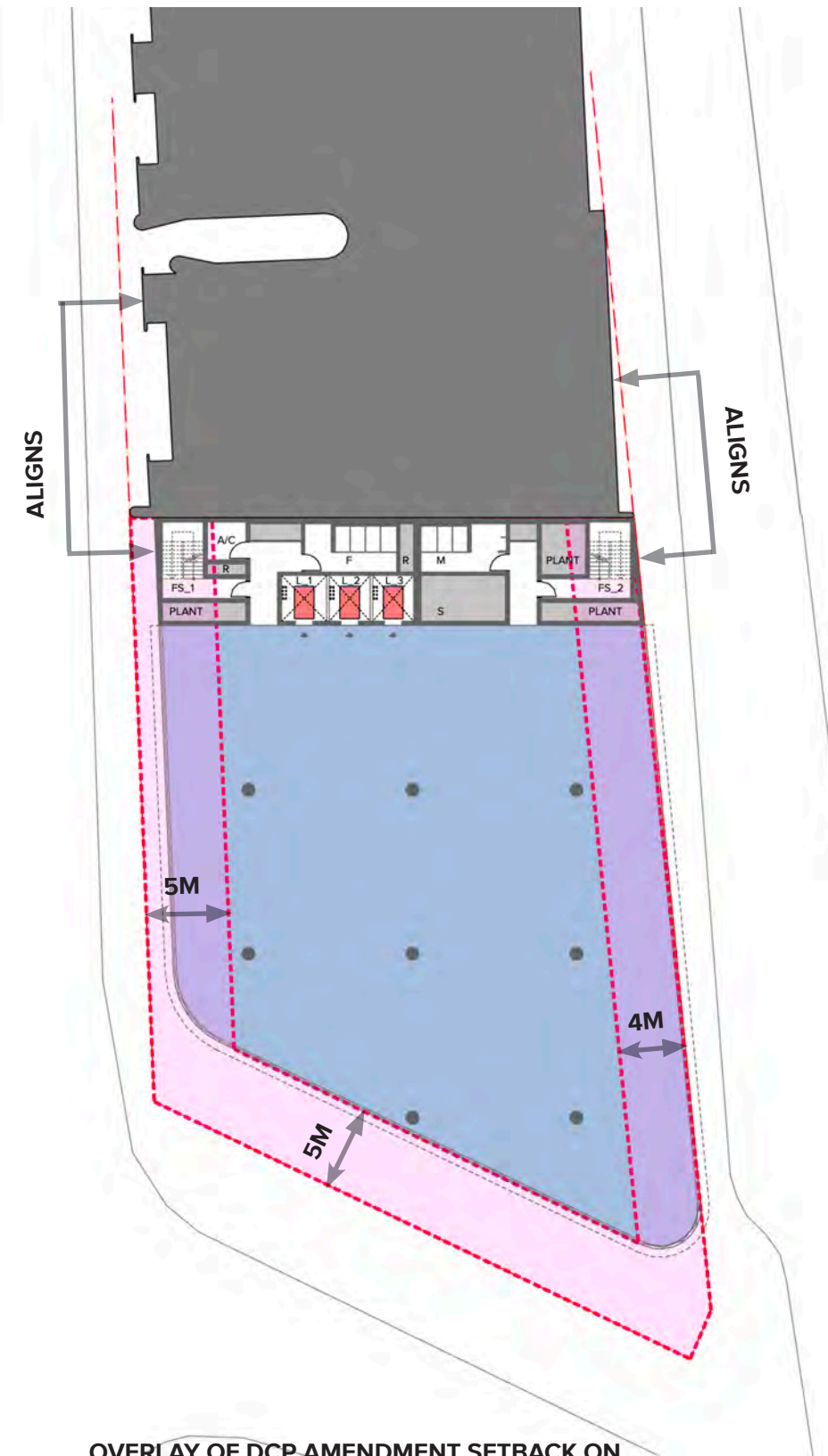
SUN HOURS TO SPECIAL AREAS - EXTENDED 20 BERRY ST SPECIAL AREA - MAR 21st - SEP 21st



PLANNING PROPOSAL
GFA = 22,750sqm

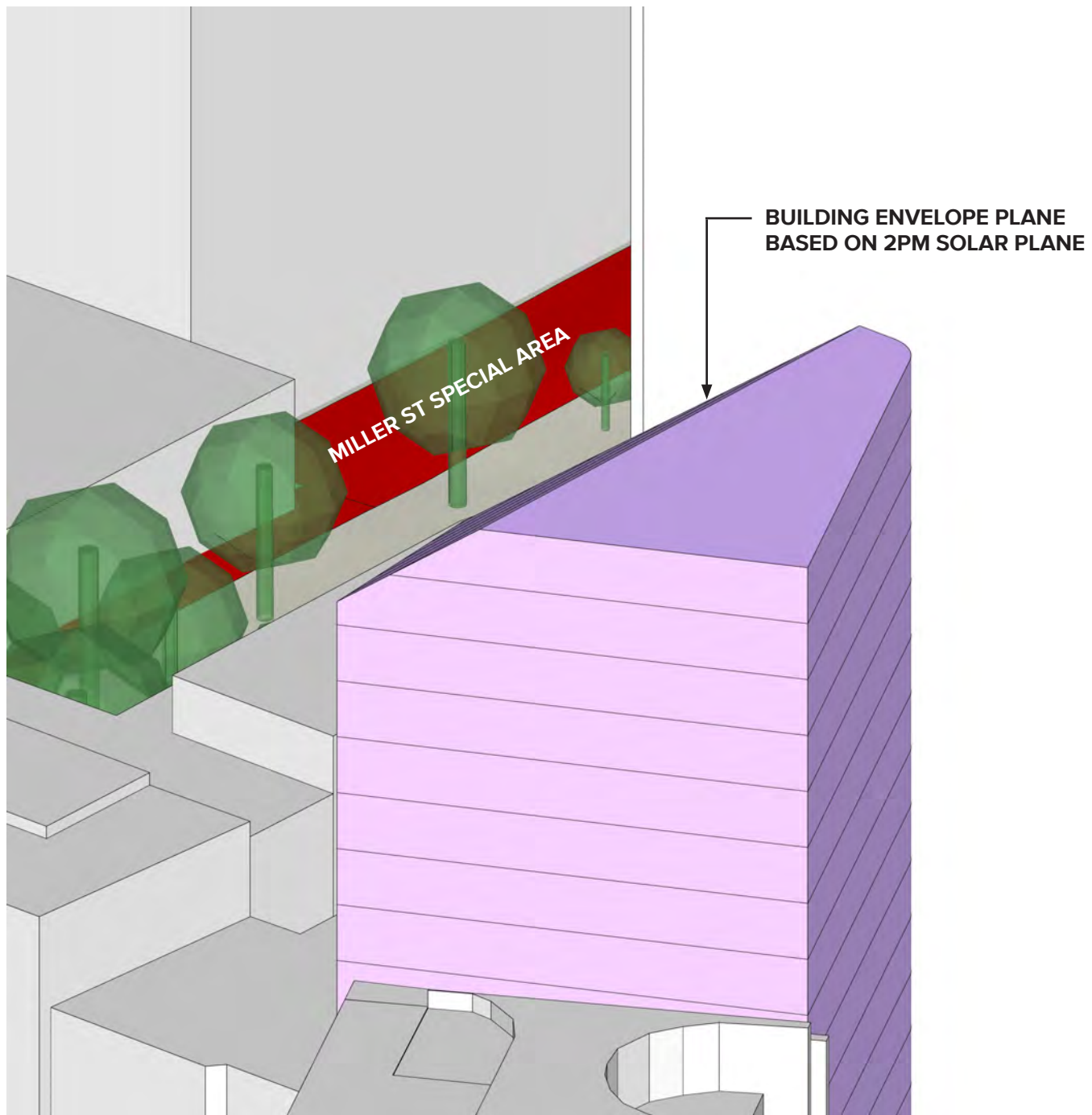


COMPLIANT SETBACK AND PODIUM (DCP AMENDMENT)
GFA = 19,000sqm

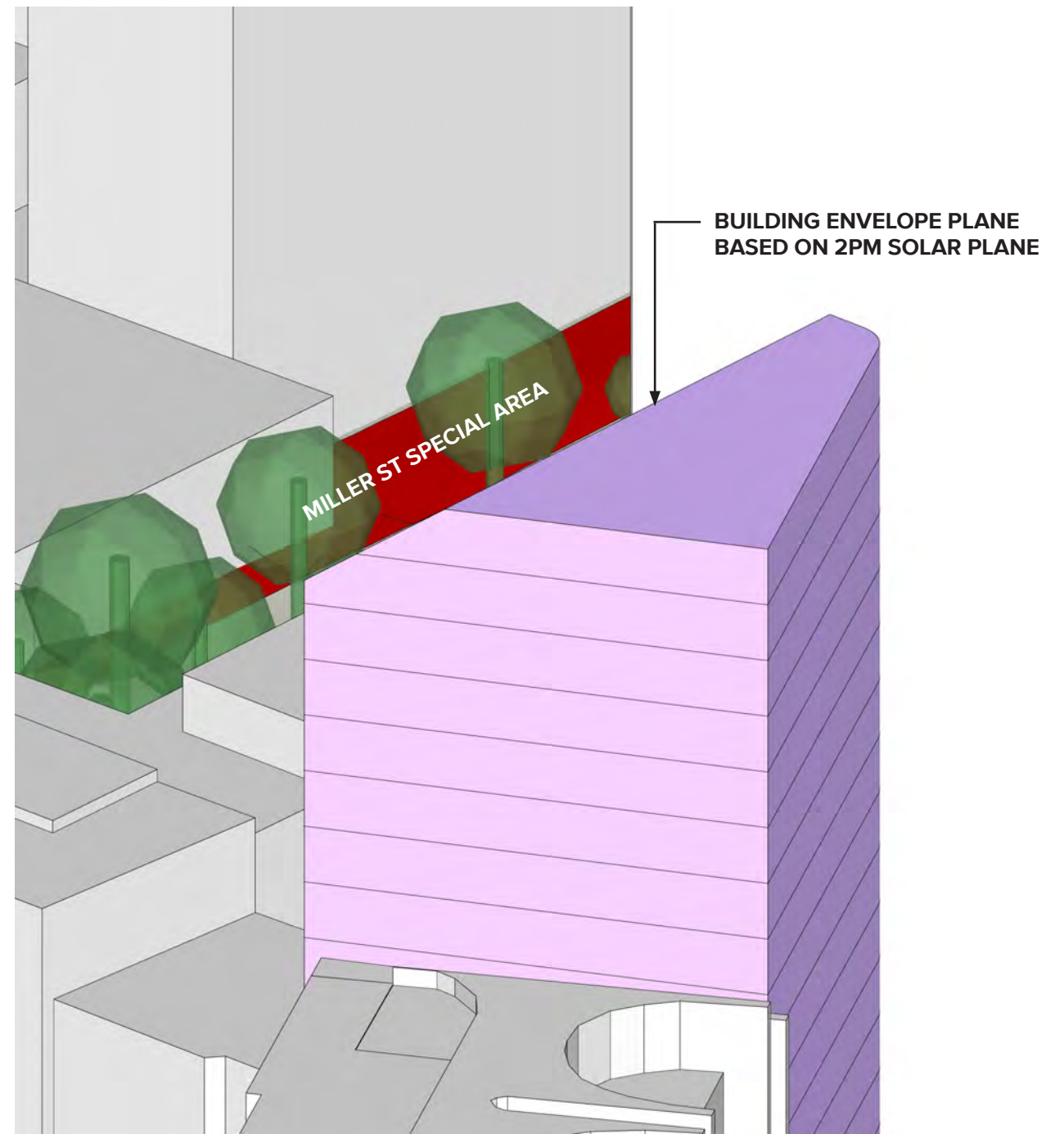


OVERLAY OF DCP-AMENDMENT SETBACK ON
TYPICAL UPPER LEVEL PLAN

SETBACKS



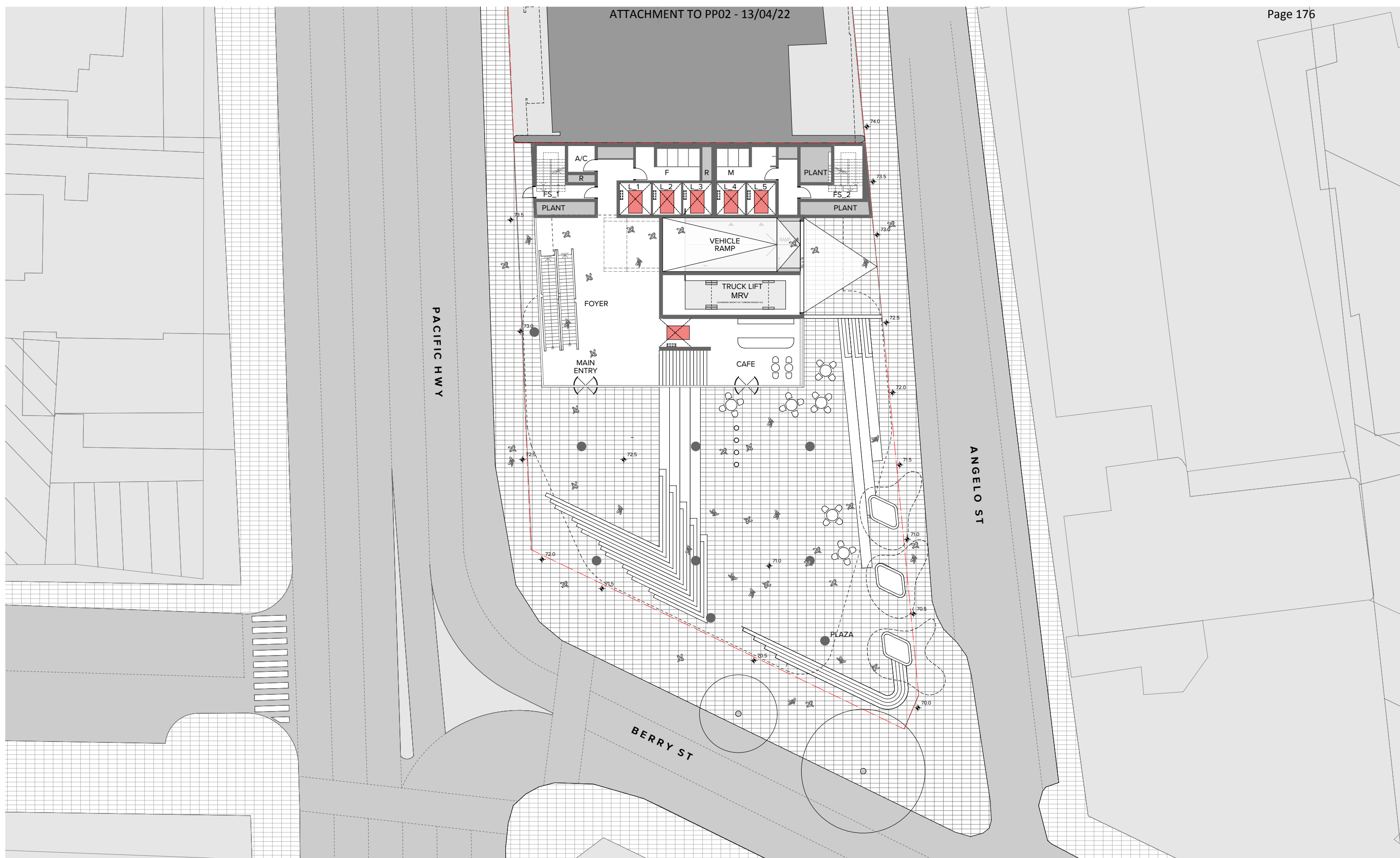
JUNE 21 ST 1.55PM



JUNE 21 ST 2.00PM

SHADOWING OF MILLER ST SPECIAL AREA

CONCLUSION : NO OVERSHADOWING OF MILLER ST SPECIAL AREA 12-2PM. MAR-SEP EQUINOX





VIEW 1 - EXTENDED SPECIAL AREA - LOOKING SOUTH-WEST FROM ANGELO ST



VIEW 2 - EXTENDED SPECIAL AREA - LOOKING WEST FROM ANGELO ST

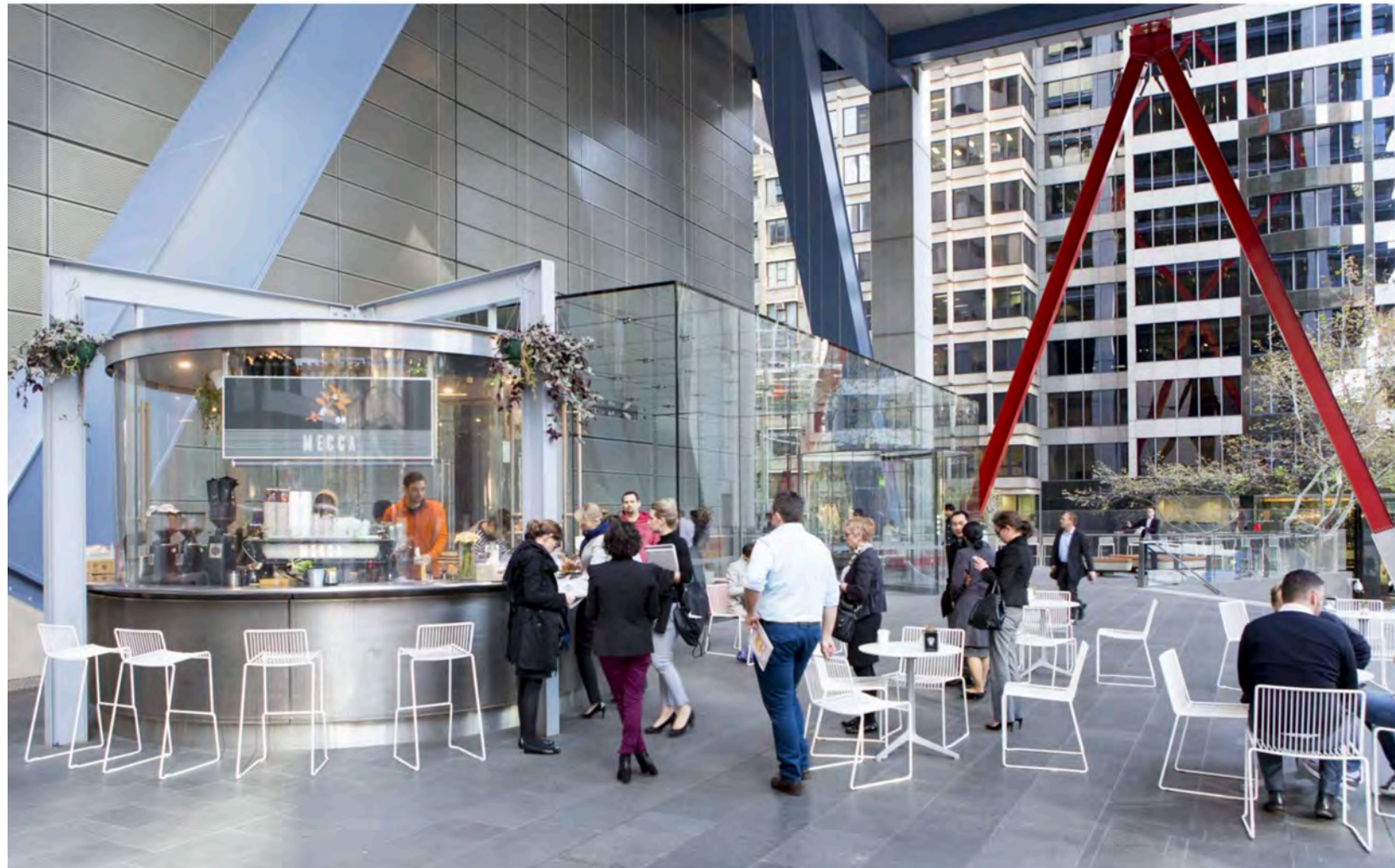


VIEW 3 - EXTENDED SPECIAL AREA - LOOKING NORTH FROM BERRY ST SPECIAL AREA



VIEW 4 - EXTENDED SPECIAL AREA - LOOKING EAST FROM PACIFIC HIGHWAY





8 CHIFLEY

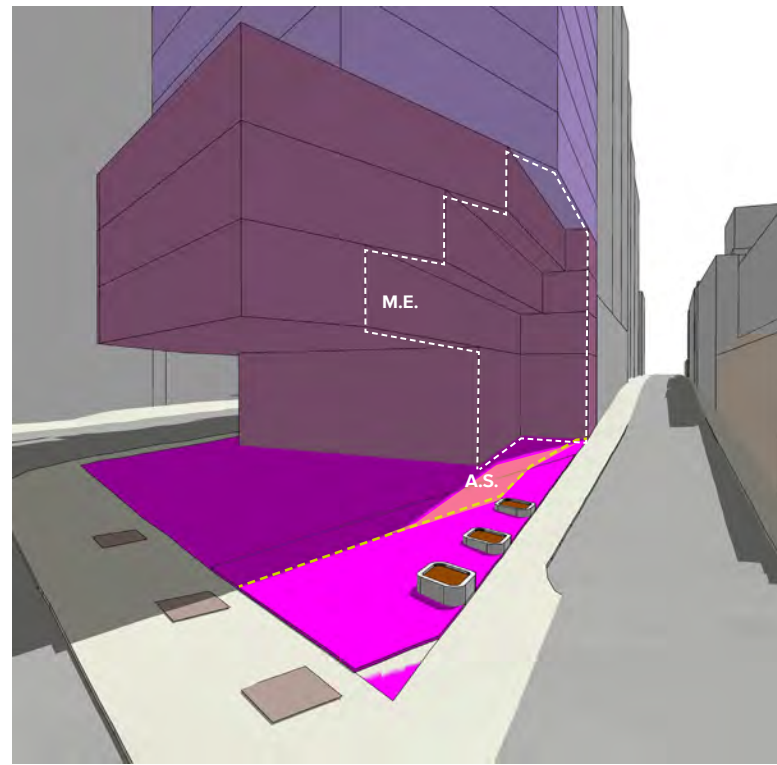


BARRACK PLACE

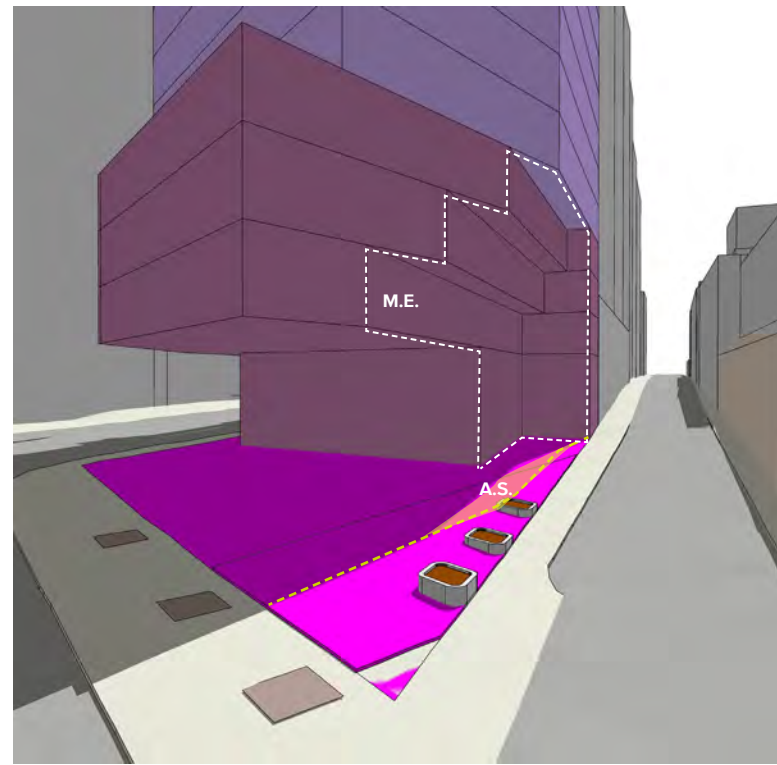


DEUTSCHE BANK PLACE

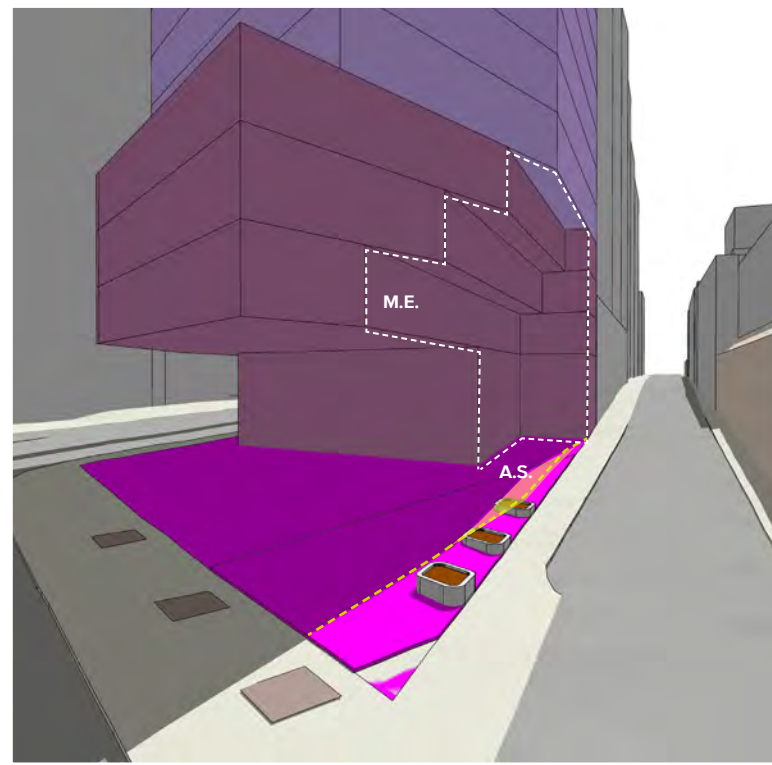
REFERENCE COVERED SPACES, SYDNEY



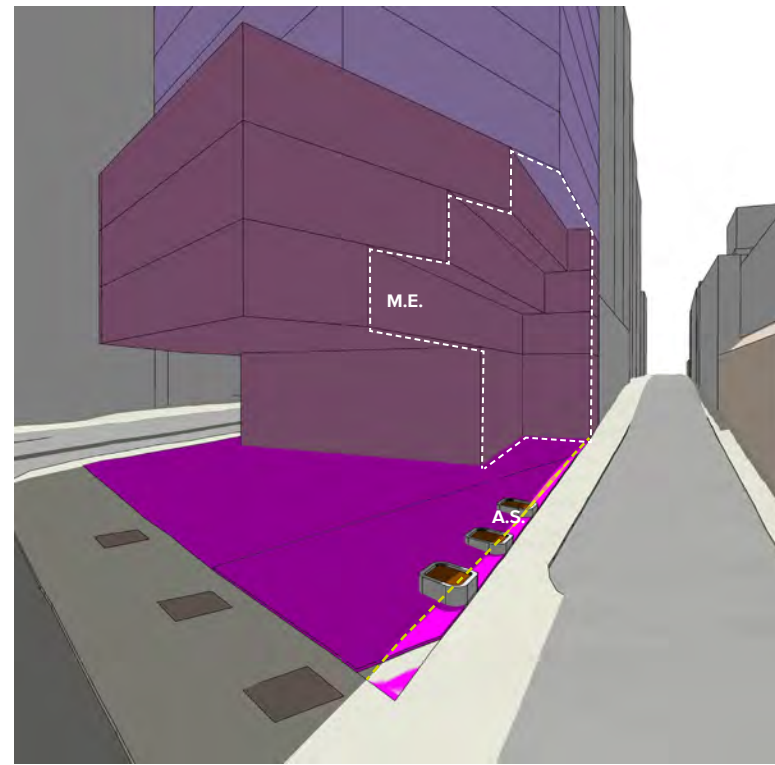
Mar 12.00



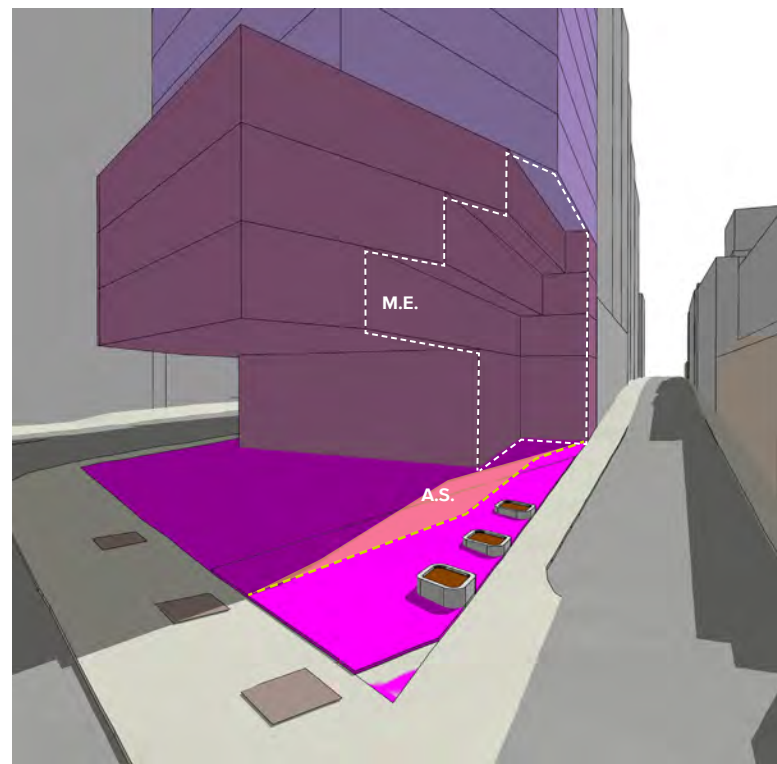
Mar 12.15



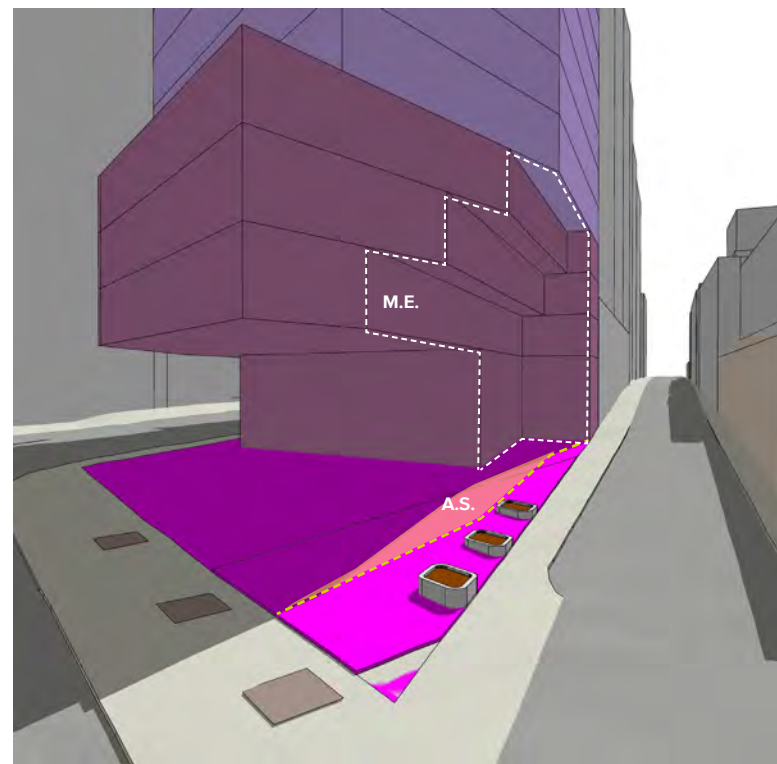
Mar 12.30



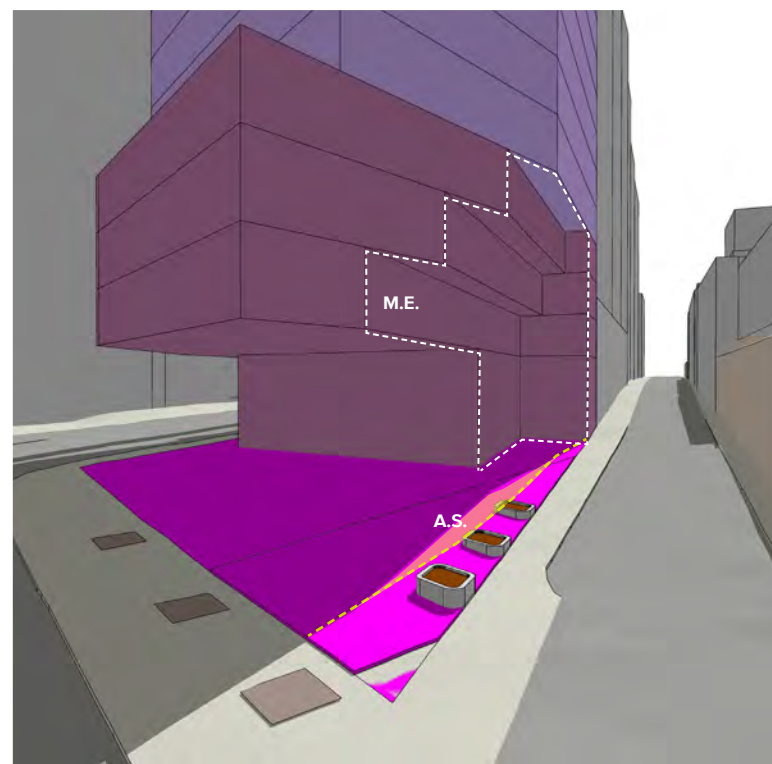
Mar 12.45



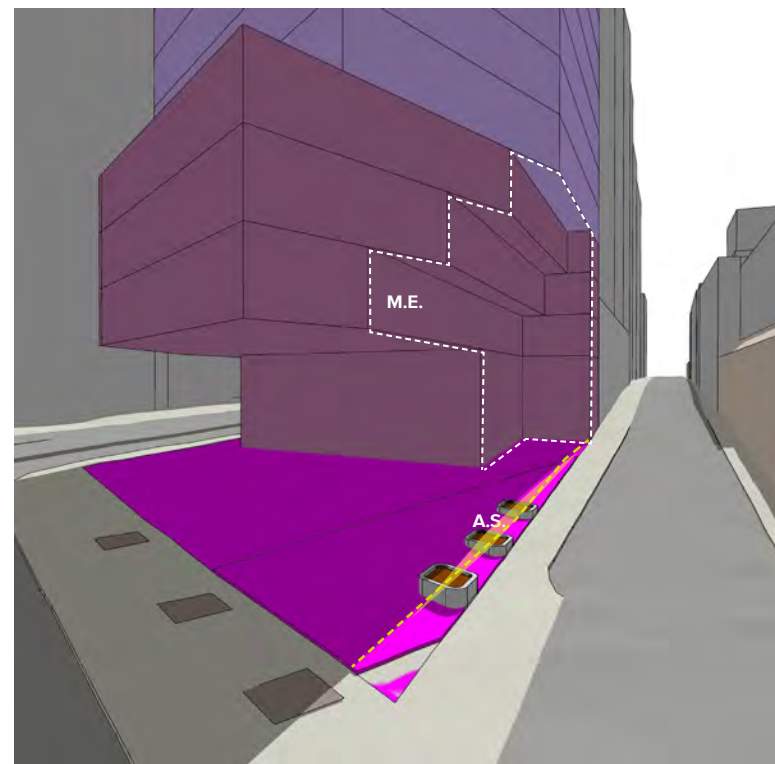
April 12.00



April 12.15



April 12.30

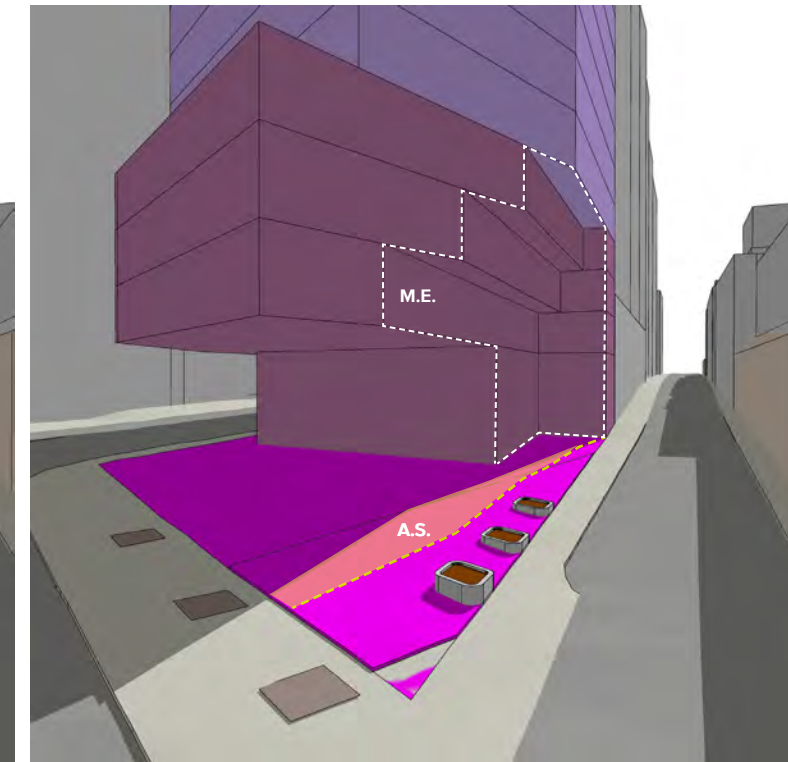
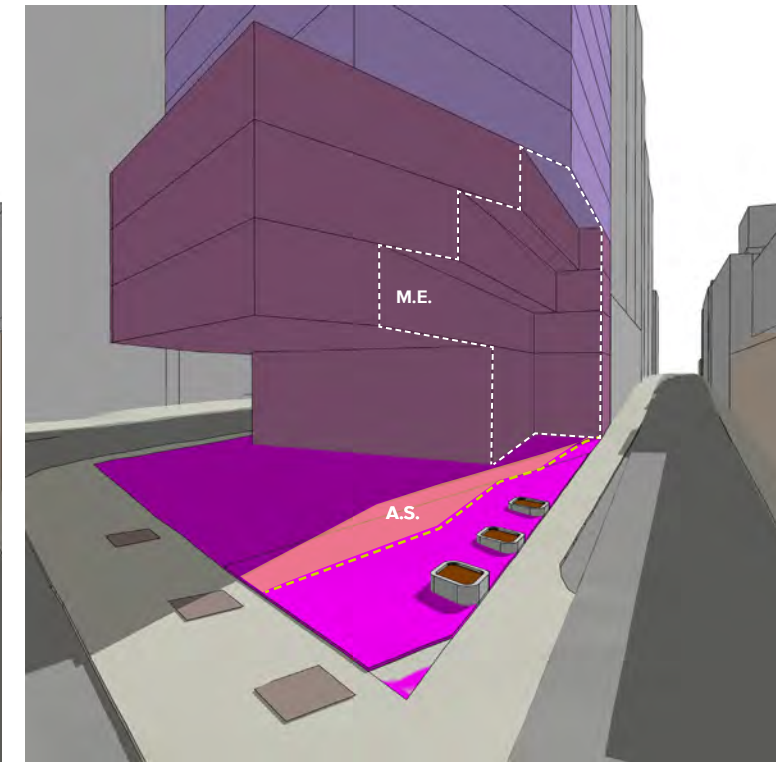
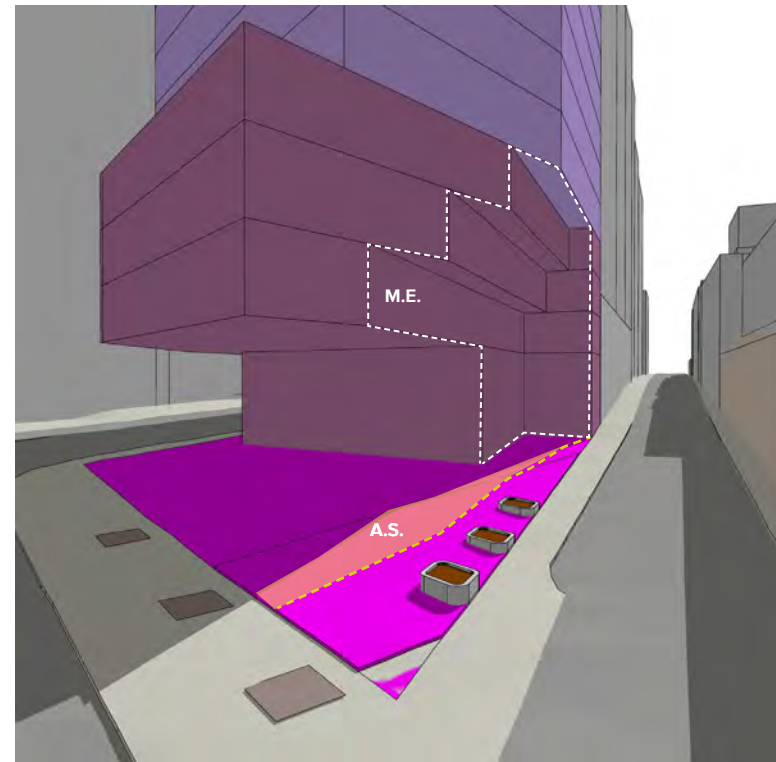
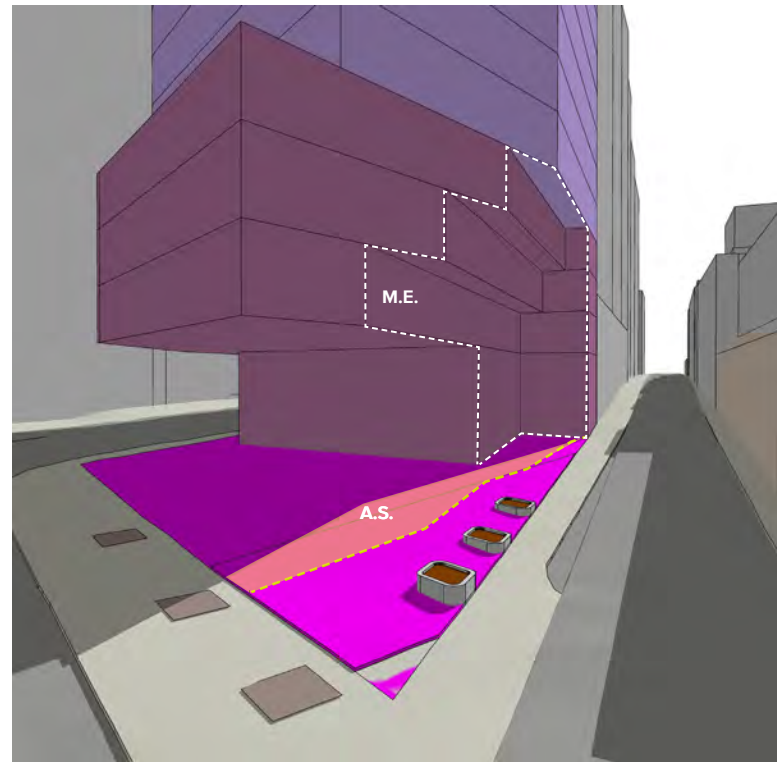


April 12.45

ADDITIONAL SOLAR RESULTING FROM MODIFIED ENVELOPE 02.02.22

A.S. = ADDITIONAL SOLAR

M.E. = MODIFIED ENVELOPE

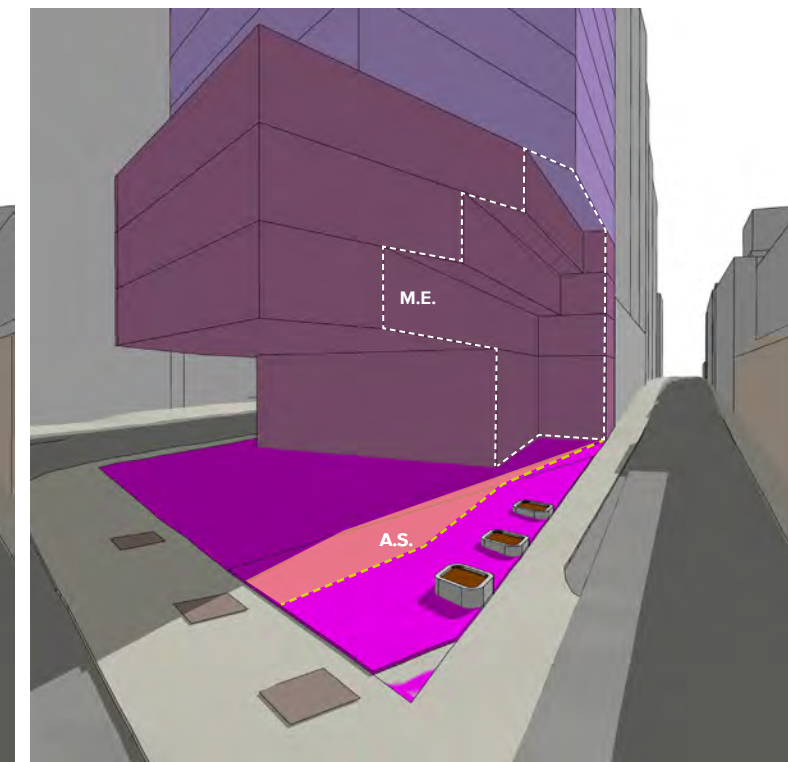
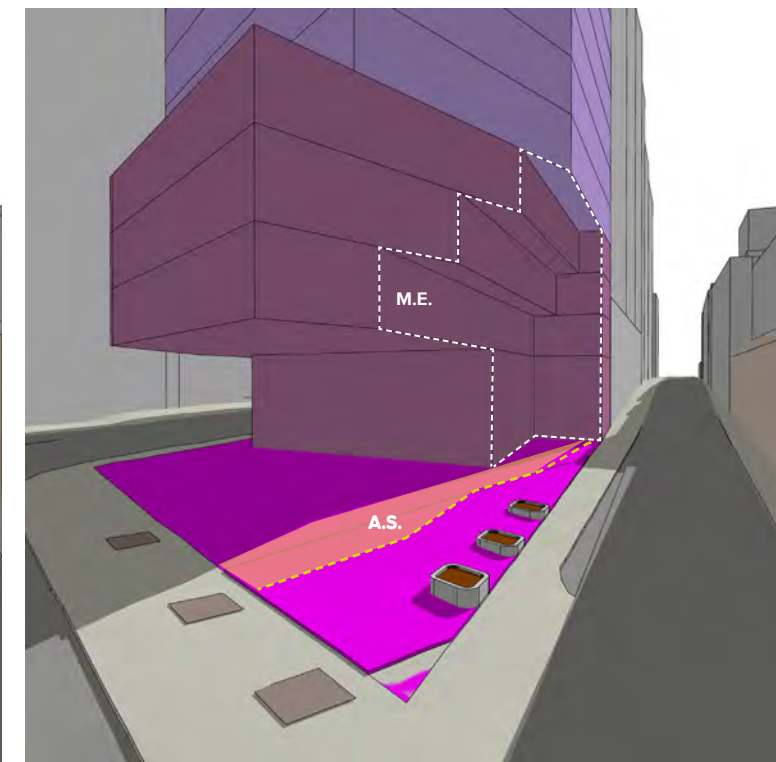
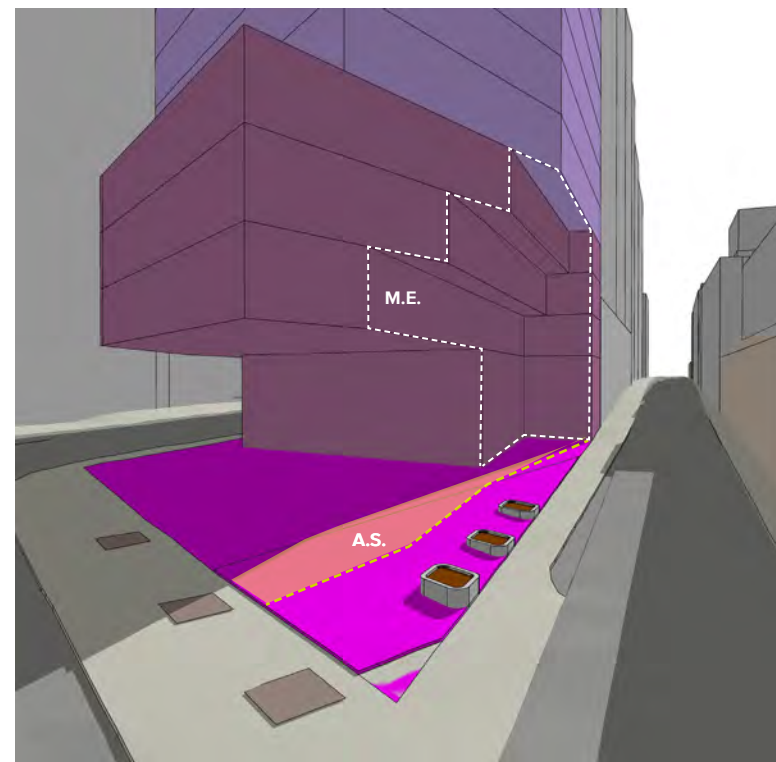
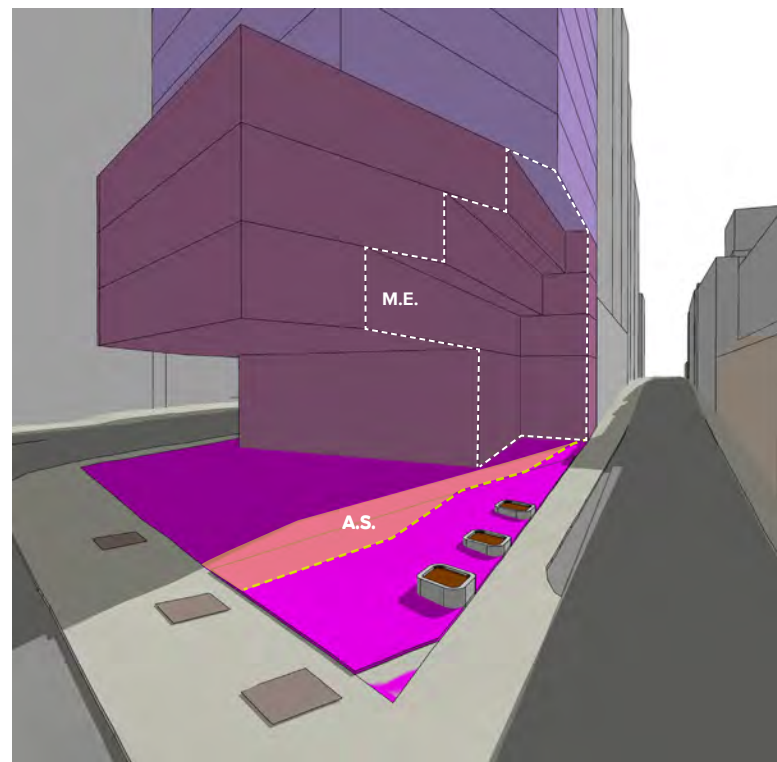


May 12.00

May 12.15

May 12.00

May 12.15



June 12.00

June 12.15

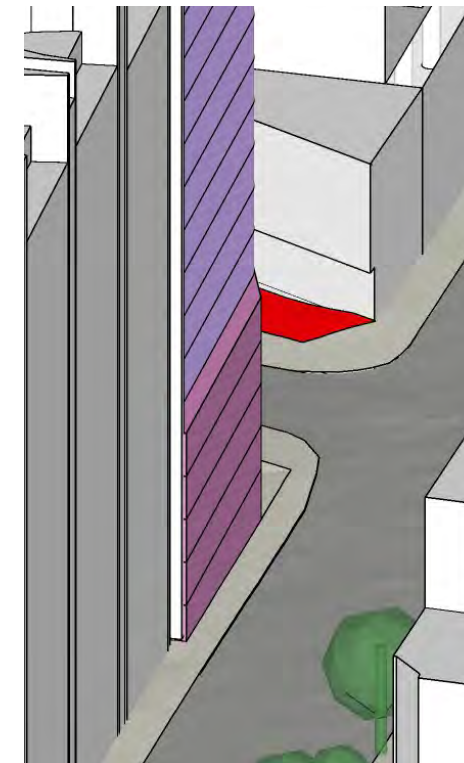
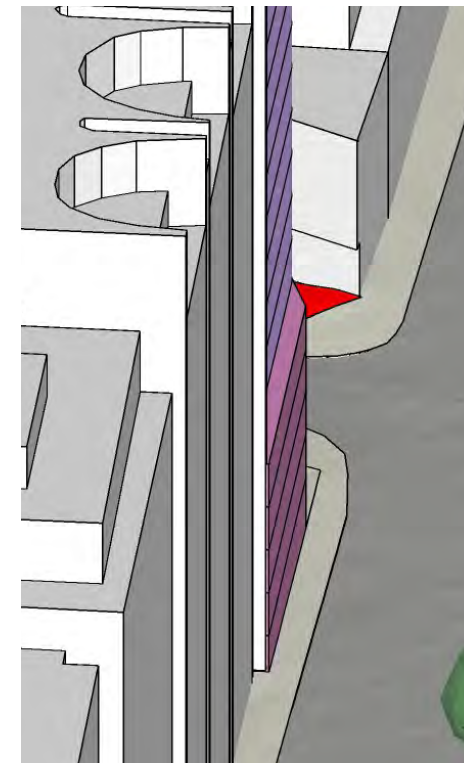
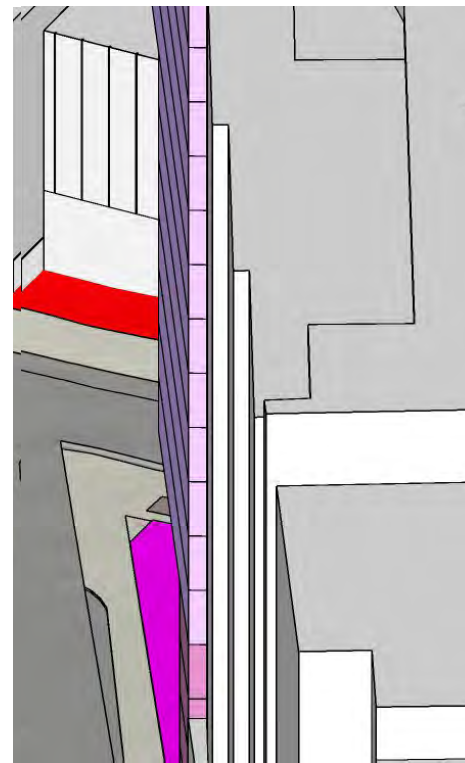
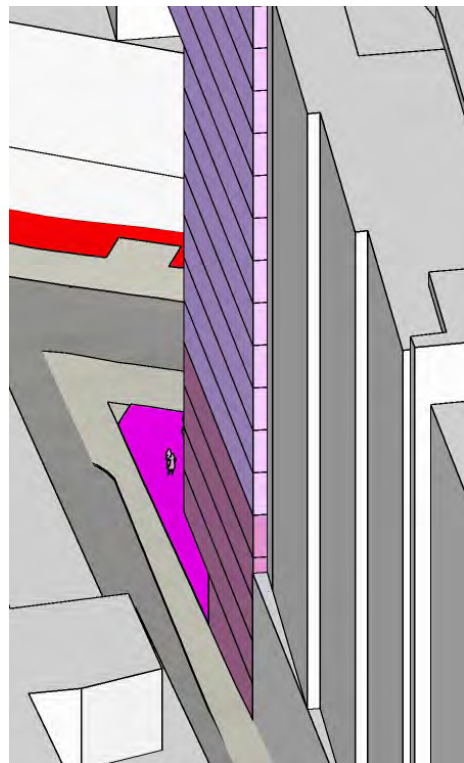
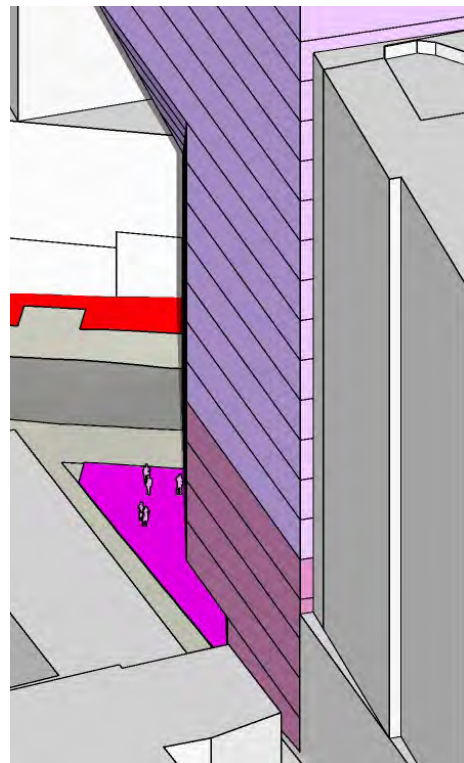
June 12.00

June 12.15

ADDITIONAL SOLAR RESULTING FROM MODIFIED ENVELOPE 02.02.22

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M.E. = MODIFIED ENVELOPE



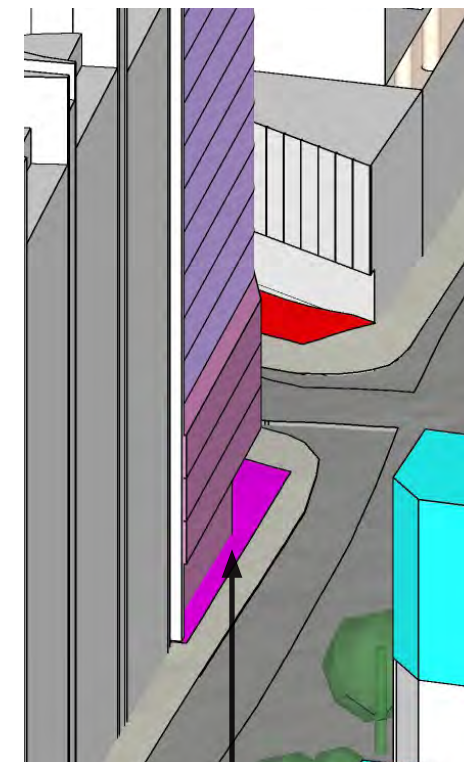
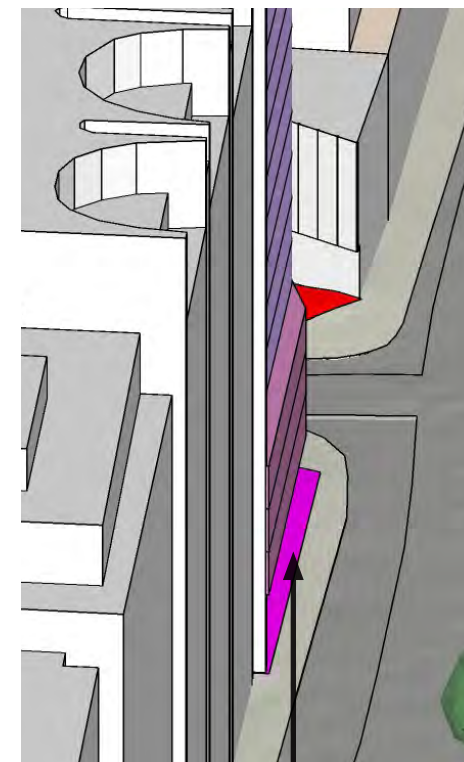
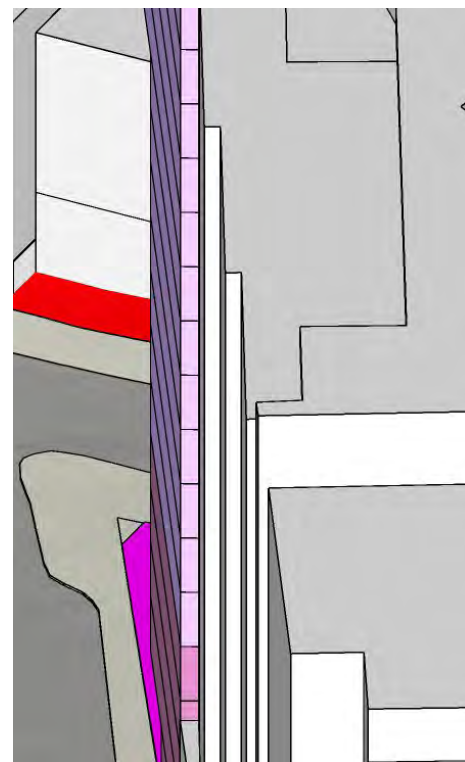
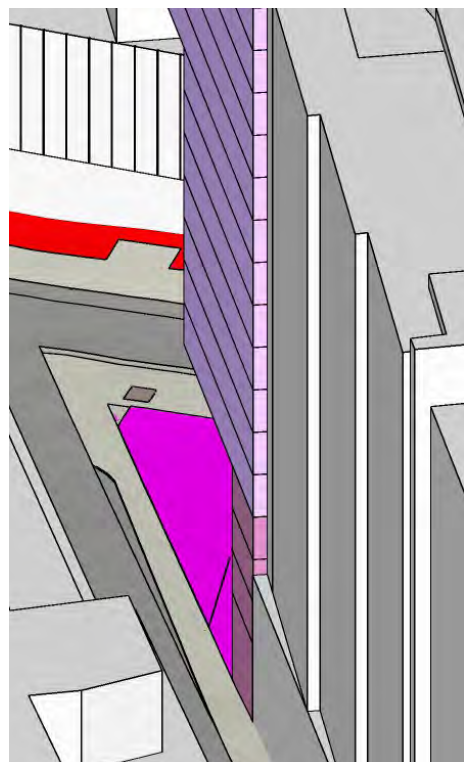
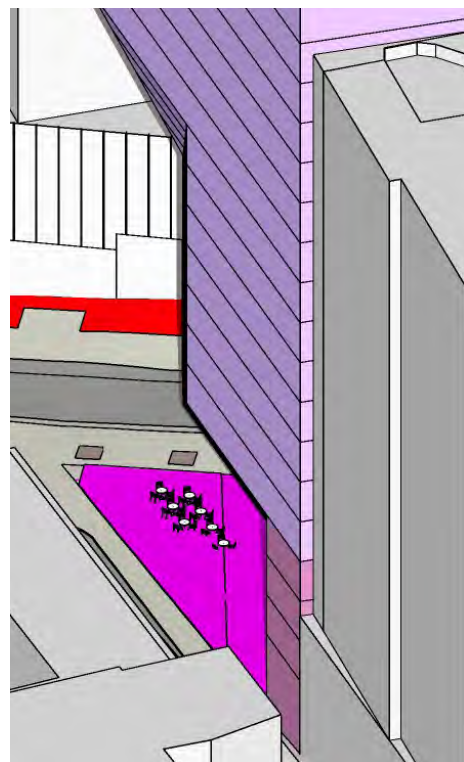
12.00
PLANNING PROPOSAL

12.30

13.00

13.30

14.00



12.00
EXTENDED SPECIAL AREA

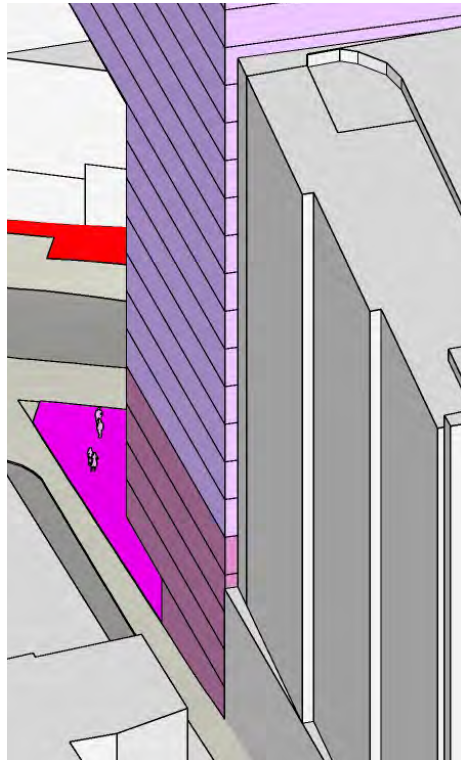
12.30

13.00

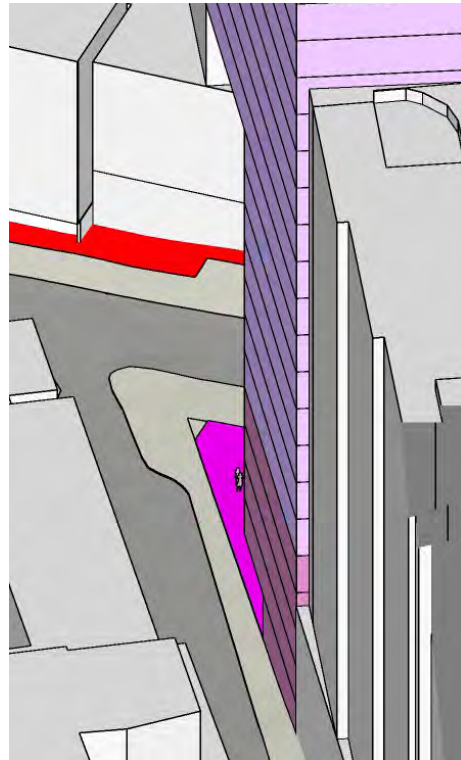
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14.00

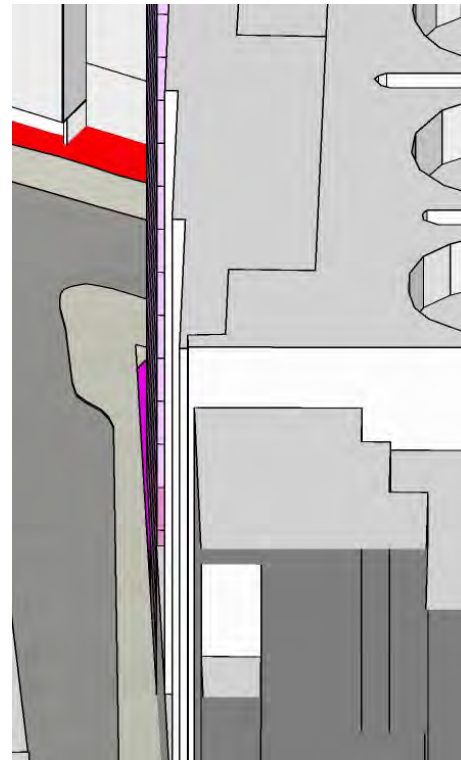
NO OVERSHADOWING OF PACIFIC HIGHWAY PORTION OF SPECIAL AREA BY EXISTING BUILDINGS/ LEP ENVELOPES 12-2PM , MAR-SEP EQUINOX



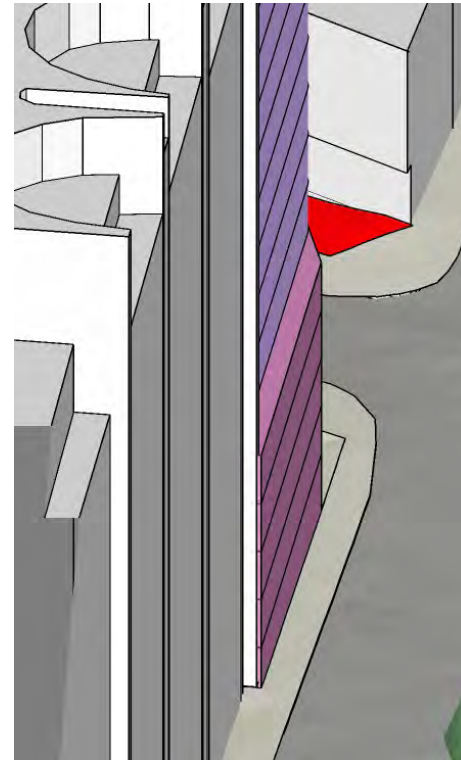
12.00



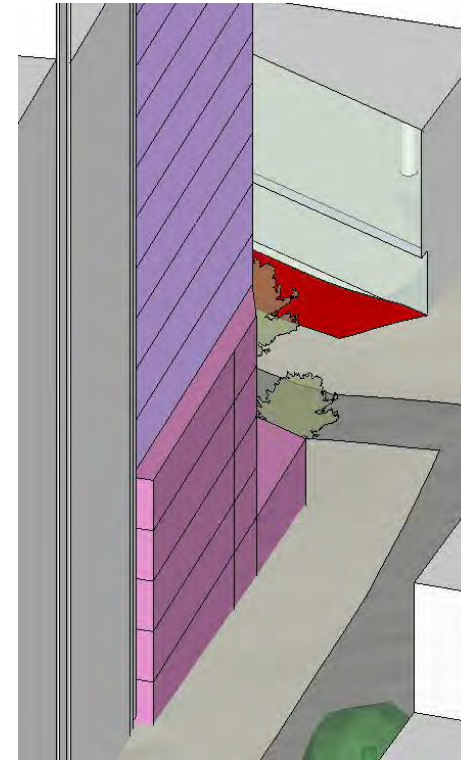
12.30



13.00

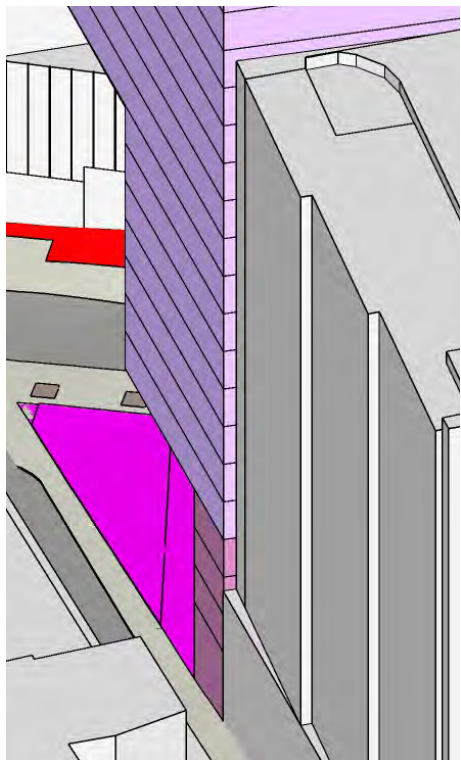


13.30

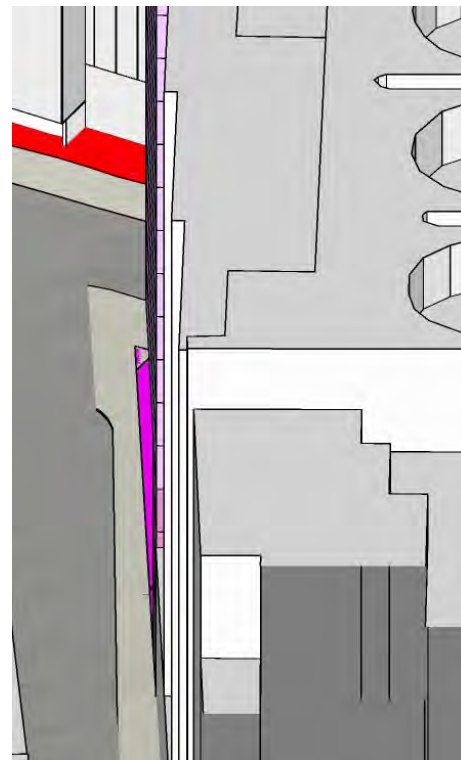
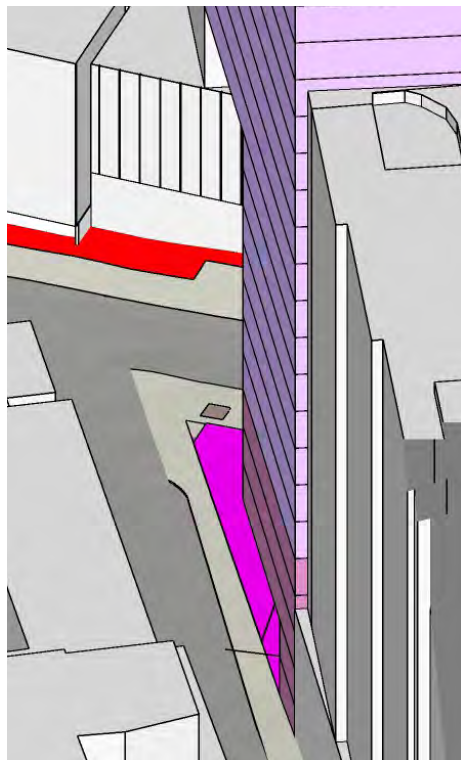


14.00

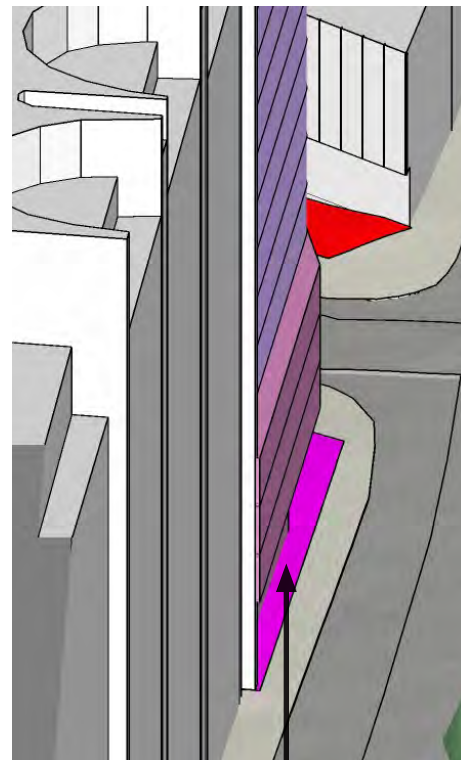
PLANNING PROPOSAL



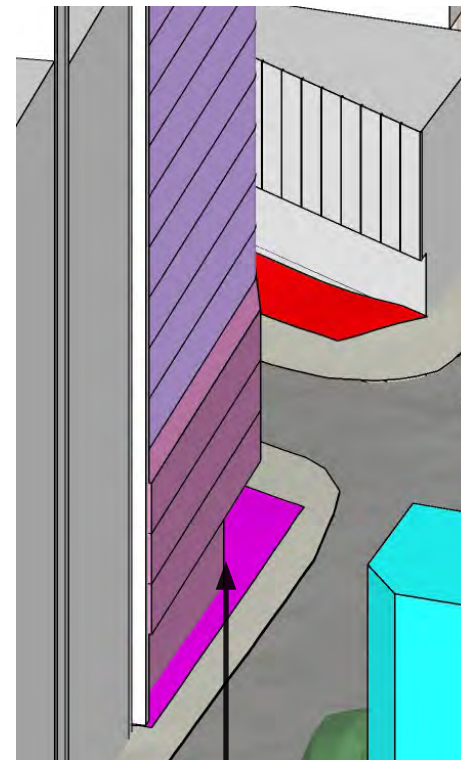
12.00



13.00



13.30

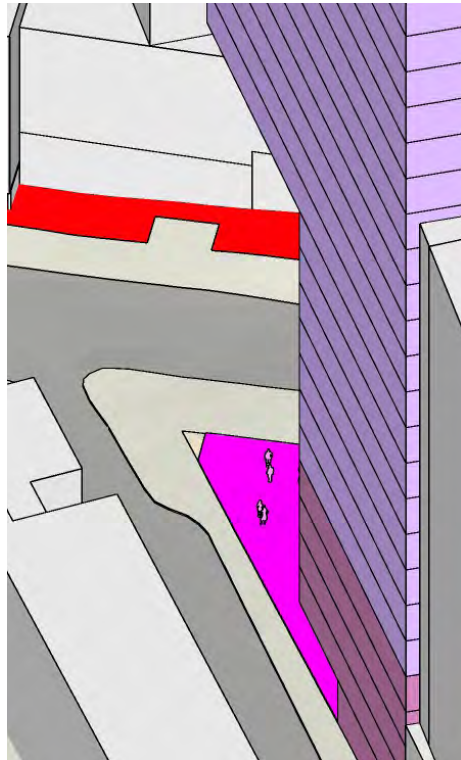


14.00

EXTENDED SPECIAL AREA

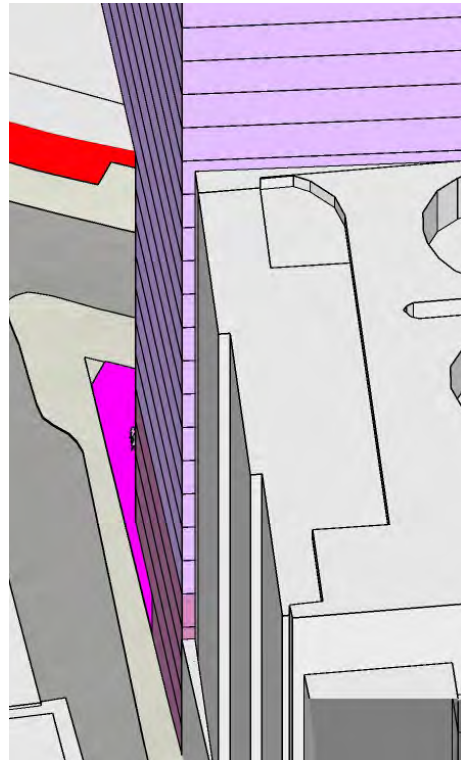
NO OVERSHADOWING OF PACIFIC HIGHWAY PORTION OF SPECIAL AREA BY EXISTING BUILDINGS/ LEP ENVELOPES 12-2PM , MAR-SEP EQUINOX

SUN-EYE MAY 21st

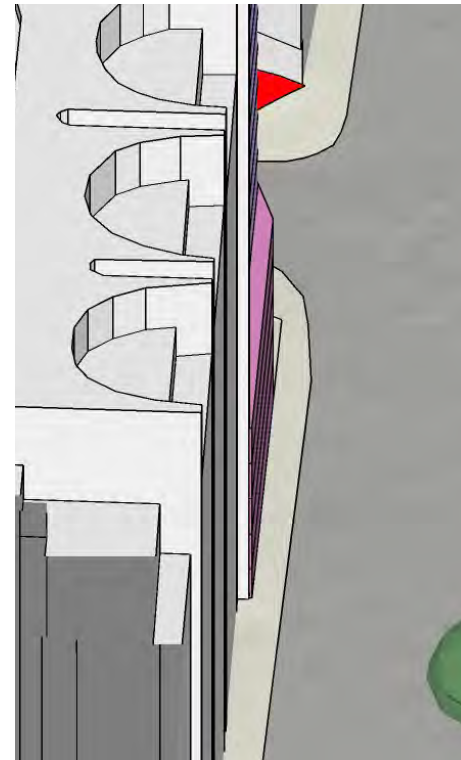


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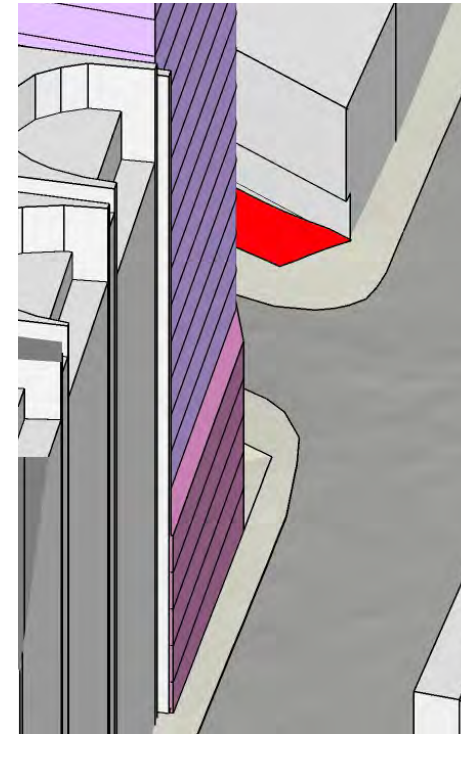
PLANNING PROPOSAL



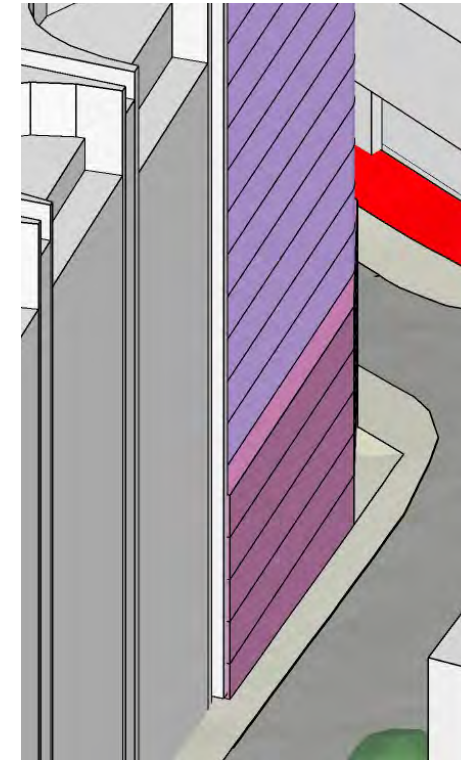
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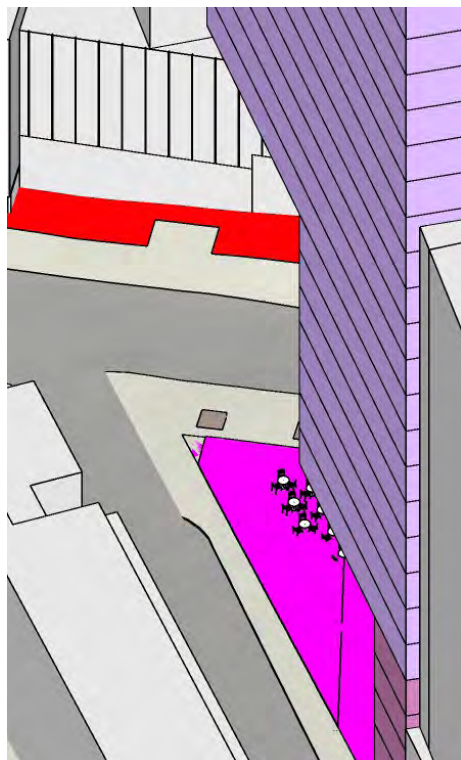
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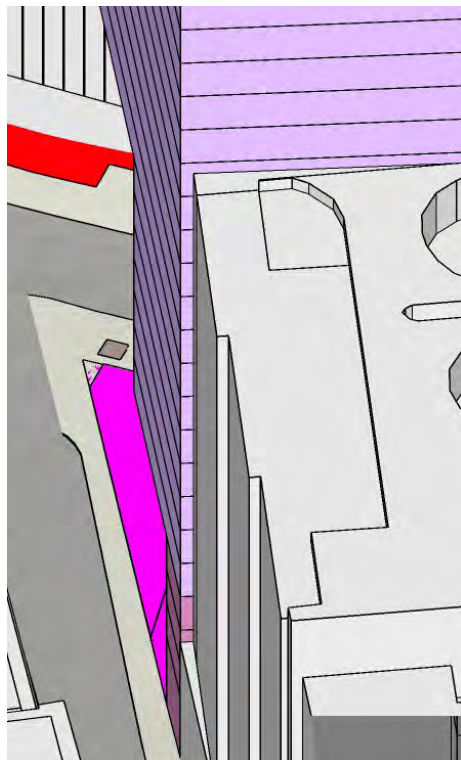


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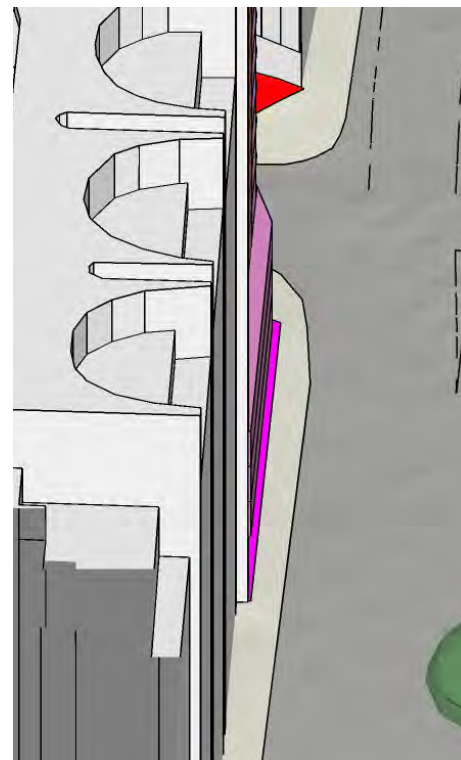


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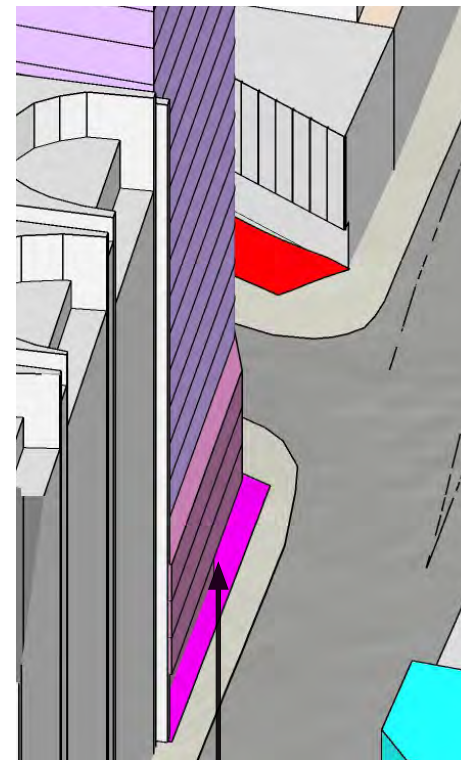
EXTENDED SPECIAL AREA



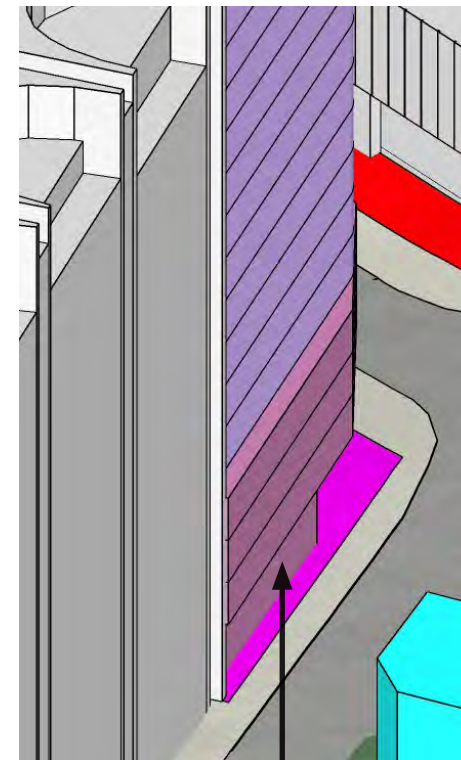
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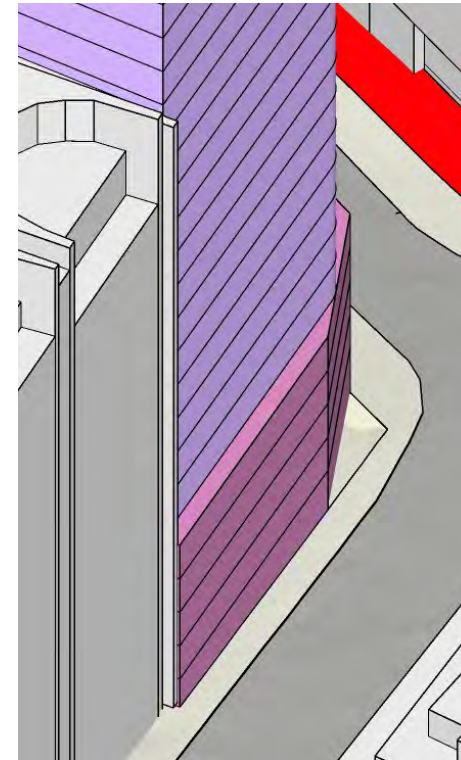
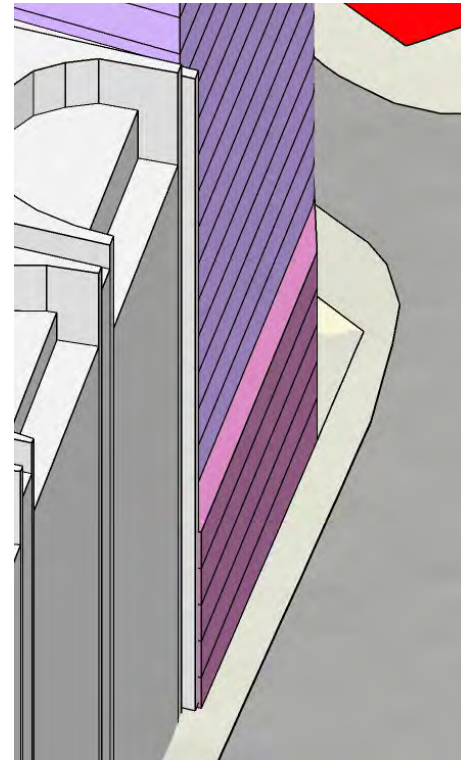
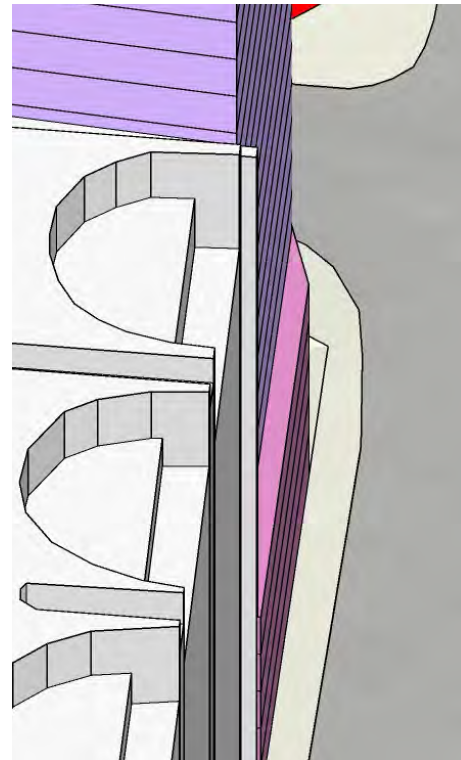
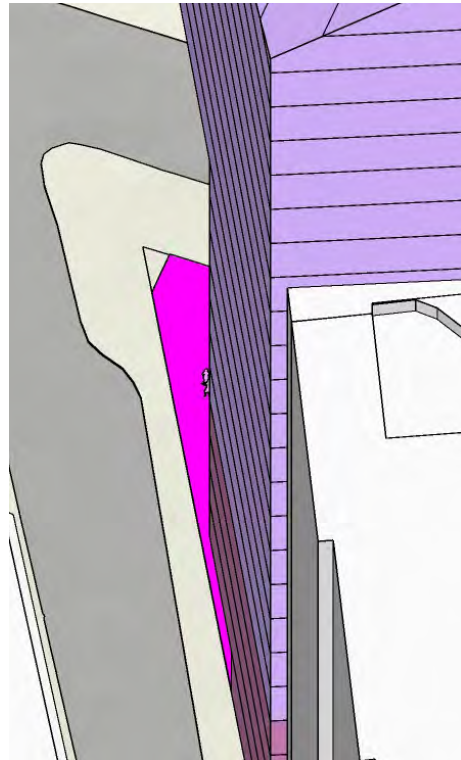
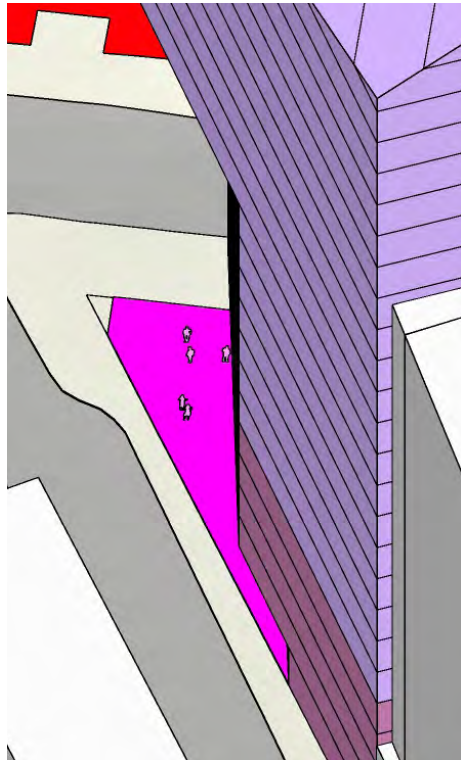


13.30



14.00

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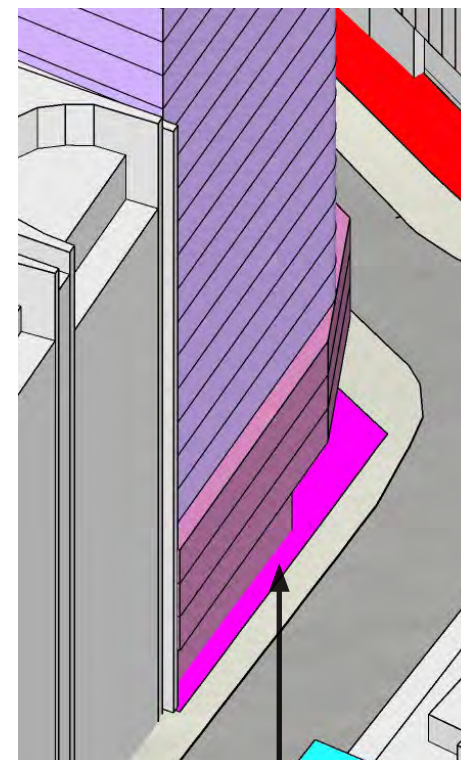
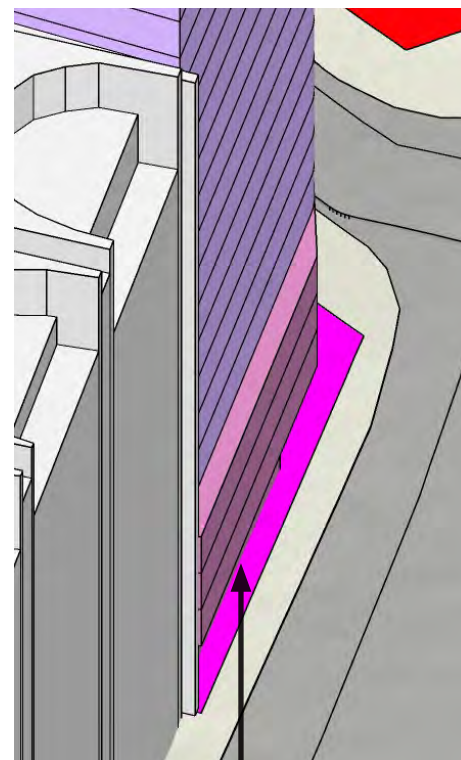
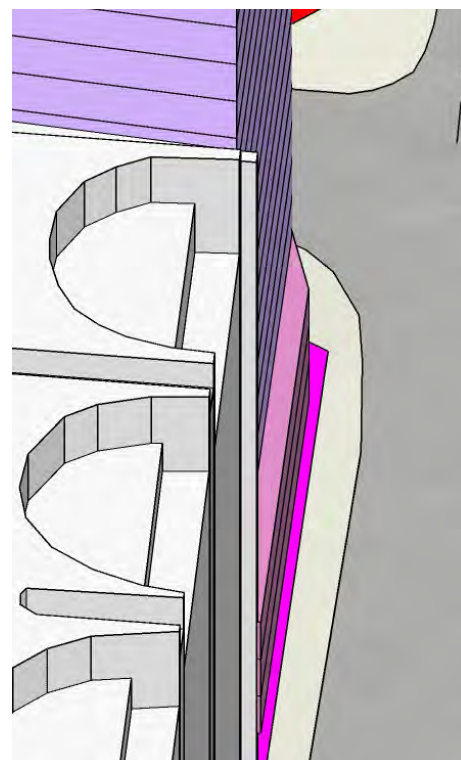
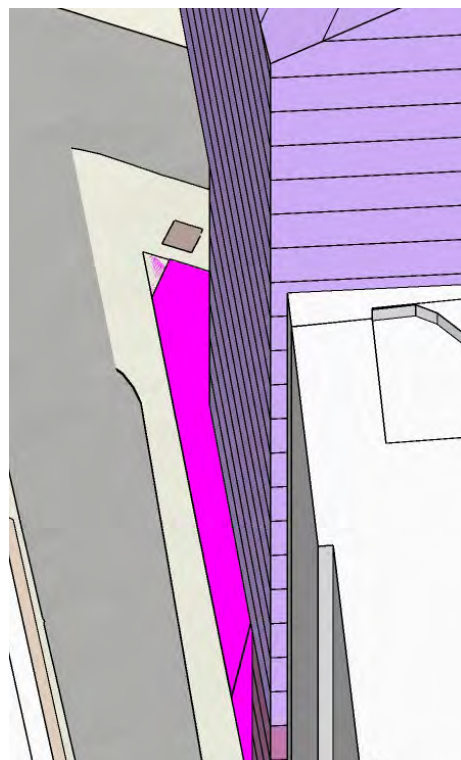
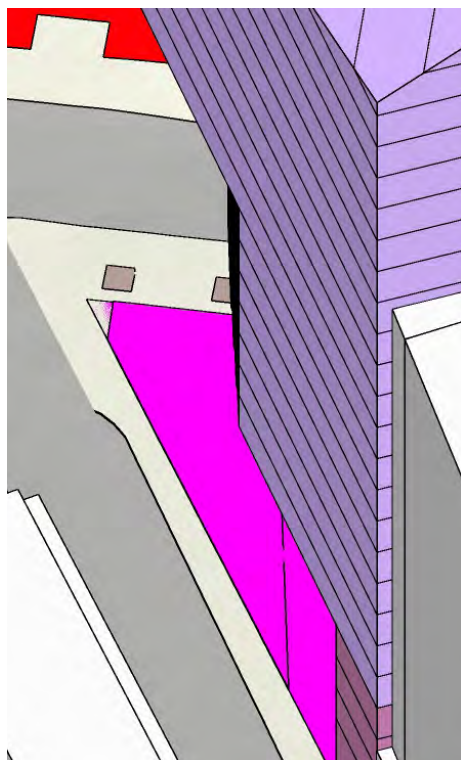
12.00
PLANNING PROPOSAL

12.30

13.00

13.30

14.00



12.00
EXTENDED SPECIAL AREA

12.30

13.00

13.30

14.00

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