



NSLPP MEETING HELD ON 23/02/22

Attachments:

1. Planning Proposal
2. Urban Design Report
3. Letter of Offer for Voluntary Planning Agreement

ADDRESS/WARD: 45 McLaren Street, North Sydney (W)

PROPOSAL No: 6/20

PROPOSAL: To amend North Sydney Local Environmental Plan 2013 as follows:

- Rezone the site from *R4 High Density Residential* to *B4 Mixed Use*;
- Increase the maximum height of building limit from 12m to part RL 103 (36-43m) and Part RL 115 (approximately 47-51m);
- Impose a maximum floor space ratio of 6.25:1;
- Introduce a non-residential floor space ratio of 1:1;
- Amend Clause 4.4A – *Non-Residential Floorspace Ratios* to permit residential development at ground level facing Walker Street; and
- Amend Clause 6.12A – Residential flat buildings in Zone B4 Mixed Use to permit residential development at ground level facing Walker Street.

To ensure that the envisaged built form outcome is achieved, the Planning Proposal is accompanied by suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan (NSDCP) 2013 and an offer to enter a Voluntary Planning Agreement to deliver a number of public benefits.

OWNER: Ralph Basil Chandler; Maheswari Nagaretnam; Louise Jane Collins; Anthony Scott Walker; Bronwyn Maltby; Gregory Alan Ellis & Helen Elizabeth Ellis; Michael Leiding & Katherine Sarah Wilsdon; Shane Shelton Shockman; Vincent Holdings Pty Limited; Peter Samuel Jonas; Victor Raymond Noden & Barbara Ann Noden; Sarran Pty Ltd; Patricia Therese Petzold; Amy Louise Deuble; Mihran Peter Gostanian & Yvanne Gia Van Diep; Lynley Marie Newton & Stephen Andrew Newton; Arienne Lindy Brodie; Kevin John Sippel & Lorraine McGee-Sippel.

AUTHOR: Ben Boyd, Executive Strategic Planner

DATE OF REPORT: 11 February 2022

DATE LODGED: 22 October 2020

EXECUTIVE SUMMARY

On 22 October 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 45 McLaren Street, North Sydney. In particular, it seeks the following amendments to NSLEP 2013:

- Rezone the site from *R4 High Density Residential* to *B4 Mixed Use*;
- Increase the maximum height of building limit from 12m to part RL 103 (approximately 36-43m) and Part RL 115 (approximately 47-51m);
- Impose a maximum floor space ratio of 6.25:1;
- Impose a non-residential floor space ratio of 1:1;
- Amend Clause 4.4A – *Non-Residential Floor Space Ratios* to permit residential development at ground level facing Walker Street; and
- Amend Clause 6.12A – *Residential flat buildings in Zone B4 Mixed Use* to permit residential development at ground level facing Walker Street.

The indicative concept scheme accompanying the Planning Proposal includes a 10-14-storey mixed use building, comprising approximately 11,200sqm of Gross Floor Area (GFA), with 82 apartments located above 2,091sqm of commercial floorspace and 3 levels of basement car parking.

To ensure that the envisaged built form outcome is achieved, the Planning Proposal is accompanied by suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan (NSDCP) 2013.

The Planning Proposal is also accompanied by an offer to enter into a Voluntary Planning Agreement with Council to deliver a number of public benefits to the value of approximately \$5.8 million including a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan, streetscape upgrades adjacent to the site and expansion of an existing through site link across the site.

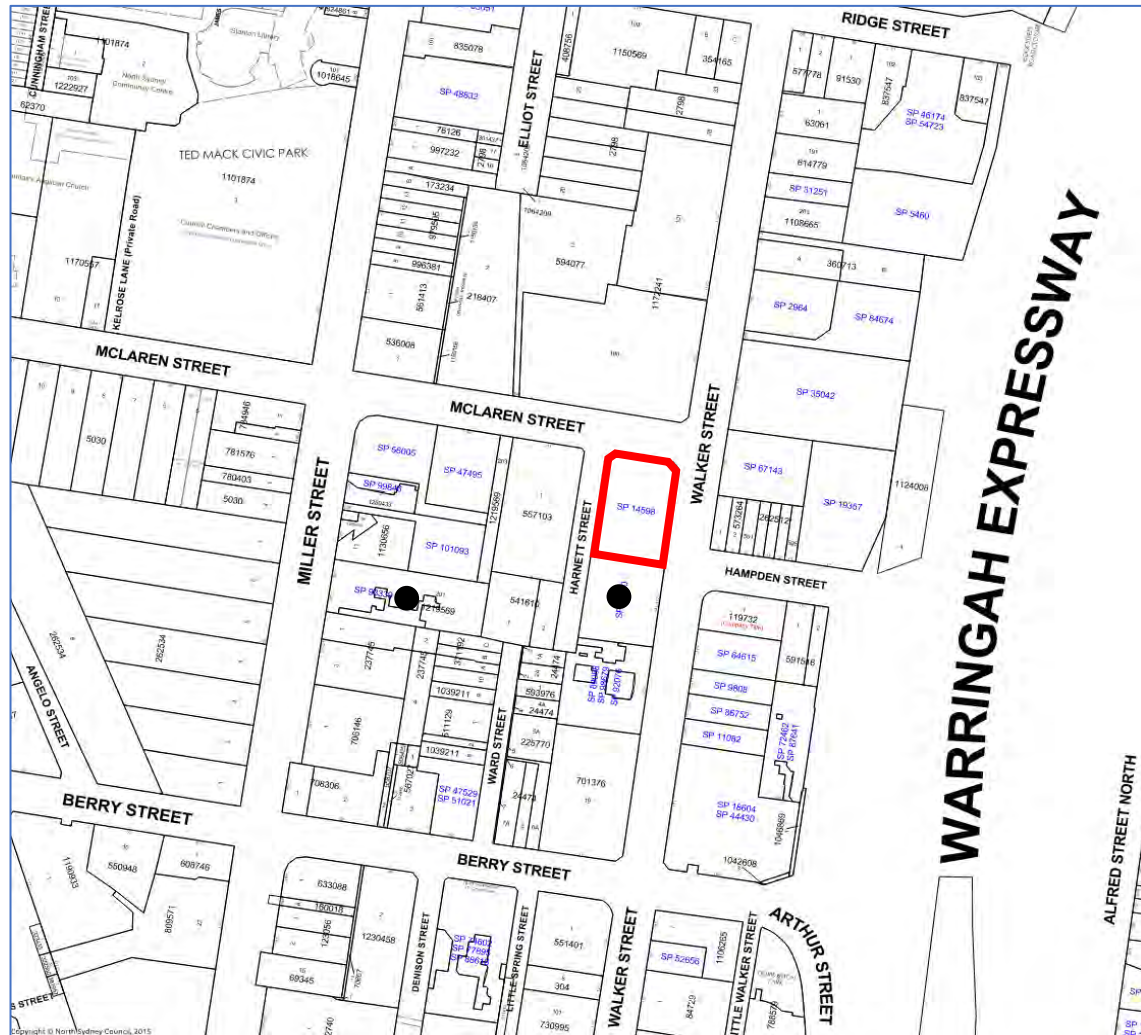
The Planning Proposal is supported as it:

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

As such, the Planning Proposal is considered to be satisfactory and should be forwarded to the DPIE for Gateway Determination.

LOCATION MAP

 Property ● Submitters



DESCRIPTION OF PROPOSAL

Planning Proposal 6/20 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 45 McLaren Street, North Sydney (the site). In particular, the Planning Proposal seeks the following amendments to NSLEP 2013:

- Rezone the site from *R4 High Density Residential* to *B4 Mixed Use*;
- Increase the maximum height of building limit from 12m to part RL 103 (approximately 36-43m) and Part RL 115 (approximately 47-51m);
- Impose a maximum floor space ratio of 6.25:1;
- Impose a non-residential floor space ratio of 1:1
- Amend Clause 4.4A – *Non-Residential Floor Space Ratios* to permit residential development at ground level facing Walker Street; and
- Amend Clause 6.12A – *Residential flat buildings in Zone B4 Mixed Use* to permit residential development at ground level facing Walker Street; and

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

...to amend the NSLEP building height and FSR controls and introduce additional permitted land uses to facilitate a mixed-use development outcome commensurate with the desired future character of the immediate locale.

Other key objectives include:

- *Realise the development potential envisaged by Council within the WSPM;*
- *Encourage development activity in an identified key location, supporting the evolution of a diverse mixed use precinct and contributing to the rejuvenation of the North Sydney Centre;*
- *Provide compatible mix of land uses that contribute to the creation of a vibrant and active community, including the co-location of residential, commercial and retail in immediate proximity of the Metro and existing train station;*
- *Contribute towards the North Sydney housing and employment density targets;*
- *A carbon neutral mixed-use development that adopts innovative strategic initiatives in the built form, in building systems and in support for a renewed public realm; and*
- *Integrate the site within the broader area through public domain improvements to the sites triple frontage and streetscape activation including the provision of an expanded through-site link, connecting Walker Street to Ward Street.*

The Planning Proposal is accompanied by an indicative concept design to demonstrate what could be achieved on the site if the proposed amendments were implemented. In particular, it would accommodate a stepped 10-14-storey mixed-use development of approximately 11,200sqm of Gross Floor Area (GFA), comprising 2,091sqm of commercial floor space within the podium levels and 82 apartments incorporated within a stepped 10-13 residential tower above the podium and 5 apartments within the eastern portion of the podium fronting Walker Street.



FIGURE 1: Proposed Development Concept

To provide increased certainty, the proposal is accompanied with some suggested amendments to North Sydney Development Control Plan (NSDCP) 2013 to assist in the delivery of the concept proposal. They comprise site-specific controls to be incorporated within Part C of NSDCP 2013 and principally relate to podium heights, setbacks, above podium setbacks and overshadowing controls to the future public squares within the Ward Street Precinct.

The Planning Proposal is also accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) to deliver a number of public benefits to the value of approximately \$5.8 million. The offer comprises the delivery of:

a) Community Infrastructure and Public Domain upgrades (Monetary Contribution - \$1,085,000 approx):

A monetary contribution for the purpose of carrying out community infrastructure and public domain upgrades within the Ward Street Precinct. The amount would be based on a rate per every additional dwelling approved in any future Development Consent at 45 McLaren Street, North Sydney. A rate of \$17,500 per additional dwelling (excluding any apartments allocated for Affordable Housing) is proposed for the purpose of carrying out community infrastructure and public domain upgrades within the Ward Street Precinct.

Should a total of 80 apartments be approved, based on the existing provision of 18 apartments then a total of \$1,085,000 would be paid based on 62 x \$17,500. The amount will ultimately vary depending on the number of apartments to be approved.

The contribution would be paid prior to issue of an Occupation Certificate and in addition to whatever the normal amount of local infrastructure contributions is payable under section 7.11 or 7.12 of the EP&A Act.

b) *Through-site pedestrian link (Works in Kind and Land Dedication – applicant’s value estimate - \$4.15 million):*

Proposal to construct a widened (by 1.5m) through-site pedestrian linkage between Walker and Harnett Streets along the site’s southern boundary to embellish the existing narrow through-site link on the adjacent site to the south. The area of land incorporating the widened portion of the through site link (57sqm) is to be dedicated to Council after its construction.

c) *Public Domain (footpath, curb and gutter) upgrade works (Works in Kind – applicant’s value estimate - \$585,000):*

Proposed upgrade of approximately 127m of footpaths, curbs and gutters along the site’s frontages to Walker, McLaren and Harnett Streets to the approximate value of \$585,000.

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

Ward Street Precinct Masterplan

On 14 June 2016, Council resolved to prepare a masterplan for the Ward Street Precinct (WSP), which forms the northern end of North Sydney Centre, within which the subject site is located. The Precinct at the time was facing significant and transformational changes, including:

- The return of the Council-owned Ward and Harnett Street carparks in 2020;
- Construction of the proposed Victoria Cross Metro Station adjacent to the Precinct;
- Strong private development interest from within the precinct continues to be strong, with a number of possible ‘opportunity sites’ for redevelopment;
- The decommissioning of a portion of the Ausgrid substation fronting Berry Street, due to it being surplus to its needs; and

- Ongoing development approvals restricting the opportunity to cohesively address Council's public domain and pedestrian permeability objectives within the Precinct.

In setting out the parameters for the masterplan, the following objectives and principles were identified to guide its preparation:

Objectives

Our objectives for the Ward Street Precinct and its role in the evolving city centre will include:

- a) Building on the outcomes of the North Sydney Centre review and applying a precinct scale methodology.*
- b) Assisting property owners and Council by providing clarity on the future strategic growth of the precinct.*
- c) Providing a bold and vibrant public domain and built form response to the proposed Victoria Cross Metro Station.*
- d) Ensuring a built form response that effectively balances growth within the Centre and amenity to surrounding properties.*
- e) Improving the public domain across the precinct by identifying the precinct as a destination, via high quality new and embellished public spaces, that prioritise pedestrians.*
- f) Encouraging public and private development outcomes that activate the precinct, stimulating North Sydney Centre as a destination.*
- g) Ensuring that significant public benefit is achieved as a result of development that is seeking to amend the planning controls.*
- h) Identifying opportunities for the Council-owned Ward and Harnett Street car parks.*
- i) Ensuring that community benefit is a key project driver.*
- j) Ensuring that a financial return to Council is a key project driver.*

Principles

Council is committed to undertaking the Masterplan according to the following principles:

- P1 Advocate design excellence, best practice and sustainability in both the built form and public domain.*
- P2 Capitalise on placemaking and land use opportunities associated with the proposed Victoria Cross Metro Station.*
- P3 Facilitate safe, attractive and high quality public and community spaces to best practice standards.*
- P4 Require universal access principles govern all new public and community spaces.*
- P5 Ensure transparency where the leveraging of public benefits is pursued in exchange for additional development potential.*
- P6 Prioritising pedestrian amenity.*
- P7 Advocate for a mix of uses to revitalise the precinct, with a focus on employment generation, community spaces and the 18 hour economy.*
- P8 Acknowledge that commercial amenity and viability of the North Sydney Centre is critical to future investment and prosperity.*
- P9 Ensure that total parking provision, including public and private parking assets, delivers no net increase in traffic generated with the Ward Street Precinct and responds to the Victoria Cross Metro Station.*

On 5 December 2016, Council resolved to adopt the first version of the *draft Ward Street Precinct Masterplan* (draft WSPMP) and to place that draft masterplan on public exhibition.

In relation to the subject site, this initial version of the draft WSPMP identified that 45 McLaren Street was an “opportunity site” (Site 3 within Figure 2) and could potentially accommodate a mixed-use building, supporting street level retail / commercial uses and residential above, in a stepped built form, to a maximum height of RL 100 (or approximately 12 storeys).

Of note, the heights proposed under this version of the draft WSPMP sought to ensure that there was “no nett increase in overshadowing of the proposed new public square between 10.30am and 2pm”.

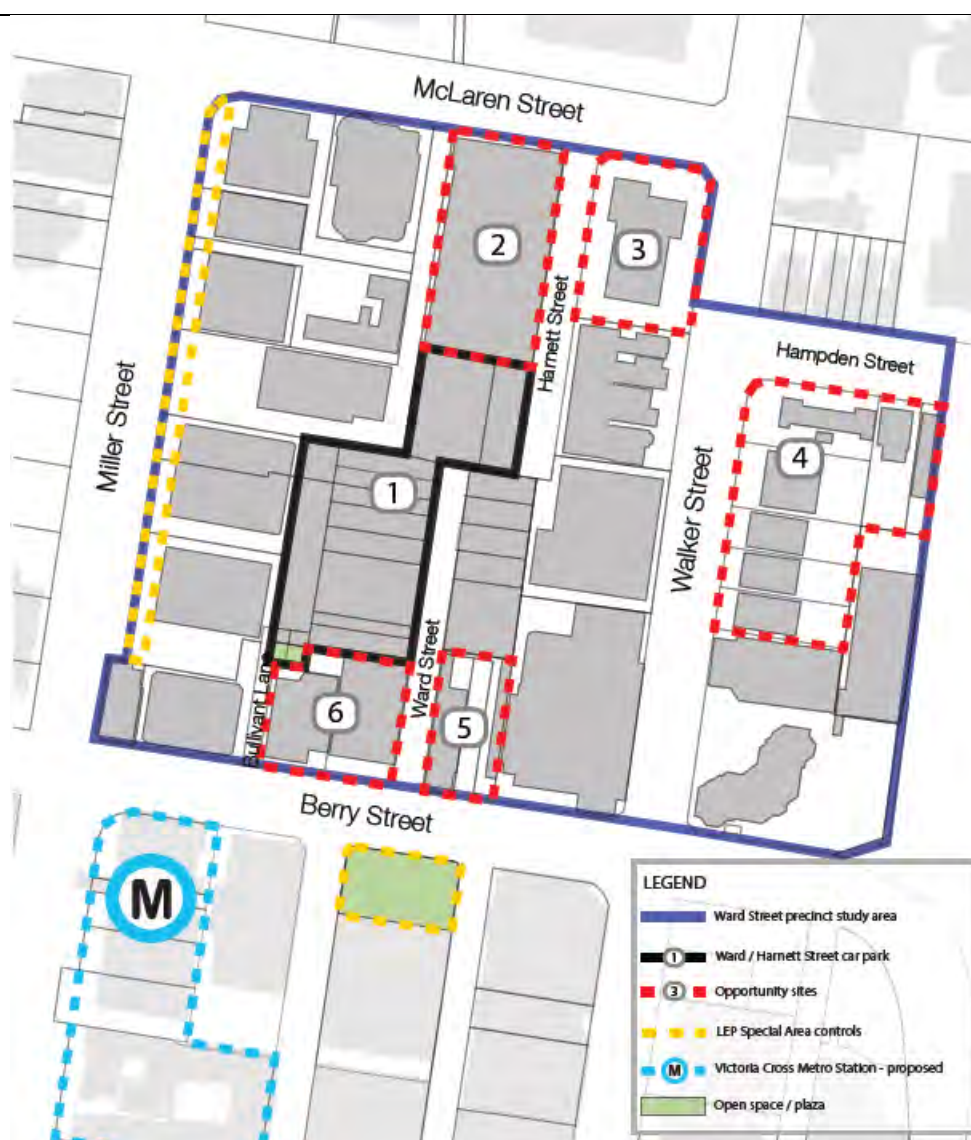


FIGURE 2: Ward Street Precinct Masterplan (2016)
The subject site (Site 3) is located within the draft Masterplan Area

Following the public exhibition of the draft WSPMP between January and March 2017, Council considered an interim post exhibition report on 1 May 2017. Only one submission was received in relation to 45 McLaren Street seeking additional height and density on the basis that it would make the site’s redevelopment potential more feasible.

In response to the submissions received, the interim report recommended that Council proceed with a further process of design development and specialist input to address the key concerns raised in the submissions and to address the key objectives of the draft North District Plan which had been released for comment.

The resulting revised draft WSPMP was reported to Council in June 2018 seeking Council's endorsement to place the revised draft WSPMP on public exhibition. Council subsequently resolved to endorse the revised draft WSPMP and public consultation occurred between August-October 2018.

The revised draft WSPMP took a significant departure from the first draft by effectively presenting two options that would deliver on the aims and objectives of the Masterplan.

Option 1 focused on delivering a 1,280sqm public square off Miller Street and a smaller central square of 530sqm within the core of the Precinct. A new modern CBD branch library was strategically placed between the two squares. Under this Option, 45 McLaren Street was identified as potentially accommodating a mixed-use building, supporting street level retail / commercial uses within a podium up to RL 70 (between 1-3 storeys), and residential accommodation above, in a stepped built form, up to a maximum height of RL 144 (or approximately 25 storeys). In establishing this built form outcome, Council stated in its report of 25 June 2018:

The Stage 2 Miller Street Square Masterplan Option [Option 1] design development identified that this site has a greater capacity for density, particularly in light of Victoria Cross Metro Station and development precedents nearby. The Miller Street Square Option [Option 1] identifies that the site could accommodate a height of up to RL 144, within a specific stepped envelope. This envelope is designed to avoid shadow to the southern neighbouring site and provide a consistent bulk and scale to Walker Street, while defining the corner of McLaren and Walker Streets. This envelope allows that environmental impacts resulting from any built form, particularly shadow and view loss, can be minimised and the built form effectively integrated into the streetscape.

An uplift of this nature is envisaged to be initiated by a developer, which would acknowledge the preconditions to achieving uplift including:

- That the ground floor is activated with commercial uses, reflecting the majority of its neighbours.*
- The proponent enter into a VPA. The VPA would seek to make contribution to the public infrastructure components of the Masterplan.*

Option 2 focused on delivering a highly activated 'Central Square' of approximately 1,200sqm that is characterised by high levels of amenity and framed by a new CBD branch library, a Community Hub as well as a new eat street precinct and accompanying retail tenancies. The Central Square will receive direct sunlight in the middle of the day during the majority of the year and will be designed to function as a day/night plaza in the heart of the CBD. Under this Option, no additional uplift was afforded to the subject site. In arriving at this outcome, Council stated in its report of 25 June 2018:

The Stage 2 'Central Square' Masterplan [Option 2] modelling concluded a similar stepped envelope to RL 100 as previously illustrated in the Stage 1 Masterplan could be suitable for the site. Whilst the original position is supported, the financial impediments of such development are acknowledged therefore this has not been shown in the Central Square Masterplan option.

Following its public exhibition, Council considered a post exhibition report on 25 February 2019, which recommended that Council endorse an amended finalised WSPMP which pursued the delivery of Option 2, which included an increased Central Public Square of 2,080sqm and an interconnecting Green Square of 1,155sqm to its north-west. No uplift was identified to be pursued on the subject site. Council resolved to defer making a determination at this meeting and requested a call for a supplementary report.

On 27 May 2019, Council considered the supplementary report addressing the above resolutions. In relation to 45 McLaren Street, the report stated:

A major driver of the selection of the preferred option was the quality and amenity of the open space to be created and the solar access that it was likely to experience. ...

To ensure the best possible amenity and usability of the public plaza to be created, solar access to this space, whilst somewhat compromised by existing and approved development, was sought to be maximised as far as is possible. Development to the plaza's north, especially that of 41 McLaren Street, was therefore rejected as it further compromised both the solar access and visual amenity of the plaza to be created.

A strong theme of the objectives which have led the preparation of the Masterplan, apart from employment, is achieving activation of the precinct and providing for a vibrant and attractive and high amenity public domain whilst achieving other public benefits in the precinct. The redevelopment of site F [45 McLaren Street] does not make any substantive contribution to these objectives.

The realisation of the Masterplan will be a complex exercise and will take some years to fully detail and implement. Peripheral development that does not actively contribute towards the realisation of the positive outcomes envisaged by the Masterplan, will only make this exercise more complex given the extent of development that may be undertaken in the general precinct over the short to medium term.

In a more local context, significant increase in height at site F [45 McLaren Street] will have the following potential impacts:

- Morning solar impact on the public square in mid-winter (up to approximately 10am). It is acknowledged that this impact is relatively minor, however, solar access will be at a premium in this space and any reduction should be resisted at this early planning stage.*
- Midday solar disruption to north facing windows of the existing residential development at 150 Walker Street and potential privacy impacts. Whilst it may be demonstrated that the existing development may still receive the requisite 2 hours' solar access, this may represent a reduction in amenity to those impacted residents.*

- *The visual amenity that may be enjoyed from the public plaza to be created, will be somewhat compromised as a result of tall towers to its north, including numbers 41 (if approved) and 45 McLaren Street.*
- *The assumption that the site should be residential zoned, in the context of ambitious commercial floor space/employment targets as outlined by the GSC, is required to be further tested.*

Whilst there may well be some development potential associated with site F which was previously acknowledged with an exhibited height limit of RL 100 (11-12 storeys which was rejected by residents of site F), these issues require further analysis and consultation especially given the significant opposition expressed to Option 1. The development potential identified in the recommended Masterplan, is very much motivated by the creation of employment and leveraging the development opportunities that arise from those, to create opportunities for new public spaces and facilities that contribute towards the attractiveness, life and vibrance of the CBD. Whilst some development potential may well exist at 45 McLaren Street, such development did not meet the immediate drivers that has motivated the final recommended built form and outcomes as previously presented to Council on 25 February 2019 (attachment 1).

It is also likely that the identification of a tall building on site F will be met with some level of community opposition. This has been foreshadowed in the exhibition of Options 1 and 2 where a significant number of objections was raised in opposition to the increased height and scale of development to the north of the Ward Street precinct. For these reasons, the immediate pursuit of development on this site was not recommended, whilst acknowledging that some development potential may well be explored in future.

Further consideration should now be left to a land owner-initiated planning proposal that is consistent with a Council adopted Masterplan and that identifies how any future redevelopment:

1. *Minimises the solar reductions upon the new public domain as identified in the Masterplan including design measures to achieve this;*
2. *Minimises solar and privacy impacts upon existing residential development to the south;*
3. *Provides for a commercial component to the development; and*
4. *Identifies the public benefit that will arise from the development of this site and in particular, as it relates to the objectives of the Masterplan.*

Council subsequently resolved to again defer making a recommendation.

On 24 June 2019, Council considered a further report, wherein it resolved (emphasis added):

1. **THAT** *consistent with the post exhibition report considered by Council on 25 February 2019 (Attachment 1), the following be resolved by Council:*
2. **THAT** *Council note the comments raised and preferred Masterplan option selected by the submitters as part of the exhibition of the draft Stage 2 Ward Street Precinct Masterplan.*

3. **THAT** Council endorse the final masterplan Option 2, as amended, in order for Council to move forward with an implementation strategy.
4. **THAT** Council resolve to progress the Masterplan by preparing design specifications for the knowledge hub, cultural hub and plaza/open spaces in order to inform a clear and unambiguous pathway to their delivery.
5. **THAT** Council resolve to progress the Masterplan by preparing an implementation plan containing:
 - a) strategies to maximise wider benefits within the precinct (including staging, flexibility, timelines, sound financial management, continued commitment to high quality outcomes and design qualities in the realisation of the masterplan);
 - b) further financial analysis; and
 - c) a probity plan to ensure that Council's dual role of landowner and regulator are managed and transparent.
6. **THAT** Council acknowledges that an amendment to the Berry Street Special Area controls contained in the North Sydney LEP will be required to facilitate the heights anticipated under the preferred Masterplan. This amendment, however, will only occur on the proviso that a high amenity, flexible and highly usable new open space is created as a result of new development within the precinct.
7. **THAT** Council notes, that despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:
 - i) Minimise solar reductions upon new public domain as identified in the Masterplan.
 - ii) Minimise solar and privacy impacts upon existing residential development.
 - iii) Provide for a commercial component to any redevelopment.
 - iv) Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.
8. **THAT** Council writes to all the submitters thanking them for their contributions to the Masterplan preparation process.

Therefore, in accordance with this resolution, no immediate changes were envisaged for 45 McLaren Street under the adopted WSPMP. Despite this outcome, Council also resolved (Resolution No.7) at this meeting to allow a site-specific planning proposal to be considered on land at 45 McLaren Street, but only where it delivers on the identified outcomes of the WSPMP.

The process of preparation of the planning proposal therefore commenced in response to this June 2019 Council resolution.

Pre lodgement

Council staff met with the applicant through a formal pre-Planning Proposal meeting on 10 August 2020. A concept proposal was presented to Council comprising a stepped mixed-use building of up to 15 storeys with an FSR of 7.3:1, containing 99 units and a commercial podium containing 2,213sqm of Nett Lettable Area (NLA).

The proposed building generally stepped down from 15 to 10 storeys southwards from its McLaren Street frontage. The design also contained a horizontal stepped setback above the podium to its Walker Street frontage which steps further back in a southward direction from the corner of McLaren and Walker Streets.

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

- Consideration should be given to undertaking preliminary consultation with neighbours prior to lodgement;
- The proposal should be revised to give greater consideration to the site's heritage context, in particular:
 - Increased and consistent contextual setbacks to Walker Street;
 - Reduced built form to respect the scale and rhythm of the adjoining heritage buildings to the south;
- Solar access to the proposed civic spaces within the WSP is to be maximised consistent with the WSPMP and North Sydney Public Domain Strategy (PDS);
- The design of the building needs to give holistic consideration to overshadowing, heritage constraints and existing setbacks and not solely result from maintaining solar access;
- Consideration should be given to providing vehicular access from Harnett Street to reflect its service role and prioritise pedestrian movements along Walker and McLaren Streets; and
- Lodgement of a draft Travel Plan.

Current Planning Proposal

The Planning Proposal was lodged on 22 October 2020. As lodged, the proposal sought to accommodate a mixed use development up to 16 storeys in height containing 2,168sqm of commercial floorspace and 100 residential apartments. In order to achieve the concept proposal, it was sought to amend NSLEP 2013 as follows:

- Increase the maximum height of building limit from 12m to 61m;
- Impose a maximum floor space ratio of 7.5:1;
- Incorporate a new clause within Schedule 1 – Additional permitted uses to allow “commercial premises” and “recreational facilities (indoor)” with development consent on the subject site.

The Planning Proposal was also accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) to deliver a number of public benefits, valued by the applicant to approximately \$12 million including affordable housing, public domain upgrades, provision of community infrastructure, carbon neutral development and expansion of an existing through site link across the site.

Council wrote to the applicant on 23 November 2020 stating that the planning proposal as submitted could not be supported. However, Council suggested that support may be provided if several major concerns could be addressed, including:

- (1) That the concept proposal be revised to:
 - (a) Address the key built form controls under Section 2 to Part B and Section 2.1 to Part C of NSDCP 2013;
 - (b) Include a podium wholly comprising non-residential uses;
 - (c) Ensure that no nett additional overshadowing of the future public squares within the WSP at any time of the day;
 - (d) Providing increased above podium level setbacks to McLaren, and Harnett Streets and to the southern boundary to address Apartment Design Guideline (ADG) criteria and provide improved built form context to the southern side of McLaren Street;
- (2) Rezoning the site from *R4 High Density Residential* to *B4 Mixed Use* rather than inserting a new clause within Schedule 1 of NSLEP 2013 to permit the non-residential components of the concept proposal;
- (3) Reducing the building height such that it better relates to the wider urban context, particularly along the southern side of McLaren Street.
- (4) Incorporate a minimum non-residential floorspace ratio for the site that reflects a podium devoid of residential accommodation, other than access;
- (5) Amending the proposed FSR requirement to reflect a revised concept proposal that addresses ADG setback requirements and no nett additional overshadowing of the future public squares within the WSP;
- (6) Submission of a revised area schedule to reflect the different components of the building resulting from the requested amendments above;
- (7) Reducing the quantum of parking to reflect the rates established for St Leonards given the proximity to the future Metro station portal;
- (8) Submission of a draft Travel Plan;
- (9) Reconsider some aspects of the proposed public benefit offer being made.

Council met with the applicant on 10 December 2020 and again on 18 February 2021 to discuss these issues.

Council received a revised concept proposal on 24 February 2021. Of particular note, were the following changes:

- (1) A 2-storey reduction in height across the site;
- (2) Revised setbacks to Harnett Street to achieve improved ADG compliance; and
- (3) A more regularised above podium setback to Walker Street.

On 5 March 2021, Council wrote to the applicant advising that further revisions were required before the planning proposal could be progressed. In particular, that the planning proposal be revised to:

- (1) Improve solar access to the proposed public squares to be created within the WSP;
- (2) Address amendments to Clauses 4.4A – *Non-residential floor space ratios*, and 6.12A – *Residential flat buildings in Zone B4 Mixed Use*;
- (3) Increase the building setback to the southern boundary to comply with ADG separation;
- (4) Reduce the amount of bulk located within the above podium setback to McLaren Street;

- (5) Amend the FSR controls to reflect the requested changes;
- (6) Increase the non-residential FSR control applying to the site to better reflect the desired outcomes of the site; and
- (7) Include a draft Travel Plan.

On 30 June 2021, a revised planning proposal was received by Council. The revised proposal, sought to accommodate a mixed use development up to 14 storeys in height containing 2,212sqm of commercial floorspace and 90 residential apartments. In order to achieve the concept proposal, it sought to amend NSLEP 2013 as follows:

- Rezone the land from *R4 High Density Residential* to *B4 Mixed Use*;
- Increase the maximum height of building limit from 12m to part RL102 and part RL114;
- Impose a maximum floor space ratio of 7.0:1;
- Impose a minimum Non-residential floor space ratio of 1:1;
- Amend clause 4.4A to remove the requirement to activate any street frontages;
- Amend clause 6.12 to allow residential flat buildings to be built at the ground level along the Walker Street frontage;
- Incorporate a new clause within Schedule 1 – Additional permitted uses to allow “commercial premises” and “recreational facilities (indoor)” with development consent on the subject site.

The Planning Proposal was also accompanied by a revised offer to enter a VPA to deliver a number of public benefits to the value of approximately \$8 million including affordable housing, provision of community infrastructure and expansion of an existing through site link across the site.

Following a review of the revised documentation, Council met with the applicant on 28 July 2021 to discuss the revised proposal. Following the meeting, Council wrote to the applicant on 29 July 2021 stating that it could not support the progression of the revised planning proposal. Council suggested that support may be provided if the Planning Proposal is amended to reflect a concept proposal that:

- does not result in nett additional overshadowing of the future southern public square from 9am onwards between the March and September equinoxes; and
- incorporates an above podium setback to McLaren Street, more consistent with that occurring to the west and on the southern side of McLaren Street.

On 13 August 2021 Council received a response to its letter of 29 July 2021. The applicant offered a number of solutions to address the issues raised:

- In relation to overshadowing impacts the four following solutions were offered:
 - Modify the proposed solar control to commence from 10am rather than 9am;
 - Deliver a new public pavilion within one of the proposed squares at the applicant’s expense to offset the overshadowing caused between 9.00am and 10am;
 - Providing an additional monetary contribution to offset the overshadowing caused between 9.00am and 10am; and
 - Modify the proposed solar control to commence from 9.30am rather than 9am;

- In relation to the concept proposal's built form as it presents to McLaren Street it is proposed to:
 - Create a 5-storey podium built to the street alignment in line with the maximum DCP control; and
 - Create a new 2.3m deep x 7.5m wide above podium set-back to the corner of McLaren St and Harnett St, with the remainder of the above podium levels being built to the McLaren street frontage.

Council met with applicant on 6 October 2021, to discuss the suggested revisions to the concept proposal of 13 August 2021 that would involve the planning proposal. Council advised the applicant verbally that:

- It will not accept overshadowing of the proposed southern Central Square between 9am and 4pm from the March Equinox to the September Equinox inclusive; and
- It insists on the revision of the built form to McLaren Street to implement a maximum 3 storey podium built to McLaren Street with a 3m setback to McLaren Street above the podium.

On 22 October 2021, the applicant advised Council via email that it will revise the planning proposal in line with Council's advice. A revised planning proposal was received on 8 November 2021 which is the subject of this assessment.

DETAIL

1. Applicant

The applicant for the proposal is 45 McLaren Pty Limited. The property is owned by 18 separate parties, all of whom have granted consent to the applicant for the lodgement of the Planning Proposal.

2. Site Description

The subject site is located at 45 McLaren Street, North Sydney and is legally described as SP 14598, containing 18 lots.



FIGURE 3: Subject Site



FIGURE 4: Aerial Photo

The site is bound by McLaren Street to the north, Walker Street to the east, a part 2 and 7-storey mixed residential and commercial development to the south and Harnett Street to the west. The site is 1,792sqm in area. It is generally rectangular in shape with a width of approximately 36m and a depth of approximately 51m. The land generally falls in a south-easterly direction from its north-western corner down to the south-eastern corner of the site. There is total fall of 8.6m across the site from its north-western corner to its south-eastern corner. There is a 700mm fall eastwards across the site's northern frontage to McLaren Street, an 8m fall southwards along its eastern frontage to Walker Street, a 5.4m fall eastwards along its southern boundary and a 3.3m southwards along its western frontage to Harnett Street.

The site contains a part 4 and part 5-storey residential flat building containing 18 dwellings. The building comprises concrete slab floors with brick veneer and tiled roof construction with 3 to 4 levels of residential accommodation above a single level of above ground garages. It is positioned centrally upon the site, being generally setback 7.5m from the northern and southern boundaries, 7m from the eastern boundary and 6m from the western boundary.

Vehicular access to the site is via Walker Street, with the principal pedestrian access via two separate points off Harnett Street.

The setbacks are vegetated with medium to large sized trees located along its northern and southern boundaries.

3. Local Context

The subject site is located in the northern portion of the North Sydney Centre, which is a major commercial centre in the Sydney Metropolitan area. The area is currently undergoing a significant transformation from typically 10-20 storey commercial buildings constructed between the 1960s and 1980s with contemporary mixed use buildings up to 30 storeys in height, with generally 1 to 4 levels of commercial floor space at the lower levels of the building and residential apartments above.

North Sydney Railway Station is located approximately 700m walk to the south, which provides regular services to the south to Sydney City CBD, and to the north to Chatswood, Macquarie Park and Hornsby. The main pedestrian access point to the future Victoria Cross Metro Station is located approximately 300m to the south of the site, at the intersection of Berry and Miller Streets, with an additional access point to be located approximately 130m to the west of the site on the corner of Miller and McLaren Street. 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 subject site, on the opposite side of McLaren Street, is 168 Walker Street with an approved 29 storey mixed use building currently under construction. Also on the opposite side of McLaren Street is 52 McLaren Street, where approval had been granted for an aged care facility in a series of buildings ranging up to 15 storeys in height. Despite all of the former buildings having been demolished, this site now forms part of the construction site for the Sydney Metro with future built form currently unknown. Further to the north lie a mixture of 2-4 storey commercial buildings and mixed use buildings fronting Miller Street, 1-4 storey educational buildings comprising Wenona School, single storey federation bungalows fronting Ridge Street, and St Leonards Park.

To the east of the subject site, on the opposite side of Walker Street, are a number of aging 2-storey residential terraces fronting Hampden Street and a complex of 3 x 3-storey residential flat buildings fronting Walker Street. Further to the west lie a mixture of aging low to medium scale residential buildings and the Warringah Freeway.

Directly to the south of the subject site, is 144-150 Walker Street, containing 4 x 2-storey residential dwellings (consisting of local heritage items I0984-I987) fronting Walker Street with a new part 7-storey mixed use development fronting Harnett Street. Further to the south are predominantly commercial buildings ranging in height from 8 to 30-storeys, a sub-regional electricity substation, a three level above ground commercial carpark, and a 37-storey mixed use tower (Beau Monde). A number of new commercial buildings are currently under construction up to 39-storeys in height.

To the west of the site, on the opposite side of Harnett Street, is a terraced 8-storey commercial office building known as *Simsmetal House*, designed by Harry Seidler in 1971. This building which is constructed in the Twentieth Century International style, is heritage listed under NSLEP 2013 and comprises a concrete framed building with brick veneer walls. Further to the west are a number of newly constructed mixed residential and commercial buildings fronting Miller Street up to 20 storeys in height, the grounds of Monte School and a number of small commercial buildings. The North Sydney Council building and the adjacent Ted Mack Civic Park are located to the north-west of the site on Miller Street.

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 *R4 High Density Residential* (refer to Figure 5); and
- A maximum building height of 12m (refer to Figure 6).

It is also noted that the site is in the vicinity of a number of heritage items (refer to Figure 7) and is located just outside of the North Sydney Centre (refer to Figure 8).

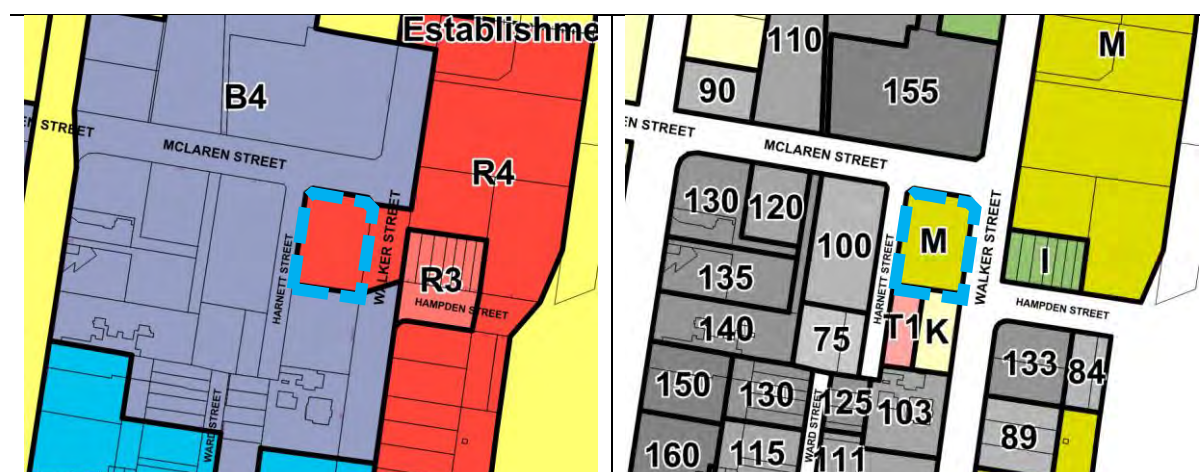


FIGURE 5: NSLEP 2013 Zoning Map extract
The subject site is zoned R4 High Density Residential

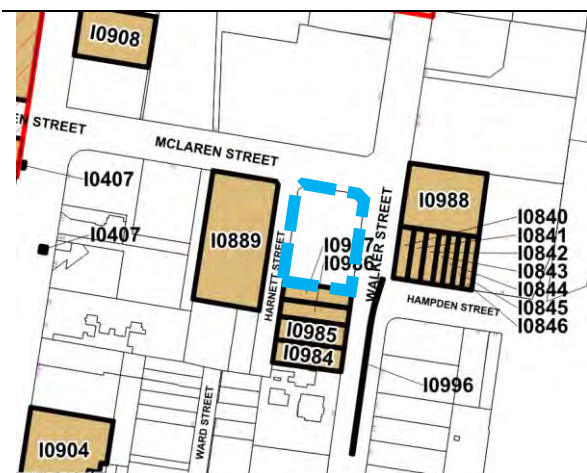


FIGURE 6: NSLEP 2013 Height of Buildings Map extract
The subject site has a maximum height of 12m (M)

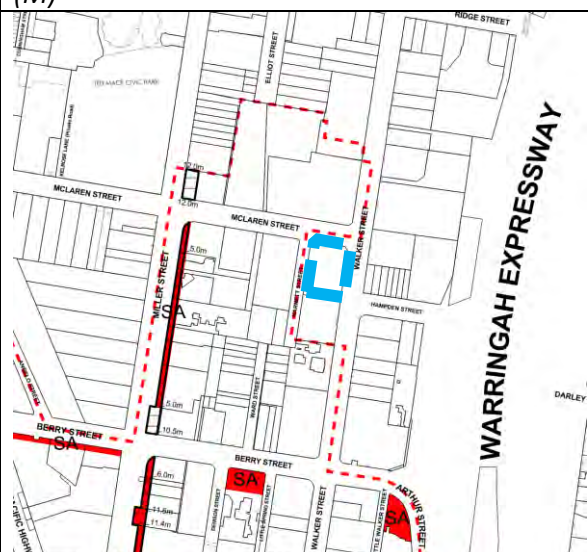


FIGURE 7: NSLEP 2013 Heritage Map extract
The subject site is located in the vicinity of a number of heritage items



FIGURE 8: NSLEP 2013 North Sydney Centre Map extract
The subject site is located adjacent to the North Sydney Centre

5. Proposed Instrument Amendment

The primary intent of the Planning Proposal as described in the “Description of Proposal” section of this report is proposed to be achieved by:

- Amending the Land Zoning Map from *R4 High Density Residential* to *B4 Mixed Use*;
- Amending the Height of Buildings Map from 12m to part RL 103 across the southern portion of the site and part RL 115 across the northern portion of the site; and
- Amending the Floor Space Ratio Map to impose a maximum floor space ratio of 6.25:1;
- Amending the Non-Residential Floor Space Ratio Map to impose a minimum non-residential floor space ratio of 1:1.
- Including a subclause to Cl.4.4A to permit residential development at ground level facing Walker Street; and
- Including a subclause to Cl.6.12A to enable residential development to be provided at the ground level levels of any future building fronting Walker Street.

The proposed amendments to the relevant maps are illustrated in Figures 9 to 16. The applicant’s maps have been amended to align with the requirements of DPIE’s *Standard Technical Requirements for Spatial Data Sets and Maps*.

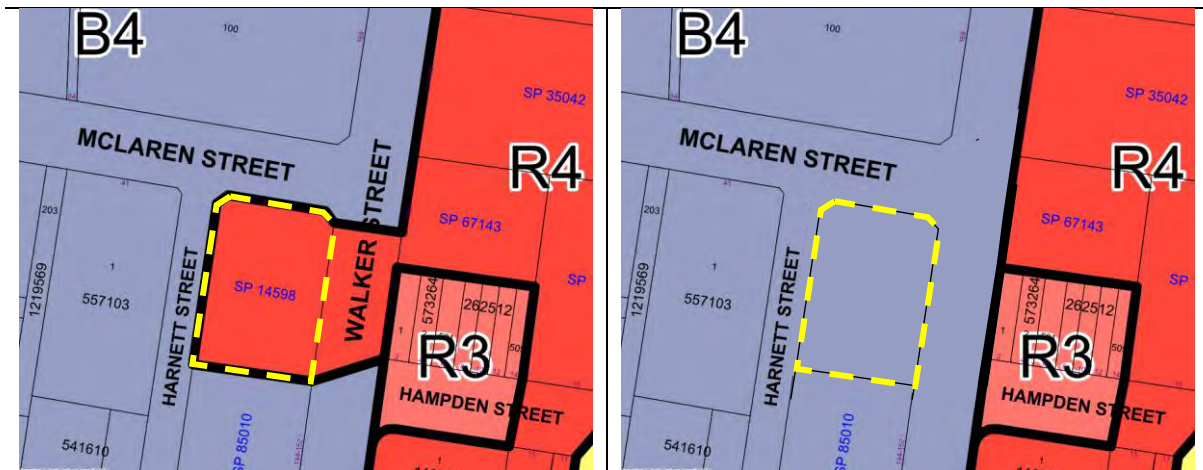


FIGURE 9: Extract of existing Zoning Map

FIGURE 10: Extract of proposed amendment to the Zoning Map

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

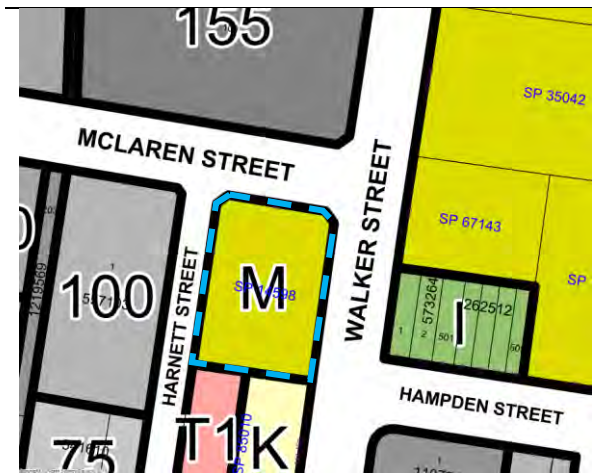


FIGURE 11: Extract of existing Height of Buildings Map

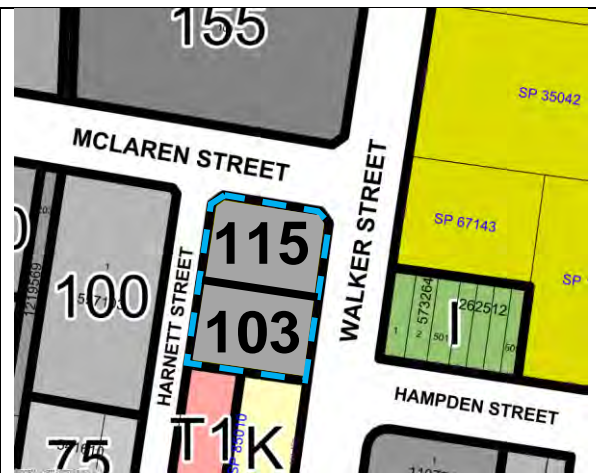


FIGURE 12: Extract of proposed amendment to the Height of Buildings Map

Maximum Building Height (m)

A	1	T1	25
I	8.5	T2	26
K	10	U1	30
L	11	U2	33
M	12	W1	40
N1	13	W2	42
N2	14.5	X	49
O1	15	Y	50
O2	16	Z	56
Q1	19.15	AD	132
Q2	20	AF	180
R	21	Area 1	Refer to Clause 4.3A
S	24	Area 2	Refer to Clause 4.3A(2A)

Maximum Building Height (RL m)

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

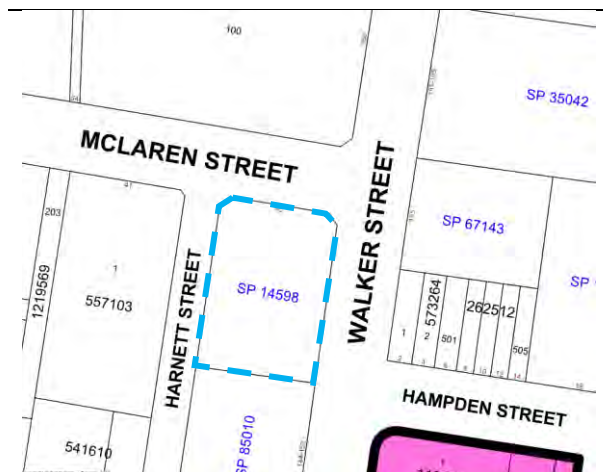


FIGURE 13: Extract of existing Floor Space Ratio Map

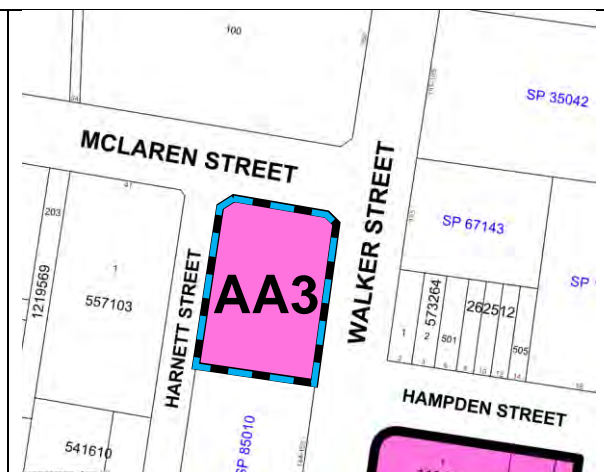


FIGURE 14: Extract of proposed amendment to the Floor Space Ratio Map

Maximum Floor Space Ratio (n:1)

N	1
S	1.85
W	3.5
X	4.27
Z	5.6
AA1	6
AA2	6.1
AA3	6.3
AA4	6.6
AB1	7
AB2	7.5
AF	11.5
AI1	18
AI2	25.4

A new key would be required as follows:

AA3 6.25

Would also require the relabelling of the current keys as follows:

AA3 to AA4 (FSR of 6.3: 1)
AA4 to AA5 (FSR of 6.6: 1)

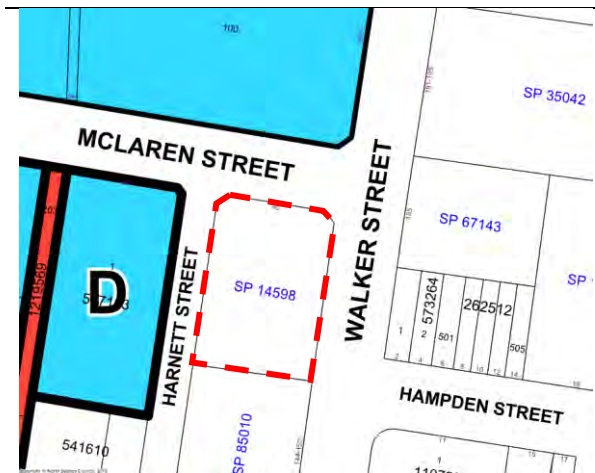


FIGURE 15: Extract of existing Non-residential Floor Space Ratio Map

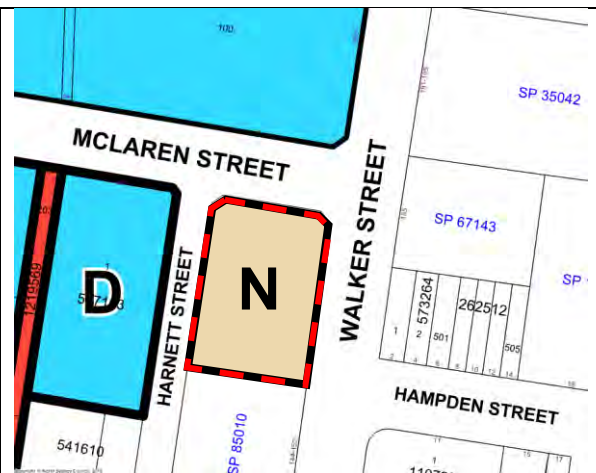


FIGURE 16: Extract of proposed amendment to the Non-residential Floor Space Ratio Map

Minimum Non-Residential Floor Space Ratio (n:1)

A	0.24
D	0.5
F	0.6
I	0.75
N	1
R	1.4
S	1.5
T	2
V	3
X1	4.25
X2	4.7
Z	5
AE	10

5.1 Development Control Plan – site specific controls

The applicant has also suggested a number of amendments to the North Sydney Planning Area Character Statement of the North Sydney Development Control Plan (NSDCP) 2013 to ensure that the desired outcomes are achieved.

The amendments include the incorporation of the site within the Central Business District Locality Area (Section 2.1) to better reflect the site’s proposed *B4 Mixed Use* zoning and its location within the WSP.

It is proposed that site-specific controls relating to building height in storeys, site setbacks, podium setbacks and overshadowing restrictions to the Central Square within the Ward Street Precinct. These suggested controls are summarised in Table 1.

TABLE 1: Proposed site-specific controls	
Numerical control	Proposed control
Height in storeys	Development is to provide a stepped transition in building height across the site, ranging in a maximum overall building height, as follows: Southern Boundary: Maximum height of 10 storeys

TABLE 1: Proposed site-specific controls	
Numerical control	Proposed control
	McLaren Street: Maximum height of 14 storeys
Setbacks	<p>McLaren Street</p> <p>Podium: 0m</p> <p>Above podium: 3m to boundary</p> <p>Walker Street</p> <p>Podium: 5.5m</p> <p>Above podium: 4.85m</p> <p>Southern boundary</p> <p>Podium: 1.5m</p> <p>Above podium: 3m</p> <p>Harnett Street:</p> <p>Podium: 1m</p> <p>Above podium: 1.5m-3m for the southern extent of the building only</p>
Activation of street frontages	<p>Commercial / retail land uses are to be provided to all street frontages, except Walker Street.</p> <p>Residential accommodation is permitted along Walker Street, reflecting the land uses and heritage datum of the existing heritage terraces at 150 Walker Street.</p>
Overshadowing	<p>Development is to result in no nett increase in overshadowing to the Ward Street Central Square from 9am on June 21st</p>

5.2 Voluntary Planning Agreement (VPA)

The applicant has offered to enter into a VPA through the delivery of a number of public benefits, which according to the applicant, is valued in the order of \$5.8 million. The specific components of the offer comprise:

- a monetary contribution (\$17,500 per additional dwelling) to go towards public infrastructure identified in the WSPMP (equating to approximately \$1.09M based on an additional 62 dwelling);
- streetscape upgrades adjacent to the site; and
- the expansion of an existing through site link across the site, with dedication to Council.

ASSESSMENT

6. Planning Proposal Structure

The Planning Proposal is considered to be in general accordance with the requirements of Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and DPIE's 'Local Environmental Plan Making Guidelines' (December 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 of the proposal's strategic and site specific merit;
- Identification of associated mapping amendments;
- Details of the community consultation that is to be undertaken in relation to the Planning Proposal;
- A project timeline identifying how the planning proposal is to be implemented, should it progress.

The Planning Proposal as submitted in its original (October 2020) and amended forms (June 2021 and November 2021) had been prepared with regard to the DPIE's 'A guide to preparing planning proposals' (December 2018). However, the 2018 Guidelines were replaced in December 2021 and accordingly, this assessment gives consideration to the current Guidelines. Should a Gateway Determination be issued, a condition could be added to require the Planning Proposal to be revised to address the new Guidelines prior to public exhibition.

6.1 Objectives and Intended Outcomes of the Planning Proposal

Part 8 of the Planning Proposal sets out the objectives and intended outcomes of the Planning Proposal. Part 9 provides an explanation of the proposed amendments to NSLEP 2013 to achieve the objectives and outcomes within Part 8.

For the reasons given in this assessment, it is considered that the proposed amendments to NSLEP 2013, in conjunction with the suggested amendments to NSDCP 2013 achieve the objectives and intended outcomes of the Planning Proposal.

6.2 Need for the Planning Proposal

Despite the adopted WSPMP not identifying any uplift on the subject site, Council resolved:

7. *THAT Council notes, that despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:*
 - i) Minimise solar reductions upon new public domain as identified in the Masterplan.*
 - ii) Minimise solar and privacy impacts upon existing residential development.*
 - iii) Provide for a commercial component to any redevelopment.*
 - iv) Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.*

As demonstrated through this assessment report, the proposal, in conjunction with proposed site specific DCP amendments, will be capable of achieving all of the above criteria and remain consistent with the desired outcomes of the WSPMP.

The current planning controls do not enable the site to be redeveloped to maximise the potential patronage of the future Victoria Cross Metro Station currently under construction in the vicinity of the subject site, nor does it have the capability to maximise a potential positive contribution to the desired outcomes of the WSPMP.

The Planning Proposal gives consideration to various options for achieving the intended outcomes of the Planning Proposal and the proposed means are considered to be the best, most efficient and most time effective approach to deliver the desired outcome.

6.3 Justification of Strategic Merit

A Planning Proposal is deemed to have strategic merit where it will:

- *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. 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 local strategic planning statement 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 have not been recognised by the existing planning framework.*

The proposals consistency with the strategic merit criteria are considered below.

North District Plan

The proposal's consistency with the North District Plan (NDP) has been considered in detail at Section 6.3.1.2 to this report. In summary, the planning proposal in general terms can be considered to be consistent with the NDP Plan as it provides for additional housing, increases commercial floorspace within a highly accessible location and will not adversely impact on the amenity of the future public squares within the WSP.

Local Strategic Planning Statement

The proposal's consistency with the North Sydney Local Strategic Planning Statement (LSPS) has been considered in detail at Section 6.3.1.2.1 to this report. The LSPS incorporates the WSPMP, North Sydney Local Housing 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. The planning proposal is generally consistent with each of these localised planning strategies (refer to Sections 6.3.2.2, 6.3.2.4 and 6.3.2.5 respectively) and therefore is consistent with the endorsed LSPS.

Change of Circumstances

The planning proposal indicates it is motivated by the planned delivery of the Victoria Cross Metro Station, which will have its northern access approximately 100m from the site, and therefore is responding to a change in circumstances.

The new Metro station has been a key catalyst for the relevant strategic documents including the WSPMP and forms a key basis for the growth strategies. Despite the WSPMP not identifying any additional uplift on the site, Council resolved to consider a site-specific planning proposal in relation to the subject site subject to meeting a number of criteria. As demonstrated through this assessment report, the proposal, in conjunction with proposed site specific DCP amendments, will be capable of achieving all of the identified criteria and remain consistent with the desired outcomes of the WSPMP.

Conclusion

Based on the above, it is considered that the Planning Proposal has strategic merit for the, being generally consistent with the NDP, Council's LSPS and underlining local planning strategies, including the WSPMP.

In addition, a proposal is considered to have strategic merit where it adequately demonstrates its consistency with the strategic framework as outlined in Sections A and B to Table 3 of the *Local Environmental Plan Making Guidelines*. Section A of the Table has been addressed in Section 6.2 to this report. Section B to the Table is addressed in the following subsections.

6.3.1 Regional and District Plan Consistency

6.3.1.1 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, which is considered to be of national significance.

The Directions, Objectives and Strategies identified in the Regional Plan which are relevant to the Planning Proposal are as follows:

Infrastructure and collaboration

Direction 1:	<i>A city supported by infrastructure</i>
Objective 4	<i>Infrastructure use is optimised</i>
Strategy 4.1	<i>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</i>

Liveability

Direction 2:	<i>A city for people</i>
Objective 6:	<i>Services and infrastructure meet communities' changing needs</i>
Strategy 6.1:	<i>Deliver social infrastructure to reflect the needs of the community now and in future</i>

Strategy 6.2: *Optimise the use of available public land for social infrastructure*
Objective 7: *Communities are healthy, resilient and socially connected*

Strategy 7.1: *Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:*

- *providing walkable places at a human scale with active street life*
- *prioritising opportunities for people to walk, cycle and use public transport*
- *co-locating schools, health, aged care, sporting and cultural facilities*
- *promoting local access to healthy fresh food and supporting local fresh food production.*

Direction 3: *Housing the city*

Objective 10: *Greater housing supply*

Objective 11: *Housing is more diverse and affordable*

Direction 4: *A city of great places*

Objective 12: *Great places that bring people together*

Strategy 12.1: *Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*

- *prioritising a people-friendly public realm and open spaces as a central organising design principle*
- *recognising and balancing the dual function of streets as places for people and movement*
- *providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres*
- *integrating social infrastructure to support social connections and provide a community hub*
- *recognising and celebrating the character of a place and its people*

Strategy 12.2: *In Collaboration Areas, Priority Precincts and planning for centres:*

- *investigate opportunities for precinct-based provision of adaptable car parking and infrastructure in lieu of private provision of car parking*
- *ensure parking availability takes into account the level of access by public transport*
- *consider the capacity for places to change and evolve, and accommodate diverse activities over time*
- *incorporate facilities to encourage the use of car sharing, electric and hybrid vehicles including charging stations.*

Objective 13: **Environmental** *heritage is conserved and enhanced*

Strategy 13: *Identify, conserve and enhance environmental heritage by:*

- *engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- *applying adaptive re-use and interpreting heritage to foster distinctive local places*
- *managing and monitoring the cumulative impact of development on the heritage values and character of places*

Productivity

- Direction 5:** *A well connected city*
- Objective 14:** *A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*
- Strategy 14.1:** *Integrated land use and transport plans to deliver the 30-minute city*
- Strategy 14.2:** *Investigate, plan and protect future transport and infrastructure corridors*
- Strategy 14.3:** *Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.*
- Objective 15:** *The Eastern, GPOP and Western Economic Corridor are better connected and more competitive*
- Objective 17:** *Regional transport is integrated with land use*
- Strategy 17.1:** *Investigate and plan for the land use implications of potential long-term transport connections*
- Direction 6:** *Jobs and skills for the city*
- Objective 18:** *Harbour CBD is stronger and more competitive*
- Strategy 18.1:** *Prioritise:*
- *public transport projects to the Harbour CBD to improve business-to-business connections and support the 30-minute city*
 - *infrastructure investments, particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre*
 - *infrastructure investments, particularly those focused on access to the transport network, which enhance cycling connectivity within 5 kilometres of strategic centres or 10 kilometres of the Harbour CBD.*
- Strategy 18.2:** *Develop and implement land use and infrastructure plans which strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:*
- *further growing an internationally competitive commercial sector to support an innovation economy*
 - *providing residential development without compromising commercial development*
 - *providing a wide range of cultural, entertainment, arts and leisure activities*
 - *providing a diverse and vibrant night-time economy, in a way that responds to potential negative impacts.*
- Objective 22:** *Investment and business activity in centres*
- Strategy 22.1:** *Provide access to jobs, goods and services in centres by:*
- *attracting significant investment and business activity in strategic centres to provide jobs growth*
 - *diversifying the range of activities in all centres*
 - *creating vibrant, safe places and a quality public realm*
 - *focusing on a human-scale public realm and locally accessible open space*

- *balancing the efficient movement of people and goods with supporting the liveability of places on the road network*
- *improving the walkability within and to centres*
- *completing and improving a safe and connected cycling network to and within centres*
- *improving public transport services to all strategic centres*
- *conserving and interpreting heritage significance*
- *designing parking that can be adapted to future uses*
- *providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts*
- *creating the conditions for residential development within strategic centres and within walking distance (up to 10 minutes), but not at 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.*

Sustainability

Direction 7: *A city in its landscape*

Objective 30: *Urban tree canopy cover is increased*

Strategy 30.1: *Expand urban tree canopy in the public realm.*

Objective 31: *Public open space is accessible, protected and enhanced*

Strategy 31.1: *Maximise the use of existing open space and protect, enhance and expand public open space by:*

- *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*
- *investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space*
- *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*
- *planning new neighbourhoods with a sufficient quantity and quality of new open space*
- *delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses*
- *delivering or complementing the Greater Sydney Green Grid*
- *providing walking and cycling links for transport as well as leisure and recreational trips.*

Direction 8: *An efficient city*

Objective 33: *A low-carbon city contributes to net-zero emission by 2050 and mitigates climate change*

Strategy 33.1: *Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050 especially through the establishment of low-carbon precincts in Priority Growth Areas, Priority Precincts and Collaboration Areas.*

- Direction 9:** *A resilient city*
- Objective 37:** *Exposure to natural and urban hazards is reduced*
- Strategy 37.1:** *Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.*
- Objective 38:** *Heatwaves and extreme heat are managed*
- Strategy 38.1:** *Mitigate the urban heat island effect and reduce vulnerability to extreme heat.*

The Planning Proposal is generally consistent with the above Directions, Objectives and Strategies of the Regional Plan, in so far that it will provide development opportunities to increase residential accommodation and employment floorspace in a Metropolitan Centre in close proximity of high frequency public transport, without adversely impacting upon the provision of active street frontages.

6.3.1.2 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.

Priorities, objectives and actions identified in the NDP which are relevant to the Planning Proposal are as follows:

Infrastructure and Collaboration

- Planning Priority N1:** *Planning for a city supported by infrastructure*
- Objective 4:** *Infrastructure use is optimised*
- Action 1:** *Prioritise infrastructure investments to support the vision of A Metropolis of Three Cities.*
- Action 2:** *Sequence growth across the three cities to promote north-south and east-west connections.*
- Action 3:** *Align forecast growth with infrastructure*
- Action 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*

Liveability

- 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*

Action 11: *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 access to healthy fresh food and supporting local fresh food production.*

Planning Priority N5: *Providing housing supply, choice and affordability, with access to jobs, services and public transport*

Objective 10: *Greater housing supply.*

Objective 11: *Housing is more diverse and affordable.*

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.*

Action 19: *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 a place and its people*

Action 21: *Identify, conserve and enhance environmental heritage by:*

- a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- b. applying adaptive re-use and interpreting of heritage to foster distinctive local places*
- c. managing and monitoring the cumulative impact of development on the heritage values and character of places.*

Action 22: *Use place-based planning to support the role of centres as a focus for connected neighbourhoods.*

Productivity

Planning Priority N7: *Growing a stronger and more competitive Harbour CBD.*

Objective 18: *Harbour CBD is stronger and more competitive*

Action 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 hub, its location, access and views*
- 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*
- g. improve amenity by reducing the impact of vehicle movements on pedestrians*
- h. create capacity to achieve job targets by reviewing the current planning controls.*

Action 25: *Prioritise:*

- a. public transport projects to the Harbour CBD to improve business-to-business connections and support the 30-minute city*
- b. infrastructure investments particularly those focused on access to the transport network, which enhance walkability within 2 kilometres of metropolitan or strategic centres or 10 minutes walking distance of a local centre*
- c. Infrastructure investments, particularly those focused on access to the transport network, which enhance cycling connectivity within 5 kilometres of strategic centres or 10 kilometres of the Harbour CBD.*

Planning Priority N8: *Eastern Economic Corridor is better connected and more competitive.*

Objective 15: *The Eastern, GOP and Western economic corridor are better connected and more competitive*

Action 26: *Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the economic corridor.*

Action 27: *Prioritise transport investments that enhance access to the economic corridors and between centres within the corridors.*

Action 28: *Co-locate health, education, social and community facilities in strategic centres along the economic corridor.*

Planning Priority N10: *Growing investment, business, opportunities and jobs in strategic centres*

Objective 22: *Investment and business activity in centres.*

Action 36: *Provide access to jobs, goods and services by:*

- a. attracting significant investment and business activity in strategic centres providing jobs growth*
- b. diversifying the range of activities in all centres*
- c. creating vibrant, safe places and quality public realm*
- d. focusing on a human-scale public realm and locally accessible open space*
- e. balancing the efficient movement of people and goods with supporting the liveability of places on the road network*
- f. improving the walkability within and to the centre*
- g. completing and improving a safe and connected cycling network to and within the centre.*
- h. improving public transport services to all 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 at 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.*

Action 38: *Prioritise strategic land use and infrastructure plans for growing centres, particularly those with capacity for additional retail floor space.*

Action 39: *Encourage opportunities for new smart work hubs.*

Action 40: *Review the current planning controls and create capacity to achieve the job targets for each of the District's strategic centres*

Planning Priority N12: *Delivering integrated land use and transport planning and a 30-minute city*

Objective 14: *A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.*

Action 50: *Integrate land use and transport plans to deliver the 30-minute city.*

Action 51: *Investigate, plan and protect future transport and infrastructure corridors.*

Action 52: *Support innovative approaches to the operation of business, educational and institutional establishments to improve the performance of the transport network.*

Action 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.*

Planning Priority N19: *Increasing urban tree canopy cover and delivering Green Grid connection.*

Objective 30: *Urban tree canopy cover is increased.*

Objective 32 *The Green Grid links parks, open spaces, bushland and walking and cycling paths.*

Action 71 *Expand urban tree canopy in the public realm.*

Planning Priority N20: *Delivering high quality open space*

Objective 31 *Public open space is accessible, protected and enhanced.*

Action 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 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.*

Planning Priority N21: *Reducing carbon emissions and managing energy, water and waste efficiently*

Objective 33: *A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.*

Planning Priority N22: *Adapting to the impacts of urban and natural hazards and climate change*

Objective 36: *People and places adapt to climate change and future shocks and stresses*

Objective 37: *Exposure to natural and urban hazards is reduced*

Objective 38: *Heatwaves and extreme heat are managed*

Action 80: *Support initiatives that respond to the impacts of climate change.*

Action 81: *Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.*

Action 82: *Mitigate the urban heat island effect and reduce vulnerability to extreme heat.*

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 development opportunities to increase residential accommodation within a Strategic Centre and assist in delivering Council's 5 yearly housing targets;
- Enable an expansion of the North Sydney Centre to deliver more jobs in close proximity to future mass transport;
- Assist in maximising patronage of the future Victoria Cross Metro Station;
- Facilitating future improved pedestrian connectivity across the site; and
- Ensure that adverse impacts to the future public squares within the WSP are minimised.

6.3.2 Local Strategic Plan Consistency

6.3.2.1 North Sydney Local Strategic Planning Statement (LSPS)

The North Sydney 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.

Of relevance to consideration of the subject planning proposal, the LSPS incorporates the *Ward Street Precinct Masterplan*, *North Sydney Local Housing Strategy* and *North Sydney CBD Public Domain Strategy* into the strategic planning framework and directly links its implementation to the planning priorities under the NDP and the objectives of the Regional Plan. The LSPS includes the following relevant planning priorities:

- **Local Planning Priority L1 ‘Diverse housing options that meet the needs of the North Sydney community’** includes Action L1.1 *‘Implement the North Sydney Local Housing Strategy (2019) to achieve the housing directions, objectives and actions of the GSC’s Regional and North District Plans and deliver 0-5 and 6-10 year housing supply targets’*. This directly ties into Planning Priority N5 of the North District Plan *‘Providing housing supply, choice and affordability with access to jobs, services and public transport.’*
- **Local Planning Priority L3 ‘Create great places that recognise & preserve north Sydney’s distinct local character & heritage’** includes Action L3.2 *‘Continue to prepare and implement precinct-based planning studies to ensure the delivery of growth and development is balanced and well-managed, and has a strong focus on placemaking and community benefit. This includes... undertake/implement the North Sydney CBD Public Domain Strategy – Stage 2... implement the Ward Street Precinct Masterplan’*. This directly ties in to Planning Priority N6 of the North District Plan *‘Creating and renewing great places and local centres, and respecting the District’s heritage.’*
- **Local Planning Priority P1 ‘Grow a stronger, more globally competitive North Sydney CBD’** includes Action P1.3 to *‘Implement the North Sydney CBD Public Domain Strategy, North Sydney CBD Laneways and Ward Street Precinct Masterplan to ensure the delivery of high-quality, safe and attractive public spaces and provide for a greater range of activities to facilitate a more engaging and vibrant CBD’*. This directly ties in to Planning Priority N7 of the North District Plan *‘Growing a stronger and more competitive Harbour CBD’*.

As outlined in the following subsections, the planning proposal is generally consistent with the WSPMP, North Sydney CBD PDS and North Sydney Local Housing Strategy (LHS), and therefore is generally consistent with the endorsed LSPS.

6.3.2.2 Ward Street Precinct Masterplan (WSPMP)

The WSPMP has been developed to deliver much needed public domain and amenity improvements to the North Sydney CBD and identify commercial growth opportunities. The subject site is located in the Precinct’s north-eastern corner.

As outlined in the *Background* section of this report, work relating to the WSPMP initially began in 2016 and has been the subject of extensive community consultation on multiple occasions, with the final Masterplan and preferred option (no.2) being endorsed on 24 June and seeks to deliver:

- a central civic precinct with over 5,000sqm of additional open public space;
- new commercial developments that will deliver 5,000 additional jobs, including two Premium-Grade commercial towers along Berry Street: Buildings “B” and “G”;
- a new knowledge and cultural hub located in the podium of Building B; and
- fine-grain “eat streets” along the pedestrianised Ward Street and new laneways.

To protect sunlight to the proposed open spaces, the WSPMP does not envisage a height increase to 45 McLaren Street nor the adjacent heritage-listed property at 41 McLaren Street. Testing showed that substantial increases in height at both 41 and 45 McLaren Street would adversely impact on the amenity of the proposed square by blocking sunlight.

Despite this outcome, it is recognised that also Council resolved when endorsing the final WSPMP to allow the consideration of a planning proposal for the site at 45 McLaren Street. In particular, it resolved:

7. **THAT** Council notes, that despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:
 - i) Minimise solar reductions upon new public domain as identified in the Masterplan.
 - ii) Minimise solar and privacy impacts upon existing residential development.
 - iii) Provide for a commercial component to any redevelopment.
 - iv) Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.

As detailed throughout this assessment report, the planning proposal is generally consistent with these requirements. In particular, the proposal as revised:

- does not result in the reduction of solar access to the proposed southern Central Square at all times of the year during key usage times;
- results in a minor reduction of solar access to the proposed northern Green Square at all times of the year during key usage times, without resulting in the complete loss of solar access to this space;
- results in reasonable solar impacts to the residential dwellings immediately to the south through the incorporation of appropriate setbacks and stepping down in building height;
- incorporates a commercial component; and
- will seek to deliver a number of public benefits through a VPA.

6.3.2.3 Draft Amendment to North Sydney Development Control Plan 2013 – Ward Street Precinct

On 22 March 2021, Council resolved to adopt a draft amendment to the NSDCP 2013 to give effect to the desired outcomes of the WSPMP and place that draft amendment on public exhibition. The draft amendment also included site specific controls relating to 45 McLaren Street. The draft DCP amendment was subsequently placed on public exhibition from 19 April 2021 until the 17 May 2021.

Council has yet to consider the issues raised in submissions made to the Draft DCP amendment, and make a determination as to how to proceed with the proposed amendment.

It is noted that the majority of the submissions made were by the owners of 45 McLaren Street and the applicant of this planning proposal. In summary, the owners largely objected to the proposed DCP amendment due to implementation of controls which are inconsistent with the outcomes of this planning proposal which has yet to be determined.

In light of the progression of this Planning Proposal, the post exhibition report to the draft DCP amendment will have to take into account the outcomes of this assessment and subsequent Council report.

6.3.2.4 North Sydney Local Housing Strategy

The North Sydney Local Housing Strategy (LHS) was adopted by Council on 25 November 2019 and was subsequently approved by DPIE on 10 May 2021.

The LHS establishes Council's vision for housing in the LGA over the next 20 years and is a mandated Strategy which aligns with the housing objectives and targets set out in the North District Plan. The LHS is required to deliver the North District Plan 0-5-year housing target of 3,000 dwellings, identify and deliver on a 6-10-year housing target to meet demand, contribute to the District's 20-year target and inform affordable housing targets. In issuing its approval of the LHS, the DPIE set a minimum housing target of 3,000 dwellings for the 6-10 year period (2021-2026).

As the key strategic framework for directing housing growth in the LGA, as well as aligning with high-level strategic plans, the LHS must respond to local needs and context by identifying the right location for more housing growth underpinned by a robust place-based strategic approach. Importantly, the Strategy seeks to reject planning proposals that are contrary to Council's strategic direction, as a means of accommodating growth.

The LHS identifies that Council will meet the dwelling targets. DPIE identified that 11,450 additional dwellings would be required for North Sydney by 2036 (DPIE implied dwelling requirements, 2016). The LHS demonstrates that the LGA is on track to exceed requirements and deliver 11,870 dwellings within the currently proposed controls and studies. These findings are supported by the Local Strategic Planning Statement (LSPS). A housing supply gap has not been identified.

The supply of housing does not rely on the redevelopment of the subject site to meet the targets, as no additional residential accommodation was envisaged to be located on the subject site as determined under the WSPMP.

In general, DPIE's position is that it is appropriate for councils to provide a buffer to the housing target given that the ability of the market to deliver housing is driven by a number of factors such as feasibility, site amalgamation, finance and market depth and approvals may not necessarily result in the delivery of housing.

Therefore, it is considered that additional housing should be considered where strategic and site-specific merit can be demonstrated. As demonstrated throughout this report, the proposal has both strategic and site-specific merit and will positively contribute to Council's housing targets.

6.3.2.5 North Sydney CBD Public Domain Strategy (PDS)

The North Sydney CBD (PDS - 2020) addresses the acute lack of public space in the CBD and identifies a suite of potential new open spaces and stronger pedestrian network 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 PDS integrates the desired outcomes of the adopted WSPMP. In particular, it focuses on the inclusion of two interconnecting civic squares totalling 3,235sqm and new and enhanced pedestrian connections. This is part of the network of five pedestrian-priority urban blocks which contain a series of plazas, squares and laneways to create a network of public spaces connecting the CBD from North Sydney Train Station to St Leonards Park.

The Planning Proposal indicates it would provide public benefit in widening the existing through-site link established on the adjoining property at 144-150 Walker Street. Whilst the enhancement of this existing through site link is supported, the concept proposal's relationship to and activation of this link is poor. However, such issues can be reasonably addressed at the development application stage.

The PDS identifies the importance of creating public spaces focused around sunlight access and protecting existing solar access. The PDS identifies that the proposed open space within the WSP will achieve good solar access all year round to the majority of the area. However, this was on the assumption that there was no uplift to 41 or 45 McLaren Street as per the WSPMP.

Solar access to the proposed public open spaces within the Ward Street Precinct has been a key concern in the assessment of this planning proposal since its lodgement. The applicant has revised the concept proposal and associated proposed development controls to a point whereby there is minimal impacts to the proposed southern Central Square year-round as detailed at Section 6.4.1.2 of this report.

In addition, the applicant has revised the concept proposal and associated proposed development controls to a point whereby the setbacks to Walker and McLaren Street at and above the podium better respond to the desired urban context.

6.3.3 State and Regional Study and Strategy Consistency

6.3.3.1 Future Transport Strategy 2056

The Future Transport Strategy 2056 (the Strategy) outlines the vision for the Greater Sydney mass transit network, detailing North Sydney as a 'strategic centre' linked directly to the 'Harbour City' (the Sydney CBD).

The Future Transport vision sets six state-wide outcomes to guide investment, policy and reform. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

The subject site is well placed to maximise patronage of the future Victoria Cross metro station, which will see high frequency metro transport moving more people, more quickly. Any future redevelopment of the subject site also has the potential to contribute to and enhance walking and cycling connections within the immediate precinct, and around the metro station.

6.3.4 State Environmental Planning Policies

The submitted documentation has adequately demonstrated consistency with the relevant State Environmental Planning Policies. Particular comments are made below in relation to *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, and the associated ADG, regarding building separation and visual privacy as raised by Council's Assessment Officer. Detailed matters could be resolved through the development application process.

6.3.4.1 Building Separation

The concept proposal complies with the separation requirements to the north and east. The separation distances to the south only comply if appropriate visual privacy measures are incorporated, such as an absence of windows or incorporation of screening devices.

Whilst the concept proposal generally complies with the separation requirements to the west, they only comply on the assumption that the current building at 41 McLaren Street will be retained as is with no change to its future use. Despite being a heritage item, there is no guarantee that 41 McLaren Street will not be subject to future development that will change its relationship with the subject site.

Council's Assessment Officer has advised:

The ADG requires 9m building setback measured from the centreline of the road for buildings up to 8 storeys, and a 12m building setback measured from the centreline of the road for levels 9 storeys and over. The existing front setback of 41 McLaren Street cannot be relied upon / leveraged given that this setback may be infilled in the future. A redesign of this façade is required, with non-habitable façades (i.e. secondary frontages with screening) provided where complying building setbacks are not achieved.

In particular, the concern is raised with the west-facing units located centrally within this elevation and having a sole western outlook and minimal building setback:

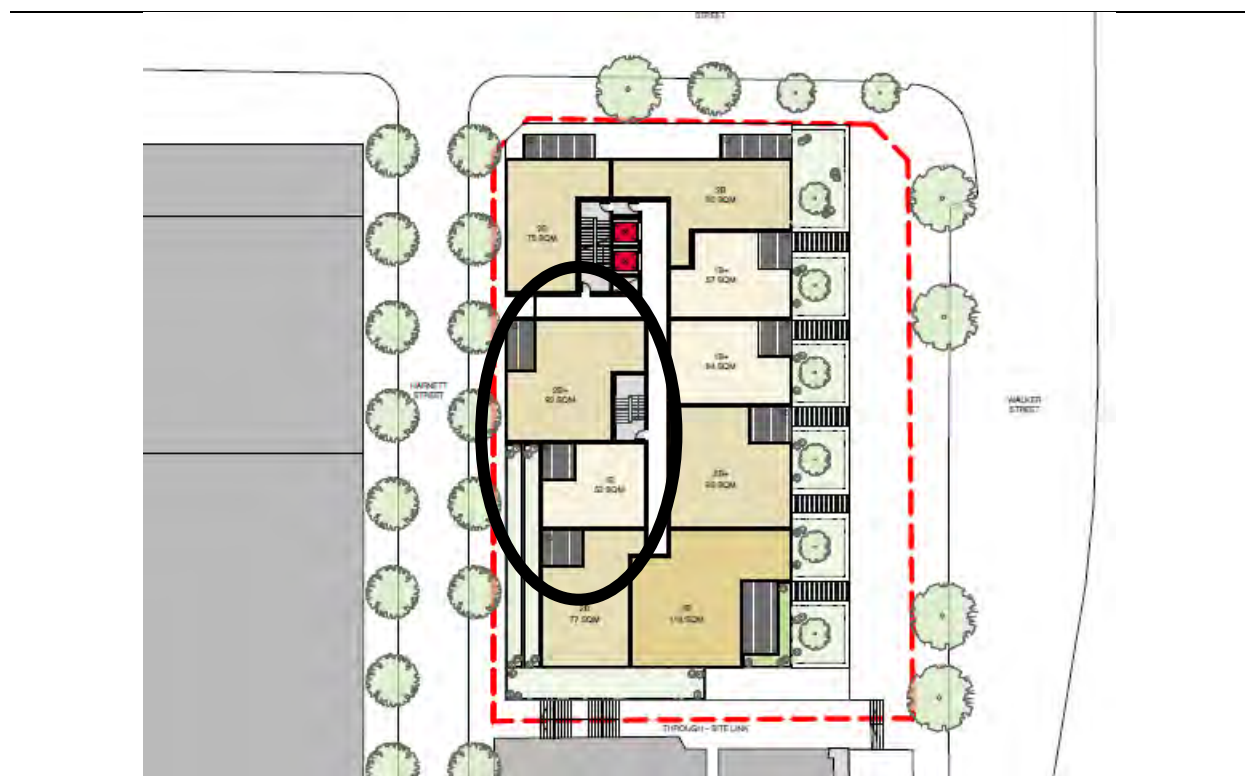


FIGURE 17: Subject western oriented apartments

These issues could be resolved with a redesign of the building and may be able to be adequately addressed at the DA stage.

6.3.4.2 Solar access

It is noted that only 61% of apartments within the concept proposal are capable of receiving more than 2 hours of sunlight at the Winter Solstice between 9am and 3pm, where a minimum of 70% should be achieved. Given this is only a concept scheme, there is potential to achieve greater compliance with a considered redesign at the DA stage.

Council's Assessment Officer has suggested that a higher level of compliance may be able to be achieved as follows:

Consideration could be given to the deletion of the roof terraces, with standard balconies instead being incorporated, to allow for clerestory windows/skylights on the roof for upper level apartments to be provided with solar access and light. Alternatively, east-west through apartments could also be considered and a replanning of the location of the lift core may assist.

Therefore, despite the non-compliance with this aspect, there is potential to achieve compliance at the DA stage of the development.

6.3.5 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 of relevance to the subject planning proposal:

- Direction 1.1 – Business and Industrial Zones;
- Direction 2.6 – Remediation of Contaminated Land;
- Direction 3.1 – Residential Zones;
- Direction 3.4 – Integrating Land Use and Transport;
- Direction 5.10 – Implementation of Regional Plans; and
- Direction 6.3 – Site Specific Provisions

These Directions are satisfactorily addressed in the Planning Proposal and are considered to be consistent with the objectives and intent of the Directions.

6.4 Justification of Site Specific Merit

A Planning Proposal is deemed to have Strategic Merit where it has regard to:

- *the natural environment on the site to which the proposal relates (including known significant environmental values, resources or hazards); and*
- *existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal; and*
- *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."*

The site-specific issues associated with the planning proposal have been considered in Sections 6.4.1 to 6.4.5. Overall, the Planning Proposal is considered to have site specific merit due to the following:

- the proposal is unlikely to result in any adverse impacts on the natural environment;
- the proposed uses are consistent with the surrounding existing and future character of the locality;
- the proposal will have a minimal impact upon neighbouring properties in terms of solar access, views and privacy consistent with a high density location;
- the proposal will retention solar access to the proposed southern Central Square at key hours as identified under the WSPMP and North Sydney PDS; and
- the proposal is located in an area adequately supported by existing and future infrastructure helping to assist maximising its utility.

6.4.1 Environmental Impacts

6.4.1.1 Natural Environment

The site is located within a highly established urban area of the Northern Sydney CBD. Whilst the subject site currently supports a number of medium sized trees up to approximately 20m in height, there are no known critical habitats, threatened species, populations or ecological communities located on or in the vicinity of the subject site that will be adversely impacted as a result of the proposal.

The concept proposal will maintain a 5m landscaped setback to Walker Street which is consistent with the general alignment of buildings located on the western side of Walker Street.

Council's Development Assessment Officer has suggested that consideration should be given to providing setbacks of basement levels from the Walker Street alignment to enable deep soil planting to be provided at the site's edges. In addition, consideration should be given to incorporating sandstone or natural rock features in accordance with the NSDCP Character Statement. These aspects could be accommodated within the proposed site specific DCP amendment.

6.4.1.2 Overshadowing of Future Public Open Space

The potential overshadowing of the proposed public open spaces (refer to Figure 18) within the WSP directly to the south-west of the subject site was a key concern in the development and endorsement of the WSPMP. It represented one of the key issues raised by the community during the public exhibition of the various draft iterations of the Masterplan.

The endorsed WSPMP seeks to "maximise" solar access to the two proposed public squares, with greater emphasis on the Central (southern) Square.

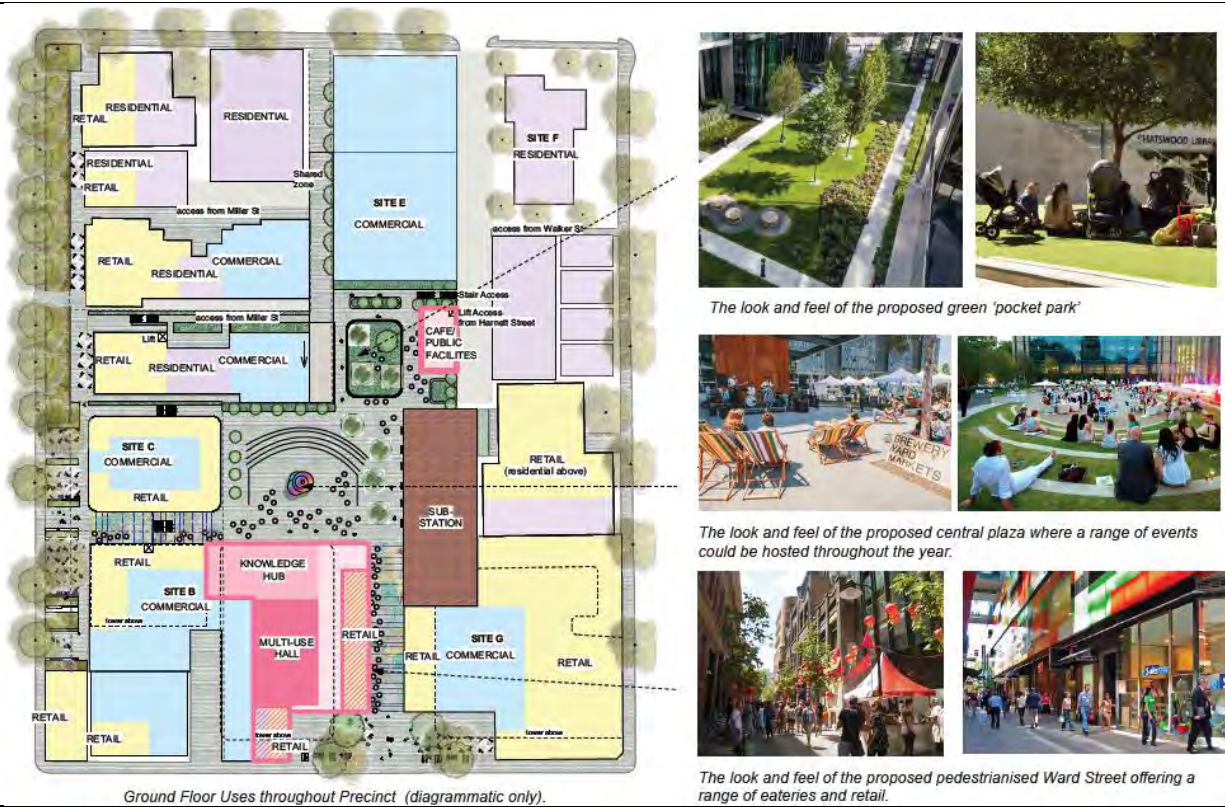


FIGURE 18: Proposed Ward Street Precinct public open space
 (Source: WSPMP)

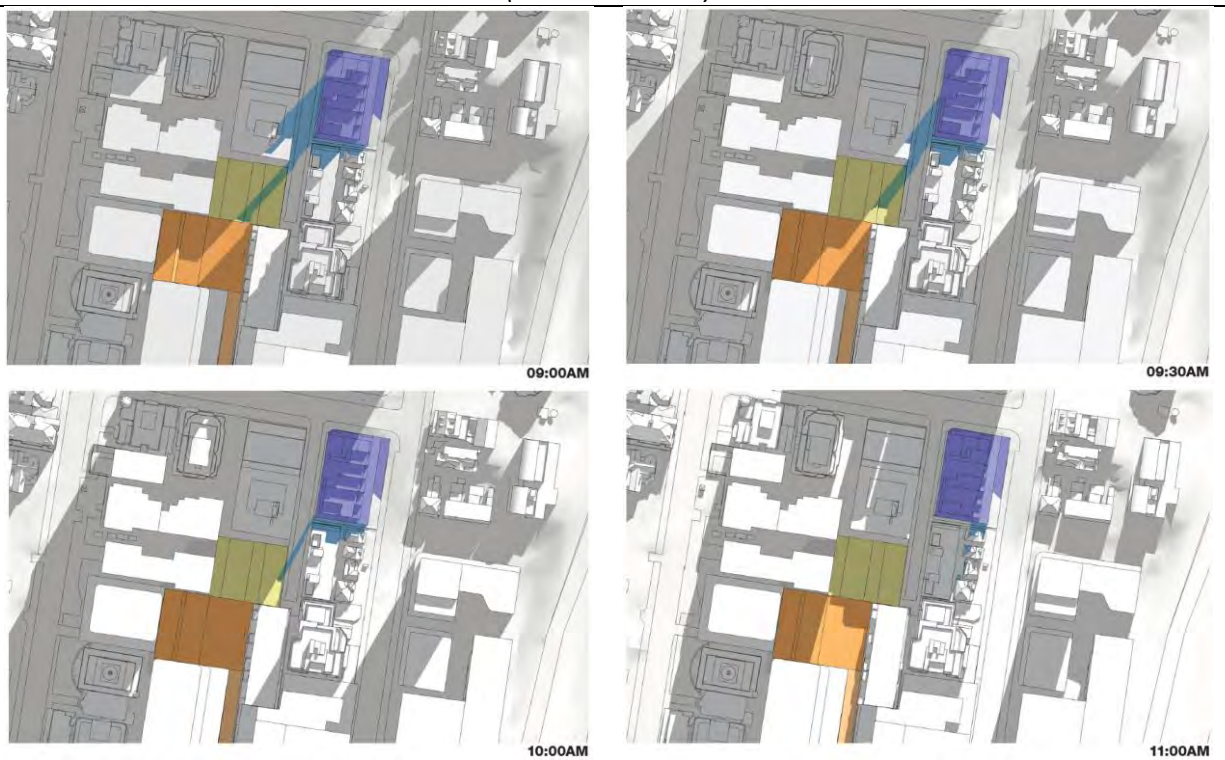


FIGURE 19: Winter Solstice Shadow Diagrams
 (Source: Proponent's Urban Design Report)

Shadow diagrams have been provided with the Planning Proposal which show overshadowing impacts to the proposed open spaces at mid-Winter (shown in Figure 19). The shadow diagrams indicate that at the Winter Solstice, the concept proposal will result in no overshadowing of the proposed southern Central Square (area identified as orange in Figure 19) between 9am and the rest of the day and only a minor impact on the proposed northern Green Square (area identified as yellow in Figure 21) between 9am and 10.08am. There are no impacts to either proposed square between the September and March Equinoxes.

Accordingly, the proposal is considered to achieve the requirements and desired outcomes of the WSPMP.

Whilst the proposed amendments to NSLEP 2013 alone will not ensure that solar access is maximised to the proposed public squares, the applicant has suggested the inclusion of a site specific control under NSDCP 2013 which seeks to prevent any additional overshadowing of the southern Central Square between 9am and 4pm. The inclusion of such a control in conjunction with the Planning Proposal is supported, but would need to apply to all sites in the vicinity of the two proposed squares.

6.4.1.3 Overshadowing of Adjoining Residences

The overshadowing of adjoining residences to the south at 144-150 Walker Street was one of the issues raised by submitters to the planning proposal (Refer to Section 7 of this report).

Whilst no detailed analysis has been provided, the planning proposal states:

One of the fundamental urban design principles guiding the proposed development outcome, is retention of solar access to the residential apartments at 150 & 168 Walker Street. As demonstrated in the urban design report, a minor degree of overshadowing will occur between 9am – 11am on July 21st. However, the stepping of the built form and upper level modulation ensures that an acceptable degree of solar access is retained to those residences and that any future building form does not result in an unacceptable loss of amenity.

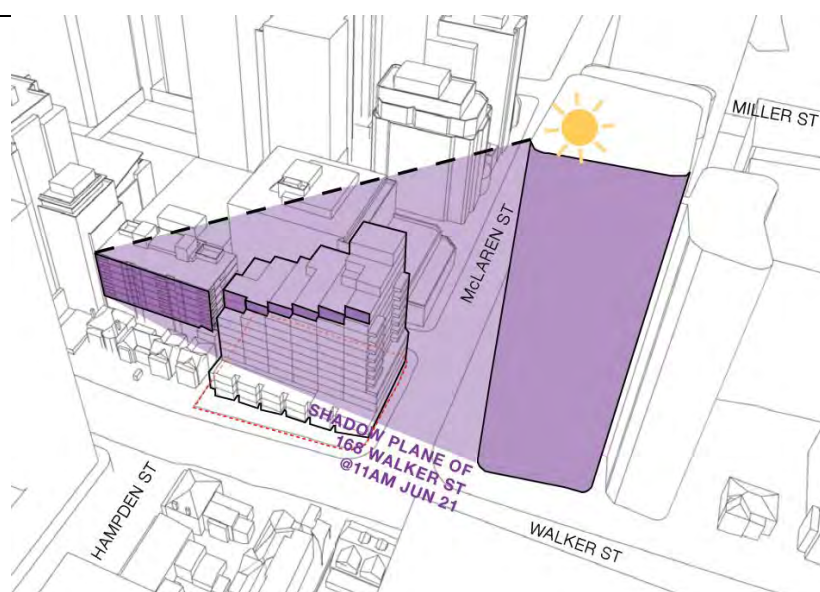


FIGURE 20: Winter Solstice Shadow Diagrams
(Source: Proponent's Urban Design Report)

Due to the majority of the apartments (approximately 80%) within 144-150 Walker Street having both eastern and western walls, ensures that the majority of the apartments can receive in excess of 2 hours of sunlight at the Winter Solstice, which is consistent with the minimum requirement under the ADG in a dense urban area. It is possible that a higher percentage of compliance may be achieved after completing a detailed assessment which could be determined at the DA stage.

6.4.1.4 Wind Impacts

Section 2.3.3 of the North Sydney DCP 2013 requires a wind impact report where a building exceeds 33m in height and specifies that development should not result in wind speed exceeding 13m/s at footpaths and accessible outdoor spaces.

The Planning Proposal is accompanied by a Pedestrian Wind Impact Statement, prepared by Windtech Consultants. It provides an assessment of the impact of the proposed building envelope on the pedestrian amenity surrounding the site and the wind affections for future users of the site, focusing on the critical outdoor trafficable areas, including:

- Pedestrian footpaths
- Level 10 communal terrace
- Private balconies and terraces

The Statement confirmed that the “proposed development has incorporated several design features and wind mitigation strategies and is expected to be suitable for the intended use.”

The Statement also identified that the site is, however, potentially exposed to a variety of prevailing north-easterly wind conditions. This can be ameliorated through the provision of street trees along the Walker Street and McLaren Street frontages and through densely foliating vegetation along the eastern boundary, such as that proposed within the landscape concept plan.

Such amelioration measures could be incorporated as part of any future DA to be considered for the site.

6.4.1.5 Heritage Impacts

The subject site is located in the vicinity of a number of heritage items as illustrated in Figure 7. The proposal was accompanied by a Heritage Assessment by Weir Philips and a subsequent Addendum following the proposal’s revision in November 2021. The assessment suggested that the associated impacts are acceptable due to:

- *The degree of separation between the site and surrounding heritage items is sufficient to ensure that the proposal would have no direct impact on the lot boundary curtilage of these items;*
- *No significant view corridors to/from the heritage items would be blocked, beyond that which currently exists;*
- *The architectural, historic and/or social significance of the items will not be impacted upon;*
- *The proposed design has established a lower scale transition of the development at the southern end of the site, which acts as a transition zone from the heritage items on the western side of Walker Street; and*

- *The impact of the transition to a tower form will be mitigated by the use of a podium level of appropriate height and the proposed stepped tower form to improve solar access to heritage items.*

The proposal was referred to Council's Conservation Planner, who has advised the following:



FIGURE 21: Heritage context and related visual context

The heritage context and related visual curtilage of the site as summarised in Figure 21 comprises:

- *the adjacent heritage items at:*
 - *Simsmetal House at 41 McLaren Street (I 0889) to the immediate west of the site*
 - *The heritage group of houses at 150 Walker Street comprising 144, 146, 148 and 150 Walker Street to the immediate south of the site (I 0984/ I 0985, I 0986/ I 0987)*
- *the heritage items in the vicinity of the site at:*
 - *2-14 Hamden Street (I 0840/ I 0841/ I 0842/ I 0843/ I 0844/ I 0845/ I 0846)*
 - *176 Walker Street (within the Walker and Ridge Streets conservation area) (I 0993)*
 - *185 Walker Street (I 0988)*
 - *The stone wall at Walker Street near Hampden Street (I 0996)*
 - *St Leonards Park (I 0916 – State Heritage item)*

- *The adjacent conservation areas being the McLaren Street heritage conservation area (CA19) to the west of the site and the Walker/Ridge Street conservation area (CA20) to the north-west of the site. These conservation areas are significant as follows:*

McLaren Street heritage conservation area:

- (a) *As an area that is close to the centre of North Sydney that retains representative details from its development from the late 19th and early 20th centuries, including street formation, buildings, gardens and fencing.*
- (b) *For its landmark qualities and associations with St Thomas' Church, North Sydney Council buildings, park and public court*

Walker/Ridge Street conservation area:

- (a) *For its late 19th and early 20th century character defined by the number of intact heritage items in the area.*
- *The site sits within the Hampden Neighbourhood Planning Area which is characterised by its tree lined streets with grassed verges and concrete footpaths with RFBs setback from the boundary and aligned with the street frontage (Figure 23).*

The site is located at the fringe of the CBD and Civic Precincts. The subject site has three street frontages - its primary frontages are to McLaren and Walker Streets with a secondary frontage to Harnett Street. The site is highly visible from several vantage points (ref site views highlighted in blue in Figure 21 and corresponding images at Figures 24-26). The land subdivision pattern along McLaren Street has completely changed from its former smaller residential blocks to sites that are amalgamated accommodating larger developments (Figure 22). Within this evolving context, the street grid pattern remains important historically and is to be reinforced through appropriate setbacks and street treatments that respond sensitively to the different street characteristics of McLaren, Walker and Harnett Streets.

The key elements of the PP to consider are:

- *the impact of the new development on the setting of the heritage items in its immediate proximity, especially 41 McLaren Street and including the adjacent Walker and Ridge Street and McLaren Street conservation areas,*
- *impacts on views from various important cultural vantage points as identified in Figure 21,*
- *Maintaining relevant connection with the low scale and leafy character of the Hampden Neighbourhood Planning Area and St Leonards Park through appropriate street plantings*
- *Potential to strengthen the existing and proposed pedestrian linkages that are part of this PP with the historic pedestrian link to Hampden Street.*

In relation to the current Planning Proposal it is noted that the height and scale of the proposed development will be highly visible both in terms of its location and its function as an active edge along McLaren and Walker Streets. With respect to the revised block plan, the setbacks along Walker Street remain sympathetic to the adjacent heritage group to the direct south of the site. The McLaren Street setbacks are now more sensitive to the heritage listed Simsmetal building at 41 McLaren Street than that originally proposed. However, the revised block plan and accompanying information does not indicate the architectural treatment of the built form along McLaren Street. It is envisaged that its design

treatment/scale will be completely different from Walker Street due to its proximity to 41 McLaren Street and the more contemporary changes/Metro development occurring in this part of the street, as well as respond to the topographical conditions at the corner of McLaren and Walker Streets.

In conclusion, although the design implications of the development will require fine grain detailing at the appropriate development application phase, the basis of the details to be resolved sensitively needs to be established at the PP stage so that the parameters around form, materiality, colours and finishes are investigated and set particularly along McLaren Street and Harnett Street where the finer grain detail is yet to be developed and with particular regard to the heritage item at 41 McLaren Street. The Planning Proposal creates opportunity for strengthening appropriate tree planting along the edges of McLaren Street, linking the site with any tree planting programs along Walker Street to the War Memorial at St Leonards Park as well as tying the site in with the Ward Street Precinct and the periphery of the Civic Precinct Area and its leafy low scale core. Also, any opportunities for relevant public art should be explored and worked through into the design phase early on.



FIGURE 22: Comparison of the 1943 and current aerial view of the site and evolving changes to the lot size in the area [Source: SixmapsNSW]



FIGURE 23: Existing on-site setbacks [Source: Nearthmap]



FIGURE 24: View looking toward Walker Street from McLaren Street



FIGURE 25: View of Harnett Street



FIGURE 26: Side elevation of 41 McLaren Street

The built form of the concept proposal has been revised since its initial lodgement to better relate to the surrounding heritage context. The built form is capable of being further reinforced through the proposed site-specific amendments to NSDCP 2013 suggested by the applicant. There are other sufficient controls within NSLEP 2013 and NSDCP 2013 to ensure that the fine grain aspects of the development are considered in the context of the nearby heritage items which can be addressed at the DA stage.

6.4.1.6 Visual Impact

The overall height of the proposal and stepping down approach is considered reasonable in the context of surrounding development and emerging context. In particular, it suitably transitions down southwards from 168 Walker Street (30 storeys) to the apartment complex at 150 Walker Street (8 storeys) and down eastwards from 237 Miller Street (16 storeys) and 39 McLaren Street (13 storeys) to the 2-4 storey dwellings east of Walker Street. Whilst the proposal's built form transitions downwards as it approaches the centre of the North Sydney CBD would appear counter intuitive, the proposed reduction positively relates to the immediately prevailing development context and the need to protect solar access to the future public squares within the WSP.

The proposal has also been reviewed by Council's Senior Strategic Planner, Urban Design with the following comments with regard to the bulk and scale of the proposal:

Revised podium height and above podium setback to McLaren Street

The revised scheme includes a 3-storey podium which steps down to 1-storey at the corner of McLaren Street and Walker Street and a 3m whole of building setback above podium to McLaren Street.

The 3-storey podium height is contextually appropriate given the 2-storey podium to 41 McLaren Street immediately adjacent to the site and the lower-scale residential area further east along Walker Street. The stepping down of the podium at the corner of McLaren Street and Walker Street allows for a stronger transition between the two facades. Further consideration of the treatment and transition of this corner at DA stage will be crucial in creating a cohesive built form response.

The 3m above podium tower setback better aligns the building envelope to the overall massing of the tower developments further west along McLaren Street and offers a greater view corridor along McLaren Street looking east. The setback provides visual clarity between the podium levels and the tower above, providing a human-scale at street level. and breaks down the overall bulk of the proposal when viewed from further away.

The 3m above podium setback prevents the appearance of one uninterrupted, large wall at the corner of McLaren Street and Walker Street, and is a more appropriate contextual response to this corner.

Balconies on McLaren Street

The proposal notes that balconies along McLaren Street will project beyond the 3m setback and the design scheme shows two balconies per floor from level 4.

Minor extrusions beyond the 3m setback are considered reasonable, however balconies should not be enclosed or run the entire width of the McLaren Street façade. This will ensure that the balconies do not add to the overall bulk of the proposal.

The proposed site-specific DCP should note that any encroachments to the above tower setback to McLaren Street should be minor.

Reduced overshadowing to Ward Street's Central Square

The building envelope has been shaped to prevent any overshadowing to the future Central Square from 9am onwards year-round. Preventing additional overshadowing to this area will help safeguard the amenity and useability of this future open space, which will become more valuable as density in the area increases.

Façade treatment of McLaren Street

The proposal does not include any renders or elevations of the McLaren Street façade, and there is little detail on what this façade will look like compared to Walker Street. The treatment and development of the McLaren Street façade should be considered at the same level of detail as Walker Street to ensure a cohesive and strong design overall.

FSR

The revised proposal has a maximum FSR of 6.25:1. No Gross Building Area (GBA) figures were included in the Area Schedule to assess building efficiency against this FSR.

Any proposal should allow for a 75% building efficiency for residential development, and an 80% efficiency for commercial, to allow for adequate space for building design and articulation including balconies, lifts, stairs and open circulation space.

Accordingly, the proposal provides a suitable and acceptable form within the context of its locality. Additional controls could be included in a future site specific DCP amendment to ensure any balconies fronting McLaren Street remain minor elements of the façade.

6.4.1.7 View Loss

The Planning Proposal is accompanied by a Visual Assessment Report prepared by Urbis which provides an assessment of the proposal from representative locations in the public domain, including existing development and approved development towers near the site, with a distinct focus on view loss from future dwellings at 168 Walker Street. In particular, it states that the:

... majority of views from future dwellings [at 168 Walker Street] as modelled, the built form proposed will block a small part of a wider panoramic view to the south-east or south. The extent of visual effects and potential view loss is rated as minor to negligible for all mid and high level views analysed and moderate for one low level view and moderate-minor the remaining two low level views. Units located above approximately level 21 at the Aqualand will not be significantly affected by potential view loss. The parts of the view composition blocked in all views do not include iconic items or a large proportion of scenic or highly valued views as defined in Tenacity. A small part of a wider view to the east and south-east of the potential built form massing within the East Walker Street precinct (the Avenor development), including parts of Sydney Harbour, will be potentially blocked in some views, for example from Position 01 and 02.

It is considered that less than half of the apartments with a southern façade at 168 Walker Street would be affected, ensuring that sufficient view sharing is achieved.

There is no detailed view loss analysis from existing dwellings to the west of site, particularly from 39 McLaren Street and No. 229 Miller Street. The Report does state however:

Urbis determined that potential view loss would be likely to occur in relation to the closest dwellings to the west and north-west including southerly views from the upper floors of the Aqualand development, 39 McLaren Street and potentially the Vantage at 229 Miller Street.

Notwithstanding views from other towers along Miller Street as discussed above are likely to be available to the north-east and including the subject site, a future building on the site of greater height and scale as proposed is unlikely to create any significant view loss or blocking effects.

Potential view loss caused in relation to towers along Miller Street (south-west of the site) in our opinion is likely to be minor and would not result in the loss of scenic or valued items as defined in Tenacity.

In our opinion it would be impractical in this urban visual context to be able to maintain the existing access to views by manipulating the massing of the 'amended' Planning Proposal (2021) for that specific purpose.

We observed that views from the upper floors at the McLaren Apartments and The Harvard to the east and south-east are likely to be potentially affected to a minor extent given their spatial separation from the site and the value of the part of the view that may be potentially affected.

Future development at 41 McLaren Street is likely to potentially affect access to easterly views from these residential developments.

Taking into consideration the angle of view, in our opinion the likely extent of view loss in relation to these locations would be minor.

Without detailed analysis, it is difficult to determine the extent of view loss from these buildings. Figure 27 illustrates the location of buildings when viewed from the east and the potential blocking of views. A brief review was also undertaken on the Domain website to find images that depict the view from these potentially affected properties. Figures 28-30 illustrate the extent of views capable from 39 McLaren Street and 229 and 239 Miller Street, with the approximate location of the proposed built form is outlined in red.

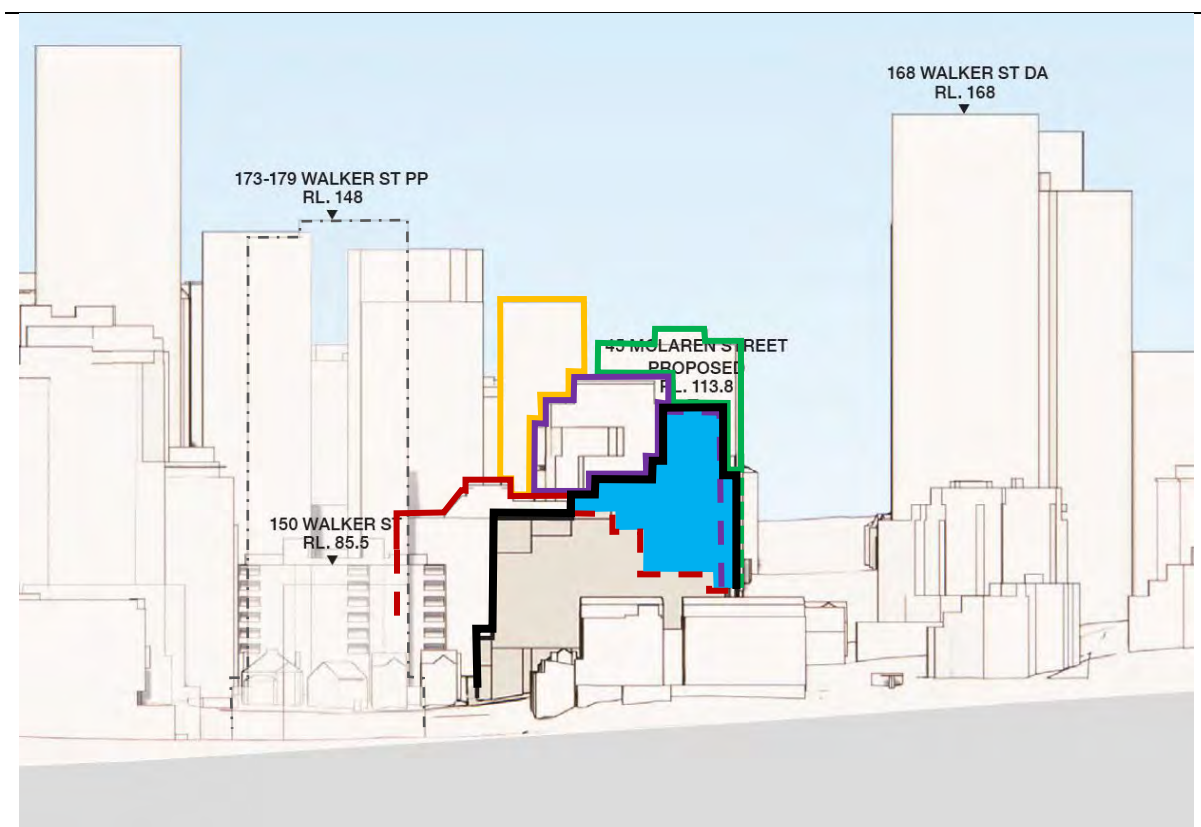





FIGURE 27: Building locations to the west of 45 McLaren Street
(Base image source: Urban Design Report – BatesSmart)

Legend

	45 McLaren		229 Miller
	41 McLaren		239 Miller
	39 McLaren		Potential view loss

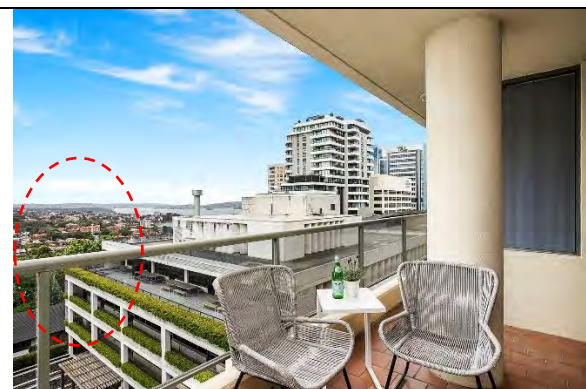


FIGURE 28: View from 39 McLaren Street
 Image taken from the main balcony of Unit 703 (Level 7) at 39 McLaren Street. The concept building proposal may result in the partial loss of the harbour views from this location.

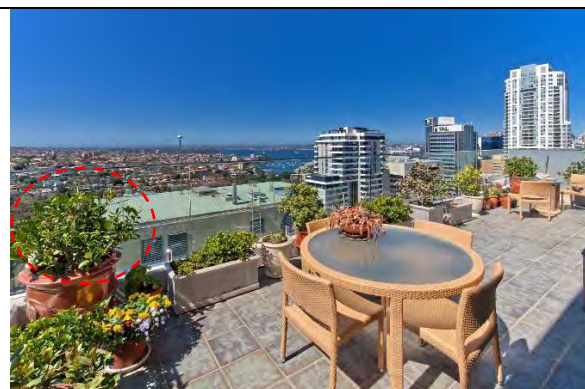


FIGURE 29: View from 239 Miller Street
 Image taken from the main balcony of the top level of 239 Miller Street. The concept building proposal is unlikely to result in the loss of the harbour views from this location.

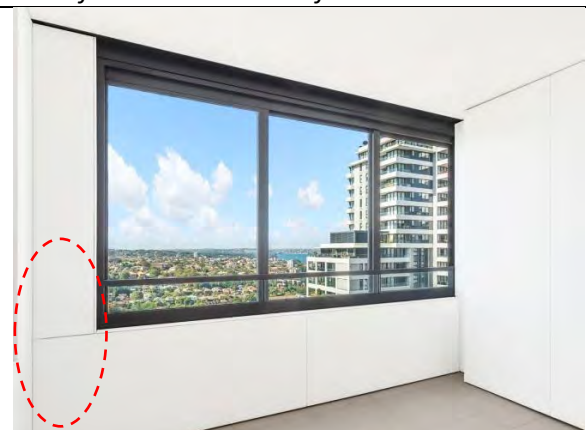


FIGURE 29: View from 229 Miller Street
 Image taken from the main balcony of Unit 804 on Level 8 of 229 Miller Street. The concept building proposal is unlikely to result in the loss of the harbour views from this location.

This analysis indicates that the proposed built form is unlikely to have a significant effect on view loss from these properties. It is noted however, that a future redevelopment of 173-179 Walker Street and 11-17 Hampden Street with a 29 storey tower, is likely to have a much greater impact upon views from these properties to the west of the subject site.

To assist in determining the true impact to the properties to the west, it is recommended that the Visual Assessment Report be revised to include an illustrative view analysis from 229 and 239 Miller Street and 39 McLaren Street. This could be made a condition of any future Gateway Determination.

6.4.1.8 Transport, Traffic and Parking

The Planning Proposal is accompanied by a Traffic Impact Assessment 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, with the following comments provided:

Travel Planning

The scale of the proposed development means that a Travel Plan will have to be submitted as part of the Development Application. In order to assess how the delivery of hard and soft engineering measures might impact travel demand, mode share, parking supply and traffic generation associated with the applicant's proposal, the proponent should provide a draft Travel Plan with their PP.

The draft Travel Plan should include:

- an empirical analysis of existing/potential future travel demand and mode share for the site (based on local examples);*
- a vision for transport planning for the development that reflects the transport planning vision detailed in the North Sydney Transport Plan (2017);*
- mode specific objectives that provide a broad road map connecting empirical transport analysis and the identified vision for transport for the proposed development;*
- specific, measurable, achievable, realistic and time-based targets for these objectives;*
- sufficient hard and soft engineering actions to bridge the gap between pre-development empirical transport analysis and the identified vision for transport for the proposed development; and*
- an ongoing commitment to assessing and reviewing the actions of the draft Travel Plan to guarantee the delivery of the vision for transport identified in the draft Travel Plan.*

The applicant's proffered Traffic Impact Assessment does not provide this information.

Walking

Because Walker Street and McLaren Street are key links within the wider North Sydney walking network, providing safe and amenable pedestrian access on footpaths on these building frontages is a priority. Main pedestrian entries should be located on these frontages.

Harnett Street does not provide the same "linking" function within the wider walking network; being a cul-de-sac, walking demand along Harnett Street is limited. While a secondary pedestrian entry that facilitates crossing the Harnett Street service laneway into the Ward Street Precinct is worthy of consideration, level changes between Harnett Street and the future Ward Street Plaza may complicate the design/delivery of this potential future link, which, in any case, should not be prioritised over maintaining pedestrian safety/amenity on Walker Street or McLaren Street. As such, it is recommended that the proposed Walker Street vehicle entry be re-located to the northern end of the site's Harnett Street frontage in order to minimise the interaction of pedestrians and traffic accessing the site.

The impact of relocating the vehicle entry in terms of topography, traffic capacity and available floor within the lower/upper ground floors of the building are discussed below.

Cycling

While the applicant's Traffic Impact Assessment notes that provision of cycle parking and end of trip facilities will be considered at the DA stage of the application, it is important to understand how provision of Type 2 (lockable compound) cycle parking and end of trip facilities will affect travel demand, mode share, parking supply and traffic generation as part of the draft travel plan for the site. It is also unclear from the plans provided how compliant levels of resident and worker cycle parking, end of trip facilities and cycling access will be incorporated into the design of the basement levels of the site.

Please also note that type 2 (resident/worker) and type 3 (visitor) cycle parking serve the needs of two different user groups and, as a result, the preferred location and characteristics of these bike parking facilities are also different. For example, while workers, typically, travel to the site for the whole day and can be notified of the Type 2 "lockable compound" cycle parking in the site's basement as part of their work induction, a visitor to the site is likely to spend less time at the site and will not, necessarily, have prior notice of the location of cycle parking. As such, Type 3 visitor/customer cycle parking (bike hoops) should be provided at grade as close as feasible to building entrances for associated land uses. These spaces should be visible from the current/future cycling network (visibility), overlooked by adjacent land uses (security), covered (weather) and well lit (night-time security).

Public Transport

The subject site has high levels of access to public transport (Miller Street buses and the Northern Line at North Sydney Station). Access to public transport/regional destinations will be further improved by the opening of Sydney Metro in 2024. The draft Travel Plan for the PP should detail how the applicant/future occupants will deliver hard and soft engineering measures that promote increased uptake of public transport by occupants, workers and visitors to the development in order to reduce car reliance, parking demand and parking supply for the site.

Car Parking

It is noted that the applicant seeks amendments to NSDCP 2013 to impose some site-specific controls. It is recommended that these amendments be extended to include the application of the maximum parking rates for the B4 Mixed Use land within St Leonards Precincts 2&3 for this site, given its proximity of future Metro Station entry point. Further reductions in parking supply beyond maximum levels justified through the delivery of the applicant's travel plan for the site, which should include consideration of the site's proximity to both the main and northern portal entries to the future Victoria Cross Metro Station. This will result in a significant reduction in parking allowances for the applicant's proposal, limiting traffic generation and the negative impacts that this traffic will have on the North Sydney CBD and local community.

Car Share

NSDCP 2013 permits extensive use of car share vehicles to address resident and worker mobility requirements. The applicant should consider that a single car share vehicle can replace more than 3-4 private vehicle spaces at the site. Justification of car share provisions and how they relate to reduced car parking provisions for the site should be provided as part of a revised draft travel plan for the applicant's proposal.

Traffic Generation

As per the objectives of both the Ward Street Masterplan and the St Leonards Precincts 2&3 Planning Study, the proposal should aim to cause "no net increase in traffic generation" from the development of this site. This can be largely achieved through the application of St Leonards Precincts 2&3 Planning Study parking maximums to the site and delivery of a draft travel plan for the proposed development, which should identify actions that will: increase the use of future Victoria Cross Metro Station, provide increased access to car share, ride hailing and emerging mobility as a service providers. Significant reductions in planned parking supply and traffic generation resulting from this development will help to address key community concerns regarding proposed development in North Sydney (i.e. that increased built form density should not result in increased traffic, congestion and on-street parking demand in the LGA).

Vehicle Access

While the proposed Walker Street vehicle entry makes sense in terms of site topography and on-site access ramps, new traffic movements across the footpath at this location will have an adverse impact on the safety and amenity of both destination and non-destination walking trips along Walker Street, including those by students travelling between the CBD and Wenona School.

While locating the vehicle entry on Hartnett will create a similar conflict at the McLaren Street/Hartnett Street intersection, the interaction of vehicles and pedestrians at the junction:

- a) will already be compromised by vehicles accessing Ward Street parking,*
- b) is clearly identified by the building separation and road layout and*
- c) can be better managed through improved junction design (e.g. build-outs and threshold treatment), which can be designed and delivered by the applicant as part of their proposal.*

Within the building, the impact of these changes on available floor area within the lower and upper ground floors of the building can be optimised using vehicle lifts. Reducing the amount of parking supplied and the number of vehicle trips to and from the site is critical to ensuring that this type of mechanical solution does not have significant negative impact on the functionality of the applicant's proposals during outages.

Deliveries/Serviceing

The applicant must demonstrate how the number/type of service vehicle trips required to service the site will be accommodated by proposed loading infrastructure.

The Planning Proposal was also referred to Council's Transport Engineer, who provided the following comments:

Traffic Generation

The Traffix report suggests that the net traffic generation from the proposed development is 20 vehicles in the AM peak and 17 vehicles in the PM peak.

However, this assumes that the only trips from the retail component of the proposed development are from staff trips (where off-street parking is supplied). The calculation does not take into account customer trips that would park in the surrounding streets. In the absence of applicable trip generation rates in the RMS/TfNSW guidelines for the proposed use of the retail component, the proponent should undertake a survey of a similar existing site in order to determine the expected traffic generation from the retail component and to verify their assumptions.

Parking Provision

The planning proposal includes parking for 70-80 vehicles which is generally in accordance with Council's DCP parking rates for B4 Mixed Use and RMS parking rates.

Loading Dock

An issue of serious concern with regards to this proposal is the proposed loading dock (3 x 6.4m small rigid vehicles) which does not adequately provide for furniture removalist vans and delivery vehicles. This has not been adequately addressed in the amended proposal.

A development of this size with 82 apartments and 1,499m² of retail space requires provision for at least either a heavy rigid truck (12.5m long and 4.5m high) or two medium rigid trucks (8.8m long and 4.5m high) as per Australian Standard 2890.2.

The population of North Sydney is highly mobile. Nearly half of all residents rent and, over a five-year period, over 60% move to a new address. This is particularly the case for apartments, and particularly for the smaller apartments included in the proposed development. Smaller apartments are more likely to be utilised by renters, who move in and out more readily. Given that this development is for 47 residential apartments, it could be assumed that there will be a substantial number of residents moving in and out of the building on a weekly basis.

In addition, the proposed “specialty retail – fresh food outlet” is likely to require deliveries using vehicles larger than an SRV. From past experience, there are a number of recent developments in which off-street loading was only provided for SRVs, subsequently the retail component was occupied by small supermarkets which required deliveries from MRVs or larger. Council then receives request from the supermarket operator (after they occupy the site) to install a loading zone on-street which undermines the planning process. Given the likelihood of a similar scenario occur for the proposed development, I cannot support the proposal without provision of off-street loading facilities for at least 2 MRVs.

Conclusion

It is recommended that the planning proposal is not supported due to inadequate off-street loading facilities for the proposed development which requires a minimum of loading for 2 MRVs (8.8m long and 4.5m high) as per Australian Standard 2890.2.

The net traffic generation should also be reviewed to consider customer trips for the retail components based on a survey of a similar existing site.

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.

6.4.2 Public Benefits

The applicant has offered to enter into a voluntary planning agreement (VPA) to provide a number of public benefits, which the applicant has valued at approximately \$5.8 million comprising:

- a monetary contribution (\$17,500 per additional dwelling) to go towards public infrastructure identified in the WSPMP;
- streetscape upgrades adjacent to the site; and
- the expansion of an existing through site link across the site, with dedication to Council.

A detailed critique and negotiations with the applicant in response to the VPA has yet to be undertaken and may warrant further exploration and resolution. Should the Planning Proposal progress and receive a Gateway Determination then Council would seek to finalise and place any draft VPA on public exhibition concurrently with the Planning Proposal.

Notwithstanding, Council staff have undertaken a high-level assessment of the proposed offer as follows:

Community Infrastructure

This aspect of the VPA offer has been initially considered by Council’s Community and Library Services Division, who do not raise any immediate objection to the offer, other than to state that the monetary contribution goes towards the development and/or fit-out of community facilities as detailed in the WSPMP.

Streetscape upgrades

Such works would typically be required as conditions of consent to a development on site without the progression of a planning proposal. Therefore, they do not constitute a public benefit over and above what would typically be expected where land use is to be intensified. This aspect should be removed and an alternative offer be considered.

Through Site Link

The Planning Proposal indicates it would provide public benefit in the form of a widened through-site link to connect Walker Street to Hampden Street and through to the proposed public open space to the south-west. The enhancement of this through site link is strongly supported, given the current narrowness of the current link across 144-150 Walker Street.

This aspect of the VPA offer has been initially considered by Council's Engineering and Property Services Division, who do not raise any immediate objection to the offer, other than to state that the VPA be registered on the title of the site and that appropriate covenants be put in place to delineate who will be responsible for the ongoing maintenance of the through site link.

Furthermore, Council's Development Assessment Officer has noted that:

The expansion of the through site link will involve the removal of the sandstone boundary wall. They recommend that the applicant be required to incorporate sandstone features back into the through site link and that lighting be provided to ensure this link provides adequate safety for users. Council has standard in-ground lighting that could be considered.

These aspects could be considered as part of a future VPA requirement and/or site specific DCP provision.

6.4.3 Social Impacts

The proposal, if implemented would result in the creation of approximately 62 additional dwellings and 50 FTE jobs. This is a moderate increase in density on the subject site and is unlikely to place an undue demand on existing services and facilities. The proposed offer to enter into a VPA to provide funds to deliver social infrastructure within the WSP will help alleviate any potential impacts on existing infrastructure.

The proposal will also regularise the zoning of the larger street block, within which the site sits and provide the opportunity to complete the activation of its street frontages and help meet the objectives of the WSPMP.

Council's Development Assessment Officer has noted:

The sharing of internal walls on the same floor for residential uses and non-residential uses is not desirable. It is unknown what the future use of the non-residential spaces would be and a single wall may provide inadequate separation depending on the intensity of use proposed, such as a small bar, busy restaurant and a gym. As a minimum, corridors could be provided to act as a buffer between uses to assist with separation, rather than a single shared wall. Acoustic reports should be provided. However, notwithstanding, the proposed separation is unlikely to be acceptable in the form proposed.

These internal built form issues could be satisfactorily addressed at the DA stage.

6.4.4 Economic Impacts

The Planning Proposal does not include an assessment of the economic benefits of the proposal, apart from generic reference to the benefits of providing additional housing and associated multiplier effects. However, 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, particularly given its CBD location.

6.4.5 Adequacy of Public 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. 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, three submissions have been received, two of which have been received from the same stakeholder. All submissions object to the progression of the planning proposal as originally lodged in October 2020. In summary, the issues relate to:

- Inconsistency with the WSPMP;
- Reduced solar access to dwellings within 150 Walker Street;
- Reduced solar access to the proposed future squares in the Ward Street Precinct;
- Poor transition in height to 150 Walker Street;
- Poor levels of privacy to 150 Walker Street due to inadequate setbacks;
- Amenity impacts from proposed gymnasium operation;
- Poor levels of pre-lodgement consultation with the community;

- Impacts from increased parking provision and traffic generation; and
- Construction impacts.

These issues are largely addressed elsewhere within this report. In summary, the Planning Proposal as revised, in conjunction with the suggested DCP amendments, adequately addresses the concerns raised or can be addressed through appropriate amendments to the NSDCP 2013 or during the assessment of any future development application.

There are no pre-lodgement requirements for proponents to consult with the community, despite being a desirable approach. If the proposal proceeds to Gateway Determination, the community will be formally consulted about the draft proposal and invited to comment.

8. CONCLUSION

The Planning Proposal seeks to rezone the site to B4 Mixed Use, increase the maximum height of buildings from 12m to part RL 103 and part RL 115, impose an FSR of 6.25:1, impose a minimum non-residential floor space ratio of 1:1 and incorporate local provisions to enable residential development at the ground level as the site presents to Walker Street under NSLEP 2013 as it relates to the subject site.

The Planning Proposal is accompanied by suggested amendments to NSDCP 2013 to provide greater certainty over the desired built form on the site and a letter of offer to enter into a VPA to deliver a number of public benefits.

The Planning Proposal is supported as it:

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

As such, the Planning Proposal is considered to be satisfactory and should be forwarded to the DPIE for Gateway Determination.

It should also be noted that a detailed DCP amendment will be prepared for Council's consideration as described throughout this report. In addition, a more refined draft VPA will also be reported to Council, broadly as described in this report.

RECOMMENDATION

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

It is also recommended that the Visual Assessment Report should be amended prior to being placed on public exhibition to provide increased illustrative analysis of the view impacts from residential premises located to the west fronting McLaren and Miller Streets.

Ben Boyd
EXECUTIVE STRATEGIC PLANNER

Marcelo Occhiuzzi
MANAGER, STRATEGIC PLANNING

URBIS

AMENDED PLANNING PROPOSAL

**45 MCLAREN STREET,
NORTH SYDNEY**

PREPARED FOR
45 MCLAREN PTY LTD ("PODIA")
NOVEMBER 2021

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P0023365
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EXECUTIVE SUMMARY

SUMMARY

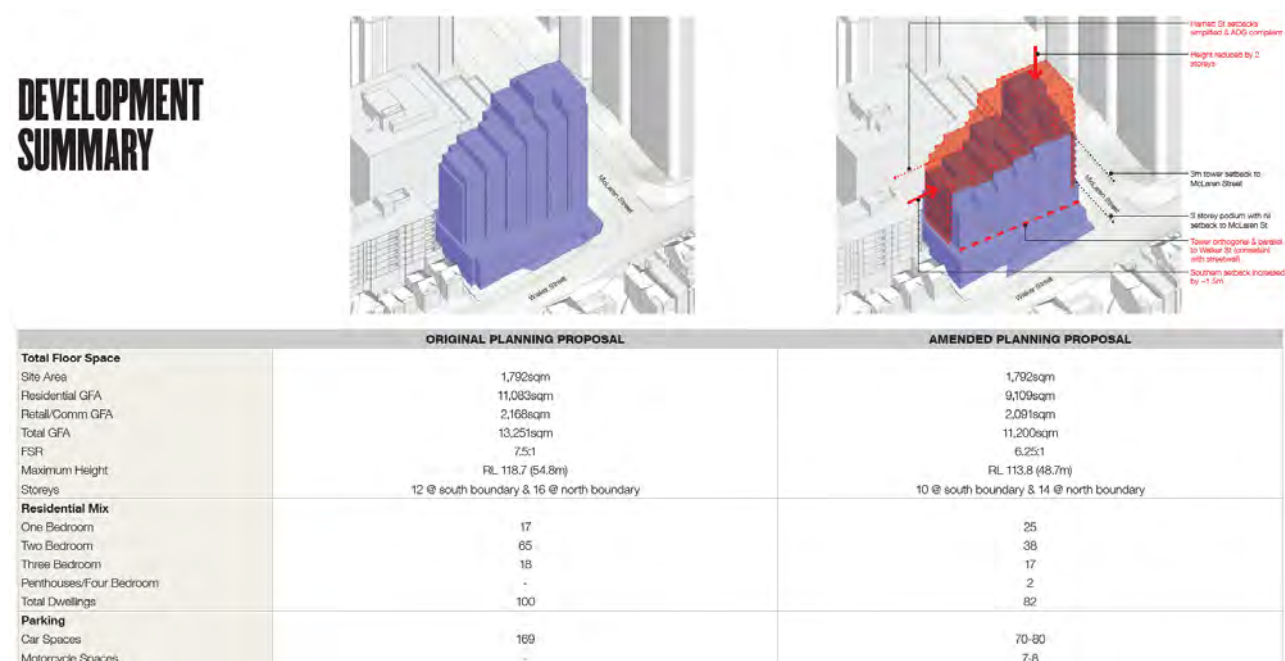
This amended Planning Proposal has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of 45 McLaren Pty Ltd (**the Proponent**) to initiate an amendment to the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 45 McLaren Street, North Sydney (**the site**).

In accordance with the NSLEP 2013, the site is currently zoned R4 High Density Residential and has a maximum permissible building height of 12m. No floor space ratio (FSR) controls apply to the site and the site does not contain any items of European, Indigenous or environmental heritage.

The original Planning Proposal was lodged in October 2020. Following extensive and ongoing dialogue with North Sydney Council (**the Council**), this amended Planning Proposal seeks to redevelop the site from a 4-5 storey residential flat building to a mixed-use development comprising 82 residential units, with a maximum height of RL115 and a maximum FSR of 6.25:1. Whilst the intended vision remains the same, the original Planning Proposal has been amended to include the following changes (**Figure 1**):

- Rezone the site B4 Mixed Use, with an insertion into Clauses 4.4A and 6.12A to enable residential uses along Walker Street;
- A reduction in height from 12-16 storeys (RL118.7) to 10-14 storeys (RL115);
- A reduction in FSR from 7.5:1 to 6.25:1;
- Introduction of a minimum non-residential FSR of 1:1;
- A reduction in dwellings from 100 dwellings to 82 dwellings;
- 3m above podium setback to McLaren Street;
- Increased setbacks to the southern boundary; ADG compliant building separation to 41 McLaren Street;
- No overshadowing to the Central Plaza from 9am on June 21st; and
- Simplified building form to provide orthogonal frontage to Walker Street, consistent with the prevailing street wall character.

Figure 1: Development Summary



Source: Bates Smart

The redevelopment of the site would be guided by an amendment to the North Sydney Planning Area Character Statement of the *North Sydney Development Control Plan 2013 (NSDCP 2013)*. The amendment would seek to include the site within the boundary of the Central Business District (Part 2.1), reflective of the sites proposed zoning and its' location within the Ward Street Precinct.

The proposed amendments to the NSDCP 2013 include controls relating to building height in storeys, site setbacks, podium setbacks and overshadowing restrictions to the Ward Street Plaza. The proposed DCP controls are outlined in *6.4 Site-Specific DCP Provisions*.

The amended Planning Proposal request has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the NSW Department of Planning, Industry and Environment (DPIE) guidelines '*Planning Proposals: A guide to preparing planning proposals*' dated December 2018.

THE VISION

The Proponent's vision for the site is for a sustainable mixed-use building that celebrates the site's location at the transition between North Sydney's high-density CBD and North Sydney's Civic Precinct. The amended Planning Proposal will enable the site to be redeveloped for retail and residential purposes, with a commercial/retail podium activating Harnett and McLaren Streets, and residential land uses fronting Walker Street and in the tower form above.

The massing approach proposes a series of stepped and staggered landscaped rooftops and cascading planting, which transition between the heritage terraces located south of the site, to the tall residential towers directly north of the site.

The design intends to complement and enhance the Ward Street Precinct by transforming Harnett Street into a shared way, widening the Walker Street and Harnett Street through site-link and activating this north-eastern bookend of the Precinct through podium retail uses and public domain improvements. These key urban design moves will mark this corner of Walker Street with a high-end, luxury design and will substantially improve pedestrian permeability around the site.

Its stepped and staggered massing retains solar access to the Ward Street Plaza from 9am onwards, and the residential apartments directly south of the site.

The podium complements the site's lower-scale density, fine-grain heritage and leafy character along Walker Street, as well as the mixed-use character along McLaren Street.

Importantly, the amended Planning Proposal revitalises the site from an existing, outdated building in a state of despair into a modern, well designed mixed-use development that provides significant community benefit, ground floor activation and employment uses, affordable accommodation, together with a mixture of apartment types.

THE AMENDED PLANNING PROPOSAL

The amended Planning Proposal seeks to amend the NSLEP 2013 as follows:

- Rezone the site from R4 High Density Residential to B4 Mixed Use;
- Amend the maximum height of buildings to include a split height of RL103 and RL115;
- Introduce a maximum floor space ratio of 6.25:1;
- Introduce a minimum non-residential floor space ratio of 1:1;
- Insert the following subclause (6A) after subclause 4.4A(6):
 - *Despite subclause (5), an active street frontage is not required for any part of a building facing Walker Street, erected on land at 45 McLaren Street, North Sydney, being SP 14598; and*
- Insert the following subclause (4) after subclause 6.12A(3):
 - *Despite subclause (3)(b), development consent may be granted for the purpose of a residential flat building for that part of the building at the ground floor level that faces Walker Street at 45 McLaren Street, North Sydney being SP 14598.*

STRATEGIC MERIT

The amended Planning Proposal demonstrates Strategic Merit as it gives effect to the following:

1. Consistent with the **Greater Sydney Region Plan and North District Plan** which seeks to intensify housing and employment around significant transport infrastructure and in proximity to employment nodes, capitalising on the State government's investment.
2. The site is located 100m from the new Victoria Cross Metro Station (north entrance) and approximately 600m from North Sydney Train Station.
3. Consistent with the **North Sydney Local Strategic Planning Statement** for locating residential development at the periphery of the North Sydney CBD. Residential density in this location will activate the CBD and supports the attainment of an 18-hour economy and a 30 minute city, as outlined within the **North District Plan**.
4. Assists Council in achieving the **housing targets** mandated by the **Greater Sydney Commission**. Council is required to demonstrate how it can achieve 3,000 – 3,500 dwellings for the period 2021/22 – 2025/26. Council's analysis currently shows 2,835 dwellings for this period.
5. Achieves an appropriate built form and scale that reflects the vision for **North Sydney** and the **Ward Street Precinct** which is expressed by local planning policy, precinct planning and the existing and emerging scale of development on adjacent and surrounding lands.
6. Rezoning the site to **B4 Mixed Use** is consistent with the zoning of all other land within the Ward Street Precinct, demonstrating consistency with the strategic intent for this Precinct, which is undergoing a period of transformation and urban renewal.
7. Increases the development capability of the site and activates the north-eastern corner of the Precinct, with 82 new dwellings and 2,091m² of commercial GFA.

SITE-SPECIFIC MERIT

The amended Planning Proposal demonstrates site-specific merit is achieved, by way of the following:

1. Ward Street Precinct Masterplan and Council Resolution: The Ward Street Precinct Masterplan was endorsed by North Sydney Council on 24th June 2019. At the time of the endorsement council resolved that...

despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 4 5McLaren Street and may identify how any future redevelopment will:

- I. Minimise solar reductions upon new public domain as identified in the Masterplan.*
- II. Minimise solar and privacy impacts upon existing residential development.*
- III. Provide for a commercial component to any redevelopment.*
- IV. Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.*

The amended Planning Proposal has been prepared to address the above key criteria, in addition to recommendations provided by Council in their preliminary assessment of the Planning Proposal. Together, this advice has shaped and guided the urban design outcome for the site.

2. Height: Utilising the building heights established within the Ward Street Precinct Masterplan, the approved development to the north and the existing heritage buildings and residential tower to the south, the built form provides for a transition from west to east and north to south. The proposed heights have been designed to have stepped transition, falling away to the south.

3. Density: The built form has an FSR of 6.25:1, providing an appropriate mixed-use outcome within a fine grain built form, that sits comfortably within the existing and future context of the immediate locality.

4. Residential amenity:

- Solar access: The building envelope has been designed to ensure that there is no additional overshadowing to the Ward Street Plaza from 9am onwards on June 21st. Sculpting of the built form also retains solar access to the residential properties at 150 Walker Street.

- **Privacy:** The site's triple frontage provides substantial separation distance between the site and those properties to the north and east. The south-western façade has been recessed to achieve ADG compliant separation distances to the west. The apartments within the lower southern portion are setback 4.5m from the boundary, complying with ADG and have been designed to orientate to the east & west, limiting any direct overlooking.
- **View impact:** The modest scale and stepped nature of the built form, retains view corridors through the south of the site. Any views from the north would likely be impacted by taller buildings further south of the site.

5. Heritage: The inclusion of a 1-3 storey street wall height responds to the sites substantially varied topography and is consistent with the datum and the street setbacks of the heritage terraces to the south. Fine grain architectural design will be developed at the DA stage to ensure that the use of materials and finishes are complementary to these heritage items.

6. Landscape terracing: The stepping of the built form allows for cascading landscaping to form a series of green roofs with substantial planter boxes to be staggered across the building façade and within the site setbacks. Key corner locations will be designed with green walls, creating a living, breathing building façade.

7. Streetscape activation: Active frontages and passive surveillance are provided along all site frontages. McLaren Street & Harnett Street is activated by retail and recreational (indoor) uses with residential uses providing passive surveillance of Walker Street.

8. Public Domain Improvements: Pedestrian connectivity will be enhanced through the expansion (from 1.5m to 3m) of the existing through-site link connecting Walker Street and Harnett Street, improving, and promoting pedestrianisation around the site and activating Ward Street Plaza. Public domain improvements also include pedestrian upgrades to the street frontages and upgrade of Harnett Street.

1. INTRODUCTION

1.1. OVERVIEW

This amended Planning Proposal has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of 45 McLaren Pty Ltd (**the Proponent**) to initiate an amendment to the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 45 McLaren Street, North Sydney (**the site**).

In accordance with the NSLEP 2013, the site is currently zoned R4 High Density Residential and has a maximum permissible building height of 12m. No floor space ratio (**FSR**) controls apply to the site and the site does not contain any items of European, Indigenous or environmental heritage. The site is situated amongst locally listed heritage items, with the southern boundary adjoining locally listed heritage terraces, and other local heritage items located to the east of Walker Street and west of Harnett Street.

1.2. PROPONENT'S VISION & OBJECTIVES

The Proponent's vision is for a regenerative and sustainable urban place. A place that meaningfully and materially addresses the pressing environmental, social and economic challenges facing our city, our nation and our species. A place that moves beyond business-as-usual by implementing innovative initiatives in the built form that sets North Sydney on a new trajectory towards long term sustainability.

Our vision is for a sustainable, mixed-use building exhibiting exemplary architectural design along with sound urban design initiatives that encourage ground plane activation and improved street surveillance. The desired outcome is to celebrate the site's location at the intersection between North Sydney's CBD and North Sydney's Civic Precinct.

In addition to the sustainability aspirations, the Proponent is focused on delivering an enhanced public amenity, strong and considered connections to the low scale and fine-grained heritage buildings adjacent to the site, an abundance of landscape opportunities through the podium, terraces and rooftops, as well as delivering on the place principles of the Ward Street Precinct Masterplan (**WSPMP**).

The objectives of the amended Planning Proposal and the outcomes sought to be delivered for the site include:

- A sustainable (5 star Green Star Design and WELL silver rating) mixed-use building that celebrates the site's location at the transition between North Sydney's high-density CBD and North Sydney's Civic Precinct.
- A built form that responds to the emerging context defined by the place principles of the WSPMP through building articulation and amenity. The massing approach proposes a series of stepped and staggered landscapes rooftops, which transition between the low-mid scale residences to the south of the site and the tall residential towers to the north. The podium complements the site's lower-scale density, fine-grained heritage and leafy character along Walker Street.
- A proposal that seeks to enhance the pedestrian core defined within the WSPMP via a through-site linkage which connects pedestrians from the eastern side of Walker Street to the new central plaza and through to Miller Street.
- A proposal that enhances the public space journey by maximising the active retail frontages and improving pedestrian permeability which promotes a walkable, vibrant and connected centre.
- A proposal that strengthens the commercial centre of North Sydney through the provision of the new commercial/retail floor space which provides for an activated podium and supports employment.
- A proposal that seeks to deliver on the natural development potential of the site which will facilitate the delivery of additional jobs and housing growth on the edge of the North Sydney CBD and a short walk from the new Victoria Cross Metro Station.

- An urban design outcome that connects positively with Walker, McLaren and Harnett Streets to encourage activation and create a sense of place, together with improved after-hours surveillance.
- A proposal that provides affordable key worker housing in a central and strategic location.

1.3. PROPOSED AMENDMENTS TO NSLEP 2013

This amended Planning Proposal seeks to amend the NSLEP 2013, by way of the following:

- Rezone the site from R4 High Density Residential to B4 Mixed Use;
- Amend the height of buildings standard to a split maximum of RL103 and RL115;
- Introduce a maximum floor space ratio standard of 6.25:1;
- Introduce a minimum non-residential floor space ratio of 1:1;
- Insert the following subclause (6A) after subclause 4.4A(6):
 - *Despite subclause (5), an active street frontage is not required for any part of a building facing Walker Street, erected on land at 45 McLaren Street, North Sydney, being SP 14598.*
- Insert the following subclause (4) after subclause 6.12A(3):
 - *Despite subclause (3)(b), development consent may be granted for the purpose of a residential flat building for that part of the building at the ground floor level that faces Walker Street at 45 McLaren Street, North Sydney being SP 14598.*

1.4. REPORT STRUCTURE

This amended Planning Proposal has been prepared in accordance with Sections 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979* (the **EP&A Act**) and the relevant guidelines prepared by the NSW Department of Planning, Industry and Environment (**DPIE**). This *includes A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It includes the following:

- **Section 2:** Site & surrounding context
- **Section 3:** Council engagement and concept refinement
- **Section 4:** Statutory planning framework
- **Section 5:** Local strategic planning background
- **Section 6:** The reference scheme
- **Section 7:** The amended Planning Proposal
- **Section 8:** Part 1 – Objectives & intended outcome
- **Section 9:** Part 2 – Explanation of proposed provisions
- **Section 10:** Part 3 – Justification of Proposal
- **Section 11:** Part 4 – Mapping
- **Section 12:** Part 5 – Community Consultation
- **Section 13:** Project timeline
- **Section 14:** Conclusion

1.5. SPECIALIST INPUTS

This amended Planning Proposal is accompanied by the following specialist reports, which provide an analysis of the site complexities and characteristics:

Table 1: Specialist consultant reports

Report	Consultant	Appendix
Urban Design Report (as amended)	Bates Smart	Appendix A
Draft North Sydney DCP Submission	Podia	Appendix B
Survey Plan	LTS Lockely	Appendix C
Stakeholder Engagement Report	Polymer	Appendix D
Draft VPA (as amended)	Urbis	Appendix E
Traffic Impact Assessment (as amended)	Traffix	Appendix F
Visual Assessment Report (as amended)	Urbis	Appendix G
Heritage Impact Assessment (and addendum)	Weir Phillips	Appendix H
Landscape Concept Design Report (as amended)	Arcadia	Appendix I
Preliminary Site Investigation	El Australia	Appendix J
Pedestrian Wind Environment Statement (and addendum)	Windtech	Appendix K
Sustainability Strategy (as amended)	Integral	Appendix L
Hydraulic Services Infrastructure Assessment	Calibre	Appendix M

2. SITE & SURROUNDING CONTEXT

2.1. THE SITE

The site is located at 45 McLaren Street, North Sydney (Lots 1-18 in SP14598) and is within the North Sydney Local Government Area (**LGA**).

The site forms a rectangular shaped corner block, with a primary frontage to McLaren Street in the north and secondary frontages to Walker Street in the east and Harnett Street in the west. Vehicular access is currently obtained from Walker Street.

The site is currently established with a part 4, part 5 storey residential flat building containing 18 strata title units. The existing building is an outdated 1960's building that is in a state of disrepair and requires substantial upgrades and improvements. The current design does not provide residents with adequate safety and security, and with the intensification of density around the site, this has been raised as a concern by residents.

The existing building provides little engagement with the streetscape and is of a typology that does not reflect the desired future character of the North Sydney CBD.

responds to the site's sloping topography which has a fall of approximately 9m from the north to the south.

The key features of the site are summarised in the following table.

Table 2: Site Description

Feature	Description
Street Address	45 McLaren Street, North Sydney
Legal Description	Lot 1-18 in Strata Plan 14598
Site Area	1,792m ²
Site Dimensions	North: 29.23m – 37.72m (inc. corner truncations) East: 47.39m South: 35.67m West: 48.23m
Easements and Restrictions	Stormwater easement
Site Topography	8.7m fall from the north western corner of the site (RL68.7) to the south eastern corner of the site (RL60). 8m fall from the north eastern corner (RL68) to the south eastern corner (RL60) along the Walker Street frontage. 3.5m fall from the north western corner (RL68.7) to the south western corner (RL63.24) along the frontage of Harnett Street
Vegetation	Several mature trees are established along site's northern, southern and western boundaries, including some street trees. Two street trees are located adjacent to the site's south-eastern boundary.

Aerial images of the site and site photos are provided below.

Figure 4: Site images



Picture 1: Site as viewed from the east illustrating existing vehicular access



Picture 2: Site as viewed from the north east, illustrating the sloping topography



Picture 3: south-eastern extent of the site illustrating the existing street trees



Picture 4: Site as viewed from the north-west, illustrating the relationship to Harnett Street

Source: Bates Smart

2.2. THE LOCALITY

The site is located within the suburb of North Sydney. North Sydney CBD is Australia's 9th largest commercial core and Sydney's 3rd largest, with over 800,000m² of commercial floor space, generating approximately 60,400 jobs (2016).

The North Sydney CBD specialises in financial and professional services, media and telecommunications. The commercial core is centred amongst a diverse range of land uses, including business and retail uses, educational facilities, churches and residential land uses of varying densities.

The suburb is bisected east-west by the Warringah Freeway, resulting in a predominance of residential land uses located on the eastern side of the Warringah Freeway, separated from the commercial core, mixed use precinct and key transport nodes.

The skyline of North Sydney is transforming, with a number of key factors contributing to the evolution of North Sydney as a strategic centre within the global economic corridor. These factors include, inter alia:

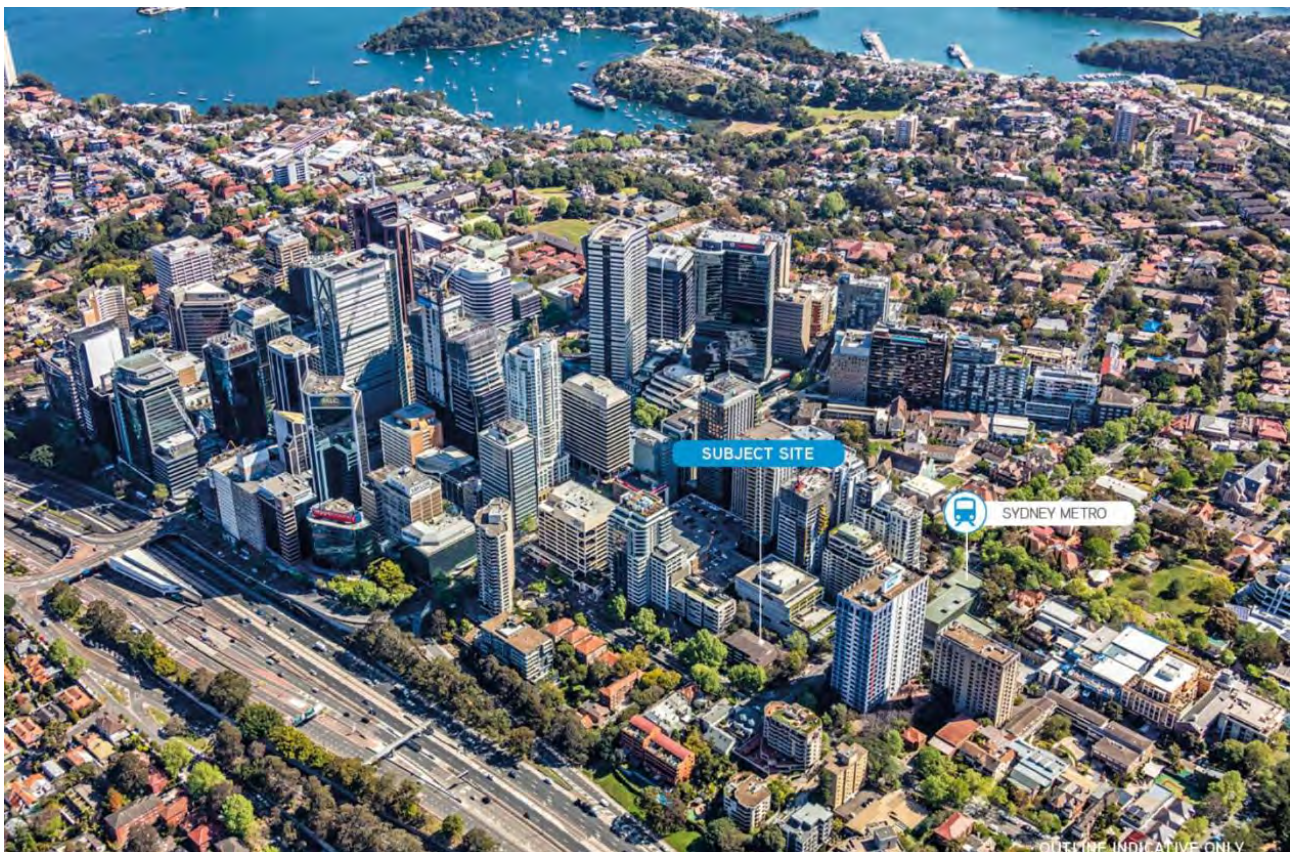
- The State government's commitment to the Sydney metro line and the presence of the Victoria Cross Metro Station on Miller Street and McLaren Street (approximately 100m from the site);
- The recently approved Victoria Cross Over Station Development (SSD 10294), which includes a commercial officer tower up to RL230, delivering 61,500m² of commercial GFA;
- Amendment No. 23 to the NSLEP 2013, which increased the building heights within the B3 Commercial Core zone, unlocking additional commercial floor space capacity within the CBD by 530,000m²;
- The endorsed WSPMP, which includes several key sites identified for substantial increased height and density. This has the potential to deliver 170,987m² – 189,811m² of GFA with maximum building heights of up to RL285. The key sites include the Council-owned car park and the Ausgrid site;
- The Civic Precinct Planning Study (**Civic Study**), which includes increased heights and densities to the north of the Ward Street Precinct; and
- Recent development activity within the locality which includes a number of prominent mid to large scale developments being approved and constructed, including East Walker Street Precinct.

The surge in development activity, combined with the recent amendments to the NSLEP 2013 and the anticipated growth arising from the WSPMP, will rejuvenate and revitalise the locality to create an active and vibrant precinct. This amended Planning Proposal aligns with the emergence of North Sydney as a global destination and provides an ideal opportunity for the delivery of a mixed-use development which will activate and compliment the Ward Street Precinct.

Figure 5: Site location and context plan

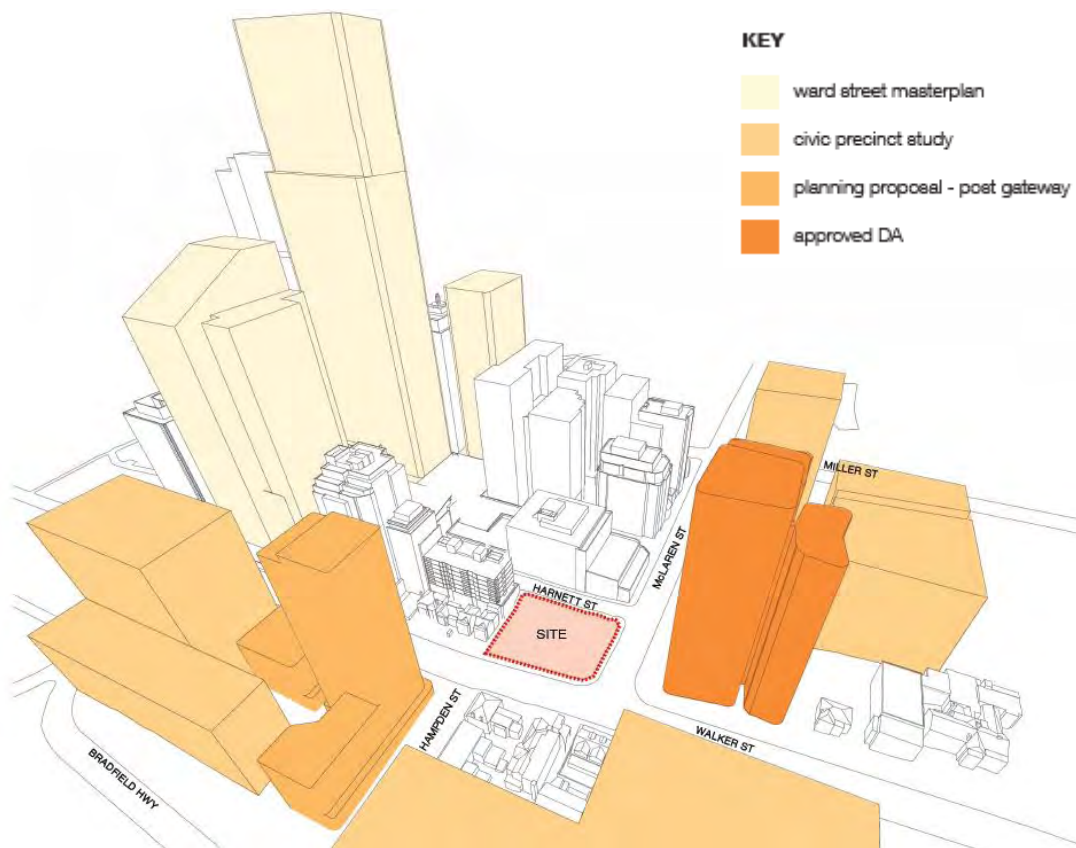


Figure 6: 3D view of the site within the existing locality



Source: Colliers International

Figure 7: Birds eye view of the site within the future context



Source: Bates Smart

2.3. THE CONTEXT

The site is located to the north-west of the North Sydney CBD and within the northern end of the Ward Street Precinct. The area is at the preliminary stages of urban renewal, which is set to transform the CBD and surrounds into a world class commercial destination, supported by a range of retail and residential uses. This transition is being supported by current development activity, recent approvals and further planned development within the North Sydney CBD and the Ward Street Precinct. The Civic Study also identifies the potential for future development activity to the north of the site.

The planning framework at both a State and local government level seeks to transition the area from an older style commercial precinct into a thriving mixed-use area, which retains and strengthens the commercial core for long-term employment growth supported by a mix of surrounding land uses.

The surrounding area is described as follows:

- **North:** The northern side of McLaren Street, at 168 Walker Street, is a recently approved 28-storey mixed-use tower, referred to as Aqualand. Further north of this is Wenona School Campus, which consists of a cluster of low to medium-rise buildings extending to Ridge and Elliot Streets to the north and west, respectively.
- **East:** To the east of the site is a heritage-listed retaining wall dissecting the roadway at Walker Street. Across the street are a row of two-storey heritage-listed terrace houses as well as a single storey heritage-listed stone cottage located adjacent to these to the north. Further to the east is the Warringah Freeway, which segregates the site and city centre from lower density residential land uses.
- **South:** To the south of the site is a through-site link connecting Walker Street to the east and Harnett Street to the west. South of this are a set of four heritage-listed terrace-style dwelling houses and a ten-storey residential building, referred to as 'The Heritage.'
- **West:** The site adjoins Harnett Street to the west, and on the western side of the street is Simsmetal House at 41 McLaren Street, seven – eight storey heritage-listed commercial building. Further west at 39 McLaren Street is The Harvard residential flat building, which is 18 storeys high.

Figure 8: Immediate site context



Picture 5 Heritage listed terraces at 150 Walker Street



Picture 6: 41 McLaren Street illustrating the stepped nature of the building form with landscaping above



Picture 7: Approved Aqualand building to the north



Picture 8: Existing through-site link, as viewed from Harnett Street

2.4. SURROUNDING ROAD, RAIL & BUS NETWORK

The site is well connected to significant road and rail infrastructure, including the Freeway, heavy rail and metro rail, making this one of the most accessible locations. North Sydney's transport statistics confirm that 71.3% of residents and 71.1% of workers are either walking, cycling or using public transport to travel (Source: *North Sydney CBD Transport Masterplan*).

2.4.1. Road

The site is located to the west of the Warringah Freeway and to the north of the Pacific Highway with access to the on ramp approximately 200m and 550m south of the site, respectively.

The Warringah Freeway provides direct and convenient access to the Sydney CBD in the south and Artarmon in the north west, where it then transitions into the Lane Cove Tunnel and intersects with the Pacific Highway.

2.4.2. Heavy Rail

The site is located 650m north of North Sydney Station, Sydney's 5th busiest station with an approximate 52,000 patrons per day (Environmental Impact Assessment, Sydney Metro). Frequent trains provide a 10-minute connection between North Sydney Station and the Sydney CBD. The train line also connects residents/workers to Berowra in the north and Parramatta in the west.

2.4.3. Metro Rail

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north-west to Bankston in the south-west. Early works for the Victoria Cross Metro Station began in September 2017 with the service expected to be operational in 2024. Trains will depart every 4 minutes, connecting North Sydney to Martin Place in 5 minutes and the Sydney CBD in 9 minutes. The Metro provides a 60% increase in the number of trains in the peak periods and caters for an extra 100,000 customers per hour.

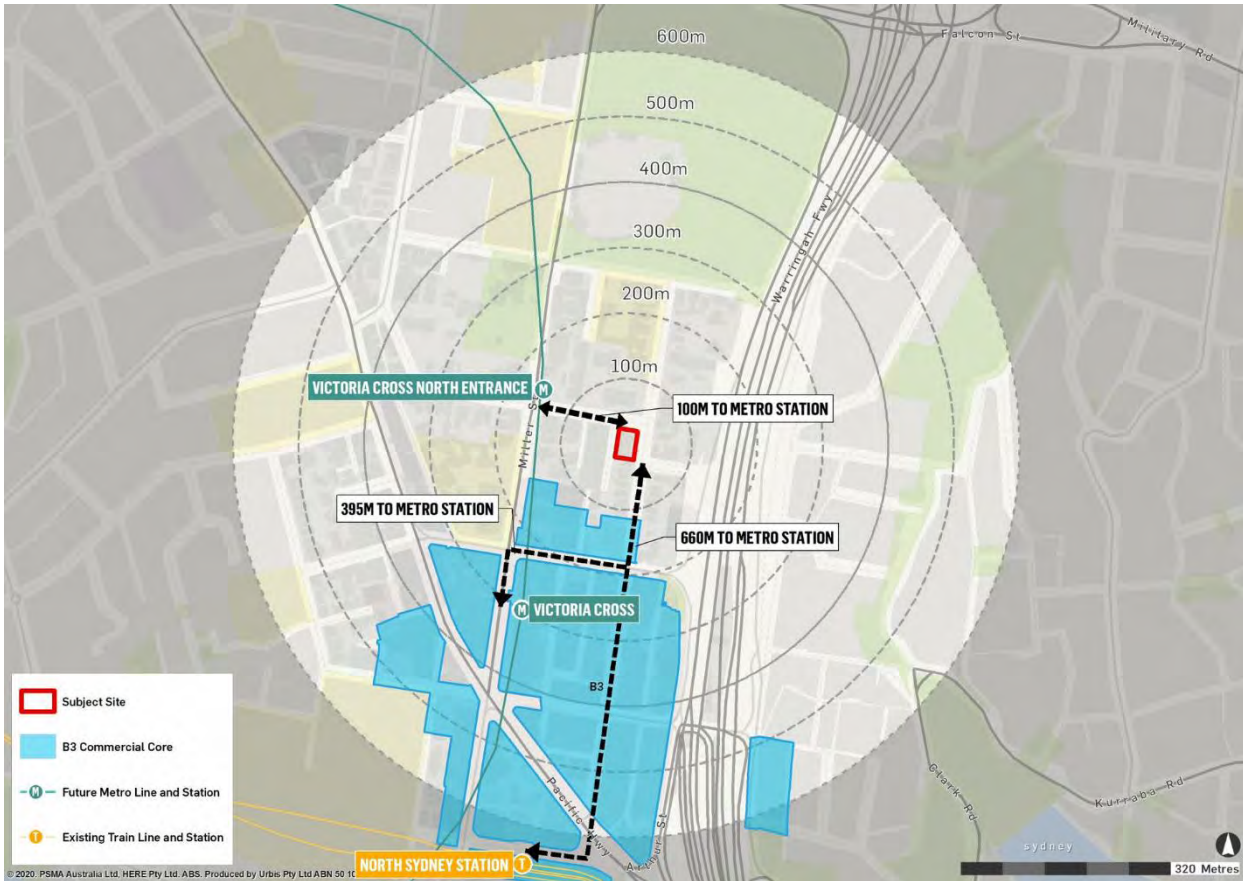
Victoria Cross will be accessed via the pedestrian plaza opening up onto Miller, Denison and Berry Streets. A secondary pedestrian entrance will be located at 50 McLaren Street, providing for underground connectivity between the two access points. This puts the site within 100m of the Metro Station.

The station will create a new transport focus on the northern side of the North Sydney CBD by providing much needed infrastructure to revitalise the area into an 18-hour economy, fostering greater connectivity to other nearby strategic centres, within the global economic arc.

2.4.4. Bus

Several different bus routes service North Sydney, with bus stops located along Miller Street, approximately 180m west of the site. The redevelopment of the Ward Street Precinct will allow for direct pedestrian connectivity to the Miller Street bus stops. Buses connect the Precinct to Sydney CBD, Bondi Junction, Gladesville, Lane Cove, Chatswood, Ryde, Kingsford and Botany.

Figure 9: Public transport map



Source: Urbis

3. COUNCIL ENGAGEMENT & CONCEPT REFINEMENT

3.1. COUNCIL ENGAGEMENT

The Proponent began preliminary discussions with Council in 2017 when the WSPMP was being prepared. As Council's studies progressed and the masterplan for the Ward Street Precinct was refined, the Proponent continued their ongoing dialogue, expressly reiterating the capacity of the site to accommodate a building of approximately 25 storeys, with no additional overshadowing between the nominated hours of 10:30am – 2:00pm.

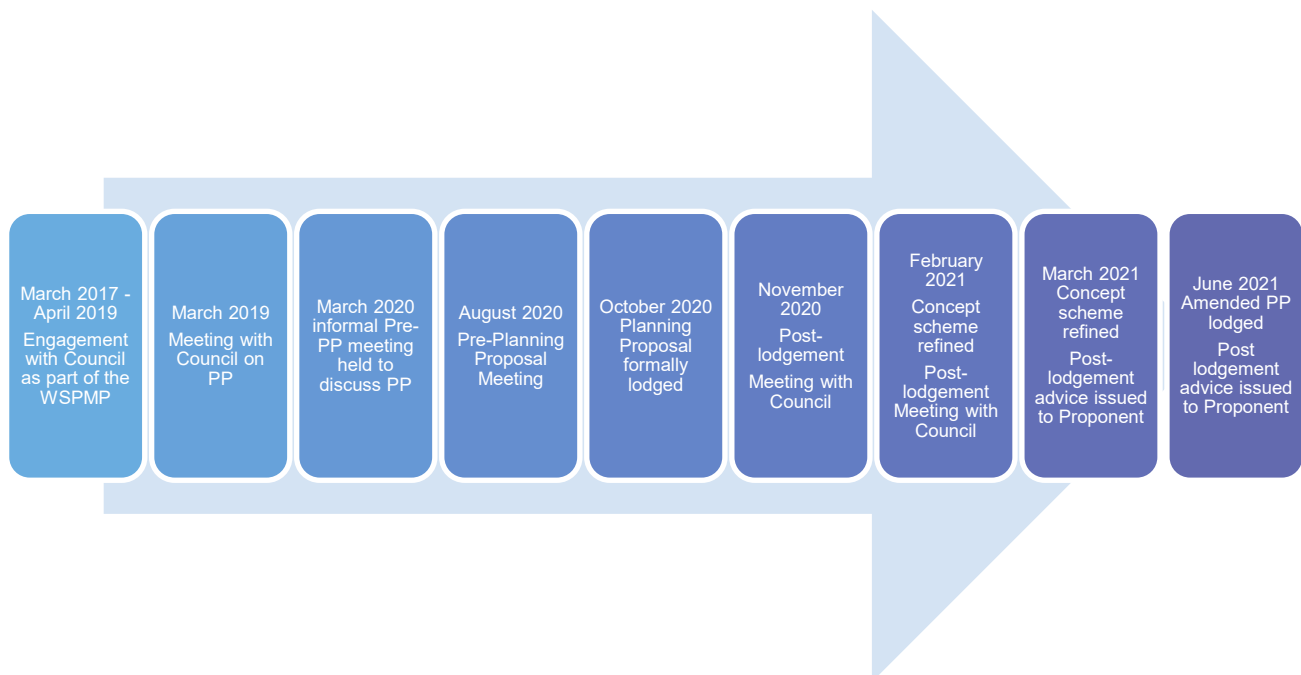
Following Council's decision to progress with Option 2 of the WSPMP (which precluded uplift on the site), the Proponent engaged with Council's strategic planning team.

Preliminary discussions were first held in March 2020 and a formal pre-Planning Proposal meeting was held on 10 August 2020, prior to the lodgement of the Planning Proposal.

Since that time, the Proponent has actively engaged with Council, with Bates Smart preparing multiple design refinements on each of the key issues, which have been discussed at length during various meetings with Council.

An overview of Council engagement to-date and the milestones of the Planning Proposal process is provided below.

Figure 10: Council engagement and Planning Proposal timeline



3.2. DESIGN EVOLUTION & CONCEPT REFINEMENT

Since lodgement of the original Planning Proposal, the design has evolved, and the concept has been refined in response to the key issues raised by Council. The key issues primarily relate to:

1. Overshadowing
2. Building setbacks
3. Separation distance

Other matters for consideration, including the appropriate land use zone, height, FSR, car parking rates and the VPA, have been positively addressed by the amended Planning Proposal.

A detailed analysis of the key issues is provided below:

3.2.1. Overshadowing to Ward Street Plaza

The original Planning Proposal had a height of 12 -16 storeys, stepping from south to north. This resulted in Ward Street Plaza (**the Plaza**) being overshadowed, on June 21st, by approximately 516m² (9am), decreasing to 346m² (9:30am), and 98m² by 10am. By 10:17am, there was no additional overshadowing.

Full solar access was provided to the Plaza from Spring to Autumn.

Prior to lodgement, Council's direction was to ensure ***"minimal overshadowing to the Ward Street Plaza."*** The original Planning Proposal was prepared based on this preliminary advice. Given that overshadowing impacts were limited to a 1-hour period and primarily cast over an area of the Plaza that was identified as a raised green area, an amenities building and a pedestrian link (i.e. secondary spaces), the extent of overshadowing was considered to have minimal impact on the amenity of the space.

Following lodgement, Councils position changed. On 24th November 2020, the Proponent was advised to amend the concept design so that ***"there is no nett additional overshadowing of the future public squares at any time of the day year round."***

In addition, Council refined the design of the Plaza, reducing the level of the Plaza from RL74.00 to RL69.45 (4.5m reduction). Lowering the finished level of the Plaza will exacerbate the extent of overshadowing impacts.

Bates Smart refined the building envelope and remodelled the shadows with the revised Plaza levels. Revised concept envelopes were presented to Council in December 2020 and again February 2021.

On 5 March 2021, Council advised that ***"any increase in additional overshadowing to the future northern square is minimised to the greatest extent possible."***

Following the lodgement of the amended Planning Proposal in June, Council advised, by written correspondence on 29 July 2021, that ***"there is no nett additional overshadowing of the proposed southern Central Squares from 9am onwards between the March and September equinoxes."***

The Proponent has adopted Council's recommendation from 29 July.

The amended Planning Proposal results in no nett additional overshadowing to the Central Square from 9am onwards, year-round.

A minor slither of overshadowing will occur within the Green Square from 9am – 10:08am during the winter solstice. This is considered acceptable, as it has been demonstrated through the continued design refinements, that this overshadowing is minimised to the greatest extent possible.

The proposed building envelope results in no nett additional overshadowing to both areas of the square, for the balance of the year.

3.2.2. Building Setbacks

3.2.2.1. North: McLaren Street

The original Planning Proposal included a 1.8m setback to McLaren Street at the street level and a nil setback above podium.

On 24 November 2021, Council recommended that the *“McLaren Street setback be revised to include a whole of building setback, consistent with the built form on adjoining properties.”*

The site is a unique island site when viewed along McLaren Street, separated from the western properties within Ward Street, by Harnett Street. Similarly, 41 McLaren Street is also separated from the two existing residential towers at 237 Miller Street and 39 McLaren Street by a carriageway. The built form along this frontage is varied in nature with 41 McLaren Street and 45 McLaren Street both separated by carriageways, with the site located 55m east from the two residential towers. The site is also substantially separated (28m) from 168 Walker Street, which has been built with tower to ground. This demonstrates that there is no prevailing character within this immediate section of McLaren Street that would result in the McLaren Street building alignment being inconsistent or “out of character.”

Council acknowledged that the current character of the southern side of McLaren Street does not conform to the applicable DCP controls. In their most recent correspondence, issued on 29 July 2021, Council recommended that a 3m above podium setback be adopted to McLaren Street.

Accordingly, the Planning Proposal has been amended to reflect Council’s recommendation.

3.2.2.2. East: Walker Street

The original Planning Proposal included a 5.5m setback to Walker Street at the podium level and a stepped tower form above the podium. The intent of the upper level setback was to provide a transition between the existing residential tower at 150 Walker Street and the Aqualand building at 168 Walker Street.

Council recommended that the planning proposal be revised to *“regularise the tower setback such that it is parallel to the alignment of Walker Street.”*

The amended Planning Proposal has adopted this recommended, with an above podium setback of 4.85m (10.35m to boundary).

It is noted that Council also recommended increasing the ground floor setback from 5.5m to 7m. The amended Planning Proposal has not adopted this increased setback as the properties to the south, including the heritage terraces, have a setback of approximately 5.5m, consistent with that proposed. Whilst it is acknowledged that the DCP includes a 7m setback for Walker Street, the proposed setback is inconsistent with the existing, prevailing character of the streetscape, as illustrated below.

3.2.2.3. South: 150 Walker Street

The original Planning Proposal included a 1.5m setback to the southern boundary, which interfaces with 150 Walker Street.

Council recommended that the upper level of the southern setback be increased to 4.5m to improve sunlight and daylight access to the southern neighbour. The Planning Proposal has been amended to include a 4.5m setback to the southern boundary above Level 1.

3.2.3. Separation Distance to 41 McLaren Street

The original Planning Proposal included a 6.5m setback to the centreline of Harnett Street for the building’s entire height. This resulted in minor non-compliances with ADG separation distances between future residential uses on the site and the existing commercial tower.

The Planning Proposal has been amended to increase setbacks to Harnett Street, within the south portion of the site. This includes the following setbacks from the centreline of Harnett Street:

- 6m setback to ground level
- 7.5m setback from Level 1 – 3
- 9m setback from Level 4 – 9

3.3. KEY NUMERICAL CHANGES

The following tables provides a comparison of the key numerical changes that have occurred since lodgement of the original Planning Proposal, highlighting the reduction and refinement of the building envelope.

Table 3 Comparison between the original PP and amended PP

Numerical control	Original Planning Proposal	Amended Planning Proposal	Change
Zoning	R4 High Density zone	B4 Mixed Use zone *Clause added to permit residential dwellings on Walker Street	-
Height	RL118.7 / 16 storeys	RL115 / 14 storeys	<2 storey
FSR	Total FSR: 7.5:1 Total GFA: 13,251m ²	Total FSR: 6.25:1 Total GFA: 11,200m ²	< 1.25:1 FSR <1,051m ² GFA
Minimum non-residential FSR	2,168m ²	2,091m ²	<77m ² commercial GFA
Overshadowing	9am: 516m ² 9:30am: 346m ² 10am: 98m ²	9am: 0m ² 9:30am: 0m ² 10am:0m ²	9am: <516m ² 9:30am: <346m ² 10am: <98m ²
Setbacks	McLaren Street: Podium: 1.8m Above podium: 0m to boundary (1.8m from boundary on east & west corners) Walker Street: Podium: 5.5m Above podium: 4.85m – 9.1m South: Podium: 1.5m Above podium: 1.5m Harnett Street: Podium: 1m Above podium: 2.6m-5.3m at the south	McLaren Street: Podium: nil Above podium: 3m to boundary Walker Street: Podium: 5.5m Above podium: 4.85m South: Podium: 1.5m Above podium: 3m Harnett Street: Podium: 1m Above podium: 1.5m-3m at the south	McLaren Street: Podium <1.8m Above podium >3m Walker Street: Podium: no change Above podium: +4.25m in the south South: Podium: no change Above podium: +1.5m Harnett Street: Podium: 1m Above podium: 1.5m-3m at the south
Car parking	168 spaces	70-80 spaces	<88 spaces

3.4. DRAFT AMENDMENT TO NSDCP 2013 WARD STREET PRECINCT

3.4.1. Built form outcome

On 19 April 2021, Council placed the draft amendment to NSDCP 2013 Ward Street Precinct Masterplan amendments on public exhibition. The primary purpose of the DCP amendment is to provide built form controls that will guide future development within the Ward Street Precinct, reflective of the WSPMP. However, the amendment included specific reference to the site and the subject Planning Proposal.

At the time of exhibition, the Planning Proposal was under assessment. Council had provided feedback to the Proponent on 20 March 2021. The introduction of draft DCP controls without consultation with the Proponent undermines the due planning process and is contrary to good planning practice.

Figure 11 below, demonstrates a building envelope that is fully compliant with Council's exhibited draft DCP controls.

The resultant configuration is an inferior and irregular built form that ranges between 3 storeys and 7 storeys, where the upper three levels include floor plates of 160m²-300m², creating a poor urban design outcome that is costly and presents difficult floorplates to design. Furthermore, the envelope is incapable of complying with SEPP 65 (ADG controls). Evidently, the draft DCP controls completely sterilize the site making it undevelopable.

The draft DCP amendment and its accompanying solar access controls indicate that Council is establishing controls without adequate testing of the impacts and consequences and without due regards to either established practice or proper process. This has a major impact on the redevelopment of not just the subject site, but all sites within the Precinct.

The Proponent has lodged a submission on the draft DCP controls (**Appendix B**). A post exhibition report is currently being prepared by Council.

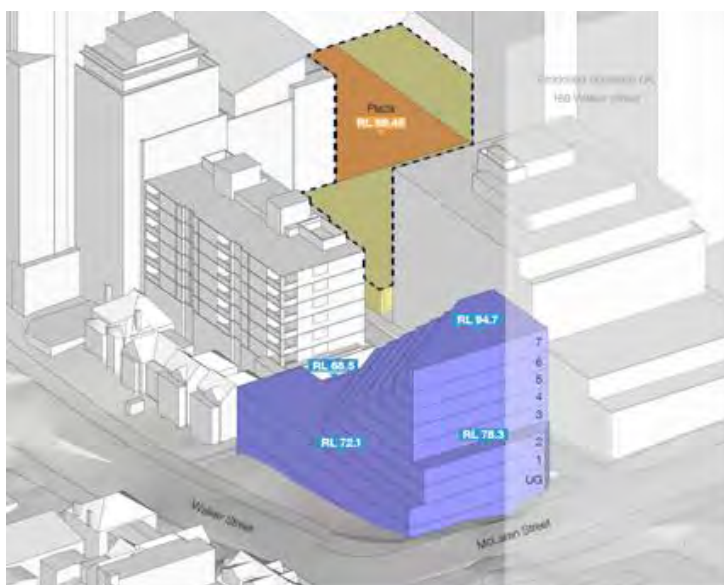
The submission detailed **three (3) significant recommendations** for Council to adopt in revising the draft DCP Amendment.

The recommendations were primarily in response to the inclusion of the DCP clause which states:

"Development is to be designed to maintain year round solar access to the new public squares to be created within the Ward Street Precinct."

As part of that submission, it was recommended that site-specific DCP controls be prepared in conjunction with the assessment of this amended Planning Proposal. A summary of the suggested site-specific DCP controls is contained in **Section 6.4**.

Figure 11: A building envelope that is fully compliant with council's draft DCP.



Source: Bates Smart Architects

4. STATUTORY PLANNING FRAMEWORK

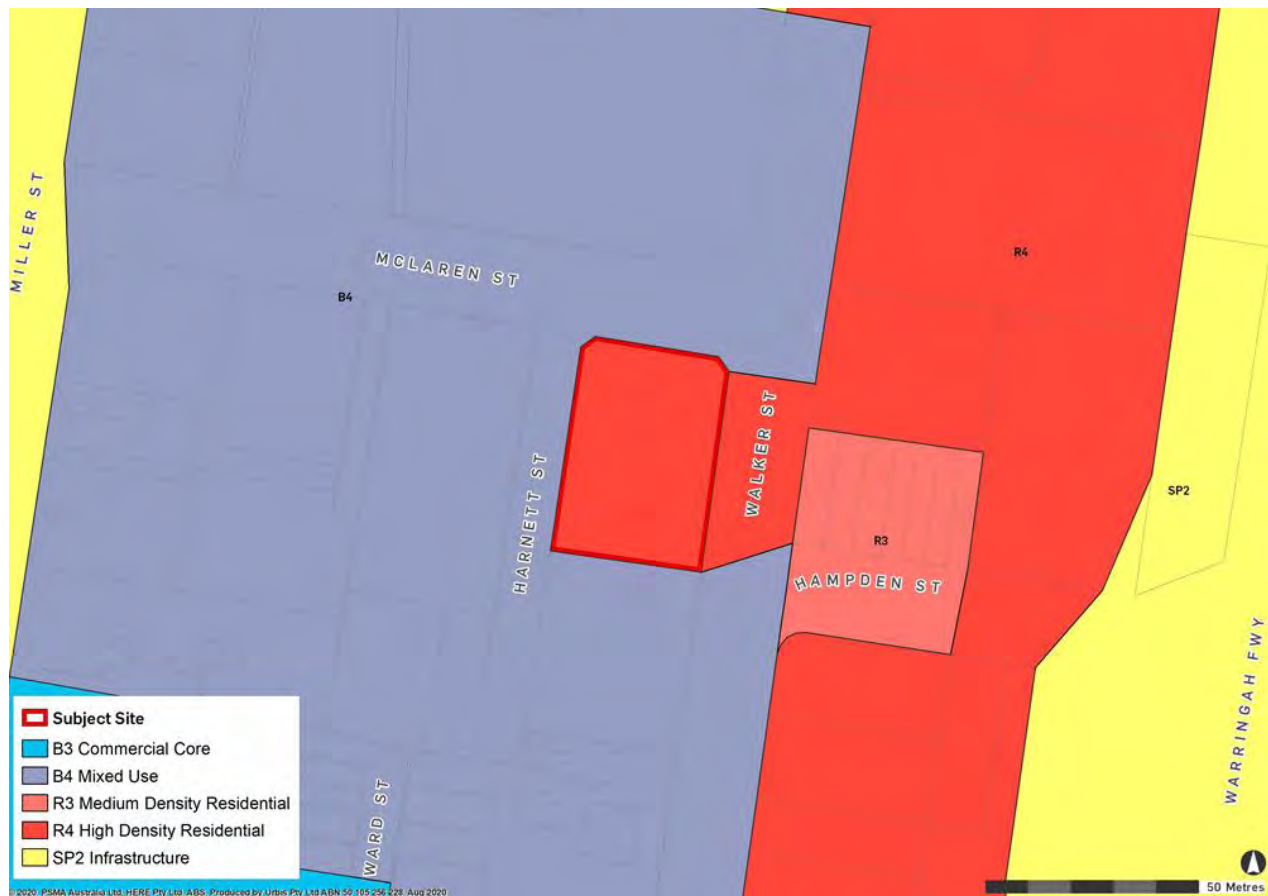
4.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

The *North Sydney Local Environmental Plan 2013* (NSLEP 2013) is the principal Environmental Planning Instrument governing and guiding development within North Sydney LGA. The NSLEP was gazetted on 13 September 2013.

4.1.1. Land Use Zone

In accordance with the NSLEP 2013 and as illustrated below, the site is zoned R4 High Density Residential. **Table 4** details the zone objectives and land use permissibility.

Figure 12: NSLEP 2013 Land Zoning Map



Source: Urbis

Table 4: R4 High Density Residential zone objectives and permissibility

<p>1. Objectives of zone</p>	<ul style="list-style-type: none"> To provide for the housing needs of the community within a high density residential environment. To provide a variety of housing types within a high density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.
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	<ul style="list-style-type: none"> To ensure that a reasonably high level of residential amenity is achieved and maintained.
2. Permitted without consent	<i>Environmental protection works</i>
3. Permitted with consent	<i>Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Entertainment facilities; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Shop top housing</i>
4. Prohibited	<i>Any development not specified in item 2 or 3</i>

4.1.2. Height of Buildings

Pursuant to Clause 4.3. of the NSLEP2013 and as illustrated in **Figure 13** below, the site is subject to a maximum building height control of 12m.

Figure 13: NSLEP 2013 Height of Buildings Map



Source: Urbis

4.1.3. Floor Space Ratio

In accordance with the *NSLEP 2013*, the site is not encumbered by an FSR control.

Figure 14: NSLEP 2013 Floor Space Ratio Map



Source: Urbis

4.1.4. Heritage Conservation

In accordance with the *NSLEP 2013*, the site is not encumbered by any heritage affectations nor is it located within a heritage conservation area.

A number of heritage items are located in the immediate vicinity of the site including:

- **Item 889** Local heritage listed Simsmetal House (commercial office building) at 41 McLaren Street;
- **Item 988** Local heritage listed stone cottage at 185 Walker Street;
- **Items 984-987** Local heritage listed dwelling houses at 144-150 Walker Street;
- **Items 840-846** Local heritage listed Victorian Terraces at 2-14 Hampden Street; and
- **Item 996** Local heritage listed stone wall dissecting Walker Street.

The site is also located to the south of the Walker and Ridge Streets Heritage Conservation Area (CA20).

Figure 15: NSLEP 2013 Heritage Map



Source: Urbis

4.1.5. North Sydney Centre

As illustrated within **Figure 16** the site is not located within the North Sydney Centre.

Figure 16: NSLEP 2013 North Sydney Centre Map



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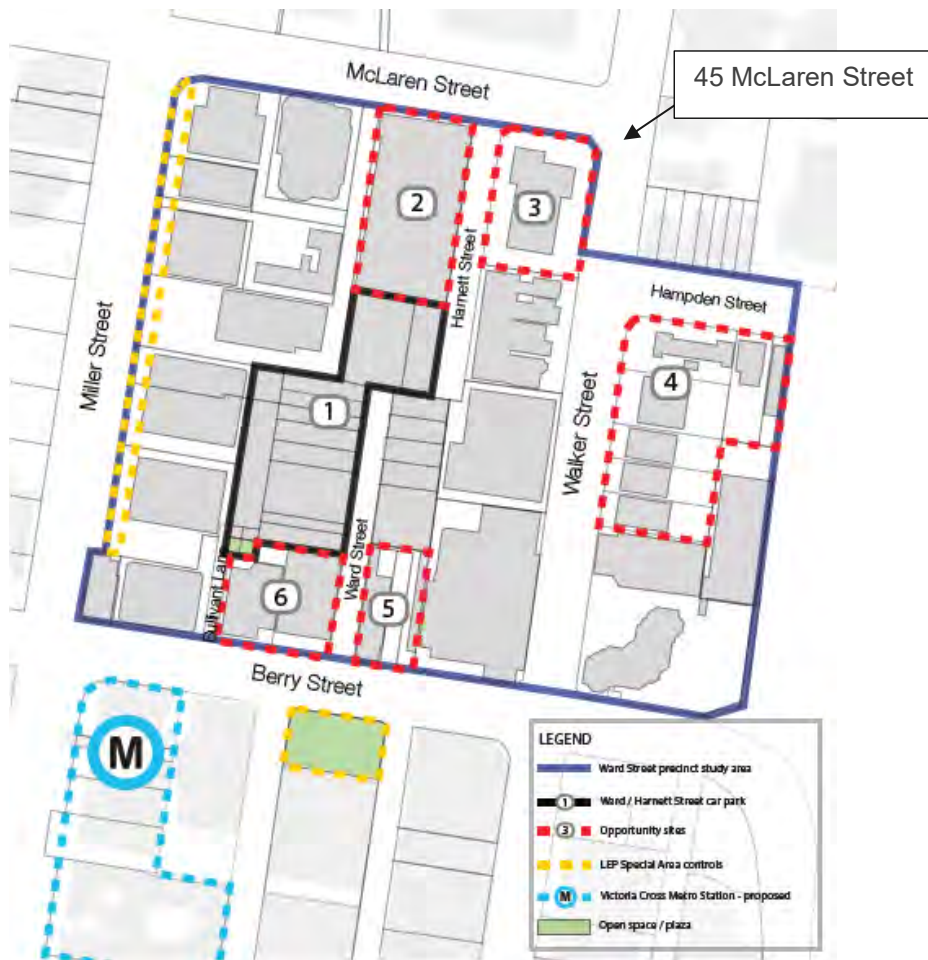
Source: Urbis

5. LOCAL STRATEGIC PLANNING BACKGROUND

5.1. STAGE 1 WARD STREET PRECINCT MASTERPLAN (2016)

On 5 December 2016, the WSPMP was presented to Council, identifying the site as an opportunity site (site 3) ready for redevelopment. Council noted that opportunity sites are those that are relatively unconstrained and where land is underutilised within the context of its locality and proximity to the Centre.

Figure 17: Ward Street Precinct Masterplan Analysis



Source: North Sydney Council, Attachment to CiS06, dated 5/12/16

5.2. STAGE 2 WARD STREET PRECINCT MASTERPLAN (2019)

On completion of the Stage 1 WSPMP study, Council elected to engage new consultants, taking on board feedback to develop the Stage 2 WSPMP.

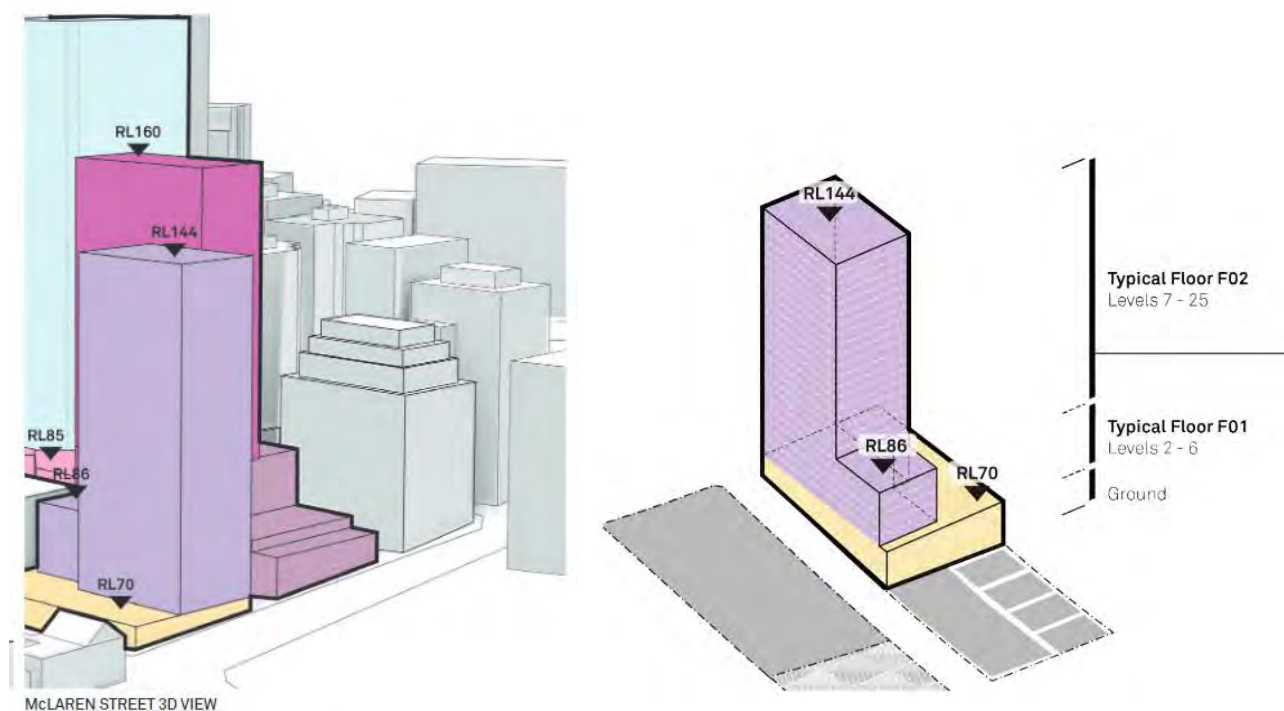
Stage 2 was publicly exhibited between 7 August and 8 October 2018 and included two masterplan options: Miller Street Square (Option 1) and Central Square (Option 2). Each option was designed based upon the following built form criteria:

- Overshadowing
- Separation
- Heritage Impact
- Address
- Area
- Daylight
- Views

The Miller Street Square option provided a balance of uplift across the precinct, a range of land uses and a greater proportion of open space, incorporating a central civic square and a linear park along Miller Street.

Specific to the site, the Miller Street Square option modelled a mixed-use development outcome on the site, which included a retail podium of up to RL70 and a residential tower above, of up to RL144 (25 storeys).

Figure 18: Indicative built form outcome



Source: Stage 2 Ward Street Master Plan

The Central Square option sought to focus heights and densities at the northern end of the Ward Street Precinct. This outcome provided a smaller consolidated civic space within the centre of the precinct, restricting future development to the north due to concerns relating to overshadowing.

On 24 June 2019, Council resolved to endorse the finalised Stage 2 WSPMP, being the Central Square Option, as amended (refer **Figure 21**).

Figure 19: Miller Street Square (Option 1)

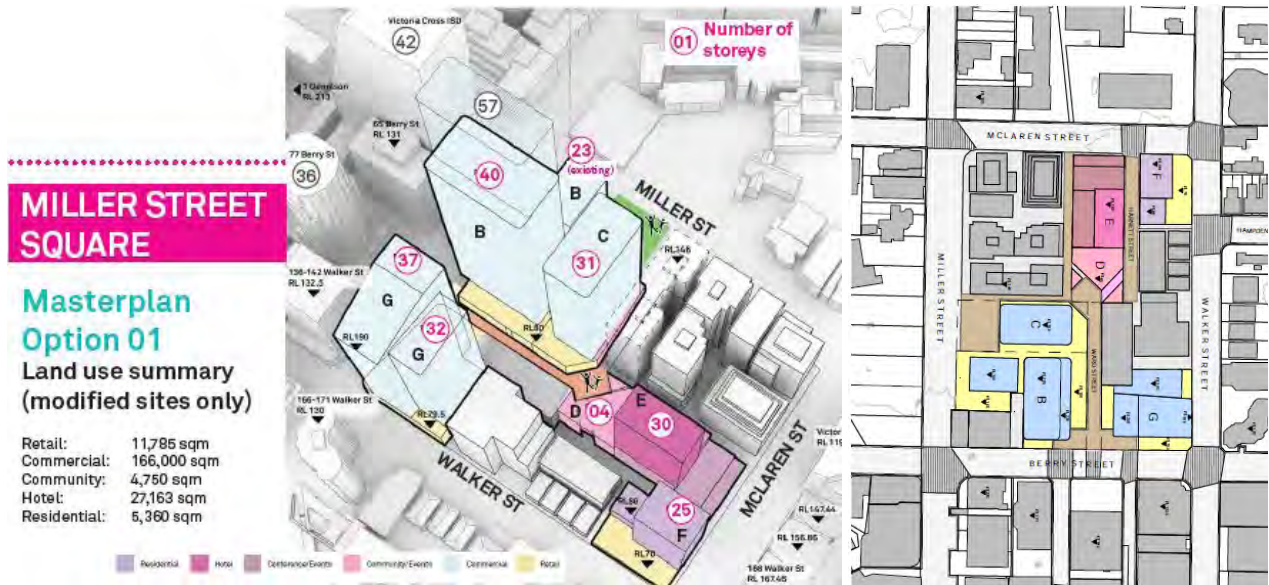


Figure 20: Central Square (Option 2)

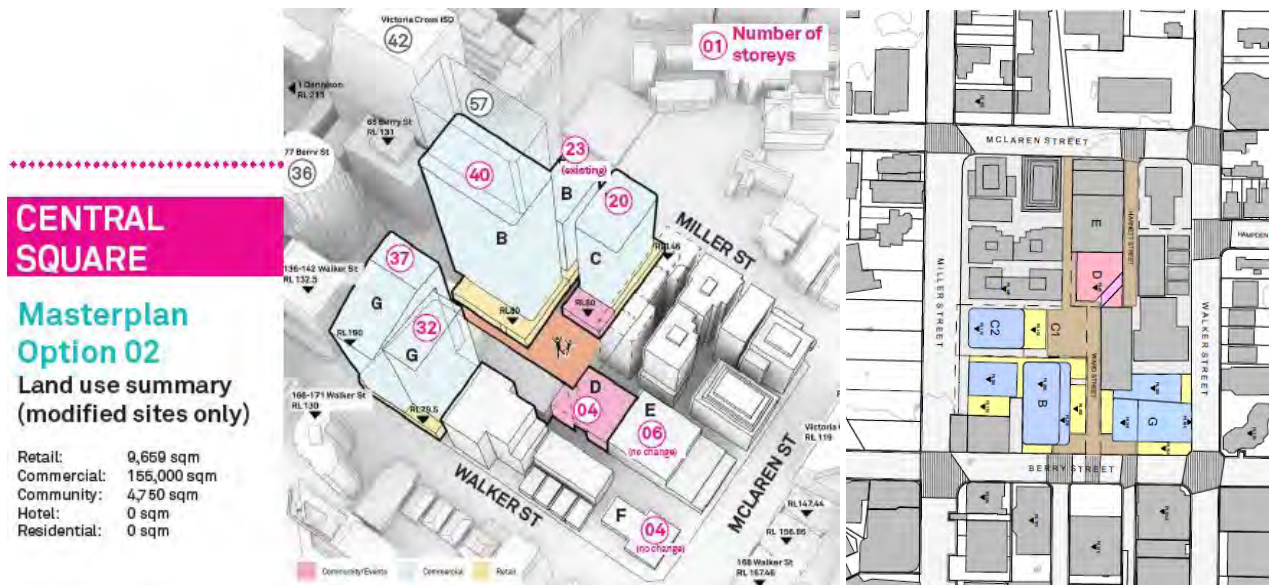
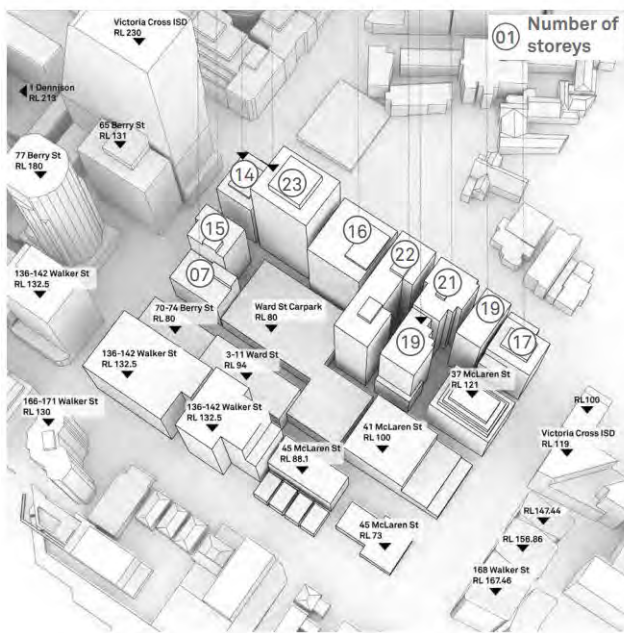
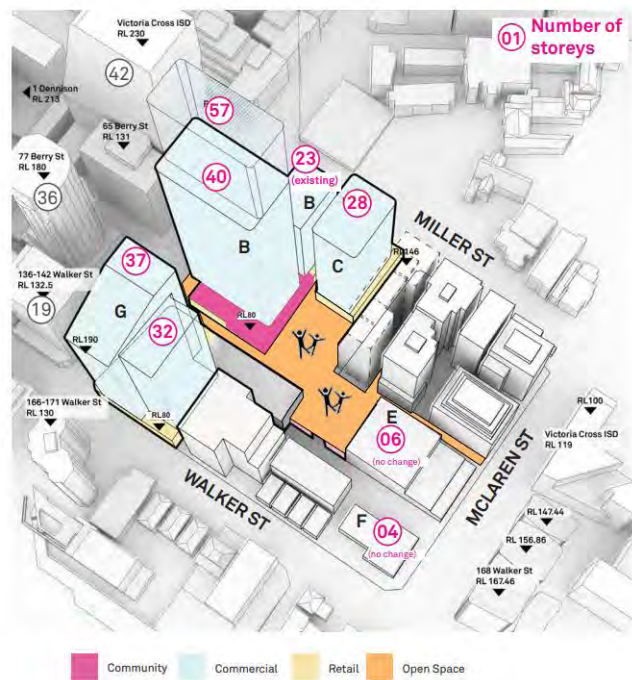


Figure 21: Final Ward Street Master Plan Built Form

Existing**Proposed**

5.2.1. Consistency with the WSPMP

Whilst the endorsed WSPMP did not provide uplift on the site due to *adverse impacts to public spaces and adjoining residential areas*, Council's resolution recommended that:

despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:

- I. *Minimise solar reductions upon new public domain as identified in the Masterplan.*
- II. *Minimise solar and privacy impacts upon existing residential development.*
- III. *Provide for a commercial component to any redevelopment.*
- IV. *Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.*

The Proponent is acting upon Council's resolution, which provides a clear opportunity to lodge a site-specific Planning Proposal.

The principles outlined in Council's resolution have guided the built form modelling presented within the reference scheme, whilst also incorporating the Place Principles from the WSPMP and the objectives of the Civic Study.

The central objective of the WSPMP is to maximise the direct public benefit in the form of public open space and community facilities whilst delivering on the North District Plan's (NDP) job targets. This amended Planning Proposal incorporates 2.5 levels of commercial and retail floor space and the provision of a new through-site link and active frontages, in line with the stated objective.

A comparison between the building envelope original earmarked for the site and the amended Planning Proposal (and submitted reference scheme) is summarised in **Table 5** below:

Table 5 Comparison between WSPMP and the amended Planning Proposal

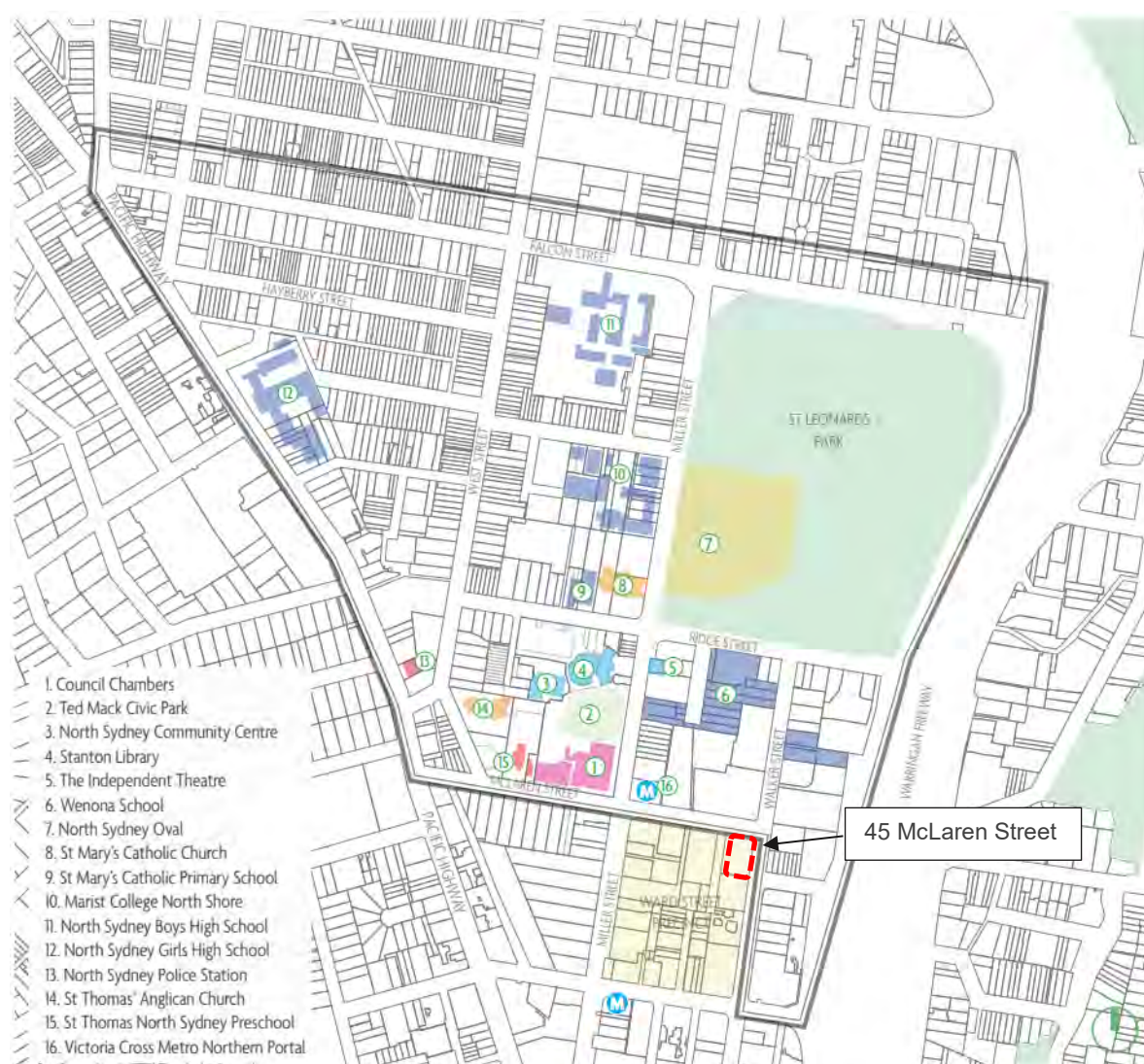
	Ward Street Precinct Masterplan (Option 1)	Amended Planning Proposal
Podium	Retail podium up to RL70 Retail GFA: 1,390m ²	Retail podium up to RL72.1 Retail / Comm GFA: 2,091m ²
Tower	Residential tower up to RL144 (25 storeys) with a southern wing up to RL86 (6 storeys) Residential GFA: 15,360m ² 834m ² GFA per floor plate	Residential tower up to RL113.8 (14 storeys) with a southern wing that steps from RL91.7 to RL101 (10 storeys) Residential GFA: 9,109m ²
Potential GFA	16,750m ²	11,200m ²
Through site link	Along the southern boundary	Along the southern boundary
Active frontage(s)	Walker Street Harnett Street	McLaren Street Harnett Street

5.3. CIVIC PRECINCT STUDY

The Civic Precinct Planning Study (**Civic Study**) was exhibited between 18 May 2020 and 20 July 2020 and adopted by Council at its meeting on 30 November 2020. The Study was prepared in response to the construction of the Victoria Cross Metro Station and the significant transformation to the areas surrounding the Study area. The Study area is bound by McLaren Street, Pacific Highway, Falcon Street and the Warringah Freeway.

The site is not located within the Civic Precinct; rather, it forms part of the transitional zone between the CBD and the Civic Precinct, as shown in the diagram at **Figure 22** below.

Figure 22: Civic Precinct Study Area



Source: Civic Precinct Planning Study

5.3.1. Consistency with the Civic Precinct Study

Taking cues from the land uses, heights, densities and street wall heights nominated within the Study, for land to the north and east, the amended Planning Proposal includes the following elements:

- The stepped massing of the main building which provides a gradual transition between the mid-scale apartments to the south and the approved 28 storey Aqualand tower to the north;
- One – three storey street podium on the corner of Walker Street and McLaren Street, with upper level setbacks;
- Ground floor retail and commercial uses that improve street activation;
- A proportion of non-residential FSR consistent with the surrounding lands ranging between 0.5:1 and 1:1;
- Deliver jobs and housing growth on the fringe of the CBD;
- Preserve and respect heritage items;
- Improve the public domain and increasing linkages;
- Protect of amenity to existing and proposed public open spaces; and
- Provision of diversity in housing types.

6. THE REFERENCE SCHEME

6.1. REFERENCE SCHEME GUIDANCE

A reference scheme has been prepared by Bates Smart and Arcadia. Bates Smart has collaborated with the Proponent, the community and council staff to formulate a set of robust design principles that will inform the site's redevelopment into a high-quality mixed-use outcome.

The vision is for a sustainable mixed-use building that celebrates the site's location at the transition between North Sydney's high-density CBD and North Sydney's Civic Precinct.

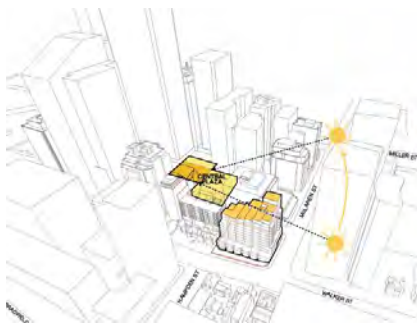
6.1.1. Design Principles

The design strategy has been tailored to respond to the characteristics and constraints of the site and surrounds whilst incorporating the key design principles that underpinned the WSPMP and the Civic Study. This includes:

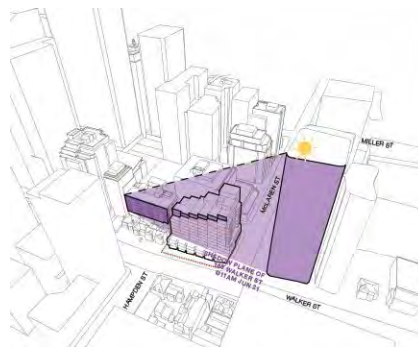
- **Solar access:** No overshadowing to the Central Square within the Plaza from 9am on June 21st and retention of solar access to existing residential properties at 150 Walker Street.
- **Height transition:** Utilising the building heights established within the endorsed WSPMP, the approved development to the north, and the existing heritage buildings and residential tower to the south, the proposed heights have been designed to have a stepped transition and fall away to the south.
- **Street setbacks:** The north-east and south-east corners of the podium have been setback with soft landscaping to align with the heritage terraces to the south, whilst the northern edge of the building aligns with 41 McLaren Street, immediately west of the site. The podium has also been setback along the southern boundary to allow for a widened through-site link.
- **Mixed-use outcome:** Commercial, retail and recreational (indoor) land uses contained within the podium along McLaren Street and Harnett Street and residential terraces fronting Walker Street will bridge the gap between the commercial buildings and to the west and the residential neighbourhoods to the east.
- **Streetscape activation:** Active frontages and passive surveillance are provided along all site frontages. McLaren Street and Harnett Street is activated by retail and recreational (indoor) uses with residential uses providing passive surveillance of Walker Street.
- **Public domain improvements:** Pedestrian connectivity will be enhanced through the expansion (from 1.5m to 3m) of the existing through-site link connecting Walker Street and Harnett Street, improving and promoting pedestrianisation around the site and activating Ward Street Plaza. Public domain improvements also include pedestrian upgrades to the street frontages and upgrade of Harnett Street.
- **Landscaping terracing:** The stepping of the built form allows for cascading landscaping to form a green roof. Key corner locations will be designed with green walls, creating a living, breathing building façade.

Figure 23 below illustrates graphically how the reference scheme has been developed based upon the adopted design principles.

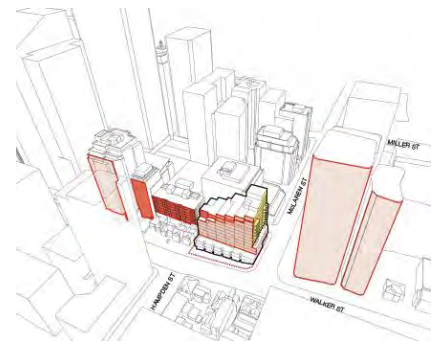
Figure 23: Design principles used to inform the reference scheme



Picture 1: Rooftop stepping



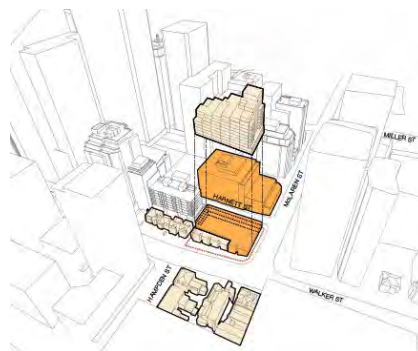
Picture 2: Tower stepping solar access



Picture 3: Tower setback stepping and alignments



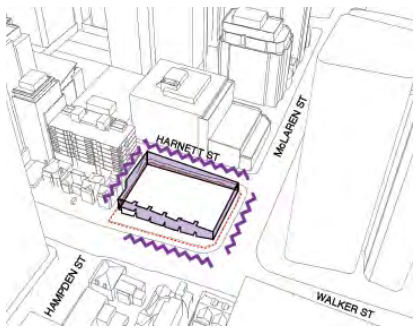
Picture 4: Street alignments and setbacks



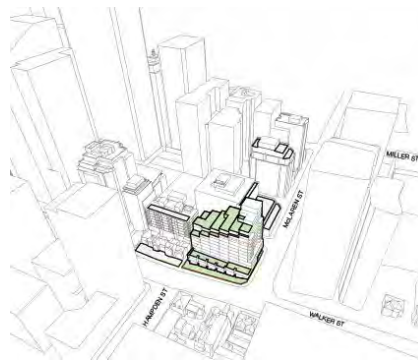
Picture 5: Mixed-use precinct



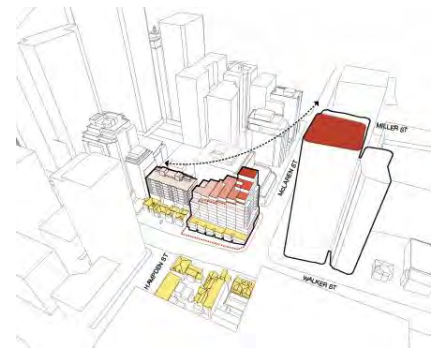
Picture 6: Enhancing the through-site link



Picture 7: Activation and interface



Picture 8: Landscape terracing



Picture 9: Building height transition and datum

Source: Bates Smart

6.2. REFERENCE DESIGN

By applying the design principles, Bates Smart has produced a reference design that demonstrates how future development could occur, consistent with the controls sought under this amended Planning Proposal.

6.2.1. Numerical Overview

The key numerical details of the reference scheme is provided in **Table 6** below.

Table 6: Key numerical details

Indicator	Development outcome
Land Use	Residential accommodation Commercial / Retail Recreational Facility (indoor) - Gymnasium
Height	RL113.8 / 14 storeys <i>*Note: LEP heights have been rounded to allow for lift overrun and plant</i>
FSR	Total FSR: 6.25:1 Residential GFA: 9,109m ² Retail/commercial GFA: 2,091m ² Total GFA: 11,200m ²
Apartments	82 apartments: 25 x one-bedroom apartments 38 x two-bedroom apartments 17 x three-bedroom apartments 2 x penthouse apartments
Built form	1-3 storey podium Tower above podium
Parking	70-80 car spaces 7-8 motorcycle spaces

6.2.2. Land Use

The amended Planning Proposal seeks to rezone the site from R4 High Density Residential to B4 Mixed Use, which would support the activation of McLaren Street and Harnett Street, consistent with the desired future character of the precinct.

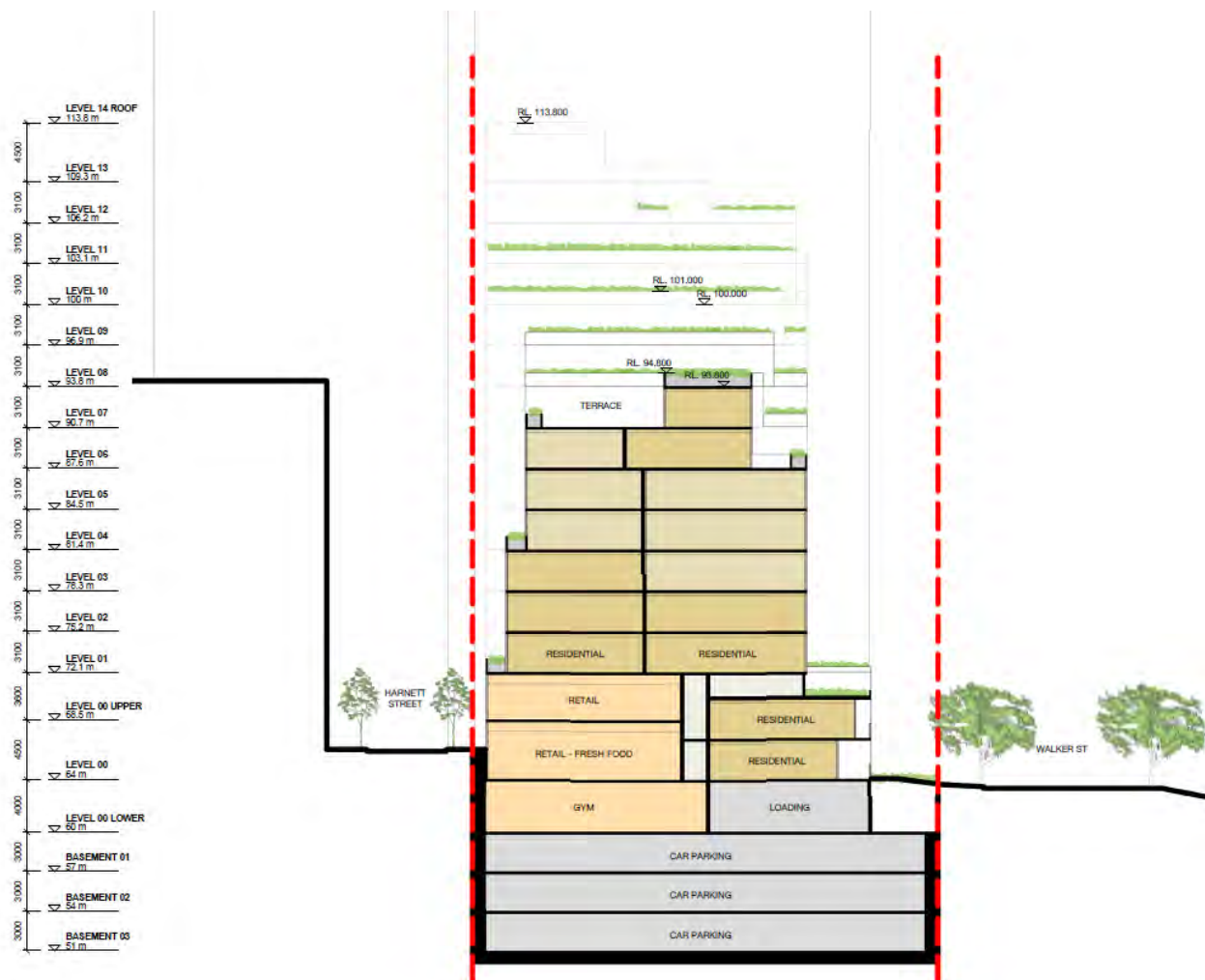
As illustrated in the submitted reference design, the redevelopment of the site would accommodate:

- Lower ground floor: A gym, which is accessed from the through site link or via the retail lift;
- Ground level and upper ground: retail on the corner of McLaren and Walker Streets and fresh-food offering with access from McLaren Street or Harnett Street
- Ground level (Walker Street): five (5) 1-2 storey residential terraces
- Tower: 82 residential apartments within the tower form above, which ranges in height from 10 storeys to 14 storeys (including podium)

The residential density on the site coupled with the provision of commercial/retail uses and a gym would activate the site and contribute to the 18-hour economy, creating a more vibrant place to live, work and socialise, and be consistent with the vision for the WSPMP.

The following sectional diagram shows how the land uses relate to the street frontages and the sites sloping topography.

Figure 24: Proposed east-west section illustrating the land uses



Source: Bates Smart

6.2.3. Height and Built Form

The amended Planning Proposal proposes a maximum building height of 48.7m (RL113.8), which will allow for a built form that steps across the site. A 1-3 storey podium is proposed, which has a 5.5m setback to Walker Street. Above the podium is a 7-13-storey tower form, which contains luxury residential apartments.

Key considerations have included an assessment of site and surrounding constraints and the evolving urban context. This has resulted in shaping a building envelope to deliver a stepped tower form that maximises opportunities for terrace landscaping at multiple levels across the site, reducing visual bulk impacts to provide a human-scale and contributing to ESD objectives and sustainability strategy.

Specifically, the building envelope has been positioned on the site to respond to the surrounding building context. The podium fronting Walker street has been setback to align with the heritage terraces to the south of the site, whilst the podium massing along McLaren Street aligns with 41 McLaren Street, immediately west of the site. The residential terraces along Walker Street are sculpted as individual 1-2 storey terraces, with outdoor balconies and direct street access as a modern interpretation of the heritage context.

The stepping of the tower form is within the solar plane cast by the building at 168 Walker Street, and provides a massing transition between this building and the residential apartments at 150 Walker Street. The stepped rooftop massing also enables good solar access to the site, the southern neighbouring properties and to the Central Plaza within the WSPMP. Further, the proposed building envelope results in no additional overshadowing to the Plaza. The stepped built form aligns with Council's intention of a transitional zone between the North Sydney CBD and the Civic Precinct on Walker and McLaren Streets.

The proposed stepped height is further justified and supported in the accompanying Urban Design Report prepared by Bates Smart (**Appendix A**).

6.2.4. Key Design Elements

The submitted reference scheme (**Appendix A**) includes the following key design elements that are anticipated to be reflected in any future development application.

6.2.4.1. Basement and site access

Vehicular access to the site is proposed at the southern extent of Walker Street. This driveway will provide access to both the basement car parking and loading dock.

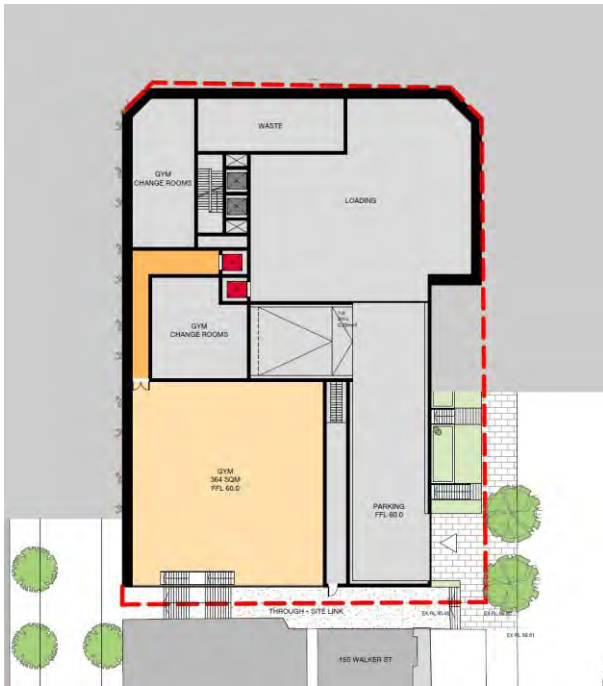
A site access study has been undertaken by Bates Smart and is documented in the submitted urban design report (**Appendix A**). The study documents the benefits associated with locating vehicular access at the lowest point of the site. If access was to be provided from Harnett Street, this would require reliance on a car lift, which would result in inefficient and sub-terrain commercial floor space and would compromise the ability to activate the through-site link.

Vehicle access from Walker Street has substantial benefits and would enable a traditional access ramp to be provided. Given this is similar to the existing site access arrangements, it is considered that there would be no additional adverse traffic implications to Walker Street associated with the retaining the current site access provisions.

6.2.4.2. Lower ground

The lower ground level contains a waste room and loading area, which are below the McLaren Street level to minimise blank, un-activated frontages. These are accessed via a driveway from Walker Street to the south of the site, which also serves as the entrance to the basement parking levels. There is also a gym and associated change rooms accessible via the Harnett Street ground level, at the south-west corner of the site.

Figure 25: Lower Ground Floor



Source: Bates Smart

6.2.4.3. Ground

The ground floor is setback 5.5m from Walker Street and contains four residential terraces with outdoor balconies and direct street access. These 2-storey terraces complement the heritage buildings directly to the south of the site, presenting as a modern interpretation of the heritage context.

The ground floor at the Harnett Street frontage contains a fresh food supermarket accessible from the south-west corner of the site, as well as via the upper ground floor level on McLaren Street at the north-west corner of the site.

Figure 26: Ground floor



Source: Bates Smart

6.2.4.4. Upper ground

The upper ground level features retail along the Harnett Street frontage as well as on the north-east corner of the site, which will activate the area. The podium level has a nil setback to McLaren Street. Separate lobbies for the various uses (residential and commercial lobbies) and associated lift are located on the upper ground floor and can be centrally accessed from the McLaren Street frontage. The upper ground floor also contains the upper levels of the four (4) residential terraces fronting Walker Street and an additional single storey, one (1) bedroom apartment.

Figure 27: Upper ground floor



Source: Bates Smart

6.2.4.5. Tower form

The residential tower above is stepped back from the podium base along Walker Street and varies in height from 7 to 13 storeys. The tower form has been sculpted to transition from the south-west, where it aligns with 150 Walker Street, to the north-east, where it aligns with 168 Walker Street. The tower alignment takes cues from both the proposed development directly to the north and the heritage terraces to the south. Each unit is provided with a balcony or landscaped terrace as private open space. The indicative design for the tower floorplates at Level 1-13 are provided below at **Figure 28**. Levels 8-13 are stepped and contain less apartments as the floor level increases.

Figure 28 Floorplates for Level 1-13



Picture 10 Level 3



Picture 11 Level 4-5



Picture 12 Level 8



Picture 13 Level 9



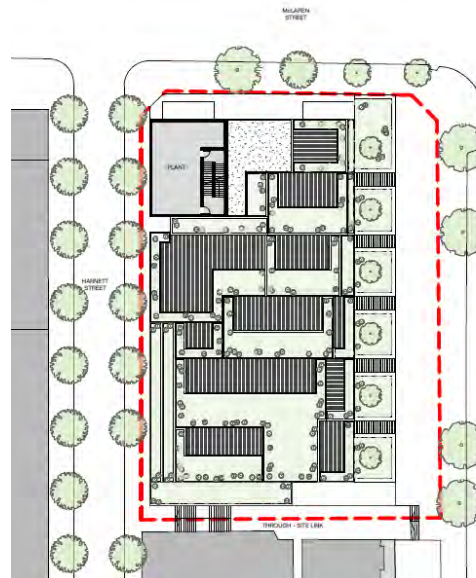
Picture 7 Level 10



Picture 8 Level 11



Picture 9 Level 12



Picture 10 Level 13

Source: Bates Smart

6.2.5. ESD Initiatives

The amended Planning Proposal and submitted reference scheme is founded on the vision and intent of delivering a sustainable mixed-use building that expands the horizons of sustainability performance in the built environment. This vision and the overarching objectives are documented in the Sustainability Strategy (**Appendix L**). These objectives directly align with the priorities of the North District Plan and are reproduced as follows:

1. To reduce Green House Gas (**GHG**) emissions, with the goal of Net Zero Emissions (Priority N21);
2. To support the health and wellbeing of building occupants, visitors and the community (Priority N4);
3. To dramatically reduce the use of non-renewable resources and advance the circular economy (Priority N21);
4. To support the physical resilience of assets, and the resilience of the community, to manage shocks and stresses from climate change (Priority N22);
5. To contribute new green space to the city, supporting local habitat, connectivity for mobile species, water management, urban heat and local amenity (Priorities 15, 16 and 19);
6. To enable movement to and from the site with non-vehicular transport; connecting to Sydney Metro, supporting better mobility options in the neighbourhood and supporting the adoption of emerging mobility options that supports sustainable outcomes;
7. To mitigate the consumption of potable water resources, seek more sustainable infrastructure solutions and provide best practice water quality leaving the site (Priority N21);
8. To embed Indigenous knowledge into the design and development process in support of our cultural heritage and recognition of the sustainability insight from Indigenous communities (Priority N17).

The sustainability objectives are supported by five strategic initiatives that have directly guided the design and modelling of the reference scheme, being:

1. Pathway to Climate Positive Approach;
2. Passive Design, Amenity and Ventilation;
3. Biophilia and a Healthy Building;
4. Transport and Mobility; and
5. Liveable Public Realm.

These strategic initiatives and the ESD principles are documented in the Urban Design Report (**Appendix A**). This includes the irrigation of plants and recycled heat for hot water, as well as the collection and reuse of rainwater. The insulated green roofs will also reduce heat gain, thermal mass and the Urban Heat Island Effect.

The orientation and stepped massing of the development is designed to increase solar access and limit overshadowing to the surrounding buildings and areas of public open space. As such, the design maximises the building's north and east aspects, reducing the heat load to the west and optimising daylight for enhanced indoor-outdoor connections.

6.2.6. Landscape Outcome

The Landscape Concept Design Report prepared by Arcadia (**Appendix I**) illustrates a high-quality landscape outcome, achieving substantial landscaped terraces across multiple levels of the site that are available for both private and communal use for future residents of the building.

Soft landscaping will be located along the Walker Street frontage setback, which is in keeping with the neighbouring properties to the south and the leafy character of the surrounding context. With the residential building being setback from the podium, terrace landscaping will also be included.

The stepped massing of the built form provides great opportunity to incorporate multiple landscaped rooftops above the podium terraces throughout the site, which provide a human scale and allow the building to respond sensitively to the surrounding items of heritage significance. The terrace landscaping includes both private landscaped open space areas and communal areas.

6.2.7. Public Domain Improvements

The Landscape Concept Design Report prepared by Arcadia (**Appendix I**) illustrates a high-quality public domain outcome, achieved by widening the pedestrian through-site link connecting Walker and Harnett Streets from approximately 1.5m to 3m in width. This increased setback along the southern boundary of the site will enhance the pedestrianisation around the site, particularly with the entry to the fresh food supermarket off Harnett Street and allow for activation of the Ward Street Precinct. The podium also provides an active frontage on the other three boundaries of the site with retail offerings, improving passive surveillance and onlooking to the public domain. The proposed expansion of the through-site link and activation of street frontages are consistent with Council's North Sydney Public Domain Manual.

6.3. PUBLIC BENEFIT OFFER

Under Section 7.4 of the EP&A Act, a proponent may enter into a Voluntary Planning Agreement (VPA) where a change is sought to an environmental planning instrument, under which the developer agrees to dedicate land, pay a monetary contribution and/or provide any other material public benefit in association with the change to the environmental planning instrument.

It is anticipated that the proponent and North Sydney Council will enter into further discussions regarding a VPA to facilitate the delivery of public benefits commensurate with the degree of uplift associated with the amended Planning Proposal.

This amended Planning Proposal is accompanied by a letter of offer (**Appendix E**) which outlines the potential public benefits, including:

- Monetary contribution of \$17, 500 per net increase in residential yield (monetary contribution)
- Widening of through site pedestrian link (works-in-kind and land dedication)
- Harnett Street, Walker Street and McLaren Street public domain improvement works

It is intended that the monetary contribution would help fund the type of public benefits needed in the community and for the delivery of the Ward Street Precinct public domain upgrades.

Should the proponent and Council agree to an offer of public benefit, a draft VPA would be separately placed on public exhibition prior to the gazettal of this amended Planning Proposal.

6.4. SITE-SPECIFIC DCP PROVISIONS

The redevelopment of the site would be guided by an amendment to North Sydney Planning Area Character Statement of the *North Sydney Development Control Plan 2013 (NSDCP 2013)*. The amendment would seek to include the site within the boundary of the Central Business District (Part 2.1), reflective of the sites proposed B4 Mixed-Use zone and its location within the Ward Street Precinct.

The proposed amendments to the NSDCP 2013 also include site-specific controls relating to building height in storeys, site setbacks, podium setbacks and overshadowing restrictions to the Centra Square within the Ward Street Plaza. These controls are summarised in the table below:

Table 7: Proposed DCP provisions

Numerical control	Proposed control
Height in storeys	<p>Development is to provide a stepped transition in building height across the site, ranging in a maximum overall building height, as follows:</p> <p>Southern Boundary: Maximum height of 10 storeys</p> <p>McLaren Street: Maximum height of 14 storeys</p>
Setbacks	<p>McLaren Street</p> <p>Podium: 0m</p> <p>Above podium: 3m to boundary</p> <p>Walker Street</p> <p>Podium: 5.5m</p> <p>Above podium: 4.85m</p> <p>Southern boundary</p> <p>Podium: 1.5m</p> <p>Above podium: 3m</p> <p>Harnett Street:</p> <p>Podium: 1m</p> <p>Above podium: 1.5m-3m for the southern extent of the building only</p>
Activation of street frontages	<p>Commercial / retail land uses are to be provided to all street frontages, except Walker Street.</p> <p>Residential accommodation is permitted along Walker Street, reflecting the land uses and heritage datum of the existing heritage terraces at 150 Walker Street.</p>
Overshadowing	<p>Development is to result in no nett increase in overshadowing to the Ward Street Central Square from 9am on June 21st</p>

7. AMENDED PLANNING PROPOSAL

This amended Planning Proposal has been prepared in accordance with Sections 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely “A guide to preparing planning proposals” issued by the Department of Planning and Environment (December 2018).

Accordingly, the proposal is discussed in the following six parts:

- **Part 1:** Statement of the objectives or intended outcomes of the proposed amendment;
- **Part 2:** Explanation of the provisions that are to be included in the proposed amendment;
- **Part 3:** Justification for those objectives, outcomes and the process for their implementation;
- **Part 4:** Supporting maps which identify the aspects of the amended Planning Proposal;
- **Part 5:** Details of community consultation that is to be undertaken for the amended Planning Proposal; and
- **Part 6:** The prospective timeline.

Each of the above are addressed in the following sections of this report.

8. PART 1 – OBJECTIVES & INTENDED OUTCOMES

8.1. OBJECTIVES

The primary objective of this amended Planning Proposal is to amend the NSLEP land zoning, building height and FSR controls and introduce additional local provisions to facilitate a mixed-use development outcome, commensurate with the desired future character of the immediate locale.

Other key objectives include:

- Realise the development potential envisaged by Council within the WSPMP;
- Encourage development activity in an identified key location, supporting the evolution of a diverse mixed-use precinct and contributing to the rejuvenation of the North Sydney Centre;
- Provide compatible mix of land uses that contribute to the creation of a vibrant and active community, including the co-location of residential, commercial and retail in immediate proximity of the Metro and existing train station;
- Contribute towards the North Sydney housing and employment density targets;
- A sustainable mixed-use development that adopts innovative strategic initiatives in the built form, in building systems and in support for a renewed public realm; and
- Integrate the site within the broader area through public domain improvements to the site's triple frontage and streetscape activation including the provision of an expanded through-site link, connecting Walker Street to Ward Street.

8.2. INTENDED OUTCOMES

The intended outcome of this amended Planning Proposal is to amend the planning controls that apply to 45 McLaren Street to achieve the following:

- Rezone the site from R4 High Density Residential to B4 Mixed Use;
- Establish a site-specific split maximum height of building control of RL103 and RL115;
- Establish a site-specific FSR control of 6.25:1;
- Establish a minimum non-residential FSR of 1:1;
- Insert the following subclause (6A) after subclause 4.4A(6):
 - *Despite subclause (5), an active street frontage is not required for any part of a building facing Walker Street, erected on land at 45 McLaren Street, North Sydney, being SP 14598.*
- Insert the following subclause (4) after subclause 6.12A(3):
 - *Despite subclause (3)(b), development consent may be granted for the purpose of a residential flat building for that part of the building at the ground floor level that faces Walker Street at 45 McLaren Street, North Sydney being SP 14598.*

Ultimately, this will enable the achievement of a range of regional and local strategic planning objectives, including increased employment and housing growth within an accessible and connected location. The outcome would be the renewal of the site with commercial and recreational land uses fronting McLaren Street and Harnett Street and new residential dwellings that would complement the increased commercial floor space envisaged within the North Sydney CBD and Ward Street Precinct. The development would be at an appropriate scale, transitioning from the 28 storey Aqualand tower in the north to the Walker Street and Belvedere apartments to the south. Redevelopment would also contribute to enhancing the public domain, street frontages, pedestrian linkages and activating the 18-hour economy.

It is acknowledged that Council recommended applying a sun-access plane control over the site to restrict the height of the building. However, as the final design and levels of the Plaza are unknown, it is premature to include sun-access plane controls over the site. As stated earlier, amendments to the relative level of the Plaza may result in differing overshadowing outcomes from surrounding buildings. It is more appropriate that an LEP split height control be applied to the site, in combination with DCP height in storey controls.

9. PART 2 – EXPLANATION OF PROPOSED PROVISIONS

The proposed objectives and outcomes will be achieved by:

- Amending the *North Sydney Local Environmental Plan 2013 Land Zoning Map* (Sheet LZN_002A) in accordance with the proposed land zoning map provided within Part 4 – Mapping. This illustrates a B4 Mixed Use zone over 45 McLaren Street;
- Amending the *North Sydney Local Environmental Plan 2013 Height of Buildings Map* (Sheet HOB_002A) in accordance with the proposed height of buildings map provided within Part 4 – Mapping. This illustrates a split maximum building height of RL103 and RL115 over 45 McLaren Street;
- Amending the *North Sydney Local Environmental Plan 2013 Floor Space Ratio Map* (Sheet FSR_002A) in accordance with the proposed floor space ratio map provided within Part 4 – Mapping. This illustrates a maximum floor space ratio of 6.25:1 over 45 McLaren Street;
- Amending the *North Sydney Local Environmental Plan 2013 Non-Residential Floor Space Ratio Map* (Sheet LCL_002A) in accordance with the proposed non-residential floor space ratio map provided within Part 4 – Mapping. This illustrates a minimum non-residential floor space ratio of 1:1 over 45 McLaren Street;
- Amending the *North Sydney Local Environmental Plan 2013* to insert an additional subclause under **Clause 4.4A Non-residential Floor Space Ratios**, as follows:
 - (6A) Despite subclause (5), an active street frontage is not required for any part of a building facing Walker Street, erected on land at 45 McLaren Street, North Sydney, being SP 14598.
- Amending the *North Sydney Local Environmental Plan 2013* to insert an additional subclause under **Clause 6.12A Residential flat buildings in Zone B4 Mixed Use**, as follows:
 - (4) Despite subclause (3)(b), development consent may be granted for the purpose of a residential flat building for that part of the building at the ground floor level that faces Walker Street at 45 McLaren Street, North Sydney being SP 14598.

10. PART 3 – JUSTIFICATION OF PROPOSAL

10.1. SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Proponent led amended Planning Proposal was initiated by the identification of the site as an opportunity site within the Stage 1 WSPMP in 2016. Uplift was identified for the site and built form testing was carried out as part of Option 1, within the Stage 2 WSPMP in 2019 (refer to **Section 5 Local Strategic Planning Background**).

Whilst Council resolved to endorse Option 2 and thus no uplift was afforded on the site, Council's resolution (24 June 2019), recommended that:

despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:

- i. Minimise solar reductions upon new public domain as identified in the Masterplan.*
- ii. Minimise solar and privacy impacts upon existing residential development.*
- iii. Provide for a commercial component to any redevelopment.*
- iv. Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.*

The Proponent is acting upon Council's resolution, which provides an opportunity and willingness to consider a site-specific Planning Proposal for this site.

Q2. Is the Planning Proposal the best means of achieving the objectives or intend outcomes, or is there a better way?

Yes. This amended Planning Proposal is the best means of achieving the objectives and intended outcomes for the site as:

- The final WSPMP has been endorsed and it is unlikely that this would be amended to include development controls for the site. Council's resolution provides a clear framework. It must be noted that the intent of the WSPMP is to encourage *"individual stakeholders to pursue planning proposals that reflect the outcomes of the master plan."*¹ Regardless of the site's inclusion in the built form options for WSPMP, a site-specific Planning Proposal would still be required.
- Further, built form modelling undertaken by Bates Smart confirms that the proposed building envelope is appropriate and can comfortably fit within the wider Option 2 WSPMP, with limited overshadowing impacts in comparison to the built form modelling presented for the site, within Option 1.
- The extent in numeric variation from the current built form controls in comparison to the proposal would unlikely be supported through the use of *Clause 4.6 Exceptions to development standards*.
- In accordance with the NSLEP 2013, the proposed commercial, retail and gym are prohibited land uses within the R4 High Density Residential zone. A B4 Mixed use zone was considered as these proposed uses, are permitted. However, whilst residential flat buildings are permitted with consent in the B4 Mixed Use zone, the NSLEP 2013 contains provisions that do not permit residential uses to be located at the ground floor, where it faces a street. Given the site's context and desire to address the nearby heritage items, it was felt a more appropriate approach was to have street level residential uses along Walker Street. Therefore, amendments to the LEP via Clauses 4.4A Non-residential Floor Space Ratios and 6.12A Residential flat buildings in Zone B4 Mixed Use will permit residential development along the Walker Street frontage, which is the best means to achieve the intended concept development outcome.
- The preparation of the site-specific planning proposal would not interfere nor compromise the extensive work undertaken by Council in relation to the Ward Street Precinct and the Civic Precinct Study.

Without an amendment to the statutory planning controls, the proposed reference scheme cannot be achieved, and the associated public and community benefits would be lost. The site is a logical and

¹ Stage 2 Ward Street Precinct Masterplan 2019, pg 27

appropriate place to concentrate future growth, being strategically located 100m from the Victoria Cross Metro and within a precinct that is undergoing urban renewal. This amended Planning Proposal aligns with the strategic direction for this immediate locality.

10.2. SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

10.2.1. Assessment Criteria

The Department's guide to preparing planning proposals states that:

“Assessment Criteria have been established to assist proponents or a PPA justify a planning proposal. These criteria form the basis of the strategic merit and site-specific merit assessment for the rezoning review process. As a minimum, the justification component of a planning proposal should address the following Assessment Criteria.²”

The Assessment Criteria, and the location of where those criteria are addressed in this amended Planning Proposal, is outlined in **Table 8** below.

Table 8: Guide for Preparing Planning Proposal Assessment Criteria

Assessment Criteria	Report Section Addressing Criteria
<i>a) Does the proposal have strategic merit? Will it:</i>	
<i>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</i>	Yes. Refer to response to Question 3.
<i>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</i>	Yes. Refer to response to Question 4.
<i>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.</i>	Yes. As discussed throughout this amended Planning Proposal, North Sydney is undergoing a period of urban transformation as a result of Australia's largest rail infrastructure investment and the State Government's initiative to boost housing supply and job growth around key transport nodes. The Sydney Metro project will deliver 66 kilometres of new metro rail linking Sydney's north western regions to the south west. Full services are due to commence in 2024, with a train every 4 minutes in peak periods. The amended Planning Proposal responds to the construction of the Victoria Cross Metro Station Sydney, approximately 200 metres from the site.

² NSW Department of Planning and Environment, *Planning Proposals, A guide to preparing planning proposals* 2018, pg 12

Assessment Criteria	Report Section Addressing Criteria
	Infrastructure investment in increasing rail capacity is driving investment in North Sydney and surrounds. This is reflected in the recent amendments to the NSLEP 2013 for the commercial core in the CBD, the endorsed WSPMP, which provides an opportunity to expand the CBD north and the commissioning of further studies which recognise that increased density is required to boost employment and housing growth within walking distance of new rail infrastructure.
<i>b) Does the proposal have site-specific merit, having regard to the following?</i>	
<i>The natural environment (including known significant environmental values, resources or hazards) and</i>	Yes. Refer to response to Question 7.
<i>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and</i>	Yes. Refer to <i>Section 2 Site & Surrounding Context</i> and <i>Section 5 Local Strategic Planning Background</i> .
<i>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.</i>	Yes. Refer to response in Question 10.

Other considerations within <i>A Guide to Preparing Planning Proposals</i>	Response
<ul style="list-style-type: none"> ▪ <i>There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.</i> ▪ Note: <i>A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not</i> 	<p>With regard to these considerations, we note the following:</p> <ul style="list-style-type: none"> ▪ The NSLEP 2013 came into force on 13 September 2013, making the North Sydney LEP controls over five years old. This was informed by a Residential Strategy (2009) that is now 10 years old. Therefore, there should not be a presumption against a rezoning review given the aged nature of the applicable Housing Strategy and NSLEP. Whilst it is acknowledged that North Sydney Council have completed their Local Housing Strategy (LHS) and this was approved by the DPIE on 10 May 2021, the LEP has not been amended to reflect the housing growth. The LHS recommends three land use planning approaches to deliver the housing supply for the LGA. These include:

<p><i>proposed to finalise, that draft regional, district or corridor/precinct plan.</i></p>	<ul style="list-style-type: none"> – Concentrating residential density in and around existing centres and transport nodes; – Manage housing in the St Leonards/Crows Nest Precinct; and – Continue Council’s approach of place-based strategic planning. <ul style="list-style-type: none"> ▪ The amended Planning Proposal aligns with Council’s land use planning approach as it: <ol style="list-style-type: none"> 1. Provides residential density against to the CBD and within 100m of the Metro station and 600m from the Train Station; and 2. The Planning Proposal has been prepared in accordance with the resolution of the WSPMP, which encouraged a proponent-initiated planning proposal to be lodged. This is a direct outcome of Council’s place-based strategic planning approach. ▪ The amended Planning Proposal achieves a number of strategies and actions that underpin the vision for North Sydney, as outlined in the <i>Greater Sydney Region Plan</i>. ▪ The amended Planning Proposal assists Council in delivering the actions and priorities of the <i>North District Plan</i>, particularly in the relation to achieving baseline housing targets and the delivery of a 30-minute city. ▪ There has been significant infrastructure investment for the new Victoria Cross Station, some 100 metres from the site.
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Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited drafts plans or strategies)?

Yes. The amended Planning Proposal gives effect to the objectives and actions of the following regional, district and local planning strategies, thus demonstrating that the proposal has strategic merit:

- Greater Sydney Region Plan (see **Table 9**)
- North District Plan (see **Table 10**)
- Future Transport Strategy

Greater Sydney Region Plan – A Metropolis of Three Cities (2018)

This section provides a summary of the *Greater Sydney Region Plan* (GSRP) and demonstrates how the amended Planning Proposal is consistent with the relevant objectives and actions therein.

The GSRP sets out policy directions to achieve the identified goals and principles, with each direction underpinned by a number of actions. **Table 9** below sets out some of the relevant directions and actions of the GSRP and explains how the amended Planning Proposal responds and aligns to these.

Table 9: Consistency with the Greater Sydney Region Plan

Greater Sydney Region Plan	Comment
Direction 1: A City supported by infrastructure	
<p><i>Objective 4: Infrastructure use is optimised</i></p>	<p>The proposed uplift will ensure the public transport infrastructure is optimised. The site is located approximately 100m from the Victoria Cross Station entrance. Once complete, Sydney Metro will provide a high frequency service connecting major employment hubs such as Macquarie Park, Chatswood and the North Sydney and Sydney CBDs.</p> <p>The proposal positively contributes to this objective by placing density in a highly convenient location that will encourage the use of existing and new transport infrastructure.</p> <p>The proposed mix of commercial, retail, recreational and residential land uses provides a diverse range of uses which will ensure the public transport is further optimised.</p> <p>Delivering density in the right location will help to drive better travel behaviour in future residents and workers, encouraging increased reliance on public transport.</p>
Direction 3: A city of people	
<p><i>Objective 7: Communities are healthy, resilient and socially connected</i></p>	<p>This amended Planning Proposal builds upon the strengths and characteristics of the community through public domain improvements and increased pedestrian connectivity to promote walkability. Densification and dwelling diversity on the site coupled with a high quality streetscape interface and public domain improvements positively contributes to the social wellbeing of the existing and future residents.</p> <p>The applicant has actively engaged with stakeholders, community interest groups and local authorities to ensure that any future development delivers on the vision and needs of the community.</p>
Direction 4: Housing the city	
<p><i>Objective 10: Greater housing supply</i> <i>Objective 11: Housing is more diverse and affordable</i></p>	<p>The GSRP provides housing targets for 2016-2036 (Northern District), as per the following:</p> <ul style="list-style-type: none"> ▪ 0-5 year target (2016-2021): 25,950 additional homes; ▪ 20-year (2016-2036): 92,000 additional homes. <p>This amended Planning Proposal would directly contribute to the dwelling supply needed to meet the dwelling targets for the district.</p> <p>The reference scheme prepared by Bates Smart demonstrates that the redevelopment of the site could accommodate approximately 82 dwellings, providing greater housing diversity</p>

Greater Sydney Region Plan	Comment
	<p>and choice for the LGA. This outcome would positively contribute to achieving the 6-10 year housing targets for the Council as part of the North District (stated to be a minimum of 3,000 dwellings).</p> <p>The concentration of residential density within the site will reduce the pressure on the commercial core and remove barriers to promote growth and allow efficient land use outcomes that will bring people closer to jobs and services.</p> <p>Increased housing supply in and around the commercial core will enable the retention of existing lower density residential areas further north of the CBD where land is constrained, preserving local character and creating housing diversity. The concentration of density within walking distance of public transport nodes is considered an appropriate location for additional housing.</p>
Direction 5: A city of great places	
<p><i>Objective 12: Great places that bring people together</i></p>	<p>This amended Planning Proposal is consistent with Council's vision to revitalise and rejuvenate the immediate area. The proposed LEP amendments and the reference scheme builds upon the work undertaken by Council and realises the development potential of the site to create a holistic outcome for the Ward Street Precinct.</p> <p>Specifically, the proposal includes significant public domain improvements including widening the through-site link connecting Walker Street and Harnett Street, improving pedestrian walkability within Ward Street Plaza and to the Metro Station; active retail frontage to McLaren Street and Harnett Street; and landscaped terracing across the site.</p> <p>The reference scheme, submitted montages and landscape concept illustrates how the site could be opened up and better integrated into the streetscape with a sympathetic and thoughtful landscape and design response to Walker Street, which complements the heritage terraces to the south. The combination of these elements will enhance the public domain, creating places for people to gather and enjoy.</p>
Direction 6: A well-connected city	
<p><i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i></p> <p><i>Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive</i></p>	<p>North Sydney is defined in the GSRP as forming part of the 'Eastern Economic Corridor' and is identified as the district's largest office market. The site's location just outside of the commercial core represents an appropriate location for residential uplift which will provide housing in a location which is highly accessible to jobs and support the importance of the commercial core.</p> <p>Concentrating housing growth close to the commercial core supports the desired integrated land use and transport model</p>

Greater Sydney Region Plan	Comment
	and it also encourages walkable centres. For these reasons, this proposal supports this objective.
Direction 7: Jobs and skills for the city	
<p><i>Objective 22: Investment and business activity in centres</i></p> <p><i>Objective 24: Economic sectors are targeted for success</i></p>	<p>This amended Planning Proposal seeks to provide employment floor space and increased housing in North Sydney CBD, a significant employment generating centre. The site capitalises on the State Government's investment in public transport and provides the community with better access to employment opportunities within the North Sydney CBD and elsewhere.</p> <p>The availability of public transport, coupled with the WSPMP vision for active retail and business uses, makes this an attractive walkable neighbourhood that will be a vibrant place to live; thus benefiting from the delivery of high density development.</p> <p>Strategic Centres, such as North Sydney, need a co-location of land uses. Including residential to ensure economic viability and liveability is maintained. This amended Planning Proposal delivers the residential accommodation that North Sydney CBD needs whilst provide for commercial, retail and recreational facilities at the podium level, which activities the site frontages.</p>
Direction 8: A city in its landscape	
<p><i>Objective 31: Public open space is accessible, protected and enhanced</i></p>	<p>This amended Planning Proposal provides opportunity to positively contribute to the desired public domain upgrade works identified by Council, including:</p> <ul style="list-style-type: none"> ▪ Incorporate active uses along the building edges to Harnett Street, McLaren Street and Walker Street; ▪ Widen the through-site link connecting Harnett Street to Walker Street to improve legibility and safety of this existing pedestrian link into the future new civic plaza; ▪ Upgrade Harnett Street as a shared vehicle/pedestrian zone with improved public domain pavement, as part of the wider public domain improvements; ▪ Upgrade McLaren Street with pavement and furniture, in accordance with Council's public domain policy; ▪ New street trees to complement the existing street trees; and ▪ A green wall at the corner of McLaren Street and Walker Street.

North District Plan

The site is located within the North District of Greater Sydney. The North District Plan reflects the broader vision of Sydney as a three-city metropolis, and contains the following key metrics:

- Housing target – The North District has a housing target of an additional 92,000 dwellings by 2036, with a total forecast dwelling count of 464,500.
- Job target – North Sydney is listed as having a job target of 76,000-81,500 by 2036, compared to 2016 figures of 60,400 existing jobs. This represents a minimum target of 15,600 new jobs over 20 years.

A description of how this amended Planning Proposal directly aligns with the relevant priorities of the North District Plan priorities, is set out in **Table 10** below.

Table 10: Consistency with the North District Plan

North District Plan	Comment
<p><i>N1. Planning for a city supported by infrastructure</i></p> <p><i>N12. Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>The amended Planning Proposal leverages on the new Victoria Cross Metro Station. The site is ideally located, approximately 100m from the station. The future Metro Station will support the growth of North Sydney in order to deliver additional employment and residential capacity, providing housing in close proximity to services and jobs.</p>
<p><i>N4. Fostering healthy, creative, culturally rich and socially connected communities</i></p> <p><i>N5. Providing housing supply, choice and affordability, with access to jobs and services</i></p> <p><i>N6. Creating and renewing great places and local centres and respecting the District's heritage</i></p>	<p>The amended Planning Proposal will facilitate the delivery of employment floor space and new dwellings with excellent access to public transport and job markets.</p> <p>Excellent public transport access and proximity to Macquarie Park, Sydney CBD and North Sydney CBD makes the site a highly attractive location for residential uses. The current DPIE approach is seeking to balance residential intensification whilst maintaining a strong employment function. The site can play an important role in this regard and allows for housing adjacent to the North Sydney CBD.</p> <p>Further, the District Plan considers locational criteria for urban renewal opportunities such as that located around regional or strategic centres. The District Plan maintains a position that housing growth should not happen in an ad hoc manner, rather it should be restricted to areas that meet locational criteria for urban renewal.</p> <p>The site meets that locational criteria and the reference scheme contained in the Bates Smart Urban Design Report demonstrates the proposed fine grain urban form envisaged for the site.</p>
<p><i>N20. Delivering high quality open space</i></p>	<p>This amended Planning Proposal seeks to upgrade Harnett Street as a flush shared zone with improved public domain pavement to enhance pedestrian and cyclist amenity, with new street trees also proposed. This laneway and through-site link will also be activated, and connections to Ward Street Plaza, Victoria Cross Metro Station and to North Sydney Oval will be reinforced.</p>

North District Plan	Comment
	<p>Harnett Street will act as a critical 'entry foyer' to the Plaza in the Ward Street Precinct as well as the wider retail area along Miller Street.</p> <p>The proposal seeks to widen the through-site link connecting Walker and Harnett Streets, improving pedestrian linkages in and around the site.</p>

Future Transport Strategy 2056

The *Future Transport Strategy 2056* (2018) (the Strategy) outlines the vision for the Greater Sydney mass transit network, detailing North Sydney as a 'strategic centre' linked directly to the 'Harbour City' (the Sydney CBD).

The Future Transport vision sets six state-wide outcomes to guide investment, policy and reform. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

The site is well placed to gain from the future metro station, which will see high frequency metro transport moving more people, more quickly. Any future redevelopment of this key site has the potential to contribute to and enhance walking and cycling connections within the immediate precinct, and around the metro station.

Q4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. In addition to meeting Strategic Merit Criteria 1, this amended Planning Proposal meets Strategic Merit Criteria 2 in that it is consistent with the following local strategies, as addressed in Q4 below:

- Local Strategic Planning Statement (endorsed)
- Local Housing Strategy (approved by DPIE on 10 May 2021)
- North Sydney CBD Capacity and Land Use Strategy
- Community Strategic Plan 2018 – 2028
- Stage 2 Ward Street Masterplan
- Civic Precinct Study
- Stage 2 Public Domain Strategy for the CBD
- Traffic & Pedestrian Study

North Sydney Local Strategic Planning Statement (LSPS)

On 24 March 2020, Council adopted the North Sydney Local Strategic Planning Statement (LSPS), which is part of the DPIE mandated LEP review.

The 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 North Sydney LGA.

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

The vision for North Sydney states:

A progressive, vibrant and diverse North Sydney is the community's vision for the future. This vision is embedded in the North Sydney Community Strategic Plan (CSP) 2018-2028, which was developed with the community and has guided North Sydney Council's work since. The LSPS buildings on the key directions and outcomes of the North Sydney CSP.

This amended Planning Proposal is consistent with local planning priorities outlined in the LSPS. as documented in **Table 11** below.

Table 11: Consistency with North Sydney LSPS

Planning Priorities	Consistency
Infrastructure & collaboration	
<i>11 – Provide infrastructure and assets that support growth and change</i>	As illustrated within the submitted Urban Design Report and the concept Landscape Plan, redevelopment of the site includes the upgrading and widening of the existing pedestrian through-site link connecting Walker Street and Harnett Street. Public domain improvement works are also proposed to Harnett Street, reflective of Councils public domain strategy which seeks to provide new active laneways and fine grain 'eat-streets.'

Planning Priorities	Consistency
	<p>The amended Planning Proposal is also accompanied by a draft VPA offer which, when executed, would contribute towards the necessary funding for Council to carry out public domain improvement works and local infrastructure works. The funding would provide a direct benefit to the North Sydney community.</p>
Liveability	
<p><i>L1 – Diverse housing options that meet the needs of the North Sydney Community.</i></p>	<p>The submitted reference design demonstrates that, subject to the proposed LEP amendment, future redevelopment of the site can accommodate approximately 82 dwellings, increasing housing choice and diversity. This represents a net increase of 64 dwellings from the existing apartment building on-site. The reference scheme includes a mix of 1, 2 & 3 bedroom unit typologies, which will capitalise on the site's location within the North Sydney CBD and within 100m of the Victoria Cross Metro Station.</p>
<p><i>L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.</i></p>	<p>As stated above, the amended Planning Proposal is accompanied by a draft VPA offer which includes a variety of monetary and non-monetary contributions. The monetary contribution will help fund the necessary and required social and local infrastructure. The proposal includes the provision for improved pedestrian connectivity and public domain upgrades, consistent with Council's Public Domain Strategy.</p>
<p><i>L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage</i></p>	<p>The site interfaces with heritage items to the east, south and west.</p> <p>The reference scheme has been designed to complement the immediate local character through the establishment of a 1-3 storey podium level along the Walker Street frontage. As illustrated in the Urban Design Report, the height, scale and modulation of the podium has been sculpted to provide a modern interpretation of the immediate heritage context. This includes 1-2 storey terraces that are in-keeping with the heritage building (scale and form) datum fronting Walker Street, and a subdivision pattern that is consistent with the terraces to the south.</p>
Productivity	
<p><i>P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney</i></p>	<p>The future redevelopment of the Precinct encourages active walking and cycling and capitalises on the State Government's investment into the metro line.</p>

Local Housing Strategy

North Sydney Council have prepared a Local Housing Strategy (LHS), which was formally approved by DPIE on 10 May 2021. The approval is subject to the following relevant requirements:

1. Council is to prepare an Affordable Housing Contribution Scheme that commits Council to examining the feasibility of levying affordable housing contributions for any new planning proposal resulting in uplift or increased land value.
2. Council's LSPS, stating *"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"* is to prevail and replace Objective 6 of Council's LHS, which is to *"Manage residential development growth to ensure that ad hoc Planning Proposals are rejected if not in line with Council's strategic framework to manage growth"*.
3. Notwithstanding requirement 2, the strategic direction endorsed in the St Leonards/Crows Nest 2036 Plan prevails over the LHS in the event of any inconsistency.
4. Forecasting indicates that Council is on track to meet the GSC target of 3,000 to 3,500 dwellings in the 2021-2026 period. Council is to therefore adopt a minimum housing target of 3,000 dwellings for this period to ensure that regional strategic planning can be appropriately managed.

Review of existing planning controls is mandated by the requirement to deliver housing in accordance with the targets set by the North District Plan. However, the LHS states that there is sufficient capacity within the existing planning controls, within existing planning proposals, within precinct studies undertaken by Council and within the St Leonards/Crows Nest Precinct to enable the delivery of the 13,250 additional dwellings required to house the population, up to 2036.

Council's current policy position is not to amend the existing planning controls to provide for greater capacity, but rather, prepare master plans and studies for specific precincts which encourage individual landowners to lodge Planning Proposals to bring to fruition.

This amended Planning Proposal has been initiated by the Council resolution of the WSPMP, which provided a framework for the Proponent to lodge a Planning Proposal. The site's potential for increased residential density is acknowledged with Option 1 of the Stage 2 WSPMP, which identified the potential for 15,360m² of residential GFA.

The reference design demonstrates that the site's redevelopment has the potential to deliver 82 dwellings (being a net increase 64 new dwellings), in line with the 6-10-year housing targets required under the North District Plan. This represents a modest net dwelling increase and not one that would alter Council's current ongoing strategic planning goals.

North Sydney CBD Capacity and Land Use Strategy

The aim of the North Sydney Centre Planning Review is to identify and implement policies and strategies to ensure that the North Sydney Centre retains and strengthens its role as a key component in 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, works and businesses.

The North Sydney CBD Capacity and Land Use Strategy was prepared in support of the North Sydney Centre review, which encompasses land within the B3 Commercial Core and B4 Mixed Use zone. This document formed the basis on which Amendment No.23 to NSLEP 2013 was made, resulting in significant uplift in the B3 Commercial Core.

The site is currently zoned R4 High Density Residential and is located outside the identified North Sydney Centre boundary and therefore is generally exempt from the study area.

Notwithstanding this, the amended Planning Proposal supports the following objectives of the Strategy:

- Identify residential development opportunities in the periphery;
- Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability;

- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure; and
- Allow for the growth of North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre.

This amended Planning Proposal has been prepared to align with the outcomes of the North Sydney CBD Capacity and Land Use Strategy and the endorsed Stage 2 WSPMP to facilitate a holistic approach to urban renewal within North Sydney.

Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan reflects the community's aspirations for the future and affirms Council's priority to revitalise the North Sydney CBD from a purely commercial centre to a place for both business and entertainment.

The key directions of the strategic plan and how this amended Planning Proposal achieves these directives, is outlined in **Table 12** below:

Table 12: Achieving the outcomes of the Strategic Plan

Outcome	Strategies	Amended Planning Proposal
Direction 1: - Our Living Environment		
1.3 Quality urban greenspaces	1.3.1 Expand urban tree canopy cover 1.2.2 Encourage community gardening	The reference scheme features an insulated green roof, reducing heat gain, thermal mass and the urban heat island effect. The proposal also consists of a series of rooftop landscaped terraces that cater for communal uses on level 10. Street tree planting and public domain works are also proposed along Harnett Street, McLaren Street and Walker Street.
1.4 Public open space, recreation facilities and services that meet community needs	1.4.1 Maximise use of existing, and protect, enhance and expand public open space	The Proposal will provide for public domain improvements, improved pedestrian connectivity and a gym, which will meet the recreational needs of the community and the increase demand projected by the increased employment floor space within the CBD and Ward Street Precinct.
Direction 2: Our Built Infrastructure		
2.1 Infrastructure, assets and facilities that meet community needs	2.1.1 Expand and adapt existing infrastructure to meet future needs	The amended Planning Proposal is accompanied by a draft VPA offer which includes a monetary contribution per additional dwelling, with the intent that this will provide needed funding for local and social infrastructure for the North Sydney community.

Outcome	Strategies	Amended Planning Proposal
<p>2.2</p> <p>Vibrant centres, public domain, villages and streetscapes</p>	<p>2.2.1 Enhance public domains and village streetscapes through planning and activation</p>	<p>Any future DA over the site would include public domain improvements, including expansion and activation of the through-site link connecting Walker and Harnett Streets, providing landscaped terraces at each stepped level of the building, and incorporating active frontages along McLaren Street and Harnett Street.</p> <p>Harnett Street will be upgraded as a flush shared zone with improved public domain pavement to enhance pedestrian and cyclist amenity, with new street trees also proposed. Connections to Ward Street Plaza, Victoria Cross Metro Station and to North Sydney Oval will also be reinforced.</p> <p>Harnett Street will act as a critical 'entry foyer' to the Plaza in the WSP as well as the wider retail area along Miller Street.</p>
<p>2.3</p> <p>Sustainable transport is encouraged</p>	<p>2.3.2 Ensure continual improvement and integration of major transport infrastructure through long term planning.</p>	<p>Increased density around public transport nodes results in increased patronage and reduces the reliance on private vehicular movement.</p>
<p>2.4</p> <p>Improved traffic and parking management</p>	<p>2.4.3 Provide integrated and efficient on-street and off-street parking options in residential and commercial areas.</p>	<p>As illustrated within the reference scheme, future development would incorporate basement parking, with access provided off Walker Street.</p>
<p>Direction 3: Our Future Planning</p>		
<p>3.1 Prosperous and vibrant economy</p>	<p>3.1.4 Promote and enhance the night time/after hours and weekend offer</p>	<p>The increased residential population supports an 18-hour economy and contributes to the vitality and viability of local centres. The proposed commercial, retail and recreational land uses at the podium level would also activate this corner of the Ward Street Precinct and contribute towards the night time and weekend offering.</p>
<p>3.4</p> <p>North Sydney is distinctive with a sense of place and quality design</p>	<p>3.4.2 Strengthen community participation in land use planning</p> <p>3.4.4. Improve the urban design, amenity and quality of North Sydney's public domain</p>	<p>This amended Planning Proposal and the supporting reference scheme has been prepared and refined through the feedback received during the community consultation undertaken by the Proponent, in addition to the advice and guidance provided by Councillors within their resolution of the Stage 2 WSPMP</p>

Outcome	Strategies	Amended Planning Proposal
	3.4.5 Use a place-based planning approach to achieve design excellence and management	and council officers as part of the Pre-Planning Proposal meeting. The submitted Urban Design Report demonstrates an exemplar urban design outcome that balances the site's constraints and characteristics whilst respecting the land use context in which the site is located.

Stage 2 Ward Street Precinct Masterplan

The Stage 1 WSPMP marked the site as an 'opportunity site.' Opportunity sites are those which are underdeveloped and can accommodate greater heights and densities.

Council, as part of the Stage 2 WSPMP, undertook a series of built form testing and analysis. This included heights of up to 25 storeys and an FSR of 9:1.

Section 5.2.1 of this document provides an overview of how the amended Planning Proposal is consistent with the objects and intent of the WSPMP, as envisaged by Council. Importantly, this amended Planning Proposal demonstrates that the proposed built form outcome is suitable for the site, whilst addressing Council's concerns in relation to amenity and overshadowing of public spaces.

Civic Precinct Planning Study

Whilst the site is not located within the Civic Precinct Study, the land to the north and east is encompassed within this area.

As discussed in **Section 5.2.1**, the amended Planning Proposal has taken cues from the desired future character of the immediate locality, as sought by the Study.

In particular, the amended Planning Proposal and submitted reference scheme provides for a streetscape interface that relates to the evolving character of the McLaren and Walker Street intersection. This includes:

- The podium and height datum
- The active frontages along McLaren Street
- The existing heritage character to the south and to the east
- The transition in building heights
- Protection of residential amenity
- Protection of solar access to existing and planned open space

Bates Smart have thoroughly investigated the accumulated environmental impacts associated with the site's redevelopment and has tested building envelopes to achieve an outcome that responds to the existing and desired future context of this immediate precinct and its surrounds.

North Sydney Public Domain Strategy 2020

The North Sydney CBD Public Domain Strategy has been prepared to align public and private investment in the CBD. *The Public Domain Strategy sets up the vision and frame to deliver the public domain that goes alongside, and complements, the new transport infrastructure...and caters for expected growth³.*

The public domain strategy will be delivered through the following guiding principles:

- Maximize the use and amenity of the inner block areas, creating new plazas, laneways and open spaces.
- Downgrade and reroute regional traffic where possible to create more pleasant, pedestrian friendly, active streets.
- Connect public open spaces into an integrated public domain network giving the CBD a stronger legibility and identity and facilitating movement across the CBD.

The site is located within the Ward Street Precinct. As part of the precinct revitalisation, the public domain offering includes over 3,000m² of new public open space.

This amended Planning Proposal aligns with the key public domain goals for the precinct, including the provision of new seats and street trees, active frontages and retail edges, pedestrian priority areas and comfortable meeting places.

Traffic and Pedestrian Study

The North Sydney Traffic and Pedestrian Study highlights that:

- There is a high proportion of public transport users in the local area
- The pedestrian and cycle environments are generally of a poor quality
- Proposed upgrades to street infrastructure, crossing points and public realm will benefit future residents

The Traffic and Pedestrian Study applies to land within the North Sydney Centre, of which the site is excised from. Nonetheless, the proposed pedestrian upgrades and improvements aligns with the aims and objectives of the study, which seeks to maximise public transport patronage and improve the pedestrian amenity and streetscape environment.

Q5. Is the planning proposal consistent with State Environmental Planning Policies?

Yes. The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified in **Table 13**.

Table 13: Relevant SEPPs applicable to the amended Planning Proposal

Policy	Details
SEPP (Urban Renewal) 2010	The reference scheme aligns with the objectives of SEPP (Urban Renewal) 2010 as it facilitates the orderly and economic redevelopment of an urban site that is accessible by public transport. Moreover, the amended Planning Proposal facilitates the delivery of the objectives of the relevant State and district planning policies, which seeks to increase densities within walking distance of existing and planned infrastructure, employment nodes and educational establishments.
SEPP (Affordable Rental Housing) 2009	Not relevant
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by, inter alia, identifying matters to be

³ North Sydney Council, *North Sydney Public Domain Strategy*, pg 3.

Policy	Details
	<p>considered in the assessment of development adjacent to particular types of development.</p> <p>The proposed development is not identified as traffic generating development in accordance with Schedule 3 of the SEPP.</p> <p>Notwithstanding, the Traffic Impact Assessment undertaken by TRAFFIX (Appendix F) concludes that the road network is capable of supporting the level of traffic generated by the proposed density, with minimal impact to the road network. This is based upon the assumption that 20% of residents will travel by car, with 80% of residents using alternative modes. This is consistent with the EIS for the Victoria Cross Metro, which states that 70% of trips within North Sydney are undertaken by non-car related modes of transport.</p>
SEPP (Buildings Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>The reference scheme has been designed and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.</p>
SEPP 65 Design Quality of Residential Flat Buildings	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The development concept has been designed to facilitate future detailed building design in accordance with SEPP 65 and the accompanying Apartment Design Guide (ADG). Based on the indicative apartment layout, the following is noted:</p> <ul style="list-style-type: none"> ▪ The building envelope will facilitate approximately 82 apartments, comprising a mix of 1,2 and 3 bedrooms. ▪ The reference scheme prepared by Bates Smart demonstrates that the proposed building envelope generally achieves compliance with the ADG criteria relating to design and configuration. This includes separation distances, overshadowing, communal open space, deep soil planting, pedestrian and vehicular access and parking. ▪ Whilst assessment under Part 4 of the ADG is more relevant at the DA stage, the reference scheme includes indicative floor plans that confirm compliance with ADG can be achieved with regard to ventilation, apartment size and layout, private open space, ceiling height and storage. It is acknowledged that the indicative reference scheme achieves solar access to 61% of apartments however further detailed design and analysis will be carried out at the later DA stage.

While not a State Environmental Planning Policy, we have considered; *Development Near Rail Corridors and Busy Roads – Interim Guideline*. The provisions of the interim guideline will be considered in the assessment of the potential future acoustic impacts associated with the Warringah Highway. Suitable mitigation and management measures will be provided so that a satisfactory level of residential amenity can be achieved.

Q6. Is the planning proposal consistent with the applicable ministerial directions (s.9.1 directions)?

Yes. The amended Planning Proposal has been assessed against the applicable s.9.1 Ministerial Directions and is consistent with each of the relevant matters, as outlined in **Table 14**.

Table 14: Consistency of the amended Planning Proposal with the applicable s9.1 Ministerial Directions

Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The amended Planning Proposal seeks to rezone the site B4 mixed use zone. The proposal is consistent with this Direction as follows: The amended Planning Proposal facilitates the provision of both increased residential densities and new commercial floorspace to support the viability of the centre and encouraging employment growth in the area.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environmental Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Management	Not applicable
2.3 Heritage Conservation	The site has no identified or known items of European or Aboriginal significance, as such this provision is not applicable. The amended Planning Proposal and reference schemes have been informed by specialist heritage advice to respect and mitigate any adverse impacts on the heritage items to the west, south, east and north-east. A Heritage Impact Statement has been prepared and is contained within Appendix H which confirms that the proposal is sympathetic to the heritage curtilage and has been designed to mitigate adverse impacts on the surrounding heritage items.
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable

Direction	Comment
<p>2.6 Remediation of Contaminated Land</p>	<p>El Australia have prepared a preliminary site investigation assessment involving site visit, review of site information and historical records (Appendix J). Council records have not identified that a site audit statement has been received with respect to the site, and thus is not declared to be significantly contaminated land, nor subject to management or ongoing maintenance orders nor subject of an approved voluntary management proposal.</p> <p>Based upon the preliminary assessment and visual evidence, there was no evidence of gross contamination or suspicious odours. The potential for ASS is extremely low and the overall potential for contamination was low.</p> <p>The assessment concludes that, the site is not likely to be contaminated and providing appropriate disposal of demolition materials, is suitable for the proposed land uses.</p> <p>The site is currently utilised and zoned for residential purposes and this amended Planning Proposal seeks to maintain residential use of the land. The proposal is consistent with this direction.</p>
<p>3. Housing, Infrastructure and Urban Development</p>	
<p>3.1 Residential Zones</p> <p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	<p>The proposal will seek to broaden the range of housing provided in the LGA through accommodation of a high-density residential development offering a range of dwelling typologies, including a component of affordable rental accommodation.</p> <p>The amended Planning Proposal makes efficient use of existing and planned services and infrastructure and has the potential to accelerate housing supply surrounding the North Sydney CBD and assist in the achievement of infill housing targets. The proposed density will also assist in alleviating the pressure associated with the current housing shortage, will provide additional affordable rental accommodation in a highly sought after location and provides for significant residential opportunity within a centre that has limited future potential to supply growing demand.</p> <p>In this regard, the site is identified as one of a few large sites within walking distance to existing and planned transportation nodes, that is unconstrained by heritage affectations or extensive strata titling. The strategic placement of the site and relatively unconstrained nature demonstrates that it is ideal for redevelopment.</p> <p>Residential accommodation in this location will have minimal impact on the natural environment or resource lands as the site and surrounding sites are already developed for urban purposes.</p>

Direction	Comment
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
<p data-bbox="167 394 517 461">3.4 Integrating Land Use and Transport</p> <p data-bbox="167 488 635 703">(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p data-bbox="167 730 612 837">(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p data-bbox="167 864 635 972">(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p data-bbox="167 999 600 1142">(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p data-bbox="167 1169 612 1276">(d) supporting the efficient and viable operation of public transport services, and</p> <p data-bbox="167 1303 635 1370">(e) providing for the efficient movement of freight.</p>	<p data-bbox="651 394 1366 461">The proposal is consistent with the direction for the following reasons:</p> <ul data-bbox="651 488 1430 1402" style="list-style-type: none"> <li data-bbox="667 488 1385 555">▪ The proposal supports the principle of integrating land use and transport. <li data-bbox="667 582 1430 913">▪ The site is located 100m south-east of the Victoria Cross Metro Station and 700m north of the North Sydney Train Station. The Precinct is extremely well located to make use of existing services and employment opportunities and will complement and support these existing uses. The increased density supports the patronage of the metro station and accords with the key direction from the state government, which seeks to co-locate increased densities within the walking catchment of public transport nodes. <li data-bbox="667 940 1394 1120">▪ The proximity to public transport will provide for increased opportunities to live, work and play within the LGA through the provision of residential accommodation adjacent to key employment nodes and therefore facilitating a walkable neighbourhood. <li data-bbox="667 1146 1423 1402">▪ The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency. This is confirmed within the accompanying Traffic Impact Assessment, which confirms that the development is estimated to generate a net increase of 11 vehicle trips during the AM peak hour and 8 vehicle trips in the PM peak periods.
3.5 Development near regulated airports and defence airfields	<p data-bbox="651 1440 1441 1727">Whilst the site is not located in close proximity to the Sydney Airport, it is affected by an Obstacle Limitation Surface (OLS) of 156m, as with the surrounding sites. The amended Planning Proposal seeks to introduce a split maximum height limit of RL103 and RL115. This remains well below the OSL and allows for ample room to accommodate a crane for any future construction of a building. Any future development would not constitute a controlled activity as defined in section 182 of the <i>Airports Act 1996</i>.</p>
3.6 Shooting ranges	Not applicable
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The site is not affected by acid sulfate soils.

Direction	Comment
4.2 Mine subsidence and unstable land	Not applicable
4.3 Flood prone land	Not applicable
4.4 Planning for bushfire protection	Not applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Revoked
5.2 Sydney Drinking water catchment	Not applicable
5.3 Farmland of State and Regional significance on NSW far north coast	Not applicable
5.4 Commercial and retail development along the Pacific Highway, North Coast	Not applicable
5.5 -5.8	Revoked
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The amended Planning Proposal is consistent with this Direction, as discussed within Question 3, Table 9 .
5.11 Development of Aboriginal Land Council land	Not applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for the PPA.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for PPA.
6.3 Site Specific Provisions	The amended Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the <i>NSLEP 2013</i> .
7. Metropolitan Planning	
Direction 7.1 Implementation of A Plan for Growing Sydney (1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and	The amended Planning Proposal gives effect to the <i>Greater Sydney Region Plan</i> and the <i>North District Plan</i> . The amended Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in the <i>Greater Sydney Region Plan</i> . This is further discussed in Table 9 .

Direction	Comment
transport gateways contained in A Plan for Growing Sydney.	
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
7.11 Implementation of St Leonards and Crows Nest 2040	Not applicable
7.12 Implementation of Greater Macarthur 2040	Not applicable
7.13 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable

10.2.2. Section C – Environmental, Social and Economic Impact

Q7. 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?

No. The site is fully developed for urban purposes and comprises little vegetation. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts will be minimal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The site is free from any major constraints that would render the land unsuitable for future redevelopment. This amended Planning Proposal has been prepared with specific focus on the likely environmental effects associated with development within a highly urbanised area. Preliminary urban design analysis and technical investigations have been undertaken to identify any potential site-specific environmental effects. Where this is likely to be an impact, mitigation measures have been proposed.

The likely environmental effects relate to built form and context, overshadowing, residential amenity, access and traffic, view sharing and public domain.

Environmental considerations:

Building height and transition

The skyline of North Sydney is already undergoing a transformation with a number of tall buildings recently approved or under construction. Surrounding sites will continue to undergo transformation over the coming years and the skyline will continue to evolve, as per council's strategic planning directive.

The proposed height is consistent with the emerging context, with the stepped building form sitting comfortably on this triple frontage site, providing a transition from the 8 storey contemporary residential flat building to the south and the 28 storey (RL168) Aqualand tower under construction to the north. The proposed heights of 10-14 storeys is of an appropriate and modest scale along this portion of Walker Street.

In this regard, the building height provides for a transition from north to south and west to east, being a scale that defines this corner at the transition zone of the CBD, Ward Street Precinct and the Civic Precincts. The overall height, bulk and scale including the varied setbacks responds contextually to the emerging character whilst being sympathetic to the southern heritage terraces and those low scale heritage properties on the eastern side of Walker Street.

Figure 29: Building height and transition



Picture 14 Existing streetscape

Source: Bates Smart



Picture 15 Future streetscape, demonstrating the transition in building heights

Podium resolution

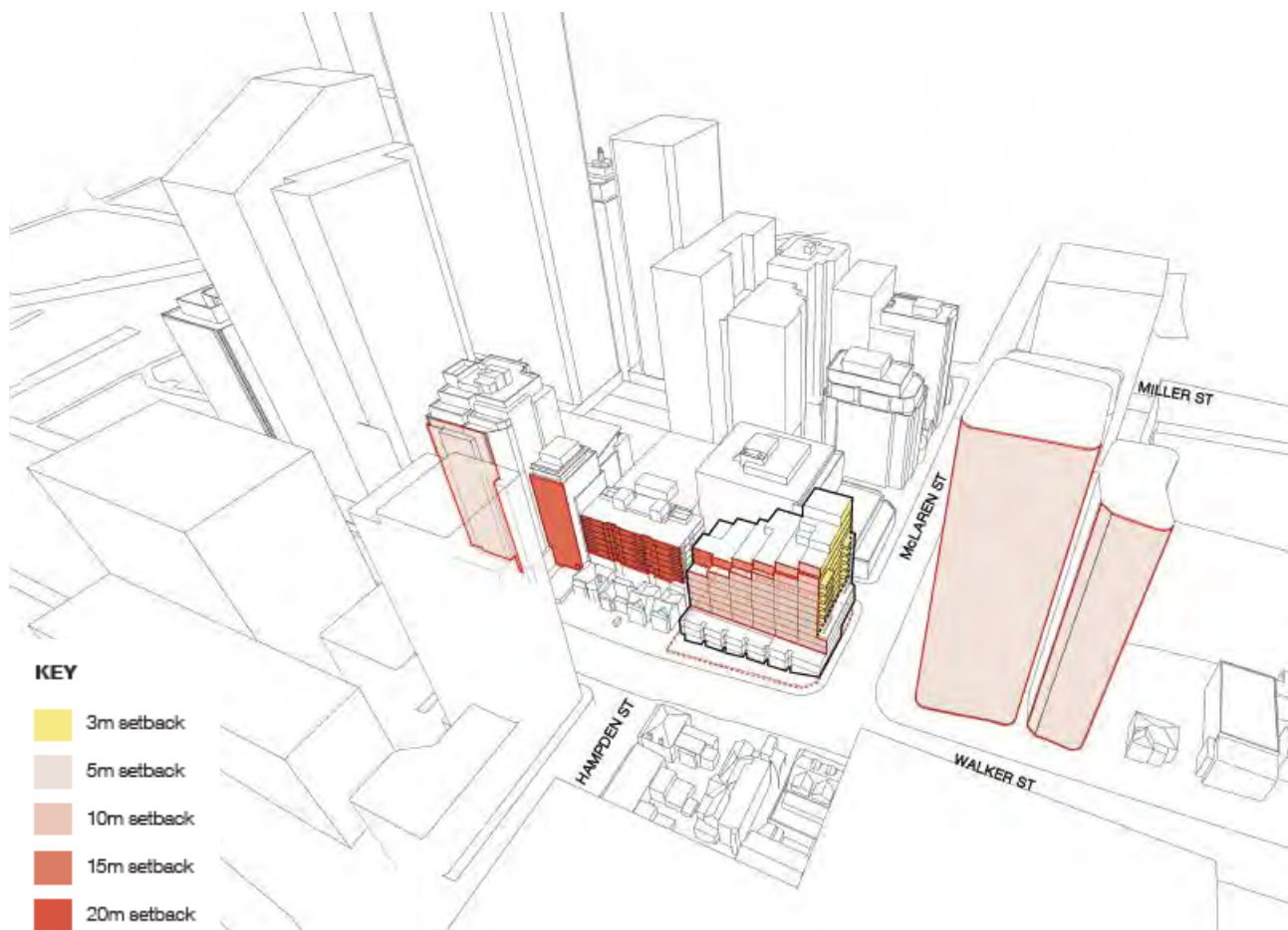
This section of Walker Street and McLaren Street includes a varied streetscape with inconsistent tower setbacks.

A range of design measures have been installed in response to the site's existing contextual relationship and the desired future character of the streetscape, as envisaged by the Civic Precinct Study. This includes:

- A low-scale retail and residential podium that responds to the site's topography and aligns with the existing built form, including a nil setback to McLaren Street and 5.5m setback to Walker Street, which aligns with 150 Walker Street
- A 1-3 storey street wall height to Walker Street that responds to the heritage datum to the south and is consistent with the street wall height envisaged for the properties to the north and east (as per Civic Study)
- Modulation of the proposed residential terraces fronting Walker Street, which mimics the subdivision pattern and vertical proportions of the heritage terraces to the south; and
- Residential terraces along Walker Street with outdoor balconies and direct street access, as a modern interpretation of the heritage context.

The combination of these elements is considered to result in a thoughtful urban design outcome. It bridges the gap between the commercial buildings and residential neighbourhoods, through a considered blend of boutique residents and active retail spaces. The skewed setback of the tower form ties together the existing and desired future character of this portion of Walker Street.

Figure 30: Tower setback to align with the existing and approved built form



Source: Bates Smart

Figure 31: Modulation of the residential terraces along Walker Street



Source: Bates Smart

Figure 32: Aerial view of the podium and tower alignment and modulation of the built residential terraces



Source: Bates Smart

Site Landscaping

In keeping with the leafy character of this immediate locality, the intent is for the site to be heavily landscaped with:

- deep podium planter with cascading plants along the perimeter
- a green roof and rooftop gardens with raised planter beds for small trees
- green walls at key building corner locations, creating habitats for native birds and breaking up the blank canvas

Figure 34: Walker Street elevation



Source: Arcadia

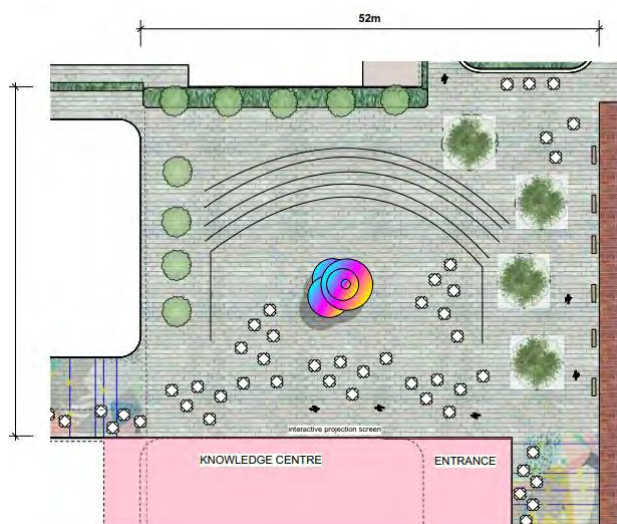
Overshadowing to the Plaza

The site is located to the north-east of the planned Ward Street Central Plaza, which is centrally located within the Ward Street Precinct, with direct access off Harnett Street.

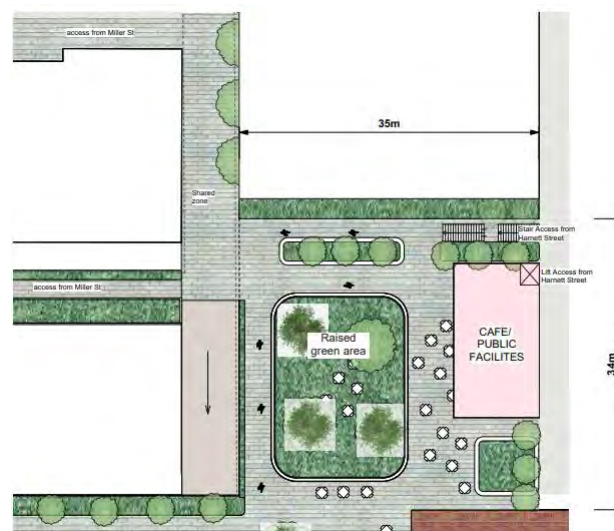
Council's vision for Plaza includes (**Figure 35**):

1. **The Central Square:** This comprises an area of 2,080m² and is intended to be highly adaptable, forming a breakout space for community events being held in the Knowledge Hub. The square will be designed to provide for flexibility to maximise engagement. This area is located to take advantage of year round solar access.
2. **The Green Square:** The green square comprises an area of 1,155m² and is set to be transformed into an urban green 'pocket park' with landscape, a café and public facilities. This area is intended to accommodate for low-intensity open space activities with large shade trees.

Figure 35: Council's vision for the Plaza



Picture 16: Central Square



Picture 17: Green Square (north of central square)

Source: Endorsed WSPMP

The amended Planning Proposal and associated height and built form has been designed with due regard to the planned public open space areas and their intended use and function. Council's resolution stated that any future development on the site is to minimise solar reduction to the new public domain.

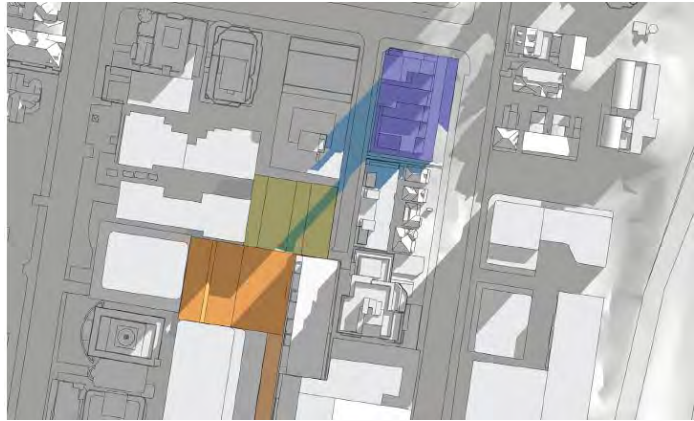
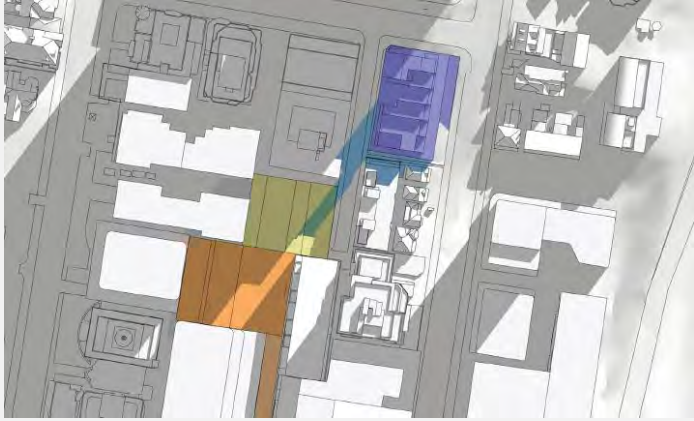

The overshadowing diagrams provided within the urban design report, clearly demonstrate that the proposed heights and building envelope have minimal overshadowing impacts to the planned public domain areas. This is further discussed in the below table. Importantly, the Plaza has not yet been identified as a 'special area' for the purpose of solar protection. Whilst the site is not located within the North Sydney Centre and therefore is not subject to the LEP solar protection controls, the overshadowing diagrams demonstrate that the proposed building envelope does not result in any overshadowing between the prescribed 12pm – 2pm period. Therefore, any future development on the site is capable of complying with clause 6.3(2)(a) of the NSLEP 2013, which promotes height and massing that have no adverse impacts on land identified as 'Special Area.' In interpreting this clause, it is assumed that a degree of overshadowing is acceptable, providing it is not within the prescribed hours of 12pm-2pm.

As discussed in *Section 3.2.1 Overshadowing to Ward Street Plaza*, the reference scheme and the proposed LEP and DCP building height controls have been established to ensure that there is no nett additional overshadowing on the Central Square from 9am, year round.

Minor overshadowing will occur within the Green Square, from 9am – 10.08am, during the winter solstice only.

The Planning Proposal has been amended to reflect the lengthy and ongoing negotiations with Council regarding protection of solar access to the public domain. The no additional overshadowing to the Central Square and the minimal overshadowing to Green Square is consistent with the advice and recommendations of Council.

Table 15: Overshadowing analysis

Overshadowing to Central Plaza	Analysis
Winter solstice – 21 June – Worst case scenario	
 <p data-bbox="164 779 225 813">9am</p>	<p data-bbox="898 342 1423 450">At 9am, the proposed building envelope will result in additional overshadowing of 180m² to the Green Square.</p>
 <p data-bbox="164 1283 261 1317">9:30am</p>	<p data-bbox="898 846 1414 1178">By 9:30am, there will be approximately 148m² of additional overshadowing on the Green Square. It is noted that the concept design does include a café / amenities building in this location. Subject to final design of the Green Square, this degree of shadow may be proportionally reduced by the final design outcome for the public domain.</p>
 <p data-bbox="164 1794 236 1827">10am</p>	<p data-bbox="898 1350 1420 1532">By 10am, there will be approximately 20m² of additional overshadowing to the Green Square. This is a very minor degree of overshadowing and by 10:08am, the extent of shadow will have passed.</p> <p data-bbox="898 1559 1407 1809">The concept design for the Green Square includes an indicate location for an amenities building in this location. Therefore, depending on the final concept, the extent of overshadowing may not fall within any areas of usable public open space.</p>

Source: Bates Smart

The above overshadowing excerpts demonstrate that the proposed building envelope results in minimal overshadowing to the Plaza, with the greatest level of impact occurring for between 9am – 9:30am. By 10:08am on June 21st, the proposed building envelope would result in no nett increase in overshadowing on the Plaza. It is considered that the proposed overshadowing is minor and reasonable when offset against the community and economic benefits associated with the site’s redevelopment. It is argued that the

overshadowing is in a location and at a time when users of the site are unlikely to congregate in that area for enjoyment of solar access and therefore, it is unlikely that the development would result in a loss of amenity for users of the public domain space.

The overshadowing diagrams further confirm that when users are most likely to enjoy the space (between 12pm-2pm), the development will not result in any overshadowing. Further, during the spring equinox (22 September), future development will not result in any additional overshadowing between 9am – 3pm. This is considered to be an exceptional outcome and further demonstrates the site-specific merit of the amended Planning Proposal.

Residential amenity

Internal amenity

An indicative reference scheme has been developed to test the performance of the residential dwellings on the site with regard to the requirements of SEPP65 and the Apartment Design Guide (ADG).

The reference design, prepared by Bates Smart (**Appendix A**) confirms that a residential development of this density could achieve an acceptable level of internal and external amenity for future residents. Based on the indicative apartment layout, the following is noted:

- The residential component consists of 82 apartments suited to a variety of lifestyles. An indicative dwelling mix of 1, 2 and 3 bedroom apartments is provided, each with high quality private open space areas;
- The residential floors have minimum floor to ceiling heights of 2.7m;
- Rooftop communal open space is provided at level 10;
- A minimum of 2 hours solar access is achieved to 61% of the apartments (this would be further refined and tested at the DA stage to achieve closer to 70%);
- 60% of apartments would be naturally cross ventilated

Privacy

The site has a triple frontage and is separated from the western commercial building by Harnett Street, the northern residential tower by McLaren Street and the eastern residential dwellings by Walker Street. The proposed southern setback and through site link also provides appropriate separation distances to 150 Walker Street and the heritage terraces, not too dissimilar to that which currently exists.

As illustrated on the submitted reference scheme, the majority of the apartments have an easterly aspect. The combination of the Walker Street road corridor, the 5.5m ground floor setback and the upper level stepped podium setback, provides for substantial separation distances to those residents. The dual east-west orientation of the southern apartments ensures that privacy measures can be installed within the lower levels to limit any direct overlooking.

The Aqualand tower to the north of the site is suitable setback from McLaren Street to ensure that adequate separation distances between the two residential towers can be achieved.

Detailed floor planning and site layout would occur at the DA stage, however given the site's unique corner location, it is considered that privacy impacts can be mitigated.

Overshadowing

It is widely accepted that in a dense urban environment, there is an inevitable degree of overshadowing, especially when redevelopment occurs. The degree of overshadowing however, needs to be assessed to ensure that it is of acceptable level and that it does not unacceptably deteriorate the amenity of the site and its surrounds.

One of the fundamental urban design principles guiding the proposed development outcome, is retention of solar access to the residential apartments at 150 & 168 Walker Street. As demonstrated in the urban design report, a minor degree of overshadowing will occur between 9am – 11am on July 21st. However, the stepping of the built form and upper level modulation ensures that an acceptable degree of solar access is retained to those residences and that any future building form does not result in an unacceptable loss of amenity.

Detailed shadow diagrams would be undertaken at the DA stage.

View Sharing

A Visual Assessment Report has been prepared by Urbis and is submitted at **Appendix G**.

The report assesses both the visual effects of the indicative reference scheme and the potential visual impacts on views within the private domain. To limit the extent of view impact and promote view sharing, the LEP height and FSR controls and the associated reference design have been prepared with the guidance and input from a specialist view impact consultant. The urban design principles that underpin the reference schemes are based on the principles of view sharing.

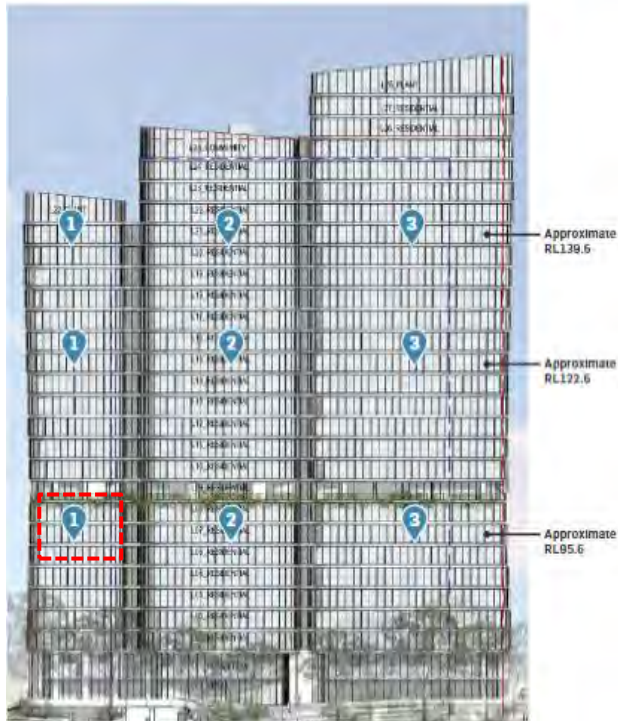
Urbis undertook fieldwork and documented views from the surrounding site and properties in July 2020.

Observations from the site investigation note that there is limited visual catchment to the north, west and south and that there are no public domain views available across the site towards the Sydney CBD and Harbour. Potential views towards Kirribilli would not be affected by the proposed additional height on the site, as there is no access to scenic views or vistas along Walker Street, towards the southern part of the North Sydney CBD. The assessment notes that the *“built form proposed is not dissimilar in character, height and form to other existing towers and approved development within the immediate visual context⁴.”*

To understand potential impacts to private domain views from 41 McLaren Street, 39 McLaren Street, the properties at Miller Street and the Quest building, views were analysed from the rooftop at 41 McLaren Street. It was determined that potential view loss may occur in relation to those apartments that are located at the upper levels to the west and directly align with the site, for instance 39 McLaren Street and the Harvard Apartments at 237 Miller Street. View access from properties further west would likely be blocked by 39 McLaren Street. However, the proposed height is of a modest scale and it has been determined that the height and scale is *“unlikely to create any significant view loss or blocking effects.⁵”*

A detailed view study was carried out for the Aqualand building, which involved a series of drone imagery and the preparation of photomontages based on the approved Aqualand floor plans. The locations used for the drone imagery is illustrated in Figure 36 and the potential ‘worst case’ view affections are illustrated in Figure 37 below.

Figure 36 Location of drone imagery for Aqualand



Picture 18: Elevation illustrated the location of views

- | | |
|----------------|-----------------------------|
| 1. Position 01 | Three heights per position: |
| 2. Position 02 | ▪ 25.6m |
| 3. Position 03 | ▪ 58.6m |
| | ▪ 69.6m |



Picture 19: Typical floor plate location of view

⁴ Urbis, *Visual Assessment Report*, pg 4

⁵ Urbis, *Visual Assessment Report*, pg 11

Figure 37: View analysis from Aqualand



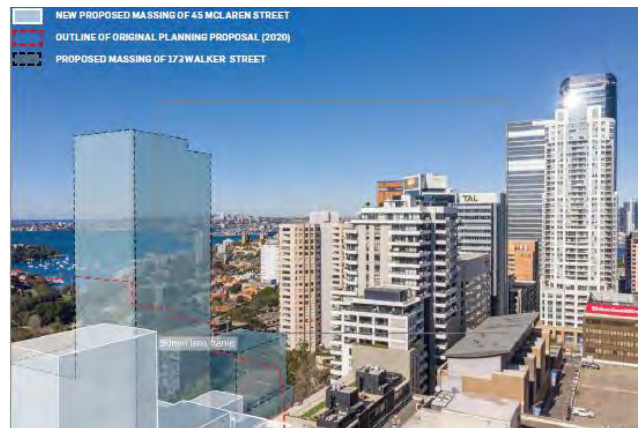
Picture 20: Existing view from RL92.36 (approximately L7) of the western stack of Aqualand



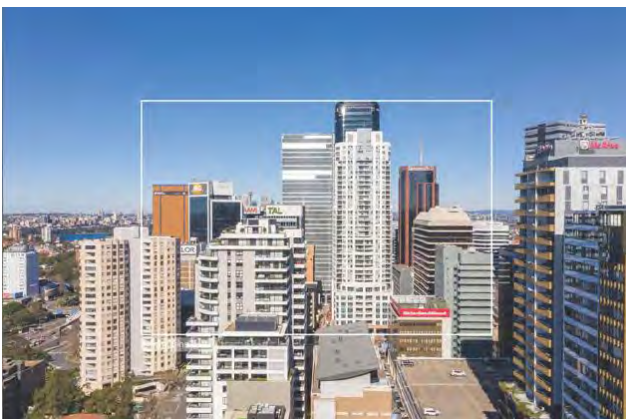
Picture 21: Proposed view from RL92.36 (approximately L7) of the western stack of Aqualand



Picture 22: Existing view from RL126.27 (approximately L15) of the western stack of Aqualand



Picture 23: Proposed from RL126.27 (approximately L15) of the western stack of Aqualand



Picture 24: Existing view from RL135.07 (approximately L21) of the middle stack of Aqualand



Picture 25: Proposed view from RL135.07 (approximately L21) of the middle stack of Aqualand

Source: Urbis

As per the above excerpts, the greatest view affectation is associated with the lower portion of the western tower (highlighted in red in Figure 36). The view is an oblique angle at the lower level of the western most wing of the residential tower. The views would be predominately blocked by any future development associated with the East Walker Street Precinct, with a narrow additional column east of the East Walker Street building envelope, which includes distant parts of Sydney Harbour. In this instance, the extent of view loss is rated moderate however the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

The view analysis has determined that view affectations from all other locations is rated as minor to negligible.

Overall, the additional height sought by the amended planning proposal does not block iconic items or large proportion of scenic or highly valued views, as defined in Tenacity. The views that are affected are predominately of other urban development within North Sydney.

It should be noted that detailed design would occur at the development application stage, at which time fine-grain consideration of the massing, articulation, detailing and materials would be resolved. Any future development application lodged over the site will need to address the view sharing planning principles established in *Tenacity*. Further, at the development application stage, any future development would need to demonstrate compliance with the objectives and provisions contained in Part B, Section 1.3.6 Views and Part C, Section 2.1.1 Views of the NSDCP 2013. A summary assessment of these sections is provided at **Table 16** below:

Table 16: Compliance with the NSDCP 2013

Control	Provision	Response
1.3.6 Views	<p>P1 Development should be designed such that views from streets and other public places, as identified in the relevant area character statement (refer to Part C of the DCP), are not unreasonably obstructed.</p> <p>P2 Development should be designed to maximise the sharing of views from surrounding properties and public places.</p> <p>P3 Ensure that existing and proposed dwellings will have an outlook onto trees and sky.</p> <p>P4 Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140.</p>	<p>A view sharing analysis has been undertaken by Urbis which confirms that the amendments to the LEP in relation to maximum building height is suitable for the site and that iconic and highly valued views will remain unimpacted.</p> <p>Any future building envelope, in accordance with the proposed LEP amendments, must be designed in such a way as to promote view sharing.</p> <p>Any future development application will be subject to assessment against the tenacity principles.</p>
2.1.1 Significant Elements	<p>Views</p> <p>P7. The following views and vistas are to be preserved and where possible enhanced:</p> <p>(a) From the plaza at No. 5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.</p> <p>(b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.</p>	<p>The provision of a 1-3 storey street wall height and a stepped height transition south from McLaren Street ensures that a strong vista is maintained to the CBD.</p> <p>As documented on page 10 of the view sharing report, future development on the site would not affect the vistas along Walker Street, nor would they impact potential views of Kirribilli and the Harbour.</p> <p>The site sits north of the views and vistas identified in the NSDCP and does not form part of their areas of preservation.</p>

Control	Provision	Response
	(c) Views along the Pacific highway to the Post Office on Mount Street from the south-east.	
	(d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.	

Heritage

The site does not contain any heritage listed items under Schedule 5 of the *NSLEP 2013*, nor is it located within a heritage conservation area.

There are however several listed heritage items located within the vicinity of the site, including Simsmetal House, a commercial office building, at 41 McLaren Street to the west of the site and the stone cottage at 185 Walker Street to the north-east. Other heritage items include a group of late nineteenth century houses at 144-150 Walker Street to the south of the site and a row of Victorian terrace houses to the east, at 2-14 Hampden Street.

The amended Planning Proposal is accompanied by a Heritage Impact Statement prepared by Weir Phillips Heritage (**Appendix H**) which provides a detailed assessment of the proposed impacts on the surrounding heritage items.

The report states:

- *The degree of separation between the site and surrounding heritage items is sufficient to ensure that the proposal would have no direct impact on the lot boundary curtilage of these items;*
- *No significant view corridors to/from the heritage items would be blocked, beyond that which currently exists;*
- *The architectural, historic and/or social significance of the items will not be impacted upon;*
- *The proposed design has established a lower scale transition of the development at the southern end of the site, which acts as a transition zone from the heritage items on the western side of Walker Street; and*
- *The impact of the transition to a tower form will be mitigated by the use of a podium level of appropriate height and the proposed stepped tower form to improve solar access to heritage items.*

The report also notes that Council has accepted that the wider setting of these heritage items will change over time, with the proposed reference design consistent with the redevelopment of the wider locality.

The heritage report concludes to state that the associated impacts are acceptable.

Traffic Generation

The amended Planning Proposal is accompanied by a Traffic Impact Assessment prepared by TRAFFIX in **Appendix F** which provides a detailed assessment of the proposed impacts on the traffic conditions surrounding the site.

The report addresses the following matters:

- Access to the site from Walker Street
- Generation car trips
- Vehicle queuing
- Public transport accessibility
- Car parking arrangements
- Pedestrian and bicycle access

TRAFFIX has modelled the traffic outputs associated with the capacity of the site to accommodate approximately 82 dwellings, consistent with the intended density within the area.

The key findings of the Traffic Impact Assessment are summarised as follows:

- The subject site is well connected to the public and active transport network with reliable access to regular bus, rail services and future metro services. These, along with existing pedestrian and cycle links, ensure the site is ideally situated for a mixed-use development as it provides a good opportunity to encourage future tenants/visitors to use sustainable transport modes.
- The reference scheme generates a demand for 70-80 car parking spaces. The site is capable of accommodating all car parking requirements within the basement.
- The traffic generation arising from the development has been assessed as a net change over existing conditions and equates to an additional 11 vehicle trips per hour during the morning peak and an additional 8 vehicle trips during the afternoon peak periods. SIDRA intersection modelling undertaken for the site indicated that no external improvements are required to facilitate the proposed development. The traffic impacts of the development are therefore considered acceptable.
- The basement car park will comply with the requirements of AS 2890.1 (2004), AS2890.2 (2002) and AS2890.6 (2009) and the detailed carpark operation can be dealt with during the DA Stage.
- The traffic report concludes that the amended Planning Proposal is supportable on traffic planning grounds.

Wind Assessment

A Pedestrian Wind Environment Statement has been prepared by Windtech Consultants and supplement with a Cover letter in support of the amended Planning Proposal (**Appendix K**). It provides an assessment of the impact of the proposed building envelope on the pedestrian amenity surrounding the site and the wind affections for future users of the site.

The assessment focused on the critical outdoor trafficable areas, including:

- Pedestrian footpaths
- Level 10 communal terrace
- Private balconies and terraces

The findings from the study confirm that the *“proposed development has incorporated several design features and wind mitigation strategies and is expected to be suitable for the intended use.”*⁶

The location of the site is however potentially exposed to a variety of prevailing north-easterly wind conditions. This can be ameliorated through the provision of street trees along the Walker Street and McLaren Street frontages and through densely foliating vegetation along the eastern boundary, such as that proposed within the landscape concept plan.

Windtech have provided mitigation measures which would be considered at any future detailed design phase.

ESD

A Sustainability Strategy has been prepared by Integral Group (**Appendix L**) which demonstrates a commitment by the Proponent to deliver a building that addresses the environmental challenges facing our society. The Strategy will be implemented through a schedule of certification commitments and a selection of strategic initiatives that support an ambitious sustainability agenda.

⁶ Windtech Consultants Pty Ltd, *Pedestrian Wind Environment Statement*, pg iv

The Strategic Initiatives include:

1. Pathway to Climate Positive Approach
Objectives to achieve net zero emissions are aligned with industry best practice.
2. Passive Design, Amenity & Ventilation
This focuses on opportunities to reduce resource consumption.
3. Biophilia and a healthy building
This approach can reduce stress, improve cognitive function and creativity and improve well-being.
4. Transport and mobility
This considers the relationship of movement priority and place priority for the project.
5. Liveable Public Realm
A liveable public realm is at the heart of supporting a new urban place that is active, healthy and resilient.

The report concludes that the proposal demonstrates three key areas of innovation that addresses pressing needs in our city: the need to decarbonise the city; the need to make better use of our favourable climate; and the need to create places that are amenable and resilient in a changing climate.

Infrastructure

Preliminary investigations have been undertaken by Calibre (**Appendix J**) to identify the existing infrastructure services and confirm utility infrastructure required for the future redevelopment. The investigations confirm that subject to infrastructure upgrades, the surrounding infrastructure network is capable of accommodating the proposed density.

Detailed investigations will be undertaken at the Development Application stage.

Q9. Has the Planning Proposal adequately addressed any Social and Economic effects?

Yes. The amended Planning Proposal is considered to have a number of social and economic benefits. Through realising economic benefits, a positive social on-flow effect can also occur, which the public can benefit through job creation and additional commercial and retail services.

The economic and social benefits are summarised as follows:

- **Facilitates renewal of a key site:** The amended Planning Proposal enables the renewal of an outdated and underdeveloped residential flat building that is situated on a triple frontage site and the junction of the Ward Street Precinct and Civic Precinct Study boundaries.
- **Creates indirect and direct construction jobs:** The site's redevelopment would result in full time construction jobs, with workers on the site also supporting local businesses.
- **Ensures ongoing employment:** Whilst the amended Planning Proposal seeks to retain the R4 High Density Residential zoning applicable to the site, the inclusion of commercial, retail and recreational (indoor) land uses as additional permitted uses, secures a proportion of employment generating floor space. In addition, the proposed redevelopment of the site and ongoing maintenance will generate additional employment opportunities.
- **Economic benefits associated with future residential density:** Increased residential density would contribute to increased retail turnover and the activation of a night time economy. Such density is required to realise the vision for an active 18 hour economy and support council's vision for laneways, eat streets and arts and culture night time and weekend economy.
- **Improved public domain and ground floor activation, reinvigorating the precinct for workers and residents:** The inclusion of commercial and retail floor space at the ground floor and a gym, would have the benefit of activating the site and the through site link, contributing to a sense of place and activity through the day and night.
- **Public benefit offer:** A range of public benefits including the provision of public domain improvement works and through site links (including associated land dedication) and monetary contribution per net increase in dwelling yield, towards community infrastructure.

10.2.3. Section D – State and Commonwealth Interests

Q10. Is There Adequate Public Infrastructure for The Planning Proposal?

Yes. The site benefits from all the services one could expect in a location on the edge of a metropolitan CBD. It is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. It will reinforce existing investment in public transport infrastructure, through increased patronage of the existing North Sydney train station and the planned Victoria Cross metro station.

A range of established services are available within close proximity of the site, including health, education and emergency services networks.

Transport Infrastructure

As previously stated in this document, the site is located 100m from the Victoria Cross Metro Station and 600m from the North Sydney Train Station. By 2024, North Sydney will become one of the most connected centres in Sydney with ready access to all major employment centres in rapid time.

The area is also well-serviced by district state buses networks as well footpaths and a network of dedicated and on-road cycle paths, providing a wide range of available options for workers and residents to travel.

Based on the traffic distribution and generation assumptions, the analysis indicates that the increase in traffic is negligible and is not envisaged to affect the existing surrounding road network.

Social Infrastructure

North Sydney CBD is one of the most well serviced areas in Australia for social infrastructure. Given the high level of social infrastructure provided in North Sydney, this amended Planning Proposal is not expected to have a material impact on social infrastructure.

a) Existing Health and Education

The North District Plan confirms that the North District has a high proportion health and education jobs, compared to the Greater Sydney average, and in turn is considered a hub of Health and Education.

This is directly demonstrated by the number of schools in North Sydney listed below.

Schools in North Sydney

Primary Schools (aged 5-12)

ANZAC Park Public School
Cameragal Montessori Primary
Cammeray Public School
Loreto Kirribilli Junior School
Neutral Bay Public School
North Sydney Demonstration School
Redlands Grammar School
St Aloysius Junior College
St Mary's Primary School
Shore Grammar School
Wenona School
After School Care
Available in conjunction with Primary Schools.

Secondary Schools (aged 12-18)

Cammeraygal High School
Loreto Kirribilli Senior School
Marist College North Shore
Monte Sant' Angelo Mercy College
North Sydney Boys High
North Sydney Girls High
Redlands Grammar School
St Aloysius Senior College
Shore Grammar School
Wenona School
TAFE NSW
St Leonards Campus
Bradfield Senior College (including HSC study)

The lower north shore is also very well serviced with health infrastructure as demonstrated by the list of hospital located near to the Precinct.

Hospitals in North Sydney

- Royal North Shore Hospital
- Royal North Shore Private Hospital
- Mater Hospital
- Mosman Private Hospital
- Northside Cremorne Clinic
- Northside Clinic
- Greenwich Hospital

b) Future Health and Education

The North District Plan identifies that there will be a focus on expansion of the nearby **St Leonards health and education precinct and Priority Precinct**, led by the NSW Department of Planning and Environment, which will bring together the Commission, North Sydney Council, Lane Cove Council, Willoughby City Council, Transport for NSW and NSW Health, to grow jobs, housing and infrastructure within the precinct.

The site is located within an established urban area and is fully serviced by existing and planned infrastructure which is capable of accommodating for the increased density on the site.

Utility Infrastructure

Preliminary investigations have been undertaken to identify sufficient utility infrastructure required for the proposed development. Detailed investigations will be undertaken to inform a subsequent Development Application.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No consultation with State or Commonwealth authorities has been carried out to date on the amended Planning Proposal. It is acknowledged that North Sydney Council will consult with relevant public authorities following the Gateway Determination.

11. PART 4 – MAPPING

The amended Planning Proposal seeks to amend the following *NSLEP 2013* Maps:

- Height of Buildings Map Sheet HOB_002A
- Floor Space Ratio Map FSR_002A
- Non-Residential Floor Space Ratio Map LCL_002A
- Land Zoning Map LZN_002A

The proposed amendments to the LEP maps are provided below:

Figure 38: LEP Mapping amendments



Picture 1 – Existing height

Source: NSLEP 2013



Picture 2 – Proposed height

Source: Urbis



Picture 3 – Existing FSR

Source: NSLEP 2013



Picture 4 – Proposed FSR

Source: Urbis



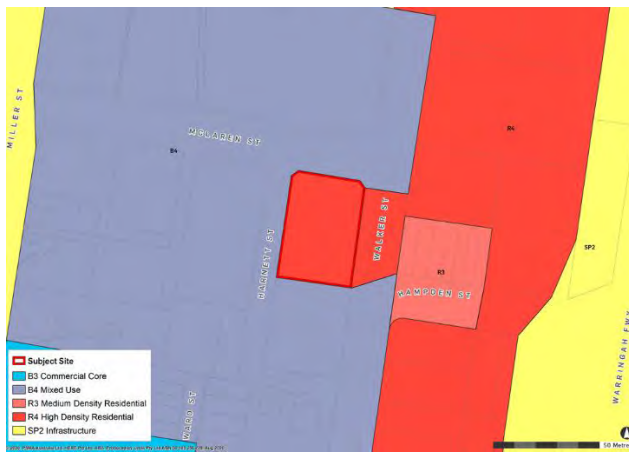
Picture 5 Existing non-residential FSR

Source: Urbis



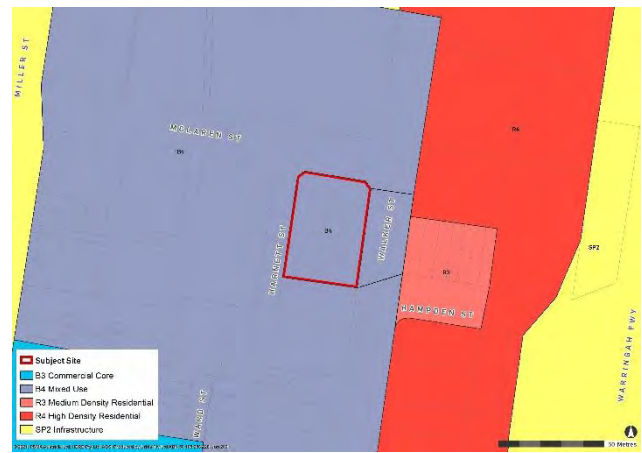
Picture 6 Proposed non-residential FSR

Source: Urbis



Picture 7 Existing land zoning

Source: Urbis



Picture 8 Proposed land zoning

Source: Urbis

12. PART 5 – COMMUNITY CONSULTATION

12.1. PRE-LODGE MENT COMMUNITY ENGAGEMENT

Over August and September 2020, Podia undertook a stakeholder engagement strategy to inform the Planning Proposal outcomes. The engagement strategy is documented in **Appendix D**. This is consistent with North Sydney Council's Community Engagement Policy June 2018.

In summary, the consultation activities included:

- Distribution of DL flyers within a 1km radius;
- Online surveys
- Community Information session, held via Zoom on 2 September 2020
- Communication channels including a dedicated project email and project website, with an online survey (www.45mclaren.com.au).

A summary of the engagement activities is listed below and the location of the flyer distribution is illustrated in Figure 39.

ITEM	NUMBER
DL flyer distribution	833
Boundary of letterbox drop	1 km radius from 45 McLaren Street
Attendees at online community information session	18
Number of phone calls answered/received	14
Total number of surveys received	5
Length of time survey was available via community website	32 days
Number of interactions with Council	2

Figure 39: Map identifying DL flyer distribution



Source: Polymer Studio

This engagement process has been valuable in providing a forum for the community to share views, for the project team to take feedback and to create a transparent process that will build a foundation for further engagement through the process.

12.2. ENGAGEMENT WITH COUNCIL

As discussed in *Section 3.1 Council Engagement*, the Proponent has engaged with council, consulted with a range of stakeholders and technical experts and refined the proposed reference scheme to achieve an urban design outcome that is appropriate to the emerging site context.

Preliminary meetings and discussions with council began during the preparation of the WSPMP, which the site was ultimately void of any uplift. Notwithstanding, the Proponent and council maintained an ongoing dialogue, with a clear pathway presented to enable the framework for a site-specific Planning Proposal.

Since lodgement of the Planning Proposal, the Proponent and the technical team, have met with Council's strategic planners on a number of occasions, with four reiterations of feedback provided by Council. It is demonstrated that the Proponent has had a positive and ongoing dialogue with Council and this amended Planning Proposal has been prepared to reflect the conversations had to date. This amended Planning Proposal and the submitted Urban Design Report have adopted all recommendations made by Council, as part of their final letter of advice, of 29 July 2021.

Key issues that were raised and how the amended planning proposal has addressed those issues, are discussed in **Section 3. Council engagement & Concept refinement**.

12.3. PUBLIC CONSULTATION

Section 3.34 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination.

The amended Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of “*A Guide to Preparing Local Environmental Plans*”. It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on the North Sydney Council website.
- Written correspondence to adjoining and surrounding landowners.

As part of the public consultation process, the proponent will review all submissions, discuss with Council and DPIE as required, and provide a response to submission during the assessment of the amended Planning Proposal.

13. PART 6 – PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 12-18 months. An indicative project timeframe is provided at **Table 17**.

Table 17: Indicative Project timeline

Stage	Timeframe and/or Date
Lodgement of Planning Proposal	October 2020
Lodgement of Amended Planning Proposal	November 2021
Consideration by North Sydney Council	November - February 2021
Planning Proposal referred to DPIE for Gateway Determination	February 2021
Gateway Determination issued by DPIE	March 2022
Commencement and completion of public exhibition period	Dates are dependent on Gateway Determination. Anticipated timeframe for public exhibition is 28 days
Consideration of submissions	6 weeks
Consideration of the Planning Proposal post-exhibition	6 weeks
Submission to DPIE to finalise the LEP	August 2022
Gazettal of LEP Amendment	Mid / Late 2022

14. CONCLUSION

This amended Planning Proposal seeks an amendment to the NSLEP 2013 to establish planning controls that would enable a high quality mixed-use development outcome at 45 McLaren Street, North Sydney.

The amended Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*.” It sets out the justification for the proposed LEP amendments. It is supported by an Urban Design Report (**Appendix A**), associated reference scheme and submitted technical studies which demonstrate that the site is suitable for the proposed amendments to the LEP.

The report demonstrates that there is strategic merit and site-specific merit to justify advancement of the amended Planning Proposal. The preparation of the site-specific Planning Proposal has been prepared under the directive of the recommendation from the council’s resolution of the endorsed WSPMP.

The amended Planning Proposal and submitted reference scheme draws upon the strategic planning work undertaken by council in relation to the Ward Street Precinct, Civic Study and Public Domain Strategy and incorporates, where relevant, the principles and design guidelines contained within these documents, as they relate to land use, building envelopes, overshadowing, views, street wall heights, pedestrian connectivity and landscaping.

The amended Planning Proposal demonstrates Strategic Merit as it gives effect to the following:

1. Consistent with the **Greater Sydney Region Plan and North District Plan** which seeks to intensify housing and employment around significant transport infrastructure and in proximity to employment nodes, capitalising on the State government’s investment. The site is located 100m from the new Victoria Cross Metro station and 600m from North Sydney Train Station.
2. Consistent with the **North Sydney Local Strategic Planning Statement** for locating residential development at the periphery of the North Sydney CBD. Residential density in this location will activate the CBD and supports the attainment of an 18-hour economy and a 30 minute city, as outlined within the **North District Plan**.
3. Assists Council in achieving the **housing targets** mandated by the **Greater Sydney Commission**. Council is required to demonstrate how it can achieve 3,000 – 3,500 dwellings for the period 2021/22 – 2025/26. Council’s analysis currently shows 2,835 dwellings for this period.
4. Achieves an appropriate built form and scale that reflects the vision for **North Sydney** and the **Ward Street Precinct** which is expressed by local planning policy, precinct planning and the existing and emerging scale of development on adjacent and surrounding lands.
5. Rezoning the site to **B4 Mixed Use** is consistent with the zoning of all other land within the Ward Street Precinct, demonstrating consistency with the strategic intent for this Precinct, which is undergoing a period of transformation and urban renewal.
6. Increases the development capability of the site and activates the north-eastern corner of the Precinct, with 82 new dwellings and 2,091m² of commercial GFA. The site is strategically located 100m from the Victoria Metro Station (opening 2024) and 600m from the North Sydney Train Station and in close walking distance to schools, open space and employment opportunities.

The amended Planning Proposal demonstrates site-specific merit is achieved, by way of the following:

7. **Ward Street Precinct Masterplan and Council Resolution:** The Ward Street Precinct Masterplan was endorsed by North Sydney Council on 24th June 2019. At the time of the endorsement council resolved that...

despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered for 45 McLaren Street and may identify how any future redevelopment will:

I. Minimise solar reductions upon new public domain as identified in the Masterplan.

II. Minimise solar and privacy impacts upon existing residential development.

III. Provide for a commercial component to any redevelopment.

IV. Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.

The amended Planning Proposal has been prepared to address the above key criteria, in addition to recommendations provided by Council. Together, this advice has shaped and guided the urban design outcome for the site.

8. **Height:** Utilising the building heights established within the Ward Street Precinct Masterplan, the approved development to the north and the existing heritage buildings and residential tower to the south, the built form provides for a transition from west to east and north to south. The proposed heights have been designed to have stepped transition, falling away to the south.
9. **Density:** The built form has a modest FSR of 6.25:1, providing an appropriate mixed-use outcome within a fine grain built form, that sits comfortably within the existing and future context of the immediate locality.
10. **Urban Design:** The site's redevelopment would include a sustainable mixed-use building, a green roof, green walls and green spaces throughout, passive design principles and will create a bold vision for North Sydney.

11. **Residential amenity:**

Solar access: The building envelope has been designed to ensure that there is no additional overshadowing to the Ward Street Plaza Central Square from 9am onwards and to the Green Square beyond 10:08am on June 21st. Sculpting of the built form also retains a good level of solar access to the residential properties at 150 Walker Street.

Privacy: The site's triple frontage provides substantial separation distance between the site and those properties to the north and east. The south-western façade has been recessed to achieve compliant separation distances to the west. The apartments within the lower southern portion are setback 4.5m from the boundary and have been designed to orientate to the east & west, limiting any direct overlooking.

View impact: The modest scale and stepped nature of the built form, retains view corridors through the south of the site. Any views from the north would likely be impacted by taller buildings further south of the site.

12. **Heritage:** The inclusion of a 2-3 storey street wall height responds to the sties substantially varied topography and is consistent with the datum and the street setbacks of the heritage terraces to the south. Fine grain architectural design will be developed at the DA stage to ensure that the use of materials and finishes are complementary to these heritage items.
13. **Landscape terracing:** The stepping of the built form allows for cascading landscaping to form a green roof and substantial planter boxes to be staggered across the building façade and within the site setbacks. Key corner locations will be designed with green walls, creating a living, breathing building façade.
14. **Streetscape activation:** Active frontages and passive surveillance are provided along all site frontages. McLaren Street & Harnett Street is activated by retail and recreational (indoor) uses with residential uses providing passive surveillance of Walker Street.
15. **Public Domain Improvements:** Pedestrian connectivity will be enhanced through the expansion (from 1.5m to 3m) of the existing through-site link connecting Walker Street and Harnett Street, improving, and promoting pedestrianisation around the site and activating Ward Street Plaza. Public domain improvements also include pedestrian upgrades to the street frontages and upgrade of Harnett Street.

This amended Planning Proposal supports the State government's current direction of increasing density in major centres with good access to public transport and facilities. It achieves the right balance of maintaining a strong community focus while also recognising the benefits of providing residential development to take advantage of the locational and amenity criteria that North Sydney has on offer.

In considering the tangible community and economic benefits of the amended Planning Proposal, it is respectfully requested that the Council resolve to forward this amended Planning Proposal to DPIE for LEP Gateway Determination.

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APPENDIX A

URBAN DESIGN REPORT (AS AMENDED)

APPENDIX B

DRAFT NORTH SYDNEY DCP SUBMISSION

APPENDIX C

SURVEY PLAN

APPENDIX D

STAKEHOLDER ENGAGEMENT REPORT

APPENDIX E

DRAFT VPA (AS AMENDED)

APPENDIX F

TRAFFIC IMPACT ASSESSMENT (AS AMENDED) REPORT (AS AMENDED)

APPENDIX G

VISUAL ASSESSMENT REPORT (AS AMENDED) ASSESSMENT

APPENDIX H

HERITAGE IMPACT ASSESSMENT

APPENDIX I

LANDSCAPE DESIGN REPORT (AS AMENDED) INVESTIGATION

APPENDIX J

PRELIMINARY SITE INVESTIGATION

APPENDIX K

PEDESTRIAN WIND ENVIRONMENT STATEMENT (AS AMENDED)

APPENDIX L

SUSTAINABILITY STRATEGY (AS AMENDED) INFRASTRUCTURE ASSESSMENT

APPENDIX M

HYDRAULIC SERVICES INFRASTRUCTURE ASSESSMENT

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45 McLAREN STREET, NORTH SYDNEY

PLANNING PROPOSAL
8TH NOVEMBER 2021

CLIENT

45 McLaren Pty Limited (ACN 641 204 024)

ATF AIDOP No 4 Unit Trust



CONSULTANTS

Architect	Bates Smart
Planning	Urbis
Landscape	Arcadia
Traffic	Traffix

PROJECT NUMBER

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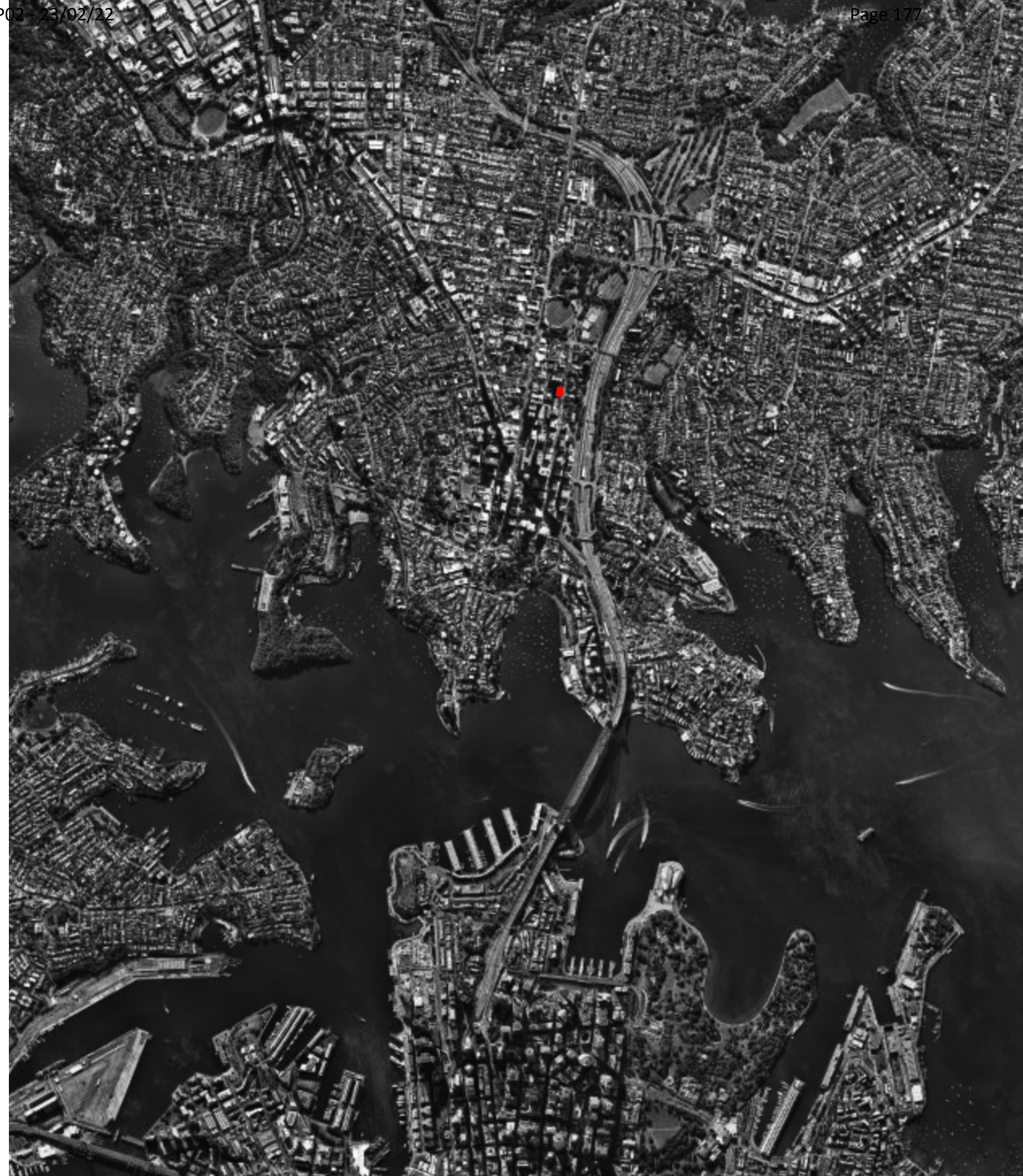
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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

OVERVIEW

This design report has been prepared by Bates Smart on behalf of Podia and forms part of the planning proposal for the site at 45 McLaren Street, North Sydney.

This report outlines the planning and massing strategy for a new mixed-use building at the corner of Walker and McLaren Street in the fringe of the North Sydney CBD. It includes an introduction to the site and its context and a summary and analysis of the local strategic planning framework. The planning proposal provides a number of public benefits and is grounded in carefully curated place pillars. Design principles have been developed to ensure a well-considered and suitable design concept for the site.

Also summarised is the evolution of the design since the lodgement of the original planning proposal in October 2020. This report presents an account of the formal feedback provided by council staff and includes a detailed analysis of how the revised design addresses each of the specific issues raised, including consistency with relevant policy or strategic documents.

SUMMARY OF AMENDED PROPOSAL

The amended design maintains the original vision for a high quality, sustainable, mixed use development underpinned by a careful contextual response and commitment to delivering great housing.

Key elements of the proposal retained include:

- non-residential uses at lower levels, excluding the Walker Street frontage
- low-scale 'terrace' houses along Walker Street, reflecting the scale, heritage datum and use of the heritage properties to the south
- stepped massing to transition the scale between CBD and North Sydney periphery
- generous landscape terraces to the podium and tower
- stepped form to allow retention of solar access to the Ward Street Plaza's Central Square from 9am at any time of the year.

SUMMARY OF DESIGN CHANGES

A detailed account of the design changes to address Council's feedback is included in Section 9.0 of this report.

Addressing Council's feedback has resulted in a number of significant changes, including:

- reduction in overall maximum building height from RL118.7 to RL113.8
- the stepped form of 12-16 storeys (stepping south to north) adjusted to 10-14 storeys - reduction of 2 storeys
- reduction in FSR from 7.5:1 to 6.25:1
- increased building separation to the south boundary and Harnett Street
- simplified building form to provide orthogonal frontage to Walker Street, consistent with the prevailing streetwall
- introduction of a 3-storey podium with nil setback and 3m tower setback to McLaren Street in accordance with council feedback and the DCP provisions

CONCLUSION

The amended proposal provides a high quality design response that addresses the unique site constraints and broader objectives of the Ward Street Precinct Masterplan.

The design amendments addressing Council's feedback ensure that the development affords excellent amenity within the public domain, for adjoining properties, and for future residents.

The amended proposal revitalises the site from an existing, outdated building in a state of despair, into a modern, well designed mixed-use development that provides significant community benefit through the provision of infrastructure contributions, affordable housing and increased permeability through the creation of an improved through site link. Further, the amended proposal provides ground floor activation and increased street surveillance, a variety of employment uses, together with a mixture of apartment types above podium level, all within 100 metres from major State Transport rail infrastructure.

Overall, the proposal is in keeping with the significant transformation occurring around the site and ensures that the renewal of this area occurs in step with the demands of a growing CBD.

VISION

Our vision is for a sustainable, mixed-use building that celebrates the site's location at the transition between North Sydney's dense and thriving CBD and North Sydney's Civic Precinct.

Our massing approach proposes a series of stepped and staggered landscaped terraces, which transition between the low-mid scale residences located south of the site, to the tall residential towers directly north of the site.

The design intends to complement and enhance the Ward Street Precinct through building articulation and amenity. Its stepped and staggered massing provides solar access to the Ward Street Plaza during the key daytime hours, and the residential apartments directly south of the site.

The podium design complements the site's lower-scale density, fine-grain heritage and leafy character along Walker Street, as well as the mixed-use character along McLaren Street.

Importantly, the the ground plane urban design provides much needed activation and positive place making initiatives that will activate McLaren, Walker and Harnett Streets as well as the through site link between Walker and Harnett Streets.

The proposal also further enhances the pedestrian permeability from Harnett Street through to Walker Street on the southern side of the building.



STRATEGIC MERIT

The Amended Planning Proposal's strategic merit is as follows.

1. Consistent with the **Greater Sydney Region Plan and North District Plan** which seeks to intensify housing and employment around significant transport infrastructure and in proximity to employment nodes, capitalising on the State government's investment – The site is located 100m from the new Victoria Cross Metro station and 600m from North Sydney Train Station.
2. Consistent with the **North Sydney Local Strategic Planning Statement** for locating residential development at the periphery of the North Sydney CBD. Residential density in this location will activate the CBD and supports the attainment of an 18-hour economy and a 30 minute city, as outlined within the **North District Plan**.
3. Assists Council in achieving the **housing targets** mandated by the **Greater Sydney Commission**. Council is required to demonstrate how it can achieve 3,000 – 3,500 dwellings for the period 2021/22 – 2025/26. Council's analysis currently shows 2,835 dwellings for this period.
4. Achieves an appropriate built form and scale that reflects the vision for **North Sydney** and the **Ward Street Precinct** which is expressed by local planning policy, precinct planning and the existing and emerging scale of development on adjacent and surrounding lands.
5. Rezoning the site to **B4 Mixed Use** is consistent with the zoning of all other land within the Ward Street Precinct, demonstrating consistency with the strategic intent for this Precinct, which is undergoing a period of transformation and urban renewal.
6. **Increases the development capability** of the site and **activates the north-eastern corner of the Precinct**, with 82 new dwellings and 2,091m² of commercial GFA. The site is strategically located 100m from the Victoria Metro Station and 600m from the North Sydney Train Station and in close walking distance to schools, open space and employment opportunities.

SITE SPECIFIC MERIT

Ward Street Precinct Masterplan and Council Resolution: The Ward Street Precinct Masterplan was endorsed by North Sydney Council on 24th June 2019. At the time of the endorsement council resolved that...

despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:

- I. *Minimise solar reductions upon new public domain as identified in the Masterplan.*
- II. *Minimise solar and privacy impacts upon existing residential development.*
- III. *Provide for a commercial component to any redevelopment.*
- IV. *Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.*

The Amended Planning Proposal has been prepared to address the the above key criteria, in addition to a number of recommendations provided by Council. Together, this advice has shaped and guided the urban design outcome for the site.

1. Height:

Utilising the building heights established within the Ward Street Precinct Masterplan, the approved development to the north and the existing heritage buildings and residential tower to the south, the built form provides for a transition from west to east and north to south. The proposed heights have been designed to have stepped transition, falling away to the south.

2. Density:

The built form has a modest FSR of 6.25:1, providing an appropriate mixed-use outcome within a fine grain built form, that sits comfortably within the existing and future context of the immediate locality.

3. Residential Amenity:

Solar Access: The building envelope has been designed to ensure that there is no additional overshadowing to the Ward Street Plaza's Central Square beyond 9am at any time of the year. Sculpting of the built form also retains solar access to the residential properties at 150 Walker Street.

Privacy: The site's triple frontage provides substantial separation distance between the site and those properties to the north and east. The south-western façade has been recessed to achieve compliant separation distances to the west. The apartments within the lower southern portion are setback 4.5m from the boundary and have been designed to orientate to the east & west, limiting any direct overlooking.

View Impact: The modest scale and stepped nature of the built form, retains view corridors through the south of the site. Any views from the north would likely be impacted by taller buildings further south of the site.

4. Heritage:

The inclusion of a 2-3 storey street wall height responds to the sties substantially varied topography and is consistent with the datum and the street setbacks of the heritage terraces to the south. Fine grain architectural design will be developed at the DA stage to ensure that the use of materials and finishes are complementary to these heritage items.

5. Landscape Terracing:

The stepping of the built form allows for cascading landscaping to form a green roof and substantial planter boxes to be

staggered across the building façade and within the site setbacks. Key corner locations will be designed with green walls, creating a living, breathing building façade.

6. Streetscape Activation:

Active frontages and passive surveillance are provided along all site frontages. McLaren Street & Harnett Street is activated by retail and recreational (indoor) uses with residential uses providing passive surveillance of Walker Street.

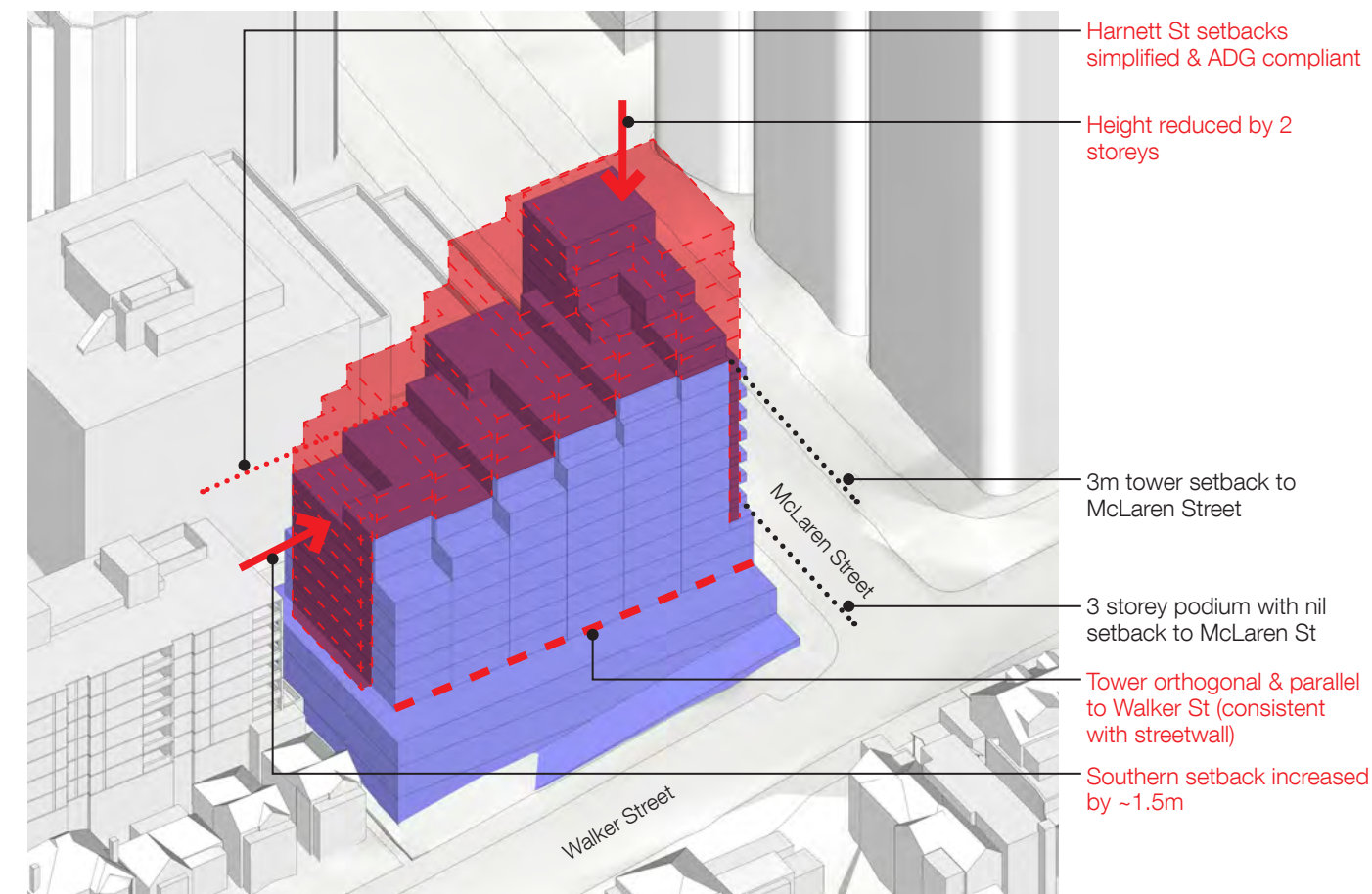
7. Public Domain Improvements:

Pedestrian connectivity will be enhanced through the expansion (from 1.5m to 3m) of the existing through-site link connecting Walker Street and Harnett Street, improving, and promoting pedestrianisation around the site and activating Ward Street Plaza. Public domain improvements also include pedestrian upgrades to the street frontages and upgrade of Harnett Street.

8. Affordable Housing:

The Planning Proposal contributes to the provision of affordable housing, with 5% of the residential uplift dedicated via a VPA.

DEVELOPMENT SUMMARY



	ORIGINAL PLANNING PROPOSAL	AMENDED PLANNING PROPOSAL
Total Floor Space		
Site Area	1,792sqm	1,792sqm
Residential GFA	11,083sqm	9,109sqm
Retail/Comm GFA	2,168sqm	2,091sqm
Total GFA	13,251sqm	11,200sqm
FSR	7.5:1	6.25:1
Maximum Height	RL 118.7 (54.8m)	RL 113.8 (48.7m)
Storeys	12 @ south boundary & 16 @ north boundary	10 @ south boundary & 14 @ north boundary
Residential Mix		
One Bedroom	17	25
Two Bedroom	65	38
Three Bedroom	18	17
Penthouses/Four Bedroom	-	2
Total Dwellings	100	82
Parking		
Car Spaces	169	70-80
Motorcycle Spaces	-	7-8

DEVELOPMENT SUMMARY



ORIGINAL PLANNING PROPOSAL



AMENDED PLANNING PROPOSAL



1.0 INTRODUCTION

SITE & CONTEXT

SITE

The site is located on the corner of Walker Street and McLaren Street in North Sydney, the transition point between North Sydney CBD, the Ward Street Masterplan and the North Sydney Civic Precinct. The site has frontages to Walker, McLaren, and Harnett streets, with a pedestrian through-site link to the south of the site, that connects Walker and Harnett streets

It is 100m from the Victoria Cross Metro north entry, less than 400m from the Victoria Cross Metro south entry, and is directly opposite the recently D.A. approved residential tower, 168 Walker Street.

The site is located within the 'North Sydney Centre', a major commercial centre, as defined by the North Sydney LEP 2013. The site is also located within the Ward Street Precinct, which forms a vital part of the North Sydney Central Business District (CBD) and is anticipated by Council to undergo significant transformation.

The site is well connected to Central Sydney via the existing North Sydney Train station, and buses primarily servicing inter-regional journeys.

Contained on the site is an outdated 1960s building that offers no obvious public benefit.



CONTEXT

The Site is located within North Sydney Centre, approximately three (3) kilometres to the north of the Sydney CBD. It is recognised as an important commercial office precinct and is Sydney's third largest commercial floor space market with a growing mixed use and residential periphery.

North Sydney is identified as part of the Harbour CBD which is a Strategic Centre within the Greater Sydney Regional Plan, A Metropolis of Three Cities. North Sydney also forms part of the Eastern Economic Corridor, from Macquarie Park to Sydney Airport, which provides for one third of Greater Sydney jobs.

The Site is well serviced by public transport via North Sydney Train station, and a number of buses that primarily service inter-regional journeys towards the Northern Beaches, Chatswood and Lane Cove, and toward Central Sydney and Botany.

Once completed, the future Victoria Cross Metro station will have its northern access located at the intersection of McLaren Street and Miller Street approximately 50-60m metres west of the Site. The Sydney Metro will improve connectivity from Rouse Hill through Macquarie Park and Chatswood (to the site at North Sydney) under Sydney Harbour through new CBD stations and south west to Bankstown and beyond to the planned Western Sydney Airport.



BACKGROUND & PREVIOUS PLANNING PROPOSAL

ORIGINAL PLANNING PROPOSAL

After 3 years of ongoing liaison with Council, on 22 October 2020, Urbis on behalf of 45 McLaren Pty Ltd (the Proponent) lodged a Planning Proposal to North Sydney Council. The Planning Proposal sought to amend the North Sydney LEP 2012 by way of the following:

- Amend the maximum height of buildings standard to 61m;
- Introduce a maximum floor space ratio standard of 7.5:1; and
- Include an additional clause in Schedule 1 Additional Permitted Uses to include commercial premises and recreational facilities (indoor) as development that is permitted with consent.

Council's preliminary assessment of the Planning Proposal concluded that they were unable to support the Planning Proposal, until the following recommendations had been resolved and / or considered:

- That the site be rezoned from R4 High Density Residential to B4 Mixed Use;
- That the entirety of the podium level contain non-residential uses;
- That a minimum non-residential floorspace ratio control be incorporated;
- That the concept proposal be revised to ensure that there is no nett additional overshadowing of the future public squares at any time of the day year-round;

- That a more appropriate height (8-13 storeys) be provided to enable a suitable transition north to south and east to west;
- That the southern and western boundaries comply with ADG;
- That the whole-of-building setback to McLaren Street be increased;
- That the tower setback to Walker Street be regularised to align parallel with Walker Street; and
- That the Public Benefit offer be revised.

AMENDED PLANNING PROPOSAL

This Planning Proposal and the urban design and built form outcome have been amended since lodgement of the Original Planning Proposal in October 2020.

Responding to Council's ongoing advice, the key features of this amended Planning Proposal include:

- Delivery of a mixed-use development outcome, with non-residential uses at the podium level, excluding the 'terrace' houses fronting Walker Street;
- A reduction in building height from 12-16 storeys to 10-14 storeys, improving the transition and scale between the southern residential building and the tower to the north;
- A reduction in FSR of 7.5:1 to 6.25:1;
- No overshadowing to the Ward Street Plaza's Central Square after 9am at any time of the year.
- Increased building separation to the south resulting in improved amenity for the residents and greater spatial separation and visual sight lines from Harnett Street through to Walker Street;
- Increased setbacks along with south-western façade, improving separation distances to 41 McLaren Street;
- Provision of a 3-storey podium with nil setback and 3m tower setback to McLaren Street in accordance with council feedback and the DCP provisions

- Regularisation of the setback to Walker Street, consistent with the prevailing Walker Street wall alignment;
- The delivery of an exemplary ecologically sustainable mixed use building by delivering 5 Green Star and a WELL v2 Silver Rating;
- Retention of the generous landscape terraces and fine grain, articulated nature of the built form; and
- Public domain improvements and a new through-site link, tying in this key corner site with the transformation of the Ward Street Precinct, fulfilling Council's vision to activate the Precinct and create a safe, comfortable and legible pedestrian network.

The intended development outcome will be achieved by amending the North Sydney LEP 2012 by way of the following:

- Rezoning the site from R4 High Density Residential to B4 Mixed Use;
- Introducing a maximum floor space ratio of 6.25:1;
- Introducing a minimum non-residential floor space ratio of 1:1; and
- Insert an additional subclause under Clause 6.12A Residential flat buildings in Zone B4 Mixed Use, to permit residential flat buildings at the ground floor level of Walker Street.

PLANNING HISTORY OF THE SITE

2017

The following is an overview of the four-year planning process for the site, which began with owner-initiated discussion in 2017, when the Ward Street Precinct Masterplan (WSPMP) was being prepared.

ENGAGEMENT WITH COUNCIL (MAR 2017 – APR 2019)

Engagement with North Sydney Council as part of the WSPMP, with multiple submissions prepared demonstrating that a 25 storey would cast no additional overshadowing to the Ward Street Plaza between 10:30am – 2:00pm mid-winter.

This was consistent with Council's policy position for solar retention, at that time.

COUNCIL'S RESOLUTION OF THE WSPM (JUN 2019)

On 24 June 2019, North Sydney Council resolved to adopt Option 2 of the Ward Street Precinct Masterplan, stating that:

“despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:

1. *minimise solar reductions upon new public domain as identified in the Masterplan.*
2. *minimise solar and privacy impacts upon existing residential development.*
3. *provide for a commercial component to any redevelopment.*
4. *identify significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.”*

INFORMAL PRE-LODGEMENT MEETING (MAR 2020)

An informal pre-lodgement meeting was held to discuss the planning proposal.

High level support was provided at the meeting, but Council emphasised the need to “minimise solar reductions” to the new Plaza.

PRE-LODGEMENT MEETING (AUG 2020)

On 10 August 2020, a formal pre-lodgement meeting was held with North Sydney Council.

Concern was raised over the proposed shared commercial and residential floorplate and the **tower setback** in relation to the residential flat building at the rear of 150 Walker Street.

Council stated that there was a “strong preference for no additional overshadowing of the proposed open space identified in the Ward Street Precinct Masterplan year-round.” advised for **no additional overshadowing** on the proposed open space identified in the Ward Street Precinct Masterplan year-round.

PLANNING HISTORY OF THE SITE

2021 →

PLANNING PROPOSAL LODGED (OCT 2020)

On 22 October 2020, Urbis on behalf of 45 McLaren Pty Ltd lodged a Planning Proposal with North Sydney Council seeking to amend the North Sydney LEP 2012 to:

- Amend the maximum height of buildings standard to 61m;
- Introduce a maximum floor space ratio standard of 7.5:1; and
- Amend Schedule 1 Additional Permitted Uses to include commercial premises and recreational facilities (indoor) as development that is permitted with consent.

POST-LODGE MENT MEETING (NOV 2020)

On 24 November 2020, a post-lodgement meeting was held with North Sydney Council, who gave the following recommendations:

That the site be **rezoned** from R4 High Density Residential to B4 Mixed Use;

- That the entirety of the podium level contain non-residential uses;
- That a minimum **non-residential floorspace ratio control** be incorporated;
- That the concept proposal be revised to ensure that there is **no nett additional overshadowing** of the future public squares at any time of the day year-round;
- That a more appropriate height be provided to enable a suitable transition north to south and east to west;
- That the whole-of-building setback to McLaren Street be increased; and
- That the tower setback to Walker Street be regularised to align parallel with Walker Street.

SCHEME REDUCED (FEB 2021)

On 24 February 2021, Podia reduced the design scheme in response to Council's recommendations. The new scheme comprised the following changes:

- Rezoning the site from R4 to B4;
- Include a notation within Schedule 1 to permit residential land uses along Walker Street;
- Reducing the height by 2 storeys from RL 118.7 to RL 113.8;
- Reducing overall FSR from 7.5:1 to 7:1;
- **No nett increase in overshadowing during the average winter and only very minor overshadowing to the Central Square;**
- Simplifying the Walker Street tower form envelope; and
- Amended parking and basement layout.

POST-LODGE MENT ADVICE ISSUED (MAR 2021)

On 5 March 2021, North Sydney Council issued post-lodgement advice to the Proponent, which included the following:

- **ensure any increase in additional overshadowing to the future northern square is minimised to the greatest extent possible;**
- Clauses 4.4A and 6.12A be amended to permit residential uses at the ground floor on the site;
- The upper level setback to the southern boundary be increased from 3m to a minimum of 4.5m;
- A minimum 3m setback above a 3 storey street podium;
- The proposed incorporation of an FSR for the site be revised; and
- A minimum non-residential floor space ratio in the order of 1.2:1.

AMENDED PLANNING PROPOSAL (JUN 2021)

Feedback on the Amended Planning Proposal as submitted in June 2021 included the following:

- ensure no overshadowing to the Central Square of the future Ward Street Plaza from 9am at any time of the year
- introduce a 3-storey podium with nil setback and 3m tower setback to McLaren Street in accordance with the DCP provisions



2.0 SITE ANALYSIS



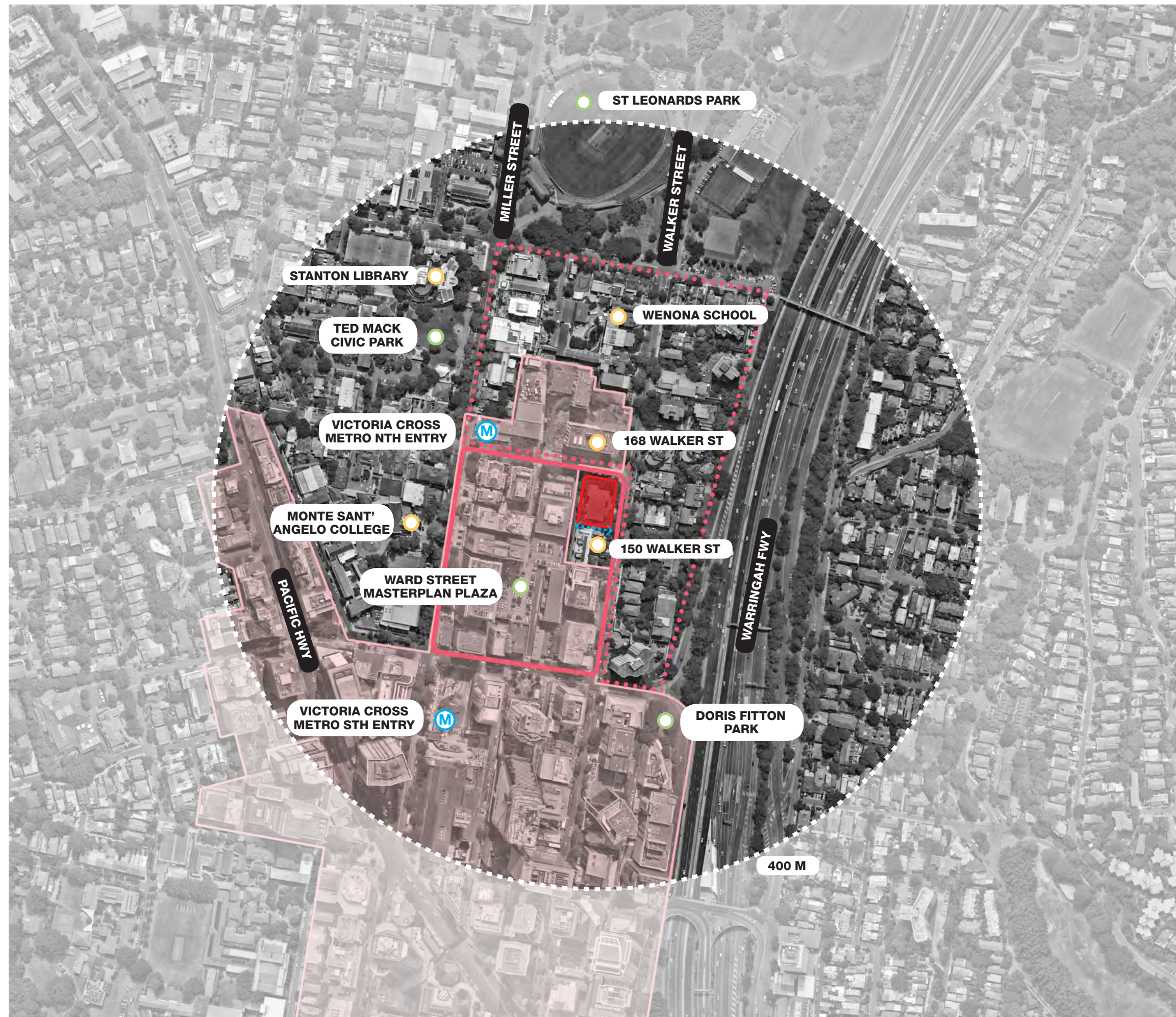
SITE

The site is located on the corner of Walker Street and McLaren Street in North Sydney, the transition point between North Sydney CBD, the Ward Street Masterplan and the North Sydney Civic Precinct. The site has frontages to Walker, McLaren, and Harnett streets, with a pedestrian through-site link to the south of the site, that connects Walker and Harnett streets.

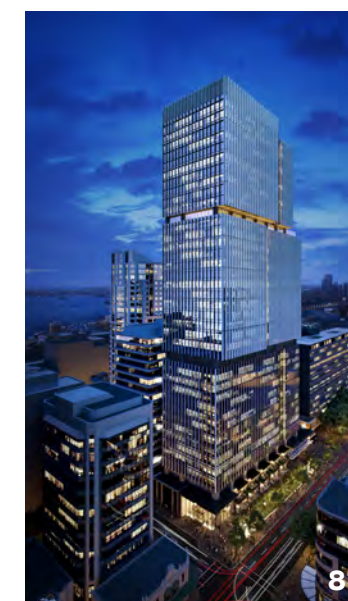
It is 100m from the Victoria Cross Metro north entry, less than 400m from the Victoria Cross Metro south entry, and is directly opposite the recently D.A. approved residential tower, 168 Walker Street.

KEY

- site
- north sydney centre
- ward street masterplan
- civic precinct transition zone
- through-site link



SITE

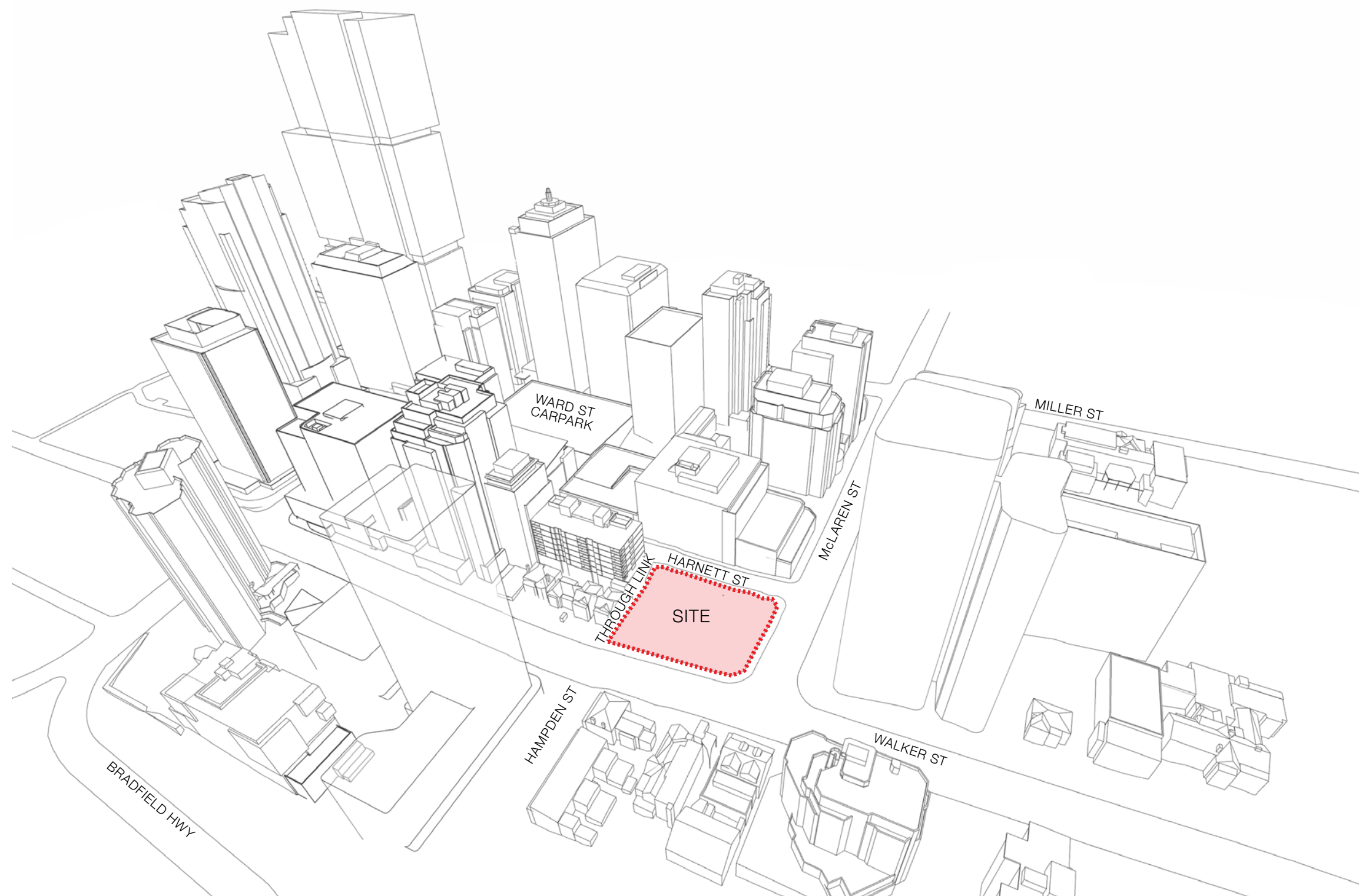


KEY

1. Walker Street looking north
2. 45 McLaren Street eastern frontage and steep topography
3. Southern through-site link between 45 McLaren Street and 150 Walker Street
4. 150 Walker Street heritage buildings
5. Heritage facade of 150 Walker Street along the through-site link
6. Through-site link from Harnett Street
7. 168 Walker Street approved D.A.
8. Victoria Cross Metro OSD approved D.A.
9. Corner of McLaren Street and Walker Street
10. View of Harnett Street looking south
11. Victoria Cross Metro Northern Entry, corner of McLaren Street and Miller Street

SITE LOCATION

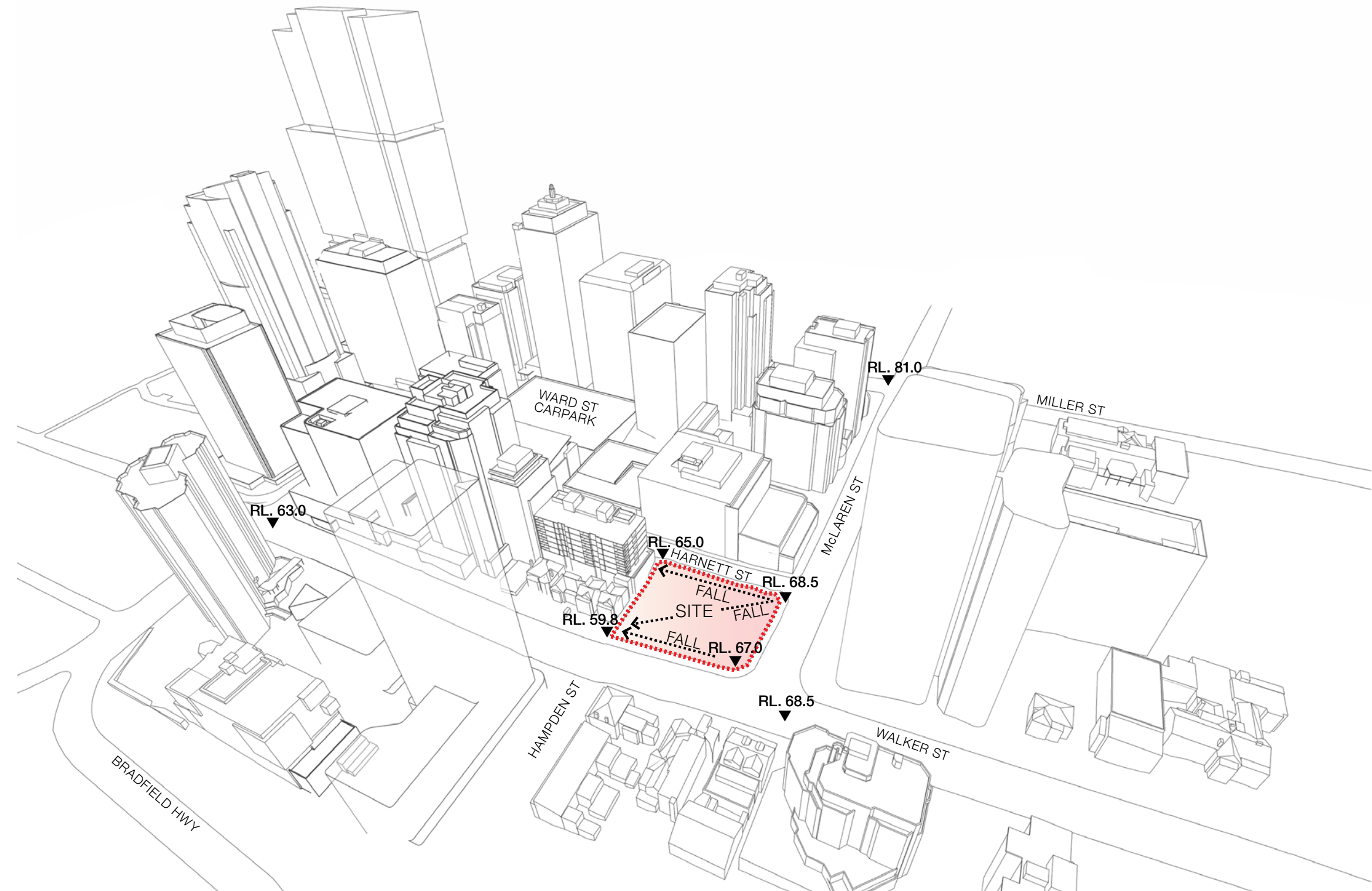
The site is located on the corner of Walker Street and McLaren Street in North Sydney, the transition point between North Sydney CBD, the Ward Street Masterplan and the North Sydney Civic Precinct. The site has frontages to Walker, McLaren, and Harnett streets, with a pedestrian through-site link to the south of the site, that connects Walker and Harnett streets.



SITE TOPOGRAPHY

The site has a 9m fall towards the southeast, from a high point on McLaren Street in the northwest of RL68.5, to a low point on southeast frontage of Walker Street of RL59.8.

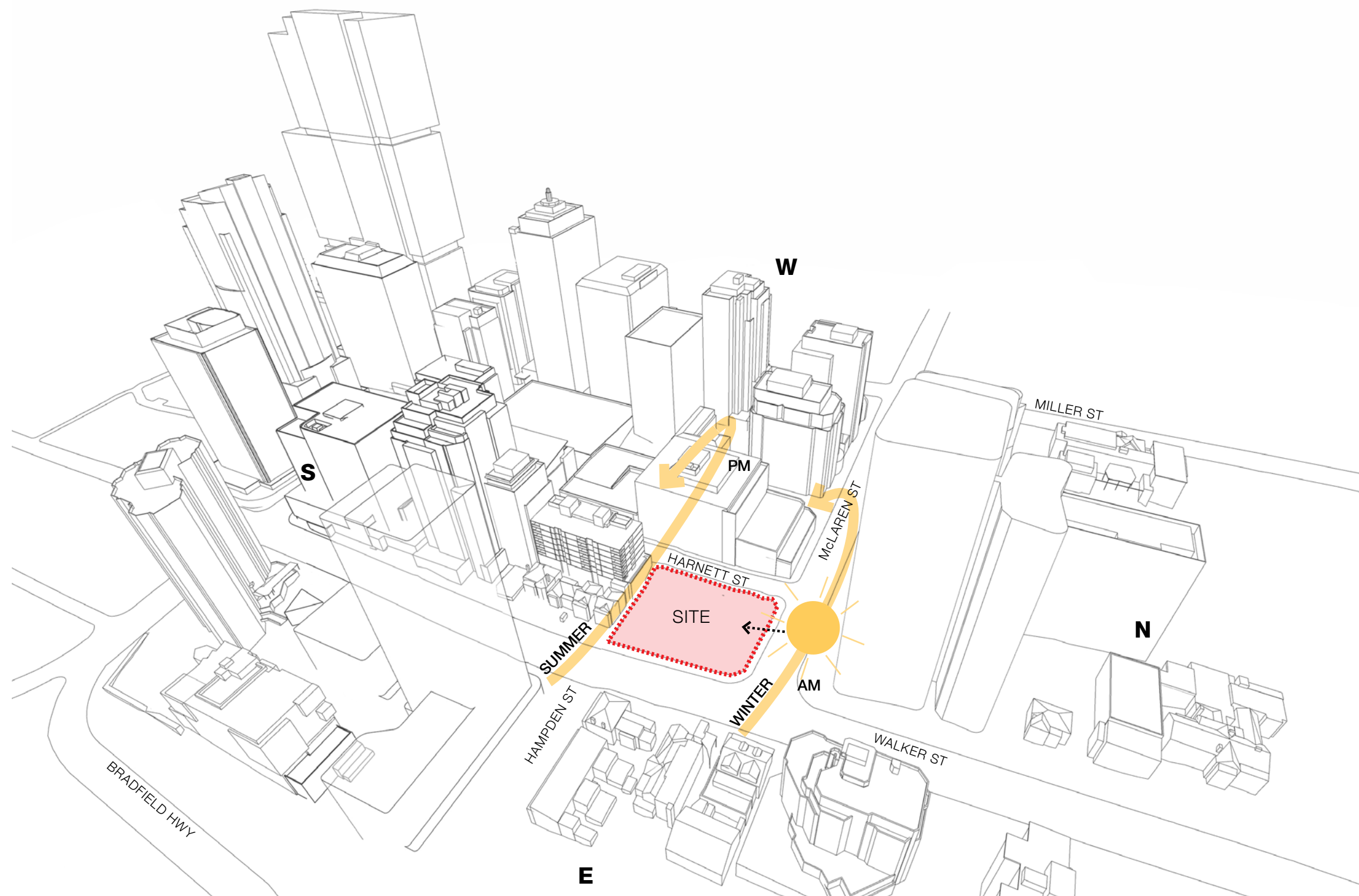
Along the frontage of Walker street, the site has a 7m fall towards the south, whilst the frontage along Harnett Street has a 3.5m fall towards the south.



SITE SOLAR

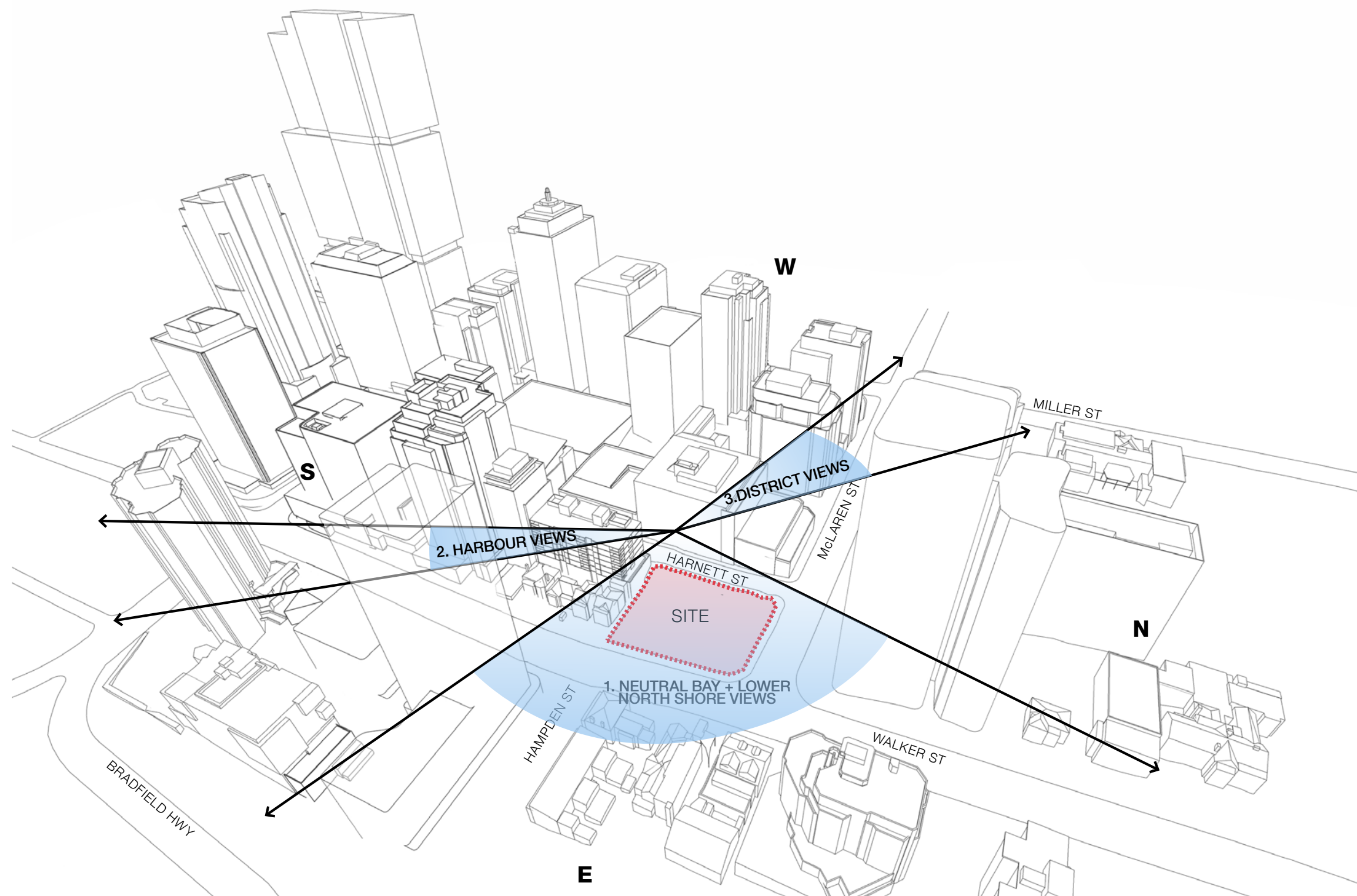
The site is predominantly east-west facing. To the south and east of the site are two-storey heritage buildings. These low-scale volumes provide opportunity for solar access into the site.

Solar access is limited to the north and west of the site, which is prohibited by a mid-rise tower on the west, and a DA approved tall tower to the north.



SITE VIEWS

To the east and north-east of the site are views to the lower North Shore and Neutral Bay areas. To the southwest are views towards the Sydney Harbour. Views to the northwest have district views of the North Sydney Civic Precinct.

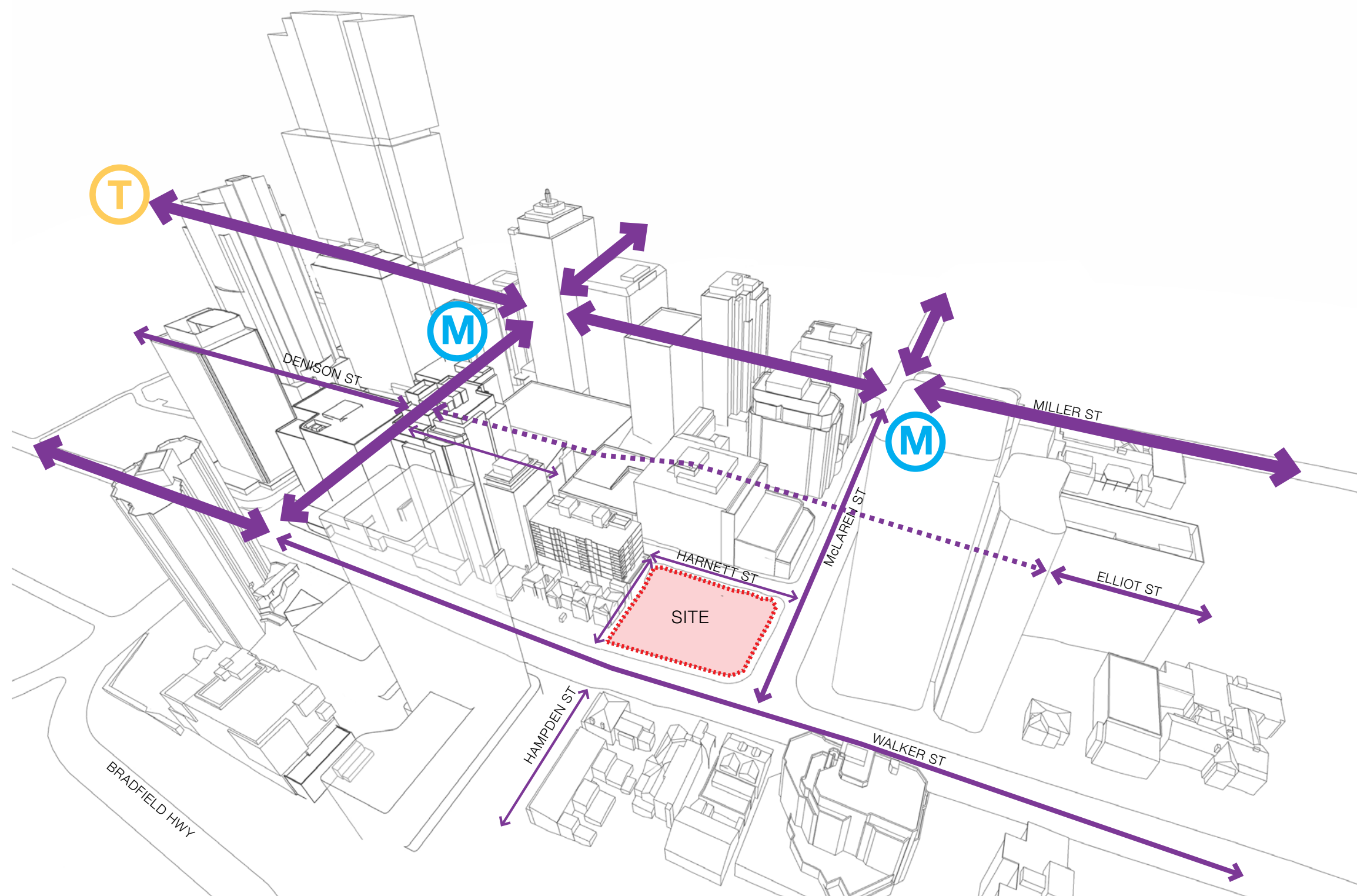


SITE PEDESTRIAN MOVEMENT

The predominant pedestrian movement in North Sydney is north-south along Miller Street. This is representative of the movements to & from the North Sydney Train Station, the Victoria Cross Metro and the buses that travel along Miller Street.

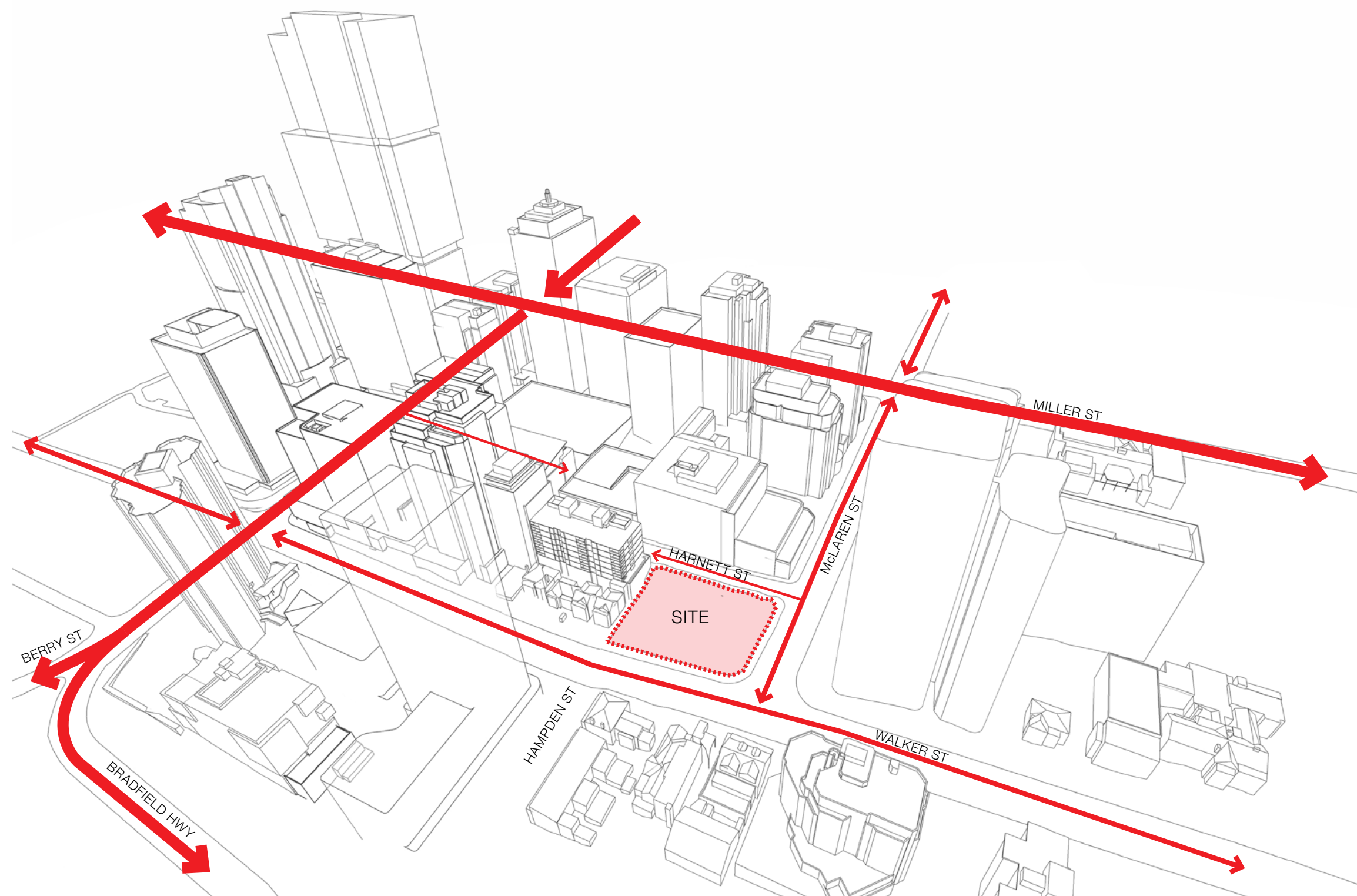
Parallel to this is a proposed through-site link as part of North Sydney's future vision, connecting Elliot and Denison Street to the Metro portals

The site is 100m from the northern access point of the Victoria Cross Metro located on the corner of McLaren and Miller streets, which is a 1minute walking distance. It is a 6minute walking distance, or 400m, from the southern access point of the Victoria Cross Metro.



SITE VEHICULAR MOVEMENT

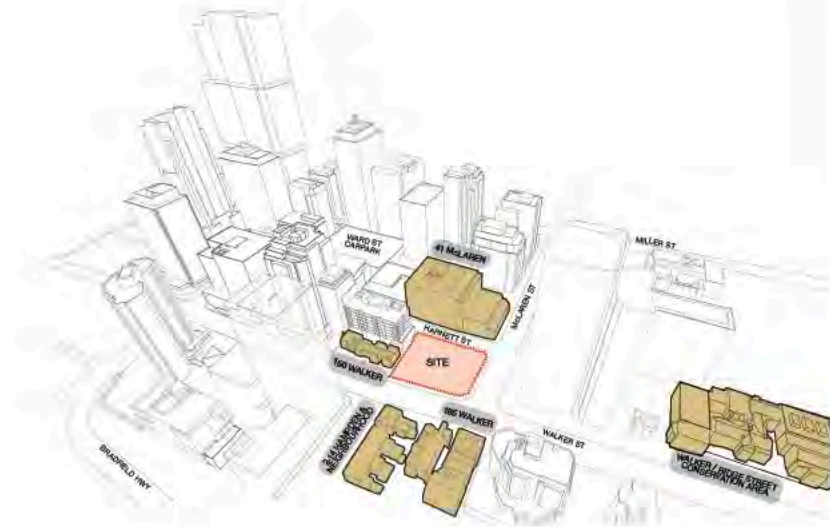
Miller Street is the primary north-south vehicular street through North Sydney that connects Blues Point Road in the south, to Crows Nest in the north. Berry Street heading east is the primary feeder route to access the M2 Freeway. Walker and McLaren streets feed off these two primary streets.



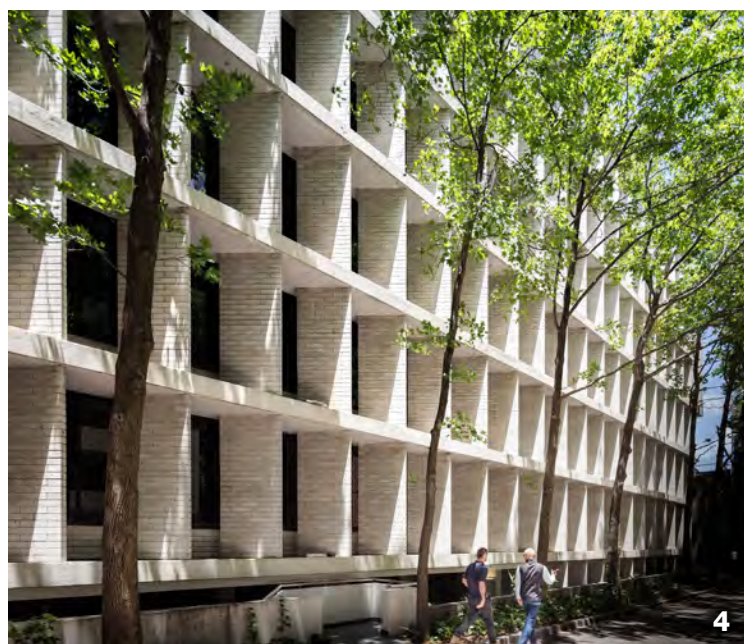
SITE HERITAGE

There are a number of locally-listed heritage buildings surrounding the site. To the south is 150 Walker Street, consisting of elevated 2-storey individual terraces with outdoor balconies to both levels, and direct street access with generous landscaping. Similarly, east of the site are elevated 2-storey terraces with shared walls, balconies to both levels, and stair access directly from Hampden Street. 185 Walker street, which is to the north-east of the site, consists of individual heritage buildings with a 2-3 storey scale. To the west is 41 McLaren Street, a commercial building by Harry Seidler, with rooftop terraces that step down towards McLaren Street.

Further north of the site is the locally-listed Walker / Ridge street conservation area and the state-listed St Leonards Park.



SITE HERITAGE



- KEY**
- 1. 150 Walker street terraces
 - 2. 2-4 Hampden street
 - 3. 6-14 Hampden street
 - 4. 41 McLaren street
 - 5. 185 Walker street
 - 6. 185 Walker street
 - 7. Walker / Ridge st conservation area / 207 Walker street
 - 8. Walker / Ridge st conservation area / Wenona School
 - 9. Walker / Ridge st conservation area / 85 Ridge street

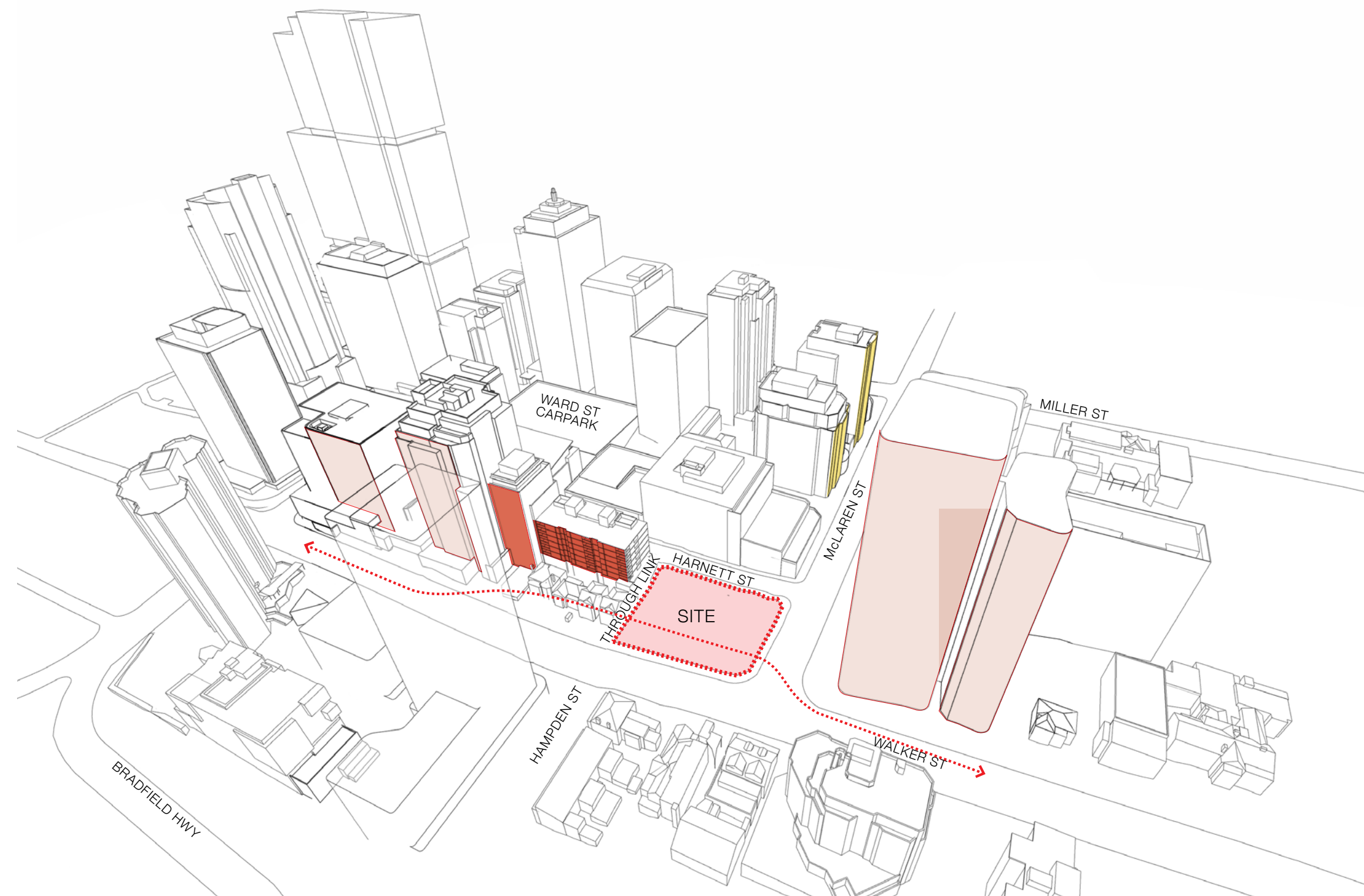
SITE TOWER SETBACKS

There is a consistent tower street alignment running close to the site boundaries along McLaren Street.

Walker Street on the other hand, consists of varied street setbacks ranging from 5m to 20m.

45 McLaren Street is a site that transitions between the setbacks of 150 Walker Street and 168 Walker Street.

McLaren Street does not exhibit a consistent building alignment, however the two towers along McLaren Street (237 Miller Street and 39 McLaren Street) exhibit minimal street setbacks and a 'tower to ground' language.

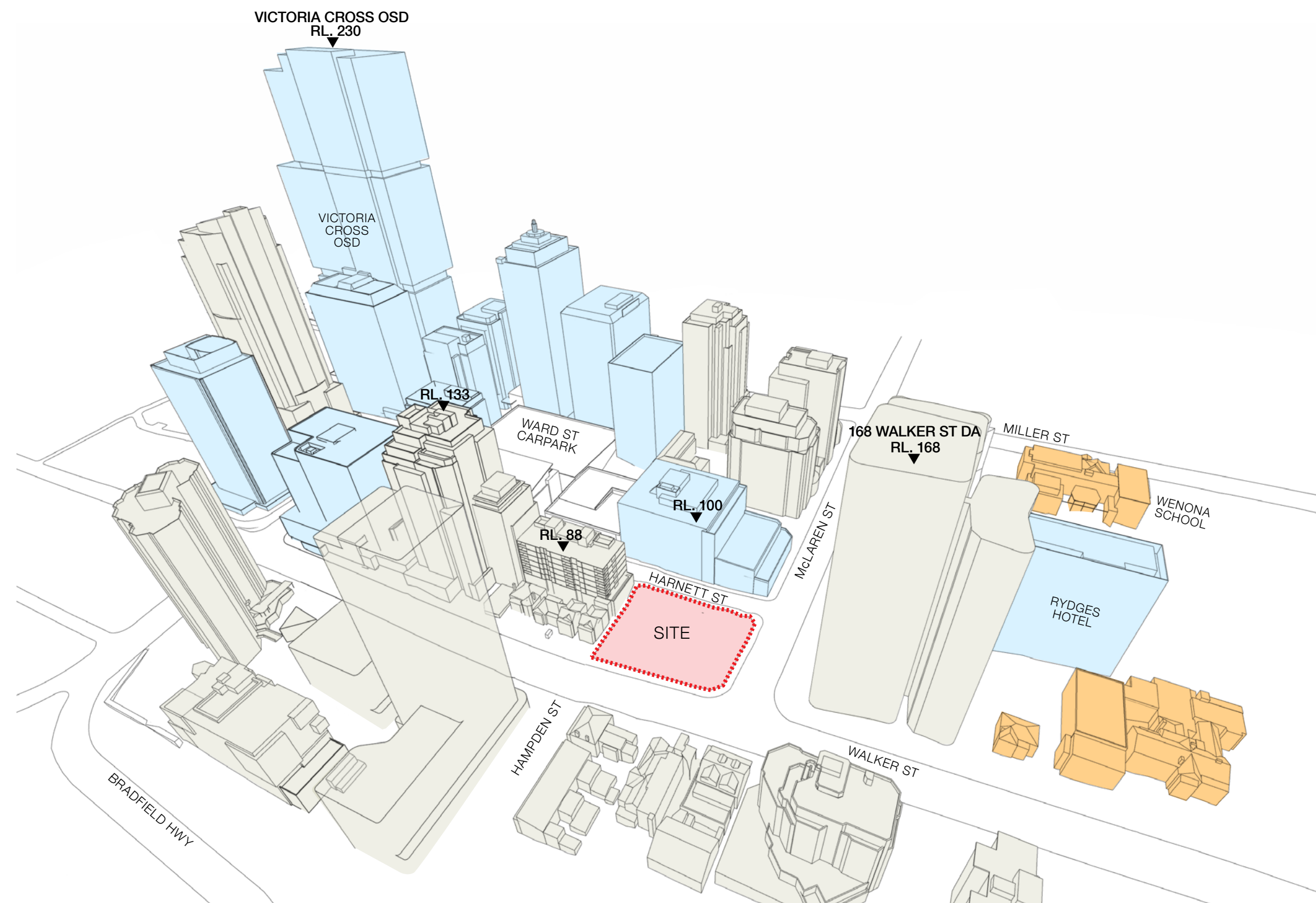


KEY

- 0m setback
- 5m setback
- 15m setback
- 20m setback

SITE CURRENT CONTEXT/ BUILDING USE

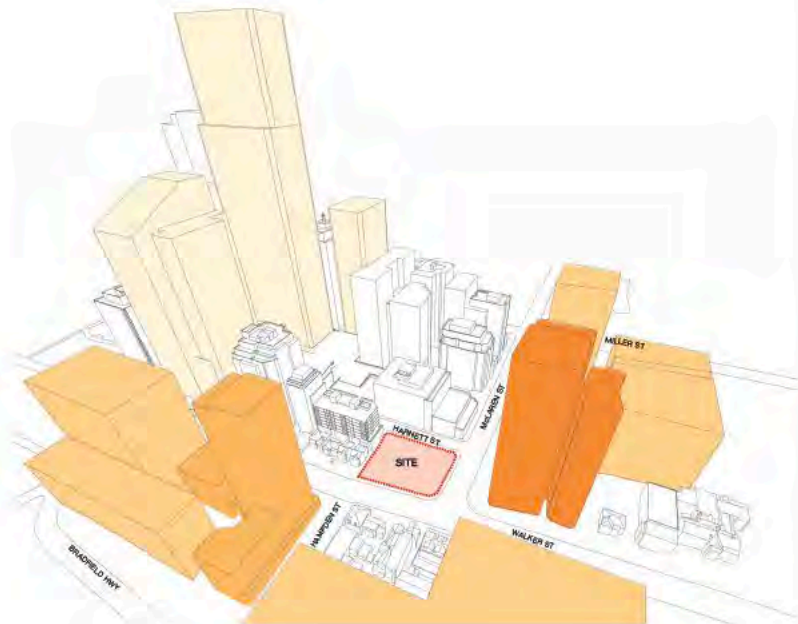
North Sydney CBD, located south-west of the site has a current context of commercial buildings of varied heights. The building heights and usage transition between commercial and residential as it tapers away from the Commercial Core, where in close proximity to the site are a cluster of low to mid-rise residential uses. However, north of the site is a recently approved residential tower at RL168. Further north of this is Wenona School, which consists of a cluster of low to mid-rise buildings.



- KEY**
- commercial / retail
 - residential
 - educational

SITE FUTURE CONTEXT

North Sydney is seeking to undertake significant uplift, with a future cluster of high-rise towers developing around the Victoria Cross OSD, known as the Ward Street Masterplan, and along the fringe of North Sydney CBD, known as the Civic Precinct Study. There is also a recently approved residential tower north of the site, known as 168 Walker Street, and a post gateway planning proposal southeast of the site, known as 173-179 Walker Street and 11-17 Hampden Street.



KEY

- ward street masterplan
- civic precinct study
- planning proposal - post gateway
- approved DA

SITE FUTURE CONTEXT UPLIFT

A. 45 McLaren Street
 Site Area = 1,792m²
 Distance to Metro = ~100m
 No increase to GFA allowed
 No increase to Height allowed

B. 41 McLaren Street
 Site Area = 2,359m²
 Distance to Metro = ~75m
 No increase to GFA allowed
 No increase to Height allowed

C. 168 Walker Street
 Site Area = 4,898m²
 Distance to Metro = ~100m
 Proposed GFA = 52,454m²
 Proposed Height = RL167.5 (30 Storeys)

D. 229 Miller Street
 Site Area = 1,089m²
 Distance to Metro = ~120m
 GFA = 8,593m²
 Height = RL136.92 (19 Storeys)

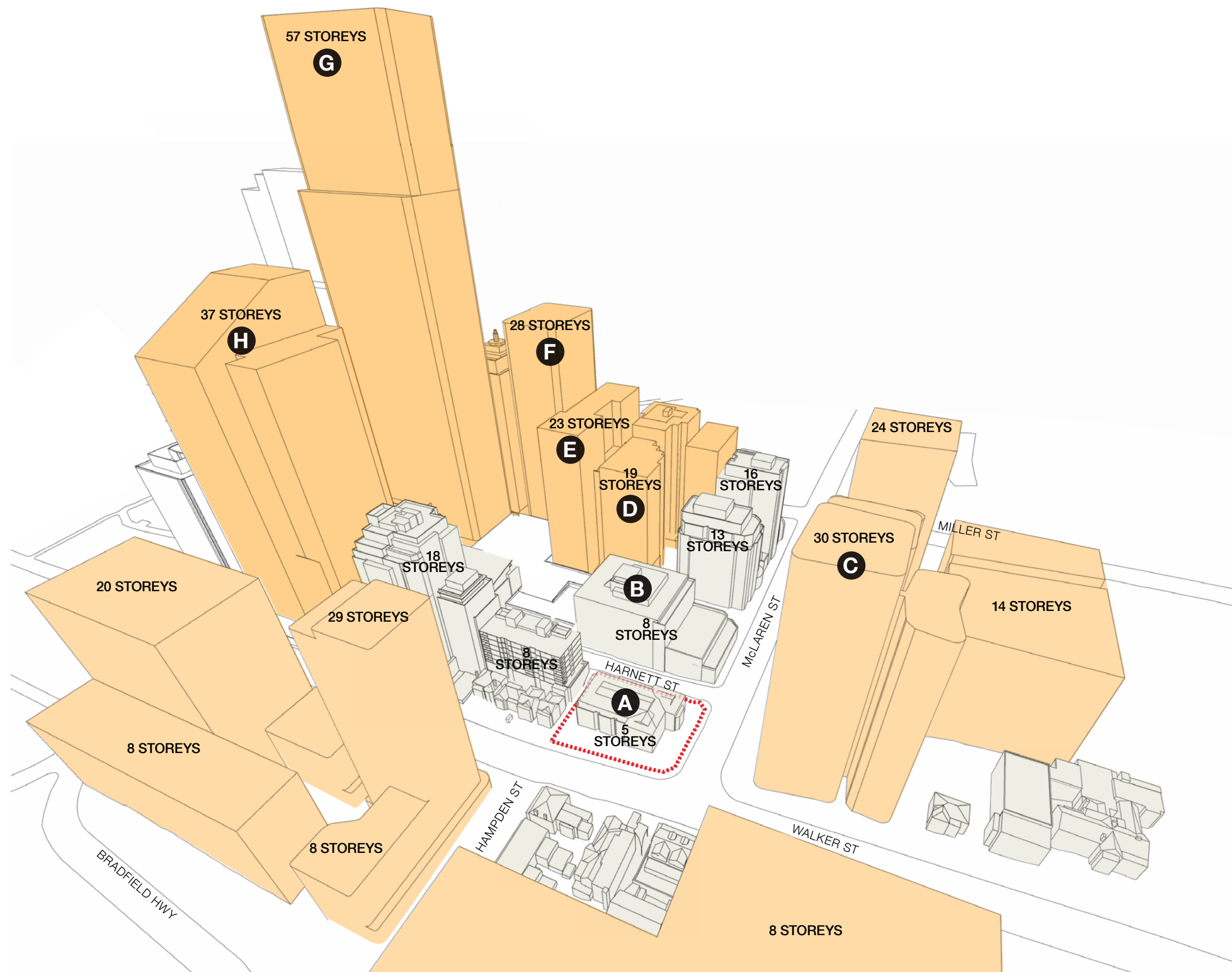
E. 221 Miller Street
 Site Area = 2,457m²
 Distance to Metro = ~120m
 GFA = 19,628m²
 Height = RL146.7 (23 Storeys)

F. 213 Miller Street
 Site Area = 1,600m²
 Distance to Metro = ~150m
 Potential GFA = 23,400m²
 Potential Height = RL180 (28 Storeys)

G. 201 Miller St & 56-66 Berry St
 Site Area = 4,315m²
 Distance to Metro = <100m
 Potential GFA = 96,000m²
 Potential Height = RL285 (57 Storeys)

H. 76 Berry Street
 Site Area = 3,553m²
 Distance to Metro = ~100m
 Potential GFA = 66,326m²
 Potential Height = RL209 (37 Storeys)

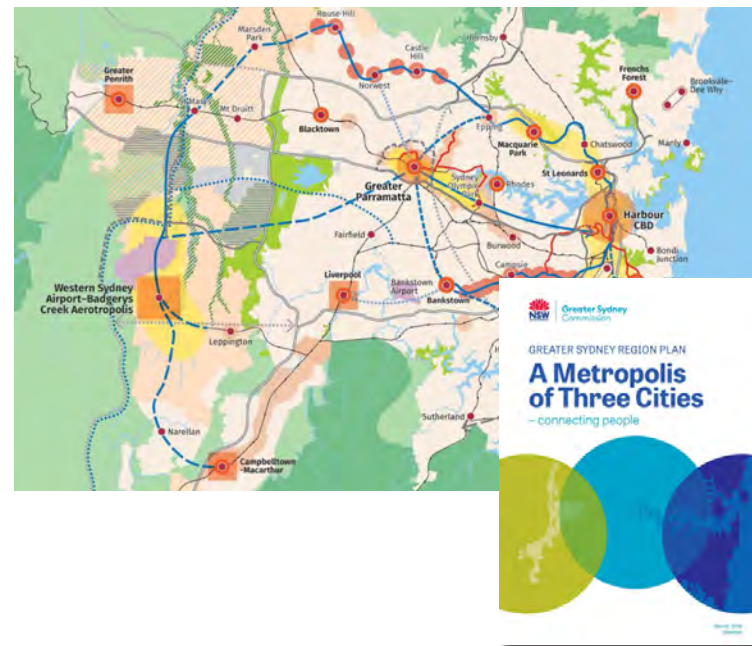
- KEY**
- allowed uplift in GFA and height (within ward st masterplan)
 - allowed uplift in GFA and height (within civic precinct study)
 - no change allowed





3.0 PLANNING ANALYSIS & STRATEGIC FRAMEWORK

STATE STRATEGIC PLANNING FRAMEWORK & LOCAL PLANNING STRATEGIES



GREATER SYDNEY REGION PLAN

GREATER SYDNEY REGION PLAN - A METROPOLIS OF THREE CITIES (GREATER SYDNEY COMMISSION, 2018)

The Greater Sydney Region Plan, released in March 2018, provides a 40-year vision of Sydney where people will live within 30 minutes of jobs, education and health facilities, services and great places. The vision seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities - the Western Parkland City, the Central River City and the Eastern Harbour City.

The Site is located in North Sydney in the Eastern Harbour City. Growth in the Eastern Harbour City will bring more urban renewal and infill development with an increased need for infrastructure and services, open spaces and public spaces.

The Site is also situated in the Harbour CBD, which is a combination of Sydney CBD, North Sydney CBD, Barangaroo, Darling Harbour, Pyrmont, The Bays Precinct, Camperdown-Ultho health and education precinct, Redfern to Eveleigh, part of Surry Hills and Sydney East.



NORTH DISTRICT PLAN

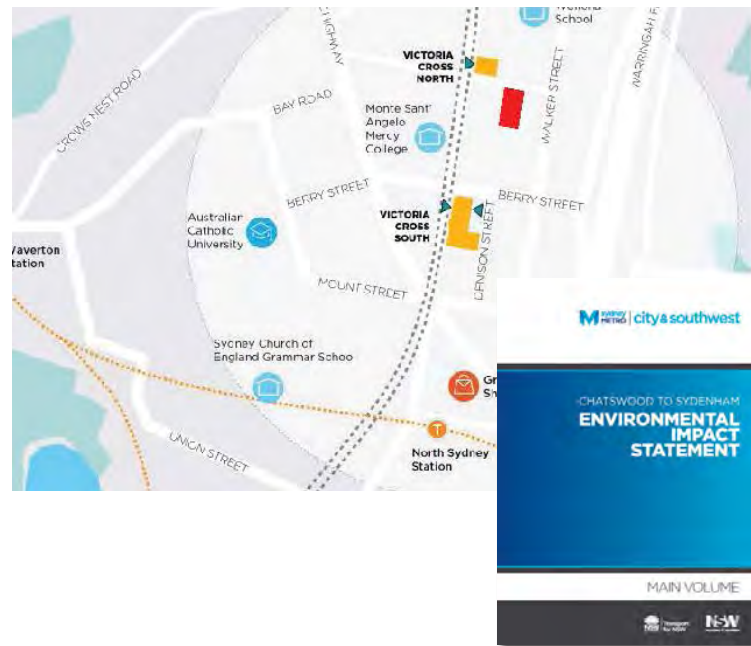
OUR GREATER SYDNEY 2056 NORTH DISTRICT PLAN (GREATER SYDNEY COMMISSION, 2018)

The North District Plan, released by the Greater Sydney Commission in March 2018, provides regional strategic planning for the North District. The vision is to provide 'quicker and easier access to a wider range of jobs, housing types and activities.'

The population in the North District is projected to increase by an additional 196,350 people and an additional 92,000 houses over the next 20 years.

Key priorities relevant to the Site are:

- Delivering housing within a walkable distance of strategic centres, but not at the expense of ongoing operation and expansion of commercial and retail activities
- Strengthening the commercial core of North Sydney while providing great places that meet the needs of a culturally rich and diverse resident population
- Improve transport connectivity to North Sydney to bolster growth



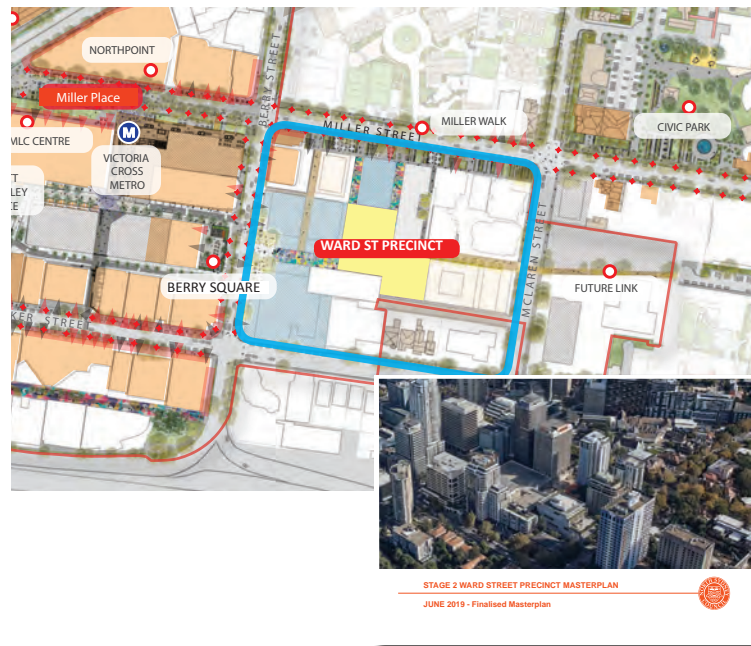
SYDNEY METRO

VICTORIA CROSS METRO ANALYSIS ENTRY POINTS (ARCHITECTUS)

Sydney Metro is Australia's biggest public transport project. The next stages of the Project will extend metro train services from Sydney's Northwest, through Chatswood and North Sydney (Victoria Cross), under Sydney Harbour and the Sydney CBD, to Waterloo in Sydney's inner south, before connecting to Sydenham and onwards to Bankstown.

The Site will benefit from access to the Victoria Cross Metro Station via the pedestrian plaza opening to Miller, Denison and Berry Streets, and via the proposed northern services building on McLaren Street.

The EIS for Sydney Metro noted that new development near metro stations should be maximised.



WARD STREET PRECINCT MASTERPLAN

STAGE 2 WARD STREET PRECINCT MASTERPLAN (NORTH SYDNEY COUNCIL, 2019)

Finalised in June 2019, the Ward Street Precinct Masterplan looks to improve public domain and amenity within North Sydney CBD. The Master Plan proposes renewal of the Council-owned land including the Ward Street and Harnett Street carpark to become an appealing, vibrant precinct that significantly increases employment capacity, anticipated pedestrian activities and community facilities.

Key priorities relevant to the study area are:

- Integrate development with the metro
- Complete the pedestrian core
- Enhance the public space journey
- Establish a hub for public life
- Strengthen the commercial core



DRAFT NORTH SYDNEY LOCAL STRATEGIC PLANNING STATEMENT

URBAN FRAME - NORTH SYDNEY CBD PUBLIC DOMAIN STRATEGY (STAGE 1) (NORTH SYDNEY COUNCIL, 2019)

The Draft North Sydney Local Strategic Planning Statement, publicly exhibited in June 2019, sets out North Sydney Council's land use vision, planning priorities and actions over the next 20 years. The key objectives aim to provide for the future direction for housing, employment, transport, recreation, environment and infrastructure for the North Sydney Local Government Area.

Key priorities relevant to the study area are:

- Reinforce North Sydney CBD with a strong north-south pedestrian focus
- Transform Ward Street Precinct to improve the public domain and better the capacity, role, function and attractiveness of the Precinct
- Restrict residential development opportunities to the mixed-use periphery to preserve a critical mass of employment in the North Sydney Centre
- Preserve, maintain and celebrate North Sydney's history and heritage
- Strengthen the commercial core

EXISTING PLANNING CONTROLS

LAND ZONING

The site is zoned as High Density Residential (R4) under the North Sydney LEP 2013.

FLOOR SPACE RATIO

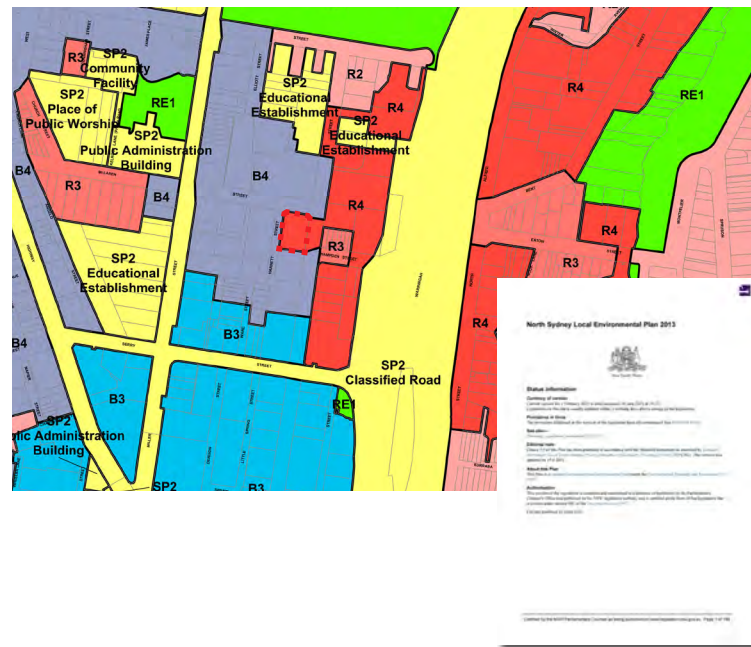
The site is not restricted by a maximum floor space ratio, based on the North Sydney LEP 2013.

HEIGHT OF BUILDINGS

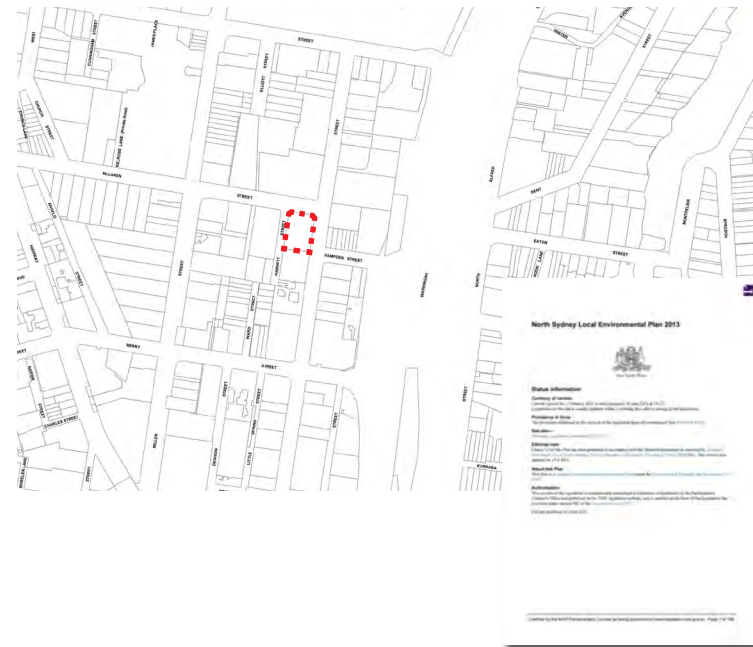
The maximum building height is 12m.

HERITAGE

No part of the site is listed in the North Sydney LEP 2013 as a Heritage Item. However the lots directly south, east and west of the site are local-heritage listed.



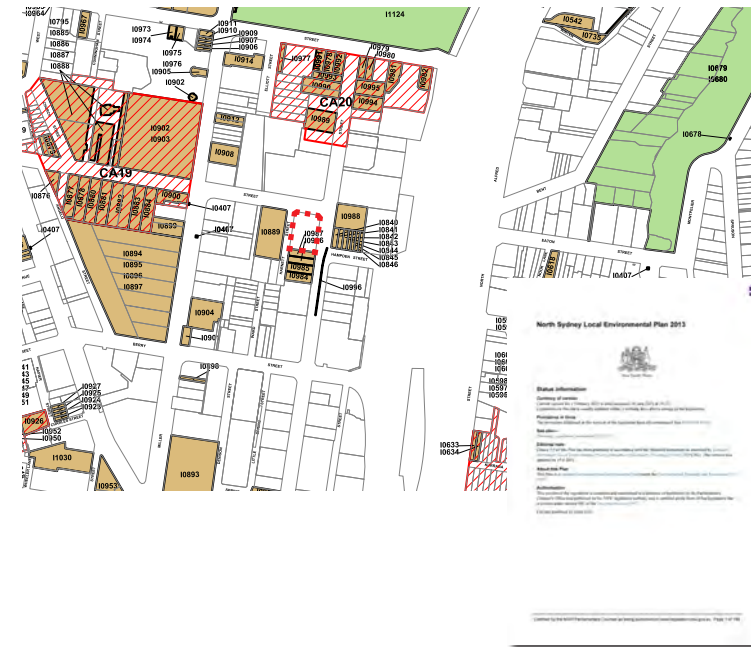
LAND ZONING
NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013



FLOOR SPACE RATIO
NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013



HEIGHT OF BUILDINGS
NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013



HERITAGE
NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

Zone			
B1	Neighbourhood Centre	R4	High Density Residential
B3	Commercial Core	RE1	Public Recreation
B4	Mixed Use	RE2	Private Recreation
E2	Environmental Conservation	SP1	Special Activities
E4	Environmental Living	SP2	Infrastructure
IN2	Light Industrial	UL	Unzoned Land
IN4	Working Waterfront		
R2	Low Density Residential	Cadastre	
R3	Medium Density Residential		Cadastre 07/06/13 © North Sydney Council

Maximum Floor Space Ratio (n:1)	
N	1
A	3.5
X	4.27
S	5.6
AA	6.6
AB	7
A	25.4

Maximum Building Height (m)		Maximum Building Height (RL m)	
A	1		
F	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
Q1	19.15	Y	50
Q2	20	Z	56
S	24	AF	180
			0 - 20
			21 - 40
			41 - 60
			61 - 80
			81 - 100
			101 - 120
			121 - 140
			141 - 160
			161 - 180
			181 - 200
			200 +

Heritage	
	Conservation Area - General
	Item - General
	Item - Landscape

RECENT DA'S & DEVELOPMENTS UNDER CONSTRUCTION



KEY PLAN

(Examples 1-5 all within ~100m to Site)



1. 50-52 MCLAREN STREET

15 storey aged care housing comprising:

- 24,350m² GFA

Status: Stage 1 DA approved in 2011, with demolition already commenced

The site is now part of the commercial site for Sydney Metro. Future built form is unknown



2. 168 WALKER STREET

30 storey mixed use development comprising:

- 441 apartments
- 361 car parking spaces
- 52,454m² GFA
- Max RL of 167.5

Status: DA approved in 2016



3. 227 MILLER STREET

29 storey mixed use development comprising:

- 79 apartments & 19 serviced apartments
- 90 car parking spaces
- Max RL of 142.9

Status: Completed in 2011

RECENT DA'S & DEVELOPMENTS UNDER CONSTRUCTION



4. 229 MILLER STREET

19 storey mixed use commercial and residential development comprising:

- 99 apartments
- 83 car parking spaces
- 580m² commercial floor space
- Ground floor retail supermarket

Status: Completed



5. 221 MILLER STREET

23 storey mixed use development comprising:

- 180 apartments & 105 services apartments
- 180 car parking spaces

Status: Completed



6. 189 MILLER STREET

42 storey over station development atop Victoria Cross Station comprising:

- 42 commercial office storeys
- 150 car parking spaces
- Max GFA of 60,000m²
- Max RL of 230.0

Status: Stage 1 DA approved in 2018, Stage 2 approved in 2020



7. 1 DENISON STREET

39 storey mixed use development comprising:

- 37 storeys commercial office space
- 2 storey lifestyle precinct
- 225 car parking spaces
- Max GFA of 60,000m²
- Max RL of 156.0

Status: Completed in 2020