



**NSLPP MEETING HELD ON 31/05/2023**

**Attachments:**

1. Planning Proposal
2. Reference Design
3. Urban Design report
4. Letter of Public Benefit Offer

**ADDRESS/WARD:** 52 McLaren Street, North Sydney

**PROPOSAL NO:** PP 6/21

**PROPOSAL:** To amend North Sydney Local Environmental Plan (NSLEP) 2013 as follows:

- amend the maximum building height from RL 110m to part RL 107m and part RL 156m (8 and 24 storeys respectively);
- apply a maximum Floor Space Ratio of 5.3:1; and
- amend the minimum non-residential FSR from 0.5:1 to 1:1.

The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver a childcare facility and a pedestrian through-site link.

**OWNER:** Sydney Metro Authority

**APPLICANT:** Sydney Metro Authority

**AUTHOR:** Neal McCarry, Acting Manager - Strategic Planning

**DATE OF REPORT:** 23 May 2023

**DATE LODGED:** 23 August 2021

**DATE AMENDED** 29 September 2022

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## EXECUTIVE SUMMARY

On 23 August 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at No. 52 McLaren Street in North Sydney. In response to issues raised in relation to building setbacks and heights, the Planning Proposal was amended and revised documentation was lodged on 29 September 2022.

The site is located within the area covered by Council endorsed *Civic Precinct Planning Study (CPPS)* in November 2020. The intent of the Planning Proposal is to facilitate the delivery of a part 8 storey and part 24 storey mixed-use development comprising of approximately 172 residential apartments on top of a 3-storey podium. The Applicant's Urban Design report includes residential Gross Floor Area (GFA) of 13,487m<sup>2</sup>, non-residential GFA of 3,000m<sup>2</sup> and a 900m<sup>2</sup> childcare facility (450m<sup>2</sup> internal space and 450m<sup>2</sup> external space) as well as 117 car parking spaces across three basement levels. The proposal constitutes a maximum Floor Space Ratio (FSR) of 5.3:1 and requires a minimum non-residential FSR of 1:1.

The Planning Proposal is accompanied by a letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver public benefits which would include a childcare facility to be dedicated to Council and a publicly accessible pedestrian through-site link between McLaren and Elliot Streets.

Having completed an assessment of the Planning Proposal against the Civic Precinct Planning Study (CPPS) and relevant Regional and District Plans, this assessment report concludes that the Planning Proposal has adequately justified the following aspects of strategic and site-specific merit:

- The Planning Proposal will facilitate a mixed-use development directly adjacent to the new Victoria Cross Metro Station (North Portal) consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcomes for this precinct in terms of integrating density, land use and transport opportunities.
- The Planning Proposal will facilitate dedication of a purpose-built childcare facility to Council, free of cost, providing an opportunity for a potential relocation of the existing 'Kelly's Place' childcare from Crows Nest, which would facilitate the intended redevelopment of Hume Street Park and provision of much needed public open space in that growth precinct.
- Consistent with the vision of Council's Public Domain Strategy, the planning proposal will facilitate dedication of pedestrian thoroughfare to Council, along the eastern boundary of the site connecting Ward Street Precinct with Elliot Street.
- The Planning Proposal has demonstrated ability in achieving key objectives of the Apartment Design Guide (ADG) and appropriately addressed matters relating to sensitivity concerning the proposed built form and amenity consideration surrounding the site. The proposed height of the development is generally consistent with that anticipated under the CPPS and is comparable with future building heights along McLaren Street between Miller and Walker Streets.

- The Planning proposal has appropriately addressed interface issues with the adjacent heritage items along the western edge of the site via the proposed 3 to 4 storeys podium heights which is more sympathetic to the existing heritage items. The amended reference design also provided a reduced maximum height (8 storeys) in this portion of the site.

In consideration to the above matters, the Planning Proposal has adequately justified the key strategic and site-specific merit considerations. The Planning Proposal reflects the evolving character of this part of North Sydney and the proposed building height and built forms are generally comparable with those anticipated under Council endorsed plans and policies to guide future growth.

It is recommended that the Planning Proposal be supported to proceed to Gateway Determination, subject to the amendments identified in this report and any further suggestion from the Local Planning Panel.

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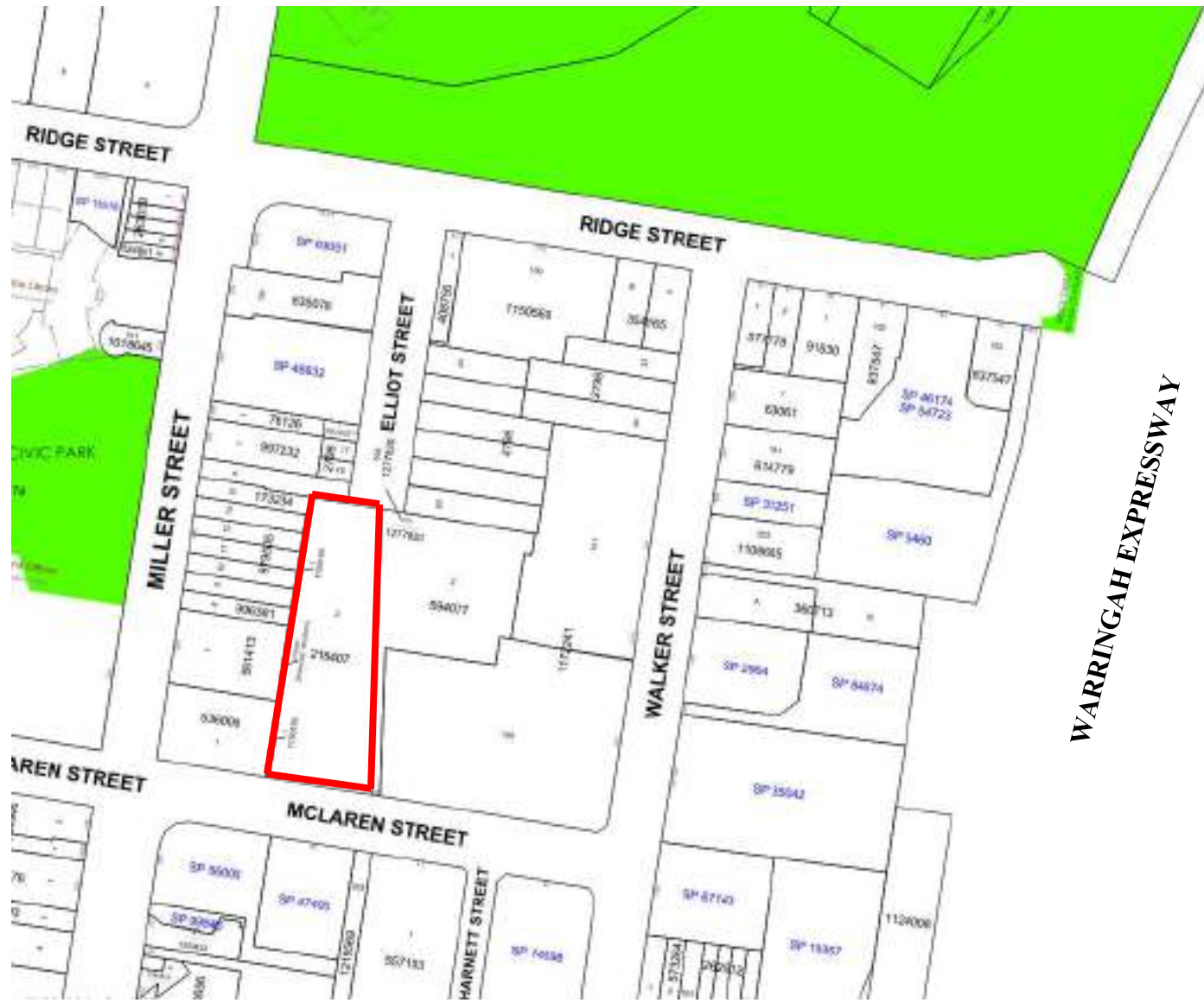


FIGURE 1: Location Map - 52 McLaren Street, North Sydney (Lot 2, DP 218407)

## DESCRIPTION OF PROPOSAL

The subject Planning Proposal (PP 6/21) seeks to amend NSLEP 2013 as it relates to land at No. 52 McLaren Street, North Sydney as follows:

- amend the maximum building height from RL 110m to part RL 107m and RL 156m (8 and 24 storeys respectively);
- apply a maximum Floor Space Ratio of 5.3:1; and
- amend the minimum non-residential FSR from 0.5:1 to 1:1.

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

- *implement the vision, planning priorities and strategic intent of the CPPS through unlocking the development potential of the site.*
- *contribute towards Council's vision for the site and broader Civic Precinct by providing an improved urban design and pedestrian experience at ground level, with enhanced street activation and a through-site link connecting the North Sydney CBD with St Leonards Park.*
- *further strengthen and protect the commercial operations of North Sydney CBD.*
- *provide commercial and residential uses that are within close proximity to the future Victoria Cross Station.*
- *facilitate the delivery of building envelopes that can accommodate commercial and residential floor plates with a high level of internal amenity and acceptable environmental impacts.*

The accompanying indicative reference design includes a part 8 storey and part 24 storey mixed-use development comprising of approximately 172 apartments, with a three-storey commercial podium and a childcare facility on the ground floor of the northern tower. A basement car park with a total 117 spaces is proposed. A summary of the key elements of the reference design is provided in Table 1.



**FIGURE 2:** Proposed Ground Floor Plan (Applicant's Urban Design Report, p.47)

**TABLE 1 – Key elements of reference design (PP 6/21)**

<b>Land Uses</b>	Mixed-use (commercial/residential)
<b>Indicative yield</b>	172 apartments
<b>Building Height</b>	Elliot Street: RL 106.2m, inclusive of plant (8 storeys) McLaren Street: RL156m, inclusive of plant (24 storeys)
<b>Gross Floor Area (GFA)</b>	Total: 15,868m <sup>2</sup> <ul style="list-style-type: none"><li>- Retail: 427m<sup>2</sup></li><li>- Commercial: 2,573m<sup>2</sup></li><li>- Residential: 13,487m<sup>2</sup></li><li>- Childcare facility: 910m<sup>2</sup> (460m<sup>2</sup> internal space and 450 m<sup>2</sup> external space)</li></ul>
<b>Car Parking</b>	Total: 117 car spaces over 3 basement levels <ul style="list-style-type: none"><li>- Non- residential (Retail/commercial): 7 spaces</li><li>- Residential: s104 spaces</li><li>- Childcare: 6 spaces</li></ul>

The Planning Proposal is also accompanied by a letter of offer to enter into a Voluntary Planning Agreement (VPA) with Council to deliver the following public benefits:

- A 900m<sup>2</sup> childcare facility (450m<sup>2</sup> external and 450m<sup>2</sup> internal space); and
- a publicly accessible pedestrian through-site link along the eastern boundary of the site connecting Ward Street Precinct with Elliot Street.

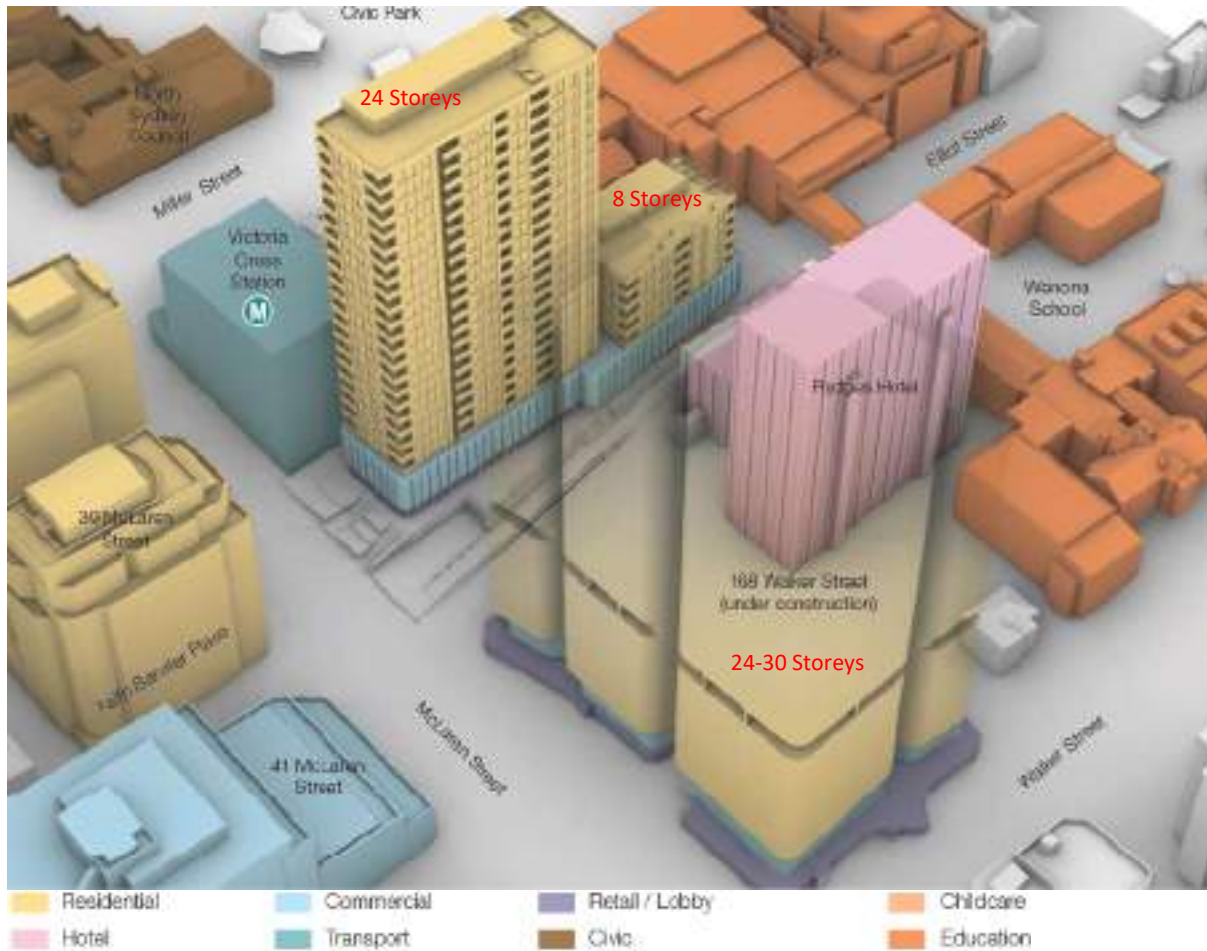
#### **PANEL REFERRAL**

On 27 September 2018, the Minister for Planning issued a Section 9.1 Direction outlining 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 and Environment (DPE) 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.



**FIGURE 3:** Proposed built form – PP 6/21 (Applicant’s Urban Design Report, p.39)



**FIGURE 4:** Artist’s Impression from McLaren Street (Applicant’s Urban Design Report, p. 65)

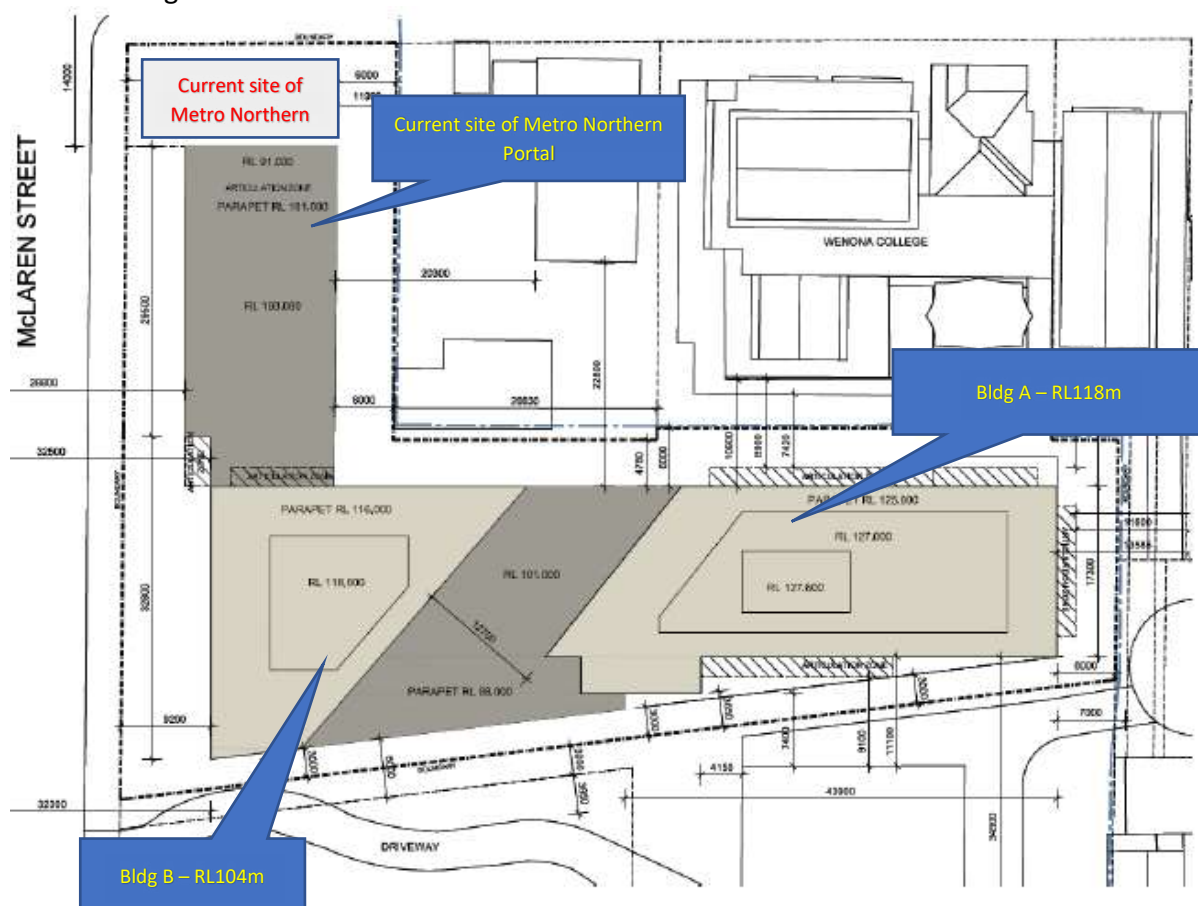
## BACKGROUND

### **Approved DA (67/11) for Nos. 50-52 McLaren Street, North Sydney**

On 6 July 2011, the Sydney East Region Joint Regional Planning Panel (JRPP), as the consent authority approved 2011SYE026 – North Sydney – Development Application No. 67/11 for the demolition of the existing structures, tree removal, installation of drainage infrastructure and Stage 1 concept approval for an aged care housing development and associated non-residential uses at 50-52 McLaren Street, North Sydney.

The Stage 1 building envelope was approved to maximum building heights of RL118 to the top of Building A and RL104 for Building B. Setbacks for this building envelope were approved as per the following:

- Up to RL 101 – as per the submitted architectural drawings (see Figure 5)
- Above RL 101 - setbacks from boundaries for Building A over RL 101 are approved as a minimum of 6 metres, with all articulation within the building envelope and with all balconies off living rooms having setbacks of at least 7m.



**FIGURE 5: Development Application No. 67/11**

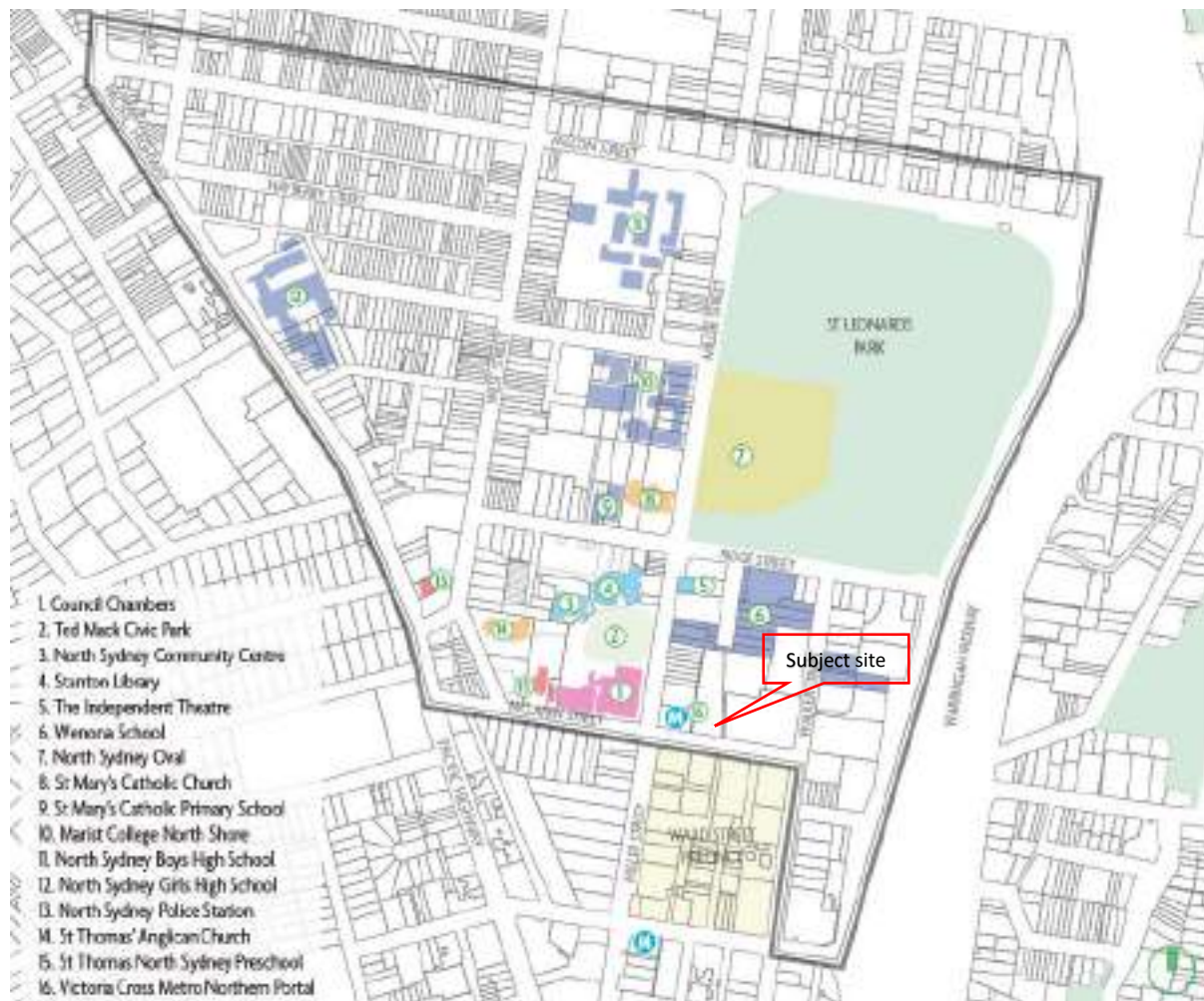
The DA was not acted upon and therefore lapsed in July 2016.

The site was subsequently compulsorily acquired by Sydney Metro for the purposes of constructing the Sydney Metro (Victoria Northern Portal).



### ***Civic Precinct Planning Study (2020)***

The Civic Precinct Planning Study (CPPS) was adopted by Council in November 2020. The Civic Precinct Study Area is bounded by Falcon Street to the north, Pacific Highway to the west, the Warringah Freeway to the east and McLaren Street and Berry Street to the south.



**Figure 6:** *The Civic Precinct (CPPS, p. 5)*

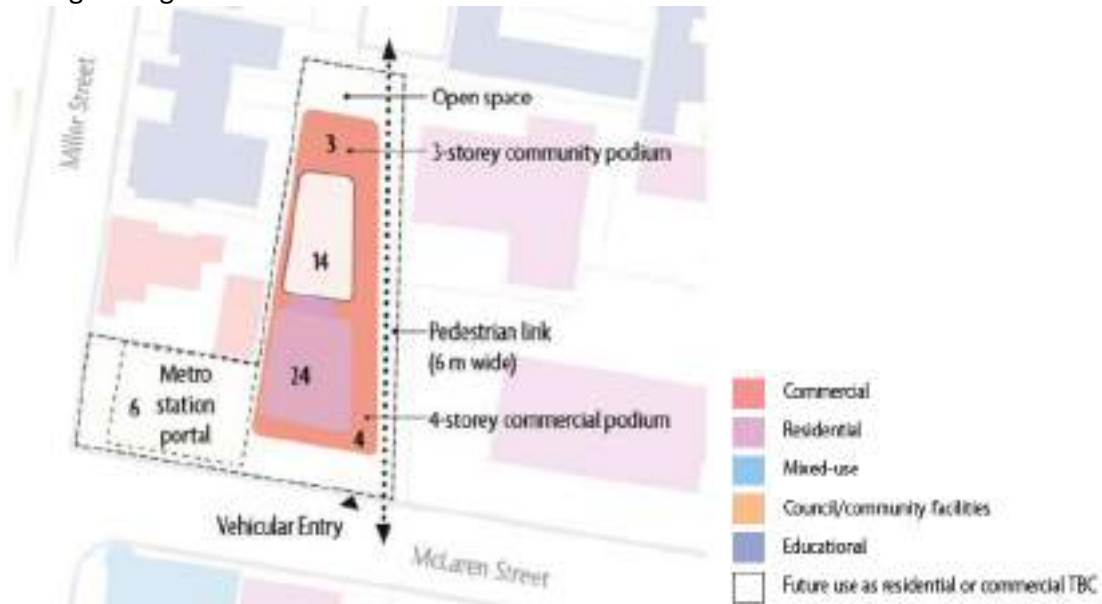
The CPPS was initiated, in part, as a result of the new Sydney Metro being announced in 2016 and the associated development pressure arising from two new stations proposed within the North Sydney Council area. The CPPS establishes a holistic vision, principles and objectives for future planning and revitalisation of the Civic Precinct, by capitalising on the new public transport infrastructure investment to create more job opportunities and housing through mixed-use developments incorporating commercial and residential land uses.

The desired future character of the Civic Precinct as stipulated by the CPPS is as follows:

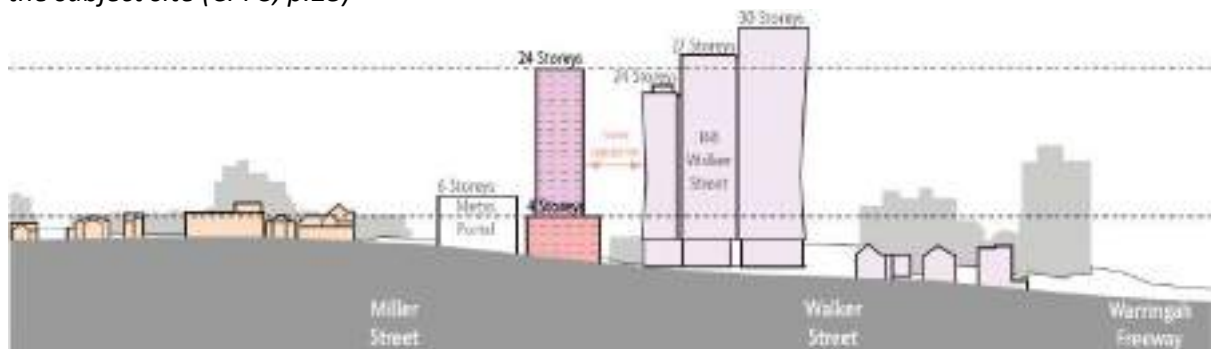
*“The arrival of the Victoria Cross metro station northern portal and the implementation of the Ward Street Precinct Masterplan will transform the character of the area surrounding McLaren, Miller and Walker Streets....”*

*“...There will be different building typologies encouraged in the area including medium-scale commercial buildings (8 storeys) to taller residential towers (between 20 and 28 storeys)....”*

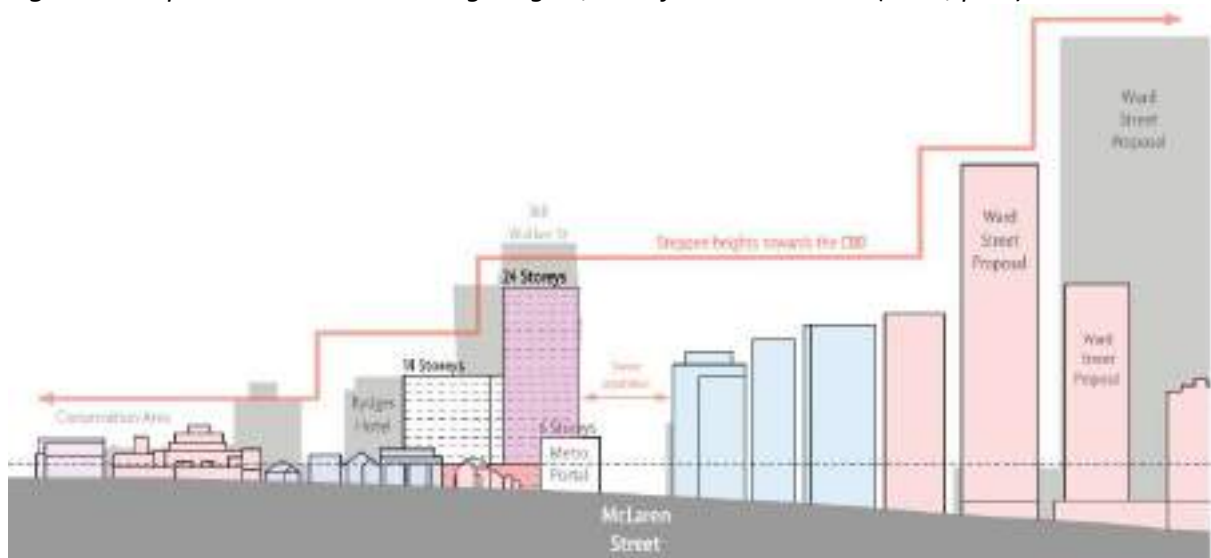
The vision of CPPS for the subject site in terms of the recommended maximum building heights and indicative building envelopes are shown in Figures 7 -8 below. The CPPS identified opportunities for any Planning Proposals seeking significant uplift to be accompanied by community facilities and a through-site link, building on an emerging link from Faith Bandler Place running through to St Leonards Park.



**Figure 7:** Extract from the Civic Precinct Planning Study indicating potential building concept for the subject site (CPPS, p.28)



**Figure 8:** Proposed Maximum Building Heights, view from McLaren St (CPPS, p.28)



**Figure 9:** Proposed Maximum Building Heights, view from Miller St (CPPS, p.28)  
 Evolving character and future built forms within the vicinity of the site

The proposed St Leonards and Crows Nest Planned Precinct and the Ward Street Masterplan have both changed the urban structure in and around the Civic Precinct and its future role within the LGA.

Further, there has been significant transformation to the area adjacent to the subject site due to Metro Northern Portal (under construction) and a number of approved DAs/Draft Planning Proposals for sites in the vicinity such as 168 Walker Street (under construction), 45 McLaren Street (Planning Proposal finalisation stage) etc changing future built forms and skylines of the Civic Precinct. The figures below provide testimonies of this evolving character of the Precinct:



**Figure 10: Evolving character and future built forms within the vicinity of the site**

**REFINEMENT OF PLANNING PROPOSAL TO DATE**

***Planning Proposal Pre-lodgement meeting***



On 26 February 2021, a pre-lodgement meeting was held between the proponent and Council officers. The key discussion items included the following:

- Potential site integration with adjoining Victoria Cross Northern Portal building;
- Compliance with the building setbacks contained in the Apartment Design Guide;
- Appropriate management of overshadowing impact to adjoining developments and proposed Ward Street public squares and Doris Fitton Park;
- Implications of the planning proposal on approved DAs and other draft Planning Proposals in the vicinity;
- Details of a potential childcare centre and through-site link.

Details of the pre- lodgement discussion and the proposed way forward are included on pg. 7 of Applicant’s Planning Proposal.

***PP Lodgement (Original - August 2021)***

On 23 August 2021, the applicant submitted a Planning Proposal which was accompanied by an indicative concept scheme featuring two potential land use configurations as shown below:

<b>TABLE 2 – Key elements of Original PP, August 2021</b>	
<b>Option 1: Residential North and South Building</b>	<b>Option 2: Commercial North Tower and Residential South Tower</b>
	
<ul style="list-style-type: none"> <li>• 14 storey north building (RL124.2m inclusive of plant);</li> <li>• 24 storey south building (RL156m, inclusive of plant);</li> <li>• 4 basement levels comprising 165 car bays and childcare drop off zone.</li> <li>• A max FSR or 6.3:1 with a minimum of 1:1 non-residential FSR</li> </ul>	<ul style="list-style-type: none"> <li>• 14 storey north building (RL130.2m, inclusive of plant);</li> <li>• 24 storey south building (156m, inclusive of plant);</li> <li>• 3 basement levels comprising 140 car bays and childcare drop off zone;</li> <li>• A max FSR or 6.3:1 with a minimum of 1:1 non-residential FSR</li> </ul>

## **Revised Designs**

On 22 November 2021, a meeting was held with the applicant following Council's preliminary assessment of the original Planning Proposal. The applicant was requested to consider reviewing the Planning Proposal to address the following matters:

- Comprehensive assessment of the Planning Proposal against the ADG Guidelines;
- Review of proposed height (14 storeys) adjacent the lower scale development to the west of the site;
- Building setbacks, tower separation and maximum length of a tower;
- Consider appropriate land-use mix which more appropriately address privacy and overlooking concerns at podium levels;
- A comprehensive travel plan to encourage increased use of public transport and to lower reliability on the use of private vehicles;
- Review of land tenure of the reserve running along the western edge of the site which are identified as being in the ownership of Sydney Metro and North Sydney Council.

In order to address the above concerns, the applicant presented a revised design in January 2022, which presented a maximum total FSR of 5.7:1 and a minimum non-residential FSR of 0.9:1. Although the revised scheme presented an improved setback to the western boundary, the revised design needed to present further information on upper building setbacks, non-residential FSR of 1:1, potential overshadowing of adjacent buildings, public domain, through site link, VPA etc. The above matters were discussed with the applicant on 17 February and 2 March 2022.

A further revised design was presented for discussion in March 2022 which included an 8-storey northern tower (previously 14 storey), 24 storey southern tower, lengthened to maximum of 45m long building wall and a 4 storey joined podium. A meeting was held on 23 March 2022 to discuss the revised design which represented a significantly reduced GFA. Matters relating to ADG requirements for building setback at 10 storeys and building separation between the proposed towers were further discussed. The meeting also discussed whether a fourth storey of podium could be considered for residential rather than commercial use, with appropriate considerations to ensure residential amenity for the future occupants.

## **Updated PP Lodgement (September 2022)**

On 29 September 2022, the applicant lodged an updated Planning Proposal part RL 107m and part RL 156m (8 and 24 storeys respectively), with a maximum FSR of 5.3:1; a minimum non-residential FSR of 1:1.

Council's preliminary assessment of the updated PP indicated that the PP generally complied with the CPPS and the ADG requirements in terms of the proposed building height and setback.

## DETAIL

### 1. Applicant

The Planning Proposal (PP 6/21) was lodged by Sydney Metro, the owners of 52 McLaren Street, North Sydney.

### 2. Site Description

The site known as 52 McLaren Street currently comprises five (5) parcels of land. The legal property description and existing development is outlined in Table 3.

<b>TABLE 3: Property Description- 52 McLaren Street, North Sydney</b>		
<b>Legal Description</b>	<b>Ownership</b>	<b>Existing Development</b>
Lot 1, DP 1150156	Sydney Metro	Site of Metro North Portal, currently under construction
Lot 2, DP 218407	Sydney Metro	<b>Lot subject to this Planning Proposal</b>
Lot 1/1150156	Sydney Metro	Drainage Reserve
DP 979505	North Sydney Council	Drainage Reserve
Lot 2/DP 1150156	Sydney Metro	Drainage Reserve

This Planning Proposal applies to Lot 2, DP 218407 of 52 McLaren Street, North Sydney. The subject site is a narrow strip of land with a total area of 3197 sqm and approximate 37m street frontage to McLaren Street. It is currently cleared of development and is being used as a material storage and overflow site for the construction of the Victoria Cross Metro Station.



**FIGURE 11:** Subject site



**FIGURE 12:** Aerial photo

The subject site is bound by the Wenona School and Elliot Street to the north, McLaren Street to the south and abuts the future Victoria Station Metro to the west and the existing Rydges Hotel (54 McLaren Street) and Aqualand's under-construction residential development at 168 Walker Street to the east (refer to Figures above). The site is an irregular shape resulting from historical subdivision. It has a frontage of approximately 37m to McLaren Street and 11m to Elliot Street. The site is 3,197m<sup>2</sup> in area and slopes to south towards McLaren Street.

### 3. Local Context

The subject site (Lot 2, DP 218407) is located at 52 McLaren Street, North Sydney towards the northern end of the North Sydney Centre.



■ North Sydney CBD   ■ Ward Street Precinct   ■ Civic Precinct   M Victoria Cross metro station   T North Sydney Station

**Figure 13:** Aerial view of the site in relation to the North Sydney CBD, Ward Street Precinct, Civic Precinct and nearby stations (Applicant's Urban Design Report, p.8)

The site is located on the northern border of the North Sydney CBD and within the Civic Precinct Study Area, earmarked as a future redevelopment site adjacent to the Victoria Cross Metro Northern Portal. Figure 13 indicates a wider strategic context of the site in relation to the CBD, Civic Precinct and the Ward Street Precinct.

Victoria Cross Station is expected to open in 2024 and will form a part of the broader Sydney Metro City & Southwest project, which represents a significant State infrastructure investment for the locality. In addition to the future metro station, the site is 400m north of North Sydney railway station and is within a vicinity to bus services.

The subject site is adjoined by the following:

- **To the north**, Elliot Street leading to St Leonards Park. Elliot Street is surrounded by buildings associated with Independent School, Wenona and residential development, characterised by low scale developments. Further north of the site is St Leonards Park which includes North Sydney Oval, Bon Andrews Oval and other recreational facilities.
- **To the south**, are located high rise apartment buildings (Figure xx) and further South of these apartment buildings, the Ward Street Precinct is located. Access from the Ward Street Precinct to the Victoria Cross Station northern entrance will be provided via Faith Bandler Place (refer to Figure 14).

45 McLaren Street is located southeast of the site which currently contains a four storey residential flat building. A recently exhibited Planning Proposal seeks to significantly increase the development potential of the site, with 16 storeys at the northern boundary and 12 storeys at the southern boundary (Figure xx). This proposal is nearing completion.

- **To the east**, is 168 Walker Street which is currently under construction for a new mixed-use development consisting of a maximum of 28 storeys (refer to Figure 16). The site also adjoins the Rydges Hotel site (refer to Figure 17). One block east of the site is Warringah Freeway, which separates the North Sydney CBD from low to medium density residential developments of Neutral Bay and Kirribilli further east.
- **To the west**, is located new Victoria Cross Station northern entrance, currently under construction. The building will be 23 metres high from Miller Street at ground level. It will feature a ground floor and three plant levels above which will be taller than typical commercial floor heights to hold the necessary plant and equipment for the station.

To the site's north-western boundary are low rise commercial buildings, two of which are heritage listed under the North Sydney LEP 2013. Further west on the opposite side of Miller Street is the North Sydney Council Chambers, Ted Mack Park and administrative buildings and a mixture of educational and recreational development.



**Figure 14:** Elliot Street (looking north)



**Figure 15:** Overpass bridge connecting Wenona school campus





Figure 16: View from the site photo- looking south



Figure 17: Faith Bandler Place



Figure 18: 45 McLaren Street, artist's impression



Figure 19: 168 Walker Street, approved DA



Figure 20: Ridges Hotel



Figure 21: Victoria Cross North Portal



Figure 22: Heritage building west of the site



Figure 23: Wenona School

#### 4. Current Planning Provisions

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

##### 4.1 NSLEP 2013

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

- Zoned *B4 - Mixed Use* (Figure 16);
- A maximum building height limit of RL 110m (approximately 11-12 storeys mixed use form) - Figure 25; and
- A minimum non-residential Floor Space Ratio of 0.5:1 (Figure 26x).

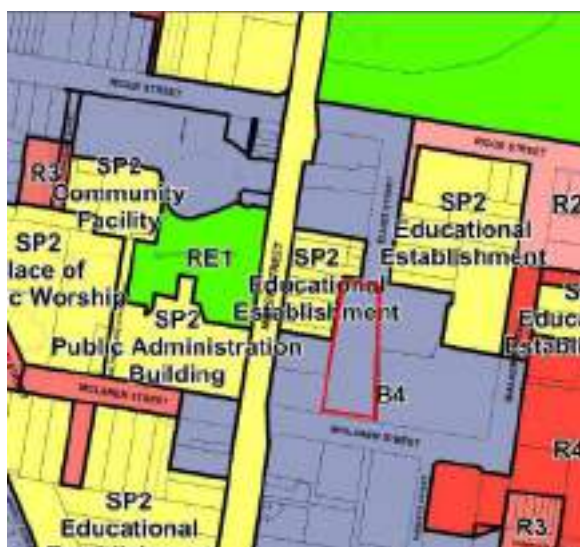


FIGURE 24: NSLEP 2013 Zoning Map extract  
The subject site is zoned B4 Mixed Use



FIGURE 25: NSLEP 2013 Height of Buildings Map Extract.  
The subject site has a maximum height of RL 110m.



**FIGURE 26:** NSLEP 2013 non-residential Floor Space Ratio Map extract. The subject site has a minimum non-residential Floor Space Ratio of 0.5:1.

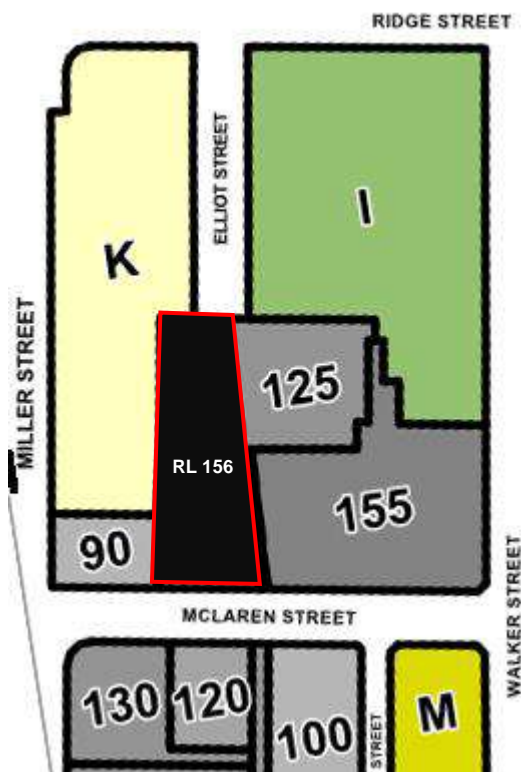
## 5. Proposed Planning Provisions

### 5.1 Amendment to NSLEP 2013

The Planning Proposal seeks to achieve its objectives and intended outcomes by amending NSLEP 2013 as follows:


- amend the maximum building height from RL 110m to part RL 107m and RL 156m (8 and 24 storeys respectively)
- apply a maximum Floor Space Ratio of 5.3:1
- amend the minimum non-residential FSR from 0.5:1 to 1:1.


The proposed amendments to the NSLEP 2013 are shown in Figures 27-29.



**FIGURE 27: Proposed amendment to Height of Building Map HOB\_001**

Land subject to a change in maximum building height.

 110m (existing)

 RL 156 (new)


 Subject Site

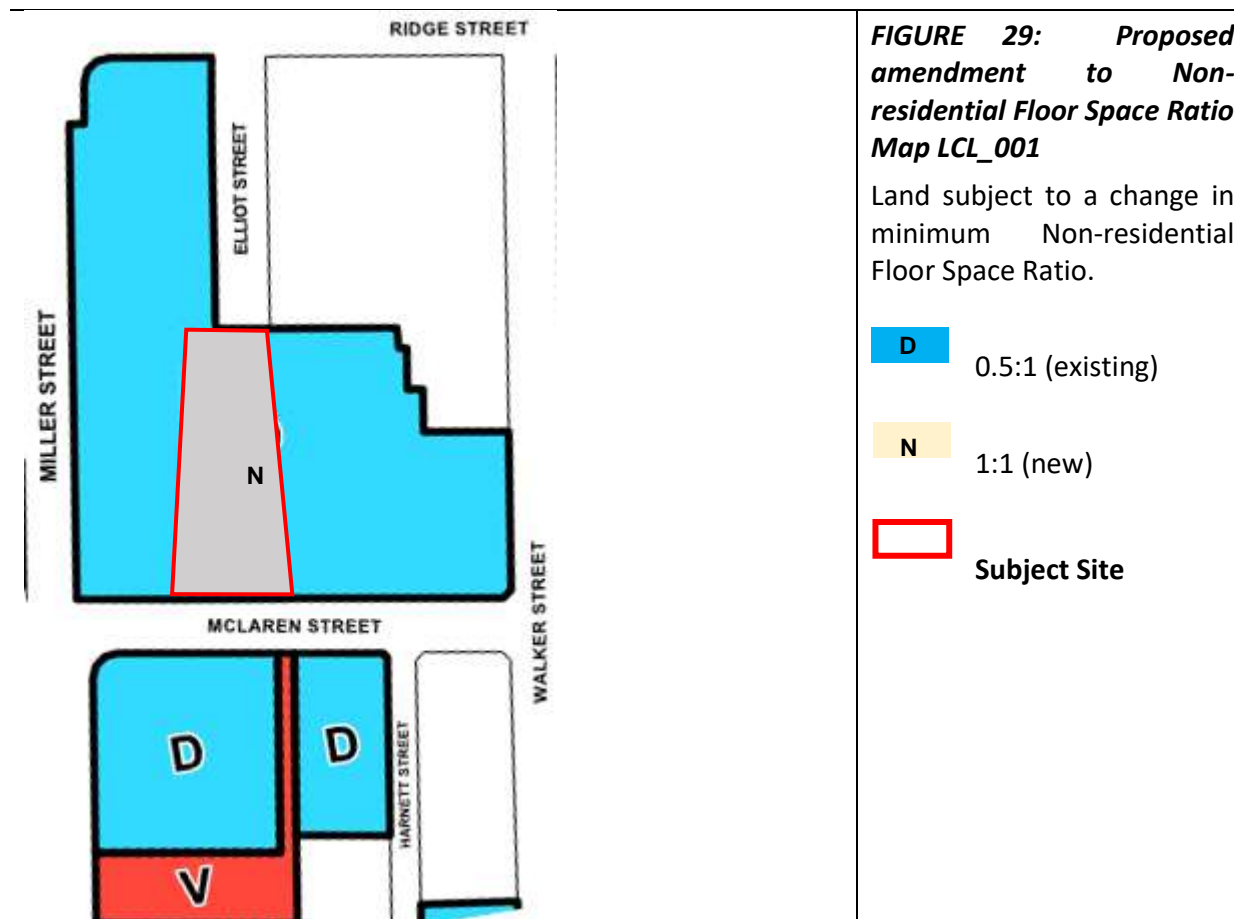


**FIGURE 28: Proposed amendment to Floor Space Ratio Map FSR\_001**

Land subject to a change in maximum Floor Space Ratio.

**AA** 5.3:1 (new)

 Subject Site



## 5.2 Amendment to NSDCP 2013

Section 5 to Part C of NSDCP 2013 contains a number of site-specific development controls relating to desired built form, massing and scale; podiums; setbacks and vehicular access.

Section 2 to Part B of NSDCP 2013 contains general development controls for Commercial and Mixed-use Developments within the North Sydney LGA. Section 5 to Part B of NSDCP 2013 contains general development controls for Child Care Centres.

To provide increased certainty over a future built form on the site, the applicant can be directed to prepare a site specific DCP to reinforce the site layout, land uses, public domain, heights, setbacks, podium, building design, active frontages, parking, access and servicing arrangements reflected in the applicant's concept scheme. Council's assessment of this Planning Proposal has identified a number of site-specific requirements for their inclusion in site specific DCP provisions at a later stage.

## 6. Voluntary Planning Agreement (VPA)

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.

The Planning Proposal is accompanied by a letter of offer to enter into a VPA with Council. The letter of offer, dated 19 September 2021 makes the following offer:

*“... In return for the additional uplift proposed on the Site, Sydney Metro is offering to enter into a Voluntary Planning Agreement (VPA) with Council which would provide for the following public benefits in any future development on the site:*

- *900sqm (450sqm indoor and 450sqm outdoor) floor space in the first floor of the podium level for provision for a future childcare centre or other community use to be delivered by Council. This also includes the dedication of 6 car spaces in the basement level and dedicated lift access; and*
- *a 3 metre wide through site link along the eastern boundary of the site. This space is to include landscaping, seating and would be integrated with the podium uses....”*

*“...The letter of offer is made on the following conditions:*

- 1. The VPA will apply to the following land: Lot 2 in DP 218407.*
- 2. The application of 7.11 and 7.12 contributions will not be excluded as they apply to the land.*
- 3. Sydney Metro agrees to pay Council’s reasonable legal costs in negotiating, drafting and preparing the VPA....”*

Further commentary on the VPA offer is provided at Section 10 of this report.

## **7. ASSESSMENT OF A PLANNING PROPOSAL**

### **7.1 Planning Proposal Structure**

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

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification 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.

### **7.2 Need for Planning Proposal**

The objectives of the planning proposal, as described by the proponent are to:

- *implement the vision, planning priorities and strategic intent of the CPPS through unlocking the development potential of the site*
- *contribute towards Council’s vision for the site and broader Civic Precinct by providing an improved urban design and pedestrian experience at ground level, with enhanced street activation and a through-site link connecting the North Sydney CBD with St Leonards Park*

- *further strengthen and protect the commercial operations of North Sydney CBD*
- *provide commercial and residential uses that are within close proximity to the future Victoria Cross Station*
- *facilitate the delivery of building envelopes that can accommodate commercial and residential floor plates with a high level of internal amenity and acceptable environmental impacts.*

### **7.3 Assessment Criteria**

Section 2 of the Department of Planning and Environment's 'LEP Making Guideline' (September 2022) outlines the criteria for assessing Planning Proposals. For a Planning Proposal to be supported to proceed to a Gateway Determination it must demonstrate both 'strategic' and 'site-specific' merit and that identified potential impacts can be readily addressed during the subsequent LEP making stages.

A planning proposal is deemed to have strategic merit where it gives effect to the strategic planning framework, that is the relevant Regional and District Plan, LSPS, section 9.1 Ministerial Directions and State Environmental Planning Policies (SEPPs).

To demonstrate the proposal is suitable for the site and that the site is suitable for the resultant development, it must identify the potential environmental, social and economic impacts and outline proposed mitigation measures and justification. The proposal must give regard and assess impacts to the natural environment on the site; existing and likely future uses in the vicinity; and services and infrastructure that will be available to meet the demands arising from the proposal.

## **8. STRATEGIC MERIT ASSESSMENT**

### **8.1 Greater Sydney Regional Plan**

In March 2018, the NSW Government released the Greater Sydney Regional Plan: A Metropolis of Three Cities (Regional Plan). The Plan sets a 40-year vision (to 2056) and establishes a 20-year Plan to manage growth and change for Greater Sydney within an infrastructure and collaboration, liveability, productivity and sustainability framework.

The Regional Plan is guided by a vision of three cities where most people live within 30 minutes of their jobs, education and health facilities, services and great places. The Regional Plan aims to provide an additional 725,000 new dwellings and 817,000 new jobs to accommodate Sydney's anticipated population growth of 1.7 million people by 2036.

The Planning Proposal is generally consistent with the strategic directions, objectives and strategies of the Regional Plan, as it will:

- increase residential accommodation and employment opportunities in proximity to high frequency public transport;
- create commercial floor space that will promote job creation and retention in the locality; and
- provide social infrastructure in the form of a new childcare centre and publicly accessible pedestrian through site link connection.

## 8.2 North District Plan

In March 2018, the NSW Government released the North District Plan. The Plan provides the direction for implementing the Greater Sydney Regional Plan: *A Metropolis of Three Cities* at a district level and sets out strategic planning priorities and actions for the North District.

The North District Plan has also established the following housing and jobs targets:

Housing Target	North Sydney LGA	North District
5 year (2016-2021)	+3,000 new dwellings	+25,950 new dwellings
20-year (2016-2036)	Council to prepare Local Housing Strategy (LHS)	+92,000 new dwellings

Jobs Target	North Sydney LGA	North District
20-year (2016-2036)	+15,600 – 21,100 new jobs	+6,900-16,400 new jobs

The Planning Proposal is generally consistent with the strategic planning priorities and actions of the North District Plan, as it will:

- provide approximately 3000m<sup>2</sup> of new non-residential (commercial/retail) floorspace and associated employment growth;
- provide approximately 172 new residential dwellings within close proximity to jobs, services and high frequency public transport;
- develop important local green links through provision of a publicly accessible pedestrian through-site link with active ground floor retail frontages.

## 8.3 Local Strategic Planning Statement (LSPS)

North Sydney Council adopted its Local Strategic Planning Statement (LSPS) on 24 March 2020. The LSPS achieves consistency with the *Greater Sydney Regional Plan* ('A Metropolis of Three Cities') and the *North District Plan*, providing a clear line-of-sight between the key strategic priorities identified at the regional and district level and the local and neighbourhood level.

It sets out Council's land use vision, planning principles, priorities and actions for the North Sydney LGA for the next 25 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure. The LSPS guides the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and support Council's consideration and determination of any proposed changes to development standards under the LEP via Planning Proposals.

The proposal is generally consistent with the North Sydney LSPS local planning priorities as it will:

- Provide commercial floorspace to support economic growth;
- Provide residential development that supports an increased population and housing diversity; Improves the amenity of the local area by providing new retail options and a linkage between the North Sydney CBD and future laneways and open spaces through to St Leonards Park.



#### **8.4 North Sydney Local Housing Strategy (LHS)**

The North Sydney Local Housing Strategy (LHS) establishes Council's vision for housing in the North Sydney LGA and provides a link between Council's vision and the housing objectives and targets set out in the GSC's North District Plan. It details how and where housing will be provided in the North Sydney LGA over the next 20 years, having consideration of demographic trends, local housing demand and supply, and local land-use opportunities and constraints.

The North Sydney LHS identifies the potential for an additional 11,870 dwellings by 2036 under the provisions of NSLEP 2013.

The concept design of the Planning Proposal indicates that approximately 172 residential apartments may be accommodated on the site which contributes to the number of anticipated dwellings to be accommodated within the strategic centre of North Sydney.

#### **8.5 Civic Precinct Planning Study**

The Civic Precinct Planning Study was adopted by Council in November 2020. The Planning Proposal demonstrates consistency with the vision and the desired outcome for the subject site as stipulated in CPPS which has been discussed in the *Background* section of this report.

This Planning Proposal is consistent with the aim of the CPPS to "create a vibrant mixed-use transition zone between the CBD and the centre of the Civic Precinct". The CPPS provides specific details on built form preferences for the site with a maximum height of 24 storeys for the southern side, to match the future height of 168 Walker Street, reflect its proximity to the new metro station, and transition to the nearby CBD building heights. The Planning Proposal is consistent with the CPPS's intent for the subject site.

The CPPS also requires any Planning Proposal for significant uplift be accompanied by community facilities and a through-site link, building on an emerging link from Faith Bandler Place running through to St Leonards Park. A letter of offer to enter into a VPA with Council to deliver certain community benefits as detailed in this report demonstrates that the Planning Proposal has satisfactorily addressed the above requirement. (See section 10)

#### **8.6 Ward Street Precinct**

The subject site abuts the boundary of the Ward Street precinct which was adopted by Council in 2020 (refer Figure 30). The masterplan identifies the need to maintain solar access to the two proposed public squares to be created within the precinct. On 22 March 2021, Council endorsed the exhibition of a draft amendment to NSDCP 2013 to help implement aspects of the outcomes of the Ward Street Precinct Masterplan. The draft amendment includes provisions:

- To deliver a north-south pedestrian link from McLaren Street to Elliot Street across 52 and 54 McLaren Street
- Maintain a level of solar access to new public squares in the Ward Street Precinct.

Detailed overshadowing matters discussed further in this report demonstrate that the Proposal is consistent with the intent of the Ward Street Masterplan and more recent DCP amendment.



**FIGURE 30: Extract from Ward Street Precinct Masterplan.**

## **8.7 Section 9.1 Local Planning Direction (Ministerial Directions)**

Section 9.1 of the EP&A 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 and demonstrate how they are consistent with that Direction.

The Planning Proposal is considered to be generally consistent with all relevant Ministerial Directions, and specifically:

- Direction 1.1 - Implementation of Regional Plans
- Direction 3.2 - Heritage Conservation
- Direction 4.4 - Remediation of Contaminated Land
- Direction 5.1 - Integrating Land Use and Transport

### **8.7.1 Direction 1.1 – Implementation of Regional Plans**

Direction 5.10 – Implementation of Regional applies to land to which a Regional Plan has been released by the Minister for Planning. The Sydney Regional Plan: A Metropolis of Three Cities, released in March 2018 applies to the subject land.

Subclause (4) to the Direction states that Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning. However, subclause (5) to the Direction states:

*A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:*

- a. is of minor significance, and*

- b. the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.*

The Planning Proposal is generally consistent with the strategic directions and objectives of the Regional Plan insofar it:

- increase housing supply on a site identified as capable of “uplift” by the strategic studies (CPPS);
- provide flexible, upgraded commercial floorspace to support jobs;
- provide ground floor retail uses and active street frontages.

### **8.7.2 Direction 3.2 - Heritage Conservation**

Direction 3.2 – Heritage Conservation applies when a relevant planning authority prepared a planning proposal. Subclause (4) to the Direction states:

A planning proposal must contain provisions that facilitate the conservation of: -

- a) items, places, buildings, works, relics or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place identified on the study of the environmental heritage of the area.*

Subclause (5) of the Direction states that a planning proposal maybe inconsistent with the terms of the direction only if the relevant planning authority can satisfy the Director-General of the DPIE (or an officer nominated by the Director-General) that: -

- a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
- b) the provisions of the planning proposal that are inconsistent are of minor significance.*

#### Assessment findings:

The Planning Proposal is supported by a Heritage Impact Statement and a Visual Impact Assessment to assess the implications of the proposal on the existing heritage items/conservation areas in the vicinity.

Whilst the subject site is not an item of heritage significance under the NSLEP 2013, it is located in the vicinity of a number of locally listed heritage items and is in the vicinity of two Heritage Conservation Areas (HCA):



**FIGURE 31:** Extract from the NSLEP 2013 Heritage Map, HER 002A.

- “Simsmetal House”, 41 McLaren Street, North Sydney – Item No. I0889
- “North Sydney Council Chambers” including fountain in park adjacent to Council Chambers, 200 Miller Street, North Sydney – Item I0902
- “North Sydney Council Chambers” Wyllie Wing, 200 Miller Street, North Sydney - Item I0903
- “Shop”, 243 Miller Street, North Sydney – Item I0908
- “House”, 255-257 Miller Street, North Sydney – Item I0912
- “Wenona Girls School Group – Wenona”, (182 Ridge Street) North Sydney – Item I0989
- “McLaren Street Conservation Area” - HCA 19
- “Walker & Ridge Streets Conservation Area” – HCA 20

Having the proposal reviewed by Council’s heritage planner, the following matters are noted:

- The Planning Proposal reflects an evolving character of this part of North Sydney. The setting of this part of the Civic Precinct is transitioning due to the new metro north portal and the residential building under construction at 168 Walker Street.
- The overall building heights proposed for the subject sites are consistent with Council’s strategic vision for the site as stipulated in Civic Precinct Planning Study 2020 and in line with the evolving character of the Civic Precinct.
- The podium of the Planning Proposal forms a background to the local heritage items at 243 and 255 Miller Street. The proposed podium heights of 3 to 4 storeys achieve an appropriate interface with the heritage items and the other existing buildings along the western edge of the site.
- The view analysis presented also demonstrates that the Planning Proposal has no adverse impact on the McLaren Street and Walker & Ridge Streets Conservation Areas.
- A Site Specific DCP may incorporate site specific matters such as visual privacy, appropriate materials, texture and finishes to achieve visual harmony, including any

opportunities to integrate public art with the design, which can be addressed at a development application (DA) stage.

In consideration to the above, the implications arising from this planning proposal on the existing heritage and conservation areas are considered acceptable. The Planning Proposal is therefore considered consistent with *Direction 3.2 - Heritage Conservation*.

### **8.7.3 Direction 4.4 - Remediation of Contaminated Land**

Direction 4.4 states that a planning proposal authority must not include land in a zone that would permit a change of use unless it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which the zone permits.

Council records indicate that the subject site is identified as being potentially contaminated due to past land use activities.

The Planning Proposal is accompanied by a contamination report which advises that there is the likelihood of low levels of soil contamination within the fill on site, but that this will be removed as part of the development process. The report advises that the site will be suitable for its proposed use.

Council's Environmental Health officer has reviewed the contamination report and is satisfied that remediation of the site can be managed at the Development Application stage. The Planning Proposal does not intend to change the zoning of the subject site. Commercial premises, Community facilities, Residential flat buildings and Centre-based childcare facilities are currently permissible land uses under Zone B4 Mixed Use.

In consideration to the above, the above inconsistency is of minor significance which should not preclude the Planning Proposal from proceeding to Gateway Determination.

An Environmental Management Plan, prepared by a suitably qualified consultant should accompany any future development application and construction certificate to detail the process for excavation, storage and handling, classification and disposal of disturbed potentially contaminated soil on the site. Following removal and proper disposal of the contaminated soil the site will need to be validated by the suitably qualified person as being adequately remediated and fit for its intended use. This detail would form a condition of development approval.

### **8.7.4 Direction 5.1 - Integrating Land Use and Transport**

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:

- a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
- b) *increasing the choice of available transport and reducing dependence on cars, and*
- c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- d) *supporting the efficient and viable operation of public transport services, and*
- e) *providing for the efficient movement of freight.*

The increased density on the site 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 walking distance of public transport nodes.

The Planning Proposal is supported by a Traffic Impact Assessment (TIA) and a Green Travel Plan prepared by GHD. The site's proximity to Victoria Cross Metro Station (North Portal) and the existing high level of public transport accessibility will provide for increased opportunities to live, work and visit within the LGA through the provision of residential accommodation adjacent to key employment nodes and therefore facilitating a walkable neighbourhood, reducing the need for car dependency, consistent with this direction.

It is noted that Council's recent DCP amendment, which effectively limits the provision of private parking on site, will assist in the uptake of public transport patronage on this site. This is discussed further in Section 9.7.

### **8.7.5 Direction 5.3 Development Near Regulated Airports and Defence Airfields**

*Direction 5.3 Development near Regulated Airports and Defence Airfields* applies when a relevant planning authority prepares a Planning Proposal that that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

Despite not being located in close proximity to Sydney Airport, the subject site is affected by an Obstacle Limitation Surface (OLS) of RL156m AHD. The Planning Proposal seeks to introduce new maximum building height of RL156m, which sits on the maximum OLS. Activities associated with the construction of the concept proposal would further encroach above the OLS on a temporary basis.

The Planning Proposal is accompanied by a preliminary aeronautical impact assessment which was referred to the Commonwealth Department of Infrastructure and Regional Development and Sydney Airport Corporation for comment. The two agencies confirmed that the development of the site at the proposed height would be classified as a controlled activity, requiring approval under the *Airports (Protection of Airspace) Regulations 1996* prior to construction. This Planning Proposal is therefore consistent with the above Direction.

Given the above, there is no impediment to progressing the Planning Proposal from the perspective of aviation legislation. These matters can be considered as part of any future Development Application.

### **8.8 State Environmental Planning Policies**

The consistency of the proposal with applicable SEPPs is considered below.

#### ***SEPP 65 (Design Quality of Residential Apartment Development)***

The Planning Proposal includes an assessment against the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, and the associated Apartment Design Guide (ADG).

The indicative concept scheme proposes an option which complies with key considerations under SEPP No. 65 including solar access, building separation/visual privacy, natural ventilation and

apartment size requirements, ceiling height, communal open space, common circulation, apartment mix, private open space and balconies and the like.

## **9. SITE SPECIFIC MERIT ASSESSMENT**

### **9.1 Proposed Building Height**

The Planning Proposal seeks to increase the building height limit from RL 110m under NSLEP 2013 to part RL 107m and RL 156m to accommodate a part 8 and part 24 storeys mixed-use building across the site, including a 3-4 storey high podium. The applicant's indicative reference design seeks to demonstrate how the site could be developed to the requested heights, consistent with the intent of Council's CPPS.

A review of the proposed floor to floor heights in the indicative reference design has found that the proposed building heights sought under this PP are appropriate for the accommodation of the proposed 8 and 24 storey building. This is consistent with the heights and intent of the CPPS.

### **9.2 Proposed Maximum Floor Space Ratio (FSR)**

The applicant's indicative reference design informs that the built-form configuration proposed with 8 and 24 storeys equates to a maximum overall FSR of 5.3:1.

Council's Urban Design (UD) Team has reviewed the proposed FSR for the site, including compliance of the proposed built-form with the ADG Guidelines. The review identified that due to the nature of the site which is quite narrow and deep, it presented some challenges for residential components of the development in achieving required ADG separation distance for habitable rooms. The review has also identified some further design refinements to facilitate an improved built form outcome.

These include; consideration of a 4 storey podium, provision of a maximum tower length and a more considered interface with the adjacent 168 Walker Street development. These matters may be further addressed in the development of site specific DCP provisions so as to best guide the further development of any more detailed development application on the site. These provisions should not result in any unresolvable challenges in terms of achieving the desired Floorspace on the site.

### **9.3 Proposed Non-Residential Floor Space Ratio (FSR)**

The applicant's indicative reference design allows for a total of 3,910 sqm of non-residential floor space resulting in a FSR of 1.1:1, complying with the minimum non-residential FSR of 1:1 under the CPPS.

### **9.4 Potential Overshadowing**

The applicant has provided detailed shadow analysis of impacts on surrounding properties within the accompanying Urban Design report. This analysis includes the impacts arising from approved DAs under construction. This information is contained in page 78-90 of the Urban Design report. The CPPS identified the following design guides in terms of minimising potential overshadowing impacts:

- Minimise overshadowing impacts to existing buildings on the southern side of McLaren Street by locating any future tower towards the western side of the site.
- Ensure surrounding apartments receive at least 2 hours of direct sunlight in mid-winter as per the ADG recommendations

Below is a summary of the shadow and/or solar analysis presented to support the Planning Proposal:

	<b>Precinct/properties being considered</b>	<b>Summary of the findings</b>
1	Shadow analysis of Ward Street Precinct	Consistent with the requirements of CPPS, see details below.
2	Shadow and Solar Analysis of existing Building at 45 McLaren Street	Minor inconsistency discussed further below.
3	Shadow and Solar Analysis of planning proposal scheme at 45 McLaren Street	Minor inconsistency discussed further below.
4	Solar Analysis of Planning Proposal at 52 McLaren Street	Consistent with the ADG requirements.
5	Solar Analysis of outdoor childcare space at 52 McLaren Street	Minor inconsistency discussed further below.
6	Solar Analysis of 168 Walker Street (currently under construction)	Consistent with the ADG requirements.
7	Solar Analysis of Residential Flat Building at 237 Miller Street	Consistent with the ADG requirements.
8	Solar Analysis of Residential Flat Building at 39 McLaren Street	Consistent with the ADG requirements.

#### Ward Street Precinct – Overshadowing Analysis

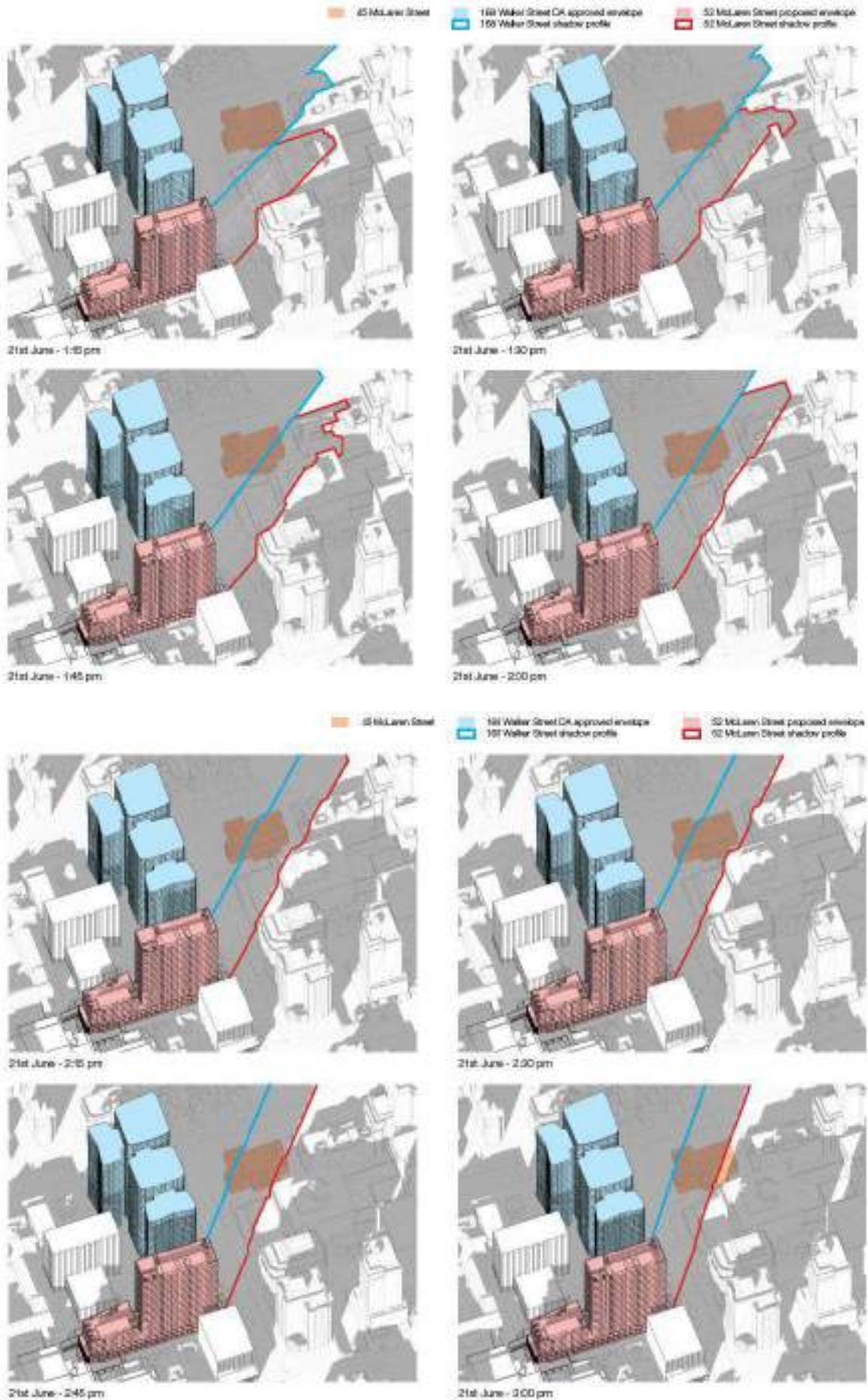
The Ward Street Precinct Masterplan identifies the need to maintain solar access to the two proposed public squares to be created within the Precinct. The CPPS similarly stipulates that building heights on the subject site, including plant floors, are subject to no net increase in overshadowing of planned public spaces identified in the Ward Street Masterplan and Doris Fitton Park. The proposal has no impact on the proposed public squares within the Ward Street Precinct Masterplan area during the summer solstice or equinoxes. At the winter solstice, the proposal slightly impacts the northern extremity of the precinct on Faith Bandler Place from 12:00 pm to 2:00 pm, which is considered insignificant as there is no impact on any of the planned public spaces or to Doris Fitton Park.

#### Existing Building at 45 McLaren Street- Shadow and Solar Analysis

The ADG identifies that the living rooms and private open spaces of at least 70% of apartments in a building should receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.

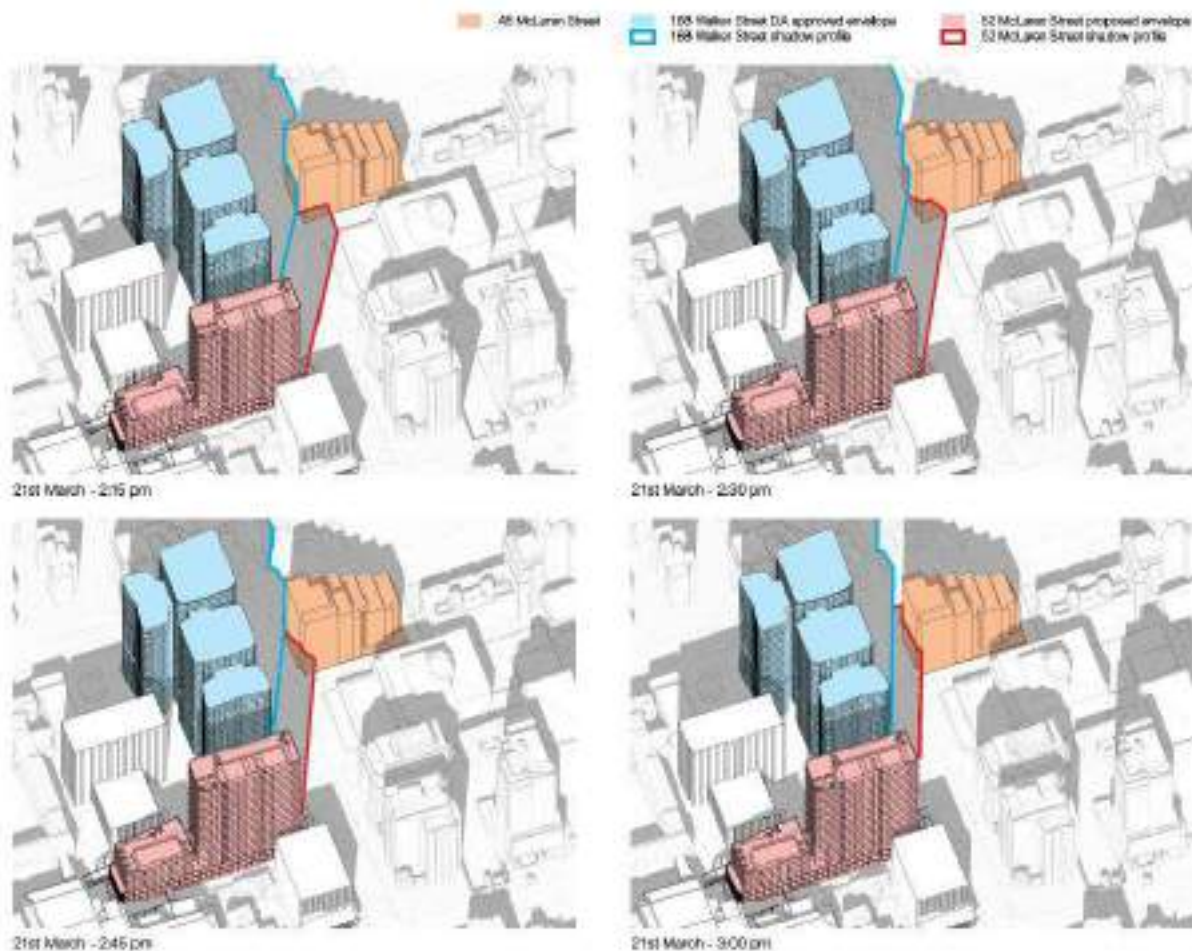
Solar analysis indicates (refer extracts below) that as the overshadowing effect increases between 21 March to 21st of June after 1:15pm to 3:00pm. Due to the relatively low scale of development currently on this site only 3 dwellings (17%) are non-compliant due to overshadowing impacts from the 168 Walker Street DA scheme (Blue line), with the 52 McLaren Street proposal (red line) worsening this.





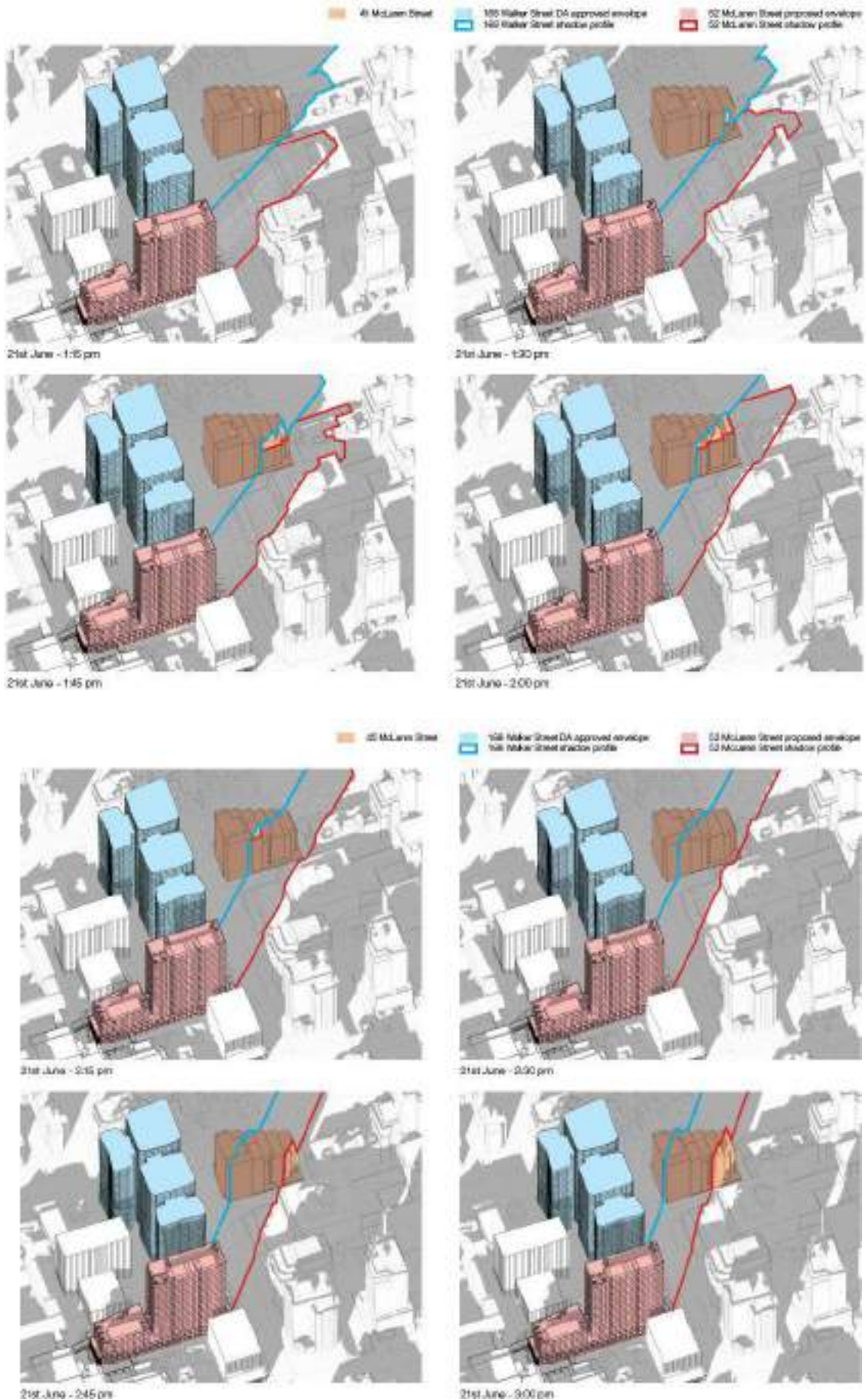
Planning Proposal Scheme at 45 McLaren Street - Shadow and Solar Analysis

The Planning Proposal does not cause any significant overshadowing of the planning proposal scheme at 45 McLaren Street from the six month period running from 21 Sept to 20<sup>th</sup> March. Below are shadow diagrams showing the extent of impact from the approved 168 Walker Street development (blue line) and that of the proposed built form on 52 McLaren Street (red line) on the (proposed) western façade of No 45 McLaren Street.



The analysis indicates that the overshadowing effect increases at 21 March after 2:15pm.

By mid-winter however, the impact on the western façade of the future built form on No 45 McLaren Street is more significant where the increased impact on the western façade commences after 1:15pm. With the 168 Walker Street scheme only, most of the western facade of the building will receive less than one daylight hour in mid-winter, with some parts receiving between one and two daylight hours. With the 52 McLaren Street proposal, this will reduce to less than one daylight hour for the entire facade.



In summary, with the 168 Walker Street scheme only, 62 dwellings (62%) receive in excess of two hours direct sunlight between 9 am and 3 pm at mid winter, with 38 dwellings (38%) receiving less than two daylight hours. This is unchanged (as a percentage of non-compliance) with the 52 McLaren Street proposal.

In a dense urban environment, there is an inevitable degree of overshadowing expected when significant redevelopment occurs. During the preparation of the Civic Precinct Planning Study, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public transport, employment and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility.

In considering the current planning proposal on No 45 McLaren Street – this built form was not contemplated at the time of preparation of the Planning Study. The overshadowing impact arising from No 168 Walker Street on this site is considerable. The current planning proposal does not result in a further degree of non-compliance in terms of a reduction in number of apartments below the two-hour preferred minimum threshold. It does result in an increased level of impact however to those (yet to be built) dwellings on the western façade of No 45 McLaren Street.

Council received some level of support for the study by the community to unlock additional development capacity within the precinct, provided commensurate public benefits are delivered to meet the needs of the community and efforts are made to limit impacts of new buildings. The proponent is proposing a number of public benefits in line with the community endorsed CPPS including community facilities and a public through site link. If delivered this will, in turn allow the rehousing of the existing Kelly's Place facility freeing up an area for much needed public open space around the Crows Nest station.

Acknowledging these solar impacts, on balance the proposal is considered a reasonable planning outcome having regard to both the site and broader strategic planning outcomes.

#### Outdoor childcare space at 52 McLaren Street - Solar Analysis

The analysis demonstrates that the outdoor uncovered area receives in excess of four hours of direct sunlight between the hours of 9am and 3pm at mid-summer. At the equinoxes, approximately two-thirds of this area receives in excess of three hours of direct sunlight between the hours of 9am and 3pm, with the exception of the area adjacent to the northern site boundary which is overshadowed by the adjacent buildings.

Council engaged an independent specialist to provide advice on the operational and qualitative considerations of the proposed childcare facility so as to help make a more informed decision on the overall merit of the childcare centre offering. In regard to solar access it was informed that such scenario is not uncommon at high density locations and that appropriate operational management can be integrated to ensure children receive access to sunlight.

*“...Building a childcare facility as part of a multi-story complex, can often present issues of how children can access the outdoor environment and subsequently access direct sunlight. Whilst the regulations 113 and 114 discuss the need for children to access a natural environment and include adequate shade, the amount of sunlight access is not prescribed...”*

*“...In the McLaren St concept, provisioning the ground floor and positioning the childcare facility to the northern end of the building, gives the best possible advantage to the children accessing outdoor/natural play spaces on this site. Despite the predominately understory nature of the McLaren St concept, there is provision for children to see sky and there will be access to sun year round...”*

Assessment recommendation:

In consideration to the matters discussed above, this Planning Proposal demonstrates that matters relating to potential overshadowing can be appropriately addressed.

## **9.5 Bulk and Scale**

### **9.5.1 Building Envelope**

In considering the appropriateness of the planning controls being sought, careful consideration has been given to the likely built form that may result and potential impacts arising. Council has provided ongoing feedback and advice at various stages of the concept development phases of the process.

The applicant’s Urban Design Report (Pg 74-77) includes a comparative analysis of maximum building height and the corresponding bulk/scale of the building envelope under the following three scenarios:

- Uniting Aged Care Scenario: Approved maximum building height and associated building envelope for DA 67/2011 (Uniting Aged Care Development for a Seniors’ Housing and associated site development).
- LEP Compliant Scenario: Compliant maximum building height and associated building envelope under the NSLEP 2013.
- Planning Proposal Scenario: Proposed maximum building height and building envelope under this Planning Proposal.

The following observations are made:

- The Planning Proposal provides for a significantly wider view corridor allowing for public domain improvements by restricting its building footprint on the ground floor. To ensure viability of the intended development and a delivery of key community benefit in the form of a childcare centre and through site link, the practical solution is to achieve vertical heights which is kept within the context specified by the CPPS and is comparable with the maximum building heights of the adjacent building at No. 168 Walker Street.
- Due to the reasons specified above, the Planning Proposal option will appear slender in comparison to the other two scenarios noted above (current LEP or Aged Care approval). Furthermore, as the Planning Proposal is required to provide a 10m front setback (along McLaren Street) in order to be consistent with the front setback of No. 168 Walker Street, when viewed from the intersection of McLaren and Miller Streets, the building envelope and bulk will not appear imposing when it is compared for the other two scenarios which are bulkier than the planning proposal option.

Assessment recommendation:

In consideration to these matters, this assessment finds that the Planning Proposal has appropriately addressed the matters concerning the overall bulk/scale of the proposed built form. It is highlighted that in the development of the concept, the bulk and scale has been significantly massaged (14 storey element reduced to 8 storeys) and provides a more nuanced built form response than provided for initially in the CPPS. The proposed building heights and envelopes are generally consistent with those envisioned by the CPPS.

To help guide an informed built form, Council may direct the applicant to prepare site specific DCP provisions. Should Council support the progression of the Planning proposal this can be prepared for Council's consideration prior to any public exhibition stage.

### **9.5.2 Podium Height and Setbacks**

The podium height is within the design guidelines as listed under the CPPS featuring a three (3) storey community and commercial podium. The indicative design scheme comprises a ground floor level which consists of primarily retail and childcare uses with lobby areas providing access to the residential and commercial tenancies above. A public plaza area is also provided to the east of the podium form, providing opportunities for outdoor seating and al-fresco dining.

A site specific DCP may include relevant provisions to guide intended design outcomes.

### **9.6 Building Separation/Privacy**

CPPS requirements

The CPPS includes setback requirements for the site to provide public domain upgrade opportunities and better contextual response with development along McLaren Street. The setback requirements are:

- Provide a minimum 6-metre whole of building setback along the eastern boundary to deliver the pedestrian link between McLaren and Elliot Streets.
- Provide a whole of building setback to McLaren Street to align the future building with the adjacent development at 168 Walker Street, facilitate a more level public access to the pedestrian link and achieve greater built form separation to residential towers south of McLaren Street.

Further, the CPPS reinforces the building separation requirements of the Apartment Design Guide (ADG), stating:

- Provide adequate separation to the properties to the west, both at podium and tower level.
- Comply with the ADG building separation recommendations to all 4 boundaries.

Apartment Design Guide Requirements

The Apartment Design Guide requires the following separation distances between an existing and new buildings:

***"0 to 4 storeys (approximately 12m)***

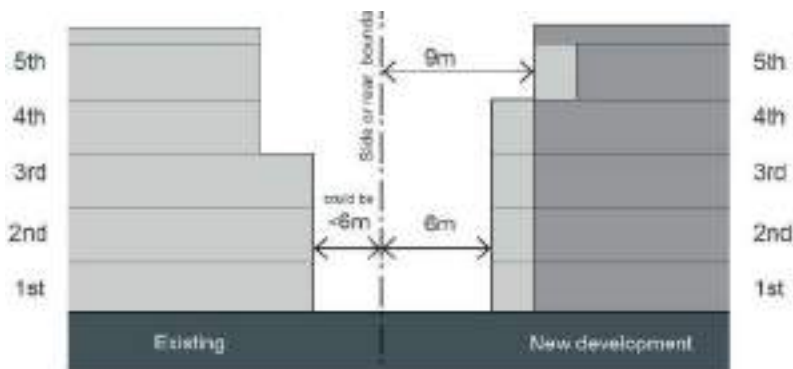
- *12m between habitable rooms/balconies (6m to centre line of laneway)*
- *9m between habitable and non-habitable rooms (4.5m to centre line)*
- *6m between non-habitable rooms (3m to centre line)*

**5 to 8 storeys (approximately 25m):**

- 18m between habitable rooms/balconies (9m to centre line of laneway)
- 12m between habitable and non-habitable rooms (6m to centre line)
- 9m between non-habitable rooms (4.5m to centre line)

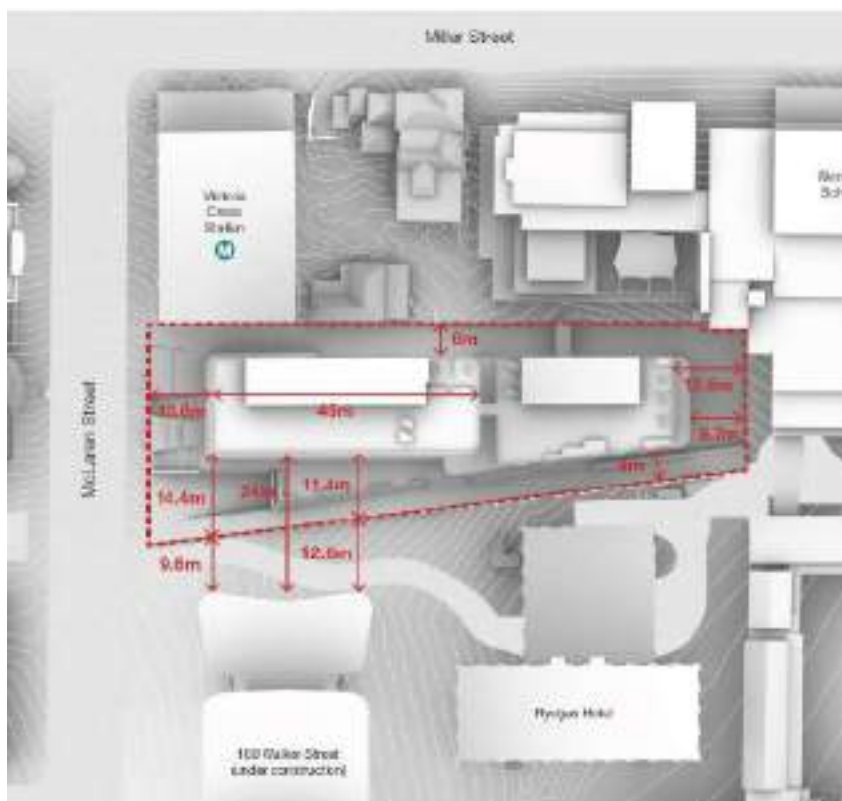
**9 storeys and above**

- 24m between habitable rooms/balconies (12m to centre line of laneway)
- 18m between habitable and non-habitable rooms (9m to centre line)
- 12m between non-habitable rooms (6m to centre line)"



**FIGURE 32: ADG building separation requirements diagram**

Planning Proposal Setbacks



**FIGURE 33: Proposed building Setbacks, Planning Proposal**

The table below summarises key setbacks being proposed:

Planning Proposal Setback	Discussion
<p><b>Southern Boundary - McLaren Street</b></p> <p>(i) Ground floor - consistent with the setback of 168 Walker Street (approximately 10.5m).</p> <p>(ii) Above podium level setback – Nil</p>	<p>CPPS does not specify the upper-level setback requirements. The North Sydney DCP 2013 requires that a setback of 3m above the podium level be provided along McLaren Street. The planning proposal has not provided an upper level setback .</p> <p>Given that the proposal provides a whole of building setback (10.6m) to McLaren Street responsive to the setback of 168 Walker Street and a landscaped open space within the setback zone, the proposed reduction of the above podium setback at this interface is considered acceptable.</p>
<p><b>Northern Boundary</b></p> <p>(i) Ground floor -</p> <p>(ii) Above podium level setback-</p>	<p>The CPPS does not identify setback controls to the northern boundary. However, CPPS recommends that an open space be located at the northern end of the site. This planning Proposal intends to use this area as an outdoor space for childcare centre.</p> <p>The proposed above- podium setback to the northern boundary (12.6m) is consistent with the ADG minimum building separation requirement.</p>
<p><b>Western Boundary</b></p> <p>(i) whole of building – 6m</p> <p>(ii) Above podium level setback-</p>	<p>Podium levels would generally comprise non-residential uses and therefore the proposed 6m setback for podium levels on the western boundary are considered appropriate to address building separation requirements/visual privacy concerns.</p> <p>Due to the site’s unique characteristics, the proposed 6m whole building setback for upper levels to the western boundary is acceptable under the following conditions</p> <ul style="list-style-type: none"> <li>• western façade to include non-habitable rooms; or</li> <li>• <u>habitable rooms with high windows only, fronting the school and heritage sites.</u></li> </ul> <p>These matters can be included in a site specific DCP which will be exhibited concurrently with the Planning Proposal.</p>
<p><b>Eastern Boundary</b></p> <p>(i) whole of building – 6m</p> <p>(ii) Above podium level setback -</p>	<p>Due to the site’s unique characteristics, the proposed 6m whole building setback for upper levels to the western boundary is acceptable under the following conditions</p> <ul style="list-style-type: none"> <li>• Eastern façade to include non-habitable rooms; or</li> <li>• <u>habitable rooms with high windows only or sufficiently offset where fronting the Rydges Hotel site.</u></li> </ul> <p>These matters can be included in a site specific DCP which will be exhibited concurrently with the Planning Proposal</p>

Given the detailed design process the reference design has gone through and having regard to the site circumstances and the intention of the CPPS, the setbacks proposed and summarised in the Table above are considered appropriate given the circumstances of the site and its location and configuration.

A Site Specific DCP should be further developed with a view to being exhibited concurrently with the Planning Proposal and detail the setbacks presented in Table above. Measures to ensure adequate levels of privacy to surrounding properties should be further resolved at the development assessment stage.



## 9.7 Transport & Traffic Impacts

The Planning Proposal is supported by a Traffic and Parking Impact Assessment Report and a Green Travel Plan, prepared by GHD.

### 9.7.1 Travel Planning

The Planning Proposal is accompanied by a Green Travel Plan (GTP). The intent of the Green Travel Plan is to demonstrate how the applicant intends to reduce car reliance; increase uptake of walking, cycling, public transport, and car sharing; and further reduce on-site car dependency, car ownership, parking demand and parking supply for the site.

This approach supports the principle of more sustainable transport options as well as managing traffic growth and assist cumulatively in creating and/or preserving, safer environments of higher amenity for people.

Council officer's assessment indicates that the level of details contained in the GTP is sufficient for this Planning Proposal to proceed to the next stage. However, at the Development Application stage a detailed GTP would need to be submitted demonstrating empirical analysis of parking demands (inclusive of bicycle parking for residential, commercial & visitor use) and parking provisions proposed by the development.

### 9.7.2 Parking Impact Assessment

#### (i) Car Parking provision

In the reference scheme provided, a total of 117 spaces are proposed over a 3-level basement car parking. Vehicle access to the basement car park is proposed to be provided from McLaren Street.

The proposed car parking arrangement includes 104 resident spaces, 7 commercial spaces, 6 childcare and 1 retail space. This parking provision rate was responsive the DCP rates as they applied at the date of lodgement of the Planning Proposal noting that the rates provided in the scheme were well below the maximums as they applied at the time. This was due to the sites obvious proximity to the new Metro entry point.

At its meeting of 26 April 2023, Council resolved to adopt certain amendments relating to **residential car parking** rates within high accessibility areas. The new residential car parking rates applying to the site which came into effect on 4 May 2023 are contained in the table below:

<b>TABLE 4: Car Parking provision rates NSDCP 2013 as amended</b>			
<b>Type of Use</b>	<b>Max. Parking Rate</b>	<b>Max Parking spaces</b>	<b>Proposed Parking Provision in concept scheme</b>
<b>Residential</b>			
21 x Studio	0.3 space/dwg	6.3	104 (inclusive of 34 accessible spaces)
63x 1 bedroom	0.4 space/dwg	25.2	
62x 2 bedroom and 26x 3 bedroom	0.7 space/dwg 1 space/dwg	43.4 26	
	<b>Subtotal</b>	<b>100</b>	<b>104</b>
<b>Commercial</b>			
Office (2,573m <sup>2</sup> )	1 space/400m <sup>2</sup> GFA	6	7 (inclusive of 1 accessible space)
Retail (427m <sup>2</sup> )	1 space/400m <sup>2</sup> GFA	1	
	<b>Subtotal</b>	<b>7</b>	<b>7</b>

<b>Childcare</b>			
Staff (minimum 6 assumed)	1 space per 2 employees with a maximum of 3 spaces	3	2 all day designated staff spaces
Parents	<24 places - 2 spaces; >24 places -3 spaces.	3	4 (inclusive one 1 accessible space) spaces for drop off and pick up during 7:30-9:30am and 4-6pm (10min parking limit)
	<b>Subtotal</b>	<b>6</b>	<b>6</b>
<b>TOTAL</b>		<b>113</b>	<b>117</b>

In accordance with the amended parking rates, the DCP currently identifies a maximum of 100 residential spaces. As the site is located in highly accessible area any future Development application will need to respond to the current DCP parking provisions.

(ii) Reduced off-street carparking

Council's assessment supports the proposed reduction on the off-street carparking provision due to the following reasons:

- the subject site is located adjacent to Metro services and has high public transport accessibility including the bus network in and around the area;
- will encourage the use of public transport and other modes of transport such as carshare and active transport;
- will lead to reduced traffic generation and congestion on local roads.

This is consistent with the objectives of the Council's North Sydney Transport Strategy (2017) in appropriately managing the off-street parking demand within the areas of high public transport accessibility, as represented by walking catchments of the future metro stations and existing railway stations.

(iii) Accessible Car Parking

The Planning Proposal provides a total of 36 accessible parking, comprising of 34 accessible residential space, 1 for commercial use and 1 space for childcare facility. This is consistent with the requirements of section 2.2.3 of the DCP, which requires 20% of the total dwellings would need to provide accessible car parking spaces.

Bicycle Parking and end of trip facilities requirement

**TABLE 5 – End of trip facilities**

Component	Use Type	Units/ GFA	DCP 2013 Rate (Occupant)	DCP 2013 Rate (Visitor/Customer)	Minimum bike spaces required	
					Occupant	Visitor / Customer
Residential	Units	172	1 space per 1 unit	1 space per 10 dwellings	172	17
Retail	Retail	427 m <sup>2</sup>	1 space per 250 m <sup>2</sup>	2 + 1 space per 250 m <sup>2</sup> over 100 m <sup>2</sup>	2	2
Office	Office	2,573 m <sup>2</sup>	1 space per 150 m <sup>2</sup>	1 space per 400 m <sup>2</sup>	17	6
Childcare	Childcare	Refer note *	1 space per 10 staff	2 per centre	1	2
<b>TOTAL</b>					<b>192</b>	<b>27</b>

Notes:  
(\* ) Assuming up to 10 staff

**TABLE 6 – Bicycle parking**

Facility	Number of bicycle spaces (occupants only)	DCP 2013 Rate	Minimum facility required
Lockers	20	1 per bicycle space	20
Shower and change Cubical	20	2 per bicycle space up to 20 plus 2 per additional 20 (or part thereof)	2

Table xx indicates the provision made for the end of trip facilities. Further details on the end-of trip facilities and the appropriate bicycle storage facilities could be assessed/provided at a development application stage.

(iv) Motorcycle parking

NSDCP 2013 requires one motorcycle parking space per 10 car spaces. The Planning proposal makes a provision of 12 motorcycle parking spaces within the residential car parking area, taking into consideration a provision of 117 total car spaces being proposed for the development.

Future detailed development application process will consider more appropriate location for motorcycle parking and/or outline appropriate safety considerations for the users.

An existing on-street designated motorcycle parking is currently available on the northern kerb of McLaren Street near the intersection with Miller Street, approximately 75 m west of the site. This facility can generally park four motorcycles.

(v) Car Share Scheme

The development proposes to implement car share facilitates for four vehicles to reduce car ownership and support the alternative transport option for residents and visitors to the development.

There are five existing car share pods (Source: Go-Get.com.au) located within 150 m to walking distance from the site (as shown in Figure 3-6), providing an opportunity for residents and visitors of the proposed development to utilise this alternative transport option.



**FIGURE 34: Pg 21 of TIA**

**9.7.2 Traffic Impact Assessment**

The Planning Proposal is supported by a Traffic and Parking Impact Assessment prepared by GHD which details car parking demand created by the proposal, trip generation characteristics of the proposal and the performance of the intersections post development.

(i) Existing traffic volumes (each direction)

GHD (Table 7 below) report indicates that McLaren Street has an existing peak hour volume of 227 in AM and 270 in PM according to the GHD TIA report. Similarly, Miller Street has an existing peak hour volume of 872 in AM and 743 in PM.

<b>TABLE 7</b>					
Location	Road classification	Direction	AM Peak Hour (veh/h)*	PM Peak Hour (veh/h)*	Saturday Peak Hour (veh/h)*
McLaren Street	Local	Eastbound	105	100	81
		Westbound	122	170	121
		<b>Total</b>	<b>227</b>	<b>270</b>	<b>202</b>
Miller Street	Regional	Northbound	334	402	304
		Southbound	538	341	307
		<b>Total</b>	<b>872</b>	<b>743</b>	<b>611</b>
Walker Street	Local	Northbound	89	218	108
		Southbound	201	203	130
		<b>Total</b>	<b>290</b>	<b>421</b>	<b>238</b>

Notes: (\*) veh/h = vehicles per hour

(ii) Assumed future traffic generation

TIA indicates that the Planning Proposal is likely to increase the peak hour trip generation as indicated in Table 8, below:

**TABLE 8**

Facility Type	Quantity	Assumed Trips Generated		
		AM	PM	Saturday Peak
Residential	172 dwellings	33	26	33
Commercial (office)	2,573 m <sup>2</sup> GFA	41	31	0
Retail	427 m <sup>2</sup> GFA *	39 <sup>^</sup>	39	65
Childcare	Refer Table 3-1 *	23	20	0
	<b>TOTAL</b>	<b>136</b>	<b>116</b>	<b>98</b>

Notes:

(#) GLFA = 0.75 x GFA

(<sup>^</sup>) The AM peak adopted as per the PM peak. It should be noted that typically retail trip generation would be significantly lower in the AM period when compared to the PM period.

(\*) Based on Long Day centre trip generation

### (iii) Level of Service

TIA indicates that the analysed intersections (Miller/McLaren and McLaren/Walker) would have an acceptable Level Of Service (i.e. better than Level of Service E) with spare capacity both the weekday morning, evening weekday and weekend peak periods in the 2020 post-development scenario with road network operation being comparable to existing conditions. Detailed SIDRA results of these intersections are provided in Appendix B of the TIA. Applicant's assessment indicates that the cumulative traffic impacts of 168 Walker Street (adjacent site to the west) has been taken into consideration.

### Assessment findings:

Following a consideration of the above matters, Council's assessment suggests that the Planning Proposal appropriately addresses parking and transport impacts that may arise from the proposal. As noted throughout this report, the approval of the planning proposal does not constitute approval of the proposed design scheme. The applicant is required to provide a detailed design scheme at the lodgement of a development application stage which constitutes a detailed assessment for the purposes of approving the proposed scheme. Appropriate car parking numbers, vehicular access and relevant safety concerns are matters for determination at the detailed DA stage. Any future DA for the subject site will need to be referred to Transport for NSW for approval on traffic generation at the intersection of Miller/McLaren Streets as Miller Street is a regional road.

## **9.8 Acoustic Amenity**

The Planning Proposal is accompanied by an acoustic assessment prepared by GHD. The report takes into account current State Government guidance around noise and vibration, as well as requirements of the ADG. It focuses on ensuring the building design will enable a suitable level of internal residential amenity in terms of noise levels and ventilation.

The report concludes that noise mitigation is required and lists a series of measures that should be adopted including:

- Low-noise mechanical plant where possible
- Acoustic barriers and enclosures for an external plant
- Location of plant rooms away from sensitive receivers
- Plant rooms enclosed by acoustic performing materials such as concrete panels and acoustic louvres.

The report's analysis is based on noise data obtained in 2015, which is likely out of date given recent development in the vicinity. Further, a comprehensive assessment proved difficult due to construction noise on and around the site, which in the long term, can be considered temporary. Any Development Application would require updating for both noise and vibration, including the future Metro Station and any expected mechanical ventilation noise impacts. However, the report concludes that there is sufficient ability for the building design to mitigate noise impacts that would enable a Planning Proposal to progress.

## **9.9 Wind Assessment**

The Planning Proposal is accompanied by wind assessment undertaken by GHD Woodhead. The assessment indicates that although the proposed development will have some effect on the local wind environment, Wind conditions around the development are expected to be classified as acceptable for a pedestrian standing or walking from the perspective of the Lawson Wind Comfort Criteria perspective which is broadly in line with the intent of the North Sydney DCP 2013.

The assessment outlines that local improvements would likely be necessary for areas intended for long-term stationary or outdoor dining activities, particularly on the eastern side of the development site. It recommends a series of mitigation measures to be incorporated into a final design, including:

- Undertaking Wind tunnel testing to quantify the wind conditions around the site;
- Solid and porous elements such as balustrades and screens at varying heights along the through site link
- Dense foliage landscaping
- Adjustable screens or louvers on corner balconies.

Council is satisfied that this matter can be addressed in greater detail in any future development application and should not preclude the Planning Proposal progressing further.

## **9.10 Social, Environmental and Economic Impact Assessment**

Social, environmental and economic impacts of the Planning Proposal is addressed in the subsections below:

### **9.10.1 Social Impact**

As outlined in earlier sections of this report, the Planning Proposal appropriately addresses the proposed increase in height, bulk and scale of development on the site, to ensure residential amenities for the future residents.

The site is located immediately next to the Metro Station to integrate transport and land use to minimise use of private vehicles and to maximise use of public transport. It is noted that due to the planned and construction timetable of the Metro Portal which is already under construction, an opportunity was lost to integrate the two sites to achieve connection between the two buildings. Pedestrian movements will therefore require exiting the station and moving down McLaren Street to access the subject site. Given this situation, the Planning Proposal focuses in ensuring that an residential or retail development abutting the site is not impacted by mechanical noise or ventilation operations.

The public benefit arising from a purpose-built childcare facility and a through site link will have positive social impacts to the community living and working in North Sydney and St Leonards catchment.

The site is serviced by significant transport infrastructure, adjacent to the Sydney Metro Victoria Cross Station. In addition to this, the site is within walking distance to North Sydney train station and various bus routes. The site is also within walking distance of community facilities such as the library, civic centre and retail facilities. Existing site services and infrastructure should be able to accommodate the proposal.

### **9.10.2 Environmental Impact**

The proposed development will not affect the habitat of any threatened species or ecological communities as the site is clear of any vegetation and currently vacant. Sections 8 and 9 of this report appropriately details information on potential environmental impacts resulting from the Planning Proposal and ways to manage these impacts.

### **9.10.3 Economic Impact**

The Planning Proposal estimates that the level of capital investment required to realise the proposed development will be approximately \$80 million. On completion of the proposed development, the ongoing operation of the project is expected to deliver direct benefit of 220 jobs (FTE, Full Time Employment).

## **10 Voluntary Planning Agreement**

Section 6 of this report summarises the applicant's letter of offer to enter in VPA to provide the following:

- a three-metre wide through-site link between McLaren and Elliot Streets along the eastern length of the site, with an easement in gross for public access; and
- a 900 m<sup>2</sup> childcare centre on the ground floor (450m<sup>2</sup> internal and 450m<sup>2</sup> external space) with 4 short-term and 2 dedicated basement car bays.

### *Childcare centre*

Sydney Metro's letter of offer to enter into a VPA on the site to establish a future childcare centre is fully supported by Council's Community Development Department.

On the basis of the information stated in the letter, a 900 sqm (450sqm indoor and 450 sqm outdoor, within a single level) floor space on the ground floor meets the required specifications to accommodate a well-proportioned and planned centre.

Should the Planning Proposal proceed, Council will need to pursue further independent detailed design advice from a childcare centre operator including reasonable specifications to ensure it is delivered to a high standard as a future community asset. This will include consideration of centre design to meet State regulations and land tenure arrangements.

Council's Property Department has recommended the following land tenure arrangements be negotiated as part of the VPA with the applicant for the childcare centre:

- I. A 99-year lease entered into between North Sydney Council and Sydney Metro /future proponent with a Peppercorn rent being applied in perpetuity.
- II. Council be given a First Option Renewal upon expiry of the lease.
- III. In the event the property is sold/transferred in the future, Council be granted exclusive rights to the space occupied by the Child Care Centre without any changes to the rental and the term of the lease.
- IV. A restriction be placed on Title in relation to Item (iii).
- V. A positive Covenant be registered allocating designated, exclusive use, parking spaces for the Child Care Centre.
- VI. Whilst the Child Care Centre operator will be responsible for the maintenance and upkeep of the 900m<sup>2</sup> of childcare area, the maintenance of the parking area be managed under the umbrella of the proponents.

#### *Through-site link*

As discussed previously in Section 6 of the report, the CPPS indicates a six-metre wide through-site link on the eastern boundary of the subject site. The intent behind the through-site link is to connect North Sydney CBD with St Leonards Park, providing an alternative, more comfortable environment for pedestrians than the heavily-trafficked Miller Street. The pedestrian links identified in the Planning Study would enable the whole precinct to be within an 800 metre walk from either of the metro stations. Further to this, the proposed links would help connect important public spaces, job clusters, education facilities and public transport nodes.

Three metres has been provided in the form of two split path graded ramps which merge to six metres at Elliot Street. While a full six metres width has not been provided, this is consistent with pre-lodgement discussions, where it was determined that the eastern site currently being used for access to Rydges Hotel could potentially accommodate a further three metres at a future point.

Consideration needs to be given to the traffic treatments at the start and end of the link, such as whether a “wombat” raised pedestrian crossing may be required connecting with Faith Bandler Place to the south of the subject site, and a shared zone at Elliot Street, to ensure the link is complete. Indicative concept plans indicate a wider driveway access to the basement car park. This is not supported, with a narrower crossover preferred to give the through-site link greater prominence and clearly indicate the area is a genuine pedestrian zone.

A 24-hour public access easement/positive covenant in perpetuity should be lodged on the property title, with daily maintenance and upkeep by tenants and structural maintenance and repairs by Council. These points will be negotiated as part of the further progression of the VPA.

#### *Public value*

The draft VPA offer would be provided in addition to standard section 7.11 contributions, should Council support the offer in principle. The detailed terms of the VPA would then need to be negotiated and drafted. To allow the community a full appreciation of what is being proposed, the draft VPA should be exhibited concurrently with the Planning Proposal. It is considered that the issues can be resolved prior to placing the Planning Proposal on public exhibition, should Council resolve to proceed to seek a Gateway Determination.



## 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 and on-site signage.

At the time this report was completed, 12 submissions had been received from local residents including one from the Wenona School. A summary of the key concerns raised is provided below. These issues are largely addressed in the body of the report.

<b>TABLE 7 : Summary of submissions received</b>		
<b>Issue</b>	<b>Key points raised</b>	<b>Council response</b>
Traffic	<ul style="list-style-type: none"> <li>The proposed development will have negative traffic impact to the area.</li> <li>The traffic congestion will increase due to the existing schools, general increase in population density and Aqualand development.</li> <li>Further clarification is sought on the assumptions made in the Traffic Impact Assessment (TIA), timing of surveys undertaken for the purposes of TIA and safety concerns of pedestrians.</li> </ul>	Refer to section 9.7 of this report.
Height of the development	<ul style="list-style-type: none"> <li>The site was previously approved for 14 storey development and the proposed increase to 24 storey will impact residential amenity.</li> </ul>	Refer to sections 9.1 and 9.5 of this report.
Overshadowing	<ul style="list-style-type: none"> <li>Proposed height of development will have overshadowing impact to properties south of McLaren Street including 237 Miller Street and Ward street Precinct.</li> </ul>	Refer to sections 8.8 and 9.4 of this report.
Local character	<ul style="list-style-type: none"> <li>The proposal will have negative impact to the existing character of the area. This area should remain as a transition zone between the CBD and the residential development.</li> </ul>	Refer to Background section of this report.
Public Benefits	<ul style="list-style-type: none"> <li>The CBD contains many recently approved high rise building which have impacted on tree canopy cover and over-use of St Leonards Park.</li> <li>52 McLaren Street should be converted into open space to connect to St Leonards Park.</li> <li>Additional commercial spaces may not be required in North Sydney as other attractive places in the vicinity such as Barangaroo/Chatswood can meet these needs.</li> </ul>	Refer to sections 6 and 10 of this report.

In relation to the submission received from the Wenona School, this was directed to the Sydney Metro Authority and a copy provided to Council. The submission raised the following key matters;

1. Request that the Northern Tower setback be increased to align with the 'Urban Framework' map in the CPPS.

Comment: The diagram referenced on page 28 of the CPPS is schematic and conceptual only. The applicant's reference scheme has undergone refinement since lodgement and is assessed within this report. It includes a setback to the northern boundary of 9.7m. Should the Planning proposal be supported site specific DCP provisions can be developed to identify relevant boundary setbacks.

2. The northern tower should be occupied for non-residential uses to provide a better land use interface with school.

Comment: The applicant's revised reference scheme includes commercial floorspace and the child care facility within the podium element of the reference scheme and a residential tower above.

3. Potential for overlooking of the school should be minimised. Request provisions to restrict windows and balconies from the northern and western elevations of any proposed tower.

Comment: The interface with the school uses on the adjacent sites do need careful design consideration and resolution. The restriction of windows and balconies would, however, be problematic in terms of provision of reasonable amenity levels for future occupants (commercial or residential). This is a matter that can be further resolved at any future Development Application stage.

4. The provision of a new pedestrian connection is supported. Request careful design and consultation with surrounding stakeholders.

Comment: This is noted. Further design resolution of this aspect of the proposal will be required at future stages of development.

5. Opportunities to integrate the podium on the development site with Wenona School should be explored. Provisions within the LEP or DCP are requested that encourage the integration should be provided.

Comment: It is understood that some early consultation has conceptually explored this opportunity, with the applicant and the Wenona School. The potential expansion of the school into the commercial elements of the school may represent a good outcome, however, no terms or details have yet been presented or agreed upon. The progression of the Planning Proposal at this stage will not preclude this from happening and the parties are encouraged to maintain a dialogue.

## **CONCLUSION**

The Planning Proposal seeks to amend NSLEP 2013 to increase the maximum building height requirements and to incorporate new FSR and non-residential FSR controls as it relates to land at 52 McLaren Street. The proposal is accompanied by an indicative reference scheme to demonstrate how the site could be developed to the requested height and density controls.

The Planning Proposal and accompanying reference design is considered, on balance, to demonstrate strategic and site-specific merit as it:

- achieves the objectives and actions of high-level strategic planning strategies relating to the site;

- is consistent with the provisions of the Civic Precinct Planning Study;
- demonstrates that the site can be acceptably developed to the requested height and density insofar that it achieves an appropriate level of amenity and the impacts arising from the proposal; and
- delivers a level of public benefit consistent with that anticipated under the CPPS.

#### **RECOMMENDATION**

- 1. THAT** the Planning Proposal (PP 6/21) be supported to proceed to a Gateway Determination.
- 2. THAT** further site-specific provisions including siting of building height, setbacks, building length, podium heights and through site link design, be prepared prior to public exhibition.

**Neal McCarry**  
**Acting Manager – Strategic Planning**

**Marcelo Occhiuzzi**  
**Director Community, Planning and Environment**

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# **Planning proposal**

52 McLaren Street, North Sydney

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## Appendices

### **Appendix A – Urban Design Report**

*GHD*

### **Appendix B – Architectural Drawings**

*GHD*

### **Appendix C – Visual Impact Assessment**

*Ethos Urban*

### **Appendix D – Traffic and Parking Impact Assessment**

*GHD*

### **Appendix E – Heritage Impact Statement**

*NBRS Heritage*

### **Appendix F – Contamination Statement**

*GHD*

### **Appendix G – Review of Airspace Implications**

*GHD Woodhead*

### **Appendix H – Consultation Report**

*Sydney Metro*

### **Appendix I – Qualitative Wind Assessment**

*CPP*

### **Appendix J – Acoustic Assessment**

*GHD*

### **Appendix K – Green Travel Plan**

*GHD*

<b>Date:</b>	August 2022
<b>Version:</b>	2
<b>Division:</b>	City & Southwest

# 1 Introduction

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This planning proposal report is submitted to North Sydney Council (Council) to request amendments to the *North Sydney Local Environmental Plan 2013* (North Sydney LEP 2013) relating to land at 52 McLaren Street, North Sydney (the site). The purpose of this planning proposal is to amend the North Sydney planning controls to propose a maximum floor space ratio (FSR) and height to enable a future development that is consistent with the North Sydney Civic Precinct Planning Study (CPPS) which envisages two buildings with mixed-uses and a unified podium on the site. This planning proposal does not propose any construction. Future detailed design of buildings and associated construction activity will be subject to a separate planning approval process (Development Application (DA) with Council) that will be prepared by others.

This planning proposal requests that Council initiate a Local Environmental Plan (LEP) amendment process to:

- amend the maximum building height from RL 110m to part RL 107m and RL 156m
- apply a maximum FSR of 5.3:1 on the site
- amend the minimum non-residential FSR from 0.5:1 to 1:1.

An indicative image of a proposed building which would be achievable under the proposed LEP controls is provided in Figure 1.

This planning proposal describes the site, the proposed amendments to the North Sydney LEP 2013 and provides an environmental assessment of the proposed height, FSR and non-residential FSR controls, building envelope and indicative reference design to demonstrate how a future built form could look and function. The report should be read in conjunction with the Urban Design Report and indicative Architectural Drawings prepared by GHD (Appendices A, B and C) and specialist consultant reports appended to this proposal (refer to Table of Contents). This planning proposal has been prepared having regard to '*Local Environmental Plan Making Guideline*' published by the Department of Planning, Industry and Environment (DPIE). In particular this planning proposal addresses the following specific matters in the guideline:

Part 1 – Objectives and intended outcomes

Part 2 – Explanation of provisions

Part 3 – Justification

- Environmental, social and economic impact.
- Need for the planning proposal.
- Relationship to strategic planning framework.
- State and Commonwealth interests.

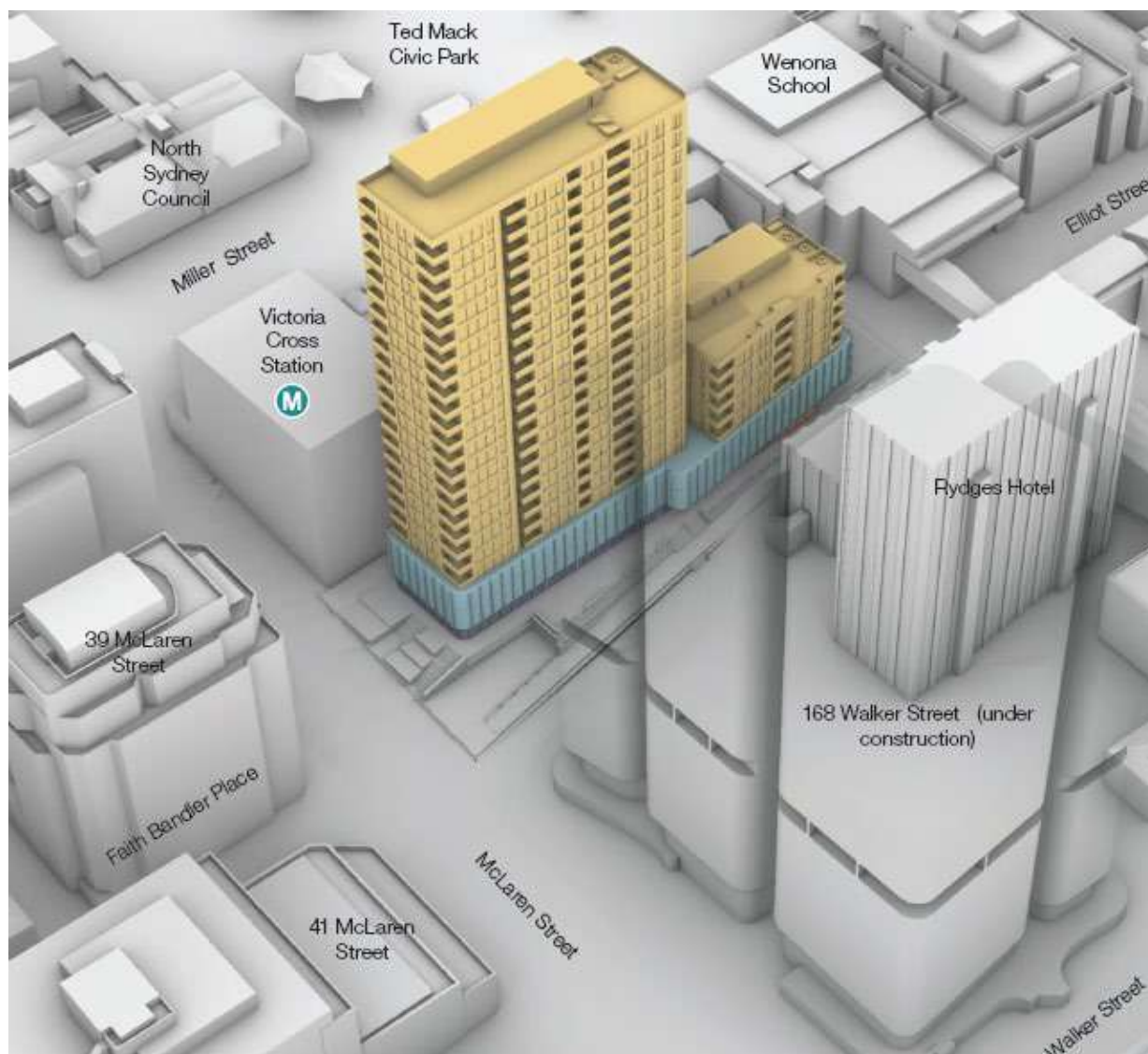
Part 4 – Mapping

Part 5 – Community consultation

Part 6 – Project timeline



**Figure 1** An indicative scheme that could be achieved under the proposed controls (GHD Woodhead)



## 1.1 North Sydney Civic Precinct Planning Study

In response to the delivery of new infrastructure within the North Sydney CBD and the actions outlined in the North District Plan, Council resolved to prepare the CPPS as a means of investigating the potential for new housing and employment opportunities within the Civic Precinct.

The CPPS envisions a modern, connected area, primarily low scale in character with a network of pedestrian links and open spaces. The CPPS also specifically recognises the location of the northern entrance for the Victoria Cross Station which is located within the Civic Precinct on corner of Miller and McLaren streets. The new infrastructure acts as a catalyst to a series of actions and objectives identified by Council, ensuring any revisions to the controls for that precinct will deliver additional dwellings and commercial floor space for new employment opportunities.

The CPPS was exhibited for community consultation by Council from 4 June to 20 July 2020. It was then adopted, with revisions, on 20 November 2020.

The site is located within one of the two transition areas identified in the CPPS which is nearby to the North Sydney Central Business District (CBD). The transition areas are earmarked to provide vibrant mixed-use zones, allowing for more job and housing opportunities within the North Sydney area. The CPPS provides site specific guidelines for future development on the site and introduces the potential for two buildings ranging from 14 to 24 storeys with a unified podium. It notes the opportunity to create a mixed-used or commercial development next to the new metro station.

## 1.2 Pre-lodgement consultation with Council

A pre-planning proposal meeting was undertaken on 26 February 2021 with Council regarding the proposal. A second meeting was held with Council to present a revised scheme where most of Council's concerns regarding the through-site link were discussed. Key matters raised by Council have been included in Table 1.

**Table 1** Pre-planning proposal meeting key matters raised

Comment	Response
Victoria Cross Station northern entrance	
<p>There are concerns that the lack of detail around the northern entrance design could impact on the future relationship between the entrance and the proposal at 52 McLaren Street, specifically:</p> <ul style="list-style-type: none"> <li>the pedestrian experience at the south west corner of 52 McLaren Street coming to and from the metro entrance and the treatment of any tall, blank walls on the metro site</li> <li>the potentially random streetscape character along McLaren Street between Miller Street and Walker Street</li> <li>the occupant amenity in the south building, especially the south west corner directly adjacent to the metro entrance.</li> </ul>	<p>This planning proposal is subject to the envelope on 52 McLaren Street only. The design of the Victoria Cross Station northern entrance is subject to a separate design and planning process. Notwithstanding this, the proposed planning controls have been developed in response to the site constraints, including the Victoria Cross North site.</p> <p>The proposal provides an at-grade pedestrian connection along the podium level on 52 McLaren Street that connects through to the through-site link.</p> <p>The proposal is positioned in line with the Walker Street development adjacent to the site to provide a more consistent streetscape.</p> <p>Where apartments are located adjacent to Victoria Cross North site building, a dual aspect is proposed with the primary aspect towards the south and away from the metro station.</p>
<p>It is recommended that any planning proposal include section diagrams along McLaren Street to show how the proposal for 52 McLaren Street successfully integrates into the streetscape, taking into account the design of the northern metro entrance, as well as the Rydges Hotel and the future development at 168 Walker Street.</p>	<p>Refer to Urban Design Report at Appendix A and Architectural Drawings at Appendix B.</p>
<p>The placement of the metro entrance right up to the boundary of the 52 McLaren Street site requires some level of resolution at the planning proposal stage as it will impact the plaza entrance as well as the west façade of the south building.</p>	<p>Refer to the Urban Design Report at Appendix A as to how this relationship can be addressed.</p>
Whole of building FSR	
<p>The planning proposal must include a maximum whole of building FSR that applies across the whole site. The FSR must be calculated based on a building envelope that complies with the:</p>	<p>A FSR has been calculated on the maximum building envelope and is sought for as part of this planning proposal. This is compliant with Council's recommendations contained in the CPPS.</p>

- height limits and overshadowing requirements of the CPPS
- separation and overshadowing design criteria of the Apartment Design Guide (DPIE 2015)
- protection of solar access to the proposed future public squares to be created in the Ward Street Precinct.

#### Non-residential FSR

The planning proposal should include a non-residential FSR control that is consistent with the concept design scheme. This helps to reinforce the delivery of employment floor space and provides a better level of certainty for the community.

A minimum non-residential FSR of 1:1 is proposed consistent with CPPS.

#### Height

It is noted that the nominated RL for the northern building varies under schemes 1 and 2, depending on the land use. To deal with this, it is recommended that the planning proposal:

- apply a maximum RL over the northern portion that reflects a 14-storey residential building; and
- include a subclause within Clause 4.3 that stipulates that despite the height map control, a revised RL is permitted if the development on that part of the site does not contain residential accommodation.

This planning proposal seeks approval for two (2) heights to cater to the concept scheme. This solution is considered to be a superior outcome that provides greater certainty to Council, the community and the landowner.

Specifying two potential heights is not considered necessary given that both envelopes have been assessed to have an acceptable environmental outcome and the overall bulk of the building is also controlled by a site specific FSR which will prevent the building envelope being fully utilised.

#### Overshadowing

The planning proposal must provide a detailed shadow analysis that demonstrates how the building envelope complies with the requirements outlined in the Ward Street Masterplan, CPPS and ADG. Analysis should include plant floors on both buildings. The planning proposal will also need to address key provisions under the North Sydney LEP 2013.

An overshadowing analysis has been provided in the Urban Design Report at Appendix A.

#### Apartment Design Guide

Separate analysis should address the ADG design criteria for solar and daylight access that stipulates:

- 70% of living and private open spaces of apartments in a building receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter
- in all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of three hours direct sunlight between 9am and 3pm at mid-winter
- a maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm at mid-winter.

Refer to Urban Design Report at Appendix A.

#### North Sydney LEP 2013

The planning proposal should provide a clear justification for any height above RL133 under the Capacity and Land Use Study.

Refer to Section 5.2 of this Report.

The proposal has the potential to overshadow residential dwellings at 45 McLaren Street and 144-150 Walker Street, both of which are located outside of the North Sydney Centre. Clause 6.3(3) of North Sydney LEP 2013 applies.

Overshadowing on neighbouring properties has been analysed in the Urban Design Report at Appendix A. This is further discussed at Section 6.4 of this report.

The shadow analysis should include at least 15-minute intervals during the hours (between 9am and 3pm) that the buildings could potentially overshadow 45 McLaren Street and 144-150 Walker Street. Analysis should cover winter solstice, equinox and summer solstices.

Consideration should be given to objectives and outcomes of the Ward Street Precinct Masterplan and the draft requirements within the North Sydney Development Control Plan (DCP).

Refer to Urban Design Report at Appendix A and Section 6.4.

#### Childcare centre

Council requested the proponent investigate layouts for the childcare centre which extend over a single floor.

The proposed childcare centre location extends over a single floor. Refer to Architectural Drawings at Appendix B.

Indicative floor plans for both outdoor and indoor areas of the childcare centre should be provided in any future planning proposal.

Childcare centre requirements:

- minimum 900m<sup>2</sup> of dedicated space including 450m<sup>2</sup> of outdoor space
- indoor and outdoor space across the same level, not split over two floors
- 2 x all-day designated car spaces for staff (Health and Work Safety requirement)
- 4 x additional car spaces for drop off during the hours of 7:30-9:30am and pick-up between 4:00pm and 6:00pm (10 minute stop limit)
- comply with the NSW Child Care Planning Guideline 2017.

All of these requirements are demonstrated in the indicative design. Refer to Urban Design Report at Appendix A and Architectural Drawings at Appendix B.

The applicant would be willing to enter into a Voluntary Planning Agreement with Council which ensures the spatial provision of the childcare centre.

#### Pedestrian through-site link

Council is of the view that further work needs to be undertaken to achieve a more direct, Disability Discrimination Act (DDA) compliant link to Elliot Street.

The pedestrian through-site link was further revised following the pre-planning proposal meeting and was presented to Council who had more positive feedback. The through-site link is a DDA compliant link and has been designed in a way to help assist wayfinding and improve the visual connectivity of pedestrian through-site links within the North Sydney CBD. The retail uses on the ground plane will activate the through-site link as per the CPPS design guidelines.

The planning proposal should also include details of wayfinding and desire lines to improve the visual and physical connectivity of any through-site link, from Faith Bandler Place to Elliot Street. Wayfinding should ensure that pedestrians walking on McLaren Street or Elliot Street are aware that a public and accessible link is available.

The planning proposal should provide details on how the through-site link can be activated as per the CPPS design guidelines.

#### Landscape masterplan

Landscape masterplan should be included with the planning proposal to detail the future pedestrian through-site link and/or public plaza. It should include:

- existing and proposed deep soil planting (basement floor plan should reflect this)
- private and public open spaces (including required communal open space for residents)
- levels to surrounding properties, footpaths, and streets (including levels of the plaza and adjacent terrain at 54 McLaren Street)
- materials for the through-site link and/or plaza and how they respond to the existing surrounding

The design of the proposal retains the existing fig trees on the McLaren frontage. A landscape masterplan has been provided in the Urban Design Report at Appendix A to demonstrate the hard and soft-scaping strategies.

footpaths, having regard to the North Sydney Public Domain Style Guide

- location of services around the area of the driveway including fire escapes, ventilation, maintenance shafts, etc.

Any future planning proposal should aim to include some deep soil planting, and if not included, this decision should be clearly justified.

#### Podium

Council recommends a reverse setback at the ground level and locating columns inside the podium to improve activation, view lines and safety.

The design has been revised to include columns inside the podium to improve activation, view lines and safety.

The planning proposal should include section diagrams to show the relationship between the building and the pedestrian through-site link and surrounding context.

Refer to Urban Design Report at Appendix A.

#### ADG separation

An ADG assessment is to be submitted with the planning proposal to demonstrate that the building envelope complies with site separation requirements. The assessment should include indicative floor plans to establish habitable and non-habitable rooms, as well as distances to all surrounding buildings on all sides and distances between the two buildings.

The proposal's compliance with the ADG is provided in the Urban Design Report at Appendix A.

#### Visual impact

The planning proposal should be supported by a visual impact study.

Refer to Section 6.6 and the Visual Impact Assessment at Appendix C.

Indicative details of the potential architectural treatment and visual amenity of the two building facades facing west should be incorporated into the visual impact analysis to demonstrate how these 'core zones' will not result in tall, blank walls that are visible throughout the Civic Precinct.

Indicative details of the proposed façade design have been provided within the Urban Design Report at Appendix A.

#### Vehicular entry

Locating the vehicular entry further west is strongly encouraged.

Due to the need to protect the tree root zones of the two existing Morton Bay Fig trees the vehicular entry cannot be located any further west. Refer to the Urban Design Report at Appendix A for further details on site dimensions.

#### Car parking

Any future planning proposal should adhere to the current maximum DCP allowances for car parking spaces in B4 zones.

Refer to Section 6.9 and the Traffic and Parking Impact Assessment at Appendix D.

Council recommends that if the two schemes are presented in the planning proposal, parking figures should be provided for both schemes.

#### Green Travel Plan

A draft Green Travel Plan, in line with the requirements of North Sydney DCP 2013 should be provided with the planning proposal to demonstrate how the applicant intends to reduce car reliance; increase uptake of walking, cycling, public transport, and car sharing; and further reduce on-site car dependency, car ownership, parking demand and parking supply for the site. Justification of car share provisions and how they relate

A Green Travel Plan has been prepared by GHD and is provided at Appendix K. The Plan establishes the framework, objectives, targets, structure and systems for an operational Green Travel Plan for the site and associated development.

to reduced car parking provisions for the site should be provided as part of the draft Green Travel Plan.

Floor plans should identify end of trip facilities (resident, worker and visitor bicycle parking, showers, lockers and changing rooms). Dedicated resident/worker bicycle parking and at grade visitor cycle parking must be considered for the site.

End of trip facilities are provided within the basement of the indicative scheme. Refer to the Architectural Drawings at Appendix B.

#### Heritage

The heritage assessment should consider the following:

- the juxtaposition of the new development behind the low-scale urban context of the Wenona School complex along Miller Street and including heritage items at 243 and 255 Miller Street
- the impact of the new development on the setting of the heritage items at 243 and 255 Miller Street and the adjacent *Walker and Ridge Street* and *McLaren Street* conservation areas
- impact on views from various important cultural vantage points (see 'View impacts')
- maintaining the relevant connection with the low scale and leafy character at the core of the Civic Precinct, particularly through the creation of the through-site link with Elliot Street that will connect with St Leonards Park
- the connectivity of the threshold area in front of the southern building facing McLaren Street in terms of:
  - its transitory function as the edge and link to the heart of the Civic Precinct through its through-site link to Elliot Street to the north and Faith Bandler Place to the south
  - its relationship with the metro northern entrance on the corner of the Miller Street/McLaren Street intersection

Refer to Section 6.11 and the Heritage Impact Statement at Appendix E.

### 1.3 Post-lodgement consultation

On 11 August 2021, Planning Proposal 6/21 was lodged by Sydney Metro with North Sydney Council. It initially included two indicative design options as outlined below.

#### Option 1: Residential North and South Buildings

- North building 14 storeys (RL 124.2m) (inclusive of plant)
- South building 24 storeys (RL 156m) (inclusive of plant)
- Three (3) basement levels, comprising 139 car parking spaces and childcare drop off zone
- Total GFA of 19,096m<sup>2</sup> including:
  - 15,646m<sup>2</sup> residential floor space
  - 2,481m<sup>2</sup> commercial floor space
  - 493m<sup>2</sup> retail floor space
  - 476m<sup>2</sup> internal and 450m<sup>2</sup> external childcare floor space
- Publicly accessible through-site link connecting McLaren Street and Elliot Street.

Figure 2 Option 1 land use mix (GHD)



### Option 2: Commercial North Building and Residential South Building

- North building 14 storeys (RL 131m) (inclusive of plant)
- South building 24 storeys (RL 156m) (inclusive of plant)
- Three (3) basement levels, comprising 122 car parking spaces and childcare drop off zone
- Total GFA of 19,698m<sup>2</sup> including:
  - 11,036m<sup>2</sup> residential floor space
  - 7,703m<sup>2</sup> commercial floor space
  - 476m<sup>2</sup> retail floor space
  - 476m<sup>2</sup> internal and 450m<sup>2</sup> external childcare floor space; and
- Publicly accessible through-site link connecting McLaren Street and Elliot Street.

**Figure 3** Option 2 land use mix (GHD)

A meeting was held on Monday 22 November with Council to discuss the planning proposal. Council noted their concern with the urban design elements of both options, particularly in relation to building setbacks and tower separation. Key concerns have been summarised below:

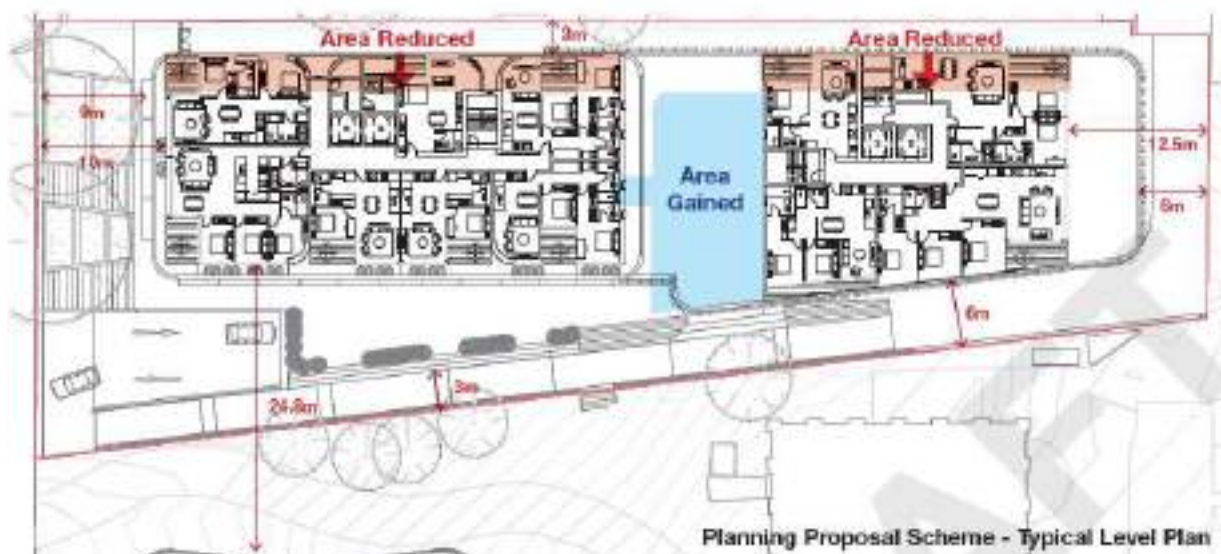
- The western boundary 3m setback was considered insufficient for a building of the scale it was and non-compliant with ADG. Council noted support for the proposal would only be provided if the minimum setback of 6m is applied for non-habitable rooms or any commercial development.
- Council noted a minimum 6m setback was required on the eastern boundary for non-habitable rooms or any commercial development to adhere with the ADG separation distances and achieve a suitable interface between adjoining buildings. The setback was expected to be 12m where habitable rooms were proposed.
- Council noted for a dual tower option, a minimum separation distance of 18m was required to break up the built form, achieve suitable solar access and ensure ADG compliance.

Council also requested a comprehensive draft travel plan be prepared to accompany the planning proposal demonstrating how the site will help to reduce car dependence and support other transport modes given its location adjacent to the new Sydney Metro Victoria Cross Station Northern Portal.

Following the meeting, Sydney Metro submitted a response to Council's comments accompanied by a revised scheme. The proposed changes primarily involved extending the western setback and closing the separation between the two buildings (as shown in **Figure 3**)



**Figure 4** High level changes proposed in response to Council feedback



Council reviewed the revised scheme and provided further comments on their intended vision for the site which responded to the site's constraints (largely due to its irregular shape). Council requested a scheme comprising:

- a 4 storey commercial podium,
- 8 storey height on the northern residential building,
- an increased length of the southern building (maximum 45m)

Sydney Metro undertook further investigations following Council's suggestions and have further developed the planning proposal in line with Council's revised vision for the site still comprising of commercial, residential and community uses (childcare) on the site. At a high level, the scheme was presented and Council confirmed their support for the lodgement of a revised planning proposal in accordance with the concept plans presented (dated 26 April 2022).

Accordingly, this planning proposal has been updated to reflect the revised scheme as consulted with Council.

Council requested a detailed concept plan for the proposed childcare centre. The planning proposal allows for sufficient indoor and outdoor space across a singular level to facilitate a future childcare centre. As indicated in the Urban Design Report at Appendix A, the concept proposal meets the following childcare facility requirements:

- Minimum 900m<sup>2</sup> of dedicated space including 450m<sup>2</sup> of outdoor space.
- Entire facility to be provided over one level ideally for ease of connection between indoor and outdoor spaces, increased supervision, and reduced staffing requirements.
- Outdoor space to be preferably one single consolidated area, rather than two separate areas.

- 2 x all-day designated car spaces for staff (Health and Work Safety requirement) 4 x additional car spaces for drop off during the hours of 7:30-9:30am and pick-up between 4:00pm and 6:00pm (10 minute stop limit)

A concept plan of the space has been provided at Appendix B. The detailed design of the childcare centre will be subject to the Transport and Infrastructure SEPP as well as local provisions.

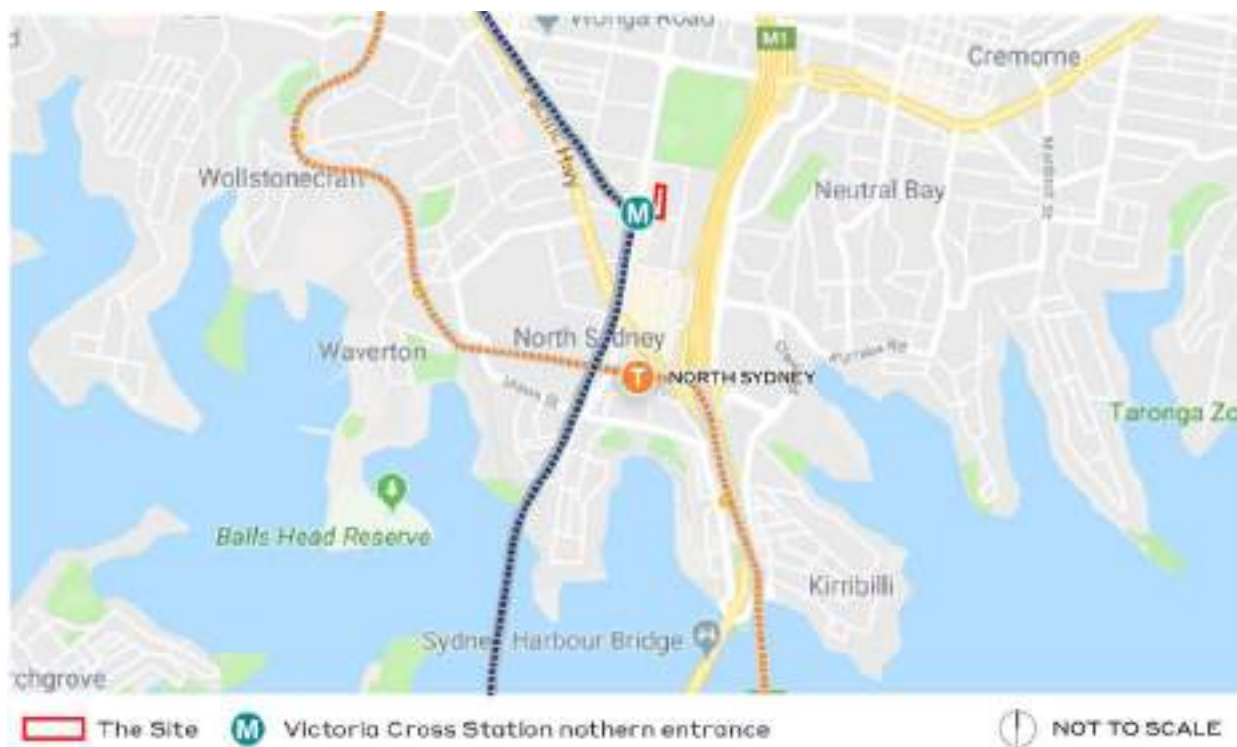
## 2 The Site

### 2.1 Site location and context

The site is located at 52 McLaren Street, North Sydney within the North Sydney Local Government Area (LGA). North Sydney is a commercial and residential strategic centre on the Lower North Shore of Sydney providing retail, commercial, education and services which are all located within close proximity to the site. The site is located on the border of both the North Sydney CBD as identified in the North Sydney Development Control Plan (North Sydney DCP 2013) and within the Civic Precinct as identified in the CPPS prepared by Council. The site and its immediate surrounds have been labelled as a dense and active transition zone, which creates a prime opportunity for redevelopment within an already well-established and significant area.

Significant investment has been made by the State Government in proximity to the site including the new Sydney Metro Victoria Cross Station, of which the North site (entrance) is located adjacent to the site. Victoria Cross Station is expected to open in 2024 and will form part of the broader Sydney Metro City & Southwest project. In addition to the future metro station, the site is 400m north of North Sydney railway station and is nearby to bus services. The site's locational context is shown at 5 and the broader Sydney Metro alignment map is shown in Figure 6.

**Figure 5** Site context



**Figure 6** Sydney Metro alignment map

## 2.2 Site description

The site is legally described as Lot 2 in DP 218407. The land is owned by Sydney Metro. It is irregular in shape and contains an area of approximately 3,197m<sup>2</sup>. Its southern boundary consists of a 36.5m frontage to McLaren Street and the northern boundary has a frontage of 11m to Elliot Street. The site currently benefits from vehicular access from McLaren Street. An aerial photo of the site is shown at Figure 7.

**Figure 7** Aerial image of the site

## 2.3 Existing development

The site is currently clear of development and is being utilised by Sydney Metro for the purposes of constructing Victoria Cross Station. Photos are provided at Figures 8 and 9.

**Figure 8** Site photo (looking north)



**Figure 9** Site photo (looking south)



## 2.4 Previous development consent

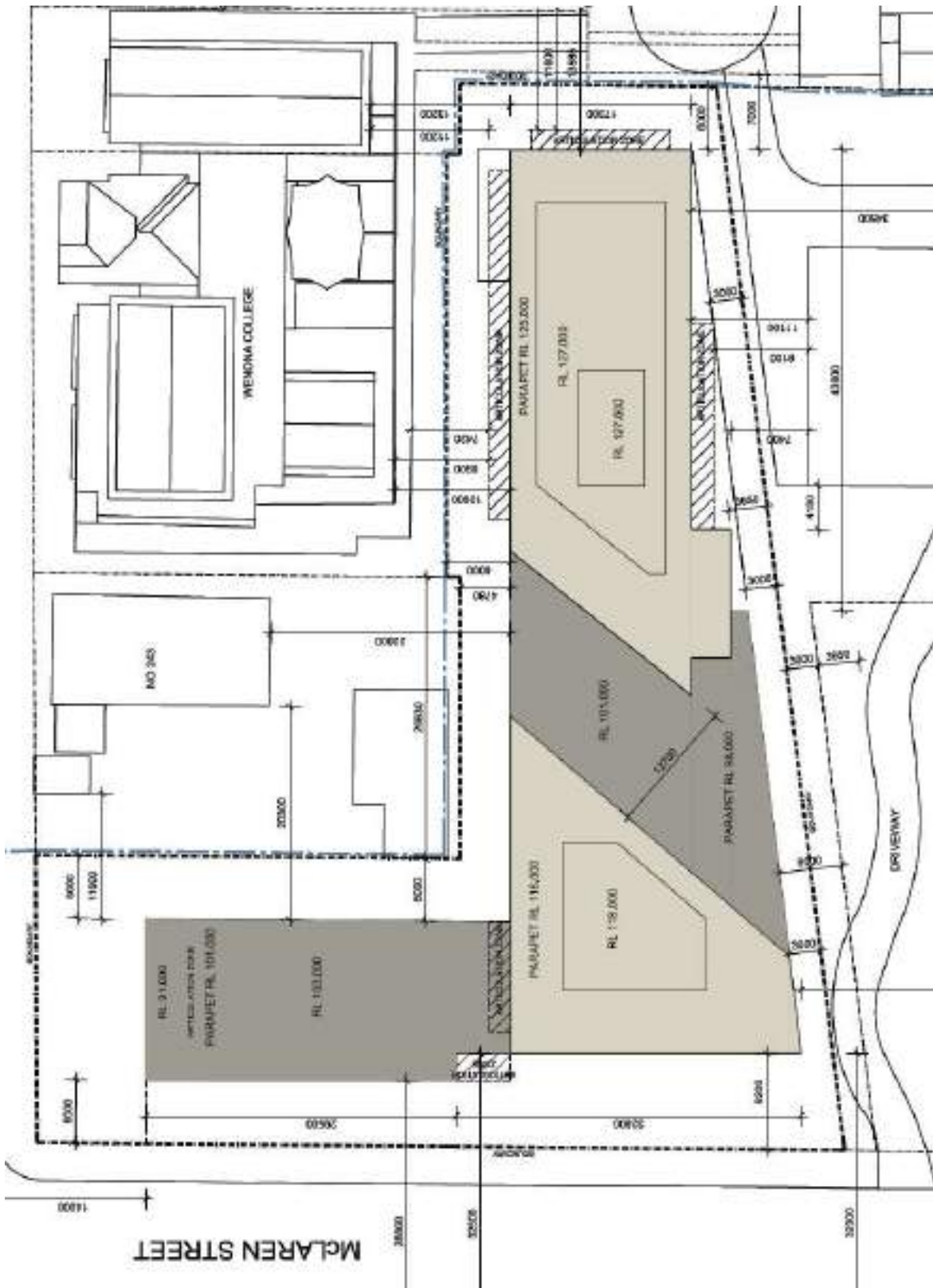
Prior to the use of the site for the purposes of constructing Victoria Cross Station, the site was occupied by a residential aged care facility (RACF) which was owned by Uniting. Uniting obtained development consent for the demolition of the existing RACF and a Stage 1 concept approval for an aged care housing development and associated non-residential uses (DA67/11).

The Stage 1 building envelope was approved to maximum building heights of RL118 to the top of Building A and RL104 for Building B.

Setbacks for this building envelope were approved as per the following:

- Up to RL 101 – as per the submitted architectural drawings (see Figure 10)
- Above RL 101 - setbacks from boundaries for Building A over RL 101 are approved as a minimum of 6 metres, with all articulation within the building envelope and with all balconies off living rooms having setbacks of at least 7m.

Figure 10 Approved previous development setbacks



## 2.5 Surrounding development

### North

Directly north of the site is Elliot Street which leads to St Leonards Park. Elliot Street is surrounded by buildings associated with Independent School, Wenona and residential development (see Figure 11). A bridge crosses over Elliot Street and provides elevated access for staff and students travelling across the Wenona school campus (refer to Figure 12). Further north of the site is St Leonards Park which includes North Sydney Oval, Bon Andrews Oval and other recreational facilities.

**Figure 11** Elliot Street (looking north)



**Figure 12** Overpass bridge connecting Wenona school campus



### South

Directly south of the site development comprises high rise residential buildings (refer to Figure 13). The future Ward Street Precinct will be located further south of the site which will improve the public domain and amenity in the heart of the North Sydney CBD. Access from the Ward Street Precinct to the Victoria Cross Station northern entrance will be provided via Faith Bandler Place (refer to Figure 14).

South east of the site is a residential building known as 45 McLaren Street which is a four storey residential flat building. 45 McLaren Street forms part of the broader Ward Street precinct and a Planning Proposal has been lodged which seeks to significantly increase the development potential of the site.

The scheme, as lodged, proposes a building of up to 16 storeys at the northern boundary and 12 storeys at the southern boundary. An artist's impression of a building that could be developed under the draft controls is provided at Figure 15.

**Figure 13** Residential apartment buildings south of the site



**Figure 14** Faith Bandler Place



**Figure 15** An artist's impression of the lodged 45 McLaren Street development





## East

To the east of the site is residential development and short stay accommodation. Directly adjacent to the site is 168 Walker Street where a new mixed-use development is proposed, varying from 22 to 28 storeys (refer to Figure 16). The site also adjoins the Rydges Hotel site (refer to Figure 17). One block east of the site is Warringah Freeway, which separates the North Sydney CBD from low to medium density residential developments of Neutral Bay and Kirribilli further east.

**Figure 16** 168 Walker Street development DA render (Woods Bagot)



**Figure 17** Rydges Hotel



## West

Directly adjacent to the site to the west is the new Victoria Cross Station northern entrance which is currently under construction and expected to open in 2024. The building will be 23 metres high from Miller Street at ground level. It will feature a ground floor and three plant levels above which will be taller than typical commercial floor heights to hold the necessary plant and equipment for the station.

To the site's north-western boundary are low rise commercial buildings, two of which are heritage listed under the North Sydney LEP 2013. Further west is the North Sydney Council Chambers and a mixture of educational and recreational development.

**Figure 18** Victoria Cross Station North site under construction



**Figure 19** Heritage building west of the site



**Figure 20** Wenona School



## 2.6 Current planning controls

### North Sydney Local Environmental Plan 2013

The North Sydney LEP 2013 is the principal environmental planning instrument applying to the site. The relevant standards applicable to the site are listed in Table 2.

**Table 2** Current controls and provisions applying to the site under the North Sydney LEP 2013

Provision	Existing Control
Height	Development across the site is restricted to a maximum building height control of RL 110. Refer to the extract at Figure 21 below.
Non-Residential FSR	A non-residential floor space ratio (FSR) control has been applied to provide a minimum commercial requirement on the site. The minimum non-residential FSR that applies across the site is 0.5:1. Refer to Figure 22 below.
Heritage	Whilst the site itself is not classified as a heritage item nor is it within a conservation area, its western boundary adjoins two general heritage items. Additionally, 'McLaren Street Conservation Area' is located west of the site and 'Walker and Ridge Streets Conservation Area' is located north east of the site. Refer to Figure 20 below.

**Figure 21** Height of buildings map extract



Figure 22 Non-residential floor space ratio map extract



Figure 23 Heritage map extract



## North Sydney Development Control Plan 2013

The North Sydney DCP 2013 provides additional detailed design guidance which builds on the provisions of the North Sydney LEP 2013. The site is located within the CBD as identified in the North Sydney DCP 2013, meaning it is subject to built form controls relating to accessibility and permeability, setbacks, podiums and the public domain. Relevant controls that apply to the planning proposal stage are outlined in Table 3 below.

**Table 3** North Sydney DCP 2013 Central Business District controls

Provision	Site Control
2.1.2 Desired Future Character	
Accessibility and permeability	P23 The following through-site links are to be provided, retained and enhanced: (a) A north – south pedestrian link from McLaren Street to Elliot Street across 54 McLaren Street.
2.1.3 Desired Built Form	
Setbacks	<p>P6 Zero setback to all street frontages at the ground floor level and adjacent to heritage items, with the following exceptions: (g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.</p> <hr/> <p>P7 Buildings must be setback to conserve views to, and the setbacks and settings of heritage item at 86 and 146-150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168-172 Pacific Highway and 1-7 Napier Street.</p> <hr/> <p>P8 The setback of new buildings or alterations and additions to existing buildings on land fronting McLaren Street between Miller and Walker Streets are to match that existing to protect the existing fig trees. Encroachments will only be permitted where the development does not cover the drip line of any of the existing trees.</p>
Podiums	<p>P9 A maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium with the following exception: (b) A maximum podium of 3 storeys to McLaren Street and Miller and Walker Streets north of McLaren Street, with a weighted setback of 3 metre above the podium.</p> <hr/> <p>P10 Podium heights should match or provide a transition in height between immediately adjacent buildings.</p> <hr/> <p>P11 Podium heights should match the height of adjacent heritage items.</p> <hr/> <p>P12 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.</p>
Public Domain	P25 Have regard to Public Domain designed in accordance with the North Sydney Centre Public Domain Strategy and North Sydney Council Infrastructure Manual.

## 3 Development concept

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An indicative planning envelope has been prepared by GHD Woodhead which demonstrates that the site can deliver the objectives and actions of the CPPS and provide sufficient floor space commensurate with the North Sydney CBD context.

The proposed indicative envelope will enable the development of a building that maximises employment and residential opportunities and capitalises on direct access to the future high-speed rail network, heavy rail and bus network, and results in an improved urban design outcome. With the opening of Sydney Metro Victoria Cross Station, there is a responsibility and reasonable planning expectation for the development capacity of the site to be realised in conjunction with maximised public benefits.

### 3.1 Proposed planning envelope description

An indicative scheme has been prepared by GHD Woodhead to inform revised planning controls for the site. The proposed envelope facilitates a podium and building form, consistent with the provisions of the North Sydney DCP 2013. The scheme illustrates that the proposed amendments to the North Sydney LEP 2013 can support the delivery of a development with 8 and 24 storey mixed-use buildings accommodating retail, office and residential land uses. The development scheme comprises a three (3) storey podium for commercial and childcare uses and the following:

North building 8 storeys (RL106.2m) (inclusive of plant)

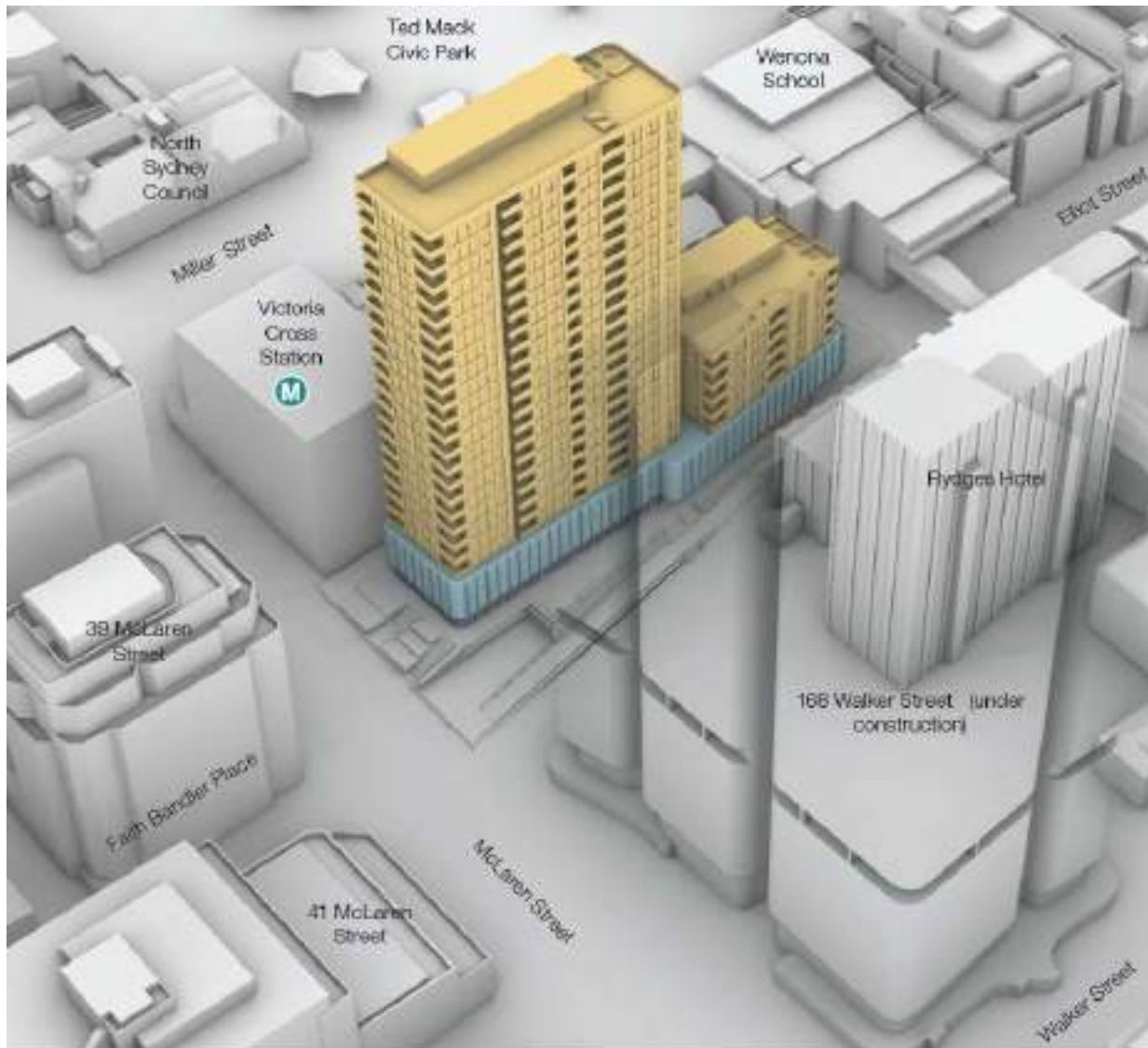
South building 24 storeys (RL156m) (inclusive of plant)

Three (3) basement levels, comprising 121 car parking spaces and childcare centre drop off zone

Total GFA of 16,947m<sup>2</sup> including:

- 13,487m<sup>2</sup> residential floor space
- 2,573m<sup>2</sup> commercial floor space
- 427m<sup>2</sup> retail floor space
- 460m<sup>2</sup> internal and 450m<sup>2</sup> external childcare floor space
- Publicly accessible through-through site link connecting McLaren Street and Elliot Street.

The scheme is detailed in the Architectural Drawings at Appendix B. An Urban Design Report has also been prepared and is provided at Appendix A.



**Figure 24** Land use mix (GHD Woodhead)

## 4 Planning proposal

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This planning proposal has been prepared in accordance with Section 3.33 of the EP&A Act and 'Local Environmental Plan Making Guideline' prepared by the then NSW Department of Planning, Industry and Environment (now NSW Department of Planning and Environment), which requires the following matters to be addressed:

- Part 1 – A statement of the objectives of the proposed LEP
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP
- Part 3 – Justification of strategic and potential site-specific merit, outcomes, and the process for implementation
- Part 4 – Maps, where relevant, to identify the effect of the planning proposal and the area to which it applies
- Part 5 – Details of the community consultation that is to be undertaken on the planning proposal
- Part 6 – Project timeline to detail the anticipated timeframe for the LEP making process in accordance with the benchmarks in the *Local Environmental Plan Making Guideline*.

The following section outlines the objectives and intended outcomes and provides an explanation of provisions to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in Section 5 of this report.

### 4.1 Part 1 - objectives and intended outcomes

The objective of this planning proposal is to amend the existing North Sydney LEP 2013 controls in relation to height, maximum FSR and minimum non-residential FSR as they apply to the site. These proposed amendments are generally consistent with the design guidelines for the site included in the CPPS as adopted by Council. The intended outcome of the planning proposal is to enable high-quality mixed-use development to be achieved on the site.

More specifically, the objectives of the planning proposal are to:

- implement the vision, planning priorities and strategic intent of the CPPS through unlocking the development potential of the site
- contribute towards Council's vision for the site and broader Civic Precinct by providing an improved urban design and pedestrian experience at ground level, with enhanced street activation and a through-site link connecting the North Sydney CBD with St Leonards Park
- further strengthen and protect the commercial operations of North Sydney CBD
- provide commercial and residential uses that are within close proximity to the future Victoria Cross Station
- facilitate the delivery of building envelopes that can accommodate commercial and residential floor plates with a high level of internal amenity and acceptable environmental impacts.

Through the proposed amendments, the planning proposal will enable a mixed-use development to be situated on the site with two maximum heights of RL 107 and RL 156, a maximum FSR of 5.3:1 and a minimum non-residential FSR of 1:1.



## 4.2 Part 2 - explanation of provisions

The overarching purpose of this planning proposal is to facilitate the development of the site for a mixed-use building that is of high quality urban form, provides for public benefits in the form of a through-site link and by providing community uses, and delivers strategically important employment and residential floor space in close proximity to existing transport networks and the future Victoria Cross Station.

To achieve this desired outcome, three amendments to the North Sydney LEP are proposed:

- Amendment to Height of Buildings Map – Sheet HOB\_002A of North Sydney LEP 2013;
- Amendment to Floor Space Ratio Map – Sheet FSR\_002A of North Sydney LEP 2013; and
- Amendment to Non-Residential Floor Space Ratio Map – Sheet LCL\_002A of North Sydney LEP 2013.

This section describes the proposed changes to the North Sydney LEP 2013.

### Proposed North Sydney LEP 2013 amendments

The North Sydney LEP 2013 sets out the planning controls that apply to the site. This planning proposal seeks to amend the North Sydney LEP 2013 to facilitate a better outcome for the site and support an uplift to meet the evolving role of North Sydney as a key strategic centre within Greater Sydney. The recommended amendments to the North Sydney LEP 2013 controls are outlined below and justification is provided in Section 5.0.

**Table 4** Proposed North Sydney LEP 2013 amendments

Planning Control	Existing Control	Proposed Control
Height of Building	RL 110	RL107 and RL156
Minimum Non-Residential Floor Space Ratio	0.5:1	1:1
Maximum Floor Space Ratio	Not assigned	5.3:1

## 5 Part 3 – strategic justification

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### 5.1 The need for a planning proposal

The following section of the report addresses the need for the planning proposal.

#### **Q1 – Is the planning proposal a result of an endorsed strategic planning statement, strategic study or report?**

The site is located within the ‘Civic Precinct’ as identified by Council. Council prepared and endorsed the CPPS in November 2020 which sets out how additional density can be accommodated within the precinct given the new infrastructure that is being delivered by Sydney Metro. The study was also prepared in an effort to align the statutory framework with the objects of the Region and District Plans.

The CPPS identifies the site and provides site-specific guidelines for future development. It notes the opportunity to create a mixed-use development directly adjacent to the future Sydney Metro Victoria Cross Station. The site’s vision as illustrated in the CPPS has been provided in Figure 25.

The CPPS envisages future development on the site:

- a three-storey community podium to the north and a four-storey commercial podium to the south
- a 14-storey building above the podium to the north (residential or commercial) and a 24-storey residential building to the south
- a six-metre wide pedestrian through-site link on the site’s eastern boundary, connecting McLaren and Elliot streets
- a minimum 1:1 non-residential FSR (refer to Figure 26).

However, Council did not resolve to amend the planning controls to implement the CPPS and rather elected to implement the study through the processing of Proponent led planning proposals. As a result, this planning proposal is now proposed to give effect to the CPPS as it applies to the site and to provide Council and the community with certainty that the public benefits (childcare centre and through-site link) will be delivered with any future development.

Figure 25 CPPS site vision (North Sydney Council, 2020)



Figure 26 CPPS non-residential FSR (North Sydney Council, 2020)



The proposal's consistency with the design guidelines for the site as included in the CPPS is provided in Table 5.

**Table 5** Proposal's consistency with Civic Planning Study Design Guidelines

Design guideline	Consistency
Maximum building heights transitioning down from 24 to 14 storeys as per the map to respond to the approved development at 168 Walker Street and the existing Rydges Hotel.	The amendments to the North Sydney LEP 2013 controls seek to amend the permissible height of buildings development standard applicable to the site to reflect a development which consists of two building heights of 24 and 8 storeys.
Building heights (including plant) are subject to no net increase in overshadowing of planned public spaces identified in the Ward Street Masterplan and Doris Fitton Park.	As demonstrated in the overshadowing analysis included in the Urban Design Report at Appendix A, the proposed building heights (including the plant) will not result in a net increase in overshadowing of planned public spaces identified in the Ward Street Masterplan and Doris Fitton Park. The proposal will however result in minor overshadowing to Faith Bandler Place (refer to Section 6.4)
Provide a commercial podium fronting McLaren Street that appropriately responds to the scale of the northern metro entrance and approved development at 168 Walker Street (maximum 4-storeys).	The indicative scheme provides a commercial podium which fronts McLaren Street and is 4 storeys, aligning with the height of the approved development at 168 Walker Street. The proposed minimum non-residential FSR will ensure that active uses are provided on the ground levels of the development and within the podium.
Provide a minimum 6-metre whole of building setback along the eastern boundary to deliver the pedestrian link between McLaren and Elliot Streets.	A minimum six metre setback has been provided from the site's eastern boundary. Due to the site constraints, including the need to retain the two existing fig trees, the need to provide vehicular access from McLaren Street and the narrow width of the site, only a 3-metre wide pedestrian link is able to be provided along the eastern boundary of the site to facilitate a DDA compliant pedestrian link between McLaren and Elliot Streets. The proposal includes sufficient permeability throughout the ground floor of the building offering pedestrian movement along the podium that links to the south-western portion of the site.
Provide a whole of building setback to McLaren Street to align the future building with the adjacent development at 168 Walker Street, facilitate a more level public access to the pedestrian link and achieve greater built form separation to residential buildings south of McLaren Street.	A whole of building setback has been accommodated in the indicative schemes which align the future building with the adjacent development at 168 Walker Street. A level public access entry can be accommodated on the south western corner of the site at the DA stage.
Provide adequate separation to the properties to the west, both at podium at building levels.	Adequate separation has been provided to the properties to the west. A separation distance of 23m is provided between the proposal and the rear façade of 243 Miller Street and a 11-21m separation distance is provided between the proposal and the rear façade of Wenona School.
Comply with the Apartment Design Guideline (ADG) building separation recommendations to all 4 boundaries.	The planning proposal is capable of complying with the ADG building separation recommendations. This is further discussed in Section 5.2.
Minimise overshadowing impacts to existing buildings on the southern side of McLaren Street by locating any future building towards the western side of the site.	Overshadowing impacts have been minimised as much as possible. A detailed shadow analysis is provided at Appendix A and this issue is further discussed at Section 6.4.

Ensure surrounding apartments receive at least 2 hours of direct sunlight in mid-winter as per the ADG recommendations.	The indicative scheme demonstrates that adequate solar access can be provided and retained to surrounding apartments in mid-winter. The proposal's compliance is further discussed in Section 6.4.
Include a visual impact study with any future planning proposal.	A Visual Impact Assessment (VIA) has been prepared by Ethos Urban and is provided at Appendix C. Refer to Section 6.6.
Provide vehicular access to the site from McLaren Street.	The indicative schemes provide vehicular access to the site via McLaren Street.

The CPPS also outlines a number of potential public benefits which are listed in Table 6.

**Table 6** CPPS potential public benefits

Potential public benefit	Consistency
Incorporate community uses within the podium at the northern end of the site.	The planning proposal seeks to include 900m <sup>2</sup> of community floor space in the northern end of the podium which is anticipated to cater for a future childcare centre.
Provide a dedicated pedestrian through-site link from McLaren Street to Elliott Street along the eastern boundary of the site. This link should be a minimum width of 6 metres.	A dedicated pedestrian through-site link has been provided connecting McLaren and Elliot Streets. While the width of the link is 3-metres, the through-site link has been made DDA compliant. The non-compliance with the recommended minimum width dimension is further justified in Section 6.1.
Activate the pedestrian through-site link with commercial, retail and public uses.	Commercial, retail and public uses are envisaged for the ground plane of future development on the site and will activate the through-site link which lines the eastern boundary of the site.

## Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal, seeking to amend the North Sydney LEP 2013, is the most effective way of achieving the objectives and intended outcomes. It is further justified for the following reasons:

- the planning proposal seeks to amend the North Sydney LEP 2013 to respond to Council's position and framework on unlocking commercial and residential floor space in the Civic Precinct
- the planning proposal will give Council, the landowner and the community certainty of the development outcome on the site
- the site under the existing controls is limited to a maximum non-residential FSR of 0.5:1 and height of RL 110, which is not commensurate with the site's strategic and locational attributes and would not accommodate the development envisaged under the CPPS.

The proposed development could also be achieved by way of a Clause 4.6 variation to the maximum height control. Clause 4.6 of the North Sydney LEP 2013 states that the objectives of the clause are to provide flexibility in applying certain development standards to achieve a better outcome for, and from, the development. While this planning proposal outlines that a superior outcome can be delivered above the current development standards, contravention of these development standards to the proposed extent is considered to breach the thresholds set by clause 4.6 of the North Sydney LEP 2013. As such, the site-specific planning proposal allows for a more merit-based approach to determining new maximum FSR, minimum non-

residential FSR and maximum building height development standards for the site. Furthermore, the site-specific planning proposal allows greater stakeholder engagement, as this mechanism seeks to amend Council's own LEP, Council is a key stakeholder in the process.

Maintaining the current controls will result in a lost opportunity to:

- deliver a mixed-use development with amenity and public benefit within an identified area of change as nominated in the CPPS
- strengthen the Civic Precinct of North Sydney
- provide a greater supply of commercial and residential floor plates in a location with high public transport accessibility, in line with transit-oriented development best practice.

Therefore, a site-specific planning proposal based on Council's vision and intent, is the best means for achieving the desired outcome outlined in this proposal.

## 5.2 Relationship with the strategic planning framework

This section of the report outlines the proposal's consistency with the strategic planning framework.

### Q3 – Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

#### Greater Sydney Region Plan – A Metropolis of Three Cities

The *Greater Sydney Region Plan* (GSRP) is the overarching strategy for growing and shaping the Greater Sydney Area. It sets a 40-year vision (to 2056) and establishes a 20-year plan to manage the social, economic and environmental growth and change for Greater Sydney. It was adopted in March 2018 and seeks to reposition Sydney as a metropolis of three cities – the western parkland city, central river city and the eastern harbour city. Similar to *A Plan for Growing Sydney* (the strategic policy that preceded it), the plan provides 10 high level policy directions supported by 40 objectives that inform the District Plans, Local Plans and Planning Proposals which follow in the planning hierarchy.








The proposal aligns with the strategic objectives and directions set under the plan and will contribute to the appropriate growth and development of North Sydney. This is discussed further in Table 7 below, which provides an assessment against the GSRP.



**Table 7** Consistency with the GSRP



A city supported by infrastructure

- The proposal delivers increased supply of commercial and residential floor space in-line with the delivery of significant infrastructure project, Sydney Metro City & Southwest being delivered by State Government.
- The site is adjacent to the new Victoria Cross metro station, as well as various bus services which connect the site to Sydney CBD and Sydney's northern suburbs.

	<p>A collaborative city</p> <ul style="list-style-type: none"> <li>The site is not located within an identified collaboration area under the GSRP. However, this objective focuses on the opportunities for state and local agencies to collaborate and deliver infrastructure in appropriate areas. This proposal seeks to deliver increased residential and employment generating floor space in a high quality building in the vicinity of the future Victoria Cross metro station. This planning proposal brings together the aspirations of Council under the CPPS, in alignment with the delivery of State infrastructure and therefore by its nature the planning proposal is collaborative.</li> </ul>
	<p>A city for people</p> <ul style="list-style-type: none"> <li>The proposal has been designed with consideration of intergenerational equity and promotes sustainability, universal design, accessibility and community integration with the surrounding context of the North Sydney CBD particularly through ground plane improvements and pedestrian connections.</li> <li>It prioritises opportunities for people to walk, cycle and use public transport through improved pedestrian connections and reduction in onsite car parking.</li> </ul>
	<p>Housing the city</p> <ul style="list-style-type: none"> <li>Residential land uses are proposed, commensurate with the mixed-use zoning under the North Sydney LEP 2013.</li> <li>The proposal is in full alignment with Council's policy direction to deliver a mix of uses in the Civic Precinct, especially on McLaren Street which adjoins the fringe of the North Sydney CBD.</li> </ul>
	<p>A city of great places</p> <ul style="list-style-type: none"> <li>The proposal will regenerate the site to become a lively destination, providing employment, retail, community and residential uses. The proposal's eastern boundary will be activated by a through-site link providing pedestrians and cyclists with a connection from the Ward Street Precinct through to St Leonards Park.</li> </ul>
	<p>A well-connected city</p> <ul style="list-style-type: none"> <li>The proposal will seek to deliver additional commercial and residential floor space adjacent to the future Victoria Cross metro station and in doing so will connect new employees and residents to high-capacity transport. This will take advantage of substantial investment in public transport infrastructure and support the achievement of a '30-minute city'.</li> </ul>
	<p>Jobs and skills for the city</p> <ul style="list-style-type: none"> <li>The GSRP recognises that Sydney's greatest economic strength globally and nationally is the concentration of financial services sectors in the Harbour CBD (which includes North Sydney), and that one of the implications of a strong financial sector is a high demand for associated knowledge intensive industries such as legal, accounting, real estate and insurance. The proposal is consistent with this objective in seeking to deliver new, premium-grade office space in the North Sydney CBD.</li> <li>In conjunction with commercial office floor space, associated retail and public domain spaces will also be delivered that support the diversity of functions in the North Sydney CBD and encourage activity at the ground plane.</li> </ul>
	<p>A city in its landscape</p> <ul style="list-style-type: none"> <li>The proposal does not affect any protected biodiversity or remnant or significant vegetation. Landscaping opportunities will be included throughout the detailed design process, and maximised where possible.</li> </ul>

	<p>An efficient city</p> <ul style="list-style-type: none"> <li>The proposal provides an opportunity for future development on the site to deliver a highly efficient building which meets required targets for sustainability, energy efficiency and water and waste management.</li> </ul>
	<p>A resilient city</p> <ul style="list-style-type: none"> <li>The proposal will enable the future development on the site to exercise environmental initiatives that contribute to enhanced environmental outcomes and seek to mitigate impacts related to climate change.</li> </ul>

## North District Plan

The *North District Plan* underpins the *Greater Sydney Region Plan* and sets a 20-year vision for the district. The District Plan comprises 'Planning Priorities' that are linked to the Region Plan. The Plan provides a 20-year plan that outlines growth areas, in line with the themes of economic, social and environmental objectives.

The proposed development will achieve the relevant planning priorities, as demonstrated in Table 7. A few of the key priorities have also been explored further below in the context of the North District Plan.

### Planning Priority N1 – Planning for a city supported by infrastructure

#### *Objective 4: Infrastructure use is optimised*

Aligning land use and infrastructure planning ensures that infrastructure is maximised, and that growth and infrastructure provision are aligned. The development of commercial and residential floor space is aligned with additional public transport capacity being delivered by state government. The proposal also has the opportunity for a community infrastructure contribution, supporting Council's commitments to providing adequate childcare facilities to accommodate the growing population.

### Planning Priority N3 – Providing services and social infrastructure to meet people's changing needs

#### *Objective 6: Services and Infrastructure meet communities' changing needs.*

The North District Plan outlines the importance of community facilities that are accessible with direct and safe walking and cycling connections and that can be used by people of all ages and abilities. Importantly, the North District Plan recognises the need to plan for early education and childcare facilities and consider co-locating such facilities with office buildings, close to transport facilities. The planning proposal contributes to this objective by co-locating potential childcare uses with commercial and residential uses within future development on the site.

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

#### *Objective 10: Greater Housing supply*

The NSW Department of Planning and Environment's projections of population and household growth in the North District translate to a need for an additional 92,000 homes in the period 2016-2036. New housing is to be located and coordinated with local infrastructure to create liveable, walkable neighbourhoods which are well connected to shops and services. The



proposed amendments will provide for potentially up to 13,487m<sup>2</sup> of residential land uses on the site, providing homes close to public transport, retail and recreational spaces.

#### Planning Priority N7 – Growing a stronger and more competitive Harbour CBD

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

The North District Plan notes that the Harbour CBD is Australia's financial and business capital, contains the largest proportion of headquarters for multinational and national companies, and contains Australia's most significant finance industry cluster. The North District Plan identifies the area's unique offerings, including high-amenity residential and mixed-use precincts and the district's high quality commercial core. The planning proposal will enable the realisation of the plan's commitment to maximise the land use opportunities provided by the new Sydney Metro Victoria Cross Station by providing up to 2,573m<sup>2</sup> of commercial and 427m<sup>2</sup> of retail land uses.

#### 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*

The '30-minute city' model is a long-term aspiration for Greater Sydney whereby jobs and services and strategic/metropolitan centres are accessible within 30 minutes by public transport. This planning proposal and future development on the site is uniquely placed to benefit the '30-minute city' model, by providing commercial and residential floor space within a highly accessible location and thereby improving access to jobs and homes. The proposal will facilitate employment growth that is delivered following the opening of the Sydney Metro Victoria Cross Station.

### **NSW State Infrastructure Strategy 2018**

The NSW State Infrastructure Strategy 2018-2038 brings together the infrastructure investment and land use planning of the Future Transport Strategy 2056 and the Greater Sydney Region Plan and is underpinned by the State Infrastructure Strategy 2018–2038: Building Momentum that established a pipeline of investment for infrastructure that is underway or in advanced planning. The strategy sets out the NSW Government's vision for infrastructure over the next 20 years, focussing on aligning investment with sustainable growth. For Metropolitan NSW, the primary goal is to provide residents with access to jobs and services within 30 minutes, known as the '30- minute city' model.

The strategy sets out six (6) directions for infrastructure in NSW, of which the following are relevant:

- continuously improve the integration of land use and infrastructure planning
- ensure NSW's existing and future infrastructure is resilient to natural hazards and human-related threats.

#### **a) Does the proposal have strategic merit?**

The proposed development is considered to have strategic merit when considered against the assessment criteria contained within the guide to preparing planning proposals as it will:

- generate new housing and employment opportunities thereby contributing to the targets set for the North District

- give effect to regional and local planning policy, including the North District Plan, North Sydney Local Strategic Planning Statement and the CPPS by locating new residential and commercial development adjacent to new transport infrastructure
- provisions for a new community facility and other public benefits alongside the new employment and housing opportunities.

#### **b) Does the proposal have site-specific merit?**

The proposal is considered to have site-specific merit in that:

- it is directly adjacent to a new metro station and is therefore highly accessible and a desirable location to locate increased density
- is located within the Civic Precinct which is well serviced with employment, retail and other services.

#### **Q4 – Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

The planning proposal seeks to deliver development in line with the North Sydney Local Strategic Planning Statement (North Sydney LSPS) and North Sydney Community Strategic Plan (CSP) 2018-2028. These are discussed further below. An assessment of the proposal's compliance with CPPS has previously been provided at Section 5.1.

#### **North Sydney Local Strategic Planning Statement**

Under changes made to the EP&A Act, all councils are required to prepare a Local Strategic Planning Statement to give effect to the Region and District Plan. The North Sydney LSPS was endorsed by Council on 24 March 2020. The North Sydney LSPS seeks to provide a coordinated vision for the North Sydney Local Government Area (LGA) to manage future growth and change to 2036.

The North Sydney LSPS identifies priorities to deliver land use outcomes for infrastructure, housing, town centres, employment, transport, recreation and the environment. The population of the North Sydney LGA in 2016 was 72,150 people and this is expected to grow by an additional 19,500 people, representing a 27% increase over the next 20 years and equating to an average growth rate of approximately 1.3% every year.

The planning proposal is considered to align with the strategic priorities as outlined in the North Sydney LSPS as it:

- seeks to provide an improved outcome on the site which aligns with Council's vision for the area and which responds to community needs and aspirations (Planning Priority I2)
- seeks to deliver new housing and jobs within a vibrant mixed-use future development which is also within close proximity to transport services (Planning Priority L1)
- provisions for 900m<sup>2</sup> of floor space dedicated to community uses to support early childhood education within an urban context (Planning Priority L2)
- presents an opportunity to help facilitate the growth of commercial services within the North Sydney CBD (Planning Priority P1).

## North Sydney Community Strategic Plan 2018-2028

Council's Community Strategic Plan (CSP) outlines the community's aspirations and 10-year vision for the North Sydney LGA. The plan is centred on five strategic directions which are accompanied by desired outcomes supported by specific strategies and sustainability indicators. The vision guiding the CSP is "shaping a progressive, vibrant and diverse North Sydney community". The CSP estimates that North Sydney's population is expected to increase by 12,385 to over 84,000 people by 2036.

The planning proposal is considered to align with the outcomes of the CSP as it:

- will facilitate the contribution of significant commercial floor space to strengthen the North Sydney CBD as one of NSW's pre-eminent commercial centres (Outcome 3.2)
- will provide for a future development that has considered connectivity with the surrounding area and acknowledges inclusivity and safety (Outcome 4.1).

## North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

The North Sydney Centre CBD Capacity and Land Use Strategy forms part of Council's North Sydney Centre Planning Review which was initiated in 2014. The strategy aims to unlock additional commercial floor space capacity within the North Sydney CBD, ensuring the strategic centre remains competitive.

At the time of the strategy, Council recommended an indicative height of RL 118m on the site and believed that the recommendation was appropriate given the site's transition toward the low scale, heritage rich, Miller Street streetscape. Following exhibition, the landowner of the site at the time provided a submission which included modelling analysis undertaken by Cox Architecture and which identified that the site could feature significantly more development capacity than identified by Council in the Strategy. Council responded to the submission, stating:

*"the indicative height control map presented by the Study represents potential height controls under the application of a broad strategic approach. The recommendations of the Study advise that eventual height controls will be the result of further detailed consideration"*

Since the adoption of the Strategy seven (7) years ago, the site has been acquired by Sydney Metro and the Victoria Cross Station north site has been relocated to sit adjacent to the site at 50 McLaren Street. As per Council's comments, further detailed consideration has been undertaken as part of this planning proposal. The proposal identifies maximum heights of RL 107m and RL 156m can be accommodated without generating unacceptable environmental impacts and that the resultant building envelope is appropriate within the context of surrounding development. It should be noted the proposed heights are also within those identified in the CPPS.

## Q5 – Is the planning proposal consistent with any other applicable state and regional studies or strategies?

The following applicable state and regional studies/strategies are relevant to the planning proposal.

### Better Placed

The Government Architect of NSW (GANSW) has established seven distinct objectives to define the key design considerations. Achievement of these objectives from this early stage of the project, through to the detailed design and construction stage will ensure the development

will be healthy, responsive, integrated, equitable, and resilient. **Table 8** demonstrates how the proposal is consistent with the objectives of the policy.

**Table 8** Consistency with the Objectives of GANSW's Better Placed

Objective	Response
Objective 1: Better fit	Of its Place: The commitment to design excellence will deliver the highest standard of built outcomes for the site.
	Local / Contextual: The planning proposal will facilitate a built outcome that responds to the evolving character of the North Sydney centre and will complement its existing built form.
Objective 2: Better performance	The planning proposal will facilitate a building envelope which promotes efficient building design and sustainable design practices.
Objective 3: Better for community	Inclusive / Diverse: The planning proposal will facilitate a future building project that offers local employment opportunities and will provide an integrated development that blends community infrastructure in the form of a childcare centre with residential living. Connected: The proposal facilitates a pedestrian connection between McLaren and Elliot Streets.
Objective 4: Better for people	Safe: Pedestrians, cyclists and vehicle entries have all been accommodated within the public realm with safety and amenity in mind.
	Comfortable: The indicative design provides generous public domain space which will encourage people to meet and will provide a place for people to sit.
	Liveable: The proposal seeks to support local resident's patterns of living and will facilitate a high quality, well designed building with a high level of amenity for future residents in a well connected area.
Objective 5: Better working	Functional: Access points are well defined and convenient.
	Efficient / Functional: The development is efficient in its arrangement and seeks a high energy efficiency and environmental performance to be resolved through the detailed DA process.
Objective 6: Better value	Creating Value: Future provision of a childcare centre will serve the needs of new and existing residents within the area. The proposal presents a unique opportunity to provide high quality public domain and provide a through-site link connecting pedestrians from the North Sydney centre through to St Leonards Park.
	Adding Value: The proposal co-locates residential, commercial and community uses adjacent to the Sydney Metro Victoria Cross Station providing visitors and residents with maximum connectivity to public transport modes (in addition to existing bus and rail infrastructure within North Sydney).
Objective 7: Better look and feel	Engaging and Inviting: The Proposal presents an opportunity to provide a building which exhibits design excellence and will comprise high quality materials.

#### **Q6 – Is the planning proposal consistent with applicable state environmental planning policies?**

Yes.

An assessment of the planning proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 9**.

**Table 9** Consistency with state environmental planning policies

SEPP	Consistency		N/A	Comment
	Yes	No		
Housing SEPP			✓	Not relevant to proposed LEP amendment
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed LEP amendment. May apply to future development on the sites.
Resilience and Hazards SEPP			✓	Nothing within this amendment will prevent a future DA's ability to comply with the Resilience and Hazards SEPP.
Industry and Employment SEPP			✓	Nothing within this amendment will prevent a future DA's ability to comply with the Industry and Employment SEPP.
SEPP No. 65 Design Quality of Residential Apartment Development	✓			The proposal's assessment against the ADG is provided below in Table 10 and discussed in Section 6.
Transport and Infrastructure SEPP	✓			Given the site's proximity to the future Metro rail corridor, it is considered that Division 15 of the Transport and Infrastructure SEPP will apply when excavation and basement works are proposed. Concurrence will be required by Sydney Metro Authority prior to the determination of the detailed DA.

### SEPP No. 65 Design Quality of Residential Apartment Development

The indicative scheme that can be delivered as a result of the planning proposal is capable of complying with SEPP No.65 as demonstrated in Table 10.

**Table 10** Consistency with SEPP No.65

Design Criteria	Proposal
<b>Part 3 Siting the Development</b>	
<b>3D Communal and Public Open Space</b>	
<i>Objective</i> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	The design has allowed for communal areas and landscaping. Further detail can be found in the Urban Design Report at Appendix A.
<i>Design Criteria</i> Communal open space has a minimum area equal to 25% of the site	Yes – subject to detail design
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	Yes, subject to detailed design and modelling
<b>3E Deep Soil Zones</b>	
<i>Objective</i> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Capable of compliance

<p><i>Design Criteria</i> Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site Area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m<sup>2</sup></td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m<sup>2</sup> – 1,500m<sup>2</sup></td> <td>3m</td> </tr> <tr> <td>Greater than 1,500m<sup>2</sup></td> <td>6m</td> </tr> <tr> <td>Greater than 1,500m<sup>2</sup> with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>		Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m <sup>2</sup>	-	7%	650m <sup>2</sup> – 1,500m <sup>2</sup>	3m	Greater than 1,500m <sup>2</sup>	6m	Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m	
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)												
Less than 650m <sup>2</sup>	-	7%												
650m <sup>2</sup> – 1,500m <sup>2</sup>	3m													
Greater than 1,500m <sup>2</sup>	6m													
Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m													
<p><b>3F Visual Privacy</b></p>														
<p><i>Objective</i> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p>		<p>Capable of compliance</p>												
<p><i>Design Criteria</i> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>			Building Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m
Building Height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p><b>3J Bicycle and Car Parking</b></p>														
<p><i>Objective</i> Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p>		<p>Capable of compliance. Refer to the Traffic and Parking Impact Assessment at Appendix D.</p>												
<p><i>Design Criteria</i> For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed-use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>														
<p><b>Part 4 Designing the Buildings</b></p>														
<p><b>4A Solar and Daylight access</b></p>														
<p><i>Objective</i> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p>		<p>The indicative design optimises the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>Capable of compliance.</p> <p>All apartments receive at least 2 hours direct sunlight between 9am and 3pm at mid winter to living rooms and private open spaces.</p>												
<p><i>Design Criteria</i> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p>														

A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	No apartments are subject to no direct sunlight.											
<b>4B Natural Ventilation</b>												
<p><i>Objective</i> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p>	Capable of compliance											
<p><i>Design Criteria</i> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>												
<b>4C Ceiling Height</b>												
<p><i>Objective</i> Ceiling height achieves sufficient natural ventilation and daylight access</p>	2700mm ceiling heights provided to all apartments.											
<p><i>Design Criteria</i> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p>												
<table border="1" data-bbox="204 786 1106 1160"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed-use areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>		Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed-use areas
Minimum ceiling height												
Habitable rooms	2.7m											
Non-habitable	2.4m											
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope											
If located in mixed-use areas	3.3m for ground and first floor to promote future flexibility of use											
These minimums do not preclude higher ceilings if desired.												
<b>4D Apartment Size and Layout</b>												
<p><i>Objective</i> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p>	Capable of compliance											
<p><i>Design Criteria</i> Apartments are required to have the following minimum internal areas:</p> <table border="1" data-bbox="204 1402 879 1626"> <thead> <tr> <th>Apartment Type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3 bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table>	Apartment Type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	All apartments meet or exceed these minimum areas.	
Apartment Type	Minimum internal area											
Studio	35m <sup>2</sup>											
1 bedroom	50m <sup>2</sup>											
2 bedroom	70m <sup>2</sup>											
3 bedroom	90m <sup>2</sup>											
<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>												
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	Capable of compliance											
<p><i>Objective</i> Environmental performance of the apartment is maximised</p>												
<p><i>Design Criteria</i> Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p>												
<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>												

<p><i>Objective</i> Apartment layouts are designed to accommodate a variety of household activities and needs</p>																
<p><i>Design Criteria</i> Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</p>																
<p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p>																
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>																
<p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>																
<p><b>4E Private Open Space and Balconies</b></p>																
<p><i>Objectives</i> Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p>	<p>Capable of compliance</p>															
<p><i>Design Criteria</i> All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="204 819 1082 1144"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartment</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bedroom apartment</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom apartment</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartment</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</p>	Dwelling Type	Minimum Area	Minimum depth	Studio apartment	4m <sup>2</sup>	-	1 bedroom apartment	8m <sup>2</sup>	2m	2 bedroom apartment	10m <sup>2</sup>	2m	3+ bedroom apartment	12m <sup>2</sup>	2.4m	<p>All balconies meet or exceed these minimum areas.</p>
Dwelling Type	Minimum Area	Minimum depth														
Studio apartment	4m <sup>2</sup>	-														
1 bedroom apartment	8m <sup>2</sup>	2m														
2 bedroom apartment	10m <sup>2</sup>	2m														
3+ bedroom apartment	12m <sup>2</sup>	2.4m														
<p><b>4F Common Circulation and Spaces</b></p>																
<p><i>Objective</i> Common circulation spaces achieve good amenity and properly service the number of apartments</p>	<p>Capable of compliance</p>															
<p><i>Design Criteria</i> The maximum number of apartments off a circulation core on a single level is eight (8).</p> <p>For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Capable of compliance with the design criteria.</p>															
<p><b>4G Storage</b></p>																
<p><i>Objective</i> Adequate, well designed storage is provided in each apartment.</p>	<p>Capable of compliance</p>															



<p><i>Design Criteria</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> </tr> </thead> <tbody> <tr> <td>Studio apartment</td> <td>4m<sup>2</sup></td> </tr> <tr> <td>1 bedroom apartment</td> <td>6m<sup>2</sup></td> </tr> <tr> <td>2 bedroom apartment</td> <td>8m<sup>2</sup></td> </tr> <tr> <td>3+ bedroom apartment</td> <td>10m<sup>2</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>		Dwelling Type	Minimum Area	Studio apartment	4m <sup>2</sup>	1 bedroom apartment	6m <sup>2</sup>	2 bedroom apartment	8m <sup>2</sup>	3+ bedroom apartment	10m <sup>2</sup>	Storage provided that either meets or exceeds these minimum areas.
Dwelling Type	Minimum Area											
Studio apartment	4m <sup>2</sup>											
1 bedroom apartment	6m <sup>2</sup>											
2 bedroom apartment	8m <sup>2</sup>											
3+ bedroom apartment	10m <sup>2</sup>											

### Q7 – Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Yes.

An assessment of the planning proposal against applicable section 9.1 Directions is set out in **Table 11**.

**Table 11** Consistency with Section 9.1 directions

Ministerial Direction	Consistency			Comment
	Yes	No	N/A	
<b>1. Planning Systems</b>				
1.1 Implementation of the Minister's Planning Principles	✓			The planning proposal is consistent with the Minister's Planning Principles by providing commercial, residential and community uses within close proximity to transport infrastructure.
1.2 Implementation of Regional Plans	✓			The planning proposal is consistent with the Greater Sydney Region Plan as discussed in Section 5.2
1.3 Development of Aboriginal Land Council land			✓	Not applicable.
1.4 Approval of Referral Requirements	✓			This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The relevant requirements of this direction have been considered in the preparation of this Planning Proposal.
1.5 Site Specific Provisions	✓			A particular development scenario is envisaged for the site. The proposed provisions will allow for the envisaged development to be carried out on the site. The included indicative development proposal is for explanatory purposes only.
<b>1. Planning Systems – Place-based</b>				
1.6 Parramatta Road Corridor Urban Transformation Strategy			✓	Not applicable.
1.7 Implementation of the North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.

1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation			✓	Not applicable.
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor			✓	Not applicable.
1.11 Implementation of the Western Sydney Aerotropolis Plan			✓	Not applicable.
1.12 Implementation of Bayside West Precincts 2036 Plan			✓	Not applicable.
1.13 Implementation of Planning Principles for the Cooks Cove Precinct			✓	Not applicable.
1.14 Implementation of St Leonards and Crows Nest 2036 Plan			✓	Not applicable.
1.15 Implementation of Greater Macarthur 2040			✓	Not applicable.
1.16 Implementation of the Pyrmont Peninsula Place Strategy			✓	Not applicable.
1.17 North West Rail Link Corridor Strategy			✓	Not applicable.
<b>3. Biodiversity and Conservation</b>				
3.1 Conservation zones			✓	Not applicable.
3.2 Heritage Conservation	✓			While the site does not contain a heritage item or located within a heritage conservation area, it is in the vicinity of two (2) locally listed items. The Heritage Impact Statement (HIS) at Appendix E details that there will be an acceptable impact to the heritage items surrounding the site.
3.3 Sydney Drink Water Catchments			✓	Not applicable.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Cost LEPs			✓	Not applicable.
3.5 Recreation Vehicle Areas			✓	Not applicable.
<b>4. Resilience and Hazards</b>				
4.1 Flooding			✓	Any future development application will be designed to consider flood planning and ensure that relevant mitigation measures are implemented to manage flood impacts.
4.2 Coastal Management			✓	Not applicable.
4.3 Planning for Bushfire Protection			✓	Not applicable.
4.4 Remediation of Contaminated Land	✓			The site has been the subject of several site investigations which have determined that the site can be made suitable for the nominated uses. Refer to Appendix F.
4.5 Acid Sulfate Soils			✓	Any future development works will address any issues relating to the Acid Sulfate Soils.
4.6 Mine Subsidence and Unstable Land			✓	Not applicable.
<b>5. Transport and Infrastructure</b>				

5.1 Integrating Land Use and Transport	✓			The planning proposal will take advantage of the site's strategic location within the North Sydney CBD and proximity to the new Victoria Cross metro station, as well as existing bus and train services.
5.2 Reserving Land for Public Purposes			✓	No new road reservation is proposed.
5.3 Development Near Regulated Airports and Defence Airfields	✓			Compliant. Refer to Section 6.14 and the Review of Airspace Implications at Appendix G.
5.4 Shooting Ranges			✓	Not applicable.
<b>6. Housing</b>				
6.1 Residential Zones			✓	Not applicable.
6.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable.
<b>7. Industry and Employment</b>				
7.1 Business and Industrial Zones	✓			In accordance with the objectives of the direction, this planning proposal will facilitate employment growth by way of increasing the minimum non-residential FSR requirement from 0.5:1 up to 1:1. No change is proposed to the land use zoning of the site.
7.2 Reduction in non-hosted short-term rental accommodation period			✓	Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable.
<b>8. Resources and Energy</b>				
8.1 Mining, Petroleum Production and Extractive Industries			✓	Not applicable.
<b>9. Primary Production</b>				
9.1 Rural Zones			✓	Not applicable.
9.2 Rural Lands			✓	Not applicable.
9.3 Oyster Aquaculture			✓	Not applicable.
9.4 Farmland of State and Regional Significance on NSW Far North Coast			✓	Not applicable.

### 5.3 Environmental, social and economic impacts

#### **Q8 – 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 proposed site is currently clear from previous development and has no significant existing vegetation and is located within the highly urbanised setting of North Sydney. The proposed development will not affect the habitat of any threatened species or ecological communities as there is no habitat present at the site.

#### **Q9 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

A detailed environmental assessment has been provided at Section 6.0 of this report, which outlines any potential environmental impacts resulting from this planning proposal and how they are able to be managed through future development on the site.

**Q10 – Has the planning proposal adequately addressed any social and economic impacts?**

Yes. Social and economic impacts are addressed in Sections 6.12 and 6.13. This assessment finds that the social and economic outcomes of this planning proposal will be positive.

**5.4 State and Commonwealth interests****Q11 – Is there adequate public infrastructure for the planning proposal?**

Yes. The site of the planning proposal is located in the northern portion of the North Sydney CBD, which is serviced by significant transport infrastructure. The site is adjacent to the Sydney Metro Victoria Cross Station which will open in 2024. In addition to this, North Sydney train station is located a short walk south of the site. Various bus routes also surround the site. The site is also within walking distance of community facilities such as the library and civic centre and is within walking distance of retail outlets.

**Q12 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?**

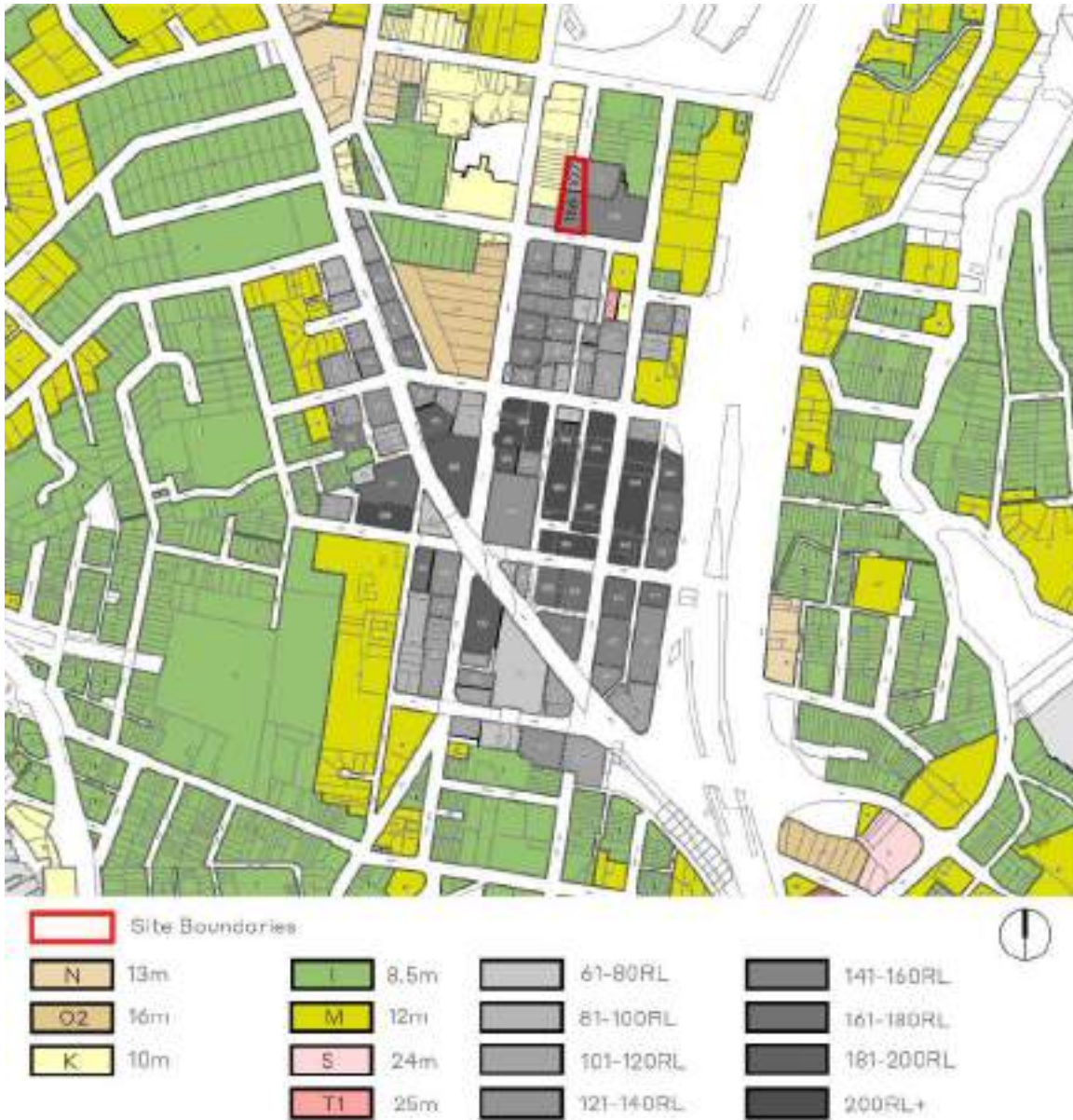
It is not expected that referral to any State or Commonwealth agency would be required. Referral to Sydney Metro may also be required as part of the processing and assessment of a future detailed development application on the site given the site is in the vicinity of the Sydney Metro tunnel.

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the planning proposal. State and Commonwealth authorities will have the opportunity to provide comment on the planning proposal as part of its formal exhibition.

**5.5 Part 4 - mapping**

This planning proposal will amend the height of buildings map (Sheet 002A), Floor space ratio map (Sheet 002A) and the non-residential FSR map (Sheet 002A) of the North Sydney LEP 2013 as shown at Figures 27, 28 and 29.

**Figure 27** Proposed height of building map



**Figure 28** Proposed floor space ratio map

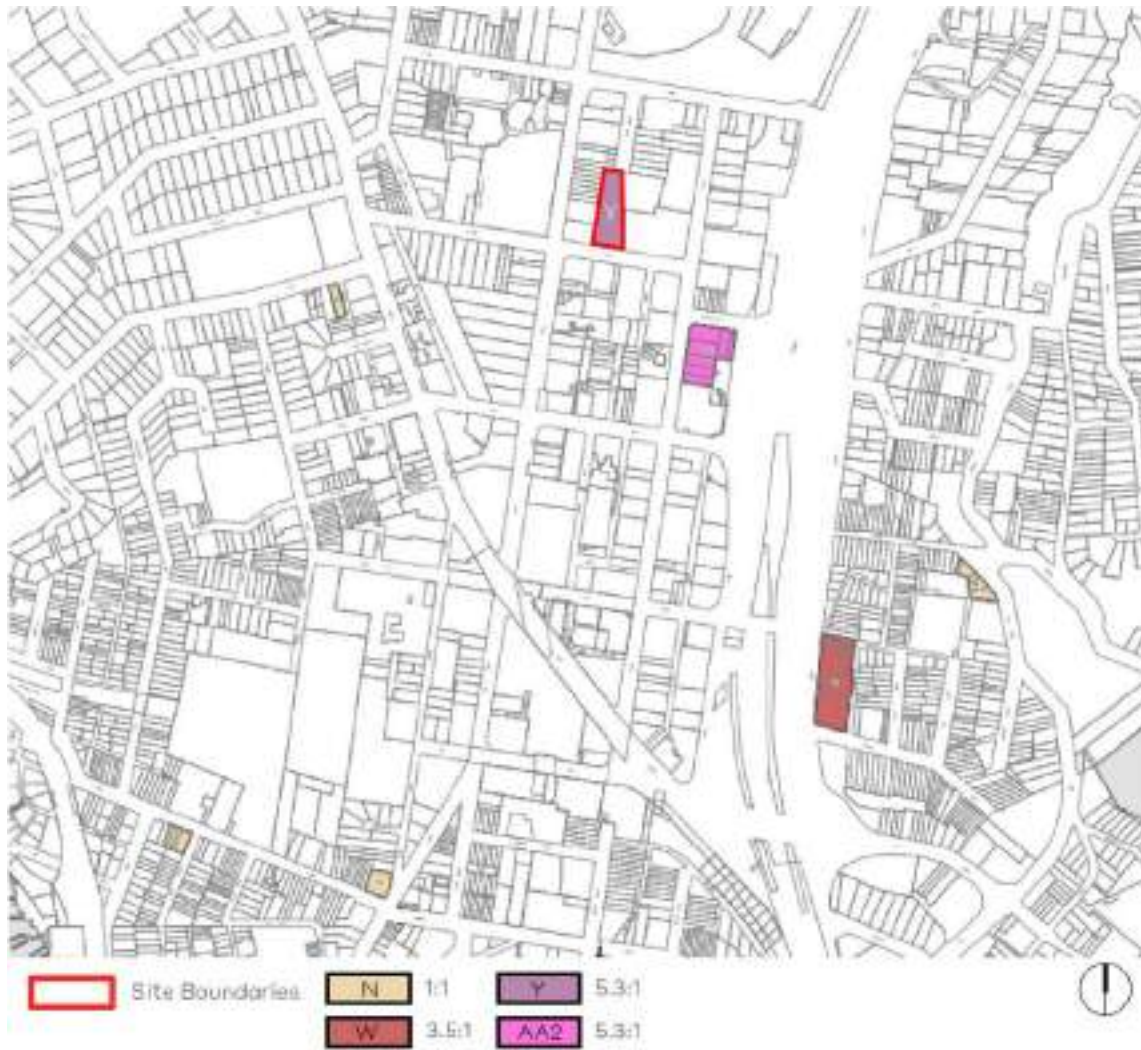
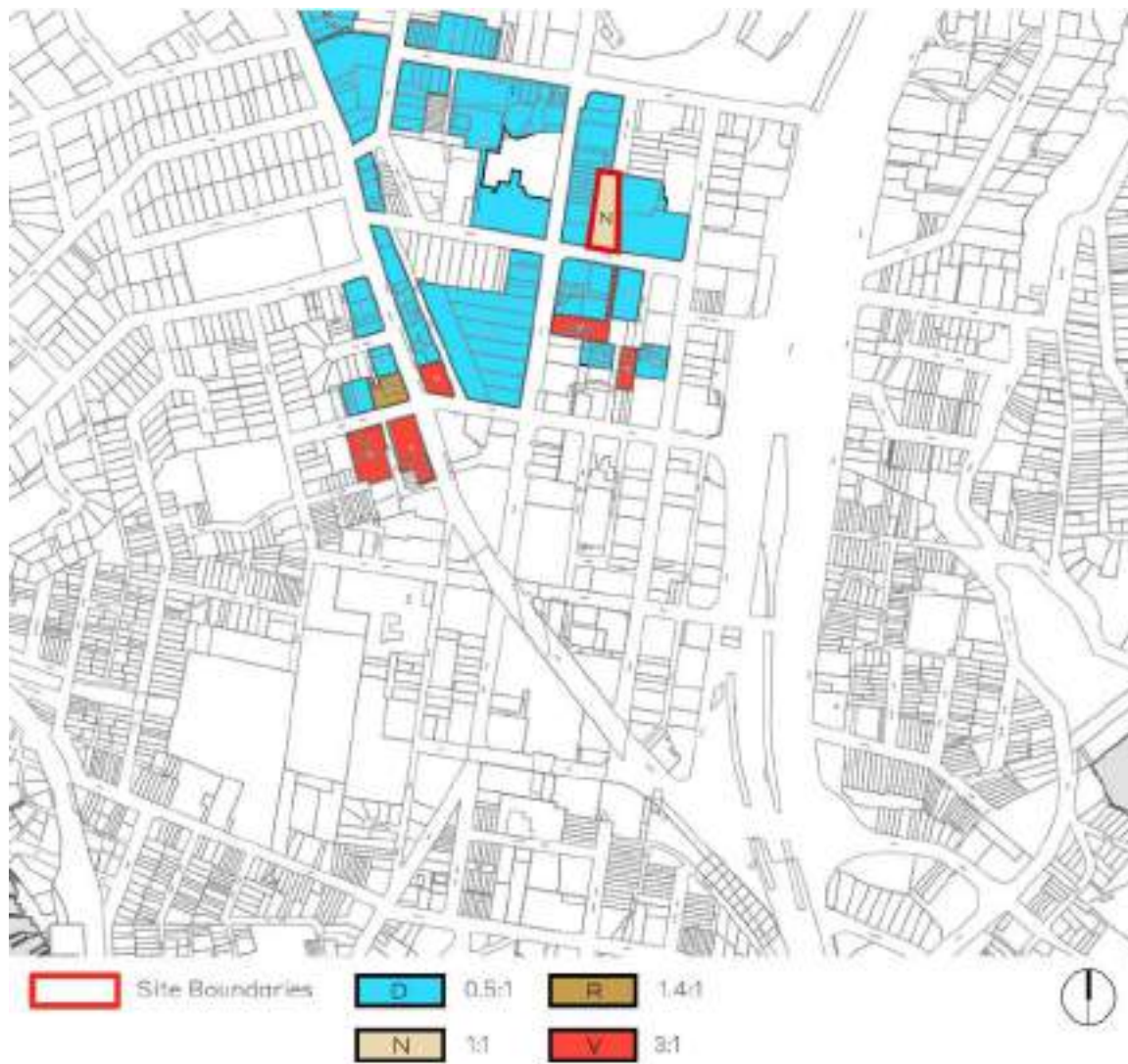


Figure 29 Proposed non-residential floor space ratio map



## 5.6 Part 5 - community consultation

Community consultation will be conducted in accordance with Section 3.34 and Schedule 1 of EP&A Act and *A Guide to Preparing Planning Proposals*. It is requested that the planning proposal be publicly exhibited for a minimum period of 28 days.

Sydney Metro has also undertaken preliminary consultation with the site's neighbouring properties. A Consultation Report has been prepared summarising the outcomes of that process and is provided at Appendix H.

As indicated in Section 1.3, Council's comments have been taken into consideration as part of the consultation process.

## 6 Environmental assessment

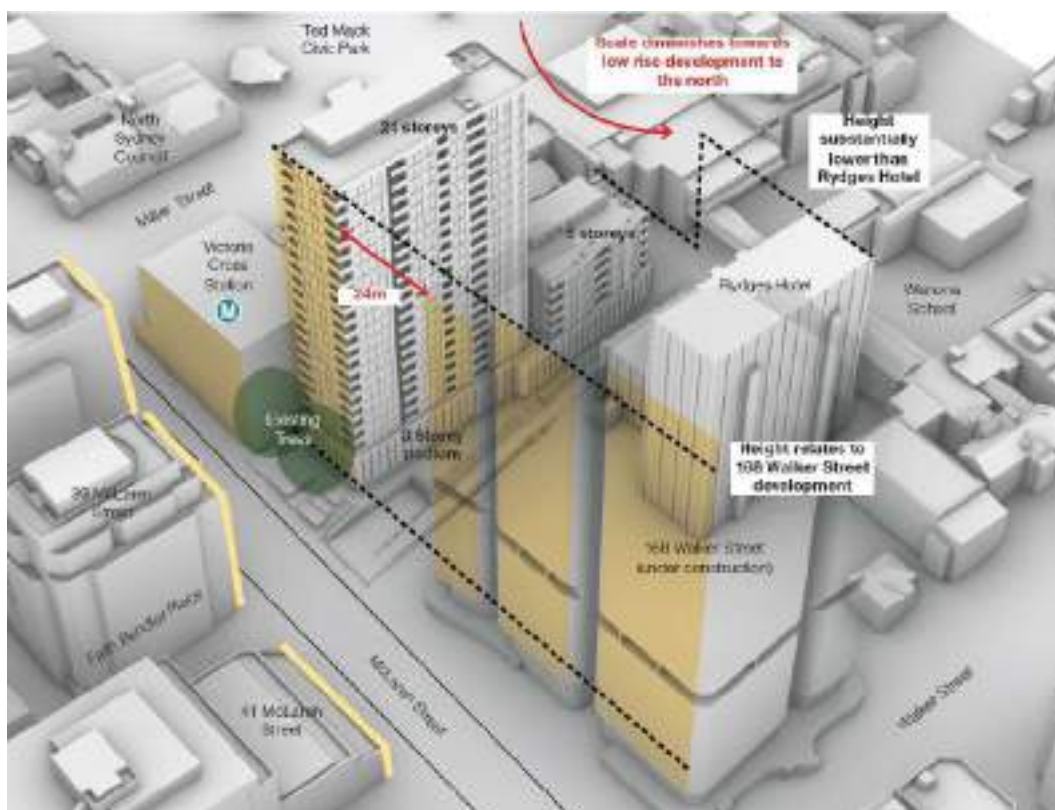
The other environmental considerations associated with the planning proposal are addressed in subsequent sections.

### 6.1 Built form and urban design

The planning proposal seeks to amend the permissible height, FSR and non-residential FSR to allow for an alternative development option that will deliver a considered development on a site within a dense urban context. The design has been informed by both strategic documentation and the existing and future built form within the street block. The proposed building envelope will enable a building which includes:

- maximum building heights transitioning down from 24 to 8 storeys to respond to the approved development at 168 Walker Street and the existing lower scale development to the north
- a three storey commercial podium fronting McLaren Street that appropriately responds to the scale of the Victoria Cross north site and approved development at 168 Walker Street
- a three storey commercial podium fronting Elliot Street with an opportunity for community uses as part of a public benefit offering
- a minimum six metre whole of building setback along the eastern boundary and three metre DDA compliant pedestrian link connecting McLaren and Elliot streets
- a whole of building setback to McLaren Street to align with the adjacent development at 168 Walker Street.

**Figure 30** Urban Design Principles of proposed building envelope (GHD)





### 6.1.1 Podium

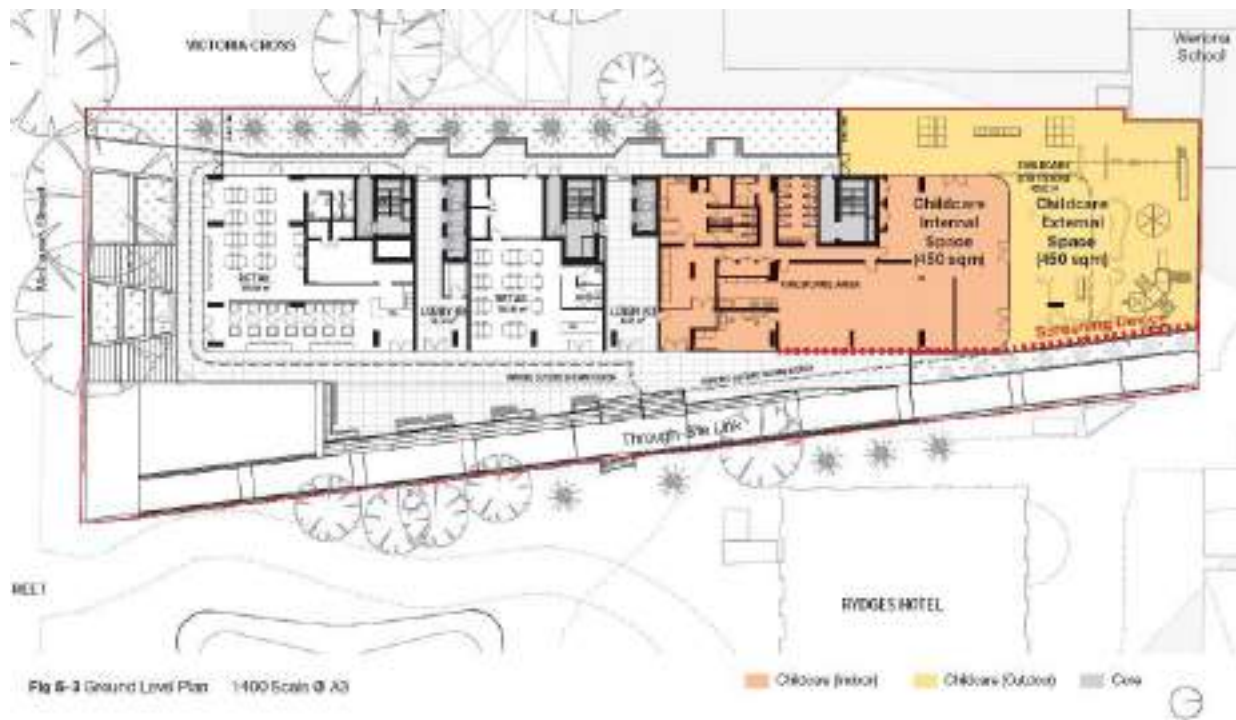
The podium height is within the design guidelines as listed under the CPPS featuring a three (3) storey community and commercial podium. The indicative scheme comprises a ground floor level which consists of primarily retail and childcare uses with lobby areas providing access to the residential and commercial tenancies above. A public plaza area is also provided to the east of the podium form, providing opportunities for outdoor seating and al-fresco dining.

**Figure 31** Ground level plan concept design



### Childcare facility

The ground floor of the northern podium is subject to a public benefit offer proposed as part of this proposal. Responding to the CPPS which requires community uses on the site, the proposal provides the opportunity for the site to accommodate a childcare centre. The childcare use includes approximately 450m<sup>2</sup> of indoor space and 450m<sup>2</sup> of outdoor space, providing a total area of approximately 900m<sup>2</sup>. By providing both spaces on a single floor, there is a direct physical connection which caters to the operational requirements of the childcare facility as advised by Council. The external childcare area will benefit from north facing sunlight throughout the day and will feature a covered area offering sun and rain protection when necessary.

**Figure 32** Childcare location

## 6.2 Landscape concept

A landscape concept design has been prepared by GHD and is included in the Urban Design Report at Appendix A. The design has been informed by a number of public domain and civic precinct Council studies. Importantly, the development presents an opportunity to link the existing and future planned pedestrian laneways in the CBD to create a safe and activated pedestrian environment. A new pedestrian link is proposed along the eastern boundary of the site which will connect McLaren Street through to Elliot Street and will facilitate the following:

- reinforce connections to Ward Street plaza, Victoria Cross Station, and to North Sydney Oval;
- greater opportunities for public realm activation;
- increased landscaping, planting and open space;
- opportunities for water-sensitive urban design initiatives; and
- provision of consistent paving and materiality that creates a continuous and unified street network.

The public domain framework for the site is guided by the following four main principles:

- strong and clear connections, ensuring the site has a safe, well connected and legible public realm
- amenity and inclusion, ensuring all user groups are respected and both the residents and the public benefit
- responsive and sustainable landscape, ensuring the landscape design is sustainable and contributes to environmental outcomes
- activation, ensuring the public realm and building edge provide opportunities for meeting, socialising and dwelling.

An indicative landscape concept plan has been formulated for the site, identifying the key landscape additions. Seven (7) landscape character zones have been identified which include:

1. McLaren Street entry, landscaping and retained trees
2. Pedestrianised through-site link: DDA compliant ramp linking Elliot Street to McLaren Street
3. Ground plane/building interface activation: A combination of movement and gathering spaces linked to the retail and commercial precinct along the building
4. Private resident's garden within western setback
5. Car park entrance: Climbing plants lining the walls of the entry to soften transition from outside
6. Childcare outdoor play space
7. Adjacent Site (\*note existing landscaping on the adjacent site is not subject to this proposal): Future potential as a pedestrian link and a continuation of planting.

The concept landscape plan including the corresponding landscape character zones is provided at Figure 33. An artist's impression of the zones across the ground plane of the indicative concept has been demonstrated at Figure 34. The artist's impression is not to scale and is for visual representation purposes of how the spaces may look and function.

Figure 33 Landscape concept plan

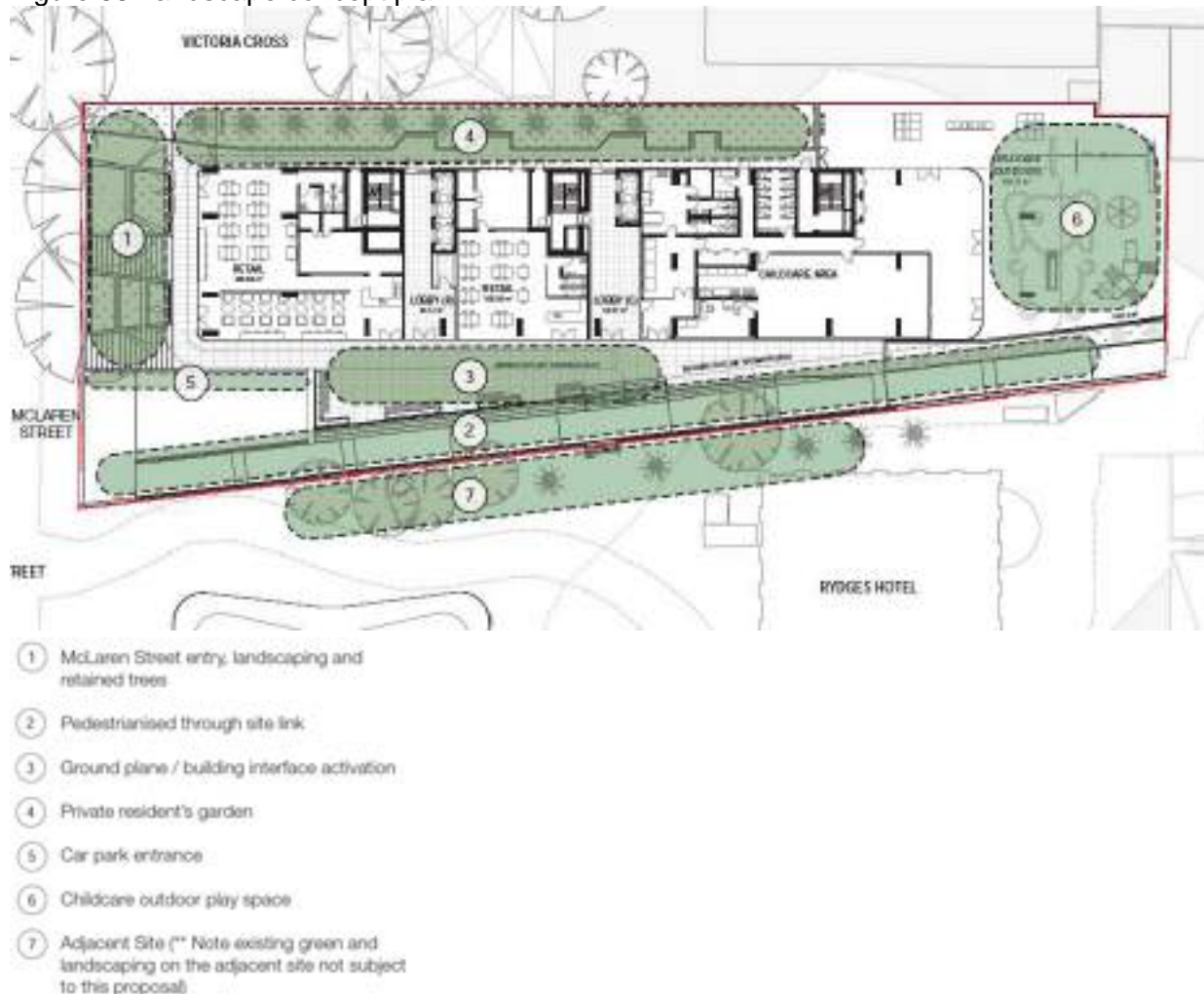


Figure 34 Artist impression of landscape zones (not to scale)



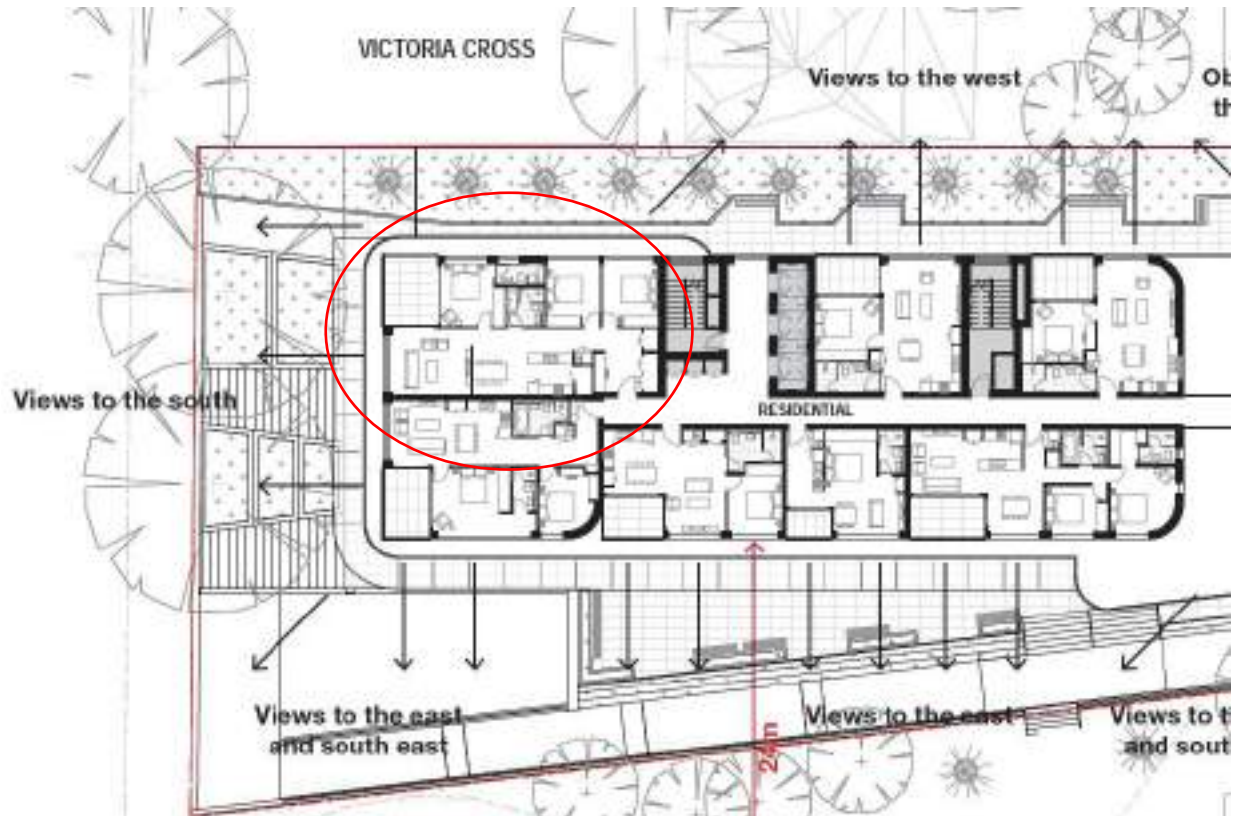
### 6.3 Residential amenity

The design concept for the residential component of the planning proposal has been designed to meet the requirements of the ADG as demonstrated in the Urban Design Report at Appendix A. Notably, the concept demonstrates that the site can accommodate high density residential development that will provide:

- apartments consistent with the ADG minimum size requirements
- balconies and private open spaces consistent with the ADG minimum size requirements
- a minimum of two hours solar access to all indicative apartments
- natural cross ventilation to 60% of indicative apartments

One of the issues raised by Council in the pre-lodgement meeting was the amenity of apartments that are in close proximity to the Victoria Cross north site building which will front the boundary of 50 McLaren Street. There are four apartments over four levels which will have a direct interface with the metro station. As demonstrated in Figure 35, the apartments in this location have been designed to have a dual aspect, with the primary outlook from the apartment living areas to the south.

**Figure 35** Southern building indicative apartment layout



## 6.4 Overshadowing

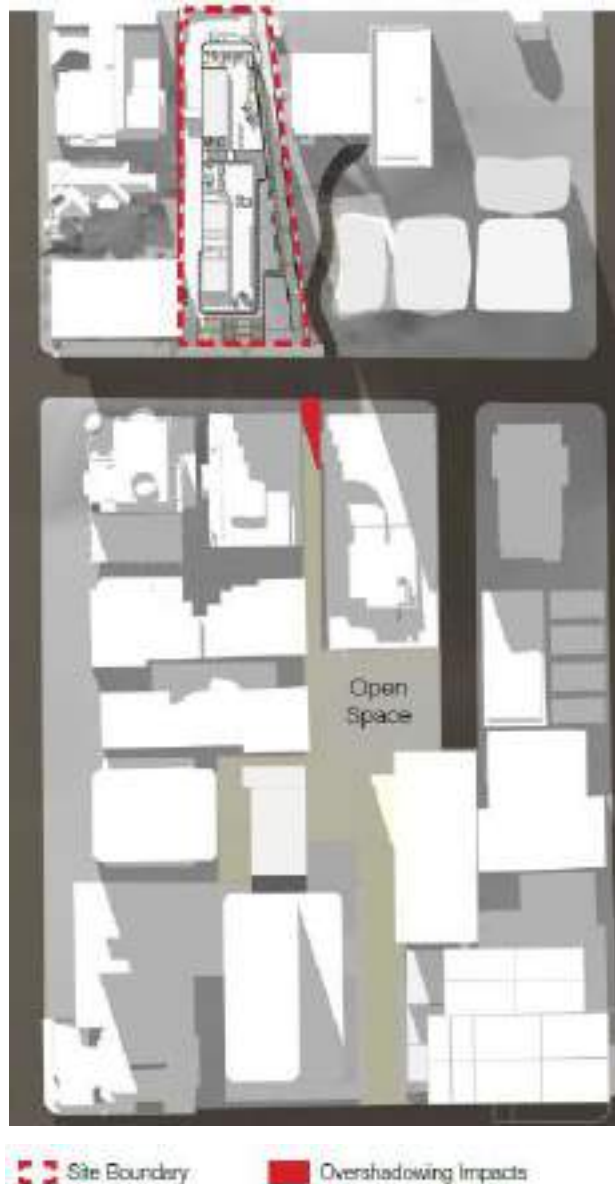
GHD have analysed the overshadowing impacts of the proposal with the results presented in Appendix A and an assessment of compliance provided in the following sections.

### 6.4.1 Public Open Space

The Ward Street Precinct Masterplan and CPPS both stipulate the need to protect overshadowing of Council identified public spaces and Doris Fitton Park. The overshadowing analysis confirms the proposal will not generate any net increase in overshadowing year-round of planned public spaces identified in the Ward Street Masterplan and Doris Fitton Park.

There will be some new overshadowing generated on the northern extremity of the precinct on Faith Bandler Place from 12pm to 2pm during the winter solstice as shown in the excerpt at Figure 36. It should be noted the area is a thoroughfare as opposed to public open space and is not identified for protection under the Ward Street Masterplan. The additional overshadowing is considered to be acceptable.

**Figure 36** Overshadowing to Faith Bandler Place (worst case scenario)



#### 6.4.2 45 McLaren Street

The residential flat building at 45 McLaren Street is located outside of the North Sydney CBD and as such the provisions of clause 6.3(3) of the North Sydney LEP 2013 applies. The relevant provision is replicated below:

*(3) The consent authority may grant development consent to development on land in the North Sydney Centre that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm from the March equinox to the September equinox (inclusive) will not result in any private open space, or window to a habitable room, located outside the North Sydney Centre receiving—*

*(a) if it received 2 hours or more of direct sunlight immediately before the commencement of North Sydney Local Environmental Plan 2013 (Amendment No 23)—less than 2 hours of direct sunlight, or*

*(b) if it received less than 2 hours of direct sunlight immediately before the commencement of North Sydney Local Environmental Plan 2013 (Amendment No 23)—less direct sunlight than it did immediately before that commencement.*

GHD has prepared overshadowing diagrams which show that the proposed building envelope will have an impact on the apartments with a western aspect at the southern end of the building after 1.30pm on the winter solstice. This affects portions of the building that are occupied by bedrooms of apartments that have a primary aspect to the east to take advantage of harbour views. There is no impact to the main living areas of these apartments. The diagrams at Appendix A also demonstrate that the proposed development does not generate any impact on the development at 45 McLaren Street from the six month period running from the 21st of September through to the 20th of March.

Whilst the above analysis shows that the proposal would not meet the criteria of clause 6.3(3), it is noted that this building is unlikely to remain on the site in perpetuity as the site was identified for significant uplift during the preparation of the Ward Street Masterplan and a planning proposal has been lodged to affect that uplift. If a planning proposal is successful and the site is redeveloped, the provisions of clause 6.6(3) would cease to apply as the new development would not have been in existence immediately before the commencement of Amendment 23 to the North Sydney LEP 2013.

Further to the above it is noted that the location of the site relates better to the North Sydney CBD context than the residential zoned areas that this clause seeks to protect. In our opinion, the site should be located within the North Sydney CBD boundary, particularly given that it forms part of the Ward Street Precinct and is similar in nature to other recent residential developments located further south on the western side of Walker Street which are located within the CBD boundary. Finally, the zoning of the site as R4 High Density Residential is also considered to be outdated, given that as part of the redevelopment of the site it is likely that a mix of uses will be required to achieve activation of the ground plane and to contribute to the employment targets for the North Sydney CBD.

It is therefore our conclusion that this building should be assessed in a manner similar to other residential buildings within the CBD context and should not be afforded a higher level of solar protection as that of other residential zoned buildings which are located outside of the North Sydney CBD. In that instance the provisions of the ADG would apply and any development on the site would need to assess the solar impacts to the future building located on the 45 McLaren Street site. The ADG suggests that an appropriate level of solar access is the provision of two or more hours of sunlight to at least 70% of apartments but notes that this may not be achievable on all sites. It is noted that the 45 McLaren Street site is located directly south of 168 Walker Street which is a tall building that has a significant shadow to the south, any future building is also likely to be predominantly orientated to the east where valuable harbour views can be obtained. The solar study prepared by Bates Smart (Figure 37) as part of the Planning Proposal for 45 McLaren Street reaffirms that any future design is likely to orientate the majority of apartments in the building to the east where views are obtained, and more solar access is available to key living areas.

**Figure 37** 45 McLaren Street Solar Access Study (Bates Smart)

GHD has modelled the shadow impacts on the indicative scheme that was submitted with the planning proposal for 45 McLaren Street. Whilst this does show additional impacts to 45 McLaren Street, the effect of the 45 McLaren Street building achieving compliance with the ADG is minimal as the shadows primarily fall on apartments which are not being relied upon to achieve compliance with ADG.

To require the ongoing protection of a building that is likely to be demolished would be inconsistent with Council's policy direction to enable development uplift in areas which are well located in respect of proximity to public transport and the CBD. As the proposal cannot comply with the current drafting of Clause 6.3(3) the following options are available to facilitate the outcome that is proposed in Council's CPPS for the proposed site:

- Include a site-specific provision in Schedule 1 of the North Sydney LEP 2013 which outlines that clause 6.3(3) does not apply to the site. Noting that a variation to the maximum building height control would not be required anyway given the amendment to the height map proposed in this planning proposal; or
- Amend the boundary of the North Sydney CBD such that it includes the property at 45 McLaren Street; or
- Amend the zoning of the property at 45 McLaren Street such that it is zoned B4 Mixed-use.



### 6.4.3 39 McLaren Street and 237 Miller Street

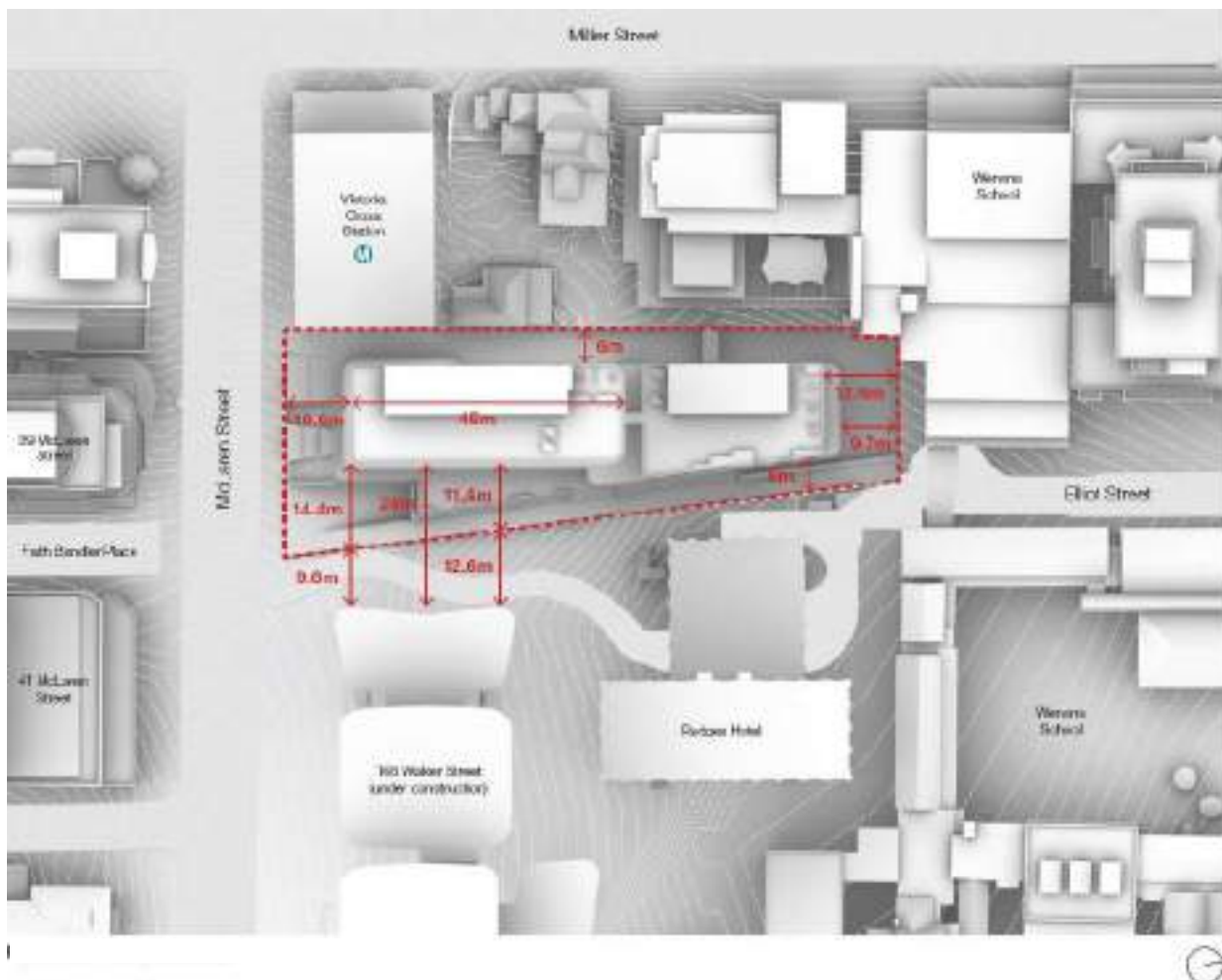
GHD has prepared a shadow analysis of the two residential buildings located directly south of the site at 39 McLaren Street and 237 Miller Street (see Appendix A). In accordance with the requirements of ADG, the proposal will maintain a minimum of two hours direct sunlight between 9 am and 3 pm at midwinter, to 70% of the living rooms and private open spaces on the northern facades of these buildings.

Further to the above, it is noted that the proposed building envelope results in a higher level of solar access to a larger proportion of apartments within 39 McLaren Street than that of a compliant building envelope as a result of the larger setback proposed to the eastern boundary of the site.

## 6.5 Visual privacy

Visual privacy is usually addressed by building separation as prescribed by the ADG or alternatively by way of visual screening. The following section assesses the proposal for compliance with the ADG setback controls and the relationship of the proposed building envelope to neighbouring buildings. The context of the development and the proposed building setbacks are shown in Figure 38.

**Figure 38** Proposed building setbacks

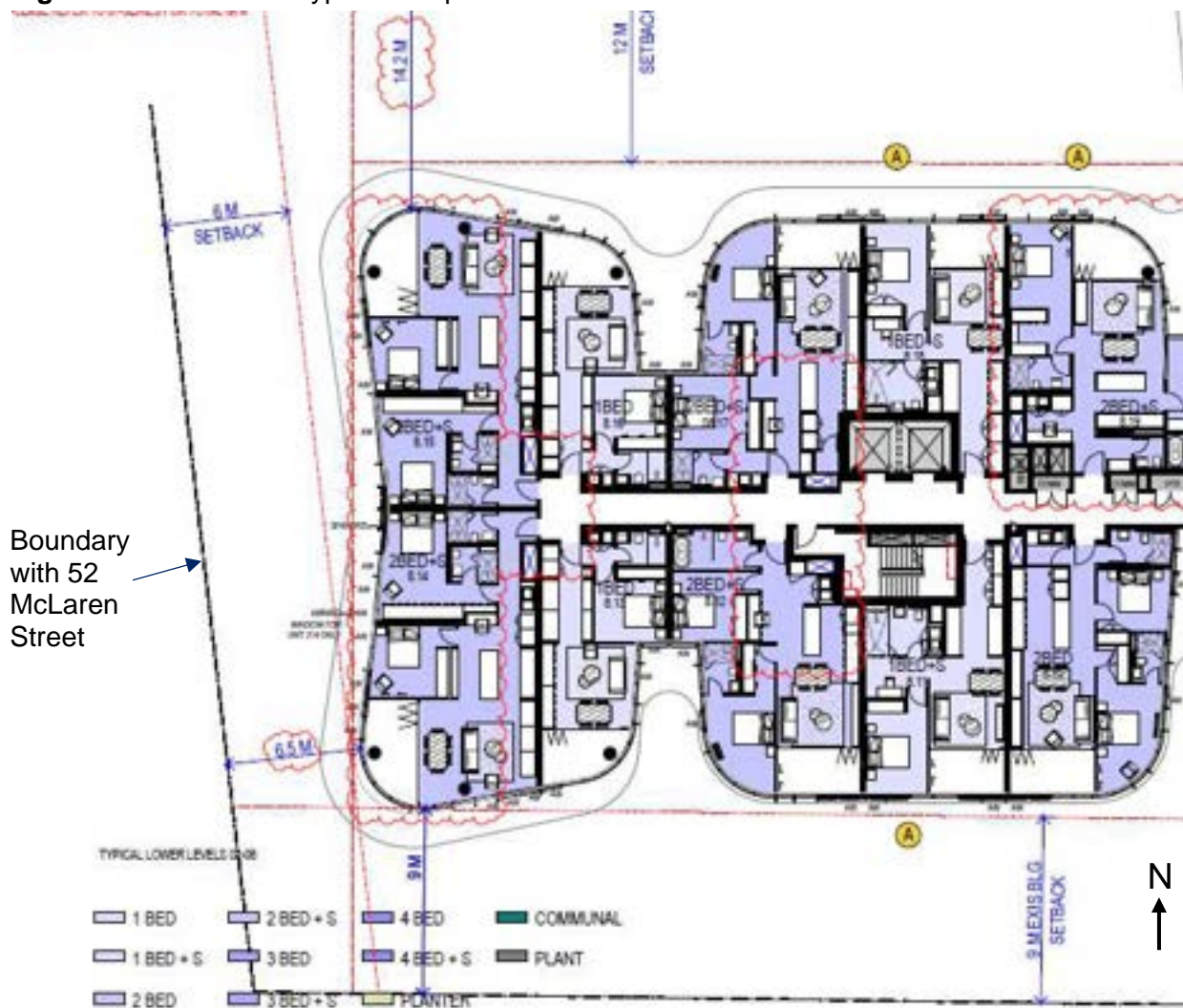


### 6.5.1 168 Walker Street

Due to the tapered nature of the site, the proposed building envelope is setback between six-metres to 15 metres from the eastern boundary. This provides a 24-metre building separation distance between the southern residential building on the site and the future residential building currently being constructed at 168 Walker Street.

As can be seen in Figure 39 the approved design of the building at 168 Walker Street does not comply with the required building setback controls from the western boundary and as such borrows amenity from 52 McLaren Street. To respond to this, the building envelope on the site has been pushed towards the western boundary so as to ensure that adequate visual amenity can be provided between the two buildings.

**Figure 39** Levels 2 – 8 typical floorplan of 168 Walker Street



### **6.5.2 243 Miller Street**

243 Miller Street is a heritage property that adjoins the site's western boundary. The site is prescribed a maximum building height of 10 metres under the North Sydney LEP 2013 and no increased development potential is envisaged under the CPPS.

As a result of the increased setback to the eastern boundary, a setback of six (6) metres is proposed to the western boundary of the site. The setback is justified in that:

- sufficient separation distance (approximately 23 metres) is achieved between the primary building at 243 Miller Street and the proposed building envelope. It is noted that the approved Stage 1 envelope for the previous Uniting scheme was approved a minimum 4.7 metres from the eastern boundary and was deemed acceptable. Further, the lower levels of the proposed building, which have an interface with 243 Miller Street, will be non-residential and can be appropriately screened if deemed necessary.
- the development potential of 243 Miller Street is constrained by its heritage listing and the current controls applying under the North Sydney LEP 2013. There is also limited opportunity to amalgamate the site with adjoining properties to create a larger development site due to the location of the metro station and the school on either side, noting that the school has recently expanded the buildings fronting Miller Street.
- As mentioned previously, a larger setback has been provided to the eastern boundary to provide a greater separation distance between the proposed building envelope and the future residential building at 168 Walker Street. A greater separation distance between the two residential flat buildings is considered preferable than increasing the setback to the west.

### **6.5.3 Wenona School**

The proposed building is also setback 6 metres from its western boundary and 9.7 metres to 12.6 metres from its northern boundary from the Wenona School building which fronts Miller Street to the west. Again, as the direct interface relates to commercial uses and the proposed childcare centre, there is the ability to install screen to the relevant facades if required or to install obscured glazing. Given the associated land uses at the northern end, there could be opportunity within the detailed design to integrate these uses which would be subject to future negotiation by others.

## **6.6 View impact analysis**

GHD has prepared a view impact analysis from the two residential buildings at 39 McLaren Street and 237 Miller Street which is presented below. The views have been prepared using a 3D electronic model and can be verified by photos taken from the relevant units during the assessment phase if required and access is permitted.

### **6.6.1 39 McLaren Street**

The views from 39 Miller Street have been taken from the following points of the building to give representative views across the building:

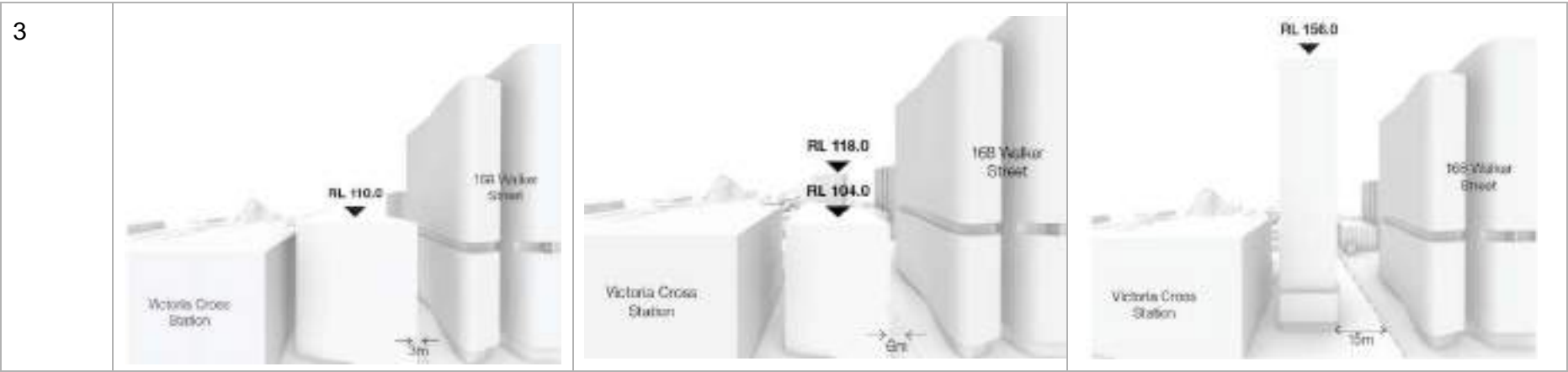
- View 1 – First floor (RL 82)
- View 2 – Seventh floor (RL 102)
- View 3 – Twelfth floor (RL 115)

As can be seen in the view comparisons, the proposed building envelope, due to its tall slender form, will retain more regional views towards the north than a compliant building under the current building controls. Further, the proposed building envelope will have a lesser view impact than that which was previously considered acceptable by the North Planning Panel in approving the Uniting Stage 1 Concept Application.

It is noted that the proposed building envelope is higher than the current permissible and approved building envelopes on the site and will reduce some of the sky view obtained from the apartments at 39 McLaren Street, however this is a minor proportion of the view and is considered reasonable given, the location of the development within the CBD context and the fact that the proposed envelope enables greater retention of regional views between the building envelopes.

**Table 12 39 McLaren Street view impact of LEP envelope, approved Uniting envelope and proposed envelope**

View Location	LEP Envelope	Approved Uniting Envelope	Proposed Envelope
1			
2			



### **6.6.1 237 Miller Street**

Table 13 provides an assessment of the view impacts from a selection of view points from 237 Miller Street. Specifically, the following locations are represented:

View 1 – First floor (RL 82)





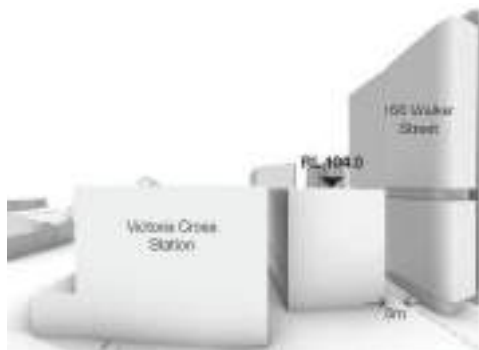
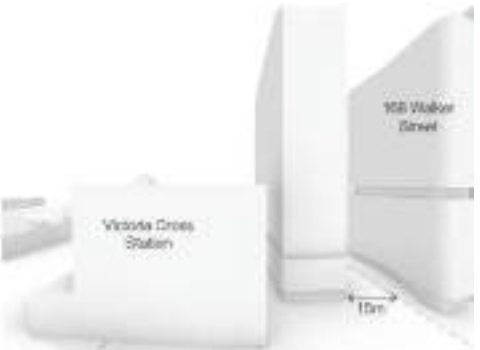

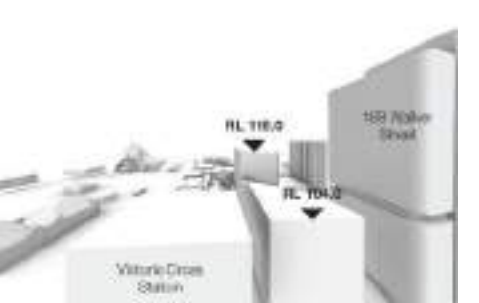
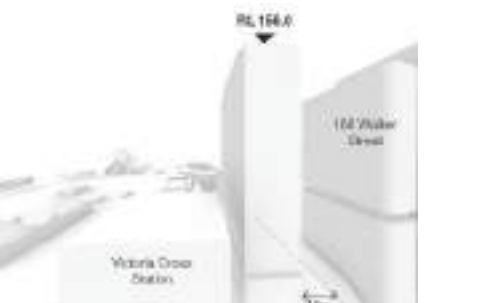
View 2 – Eighth floor (RL 105)

View 3 – Fifteenth floor (RL 124)

Similarly to the visual impacts from 39 McLaren Street, the proposed slender building envelope will retain more regional views towards the north than a compliant building under the current building controls.

While the proposed building envelope is higher than the current permissible and approved building envelopes on the site and will reduce some of the sky view obtained from the apartments at 237 Miller Street, the impact is considered minor, given the proposal will not adversely impact the view of further northern elements. Additionally, the scale is considered justified given the development is located within a CBD context.

**Table 13** 237 Miller Street view impact of LEP envelope, approved Uniting envelope and proposed envelope

View Location	LEP Envelope	Approved Uniting Envelope	Proposed Envelope
1			
2			
3			



## 6.7 Visual impact analysis

Virtual Ideas has prepared a series of key views incorporating the proposed envelope to inform the visual impact analysis (VIA) prepared by Ethos Urban and provided at Appendix C. Viewpoints have been agreed upon with Council and demonstrate key areas of the public domain where the proposed building will alter the current visual setting. The assessment also considers the provisions under the CPPS and DCP in relation to protecting views.

In summary, when considering the factors of sensitivity and magnitude, it is concluded that the proposal gives rise to moderate visual impact. However, these impacts are considered acceptable as the proposal:

- aligns with the strategic vision envisaged by Council in their Civic Precinct Planning Study
- results in an urban form outcome consistent with the planning intent for the Civic Precinct, in particular through contributing to the transition zone between the North Sydney CBD and the Civic Precinct
- does not block, occlude, or otherwise adversely impact significant views obtained from the public domain to elements identified as being of high scenic value such as Sydney Harbour or the Sydney CBD skyline.

The VIA has been informed by the proposed planning envelope only. It is noted that the visual impact of the proposal will be refined and improved through the detailed design, as the planning proposal assessment considers a maximum building envelope.

## 6.8 Wind assessment

A qualitative wind assessment has been prepared by CPP and is provided at Appendix I.

CPP concludes that the proposed development will have some effect on the local wind environment. Wind conditions around the development are expected to be classified as acceptable for a pedestrian standing or walking from the perspective of the Lawson Wind Comfort Criteria perspective and pass the distress/safety criterion, which is broadly in line with the intent of the North Sydney DCP 2013. The assessment outlines local improvements would likely be necessary for areas intended for long-term stationary or outdoor dining activities, particularly on the eastern side of the development site. However, mitigation measures will need to be determined at the detailed design/development application stage.

It has been recommended wind tunnel testing is undertaken to quantify the wind conditions around the site. This again is more appropriately undertaken at the development application stage when the detailed design of the building is being determined.

## 6.9 Transport and traffic

A Traffic and Parking Impact Assessment has been prepared by GHD and is provided at Appendix D. The assessment outlines the existing traffic and transport context on the site, as well as the likely traffic outcomes resulting from the development outcomes that are likely to result from the planning proposal.

### 6.9.1 Existing conditions

The site is located on McLaren Street which is classified as a local road and features an undivided carriage way with one travel lane in each direction. Miller Street, located west of the site, is classified as a regional road and also features an undivided carriageway with one travel lane in each direction. Located east of the site is Walker Street which is classified as a local

road and like McLaren and Miller Streets, includes an undivided carriageway with one travel lane in each direction.

Being in the North Sydney CBD, the site has excellent accessibility to public transport and is within walking distance to North Sydney train station (approximately 800m). Bus services operate on Miller Street (approximately 100m southwest of the site) and will be adjacent to the future Sydney Metro Victoria Cross Station, providing public transport opportunities to the CBD, local districts and the greater area.

### 6.9.2 Parking

The planning proposal seeks to adhere to the maximum car parking provisions outlined in the North Sydney DCP 2013 for the non-residential component and with requirements of the ADG/SEPP 65 for the residential parking component. The application proposes a 20% reduction on the maximum permitted rates for residential development. It is to be noted that that accessible apartment car parking will still comply under the BCA as the reduction has been applied to the non-accessible portion of the residential development. The reduction in parking is considered appropriate as it will be consistent with the intent of the North Sydney DCP objectives to reduce the parking provision and encourage the use of alternate, more sustainable, transport opportunities.

The proposal's compliance against the parking provisions of the North Sydney DCP 2013 and SEPP 65 is provided in Table 14.

**Table 14** Parking and end of trip provisions

Control	Requirement	Compliance
Car parking (including visitor)		
Residential uses	DCP: Max. 130 spaces <hr/> SEPP 65: Min. 133 (including 25 visitors)	104 spaces (including 34 accessible spaces)
Office/Retail uses	<b>DCP:</b> Max. 7 spaces	7 spaces (including 1 accessible space)
Childcare uses	<b>DCP:</b> Max. 6 spaces	6 spaces (including 1 accessible space)
Total	<b>DCP:</b> 143 spaces <b>SEPP 65:</b> 146 spaces	121 spaces (including 4 car share spaces)
Accessible car spaces (North Sydney DCP 2013)		
Total	36 spaces	36 spaces (included in the above figures)
Bicycle Parking (including visitor) (North Sydney DCP 2013)		
Residential uses	Min. 189 spaces	Subject to detailed DA
Retail uses	Min. 4 spaces	
Office uses	Min. 23 spaces	
Childcare uses	Min. 3 spaces	
Total	243 spaces	
Motorcycle Parking		

Total	12 spaces	12 spaces
End of Trip Facilities		
Lockers	20	Subject to detailed DA
Shower and change cubical	2	

### 6.9.3 Traffic generation

The proposed development is likely to generate up to an additional 136 trips in the morning peak, 116 trips in the evening peak on a typical weekday and 98 trips on a peak weekend period. The adopted trip generation within the assessment is considered an overestimate of the likely demand when considering the adjoining site will be the future Sydney Metro Victoria Cross Station and the site is subject to maximum parking provision limit in line with the North Sydney DCP.

GHD conclude that each of the analysed intersections will have an acceptable Level of Service (i.e., better than Level of Service E) with spare capacity in both the weekday morning, evening weekday and weekend peak periods in the 2020 post-development scenario with road network operation being comparable to existing conditions.

### 6.9.4 Access

Access to the site is proposed via McLaren Street which aligns with the CPPS. The driveway is located on the straight sections of the road alignment with no permanent obstructions to the north to affect the visibility from the driver when exiting the site.

The proposal includes a through-site link in a north-south direction along the eastern side of the site which will provide pedestrians and cyclists access to and through the site. Level access is also provided at the south western corner adjacent to the Victoria Cross Station northern entrance.

Council, in its pre-lodgement comments suggested the driveway entrance be located as far west as possible to enable the widening of the through-site link. As is demonstrated in the diagram in Figure 40, there is limited space to accommodate the driveway and through-site link due to the location of the existing fig trees on McLaren Street and the need to retain a tree root protection zone.



**Figure 40** Configuration of driveway and through-site link

### 6.9.5 Green Travel Plan

A Green Travel Plan (GTP) has been prepared by GHD and is provided at Appendix K. The Plan establishes the framework, objectives, targets, structure and systems for an operational Green Travel Plan for the site and associated development.

For the proposed development, the target is to encourage future residents, staff and visitors to use sustainable transport options for commuting to and from the site. The development is well serviced by existing and future alternative transport options. In conjunction with the GTP, the different transport options will reduce car dependency and associated vehicle trip generation within the surrounding road network and provide healthier lifestyle opportunities for the community. A series of actions are recommended in the GTP related to public transport, walking and cycling and minimising car use. It also recommends the development of a Transport Access Guide to assist visitors and residents with available travel modes. The GTP recommends a Travel Plan Coordinator is appointed. Key responsibilities of the Travel Place Coordinator would include:

- Coordinating implementation efforts
- Conducting surveys or other data collection processes to measure progress
- Communicating the travel plan to stakeholders
- Coordinating events to promote awareness of the plan and associated initiatives
- Coordinating marketing and promotional programs.

The GTP notes while it meets the requirements of the proposed development, additional measures should be in place at the detail design stage of the development.

### 6.10 Acoustic

An Acoustic Assessment has been prepared by GHD and is provided at Appendix J. The assessment outlines the legislative and policy requirements, including the requirements of Council, related to acoustic impacts from the proposed development which include noise impacts both to and from the proposed development.

The assessment includes a variety of in principle noise mitigation measures that should be considered in the detailed design of the development to mitigate the noise and vibration impacts on the proposed development. The measures include:

- locating habitable areas as far away from road/rail noise sources, where possible.
- less sensitive rooms (laundries, bathrooms, corridors etc.) should be placed on the noisy side of the building
- using non-sensitive or less noise-sensitive buildings as noise shields
- locating non-residential uses at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources
- use of podiums on lower levels to act as a shield to the higher residential receivers
- use of enclosed balconies (with openable glass/louvres) or winter gardens. Note that reflections from hard surfaces within the winter garden can sometimes increase noise levels. Absorptive materials should be installed to reduce reflected noise.

Where the above measures are not possible to include in the design, the following should be implemented as included in the ADG:

- limiting the number and size of openings facing noise sources
- providing seals for operable windows and doors to prevent noise transfer through gaps
- using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)
- Using materials with mass and/or sound insulation or absorption properties e.g., solid balcony balustrades, external screens and soffits.

Due to the level of construction currently occurring around the site, GHD was unable to undertake noise monitoring and has thus relied upon noise monitoring which was undertaken as part of the preparation of the Environmental Impact Statement for Sydney Metro City & Southwest Chatswood to Sydenham approval, as this is considered to be more reflective of the surrounding background noise levels.

Based on existing noise monitoring, GHD conclude that a reduction of between 31 and 34 dB is required to achieve the internal noise goals of the North Sydney DCP. At higher levels of the development, this may be higher due to exposure to busy roads surrounding the site. GHD recommend that consideration should be given to developing a 3D noise model later in the design process to determine reduction required for each façade/level.

A full summary of the noise emission levels for the proposal is provided in the acoustic assessment. The assessment recommends the following mitigation measures to ensure appropriate noise level emission on the site:

- where possible, selection of mechanical plant with low noise levels
- acoustic barriers / enclosures for any external plant, such as rooftop plant
- appropriate location of plant rooms away from sensitive receivers
- construction of plant rooms with high acoustic performing materials (i.e., concrete panels, solid concrete blocks)
- the installation of acoustic louvres where appropriate for plant rooms
- design of ductwork systems, incorporating the following where appropriate
- acoustic attenuators for exhaust / supply fans

- internal lining of ductwork
- duct outlets directed away from sensitive receiver locations.

In conclusion, it is likely that noise mitigation measures can be incorporate into the detailed design of the development to meet the noise emission requirements. It has also been recommended a full acoustic assessment is undertaken at the detailed design stage of the project to ensure that noise emissions from the site achieves the relevant noise emission requirements and provides specific noise mitigation measures.

## 6.11 Heritage

A Heritage Impact Statement has been prepared by NBRS Heritage and is provided at Appendix E. While the site itself is not listed as an item of local heritage significance in the North Sydney Local Environmental Plan (LEP) 2013, it is located in the vicinity of a number of locally listed heritage items and is in the vicinity of two Heritage Conservation Areas (HCA) listed below:

- “Simsmetal House”, 41 McLaren Street, North Sydney – Item No. I0889
- “North Sydney Council Chambers” including fountain in park adjacent to Council Chambers, 200 Miller Street, North Sydney – Item I0902
- “North Sydney Council Chambers” Wyllie Wing, 200 Miller Street, North Sydney - Item I0903
- “Shop”, 243 Miller Street, North Sydney – Item I0908
- “House”, 255-257 Miller Street, North Sydney – Item I0912
- “Wenona Girls School Group – Wenona”, (182 Ridge Street) North Sydney – Item I0989
- “McLaren Street Conservation Area” - HCA 19
- “Walker & Ridge Streets Conservation Area” – HCA 20

The proposal is considered to alter views from both Miller Street and Ted Mack Civic Park. However, NBRS note that the setting of these heritage items is already considered to be altered with the addition of existing and approved buildings including the new metro north building and the residential building at 168 Walker Street.

Notwithstanding the above, NBRS consider that the proposed changes to the setting of the heritage items are considered acceptable in this instance as the proposal is consistent with the heritage principles set out in the CPPS and the proposal does not adversely impact the appreciation or significance of the heritage items or conservation areas in the vicinity of the site. Specifically, the assessment notes that:

- the existing small scale buildings of historic character and mature tree plantings will be retained and conserved, there will be no change to the appreciation of the character of Miller Street, the park or the McLaren Street Conservation Area
- the retention of the two building forms in any future development application will reduce the scale of the development and avoids a solid ‘wall’ behind the item, also allowing sky views and sunlight through

- future detailed design, articulation of the form and fenestration combined with an appropriate material language in any future development can be developed, the principles for the design would include:
  - a podium form which acts as the backdrop to the item – its articulation, scale and materiality would read as secondary and recessive to the item in front.
  - the building portion would read as separate and above, to support the podium as reading as a backdrop to the existing low scale development along Miller Street.

NBRS note future detailed design, articulation and fenestration combined with an appropriate materiality can be adopted to provide a sympathetic backdrop for the nearby heritage item at 243 Miller Street.

## 6.12 Economic impacts

The proposed development at the 52 McLaren Street site will generate significant economic benefits for North Sydney and the surrounding regional area. A high-level summary of the economic benefits likely to be generated as a result of the project has been undertaken and includes the following components:

- A description of the approach and assumptions in which the analysis has been formed.
- Estimated number of jobs likely to be supported both during construction and on an ongoing basis once the building is complete and fully occupied.
- An estimate of the level of economic output (value-added) supported by the project.
- An estimate of the likely level of additional retail expenditure supported as a result of the uplift in both the resident and worker population at the site on completion.
- Headline summary of other economic benefits likely to result from the project, including alignment with North Sydney Council objectives such as the North Sydney Economic Development Strategy.

### 6.12.1 Approach and methodology

The approach underpinning this benefit summary is based on accepted methodology used in economic impact assessments and takes into account existing benchmarks along with information about the project as provided by Sydney Metro. Information used in this analysis includes:

- Development description sourced from GHD.
- City of Sydney Floor Space and Employment Survey, 2017.
- Education and Care Services National Regulations.
- ABS National Accounts: Input-Output Tables 2019/20

The following assumptions have been made in preparing this assessment:

- Employment estimates take into account a fully occupied development.
- Estimated capital costs of construction are estimated at \$80 million and relate to direct construction costs only.

For the purposes of this assessment, City of Sydney LGA averages have been adopted as proxies for the workspace ratios at the proposed 52 McLaren Street project.

- The City of Sydney undertakes a floorspace and employment survey every five years, with the latest results from the 2017 survey released in early 2019. This survey collects data from businesses on employment numbers and floorspace use across the City of Sydney Local Government Area (LGA). Specifically, the data collected produces a

workspace ratio that represents the average provision of floorspace provided for each worker on a per square metre basis across each key property sector. City of Sydney Floor Space and Employment Survey results of the floorspace provision per worker across the City of Sydney LGA indicates the following workspace ratios:

- **Office:** 14.2m<sup>2</sup> per worker with an average workspace ratio of 10.1m<sup>2</sup> per worker for open-plan and partitioned office space
- **Retail:** 30.2m<sup>2</sup> per worker
- For childcare, employment ratios have been calculated from benchmarks used by the Education and Care Services National Regulations for childcare in Australia. This includes:
  - 1 child per 3.25m<sup>2</sup> of indoor space
  - 1 educator (worker) for every 5 children aged between 24-36 months.

Projections take into account total employment and economic benefit based on completion of the project, rather than the net gain associated with the redevelopment of former existing facilities on the site.

### 6.12.2 Input-Output modelling

Economic impacts associated with the proposed development have been prepared with input-output modelling undertaken with reference and compliance to best-practice guidelines.

Input-output tables are a 'map' of the economy that track the flow of products, services, and payments through the many industries, households, government organisations and foreign transactions that make up the Australian economy.

Every industry requires inputs from many other industries, plus the inputs of workers and machinery and equipment to produce output. Input-output modelling uses averages derived from the ABS Input Output Tables to estimate the impact on all industries when one industry expands its production. The modelling used in this report is based on the 2019/20 ABS National Accounts release.

As with all economic models input-output models include a number of limitations, which include the following inherent assumptions: unlimited supplies of all resources including labour and capital, prices remaining constant, technology is fixed in all industries, and import shares are fixed.

Having regard for these limitations, the modelling used for the purposes of this assessment applies the **Simple Multiplier effect** measure. The Simple Multiplier effect measure estimates the expansion of other industries required to support the initial (direct) increase in the original industry; and does not include the additional impacts of extra wages and employment income being spent across the economy (spill-over effects).

Use of the **Simple Multiplier effect** measure is in-line with best practice industry standards and reflects a conservative position. Results from the modelling should be interpreted as indicative of the potential impact the project will have on the Australian economy.

The modelling provides estimates of the following economic benefits as a result of the project:

- **Construction Employment** - direct construction job-years supported by construction of the development and indirect job-years supported across all other industries over the construction period.



'Job-years' is defined as the number of full-time equivalent (FTE) jobs supported over the construction period. i.e., if construction is over 10 years, 100 job-years is equivalent to 10 FTE jobs per year. Job years only applies to construction employment.

- **Ongoing Employment** - direct and indirect FTE jobs supported by the ongoing operation of the project annually.
- **Value Added** - direct and indirect value added generated during the construction and operational phase of the project.

Value Added is defined as the wages, salaries and supplements plus gross operating surplus (income earned by businesses) required in producing the extra output (construction investment and operating output/turnover). This represents the standard measure of economic contribution, that is, the increase in economic activity as measured by gross domestic product (GDP).

Estimates of the economic benefits of the proposed development will be realised across the national economy, given the scale and diversity of the New South Wales economy, a large proportion of these benefits will be realised locally. The benefits have been prepared for:

- **Construction Phase:** Economic activity during the construction phase of the project which will be spread across the construction program.
- **Operational Phase:** Ongoing economic activity once the project is completed.

### 6.12.3 Employment Impacts

#### Construction employment

While construction costs are yet to be determined, for the purposes of this analysis it is estimated that the level of capital investment required to realise the proposed development will be in the order of \$80 million. This estimate is based on the preliminary concept plans and relevant construction cost benchmarks sourced from Napier and Blakeley.

Based on an estimated construction cost of \$80 million, the construction phase is expected to directly support employment of 110 job-years and deliver a direct value-add to the economy of \$17.3 million.

When the multipliers are taken into account, total state-wide economic effects over the construction program are forecast to be employment of 470 job-years and a total direct value-add to the economy of \$65.1 million.

**Table 15 Direct and indirect jobs during construction**

	Construction phase (spread over construction period)		
	Direct	Indirect	Total
Output (\$M)	\$80.0	\$117.9	\$197.9
Employment (job-years)	110	360	470
Value Added (\$M)	\$17.3	\$47.8	\$65.1

Source: ABS, National Accounts 2019/20; Ethos Urban Research

Job-years - Number of FTE jobs supported over the construction period. i.e., if construction is over 10 years, 100 job-years is equivalent to 10 FTE jobs per year.

## Ongoing employment

Economic benefits associated with the ongoing operation of the 52 McLaren Street project once complete and fully occupied have been based on estimates of the level of supportable employment for the various uses incorporated in the proposed scheme. Ongoing employment at the 52 McLaren Street project is estimated using the following benchmarks and summarised as follows:

- **Commercial:** one worker for every 14.2m<sup>2</sup> of commercial floorspace.
- **Retail:** one worker for every 30.2m<sup>2</sup> of retail floorspace.
- **Childcare:** Estimated by calculating the number of placements at one child per 3.25m<sup>2</sup> (*National Regulations for Childcare*). At this rate, the proposed centre could support 142 children at any given time. The National Regulations further outline an educator to child ratio of one worker per five children for children aged 24-36 months. This equates to a workspace ratio of one worker per 16.2m<sup>2</sup> of childcare Gross Floor Area (GFA).

Based on the above, (and with an assumption of a GFA to GLA efficiency of 80% across the proposed commercial and retail uses), on completion of the proposed development, the ongoing operation of the project is expected to deliver the following (direct) benefits: FTE employment of ongoing 220 jobs and direct value-add to the economy of \$28.1 million per annum.

When the multipliers are considered, total ongoing economy-wide effects are estimated at: FTE employment of 380 jobs supported and a total direct value-add to the economy of \$49.3 million per annum.

**Table 16 Estimated ongoing jobs**

	Operational phase (annual)		
	Direct	Indirect	Total
Output (\$M)	\$53.5	\$42.5	\$96.0
Employment (FTE)	220	160	380
Value Added (\$M)	\$28.1	\$21.2	\$49.3

Source: ABS, National Accounts 2019/20; Ethos Urban

Note: Based on a development including 2,573m<sup>2</sup> of commercial, 427m<sup>2</sup> of retail and 460m<sup>2</sup> of childcare floorspace

### 6.12.4 Increased retail expenditure activity

An increase in the local population at the site through additional workers and residents will likely result in increased retail expenditure available in the local area.

Over the longer term the development will support a number of additional residents on site through the delivery of 172 residential apartments. Adopting the average household size for North Sydney of 1.97 (ABS 2021), the development of the 52 McLaren Street site could support an estimated 339 residents at full occupancy.

Spending per capita on retail items by residents in North Sydney is typically in the order of \$23,110 each year (*Marketinfo*). Accordingly, at 339 new residents at the site, a total of around \$7.8 million in additional retail expenditure could be generated each year (**see Table 17**). This would include spending on food, liquor and groceries, food catering, non-food items and services. Overall, the increase in retail expenditure from new residents will benefit the local and regional community, providing additional activity and directing a substantial amount of retail expenditure towards local operators.

In addition to the above, the additional 220 workers at the site will direct additional retail expenditure towards local businesses before and after work as well as during lunchtimes. This

will include a high proportion of food-related purchases such as take-away, cafés, restaurant dining as well as convenience based retail needs including groceries and retail services. Assuming that workers spend an average of \$15 per work day on local food and beverages near their place of work, this would result in an increase in annual spending at local businesses of up to \$500,000 per annum (based on an estimated three (3) days at the site per working week).

A breakdown of estimated retail expenditure is shown in **Table 17** below.

**Table 17** Estimated additional retail expenditure

Total resident expenditure		Total worker spending		Total retail expenditure per year (\$)
Number of residents	Total retail expenditure pa (\$)	Number of workers	Total retail expenditure pa (\$)	
339	\$7,831,000	220	\$500,000	<b>\$8,331,000</b>

Source: Ethos Urban, Marketinfo, Profile, id  
Note: Figures Rounded

### Other economic benefits

The proposed 52 McLaren Street project would result in an overall net community benefit, with a summary of key benefits likely to result from the project throughout the local and regional community including:

- Support the role of the North Sydney CBD as a key commercial office precinct in Sydney, and one of the largest metropolitan office markets by adding +2,573m<sup>2</sup> (GFA) of high quality, modern office space.
- Contribute to the transition of the North Sydney CBD into a live, work, play environment, through the provision of a modern, high quality and activated mixed-use development in a highly accessible location in North Sydney.
- Support economic growth and development at a critical time, with potential for the proposed development to contribute meaningfully to the recovery of the local community through this period of economic recovery.
- Contribute to the growth and evolution of North Sydney as a community and worker destination within broader metropolitan Sydney. The project will present a viable destination for the community and workers into the future by delivering a modern residential community and office space.
- Contribute to the growth of the night-time and weekend economy by supporting additional residents within a highly assessable location who will enhance activation for extended hours at the edge of the North Sydney CBD.
- Increase retail expenditure by local residents as well as workers at the site each day on completion, enhancing business growth and employment opportunities for local retailers and other businesses.
- Provide additional public access and public space on the activated ground floors and include additional retail facilities that will enhance the vibrancy within this part of North Sydney, both during, and after, traditional working hours.

- Provide childcare facilities within a highly accessible, integrated resident and worker environment, providing increased access to childcare services for the 12.4% of North Sydney LGA households with young children.
- Support the objectives of the North District Plan, North Sydney Council Local Strategic Planning Statement and the North Sydney Economic Development Strategy which seek to provide the following (of most relevance to the proposal):
  - Provide housing supply, choice and affordability with access to jobs, services and public transport.
  - Grow a stronger, more globally competitive North Sydney CBD
  - Encourage new A-grade office stock and the refurbishment of existing office stock
  - Improve amenity of centres for workers
  - Improve accessibility to all commercial, mixed-use and neighbourhood centres
  - Increase residential population in appropriate areas to support centres role and function

In conclusion the 52 McLaren Street project will generate a range of economic benefits in the form of additional employment and value added benefits to both the local and regional economy as well as the surrounding community.

### **6.13 Preliminary consideration of social issues**

The development at the 52 McLaren Street site has the potential to generate significant social benefits for North Sydney and the surrounding area.

A preliminary analysis of the potential social benefits and issues arising from the planning proposal has been undertaken. However, it is noted that this does not constitute a comprehensive social impact assessment, as per the NSW DPIE Social Impact Assessment (SIA) Guidelines (July 2020).

Social issues and benefits arising from the planning proposal may include:

- improvements to way of life and daily living routines associated with new and improved housing and employment opportunities close to social infrastructure and convenient public transport connections to the Sydney CBD and other employment centres. Housing and workplaces delivered in highly accessible locations have the potential to reduce travel times and improve convenience for workers and residents
- improved housing choice within North Sydney, to meet forecast population growth. The delivery of new housing opportunities at this site aligns with state and local government strategy directions which aim to facilitate the delivery of new and diverse housing in areas well connected to public transport, employment opportunities and social infrastructure
- improved accessibility of employment opportunities at this site. The Planning Proposal would result in 220 jobs at the site. The delivery of employment opportunities at this site will support the competitiveness of North Sydney CBD as a key commercial office precinct in Greater Sydney, while connecting local workers with opportunities to improve their skills and incomes

- maximising the social benefit of the new Victoria Cross Station. The site is located at the northern entrance to the new Victoria Cross Station. Transforming this site into a high-density mixed-use development will increase the density of activity and number of jobs in proximity to this station, which will deliver on the vision of integrated land use and transport planning and a '30-minute city', where jobs, services and amenity are easily accessible. It would also increase pedestrian activation and accessibility of the site from residents, workers and commuters
- improved access to early education and childcare services, in a location close to public transport, workplaces, housing and social infrastructure (including Wenona School). The planning proposal will deliver 450m<sup>2</sup> internal and 450m<sup>2</sup> external childcare floor space, offering new childcare places to support the worker and residential population of North Sydney CBD. Access to early education and care services is critical to the development of children's long-term mental, physical and emotional health
- improved pedestrian permeability and connectivity associated with delivery of a through-site link connecting McLaren Street and Elliot Street. It is a Council priority to enhance the flexibility and capacity of public spaces throughout the North Sydney CBD, so that they can be used by workers, residents and visitors, and for a range of cultural and entertainment activities. Improved through-site links also provide a more walkable network for pedestrians throughout North Sydney CBD, including to and from Victoria Cross Station.

The social issues and benefits listed above are preliminary but indicate that the overall long-term impact of the planning proposal is likely to be positive.

A more comprehensive SIA is recommended to be undertaken at development application stage.

## 6.14 Airport operations

A review of airspace implications has been prepared by GHD Woodhead and is provided at Appendix G. The report outlines the impact of the proposed development on the airspace over North Sydney and on aircraft flight operations at Sydney Airport.

The report outlines the elevation of the Outer Horizontal Surface of the Obstacle Limitation Surfaces (OLS) for safeguarding the Sydney Airport airspace over the North Sydney LGA is 156 metres Australian Height Datum (AHD). As the maximum height of the proposal does not exceed 156 metres AHD, the structures are not considered to rise above the Outer Horizontal Surface for Sydney Airport and neither proposal would therefore constitute a violation of the protected airspace as far as the airport's OLS are concerned. It confirms that the maximum obstacle elevation for the Sydney Airspace north of the airport is 335.3 metres AHD which will allow for sufficient height above the site for the temporary use of construction cranes. The review outlines that a separate application for the temporary erection of construction cranes will need to be sought from Sydney Airport.

## 6.15 Public benefit

As outlined in this report, the planning proposal is expected to deliver significant public benefits including new housing and employment in an accessible location, new community floor space, the delivery of the last section of a through-site link through the middle of the North Sydney CBD and a significant investment in the local economy.

Sydney Metro has provisioned for the future delivery of these public benefits as demonstrated in the concept scheme and intend to enter a Voluntary Planning Agreement (VPA) with Council. The VPA will dictate the extent of construction works to be delivered but would include a formal offer to:

- provide 900sqm (450sqm indoor and 450sqm outdoor) space on the ground level to provision for a future childcare centre to be delivered by Council. This also includes the dedication of six car spaces in the basement level and dedicated lift access; and
- the provision of a three-metre wide through-site link along the eastern boundary of the site. This space is to include landscaping, seating and integrated with the podium uses.

In addition to the above it is noted that any future development occurring on the site would also be subject to developer contributions which would further contribute to other community facilities and open space within the local government area.

## 7 Project timeline

An indicative timeframe for the planning proposal is outlined in **Table 18**. However, it is noted that these are estimates only and the actual timeframes will depend on both Council's and DPE's assessment timeframes and work commitments.

**Table 18** Indicative project timeline

Stage	Timeframe
Council decision	September 2022
Gateway determination	October 2022
Commencement and completion of public exhibition period	November-December 2022
Consideration of submissions	Q1 2023
Post-exhibition review and additional studies	Q1 2023
Submission to the Department for finalisation (where applicable)	Q1 2023
Gazettal of LEP amendment	Q2 2023

## 8 Conclusion

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This planning proposal is submitted to North Sydney Council seeking amendments to the North Sydney LEP 2013. The planning proposal seeks to introduce new maximum height of buildings, maximum FSR and minimum non-residential FSR development standards for the site, unlocking additional employment and residential generating floor space, consistent with the vision and intent of the CPPS.

Specifically, the following amendments are sought:

- amend the maximum building height from RL 110m to part RL 107m and part RL 156m
- apply a maximum FSR of 5.3:1 on the site
- amend the non-residential FSR from 0.5:1 to 1:1.

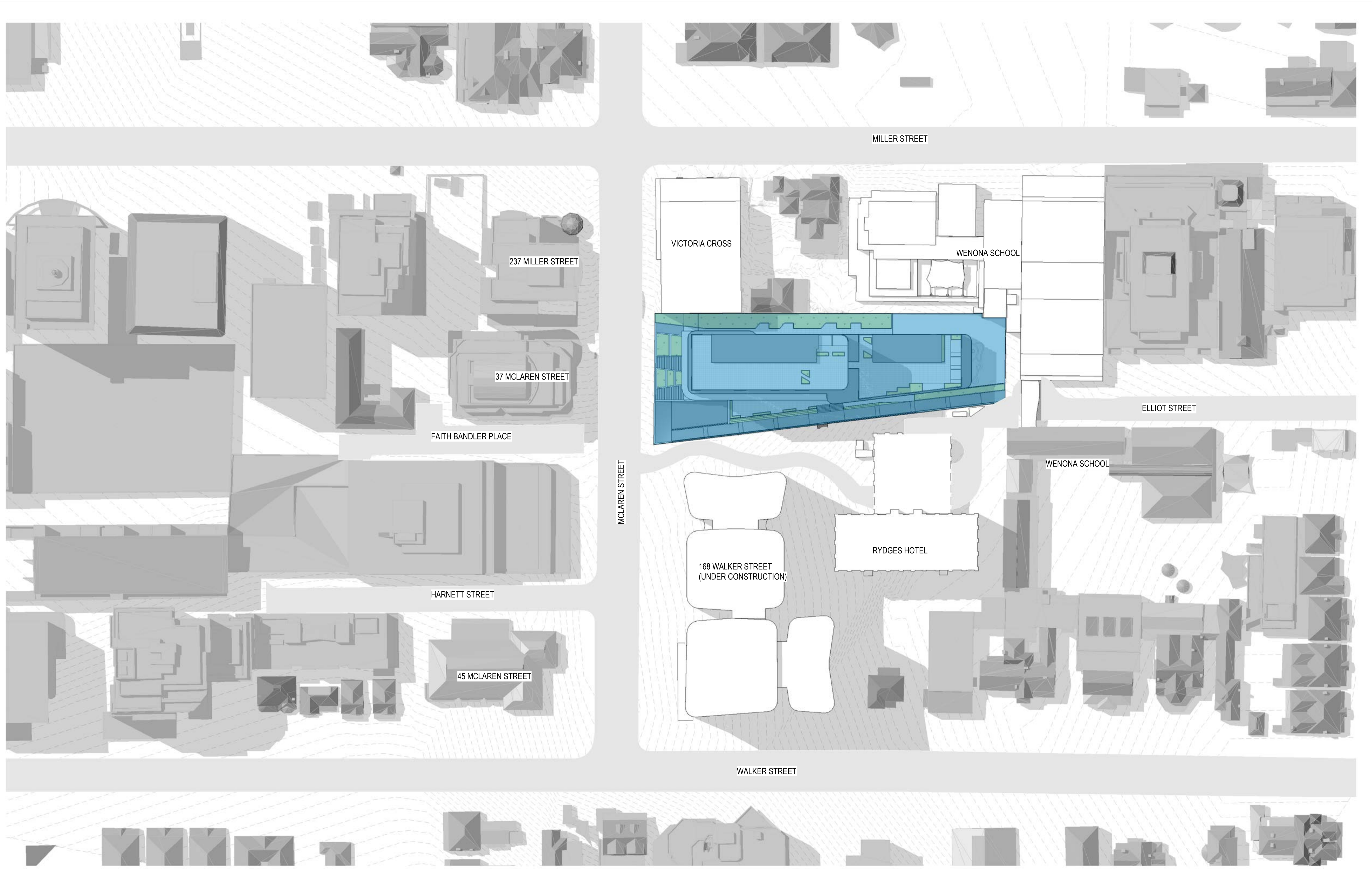
It also proposed that a site-specific DCP would be prepared which would contain controls relating to the design and location of the through-site link and building setbacks.

The planning proposal is justified for the following reasons:

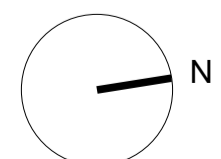
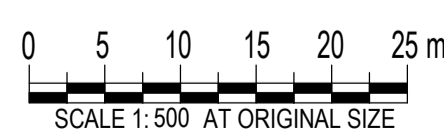
- the proposal is consistent with the objectives of the EP&A Act, in that it promotes the orderly and economic use and development of land
- the site has been cleared and will not be required once construction is complete of the metro station. There is strong site and strategic merit to reimagine the site and capitalise on its location within the North Sydney CBD adjacent to the Victoria Cross Station north site.
- Council recognises the strategic importance of the site and identified the site in its CPPS. This planning proposal supports the CPPS and Council's vision for the site by:
- providing a pedestrian DDA compliant through-site link on the eastern side of the site
- providing envelopes for 8 and 24 storey buildings on the site which provide an adequate transition into the North Sydney CBD
- providing 900m<sup>2</sup> of childcare/community floorspace extending over a single floor
- the proposal can meet the design criteria of the Apartment Design Guidelines
- the proposal will deliver preferable outcomes when compared to development that complies with current planning controls in respect of overshadowing and view retention
- any environmental impacts associated with the development can be appropriately mitigated
- the proposal is consistent with the applicable planning framework and Ministerial Directions.

In light of the above, we would have no hesitation in recommending that the planning proposal proceed through the Gateway to public exhibition.





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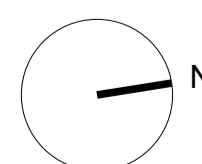
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Drawing Title	SITE PLAN
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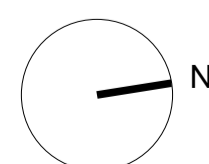
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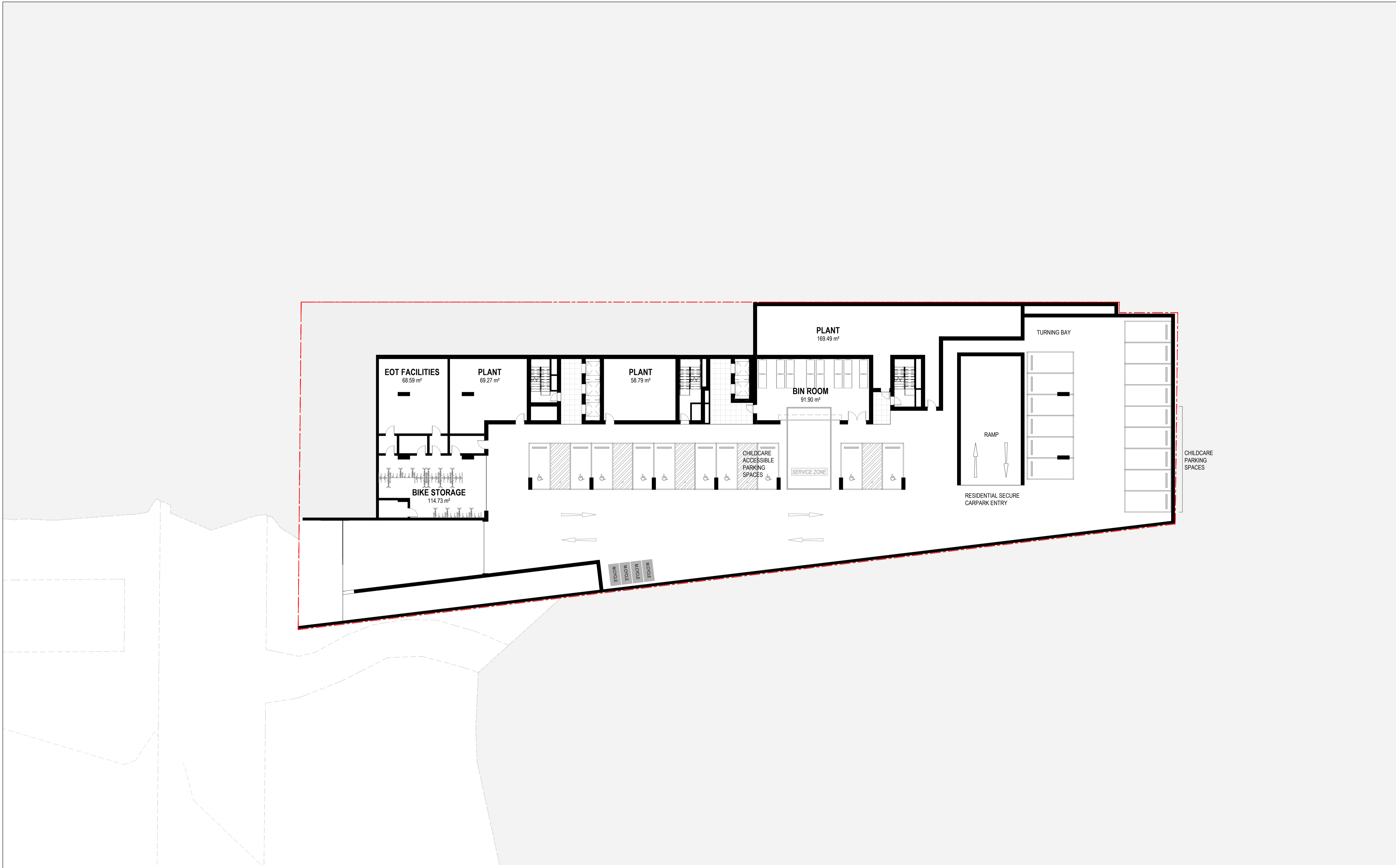
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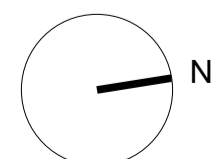
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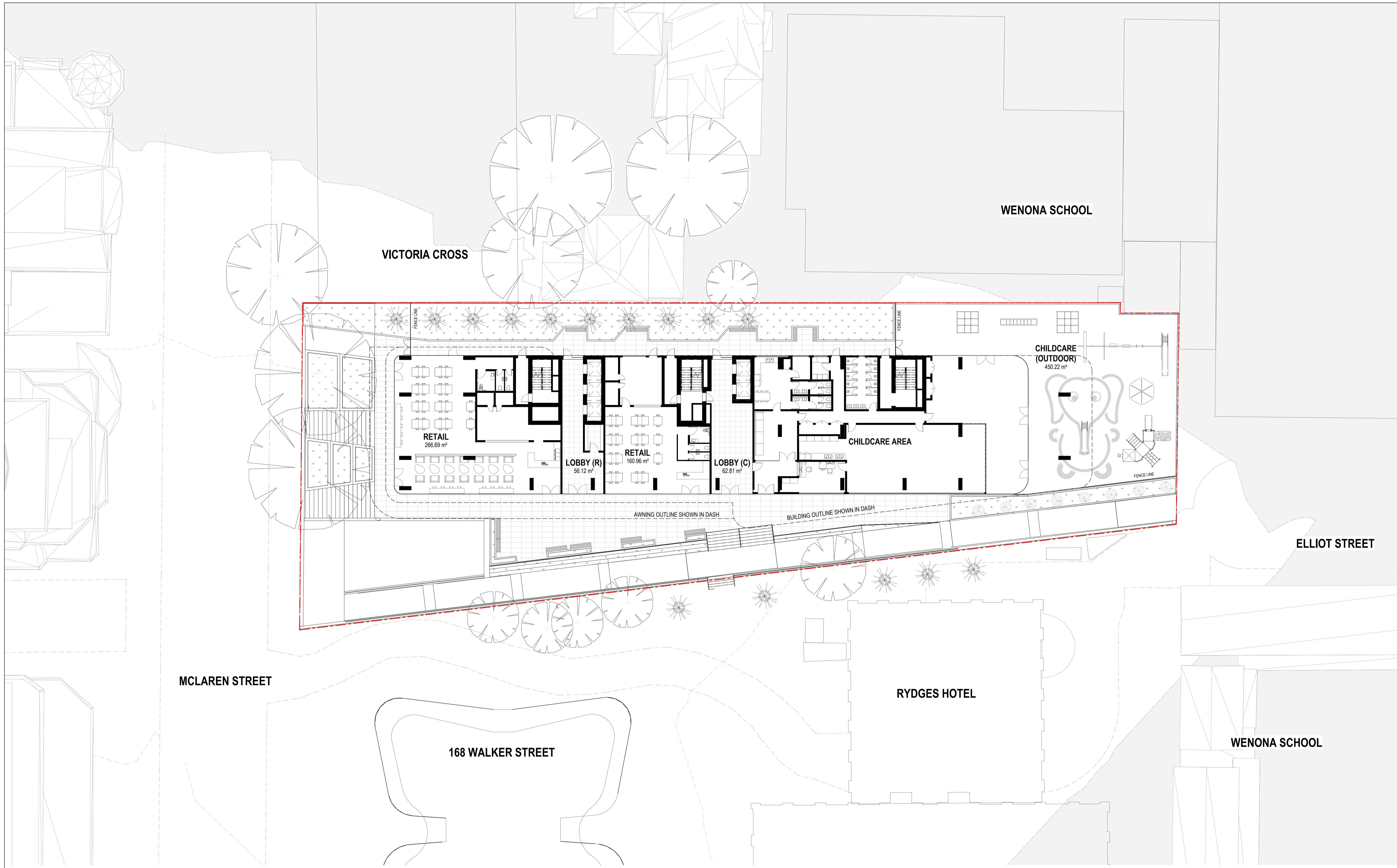
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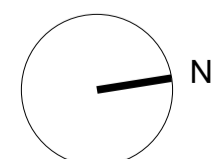
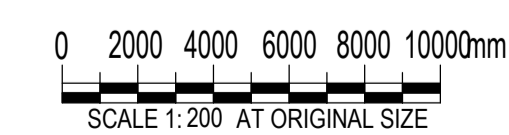


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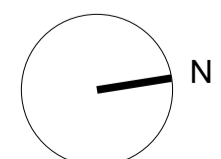
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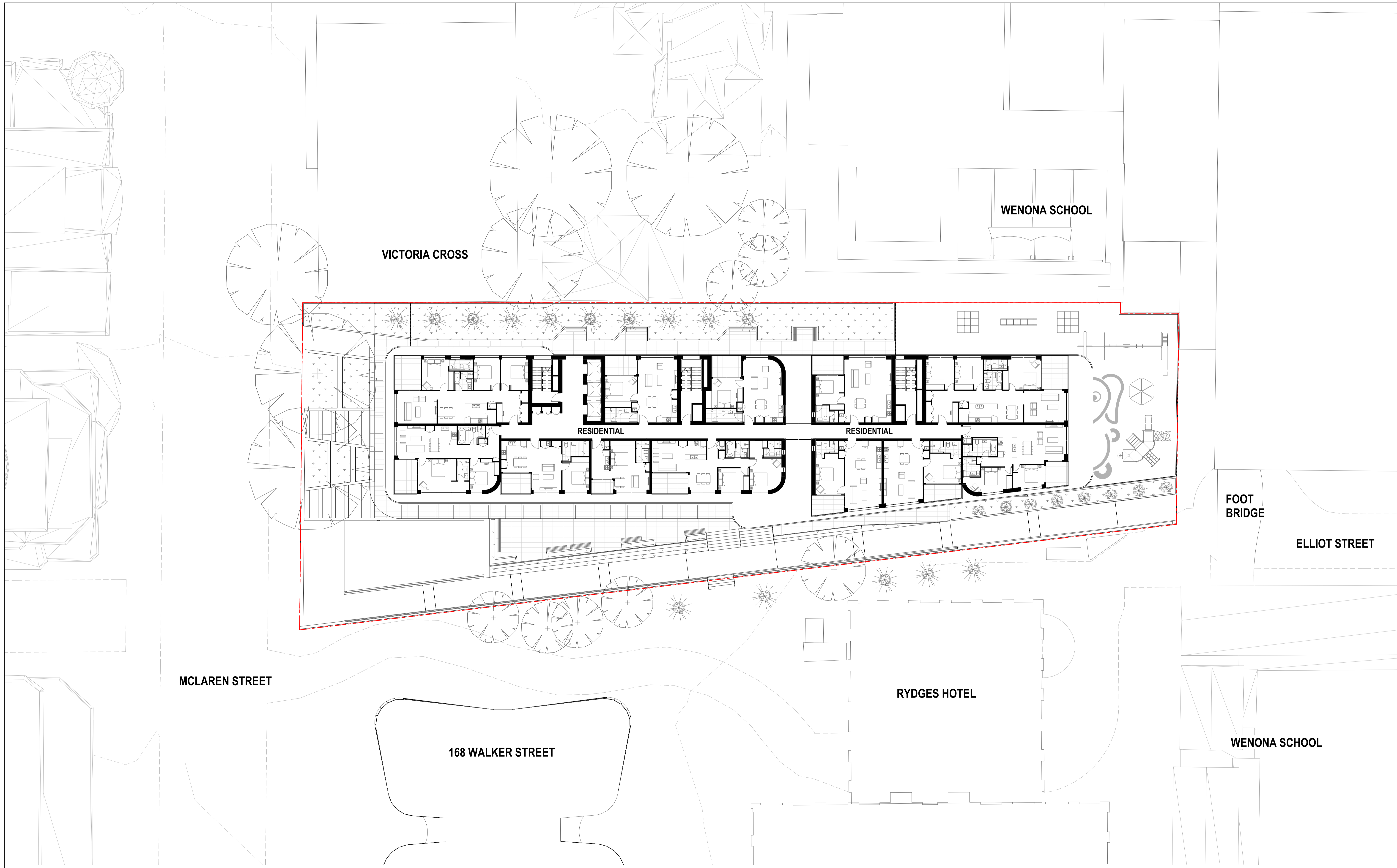
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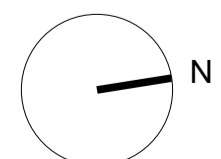
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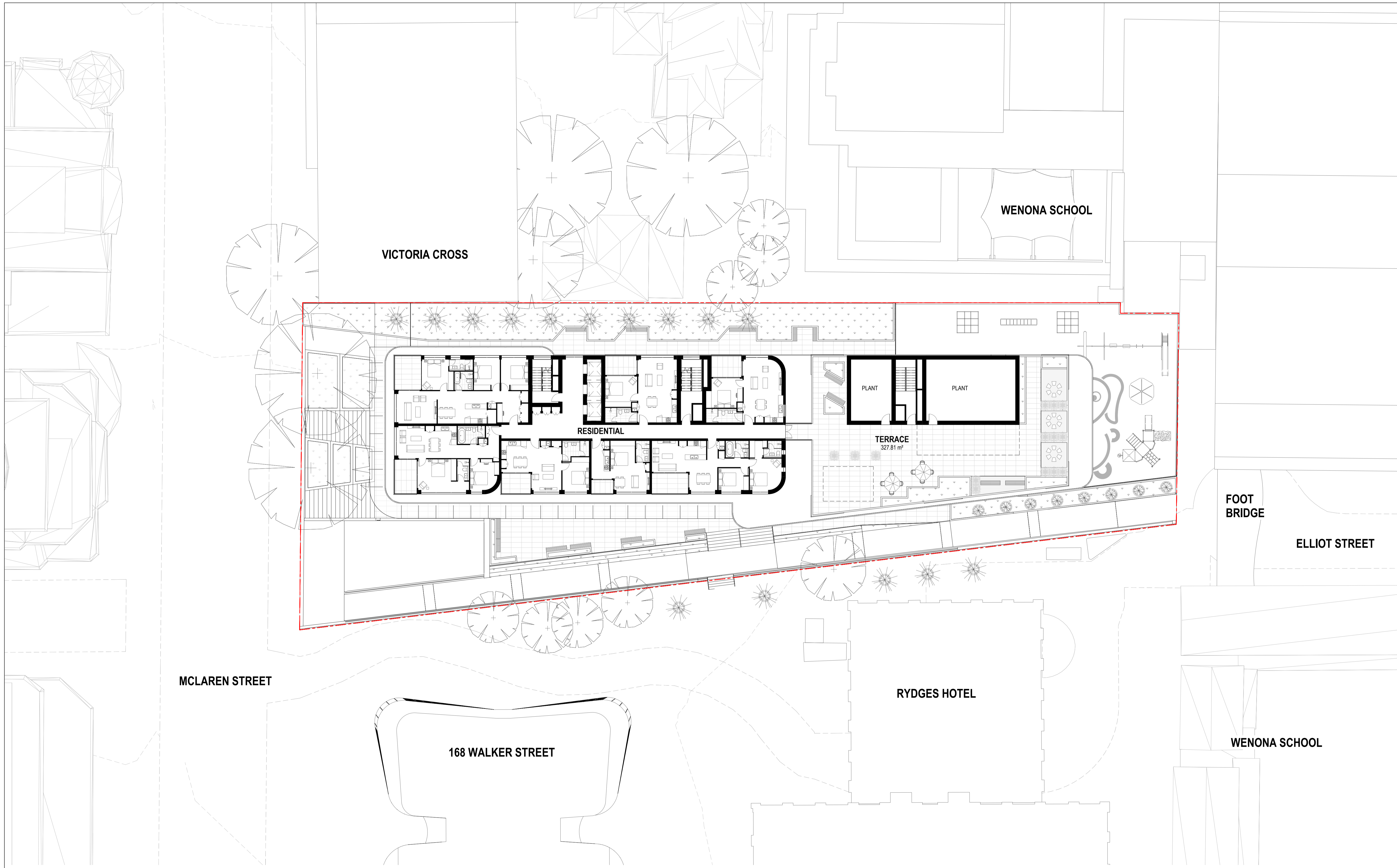
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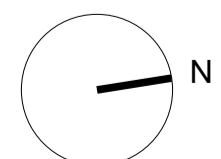
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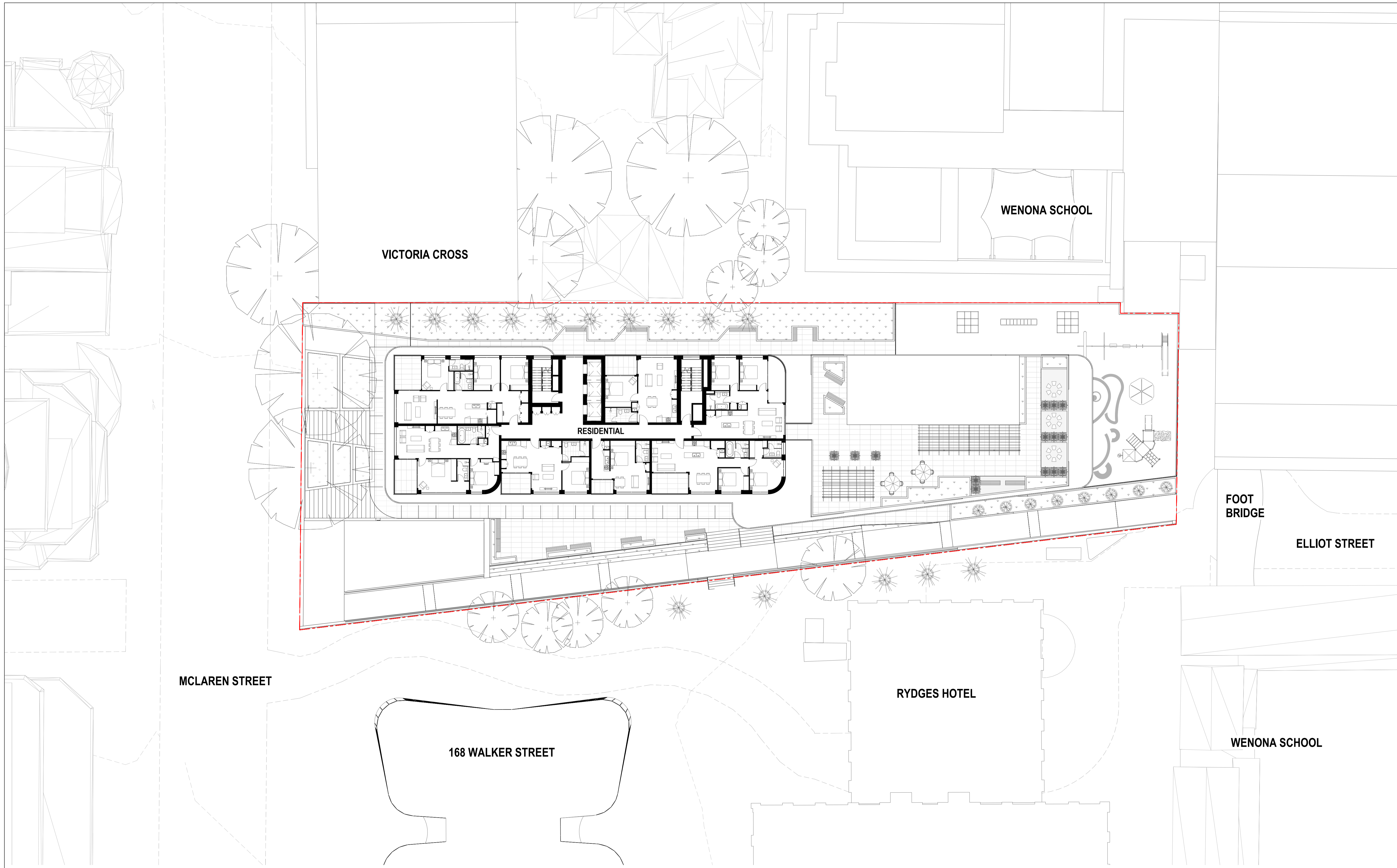
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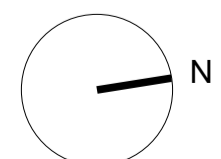
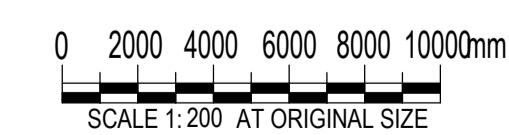




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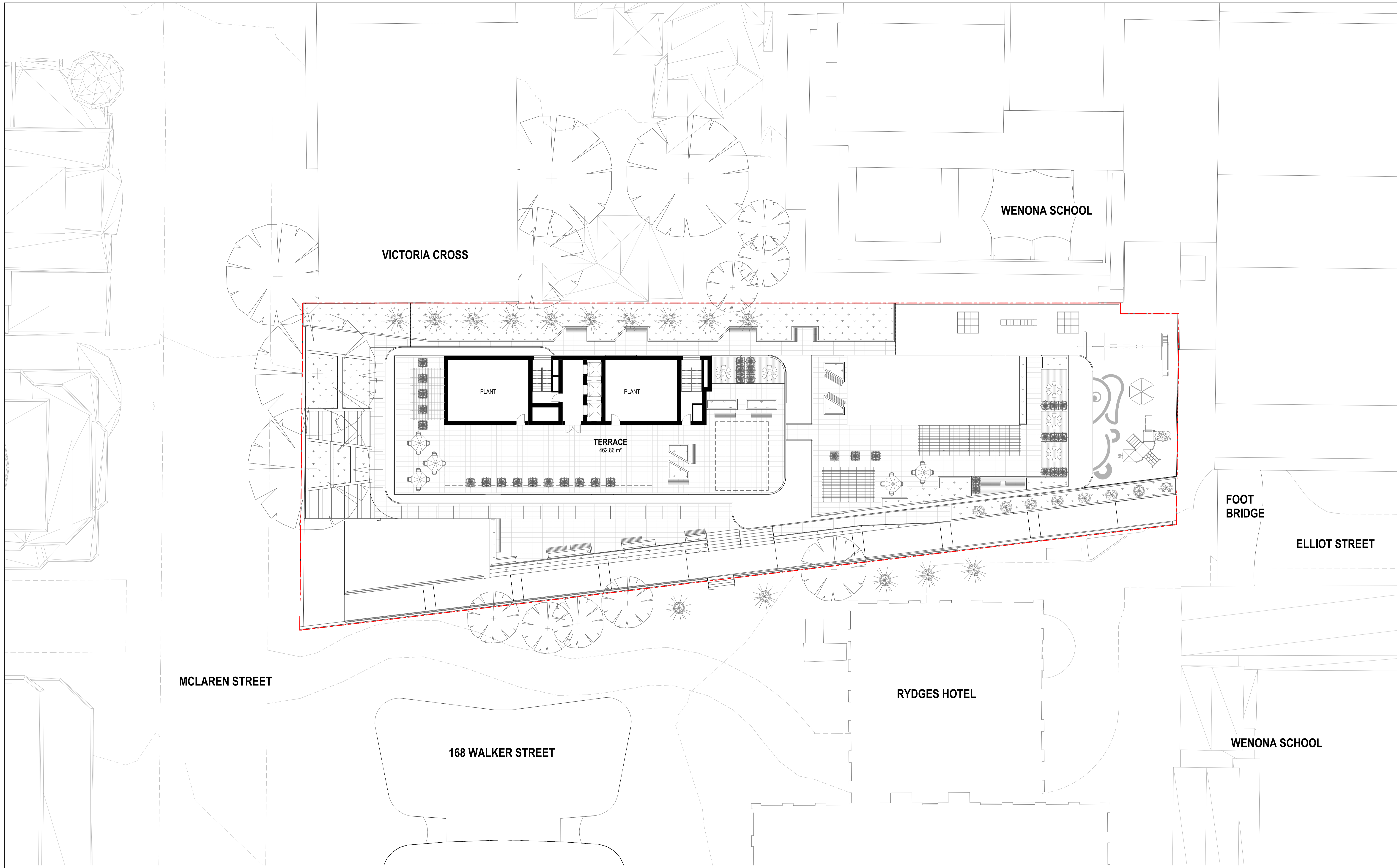
Status **PLANNING PROPOSAL**

Drawing Title **RESIDENTIAL LEVEL 9-23 (TYPICAL)**

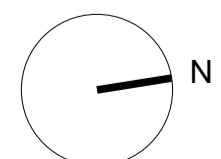
Drawing No. **09**

Rev **B**

Size **A1**



B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22
Rev	Description	Checked	Approved	Date
Author	S.HO	Drafting Check	N.BEAULIEU-ASSELIN	
Designer	S.ROBINSON	Design Check	N.BEAULIEU-ASSELIN	



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Project **52 MCLAREN STREET, NORTH SYDNEY**

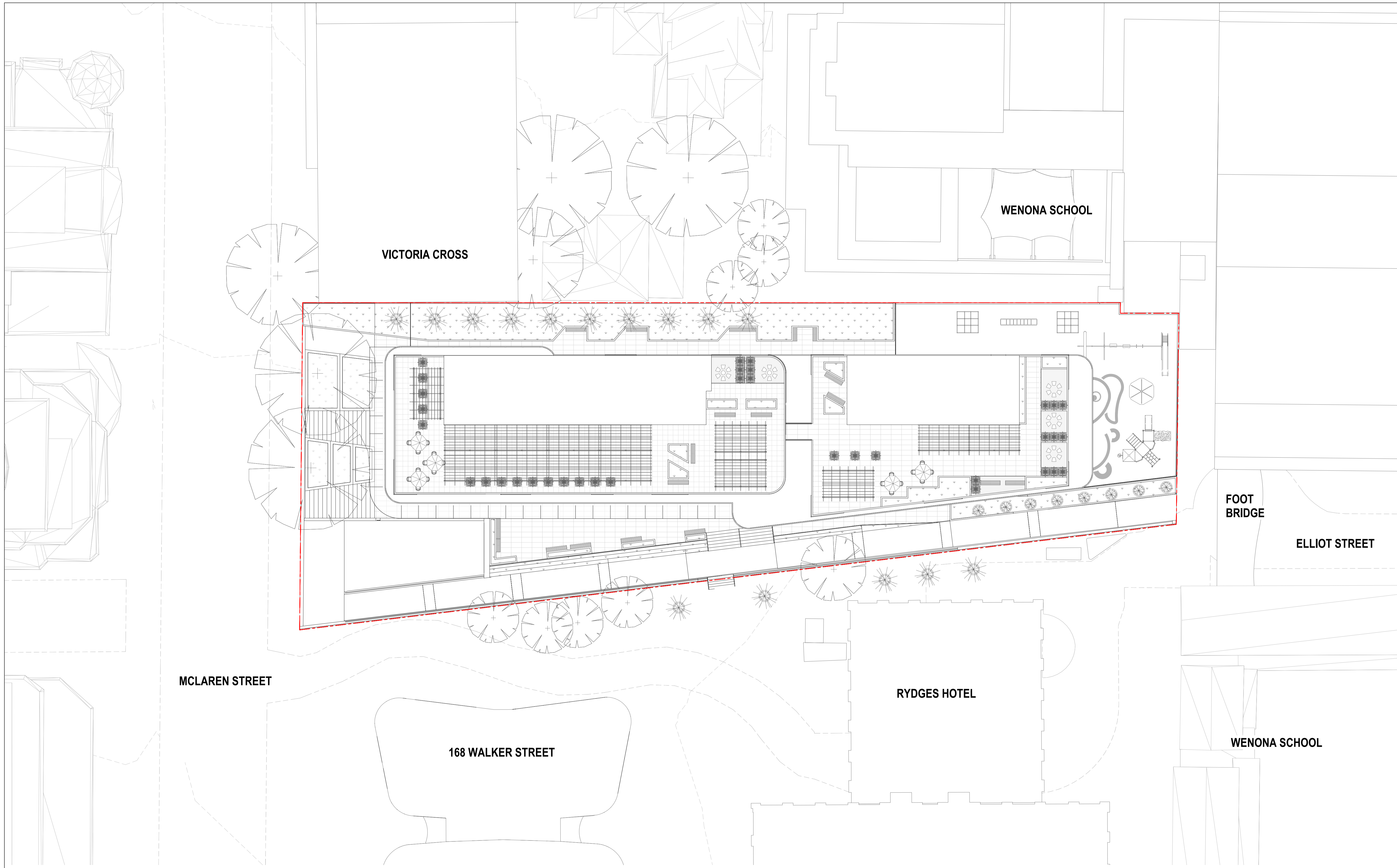
Status **PLANNING PROPOSAL**

Drawing Title **RESIDENTIAL LEVEL 24**

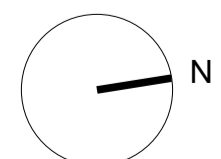
Drawing No. **10**

Rev **B**

Size **A1**



Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22
Author	S.HO	Drafting Check	N.BEAULIEU-ASSELIN	
Designer	S.ROBINSON	Design Check	N.BEAULIEU-ASSELIN	



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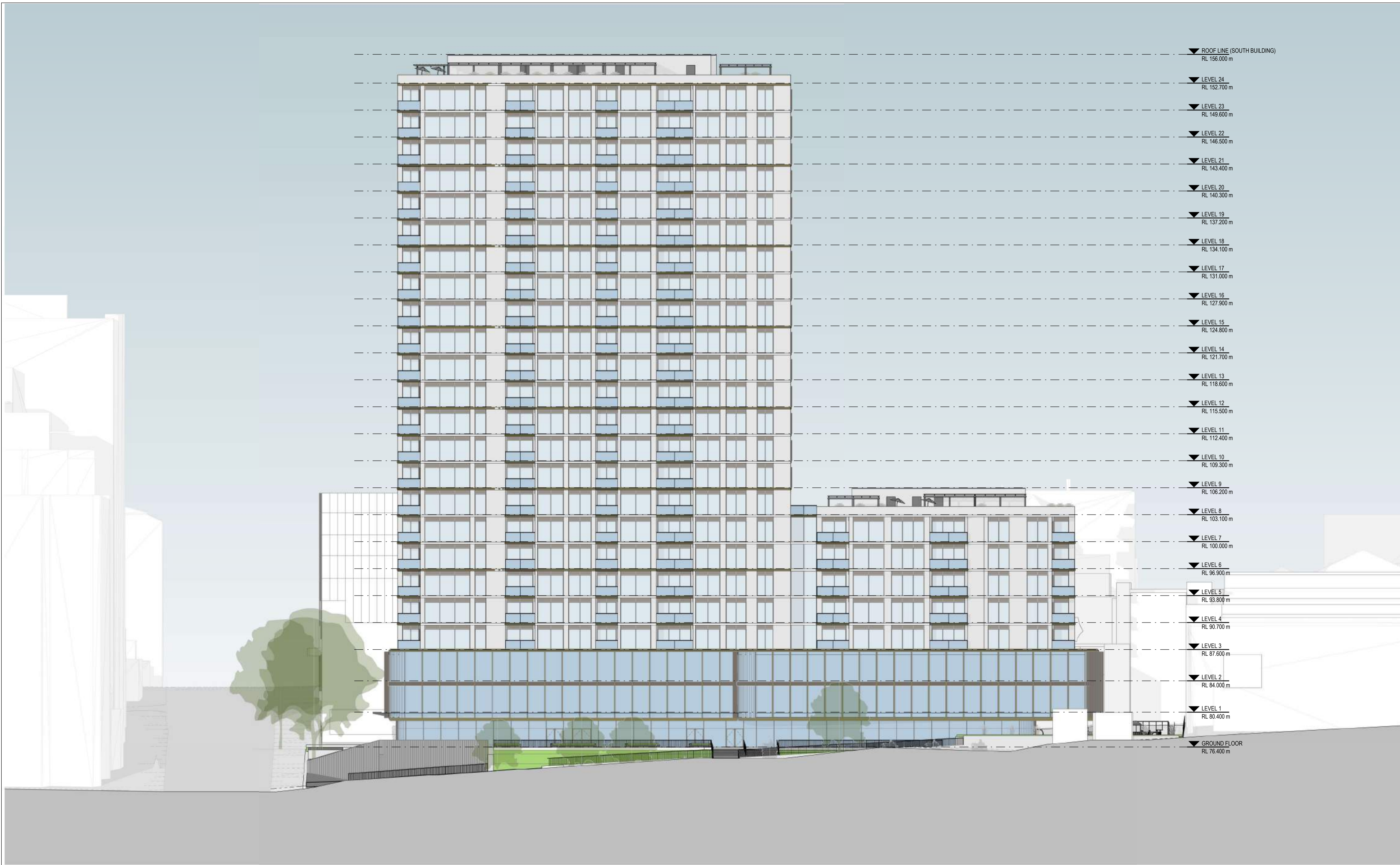
Status **PLANNING PROPOSAL**

Drawing Title **ROOF PLAN**

Drawing No. **11**

Rev **B**

Size **A1**



▼ ROOF LINE (SOUTH BUILDING)	RL 156.000 m
▼ LEVEL 24	RL 152.700 m
▼ LEVEL 23	RL 149.600 m
▼ LEVEL 22	RL 146.500 m
▼ LEVEL 21	RL 143.400 m
▼ LEVEL 20	RL 140.300 m
▼ LEVEL 19	RL 137.200 m
▼ LEVEL 18	RL 134.100 m
▼ LEVEL 17	RL 131.000 m
▼ LEVEL 16	RL 127.900 m
▼ LEVEL 15	RL 124.800 m
▼ LEVEL 14	RL 121.700 m
▼ LEVEL 13	RL 118.600 m
▼ LEVEL 12	RL 115.500 m
▼ LEVEL 11	RL 112.400 m
▼ LEVEL 10	RL 109.300 m
▼ LEVEL 9	RL 106.200 m
▼ LEVEL 8	RL 103.100 m
▼ LEVEL 7	RL 100.000 m
▼ LEVEL 6	RL 96.900 m
▼ LEVEL 5	RL 93.800 m
▼ LEVEL 4	RL 90.700 m
▼ LEVEL 3	RL 87.600 m
▼ LEVEL 2	RL 84.000 m
▼ LEVEL 1	RL 80.400 m
▼ GROUND FLOOR	RL 76.400 m

Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22
Author	S.HO			
Designer	S.ROBINSON			
Drafting Check	N.BEAULIEU-ASSELIN			
Design Check	N.BEAULIEU-ASSELIN			



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Client	SYDNEY METRO
Project	52 MCLAREN STREET, NORTH SYDNEY
Status	PLANNING PROPOSAL

Drawing Title  
EAST ELEVATION

Drawing No. 12  
Rev B

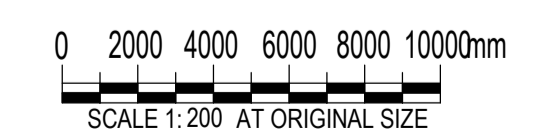
Size  
A1



Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22

Author	S.HO	Drafting Check	N.BEAULIEU-ASSELIN
Designer	S.ROBINSON	Design Check	N.BEAULIEU-ASSELIN



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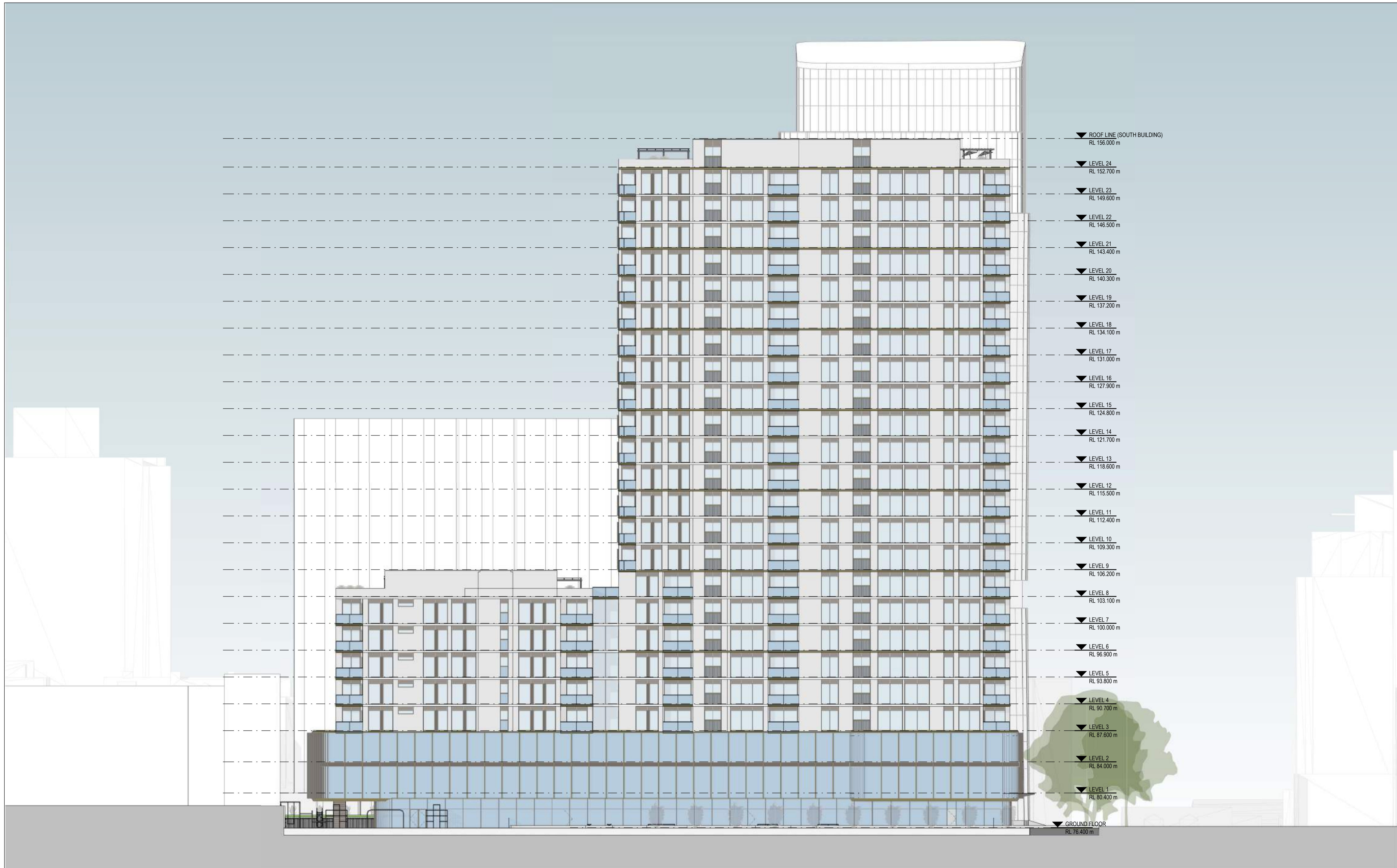
Project No. 21-27384

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Client	SYDNEY METRO
Project	52 MCLAREN STREET, NORTH SYDNEY
Status	PLANNING PROPOSAL

Drawing Title	SOUTH ELEVATION
Drawing No.	13
Rev	B

Size A1



- ▼ ROOF LINE (SOUTH BUILDING)  
RL 156.000 m
- ▼ LEVEL 24  
RL 152.700 m
- ▼ LEVEL 23  
RL 149.600 m
- ▼ LEVEL 22  
RL 146.500 m
- ▼ LEVEL 21  
RL 143.400 m
- ▼ LEVEL 20  
RL 140.300 m
- ▼ LEVEL 19  
RL 137.200 m
- ▼ LEVEL 18  
RL 134.100 m
- ▼ LEVEL 17  
RL 131.000 m
- ▼ LEVEL 16  
RL 127.900 m
- ▼ LEVEL 15  
RL 124.800 m
- ▼ LEVEL 14  
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- ▼ LEVEL 13  
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- ▼ LEVEL 12  
RL 115.500 m
- ▼ LEVEL 11  
RL 112.400 m
- ▼ LEVEL 10  
RL 109.300 m
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RL 106.200 m
- ▼ LEVEL 8  
RL 103.100 m
- ▼ LEVEL 7  
RL 100.000 m
- ▼ LEVEL 6  
RL 96.900 m
- ▼ LEVEL 5  
RL 93.800 m
- ▼ LEVEL 4  
RL 90.700 m
- ▼ LEVEL 3  
RL 87.600 m
- ▼ LEVEL 2  
RL 84.000 m
- ▼ LEVEL 1  
RL 80.400 m
- ▼ GROUND FLOOR  
RL 76.400 m

Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22
Author	S.HO			
Designer	S.ROBINSON			
Drafting Check	N.BEAULIEU-ASSELIN			
Design Check	N.BEAULIEU-ASSELIN			



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Project **52 MCLAREN STREET, NORTH SYDNEY**

Status **PLANNING PROPOSAL**

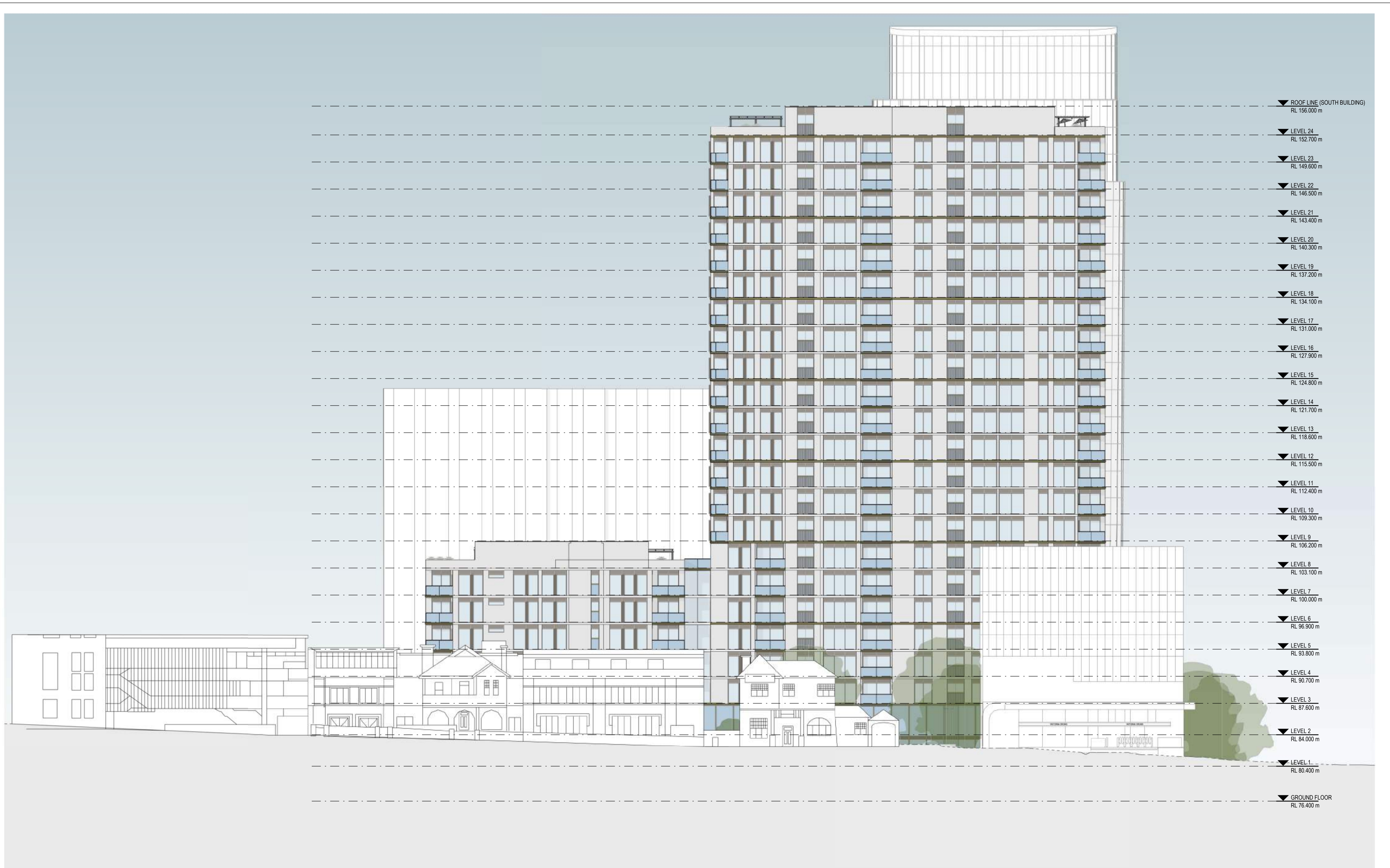
Drawing Title **WEST ELEVATION**

Size **A1**

Drawing No. **14**

Rev **B**

Status Code



▼ ROOF LINE (SOUTH BUILDING)	RL 156.000 m
▼ LEVEL 24	RL 152.700 m
▼ LEVEL 23	RL 149.600 m
▼ LEVEL 22	RL 146.500 m
▼ LEVEL 21	RL 143.400 m
▼ LEVEL 20	RL 140.300 m
▼ LEVEL 19	RL 137.200 m
▼ LEVEL 18	RL 134.100 m
▼ LEVEL 17	RL 131.000 m
▼ LEVEL 16	RL 127.900 m
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▼ LEVEL 9	RL 106.200 m
▼ LEVEL 8	RL 103.100 m
▼ LEVEL 7	RL 100.000 m
▼ LEVEL 6	RL 96.900 m
▼ LEVEL 5	RL 93.800 m
▼ LEVEL 4	RL 90.700 m
▼ LEVEL 3	RL 87.600 m
▼ LEVEL 2	RL 84.000 m
▼ LEVEL 1	RL 80.400 m
▼ GROUND FLOOR	RL 76.400 m

Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22
Author	S.HO			
Designer	S.ROBINSON			
Drafting Check	N.BEAULIEU-ASSELIN			
Design Check	N.BEAULIEU-ASSELIN			



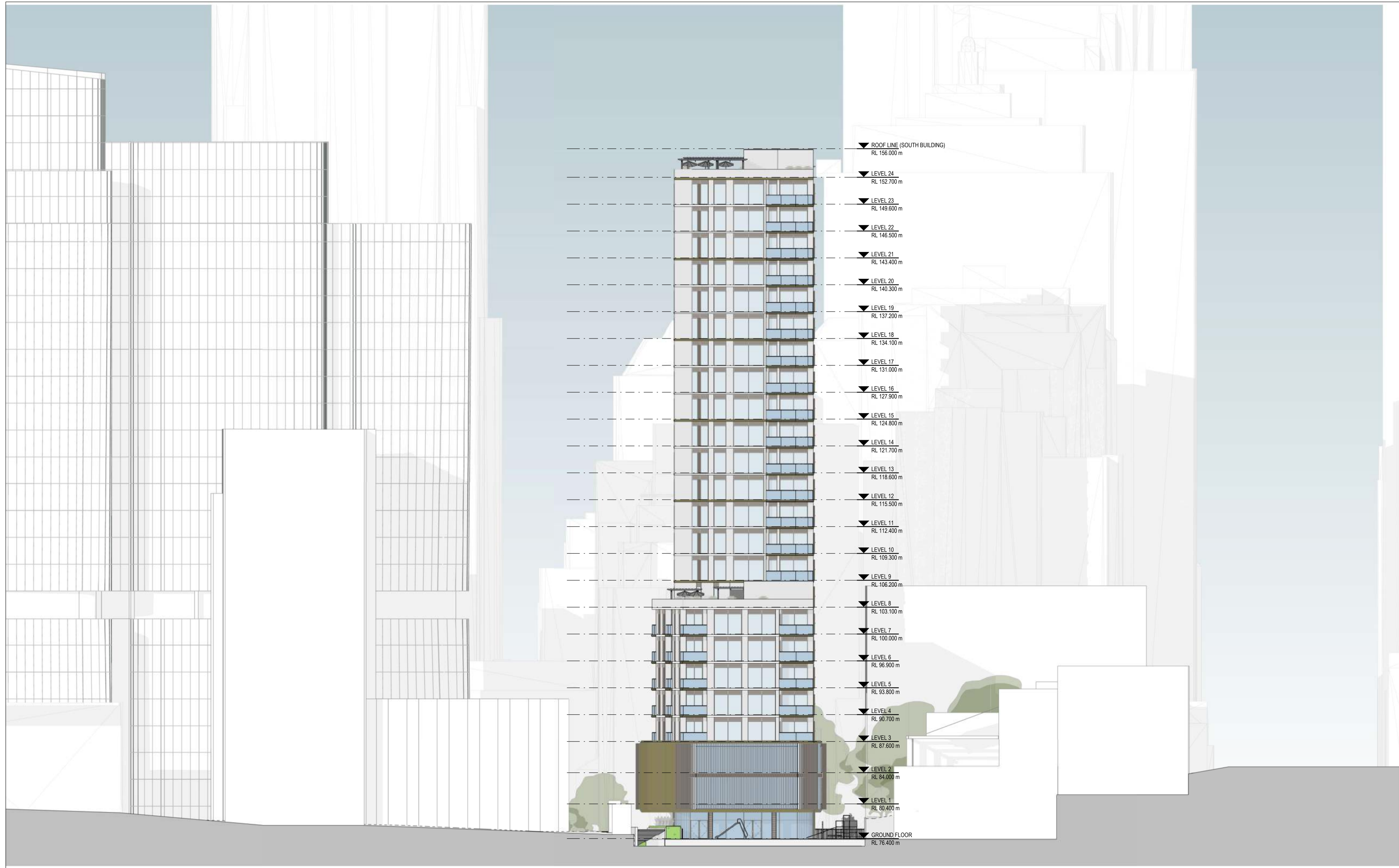
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Client	<b>SYDNEY METRO</b>
Project	<b>52 MCLAREN STREET, NORTH SYDNEY</b>
Status	<b>PLANNING PROPOSAL</b>

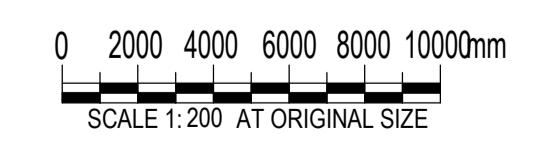
Drawing Title	<b>WEST ELEVATION ALONG MILLER STREET</b>
Drawing No.	<b>15</b>
Rev	<b>B</b>



Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22

Author	S.HO	Drafting Check	N.BEAULIEU-ASSELIN
Designer	S.ROBINSON	Design Check	N.BEAULIEU-ASSELIN



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Client **SYDNEY METRO**

Project **52 MCLAREN STREET, NORTH SYDNEY**

Status **PLANNING PROPOSAL**

Drawing Title **NORTH ELEVATION**

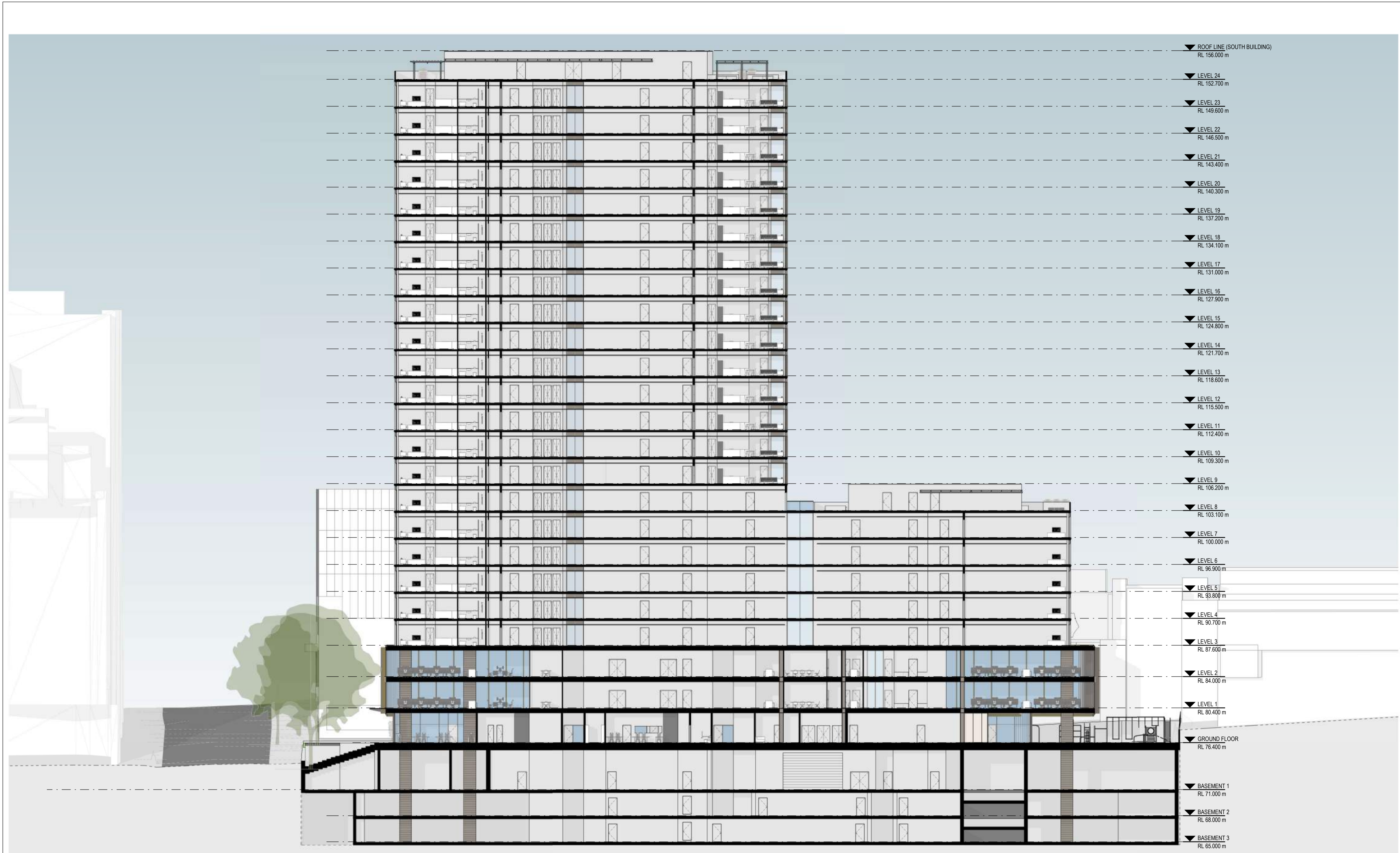
Size **A1**

Drawing No. **16**

Rev **B**

Status Code

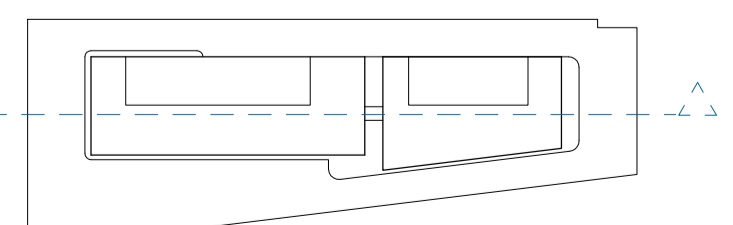




Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22

Author	S.HO	Drafting Check	N.BEAULIEU-ASSELIN
Designer	S.ROBINSON	Design Check	N.BEAULIEU-ASSELIN



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Project **52 MCLAREN STREET, NORTH SYDNEY**

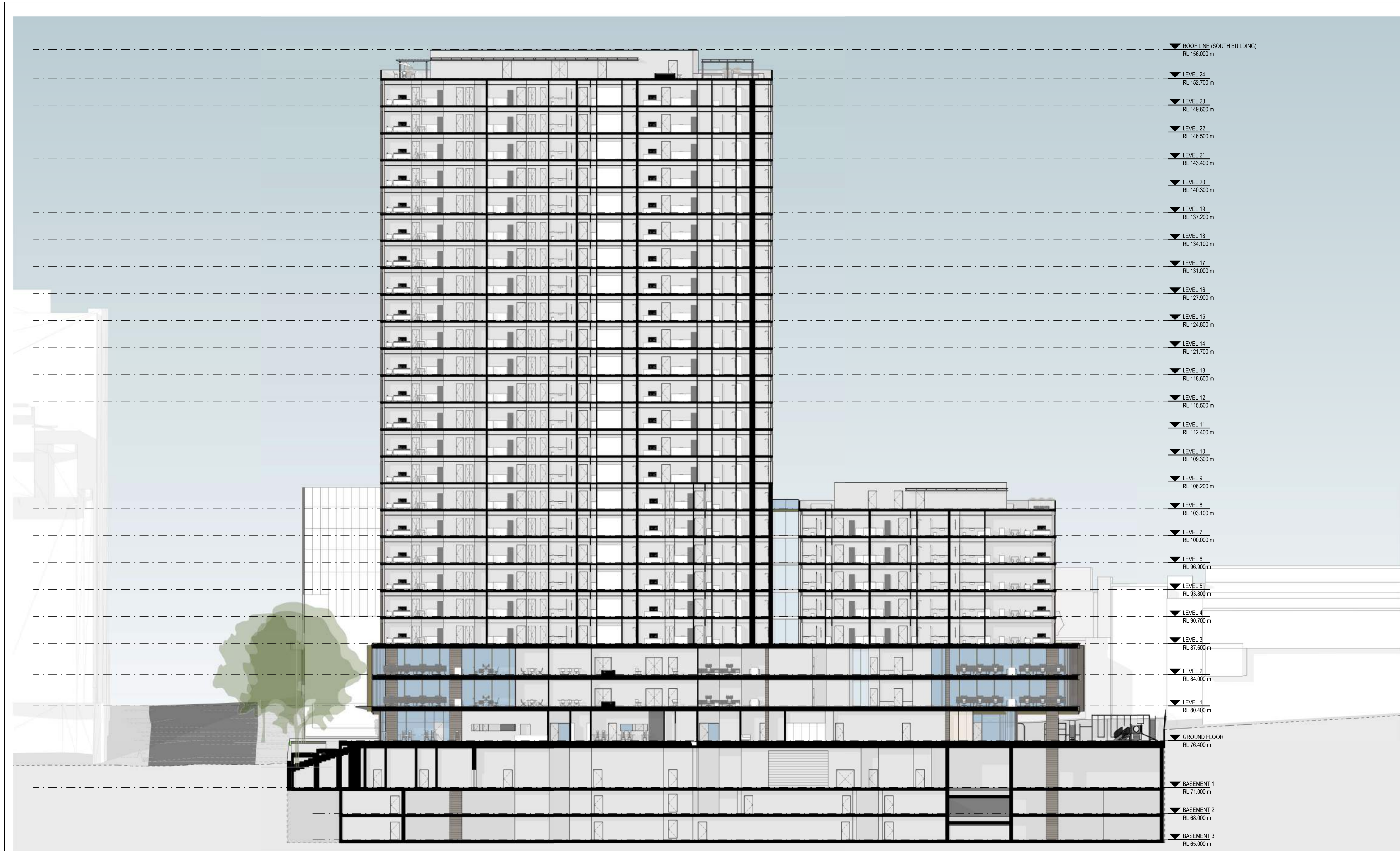
Status **PLANNING PROPOSAL**

Drawing Title **SECTION A-A**

Size **A1**

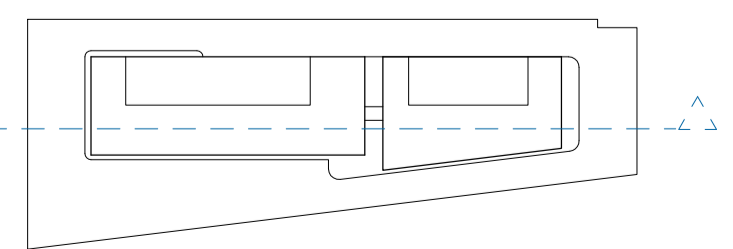
Drawing No. **17**

Rev **B**



- ▼ ROOF LINE (SOUTH BUILDING)  
RL 156.000 m
- ▼ LEVEL 24  
RL 152.700 m
- ▼ LEVEL 23  
RL 149.600 m
- ▼ LEVEL 22  
RL 146.500 m
- ▼ LEVEL 21  
RL 143.400 m
- ▼ LEVEL 20  
RL 140.300 m
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RL 137.200 m
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RL 90.700 m
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RL 87.600 m
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RL 84.500 m
- ▼ LEVEL 1  
RL 81.400 m
- ▼ GROUND FLOOR  
RL 76.400 m
- ▼ BASEMENT 1  
RL 71.000 m
- ▼ BASEMENT 2  
RL 68.000 m
- ▼ BASEMENT 3  
RL 65.000 m

Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22
Author	S.HO	Drafting Check	N.BEAULIEU-ASSELIN	
Designer	S.ROBINSON	Design Check	N.BEAULIEU-ASSELIN	



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Client **SYDNEY METRO**

Project **52 MCLAREN STREET, NORTH SYDNEY**

Status **PLANNING PROPOSAL**

Drawing Title **SECTION B-B**

Size **A1**

Drawing No. **18**

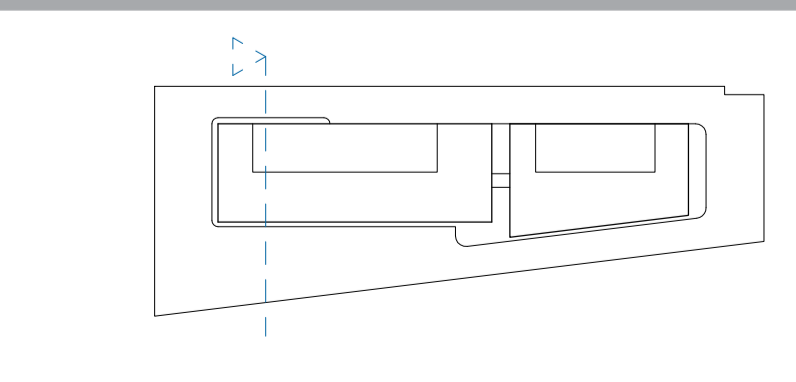
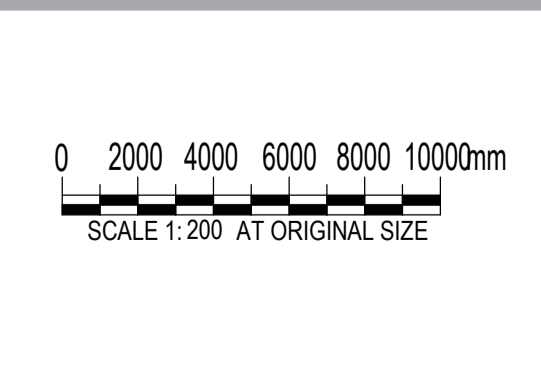
Rev **B**



Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22

Author	S.HO	Drafting Check	N.BEAULIEU-ASSELIN
Designer	S.ROBINSON	Design Check	N.BEAULIEU-ASSELIN



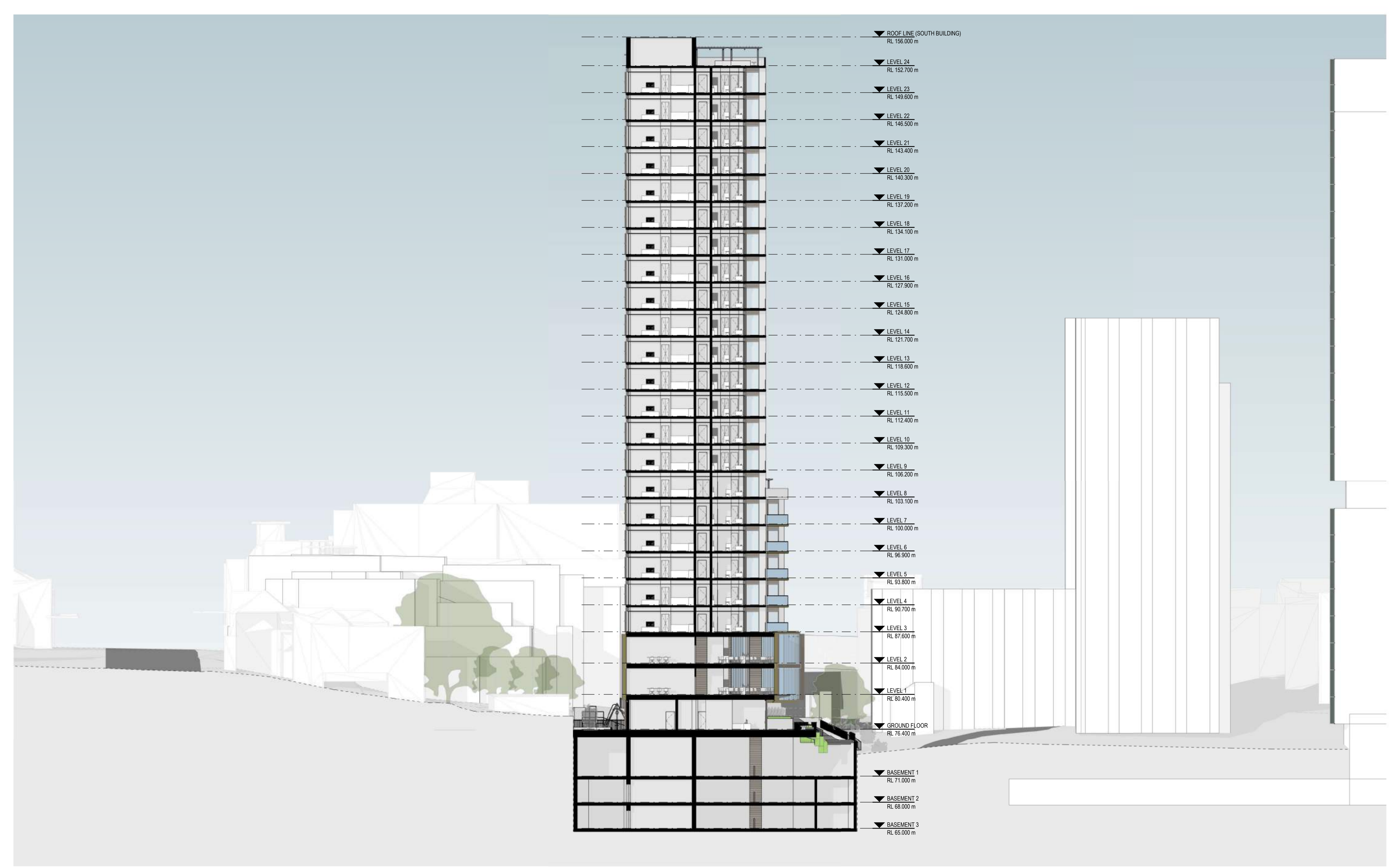
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Client	SYDNEY METRO
Project	52 MCLAREN STREET, NORTH SYDNEY
Status	PLANNING PROPOSAL

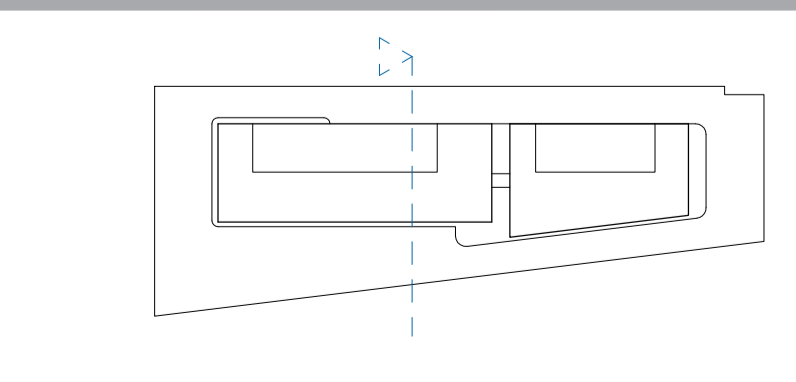
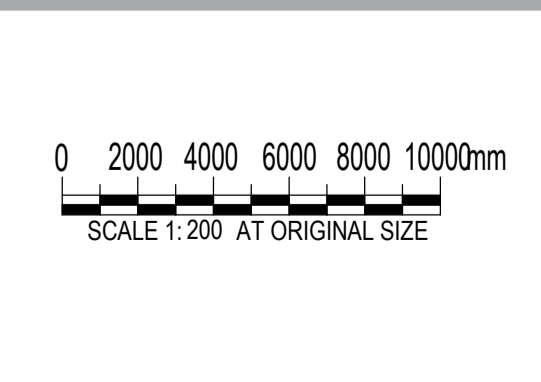
Drawing Title	SECTION C-C
Drawing No.	19
Rev	B



Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
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Author	S.HO	Drafting Check	N.BEAULIEU-ASSELIN
Designer	S.ROBINSON	Design Check	N.BEAULIEU-ASSELIN



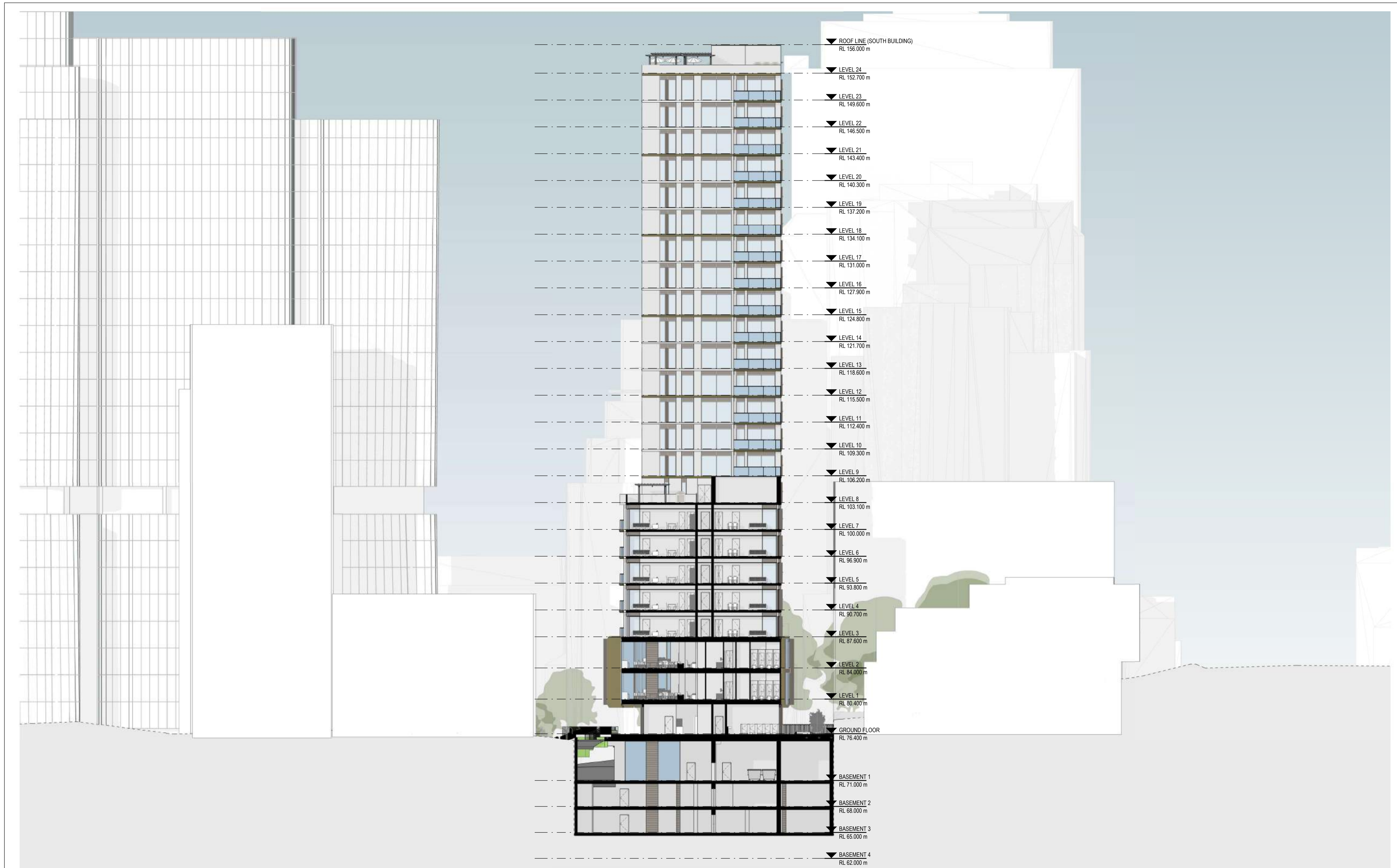
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Client	SYDNEY METRO
Project	52 MCLAREN STREET, NORTH SYDNEY
Status	PLANNING PROPOSAL

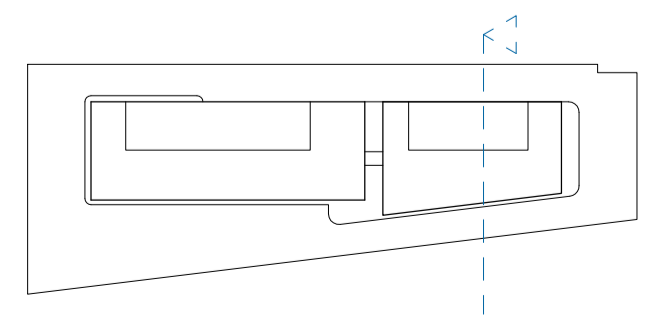
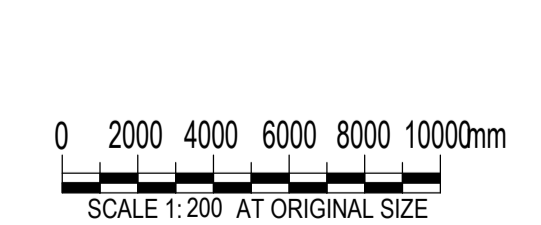
Drawing Title	SECTION D-D
Drawing No.	20
Rev	B



Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22

Author	S.HO	Drafting Check	N.BEAULIEU-ASSELIN
Designer	S.ROBINSON	Design Check	N.BEAULIEU-ASSELIN



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Client **SYDNEY METRO**

Project **52 MCLAREN STREET, NORTH SYDNEY**

Status **PLANNING PROPOSAL**

Project No. **21-27384**

Drawing Title **SECTION E-E**

Size **A1**

Drawing No. **21**

Rev **B**



LEVEL 3 - 8 / SOUTH BUILDING



LEVEL 3 - 7 / NORTH BUILDING



LEVEL 9 - 23 / SOUTH BUILDING

Rev	Description	Checked	Approved	Date
B	FOR INFORMATION	N.B.A	N.B.A	04.08.22
A	FOR INFORMATION	N.B.A	N.B.A	22.07.22
Author	S.HO			
Designer	S.ROBINSON			
Drafting Check	N.BEAULIEU-ASSELIN			
Design Check	N.BEAULIEU-ASSELIN			



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Project **52 MCLAREN STREET, NORTH SYDNEY**

Status **PLANNING PROPOSAL**

Drawing Title **APARTMENT TYPES**

Status Code

Size **A1**

Drawing No. **22** Rev **B**



# **52 McLaren Street, North Sydney**

## Planning Proposal - Urban Design Report

Revision: 5  
August 2022

Architecture  
Interior Design  
Planning  
Urban Design  
Landscape Architecture

**GHD**

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Status Code	Revision	Author	Reviewer		Approved for Issue		Date
			Name	Signature	Name	Signature	
S3	A	S Robinson	R Timpano	* Record on file	N Beaulieu-Asselin	* Record on file	24/06/21
S4	0	S Robinson	N Beaulieu-Asselin	* Record on file	N Beaulieu-Asselin	* Record on file	08/07/21
S4	1	S Robinson	N Beaulieu-Asselin	* Record on file	N Beaulieu-Asselin	* Record on file	19/07/21
S4	2	S Robinson	N Beaulieu-Asselin	* Record on file	N Beaulieu-Asselin	* Record on file	19/07/22
S4	3	S Robinson	N Beaulieu-Asselin	* Record on file	N Beaulieu-Asselin	* Record on file	28/07/22
S4	4	S Robinson	N Beaulieu-Asselin	* Record on file	N Beaulieu-Asselin	* Record on file	04/08/22
S4	5	S Ho	N Beaulieu-Asselin	* Record on file	N Beaulieu-Asselin	* Record on file	12/08/22



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## Introduction

01

ATTACHMENT TO PP02 - 341/05/23  
The Greens  
North Sydney Club

North Sydney Oval

Warringah Fwy

Harbour Bridge  
Bradfield Hwy

Former 168 Walker Street  
29 Storey mixed use development  
under construction

Wenona School

Rydges North Sydney

The Independent Theatre

St Mary's Church

Miller Street

Elliot Street

Walker Street

45 McLaren St

Stanton Library

Wenona School

52 McLaren Street Site

39 McLaren St

237 Miller St

Civic Park

North Sydney Council

North Sydney Community Centre

Future Pedestrian Entry to Victoria Cross  
Station North



## 01 Introduction

### 1.1 Project overview and context

North Sydney is one of the state's most important economic centres and forms part of the Eastern Harbour City as identified within the Greater Sydney Region Plan, A Metropolis of Three Cities. It also forms part of the Eastern Economic Corridor, from Macquarie Park to Sydney Airport, providing one third of Greater Sydney's jobs. North Sydney's CBD is Sydney's second largest business district, hosting a wide range of commercial industries and home to a rapidly rising residential population who are able to utilise excellent transport links, its cultural and social infrastructure and proximity to Sydney Harbour.

The opening of Victoria Cross metro station in 2024 will attract an ever-increasing population to North Sydney as it becomes more accessible than ever. With connections to Barangaroo in 3 minutes, Martin Place in 5 minutes and Central Station in 9 minutes, North Sydney's CBD will become one of the most desirable locations in Sydney.

Adjacent to the northern entrance of Victoria Cross Station, 52 McLaren Street will play an important role in the transformation of North Sydney bringing positive social, economic and public benefit to the area.

Sydney Metro commissioned GHD as a multi-disciplinary technical advisor to assist with the preparation of a planning proposal for 52 McLaren Street. The proposal seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as follows:

- amend the maximum building height from RL 110m to part RL 107m and part RL 156m
- apply a maximum Floor Space Ratio (FSR) of 5.3:1 on the site
- amend the minimum non-residential FSR from 0.5:1 to 1.1:1.

An indicative concept design scheme has been developed for the site as follows:

A mixed-use building, 24 storeys in height at the southern end of the site, and 8 storeys in height at the northern end. The residential uses are located at floors 3 to 23 inclusive, with commercial uses at floors 1 and 2. The scheme also includes retail floorspace, and an opportunity for the provision of a 900sqm childcare centre at ground level, as well as a through-site link to Elliot Street. Parking is provided over 3 basement levels beneath the building.

A detailed summary of the proposal is provided on page 12.

### 1.2 Purpose of this report

To describe the proposal, and the design principles underpinning it in sufficient detail to support a planning proposal that defines a new building envelope with amended maximum RL, maximum FSR for the site, and minimum non-residential FSR for the 52 McLaren Street site.

This report should be read in conjunction with the 52 McLaren Street planning proposal and associated specialist reports.



**Fig 1-1** The concept proposal viewed from McLaren Street

# 01 Introduction

## 1.3 Location

52 McLaren Street is located at the northern end of the North Sydney CBD within the North Sydney Local Government Area, immediately to the north of the Ward Street Precinct.

### North Sydney CBD Transformation

The North Sydney CBD is undergoing a major transformation with the vision of supporting a safe, active and connected network of urban spaces that promote city life. With an additional 20,000 workers expected in the CBD by 2036 and 16,000 arriving through the new Victoria Cross metro station in the morning peak the North Sydney CBD Public Domain Strategy responds to the evolution of North Sydney by establishing a framework to deliver public domain works to support the ever growing transport, commercial, residential and cultural infrastructure. The public domain will intertwine public transport hubs, civic infrastructure and commercial buildings to create an attractive and vibrant CBD.

The Ward Street Precinct Master Plan proposes a series of activated plazas, a Civic Hub and cultural facilities. It will realise the potential of laneway connections from Berry Street through a pedestrianised Faith Bandler Place to McLaren Street.

52 McLaren Street has been conceived with the intent to ensure the site is permeable with an activated through site link to realise the vision of a north south laneway network to St Leonards Park.



**Fig 1-2** Aerial view showing the site in relation to the North Sydney CBD, Ward Street Precinct, Civic Precinct, and nearby stations

- North Sydney CBD
- Ward Street Precinct
- Civic Precinct
- M Victoria Cross metro station
- T North Sydney Station



Fig 1-3 North Sydney CBD Public Domain Strategy



Fig 1-4 Ward Street Precinct Master Plan



Fig 1-6 St Leonards Park Master Plan



Fig 1-7 North Sydney CBD Public Domain Strategy - Miller Place



Fig 1-5 North Sydney CBD Public Domain Strategy - Berry Street



Fig 1-8 Victoria Cross Metro Station

# 01 Introduction

## 1.4 Local context

52 McLaren Street is situated at the northern extent of the North Sydney CBD and skyline. The North Sydney Council’s Civic Precinct Planning Study (CPPS) states that development of the site should provide a “transition in height according to the surrounding context, with building height stepping down from the Ward Street Precinct toward the low-scale residential and educational uses to the north”. The site is located in a dynamic part of the North Sydney CBD where new developments are under construction along with the excellent connectivity and amenity that will be provided by the new Victoria Cross metro station.

Public transport is at the centre of this development, with the Metro providing very convenient connections to the key business areas of Barangaroo, Martin Place and Central Station, and to growing areas to the north west such as Macquarie Park. As the site is at the northern end of the North Sydney core, sun access will be excellent whilst views to the harbour may be limited to the southeast corner by adjacent development.

The site provides excellent amenity with a 5 minute walk to Ted Mack Civic Park, Stanton Library, North Sydney Oval and St Leonards Park with sports and playgrounds. Through existing and proposed pedestrian links a 10 minute walk provides access to retail, cafés, restaurants, gyms and health facilities located in North Sydney’s CBD.

To the south of the site is the proposed Ward Street Precinct Masterplan which aims to respond to the needs and priorities of the local community, and to increase place capital in North Sydney by providing a collaborative community hub and public domain. The main impact of this masterplan on the redevelopment of the 52 McLaren Street site are the proposed restrictions on overshadowing of the Central and Green Square in the centre of the precinct and the desired pedestrian connection between McLaren Street and Elliott Street to the north. Any future development on the 52 McLaren Street site should provide a through-site link and avoid overshadowing these areas.

## 1.5 Site context

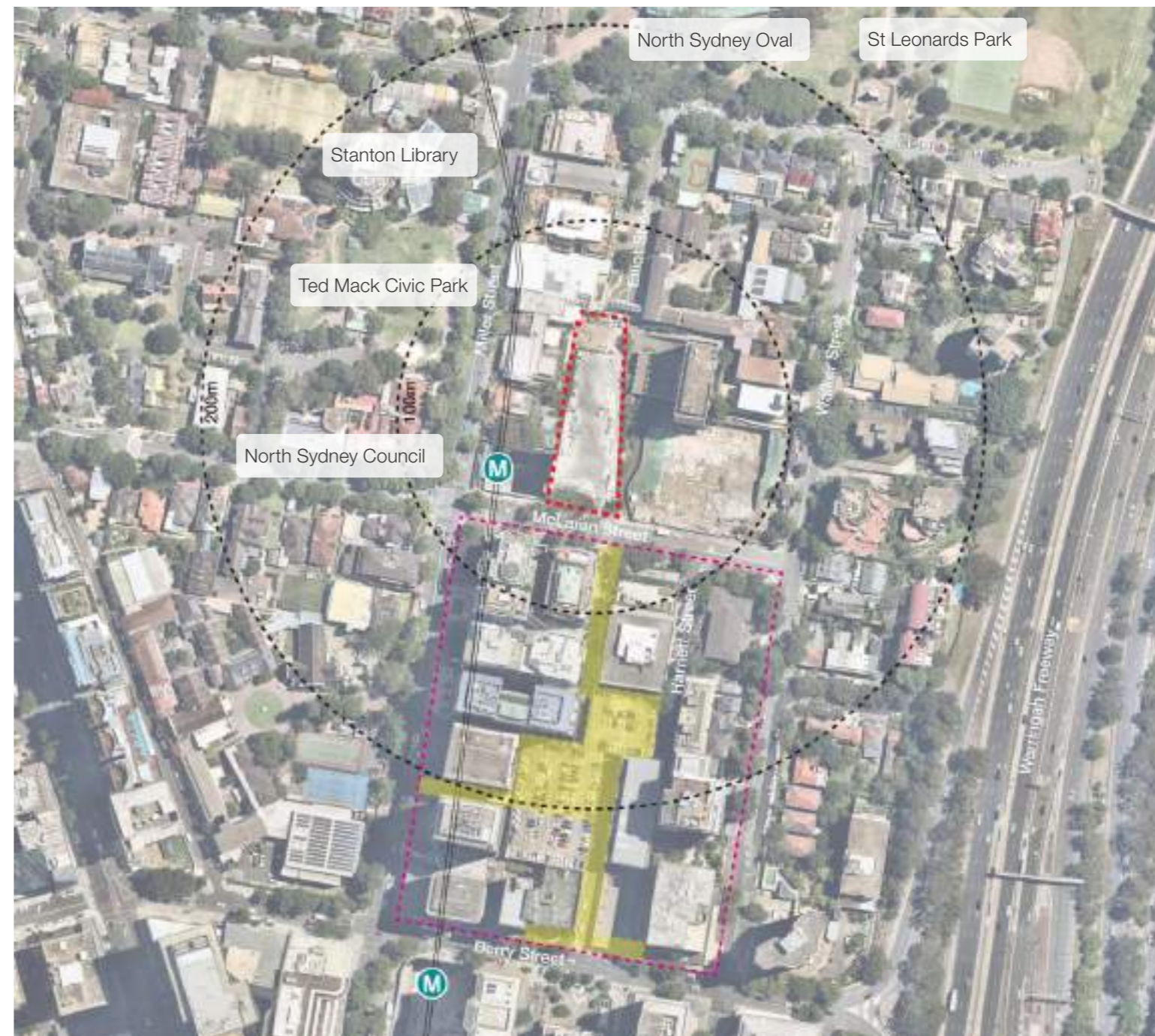
The site is described formally as Lot 2 in DP 218407 and is known as 52 McLaren Street, North Sydney. The site has an area of approximately 3,197sqm. It is currently clear of development and being used to help assist the construction of the future Victoria Cross metro station northern portal adjacent to the site.

The site is bounded by:

North - Elliot Street which has buildings associated with Wenona School to the east and west. A footbridge across Elliot Street connects the school buildings

South - McLaren Street with apartment buildings and commercial development further south

East - 168 Walker Street, a development of new apartments (currently under construction), and Rydges Hotel at 54 McLaren Street



**Fig 1-9** Walking distances from the site and proximity to the proposed Ward Street Precinct open spaces

- - - Site Boundary     
 - - - Ward St Precinct     
  Proposed Ward St Open Space     
 M Victoria Cross metro station



West - Victoria Cross metro station northern entrance site on the corner of McLaren and Miller streets (currently under construction, with expected completion 2024). North of the metro site are 2-3 storey buildings with commercial and educational uses, including two heritage items at 243 and 255 Miller streets. Further west is a mix of civic, recreational, and educational development including North Sydney Council Chambers, Ted Mack Civic Park, and the Stanton Library.

Under North Sydney LEP 2013 (NSLEP 2013) the site is zoned B4 – Mixed Use, with a current maximum building height limit of RL 110m applying to the site.

**Nearby features**

**Transport:** The site is immediately adjacent to north entrance of Victoria Cross metro station and a 850m walk to North Sydney Station. Major road connections including the Harbour Bridge, Pacific Highway and Lane Cove tunnel are in proximity to the site. Bus routes along Miller Street include 144N, 150X, 154X, and 202.

**Amenity:** The site is within close proximity to Ted Mack Civic Park, Stanton Library, North Sydney Oval and St Leonards Park, and adjacent to the future Ward Street Precinct and public open space, and is a short walk to retail, cafés, restaurants, gyms and health facilities in North Sydney’s CBD. Foreshore parks, golf courses and North Sydney Pool are within comfortable reach of the site.

**168 Walker St:** Adjacent to the east of the site is a DA-approved 29 storey mixed use development, with over 400 apartments, commercial floorspace, and ground floor retail.

**Education:** Wenona School, North Sydney Public, North Sydney Boys and Girls High Schools, and Monte Sant’ Angelo Mercy College on Miller Street, are within a 10 minute walk from the site.

**Ward St Precinct:** To the south of the site is the Ward Street Precinct Masterplan which proposes public open spaces, community facilities and opportunities for commercial and residential development.

**Rydges Hotel:** Adjacent to the east of the site is a 167 room four star hotel with conference and event facilities.



**Fig 1-10** The site and proximity to developments currently under construction and Wenona School

- Site Boundary
- Wenona School
- Ward St Precinct
- Under Construction
- Victoria Cross metro station

0 25m

# 01 Introduction

## 1.6 Development summary

Two residential buildings with a commercial podium and childcare facility at first floor.

<b>Site Area</b>	3,197 sqm	
<b>Floor Area</b>		
Residential GFA	13,487 sqm	
Commercial GFA	2,573 sqm	
Retail GFA	427 sqm	
Childcare GFA	460 sqm internal / 450 sqm external (excluded from GFA)	
<b>Total GFA</b>	<b>16,947 sqm</b>	
<b>Non-Residential FSR</b>	1.1:1	
<b>Overall FSR</b>	5.3	
<b>Maximum Height</b>	RL 156.0 m south building RL 106.2 m north building	
<b>Storeys</b>	24 storeys + rooftop plant (south building) 8 storeys + rooftop plant (north building)	
<b>Residential Mix</b>		
Studio apartments	21 (12%)	<i>** Note these numbers are subject to change and shall be finalised in the future detail DA stage assuming the same maximum overall FSR on site.</i>
1 Bed apartments	63 (37%)	
2 Bed apartments	62 (36%)	
3 Bed apartments	26 (15%)	
<b>Total dwellings</b>	<b>172</b>	
<b>Parking</b>		
Car Share	4	<i>** Parking provision is based on a 20% reduction from the NSDCP 2013 rate due to the site's high level of public transport accessibility.</i>
Residential	70	
Residential Accessible	34	
Childcare	5	
Childcare Accessible	1	
Commercial/Retail	6	<i>** Refer to the separate Traffic and Parking Impact Assessment by GHD for more information.</i>
Commercial/Retail Accessible	1	
<b>Total</b>	<b>121</b>	
Motorcycle	12	
Car wash	1	

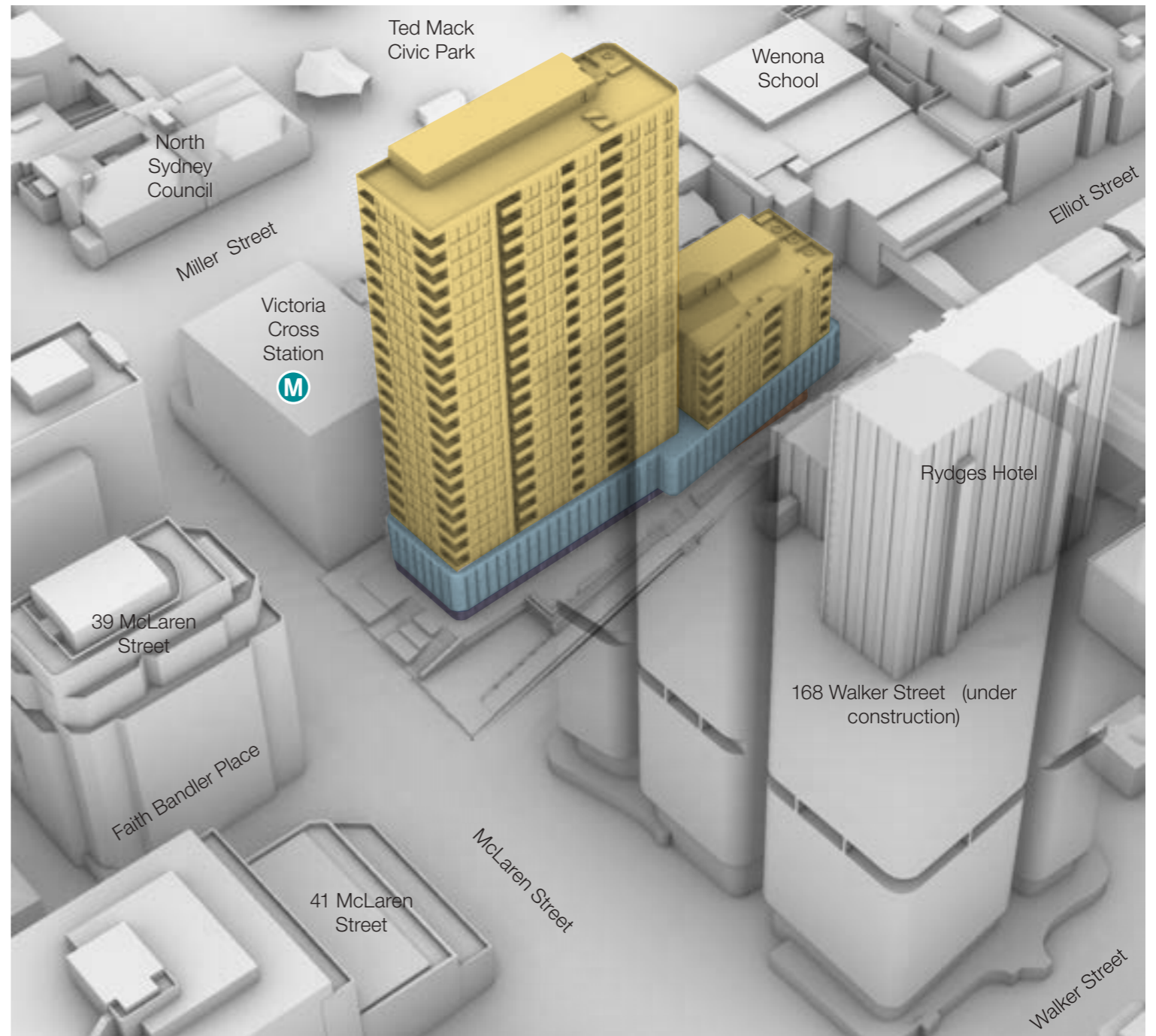


Fig 1-11 Proposed use distribution



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## Planning and Strategic Framework

02

## 02 Planning and strategic framework

### 2.1 Current planning controls

#### Land use zoning

Under North Sydney LEP 2013 the site is zoned B4 Mixed Use zoning and a range of development and uses are permitted including but not limited to commercial premises, residential flat buildings, child care centres and community facilities.

The planning proposal is consistent with the land use zoning for a mixed use building and no change is proposed to the zoning.

#### Non-residential floor space ratio

The site has a minimum non-residential FSR of 0.5:1 and is not subject to a maximum floor space ratio control. The planning proposal seeks to amend this to a minimum of 1.1:1.



Fig 2-1 Land Use Zoning



Fig 2-2 Non-Residential FSR

Plans sourced from the North Sydney Council LEP, 2013

**2.2 Current planning controls**

**Height of buildings**

The site has a maximum building height control of RL 110m. The planning proposal proposes a maximum building height of part RL 106.2m and part RL 156m (8 to 24 storeys) which is within the height controls set out in the Civic Precinct Planning Study (CPPS) (14 to 24 storeys) adopted by North Sydney Council on 30 November 2020, as discussed further in Section 2.4.

**Heritage**

No part of the site is listed in the North Sydney LEP 2013 as a Heritage Item. However, items 10912 and 1098 adjacent on western boundary are general local heritage listed.

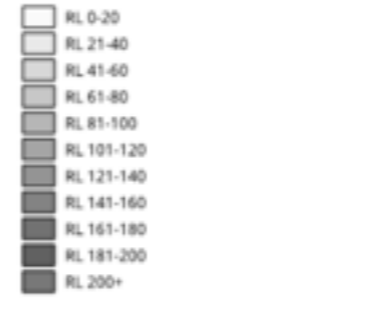


**Fig 2-3** Maximum building height

Key - Maximum Building Height (m)



Key - Maximum Building Height (RL m)



**Fig 2-4** Heritage Map

Plans sourced from the North Sydney Council LEP, 2013



Fig 2-5 Aerial view from 52 McLaren Street towards Sydney Harbour



## 02 Planning and strategic framework

### 2.3 Ward Street Precinct Master Plan

The Ward Street Precinct Master Plan (WSPM) is bounded by Miller, McLaren, Walker and Berry streets in North Sydney and is approximately 3.2 ha in area. The WSPM was developed by North Sydney Council with the objective to provide significant uplift in FSR and building height to the area, strengthen the commercial centre and capitalising on the Sydney Metro City and Southwest investment.

The WSPM will also provide high amenity, open space and community facilities, with the Ward Street Plaza at the centre of the masterplan. This plaza will have a direct connection to McLaren Street by Faith Bandler Place.

The WSPM includes building heights of up to RL 285 metres, providing a significant built-up southern backdrop to the planning proposal site. The increased height and density in the precinct sets the precedent for taller building developments and higher-density nodes within close proximity to 52 McLaren Street.

The proposed development for 52 McLaren Street will compliment and enhance the WSPM by providing an integrated landscaped public ground plane connecting jobs and housing opportunities near the Victoria Cross metro station. This public space will also facilitate a through-site link providing direct access to the WSPM and St Leonards Park.

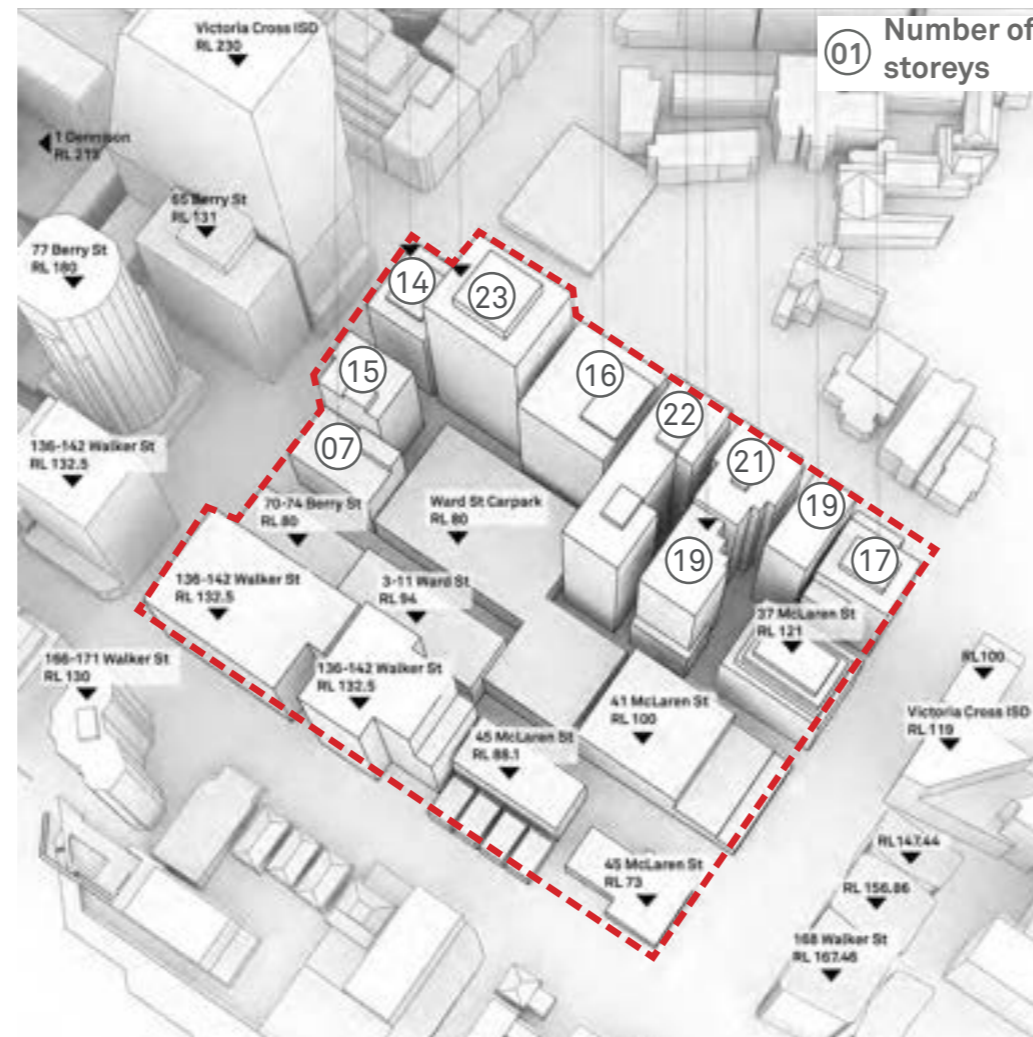


Fig 2-6 Existing

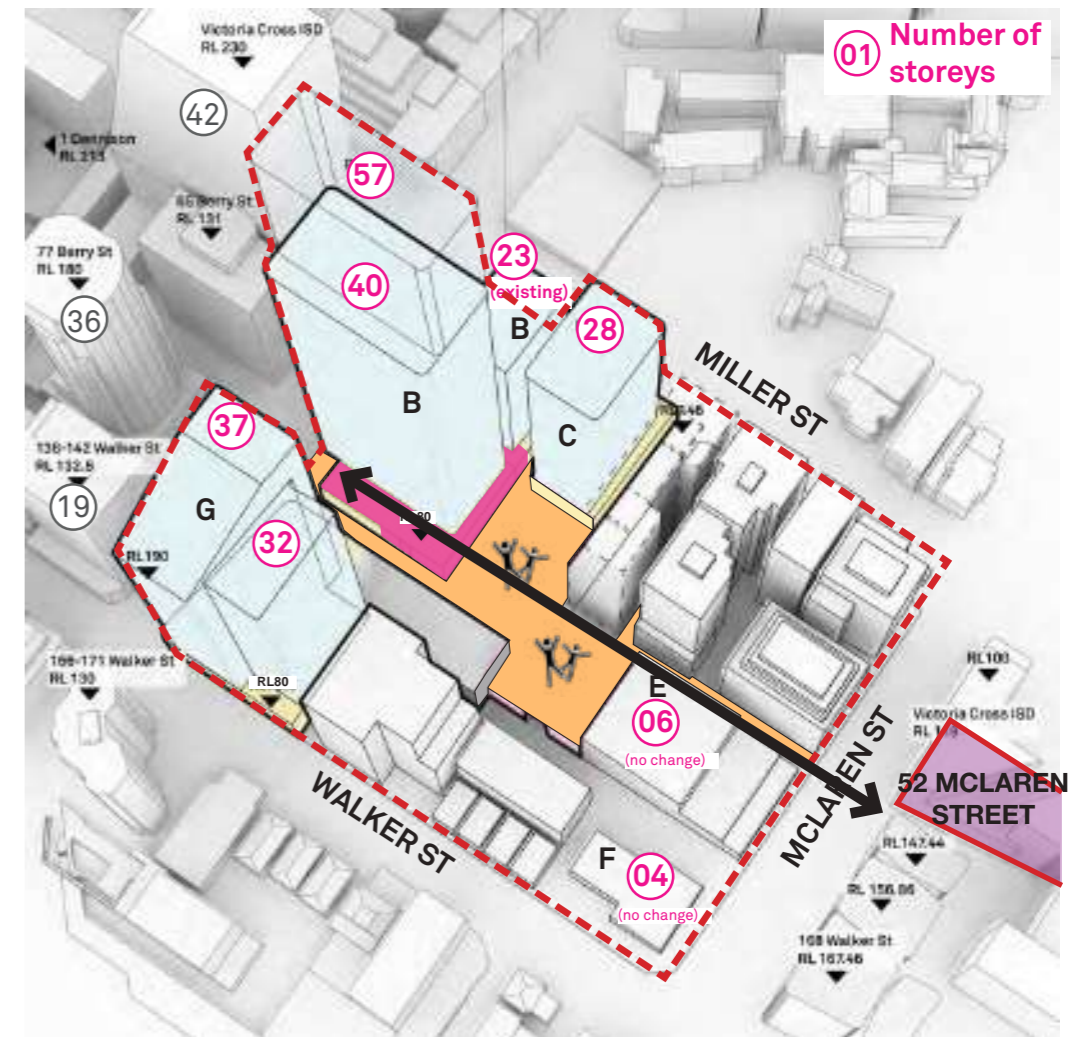


Fig 2-7 Proposed

- Community
- Commercial
- Retail
- Open Space
- Ward Street Precinct Master Plan Area

Images sourced from the Ward Street Precinct Master Plan, 2019.

## 02 Planning and strategic framework

### 2.4 Civic Precinct Planning Study

The Civic Precinct is located north of the North Sydney CBD and is an evolving part of North Sydney with civic, education and mixed-use areas. At the edges of the precinct, mixed-use areas will create transition zones between the CBD and the precinct, particularly along McLaren Street and the lower-rise conservation area to the north. The Civic Precinct Planning Study (CPPS) adopted by the North Sydney Council in 2020, identifies 52 McLaren Street as a site within a higher-density node with the potential to create more jobs and housing opportunities near the Victoria Cross metro station.

The CPPS objectives include maintaining the low-scale, tree-lined streets and connected public spaces character of the area and by providing height transition zones to protect the amenity and sunlight of existing and proposed public open space. The mixed-use transition zones along McLaren Street will complement both the CBD and the Civic Precinct.

#### Civic Precinct Planning Study key recommendations

As part of the CPPS the following recommendations were made as part of the finalisation report dated November 2020:

- a mixed use or commercial development
- a through-site link incorporating ground floor activation with retail, community and public uses at the lower levels
- maximum building heights transitioning down from 24 to 14-storeys
- building setback to McLaren Street aligned to the future 168 Walker Street development
- greater built form separation to residential towers south of McLaren Street
- minimisation of overshadowing impacts to existing buildings on the southern side of McLaren Street
- provision of vehicular access to the site from McLaren Street.

#### How CPPS key recommendations are implemented with planning proposal

- A residential and commercial mixed-use development incorporating a child-care centre with retail and ground floor activation.
- A development with two buildings (24 and 8 storey) stepping down towards the low-scale residential and educational uses to the north.
- Building height datum responding to the approved development at 168 Walker Street and the existing Rydges Hotel.
- Slender building footprint minimising overshadowing impacts to existing buildings on the southern side of McLaren Street.
- Provision of a through-site link connecting McLaren Street to Elliot Street.
- Building separation on eastern and western boundaries facilitating 14% deep soil zone and a generous landscaped public realm integrated with the through-site link.
- Retention of significant existing trees to maintain canopy cover.
- A car park entrance located at the eastern end of the McLaren Street site boundary, responding to topography, reducing site excavation requirements, and with driveway located to ensure adequate space between existing driveway at 54 McLaren Street for pedestrian safety.

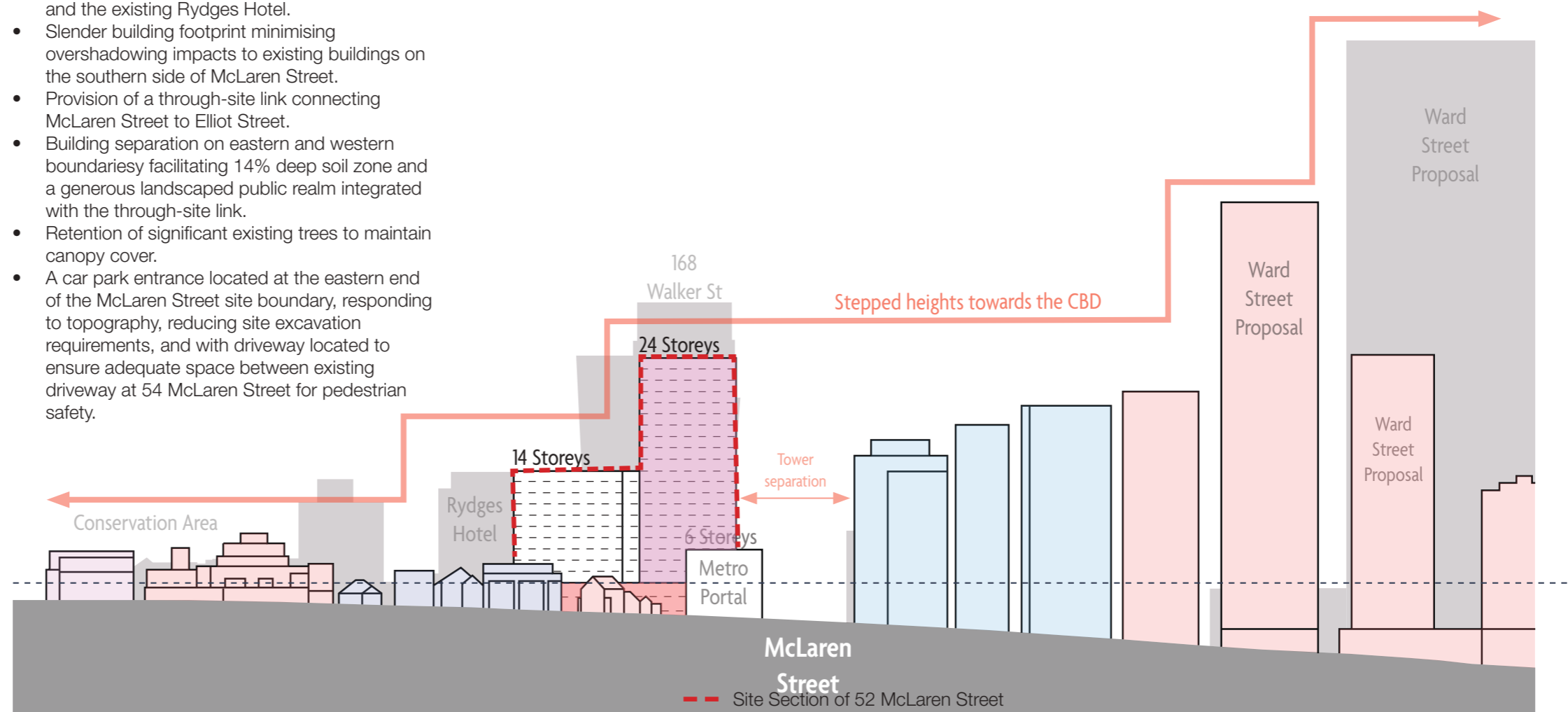


Fig 2-8 Image sourced from North Sydney Civic Precinct Planning Study, 2020

## 2.5 Recent Development Applications

### 1. 168 Walker Street (Under Construction)

- 29 storey mixed use development
- Total GFA 51,863m<sup>2</sup>
- Max RL 167.51m

### 2. 225-265 Miller Street (Completed)

- Wenona School
- Entry adjacent to Elliot Street address
- Terrace learning area

### 3. 221 Miller Street (Completed)

- 23 storey mixed use development
- 180 residential apartments, 105 serviced apartments
- 180 basement car parking spaces

### 4. 54 McLaren Street (DA)

- Rydges Hotel Development Application
- Proposed increase in building height of convention centre to 3 storeys
- Blank wall treatment facing 52 McLaren Street

### 5. 189 Miller Street (Under Construction)

- 42 storey commercial over station development above Victoria Cross metro station
- Max RL 230m

### 6. 1 Denison Street (Completed)

- 39 storey commercial development
- 60,000m<sup>2</sup> net lettable area



1. 168 Walker Street, North Sydney



2. 225-265 Miller Street, North Sydney



3. 221 Miller Street, North Sydney



4. 54 McLaren Street, North Sydney



5. 189 Miller Street, North Sydney



6. 1 Denison Street, North Sydney



---

## Site analysis

03

### 03 Site analysis

#### 3.1 Site photographs

McLaren Street is largely characterised by the mature trees that line both sides of the street, which give it a leafy, green quality that helps to soften the visual impact of the relatively large apartment blocks and commercial buildings that both exist, or are planned / under construction here.

To the south of the site a key laneway, Faith Bandler Place, connects the site to the planned Ward Street Precinct. Elliot Street links the site to North Sydney Oval and St Leonards Park. A new footbridge structure crosses Elliot Street and connects the relatively low scale Wenona School buildings to both sides of the street.



1. View east from intersection with Miller Street towards 52 McLaren Street



3. Street frontage - Significant trees and driveway access from McLaren Street



Key to photographs



2. View south from Elliot Street towards 52 McLaren Street



4. View south from Elliot Street with Wenona School footbridge in foreground



5. 54 McLaren Street - Vehicular entrance to Rydges Hotel



7. 45 McLaren Street



9. 41 McLaren Street



6. Faith Bandler Place - Link to proposed Ward Street Precinct



8. 39 McLaren Street



10. 237 Miller Street - McLaren Street entrance

### 03 Site analysis

#### 3.2 Topography

The area around the site is characterised by significant level changes with relatively steep gradients to the streets adjacent to the site and significant falls across the site itself in both directions.

The high point is at the northern end (RL77.8 at Elliot Street), with the ground level sloping down by 6.3m along the length of the site towards the south east corner (RL71.5 at McLaren Street). The existing driveway into the site is located at this point. From here, McLaren Street slopes up consistently towards Miller Street, with a 4.5m rise to the south east corner of the site (RL76.0).

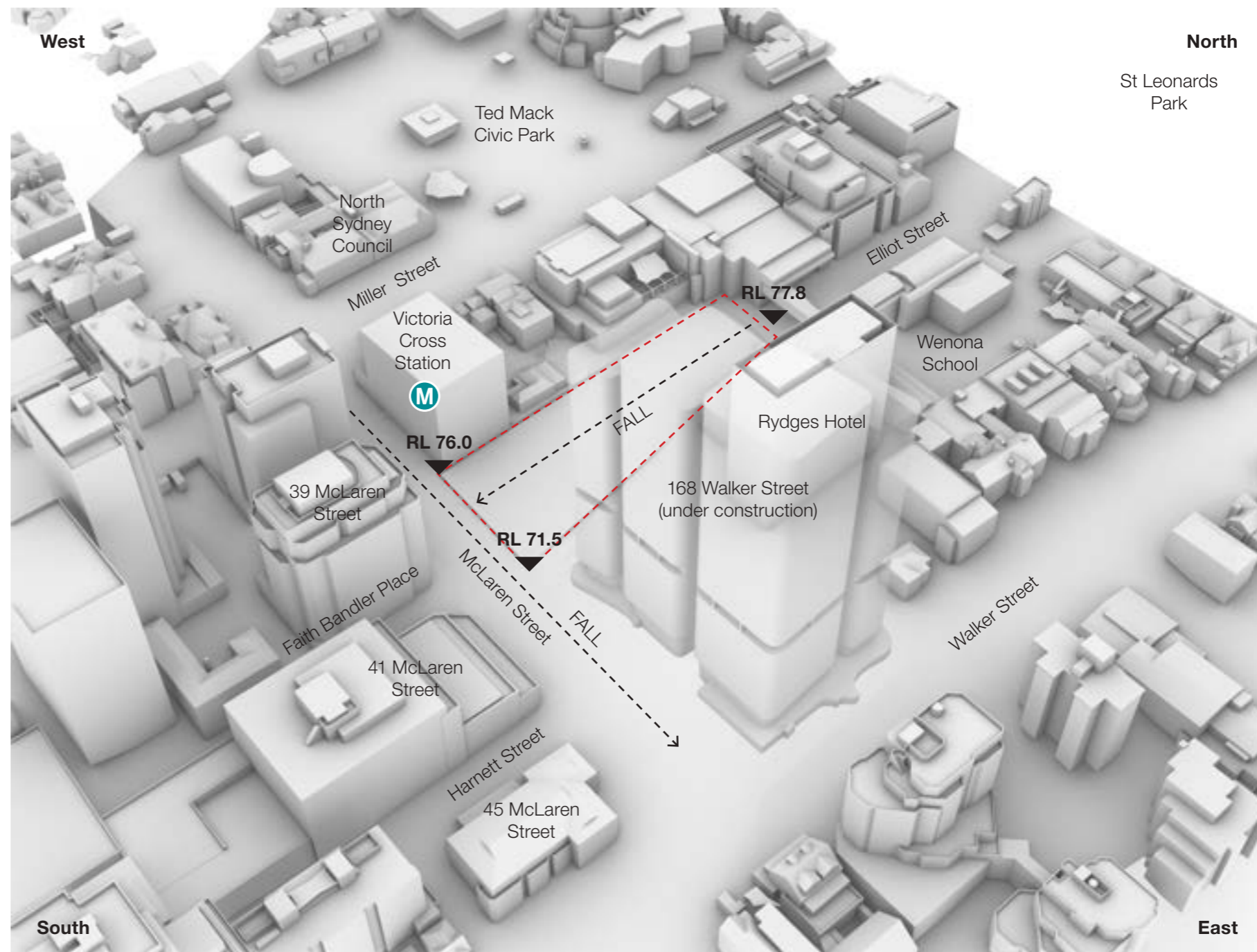


Fig 3-1 Site RL's and predominant falls



### 3.3 Solar orientation

The site is oriented in a north-south direction.

To the north of the site, buildings on both sides of Elliot Street range from two to four storeys in height, and to the west, buildings fronting Miller Street are of a similar scale. These low-scale volumes provide very good solar access to the site during the middle of the day and well into the afternoon. The Victoria Cross Station which is currently under construction adjacent to the site will slightly overshadow the south west corner of the site in the afternoon.

The 168 Walker Street development that is currently under construction will cause significant overshadowing of the southern part of the site first thing in the morning, but solar access will increase as the shadow from this development moves away from the site and by mid morning there will be a good level of solar access to the site. The main volume of the existing Rydges Hotel also causes some overshadowing in the morning, but by mid morning, the shadow has moved sufficiently to allow good sunlight penetration.

A development on this site will have overshadowing impacts to the developments on the southern side of McLaren Street. A future development will need to ensure the solar amenity is maintained (i.e. minimum 2 hours of sunlight as per the ADG). A slender building form will drive greater solar amenity, in particular an appropriate building setback from the 168 Walker St development.

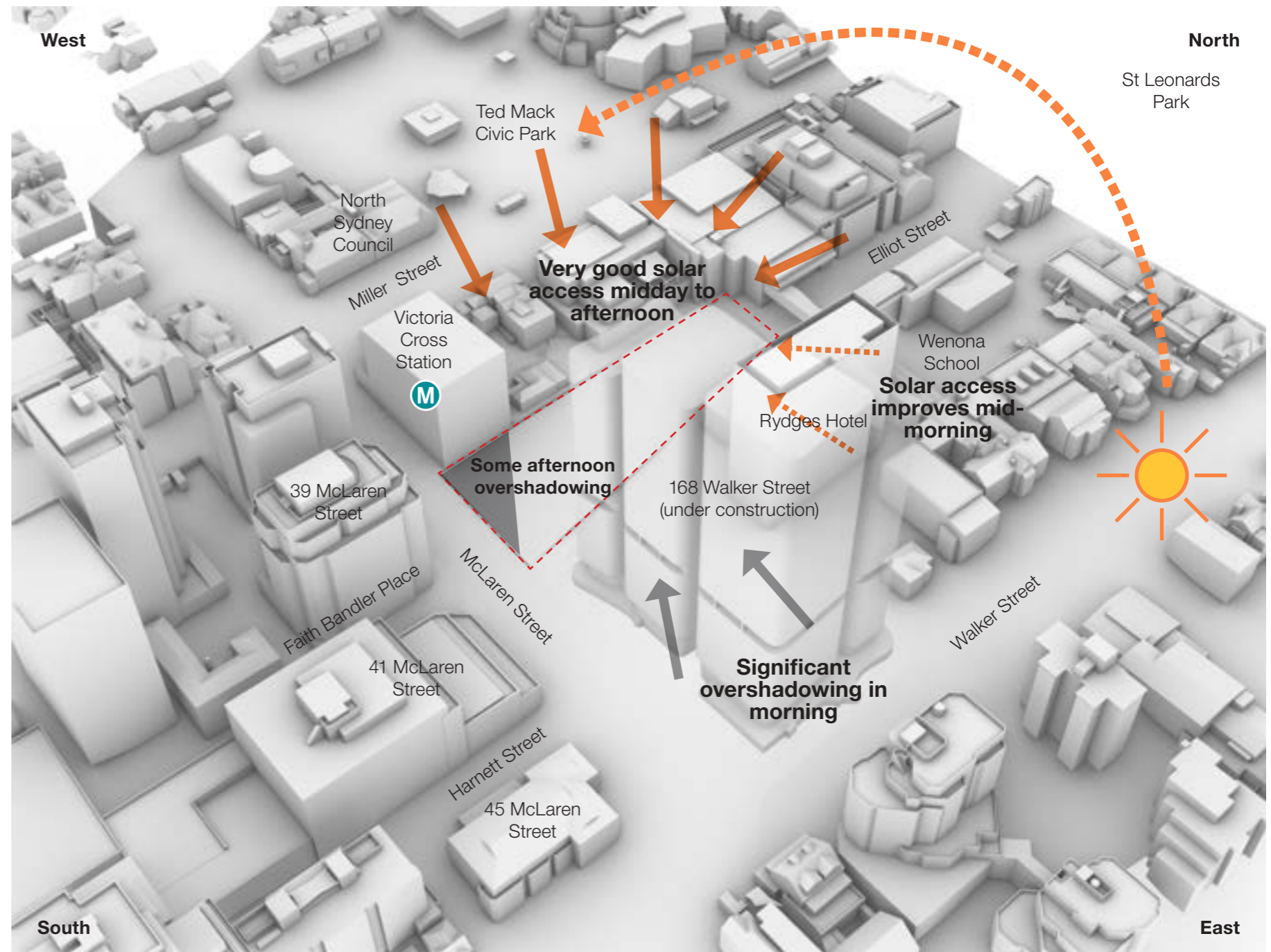


Fig 3-2 Solar access

### 03 Site analysis

#### 3.4 Views

To the south east are views towards Sydney Harbour, and views of North Sydney CBD to the south and south west, some of which will change in the future due to planned developments in the area. To the north and north west are views towards St Leonards Park, St Leonards, and Chatswood CBD. Given the location of the site is at the northern most point of the North Sydney CBD, with RE1, R2 zones and educational establishments to the north and north west, these views to the north and north west are unlikely to be obstructed by future large-scale development.



Fig 3-3 Approximate view south east from level 24



Fig 3-4 Approximate view south east from level 8

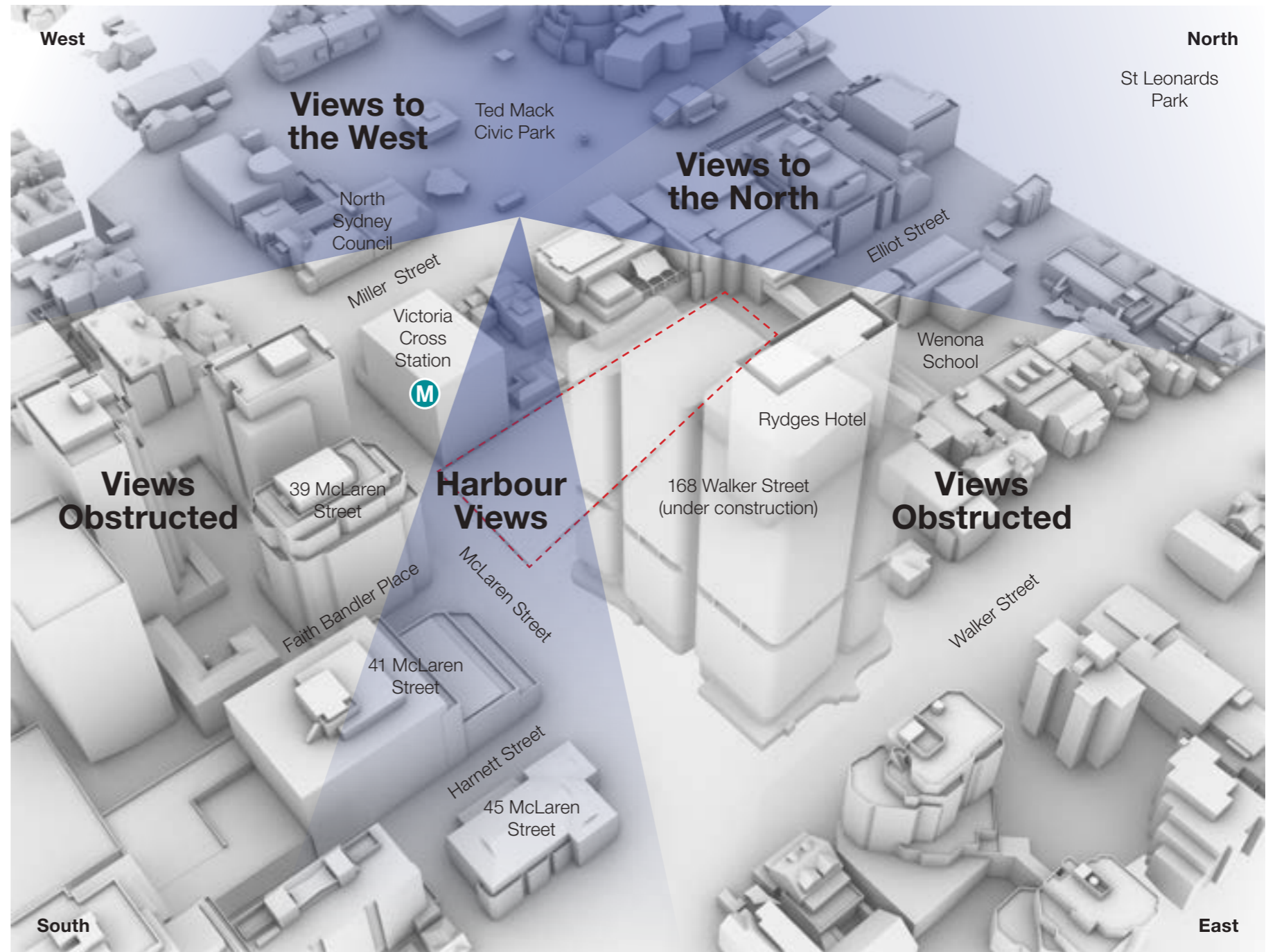


Fig 3-5 Views from the site

### 3.5 Pedestrian movement

Currently, the predominant pedestrian movements are along Miller Street.

The North Sydney CBD Public Domain Strategy 2020 (PDS) identifies a major laneway network connecting North Sydney Station to St Leonards Oval. The laneway network will become increasingly important:

- once the Victoria Cross metro station becomes operational, commuters will exit onto Denison Street and use the laneway network to reach their jobs
- as the Ward Street Precinct is planned to support new open space, cultural venues and some of the largest office towers in the CBD
- as it offers an alternative, pedestrian focussed north-south link from transport infrastructure and an increasing concentration of jobs in the CBD to a major recreation area.

The PDS highlights the importance of providing a direct connection between Faith Bandler Place and Elliot Street as part of any proposed scheme for the 52 McLaren Street site.

The North Sydney Development Control Plan 2013 (NSDCP 2013) currently requires a north-south pedestrian link across 54 McLaren Street (Rydges Hotel), that 'should be provided, retained and enhanced.' The current through-site link is up the Rydges Hotel driveway and has poor safety, wayfinding, and amenity outcomes for pedestrians.

To deliver a wider and more direct pedestrian through-site link, the PDS specifies a shared pedestrian pathway along the boundary between 52 and 54 McLaren Street. The CPPS reinforces this requirement with a minimum 6-metre whole of building setback along the eastern boundary of 52 McLaren Street. The CPPS recommends that the link be activated with commercial, retail and public uses.

There is also potential for a pedestrian link from Walker Street to the planned through-site link.

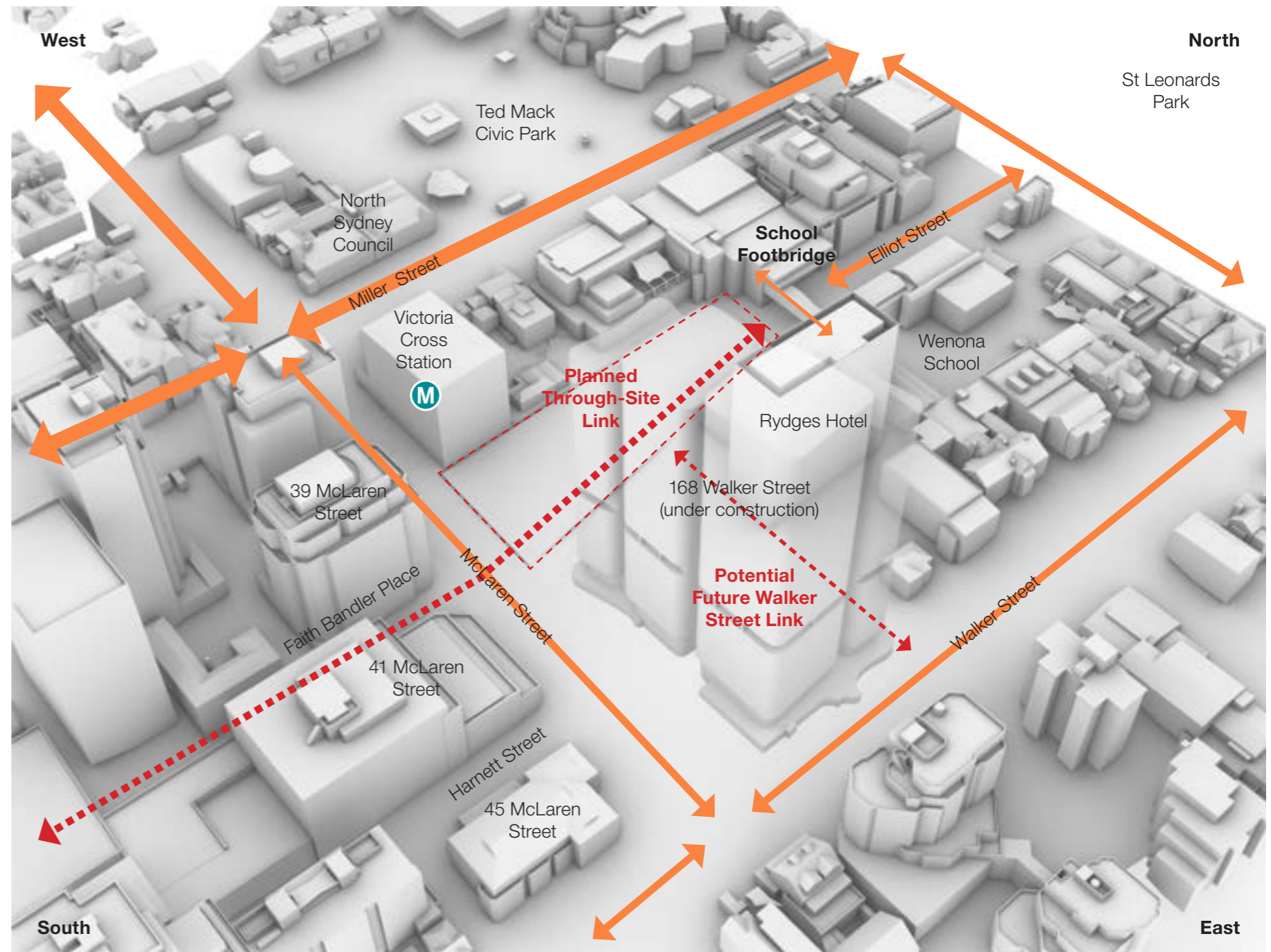


Fig 3-6 Pedestrian movement around and through the site

### 03 Site analysis

#### 3.6 Vehicular movement

McLaren Street is a secondary route which connects to Miller Street which is the primary north-south vehicular route through North Sydney. To the north of the site, Elliot Street terminates at the northern site boundary, and does not connect through to McLaren Street. The planned through site link will connect Elliot Street and McLaren Street, but for pedestrians only.

Vehicular access to the site is via a driveway located at the south east corner, directly adjacent to the driveway to Rydges Hotel at 54 McLaren Street. The location of a new vehicular entrance to the site will need to be carefully considered to avoid conflict with the planned through-site link and existing significant trees, and also due to the relatively narrow frontage to McLaren and Elliot streets which restricts the number of options available for a new driveway.

Refer to the separate Traffic and Parking Impact Assessment for more information.

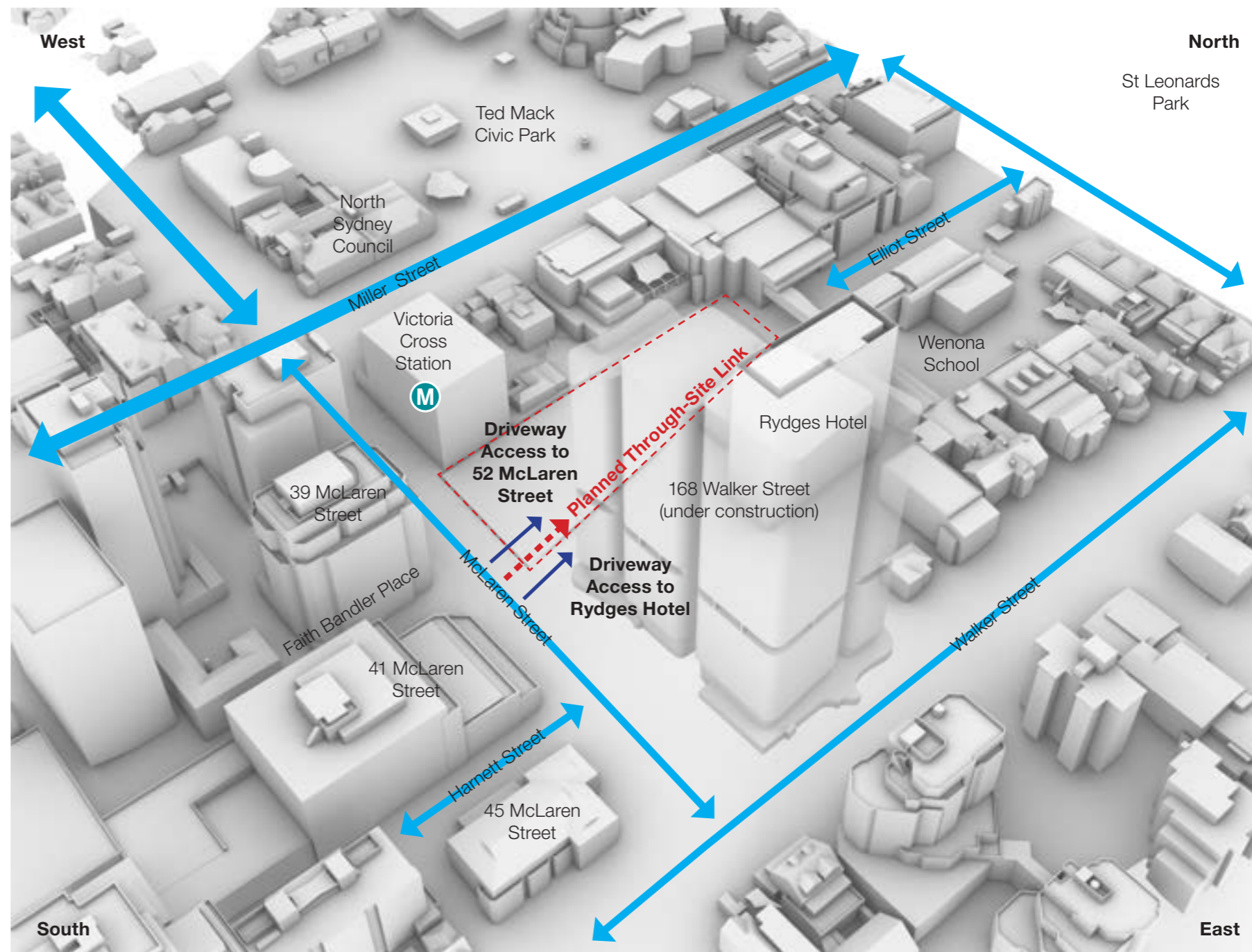


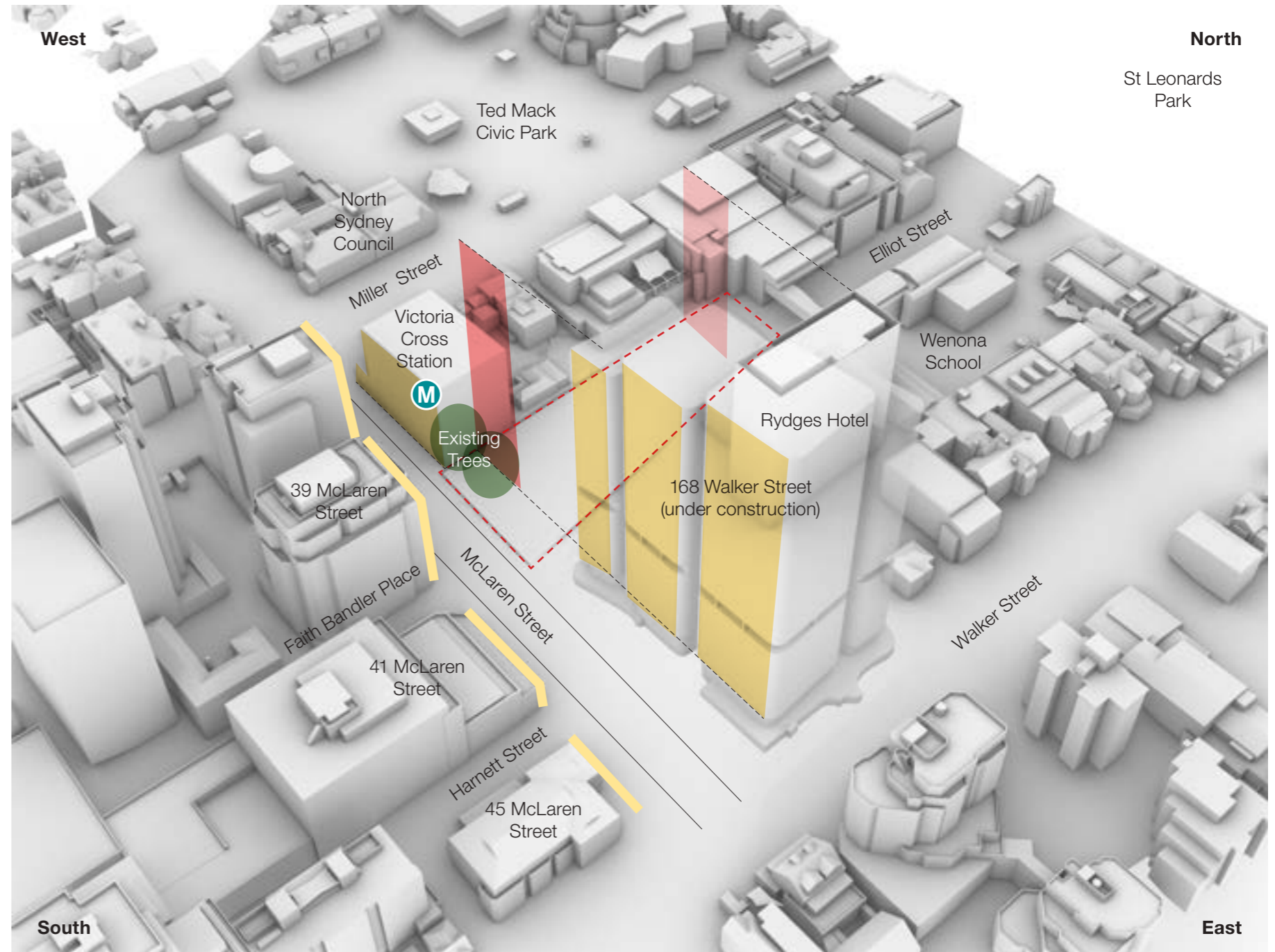
Fig 3-7 Vehicular routes and access

**3.7 Street alignment and envelope**

On the south side of McLaren Street there is a relatively consistent building setback from the kerb, with the building edges and/or boundary treatments to 237 Miller Street, 39, 41, and 45 McLaren Street defining a consistent footpath width between Miller and Walker Streets. The new Victoria Cross Station will have a similar setback to the buildings on the south side of McLaren Street, but the new development at 168 Walker Street is set further back than the predominant setback along McLaren Street.

Replicating the Victoria Cross Station setback on the 52 McLaren Street site would result in the loss of two significant mature trees, and therefore to avoid this a building setback that aligns more closely with the 168 Walker Street would be more appropriate. This is supported in the CPPS which states “Provide a whole of building setback to McLaren Street to align the future building with the adjacent development at 168 Walker Street, facilitate a more level public access to the pedestrian link and achieve greater built form separation to residential towers south of McLaren Street”.

To the south of McLaren Street, the urban scale is predominantly high rise with mostly tower blocks, whereas to the north of the site, the urban scale diminishes to low rise buildings of 2 to 3 storeys. A building envelope for 52 McLaren Street that responds to the scale of 168 Walker Street and the high density development to the south, whilst reducing to the north and potentially also referencing the scale of the Rydges Hotel would be appropriate for this site and would reconcile the varied urban scale adjacent to the site.



**Fig 3-8** Existing street alignment and envelope parameters

## 03 Site analysis

### 3.8 Heritage

There are two heritage items adjacent to the site. These are located at 243 and 255 Miller Street. There are also several heritage items in the vicinity of the site and two adjacent conservation areas – the McLaren Street conservation area to the west and the Walker / Ridge Street conservation area to the north east.

The Council's Conservation Planner advises that the following points should be considered with the design proposals at 52 McLaren Street:

- the juxtaposition of the new development behind the low-scale urban context of the Wenona School complex along Miller Street and including heritage items at 243 and 255 Miller Street, and the impact on the setting of these and the nearby conservation areas
- impact on views from various important cultural vantage points
- maintaining the relevant connection with the low scale and leafy character at the core of the Civic Precinct, particularly through the creation of the through-site link with Elliot Street that will connect with St Leonards Park
- the connectivity of the threshold area in front of the southern building facing McLaren Street in terms of its transitory function as the edge and link to the heart of the Civic Precinct through its through link to Elliot Street to the north and Faith Bandler Place to the south, and its relationship with the metro northern portal on the corner of the Miller Street/McLaren Street intersection
- achieving a successful threshold treatment with a contiguous gradient and treatment between Faith Bandler Place and the through link to Elliot Street is a crucial element for the proposal and one that will elevate the urban context and quality of the site and McLaren Street generally. The treatment of the through-site link as it connects with Elliot Street should be discernible in terms of its contemporary context from its link with the earlier street
- appropriate tree planting along the edges of McLaren Street and linking up with any tree planting programs along Walker Street to the War Memorial at St Leonards Park would 'connect' the periphery of the Civic Precinct Area with its leafy low scale core
- a Visual Impact study should be prepared to understand the impact of the proposals at 52 McLaren Street.

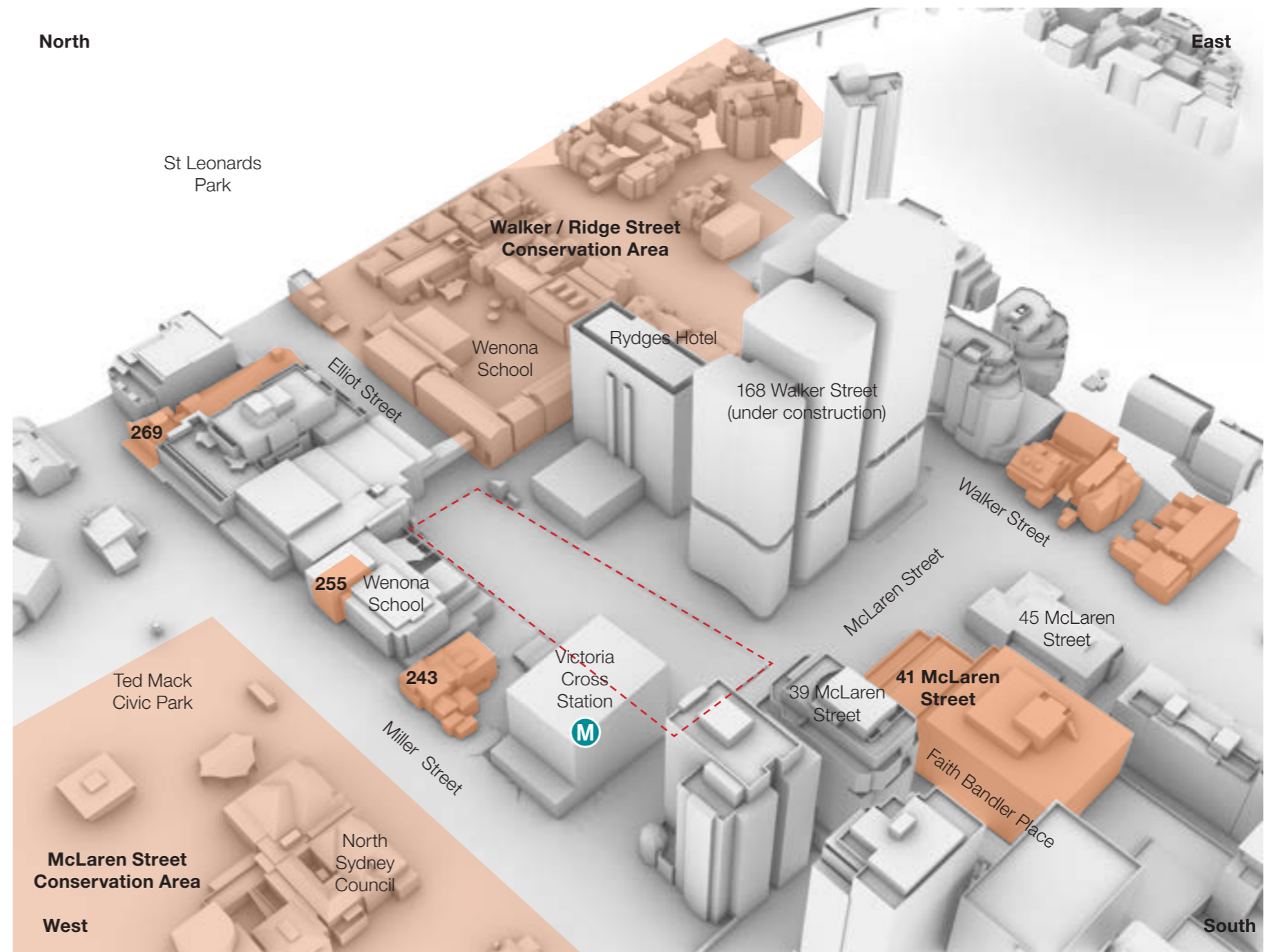


Fig 3-9 Heritage items and conservation areas



Fig 3-10 243 Miller Street



Fig 3-12 255 Miller Street



Fig 3-14 41 McLaren Street



Fig 3-11 269 Miller Street



Fig 3-13 McLaren Street Conservation Area



Fig 3-15 Walker / Ridge Street Conservation Area

### 03 Site analysis



#### 3.9 Site constraints

- 1. Site orientation and building separation:** North-south site orientation constrains the type of building footprint achievable, as well as proximity to neighbouring Wenona School, Rydges Hotel and new development at 168 Walker Street. In addition to this, the separation requirements are not equally shared between 168 Walker Street and 52 McLaren Street, meaning a large setback is required to meet required separation distances.
- 2. Overlooking to neighbours and solar access impacts:** Potential overlooking to Wenona School and development at 168 Walker St. Potential of reduced solar access to 168 Walker St and existing residential developments to the south.
- 3. Slope:** Change in levels across frontage of site is 4.5m and along through site link is 6.3m presenting challenges in achieving DDA compliance.
- 4. Access:** Pedestrian access to Wenona School and vehicular access to Rydges Hotel at the northern boundary reduces opportunity to create vehicle access to the northern boundary due to multiple conflicts. Mature trees at the southern boundary also limit the location of potential entries.
- 5. Overshadowing:** Potential for minor overshadowing of nearby Civic Park and Ward Street Precinct public open space. Level differences combined with the southern orientation of the McLaren Street frontage create the risk of lower daylight levels to the area fronting McLaren Street.
- 6. Heritage:** Multiple heritage items and conservation areas in the vicinity of the proposed development. Potential impacts to the setting of these.

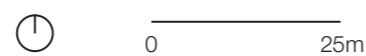
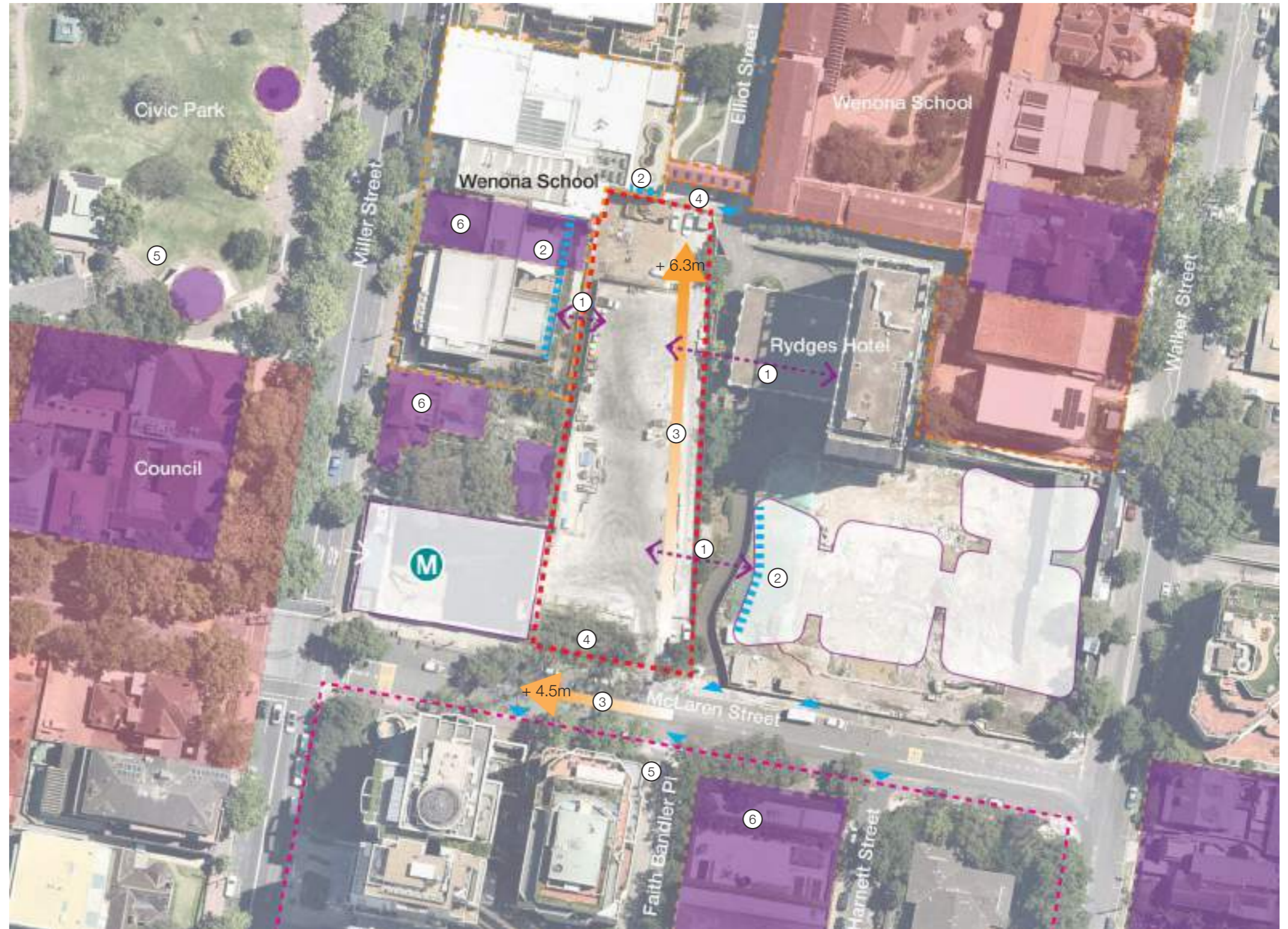


Fig 3-16 Site Constraints





**3.10 Site opportunities**

1. **Public transport:** Immediately adjacent to north entrance of Victoria Cross metro station and a 850m walk to North Sydney Station.
2. **Through site link:** Opportunity to provide an active through site link lined with retail and commercial frontages to connect Elliot Street with McLaren Street.
3. **Views:** Potential for views to Sydney Harbour and North Sydney CBD to the south, south east and south west. Views to St Leonards and Chatswood CBD to north west and St Leonards park to the north.
4. **Pedestrian link:** Multiple planned and existing pedestrian links to St Leonards Park and North Sydney CBD.
5. **Amenity:** Close proximity to North Sydney Oval and St Leonards Park with sports and playgrounds. Adjacent to future Ward St precinct public open space and short walk to retail, cafés, restaurants, gyms and health facilities in North Sydney's CBD.



0 25m

**Fig 3-17** Site Opportunities



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## Design principles

04

## 04 Design principles

### 4.1 Through site link

#### Connectivity and activation

The indicative concept design scheme has been developed with consideration to connectivity and activation in and around the site.

- ① Main DDA compliant through-site link along the site boundary between 52 and 54 McLaren Street.
- ② Through site link located alongside a new plaza with active frontage along the entire podium length.
- ③ Increased pedestrian permeability to the McLaren Street frontage providing stepped access from the footpath along McLaren Street up to the new activated frontage facing McLaren Street.
- ④ Alternative DDA compliant route providing a more direct path of travel from the Victoria Cross Station to the new plaza and Elliot Street beyond.
- ⑤ The edges of the new through site link to be softened through the use of landscaped terracing up to the plaza level, which also incorporates opportunities for seating at intervals along the through-site link.
- ⑥ Increased distance between new driveway and the existing driveway to 54 McLaren Street to create a safer environment for pedestrians.
- ⑦ New driveway positioning also considers the proximity to existing trees and avoids interfering with their rooting zones.
- ⑧ The new through site link also facilitates a potential future pedestrian link to Walker Street in the east.

Refer to Section 6 of this report for more detail on the through-site link and landscape plan for the entire public realm.

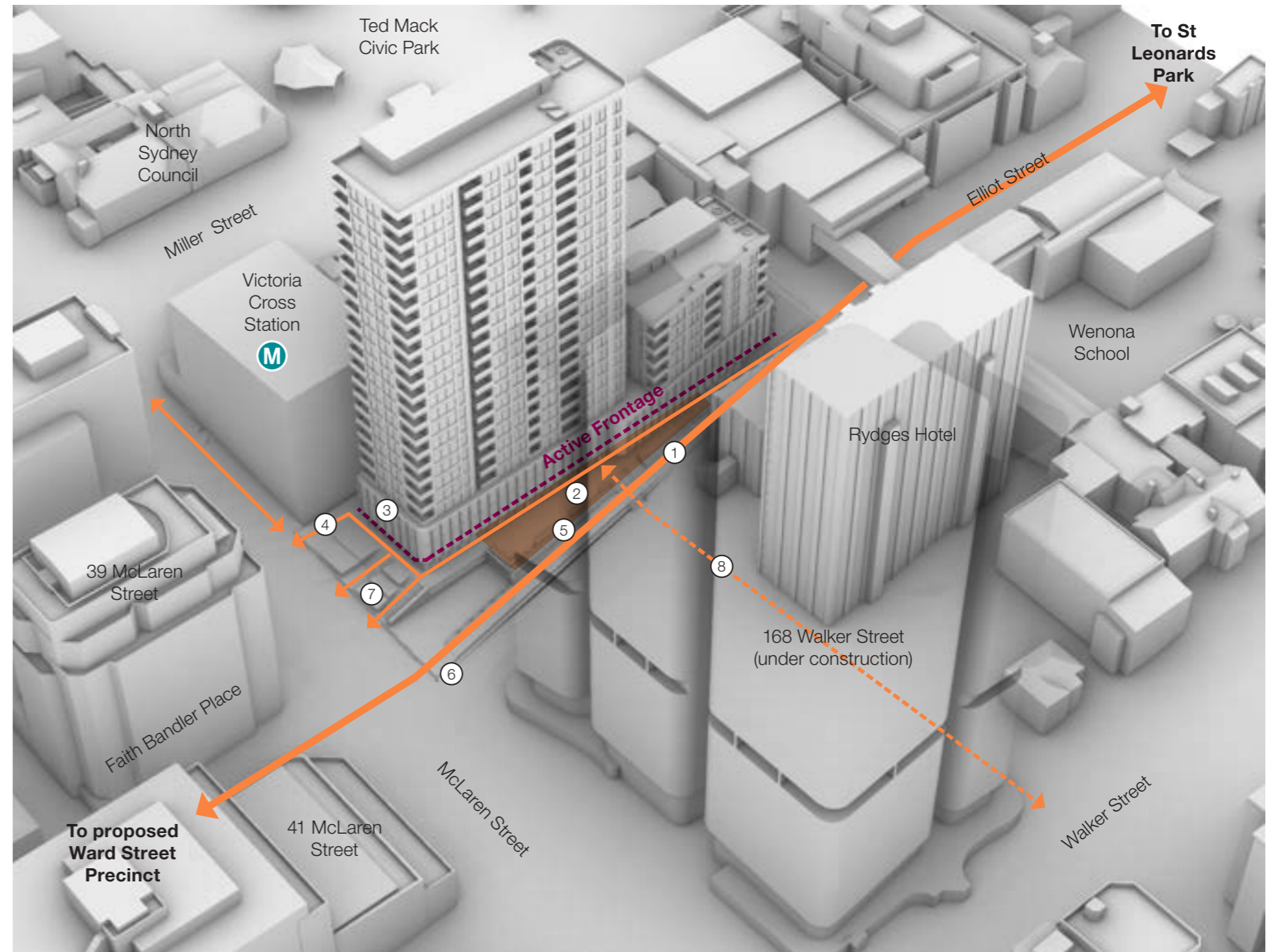
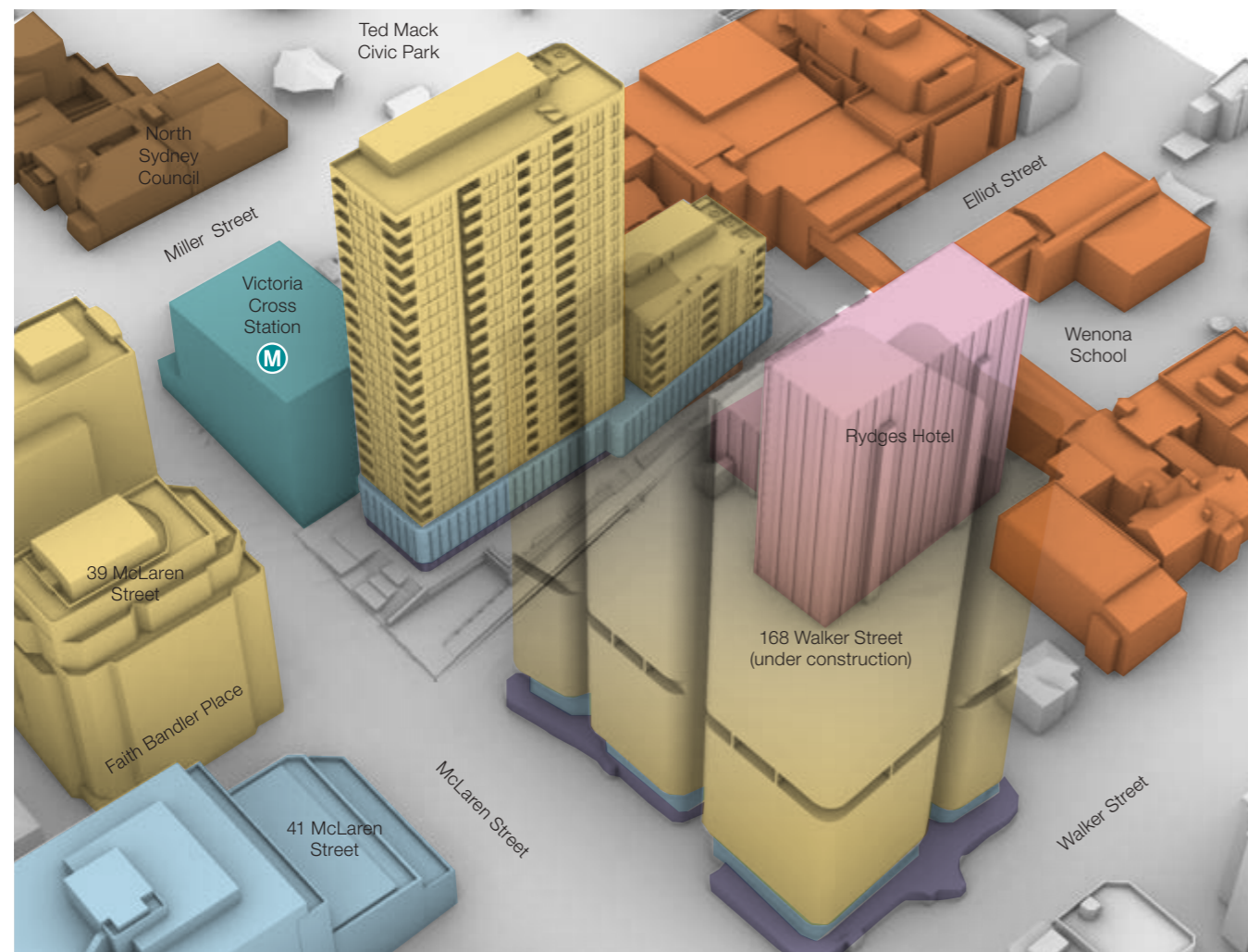


Fig 4-1 Through-site link design principles

**4.2 Building uses**

The proposed arrangement of uses is consistent and compatible with existing adjacent uses. The commercial podium with retail uses at ground level creates active frontages onto the through-site link, with residential uses above, which is consistent with the existing and proposed buildings on McLaren Street. The childcare is located at ground level, adjacent to the existing school at the northern end of the site.



**Fig 4-2** Existing and proposed use distribution

## 04 Design principles

### 4.3 Street alignment and envelope

The proposal complies with the requirements of the North Sydney Civic Precinct Planning Study 2020 (CPPS) as follows:

- a maximum building height of 24 storeys on the southern half of the site and 14 storeys on the northern half of the site (current maximum height)
- a minimum 6-metre wide, whole of building setback along the eastern boundary to facilitate a through site link
- commercial podium fronting McLaren Street that appropriately responds to the scale of the northern metro entrance and approved development at 168 Walker Street (maximum 4 storeys)
- community uses incorporated into the podium at the northern end of the site (childcare centre provided at floor).

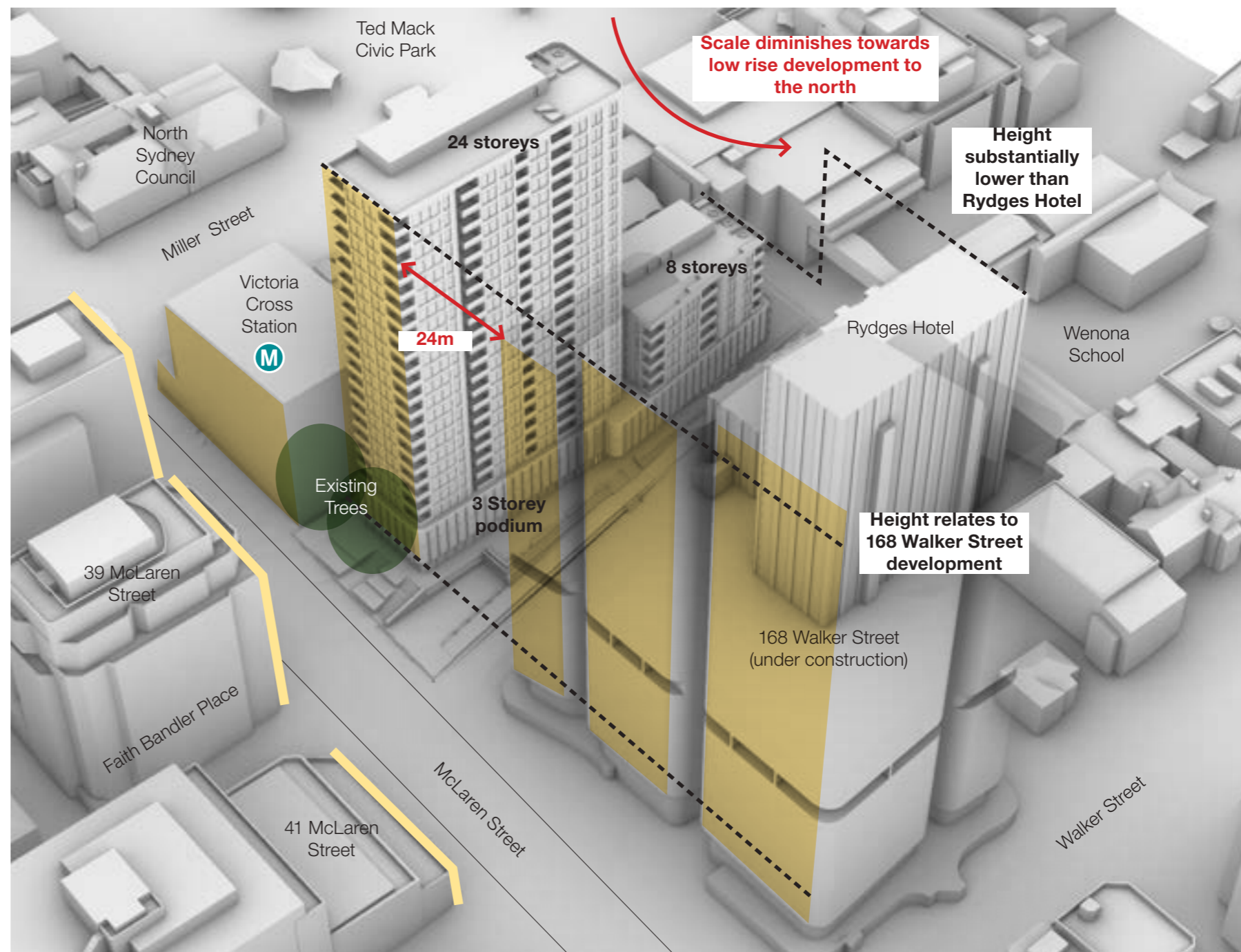


Fig 4-3 Street alignment and envelope design principles

#### 4.4 ADG building separation requirements

The ADG recommends that new development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria. Generally one step in the built form as the height increases due to building separations is desirable.

The proposal complies with these requirements as follows:

Minimum separation distances for buildings nine storeys and above (over 25m):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms.

Minimum required separation distances from buildings to the side and rear boundaries, for buildings nine storeys and above (over 25m):

- 12m for habitable rooms and balconies
- 6m for non-habitable rooms.

Fig 4-5 illustrates the boundary setbacks for the proposed scheme

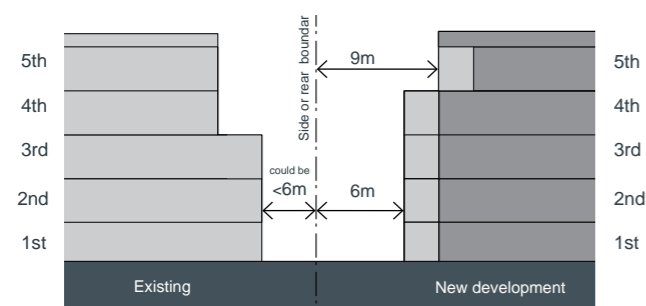


Fig 4-4 ADG building separation requirements diagram

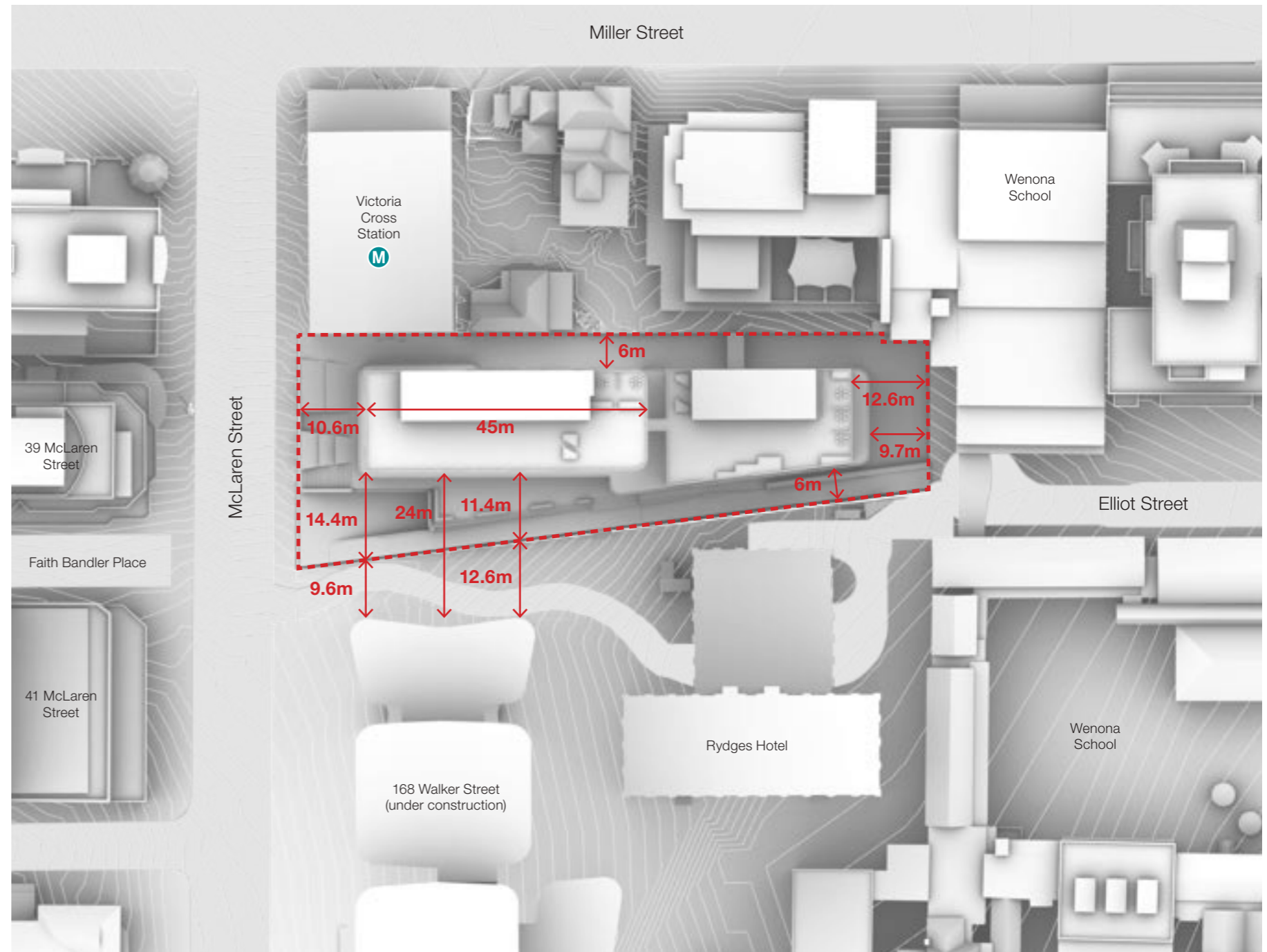


Fig 4-5 Boundary setbacks



## 04 Design principles

### 4.5 Response to heritage

The main heritage impacts are to the setting of the heritage items at 243 and 255 Miller Street and the visual impact of the proposed development when viewed from the nearby conservation areas, with the view from Ted Mack Civic Park being of particular interest. The envelope and massing is designed and articulated so as to reduce these impacts in the following ways:

- building scale diminishes from 24 storeys to 8 storeys towards the existing low rise development to the north
- vertical articulation in the form of inset balconies and deep slots between the 24 storey mass and the 8 storey mass prevents a long monolithic facade
- appropriate facade articulation and fenestration gives a human scale to the elevations rather than having extremely tall singular elements such as blank cores etc
- balconies and other 'residential' building elements expressed adequately so as to humanise the buildings and avoid the appearance of a sleek monolithic office block
- the three storey podium is clearly defined architecturally as a distinct base to the building that relates to the lower scale development adjacent
- the 8 storey north block and 24 storey south block each has its own architectural treatment, creating a distinct identity and a richness in the streetscape
- retention of existing mature trees on McLaren Street, helps to soften the visual impact of the 24 storey building at ground level
- deep soil zone provided along the western boundary of the 52 McLaren Street site adjacent to 243 Miller Street, enabling tree planting that will help to screen and soften the transition between the development site and the heritage item

Refer to section 7.1 for a Visual Impact Assessment summary, and to the full Visual Impact Assessment by Ethos Urban for more information on the visual impact of the proposal.

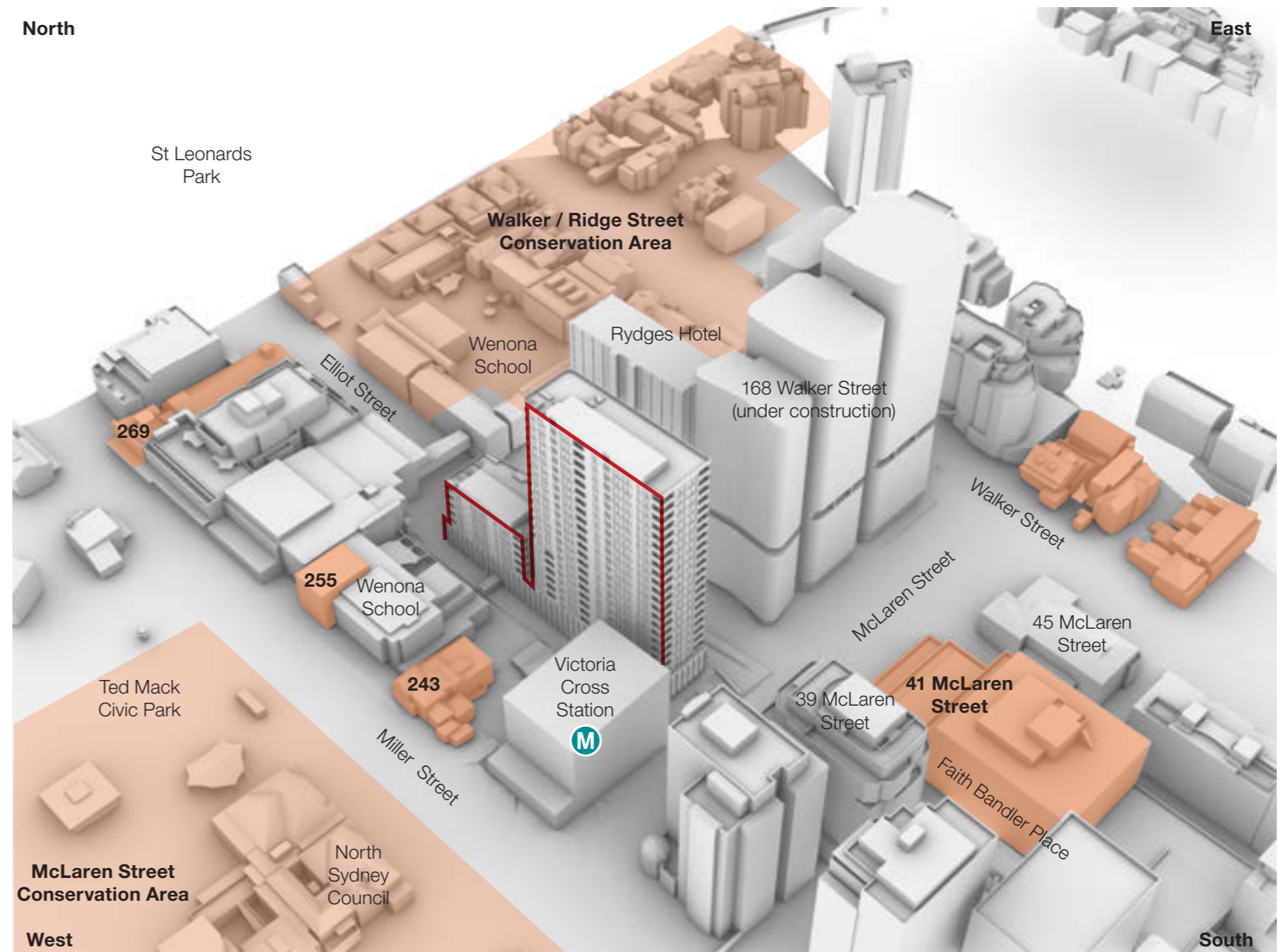


Fig 4-6 Design response to heritage items and conservation areas



1. Building scale diminishes towards the low rise development to the north.
2. Vertical recess to articulate building mass and prevent long monolithic facade.
3. Fenestration minimised to the west elevation to prevent overlooking of sensitive areas such as Wenona School, whilst still ensuring that façades are not 'blank' as this would be a poor urban outcome.
4. Screening devices can be used on balconies to further prevent overlooking whilst still permitting light and ventilation.
5. Selective vertical facade articulation and expression of 'solid' and 'transparent' areas to provide selective views, whilst preventing overlooking and 'blank' façades.
6. Appropriate horizontal fenestration to give a human scale and break up cores etc.
7. Balconies expressed adequately so as to humanise the buildings and respond to light and view opportunities that change at different heights.
8. Defined base that relates to the lower scale development adjacent.

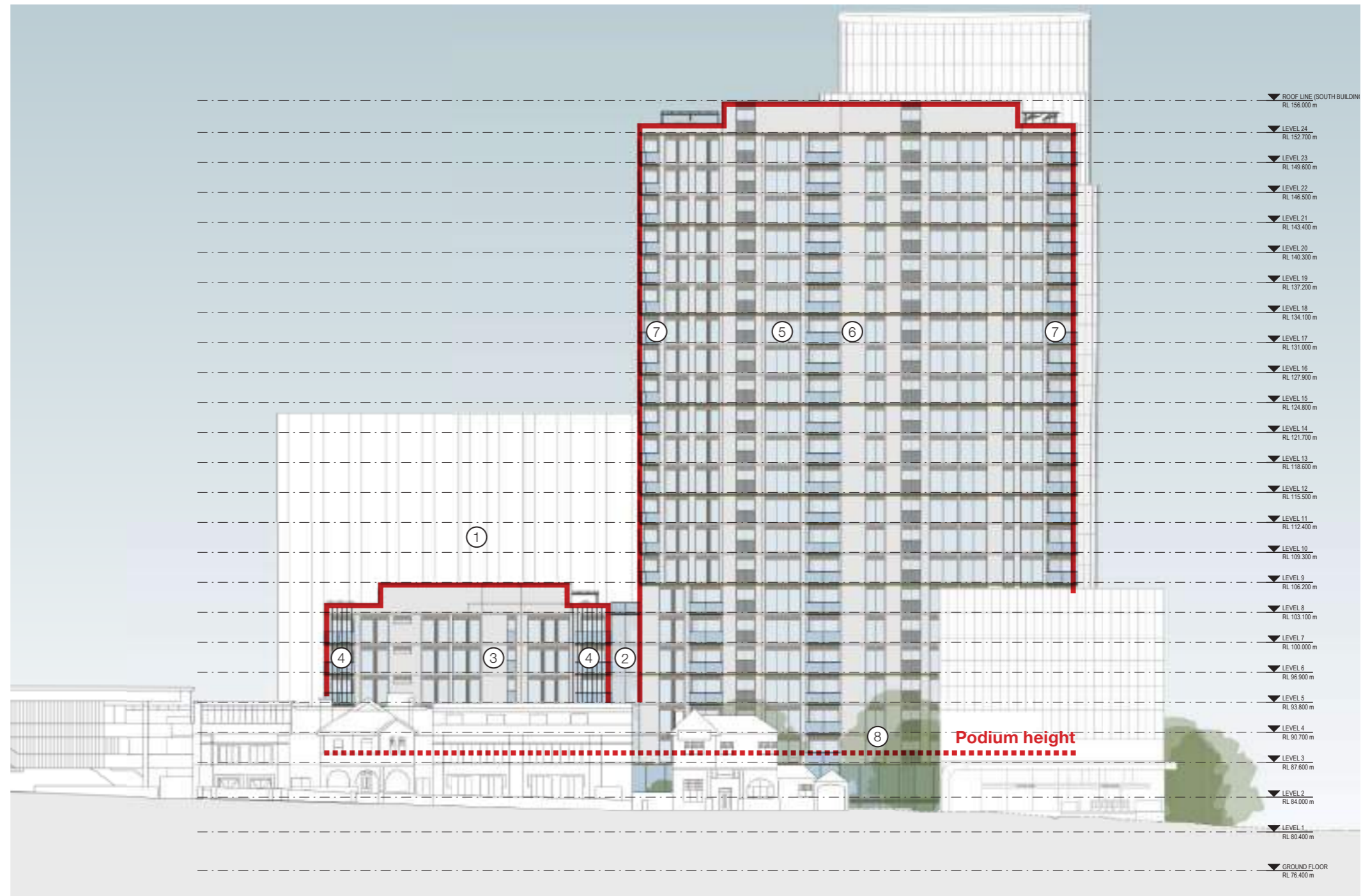


Fig 4-7 West elevation illustrating design response to heritage items and conservation areas



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**Concept scheme**

05

## 05 Concept scheme

### 5.1 Site plan

An indicative concept scheme has been designed to demonstrate and assess the appropriateness of a development with the proposed land uses and heights on site.

The proposal consists of the following elements:

- new through site link along the eastern boundary and new landscaped areas including a public plaza
- three storey commercial podium with ground floor retail uses and entrance lobbies
- a childcare facility at the northern end of the ground floor
- a residential building over floors 3 to 23, ranging in height from 8 storeys at the northern end of the site to 24 storeys at the southern end of the site
- building footprint set back on the McLaren Street frontage to allow the retention of two significant mature trees and to align with the adjacent 168 Walker Street development
- multi level underground car park, accessed from McLaren Street.



**Fig 5-1** Site Plan 1:1000 Scale @ A3

**5.2 Indicative ground level layout and public realm**

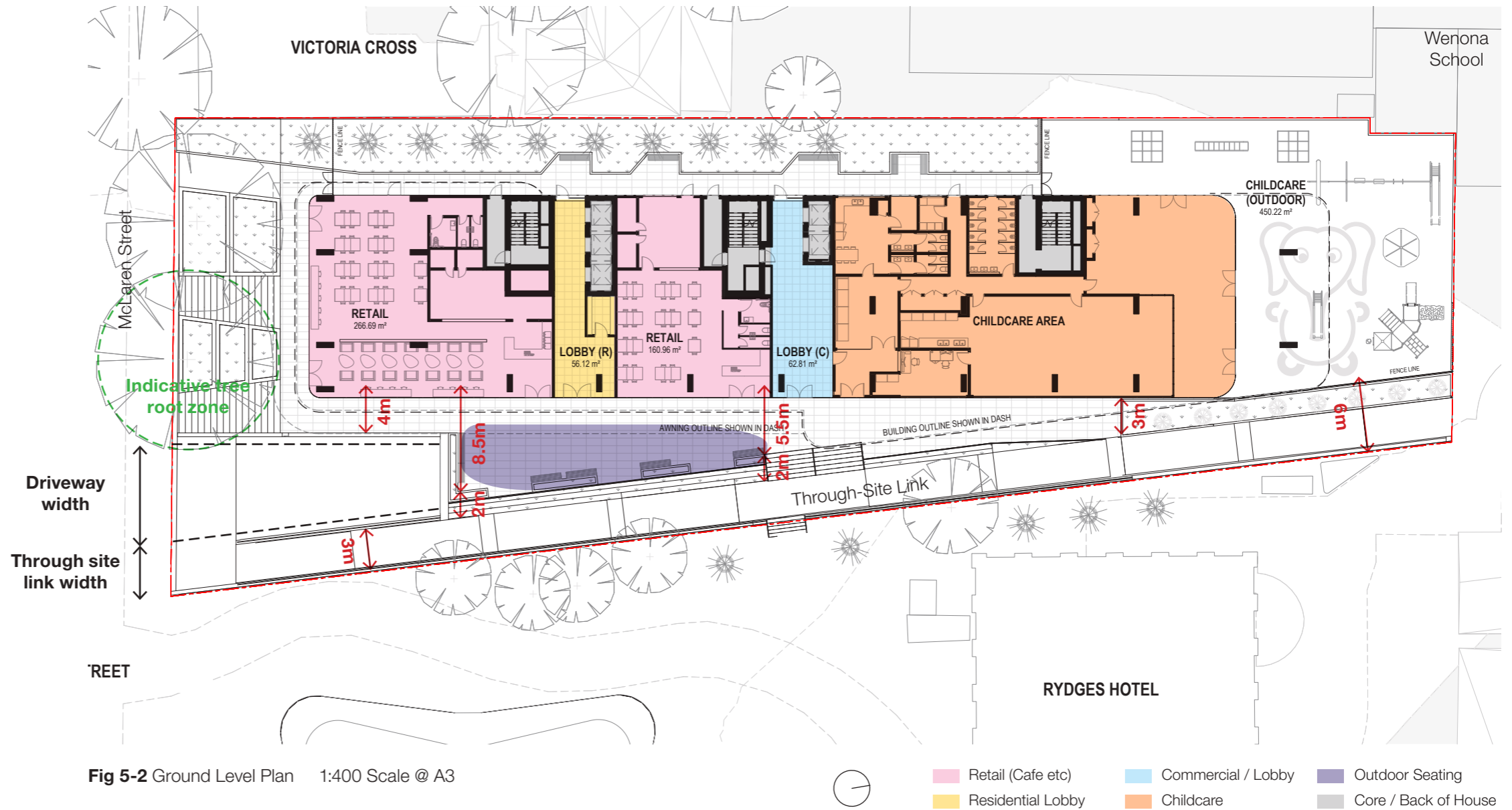
The proposal creates a continuous active frontage at ground level adjacent to the new through-site link and public plaza.

The ground floor consists of retail, cafe, and childcare uses, with lobby areas providing access to the residential and commercial tenancies above. The public plaza areas also provide opportunities for outdoor seating and al-fresco dining.

Structural columns are positioned internally, behind the glazing so as to not create physical and visual obstructions along the building frontage, with continuous awnings above providing shelter for pedestrians and building users.

Circulation cores and back of house areas are located on the western side of the building so as to not limit potential for active frontage along the western side of the building and also facilitates discreet service access and means of escape.

The vehicular entrance to the site has been sized and located in order to maximise the width of the through site link whilst ensuring sufficient clearance for vehicles and minimal encroachment upon existing tree root zones, so as to not compromise existing significant trees.



**Fig 5-2** Ground Level Plan 1:400 Scale @ A3

## 05 Concept scheme

### 5.3 Childcare facility

An area has been designated at the northern end of the ground floor of the building for a childcare facility. This public benefit is included in the CPPS and is supported by the Council.

The childcare facility is comprised of 450sqm of indoor space and 450sqm of outdoor space (900sqm total area). This facility being provided on a single floor means that there is a direct physical connection between the internal and external spaces, and facilitates a high degree of child supervision.

The childcare centre is located at the northern end of the site adjacent to the existing Wenona School to the north and west boundaries and is highly compatible with these adjacent uses. The external facade of the childcare facility will feature full height screening, louvres or other architectural treatments to restrict views into the facility whilst permitting daylight.

The predominantly north facing open space is mostly open to the sky, whilst also providing some outdoor covered area offering sun and rain protection when necessary.

To support the childcare facility, 2 x all-day designated car spaces for staff are provided at Basement 1 Level in accordance with Health and Work Safety requirements, as well as 4 x additional car spaces for drop off during the hours of 7:30 - 9:30 am and pick-up between 4:00 pm and 6:00 pm (with a 10 minute stop limit).

Please refer to the childcare facility summary table on the opposite page for more information.



Fig 5-3 Ground Level Plan 1:400 Scale @ A3

Childcare (Indoor) Childcare (Outdoor) Core

Childcare Facility Requirement	Details of Compliance
Minimum 900m <sup>2</sup> of dedicated space including 450m <sup>2</sup> of outdoor space.	910m <sup>2</sup> total space provided comprising: 460m <sup>2</sup> indoor space 450m <sup>2</sup> of outdoor space
Entire facility to be provided over one level ideally for ease of connection between indoor and outdoor spaces, increased supervision, and reduced staffing requirements.	Facility provided entirely at ground level including both indoor and outdoor spaces, with the plan layout promoting good visibility throughout the facility.
Outdoor space to be preferably one single consolidated area, rather than two separate areas.	Single north facing open space provided.
2 x all-day designated car spaces for staff (Health and Work Safety requirement) 4 x additional car spaces for drop off during the hours of 7:30-9:30am and pick-up between 4:00pm and 6:00pm (10 minute stop limit)	6 x spaces provided in total including 2 staff spaces and 4 spaces for drop off (Refer to Section 5.8 for parking details)

## 05 Concept scheme

### 5.4 Commercial podium

The proposal features a three storey podium that establishes a defined 'base' to the building with a human scale, creating a better ground plane experience that compliments the through-site link. The buildings above are set back from the podium edge to create articulation whilst still maintaining an appropriate level of slenderness to the building fronting McLaren Street, so that it appears as an elegant form when viewed from the south along the through site link.

Commercial uses are located on the first and second floors of the building, and are accessed via the commercial lobby at ground floor or from the basement carpark level 1.

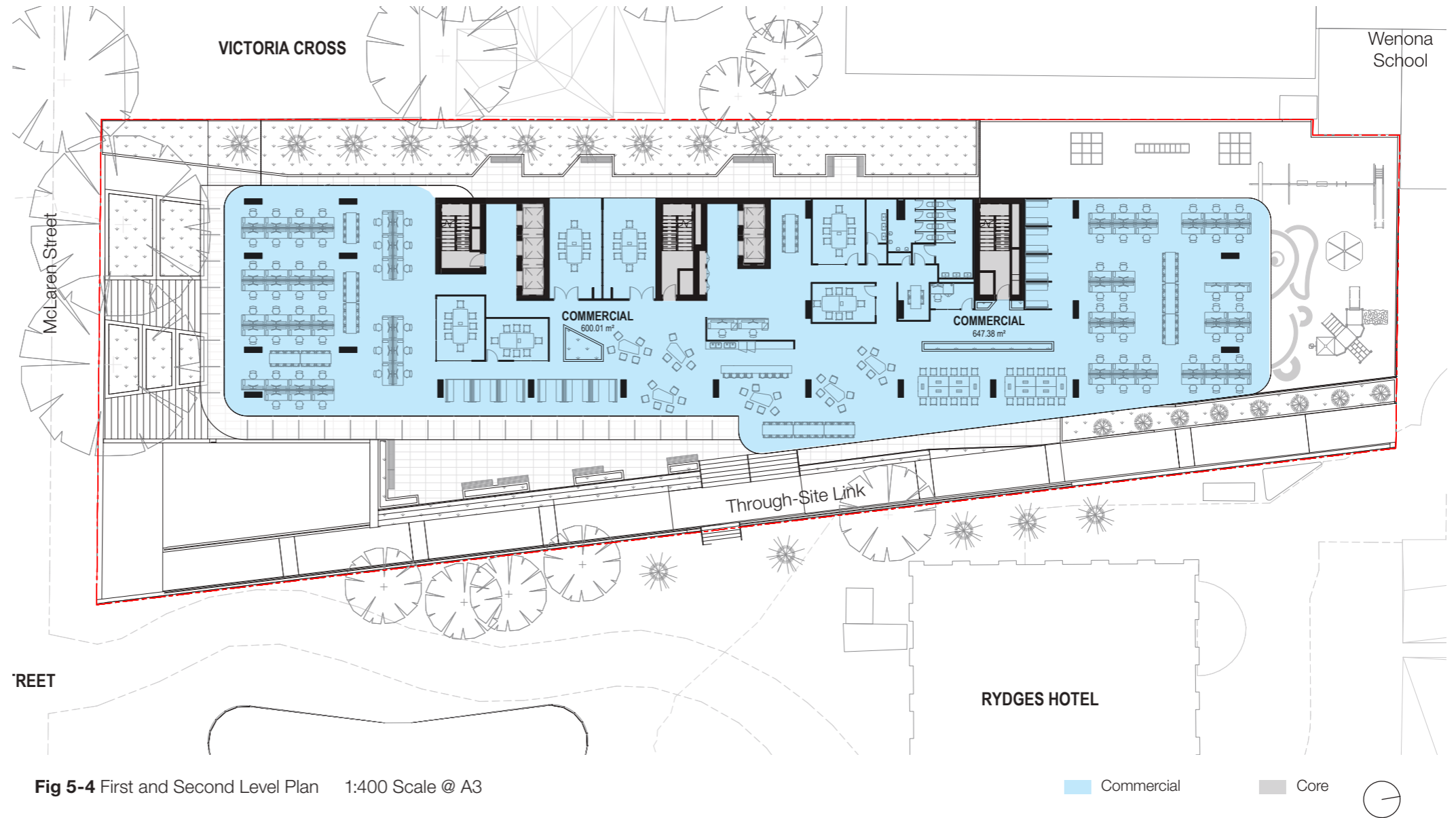


Fig 5-4 First and Second Level Plan 1:400 Scale @ A3



**5.5 Residential floorspace**

The typical residential level proposes the following building alignments and setbacks:

- 24m facade setback from 168 Walker Street development which is in line with ADG requirements, with an eastern boundary setback for 52 McLaren Street ranging from between 6m and 14.4m along its length.
- 6m setback from western boundary. Careful consideration around placement of cores, habitable rooms, windows, balconies, and screens to these façades prevents overlooking to the sensitive areas in the adjacent school, whilst ensuring dwellings receive adequate daylight and outlook.
- 9.7m setback from northern boundary to first floor podium, 12.6m setback from northern boundary to main building mass.

The Victoria Cross Station building restricts solar access to only three apartments that are directly adjacent, but these apartments still receive the required daylight hours for ADG compliance.

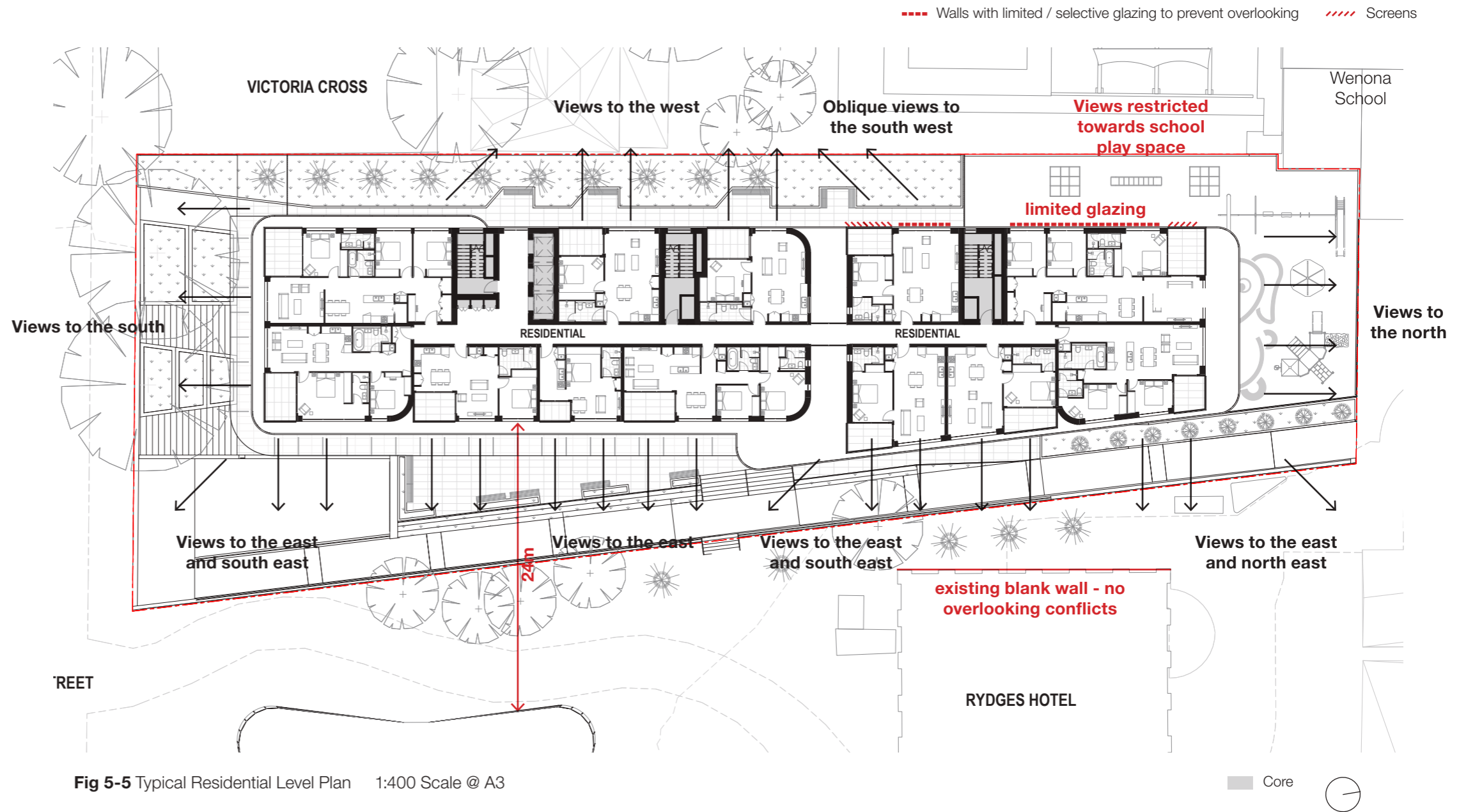


Fig 5-5 Typical Residential Level Plan 1:400 Scale @ A3

05 Concept scheme

5.6 Typical apartment layouts

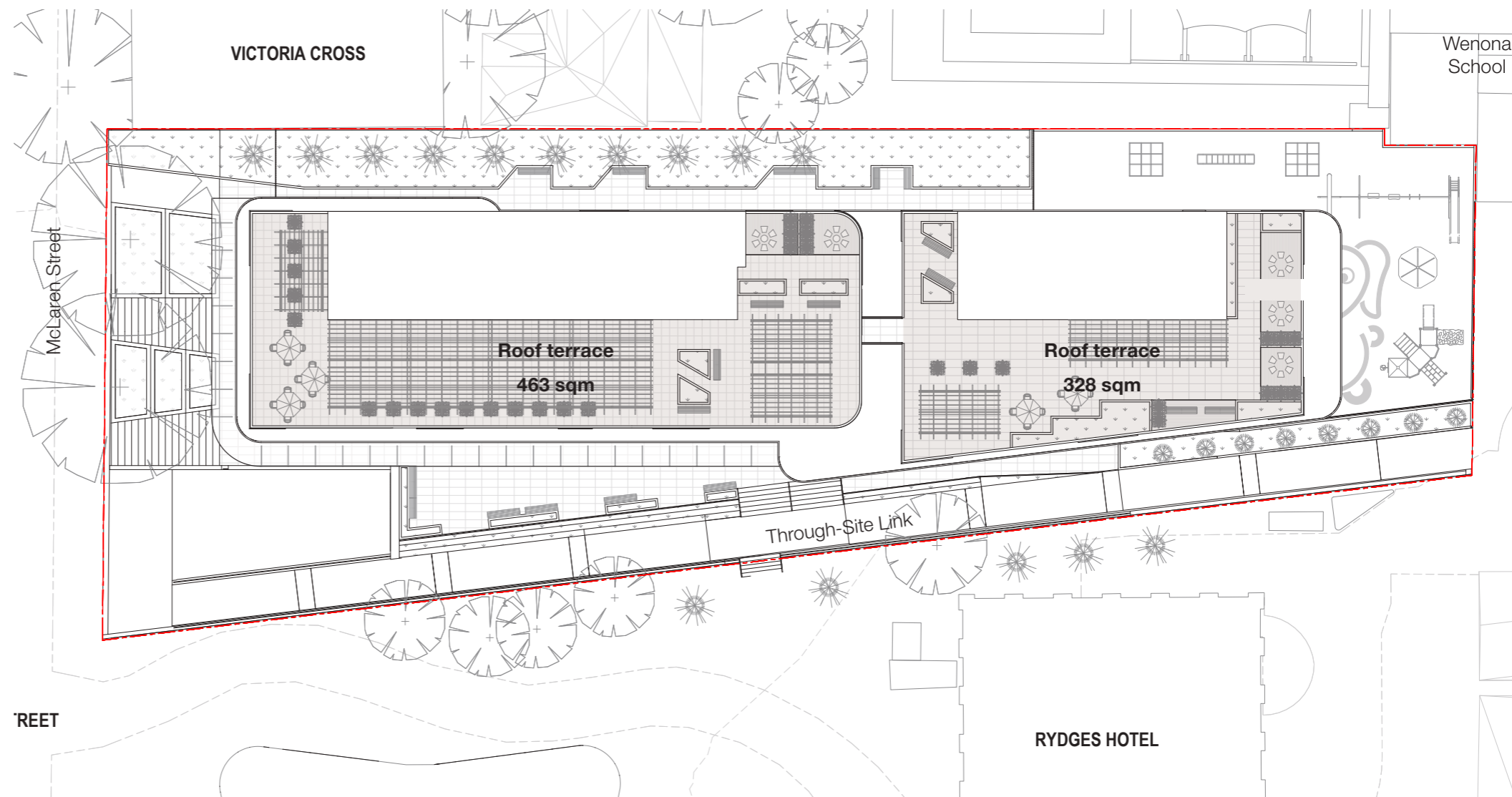


Fig 5-6 Typical Residential Level Plan 1:200 Scale @ A3

**5.7 External amenity and shared facilities**

Amenity space in the form of open balconies is provided to all apartments in accordance with the ADG requirements, generally located to maximise solar access and capitalise on view opportunities.

There are also opportunities for shared roof terraces at levels 8 and 24 depending on rooftop plant requirements. These would provide commanding views over the city, harbour and local district.



**Fig 5-7** Roof Plan showing indicative roof terraces 1:400 Scale @ A3

## 05 Concept scheme

### 5.8 Basement and parking

Three levels of basement car parking is provided, with the number and distribution of spaces as follows:

Use / Type	No.
Car share	4
Residential	70
Residential accessible	34
Childcare	5
Childcare accessible	1
Commercial/retail	6
Commercial/retail accessible	1
<b>Total</b>	<b>121</b>
Motorcycle	12
Car wash	1

The parking is generally arranged with the childcare, commercial, and car share spaces located at B1 level, with the lower levels B2 and B3 for residential parking. Accessible spaces are located adjacent to the circulation cores.

Bicycle and general storage, as well as end of trip facilities is provided in line with ADG requirements.

A loading bay is provided centrally for refuse collection from a centralised waste storage area.

The vehicular entry has been located to the west of the current driveway, so as to allow sufficient space for the new through-site link, yet not being too close to existing tree root zones.

Refer to the separate Traffic and Parking Impact Assessment by GHD for more information.



Fig 5-8 Basement levels carparking distribution

- Residential
- Commercial
- Childcare
- Car Share

**5.9 Area and accommodation schedule**

Site area = 3,197 sqm

**52 McLaren Street Area Schedule (GFA)  
Jul-22**

Level	South Building - Total Area (m <sup>2</sup> )			North Building - Total Area (m <sup>2</sup> )				
	Residential	Commercial	Retail	Residential	Commercial	Retail	Childcare (Int)	Childcare (Ext)
Basement -4								
Basement -3								
Basement -2								
Basement -1								
Ground	56	62	427				460	450
Level 1		607			649			
Level 2		607			649			
Level 3	546			396				
Level 4	546			396				
Level 5	546			396				
Level 6	546			396				
Level 7	546			396				
Level 8	546							
Level 9	545							
Level 10	545							
Level 11	545							
Level 12	545							
Level 13	545							
Level 14	545							
Level 15	545							
Level 16	545							
Level 17	545							
Level 18	545							
Level 19	545							
Level 20	545							
Level 21	545							
Level 22	545							
Level 23	545							
Level 24								

South Building - Total Area (m <sup>2</sup> )		
Residential	Commercial	Retail
11507	1275	427

North Building - Total Area (m <sup>2</sup> )				
Residential	Commercial	Retail	Childcare (Int)	Childcare (Ext)
1979	1298	0	460	450

Overall - Total Area (m <sup>2</sup> )				
Residential	Commercial	Retail	Childcare (Int)	Childcare (Ext)
13487	2573	427	460	450

Total Non-Residential GFA		3460
Total GFA		16947

**52 McLaren Street Accommodation Schedule  
Jul-22**

Level	South Building				North Building			
	Studio	1 Bedroom	2 Bedroom	3 Bedroom	Studio	1 Bedroom	2 Bedroom	3 Bedroom
Basement -4								
Basement -3								
Basement -2								
Basement -1								
Ground								
Level 1								
Level 2								
Level 3	1	3	2	1	3	1	1	
Level 4	1	3	2	1	3	1	1	
Level 5	1	3	2	1	3	1	1	
Level 6	1	3	2	1	3	1	1	
Level 7	1	3	2	1	3	1	1	
Level 8	1	3	2	1				
Level 9	1	2	3	1				
Level 10	1	2	3	1				
Level 11	1	2	3	1				
Level 12	1	2	3	1				
Level 13	1	2	3	1				
Level 14	1	2	3	1				
Level 15	1	2	3	1				
Level 16	1	2	3	1				
Level 17	1	2	3	1				
Level 18	1	2	3	1				
Level 19	1	2	3	1				
Level 20	1	2	3	1				
Level 21	1	2	3	1				
Level 22	1	2	3	1				
Level 23	1	2	3	1				
Level 24								

South Building - Total Unit Numbers			
Studio	1 Bedroom	2 Bedroom	3 Bedroom
21	48	57	21
14%	33%	39%	14%
Total			147

North Building - Total Unit Numbers			
Studio	1 Bedroom	2 Bedroom	3 Bedroom
0	15	5	5
0%	60%	20%	20%
Total			25

Overall - Total Unit Numbers			
Studio	1 Bedroom	2 Bedroom	3 Bedroom
21	63	62	26
12%	37%	36%	15%
Total			172



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Landscape design

06

## 06 Landscape design

### 6.1 Strategic context overview

The landscape concept design for 52 McLaren Street has been informed by the following key North Sydney planning and strategy documents:

- North Sydney Public Domain Style Manual 2019
- Ward Street Precinct Master Plan 2019
- North Sydney Public Domain Strategy 2020
- North Sydney Civic Precinct Planning Study, 2020.

The documents provide an overarching framework to deliver a public domain that addresses and complements, the new public transport infrastructure and commercial developments, caters for the expected growth and by facilitating a spatially integrated North Sydney CBD. The key objectives, principles and design themes of these various documents that have informed the landscape plan include:

- improve legibility and identity and facilitate movement across the CBD
- connect all public open spaces into an integrated public domain network
- integrate the pedestrian and cycle network with the future Victoria Cross Station
- maximise the use and amenity of the inner block areas by creating new plazas, laneways and open spaces
- maximise the opportunities for the public realm to act as a hub of public life
- adopt planting strategies that include retaining existing trees to create a green and leafy public space
- ensure landscape design is sustainable and contributes to environmental outcomes
- reduce vehicular traffic where possible to create more pedestrian focused active streets.

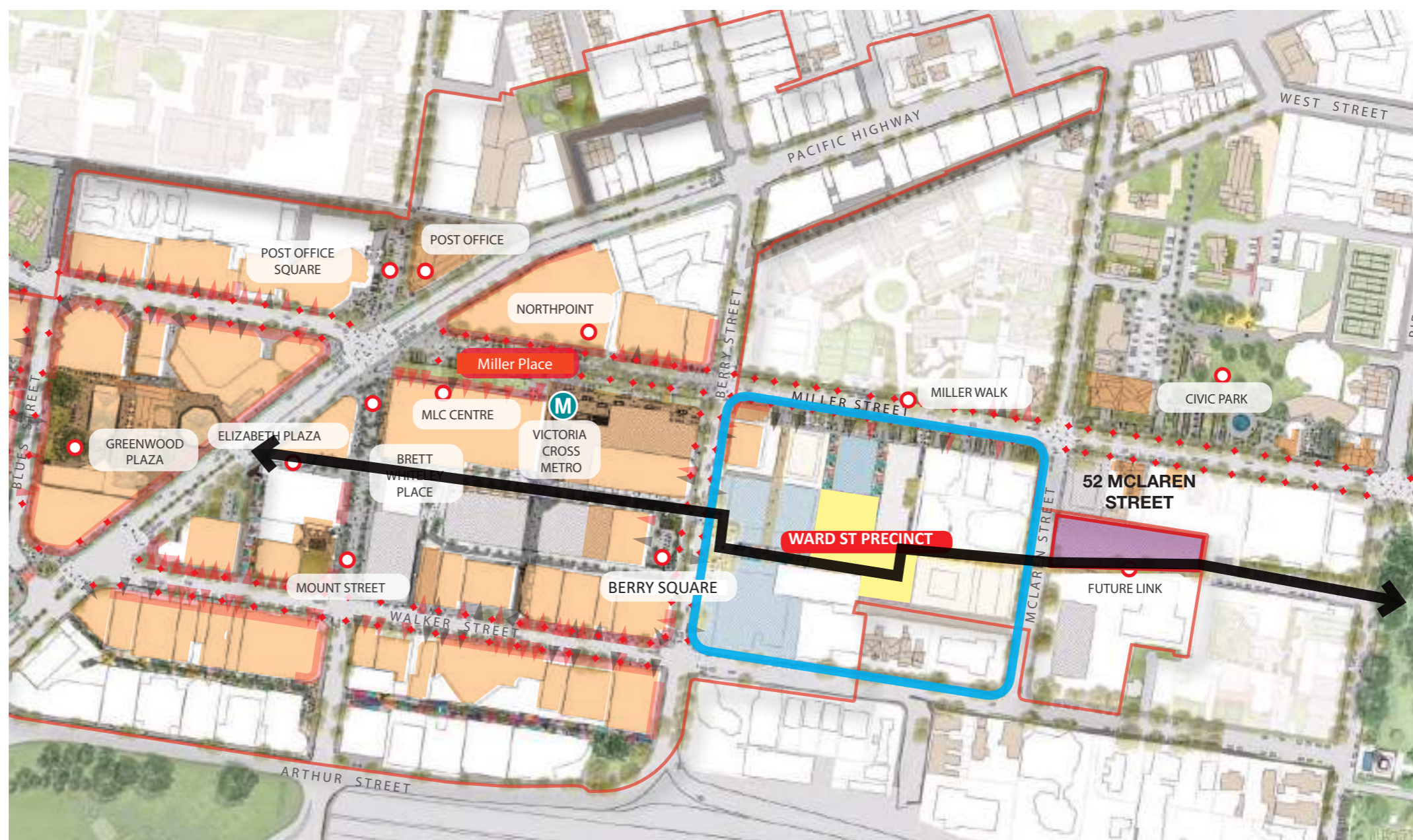


Fig 6-1 Ward Street Precinct Master Plan 2019



### 6.2 Green connections

The proposed development at 52 McLaren Street provides the opportunity to increase green open space within the North Sydney CBD. This opportunity is further enhanced through a network of parks and reserves surrounding the development.

St Leonards Park to the north is the largest parcel of green open space within the North Sydney LGA. This park houses the North Sydney Oval, The Greens, community facilities, playing fields, courts, a playground and a war memorial. St Leonards Park will connect with 52 McLaren Street via Elliot Street and a potential future connection off Walker Street.

Forsyth Park to the east is connected via a pedestrian bridge over the M1 Motorway and caters for both pedestrian and cyclists through a series of shared cycleways, ramps and stairs. This equitable access is continued through 52 McLaren Street, providing continuity in the green open space network.

The green connections will filter through 52 McLaren Street and will provide the following benefits:

- increase canopy cover through pedestrian and cycle links
- further enhance the existing green infrastructure throughout the surrounding road network
- increase permeability through deep soil planting
- improve the liveability of the area through shade provision, improved biodiversity and air quality.



Fig 6-2 Green Connections

## 06 Landscape design

### 6.3 Public domain opportunities

A key initiative of the Public Domain Strategy is the linking of existing and future planned pedestrian laneways in the CBD to create a safe and activated pedestrian environment.

#### Link to St Leonards Park

The laneway network will connect the CBD from south to north, from North Sydney train station all the way to St Leonards Park, linking some of the major urban spaces and plazas, such as Brett Whiteley Place, Greenwood Plaza or the proposed Civic Square.

The CBD vision for the laneway link from North Sydney Train Station to St Leonards Park requires a connection between McLaren Street and Ridge Street that ends at the entry to the park. This provides an opportunity to design a more generous and safer green laneway link along the eastern boundary of 52 McLaren Street, up into Elliot Street that will facilitate the following:

- reinforce connections to Ward St plaza, Victoria Cross, and to North Sydney Oval
- greater opportunities for public realm activation
- Increased landscaping, planting and open space
- opportunities for water sensitive urban design initiatives
- retention and extension of the tree canopy
- provision of consistent paving and materiality that creates a continuous and unified street network.

Images sourced from the North Sydney Public Domain Strategy, 2020

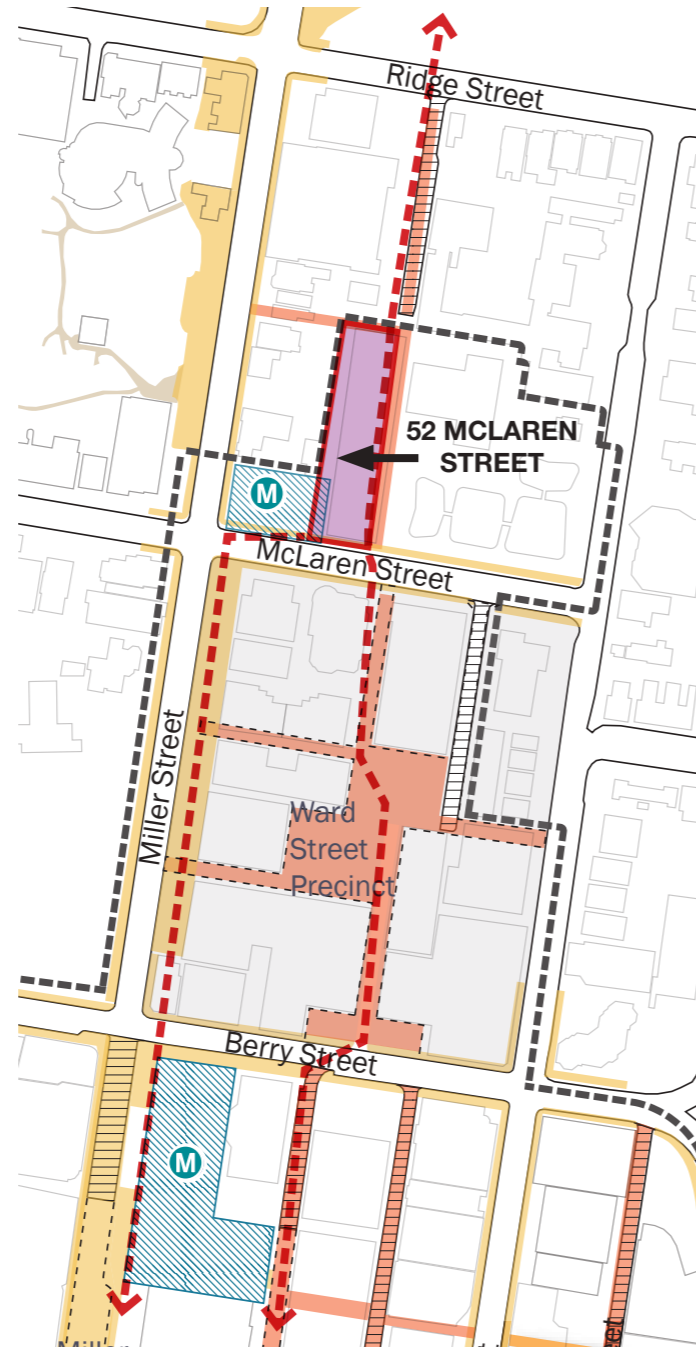


Fig 6-3 Continuous and unified street network

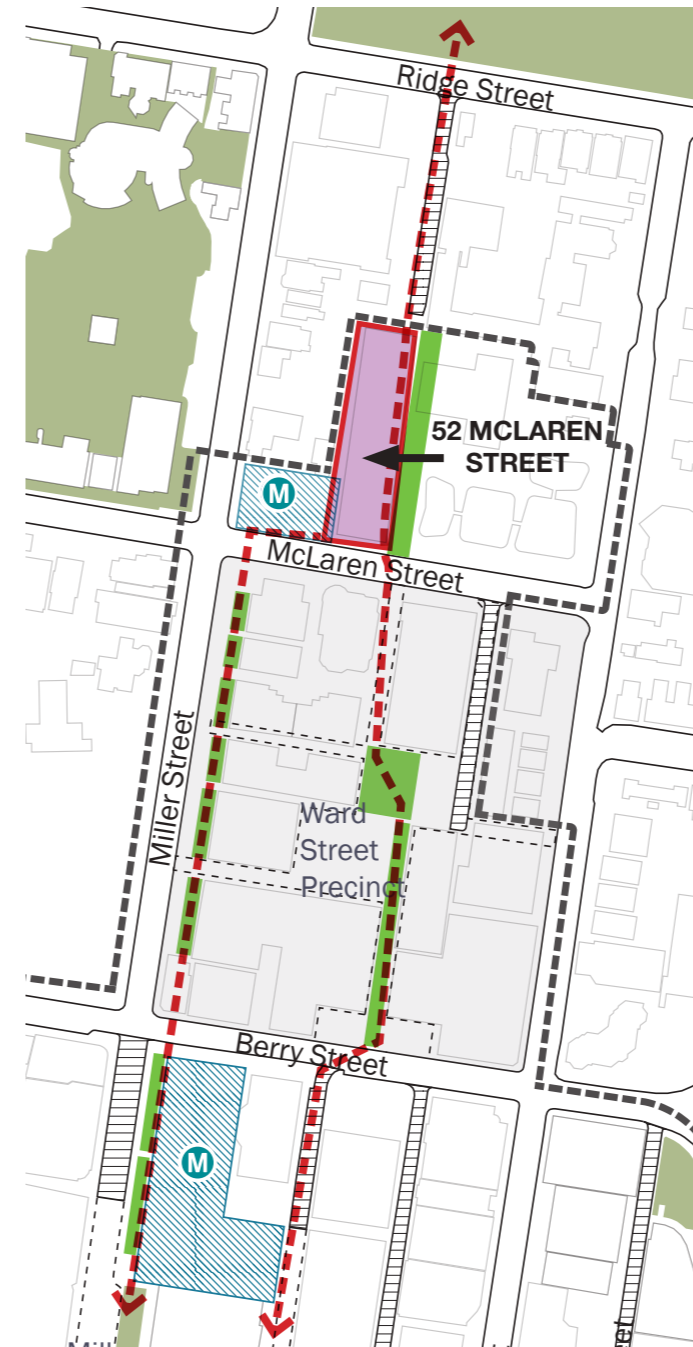


Fig 6-4 Increased planting and landscaping

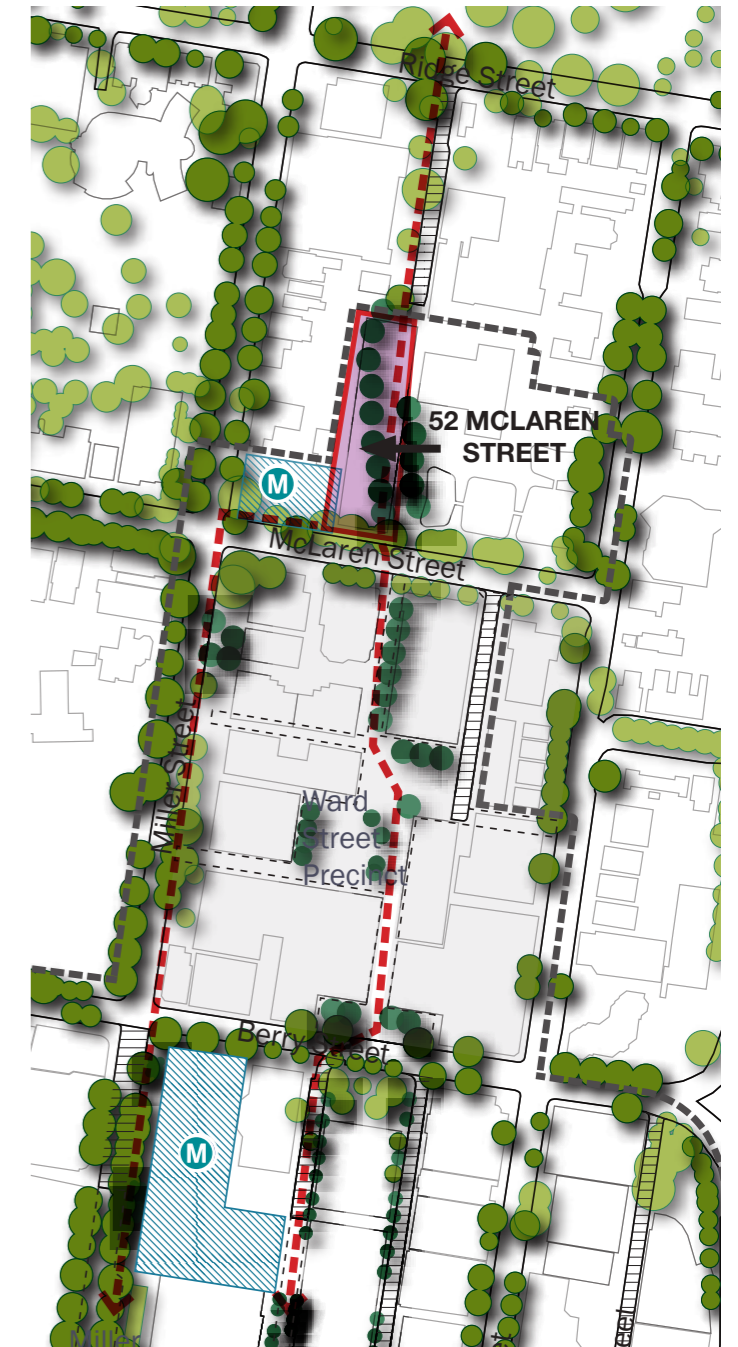


Fig 6-5 Retention and expansion of tree canopy

### 6.4 Public domain design principles

The proposed landscape design for 52 McLaren Street articulates a public realm framework that leverages its proximity to North Sydney's CBD, Civic Spine, Victoria Cross Station and the implementation of a through-site link, all the while providing public and community benefit. The public domain framework is guided by four main principles.

- ① **Strong and clear connections**, ensuring the site has a safe, well connected and legible public realm
- ② **Amenity and inclusion**, ensuring all user groups are respected with both residents and the public benefiting from the proposal, through the creation of a better public domain experience by creating a levelled ground plane
- ③ **Responsive and sustainable landscape**, ensuring the landscape design is sustainable and contributes to environmental outcomes
- ④ **Activation**, ensuring the public realm and building edge provide opportunities for meeting, socialising and dwelling

52 McLaren Street has a variety of on-site and off-site conditions and the principles will guide the landscape plan response to the site and location, providing the foundation for its character and spatial definition.

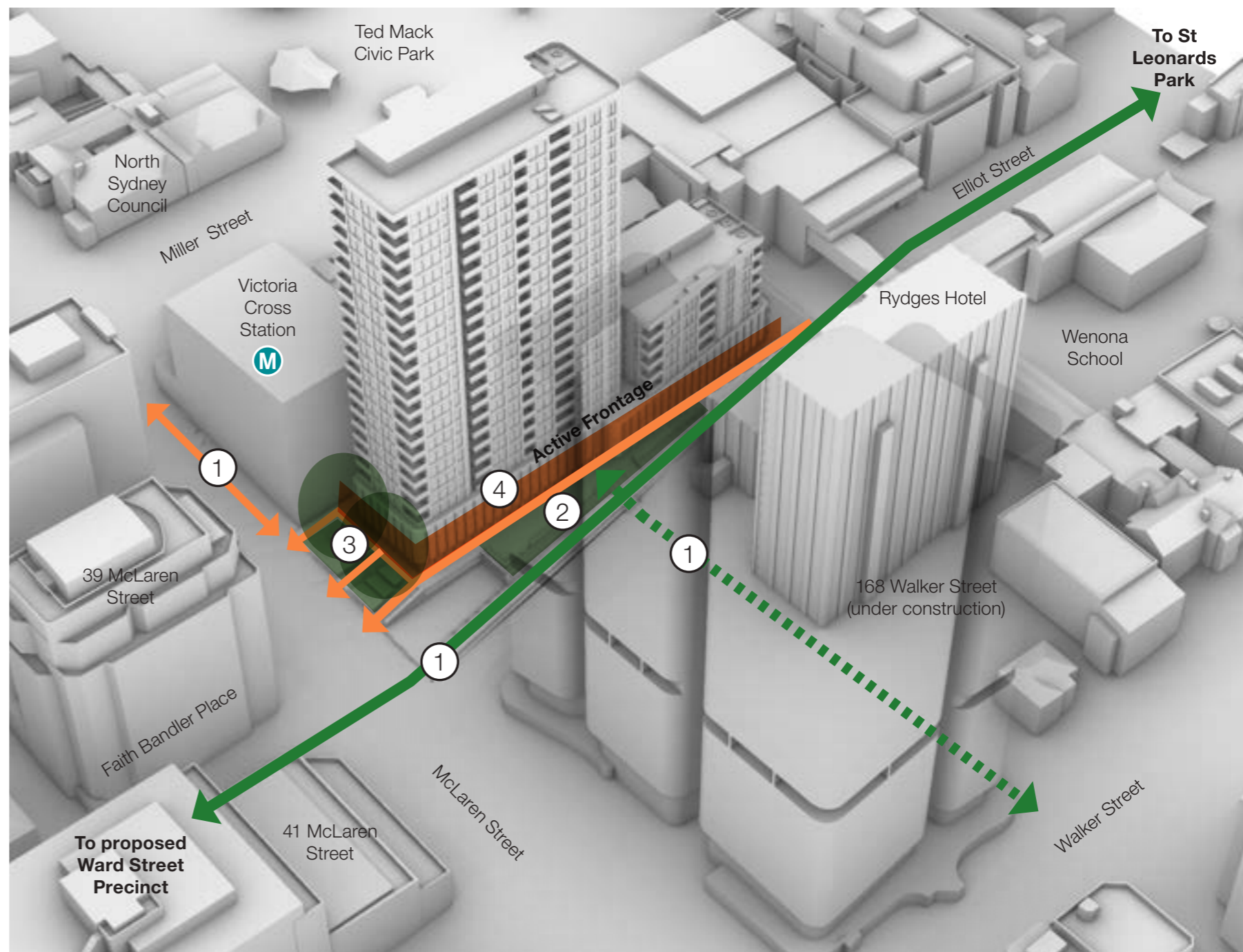


Fig 6-6 Public Domain Design Principles

## 06 Landscape design

### 6.5 Landscape character zones

The design principles have been used to inform the character and spatial arrangement of the landscape plan. The site is planned to maximise the public realm area surrounding the building and consists of the following key landscape zones:

- Public realm and a DDA compliant through site link along the eastern edge of the site connecting McLaren Street and Elliot Street, with a potential link to Walker Street.
- A staircase entrance with extensive landscaping at the McLaren Street end of the site.
- A building ground floor and public realm interface at a consistently flat grade, facilitating activation and DDA compliant access to the development from those travelling to/from the Victoria Cross Station.
- Private garden for resident use along the western edge of the site.
- Retention of existing significant trees to maintain canopy cover.
- An outdoor play space for the childcare facility at the northern end of the site.
- A car park entrance located on the eastern end of the 52 McLaren Street site boundary, responding to topography.

#### Landscape character zones

- 1 McLaren Street entry, landscaping and retained trees
- 2 Pedestrianised through site link
- 3 Ground plane / building interface activation
- 4 Private resident's garden
- 5 Car park entrance
- 6 Childcare outdoor play space
- 7 Adjacent Site (\*\* Note existing green and landscaping on the adjacent site not subject to this proposal)

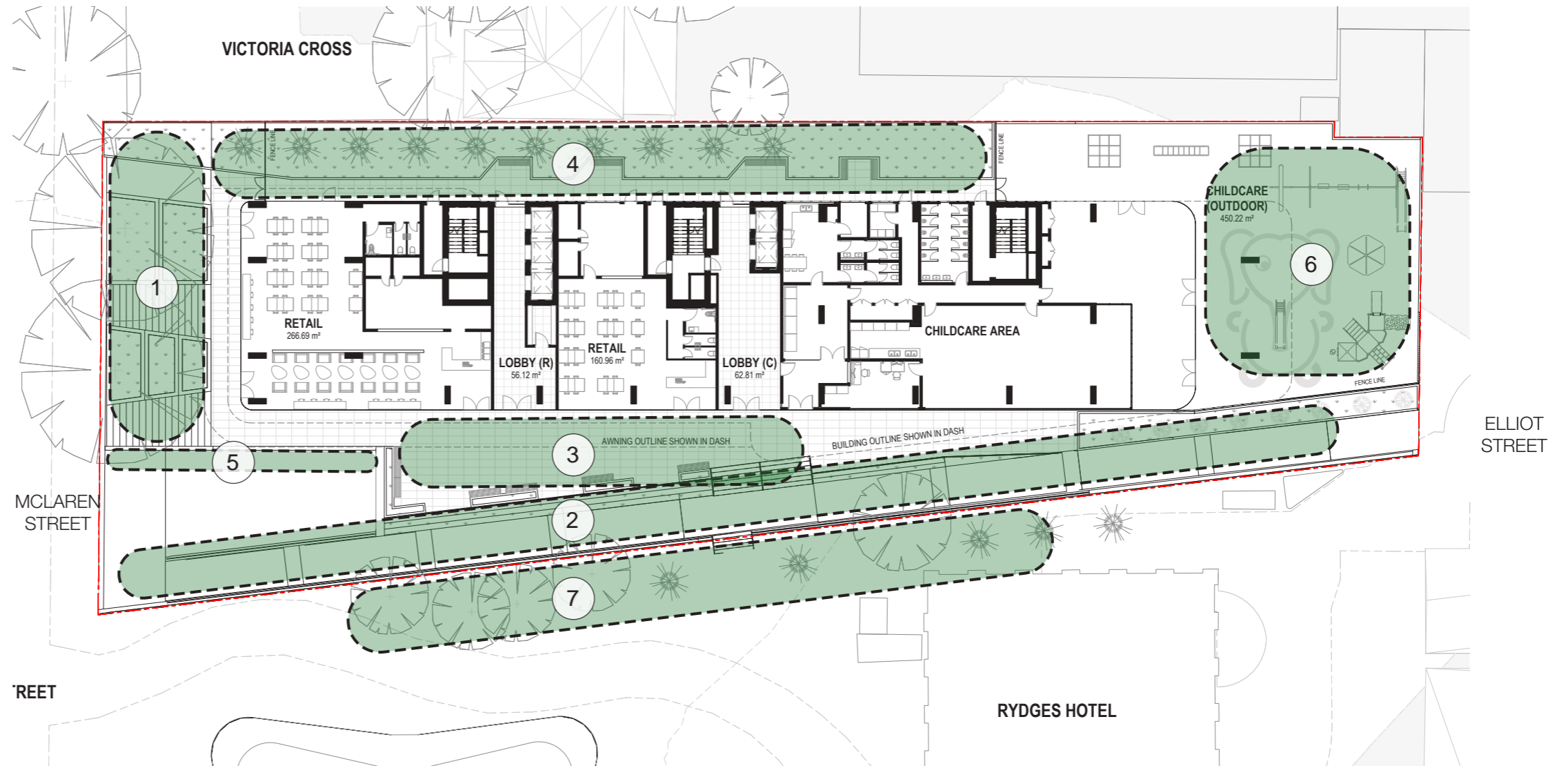
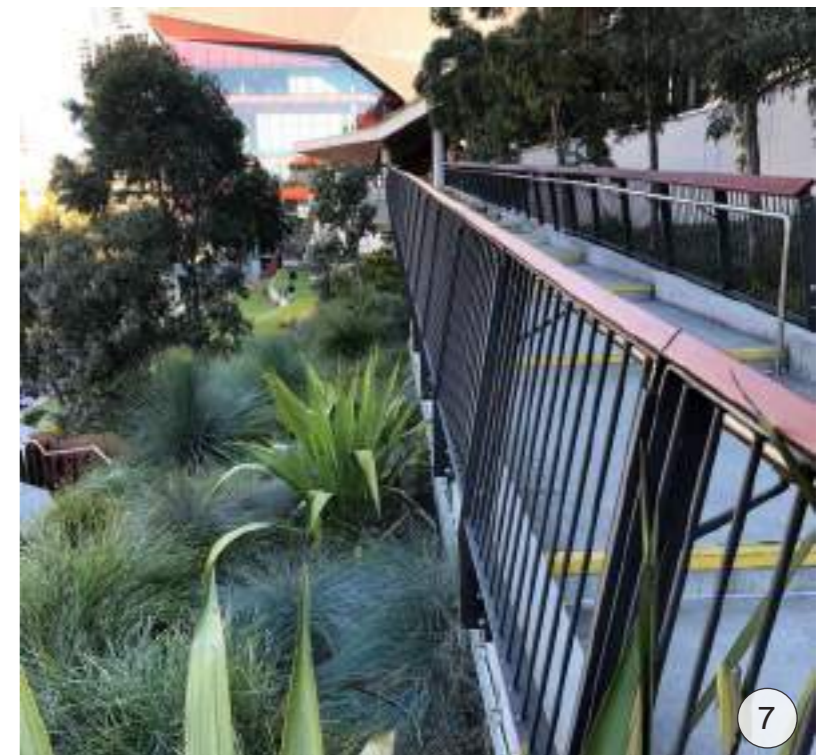
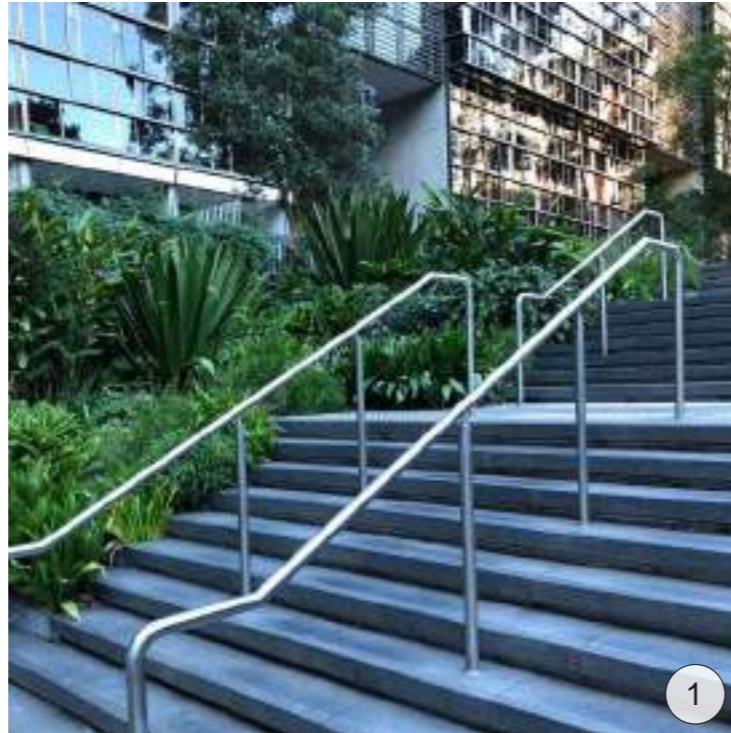


Fig 6-7 Landscape character zones 1:400 Scale @ A3

**6.6 Landscape character zone precedents**

The landscape zones within and surrounding the development will showcase a variety of planting typologies, tree arrangements, materiality and urban form. These combined elements are an extension to the building, folding into the public realm and blending seamlessly with the surrounding built environment.

The landscape zones will be anchored through a layered planting palette, providing a softness often missing from our urban centres. The retention of existing trees and provision of new tree planting will further enhance the landscape zones, creating movement and rhythm that carries the user from one node to the next.



## 06 Landscape design

### 6.7 Landscape concept plan

- 1 **McLaren Street entry**  
Steps lined with planting beds with retained trees lead up to the plaza from McLaren Street
- 2 **Pedestrianised through site link**  
DDA compliant ramp linking Elliot Street to McLaren Street
- 3 **Ground plane / Building interface**  
A combination of movement and gathering spaces adjacent to the active uses along the building frontages
- 4 **Childrens Play Space**  
North-facing, outdoor area with rubber play surfaces adjacent to existing school uses
- 5 **Carpark entry**  
Climbing plants lining the walls of the entry to soften transition from outside to the underground
- 6 **Adjacent site**  
Future potential as a pedestrian link and a continuation of planting (\*\*Note that the landscaping is documented as existing and this proposal does not propose any additional landscaping to the adjoining property)

- Softscaping
- Hardscaping
- Off-site footpaths
- Roads / Driveways
- Childcare Playspace
- Pedestrian Routes
- Fire Escape

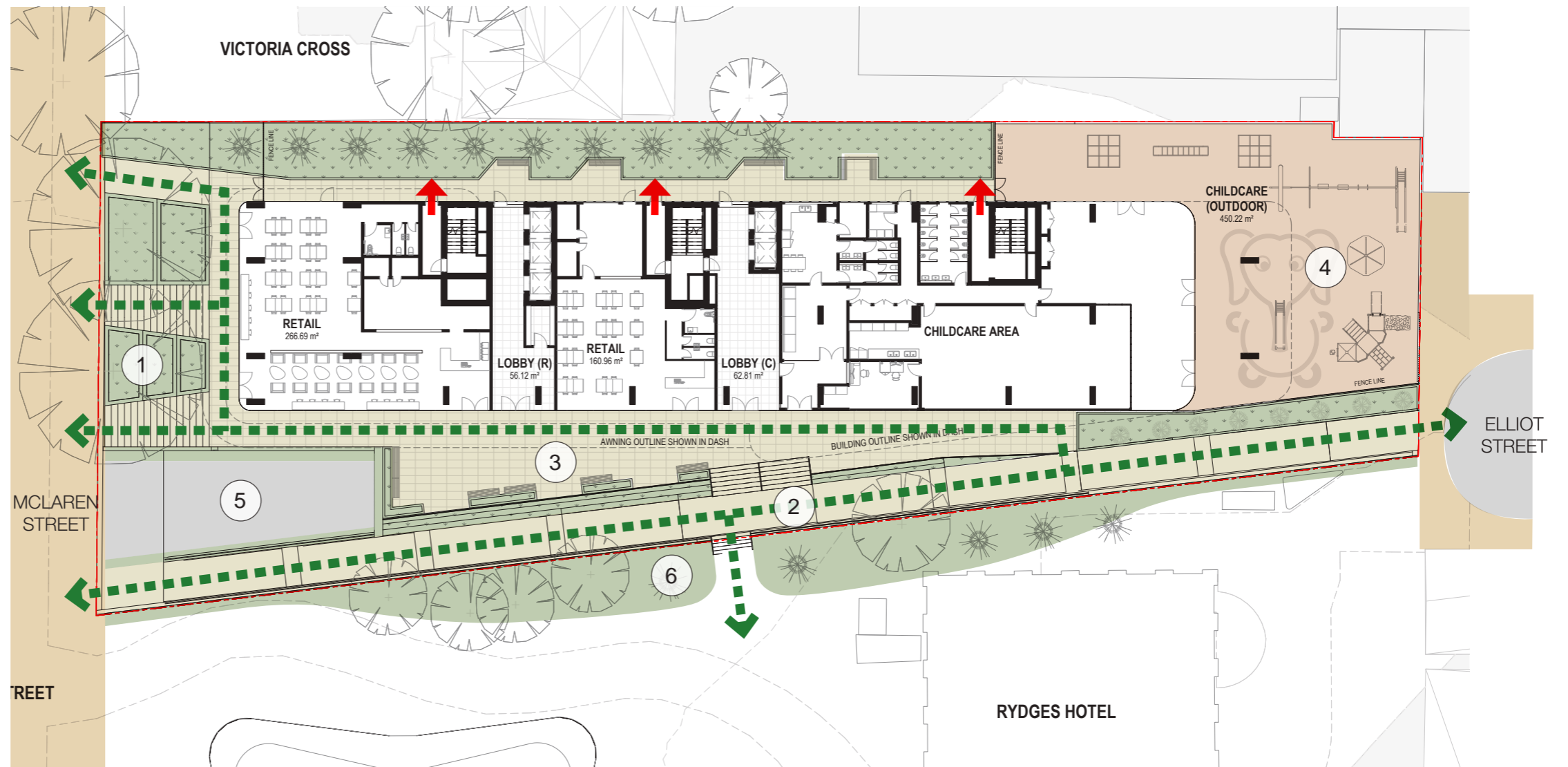


Fig 6-8 Landscape concept plan 1:400 Scale @ A3

### 6.8 Landscape concept design

The landscape concept for 52 McLaren Street has been developed in accordance with the North Sydney Public Domain Strategy and the North Sydney Public Domain Style Manual and Design Codes. The design has a strong focus on greening the public realm. This is achieved through the retention of large mature fig trees at the McLaren Street entry, high quality podium landscaping around the car park entry and active frontages, as well as the inclusion of deep soil zones along both the southern and western edges of the site. The deep soil zone along the western edge of the site also provides an opportunity for new trees which can help screen the development to the existing adjacent properties to the west.

Despite opportunities for deep soil zones being limited due to the highly constrained nature of the site, the proposal still achieves a substantial amount of deep soil area, with the total area of deep soil area provided being 450sqm, which represents 14% of the site area.

The existing fig trees at the McLaren Street entry are a key feature of the design. These significant trees will require careful consideration by a qualified arborist at the early design stages. This will help inform the design and ensure the optimal environment for their long term survival is achieved.

Podium landscaping will wrap around the development and provide a curtain to the car park entry. The design aims to maximise planting in all public domain areas, blurring the boundaries between nature and built form. This synergy will provide a dramatic backdrop to what will be an active and vibrant new precinct.










Fig 6-9 Through site link illustration (concept only - not to scale)

## 06 Landscape design

### 6.9 Landscape planting

The planting strategy focuses on maximising green outlook and defining spaces within the framework of built form, through-site link and entrance plazas. Greening and softening initiatives for the urban environment include:

- Climbing plants lining the walls and edges of the car park entrance, softening the transition from outside into the underground car park
- Retained existing trees to maintain canopy cover along McLaren Street
- Deep soil zone supporting retained and new trees
- Cascading under-storey planting along the McLaren Street frontage
- Diverse plant species along the through-site link and gathering areas to reduce heat island effect and create a more user friendly green space
- Terraced planters with small trees to soften car park edge along the through-site link
- Cascading planted area along the western edge of the through-site link
- A verdant, quiet garden environment for resident use along the western boundary
- Dynamic and interesting play surfaces to the childcare open space
- Potential for blank walls at the northern end of the site to be re-purposed as green walls.

-  Retained trees
-  Potential trees
-  Diverse understorey
-  Low understorey
-  Climbing plants
-  450sqm (14%) Deep Soil Zone
-  Potential off-site deep soil zone

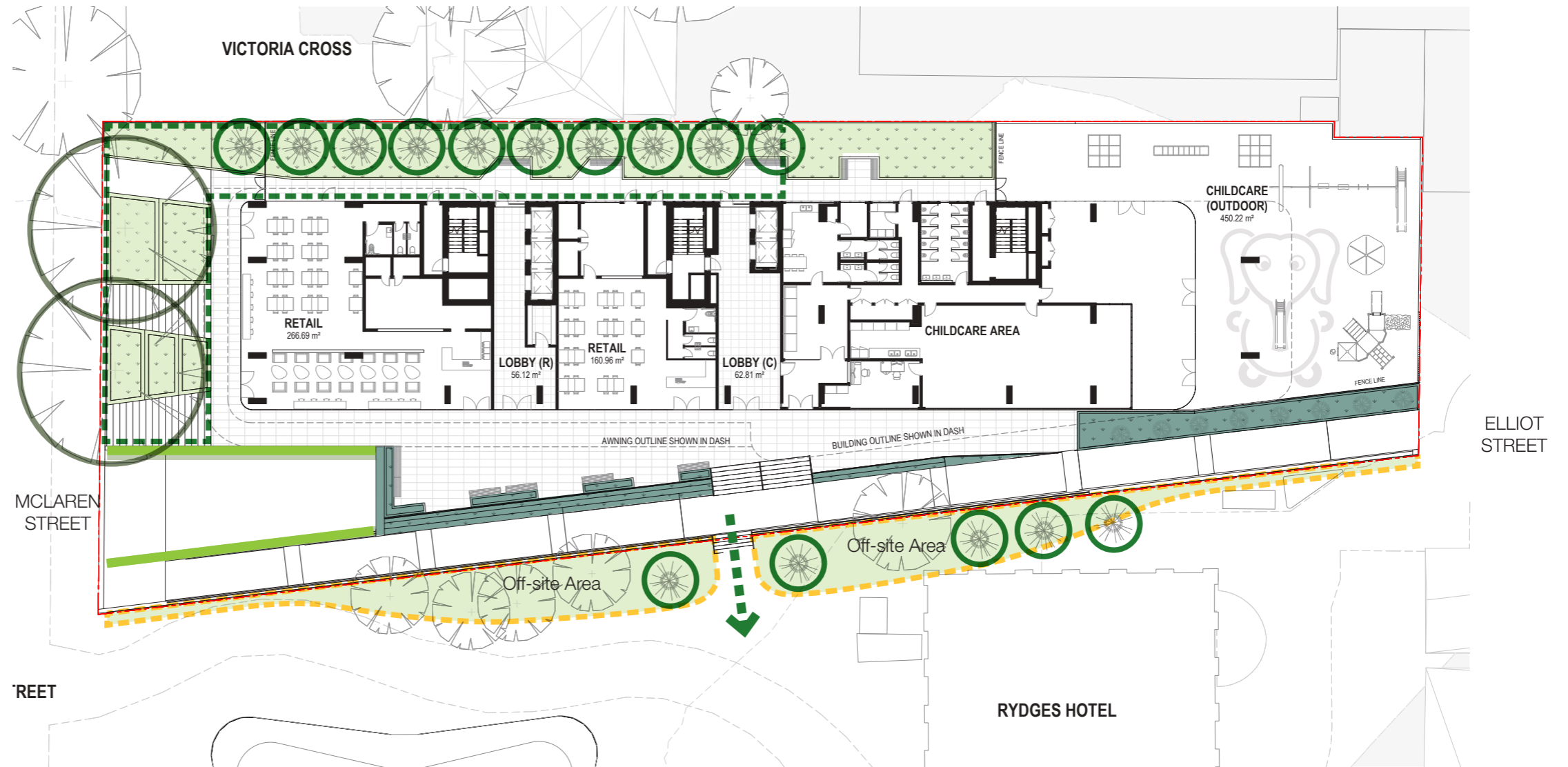


Fig 6-10 Landscape planting plan 1:400 Scale @ A3



**6.10 Landscape character planting**

Planting will be a key element within each landscape zone, providing vegetated layers to the horizontal and vertical planes. Through a careful selection of native and exotic planting species, the landscape will provide visual interest through seasonal colour and variation in texture and form.

The layering of vegetation will help define each zone within the development and provide a human scale to the public domain.



## 06 Landscape design

### 6.11 Landscape materiality

The landscape strategy adopts a variety of surface finishes and paving choices to define and differentiate the various zones of movement, gathering and private spaces across the site. The landscape strategy focuses on creating a public realm which is accessible to all with:

- paved public domain, sitting steps and furniture along McLaren Street
- installation of a DDA approved ramp for the through-site link to allow for easy access for all users
- paved public domain wrapping around the eastern edge of the building connecting McLaren Street and Elliot Street
- a range of street furniture including seating to create spaces of gathering in the northern entry plaza and adjacent to the through site link.

The through site link will consist of a DDA approved ramp extending from north to south across the site, linking Elliot Street at the north, to McLaren Street to the south.

The link and the public domain wrapping around the building and gathering spaces will be paved and furnished in accordance with North Sydney Council style manual, 2019.

- Paving Type 1 - Through site movement zones
- Paving Type 2 - Plaza / steps / gathering zones
- Rubber Surfaces to play areas
- Concrete Surfaces - Car park access
- Softscaping
- Seating

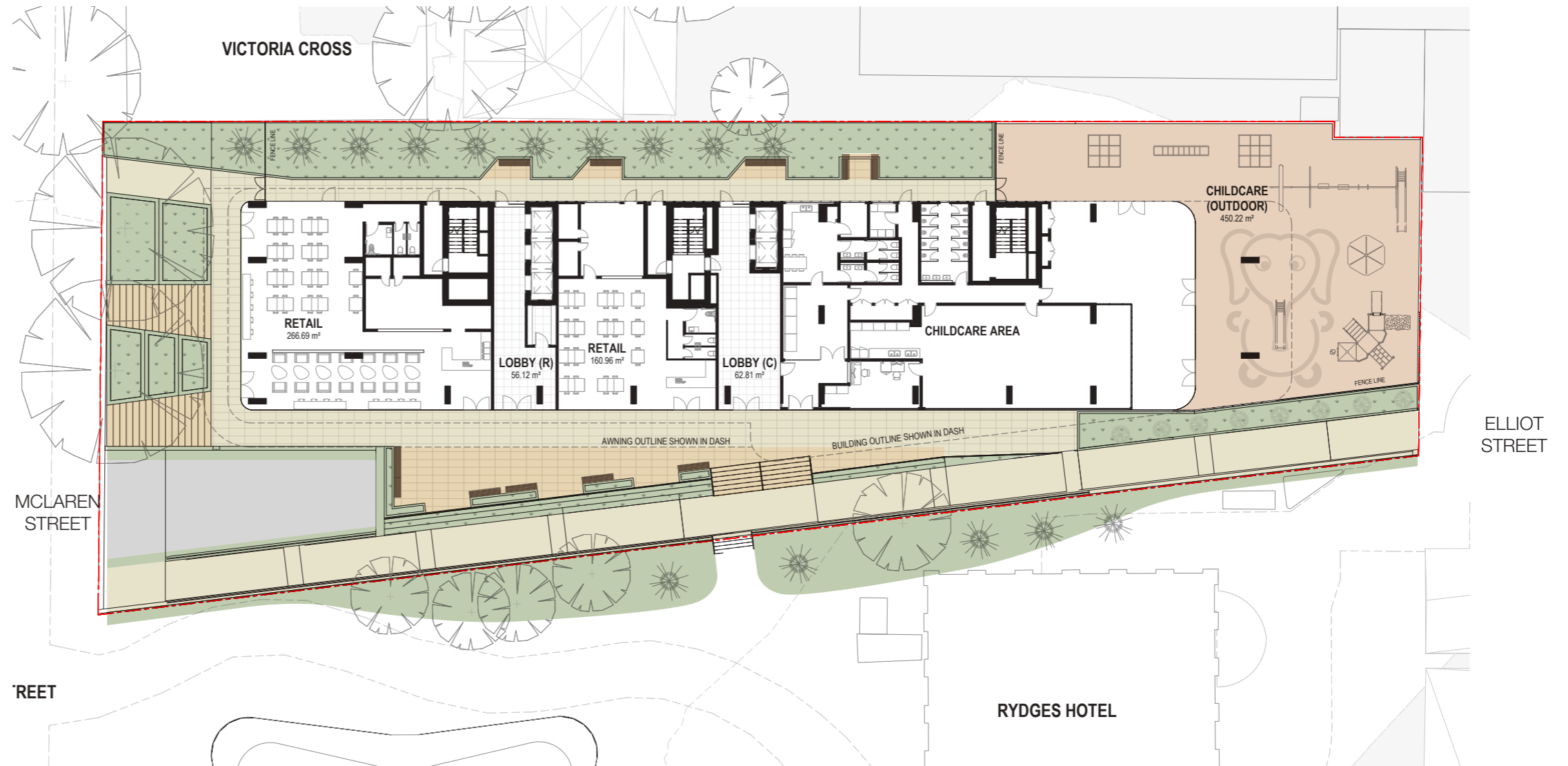


Fig 6-11 Landscape materiality plan 1:400 Scale @ A3

### 6.12 Landscape character materiality

The urban form and materiality for North Sydney is well documented in the public domain style guide and has been applied throughout the local government area. The development at 52 McLaren Street will utilise these high quality materials in such a way as to maximise their durability and aesthetic value.

The landscape will be balanced in texture, form and colour, working harmoniously with the building and surrounding environment. Utilising stone, concrete, timber, steel and soft landscaping throughout, the materials will work together to provide an inviting and comfortable space for people to use and move through on a daily basis.





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**Key views, solar analysis  
and ADG compliance**

07

## 07 Key views, solar analysis and ADG compliance

### 7.1 Key views

The selected street views demonstrate the 'look and feel' of the building and public realm interface demonstrating connectivity, visibility, activation and safety.

The open public space is contiguous on two sides of the building ground floor, wrapping down from Elliot Street along the eastern edge of the site extending through to McLaren Street.

The through site link is activated with retail uses and entrance lobbies to the commercial and residential tenancies above, with the childcare centre located at the northern end of the ground floor, and it's open space directly adjacent to the existing school uses to the north and north west.

The lower three floors of the building project to define the podium base and create a human scale to the building at ground level. The structural columns sit behind the glass ensuring visual openness with no obstructions at ground level, whilst a cantilevered canopy runs around the base of the podium to offer rain protection for building users.

The 24 storey mass of the building drops to 8 storeys at the northern end, reducing in height to respond to the lower density development to the north, creating two distinct building identities, and preventing a monolithic appearance and mass.

#### Visual impact

The planning proposal is supported by a Visual Impact Assessment. The conclusions of this report are summarised below.

When considering the factors of sensitivity and magnitude, the proposal gives rise to moderate visual impact. However, these impacts are considered acceptable as the proposal:

- aligns with the strategic vision envisaged by Council in their Civic Precinct Planning Study
- results in an urban form outcome consistent with the planning intent for the Civic Precinct, in particular through contributing to the transition zone between the North Sydney CBD and the Civic Precinct
- does not block, occlude or otherwise adversely impact significant views obtained from the public domain to elements identified as being of high scenic value such as Sydney Harbour or the Sydney CBD skyline.

*Please refer to the full Visual Impact Assessment for more information.*



**Fig 7-1** McLaren Street address and through site link (concept design only)



**Fig 7-2** The proposal viewed from Ted Mack Civic Park (concept design only)



**Fig 7-3** Aerial view of the proposal from the north (concept design only)

## 07 Key views, solar analysis and ADG compliance

### 7.2 View analysis - 39 McLaren Street

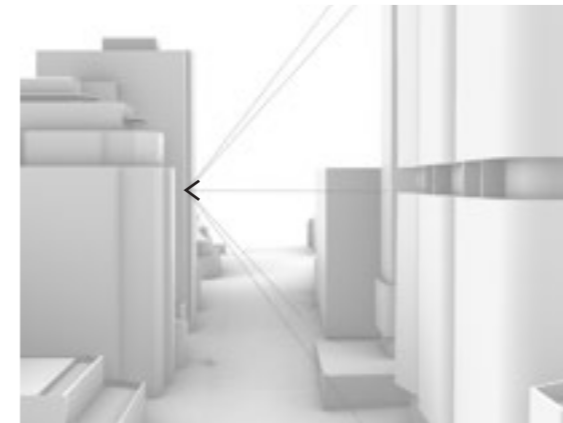
The following views demonstrate the visual impact of the proposed envelope when viewed at various heights from the existing apartment building at 39 McLaren Street, compared with the impact of an LEP compliant envelope, and the Uniting Aged Care Development Application envelope.

Whilst the proposed envelope is taller than both the LEP compliant envelope and the Uniting Aged Care Development Application envelope it is a more slender form and permits views through the gap between the proposed envelope and the 168 Walker Street envelope along the through site link, whereas the LEP compliant envelope and the Uniting Aged Care Development Application envelope do not.

#### Camera position



View 1 camera position at first floor (RL 82.00)

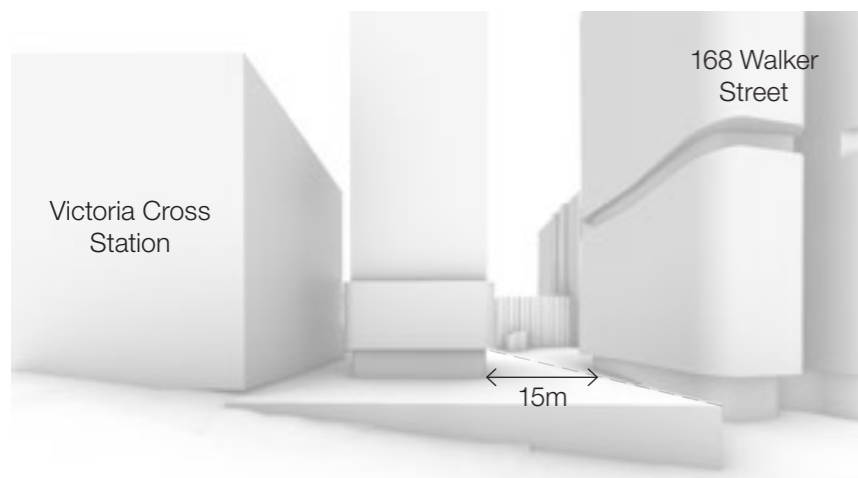


View 2 camera position at seventh floor (RL 102.00)

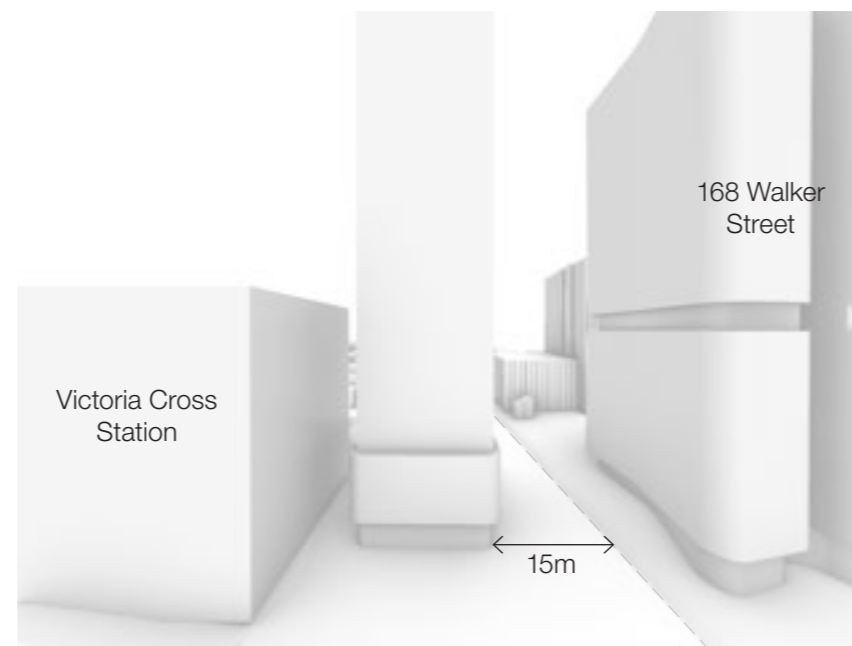


View 3 camera position at twelfth floor (RL 115.00)

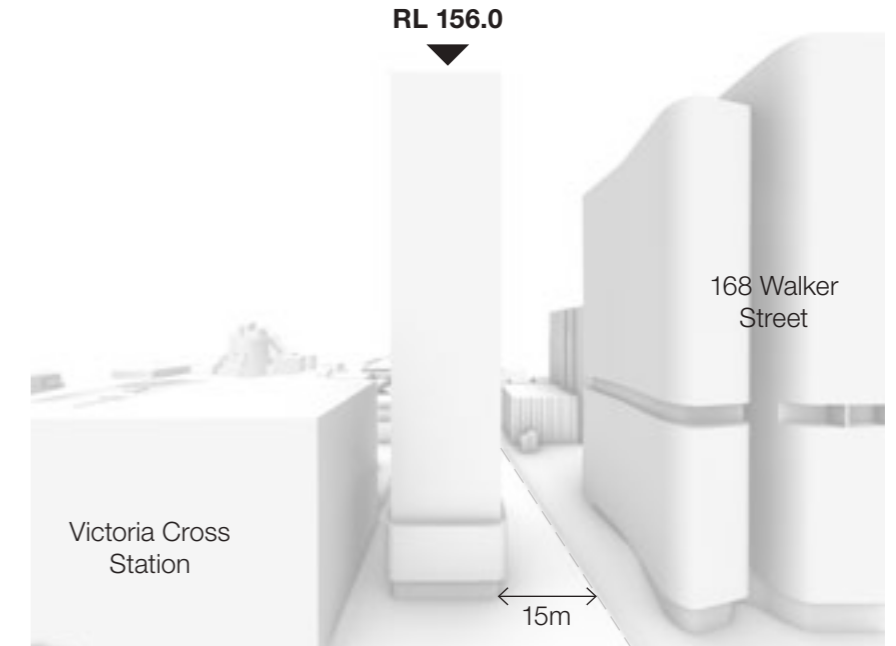
#### Proposed Envelope



View 1 from 39 McLaren Street looking north, taken from first floor (RL 82.00)



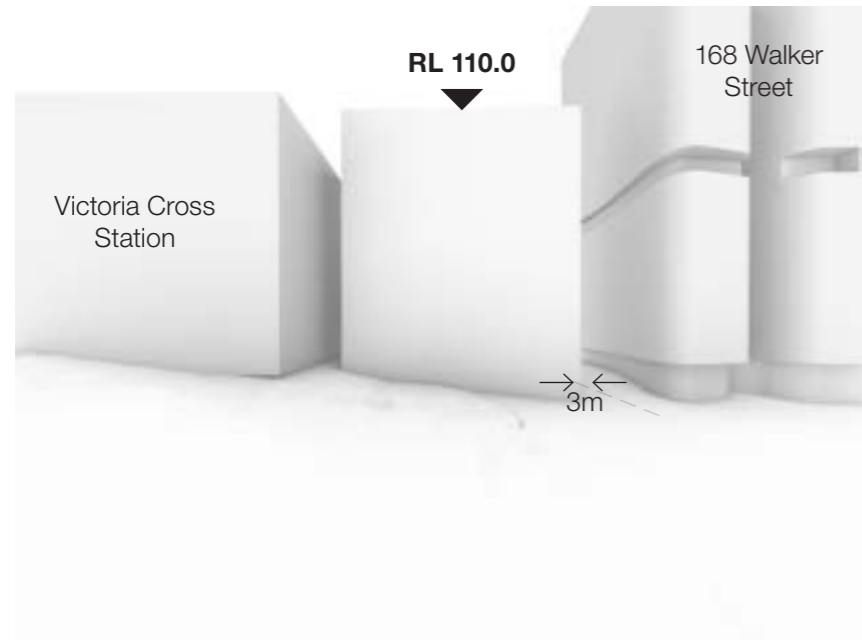
View 2 from 39 McLaren Street looking north, taken from seventh floor (RL 102.00)



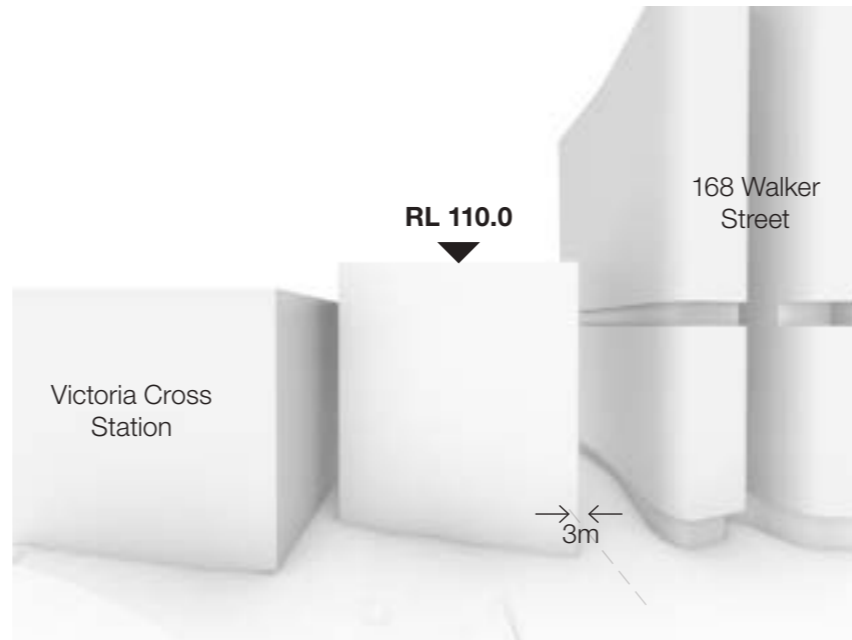
View 3 from 39 McLaren Street looking north, taken from twelfth floor (RL 115.00)



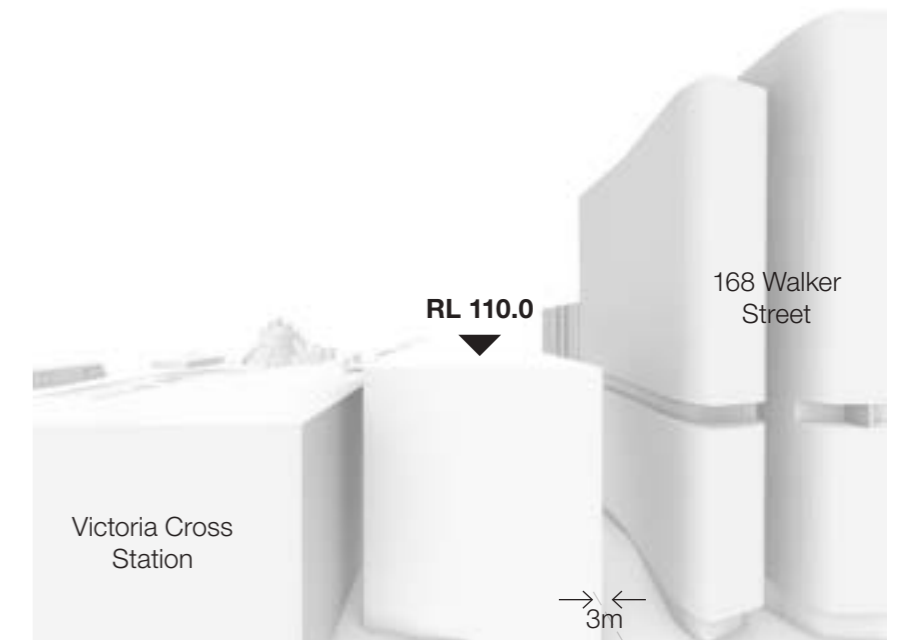
**LEP Compliant Envelope**



View 1 from 39 McLaren Street looking north, taken from first floor (RL 82.00)

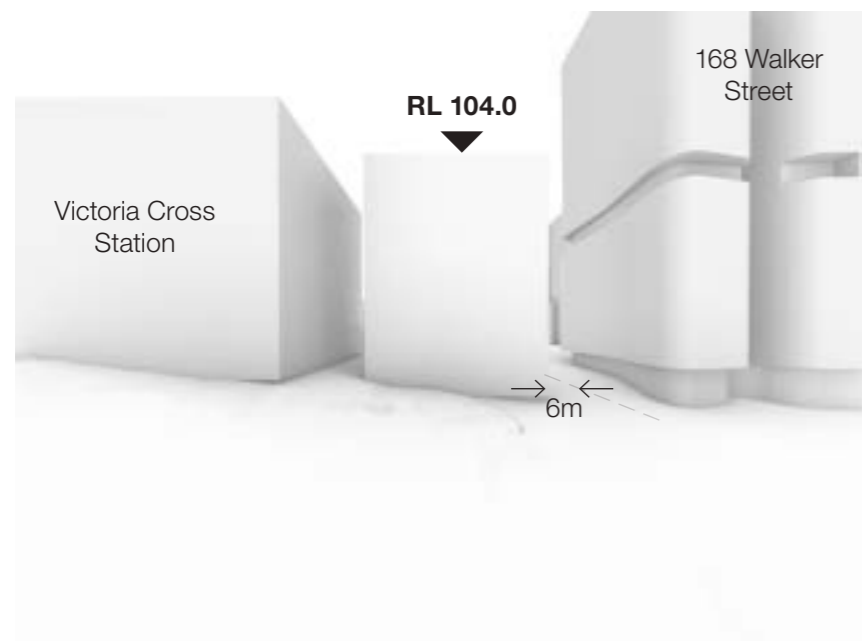


View 2 from 39 McLaren Street looking north, taken from seventh floor (RL 102.00)

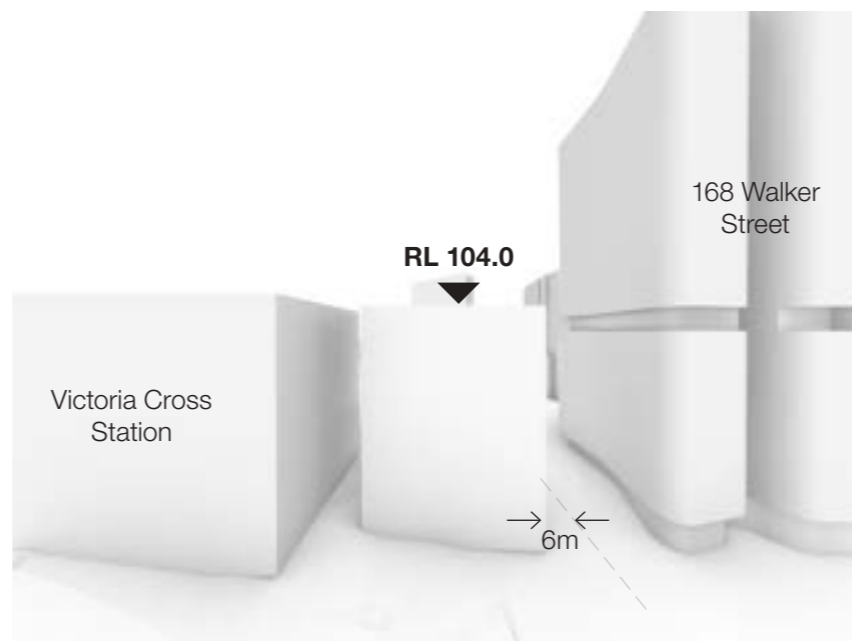


View 3 from 39 McLaren Street looking north, taken from twelfth floor (RL 115.00)

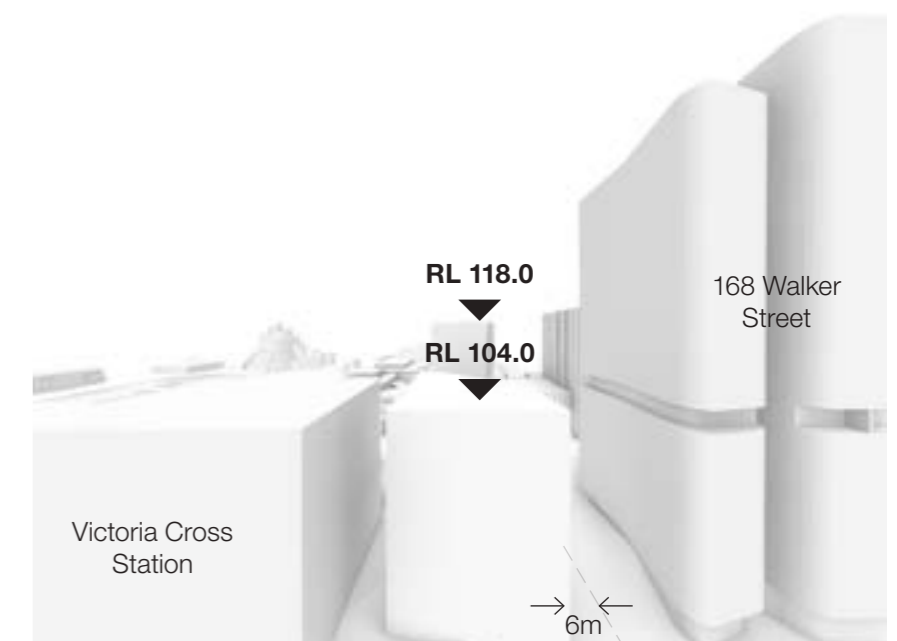
**Uniting Aged Care Development Application**



View 1 from 39 McLaren Street looking north, taken from first floor (RL 82.00)



View 2 from 39 McLaren Street looking north, taken from seventh floor (RL 102.00)



View 3 from 39 McLaren Street looking north, taken from twelfth floor (RL 115.00)

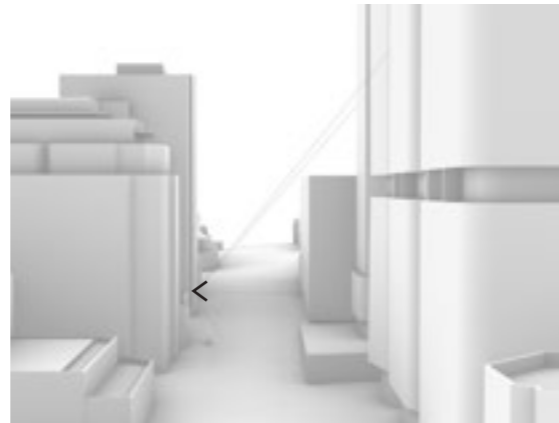
## 07 Key views, solar analysis and ADG compliance

### 7.2 View analysis - 237 Miller Street

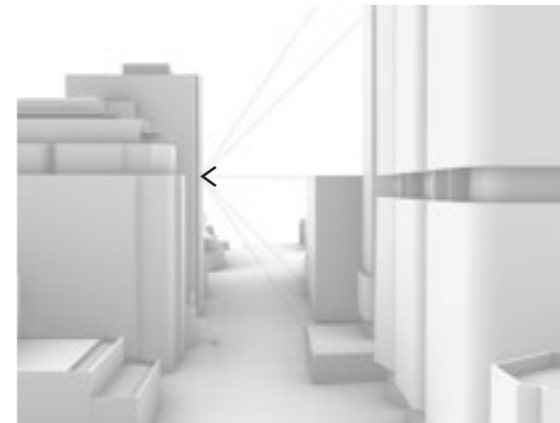
The following views demonstrate the visual impact of the proposed envelope when viewed at various heights from the existing apartment building at 237 Miller Street, compared with the impact of an LEP compliant envelope, and the Uniting Aged Care Development Application envelope.

Whilst the proposed envelope is taller than both the LEP compliant envelope and the Uniting Aged Care Development Application envelope it is a more slender form and permits views through the gap between the proposed envelope and the 168 Walker Street envelope along the through site link, whereas the LEP compliant envelope and the Uniting Aged Care Development Application envelope do not.

#### Camera position



View 1 camera position at first floor (RL 82.00)



View 2 camera position at eighth floor (RL 105.00)



View 3 camera position at fifteenth floor (RL 124.00)

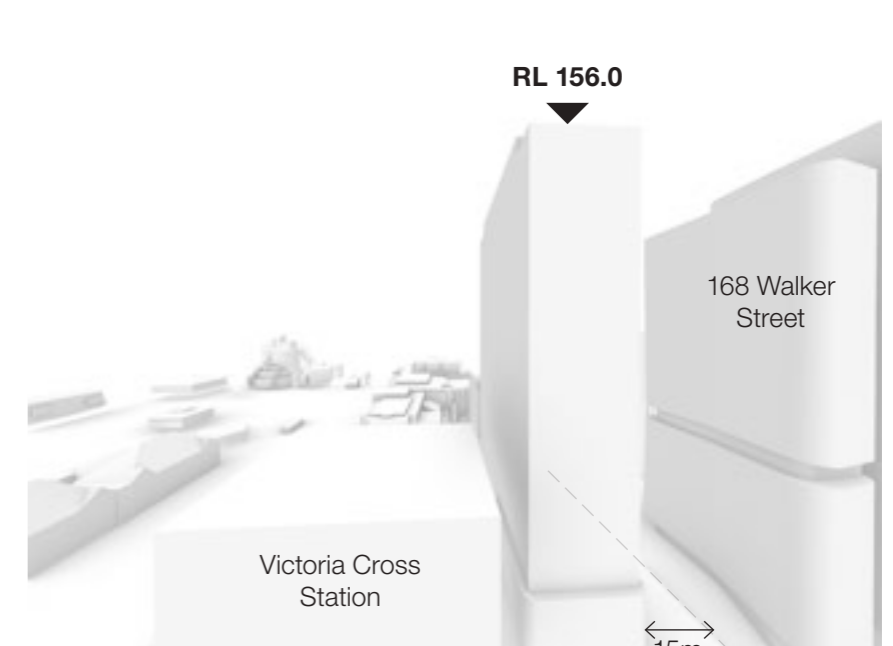
#### Proposed Envelope



View 1 from 237 Miller Street looking north, taken from first floor (RL 82.00)



View 2 from 237 Miller Street looking north, taken from eighth floor (RL 105.00)

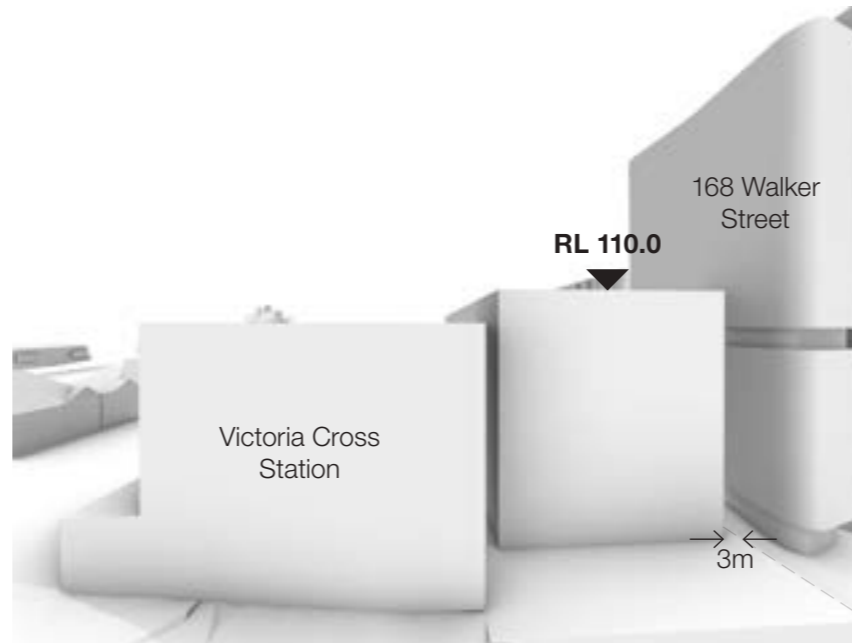


View 3 from 237 Miller Street looking north, taken from fifteenth floor (RL 124.00)

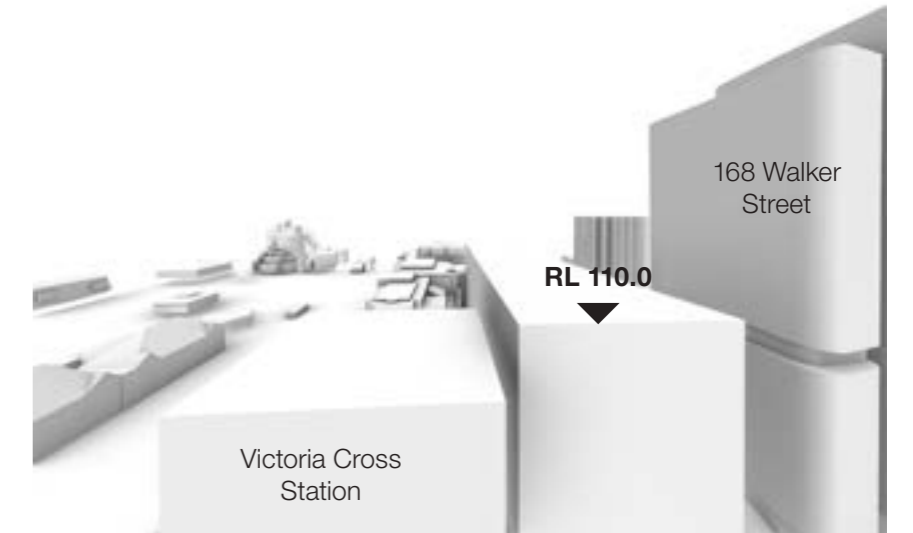
**LEP Compliant Envelope**



View 1 from 237 Miller Street looking north, taken from first floor (RL 82.00)

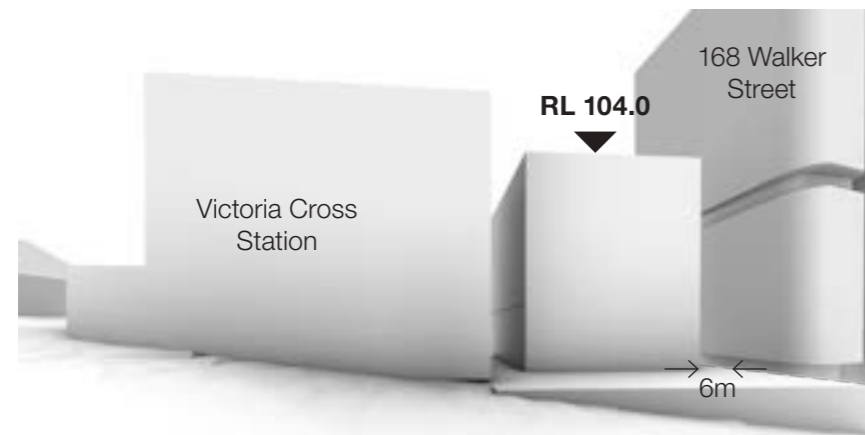


View 2 from 237 Miller Street looking north, taken from eighth floor (RL 105.00)

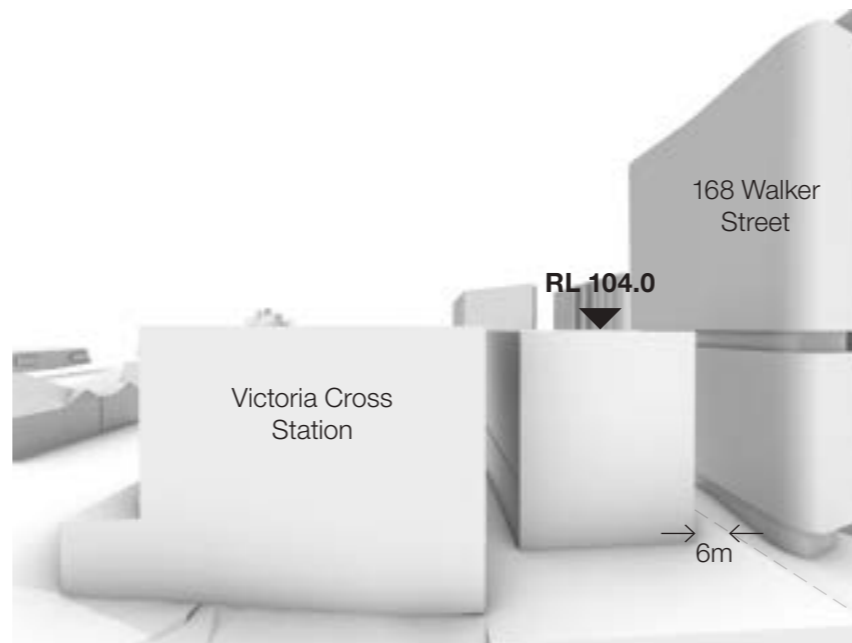


View 3 from 237 Miller Street looking north, taken from fifteenth floor (RL 124.00)

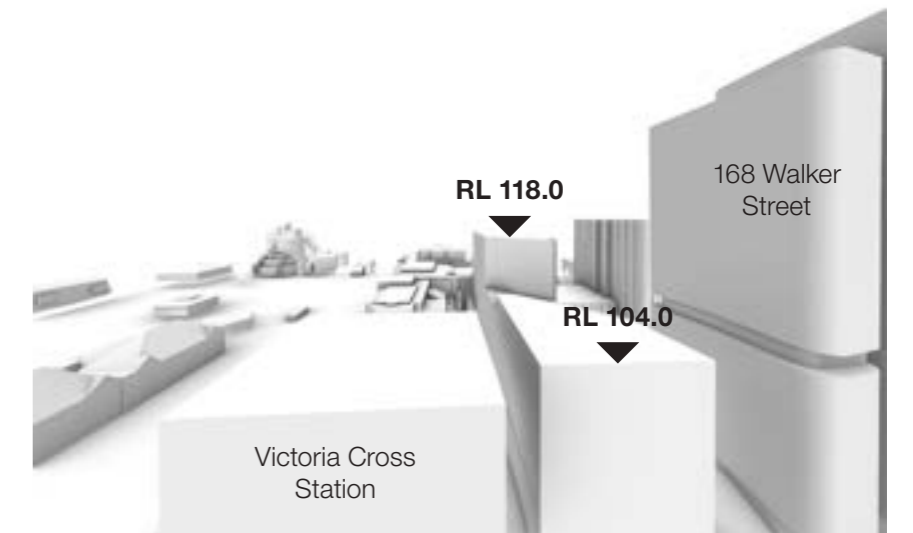
**Uniting Aged Care Development Application**



View 1 from 237 Miller Street looking north, taken from first floor (RL 82.00)



View 2 from 237 Miller Street looking north, taken from eighth floor (RL 105.00)



View 3 from 237 Miller Street looking north, taken from fifteenth floor (RL 124.00)

**07 Key views, solar analysis and ADG compliance**

**7.3 Overshadowing analysis - Ward Street Precinct Masterplan**

The Ward Street Precinct Masterplan identifies the need to maintain solar access to the two proposed public squares to be created within the Precinct. The CPPS similarly stipulates that building heights on site, including plant floors, are subject to no net increase in overshadowing year-round of planned public spaces identified in the Ward Street Masterplan and Doris Fitton Park.

The proposal has no impact on the Ward Street Precinct Masterplan area during the summer solstice or equinoxes. At the winter solstice, the proposal slightly impacts the northern extremity of the precinct on Faith Bandler Place from 12:00 pm to 2:00 pm, but there is no impact on any of the planned public spaces or to Doris Fitton Park.

The following shadow projections are taken at half hourly intervals between 11.00 am and 2.30 pm on June 21 and show the degree of overshadowing to the Ward Street Precinct Masterplan area.

Site Boundary      Overshadowing Impacts



Winter solstice 21 June 11:00am

Winter solstice 21 June 11:30am

Winter solstice 21 June 12:00pm

Winter solstice 21 June 12:30pm

Site Boundary      Overshadowing Impacts



Winter solstice 21 June 1:00pm

Winter solstice 21 June 1:30pm

Winter solstice 21 June 2:00pm

Winter solstice 21 June 2:30pm

## 07 Key views, solar analysis and ADG compliance

### 7.4 Overshadowing analysis - 45 McLaren Street - Existing building

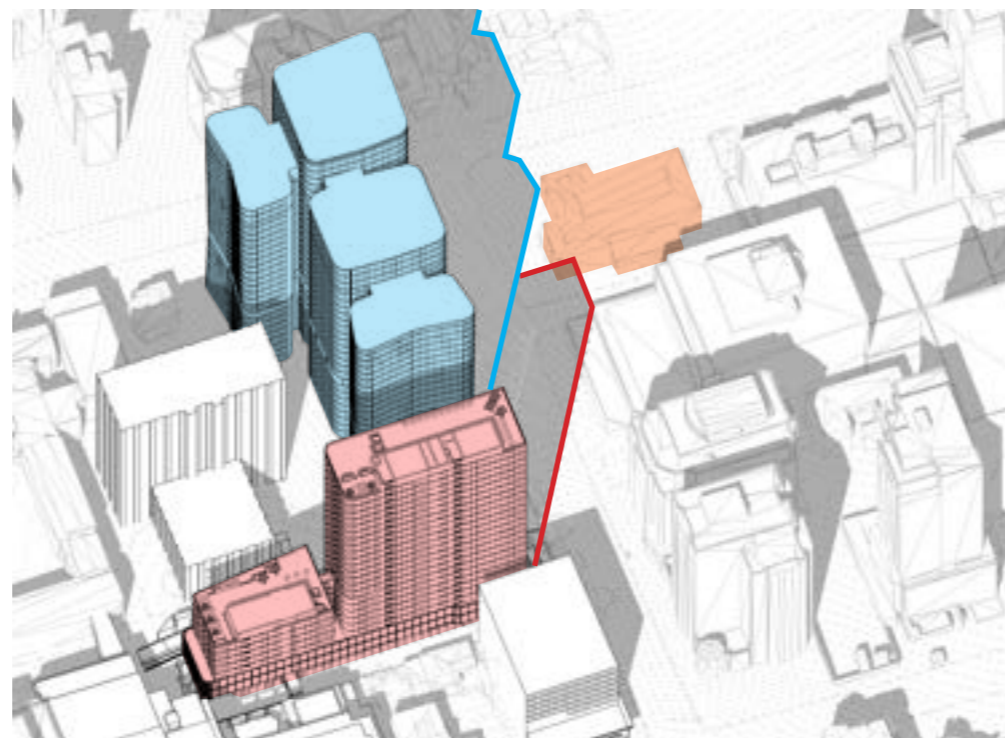
#### Extent of overshadowing

The proposed envelope at 52 McLaren Street does not cause any significant overshadowing of the existing building at 45 McLaren Street for the six month period running from the 21st of September through to the 20th of March.

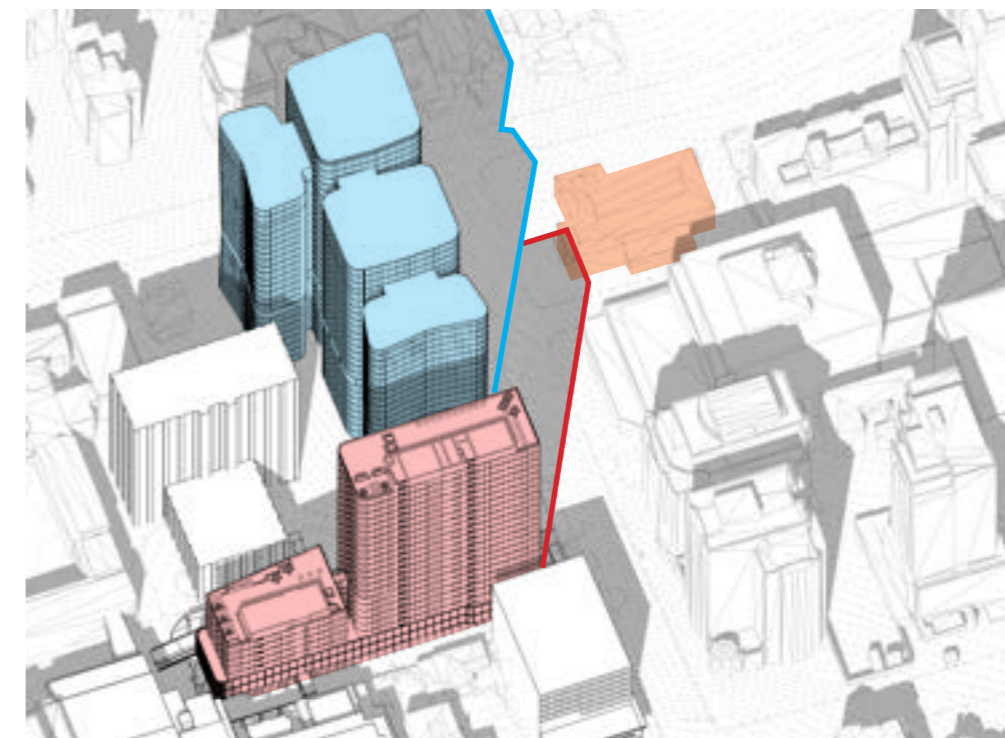
On the 21st of March the proposal begins to cause some overshadowing to the north west corner of the building from 2:15pm until 3pm.

The diagrams on this page illustrate the extent of overshadowing to 45 McLaren Street by 168 Walker Street (currently under construction) and the extent of additional overshadowing caused by the proposed envelope at 52 McLaren Street, at 15 minute intervals from 2:15pm until 3pm on the 21st of March.

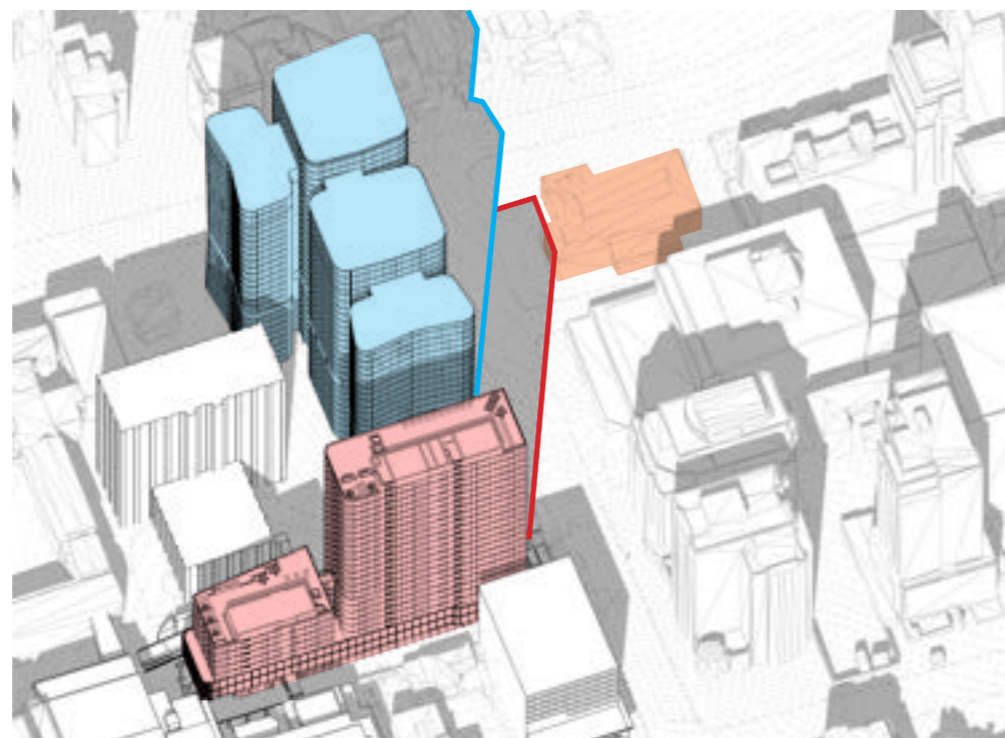
- 45 McLaren Street
- 168 Walker Street DA approved envelope
- 52 McLaren Street proposed envelope
- 168 Walker Street shadow profile
- 52 McLaren Street shadow profile



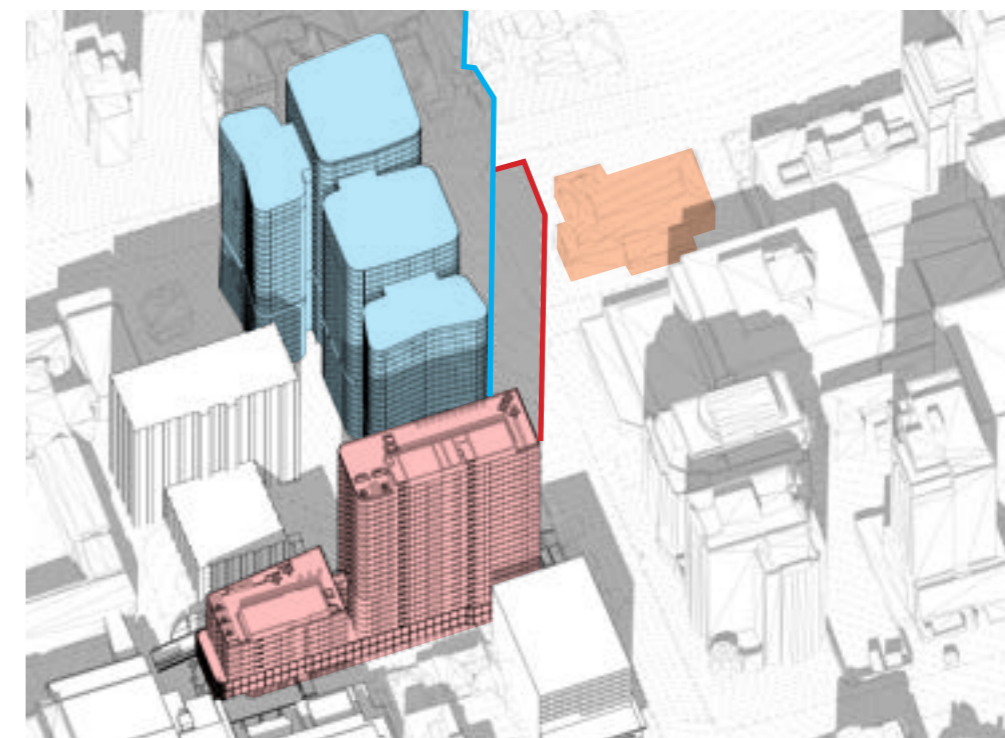
21st March - 2:15 pm



21st March - 2:30 pm



21st March - 2:45 pm



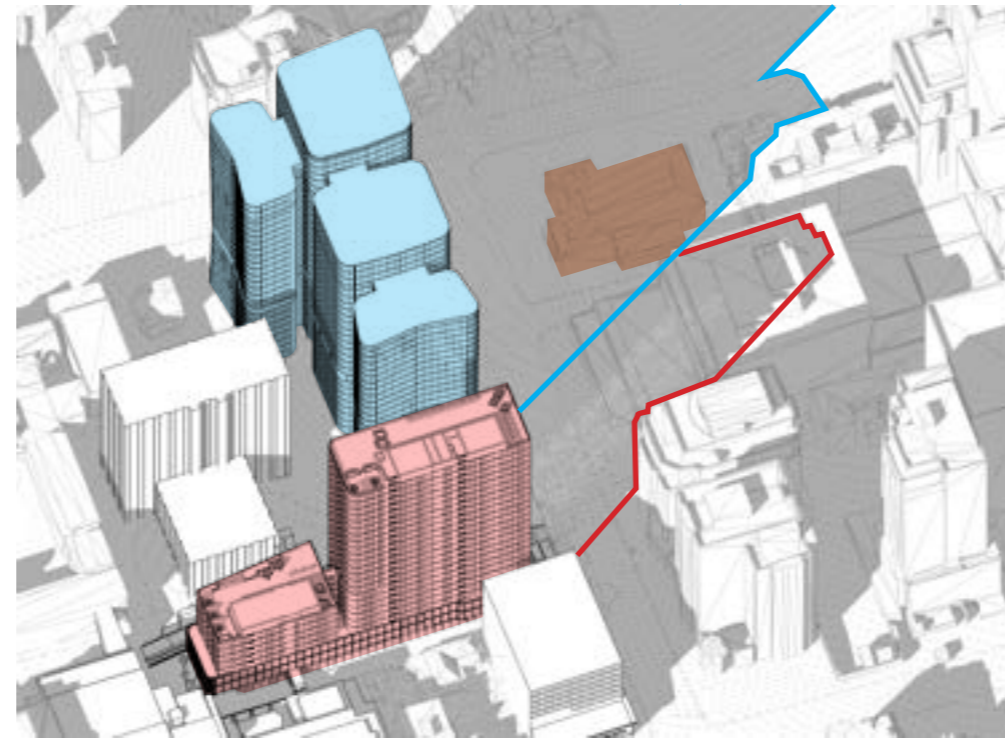
21st March - 3:00 pm

From the 21st of March onwards, the extent of overshadowing increases until the 21st of June.

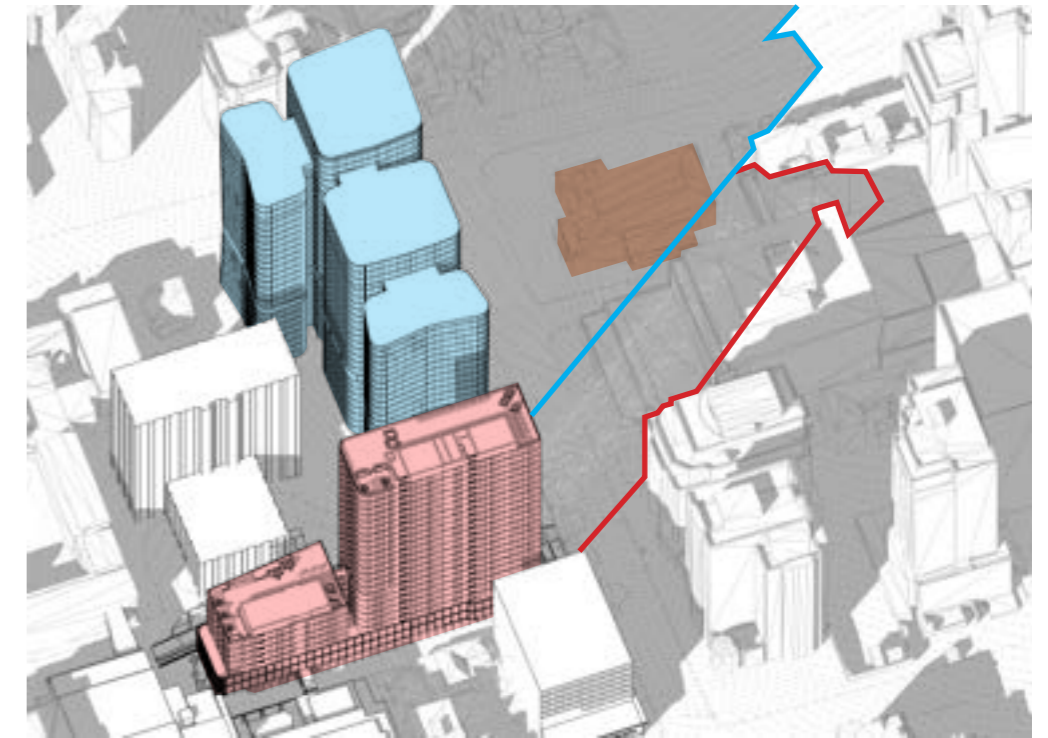
The diagrams on this and the following page illustrate the extent of overshadowing to 45 McLaren Street by 168 Walker Street (currently under construction) and the extent of additional overshadowing caused by the proposed envelope at 52 McLaren Street, at 15 minute intervals from 1:15pm until 3pm on the 21st of June.

Up until 1:15pm the existing building at 45 McLaren Street is entirely overshadowed by 168 Walker Street. By 1:30pm, the shadow from the proposed envelope at 52 McLaren Street is beginning to overshadow the south west corner of the building.

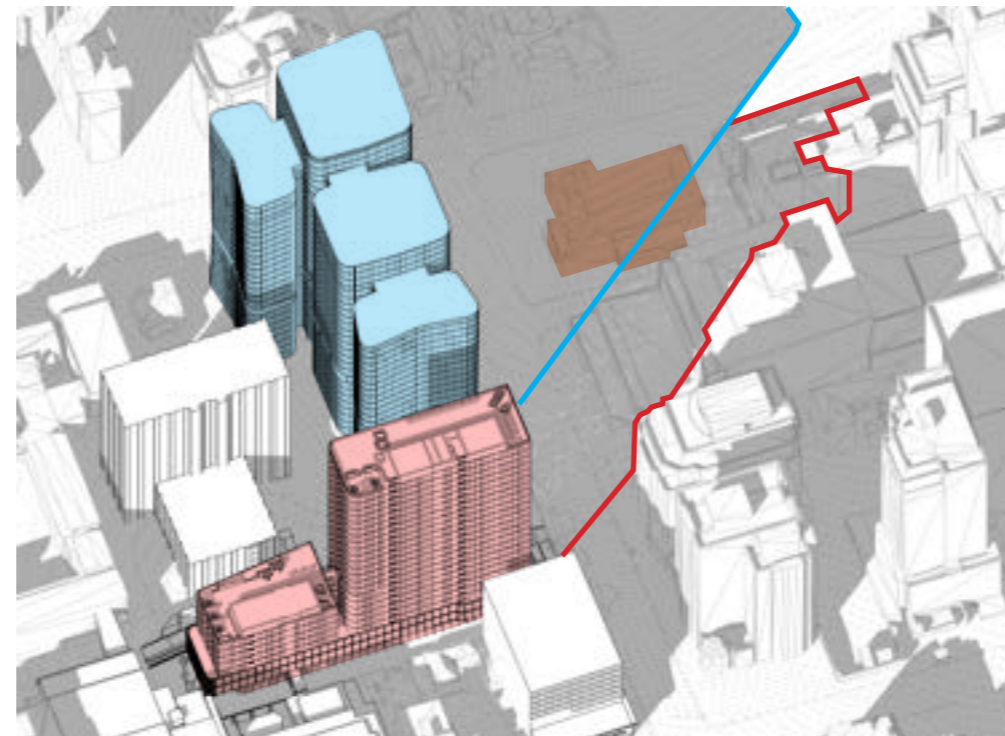
- 45 McLaren Street
- 168 Walker Street DA approved envelope
- 52 McLaren Street proposed envelope
- 168 Walker Street shadow profile
- 52 McLaren Street shadow profile



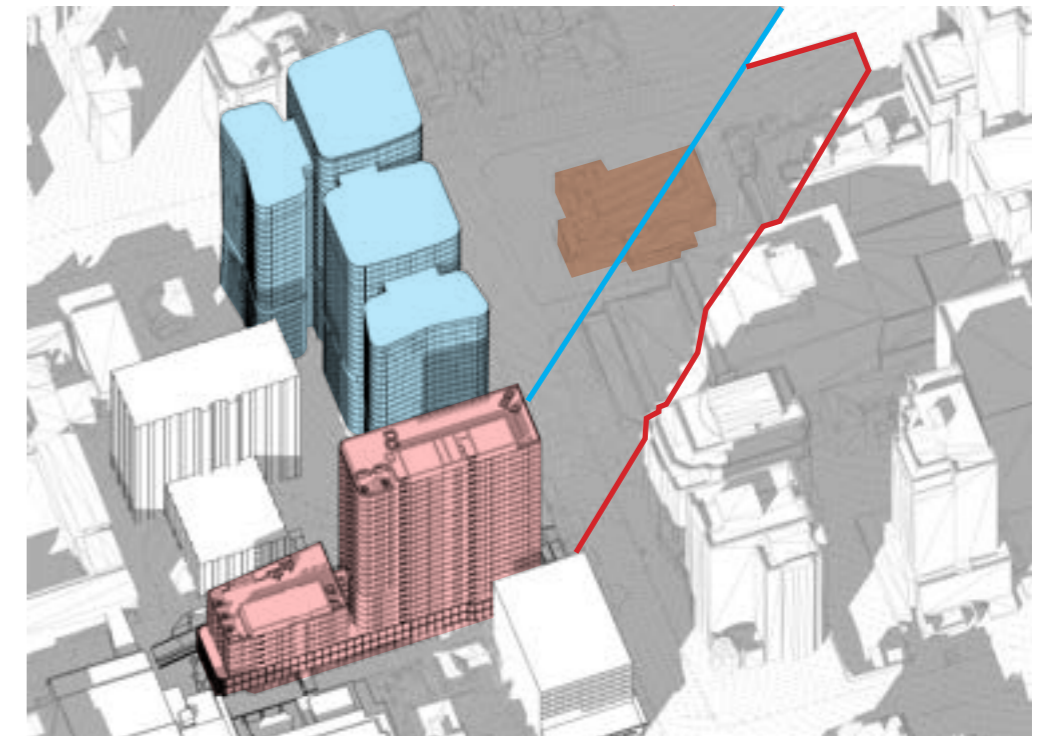
21st June - 1:15 pm



21st June - 1:30 pm



21st June - 1:45 pm

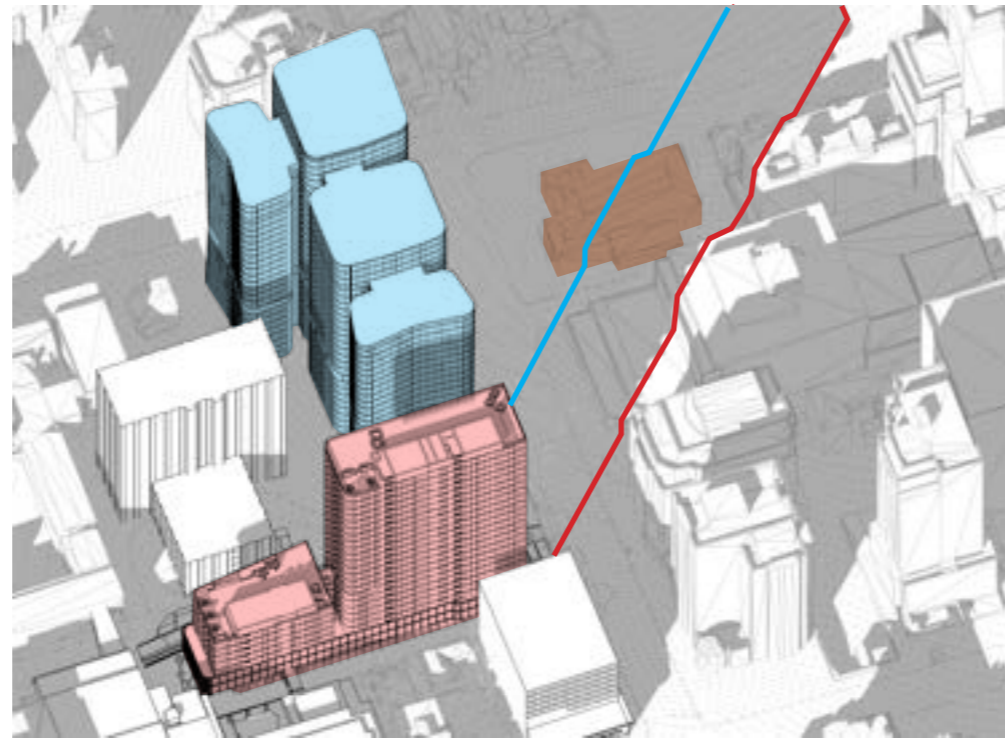


21st June - 2:00 pm

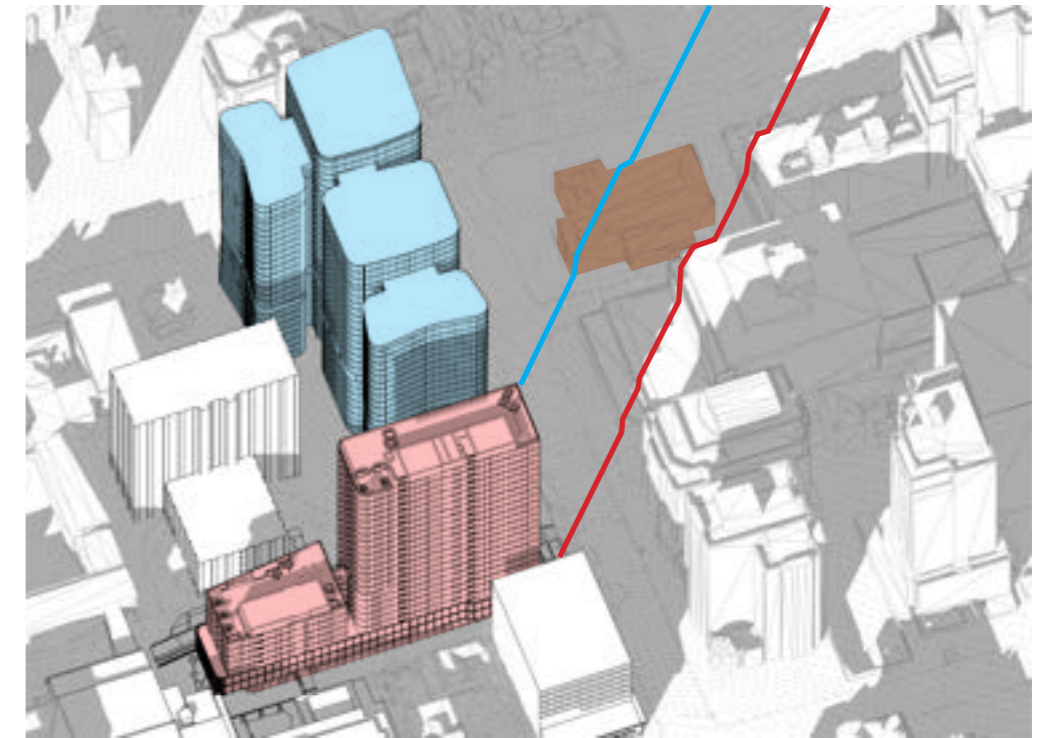
**07 Key views, solar analysis and ADG compliance**

45 McLaren Street remains overshadowed by 168 Walker Street and 52 McLaren Street until 2:45pm, then by 3:00pm the south west corner of the building is beginning to receive direct light as the shadow continues to move across to the east.

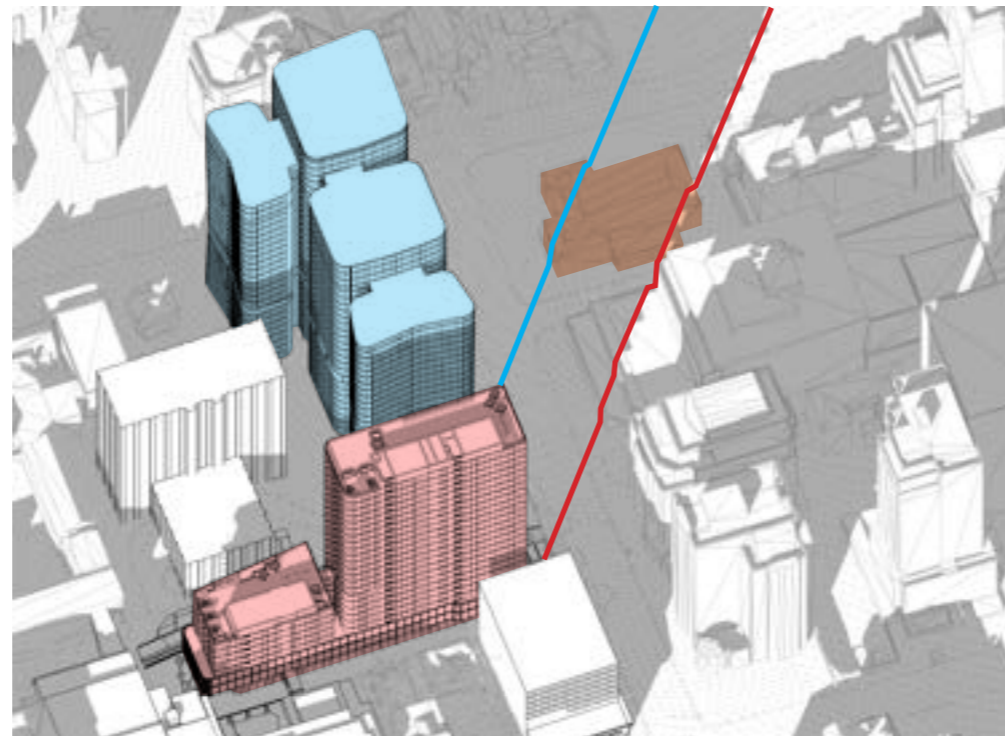
- 45 McLaren Street
- 168 Walker Street DA approved envelope
- 52 McLaren Street proposed envelope
- 168 Walker Street shadow profile
- 52 McLaren Street shadow profile



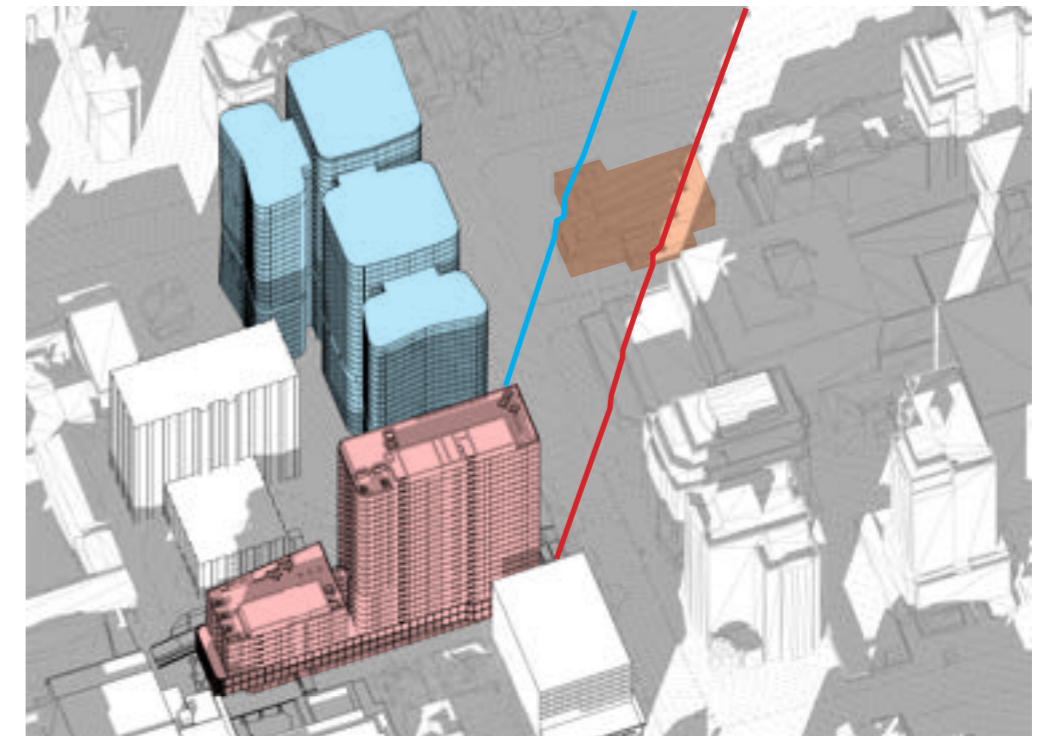
21st June - 2:15 pm



21st June - 2:30 pm



21st June - 2:45 pm



21st June - 3:00 pm



**7.5 Overshadowing analysis**  
**- 45 McLaren Street**  
**- Planning proposal scheme**

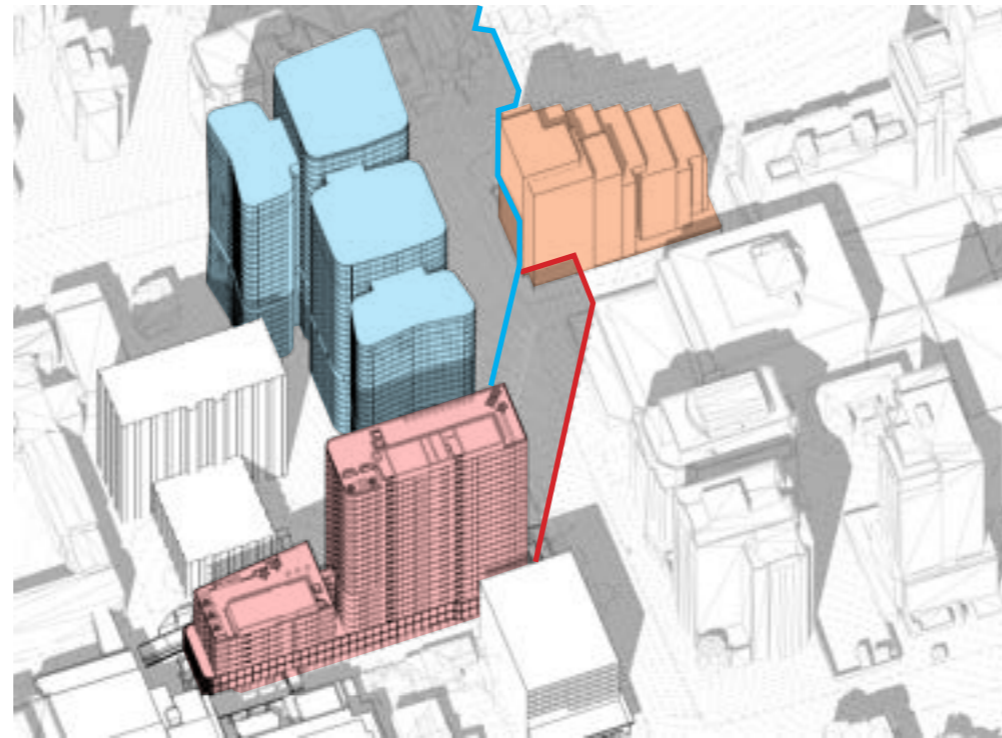
**Extent of overshadowing**

The proposed envelope at 52 McLaren Street does not cause any significant overshadowing of the planning proposal scheme at 45 McLaren Street for the six month period running from the 21st of September through to the 20th of March.

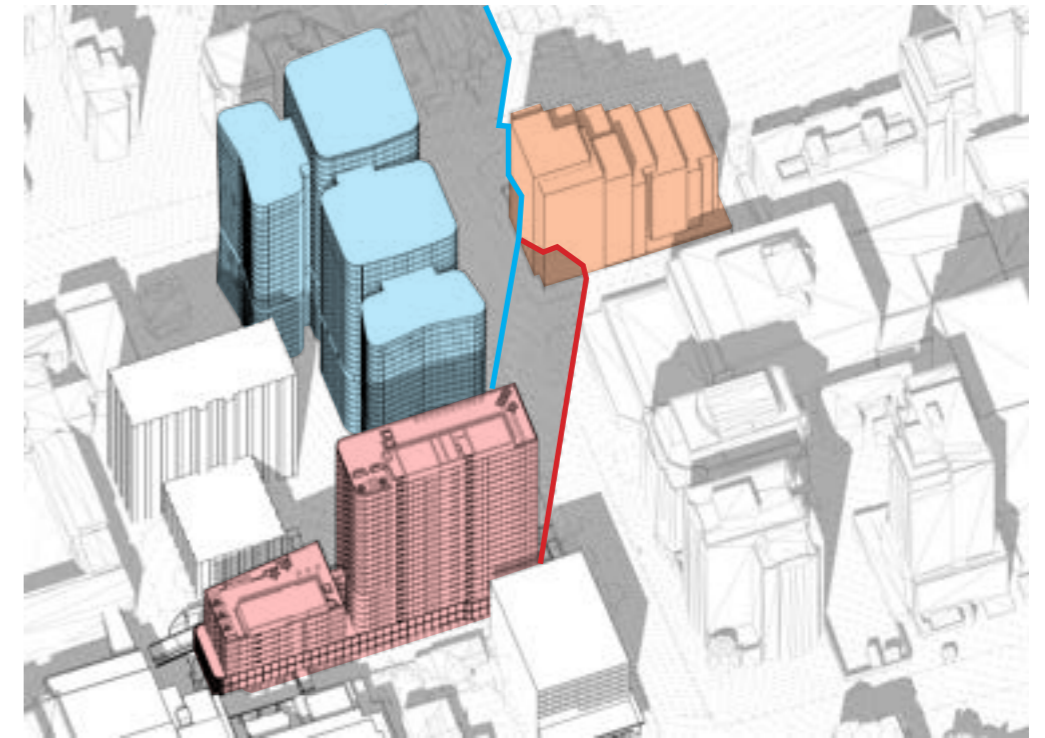
On the 21st of March the proposal begins to cause some overshadowing to the north west corner of the building from 2:15pm until 3pm.

The diagrams on this page illustrate the extent of overshadowing to 45 McLaren Street by 168 Walker Street (currently under construction) and the extent of additional overshadowing caused by the proposed envelope at 52 McLaren Street, at 15 minute intervals from 2:15pm until 3pm on the 21st of March.

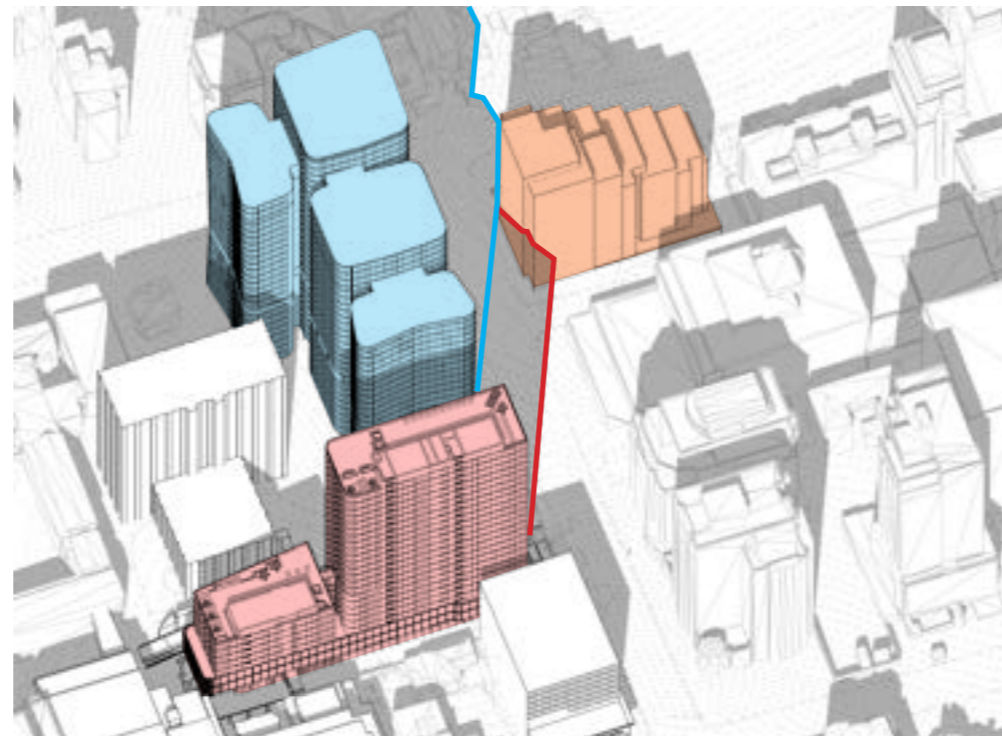
- 45 McLaren Street
- 168 Walker Street DA approved envelope
- 52 McLaren Street proposed envelope
- 168 Walker Street shadow profile
- 52 McLaren Street shadow profile



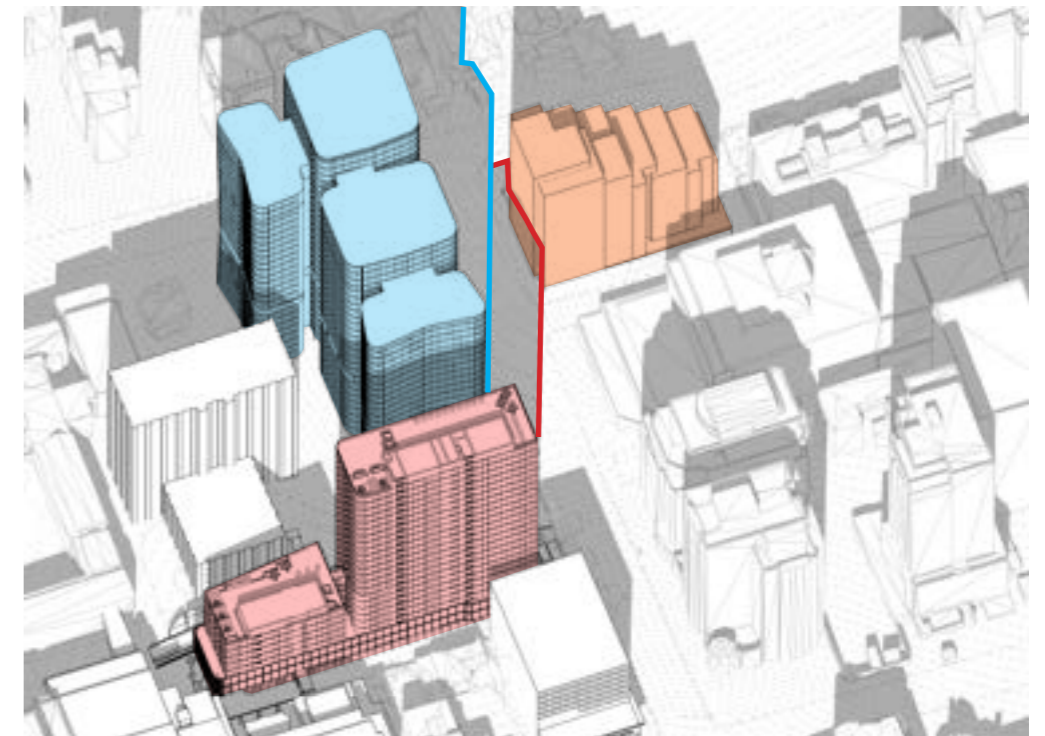
21st March - 2:15 pm



21st March - 2:30 pm



21st March - 2:45 pm



21st March - 3:00 pm

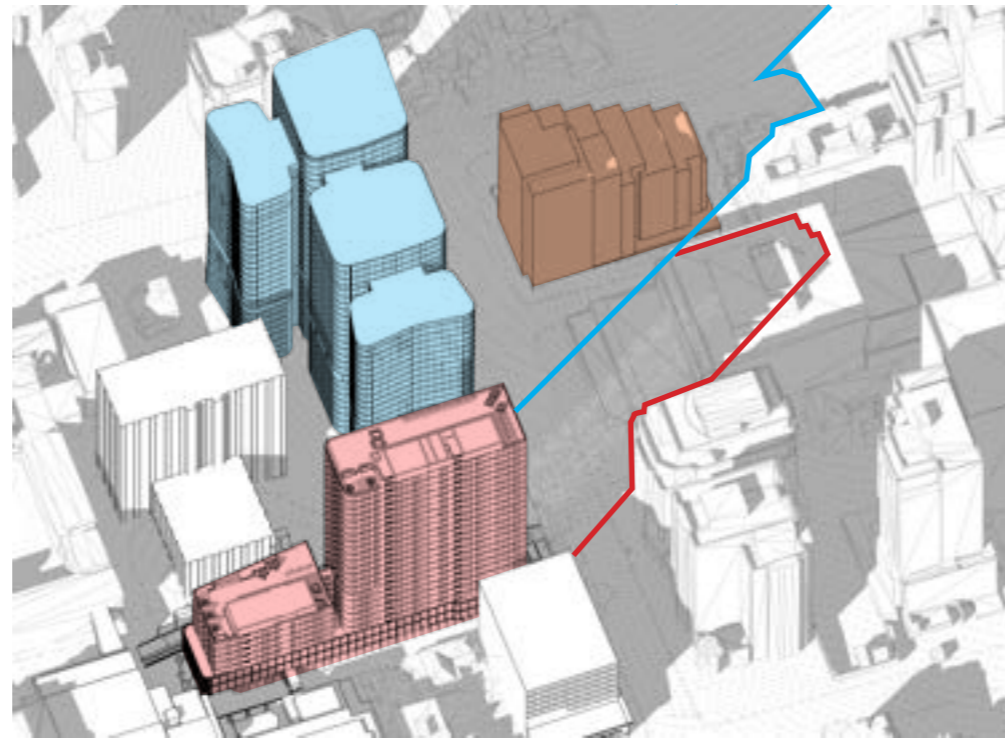
## 07 Key views, solar analysis and ADG compliance

From the 21st of March onwards, the extent of overshadowing increases until the 21st of June.

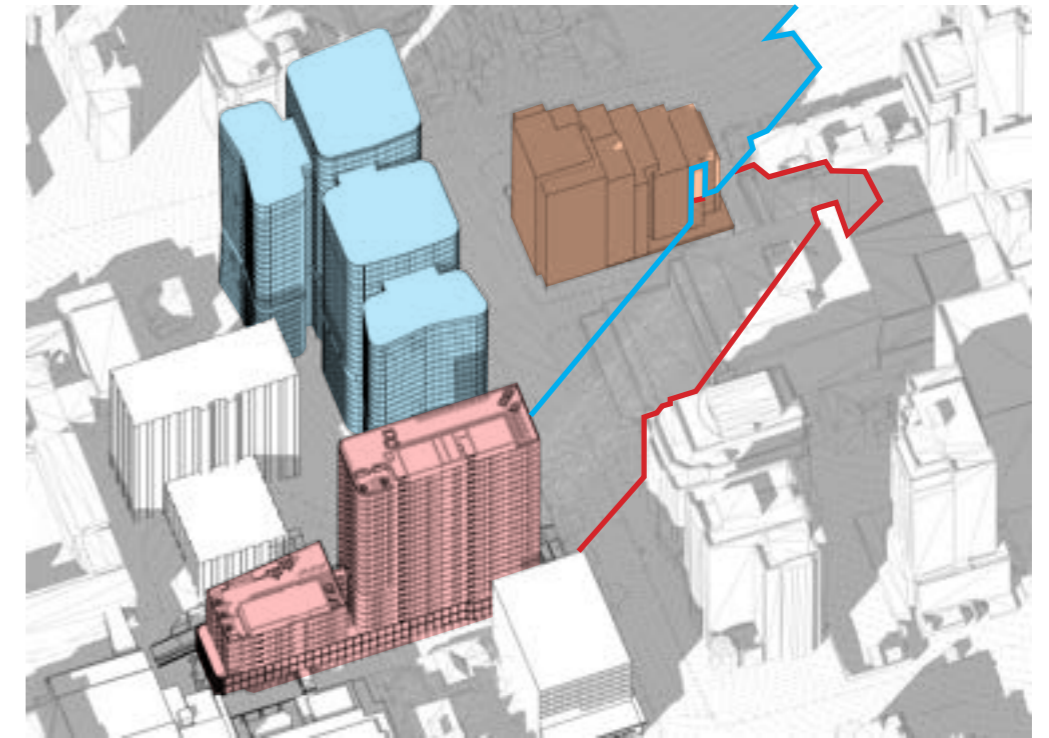
The diagrams on this and the following page illustrate the extent of overshadowing to 45 McLaren Street by 168 Walker Street (currently under construction) and the extent of additional overshadowing caused by the proposed envelope at 52 McLaren Street, at 15 minute intervals from 1:15pm until 3pm on the 21st of June.

Up until 1:15pm the existing building at 45 McLaren Street is mostly overshadowed by 168 Walker Street, except for the south west corner of the building. By 1:30pm, the shadow from the proposed envelope at 52 McLaren Street is beginning to overshadow the lower portion of the south west corner of the building.

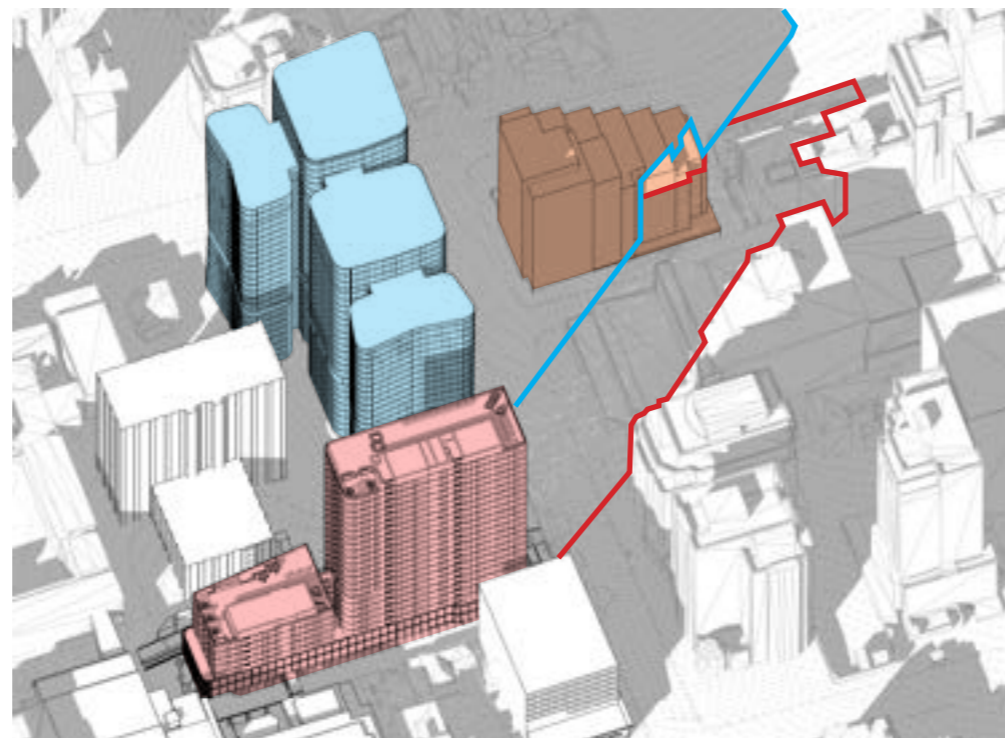
- 45 McLaren Street
- 168 Walker Street DA approved envelope
- 52 McLaren Street proposed envelope
- 168 Walker Street shadow profile
- 52 McLaren Street shadow profile



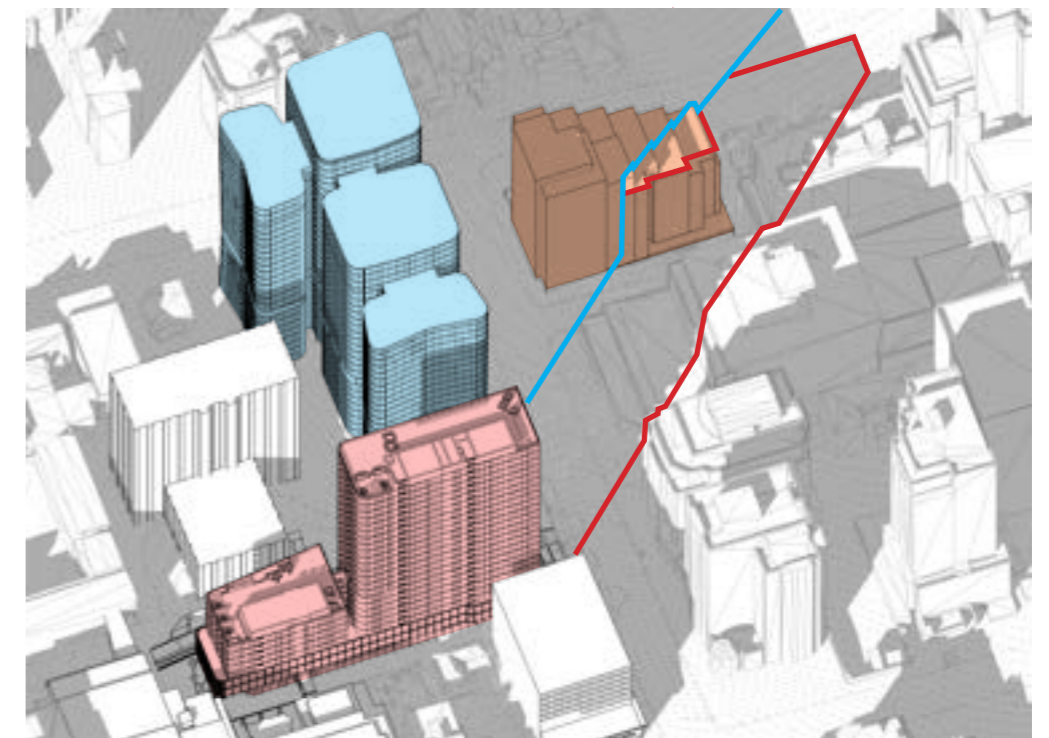
21st June - 1:15 pm



21st June - 1:30 pm



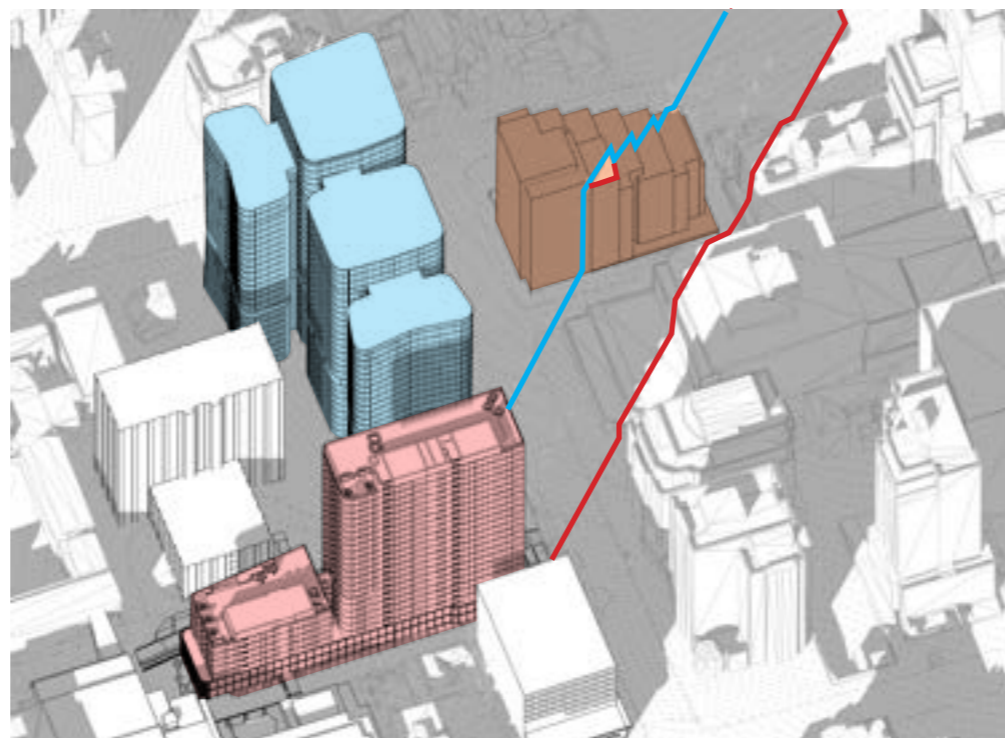
21st June - 1:45 pm



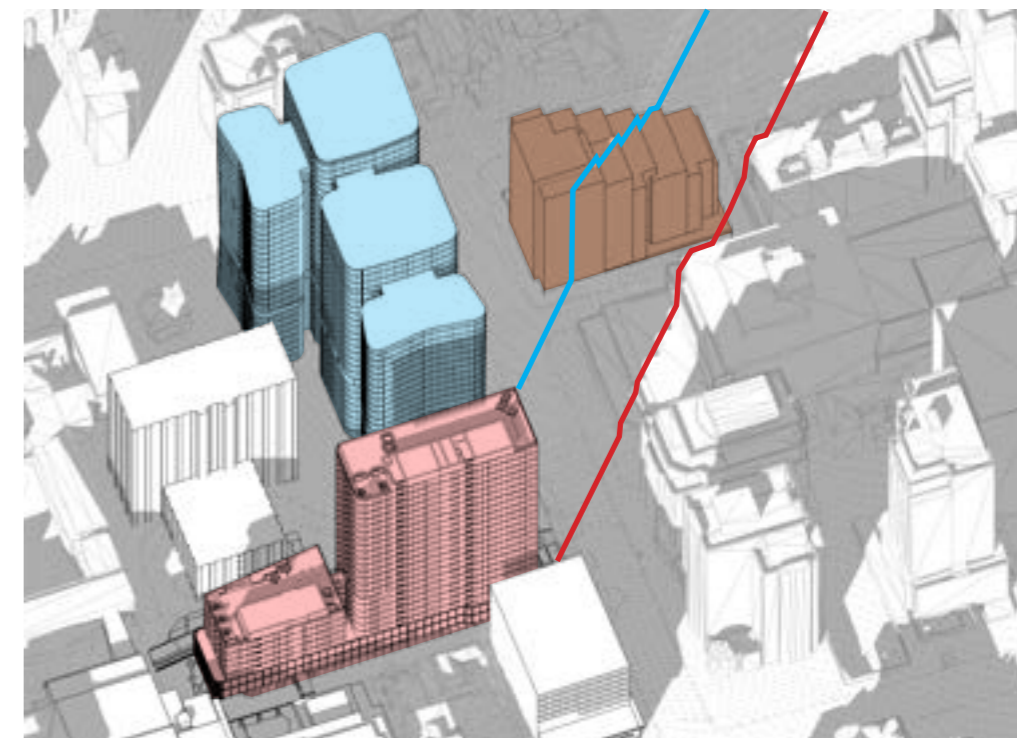
21st June - 2:00 pm

45 McLaren Street remains mostly overshadowed by 168 Walker Street and 52 McLaren Street until 2:45pm (with the exception of a few upper level apartments and roof terraces), then by 3:00pm the south west corner of the building is beginning to receive direct light as the shadow continues to move across to the east.

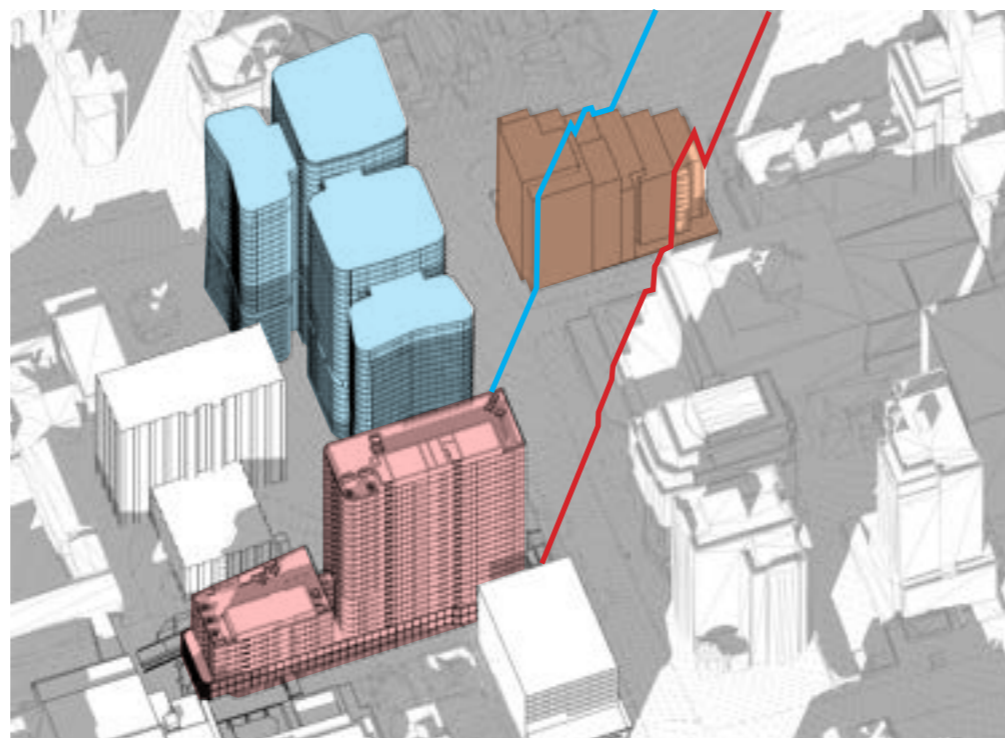
- 45 McLaren Street
- 168 Walker Street DA approved envelope
- 52 McLaren Street proposed envelope
- ▭ 168 Walker Street shadow profile
- ▭ 52 McLaren Street shadow profile



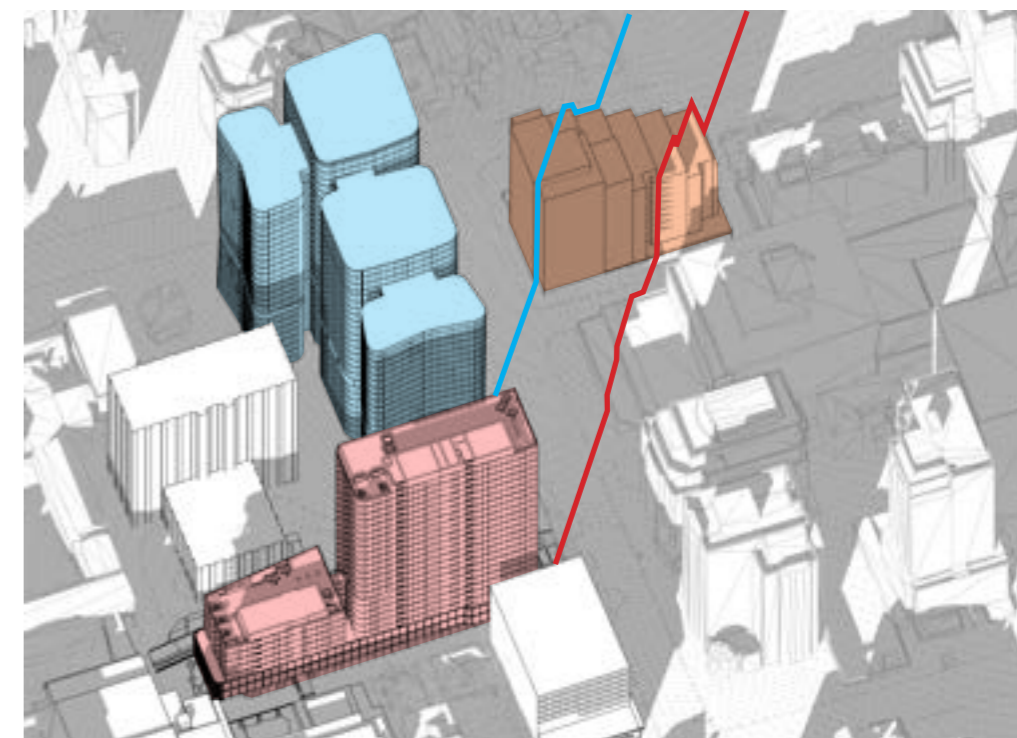
21st June - 2:15 pm



21st June - 2:30 pm



21st June - 2:45 pm



21st June - 3:00 pm

## 07 Key views, solar analysis and ADG compliance

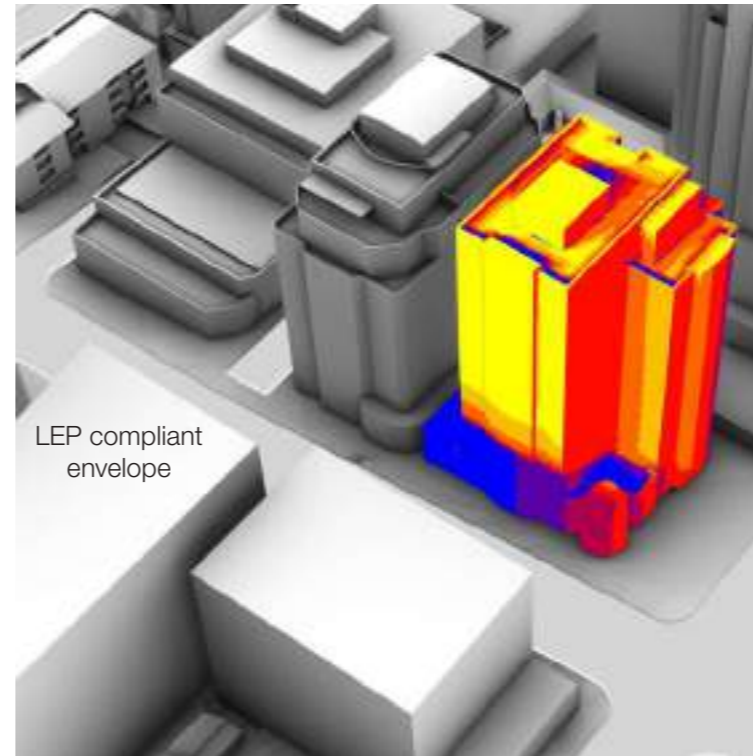
### 7.6 Solar analysis - 237 Miller Street

The following diagrams indicate the daylight hours received by the existing building at 237 McLaren Street.

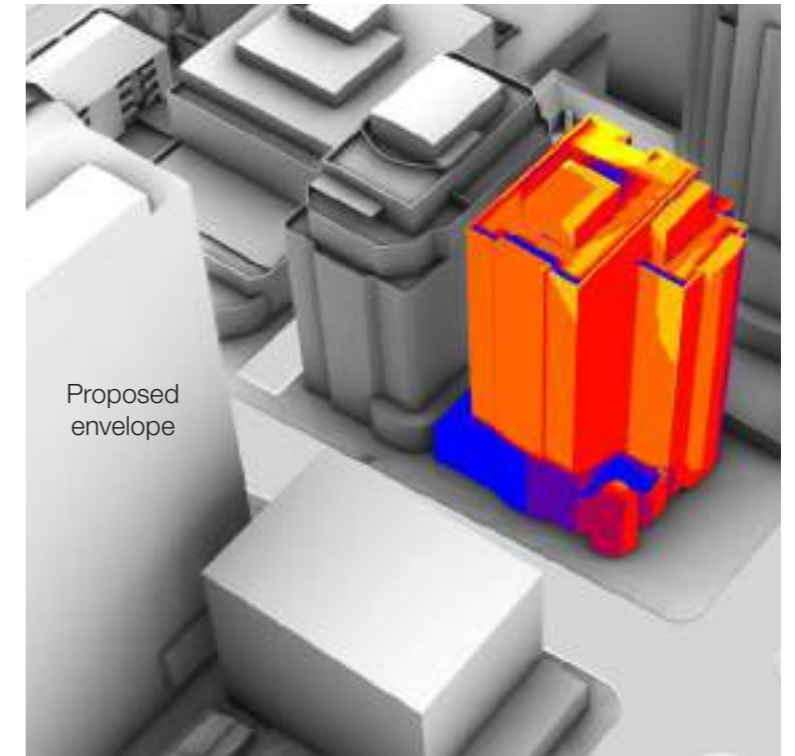
With an LEP compliant envelope, the upper level apartments receive in excess of 3 daylight hours, whereas the lower levels that are impacted by the LEP compliant envelope only receive 1 to 2 daylight hours.

Whilst the proposed scheme is significantly taller than the LEP compliant envelope, the slenderness of the proposed building means that the upper level apartments still generally receive in excess of 3 daylight hours, with the daylight hours to the lower level apartments remaining at 1 to 2 hours.

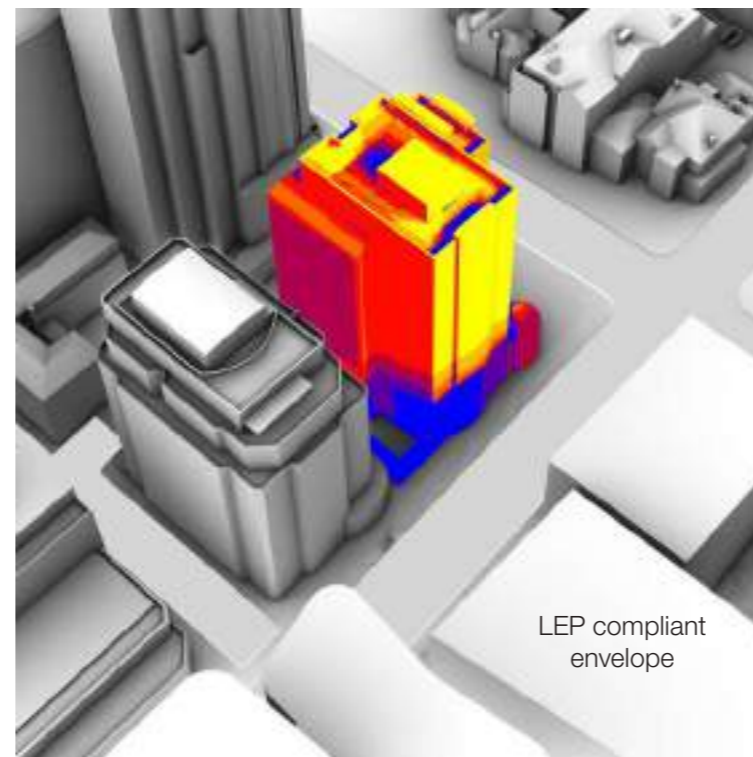
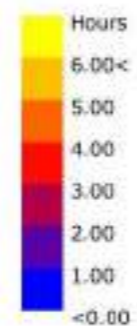
The analysis demonstrates that the majority of the building achieves solar access of greater than 2 hours between 9am and 3pm on June 21.



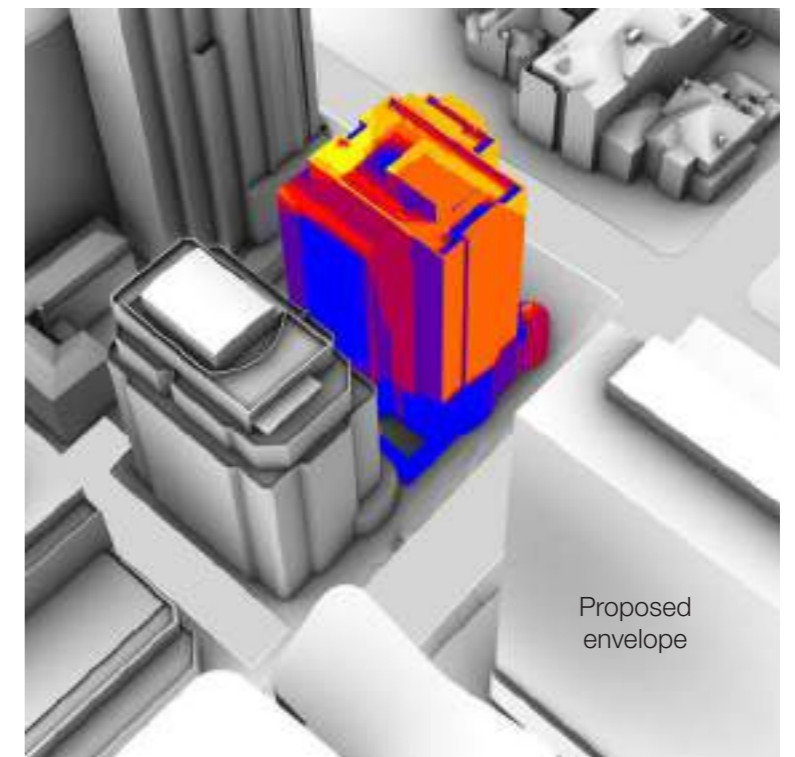
Daylight hours received by 237 Miller Street with LEP compliant envelope



Daylight hours received by 237 Miller Street with the proposed envelope



Daylight hours received by 237 Miller Street with LEP compliant envelope



Daylight hours received by 237 Miller Street with the proposed envelope

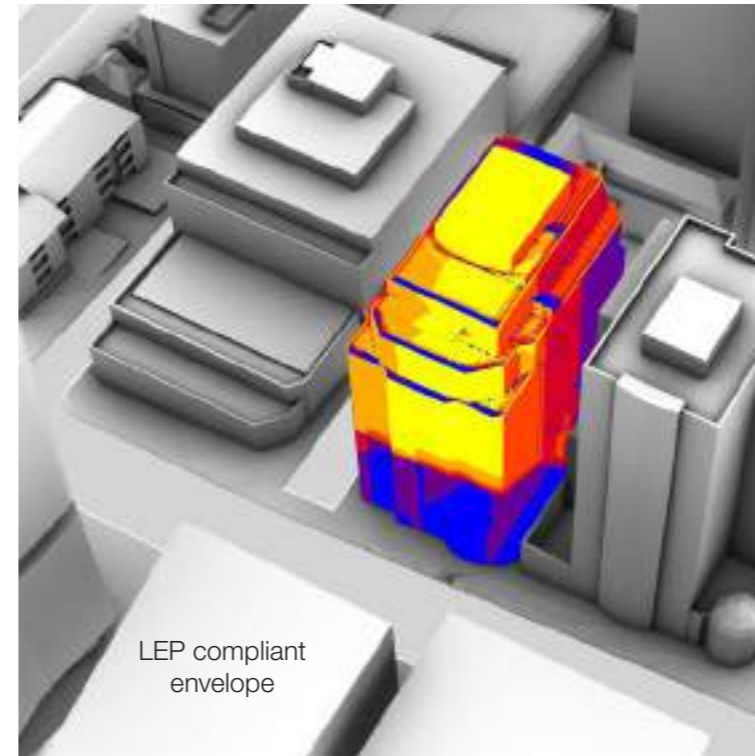
**7.7 Solar analysis - 39 McLaren Street**

The following diagrams indicate the daylight hours received by the existing building at 39 McLaren Street.

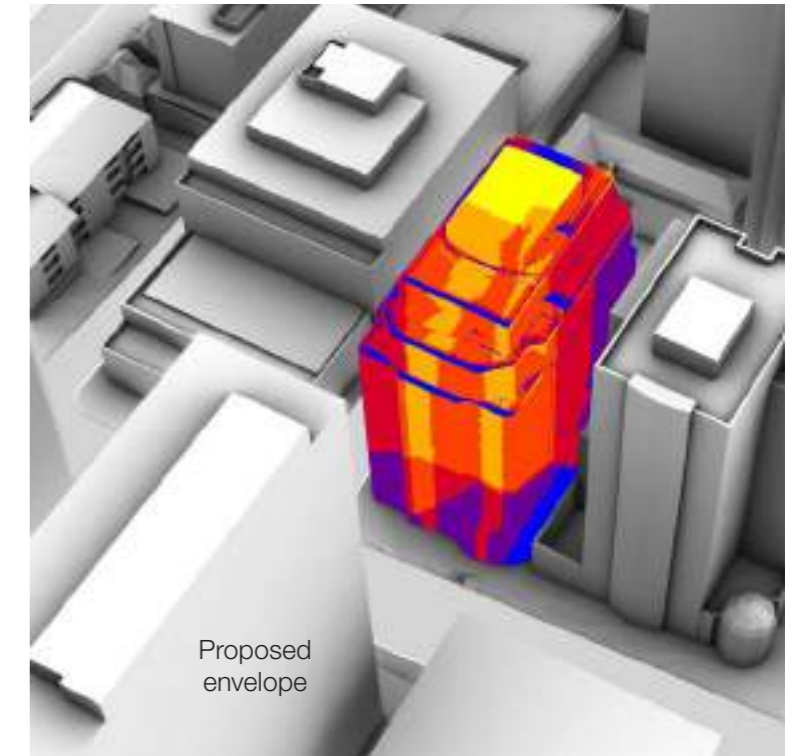
With an LEP compliant envelope, the upper level apartments receive in excess of 4 daylight hours, whereas the lower levels are impacted by the LEP compliant envelope and receive less than 2 daylight hours.

Whilst the proposed scheme is significantly taller than the LEP compliant envelope, the slenderness of the proposed building means that the upper level apartments still receive a minimum of 3 daylight hours, with the daylight hours to the lower level apartments actually increasing to 1.5 to 3 hours, when compared with the LEP compliant envelope.

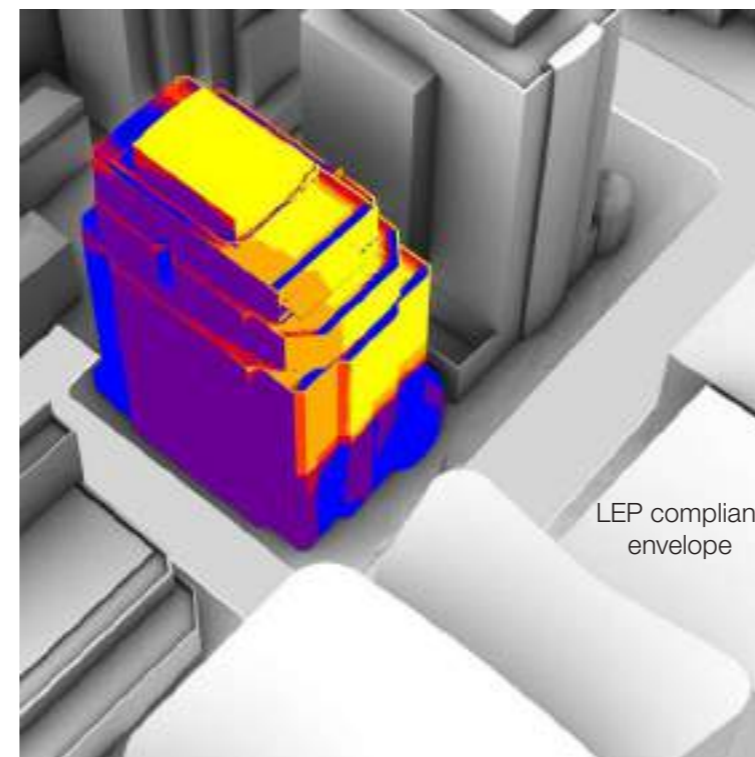
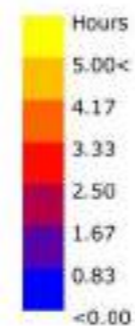
The analysis demonstrates that more apartments would receive solar access of greater than two hours between 9am and 3pm on June 21 with the proposed envelope than with the LEP compliant envelope.



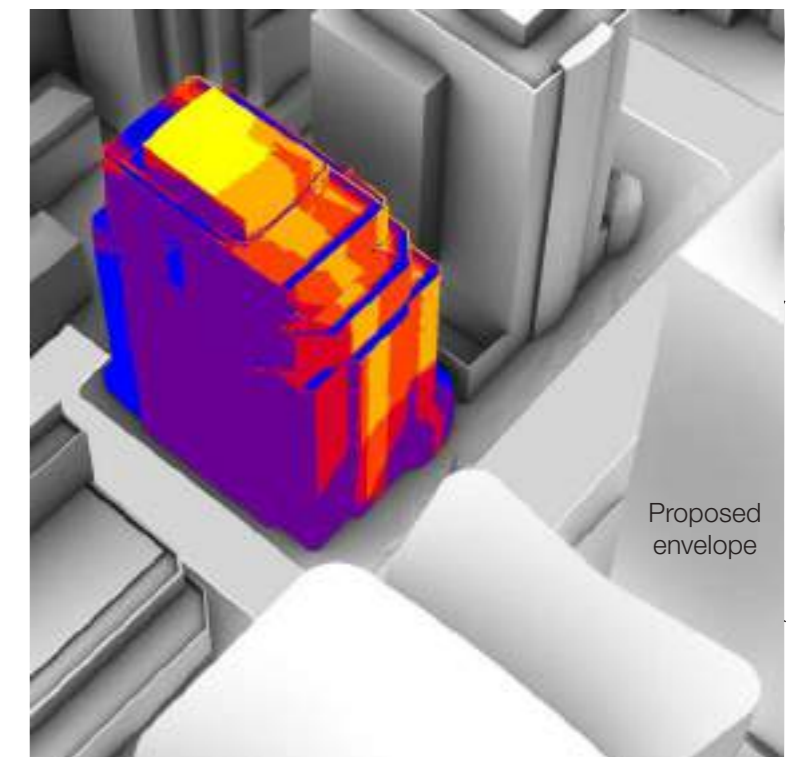
Daylight hours received by 39 McLaren Street with LEP compliant envelope



Daylight hours received by 39 McLaren Street with the proposed envelope



Daylight hours received by 39 McLaren Street with LEP compliant envelope



Daylight hours received by 39 McLaren Street with the proposed envelope

## 07 Key views, solar analysis and ADG compliance

### 7.8 Solar analysis - 45 McLaren Street - Existing building

45 McLaren Street contains 18 dwellings. The internal layouts of these dwellings have been estimated based on real estate plans sourced online, and Strata Plans found in a Preliminary Site Investigation Report dated 14 October 2020, produced by EI Australia. Based on this information the following assumptions have been made:

- the three 'corner apartments' at the north east corner of the building have living, dining, kitchen areas, and balconies facing east and north, with bedrooms also facing north
- the three 'corner apartments' at the north west corner of the building have living rooms facing north, with kitchens and bedrooms facing west
- the 12 remaining dwellings are 'through apartments' and have living areas and balconies located on the eastern side of the building, with bedrooms on the western side.

The following diagrams indicate the façades (and rooms) where it is possible for the proposed envelope at 52 McLaren Street to have any sort of overshadowing impact at any point during the day.

These diagrams demonstrate the following:

- it is not possible for the proposal to cause any reduction in daylight hours received by the living and balcony areas to any of the 12 'through apartments' as these all face east and are not subject to any overshadowing by the proposal
- it is not possible for the proposal to cause any reduction in daylight hours received by the living, kitchen, and balcony areas to any of the three 'corner apartments' at the north east corner of the building as these all face east with no windows to the north and are not subject to any overshadowing by the proposal. The dining room window does have the potential to be overshadowed by the proposal and an assessment of the extent of overshadowing is provided on the following page
- it is not possible for the proposal to cause any reduction in daylight hours received by the east facing living room window to any of the three 'corner apartments' at the north west corner of the building as these windows are not subject to any overshadowing from the proposal. The living, kitchen and balcony areas do have the potential to be overshadowed by the proposal and an assessment of the extent of overshadowing is provided on the following page.



Level 2 Plan with assumed room locations shown



Level 4 Plan with assumed room locations shown



Level 3 Plan with assumed room locations shown

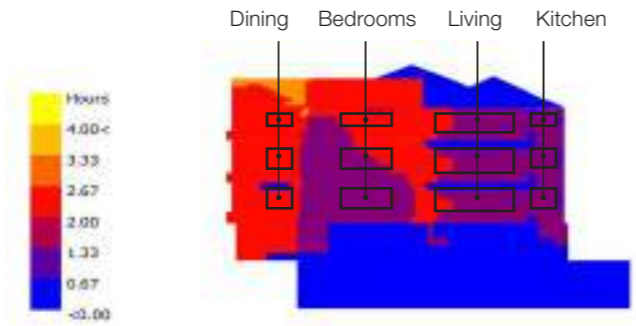


Level 5 Plan with assumed room locations shown

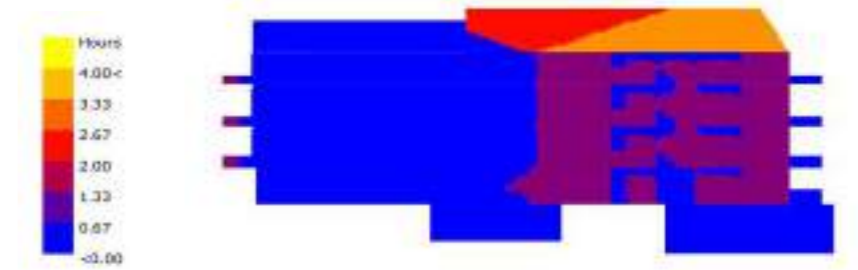
— Facades with potential to be overshadowed by 52 McLaren Street proposal  
— Facade with no potential to be overshadowed by 52 McLaren Street proposal



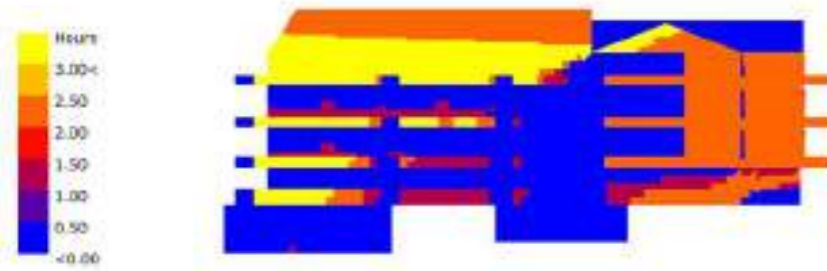
East elevation - Daylight hours received by 45 McLaren Street with 168 Walker Street DA scheme only.



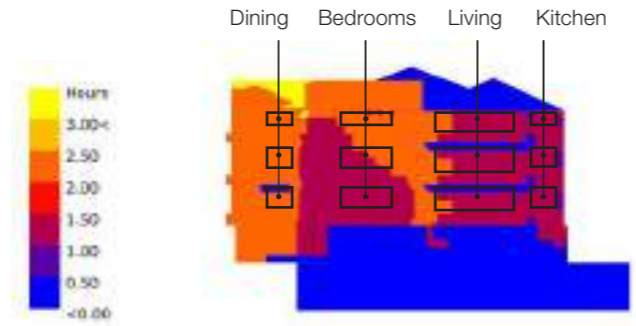
North elevation - Daylight hours received by 45 McLaren Street with 168 Walker Street DA scheme only.



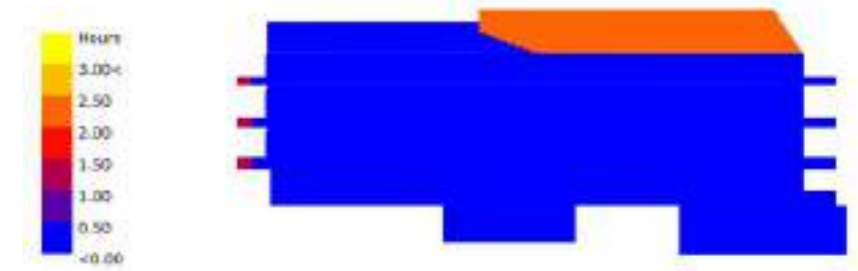
West elevation - Daylight hours received by 45 McLaren Street with 168 Walker Street DA scheme only.



East elevation - Daylight hours received by 45 McLaren Street with 168 Walker Street DA scheme and 52 McLaren Street proposed envelope.



North elevation - Daylight hours received by 45 McLaren Street with 168 Walker Street DA scheme and 52 McLaren Street proposed envelope.



West elevation - Daylight hours received by 45 McLaren Street with 168 Walker Street DA scheme and 52 McLaren Street proposed envelope.

The eastern facade of the building generally receives in excess of 2 daylight hours in mid winter, although due to the deep full width balconies, this light does not penetrate into the internal spaces. This is the existing condition, and the 52 McLaren Street proposals do not worsen this in any way.

The western side of the northern facade of the building will only receive slightly more than 1 daylight hour in mid winter, due to overshadowing caused by the 168 Walker Street DA scheme, whereas the eastern side of the northern facade of the building will receive in excess of 2 daylight hours. The 52 McLaren Street proposals slightly worsen this, but the north facing windows to the dining rooms of the north east corner apartments still receive in excess of 2 daylight hours, and therefore demonstrate ADG compliance. The three north west corner apartments are non-compliant even without the 52 McLaren Street proposals, although these living rooms do have secondary windows facing east and these windows do receive in excess of 2 daylight hours.

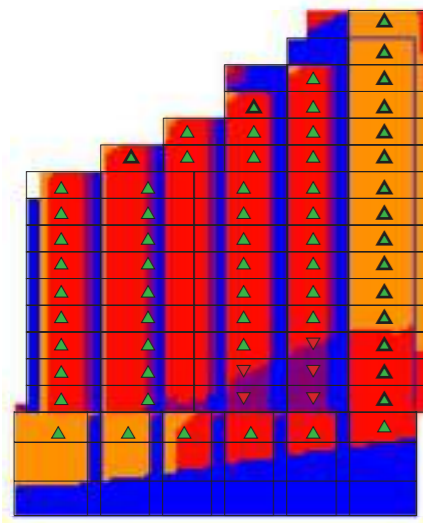
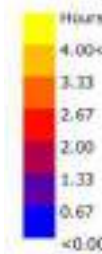
The western facade of the building will receive less than 2 daylight hours in mid winter, due to overshadowing caused by the 168 Walker Street DA scheme. With the 52 McLaren Street proposals this will reduce to less than 1 daylight hour. There are only bedrooms and kitchens located along the length of this elevation, therefore a reduction in solar access to these spaces does not result in non-compliance with the ADG requirements.

The ADG states that living rooms and private open spaces of at least 70% of apartments in a building should receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.

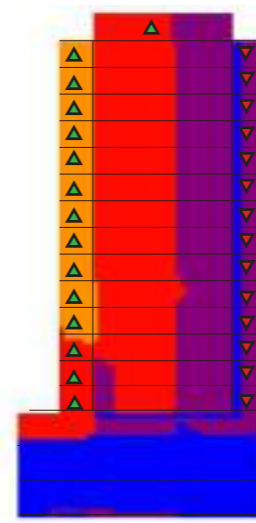
Based on this, only 3 dwellings (17%) are non-compliant due to overshadowing impacts from the 168 Walker Street DA scheme, with the 52 McLaren Street proposals slightly worsening this. Therefore the proposals demonstrate ADG compliance.

## 07 Key views, solar analysis and ADG compliance

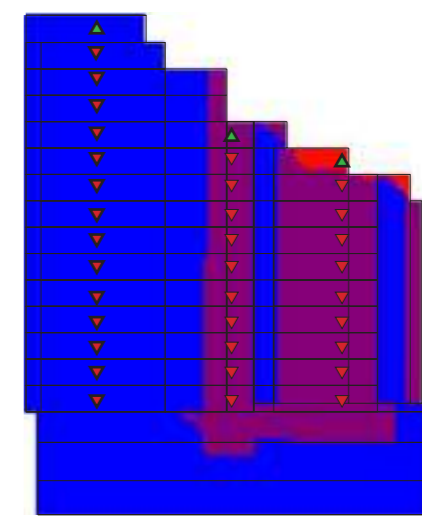
▲ PASS  
▼ FAIL



East elevation - Daylight hours received by 45 McLaren Street planning proposal scheme with 168 Walker Street DA scheme only.

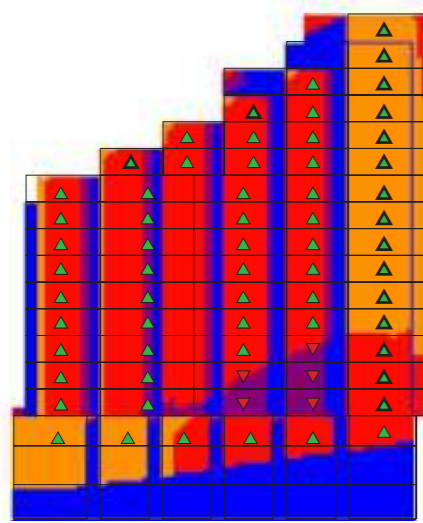
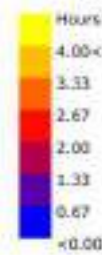


North elevation - Daylight hours received by 45 McLaren Street planning proposal scheme with 168 Walker Street DA scheme only.

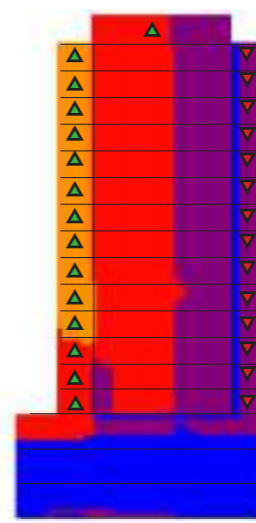


West elevation - Daylight hours received by 45 McLaren Street planning proposal scheme with 168 Walker Street DA scheme only.

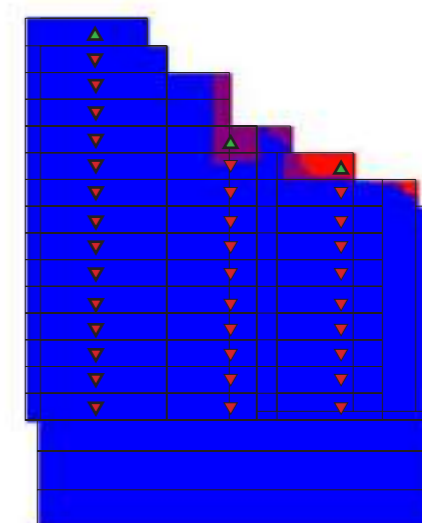
▲ PASS  
▼ FAIL



East elevation - Daylight hours received by 45 McLaren Street planning proposal scheme with 168 Walker Street DA scheme and 52 McLaren Street proposed envelope.



North elevation - Daylight hours received by 45 McLaren Street planning proposal scheme with 168 Walker Street DA scheme and 52 McLaren Street proposed envelope.



West elevation - Daylight hours received by 45 McLaren Street planning proposal scheme with 168 Walker Street DA scheme and 52 McLaren Street proposed envelope.

### 7.9 Solar analysis - 45 McLaren Street - Planning proposal scheme

With the 168 Walker Street DA scheme only, the eastern facade of the building generally receives in excess of two daylight hours in mid winter, with only four of the east facing apartments receiving between one and two daylight hours. The 52 McLaren Street proposals do not worsen this in any way.

With the 168 Walker Street scheme only, the western side of the northern facade of the building will receive more than two daylight hours in mid winter, whereas the eastern side of the northern facade of the building will receive one to two daylight hours. The 52 McLaren Street proposals do not worsen this in any way.

With the 168 Walker Street scheme only, most of the western facade of the building will receive less than one daylight hour in mid winter, with some parts receiving between one and two daylight hours. With the 52 McLaren Street proposals this will reduce slightly to less than one daylight hour for the entire facade.

In summary, with the 168 Walker Street scheme only, 62 dwellings (62%) receive in excess of two hours direct sunlight between 9 am and 3 pm at mid winter, with 38 dwellings (38%) receiving less than two daylight hours. This is unchanged with the 52 McLaren Street proposals.



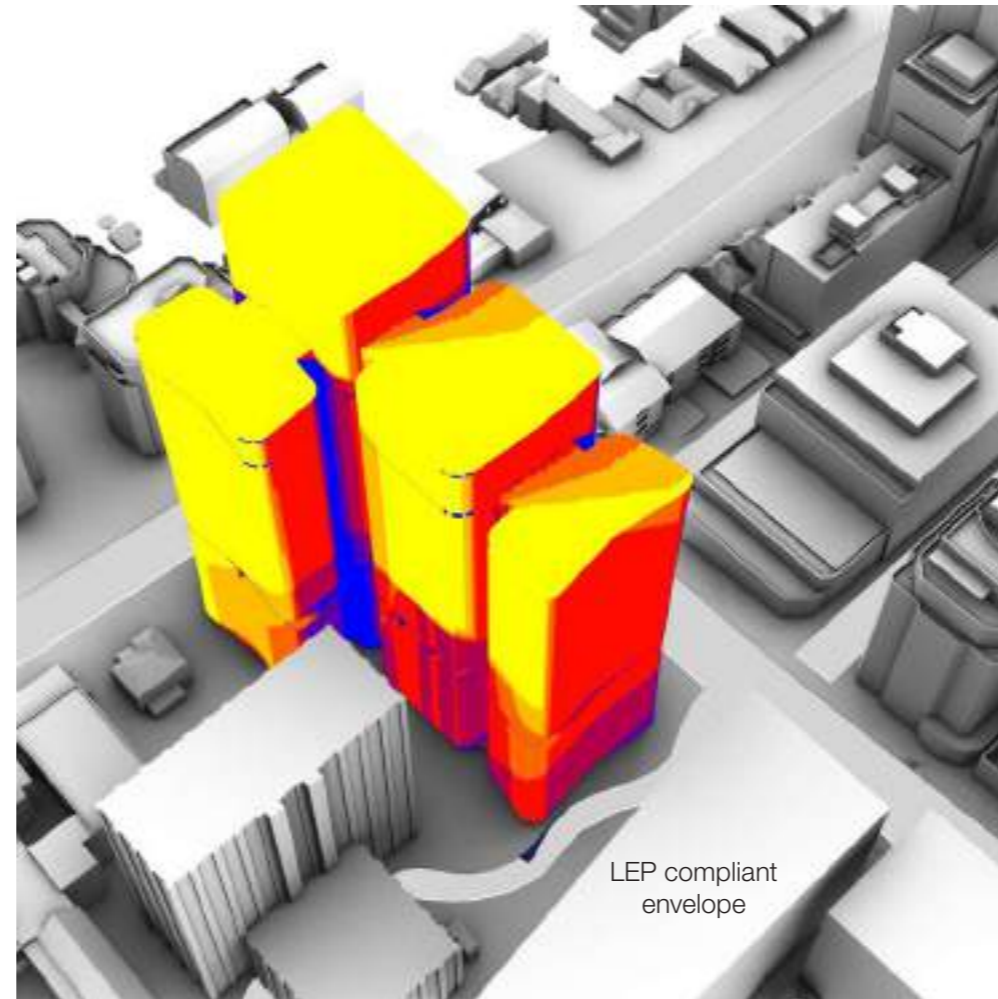
**7.10 Solar analysis - 168 Walker Street**

The following diagrams indicate the daylight hours received by the proposed building at 168 Walker Street.

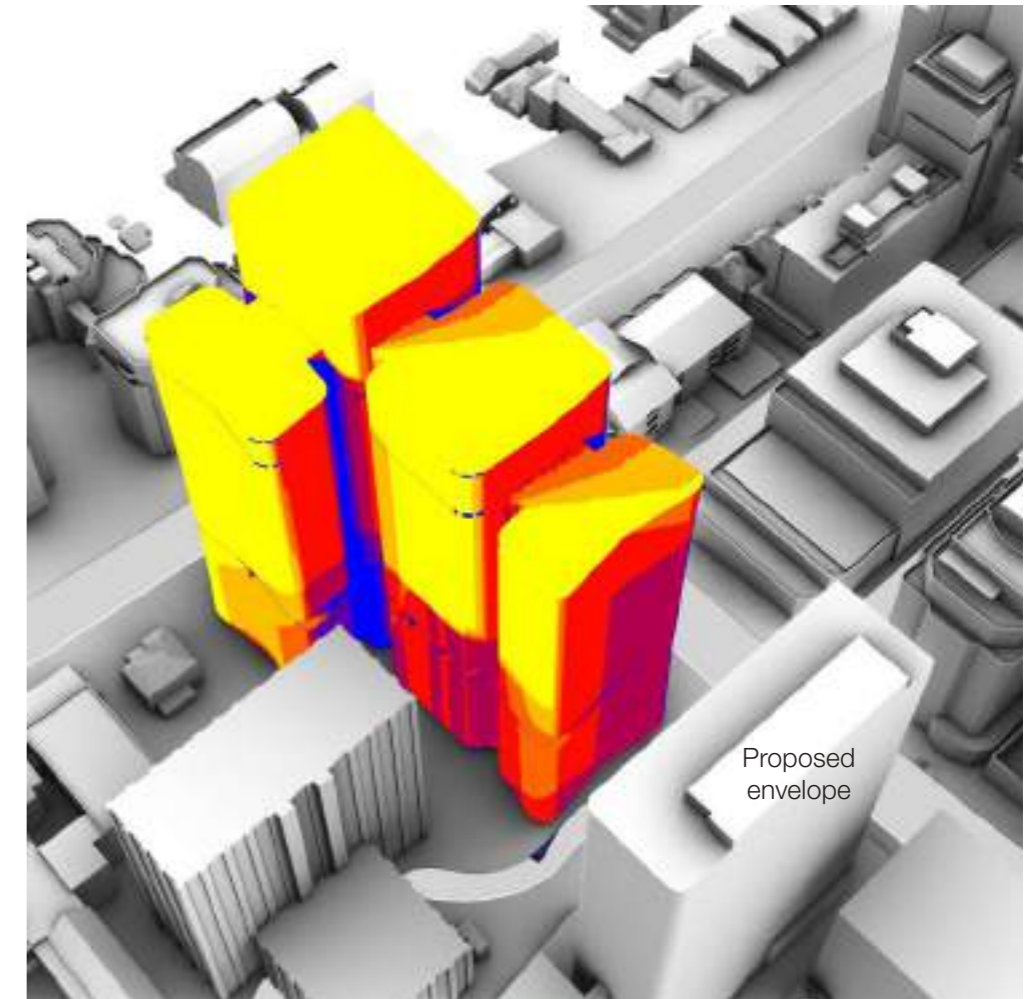
With an LEP compliant envelope, some of the lower level west facing apartments in the western building are impacted, with the worst of these still receiving in excess of two daylight hours. The upper level apartments generally receive in excess of three daylight hours.

These impacts increase slightly with the proposed envelope, with the worst of these again still receiving in excess of two daylight hours, and this only affects a relatively small proportion of the apartments in the building.

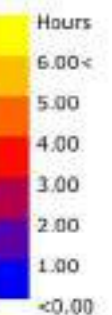
The analysis demonstrates that the majority of the building achieves solar access of greater than two hours between 9am and 3pm on June 21.



Daylight hours received by 168 Walker Street with LEP compliant envelope



Daylight hours received by 168 Walker Street with the proposed envelope



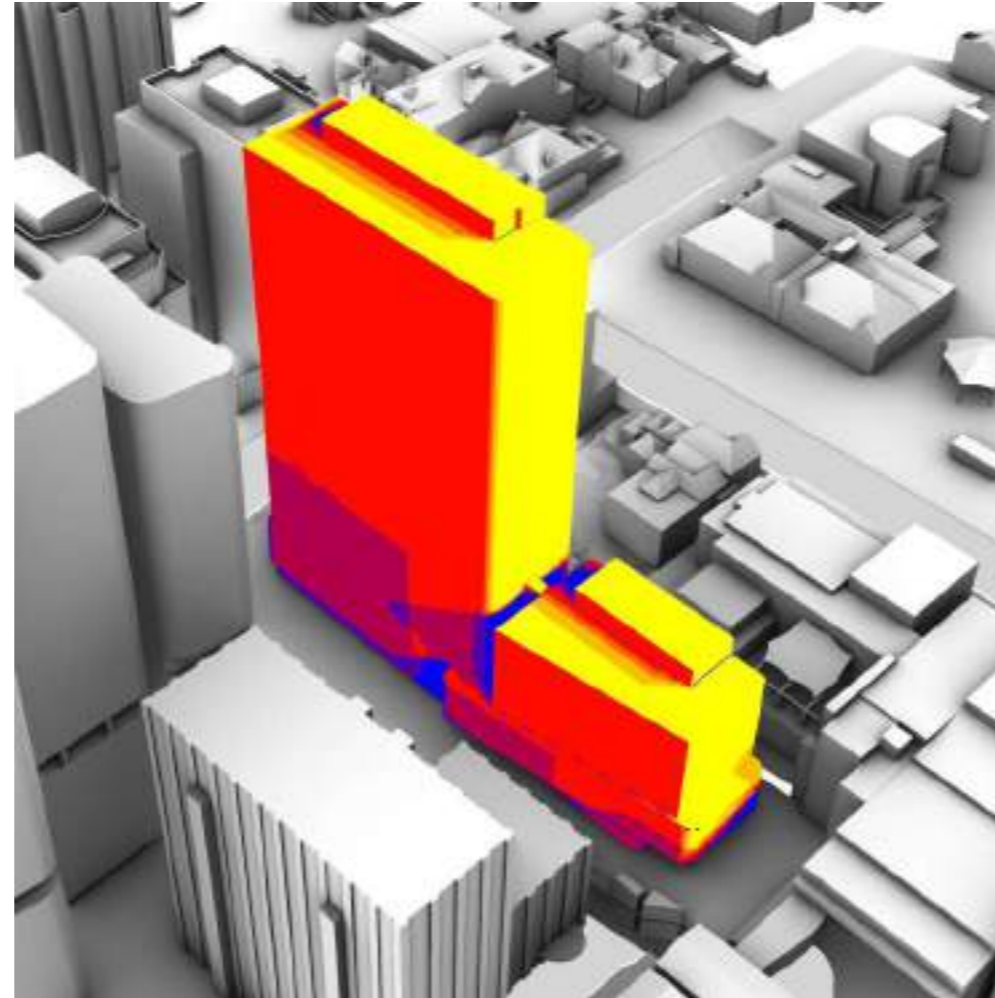
**07 Key views, solar analysis and ADG compliance**

**7.11 Solar analysis  
- 52 McLaren Street proposal**

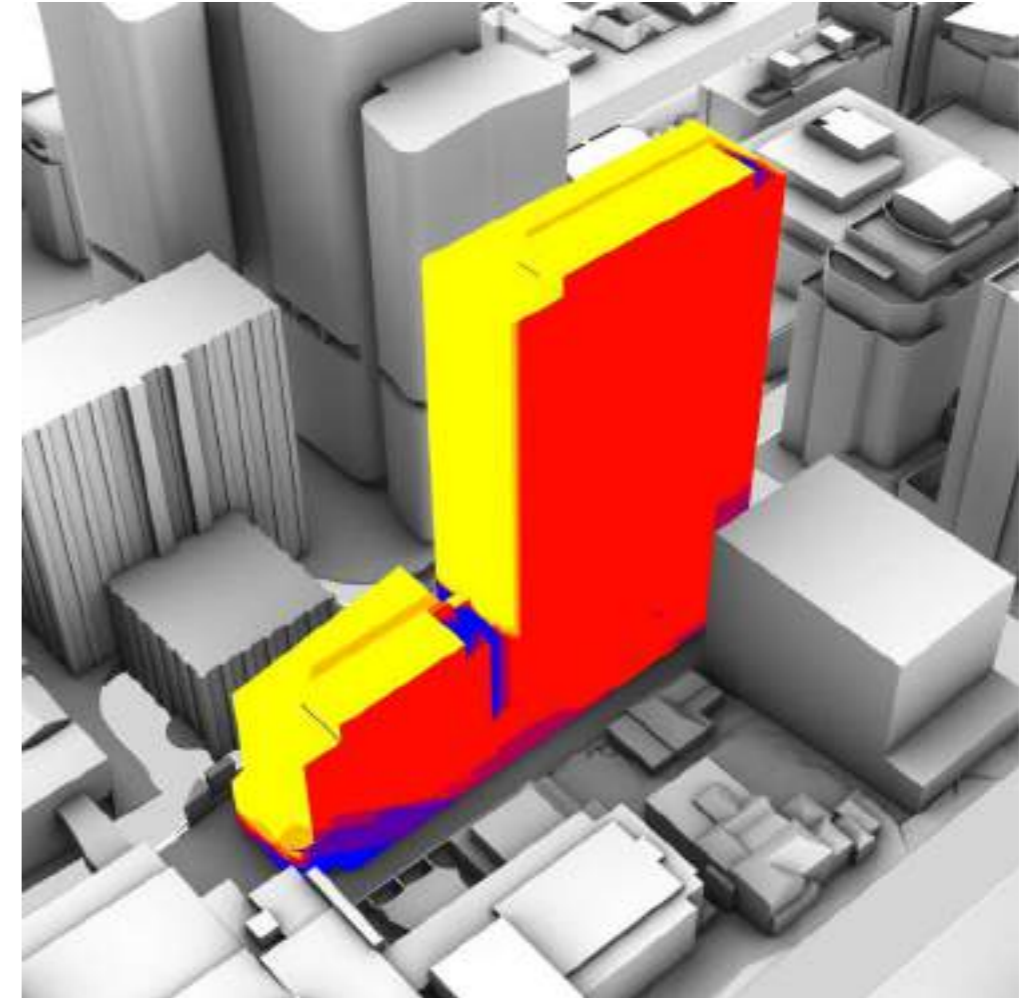
The following diagrams indicate the daylight hours received by the proposed envelope at 52 McLaren Street.

The ADG states that living rooms and private open spaces of at least 70% of apartments in a building should receive a minimum of two hours direct sunlight between 9 am and 3 pm at mid winter. A maximum of 15% of apartments in a building are permitted to receive no direct sunlight between 9 am and 3 pm at mid winter.

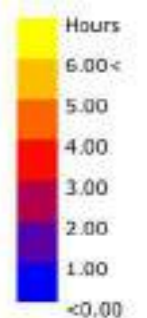
The analysis demonstrates that all of the apartments receive in excess of two daylight hours between 9am and 3pm at mid winter.



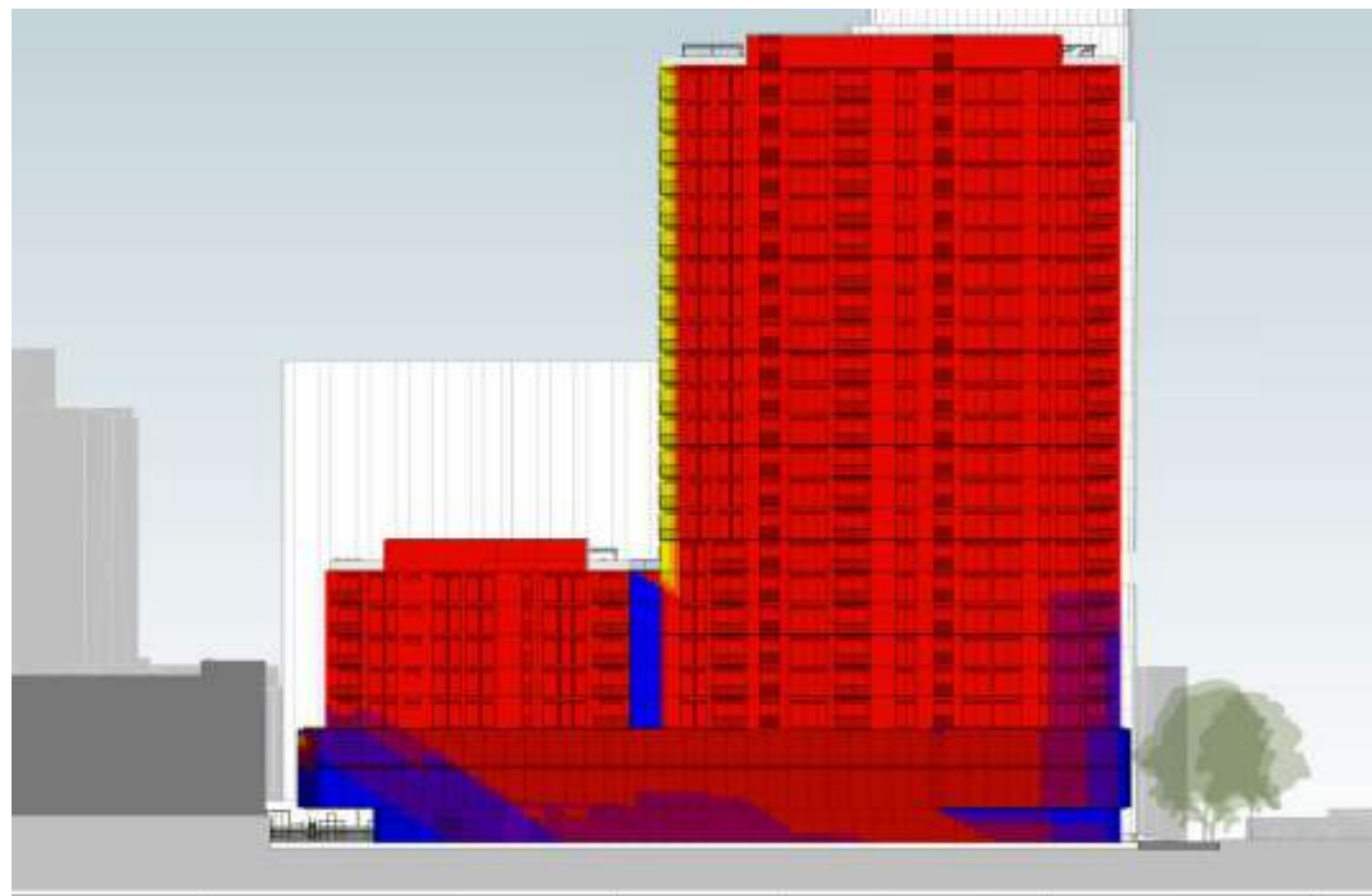
Daylight hours received by 52 McLaren Street - East elevation



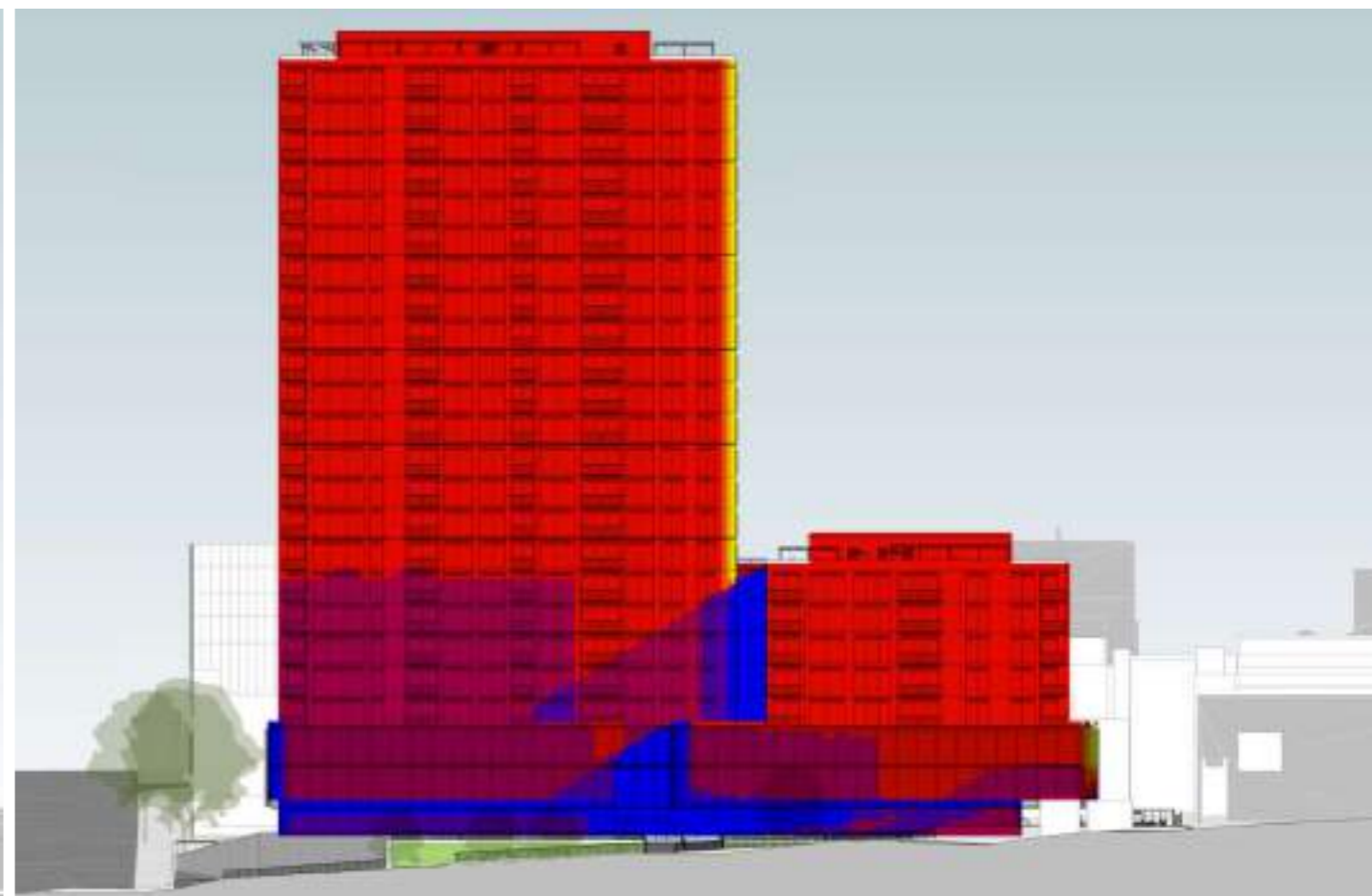
Daylight hours received by 52 McLaren Street - West elevation



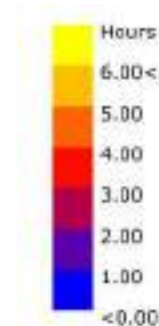
**07 Key views, solar analysis and ADG compliance**



Daylight hours received by 52 McLaren Street - West elevation



Daylight hours received by 52 McLaren Street - East elevation



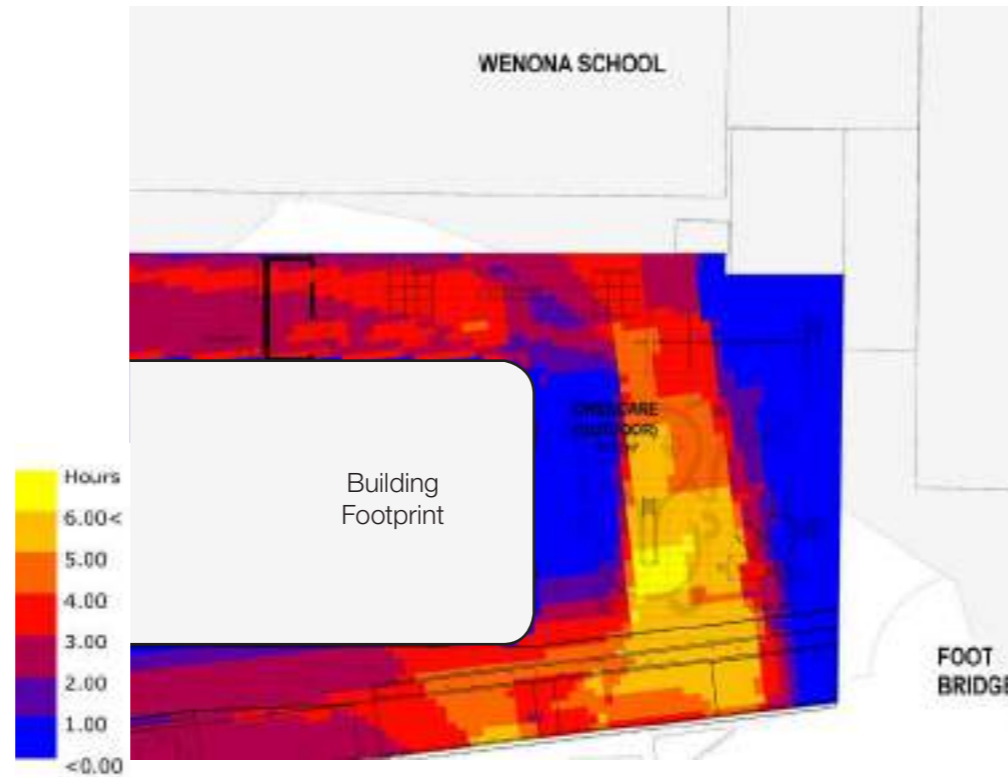
**7.12 Solar analysis  
- Childcare open space**

The following diagrams indicate the daylight hours received by the proposed Childcare Centre open space at 52 McLaren Street.

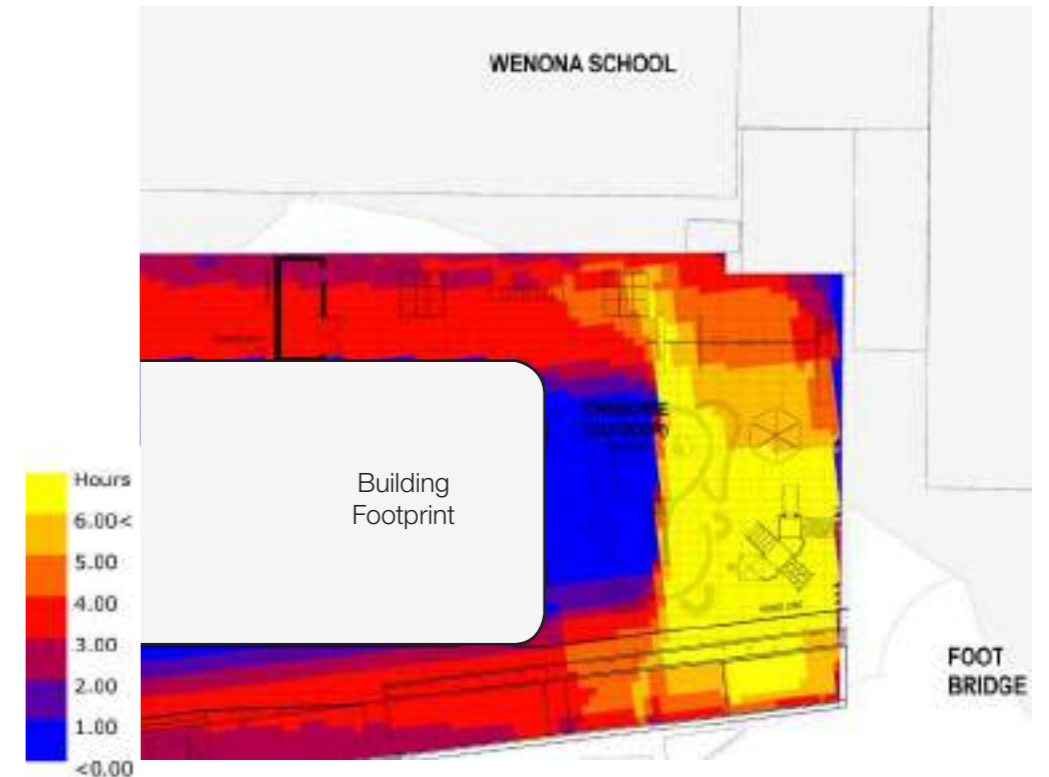
The analysis demonstrates that the main space which is open to the air (uncovered) receives in excess of four hours of direct sunlight between the hours of 9am and 3pm at mid summer.

At the equinoxes, approximately two-thirds of this area receives in excess of three hours of direct sunlight between the hours of 9am and 3pm, with the exception of the area adjacent to the northern site boundary which is overshadowed by the adjacent buildings.

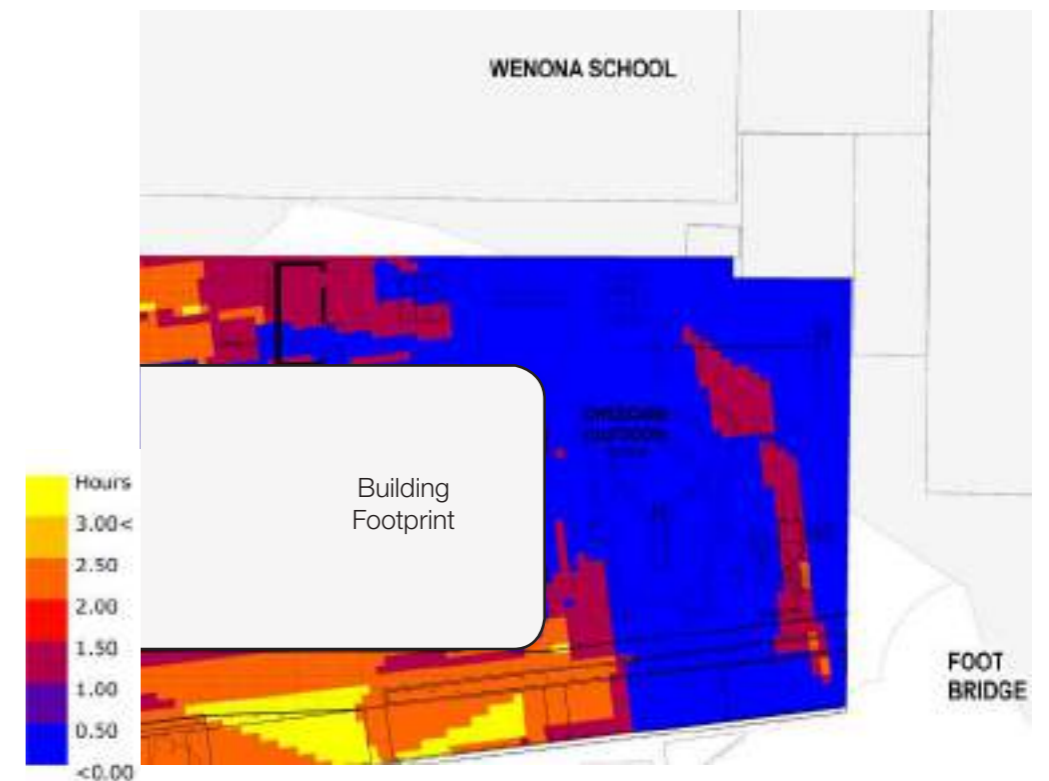
At mid winter, most of the outdoor space is overshadowed by adjacent buildings, with only a few small areas receiving up to 1.5 hours of direct sunlight between the hours of 9am and 3pm.



Equinox - Daylight hours received by the Childcare Centre open space



Mid summer - Daylight hours received by the Childcare Centre open space



Mid winter - Daylight hours received by the Childcare Centre open space

## 07 Key views, solar analysis and ADG compliance

### 7.13 ADG Compliance

The scheme has been assessed for compliance with key SEPP 65 / Apartment Design Guide criteria that are applicable for high rise residential apartment buildings as follows:

- visual privacy
- solar and daylight analysis
- natural ventilation
- ceiling heights
- apartment size and layout
- private open space and balconies
- communal open space
- common circulation and spaces
- storage.

A summary of compliance is provided in the following table:

ADG Criteria	Details of Compliance
<p><b>Visual privacy</b> Separation to windows and balconies is provided to ensure visual privacy is achieved.</p> <p>Minimum required separation distance from buildings to the side and rear boundaries are as follows for habitable rooms and balconies:</p> <ul style="list-style-type: none"> <li>• Up to 12m (4 storeys) = 6m</li> <li>• Up to 25m (5-8 storeys) = 9m</li> <li>• Over 25m (9+ storeys) = 12m</li> </ul> <p>Minimum separation distances for buildings nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 24m between habitable rooms/balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable rooms.</li> </ul>	<p><b>Eastern boundary</b></p> <ul style="list-style-type: none"> <li>• 24m separation between proposal and 168 Walker Street envelope.</li> <li>• 10-13m separation between proposal and the blank western facade of the Rydges building, with 34-36m separation between the proposal and the main western facade of the Rydges building.</li> </ul> <p><b>Western Boundary</b></p> <ul style="list-style-type: none"> <li>• 23m separation between proposal and the rear facade of 243 Miller Street.</li> <li>• 11-21m separation between the proposal and the rear facade of Wenona School.</li> </ul> <p><b>Northern Boundary</b></p> <ul style="list-style-type: none"> <li>• 17m separation between proposal and the facade of Wenona School.</li> </ul>
<p><b>Solar access</b> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter in Sydney Metropolitan Area.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter.</p>	<ul style="list-style-type: none"> <li>• All apartments receive at least 2 hours direct sunlight between 9am and 3pm at mid winter to living rooms and private open spaces.</li> </ul>
<p><b>Natural ventilation</b> At least 60% of apartments are naturally ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balcony at these levels allow adequate natural ventilation and cannot be fully enclosed.</p>	<ul style="list-style-type: none"> <li>• 60% of apartments are naturally cross ventilated.</li> </ul>
<p><b>Ceiling heights</b> Measured from finished floor level to finished ceiling level, minimum ceiling heights are 2700mm in habitable rooms.</p>	<ul style="list-style-type: none"> <li>• 2700mm ceiling heights provided to all apartments.</li> </ul>

ADG Criteria	Details of Compliance
<p><b>Apartment size and layout</b> Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> <li>• Studio = 35sqm</li> <li>• 1 Bedroom = 50sqm</li> <li>• 2 Bedroom / 2 bathroom = 75sqm</li> <li>• 3 Bedroom / 2 bathroom = 95sqm</li> </ul>	<ul style="list-style-type: none"> <li>• All apartments meet or exceed these minimum areas.</li> </ul>
<p><b>Private open space and balcony</b> Apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> <li>• Studio = 4sqm</li> <li>• 1 Bedroom = 8sqm</li> <li>• 2 Bedroom = 10sqm</li> <li>• 3 Bedroom = 12sqm</li> </ul>	<ul style="list-style-type: none"> <li>• All balconies meet or exceed these minimum areas.</li> </ul>
<p><b>Communal open space</b> Communal open space has a minimum area equal to 25% of the site.</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter).</p>	<ul style="list-style-type: none"> <li>• A total of 791sqm of communal open space is provided in the form of roof terraces, which is equal to 25% of the site area. There is also a residents garden at ground floor.</li> </ul>
<p><b>Common circulation and space</b> The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<ul style="list-style-type: none"> <li>• Floors 3-7: 12 apartments per floor. Served by 1 lift/ stair core (with 3 lifts) and 2 additional stair cores.</li> <li>• Floors 8-23: 7 apartments per floor. Served by 1 lift/ stair core (with 3 lifts) and 1 additional stair core.</li> <li>• 3 lifts provided.</li> </ul>
<p><b>Storage</b> In addition to storage in kitchens, bathrooms, and bedrooms, the following storage is to be provided, with at least 50% of the required storage being located within the apartment:</p> <ul style="list-style-type: none"> <li>• Studio = 4sqm</li> <li>• 1 Bedroom = 6sqm</li> <li>• 2 Bedroom = 8sqm</li> <li>• 3 Bedroom = 10sqm</li> </ul>	<ul style="list-style-type: none"> <li>• Storage provided that either meets or exceeds these minimum areas.</li> </ul>

**GHD**

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19 September 2021

Ken Gouldthorp  
The General Manager  
North Sydney Council  
PO Box 12  
North Sydney NSW 2059

Attention: Mr Neal McCarry

## **52 MCLAREN STREET, NORTH SYDNEY – LETTER OF INTENT TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT**

Sydney Metro, current landowner of 52 McLaren Street, North Sydney (the Site) write to North Sydney Council (Council) in relation to a public benefit offering as part of the Planning Proposal for the Site. The planning proposal seeks to amend the maximum height of building and floor space ratio maps in accordance with Council's vision and design guidelines as identified in the Civic Precinct Planning Study (CPPS) that apply to the Site.

The site is adjacent to the Victoria Cross Station northern entrance and is currently being used to help construct the metro station. The land will no longer be required for this purpose upon the completion of the metro infrastructure in 2024. Sydney Metro is thus preparing a planning proposal which seeks to amend the North Sydney Local Environmental Plan 2013 by establishing increased maximum height of the building and floor space ratio (FSR) controls and a minimum non-residential FSR control. Site specific development controls will also be prepared and inserted into the North Sydney Development Control Plan 2013 which will identify as a minimum side setback controls, podium height and the requirement to provide a through site link.

The proposal has been developed in line with Council's vision for the site established in Council's CPPS. The CPPS was endorsed in November 2020 and contains a site specific building envelope allowing for a 14 storey and 24 storey building above a podium for the Site. The study seeks to capitalise on the new infrastructure being delivered within the Civic Precinct, in particular Sydney Metro, and the areas in close proximity to the North Sydney CBD, open space and services. In working with Council since the endorsement of the CPPS study and lodgement of plans in August 2021, the Planning Proposal now proposes an 8 storey and 24 storey building above the podium.

This letter constitutes a formal offer to enter into a Voluntary Planning Agreement for the delivery of the public benefits associated with the rezoning of the Site.

### **The Offer**

In return for the additional uplift proposed on the Site, Sydney Metro is offering to enter into a Voluntary Planning Agreement (VPA) with Council which would provide for the following public benefits in any future development on the site:

- 900sqm (450sqm indoor and 450sqm outdoor) floor space in the first floor of the podium level for provision for a future childcare centre or other community use to be delivered by Council. This also includes the dedication of 6 car spaces in the basement level and dedicated lift access; and
- a 3 metre wide through site link along the eastern boundary of the site. This space is to include landscaping, seating and would be integrated with the podium uses.

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### **Sydney Metro**

Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240  
T 02 8265 9400 | sydneymetro.info | ABN 12 354 063 515

**The Details**

The letter of offer is made on the following conditions:

1. The VPA will apply to the following land: Lot 2 in DP 218407.
2. The application of 7.11 and 7.12 contributions will not be excluded as they apply to the land.
3. Sydney Metro agrees to pay Council's reasonable legal costs in negotiating, drafting and preparing the VPA.

We look forward to discussing the Planning Proposal and this public benefit offer further with Council and can be available at a time suitable to Council.

Kind Regards,



John Spitznagel  
**Director, Property**  
**Sydney Metro**