

## **8.4. Planning Proposal PP5/20 - 52 Alfred Street South, Milsons Point**

**AUTHOR:** Karen Buckingham, Executive Strategic Planner

**ENDORSED BY:** Joseph Hill, Director City Strategy

### **ATTACHMENTS:**

1. Attachment 1 - Planning Proposal - P P 5.20 - 52 Alfred Street Milsons Point [8.4.1 - 112 pages]
2. Attachment 2 - Architectural Drawings - P P 5.20 - 52 Alfred Street Milsons Point [8.4.2 - 25 pages]
3. Attachment 3 - Visual Impact Assessment - P P 5.20- 52 Alfred Street Milsons Point [8.4.3 - 95 pages]
4. 20 - 52 Alfred St South Panel Minutes [8.4.4 - 5 pages]

### **PURPOSE:**

To present to Council the assessment of a Planning Proposal which seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 52 Alfred Street South, Milsons Point following its review by the North Sydney Local Planning Panel which is included.

### **EXECUTIVE SUMMARY:**

On 2 October 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 52 Alfred Street South, Milson Point. In particular, the Planning Proposal proposes the following amendments to NSLEP 2013:

- *Increase the maximum building height on the Height of Buildings Map from 40m to RL 87 (55 metres). This represents an increase of 15 metres above the existing maximum height control.*

The proposal also includes a site-specific Development Control Plan (DCP) amendment which attempts to demonstrate how the indicative concept design would be realised in a DCP amendment and control the potential build form outcomes on the subject site.

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report on 9 December 2020, and resolved not to support the progression of the Planning Proposal to a Gateway Determination. The NSLPP agreed with the reasons for not supporting the Planning Proposal outlined in this report.

It is recommended that Council resolve to not support the progression of the Planning Proposal to Gateway Determination for the reasons expressed in this report.

## **FINANCIAL IMPLICATIONS:**

Nil.

## **RECOMMENDATION:**

**1. THAT** Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the following reasons;

- i) The Planning Proposal and Site-Specific DCP amendment fail to demonstrate how the site could be acceptably developed to ensure that the height proposed would not have a significantly detrimental impact on the character of the area and impact on public and private amenity.
- ii) From the information submitted, the Planning Proposal, indicative concept design and associated Site-Specific DCP amendment do not respond adequately to the site attributes and context and will result in a significant level of public and private amenity impacts.
- iii) The Planning Proposal is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013;
- iv) The Planning Proposal is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013;
- v) The Planning Proposal is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;
- vi) Sufficient residential capacity is already provided under NSLEP 2013 and identified in the NSLHS to meet State housing targets, without the need to change the land use mix on the subject site; and
- vii) The Planning Proposal if implemented, could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed use zoned land in highly accessible locations without the benefit of a comprehensive planning study of Milsons Point.

**2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

**3. THAT** Council advise the Department of Planning, Industry and Environment of its decision and that it be provided with a copy of this report and its resolution in support of Council's position.

## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
  - 1.2 North Sydney is sustainable and resilient
  
3. Our Future Planning
  - 3.4 North Sydney is distinctive with a sense of place and quality design
  
4. Our Social Vitality
  - 4.4 North Sydney's history is preserved and recognised
  
5. Our Civic Leadership
  - 5.1 Council leads the strategic direction of North Sydney

## **BACKGROUND**

### ***Prior Planning Proposals***

The subject site has been the subject of two previously refused Planning Proposals which are discussed below.

### **Prior Planning Proposal 52 & 74-80 Alfred St, Milsons Point**

On 12 December 2017, a Planning Proposal was lodged by Ethos Urban on behalf of the landowner (Element Property Australia) to amend NSLEP 2013 as it relates to land at 52 Alfred Street South, Milsons Point. The Planning Proposal sought to amend the maximum building height control applying to the site from 40m to a split height control across the site of RL93/RL90.

Following feedback from Council staff and the Design Excellence Panel, the Planning Proposal was amended and resubmitted on 8 August 2018. The revised Planning Proposal sought to amend the maximum building height control from 40m to a split height control across the site of RL97/RL84.

The applicant's amended concept proposal included:

- A mixed-use tower of 17 storeys (RL83.55) to Alfred Street South and 25 storeys (RL96.05) to Glen Street;
- 3 storey podium to Alfred Street South and 4 storey podium to Glen Street;
- Retail, foyer spaces and a residential gym occupying the ground floor and commercial office space occupying 3 levels of the podium to Glen Street;

- 186 residential units occupying the remaining podium levels and tower above;
- 191 car spaces over 4 basement levels; and
- Upgrade of the existing through-site link between Alfred Street South and Glen Street.

A numerical overview of the previous amended concept scheme is provided in **Figure 1**:

<b>Height</b>	Approx. 54.95m to Alfred Street South Approx. 78.65m to Glen Street
<b>Gross Floor Area (GFA)</b>	25,419m <sup>2</sup> <ul style="list-style-type: none"> <li>• 2,053m<sup>2</sup> Non-Residential</li> <li>• 22,718m<sup>2</sup> Residential</li> <li>• 648m<sup>2</sup> Amenities</li> </ul>
<b>Floor Space Ratio (FSR)</b>	Approx. 9.4:1
<b>Non-Residential FSR</b>	Approx. 0.76:1

**FIGURE 1: Numerical overview of the previous amended concept scheme.**

On 26 September 2018, the North Sydney Local Planning Panel (NSLPP) considered a Council Officer’s assessment report and accompanying recommendations. The report recommended that the Planning Proposal not proceed to Gateway determination for the following reasons:

- *The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context and will result in a significant level of public and private amenity impacts;*
- *It is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013;*
- *It is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013;*
- *It will result in a reduction of commercial floor space over the site which is inconsistent with Direction 1.1 – Business and Industrial Zones to the section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979;*
- *It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;*
- *Sufficient residential capacity is already provided under NSLEP 2013 to meet State housing targets, without the need to change the land use mix on the subject site; and*
- *The Planning Proposal if implemented, could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed use zoned land in highly*

*accessible locations without the benefit of a comprehensive planning study of Milsons Point.*

The Panel supported the Council Officer's recommendation and made the following recommendation to Council:

*"The Panel has considered the Council Officer's Report and Recommendation and the submissions and presentation to the public meeting. A site inspection was undertaken earlier in the day by the Panel.*

*The Panel recommends that Council not proceed with the Planning Proposal for the reasons outlined in Council's officer's report. The Panel is not persuaded that the increase in height is justified in the circumstances of the case having regards to its context. The increase in height is not supported because of the need to carefully consider impacts on the heritage item to the south, the residential to the north in terms of view loss, and the properties to the west and also importantly, overshadowing of Bradfield Park is not acceptable given the importance of this public domain area.*

*The Panel recommends to the Council that this planning proposal to increase the height from 40m to between 55.4m - 79.6m not proceed to a Gateway Determination."*

On 29 October 2018, Council resolved to adopt the following recommendation:

- 1. THAT Council resolves not to support the Planning Proposal proceeding to Gateway Determination.*
- 2. THAT Council advise the Department of Planning and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's position.*
- 3. THAT Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulations 2000.*

### ***Prior Planning Proposal PP4/19***

On 26 March 2019, a Planning Proposal was lodged by Ethos Urban on behalf of the landowner (Milsons Point 2 Pty Ltd) to amend NSLEP 2013 as it relates to land at 52 Alfred Street South, Milsons Point. The Planning Proposal sought to amend the maximum building height control applying to the site from 40m to part RL 84 (to Alfred Street South) and part RL 97 (to Glen Street). The applicant's amended concept proposal included:

- A mixed-use tower of 17 storeys (RL84) to Alfred Street South and 25 storeys (RL97) to Glen Street;
- A maximum podium height of 4 storeys to Glen Street;

- Retail/Commercial, Residential and Amenity space;
- 173 residential units occupying the remaining podium levels and tower above;
- 191 car spaces over 4 basement levels; and
- Upgrade of the existing through-site link between Alfred Street South and Glen Street.

A numerical overview of the previous concept scheme under PP4/19 is provided below in **Figure 2**:

Component	Development Concept
Maximum overall height (storeys)	25
Maximum overall height (RL)	96.05 RL
Maximum podium height (storeys) (RL)	4 (fronting Glen Street)
Maximum podium height	40.15 RL
<ul style="list-style-type: none"> <li>• GFA (total)</li> <li>• Retail/Commercial GFA</li> <li>• Residential GFA</li> <li>• Amenities GFA</li> </ul>	<ul style="list-style-type: none"> <li>• 24,054m<sup>2</sup></li> <li>• 2,431m<sup>2</sup></li> <li>• 21,550m<sup>2</sup></li> <li>• 478m<sup>2</sup></li> </ul>
<ul style="list-style-type: none"> <li>• Apartments (total)</li> <li>• Studio</li> <li>• 1 bed</li> <li>• 2 bed</li> <li>• 3 bed</li> </ul>	<ul style="list-style-type: none"> <li>• 173</li> <li>• 14 (8%)</li> <li>• 1 (0.5%)</li> <li>• 86 (49.5%)</li> <li>• 72 (42%)</li> </ul>
Car parking	191

**FIGURE 2: Numerical overview of the concept scheme for prior Planning Proposal PP4/19.**

Due to the high levels of work being undertaken by Council staff at the time of lodgement, including Council's need to meet the tight NSW Government imposed deadlines for the adoption of the draft Local Strategic Planning Statement and Local Housing Strategy, Council engaged an independent planning consultant (Ingham Planning) to undertake the assessment of this planning proposal in order to provide a timely response.

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report prepared by Ingham Planning on 14 August 2019. The Ingham Planning Assessment Report identified various impact and design concerns that did not warrant support of the Proposal in its current form. It did, however, recommend that the Planning Proposal could be supported to proceed to Gateway Determination subject to:

- the Applicant be invited to formalise their offer to enter into a Voluntary Planning Agreement (VPA) including details of the value uplift of the property resulting from the proposed height increases;

- submitting a request to the Department of Planning, Industry and Environment (DPIE) that conditions be imposed as part of the Gateway Determination, that prior to the commencement of the public exhibition process, that the Applicant be required to undertake the following for inclusion in the public exhibition material:
  - details of community consultation within the block bound by Alfred, Glen and Dind Streets and 2–12 Glen Street;
  - a more detailed assessment of impacts (including but not necessarily limited to view loss, overshadowing and preserving views through the site);
  - details of any amendments to the proposed height and proposed building setbacks and building separation considered to be necessary as a result of the consultation and further assessment;
  - details of proposed amendments to North Sydney Development Control Plan 2013 (NSDCP 2013) necessary to ensure any future Development Application (DA) will be subject to adequate planning controls;
  - any draft VPA as agreed to by Council.

The Assessment Report was also accompanied by an Advisory Note from Council’s Manager of Strategic Planning, which provided comments in relation to the consultant’s assessment and recommendation.

Following its meeting on 14 August 2019, the NSLPP resolved to recommend to Council that the Planning Proposal not proceed to Gateway Determination. The Panel’s reasons for not supporting the Planning Proposal are outlined below.

The Panel recommended the following to Council:

- 1. The applicant has failed to demonstrate how the site could be acceptably developed to the requested heights insofar as the proposed concept design does not adequately respond to the site attributes and constraints and will result in a significant level of amenity impacts to adjoining residents in an already compromised environment;*
- 2. The extent of impacts identified, particularly in relation to loss of iconic views, may not be able to be resolved through the provision of increased building separation and setbacks, without consequential design changes which may result in other unacceptable impacts;*
- 3. To defer further assessment of impacts provides no certainty that the site can appropriately accommodate the height sought;*
- 4. The proposal fails to demonstrate strategic merit insofar that it is: a) inconsistent with a number of objectives and actions under the relevant Regional and District Plans; b) sufficient residential capacity is identified in the Draft North Sydney Local Housing Strategy (2019) to meet projected housing demand for the next 20 years, without the need to change the land use mix on the subject site; and*

5. *It is contrary to the objectives of the Height of Building controls under clause 4.3 to NSLEP 2013 and inconsistent with the Milsons Point Town Centre Character Statement under section 9.1 to Part C of NSDCP 2013;*

6. *The Planning Proposal, if implemented, could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed-use zoned land in highly accessible locations without the benefit of a comprehensive Planning Study.*

*RECOMMENDATION TO COUNCIL After careful deliberation of the current Planning Proposal this Panel is not persuaded that the matter should proceed because of potential adverse impacts on the public domain and amenity of the area, including view loss. The North Sydney Local Planning Panel recommends to the Council that this Planning Proposal to increase the height from 40m to between 55.4m to 79.6m not proceed to a Gateway Determination as it lacks strategic and site specific merit.*

On 26 August 2019, Council resolved to adopt the following recommendation:

1. THAT Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the reasons outlined in the Manager's Advisory Note (included in Attachment 2).
2. THAT Council advise the Department of Planning, Industry and Environment of its decision and be provided with a copy of this report and its resolution in support of Council's position.
3. THAT Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.

Due to Council not having made a determination within 90 days, the applicant lodged a request for a Rezoning Review with the Department of Planning, Industry and Environment on 1 July 2019.

On 11 March 2020 the Sydney North Planning Panel briefing was held to consider the Rezoning Review lodged. A decision was issued on 12 March 2020. The Panel determined that the proposed instrument should not be submitted for Gateway Determination because the proposal has demonstrated strategic merit but not site specific merit. The decision was unanimous.

The reason for the Panel decision was that:

*An increase in height on the site has strategic and site specific merit but the proposed height of the western Glen Street frontage is excessive. The report prepared by Brett Brown of Ingham Planning presented a substantive argument in favour of proceeding to Gateway with some caveats. While the Panel generally concurs with his reasoning,*



*the Panel considers it imperative that in addition to the Brett Brown caveats, a site specific indicative Development Control Plan should also form part of a new planning proposal to show the distribution of mass and height across the site.*

### **Current Planning Proposal (subject of this report)**

The latest Planning Proposal was lodged on 2 October 2020.

The details of the current Planning Proposal have been outlined in the *Description of Proposal* section of this report and seek the following amendment to NSLEP 2013:

- Increase the maximum building height on the Height of Buildings Map from 40m to RL 86.65 (54.43 metres) above the existing maximum height control. It is noted that the proposed amendment, as set out in Part B of the Planning Proposal Application Form does not accord with the proposed amendment to RL 87.10, as outlined in the proponents Planning Proposal Report and associated concept scheme.

The built form, as outlined in the Planning Proposal's indicative concept design comprises:

- *A built form across the subject site comprising a part three storey podium (fronting Alfred Street) and four storey podium (fronting Glen Street) with a residential tower above. As the site has a dual frontage, the eastern component fronting Alfred Street reaches a maximum height of 18 storeys and the western component fronting Glen Street reaches a maximum height of 16 storeys.*
- *Together the two building components provide a stepped built form that descends from west to east to the street frontages and also from north to south. It provides a reduced bulk at Alfred Street that corresponds with the scale of the existing building and aligns with the height plane established by adjoining developments.*
- *The tower component fronting Alfred Street South adopts a terraced form that steps down in height from north to south to correspond with the sloping topography of Alfred Street South.*
- *A building podium that respects the podium building line established by adjacent properties to protect view corridors.*
- *Provision of an upgraded existing east-west through-site link and new north-south through-site link with comprehensive landscaping and public domain improvements which accommodates both an existing and new connections across the site.*
- *Ground floor retail tenancies at the site's ground floor plane that will facilitate the activation of the through-site links and Alfred Street South.*
- *Provision of basement level parking accessed from Glen Street to prevent additional traffic congestion along Alfred Street South*

A numerical overview of the indicative development concept proposal in this current Planning Proposal, as shown in Table 10 of the Planning Proposal is set out in Figure 3 below. The apartment mix outlined Table 10 of the Planning Proposal does not align with the apartment mix outlined in the Development Summary at Section 1.3 of the Architectural Design Report and Drawings prepared by Kochi Takada Architects (KTA), as shown in Figure 6.

**Table 10 Numerical overview of the indicative development concept (awaiting development schedule)**

Component	Development Concept
Maximum overall height (storeys)	18
Maximum overall height (RL)	87.10 RL (54.43m)
Maximum podium height (storeys) (RL)	4 (fronting Glen Street)
Maximum podium height	37.55 RL
<ul style="list-style-type: none"> <li>• GFA (total)</li> <li>• Retail/Commercial GFA</li> <li>• Residential GFA</li> <li>• Amenities GFA</li> </ul>	<ul style="list-style-type: none"> <li>• 23,771m<sup>2</sup></li> <li>• 2,642m<sup>2</sup></li> <li>• 20,603m<sup>2</sup></li> <li>• 526m<sup>2</sup></li> </ul>
<ul style="list-style-type: none"> <li>• Apartments (total)</li> <li>• Studio</li> <li>• 1 bed</li> <li>• 2 bed</li> <li>• 3 bed</li> </ul>	<ul style="list-style-type: none"> <li>• 159</li> <li>• 0 (0%)</li> <li>• 12 (8%)</li> <li>• 71 (45%)</li> <li>• 76 (48%)</li> </ul>
Car parking	191

**Figure 3: Numerical overview of the subject Planning Proposal PP5/20 – extract from Table 10 of the Planning Proposal**

PP5/20 is the third Planning Proposal submitted for the site. To demonstrate the degree of amendments proposed in the subject Planning Proposal compared to the previous proposals, a numerical comparison of the indicative development concept compared with the two previous Planning Proposal is set out below in Figure 4.

PP number and address	PP 52 & 74-80 Alfred St, Milsons Point	PP4/19 52 Alfred St South, Milsons Point	PP5/20 52 Alfred Street South, Milsons Point
Maximum overall height (RL)	Submitted scheme from 40m to a split height control across the site of RL93/RL90.	From 40m to part RL 84 (to Alfred Street South) and part RL 97 (to Glen Street)	From 40m to RL 86.65 (54.43 m) as stated in Part B of the Planning Proposal Application Form. The Planning Proposal and associated concept

	Amended scheme to RL97/RL84.		plans state to RL87.10
Maximum overall height (storeys)	25 Storeys (split)	25 Storeys (16 storeys plus 4 basement car parking storeys to Alfred St and 21 storeys plus 4 storey podium to Glen Street)	22 Storeys (16 storeys plus 4 basement car parking storeys to Alfred Street and 18 storeys plus 4 storey podium to Glen Street)
Maximum podium height (RL)		RL 40.15	RL 37.55
Maximum podium height (storeys)	4 (fronting Glen Street)	4 (fronting Glen Street)	4 (fronting Glen Street)
Floor Space Ratio (FSR)	9.4:1	8.87:1	8.77:1
GFA (total)	25,419m <sup>2</sup>	24,054sqm	23,771sqm*
Retail / Commercial GFA	2,053m <sup>2</sup>	2,431m <sup>2</sup>	2,642m <sup>2</sup>
Residential GFA	22,718m <sup>2</sup>	21,550sqm	20,603sqm
Amenities GFA	648m <sup>2</sup>	478m <sup>2</sup>	526m <sup>2</sup>
Apartments	186	173	159
Car parking	191	191	191

**Figure 4: Numerical comparison of the subject Planning Proposal PP5/20 against the two prior Planning Proposals.**

\*The above table highlights that the GFA has been reduced from the previous Planning Proposal by only 283sqm (on a base of 25,419sqm), as discussed further following.

As shown in Figure 4, the revised indicative concept scheme proposed has, from a density perspective, only undergone a very modest reduction and been slightly amended from the previous Planning Proposal (PP 4/19), as refused by NSLPP, Council and the SNPP at Rezoning Review.

The primary changes cited in the Planning Proposal include:

- A reduced height of building concept for the western tower fronting Glen Street, from 21 storeys to 18 storeys [Please see comments below regarding incorrect or inaccurate information].

- A reduction in residential yield from 173 to 159 apartments (although this can change significantly depending on the dwelling mix and unit sizes as part of any future development application).
- Inclusion of a new north-south ground floor through site link through the centre of the site connecting the existing pedestrian access to Glen Street down to Camden House;
- Inclusion of a site specific Development Control Plan that includes detailed controls to guide and regulate future massing and development on the site to ensure the realisation of an outcome that is consistent with massing set out in the Indicative Reference Scheme.

Other changes include:

- Change in the residential mix. Three bedroom apartments make up 48% of the dwelling mix, no studio apartments and only 12 one bedroom apartments (8%).
- Increased the massing and reduced separation between the two proposed towers. To reduce the height from (97 RL to 87.10 RL), with minimal reduction in the overall GFA (283sqm), the massing has been increased between the two towers. The two towers are one built form up to and including level 12, as shown on Drw. No A104, Revision K, 'Level 12 Floor Plan'.

Incorrect or inaccurate information:

- As outlined above, it is noted that the proposed increase to the maximum building height on the Height of Buildings Map from 40m to RL 86.65 (54.43 metres) above the existing maximum height control, as set out in Part B of the Planning Proposal Application Form does not accord with the proposed amendment to RL 87.10, as outlined in the proponents Planning Proposal Report and associated concept scheme.
- The apartment mix outlined Table 10 of the Planning Proposal does not align with the apartment mix outlined in the Development Summary at Section 1.3 of the Architectural Design Report and Drawings prepared by Kochi Takada Architects (KTA).
- The applicant states in the Planning Proposal (page 60), that the maximum building height fronting Alfred Street is 18 storeys and 16 storeys fronting Glen Street. This is an error in the Planning Proposal. The Indicative Concept Scheme, at Appendix A, includes sections that demonstrate that the proposal seeks to achieve a 16 storey maximum building height fronting Alfred Street, with 4 true basement car parking levels and 18 storeys maximum building height fronting Glen Street, with 4 further levels referred to as basement levels that all project above ground level at RL18.01. Importantly, the maximum building

height fronting Glen Street will be read as a true 22 storey tower, not an 18 storey tower, as contended.

- Section 8.6, of the Planning Proposal includes an Indicative Concept Scheme compliance table with the Apartment Design Guide (ADG). Please note that this information is contained with Table 11, page 69 and highlights that with regard to Solar and Daylight Access, the proposal fails to be consistent with Objective 4A-1 of the ADG design criteria requiring, '*a maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter*'.

An alternative solution to this non-compliance is stated to be detailed at Section 10.7 and Appendix D of the Planning Proposal. However, the Planning Proposal report does not include a Section 10.7 (concluding at Section 10) and the Heritage Assessment Report is at Appendix D, not a solar impact assessment (SIA). Section 9.6 of the Planning Proposal report (page 89) also makes reference to an SIA prepared by KTA at Appendix D. The SIA and alternative solution to non-compliance with Objective 4A-1 of the ADG does not appear to be contained within the subject Planning Proposal. It is considered that reference to an alternative solution to non-compliance is contained within Appendix D of a previous Planning Proposal on the site (PP52 & 74-80 Alfred St).

What is clear, in the Planning Proposal report and KTA report is that a total of 30% of apartments would receive no direct sunlight between 9am and 3pm at mid-winter.

- View 5 in the Visual Impact Assessment (VIA) at Appendix E, is excluded from Table 21 of the Planning Proposal report – summary of impacts on 37 Glen Street. This impact is recorded as high-moderate in the VIA, given the partial loss of view of an iconic Sydney landmark and should accordingly have been included in the summary of impacts in the report. The only impacts recorded in the summary are the impacts that are assessed as negligible, low and moderate.

The proposal also includes a site-specific Development Control Plan (DCP) amendment which attempts to demonstrate how the indicative concept design would be realised in a DCP amendment and control the potential build form outcomes on the subject site.

## **CONSULTATION REQUIREMENTS**

Community engagement is not required at this stage.

Should Council determine that the Planning Proposal should proceed, community engagement will be undertaken in accordance with Council's Community Engagement Protocol, the requirements of any Gateway Determination issued in relation to the Planning Proposal and the Environmental Planning and Assessment Regulation 2000.

## **DETAIL**

### **1. Applicant**

The applicant for the proposal is Milsons Point 2 Pty Ltd, who is also owner of the subject land, for which owner's consent has been provided.

### **2. Site Description**

The subject site comprises a single allotment of land legally described as Lot 1, DP 738322 and otherwise known as 52 Alfred Street South, Milsons Point.

The site is generally rectangular in shape with a 39.4m frontage to Alfred Street South, a 41.7m rear frontage to Glen Street, an approximate depth of 70m and a site area of 2,711m<sup>2</sup>. The site falls steeply to the west towards its frontage to Glen Street.

A part single and part 12 storey commercial building (originally approved and constructed under DA1180/85) occupies the site over basement car parking. The 12 storey commercial office tower, also known as 'Kimberley Clark House,' is positioned over the eastern portion of the site with an attached single storey commercial building located over the western portion of the site. The buildings are built to the northern and western boundaries and set back from the eastern and southern boundary. Basement parking is accessed from Glen Street and also via the open driveway from Alfred Street South. There are numerous easements relating to access and parking within the basement. These include:

- the provision of 63 car spaces within the existing basement – 10 spaces are to be made available for use exclusively by the registered proprietor and other lawful occupiers of Camden House (56 Alfred St). 26 spaces are to be made available for use exclusively by the registered proprietor and other lawful occupiers of Lots 1–19, 21/SP 40513 (48–50 Alfred St). These lots are shops within the ground, first and second floor of 'Milson Village.' 27 spaces are to be made available between 6:00pm and 8:00am every day for use exclusively by the registered proprietor and other lawful occupiers of Camden House and the

abovementioned lots within ‘Milson Village’ between the hours of 6pm–8am;

- a driveway from Alfred Street South to a car parking area for No 52 which acts as part of the pedestrian link to Glen Street. There are rights of way on both the subject site and 48–50 Alfred Street South relating to this. It is noted that the existing stairs on the subject site that link this driveway to Glen Street do not appear to have any formal easement for public access.

A total of 11,091m<sup>2</sup> of non-residential floor space (as determined from DA 1029/81 and subsequent approvals) is provided across the site resulting in an existing non-residential FSR of 4.091:1.



**FIGURE 5: Subject site**



**FIGURE 6: Aerial photo**



**FIGURE 7: View of subject site from Sydney Harbour Bridge approach.**

### **3. Local Context**

The subject site is centrally located within the Milsons Point Town Centre, which is situated approximately 200m south of the (LEP defined) North Sydney Centre (Figure 8). The Milsons Point Town Centre is long and narrow in shape, constrained by its location between the northern approach to the Sydney Harbour Bridge to the east and Luna Park and Lavender Bay railway yards to the west.

Under the North District Plan 2018, Milsons Point maybe interpreted as comprising part of the North Sydney CBD, which is identified as forming part of the ‘Harbour CBD’ under the Greater Sydney Region Plan (A Metropolis of Three Cities) and North District Plan.

To the immediate north of the subject site is a 22 storey residential tower at 37 Glen Street and 14 storey commercial office building at 68 Alfred Street South. Further to the north is a 21 storey residential tower at 70 Alfred Street South.

Bradfield Park and Milsons Point Railway Station are located to the east of the subject site on the opposite side of Alfred Street South. Further to the east lies the Kirribilli



Village Centre which contains predominantly mixed-use buildings up to 3 storeys in height.

To the immediate south of the subject site is a 3 storey commercial and retail centre ('Milson Village'), a 2 storey historic house ('Camden House') and a 21 storey residential tower with a commercial tenancy fronting Glen Street ('The Milson'). These all previously formed part of one site, together with the subject site, for which approval was originally obtained in 1985 (DA 1180/85) for a mixed commercial, retail and residential development that was later subdivided. Further to the south is a 23 storey residential tower at 38 Alfred Street South and 25 storey residential tower at 2 Dind Street.

To the west of the subject site, on the opposite side of Glen Street, are predominantly 4-8 storey residential, commercial and mixed-use commercial and residential buildings. Further to the west lies Luna Park, the Lavender Bay Railway holding lines and the waters of Lavender Bay.



**FIGURE 8: Contextual relationships**

- North Sydney Centre
- Milsons Point Town Centre
- Kirribilli Village Centre
- ★ Milsons Point Railway Station
- Subject Site**

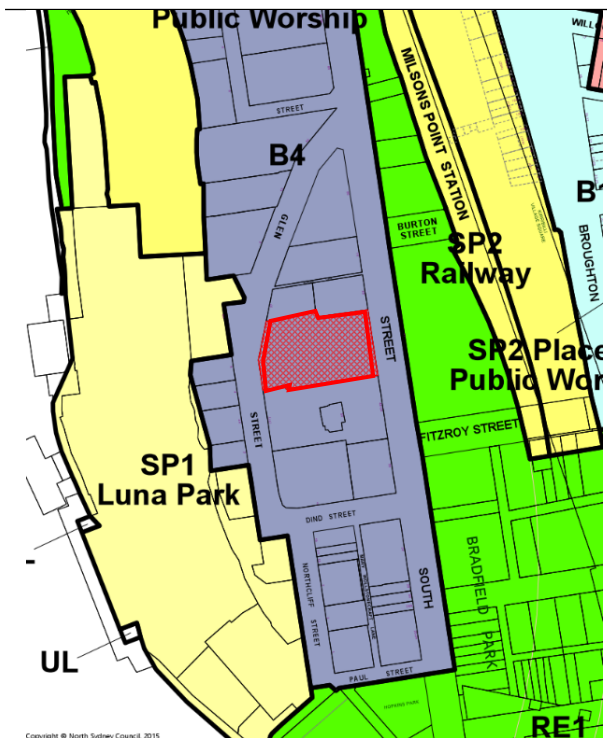
## 4. Current Planning Provisions

The following identifies the relevant local planning provisions that apply to the subject site.

### 4.1 NSLEP 2013

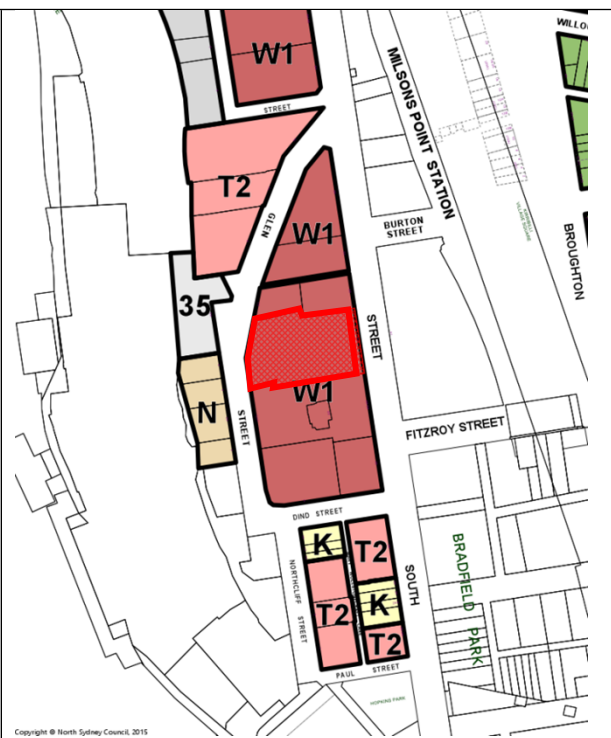
NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The principal planning provisions relating to the subject site are as follows:

- Zoned *B4 – Mixed Use* (refer to **Figure 9**);
- A maximum building height of 40m (refer to **Figure 10**); and
- A minimum non-residential floor space ratio of 0.75:1 (refer to **Figure 11**).



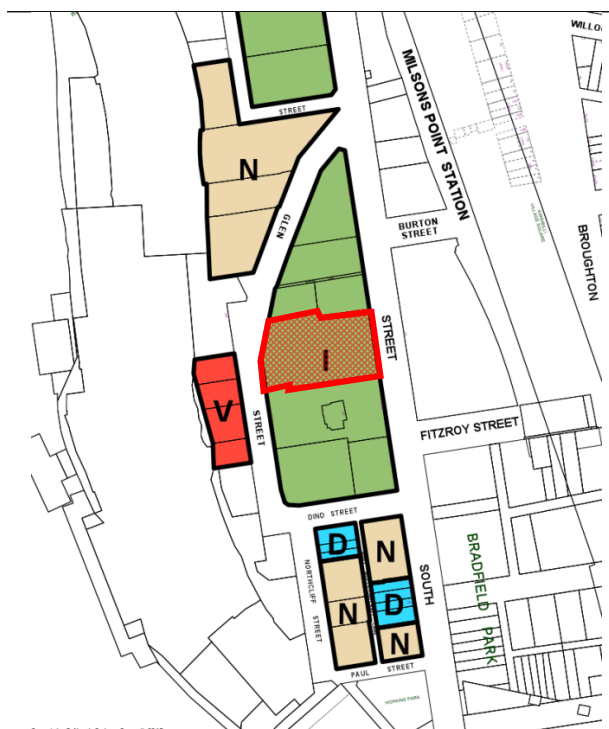
**FIGURE 9: NSLEP 2013 Zoning Map extract**

*The subject site is zoned B4 – Mixed Use*

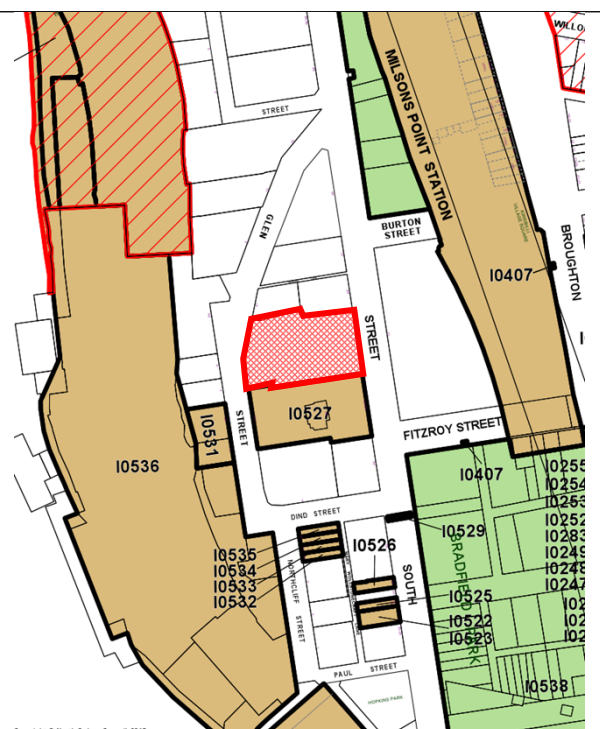


**FIGURE 10: NSLEP 2013 Height of Buildings Map extract**

*The subject site has a maximum building height of 40m*



**Figure 11: NSLEP 2013 Non-Residential FSR Map extract**  
*The subject site has a non-residential FSR of 0.75:1*



**Figure 12: NSLEP 2013 Heritage Map extract**  
*The subject site is identified as being in the vicinity of a number of local and State significant heritage items*

Whilst the subject site is not identified as a heritage item under NSLEP 2013 (refer to **Figure 12**), it is located within close proximity to a number of local and State significant heritage items including:

Item No.	Address	Item name	Significance
I0527	48 and 56 Alfred Street South	Camden House	Local
I0529	Intersection Alfred Street South, Dind Street and road reserve	Alfred Street South (entrance to Luna Park South)	Local
I0530	Sydney Harbour Bridge and approach viaducts, including 2–4 Ennis Road and 2–74 Middlemiss Street	Sydney Harbour Bridge approach viaducts, arches and bays under Warringah Freeway	State
I0531	2–2A Glen Street	Commercial Building	Local
I0536	1 Olympic Drive	Luna Park	State
I0538	Alfred Street South	Bradfield Park (including	Local

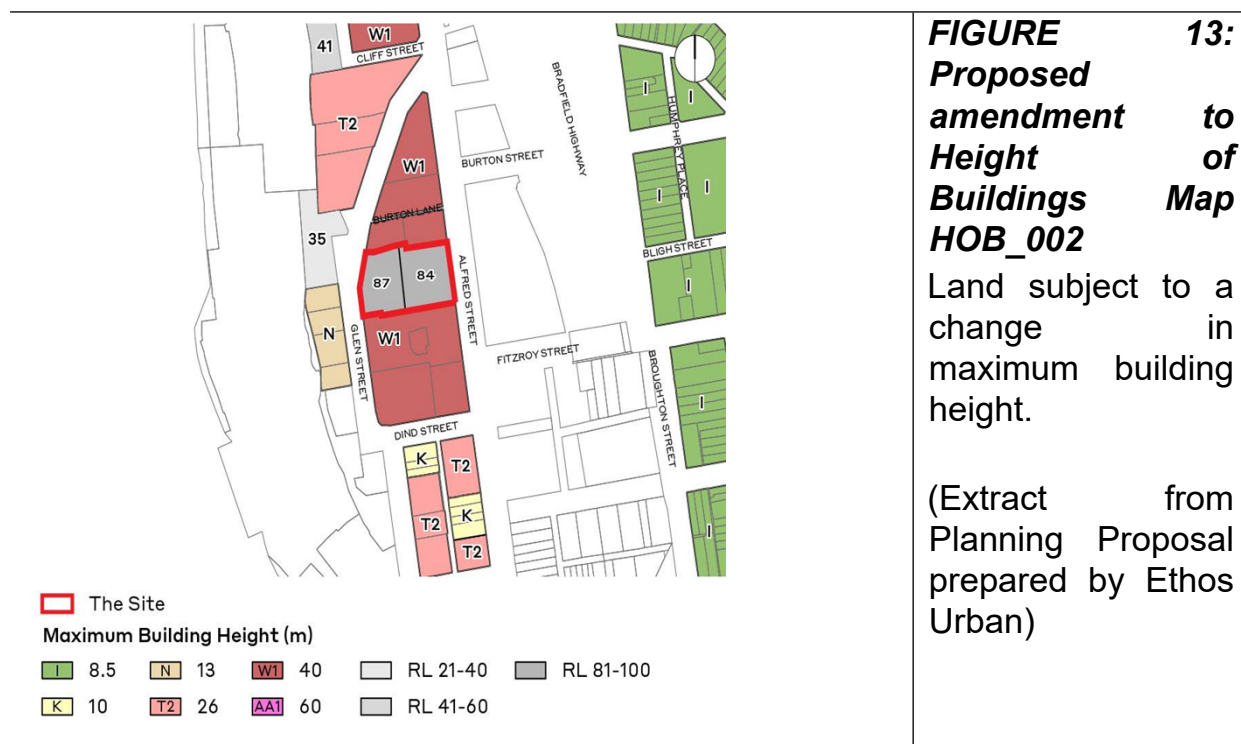
		northern section)	
I0407		Milsons Point Railway Station Group	State

## 5. Proposed Instrument Amendment

The objectives of the Planning Proposal have been noted above. It principally seeks to achieve these goals by amending NSLEP 2013 as follows:

- increase the maximum building height from 40m to RL87 and RL 84, equating to a 36% increase in the maximum building height.

Only one LEP map is proposed to be amended – Height of Buildings. The proposed change is indicated in **Figure 13**.



## 6. Draft Voluntary Planning Agreement (VPA)

The applicant has proposed to reconfigure the existing through-site link between Alfred and Glen Streets, incorporating a Civic Square (Camden Plan / forecourt). However, it is noted that the majority of the works indicated are not located within the subject site but on the neighbouring site to the south (48–50 Alfred Street South). Therefore the owners' consent for these works would be required as part of any future DA.

The Planning Proposal is not accompanied by a VPA offering public benefits. Where a proponent seeks to significantly increase the capacity of a site, Council generally invites the proponent to consider offering a public benefit reflective of the increase in intensity of the potential development of the land.

The applicant has noted that they are “willing to enter into a Voluntary Planning Agreement (VPA) with Council at the time of gateway determination. This agreement could make provision for local services and/or facilities outside the scope of Council’s Local Contributions Plan.” No details, however, have been submitted.

## **ASSESSMENT**

### **7. Planning Proposal Structure**

The Planning Proposal is considered to be generally in accordance with the requirements of s.3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and DPE’s ‘A guide to preparing planning proposals’ (December 2018). In particular, the Planning Proposal adequately sets out the following:

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

### **8. Justification of the Planning Proposal**

#### **8.1 Objectives of the Planning Proposal**

The applicant’s stated objectives for the Planning Proposal have been noted above. For the reasons given in this assessment, it is considered that the majority of these objectives can be achieved.

#### **8.2 The Need for the Planning Proposal**

##### **8.2.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?**

The applicant's Planning Proposal report fails to acknowledge the reference to an 'endorsed' study or strategy and simply refers to the reports that they have undertaken. The more accurate response to this question is no – there are no specific local studies or strategies that provide any basis for the Planning Proposal. Council's Residential Development Strategy (RDS 2009) is referenced in the Planning Proposal. The RDS identifies that significant upzonings in the B4 zone of Milsons Point have already been implemented. Milsons Point has accommodated much of North Sydney's growth in residential dwellings. The RDS identified a residential capacity of 326 dwellings over the next 12 years (2031), of which 200 are identified in the B4 zone. This low level of additional dwelling in Milsons Point reflects the fact that the area has reached or is near to its development capacity. Since 2009, Council has approved 182 dwellings in B4 zone.

The RDS has been largely superseded by Council's GSC Assured Local Strategic Planning Statement (LSPS) and Council's Adopted Local Housing Strategy (LHS). The LHS demonstrates North Sydney LGA has the capacity to deliver the housing supply needed to meet projected housing demand to 2036 within existing zones and planned precincts, without having to increase residential densities elsewhere. This issue is further discussed in **Section 8.3.1** below.

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

The applicant has considered and discussed alternatives to the proposal, but none that include alternate designs that address all the concerns identified in the two previous Planning Proposals and Rezoning Review Panel Decision.

### **8.3 Relationship to the Strategic Planning Framework**

**8.3.1 Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

*A Metropolis of Three Cities – the Greater Sydney Region Plan (Regional Plan) March 2018*

The applicant has provided an overview of the consistency of the proposal with this document. It is considered that the Planning Proposal is only partly consistent with the objectives of the Regional Plan. In this regard, it will be consistent with the Regional Plan in relation to:

Infrastructure – the Planning Proposal will make use of existing infrastructure in that it is located within walking distance of Milsons Point railway station, regional road networks and other established infrastructure including schools and hospitals.

Liveability - Council is ‘on track’ to meet the current housing targets. This has been confirmed in Council’s Local Strategic Planning Statement (LSPS), as assured by the Greater Sydney Commission (GSC) and Council’s Adopted Local Housing Strategy (LHS). The LHS identifies housing growth to 2036 and does not rely on the redevelopment of this site to meet the targets.

Heritage – as noted below, Council’s Heritage officer does not have significant concerns regarding impacts on environmental heritage.

Productivity – whilst the site is well located, consistent with the desire for a ‘30 minute city’, the potential loss of employment generating uses will not be as efficient in terms of maximising existing connections, regardless of the slight increase in commercial in GFA from the previous scheme (PP4/19).

Sustainability – the proposal indicates that adequate landscaping can be provided on the site (given the existing character to the area and B4 zoning). The Planning Proposal does not provide for any specific sustainability outcomes other than compliance with BASIX. The Planning Proposal provides minimal public benefit, though the applicant’s ‘willingness’ to enter into a VPA could assist in improving the quality of existing green space in proximity to the site.

The proposal is considered to be partly consistent with the Regional Plan but inconsistent with key objectives including Liveability and Productivity. Importantly, the Planning Proposal lacks consistency with the North Sydney Local Strategic Planning Statement which provides a line of sight between the key strategic priorities identified at the regional, district and local level.

### ***North District Plan (District Plan) March 2018***

The District Plan is consistent with the Regional Plan but provides more detail. However, there are no specific details that are particularly relevant to the Planning Proposal beyond the issues discussed above in relation to the Regional Plan.

DPIE’s *Guide to Preparing Planning Proposals* includes Assessment Criteria to be considered in the case where the relevant strategy plan does not have Sustainability Criteria. The North District Plan does not have Sustainability Criteria. This Assessment Criteria is otherwise known as the ‘Strategic/Site Specific Merit Tests’ and are noted and considered below.

a) *Does the proposal have strategic merit? Will it:*

- *give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- *respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

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

The North Sydney Local Strategic Planning Statement (LSPS) was adopted by Council on 24 March 2020, following a letter of assurance from the Greater Sydney Commission (GSC) on 20 March 2020.

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

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

Of relevance, the LSPS incorporates the North Sydney Local Housing Strategy into the strategic planning framework and directly links its implementation to the planning priorities under the North District Plan and the objectives of the Regional Plan. The LSPS includes the following planning priorities:

***Local Planning Priority L1 ‘Diverse housing options that meet the needs of the North Sydney community’*** includes:

- *Action L1.1 ‘Implement the North Sydney Local Housing Strategy (2019) to achieve the housing directions, objectives and actions of the GSC’s Regional and North District Plans and deliver 0-5 and 6-10 year housing supply targets’; and*
- *Action L1.5 ‘Council will only support Planning Proposals that are consistent with Council’s endorsed planning studies, that have identified growth being*



*delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community’.*

The LSPS Planning Priority L1 and actions directly ties in to Planning Priority N5 of the North District Plan *‘Providing housing supply, choice and affordability with access to jobs, services and public transport’.*

As outlined below, the Planning Proposal is contrary to the North Sydney Local Housing Strategy and is not supported by a Council endorsed planning study identifying additional growth to be delivered in this locality and is, therefore, contrary to the GSC Assured LSPS.

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

The North Sydney Local Housing Strategy (LHS) was adopted by Council on 25 November 2019 and has been submitted to DPIE for endorsement.

The LHS establishes Council’s vision for housing in the LGA over the next 20 years and is a mandated strategy which aligns with the housing objectives and targets set out in the North District Plan. The LHS is required to deliver the North District Plan 0-5-year housing target of 3,000 dwellings, identify and deliver on a 6-10-year housing target to meet demand, contribute to the District’s 20-year target and inform affordable housing targets.

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

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

The Planning Proposal is only partially consistent with the Regional and District Plan and is generally not consistent with the GSC Assured North Sydney Local Strategic Plan (LSPS) or Adopted Local Housing Strategy. The Planning Proposal will provide dwellings which are not required to meet the targets identified in the Regional Plan and District Plan, as confirmed in the LSPS and Adopted LHS. The proposal is also not responding to a change in circumstances or changing trends. Given the inconsistency

with the regional, district plans and LSPS, it is not considered that the Planning Proposal has Strategic Merit.

b) *Does the proposal have site-specific merit, having regard to the following?*

- *the natural environment (including known significant environmental values, resources or hazards); and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Information submitted with the Planning Proposal outlines that there will be a small reduction in overshadowing to Bradfield Park from the existing building envelope. However, as discussed further in this report, the Planning Proposal report also stated that, *‘the massing and resultant shadow impacts are indicative and the design of the envelope is capable of further refinement at detailed design phase’*. A further assessment of this impact would be considered at Development Assessment stage, although the overall impact of the height proposed fails to be assessed under this proposal and it is questioned as to whether the stated small reduction in overshadowing to Bradfield Park can be achieved.

Amended plans, considered under this Planning Proposal also address previous concerns with regard to the heritage impact of the proposal development. Again, this is in response to the Indicative Concept Scheme and associated Site Specific DCP amendment. As highlighted in the Planning Proposal, the scheme is indicative only and could be varied at Development Application stage, giving rise to potential heritage impacts.

Whilst acknowledging that this Planning Proposal has attempted to address some site specific impacts raised in the previous Planning Proposals, it does not overcome the significant impacts that the proposed increase in height would have on the public domain, amenity of the area, including view loss and impact on amenity for both future residents and neighbouring occupiers.

A Site Specific Development Control Plan has been submitted to show the distribution of mass and height across the site. However, this only compounds the impact of the proposed development by attempting to legitimise a scheme which would otherwise fail to be compliant with the North Sydney Development Control Plan. Importantly, there has been only a modest reduction to the GFA. Given the majority of issues arise from or are a result of the proposed bulk and scale of the proposal, addressing this impact would be a more effective approach to reviewing the scheme.

Having regard to the above, the Planning Proposal is not considered to have site specific merit.

8.3.2 Is the planning proposal consistent with applicable state environmental planning policies?

The submitted documentation has adequately demonstrated consistency with the relevant SEPPs, with the exception of SEPP 65. In relation to SEPP 65 and the associated Apartment Design Guide (ADG), the following extract of commentary has been provided by Council's Executive Planner Development Assessment.

*The North Sydney DCP 2013 requires that there is to be no increase in overshadowing to Bradfield Park between the time of 12pm and 3pm. The revised Indicative Concept Scheme claims that a building can be accommodated within the proposed height(s) without resulting in additional overshadowing to the surrounding public domain.*

*With regard to the Milsons Point Character Statement, the proposal is generally compliant with podium controls other than the requirement for the tower fronting Alfred Street to have a 3m setback. Only 2m is proposed.*

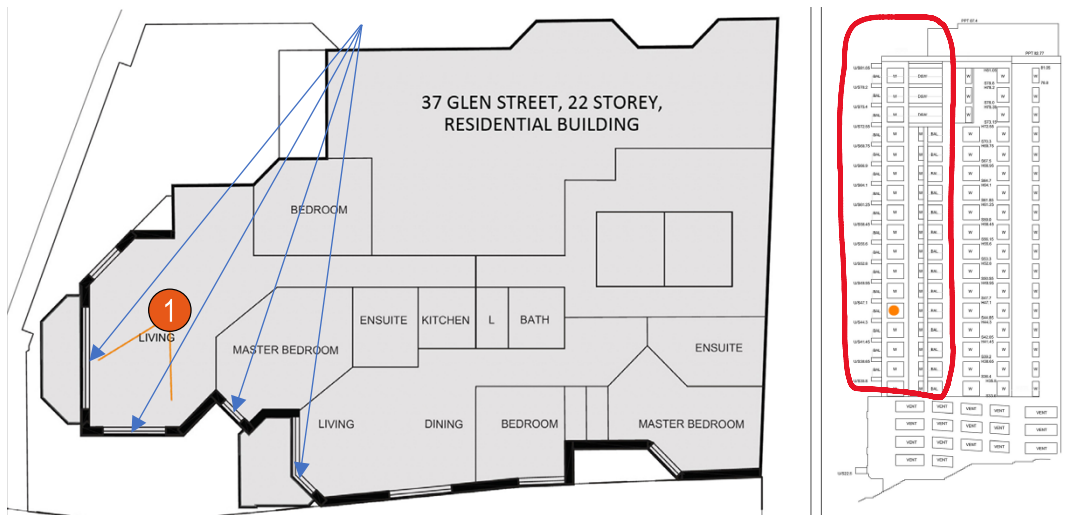
*The amended concept plans tendered for the planning proposal still exhibit a number of issues with regard to the design principles set out in SEPP 65 and associated Apartment Design Guidelines which may not be able to be supported within the scope of a development application. These include (but are not limited to)*

- *Building Separation distances substantially under the minimum requirements.*
- *Inadequate separation should not unreasonably result in the loss of existing views from adjoining apartments.*

*The concept scheme shows some consideration of the views currently enjoyed by 37 Glen Street. The plans below show the layout of the apartments in 37 Glen Street.*

Key viewpoints from windows and balconies given the layout of apartments at 37 Glen Street

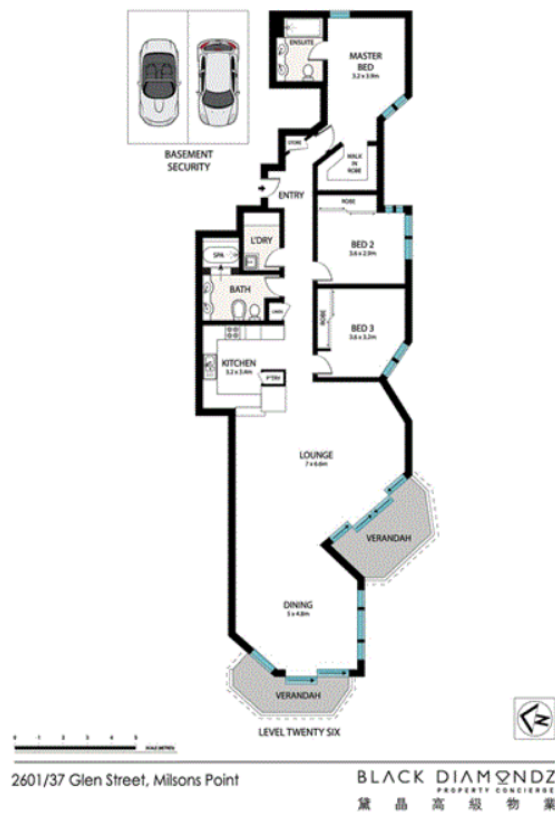
Main view windows impacted at 37 Glen Street



Plan view of camera - Level 12 (RL 44.85m)

Southern Elevation view of camera

**Figure 14** - [Extract – VIA page 62, View 1]



*Figure 15* - Apart from the views from the living room there are also views from the main bedroom.

*It may be difficult to protect the above view from a building that is compliant with the 40m height control and compliant building setbacks. I believe that these views could be maintained with additional side setbacks of the proposed tower at the north west corner of the Glenn Street tower. A view line needs to be established at the corner that is setback [at least] 3m from the street and 12m from the side boundary up to a height of 25m and a corner set back 3m from the street and 18m from the side boundary for heights over 25m.*

*The Concept Scheme shows how the Alfred Street façade needs to be designed to minimise additional shadow on Bradfield Park. There should be no additional shadow. The larger tower should also have no additional shadow on the park.*

*The issue with a Planning Proposal is that the DA submitted may not be the same as the concept scheme supporting the PP. Any proposal should be subject to criteria established by Council. Council's Design Excellence Panel has commented and provided advice on acceptable objectives or criteria for development.*

*Should an increase in height be supported, the following criteria are recommended:*

- *No variation to height by Clause 4.6*
- *No additional shadow on Bradfield Park from both buildings.*
- *Existing views from all living areas including the main bedrooms of 37 Glen Street be protected having regard to view lines from a compliant building (front setback NSDCP and ADG separation distances).*

*Additional comments provided by Council's Executive Planner – Development Application include the following:*

*The floor to floor height of 3.1m is the minimum that the Design Excellence Panel considers acceptable. Queries are raised as to whether the proposal could achieve the cross ventilation and solar access percentages claimed.*

*Single aspect apartments below level 9 cannot be counted for cross ventilation. It would seem that with dividing walls separating the balconies, the sun would be unlikely to fall on the balcony, and certainly not much into the living areas. It is questionable whether the Design Excellence Panel would accept the figures.*

*It is noted that only 8% of apartments are one bed with 92% larger apartments. This is contrary to the DCP mix significantly.*

*191 car spaces are proposed that is slightly below the maximum allowed. Having regard to the location with the railway and Ferries, no more than one car space should be allocated to each apartment.*

*Reducing the tower setback from Alfred Street from 3m to 2m is not supported.*

Comments:

*Solar access – Proposed apartments*

The information provided indicates that 70% of apartments will receive the required solar access and that 30% of apartments will receive no solar access. The Solar Impact Assessment prepared by KTA is not at Appendix D and does not appear to have been submitted as an appendix to the subject Planning Proposal, as cited on page 14 of this report. A solar access summary is provided at Appendix A of the Architectural Design Report and Drawings prepared by KTA. The only additional information provided within this summary is a solar access summary table which confirms that 49 of the 159 apartments (30.82%) will receive no direct sunlight between 9am-3pm at mid-winter.

From the information submitted, the Indicative Concept Scheme fails to comply with the ADG requirements of a 15% maximum of apartments with no sun. The level of impact is double what is considered acceptable.

*Solar access – Neighbouring buildings*

The information provided by the applicant in the Planning Proposal indicates that the proposal will maintain solar access to the 38 Alfred Street South apartments for a minimum of 2 hours between 9am and 3pm at midwinter. In relation to 2 Dind Street, the quantity of apartments anticipated to receive a compliant amount of solar access is expected to reduce by 3.2%.

In relation to 48–50 Alfred Street South, the applicant relies upon a report prepared by Mr Steven King for the previous Planning Proposal. However, as highlighted in the assessment of PP4/19, the building envelopes have changed and as such the previous analysis is no longer valid. Further to this, as outlined above, the analysis referred to is cited to be at Appendix D of the first Planning Proposal lodged on the subject site, PP 7/17. Only information submitted as part of this subject Planning Proposal can be assessed. Notwithstanding this, the information submitted in this Planning Proposal states that, ‘the Amenity and Overshadowing Analysis concluded that the Indicative Concept Scheme would reduce the percentage of apartments receiving a compliant amount of solar access by 11%.

Insufficient information has been submitted to fully assess the impact on solar access to neighbouring buildings under subject Planning Proposal.

### *Privacy Impacts*

The proposal does not fully comply with the visual privacy setback requirements of the Apartment Design Guide (ADG). The Planning Proposal refers to an alternative solution to the lack of compliance with the ADG at Section 10.3. However, as outlined above, the Planning Proposal report concludes at Section 10 and an Appendix to the report is not referred to and has not been provided.

As shown on Table 16, page 83 of the Planning Proposal, the building separation distances to 48-50 Alfred Street South, the residential tower to the south of the site, fails to comply with ADG controls. It is argued that the reason for a reduced building separation of 4.3m-6m is due to the building at 48-50 Alfred Street South incorporating blank walls and that a greater setback of 6m is provided where the adjoining development incorporates a living window that is oriented directly to the site.

However, ADG building separation requirements for a building of nine storeys and above (over 25m) are 24m between habitable rooms / balconies; 18m between habitable and non-habitable rooms and 12m between non-habitable rooms. A building separation distance of 4.3-6m is well below the requirements. Although, it is acknowledged that the ADG specifies that, '*no building separation is necessary where the building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within the centre*', this isn't the case with the subject Planning Proposal. Balconies and living areas are located along the northern façade of 48-50 Alfred Street South and the Indicative Concept Scheme does not incorporate blank party walls and is not along a main street or at podium levels with a centre.

### *Cross ventilation*

ADG compliance is achieved with in excess of 67% of apartments being cross ventilated or deemed to be cross ventilated (being above 9 storeys). However, as highlighted by Council's Executive Planner – Development Assessment, given the Indicative Concept Scheme submitted, there are doubts that this level of cross ventilation could be achieved in practice.

### *Ceiling heights*

The indicative floor to floor heights suggest that the ADG recommended ceiling heights can be achieved. It is important to note that floor to floor heights of 3.1m is the minimum that the North Sydney Design Excellence Panel generally considers acceptable.

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

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

The submitted documentation has adequately considered the relevant Section 9.1 Directions.

The current building on the site contains approximately 11,091sqm of commercial floorspace and serves a useful employment function, in close proximity to Milson's Point Station.

Whilst Council's current B4 zoning regime only mandates 0.75:1 of non-residential floorspace on the site, the current building on the site is understood to be largely let and this loss of employment generating floorspace is also an important strategic planning consideration.

In relation to heritage conservation, as noted below, Council's heritage advisor does not have significant concerns in relation to this issue.

## **8.4 Environmental, Social and Economic Impact**

8.4.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No, there is no important ecology on the site.

8.4.2 Are there any other likely environmental effects because of the planning proposal and how are they proposed to be managed?

*Transport, Traffic and parking*

Council's Senior Strategic Transport Planner has provided the following comments:

*Travel Planning*



*A draft “Green Travel Plan”, in line with the requirements of Provision P1 (b) and (c) of the North Sydney DCP 2013 (NSDCP2013), should be submitted to Council as part of the PP 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.*

*Walking*

*The location of the main residential entry to the building is unclear from “indicative Alfred Street elevations”. While simplification of the shared vehicle access, creation of the shared zone and delivery of the east-west through site link are all positive outcomes, the main approach and, therefore, main pedestrian entry to the proposed building should remain on Alfred Street.*

*Cycling*

*There seems to be some confusion regarding the number of cycle parking spaces and end of trip facilities that the applicant is required to/intends to provide as part of the proposed development. The following table provides some clarification of North Sydney DCP requirements.*

<i>Land Use</i>	<i>Requirement</i>
<i>Residential (159 apartments)</i>	<i>1/1 dwelling = 159 resident cycle parking spaces</i>
<i>Commercial (1,674m<sup>2</sup>)</i>	<i>1/150m<sup>2</sup> = 12 worker spaces</i>
<i>Retail (968m<sup>2</sup>)</i>	<i>1/250m<sup>2</sup> = 4 retail worker spaces</i>
<i>Residential Visitor</i>	<i>1/10 dwellings = 16 resident visitor cycle parking spaces</i>
<i>Commercial Visitor</i>	<i>1/400m<sup>2</sup> = 5 commercial visitor spaces</i>
<i>Retail Visitor</i>	<i>2 + 1/100m<sup>2</sup> over 100m<sup>2</sup> = 11 retail visitor spaces</i>
<i>Commercial/Retail Worker End of Trip Facilities</i>	<i>16 commercial/retail worker cycle parking spaces = 16 lockers &amp; 2 shower/changing rooms</i>

*Public Transport*

*The subject site currently has high levels of access to public transport (suburban rail). The draft Travel Plan for the concept proposal should detail how the applicant/future*

occupants will deliver hard and soft engineering measures that promote increased uptake of public transport by occupants, workers and visitors to the development in order to reduce car reliance, parking demand and parking supply for the site.

### Car Parking

There seems to be some confusion regarding the maximum number of car parking spaces that the applicant is allowed to provide as part of the proposed development. The following table provides some clarification of North Sydney DCP requirements.

<i>Land Use</i>	<i>Maximum Allowance</i>	<i>Proposed Car Parking</i>
<i>Residential (12 1-bed apartments + 147 2-3 bedroom apartments)</i>	<i>0.5 per 1 bedroom dwelling + 1 per 2&amp;3-bedroom dwelling = 153 resident parking spaces</i>	<i>113 car parking spaces - complies</i>
<i>Commercial (2,642m<sup>2</sup>)</i>	<i>1/400m<sup>2</sup> = 7 worker spaces</i>	<i>15 car parking spaces – does not comply</i>
	<i>Minimum Requirement</i>	
<i>Motorcycle Parking</i>	<i>1 motorcycle parking space/10 car parking spaces = 16 motorcycle parking spaces</i>	<i>18 motorcycle parking spaces - complies</i>

The draft travel plan for the site should demonstrate how providing this amount (or less) parking: can be supported by the provision of other hard and soft engineering measures at the site; how this will result in reduced car use at the site; and how this will result in increased uptake of walking, cycling and public transport by occupants, workers and visitors to the development.

### Car Share

NSDCP2013 permits extensive use of car share vehicles to address worker mobility requirements. The applicant should consider that a single car share vehicle can replace more than 3-4 private vehicle spaces at the site. Justification of car share provisions and how they relate to reduced car parking provisions for the site should be provided as part of a draft travel plan for the applicant's proposal.

Comment – Insufficient information has been submitted to fully consider the implications of the subject Planning Proposal on transport, traffic and parking as set out

in Council's Senior Strategic Transport Planner's internal referral response above. Although it is acknowledged that many of these issues could be considered at Development Application stage, the indicative concept scheme accompanying this proposal may not be able to be implemented if these issues cannot be addressed within the limitations of these concept proposals.

The site specific DCP amendment prepared to support the indicative concept scheme accompanying the subject Planning Proposal does not adequately address the matters raised by Council's Senior Strategic Transport Planner and concerns regarding non-compliance with the NSDCP have been raised.

#### *Acoustic Environment/Impacts*

The subject land adjoins a high volume road and railway line (Sydney Harbour Bridge) and as such any future development may need to provide appropriate noise mitigation to ensure an acceptable level of acoustic amenity.

#### *Shadow Impacts*

The impact on neighbouring properties has been addressed above. In relation to the overshadowing of Bradfield Park, the information provided by the applicant indicates that the indicative scheme would result in a net reduction in the overshadowing of the park.

The previous Planning Proposals considered on the subject site were rightly assessed noting that the impact of overshadowing on the park did not relate to the proposed change to the LEP height control and that a building built to the proposed controls could have a significant impact on Bradfield Park. It is highlighted by the applicant in this Planning Proposal that 'the massing and resultant shadow impacts are indicative and the design of the envelope is capable of further refinement at detailed design phase.

Consequently, the subject Planning Proposal, with regard to the Indicative Concept Scheme submitted and associated Site Specific DCP amendment submitted, are considered to not create an unacceptable level of overshadowing to Bradfield Park. However, should this Planning Proposal progress to Gateway Determination, a site specific mechanism should be included to ensure no additional overshadowing can occur.

#### *Privacy Impacts*

As noted above, the proposal does not comply with the visual privacy setback requirements of the Apartment Design Guide (ADG).

## *View Impacts to neighbouring dwellings*

### *37 Glen Street, Milsons Point*

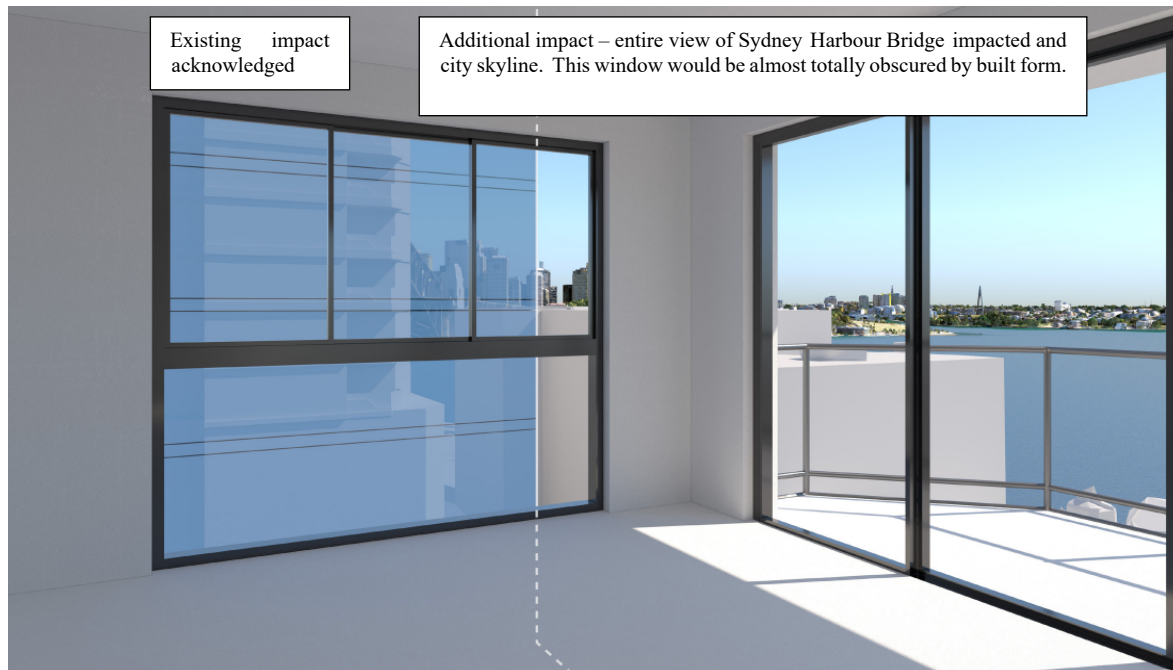
37 Glen Street is significantly affected by the proposal, which has west facing apartments that enjoy harbour and district views to the west and south, across the site. Some apartments have views of the southern part of the Sydney Harbour Bridge, restricted to some extent, by the existing building at 48–50 Alfred Street South.

As highlighted, under non-compliance with SEPP 65 and associated ADG:

- *Building Separation distances substantially under the minimum requirements.*
- *Inadequate separation should not unreasonably result in the loss of existing views from adjoining apartments.*

The main view impacts are to the west facing apartments and affect the views currently enjoyed from the living rooms and main bedrooms.

Examples given in this report are of the impact from the living rooms of two apartments on level 12 are shown at **Figure 16 and 17** and extracted from the applicant's View Impact Assessment report, at Appendix E of the Planning Proposal. The plan view of the camera in Figure 16 below is as shown in Council's Development Assessment referral response.



**FIGURE 16: Extract from View 1 (page 62 of VIA) Indicative view impact of**

***proposal from level 12 apartment at 37 Glen Street***

Figure 16: A significant portion of the view from the living room window has been obscured by the proposed development. The view impact assessment also shows the mass of the proposed built form oblique rather than in solid form which incorrect interprets the actual impact that would occur. It is recognised that the existing building to the south of the site does have an impact on the existing view, but a partial view of Sydney Harbour Bridge and the skyline is retained, as existing.



***Figure 17a: Extract from View 5 page 71 of VIA - Existing view from level 12 apartment at 37 Glen Street***



***Figure 17b: Extract from View 5 page 71 of VIA Indicative view of proposal from level 12 apartment at 37 Glen Street***

Figure 17: The view of the Sydney Harbour Bridge has been totally obscured by the proposed development. Although there are still views of the harbour, this doesn't overcome the loss of an iconic view of the bridge. It is also concerning to see that this viewpoint (View 5 in the Visual Impact Assessment) is excluded from Table 12 of the Planning Proposal report – summary of impacts on 37 Glen Street. This impact is recorded as “high-moderate” in the VIA, given the partial loss of view of an iconic Sydney landmark and should accordingly have been included in the summary of impacts in the report. The only impacts recorded in the summary are the impacts that are negligible, low and moderate. It is also noted that the position of the viewer in Figure 17b, is to the extreme north of the balcony. This view would be further impacted as one moves along to the south of this balcony.

Whilst an assessment of the ‘reasonableness’ of the impact has been undertaken, there has been no consideration of whether ‘a more sensitive design’ could reduce the impacts. The only approach to overcome this impact has been to introduce a modest increase in set back from the previously proposed development, under PP4/19 which doesn't adequately address this issue.

It is submitted that any view loss, particular for development over the existing height limit, should be avoided altogether, rather than being “minimised”. This is especially so for iconic and significant views such as those presented in this report. The test for view impacts for planning proposals, which are challenging existing and understood

height limits, should be a different threshold to that applied to development applications which work within a context of gazetted height limits.

*70 Alfred Street South, Milsons Point*

The views from apartments on 70 Alfred Street South, directly to the north of 37 Glen Street were not detailed in the View Impact Assessment at Appendix E. Assessment from photos, as part of a VIA, to ascertain the degree of impact to the occupiers of 70 Alfred Street cannot be made and assessment is limited to the information contained within the Planning Proposal report and extracted from the report presented to the NSLPP for consideration of PP4/19.

It is acknowledged in the Planning Proposal report at Section 9.9.4 that, *‘where views are accessible, they are considered to be of a high value given they are likely to feature iconic landmarks such as the Sydney Harbour Bridge and land-water interfaces’*.

Ethos Urban’s assessment concludes that, *‘view corridors obtained from the habitable rooms located along the south elevation of the affected property will remain consistent to that existing or will experience a minor change which can reasonably be expected given the density of the development in the wider context’*.



**FIGURE 18: Extract from PP4/17 report to NSLPP - view from Alfred Street apartment at No 70 Alfred Street South across the front of 68 Alfred Street South**

Council officers have previously undertaken a photographic audit of existing views from several apartments in both 37 Glen Street (The Peninsula) and 70 Alfred Street (Grandview). The modified proposal will continue to result in significant view impacts.

#### *Visual impacts/Character from key viewpoints*

The VIA undertaken as part of this Planning Proposal includes an assessment from identified key viewpoints. The applicant has undertaken a detailed assessment of the visual impact of the proposal from various vantage points and the assessment concludes that the impact is generally low, with the impact on one view being low/moderate.

It is agreed that the visual impact of the proposed changes to the height controls is not in direct contrast to the existing height of surrounding built form. It is also agreed that the viewpoint analysis did not highlight significant impacts on the character of the area, when viewed from the identified viewpoints by virtue of the proposed development.

However, this is not reason enough to warrant what is considered excessive additional height controls in an area and compound the impacts that have arisen from the existing built form. In the same vein, it is also the lack of separation between buildings proposed that will impact on the visual amenity and the character of the area contrary to the DCP requirement to: *Preserve existing views of Lavender Bay and Sydney Harbour along the railway track from the north side of the Sydney Harbour Bridge to North Sydney Station.*

Additionally, the key viewpoint analysis excludes the impact on views currently enjoyed from the Lavender Bay, west of the Luna Park foreshore and along the important foreshore walkway from the Sydney Harbour Bridge, past Luna Park and towards Blues Point.

As the VIA submitted has not included this key viewpoint in their analysis it is difficult to fully assess this impact. What is evident, when standing at the foreshore, is that the break in built form, at the subject site, is the only relief afforded from the continued built development in this part of Milsons Point. Additional information is required to fully assess this impact and a site visit, as part of the assessment of this Planning Proposal, should include this viewpoint.

#### *Heritage impacts*

Council's Conservation Planner / Heritage Officer comments are provided below.

### ***1. Heritage Status and Significance***

*The subject property is not a scheduled heritage item and is not located in a heritage conservation area. It is however located in the vicinity of various heritage items as*



*noted below. The existing building has no heritage significance and hence, no objection is raised to its demolition.*

*a) North Sydney LEP 2013 Clause 5.10*

*It is considered that the environmental heritage of North Sydney will be retained as the impact to the nearby heritage items is considered to be low to negligible.*

*b) North Sydney DCP 2013*

*An assessment of the proposal, with reference to Part B Section 13 of the North Sydney DCP 2013 has been made with the following elements of the DCP being of note:*

*13.4 Development in the Vicinity of Heritage Items- The following heritage items are located in the immediate vicinity:*

*Sydney Opera House (UNESCO listing) - The subject site is located outside the Sydney Opera House Buffer Zone. There will be no direct impact to the Opera House or to its expanded curtilage.*

*Sydney Harbour Bridge (State listing) - The proposed new development will introduce no new heritage impacts to the Harbour Bridge than the existing building.*

*Camden House (Local listing I0527)- This is one of the earliest surviving houses on the Lower North Shore however, the existing development has already severely compromised the curtilage of this Victorian Regency sandstone villa. The proposed new development will have a two storey podium which will give more scale to Camden House and an improved setting. The proposed separation between the development and the rear of Camden House will also be improved by the through-site link.*

*Luna Park Precinct (State listing SHR01811 and Local listing I0536)- The proposed new development will have low impact upon the significance of the buildings and trees associated with Luna Park as they will have adequate physical separation.*

*Luna Park Entrance Arch (Local listing I 0529) – There will be negligible change to the impacts between the existing development and the proposed development to the arch.*

*Milsons Point Railway Station Group (State listing SHR 01194) – The proposed development will create no impacts upon the heritage significance of the Railway Group.*

*Bradfield Park (Local listing I0538) – The proposed development will have no impact upon the historical, aesthetic, associative and social significance of Bradfield Park.*

*Northcliff Street Terraces (Local listing I0532-I0535) – There is adequate physical separation between the proposed development and these terraces such that their aesthetic and historical significance is retained.*

*Alfred Street Terraces (Local listing I0522-0526)- There is adequate physical separation between the proposed development and these terraces such that their aesthetic and historical significance is retained*

Comments: Council's Conservation Planner / Heritage Officer does not have any significant concerns regarding the heritage impacts of the subject Planning Proposal. However, it should be noted that this assessment is made with regard to the Indicative Concept Scheme submitted. A further assessment at Development Application stage would be required.

#### *Wind Impact*

The submitted wind assessment indicates that the proposed form will result in adverse wind conditions at various locations. Subject to appropriate mitigation, the overall outcome should be acceptable. Further and more detailed investigation of this issue would be undertaken as part of any future DA however, it should be acknowledged that the applicant doesn't have any control over land outside of their ownership. Conditions, as part of any future DA, cannot rely on mitigation measures outside of the site boundary.

#### *Consistency with North Sydney Local Environmental Plan (LEP) and Development Control Plans (DCP) controls*

##### *LEP controls*

The Planning Proposal is considered to be consistent with some of the aims and objectives of the LEP and inconsistent with others. In particular the proposal will not be consistent with:

- Clause 1.2 Aim (2)(c)(i) to: *“ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing”.*
- Clause 4.3 Objectives (1)(b) and (c)  
*(b) to promote the retention and, if appropriate, sharing of existing views,*  
*(c) to maintain solar access to existing dwellings, public reserves and streets,*  
*and to promote solar access for future development,*

The Planning Proposal is partly consistent with the objectives of the B4 Mixed Use zone which are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.*
- *To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.*

However, as discussed previously, the proposal does include a significant reduction in viable existing commercial space and doesn't comply in this regard.

Council's Senior Strategic Transport Planner has requested additional information be submitted.

The indicative scheme reflects the requirement of Clause 4.4A to have a minimum FSR of 0.75:1.

Clause 5.10 relates to heritage conservation. As indicated above, Council is of the view that the proposal will not have any significant heritage impacts.

Clause 6.12A relates to residential flat buildings in Zone B4 Mixed Use. The indicative scheme is consistent with this clause as non-residential uses are at ground floor level of the street frontages.

#### *DCP controls*

In relation to the DCP, Section 2 Commercial & mixed use provides general controls for this type of development. The requirements of this section have either been addressed through consideration of other documents (such as the ADG) or can be addressed as part of the DA process. There are more specific requirements in Section 9 of the DCP – the Area Character Statement for the Lavender Bay Planning Area, and more specifically the Milsons Point Town Centre.

The indicative scheme, although consistent with the requirements relating to podium heights, is not consistent with the setback to Alfred Street which requires a 3 metre setback rather than 2, as proposed. It is also unclear, even with the Site Specific DCP controls proposed that the solar access to Bradfield Park will be maintained in accordance with the DCP.

Furthermore, the development does not step down in height from Alfred Street South toward the foreshore, with the Glen Street building being higher than the Alfred Street building.

The Planning Proposal and associated Site Specific DCP amendment also fail to comply with the following controls:

*P4 Preserve and create spaces between buildings above podium height that will offer views of the Harbour and its foreshore areas to help break up the wall of development along Alfred Street.*

*P17 Spaces between buildings preserve views to Sydney Harbour, Sydney Opera House and Lavender Bay.*

*P19 Preserve existing views of Lavender Bay and Sydney Harbour along the railway track from the north side of the Sydney Harbour Bridge to North Sydney Station.*

As the rear of the land is presently open, there are views through the site to Lavender Bay and looking back from Lavender Bay, as outlined previously, in addition to further afield from various vantage points. This key viewpoint analysis requires further investigation.

#### 8.4.3 Has the planning proposal adequately addressed any social and economic effects?

##### *Social Considerations*

The proposal will have no specific social benefit other than the potential to provide more housing or commercial floor space. No commitment has been put forward in this planning proposal to provide a percentage of the proposed additional dwellings as affordable housing.

There will be some public benefit in terms of the improvements to the through-site link; however, it is noted that the majority of the area is not located on the subject site and would require the agreement of the adjoining owner.

Where a proponent seeks to significantly increase the capacity of a site, Council encourages the proponent offer a public benefit proportionate to the increase in value of the land, in the form of an offer to enter a VPA. No details have been provided to

indicate what the uplift in value of the site will be resulting from an increase in maximum building height. This makes it difficult for Council to make an informed decision as to what level of public benefit may be considered reasonable. It is noted that the applicant has advised that they are “willing to enter into a Voluntary Planning Agreement (VPA) with Council at the time of gateway determination. This agreement could make provision for local services and/or facilities outside the scope of Council’s Local Contributions Plan.”

### *Economic impacts*

There is likely to be positive economic impacts from the proposal during the construction phase of the development; however, the nature of longer terms impacts will depend on the mix of uses that are ultimately proposed. As outlined in this report, the proposal, by virtue of the Indicative Concept Scheme proposed, would result in a loss of employment space currently occupied. It should therefore be recognised that the loss of employment use on the site could result in negative economic impacts in the long term.

## **8.5 State and Commonwealth Interests**

### **8.5.1 Is there adequate public infrastructure for the planning proposal?**

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

In terms of social infrastructure, the relevant state agencies would be consulted if the Planning Proposal proceeded and any issues could be addressed at that stage. In terms of local services, whilst Section 7.11 contributions would be payable, these will be beyond the scope of what has been planned for and there may be other local services or facilities that may be required as a result of the proposal. As noted above Council encourages the proponent offer a public benefit proportionate to the increase in value of the land, in order to assist in meeting increased demand for services and facilities.

### **8.5.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway determination. This section of the planning proposal will be completed following consultation with those public authorities nominated by the Gateway Determination.

## **8.6 Mapping**

The applicant has prepared appropriate mapping indicating the changes that are required to the LEP height maps to facilitate the Planning Proposal.

## **8.7 Community Consultation**

The level of community consultation will be determined as part of the Gateway determination.

## **9. SUBMISSIONS**

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

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

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

At the time of reporting, 4 submissions have been received. 3 Submissions are written by individual unit holders of units within 37 Glen Street and 1 submission has been prepared by a planning consultant on behalf of the owners corporations for 37 Glen Street, 38 Alfred Street, 48 Alfred Street and 70 Alfred Street. Concerns raised include;

- inadequacy of amendments made to previous schemes,
- overbearing scale,
- view loss,
- inaccuracy of information,
- loss of privacy,
- loss of sunlight and loss of daylight,
- inadequate setbacks,
- loss of the visual relief that the current break in the buildings provides,
- wind downdraft impacts,
- encroachment on vehicle access and manoeuvring,
- absence of affordable housing,

- lack of community consultation,
- lack of site specific merit.

These issues have been discussed under relevant sections of this report.

## **10. North Sydney Local Planning Panel**

By Ministerial direction, all planning proposals are required to be referred to the Local Planning Panel for their advice. Furthermore, a council may not make a determination to progress or not progress a Planning Proposal to Gateway Determination, unless it has considered the Local Planning Panel's advice.

The NSLPP considered the Planning Proposal at its meeting on 9 December 2020, wherein it resolved that the Planning Proposal should not be supported to proceed to Gateway Determination. The NSLPP agreed with the reasons for not supporting the Planning Proposal outlined in the Assessment Report. The minutes of the meeting and the Panel's advice is provided at ATTACHMENT 4 to this report.

## **11. Rezoning Review**

The applicant has previously advised of its intent to lodge a rezoning review with the Department of Planning, Industry and Environment (DPIE). At the date of drafting of this report the review request was yet to be lodged.

Should a rezoning review request be made, Regional Planning Panel must take into consideration Council's position on the Planning Proposal as well as that of the NSLPP.

Should Council defer making a determination, then there is the potential that the Rezoning Review Panel could consider the proposal without the benefit of a Council resolved position. This could result in a poor outcome for the wider community, as the community's interests, through a resolved Council position, will not have been considered.

## **12. CONCLUSION**

Whilst the new proposal demonstrates no net additional overshadowing to Bradfield Park and no significant impact on the heritage significance within the vicinity of the site, the proposed development sought to be facilitated by the amendment to the planning controls will have a significant and unacceptable impact on the amenity of the surrounding environment, neighbouring occupiers and future residents.

The applicant's assessment, particularly in relation to solar access and view loss, is insufficient to determine the true extent of impact but the information submitted supports the concerns expressed in this assessment report.

The proposal demonstrates an unacceptable level of impact in that 30% of proposed apartments will receive no sun, this is significantly beyond ADG requirements (a maximum of 15% apartments to receive no sun).

To progress with this proposal in its current form would create an undesirable precedent and a high level of uncertainty for the broader community. The scheme has not adequately addressed the previous reasons for refusal and still maintains a desire to accommodate an excessive height increase to the rear of the site fronting Glen Street, without regard to the significant solar access and view loss impacts on the proposed and adjoining developments.

It is acknowledged and accepted that any redevelopment to the current 40m height limit will have some impact, however, the proposal introduces a far greater level of impact than one might reasonably expect under the current planning controls. The applicant's indicative concept scheme demonstrates that some level of height increases along the eastern portion of the site (fronting Alfred Street South) may be able to be acceptably accommodated on the site but with a compliant set back.

The current building on the site contains approximately 11,091sqm of commercial floorspace and serves a useful employment function, in close proximity to Milson's Point Station. Whilst Council's current B4 zoning regime only mandates 0.75:1 of non-residential floorspace on the site, the current building on the site is understood to be largely let and this loss of employment generating floorspace is also an important strategic planning consideration.

Further, Council's Adopted Local Housing Strategy indicates that housing supply to 2036 is already planned for without the inclusion of this site. The clear impacts on future residents, residents of surrounding development and on the amenity of the wider area arising from the Planning Proposal, are not considered to be justified.

The NSLPP agreed with the reasons for not supporting the Planning Proposal.

It is recommended that Council resolve not to support the forwarding of the Planning Proposal to the DPIE, for the purposes of seeking a Gateway Determination under s.3.34 of the EP&A Act.



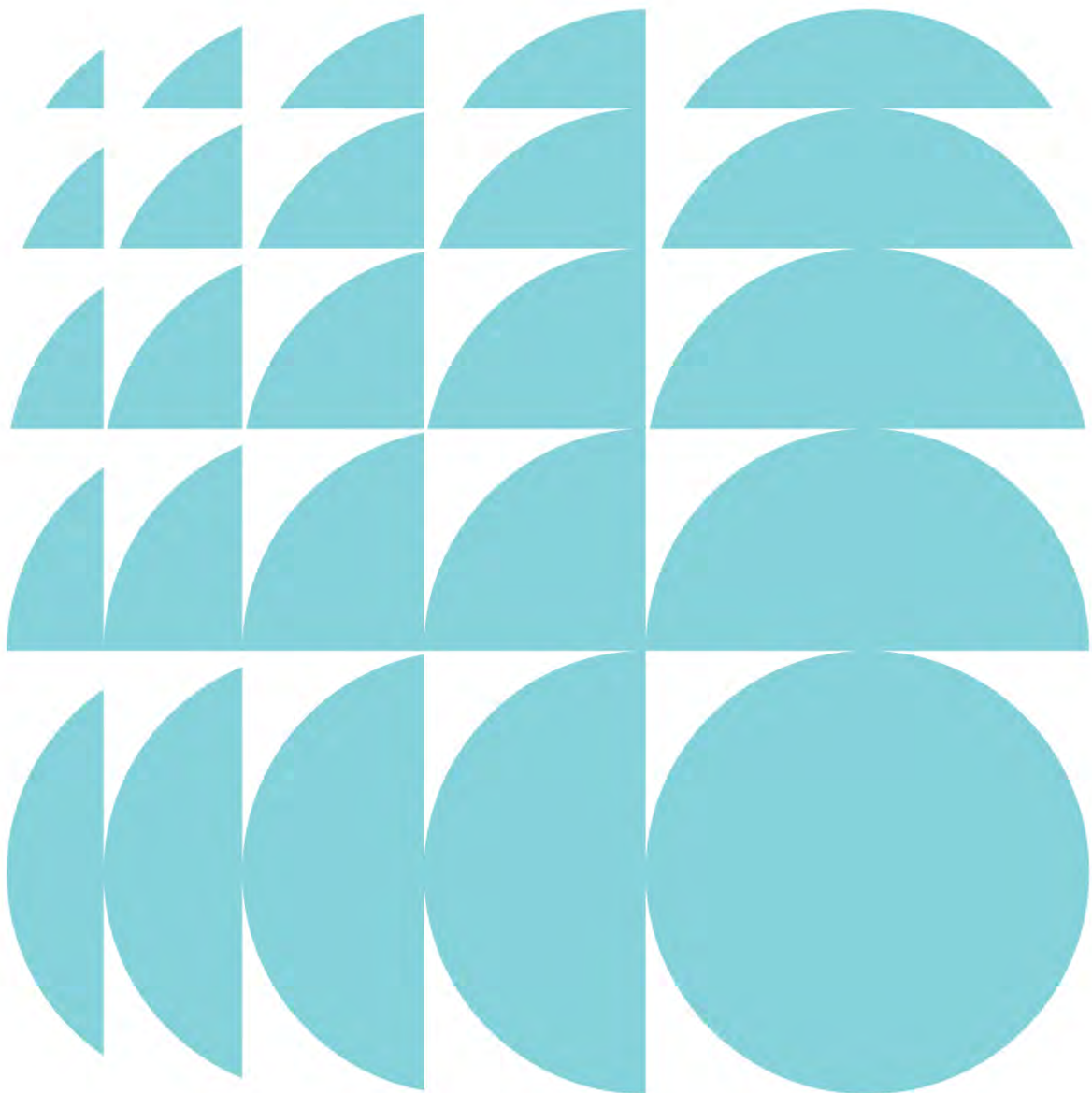
# ETHOS URBAN

**52 Alfred Street South, Milsons Point**

Amendment to North Sydney LEP 2013

Submitted to North Sydney Council  
On behalf of Milsons Point 2 Pty Ltd

1 October 2020 | 16698





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## Executive Summary

This Planning Proposal to amend the North Sydney LEP 2013 (NSLEP 2013) has been prepared by Ethos Urban on behalf of Milsons Point 2 Pty Ltd and relates to 52 Alfred Street South, Milsons Point.

This Planning Proposal seeks to amend the NSLEP 2013 to increase the LEP height standard as it applies to the site. The amended height will facilitate the site's future redevelopment for a new mixed use scheme that will replace the current building known as the 'Kimberly-Clark House'. The Kimberly-Clark House is a 13 storey building that exceeds the incumbent 40 metre height limit set by the NSLEP 2013 by 19.14 metres.

This Planning Proposal to amend the NSLEP 2013 is accompanied by an Indicative Concept Scheme prepared for the site by Koichi Takada Architects (KTA). The Indicative Concept Scheme entails a part 16 and 18 storey development comprising 3,168m<sup>2</sup> of non-residential gross floor area (GFA), 20,603m<sup>2</sup> of residential floor area and 159 apartments. The scheme illustrates how the site may be redeveloped in the future.

The objective of this Planning Proposal is to amend the existing 40 metre height limit as it currently applies to the site to RL 87.10 (54.43m). A planning proposal is required for the site to remove the undue restrictions the planning controls currently impose on its future redevelopment. The existing building contained within the site significantly exceeds the prevailing building height limit. Consequently, any redevelopment under the current controls could not be carried out without a considerable loss of floorspace and a significant truncation of the existing height/built form.

It is also considered that the built form governed by the current planning controls results in a sub-optimal design outcome, with a redevelopment conforming to these controls unlikely to facilitate the delivery of a building that is compatible in scale with the surrounding built form. The bulk of the developments along Alfred Street South significantly exceed the incumbent 40m height limit within the NSLEP 2013. In light of this, the amended height control will facilitate a future building that corresponds with the established building height line that prevails along Alfred Street South and sits comfortably within the broader streetscape by achieving an appropriate transition in height to the adjoining developments that are commensurate in height.

In accordance with the North Sydney DCP 2013 (NSDCP 2013) the subject site forms part of the Milsons Point Town Centre which is characterised by a mix of high-rise residential and commercial development. It is located adjacent to the Milsons Point Railway Station and the Sydney Harbour Bridge and is consequently afforded ample access to public transport and expansive view corridors. With an area of 2,711m<sup>2</sup>, the site is generous in size and provides a significant opportunity to contribute to the revitalisation of the Milsons Point Town Centre. It also has the capacity to deliver significant public domain upgrades that will improve the quality of the public domain and amenity for Milsons Point residents and visitors.

The need to protect solar access to the surrounding public domain is well recognised in Council's planning controls. Specifically, an objective for the maximum building height is to promote development that maintains solar access to existing public reserves. The North Sydney DCP 2013 requires that there is to be no increase in overshadowing to Bradfield Park between the time of 12pm and 3pm. The revised Indicative Concept Scheme demonstrates that a building can be accommodated within the proposed height(s) without resulting in additional overshadowing to the surrounding public domain. Accordingly, it is emphasised that the proposed amendment to the height limit will not result in any additional overshadowing to Bradfield Park. Further, with the adoption of the proposed massing strategy, the scheme actually has the capacity to reduce existing overshadowing impacts to this important public open space area.

### Strategic Justification

The current planning controls that apply to the site do not reflect its strategic potential and are inconsistent with the existing built form. The height limit prescribed by the NSLEP 2013 sets a limit of 40 metres, effectively permitting buildings that reach no more than 11 storeys. The maximum height and typical storey height is incompatible with the existing building heights that prevail along Alfred Street South, which range from 17 to 25 storeys.

The applicable height limit therefore does not correspond with the locational advantages of the site, namely its proximity to Milsons Point Railway Station and public amenities. Given this, the planning controls fail to recognise the potential for the site to deliver housing choice, reduce dependency on cars, increase public transport patronage

and achieve a high quality built form outcome that accords with the established character of the development along the streetscape.

### Local Planning Strategies

Relevant strategic planning documents identify the envisaged built form for the area and nominate a range of directions that are consistent with the outcomes and benefits attainable by the subject Planning Proposal. In addition to the above, the *North Sydney Residential Strategy (2009)* (RDS) provides the framework for the previous North Sydney LEP 2009. A key objective of the strategy is to concentrate residential development within mixed use centres located in proximity to retail, office and other key civic uses. Additional housing is to address the demand for greater housing choice and the changing demographics of the LGA. Specifically, the growth of the ageing population and the need for smaller dwelling types that can readily be accommodated by high density residential developments.

Whilst the RDS indicates Milsons Point is nearing capacity, the nearby Milsons Point Town Centre has increasingly come to accommodate residential development that capitalises on its proximity to the North Sydney CBD along with its locational benefits, including access to public transport and iconic views. Recent market trends indicate that there is a strong demand for residential development in Milsons Point. In particular, relative to the Greater Sydney Region, residential unit prices in Milsons Point have increased significantly. Specifically, the medium unit price increased at an average annual growth rate of 7.1% to reach a median price of \$1.72 million. The difference in price and growth demonstrates that there is a greater market demand for residential accommodation in Milsons Point.

More recent studies published since the RDS also lend support for the provision of additional residential accommodation in Milsons Point. The *North Sydney Capacity and Land Use Study (2017)* sets out recommendations to facilitate the future growth of the North Sydney CBD and informs the North Sydney Centre Planning Proposal, which received a positive Gateway Determination in July 2017 and was gazetted on the 26 October 2018. Both the Study and the Planning Proposal identify that the North Sydney Central Business District (CBD) (as defined by the NSLEP 2013) is earmarked to accommodate a significant amount of additional commercial floorspace with capacity to support 7,000 new employment opportunities, which is demonstrated to be already underway due to recent approvals within the CBD. This is evident today through the increase in commercial tower DA's and Planning Proposal's within the North Sydney CBD as well as the departure of other businesses from Milsons Point into the North Sydney CBD, including Kimberly-Clark.

Most recently, North Sydney Council released their Local Housing Strategy (LHS) alongside the LSPS which was formally adopted by Council on 25 November 2019. The LHS seeks to establish Council's vision for housing in the LGA and provide a link between this vision and the housing objectives and targets set out in the GSC's North District Plan.

The LHS proposes the 6 to 10 year target based on known capacity within existing zoned land and development projects that are currently in planning and supported by Council. The LHS predicts 6,043 new dwellings for the 11 to 20 year forecast. Recent ABS Building Approval Data indicates limited residential dwellings approved in 2018 and 2019 in the pipeline to be delivered. This, coupled with the current conditions in the 2020 housing market, means there will likely be a slow start to achieving Council's 6-10 year housing targets.

To facilitate the envisaged growth in commercial development, the North Sydney Centre Planning Proposal increased the height controls for a number of key sites. It provided limited support to further growth in residential development and prohibits serviced apartment development on the basis that this would undermine the employment generation potential of commercial floor space in the North Sydney Centre. Evidently, there is a clear intent to focus commercial development within the North Sydney Centre away from the surrounding residential areas, such as Milsons Point. The provision of residential development in Milsons Point as facilitated by the Planning Proposal will complement the North Sydney CBD Planning Proposal in that it will support and reinforce North Sydney CBD as being the focus for commercial activity.

### North District Plan

The North Central District Plan underpins the Greater Sydney Region Plan, *A Metropolis of Three Cities*, and is a key component of the vision to transform Greater Sydney into a metropolis of three cities. The site forms part of the broader Eastern Harbour City, which is the North District's metropolitan centre. The Eastern Harbour City's economy is underpinned by the Harbour CBD, which includes both the Sydney CBD and North Sydney CBD. The

Harbour CBD collectively comprises the region's largest office market. The North District is forecast to experience an overall population growth of 196,000 between 2016 to 2036, necessitating the delivery of an additional 92,000 homes by 2036. The key drivers for the District, which sets the strategic direction for the region over the next two decades, include:

- The need to address housing choice and affordability. The projected population growth will require the delivery of a minimum of 36,250 new homes each year. The delivery of these homes needs to be undertaken adopting a place-based approach with consideration given to localised factors, including the character of an area and prevailing market preferences.
- Providing accessible jobs and homes to achieve the '30 minute city'. Housing needs to be delivered within appropriate locations that provide a high standard of amenity. In particular, the location of future housing needs to be supplied within walkable neighbourhoods containing easily accessible services, jobs and public transport.
- The supply of housing needs to respond to changes in household sizes and age structures. The number of single parent and couple-only households are expected to increase by 2036. The changing household structure will necessitate the provision of smaller homes.
- There is a need to facilitate the delivery of great places by recognising the character of a locality and focusing on the public realm. New development should aim to contribute to improving walkability as well providing a mix of functions and a fine-grained urban form.

The Planning Proposal has the potential to align with many of the objectives and actions included within the District Plan to deliver on the planning outcomes for the North District. The site's size and locational characteristics make it well suited to meet the objectives of the Plan. The following sections outline how specific actions should be addressed by the proposal.



**Figure 1 A Metropolis of Three Cities**

Source: North District Plan

### *Increase Housing Supply*

Planning Priority N5 is a direction nominated by the Plan that outlines the need to increase housing supply, choice and affordability in locations with easy access to jobs, services and public transport. The direction is underpinned by Action 17 which involves the preparation of five-year housing supply targets for each Local Government Area (LGA) and the creation of further capacity for more housing in the right locations. The Plan highlights that the delivery of new dwellings needs to respond to anticipated changes in household structures. It is projected that the quantity of single-person households will increase by 31,750 to 2036. This represents a 39 percent increase in single-person households. Furthermore, the number of residents aged over 85 is expected to grow by 85%. Consequently, there will be a growing demand for compact housing that suits the needs of seniors, single people and the younger demographic that require smaller and more affordable dwelling types. It is also recognised by the Plan that housing needs to be delivered in the right locations. In particular, the delivery of new homes needs to be concentrated in catchment areas within walking distance of up to 10 minutes of public transport.

The site is ideally suited to provide new housing stock that contributes to the achievement of the housing targets for the North Sydney LGA. In particular, it is situated in walking distance of existing infrastructure and services, including Milsons Point railway station, cycle networks which provide connections to the North Sydney CBD and Sydney CBD, and a range of retail services within the Milsons Point Town Centre. In light of this, the redevelopment of the site provides an opportunity to support the delivery of high density transit-orientated development through the co-location of infrastructure, housing and services.

### *Integrating Land Use and Transport Planning*

Planning Priority N12 is a direction included in the Plan that aims to facilitate the integration of land use and transport planning to achieve the concept of a 30-minute city which permits access to a metropolitan or strategic centre within 30 minutes. The concept of the 30-minute city aims to provide easy access to workplaces, services and community facilities. The site is located central to the Milsons Point Town Centre and 80m from the Milsons Point Railway Station. Its location affords residents a short 5 – 10 minute commute to the key office markets of the Sydney CBD and the North Sydney CBD. In this respect the site is ideally suited to accommodate additional housing and its redevelopment for residential mixed use purposes will directly contribute to the creation of a 30-minute city.

The revised Indicative Concept Scheme has the capacity to incorporate a through-site link that runs parallel to the site's southern boundary. The through-site link will facilitate the delivery of a pedestrian link that will improve connectivity to the broader Milsons Point Town Centre and improve access to workplaces, services and the like.

### *Creating and Renewing Great Places and Local Centres, and Respecting the District's Heritage*

Planning Priority N6 relates to the delivery of great places and local centres, whilst respecting the District's heritage. The direction is supported by Action 19 which identifies the need to use a *place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*

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

The revised Indicative Concept Scheme is entirely consistent with Planning Priority N6 and Action 19 in that it has the capacity to deliver a high quality ground level plaza and revitalise the existing through-site link. Fine grained-retail uses are capable of inclusion at the ground plane and will facilitate the activation of the through-site link and surrounding streetscape to deliver a new hub of community activity.

In addition to the above, the direction is underscored by Action 21 which aims to identify, conserve and enhance environmental heritage. In consultation with Council, the design has been refined to provide an improved public domain experience with the adjoining heritage item known as Camden House. Specifically, increased separation along with a modulated floorplate that varies and articulates the building envelope has been provided to reduce the perceived bulk and scale of the development at this sensitive interface. Overall, the improved siting of the proposed

envelope to incorporate new public domain space, along with the maintained provision of generous building separation allows for the continued appreciation of the heritage item when viewed from the surrounding streetscape.

#### *Protecting and enhancing scenic and cultural landscapes*

Planning Priority N17 relates to the protection and enhancement of scenic and cultural landscapes. It is underscored by Action 68 which aims to protect views of scenic and cultural landscapes from the public realm. The proposal is afforded ample view corridors of Sydney Harbour and iconic landmarks such as the Opera House and Sydney Harbour Bridge. Due consideration has been given to configuring an improved outcome of the building's mass with respect to the existing views at 37 Glen Street to ensure the proposal provides minimal impact to the quality of existing view corridors when viewed from the public realm and surrounding properties. The tower element of the proposal is setback from the podium to ensure view corridors down Alfred Street are not obscured and the building height has been reduced to 18 storeys.

#### *Summary*

The current planning controls applicable to the site fail to correspond with the aforementioned directions and actions. The current height control unduly limits the site's development potential and reduces its capacity to increase the provision of housing in a highly sustainable location with excellent access to public transport, services and facilities. The incumbent height control therefore results in a mismatch between the State Government's strategic objectives and the local statutory planning framework.

This Planning Proposal demonstrates that through a site-specific architectural and context analysis, an amended height can deliver an improved outcome for the site, including a dwelling yield that reflects the demand for housing in proximity to the Sydney and North Sydney CBDs, and an integrated public domain that benefits the local community. This Planning Proposal recognises the opportunity to take advantage of the site's locational advantages (particularly its expansive view corridors and proximity to employment and transport), and to design and deliver a quality public domain outcome that will benefit residents of not just the site but the broader locality. Whilst the planning proposal seeks to deliver an increase in the site's height standard, it will deliver:

- non-residential uses at the podium level that will revitalise and further activate the street in accordance with the built form envisaged for the area;
- increased residential floorspace that will address demand for housing in a location well serviced by public transport infrastructure and proximity to employment centres;
- public domain upgrades including a new hub of retail activity and multiple north-south and east-west pedestrian through-site links that will improve connectivity within Milsons Point between Glen and Alfred Street and enhance the permeability of the surrounding locality;
- delivery of a built form that provides an appropriate transition in height and corresponds with the existing building height line along Alfred Street and Glen Street; and
- improved opportunities for landscaping and greenspace at ground level.

#### **Key Assessment Issues**

The key assessment issues associated with the proposal are listed below:

- View loss;
- Non-residential floorspace;
- Overshadowing;
- Pedestrian wind impacts;
- ADG compliance;
- Traffic and parking; and
- Heritage.

The environmental assessment provided in Section 11.0 of this Planning Proposal demonstrates that the proposed amendment, will facilitate a future development outcome that responds appropriately to its surrounds is capable of complying with key planning requirements (e.g. ADG), and which enhances the character of the area.

### Conclusion

Considering the strategic nature of the site and justification provided in addressing planning issues, the Planning Proposal is considered to have sufficient 'Strategic Merit' proceeding through the Gateway process to public exhibition.

#### Strategic Merit

- Permit a building height capable of accommodating a range of dwelling types that will assist in meeting the North District Plan's housing target of 3,000 homes for North Sydney by 2021.
- Increase the provision of housing in a location well serviced by public transport that will support the growth of the North Sydney CBD as envisaged by local, district and state-level policies and the North Sydney CBD and associated technical studies including the *North Sydney Local Housing Strategy, North Sydney CBD Capacity and Land Use Strategy*.
- Provide premium and upgraded commercial floor space to support Sydney's global economic activities.
- In accordance with the Greater Sydney Region Plan, facilitate the provision of housing and employment opportunities close to transport and a strategic centre to assist with the achievement of a 30-minute city.

#### Site Specific Merit

- Deliver a high quality development compatible in height with the developments along Alfred Street South which reach approximately 70m and provide significant contraventions to the 40m height limit prescribed by the NSLEP 2013.
- Deliver an appropriately scaled building that is capable of reducing the overshadowing impacts to Bradfield Park.
- Provide a high quality built form that corresponds with the established height plane along Alfred Street South which otherwise would not be achievable if the scheme strictly adhered to the NSLEP 2013 height limit of 40m.
- Provide an appropriately scaled envelope within the limits of the proposed heights that protects the view corridors of surrounding properties.

#### Public Benefits

- Provision of a high quality built form capable of providing a high standard of residential amenity along with premium commercial floor space.
- Delivery of a building envelope that reduces the amount of cumulative overshadowing to Bradfield Park between 21pm and 3pm.
- Facilitate the delivery of a range of new commercial and retail tenancies that will support the local economy and facilitate job creation.
- Capitalise on the opportunity to improve the relationship with Camden House through the delivery of an improved public domain within the curtilage of the item; an appropriately scaled podium consistent with the existing building envelope; and greater building separation to the item.
- Deliver an upgraded through-site link that will improve connectivity within Milsons Point and enhance the permeability of the ground plane.
- Enable the opportunity to create a vibrant public realm at the ground level with the potential to function as a new hub of commercial activity within Milsons Point.

## 1.0 Introduction

This report has been prepared by Ethos Urban on behalf of Milsons Point 2 Pty Ltd. It supports a revised Planning Proposal to amend the NSLEP 2013 as it relates to 52 Alfred Street, Milsons Point.

The objective of this Planning Proposal is to amend the site's existing maximum height controls under the NSLEP 2013.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment. Section 10.0 of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, state environmental planning policies, ministerial directions and the environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the relevant expert consultant reports appended (see Table of Contents).

### 1.1 Stakeholder Involvement

The preparation of the Planning Proposal has included the involvement of Council staff, Council's Design Excellence Panel, the North Sydney Local Planning Panel (NSLPP) and the general public.

#### 1.1.1 Pre-lodgement Meeting

An initial pre-lodgement meeting was held with North Sydney Council on Wednesday 10 May 2017 to discuss the site and the Planning Proposal. During this meeting the project team presented a conceptual proposal to the Council and explained the rationale for the proposed height increase, in particular the key matters discussed at the meeting include:

- The proposed site and its surrounding Milsons Point context.
- The potential for the site to accommodate a taller and the urban design rationale for the proposed increase.
- The Council's CBD Planning Proposal and the timings associated with its ongoing assessment.
- Matters to be considered as part of any Planning Proposal process, including:
  - the strategic planning framework;
  - North Sydney Council's policies and strategies;
  - the established built form;
  - the need to minimise amenity impacts on the surrounding area, including overshadowing and view impacts to the adjoining developments;
- The documentation that would be required to support a Planning Proposal.

It is noted that North Sydney Council advised that their preference was for any amendments to LEP height limits to occur only as part of a comprehensive study of the area, however the Council also advised that such a study was unlikely to happen in the near future.

### 1.2 Design – Review Panel

On 12 December 2017, a Planning Proposal was lodged by Ethos Urban on behalf of Milsons Point 2 Pty Ltd. Subsequently, a meeting was held between the Applicant and Council on the 13 February 2018 and consisted of a joint presentation by Koichi Takada Architects and Ethos Urban which provided Council officers with a comprehensive overview of the proposed Indicative Concept Scheme. Following this meeting, Council prepared a preliminary assessment and provided formal written feedback on the 27 February 2018. A summary of the feedback is provided below.

- **Height and Overshadowing:** Council stated the height exceedance will result in additional overshadowing to the surrounding public domain, including Bradfield Park and the residential dwellings located at 48 – 50 Alfred

Street, 30 Alfred Street and 2 Dind Street. Council requested that a more comprehensive overshadowing analysis be prepared to clearly differentiate the existing shadows from surrounding buildings and the shadows from the proposed scheme. Additionally, Council recommend that the scheme be revised to prevent additional overshadowing of Bradfield Park.

- **Relationship to Context:** Council stated that further refinement of the scheme is required to achieve an appropriate relationship with the surrounding context, particularly the heritage item to the south known as Camden House. It was noted by Council that the existing building contained within the site provides a 2 – 3 storey podium with a generous setback above at its southern aspect that achieves an appropriate built form relationship at this sensitive interface. It was highlighted that any future development within the site should retain this interface. It was also recommended that the scheme be revised to increase the setbacks to the south potentially by removing the proposed atrium. The provision of a greater setback will also improve solar access to Camden House.
- **Building Form and Scale:** Council considered that the bulk and scale of the Indicative Concept Scheme was excessive and to provide unacceptable impacts to Camden House and the adjoining public open space (Bradfield Park). It was noted that the length of the southern elevation is approximately 64m and it was recommended that this elevation be redesigned to break up its massing and scale.
- **Amenity:** Council advised that a fully compliant scheme should be developed to demonstrate that the building at the proposed height can achieve a higher standard of private amenity.
- **Views:** Council have requested that a further detailed view impact analysis be provided to address the impacts from key public domain viewpoints including the Sydney Harbour Bridge and Lavender Bay. It was recommended that view impacts from adjoining sites at 37 Glen Street and 70 Alfred Street South from bedroom and living room windows also be considered.
- **Design:** Council are of the view the eastern and western facades should be refined to address issues such as heat loads, privacy and the useability of balconies. It was advised that the articulation of the facades be further developed to ensure the character of the building complements the surrounds, including Camden House.

### 1.1.2 Design Development and Meeting with North Sydney Council

Following extensive design review, a revised scheme was prepared in response to Council's comments. Whilst the scheme maintained the height proposed under the initial Planning Proposal submission, it sought to minimise overshadowing and the perceived bulk and scale by redistributing the building's mass into two distinct forms. In accordance with Council's comments, the revised scheme also removed the atrium element to facilitate the provision of an increased southern setback to maximise the building separation to Camden House.

A follow up meeting was held with Council on 29 May 2018 to discuss the revisions made to the scheme. Council provided written email correspondence on the 4<sup>th</sup> July 2018 and raised the following concerns:

- That the proposal as amended continues to overshadow the surrounding public open space areas which is contrary to Council's DPC guidelines that prohibits overshadowing to Bradfield Park between 12 – 3pm.
- The bulk and scale of the development is still considered to be excessive and inconsistent with the prevailing surrounding built form.
- The proposed stepped massing is irregular in presentation and requires further rationalisation. It is also inconsistent with the DCP Area Character Statement which requires buildings to step down from the compliant height limit of 40m to 10m at the site's western aspect fronting Lavender Bay.
- Consideration should be given to the provision of greater setbacks to the north and south to provide adequate building separation for the purpose of maintaining a high standard of residential amenity.
- There is currently no strategic priority for the site's existing commercial use to be converted to a predominantly residential mixed use development.

### 1.1.3 Further Design Development

Following the meeting held with Council on the 29<sup>th</sup> May 2018, the project team pursued further design development to determine the best outcome for the site in light of the comments raised by Council. A revised Planning Proposal was submitted on the 8<sup>th</sup> August 2018 (Planning Proposal 7/17).



When reconsidering the design, the Proponent and its project team sought to address the issues raised by Council. A summary of how the revised scheme previously submitted sought to address each of the items listed in **Section 1.2** and **Section 1.3** is provided below in **Table 1**.

**Table 1 Detailed response to Council's feedback**

Issue	Design Response
Height and overshadowing	<p>Section 9.1.2 of the North Sydney DCP stipulates that development is not to provide additional overshadowing to Bradfield Park between 12pm and 3pm. In light of this, the massing strategy for the site was amended to provide a chamfered form north-west to south-east that minimised overshadowing to Bradfield Park.</p> <p>KTA also prepared a detailed overshadowing study for the proposed development (refer to <b>Appendix A</b>). It demonstrated that shadow impacts resulting from the development would be limited in duration to between 2:30pm and 3pm. It also demonstrated that in the context of the existing surrounding developments and tree planting, the shadow resulting from the proposal would provide only a minor variance to that provided by the existing building.</p>
Relationship to context	<p>The southern setback above the podium was amended from 19.5m to 23.1m to increase the building separation to Camden House. In accordance with Council's comments, the provision of the increased setback was achieved through the deletion of the atrium.</p> <p>As per the existing building, the proposal incorporated a three storey podium at its eastern aspect that reached RL 40.15 and therefore sat below the existing podium which has a height of RL 43.90. The reduced podium height was considered to provide for a more human scale and an improved interface with Camden House.</p>
Building form and scale	<p>The southern elevation was broken down into two lengths through the inclusion of an increased setback to Camden House and reflected two distinct building elements with individual lengths of 19m and 45m.</p> <p>Fronting Alfred Street South, the building's height was reduced from RL 87.00 to RL 80.45. Its massing was also strategically distributed to reduce the perceived scale of the development. In particular, the building was chamfered from north-west and south-east and the upper levels setback from the building's parapet to provide for a greater stepped form.</p>
Amenity	<p>The Indicative Concept Scheme submitted with the previous Planning Proposal demonstrated that the proposed envelopes were capable of accommodating a development that is largely compliant with the ADG. The former scheme was able to achieve the following key compliances:</p> <ul style="list-style-type: none"> <li>• A total of 25% of the site area comprises communal open space.</li> <li>• 70% of apartments receive more than 2 hours of direction sunlight to glazing and private open space between 9am and 3pm on June 21.</li> <li>• 64.6% of apartments achieve cross ventilation in accordance with the ADG.</li> <li>• The apartments are capable of meeting the minimum internal area requirements.</li> <li>• The ceiling heights measured from the finished floor level to finished ceiling level were consistent with the minimum requirements for habitable, non-habitable and ground / first floor.</li> <li>• All balconies were consistent with the minimum size and depth requirements.</li> <li>• The maximum number of apartments of a circulation core on a single level was 6.</li> </ul>
Views	<p>Council requested a detailed view impact assessment that addressed the impacts from key public domain viewpoints including the Sydney Harbour Bridge and Lavender Bay, and private viewpoints from adjoining sites at 37 Glen Street and 70 Alfred Street South from bedroom and living room windows. The aforementioned viewpoints were addressed in <b>Section 9.8</b>.</p>
Design	<p>Council recommended that the eastern and western facades be refined to address issues such as heat loads, privacy and the useability of balconies. In response to this concern, the applicant noted that the design was indicative only. Notwithstanding, the articulation of the façade was refined to reduce the extent of the glazing and the balconies amended to meet the requirements of the ADG. It was also demonstrated that adequate privacy mitigation measures could be incorporated into the design.</p>

### 1.1.4 North Sydney Local Planning Panel (NSLPP)

Council published an assessment report on 12 September 2018 that raised a number of concerns with the previous scheme (Planning Proposal 7/17) which are outlined in **Table 2**. On the 26 September 2018, the Planning Proposal was referred to the North Sydney Local Planning Panel (NSLPP) for advice prior to Council making a determination on the matter. The Panel gave support to Council's conclusions. Accordingly, it was determined that the planning proposal should not proceed to Gateway Determination.

In response to the determination the Proponent and the project team further refined the scheme to address the concerns raised by Panel and Council. An overview of how the revised scheme had addressed the key concerns raised by the NSLPP and Council are provided in **Table 2**.

**Table 2 Detailed response to the NSLPP and Council's feedback**

Issue Raised by Council	Design Response
The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context, and will result in a significant level of public and private amenity impacts.	<p>Whilst the scheme maintains the heights proposed under Planning Proposal 7/17, the distribution of bulk and scale has been amended to prevent public amenity impacts in the form of overshadowing to Bradfield Park.</p> <p>The amended design increases the amount of building separation which will limit amenity impacts to surrounding properties in the form of solar access, visual impacts and privacy impacts.</p> <p>The revised scheme is consistent with key amenity guidelines nominated by the Apartment Design Guide (ADG), including cross ventilation, solar access and visual privacy and communal open space.</p> <p>Public and private amenity impacts are addressed in detail in <b>Section 9.0</b>.</p>
The Planning Proposal is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013.	<p>As the application relates to a Planning Proposal, the requirements established by clause 4.6 of the LEP are not relevant. Notwithstanding, this Planning proposal demonstrates that:</p> <ul style="list-style-type: none"> <li>• compliance with the Building Height Development Standard is unreasonable and unnecessary in the circumstances of the case given that the existing building contained within the site and those in the surrounds already substantially contravene the standard;</li> <li>• the Planning Proposal will facilitate the delivery of a range of public benefits, as detailed in <b>Section 4.0</b>, <b>Section 7.0</b> and <b>Section 9.12</b>.</li> <li>• the proposal demonstrates that a building can be accommodated within the proposed heights without producing unacceptable amenity impacts (refer to <b>Section 9.0</b>).</li> </ul>
The scheme is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013.	The proposal is consistent with the relevant character statement for the reasons outlined in <b>Section 9.1</b> .
The proposal will reduce the amount of commercial floor space over the site which is inconsistent with Direction 1.1 – Business and Industrial Zones to the section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979.	The proposal is not inconsistent with the direction for the reasons outlined in <b>Table 9</b> .
It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land.	For the reasons outlined in <b>Section 7.0</b> , the Planning Proposal is entirely consistent with the regional and district strategies applying to the site.
Sufficient residential capacity is already provided under NSLEP 2013 to meet State housing targets, without the need to change the land use mix on the subject site.	Recent market data indicates that there is a strong demand for residential development in Milsons Point (refer to <b>Section 4.0</b> ). This is also supported by the historical trend for the conversion of commercial development to residential within Milsons Point.

Issue Raised by Council	Design Response
The Planning Proposal if implemented could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed use zoned land in highly accessible locations without the benefit of a comprehensive planning study for Milsons Point.	As highlighted above, there is a strong precedent for the conversion of commercial development to residential in Milsons Point. Further, the site is zoned B4 Mixed use and the land use mix proposed by the Indicative Concept Scheme is permissible with consent. It is noted that the application relates to a Planning Proposal to increase the allowable height on the site. Accordingly, the proposed distribution of commercial and residential development across the site is indicative only and could be subject to change at the detailed DA phase.
The proposal will significantly reduce the amount of commercial floor space on a site that benefits from high accessibility to mass public transport and which is well utilised at present.	The site is ideally suited for accommodating residential development due to its proximity to public transport, employment and services. It is considered that Council's planning framework makes adequate provision for commercial floor space within the Sydney CBD. In light of this, it is appropriate for additional residential development to be concentrated in surrounding suburbs as it will support the local workforce and the growth of the North Sydney CBD. Further discussion is provided in <b>Section 4.0</b> .

Subsequently, written correspondence dated 5 November 2018 was provided to the Proponent confirming that in accordance with clause 10A of the *Environmental Planning and Assessment Regulation 2000*, Council had resolved not to proceed the Planning Proposal to Gateway Determination under s.56 of the *Environmental Planning and Assessment Act 1979*.

#### 1.1.5 Revised Planning Proposal - PP4/19

Following the receipt of the above correspondence, the Proponent and the project team had amended the design in response to the concerns outlined in Council's Assessment Report and Resolution dated 29 October 2018. It was intended that the revised architectural scheme will form part of a new Planning Proposal (submitted 26 March 2019 and known as PP4/19) with the following design amendments made:

- The massing had been reduced and redistributed across the site for the purpose of reducing amenity impacts to surrounding properties.
- The overshadowing to Bradfield Park during the period from 12pm to 3pm had been reduced. The revised scheme resulted in a net reduction in solar access to Bradfield Park.
- The view impact analysis had been revised to determine the extent of view loss from the key habitable spaces of 37 Glen Street and 70 Alfred Street.
- The quantity of apartments had been reduced from 186 to 167.
- The building separation had been revised to accommodate an increased setback to 37 Glen Street.

#### 1.1.6 Rezoning Review and Regional Planning Panel

The proponent submitted a rezoning review application on 27 June 2019 to the Department of Planning, Industry and Environment (DPIE). The rezoning review was sought by the applicant, as Council had not determined the revised Planning Proposal within the 90 days.

Council claimed that due to the high levels of work being undertaken by Council staff at the time of PP4/19 lodgement, including Council's need to meet the tight NSW Government imposed deadlines for the adoption of the draft Local Strategic Planning Statement and Local Housing Strategy, Council engaged an independent planning consultant (Ingham Planning) to undertake the assessment of the PP4/19 planning proposal in order to provide a timely response.

Brett Brown, on behalf of Ingham Planning, provided an independent assessment report on 1 August 2019 which recommended that the Planning Proposal should proceed to Gateway determination, (subject to the applicant undertaking a more detailed impact assessment and amending the proposed building height, setbacks and building

separation in accordance with the findings of a more detailed impact assessment). However, despite the recommendation of the Council appointed assessor, Council included a *Managers Advisory Note* at the end of the independent assessment report which provided comments in relation to the independent assessment and provided an unsupportive recommendation towards the planning proposal.

The North Sydney Local Planning Panel reconvened on 14 August 2019 to consider and discuss the independent assessment report prepared by Ingham Planning. Following its meeting on 14 August 2019, the NSLPP resolved to recommend to Council that the Planning Proposal not proceed to Gateway Determination. The Panel's reasons for not supporting the Planning Proposal proceeding, largely reflected the reasons outlined in the *Manager's Advisory Note*.

A meeting was finally held on 11 March 2020 between the Proponent, design team and the members of the Sydney North Regional Planning Panel. The independent assessment prepared by Ingham Planning was considered at the meeting and the project team for the proponent presented the PP4/19 revised scheme to the panel. During this meeting there was an extensive discussion on the proposal's strategic and site specific merit in the context of both local and state planning policies and documents.

Ultimately, on 12 March 2020, the panel concluded that the PP4/19 planning proposal should not be submitted to Gateway Determination as it formed the view that the proposal had demonstrated strategic merit but not site specific merit. The primary reason given for the proposal not having site specific merit was the proposed height of the western tower fronting Glen Street, which was considered to be excessive. An extract of the reason given for the panel's decision is provided below.

***"The Panel finds an increase in height on the site has strategic merit and site specific merit but the proposed height of the western Glen Street frontage is excessive.***

***The report prepared by Brett Brown of Ingham Planning presented a substantive argument in favour of proceeding to Gateway with some caveats. While the Panel generally concurs with his reasoning, the Panel considers it imperative that in addition to the Brett Brown caveats, a site specific indicative Development Control Plan should also form part of a new planning proposal to show the distribution of mass and height across the site."***

### 1.1.7 This Planning Proposal

This planning proposal represents the third planning proposal submitted for the site and addresses the recommendations of the independent planning assessment prepared by Brett Brown of Ingham Planning and also includes a site specific DCP (refer to **Section 8.7**). This planning proposal provides a revised indicative concept scheme incorporating the following changes from PP4/19 being:

- A reduced height of building concept for the western tower fronting Glen Street, which has been reduced from 21 storeys to 18 storeys.
- A reduction in residential yield from 173 to 159 apartments;
- Inclusion of a new north-south ground floor through site link through the centre of the site connecting the existing pedestrian access to Glen Street down to Camden House;
- Inclusion of a site specific Development Control Plan that includes detailed controls that will guide and regulate future massing and development on the site to ensure the realisation of an outcome that is consistent with massing set out in the Indicative Reference Scheme.

Refer to **Figures 2 and 3** for a comparison visual of the PP4/19 scheme with this proposed Planning Proposal.

This planning proposal is accompanied by the following revised documents:

- Revised Architectural Plans prepared by Koichi Takada Architects;
- Updated View Impact Assessment prepared by Cloustone;
- Updated Pedestrian Wind Assessment prepared by Windtech;
- Updated Traffic Impact Assessment prepared by Barker Ryan Stewart; and

- Site Specific DCP prepared by Ethos Urban.



**Figure 2 Previous PP4/19 Indicative Scheme**

Source: KTA



**Figure 3 Proposed revised scheme**

Source: KTA

## 2.0 The Site

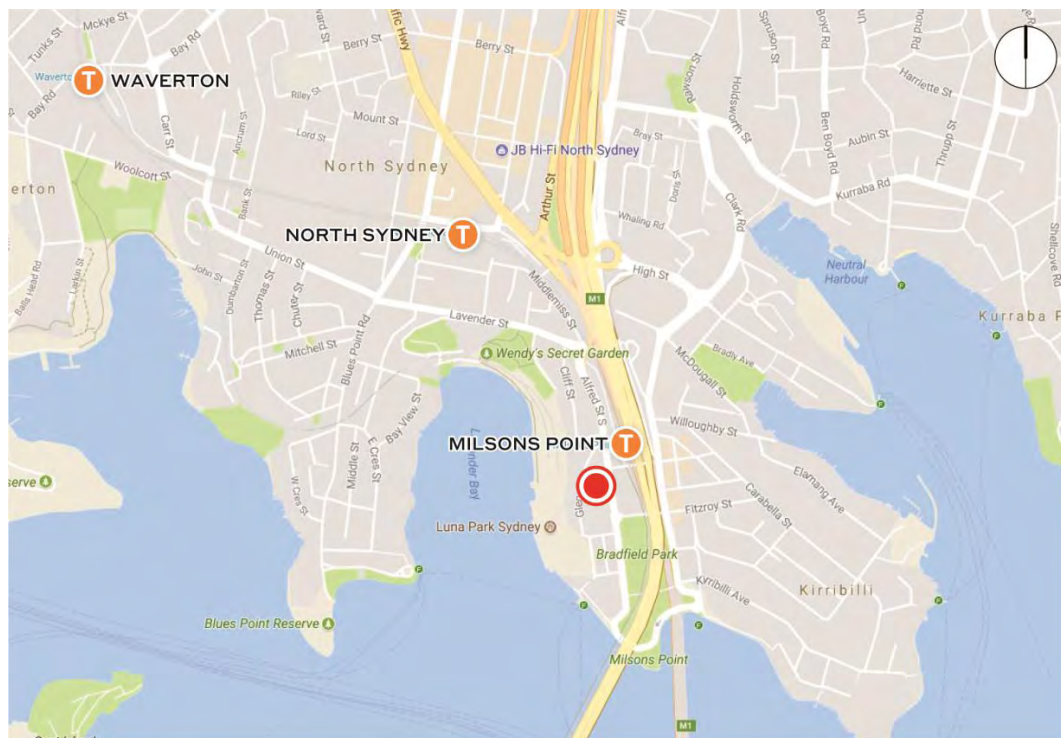
### 2.1 Site Location and Context

The site is formally known as 'Kimberly-Clark House' and is located at 52 Alfred Street South, Milsons Point within the far southern portion of the North Sydney Local Government Area (LGA). The site is located approximately 139m west of Kirribilli Village, 1.6km to the north west of the Sydney CBD and 750m south east of the North Sydney CBD. The site is situated within the Milsons Point Town Centre and is in proximity to a range of facilities, schools and amenities, including local supermarkets, cafes and restaurants.

The site is positioned on the western side of Alfred Street South directly west of the Sydney Harbour Bridge and Bradfield Park, and north of Luna Park. Alfred Street South is characterised by a range of high rise developments that typically provide active retail street frontages with residential uses above that capitalises on the expansive eastern view corridors of Sydney Harbour to the east and Lavender Bay to the west.

The site is located directly adjacent to Milsons Point Station which lies to the north east and is situated 350m south of Milsons Point Wharf. It is in walking distance of the Sydney CBD and afforded access to a number of bus routes, including the 229, 230, 252, 261 which provide connections to Mosman, Neutral Bay, Sydney CBD and North Sydney.

The site's location is shown below in **Figure 4**.



 The Site

**Figure 4 Location Plan**

Source: Nearnap / Ethos Urban

## 2.2 Site Description

The site is legally described as Lot 1 in DP 738322 and is owned by Milsons Point 2 Pty Ltd. The site has an area of 2,711m<sup>2</sup> and is slightly irregular in shape. A Survey Plan is located at **Appendix B**.

It has a primary frontage to Alfred Street South of 39m and a secondary frontage to Glen Street of 43m.

An aerial photo of the site is shown at **Figure 5**.



 The Site

**Figure 5** Aerial image of the site

Source: Nearmap / Ethos Urban

## 2.3 Existing Development

The existing development contained within the site comprises a commercial building formally known as 'The Kimberly-Clark House' that was approved in 1985. The building reaches 13 storeys and when measured from existing ground level to the lower parapet has a height of 55.1 metres. The building provides a four storey podium defined by landscaped balconies that wrap around the eastern and southern sides of the building. At ground level fronting Alfred Street South, the building accommodates a singular retail use consisting of a convenience store. A pedestrian link is provided along the site's southern boundary adjacent to Camden House and facilitates access from Alfred Street South to Glen Street.

**Figures 6 to 7** illustrate the existing building.



**Figure 6 Existing Building in the context of the surrounding development viewed looking south west**

Source: Nearmap / Ethos Urban



**Figure 7 Existing building and ground plane where the site adjoins Camden House**

Source: Ethos Urban



## 2.4 Heritage

The site is not identified as a heritage item under the NSLEP 2013 nor is it located in a heritage conservation area. The site is however sited in immediate proximity to a number of heritage items. To the south the site is bounded by a heritage item known as Camden House (I0527) which is of local significance and consists of a two storey house significant for being one of the earliest surviving houses on the North Shore. A number of other heritage items surround the site, including the locally significant commercial building (I0531) to the direct west at 2-2A Glen Street. To the south, from 17 – 21 Northcliff Street, are a number of two storey locally listed terrace houses (I0534, I0533 and I0532) (refer to **Figure 8**).

Within the broader surrounds there are a number of local and State listed heritage items with high visibility from the site. To the east lies the State listed heritage item the Sydney Harbour Bridge (I0530) to which the site receives extensive view corridors of. To the west and south west of the site is the State listed heritage item known as Luna Park (I0563) and to the south the locally listed North Sydney Olympic Pool. To the north west of the site is Lavender Bay Railway (I0387) and the Lavender Bay heritage conservation area.



**Figure 8** Location of site and surrounding heritage items

Source: North Sydney LEP 2013

## 2.5 Surrounding Development

The site is located within Milsons Point which is sited on the shores of Sydney Harbour and accommodates a number of landmark developments. The surrounding development generally consists of a mix of commercial, retail and high density residential development. The following section describes the surrounding development, both current and proposed/approved.

### North

To the immediate north west the site is bounded by a tower containing serviced apartments at 37 Glen Street known as Peninsula Towers, which reaches 22 storeys in height (refer to **Figure 9**). The development to the immediate north east at 68 Alfred Street South is 13 storeys in height, inclusive of a two storey podium and accommodates office space. Further north at 70 Alfred Street South is a 21 storey residential tower known as the 'Grandview' apartments with retail uses at ground level (refer to **Figure 10**). The development is adjoined by the 16 storey 'Bridgehill' development that provides retail uses at street level within its two storey podium. High rise developments continue northward along Alfred Street South with towers typically ranging from 17 to 22 storeys in height. Beyond this lies Clark Park, the North Sydney CBD and North Sydney's education precinct which provide a range of educational institutions including Australian Catholic University (ACU), The Sydney Church of England Grammar School and the North Sydney Demonstration School.



**Figure 9** Adjoining building at 37 Glen Street, Milsons Point

Source: Ethos Urban



**Figure 10** Development at 70 Alfred Street South known as the 'Grandview' Apartments

Source: Ethos Urban

### South

To the immediate south the site adjoins the historical 'Camden House' which consists of a two storey adaptively reused dwelling that provides retail uses at ground level, as shown in **Figure 11**. To the south west the site adjoins a residential tower at 48 – 50 Alfred Street which accommodates serviced apartments and reaches 21.

Further south lies the Port Jackson Tower at 38 Alfred Street. The development reaches 38 storeys in height and accommodates ground level commercial uses. An eight storey commercial office building is sited further south on the corner of Dind and Alfred Street and is adjoined by a number of two storey residential terrace houses that extend southward along Alfred Street South to where they meet the prominent mixed use residential development at 20 Alfred Street which reaches 10 storeys in height (refer to **Figure 12**). Beyond these developments lie Luna Park and North Sydney Olympic Pool.



**Figure 11** Adjoining building to the south

Source: Ethos Urban



**Figure 12** Residential terrace houses and building contained within 20 Alfred Street

Source: Ethos Urban

### East

To the immediate east of the site is the former Kirribilli Ex-Servicemen's Bowling Club, which now consists of open space, and Milsons Point Railway Station. To the directly south east at the base of the Sydney Harbour Bridge and Bradfield Highway lies Bradfield Park (refer to **Figure 13**). Further south east is the Sydney Harbour Bridge. On the eastern side of Bradfield Highway is the residential suburb of Kirribilli and the Kirribilli Village Centre which provides a range of retail and commercial uses within walking distance of the site.



**Figure 13 Bradfield Park and Sydney Harbour Bridge to the east and south east of the site**

Source: Ethos Urban

### West

Glen Street bounds the site to the immediate west. Smaller scale commercial and residential developments site directly opposite the site and range from three and seven storeys in height. Specifically, the adjacent property at 6A Glen Street, Milsons Point accommodates a four storey office building. To the south west is a three storey residential building which provides a rooftop pool and a part six and seven storey locally heritage listed commercial building at 2 - 2A Glen Street (refer to **Figure 14**). Beyond these properties is Luna Park and Lavender Bay. Across from Lavender bay is the suburb of McMahons Point.



**Figure 14** Development at 2 – 2A Glen Street, Milsons Point

Source: Ethos Urban

### Public Transport

The site is well serviced by public transport, with an access point to Milsons Point Railway Station located directly west of the site. The site is located within proximity to a number of bus routes. To the direct north 79 metres distance from the site is a bus interchange that provides a number of frequent services with connections to Mosman, Warringah Mall, and Castlecrag.

Located to the south of the site is Milsons Point Wharf which provides access to a range of ferry services including Sydney Ferries Parramatta River and Darling Harbour ferry services operated by First Fleet and RiverCat ferries. The services provide connections to Chiswick, Circular Quay, Barangaroo, McMahons Point and Rydalmere.

### 3.0 Current Planning Controls

#### 3.1 North Sydney Local Environmental Plan 2013

The North Sydney LEP 2013 is the principle Environmental Planning Instrument that applies to the site. The existing planning controls that apply to the site are outlined below in **Table 3**.

**Table 3 Existing controls under the North Sydney Local Environmental Plan 2013**

North Sydney Local Environmental Plan 2013	
Zoning	B4 Mixed Use
Building Height	The site is subject to a maximum height of 40m.
Existing Height	The building contained within the site has a maximum height of 56.7m.
Floor Space	A maximum floor space ratio does not apply to the site
Non-residential floor space ratio	A minimum non-residential floor space ratio of 0.75:1 applies to the site. The site has an area of 2,711m <sup>2</sup> and accordingly a minimum non-residential gross floor area of 2030m <sup>2</sup> is required to be provided by a future development.
Heritage	The site is not a local or state listed heritage item nor is it sited within a heritage conservation area. A number of local and state heritage items are located in proximity to the site. Most notably to the immediate south the site adjoins a heritage item known as Camden House (I0527). To the east is the State listed Sydney Harbour Bridge (I0539), and Milsons Point Railway Station Group (I0539). To the south west the residential building at 2 – 2A Glen Street is a locally listed heritage item (I0531). The Lavender Bay conservation area is located north west of the site.

#### 3.2 North Sydney Development Control Plan 2013

The NSDCP 2013 builds upon and provides more detailed provisions than the NSLEP 2013. As identified by the NSDCP 2013, the site is located in the Lavender Bay Planning Area within the Milsons Point Town Centre. The Planning Area identifies Milsons Point to consist of mixed residential and commercial towers. The DCP stipulates that future residential development within the Planning Area should accord with the following envisaged built form:

*Any residential growth being in accordance with the Residential Development Strategy, with high density residential accommodation mainly being accommodated within the mixed use zone at Milsons Point, with no substantial change in other residential and light industrial areas.*

A number of criterion apply to new development within the Lavender Bay Planning Area. Key quality built form criteria of relevance to the proposal include the following:

- *Any development that occurs reflects and reinforces the existing distinctive built form / landscape areas and distribution of accommodation types.*
- *Buildings in Milsons Point are designed to preserve views and prevent wind tunnels.*
- *There is appropriate built form on the foreshore to maintain the significance of Sydney Harbour.*

The proposal is located within a mixed use zone and in accordance with the relevant character area seeks to accommodate high density mixed use residential development that is of a scale commensurate with the surrounding built form. In addition to the criteria of the Lavender Bay Planning Area, a variety of specific DCP development controls apply to the site. The controls which are of most relevance to the building envelope are described in further detail below.

### Front Setbacks

The general provisions of the NSDCP 2013, the Lavender Bay Planning Area and the Milsons Point Town Centre Area Character Statement prescribe a range of setback provisions to ensure development sits comfortably within the streetscape and maintains view corridors.

The desired built form for the Lavender Bay Planning Area under the NSDCP 2013 stipulates that a zero metre front setback to Alfred Street South be provided at the podium with a setback of 3 metres above the podium. The character statement also nominates that buildings be designed to preserve views and prevent wind tunnels.

### Side and Rear Setbacks

The relevant character statement identifies that buildings fronting Alfred Street South and Glen Street require a 3m setback above the podium to all parts of the building.

### Podium Setbacks

The NSDCP 2013 requires that a podium be provided along all street frontages including laneways, with a height and setback above the podium in accordance with the relevant character statement.

The Lavender Bay character statement prescribes a 3m setback above the podium. Additionally, the general provisions of the NSDCP 2013 nominated that podiums are required to match the height and setbacks of adjacent buildings or the average of the heights of the adjacent podiums having regard to their existing nature and/or their redevelopment potential. Where the ground level changes across the width of the site, the podium should be stepped at an appropriate location to maintain a characteristic podium height.

### Podium Height

The Planning Area statement prescribes that buildings fronting Alfred Street must include a four storey podium of 13 metres. The rear of the development fronts Glen Street and as such a three storey podium of 10 metres is required.

The LEP and DCP controls for the site at 52 Alfred Street severely limit the development potential of the site and provide for a built form that is smaller in scale to what currently exists on site. Further, it is considered the standards and controls provide for a less optimal design outcome that does not respond to the site's unique context. In essence, there are four key envelope controls that regulate development of the site which include:

- The NSLEP 2013 maximum height of 40m for the site;
- The NSDCP 2013 3m setback above the podium to Alfred and Glen Streets;
- The NSDCP 2013 requirement for a 0m setback at the podium to all boundaries; and
- The NSDCP 2013 requirement for a 4 storey podium height along Alfred Street South, and a 3 storey podium height along Glen Street.

### Form, Massing and Scale

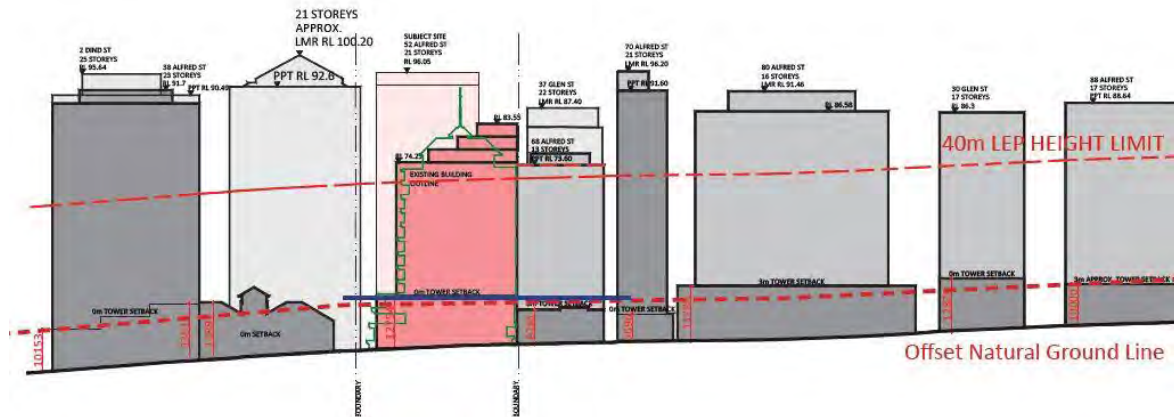
The Milsons Point Town Centre Character Statement specifies that buildings are required to step down from 40m on the ridge of the peninsula (along Alfred Street from Lavender Street to Dind Street) to 10m on the shores of Lavender Bay.

It is noted that the prevailing built form within Milsons Point does not conform with this requirement. Specifically, some the tallest buildings with heights of up to RL 100.20 are concentrated along the western side of the ridge towards Lavender Bay (refer to **Figure 15**).

### Existing Height Plane

**Figure 13** illustrates the existing height limit under the NSLEP 2013 and the NSDCP 2013. It is evident from this depiction that the existing height limit is entirely inconsistent with the established built form character of the area. It is also shown that the existing building exceeds the maximum 40m height plane and provides for a tower of approximately 59.14m in height.



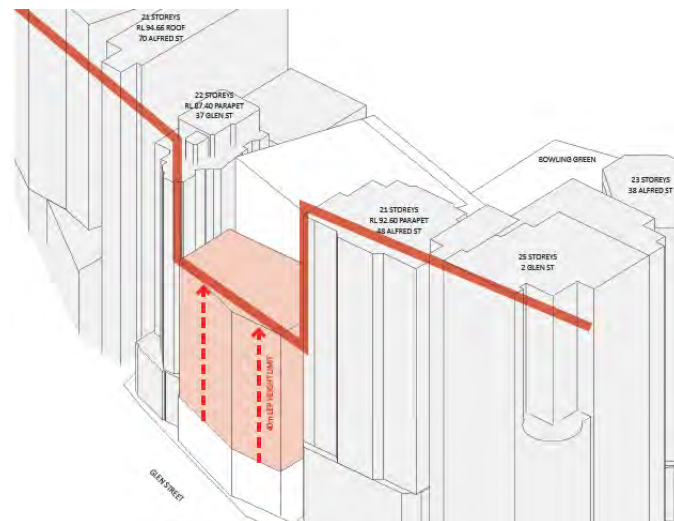


**Figure 15 Compliant 40m building height line in the context of the existing and proposed building envelopes, and surrounding properties**

Source: KTA

The existing built form, despite exceeding the height limit, is smaller in scale relative to the surrounding high rise developments, as shown in **Figure 16**. Given this, it is considered that strict adherence to the maximum height limit for any new development proposal would unduly limit the development potential of the site. It would also result in a sub-optimal design outcome with regards to delivering a building that sits comfortably within the streetscape and complements the existing building line that defines Alfred Street South.

A building that complied with the height limit would also fail to integrate with the built form along Glen Street. As shown in **Figure 17**, a compliant envelope sits well below the prevailing building line. Furthermore, it is considered that concentrating the building's mass in accordance with the height limit at the Glen Street aspect would result in undesirable view impacts to surrounding properties, particularly the residential tower at 37 Glen Street.



**Figure 16 Compliant massing fronting Glen Street**

Source: KTA

## 4.0 The Case for Change

*A Metropolis of Three Cities* – the Greater Sydney Region Plan was released in March 2018 and provides a strategy for addressing Sydney's population growth. It envisages that by that Greater Sydney will consist of a sustainable metropolis comprising the Eastern Harbour City, Central River City and Western Parkland City. It identifies that by 2036 Sydney's economic output will almost double to \$655 billion and anticipates that an additional 817,000 jobs will be added to the economy. The projected economic growth will be accompanied by a significant population increase, with an additional 1.7 million people expected to be living in Sydney by 2036 or 3.2 million people by 2056. To address the expected population and economic growth, the Plan prioritises the need to increase the supply of housing to facilitate the delivery of an additional 725,000 dwellings by 2056. Housing growth is to occur in and around centres close to employment opportunities and public transport, and is to facilitate the delivery of a diversity of housing types that respond to varying needs and lifestyles, and offer a high standard of residential amenity.

The Plans sets the direction for subregional planning and provides prescriptive goals, directions and actions pertaining to housing growth. The subject site falls within the North District, which is a highly urbanised location that contains North Sydney, the second largest office market in Sydney. The State Government has made a clear priority to support the growth of North Sydney's office market by concreting premium grade commercial floorspace within this centre and increasing the supply of housing in surrounding centres afforded good access to public transport. Integral to achieving this priority is the need to work with local Councils to concentrate housing and employment growth in accordance with infrastructure availability and in proximity to train services. This goal is informed by a series of clear 'Objectives' aimed at focusing urban renewal and maximising housing delivery within and around centres and public transport facilities. The relevant 'Objectives' include:

**Infrastructure use is optimised** (Objective 4)

**Greater housing supply** (Objective 10)

**Housing is more diverse and affordable** (Objective 11)

**A Metropolis of three cities – integrated land use and transport creates walkable and 30 minute cities** (Objective 14)

**Harbour CBD is stronger and more competitive** (Objective 18)

These 'Objectives' are supported by the North District Plan, which establishes an increased minimum housing target of 92,000 dwellings by 2036, with a total forecast dwelling count of 464,500.

The North District is identified to have a higher than average use of public transport with key projects such as the Sydney Metro currently underway to improve accessibility to employment. Accordingly, there is a strong demand for housing in proximity to transport. In light of this, a key focus is to continue to deliver housing in locations with good access to public transport, particularly around train stations. Milsons Point is located on the North Shore line, which in conjunction with the Northern and Western Lines, buses and ferry services, provides convenient connections between the District's four Strategic Centres which include Macquarie Park, Chatswood, St Leonards and North Sydney. Concentrating housing along the rail corridor is noted by the Plan to be of great economic benefit and crucial to driving the growth of these centres in that it improves access to labour markets and allows for increased interactions between businesses.

The Milsons Point Town Centre lies between two of Sydney's largest Strategic Centres, these being North Sydney and Sydney CBD. The locality provides ample access to public transport including Milsons Point Railway Station, Milsons Point Ferry and various bus services. In consequence, residents are typically afforded access to jobs within a 30 minute commute by public transport and private vehicle. Accordingly, Milsons Point is ideally suited for accommodating additional residential accommodation.

In addressing the growing demand for housing there is a need to capitalise on opportunities to deliver Transit Oriented Development around key transport nodes and intensifying diverse activities and mixed use development around these nodes. In doing so access to services, localised employment opportunities and housing can be

provided within singular localities. The result is the delivery of significant social and economic benefits to the community, including but not limited to, reduced travel times, improved productivity and reduced traffic congestion. Milsons Point provides access to the rail line of the North Shore and Northern Line which receives connections to the major transport interchanges of Wynyard, Chatswood, Hornsby and Parramatta that link to the broader intercity and suburban rail network. Milsons Point Railway Station is serviced by several bus routes that provide connections to the Sydney CBD, Neutral Bay, Mosman, Lindfield and North Sydney. Train patronage data demonstrates that the North Shore Line has the highest patronage rate of all intercity and suburban Sydney train lines, with 108,119 passenger trips from January 2017 through to September 2017, representing a 38% share relative to other train lines<sup>1</sup>. Second and third to this figure is the Airport, Inner West and South Line, and the Eastern Suburban and Illawarra Line, which have a share of 23 percent and 17 percent, respectively.

When compared to other town centres located along the North Shore Line, Milsons Point Railway station is fourth in respect to in / out 24-hour barrier counts only to North Sydney, St Leonards and Chatswood which are two of Sydney's primary office markets (refer to **Table 3**). Milsons Point therefore has more movements compared to surrounding town centres such as Artarmon, Waverton and Wollstonecraft, which too predominantly accommodate residential uses.

**Table 4 24 Hour Barrier Counts through stations for 2014**

Town Centre Railway Station	Barrier Counts through stations for 2014
North Sydney	57,220
Chatswood	44,400
St Leonards	35,180
Milsons Point	13,980
Artarmon	10,520
Waverton	5,080
Wollstonecraft	5,080

Within the North District there are strong precedents pertaining to the concentration of high rise residential mixed use developments adjacent to stations. These centres and many others along the North Shore Line accommodate high rise buildings in excess of the 40m height limit that applies to the subject site. Chatswood is identifiable as a major interchange for public transport and provides high density residential development adjacent to the railway station reaching heights up to 90 metres to capitalise on the availability of transportation. Likewise, St Leonards station is earmarked to accommodate building heights of 50 metres. While heights and density slightly differ between the centres, the key similarity between these centres is the focus on higher density development within proximity to established railway stations along the rail corridor.

Milsons Point is sited between the major office markets of the Sydney CBD and the North Sydney CBD, and presents a unique opportunity with capacity to deliver new residential mixed-use development. Given the town centre's location, Milsons Point it is ideally suited to accommodate additional housing that is close to jobs contained within these two office markets. **With existing building heights reaching approximately 70m and permissible building heights of 40m, Milsons Point is clearly suitable and earmarked for high density development.**

**There is also a strong urban design rationale for permitting an increased building height.** The site is sited in a highly visible location. It has a prominent location in the Milsons Point skyline and will also be viewed in the context of the Sydney CBD skyline. It is considered that the height of existing buildings (25 storeys and approximately 70 metres) provide an appropriate transition in scale to the high rise development contained within the Sydney CBD. Conversely, a permissible building height of 40 metres provides for a built form that is inconsistent with the adjoining developments, which together achieve a continuous building height line along Alfred Street South. **Accordingly, building to the height limit would result in a development that is significantly smaller in scale and out of context with the established skyline of Milsons Point.**

The locality exhibits a demand for housing, with the demand for commercial development stronger in surrounding Strategic Centres such as the North Sydney and St Leonards CBD. More specifically on site, with the eventual departure of the major building tenant (Kimberly-Clark Australia) in June 2020, the proponent began marketing for a

<sup>1</sup> <https://www.transport.nsw.gov.au/performance-and-analytics/passenger-travel/train-patronage/train-patronage-monthly-figures>

new major tenant lessee in September last year 2019 and to-date, has been unsuccessful in sourcing new tenants for the building. The major contributory factor is the fact that Milsons Point has lost its critical mass office space during recent years as a result of the evolving landscape towards residential, and is considered a less favourable commercial locality in comparison to the North Sydney, Chatswood and St Leonards CBDs.

In light of this, through the conversion of commercial buildings the locality has increasingly begun to accommodate residential uses. This trend is indicative of the strong demand for housing in proximity to the surrounding office markets.

Integral to supporting the delivery of high density Transit Oriented Development is the potential to increase the provision of high quality walking facilities and improve connectivity to public transport infrastructure in order to reduce reliance on private vehicles. The Plan identifies the need to work with North Sydney Council to improve walking and cycling connections between Global Sydney Precincts and to the surrounding area. **Located central to Milsons Point and directly adjacent to the Milsons Point Railway Station, the subject site represents an opportunity to provide high quality legible pedestrian routes at the ground plane. These pedestrian routes, including new through-site links, will improve permeability at the ground floor, intensify pedestrian activity and provide linkages to transport services and commercial uses.**

#### North Sydney Centre Capacity and Land Use Strategy

On 1 May 2017 North Sydney Council adopted the *North Sydney Centre Capacity and Land Use Strategy*. A Planning Proposal to amend the NSLEP 2013 to give effect to the strategy was subsequently submitted on the 25 May 2017 and issued a Gateway Determination on 20 July 2017. The Planning Proposal and the Strategy are informed by the North Sydney Commercial Centre Study 2015. The Study indicates that the North Sydney CBD currently accommodates around 60% of all jobs in the North Sydney LGA. Additionally, around 60% of new jobs to be accommodated within the North Sydney LGA by 2036 are projected to be located within its CBD.

**The rationale for the amendment is to improve the status of the North Sydney Centre as a primary office market along the Global Economic Arc and bolster its competitiveness in the rental market making it a central location for a highly qualified white collar workforce.** The Strategy identifies potential opportunities to increase density and the capacity for additional commercial floor space within the North Sydney CBD. To facilitate this desired end outcome, the Planning Proposal seeks to amend the maximum height controls in order to increase the capacity of the CBD to accommodate additional office stock.

The demand for office floor space is projected to continue to grow with residential housing stock anticipated to increase in alternative locations outside but in proximity to the North Sydney CBD. The Study indicates that there have been significant additions to the North Sydney office market over the past three years, including 100 Mount Street, 1 Denson Street and 177 – 199 Pacific Highway. It also indicates the need to focus office development rather than residential in the CBD as the former is demonstrably more economical for the locality.

Office stock is envisaged to continue to grow in the North Sydney CBD as a result of both the proposed amendments to planning controls and market demand. The proposed LEP amendments will facilitate in increasing the provision of A-grade office floorspace to respond to the demand for high quality office stock and to remain competitive with surrounding office markets, particularly Sydney, Macquarie Park and Barangaroo. Key infrastructure developments, including Sydney Rapid Transit and proposed station at Victoria Cross will facilitate North Sydney CBD's growth as a leading office market and provide an impetus for concentrating commercial floorspace in the CBD as opposed to the traditionally smaller office areas such as Milsons Point. **The Study projects there will be a withdrawal of office stock from Milsons Point over the next three years with approximately 46,000sq.m anticipated to be converted to alternative uses such as residential.**

**The proposal to implement the *North Sydney CBD Capacity and Land Use Strategy* combined with the findings of the *North Sydney Commercial Centre Study 2015* solidify North Sydney CBD's status as the primary office market in the North Sydney LGA and lend weight to the observation that there is a strong demand for residential development to be concentrated in alternative locations such as Milsons Point that whilst may have historically functioned as suburban office markets, now prove more suitable for residential mixed use development.**

### North Sydney Residential Development Strategy 2009

Council's *North Sydney Residential Development Strategy* (RDS) provides the strategic framework for housing in North Sydney to 2031. The Strategy nominates a target of an additional 5,500 additional dwellings for the North Sydney LGA by 2031. Since 2004, 1,300 dwellings have been approved resulting in the need for an additional 4,200 dwellings. The target amounts to 183 additional dwellings per year for the next 23 years.

Under the NSLEP 2009, which has since been superseded by the NLEP 2013, there was capacity to accommodate over 6,000 additional dwellings. The NLEP 2009 was predicated on the need to meet the target of 5,500 additional dwellings for the North Sydney LGA by 2031, as nominated by the North Sydney Local Development Strategy and the Draft Inner North Subregional Strategy. The NSLEP 2009 was based on the assumption that there would be no requirement to make significant policy changes or up-zonings. It also provides a conservative estimate in that it applies a 40% discount rate.

It is noted that the draft Inner North Subregional Strategy was released in 2007 and therefore its dwelling targets are over 10 years old. **The more recent North District Plan provides a housing target of 92,000 for 2036 for the North District. Whilst 10 year housing supply targets are yet to be determined, the Plan provides a target of 3,000 additional dwellings for the North Sydney LGA by 2021. When compared to the RDS this amounts to a significantly higher target of 750 dwellings per year.**

**Of the target of 5,500 dwellings, the RDS estimates that Milsons Point and Lavender Bay have the capacity to supply a mere 326 residential dwellings over the next 23 years. Given the housing supply targets nominated by the revised draft North District Plan, it can be deduced that there is additional capacity within the Milsons Point Town Centre to accommodate a greater number of dwellings to assist in meeting the increased housing targets for the North District.**

Increasing the supply of high density residential housing in the Milsons Point Town Centre is consistent with the RDS and the envisaged built form for the area. The RDS identifies the need to deliver improved housing choice that meets the needs of existing and future residents. In light of this, due to the aging population and the on-going decline in the household occupancy rate (i.e. a reduced number of people living in detached dwellings), there is a growing demand for smaller household types. **The Council's RDS provides an overview of areas suitable for accommodating housing growth. It suggests that mixed use centres such as Milsons Point are ideally suited for high density residential development as they provide convenient access to public transport, services, shops and facilities.** The nearby suburban areas of Cammeray, Cremorne, Waverton and Wollstonecraft are nominated as suitable for accommodating detached residential dwellings. Whilst Milsons Point has experienced a substantial loss of commercial floor space, the RDS identifies the North Sydney CBD as the most suitable location for existing and future commercial floor space.

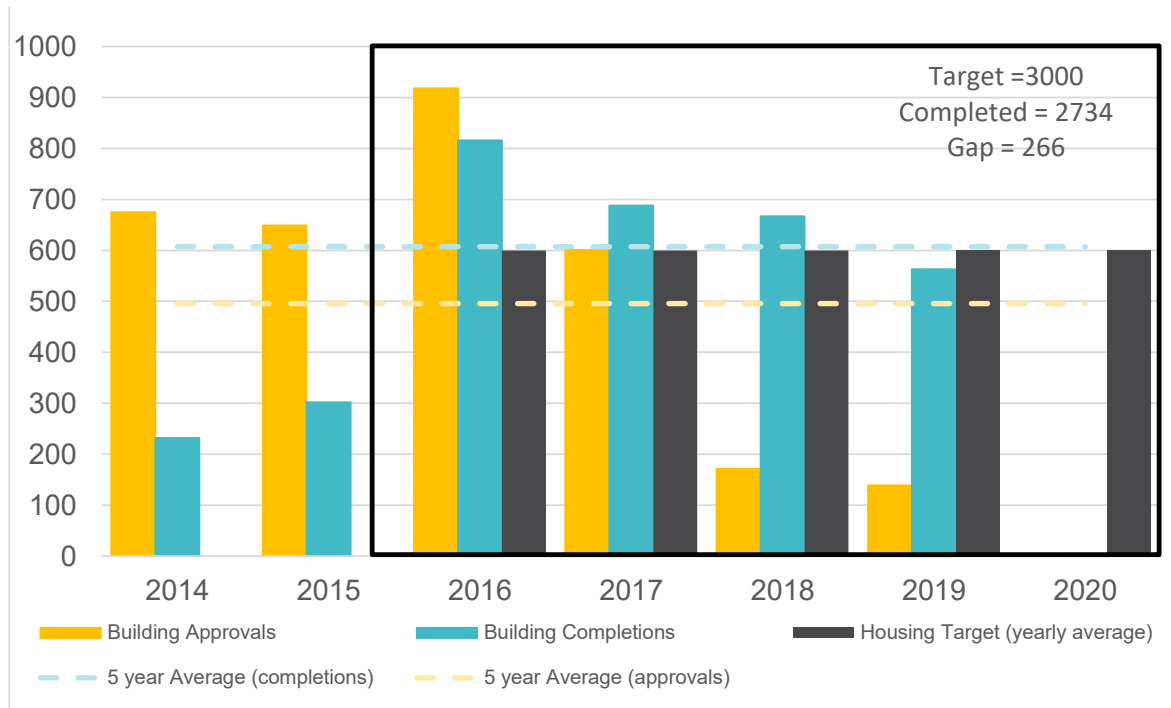
### North Sydney Local Development Strategy 2009

The Local Development Strategy synthesises the strategic directions of *the 'City of Cities' Sydney Metropolitan Strategy* and *Draft Inner North Subregional Strategy*, both of which have been superseded with *A Plan for Growing Sydney*, *the draft Greater Sydney Region Plan* and the *North District Plan*. It was established to deliver a broad planning framework for the North Sydney LGA and provides a rationale for the provisions of the previous NSLEP 2009.

The Strategy conveys a clear intent to provide flexibility of uses for future development in order to respond to changing market conditions. Accordingly, there is a need to deliver mixed use developments that offer flexibility of building use over the life of the development to accommodate commercial or residential, or a mix of both.

### Existing Housing Conditions

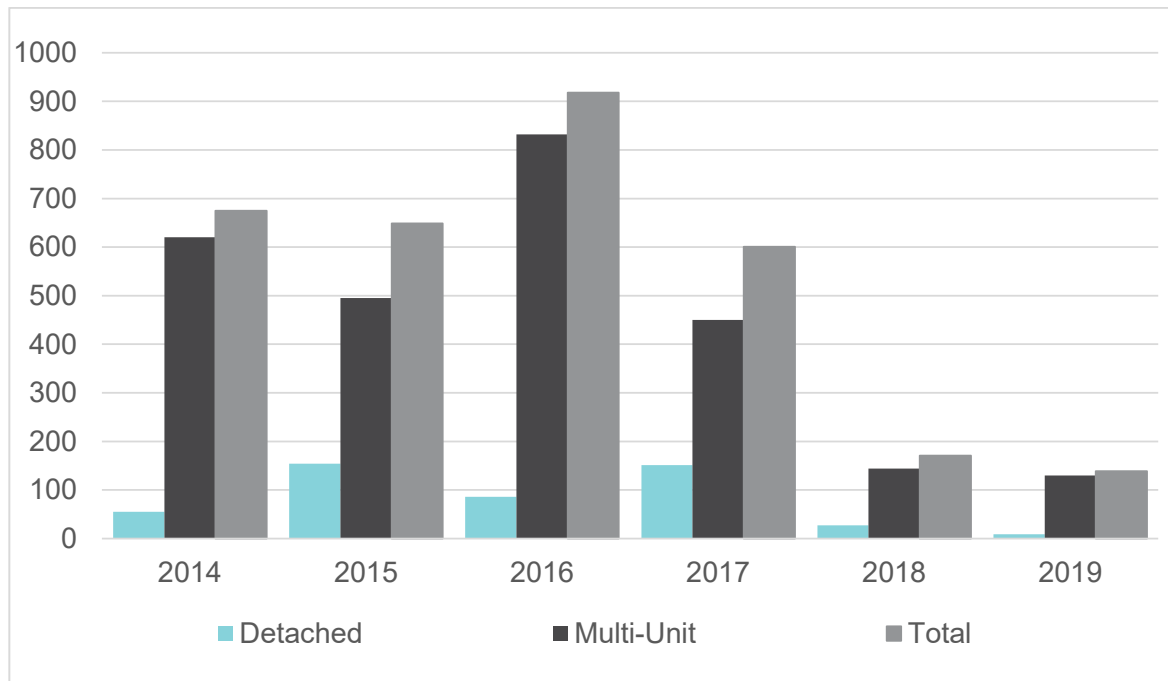
Existing housing market conditions and dwelling statistics suggest there is a strong demand for high density development within suburban localities outside the core of the North Sydney CBD. As addressed above, the recent North District Plan provides a significantly higher target of 3,000 for 2021 for the North Sydney LGA, which equates to 750 additional dwellings per year. Based on ABS building approval data the average dwelling approval rate for the North Sydney LGA from 2014 to 2019 is 496 dwellings per year, falling well short of the average nominated higher target prescribed by the North District Plan (see **Figure 17** below)



**Figure 17 North Sydney – Approvals and Completions Against 5 year Target**

Source: Department of Planning, Industry and Environment; Ethos Urban; GSC

Historical trends related to building approvals in the local area are reflective of the demand for development and building typologies in the locality. Within the North Sydney LGA, building approvals indicate that there has been a steady shift away from lower density development such as detached housing to other building types that include high density development (refer to **Figure 18**). This demonstrates that there has been significant market interest in alternative forms of housing other than detached residential dwellings.



**Figure 18 North Sydney Building Approvals by Type**

Source: Ethos Urban; Department of Planning, Industry and Environment

The demand for housing in Milsons Point is also evidenced by the sharp price increases in Milsons Point. While house and unit price growth has been subdued of late, as highlighted in **Table 5** below, unit price growth has been strong in Milsons Point for many years. Between 2010 and 2019, the median unit price increased at an average annual growth rate of 7.7% to reach a median price of \$1.2 million. By contrast, over this same period, the Greater Sydney median unit price increased by an average annual growth rate of 4.2% to reach a median price of \$705,000 in 2019. This difference in price and growth reflects strong demand for residential apartments in Milsons Point driven by a range of locational attributes including proximity and views over Sydney Harbour and proximity to the Sydney CBD.

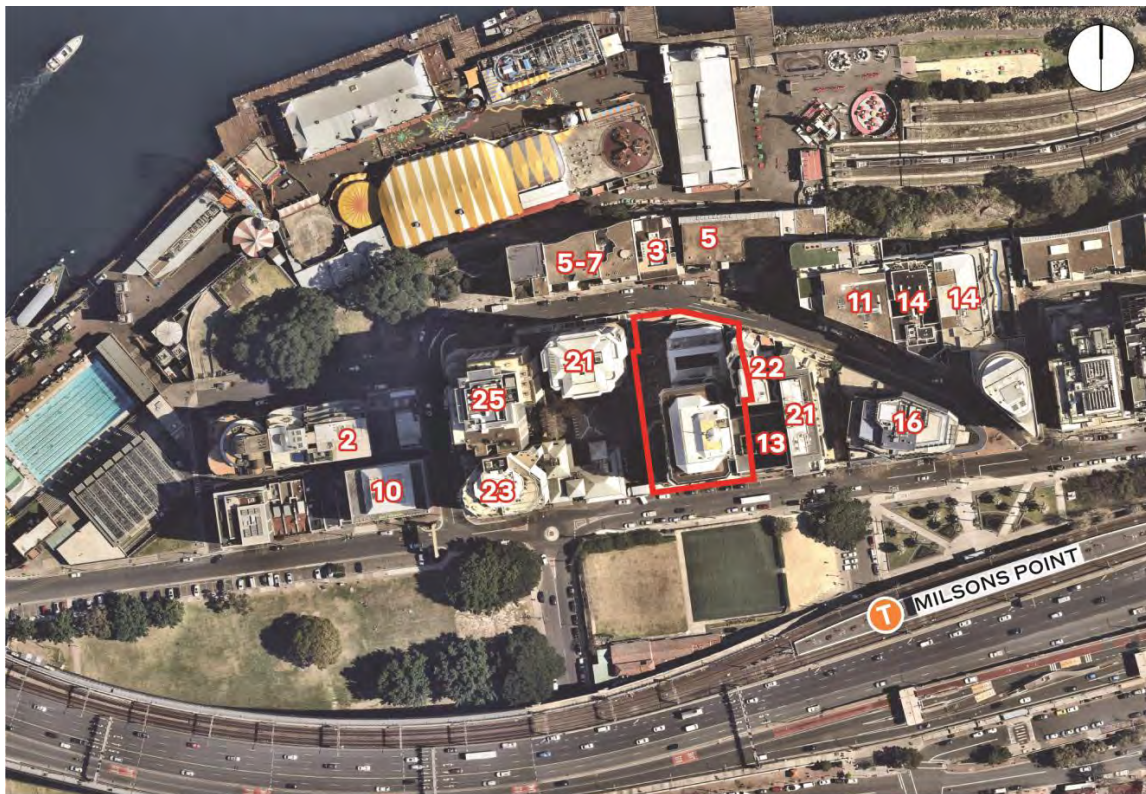
**Table 5 Volume and Median Unit Price Growth – Milsons Point**

Year	Milsons Point		Greater Sydney	
	Volume	Price	Volume	Price
2010	107	\$990k	46,511	\$479k
2011	65	\$950k	47,540	\$485k
2012	73	\$920k	42,823	\$518k
2013	198	\$962k	59,695	\$555k
2014	115	\$1.33m	63,110	\$630k
2015	231	\$1.59m	64,950	\$707k
2016	64	\$1.8m	49,793	\$722k
2017	58	\$1.6m	45,275	\$740k
2018	55	\$1.72m	30,713	\$725k
2019	49	\$1.2m	35,696	\$705k
2020 (ytd)	31	\$2.1m	13,710	\$720k
Average Annual Growth Rate, 2010-19		7.1%		5.3%

Source: Ethos Urban; Pricerfinder (2019)

### Milsons Point Town Centre

The Planning Proposal has been prepared in the context of the evolving development landscape surrounding the site. Whilst the RDS and the North Sydney Local Development Strategy 2009 suggest there is limited capacity for additional housing in Milsons Point, recently constructed and approved developments in the immediate vicinity of the site suggest there is a strong demand for high density development and that this demand is being accommodated through the conversion of commercial buildings to residential.



 The Site

**Figure 19** Typical building heights in the surrounds of the site

Source: Ethos Urban / Nearmap

The site is located within the Milsons Point Town Centre which contains a number of recently constructed developments that are responding to the need for higher density development along the established rail corridor (refer to **Figure 19**). These developments are predominantly located north and south of the site along Alfred Street South and are reflective of the changing character of the area that has been steadily reshaped by the conversion of commercial office buildings to high quality mixed use residential buildings. Whilst the developments in the vicinity of the site are subject to a 40 metre height limit prescribed by the NSLEP 2013, and therefore an approximate 11 storey height limit, the bulk of developments significantly exceed this limit.

As shown in **Figure 19**, the site is situated amongst a number of high density developments that typically range from 21 to 25 storeys in height, with heights and density decreasing away Milsons Point Railway Station towards the south and north. To the south, the site adjoins a 21 storey residential tower at 48 – 50 Alfred Street, Milsons Point. Further south, the site is sited adjacent to a 25 storey mixed use residential tower at 38 Alfred Street and a 23 storey residential tower at 23 Alfred Street. Additionally, north of the site are a number of recently approved high rise mixed use residential developments, including:

- the recently constructed 18 storey (67.2m) Bridgehill development at 80 Alfred Street;



- the recently constructed 16 storey (52.5m) building at 88 Alfred Street; and
- the approved 8 storey (33.6m) development at 30 Alfred Street.

A detailed summary of the surrounding developments that exceed the height limit are included below in **Table 6**.

**Table 6 Existing height of developments surrounding the site**

Site	Height (RL(m))	Height Exceedance (m)
88 Alfred Street	88.6	14
48 Alfred Street	96.6	23.3
30 Glen Street	86.3	26.9
80 Alfred Street	91.5	21.1
70 Alfred Street	96.2	26.4
37 Alfred Street	87.4	18.1
3 Glen Street	99.1	31.7
2 Dind Street	95.6	30.5
56 Alfred Street	91.7	27.1

## 5.0 Planning Proposal

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment, which requires the following matters to be addressed:

- objectives and intended outcomes of the amendment to the LEP;
- explanation of provisions;
- justification;
- relationship to strategic planning frameworks;
- environmental, social and economic impact;
- State and Commonwealth interests; and
- community consultation.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in **Section 9** of this report.

### 5.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to seek amendments to the building height control that applies to the site at 52 Alfred Street South, Milsons Point, in order to facilitate a mixed use shop top housing development commensurate with its location. The intended outcome of the Planning Proposal is to enable a high quality mixed use development to be achieved on the site that complements the building heights that prevail along Alfred Street South.

A summary of the key objectives of this Planning Proposal is provided below:

- deliver a maximum height control and a built form outcome consistent with the established built form in the locality;
- provide for a built form that responds to the relevant character statement in the NSDCP 2013 whilst taking into account the existing character for the area;
- contribute to the achievement of the objectives contained within the North Sydney RDS, LSPS and Housing Strategy;
- deliver a high quality mixed use development that exhibits design excellence on a site earmarked for high density residential development;
- enable the development of a high performance building;
- contribute to community infrastructure in the form of a through-site link in the Milsons Point Town Centre;
- maintain solar access to key public spaces including the adjacent Bradfield Park;
- protect heritage values of Camden House by ensuring compatible podium design to the existing streetscape facades;
- provide for active through site linkages that support the ground floor retail landscape, improving the vitality of the streetscape and complement existing retail uses;
- facilitate the delivery of residential development in a desirable location that receives ample access to iconic views, public transport and surrounding civic amenities; and
- increase the provision of high quality commercial floorspace in Milsons Point.

## 6.0 Explanation of provisions

This section provides an explanation of the provisions proposed to apply to the subject land under the North Sydney LEP 2013.

### 6.1 North Sydney LEP 2013

The following provisions outlined in **Section 6.3** are proposed to apply to the site in the North Sydney LEP 2013.

### 6.2 Land to which the plan will apply

The Planning Proposal applies to the site known as 52 Alfred Street South, Milsons Point and is formally described as Lot 1 in DP 738322.

### 6.3 Height

The NSLEP 2013 nominates a maximum height limit of 40m under the Building Heights Map. It is proposed that the map be amended to permit a maximum permissible height of between RL 81 and RL 88 in order to accommodate the proposed heights of RL 83.55 and RL 87.10.

### 6.4 Mapping

This Planning Proposal seeks to amend the following maps of the North Sydney LEP 2013 Height of Buildings Map. The revised Height of Building's map is included below in **Figure 20**.



**Figure 20 Proposed Building Heights LEP Map**

Source: Ethos Urban / NSLEP 2013

## 7.0 Strategic Justification

This section outlines the strategic and statutory planning framework within which the development outcomes for the land have been considered and provides commentary on how the proposal responds to each of these documents.

### 7.1 The Need for a Planning Proposal

#### Q1 – Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is a result of several specialist studies which have been prepared by the proponent's consultant project team as set out in **Table 7**.

**Table 7 Supporting Studies**

Study	Consultant	Appendix
Planning Proposal	Ethos Urban	
Architectural Design Report and Drawings	Koichi Takada Architects	Appendix A
Survey Drawings	Project Surveyors	Appendix B
Landscape Concept Design	Arcadia	Appendix C
Heritage Assessment Report	Weir Philips Heritage	Appendix D
View Impact Analysis	Clouston and Associates	Appendix E
Traffic and Parking Impact Assessment Report	Barker Ryan Stewart	Appendix F
Pedestrian Wind Impact Analysis	Windtech	Appendix G
Design Verification Statement	Koichi Takada Architects	Appendix H
Site Specific DCP	Ethos Urban	Appendix I

Together, the consultant studies provide a strong and compelling strategic planning case for the Planning Proposal on the following grounds:

- The accompanying landscape works represent an opportunity to provide a built form that better integrates with the surrounding public domain by providing active uses, improved building separation to Camden house, and an appropriately scaled podium that provides for a human scale at street level.
- The existing road network in the immediate vicinity of the site is adequate to accommodate the proposed concept, and will not result in any undesirable traffic and parking implications.
- The Indicative Concept Scheme is capable of complying with the key amenity standards established by the ADG.
- The proposal has been strategically designed to minimise view impacts to the greatest extent possible and maintains the view corridors of surrounding properties. As demonstrated by the accompanying View Impact Analysis, the proposal will not have a significant impact on the view corridors obtained from surrounding properties.
- The site optimises the opportunity to contribute significant public domain upgrades to the surrounding streetscape, including an upgraded through-site link that will further activate the curtilage surrounding Camden House.
- The Indicative Concept Scheme would provide for a significantly improved active street frontage that will enhance the vitality of the streetscape.
- The wind impacts resulting from the development can be effectively mitigated with the adoption of various design measures at the detailed DA phase.
- The overshadowing impacts are considered to be acceptable given the context of the site and predominantly impact the public domain as opposed to sensitive residential uses.

This Planning Proposal has also given consideration to a number of relevant strategic studies, including the:

- Draft Housing Study;
- Local Strategic Planning Statement;
- North Sydney Residential Development Strategy;
- The North Sydney Local Development Strategy;
- North Sydney Centre Capacity and Land Use Strategy;
- Lavender Bay Planning Area / Milsons Town Centre identified by the North Sydney DCP 2013; and
- North District Plan.

## **Q2 – Is the Planning Proposal the best means of achieving the intended outcome?**

This Planning Proposal is the most suitable means of achieving the intended outcome for the site, realising identified state and local objectives, and achieving identified aims, which is to facilitate a mixed use shop top housing development on the site with a maximum building height of RL 87.10.

Prior to consultation with Council and the outcomes of the SNPP, the proponent explored a variety of options for the site's redevelopment, noting their commercial viability, as well as the benefit each option would bring to the site, and more widely, the Milsons Point Town Centre. In preparing this Planning Proposal, three options were considered to facilitate the intended outcomes as set out in **Section 5.1**. These are listed and discussed below:

- Option 1: Rebuild to an acceptable height / mass (this Planning Proposal)
- Option 2: Rebuild to a compliant LEP building
- Option 3: Rebuild to the existing height

### **Option 1 – This Planning Proposal**

This Planning Proposal is considered to be the most appropriate means of achieving the objectives and intended outcomes for the site. The proposed heights and the Indicative Concept Scheme have been subject to significant design testing, and developed in response to the ongoing feedback provided by Council and the Sydney North Planning Panel following the Proponent's submission of the previous Planning Proposal's for the site.

As demonstrated by the Indicative Concept Scheme (see **Section 9.1**), the proposed height amendments will enable the feasible redevelopment of the site whilst delivering a design outcome that sits comfortably within the established built form context, responds to the existing character of Milsons Point and limits amenity impacts on the surrounding area to the greatest extent possible. The Indicative Concept Scheme demonstrates that a building can be accommodated within the proposed heights without compromising compliance with the key built form parameters that govern the redevelopment of the site and amenity impacts. Most notably, the scheme can be delivered within the proposed heights without producing additional overshadowing to Bradfield Park or resulting in any additional view loss to neighbouring developments.

The proposed option is therefore considered to be the most suitable as it provides for a feasible development outcome that responds appropriately to its surrounding context and site-specific constraints.

### **Option 2 – Previous Planning Proposal**

An option to amend the LEP height limit to the existing controls with an alternative Indicative Concept Scheme design was considered under a Planning Proposal submitted to Council on the 25 March 2019 (Planning Proposal 4/19). The scheme adopted an alternative massing strategy that was not supported by Council for a range of reasons set out in **Section 1.1.6**. Principally, it was not supported due to view impacts to surrounding properties, and the lack of any accompanying site-specific DCP.

For the above reasons this option was identified as less preferable and the Proponent has subsequently sought to prepare a new planning proposal development with a revised scheme outlined in Option 1 to address Council's concerns.

### Option 3 – Rebuild to a compliant LEP building

The option of rebuilding in accordance with the compliant LEP building height was considered in the initial stages of the design development. It is important to note that this option would result in a significantly reduced built form to that which is currently accommodated on the site. Specifically, a building that complied with the height limit would sit 28.4m below the existing building height plane. Given this, it is considered that redevelopment of the site within the limits of the maximum height limit would unduly restrict the site's potential and would be at odds with the intent of the EP&A Act which seeks to facilitate the orderly and economic development of land.

It is considered that a future development that complied with the height limit would result in a suboptimal design outcome as the development would be of a reduced scale relative to the surrounding buildings. Accordingly, the resultant outcome would be an anomalous envelope design that would appear out of character with the surrounding built form, ultimately disrupting the existing building height plane along Alfred Street South and failing to provide an appropriate transition in height.

Compliance with the height limit would necessitate an increase in the extent of the building's footprint in order to optimise the site's development potential. Consequently, the building footprint would occupy a larger area and provide a greater encroachment on the view corridors of adjoining residential developments. In light of the above, this option was not considered the preferred option.

### Option 4 – Rebuild to the existing height

This option involves redevelopment of the site to construct a building to the same height as the existing building on site. Based on our analysis of this option, it is not the best means of achieving the intended outcome as it does not accord with the scale of the surrounding residential towers.

The Indicative Concept Scheme reaches 18 storeys in height and sits below the building height plane of surrounding developments, including the 21 storey development at 3 Glen Street to the south west, the 22 Storey development at 37 Glen Street to the north west and the 23 storey development at 38 Alfred Street to the south of the site. In consequence, building to the existing height of 14 storeys would result in a smaller built form that did not sit comfortably in the context of the surrounding development. This option has been dismissed in favour of Option 1.

## 7.2 Relationship with the Strategic Planning Framework

### Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

#### Strategic Merit Test

*A Guide to Preparing Planning Proposals* sets out that in order to answer this question, a planning proposal needs to justify that it meets the intended objectives of the relevant strategic planning framework. The consistency of this Planning Proposal with the assessment criteria is set out below.

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

The Planning Proposal is considered to have strategic merit as it will provide an outcome that is consistent with several directions. The consistency of the Planning Proposal with State and Regional strategic frameworks is set out below.

The Planning Proposal is congruent with several key directions, objectives and strategies in Greater Sydney Region Plan and the North District Plan. Specifically, it will:

#### Housing

- facilitate the expansion of high density residential development to support the significant population growth envisaged for North District under the Plan;
- deliver a high-density, and high-amenity residential development;
- assist in meeting North Sydney's housing targets of 3,000 homes by 2021;

- increase the provision of smaller dwelling types in order to cater to the projected growth of an additional 31,750 single person households by 2036;
- improve housing choice and diversity by permitting a building height capable of accommodating a range of dwelling types that respond to the varying lifestyle needs of the local demographic;
- respond to people's need for services by increasing the provision of dwellings and employment opportunities in a location well serviced by public transport and a range of other civic services; and
- amend existing planning controls to increase the supply of housing in the North Sydney LGA on a site that has capacity to accommodate a greater yield than what is currently permitted under existing controls and therefore represents a logical location for increased density.

### **Employment**

- encourage job creation in proximity to the Strategic Centre of North Sydney that is well serviced by connections and major institutional activities;
- assist in meeting North Sydney's higher jobs target of 81,500 by 2036;
- concentrate housing and employment opportunities in immediate proximity to public transport to improve access to jobs and deliver a better outcome for households and the economy; and
- contribute to the expansion of the residential housing market and the local labour market within an area that already accommodates residential uses and is in proximity to major office markets.

### **Transit Oriented Development**

- is consistent with TOD principles by seeking to provide additional capacity around Milsons Point Railway Station for additional high-density housing;
- increases the provision of housing in proximity to the office centre of North Sydney and within the Harbour CBD; and
- increase the supply of housing and improves housing choice around the Milsons Point Town Centre and Railway Station which is conducive to reducing traffic congestion, encouraging walkability and fostering a sense of community;

### **Placemaking Design**

- deliver a public benefit in the form of a through-site link that will improve connectivity and a sense of community within the Milsons Point Town Centre;
- deliver retail uses at street level capable of supporting a vibrant night-time economy;
- ensure that the proposed additional levels on the site achieve a high standard of urban design and architectural excellence that will contribute to the amenity of future residents of and visitors to the North Sydney LGA; and
- increase the provision of retail uses at ground level that will contribute to an active street life.

### **Sustainability**

- due consideration has been given to the siting of the development and the distribution of its bulk in order to protect scenic views of the surrounding landscape;
- ensure that the bulk of the development will have minimal impact on the adjacent open space areas such as Bradfield Park;
- delivers a high density residential development within proximity to high quality open space;
- develop a high-quality building with capacity to score well on a range of sustainability outcomes; and
- increase the provision of housing close to public transport in order to reduce reliance on non-sustainable modes of public transport.

Further details are provided below.

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

The Greater Sydney Region Plan (GSRP), *A Metropolis of Three Cities* is the current overarching strategic plan for the greater Sydney metropolitan area. The GSRP strategic framework sets out the Government's wider vision for Sydney as a metropolis of three cities that will rebalance growth and deliver its benefits more equitably to residents across Greater Sydney (refer to **Figure 21**). The Plan is built on a vision where most residents live within 30 minutes of their jobs, education, health facilities, services and great places. To achieve this vision, it sets out ten overarching directions for the city, these being:

- infrastructure supporting new developments;
- working together to grow a Greater Sydney;
- celebrating diversity and putting people at the heart of planning;
- giving people housing choices;
- designing places for people;
- developing a more accessible and walkable city
- creating the conditions for a stronger economy
- valuing green spaces and landscape;
- using resources wisely; and
- adapting to a changing world.

A series of more detailed objectives provide the framework for realising the directions. The relevant objectives are discussed in further detail below.



**Figure 21 A Metropolis of Three Cities**

Source: *The Greater Sydney Region Plan*



### Direction 1 – Infrastructure supporting new developments

To ensure that Sydney has a competitive economy with world class services and transport the Plan sets out a number of objectives including but not limited to:

- *Objective 1 - Infrastructure supports the three cities*
- *Objective 2 - Infrastructure aligns with forecast growth – growth infrastructure compact*
- *Objective 3 - Infrastructure adapts to meet future needs*
- *Objective 4 - Infrastructure use is optimised*

By carrying out the above, the Plan seeks to support and ensure that Sydney will continue to be a premier location for global commerce, business and investment with strong ties to its region and with world class infrastructure that supports growing, efficient and innovative industries. Of particular relevance to this Planning Proposal is Objective 4 which seeks to ensure 'infrastructure use is optimised'. Underlying this objective, the Plan states infrastructure use can be optimised by '*using land more efficiently by co-locating services, or by allocating road space to support increased mass transit service*'.

In accordance with this, the Indicative Concept Scheme co-locates jobs, services and housing in an urbanised area that receives ample access to public transport. The site is located 750m from the North Sydney CBD and 1.6km south of the Sydney CBD, which both have excellent access to jobs, education, and community facilities and services. The Planning Proposal will facilitate the delivery of a mixed use development that increases the provision of better suited employment opportunities and residential accommodation in a location well serviced by trains, buses, and cycle routes. As such, the Indicative Concept Scheme therefore promotes the efficient use of land and clearly provides an outcome that is consistent with the Plan in this regard.

### Direction 3 – Celebrating diversity and putting people at the heart of planning

Plan identifies the need to deliver the right services and infrastructure in order to respond to changing demographics and meet the needs of the community. The co-location of services and infrastructure, including social infrastructure, with housing and complementary commercial uses will support the changing needs of the community. To achieve this, the Plan sets out the following objectives:

- *Objective 6 – Services and infrastructure meet communities' changing needs*
- *Objective 7 – Communities are healthy, resilient and socially connected*
- *Objective 8 – Greater Sydney's communities are culturally rich with diverse neighbourhoods*
- *Objective 9 – Greater Sydney celebrates arts and supports creative industries and innovation*

Of particular relevance to this Planning Proposal is Objective 6 which seeks to ensure 'services and infrastructure meet communities' changing needs'. To support the achievement of the objective the Plan nominates Strategy 6.1 which aims to '*deliver social infrastructure to reflect the needs of the community now and in the future*'. In accordance with the Strategy, the Planning Proposal will increase the provision of well designed and highly accessible retail and commercial services. It will also provide a diversity of housing types capable of responding to changing demographics. The Indicative Concept Scheme will co-locate this housing with recreational type facilities, including a publicly accessible courtyard adjacent to the proposed retail uses and a new through-site link which together will foster a socially connected local community.

In addition, the Indicative Concept Plan is consistent with Objective 9 which highlights 'Greater Sydney celebrates arts and supports creative industries and innovation'. Objective 9 is supported by Strategy 9.1 which outlines the need to '*facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden, including the appropriate development of the night-time economy*'. The objective and associated strategy aims to enhance Greater Sydney's standing as a global city by growing the night-time economy and promoting the inclusion dynamic places that boost local communities. The Indicative Concept Scheme is situated within the heart of the Milsons Point Town Centre and seeks to deliver a mixed use development that accommodates activated retail uses at the ground plane fronting Alfred Street and the through-site link to the south. These uses are capable of accommodating retail and indoor / outdoor dining that extends out to the proposed

through-site links at the ground floor plane. They will facilitate the delivery of a new activated public plaza and laneways that will support the growth of the locality's night-time economy.

#### **Direction 4 – Giving people housing choices**

The Plan identifies that some 725,000 new homes will need to be built by 2036 to meet forecast demand and highlights that there is a need to *'link the delivery of new homes in the right locations with local infrastructure'*. Moreover, the Plan states that *'planning and designing for better places respects and enhances local character'*. As such, the Plan identifies that the delivery of housing needs to respond to local characteristics, recognising that not all areas of Greater Sydney are appropriate for significant additional development. To achieve this, it sets out two key objectives including:

- *Objective 10 - Greater housing supply*
- *Objective 11 - Housing is more diverse and affordable*

To facilitate the achievement of Objective 10, the Plan nominates Action 3 and Action 4. Action 3 requires that Council's prepare local and district housing strategies that align with the housing targets and strategies addressed in the District Plans (refer to **Section 7.2.3** and **7.2.4**). Action 4 nominates that councils, other agencies and the Greater Sydney Commission work towards the development of 6 – 10 year housing targets for the relevant LGAs. Councils are also required to ensure that housing is delivered in suitable areas in proximity to transport interchanges and strategic local centres to encourage walkable neighbourhoods that provide convenient access to services, social infrastructure and employment opportunities.

The Plan specifies high level housing supply targets for each District. Milsons Point is situated within the Eastern City District and the Plan establishes a 0 – 5 year housing supply target (2016 – 2021) of 46,550 and a 20 year strategic housing target (2016 – 2036) of 157,500. In light of this, the proposed height will permit a building envelope with the capacity to accommodate 159 apartments that will address the growing demand for smaller housing types.

Additionally, the location of the site reflects a number of attributes that make it ideally suited to accommodating new housing. In particular, the site is situated adjacent to an established transport interchange and will provide new housing within an established urban area with good connections to job-rich areas of the Sydney CBD and North Sydney. The Planning Proposal will facilitate increased housing supply in the local area and in this regard will make a significant contribution to enhancing the local economy and diversifying housing choice to meet the needs of the growing population.

#### **Direction 5 – Designing places for people**

To create great places that bring people together the plan highlights the importance of creating more well designed built environments that are inclusive of people irrespective of age and abilities. The key objectives for achieving this Direction include:

- *Objective 12 - Great places that bring people together*
- *Objective 13 - Environmental heritage is identified, conserved and enhanced*

Of particular relevance to the Planning Proposal is Objective 12 which prescribes *'great places that bring people together'*. Under this objective Strategy 12.1 notes that great places can be delivered by:

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

The site's location in an established town centre (Milsons Point) and the Indicative Concept Scheme proposes a significant public benefit by way of revitalising the existing through-site link and delivering public domain upgrades

that will contribute to a new ground level public plaza. The proposed scheme may also serve as a catalyst for future commercial development that will ultimately revitalise the Milsons Point locality.

The Indicative Concept Scheme is entirely consistent with the Direction and its associated objectives in that the through-site link upgrades, including the proposed retail uses at street level, will contribute to a people-friendly public realm. The proposed retail uses along the through-site link and Alfred Street will encourage a new commercial hub of activity and enhance walkability by co-locating commercial / retail uses with housing.

As identified above, Strategy 12.1 notes that great places can be delivered by *recognising and celebrating the character of a place and its people*. Camden House plays an important role in contributing to the unique character of the locality. It is noted that the proposed retail uses located along the length of through-site will facilitate the activation of the public domain that adjoins the heritage listed building known as Camden House. In doing so the Indicative Concept Scheme will enhance the public's ability to appreciate the heritage item and will respect the unique character of the locality.

#### **Direction 6 – Developing a more accessible and walkable city**

The plan notes that to achieve an improved level of productivity it is necessary for the city to be well-connected. Under this Direction it is noted that the co-location of *'activities in metropolitan, strategic and local centres and the increase in the provision of housing in and around centres to create walkable neighbourhoods'* is necessary to promote productivity. The Direction is supported by Strategy 14.1 which is to 'integrate land use and transport plans to deliver the 30 – minute city' and the following objectives:

- *Objective 14 - A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities*
- *Objective 15 - The Eastern, GOP and Western Economic Corridors are better connected and more competitive*
- *Objective 16 - Freight and logistics network is competitive and efficient*
- *Objective 17 - Regional connectivity is enhanced*

The Planning Proposal will provide an outcome that is entirely consistent with the Direction. As noted previously the site is located 750m of the North Sydney CBD and 1.6km of the Sydney CBD, and is sited directly adjacent to Milsons Point Railway Station. The proposal will therefore promote increased density in a location that receives ample access to public transport and employment opportunities within Sydney's two largest office markets. The Planning Proposal will assist in integrating housing and transport. By co-locating housing within walking distance of public transport and employment opportunities, the Planning Proposal will contribute to the achievement of a walkable 30-minute city.

#### **Direction 7 - Creating the conditions for a stronger economy**

A key priority of the Plan is to improve the strength and competitiveness of the Harbour CBD. The financial services sector concentrated within the Harbour CBD plays a pivotal role in promoting Sydney's competitiveness in global financial markets. Addressing the demand for premium-grade office space is critical for the ongoing viability of the financial services sector.

The Plan also identifies the need to foster the growth of the Harbour CBD by encouraging a diversity of activities supported through the emergence of district assets that include cultural and entertainment facilities; internationally competitive health and education precincts; creative sector; and high amenity and high-density residential precincts. To achieve the direction, the Plan sets out a number of objectives including:

- *Objective 18: Harbour CBD is stronger and more competitive*
- *Objective 19: Greater Parramatta is stronger and better connected*
- *Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City*
- *Objective 21: Internationally competitive health, education, research and innovation precincts*
- *Objective 22: Investment and business activity in centres*
- *Objective 23: Industrial and urban services land is planned, retained and managed*

- *Objective 24: Economic sectors are targeted for success*

To support the above, the Plan nominates a range of strategies. Strategy 18.2 identifies the need to 'provide residential development without compromising commercial development'. The Planning Proposal is entirely consistent with the Direction and Strategy. The proposal will contribute to the growth of a high-amenity and high-density precinct. Increasing the provision of housing within an established residential area will also support the commercial functions of the surrounding office markets without compromising their competitiveness. The Planning Proposal seeks to provide non-residential floorspace in accordance with local statutory planning instruments and in doing so has the potential to support creative and entrepreneurial job opportunities in a locality well serviced by public transport, parks, shops, services and other highly valued amenities.

#### **Direction 8 - Valuing green spaces and landscape**

The Plan notes that as the city grows, good urban design and planning will be more critical than ever to making the city's built environment sustainable and energy efficient while also protecting the environment. The Plan fosters an integrated approach to planning and the delivery of green infrastructure. It is noted scenic and cultural landscapes support green infrastructure and should also be protected. To do this it sets out a number of Objectives, these being:

- *Objective 25 – The coast and waterways are protected and healthier;*
- *Objective 26 – A cool and green parkland city in the South Creek corridor;*
- *Objective 25 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced;*
- *Objective 28 – Scenic and cultural landscapes are protected;*
- *Objective 29 – Environmental, social and economic values in rural areas are protected and enhanced;*
- *Objective 30 – Urban tree canopy cover is increased;*
- *Objective 31 – Public open space is accessible, protected and enhanced; and*
- *Objective 32 – The Green Grid links parks, open spaces, bushland and walking and cycling paths.*

The subject site is situated adjacent to scenic and cultural assets, including Bradfield Park and Sydney Harbour. In designing the proposal due consideration has been given to protecting views of Sydney Harbour and the amenity of Bradfield Park by reducing overshadowing to the greatest extent possible. In addition to protecting these natural assets, the Planning Proposal will deliver housing in a location that receives good access to public open space.

#### **Direction 9 – Using resources wisely**

The Plan notes there is a need to deliver an efficient city. Adapting to climate change is a key priority and as the city grows, good urban design and planning will be more critical than ever to make the city's built environment sustainable and energy efficient while also protecting the environment. To do this it sets out a number of key strategic directions, these being:

- *Objective 33 – A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change*
- *Objective 34 – Energy and water flows are captured, used and re-used*
- *Objective 35 – More waste is re-used and recycled to support the development of a circular economy*

The above Objectives are relevant to the Planning Proposal and will be supported by the site's future redevelopment as proposed, as it:

- avoids delivering housing and services exposed to natural hazards and hazardous industries;
- promotes increased density in a highly appropriate and sustainable location in close proximity to existing transport infrastructure, community facilities and jobs;
- promote the urban renewal of a site that receives ample access to public transport by replacing an aged commercial building capable of incorporating contemporary energy efficiency measures;
- is appropriately designed in accordance with latest ESD initiatives thus minimising impacts on the environment; and
- is capable of incorporating appropriate waste recycling measures.

### 7.2.2 North District Plan

Supporting the objectives of the GSRP are actions and priorities in a suite of region-specific plans known as the District Plans. The District Plan applicable to the site is the North District Plan, which states that an additional 92,000 homes will be required in the District by 2036 in order to support a significant population growth of approximately 196,000 people by 2036. This equates to an average annual supply of 4,600 dwellings over the next 20 years. The Plan also prescribes five year housing supply targets for each LGA. The North Sydney LGA is stated to require an additional 3,000 dwellings by 2021. In addition to increasing the provision of housing, the Plan identifies the need to increase housing choice around centres and stations to make it easier to walk and cycle to shops or services, to travel to work and reduce traffic congestion.

The subject site is located directly opposite Milsons Point Railway Station within the Milsons Point Town Centre. The proposal to increase the height of the subject site and deliver more housing is therefore consistent with the aims of the Plan due to the sites location and presented opportunities for urban renewal in an established transport corridor. Further, the uplift proposed seeks to provide housing diversity in a built form conducive to a town centre environment.

### 7.2.3 North Sydney Local Strategic Planning Statement

The North Sydney Council Local Strategic Planning Statement (LSPS) has been prepared by North Sydney City Council (Council), and was formally adopted by Council on 24 March 2020. The LSPS sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure for North Sydney LGA.

The LSPS responds to a number of key strategic documents and will provide a basis for Council decisions on the use of land, resources and assets to achieve the community's broader goals, as well as the goals of the State Government. The strategy outlines 17 priorities, which generally fit into the following themes:

- Infrastructure and Collaboration: delivering infrastructure through collaboration
- Liveability: vibrant and diverse centres, accessible community facilities, providing choice and meeting housing needs, strengthening social connections, preserving history
- Productivity: enhancing employment capacity, investment attractiveness, protecting light industrial, mixed-use connected city
- Sustainability: ecological resilience, high-quality green infrastructure, resource efficiency and reducing the impact of climate change.

Of the above themes, the priorities related to housing apply most to the subject site. The LSPS outlines the following key priorities in relation to the provision of housing within North Sydney LGA that are of specific relevance to the subject site and this planning proposal which seeks a greater intensity and diversity in housing opportunities commensurate with the evolving residential nature of Milsons Point:

- Planning Priority L1 - Diverse housing options that meet the needs of the North Sydney community.
- Planning Priority L3 - Create great places that recognise & preserve north Sydney's distinct local character & heritage

Council acknowledge a focus on housing growth to occur around existing centres, in line with strategic planning and previous Council lead Planning Proposals. The subject site represents an ideal locational context amidst surrounding buildings of a residential nature as well as its ideal dual frontage, size and connectivity to accommodate a portion of much needed future housing within North Sydney. It represents a unique, ideal opportunity to deliver housing growth in a managed approach, as proposed within the LSPS, supported by walking access to public transport, employment services and amenity within and surrounding Milsons Point Town Centre. This planning proposal represents the sites undeniable site-specific merit to maintain consistency in line with local and state planning policies.

Council additionally note within the LSPS, that there is to be a focus on the creation of precinct-based plans to prevent ad-hoc planning proposals. Whilst there is acknowledged merit in this planning approach, it is however noted that the subject site represents a greater consistency with the built form and land use trends within the immediate area, removing an existing land use and building that has not maintained consistency with the evolving

nature of the Milsons Point locality. Therefore, a precinct-based plan is not appropriate in this context, particularly as the broader environmental impacts present a scheme that is consistent with the existing approach to development within the immediate area, exhibited as part of this planning proposal (refer to **Section 8.0**) through a Stage 1 Development Application or detailed Development Application. With Council's assistance and guidance, these processes can provide similar levels of community and other engagement to help shape the future of the existing evolving Precinct.

#### 7.2.4 North Sydney Local Housing Strategy

North Sydney Council released their Local Housing Strategy (LHS) alongside the LSPS, to seek feedback in relation to both strategies as they relate to each other and was formally adopted by Council on 25 November 2019. The LHS seeks to establish Council's vision for housing in the LGA and provide a link between this vision and the housing objectives and targets set out in the GSC's *North District Plan*.

The LHS proposes the 6 to 10 year target based on known capacity within existing zoned land and development projects that are currently in planning and supported by Council. The LHS predicts 6,043 new dwellings for the 11 to 20 year forecast. However, it is not evident how this target is sufficient to meet the broader 92,000 target in the North District. Additionally, it is noted this approach does not consider the feasibility or likeliness of the existing available zoned land to be redeveloped within that timeframe. The assumed growth based on existing zoned land may not meet the expectation of shifting market demand and therefore it cannot be guaranteed that all of the forecasted growth will be delivered.

Additionally, if North Sydney is to maintain the same proportion of contribution towards the District-wide housing targets (11.5%), it must deliver a 6 to 10 year target between 3,000 to 3,800 dwellings, rather than the 2,809 dwellings forecasted within the LHS.

Recent ABS Building Approval Data (as illustrated previously in **Figure 17**), indicates limited residential dwellings approved in 2018 and 2019 in the pipeline to be delivered. This, coupled with the current conditions in the housing market, means there will likely be a slow start to achieving Council's 6-10 year housing targets.

#### Planning Mechanisms

Council intend to use a number of key mechanisms to manage housing growth within North Sydney in the next 20 years.

1. One of the mechanisms is to identify opportunities of enhancements to improve access to open space. As outlined above, the Indicative Concept Scheme incorporates through-site links, aimed at improving the public domain network within Milsons Point for pedestrians and cyclists across the site.
2. Other mechanisms identified by Council to manage growth are to encourage good-design outcomes, manage the impacts of redevelopment in existing areas and maintain local character. The Indicative Concept Scheme maintains compatibility with the objectives of the relevant character statement contained within the North Sydney DPC 2013 and have carried this principle through in the preparation of the Indicative Concept Scheme. The concept design seeks to determine an appropriate maximum building bulk through consideration of shared amenity for neighbouring residents and responding in scale to the adjoining high-density developments.
3. Council seek to coordinate the planning and delivery of infrastructure and provide growth in accessible locations that enhance Council's liveability agenda, with acknowledgement to concentrate residential density in and around existing centres. The site is perfectly aligned with this agenda, being an existing commercial building within a predominantly residential area that has evolved organically over time. The existing commercial context of the building is unsuitable due to the shift in commercial activity away from residential areas and into the North Sydney CBD. The site presents a major redevelopment uplift opportunity within minutes walk from the existing Milsons Point Railway Station, facilitating the 30-minute city objective.
4. The LHS focuses on a 'Place-based' approach to strategic planning, to ensure growth is in line with the future desired character. The proposed concept design focuses on place making, particularly in the context of the Milsons Point and Kirribilli town centres. The concept design seeks to introduce new pedestrian through-site links and active ground uses. As such, this proposal represents an opportunity to deliver place-based planning outcomes.

Notwithstanding, the renewal of this site can occur in alignment with the Planning Mechanisms highlighted by Council.

### 7.2.5 NSW State Plan

The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The initial Plan, created in 2011 by incumbent Premier Barry O'Farrell has been revised following subsequent premierships by Mike Baird and Gladys Berejiklian. The current focus of the Government is outlined in 12 Premier's priorities and 18 state priorities.

The 12 Premier's priorities include:

- building infrastructure – key infrastructure projects to be delivered on time and on budget across the state;
- creating jobs – 150,000 new jobs by 2019;
- driving public sector diversity – Increase the number of women and Aboriginal and Torres Strait Islander people in senior leadership roles;
- faster housing approvals – Ninety per cent of housing approvals determined within 40 days;
- improving education results – Increase the proportion of NSW students in the top two NAPLAN bands by eight per cent;
- improving government services – Improve customer satisfaction with key government services every year, this term of government;
- improving service levels in hospitals – 81 per cent of patients through emergency departments within four hours;
- keeping our environment clean – Reduce the volume of litter by forty per cent by 2020;
- protecting our kids – Decrease the percentage of children and young people re-reported at risk of significant harm by 15%;
- reducing domestic violence – Reduce the proportion of domestic violence perpetrators re-offending within 12 months by 5%;
- reducing youth homelessness – Increase the proportion of young people who successfully move from Specialist Homelessness Services to long-term accommodation by 10%; and
- tackling childhood obesity – Reduce overweight and obesity rates of children by 5% over 10 years.

The 18 State priorities being actioned by the NSW Government are grouped under five main themes:

- Strong budget and economy
  - Making it easier to start a business
  - Encouraging business investment
  - Boosting apprenticeships
  - Accelerating major project assessment
  - Protecting our credit rating
  - Delivering strong budgets
- Building infrastructure
  - Improving road reliability
  - Increasing housing supply
- Protecting the vulnerable
  - Transitioning to the National Disability Insurance Scheme
  - Creating sustainable social housing

- Better services
  - Improving Aboriginal education outcomes
  - Better government digital services
  - Cutting wait times for planned surgeries
  - Increasing cultural participation
  - Ensure on-time running for public transport
- Safer communities
  - Reducing violent crime
  - Reducing adult re-offending
  - Reducing road fatalities

The Planning Proposal is consistent with the revised NSW State Plan 2021 in that it will:

- create construction jobs;
- contribute to housing supply;
- encourage business investment in the North Sydney LGA;
- develop a high quality development in proximity to new infrastructure delivered by the NSW Government, including the Sydney Metro City and Southwest; and
- keep our environment clean by implementing latest standards in Ecologically Sustainable Development.

### 7.2.6 NSW Long Term Transport Master Plan

The NSW Long Term Transport Master Plan, released by Transport for NSW (2012) and updated in 2014, provides a framework for delivery of integrated and modern transport systems. The Master Plan identifies the challenges and needs of the city, as well as the actions proposed to address these challenges.

The Master Plan preceded the announcement of the Sydney Metro. Nevertheless, redevelopment of the site will serve the objectives of the Transport Master Plan by:

- improving liveability – the proposed development concept will provide residences and jobs close to high quality, reliable public transport; and
- improve sustainability – by locating jobs and residences close to public transport and delivering a through-site link upgrade, the proposed development concept reduces reliance on private motor vehicles and encourages active transport.

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

Yes it does. Detailed justification of the site-specific merit is provided through an Indicative Concept Scheme that is analysed in **Section 4.0** and **Section 9.0**. As demonstrated, the proposal is considered to have site-specific merit for the following reasons:

- the site is large in size and of an appropriate configuration to accommodate a residential development of the proposed scale;
- the site is situated directly adjacent to Milsons Point Railway Station and is therefore ideally placed to deliver high density residential development;
- local, district and state-level policy see the North Sydney CBD as delivering a greater concentration of office floor space to which increasing residential stock within the nearby Milsons Point Town Centre will support the growth of this office market by providing housing close to employment opportunities;
- the development of the site will not result in acceptable overshadowing impacts to key public spaces, including the adjacent Bradfield Park and surrounding public domain;



- the proposed height is capable of delivering a building that will provide a high standard of residential amenity for future occupants, particularly in regards to solar access, access to views, cross ventilation and internal functionality;
- the scheme will provide acceptable amenity impacts for surrounding properties in respect to privacy, overshadowing and view impacts;
- as demonstrated through the Indicative Concept Design the site has the potential to accommodate a building envelope that is strategically sited to ensure an appropriate view sharing outcome is achieved in accordance with the LEC Tenacity Planning Principle;
- a high-quality design solution is capable of being achieved on site that exhibits design excellence;
- the Indicative Design Concept confirms that a design response is capable of complying with the key parameters established by the Apartment Design Guide;
- any future redevelopment of the site is capable of maintaining and enhancing the adjoining heritage listed item known as Camden House;
- the redevelopment of the site provides an opportunity to deliver a significant public benefit to the site in the form of a through-site link and public domain upgrades that will improve the vitality of the streetscape and provide a new focal point of activity for residents and visitors of Milsons Point;
- the site is within close proximity to the two key Strategic Centres, including North Sydney and the Sydney CBD and is therefore well serviced by cultural assets and public amenities; and
- the site is well supported by health facilities contained within North Sydney and education facilities located within the North Sydney Education Precinct that consist of establishments such as the Australian Catholic University, The Sydney Church of England Grammar School and North Sydney Demonstration School.

### Summary

This Planning Proposal achieves the assessment criteria as it demonstrates both strategic merit and site-specific merit. It is therefore considered that this Planning Proposal meets the Strategic Merit Test.

### Q4 – Is the Planning Proposal consistent with a Council’s local strategy or other local strategic plan?

North Sydney Council has expressed clear ambitions to deliver more housing in locations well serviced by civic amenities, employment opportunities and public transport. Council’s recent Local Housing Strategy (as well as the previously established RDS), has set strategic frameworks to guide housing development to 2036. This Planning Proposal is consistent with the strategies in that it will increase the supply of dwellings within an established town centre that provides ample access to public transport, retail uses and other services. It will allow for the provision of increased housing in proximity to the CBD and will therefore support the North Sydney CBD by delivering jobs close to homes.

### Q5 – 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 8**.

**Table 8 Consistency with State Environmental Planning Policies**

SEPP	Consistency		N/A	Comment
	Yes	No		
SEPP No. 1 Development Standards			✓	SEPP 1 does not apply to the North Sydney LGA, since it adopts the Standard Instrument LEP.
SEPP (State and Regional Development) 2011			✓	Not relevant to proposed LEP amendment
SEPP (Affordable Rental Housing)			✓	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.

SEPP	Consistency		N/A	Comment
SEPP No. 55 Remediation of Land	✓			SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing risk and harm to human health or any other aspects of the environment. In particular, it requires the consent authority to consider if remediation work is required for rezoning or building works, and ensure that the subsequent remediation works are satisfactory with respect to standards and notification requirements. It is noted that this proposal does not seek to change the zoning or land use provisions for the site, and relates solely to increasing the applicable height limit. The site is capable of being used for commercial and residential purposes, with any requirement for remediation of the site addressed in the detailed DA for the mixed-use development.
SEPP No. 64 Advertising and Signage			✓	No signage is proposed under this Planning Proposal.
SEPP No. 65 Design Quality of Residential Apartment Development	✓			The indicative scheme demonstrates that a design solution is possible on the site that achieves an acceptable level of amenity and is capable of generally complying with SEPP 65 and the Apartment Design Guide.
SEPP (Affordable Rental Housing) 2009			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Building Sustainability Index) BASIX 2004	✓			Future residential DA's would be subject to the requirements of the BASIX SEPP.
SEPP (Exempt and Complying Development Codes) 2008			✓	Not applicable to this proposal.
SEPP (Infrastructure) 2007			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (State and Regional Development) 2011			✓	Not applicable to this proposal.
SEPP (Housing for Seniors or People with a Disability) 2004			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.

### 7.3 Is the proposal consistent with the Ministerial Directions (s. 9.1 directions)?

Yes. An assessment of the Planning Proposal against applicable Section 9.1 Directions is set out in **Table 9**.

**Table 9 Consistency with Section 9.1 Directions**

Direction	Consistency		N/A	Comment
	Yes	No		
<b>1. Employment and Resources</b>				
1.1 Business and Industrial Zones	✓			<p>The proposal will have no adverse impact on the viability of the Milsons Point Town Centre nor will it prevent the growth of employment in suitable locations.</p> <p>The proposal does not seek to amend the zoning and instead seeks to amend the height limit for the site. The site is currently zoned B4 Mixed Use and is therefore considered appropriate for shop top housing.</p>

Direction	Consistency		N/A	Comment
				<p>The North Sydney Centre Planning Proposal and associated studies demonstrate a clear intent to concentrate commercial growth and job creation in the North Sydney CBD (as defined by the LEP). It is considered that the Planning Proposal will facilitate the supply of housing in close proximity to a strategic centre earmarked to accommodate an increased number of jobs.</p> <p>Additionally, the conversion of commercial development to residential in Milsons Point represents a continuation of the historical trend for the growth of high density residential development.</p> <p>The scheme incorporates an adequate amount of commercial development within the podium to meet the non-residential FSR requirements nominated by the NSLEP. In this regard the proposal makes adequate provision for employment growth.</p>
1.2 Rural Zones			✓	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries			✓	Not applicable
1.4 Oyster Aquaculture			✓	Not applicable
1.5 Rural Lands			✓	Not applicable
<b>2 Environment and Heritage</b>				
2.1 Environmental Protection Zones			✓	Not applicable
2.2 Coastal Protection			✓	The site is not within coastal zone.
2.3 Heritage Conservation	✓			The proposal will have no adverse impact on adjoining and surrounding heritage items.
2.4 Recreational Vehicle Area			✓	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1 Residential Zones	✓			This Planning Proposal will encourage a greater diversity of housing type in this locality. The site is well serviced for utilities and other infrastructure.
3.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable
3.3 Home Occupations			✓	No change is proposed to the current permissibility of home occupations.
3.4 Integrating Land Use and Transport	✓			<p>This Direction applies due to this Planning Proposal relating to a residential zone. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>- <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</li> <li>- <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</li> </ul> <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will provide residential accommodation and commercial uses in an area well serviced by public transport.</p>

Direction	Consistency		N/A	Comment
3.5 Development Near Licensed Aerodromes			✓	Not applicable
3.6 Shooting Ranges			✓	Not applicable
<b>4. Hazard and Risk</b>				
4.1 Acid Sulfate Soil			✓	The site is not mapped as containing acid sulfate soils
4.2 Mine Subsidence and Unstable Land			✓	The site is not identified as mine subsidence or unstable land.
4.3 Flood Prone Land			✓	The site is not identified to be flood prone
4.4 Planning for Bushfire Protection			✓	The site is not mapped as being bushfire prone land.
<b>5. Regional Planning</b>				
5.1 Implementation of Regional Strategies	✓			See comments above on District Plans. No Regional Plans apply.
5.2 Sydney Drinking Water Catchments			✓	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast			✓	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable
5.8 Second Sydney Airport Badgerys Creek			✓	Not applicable
5.9 North West Rail Link Corridor Strategy			✓	Not applicable
<b>6. Local Plan Making</b>				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision	✓			Site specific amendments to the LEP are sought.
<b>7. Metropolitan Planning</b>				
7.1 Implementation of A Plan for Growing Sydney and the draft Greater Sydney Region Plan	✓			The Planning Proposal is consistent with the Metropolitan Plan, as discussed in <b>Section 10.2</b> above.
7.2 Implementation of Greater Land Release Investigation			✓	Not applicable

#### 7.4 Environmental, Social and Economic Impacts

##### Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

This Planning Proposal will not have any impact on critical habitat or threatened species, populations or ecological communities or their habitats. There has been no critical habitat or threatened species, populations or ecological communities, or their habitats, identified on this site.

**Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

The site is an existing urban site devoid of significant vegetation with no ecological value. There are no likely ecological impacts as a result of this Planning Proposal. The environmental effects of the Planning Proposal are addressed in detail in **Section 7**.

Any future development of the site will be assessed against the environmental provisions of the applicable planning instruments.

**Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?**

The Planning Proposal will result in positive social and economic effects for the local area through the generation of local employment opportunities during construction and operation. It will improve local facilities, employment opportunities, movement networks, increase housing stock close to public transport and amenities, provide greater housing choice as well as improve public domain facilities and enhance the pedestrian interface with surrounding streets.

**7.5 State and Commonwealth Interests****Q10 – Is there adequate public infrastructure for the Planning Proposal?**

Yes. The site is located just 100m from Milsons Point Station which is sited on the eastern side of Alfred Street South. The site is also located in walking distance of Milsons Point Ferry which is located 350m to the south.

**Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?**

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.

**7.6 Community Consultation**

Community consultation will be conducted in accordance with section 57 of EP&A Act and *A Guide to Preparing Planning Proposals*.

## 8.0 Indicative Development Concept

This section of the report describes the Planning Proposal and the urban design principles that set the foundation for its structure. Further detail is provided throughout the environmental assessment in the following sections.

Taking into consideration the site-specific opportunities and constraints including but not limited to its locational attributes; strategic planning policy; and the surrounding built form a number of planning and design principles were established to guide and inform how the site may be redeveloped in the future under the proposed planning controls. Specifically, it was established that any future redevelopment of the site was to:

- replace the existing aged commercial tower contained within the site with a high density residential tower more compatible with the surrounding residential uses;
- deliver a public benefit in the form of upgraded and activated through-site links at the ground floor plane to improve connectivity in the locality and contribute to the activation of the public domain both on site and within the site's curtilage;
- deliver ground level retail uses along the Alfred Street frontage which will contribute to a continuous active street frontage;
- minimise the impacts to the adjoining heritage listed Camden House and integrate the proposal with this development in a way that improves activation of the ground plane surrounding the item;
- provide a building envelope with a height which complements the height plane established along Alfred Street South and Glen Street by the existing high rise developments;
- achieve a unity between the podium and the tower elements to ensure all components complement one another and contribute to a consistent language;
- provide a massing that terraces away from Alfred Street South and has a perceptible height of 14 storeys (RL 74.15) when viewed from the streetscape to ensure alignment with the height of the neighbouring 13 storey (RL 73.60) building at 68 Alfred Street;
- limit view impacts to the greatest extent possible by providing a significantly reduced bulk and scale at the Alfred Street frontage that achieves a more human scale when viewed at street level;
- deliver a slender tower in the western portion of the site that provides appropriate building separation in order to protect view corridors to the greatest extent possible;
- ensure that any built form on the site does not result in additional overshadowing to Bradfield Park;
- allow for a building envelope that is capable of accommodating adequately sized floorplates which provide a high standard of residential amenity;
- encourage sustainable modes of transport by delivering an envelope capable of accommodating bicycle parking and a through-site link that will encourage walkability; and
- achieve high levels of sustainability through the adoption of market leading practices into any future detailed design.

Using the above principles, Koichi Takada Architects (KTA) have prepared an Indicative Concept Scheme for the site (refer to **Appendix A** and **Figure 19 - 20**) that seeks to achieve the aforementioned design principles and intended outcomes of the Planning Proposal. The Indicative Concept Scheme demonstrates how the site could be redeveloped in the future under the proposed height control, whilst maintaining the amenity of adjacent buildings. Full details of the Indicative Concept Scheme are contained within **Appendix A**, however the key components of the scheme include:

- A built form across the subject site comprising a part three storey podium (fronting Alfred Street) and four storey podium (fronting Glen Street) with a residential tower above. As the site has a dual frontage, the eastern component fronting Alfred Street reaches a maximum height of 18 storeys and the western component fronting Glen Street reaches a maximum height of 16 storeys.
- Together the two building components provide a stepped built form that descends from west to east to the street frontages and also from north to south. It provides a reduced bulk at Alfred Street that corresponds with the scale of the existing building and aligns with the height plane established by adjoining developments.

- The tower component fronting Alfred Street South adopts a terraced form that steps down in height from north to south to correspond with the sloping topography of Alfred Street South.
- A building podium that respects the podium building line established by adjacent properties to protect view corridors.
- Provision of an upgraded existing east-west through-site link and new north-south through-site link with comprehensive landscaping and public domain improvements which accommodates both an existing and new connections across the site.
- Ground floor retail tenancies at the site's ground floor plane that will facilitate the activation of the through-site links and Alfred Street South.
- Provision of basement level parking accessed from Glen Street to prevent additional traffic congestion along Alfred Street South.

It is important to note that the Indicative Concept Scheme represents just one possible solution for how the site might be redeveloped under the proposed planning controls. It does not represent the only possible solution to the site's future design which would be subject to further design development and detailed analysis at the future development assessment stage.

#### Indicative Scheme – Key Development Statistics

Key development information is summarised in **Table 10**.

**Table 10 Numerical overview of the indicative development concept (awaiting development schedule)**

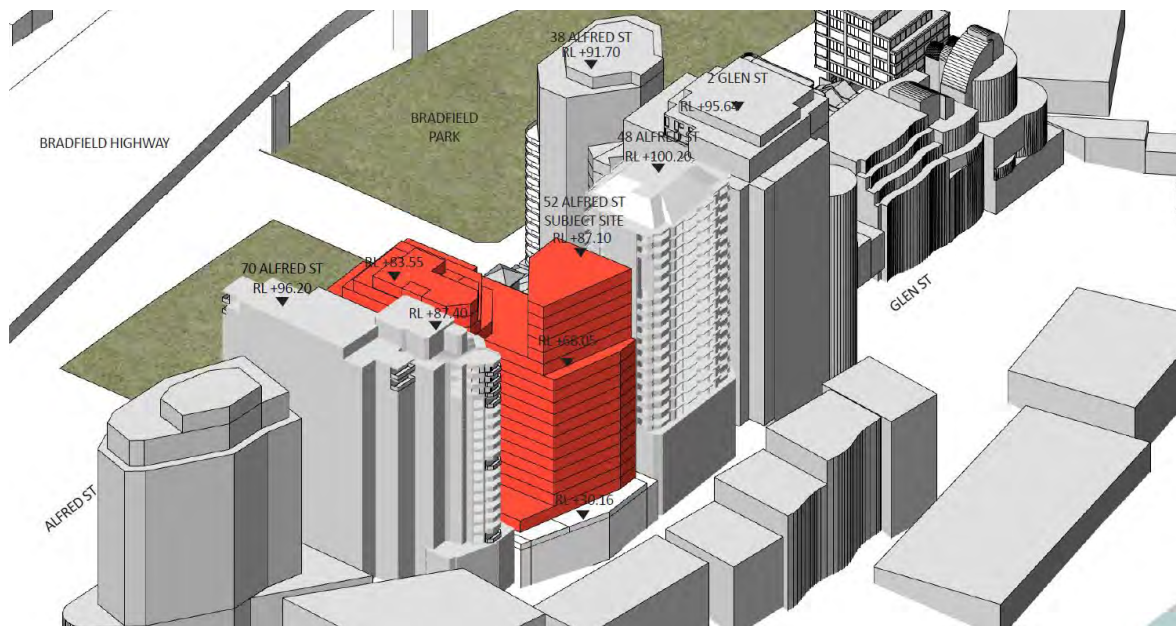
Component	Development Concept
Maximum overall height (storeys)	18
Maximum overall height (RL)	87.10 RL (54.43m)
Maximum podium height (storeys) (RL)	4 (fronting Glen Street)
Maximum podium height	37.55 RL
<ul style="list-style-type: none"> <li>• GFA (total)</li> <li>• Retail/Commercial GFA</li> <li>• Residential GFA</li> <li>• Amenities GFA</li> </ul>	<ul style="list-style-type: none"> <li>• 23,771m<sup>2</sup></li> <li>• 2,642m<sup>2</sup></li> <li>• 20,603m<sup>2</sup></li> <li>• 526m<sup>2</sup></li> </ul>
<ul style="list-style-type: none"> <li>• Apartments (total)</li> <li>• Studio</li> <li>• 1 bed</li> <li>• 2 bed</li> <li>• 3 bed</li> </ul>	<ul style="list-style-type: none"> <li>• 159</li> <li>• 0 (0%)</li> <li>• 12 (8%)</li> <li>• 71 (45%)</li> <li>• 76 (48%)</li> </ul>
Car parking	191

## 8.1 Building Envelope

### Tower Elements

The building envelope proposed under the Indicative Concept Scheme is informed by the aforementioned principals. It comprises a residential mixed-use development consisting of two differing tower elements above a clearly defined podium, as shown in **Figures 22 - 23**). The western built element fronting Glen Street reaches 18 storeys and has a maximum height of RL 87.10 (54.43m) when measured to the building's parapet. The proposed height provides an appropriate built form response to 70 Alfred Street which has a height of RL 96.20 and 48 Alfred Street which reaches RL 100.20, as Alfred Street slopes to the south.

The eastern built form element along Alfred Street frontage, descends from 16 to 13 storeys, with the height decreasing from RL 87.10 to RL 68.05 (refer to **Figure 22**). The reduced scale of the envelope is commensurate with the height of the existing building trend as the slope of the land descends along Alfred Street towards the south.



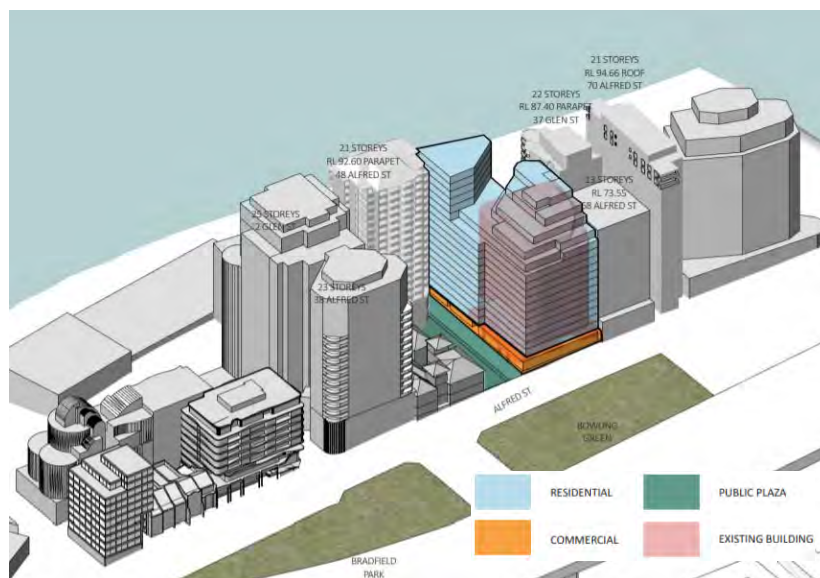
**Figure 22 Proposed envelope viewed from Glen Street**

Source: KTA

**Relationship to Existing Building Envelope**

In designing the envelope of the eastern built form element, a key intent has been to provide a massing that sits within the parameters of the existing building envelope. As shown in **Figure 23**, the proposed envelope has a commensurate visual bulk to that existing. Importantly, the scheme maintains a perceptible building height of 14 storeys at the Alfred Street frontage.

The rationale for this approach is to ensure the environmental impacts remain largely consistent with those resulting from the existing building, particularly with regards to view impacts, the relationship with Camden House and visual impact. Further discussion is provided in **Section 9.0**.





**Figure 23 Proposed envelope and existing building envelope**

Source: KTA

**Podium Elements**

A podium is accommodated beneath the two separate built form elements and will contain commercial floorspace to meet the North Sydney LEP non-residential FSR requirements. The podium element fronting Alfred Street reaches three storeys and mirrors the height of the existing podium (refer to **Figure 22**). It is setback 2m from the eastern boundary (Alfred Street South) to accommodate a pedestrian footpath that will lead into the plaza at the base of Camden House. At the southern boundary the podium provides a 6m setback to facilitate the provision of a through-site link.

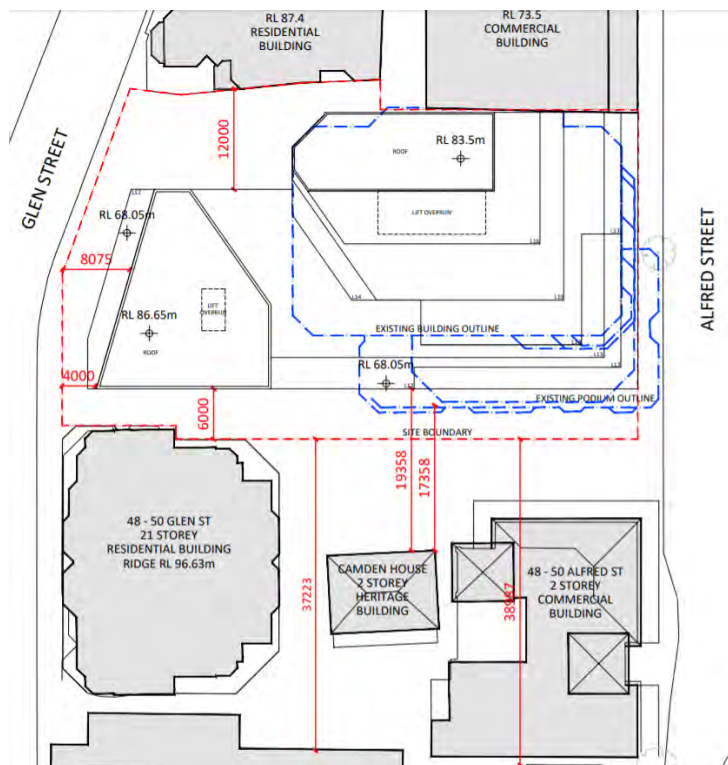
The podium fronting Glen Street reaches four storeys. It has been designed to respond to the sloping topography of Glen Street and sit below the height of the adjoining podiums to achieve a more human scale at street level. The existing basement beneath the podium will be retained and will continue to accommodate parking.

**Streetscape Interface**

The Indicative Concept Scheme has been designed taking into consideration the interface with Alfred Street South and the adjoining heritage listed Camden House at the site's southern aspect.

The footprint of the building envelope remains largely consistent with that of the existing building. However, in contrast to the existing envelope, the scheme provides a greater setback to the southern boundary which ranges from 6 metres to 9.7 metres. This amounts to an overall separation of 23m between the façade line of the Indicative Development Concept and Camden House. An additional north-south through-site link is proposed across the ground floor plane of the site, connecting the existing east-west links and providing a direct connection to Camden House. To this end, it positively responds to Camden House by increasing the curtilage around the heritage item.

The building maintains a 2m setback from Alfred Street South to allow for the continuation of the footpath and tree planting.

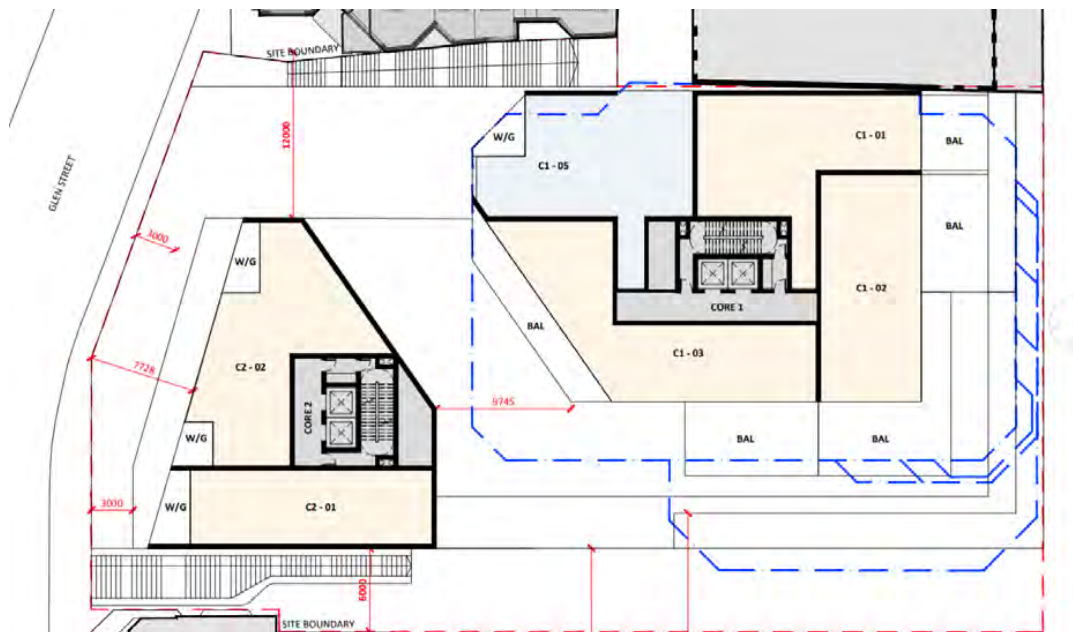
**Figure 24 Existing and Proposed setbacks (existing site outlined in blue)**

Source: KTA

## 8.2 Indicative Massing Strategy

KTA have prepared an Indicative Concept Design within the maximum building envelope parameters outlined above to demonstrate the opportunities available if the site were to be redeveloped within the limits of the proposed height(s).

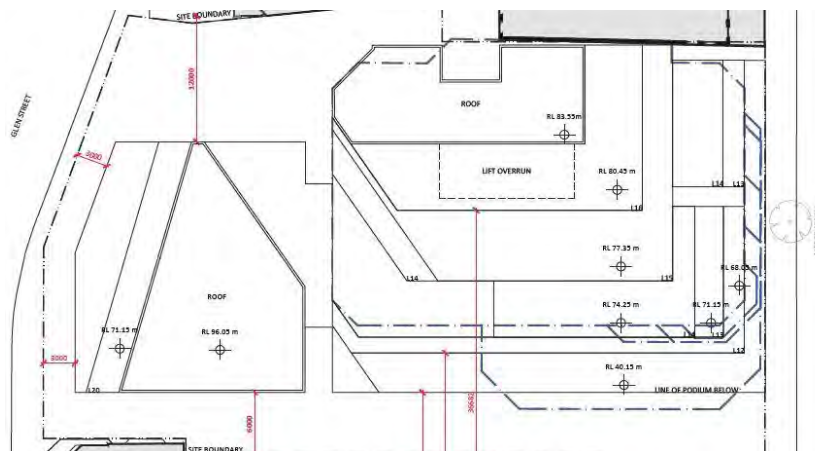
The 18 storey tower fronting Glen Street incorporates an angular shaped floorplate which is achieved through the provision of a setback ranging from 3m – 7.7m to Glen Street and a setback of 9.7m to the proposed tower that fronts Alfred Street. The floorplate configuration of the tower fronting Glen Street is integral to the built form strategy for the site in that it will prevent the envelope from encroaching beyond the prevailing building line along Glen Street to minimise the impact to view corridors obtained from the residential units at 37 Glen Street, 70 Alfred Street and 48 Alfred Street. It will also provide adequate visual separation between the tower elements from Level 14.



**Figure 25** Setbacks and angular configuration of proposed building footprint

Source: KTA

The tower element fronting Alfred Street adopts a height of 16 storeys and a larger rectilinear footprint. The upper levels are chamfered from the north-west to the south-east. The chamfered built form is incorporated to demonstrate that a scheme within the nominated height can be developed without providing additional overshadowing to Bradfield Park (refer to **Section 9.5**). The chamfered built form is also effective in reducing the perceived bulk and scale of the eastern built form tower, allowing for a perceptible height of 13 storeys which is consistent with the adjoining developments including 68 Alfred Street to the immediate north (refer to **Appendix A**). Overall, the Indicative Concept Design demonstrates that a viable building can be contained within the maximum envelope, providing a number of opportunities and benefits, as discussed in **Section 4.0** and **Section 9.12**.



**Figure 26** Upper levels that are chamfered from the north-west to the south-east

Source: KTA

### 8.3 Public Domain

The Indicative Concept Scheme has sought to maximise the public benefit from the site by reactivating the underutilised public plaza and public domain area within the curtilage of the building. The works principally relate to upgrade works to the existing east-west through-site link as well as proposed a new north-south through site link connection.

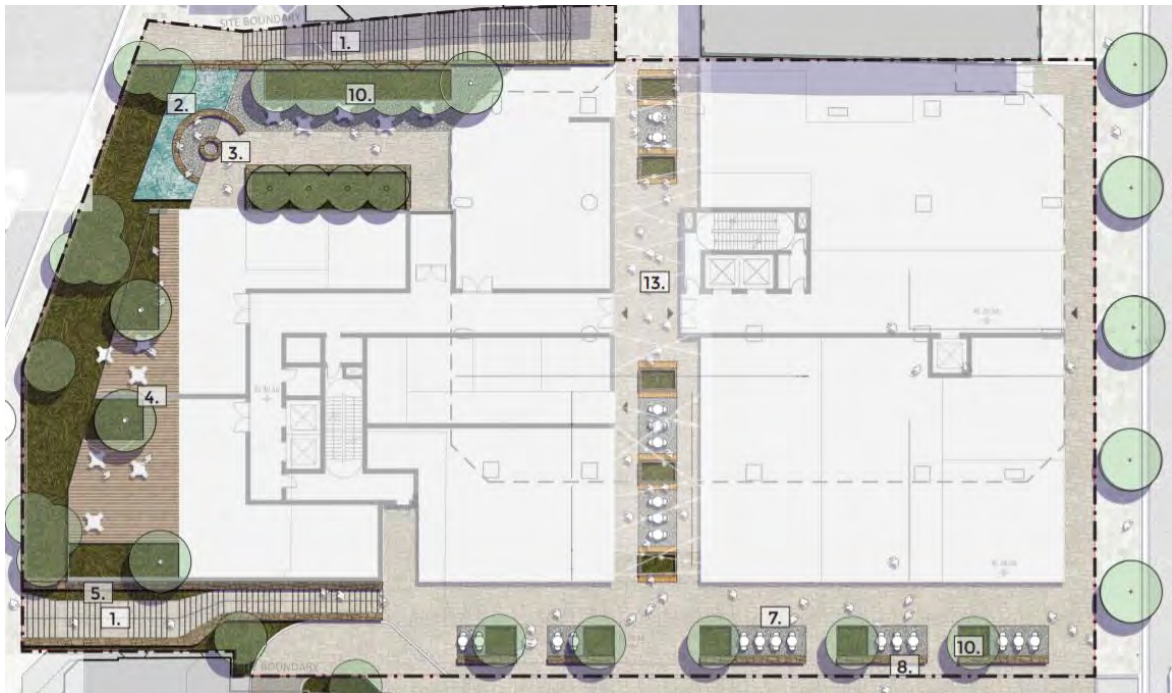
As shown at **Figure 27**, the southern east-west link upgrade works comprise comprehensive landscaping that interlinks with a ground level retail environment containing alfresco café seating areas (refer to **Appendix C**). The southern upgraded through-site link will connect to and open out towards the public domain area contained within the adjoining site that accommodates the heritage listed Camden House.

The new connection will provide a ground floor north-south connection between the existing east-west links and will provide a direct connection to Camden House in the south. The inclusion of this space is predicated on the desire to deliver a public benefit that significantly enhances the experience of the ground floor plane in creating a permeable and walkable environment, facilitates the activation of not only the retail uses contained within the site but those within Camden House, and improve connectivity within the locality.

Exploration of the detailed architectural and landscape design of the through-site links would occur during the detailed Development Application Phase. Whilst this is the case, Arcadia Landscape Architecture have prepared an indicative landscape concept design (refer to **Appendix C**) which demonstrates that a high quality public domain is able to be achieved incorporating seating, landscaping, and feature trees that complement and enhance the setting of Camden House site.

In addition, there is the potential for common open space and landscaping around the perimeters of the site and at the roof level (refer to **Figure 28**). Specifically, the indicative building envelope has been designed to provide an increased setback to the northern boundary capable of accommodating a common open space area landscaped area between the subject site and the property located to the north west. Landscaping along this boundary will provide visual privacy between the site and the adjoining development to the north.

The southern through-site link and the new north-south through site link both facilitate the provision of an increased setback at the curtilage of Camden House and contributes to the minimisation of the bulk of the development where it adjoins the heritage listed building and effectively improves the proposal's interface with Camden House at a human scale.



**Figure 27** Proposed landscape scheme at the ground plane and internal to the building

Source: Arcadia



**Figure 28** Indicative landscaping at the rooftop level

Source: Arcadia

## 8.4 Access and Transport

### Vehicular Access

Vehicular access to the site is proposed to be rationalised from a singular access point off Glen Street. The entry point will consist of a single ingress and egress point onto Glen Street which will provide access to the basement parking levels. The provision of a single access point is considered appropriate to assist in mitigating potential traffic congestion on Alfred Street South.

### Car Parking

The Indicative Concept Scheme provides for four levels of basement car parking capable of accommodating 191 car parking spaces. Of this amount 63 spaces are proposed to be retained for use by Council in accordance with the positive covenant that applies to the site. The remaining spaces will service the proposed development.

The proposed basement is sized appropriately to accommodate the motorcycle and bicycle parking requirements nominated by the North Sydney DCP.

### Pedestrian and Bicycle Facilities

The proposal has the potential to significantly improve the pedestrian experience and deliver a new through-site connection from Alfred Street South through to Glen Street. The through-site link will be activated by retail uses along the building podium's southern axis that will engage pedestrians and improve pedestrian connectivity.

The redevelopment of the site will enable the provision of improved bicycle facilities within the underground basement. These facilities will encourage the uptake of non-vehicular modes of public transport, particularly given that the main bicycle park across the Harbour Bridge is just 50m from the site.

### Pedestrian Access

The built form has been designed to ensure retail and commercial tenancies are accessible from individual access points. Access to the upper level commercial uses is obtained from a lobby area located the western aspect of the floorplate. The residential tower component of the development will be serviced by the western lobby and a separate residential lobby located in the site's north eastern corner off the primary street frontage.

## 8.5 Non-residential Floor Space

The redevelopment of the site will contribute to the delivery of non-residential floor space within the Milsons Point Town Centre and the provision of a continuous and active street frontage along Alfred Street South. The redevelopment proposal does not seek to amend Council's minimum non-residential floor space controls.

In accordance with the North Sydney LEP 2013, a minimum non-residential FSR of 0.75:1 applies to the site. Consistent with the minimum provision, the indicative concept scheme proposes a non-residential GFA of 3,168m<sup>2</sup> and FSR of 0.97:1. Commercial floor space will be concentrated towards the rear fronting Glen Street. Retail floorspace is proposed to be concentrated along the Alfred Street South frontage, the new north-south through site link as well as the site's southern axis where it adjoins the public domain associated with Camden House. The provision of a number of retail tenancies together with seating areas is intended to enable the creation of an 'eat street' laneway style environment, which will help activate the ground floor and provide a new hub of activity within Milsons Point. The retail floor space will therefore facilitate the activation of the street frontage as well as the proposed through-site links, and complement the ground level retail uses contained within Camden House.

Redevelopment of the site will enable the provision of premium grade commercial floor space in a desirable location. The commercial uses are proposed at the site's rear and will complement the commercial uses provided along Glen Street. The provision of premium commercial floor space within the Milsons Point Town Centre will contribute to several of the strategic directions, namely the direction nominated by *Greater Sydney Region Plan* to strengthen the Harbour CBD by growing the office market within the North Sydney LGA which receives ample access to connections to Sydney City. Consequently, the provisions of commercial floorspace will contribute to improving Sydney's competitive economy.

## 8.6 Apartment Design Guide

**Table 10** lists the relevant ADG 'Rules of Thumb' and assesses the Indicative Concept Scheme's consistency with those standards. The assessment demonstrates that the indicative scheme complies with the majority of the 'Rules of Thumb' and that the scheme is capable of providing a high standard of amenity for future residents. Where departures are proposed to the 'Rules of Thumb' they are discussed in further detail below the table.

**Table 11 Consistency with the NSW Apartment Design Guide**

Objectives and Design Criteria	Consistent												
<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	✓												
<i>Design Criteria</i> Communal open space has a minimum area equal to 25% of the site	✓												
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)	✓												
<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.	✓												
<i>Design Criteria</i> Deep soil zones are to meet the following minimum requirements:	Refer to alternative solution (see <b>Section 10.2</b> )												
<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												
<b>3F Visual Privacy</b>													
<i>Objective</i> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	Refer to alternative solution (see <b>Section 10.3</b> )												
<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:	Refer to alternative solution (see <b>Section 10.3</b> )												
<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											
<b>3K Bicycle and Car Parking</b>													
<i>Objective</i> Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	✓												
<i>Design Criteria</i> For development in the following locations:	✓												

Objectives and Design Criteria	Consistent												
<p>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</p> <p>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</p> <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>													
<b>Part 4 Designing the Buildings</b>													
<b>4A Solar and Daylight Access</b>													
<p><i>Objective</i> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</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>	✓ (see <b>Section 10.7</b> and <b>Appendix D</b> )												
<p>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.</p>	NA												
<p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</p>	Refer to alternative solution (see <b>Section 10.7</b> and <b>Appendix D</b> )												
<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>	✓												
<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>	✓												
<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	✓												
<b>4C Ceiling Height</b>													
<p><i>Objective</i> Ceiling height achieves sufficient natural ventilation and daylight access</p>	✓												
<p><i>Design Criteria</i> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="209 1503 1090 1827"> <thead> <tr> <th colspan="2" data-bbox="209 1503 1090 1536"><b>Minimum ceiling height</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="209 1536 518 1570">Habitable rooms</td> <td data-bbox="518 1536 1090 1570">2.7m</td> </tr> <tr> <td data-bbox="209 1570 518 1603">Non-habitable</td> <td data-bbox="518 1570 1090 1603">2.4m</td> </tr> <tr> <td data-bbox="209 1603 518 1691">For 2 storey apartments</td> <td data-bbox="518 1603 1090 1691">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 data-bbox="209 1691 518 1756">Attic spaces</td> <td data-bbox="518 1691 1090 1756">1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td data-bbox="209 1756 518 1827">If located in mixed use areas</td> <td data-bbox="518 1756 1090 1827">3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>	<b>Minimum ceiling height</b>		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	✓
<b>Minimum ceiling height</b>													
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												
<p>These minimums do not preclude higher ceilings if desired.</p>													
<b>4D Apartment Size and Layout</b>													
<p><i>Objective</i></p>	✓												

Objectives and Design Criteria	Consistent															
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity																
<p><i>Design Criteria</i> Apartments are required to have the following minimum internal areas:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e0f2f1;"> <th style="text-align: left;">Apartment Type</th> <th style="text-align: left;">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> <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>	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>	✓					
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>															
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><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>	✓															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	✓															
<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>	✓															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	✓															
<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>	✓															
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	✓															
<b>4E Private Open Space and Balconies</b>																
<p><i>Objectives</i> Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p>	✓															
<p><i>Design Criteria</i> All apartments are required to have primary balconies as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e0f2f1;"> <th style="text-align: left;">Dwelling Type</th> <th style="text-align: left;">Minimum Area</th> <th style="text-align: left;">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>	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	✓
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														
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.																
<b>4F Common Circulation and Spaces</b>																
<p><i>Objective</i></p>	✓															



Objectives and Design Criteria	Consistent	
Common circulation spaces achieve good amenity and properly service the number of apartments		
<i>Design Criteria</i> The maximum number of apartments off a circulation core on a single level is eight.	✓	
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		
<b>4G Storage</b>		
<i>Objective</i> Adequate, well designed storage is provided in each apartment	✓	
<i>Design Criteria</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Capable of complying at the detailed design phase	
<b>Dwelling Type</b>		<b>Minimum Area</b>
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>
At least 50% of the required storage is to be located within the apartment.		

### Dwelling Mix

The indicative concept scheme illustrates that the entire site has the potential to accommodate approximately 159 apartments comprising a mix of types and sizes, including:

- 12 x 1 bedroom units (8%);
- 71 x 2 bedroom units (45%); and
- 76 x 3 bedroom units (48%).

The Indicative Concept Scheme results in a variation to the unit mix provisions prescribed by the NSDCP 2013. It is noted the proposed unit mix is not prescriptive. The floorplates are generous in size and the mix of apartments along with the configuration of the internal layout can be revised at the detailed DA stage in response to the prevailing market demand. Notwithstanding, the proposed unit mix is consistent with the objectives of the ADG in that it will provide a diversity of apartments which cater to differing household needs both now and in the future.

### 8.7 Site Specific DCP

A draft site specific DCP has been prepared that regulates the development guidelines for the proposed indicative scheme, contained at **Appendix I**. The draft site specific DCP is intended to be prepared under Division 3.6 of the EP&A Act and will provide detailed planning and design guidelines to support the proposed amendments to the North Sydney LEP 2013. The draft DCP has been structured in a way that it can be inserted into North Sydney DCP 2013.

The draft DCP for the site is included at **Appendix I**. The purpose of the DCP is to guide the future development of the Site by:

- identifying the key elements and supporting development provisions that relate to the Site;
- communicating the planning, design and environmental provisions against which the consent authority will assess future development applications;
- ensuring the orderly, efficient and environmentally sensitive development of the Site; and
- promoting a high quality urban design outcome.

The matters addressed in the DCP include:

- Land Use

- Public Domain
- Built Form
- Building Design
- Noise
- Access and Parking
- Heritage

## 9.0 Assessment of Planning Issues

This section considers the key planning issues associated with the Planning Proposal as well as those associated with a future development.

As outlined in **Section 8.0**, to inform the preparation of the Planning Proposal, an Indicative Concept Scheme was developed by KTA (as outlined in **Section 8.0** and **Appendix A**) to test and demonstrate how a future development could be accommodated on site in accordance with the proposed height control and to ensure all relevant built form, separation, amenity, and design parameters have been considered. Accordingly, the outcomes of these investigations and analysis have largely guided the content of this Planning Proposal.

By adopting this approach, the built outcomes and associated impacts of the Planning Proposal (and subsequent DA) can be tested, understood and clearly presented.

### 9.1 Built Form

The built form controls sought by this planning proposal are a result of site specific analysis involving design development and testing. These were assessed in terms of their design outcomes and impacts on the surrounding area, with those less suited dismissed. The built form illustrated in the Indicative Concept Scheme and facilitated by this proposal therefore represent a deliberate design response to the site's surrounding built form and strategic context within the Milsons Point Town Centre.

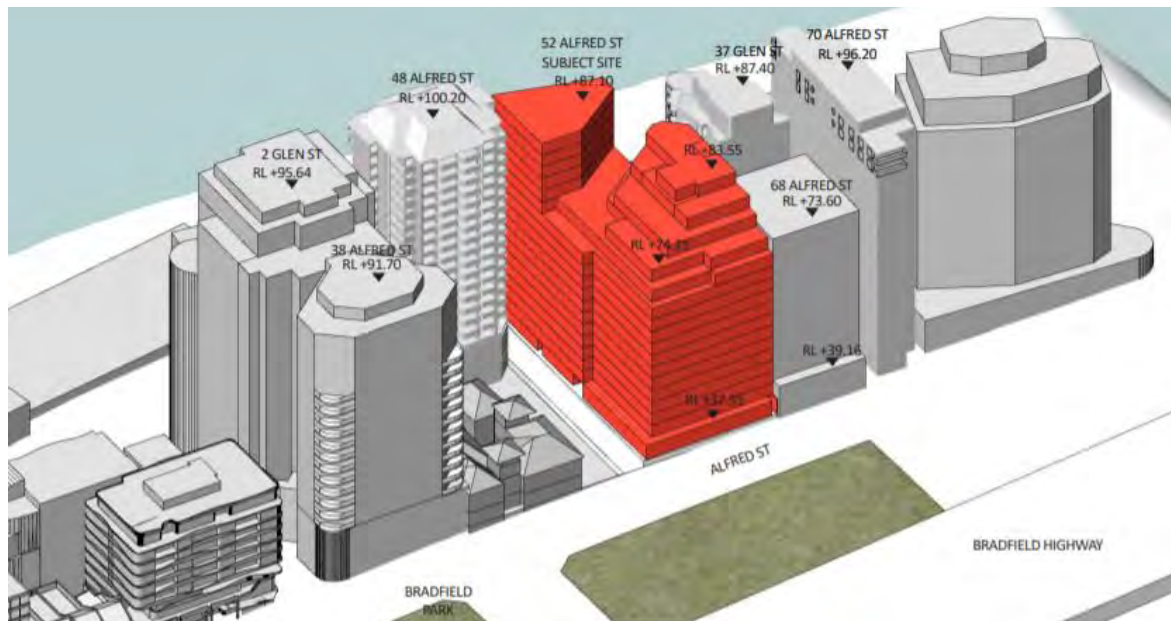
As demonstrated by the Indicative Concept Scheme, the proposed amendments to the maximum height of building standard facilitate the delivery of a high quality mixed use development outcome that would effectively integrate with the established built form which reinforces the vision and desired future character for the Milsons Point Town Centre as set out in the North Sydney DCP.

The building envelope is configured so as to prevent overshadowing to Bradfield Park and minimise view impacts to surrounding properties via an angled built form, informed by a detailed view analysis undertaken by taking physical photos from neighbouring apartment habitable spaces at 37 Glen Street. Specifically, the proposal adopts a chamfered built form that decreases in scale from north to west and south to east. Additionally, the proposed height accords with that of the surrounding developments and is sited significantly below the height of existing nearby buildings, including 70 Alfred Street, 48 Alfred Street, 3 Glen Street and 2 Dind Street.

### Character Area

As set out in **Section 6.0**, developments are required by the relevant character statement to step down from 40m on the ridge of the peninsula to 10m to the west towards the shores of Lavender Bay. The Indicative Concept Scheme proposes a massing whereby the tallest tower element is sited on the western side of the site.

The proposed distribution of mass is entirely consistent with the prevailing character of the area. The existing towers positioned along Alfred Street (in the stretch between Lavender Street and Dind Street) increase in height on the western side of Alfred Street towards the peninsula. As demonstrated in **Figure 29**, some of Milsons Point's largest developments are concentrated along this stretch, including 48 Alfred Street, 37 Glen Street and 70 Alfred Street, which provide significant contraventions to the 40m height limit and reach maximum heights of RL 100 (refer to **Table 6**). The proposed heights are commensurate with these developments and will sit comfortably within the established and predominant built form character of the locality.



**Figure 29** Proposed development (red) and existing (grey) demonstrating the massing of the developments along the western side of Alfred Street

Source: KTA

### DCP Setbacks

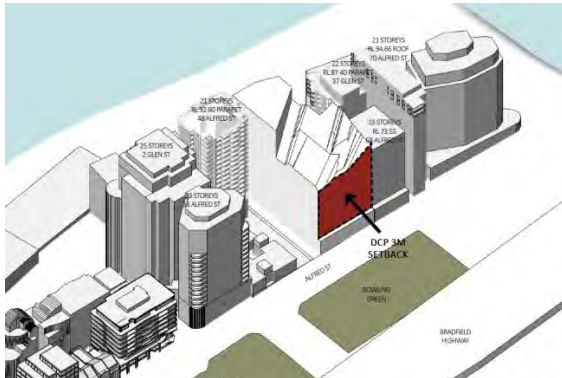
The proposal is generally consistent with the NSDCP 2013 setback requirements and the existing building envelope.

Consistent with the NSDCP, the podium element fronting Alfred Street South is generally built to the street frontage. A 2m setback is provided at street level for the purpose of accommodating a footpath which is consistent with the existing building envelope.

Above the podium the envelope is required to provide a minimum 3m setback to all parts of the building. The envelope proposes a slight variation to the guideline whereby a 2m setback is proposed from Alfred Street South (refer to **Figure 30**). The setback is considered reasonable given the envelope in this location remains consistent with the existing building. It is also recessed behind the envelope of 68 Alfred Street South to the immediate north. Consequently, when viewed from the streetscape, the proposal will not project forward of the existing building line nor will it visually dominate.

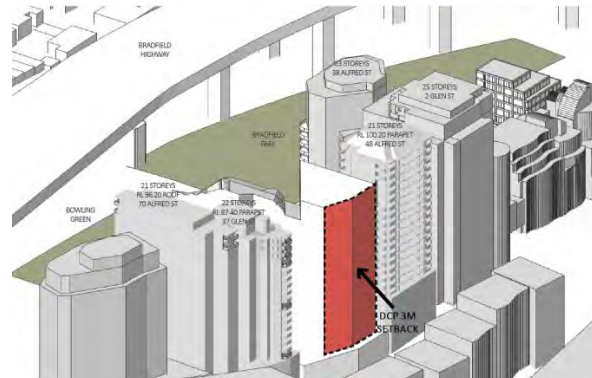
At all other parts of the building above the podium, the setbacks are well in excess of the minimum 3m requirement for the purpose of providing adequate building separation. However, a reduced setback is proposed along the northern boundary in a limited number of locations. Notwithstanding, the envelope along this aspect adopts the same siting as the existing envelope. Blank walls are provided in these locations to mitigate the possibility of privacy impacts.

The podium element fronting Glen Street is built to the street frontage in accordance with the NSDCP 2013. A minimum setback of 3m is also required to all parts of the building above the podium, as shown in **Figure 31**. Consistent with this requirement, the tower element provides a minimum setback of 3m to the western, northern and southern boundaries. Fronting Glen Street at the western aspect, an increased setback of 7.7m is provided from Level 13 and above to protect view corridors.



**Figure 30 Consistency with the Alfred Street DCP Setbacks**

Source: KTA



**Figure 31 Consistency with the DCP Glen Street setbacks**

Source: KTA

## 9.2 Deep Soil, Landscaping and Public Domain Upgrades

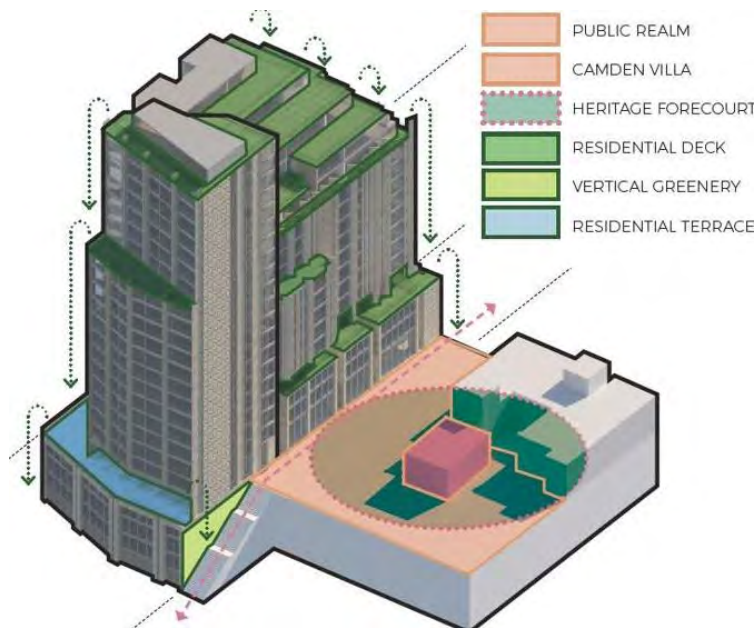
The ADG notes that deep soil zones are important for residential apartment developments as they allow for improved amenity and the appropriate management of water and air quality. The design criteria noted under Objective 3E-1 states:

*Achieving the design criteria may not be possible on some sites including where:*

- *the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)*
- *there is 100% site coverage or non-residential uses at ground floor level. Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure*

In light of the above, it is recognised that a constrained site may not be able to achieve a compliant amount of deep soil. In particular, sites within densely urbanised areas with limited or no space for deep soil at ground level, and developments containing non-residential uses at ground floor level with full site coverage are notable exceptions recognised by the ADG. The site is situated within a densely urbanised area. The existing basement structure covers the entirety of the site. Due to this and the need to provide retail uses at ground level and achieve a continuous active frontage the provision of deep soil planting is unattainable.

Notwithstanding, the Indicative Concept Scheme demonstrates an alternative design solution is capable of being delivered. The design solution includes the provision of extensive landscaping that is integrated throughout the development along with significant public domain upgrades at the ground plane. An Indicative Landscape Concept has been prepared by Arcadia and is included at **Appendix C**. Landscaping will be integrated within the terraces of the upper residential levels to soften the appearance of the development (refer to **Figure 32**). At the rear fronting Glen Street, the landscape design incorporates a communal open space area which has the capacity to accommodate extensive planting, a communal deck, and a reflection pool (refer to **Appendix C**). Perimeter landscaping is provided to promote visual privacy. Appropriate stormwater management measures are capable of being delivered at the detailed DA phase.



**Figure 32 Proposed vertical greenery (right) and residential decks (left)**

Source: Arcadia and KTA

#### Public Domain and Public Benefit

The Indicative Concept Scheme proposes to redesign and significantly upgrade the existing through-site link connection that facilitates access between Alfred Street South and Glen Street. As illustrated at **Appendix A**, ground level retail uses are orientated towards the through-site links and will improve the activation of the public domain, providing for a new hub of communal activity that will vastly improve the Milsons Point Town Centre. As shown in **Figures 32 - 34**, the landscape scheme seeks to revitalise the existing publicly accessible through-site link through the inclusion of new paving embellishments, vertical greenery, and spill out dining areas that will complement the retail areas as well as include a new north-south through-site link that will connect to Camden House. The proposed upgrade to the existing through-site link as well as a new through-site link across the site will improve permeability, encourage pedestrianisation/activation and enhance the interface with the heritage listed Camden House.



**Figure 33** Proposed indicative design of the through-site link

Source: Arcadia



**Figure 34** Visual depiction of the proposed southern through-site link

Source: Involve Studios

### 9.3 Visual Privacy

Due consideration has been given to ensuring the Indicative Concept Scheme provides a high level of visual privacy for adjoining developments. It is noted that the scheme does not achieve strict numerical compliance with the building separation requirements set out in sections 2F Building Separation and 3F-1 Visual Privacy.

Notwithstanding, it is acknowledged by the ADG that rigid numerical controls (the design criteria) are not always achievable. This is further supported by The Department of Planning circular *PS 17-001 (29 June 2017)* which states that:

*"the ADG is not intended to be and should not be applied as a set of strict development standards".*

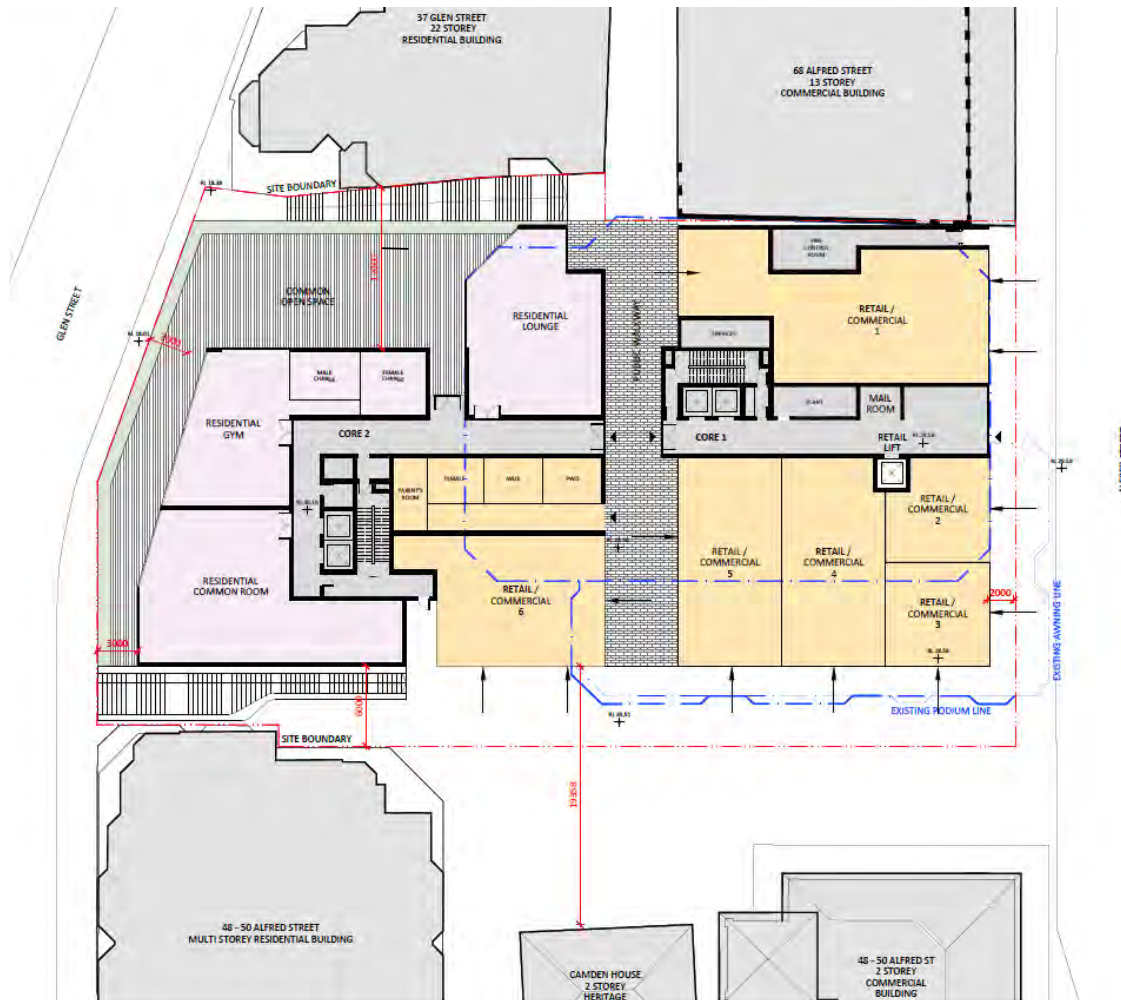
The design criteria separation distances are outlined in **Table 12** below. For the reasons outlined in the following sections, it is considered that on merit, the non-compliant envelopes are acceptable.

**Table 12 Proposed building separation to adjoining properties and consistency with the ADG**

Height	Separation	North (37 Glen Street)	North (68 Alfred Street)	South (48 – 50 Alfred Street)
Up to 12m	Required Design Criteria Separation to the boundary	0m - 6m	0m – 6m	0m – 6m
	Proposed Separation (building to site boundary)	1.7m - 12m	0m – 1.7m	4.3 – 6mm
Above 12 m	Required Design Criteria Separation to the boundary	9m	0m – 9m	0m – 9m
	Proposed Separation (building to site boundary)	3.6m – 12m	0m – 1.7m	4.3m – 6m
Over 25m	Required Design Criteria Separation to the boundary	12m	0m – 12m	0m – 12m
	Proposed Separation (building to site boundary)	3.6m – 12m	0m – 0.5m	4.3 – 6m

In assessing the proposed building separation, it needs to be acknowledged that the developments which bound the site to the immediate north and south do not provide adequate boundary setbacks that would allow the subject site to be redeveloped in full compliance with the ADG without significant compromise to the size of the floorplates and their functionality.

As shown in **Figure 35**, the buildings to the direct north at 37 Glen Street and 68 Alfred Street South are generally built to the site boundary and provide a zero metre setback. Similarly, the development to the south at 48 – 50 Alfred Street is also built to the site boundary.



**Figure 35** Location with adjoining northern and southern developments with respect to the site's boundary

Source: KTA

In the context of these constraints, variations to the numerical requirements are proposed. Notwithstanding, the Indicative Concept Scheme remains consistent with the aims associated with 2F Building Separation and objective nominated under 3F-1 Visual Privacy of the ADG.

The aims provided under 2F Building Separation guidance are to:

- *Ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings*
- *Assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook*
- *Provide suitable areas for communal open spaces, deep soil zones and landscaping.*

In addition to the above, Objective 3F-1 Visual Privacy nominates the following objective:

*Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.*



It also nominates the following relevant design guidance:

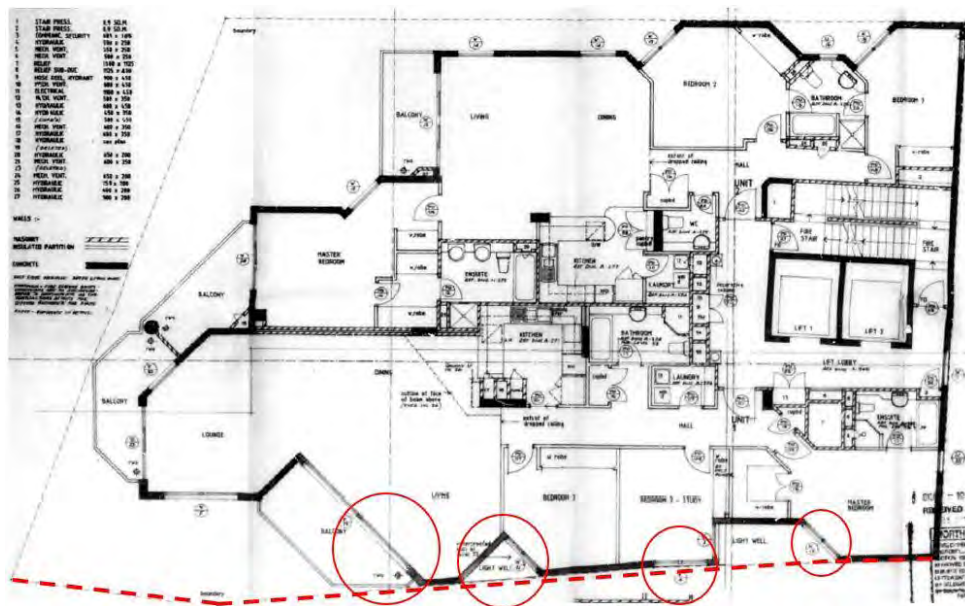
- *New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings;*
- *No separation is required between blank walls;*
- *Direct lines of sight should be avoided for windows and balconies across corners.*

The scheme's consistency with the above is addressed in the following sections.

### North West

The context of the adjoining development is critical to understanding the appropriateness of the proposed setbacks. The tower to the north west at 37 Glen Street reaches 22 storeys in height and contains habitable space and windows that are positioned directly on the common boundary with no setback provided to the subject site.

**Figure 36** illustrates the typical layout of the approved floor plate of 37 Glen Street and the location of habitable rooms and windows. The primary living spaces are generally oriented towards the south west to maximise view corridors of Lavender Bay. Bedroom windows are oriented to the south towards the subject site and some are splayed so as to face the south west.



**Figure 36** Typical floorplate of the residential apartment at 37 Glen Street

Source: Michael Stanley and Associates

The proposed envelope has been configured to reduce visual and aural privacy to the greatest extent possible.

A setback ranging from 3.7m to 12m is provided to the site's north western boundary where it adjoins 37 Glen Street. The setback progressively increases with the building's height. An assessment of these setbacks in accordance with the ADG is provided below.

#### Up to 12m (4 storeys)

The basement levels through to the ground floor occupy the first four storeys of the building that interface with 37 Glen Street. Commercial floor space and non-habitable residential floor space (residential gym and lounge) are

proposed within these levels. Similarly, non-habitable uses are contained within the first four storeys of 37 Glen Street.

As shown in **Appendix A**, the interface is largely characterised by blank walls, with the exception of where windows are included on the northern elevation at the location of the proposed residential gym. The setbacks at these levels are detailed in **Table 13** below.

**Table 13 Building separation compliances for the first four storeys**

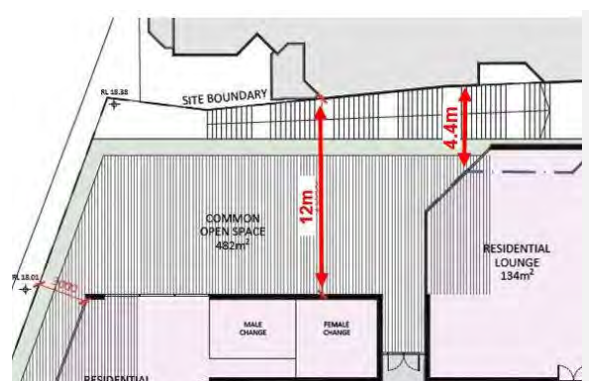
Height	Design Criteria separation to the boundary	ADG Required Separation	Proposed
Up to 12m (4 storeys)	Blank wall to blank wall	0m	1.7m - 12m
	Habitable to non-habitable	3m	4.4m - 12m

As noted in **Table 13**, the Indicative Concept Scheme is consistent with the minimum required separation distances. Where a 1.7m setback is provided it relates to the proposed podium fronting Glen Street (refer to **Figure 37**). The setback is considered reasonable given that it accords with the siting of the existing building envelope and non-habitable floorspace combined with blank walls are provided by each development. A compliant setback ranging from 4.4m to 12m is provided from the residential gym and lounge (refer to **Figure 38**). The absence of windows on the southern elevation of Glen Street will prevent onlooking into both rooms.



**Figure 37 Proposed 1.7m separation**

Source: KTA / Ethos Urban



**Figure 38 Separation to non-habitable space areas**

Source: KTA / Ethos Urban

*Up to 25m (5 – 8 storeys)*

For the fifth to eight storeys of the building (Levels 1 – 4), varied setbacks are required due to the presence of existing and proposed blank walls. The required separation distances are detailed in **Table 14**.

**Table 14 Building separation compliance for the first four storeys**

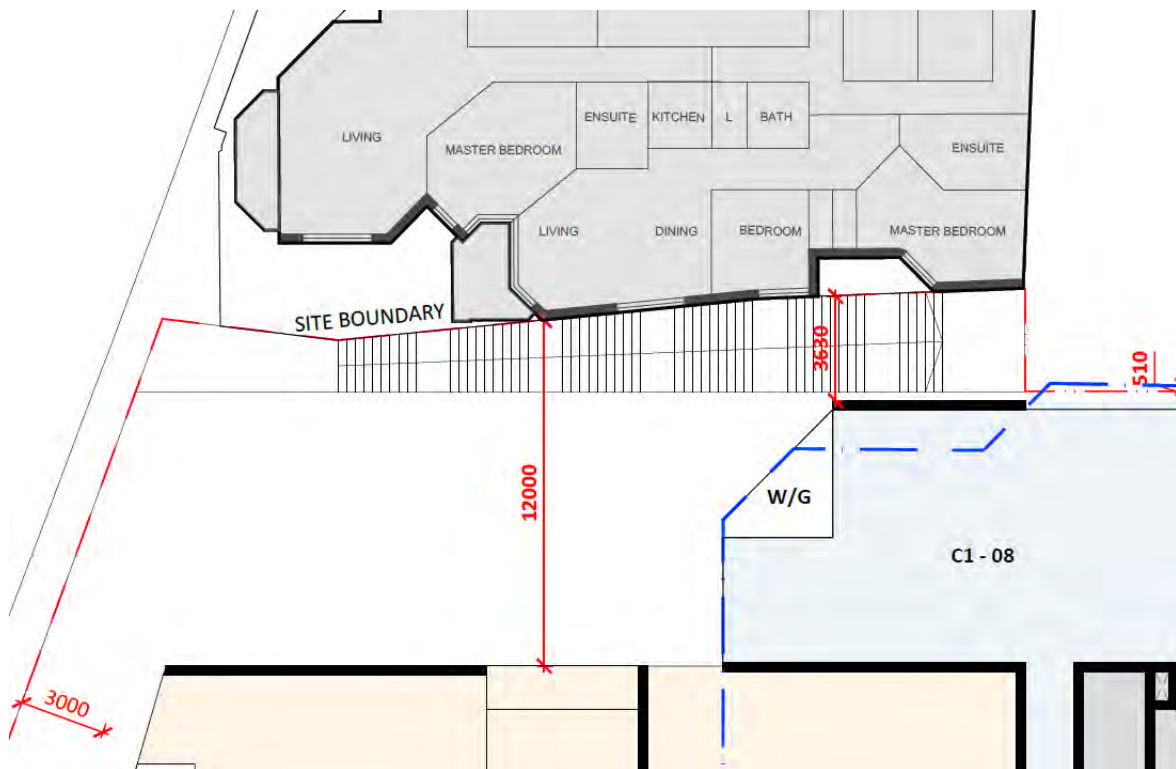
Height	Design Criteria separation to the boundary	ADG Required Separation	Proposed
Above 12m (5-8 storeys)	Blank wall to habitable space	6m	3.6m
	Habitable rooms / balconies to habitable rooms	9m	6m - 12m
Over 25m (9 storeys +)	Blank wall to habitable space	6m	3.6m
	Habitable rooms / balconies to habitable rooms	12m	6m - 12m

A 12m setback is proposed for the most part of the building's length and consequently the majority of the two buildings are separated as required. Furthermore, the floorplate adopts an angular configuration that narrows

towards the northern boundary as the building progresses in height. Consequently, the interface between the two developments is significantly reduced (refer to **Figure 39**).

A reduced setback of 3.6m is provided from the proposed eastern tower fronting Alfred Street South to 37 Glen Street. This setback increases to 3.9m from Level 15 and above. The setback is considered appropriate given that the proposed façade incorporates a blank wall which thus removes opportunities for onlooking. Whilst a window to habitable room is sited opposite on the southern façade of 37 Glen Street, it is oriented towards the south west and consequently lines of sight to the proposed blank envelope are not afforded.

The setback increases to approximately 6m in the location of the proposed winter garden which is angled so as to direct sightlines to the north west to prevent close and direct views to the habitable rooms at 37 Glen Street. Privacy screening is incorporated to prevent sightlines (refer to **Figure 38**).



**Figure 39 Proposed building separation to 37 Glen Street**

Source: KTA

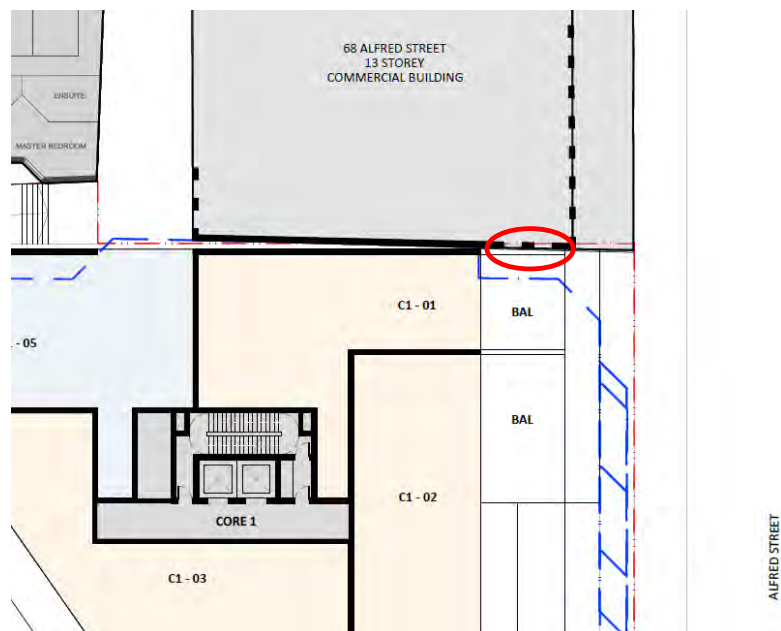
**North East**

The commercial tower at 68 Alfred Street reaches 13 storeys in height. The southern elevation of this building predominantly comprises a blank wall and includes a small number of windows that are limited to the far eastern end of the facade (refer to **Figure 40**). These windows are also positioned directly on the common boundary. The proposed envelope also incorporates a blank wall. In light of this, the required separation distances are detailed below in **Table 15**.

**Table 15 Building separation distances required to 68 Alfred Street**

Height	Design Criteria separation to the boundary	ADG Required Separation	Proposed
	Blank wall to blank wall	0m	0m – 0.5m

Up to 12m (4 storeys)	Blank wall to office space (habitable space)	3m	0m-0.5m
Up to 25m (5 – 8 storeys)	Blank wall to blank wall	0m	0m – 0.5m
	Blank wall to office space (habitable space)	4.5m	0.5m
Over 25m (9+ storeys)	Blank wall to blank wall	0m	0m – 0.5m
	Blank wall to office space (habitable space)	6m	1.7m



**Figure 40** Location of windows on the southern façade of 68 Alfred Street South

Source: KTA

The commercial tower at 68 Alfred Street is built to the boundary and immediately abuts the existing building contained within the subject site. As such, there is already an absence of building separation and thus the Indicative Concept Scheme will not further compromise the privacy of the commercial development. Further, the northern elevation of the proposal comprises a blank wall which will prevent direct lines of sight to the windows located in the far eastern corner.

### South

The development to the south west fronting Glen Street at 48 – 50 Alfred Street comprises a residential building containing serviced apartments. It is acknowledged that there is the potential for this building to be converted to residential apartments in the future and as such an assessment with regard to the ADG has been undertaken to demonstrate that the Indicative Concept Scheme will not compromise the visual privacy of the development.

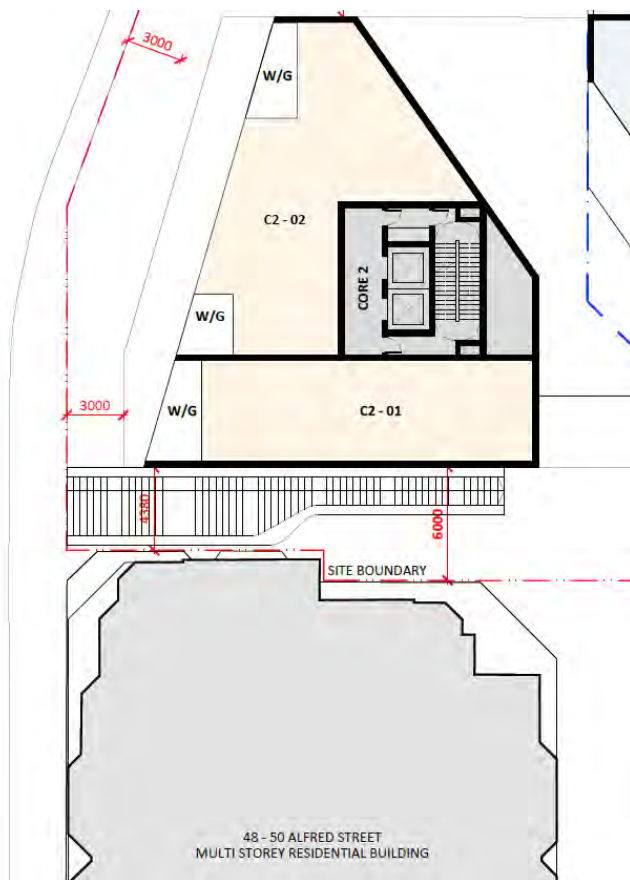
The required and proposed separation distances are detailed in **Table 16**.

**Table 16 Building separation distances required to 48 – 50 Alfred Street**

Height	Design Criteria separation to the boundary	ADG Required Separation	Proposed Separation
Up to 12m (4 storeys)	Blank wall to blank wall	0m	4.5m
Up to 25m (5 – 8 storeys)	Blank wall to blank wall	0m	4.3m – 6m
	Blank wall to habitable space	4.5m	
Over 25m (9+ storeys)	Blank wall to blank wall	0m	4.3m – 6m
	Blank wall to habitable space	6m	

The building at 48 – 50 Alfred Street South is generally built to the site’s boundary and incorporates blank walls for the most part of its northern elevation. The Indicative Concept Scheme includes blank walls along its southern elevation. The ADG notes that there is no requirement to provide building separation where blank walls are incorporated. Notwithstanding, at all levels the scheme provides a setback ranging from 4.3m to 6m to the site’s boundary. The greater setback of 6m is provided where the adjoining development incorporates a living window that is oriented directly to the site.

In addition, the ADG requires that adequate separation be provided between windows and balconies to ensure visual privacy. The provision of a blank façade adjacent to the neighbouring balconies will remove opportunities for overlooking.



**Figure 41 Proposed separation between the proposed western tower and 48 – 50 Alfred Street**

Source: KTA

### Summary

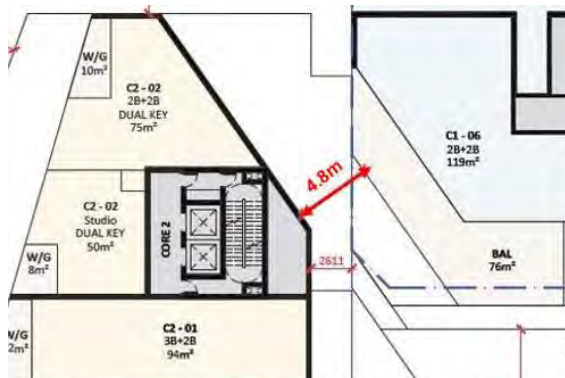
Notwithstanding the variations, a review of surrounding buildings indicates that there is clear precedent for developments to provide significantly reduced building separation (refer to **Appendix A**). Given the context of the surrounding development, the proposed separation provides for an appropriate massing and adequate space between the two buildings that is in keeping with the character of the area.

### Internal Building Separation

The Indicative Concept Scheme proposes two separate built form elements from Level 13 and above. The interface between the two building elements is typically characterised by blank walls (refer to **Appendix A**). In limited locations, balconies are provided by the tower element fronting Alfred Street South.

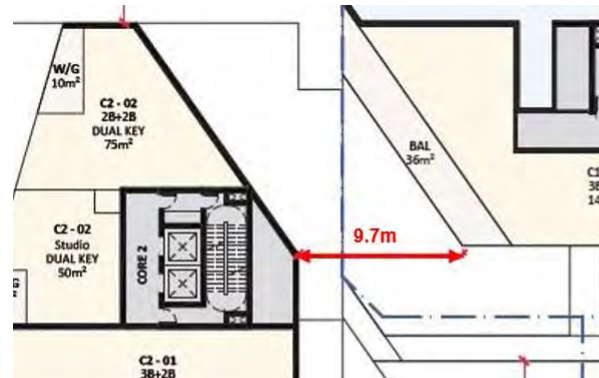
The ADG requires a building separation distance of 12m for the areas of the building containing habitable space, including balconies. It is noted that where blank walls are provided, no separation is required.

Due to the angular configuration of the floorplates the building separation varies. The building separation progressively increases with the proposal's height to a maximum of 11.3m between the habitable areas of the building, as demonstrated from **Figures 42 – 44**.



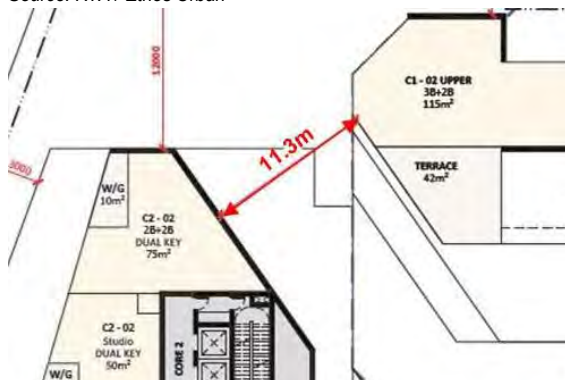
**Figure 42** Internal separation at Level 13

Source: KTA / Ethos Urban



**Figure 43** Internal building separation at Level 14

Source: KTA / Ethos Urban



**Figure 44** Internal building separation at Level 16

Source: KTA / Ethos Urban

At Level 13 and Level 14 the building separation increases from 4.8m to 9.7m, respectively (refer to **Figures 42 – 43**). At level 16, the separation increases to 11.3m (refer to **Figure 44**). As illustrated in **Figures 42 - 43**, the balconies wrap around the tower.

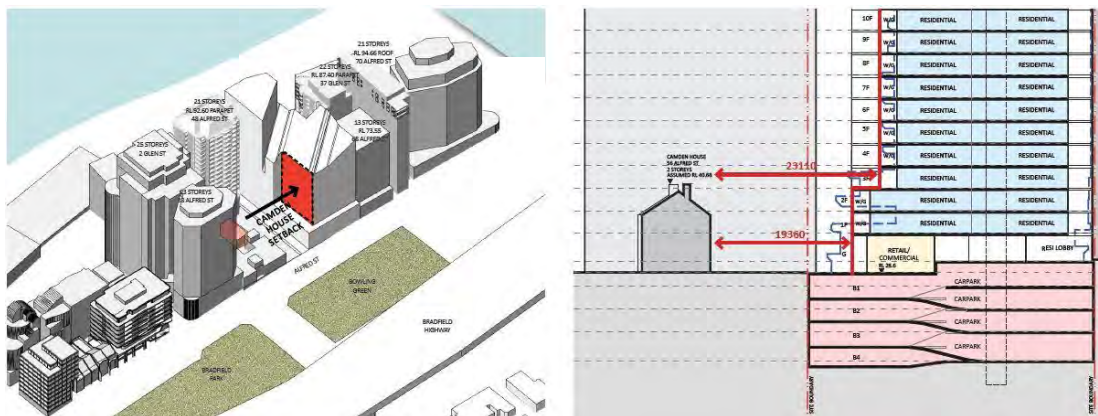
Notwithstanding the numerical non-compliances, each balcony interfaces with a blank wall and therefore privacy impacts will not arise. At Levels 13 and 16, it is noted that the most useable portion of the balcony shown in **Figure**

42 is oriented towards the south and east to benefit from the view corridors to the east. In this respect the amenity and the functionality of each will not be compromised.

### Camden House

Due consideration has been given to maintaining the amenity of the heritage listed building to the south known as Camden House and the surrounding public domain within its curtilage. The proposed setbacks along with the envelope siting and configuration are generally in accordance with the existing building.

As illustrated in **Figure 45**, the podium element provides a setback of 19.3m which exceeds that of the existing building. Above the podium, the setback increases to 23.1m which is consistent with the existing building envelope. At the upper levels of the development, the envelope steps away from Camden House and provides a maximum setback of 36.6m. In providing a greater setback, the proposal facilitates improved solar access at this sensitive interface and achieve a greater curtilage around the site that continues to allow for the appreciation of its heritage significance. Improvements to the public realm at the through site linkages will also assist with improving the relationship between the site and Camden House.



**Figure 45** Proposed interface with Camden House

Source: KTA

## 9.4 Heritage

A Heritage Assessment Report has been prepared by Weir Phillips Heritage and is included at **Appendix E**. The Statement has been prepared in accordance with the NSW Heritage Division publication Statements of Heritage Impact (2002 update), the North Sydney DCP 2013 and LEP 2013 and provides a merit based assessment of the proposal's impact on the surrounding heritage items.

The relevant character statement contained within the North Sydney DPC 2013 indicates that heritage items shall be protected and retained where practical. Whilst the site is not a heritage item, it is located within the vicinity of local and state listed heritage items (refer to **Section 2.4**). The items in the vicinity of the site include:

- The Sydney Harbour Bridge to the east (SHR No. 00781)
- Luna Park to the south (SHR No. 01811)
- Milsons Point Railway Station to the east (SHR No. 01194)
- Camden House to the immediate south (I0527)
- Bradfield Park to the east (I0538)
- Alfred Street (entrance to Luna Park, Alfred Street South (I0529)
- Commercial building at 2 – 2a Glen Street, Milsons Point to the west (I0531)

The Heritage Statement has provided an assessment of the impacts resulting from the proposal to each of the items. A summary is detailed below.

- *Camden House* – The heritage item is currently overshadowed and visually obscured by the surrounding built form. Weir Phillips Heritage conclude that the proposal will have no adverse impact on the item. The proposal has incorporated a larger setback to the podium at the southern elevation, allowing for a greater curtilage around the item which enhances its setting. The building separation is also not proposed to decrease from what the existing building provides. Furthermore, the height of the podium aligns with that of Camden House and consequently provides an appropriate transition in height. The Indicative Concept Scheme has the potential to be constructed of sandstone which will complement the materiality of Camden House and provide for an improved relationship at this sensitive interface.
- *Sydney Harbour Bridge approach viaducts, arches and bays* - The proposal is similar in bulk and scale to the existing building contained within the site and will therefore have only a minor impact on the setting in which the Sydney Harbour Bridge is interpreted.
- *Luna Park* - The proposal will be partially visible from Luna Park when viewed from the south. Notwithstanding, the proposed bulk and scale will have no impact on the heritage significance of the site in that it will not impact significant view corridors or the ability to interpret the societal and historical significance of the site.
- *Milsons Point Railway Station* - The proposal will not overshadow Milsons Point Railway Station and accordingly will have no impact on the heritage significance of the site.
- *Commercial Building at 2 – 2a Glen Street* - The additional height will have minimal impact on the heritage listed commercial building. The heritage building is sited within a built up residential area. The proposed podium will provide an appropriate transition in scale and height to heritage item and will achieve a human scale that will prevent the tower's bulk from detracting from the commercial building.

Overall, Weir Phillips Heritage conclude that the Indicative Concept Scheme will not compromise the historic, social and aesthetic significance of the various heritage items located in the vicinity of the site.

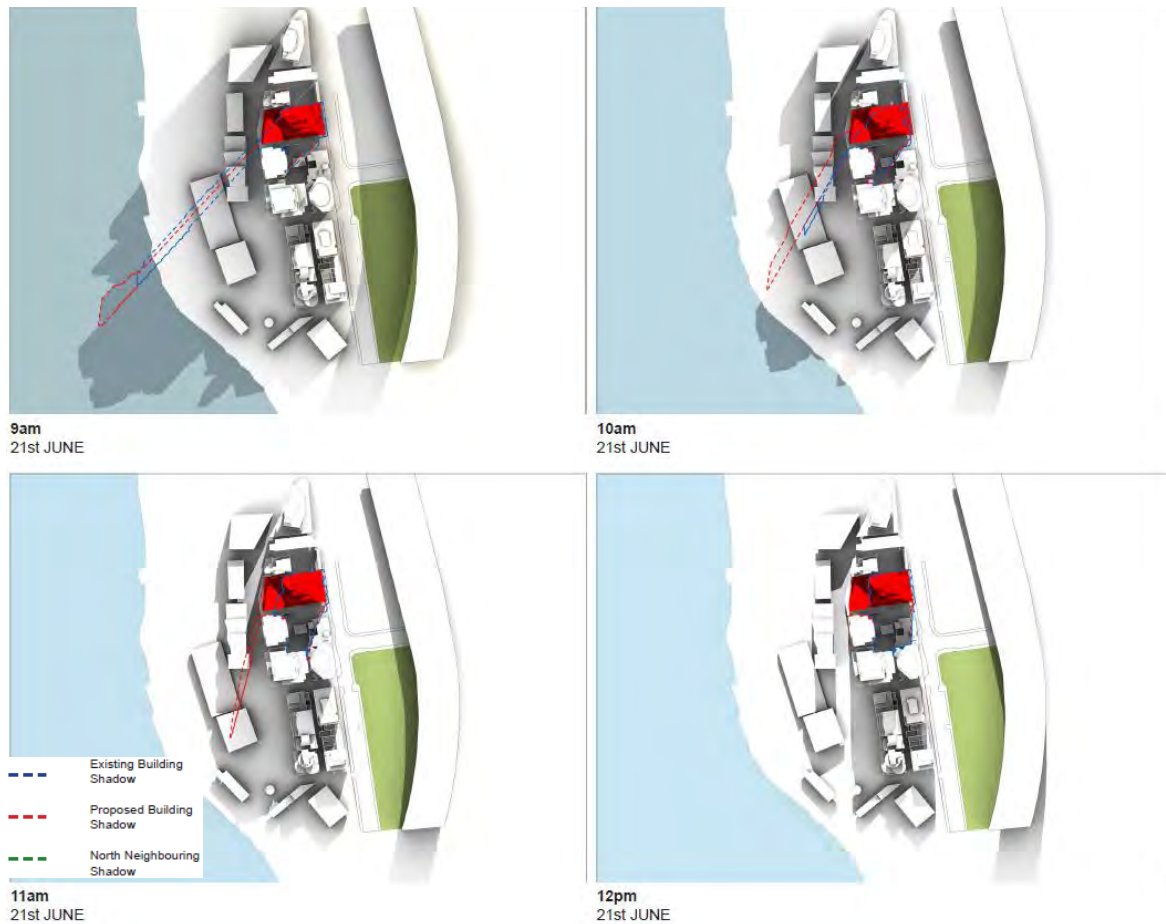
## 9.5 Overshadowing

An overshadowing analysis of the Indicative Concept Scheme has been prepared by KTA and is included at **Appendix A**. The study has examined the overshadowing resulting from the proposed building in the context of the shadow produced by the existing building and the surrounding developments.

The overshadowing analysis indicates that the surrounding buildings and public domain area are already overshadowed by the existing high density built form within Milsons Point. The analysis indicates that the Indicative Concept Scheme will provide additional overshadowing to the west of the site. Specifically, the proposal will overshadow the developments located at 2 – 2A Glen Street, Luna Park and the harbour. Notwithstanding, the affected areas already experience a large degree of overshadowing from the existing building envelope (refer to **Figure 46**). Of the affected areas, Sydney Harbour is anticipated to experience the most substantial amount of overshadowing at 9am. Whilst some overshadowing will impact the residential and commercial developments along Glen Street, the impacts are present for a limited duration between 9am and 12pm. During this timeframe the additional overshadowing provided to 2A Glen Street is limited to occurring between the hours of 10am – 11am and is considered to be minor in nature.

During the afternoon period, the envelope will provide additional overshadowing to Camden House between 1:30pm and 3pm. However, it is noted that Camden House is already significantly overshadowed by the surrounding built form with heritage building already experiencing some degree of overshadowing during the aforementioned timeframe. The additional overshadowing resulting from the proposal will increase the extent of the shadow cast across the building; however, this increase is considered reasonable given it occurs for a limited duration in the late afternoon. As the siting of the proposed envelope at the site's southern aspect is generally in keeping with the existing building's footprint, the amount of additional shadow is also considered to be minor. Given the above, the proposal will have no adverse impact on the heritage item nor will it significantly reduce the amenity of occupants.





**Figure 46 Existing and proposed overshadowing to the west of the proposal**

Source: KTA

### Overshadowing to Bradfield Park

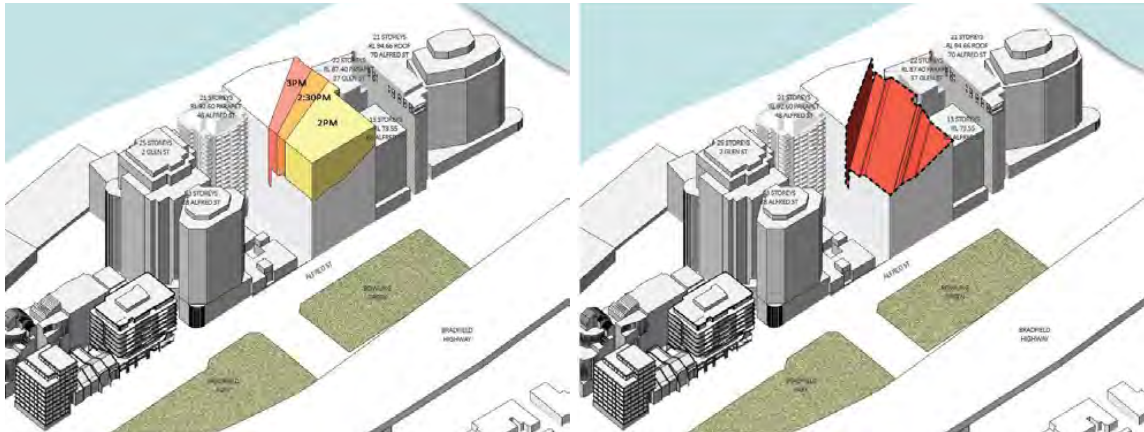
The North Sydney DCP indicates that there is to be no additional overshadowing to Bradfield Park between 1pm and 3pm. Specifically, guideline P16 states the following:

*There is no increase in overshadowing of Bradfield Park, Luna Park, and North Sydney Pool between 12 noon and 3pm.*

Compared to the existing scenario, the Indicative Concept Scheme will reduce the overshadowing to Bradfield Park during the winter solstice in the afternoon period. The reduction in overshadowing is attributed to the strategic distribution of mass across the site which has sought to minimise shadow impacts to the greatest extent possible. As shown at **Appendix A**, the massing is considerably reduced at the site's eastern portion where the envelope steps down from 25 storeys to 17 storeys, and then terraces down to 14 storeys at the street frontage of Alfred Street South.

The building's mass adjacent to Bradfield Park is characterised by a chamfered setback that descends from the site's north west to the south east (refer to **Figure 47**). Combined these design measures minimise shadow impacts to Bradfield Park and the adjacent public domain to the greatest extent possible.

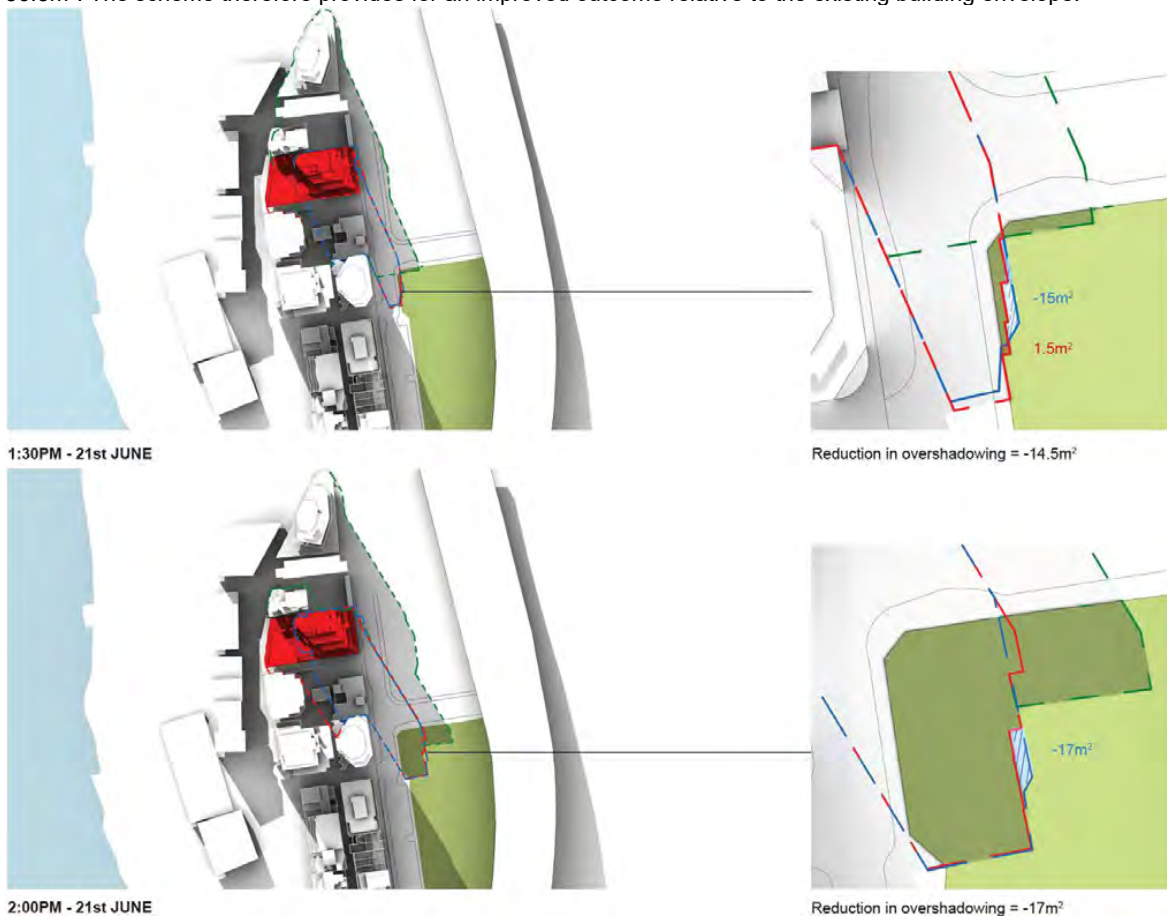
It is noted that the massing and resultant shadow impacts are indicative and the design of the envelope is capable of further refinement at detailed design phase.

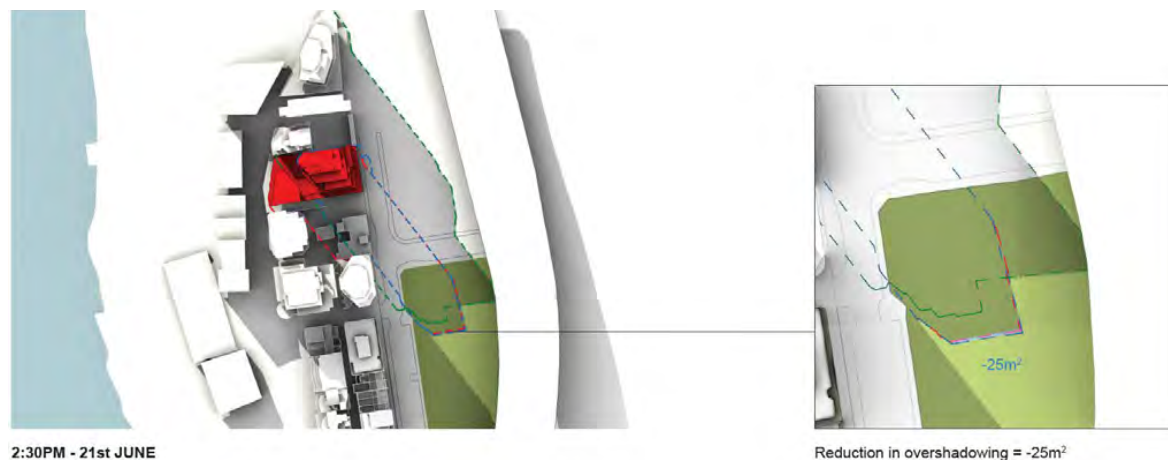


**Figure 47 Chamfered massing to maximise solar access to Bradfield Park**

Source: KTA

As shown at **Appendix A**, the Indicative Concept Scheme will provide no additional overshadowing to Bradfield Park during the Winter Solstice. More importantly, between 1:30pm and 3pm the proposed massing will actually reduce overshadowing to Bradfield Park. As shown in **Figure 48**, the overall reduction in overshadowing amounts to 56.5m<sup>2</sup>. The scheme therefore provides for an improved outcome relative to the existing building envelope.





**Figure 48** Proposed reduction of overshadowing to Bradfield Park between 1.30pm and 2:30pm

Source: KTA

Upon review of the shadow analysis as detailed above, it is evident that with regard to the nearby sensitive land uses such as Camden House and Bradfield Park, the overshadowing impacts are negligible to minor, and only occur for limited periods during the day. In this respect the impacts are considered to be acceptable.

## 9.6 Solar Impacts

KTA have prepared a solar impact assessment to determine the proposal's compliance with the ADG solar access requirements (refer to **Appendix D**).

### Solar Access

The results confirm that 70% of units receive 2 or more hours sunlight to primary windows (glazing) and private open space between 9am and 3pm on the 21 June (111 units of 159). In this regard the proposal is consistent with the relevant design criterion nominated under Objective 4A – 1 of the ADG that requires:

*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.*

In addition, 30% of units (48 units) receive no direct sunlight between 9am to 3pm during mid winter. Notwithstanding, the ADG acknowledges the difficulty in achieving strict numerical compliance with the design criteria in the instance of some sites. Specifically, it states:

- Achieving the design criteria may not be possible on some sites. This includes:*
- *Where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source.*
  - *On south facing sloping sites.*
  - *Where significant view are orientated away from the desired aspect for direct sunlight.*

It is considered that site constraints and orientation preclude the scheme from meeting the design criteria. The site is considered to be significantly constrained due to its location within a densely built up residential area and siting on a south facing slope. As high-rise developments elevated above the site are sited to the north and overshadow the full length of the subject site's northern façade, the site's access to sunlight is significantly reduced. Furthermore, the orientation of apartments to the south, east and west of the site has the potential to deliver an improved design outcome for the reasons addressed below.

In the context of these constraints and opportunities, the Indicative Concept Scheme is consistent with the underlying objective of the Design Criteria which seeks to:

*To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.*

In accordance with the objective, the design has sought to orientate apartments away from the north to alternative aspects that receive improved access to sunlight. Incidentally, apartments are afforded improved access to panoramic iconic views of landmarks such as Harbour Bridge, Luna Park and the Opera House. The single aspect southern facing apartments are provided with generous balconies, maximising the ability for views to be captured and providing for a higher standard of residential amenity that what would be achieved if apartments were orientated to the north.

## 9.7 Natural Ventilation

KTA have examined the proportion of apartments that are naturally cross ventilated. The assessment confirms that 64 units out of a total of 96 in the lower 9 storeys are simply cross ventilated. These units are located within the first nine levels when counted from the Alfred Street facade. Therefore, in accordance with the ADG, 67% of apartments are cross ventilated within the first nine storeys of the building.

In determining the proportion of apartments that are cross ventilated, it was acknowledged that there is a significant difference in level between the street facades fronting Alfred and Glen Streets, and whilst these units are contained within the first nine storeys, they are deemed to be cross ventilated due to their height above Glen Street which affords them greater exposure to cross ventilation.

## 9.8 Solar Impacts

KTA have provided an assessment of the solar impacts associated with the scheme to assist in evaluating the proposal's compliance with Objective 3B – 2 and the design guidance which nominates:

*Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.*

The assessment has addressed the solar impact to the following residential towers, including:

- the Port Jackson Tower at 38 Alfred Street;
- the Pinnacle at 2 Dind Street; and
- 48 – 50 Alfred Street.

### 38 Alfred Street, Milsons Point

The Port Jackson Tower at 38 Alfred Street is located to the direct south of the site. The assessment concludes that the apartments retain full solar access for the minimum required 2 hours and accordingly there are no additional impacts relative to the existing building.

### 2 Dind Street

The development at 2 Dind Street is located to the direct south. These apartments receive limited solar access due to the existing building located on the subject site. With the proposed envelope, the quantity of apartments anticipated to receive a compliant amount of solar access is expected to reduce by 3.2%.

### 48 - 50 Alfred Street

The development at 48 – 50 Alfred Street is located to the south-west. KTA confirm that the solar impact to this property will remain generally consistent with the findings of the Amenity and Overshadowing Analysis prepared by Steve King included at Appendix D of the original planning proposal (PP/7/17). The Amenity and Overshadowing Analysis concluded that the Indicative Concept Scheme would reduce the percentage of apartments receiving a compliant amount of solar access by 11%.

The assessment concludes that the proposal provides a relatively small amount of overshadowing notwithstanding its location within a dense urban context. The Indicative Concept Scheme is considered acceptable for the following reasons:

- At the upper levels of each tower the setbacks considerably increase so as to reduce the amount of overshadowing to surrounding properties. In particular:
  - a generous setback above the podium fronting Glen Street reaching 7.7m is proposed and exceeds the minimum 3m requirement nominated by the Lavender Bay Planning Area Character Statement.
  - The eastern tower element fronting Alfred Street South is chamfered at the upper levels, and provides a maximum setback of 29.7m when measured from the rooftop to the property boundary. At the podium level, the massing to the southern boundary is generally setback behind the existing envelope.
- the proposed envelope does not protrude beyond the established building alignment that prevails along both Alfred Street and Glen Street.

In addition to the above, the apartments anticipated to receive reduced access to solar are predominantly located in the lower portion of the apartment building from Levels 3 to 11. Given their location, it is likely that even a development with a smaller bulk would provide a similar impact to the solar access enjoyed by these apartments.

## 9.9 Visual Impact and View Loss Assessment

The relevant character statement indicates future development in the Milsons Point Town Centre is to preserve views and vistas from most properties to Sydney Harbour and beyond, and views of Lavender Bay.

A Visual Impact and View Loss Assessment has been prepared by Clouston Associates and is included at **Appendix E**. A summary of the assessment is provided below. The assessment confirms that the proposed height will not have a significant or adverse impact on the view corridors obtained from neighbouring properties or the visual quality of significant vantage points within the surrounds.

### Scope and Methodology

The Assessment has been prepared in accordance with the below planning instruments and guidelines:

- North Sydney Development Control Plan 2013;
- The North Sydney LEP;
- The Planning Principles for public domain views set out in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and Anor [2013] NSWLEC 1046*; and
- The Planning Principles for private views set out in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*.

To support the visual analysis and provide for a rigorous assessment, Clouston and Associates have also relied on a range of best practice visual impact assessment methodologies, including:

- Guidelines for Landscape Character and Visual Impact Assessment, WIA-N04 published by the Roads and Maritime Service (RMS);
- Appendix D of the Sydney Harbour Foreshore Waterways Area Development Control Plan (SHFWA DCP), as published by the Department of Planning and development for marina assessment;
- Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> edition, as published by the Landscape Institute UK and IEMA; and
- Visual Assessment of Windfarms: Best Practice as published by Scottish Natural Heritage.

### 9.9.1 Visual Impact Assessment

The visual impact assessment prepared by Clouston Associates has been undertaken to assess the potential impacts of the proposed development on significant views obtained from the surrounding public domain that have the potential to be impacted by the Indicative Concept Scheme.

### Key Public Vantage Points

Clouston Associates have identified a number of key vantage points which have been selected to assess the potential visual impact of the development. The vantage points were selected due to their proximity to the site and their potential to experience the greatest change as a result of the proposal. The key vantage points include:

- Viewpoint 1 – Kirribilli Markets near Burton Street looking south
- Viewpoint 2 – Looking west from Bradfield Bowling Green
- Viewpoint 3 – Corner of Alfred and Fitzroy Street looking north
- Viewpoint 4 – Southern end of Glen Street looking north
- Viewpoint 5 – Northern end of Glen Street looking south

Clouston's acknowledge that views are also available from many other locations including from the Harbour Bridge and the raised rail line. The selected views represent the most readily accessible view points to the public. They are also the views most likely to change as a result of the proposal. In addition to the views shown in **Figure 49**, the impact of the proposal from the vantage points obtained from Sydney Harbour Bridge approach and Lavender Bay have also been assessed.



**Figure 49** Key viewpoint locations

Source: Clouston Associates

### Visual Impact Rating and Methodology

The overall impact of the Indicative Concept Scheme has been assessed with reference to a range of factors which include:

- The sensitivity of the receptor;
- The distance to the proposal;

- Quantum of the view;
- Period of view; and
- Scale of change.

These factors have been scored in accordance with the matrix score table detailed in **Table 17**. The scores with respect to each factor have been used to determine an overall impact rating. In accordance with the Land and Environment Court (*Rose Bay Marina Pty Limited v Woollahra Municipal Council and Anor 2013*), the visual impacts on each viewpoint have accounted for both standing and siting positions.

**Table 17 Matrix score table**

Score	Extent of visual impact
Low	Minor adverse visual impact
Moderate / Low	Slightly adverse visual impact
Moderate	Moderately adverse visual impact
Moderate / High	Moderately to highly adverse visual impact

**Table 18** below documents each of these views including a brief description of the view and whether the proposed Indicative Concept Scheme is likely to impact on the scheme.

**Table 18 Summary of impacts to key vantage points**

Location	Distance (Approx.)	Receptors	Existing view	Expected visual impact Potential Impact	Visual Impact Rating
View Point 1 - Kirribilli Markets near Burton St	60m	Users of public open space, market patrons, commuters, and residents	This view is taken from the site of the Kirribilli Markets near Burton and Alfred streets.  Diagonal to the investigation site the view foreground consists of the gravel square as well as hedge and tree plantings. Multiple other office and residential buildings are positioned adjacent to the site as well as in the background.	Minimal visual impact expected as the proposed building is similar in height of the existing building, and the podium height and setback are consistent with the surrounding buildings. The façade articulation will also reduce the bulk somewhat. Clouston Associates conclude that given the magnitude of the surrounding towers, the proposal will not visually dominate the landscape.	Low
View Point 2 – Bradfield Park Bowling Green	40m	Users of public open space, lawn bowls, participants, and residents	The view is taken from directly opposite the investigation site on the Bradfield Park Bowling Green.  Alfred Street and associated parking spaces can be seen in the foreground along with sparse street trees. Other office and residential buildings of similar scale or larger can be seen adjacent to the site as well as in the background.	The proposal will have a visible height of RL 74.25 which is in alignment with the neighbouring property at 68 Alfred Street which has a height of RL 73.60.  The height combined with the setbacks will not be at odds with the existing visual environment and as such minimal impact is expected from this location.	Low
View Point 3 – Corner of Alfred and Fitzroy Street	75m	Users of public open space, residents, shoppers and commuters	This view is taken from the corner of Bradfield Park near Alfred and Fitzroy Street looking north. The Alfred Street roundabout, street trees and retail shops can be seen in the foreground with the existing building positioned behind.	The proposed podium height (which accords with adjoining podiums) will help to ensure that the appearance of Alfred Street South remains relatively unchanged. Further, the stepping of the upper levels will ensure the envelope presents as having a height similar to the adjoining developments and as a result, Clouston confirm that there will be a minor visual	Low

Location	Distance (Approx.)	Receptors	Existing view	Expected visual impact Potential Impact	Visual Impact Rating
				change expected in this location however it will not impact on any existing iconic views.	
View Point 4 – Southern End of Glen Street Looking North	20m	Users of public open space, residents, commuters and office workers	This view is taken from the Southern end of Glen Street looking north.  The foreground and background of this view is dominated by the adjoining mixed use building. Street tree plantings along Glen Street can also be glimpsed in the background.	When viewed from the rear looking north, the podium fronting Glen Street is similar to the bulk of the existing podium. In addition, the height of the tower is consistent with that of both the northern and southern towers, ensuring that the proposed building does not create a visually dominating new addition. Accordingly, the proposed height of the tower corresponds with its neighbours and the built up nature of the existing Milsons Point area means that although the change will be noticeable, it would not be at odds with its surrounds.	Moderate / low
View Point 5 – Northern end of Glen Street	70m	Residents, commuters and office workers	This view is taken from the northern end of Glen Street looking south. Street trees and planting associated with nearby buildings are positioned in the foreground. Only the lower back portion of the existing building can be seen from this viewpoint. A fraction of the Sydney Harbour Bridge can be viewed in the background.	The maximum height of the building will be visible from this location. Notwithstanding, the tower element is setback from the podium, and further setback at the upper levels. The setback of the tower combined with the dominance of 37 Alfred Street in the foreground will ensure that from this location only a minor presence of the tower will be perceptible resulting in a low visual impact.	Low

Based on the above assessment, Clouston Associate's conclude that mitigation measures to reduce the visual impact of the proposal upon completion would not be required.

### Sydney Harbour Bridge Approach

In addition to the above and in response to feedback provided by Council during the assessment of the previous Planning Proposals for the site (PP-7/17 and PP-4/19), the visual impact of the proposal when viewed from the Sydney Harbour Bridge approach and Lavender Bay have been considered by Ethos Urban. The impacts are discussed below.

The location of the view from the Harbour Bridge approach is shown below from **Figures 50** to **Figure 51**. At present, the existing building contained within the southern setback provides a narrow view corridor through to Lavender Bay when looking west. As shown in **Figure 51**, the view consists of open sky and partial views of the residential uses located on the western side of Lavender Bay. The view from this vantage point is narrow and does not afford sightlines of any iconic landmarks.

The photograph shown in **Figure 51** is taken at the eye level of cyclists that ride past this point. The visual receptors are limited to viewers who utilise the bicycle access way along the Harbour Bridge which is not accessible to pedestrians. Cyclists are also not permitted to stop along this access way and thus the vantage point can only be viewed when individuals are in motion. In light of this, it is considered to be a non-significant view corridor.





 The Site       Viewpoint

**Figure 50** Location of the Harbour Bridge vantage point

Source: Ethos Urban



**Figure 51** Location of the Harbour Bridge vantage point

Source: Ethos Urban

As shown at **Appendix A**, the Indicative Concept Scheme proposes to redevelop the western portion of the site. At this location, a 6m setback to the southern boundary is proposed and consequently the envelope encroaches beyond the existing building line. In light of this, compared to the existing scenario, it is expected that the Indicative Concept Scheme will have a minor to moderate visual impact on this vantage point. Notwithstanding, the encroachment on this vantage point will be minor and a view corridor will largely be preserved. Furthermore, given the views obtained from this location generally consist of open sky and do not include any iconic landmarks or structures, it is considered to be a non-significant view. Accordingly, the minor view loss is considered to be acceptable.

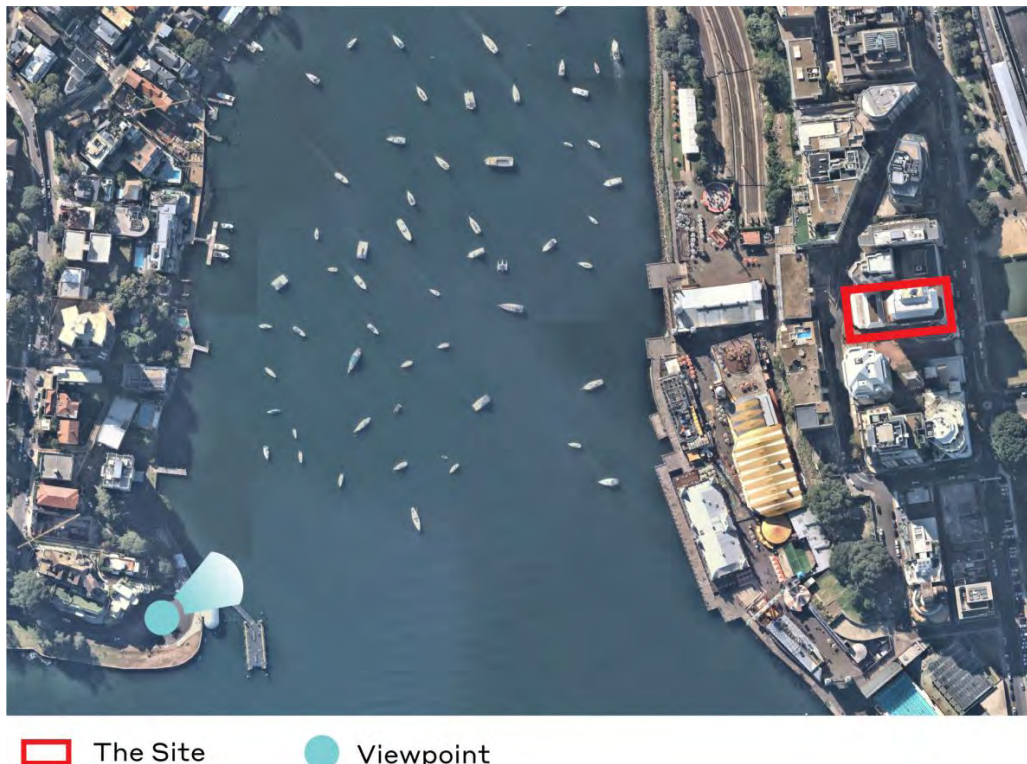
### Lavender Bay Looking East

The location of the view obtained from Lavender Bay is shown below in **Figure 52**. The vantage point was selected as it relates to a public reserve that affords expansive views of the site.

The siting and massing of the envelope will facilitate the delivery of a building that integrates with the built form along Glen Street and will not appear out of context when viewed from Lavender Bay. As shown at **Appendix A**, the siting of the podium and tower element is located in accordance with the established building alignment along Glen Street. In particular, the tower element adopts an average 7.7m setback and an angular configuration. Consequently, the envelope has been revised to be sited well behind the northern development at 37 Glen Street and is located in alignment with the building to the south at 48 – 50 Alfred Street.

The proposed height of the envelope has been reduced to 18 storeys which is below the existing neighbouring buildings at 48 Alfred Street which reaches 21 storeys in height and 70 Alfred Street which rises to 21 storeys.

In light of the above, it is considered the height and siting of the development will ensure the proposed scheme will not dominate the vantage point.



**Figure 52** Location of the Lavender Bay view point

Source: Ethos Urban

### 9.9.2 Private View Impact Assessment

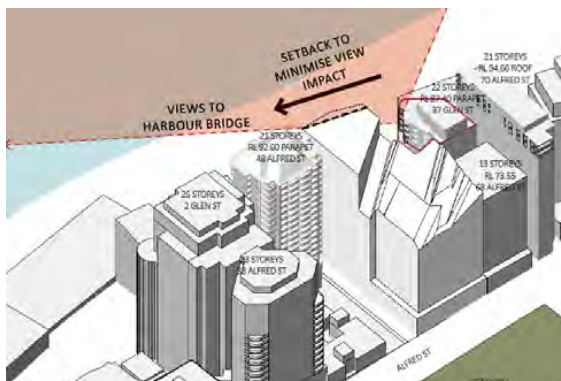
Clouston Associates have prepared a visual analysis in relation to the view impacts to 37 Glen Street. An assessment of the view impacts to 70 Alfred Street has also been prepared by Ethos Urban.

The view loss assessment demonstrates that the proposal is acceptable on a balance of considerations relevant to the proposal. In particular, the site is located within a dense urban environment and accordingly some view loss can reasonably be expected. In light of this, it is not inconsistent with the bulk of surrounding developments, particularly those to the immediate north and south which are commensurate in height. Whilst the scheme does give rise to some view loss, the impact is considered reasonable given that the design of the envelope reduces the extent of the impact and is largely consistent in terms of envelope setbacks with the existing development on site. This is consistent with the NSDCP 2013 which prescribes the following relevant preamble pertaining to view loss and sharing for developments in mixed use zones.

*New development has the potential to adversely affect existing views. Accordingly, there is a need to strike a balance between facilitating new development whilst preserving, as far as practicable, access to views from surrounding properties.*

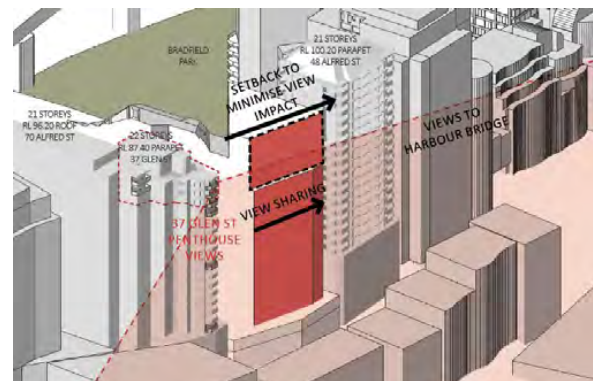
In accordance with the NSDCP 2013, the Indicative Concept Scheme effectively mitigates potential view impacts by providing a scale and massing that has been configured to:

- Concentrate the bulk of the proposal in the western portion of the site and to reduce the intensity of the development in the eastern portion where the proposal is likely to impact the view corridors from 70 Alfred Street.
- Provide an envelope at the Alfred Street South frontage that is chamfered to facilitate view sharing.
- Locate the massing behind the prevailing building lines established along Alfred Street South and Glen Street to prevent any protrusion forward that may give rise to significant view loss impacts. It is noted that at the Glen Street frontage where the massing is the greatest, an increased setback of 7.7m is provided at the upper levels where the envelope aligns with 37 Glen Street (refer to **Figures 53 - 54**).



**Figure 53 Building envelope and view corridors viewed from Alfred Street**

Source: Clouston Associates



**Figure 54 Upper level setbacks to the tower element fronting Glen Street**

Source: Clouston Associates

#### View Loss Impact Rating and Methodology

The assessment prepared by Clouston Associates has been carried out in accordance with the four steps set out in the planning Principles established by *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*. These principles include:

- Principle 1 - Assessment of views to be affected;
- Principle 2 – Consideration from what part of the property the views are obtained;
- Principle 3 – Assessment of the extent of the impact; and
- Principle 4 – Assessment of the reasonableness of the proposal.

In assessing the views to be affected, Clouston's has determined the nature of the view, its extent and completeness, and categorised the existing views in accordance with the rating system detailed in **Table 20**.

**Table 19 View Ratings**

Score	Value of view
Low	Low value view
Moderate / Low	Moderate / low value view
Moderate	Moderate value view
Moderate / High	Moderate / high value view
High	High value view

The impacts to each view corridor have been qualitatively assessed using the classifications detailed in **Table 21**.

**Table 20 Visual impact ratings**

Score	Extent of the Impact
Negligible	Negligible visual view impact
Minor	Minor adverse view impact
Moderate	Moderate adverse view impact
Severe	Severe adverse view impact
Devastating	Devastating adverse visual impact

### Assessment of the reasonableness of the proposal

In accordance with the Planning Principles contained in *Tenacity v Warringah Council (2004) NSWLEC 140*, the reasonableness is addressed in terms of:

- compliance with the applicable planning controls, and whether a different or complying design would produce a better result;
- whether the visual impacts identified can be precluded, reduced or offset; and
- the overall view loss.

### 9.9.3 View Impacts to 37 Glen Street

The following section provides a visual analysis in relation to the view impacts to the residential apartment building at 37 Glen Street, Milsons Point. The development reaches 22 storeys in height and measures 87.40 RL. It includes a five storey podium containing carparking. Sited above the podium is a 17 storey tower containing apartments.

For the purpose of the assessment, select views for Levels 12, 21 and 26 have been evaluated in terms of their view loss. The individual units have been selected as they are afforded substantial views of iconic landmarks such as Sydney Harbour Bridge and Sydney Harbour.

Clouston Associates acknowledge that there are other habitable rooms within these levels that are afforded partial or oblique views. In particular, living and dining rooms, as well as master bedrooms located along the southern side boundary. However, the planning principles of *Tenacity Consulting v Warringah Council (2004)* clearly establish the following:

- that the protection of views across side boundaries is more difficult to protect compared to the views obtained from front and rear boundaries; and
- the impact from living areas is more significant than bedrooms.

Taking into consideration the fact that the bedroom windows are side windows and are located directly on the side boundary, the views available from these windows are less significant to those available from the primary living

rooms windows. Notwithstanding this, the assessment undertaken by Cloustons has included impacts to bedrooms along the southern elevation. Refer to **Table 21**.

### Assessment of the Views to be Impacted

The views afforded by the development are considered to be of high value given that they are of land-water interfaces, iconic buildings and landmarks. Furthermore, these views are whole views of the water and in many cases include views of the Sydney Harbour Bridge.

### Consideration of where views are obtained from within the property

Clouston Associates have considered what part of the units at 37 Glen Street receive access to view corridors. Views from the impacted building are available from the western and south-western elevations of the building. Primary living spaces are oriented towards the western and south western aspects to capitalise on view corridors towards Lavender Bay, Walsh Bay and the Sydney Harbour Bridge. The views that form the subject of the assessment relate to the living areas that are oriented towards the west and south-west at the rear of the building. Living areas were selected given that they are inhabited frequently by occupants and are considered to be more significant relative to other habitable areas such as bedrooms.

### Assessment of the Extent of the Impact

A summary of the main assessment of visual impacts undertaken by Clouston Associates is included in **Table 21** below. Cloustons nominate the existing views afforded by these units are deemed of high value, given that they are whole views of the water and in many cases whole or part views of the Sydney Harbour Bridge. Cloustons and KTA attended to 37 Glen Street on 7 November 2019 into select apartments on Levels 12, 21, and 26 to take photographs in accordance with *Tenacity* principles which formed the basis of assessment of any potential view loss from the main habitable spaces of select apartments at the southern elevation. A summary of the assessment is provided in **Table 21**, refer to **Appendix E** for a full assessment of all photographs taken from the 37 Glen Street apartments.

**Table 21 Summary of impacts on 37 Glen Street**

Location	Existing view	Expected visual impact Potential Impact	Visual Impact Rating
Level 12, 37 Glen Street - Western Apartment - Living Room - View 1	Views of the harbour are primarily visible looking south-west from the living room from the secondary window within the living room.  The primary window is primarily dominated by built form of surrounding buildings, however a partial water view is visible, as is a partial view of the Sydney Harbour Bridge.  The views across the harbour are considered high value given they are significant water views.	The proposal is not visible when looking from the primary living room window and therefore the view of the harbour is not impacted. The proposal is visible from the secondary living room window side window and will eliminate the partial water view, the partial view of the Sydney Harbour Bridge and the majority of CBD buildings visible. As these views are partial only, they are considered less significant than the harbour views, however given the iconic nature of the Sydney Harbour Bridge the loss of this view is considered moderate. However, when stepping out onto the living room balcony, the views towards the harbour bridge will mostly be retained. Refer to <b>Figures 55 and 56</b> .	Moderate
Level 12, 37 Glenn Street - Western Apartment - Master Bedroom - View 2	Existing built form of the subject site comprises a significant amount of the existing view from the Master Bedroom window. A very small fraction of the harbour is currently visible from this window which shows the headland of Barangaroo Reserve and some buildings in the distance looking towards the south-west.	Cloustons conclude that a negligible level of the proposal is visible from this location and is not considered significant enough to have any impact on the view and therefore has a negligible visual impact. Refer to <b>Figures 57 and 58</b> .	Negligible
Level 12, 37 Glenn Street - Southern Apartment - Living Room - View 3	A clear view over Lavender Bay towards McMahons Point is fostered from the primary window in this location.	The proposal is not visible from the primary window and therefore a negligible visual impact will result. Refer to <b>Figures 59 and 60</b> .	Negligible

Location	Existing view	Expected visual impact Potential Impact	Visual Impact Rating
	This view continues west over the harbour affording long distance views over Sydney harbour. This view is considered high importance as it is a whole view and contains significant waterviews		
Level 12, 37 Glenn Street - Southern Apartment - Master Bedroom - View 4	The current view is a combination of built form from both the surrounding buildings as well as the edge of 37 Glen Street and harbour views. Long distance views westwards towards a mixture of building types and mature vegetation is possible. The view is considered of moderate importance given the level of water visible.	The edge of the proposal will be visible at the left hand side of the existing window. This will obstruct a small portion of harbour and long distance views which will increase the level of built form visible and have a moderate impact on the overall view. However, the window is small and is not the main habitable space within the apartment. Refer to <b>Figure 61</b> and <b>62</b> .	Moderate
Level 21, 37 Glenn Street - Western Apartment - Living Room - View 11	This view shows Dawes Point and commercial towers in the CBD, harbour views as well as Barangaroo, visible from the secondary window in this location.  The primary window shows expansive views of the harbour and McMahons Point as well as Blues Point Reserve. In the distance, Goat Island can be seen as well as expansive views of the Parramatta River, and Anzac Bridge in the south-west. This view is considered of high importance.	As a result of the proposal, views of CBD towers and the majority of Dawes Point will be obstructed, as will a small portion of the water views of the harbour.  The proposal will not be visible from the primary window and will have no impact on this view.  As a result of the obstruction of CBD views and the loss of some harbour views from the left hand window, a low impact is anticipated. No views are impacted by the proposal when standing on the balcony of this living room. Refer to <b>Figures 63</b> to <b>64</b> .	Low
Level 21, 37 Glenn Street - Southern Apartment - Living Room - View 10	The view from this location is considered of moderate importance given the view of the water currently visible.  From the primary window in this location, a clear view of the harbour is present and Blues Point Reserve with a variety of buildings and vegetation seen beyond. This view is considered to be of high importance.	The proposal is not visible from the view of the primary window in this location and therefore no visual impact will occur. Refer to <b>Figures 65</b> to <b>66</b> .	Negligible
Level 21, 37 Glenn Street - Southern Apartment - Master Bedroom - View 11	Views of the harbour are possible from this location, as is uninterrupted long distance views beyond. Built form from the edge of 37 Glen Street is visible to the right of the existing window, as is a small amount from neighbouring buildings at the bottom of the window. The view is considered to be of high importance as a result of the harbour views seen from this location.	A small amount of the proposal will be visible at the bottom left of the existing window. This will result in a minor loss of view of some of the harbour and will create a narrowed field of view between 37 Glen Street and the proposal.  Although views of the harbour and long distance views will still be possible from this location, the narrowing of the view and loss of some harbour view will result in a moderate visual impact. Refer to <b>Figures 67</b> and <b>68</b> .	Moderate
Level 26, 37 Glenn Street - Living Room - View 12	The secondary window from the main living room in this apartment includes a view of neighbouring buildings with small portions of the Sydney Harbour Bridge seen beyond in the distance.  From the primary window in the main living room of this location, views of the harbour and Walsh Bay are visible with	The proposal will replace the view of the neighbouring building in the secondary side window and will not result in an additional impact from this view. Views of the Sydney Harbour Bridge will not be lost as the proposal does not extend beyond the current massing of the neighbouring building.	Negligible

Location	Existing view	Expected visual impact Potential Impact	Visual Impact Rating
	<p>long distance views southwards towards Balmain East and Pyrmont.</p> <p>The combined view from both windows is considered to be of high importance due primarily to the harbour views from the primary window and the small section of Harbour Bridge Visible from the secondary window.</p>	<p>The proposal is not visible from the primary window in this location and will result in an overall a negligible visual impact for this space. Refer to <b>Figures 69 and 70</b>.</p>	
Level 26, 37 Glenn Street - Living Room - View 13	<p>An expansive panorama of Sydney Harbour is visible from this viewpoint showcasing Blues Point Reserve and long distance views beyond. A large portion of the harbour is visible with Walsh Bay, Dawes Point and the commercial towers of Barangaroo also visible. The overall view is considered to be of high importance as a result of the panoramic view of the harbour that it affords.</p>	<p>The proposal will be visible within the left portion of the existing and will likely obstruct views towards Barangaroo and Dawes Point, as well as a portion of Walsh Bay. This will result in view loss and a narrowing of the overall view from this location, although a significant portion of the harbour will remain visible. A moderate visual impact will result overall. Refer to <b>Figures 71 and 72</b>.</p>	Moderate



**Figure 55 Existing Level 12 Western Apartment Living room view**

Source: Cloustone Associates



**Figure 56 View as a result of the proposal**

Source: Cloustone Associates



**Figure 57 Existing Level 12 Western Apartment master bedroom view**

Source: Cloustone Associates



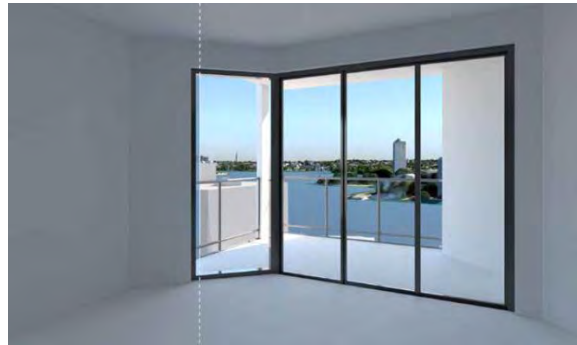
**Figure 58 View as a result of the proposal**

Source: Cloustone Associates



**Figure 59 Existing Level 12 Southern Apartment Living View**

Source: Cloustone Associates



**Figure 60 View as a result of the proposal**

Source: Cloustone Associates





**Figure 61 Existing Level 12 Southern Apartment Master Bedroom room view**

Source: Cloustons Associates



**Figure 62 View as a result of the proposal**

Source: Cloustons Associates



**Figure 63 Existing Level 21 Western Apartment living room view**

Source: Cloustons Associates



**Figure 64 View as a result of the proposal**

Source: Cloustons Associates



**Figure 65 Existing Level 21 Southern Apartment Living room view**

Source: Cloustons Associates



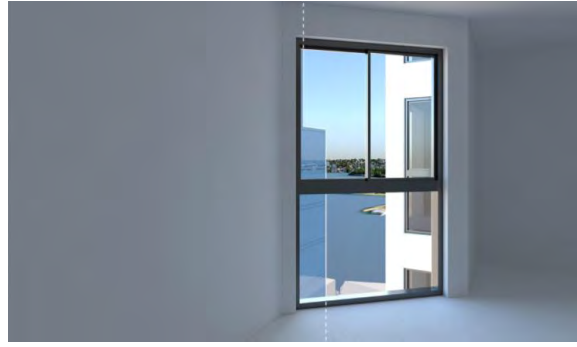
**Figure 66 View as a result of the proposal**

Source: Cloustons Associates



**Figure 67 Existing Level 21 Southern Apartment Master Bedroom View**

Source: Cloustons Associates



**Figure 68 View as a result of the proposal**

Source: Cloustons Associates



**Figure 69 Existing Level 26 Western Apartment Main Living Room View**

Source: Cloustons Associates



**Figure 70 View as a result of the proposal**

Source: Cloustons Associates



**Figure 71 Existing Level 26 Western Apartment Living Room View**

Source: Cloustons Associates



**Figure 72 View as a result of the proposal**

Source: Cloustons Associates

A full assessment of every view associates with the southern and western apartments of Level 12, 21 and 26 of 37 Glen Street are provided within the Visual Impact Assessment prepared by Cloustons Associates at **Appendix E**.

**Assessment of the reasonableness of the proposal**

- Most views are considered to experience negligible or low impact view loss (minor or no found discernible change from the selected viewpoint).
- Some southern elevation views are anticipated to experience a moderate degree of view loss. Notwithstanding, the degree to which the view corridors are obstructed is not considered to be significant given that the envelope

only impedes the periphery of the view corridor. However its important to note that the views that experience moderate view loss are contained to master bedrooms or secondary dining or living room windows.

- Whilst the Harbour Bridge will be partially concealed in some cases, the view loss impacts to the moderately affected view corridors will be counterbalanced by the multiple points at which iconic views can be obtained from other positions within each main living space and balcony

Overall Clouston Associates conclude that in respect to view loss, the reasonableness test can be deemed to be met and no mitigation measures are required.

#### 9.9.4 View Impacts to 70 Alfred Street

The existing residential tower at 70 Alfred Street is located to the north of the site beyond Burton Lane. It reaches 96.2 RL, is 21 storeys in height and provides a 26.4m variation to the 40m height limit.

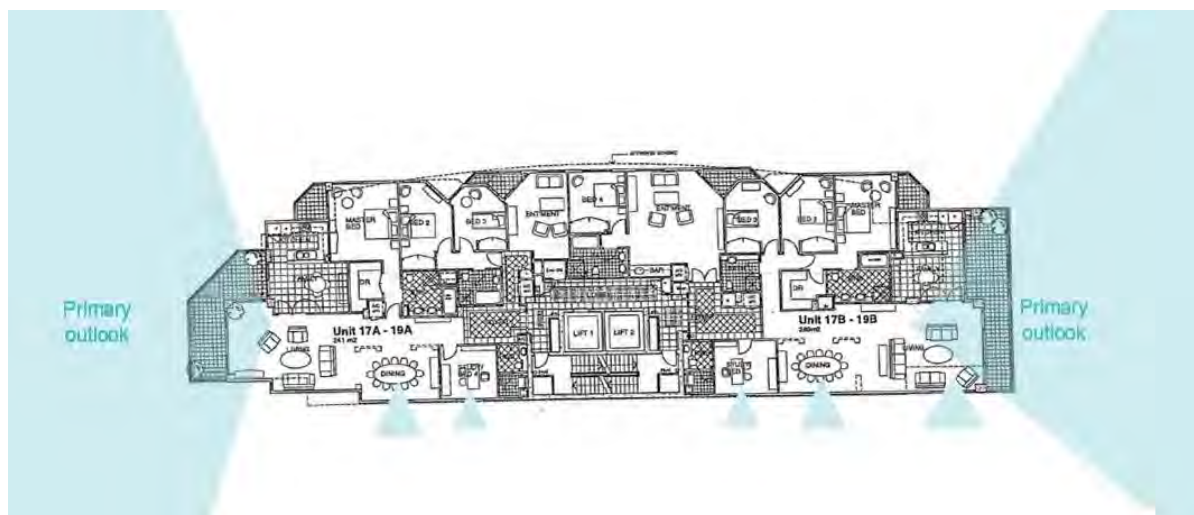
The view impact assessment has not been undertaken for this development. However, it is noted that specific view points have not been identified given that the development is located a considerable distance from the site and largely unaffected by the proposed development.

#### Assessment of the Views to be Impacted

The existing views are considerably constrained by the existing adjoining built form. However, where views are accessible, they are considered to be of high value given they are likely to feature iconic landmarks such as the Sydney Harbour Bridge and land-water interfaces.

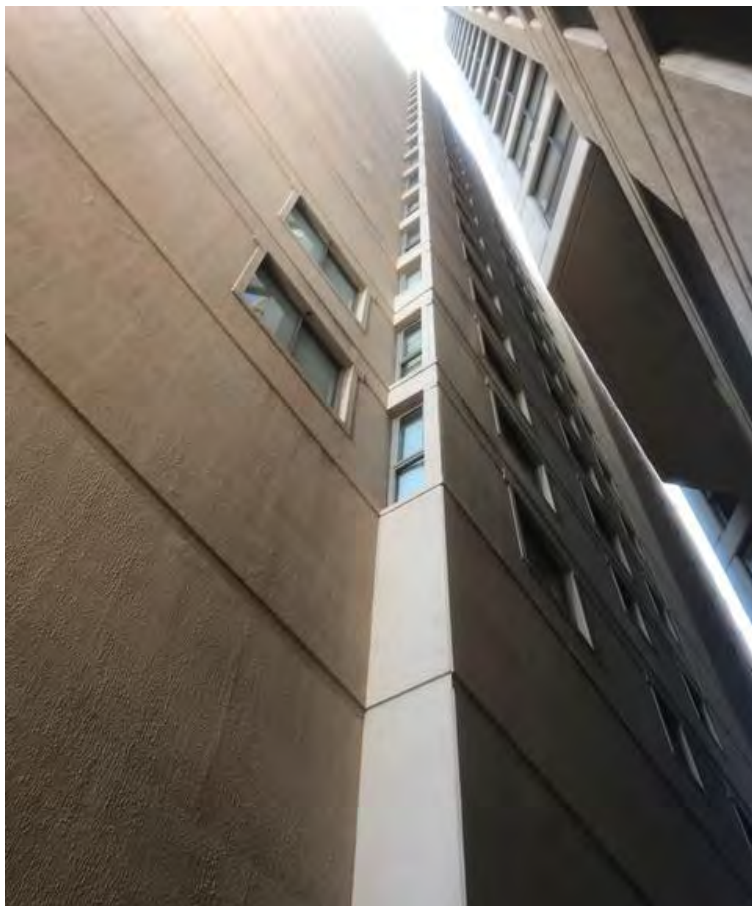
#### Consideration from what part of the Property the Views are Obtained

The typical internal layout of 70 Alfred Street is illustrated below and demonstrates the locations existing views are obtained from (refer to **Figure 73**). As shown, the southern portion of the floorplate, which is to be most affected by the Indicative Concept Scheme, incorporates a lift core and a limited number of habitable spaces. As shown in **Figure 73**, the habitable spaces include W/C facilities, studies and living spaces. Notwithstanding this, the elevation generally comprises a blank façade (refer to **Figures 73 – 74**). Windows are provided in limited locations and provided secondary view corridors from the living spaces. Given the density of the development to the south, the view corridors obtained from the windows are likely to consist of the surrounding built form as opposed to significant views of the harbour. As shown in **Figure 73**, the primary view corridors for these apartments are obtained from the balconies and living spaces that are oriented to the east and west.



**Figure 73 Typical floorplan of 70 Alfred Street**

Source: Michael Stanley and Associates



**Figure 74 Southern elevation of 70 Alfred Street**

Source: Ethos Urban

### Assessment of the Impacts

The views obtained from the habitable spaces located along the southern boundary of 70 Alfred Street will remain impeded by the existing buildings at 37 Glen Street and 68 Alfred Street. Both of these developments extend well beyond the 40m height limit, with 37 Glen Street reaching 22 storeys (RL 87.40) and 68 Alfred Street reaching 13 storeys (RL 73.60).

The views from the habitable rooms located at the southern boundary within the western orientated units from Level 1 to Level 15 will continue to consist of the northern elevation of 68 Alfred Street. Similarly, the views from the habitable rooms from Levels 1 – Level 17 of the eastern orientated apartments will consist of the northern elevation of 37 Glen Street. Accordingly, the impacts at these locations will correspond with those existing.

The eastern orientated units located from Level 15 to Level 17 will experience some change in that they will receive views of the proposal's top level (Level 18). However, these views are already obstructed by the existing development contained within the site and the towers located further southward.

Level 18 to Level 21 are afforded sightlines beyond the adjoining developments towards the subject site. It is expected that the western orientated apartments will receive views of the Indicative Concept Scheme's Level 18 and rooftop where the proposed massing is at its tallest. However, it is noted the views from these levels are already impeded by developments located further southward including 48 Alfred Street and 2 Dind Street.

Overall, it is considered that the view corridors obtained from the habitable rooms located along the southern elevation of the affected property will remain consistent to that existing or will experience a minor change which can reasonably be expected given the density of the development in the wider context.

#### Assessment of the reasonableness of the proposal

- In consideration of the dense urban context, the existing composition of the view corridors are interrupted by other buildings and therefore of lesser significance. In the context of these developments, the Indicative Concept Scheme will not significantly alter existing view corridors as the scale and mass of the building at the eastern end is consistent with the existing.
- The siting of the Indicative Concept Scheme respects the existing building alignment established along Alfred Street South and Glen Street, and consequently does not protrude forward in a way that would give rise to additional view loss impacts compared to the existing scenario.
- The strategic distribution of the building's mass to the western portion has sought to reduce the visual impacts to the greatest extent possible. Where impacts do occur they do not impact on significant views that are the primary outlook from the adjacent apartments.

#### Summary

Based on the preceding assessment, the building has been carefully designed to provide a balance between:

- Realising the opportunity to deliver a mixed use building with a bulk and scale commensurate with the adjoining development.
- Providing adequately sized floor plates that will achieve a high standard of residential amenity and will be functional for commercial purposes.
- Responding to the context, in particular with regards to:
  - maintaining consistency with the height of the adjoining developments;
  - respecting the dominant setbacks along Alfred Street South and Glen Street; and
  - in providing substantial setbacks to the north and south in the context of a locality where it is typical for buildings to provide minimal or no separation at all.

Based on the above assessment, the proposal is considered to satisfy the principles established by the Tenacity Land and Environment Court and the objectives of the NSDCP 2013, and represents an acceptable planning outcome.

#### 9.10 Traffic, Access and Parking

A Traffic and Parking Impact Assessment Report has been prepared by Barker Ryan Stewart and is available at **Appendix G**. The purpose of the report is to assess the traffic and parking implications of the Planning Proposal.

##### Traffic Generation

The capacity analysis of nearby intersections including Alfred Street South and Glen Street, and Alfred Street South and Fitzroy Street were modelling using the SIDRA Intersection Modelling software. The results indicate that the projected additional traffic flows will not have any adverse effects on the operational performance of these nearby intersections. No road improvements or intersection upgrades would be required as a consequence of the Planning Proposal.

##### Parking

As illustrated at **Appendix A**, the proposal incorporates four levels of basement parking which are capable of accommodating the maximum parking requirements nominated by the NSDCP 2013 in respect to bicycle, car and motorcycle parking.

In respect to vehicle parking, the NSDCP 2013 requires that the proposal provide a maximum of 165 spaces;

- 153 residential car spaces

- 7 non-residential spaces

The indicative parking arrangements seek to retain the existing basement and provide 191 car spaces. Of this amount, 128 spaces will be allocated to the proposed development. The remaining 63 spaces will be allocated to Council in accordance with the positive covenant that applies to the site. In light of this, the proposed quantity of parking is sufficient to achieve compliance with the DCP parking rates and the requirement to provide 63 spaces for use by Council.

All spaces are capable of complying with the relevant Australian Standards for off street car parking.

### Loading

In accordance with the NSDCP 2013 parking rates, the loading arrangements consist of two MRV loading docks. The docks are accommodated within the Level 3 basement. The Traffic Parking and Assessment Report confirms that the proposed loading facilities are adequate to service the development and are capable of accommodating a Medium Rigid Vehicle.

The Assessment states that it is therefore reasonable to conclude that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading requirements.

### 9.11 Pedestrian Wind Impacts

A Pedestrian Wind Impact Analysis has been prepared by Windtech Consultants and is included in **Appendix H**. The assessment addresses the provisions of the NSDCP 2013 and provides an assessment of the general wind effects that have been identified following a visual inspection.

The report notes that the pedestrian footpath areas along Alfred Street and Glen Street are exposed to wind impacts arising from southerly and north-easterly winds. At the post development phase it is likely that various locations across the site will be impacted by winds, including the outdoor private terrace areas on Levels 12 to Level 16. There is also a chance that north-easterly and downward westerly winds will impact the communal open areas on the ground floor and at Level 15. To mitigate wind impacts, Windtech nominate a range of recommendations, including:

- inclusion of the proposed tree planting along Alfred Street capable of growing to 3-5m with a minimum canopy width of 4m;
- retention of the proposed Ground Level awning on the eastern and southern aspect;
- inclusion of a new awning along the southern aspect above the staircase;
- inclusion of full-height screens at the eastern elevation;
- inclusion of impermeable screens on the northern, eastern, western private terraces at various levels;
- inclusion of permeable balustrades along the perimeters of the private terraces; and
- hedge planting along the perimeter of the public terrace capable of growing 1 metre in height; and
- inclusion of a 2m high impermeable balustrade along the perimeter of the roof viewing deck.

The report concludes that with the implementation of the recommendations, the wind conditions affecting the site can effectively be mitigated. Notwithstanding, Windtech Consultants advise that the extent of the potential wind impacts and the adoptions of the measures should be further investigated through wind tunnel testing to ensure suitable pedestrian wind conditions.

In light of the above, the recommendations are capable of being adopted at the detailed design phase.

### 9.12 Public Benefit

As evidenced in the preceding sections, the proposal contains a number of significant public benefits. These benefits are not limited to the redevelopment of the site itself, but will extend to the Milsons Point Town Centre and beyond. These benefits include:

- Provision of a new high quality building that is compatible with the heights of the adjoining development and contributes towards a more consistent building height plane along Alfred Street South.
- Delivery of a building envelope that reduces the amount of cumulative overshadowing to Bradfield Park between 12pm and 3pm.
- Delivery of a building envelope within the proposed heights which reduces the amount of view loss impacts to the greatest extent possible through the strategic distribution of the building's mass.
- Delivery of a building envelope that will sit comfortably within the streetscape without undue compromise to the view corridors of surrounding properties.
- Achievement of a high quality built form outcome in a prominent location that will make a positive contribution to the appearance of the streetscape.
- Enabling the opportunity to create a new hub of commercial activity that functions as a vibrant, accessible place to meet, shop, eat and interact throughout the day and night, with capacity to make a meaningful contribution to the public realm which will ultimately support the local business community and the economic viability of the Milsons Point Town Centre.
- Delivery of an upgraded through-site link and new north-south through site link connection which will improve the quality of the ground plane between Camden House and improve connectivity within the Milsons Point Town Centre.
- Facilitating the provision of additional active uses at street level and adjacent to the heritage listed Camden House which will encourage the further pedestrianisation of the area.
- Delivery of a scheme that relative to the existing building contained within the site increases the separation to Camden House and improves the interface at this sensitive location.
- Creating the opportunity to deliver a new built form with a materiality that is more sympathetic to the heritage aesthetic of Camden House.
- Increasing the provision of housing in a locality well serviced by public transport, services and employment opportunities within the nearby strategic centres of the Sydney and North Sydney CBDs.
- Providing a greater diversity of uses, including high quality commercial and retail floor space, and residential floor space.
- Contributing towards the provision, extension or augmentation of public facilities that will, or are likely to, be required as a consequence of development in the area in accordance with the North Sydney Section 7.11 Contributions Plan.

In addition to the above, the Applicant is willing to enter into a Voluntary Planning Agreement (VPA) with Council at the time of gateway determination. This agreement could make provision for local services and/or facilities outside the scope of Council's Local Contributions Plan.

## 10.0 Conclusion

This Planning Proposal seeks an amendment to the North Sydney LEP 2013 in relation to the height control.

The amended control aligns with Council's objectives and controls for the site and broader LGA, as proposed in the draft Housing Strategy, Local Strategic Planning Statement, North Sydney RDS 2009 Strategy and the North Sydney Centre Capacity and Land Use Strategy.

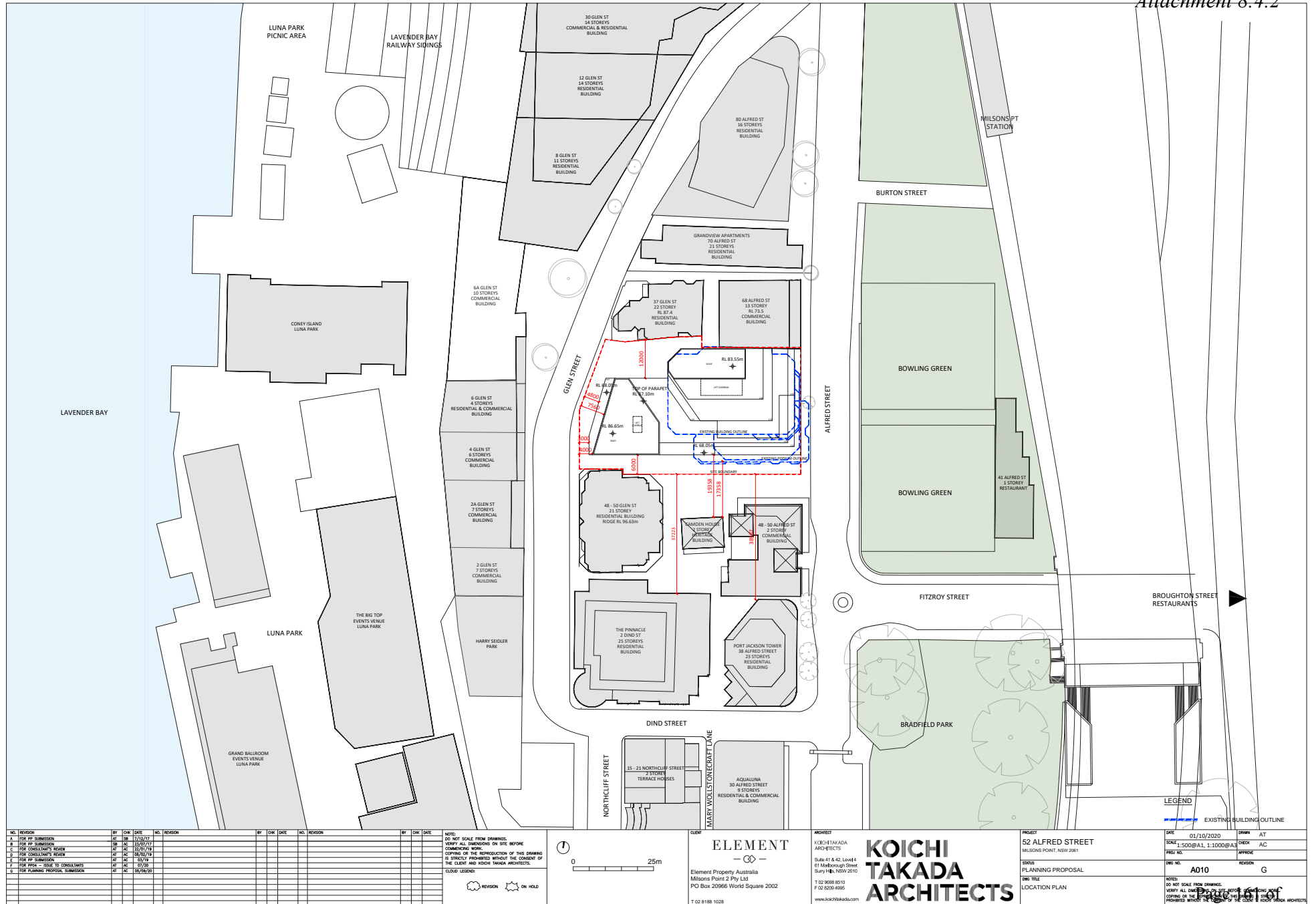
This Planning Proposal is justified for the following reasons:

- The proposal aligns with Council's objectives and controls for the site, as proposed in the relevant Area Character Statement and the RDS;
- 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 proposal will deliver a significant benefit to the site in the form of both new and upgraded through-site links and extensive public domain;
- The proposal is consistent with the strategic planning framework for the site;
- The development concept which the Planning Proposal aims to facilitate is suitable for the site with limited planning issues as follows:
  - the development concept will complement the existing skyline that characterises Alfred Street South;
  - the development concept will deliver design excellence in the CBD;
  - the development concept will provide a negligible amount of additional overshadowing to public spaces, such as Bradfield Park;
  - the development concept will have no adverse impacts on traffic generation; and
  - the development concept will be sympathetic to the heritage items on the site and nearby, including through the design of the podium.
- The proposal is consistent with the applicable SEPPs and Ministerial Directions.

Considering the above, the Planning Proposal is consistent with relevant strategic and statutory planning documents and will deliver a number of demonstrable public benefits. An environmental assessment of the impacts of the proposed built form facilitated by the Planning Proposal has also been undertaken and it demonstrates that the proposal will not result in any unacceptable environmental impact.

Given the strategic planning merit of the proposed amendments, the applicant respectfully requests that North Sydney Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with Section 3.34 of the EP&A Act.





NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR IFC SUBMISSION	AT	CB	12/27/20					
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C.	FOR CONSULTANTS REVIEW	AT	AC	12/27/20					
D.	FOR CONSULTANTS REVIEW	AT	AC	12/27/20					
E.	FOR IFC SUBMISSION	AT	AC	03/19/21					
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G.	FOR PLANNING PROPOSAL SUBMISSION	AT	AC	09/29/21					

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— (X) —  
Element Property Australia  
Milsons Point 2 Pty Ltd  
PO Box 20966 World Square 2002  
T 02 8188 1028

ARCHITECT  
KOICHI TAKADA ARCHITECTS  
Suite 41 & 42, Level 4  
61 Market Street  
Sydney NSW 2010  
T 02 8068 8010  
F 02 9200 4965  
www.koiarchit.com

**KOICHI TAKADA ARCHITECTS**

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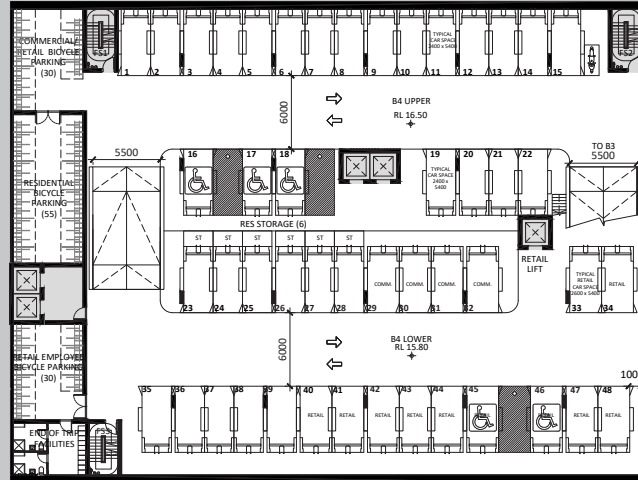
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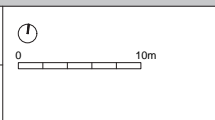
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D	FOR RP SUBMISSION	AI	25	10/16							
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Element Property Australia  
Milsons Point 2 Pty Ltd  
PO Box 20966 World Square 2002  
T 02 8188 1028

ARCHITECT  
**KOICHI TAKADA ARCHITECTS**  
Suite 41 & 42, Level 4  
61 MacBarnett Street  
Surry Hills, NSW 2010  
T 02 9688 8510  
F 02 8209 4995  
www.koichitakada.com

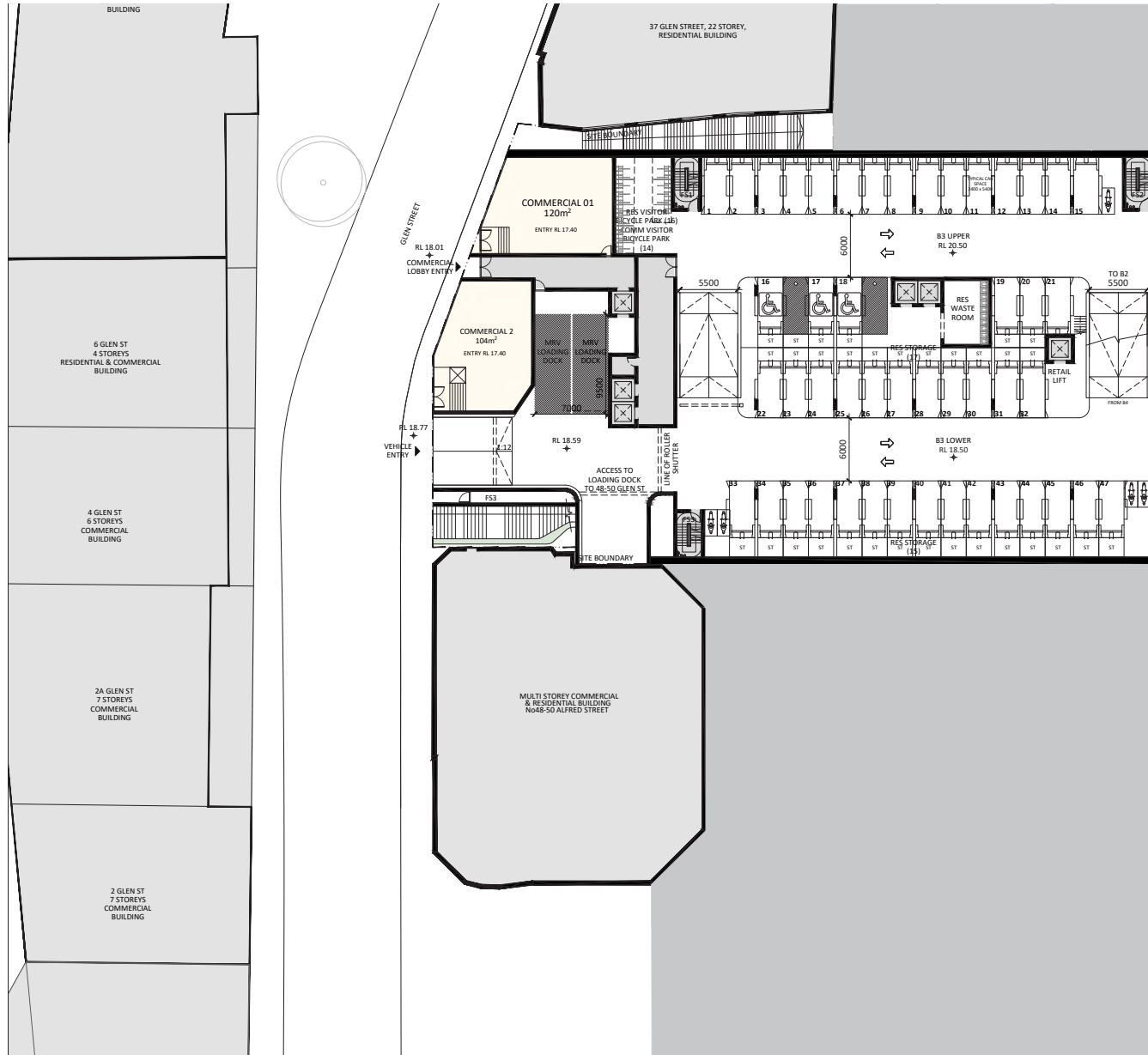
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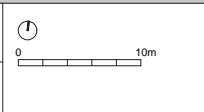
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 Element Property Australia  
 Milsons Point 2 Pty Ltd  
 PO Box 20966 World Square 2002  
 T 02 8188 1028

**KOICHI TAKADA ARCHITECTS**  
 Suite 41 & 42, Level 4  
 61 Macdonell Street  
 Surry Hills, NSW 2010  
 T 02 9688 8510  
 F 02 8209 4995  
 www.koichitakada.com

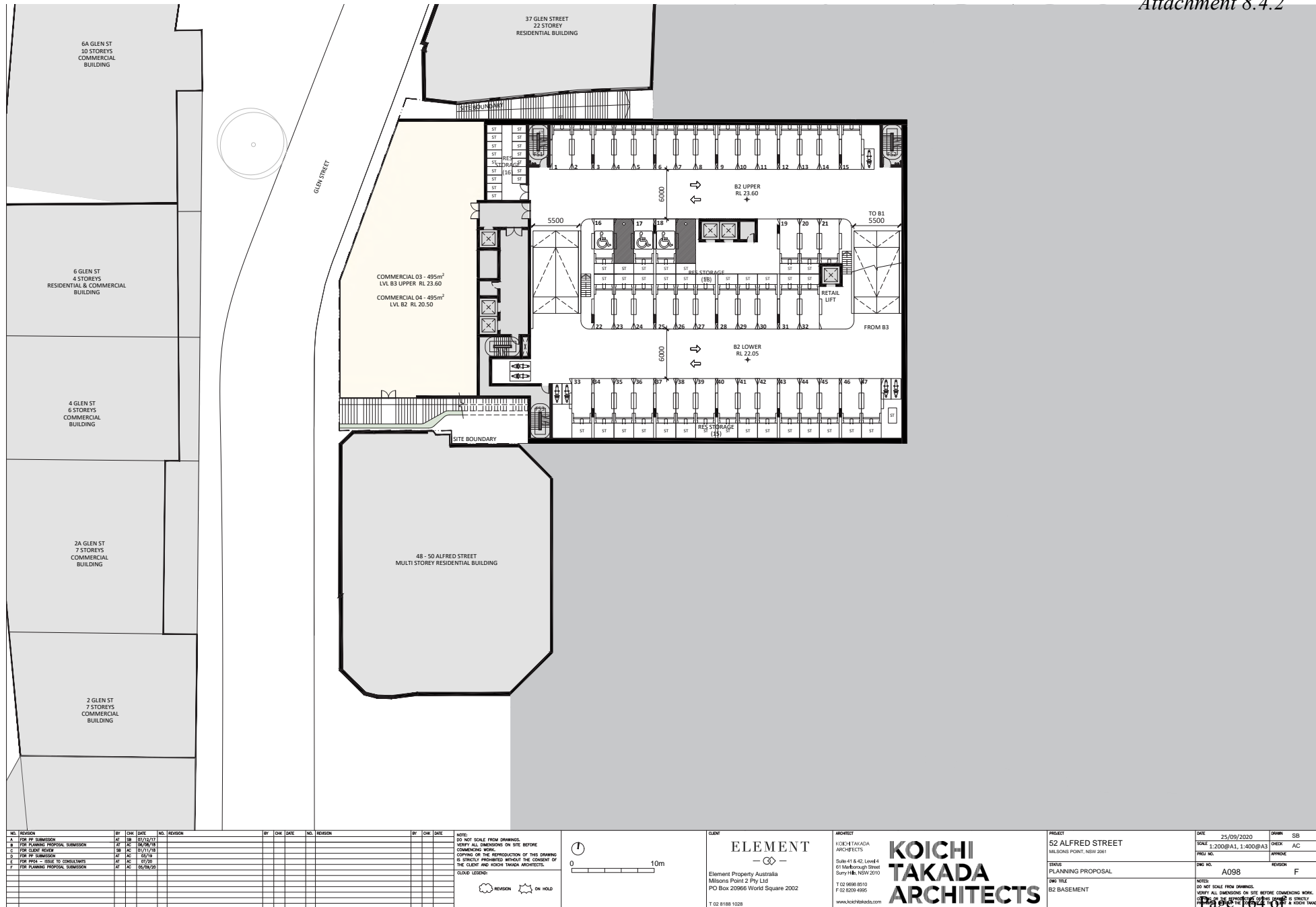
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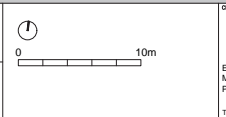
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**ELEMENT**  
 Element Property Australia  
 Milsons Point 2 Pty Ltd  
 PO Box 20965 World Square 2002  
 T 02 8188 1028

**KOICHI TAKADA ARCHITECTS**  
 Koichi Takada Architects  
 Suite 41 & 42, Level 4  
 61 Macdonnell Street  
 Surry Hills, NSW 2010  
 T 02 9688 8510  
 F 02 8208 4995  
 www.kochitakada.com

**PROJECT**  
 52 ALFRED STREET  
 MILSONS POINT, NSW 2061

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 A098

**DATE**  
 25/09/2020

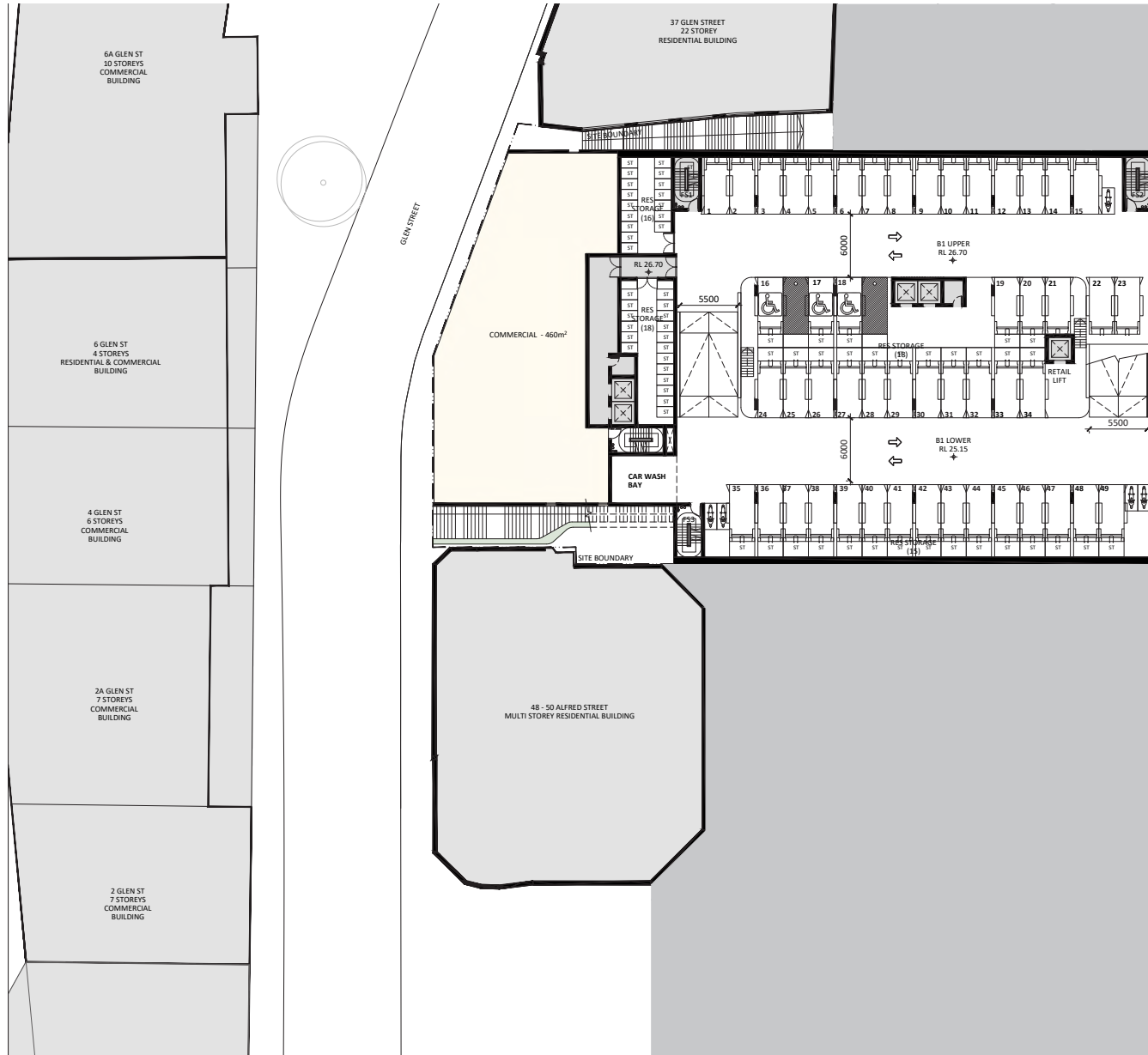
**DRWN**  
 SB

**CHECK**  
 AC

**APPROVE**  
 AC

**REVISION**  
 F

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NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR RP SUBMISSION	AS	SB	02/12/20					
B	FOR CONSULTANT REVIEW	AS	SB	13/07/18					
C	FOR PLANNING PROPOSAL SUBMISSION	AS	SB	20/07/18					
D	FOR CLIENT REVIEW	AS	SB	05/11/18					
E	FOR CLIENT REVIEW	AS	SB	22/07/19					
F	FOR RP SUBMISSION	AS	SB	18/07/19					
G	FOR P100 - ISSUE TO CONSULTANTS	AS	AC	07/20					
H	FOR PLANNING PROPOSAL SUBMISSION	AS	AC	05/09/20					

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CLOUD LEGEND:  
 REVISION  
 ON HOLD

0 10m

**ELEMENT**

Element Property Australia  
 Milsons Point 2 Pty Ltd  
 PO Box 20965 World Square 2002  
 T 02 8188 1028

**KOICHI TAKADA ARCHITECTS**

KOICHI TAKADA ARCHITECTS  
 Suite 41 & 42, Level 4  
 61 MacBennett Street  
 Surry Hills, NSW 2010  
 T 02 9688 8510  
 F 02 8209 4995  
 www.koichitakada.com

**PROJECT**  
52 ALFRED STREET  
MILSONS POINT, NSW 2061

**STATUS**  
PLANNING PROPOSAL

**DWG TITLE**  
B1 BASEMENT

**DATE**  
25/09/2020

**SCALE**  
1:200@A1, 1:400@A3

**DWG NO.**  
A099 COMM

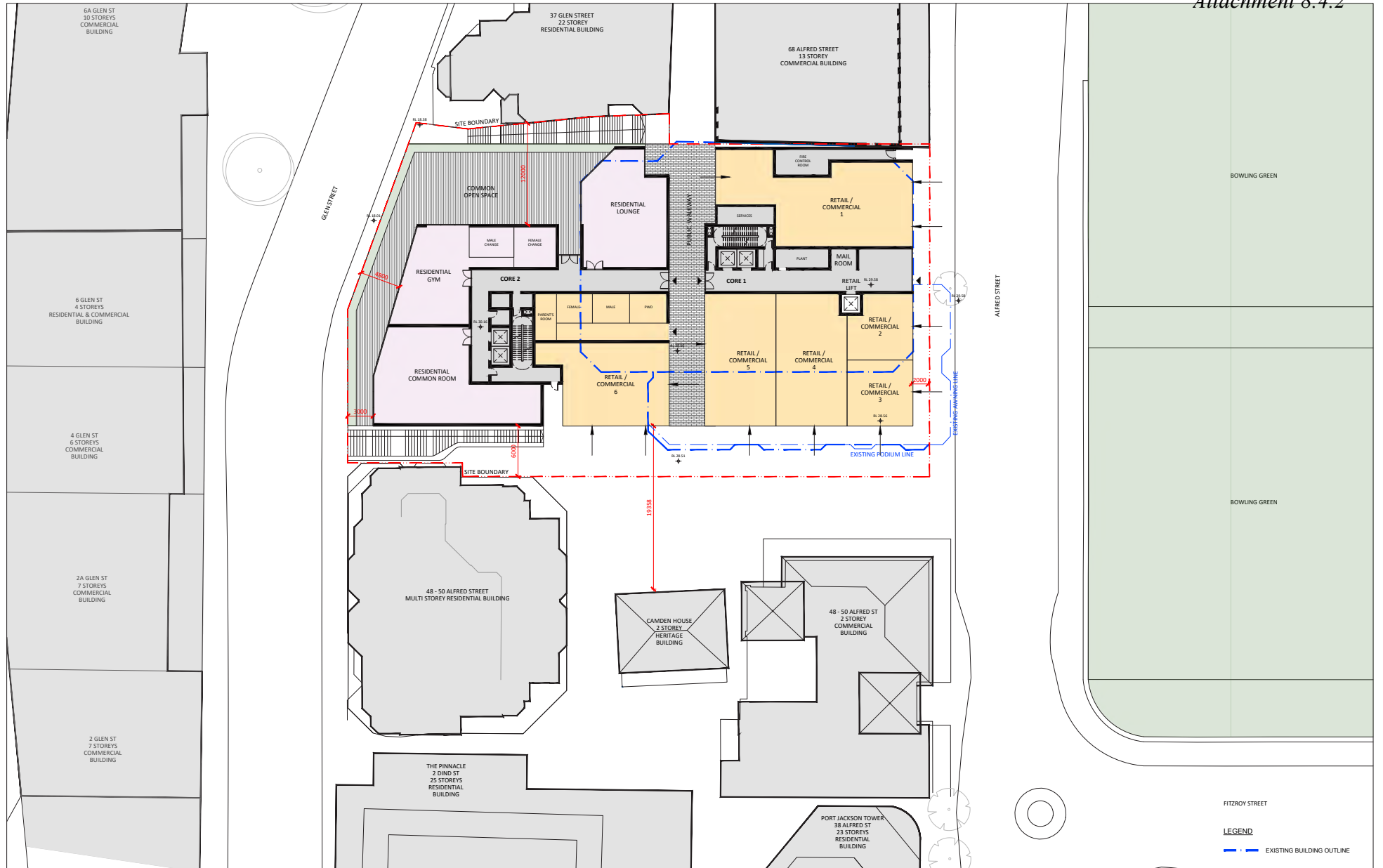
**DATE**  
25/09/2020

**DRAWN**  
SB

**CHECK**  
AC

**APPROVE**  
H

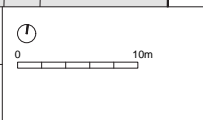
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NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR IFC SUBMISSION	AT	AC	25/09/20					
B	RESPONSE TO COUNCIL INT	SB	AC	17/09/21					
C	RESPONSE TO COUNCIL INT	SB	AC	08/06/21					
D	FOR CONSULTANTS REVIEW	AT	AC	12/07/21					
E	FOR IFC SUBMISSION	AT	AC	13/07/21					
F	FOR CLIENT REVIEW	SB	AC	19/07/21					
G	FOR CONSULTANTS REVIEW	AT	AC	06/07/21					
H	FOR CONSULTANTS REVIEW	AT	AC	09/07/21					
I	FOR IFC SUBMISSION	AT	AC	03/08/21					
J	FOR IFC SUBMISSION	AT	AC	07/08/21					
K	FOR IFC SUBMISSION	AT	AC	07/08/21					
L	FOR IFC SUBMISSION	AT	AC	07/08/21					
M	FOR IFC SUBMISSION	AT	AC	07/08/21					
N	FOR IFC SUBMISSION	AT	AC	07/08/21					
O	FOR IFC SUBMISSION	AT	AC	07/08/21					
P	FOR IFC SUBMISSION	AT	AC	07/08/21					
Q	FOR IFC SUBMISSION	AT	AC	07/08/21					
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S	FOR IFC SUBMISSION	AT	AC	07/08/21					
T	FOR IFC SUBMISSION	AT	AC	07/08/21					
U	FOR IFC SUBMISSION	AT	AC	07/08/21					
V	FOR IFC SUBMISSION	AT	AC	07/08/21					
W	FOR IFC SUBMISSION	AT	AC	07/08/21					
X	FOR IFC SUBMISSION	AT	AC	07/08/21					
Y	FOR IFC SUBMISSION	AT	AC	07/08/21					
Z	FOR IFC SUBMISSION	AT	AC	07/08/21					

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CLIENT  
**ELEMENT**  
 Element Property Australia  
 Milsons Point 2 Pty Ltd  
 PO Box 20966 World Square 2002  
 T 02 8088 8010  
 F 02 8088 4965  
 www.koichi-takada.com

ARCHITECT  
**KOICHI TAKADA ARCHITECTS**  
 Suva 41 & 42, Level 4  
 61 Markonup Street  
 Suva 148, NSW 2010  
 T 02 8088 8010  
 F 02 8088 4965  
 www.koichi-takada.com

PROJECT  
**52 ALFRED STREET**  
 MILSONS POINT, NSW 2061

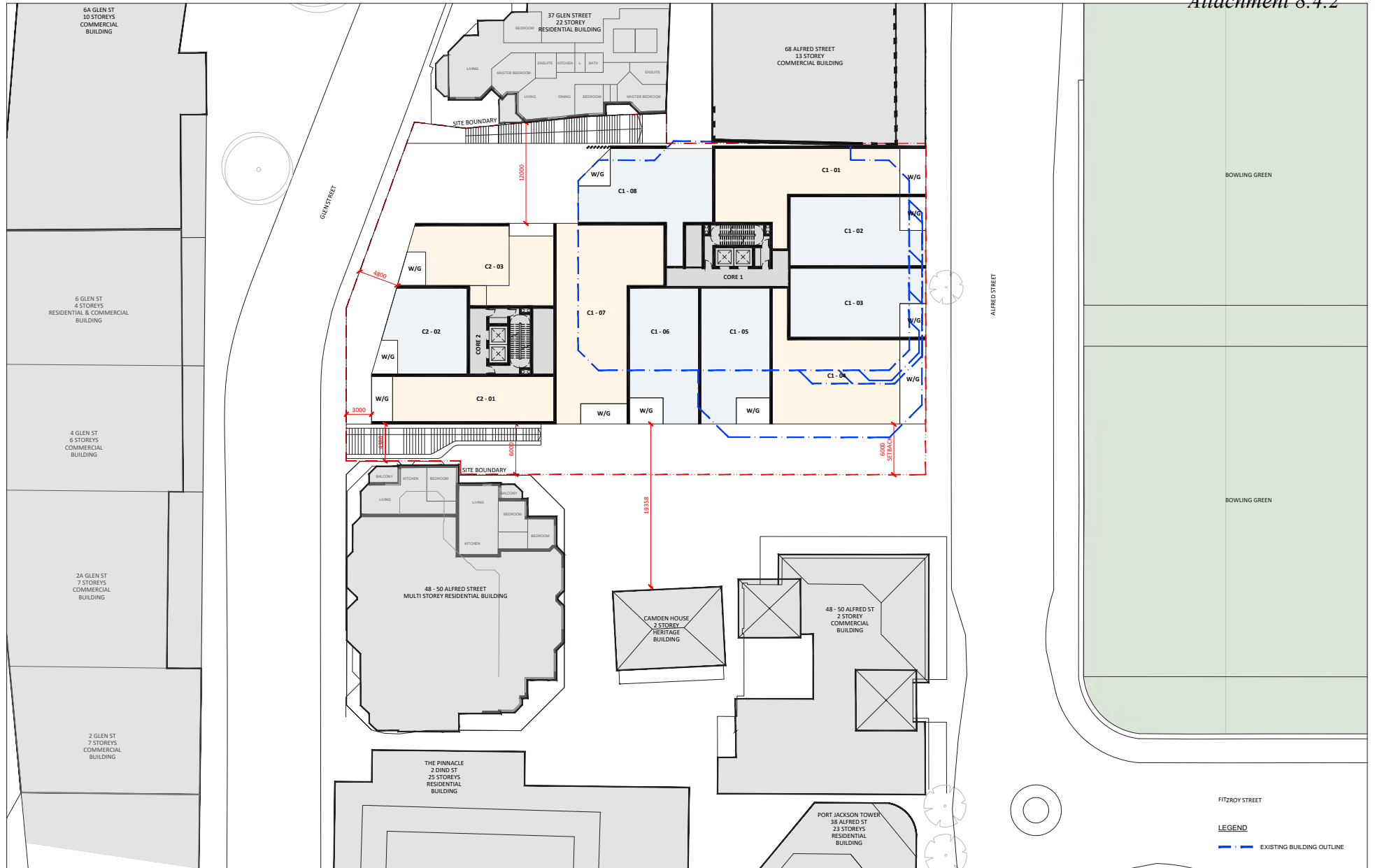
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 PROJ. NO.:  
 DRAW. NO.: A100  
 REVISION: K

STATUS  
 PLANNING PROPOSAL

TITLE  
 GROUND FLOOR PLAN

DATE: 25/09/2020  
 SCALE: 1:200@A1, 1:400@A3  
 PROJ. NO.:  
 DRAW. NO.: A100  
 REVISION: K

NOTES:  
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FITZROY STREET  
 BOWLING GREEN  
 BOWLING GREEN  
 ALFRED STREET  
 GLEN STREET

LEGEND  
 - - - - - EXISTING BUILDING OUTLINE

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR IFC SUBMISSION	AT	AC	25/09/20					
B	RESPONSE TO COUNCIL IFC	AT	AC	17/10/20					
C	RESPONSE TO COUNCIL IFC	AT	AC	08/06/21					
D	FOR CONSULTANTS REVIEW	AT	AC	12/07/21					
E	FOR IFC SUBMISSION	AT	AC	13/07/21					
F	FOR CLIENT REVIEW	AT	AC	29/07/21					
G	FOR CONSULTANTS REVIEW	AT	AC	09/07/21					
H	FOR CONSULTANTS REVIEW	AT	AC	12/07/21					
I	FOR CONSULTANTS REVIEW	AT	AC	09/07/21					
J	FOR IFC SUBMISSION	AT	AC	30/08/21					
K	FOR IFC - ISSUE TO CONSULTANTS	AT	AC	07/09/21					
L	FOR PLANNING PROPOSAL SUBMISSION	AT	AC	05/09/20					

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 REVISION ON HOLD

CLIENT: ELEMENT  
 Element Property Australia  
 Millions Point 2 Pty Ltd  
 PO Box 20966 World Square 2002  
 T 02 8188 1028

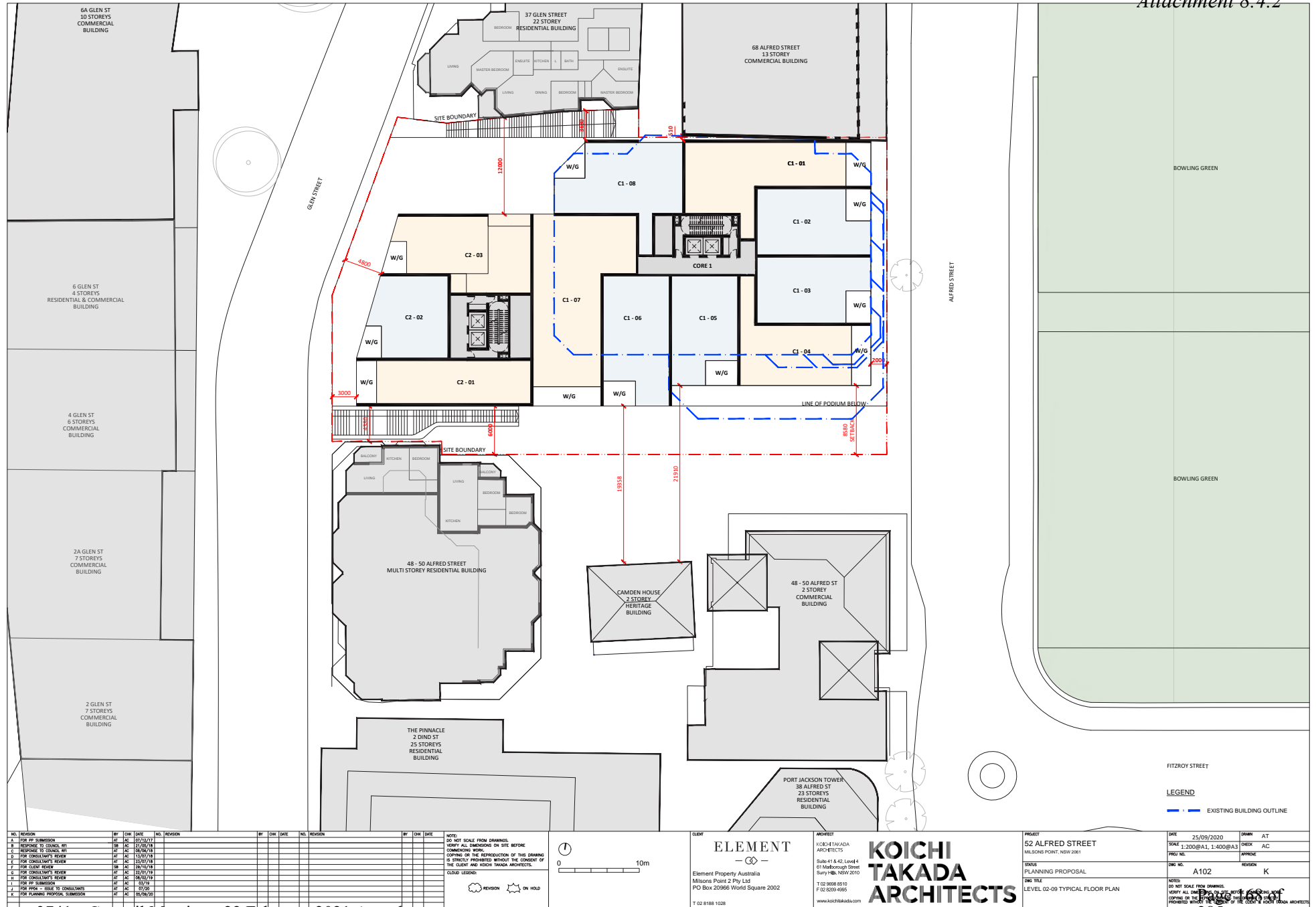
ARCHITECT: KOICHI TAKADA ARCHITECTS  
 Sulu 41 & 42, Level 4  
 61 Macquarie Street  
 Surry Hills, NSW 2010  
 T 02 8088 8010  
 F 02 9204 4965  
 www.koichitakada.com

PROJECT: 52 ALFRED STREET  
 MILSONS POINT, NSW 2061

DATE: 25/09/20  
 SCALE: 1:200@A1, 1:400@A3  
 PROJ. NO.:  
 DWG. NO.: A101  
 REVISION: L

TITLE: PLANNING PROPOSAL  
 LEVEL 01 PODIUM FLOOR PLAN

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NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR IFC SUBMISSION	AT	AC	07/02/21										
B.	RESPONSE TO COUNCIL APT	SW	AC	17/02/21										
C.	RESPONSE TO COUNCIL APT	AT	AC	08/03/21										
D.	FOR CONSULTANT'S REVIEW	AT	AC	11/03/21										
E.	FOR CONSULTANT'S REVIEW	AT	AC	17/03/21										
F.	FOR CLIENT REVIEW	SW	AC	19/03/21										
G.	FOR CONSULTANT'S REVIEW	AT	AC	22/03/21										
H.	FOR CONSULTANT'S REVIEW	AT	AC	18/03/21										
I.	FOR IFC SUBMISSION	AT	AC	03/04/21										
J.	FOR IFC SUBMISSION	AT	AC	27/04/21										
K.	FOR PLANNING PROPOSAL SUBMISSION	AT	AC	05/05/21										

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ON HOLD

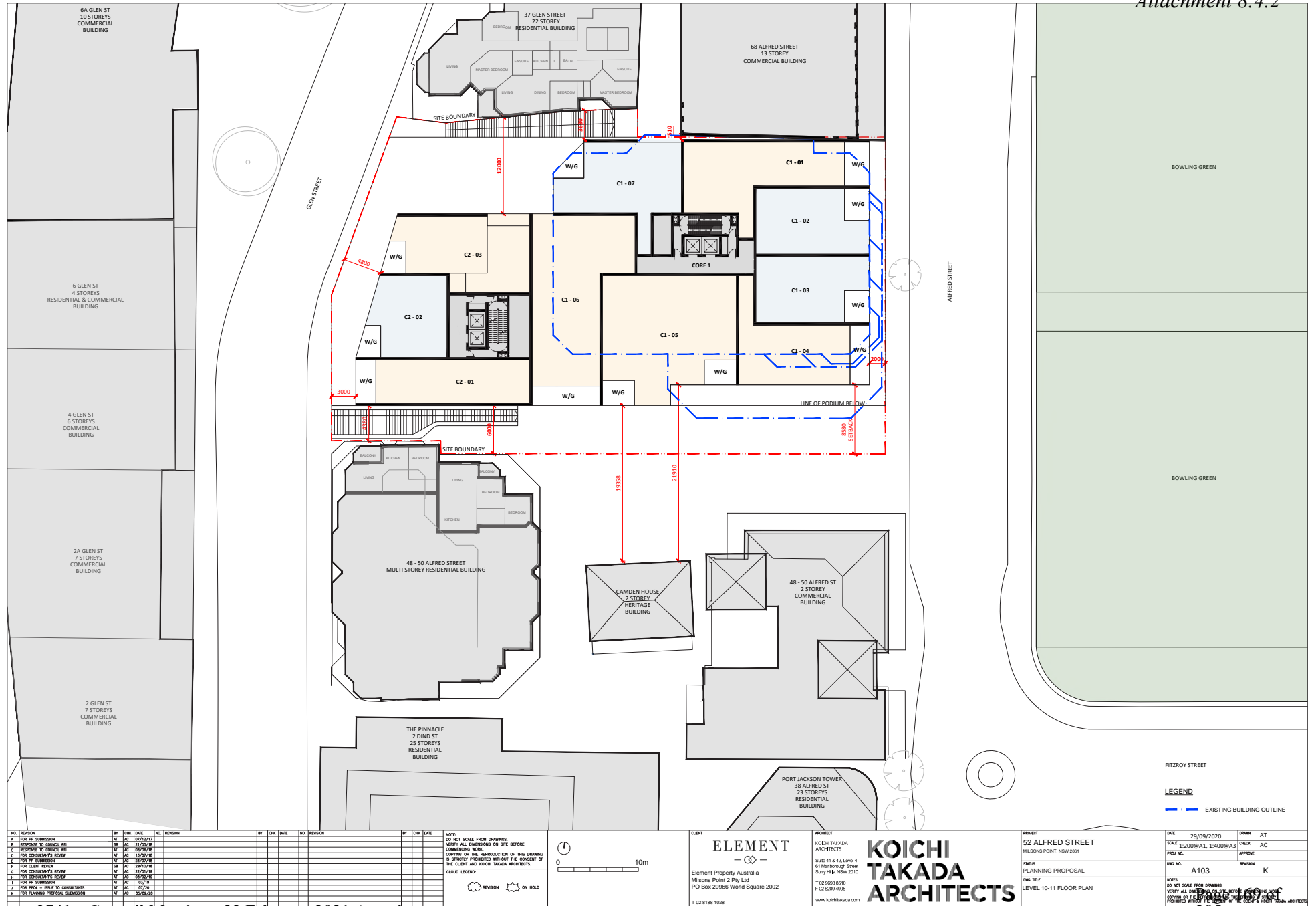
**ELEMENT**  
— (X) —  
Element Property Australia  
Millsions Point 2 Pty Ltd  
PO Box 20966 World Square 2002  
T 02 8188 1028

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KOICHI TAKADA ARCHITECTS  
Suite 41 & 42, Level 4  
61 Macdonald Street  
Surry Hills, NSW 2010  
T 02 8668 8810  
F 02 8668 6965  
www.koichitakada.com

**KOICHI TAKADA ARCHITECTS**

PROJECT	52 ALFRED STREET MILLSIONS POINT, NSW 2061	DATE	25/09/2020	DRAWN	AT
SCALE	1:200@A1, 1:400@A3	CHECK	AC	APPROVE	
DWG. NO.	A102	REVISION	K		
STATUS	PLANNING PROPOSAL				
FILE	LEVEL 02-09 TYPICAL FLOOR PLAN				





NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR PP SUBMISSION	AT	JC	07/02/17					
B.	RESPONSE TO COUNCIL A1	SW	JC	17/05/18					
C.	RESPONSE TO COUNCIL A1	AT	JC	06/06/18					
D.	FOR CONSULTANT REVIEW	AT	JC	13/07/18					
E.	FOR PP SUBMISSION	AT	JC	13/07/18					
F.	FOR CLERK REVIEW	SW	JC	19/07/18					
G.	FOR CONSULTANT REVIEW	AT	JC	13/07/19					
H.	FOR CONSULTANT REVIEW	AT	JC	18/07/19					
I.	FOR PP SUBMISSION	AT	JC	03/08					
J.	FOR FINAL ISSUE TO CONSULTANTS	AT	JC	27/09					
K.	FOR PLANNING PROPOSAL SUBMISSION	AT	JC	05/09/20					

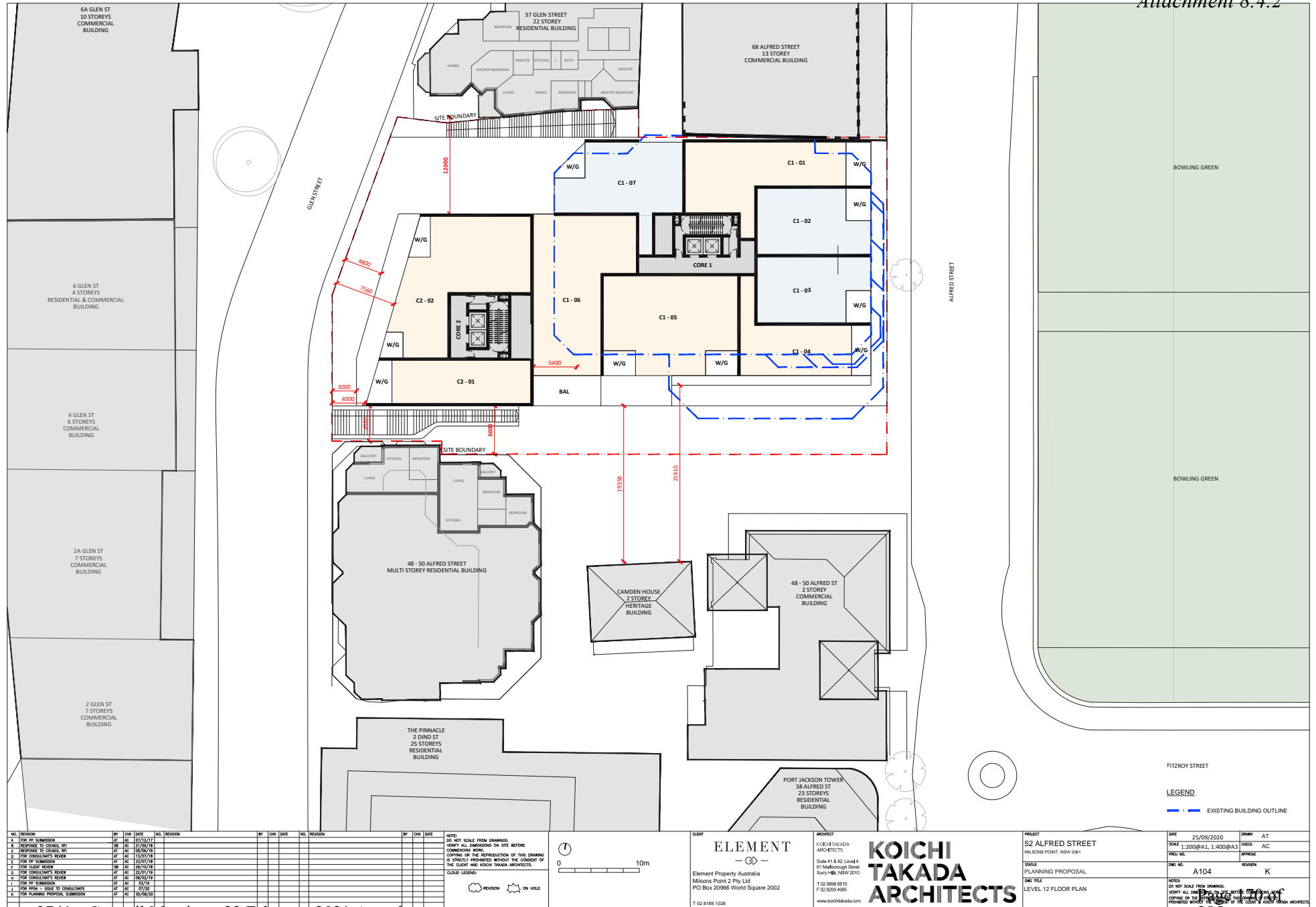
NOTE:  
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LEGEND:  
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PO Box 20966 World Square 2002  
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ARCHITECT  
KOICHI TAKADA ARCHITECTS  
Suite 41 & 42, Level 4  
61 Macdonough Street  
Surry Hills, NSW 2010  
T 02 8668 8810  
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PROJECT	52 ALFRED STREET MILLSIONS POINT, NSW 2061	DATE	29/09/2020	DRAWN	AT
SCALE	1:200@A1, 1:400@A3	CHECK	AC	APPROVE	
STATUS	PLANNING PROPOSAL	DWG NO.	A103	REVISION	K
DWG FILE	LEVEL 10-11 FLOOR PLAN	NOTES:	DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. COPYING OR THE REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF THE CLIENT AND KOICHI TAKADA ARCHITECTS.		



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR IFC SUBMISSION	AT	IC	07/02/21										
B.	RESPONSE TO COUNCIL APT	SW	IC	17/02/21										
C.	RESPONSE TO COUNCIL APT	AT	IC	06/03/21										
D.	FOR CONSULTANT REVIEW	AT	IC	11/03/21										
E.	FOR IFC SUBMISSION	AT	IC	17/03/21										
F.	FOR CLERK REVIEW	SW	IC	19/03/21										
G.	FOR CONSULTANT REVIEW	AT	IC	17/03/21										
H.	FOR CONSULTANT REVIEW	AT	IC	18/03/21										
I.	FOR IFC SUBMISSION	AT	IC	03/04/21										
J.	FOR IFC - ISSUE TO CONSULTANTS	AT	IC	27/04/21										
K.	FOR PLANNING PROPOSAL SUBMISSION	AT	IC	05/05/21										

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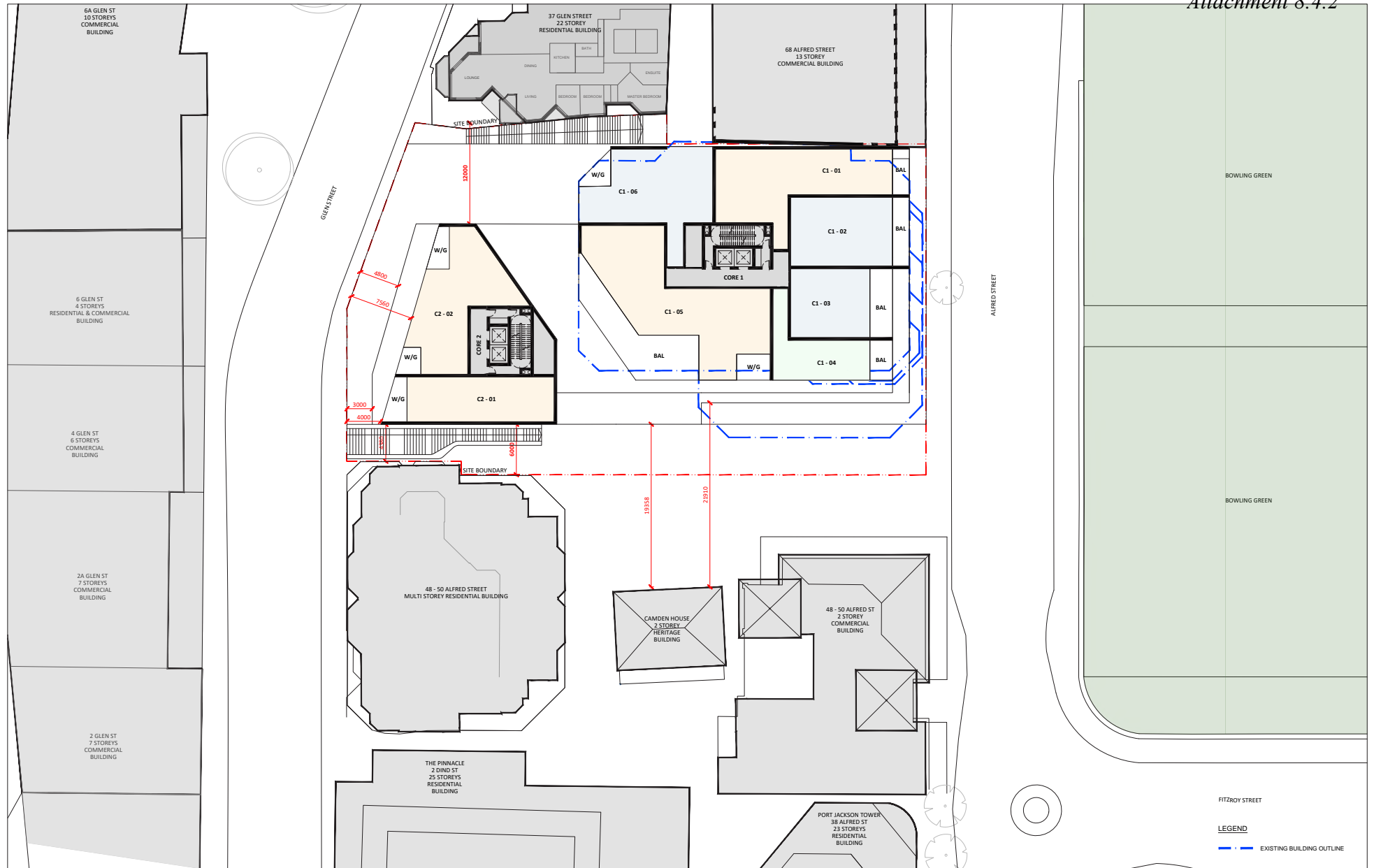
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CLIENT: ELEMENT  
Element Property Australia  
Millsions Point 2 Pty Ltd  
PO Box 20966 World Square 2002  
T 02 8188 1028

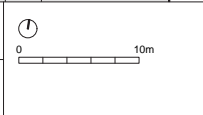
ARCHITECT: KOICHI TAKADA ARCHITECTS  
Suite 41 & 42, Level 4  
61 Macdonough Street  
Surry Hills, NSW 2010  
T 02 8668 8810  
F 02 8668 6965  
www.koichitakada.com

**KOICHI TAKADA ARCHITECTS**

PROJECT: 52 ALFRED STREET MILLSIONS POINT, NSW 2061	DATE: 25/09/2020	DRAWN: AT
SCALE: 1:200@A1, 1:400@A3	CHECK: AC	APPROVE:
DWG. NO.: A104	REVISION: K	
STATUS: PLANNING PROPOSAL		
FILE: LEVEL 12 FLOOR PLAN		



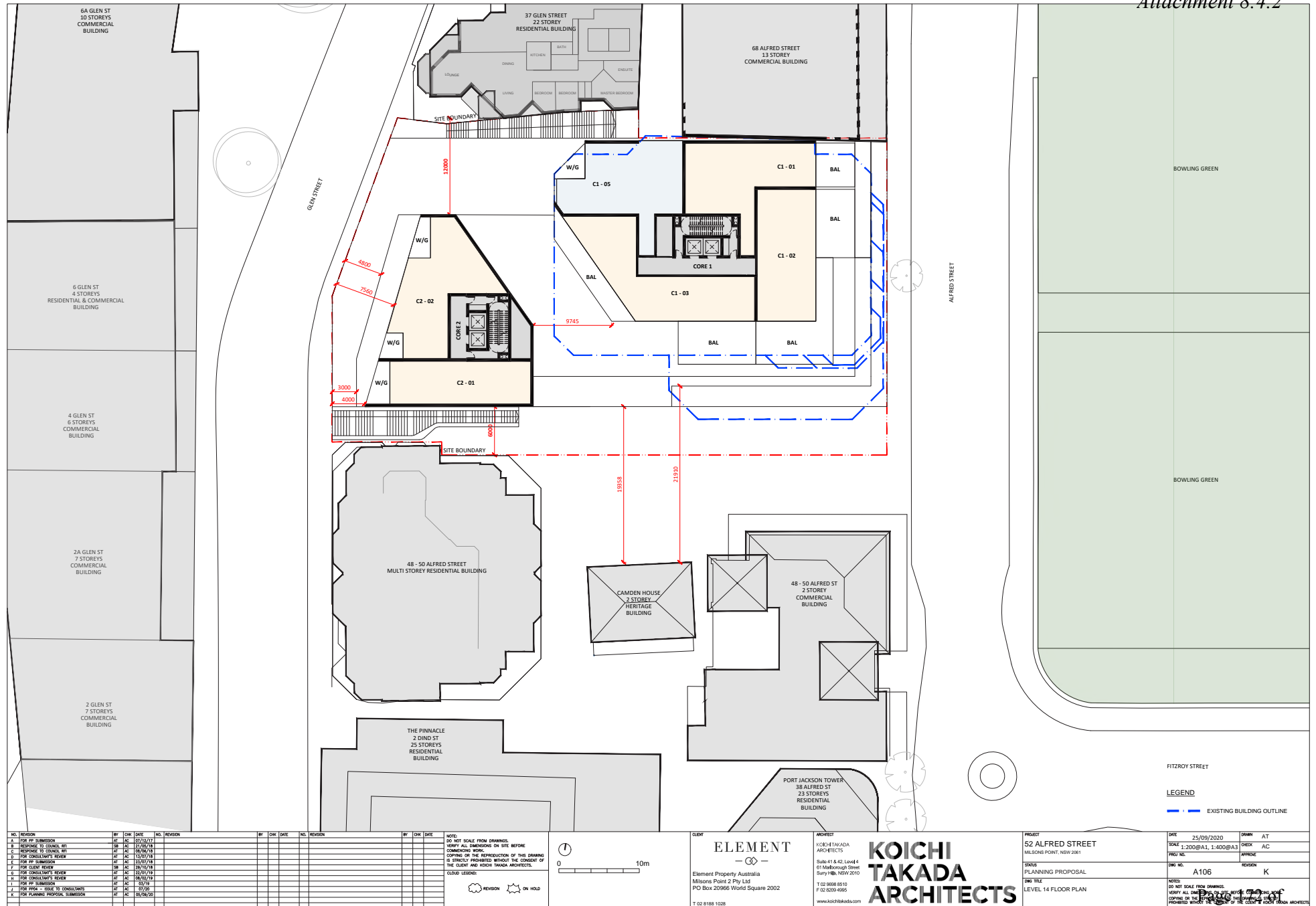
NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR IFC SUBMISSION	AT	AC	07/02/21										
B.	RESPONSE TO COUNCIL APT	SW	AC	17/02/21										
C.	RESPONSE TO COUNCIL APT	AT	AC	06/03/21										
D.	FOR CONSULTANT REVIEW	AT	AC	11/03/21										
E.	FOR IFC SUBMISSION	AT	AC	17/02/21										
F.	FOR CLERK REVIEW	SW	AC	19/02/21										
G.	FOR CONSULTANT REVIEW	AT	AC	17/02/21										
H.	FOR CONSULTANT REVIEW	AT	AC	18/02/21										
I.	FOR IFC SUBMISSION	AT	AC	03/03/21										
J.	FOR IFC SUBMISSION - ISSUE TO CONSULTANTS	AT	AC	27/02/21										
K.	FOR PLANNING PROPOSAL SUBMISSION	AT	AC	05/03/21										



**ELEMENT**  
 Element Property Australia  
 Milsons Point 2 Pty Ltd  
 PO Box 20966 World Square 2002  
 T 02 8188 1028

**KOICHI TAKADA ARCHITECTS**  
 KOKI-TAKADA ARCHITECTS  
 Suite 41 & 42, Level 4  
 91 Macdonough Street  
 Surry Hills, NSW 2010  
 T 02 8668 8810  
 F 02 8668 6965  
 www.koichitakada.com

PROJECT	52 ALFRED STREET MILSONS POINT, NSW 2061	DATE	25/09/2020	DRAWN	AT
SCALE	1:200@A1, 1:400@A3	CHECK	AC	APPROVE	
STATUS	PLANNING PROPOSAL	DWG. NO.	A105	REVISION	K
FILE	LEVEL 13 FLOOR PLAN	NOTES:	DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. COPYING OR THE REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF THE CLIENT & KOICHI TAKADA ARCHITECTS.		



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR IFC SUBMISSION	AT	AC	07/02/21										
B.	RESPONSE TO COUNCIL A1	SW	AC	17/02/21										
C.	RESPONSE TO COUNCIL A1	AT	AC	08/03/21										
D.	FOR CONSULTANT REVIEW	AT	AC	11/03/21										
E.	FOR IFC SUBMISSION	AT	AC	17/02/21										
F.	FOR CLIENT REVIEW	SW	AC	19/02/21										
G.	FOR CONSULTANT REVIEW	AT	AC	17/02/21										
H.	FOR CONSULTANT REVIEW	AT	AC	18/02/21										
I.	FOR IFC SUBMISSION	AT	AC	03/03/21										
J.	FOR IFC - ISSUE TO CONSULTANTS	AT	AC	27/02/21										
K.	FOR PLANNING PROPOSAL SUBMISSION	AT	AC	05/03/21										

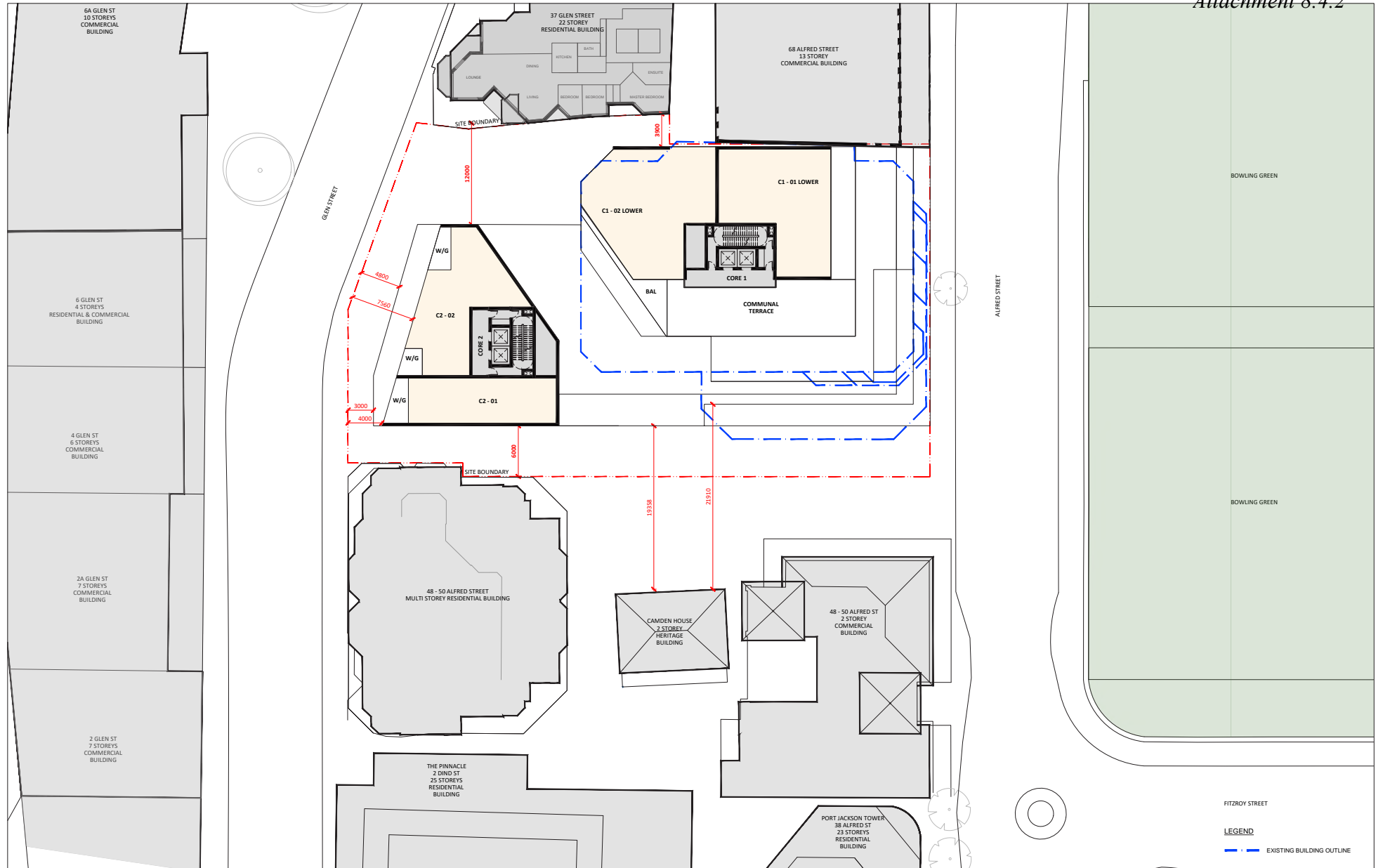
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 Milsons Point 2 Pty Ltd  
 PO Box 20966 World Square 2002  
 T 02 8188 1028

**KOICHI TAKADA ARCHITECTS**  
 KOKI TAKADA ARCHITECTS  
 Suite 41 & 42, Level 4  
 61 Macdonough Street  
 Surry Hills, NSW 2010  
 T 02 8668 8810  
 F 02 8668 6965  
 www.koichitakada.com

PROJECT	52 ALFRED STREET MILSONS POINT, NSW 2061	DATE	25/09/2020	DRAWN	AT
SCALE	1:200@A1, 1:400@A3	CHECK	AC	APPROVE	
PROJ. NO.		REVISION			
DWG. NO.	A106	REVISION	K		
STATUS	PLANNING PROPOSAL				
DWG. TITLE	LEVEL 14 FLOOR PLAN				



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR PP SUBMISSION	AT	AC	07/02/17										
B.	RESPONSE TO COUNCIL A1	SW	AC	17/05/18										
C.	RESPONSE TO COUNCIL A11	AT	AC	06/06/18										
D.	FOR CONSULTANT REVIEW	AT	AC	13/07/18										
E.	FOR PP SUBMISSION	AT	AC	13/07/18										
F.	FOR CLERK REVIEW	SW	AC	19/07/18										
G.	FOR CONSULTANT REVIEW	AT	AC	13/07/19										
H.	FOR CONSULTANT REVIEW	AT	AC	18/07/19										
I.	FOR PP SUBMISSION	AT	AC	03/08										
J.	FOR FINAL ISSUE TO CONSULTANTS	AT	AC	27/09										
K.	FOR PLANNING PROPOSAL SUBMISSION	AT	AC	05/09/20										

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LEGEND:  
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 ON HOLD

CLIENT: **ELEMENT**  
 Element Property Australia  
 Milsons Point 2 Pty Ltd  
 PO Box 20966 World Square 2002  
 T 02 8188 1028

ARCHITECT: **KOICHI TAKADA ARCHITECTS**  
 Suite 41 & 42, Level 4  
 61 Macleay Street  
 Surry Hills, NSW 2010  
 T 02 8668 8810  
 F 02 8668 6965  
 www.koichitakada.com

**KOICHI TAKADA ARCHITECTS**

PROJECT: **52 ALFRED STREET**  
 MILSONS POINT, NSW 2061

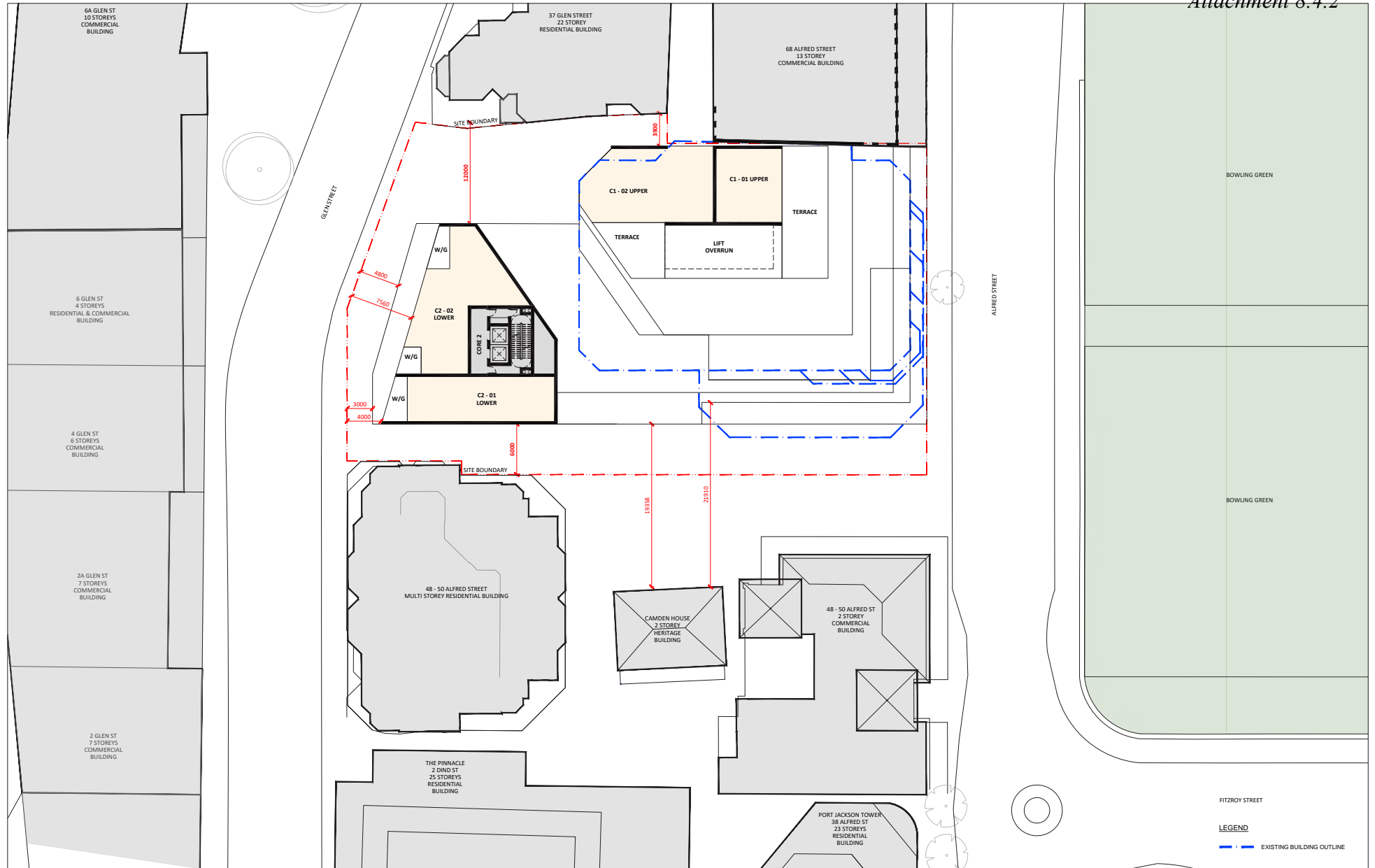
DATE: 25/09/2020  
 SCALE: 1:200@A1, 1:400@A3

STATUS: PLANNING PROPOSAL  
 LEVEL 15 FLOOR PLAN

PROJ. NO.:  
 DWG. NO.: **A107**  
 REVISION: **K**

DRWN: AT  
 CHECK: AC  
 APPROVE:

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FITZROY STREET  
 BOWLING GREEN  
 BOWLING GREEN  
 ALFRED STREET  
 GLEN STREET

**LEGEND**  
 — — — — — EXISTING BUILDING OUTLINE

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR PP SUBMISSION	AT	AC	07/02/17										
B.	RESPONSE TO COUNCIL 01	SW	AC	17/05/18										
C.	RESPONSE TO COUNCIL 02	AT	AC	06/06/18										
D.	FOR CONSULTANT REVIEW	AT	AC	13/07/18										
E.	FOR PP SUBMISSION	AT	AC	13/07/18										
F.	FOR CLERK REVIEW	SW	AC	19/07/18										
G.	FOR CONSULTANT REVIEW	AT	AC	13/07/18										
H.	FOR CONSULTANT REVIEW	AT	AC	18/07/18										
I.	FOR PP SUBMISSION	AT	AC	03/08										
J.	FOR FINAL ISSUE TO CONSULTANTS	AT	AC	27/09										
K.	FOR PLANNING PROPOSAL SUBMISSION	AT	AC	05/09/20										

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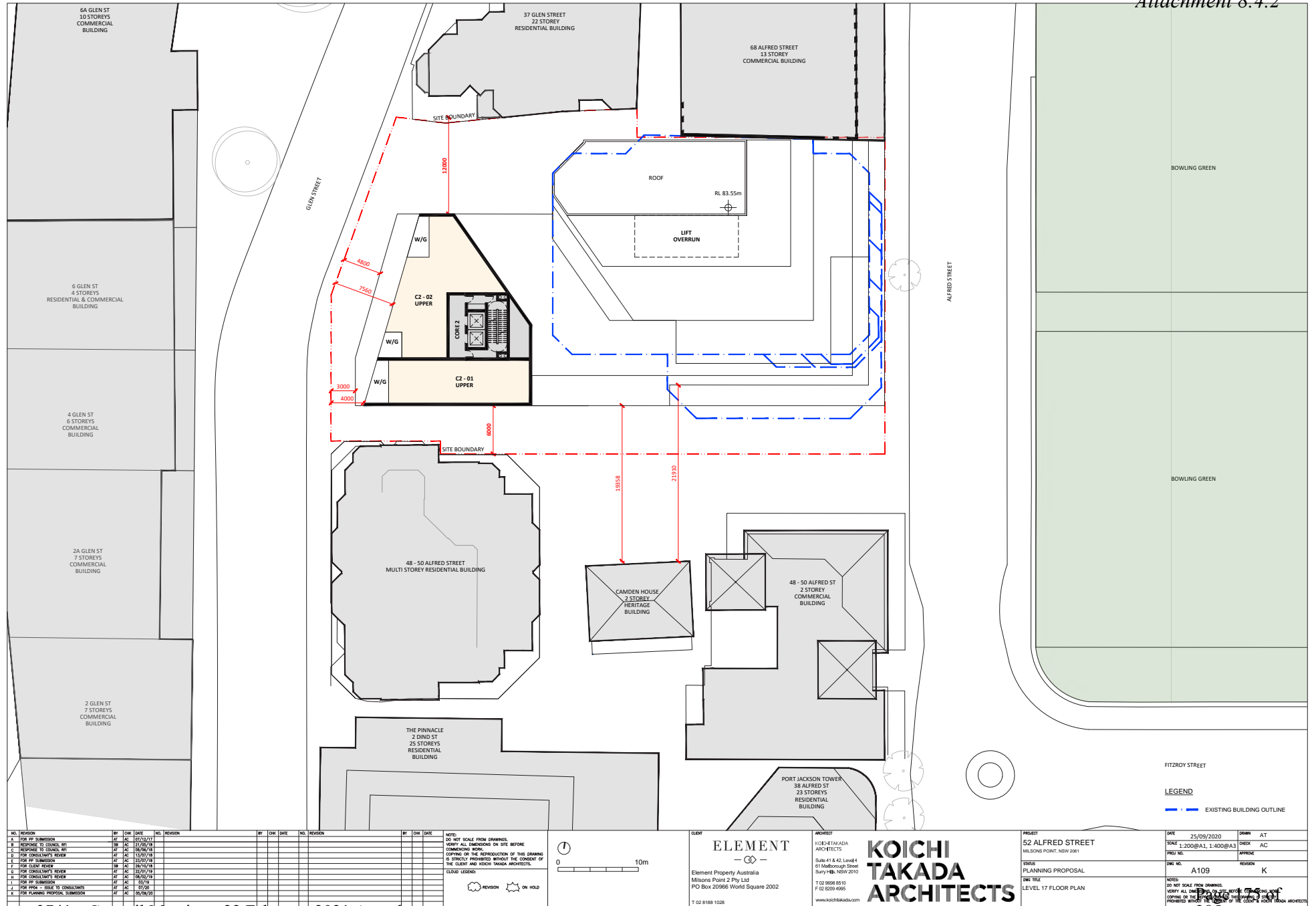
LEGEND:  
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0 10m

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PROJECT	52 ALFRED STREET MILSONS POINT, NSW 2061	DATE	25/09/2020	DRAWN	AT
SCALE	1:200@A1, 1:400@A3	CHECK	AC	APPROVE	
DWG NO.	A108	REVISION	K		
STATUS	PLANNING PROPOSAL				
DWG TITLE	LEVEL 16 FLOOR PLAN				



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR PP SUBMISSION	AT	AC	07/02/17										
B.	RESPONSE TO COUNCIL REP	SW	AC	17/05/18										
C.	RESPONSE TO COUNCIL REP	AT	AC	06/06/18										
D.	FOR CONSULTANT REVIEW	AT	AC	13/07/18										
E.	FOR PP SUBMISSION	AT	AC	13/07/18										
F.	FOR CLIENT REVIEW	SW	AC	19/07/18										
G.	FOR CONSULTANT REVIEW	AT	AC	12/07/19										
H.	FOR CONSULTANT REVIEW	AT	AC	18/08/19										
I.	FOR PP SUBMISSION	AT	AC	03/10										
J.	FOR FINAL ISSUE TO CONSULTANTS	AT	AC	27/02										
K.	FOR PLANNING PROPOSAL SUBMISSION	AT	AC	05/09/20										

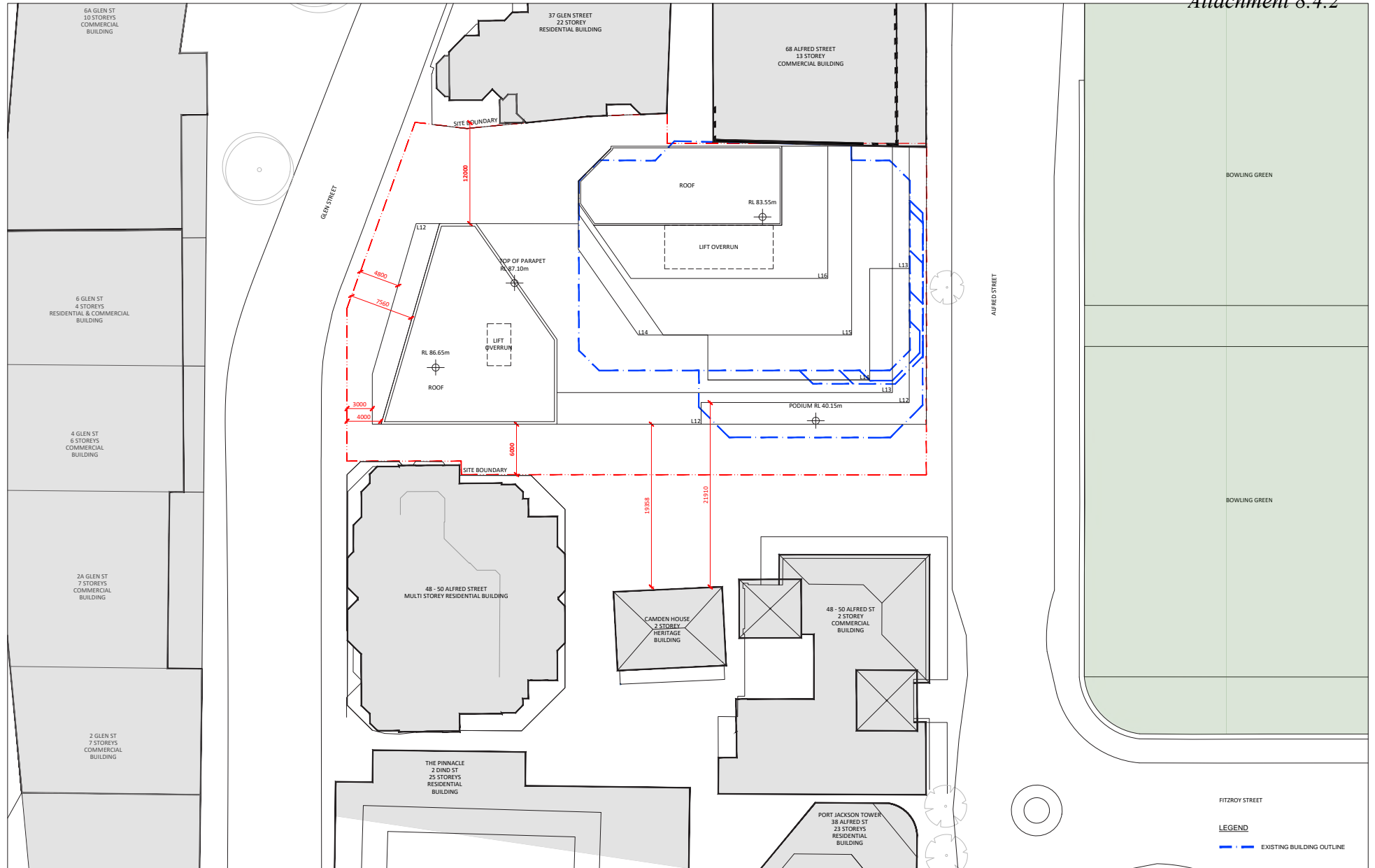
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PROJECT	52 ALFRED STREET MILLSIONS POINT, NSW 2061	DATE	25/09/2020	DRAWN	AT
SCALE	1:200@A1, 1:400@A3	CHECK	AC	APPROVE	
PROJ. NO.		REVISION			
DWG. NO.	A109	REVISION	K		
STATUS	PLANNING PROPOSAL				
DWG. TITLE	LEVEL 17 FLOOR PLAN				



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A.	FOR IFC SUBMISSION	AT	JC	07/02/21										
B.	RESPONSE TO COUNCIL IFC	SW	JC	17/02/21										
C.	RESPONSE TO COUNCIL IFC	AT	JC	08/03/21										
D.	FOR CONSULTANT REVIEW	AT	JC	11/03/21										
E.	FOR IFC SUBMISSION	AT	JC	17/02/21										
F.	FOR CLIENT REVIEW	SW	JC	19/02/21										
G.	FOR CONSULTANT REVIEW	AT	JC	17/02/21										
H.	FOR CONSULTANT REVIEW	AT	JC	18/02/21										
I.	FOR IFC SUBMISSION	AT	JC	03/03/21										
J.	FOR IFC - ISSUE TO CONSULTANTS	AT	JC	22/02/21										
K.	FOR PLANNING PROPOSAL SUBMISSION	AT	JC	05/03/21										

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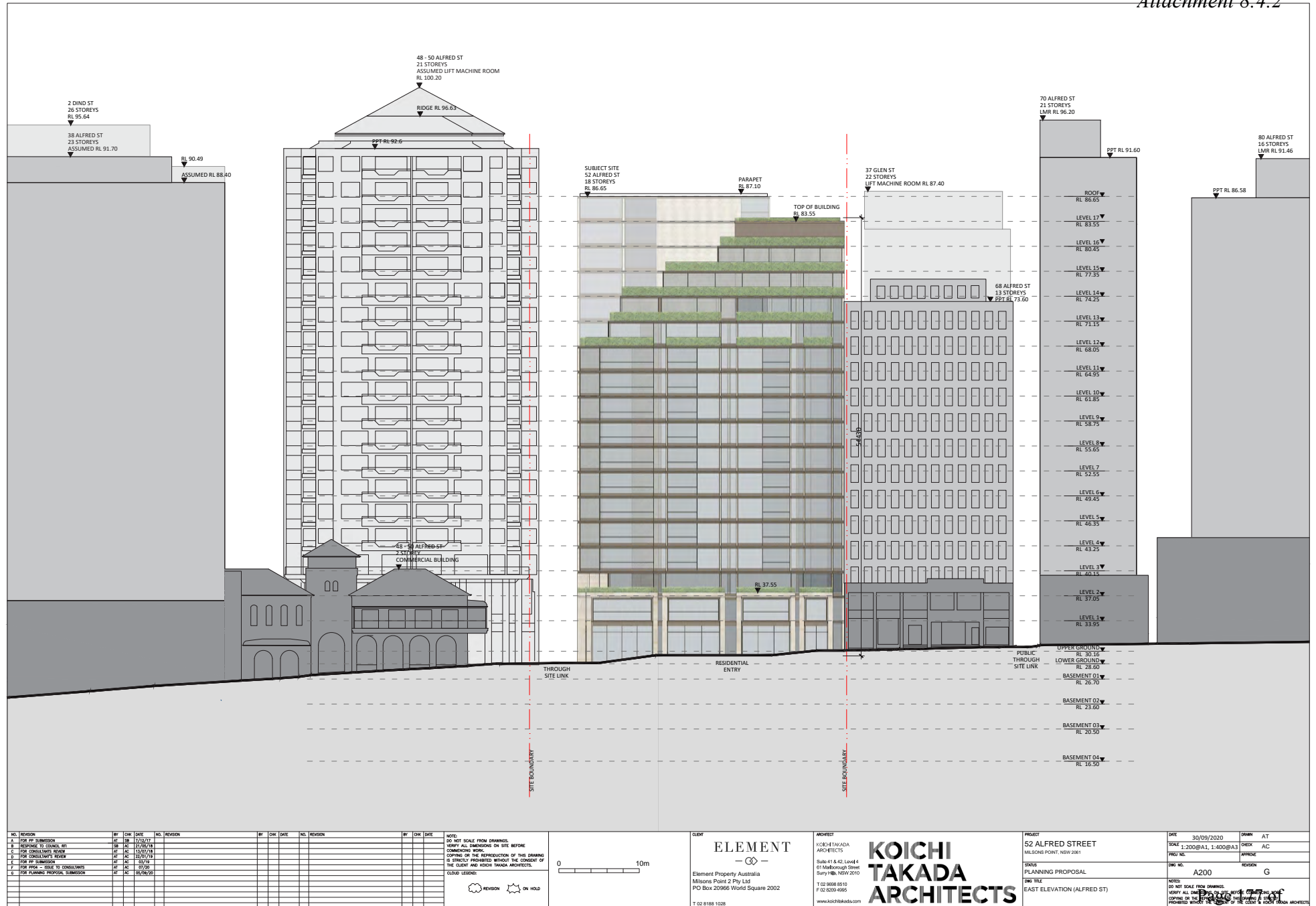
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PROJECT	52 ALFRED STREET MILSONS POINT, NSW 2061	DATE	01/10/2020	DRAWN	AT
SCALE	1:200@A1, 1:400@A3	CHECK	AC	APPROVE	
STATUS	PLANNING PROPOSAL	DWG. NO.	A110	REVISION	K
DWG. FILE	ROOF PLAN	NOTES:	DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. COPYING OR THE REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF THE CLIENT AND KOICHI TAKADA ARCHITECTS.		





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A.	FOR IFC SUBMISSION	AT	SB	12/20/17					
B.	RESPONSE TO CONSULTANT REVIEW	AT	JC	12/20/18					
C.	FOR CONSULTANT REVIEW	AT	JC	12/20/18					
D.	FOR CONSULTANT REVIEW	AT	JC	12/20/18					
E.	FOR IFC SUBMISSION	AT	JC	05/19/20					
F.	FOR IFC - ISSUE TO CONSULTANTS	AT	JC	07/08/20					
G.	FOR PLANNING PROPOSAL SUBMISSION	AT	JC	08/09/20					

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PROJECT	52 ALFRED STREET MILSONS POINT, NSW 2001	DATE	30/09/2020	DRAWN	AT
SCALE	1:200@A1, 1:400@A3	CHECK	AC	APPROVE	
STATUS	PLANNING PROPOSAL	DWG. NO.	A200	REVISION	G
DWG. FILE	EAST ELEVATION (ALFRED ST)	NOTES:	DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. COPYING OR THE REPRODUCTION OF THIS DRAWING IS EXPRESSLY PROHIBITED WITHOUT THE CONSENT OF THE CLIENT AND KOICHI TAKADA ARCHITECTS.		

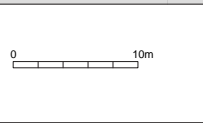


NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR PIP SUBMISSION	JF	SB	17/12/17					
B	RESPONSE TO COUNCIL #1	SB	JF	17/05/18					
C	FOR CONSULTANTS REVIEW	JF	AC	13/07/18					
D	FOR CONSULTANTS REVIEW	JF	AC	25/07/18					
E	FOR PIP SUBMISSION	JF	AC	05/19					
F	FOR PIPA - ISSUE TO CONSULTANTS	JF	AC	07/20					
G	FOR PLANNING PROPOSAL SUBMISSION	JF	AC	09/29/20					

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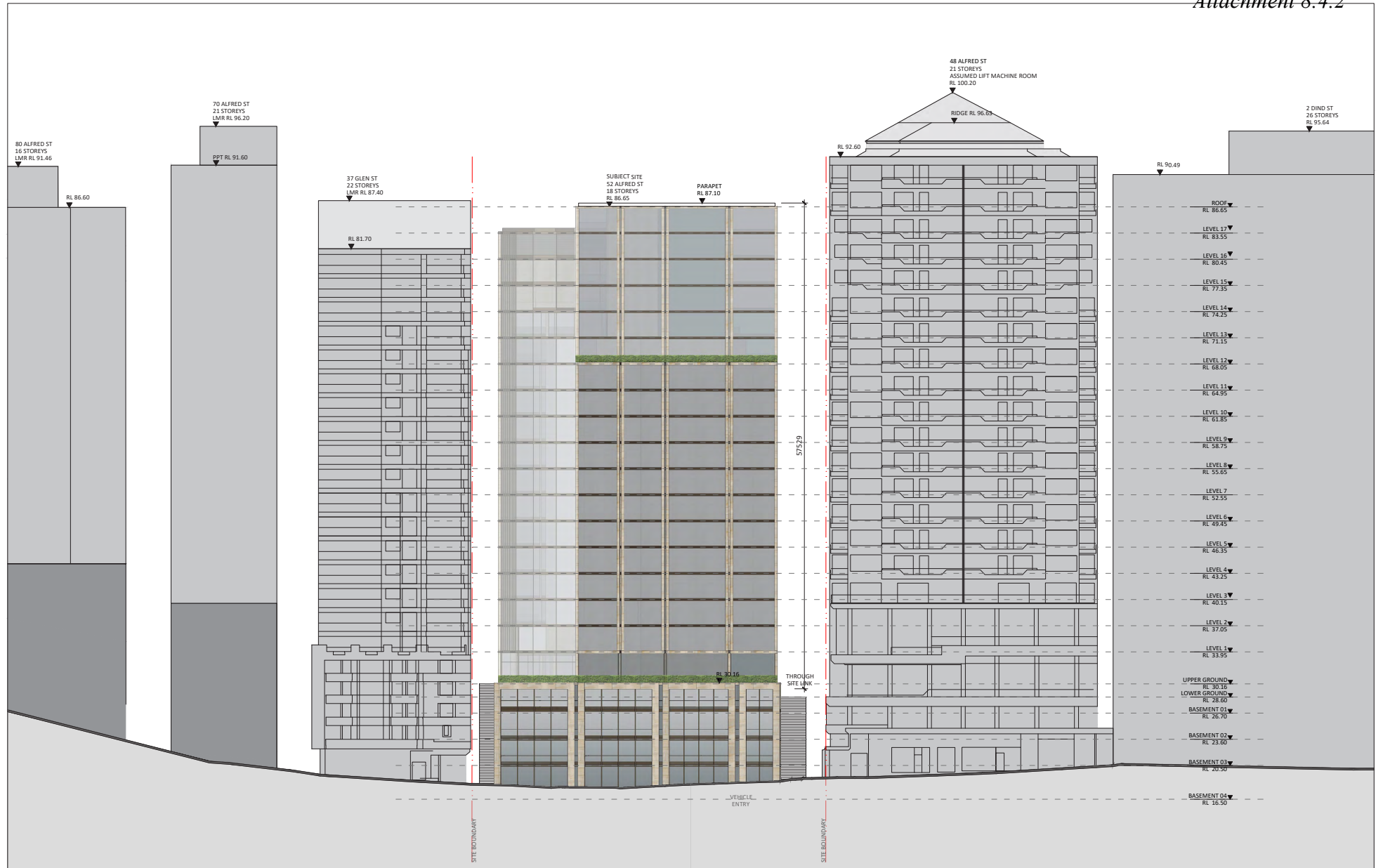
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PROJECT  
**52 ALFRED STREET**  
MILSIONS POINT, NSW 2081

DATE 30/09/2020  
SCALE 1:200@A1, 1:400@A3  
DRAWN SB  
CHECK AC  
APPROVE  
REVISION  
NO. A201  
G

DATE 30/09/2020  
SCALE 1:200@A1, 1:400@A3  
DRAWN SB  
CHECK AC  
APPROVE  
REVISION  
NO. A201  
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A.	FOR IFC SUBMISSION	AT	AC	12/20/20					
B.	RESPONSE TO COUNCIL SET	SH	AC	12/20/20					
C.	FOR CONSULTANTS REVIEW	SH	AC	12/20/20					
D.	FOR CONSULTANTS REVIEW	AT	AC	12/20/20					
E.	FOR IFC SUBMISSION	AT	AC	05/19/21					
F.	FOR IFC - ISSUE TO CONSULTANTS	AT	AC	27/09/21					
G.	FOR PLANNING PROPOSAL SUBMISSION	AT	AC	05/09/21					

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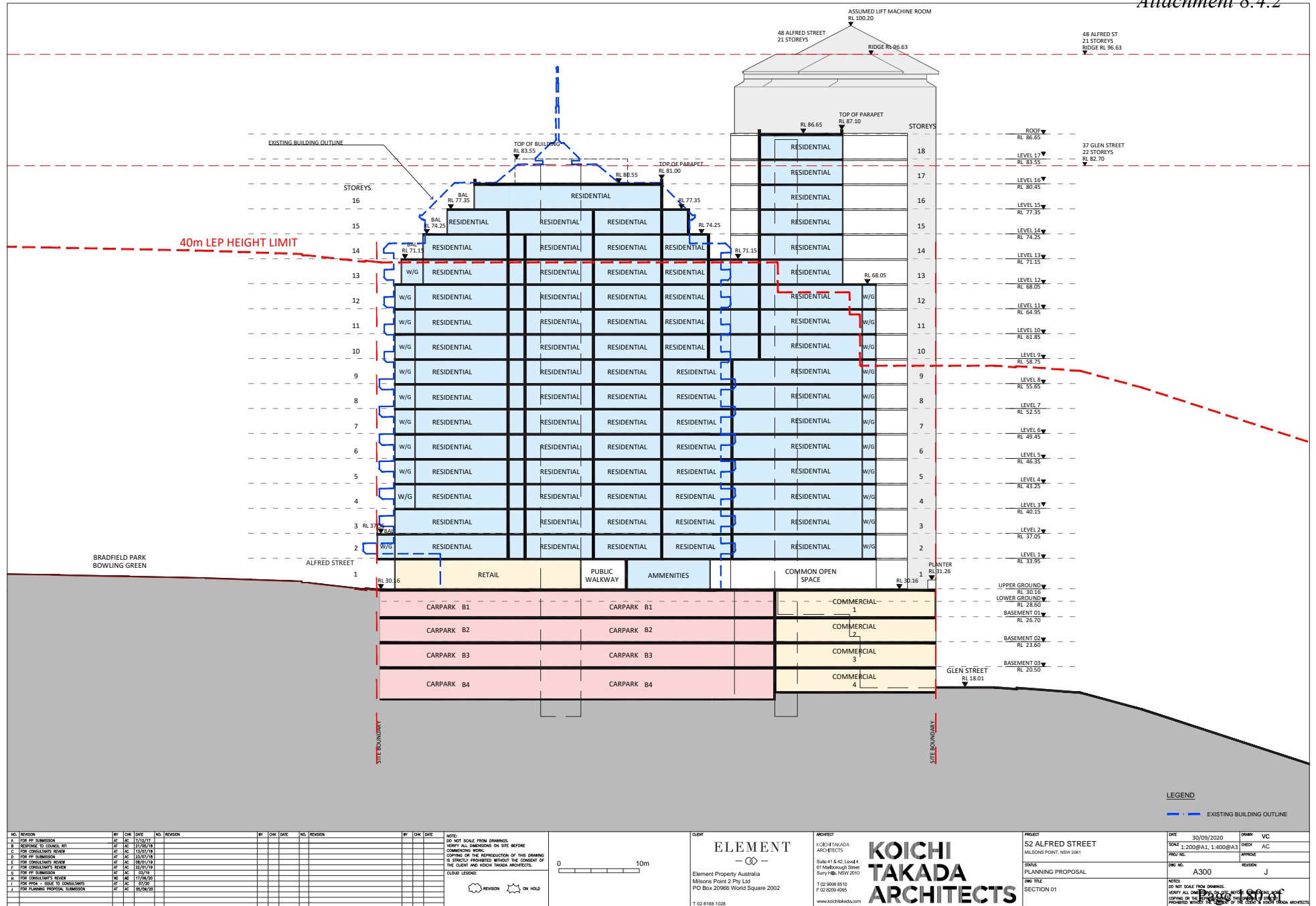
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**52 ALFRED STREET**  
MILSONS POINT, NSW 2061

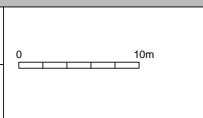
DATE 30/09/2020  
SCALE 1:200@A1, 1:400@A3  
PROJ. NO. 1200@A1, 1400@A3  
DWG. NO. A202  
REVISION G

STATUS  
PLANNING PROPOSAL  
DWG. FILE  
GLEN ST ELEVATION

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A.	FOR IFC SUBMISSION	JAT	DK	12/22/17					
B.	RESPONSE TO CONSULT REVIEW	JAT	DK	12/22/17					
C.	FOR CONSULTANTS REVIEW	JAT	DK	13/07/18					
D.	FOR IFC SUBMISSION	JAT	DK	13/07/18					
E.	FOR CONSULTANTS REVIEW	JAT	DK	09/07/19					
F.	FOR CONSULTANTS REVIEW	JAT	DK	12/05/19					
G.	FOR IFC SUBMISSION	JAT	DK	03/11/19					
H.	FOR CONSULTANTS REVIEW	JAT	DK	17/06/20					
I.	FOR IFC SUBMISSION	JAT	DK	07/02/20					
J.	FOR PLANNING PROPOSAL SUBMISSION	JAT	DK	06/09/20					

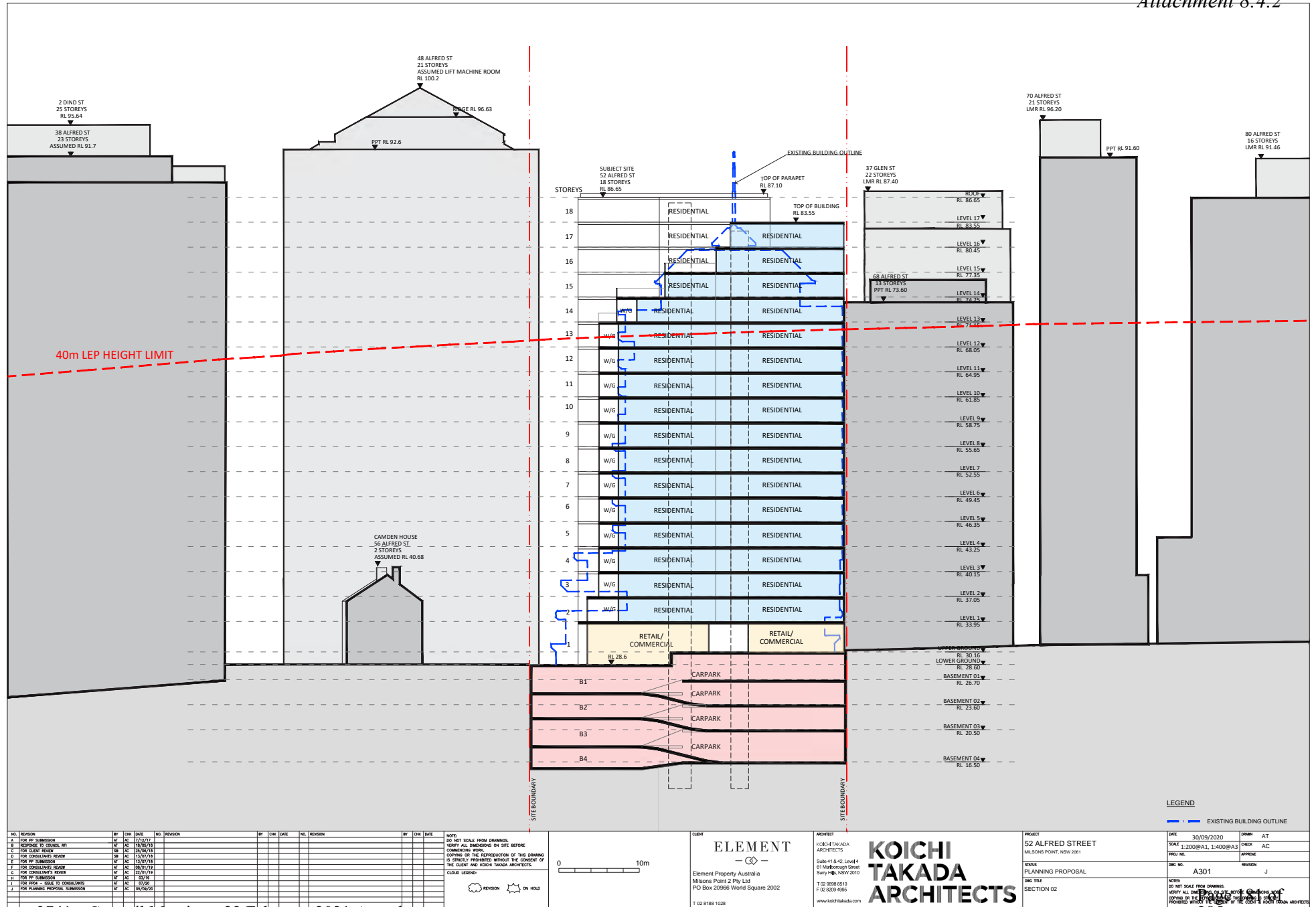


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**52 ALFRED STREET**  
 MILSONS POINT, NSW 2061

DATE	30/09/2020	DRAWN	VC
SCALE	1:200@A1, 1:400@A3	CHECK	AC
PROJ. NO.		APPROVE	
DWG. NO.	A300	REVISION	J
DWG. TITLE	PLANNING PROPOSAL		
SECTION	SECTION 01		



**PLANNING PROPOSAL**

52 ALFRED STREET, MILSONS POINT

**SEPP 65  
CROSS VENTILATION****CALCULATION METHOD**

Consistent with Steve King's Sepp 65 report which considers:

- All corner and 'through' apartments with openings in 2 principal facades as simply cross ventilated.
- The significant difference in level between the two street facades where a number of apartments within the lowest nine storeys as counted from the Alfred St facade, but which have increased exposure due to their greater height above Glen St are deemed cross ventilated in accordance with the ADG.

**ACHIEVED NATURAL VENTILATION ADG COMPLIANCE**

There are 96 out of a total 159 apartments that are maximum 9 storeys above the higher ground of Alfred St.

55 units are simply cross ventilated and another 8 deemed ventilated in accordance with the ADG Design Criterion by virtue of their height above Glen St.

Overall, a total of 63 of the 96 apartments (65.6%) within the lowest nine storeys are cross ventilated.

This complies with the ADG Design Criterion requirement of a minimum 60% cross ventilated apartments in the first nine storeys of a building.

**CALCULATION OF CROSS VENTILATION COMPLIANCE**

GFLENT ST LEVELS	GFALFRED ST LEVELS	Simple Cross CV	Deemed CV (height above Glen St)	Total Units
B4				0
B3				0
B2				0
B1				0
G	G	0		0
1	1	6		12
2	2	7		12
3	3	7		12
4	4	7		12
	5	7	2	12
	6	7	2	12
	7	7	2	12
	8	7	2	12
		55	8	96
		57.3%	8.3%	65.6%

**ADG OBJECTIVE 4B-3**

<b>Design criteria</b>	
1.	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
2.	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line

52 ALFRED STREET  
MILSONS POINTPLANNING PROPOSAL  
SEPTEMBER 2020

## PLANNING PROPOSAL

52 ALFRED STREET, MILSONS POINT

### SEPP 65 SOLAR ACCESS

#### SOLAR ACCESS SUMMARY

Thorough analysis was undertaken through the use of a full 3D digital model in which adverse overshadowing from buildings adjacent to and remote from the site has been taken account of.

Out of 159 total apartments, 111 apartments (70%) achieves more than 2 hours of direct sunlight between 9am - 3pm (mid winter 21st June).

This complies with the ADG design criterion which requires at least 70% of apartments in a building to receive a minimum of 2 hours direct sunlight between 9am - 3pm at mid winter.

Considering that the subject site is disadvantaged by the adverse overshadowing from buildings adjacent to and remote from the site, the achievement of 70% solar access is a remarkably high level of compliance.

#### 52 ALFRED ST SOLAR ACCESS SUMMARY TABLE

##### 9 AM - 3 PM

<b>Total units</b>	159
<b>70%</b>	111.3
<b>Units ≥2h</b>	111.00
<b>Units that receives no direct sunlight</b>	49.00
	30.82%
<b>Proposed</b>	<b>69.81%</b>

#### APARTMENT DESIGN GUIDE

##### Objective 4A-1

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

##### Design criteria

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

##### Design guidance

The design maximises north aspect and the number of single aspect south facing apartments is minimised

Single aspect, single storey apartments should have a northerly or easterly aspect

Living areas are best located to the north and service areas to the south and west of apartments

To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:

- dual aspect apartments
- shallow apartment layouts
- two storey and mezzanine level apartments
- bay windows

To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m<sup>2</sup> of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes

Achieving the design criteria may not be possible on some sites. This includes:

- where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source
- on south facing sloping sites
- where significant views are oriented away from the desired aspect for direct sunlight

Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective

52 ALFRED STREET  
MILSONS POINT

PLANNING PROPOSAL  
SEPTEMBER 2020





PLANNING PROPOSAL

52 ALFRED STREET, MILSONS POINT

SEPP 65 SOLAR ACCESS TABLE

52 ALFRED ST														
SUMMARY														
SOLAR ACCESS														
TOTAL HOURS														
JUNE 21st														
Year-3pm	9 - 9:30 AM	9:30 - 10 AM	10 - 10:30 AM	10:30 - 11 AM	11 - 11:30 AM	11:30 AM - 12 PM	12 - 12:30 PM	12:30 - 1 PM	1 PM - 1:30 PM	1:30 - 2 PM	2 - 2:30 PM	2:30 - 3 PM	CROSS VENTILATION	ADD VENTILATED ABOVE 10 STOREYS
LEVEL 9	APT C1.01	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 9	APT C1.02	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 9	APT C1.03	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 9	APT C1.04	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 9	APT C1.05												YES	YES (DEEMED HEIGHT)
LEVEL 9	APT C1.07												YES	YES (DEEMED HEIGHT)
LEVEL 9	APT C1.08												YES	YES (DEEMED HEIGHT)
LEVEL 9	APT C2.01												YES	YES (DEEMED HEIGHT)
LEVEL 9	APT C2.02 DUAL KEY						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 9	APT C2.03 DUAL KEY						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C1.01	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C1.02	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C1.03	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C1.04	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C1.05												YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C1.07												YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C1.08												YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C2.01												YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C2.02 DUAL KEY						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 10	APT C2.03 DUAL KEY						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
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LEVEL 11	APT C1.03	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 11	APT C1.04	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 11	APT C1.05												YES	YES (DEEMED HEIGHT)
LEVEL 11	APT C1.07												YES	YES (DEEMED HEIGHT)
LEVEL 11	APT C1.08												YES	YES (DEEMED HEIGHT)
LEVEL 11	APT C2.01												YES	YES (DEEMED HEIGHT)
LEVEL 11	APT C2.02 DUAL KEY						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
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LEVEL 12	APT C1.04	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 12	APT C1.05												YES	YES (DEEMED HEIGHT)
LEVEL 12	APT C1.07												YES	YES (DEEMED HEIGHT)
LEVEL 12	APT C1.08												YES	YES (DEEMED HEIGHT)
LEVEL 12	APT C2.01												YES	YES (DEEMED HEIGHT)
LEVEL 12	APT C2.02						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 12	APT C2.03						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 13	APT C1.01	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 13	APT C1.02	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 13	APT C1.03	0.5											YES	YES (DEEMED HEIGHT)
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LEVEL 13	APT C1.07												YES	YES (DEEMED HEIGHT)
LEVEL 13	APT C1.08												YES	YES (DEEMED HEIGHT)
LEVEL 13	APT C2.01												YES	YES (DEEMED HEIGHT)
LEVEL 13	APT C2.02						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 13	APT C2.03						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
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LEVEL 14	APT C1.02	0.5											YES	YES (DEEMED HEIGHT)
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LEVEL 14	APT C1.07												YES	YES (DEEMED HEIGHT)
LEVEL 14	APT C1.08												YES	YES (DEEMED HEIGHT)
LEVEL 14	APT C2.01												YES	YES (DEEMED HEIGHT)
LEVEL 14	APT C2.02						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 14	APT C2.03						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C1.01 LOWER	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C1.02 LOWER	0.5											YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C1.03												YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C1.04												YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C1.05												YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C1.07												YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C1.08												YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C2.01												YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C2.02						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 15	APT C2.03						0.5	0.5	0.5	0.5	0.5	0.5	YES	YES (DEEMED HEIGHT)
LEVEL 16	APT C1.01 UPPER	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY
LEVEL 16	APT C1.02 UPPER	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY
LEVEL 16	APT C2.01						0.5	0.5	0.5	0.5	0.5	0.5	YES	DOUBLE STOREY
LEVEL 16	APT C2.02						0.5	0.5	0.5	0.5	0.5	0.5	YES	DOUBLE STOREY
LEVEL 16	APT C2.03	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	YES	DOUBLE STOREY
LEVEL 16	APT C2.04	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	DOUBLE STOREY	YES	DOUBLE STOREY

9 AM - 3 PM	
Total units	100
DPW	111.13
Wind 22h	111.00
DPW Wind	49.00
receives no direct sunlight	30.87%
Proposed	88.81%

CROSS VENTILATION TABLE			
QUANT OF LEVELS	ALFRED ST LEVELS	Simple Cross CV	Deemed CV (height above 10m B)
B4		0	0
B5		0	0
B2		0	0
B1		0	0
0	0	0	0
1	1	6	12
2	2	7	12
3	3	7	12
4	4	7	12
5	5	7	12
6	6	7	12
7	7	7	12
8	8	7	12
	55	8	96
	51.36	8.8%	65.6%

52 ALFRED STREET MILSONS POINT

PLANNING PROPOSAL SEPTEMBER 2020





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MILSONS POINT 2 Pty Ltd  
52 ALFRED ST  
**VISUAL IMPACT ASSESSMENT**

S17-0083  
Issue G  
30/09/2020



## 52 ALFRED STREET VISUAL IMPACT ASSESSMENT

Milsons Point 2 Pty Ltd  
PO Box 20966 World Square NSW 2002

Prepared by

CLOUSTON Associates  
Landscape Architects • Urban Designers • Landscape Planners  
65-69 Kent Street • Sydney NSW 2000  
PO Box R1388 • Royal Exchange NSW 1225 • Australia  
Telephone +61 2 8272 4999 • Facsimile +61 2 8272 4998  
Contact: Crosbie Lorimer  
Email • [sydney@clouston.com.au](mailto:sydney@clouston.com.au)  
Web • [www.clouston.com.au](http://www.clouston.com.au)

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Note: This document is Preliminary unless validated.



**KOICHI  
TAKADA  
ARCHITECTS**

**ETHOS  
URBAN**

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Above: Nearmap aerial of site

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1.0 INTRODUCTION



The proposal site (right of picture) viewed from the northeast

## 1. INTRODUCTION

---

### THE PROJECT

CLOUSTON Associates has been commissioned by Milsons Point 2 Pty Ltd to prepare a Visual Impact Assessment (VIA) as part of a Planning Proposal for the reconstruction of an existing building at 52 Alfred Street South, Milsons Point (hereafter referred to as 'the Project'). The Planning Proposal is seeking additional height in line with the building envelopes of adjoining buildings.

### SCOPE AND LIMITATIONS

This Visual Impact Assessment (VIA) is comprised of two parts:

- assessment of the visual impact of the new building from key public domain viewpoints
- assessment of the extent of view loss from occupiers of adjoining buildings as a result of the design for the new building.

The assessment of the former has been undertaken through site evaluation at street level while the latter has been established through the use of drone photography at representative levels of residences in the adjoining buildings.

It should be noted that the VIA has been undertaken based on the architect's general 3D modelling and photomontages (illustrated in this report) which, while integral to the overall assessment, do not cover all of the specific views selected for this assessment.

#### 1.1.1 VISUAL ASSESSMENT RATIONALE

A VIA takes into account all effects of change and development in a visual scene that may impact visual amenity. It is concerned with how the surroundings of individuals or groups of people may be specifically affected by change in the visual scene, both quantitatively and qualitatively.

Judgement as to the significance of the effects is arrived at by a process of reasoning, based upon analysis of the baseline conditions, identification of visual receptors (viewers of the scene) and assessment of their sensitivity, as well as the magnitude and nature of the changes that may result from any development.

This assessment is an independent report and is based on a professional analysis of the visual environment and the Project at the time of writing. The current and potential future viewers (visual receptors) have not been consulted about their perceptions. The analysis and conclusions are therefore based solely on a professional assessment of the anticipated impacts, based on a best practice methodology.



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## 1.2 REPORT STRUCTURE

The report is divided into the following sections:

### 1 - INTRODUCTION

An introduction section that describes the planning and methodology context for the VIA.

### 2 - THE PROJECT

A description of the proposed works.

### 3 - EXISTING VISUAL ENVIRONMENT

A description of the existing site and visual environment of the study area.

### 4 - VISUAL IMPACT ASSESSMENT

A study of the visual impacts of the Project. Each of the selected viewpoints are assessed on a range of qualitative and quantitative criteria.

### 5 - VISUAL IMPACT MITIGATION RECOMMENDATIONS

A discussion as to the means by which any visual impacts identified can be precluded, reduced or offset.

### 6 - VIEW SHARING AND VIEW LOSS ASSESSMENT

Assessment of potential view loss based on 3D photomontage modelling from adjoining buildings.

### 7 - CONCLUSIONS

Conclusions are drawn on the overall visual impact of the Project within the study area and potential view loss from adjoining buildings.

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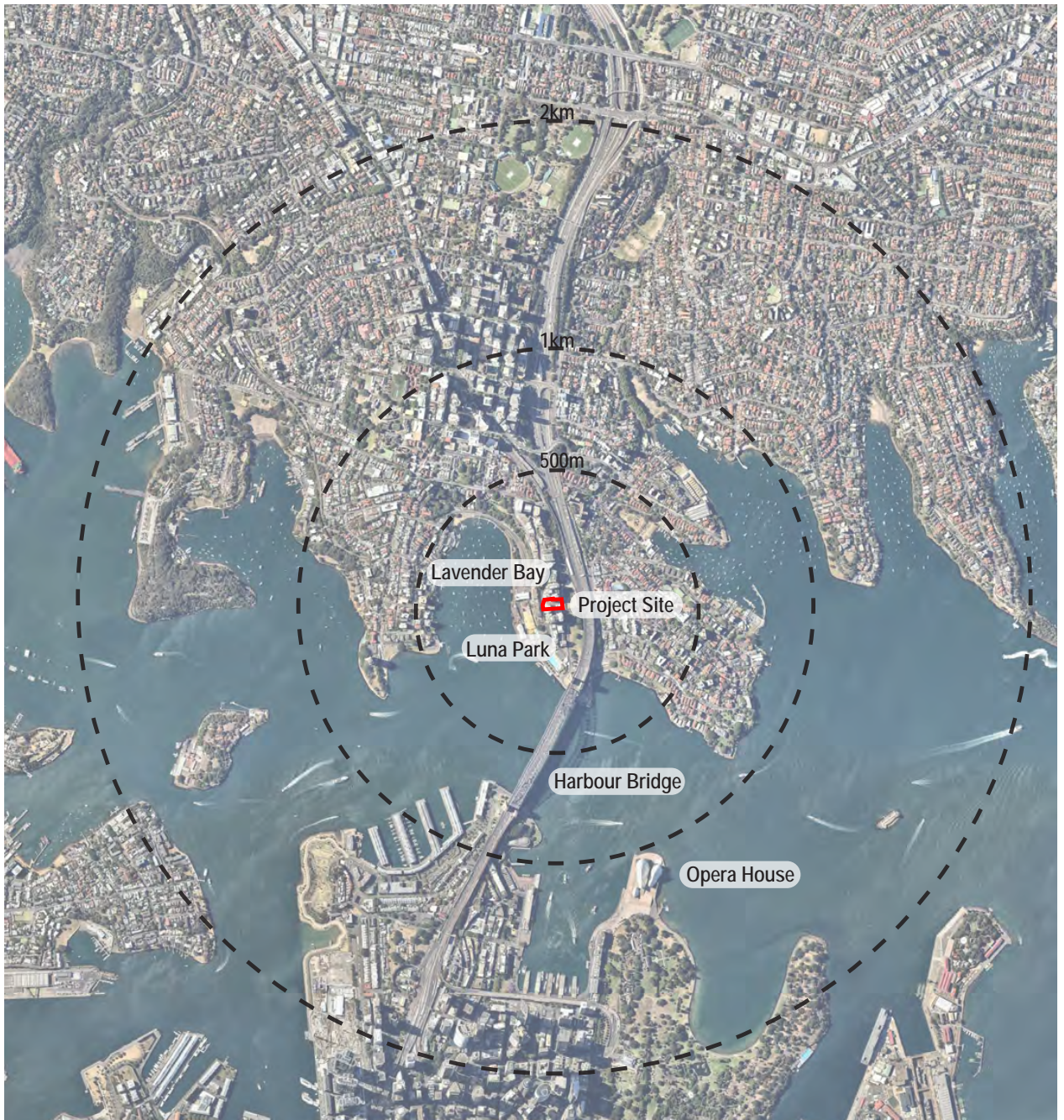


Figure 1.1 - Project location (Source: NearMap)

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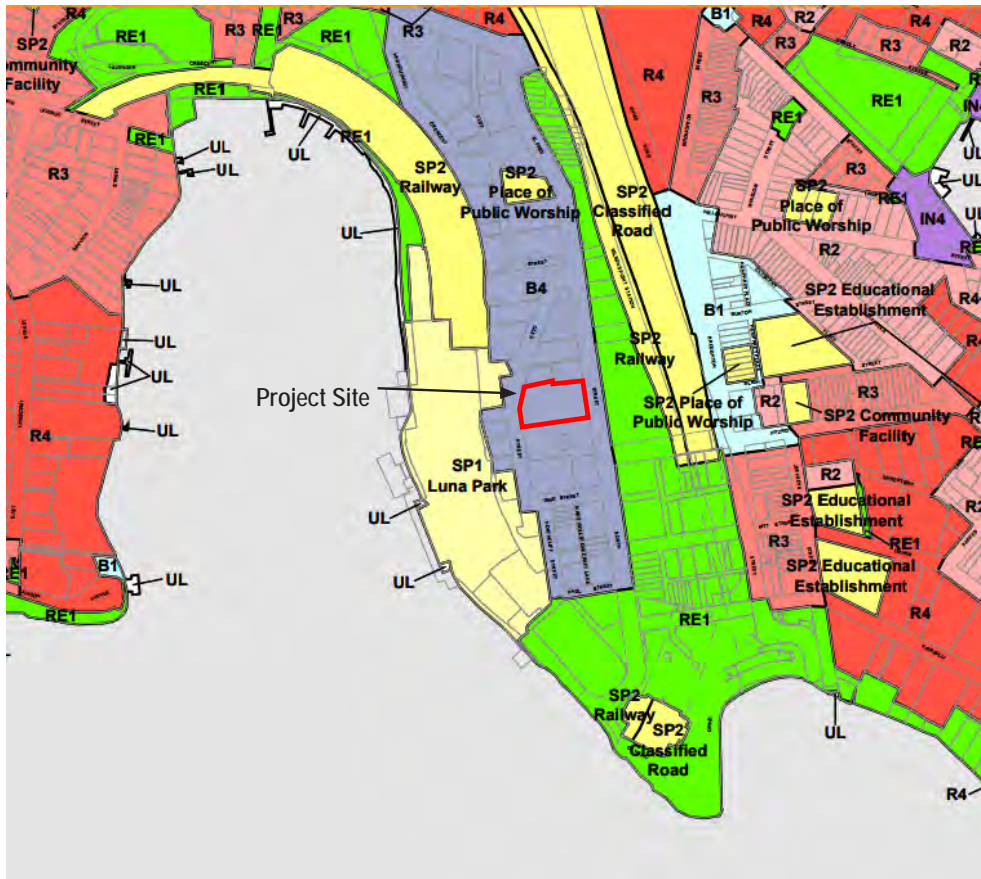


Figure 1.2 - Land Zoning Map

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

### 1.3 LEGISLATIVE POLICY AND PLANNING CONTEXT

The planning instruments and guidelines that have the most direct bearing on the visual assessment of the Project include:

- North Sydney Development Control Plan 2013
- The North Sydney LEP (see Fig 1.2) under which the site is zoned B4 Mixed Use
- The Land and Environment Court's Planning Principles (for assessing visual impact and view sharing)
- Sydney Harbour REP (2005)

The two former documents do not provide any significant guidance on view management requirements in the locality, however the NSW Land and Environment Court does provide specific guidance on visual impact assessment principles and view loss, particularly with respect to some key cases decided in the Court, as set out below.

The Sydney Harbour REP contains visual management requirements in this locality with particular regard to views to and from the Sydney Harbour Bridge and Sydney Opera House, (see further details in Section 3 Existing Visual Environment).

#### 1.3.1 The Land and Environment Court Planning Principles

The Land and Environment Court of New South Wales was established in 1980 by the Land and Environment Court Act 1979. Relevant planning principles have been established in visual assessment case judgments over the years to guide future decision-making in development appeals. Whilst a 'planning principle' is not binding law, it is described by the Court as a statement of a desirable outcome from a chain of reasoning aimed at reaching a planning decision. These include separate but related principles for private and public domain views.

The principles set out a process for assessing the acceptability of impact. The two most relevant cases to this site are:

- Public domain views - *Rose Bay Marina Pty Limited v Woollahra Municipal Council* (2013)
- Private views - *Tenacity Consulting v Warringah Council* (2004)

#### 1.3.2 Planning Principles for Private views - *Tenacity Consulting v Warringah Council* (2004)

The Land & Environment Court established planning principles in respect of the assessment of impacts of development on views, set out in *Tenacity Consulting v Warringah Council* (2004) 'Tenacity'. These relate to Private views which are the most relevant for this project, particularly with respect to viewsharing.

#### Principles of View Sharing: The Impact on Neighbours

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.)

It is worth noting that the Court does not provide that anyone has a proprietary right to retain all or part of the views enjoyed (or capable of enjoyment) from their land.

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The principles established in Tenacity suggest that view impact be assessed in accordance with a four step process which is identified within the methodology for assessing the impact on views for this project, including determining whether the impact is negligible, minor, moderate, severe or devastating.

The four stages include:

1 - Assessment of views to be affected

- Water views are valued more highly than land views
- Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons
- Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

2 - Consideration from what part of the property the views are obtained

- The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries
- Sitting views are more difficult to protect than standing views
- The expectation to retain side views and sitting views is often unrealistic.

3 - Assessment of the extent of the impact

- View loss assessment should be done for the whole of the property, but just for the view that is affected
- The impact on views from living areas is more significant than from bedrooms or service areas
- It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating as opposed to quantitatively.

4 - Assessment of the Reasonableness of the proposal

- Assessment of compliance with all planning controls - a development that complies with all planning controls would be considered more reasonable than one that breaches them
- Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable
- With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The principles established by the Court from both cases have been integrated into the methodology approach adopted for this evaluation and detailed in the following sections.

#### 1.4 METHODOLOGY - VISUAL IMPACT

Given the subjective nature of an individual's appreciation of any given scene, Visual Impact Assessment is by its nature not an exact science and consequently methodologies for preparing VIAs vary both in Australia and overseas.

Potentially subjective assessment material and differences of opinion about how to best assess visual characteristics, qualities, degrees of alteration and viewer sensitivity often arise.

As a consequence, and as identified by the NSW Land and Environment Court, the key to a robust process is to explain clearly the criteria upon which an assessment is made:

'The outcome of a qualitative assessment will necessarily be subjective. However, although beauty is inevitably in the eye of the beholder, the framework for how an assessment is undertaken must be clearly articulated. Any qualitative assessment must set out the factors taken into account and the weight attached to them. Whilst minds may differ on outcomes of such an assessment, there should not be issues arising concerning the rigour of the process.'

VIA methodologies are often inconsistent and while various governments have generated specific methodologies, no Australian national framework exists. Within NSW, there are two guidelines prepared by the NSW State Government most relevant to this context and development type that are recognised as best practice:

- Guidelines for Landscape Character and Visual Impact Assessment, WIA-N04, as published by the Roads and Maritime Service (RMS)
- Appendix D of the Sydney Harbour Foreshore Waterways Area Development Control Plan (SHFWA DCP), as published by the Department of Planning and developed for marina assessment.

Internationally, the following methodologies and guidelines are broadly considered best practice:

- Guidelines for Landscape and Visual Impact Assessment, 3rd edition, as published by the Landscape Institute UK and IEMA
- Visual Assessment of Windfarms: Best Practice as published by Scottish Natural Heritage.

In the case of the former guidelines these have been widely adopted through Europe in seeking to meet the EU Directive 2011/92/EU concerning preparation of Environmental Impact Assessment (EIA).

#### 1.4.1 Adopted Methodology for Visual Impact Assessment

CLOUSTON Associates has developed a best practice methodology based on these internationally accredited approaches and 20 years of experience in the field of visual assessment. There are several critical dimensions demonstrated through this assessment and evaluation:

- ensuring all receptors (viewers) have been adequately identified, even at distance, with emphasis on public domain views. Note that where there are many receptors in a large visual catchment these may be grouped by area or receptor type to minimise duplication
- comprehensive evaluation of context to determine visual catchment of site from these areas
- being clear on and separately defining quantitative impacts (distance, magnitude, duration etc) as against qualitative impacts (receptor type and context of view)
- providing a clear rationale for how impacts are compared and contrasted
- ensuring photomontages include views from highest potential impact locations, identified from analysis above
- being clear on the differing forms of mitigation options, namely avoidance, reduction (reduced scale or bulk), alleviation (eg design), mitigation (eg screening) and/or compensation (on or offsite).

The methodology employed for this assessment is described in Figure 1.3.

#### 1.4.2 Scoring and Rating System

For each factor assessed (Viewer sensitivity, quantum of view, magnitude etc as detailed in Table 2) a five point scoring scale is assessed for each view from Low to High. The general average of all of these scores is then provided for that view. The overall visual impact rating of the Project from any given viewpoint/visual receptor is then recorded using a six band rating from None to Devastating, based on the overall scoring average for that view- refer Table 1.

##### Qualitative - Sensitivity

Each visual receptor type has an inherent and varied sensitivity to change in the visual scene based on the personal context in which their view is being experienced (ie. at home, on the street, in a park etc.) This sensitivity has a direct bearing on the perception of visual impact experienced by the receptor and qualifies the quantitative impacts. Table 2 describes the levels of sensitivity for each receptor type and the numerical score allocated to each impact band.

##### Quantitative - Magnitude

A measure of the magnitude of the visual effects of the development within the landscape. A series of quantitative assessments are studied, including distance from development, quantum of view, period of view and scale of change.

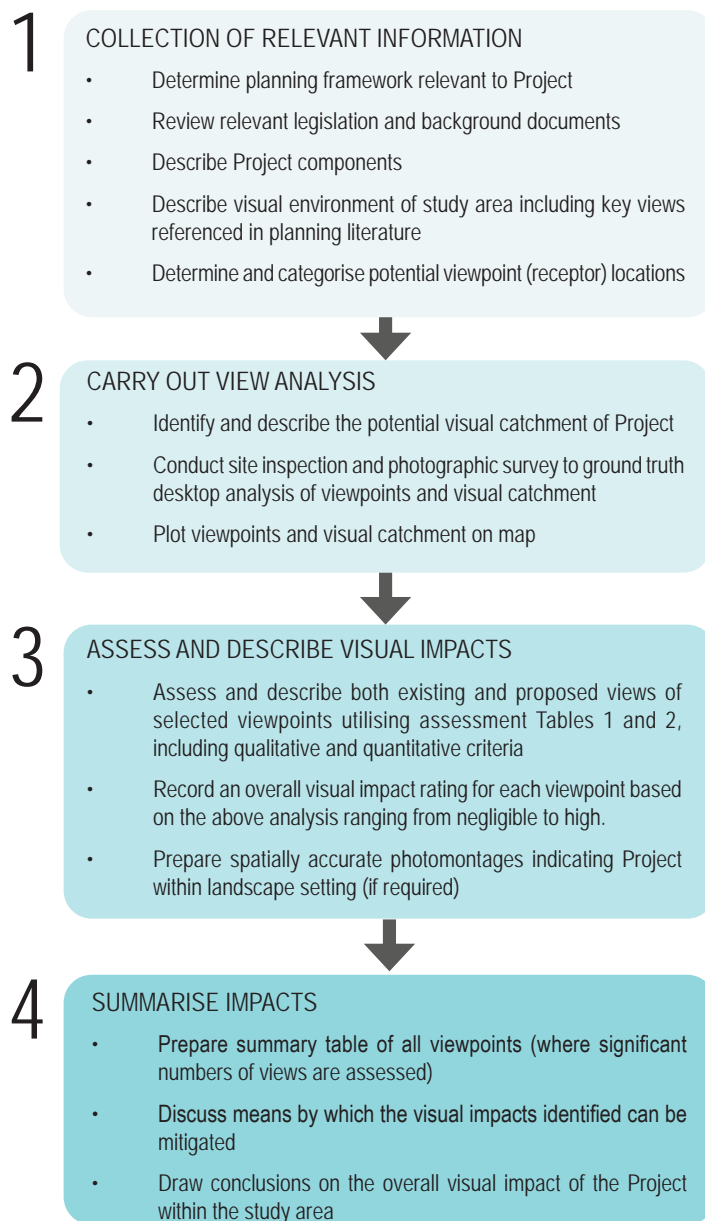


Figure 1.3 - Summary of CLOUSTON methodology for assessment of visual impact



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AVERAGE COLLECTIVE RATING (see Table 2)	OVERALL IMPACT RATING	BASIS OF RATING
NONE	NONE	No part of the proposal, or work or activity associated with it is discernible.
LOW	NEGLIGIBLE	Only a very small part of the proposal is discernible and/or is at such a distance that it is scarcely appreciated. Consequently, it would have very little effect on the scene.
MODERATE/LOW	MINOR	The proposal constitutes only a minor component of the wider view, which might be missed by the casual observer or receptor. Awareness of the proposal would not have a marked effect on the overall quality of the scene.
MODERATE	MODERATE	The proposal may form a visible and recognisable new element within the overall scene that affects and changes its overall character.
MODERATE/HIGH	SEVERE	The proposal forms a significant and immediately apparent part of the scene that affects and changes its overall character.
HIGH	DEVASTATING	The proposal becomes the dominant feature of the scene to which other elements become subordinate, and significantly affects and changes the character.

Table 1 - Overall Visual Impact ratings

	HIGH MAGNITUDE	MODERATE MAGNITUDE	LOW MAGNITUDE	NEGLIGIBLE MAGNITUDE
HIGH SENSITIVITY	HIGH	HIGH - MODERATE	MODERATE	NEGLIGIBLE
MODERATE SENSITIVITY	HIGH - MODERATE	MODERATE	MODERATE/LOW	NEGLIGIBLE
LOW SENSITIVITY	MODERATE	MODERATE/LOW	LOW	NEGLIGIBLE
NEGLIGIBLE	NEGLIGIBLE	NEGLIGIBLE	NEGLIGIBLE	NEGLIGIBLE

Table 2: Impact Rating as a combination of Sensitivity and Magnitude. Source: Modified from RMS Guidelines for Landscape Character and Visual Impact Assessment

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	FACTOR	DESCRIPTION	LOW	MODERATE/LOW	MODERATE	MODERATE/HIGH	HIGH
QUALITATIVE SENSITIVITY	Viewer Sensitivity	Each visual receptor type has an inherent and varied sensitivity to change in the visual scene based on the personal context in which their view is being experienced. This sensitivity has a direct bearing on the perception of visual impact experienced by the receptor and qualifies the quantitative impacts.  Number of viewers also has a bearing on sensitivity. Viewpoints have a varied number of potential receivers depending on whether the viewpoint is public or private, the popularity of the viewing location and its ease of accessibility. Views from public reserves and open space are often given the highest weighting due to the increased number of viewers affected.	Vacant lot, uninhabited building, car park.	Minor roads, service providers.	Residential properties with limited views, commercial properties, scenic public roads (eg official tourist routes).	Public open space, public reserves, living areas or gardens/balconies of residential properties with direct views of Project.	Nationally or internationally significant viewpoint specifically documented as such.
	Quantum of View	The quantum of view relates to the openness of the view and the receptor's angle of view to the scene. A development located in the direct line of sight has a higher impact than if it were located obliquely at the edge of the view. Whether the view of the Project is filtered by vegetation or built form also affects the impact, as does the nature of the view (panoramic, restricted etc.). A small element within a panoramic view has less impact than the same element within a restricted or narrow view.	Only an insignificant part of the Project is discernible.	An oblique, highly filtered or largely obscured view of the Project or a view where the Project occupies a very small section of the view frame.	A direct view of the Project or its presence in a broader view where the Project occupies a moderate proportion of the view frame.	A direct view of the Project or its presence (sometimes in a very narrow or highly framed view), where the Project occupies the greater proportion of the view frame.	The Project occupies almost the entire view.
QUANTITATIVE MAGNITUDE	Distance of View	The effect the Project has on the view relating to the distance between the Project and the visual receptor. The distances are from the site boundary.	Over 2,000m	Viewing distance of between 1,000m and 2,000m.	Viewing distance between 100m and 1,000m.	Viewing distance between 50 and 100m.	Viewing distance between 0 and 50m.
	Period of View	The length of time the visual receptor is exposed to the view. The duration of view affects the impact of the Project on the viewer - the longer the exposure the more detailed the impression of the proposed change in terms of visual impact.	Less than 1 second	1 to 10 seconds: often from a road or walking past.	1 to 5 minutes: usually from a road/driveway entrance, walking past.	Several hours of the day: usually from a residential property.	Significant part of the day, eg time spent in popular parks.
	Scale of Change	Scale of change is a quantitative assessment of the change in compositional elements of the view. If the proposed development is largely similar in nature and scale to that of existing elements in the vicinity, the scale of change is low. If the development radically changes the nature or composition of the elements in the view, the scale of change is high. Distance from the development would accentuate or moderate the scale and variety of visible elements in the overall view and hence influence this rating.	Project barely discernible	Elements and composition of the view would remain largely unaltered.	Elements within the view would not be wholly compatible with existing features in the landscape.	Elements within the view would greatly dominate existing features in the landscape.	Elements within the project would be completely at odds with the existing landscape.

Table 3 - Assessment Criteria

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#### 1.5 METHODOLOGY - VIEW SHARING AND VIEW LOSS

The planning Principles established in Tenacity require the assessment of the impact of views in accordance with a four step process.

The methodology employed for this assessment is described in Figure 1.4.

For the purpose of this view loss assessment representative views from within the adjoining building to the north (37 Glen Street) were provided by the project Architects. Representative views were taken from the living areas (based on those views that would be impacted by the additional building height sought under this Planning Proposal). Given that access was not available into the apartments in that building, drone photography was selected.

The drone was employed to photograph the nearest available view from the apartment level selected location (approximately 4-5 metres in front of the respective windows) and the resulting images were adjusted and inserted into an architectural model of that room's windows and view angle by the architects, to resemble, as closely as was practical the viewer's field of view from that particular viewpoint.

It should be stressed that, while this methodology provides a fair representation of those views, photographs taken from the exact standpoint in the respective apartment would provide the most definitive assessment.

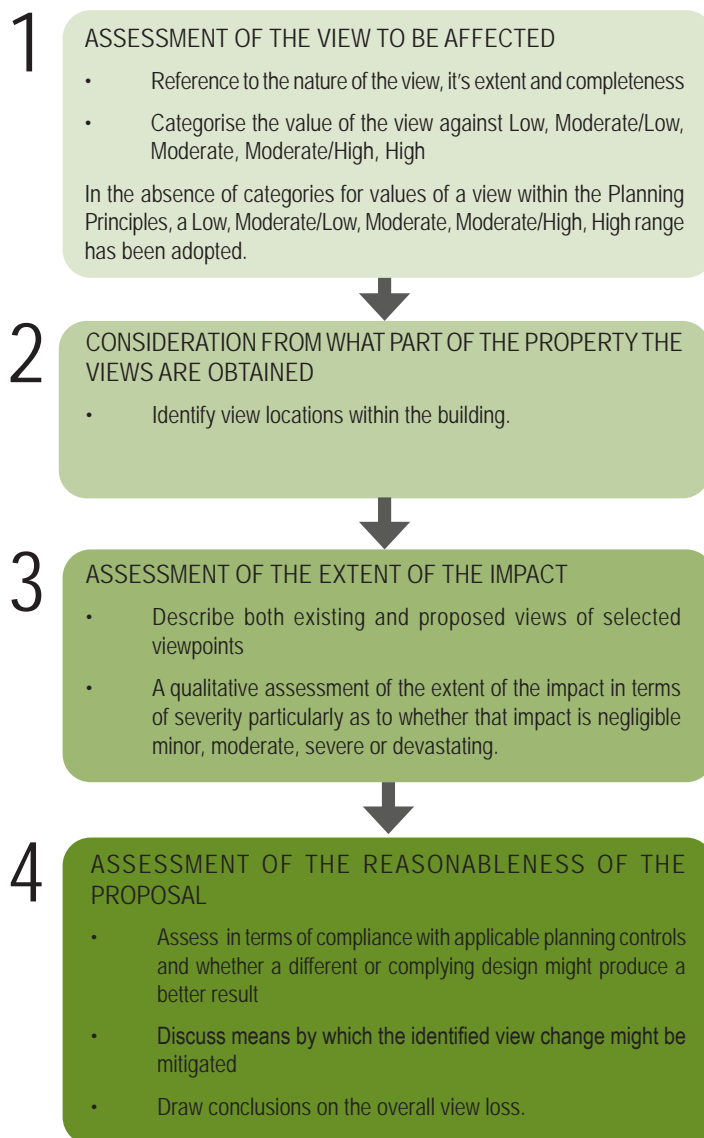


Figure 1.4 - Summary of CLOUSTON methodology for assessment of view loss

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2.0 THE PROJECT



Figure 2.1 - Context Map

## 2. THE PROJECT

---

### 2.1 PROJECT DESCRIPTION

The proposed development is a mixed use tower in the heart of Milson's Point which includes an enhanced through-site link and new ground level public plaza. In summary, the proposed development is comprised of the following:

- New 18 storey residential tower (22 including 4 basement levels fronting Glen Street);
- Provision of a publicly accessible civic square at ground level on Alfred Street;
- Improved through-site link between Alfred Street and Glen Street;
- Additional ground floor through-site link for a future vision connection the north to south side of the site;
- Provision of several new food and beverage and small retail outlets;
- Provision of approximately 2642m<sup>2</sup> of new commercial space.

The development comprises of a 2 storey high podium with 2 tower components at differing heights. The proposed height of the podium on the Alfred St frontage adheres to the typical 2 storey podium heights of the surrounding developments in order to preserve a visually unified street frontage. Each proposed tower components built form relates to the two differing scales of the existing Glen and Alfred frontages.

Fronting Alfred St, the building form is 17 storeys (including the 2 storey podium) but due to the terraced form stepping away from Alfred St, there is a streetscape perception of 14 storeys and alignment to the adjacent 68 Alfred St in maintaining a continuous street wall.

The built form to Glen Street reaches a maximum height of RL87.10 at 18 storeys (22 including the 4 basement storeys). The height is generally in keeping with that of other residential development to the immediate north (37 Glen Street - RL 87.40) and is significantly lower than 48 Alfred Street to the South.

The existing pedestrian access through the site to Glen Street is via a series of winding staircases. The proposal seeks to improve this connection with the provision of an active through site link, landscaping to create visual interest and a series of retail tenancies with outdoor seating to promote activation. Pedestrian amenity will be improved by removing the existing vehicular basement access to the site via Alfred St and thus reducing the volume of traffic. Access would continue to be provided along the western boundary via Glen Street.

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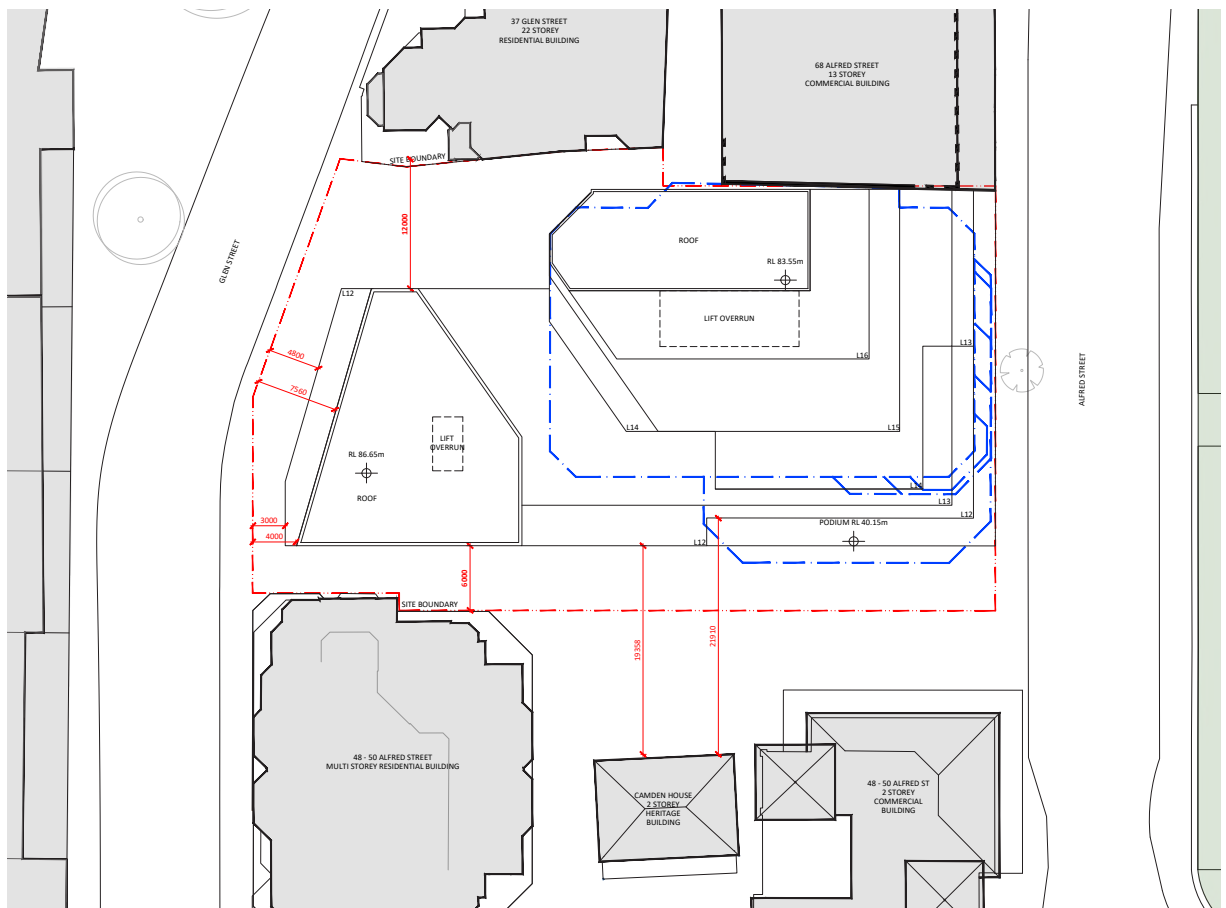


Figure 2.3 - Proposed Building Layout Plan - Roof Level



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### 3. EXISTING VISUAL ENVIRONMENT

#### 3.0 EXISTING VISUAL ENVIRONMENT

As required by the Land and Environment Court Planning Principles, this assessment starts by identifying the nature and scope of the existing views from the public and private domain.

The visual environment of the study area includes harbour foreshore public open space, marinas, roads, mixed commercial premises and medium to high density residential development as well as from the harbour itself.

As can be seen from Fig 3.1 the visual catchment of the project is significant, however the building is one of many high-rises in Milsons Point and thus is not visually prominent in its own right.



Figure 3.1 Visual Catchment attained from desktop evaluation of proposed building height using only topography data (Source: Google Earth Pro)

#### 3.1 KEY VIEWPOINTS IN THE PUBLIC REALM

While the Sydney Harbour REP addresses the visual context of Sydney Harbour, a key part of the Land and Environment Court's Planning Principles requires a record as to whether or not there is any document that identifies the importance of the view to be assessed. As stated within *Rose Bay Marina Pty Limited v Woollahra Municipal Council* (2013), 'the absence of such a provision does not exclude a broad public interest consideration of impacts on public domain views'.

A desktop study of the planning literature did not identify any specific references to views or vistas towards the harbour from this locality. However, for residents and the public views to the Harbour and the Harbour Bridge are important and as a nationally significant heritage item and internationally recognised structure views to and from the Harbour Bridge are deemed of high value.

Views in the visual catchment of the Harbour are specifically protected in the document Sydney Harbour Bridge Conservation Management Plan 2007.

### 3.2 Harbour Visual Catchment

Due to the size and location of the bridge views are available from many key points around the harbour and the surrounding landscape. Protection of these views are a key element of the conservation of the cultural values of the bridge. The Sydney Harbour Bridge is listed in the State Heritage Register and National Heritage Listing, which provides some protections.

Views of the Bridge and its component parts are listed as a heritage item (Item 67) in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW). The area listed in the REP extends from the Heads of Sydney Harbour up the extent of Parramatta River and includes all the land falling within. Figure 3.2 from Sydney Harbour Bridge—Conservation Management Plan, July 2007 depicts the extent where inappropriate development could impact views of the Bridge.

#### Extract from Sydney Harbour Bridge - Conservation Management Plan 2007

...matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are as follows: ... (b) development should minimise any adverse impacts on views and vistas to and from public spaces, landmarks and heritage items ... (Cl.28).

The REP curtilage extends from the entrance to Sydney Harbour in the east to Parramatta in the west, and includes land that varies in its distance from the harbour shoreline.

Notwithstanding the extent of locations around the harbour and its hinterland from which views of the bridge are possible, the setting map attached at Figure 3.2 outlines that section within the REP curtilage within which inappropriate development could impact upon the cultural values of the bridge in its setting, and where the provisions of the REP that apply to 'impacts on views and vistas to and from ... heritage items' should be rigorously applied.

#### Relevance of the Harbour Bridge

With respect to this Planning Proposal, the location of the project, nestled between existing high rise buildings is such that it would not have any increased impact on views from the Harbour Bridge or Sydney Opera House.

With respect to views towards both structures from the Project site, existing views southeast towards the Opera House will not change (except with additional views from new upper levels).

The principal view change would relate to view sharing from the Western elevation of the Project south towards the Harbour Bridge (see Section 6.0).

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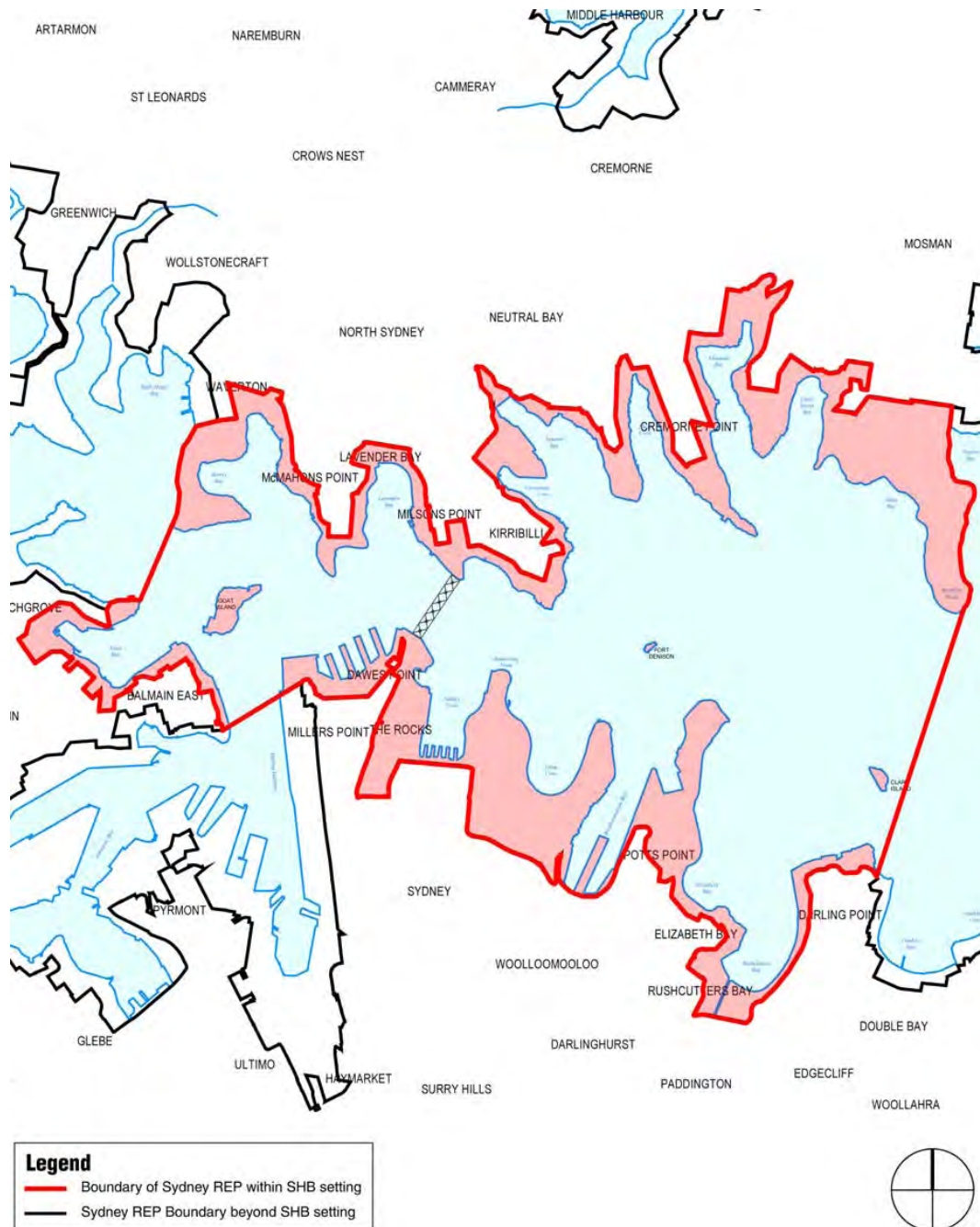


Figure 3.2 Sydney Harbour Bridge Setting Map (Adapted from the Sydney Regional Environmental Plan (REP) Foreshores and Waterways Area Map, Sheet 3 of 5. Department of Infrastructure, Planning and Natural Resources, 2005)

CLOUSTON associates

### 3.3 Selected Key Views

For the purposes of this report, the following views have been selected to assess the potential visual impact of the development.

- Viewpoint 1 - Kirribilli Markets near Burton St looking south
- Viewpoint 2 - Looking west from Bradfield Bowling Green
- Viewpoint 3 - Corner of Burton and Fitzroy Street looking north
- Viewpoint 4 - Glen Street looking north
- Viewpoint 5 - Glen Street looking south

It is acknowledged that views are also available from many other locations including from the Harbour Bridge and the raised rail line. However, the above are the closest views of the project with the highest potential for visible change to the general public.



Figure 3.3 - Key viewpoint locations

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Figure 3.4 Key View 1: Kirribilli Markets near Burton St looking south

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Figure 3.5 Key View 2: Looking west from Bradfield Bowling Green

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Figure 3.6 Key View 3: Corner of Burton and Fitzroy Street looking north





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Figure 3.7 Key View 4: Glen Street looking north



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Figure 3.8 Key View 5: Glen Street looking south



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4.0 VISUAL IMPACT ASSESSMENT



## 4. VISUAL IMPACT ASSESSMENT

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The following pages detail the visual impact assessment from each of the five selected viewpoints.

For each selected view the assessment includes:

- an image of the viewpoint and angle of view
- the location and distance to the Project.
- nature of the receptor type
- a description of the view
- impact assessment evaluation table.

### 4.1 Additional Building Height

While the Planning Proposal is seeking additional building height, it should be noted that there are no public domain locations within the immediate locality from which any loss of views to the Harbour Bridge, Sydney Harbour or Sydney Opera House would be additionally impacted by virtue of the extra building storeys.

### 4.2 Photographic Format of Images

Note that the photographs for each viewpoint in this assessment have been photographed with a DSLR camera (full frame sensor) with the focal length set at 50mm (which is deemed to be as close as replicable to the human eye). Where necessary two or more photographs have been stitched together to assist in illustrating the full extent of the building or element being assessed.

**4.1 VIEWPOINT ANALYSIS**

The following section assesses the visual impact of the Project on each of the selected viewpoints shown in Figure 13. This includes a description of the current view from each viewpoint followed by a discussion of the potential visual impacts of the SSP Proposal on that view. Each viewpoint is accompanied by a photograph of the current view. For residential receptors access was not possible to the property itself and so drone photography was undertaken (see Section 6.0). The description of visual impact is estimated from the property's main dwelling area.

For a detailed description of the assessment factors and impact ratings used, see 'Methodology'.

**EXAMPLE**

VIEWPOINT X



- Viewpoint number
- Location map
- Outline of proposed works
- Photo location and direction marker

**Location**

Blackwattle Bay Park

Viewpoint location

Distance to Proposal  
xxx metres

Distance to centre of Investigation Area

Receptors  
XX

Description of the viewers

Current View  
XX

Description of current views

**VISUAL IMPACT**  
XX

Description of expected visual impact

RECEPTOR TYPE	RECEPTOR IDENTIFICATION	RECEPTOR SENSITIVITY	MAGNITUDE				SUMMARY OF RATINGS
			DISTANCE	QUANTUM OF VIEW	PERIOD OF VIEW	MAGNITUDE OF CHANGE	
Public Reserve	1	L	M	L	L	L	M/L

- VISIBLE**
- Refurbished dolphin wharf
  - Dolphin wharf pontoons
  - Berthed boats

Assessment matrix table

Visual Impact Rating: **MODERATE/LOW**

Overall visual impact rating

#### 4.1.1 Scoring System

The overall impact rating of a proposal on any given receptor is based on factors of magnitude and sensitivity. The scores for each assessment factor within the matrix table are totalled and an average taken. The following scores are used to determine the overall visual impact rating (refer Methodology section of this report):

Low	Minorly adverse visual impact
Moderate/Low	Slightly adverse visual impact
Moderate	Moderately adverse visual impact
Moderate/High	Moderately to highly adverse visual impact
High	Highly adverse visual impact

#### 4.1.2 Viewer Height

The Land and Environment Court (*Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor 2013*) states that 'the impact on appreciation of a public domain view should not be subject to any eye height constraint. A public domain view is one that is for the enjoyment of the whole population, old or young and whether able-bodied or less mobile.'

Although the photos and photomontages within this study have been taken at standing eye level, the assessment of visual impacts on each viewpoint is relevant to both sitting and standing positions. The difference between the two is not considered significant enough from any one viewpoint to justify a separate assessment.

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## VIEWPOINT 1

LOCATION	Kirribilli Markets near Burton St
DISTANCE	Approx. 60m
RECEPTORS	Users of public open space, Market patrons, commuters, residents
EXISTING VIEW	This view is taken from the site of the Kirribilli Markets near Burton and Alfred Street. Diagonal to the investigation site the view foreground consists of the gravel square as well as hedge and tree plantings. Multiple other office and residential buildings are positioned adjacent to the site as well as in the background.



### EXPECTED VISUAL IMPACT

The proposed building will have a higher visible height from street level before stepping back on the higher levels. The podium height will sit within the surrounding buildings general range of 10m/3 storeys and will have a setback of 2 metres which is consistent with the surrounding setbacks of between 0 - 3 metres.

The visual impact from this location is expected to be minor given that the proposed building is similar in height to the existing building, and the podium height and setback is consistent with the surrounding buildings. Furthermore, the proposed building has a more articulated facade which tends to reduce the bulk somewhat. Given the multitude of surrounding towers within this area, the proposed building will not introduce a foreign element to the surrounding visual landscape.

Figure 4.1

### IMPACT ASSESSMENT BEFORE MITIGATION

RECEPTOR TYPE	RECEPTOR IDENTIFICATION	RECEPTOR SENSITIVITY	MAGNITUDE				
			DISTANCE	QUANTUM OF VIEW	PERIOD OF VIEW	SCALE OF CHANGE	SUMMARY OF RATINGS
Public	1	M/H	M/H	L	L	L	L
Visual Impact Rating		LOW					

Figure 4.2

**CLOUSTON** associates



Key View 1: Burton Street looking south



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## VIEWPOINT 2


LOCATION	Bradfield Park Bowling Green	
DISTANCE	Approx. 40m	
RECEPTORS	Users of public open space, lawn bowls participants, residents	
EXISTING VIEW	This view is taken from directly opposite the investigation site on the Bradfield Park Bowling Green. Alfred St and associated parking spaces can be seen in the foreground along with sparse street trees. Other office and residential buildings of similar scale or larger can be seen adjacent to the site as well as in the background.	
<b>EXPECTED VISUAL IMPACT</b>		
<p>The higher visible height for the proposed building from this location is in alignment with the neighbouring property of 68 Alfred Street which has a RL of 73.60). This will mimic the existing view which shows the current building aligning with it's immediate neighbour.</p> <p>The proposed podium height and setback will also conform with surrounding buildings, ensuring that the proposed building is not at odds with the existing visual environment. Given the number of towers in this location the proposed building would not be at odds with its surrounds, and a minimal visual impact is expected from this location.</p>		

Figure 4.3

### IMPACT ASSESSMENT BEFORE MITIGATION

RECEPTOR TYPE	RECEPTOR IDENTIFICATION	RECEPTOR SENSITIVITY	MAGNITUDE				
			DISTANCE	QUANTUM OF VIEW	PERIOD OF VIEW	SCALE OF CHANGE	SUMMARY OF RATINGS
Public	2	M/H	M/H	L	L	L	L
Visual Impact Rating	LOW						

Figure 4.4

CLOUSTON associates



Key View 2: Looking west from Bradfield Park Bowling Green

CLOUSTON associates

### VIEWPOINT 3

LOCATION	Corner of Alfred and Fitzroy Street	
DISTANCE	Approx. 75m	
RECEPTORS	Users of public open space, residents, shoppers, commuters	
EXISTING VIEW	This view is taken from the corner of Bradfield Park near Alfred and Fitzroy Street looking North. The Alfred St roundabout, street trees and retail shops can be seen in the foreground with the existing building positioned behind.	

EXPECTED VISUAL IMPACT
<p>This view immediately adjoins Bradfield Park which is a popular public open space however the majority of viewers in this location are looking south to Sydney Harbour, the Harbour Bridge and the Sydney Opera House.</p> <p>The proposed podium height and setback will help to ensure that the appearance of the current street frontage will remain relatively the same. As a result of the setback of the upper levels of the tower, the perceptible height will be similar to the existing building from this location. The corners of the facades of the proposed building is also more consistent across the height of the building.</p> <p>The proposed building envelope is consistent with the majority of surrounding buildings in this area, and as a result a minor visual change is expected from this location.</p>

Figure 4.5

#### IMPACT ASSESSMENT BEFORE MITIGATION

RECEPTOR TYPE	RECEPTOR IDENTIFICATION	RECEPTOR SENSITIVITY	MAGNITUDE				
			DISTANCE	QUANTUM OF VIEW	PERIOD OF VIEW	SCALE OF CHANGE	SUMMARY OF RATINGS
Public	3	M/H	M/H	L	L	L	L
Visual Impact Rating	LOW						

Figure 4.6

CLOUSTON associates



Key View 3: Corner of Burton and Fitzroy Street looking north

## VIEWPOINT 4


<b>LOCATION</b>	Southern end of Glen Street	
<b>DISTANCE</b>	Approx. 20m	
<b>RECEPTORS</b>	Users of public open space, residents, commuters, office workers	
<b>EXISTING VIEW</b>	This view is taken from the Southern end of Glen Street looking North. The foreground and background of this view is dominated by the adjoining mixed use buildings. Street tree plantings along Glen St can also be glimpsed in the background.	
<b>EXPECTED VISUAL IMPACT</b>		
<p>From here the taller of the two towers will be visible with a RL of 87.10.</p> <p>The podium will be of a similar height to the existing building currently in view, with the tower setback from the podium edge. The proposed height of this tower is consistent with the heights of both the northern and southern neighbouring towers, ensuring that the proposed building does not create a visually dominating new addition.</p> <p>It is anticipated that a moderate/low visual impact will occur from this location given the addition of a new tower. The height of the proposed tower corresponds with its neighbours and the built up nature of the area means that although a noticeable change will result, it would not be at odds with its surrounds.</p>		

Figure 4.7

IMPACT ASSESSMENT BEFORE MITIGATION

RECEPTOR TYPE	RECEPTOR IDENTIFICATION	RECEPTOR SENSITIVITY	MAGNITUDE				SUMMARY OF RATINGS
			DISTANCE	QUANTUM OF VIEW	PERIOD OF VIEW	SCALE OF CHANGE	
Public	4	M/L	H	M/H	L	M	M/L
Visual Impact Rating		MODERATE/LOW					

Figure 4.8

CLOUSTON associates

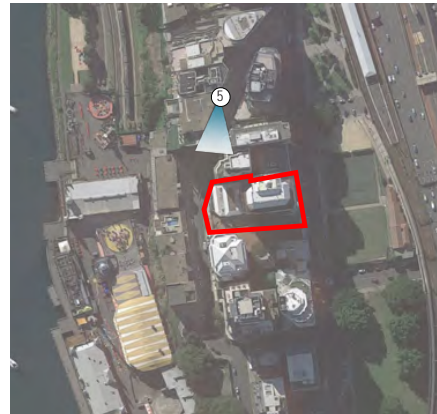


Key View 4: Glen Street looking north

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## VIEWPOINT 5

LOCATION	Northern end of Glen Street
DISTANCE	Approx. 70m
RECEPTORS	Residents, commuters, office workers
EXISTING VIEW	This view is taken from the Northern end of Glen Street looking South. Street trees and planting associated with nearby buildings are positioned in the foreground. Only the lower back portion of the existing building can be seen from this viewpoint. A fraction of the Sydney Harbour Bridge can be viewed in the background.



EXPECTED VISUAL IMPACT
From this location the proposed building will be on a highly oblique angle. The podium will form the most visible element of the building.
The RL height of the tower will be 87.10, which is a significant departure from the current height of the existing building. Although a significant change in building height will occur, the setback of the tower combined with the dominance of 37 Alfred Street in the foreground will ensure that from this location only a minor presence of the tower will be perceptible resulting in a low visual impact.

Figure 4.9

### IMPACT ASSESSMENT BEFORE MITIGATION

RECEPTOR TYPE	RECEPTOR IDENTIFICATION	RECEPTOR SENSITIVITY	MAGNITUDE				SUMMARY OF RATINGS
			DISTANCE	QUANTUM OF VIEW	PERIOD OF VIEW	SCALE OF CHANGE	
Public	4	M/L	H	L	L	L	L
Visual Impact Rating		LOW					

Figure 4.10

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Key View 5: Glen Street looking south

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## 5. VISUAL IMPACT MITIGATION

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### 5.1 APPROACHES TO MITIGATION

There are typically four broad approaches to mitigating the visual impacts of any change to a scene that entails built form development. These are through:

- *Avoidance* – where the visual impact of the proposal is deemed of a scale that cannot be mitigated by any of the approaches outlined below, this approach implies relocating the proposal elsewhere on the site with lesser visual impacts or not proceeding with the proposal on the site at all
- *Reduction* – typically this approach seeks to mitigate impacts through the reduction of some part of the proposed structure or development (ie. reduced height, downscaling or omission of parts of the built structure/s)
- *Alleviation* – this approach entails design refinements to the proposal to mitigate visual impacts. These refinements might typically include built form articulation, choice of material reflectivity alleviation, colour choices and/or planting design
- *Offsite Compensation* – where none of the above approaches will provide adequate visual impact mitigation for offsite visual receptors, this approach entails offsite works on the land from which the viewpoint is experienced (eg screening close to the viewpoint).

Set out below are the relevant responses to these approaches with respect to the Project.

#### Applicability of Mitigation to the Planning Proposal

Given that the new building will stand on the site of an existing building with a similar footprint and the additional building height sought would not have significant additional visual impact, the need for Avoidance, Reduction or Offsite Compensation would not be warranted.

Some Alleviation may be required during the design development once fuller details are available on lighting, streetscape design and building finishes.

In the same vein some Alleviation may also be required during the construction phase to minimise visual impacts from the adjoining public domain.

#### Construction Phase

It can be expected that there will be some visual impact experienced during the demolition and construction phase (cranes, scaffolding, construction plant etc). However, these impacts would be temporary in nature and any mitigation if required, should be assessed when the construction methodology and associated elements are known.

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## 6. VIEW SHARING AND VIEW LOSS ASSESSMENT

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The following pages detail the view loss assessment from each of the representative images provided by the project Architects. This includes a description of the current view from each viewpoint followed by a discussion of the potential view loss as a result of the Proposal.

The view loss assessment is carried out against the 4 steps as per the planning Principles established in Tenacity. For a detailed description of the assessment factors and impact ratings used, see 'Methodology'.

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## ASSESSMENT OF VIEW LOSS

*1 - Assessment of the View to be affected*

With reference to the extent and nature of the view to be affected the following ratings are used to determine the value of the view in question:

Low	Low value view
Moderate/Low	Moderate / Low value view
Moderate	Moderate value view
Moderate/High	Moderate / High value view
High	High value view

The residential building at 37 Glen Street is comprised of 26 storeys, many of the residential units have views over Sydney Harbour and towards Sydney Harbour Bridge. The views afforded by these units are deemed of High Value, given that they are whole views of the water and in many cases whole or part views of the Sydney Harbour Bridge.

*2 - Consideration from what part of the property the views are obtained*

For the purpose of this view loss assessment, representative units have been selected by the project Architects on levels 12, 21 and 26 to assess the view loss from the living areas and bedrooms.

Representative views are provided from within the living areas of these properties under the assumption that these are the areas which are inhabited the most within each apartment

### 3 - Assessment of the Extent of the Impact

The images overleaf illustrate the before and after views from the representative levels selected of the residential building at 37 Glenn Street. For each view the view loss is assessed qualitatively against the following classifications:

Negligible	Negligible visual view impact
Minor	Minor adverse view impact
Moderate	Moderately adverse view impact
Severe	Severely adverse view impact
Devastating	Devastatingly adverse visual view impact

It should be noted that the modelled views that follow are from single point locations. They do not provide confirmation that any additional or different view loss might be experienced from elsewhere in the room or on a balcony. Accordingly, the lowest view loss rating is 'Negligible'.

### 4 - Assessment of the Reasonableness of the Proposal

The reasonableness of the proposal is addressed within the summary of this section, providing:

- An assessment in terms of compliance with applicable planning controls and whether a different or complying design must produce a better result
- Discuss means by which the visual impacts identified can be precluded, reduced or offset
- Draw conclusions on the overall view loss.

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## UPDATED VIEW SHARING AND VIEW LOSS IMAGES

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Virtual Ideas have produced images to demonstrate the proposed changes to the Glen Street setback from Planning Proposal 03 (pp4/19) and Planning Proposal 04. The additional setback is from 3m to 4.8m to the Glen Street frontage to allow for view sharing to neighbouring 37 Glen Street (pgs 56-61).

Pgs 62-91 cover the view loss from the previous proposal (Planning Proposal 03 (pp4/19)).



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## VIEW IMPACT ASSESSMENT FROM PP04

### VIEW 5



Plan view of camera - Level 12 (RL 44.85m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 12, 37 Glenn Street - Western Apartment - Balcony - View 5
<b>ASSESSMENT OF VIEW</b>	<p>The foreground of the view is dominated by surrounding buildings. Beyond this to the extreme left of the view a portion of the iconic Sydney Harbour Bridge can be seen, with tall commercial and residential towers in the CBD and Barangaroo also visible.</p> <p>The right hand side of the view is dominated by harbour and foreshore views looking south-west into the distance.</p> <p>Overall the view is considered to be of high importance as a result of the Harbour Bridge and the amount of water/harbour that can be seen.</p>

<b>EXTENT OF IMPACT</b>	
<p>The loss of view of the iconic Sydney Harbour Bridge has been reduced as a result of the proposed modifications to the Proposal, however view loss of a portion of the bridge still occurs.</p> <p>The view of the harbour to the right hand side of the view remains unchanged by the proposal.</p> <p>As a result of the reduction in the level of view loss of the Sydney Harbour Bridge the rating has reduced from a severe to a high-moderate visual impact.</p>	

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View 5 - PP4/19 (PP03)



View 5 - Current Proposal (PP04)

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## VIEW IMPACT ASSESSMENT FROM PP04

### VIEW 7



Plan view of camera - Level 21 (RL 67.5m)

Southern Elevation view of camera

<b>LOCATION</b>	Level 21, 37 Glenn Street - Western Apartment - Living Room - View 7
<b>ASSESSMENT OF VIEW</b>	<p>Dawes Point and commercial towers in the CBD, and towers at Barangaroo are visible from the left hand window, as is the harbour.</p> <p>The right hand window has expansive views of the harbour and McMahons Point and Blues Point Reserve. In the distance can be see Goat Island as well as expansive views of a range of buildings, vegetation and ANZAC Bridge to the south-west.</p> <p>This view is considered of high importance as a result of the expansive harbour views.</p>

<b>EXTENT OF IMPACT</b>	
<p>As a result of proposed changes the visibility of the Proposal has been reduced which allows for greater long distance views to a number of high-rise buildings in the CBD. A small reduction in the obstruction of water views has also occurred.</p> <p>The Proposal will not be visible from the right hand window and will continue to have no impact on this view.</p> <p>Although a reduction in visibility of the Proposal has occurred, the overall impact remains at low.</p>	

**CLOUSTON** associates



View 7 - PP4/19 (PP03)



View 7 - Current Proposal (PP04)

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## VIEW IMPACT ASSESSMENT FROM PP04

### VIEW 8



Plan view of camera - Level 21 (RL 67.5m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 21, 37 Glenn Street - Western Apartment - Living Room - View 8
<b>ASSESSMENT OF VIEW</b>	<p>Expansive views of Sydney Harbour are possible from both windows. The left hand window affords views of the towers at Barangaroo, Walsh Bay and the harbour.</p> <p>The right hand window has expansive views of the harbour and McMahons Point and Blues Point Reserve. In the distance can be see Goat Island as well as expansive views of a range of buildings and vegetation.</p> <p>The view as a whole (from both windows) is considered to be of high importance.</p>
<b>EXTENT OF IMPACT</b>	<p>Only a fraction the Proposal is visible at the extreme edge of the left-hand side window. This results in a significant reduction of view loss from the PP03 design. As a result the visual impact has reduced from the previous rating of low to negligible as a result of the increased setback.</p>

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View 8 - PP4/19 (PP03)



View 8 - Current Proposal (PP04)

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## VIEW IMPACT ASSESSMENT FROM PP03

### VIEW 1



Plan view of camera - Level 12 (RL 44.85m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 12, 37 Glenn Street - Western Apartment - Living Room - View 1
<b>ASSESSMENT OF VIEW</b>	<p>Views of the harbour are primarily visible looking south-west from the right hand side of the image, with significant long distance views across the open water possible.</p> <p>The left hand window is primarily dominated by built form of surrounding buildings, however a partial of water is visible, as is a partial view of the Sydney Harbour Bridge. Tower blocks located within the city are visible beyond this.</p> <p>The views across the harbour are considered high value given they are significant water views.</p>
<b>EXTENT OF IMPACT</b>	<p>The proposal is not visible when looking from the right hand side window and therefore the view of the harbour is not impacted.</p> <p>The proposal is visible from the left hand side window and will eliminate the partial water view, the partial view of the Sydney Harbour Bridge and the majority of CBD buildings visible. As these views are partial as a result of the existing level of built form in the view they are considered less significant than the harbour views, however given the iconic nature of the Sydney Harbour Bridge the loss of this view is considered moderate.</p>

**CLOUSTON** associates



View 1 without building



View 1 with building



CLOUSTON associates

VIEW 2



Plan view of camera - Level 12 (RL 44.85m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 12, 37 Glenn Street - Western Apartment - Master Bedroom - View 2
<b>ASSESSMENT OF VIEW</b>	Existing built form comprises a significant amount of the view. A very small fraction of the harbour is visible. The headland of Barangaroo Reserve is visible, as are a number of buildings in the distance and is considered a partial view.
<b>EXTENT OF IMPACT</b>	
A negligible level of the proposal is visible from this location and is not considered significant enough to have any impact on the view and therefore has a negligible visual impact.	

CLOUSTON associates



View 2 without building



View 2 with building

CLOUSTON associates

### VIEW 3



Plan view of camera - Level 12 (RL 44.85m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 12, 37 Glenn Street - Southern Apartment - Living Room - View 3
<b>ASSESSMENT OF VIEW</b>	A clear view over Lavender Bay towards McMahons Point is possible from this location. This view continues west over the harbour affording long distance views over the harbour. This view is considered high importance as it is a whole view.
<b>EXTENT OF IMPACT</b>	
A negligible level of the proposal is visible from this location and does not impact on the view to any significant level, therefore a negligible visual impact will result.	

CLOUSTON associates



View 3 without building



View 3 with building

CLOUSTON associates

### VIEW 4



Plan view of camera - Level 12 (RL 44.85m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 12, 37 Glenn Street - Southern Apartment - Master Bedroom - View 4
<b>ASSESSMENT OF VIEW</b>	The current view is a combination of built form from both the surrounding buildings as well as the edge of 37 Glen Street and harbour views. Long distance views westwards towards a mixture of building types and mature vegetation is possible. The view is considered of moderate importance given the level of water visible.
<b>EXTENT OF IMPACT</b>	
The edge of the proposal will be visible at the left hand side of the window. This will obstruct a small portion of harbour and long distance views which will increase the level of built form visible and have a moderate impact on the overall view.	

CLOUSTON associates



View 4 without building



View 4 with building

CLOUSTON associates

## VIEW 5



Plan view of camera - Level 12 (RL 44.85m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 12, 37 Glenn Street - Western Apartment - Balcony - View 5
<b>ASSESSMENT OF VIEW</b>	<p>The foreground of the view is dominated by surrounding buildings. Beyond this to the extreme left of the view a portion of the iconic Sydney Harbour Bridge can be seen, with tall commercial and residential towers in the CBD and Barangaroo also visible.</p> <p>The right hand side of the view is dominated by harbour and foreshore views looking south-west into the distance.</p> <p>Overall the view is considered to be of high importance as a result of the Harbour Bridge and the amount of water/harbour that can be seen.</p>

<b>EXTENT OF IMPACT</b>	
<p>A small portion of the proposal will be visible to the left of the view. This will result in the loss of view of a portion of the Sydney Harbour Bridge and harbour that can currently be seen. A small portion of the Harbour Bridge will still be visible beyond this.</p> <p>The view of the harbour to the right hand side of the view will not be impacted by the proposal.</p> <p>As a result of a partial loss of view of an iconic Sydney landmark a severe visual impact will result even though the majority of the view will not be impacted.</p>	

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View 5 without building



View 5 with building



CLOUSTON associates

## VIEW 6



Plan view of camera - Level 12 (RL 44.85m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 12, 37 Glenn Street - Southern Apartment - Balcony - View 6
<b>ASSESSMENT OF VIEW</b>	<p>Neighbouring buildings can be seen in the lower half of the view. To the extreme left of the view can be seen commercial towers at Barangaroo.</p> <p>Beyond the neighbouring buildings Lavender Bay and McMahons Point is clearly visible. The harbour and foreshore can be seen receding westwards into the distance.</p> <p>The view is considered of high importance as a result of the high level of water views.</p>
<b>EXTENT OF IMPACT</b>	<p>A small portion of the proposal will be visible to the left of the view. This will result in a loss of views of a small portion of neighbouring built form as well as views of the commercial towers at Barangaroo. Views of the harbour will not be impacted.</p> <p>A low visual impact is expected as a result of a small portion of built form being obstructed and harbour views remaining intact.</p>

**CLOUSTON** associates



View 6 without building



View 6 with building

CLOUSTON associates

## VIEW 7



Plan view of camera - Level 21 (RL 67.5m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 21, 37 Glenn Street - Western Apartment - Living Room - View 7
<b>ASSESSMENT OF VIEW</b>	<p>Dawes Point and commercial towers in the CBD, and towers at Barangaroo are visible from the left hand window, as is the harbour.</p> <p>The right hand window has expansive views of the harbour and McMahons Point and Blues Point Reserve. In the distance can be see Goat Island as well as expansive views of a range of buildings, vegetation and ANZAC Bridge to the south-west.</p> <p>This view is considered of high importance as a result of the expansive harbour views.</p>

<b>EXTENT OF IMPACT</b>	
<p>As a result of the proposal views of CBD towers and the majority of Dawes Point will be obstructed, as will a portion of the water views of the harbour.</p> <p>The proposal will not be visible from the right hand window and will have no impact on this view.</p> <p>As a result of the obstruction of CBD views and the loss of some harbour views from the left hand window, a low impact is anticipated.</p>	

CLOUSTON associates



View 7 without building



View 7 with building

CLOUSTON associates

## VIEW 8



Plan view of camera - Level 21 (RL 67.5m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 21, 37 Glenn Street - Western Apartment - Living Room - View 8
<b>ASSESSMENT OF VIEW</b>	<p>Expansive views of Sydney Harbour are possible from both windows. The left hand window affords views of the towers at Barangaroo, Walsh Bay and the harbour.</p> <p>The right hand window has expansive views of the harbour and McMahons Point and Blues Point Reserve. In the distance can be see Goat Island as well as expansive views of a range of buildings and vegetation.</p> <p>The view as a whole (from both windows) is considered to be of high importance.</p>
<b>EXTENT OF IMPACT</b>	<p>A small portion of the proposal will be visible from the left hand window. This will obstruct a small portion of the towers located at Barangaroo and harbour.</p> <p>Given the limited visibility of the proposal and that the majority of the view remains intact, a low visual impact will result.</p>

CLOUSTON associates



View 8 without building



View 8 with building

CLOUSTON associates

### VIEW 9



Plan view of camera - Level 21 (RL 67.5m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 21, 37 Glenn Street - Western Apartment - Master Bedroom - View 9
<b>ASSESSMENT OF VIEW</b>	<p>The lower segment of the window consists of built-form from surrounding buildings. Above this clear views of the harbour are possible. In the distance can be seen Barangaroo Reserve, and beyond this Balmain East and Pyrmont.</p> <p>The view is considered to be of high importance given the clear view of the harbour and long distance views.</p>
<b>EXTENT OF IMPACT</b>	
A very small portion of the proposal will be visible to the left hand side of the window. This will result in a very small portion of the harbour and long distance view being lost. As a result, a negligible overall visual impact will occur.	

CLOUSTON associates



View 9 without building



View 9 with building



CLOUSTON associates

### VIEW 10



Plan view of camera - Level 21 (RL 67.5m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 21, 37 Glenn Street - Southern Apartment - Living Room - View 10
<b>ASSESSMENT OF VIEW</b>	<p>Expansive views of Sydney Harbour are possible from the window, as is McMahons Point and Blues Point Reserve. In the distance can be see Goat Island as well as expansive views of a range of buildings and vegetation beyond this.</p> <p>The view as a whole is considered to be of high importance as a result of the clear water views.</p>
<b>EXTENT OF IMPACT</b>	
<p>An almost imperceptible level of the proposal is visible to the left of the window. This will result in a very small portion of the harbour becoming obstructed. Given the highly limited view of the proposal, a negligible impact on the overall view will occur.</p>	

CLOUSTON associates



View 10 without building



View 10 with building

CLOUSTON associates

VIEW 11



Plan view of camera - Level 21 (RL 67.5m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 21, 37 Glenn Street - Southern Apartment - Master Bedroom - View 11
<b>ASSESSMENT OF VIEW</b>	Views of the harbour are possible from this location, as is uninterrupted long distance views beyond. Built form from the edge of 37 Glen Street is visible to the right of the window, as is a small amount from neighbouring buildings at the bottom of the window.  The view is considered to be of high importance as a result of the harbour views.

<b>EXTENT OF IMPACT</b>	
A small amount of the proposal will be visible to the left of the window. This will result in the loss of view of some of the harbour and will create a narrowed field of view between 37 Glen Street and the proposal.  Although views of the harbour and long distance views will still be possible from this location, the narrowing of the view and loss of some harbour view will result in a moderate visual impact.	

**CLOUSTON** associates



View 11 without building



View 11 with building

CLOUSTON associates



Plan view of camera - Level 26 (RL 78.8m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 26, 37 Glenn Street - Loung Room - View 12
<b>ASSESSMENT OF VIEW</b>	<p>The overall view when combined from the three windows is an expansive panorama of Sydney Harbour. To the right can be seen McMahons Point and Blues Point Reserve. A large portion of the harbour is visible in the central and left hand side windows, with Walsh Bay and the commercial towers of Barangaroo also visible.</p> <p>The overall view is considered to be of high importance as a result of the panoramic view of the harbour that it affords.</p>
<b>EXTENT OF IMPACT</b>	
The proposal is not visible from any of the locations and will have no impact on the view.	

CLOUSTON associates



View 12 without building



View 12 with building

CLOUSTON associates

## VIEW 13



Plan view of camera - Level 26 (RL 78.8m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 26, 37 Glenn Street - Living Room - View 13
<b>ASSESSMENT OF VIEW</b>	<p>An expansive panorama of Sydney Harbour is visible from this location.. To the right can be seen Blues Point Reserve and long distance views looking south-west. A large portion of the harbour is visible in the central and left hand side windows, with Walsh Bay, Dawes Point and the commercial towers of Barangaroo also visible.</p> <p>The overall view is considered to be of high importance as a result of the panoramic view of the harbour that it affords.</p>
<b>EXTENT OF IMPACT</b>	
<p>The proposal will be visible to the left of the view, which will obstruct views towards Barangaroo and Dawes Point, as well as a portion of Walsh Bay. This will result in view loss and a narrowing of the overall view from this location, although a significant portion of the harbour will remain visible. A moderate visual impact will result overall.</p>	

CLOUSTON associates



View 13 without building



View 13 with building



CLOUSTON associates

## VIEW 14



Plan view of camera - Level 26 (RL 78.8m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 26, 37 Glenn Street- Master Bedroom - View 14
<b>ASSESSMENT OF VIEW</b>	<p>Views of the harbour are possible from this location, as is uninterrupted long distance views beyond. Built form from the edge of 37 Glen Street is visible to the right of the window, as is a small amount from neighbouring buildings at the bottom of the window.</p> <p>The view is considered to be of high importance as a result of the harbour views.</p>
<b>EXTENT OF IMPACT</b>	
<p>A very small portion of the proposal will be visible to the bottom left of the window, with the rest of the proposal becoming almost imperceptible when moving towards the top of the window.</p> <p>A small portion of the harbour view will be replaced by built form, however the overall view will remain largely intact which will result in a low visual impact.</p>	

**CLOUSTON** associates



View 14 without building



View 14 with building

CLOUSTON associates

VIEW 15



Plan view of camera - Level 26 (RL 78.8m)

Southern Elevational view of camera

<b>LOCATION</b>	Level 26, 37 Glenn Street - Balcony - View 15
<b>ASSESSMENT OF VIEW</b>	<p>An uninterrupted panoramic view of Sydney Harbour can be seen from this location. To the left of the view a partial view of the iconic Sydney Harbour Bridge is possible. The CBD, Barangaroo, Dawes Point, Walsh Bay, Blues Point Reserve and McMahons Point are all visible from this location, as is expansive water views of the harbour. Long distance views to the south-west also result from this viewpoint.</p> <p>Built form from neighbouring buildings can be seen to the extreme left and bottom of the view.</p> <p>This view is considered to be of high importance as a result of the panoramic view of Sydney Harbour and the iconic Harbour Bridge</p>
<b>EXTENT OF IMPACT</b>	<p>A small portion of the proposal is visible to the extreme left of the view. This will result in views of existing built form being lost, however this will not impact on views of the Harbour Bridge or the harbour and will therefore have a negligible visual impact.</p>

**CLOUSTON** associates



View 15 without building



View 15 with building

CLOUSTON associates



## ASSESSMENT OF THE REASONABLENESS OF THE PROPOSAL

For the purpose of this view loss assessment representative views from within the adjoining building to the north (37 Glen Street) have been assessed based on those views that would be impacted by the additional building height sought under this Planning Proposal and as such assessment is provided on the height assumptions made within the proposal based on adjacent property heights.

### Design Objectives to Minimise View Loss

With respect to the rationale behind the building design to minimise view loss, the following explanation from the planner's report (Ethos Urban P/L) has been considered:

*The approach to the scheme's massing has been to concentrate the bulk of the proposal in the western portion of the site and to reduce the intensity of the development in the eastern portion where the proposal is likely to impact the view corridors from 70 Alfred Street. At the Alfred Street frontage, the chamfered envelope has been designed to facilitate view sharing.*

*At the Glen Street frontage, the Indicative Concept Scheme has sought to preserve views by locating the massing behind the building line established by adjoining developments. An increased setback at the upper levels is provided where the envelope aligns with 37 Glen Street .*

*The siting of the Indicative Concept Scheme respects the existing building alignment established along Alfred Street South and Glen Street, and consequently does not protrude forward in a way that would give rise to significant view loss impacts.*

*Overall it is considered that the surrounding built form along with the siting and configuration of the building envelope will minimise view impacts to the greatest extent possible.*

When considering the reasonableness of any view loss from the selected viewpoints, the following has been considered, in line with the Planning Principles arising from Tenacity Consulting v Warringah Council (see Section 1):

- Compliance with applicable planning controls
- Whole or partial Views.

As previously outlined, the basis of this assessment is that of the proposed building height changes in the Planning Proposal and on this basis it is understood that the development would meet the applicable controls (already applying to adjoining buildings).

The majority of ratings fall within the negligible to low visual impact. Only 1 rating of severe has been given (which reduces to high-moderate with the revised building setback) as well as 4 moderate impacts. Therefore the reasonableness test can be deemed to be met.

CLOUSTON associates



## 7. CONCLUSIONS

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The following conclusions relate to the two elements of this VIA, namely visual impact assessment when viewed from public domain viewpoints and the extent of view loss from adjoining buildings.

### VISUAL IMPACT ASSESSMENT

From the foregoing assessment it is noted that of the five viewpoints assessed one receives a 'moderate/low' rating, with the other four receiving 'low' ratings. It is also noted that:

- The building replaces an existing high rise building on the site
- The new building does not incur any significant additional view loss from the public domain towards Sydney Harbour and the Harbour Bridge, beyond the existing site's visual environment.

Consequently, this assessment concludes that the proposed development is of minimal visual impact when viewed from the public domain. With respect to some detail aspects of the new building and associated external works (street front and laneway) it could also reasonably be argued that the proposed development makes a positive contribution to the visual environment of the locality by virtue of:

- A simpler and more contemporary streetscape and laneway design
- a more articulated facade design that would appear less bulky
- A visibly more active and appealing street front on Alfred Street (shops, eating places and outdoor space in the adjoining laneway)
- A wider and less cluttered pedestrian street front on Glenn Street
- New street tree planting.

Accordingly, no mitigation measures are considered warranted at this juncture in the planning process. It is suggested that some minor mitigation measures may need to be considered with respect to specific details during the design development phase and the construction methodology design stage (eg materials, finishes, reflectivity etc). These assessments should be carried out when this further detail is available.

### VIEW LOSS ASSESSMENT

The viewpoints selected are primarily from the living areas (with a some bedroom locations as well) accepting that these are the areas which are inhabited the most within each apartment. It is recognised that there are potential impacts from additional areas of these units where partial or oblique views are afforded, however they do not form part of this assessment as they are afforded views from the sides of the property across the land of this development proposal. Tenacity Consulting v Warringah Council principle 27 acknowledges that:

*"...the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries... The expectation to retain side views...is often unrealistic"*

Furthermore, principle 28 of Tenacity Consulting v Warringah Council acknowledges that different areas within a given property carry varying levels of significance. *"The impact of views from living areas is more significant than from bedrooms or service areas..."*, which is relevant for the southern boundary of 37 Glen Street as these views relate to bedrooms, and are therefore not primary habitable space and less likely to be occupied.





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

**DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING  
HELD IN THE SUPPER ROOM, NORTH SYDNEY, ON 9 DECEMBER 2020,  
AT 12PM.**

**PRESENT**

**Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Grant Christmas, Panel Member  
John McInerney, Panel Member  
Veronique Marchandau, Community Representative

**Staff:**

Marcelo Occhiuzzi, Manager Strategic Planning  
Karen Buckingham, Executive Strategic Planner  
Neal McCarry, Team Leader, Policy, Strategic Planning  
Jayden Perry, Strategic Planner

**Administrative Support**

Peita Rose, Governance Officer (Minutes)

**Apologies:** Nil.

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP - Planning Proposal Meeting of 1 July 2020 were confirmed following that meeting.

**2. Declarations of Interest**

Nil.

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### 3. Business Items

On 23 February 2018, the Minister for Planning released a Section 9.1 Direction which outlines the instance when a Planning Proposal must be referred to a Local Planning Panel for advice prior to a Council determining as to whether that Planning Proposal should be forwarded to the Department of Planning and Environment for the purposes of seeking a Gateway Determination.

The Panel has considered the following Business Items and provided recommendations on each matter as described in these Minutes.

#### ITEM 1

<b>PP No:</b>	PP2/20
<b>ADDRESS:</b>	1A Little Alfred Street North, North Sydney
<b>PROPOSAL:</b>	The Planning Proposal seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013): <ul style="list-style-type: none"> <li>• allow ‘Serviced apartments’, ‘Office premises’ and ‘Boarding House’ as additional permissible uses on the site. Should the Housing Diversity SEPP be finalised and gazetted, the newly defined use of ‘co-living’ be added to the permissible land uses;</li> <li>• amend the Height of Buildings Map with a maximum height of 15m on the western portion of the site; and</li> <li>• amend the Floor Space Ratio Map with a maximum FSR of 0.62:1 on the western portion of the site.</li> </ul>
<b>REPORT BY NAME:</b>	Jayden Perry, Strategic Planner
<b>REASON FOR NSIPP REFERRAL:</b>	The proposal has been referred to NSLPP as per the Ministerial Direction requiring all planning proposals to be referred to the local planning panel for advice.
<b>APPLICANT:</b>	Bernard Gallagher of Ethos Urban on behalf of Tooma and Tooma Pty Ltd

#### Public Submissions

1 written submission

Submitter	Applicant/Representative
John Kluver - Owner 7 Whaling Road	Bernard Gallagher - Applicant - Ethos Urban
Beth Powell - Neighbour	Michael Tooma - Owner
Therese Curtis - Owner 4E/10 Whaling Road	Shaun Carter - Architect
Beth Bromiley - Owner 11 Whaling Road	

#### Panel Recommendation to Council:

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions both oral and written.

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The Council Officer's Report is noted. The majority of the Panel considers that the Planning Proposal could only be supported in part. That is, subject to the additional use limited to 'serviced apartments' and the future built form on the western portion of the site only limited to a maximum of 12.5m with a maximum of three storeys and a FSR of 0.9:1 confined to that portion of the site. This additional use is seen to complement the permissible uses in the RE2 zone.

Furthermore, a restriction would need to be placed on the title to ensure the site is to remain in single ownership with no future subdivision, either Torrens Title or Strata Title. This is to ensure that the tennis court is maintained and available to the public for the life of the development in conjunction with the permissible RE2 uses on the site.

Only on the conditions above does the majority of the Panel consider this additional use of 'serviced apartments' has both site specific and strategic merit having regard to the zone objectives and broader relevant strategic considerations.

The Panel also recommends that a DCP be prepared to accompany the exhibition of the LEP if Council proceeds with seeking a Gateway Determination.

While the applicant seeks the use of office premises as an additional use, the Panel considers that use should only be ancillary to the serviced apartment component and other recreational uses permitted in the RE2 Zone.

The Panel considers that the definition of 'serviced apartments' provides the opportunity for appropriate co-location with the recreational purposes of the site. The Panel does not consider that more permanent accommodation such as boarding houses would be consistent with the objectives of the zone and may conflict with the permissible RE2 uses.

The Panel notes the applicant's offer to enter into a VPA with Council.

The Panel notes the unique location and constraints of this parcel of land and the need for complementary uses to activate the site to ensure access and safety for use as a recreational area.

If the Council considers the Planning Proposal as restricted above, still does not warrant support then alternatively, the Council may in the future, when it undertakes a comprehensive review of the LEP, rezone the site for public recreation RE1 if it is considered suitable for this purpose..

Voting was as follows:

3/1

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Veronique Marchandeanu		<b>N</b>
Grant Christmas	<b>Y</b>				
John McInerney	<b>Y</b>				

The Community Representative Veronique Marchandeanu is not in agreement with this recommendation for the reasons outlined in the Council Officer's Report. In particular, inconsistency with the objectives of the RE2 zone and the objectives of the adjacent area and the loss of scarce and much needed private recreational area.

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**ITEM 2**

<b>PP No:</b>	PP5/20
<b>ADDRESS:</b>	52 Alfred Street North, Milsons Point
<b>PROPOSAL:</b>	Planning Proposal PP5/20 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP) as it relates to land at 52 Alfred Street North, Milsons Point. In particular, the Planning Proposal seek the following changes to NSLEP 2013: <ul style="list-style-type: none"> <li>• Increase the maximum building on the Height of Buildings Map from 40m to RL86.65 (54.43 metres).</li> </ul>
<b>REPORT BY NAME:</b>	Karen Buckingham, Executive Strategic Planner
<b>REASON FOR NSIPP REFERRAL:</b>	Planning Proposal PP5.20 is referred to the NSLPP for advice prior to reporting to Council in accordance with the Environmental Planning & Assessment Act 1979.
<b>APPLICANT:</b>	Milsons Point 2 Pty Ltd

**Public Submissions**

4 Written Submissions

<b>Submitter</b>	<b>Applicant/Representative</b>
Tom Sherwen - Owner - U 2002 /37 Glen Street	
Pierre Le Bas - Director & Legal Counsel - Turnbull Planning	
Nic Najar - Town Planner - Turnbull Planning	

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions both oral and written.

**Panel Recommendation to Council**

The Panel endorses the Officer's Report and Recommendation.

The Panel requested the applicant's representatives be contacted during the meeting and this resulted in a response that the Applicant did not seek to address the Panel.

For the reasons outlined in the Officer's Report the Panel recommends to Council that the Planning Proposal does not warrant support going forward to a gateway.

Voting was as follows:

Unanimous

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Veronique Marchandean	<b>Y</b>	
Grant Christmas	<b>Y</b>				
John McInerney	<b>Y</b>				

The public meeting concluded at 1.30pm.

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The Panel Determination session commenced at 1.45pm.  
The Panel Determination session concluded at 3.15 pm.

Endorsed by Jan Murrell  
North Sydney Local Planning Panel, 9 December 2020

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