

8.7. Planning Proposal - 253 - 267 Pacific Highway, North Sydney

AUTHOR: Neal McCarry, Team Leader - Policy

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. Attachment 1 - Independent Assessment Report - 253-267 Pacific Highway North Sydney [8.7.1 - 49 pages]
2. Attachment 2 - Planning Proposal - 253 - 267 Pacific Highway [8.7.2 - 109 pages]
3. Attachment 3 - Amended reference design [8.7.3 - 33 pages]
4. Attachment 4 - Minutes - North Sydney Local Planning Panel 23 February 2022 [8.7.4 - 6 pages]
5. Attachment 5 - Draft Site specific Development Control Plan - 253 - 267 Pacific Highway [8.7.5 - 2 pages]

PURPOSE:

To present to Council the assessment report of Planning Proposal No.2/21 at Nos. 253-267 Pacific Highway, North Sydney which seeks to amend the North Sydney Local Environmental Plan 2013, following its review by the North Sydney Local Planning Panel.

EXECUTIVE SUMMARY:

On 12 April 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at Nos. 253-267 Pacific Highway, North Sydney. The Planning Proposal (as amended on 14 December 2021) proposes the following amendments to NSLEP 2013:-

- *an increase to the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;*
- *an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and*
- *to establish a site-specific maximum overall FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway;*

The reference design scheme accompanying the Planning Proposal (Attachment 3) includes a 3 storey; 8 storey and 10 storey built form accommodating approximately 37 residential apartments basement carparking. The scheme includes a total GFA of 5,668sqm, of which 3,893sqm is residential floor area and 1,775sqm represents commercial/retail floor space.

The proposal also includes a draft site-specific Development Control Plan (DCP) prepared to help guide future detailed design and the development application assessment process.

A detailed assessment of the proposal has been undertaken in the recent report prepared for the NSLPP (Attachment 1).

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report on 23 February 2022 and resolved to support the progression of the Planning Proposal to a Gateway Determination (Attachment 3). The NSLPP agreed with the reasons for supporting the Planning Proposal outlined in the NSLPP Assessment Report and also recommended that:-

- 1. The maximum height be 37m to accommodate the sloping topography, lift overrun and a floor-to-floor height of 4.4m for the ground floor, (noting that the maximum number of storeys is to remain the same);*
- 2. The setback of the tower on the Pacific Highway elevation be modified to provide a minimum tower setback above the podium of 1m, with at least 30% of the envelope setback to 3m, to provide façade articulation and wind mitigation. The setbacks to all other frontages are to remain as per the draft DCP.*

The Panel's second recommendation is not supported for the reasons outlined in this report. It is recommended that Council resolve to support the progression of the Planning Proposal to Gateway Determination for the reasons expressed in this report.

FINANCIAL IMPLICATIONS:

The modest costs associated with the administration and any exhibition of the Planning Proposal and DCP will be drawn from existing budget lines which anticipate this type of activity.

RECOMMENDATION:

- 1. THAT** Council resolves to support the Planning Proposal proceeding to Gateway Determination and forward the Planning Proposal to DPE in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway Determination.
- 2. THAT** upon receipt of a Gateway Determination, the Planning Proposal be exhibited for public exhibition in accordance with the conditions of the Gateway Determination.
- 3. THAT** Council endorse the site-specific Development Control Plan provisions contained at Attachment 5 and that this be exhibited concurrently with the Planning Proposal.
- 4. THAT** the General Manager be authorised to negotiate the detailed terms and provisions of a Voluntary Planning Agreement consistent with the applicant's offer as outlined in this report.
- 5. THAT** a further report be prepared for Council's consideration outlining any submissions received.

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

2. Our Built Infrastructure
 - 2.1 Infrastructure and assets meet community needs
 - 2.2 Vibrant centres, public domain, villages and streetscapes
 - 2.3 Sustainable transport is encouraged

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

On 12 April 2021, the Planning Proposal was lodged by Legacy Property to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at Nos. 265-267 Pacific Highway, North Sydney. The Planning Proposal as originally lodged sought to amend NSLEP 2013 as follows:

- an increase to the permitted maximum Height of Buildings from 10m to part 14m; 29m and 37m;
- an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall FSR of 5.35:1 to 253-261 Pacific Highway and a maximum FSR of 1.85:1 to 265-267 Pacific Highway;

On 14 December 2021, Council received an amended Planning Proposal (refer to Attachment 2) in response to the preliminary assessment and the feedback received from the Design Excellence Panel (DEP). The amended Planning Proposal, which is the subject of this report, seeks to amend NSLEP 2013 as follows:

- an increase to the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;
- an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway.

CONSULTATION REQUIREMENTS

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

DETAIL

The detailed assessment report at Attachment 1 includes a comprehensive discussion of the history of this Planning Proposal and a detailed assessment of its merits. The following provides a summary of this with an emphasis on the draft Development Control Plan (DCP).

Planning Proposal

The Planning Proposal was lodged on 12 April 2021 and has been the subject of much discussion and negotiation leading to various amendments over time. It seeks to amend NSLEP 2013 as follows:

- an increase to the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;
- an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway.

The proposal arises from the preparation of the North Sydney Civic Precinct Planning Study which was adopted by Council in November 2020. That Study identified this site and several others as potential development sites in the context, most notably, of the opening of the North Sydney Metro north portal in 2024, some 250m away.

Having completed an assessment of the amended Planning Proposal against the Civic Precinct Planning Study (CPPS) and relevant Regional, District and Local Plans:

- The proposed height is generally consistent with that anticipated under the CPPS;
- The location / placement of the towers is generally consistent with that anticipated under the CPPS,
- It will provide higher density development near the new Victoria Cross Metro Station consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcome for this precinct;
- The future building form will have an acceptable overshadowing impact on North Sydney Demonstration School;
- Stepped podium resulting in human-scale spaces along Pacific Highway and an appropriate interface and scale with the contributory building at No 6-8 McLaren Street;
- The proposal will have an acceptable impact in relation to heritage and conservation in relation to the curtilage and relationship to the existing (retained) heritage item on the site at No. 265 Pacific Highway and its height relationship with the adjoining conservation area.

Draft Development Control Plan

A draft site-specific Development Control Plan (DCP) has been prepared to accompany the proposal and is provided at Attachment 5.

The amended reference design and supporting DCP have been prepared following receipt of detailed advice by Council's Design Excellence Panel who convened on two separate occasions. The Design Excellence Panel recommended that a minimum above podium setback to Pacific Highway of 1m be provided with at least 40% of the elevation being setback to 2m. These provisions were recommended in the context of trying to ensure an adequate setback to the rear (Church Lane) was also provided whilst also establishing a buildable envelope on the site and appropriate building articulation. It was acknowledged that the site is narrow.

The North Sydney Local Planning panel in considering the Planning Proposal recommended;

"The setback of the tower on the Pacific Highway elevation be modified to provide a minimum tower setback above the podium of 1m, with at least 30% of the envelope setback to 3m, to provide façade articulation and wind mitigation. The setbacks to all other frontages are to remain as per the draft DCP."

The concept design has been through a number of rounds of revisions and detailed consideration by the Design Excellence Panel having regards to Civic Precinct Planning Study and the site context and attributes. The establishment of a deeper (3m) setback for a lesser percentage of the Pacific Highway elevation, as recommended by the North Sydney Local Planning Panel, is not considered to necessarily result in a better overall design outcome and may place increased pressure on the more sensitive setback to Church Lane. Considering the extensive negotiations that have occurred for this site and specific design input provided by the Design Excellence Panel, it is recommended that the increased setback as recommended by the LPP not be pursued.

Below is a plan extract of the area in question.

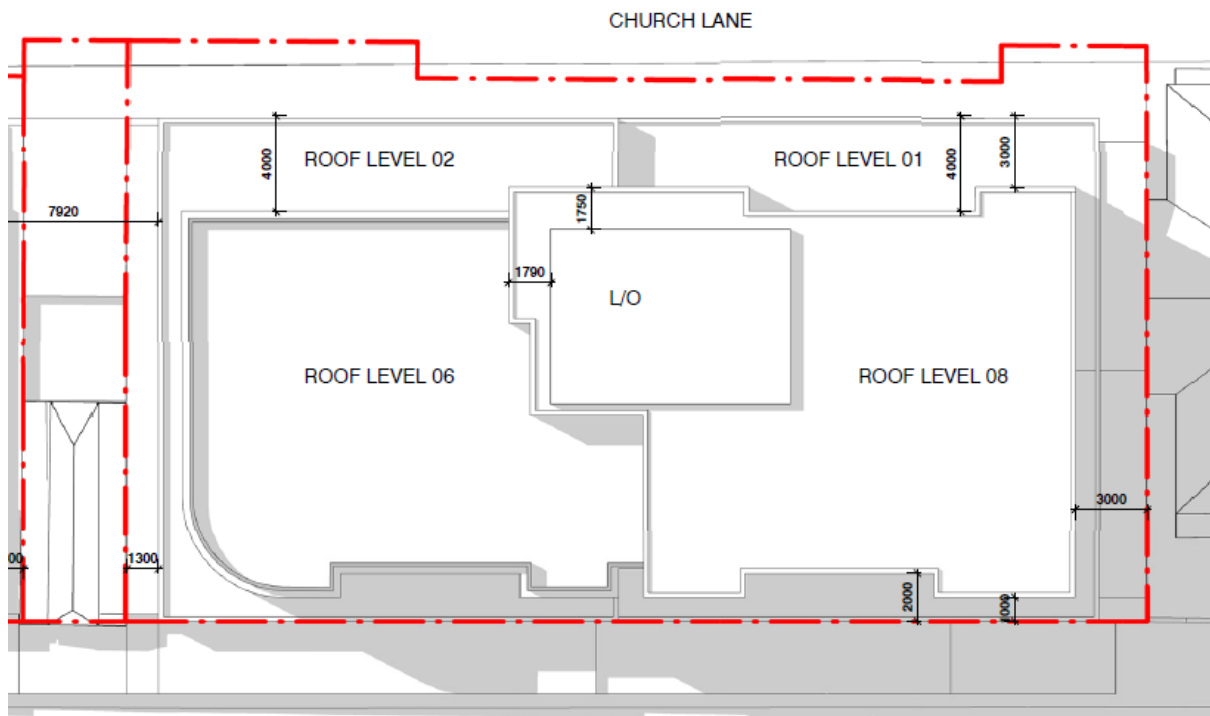


Figure 1 – Plan extract – Reference design – above podium setbacks

The provision of a varied setback (at the depths depicted above of a minimum of 1m and at least 40% at 2m), along the Pacific Highway frontage is considered to strike an appropriate relationship between the lower podium and taller tower elements of the building as well as provide for expected levels of pedestrian scale and comfort. Awnings are also likely to be provided as well as street tree planting which will further ameliorate any potential wind down drafts.

It is therefore recommended that the draft DCP, as contained at Attachment 5, be endorsed for the purposes of public exhibition.

Public Benefit Offer

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

The Planning Proposal is not accompanied by a draft VPA however, the applicant notes *“Following a Gateway determination, it is anticipated that the Proponent and North Sydney Council will enter into discussions regarding the offer of Public Benefits outlined in this Planning Proposal”*.

Public benefits as noted by the applicant are:-

- *“Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3-4.5m to 6m and the excision of approximately 130sqm of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and*
- *Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street”.*

Should Council agree to an offer of public benefit, a draft VPA would be placed on public exhibition concurrently with the Planning Proposal.

SUMMARY

For the reasons outlined in the NSLPP Assessment Report (Attachment 1), it is recommended that Council support the progression of the Planning Proposal to the DPIE seeking a Gateway determination.

Item PP01 - REPORTS - 23/02/22

N O R T H S Y D N E Y C O U N C I L R E P O R T S



NSLPP MEETING HELD ON 23/02/22

Attachments:

1. Amended Planning Proposal
2. Amended Indicative Reference Design
3. Urban Design Analysis
4. Indicative site specific DCP
5. Independent urban design report

ADDRESS/WARD: 253-267 Pacific Highway, North Sydney

PROPOSAL NO: PP2/21

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

- amended building height controls across the site with maximum heights of 15m, 29m and 37m;
- provide a maximum FSR of 4.83:1 to Nos. 253- 261 Pacific Highway and a maximum FSR of 1.83:1 to Nos. 265-267 Pacific Highway; and
- provide a minimum non-residential FSR control of 1:1.

OWNER: Mentor 1 Property Holdings Pty Ltd

APPLICANT: Legacy Property

AUTHOR: Annelize Kaalsen of AK Planning
(on behalf of North Sydney Council)

DATE OF REPORT: 10 February 2022

DATE LODGED: 12 April 2021

AMENDED: 14 December 2021

EXECUTIVE SUMMARY

On 12 April 2021, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at Nos. 253-267 Pacific Highway. The site is located within the area covered by the *Civic Precinct Planning Study (CPPS)*, adopted by North Sydney Council on 30 November 2020.

The Planning Proposal seeks amendment of North Sydney Local Environmental Plan 2013 to allow:-

- an increase to the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;
- an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall FSR of 4.83:1 to Nos. 253-261 Pacific Highway and a maximum FSR of 1.83:1 to Nos. 265-267 Pacific Highway;

The purpose of the amended Planning Proposal is to deliver a 3; 8 & 10-storey mixed-use commercial and residential building with a 2-storey street wall or podium with towers above. The Amended Reference Design includes 37 residential apartments with a residential Gross Floor Area (GFA) of 3,893sqm (including winter gardens), and 1,775sqm non-residential GFA as well as 38 car parking spaces.

Having completed an assessment of the amended Planning Proposal against the Civic Precinct Planning Study (CPPS) and relevant Regional, District and Local Plans, the following is noted:

- The proposed height is generally consistent with that anticipated under the CPPS;
- The location / placement of the towers is generally consistent with that anticipated under the CPPS,
- It will provide higher density development near the new Victoria Cross Metro Station consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcome for this precinct;
- The future building form will have an acceptable overshadowing impact on North Sydney Demonstration School;
- Stepped podium resulting in human-scale spaces along Pacific Highway and an appropriate interface and scale with the contributory building at No 6-8 McLaren Street;
- The proposal will have an acceptable impact in relation to heritage and conservation in relation to the curtilage and relationship to the existing (retained) heritage item on the site at No. 265 Pacific Highway and its height relationship with the adjoining conservation area.

Having completed an assessment of the Planning Proposal against the Civic Precinct Planning Study and relevant Regional and District Plans, it is recommended that the Planning Proposal be supported to proceed to Gateway Determination.

Having regard to the sensitivity concerning built form and amenity surrounding the site, it is recommended that the draft site-specific DCP be further developed for the site to help manage the transitional relationship and interface with neighbouring low-density sites and contributory building including overshadowing impacts. In addition, feedback is sought from the Panel on an appropriate height for the site, given the proposed height of 37m is somewhat higher than would be ordinarily expected for a 10-storey residential tower.

1 DESCRIPTION OF PROPOSAL

Planning Proposal 22/21 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at Nos. 253-267 Pacific Highway, Crows Nest.

The Planning Proposal (as most recently amended) seeks to make the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP 2013):-

- *an increase to the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;*
- *an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and*
- *to establish a site-specific maximum overall FSR of 4.83:1 to Nos. 253-261 Pacific Highway and a maximum FSR of 1.83:1 to Nos. 265-267 Pacific Highway;*

The primary objective of the Planning Proposal as described by the applicant is as follows:-

"...amend the NSLEP 2013 built form development standards to facilitate commercial and residential density uplift to achieve a contextually appropriate built form outcome on this strategically located site. No change to the current zoning is proposed".

The amended reference design accompanying the Planning Proposal includes a 3; 8 & 10-storey mixed use development, with a 2-storey street wall or podium with towers above; 37 residential apartments with a residential GFA of 3,893sqm (including winter gardens), and 1,775sqm non-residential GFA as well as potential for 38 car parking spaces accommodated within two basement levels.

2 PANEL REFERRAL

On 23 February 2018, the Minister for Planning released a section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the DPE for the purposes of seeking a Gateway Determination.

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

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

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

3 BACKGROUND

3.1 History

On 28 June 2017, a preliminary meeting with North Sydney Council was held, where the Proponent and design team provided an overview of the site, including site amalgamation progress, site considerations including opportunities and constraints for future residential development in North Sydney, and a brief study of building height and urban design outcomes.

Council advised that it has a long held policy of not supporting the progression of planning proposals to Gateway Determination, which seek significant departures from current planning controls unless they are supported by an endorsed precinct wide based planning study.

On 9 August 2018, a second meeting was held, where the design team presented an analysis of two built form options.

The first option presented included a 13-storey block form across the site. The second option included a lower scale stepped podium across the site and a taller tower form in the southern portion of the site. The second option of the stepped podium and tower built form was chosen by the applicant to form the subject of the Planning Proposal.

The Proponent submitted a Planning Proposal in September 2018 which sought the following changes to the NSLEP 2013:

- Amend the NSLEP 2013 Height of Buildings Map to provide an amended building height control across the site of part 23m and part 68m.
- Amend the NSELP 2013 Maximum Floor Space Ratio Map to provide a maximum floor space ratio control of 7.2:1; and
- Amend the NSELP 2013 Non-Residential Floor Space Ratio Map to provide a minimum non-residential floor space ratio control of 1:1.

In February 2019, the Planning Proposal was rejected by Council and then progressed to the Rezoning Review, however ultimately the Panel did not support the application. The main reason for this was due to the application pre-empting the Council lead strategic planning process regarding the Civic Planning Precinct Study.

In October 2018, North Sydney Council accepted Accelerated LEP Review Grant Funding and subsequently agreed with the DPIE to prepare specific projects to bring North Sydney's Local Environmental Plan (LEP) and other planning instruments and policies into closer alignment with the Greater Sydney Commission's North District Plan. The Civic Precinct Planning Study was one of these projects.

In early 2020, Council exhibited the draft Civic Precinct Planning Study. Following exhibition of the Study, Council amended the draft Civic Precinct Planning Study with further changes, which included reducing the building heights for the subject site to 8 -10 storeys.

In October 2020, the amended Civic Precinct Planning Study was reported to Council for consideration. In November 2020 Council resolved to adopt the Civic Precinct Planning Study.

3.2 Pre-Lodgement Discussions

On 18 January 2021, a pre-lodgement meeting was held, where the proponent and design team provided an overview of two options for the site:

- Option 1 – A stepped tower (8, 9 & 10 storeys) and 3 storey podium with reduced setbacks. No integration of the heritage item at 265 Pacific Highway. Does not include 267 Pacific Highway;
- Option 2 – A 10 storey tower and 3 storey podium with greater setbacks and integration of the heritage item at 265 Pacific Highway. Does not include No. 267 Pacific Highway.

Council provided written feedback to the proponent raising concern that neither option included No. 267 Pacific Highway and moreover Option 1 excludes the heritage item at No. 265 Pacific Highway. Detailed feedback was also provided on building height; setbacks and compliance with separation distances under ADG; overshadowing; solar access; non-residential FSR and heritage.

3.3 Planning Proposal

On 12 April 2021, the Planning Proposal was lodged by Legacy Property to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at Nos. 265-267 Pacific Highway, North Sydney.

The Planning Proposal sought to amend NSLEP 2013 as follows:

- an increase to the permitted maximum Height of Buildings from 10m to part 14m; 29m and 37m;
- an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall FSR of 5.35:1 to 253-261 Pacific Highway and a maximum FSR of 1.85:1 to 265-267 Pacific Highway;

On 14 December 2021, Council received an amended Planning Proposal (refer to **Attachment 1**) in response to the preliminary assessment and the comments received from the Design Excellence Panel (DER). The amended Planning Proposal seeks to:

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

- an increase to the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;
- an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway;

A numerical overview of the original and amended Planning Proposal and Indicative Reference Design, is provided below and **Figures 1 and 2**:

Table 1 Key numerical		
Key parameters	Original Indicative Reference Design	Amended Indicative Reference Design
Land uses	Commercial office / retail, residential apartments, residential communal facilities	Commercial office / retail, residential apartments, residential communal facilities
Indicative yield	39 residential apartments	37 residential apartments
Gross floor area (GFA)	Residential – 4,351sqm Commercial/Retail – 1,792sqm Total – 6,143sqm	Residential – 3,893sqm Commercial/Retail – 1,775sqm Total – 5,668sqm
Floor space ratio (FSR)	4.18:1 (across whole of the site) 5.35:1 to 253-261 Pacific Highway 1.85:1 to 265-267 Pacific Highway	3.86:1 (across whole of the site) 4.83:1 to 253-261 Pacific Highway 1.83:1 to 265-267 Pacific Highway
Non-residential FSR	1.22:1	1.21:1
Built form	<ul style="list-style-type: none"> • Tower form above 3 storey podium • Retention of mid-block heritage item • 3 storey built form at northern end of site 	<ul style="list-style-type: none"> • Tower form above 2 storey podium, • Retention of mid-block heritage item • 3 storey built form at northern end of site • 8 storey tower within centre of site • 10 storey tower within southern end of site
Building heights	<ul style="list-style-type: none"> • A maximum building height of 37m in southern portion of site • Stepping down to a height of 29m further north towards the heritage item. • A height of 14m north of the heritage item. 	<ul style="list-style-type: none"> • A maximum building height of 37m in southern portion of site • Stepping down to a height of 29m further north towards the heritage item. • A height of 15m north of the heritage item.
Car parking rates	<ul style="list-style-type: none"> • 39 spaces total • 4 spaces for commercial/retail • 35 spaces for residential component 	<ul style="list-style-type: none"> • 38 spaces total • 4 spaces for commercial/retail • 34 spaces for residential component
Communal open space	244.5sqm to 253-261 Pacific Highway (27.2% of site area)	227sqm to 253-261 Pacific Highway (25.2% of site area)
Podium Setback	<p>Setback to West Street (north) 0m</p> <p>Setback to Church Lane (east) 1.5m</p> <p>Setback to contributory building (south) 0m</p> <p>Setback to Pac Hwy (west) 0m</p>	<p>Setback to West Street (north) 0m</p> <p>Setback to Church Lane (east) 1.5m</p> <p>Setback to contributory building (south) 0m</p> <p>Setback to Pac Hwy (west) 0m</p>

Table 1 Key numerical		
Key parameters	Original Indicative Reference Design	Amended Indicative Reference Design
Above Podium Setbacks	<p>To West Street & PHW 1m</p> <p>To Church Lane 9m to the western boundary of the R3 zone</p> <p>Northern and southern above podium tower setbacks 9m (across the heritage item between the 8 storey tower and the podium of the northern 3 storey built form)</p> <p>To contributory building 3m</p>	<p>To West Street 1m</p> <p>To PHW 1-2m</p> <p>To Church Lane 3-4m (60% of elevation at 4m) 9-10m to the western boundary of the R3 zone</p> <p>Northern and southern above podium tower setbacks 9m (across the heritage item between the 8 storey tower and the podium of the northern 3 storey built form)</p> <p>To contributory building 3m</p>

The PP application is accompanied by an Indicative Reference Design prepared by PTW, aimed at demonstrating that the site can be reasonably developed if the amendments to the NSLEP 2013 are undertaken. The applicant's Planning Proposal report provides the following details:

*"The Planning Proposal is supported by a building envelope study and indicative reference design prepared by PTW Architects (refer to **Appendix A**) which has been refined to respond to Council's feedback during the post lodgement phase.*

The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high-quality mixed-use development in a location highly suitable for density uplift as envisaged under the CPPS. The future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres.

*Artists impressions of the updated indicative reference design are included at **Figure 1** of this report."*

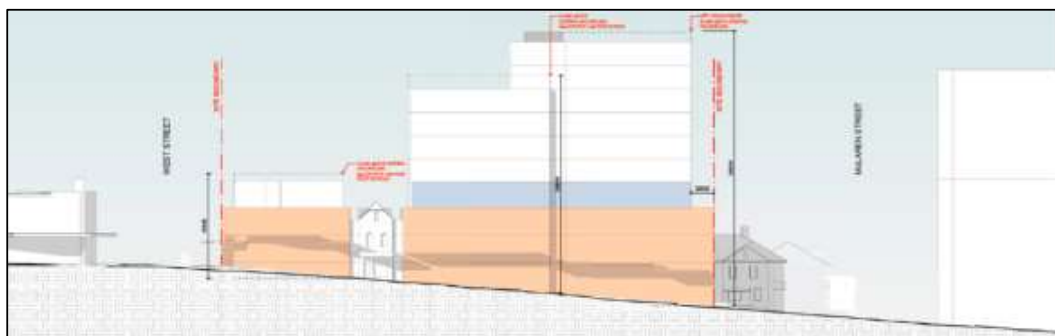


Figure 1: Original indicative reference design: West elevation (Pacific Highway). Source: PTW

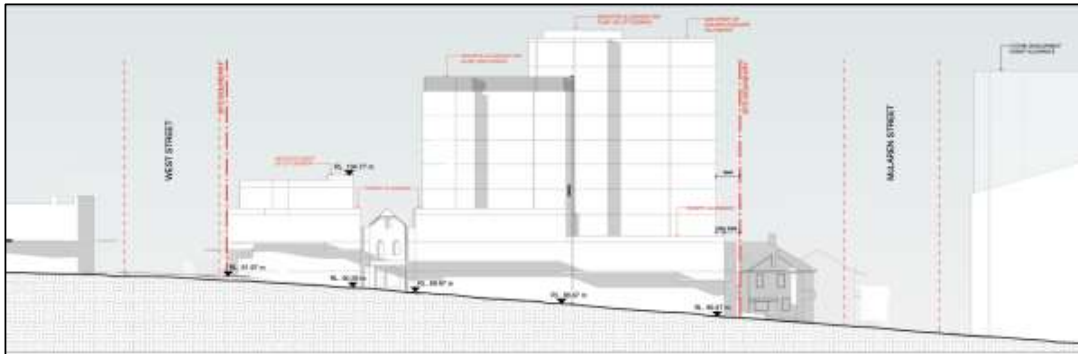


Figure 2: Amended indicative reference design: West elevation (Pacific Highway) Source: PTW

An artist's impression of the Original and Amended Indicative Reference Design is shown at **Figures 3 and 4** below.



Figure 3: Original Pacific Highway Elevation



Figure 4: Amended Pacific Highway elevation

3.4 Public Benefit Offer

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

The PP is not accompanied by a draft VPA however, the applicant notes *“Following a Gateway determination, it is anticipated that the Proponent and North Sydney Council will enter into discussions regarding the offer of Public Benefits outlined in this Planning Proposal”*.

Public benefits as noted by the applicant are:-

- *“ Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3-4.5m to 6m and the excision of approximately 130sqm of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and*
- *Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street”*.

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

4 CONSULTATION REQUIREMENTS

Should Council determine that the Planning Proposal can proceed, community engagement will be undertaken in accordance with Council’s Community Engagement Protocol and the requirements of any Gateway Determination issued.

5 DETAIL

5.1 Applicant

The Planning Proposal was lodged by Legacy Projects on behalf of Mentor 1 Property Holdings Pty Ltd, the owners of the subject sites at Nos. 253-267 Pacific Highway, North Sydney.

5.2 Site Description

The subject site is located at Nos, 253-267 Pacific Highway, North Sydney. The consolidated site comprises five (5) separate lots. The street addresses, legal description, and description of existing development on each is lot is described in **Table 3**. The site has a total area of 1,468.7sqm, with a primary frontage to the Pacific Highway of 60m and secondary frontages to Church Lane (65m) and West Street (23m).

Church Lane provides access to the individual lots and ranges in width from 3-4.5m due to the existing uneven boundary alignments of the subject properties.

Address	Legal Description	Existing and access arrangements
253 Pacific Highway, North Sydney	SP 16134	<ul style="list-style-type: none"> Two (2) storey commercial building fronting Pacific Highway. One at-grade onsite parking space accessed from Church Lane.
255-259 Pacific Highway, North Sydney	SP 22870	<ul style="list-style-type: none"> Two storey commercial building with pedestrian access fronting the Pacific Highway. Vehicular access and on-site parking accessed from Church Lane.
261 Pacific Highway, North Sydney	Lot 51 DP 714323	<ul style="list-style-type: none"> Three (3) storey commercial building fronting the Pacific Highway. Vehicular access and on-site parking accessed from Church Lane.
265 Pacific Highway, North Sydney	Lot B DP 321904	<ul style="list-style-type: none"> Three storey heritage shopfront (locally listed item No. 0959 under the NSLEP 2013). Heritage building is orientated towards the Pacific Highway, with garage (new addition) accessed from Church Lane.
267 Pacific Highway, North Sydney	Lot 10 DP 749576	<ul style="list-style-type: none"> Two (2) storey commercial building with pedestrian access fronting the Pacific Highway and West Street. Vehicular access and on-site parking accessed from Church Lane.

Source: Applicants Planning Proposal Report prepared by Urbis

The North Sydney Train Station is located approximately 750m southeast of the subject site, at the southern edge of the North Sydney CBD. The subject site is within walking distance (260m northwest) of the Victoria Cross Metro Station – refer to **Figure 5** below.

The site contains a heritage item (No. 265 Pacific Highway) and is adjacent to a contributory item (No 6-8 McLaren Street) and the McLaren Street Heritage Conservation Area.



Figure 5: – Site location plan

Source: Urbis

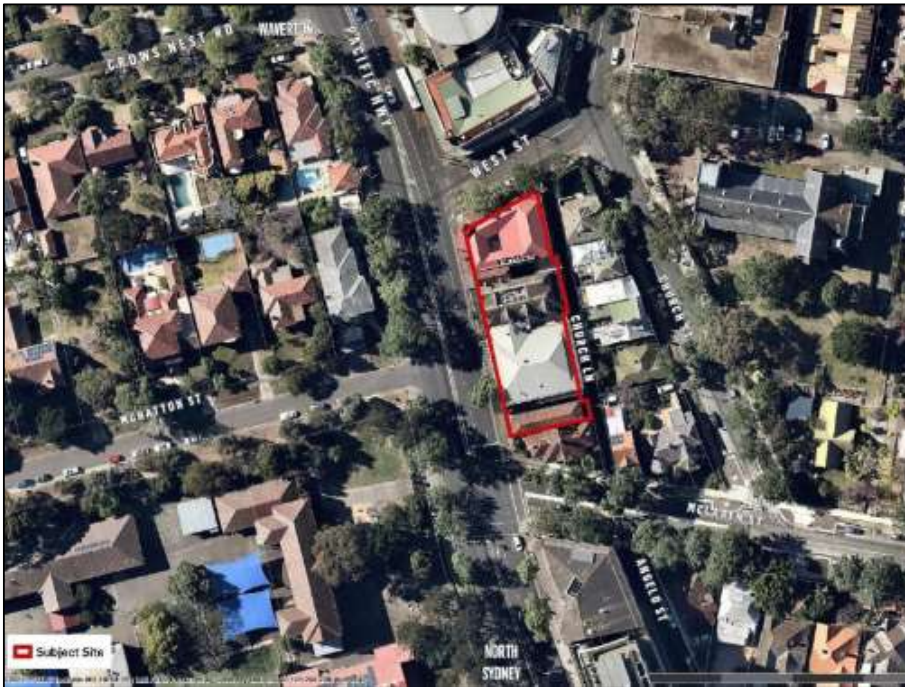


Figure 6: Aerial View of site

Source: Urbis



Photo 1: Existing commercial buildings fronting Pacific Highway

Source: Urbis



Photo 2: Existing Heritage building



Photo 3: Subject site from Church Lane

5.3 Local Context

The site is located on the eastern side of Pacific Highway, north of the North Sydney CBD, and within the Civic Precinct Study Area earmarked as the southern transition site. The surrounding locality is characterised by commercial and residential uses.

The site is adjoined by the following:-

- **To the north** of the site is West Street. On the northern side of West Street is the Union Hotel, a two (2) storey locally listed heritage item (refer to Photo 3). Further north is a variety of medium to high density commercial uses.
- **To the east** of the site is Church Lane. On the opposite side of Church Lane are low density residential uses fronting Church Street (refer to **Photo 4**).
- **To the south** of the site is a two-storey house fronting McLaren Street (a contributory building) refer to **Photo 5**. Further south is a variety of medium to high density commercial uses fronting the Pacific Highway.

- **To the west** of the site is the Pacific Highway. On the opposite side of the Pacific Highway is a childcare centre and the North Sydney Demonstration School (refer to **Photo 6**).



Photo 3: Heritage listed Union Hotel



Photo 4: Existing residential buildings fronting Church Lane



Photo 5: Contributory building at No 6-8 McLaren St



Photo 6: North Sydney Demonstration School

5.4 Current Planning Provisions

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

5.4.1 North Sydney 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 under the NSLEP 2013 – refer to **Figure 7**.
- includes a heritage item and adjoins the McLaren Street heritage conservation area (refer to **Figure 8**)
- a maximum building height of 10m (refer to **Figure 9**)
- A minimum non-residential floor space ratio of 0.5:1 (refer to **Figure 10**)

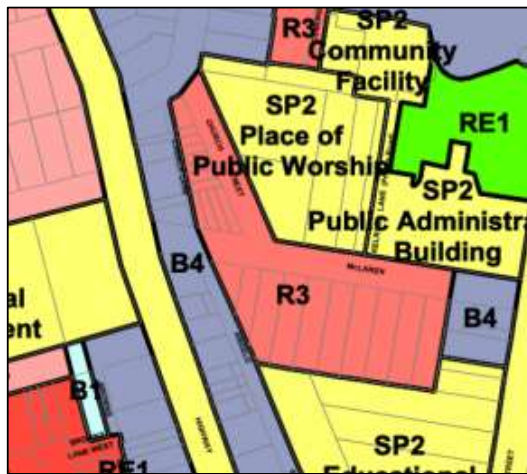


Figure 7: NSLEP 2013 Zoning Map extract
The subject site is zoned B4 Mixed use

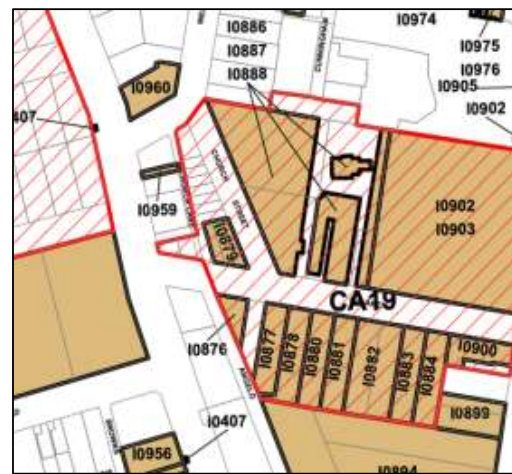


Figure 8: NSLEP 2013 Heritage Map
The site includes a heritage item and is in the vicinity of a number of local heritage items



Figure 9: NSLEP 2013 Height of Buildings Map
The subject site has a max. height of 10m



Figure 10: NSLEP 2013 Non-residential FRS Map
The subject site must provide a min. non-residential FSR of 0.5:1

The site adjoins the McLaren Street Heritage Conservation area to the east (across Church Lane) as well as the Crows Nest Heritage Conservation area to the west across Pacific Highway (refer to **Figure 8**).

The site is also located in the vicinity of the following heritage items:-

- to the north No. 271 Pacific Highway (10960) Union Hotel;
- to the southeast No. 12 McLaren Street (10879); and
- to the southwest across Pacific Highway 10957 the gate Gates and fence of former Crows Nest House (Demonstration school)

as well as a contributory building at Nos 6-8 McLaren Street to the south.

5.4.2 Civic Precinct Planning Study (2020)

On 20 November 2020, Council adopted the *Civic Precinct Planning Study (CPPS)*. The CPPS focuses on the area directly north of North Sydney CBD to Crows Nest and includes the “*southern transition*” site (refer to **Figure 9**). The CPPS was prepared in response to the construction of the Victoria Cross Metro Station northern portal with the intent of developing a holistic and long-term framework for guiding future development and improvements within the study area.

On 18 May 2020, Council endorsed the Draft CPPS for public exhibition. The draft CPPS as publicly exhibited, proposed an 8-storey and 10 storey height limit for the ‘*southern transition*’ site.

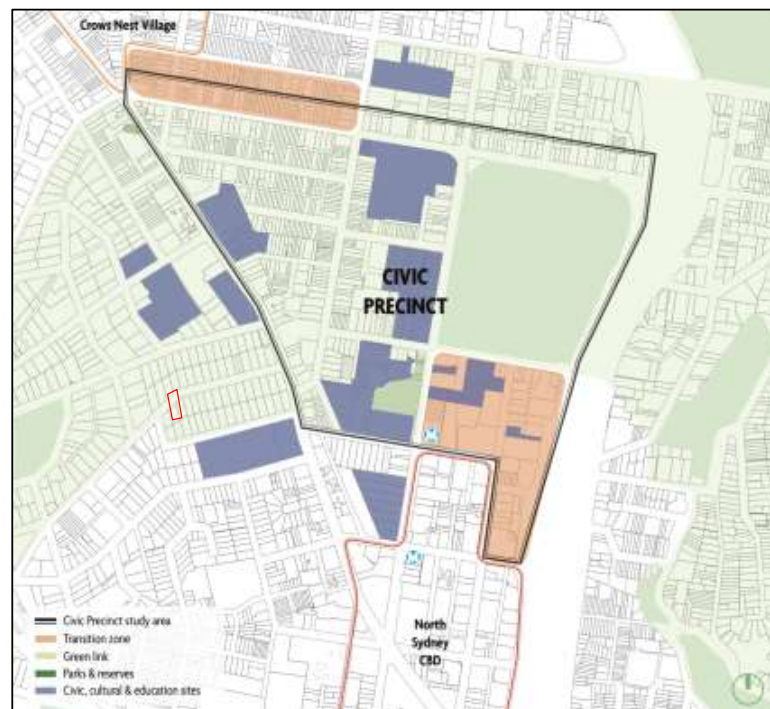


Figure 11: Civic Precinct – Design Concept Map
The site outlined in red

Source: CPPS

A comparison of the current and proposed built form controls applying to the ‘*southern transition*’ site is summarised below (refer to **Table 3**).

Table 3: Built form controls comparison			
	NSLEP 2013	CPPS	Planning Proposal
Height	10m	8 and 10 storey towers	15m; 29m & 37m
Residential FSR	-	Non specified	4.83:1 and 1.83:1
Non-residential FSR	0.5:1	1:1	1:1

5.4.3 Proposed Instrument Amendment

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

- an increase to the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;

- an increase in the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway;

5.4.4 Mapping Amendments

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

- Amend the *Height of Buildings Map* (HOB_002A) to NSLEP 2013 such that the maximum building height for land is increased from 10m to 15m; 29m and 37m respectively;
- Amend the *Floor Space Ratio Map* (FSR_002A) to NSLEP 2013 such that a maximum FSR of 1.83:1 applies to land bound by Pacific Highway, West and Church Lane (being No 265-267 Pacific Highway) and 4.83:1 for the remainder of the site (being No 253-261 Pacific Highway); and
- Amend the *Non-Residential Floor Space Ratio Map* (LCL_002A) to NSLEP 2013 such that the minimum non-residential FSR is increased from 0.5:1 to 1:1.
- The applicant's Planning Proposal anticipates that the Maps would be amended similar to those depicted below in **Figures 12, 13 and 14**.

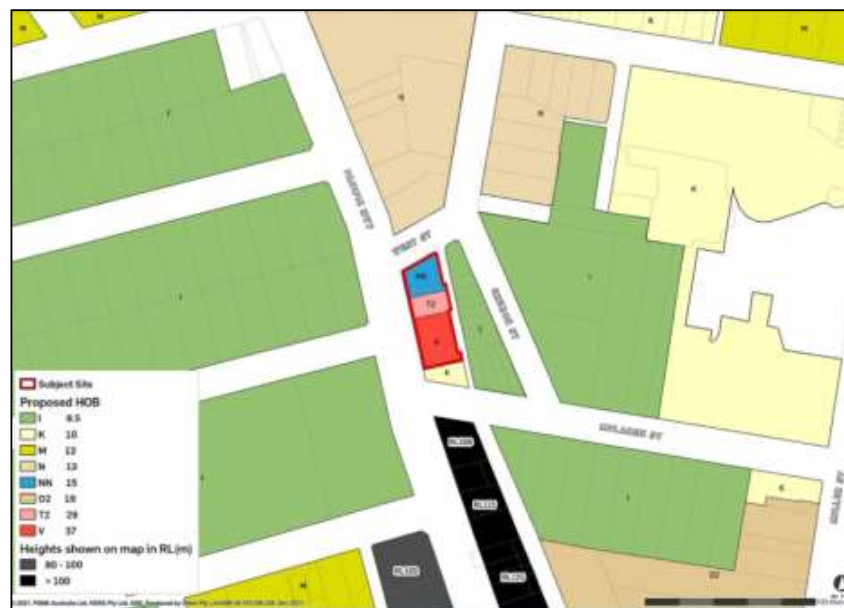


Figure 12: Proposed maximum building height



Figure 13: Proposed maximum FSR



Figure 14: Proposed minimum non-residential FSR

6 ASSESSMENT

6.1 Planning Proposal Structure

The Planning Proposal (**Attachment 1**) is considered to be generally in accordance with the requirements of section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the DPIE's 'A guide to preparing planning proposals' (December 2018).

The Planning Proposal adequately sets out the following:-

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

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

6.2 Justification of the planning proposal

6.2.1 Objectives of the Planning Proposal

Section 9 of the applicant's Planning Proposal sets out the objectives and intended outcomes of the Planning Proposal. Section 10 provides an explanation of the proposed amendments to NSLEP 2013 to achieve the stated objectives and outcomes.

Applicants stated objectives and intended outcomes	Comment
<i>Alignment with the indicative built form and massing envisaged under Council's strategic planning framework outlined in the CPPS;</i>	<p>The amended Indicative Reference Design allows for a built form with a maximum height in storeys consistent with the CPPS (with the exception of allowing the 10 storey element to step further to the north than contained within the CPPS).</p> <p>The amended PP has reduced the podium height and allowed for an appropriate transition in scale to the adjoining two-storey contributory dwelling as well as allowing for an increased setback with a varied / weighted average setback adjoining the terraces along Church Lane.</p> <p>Refer to discussion at Sections 6.8.2; 6.8.3 & 6.8.4 (building separation) below.</p>

Applicants stated objectives and intended outcomes	Comment
<i>Provide compatible land uses that contribute to the creation of a vibrant and active community, including the potential for residential and commercial uses to be co-located;</i>	The Planning Proposal will enable the redevelopment of the subject site to deliver 1,775sqm of commercial floorspace and 37 residential apartments. The proposed FSR is consistent with the anticipated envelope under the CPPS (allowing for residential and commercial uses to be co-located).
<i>Provide a consolidated development solution across multiple sites to enable a future cohesive development and improved public domain outcomes;</i>	The Planning Proposal will enable an amalgamated outcome on the subject sites. The proposed podium and tower elements are generally representative of a singular, amalgamated site.
<i>Capitalise on the natural development potential of the site given its strategic highway location between two railway stations;</i>	It is acknowledged that the subject site has strategic merit for uplift as identified within the CPPS, given its proximity to the Victoria cross railway station, and adjoining Pacific Highway.
<i>Create opportunities for small scale retail and commercial businesses in a more affordable location, close to the North Sydney CBD; and</i>	The proposed LEP amendments will contribute towards the growth of employment floor space suitable for small to medium sized businesses, that will complement the commercial core of the North Sydney CBD.
<i>Provide high quality commercial and retail spaces at the ground level, which activate West Street and the Pacific Highway.</i>	Active uses are provided to ground level to both Pacific Highway and West Street. Future shopfronts and retail tenancies are provided that respond to the subdivision pattern and step down to follow the topography.

6.3 Proposed Building Height

The CPPS identifies a maximum building height of 3; 8 and 10 storeys for the subject site. The Planning Proposal is seeking height consistent with the CPPS with the exception of allowing the 10storey element to slightly encroach within the 8 storey envelope (limited to lift core).

The applicant's indicative reference design seeks to demonstrate how the site could be developed to the requested heights.

The indicative reference design has a building height of 34.7m to the top of the roof plant RL123.17 (within the centre of the site) with the maximum building height achieved at the southern end at 35.3m (RL122.17).

It appears reasonable floor-to- floor height assumptions have been made for the residential levels, however larger floor- to-floor height assumptions have been made for the non-residential components of the building, in particular at the southern end adjoining the contributory building.

Proposed Floor to Floor heights	Typical resi storey = 3.1m Typical Comm / podium = 3.7m
LG	6.2m
L00	3.7m
L01	3.5m
L02	3.3m
L03-L10	3.1m

The table below demonstrates the numerical calculation of building height by means of Section 2C Building Height of the ADG

10 storey built form	8 storey built form	West St – Comm building
Podium = 2 levels (3.3m each) = 2 x (3.3 + 0.4) = 2 x 3.7 =7.4m	Podium = 2 levels (3.3m each) = 2 x (3.3 + 0.4) = 2 x 3.7 =7.4m	Podium = 3 levels (3.3m each) = 3 x (3.3 + 0.4) = 3 x 3.7 =11.1m
Resi levels = 8 levels (2.7m each) = 8 x (2.7 + 0.4) = 8 x 3.1 = 24.8m	Resi levels = 6 levels (2.7m each) = 6 x (2.7 + 0.4) = 6 x 3.1 = 18.6m	
Plan = +1m	Plan = +1m	Plan = +1m
Topographical changes = +2m	Topographical changes = +2m	Topographical changes = +2m
Total 35.2m	Total 29m	Total 14.1m
Applicant seeking = 37m	Applicant seeking 29m	Applicant seeking 15m

The proposed height of 37m is approximately 1.8m higher than would be ordinarily expected to accommodate a 10-storey residential tower.

The additional massing above 35.2m as well as the lift core stepping further to the north than the envelope within the CPPS, does not result in adverse impacts especially no additional overshadowing over and above that anticipated by the CPPS (refer to **Section 6.8.1**). Also, having regard to the sloping nature of the site and the fact that an additional storey could not be included within the additional height allowance, the height proposed may be considered appropriate although all reasonable efforts should be made to reduce the height of the proposal.

6.4 Proposed Floor Space Ratio (FSR)

An FSR of 3.86:1 is achieved across the entire site with a site specific FSR of 4.83:1 to Nos. 253-261 Pacific Highway and 1.83:1 to Nos. 265-267 Pacific Highway.

The proponent has provided an analysis of the proposed FSR, applying efficiency rates of 76% for the non-residential component and 75-77% for the residential component.

The proponent's response to this is as follows:-

"In this instance we have progressed a design outcome well beyond a hypothetical circumstance as we have recognised the unique site constraints that this site exhibits and hence why the efficiency rate is slightly higher than the ADG rule of thumb".

Providing "progressed" design detail as part of a PP is not uncommon in order to deliver a level of certainty and comfort to the North Sydney Local Planning Panel. It also can assist in a smoother Development Application process. The amended PP reduced the efficiency rates as well as allowed for increased setbacks and weighted average setbacks allowing for a reduced FSR across the site.

The table below demonstrate the FSR outcomes for the site:-

		Commercial			Residential				
Site Area	Lvl	GBA	efficiency	GFA	GBA	Efficiency	GFA	Total GFA	FSR for whole site
1468.7	1 to 3	2336	76%	1775	1160	77%	902		
	4 to 10			0	3988	75%	2991		
Total				1775	5148		3893	5668	3.86

The proposed density of development is considered consistent with that anticipated under the CPPS.

6.5 Non-residential FSR

The Indicative Reference Design allows for a total of 1,775sqm of non-residential floor space resulting in a FSR of 1.21:1, complying with the minimum non-residential FSR of 1:1 under the CPPS.

6.6 Site Specific Development Control Plan

The Indicative Reference Design is accompanied by draft site specific DCP and is attached at **Appendix B**. A summary of the draft controls is provided below.

Solar access

P1 Any proposal must not reduce the level of solar access currently available to the primary play area of the educational use opposite the site during school hours (9:00 – 3:00pm). Any additional overshadowing outside school hours should not exceed the shadow cast by the building envelope contemplated in Council’s Civic Precinct Planning Study.

Heritage interfaces

P2 The podium element of any new development shall be modulated and present an appropriate scale at its interface with No 6-8 McLaren Street.

P3 A highly considered architectural treatment shall be provided at this interface in order to create a sympathetic relationship between these building elements.

*P4 Blank walls or an abrupt imposing form and presentation are to be avoided.
Podium – street wall height*

P5 The proposed podium element shall be stepped to respond to the topography of the site.

P6 A maximum 2-storey scale at the site interface with 6-8 McLaren Street.

P7 A maximum 2-3 storey street wall height to Pacific Highway is required.

Tower

P8 The tower facade, articulation and massing treatment should present as two expressed forms to break up the scale and massing of the tower.

P9 A minimum tower setback of 2.3m shall be provided to the retained heritage item at 265 Pacific Highway. P10 A minimum above podium tower setback of 3m shall be provided to the site’s southern boundary.

P11 The tower, including the podium component is to be a maximum of 10 storeys in height.

P12 A minimum setback of 1m shall be provided above level 2 to the site's northern boundary.

Pacific Highway setback

P13 A minimum above podium tower setback of 1m is to be provided, with at least 40% of the envelope set back to 2m.

Church Lane setback

P14 A minimum above podium tower setback of 3m is to be provided, with a predominant setback of 4m being provided for at least 60% of the building length.

Church Lane widening

P15 A 6m widening of Church Lane inclusive of public footpaths is required to improve neighbourhood amenity and passive surveillance to the public domain”.

These draft provisions are proposed to accompany any Planning Proposal so as to help guide the assessment of any future Development Application on the site.

6.7 Alternative Options

The DPIE's 'A Guide for Preparing Planning Proposals' (2018) requires Planning Proposals to consider if there are alternative options to achieving the intent of the proposal.

The Planning Proposal considers two alternate options, these include:-

- Option 1: Lodge a Development Application (DA) under the current NSLEP 2013 controls; and
- Option 2 & 3: Two preliminary concept options

The Planning Proposal considers lodging a DA under the current NSLEP 2013 controls; however, these controls are foreshadowed to be amended by the strategic framework provided by the CPPS. It acknowledged that the intent of the Planning Proposal cannot be achieved through the application of *clause 4.6 - Exceptions to development standards* under NSLEP 2013 due to the degree of variation sought to the current height controls.

Option 2 presents a 3 storey podium and stepped tower form with heights varying between 8, 9 and 10 storeys. Option 3 allows for a 10 storey tower and 3 storey podium. Both options sought to reduce the recommended setbacks to Pacific Highway and heritage items and alternative tower forms.

Option 2

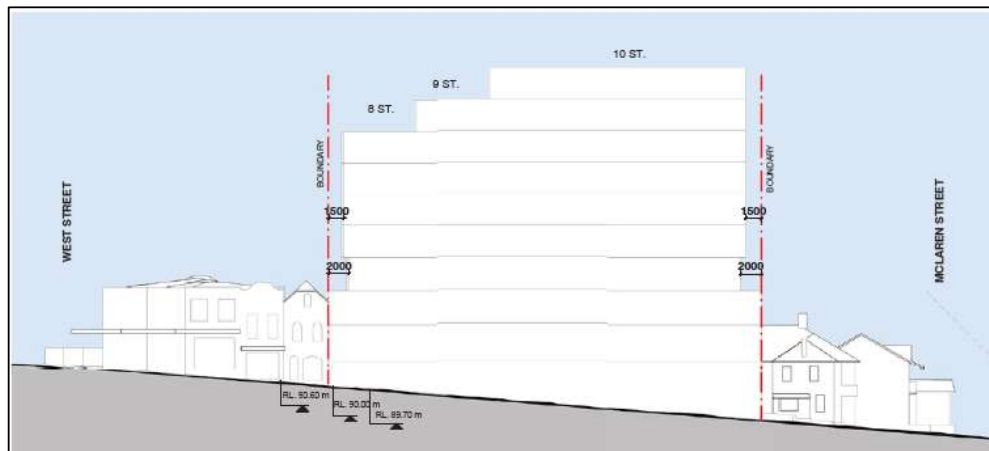


Figure 15: Option 2 – Tower Envelope

Source: PTW Architects

The pro’s and con’s as described by Urbis follows below:-

Pros -

- *Stepped built form providing scale transition from the CBD area.*
- *Improved residential amenity for upper level units where they will have larger private open space and open views to the surrounding areas.*
- *Less shadow impact on the surrounding areas.*

Cons -

- *No setback to Pacific Highway is proposed. The proposal utilise a ‘waist’ level design to differentiate tower and podium form.*
- *Narrow upper-level setbacks to the heritage item and conservation area which may increase the tower’s perceived bulk and scale*
- *Limited communal open space on the roof top*

Option 3:

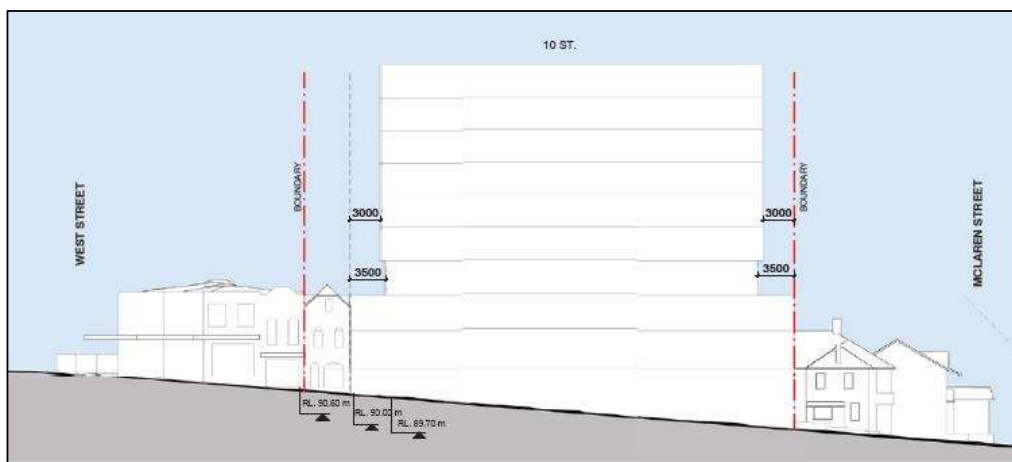


Figure 16: Option 3 Tower Envelope

Source: PTW Architects

The pro's and con's as described by Urbis follows below:-

Pros –

- *More efficient layout plan for the tower development.*
- *Larger upper-level setbacks to the heritage item and conservation area which assist in achieving a better response to the context.*
- *Greater communal open space on the roof top.*

Cons –

- *No setback to Pacific Highway is proposed. The proposal utilises a 'waist' level design to differentiate tower and podium form.*
- *No scale transition from the CBD area to surrounding heritage context.*
- *Increased perceived bulk and scale*
- *Increased overshadowing impact on surrounding areas.*

It is acknowledged that the implementation of the CPPS, will be the responsibility of Council or proponents to progress Planning Proposals to amend LEPs to give effect to the built form controls within the CPPS. On this basis, the proposed means of amending NSLEP 2013 is considered the most appropriate option to achieve the intent of the Planning Proposal.

6.8 Environmental Impacts

The Planning Proposal and accompanying studies/reports go to some effort to test the indicative reference design and demonstrate the implications of the proposed uplift in height and density in relation to overshadowing, visual, heritage and traffic and parking impacts. The Planning Proposal maintains that the outcomes and conclusions of the studies/reports show that :-

"The provision of a mix of uses on the site with good accessibility to services and public transport, will generate environmental benefits by encouraging more trips within and outside of the centre without cars, and without generating adverse environmental impacts such as wind, solar and traffic on the locality".

Council must be satisfied that potential impacts arising from the Planning Proposal are not significantly different to those envisaged under the CPPS. The anticipated impacts are discussed below.

6.8.1 Overshadowing

The amended Indicative Reference Design is accompanied by shadow diagrams, as well as a comparison of the shadow impacts of the proposed building envelope relative to the recommended built form presented in the Civic Precinct Study – refer to **Figure 17**.

The proposed building envelope creates a fast-moving shadow over the educational sites (North Sydney Public School and the North Sydney Demonstration School) on the western side of the Pacific Highway, before moving across the highway to the south-east.

The CPPS, requires future development not to reduce or affect the amenity in terms of overshadowing of education facilities located on the western side of the Pacific Highway. An analysis of overshadowing is summarised below:-

- 7:30am-8am: KU Dem School Kids Care playground to the west of Pacific Highway is usually used between 7:30-9am and 3-6pm during its operation time as a before and after school care facility. The majority of the shadow cast by the planning proposal is within the shadows cast by existing school buildings or the envisaged envelope under the CPPS. Some additional shadow occurs, however during this period it results in no material impact.
- 8am-9am: The only period when additional shadows occur (outside of the envisaged envelope under the CPPS) is after 8am. This additional shadow is not considered to have a material impact as at 8:30am the proposed shadow aligns with the anticipated CPPS shadow. Approximately 30% of the outdoor space still receive sunlight between 8-9am, which is in accordance with the minimum standards under the Childcare Planning Guideline 2017.
- 10am: proposed shadow is largely within the anticipated CPPS shadow. Minor additional shadowing beyond the envisaged envelope under the CPPS occurs to the Demonstration Schools "garden" area fronting Pacific Highway. The additional shadows do not have a material impact.
- 11am – 1pm: The shadow largely falls across the Pacific Highway and the commercial development at No. 1 McLaren Street.
- 2pm- 3pm: the shadow falls towards McLaren Street properties and the rear of the Church Street residential properties towards the east. The majority of the Church Street dwellings have their, primary living areas and private open space are generally orientated the north and east which remains unaffected by the proposed development. The houses at 2-10A Church Street have west facing courtyards. The proposed shadow falls within the envisaged envelope under the CPPS, and in some instances reduces the anticipated overshadowing to the Church Lane properties;

Compared with the envisaged envelope, the amended Indicative Reference Design will generate a negligible increase to overshadowing during the early morning mid-winter and even result in a lesser impact during the afternoon period compared to the CPPS built form. Moreover, no additional overshadowing to the North Sydney Demonstration School's playground occurs during the core school hours and therefore is acceptable.

In summary the shadow analysis shows that the Indicative Reference Design can ensure reasonable solar access to the adjoining properties with no material adverse impacts.

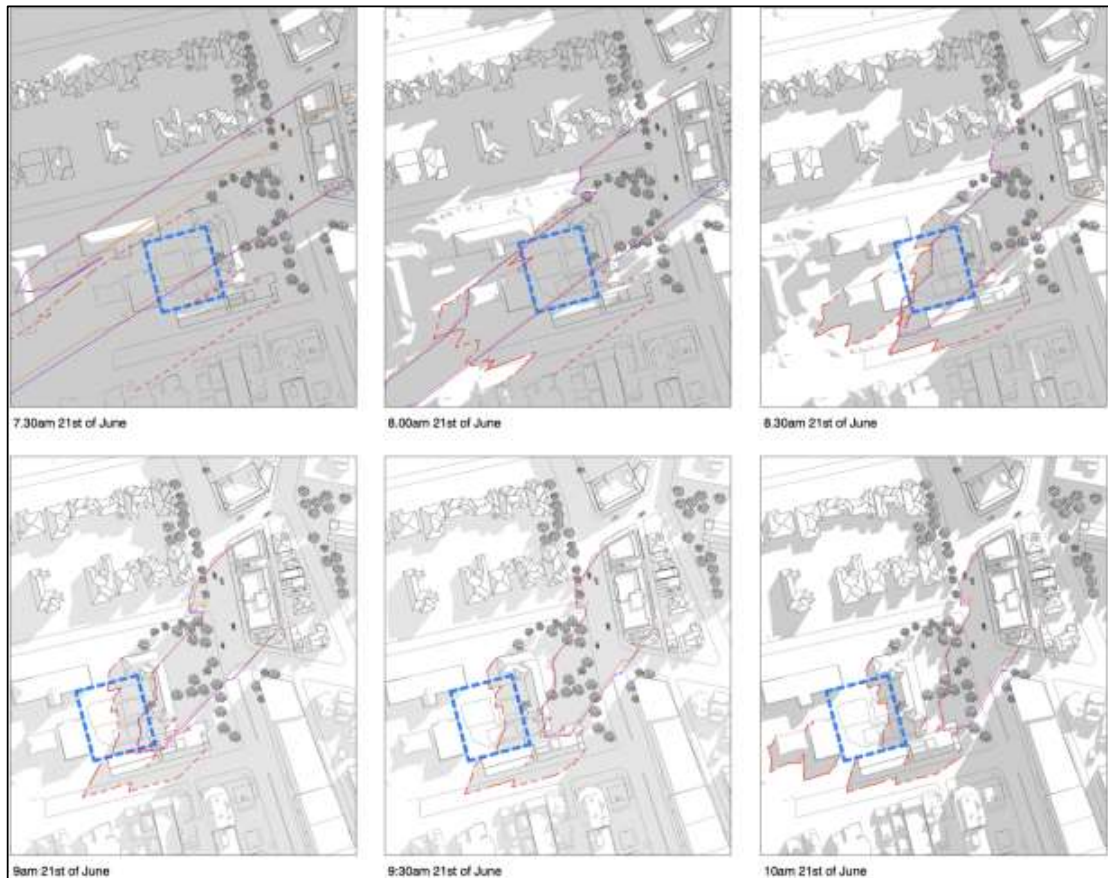


Figure 17: Shadow analysis

Source: PTW

6.8.2 Podium Height and Setbacks

The original podium included a three-storey street wall along most of the Pacific Highway frontage, which aligns with the mid-block heritage item (No. 265 Pacific Highway), consistent with the CPPS. In response to feedback received from the Design Excellence Panel the Indicative Reference Design was amended to allow the podium to step down to two storeys in response to the topography to ensure low scaled streetscape that provide human-scale spaces for pedestrians and allows for an improved relationship and interface with the contributory building at No. 6-8 McLaren Street.

A two storey street wall is proposed to West Street with the 3rd level above the podium being setback 1m from both PHW and West Street. The setbacks are supported by the lower scale nature of the built form proposed, with no adverse impact on surrounding spaces.

A street setback of 1.5m to Church Lane as proposed is considered appropriate. Moreover, the PP allows for the widening of Church Lane in certain locations in order to achieve a consistent lane width of 6m.

For above podium setback refer to **section 6.8.3** below as well as **section 6.8.3** and **Figure 18** below.

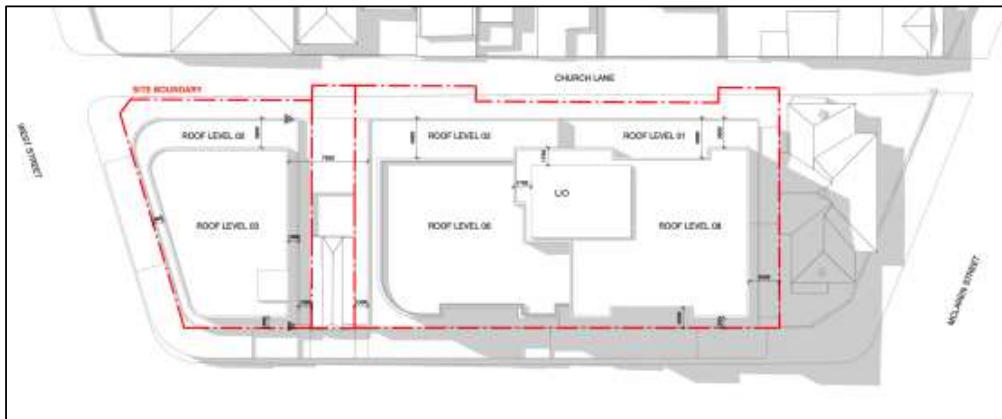


Figure 18: Envelope Plan

Source PTW

6.8.3 Transition in scale

The CPPS acknowledges that additional height could be achieved on the subject site, provided there is an appropriate transition down to the lower scale heritage conservation area. As such, in order to concentrate the height and bulk towards Pacific Highway and achieve appropriate transition to the McLaren Street conservation area, a minimum 9m separation from the centreline of Church Lane was recommended by Council staff during the pre-lodgement meeting; the independent urban designer and Councils heritage planner.

It is considered that in order to achieve an appropriate transition between the existing lower scale built form within the McLaren Street heritage conservation area (the land adjoining Church Lane), and the new tower elements (above podium), greater separation is required.

In response to this issue, the applicant has submitted that a 9m separation measured to the centreline of Church Lane, above podium will have no discernible impact on the visual massing when viewed from a number of vantage points within the wider HCA. Specifically that the towers are casually observed within the HCA. This argument is acknowledged having regard for the indirect or casual impact on the wider HCA. Moreover, the anticipated pronounced change in scale from the HCA across Church Lane towards Pacific Highway is acknowledged.

The amended indicative reference design allowed for a weighted average setback seeking to allow a 9-10m separation from the western boundary of the R3 zone (Church Lane property boundaries) with an above podium setback of 3m (for 38% of elevation) and 4m setback (for 62% of elevation). This weighted setback allows for some variation in the building form, with an approximate 3.5m average weighted setback above podium to the Church Lane frontage, which is considered appropriate and consistent with the advice from Councils DEP.

In order to accommodate the above podium setback to the McLaren Street heritage conservation area, a reduction to the required above podium setback along Pacific Highway (3m under the CPPS) is acknowledged and considered appropriate. The amended PP seeks to allow for a 2m above podium setback to PHW and 1m to the winter gardens.



Figure 19: Original proposed massing as viewed from McLaren Street



Figure 20: Massing with lowered podium height and increase separation to Church Lane

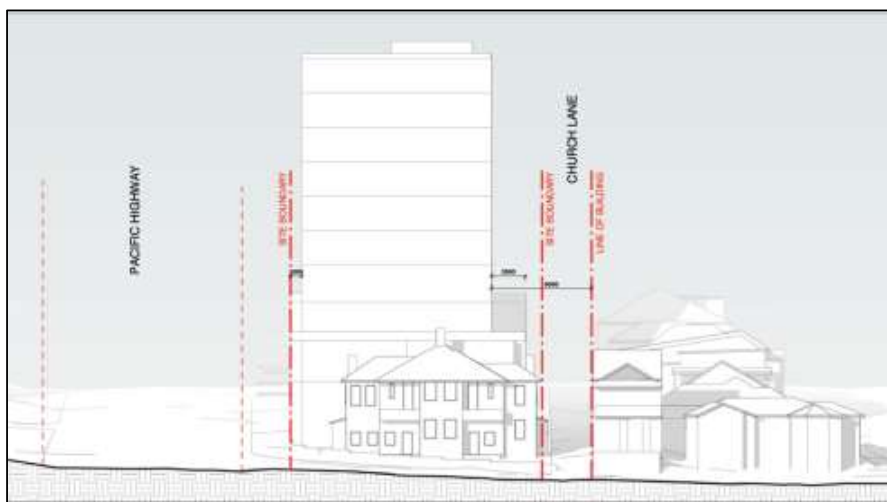


Figure 21: Planning proposal above podium setback (southern elevation)

6.8.4 Residential Amenity

- *Building separation / Privacy*

The residential tower (above podium) is setback 3-4m from Church Lane allowing for a weighted average setback for 62% of the eastern elevation. The 3m setback is mostly limited to the lift core and winter gardens within the south-eastern corner.

Along Pacific highway the tower allows for a 1-2m setback as part of a weighted setback. Again, most of the 1m setbacks are limited to the wintergardens.

At the southern end of the site a 3m setback above podium is proposed to No. 6-8 McLaren Street, which is considered appropriate.

A 9m separation distance is proposed between the 8 storey tower and the northern 3 storey built form above podium across the heritage item.

The site is unique in the sense of zone transition from B4 Mixed Use to R3 Medium Density Residential to the east. The Apartment Design Guide states (emphasis added):-

“0 to 4 storeys (approximately 12m)

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

5 to 8 storeys (approximately 25m):

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

At boundary between change in zone, from apartment building to lower density area, increase building setback from the boundary by 3m”.

Given the detailed design process the reference design has gone through and having regard to the site circumstances and the intention of the CPPS, the site specific DCP provisions will provide a framework (and assist in justification for any future DA) thereby not creating a precedent issue across the wider LGA. Accordingly, the weighted average setback to Church Lane allowed for within the reference design scheme is considered appropriate in the site circumstances.

Detailed facade treatments including privacy screens will alleviate the potential for overlooking of principal private open spaces of residential dwellings to the east further. Measures to ensure adequate levels of privacy to surrounding properties should be further resolved at the development assessment stage.

- *Mix of dwellings*

Section 2.2.3 of Part B of the NSDCP requires a mixed residential population in terms of household type and size, requiring development with 20 or more apartments to accommodate a mix of dwelling types.

The table below summarise the potential unit mix as envisaged under the indicative reference design:-

Unit Mix	NSDCP Req. Mix %	Proposed	%	Comply
1 bed	25-35%	6	16.22%	No
2 bed	35-45%	22	59.46%	No
3 bed	10-20%	9	24.32%	No
Total		37	100%	

The amended Indicative Reference Design allows for more 1 bedroom apartments than originally proposed. In this regard, P4 of Section 2.2.3 of the NSDCP acknowledges that a variation to the dwelling mix may be considered (under the development application stage). However, the inclusion of some studio apartments, in order to meet the provisions of the NSDCP 2013 and provide a greater mix of more affordable housing options in the area is recommended. For the purposes of the PP the proposed floor plates and resultant FSR is considered appropriate whilst allowing for a mix of housing types.

The Indicative Reference Design did not identify any adaptable housing consistent with P6 of Section 2.2.3, however this can be addressed under the detailed development application stage.

- *Solar Access and cross ventilation*

Provision 3 of Section 2.3.7 of the NSDCP requires living rooms and private open spaces for at least 70% of dwellings within a residential flat building or shoptop housing to receive a minimum of 2 hours of solar access between the hours of 9.00am and 3.00pm at the winter solstice (21st June).

The Indicative Reference Design analysis demonstrate that a residential development could achieve an acceptable level of internal amenity for future residents with regard to solar access and natural ventilation based on the indicative apartment layout as follows:-

- 84% of apartments achieve the ADG requirement of 2 hours of sunlight between 9am and 3pm in mid- winter.
- 73% of apartments (ground floor to Level 8) are cross ventilated.

6.8.5 Design Excellence Panel

Having regard for the sensitive nature of the surrounding spaces the application was referred to Council's Design Excellence Panel (DEP) for comment on 8 June 2021. Members of the panel expressed varying comments and concerns in relation to the following aspects of the originally reference design:-

- *Allocation of height,*
- *Visual Impact on surrounding area,*
- *Consistency with Council's Civic Precinct Planning Study,*
- *Level of articulation of tower elements,*
- *Tower setbacks in relation to podium on Pacific Highway, retained heritage item within site, Heritage Conservation area (to the south and north),*
- *Envelope to GFA ratio,*
- *Overshadowing,*
- *Wind downdraft,*

- *Interface of podium with adjacent contributory item the south*
- *Podium articulation*
- *Through site link*
- *Contextual fit*
- *Ground floor levels and flood planning relative to the public domain*

“It was concluded that before preparing any formal advice the Panel request the provision of additional comparative contextual massing ,elevational and shadow impact studies to make a more informed assessment of the development in the broader context beyond the street block and surrounds”.

The amended indicative reference design included additional contextual massing studies and shadow studies and was referred to the DEP on 12 October 2021.

Due to the attributes and sensitivity of the site and its surrounding context the DEP recommended that a site specific DCP be prepared to accompany the proposal to further guide a final design. Of particular importance to the panel are the inclusion of the following provisions:-

- *Solar access – Any proposal must not reduce the level of solar access currently available to the existing play areas of the educational use opposite the site.*
- *Heritage Interfaces – The podium element of any new development shall be modulated and present an appropriate scale at its interface with No 6-8 McLaren Street. A highly considered architectural treatment shall be provided at this interface in order to create a sympathetic relationship between these building elements. Blank walls or an abrupt imposing form and presentation are to be avoided.*
- *Podium – The proposed podium element shall be stepped to respond to the topography of the site and reduced to a 2 storey scale at its interface with 6-8 McLaren Street.*
- *Tower – The tower facade, articulation and massing treatment should present as two expressed forms to break up the scale and massing of the tower.*
- *A minimum tower setback of 2.3m to the property boundary shall be provided to the retained heritage item at 265 Pacific Highway.*
- *A minimum above podium tower setback of 3m shall be provided to the site's southern boundary.*
- *Pacific Highway setback – A minimum above podium tower setback of 1m is to be provided, with at least 40% of the envelope set back to 2m*
- *Church Lane setback – A minimum above podium tower setback of 3m is to be provided, with a predominant setback of 4m being provided for at least 60% of the building length*
- *To allow sufficient space for articulation, sun shading and the like, the ratio of envelope to GFA should be confirmed and should be generally consistent with the provisions of SEPP 65*

6.8.6 Independent Urban Design Review

Atlas Urban Design & undertook an independent review of the original and amended indicative reference design. The review recommends as follows:-

“Having completed an assessment of the amended indicative reference design against the Civic Precinct Planning Study (CPPS) and relevant Regional, District and Local Plans, the following is noted:

- *The proposal provides for higher density development near the new Victoria Cross Metro Station, which is an appropriate outcome for this precinct*

- *The proposed height is generally consistent with that anticipated under the CPPS*
- *The built form location and massing is generally consistent with that expected under the CPPS*
- *The stepped podium along Pacific Highway allows the modulation of the elevation to differentiate the block in its heritage setting*
- *The proposed controls create the potential for a building having an acceptable impact concerning heritage curtilage and relationship to the existing heritage item on the site at No. 265 Pacific Highway an appropriate interface with the contributory building at No 6-8 McLaren Street; and its height relationship with the adjoining conservation area.*

Having completed an urban design review of the Planning Proposal against the Civic Plan and relevant Regional and District Plans, it is recommended that the Planning Proposal be supported to proceed to Gateway Determination.

Given the sensitivity concerning built form and amenity surrounding the site, it is recommended that the draft site-specific DCP be further developed to help manage the transitional relationship and interface with neighbouring low-density areas and contributory buildings, including overshadowing impacts. In addition, it is recommended that the site should be the subject of a design excellence process for the reasons of its distinct position and prominence”.

6.8.7 Heritage considerations

Council’s conservation Planner had the following comments:-

“On balance, the heritage implications of the building envelope on the Crows Nest Road conservation area and the western side of the Pacific Highway generally, are considered to be minimal.

The Civic Precinct Planning Study established 11 principles to inform and guide the proposed structure for the precinct. The first principle is to Preserve, enhance and strengthen the rich heritage of the precinct. As such, redevelopment of the site adopting the whole block is encouraged for its potential to appropriately respond to its site context and create a well-conceived, informed and coordinated outcome. In this regard, the design response of the earlier PP at the corner of West Street and Pacific Highway successfully picked up the curvilinear form of the Union Hotel. The awning element carried through and along Pacific Highway created a strong design element for the West Street/ Pacific Highway intersection and the Pacific Highway streetscape. Developing only part of the block compromises the future design outcome of the development particularly in relation to the proposed concentration of the height and scale of the building to the south and to the exclusion of a more balanced outcome across the block and in harmony with the heritage context of the site. In this regard, the Civic Precinct calls for the whole of block to be redeveloped in order to grant the additional heights.

In relation to the current PP, is noted also that the mid-block heritage item is to be preserved, integrated and appropriately adapted for re-use and with adequate provision for the legibility and articulation of the podium level to highlight it. The observance of the 4.0m setback that reflects the width of the heritage item is an acceptable separation between the podium of the new building and the heritage item. Noting that the heritage item was not built to be a stand-alone building, no objection would be raised from a heritage point of view for any building to the north of the heritage item to be built next to it and to the same street alignment.

[NB the general maintenance and care of this heritage item should be continued so that its condition is not deteriorated in the absence of any immediate development outcome about its future refurbishment or adaptation for ongoing use. An archival recording of the heritage item should be undertaken.]

In terms of the height and scale of the proposed development towards the south, the southern elevation will be highly visible. This element requires a sensitive and high-quality design outcome that can express the transitory function of its built form in terms of:

- *achieving an appropriate interface with the scale and character of the McLaren Street conservation area; and*
- *creating an appropriately scaled edge to the Civic Precinct Planning Area*

Although the design implications will require fine grain detailing at the appropriate development control phase, the basis for the details to be resolved sensitively needs to be established at the PP stage so that the parameters around form, materiality, colours and finishes are investigated and set. Opportunities for relevant public art should also be explored and worked through into the design phase early on. The objective of maintaining the mass and height of the new built form to Pacific Highway and adopting the maximum possible setbacks from the McLaren Street conservation area (and for which reason the option of a 12m setback is preferred) is recommended to ensure a high quality urban outcome with appropriate transitional separation between the new and old context”.

The applicants Heritage Impact Statement has the following recommendations:

RECOMMENDATIONS

To mitigate any potentially adverse impacts from the planning proposal on the heritage item, we make the following recommendations that would apply as conditions to future development applications:

- R1 A Conservation Management Plan for the site known as The Cloisters, at 265 Pacific Highway, North Sydney, should be prepared to guide decisions about the future use, care and possible changes to the place.*
- R2 A Photographic Archival Recording of the interiors and exterior should be carried out prior to any proposed works commencing.*
- R3 Measured Drawings of the building should be carried out and stored with the Photographic Archival Recording.*

6.8.8 Wind

The Planning Proposal is accompanied by a statement of wind effects undertaken by Vipac, which analyse future winds expected as a result of the proposed development on all public access areas within and external to the development (including surrounding footpaths and primary entry points).

Key findings of the assessment:

- *The adjacent footpaths would be expected to have wind levels within the walking comfort criterion*
- *The wind conditions at the building entrances are expected to be within the recommended standing comfort criterion*
- *The Level 7 communal terrace is expected to have wind levels within the recommended walking comfort criterion with the proposed 1.8m balustrades incorporated.*

With respect to balconies the Vipac report states that the proposed development will frequently be acceptable for outdoor recreation. However during moderate to strong wind conditions these areas may exceed human comfort criteria. Vipac report states:- *“The development has incorporated winter garden designs for the balconies would achieve improved wind environment for these areas.”* Generally Vipac considers the *“proposed design is expected to have an acceptable wind environment and Vipac makes no recommendations for wind control purposes.”*

6.8.9 Transport Implications

Council’s Senior Strategic Transport Planner had the following comments:-

Travel Planning

JMT consulting have provided a notional “travel plan” in section 4.9 of their Transport Impact Assessment report. The information provided is insufficient for determining whether the impact of the proposed development on North Sydney transport networks has been minimised. A draft “travel plan” is requested at the PP stage of the assessment process to show the extent of actions required to deliver the applicant’s transport vision, objectives and targets for the site; these include both hard and soft engineering measures. Hard engineering measures, such as the provision of cycle parking and end-of-trip facilities as well as car share parking spaces, are considered at PP stage so as not to misrepresent opportunities to deliver these initiatives as part of the applicant’s proposals. The Travel Plan should include an empirical analysis of parking demand rather than responding to the maximum allowances of the DCP. This will help to determine the extent of action required to deliver the applicant’s transport vision, objectives, and targets for the site.

Cycling

Indicative locations/numbers of proposed bicycle parking spaces, lockers, change rooms and showers should be included in the applicant’s architectural drawings so as not to misrepresent opportunities to deliver these initiatives as part of the applicant’s proposals.

Type 2 resident/worker cycle parking and associated locker, change room and shower facilities should be provided on basement Level 1.

Type 3 visitor/shopper cycle parking (bike hoops) should be provided at grade either within the site boundary or within the nearby road reserve (with Council's permission) as these provide the higher levels of accessibility/flexibility for visitors that cycle to the site. Type 3 cycle parking (bike hoops) should be located as close as feasible to building entrances for associated land uses, they should be visible from the current/future cycling network (visibility), overlooked by adjacent land uses (security), covered (weather) and well lit (night-time security).

Car Share

Further consideration should be given to whether on-site car share provision could further reduce demand for/supply of parking for the applicant's proposals as part of a wider review of the applicant's draft Travel Plan.

Note: The Western Harbour Tunnel and Beaches Link projects will result in more traffic on the Pacific Highway rather than less as suggested in section 3.3 of the applicant's TIA.

The applicant will be required to respond to these items whilst awaiting a Gateway Determination so as to place the additional information on exhibition with the formal Planning Proposal.

Car Parking

The assessment estimates that the proposed development (containing 37 residential apartments) will generate a net increase of no more than 11 car trips during the busiest hour of the day (AM peak. Hour)).

The subject site currently has high levels of access to public transport (Pacific Highway bus services and future Victoria Cross station). The metro station will provide a high frequency, high capacity public transport service in close proximity to the site (5min walking distance), which will have the effect of reducing reliance on private vehicles, lowering on-street parking demands and reducing traffic movements generated by existing and future residents.

The amended Indicative Reference Design provides 34 residential car parking spaces and 4 commercial/retail car parking spaces within the basement levels. This is less than the maximum amount of car parking allowed under section 10.2 to Part B of NSDCP 2013 and considered appropriate.

Vehicular access

The Indicative Reference Design allows for two vehicular entries off Church Lane, one for the commercial building on the corner of PHW and West Street and one for the mixed-use building adjoining the southern boundary. The original application relied on a car lift for access to the commercial building basement carpark the amended Indicative Reference Design now proposed an access ramp.

Appropriate carparking numbers and vehicular access will be determined during the future development application stage however the indicative reference design has demonstrated that the development is capable of compliance.

7 POLICY AND STRATEGIC CONTEXT

7.1 Section 9.1 Ministerial Directions

Section 9.1 of the EP&A Act 1979 enables the Minister for Planning to issue directions regarding the content of Planning Proposals. There are a number of section 9.1 Directions that require certain matters to be addressed if they are affected by a Planning Proposal. Each Planning Proposal must identify which section 9.1 Directions are relevant and demonstrate how they are consistent with that Direction.

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

- Direction 2.3 – Heritage Conservation
- Direction 2.6 – Remediation of Contaminated Land
- Direction 3.4 Integrating Land Use and Transport
- Direction 5.10 – Implementation of Regional Plans

Direction 2.3 – Heritage Conservation

Direction 2.3 – Heritage Conservation applies when a relevant planning authority prepared a planning proposal. Subclause (4) to the Direction states:

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

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

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

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

The Heritage Impact Statement prepared by NBRS & Partners concludes:-

“The amendments to the North Sydney Local Environmental Plan 2013 proposed in this planning proposal have an acceptable heritage impact on the heritage item at 265 Pacific Highway, and the adjacent McLaren Street conservation area”.

Council’s conservation planner states:-

“In relation to the current PP, is noted also that the mid-block heritage item is to be preserved, integrated and appropriately adapted for re-use and with adequate provision for the legibility and articulation of the podium level to highlight it”.

Accordingly, the PP is considered to facilitate the conservation of the heritage item and is consistent with this direction.

Direction 2.6 – Remediation of Contaminated Land

Direction 2.6 – Remediation of Contaminated Land applies to land on which potentially contaminating land uses, activities, industries and chemicals is being, or is known to have been, carried out. Subclause (4) of the Direction states that a planning proposal authority must not include in a particular zone any land on which potentially contaminating land uses, activities, industries and chemical is being or is known to have been carried out, if the inclusion of the land in that zone would permit a change of use of the land, unless:

- a) *the planning proposal authority has considered whether the land is contaminated, and*
- b) *if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the*
- c) *purposes for which land in the zone concerned is permitted to be used, and*
- d) *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the*
- e) *land will be so remediated before the land is used for that purpose.*

The Planning Proposal is accompanied by a Preliminary Site Investigation prepared by JBS&G. The report concludes that:-

- *Review of site history has indicated that the property located at 267 Pacific Highway and 255-259 were utilised for potentially contaminated land uses (respectively service station/garage and, chemical handling and car sales/hire);*
- *Redevelopment of 267 and 255-259 Pacific Highway is likely to have resulted in the removal of any former underground infrastructure and shallow soils. However, impacts associated with historical environmental incidents, improper maintenance or removal of the infrastructure is considered to have potentially resulted in contamination of the deeper natural soils at the property and/or migration of contamination to the neighbouring sites;*
- *No overt indicators of gross and/or widespread contamination were observed during the site inspection; and*
- *Potential impacts resultant from historical land uses at the Site are typical of urban environments and considered likely to be limited to localised areas, which can be readily managed during redevelopment of the Site. Management of contamination , if present, would mitigate potential risks to future site users such that the Site is considered suitable for the intended land uses.*

A targeted Detailed Site Investigation (DSI) should be conducted to assess soil, soil vapour and groundwater within the Site, to determine the requirement, and most appropriate means, to manage site contamination during redevelopment.

The following further investigations will be required to be addressed at any future development application stage:-

- a hazardous materials survey of the building structures. This will be required pre-demolition and carried out by a suitably qualified person. The recommendations of the survey report will be required to be adhered to with regard to the presence and treatment of any hazardous materials like asbestos and lead based paints for example.

- post-demolition and prior to any excavation at the site a detailed site investigation by a suitably qualified environmental consultant will be required. A Remediation Action Plan (RAP) will need to be prepared to address any land or ground water contamination at the site. The RAP will be required to be adhered to and the site validated as being suitably remediated and fit for its intended use prior to any construction works commencing; and
- an accredited site auditor may need to be engaged to oversee this aspect of the project and to sign off on the validation report.

Direction 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

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

The increased density on the site supports the patronage of the metro station and accords with the key direction from the state government, which seeks to co-locate increased densities within walking distance of public transport nodes.

The site's proximity to public transport will provide for increased opportunities to live, work and play within the LGA through the provision of residential accommodation adjacent to key employment nodes and therefore facilitating a walkable neighbourhood, reducing the need for car dependency, consistent with this direction.

Direction 5.10 – Implementation of Regional Plans

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

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

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

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

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

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

7.2 State Environmental Planning Policies

SEPP 65 (Design Quality of Residential Apartment Development)

The Planning Proposal includes an assessment against the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, and the associated Apartment Design Guide (ADG), in relation to building separation/privacy, solar access, natural ventilation, common circulation, apartment layout and apartment mix.

ADG compliance and a high level of residential amenity is expected on any site and even more so on the subject site, which is constrained by heritage item, surrounding low scale conservation area; adjoining contributory buildings as well as a noisy State highway. The Indicative Reference Design appears to comply with most of the key apartment design criteria, (refer to Table 5 below).

Table 5: Apartment Design Guide (ADG)		
Amenity	Design criteria	DA Consistency
2F - Building Separation	<p><i>Minimum separation distances for buildings are:</i></p> <p><i>0 to 4 storeys (approximately 12m)</i></p> <ul style="list-style-type: none"> • <i>12m between habitable rooms/balconies (6m to centre line of laneway)</i> • <i>9m between habitable and non-habitable rooms (4.5m to centre line)</i> • <i>6m between non-habitable rooms (3m to centre line)</i> <p><i>At boundary between change in zone, from apartment building to lower density area, increase building setback from the boundary by 3m</i></p>	<p>PP allows for 9-10m separation from the opposite side of Church Lane or approx. 7- 8m to centre line of Church Lane.</p> <p>The PP argues that adjoining properties will not develop higher than 8.5m (current max. height control), Accordingly a 12m separation should apply or 6m to centreline.</p> <p>However in order to have an appropriate transition between existing lower scale built form and the new tower an increase separation is required. As such the amended indicative refence design included an articulation zone to allow for greater variation in the elevation but also increase separation to the lower density residential. The site specific DCP will further assist in providing a framework for any future DA assessment whilst not creating a precedent within the wider LGA for a variation to the separation distance.</p>
3D- Communal Open Space	<p><i>Communal open space has a minimum area equal to 25% of the site.</i></p> <p><i>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)</i></p> <p><i>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</i></p> <p><i>Communal open space is designed to maximise safety</i></p>	<p>Total Site Area 1468.7sqm Resi site area = 993.9sqm Road dedication = 95.5sqm</p> <p>Req = 993.9 x 25% = 248.48sqm Req (excl. road dedication) = 898.8sqm x 25% = 224.6sqm Proposed = 227sqm or 23% on level 7</p> <p>Can comply if some of the above podium spaces are included as COS</p>

Table 5: Apartment Design Guide (ADG)		
Amenity	Design criteria	DA Consistency
4A – Solar and daylight access	<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</i>	84% of apartments achieve 2 hours of sunlight between 9am and 3pm in mid-winter.
4B - Natural ventilation	<i>All habitable rooms are naturally ventilated. The layout and design of single aspect apartments maximises natural ventilation.</i>	73% of apartments (ground floor to Level 8) are cross ventilated.
4C - Ceiling Heights	<i>Ceiling height achieves sufficient natural ventilation and daylight access – Minimum 2.7m (habitable rooms), 2.4m for second floor where it does not exceed 50% of the apartment area.</i>	Floor to floor of 3.1m are proposed Thus floor to ceiling heights of 2.7m
4D 1 - Apartment size and layout	<i>Apartments are required to have the following minimum internal areas: 50m² (1Bed), 70m² (2Bed), 90m² (3Bed)</i> <i>Additional bathrooms increase the minimum internal area by 5m² each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each 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</i>	Min. Proposed: (excluding WG) 1 beds = 50sqm 2 beds = 70sqm 3 beds = 95sqm
4E - Private open space and balconies	<i>All apartments are required to have primary balconies as follows:</i> <ul style="list-style-type: none"> • <i>Studio apartments – 4sqm</i> • <i>1 bedroom apartments – 8sqm, minimum depth 2m</i> • <i>2 bedroom apartments - 10sqm minimum depth 2m</i> • <i>3+ bedroom apartments - 12sqm minimum depth 2.4m</i> <i>The minimum balcony depth to be counted as contributing to the balcony area is 1m</i> <i>2. 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 15m² and a minimum depth of 3m</i> <i>Primary private open space and balconies are appropriately located to enhance liveability for residents. Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</i>	Min. WG Proposed: 1 bed = 8sqm 2 bed = 10sqm 3 bed = 12 sqm Above podium (Level 2) None of the apartment at the podium level utilises the podium for POS.

Table 5: Apartment Design Guide (ADG)		
Amenity	Design criteria	DA Consistency
	Private open space and balcony design maximises safety.	

SEPP Infrastructure 2007

The subject site directly adjoins Pacific Highway a classified State Road. Clause 101(2) of SEPP (Infrastructure) 2007 requires that developments with a frontage to a classified road to:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The PP allows for future vehicular access off Church Lane satisfying (a). However, the PP, which seeks to allow for a residential use which is sensitive to traffic noise, does not include any measures or recommendations to ameliorate potential traffic noise or vehicle emissions arising from Pacific Highway.

The PP reports states that:-

“Mitigation measures would be required to address noise if future redevelopment plans include residential uses. It is expected that these matters would be addressed at a future DA stage.

It is recommended that an acoustic report be prepared to identify measures / recommendations to ameliorate potential traffic noise or vehicle emissions arising from Pacific Highway at the detailed development application stage.

7.3 Greater Sydney Region Plan (A Metropolis of Three Cities)

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

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

An assessment of the Planning Proposal's consistency with the relevant Objectives of the Regional Plan is outlined in Table 6 below.

Table 6: Consistency with objectives of the Regional Plan	
Objectives	Comment
Infrastructure & Collaboration	
<i>Objective 2 Infrastructure aligns with forecast growth</i> <i>Objective 4: Infrastructure use is optimised</i>	The site is located approximate 260m from the northern Victoria Cross Station entrance. The proposal responds to this objective by placing density in a highly convenient location Delivering density in the right location, such as the subject site, will help to drive better travel behavior in future residents and workers, encouraging increased reliance on public transport.
<i>Objective 5: Benefits of growth realised by collaboration of governments, community and business</i>	This Planning Proposal will assist in the collaboration of government, community and business as follows: Renewal of this site for mixed-use development would assist government in contributing towards housing and employment targets, ensuring the proposal positively contributes to housing and economic policy of government. Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3-4.5m to 6m and the excision of approximately 130sqm of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.
Liveability	
<i>Objective 10: Greater housing supply</i> <i>Objective 11: Housing is more diverse and affordable</i>	The proposal increases housing supply within the Civic Precinct (additional 37 dwellings) and provide a range of 1; 2 and 3 bedroom apartments. However, the inclusion of some studio apartments, in order to meet the provisions of the NSDCP 2013 and provide a greater mix of more affordable housing options in the area is recommended.
<i>Objective 12: Great places that bring people together</i>	The PP allows for the renewal of the existing site which has the benefit of an identified uplift, whilst respecting the heritage significance of the existing building at No. 265 Pacific Highway and the surrounding heritage conservation areas as a whole.
Productivity	
<i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i> <i>Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive</i>	The proposal provides housing within close proximity to high frequency public transport, jobs, services and facilities. The proposal will provide approximately 1,775sqm GFA of flexible, upgraded commercial floorspace, which is estimated to support jobs in the identified Civic Precinct.
<i>Objective 22: Investment and business activity in centres</i> <i>Objective 24: Economic sectors are targeted for success</i>	The Planning Proposal would result in a number of direct economic benefits, during the construction stage and during ongoing operations.

Objectives	Comment
Sustainability	
<p><i>Objective 31- Public open space is accessible, protected and enhanced</i></p> <p><i>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i></p> <p><i>Objective 37 – Exposure to natural and urban hazards is reduced</i></p>	<p>The site's proximity to public transport reduces reliance on private vehicle and assist the objective to create low-carbon cities.</p> <p>The subject site is not subject to flood or bushfire risk. Potential contamination risk can be addressed at DA stage.</p>

7.4 North District Plan (NDP) March 2018

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

The North District Plan established the following housing and jobs targets for North Sydney:

Housing Target	North Sydney LGA	North District
5 year (2016-2021)	+3,000 new dwellings	+25,950 new dwellings
20-year (2016-2036)	Council to prepare Housing Strategy (LHS)	Local +92,000 new dwellings
Jobs Target	St Leonards	
20-year (2016-2036)	+6,900-16,400 new jobs	

Following the directions from the GSC, North Sydney Council has put in place its Local Housing Strategy (LHS) and the North Sydney Local Strategic Planning Statement (LSPS) which form part of the hierarchy of plans and provide alignment with the District Plan.

The North Sydney Local Housing Strategy (LHS) has been developed and endorsed by Council and is proceeding to be endorsed by DPIE. The LHS identifies that Council is on track to meet the housing targets set out in the North District Plan and does not rely on the redevelopment of this site to meet the targets. This is discussed further at section 11.5 of this report.

An assessment of the Planning Proposal's consistency with the relevant Directions and Objectives of the North District Plan is outlined below in Table 7.

Objectives	Comment
<p>N1. Planning for a city supported by infrastructure</p> <p>N12. Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The Planning Proposal leverages on the new Victoria Cross Metro Station. The site is ideally located in just a short walking distance to the future station. The future metro station will support the growth of North Sydney in order to deliver additional employment and residential capacity, providing housing in close proximity to services and jobs.</p>
<p>N5. Providing housing supply, choice and affordability, with access to jobs and services</p>	<p>The Planning Proposal will facilitate the delivery of 37 dwellings with within easy walking distance to public transport and job markets in accordance with the vision of the CPPS.</p>

Objectives	Comment
N10. Growing investment, business opportunities and jobs in strategic centres	The CPPS identifies the site as one which can assist in meeting the housing targets identified for North Sydney under the District Plan. The Planning Proposal assist in achieving greater housing supply, choice, and affordability.
N13. Supporting growth of targeted industry sectors	The Indicative Reference Design provides contemporary and flexible employment space to promote diversity in industries and provide variety of job opportunities.

7.5 North Sydney Local Strategic Planning Statement (LSPS)

Council adopted the North Sydney LSPS on 24 March 2020. This document sets out Council's land use vision, planning principles, priorities and actions for the North Sydney LGA for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure. The LSPS will guide the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and support Council's consideration and determination of any proposed changes to development standards under the LEP via Planning Proposals.

An assessment of the Planning Proposal against relevant North Sydney LSPS local planning priorities is undertaken in Table 8 below.

Relevant Local Planning Priority	Comments
I1 – Provide infrastructure and assets that support growth and change	The proposal includes the widening of Church Lane from 3-4.5m to 6m (carving off approximately 130sqm from the site for dedication to the Council) for the purpose of the new road Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.
L1 – Diverse housing options that meet the needs of the North Sydney Community.	will capitalise on the site's location close to the North Sydney CBD and within 250m of the Victoria Cross Metro Station. The proposal increases housing supply within the Civic Precinct (additional 37 dwellings) and provide a range of 1; 2 and 3 bedroom apartments. However, some studio apartments should be incorporated into the mix, in order to meet the provisions of the NSDCP 2013 and provide a greater mix of more affordable housing options in the area.
L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.	The proposal allows for the opportunity for improved activation to Church Lane; thereby improving pedestrian connectivity as well as public domain upgrades, consistent with Councils Public Domain Strategy.
L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage	The Indicative Reference Design ensures heritage items will be retained, preserved, and integrated into the future podium. Adequate legibility and articulation are provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed.
P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney	The future redevelopment of the site encourages active walking and cycling and capitalises on the State Government's investment into the metro line.

Relevant Local Planning Priority	Comments
S3 – Reduce greenhouse gas emissions, energy, water and waste.	The site is well located to take advantage of current and proposed public transport infrastructure and measures to reduce car reliance and ownership and improve the share of walking, cycling, car share and public transport trips.
S4 – Increase North Sydney's resilience against natural and urban hazards	The proposal site is not subject to flood or bushfire risk. Potential contamination risk can be addressed at any development application stage. The proposal is not expected to significantly exacerbate urban heating in the locality.

7.6 North Sydney Local Housing Strategy (LHS)

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

Following public exhibition, on 25 November 2019, Council resolved to adopt the North Sydney LHS with an action to forward to the DPIE for their approval. Council is still awaiting final endorsement of the LHS by the DPIE.

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

The concept proposal indicates an additional 37 residential apartments are to be accommodated on the site which contributes to the number of anticipated dwellings to be accommodated within the B4-Mixed Use zone on a single site. However, the North Sydney LHS does not identify a housing supply gap, and the supply of housing in the North Sydney LGA does not rely on the redevelopment of the subject site over and above the built form controls contained in the CPPS, to meet its targets.

7.7 Civic Precinct Planning Study (CPPS)

The CPPS identifies the subject site as the southern transition area. Action 2 of the CPPS is to develop the Pacific Highway frontage into a medium-scale environment with increased amenity. In this regard, the CPPS acknowledges the site constraints but also its ability to bridge the gap between the mid-rise residential buildings south along Pacific Highway and the low-scale environment of the Civic Precinct to the north. The CPPS includes 8 design guidelines for the Southern Transition Area. Table 9 below provides consideration of the consistency of the PP with those 8 design parameters or guidelines.

Parameter / Design guideline	PP	Comment
1. Building heights <i>A maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the map</i>	A maximum built form height of 10 storeys stepping down to 8 further north	The PP allows for a 10 storey built form stepping down to 8 storeys further north. The additional massing (the 10 storey element stepping further to the north than the envelope within the CPPS) does not result in adverse impacts especially no additional overshadowing over and above that anticipated by the CPPS. As such the height as proposed is considered appropriate.

Table 9: Consistency with design guidelines of CPPS		
Parameter / Design guideline	PP	Comment
<p>2. Incorporation of entire site and land use <i>The site should be developed as one single, mixed use building with a commercial podium and a residential component above</i></p>	<p>The Indicative Reference Design incorporates the site into one single, mixed use building with a predominantly commercial podium and a residential component above.</p>	<p>The PP includes all of the allotments except for No 6-8 McLaren Street. Due to its contributory status. It is unlikely to be demolished and retaining it is considered appropriate.</p> <p>The existing building at No.6-8 McLaren Street is not a street-wall building. Therefore, the design has been amended to allow for a better relationship and interface with the contributory building by stepping the podium and removing the blind wall originally proposed.</p>
<p>3. Podium <i>The podium should be 3-storeys in height to align with the streetscape to the north and the mid-block heritage item</i></p>	<p>a 3-storey podium aligning with the streetscape to the north and a 2- storey street wall height with tower form above to the south.</p>	<p>The podium has been stepped to allow for a 2 storey podium to the southern end to improve the interface with the contributory building. The stepping of the podium improves the perceived street wall enclosure along Church Lane.</p> <p>It allows the towers to be read as more slender proportions and is considered appropriate.</p>
<p>4. Building setbacks</p> <ul style="list-style-type: none"> <i>The podium is to be aligned with the existing heritage item and present no setback to Pacific Highway.</i> <i>The built form above the podium is to be set back a minimum of 3 metres</i> 	<ul style="list-style-type: none"> provides a nil setback to podium to ensure alignment with the existing mid-block heritage item. 1m above podium setback is provided to the Pacific Highway frontage 	<p>The podium setback to Pacific Highway and the setbacks to the heritage item is considered appropriate as detailed in Section 6.8.2; 6.8.3 & 6.8.4 (building separation) of this report</p> <p>The slightly reduced setback above podium along Pacific Highway is considered reasonable in order to achieve appropriate setbacks to the heritage conservation area to the east.</p>
<p>5. Separation to heritage item <i>The building footprint above podium is to be located south of the heritage item. A minimum 4 metre separation between new development and the heritage item is required. Overhanging elements over the heritage item are not supported.</i></p>	<p>2.3 metre setback to the above podium tower of the new building and the heritage item.</p>	<p>Council's conservation planner raised no concern with the proposed above podium setbacks to the heritage item, noting that it <i>was not built to be a stand-alone building</i>. Moreover no overhanging elements are proposed with a 9m separation proposed across the heritage item, between the two above podium structures.</p>

Parameter / Design guideline	PP	Comment
<p>6. Heritage item <i>The heritage item will be preserved and integrated into the future podium. Adequate legibility and articulation is to be provided at podium level to highlight the heritage item. Adaptive reuse of the heritage item is encouraged</i></p>	<ul style="list-style-type: none"> heritage items proposed to be retained, preserved, and integrated into the future podium. Adequate legibility and articulation are provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed. There are no elements overhanging the heritage item proposed; the air space above the item will remain clear of intrusions. 	<p>Council's conservation planner raised no objection noting that: <i>"the mid-block heritage item is to be preserved, integrated and appropriately adapted for re-use and with adequate provision for the legibility and articulation of the podium level to highlight it"</i></p>
<p>7. Overshadowing <i>Future development is to not reduce or affect the amenity of education facilities located on the western side of Pacific Highway (overshadowing and visual privacy)</i></p>	<ul style="list-style-type: none"> not affect the amenity of educational facilities in terms of overshadowing. The reduced above podium setback to the Pacific Highway has no material additional adverse impact to surrounding sites. 	<p>A detailed shadow study is provided within the Indicative Reference Design (refer to Appendix B) which demonstrates the proposed building envelope will not result in any material overshadowing above and beyond that already envisaged under the CPPS. The shadow analysis demonstrates that there is a reduced overshadowing impact to adjoining residential buildings and negligible additional impact to the Demonstration School between the complying and proposed envelope, and the difference will be immaterial.</p>
<p>8. Transition in scale <i>An adequate transition to the conservation area to the east should be provided in the form of a podium with significant above podium setbacks</i></p>	<p>a 9m separation from the western boundary of the HCA.</p>	<p>The amended PP allows for a 9-10m separation measured to the western boundary of the McLaren Street HCA being the residential properties on the opposite side of Church Lane Refer to detailed discussion at Section 6.8.3.</p>

8 SUBMISSIONS

There are no statutory requirements to publicly exhibit a Planning Proposal before the issuance of a Gateway Determination. However, Council sometimes receives submissions in response to Planning Proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council's application tracking webpage.

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

To date, a total of three (3) submissions have been received objecting to the Planning Proposal, whilst eleven (11) submissions were received in support of the proposal without any details as to location or proximity to the site.

Concerns raised with respect to the proposed including overshadowing, privacy, widening of laneway; structural adequacy of heritage item; cracks due to excavation and noise and dirt during construction phase.

9 CONCLUSION

This Planning Proposal seeks amendment of the North Sydney LEP 2013 to:-

- increase the permitted maximum Height of Buildings from 10m to part 15m; 29m and 37m;
- increase the permitted minimum non-residential FSR control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall FSR of 4.83:1 to Nos. 253-261 Pacific Highway and a maximum FSR of 1.83:1 to Nos. 265-267 Pacific Highway;

For the reasons discussed in detail above, the Planning Proposal is supported as it:

- Generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- Generally complies with the Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals (August 2016);
- On balance, does not contradict the ability to achieve the objectives and actions of high level planning strategies;
- The proposed height is consistent with that anticipated under the CPPS;
- The location / placement of the towers is generally consistent with that anticipated under the CPPS, with the exception of the 10 storey floorplate extending further to the north (only along Church Lane to accommodate the lift core), resulting in no additional overshadowing to the North Sydney Demonstration School, than that anticipated by the CPPS;
- It will provide higher density development near the new Victoria Cross Metro Station consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcome for this precinct;
- The future building form will have an acceptable overshadowing impact on North Sydney Demonstration School;
- Stepped podium resulting in human-scale spaces along Pacific Highway and an appropriate interface and scale with the contributory building at No. 6-8 McLaren Street;
- The proposal will have an acceptable impact in relation to heritage and conservation in relation to the curtilage and relationship to the existing heritage item on the site at No. 265 Pacific Highway and its height relationship with the adjoining conservation area.

The applicant is encouraged to respond to the recommendation for an updated Travel Plan whilst awaiting a Gateway Determination so as to place the additional information on exhibited with the formal Planning Proposal.

The amended Planning Proposal and Reference Design Scheme is considered to be consistent with the LPSP position of only supporting amendment to the NSLEP which is supported by an endorsed precinct wide based planning study. Moreover, the anticipated built form as demonstrated within the reference design scheme is considered to be consistent with that envisaged by Councils endorsed CPPS.

In addition, feedback is sought from the Panel on an appropriate height for the site, given the proposed height of 37m is somewhat higher (1.8m) than would be ordinarily expected for a 10-storey residential tower.

10 RECOMMENDATION

For the reasons outlined in this report, it is recommended that the Local Planning Panel support the progression of the Planning Proposal to the DPIE seeking a Gateway Determination, noting the recommendation for site-specific DCP provisions to be prepared to help guide future detailed design and development application assessment process.

Annelize Kaalsen
CONSULTANT PLANNER

Neal McCarry
TEAM LEADER, STRATEGIC PLANNING

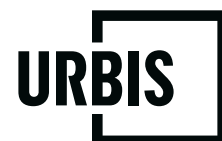
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AMENDED PLANNING PROPOSAL REPORT

253-267 Pacific Highway, North Sydney

Prepared for
LEGACY PROPERTY
13 December 2021



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P0031392
Report Number	Final Amended

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1. INTRODUCTION

1.1. OVERVIEW

This request to prepare a Planning Proposal has been prepared by *Urbis Pty Ltd* for *Legacy Property* (the **Proponent**) to initiate the preparation of a Local Environmental Plan amendment for the land located at 253 – 267 Pacific Highway, North Sydney (the **site**).

Since the original submission in April 2021, the Planning Proposal and the submitted reference scheme has been amended to address feedback received from North Sydney Council and the Design Excellence Panel (**DEP**). A draft Development Control Plan (**DCP**) has also been prepared to support the amended Planning Proposal. Accordingly, this report has been updated to reflect amendments made to the indicative reference scheme since submission in April 2021.

The Planning Proposal seeks support from the North Sydney Council (**Council**) to amend the development standards applying to the site to facilitate its renewal and density uplift into a vibrant and sustainable mixed-use development.

The Planning Proposal seeks to unlock the potential of the site to deliver a high-quality development in a location highly suitable for density uplift.

The site presents an opportunity to mark the entry into the North Sydney CBD area whilst achieving desired scale transition in response to the surrounding lower scale development and the heritage context.

The envisaged future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres.

The intended outcome of the Planning Proposal is to amend the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as follows:

- Establish a site-specific split height control, with maximum heights of 15 metres, 29 metres and 37 metres;
- Establish a site-specific split maximum FSR control, with a maximum FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway; and
- Establish a site-specific minimum non-residential FSR control of 1:1.

The proposal does not seek to amend the current B4 Mixed Use zone under the NSLEP 2013.

The site is located within North Sydney Council's Civic Precinct Planning Study (**CPPS**) area which establishes the strategic planning framework for future development in the locality. The CPPS specifically identifies the site as a location for density uplift given its location on the periphery of the North Sydney CBD, a major commercial office node.

The Planning Proposal is supported by a building envelope study and reference design developed by PTW Architects and a draft Development Control Plan (**DCP**) prepared by Urbis (refer to **Appendix A** and **Appendix B** respectively) which provides an overview of the concept vision, design and indicative future built form for the site.

The urban design principles and design rationale supporting the Planning Proposal are established in the Urban Design Statement and original Urban Design Report prepared by GMU at **Appendix H**.

The indicative reference scheme demonstrates that an adequate transition to the conservation area to the east of the site is provided in the form of stepped massing and a podium with above podium setbacks.

The sympathetic redevelopment of 267 Pacific Highway on the corner of West Street fronting the Union Hotel is also consistent with the CPPS and the adaptive reuse of the heritage item at 265 Pacific Highway will ensure the character of the area is maintained.

The Planning Proposal will deliver significant public benefits. The consolidated landholding presents a unique opportunity to widen Church Lane at the rear of the site to improve the safety and amenity of the laneway and accordingly the Proponent offers to dedicate land to facilitate the widening of Church Lane.

The site presents a significant and rare opportunity for urban renewal and uplift to assist Council in generating jobs and meeting housing demand. The site is highly accessible to the North Sydney & St Leonards CBDs, both of which are identified for significant future employment growth. Further, the site is in close walking distance to a number of existing and planned transport connections, including the planned Victoria Cross Sydney Metro Station (260m) and Crows Nest Station (1km), frequent bus services on the Pacific Highway and North Sydney Station (750m).

1.2. BACKGROUND TO PLANNING PROPOSAL

Since the original submission in April 2021, the project team have been engaged in ongoing discussions with Council and Council's advisors regarding the content and merit of the Planning Proposal and the outcomes presented in the indicative reference scheme.

Several meetings and workshops have been attended by Council's assessment team to understand and address issues raised by Council in response to the original built form study lodged with the Planning Proposal.

At each step, the project team has prepared additional documentation containing detailed comparative analysis exploring the potential adjustments to the building envelope in a scaled 3D model to understand the associated changes to the development outcomes, in an attempt to address queries and potential concerns raised by Council.

Throughout the process, the Proponent and project team have engaged in a collaborative manner with Council's team to further refine and improve the indicative reference scheme in response to issues raised by Council including matters relating to visual bulk impact, heritage response, street wall scale, built form transition and building separation, building height and overshadowing.

The amended Planning Proposal has responded to and addressed all the issues raised during the post lodgement phase and the team has worked with Council to agree on the updated design and the approach forward.

To ensure consistency with Council's recently adopted strategic framework and the desired outcomes for the area, each of the potential built form amendments have been carefully examined and tested against the outcomes sought by Council's precinct study.

1.3. AMENDMENTS TO THE PLANNING PROPOSAL AND REFERENCE DESIGN

Guided by ongoing consultation with Council, the following amendments have been made to the Planning Proposal and indicative reference scheme:

- A reduction in street wall scale at the southern part of the site from three (3) to two (2) storeys;
- Introduction of a transitional form element at the southern end of the podium, reducing the width and scale of the podium element aligning the southern site edge and the contributory property;
- Increased secondary setback to Church Lane (east) as part of the vertical tower articulation zones fronting Church Lane;
- Increased secondary setback to Pacific Highway (west) as part of the vertical tower articulation zones fronting Pacific Highway;
- A reduced tower footprint on Levels 7 and 8 to ensure overshadowing impact to the school is comparable to the envelope envisaged by Council's precinct study;
- A reduced tower footprint on Levels 7 and 8 to increase the capacity for Communal Open Space; and
- Modulation of the northern tower footprint to reduce overshadowing impact to the school grounds.

The above amendments have resulted in changes to the intended outcome of the Planning Proposal as summarised in **Table 1**. Overall, the amended reference design results in a reduction in total GFA from 6,143sqm to 5,668sqm. This has subsequently resulted in a reduction to the maximum FSR sought from 5.35:1 to 4.83:1 to 253-261 Pacific Highway, and 1.85:1 to 1.83:1 to 265-267 Pacific Highway. The reason

for the minor increase in height from 14 to 15 metres to the northern portion of the site is due to the inclusion of a lift overrun.

The revised indicative reference scheme and building envelope plans developed by PTW Architects provides further detail and is included in **Appendix A** of this document. **Table 4** provides a detailed comparison of the original proposal against the amended scheme. An artist's impression of the updated reference design is provided at **Figure 1**.

Table 1 Summary of Intended Outcome of Planning Proposal (Previous vs Amended)

Development Standard	Previous Planning Proposal	Planning Proposal (As Amended)
Height of building	Establish a site-specific split height control, with maximum heights of 14 metres, 29 metres and 37 metres	Establish a site-specific split height control, with maximum heights of 15 metres, 29 metres and 37 metres
Floor space ratio	Establish a site-specific split maximum FSR control, with a maximum FSR of 5.35:1 to 253-261 Pacific Highway and a maximum FSR of 1.85:1 to 265-267 Pacific Highway	Establish a site-specific split maximum FSR control, with a maximum FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway
Non-residential floor space ratio	Establish a site-specific minimum non-residential FSR control of 1:1	Establish a site-specific minimum non-residential FSR control of 1:1

Figure 1 Amended Indicative Reference Design - Artist's impression



View looking north from Pacific Highway



View looking south along Pacific Highway

Source: PTW Architects

1.4. PLANNING PROPOSAL MERIT

The Planning Proposal demonstrates strategic merit as:

- The proposal aligns with State planning strategic goals which seek to intensify land use around significant transport infrastructure and in proximity to employment nodes.
- The proposal capitalises on existing and planned infrastructure with sustainable benefits by reducing reliance on private vehicular transportation, being strategically located 260m from the Victoria Metro Station and 750m from the North Sydney Train Station.
- The proposal supports the attainment of an 18-hour economy and a 30-minute city, as outlined within the North District Plan.
- The proposal provides for additional housing stock in the B4 Mixed Use zone, adjacent to North Sydney CBD, a major commercial office precinct which has limited future potential to supply growing demand. The GSC has confirmed that Council will fall short of the minimum 5-year housing target by 170 dwellings.
- The Planning Proposal complies with the criteria set by North Sydney Council as part of their strategic review of the site. The proposed built form is largely consistent with the design guidelines, objectives and specific urban framework including the building envelope plan outlined in Council's CPPS.

The Planning Proposal demonstrates site-specific merit as:

- The envelope massing proposed is based on the urban design framework adopted by North Sydney Council as outlined in the CPPS which identifies the site as a transition site with an opportunity for density uplift.
- It ensures a high-quality urban outcome with appropriate transitional separation between the existing and future context. This includes achieving an appropriate interface with the scale and character of the adjacent McLaren Street conservation area.
- Above podium setbacks are introduced to provide further transitions in height and scale to the adjoining heritage buildings and to ensure adequate separation is provided between the tower form and the HCA.
- The proposal creates an appropriately scaled edge to the CPPS area on the periphery of the CBD and has the potential to service the North Sydney CBD commercial core and release the pressure of residential encroachment on commercial zoned land.
- A two to three-storey podium is proposed consistent with the CPPS building envelope plan which matches the scale of the mid-block heritage item and adjoining heritage item to the south of the site.
- Incorporation of the whole site into a single development, including the heritage item at 265 Pacific Highway and 267 Pacific Highway ensures its potential to appropriately respond to its site context.
- The reference design demonstrates the ability to achieve compliance with key ADG design and amenity criterion, including most of the building separation distances, open space, solar access, ventilation, apartment size and typology, private open space and storage requirements.
- Detailed shadow analysis (refer **Appendix A**) of the impacts on the conservation area and the North Sydney Demonstration School on the western side of the Pacific Highway demonstrates the proposed building envelope will not result in any additional overshadowing to the playground as envisaged under the CPPS.
- The reference scheme and the proposed building heights across the site have been designed to achieve a human scale podium level, building heights and breaks which provide for view sharing, and to promote a shared and active environment and a high quality landscaped outcome within both the public and private domain.

Overall, the Planning Proposal provides an appropriate built form and scale that reflects the vision for North Sydney Civic Precinct, and the existing and emerging scale of development on adjacent and surrounding lands. The compelling reasons justifying the proposed amendments as requested in this Planning Proposal include:

- Alignment with Council's Civic Planning Precinct Study.
- A unique site that is held under a single landholding and able to be fully redeveloped in accordance with strategic plans and policies.
- Ability to deliver a genuine mixed use and transit-oriented outcome for the site.
- Retention and adaptive reuse of mid-block heritage item.
- Ensuring that the site achieves its employment capacity target set by Council whilst also allowing capacity for residential growth.
- Embracing the site's critical location at the transition between the lower scale Civic Core to north and the higher density North Sydney CBD to the south.
- The delivery of public domain improvements to benefit the local community, and future employees, residents, and visitors of the site.

As demonstrated in this report, following consideration of the assessment criteria, in our opinion the amended proposal has both clear strategic and site-specific planning merit to warrant proceeding to a Gateway Determination.

1.5. REPORT STRUCTURE

This request for a Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979 (EP&A Act)* with consideration of the NSW Department of Planning, Industry and Environment (DPIE) 'A guide to preparing planning proposals', December 2018.

This Planning Proposal is structured as follows:

- **Section 2: Project Background** – provides a summary and history of the Planning Proposal.
- **Section 3: Site and Surrounding Context** – provides a description of the site and context.
- **Section 4: Statutory Planning Context** – provides a summary of the relevant statutory planning framework currently applying to the site.
- **Section 5: The Case for Change** - summarises the compelling reasons why North Sydney Council should resolve to support the amended Planning Proposal and initiate the required amendments to the planning legislation.
- **Section 6: Indicative Development Concept** – provides a description of the proposed amended concept design.
- **Section 7: Planning Proposal** – details the relevant matters for consideration namely *A Guide to Preparing Planning Proposals*.
- **Section 8: Part 1 Objectives and Intended Outcomes** - A statement of the objectives and intended outcomes of the proposed instrument.
- **Section 9: Part 2 Explanation of the Provisions** - An explanation of the provisions that are to be included in the proposed instrument.
- **Section 10: Part 3 Justification** - The justification for those objectives, outcomes and the process for their implementation.
- **Section 11: Part 4 Maps** - where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- **Section 12: Part 5 Community Consultation** - Details of the community consultation that is to be undertaken for the Planning Proposal.

- **Section 13: Project Timeline** - A project timeline to detail the anticipated timeframe for the plan making process.
- **Section 14: Conclusion.**

1.6. PROJECT TEAM

This report should be read in conjunction with the following accompanying documentation:

Table 2 Accompanying Documentation

Document	Status for resubmission	Consultant	Appendix
Building Envelope Study and Reference Design	Updated	PTW Architects	Appendix A
Draft Development Control Plan	New input	Urbis	Appendix B
Heritage Impact Statement	Updated	NBRS Architecture	Appendix C
Traffic and Parking Study	Updated	JMT Consulting	Appendix D
Wind Report	Updated	Vipac Engineers	Appendix E
Preliminary Site Investigation	No update	JBS&G	Appendix F
Economic Feasibility Assessment	No update	Atlas	Appendix G
Urban Design Statement and Report	Updated	GMU	Appendix H
Community and Stakeholder Engagement Outcomes Report	New input	Urbis	Appendix I

2. PLANNING PROPOSAL BACKGROUND

2.1. COUNCIL ENGAGEMENT – PRE-LODGE MENT

Following the adoption of the Civic Study in early January 2021, the Proponent submitted a request to meet Council in relation to the lodgement of a second Planning Proposal.

Legacy Property and the design team met with North Sydney Council on the 18th January 2021 to discuss the merits of the Planning Proposal. The project team presented 2 preliminary concept options to Council with a focus on the tower form development. Both options adhered to most of the built form guidelines set by the Civic Precinct Planning Study (CPPS) but with several variations proposed.

The key matters raised by Council during the pre-lodgement phase and which have been addressed in the Planning Proposal included:

- Incorporating the whole site, including the heritage item at 265 Pacific Highway and 267 Pacific Highway into a single building envelope.
- Providing detailed shadow analysis of the impacts on the conservation area and the North Sydney Demonstration School on the western side of the Pacific Highway, including impacts prior to 9am midwinter and on the school's façade and playground fronting the Pacific Highway.
- Providing a detailed building envelope addressing the ADG separation guidelines and consideration of a single loaded corridor tower to achieve this separation.
- Recommending that an archival recording of the heritage item is carried out.

Based on Council's feedback and further detailed urban design study of the context and built form character, GMU and the project team developed the preferred master plan which provided a clear stepped built form with improved built form response to the surrounding context and heritage items.

In addition to the above, the Proponent engaged with Director of City Strategy on several occasions through telephone conversations, email exchanges and face-to-face to ensure a collaborative approach to planning for this precinct and to resolve local planning issues.

The original Planning Proposal Justification Report prepared by Urbis (dated April 2021) provided a detailed response to the matters raised by Council during the pre-lodgement phase. Some of the issues raised during the pre-lodgement phase have since been superseded, however where still relevant, these issues have been addressed further in subsequent sections of this report.

2.2. ORIGINAL PLANNING PROPOSAL (APRIL 2021)

The intended outcome of the Planning Proposal submitted in April 2021 was to amend the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as follows:

- Establish a site-specific split height control, with maximum heights of 14 metres, 29 metres and 37 metres;
- Establish a site-specific split maximum FSR control, with a maximum FSR of 5.35:1 to 253-261 Pacific Highway and a maximum FSR of 1.85:1 to 265-267 Pacific Highway; and
- Establish a site-specific minimum non-residential FSR control of 1:1.

The Planning Proposal was supported by building envelope plans and an indicative reference design. An artist's impression of the originally proposed reference design is provided at **Figure 2**.

Figure 2 Indicative Reference Design - Artist's impression (As originally proposed)



View looking north from Pacific Highway



View looking south along Pacific Highway

Source: PTW Architects

2.3. COUNCIL ENGAGEMENT – POST LODGEMENT

Since lodgement of the Planning Proposal request in April 2021, the Proponent has been engaged in regular communication with North Sydney Council regarding the Planning Proposal and planning considerations. This has included phone calls, email correspondence and attending virtual meetings.

On 8 June 2021, the Proponent presented an overview of the Planning Proposal to the Design Excellence Panel (DEP). Members of the panel expressed varying comments and concerns in subsequent meeting minute notes issued to the proponent. Key matters raised included consistency with Council's Civic Precinct Planning Study, particularly in relation to the proposed massing and building envelope.

The DEP noted in considering a suitable FSR and height under the Planning Proposal process, there was not a sufficient level of information provided, nor comfort or consensus in the overall appropriateness of the proposal as currently presented.

The Proponent also received correspondence from Council's independent assessing planner. To clarify and address the matters raised in this correspondence, the Proponent was requested to provide the following:

- Provide additional massing analysis at the zone interface with the McLaren Street HCA, including a vista analysis along McLaren Street;
- Address the massing impact and interface to the contributory building at Nos 6-8 McLaren Street by potentially stepping the podium along Pacific Highway;
- Amend the plans to allow for no additional overshadowing to the playground to the North Sydney Demonstration School;
- Justify the allocation of height (building mass) where it varies from the CPPS;
- Provide an analysis in plan form for the achievable height in meters; and
- Demonstrate the achievable FSR.

The Proponent subsequently submitted additional information to Council and the DEP for further consideration. The package of additional information included:

- A **comparative study** presenting the differences between the proposal and the envelope identified in the Council Study,
- **Contextual massing studies** as viewed from eye level at various locations around the site, and
- **Elevations and shadow** impact studies showing the anticipated height of various features on the roof level and the impact of shadowing of the envelopes inclusive of parapet screening, plant zones and the like.

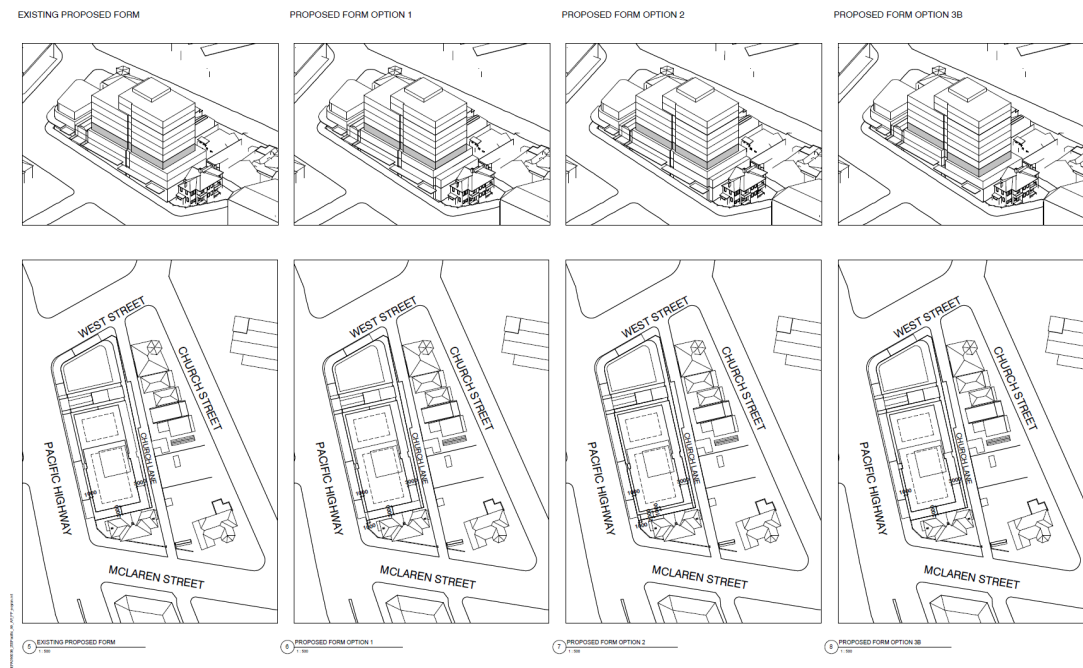
In addition to providing the supporting information the Proponent also provided additional written justification and clarification on certain other matters raised.

It was noted by the Proponent that at this stage in the assessment process, the intent is to determine whether the Planning Proposal has strategic planning and site-specific planning merit then determine any conditions that might be required as part of a gateway approval. The Proponent therefore requested that the Panel prepares its advice to Council on this basis, rather than focusing on detailed design matters that should be addressed in the design development process that would result in a future Development Application.

On 19 July 2021, the Proponent attended a further meeting with Council to discuss the preliminary comments received from Council's independent assessor as well as from the DEP and to present further design justification for the proposed building envelope.

Following this meeting, updated massing options (refer to **Figure 3**) were provided to Council for further consideration in response to the comments received. An additional view study was also submitted to Council.

Figure 3 Alternative Massing Options



Source: PTW Architects

On 12 October 2021, additional correspondence was received from Council's DEP. The panel identified the following issues for discussion including:

- The proposals interface and relationship to the contributory item located at 6-8 McLaren Street;
- The tower setback from Pacific Highway;
- The tower setback to Church Lane and the conservation area to the east;
- Appropriate space within any approved envelope for articulation, shading, and the like; and
- Wind mitigation.

In response to the feedback received, the Planning Proposal and supporting indicative reference design has been revised. Guided by ongoing consultation with Council, the following amendments have been made to the Planning Proposal and indicative reference design:

- A reduction in street wall scale at the southern part of the site from three (3) to two (2) storeys;
- Introduction of a transitional form element at the southern end of the podium, reducing the width and scale of the podium element aligning the southern site edge and the contributory property;
- Increased secondary setback to Church Lane (east) as part of the vertical tower articulation zones fronting Church Lane;
- Increased secondary setback to Pacific Highway (west) as part of the vertical tower articulation zones fronting Pacific Highway;
- A reduced tower footprint on Levels 7 and 8 to ensure overshadowing impact to the school is comparable to the envelope envisaged by Council's precinct study;
- A reduced tower footprint on Levels 7 and 8 to increase the capacity for Communal Open Space; and
- Modulation of the northern tower footprint to reduce overshadowing impact to the school grounds.

The above amendments have resulted in changes to the intended outcome of the Planning Proposal as summarised in **Table 1**. The revised indicative reference scheme and building envelope plans developed by PTW Architects provides further detail and is included in **Appendix A** of this document. **Table 4** provides a

comparison of the original proposal against the updated scheme. An artist's impression of the updated reference design is provided at **Figure 5**.

Figure 4 Amended Indicative Reference Design - Artist's impression



View looking north from Pacific Highway

3. SITE AND SURROUNDING CONTEXT

3.1. SITE DESCRIPTION

The subject site is located at 253-267 Pacific Highway, North Sydney. The site has a primary frontage to the Pacific Highway of 60m and secondary frontages to Church Lane (65m) and West Street (23m). The site has total approximate area of 1,469sqm. Church Lane provides access to the individual lots and ranges in width from 3-4.5m due to the existing uneven boundary alignments of the subject properties.

The consolidated site comprises five (5) separate lots. The street addresses, legal description and description of existing development on each is lot is described below in **Table 3**. An aerial image of the subject site and an image of the existing buildings on the site are provided at **Figures 6** and **7** overleaf.

Table 3 Site Description

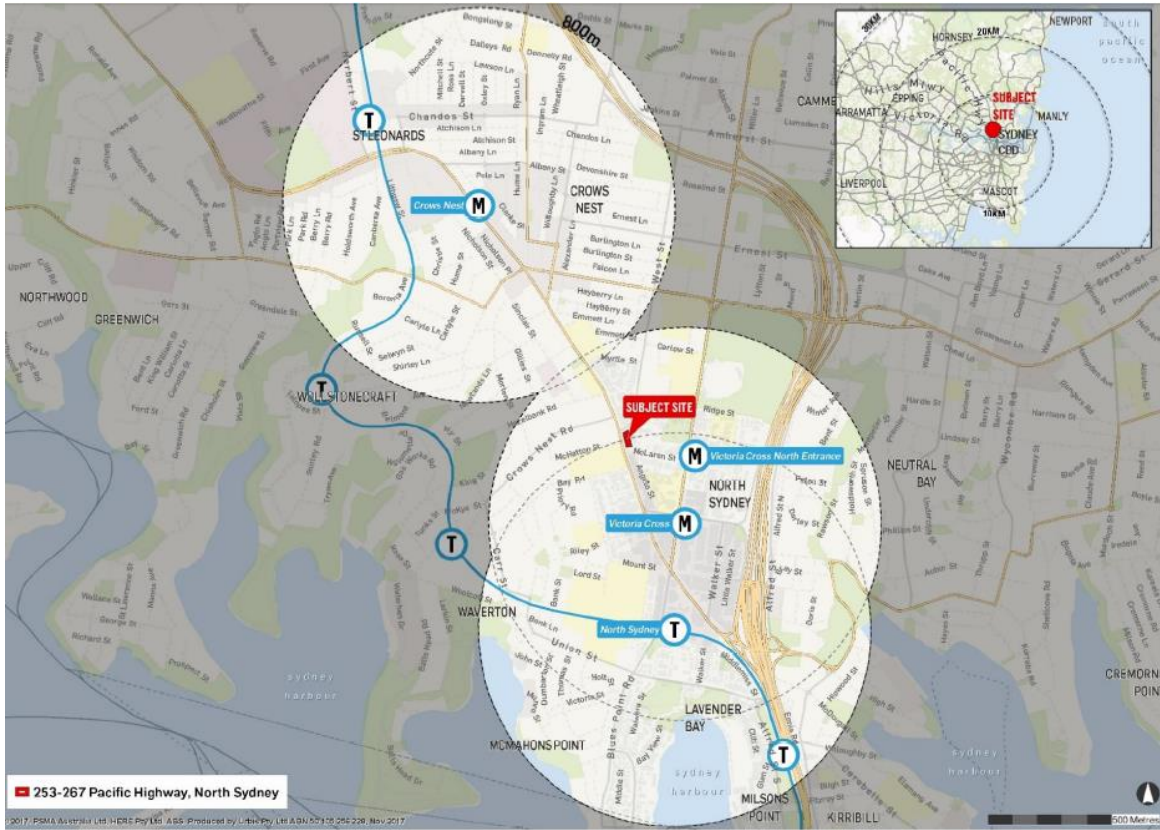
Address and Legal Description	Existing and access arrangements
253 Pacific Highway, North Sydney SP 16134	<ul style="list-style-type: none"> ▪ Two (2) storey commercial building fronting Pacific Highway. ▪ One at-grade onsite parking space accessed from Church Lane.
255-259 Pacific Highway, North Sydney SP 22870	<ul style="list-style-type: none"> ▪ Two storey commercial building with pedestrian access fronting the Pacific Highway. ▪ Vehicular access and on-site parking accessed from Church Lane.
261 Pacific Highway, North Sydney Lot 51 DP 714323	<ul style="list-style-type: none"> ▪ Three (3) storey commercial building fronting the Pacific Highway. ▪ Vehicular access and on-site parking accessed from Church Lane.
265 Pacific Highway, North Sydney Lot B DP 321904	<ul style="list-style-type: none"> ▪ Three storey heritage shopfront (locally listed item No. 0959 under the NSLEP 2013). ▪ Heritage building is orientated towards the Pacific Highway, with garage (new addition) accessed from Church Lane.
267 Pacific Highway, North Sydney Lot 10 DP 749576	<ul style="list-style-type: none"> ▪ Two (2) storey commercial building with pedestrian access fronting the Pacific Highway and West Street. ▪ Vehicular access and on-site parking accessed from Church Lane.

3.2. SITE LOCATION

The site is located within the suburb of North Sydney and the North Sydney Local Government Area (**LGA**). North Sydney is located approximately 4.5km north of the Sydney CBD, on the northern side of the Sydney Harbour Bridge and within Sydney's Lower North Shore. The suburb is in close proximity and highly accessible to the commercial centres of St Leonards, Chatswood and Macquarie Park.

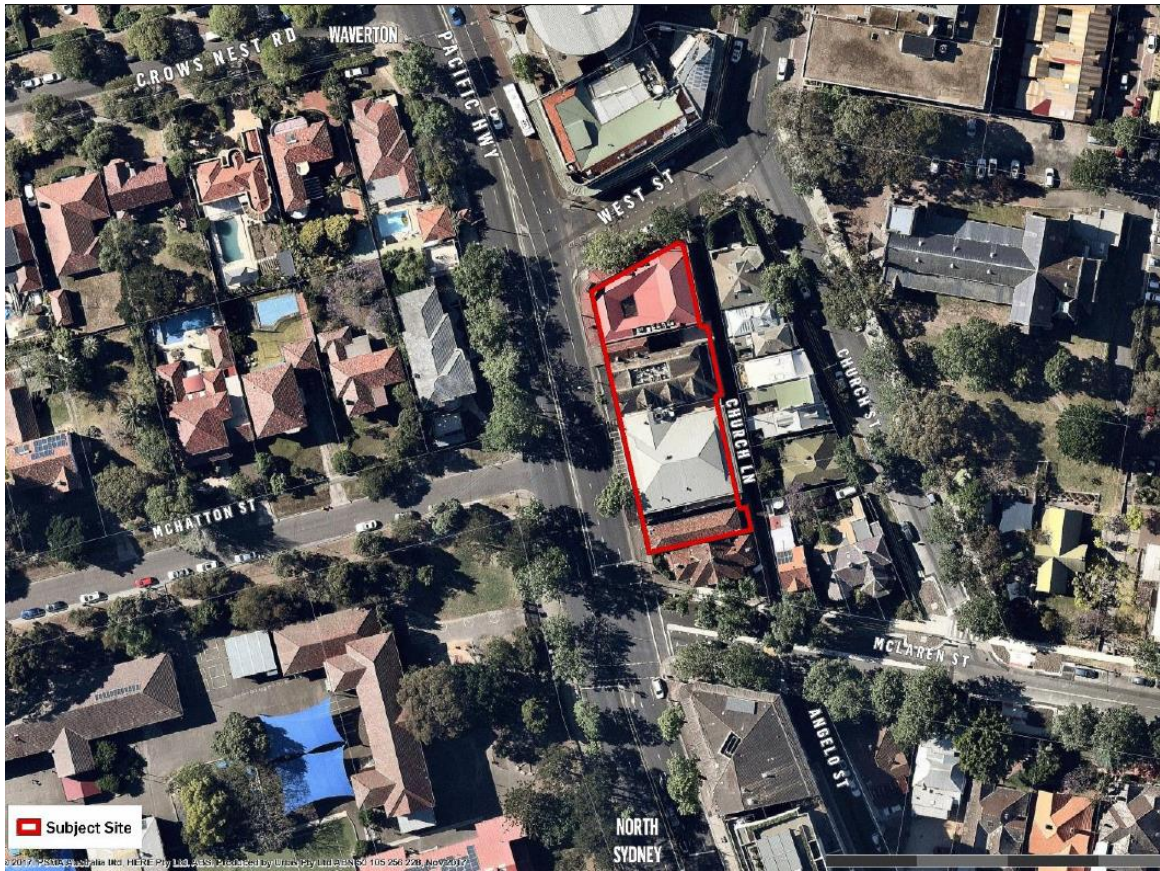
The North Sydney Train Station is located approximately 750m south east of the subject site, at the southern edge of the North Sydney CBD. The subject site is also located 260m north west of the planned Victoria Cross Metro Station. The site is identified in the Site Location Plan at **Figure 5**.

Figure 5 Site Locality Map



Source: Urbis

Figure 6 Aerial image of the subject site



Source: Urbis

Figure 7 Image of the subject site - Existing commercial buildings on the site fronting Pacific Highway



Source: PTW Architects

3.3. SURROUNDING CONTEXT

The subject site is located within the suburb of North Sydney. **Figure 8** provide a photographic review of existing and surrounding development. The suburb is in close proximity and highly accessible to the commercial centres of St Leonards, Chatswood and Macquarie Park. North Sydney is Australia's 9th largest commercial core and Sydney's 3rd largest, with over 800,000sqm of commercial floor space, generating approximately 60,400 jobs (2016).

Th North Sydney CBD specialises in financial and professional services, media and telecommunications. The commercial core is centred amongst a diverse range of land uses, including business and retail uses, educational facilities, places of public worship and residential land uses of varying densities. The current commercial floor space is of B grade stock, with increasing demand for higher quality commercial floor space.

The site is located on the Pacific Highway on the northern edge of the North Sydney CBD within the Civic Precinct Study Area. The surrounding context of the site is characterised by medium density commercial and residential uses. The site is immediately surrounded by the following:

- **To the north** of the site is West Street. On the northern side of West Street is the Union Hotel, a two (2) storey locally listed heritage item. Further north is a variety of medium to high density commercial uses.
- **To the east** of the site is Church Lane. On the opposite side of Church Lane are low and medium residential uses fronting Church Street.
- **To the south** of the site is a two-storey house fronting McLaren Street. Further south is a variety of medium to high density commercial uses fronting the Pacific Highway.
- **To the west** of the site is the Pacific Highway. On the western side of the Pacific Highway is a childcare centre and the North Sydney Demonstration School.

3.4. EMERGING DEVELOPMENT

The skyline of North Sydney is set to undergo a transformation, with a number of key factors contributing to the evolution of North Sydney as a strategic centre within the global economic corridor.

The key strategic planning context is mapped in **Figure 9**. In summary, this includes:

- The Civic Precinct Planning Study which includes increased heights and densities in appropriate transition zones, and in which the site is located and identified as a key transition site.
- The State government's commitment to the Sydney metro line and the presence of the Victoria Cross Metro Station on Miller Street and McLaren Street;
- The recently approved Victoria Cross Over Station Development (SSD 10294), which includes a commercial officer tower up to RL230, delivering 61,500m² of commercial GFA;
- Amendment No. 23 to the NSLEP 2013 which increased the building heights within the B3 Commercial Core zone, maximising the commercial floor space capacity of the CBD by up to 530,000m² of additional commercial GFA;
- The Ward Street Precinct Masterplan which includes a number of key sites identified for substantial increased height and density, with the potential to deliver 170,987m² – 189,811m² of GFA within maximum building heights of up to RL285;
- Recent development activity which includes a number of prominent mid to large scale developments being approved and constructed within the immediate locality.

The surge in recent development activity, combined with the anticipated growth arising from the Civic Precinct Planning Study, the Ward Street Precinct Masterplan and North Sydney Planning Proposal will rejuvenate and revitalise the locality to create an active and vibrant precinct. **Figure 10** provides a massing view of the emerging North Sydney skyline.

This Planning Proposal aligns with the emergence of North Sydney as a global destination and a commercial CBD by providing an ideal opportunity for residential floor space to activate and compliment the commercial core.

The strategic visioning for the area highlighted in State and local planning policies is discussed in full within **Section 10.2** of this report.

Figure 8 Photographic review of existing and surrounding development



Heritage hotel and tower development to the north of the site.



Existing heritage development on site.



Narrow laneway and low scale dwellings with windows facing the site to the east.



Existing school with front playground across Pacific Highway to the west.

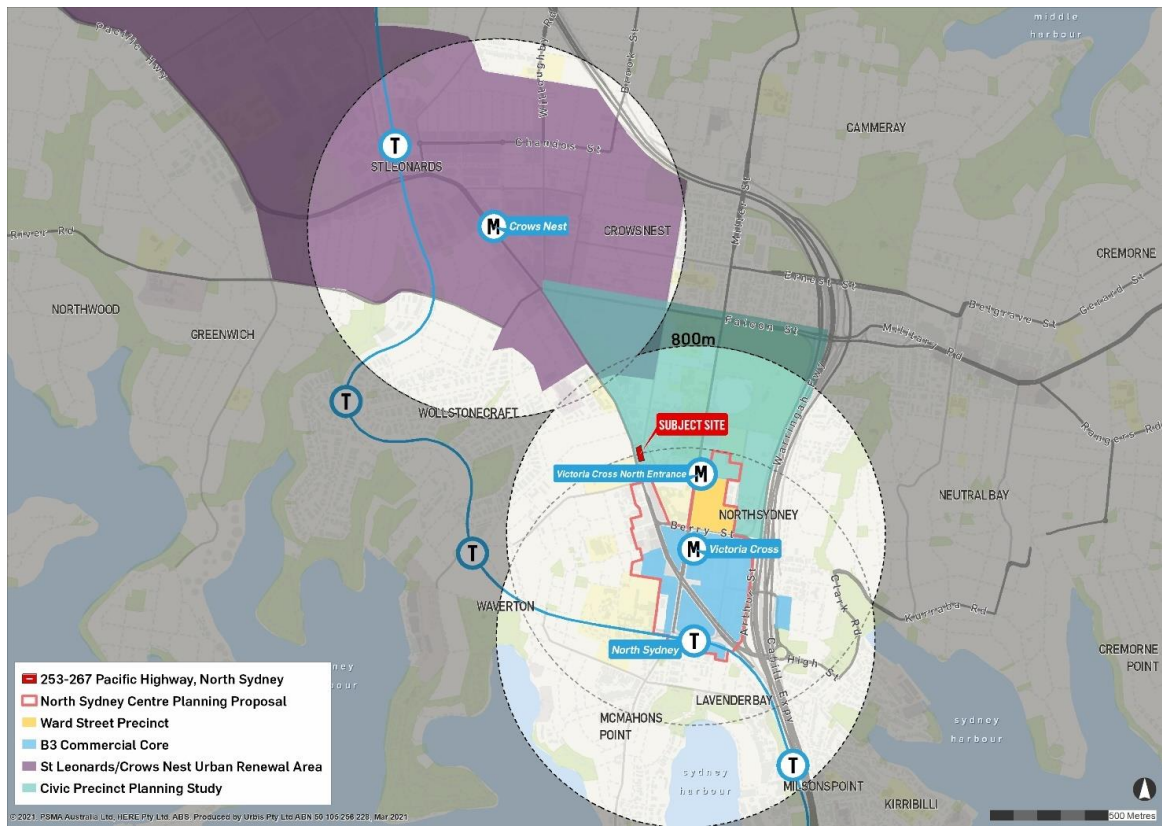


Existing 2-storey dwelling within the conservation area to the south.



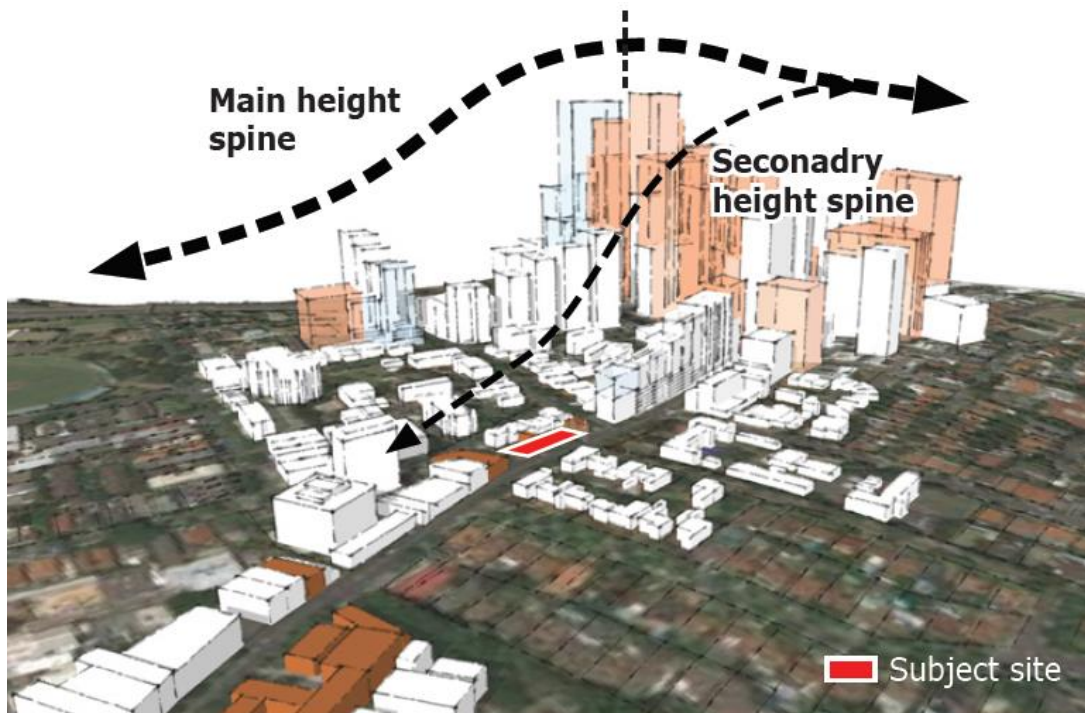
Recent development showing an abrupt edge to towers relative to low scale developments.

Figure 9 Strategic Planning Framework Map



Source: Urbis

Figure 10 North Sydney – Emerging built form



Source: GMU

3.5. PUBLIC TRANSPORT CONTEXT

Figure 11 provides a public transport context map.

3.5.1. Rail

The site is located 750m north of North Sydney Station. Trains connecting North Sydney Station and the Sydney CBD provide a frequent and quick service. The train line also connects residents and workers to Berowra in the north and Parramatta in the west.

3.5.2. Sydney Metro

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north west and Bankston in the south west. Victoria Cross Metro Station will be located in North Sydney, between the site and the North Sydney Train Station. Early works for Victoria Cross Metro Station began in September 2017, with service operation set to commence in 2024. Trains will depart every 4 minutes, connecting North Sydney to the Sydney CBD in 5 minutes.

Victoria Cross Station will be accessed at the corner of McLaren Street and Miller Street in the north and Berry Street and Miller Street to the south. The site is located approximately 260m from the northern station entry. The station will create a new transport focus on the northern side of the North Sydney commercial core and provides much needed infrastructure to revitalise the area and to generate a night time economy, including increased connectivity to other nearby strategic centres, within the global economic arc.

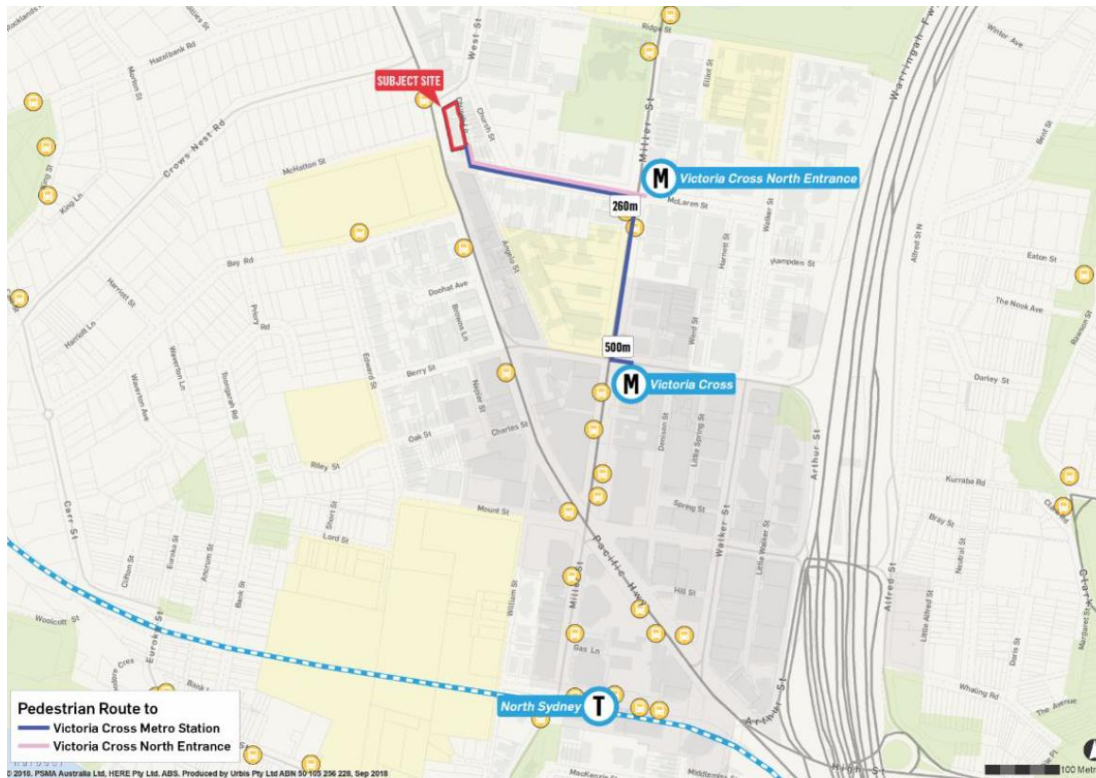
3.5.3. Road

The site is located on the Pacific Highway. The Pacific Highway connects Sydney's north western suburbs to North Sydney, before linking to the Bradfield Highway and Cahill Expressway to the Sydney CBD.

3.5.4. Bus

Several bus routes provide frequent services along the Pacific Highway. North and south bound bus stops are located opposite the site. Buses connect the site with the North Sydney CBD, Sydney CBD, Bondi Junction, Gladesville, Lane Cove, Chatswood, Ryde, Kingsford and Botany.

Figure 11 Public Transport Map



Source: Urbis

3.6. SITE OPPORTUNITIES

The site's characteristics and location offer the following opportunities for redevelopment of the site to:

- Provide a mixed-use development including commercial, retail and a mix of contemporary housing choices near amenities and job hubs.
- Provide improved active frontages and extended night time activity to Pacific Highway.
- Provide potential larger units with capacity for working from home and family units e.g. larger bedrooms, separately dedicated study areas.
- Provide a smaller and slender tower footprint achieving improved residential amenity and reduced visual bulk.
- Accommodate increased height along the highway spine to support the principle of Transit Oriented Development (TOD) and the desired city skyline and reduce pressure on other low scale areas close to the new station.
- Provide a lower-scale street wall in response to the heritage context, and adaptive reuse and integration of the listed heritage item into the new development.
- Provide improved amenity for residents and neighbours through a laneway widening of up to 6m with an additional 3m setback to the upper tower levels.

- Provide public domain improvements to Church Lane with increased activation and passive surveillance and limited vehicle entries.
- Provide a sympathetic built form response to enhance the visual corridor between McLaren Street and Crows Nest Street Conservations Areas.
- Enhance the streetscape character of Pacific Highway with new street planting.

4. STATUTORY PLANNING FRAMEWORK

4.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

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

4.1.1. Land Use Zoning

The subject site is zoned B4 Mixed Use under the NSLEP 2013 as illustrated in **Figure 12**.

Figure 12 NSLEP 2013 Zoning Map



Source: NSLEP 2013

Zone Objectives

- 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.

Permissibility

The following uses are permitted with consent in the B4 Zone:

Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals

The following uses are prohibited in the B4 Zone:

Any development not specified in item 2 or 3

4.1.2. Height of Buildings

The site is subject to maximum building height control of 10m under the NSLEP 2013 (labelled as 'k') as illustrated in **Figure 13**.

Figure 13 NSLEP 2013 Height of Buildings Map



Source: NSLEP 2013

4.1.3. Floor Space Ratio

The site is not encumbered by a maximum floor space ratio under the NSLEP 2013.

4.1.4. Non-residential Floor Space Ratio

The site is subject to minimum non-residential floor space ratio of 0.5:1 under the NSLEP 2013 as illustrated in **Figure 14**. Under clause 4.4A, the consent authority must be satisfied that the development will deliver an active street frontage.

Figure 14 NSLEP 2013 Minimum Non-residential Floor Space Ratio Map



4.1.5. Heritage Conservation

The site includes a locally listed heritage item located at 265 Pacific Highway. The item is an historic three-storey terrace style shop and is identified as item number 0959 under the NSLEP 2013. As detailed in the Heritage Impact Statement prepared by NBRS Architecture at **Appendix C**, the item is known as 'The Cloisters' shop and is gothic style shop built of decorative two-colour brickwork constructed in the 1880s. The heritage item is to be retained under the Planning Proposal, as illustrated in the supporting design documentation. The site is also located adjacent to the following two conservation areas as illustrated in **Figure 15**:

- C19 - McLaren Street conservation area immediately to the east; and
- C23 - Crows Nest conservation area to the west across the Pacific Highway.

Figure 15 NSLEP 2013 Heritage Map



Source: NSLEP 2013

5. THE CASE FOR CHANGE

The site has the capacity and capability to accommodate the proposed building envelope and provide for a broader and denser range of employment and residential uses than the current planning controls permit.

Achievement of this vision and the associated arising public benefits requires amendment to existing planning controls. The compelling reasons justifying the proposed amendments as requested in this Planning Proposal are summarised below.

Alignment with Council's Civic Planning Precinct Study

The site is within a mixed-use CBD fringe location and will deliver on the vision that is identified within the Civic Precinct Planning Study which earmarks the site as a key transition site and location of density uplift. The proposed building envelope is largely consistent with that put forward in the CPPS and will provide appropriate transition. In line with the vision of the CPPS, this Planning Proposal will increase housing choice, commercial offerings and job opportunities to support both the CBD and nearby educational and medical sectors.

A unique site that is held under a single landholding and able to be fully redeveloped in accordance with strategic plans and policies.

This Planning Proposal aims to consolidate the site into a single landholding to create a vibrant mixed-use transition zone between the higher density CBD to the south, and the lower density core of the Civic Precinct to the north. The incorporation of the lots creates a substantial site area on the periphery of the North Sydney CBD. Given the limited opportunities for housing growth to occur in North Sydney, large, amalgamated sites, like this, are vital to enable the steady continuum of housing supply in locations well-served by public transport. The Planning Proposal will therefore deliver on State, district, and local planning objectives to foster a high-quality mixed-use development in an accessible location.

Ability to deliver a genuine mixed use and transit-oriented outcome for the site

The Planning Proposal leverages the significant public investment in current and future transport infrastructure including the Sydney Metro located near the site by providing increased residential and employment opportunities in a well-served location, thereby ensuring a genuinely transit-oriented outcome for the site is achieved.

Retention and adaptive reuse of mid-block heritage item

The Planning Proposal and supporting indicative reference design ensures that the mid-block heritage item on the site is integrated, preserved and appropriately adapted for re-use. The retention of the heritage item is appropriate as it enables future development to be staged and improves the heritage outcome for the site. It also improves the attractiveness and marketability of 267 Pacific Highway as a standalone commercial offering. Creating an inset to ensure views – distant view – makes it distinct.

Ensuring that the site achieves its employment capacity target set by Council whilst also allowing capacity for residential growth

The future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres. The Planning Proposal ensures that commercial/retail floor space is provided within the site by implementing a minimum non-residential FSR of 1:1 is provided which is also consistent with the CPPS. The Planning Proposal will also deliver approximately 37 apartments which will aide Council in achieving its housing targets.

Embracing the site's critical location at the transition between the lower scale Civic Core to north and the higher density North Sydney CBD to the south

In accordance with the CPPS, the supporting building envelope study and reference design provides stepped massing of the main building which ensures a gradual transition between the lower scale development to the north and CBD high density area to the south. This will allow for greater employment and housing opportunities with a better transition into the CBD high-density area. Further, the proposal ensures that continuous active edges to the Pacific Highway and West Street are provided.

The delivery of public domain improvements to benefit the local community, and future employees, residents, and visitors of the site

The redevelopment of the site provides the opportunity to deliver public benefits to the local community. Public benefits committed to as part of the project delivery include:

- Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3-4.5m to 6m and the excision of approximately 130sqm of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and
- Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.

Should the Proponent and Council agree to an offer of public benefit, a draft VPA would be separately placed on public exhibition prior to the gazettal of this Planning Proposal. These benefits can be secured through several mechanisms including the amended LEP as well conditions associated with future development consents.

For these reasons, we request that North Sydney Council (as the relevant planning authority) resolve to initiate the amendment process under Section 3.33 and 3.34 of the EP&A Act and seek a 'Gateway Determination' from the NSW Department of Planning, Industry and Environment.

6. INDICATIVE REFERENCE DESIGN

6.1. OVERVIEW

The Planning Proposal is supported by a building envelope study and indicative reference design prepared by PTW Architects (refer to **Appendix A**) which has been refined to respond to Council's feedback during the post lodgement phase.

The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high-quality mixed-use development in a location highly suitable for density uplift as envisaged under the CPPS. The future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres.

Artists impressions of the updated indicative reference design are included at **Figure 1** of this report.

The intended outcome of this Planning Proposal is to amend the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* to allow uplift on the site as follows:

- Establish a site-specific split height control, with maximum heights of 15 metres, 29 metres and 37 metres;
- Establish a site-specific split maximum FSR control, with a maximum FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway; and
- Establish a site-specific minimum non-residential FSR control of 1:1.

The proposal does not seek to amend the current B4 Mixed Use zone under the NSLEP 2013, and the proposed redevelopment of the site is consistent with the objectives of the B4 Mixed Use zone.

The amended indicative reference scheme prepared by PTW provides plans to demonstrate how the site could be redeveloped, consistent with the controls sought under this Planning Proposal.

The urban design principles and design rationale supporting the Planning Proposal are established in the Urban Design Statement and original Urban Design Report prepared by GMU at **Appendix H**.

The proposal aligns with the building envelope plan identified for the subject site in Council's CPPS.

The incorporation of the lots creates a substantial site area on the periphery of the North Sydney CBD. The Planning Proposal will deliver on State, district, and local planning objectives to foster a high-quality mixed-use development.

Table 4 provides a numerical comparison of the original submitted reference design and the amended reference design.

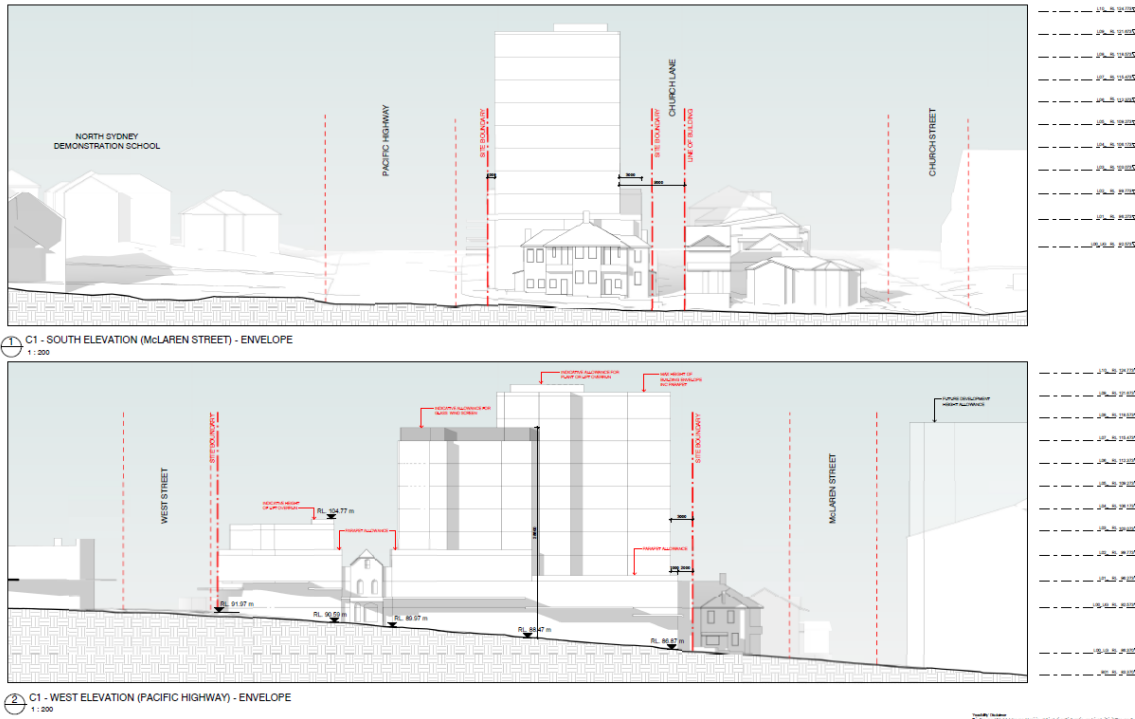
Envelope plans of the updated reference design are provided at **Figures 16 – 24**.

Table 4 Key Numerical Details of Reference Design (Previous vs Amended)

Key parameters	Original Indicative Reference Design	Amended Indicative Reference Design
Land uses	Commercial office / retail, residential apartments, residential communal facilities	Commercial office / retail, residential apartments, residential communal facilities
Indicative yield	39 residential apartments	37 residential apartments
Gross floor area (GFA)	Residential – 4,351sqm Commercial/Retail – 1,792sqm Total – 6,143sqm	Residential – 3,893sqm Commercial/Retail – 1,775sqm Total – 5,668sqm

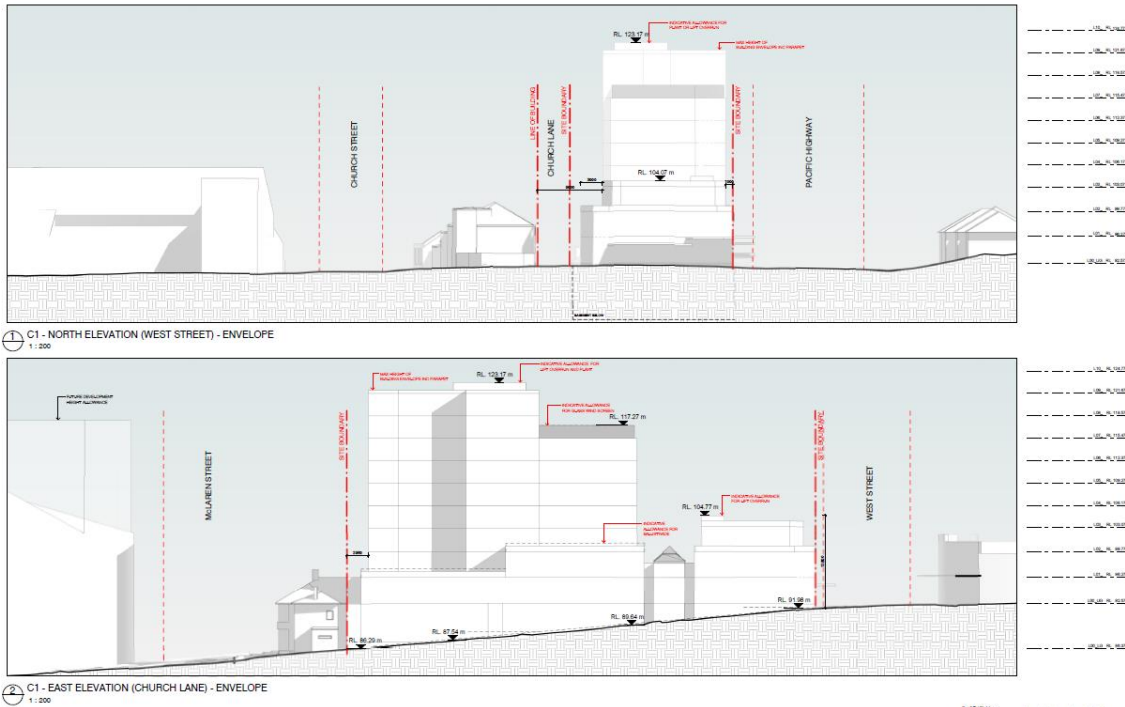
Key parameters	Original Indicative Reference Design	Amended Indicative Reference Design
Floor space ratio (FSR)	5.35:1 to 253-261 Pacific Highway 1.85:1 to 265-267 Pacific Highway <i>* This results in an FSR of 4.18:1 (across whole of site)</i>	4.83:1 to 253-261 Pacific Highway 1.83:1 to 265-267 Pacific Highway <i>* This results in an FSR of 3.86:1 (across whole of site)</i>
Non-residential floor space ratio (FSR)	1.22:1	1.21:1
Podium height	3 storey podium to southern portion of site	2 storey podium to southern portion of site
Tower (secondary setbacks)	Church lane – 3 metres Pacific highway – 1 metre Southern boundary – 3 metres	Church lane – 3-4 metres as part of articulation zone Pacific highway – 1-2 metres as part of articulation zone Southern boundary – 3 metres
Building heights	A maximum building height of 37m in southern portion of site Stepping down to a height of 29m further north towards the heritage item. A height of 14m north of the heritage item.	A maximum building height of 37m in southern portion of site Stepping down to a height of 29m further north towards the heritage item. A height of 15m north of the heritage item.
Car parking rates	39 spaces total 4 spaces for commercial/retail 35 spaces for residential component	38 spaces total 4 spaces for commercial/retail 34 spaces for residential component
Communal open space	244.5sqm to 253-261 Pacific Highway (27.2% of site area)	227sqm to 253-261 Pacific Highway (25.2% of site area)

Figure 16 Indicative Reference Design – South and West Elevation Envelope



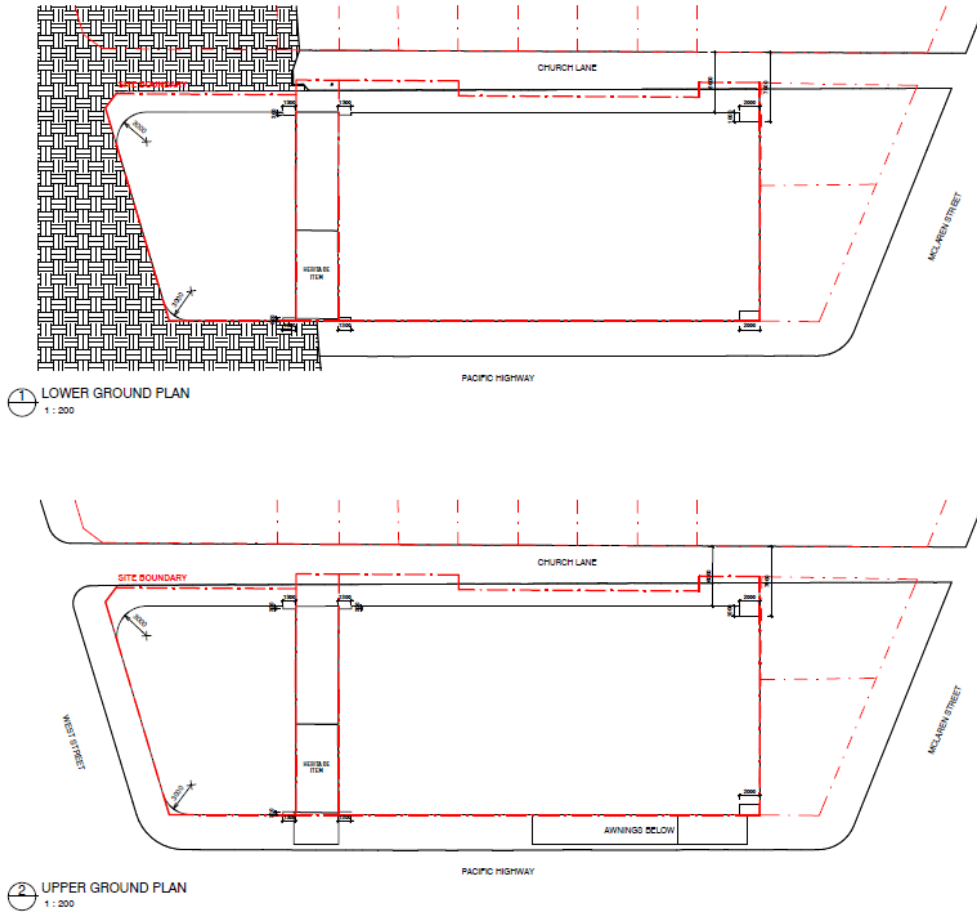
Source: PTW Architects

Figure 17 Indicative Reference Design – North and East Elevation Envelope



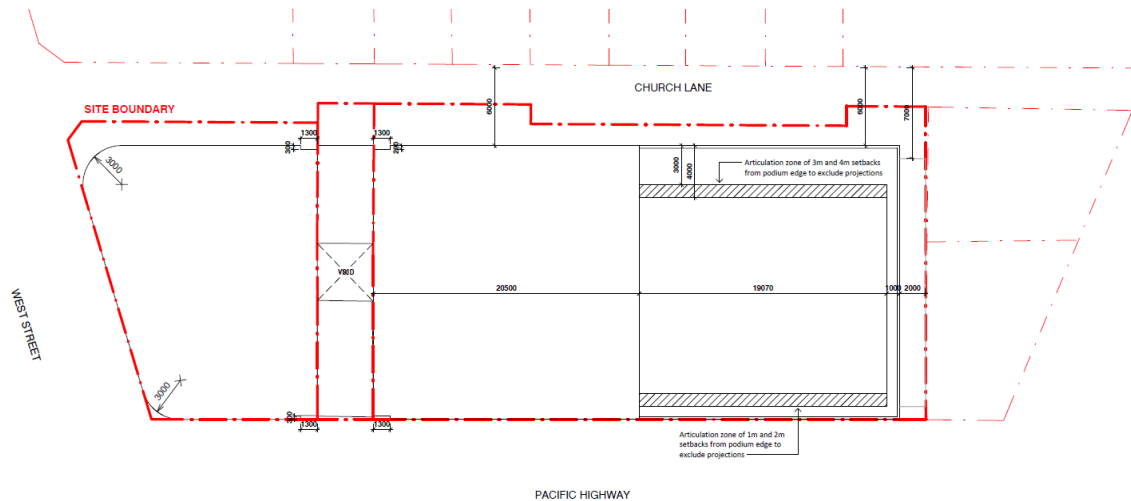
Source: PTW Architects

Figure 18 Indicative Reference Design – Upper and Lower Ground Floor Building Envelope



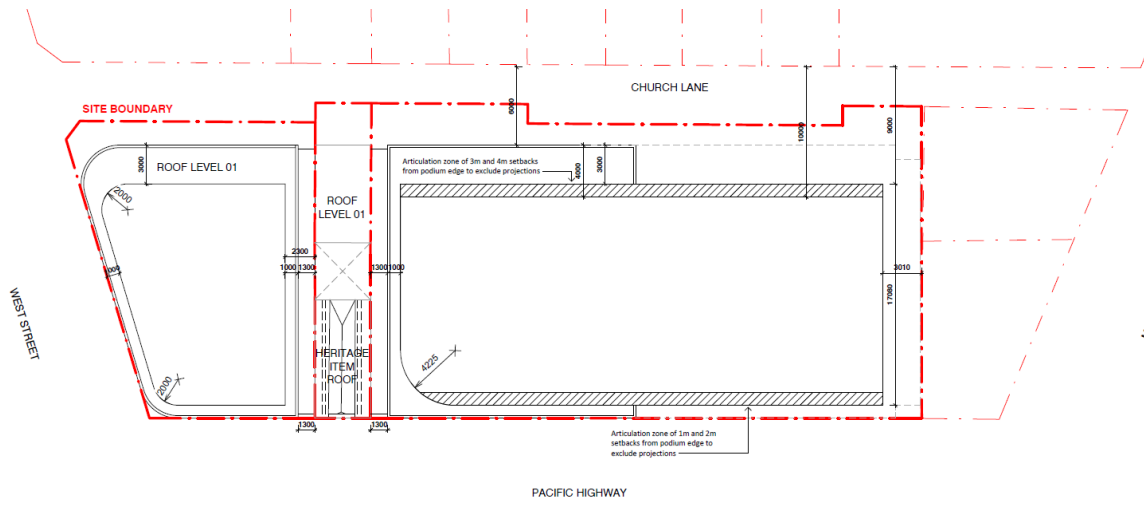
Source: PTW Architects

Figure 19 Indicative Reference Design – Level 1 Envelope



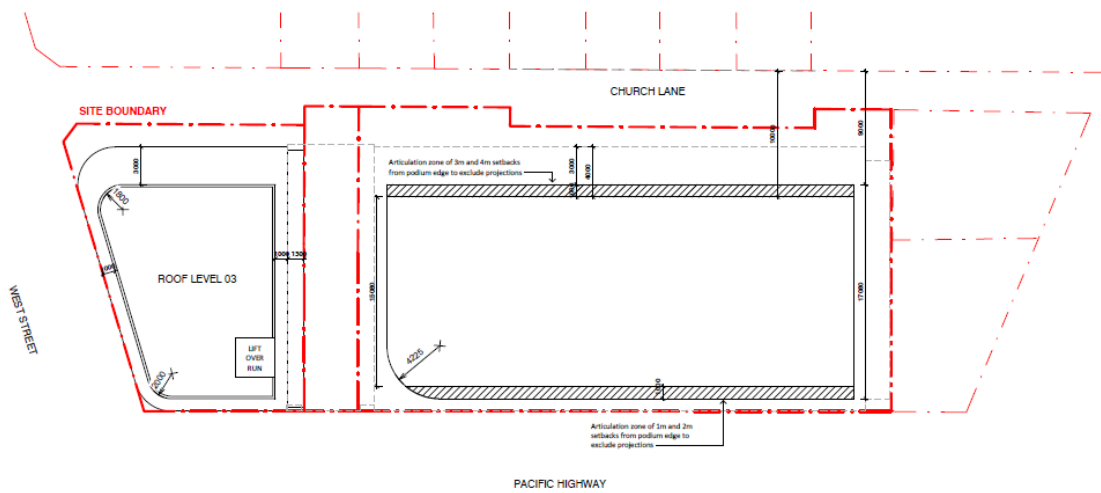
Source: PTW Architects

Figure 20 Indicative Reference Design – Level 2 Envelope



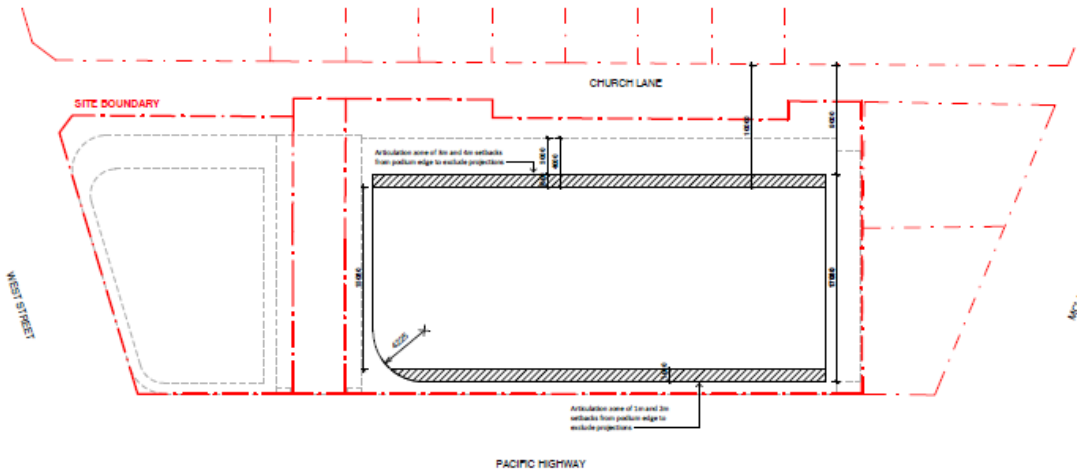
Source: PTW Architects

Figure 21 Indicative Reference Design – Level 3 Envelope



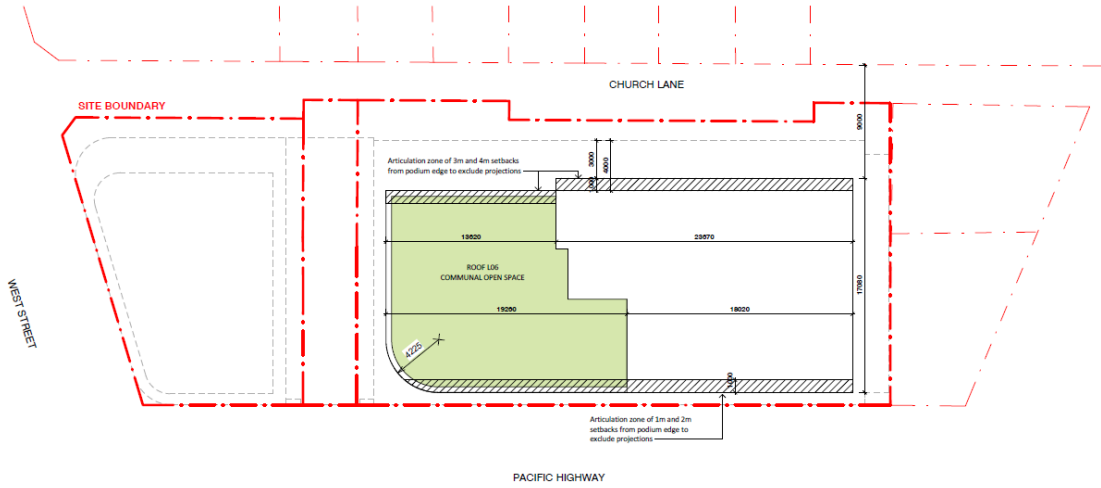
Source: PTW Architects

Figure 22 Indicative Reference Design – Level 4-6 Envelope



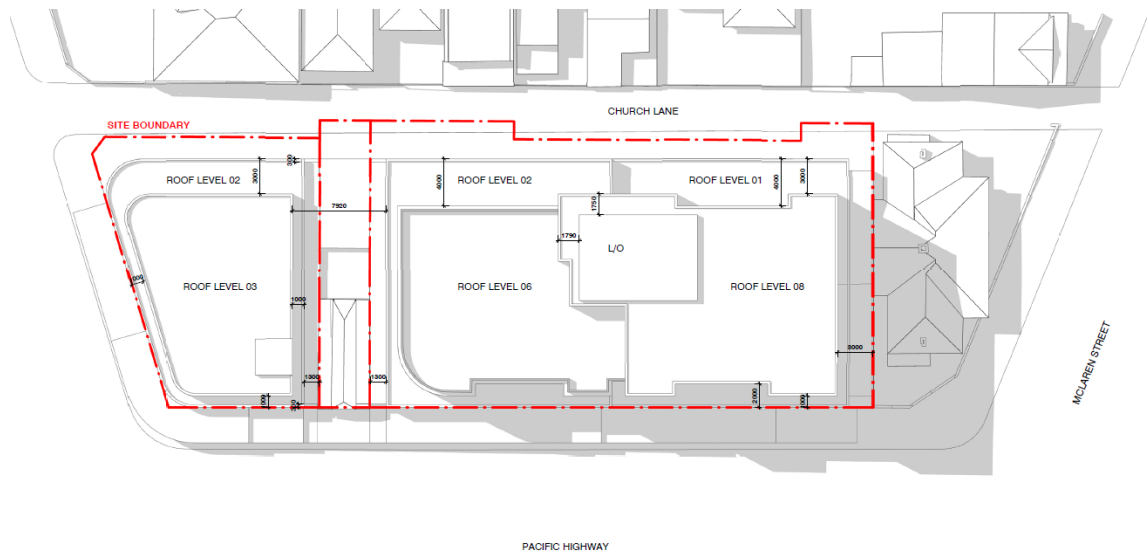
Source: PTW Architects

Figure 23 Indicative Reference Design – Level 7 Envelope



Source: PTW Architects

Figure 24 Indicative Reference Design – Roof Plan Envelope



Source: PTW Architects

6.2. DESIGN PRINCIPLES

The updated conceptual building envelope and design strategy have been specifically tailored to respond to requirements of the CPPS, as well the site opportunities and the surrounding urban character. The key guiding principles are summarised below.

- A lower-sale street wall height of max. 3 storeys to Pacific Highway and Church Lane in response to the surrounding heritage and lower scale context.
- A part 8 and part 10 storey tower located at the southern end of the site with a 3m setback to the southern common boundary above the podium.
- An additional 1m to 2m varying setback to the tower levels to Pacific Highway (west) to create a defined podium and tower form as well as responding to the existing streetscape character.
- Integration of the heritage item into the new podium development.
- A new covered courtyard between the conserved heritage item and the new structure to the eastern boundary accommodating highly intrusive uses i.e. kitchen, bathrooms etc.
- Laneway widening to Church Lane from 3 - 4.5m to 6m.
- An additional 3m to 4m varying setback to the tower levels to Church Lane (east), ensuring the separation distance and amenity to neighbouring residential properties.
- Residential uses on the podium levels only where a 9m setback to the neighbouring boundary is provided.
- 2 vehicular access points from Church Lane.
- Communal open space on the rooftop of the lower tower component.
- Provision of landscape screening on the edges of podium to mitigate the potential overlooking issues and wind effect.
- Separated commercial and residential entries provided along Pacific Highway.
- Activation to streets with a mix of commercial/retail and communal uses.
- Provision of awnings to Pacific Highway and West Street to facilitate improved pedestrian amenity.
- Potential new street trees along Pacific Highway to enhance the existing leafy streetscape character.

6.3. BUILDING MASSING

The proposed massing of the building has been derived having regard to the CPPS as well responding to the site opportunities and the surrounding urban character and context. The proposed massing:

- Provides a distinct podium and highly articulated tower form with the maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the building envelope map in the CPPS;
- Incorporates the site into one single, mixed-use building with a predominantly commercial podium and a residential tower component above;
- Delivers a 3-storey podium to align with the streetscape to the north, and to the south provides a 2-storey street wall height with tower form above to align with adjacent heritage conservation area;
- Preserves and integrates the heritage item into the future podium. Adequate legibility and articulation are provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed;
- Provides a nil setback to the podium along the Pacific Highway frontage to ensure alignment with the existing mid-block heritage item;
- Provides an adequate transition to the conservation area to the east in the form of a two-storey podium with above podium setbacks;
- Provides a gradual transition between the lower scale development to the north and CBD high density area to the south with a stepped massing of the main building;
- Locates a taller building form on the southernmost block to transition between the Civic Precinct and the CBD high-density area and building heights that are consistent with the building envelope identified in CPPS; and
- Includes vertical indentations/articulation to reduce the perceived bulk and scale of a larger scale development and to break up the continuity of the street wall to in response to the existing lot patterns and/or finer-grain context.

6.3.1. Podium Form

The podium form along the Pacific Highway includes a two-storey street wall to the south and a three-storey street wall further north. The upper podium levels are stepped to provide relief to heritage item and provide side setbacks to the historic shop, as well as to ensure adequate separation is provided to dwellings to the east. The podium has been stepped in response to the sloped topography of the site to ensure that a continuous active frontage can be provided to the Pacific Highway. The podium primarily accommodates non-residential uses, which may include office space and retail uses, which are permissible with consent in the B4 Mixed Use zone under the NSLEP 2013. Some residential apartments are located within the podium where a nine-metre separation distance to neighbouring property boundaries can be achieved. Separate residential and commercial lobbies are provided.

6.3.2. Tower Form

The tower is 10 storeys in height (inclusive of podium levels below) and reaches a maximum height of 37 metres stepping down to 8 storeys (29 metres) further north. The tower design incorporates a recessed level to create a defined podium and the design incorporates different facade treatments to separate the podium and tower form. Varying secondary setbacks are provided to tower form along the east and western facades to provide additional articulation and to respond to surrounding context. Residential communal open space will be provided on the rooftop of the lower tower component. The three-storey built form to the north of heritage item is 15 metres.

6.4. CAR PARKING AND SITE ACCESS

The indicative reference design proposes that car, motorcycle and bicycle parking, and plant and services will be located within two basement levels. The concept scheme includes the provision of approximately 38 parking spaces, which is below the maximum allowable number of spaces permitted under the NSDCP 2013.

Vehicle access to the site will be provided via Church Lane, consistent with the recommendations of the Council's CPPS. Two vehicle access points are provided, one serving the car park for the residential building via a basement ramp and a second separate entry for the retail/commercial building at 267 Pacific Highway.

A ramp will provide vehicle access via Church Lane from the Upper Ground Level to these commercial parking spaces. Separate waste and loading facilities are provided on the Lower Ground Level for the residential and commercial component of the development.

Separate waste and loading facilities are provided on the Lower Ground Level for the residential and commercial component of the development.

A loading dock is proposed which will be able to accommodate one Heavy Rigid Vehicle (HRV) bay within the site boundary adjacent to Church Lane which can also accommodate Council waste collection vehicles. HRV's will be able to enter and exit the site in a forward direction.

Direct pedestrian access is provided to the development via entry lobbies from the Pacific Highway ensuring street activation.

Further details are provided in the Traffic and Parking Study provided at **Appendix D**.

6.5. PUBLIC DOMAIN AND LANDSCAPING

The indicative reference design includes a landscaped residential communal open space at the rooftop, podium level planting and street trees as indicated in the reference design plans.

As outlined in the Urban Design Statement and original Urban Design Report (refer to **Appendix H**), the key objectives for landscaping include:

- To achieve quality external recreational areas for residents.
- To achieve landscape buffers between new development and neighbouring residential dwellings.
- To provide reasonable privacy to the residential dwellings from residential uses at low level.

The scheme includes landscape planters with a minimum width of 2.5m and height of 1m to the edges of the podium to reduce overlooking opportunities with an interface with lower-scale residential to the east and south.

Continuous awnings will be provided on the Pacific Highway and West Street frontages.

The Planning Proposal includes the widening of Church Lane from 3 - 4.5m to 6m. The proposed works to Church Lane will significantly improve the safety and amenity of the laneway. At present the laneway is burdened by uneven property boundaries resulting in a very narrow road carriageway in sections.

6.6. PUBLIC BENEFITS

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

Following a Gateway determination, it is anticipated that the Proponent and North Sydney Council will enter into discussions regarding the offer of Public Benefits outlined in this Planning Proposal.

Public benefits committed to as part of the project delivery include:

- Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3-4.5m to 6m and the excision of approximately 130sqm of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and
- Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.
- Conservation and adaptive re-use of the heritage item including removal of the surrounding c1980's development that physically abuts the heritage item, conserving the significant fabric, building form, primary shop space and internal spaces, joinery elements and finishes, and reconstructing the rear balcony off the first floor, and the rear façade generally.

The above public domain improvements are commensurate with the scale of the development.

Should the Proponent and Council agree to an offer of public benefit, a draft VPA would be separately placed on public exhibition prior to the gazettal of this Planning Proposal. These benefits can be secured through several mechanisms including the amended LEP as well conditions associated with future development consents.

6.7. ACTIVE STREET FRONTAGES

The indicative reference design ensures the site will have highly activated street frontages by ensuring:

- Active uses are provided to Pacific Highway and West Street at ground level.
- Disruption to active frontages by services, fire exits, and blank walls is minimised.
- Where blank walls are unavoidable, facades will be treated with high-quality materials and design solutions.
- Rear entries to the residential lobby and commercial/retail tenancies are provided wherever possible to provide improved passive surveillance to Church Lane.
- Awnings are provided to the Pacific Highway and West Street, stepping down to the south in response to the sloping topography.
- Shopfronts and retail tenancies are provided that respond to the narrow subdivision pattern and step down to follow the topography.

This will ensure that the streetscape and surrounding public domain is enhanced and adequate weather protection is provided whilst also providing increased opportunities for passive surveillance to the public domain.

7. THE PLANNING PROPOSAL

This Planning Proposal has been prepared in accordance with Sections 3.33 (1) and (2) of the EP&A Act with consideration of the relevant guidelines, namely *A Guide to Preparing Planning Proposals*, issued by DPIE in December 2018.

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the Planning Proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the Planning Proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following sections.

8. PART 1: OBJECTIVES AND INTENDED OUTCOMES

8.1. OBJECTIVES

In line with Council's Civic Planning Precinct Study, the primary objective of the Planning Proposal is to amend the NSLEP 2013 built form development standards to facilitate commercial and residential density uplift to achieve a contextually appropriate built form outcome on this strategically located site. No change to the current zoning is proposed.

The proposed LEP amendments will facilitate redevelopment of the site to make a meaningful contribution toward growth of employment floor space suitable for small to medium sized businesses, that will complement the planned commercial office growth in North Sydney CBD.

It will also, provide an important positive contribution to Council's requirement to enable a pipeline of new dwelling supply for the medium term (2021-2026) to meet its District Plan housing targets. Given the limited opportunities for housing growth to occur in North Sydney, large, amalgamated sites, like this, are vital to enable the steady continuum of housing supply in locations well-served by public transport.

In addition, the proposal will deliver multiple other tangible public domain improvements and land dedication for the widening of Church Lane. The built form response depicted in the Indicative Concept Design provides for a taller building form to the south commensurate with the Council vision to increase building scales towards the North Sydney CBD.

The Planning Proposal also leverages the significant public investment in current and future transport infrastructure near the site by providing increased residential and employment opportunities in a well-served location.

The proposed amendments to NSLEP 2013 have the objective of enabling future development that would achieve the following:

- Alignment with the indicative built form and massing envisaged under Council's strategic planning framework outlined in the CPPS;
- Provide compatible land uses that contribute to the creation of a vibrant and active community, including the potential for residential and commercial uses to be co-located;
- Provide a consolidated development solution across multiple sites to enable a future cohesive development and improved public domain outcomes;
- Capitalise on the natural development potential of the site given its strategic highway location between two railway stations;
- Create opportunities for small scale retail and commercial businesses in a more affordable location, close to the North Sydney CBD; and
- Provide high quality commercial and retail spaces at the ground level, which activate West Street and the Pacific Highway.

8.2. INTENDED OUTCOMES

The intended outcome of the Planning Proposal is to establish planning controls that would enable the redevelopment of the site in accordance with the vision outlined in Council's Civic Precinct Planning Study. The proposed planning controls would create the flexibility to accommodate a high-quality mixed-use building that successfully integrates with the emerging context of St Leonards. This is proposed through the following changes to the NSLEP 2013:

- Amend the *NSLEP 2013 Height of Buildings Map* to provide amended building height controls across the site with maximum heights of 15m, 29m and 37m;
- Amend the *NSELP 2013 Maximum Floor Space Ratio Map* to provide a maximum FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway; and
- Amend the *NSELP 2013 Non-Residential Floor Space Ratio Map* to provide a minimum non-residential floor space ratio control of 1:1.

Ultimately, this will enable the achievement of a range of regional and local strategic planning objectives including increased employment and housing growth within an accessible and connected location. The outcome would be the renewal of the site with residential and commercial land uses that would complement the increased commercial floor space envisaged within North Sydney CBD. Redevelopment would also contribute to enhancing the public domain, street activation and achieving the 18-hour economy.

9. PART 2: EXPLANATION OF PROVISIONS

9.1. LAND TO WHICH THE PLAN WILL APPLY

The land that is proposed to be included in the LEP amendment is located at 253-267 Pacific Highway, North Sydney. It is legally described as Lot 10 DP749576, Lot B DP 321904, Lot 51 DP 714323, SP 22870 and SP 16134.

9.2. PROPOSED LEP AMENDMENTS

The proposed mapping amendments is detailed in **Section 11** of this report.

9.2.1. Height of Buildings

The existing Height of Buildings Map limits development on the site to a maximum height of 10m. The planning proposal seeks to amend the height of buildings development standard to permit maximum heights of 15m, 29m and 37m across the site.

As illustrated in the accompanying building envelope study and indicative reference design (refer to **Appendix A**), the proposed height control allows for a split-level podium across the site and tower in the southern portion of the site and a lower building form at the northern end of the site.

To facilitate the proposed amendment, the Planning Proposal requires the replacement of the existing Height of Buildings Map Sheet HOB_002A, as contained within the NSLEP 2013 with a new sheet which incorporates an updated legend, with specific reference to the subject lots.

9.2.2. Floor Space Ratio

There is no existing FSR control applicable to the site. It is proposed that a maximum FSR of 4.83:1 be applied to 253-261 Pacific Highway and a maximum FSR of 1.83:1 be applied to 265-267 Pacific Highway

This outcome can be achieved by amending the existing *Floor Space Ratio Map FSR_002A* of NSLEP 2013 with a new sheet which incorporates an updated legend, with specific reference to the subject lots.

9.2.3. Non-Residential Floor Space

The site is currently subject to a minimum non-residential floor space of 0.5:1. It is proposed that minimum non-residential floor space of 1:1 is applied to the site, thus seeking to double the minimum requirement for non-residential floor space on the site.

The amendment will ensure that the future redevelopment of the site will deliver considerable employment generating floor space on the site. It is envisaged that the site will include a mixed of non-residential uses including retail and commercial office uses.

9.2.4. Site Specific Development Control Plan

A draft site specific DCP has been prepared and is attached at **Appendix B**. A summary of the draft controls is provided below.

Solar access

P1 Any proposal must not reduce the level of solar access currently available to the primary play area of the educational use opposite the site during school hours (9:00 – 3:00pm). Any additional overshadowing outside school hours should not exceed the shadow cast by the building envelope contemplated in Council's Civic Precinct Planning Study.

Heritage interfaces

P2 The podium element of any new development shall be modulated and present an appropriate scale at its interface with No 6-8 McLaren Street.

P3 A highly considered architectural treatment shall be provided at this interface in order to create a sympathetic relationship between these building elements.

P4 Blank walls or an abrupt imposing form and presentation are to be avoided.

Podium – street wall height

P5 The proposed podium element shall be stepped to respond to the topography of the site.

P6 A maximum 2-storey scale at the site interface with 6-8 McLaren Street.

P7 A maximum 2-3 storey street wall height to Pacific Highway is required.

Tower

P8 The tower facade, articulation and massing treatment should present as two expressed forms to break up the scale and massing of the tower.

P9 A minimum tower setback of 2.3m shall be provided to the retained heritage item at 265 Pacific Highway.

P10 A minimum above podium tower setback of 3m shall be provided to the site's southern boundary.

P11 The tower, including the podium component is to be a maximum of 10 storeys in height.

P12 A minimum setback of 1m shall be provided above level 2 to the site's northern boundary.

Pacific Highway setback

P13 A minimum above podium tower setback of 1m is to be provided, with at least 40% of the envelope set back to 2m.

Church Lane setback

P14 A minimum above podium tower setback of 3m is to be provided, with a predominant setback of 4m being provided for at least 60% of the building length.

Church Lane widening

P15 A 6m widening of Church Lane inclusive of public footpaths is required to improve neighbourhood amenity and passive surveillance to the public domain.

9.3. RELATIONSHIP TO EXISTING LOCAL PLANNING INSTRUMENT

It is proposed that NSLEP 2013 will continue to apply to the site and will be amended by the site specific LEP.

9.4. SAVINGS PROVISIONS

It is not considered necessary to include a savings provision.

10. PART 3: JUSTIFICATION

10.1. SECTION A – NEED FOR THE PROPOSAL

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

Yes. This Planning Proposal was initiated by the identification of the subject site as a key transition site under the recently endorsed CPPS which was led by Council. The urban design framework for the site has therefore been guided by the framework outlined in the CPPS.

This Planning Proposal is the second Planning Proposal lodged by the Proponent. The Planning Proposal and building envelope controls have been further refined since the pre lodgement meeting to ensure further consistency with building envelope provided in the CPPS. To arrive at the chosen building envelope, PTW have also applied detailed analysis of the site and surrounding context. This confirms that a holistic approach to Precinct planning has been adopted.

The site is located on the Pacific Highway, a major corridor and arterial spine which has also been identified as the primary density growth corridor in the strategic planning investigations for St Leonards/Crows Nest and the North Sydney Centre.

Under these strategies, urban renewal is envisaged along the Pacific Highway, with heights and densities greatest along highway frontages and commercial centres, whilst retaining the low-density housing scale on the adjacent streets immediately off the Pacific Highway. In this regard, the subject site has a comparable context to existing renewal corridor of St Leonards/Crows Nest.

Further, the proposal will positively contribute to the delivery of housing in accordance with the housing targets for North Sydney under the North District Plan. This outcome would positively contribute towards Council's obligations of facilitating the achievement of the medium term (2021-2026) District Plan housing targets. This is further discussed in **Section 10.2.2** of this report.

When viewed holistically in the context of the above, the site represents the logical extension for increased residential density for the following reasons:

- The site is within a mixed-use CBD fringe location and will deliver on the vision within the Civic Precinct Planning Study which identifies the site as one of the key transition sites. The proposed building envelope is largely consistent with that identified in the CPPS and will provide appropriate transition.
- The proposal is located just outside of the North Sydney B3 Commercial Core and will not compromise the vision for growing and strengthening the North Sydney CBD commercial focus, which is articulated in the North Sydney CBD Planning Proposal.
- The proposed amendment to the height of buildings control, which is considerably lower in scale to the changing height context planned for the CBD and Ward Street precinct, will achieve an appropriate contextual response to its immediate locality.
- Increased residential population in close proximity the CBD will assist with Council's desire for an 18-hour economy and creating a vibrant city centre outside of business hours. Given the restriction of residential uses in the CBD, achieving a reasonable residential density on the CBD fringe is critical to this objective.

Q2 – Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

Yes. The proposed amendments to the LEP are required to achieve the objectives and intended outcomes of Council's CPPS to deliver a high-density quality mixed use development with appropriate height transitions, supported by commercial and residential uses in an accessible, well-connected and high amenity setting.

Without an amendment to the statutory planning controls, the indicative reference design cannot be achieved, nor the vision outlined in Council's Civic Study, and the associated public and community benefits would be lost. The site is a logical and appropriate place to concentrate future growth, being strategically located adjacent to a precinct that is undergoing significant uplift and urban renewal.

It should be noted that whilst the CPPS provides detailed design and built form controls for the site, the Study does not have the effect of amending the NSLEP 2013. As such, applicants are still required to lodge a Planning Proposal to amend the key development standards of the NSLEP 2013 for individual landholdings.

Accordingly, a Planning Proposal will achieve the anticipated built form and development outcomes outlined in **Section 6** of this report.

Notwithstanding the above, the following alternative strategies were considered:

- 1. Lodge a Development Application with a Clause 4.6 variation the current NSLEP controls; and
- 2. Lodge a Planning Proposal which includes a LEP height and FSR controls and site-specific provisions consistent with the CPPS.

Each of these items are discussed in full below:

1. Lodging a Development Application was considered as the B4 zone permits a mixed-use development incorporating residential, retail and commercial uses. The current built form controls of a maximum building height of 10 metres with a minimum non-residential FSR of 0.5:1 is considered obsolete and not reflective of a suitable density for such a strategic site along Pacific Highway, close of a CBD employment node and high frequency existing and future public transport.

A Development Application could be submitted with a Clause 4.6 variation to the building height control. There are however limitations to the practical application of this clause to vary development standards. As the current control is highly restrictive to building height it would not be appropriate nor would we expect that legal powers exist within the intent of the clause to be used to support the intended development concept. Consequently, this option was not pursued. The extent in numeric variation from the current built form controls in comparison to the proposal would unlikely be supported through the use of *Clause 4.6 Exceptions to development standards*.

2. Amending the built form LEP controls is considered the most appropriate approach as it would enable a timelier delivery of retail, commercial and residential development taking advantage of the new Victoria Cross metro station which is consistent with Council's CPPS.

Council has recently endorsed the Civic Precinct Study which identifies the site as a transition site and provides design guidelines for future planning on the site including a building envelope plan. However, it is noted that the Study ultimately will not lead to an amendment of the LEP. Rather, the purpose of the Study is to set a framework to guide future Planning Proposals within the study area.

As the CPPS will not result in changes to the LEP, property owners are still required to lodge individual Planning Proposals. In this case, the site is unique given the proposal has already been granted strategic merit and site-specific merit and the proposed reference scheme has therefore been guided to reflect the site-specific criteria established under the CPPS.

The Civic Study has established that the site is a significant site and warrants uplift, so there is no reason to wait. The built form and proposed amendments to the LEP controls can only be achieved through a Planning Proposal. Therefore, this Planning Proposal is the best means of achieving the intended outcome for the site.

10.2. SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

Yes. The Planning Proposal is consistent with the objectives and actions of applicable strategies, demonstrating the strategic merit of the proposal. This is demonstrated through the Planning Proposal's alignment and consistency with the following as detailed in the proceeding sections:

- Greater Sydney Region Plan (**Section 10.2.1**)
- North District Plan (**Section 10.2.2**)
- Future Transport Strategy (**Section 10.2.3**)

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

The *Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP)* was released by the Greater Sydney Commission in March 2018 and provides guidance for land use planning into the future for the three cities of Greater Sydney. These include the Western Parkland City; the Central River City; and the Eastern Harbour City. The site is located in the Eastern Harbour City.

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

Table 5 Consistency with the Greater Sydney Regional Plan

Greater Sydney Regional Plan	Planning Proposal Response
<i>Objective 4: Infrastructure use is optimised</i>	The proposed uplift will ensure the public transport infrastructure is optimised. The site is located approximate 260m from the Victoria Cross Station entrance. Once complete, Sydney Metro will provide a high frequency service connecting major employment hubs such as Macquarie Park, Chatswood and the North Sydney and Sydney CBDs. The proposal positively contributes to this objective by placing density in a highly convenient location that will encourage use of existing and new transport infrastructure. Delivering density in the right location, such as the subject site, will help to drive better travel behaviour in future residents and workers, encouraging increased reliance on public transport.
<i>Objective 5: Benefits of growth realised by collaboration of governments, community and business</i>	This Planning Proposal will assist in the collaboration of government, community and business as follows: <ul style="list-style-type: none"> ▪ Renewal of this site for mixed-use development would assist government in contributing towards housing and employment targets for the centre, ensuring the proposal positively contributes to housing and economic policy of government. ▪ Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3 - 4.5m to 6m and the excision of approximately 130sqm of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and ▪ Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.
<i>Objective 10: Greater housing supply</i> <i>Objective 11: Housing is more diverse and affordable</i>	The GSRP provides housing targets for 2016-2036 (North District), as per the following: <ul style="list-style-type: none"> ▪ 0-5 year target (2016-2021): 25,950 additional homes; ▪ 20-year (2016-2036): 92,000 additional homes. This Planning Proposal seeks to enable a mixed-use development which would permit the development of apartments, in addition to commercial and retail uses. The Planning Proposal would directly contribute to the dwelling supply needed to meet the dwelling targets for the district. The indicative concept design at Appendix A

Greater Sydney Regional Plan	Planning Proposal Response
	<p>accommodates 37 new dwellings. This outcome would positively contribute to achieving the housing targets for the Council as part of the North District with the GSC has confirming that Council will fall short of the minimum 5-year housing target by 170 dwellings.</p> <p>The concentration of density along the Pacific Highway Corridor enables the retention of existing low-density residential areas to the east of the site, preserving local character and creating housing diversity. The concentration of density within walking distance of public transport nodes is considered an appropriate location for additional housing. The provision of housing in general terms has the potential to contribute to housing affordability by contributing to general housing.</p>
<p><i>Objective 12: Great places that bring people together</i></p>	<p>The Planning Proposal will support the renewal of the site. The proposed LEP amendments and the indicative reference design illustrate how the renewal of the site will also enhance and respect the heritage significance of the building at 265 Pacific Highway.</p> <p>The Planning Proposal will facilitate the redevelopment of the site which will transform the existing underutilised commercial floor space into new highly usable and flexible spaces which provide activation to the streetscape. The Pacific Highway is a major transport corridor and the renewal of the site will enhance the visual amenity of this prominent site. Public domain improvements include the proposed dedication of lane to achieve a widening of the rear lane for the benefit of future workers, residents, and the public. This will provide a significant improvement to the current state of the laneway, which is burdened by its narrow width and an uneven alignment.</p>
<p><i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i></p> <p><i>Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive</i></p>	<p>North Sydney is defined in the GSRP as forming part of the 'Eastern Economic Corridor' and is identified as the District's largest office market. The site's location just outside of the defined commercial core represents an appropriate location for mixed-use uplift which will provide housing is a location which is highly accessible to jobs, whilst not eroding the commercial importance of the core itself.</p> <p>The Planning Proposal seeks to increase the statutory minimum of non-residential floor space from 0.5:1 to 1:1, which will facilitate increased employment opportunities and will safeguard the commercial offering of the site into the future. Concentrating employment and housing growth in North Sydney supports the desired integrated land use and transport model and it also encourages walkable centres. For these reasons, this proposal supports this objective.</p>
<p><i>Objective 21: Internationally competitive health, education, research and innovation precincts</i></p> <p><i>Objective 22: Investment and business activity in centres</i></p>	<p>This Planning Proposal seeks to retain the employment role of the site by retaining the B4 Mixed Use and achieving a minimum non-residential FSR control of 1:1. This will ensure that the site continues to make a contribution to jobs and economic growth of North Sydney.</p>

Greater Sydney Regional Plan	Planning Proposal Response
<i>Objective 24: Economic sectors are targeted for success</i>	The Planning Proposal would result in a number of direct economic benefits, during the construction stage and during ongoing operations.
<i>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i>	The Planning Proposal facilitates the promotion of walkable neighbourhoods and low carbon transport options due to its proximity to public transport, being within walking distance of the future Victoria Cross Metro Station, as well as existing bus services. The site's proximity to public transport would provide opportunities for residents and employees to conveniently use public transport thereby reducing private vehicle trip movements and assisting the objective to create low-carbon cities. Further, sustainability measures would be explored in any future redevelopment of the site.

10.2.2. North District Plan

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

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

The North District Plan has also set employment and residential targets for North Sydney specifically. These targets include an increase of 21,000 jobs in the CBD and 16,000 jobs in St Leonards over the next 16 years. Residential targets estimate the need for 3,000 additional dwellings by 2020 and approximately another 10,250 additional dwellings by 2041 (DPIE revised figures from late 2019).

A description of how this Planning Proposal directly aligns with the relevant priorities of the North District Plan priorities, is set out in the following table.

Table 6 Consistency with the North District Plan

North District Plan	Planning Proposal Response
<i>N1. Planning for a city supported by infrastructure</i> <i>N12. Delivering integrated land use and transport planning and a 30-minute city</i>	The Planning Proposal leverages on the new Victoria Cross Metro Station. The site is ideally located in just a short walking distance to the future station. The future metro station will support the growth of north Sydney in order to deliver additional employment and residential capacity, providing housing in close proximity to services and jobs.
<i>N5. Providing housing supply, choice and affordability, with access to jobs and services</i> <i>N10. Growing investment, business opportunities and jobs in strategic centres</i>	The Planning Proposal will facilitate the delivery of new dwellings with excellent access to public transport and job markets in accordance with the vision of Council's CPPS. The CPPS identifies the site as one which can assist in meeting the housing targets identified for North Sydney under the District Plan. The Planning Proposal; will therefore assist in achieving greater housing supply, choice and affordability. Excellent public transport access and proximity to Macquarie Park, Sydney CBD, North Sydney CBD makes the site a highly attractive location for residential uses.

North District Plan	Planning Proposal Response
	<p>The current DPIE approach is seeking to balance residential intensification whilst maintaining a strong employment function. The subject site can play an important role in this regard and allows for housing close to the North Sydney CBD commercial core, which is reserved for commercial growth only.</p> <p>Further, the District Plan considers locational criteria for urban renewal opportunities such as that located around regional or strategic centres. The District Plan maintains a position that housing growth should not happen in an ad hoc manner, rather it should be restricted to areas that meet locational criteria for urban renewal.</p>
<p>N13. Supporting growth of targeted industry sectors</p>	<p>The indicative reference design provides contemporary and flexible employment space to promote diversity in industries and provide variety of job opportunities.</p>

10.2.3. Future Transport Strategy 2056

The Future Transport 2056 Strategy (2018) (the **Strategy**) outlines the vision for the Greater Sydney mass transit network. The Future Transport vision sets six State-wide outcomes to guide investment, policy and reform and service provision. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

The site is well placed to gain from the future transport network proposed through both the frequency of transport services projected as well as upgraded infrastructure for all forms of mobility.

More specifically, the Strategy seeks to enhance public transport services in Greater Sydney by establishing efficient and reliable corridors. The site is located within a 'City Shaping Corridor' which is described as: *major trunk road and public transport corridors providing higher speed and volume links between cities and centres that shape locational decisions of residents and businesses.* The City-shaping Network is detailed as providing high capacity turn-up-and-go services.

The Planning Proposal leverages from upgrades to the North Sydney heavy rail and the new Victoria Cross metro station. These substantial infrastructure investments aim to encourage greater rail patronage and the subject site is conveniently located to make that attractive to future workers and residents.

The Strategy also designates upgrades to bicycle and road networks. Potential upgrades to the Pacific Highway to address long term capacity constraints are also noted which may improve road connectivity to the site.

Any future redevelopment of this key site has the potential to contribute to, and enhance, walking and cycle connections between the stations.

Q4 – Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Yes. The Planning Proposal is consistent with the following local planning strategies:

- Civic Precinct Planning Study (endorsed)
- Local Strategic Planning Statement (endorsed)
- Local Housing Strategy (endorsed)
- North Sydney CBD Capacity and Land Use Strategy
- Ward Street Precinct Master Plan

- Community Strategic Plan 2018 – 2028
- North Sydney Public Domain Strategy 2020
- North Sydney Traffic & Pedestrian Study
- North Sydney Transport Strategy

10.2.4. Civic Precinct Planning Study

The Civic Planning Precinct Study (**CPPS**) provides guidelines and detailed development controls applying to certain land within North Sydney LGA including a building envelope plan for the subject site. The Study has been prepared in response to the construction of the Victoria Cross Metro Station and the significant transformation to the areas surrounding the Study area.

The Civic Precinct is located directly north of North Sydney CBD and is bounded by McLaren Street, Pacific Highway, Falcon Street and the Warringah Freeway with an additional area bounded by Walker Street and Berry Street at the southeast corner.

The subject site is identified as the '*southern transition site*' under the CPPS. This confirms the suitability of the site for high density residential redevelopment. As it is a consolidated site near the northern metro station, it has potential to provide additional dwellings that contribute towards Council's dwelling targets.

The Planning Proposal is supported by a indicative reference design prepared by PTW Architects (refer to **Appendix A**) which largely aligns with the building envelope plan identified for the subject site in Council's CPPS provided at **Figure 25** and **Figure 26**. By providing a stepped form, it can transition from the North Sydney CBD towards the Civic Precinct through the development of a medium-scale building that bridges the gap between the mid-rise residential buildings south along Pacific Highway to the low-scale environment of the Civic Precinct to the north.

The CPPS proposes the following key controls in relation to the site, subject to a planning proposal:

- Maximum building heights of 8 and 10 storeys in the form of a stepped tower;
- Two to three-storey commercial podium;
- Minimum non-residential FSR of 1:1; and
- Incorporation of the whole of site (253-267 Pacific Highway).

This Planning Proposal has the potential to deliver Council's vision for the Precinct, providing a nexus to the North Sydney CBD core and a construction timeframe that would align with the cycle of development which is currently transforming the area.

The Proponent has thoroughly investigated the accumulated environmental impacts associated with the redevelopment of the site and has refined the scheme and tested building envelopes to achieve an outcome that is largely consistent with the building envelope plan provided in the CPPS whilst also addressing comments raised by the Council following the pre lodgement meeting in regards to amalgamation, building separation, overshadowing, and heritage considerations.

An overview of how the Planning Proposal is consistent with the objects and intent of the CPPS, as envisaged by Council is provided below.

Table 7 Compliance with Civic Precinct Planning Study

Parameter	Control	Planning Proposal	Complies
<i>Building Heights</i>	A maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the map	The indicative reference design provides a maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the building envelope map.	Yes
<i>Building Podium</i>	The podium should be 3-storeys in height to align	The indicative reference design will deliver a 3-storey podium to align with the	Yes

Parameter	Control	Planning Proposal	Complies
	with the streetscape to the north and the mid-block heritage item	streetscape to the north and (as requested by Council) provides a 2-storey street wall height with tower form above to the south to align with the adjacent heritage conservation area.	
<i>Minimum non-residential floor space</i>	Provide a minimum non - residential FSR of 1:1	The indicative reference design shows a minimum non-residential floor space of 1.21:1. The proposal to increase the minimum non-residential FSR to 1:1 is consistent with the CPPS.	Yes
<i>Incorporation of entire site & land use</i>	The site should be developed as one single, mixed use building with a commercial podium and a residential component above	The indicative reference design incorporates the site into one single, mixed use building with a predominantly commercial podium and a residential component above.	Yes
<i>Heritage item</i>	The heritage item will be preserved and integrated into the future podium. Adaptive reuse of the heritage item is encouraged	The indicative reference design ensures heritage items will be retained, preserved, and integrated into the future podium. Adequate legibility and articulation are provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed.	Yes
<i>Building setbacks</i>	The podium is to be aligned with the existing heritage item and present no setback to Pacific Highway	The indicative reference design provides a nil setback to podium to ensure alignment with the existing mid-block heritage item.	Yes
	The built form above the podium is to be set back a minimum of 3 metres	A varying above podium setback of 3m to 4m varying setback to the tower levels to Church Lane (east) is provided, ensuring appropriate separation distance and amenity to neighbouring residential properties. A varying above podium setback of 1 to 2 metres is provided to the Pacific Highway (west) frontage instead of the required 3 metre setback. This provides additional articulation and is consistent with prevailing streetscape and the Miller Street precedence and ensures that long range views to the mid-block heritage item are maintained. Justification is provided in Section 10.3.1 of this report.	No, but justified

Parameter	Control	Planning Proposal	Complies
	A minimum 4 metre separation between new development and the heritage item is required	The indicative reference design provides a 2.3 metre setback to the above podium tower of the new building and the heritage item. Providing a 4m setback to the heritage item above the podium tower is considered excessive and would potentially create CPTED issues for future users of the site in providing dead spaces which do have any natural surveillance. Further justification is provided in Section 10.3.2 of this report.	No, but justified

10.2.5. Consistencies between the Study and the Planning Proposal

As demonstrated above, the Planning Proposal is largely consistent with the design guidelines and specific building envelope plan for the site provided in the CPPS as it will:

Overarching objectives & design guidelines:

- Increase amenity and activation along Pacific Highway
- Create more jobs and housing opportunities near the metro
- Support small to medium sized business growth
- Preserve heritage; add value and include the adaptive reuse of buildings
- Improve public open space
- Deliver a vibrant mixed-use development on the CBD fringe
- Create a medium-scale streetscape area between North Sydney CBD and St Leonards that promotes human-scale and is pedestrian focused

Specific building envelope plan:

- Provide a maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the building envelope map;
- Incorporate the site into one single, mixed use building with a predominantly commercial podium and a residential component above;
- Deliver a 3-storey podium to align with the streetscape to the north, and to the south provides a 2-storey street wall height with tower form above;
- Provide a tower form above the podium located south of the heritage item;
- Preserve and integrate the heritage item into the future podium. Adequate legibility and articulation are provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed;
- Provide a nil setback to the podium along the Pacific Highway frontage to ensure alignment with the existing mid-block heritage item;
- Ensure that the future development will not reduce or affect the amenity of education facilities located on the western side of Pacific Highway (overshadowing and visual privacy);
- Provide an adequate transition to the conservation area to the east in the form of a podium with above podium setbacks;

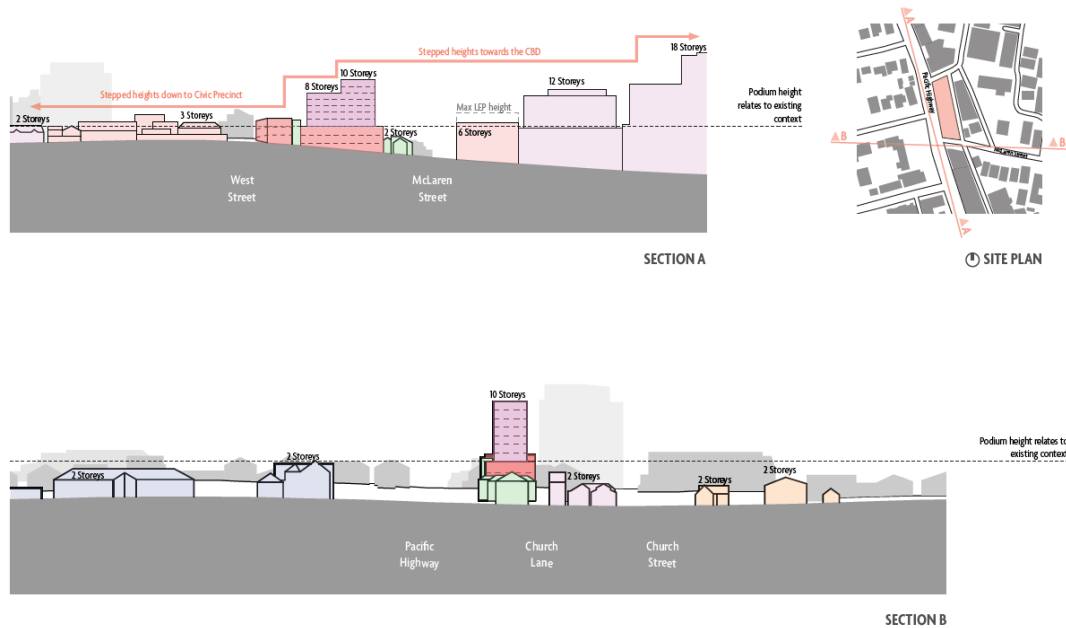
- Provide a gradual transition between the lower scale development to the north and CBD high density area to the south with a stepped massing of the main building;
- Provide a taller building on the southernmost block to transition between the Civic Precinct and the CBD high-density area and building heights that are consistent with the building envelope;
- Provide active frontages to the Pacific Highway where possible including ground floor retail and commercial uses that improve street activation;
- Deliver a proportion of non-residential FSR consistent with the CPPS (of 1:1); and
- Provide a transition in building heights at the southern end of the streetscape along the Pacific Highway to allow for greater employment and housing opportunities with a better transition into the CBD high-density area.

Figure 25 CPPS Building Envelope Plan – Subject Site



Source: Civic Precinct Planning Study

Figure 26 CCPS Cross Section Plans – Subject Site



Source: Civic Precinct Planning Study

10.2.6. Local Strategic Planning Statement

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

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

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

The vision for North Sydney states:

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

North Sydney’s LSPS seeks to maintain and enhance the role of the North Sydney CBD and St Leonards/Crows Nest precinct as key job attractors. It also encourages housing growth in areas with good access to transport, jobs, services and amenity, whilst maintaining the special attributes of individual areas and neighbourhoods outside intensification zones.

This Planning Proposal is consistent with local planning priorities outlined in the LSPS as documented in the following table.

Table 8 Consistency with North Sydney LSPS

LSPS Priorities	Planning Proposal Response
<i>11 – Provide infrastructure and assets that support growth and change</i>	Redevelopment of the site includes: <ul style="list-style-type: none"> Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3-4.5m to 6m and the excision of approximately 130sqm of land from the site area for

LSPS Priorities	Planning Proposal Response
	<p>dedication to the Council for the purpose of the new road following construction of the nominated works; and</p> <ul style="list-style-type: none"> ▪ Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street. <p>These public domain improvements are considered commensurate to the scale of proposed development and will support ongoing growth and change in the locality.</p>
<p><i>L1 – Diverse housing options that meet the needs of the North Sydney Community.</i></p>	<p>The submitted reference design demonstrates that, subject to the proposed LEP amendment, future redevelopment of the site can accommodate approximately 37 dwellings. The reference scheme includes a mix of 1, 2 & 3 bedroom unit typologies, which will capitalise on the site's location within the North Sydney CBD and within 250m of the Victoria Cross Metro Station.</p>
<p><i>L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.</i></p>	<p>The proposal includes the provision for improved pedestrian connectivity and public domain upgrades, consistent with Councils Public Domain Strategy.</p>
<p><i>L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage</i></p>	<p>The indicative reference design ensures heritage items will be retained, preserved, and integrated into the future podium. Adequate legibility and articulation are provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed.</p>
<p><i>P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney</i></p>	<p>The future redevelopment of the site encourages active walking and cycling and capitalises on the State Government's investment into the metro line.</p>

10.2.7. Local Housing Strategy

North Sydney Council have prepared a Local Housing Strategy (**LHS**) which has been endorsed by DPIE.

The LHS states that there is sufficient capacity within the existing planning controls, within existing planning proposals and within the St Leonards Crows Nest Precinct to enable the delivery of the 13,250 additional dwellings required to house the population, up to 2041 (DPIE revised figures from late 2019).

However, the LHS does not identify any additional housing around the new metro entrances within the North Sydney CBD and fails to acknowledge the role of the Civic Study in contributing to the supply of housing. The LHS claims that changes to the existing controls are not required to meet the GSC dwelling targets. However, the GSC has confirmed that Council will fall short of the **minimum 5-year housing target** by 170 dwellings.

As demonstrated within the Planning Proposal, and what Council's draft LHS fails to acknowledge is that many areas surrounding the North Sydney CBD are constrained from future development which would meaningfully contribute to future housing stock. GIS analysis detailed within the Planning Proposal demonstrates that many sites within an 800m radius of Victoria Cross Station are constrained by one or more of the following characteristics:

- Heritage items or conservation areas;

- Non-residential land uses unlikely to be redeveloped (schools, places of worship hospitals); and / or
- Large strata properties (16+ owners).

The subject site is one of few sites capable of being redeveloped in the short to medium term.

This Planning Proposal therefore provides Council with the opportunity for additional residential floor space on land that is relatively unconstrained and strategically located to accommodate for increased density, beyond that envisaged by the current planning controls.

The indicative reference design demonstrates that the redevelopment of the site has the potential to deliver 37 dwellings, in line with the 6-10-year housing targets required under the North District Plan. The proposal will assist in ensuring that Council are on track to achieve their mid to longer term housing targets. Notwithstanding, the dwelling yield of the development is only a small portion of the 20-year target of 13,250 dwellings within the North Sydney LGA for 2041.

10.2.8. North Sydney CBD Capacity & Land Use Strategy and Planning Proposal

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

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

The site is zoned B4 Mixed Use however is located outside the identified North Sydney Centre boundary and therefore is generally exempt from the study area.

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

- Identify residential development opportunities in the periphery;
- Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability;
- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure; and
- Allow for the growth of North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre.

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

10.2.9. Ward Street Precinct Master Plan

The Ward Street Precinct Masterplan (**WSMP**) was first publicly exhibited from 26 January to 10 March 2017. Following feedback from the original master plan, Council engaged new consultants to prepare a revised 'Stage 2' Master Plan, which was exhibited from 7 August to 8 October 2018.

The Stage 2 exhibited Master Plan contained a mix of commercial, mixed use and residential land use in two built form options based on locations of optimum open space amenity. Both options incorporate tall building forms, varying between 20 to 37 storeys in height (RL160 to RL190) with a tall commercial tower at 57 storeys (RL285). This represents a significant building height increase in this northern end of the CBD, reflecting the sites proximity to the new Victoria Cross metro station.

The subject site is located to the north west of the Ward Street master plan site, some 300 metres walking distance. Notwithstanding, the proposed concept represents an appropriate transitional built form scale from the future taller heights on the northern CBD edge within the Ward Street Master Plan and the wider CBD.

10.2.10. Community Strategic Plan 2018 – 2028

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

The key directions of the strategic plan and how the Planning Proposal achieves these directives, is outlined in the following table.

Table 9 Achieving the outcomes of the Strategic Plan

Outcome	Strategies	Planning Proposal Response
1.2 Quality urban greenspaces	<p>1.2.1 Maximise tree plantings to enhance canopy cover in developed areas</p> <p>1.2.2 Encourage community gardening</p> <p>1.2.3 Encourage rooftop and hard surface greening</p>	The original Urban Design Report (submitted with Appendix H) details opportunities for planting in the public and private domains of future development on the site.
2.2 Vibrant centres, public domain, villages and streetscapes	2.2.1 Enhance public domains and village streetscapes through planning and activation	<p>Any future DA over the site would include public domain improvements, including:</p> <ul style="list-style-type: none"> ▪ Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3-4.5m to 6m and the excision of approximately 130sqm of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and ▪ Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.
2.3 Sustainable transport is encouraged	2.3.2 Ensure continual improvement and integration of major transport infrastructure through long term planning.	The Planning Proposal increases public transport patronages and reduces the reliance on private vehicular movement
2.4 Improved traffic and parking management	2.4.3 Provide integrated and efficient on-street and off-street parking options in residential and commercial areas.	As illustrated within the reference scheme, future development would incorporate basement parking. The proposal incorporates approximately 38 parking spaces.
3.1 Prosperous and vibrant economy	3.1.4 Promote and enhance the night time/after hours and weekend offer	The Planning Proposal will provide increased non-residential floor space to the site. The increased residential

Outcome	Strategies	Planning Proposal Response
		population will support the night economy and will contribute to the vitality and viability of local centres.
3.4 North Sydney is distinctive with a sense of place and quality design	<p>3.4.2 Strengthen community participation in land use planning</p> <p>3.4.4. Improve the urban design, amenity and quality of North Sydney's public domain</p> <p>3.4.5 Use a place-based planning approach to achieve design excellence and management</p> <p>3.4.7 Advocate for affordable housing</p>	The original Urban Design Report (submitted with Appendix H) demonstrates an exemplar urban design outcome that balances the sites constraints and characteristics whilst respecting the land use context in which the site is located. Community consultation will be undertaken as outlined in Section 12 of this report in accordance with the requirements of the legislation.

10.2.11. North Sydney Public Domain Strategy 2020

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

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

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

The site is not located with study area of the strategy. Nonetheless, this Planning Proposal aligns with the key public domain goals for the precinct, including the provision of street trees, active frontages, and appropriate retail edges.

10.2.12. North Sydney Traffic and Pedestrian Study

The North Sydney Traffic and Pedestrian Study highlights that:

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

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

10.2.13. North Sydney Transport Strategy

As discussed throughout this Planning Proposal, North Sydney is undergoing a period of urban transformation as a result of Australia's largest rail infrastructure investment and the State Government's initiative to boost housing supply and job growth around key transport nodes.

The Sydney Metro project will deliver 66 kilometres of new metro rail linking Sydney's north western regions to the south west. Full services are due to commence in 2024, with a train every 4 minutes in peak periods.

The Planning Proposal responds to the construction of the Victoria Cross Metro Station Sydney some 260m metres from the site. Infrastructure investment in increasing rail capacity is driving investment in North Sydney and surrounds. This is reflected in the recent amendments to the NSLEP 2013 for the commercial core in the CBD and more recently the commissioning of further housing strategy studies which recognise that increased density is required to boost employment and housing growth within walking distance of new rail infrastructure.

Based on the key transport priorities established in the North Sydney Transport Strategy (**NSTS**) and the objectives of the CBD Transport Masterplan, the focus within the Civic Precinct will continue to be prioritising walking and cycling and encouraging regional traffic to use Falcon Street and Warringah Freeway.

Victoria Cross Northern Portal

The arrival of the northern Metro portal on the corner of McLaren and Miller Streets presents a unique opportunity to promote sustainable transport options instead of using the car. The new metro portal will provide mass transit access to the precinct, and to major educational facilities and sporting grounds.

Walking

An overlap of an 800m radius circumference with the actual 800m walking catchment from the metro northern portal shows several areas within the precinct that are outside walking reach of the station. These areas could get into the walking catchment if additional pedestrian routes and links were created to maximise the reach and impact of the metro. The strategies and actions proposed by the study focus on identifying opportunities to create these additional routes and connections and increase the walkability of the Precinct.

Cycling

There are several interventions within the precinct that have already been identified in the North Sydney CBD Transport Masterplan and in the Sydney Services and Infrastructure Strategy (**TfNSW**). These interventions include the completion of the Ridge Street cycleway and the implementation of new cycleways along West Street and Pacific Highway.

Vehicular traffic

The main traffic priority is to keep regional traffic limited to Falcon Street and the Warringah Freeway, thus allowing the rest of the precinct to be a low speed (40Km/h maximum), low volume (local traffic only) environment.

Western Harbour Tunnel

If it proceeds, the proposed Western Harbour Tunnel (**WHT**) will attract more vehicular traffic to the study area and will increase conflicts between walking, cycling and local traffic, in particular along Miller Street. The WHT will undermine the positive impacts of the metro arrival. The proposed off-ramp on Falcon Street will channel all northbound Pacific Highway traffic through the CBD and Civic Precinct, and will take over a the north eastern corner of St Leonards Park, substantially reducing the amenity and usability of this vital State Heritage listed green space.

Q5 – Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

Yes. The Planning Proposal is considered consistent with relevant SEPPs as identified and outlined with the following table.

Table 10 Consistency with relevant SEPPs

SEPP	Comment
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The Planning Proposal does not contain provisions that will contradict or hinder the application of the SEPP.

SEPP	Comment
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The Infrastructure SEPP aims to facilitate the efficient delivery of infrastructure across the State. Any future development may require existing utility services to be upgraded and/or augmented to enable the future residential population to be accommodated. Further details would need to be provided during any future DA. In addition, any future DA submitted for this site may trigger the referral requirements for traffic generating development of the to the RMS.
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. The indicative reference design has been designed with building massing and orientation that would facilitate future BASIX compliance, which would need to be documented in any future DA.
<i>State Environmental Planning Policy No. 55 Remediation of Land</i>	SEPP 55 provides the planning framework for the management of contaminated land in NSW. A Phase 1 Preliminary Site Investigation (Appendix F) has been undertaken and concludes that the site can be made suitable for the intended land uses. Potential contamination identified within the PSI is representative of common urban environments and implementation of typical contamination management practices would result in the mitigation of unacceptable risks to future site users.
<i>State Environmental Planning Policy No. 64 Advertising and Signage</i>	Detailed compliance with the SEPP provisions will be demonstrated within all future development applications relating to signage and advertising on the site.
<i>State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development (SEPP 65)</i>	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The indicative reference design has been designed to test one way in which the proposed planning controls could be translated to a future redevelopment. The indicative reference design has therefore been assessed against SEPP 65 and the accompanying Apartment Design Guide (ADG). Based on that assessment, the following is noted:</p> <ul style="list-style-type: none"> • 84% of apartments achieve the ADG guideline of 2 hours of sunlight between 9am and 3pm in mid-winter. • 73% of apartments (ground floor to Level 8) are cross ventilated. <p>GMU have further addressed the design principles of SEPP 65 in the original Urban Design Report (submitted with Appendix H). A detailed assessment would be required to accompany any future DA.</p>
<i>State Environmental Planning Policy (Urban Renewal) 2010</i>	The concept proposal aligns with the objectives of SEPP (Urban Renewal) 2010 as it facilitates the orderly and economic redevelopment of an urban site that is accessible by public transport. Furthermore, the Planning Proposal facilitates the delivery of the objectives of the relevant State and district planning policies, which seeks to increase densities within walking distance of existing and planned infrastructure, employment nodes and educational establishments.

In addition, while not a SEPP, consideration have been given to *Development Near Rail Corridors and Busy Roads – Interim Guideline*. The provisions of the interim guideline would need to be considered in the assessment of acoustic impacts associated with the Pacific Highway on any future redevelopment proposed. Suitable mitigation and management measures would need to be provided so that a satisfactory level of amenity can be achieved, which would be explored through the detailed design phase associated with any future DA.

Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s 9.1 directions)?

Yes. The Planning Proposal is consistent with relevant Ministerial directions under section 9.1 of the EP&A Act as identified and outlined in the following table.

Table 11 Section 9.1 Compliance Table

Ministerial Direction	Consistency of Planning Proposal
1. Employment and Resources	
<i>1.1 Business and Industrial Zones</i>	The Planning Proposal does not seek to change the B4 Mixed Use zone and seeks to increase the statutory minimum non-residential FSR requirement under NSLEP 2013 from 0.5:1 to 1:1. The Planning Proposal seeks to further contribute to employment generating land uses and thus is consistent with this Direction. The intention of the Planning Proposal is to optimise a development outcome on the site, by amending the built form controls to provide residential uses in addition to the retail/commercial uses.
<i>1.2 Rural Zones</i>	Not Relevant
<i>1.3 Mining, Petroleum Production and Extractive Industries</i>	Not Relevant
<i>1.4 Oyster Aquaculture</i>	Not Relevant
<i>1.5 Rural Lands</i>	Not Relevant
2. Environment and Heritage	
<i>2.1 Environmental Protection Zones</i>	Not Relevant
<i>2.2 Coastal Protection</i>	Not Relevant
<i>2.3 Heritage Conservation</i>	The Planning Proposal and supporting indicative reference design has been informed by specialist heritage advice to ensure the protection and mitigation of any adverse impacts on the heritage item at 265 Pacific Highway. The Heritage Impact Statement at Appendix C confirms that the proposal is sympathetic to the heritage item and has been designed to mitigate adverse visual impacts as further discussed in Section 10.3 of this report.
<i>2.4 Recreation Vehicle Areas</i>	Not Relevant

Ministerial Direction	Consistency of Planning Proposal
<i>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</i>	Not Relevant
3. Housing, Infrastructure and Urban Development	
<i>3.1 Residential Zones</i>	<p>As previously stated, residential development is permitted in the current B4 Mixed Use zone on the site. The current shortcoming of the built form controls is that they do not provide sufficient scope to achieve reasonable residential density outcomes for such a strategically located site.</p> <p>The Planning Proposal will make efficient use of existing and planned services and infrastructure and has the potential to accelerate housing supply surrounding the North Sydney CBD and assist in the achievement of infill housing targets. The proposed density will also assist in alleviating the pressure associated with the current housing shortage, will provide additional affordable rental accommodation in a highly sought after location and provides for significant residential opportunity within a centre that has limited future potential to supply growing demand.</p> <p>Residential accommodation in this location will have minimal impact on the natural environment or resource lands as the site and surrounding sites are already developed for urban purposes.</p>
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	Not Relevant
<i>3.3 Home Occupations</i>	Not Relevant
<i>3.4 Integrating Land Use and Transport</i>	<p>The site is extremely well located to make use of existing services and employment opportunities and will complement and support these existing uses. The increased density on the site also supports the patronage of the metro station and accords with the key direction from the state government, which seeks to co-locate increased densities within the walker catchment of public transport nodes. The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency.</p> <p>The site's proximity to public transport will provide for increased opportunities to live, work and play within the LGA through the provision of residential accommodation adjacent to key employment nodes and therefore facilitating a walkable neighbourhood.</p>
<i>3.5 Development Near Licensed Aerodromes</i>	The site is not in close proximity to Sydney Airport however it is affected by obstacle limitation surface (OLS) of 156 AHD comment. The proposal sits below the OLS limit for the site.
<i>3.6 Shooting Ranges</i>	Not Relevant
4. Hazard and Risk	

Ministerial Direction	Consistency of Planning Proposal
<i>4.1 Acid Sulphate Soils</i>	There is no mapping of acid sulfate soils (ASS) by Council. Given the location of the site on a ridge the likelihood of ASS is low. Evidence of recent construction close to the site demonstrate ASS is not a constraint to the future proposed development of the site. Further assessment can be carried out if necessary, as part of any future development application.
<i>4.2 Mine Subsidence and Unstable Land</i>	Not Relevant
<i>4.3 Flood Prone Lane</i>	Not Relevant
<i>4.4 Planning for Bushfire Protection</i>	Not Relevant
5. Regional Planning	
<i>5.1 Implementation of Regional Strategies</i>	Revoked
<i>5.2 Sydney Drinking Water Catchments</i>	Not Relevant
<i>5.3 Farm Land of State and Regional Significance on the NSW Far North Coast</i>	Not Relevant
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	Not Relevant
<i>5.5-5.7</i>	Revoked
<i>5.8 Second Sydney Airport: Badgerys Creek</i>	Not Relevant
<i>5.9 North West Rail Link Corridor Strategy</i>	Not Relevant
<i>5.10 Implementation of Regional Plans</i>	The Planning Proposal is consistent with this Direction, as discussed within Question 3, Section 9.2.2.
<i>5.11 Development of Aboriginal Land Council Land</i>	Not relevant
6. Local Plan Making	
<i>6.1 Approval and Referral Requirements</i>	This is an administrative requirement for Council.

Ministerial Direction	Consistency of Planning Proposal
<i>6.2 Reserving Land for Public Purposes</i>	This is an administrative requirement for Council.
<i>6.3 Site Specific Provisions</i>	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the NSLEP 2013.
7. Metropolitan Planning	
<i>7.1 Implementation of A Plan for Growing Sydney</i>	The Planning Proposal gives effect to the Greater Sydney Region Plan and the North District Plan in accordance with Direction 7.1. The Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in the Greater Sydney Region Plan. This is further discussed Section 10.2.1 of this report.
<i>7.2 Implementation of Greater Macarthur Land Release Investigation</i>	Not Relevant
<i>7.3 Parramatta Road Corridor Urban Transformation Strategy</i>	Not Relevant
<i>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</i>	Not Relevant
<i>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i>	Not Relevant
<i>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i>	Not Relevant
<i>7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor</i>	Not Relevant

10.3. SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

No. The site is fully developed comprising buildings constructed to the site boundaries, as such there is no on-site natural vegetation present. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts arising from future redevelopment are extremely minimal.

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

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

Where this is likely to be an impact, mitigation measures have been proposed. The likely environmental effects relate to built form and context, overshadowing, residential amenity, access and traffic, view sharing and public domain. These effects are discussed in greater detail below.

10.3.1. Built Form, Bulk and Scale

The Planning Proposal is supported by a indicative reference design prepared by PTW Architects (refer to **Appendix A**) which demonstrates how the proposed built form closely aligns with the building envelope plan identified for the subject site in Council's CPPS. To further guide the future development of the site, a draft DCP has also been prepared (refer to **Appendix B**).

The urban design principles and design rationale supporting the Planning Proposal are established in the Urban Design Statement and original Urban Design Report prepared by GMU at **Appendix H**.

The visual impacts of the proposed development will be further refined and considered at the detailed DA stage, including façade design and materials and finishes.

Podium and street wall proportions

The built form continues to provide a defined lower-scale podium to the pedestrian environment, the surrounding low scale development and nearby heritage fabric. The mid-block heritage item will be retained and integrated as part of the podium development. The refined proportions and rhythm of the street wall ensure the podium and tower are expressed as separate form elements.

Recent amendments to the podium form deliver a stepped street wall alignment to the eastern and western frontages, due to the reduced street wall scale at the southern part of the site. The reduced podium scale accentuates the sloping topography and the stepped profile of the street wall assists in breaking up the continuous façade at the pedestrian level.

The reduced podium height and the narrow frontage width created by the transitional podium element at the southern site edge, present as a visual backdrop to the two-storey federation building fronting McLaren Street. As demonstrated in **Figure 27**, the reduction in the podium proportions at the southern site edge provides a more sympathetic relationship to the grain and scale of the contributory properties fronting McLaren Street and the laneway. The 3D model illustrates how the stepped street wall height enhances the slender, vertical tower proportions.

The stepped podium form improves the street wall proportions as the desired stepped tower skyline profile transitions from the taller tower clusters in the CBD (south) to the lower scale areas further north.

Figure 27 3D render of proposal from Pacific Highway



Source: PTW Architects

Modulation

With recent amendments, further modulation is introduced to the tower forms. In combination with the stepped street wall profile, the additional modulation to the tower frontages enhances the slender vertical proportions and reduces perceived bulk as well as the overall visual presence of the tower. The revised reference design prepared by PTW demonstrates the capacity to deliver an elegant and contemporary tower design that is sympathetic to the grain of the contributory fabric, as seen in **Figure 27**.

To the northern site edge, the reference scheme demonstrates the capacity to improve the existing built form responses to what is considered a visually prominent corner location, opposite the Union Hotel which is a listed heritage item and a local destination. The built form proportions in this location are also further refined in response to the sensitive visual corridor between the Crows Nest Road Conservation Area (west) and the McLaren Street Conservation Area (east).

As discussed with Council, the material palette has been amended to include brick treatment to the tower façades to enhance the residential expression of the development.

Setbacks

The secondary setback to the eastern boundary has been increased in selected locations. The setback is increased ranging from 3m – 4m, minimising visual bulk to the adjacent conservation area to the east.

Due to the limited site width (approximately 22m – 23.5m) and the proposed laneway widening, the opportunities to provide efficient and workable floor plan layouts are constrained by the tower footprint proportions, the arrangement of basement layouts and the location of vertical circulation cores. Therefore, these recent changes to the eastern tower setback were discussed at length with Council's advisors and the North Sydney Design Excellence Panel to arrive at a solution that protects amenity outcomes to neighbouring properties whilst maintaining a residential presence and passive surveillance to all tower frontages.

Subsequently, two articulation zones are introduced along the laneway frontage to mitigate visual bulk impact to the low scale residential area including the two (2) existing dwellings with upper level private open spaces and habitable windows orientated to the laneway.

The amended built form outcomes are based on rigorous model testing and the revised reference scheme prepared by PTW demonstrates the capacity to meet ADG Criteria with regard to solar access and natural cross ventilation. Indicative unit layouts are also provided in **Appendix A**, demonstrating how unit layouts and landscaped areas can be configured to minimise amenity impact to neighbouring sites.

The building continues to provide a ground level setback to the Pacific Highway, however two vertical tower articulation zones have also been introduced to the western tower frontage to provide additional setbacks. The articulation zones emphasise the vertical proportions of the tower form and create visual interest to complement the streetscape presentation.

The shadow analysis demonstrates that there is negligible impact on solar access between the complying and proposed envelope, and the difference will be immaterial.

Further, as demonstrated in **Figure 28** and **Figure 29**, a study of recent developments within B4 Mixed use zones along Pacific Highway and Miller Street shows the following characteristics:

- A distinct podium and tower form but not necessarily through use of a large setback. Solution include:
 - Narrower upper-level setbacks to the towers above the podium (generally approx. 1-3m)
 - Different facade and material treatments
- Vertical indentations/articulation to reduce the perceived bulk and scale of a larger scale development and break up the continuity of the street wall in response to the existing lot patterns and/or finer grain context.

As agreed with Council during the post lodgement phase, placement of the building envelope is considered appropriate and we consider that a reduced upper level setback to the Pacific Highway is acceptable.

The northern alignment of the 10-storey tower footprint has been modified to increase the provision of rooftop communal open space, reducing the perceived width of the tower frontage to Pacific Highway. The reduction in the tower footprint has also further reduced the overshadowing impact on the school grounds.

Overall, the proposed setbacks as shown in **Figure 32**:

- Provide a zero-street setback to the podium to Pacific Highway and West Street, defining the street edge.
- Provide a 1.5 - 3m ground level setback to the east for the length of the site to widen Church Lane to a minimum of 6m.
- Provide a 1m to 2m varying setback from the Pacific Highway boundary to levels above the podium combined with material differentiation between podium and upper floors, creating a defined lower-scale podium for pedestrians.
- Provide an additional 3m to 4m varying setback to the upper levels to the laneway above the podium to achieve a minimum 9m separation to the boundary of neighbouring residential lots.
- Provide a 3m upper-level setback to the southern boundary with No. 6-8 McLaren Street to manage the scale of upper bulk and continue the existing visual connection between the 2 conservation areas.
- Provide a minimum 2.3m wide curtilage above the podium to the north and south of the retained heritage item, achieving a 9m separation distance between the levels above the podium.
- Will enable the proposed widened Church Lane (from 4.5m to 6m) which will improve the access for movements in the laneway, especially those residential dwellings with rear access to the east.

Figure 28 Recent Mixed-Use Tower Development along Pacific Highway



Source: GMU

Figure 29 Recent Mixed-Use Tower Development along Miller Street



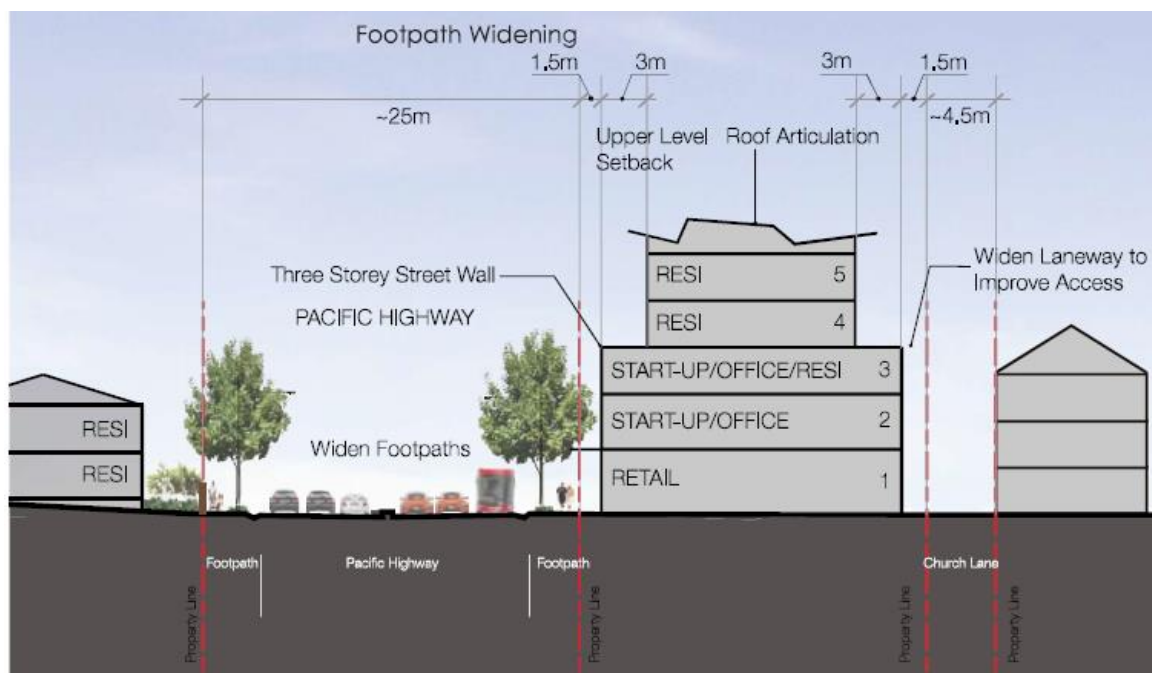
Source: GMU

Building separation

As agreed to with Council and the DEP during the post lodgement phase of the development, the proposed variations to ADG building separation guidelines are considered warranted in this circumstance as:

- At level 3 and above, the indicative reference design provides a 9m to 10m setback from the site to the western boundary of the R3 zone which is consistent with the vision of the CPPS prepared by Conybeare Morrison (refer to **Figure 30**).
- The site is unique in the sense of zone transitions from B4 Mixed Use to R3 Medium Density Residential to the east. Adjoining development to the east comprises individual land parcels within a heritage conservation area and the current planning controls pertaining to this land are unlikely to be amended by Council. Therefore, under Council's own planning framework this land will not be redeveloped into higher density residential development in the future.
- It is highly unlikely that there will ever be a building of similar height to that currently being proposed for the site, thus the issue of building separation (at the higher levels of the proposed development for the site) will not be an issue. The minor inconsistencies are therefore a technical departure from ADG guidelines as the site is located adjacent to a change in land zoning to the east.
- Any assessment for building separation requirements should therefore be made against the existing 8.5 metre height limit which would render application of the ADG not applicable in this instance. Further as demonstrated in the original Urban Design Report submitted as part of **Appendix H**, the adjoining HCA parcel of land is too narrow to accommodate any future tower form.

Figure 30 Original Conybeare Morrison plan showing 9m upper level separation

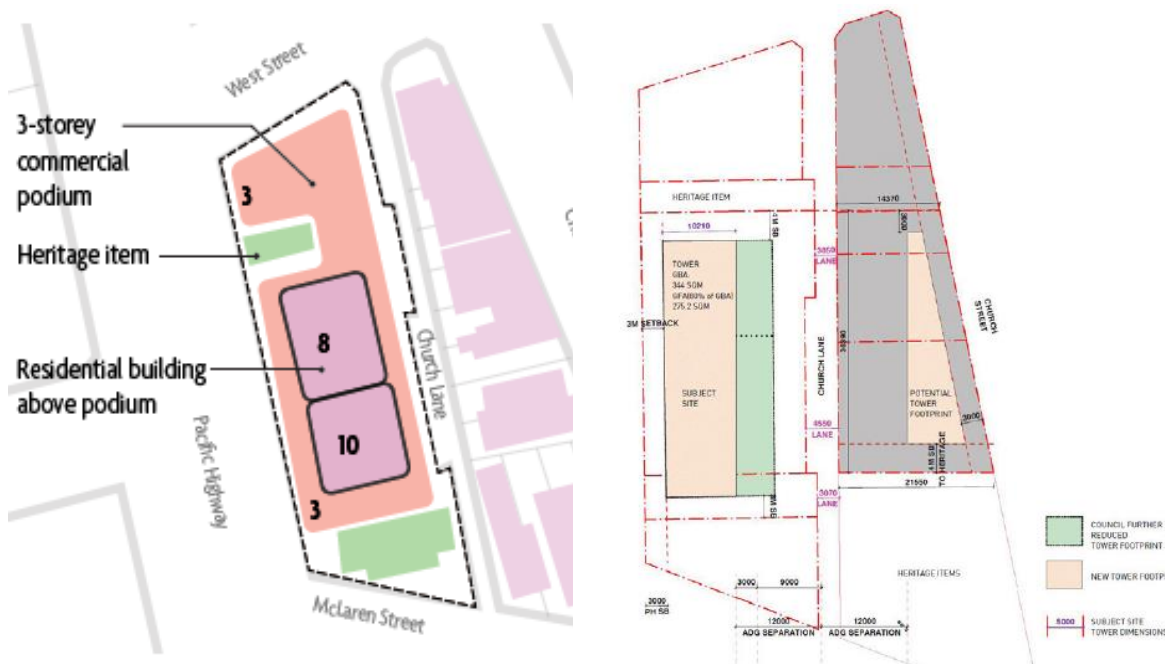


Source: Conybeare Morrison

- As demonstrated in **Figure 31**, strict compliance of ADG building separations would render any future development of the subject site as economically unviable, requiring a single loaded corridor apartment building which would also result in poor amenity outcomes for future residents.
- In this case, the minor inconsistencies with ADG building separation guidelines will not result in any additional amenity impacts to adjoining land in terms of overshadowing, visual privacy and noise. Conversely, the minor variations sought will allow for improved internal amenity of future apartments contained within the residential component of the tower in terms of natural ventilation, outlook, and solar access. The proposed building separations will not result in any additional amenity impacts to adjoining land in terms of overshadowing.

- As outlined in the original Urban Design Report prepared by GMU and attached as part of **Appendix H**, a study of the interface of recent high-rise developments to conservation/heritage areas in North Sydney shows the following main characteristics:
 - Adaptive reuse of heritage items with a modern interpretation.
 - Sudden scale transition between the new high-rise mixed-use development and conservation areas adjacent.
 - Recent development does not provide required ADG separation distances to existing residential/heritage areas.
- Noting the above, it is not unusual for abrupt changes in zones and the local character of North Sydney is typified by transitions between new high-rise mixed-use development and conservation areas adjacent. Independent urban design advice from Conybeare Morrison informing Council’s CPPS has recognised that this approach is entirely reasonable.
- To address visual privacy concerns to dwellings across Church Lane, an increased secondary setback to Church Lane (east) has been provided as part of the vertical tower articulation zones fronting Church Lane. Further, the proposed internal layout locates the lift core to the eastern side of the tower building. A blank feature wall is also provided to part of the upper levels of the eastern façade and all apartment balconies have been oriented away from the eastern boundary to minimise the potential for overlooking.
- The use of privacy devices and screening of windows, or directionally preventing privacy impacts (i.e. by projecting windows and orienting them diagonally rather than directly over adjacent sites) is a common means of meeting the objectives of the building separation distances in the ADG, rather than seeking to comply strictly with the design criteria for separation distances in 3F.

Figure 31 Building envelope comparison



CPPS Building Envelope Plan

Source: Civic Precinct Planning Study

ADG Compliant Building Envelope

Source: GMU

The DA stage will further develop future fine grain detailing and building articulation. Additional facade treatments including privacy screens will further minimise issues such as visual privacy and solar access. Ultimately, strict application of ADG building separation requirements would result in a sterilised site and the cumulative impact would render any future development unfeasible.

From a legal perspective, ADG guidelines should not be applied as a development standard and failure to comply with any of the numerical controls should not be a critical determining factor in endorsing a Planning Proposal.

The ADG is intended as a guiding document, to be used as a guide for the siting, design and amenity of residential apartment development. The minor non-compliance with the building separation controls in the ADG where in fact there is no direct interface with any other building, should not be made the subject of any rigid requirement at the Planning Proposal stage.

Legal advice obtained from Mills Oakley has identified that there are many examples of matters where strict compliance with ADG building separation was not required. Strict application of the numerical requirements of the controls in the ADG is therefore not required and these controls should be applied flexibly.

Planning Circular PS 17-001 '*Using the Apartment Design Guide*' prepared by DPIE provides guidance on the application of the ADG to the assessment of development applications under SEPP 65. According to the ADG Circular "*apart from the non-discretionary development standards, the ADG is not intended to be, and should not be applied as, a set of strict development standards*". The non-discretionary development standards are the minimum requirements for car parking, internal area and ceiling heights.

It should also be noted that recently the NSW government introduced draft changes to both SEPP 65 and the ADG. The proposed draft *Design and Place State Environmental Planning Policy* is intended to replace SEPP 65 to provide for a principle-based approach to guide the design and assessment of development, including residential flat buildings.

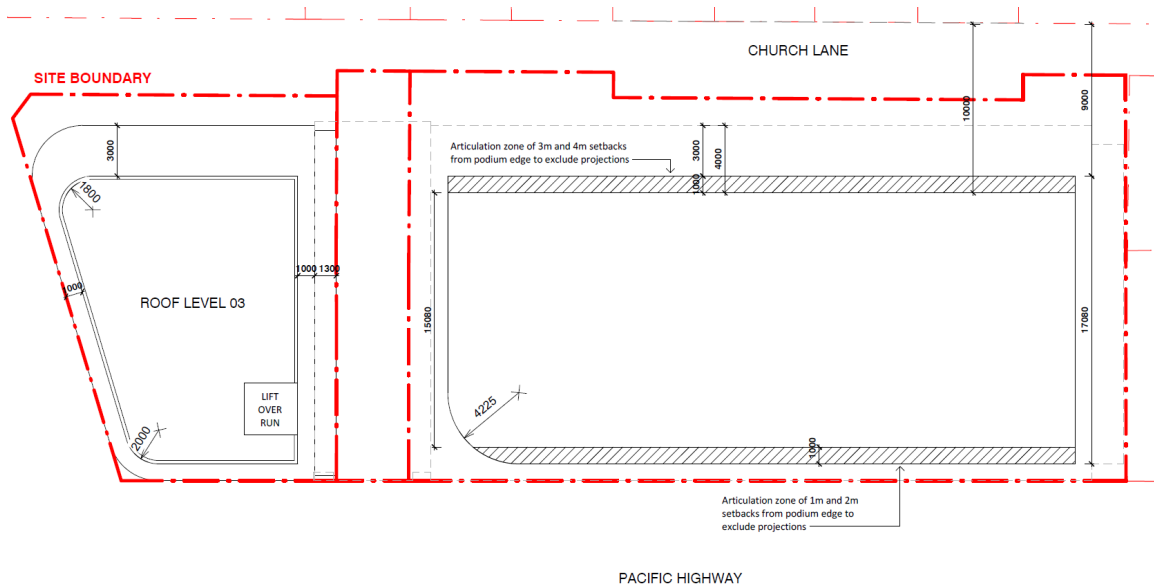
According to the NSW Government "*the advantage of a principle-based approach is that it encourages greater creativity and innovation, moving away from using prescriptive 'one-size-fits-all' rules to a more local, context-specific approach. A principle-based approach can reduce the complexity of the planning system without reducing its rigour.*"

Given that the ADG appears to be the subject of a review process and therefore highly susceptible to change, this is a further reason to seek to meet the key objectives rather than the design criteria in the ADG.

Overall, the proposed separations as shown in **Figure 32** will:

- Achieve reasonable separation, amenity and outlook for neighbouring dwellings.
- Provide an appropriate curtilage around the heritage item.
- Continue the visual connection between McLaren Street and Crows Nest Conservation areas.
- Concentrate height and scale along the Pacific Highway frontage to maximise separation to the conservation area.

Figure 32 Indicative Reference Design – Level 3 Envelope



Source: PTW Architects

Heritage setback interface

A 2.3 metre setback is provided to the above podium tower of the new building and the heritage item. Providing a 4m setback to the heritage item above the podium tower is considered excessive and would potentially create CPTED issues for future users of the site in providing dead spaces which do have any natural surveillance.

The proportion of the heritage item as it is read in the podium is narrow and upright. For this reason, a reduced upper setback as agreed to with Council, less than 4m separation between new development and the heritage item, is acceptable in heritage terms, as an appropriate setback should be determined based on visual impacts on the appreciation of the heritage item. Whilst a hard metric is understandable as a guide, a more detailed analysis of a specific situation results in a more considered and proportioned design outcome.

As demonstrated in **Figure 33** and **34**, the interface of recent high-rise developments to conservation/heritage areas in North Sydney shows the following main characteristics:

- Adaptive reuse of heritage items with a modern interpretation.
- Sudden scale transition between the new high-rise mixed-use development and conservation areas adjacent.
- Recent development does not provide required ADG separation distances to existing residential/heritage areas.

Figure 33 Interface of Recent High-Rise Developments to Conservation/Heritage Areas



Recent tower developments along Angelo St.

Source: GMU



Recent tower development viewed from McLaren Street Conservation Area.

Source: GMU



Existing tower developments along Oak Street with an interface to a conservation area.

Source: GMU



Adaptive reuse of heritage buildings with tower developments as a back

Source: GMU

Figure 34 Built Form Response to Heritage Items/Conversation Areas



Recent tower development at 245 Pacific Hwy along Angelo St facing the conservation area and heritage items.

Source: GMU



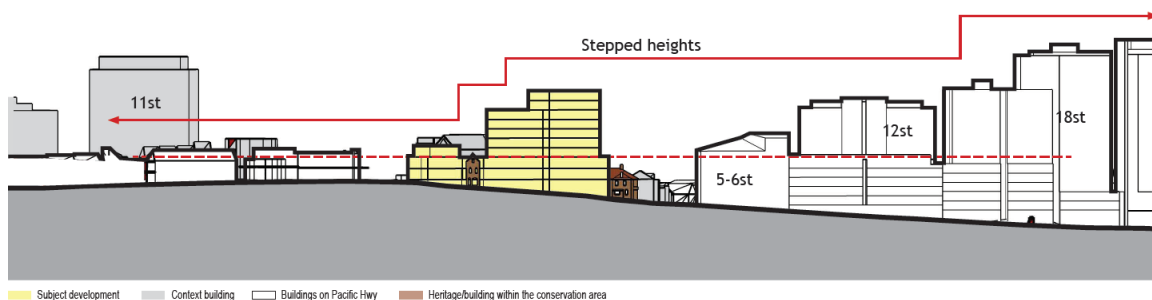
10st mixed-use development at 156-158 Pacific Hwy, facing Doohat Ln (6m wide) and a heritage listed dwelling to the west.

Source: GMU

Building height and massing

Consistent with the CPPS, the indicative reference design provides a distinct podium and tower form with the maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct (refer to **Figure 35**) The proposed building envelope will deliver a 3-storey podium to align with the streetscape to the north and a 2-storey street wall height with tower form above to the south.

Figure 35 Emerging Skyline – Pacific Highway Cross Section



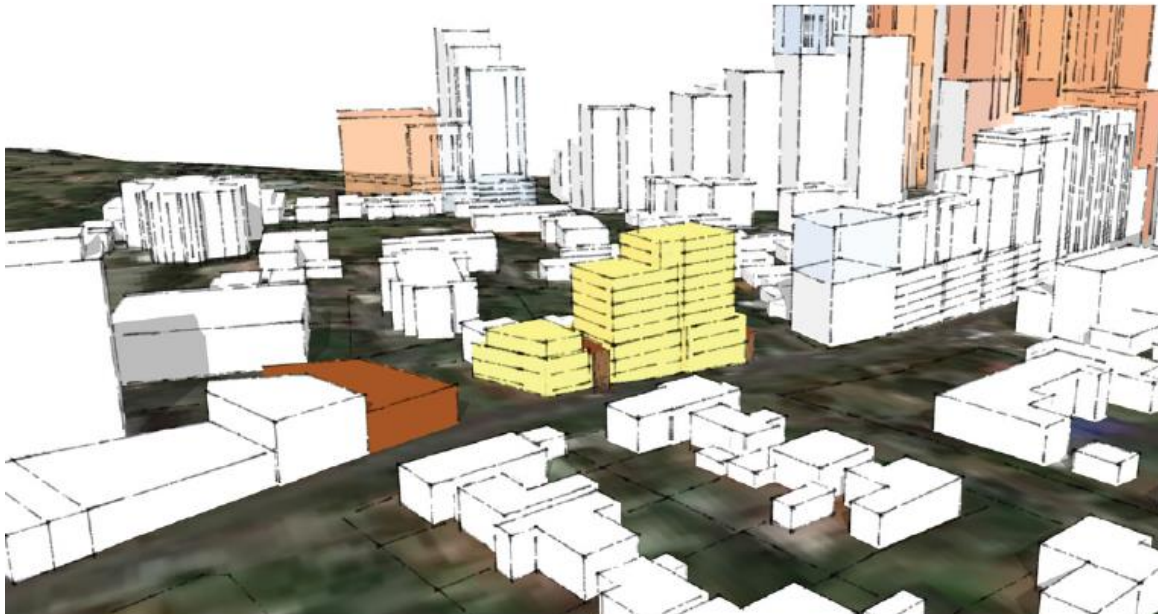
Source: GMU

The proposed massing of the building has been derived having regard to the CPPS as well responding to the site opportunities and the surrounding urban character and context (refer to **Figure 36** and **Figure 37**).

The proposed massing:

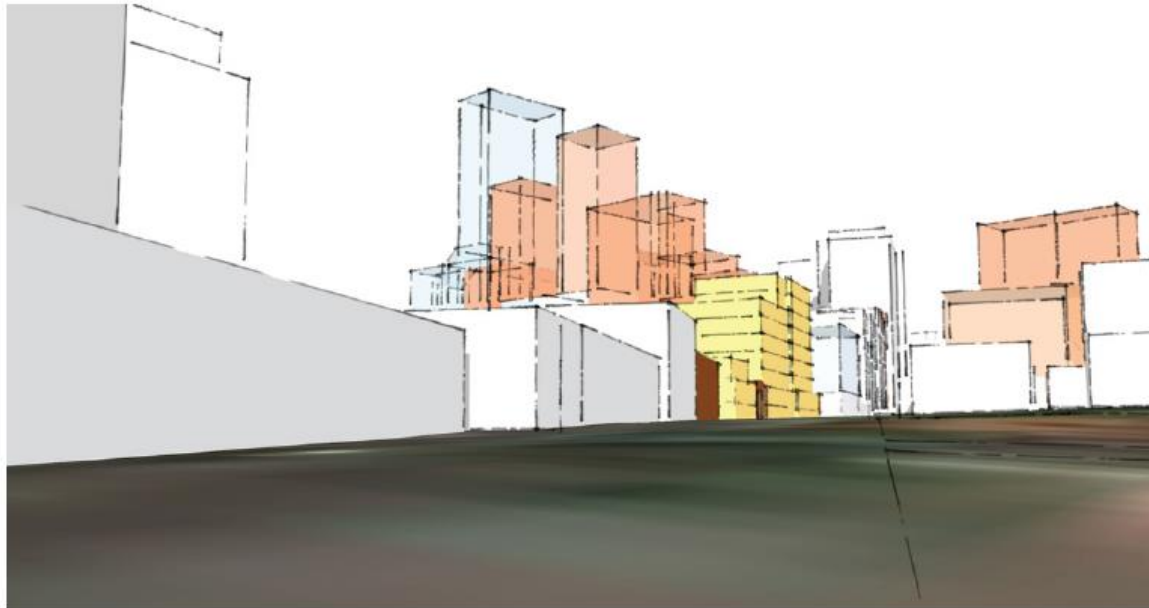
- Provides a distinct podium and tower form with the maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the building envelope map in the CPPS;
- Incorporates the site into one single, mixed-use building with a predominantly commercial podium and a residential tower component above;
- Delivers a 3-storey podium to align with the streetscape to the north, and to the south provides a 2-storey street wall height with tower form above;
- Preserves and integrates the heritage item into the future podium. Adequate legibility and articulation is provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed;
- Provides a nil setback to the podium along the Pacific Highway frontage to ensure alignment with the existing mid-block heritage item;
- Provides an adequate transition to the conservation area to the east in the form of a podium with above podium setbacks;
- Provides a gradual transition between the lower scale development to the north and CBD high density area to the south with a stepped massing of the main building;
- Locates a taller building form on the southernmost block to transition between the Civic Precinct and the CBD high-density area and building heights that are consistent with the building envelope identified in CPPS; and
- Includes vertical indentations/articulation to reduce the perceived bulk and scale of a larger scale development and to break up the continuity of the street wall to in response to the existing lot patterns and/or finer-grain context.

Figure 36 Birds eye view of the indicative development which responds to the changing surrounding context



Source: GMU

Figure 37 View south from Pacific Highway, showing the indicative development in the changing context



Source: GMU

Overall, the proposed building heights will:

- Provide increased opportunities for height and density within 300m of the station to contribute to the TOD development around the new Metro Station.
- Respond to the role of Pacific Highway within North Sydney CBD whilst also transitioning from the increased height of the CBD to the city edge.
- Achieve an appropriate built form relationship to the existing heritage items and conservation areas consistent with the character of North Sydney.
- Minimise any adverse shadow impacts to the adjoining houses and school.
- Moderate scale to the laneway.

The proposed massing includes vertical indentations/articulation to reduce the perceived bulk and scale of a larger scale development and to break up the continuity of the street wall to in response to the existing lot patterns and/or finer-grain context.

10.3.2. Heritage

Conservation and Adaptive Re-use of the Heritage Item

The Planning Proposal does not include specific works to the heritage item, however in developing the reference plan attention has been given to ways in which the item can be conserved and adapted for a new use. Whilst details of this work would be addressed in a future development application, the desired future approach to the conservation and adaptive re-use of the heritage item adopted for the Planning Proposal includes:

- Removal of the surrounding c1980's development that physically abuts the heritage item;
- Conserving the significant fabric, building form, primary shop space and internal spaces, joinery elements and finishes;
- Reconstructing the rear balcony off the first floor, and the rear façade generally;
- Establishing an appropriate interface between the heritage item and the development that supports an appropriate new use for the item;

- Creating a new structure to the eastern boundary of the heritage item into which highly intrusive uses can be located, ie. kitchen, bathrooms, etc; and
- Creating a covered courtyard between the heritage item and the new structure.

Assessment of Heritage Impact

The building envelope study and reference design developed to support the planning proposal by PTW Architects has taken into account the heritage item and items in the vicinity and has been informed by an analysis of historical research and the retained physical fabric and spaces.

The overall form of the development can be simply understood as a podium, within which the heritage item sits, wrapping around the site, with a higher stepped tower form to the south and a lower form to the north.

The nil podium setback from the Pacific Highway frontage allows the heritage item to be located in line with the development. This nil setback also ensures that an awning design for the podium can effectively include the conserved and reconstructed elements of the heritage awning into the development.

The podium containing the heritage item facing the Pacific Highway, includes an indented visual separation zone either side of the heritage item; this allows the original form and fabric of the item to be conserved and for the building to retain its visual presence from the public domain. In removing the later 1980's interpretive development either side of The Cloisters, this design decision supports the recapturing of the original 'standalone' character of the building in the streetscape as a single building of this typology.

Above the heritage item a separation zone of 7.92 meters between the built forms rising above the heritage item demonstrates a design response that is sympathetic to the scale and proportions of the heritage building. It provides sufficient visual clearance to enable the heritage item to remain as a landmark item on the Pacific Highway. The articulation of the podium on either side of the item also supports the conservation of the building as part of the streetscape in its own right.

The Church Lane elevation of the podium forms a backdrop to the buildings along the western boundary of the McLaren Street conservation area. Facing Church Lane, the podium creates a new frontage to the laneway in response to the existing inconsistent alignment. As part of the rear podium design the location of the heritage allotment is interpreted in the façade through two indents that mirror those on the Pacific Highway frontage. The rationalisation of the boundary, namely bringing in the edge of the current shed structure where it protrudes into the laneway, does not alter how the original allotment is understood.

The southern elevation of the podium acts as a backdrop to a pair of two-story residences which contribute to the McLaren Street conservation area. This southern end of the podium has been specifically designed for multiple opportunities for a future detailed proposal to provide an architectural response which supports the appreciation of the McLaren Street buildings, both in architectural detailing as well as materiality. The tower portion of the building is set further back from the boundary.

As the podium rounds the northern end of the site it is then directly addressing the Union Hotel and in turn the small-scale residences facing onto Church Street (and away from the development site) that are included in the adjacent conservation area. The shorter built form at the higher end of the site acts as a transition element stepping down to the Union Hotel, and alongside the hotel, bookmarking the entry into West Street. This lower form, in conjunction with the adjacent residences, provides an appropriate stepped transition in views of St Thomas's Church on Church Street as you move further up West Street away from the Pacific Highway.

The taller, stepped tower form to the south is read in the context of the tower buildings existing and contemplated along the Pacific Highway and leading into the heart of North Sydney. The taller tower form is of a similar relationship to the McLaren Street conservation area as the existing tower buildings backing onto Angelo Street, and completes views of contemporary development that currently edge the conservation area to the south. The locating of the taller building forms on the edge of the conservation area reflects the existing development pattern along the Pacific Highway.

The new building will form a backdrop in some views across the conservation area, however, will not diminish the appreciation of the scale and character of the buildings that lie within the conservation area, nor will it alter how the conservation is appreciated from the public domain. The McLaren Street conservation area is characterised by a mix of residential and civic buildings; this variety in character will continue to be appreciated and be interpreted by those living, working and passing through the streets of the conservation area.

Heritage Recommendations

To mitigate any potentially adverse impacts from the Planning Proposal on the heritage item, NBRS have made the following recommendations that would apply as conditions to future development applications:

- A Conservation Management Plan for the site known as The Cloisters, at 265 Pacific Highway, North Sydney, should be prepared to guide decisions about the future use, care and possible changes to the place.
- A Photographic Archival Recording of the interiors and exterior should be carried out prior to any proposed works commencing.
- Measured Drawings of the building should be carried out and stored with the Photographic Archival Recording.

Overall, the assessment concludes that the Planning Proposal is acceptable from a heritage perspective.

10.3.3. Overshadowing

The updated shadow study prepared by PTW (refer **Appendix A**) compares the overshadowing cast by the amended building envelope, to the overshadowing cast by Council's built form envelope envisaged under the CPPS.

As demonstrated in **Figure 38**, the updated shadow study demonstrates that no additional overshadowing will impact the primary school play areas during school hours 9am – 3pm during mid-winter. During school hours, the overshadowing caused by the proposal will fall within the existing shadow of the school building. Between 8:30am and 9am, a minor area of additional overshadowing will impact the southwestern corner of the school site however, the additional overshadowing falls within the overshadowing cast by the building envelope anticipated in Council's Civic Precinct Planning Study.

An analysis of overshadowing is summarised below.

- KU Dem School Kids Care playground to the west of Pacific Highway is usually used between 7:30 - 9am and 3 - 6pm during its operation time as a before and after school care facility. As shown in the shadow analysis, approximately 30% or more of the outdoor space can receive sunlight between 8 - 9am, which is in accordance with the minimum standards under the Childcare Planning Guideline 2017.
- The tower form does not affect the North Sydney Demonstration School's primary playground during School hours. After 10am mid-winter, additional overshadowing no longer affects the school grounds.
- The shadow largely falls on the Pacific Highway and the commercial development at 1 McLaren Street between 11am – 1pm.
- From 1pm onwards, the shadow falls on McLaren Street properties and the rear of the Church Street residential properties. Based on desktop research of the internal layouts of the Church Street residential properties undertaken by GMU (refer to the original Urban Design Report submitted as part of **Appendix H**), primary living areas and private open space are generally orientated the north and east and are unaffected by the proposed development. Whilst the houses at 2 Church Street and 8A-10A Church Street have west facing courtyards, the solar analysis indicates that a minimum of 2 hours of solar access is received in mid-winter.
- As demonstrated in the shadow analysis, the proposed redevelopment results in reduced overshadowing to the Church Lane properties compared to the compliant building envelope provided in the CPPS.
- Compared with Council's envelope, the subject development will generate a negligible increase to overshadowing in early morning in mid-winter and less impact in the afternoon. The analysis shows that the proposed development can ensure reasonable solar access to the adjoining properties with no adverse impacts.

Overall, the shadows are considered acceptable as:

- The proposed built form complies with the CPPS guidelines to not affect the amenity of educational facilities located on the western side of the Pacific Highway in terms of overshadowing.
- The reduced above podium setback to the Pacific Highway has no material additional adverse impact to surrounding sites.

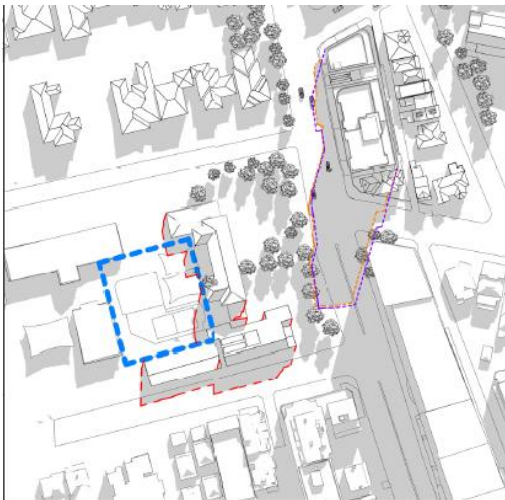
Figure 38 Shadow Analysis during Winter Solstice



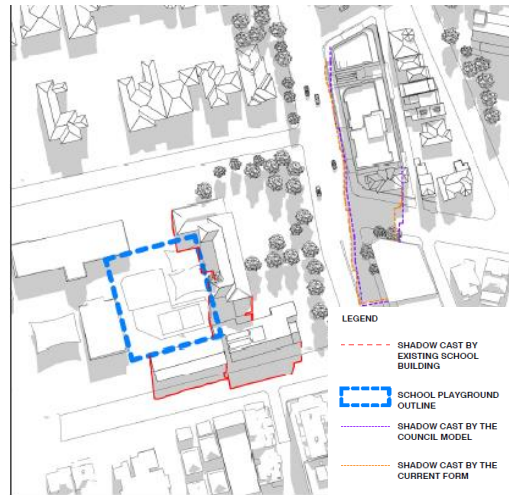
9am 21st of June



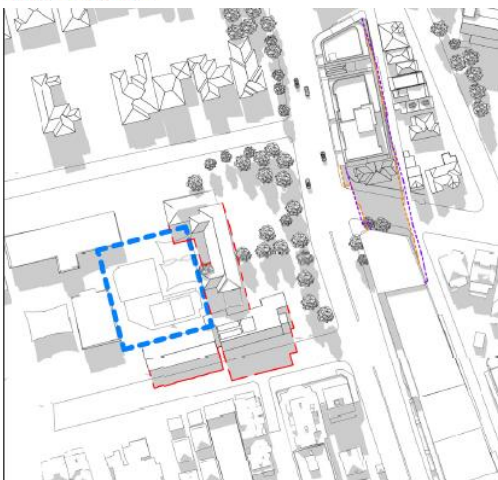
10am 21st of June



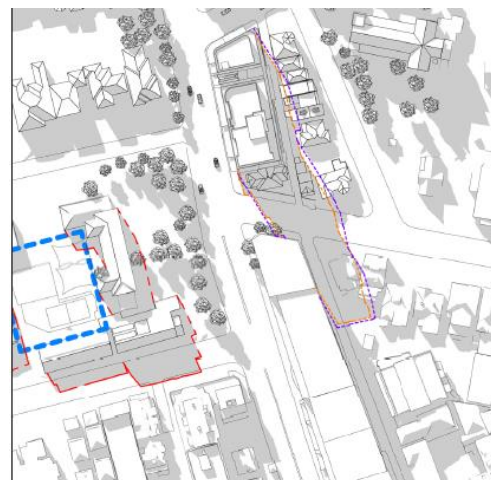
11am 21st of June



12pm 21st of June



1pm 21st of June



2pm 21st of June

Source: PTW Architects

10.3.4. Traffic and Parking

JMT Consulting have prepared a Traffic Impact Assessment which accompanies the Planning Proposal at **Appendix D**. The assessment describes the existing local traffic context, including access and the potential traffic implications of the Planning Proposal. The key findings are summarised below:

- Under the indicative architecture concept vehicle access would be provided off Church Lane to minimise conflicts with pedestrians and general traffic along the Pacific Highway.
- The proposed on-site parking provision, based on the reference design prepared for the Planning Proposal, is less than the maximum permissible under Council's DCP parking rates for B4 zoned areas.
- The site is located in close proximity to various public transport facilities, including North Sydney transport interchange, nearby bus stops and the future Victoria Cross metro station only 260m away, with any future development not expected to not generate significant traffic impacts.
- Analysis indicates that the potential increase in traffic as a result of the Planning Proposal is an additional 11 vehicles in the AM peak hour and 10 vehicles in the PM peak hour. This volume of additional traffic is considered negligible in the context of existing traffic flows and would not impact the operation of the surrounding road network.
- Service vehicle parking is proposed in accordance with the requirements set out in the North Sydney DCP.
- Secure bicycle parking would be provided as a component of any future proposed development, in line with rates specified in the North Sydney DCP.

In the above context, the traffic and transport impacts arising from the proposal are considered acceptable.

10.3.5. Residential Amenity

The indicative reference design has been developed having regard to the requirements of *State Environmental Planning Policy 65* and the accompanying guidelines of the Apartment Design Guide (ADG).

An analysis of the indicative reference design has been undertaken by GMU (**Appendix H**). This analysis confirms that a residential development could achieve an acceptable level of internal amenity for future residents with regard to solar access, natural ventilation and privacy. Based on the indicative apartment layout tested by PTW, the following is noted:

- 84% of apartments achieve the ADG requirement of 2 hours of sunlight between 9am and 3pm in mid-winter.
- 73% of apartments (ground floor to Level 8) are cross ventilated.
- Communal open space comprises 25.2% of the site area which meets the ADG criteria.
- Apartment sizes and private open space meet the requirements under the ADG.
- Adaptable apartments can be accommodated under the concept floor plates.

10.3.6. Wind

A review of the indicative reference design has been undertaken by Vipac Engineers and Scientists to provide an opinion on the likely impact of the local wind environment to the critical outdoor areas within and around the subject site (**Appendix E**). The assessment confirms that:

- The adjacent footpaths are expected to have wind levels within the walking comfort criterion;
- The wind conditions at the building entrances are expected to be within the recommended standing criterion; and
- The Level 7 communal terrace is expected to have wind levels within the recommended walking comfort criterion with the proposed 1.8 metre balustrades incorporated.

Overall, whilst the proposed development is anticipated to result in some changes to wind conditions to adjacent ground level areas, it is expected that wind levels will remain within the recommended comfort criteria, and therefore minimal mitigation is required.

10.3.7. Noise

The site is affected by road noise associated with the Pacific Highway. Mitigation measures would be required to address noise if future redevelopment plans include residential uses. It is expected that these matters would be addressed at a future DA stage.

10.3.8. Servicing

The site is located on the edge of the North Sydney CBD in close proximity to existing services. In liaison with service providers, any future redevelopment would be subject to further capacity testing to determine the suitability of existing service infrastructure and any upgrades required.

10.3.9. Contamination

A Preliminary Site Investigation (PSI) has been carried out and is attached at **Appendix F**. The findings of the PSI show that the site can be made suitable for the intended land uses. Potential contamination identified within the PSI is representative of common urban environments and implementation of typical contamination management practices would result in the mitigation of unacceptable risks to future site users.

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

Yes. The Planning Proposal is considered to have a number of economic benefits. Through realising economic benefits, a positive social on-flow effect can also occur with the public benefiting through job creation and public domain upgrades.

The economic and social benefits are summarised as follows:

- **Facilitates renewal of a key site:** The Planning Proposal enables the renewal of an older, inefficient commercial building to a new building that contributes to the evolution of the North Sydney and the Pacific Highway corridor.
- **Ensures ongoing employment:** The proposal to create a minimum non-residential FSR control for this site ensures any future redevelopment includes, as a minimum, 1:1 FSR worth of non-residential space. This does not preclude a higher proportion of any future redevelopment being allocated to office or another form of employment generating use during the detailed design phase.
- **New and greater variety of job types:** The consolidated redevelopment of the site will provide for a mix in size and typology of retail and commercial floor space, allowing greater flexibility than if the sites were to be redeveloped in isolation. Direct and indirect jobs will be created during the construction stages.
- **Improving the quality of the commercial floorspace:** The development of new office space would create a more modern, flexible and contemporary working environment. Any new commercial floorspace would be designed to better suit tenant needs and demand, including a more flexible floorplate better suited to growing industries.
- **Additional services:** The mixed-use zoning permits a range of services uses, creating the opportunity to deliver additional services within North Sydney, for example, community and business uses.
- **Economic benefits associated with future residential density:** Increased residential density would contribute to increased retail turnover and the activation of a night time economy. Such density is required to realise the vision for an active 18-hour economy and support council's vision for laneways, eat streets and arts and culture night time and weekend economy.
- **Improved public domain and ground floor activation,** reinvigorating the precinct for workers and residents: The inclusion of retail floor space at the ground floor plane, which would support cafes, restaurants and the like, would have the benefit of activating the site and the precinct, contributing to a sense of place and activity day and night.
- **Delivering additional housing in appropriate location:** The Planning Proposal will help to alleviate the housing affordability gap and will provide a range of apartment typologies that are suited to the demographics of the LGA. Redevelopment of the subject site will accommodate an additional 37 new dwellings. The increased residential population on the site will contribute to an 18-hour economy and will support the economic viability of the North Sydney CBD and Ward Street precinct.

- The existing buildings within the site are nearing the end of their economic life. Optimising the potential to redevelop the site will assist State Government and Council to deliver the targets set out in the *North District Plan* but also, importantly will ensure that new housing and employment opportunities can be delivered with greater certainty.
- Public domain improvements, including construction of a portion of new road within the boundaries of the site to widen Church Lane from 3 - 4.5m to 6m and the excision of approximately 130sqm of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works. This will improve pedestrian and vehicle safety and amenity along Church Lane.

In addition to the above, an economic feasibility assessment has been undertaken by Atlas (refer to **Appendix G**) which confirms that if the proposed redevelopment were to be based on an FSR of 3.27:1 (as would be the case under a completely compliant building envelope), the site would not be economically feasible for redevelopment.

The resultant value of the site would be lower than the existing use value and therefore insufficient to realise redevelopment or to deliver the much-needed public benefits. By increasing the overall FSR, the total GFA capacity of the site increases resulting in a more valuable development even with the minimum non-residential 1:1 FSR requirement.

The assessment also demonstrates that the ability for the development to deliver public benefit improves as overall FSR increases. Therefore, by increasing the FSR, the development is both feasible and able to contribute meaningfully to the vision and urban design objectives of North Sydney Council and specifically the CPPS.

Overall, the Planning Proposal supports the State government's current direction of increasing density and broadening land uses in proximity to public transport infrastructure. Accordingly, the Planning Proposal achieves the right balance of maintaining a strong employment focus within the North Sydney CBD while also recognising the benefits of providing residential development to take advantage of the locational and amenity benefits that North Sydney offers. The provision of residential accommodation on the fringe of the commercial core will not dilute the goal of employment growth in North Sydney CBD and will reduce the pressure associated with commercial rezoning.

10.4. SECTION D – STATE AND COMMONWEALTH INTERESTS

Q10 – Is there adequate public infrastructure for the planning proposal?

Yes. The site is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. Furthermore, any future redevelopment of this site would reinforce existing investment in public transport infrastructure, through increased patronage of the existing station at North Sydney and the new metro rail station at Victoria Cross.

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

Transport Infrastructure

As previously stated in this document, the subject site is 260m from the Victoria Cross Metro Station and 600m from the North Sydney Train Station. By 2024, North Sydney will become one of the most connected centres in Sydney with ready access to all major employment centres in rapid time.

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

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

Refer to **Appendix D** for a detailed assessment of public transport infrastructure.

Social Infrastructure

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

Existing Health and Education

The North District Plan confirms that the North District has a high proportion health and education jobs, compared to the Greater Sydney average, and in turn is considered a hub of Health and Education. This is directly demonstrated by the number of schools in North Sydney listed below.

Schools in North Sydney

- Primary Schools (aged 5-12)
- ANZAC Park Public School
- Cameragal Montessori Primary
- Cammeray Public School
- Loreto Kirribilli Junior School
- Neutral Bay Public School
- North Sydney Demonstration School
- Redlands Grammar School
- St Aloysius Junior College
- St Mary's Primary School
- Shore Grammar School
- Wenona School
- After School Care
- Available in conjunction with Primary Schools.
- Secondary Schools (aged 12-18)
- Cammeraygal High School
- Loreto Kirribilli Senior School
- Marist College North Shore
- Monte Sant' Angelo Mercy College
- North Sydney Boys High
- North Sydney Girls High
- Redlands Grammar School
- St Aloysius Senior College
- Shore Grammar School
- Wenona School
- TAFE NSW
- St Leonards Campus
- Bradfield Senior College (including HSC study)

Health Infrastructure in North Sydney

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

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

Future Health and Education

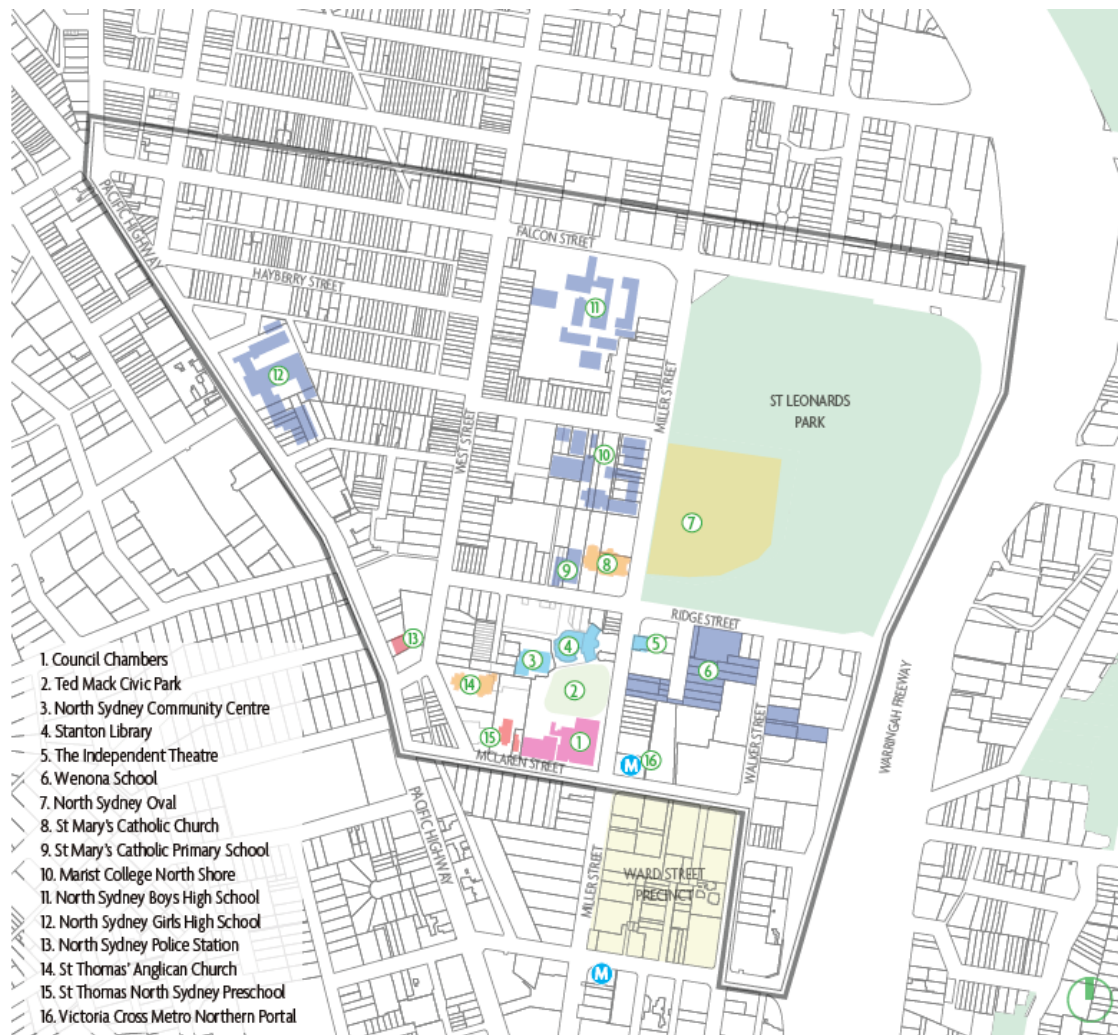
The North District Plan identifies that there will be a focus on expansion of the nearby St Leonards health and education precinct and Priority Precinct, led by the NSW Department of Planning and Environment, which will bring together the Commission, North Sydney Council, Lane Cove Council, Willoughby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

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

Utility Infrastructure

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

Figure 39 Map showing public infrastructure and services



Source: Civic Precinct Planning Study

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

No consultation with State or Commonwealth authorities has been carried out to date on the subject Planning Proposal.

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period. In accordance with the Gateway Determination, public exhibition of the Planning Proposal is required for a minimum of 28 days. The relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals in Section 5.5.2 of *A guide to preparing local environmental plans*.

11. PART 4: MAPPING

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

- Height of Buildings Map Sheet HOB_002A
- Maximum Floor Space Ratio Map FSR_002A
- Non-Residential Floor Space Ratio Map LCL_002A

The proposed amendments to the LEP maps are provided in **Figure 40– 42.**

Figure 40 Proposed LEP map amendments - maximum building height control



Source: Urbis

Figure 41 Proposed LEP map amendments - maximum FSR Control



Source: Urbis

Figure 42 Proposed LEP map amendments - minimum non-residential FSR Control



Source: Urbis

12. PART 5: COMMUNITY CONSULTATION

Section 3.34 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination.

It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of "A Guide to Preparing Local Environmental Plans." It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on the North Sydney Council website.
- Written correspondence to adjoining and surrounding landowners.

As part of the public consultation process, the Proponent will review all submissions, discuss with Council and DPE as required, and provide written comments in response to assist in the assessment of the Planning Proposal.

It is anticipated that Council will consult with Government agencies during the formal public exhibition period, including:

- Transport for NSW/RMS;
- Transport for NSW/Sydney Trains;
- NSW Department of Planning, Industry and Environment.

A Stakeholder and Community Consultation Strategy was developed following submission of the original Planning Proposal. Urbis was engaged by the applicant to undertake community and stakeholder consultation. Further detail of the consultation undertaken is set out in the Community and Stakeholder Engagement Outcomes Report and supporting Appendices (refer to **Appendix I**).

Consultation activities to date have been carried out in June to July 2021.

In summary, the consultation activities included:

- Distribution of a letter and project fact sheet to residents and neighbours notifying them of the Planning Proposal;
- Door knock of residents in nearby properties;
- Community information and feedback sessions;
- Consultation with stakeholders and interest groups; and
- Communication channels including a dedicated project phone number and email address.

The feedback received is summarised in **Appendix I**.

12.1.1. Consultation activities

Fact sheet

The fact sheet outlined key features of the proposal and invited stakeholders and the community to provide feedback. It included details of a project email and phone number managed by Urbis to enable collection of this feedback. It was distributed by letterbox drop to approximately 263 households and businesses in North Sydney on 16 June 2021. The fact sheet was also emailed to key stakeholders.

Door knock

On 16 June 2021, representatives from Urbis door knocked 10 near neighbours to introduce the project, provide a copy of the fact sheet, answer any questions, and collect feedback. During the doorknock Urbis representatives spoke with five neighbours. Neighbour who were not at home were provided a 'Sorry we missed you' notice and flyer which includes contact details for more information.

Two neighbours had no questions and three neighbours expressed concerns about solar access, traffic and parking and impact on local character. A follow up letter was sent to neighbours who expressed concerns offering a further meeting.

Engagement email and phone line

The fact sheet provided a dedicated phone number and email address managed by Urbis to enable people to provide feedback on the project. Two enquiries were received at the time of writing this report.

Project emails and stakeholder meetings

Legacy Property corresponded through emails and meetings with Councillors, nearby businesses, and local government representatives.

12.1.2. Stakeholders

The following table outlines the key stakeholders who have been consulted, any issues raised and the project response.

Table 12 Summary of Stakeholder Consultation

Stakeholder	Engagement interface (lead)	Level of engagement (IAP2)	Engagement activities
North Sydney Council Mayor Jilly Gibson Deputy Mayor Stephen Barbour Cr Samuel Gunning Cr Jessica Keen Cr Ian Mutton Cr Dr Alanya Drummond	Urbis Engagement & Legacy Property	Inform	An email was sent to Mayor and Ward Councillors on 16 June 2021, providing a copy of the fact sheet and advising Councillors of the planned engagement activities. Legacy Property sent letters to Mayor and Councillors on 17 June 2021, outlining the proposal facts and offering a personal briefing.
Stanton Precinct Committee	Urbis Engagement	Consult	An email was sent to the Stanton Precinct Committee meeting to seek a briefing on 18 May 2021, a follow up email was sent on 16 June 2021, providing a copy of the fact sheet.
Adjacent Precinct Committees Hayberry Precinct Committee Edward Precinct Committee	Urbis Engagement	Inform	An email was sent to adjacent precinct Committees on 16 June 2021, providing a copy of the fact sheet and contact details for further information.
North Shore Historical Society	Urbis Engagement	Inform	An email was sent on 16 June 2021, providing a copy of the fact sheet, contact details for further information and briefing offer. A follow up email was sent on 24 June. No response was received.

Stakeholder	Engagement interface (lead)	Level of engagement (IAP2)	Engagement activities
North Sydney Chamber of commerce	Urbis Engagement	Consult	An email was sent on 16 June 2021, providing a copy of the fact sheet, contact details for further information and briefing offer. A follow up email was sent on 24 June. No response was received.
North Sydney Demonstration School - Principal	Urbis Engagement	Inform	An Urbis representative spoke with School administration office by phone 21 June 2021. An email with a copy of the fact sheet and offer to brief the Principal was sent to the school on 21 June 2021. No response was received.
Near neighbours including: 2 - 8 McLaren St, North Sydney 2 - 12 Church St, North Sydney	Urbis Engagement	Consult	On 16 June 2021, representatives from Urbis door knocked near neighbours to introduce the project, provide a copy of the fact sheet, answer any questions, and collect feedback. Two meetings have been scheduled with near neighbours to provide further information.
North Sydney Anglican Church North Sydney General Practice Dress for a night North Sydney Police Station Meetings and events Australia	Urbis Engagement	Inform	A fact sheet distributed by letterbox drop and email on 16 June 2021.

13. PART 6: PROJECT TIMELINE

In accordance with the requirements set out in 'A guide to preparing planning proposals', the following table sets out the anticipated project timeline, in order to provide a mechanism to monitor the progress of the Planning Proposal through the plan making process.

Table 13 Anticipated Project Timeline

Process	Indicative Timeframe
Officer Report to Local Planning Panel for Council recommendation	February 2022
Officer Report to Council for endorsement to proceed	March 2022
Planning Proposal referred to the DPIE	April 2022
Gateway Determination by DPIE	May 2022
Commencement and completion of public exhibition	July 2022
Consideration of submissions and consideration of the proposal post-exhibition	August 2022
Proposal reported back to Council for endorsement	September 2022
Date of submission to the DPIE to finalise the LEP	October 2022
Legal Drafting of the LEP	November - December 2022
Notification of the LEP	January 2023

14. CONCLUSION

This Planning Proposal seeks an amendment to the *North Sydney Local Environmental Plan 2013* to establish planning controls that would enable high-density mixed-use development on the site at 253-267 Pacific Highway, North Sydney.

The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high-quality mixed-use development in a location highly suitable for density uplift. The envisaged future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres.

We consider the proposed amendments to NSLEP 2013 satisfy the strategic merit and site-specific merit tests and would enable an appropriate development outcome and generate significant community benefit for the following reasons:

- **From a strategic planning policy perspective:** The Planning Proposal positively aligns and is consistent with the achievement of State and Local Government strategic planning goals of increasing employment and housing densities in strategic centres with access to public transport. The site is already zoned suitable from a mix of commercial and residential uses. The proposed density increase for housing and employment is justified on the grounds of the sites' proximity to the major new metro rail infrastructure as well as the employment and services offerings of North Sydney CBD.
- **From a local context perspective:** The Planning Proposal has site-specific merit because it facilitates future development that would achieve an appropriate built form and scale outcome, having regard to the existing and emerging scale of development on adjacent and surrounding sites. The tailored building height controls will achieve a contextually appropriate outcome having regard to the future higher building heights to the south and the established residential area to the east.
- **From an environmental perspective:** The provision of a mix of uses on the site with good accessibility to services and public transport, will generate environmental benefits by encouraging more trips within and outside of the centre without cars, and without generating adverse environmental impacts such as wind, solar and traffic on the locality. The assessment of the environmental performance of the Indicative Concept Design has found that it would satisfy the key environmental amenity requirements for future workers and residents in the building.

Strategic Merit Test

As demonstrated throughout this report, the Planning Proposal has significant strategic merit, for the following reasons:

- The proposal aligns with State planning strategic goals which seek to intensify land use around significant transport infrastructure and in proximity to employment nodes.
- The proposal capitalises on existing and planned infrastructure with sustainable benefits by reducing reliance on private vehicular transportation, being strategically located 260m from the Victoria Metro Station and 750m from the North Sydney Train Station.
- The proposal supports the attainment of an 18-hour economy and a 30-minute city, as outlined within the North District Plan.
- The proposal provides for additional housing stock in the B4 Mixed Use zone, adjacent to North Sydney CBD, a major commercial office precinct which has limited future potential to supply growing demand. The GSC has confirmed that Council will fall short of the minimum 5-year housing target by 170 dwellings.
- The Planning Proposal complies with the criteria set by North Sydney Council as part of their strategic review of the site. The proposed built form is largely consistent with the design guidelines, objectives and specific urban framework including the building envelope plan outlined in Council's CPPS.

Site Specific Merit Test

As demonstrated throughout this report, the Planning Proposal demonstrates site-specific merit as:

- The envelope massing proposed is based on the urban design framework adopted by North Sydney Council as outlined in the CPPS which identifies the site as a transition site with an opportunity for density uplift.
- It ensures a high-quality urban outcome with appropriate transitional separation between the existing and future context. This includes achieving an appropriate interface with the scale and character of the adjacent McLaren Street conservation area.
- Above podium setbacks are introduced to provide further transitions in height and scale to the adjoining heritage buildings and to ensure adequate separation is provided between the tower form and the HCA.
- The proposal creates an appropriately scaled edge to the CPPS area on the periphery of the CBD and has the potential to service the North Sydney CBD commercial core and release the pressure of residential encroachment on commercial zoned land.
- A three-storey podium is proposed consistent with the CPPS building envelope plan which matches the scale of the mid-block heritage item and prevailing streetscape along the Pacific Highway.
- Incorporation of the whole site into a single development, including the heritage item at 265 Pacific Highway and 267 Pacific Highway ensures its potential to appropriately respond to its site context.
- The reference scheme demonstrates the ability to achieve compliance with key ADG design and amenity criterion, including most of the building separation distances, open space, solar access, ventilation, apartment size and typology, private open space and storage requirements.
- Detailed shadow analysis prepared by PTW Architects (refer **Appendix A**) of the impacts on the conservation area and the North Sydney Demonstration School on the western side of the Pacific Highway demonstrates the proposed building envelope will not result in any additional overshadowing to the playground as envisaged under the CPPS.
- The reference scheme and the proposed building heights across the site have been designed to achieve a human scale podium level, building heights and breaks which provide for view sharing, and to promote a shared and active environment and a high quality landscaped outcome within both the public and private domain.

This report has concluded that the proposed redevelopment of the site provides the opportunity to complement the Sydney Metro project for a new station at North Sydney. Its increased density and taller form for this block will contribute positively to the need for transit-orientated development around the new Victoria Cross Station supporting this largest State Government's investment.

The site, as an amalgamated land parcel in close proximity to the North Sydney CBD and reinforcing both the height spine along Pacific Highway in North Sydney whilst also creating transition to the city edge, will provide a greater concentration of jobs and housing for North Sydney reinforcing the approach of a walkable city whilst the existing characteristics of the area also acknowledging.

The proposed development will provide a defined lower-scale podium in response to the surrounding lower-scale context and heritage items. The heritage shop on site will be retained and integrated as part of the podium development. The single form with appropriate setbacks to heritage items, conservation areas and the laneway will support the desired intensification around the station whilst responding to the heritage and conservation area context. The stepped form will provide desired scale transition from the North Sydney CBD.

The proposed widened Church Lane (from 4.5m to 6m) will improve the access for movements in the laneway, especially those residential dwellings with rear access to the east. The proposal intends to embellish the footpaths and public domain around the site and dedicate land to Council to facilitate the widening of Church Lane as an offer of public benefit.

The proposed development will provide an increased opportunity for start-up business, new jobs and housing diversity including potential larger units allowing people working or study from home to support the future growth of the centre with a new metro station. The slender tower form will assist in achieving good residential amenity and reduced perceived bulk in response to the heritage context.

Overall, the proposal provides an appropriate built form and scale that reflects the vision for North Sydney Civic Precinct, and the existing and emerging scale of development on adjacent and surrounding lands.

In considering the tangible community and economic benefits of the Planning Proposal, in our opinion the proposal has clear strategic and site-specific planning merit to warrant proceeding to a Gateway Determination.

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APPENDIX A

BUILDING ENVELOPE STUDY AND REFERENCE DESIGN

APPENDIX B

DRAFT DEVELOPMENT CONTROL PLAN

APPENDIX C HERITAGE IMPACT STATEMENT

APPENDIX D TRAFFIC AND PARKING STUDY

APPENDIX E WIND REPORT

APPENDIX F PRELIMINARY SITE INVESTIGATION

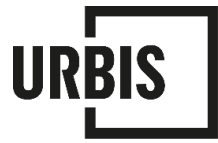
APPENDIX G

ECONOMIC FEASIBILITY ASSESSMENT

APPENDIX H URBAN DESIGN STATEMENT AND REPORT

APPENDIX I

COMMUNITY AND STAKEHOLDER ENGAGEMENT OUTCOMES REPORT



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PTW

BUILDING ENVELOPE STUDY AND REFERENCE DESIGN

253-267 PACIFIC HIGHWAY
NORTH SYDNEY NSW 2060

PREPARED FOR LEGACY PROPERTIES
DECEMBER 2021 REV A



Peddle Thorp & Walker Pty Ltd

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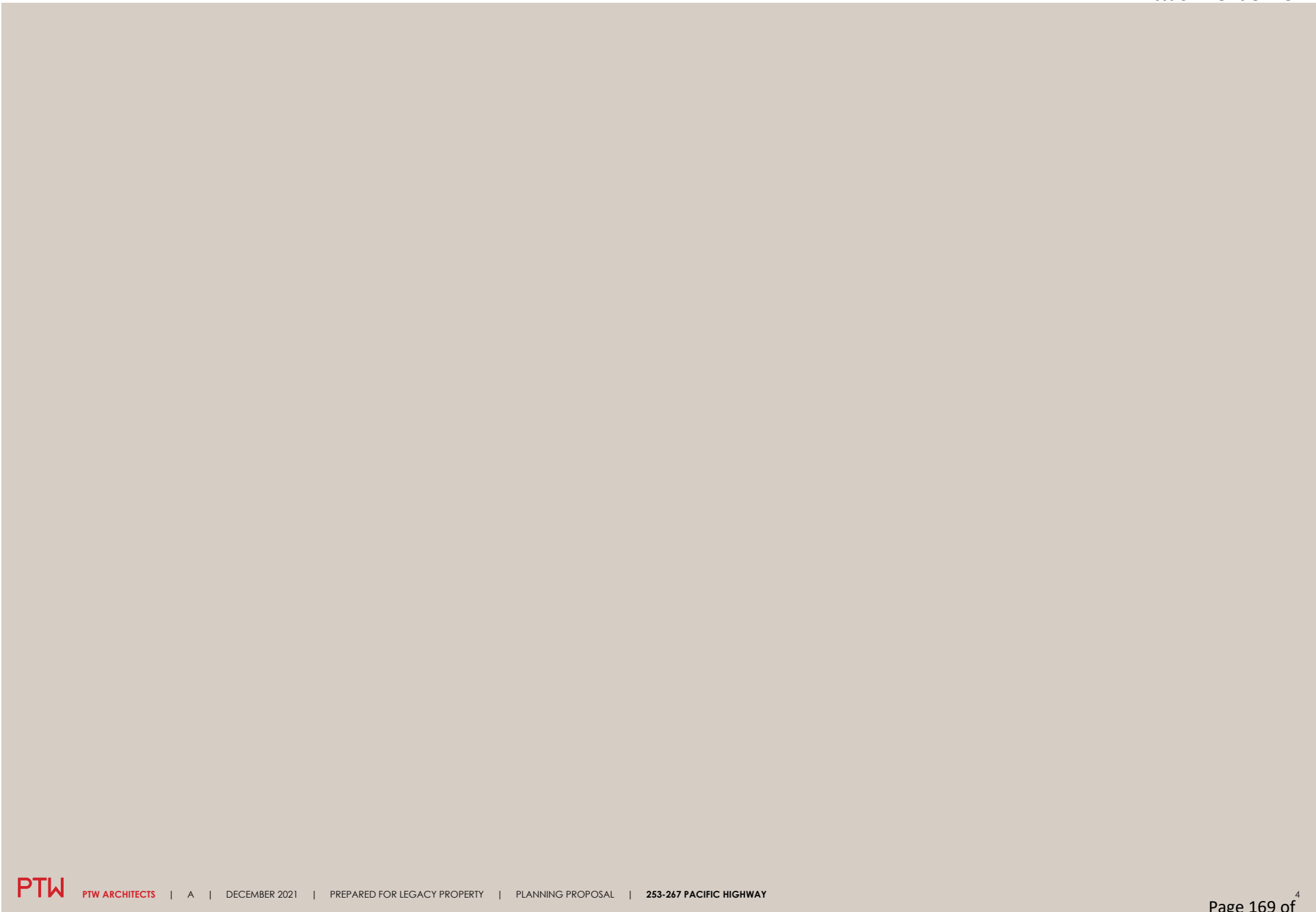
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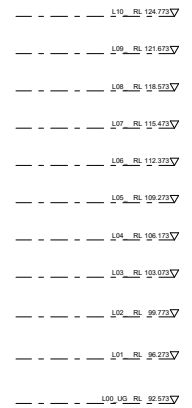
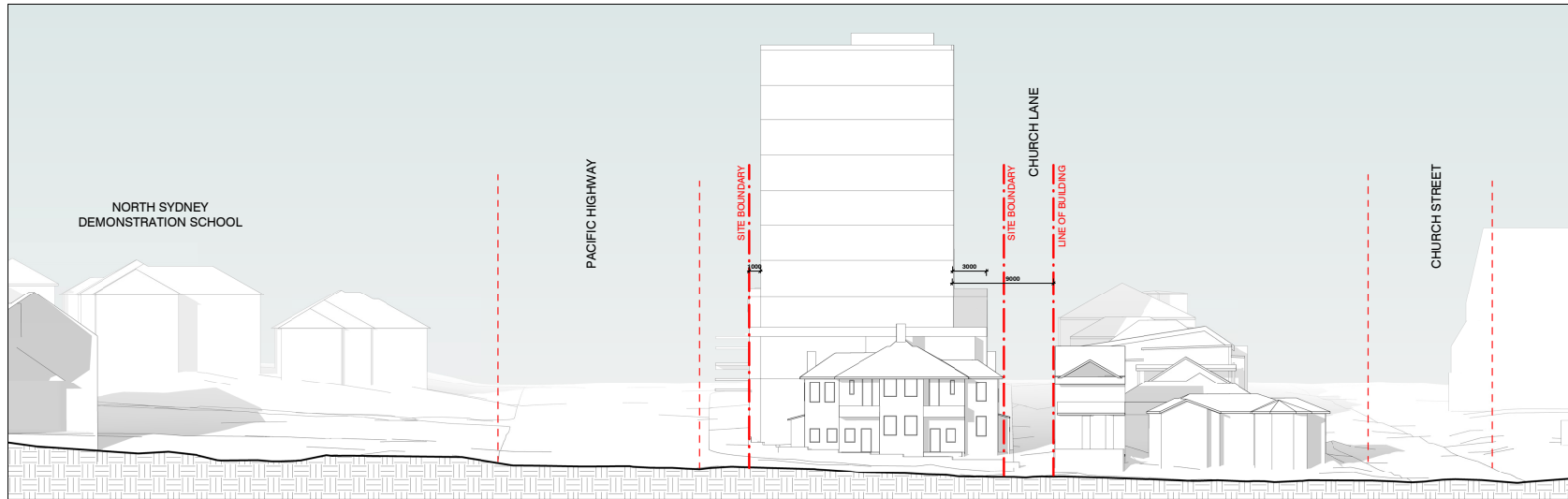
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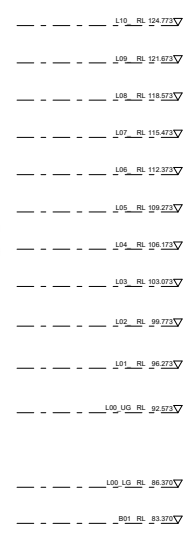
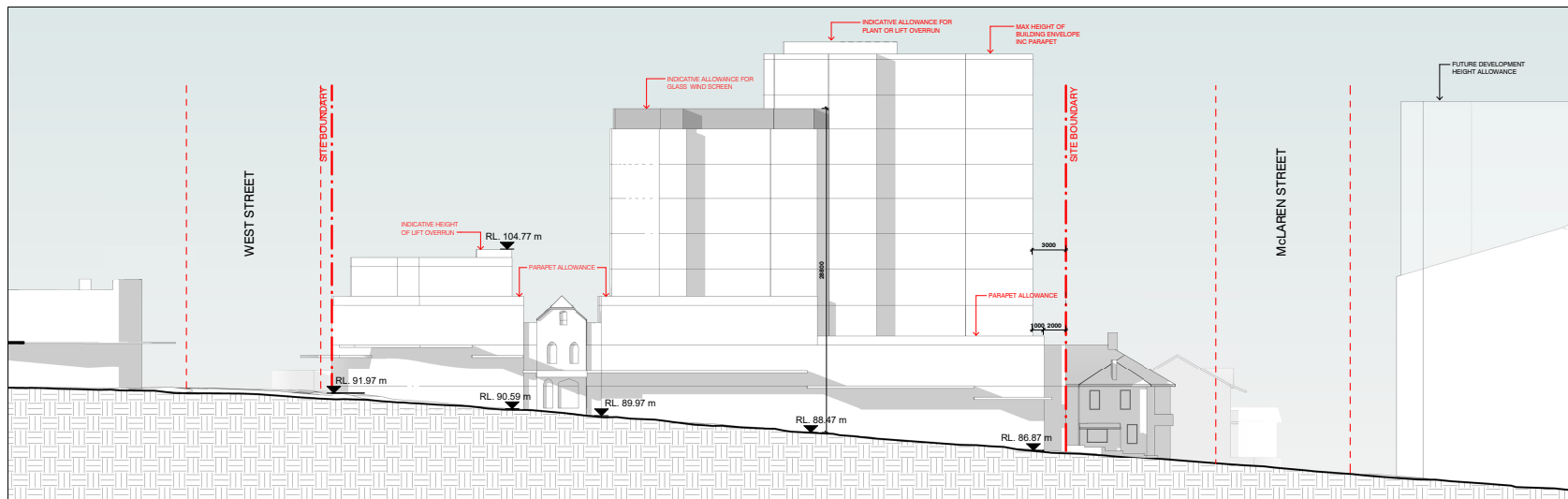


01

BUILDING ENVELOPE



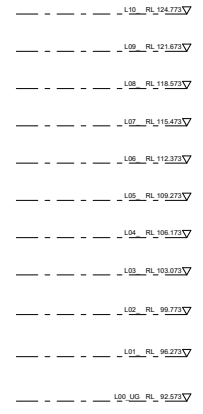
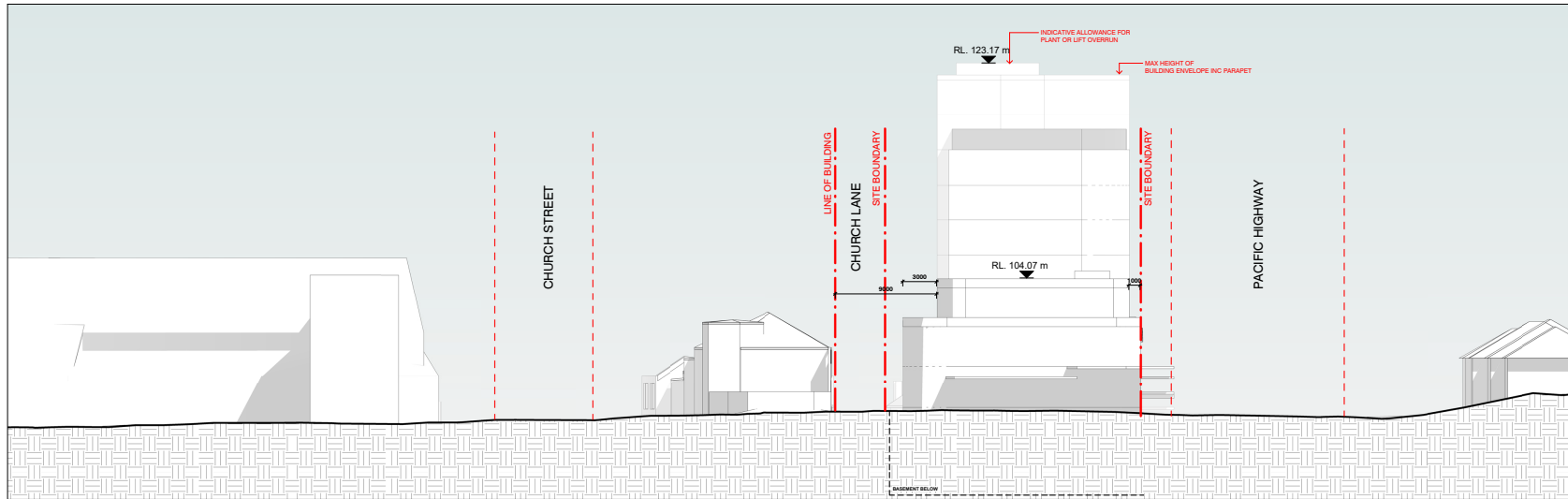
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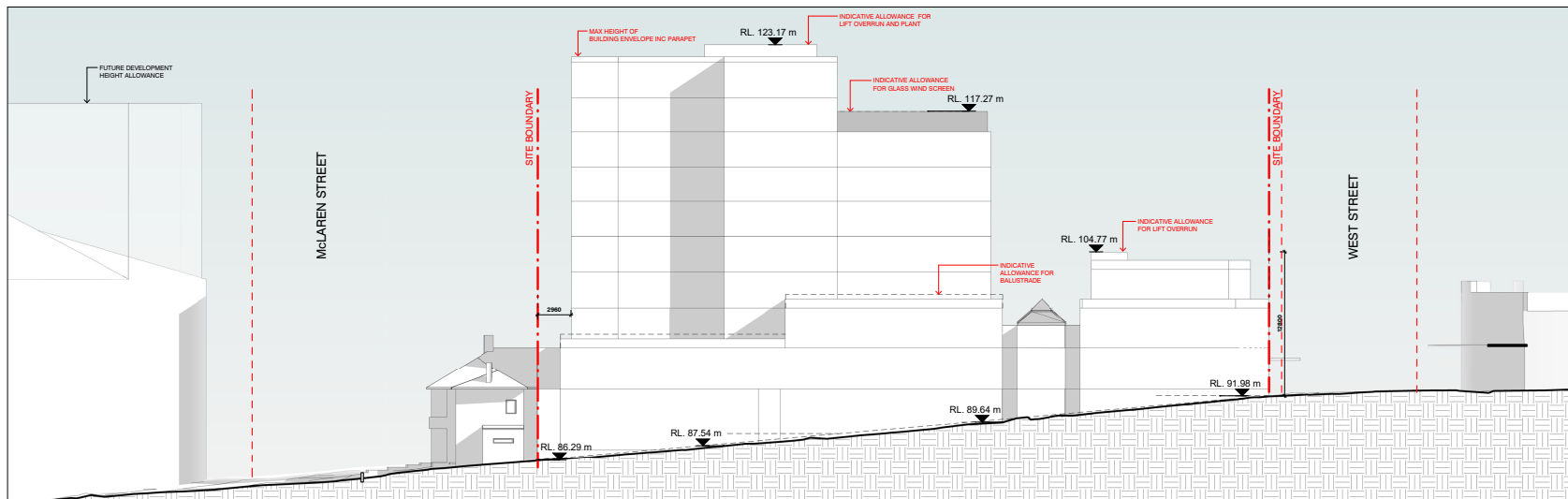
2 C1 - WEST ELEVATION (PACIFIC HIGHWAY) - ENVELOPE
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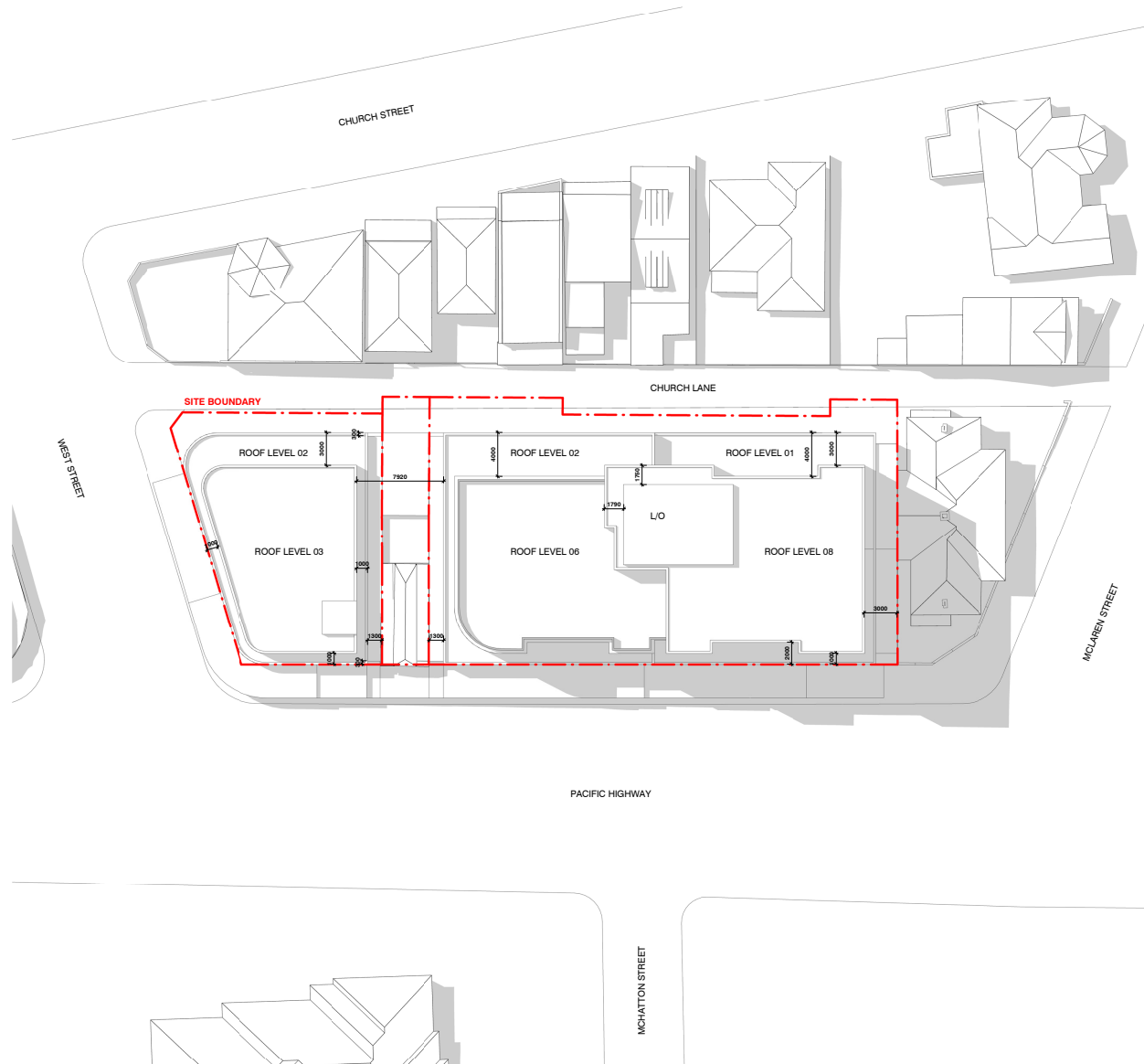
2 C1 - EAST ELEVATION (CHURCH LANE) - ENVELOPE
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NSW Notarised Affidavit
 I, Michelle Treisman, do hereby certify that I am a duly qualified and licensed Professional Engineer (PEng) under the Professional Engineers Act 2003 of the State of New South Wales.
 I am a duly qualified and licensed Professional Engineer (PEng) under the Professional Engineers Act 2003 of the State of New South Wales.
 I am a duly qualified and licensed Professional Engineer (PEng) under the Professional Engineers Act 2003 of the State of New South Wales.

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TOTAL SITE AREA
1468.7m²

SITE AREA WITH RESIDENTIAL BUILDING
993.9m²

ROAD DEDICATION AREA
95.5m²

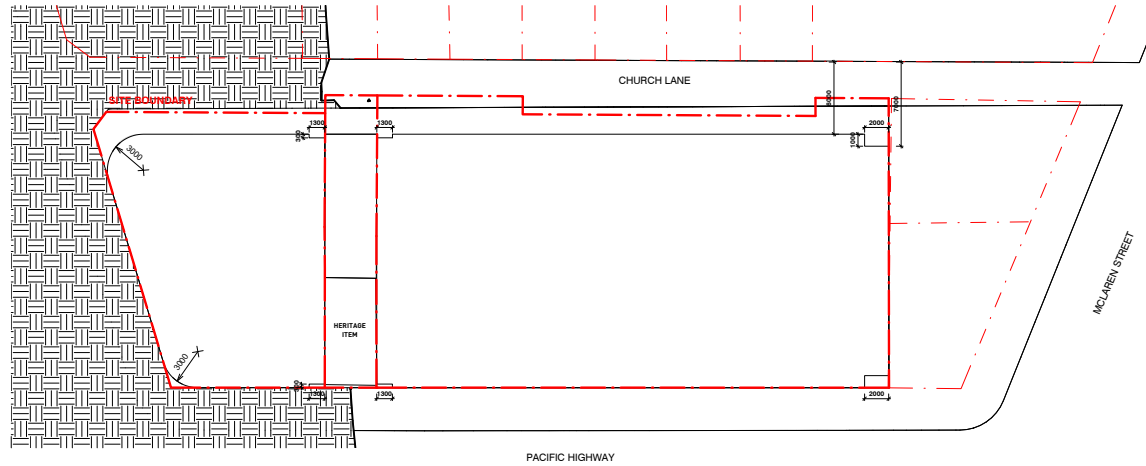
SITE AREA WITH RESIDENTIAL BUILDING (EXCLUDING ROAD DEDICATION)
898.4m²

REQUIRED COS AREA
224.6m² (25%)

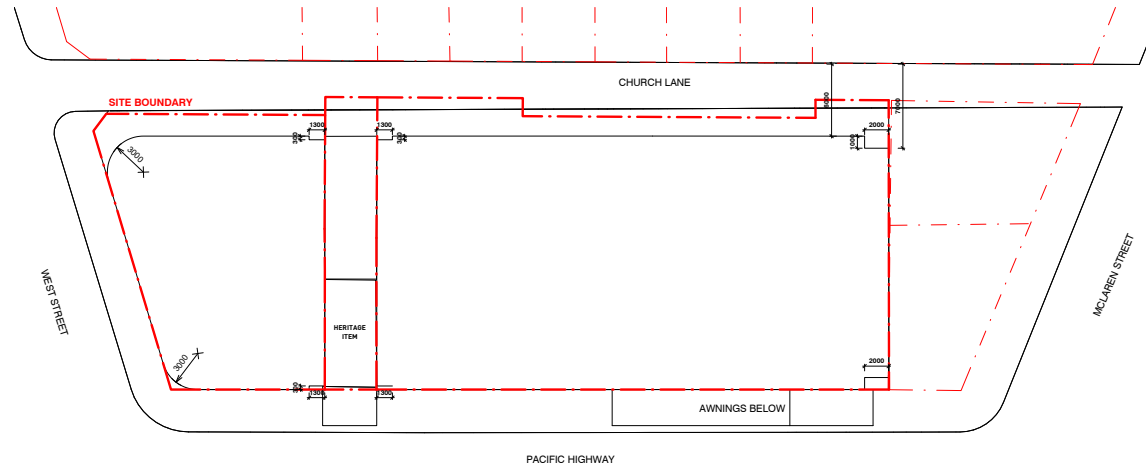
PROPOSED COS AREA (ENVELOPE)
229.17m² (25.5%)

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1 LOWER GROUND PLAN
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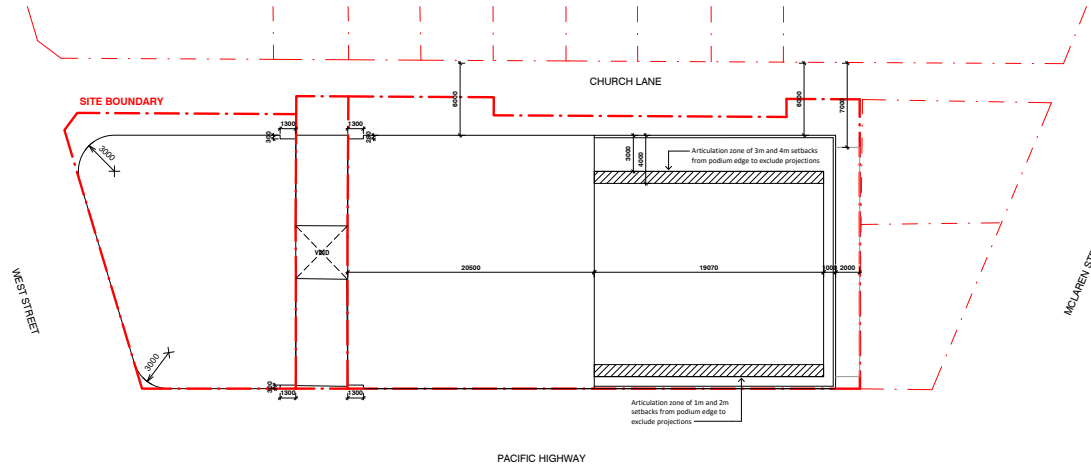


2 UPPER GROUND PLAN
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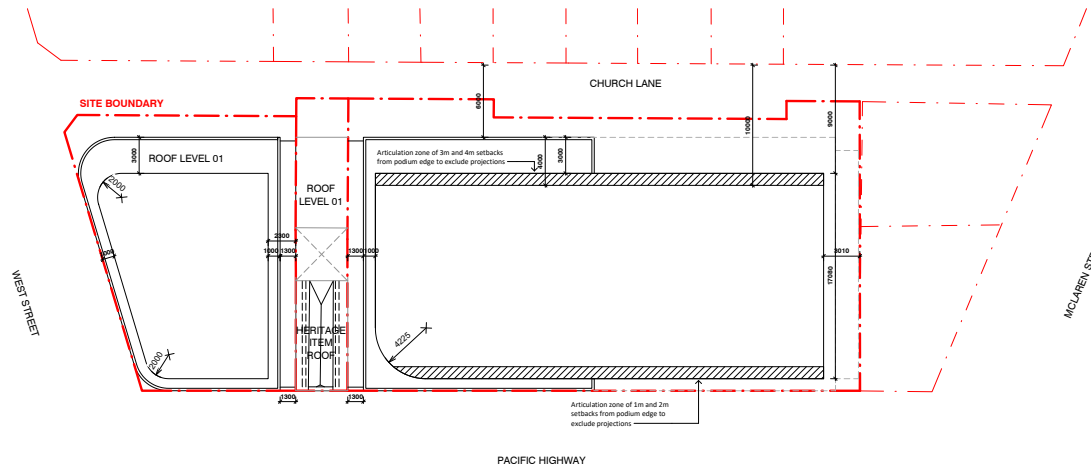
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1 LEVEL 01 PLAN
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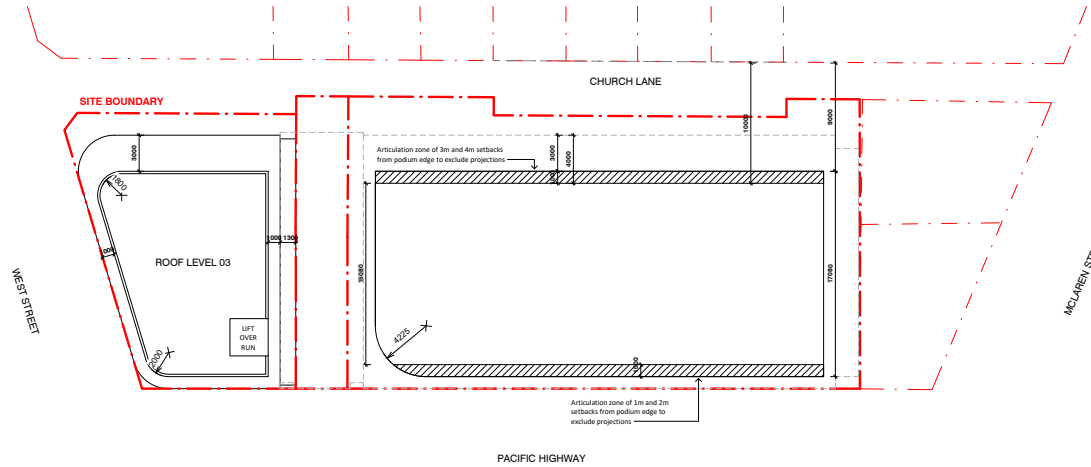


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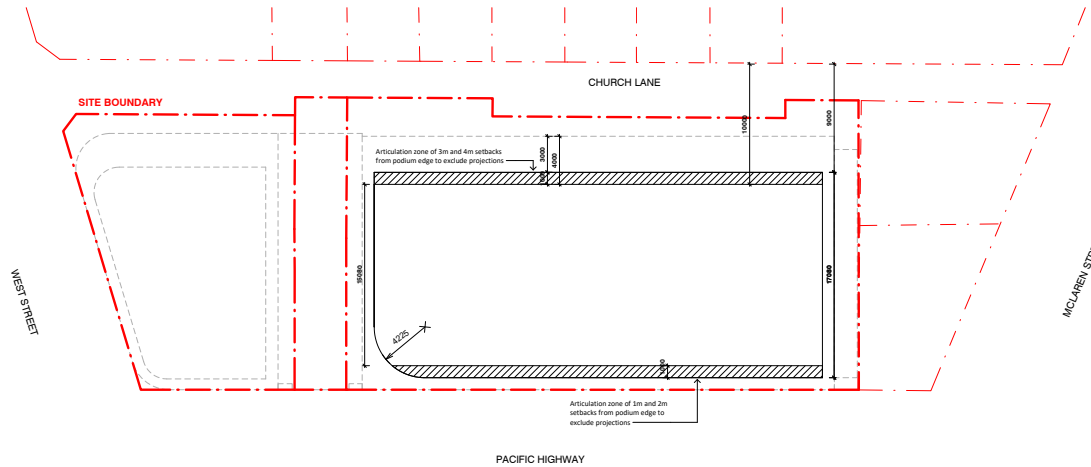
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1 LEVEL 03 PLAN
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2 TYPICAL FLOOR PLAN - LEVEL 04-06 PLAN
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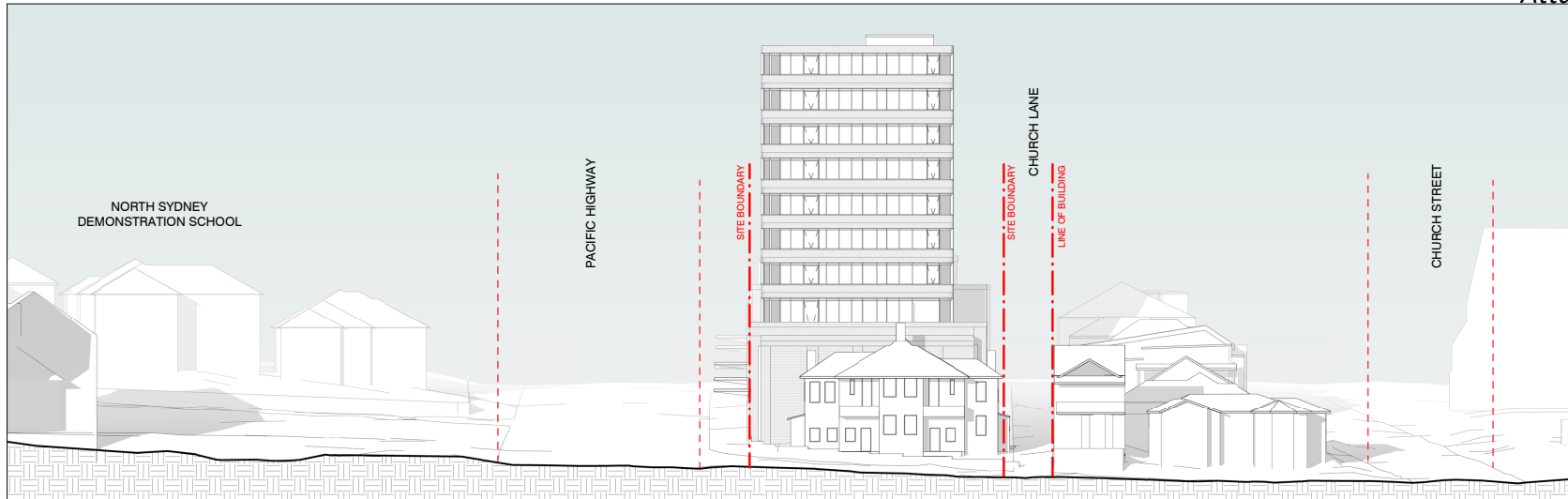
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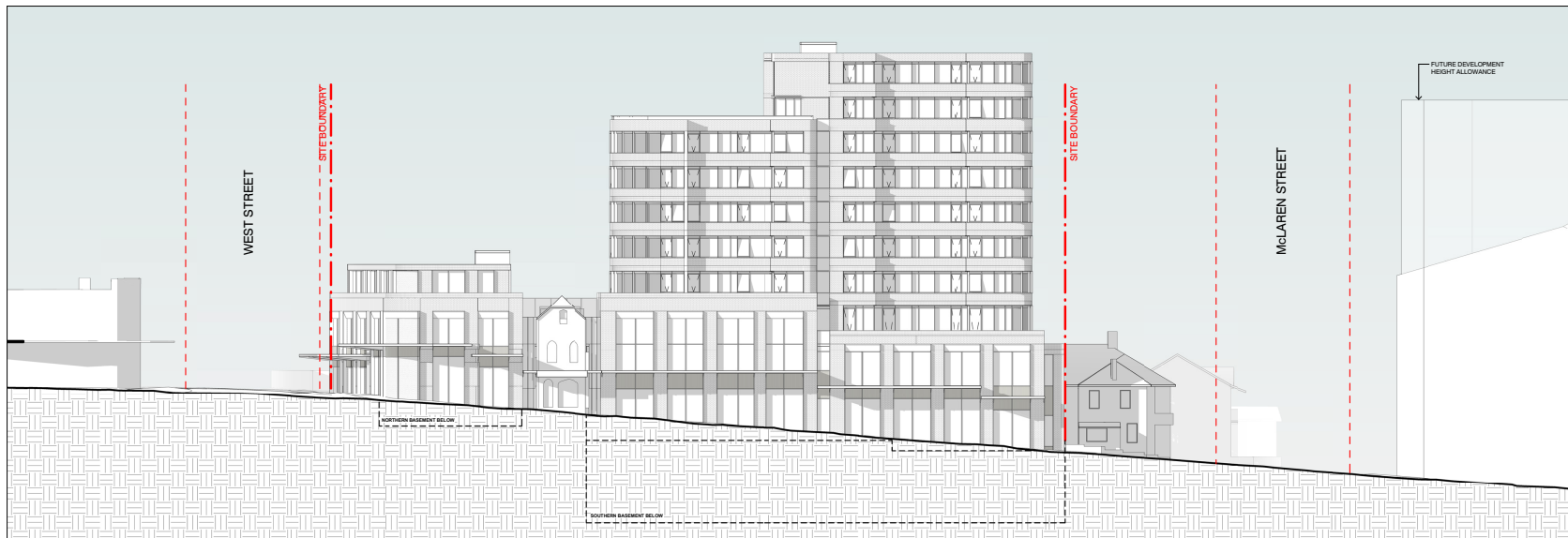
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REFERENCE DESIGN



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L08	RL	118.623
L07	RL	115.473
L06	RL	112.323
L05	RL	109.273
L04	RL	106.123
L03	RL	103.073
L02	RL	99.923
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L00	RL	93.623

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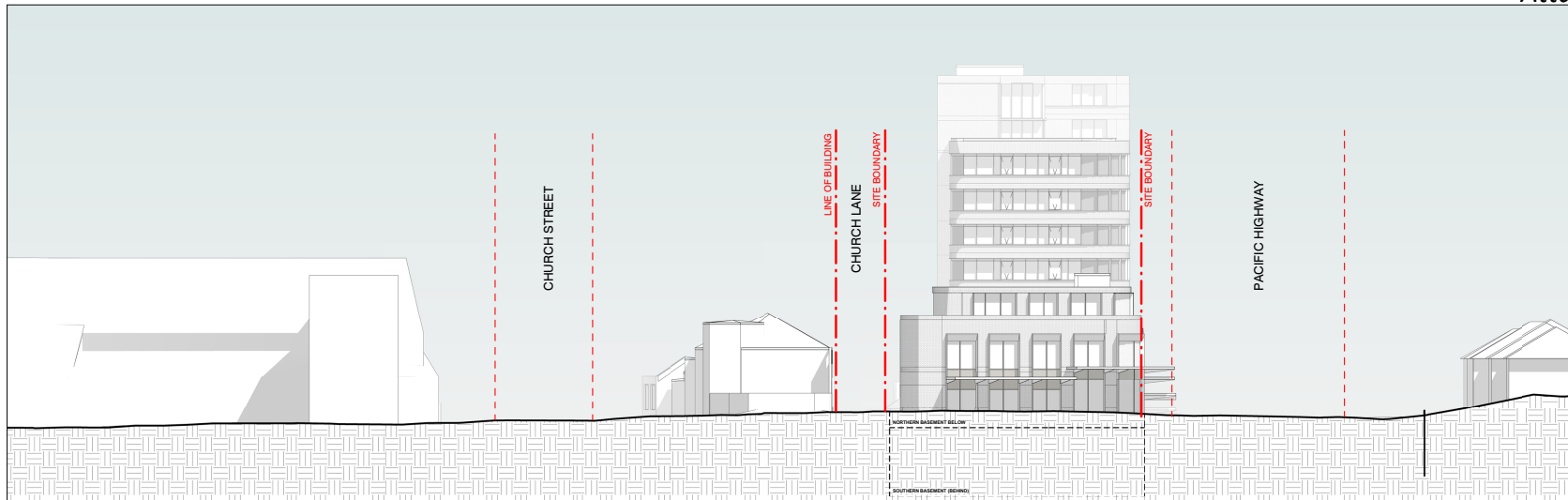


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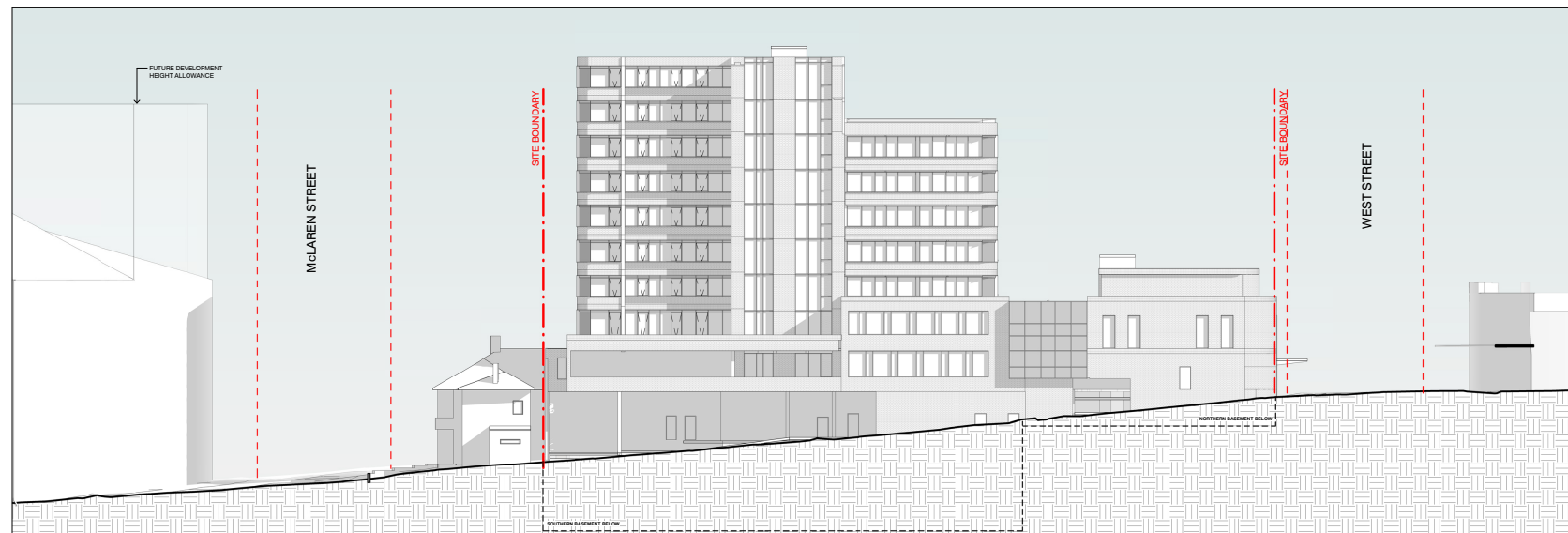
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- L09_RL_121.673▽
- L08_RL_118.573▽
- L07_RL_115.473▽
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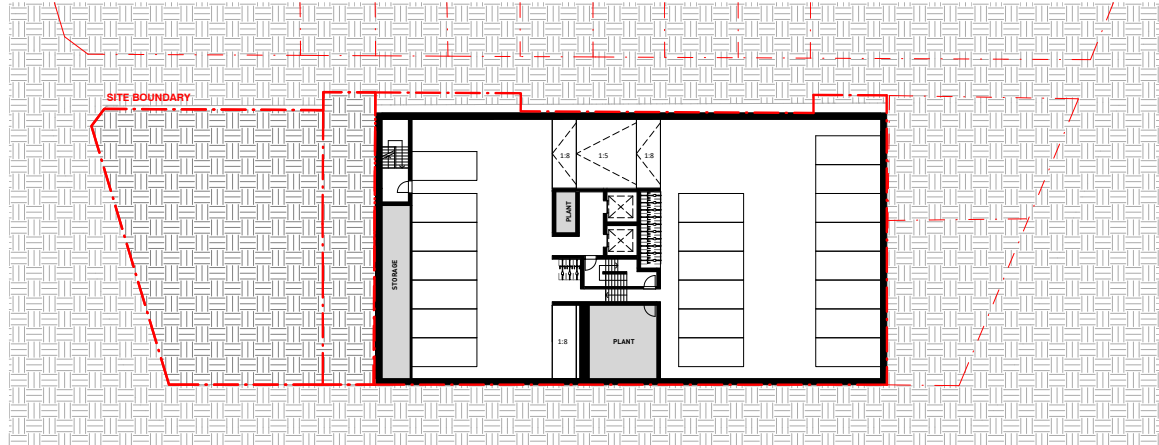
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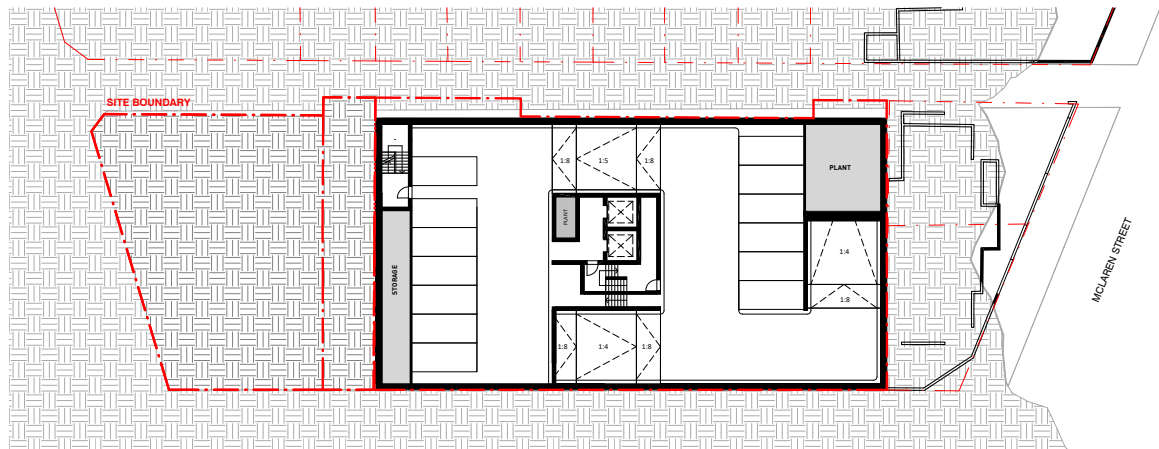
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Client: LegacyProperty_253-267Pacific_Hwy_Architectural_Plan_1000



BASEMENT 02 PLAN

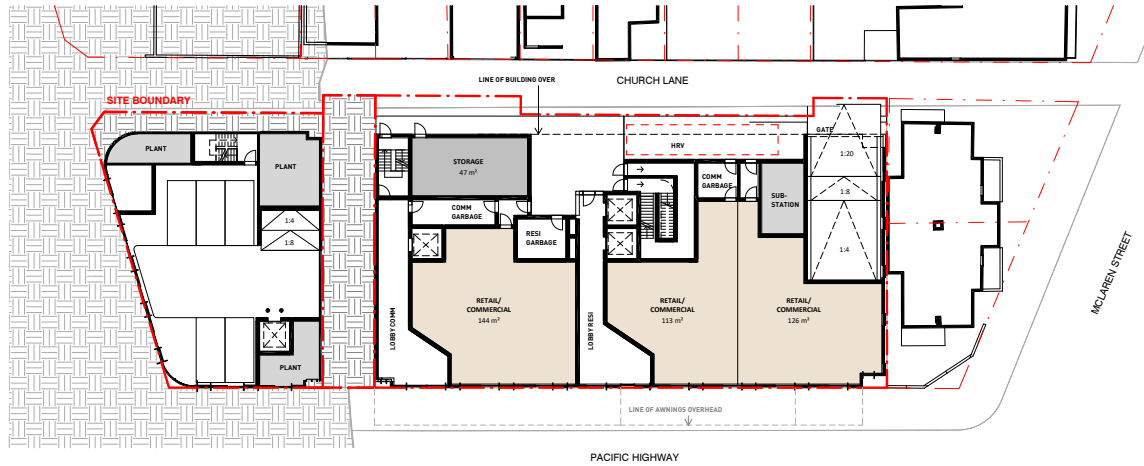


BASEMENT 01 PLAN

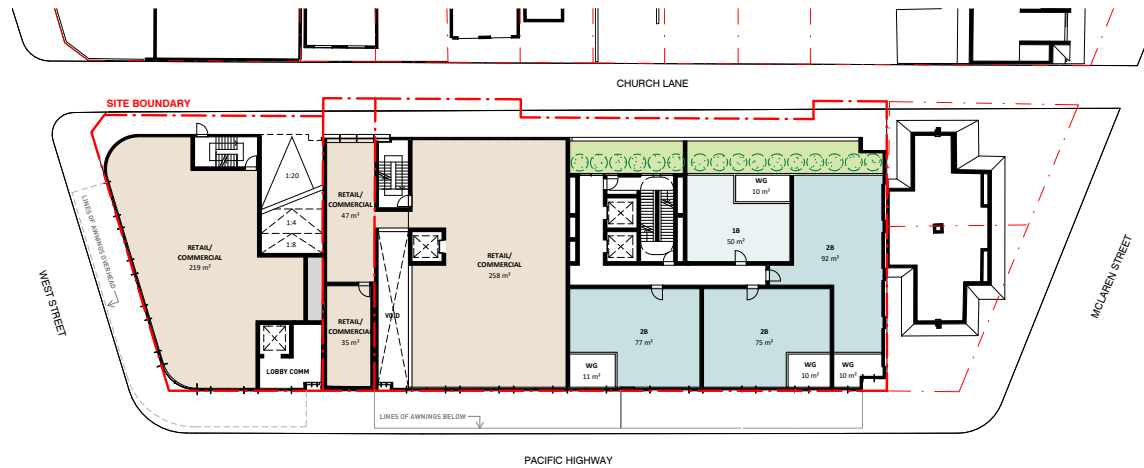
MCLAREN STREET

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LOWER GROUND PLAN

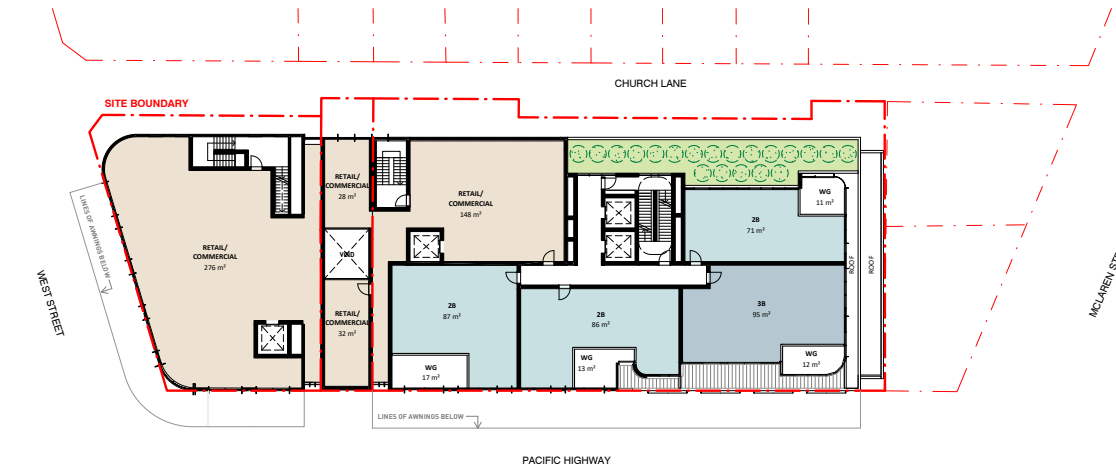


UPPER GROUND PLAN

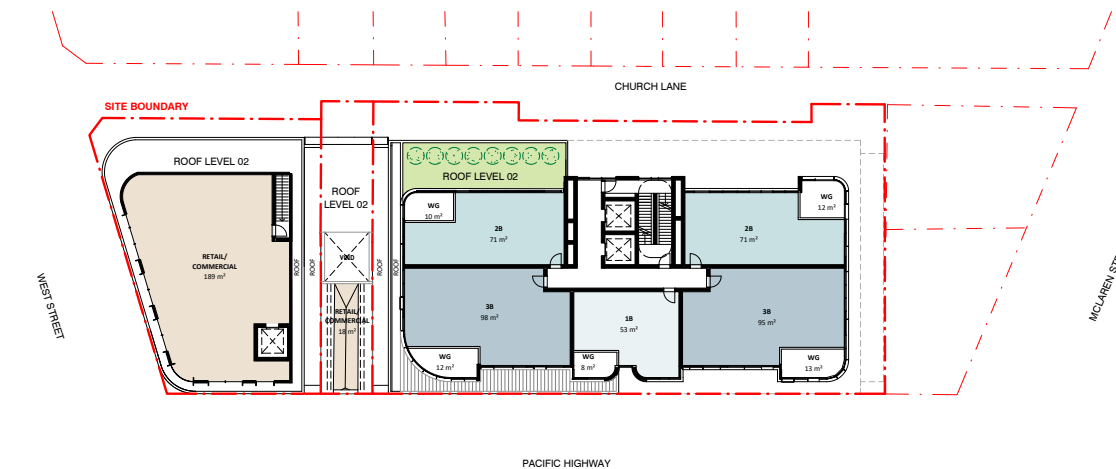
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LEVEL 01 PLAN

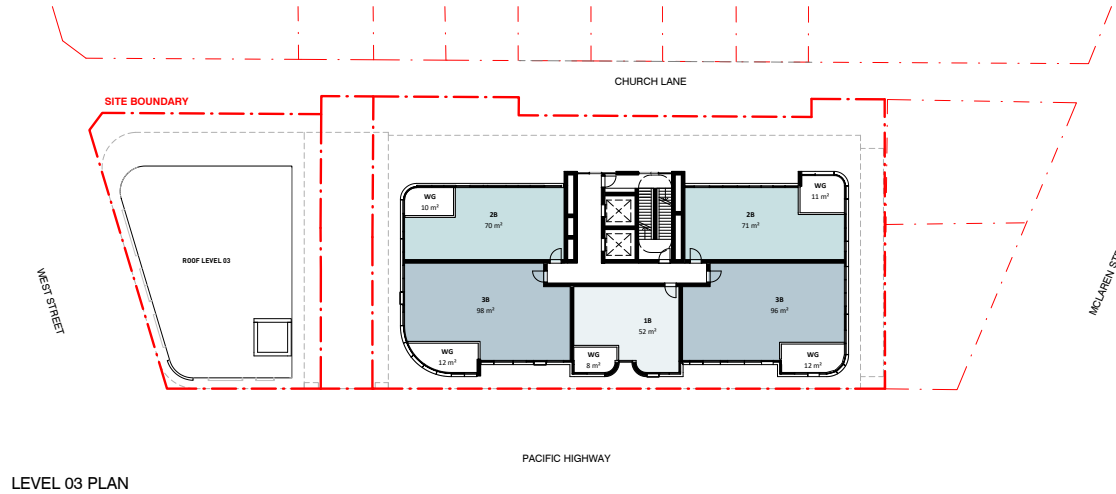


LEVEL 02 PLAN

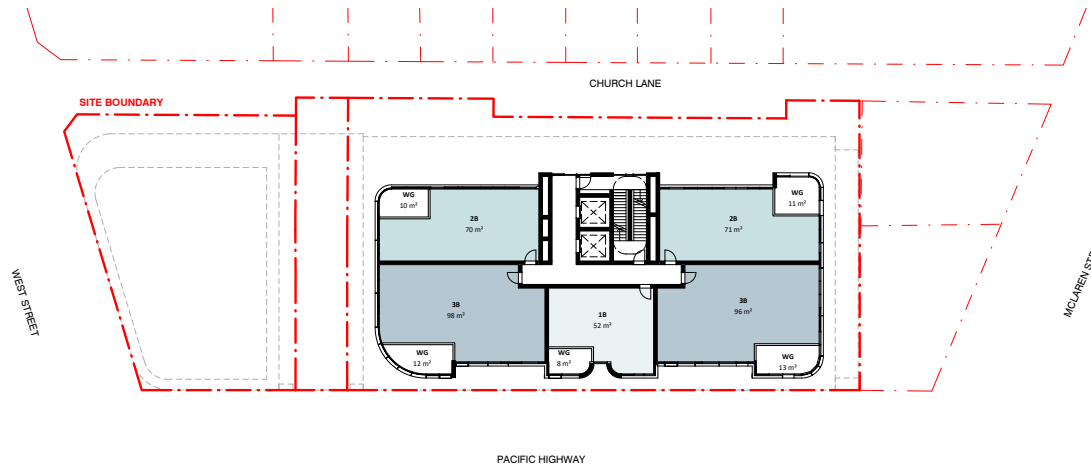
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LEVEL 03 PLAN

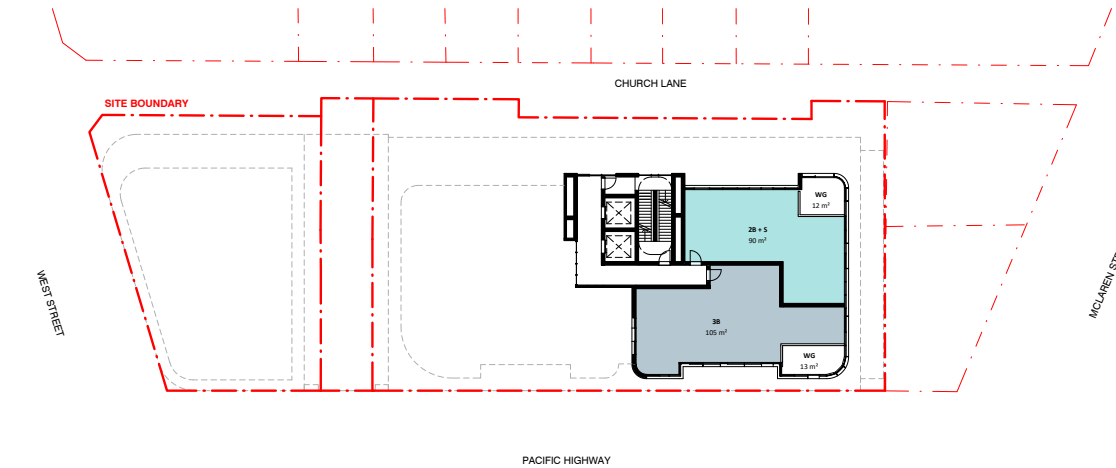
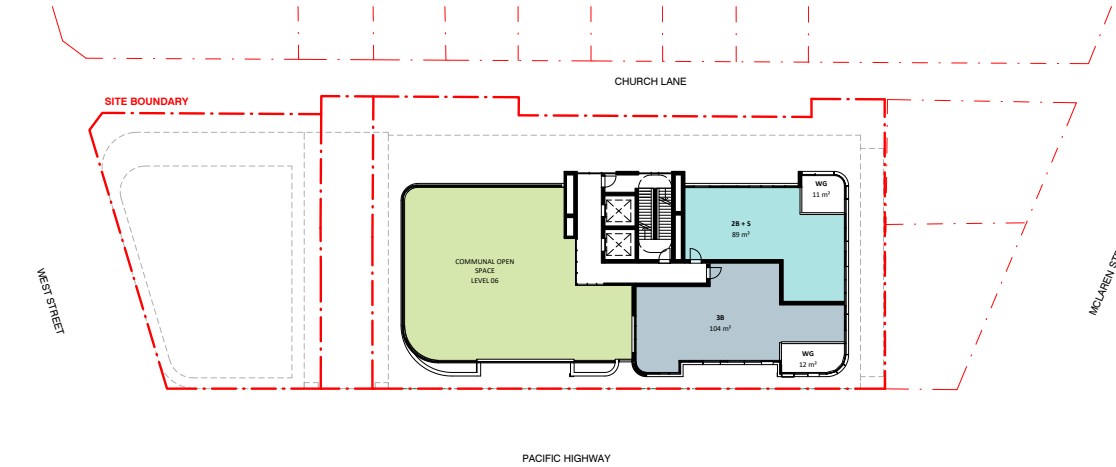


TYPICAL FLOOR PLAN - LEVEL 04-06 PLAN

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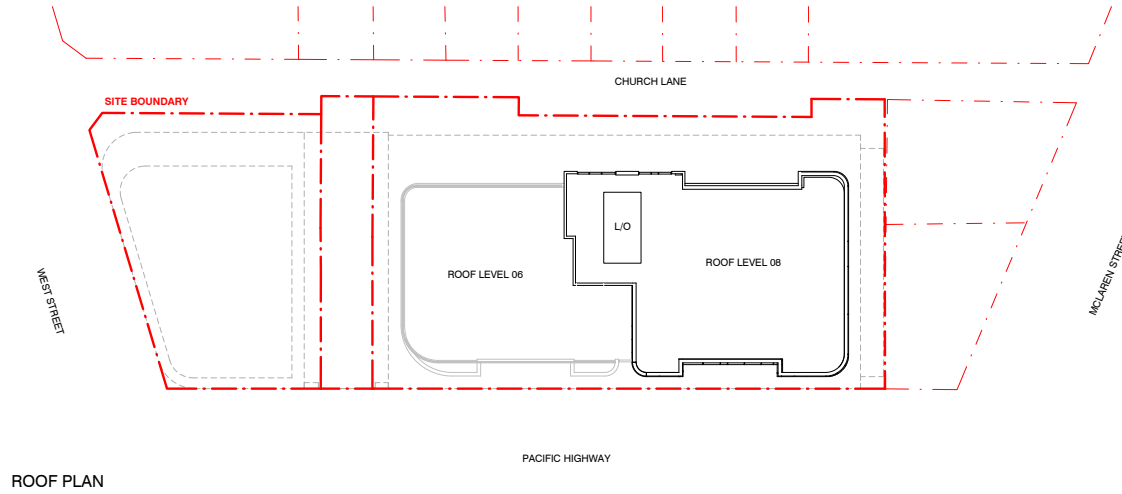
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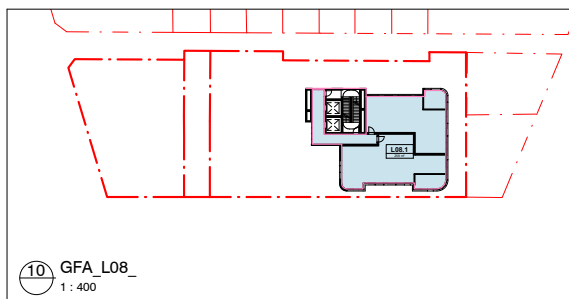
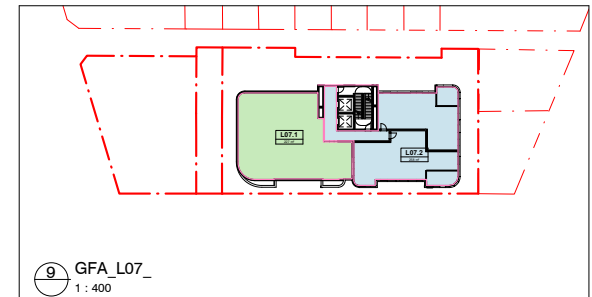
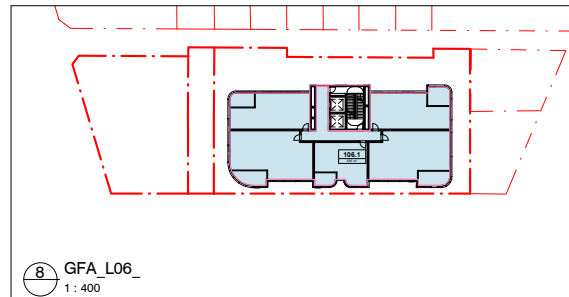
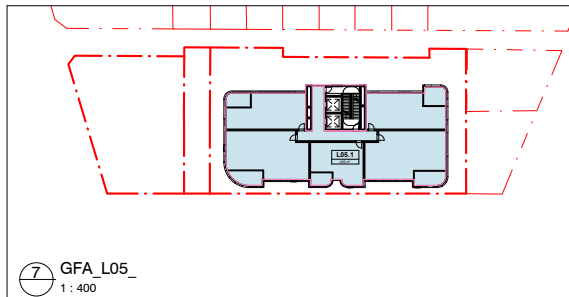
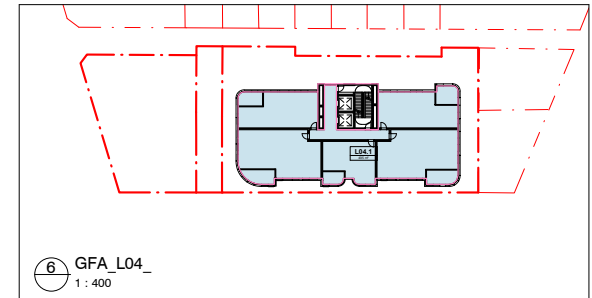
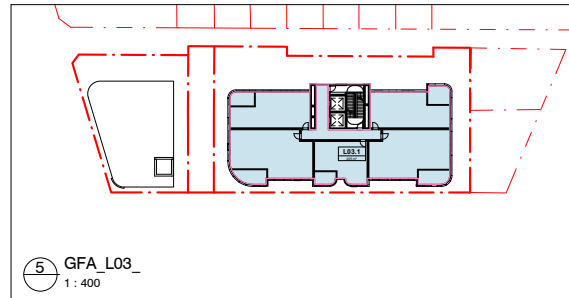
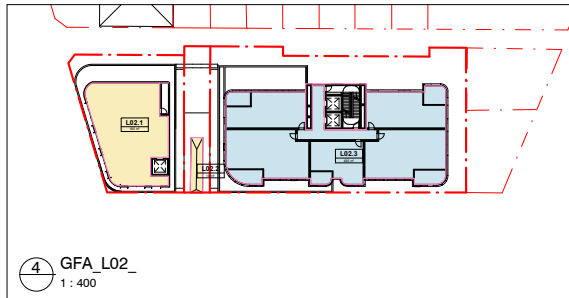
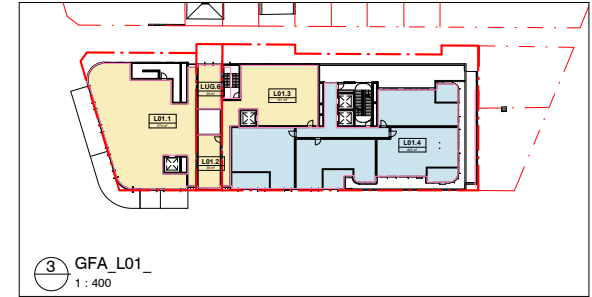
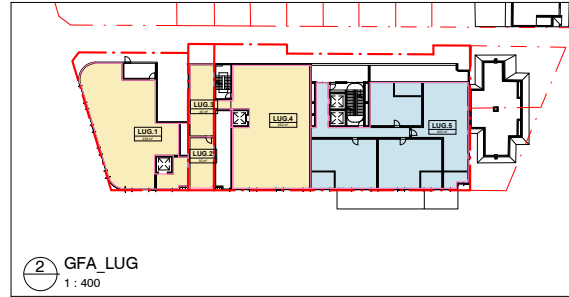
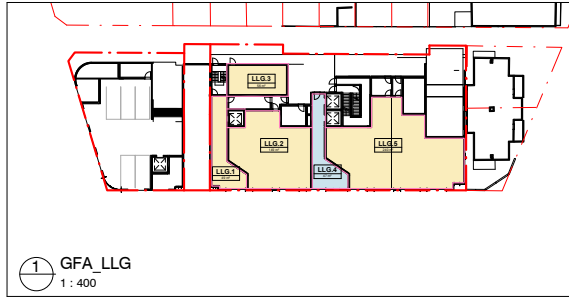
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AREA_GFA (Commercial Total)			AREA_GFA (Residential)		
Level	Area Type	Area	Level	Area Type	Area
L00_L01	RETAIL_COMM	494 m ²	L00_L01	RESIDENTIAL	47 m ²
L00_L02	RETAIL_COMM	884 m ²	L00_L02	RESIDENTIAL	400 m ²
L01	RETAIL_COMM	428 m ²	L01	RESIDENTIAL	475 m ²
L02	RETAIL_COMM	504 m ²	L02	RESIDENTIAL	495 m ²
Grand Total		1775 m ²	L03	RESIDENTIAL	495 m ²
AREA_GFA 265-261 Pacific Hwy (Commercial)			L04	RESIDENTIAL	495 m ²
Level	Area Type	Area	L05	RESIDENTIAL	495 m ²
L00_L01	RETAIL_COMM	494 m ²	L06	RESIDENTIAL	495 m ²
L00_L02	RETAIL_COMM	884 m ²	L07	RESIDENTIAL	558 m ²
L01	RETAIL_COMM	428 m ²	L08	RESIDENTIAL	558 m ²
Grand Total		1775 m ²	Grand Total		3683 m ²
AREA_GFA 265-267 Pacific Hwy (Commercial)					
Level	Area Type	Area			
L00_L01	RETAIL_COMM	150 m ²			
L01	RETAIL_COMM	140 m ²			
L02	RETAIL_COMM	206 m ²			
Grand Total		496 m ²			

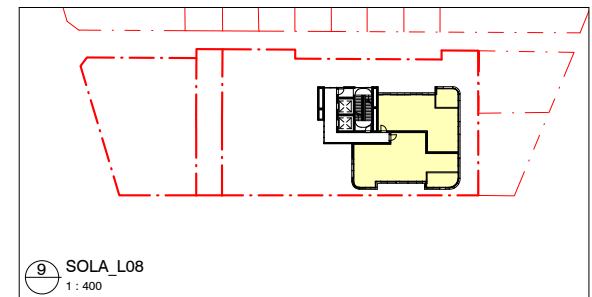
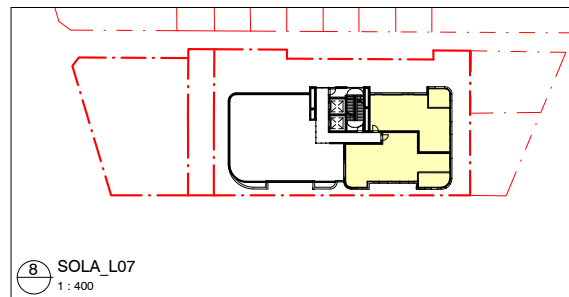
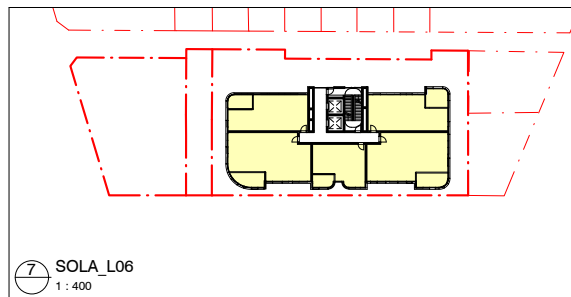
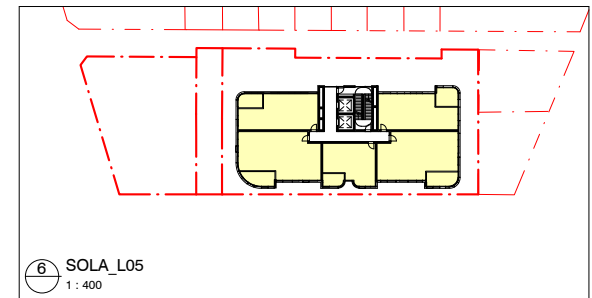
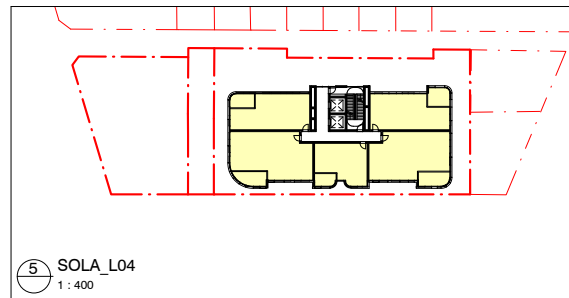
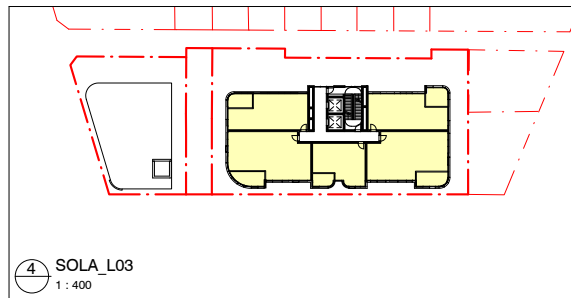
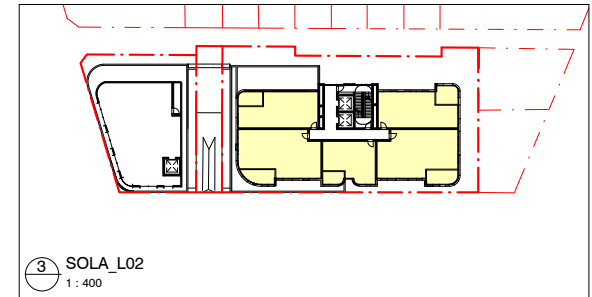
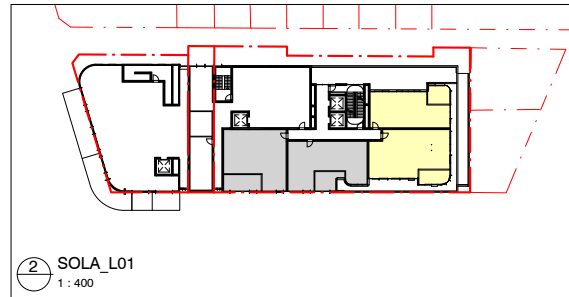
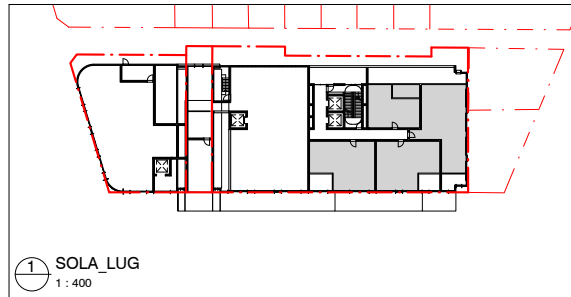
SITE AREA (NOT INCLUDING ROAD DEDICATION)
898.4m²
REQUIRED COS AREA
224.6m² [25%]
PROPOSED COS AREA
227m² [25.2%]

- Retail + Commercial
- Residential
- Communal Open Space

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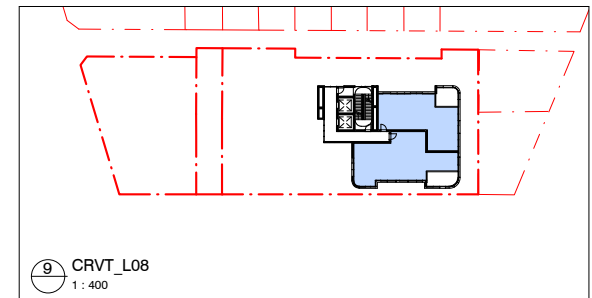
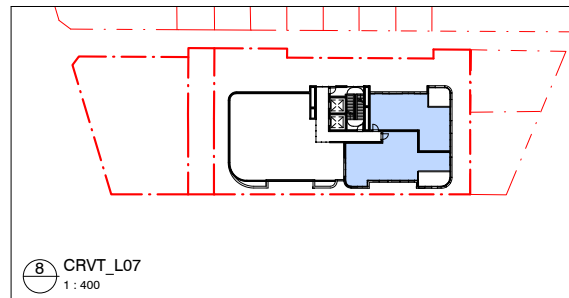
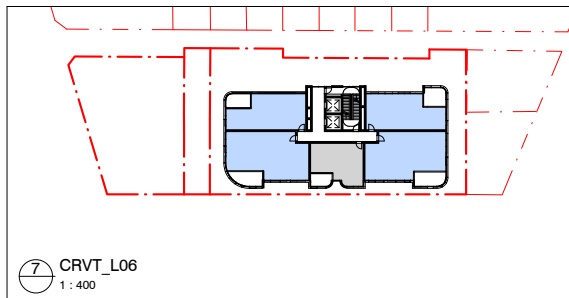
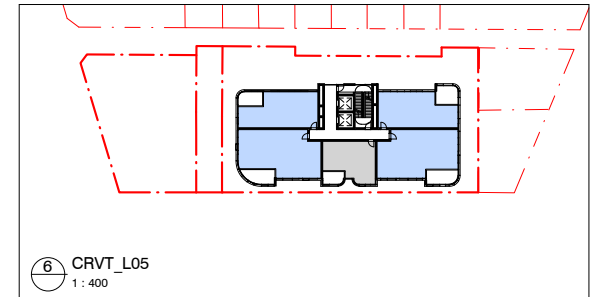
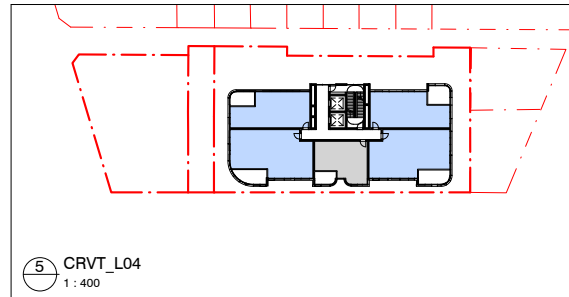
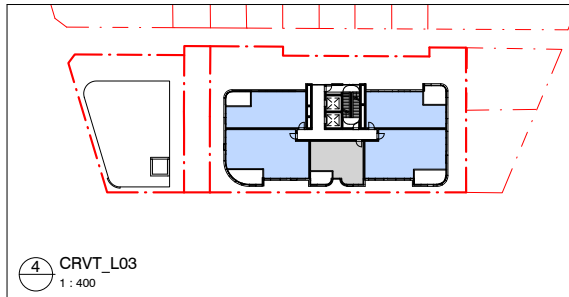
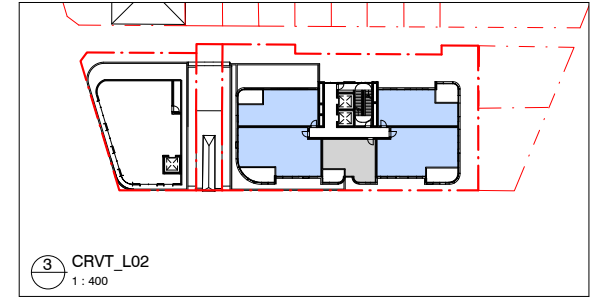
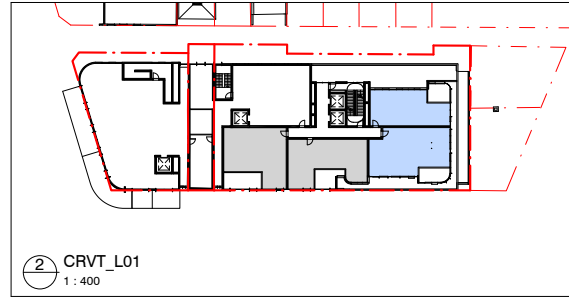
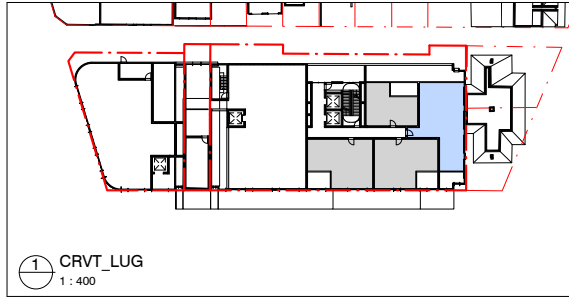
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SOLAR ACCESS COMPLIANCE			
SOLAR ACCESS	NUMBER OF APARTMENTS	PERCENTAGE	ADG MINIMUM PERCENTAGE
≥2h	31	84%	70%
<2h	6	16%	30%
0h	0	0	15%

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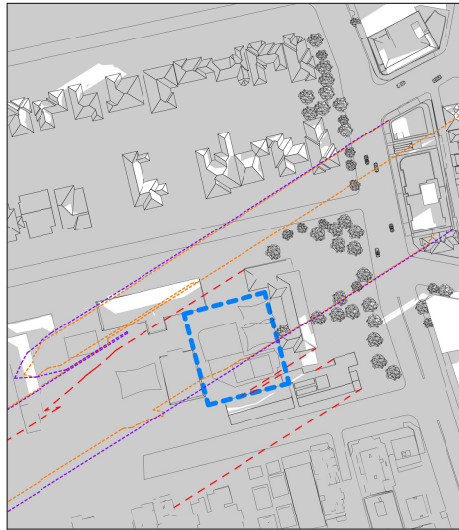


NATURAL CROSS VENTILATION COMPLIANCE (GROUND FLOOR TO LEVEL 8)

CROSS VENTILATION	Count	PERCENTAGE	ADD MINIMUM PERCENTAGE
N	10	27%	40%
Y	27	73%	60%

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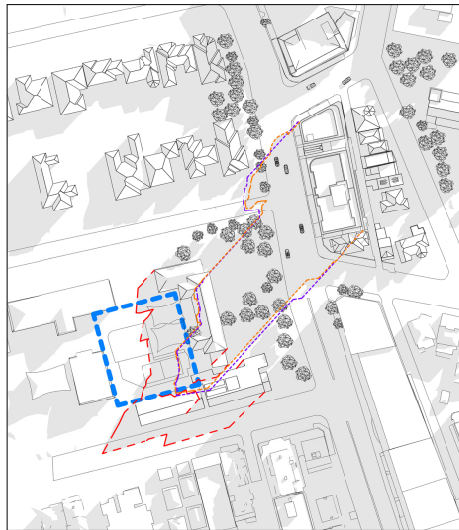
7.30am 21st of June



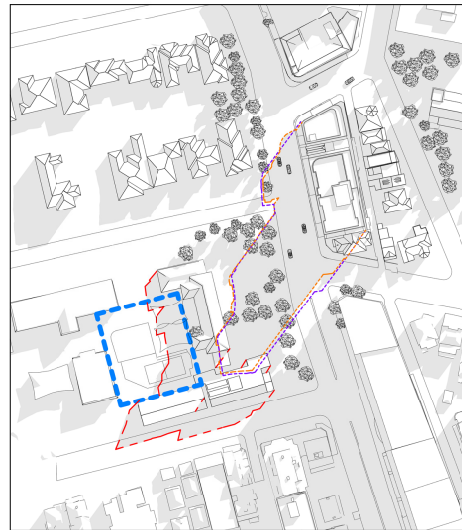
8.00am 21st of June



8.30am 21st of June



9am 21st of June



9:30am 21st of June



10am 21st of June

LEGEND

--- SHADOW CAST BY EXISTING SCHOOL BUILDING

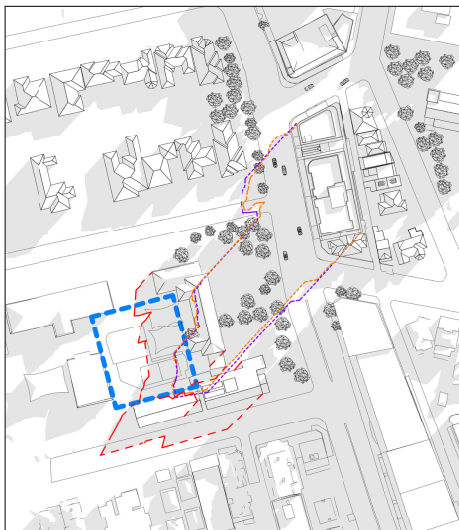
--- SCHOOL PLAYGROUND OUTLINE

--- SHADOW CAST BY ENVELOPE IN COUNCIL STUDY

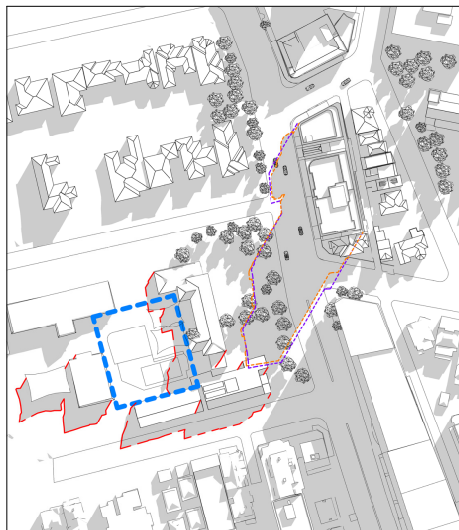
--- SHADOW CAST BY THE CURRENT FORM

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9am 21st of June



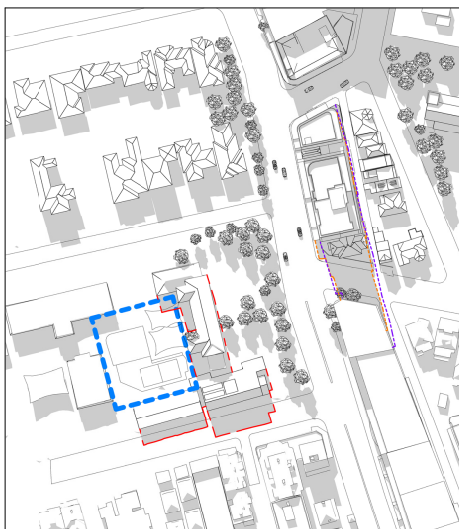
10am 21st of June



11am 21st of June



12pm 21st of June



1pm 21st of June



2pm 21st of June



3pm 21st of June

LEGEND

--- SHADOW CAST BY EXISTING SCHOOL BUILDING

--- SCHOOL PLAYGROUND OUTLINE

--- SHADOW CAST BY ENVELOPE IN COUNCIL STUDY

--- SHADOW CAST BY THE CURRENT FORM

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14/12/2021 2:24:36 PM

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Page 191 of 206

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Pacific Highway Precinct: Existing



Pacific Highway Precinct: Proposed

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N O R T H S Y D N E Y C O U N C I L

NORTH SYDNEY LOCAL PLANNING PANEL

PLANNING PROPOSAL

DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY, ON WEDNESDAY 23 FEBRUARY 2022, AT 12.00PM.

PRESENT

Chair:

Helen Lochhead in the Chair.

Panel Members:

Jan Murrell, Panel Member
John McInerney, Panel Member
Jane van Hagen, Community Representative

Staff:

Administrative Support

Marcelo Occhiuzzi, Manager Strategic Planning
Ben Boyd, Executive Strategic Planner
Neal McCarry, Team Leader Policy
Peita Rose, Governance Officer (Minutes)

In accordance with the Covid 19 Public Health Order this meeting was conducted by remote (Zoom) means.

1. Minutes of Previous Meeting

The Minutes of the NSLPP Meeting of Wednesday, 29 September 2021 were confirmed following that meeting.

2. Declarations of Interest

Jane Van Hagen declared a potential conflict of interest on Item 1 and absented herself from the consideration and deliberation of this matter.

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3. Business Items

The North Sydney Local Planning Panel is a NSW Government mandated Local Planning Panel exercising the functions of North Sydney Council, as the Consent Authority, under Section 4.8(2) of the Environmental Planning and Assessment Act, 1979 as amended, and acts pursuant to a Direction of the Minister for Planning issued under Section 9.1 of the Act, dated 23 February 2018.

The Panel has considered the following Business Items and resolves to determine each matter as described within these minutes.

ITEM 1

PP No:	2/21
ADDRESS:	253-267 Pacific Highway, North Sydney
PROPOSAL:	Local Environmental Plan 2013 as follows: <ul style="list-style-type: none"> • Amended building height controls across the site with maximum heights of 15m, 29m and 37m; • Provide a maximum FSR of 4.83:1 to Nos 253-261 Pacific Highway and a maximum FSR of 1.83:1 to Nos 265-267 Pacific Highway; and • Provide a minimum non-residential FSR control of 1:1.
REPORT BY NAME:	Annelize Kaalsen (AK Planning)
APPLICANT:	Tim Turpin Legacy Property

Public Submissions

2 Written Submissions were received prior to the public meeting

Submitter	Applicant/Representative
Vincent & Wendy Lam - Resident	Tim Turpin - Legacy Property - Applicant
Wu Qiong - Resident	Adam Peacock - Legacy Property – Applicant
Wen & Yao Xiao - Resident	Siobhan McInerney - PTW Architects
Tim and Georgina Harricks (observing only)	Samantha Polkinghorne - NBR Architecture
	Chris Croucamp - Urbis
	Stephen White - Urbis

The key issues raised in the public submissions included light and solar access, privacy and overlooking, height and bulk, impacts on heritage precinct and vehicular access. Concerns around construction impacts were also raised, however the Panel Chair noted that these impacts will be considered as part of the development application assessment process.

Panel Recommendation:

The Panel members have undertaken independent site inspections prior to the meeting and the Panel has considered all written and oral submissions made on the Planning Proposal in making its recommendation to Council.

Council's Consultant Report is endorsed by the Panel.

The Panel recommends support of:

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

It is also recommended that:

1. the maximum height be 37m to accommodate the sloping topography, lift overrun and a floor-to-floor height of 4.4m for the ground floor, (noting that the maximum number of storeys is to remain the same);
2. the setback of the tower on the Pacific Highway elevation be modified to provide a minimum tower setback above the podium of 1m, with at least 30% of the envelope setback to 3m, to provide façade articulation and wind mitigation. The setbacks to all other frontages are to remain as per the draft DCP.

The Panel noted that subject to an assessment of the impacts for any development application the maximum FSR for the site may not be able to be achieved.

The Panel encourages the applicant to respond to the recommendation for an updated Travel Plan, while waiting for a Gateway Determination, to enable the additional information to be placed on exhibition with the formal Planning Proposal.

Panel Reasons:

The Planning Proposal is supported as it:

- generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- generally complies with the Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals (August 2016);
- on balance, does not contradict the ability to achieve the objectives and actions of high-level planning strategies;
- the proposed height is consistent with that anticipated under the Civic Precinct Planning Study (CPPS);
- the location / placement of the towers is generally consistent with that anticipated under the CPPS;

- will provide higher density development near the new Victoria Cross Metro Station consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcome for this precinct;
- the future building form will have an acceptable overshadowing impact on North Sydney Demonstration School;
- includes a stepped podium resulting in human-scale spaces along Pacific Highway and an appropriate interface and scale with the contributory building at No. 6-8 McLaren Street;
- the proposal will have an acceptable impact in relation to heritage and conservation in relation to the curtilage and relationship to the existing heritage item on the site at No. 265 Pacific Highway and its height relationship with the adjoining conservation area.

The amended Planning Proposal and Reference Design Scheme is considered to be consistent with the LSPS position of only supporting amendments to the NSLEP which are supported by an endorsed precinct wide based planning study.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Jane van Hagen		Absent
Jan Murrell	Y				
John McInerney	Y				

ITEM 2

PP No:	6/20
ADDRESS:	45 McLaren Street, North Sydney
PROPOSAL:	<p>To amend North Sydney Local Environmental Plan 2013 as follows:</p> <ul style="list-style-type: none"> • Rezone the site from R4 High Density Residential to B4 Mixed Use; • Increase the maximum height of building limit from 12m to part RL 103 (36-43m) and Part RL 115 (approximately 47-51m); • Impose a maximum floor space ratio of 6.25:1; • Introduce a non-residential floor space ratio of 1:1; • Amend Clause 4.4A – Non-Residential floorspace ratios to permit residential development at ground level facing Walker Street; and • Amend Clause 6.12A – Residential flat buildings in Zone B4 Mixed Use to permit residential development at ground level facing Walker Street.

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	To ensure that the envisaged built form outcome is achieved, the Planning Proposal is accompanied by suite of suggested site-specific development controls to be incorporated within North Sydney Development Control Plan (NSDCP) 2013 and offer to enter a Voluntary Planning Agreement to deliver a number of public benefits.
REPORT BY NAME:	Ben Boyd, Executive Strategic Planner
APPLICANT:	45 McLaren Pty Limited

Public Submissions

3 Written Submissions were received prior to the public meeting.

Submitter	Applicant/Representative
Susan Fryda-Blackwell - Resident	Michael Grassi - Director, Podia -Developer and applicant
	Stephen White - Director, Urbis
	Sophie Purton Town Planner, Urbis
	Matthew Davis - Architect, Bates Smart

The key issues raised in the public submissions included light and solar access, privacy and overlooking, height and bulk, vehicular access, retention of trees and consideration of cumulative impacts of all recent development.

Panel Recommendation:

The Panel members have undertaken independent site inspections prior to the meeting and the Panel has considered all written and oral submissions made on the Planning Proposal in making its recommendation to Council.

The Council Officer's Report is endorsed.

The Panel recommends support of:

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

It is also recommended that:

1. the visual assessment report be amended to provide increased illustrative analysis of the view impacts from residential properties located to the west and fronting McLaren and Miller Streets, before being placed on public exhibition;
2. consideration be given to the provision of affordable housing given the development uplift; and

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3. all vehicular access and servicing be provided from Walker Street and included in the DCP to be exhibited.

Panel Reasons:

The Planning Proposal is supported as it:

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

The Panel noted that the planning proposal has minimised the overshadowing and solar impacts of a future development of the site, by containing it within the overshadowing from the already approved development at 168 Walker Street, North Sydney in line with the proposed amendments to the site specific DCP.

Voting was as follows:

Panel Member	Yes	No	Community Representative	Yes	No
Helen Lochhead	Y		Jane van Hagen	Y	
Jan Murrell	Y				
John McInerney	Y				

The public meeting concluded at 1.02 pm.

The Panel Determination session commenced at 1.10 pm.

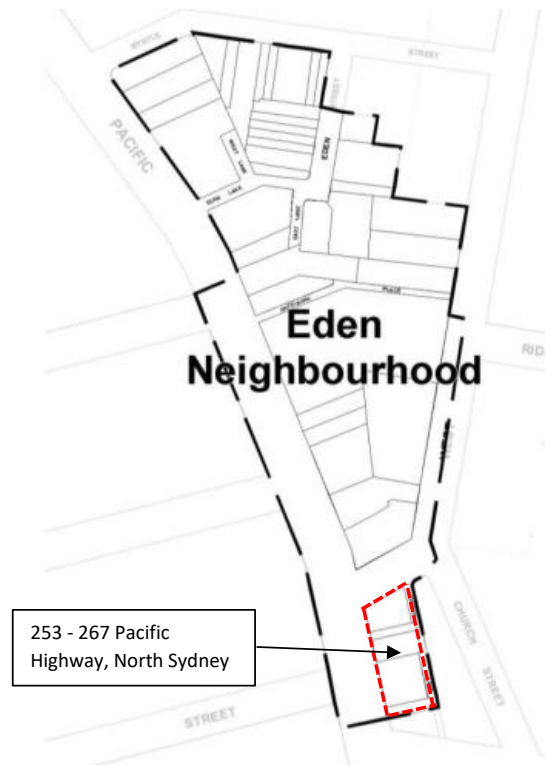
The Panel Determination session concluded at 2.20 pm.

Endorsed by Helen Lochhead
North Sydney Local Planning Panel
23 February 2022

North Sydney Development Control Plan 2013

Area Character Statements - North Sydney Planning Area

2.3 Eden Neighbourhood



2.3.4 253 - 267 Pacific Highway, North Sydney Precinct Controls

Solar access

P1 Any proposal must not reduce the level of solar access currently available to the primary play area of the educational use opposite the site during school hours (9:00 – 3:00pm). Any additional overshadowing outside school hours should not exceed the shadow cast by the building envelope contemplated in Council's Civic Precinct Planning Study.

Heritage interfaces

P2 The podium element of any new development shall be modulated and present an appropriate scale at its interface with No 6-8 McLaren Street.

P3 A highly considered architectural treatment shall be provided at this interface in order to create a sympathetic relationship between these building elements.

P4 Blank walls or an abrupt imposing form and presentation are to be avoided.

Podium – street wall height

P5 The proposed podium element shall be stepped to respond to the topography of the site.

P6 A maximum 2-storey scale at the site interface with 6-8 McLaren Street.

P7 A maximum 2-3 storey street wall height to Pacific Highway is required.

Tower

P8 The tower facade, articulation and massing treatment should present as two expressed forms to break up the scale and massing of the tower.

P9 A minimum tower setback of 2.3m shall be provided to the retained heritage item at 265 Pacific Highway.

P10 A minimum above podium tower setback of 3m shall be provided to the site's southern boundary.

P11 The tower, including the podium component is to be a maximum of 10 storeys in height.

P12 A minimum setback of 1m shall be provided above level 2 to the site's northern boundary.

Pacific Highway setback

P13 A minimum above podium tower setback of 1m is to be provided, with at least 40% of the envelope set back to 2m.

Church Lane setback

P14 A minimum above podium tower setback of 3m is to be provided, with a predominant setback of 4m being provided for at least 60% of the building length.

Church Lane widening

P15 A 6m widening of Church Lane inclusive of public footpaths is required to improve neighbourhood amenity and passive surveillance to the public domain.