

5 May 21

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Dear Nick,

**Re: Alfred Street Precinct Planning Proposal (RP\_2019\_NORTH\_003\_00) - Response to Submissions**

**1. Introduction**

This letter has been prepared by Mecone on behalf of Benmill Pty Ltd and JB No. 3 Pty Ltd in relation to the Alfred Street Precinct Rezoning Review (RR\_2019\_NORTH\_003\_00). The Planning Proposal was recently exhibited from 10 December 2020 to 19 February 2021 and there were a number of submissions received. This letter outlines the strategic and site specific merits of the Planning Proposal and provides a summary of our response to the key issues raised in the submissions (with a detailed response in **Appendix 1**). We note that many of the points raised in the submissions received during the recent public exhibition of the current Planning Proposal reflect similar points made to the North Sydney Local Planning Panel and the Sydney North Planning Panel during the processing of this Planning Proposal to date.

The letter is accompanied by the following documentation:

- **Attachment 1** – Detailed response to submissions;
- **Attachment 2** – Email response from DPIE in relation to the public exhibition issue, dated 1 April 2021;
- **Attachment 3** – Advertisement from Mosman Daily, dated 14 January 2021; and
- **Attachment 4** – Letter prepared by The Transport Planning Partnership (in relation to Western Harbour Tunnel and Warringah Freeway Upgrade and amended vehicle access points), dated 26 April 2021.

**2. Outline of strategic and site specific merits of the Planning Proposal**

There are strong strategic and site specific merit arguments for the Alfred Street Precinct. The proposal will be consistent with State, regional and local planning policies, in particular Council's draft Precinct Planning Study, North Sydney Local Strategic Planning Statement and North Sydney Housing Strategy. The proposal will allow for a Precinct wide approach, whilst it will incorporate a number of public benefits, revitalise the dated Bayer Building and minimise amenity impacts.

A previous Planning Proposal was considered in 2016 by JRPP for the Bayer Building. The JRPP did not support the Planning Proposal however they acknowledged that the sites isolation from the main commercial centre, is considered appropriate for a change in zoning to enable residential accommodation. The JRPP recommended that any future rezoning apply to the entire B3 area to demonstrate a holistic planning approach. The JRPP considered that

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the Bayer Building should be granted the existing density it currently enjoys with some additional height so that a mixed use building can be developed with appropriate amenity. The JRPP also recommended that the other sites may combined the existing density (of 3.5:1) with some additional height, so it becomes possible to develop.

Following the JRPP decision, North Sydney Council resolved to prepare a Precinct Planning Study to create a framework for a future land owner led Planning Proposal for the entire Precinct. The Planning Proposal has been prepared as a result of Council's draft Precinct Planning Study January 2019 (draft Study). Whilst the draft Study was not formally adopted, it was based on the professional opinion of Council officers as to what an acceptable built form would be taking into consideration community feedback. The Planning Proposal is generally consistent with the Council's preferred option and the objectives and design requirements in the Study.

The Planning Proposal is consistent with The Greater Sydney Regional Plan: A Metropolis of Three Cities and the North District Plan given it will integrate housing and employment opportunities with public transport (including North Sydney station and the future Sydney Metro Victoria Cross station). The proposal will contribute to the 30 minute city and housing targets for North District and North Sydney LGA.

The proposal will also align with the North Sydney Local Strategic Planning Statement and Housing Strategy. The proposal will encourage walking and cycling given it will provide housing and employment within 10 minutes of a range of services and facilities in the North Sydney CBD. The proposal will also contribute to a diversity of housing with a range of unit types and has offered a monetary contribution towards affordable housing (either provided in the development or within the LGA).

An outline of the Planning Proposal's site specific merits are outlined below:

- **Integrated design approach to the Precinct:** The proposal will facilitate the renewal of the entire Precinct and allow for an integrated design response to create a vibrant mixed use Precinct.
- **Public benefits:** The proposal incorporates a number of public benefits:
  - Improvements to the ground floor plane with a pedestrian arcade to improve permeability, additional landscaping and retail activation;
  - Provision of affordable housing (either through a monetary contribution or within the development);
  - Upgrade of the Mount Street overpass; and
  - Monetary contribution towards upgrades of surrounding public open spaces.
- **Utilising local infrastructure capacity:** The development will incorporate housing and employment opportunities in close proximity to North Sydney CBD and public transport services.
- **Upgrading of outdated commercial floorspace:** The proposal will upgrade existing outdated commercial floor space which will provide employment opportunities for small businesses, creative industries and start ups which support local businesses that can't afford to locate to the CBD.
- **Improvement of existing gateway building:** The Planning Proposal creates a unique opportunity to positively improve the appearance of the Bayer Building which is currently intrusive. Not only is the existing Bayer Building an intrusive structure, this intrusive structure is located on a very prominent location, being a Gateway to the Sydney CBD. Furthermore, the Bayer Building is in close visual proximity to three World Iconic elements, comprising the Sydney Harbour Bridge, Sydney Opera House and Sydney Harbour itself. To allow the existing Bayer Building to remain, thereby adopting a "do nothing" approach, would be in conflict with the Gateway location of the subject site and its proximity to 3 World Iconic elements. Following gazettal of the Planning Proposal, a Site Specific DCP and a conceptual Architectural Design will be

prepared to demonstrate the positive Architectural, Urban Design and Planning outcomes which can be achieved on this Gateway site arising from this Planning Proposal.

- **Amenity impacts:** The proposal will minimise adverse amenity impacts (in terms of overshadowing and privacy) to the surrounding residential dwellings, the Heritage Conservation Area, public domain and Alfred Street North Park.
- **Minimal traffic impacts:** The proposal will reduce the future trips generated given the residential trip generation rates are lower than the commercial rates.

### 3. Summary of our response to submissions

A detailed response to the submissions is provided in **Attachment 1** however the key issues are summarised below:

- **North Sydney Council concerns regarding the exhibition period**

We have been advised by the Planning Panel Secretariat that the notifications were carried out in accordance with the Planning Panel's Operational Procedure Guidelines and that the Exhibition period was extended which allowed for the minimum required 28 days in accordance with the Environmental Planning and Assessment Regulations 2000 (refer to **Attachment 2**). We are comfortable that the public exhibition process has been appropriately undertaken, however if DPIE determine there is an error with the process, it would be necessary for re-notification to occur and we would request that this be undertaken straight away.

- **Inconsistencies between the Site Specific DCP and reference scheme**

Where there are inconsistencies between the Site Specific DCP and Reference Scheme in the Urban Design Report, the Site Specific DCP should be relied upon. The Reference Scheme does not form part of the Planning Proposal and is indicative of what can be facilitated for the proposal. The Site Specific DCP is not approved as part of the Planning Proposal process and is a 'work in progress' document to be further developed by Council. Once the Planning Proposal is finalised, it is intended for the Site Specific DCP to be negotiated with the Council given it is currently a 'draft' document and therefore will be further refined during this process. Furthermore, the DCP will undergo it's a separate exhibition period in due course. It is noted that issues raised in relation to the through site links, depth of built form along Little Alfred Street and signage are able to be addressed when the Site Specific DCP is considered by Council.

- **Voluntary Planning Agreement**

We have submitted a letter of offer with the Planning Proposal package which gives certainty as to what would be included in the VPA. We will continue discussions with Council regarding the VPA during the Planning Proposal process. It is our intention to prepare and crystallise a VPA during the Development Application stage.

- **Built form along boundaries with Heritage Conservation Area**

The site falls just outside to the North Sydney CBD and the built form provides an appropriate transition from the CBD and Warringah Freeway to the adjoining Whaling Road Heritage Conservation Area. The proposal will provide fine grain residential accommodation which is 3 to 4 storeys along Little Alfred Street whilst the upper levels are setback 15.5m from the boundary. The proposal will create an opportunity for elevated landscaping podiums which will soften the built form with the adjoining Whaling Road Heritage Conservation Area.

The northern elevation of the existing commercial building (Site A – 283 Alfred Street) is built along the boundary with the Whaling Road Heritage Conservation Area. The proposal will improve the built form along this elevation by providing a landscaping buffer at the ground floor which is 6m wide which will soften the built form. A reduced floor plate has been provided to the upper levels which are stepped back along the northern boundary.

- **Excessive built form**

The approach to the future redevelopment of the Precinct is to seek a balance between amenity, public benefit, quality and economic viability. The built form is considered to be reasonable given it provides a suitable transition between North Sydney CBD and the adjoining Whaling Road Heritage Conservation Area and has been based generally on the building envelopes established in Council's draft Precinct Planning Study. The additional Height and FSR contemplated under the Planning Proposal will achieve a significant improvement in the appearance of the Bayer Building as well as additional positive outcomes.

- **FSR bonus provision**

The reference design demonstrates that the bonus FSR of 2:1 can be achieved within the 24 storeys. The Urban Design report and Planning Proposal provides justification for the FSR bonus throughout. The design competition process will ensure that a high standard of Architectural design is achieved and will significantly improve the appearance of the Bayer Building which is a gateway building to North Sydney and Sydney CBDs.

- **ADG compliance with separation distances**

The proposal will generally comply with the ADG separation distance design criteria. Sites A, C and D will incorporate blank facades along the site boundaries and where Site B is greater than 8 storeys the residential accommodation will comply with ADG separation distances. Design elements (such as offsetting windows or privacy screens) can be provided at the Development Application stage if it is determined that ADG separation distances are not adequate to protect privacy of adjoining neighbours.

- **Overshadowing**

An independent overshadowing specialist (John Denton) was appointed to prepare an overshadowing analysis to determine the full extent of shadowing impacts to Alfred Street North Park and surrounding residents. The elevational shadow diagrams demonstrate that the proposal will have minimal overshadowing impacts to properties along Whaling Road and will be less than proposed in Council's draft Precinct Planning Study.

- **Consideration of Western Harbour Tunnel & Warringah Freeway Upgrade**

Concerns were raised given the Planning Proposal did not consider the Western Harbour Tunnel & Warringah Freeway Upgrade. This project was not considered in the original assessment given it was not advanced as it is to date. However, A letter has been prepared by TTPP (refer to **Attachment 4**) which addresses the traffic impacts (during construction and operation) of the Western Harbour Tunnel & Warringah Freeway Upgrade on the proposal. The letter concludes, the construction traffic travelling along Alfred Street North are considered to be minimal and is not expected to result in any adverse impact on Alfred Street North from a traffic perspective.

#### 4. Conclusion

We believe that this package addresses the submissions received during public exhibition and will assist DPIE in progressing the Planning Proposal further. We believe that the proposal has strong strategic and site specific merit arguments to be adopted. If you have any questions or would like to discuss this submission further, please do not hesitate to contact me on [icady@mecone.com.au](mailto:icady@mecone.com.au) or 0411 857 292.

Yours sincerely,



Ian Cady  
**Director**