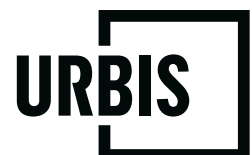




PLANNING PROPOSAL REPORT

253-267 Pacific Highway,
North Sydney

Prepared for
LEGACY PROPERTY
April 2021



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Stephen White
Senior Consultant	Chris Croucamp
Project Code	P0031392
Report Number	Final

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

1.	Introduction	1
1.1.	Overview	1
1.2.	Proponent's Objectives	2
1.3.	Strategic Merit Test.....	3
1.4.	Site Specific Merit Test	3
1.5.	Report Structure.....	4
1.6.	Project Team.....	4
2.	Project Background	6
2.1.	Planning Proposal History	6
3.	Site and Surrounding Context	8
3.1.	Site Location	8
3.2.	Site Description.....	8
3.3.	Surrounding Context.....	11
3.4.	Emerging development	11
3.5.	Public Transport Context	14
3.5.1.	Rail.....	14
3.5.2.	Sydney Metro	14
3.5.3.	Road	14
3.5.4.	Bus.....	15
3.6.	Site Opportunities	15
4.	Statutory Planning Framework	17
4.1.	North Sydney Local Environmental Plan 2013	17
4.1.1.	Land Use Zoning	17
	Zone Objectives	17
	Permissibility	17
4.1.2.	Height of Buildings.....	18
4.1.3.	Floor Space Ratio.....	18
4.1.4.	Non-residential Floor Space Ratio	18
4.1.5.	Heritage Conservation.....	19
5.	The Case for Change	21
6.	Indicative Development Concept.....	23
6.1.	Overview	23
6.2.	Alternative Options.....	23
6.3.	Design Principles	24
6.4.	Concept Reference Scheme.....	27
6.5.	Building Massing.....	34
6.5.1.	Podium Form	34
6.5.2.	Tower Form	34
6.6.	Car Parking and Site Access	35
6.7.	Public Domain and Landscaping	35
6.8.	Public Benefits	36
6.9.	Active Street Frontages	37
7.	Pre-Lodgement Meeting	38
8.	The Planning Proposal	44
9.	Part 1: Objectives and Intended Outcomes.....	45
9.1.	Objectives	45
9.2.	Intended Outcomes.....	45
10.	Part 2: Explanation of Provisions.....	47
10.1.	Land to which The Plan will apply.....	47

10.2.	Proposed LEP Amendments	47
10.2.1.	Height of Buildings.....	47
10.2.2.	Floor Space Ratio.....	47
10.2.3.	Non-Residential Floor Space	47
10.2.4.	Site Specific Development Control Plan.....	47
10.3.	Relationship to Existing Local Planning Instrument.....	47
10.4.	Savings Provisions.....	47
11.	Part 3: Justification	48
11.1.	Section A – Need for the Proposal	48
	Q1 – Is the Planning Proposal a result of any strategic study or report?	48
	Q2 – Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?	48
11.2.	Section B – Relationship to Strategic Planning Framework	49
	Q3 – Will the planning proposal give effect to the objectives and actions of the applicable strategy (including any exhibited draft plans or strategies)?.....	49
11.2.1.	Greater Sydney Region Plan – A Metropolis of Three Cities (2018)	50
11.2.2.	North District Plan.....	52
11.2.3.	Future Transport Strategy 2056	53
	Q4 – Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?	53
11.2.4.	Civic Precinct Planning Study	54
11.2.5.	Consistencies between the Study and the Planning Proposal	56
11.2.6.	Local Strategic Planning Statement	58
11.2.7.	Local Housing Strategy	59
11.2.8.	North Sydney CBD Capacity & Land Use Strategy and Planning Proposal	60
11.2.9.	Ward Street Precinct Master Plan	60
11.2.10.	Community Strategic Plan 2018 – 2028.....	61
11.2.11.	North Sydney Public Domain Strategy 2020	62
11.2.12.	North Sydney Traffic and Pedestrian Study	62
11.2.13.	North Sydney Transport Strategy	63
	Q5 – Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?	63
	Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s 9.1 directions)?	65
11.3.	Section C – Environmental, Social and Economic Impact.....	69
	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?	69
	Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how they are proposed to be managed?	69
11.3.1.	Environmental considerations	69
11.3.1.1.	Built Form & Visual Impact	69
11.3.1.2.	Heritage	78
11.3.1.3.	Overshadowing.....	81
11.3.1.4.	Traffic and Parking	83
11.3.1.5.	Residential Amenity	83
11.3.1.6.	Wind.....	83
11.3.1.7.	Noise.....	84
11.3.1.8.	Servicing	84
11.3.1.9.	Contamination	84
	Q9 – Has the Planning Proposal adequately addressed any social and economic effects?	84
11.4.	Section D – State and Commonwealth Interests	85
	Q10 – Is there adequate public infrastructure for the planning proposal?.....	85
	Transport Infrastructure	85
	Social Infrastructure	86
	Q11 – What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?	87

12.	Part 4: Mapping	89
13.	Part 5: Community Consultation	91
14.	Part 6: Project Timeline	92
15.	Conclusion	93
	Disclaimer	96

Appendix A	Concept Reference Scheme
Appendix B	Urban Design Report
Appendix C	Heritage Impact Statement
Appendix D	Traffic and Parking Study
Appendix E	Wind Report
Appendix F	Preliminary Site Investigation
Appendix G	Land Survey
Appendix H	Economic Feasibility Assessment

FIGURES

Figure 1 Site Locality Map	8
Figure 2 Aerial image of the subject site	10
Figure 3 Image of the subject site - Existing commercial buildings on the site fronting Pacific Highway	10
Figure 4 Photographic review of existing and surrounding development.....	12
Figure 5 Strategic Planning Framework Map	13
Figure 6 North Sydney – Emerging built form	14
Figure 7 Public Transport Map	15
Figure 8 NSLEP 2013 Zoning Map.....	17
Figure 9 NSLEP 2013 Height of Buildings Map	18
Figure 10 NSLEP 2013 Minimum Non-residential Floor Space Ratio Map.....	19
Figure 11 NSLEP 2013 Heritage Map	20
Figure 12 Concept Reference Scheme – Preferred Master Plan.....	23
Figure 13 Option 1 – Tower Envelope.....	24
Figure 14 Option 2 – Tower Envelope.....	25
Figure 15 Concept Reference Scheme - Artist's impression.....	27
Figure 16 Concept Reference Scheme – North Elevation (West Street)	29
Figure 17 Concept Reference Scheme – East Elevation (Church Lane).....	29
Figure 18 Concept Reference Scheme – South Elevation (McLaren Street).....	29
Figure 19 Concept Reference Scheme – West Elevation (Pacific Highway)	30
Figure 20 Concept Reference Scheme – Lower Floor Plans	31
Figure 21 Concept Reference Scheme – Level 1 - 6 Floor Plans	32
Figure 22 Concept Reference Scheme – Level 4 -8 Floor Plans	33
Figure 23 Concept Reference Scheme – Elevation Diagrams.....	35
Figure 24 Concept Reference Scheme – Landscape Strategy	36
Figure 25 CPPS Building Envelope Plan – Subject Site	57
Figure 26 CCPS Cross Section Plans – Subject Site.....	58
Figure 27 Original Conybeare Morrison plan showing 9m upper level separation	70
Figure 28 Building envelope comparison	71
Figure 29 Concept Reference Scheme - Proposed building envelope plan	72
Figure 30 Recent Mixed-Use Tower Development along Pacific Highway	73

Figure 31 Recent Mixed-Use Tower Development along Miller Street	74
Figure 32 Interface of Recent High-Rise Developments to Conservation/Heritage Areas	75
Figure 33 Built Form Response to Heritage Items/Conversation Areas	76
Figure 34 Emerging Skyline – Pacific Highway Cross Section	76
Figure 35 Birds eye view of the development which responds to the changing surrounding context	77
Figure 36 View south from Pacific Highway, showing the development in the changing context	78
Figure 37 Shadow Analysis during Winter Solstice	82
Figure 38 Map showing public infrastructure and services	87
Figure 39 Proposed LEP map amendments - maximum building height control	89
Figure 40 Proposed LEP map amendments - maximum FSR Control	90
Figure 41 Proposed LEP map amendments - minimum non-residential FSR Control.....	90

TABLES

Table 1 Accompanying Documentation	5
Table 2 Site Description.....	9
Table 3 Key Numerical Details	28
Table 4 Pre-Lodgement Feedback	38
Table 5 Consistency with the Greater Sydney Regional Plan	50
Table 6 Consistency with the North District Plan	52
Table 7 Compliance with Civic Precinct Planning Study	54
Table 8 Consistency with North Sydney LSPS	59
Table 9 Achieving the outcomes of the Strategic Plan	61
Table 10 Consistency with relevant SEPPs	64
Table 11 Section 9.1 Compliance Table.....	65
Table 12 Anticipated Project Timeline	92

1. INTRODUCTION

1.1. OVERVIEW

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

This Planning Proposal Report 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 as an amalgamated landholding, to deliver a high-quality development in a location highly suitable for density uplift.

The consolidated 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 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 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 Concept Reference Scheme developed by PTW Architects and an Urban Design prepared by GMU (refer to **Appendix B** and **Appendix A** respectively) which provides an overview of the proposed concept vision, design and indicative future built form for the site.

The CPPS establishes the proposed built form and building envelope for future development at the site and this Planning Proposal is consistent with the Study in that it:

- Provides maximum building heights of 8 and 10 storeys in the form of a stepped tower;
- Provides a three-storey commercial podium;
- Ensures a minimum non-residential FSR of 1:1;
- Provides a 9m tower setback to the heritage conservation area to the east;
- Ensures the mid-block heritage item on site is preserved, integrated, and appropriately adapted for re-use; and
- Incorporates the whole site into a single development (253-267 Pacific Highway).

As the CPPS does not have the effect of amending the NSLEP 2013, applicants are still required to lodge a Planning Proposal to amend the key development standards of the NSLEP 2013 for individual landholdings. Detailed design of the development will be subject to a future development application. This Planning Proposal therefore responds to that requirement.

The Planning Proposal and supporting concept scheme largely complies with the building envelope of the Study, however it seeks to vary some of the setbacks to ensure an economically feasible development can occur and to ensure improved internal amenity of the future apartments.

By increasing the minimum non-residential floor space from 0.5:1 to 1:1, the future redevelopment of the site will contribute to a meaningful growth of employment generating floor space.

The Concept 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 also 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.

Given the nature of planning controls contained within the CPPS which includes a site-specific building envelope for the site, it is not anticipated that future development of the site will require preparation of a site-specific DCP. Further, existing controls provided within the North Sydney Development Control Plan 2013 (**NSDCP**) will continue to apply and guide future development within the site. However, the urban design report does include indicative future built form controls which can be further developed should a site specific DCP be required.

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).

Overall, 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 proposal has both clear strategic and site-specific planning merit to warrant proceeding to a Gateway Determination.

1.2. PROPONENT'S OBJECTIVES

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.

1.3. 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.

1.4. 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.

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.

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 of the previous 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 Planning Proposal and initiate the required amendments to the planning legislation.
- **Section 6: Indicative Development Concept** – provides a description of the proposed concept design.
- **Section 7: Pre-lodgement Feedback** – provides responses to the key matters raised by Council during the pre-lodgement meeting.
- **Section 8: Planning Proposal** – details the relevant matters for consideration namely *A Guide to Preparing Planning Proposals*.
- **Section 9: Part 1 Objectives and Intended Outcomes** - A statement of the objectives and intended outcomes of the proposed instrument.
- **Section 10: Part 2 Explanation of the Provisions** - An explanation of the provisions that are to be included in the proposed instrument.
- **Section 11: Part 3 Justification** - The justification for those objectives, outcomes and the process for their implementation.
- **Section 12: Part 4 Maps** - where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- **Section 13: Part 5 Community Consultation** - Details of the community consultation that is to be undertaken for the Planning Proposal.
- **Section 14: Project Timeline** - A project timeline to detail the anticipated timeframe for the plan making process.
- **Section 15: Conclusion.**

1.6. PROJECT TEAM

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

Table 1 Accompanying Documentation

Document	Consultant	Appendix
Concept Reference Scheme	PTW Architects	Appendix A
Urban Design Report	GMU	Appendix B
Heritage Impact Statement	NBRS Architecture	Appendix C
Traffic and Parking Study	ARUP	Appendix D
Wind Report	Vipac Engineers	Appendix E
Preliminary Site Investigation	JBS&G	Appendix F
Land Survey	Linker Surveying	Appendix G
Economic Feasibility Assessment	Atlas	Appendix H

2. PROJECT BACKGROUND

2.1. PLANNING PROPOSAL HISTORY

This section provides a summary overview of the planning history to date, noting that the Proponent first began negotiations with Council in 2018, when the site was initially identified by Council as a location for potential site.

2016

- In late 2016 the NSW Government announced the Sydney Metro City and South West station locations and initially proposes a single-entry portal for the North Sydney Victoria Cross metro station located on the corner of Miller Street and Berry Street.

2017

- In June 2017, following further investigations, a planning modification was exhibited proposing an additional station entry portal and the relocation of the northern portal from 194-196A Miller Street to 50 McLaren Street. The new entry will provide greater accessibility to the north of the CBD Precinct close to where the site is located.
- Given the site's strategic merit, the Proponent opted to prepare and lodge a Planning Proposal seeking additional uplift at the site.
- A preliminary meeting with North Sydney Council was held on 28 June 2017, 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 provided limited feedback on the proposal and highlighted Council's intention to lead the process of planning change and therefore would not endorse a proponent lead Planning Proposal.
- Following this meeting, Council officers declined to provide any detail comment on the merits of the proposed density change and maintained the position that Council wish to lead the strategic planning process and therefore cannot endorse a proponent lead Planning Proposal.

2018

- A second meeting was held on 9 August 2018, where the proponent and design team provided an overview of the concept progression and further detailed urban design analysis. An analysis of two built form options was presented.
- 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 tower form in the southern portion of the site. The second option of the stepped podium and tower built form was chosen to form the subject of the original Planning Proposal.
- Accordingly, the Proponent submitted a Planning Proposal in September 2018. The intended outcome of the Planning Proposal was to establish planning controls that would enable the redevelopment of the site. The original Planning Proposal 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.
- The Planning Proposal was 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 agrees 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.

2019

- The draft Civic Precinct Planning Study was undertaken in two stages. Council initially carried out a Stage 1 preliminary community consultation in mid-2019 to understand the community's aspirations for the Civic Precinct area. An internal analysis of public facilities was also conducted. This stage yielded a set of community priorities which then informed the design brief for Stage 2.
- In October 2019, the Stage 1 report was endorsed by Council. Following this, Council appointed Conybeare Morrison (CM+) and a team of sub-consultants to assist with the development of Stage 2. Based on the brief, extensive analysis of the area and further public consultation workshops, the team developed a vision for the Civic Precinct together with a series of urban design principles and objectives.
- This work resulted in an extensive and thorough background report with a series of proposed actions and strategies to be implemented across the precinct in order to achieve the vision for the area, together with proposed changes to the planning controls in selected locations including the subject site. The ideas of the study were presented to the North Sydney Design Excellence Panel and Council's Project Control Group.

2020

- In early 2020, Council exhibited the draft Civic Precinct Planning Study based on the abovementioned independent urban analysis which showed building heights of 10 – 12 storeys for the site and assumed a 9-metre setback for the upper levels to the adjacent land to the east of the site.
- 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. No additional analysis or external advice was provided to support the reduction in building heights.
- 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.

2021

- With the Civic Study now in place, in early January 2021, the Proponent submitted a request to meet Council in relation to the lodgement of a second Planning Proposal.
- In January 2021 a pre-lodgement meeting was held, where the Proponent and design team provided an overview of the Concept Reference Scheme.
- In February 2021, Council provided feedback on the proposal which indicated a potential concern regarding compliance with the building separation guidelines of the ADG. Refer to **Section 7** for further discussion.

As demonstrated in the above timeline, the Proponent has undertaken ongoing consultation with Council for redevelopment of the subject site, which has been subject to shifting goalposts in terms of the required heights and setbacks.

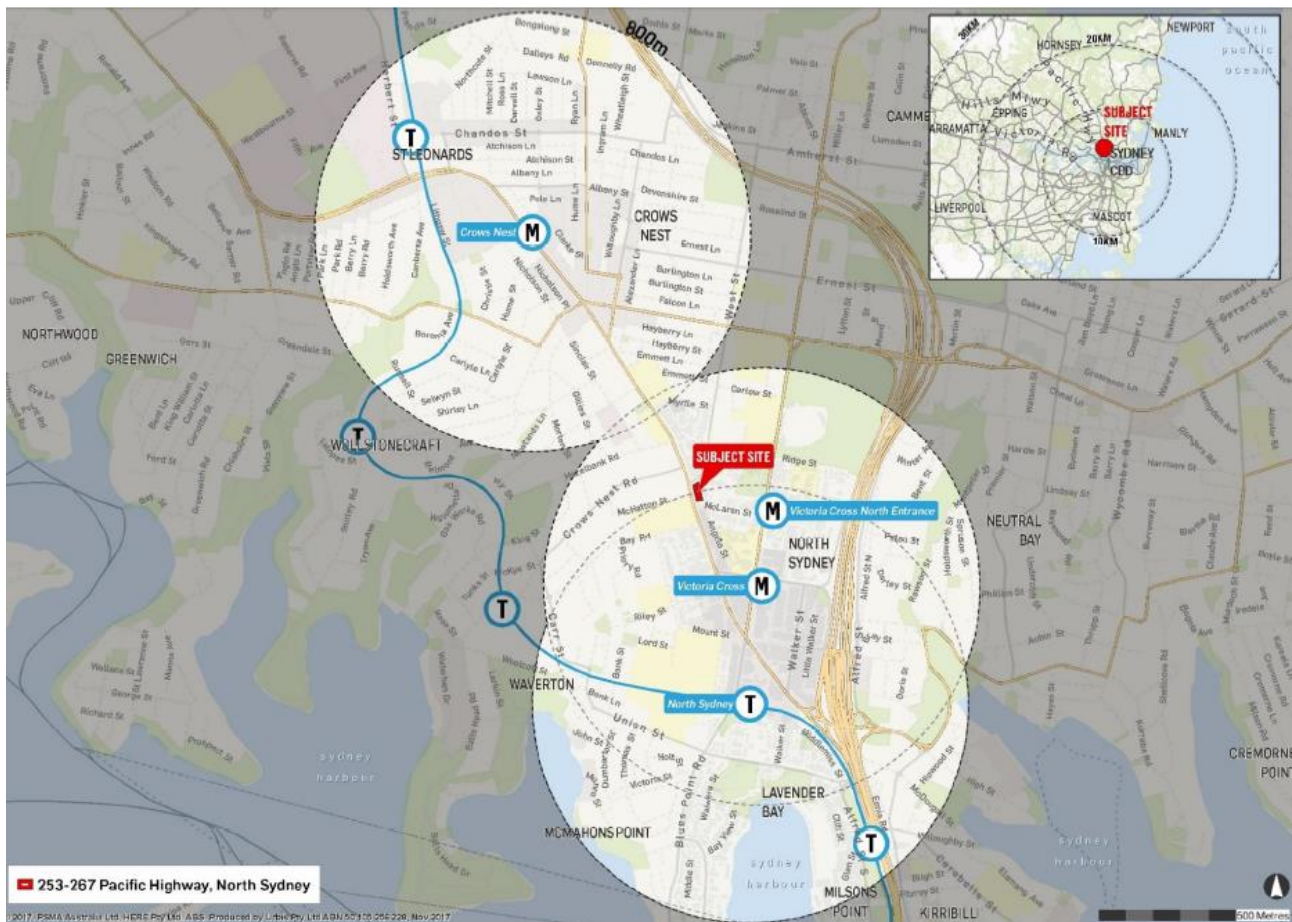
3. SITE AND SURROUNDING CONTEXT

3.1. 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 1** below.

Figure 1 Site Locality Map



Source: Urbis

3.2. 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 2** and **3** overleaf.

Table 2 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.

Figure 2 Aerial image of the subject site



Source: Urbis

Figure 3 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 4** 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 5**. 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 6** 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 11.2** of this report.

Figure 4 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.

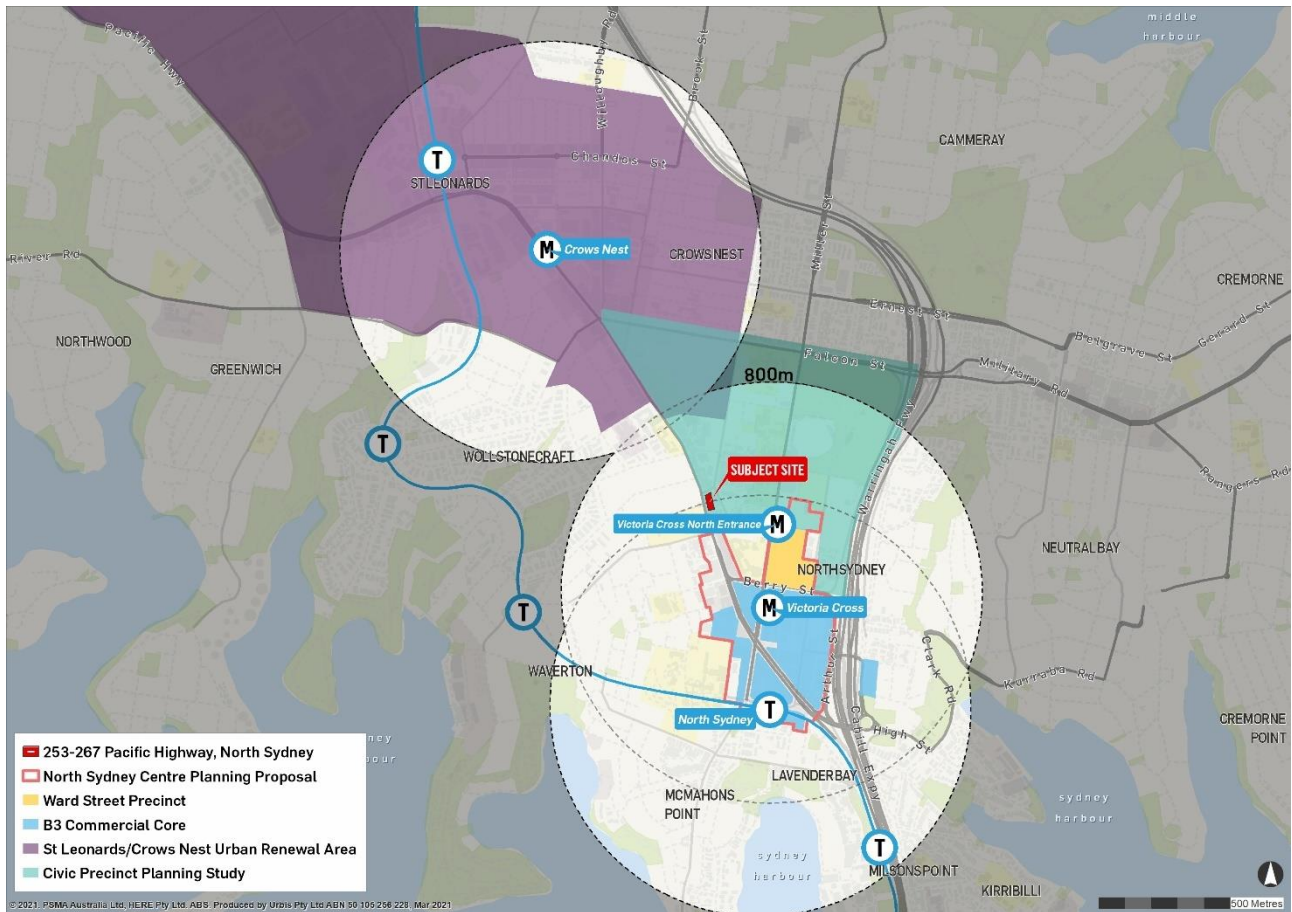


Existing 2-storey dwelling within the conservation area to the south.



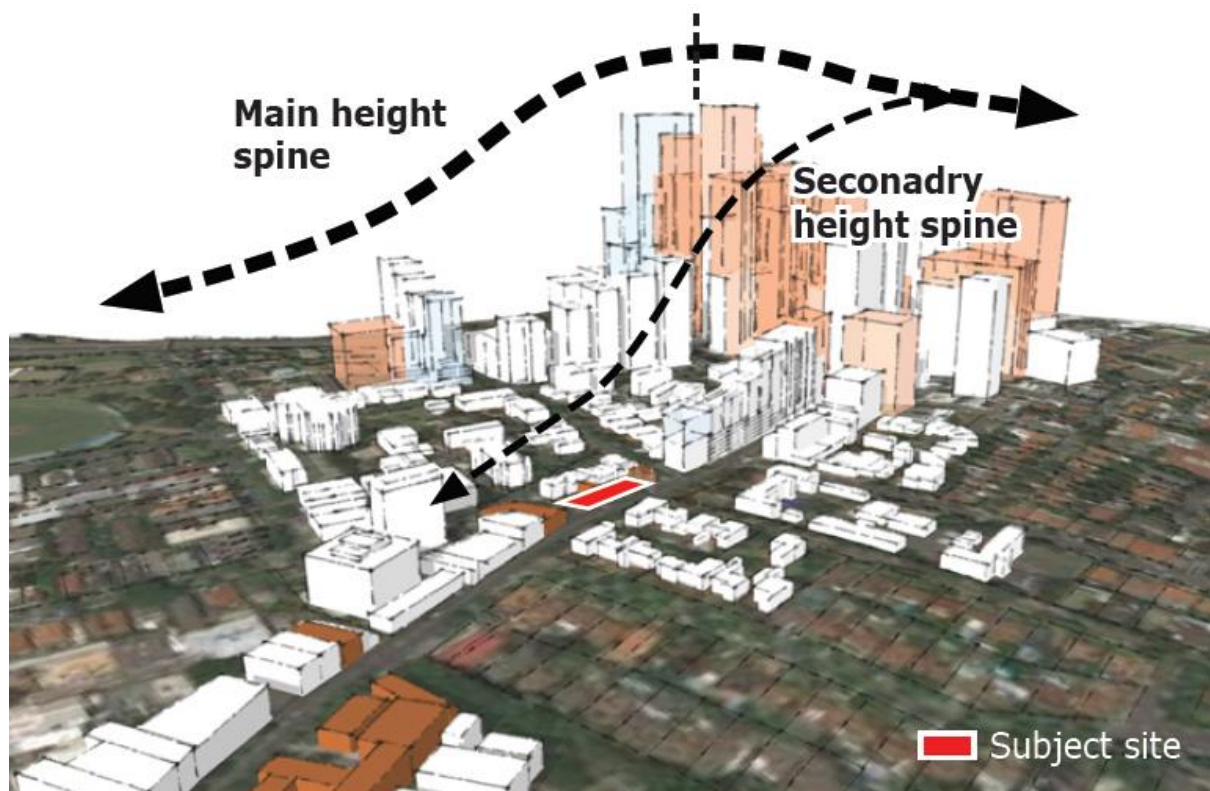
Recent development showing an abrupt edge to towers relative to low scale developments.

Figure 5 Strategic Planning Framework Map



Source: Urbis

Figure 6 North Sydney – Emerging built form



Source: GMU

3.5. PUBLIC TRANSPORT CONTEXT

Figure 7 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 7 Public Transport Map



Source: Urbis

3.6. SITE OPPORTUNITIES

The site's characteristics and location offer the following opportunities for re-development 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 8**.

Figure 8 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 SNLEP 2013 (labelled as 'k') as illustrated in **Figure 9**.

Figure 9 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 10**. Under clause 4.4A, the consent authority must be satisfied that the development will deliver an active street frontage.

Figure 10 NSLEP 2013 Minimum Non-residential Floor Space Ratio Map



Source: NSLEP 2013

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 NBR 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 and the supporting design documentation at **Appendix A** and **B**. The site is located between the following two conservation areas as illustrated in **Figure 11**:

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

20 STATUTORY PLANNING FRAMEWORK

5. THE CASE FOR CHANGE

The site has the capacity and capability to accommodate the proposed building envelope provided in the Concept Reference Scheme 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 Concept Reference Scheme 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 39 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 Concept Reference Scheme 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 DEVELOPMENT CONCEPT

6.1. OVERVIEW

The Planning Proposal is supported by a Concept Reference Scheme 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.

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.

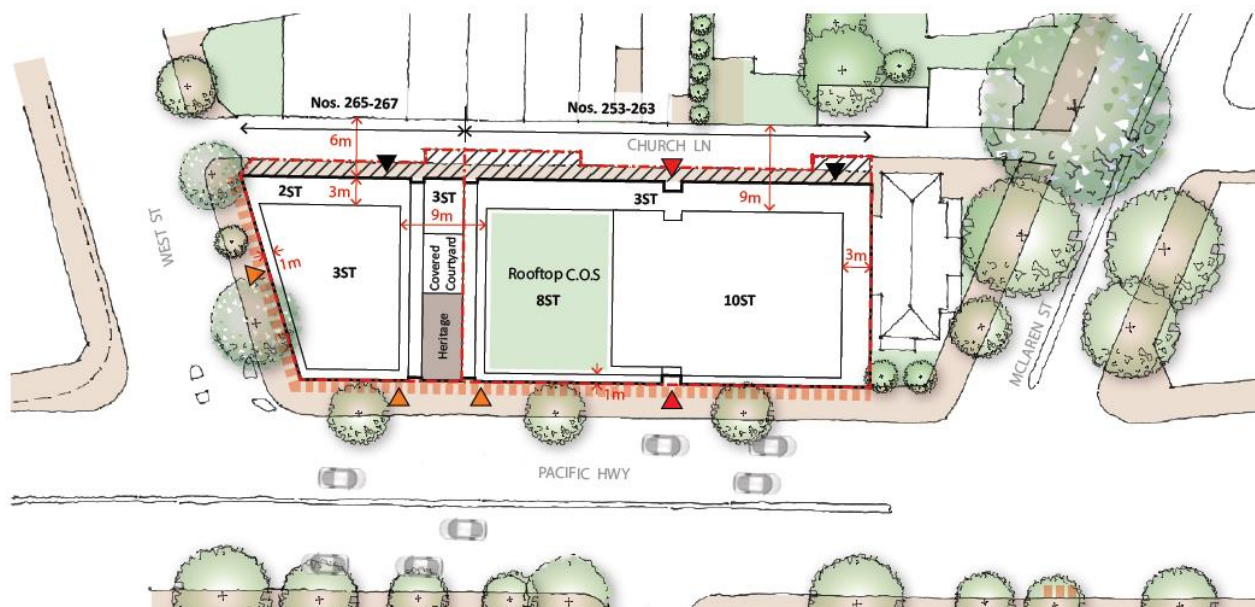
An overview of the preferred master plan is provided at **Figure 12**, and artists impressions of the development are included at **Figure 15**.

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 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 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.

Figure 12 Concept Reference Scheme – Preferred Master Plan



Source: GMU

6.2. ALTERNATIVE OPTIONS

Prior to determining the preferred scheme, the project team undertook massing studies and considered several alternative master plan schemes.

In early January 2021, the project team presented 2 preliminary concept options to Council with a focus on the tower form development. Both of the options adhered to most of the built form guidelines set by the Civic Precinct Planning Study (CPPS) but with a number of variations proposed.

As per **Figures 13 and 14**, Option 1 presents a 3st podium and stepped tower form with heights varying between 8, 9 and 10 storeys. Option 2 shows a 10st tower and 3st podium. Both options sought to reduce the recommended setbacks to Pacific Highway and heritage items and alternative tower forms.

Council considered that Option 1 presented a better outcome in response to the CPPS, however, further justifications were required for the proposed form and clarifications on the overshadowing impact. Additional setbacks above 8 storeys would be required. Option 2 was not consistent with the CPPS. A holistic master plan approach would be required for the expanded site area including the lots to the north.

To be consistent with the mixed-use developments south of McLaren St, Council required a 3m weighted setback to Pacific Highway. A 3m above podium setback to the south for non-habitable rooms was supported by Council. Furthermore, Council required 12-15m tower setbacks from the centre line of Church Lane as per the ADG for better transition.

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 shows a clear stepped built form with improved built form response to the surrounding context and heritage items.

Option 1

Figure 13 Option 1 – Tower Envelope



Source: PTW Architects

Pros -

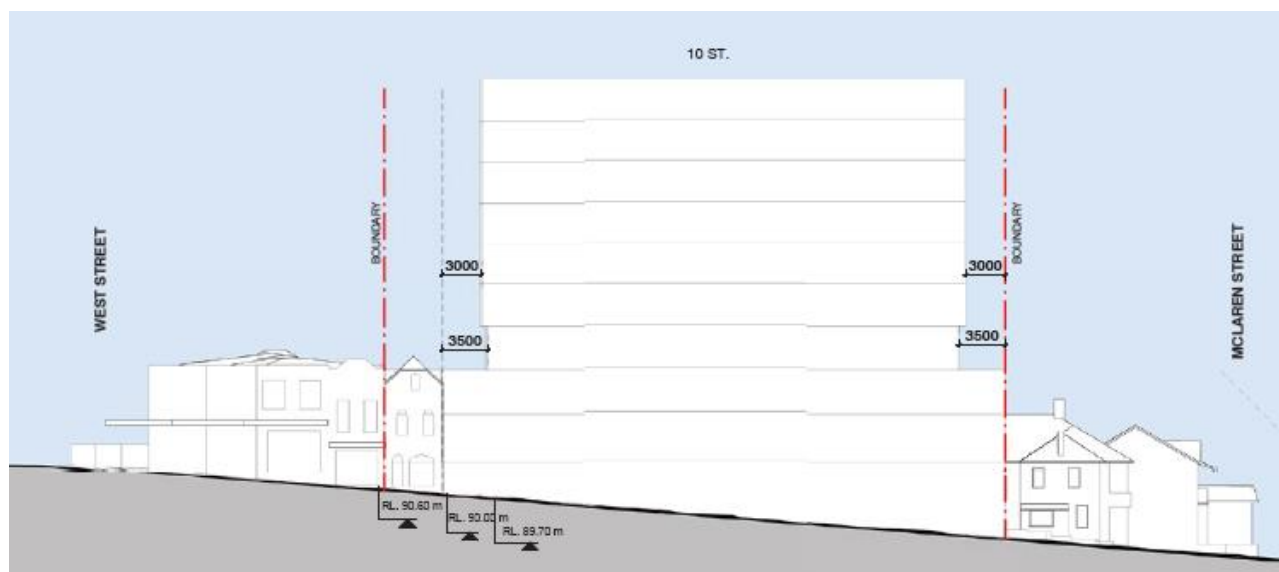
- Stepped built form providing scale transition from the CBD area.
- Improved residential amenity for upper level units where they will have larger private open space and open views to the surrounding areas.
- Less shadow impact on the surrounding areas.

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 2

Figure 14 Option 2 – Tower Envelope



Source: PTW Architects

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.

6.3. DESIGN PRINCIPLES

The 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.
- A 1m street setback to the tower from Pacific Highway 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 9m separation distance is to be provided between levels above podium.
- 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 residential entry from Church Lane to Pacific Highway.

- An additional 3m setback to the tower levels to the 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 component of the tower.
- Provision of landscape screening on the edges of podium to mitigate the potential overlooking issues and wind effect.
- Separated commercial and residential entries are 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 with improved pedestrian amenity.
- Potential new street trees along Pacific Highway to enhance the existing leafy streetscape character.
- The proposal aims to provide increased commercial floor space of approx. 1,752 sqm and 4,351 sqm for residential uses.

Figure 15 Concept Reference Scheme - Artist's impression



View looking north from Pacific Highway



View looking south along Pacific Highway

Source: PTW Architects

6.4. CONCEPT REFERENCE SCHEME

The Concept Reference Scheme prepared by PTW (refer to **Appendix A**) 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 Report prepared by GMU at **Appendix B**.

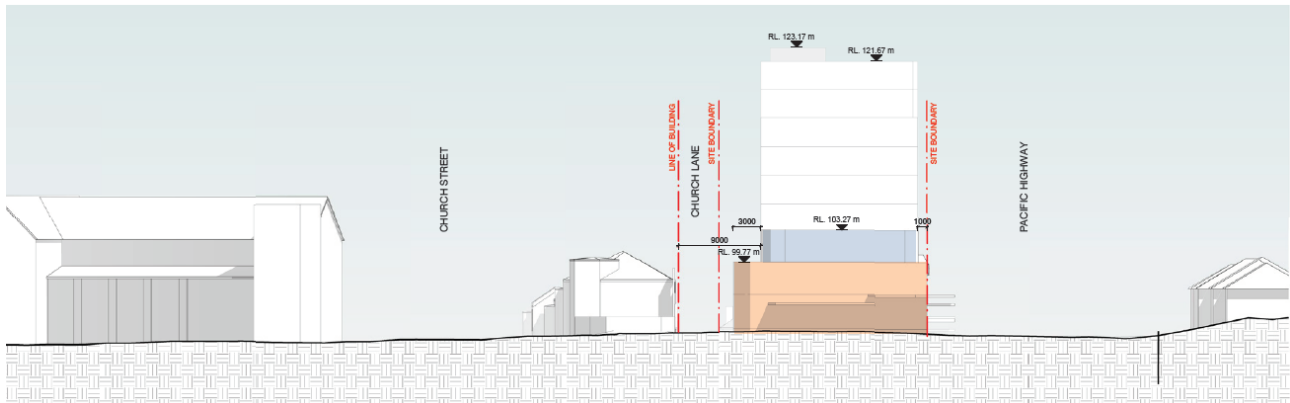
The incorporation of the lots creates a substantial site area on the periphery of the North Sydney CBD. The Planning Proposal will deliver on State, district, and local planning objectives to foster a high-quality mixed-use development.

Key numerical details of the Concept Reference Scheme are provided in **Table 4**. Elevations and floor plans of the scheme are provided at **Figures 16 – 22**.

Table 3 Key Numerical Details

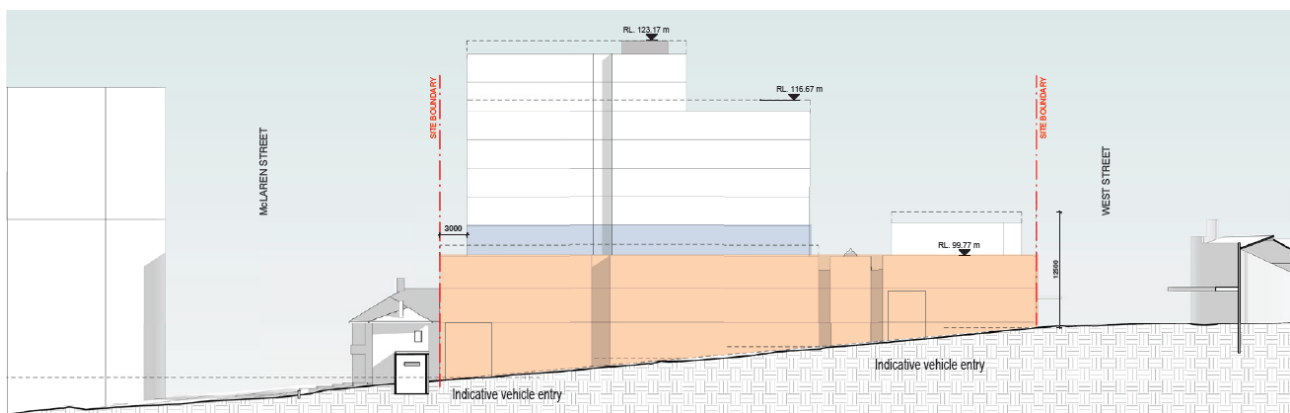
Key parameters	Response
Land uses	Commercial office / retail, residential apartments, residential communal facilities
Indicative yield	39 residential apartments
Gross floor area (GFA)	Residential – 4,351sqm Commercial/Retail – 1,792sqm Total – 6,143sqm
Floor space ratio (FSR)	4.2:1 (across whole of the site) 5.35:1 to 253-261 Pacific Highway 1.85:1 to 265-267 Pacific Highway
Non-residential floor space ratio (FSR)	1.18:1
Built form	Tower form above 3 storey podium in southern portion of site Retention of mid block heritage item 3 storey built form at northern end of site
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.
Car parking rates	39 spaces total 4 spaces for commercial/retail 35 spaces for residential component
Communal open space	244.5sqm to 253-261 Pacific Highway (27.2% of site area)

Figure 16 Concept Reference Scheme – North Elevation (West Street)



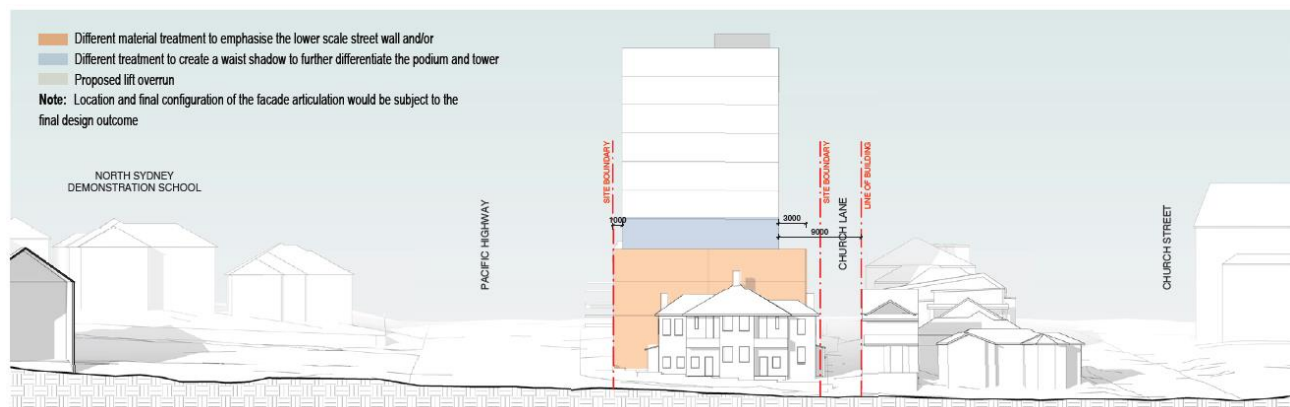
Source: PTW Architects

Figure 17 Concept Reference Scheme – East Elevation (Church Lane)



Source: PTW Architects

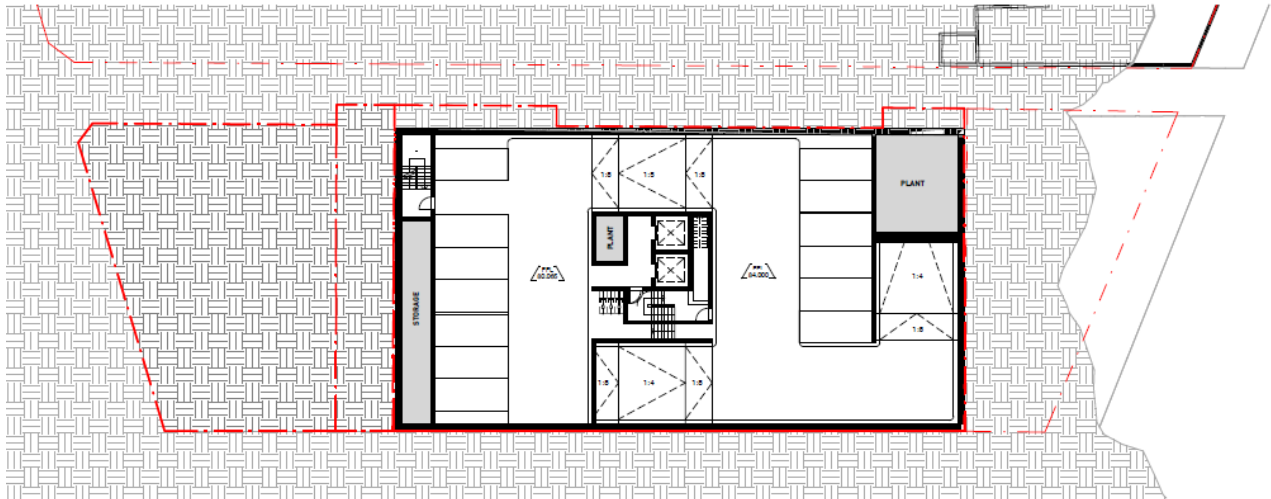
Figure 18 Concept Reference Scheme – South Elevation (McLaren Street)



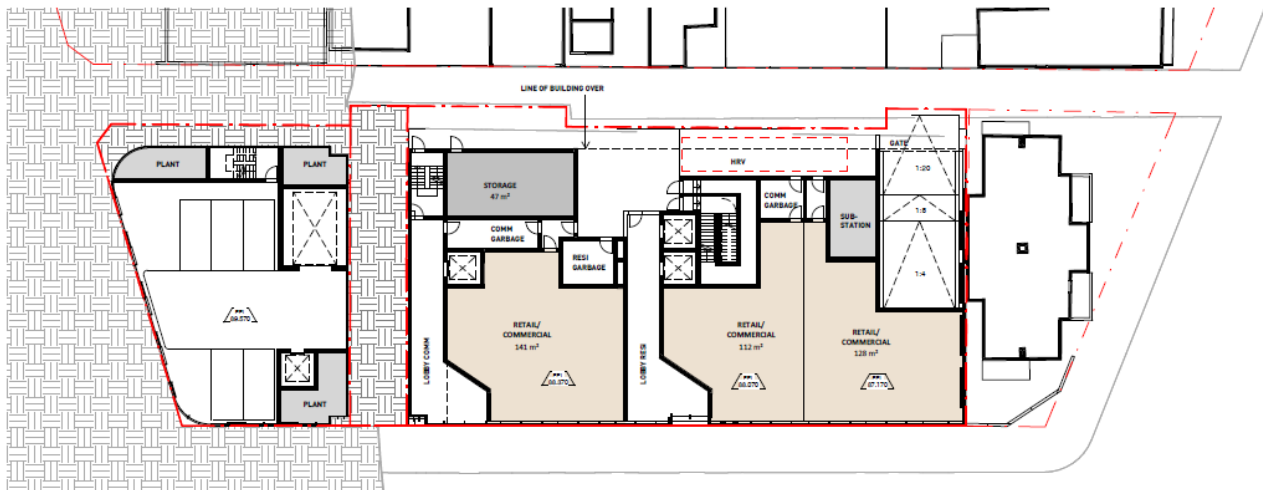
Source: PTW Architects

Source: PTW Architects

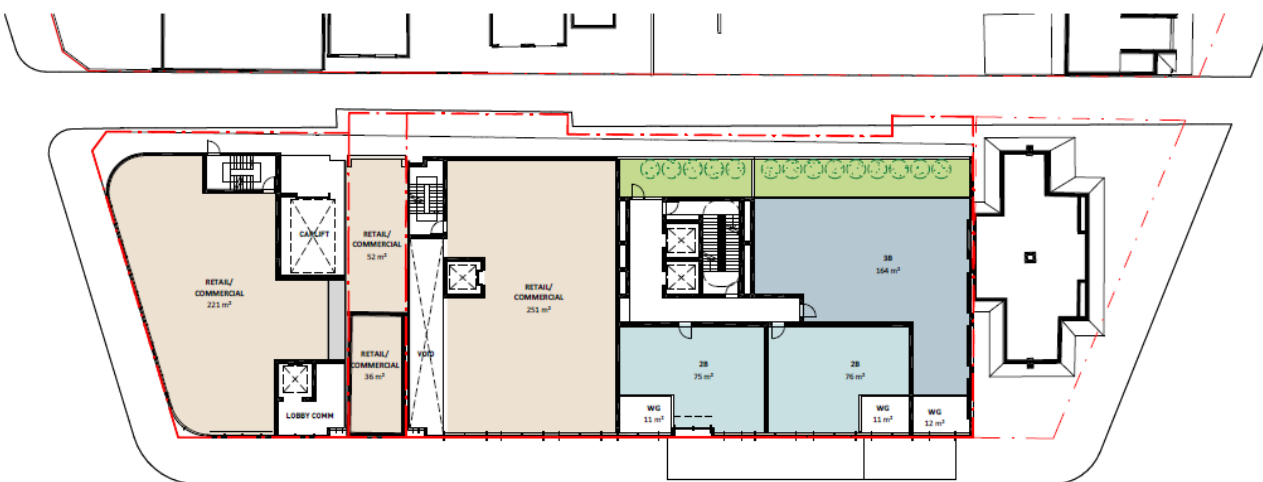
Figure 20 Concept Reference Scheme – Lower Floor Plans



Basement Level 1



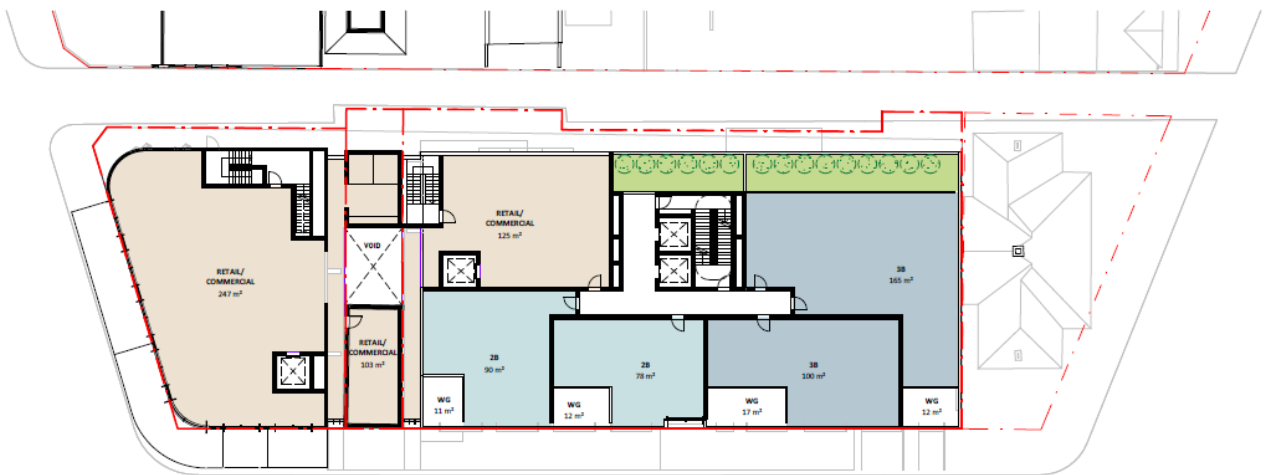
Lower Ground Level



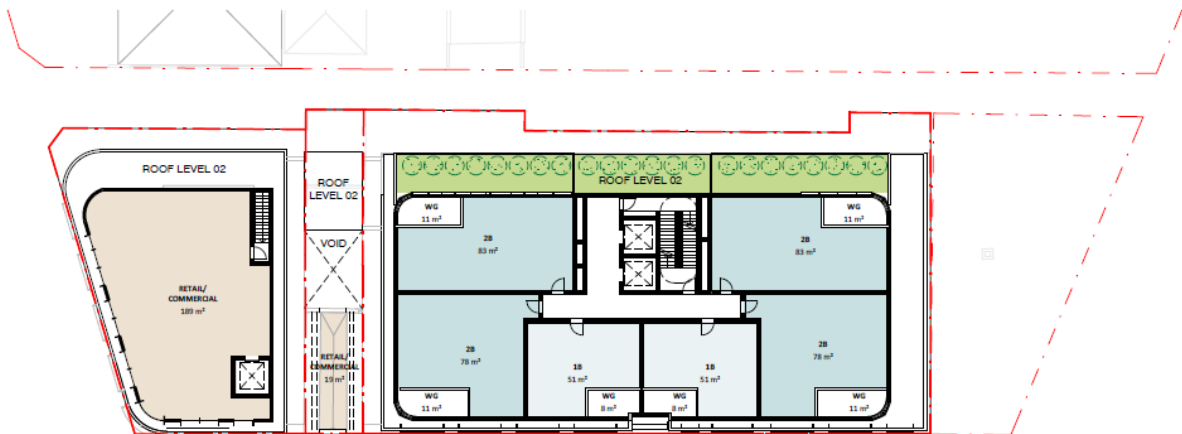
Upper Ground Level

Source: PTW Architects

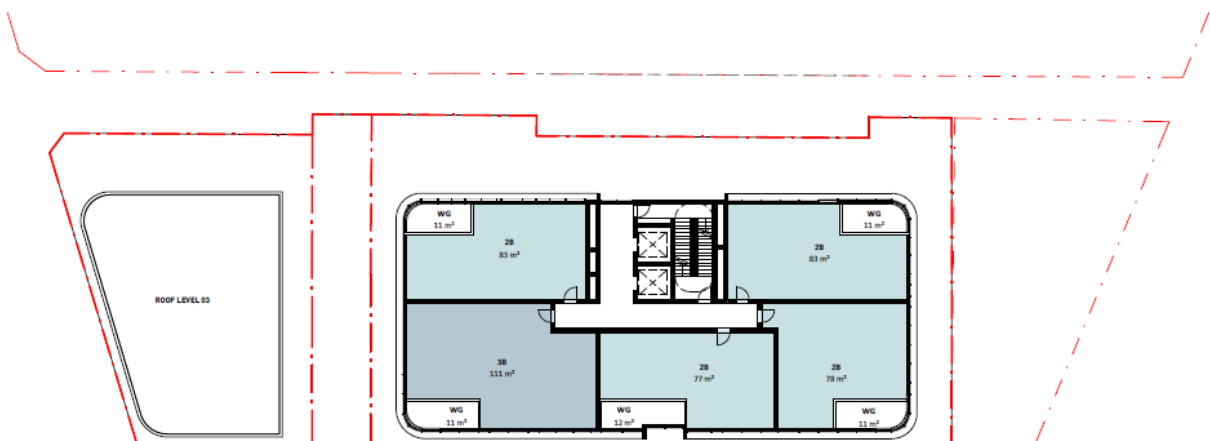
Figure 21 Concept Reference Scheme – Level 1 - 6 Floor Plans



Level 1



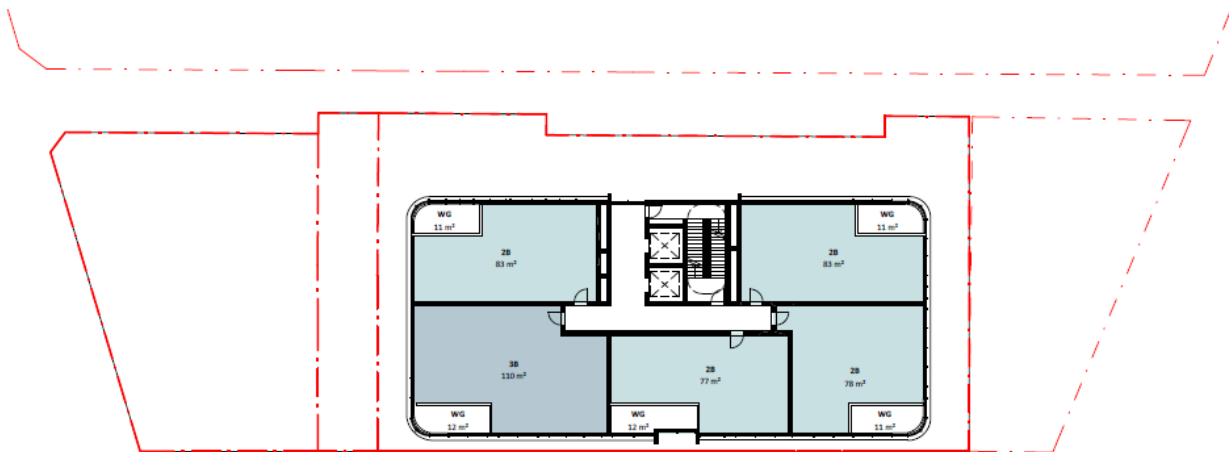
Level 2



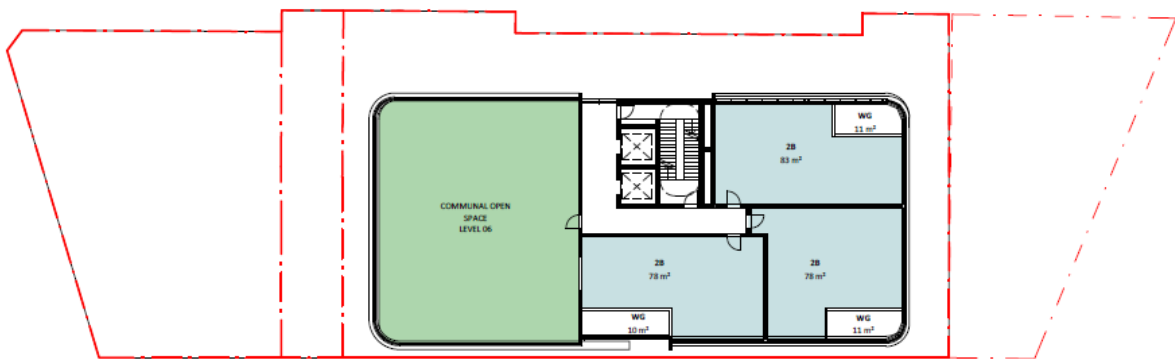
Levels 3

Source: PTW Architects

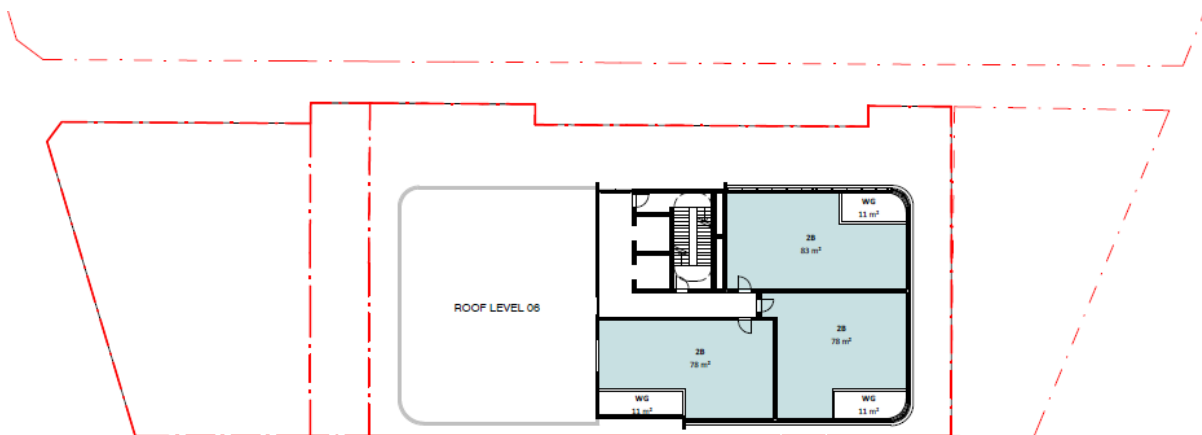
Figure 22 Concept Reference Scheme – Level 4 -8 Floor Plans



Level 4 - 6



Level 7



Level 8

Source: PTW Architects

6.5. 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 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 3-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 23 shows the proposed massing of the development which is consistent with the plan provided in Council's CPPS.

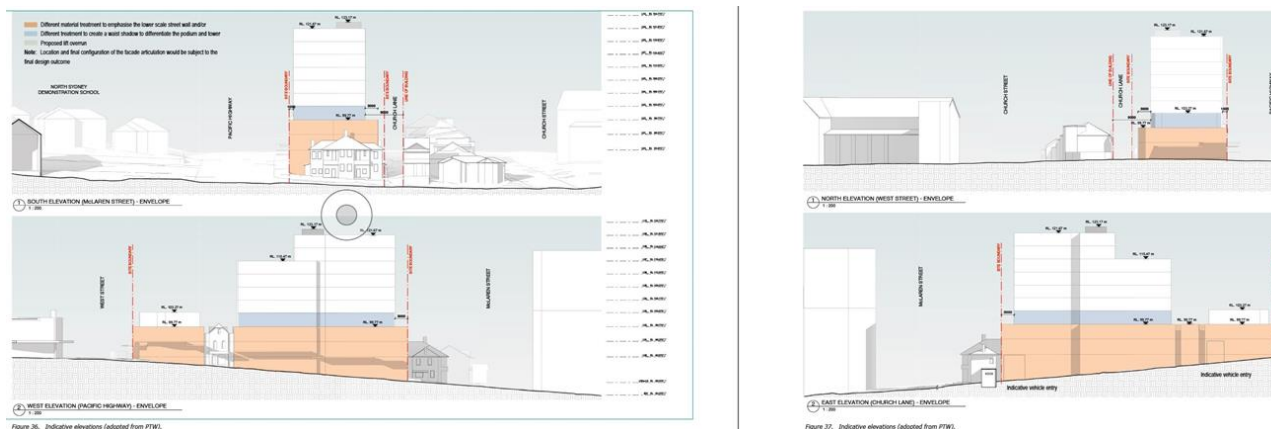
6.5.1. Podium Form

The podium form includes a three-storey street wall to the Pacific Highway. 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 slopped 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.

6.5.2. 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. Residential communal open space will be provided on the rooftops of the development. The three storey built form to the north of heritage item is 14 metres.

Figure 23 Concept Reference Scheme – Elevation Diagrams



Source: PTW Architects

6.6. CAR PARKING AND SITE ACCESS

The Concept Reference Scheme 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 39 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 North Sydney Council Civic Precinct planning study. Two vehicle access points would be 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 car lift 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**.

6.7. PUBLIC DOMAIN AND LANDSCAPING

The Concept Reference Scheme includes a landscaped residential communal open space at the rooftop, podium level planting and street trees as indicated in the indicative landscape plan at **Figure 24**.

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

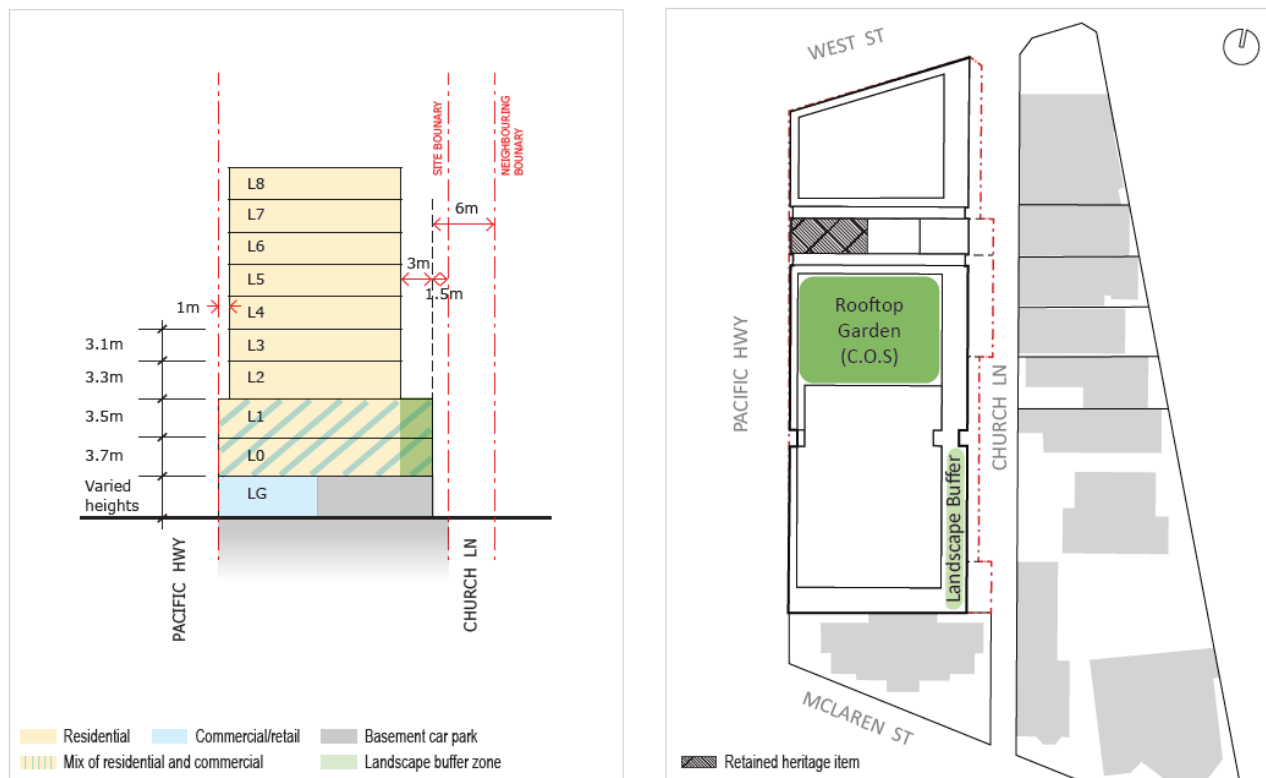
- To achieve quality external recreational areas for residents.
- To achieve landscape buffers between new development and neighbouring residential dwellings.
- To provide reasonable privacy to the residential dwellings from residential uses at low level.

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 burden by uneven property boundaries resulting in a very narrow road carriageway in sections.

Figure 24 Concept Reference Scheme – Landscape Strategy



Source: GMU

6.8. 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.

6.9. ACTIVE STREET FRONTAGES

The Concept Reference Scheme 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. PRE-LODGEEMENT MEETING

As highlighted, Legacy Property and the design team met with North Sydney Council on 18th January 2021 to discuss the merits of this Planning Proposal. Legacy Property put forward two alternative building envelope options for review in light of the adoption of the CPPS. The proposed building envelopes would allow for a total GFA ranging from 5,347sqm to 5,526sqm. Non-residential FSR was approximately 1.0:1 for both options.

The key matters raised by Council and to be addressed in this Planning Proposal included:

- Incorporation of the whole site, including the heritage item at 265 Pacific Highway and 267 Pacific Highway into a single building envelope.
- 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.
- Recommendation that an archival recording of the heritage item is carried out.

The following section provides a summary of the comments provided by Council in their letter, and the project team's responses.

Table 4 Pre-Lodgement Feedback

Council Feedback	Response
<p>Isolated sites</p> <p>Council staff raised concern that neither option incorporated 267 Pacific Highway, and that option 1 also omitted the heritage item at 265 Pacific Highway from the building envelope, reducing the developable site area to approximately 70% of that indicated in the CPPS.</p>	<p>The Concept Reference Scheme has been revised to ensure that both the 267 Pacific Highway site and the 265 Pacific Highway site have been incorporated into the building envelope, ensuring there is sufficient site area to ensure a cohesive and coordinated outcome for redevelopment of the site.</p>
<p>Height</p> <p>Council staff advised that Option 1, with a stepped tower form of 8, 9 and 10 storeys, better adheres to the CPPS guidelines compared to Option 2. Given its slight departure from the CPPS, with the proposed stepping to 9 storeys in height with a larger proportion of the tower at 10 storeys, Option 1 must be clearly justified in the PP, having regard to:</p> <ul style="list-style-type: none"> ▪ the desired transition in scale from the CBD to the Civic Precinct, under the CPPS; and ▪ the overshadowing and amenity impact on surrounding residential buildings and the North Sydney Demonstration School (see discussion on overshadowing). 	<p>The Concept Reference Scheme provides a proportionate 10 storey tower stepping to 8 storeys which is consistent with the CPPS. Further, as demonstrated in the shadow analysis provided in the Urban Design Report (refer to Appendix B), the proposal will not result in any unacceptable overshadowing and amenity impacts on nearby residential buildings or the School.</p>

Council Feedback	Response
<p>The 10-storey tower under option 2 is not consistent with the building envelope recommended in the CPPS and would not be supported by Council.</p>	
<p>Setbacks <u>Whole of building setback to Church Lane</u> A 1.5m whole of building setback is required to Church Lane.</p>	<p>A 1.5m whole of building setback is provided to Church Lane. This will facilitate the widening of Church Lane from 3-4.5m to 6m and improve accessibility for existing residents.</p>
<p><u>Northern and southern above podium tower setbacks</u> If 265-267 Pacific Highway form part of the redevelopment, a 4m above podium tower setback with habitable rooms to the north will likely comply with the ADG and provide an appropriate setback to the heritage item. Without these properties (265 and 267 Pacific Highway), the tower would need to be setback 9m for habitable rooms or 4.5m for non-habitable rooms (5 to 8 storeys) to ensure compliance with the ADG. Additional setbacks are required for levels 9 and above. A 3m above podium tower setback to the south is supported for non-habitable rooms.</p>	<p>265-267 Pacific Highway form part of the redevelopment site. A 9-metre above podium building separation is provided across the heritage item between the tower form to the south and the podium form to the north ensuring there is adequate visual privacy. It should also be noted that 267 Pacific Highway will now be a solely commercial offering, further reducing the need for additional separation between the tower forms.</p>
<p><u>Above podium tower setback to Pacific Highway</u> To reinforce an appropriate street scale and be consistent with the mixed-use buildings south of McLaren Street, a 3m weighted setback to the Pacific Highway will be supported which is consistent with the requirement in the DCP.</p>	<p>A 1m above podium setback is provided to the Pacific Highway frontage instead of the required 3m setback. As demonstrated in the Urban Design Report provided at Appendix B, this is consistent with prevailing streetscape and the Miller Street precedence and ensures that long range views to the mid-block heritage item are maintained.</p> <p>The Civic Precinct Planning Study requires a 3m upper-level setback for the subject site, however given the existing context and prevailing streetscape character in the vicinity of the site, a reduced upper level setback to Pacific Highway will achieve a responsive form to the character of the area.</p> <p>The shadow analysis demonstrates that there is a negligible impact on overshadowing to adjoining residential buildings or the School between the complying and proposed envelope.</p> <p>Further, given the narrowness of the site, there needs to be a balanced relationship with built form to the east constrained by the R3 land. Placement of the building envelope is therefore considered appropriate.</p>

Council Feedback	Response
	<p>As outlined in the Urban Design Report prepared by GMU and attached at Appendix B, a study of recent developments within B4 Mixed use zones along Pacific Highway and Miller Street shows the following characteristics:</p> <ul style="list-style-type: none"> ▪ A distinct podium and tower form. ▪ Narrower upper-level setbacks to the towers above the podium (generally approx. 1-3m). ▪ Vertical indentations/articulation to reduce the perceived bulk and scale of a larger scale development and break up the continuity of the street wall to in response to the existing lot patterns and/or finer-grain context. <p>Further justification regarding building setbacks is provided in Section 11.3.1 of this report. The proposed 1m setback along the Pacific Highway frontage is therefore considered acceptable.</p>
<p>Building Separations</p> <p>Based on the ADG guidelines a 12m tower setback taken from the centreline of Church Lane is required above 3 storeys (instead of the proposed 9m tower setback from the western boundary of the R3 zone), to allow for better transition to the lower-scale residential and heritage conservation area to the east. Levels 9 and above (over 25m) are required to be set back 15m from the centreline of Church Lane (being 12m building separation plus 3m for the transitional setback requirement).</p>	<p>The Concept Reference Scheme (refer to Appendix A) provides a 9m setback above the podium to the western boundary of the R3 zone to the east which is consistent with the building envelope plan provided in the CPPS.</p> <p>The proposed variations to ADG building separation guidelines are considered warranted in this circumstance as:</p> <ul style="list-style-type: none"> ▪ 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 contributory items within a heritage conservation area on separate land parcels and the current planning controls pertaining to this land are highly 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. ▪ Given the above, any assessment for building separation guidelines should 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 Urban Design Report provided at Appendix B, the adjoining HCA parcel of land is too narrow to accommodate any future tower form. ▪ Strict compliance with ADG building separations would render any future development of the subject site as economically unviable, meaning public benefits such as the widening of Church Lane cannot be realised. Requiring a single loaded corridor apartment

Council Feedback	Response
	<p>building would also result in poor amenity outcomes for future apartments.</p> <ul style="list-style-type: none"> ▪ The minor variations sought will improve the internal amenity of future apartments contained within the residential component of the tower. ▪ As discussed in detail in Section 11.3 of this report, 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. ▪ As demonstrated throughout this report and the supporting documentation 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. Council's CPPS has recognised that this approach is entirely reasonable. ▪ 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. ▪ To address visual privacy concerns to dwellings across Church Lane, the proposed internal layout has been amended to relocate the lift core to the eastern side of the tower building. A blank feature wall is provided to 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 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. <p>Further justification regarding building separations is provided in Section 11.3.1 of this report. Ultimately, strict application of ADG building separation guidelines is not required as the adjacent block consists of contributory items within a heritage conservation area and is too narrow and irregular in shape to accommodate a tower development. Application of ADG numerical building separation guidelines would result in the subject site being sterilised and the cumulative impact would render any future development unfeasible.</p>

Council Feedback	Response
<p>Provision P7 of Section 2.4.3 North Sydney Development Control Plan (NSDCP) 2013 sets a Building Height Plane measured from the centreline of Church Lane commencing at 3.5m and projected at an angle of 45 degrees internally to the site, given that the site is located at a zoning change where it transitions down to a residential zone. This would necessitate an amendment to the NSDCP to achieve the heights envisaged under the CPPS.</p>	<p>Given the CPPS is a Council led strategic planning investigation, it is expected that any required amendments to the NSDCP to ensure consistency with the building envelope provided under the Study will be undertaken by Council. This includes removing Provision P7 of Section 2.3.4 of the NSDCP as it relates to the subject site.</p>
<p>Overshadowing</p> <p>Any PP for the site should include further solar diagrams that detail the full extent of the shadow impacts on the school, including the impact prior to 9am in midwinter and shadow impacts on the façade and interior classrooms of the school building fronting the Pacific Highway. A detailed overshadowing study should also be undertaken and submitted with any PP to assess the impacts of the proposed development on the surrounding residential properties, including those within the conservation area.</p>	<p>A detailed shadow study is provided within the Concept Reference Scheme (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 School between the complying and proposed envelope, and the difference will be immaterial.</p>
<p>Solar access</p> <p>Any scheme should demonstrate that solar access and ventilation to new apartments within the scheme will be able to comply with ADG requirements. This is particularly critical given the proposed design will be constrained by limited habitable facades.</p>	<p>A solar access and natural ventilation study is provided within the Urban Design Report (refer to Appendix B) which demonstrates that the future residential apartments will be capable of complying with ADG guidelines.</p>
<p>Non-residential FSR</p> <p>Council staff noted that while a full commercial podium, as outlined in the CPPS, is preferable, the proposed options achieve, or come close to meeting, the non-residential FSR of 1.0:1 for the site.</p>	<p>The Concept Reference Scheme ensures that a non-residential FSR of at least 1:1 will be provided to the site. In incorporating the whole site, part of the non-residential FSR can be achieved by focusing commercial development to the north of the site at 267 Pacific Highway whilst allowing for additional residential apartments to the upper ground and level 1 of the podium fronting the Pacific Highway.</p>
<p>Heritage</p> <p>The CPPS requires that the mid-block heritage item on site be preserved, integrated and appropriately adapted for re-</p>	<p>The Concept Reference Scheme ensures that the mid-block heritage item on the site will be integrated, preserved and appropriately adapted for re-use. The retention of the heritage item is appropriate as it enables</p>

Council Feedback	Response
<p>use and with adequate provisions for the legibility and articulation of the podium level to highlight it. A 4m setback, reflecting the width of the heritage item, is an appropriate separation between the above podium tower of the new building and the heritage item.</p> <p>The proposed southern elevation will be highly visible, and therefore will require a high-quality design outcome that can express the transitory function of its built form.</p> <p>Council recommends that the general maintenance and care of the 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 is recommended.</p>	<p>future development to be staged and has improved 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.</p> <p>A 2.3 metre setback is provided on either side of the heritage item at the podium level. Providing a 4m setback to the heritage item 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. As outlined in the Heritage Impact Assessment provided at Appendix C, the proportion of the heritage item as it is read in the podium is narrow and upright. For this reason, a reduced upper setback, less than 3 meters or a less than 4 meter 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.</p> <p>Adding a two-storey commercial element to the rear of the item which accommodates amenities for the entire commercial component of the development will also result in less internal intrusion into the heritage item.</p> <p>In terms of the southern elevation, the proposed massing is consistent with the CPPS, and future fine grain detailing of the podium will be developed at DA stage to ensure a high-quality urban outcome with appropriate transitional separation between the new and old context.</p> <p>For further discussion relating to heritage, refer to Section 11.3.1.2 of this report.</p>

8. 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.

9. PART 1: OBJECTIVES AND INTENDED OUTCOMES

9.1. 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 Indicative Concept Design 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.

9.2. 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 14m, 29m and 37m;
- Amend the *NSLEP 2013 Maximum Floor Space Ratio Map* to provide 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
- Amend the *NSLEP 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.

10. PART 2: EXPLANATION OF PROVISIONS

10.1. 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.

10.2. PROPOSED LEP AMENDMENTS

The proposed mapping amendments is detailed in **Section 12** of this report.

10.2.1. 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 14m, 29m and 37m across the site.

As illustrated in the accompanying Concept Reference Scheme (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.

10.2.2. Floor Space Ratio

There is no existing FSR control applicable to the site. It is proposed that a maximum FSR of 5.35:1 be applied to 253-261 Pacific Highway and a maximum FSR of 1.85:1 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.

10.2.3. 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.

10.2.4. Site Specific Development Control Plan

Given the nature of planning controls contained within the CPPS which includes a site-specific building envelope for the site, it is not anticipated that future development of the site will require preparation of a site-specific DCP. Further, existing controls provided within the North Sydney Development Control Plan 2013 (**NSDCP**) will continue to apply and guide future development within the site. However, the urban design report does include indicative future built form controls which can be further developed should a site specific DCP be required.

10.3. 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.

10.4. SAVINGS PROVISIONS

It is not considered necessary to include a savings provision.

11. PART 3: JUSTIFICATION

11.1. 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 11.2.2** 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 Concept Reference Scheme 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.

11.2. 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 11.2.1**)
- North District Plan (**Section 11.2.2**)
- Future Transport Strategy (**Section 11.2.3**)

11.2.1. 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 (Northern 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 39 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 Concept Reference Scheme 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>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
<p><i>Objective 22: Investment and business activity in centres</i></p> <p><i>Objective 24: Economic sectors are targeted for success</i></p>	The Planning Proposal would result in a number of direct economic benefits, during the construction stage and during ongoing operations.
<p><i>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i></p>	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.

11.2.2. 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
<p>N1. <i>Planning for a city supported by infrastructure</i></p> <p>N12. <i>Delivering integrated land use and transport planning and a 30-minute city</i></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>N5. <i>Providing housing supply, choice and affordability, with access to jobs and services</i></p> <p>N10. <i>Growing investment, business opportunities and jobs in strategic centres</i></p>	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

North District Plan	Planning Proposal Response
	<p>proximity to Macquarie Park, Sydney CBD, North Sydney CBD makes the site a highly attractive location for residential uses.</p> <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>
N13. Supporting growth of targeted industry sectors	The Concept Reference Scheme provides contemporary and flexible employment space to promote diversity in industries and provide variety of job opportunities.

11.2.3. 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

11.2.4. 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 Concept Reference Scheme 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;
- 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	The Concept Reference Scheme provides a maximum built form height of 10 storeys stepping down to 8 further north towards	Yes

Parameter	Control	Planning Proposal	Complies
	north towards the Civic Precinct, as per the map	the Civic Precinct, as per the building envelope map.	
<i>Building Podium</i>	The podium should be 3-storeys in height to align with the streetscape to the north and the mid-block heritage item	The Concept Reference Scheme will deliver a 3-storey podium to align with the streetscape to the north and provides a 3-storey street wall height with tower form above to the south.	Yes
<i>Minimum non-residential floor space</i>	Provide a minimum non-residential FSR of 1:1.	The Concept Reference Scheme shows a minimum non-residential floor space of 1.18:1. 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 Concept Reference Scheme 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 Concept Reference Scheme ensures heritage items will be retained, preserved, and integrated 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.	Yes
<i>Building setbacks</i>	The podium is to be aligned with the existing heritage item and present no setback to Pacific Highway.	The Concept Reference Scheme 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 1m above podium setback is provided to the Pacific Highway frontage instead of the required 3m setback. This 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 11.3.1 of this report.	No, but justified
	A minimum 4 metre separation between new development and the heritage item is required.	The Concept Reference Scheme 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	No, but justified

Parameter	Control	Planning Proposal	Complies
		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 11.3.1 of this report.	

11.2.5. 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 3-storey street wall height with tower form above;
- Provide a tower form above the podium located south of the heritage item;
- 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;
- 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;
- 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;
- Provides 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;

- Provides active frontages to the Pacific Highway where possible including ground floor retail and commercial uses that improve street activation;
- Delivers a proportion of non-residential FSR consistent with the CPPS (of 1:1);
- Provides 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; and

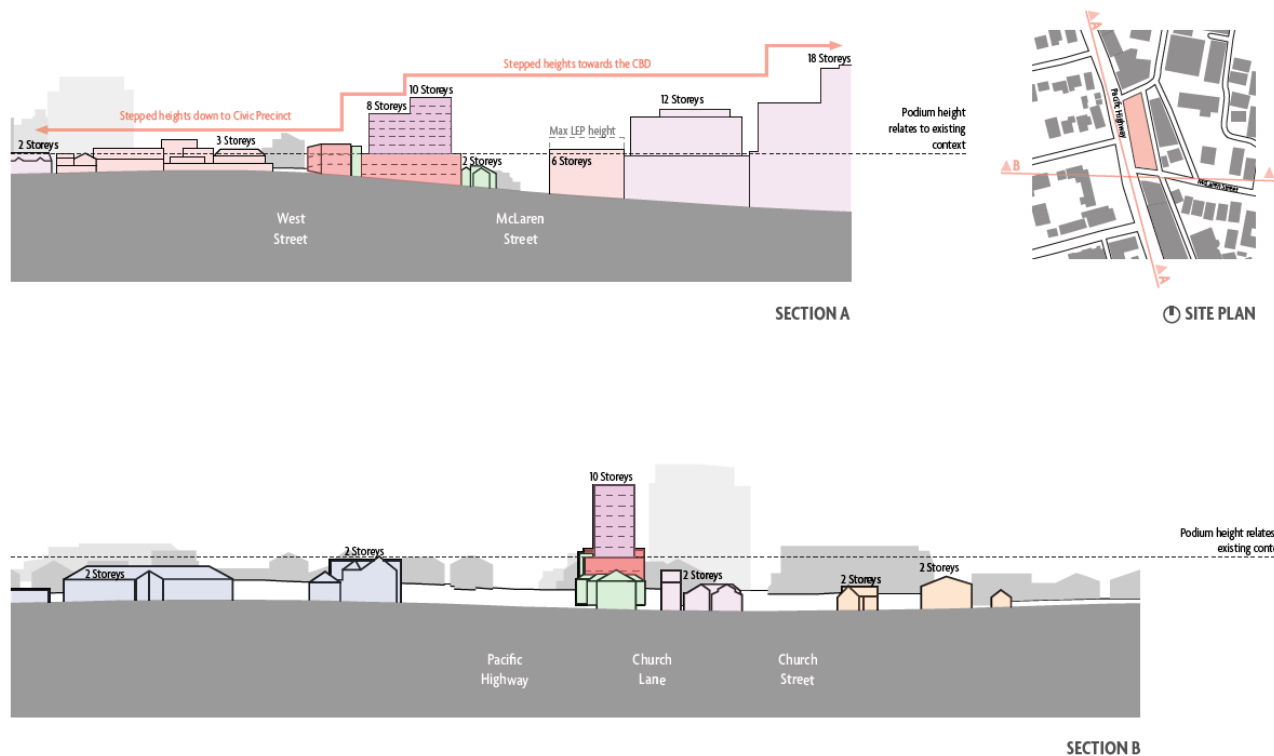
Should the Proponent and Council agree to an offer of public benefit, a draft VPA would be placed on public exhibition prior to the gazettal of this Planning Proposal. These benefits can be secured through several mechanisms including the amended LEP and DCP as well conditions associated with future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

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

11.2.6. 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 builds 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>I1 – Provide infrastructure and assets that support growth and change</i>	<p>Redevelopment of the site includes:</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. <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>
<i>L1 – Diverse housing options that meet the needs of the North Sydney Community.</i>	<p>The submitted reference design demonstrates that, subject to the proposed LEP amendment, future redevelopment of the site can accommodate approximately 39 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>
<i>L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.</i>	<p>The proposal includes the provision for improved pedestrian connectivity and public domain upgrades, consistent with Councils Public Domain Strategy.</p>
<i>L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage</i>	<p>The Concept Reference Scheme ensures heritage items will be retained, preserved, and integrated 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.</p>
<i>P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney</i>	<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>

11.2.7. 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 Concept Reference Scheme demonstrates that the redevelopment of the site has the potential to deliver 39 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.

11.2.8. 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.

11.2.9. 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. 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.

11.2.10. 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 Urban Design Report (Appendix B) 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

Outcome	Strategies	Planning Proposal Response
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 39 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 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	3.4.2 Strengthen community participation in land use planning 3.4.4. Improve the urban design, amenity and quality of North Sydney's public domain 3.4.5 Use a place-based planning approach to achieve design excellence and management 3.4.7 Advocate for affordable housing	The submitted Urban Design Report 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 13 of this report in accordance with the requirements of the legislation.

11.2.11. 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.

11.2.12. North Sydney Traffic and Pedestrian Study

The North Sydney Traffic and Pedestrian Study highlights that:

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

The Traffic and Pedestrian Study applies to land within the North Sydney Centre, of which the site is excised from. Nonetheless, the proposed pedestrian upgrades and improvements 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.

11.2.13. 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.
<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 Concept Reference Scheme 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 Environmental Site Assessment (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 Concept Reference Scheme has been designed to test one way in which the proposed planning controls could be translated to a future redevelopment. The Concept Reference Scheme 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"> • 82% of apartments achieve the ADG guideline of 2 hours of sunlight between 9am and 3pm in mid-winter. • 72% of apartments (ground floor to Level 8) are cross ventilated. <p>GMU have addressed the design principles of SEPP 65 at Appendix B. A detailed assessment would be required to accompany any future DA.</p>
<i>SEPP - (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

SEPP	Comment
	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 additional 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 Concept Scheme 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

Ministerial Direction	Consistency of Planning Proposal
	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 11.3 of this report.
<i>2.4 Recreation Vehicle Areas</i>	Not Relevant
<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>

Ministerial Direction	Consistency of Planning Proposal
<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	
<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.

Ministerial Direction	Consistency of Planning Proposal
<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.
<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 11.2.1 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

Ministerial Direction	Consistency of Planning Proposal
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Relevant

11.3. 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.

11.3.1. Environmental considerations

11.3.1.1. Built Form & Visual Impact

The Planning Proposal is supported by a Concept Reference Scheme 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, the Urban Design Report prepared by GMU (refer to **Appendix B**) includes site-specific development guidelines to ensure an appropriate built form and design excellence are achieved.

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.

Building Separations

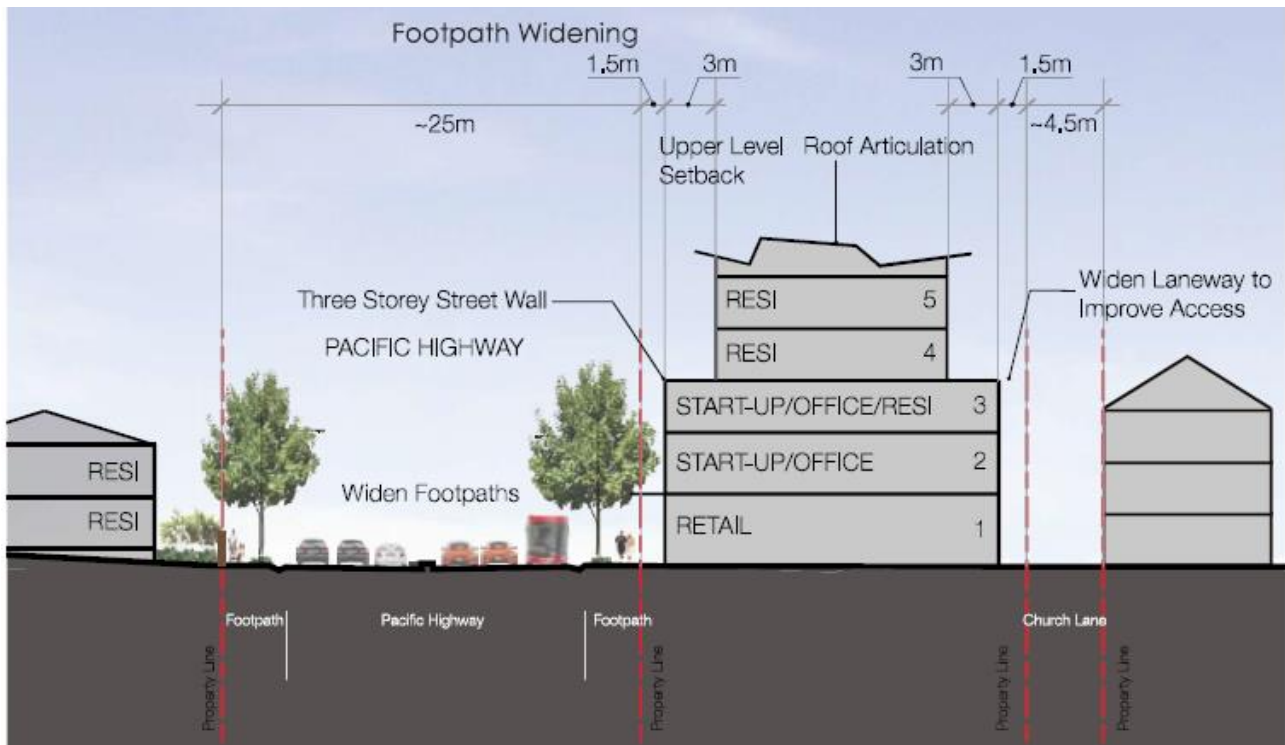
The Concept Reference Scheme (refer to **Appendix A**) provides a 9m setback above the podium to the western boundary of the R3 zone to the east which is consistent with the original building envelope plan provided in the CPPS.

The proposed variations to ADG building separation guidelines (which were raised as an item following the pre-lodgement meeting with Council) are considered warranted in this circumstance as:

- At level 3 and above, the Concept Reference Scheme provides a 9m 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 27**).
- 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.

- As it is highly unlikely that there will ever be a building of similar height to that currently being proposed for the site, 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 Urban Design Report provided at **Appendix B**, the adjoining HCA parcel of land is too narrow to accommodate any future tower form.

Figure 27 Original Conybeare Morrison plan showing 9m upper level separation



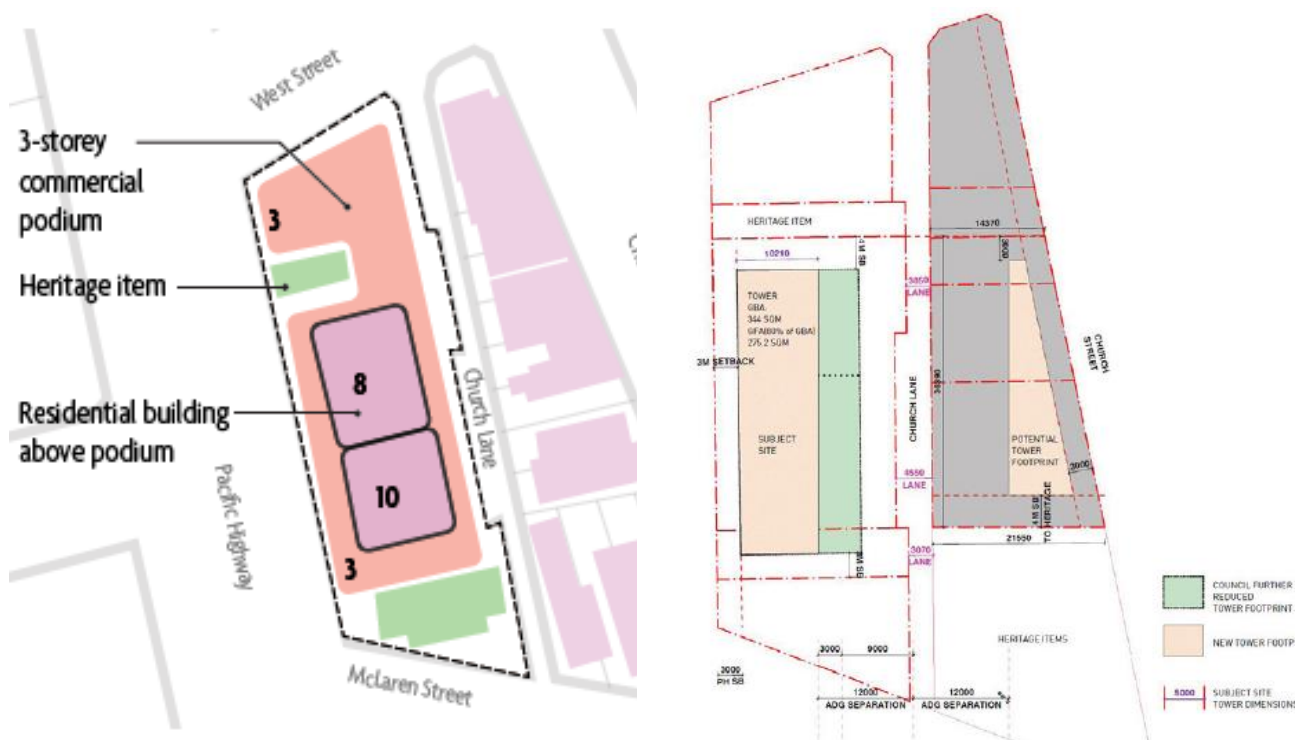
Source: Conybeare Morrison

- As demonstrated in **Figure 28**, 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. As demonstrated in **Section 11.3.1.3** of this report, the proposed building separations will not result in any additional amenity impacts to adjoining land in terms of overshadowing.
- As outlined in the Urban Design Report prepared by GMU and attached at **Appendix B**, 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, the proposed internal layout has been amended to relocate the lift core to the eastern side of the tower building. A blank feature wall is provided to 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 28 Building envelope comparison



CPPS Building Envelope Plan

Source: Civic Precinct Panning Study

ADG Compliant Building Envelope

Source: GMU

Overall, the proposed separations as show in **Figure 29** 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.

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.

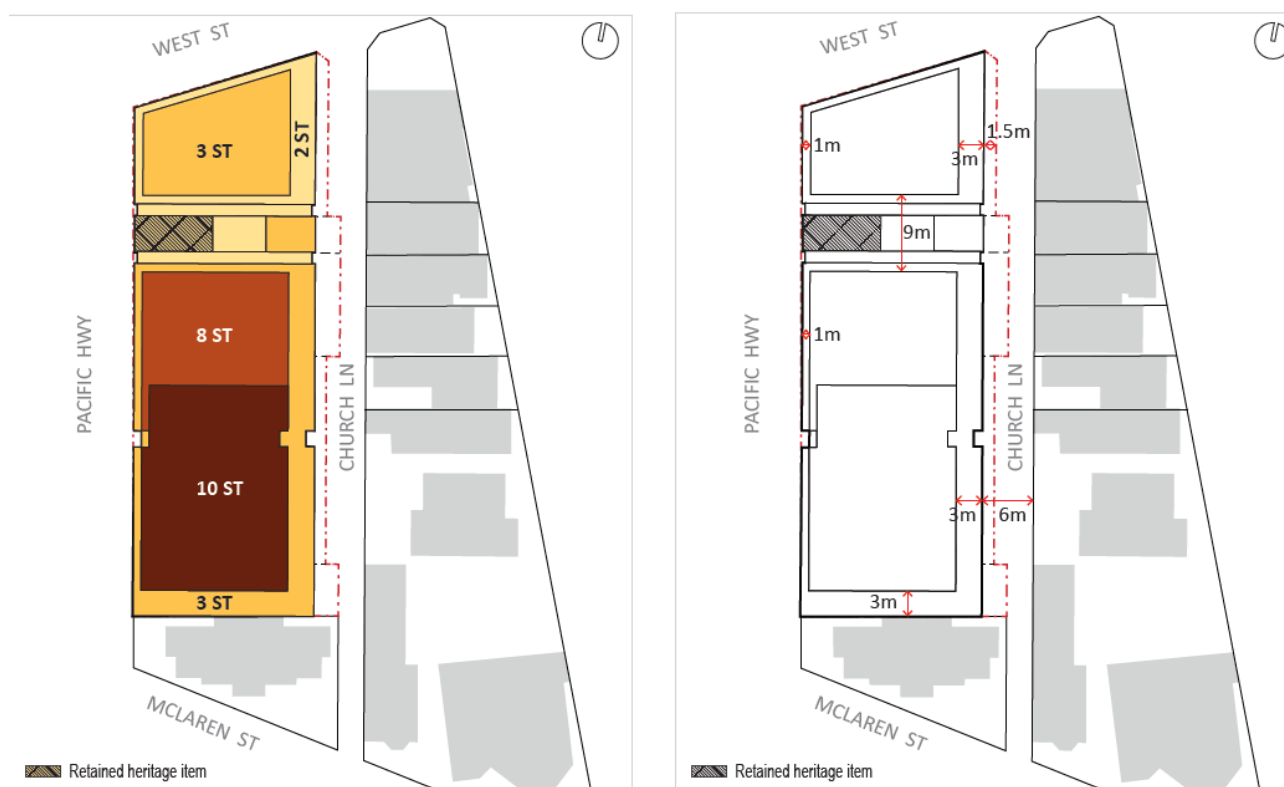
Planning Circular PS 17-001 'Using the Apartment Design Guide' prepared by DPIE provides guidance on the application of the ADG to the assessment of development applications under SEPP 65. According to the ADG Circular "apart from the non-discretionary development standards, the ADG is not intended to 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.

Figure 29 Concept Reference Scheme - Proposed building envelope plan



Source: GMU

Building Setbacks

The Concept Reference Scheme provides a nil setback to the podium along the Pacific Highway frontage to ensure alignment with the existing mid-block heritage item.

A 1m above podium setback is provided to the Pacific Highway frontage instead of the required 3m setback. This is consistent with prevailing Pacific Highway and Miller Street streetscape and ensures that long range views to the mid-block heritage item are maintained.

Further, the current context and prevailing streetscape character does not universally comply with this approach. Further, an increased above podium setback along the Pacific Highway would render the development unfeasible.

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, given the narrowness of the site, there needs to be a balanced relationship with built form to the east constrained by the R3 land.

As demonstrated in **Figure 30** and **Figure 31**, 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.

Placement of the building envelope is therefore considered appropriate and we consider that a reduced upper level setback to the Pacific Highway is acceptable.

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, 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.

Figure 30 Recent Mixed-Use Tower Development along Pacific Highway



Source: GMU

Figure 31 Recent Mixed-Use Tower Development along Miller Street



Source: GMU

As demonstrated in **Figure 32** and **33**, 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.

Overall, the proposed setbacks:

- Provide a zero-street setback to the podium to Pacific Highway and West Street, defining the street edge.
- Provide a minimum 1m 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 a 1.5-3m setback to the east for the length of the site to widen Church Lane to a minimum of 6m.
- Provide an additional 3m 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 min. 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 32 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 33 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



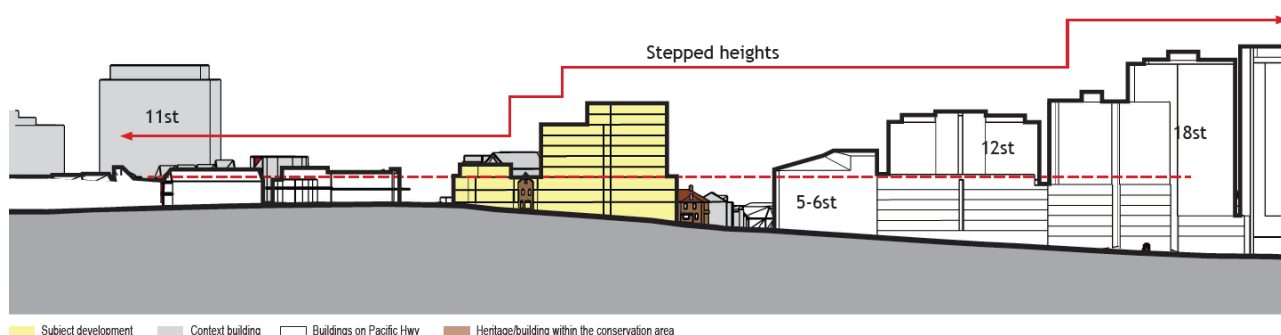
10st mixed-use development at 156-158 Pacific Hwy, facing Doohat Ln (6m wide) and a heritage listed dwelling to the west.

Source: GMU

Building Height and Podium

Consistent with the CPPS, the Concept Reference Scheme 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 34**). The proposed building envelope will deliver a 3-storey podium to align with the streetscape to the north and a 3-storey street wall height with tower form above to the south.

Figure 34 Emerging Skyline – Pacific Highway Cross Section

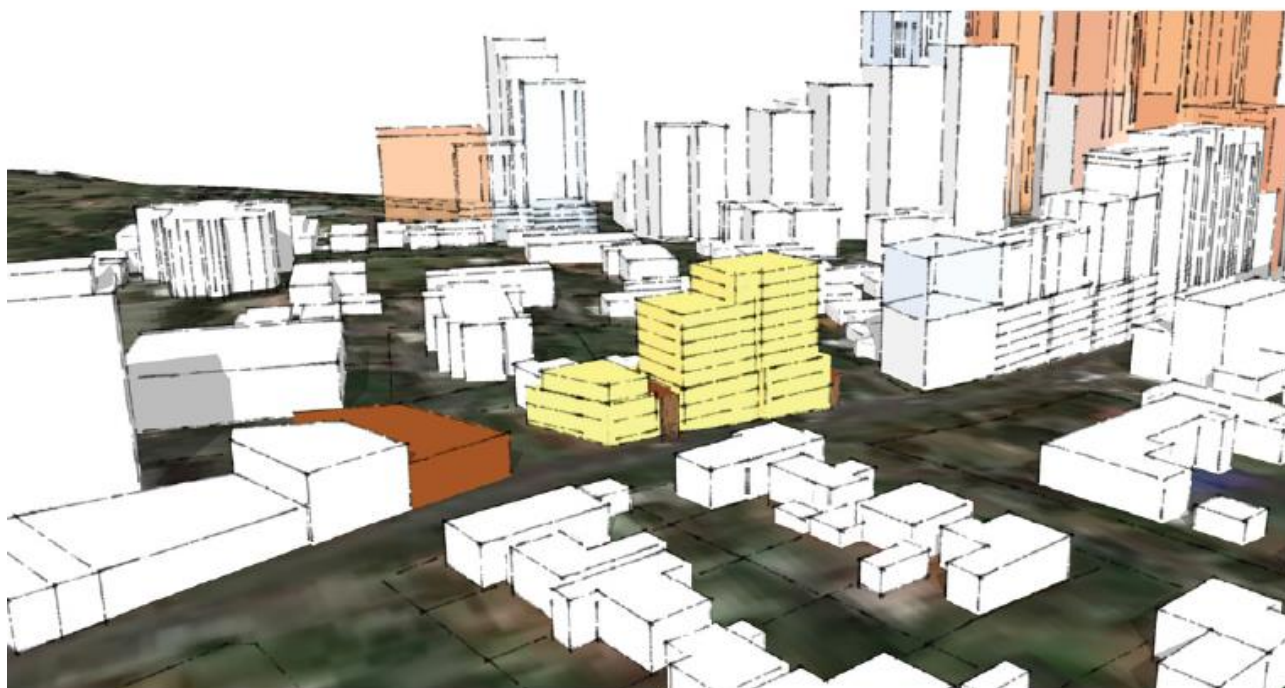


Source: GMU

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 35** and **Figure 36**). The proposed massing:

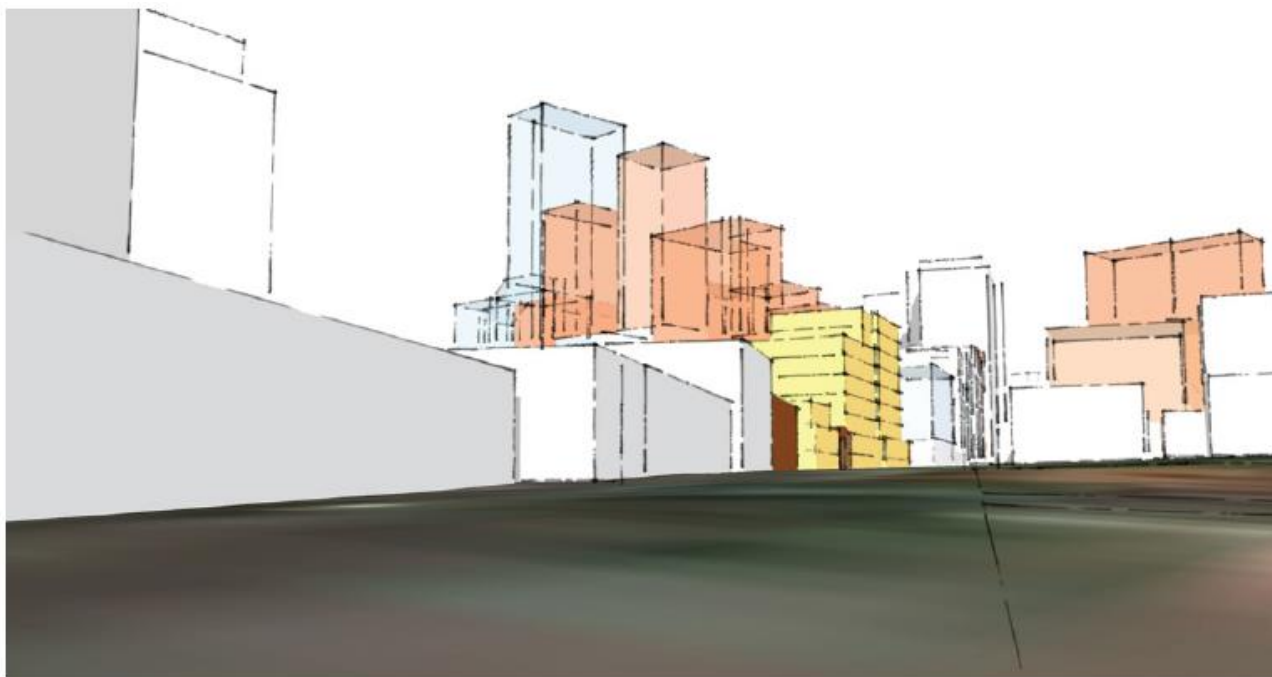
- Provides a distinct podium and tower form with the maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the building envelope map in the CPPS;
- Incorporates the site into one single, mixed-use building with a predominantly commercial podium and a residential tower component above;
- Delivers a 3-storey podium to align with the streetscape to the north, and to the south provides a 3-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 35 Birds eye view of the development which responds to the changing surrounding context



Source: GMU

Figure 36 View south from Pacific Highway, showing the 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.

11.3.1.2. Heritage

Surrounding Heritage Context

The site is located between 2 separate conservation areas - McLaren Street (to the south and south-east) and Crows Nest (to the north-west) and amongst a number of heritage items in the vicinity.

According to the Statement of Heritage Impact report prepared by NBRS Architecture Heritage (refer to **Appendix C**), the Crows Nest Conservation Area, segregated by Pacific Highway to the north-west, is mainly characterised by 1-2 storey residential dwellings with gardens and street trees contributing to the quality of the area. McLaren Street Conservation Area has more diversified building character (1-3 storeys) including Church and Council buildings and some residential dwellings to the eastern side of Church Lane and southern side of McLaren Street. No. 6-8 McLaren Street (2-storey), located at the western end of conservation area where McLaren Street meets Pacific Highway, is a contributory item adjacent to the south of the site.

There are a number of heritage items in the vicinity, such as Union Hotel to the north (2-storey), North Sydney Demonstration School to the west, and the McLaren Street Group (a group of 1-2 storey Federation style dwellings) to the south-east. Given the site's location within the significant heritage context, it is

important to provide a sympathetic design response to reinforce the predominant character of the heritage streetscape and the low scale built form.

The Cloisters Antiques (No. 265 Pacific Highway) on site is a heritage listed item in the Victoria Free Gothic style. It is considered as a prominent element on the present streetscape. The subject development attempts to retain the original building with demolition of the late extension with low heritage value as well as incorporate it into the future podium development.

Views along McLaren Street are characterised by mature trees and the lower scale heritage items. There is an opportunity for the site to reinforce this low-scale visual corridor by setting back the potential tower development away from the conservation area.

It is also noted that views from McLaren Street to the south, south west and south east are characterised by recent tower development as a backdrop to the lower-scale heritage context. These tower developments to the south of the site along Pacific Highway with rear access from Angelo Street (approx. 9m wide) establish an abrupt edge relative to low scale conservation area and heritage items. They have their podium built to the boundary with residential units on lower podium level facing the residential/institutional development on the other side of the lane.

The Concept 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.

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 stepped relationship between the northern and southern towers envelopes and the heritage site results in a clear break above the item which acts as a visual marker to its presence, as well as assisting in retaining the landmark presence of the heritage item in the streetscape. This is a positive heritage outcome.

The nil 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; this allows the original form and fabric of the heritage 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.

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.

The southern elevation provides a backdrop to a pair of two-story residences which contribute to the McLaren Street conservation area. In this instance, because of the relationship of the higher portion of the tower and the adjacent residences, the backdrop is enhanced by the setback of the tower above the podium.

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 lower built form at the higher end of the site acts as a transition 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 a 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 tall, stepped tower form is read in the context of the tower buildings existing and contemplated along the Pacific Highway and 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 stepping down of the building envelope (south to north) across the site between McLaren Street and the heritage listed Union Hotel on West Street has a positive heritage impact by creating a sympathetic transition of the existing tower forms fronting the Pacific Highway and the Union Hotel.

The proposed separation and setbacks do not have any adverse visual or physical impact on the significance or interpretation of the heritage item as there are no detrimental or detracting visual impacts from the design. The more important consideration is to clearly delineate the item in the podium such that it retains its visual prominence in the streetscape and is not overwhelmed.

The stepped profile of the envelope to the north and south of the heritage item further provides an appropriate interface that forms the space, or visual marker, above the item, in a proportion appropriate to the narrow and upright heritage item.

Overall, the proposal both respects and enhances the heritage significance of the item and adjacent conservation areas for the following reasons:

- The heritage item, The Cloisters, will be retained and conserved so that existing advanced deterioration will be repaired and managed as a part of a future project, ensuring that original heritage fabric won't be lost.
- The heritage item will retain its prominence as a local landmark on the Pacific Highway, with its original 'standalone' character being reinstated.
- The contemporary form of the reference design addresses the existing and contemplated tower forms along the Pacific Highway to the south, as well as providing a stepped transition to the northern end of the site where it meets West Street and the nearby heritage items.
- The southern tower has adopted a stepped form with a waist; this approach, whilst adding a built element to the visual context, supports the ongoing appreciation of the character and understanding of the McLaren Street conservation area and associated views and those heritage items within the conservation area.
- Any new development on this site will be read in context with the existing and proposed nearby tower developments. The site will not read as an isolated development.

Heritage Recommendations

To mitigate any potentially adverse impacts from the Planning Proposal on the heritage item, NBRIS 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.

11.3.1.3. Overshadowing

An assessment of the potential shadow impacts of the Planning Proposal has been undertaken within the Concept Reference Scheme at **Appendix A**. The shadow diagrams also show a comparison of the shadow impacts of the proposed building envelope relative to the recommended built form presented in the Civic Precinct Study.

As demonstrated in **Figure 37**, the proposed building envelope creates a fast-moving shadow traversing the education uses on the western side of the Pacific Highway, before moving across the highway to the south east. It creates no additional overshadowing on the North Sydney Demonstration School's playground during the day and therefore is acceptable.

The shadow generated by any future development in accordance with the Planning Proposal will not dwell on any significant open space, heritage item or public facilities.

As per the CPPS, future development is to not reduce or affect the amenity in terms of overshadowing of education facilities located on the western side of the Pacific Highway. This is achieved. 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.
- 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 Urban Design Report at **Appendix B**), 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 37 Shadow Analysis during Winter Solstice



Source: PTW Architects

11.3.1.4. Traffic and Parking

ARUP 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 report addresses the following matters:

- An overview of the existing transport and planning context
- Generation of car trips
- Traffic impacts of the development
- Public transport accessibility
- Car parking arrangements
- Pedestrian and bicycle access

Car Parking

A total of 39 spaces are provided, including 35 spaces for the residential component and 4 spaces for the commercial component of the development via two separate access points from Church Lane. The report confirms that the proposed parking provisions are considered appropriate to meet the parking needs of the development while also minimising the impact on the adjacent road network by reducing traffic generation.

Bicycle and Motorbike Spaces

The North Sydney DCP requires the provision of motorcycle parking at the rate of 1 space per 10 car spaces, or part thereof. Future development applications for the site would comply with this requirement. Sufficient bicycle parking will be provided as part of the proposal and detailed in future development applications for the site in accordance with DCP requirements.

Traffic

Overall, the assessment confirms the site is estimated to generate a net increase of no more than 11 car trips during the busiest hour of the day. 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.

11.3.1.5. Residential Amenity

The Concept Reference Scheme 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 Concept Reference Scheme has been undertaken by GMU (**Appendix B**). 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:

- 82% of apartments achieve the ADG requirement of 2 hours of sunlight between 9am and 3pm in mid-winter.
- 72% of apartments (ground floor to Level 8) are cross ventilated.
- Apartment sizes and private open space meet the requirements under the ADG.
- Adaptable apartments can be accommodated under the concept floor plates.

11.3.1.6. Wind

A preliminary review of the Concept Reference Scheme was 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; and
- The wind conditions at the building entrances are expected to be within the recommended standing criterion.

The wind report incorporates recommendations for the detailed building design which can be addressed at the detailed DA stage to ensure appropriate wind comfort levels are achieved, including the following:

- Incorporate a balustrade to the rooftop communal open space area with a minimum height of 1.8m.
- Curving the tower corners to suppress vortex shedding; and
- Providing an awning along the Pacific Highway frontage as shown in the Concept Scheme.

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.

11.3.1.7. 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.

11.3.1.8. 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.

11.3.1.9. 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 to 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 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 39 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 H**) 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 complaint 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. The assessment demonstrates that adopting the higher FSR scenarios result in a range of 5,868sqm to 7,335sqm GFA (FSR 4:1 to 5:1). 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.

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

Based on the traffic distribution and generation assumptions, the analysis indicates that the increase in traffic is negligible and is not envisaged to affect the existing surrounding road network, noting that only 13% of residents will utilise private transport modes.

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) | ▪ Secondary Schools (aged 12-18) |
| ▪ ANZAC Park Public School | ▪ Cammeraygal High School |
| ▪ Cameragal Montessori Primary | ▪ Loreto Kirribilli Senior School |
| ▪ Cammeray Public School | ▪ Marist College North Shore |
| ▪ Loreto Kirribilli Junior School | ▪ Monte Sant' Angelo Mercy College |
| ▪ Neutral Bay Public School | ▪ North Sydney Boys High |
| ▪ North Sydney Demonstration School | ▪ North Sydney Girls High |
| ▪ Redlands Grammar School | ▪ Redlands Grammar School |
| ▪ St Aloysius Junior College | ▪ St Aloysius Senior College |
| ▪ St Mary's Primary School | ▪ Shore Grammar School |
| ▪ Shore Grammar School | ▪ Wenona School |
| ▪ Wenona School | ▪ TAFE NSW |
| ▪ After School Care | ▪ St Leonards Campus |
| ▪ Available in conjunction with Primary Schools. | ▪ 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 Precinct 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 38 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*.

12. 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

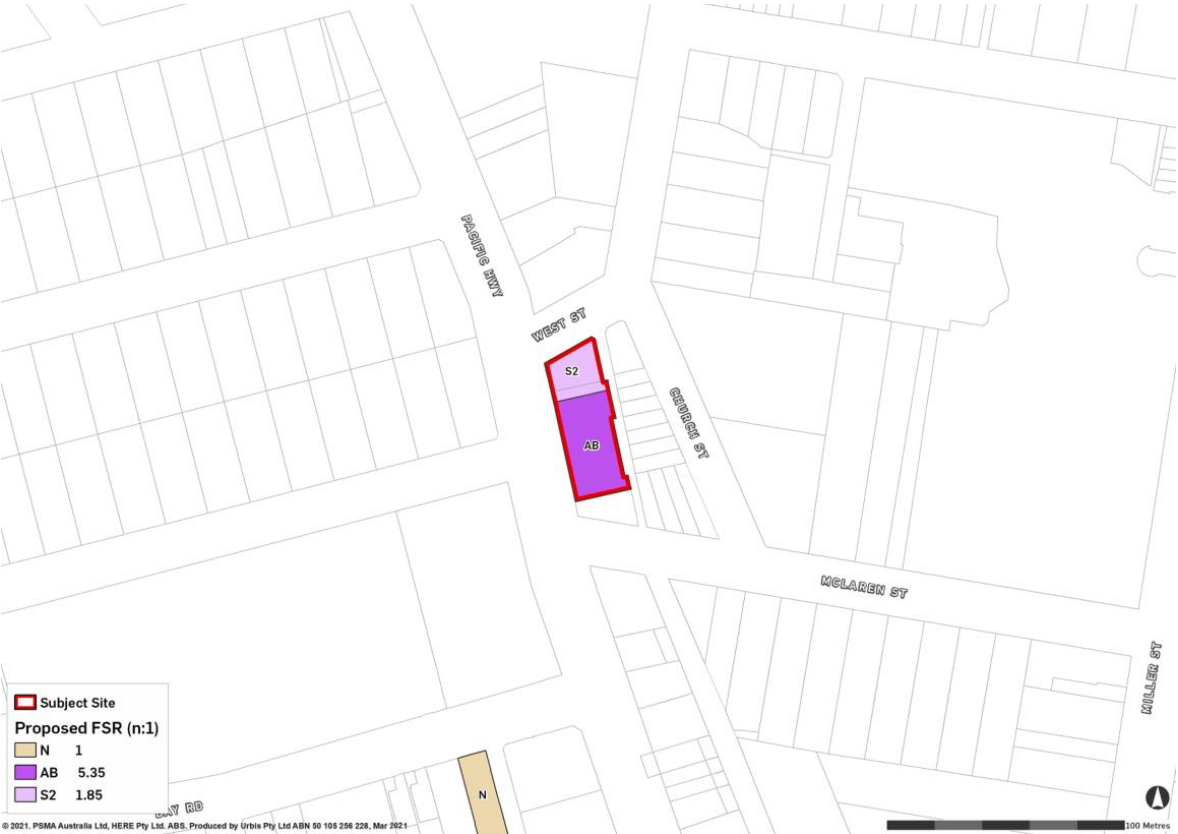
The proposed amendments to the LEP maps are provided in **Figure 39– 41**.

Figure 39 Proposed LEP map amendments - maximum building height control



Source: Urbis

Figure 40 Proposed LEP map amendments - maximum FSR Control



Source: Urbis

Figure 41 Proposed LEP map amendments - minimum non-residential FSR Control



Source: Urbis

13. 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.

14. 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 12 Anticipated Project Timeline

Process	Indicative Timeframe
Consideration by North Sydney Council	June 2021
Planning Proposal referred to the DPIE	August 2021
Gateway Determination by DPIE	October 2021
Commencement and completion of public exhibition	November 2021
Consideration of submissions and consideration of the proposal post-exhibition	February 2022
Proposal reported back to Council for endorsement	March 2022
Date of submission to the DPIE to finalise the LEP	April 2022
Legal Drafting of the LEP	April-May 2022
Notification of the LEP	May 2022

15. 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.

DISCLAIMER

This report is dated 1 April 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Legacy Property (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

CONCEPT REFERENCE SCHEME

APPENDIX B

URBAN DESIGN REPORT

APPENDIX C

HERITAGE IMPACT STATEMENT

APPENDIX D

TRAFFIC AND PARKING STUDY

APPENDIX E

WIND REPORT

APPENDIX F

PRELIMINARY SITE INVESTIGATION

APPENDIX G

LAND SURVEY

APPENDIX H

ECONOMIC FEASIBILITY ASSESSMENT

