

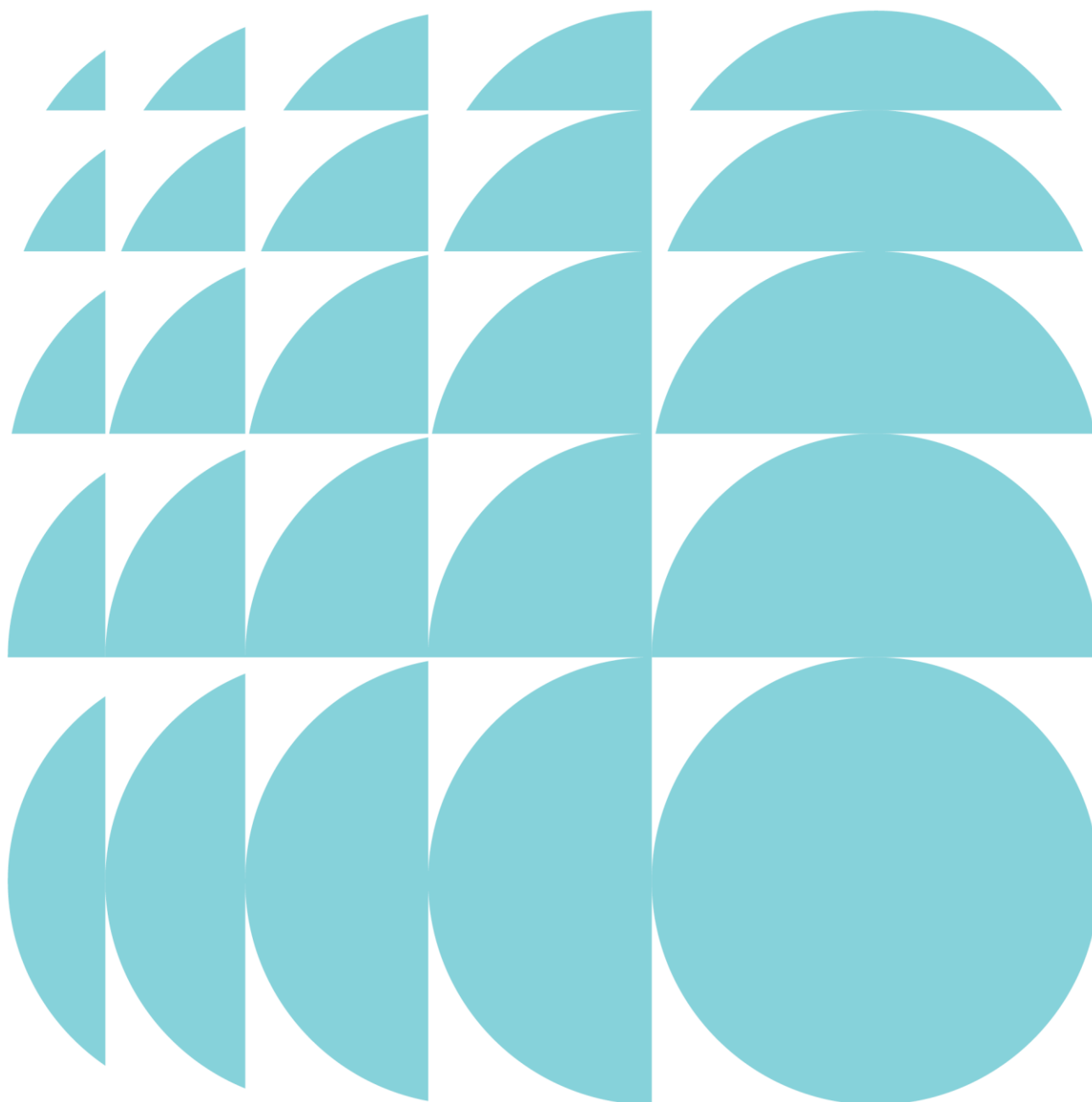
# ETHOS URBAN

**52 Alfred Street South, Milsons Point**

Amendment to North Sydney LEP 2013

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

28 April 2023 | 2210026



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## Executive Summary

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

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

This Planning Proposal to amend the NSLEP 2013 is accompanied by an Indicative Concept Scheme prepared for the site by Koichi Takada Architects (KTA). The Indicative Concept Scheme entails a part 17 and 22 storey development comprising 3,755m<sup>2</sup> of non-residential gross floor area (GFA), 14,188m<sup>2</sup> of residential floor area and 125 apartments. The Indicative Concept Scheme illustrates how the site may be redeveloped in the future.

The objective of this Planning Proposal is to amend the existing 40 metre height limit as it currently applies to the site to part RL 88 (approximately 69.99m) and part RL 84 (approximately 54.42m). A planning proposal is required enable the site's future redevelopment in accordance with the Indicative Development Concept. The existing building contained within the site significantly exceeds the prevailing building height limit. Consequently, any redevelopment under the current LEP height control could not be carried out without a considerable loss of floorspace and a significant truncation of the existing height/built form.

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

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

The need to protect solar access to the surrounding public domain is well recognised in Council's planning controls. Specifically, an objective for the maximum building height is to promote development that maintains solar access to existing public reserves. The North Sydney DCP 2013 requires that there is to be no increase in overshadowing to Bradfield Park between the time of 12pm and 3pm. The revised Indicative Concept Scheme demonstrates that a building can be accommodated within the proposed height(s) without resulting in additional overshadowing to the surrounding public domain. Accordingly, it is emphasised that the proposed amendment to the height limit will not result in any additional overshadowing to Bradfield Park resulting in no net increases. Further, with the adoption of the proposed massing strategy, the scheme has the capacity to reduce existing overshadowing impacts on Bradfield Park by up to 82m<sup>2</sup> between 9am and 3pm.

### Strategic Justification

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

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

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

### Local Planning Strategies

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

Whilst the RDS indicated Milsons Point was nearing capacity, the nearby Milsons Point Town Centre had increasingly come to accommodate residential development that capitalised on its proximity to the North Sydney CBD along with its locational benefits, including access to public transport and iconic views. Recent market trends indicate that there is still a strong demand for residential development in Milsons Point. In particular, relative to the Greater Sydney Region, the demand for residential units in Milsons Point have increased significantly. Specifically, the rate of dwelling stock being utilised as rentals for the LGA was at 51.9% in 2021, compared to the Greater Sydney average of 35.9%. This difference in figure demonstrates that there is a greater market demand for residential accommodation in Milsons Point.

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

Most recently, the North Sydney Council's Local Housing Strategy (LHS) supports the overall housing objectives stated in the LSPS. Additionally, the LHS seeks to establish Council's vision for housing in the LGA and provide a link between this vision and the housing objectives and targets set out in the GSC's North District Plan.

The LHS anticipates an additional 2,809 dwellings to be completed for the 6 to 10 year period (2021 to 2026). This is based on known capacity within existing zoned land and development projects that are currently in planning and supported by Council. However, building approvals activity in North Sydney LGA has significantly declined since 2016. In addition, the impacts of COVID-19 on the construction industry, as well as the current conditions in the 2023 housing market, means there will likely be a lack of progress in achieving Council's 6-10 year housing targets. Examination of recent ABS Building Approval Data and DPE housing supply forecasts indicates that North Sydney LGA is unlikely to achieve its target with an anticipated housing shortfall of -1,040 dwellings.

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

### North District Plan

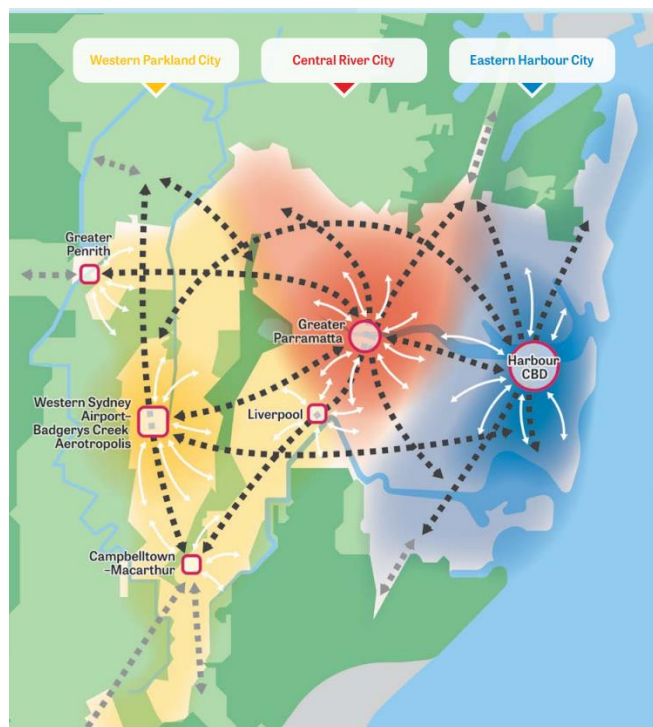
The North Central District Plan underpins the Greater Sydney Region Plan, *A Metropolis of Three Cities*, and is a key component of the vision to transform Greater Sydney into a metropolis of three cities. The site forms part of the



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

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

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



**Figure 1 A Metropolis of Three Cities**

Source: North District Plan

### *Increase Housing Supply*

Planning Priority N5 is a direction nominated by the Plan that outlines the need to increase housing supply, choice and affordability in locations with easy access to jobs, services and public transport. The direction is underpinned by Action 17 which involves the preparation of five-year housing supply targets for each Local Government Area (LGA)

and the creation of further capacity for more housing in the right locations. The Plan highlights that the delivery of new dwellings needs to respond to anticipated changes in household structures. It is projected that the quantity of single-person households will increase by 31,750 to 2036. This represents a 39 percent increase in single-person households. Furthermore, the number of residents aged over 85 is expected to grow by 85%. Consequently, there will be a growing demand for compact housing that suits the needs of seniors, single people and the younger demographic that require smaller and more affordable dwelling types. It is also recognised by the Plan that housing needs to be delivered in the right locations. In particular, the delivery of new homes needs to be concentrated in catchment areas within walking distance of up to 10 minutes of public transport.

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

### *Integrating Land Use and Transport Planning*

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

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

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

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

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

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

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

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

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

### *Summary*

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

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

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

### **Key Assessment Issues**

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

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

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

## Conclusion

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

### Strategic Merit

- Permit a building height capable of accommodating a range of dwelling types that will assist in meeting the North District Plan's housing target of 92,000 additional homes by 2036.
- Increase the provision of housing in a location well serviced by public transport that will support the growth of the North Sydney CBD as envisaged by local, district and state-level policies and the North Sydney CBD and associated technical studies including the *North Sydney Local Housing Strategy*, *North Sydney CBD Capacity and Land Use Strategy*.
- Provide premium and upgraded commercial floor space to support Sydney's global economic activities.
- In accordance with the Greater Sydney Region Plan, facilitate the provision of housing and employment opportunities close to transport and a strategic centre to assist with the achievement of a 30-minute city.

### Site Specific Merit

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

### Public Benefits

- Provision of a high quality built form capable of providing a high standard of residential amenity along with premium commercial floor space.
- Delivery of a building envelope that reduces the amount of cumulative overshadowing to Bradfield Park between 12pm and 3pm.
- Facilitate the delivery of a range of new commercial and retail tenancies that will support the local economy and facilitate job creation.
- Capitalise on the opportunity to improve the relationship with Camden House through the delivery of an improved public domain within the curtilage of the item; an appropriately scaled podium consistent with the existing building envelope; and greater building separation to the item.
- Deliver an upgraded through-site link that will improve connectivity within Milsons Point and enhance the permeability of the ground plane.
- Enable the opportunity to create a vibrant public realm at the ground level with the potential to function as a new hub of commercial activity within Milsons Point.
- Contribute to the revitalisation and reinvigoration of the ground plane and the Milsons Point Town

## 1.0 Introduction

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

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

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), and 'A Local Environmental Plan Making Guideline' (2022) prepared by the NSW Department of Planning and Environment.. Section 7.0 of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, state environmental planning policies, ministerial directions and the environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the relevant expert consultant reports appended (see Table of Contents).

### 1.1 Stakeholder Involvement

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

#### 1.1.1 Pre-lodgement Meeting

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

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

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

### 1.2 Design – Review Panel

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

- **Height and Overshadowing:** Council stated the height exceedance will result in additional overshadowing to the surrounding public domain, including Bradfield Park and the residential dwellings located at 48 – 50 Alfred Street, 30 Alfred Street and 2 Dind Street. Council requested that a more comprehensive overshadowing analysis be prepared to clearly differentiate the existing shadows from surrounding buildings and the shadows from the proposed scheme. Additionally, Council recommend that the scheme be revised to prevent additional overshadowing of Bradfield Park.
- **Relationship to Context:** Council stated that further refinement of the scheme is required to achieve an appropriate relationship with the surrounding context, particularly the heritage item to the south known as Camden House. It was noted by Council that the existing building contained within the site provides a 2 – 3 storey podium with a generous setback above at its southern aspect that achieves an appropriate built form relationship at this sensitive interface. It was highlighted that any future development within the site should retain this interface. It was also recommended that the scheme be revised to increase the setbacks to the south potentially by removing the proposed atrium. The provision of a greater setback will also improve solar access to Camden House.
- **Building Form and Scale:** Council considered that the bulk and scale of the Indicative Concept Scheme was excessive and to provide unacceptable impacts to Camden House and the adjoining public open space (Bradfield Park). It was noted that the length of the southern elevation is approximately 64m and it was recommended that this elevation be redesigned to break up its massing and scale.
- **Amenity:** Council advised that a fully compliant scheme should be developed to demonstrate that the building at the proposed height can achieve a higher standard of private amenity.
- **Views:** Council have requested that a further detailed view impact analysis be provided to address the impacts from key public domain viewpoints including the Sydney Harbour Bridge and Lavender Bay. It was recommended that view impacts from adjoining sites at 37 Glen Street and 70 Alfred Street South from bedroom and living room windows also be considered.
- **Design:** Council are of the view the eastern and western facades should be refined to address issues such as heat loads, privacy and the useability of balconies. It was advised that the articulation of the facades be further developed to ensure the character of the building complements the surrounds, including Camden House.

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

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

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

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



### 1.1.3 Further Design Development

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

When reconsidering the design, the Proponent and its project team sought to address the issues raised by undertaking design amendments aimed at delivering a more refined reference scheme. The broad matters of issues raised by Council and which were resolved through the amended Planning Proposal included:

- Height and overshadowing;
- Relationship to context;
- Building form and scale
- Amenity;
- Views; and
- Façade design efficiencies.

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

Despite the refined design work that informed the new reference scheme to Planning Proposal 7/17, Council published an assessment report on 12 September 2018 that raised a number of new concerns with the Planning Proposal 7/17. Consequently, on the 26 September 2018, the Planning Proposal was referred to the North Sydney Local Planning Panel (NSLPP) for advice prior to Council making a determination on the matter. The Panel gave support to Council's conclusions and raised issues regarding consistency with the objectives of the LEP, inconsistency with the DCP overall objectives, and concerns that the Planning Proposal would set a precedent for other mixed-use buildings within Milsons Point. Accordingly, it was determined by the NSLPP that the planning proposal should not proceed to Gateway Determination.

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

### 1.1.5 Revised Planning Proposal - PP4/19

Following the receipt of the above correspondence, the Proponent and the project team had amended the design in response to the concerns outlined in Council's Assessment Report and Resolution dated 29 October 2018. A revised architectural scheme was explored and formed the basis of a new Planning Proposal which was submitted to North Sydney Council on 26 March 2019 and was known as PP4/19. Specifically, PP4/19 incorporated the following design amendments to the PP7/17 scheme:

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

### 1.1.6 Rezoning Review and Regional Planning Panel

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

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

Brett Brown, on behalf of Ingham Planning, provided an independent assessment report on 1 August 2019 which recommended that the Planning Proposal should proceed to Gateway determination, (subject to the applicant undertaking a more detailed impact assessment and amending the proposed building height, setbacks and building separation in accordance with the findings of a more detailed impact assessment). However, despite the recommendation of the Council appointed assessor, Council included a *Managers Advisory Note* at the end of the independent assessment report which provided comments in relation to the independent assessment and provided an unsupportive recommendation towards the planning proposal.

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

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

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

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

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

### 1.1.7 This Planning Proposal

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

- A reduced height of building concept for the western tower fronting Glen Street,
- A reduction in residential yield from 173 to 125 apartments;
- Inclusion of a new north-south ground floor through site link through the centre of the site connecting the existing pedestrian access to Glen Street down to Camden House;
- Inclusion of a site specific Development Control Plan that included detailed controls that will guide and regulate future massing and development on the site to ensure the realisation of an outcome that is consistent with massing set out in the Indicative Reference Scheme.

This planning proposal is accompanied by the following revised documents:

- Revised Architectural Plans prepared by Koichi Takada Architects;



- Updated View Impact Assessment prepared by Cloustone;
- Updated Pedestrian Wind Assessment prepared by Windtech;
- Updated Traffic Impact Assessment prepared by Barker Ryan Stewart; and
- Site Specific DCP prepared by North Sydney Council.

This Planning Proposal was submitted to the North Sydney Council on 2 October 2020 and was known formally as PP5/20.

### 1.1.8 North Sydney Local Planning Panel

The Planning Proposal PP5/20 was referred to the North Sydney Local Planning Panel on 9 December 2020 where it was again refused by the panel members, despite the proposal addressing all issues as previously presented by Council, the Local Planning Panel and the Regional Planning Panel for the prior iterations of the Planning Proposal. The NSLPP resolved to not support the Planning Proposal on the following basis:

- *The Planning Proposal and Site-Specific DCP amendment fails to demonstrate how the site could be acceptably developed to ensure that the height proposed would not have a significant detrimental impact on the character of the area and impact on public and private amenity.*
- *It is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013;*
- *It is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013;*
- *It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;*
- *Sufficient residential capacity is already provided under NSLEP 2013 and identified in the NSLHS to meet State housing targets, without the need to change the land use mix on the subject site; and*
- *The Planning Proposal if implemented, could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed use zoned land in highly accessible locations without the benefit of a comprehensive planning study of Milsons Point.*

Following from this, the Proponent received written correspondence from the Council which stated that the Panel concluded that PP5/20 should not proceed to Gateway Determination, and expressed Council's agreement with the Panel's recommendations, thereby resolving not to support the PP5/20 once again.

### 1.1.9 Rezoning Review and Regional Planning Panel

A new rezoning review was formally submitted to the DPIE on 29 January 2021. However, the DPE informed the Proponent that the Rezoning Review could not proceed until North Sydney Council undertook administrative work to correctly lodge the Planning Proposal documentation on the NSW Planning Portal.

On 15 September 2021, the Sydney North Planning Panel (SNPP) reconvened to consider the revised PP5/20 in the context of its revisions and history as stated in the previous sections above. The SNPP (at this hearing) comprised some Panel members that heard the previous PP4/19, and whom understood the site and the history of its previous iterations of prior Planning Proposal submitted to the North Sydney Council. During the meeting the Panel members provided further clear guidance on how the Planning Proposal should be progressed in the future if it were to proceed to Gateway Determination.

A letter dated 24 September 2021 was issued from the SNPP informing the Proponent that the Panel found that the PP5/20 Planning Proposal demonstrated both site specific and strategic merit, and should proceed to Gateway Determination, subject to a condition that provided for a revised DCP that should be amended to consider:

- *Reduce the massing of the building envelope to better reflect the dual frontage character of the block and residential building typologies. Two distinct tower forms above a podium may be more appropriate in this regard.*
- *The building envelope should ensure that view loss, overshadowing and other amenity impacts on neighbouring residential buildings and impacts on heritage and the public domain are minimised.*

- *Any amendments should not compromise elements of the proposed DCP supported by the Panel, including provision of new and enhanced north-south and east-west through site links, active frontages and along streets and through site links and reduced overshadowing of Bradfield Park.*
- *Opportunity to ensure design excellence and improvements to the public domain are realised.*

#### **1.1.10 Council prepared Site-Specific Development Control Plan**

Following on from the SNPP recommendation that the Planning Proposal should proceed to Gateway Determination, Council was elected as the Planning Proposal Authority on 25 October 2021. In undertaking this role the Council opted to prepare a different site-specific DCP taking into consideration the above recommendation of the SNPP. This new site specific DCP sought to deliver a different built form outcome compared to the one that proposed within the Indicative Reference Scheme, and reflected in the Planning Proposal that was prepared Ethos Urban. The Council prepared draft DCP was endorsed on 28 March 2022 at a Local Council Meeting. The draft site-specific DCP is included at Section 9.1.4 of Council's DCP.

#### **1.1.11 Gateway Determination**

Under section 3.34(2) of the *Environmental Planning and Assessment Act 1979*, a Gateway Determination was issued by the DPE on 11 November 2022 to formally amend the North Sydney Local Environmental Plan 2013 to increase the maximum height of buildings at 52 Alfred Street, Milsons Point, subject Gateway conditions. Condition 1(a) of the Gateway Determination requires that the Planning Proposal be updated to remove any inconsistencies with the Council draft DCP from the previous concept scheme, and exhibit Council's site-specific DCP concurrently with the Planning Proposal.

This Planning Proposal report has been revised in accordance with the requirements of the Gateway Determination conditions.

## 1.0 The Site

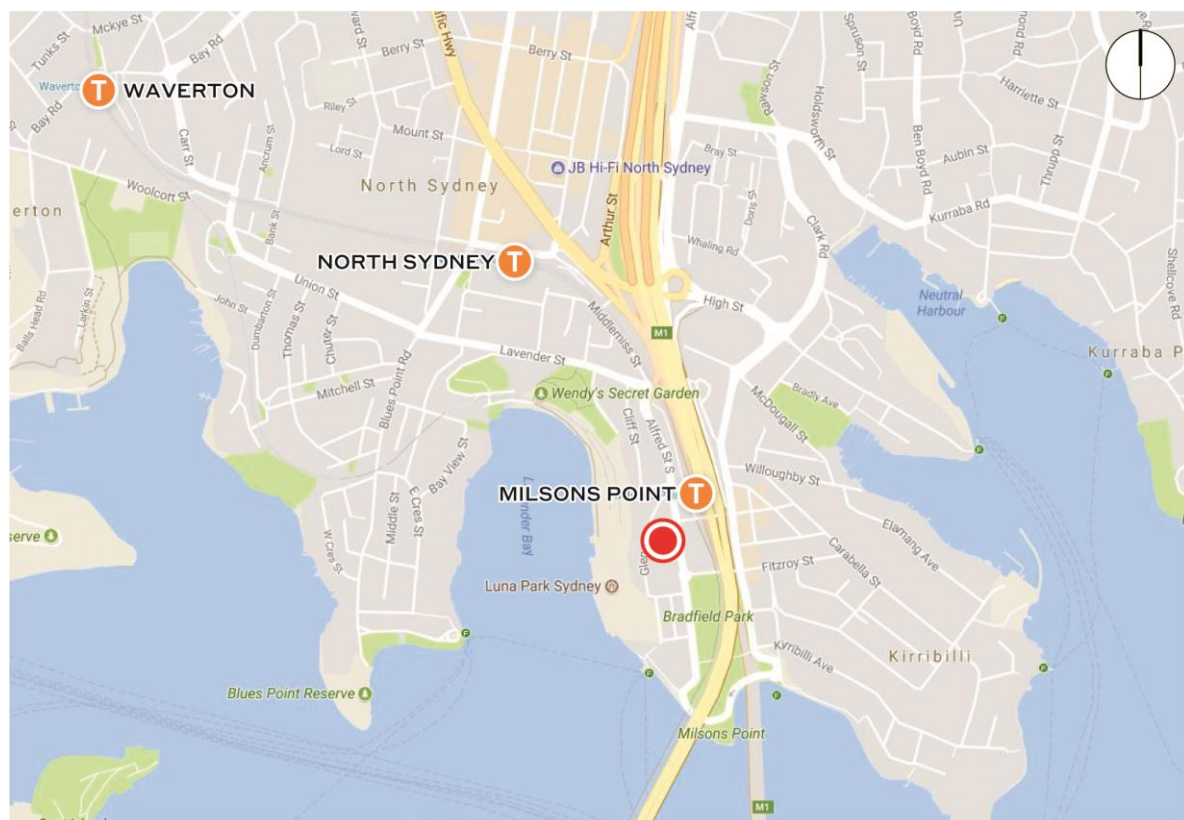
### 1.1 Site Location and Context

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

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

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

The site's location is shown below in **Figure 2**.



The Site

**Figure 2** Location Plan

Source: Nearnmap / Ethos Urban



## 1.2 Site Description

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

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

An aerial photo of the site is shown at **Figure 3**.



 The Site

**Figure 3** Aerial image of the site

Source: Nearmap / Ethos Urban

## 1.3 Existing Development

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

**Figures 4 to 5** illustrate the existing building.



 The Site

**Figure 4 Existing Building in the context of the surrounding development viewed looking south west**  
Source: Nearmap / Ethos Urban



**Figure 5 Existing building and ground plane where the site adjoins Camden House**  
Source: Ethos Urban



## 1.4 Heritage

The site is not identified as a heritage item under the NSLEP 2013 nor is it located in a heritage conservation area. The site is however sited in immediate proximity to a number of heritage items. To the south the site is bounded by a heritage item known as Camden House (I0527) which is of local significance and consists of a two storey house significant for being one of the earliest surviving houses on the North Shore. A number of other heritage items surround the site, including the locally significant commercial building (I0531) to the direct west at 2-2A Glen Street. To the south, from 17 – 21 Northcliff Street, are a number of two storey locally listed terrace houses (I0534, I0533 and I0532) (refer to **Figure 6**).

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



**Figure 6** Location of site and surrounding heritage items

Source: North Sydney LEP 2013

## 1.5 Surrounding Development

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

### North

To the immediate north west the site is bounded by a tower containing serviced apartments at 37 Glen Street known as Peninsula Towers, which reaches 22 storeys in height (refer to **Figure 7**). The development to the immediate north east at 68 Alfred Street South is 13 storeys in height, inclusive of a two storey podium and accommodates office space. Further north at 70 Alfred Street South is a 21 storey residential tower known as the 'Grandview' apartments with retail uses at ground level (refer to **Figure 8**). The development is adjoined by the 16 storey 'Bridgehill' development that provides retail uses at street level within its two storey podium. High rise developments continue northward along Alfred Street South with towers typically ranging from 17 to 22 storeys in height. Beyond this lies Clark Park, the North Sydney CBD and North Sydney's education precinct which provide a range of educational institutions including Australian Catholic University (ACU), The Sydney Church of England Grammar School and the North Sydney Demonstration School.



**Figure 7** Adjoining building at 37 Glen Street, Milsons Point

Source: Ethos Urban



**Figure 8** Development at 70 Alfred Street South known as the 'Grandview' Apartments

Source: Ethos Urban

### South

To the immediate south the site adjoins the historical 'Camden House' which consists of a two storey adaptively reused dwelling that provides retail uses at ground level, as shown in **Figure 9**. To the south west the site adjoins a residential tower at 48 – 50 Alfred Street which accommodates serviced apartments and reaches 21.

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





**Figure 9** Adjoining building to the south

Source: Ethos Urban



**Figure 10** Residential terrace houses and building contained within 20 Alfred Street

Source: Ethos Urban

## East

To the immediate east of the site is the former Kirribilli Ex-Servicemen's Bowling Club, which now consists of open space, and Milsons Point Railway Station. To the directly south east at the base of the Sydney Harbour Bridge and Bradfield Highway lies Bradfield Park (refer to **Figure 11**). Further south east is the Sydney Harbour Bridge. On the eastern side of Bradfield Highway is the residential suburb of Kirribilli and the Kirribilli Village Centre which provides a range of retail and commercial uses within walking distance of the site.



**Figure 11 Bradfield Park and Sydney Harbour Bridge to the east and south east of the site**

Source: Ethos Urban

## West

Glen Street bounds the site to the immediate west. Smaller scale commercial and residential developments site directly opposite the site and range from three and seven storeys in height. Specifically, the adjacent property at 6A Glen Street, Milsons Point accommodates a four storey office building. To the south west is a three storey residential building which provides a rooftop pool and a part six and seven storey locally heritage listed commercial building at 2 - 2A Glen Street (refer to **Figure 12**). Beyond these properties is Luna Park and Lavender Bay. Across from Lavender bay is the suburb of McMahons Point.



**Figure 12** Development at 2 – 2A Glen Street, Milsons Point

*Source: Ethos Urban*

### **Public Transport**

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

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

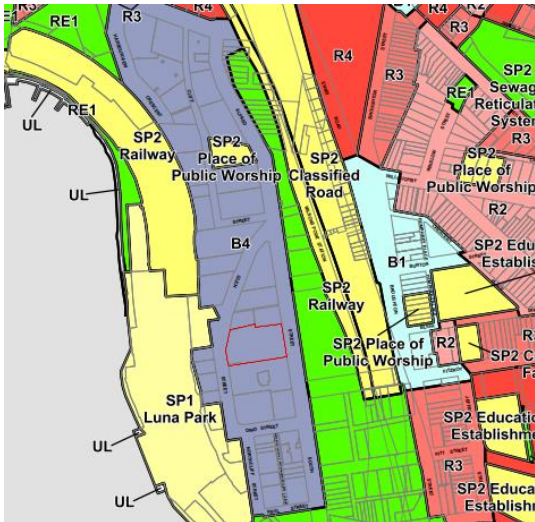



## 2.0 Current Planning Controls

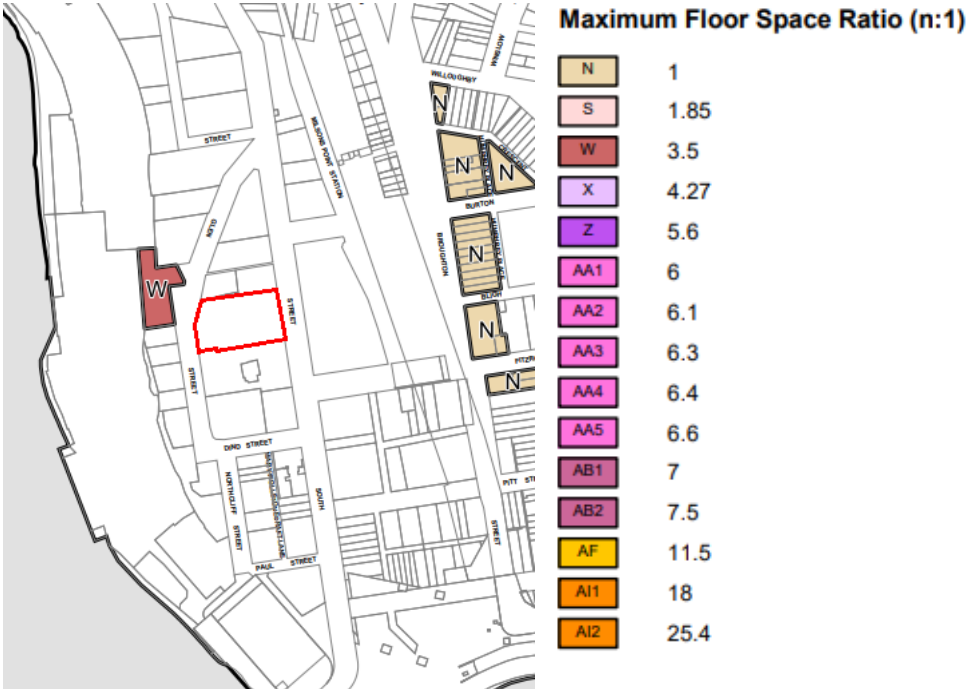
### 2.1 North Sydney Local Environmental Plan 2013

The North Sydney LEP 2013 is the principle Environmental Planning Instrument that applies to the site. The existing planning controls that apply to the site are outlined below in **Table 1**.

**Table 1 Existing controls under the North Sydney Local Environmental Plan 2013**

North Sydney Local Environmental Plan 2013																																																									
Zoning	<div><div>B4 Mixed Use</div><div></div><div><div>Zone</div><table><tr><td>B1</td><td>Neighbourhood Centre</td></tr><tr><td>B3</td><td>Commercial Core</td></tr><tr><td>B4</td><td>Mixed Use</td></tr><tr><td>E2</td><td>Environmental Conservation</td></tr><tr><td>E4</td><td>Environmental Living</td></tr><tr><td>IN2</td><td>Light Industrial</td></tr><tr><td>IN4</td><td>Working Waterfront</td></tr><tr><td>R2</td><td>Low Density Residential</td></tr><tr><td>R3</td><td>Medium Density Residential</td></tr><tr><td>R4</td><td>High Density Residential</td></tr><tr><td>RE1</td><td>Public Recreation</td></tr><tr><td>RE2</td><td>Private Recreation</td></tr><tr><td>SP1</td><td>Special Activities</td></tr><tr><td>SP2</td><td>Infrastructure</td></tr><tr><td>UL</td><td>Unzoned Land</td></tr></table></div></div>	B1	Neighbourhood Centre	B3	Commercial Core	B4	Mixed Use	E2	Environmental Conservation	E4	Environmental Living	IN2	Light Industrial	IN4	Working Waterfront	R2	Low Density Residential	R3	Medium Density Residential	R4	High Density Residential	RE1	Public Recreation	RE2	Private Recreation	SP1	Special Activities	SP2	Infrastructure	UL	Unzoned Land																										
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Building Height	<div><div>The site is subject to a maximum height of 40m.</div><div></div><div><div>Maximum Building Height (m)</div><table><tr><td>A</td><td>1</td><td>T2</td><td>26</td></tr><tr><td>I</td><td>8.5</td><td>U1</td><td>30</td></tr><tr><td>K</td><td>10</td><td>U2</td><td>33</td></tr><tr><td>L</td><td>11</td><td>W1</td><td>40</td></tr><tr><td>M</td><td>12</td><td>W2</td><td>42</td></tr><tr><td>N1</td><td>13</td><td>X</td><td>49</td></tr><tr><td>N2</td><td>14.5</td><td>Y</td><td>50</td></tr><tr><td>O1</td><td>15</td><td>Z</td><td>56</td></tr><tr><td>O2</td><td>16</td><td>AD</td><td>132</td></tr><tr><td>Q1</td><td>19.15</td><td>AF</td><td>180</td></tr><tr><td>Q2</td><td>20</td><td></td><td></td></tr><tr><td>R</td><td>21</td><td></td><td></td></tr><tr><td>S</td><td>24</td><td></td><td></td></tr><tr><td>T1</td><td>25</td><td></td><td></td></tr></table></div></div>	A	1	T2	26	I	8.5	U1	30	K	10	U2	33	L	11	W1	40	M	12	W2	42	N1	13	X	49	N2	14.5	Y	50	O1	15	Z	56	O2	16	AD	132	Q1	19.15	AF	180	Q2	20			R	21			S	24			T1	25		
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Existing Height	The building contained within the site has a maximum height of 56.7m.																																																								
Floor Space	A maximum floor space ratio does not apply to the site																																																								

## North Sydney Local Environmental Plan 2013

Non-residential floor space ratio	<p>A minimum non-residential floor space ratio of 0.75:1 applies to the site. The site has an area of 2,711m<sup>2</sup> and accordingly a minimum non-residential gross floor area of 2,030m<sup>2</sup> is required to be provided by a future development.</p>  <p><b>Maximum Floor Space Ratio (n:1)</b></p> <table border="1"> <tbody> <tr><td>N</td><td>1</td></tr> <tr><td>S</td><td>1.85</td></tr> <tr><td>W</td><td>3.5</td></tr> <tr><td>X</td><td>4.27</td></tr> <tr><td>Z</td><td>5.6</td></tr> <tr><td>AA1</td><td>6</td></tr> <tr><td>AA2</td><td>6.1</td></tr> <tr><td>AA3</td><td>6.3</td></tr> <tr><td>AA4</td><td>6.4</td></tr> <tr><td>AA5</td><td>6.6</td></tr> <tr><td>AB1</td><td>7</td></tr> <tr><td>AB2</td><td>7.5</td></tr> <tr><td>AF</td><td>11.5</td></tr> <tr><td>AI1</td><td>18</td></tr> <tr><td>AI2</td><td>25.4</td></tr> </tbody> </table>	N	1	S	1.85	W	3.5	X	4.27	Z	5.6	AA1	6	AA2	6.1	AA3	6.3	AA4	6.4	AA5	6.6	AB1	7	AB2	7.5	AF	11.5	AI1	18	AI2	25.4
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Heritage	<p>The site is not a local or state listed heritage item nor is it sited within a heritage conservation area. A number of local and state heritage items are located in proximity to the site. Most notably to the immediate south the site adjoins a heritage item known as Camden House (I0527). To the east is the State listed Sydney Harbour Bridge (I0539), and Milsons Point Railway Station Group (I0539). To the south west the residential building at 2 – 2A Glen Street is a locally listed heritage item (I0531). The Lavender Bay conservation area is located north west of the site.</p>																														

## 2.2 North Sydney Development Control Plan 2013

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

*Medium to high-rise mixed residential and commercial development, built boundary to boundary, with setbacks at laneways, above podium and to public spaces.*

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

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

The proposal is located within a mixed use zone and in accordance with the relevant character area seeks to accommodate high density mixed use residential development that is of a scale commensurate with the surrounding built form.

Furthermore, Section 9.1.2 of the NSDCP makes reference to the consideration of a through-site link provision at the southern boundary of the site and notes the following:

***Through- site pedestrian links***

*Pedestrian access is provided from Alfred Street to Glen Street along the southern boundary of 52 Alfred Street as prescribed,*

This Planning Proposal seeks to deliver on this through-site link and public domain space as an extension to the north-south through-site link provided.

In addition to the criteria of the Lavender Bay Planning Area, the DCP makes specific mention to the site at 52 Alfred Street, Milsons Point. Noting that in conjunction to the character statement for the planning area, the proposal requires site-specific consideration and therefore a new chapter under Section 9.1.4 of the NSDCP has been made with specific provisions relating to desired future character, built form, solar access and setbacks as they relate to the site. Refer to **Section 8.7** of this report for further detail and discussion.

### 3.0 The Case for Change

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

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

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

***Greater housing supply*** (Objective 10)

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

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

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

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

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

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

In addressing the growing demand for housing there is a need to capitalise on opportunities to deliver Transit Oriented Development around key transport nodes and intensifying diverse activities and mixed use development around these nodes. In doing so access to services, localised employment opportunities and housing can be provided within singular localities. The result is the delivery of significant social and economic benefits to the community, including but not limited to, reduced travel times, improved productivity and reduced traffic congestion. Milsons Point provides access to the rail line of the North Shore and Northern Line which receives connections to the major transport interchanges of Wynyard, Chatswood, Hornsby and Parramatta that link to the broader intercity and suburban rail network. Milsons Point Railway Station is serviced by several bus routes that provide connections to the Sydney CBD, Neutral Bay, Mosman, Lindfield and North Sydney. Train patronage data demonstrates that the North Shore Line has the highest patronage rate of all intercity and suburban Sydney train lines, with 108,119 passenger trips from January 2017 through to September 2017, representing a 38% share relative to other train lines<sup>1</sup>. Second and third to this figure is the Airport, Inner West and South Line, and the Eastern Suburban and Illawarra Line, which have a share of 23 percent and 17 percent, respectively.

When compared to other town centres located along the North Shore Line, Milsons Point Railway station is fourth in respect to in / out 24-hour barrier counts only to North Sydney, St Leonards and Chatswood which are two of Sydney's primary office markets (refer to **Table 2**). Milsons Point therefore has more movements compared to surrounding town centres such as Artarmon, Waverton and Wollstonecraft, which too predominantly accommodate residential uses.

**Table 2 24 Hour Barrier Counts through stations for 2014**

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

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

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

between the centres, the key similarity between these centres is the focus on higher density development within proximity to established railway stations along the rail corridor.

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

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

The locality exhibits a demand for housing, with the demand for commercial development stronger in surrounding Strategic Centres such as the North Sydney and St Leonards CBD. More specifically on site, with the eventual departure of the major building tenant (Kimberly-Clark Australia) in June 2020, the proponent began marketing for a new major tenant lessee in September last year 2019 and to-date, has been unsuccessful in sourcing new tenants for the building. The major contributory factor is the fact that Milsons Point has lost its critical mass office space during recent years as a result of the evolving landscape towards residential, and is considered a less favourable commercial locality in comparison to the North Sydney, Chatswood and St Leonards CBDs. As of February 2023, the vacancy rate for the Kimberly Clarke Building sat at 47.49%. With additional leases coming up for renewal in June 2023, the potential for this number to increase is noted as the nature of land use commercial tenancy trends in Milsons Point continues to move away from office premises to residential uses.

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

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

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

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

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



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

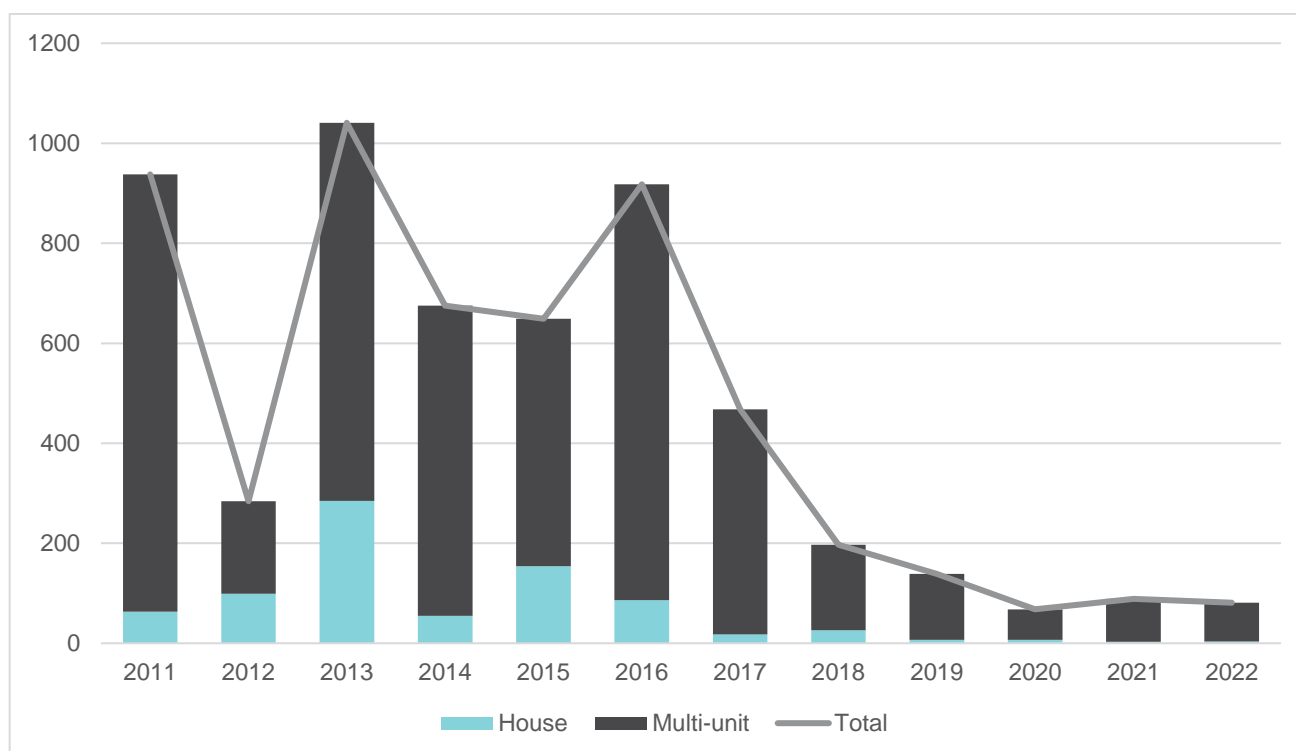
Office stock is envisaged to continue to grow in the North Sydney CBD as a result of both the proposed amendments to planning controls and market demand. The proposed LEP amendments will facilitate in increasing the provision of A-grade office floorspace to respond to the demand for high quality office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

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

### Existing Housing Conditions

Historical trends related to building approvals in the local area are reflective of the demand for development and building typologies in the locality. Within the North Sydney LGA, building approvals overwhelmingly comprise multi-storey residential developments with minimal approvals for lower density housing (refer to **Figure 13**). This is reflective of the trend towards higher density living within Greater Sydney particularly for key employment centres and public transport node that cater towards renting demographics.

Separately, approval activity has dropped significantly since 2016, which coincides with the broader peak in multi-storey residential investment within Greater Sydney. As building approvals are a leading indicator of future housing supply, very low levels of approvals since 2016 indicate low levels of housing delivery and supply for North Sydney LGA over the next few years, further impacting the 50.9% of residents who rent within the area.

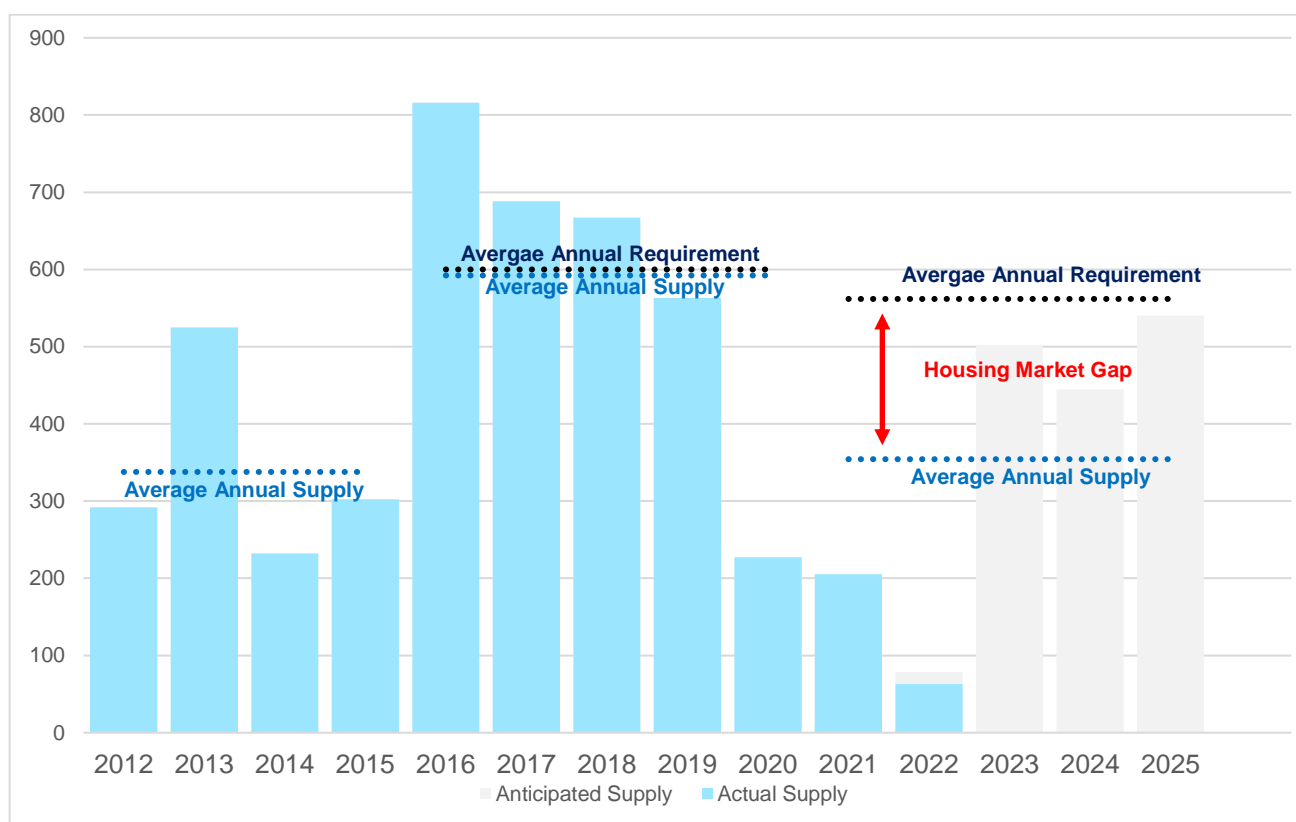


### Figure 13 North Sydney – Contrast of Dwelling stock Approvals

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

Existing housing market conditions and dwelling statistics suggest there is a strong demand for high density development within suburban localities outside the core of the North Sydney CBD. As addressed above, the North District Plan provided a housing target of 3,000 dwelling for the 2016 to 2021 for the North Sydney LGA, which equated to 600 additional dwellings per year. Based on net completions data sourced from DPE, North Sydney achieved 98.7% of the 2016 to 2021 housing target delivering 2,960 dwellings (see **Figure 14**).

Looking forward, while Northern Sydney LGA has not officially set a 6-10 year housing target, they have forecast delivery of 2,809 dwellings for this period. Examination of recent DPE net dwelling completions data and DPE housing forecasts indicate the potential for a significant shortfall of dwellings. Based on a target of 2,809 dwellings, it is anticipated that North Sydney LGA will deliver 1,770 dwellings or 63.1% of its housing target, a shortfall of - 1,040 dwellings (see **Figure 13**). Unless building approvals dramatically increase, it is unlikely that the North Sydney LGA will be able to maintain a sustainable approval range on housing targets.

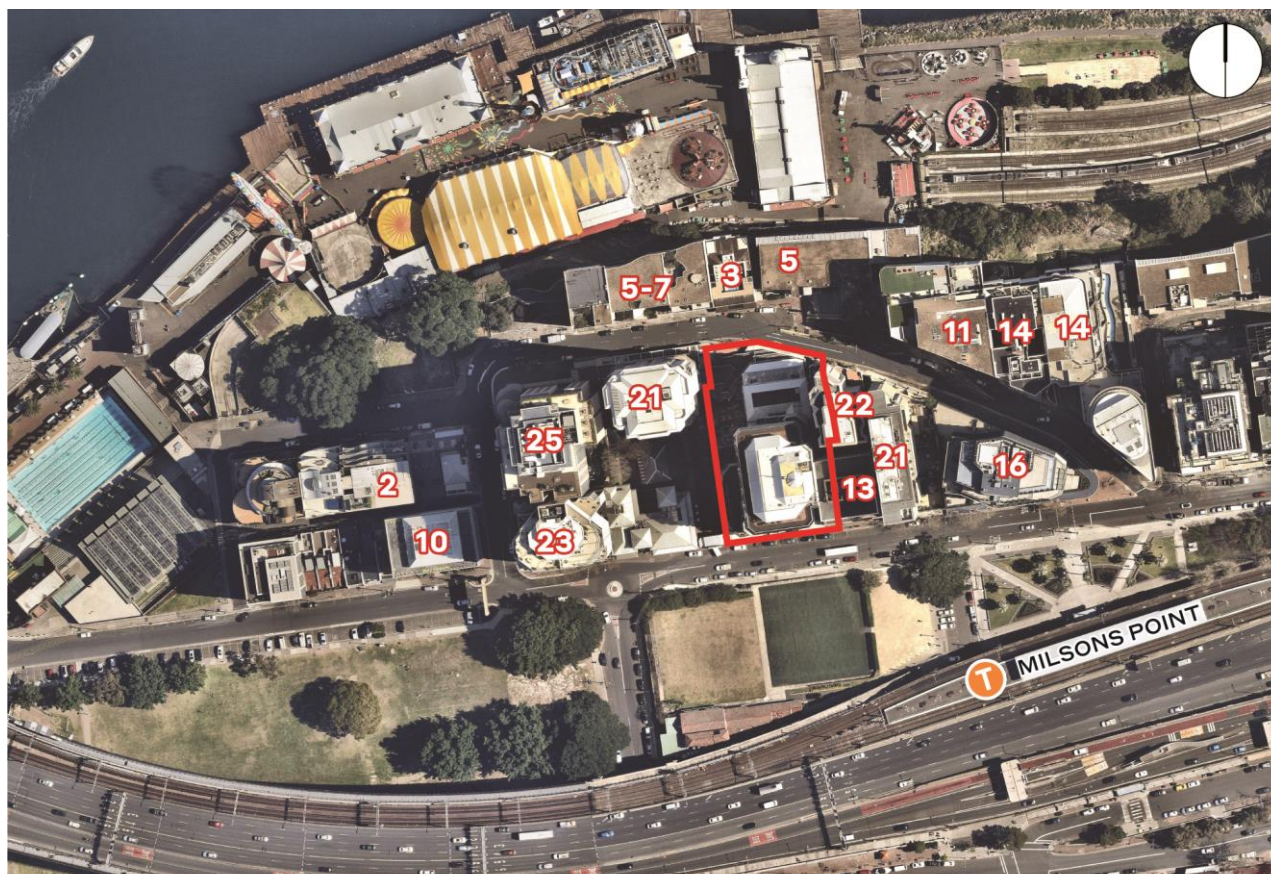


**Figure 14 North Sydney – Approvals and Completions Against 5 year Target**

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

### Milsons Point Town Centre

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



 The Site

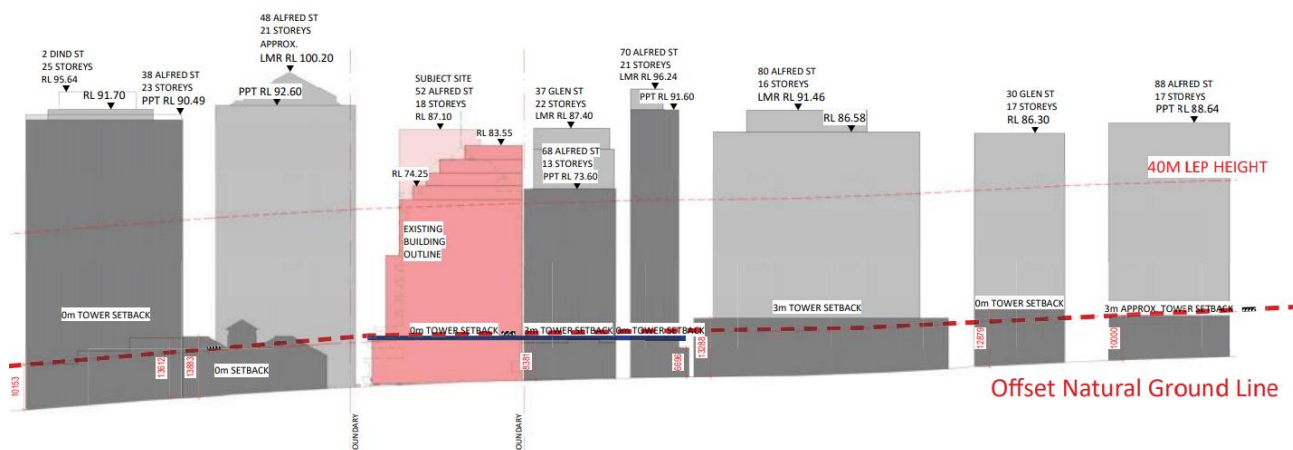
**Figure 15** Typical building heights in the surrounds of the site

Source: Ethos Urban / Nearmap

The site is located within the Milsons Point Town Centre which contains a number of recently constructed developments that are responding to the need for higher density development along the established rail corridor (refer to **Figure 15**). These developments are predominantly located north and south of the site along Alfred Street South and are reflective of the changing character of the area that has been steadily reshaped by the conversion of commercial office buildings to high quality mixed use residential buildings. Whilst the developments in the vicinity of the site are subject to a 40 metre height limit prescribed by the NSLEP 2013, and therefore an approximate 11 storey height limit, the bulk of developments significantly exceed this limit.

As shown in **Figure 16**, the site is situated amongst a number of high density developments that typically range from 21 to 25 storeys in height, with heights and density decreasing away Milsons Point Railway Station towards the south and north. To the south, the site adjoins a 21 storey residential tower at 48 – 50 Alfred Street, Milsons Point. Further south, the site is sited adjacent to a 25 storey mixed use residential tower at 38 Alfred Street and a 23 storey residential tower at 23 Alfred Street. Additionally, north of the site are a number of recently approved high rise mixed use residential developments, including:

- the recently constructed 18 storey (67.2m) Bridgehill development at 80 Alfred Street;
- the recently constructed 16 storey (52.5m) building at 88 Alfred Street; and
- the approved 8 storey (33.6m) development at 30 Alfred Street.



**Figure 16** Typical building heights in the surrounds of the site (elevation)

Source: Ethos Urban / Nearmap

A detailed summary of the surrounding developments that exceed the height limit are included below in **Table 3**.

**Table 3** Existing height of developments surrounding the site

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

## 4.0 Planning Proposal

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

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

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



in **Section 7** of this report and has been assessed and justified in accordance with DPE's 'Local Environmental Plan Making Guideline' (2022) framework.

#### 4.1 Objectives and Intended Outcomes

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

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

- deliver a maximum height control and a built form outcome consistent with the established built form in the locality;
- provide for a built form that responds to the relevant character statement in the NSDCP 2013 whilst taking into account the existing character for the area;
- delivers on the provisions and objectives set out in NSDCP 2013 in relation to 9.1.4;
- contribute to the achievement of the objectives contained within the North Sydney LSPS and Housing Strategy;
- deliver a high quality mixed use development that exhibits design excellence on a site earmarked for high density residential development;
- enable the development of a high performance building;
- contribute to community infrastructure in the form of a through-site link in the Milsons Point Town Centre;
- maintain solar access to key public spaces including the adjacent Bradfield Park;
- protect heritage values of Camden House by ensuring compatible podium design to the existing streetscape facades;
- provide for active through site linkages that support the ground floor retail landscape, improving the vitality of the streetscape and complement existing retail uses;
- facilitate the delivery of residential development in a desirable location that receives ample access to iconic views, public transport and surrounding civic amenities; and
- increase the provision of high quality commercial floorspace in Milsons Point.

## 5.0 Explanation of provisions

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

### 5.1 North Sydney LEP 2013

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

### 5.2 Land to which the plan will apply

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

### 5.3 Height

The NSLEP 2013 nominates a maximum height limit of 40m under the Building Heights Map. It is proposed that the map be amended to permit a maximum permissible height of between RL 84 and RL 88 in order to accommodate the proposed heights of RL 83.75 and RL 87.10.

## 5.4 Mapping

This Planning Proposal seeks to amend the following maps of the North Sydney LEP 2013 Height of Buildings Map. The revised Height of Building's map is included below in **Figure 17**.



**Figure 17 Proposed Building Heights LEP Map**

Source: Ethos Urban / NSLEP 2013

**Table 4 NSW Employment Zones Reform**

*It should be advised that all land use zones within North Sydney LGA will be redefined as per the DPE lead employment zones reform which formally takes effect on 26 April 2023 and will convert the following land use zones:*

Current Business and Industrial Zones	Reformed Employment Zones
B1 Neighbourhood Centre	E1 Local Centre
B3 Commercial Core	E2 Commercial Centre
B4 Mixed Use	MU1 Mixed Use
IN2 Light Industrial	E3 Productivity Support
IN4 Working Waterfront	W4 Working Waterfront

Source: Department of Planning

This change will reflect a revised classification of the subject site's existing land use zone from B4 Mixed Use to MU1 Mixed Use. It is important to note that this Planning Proposal does not seek amendments to the land use of the site and only relates to the amendment to the height of building provisions only.

## 6.0 Strategic Justification

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

### 6.1 The Need for a Planning Proposal

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

The Planning Proposal is a result of several specialist studies which have been prepared by the proponent's consultant project team as set out in **Table 5**.

**Table 5 Supporting Studies**

Study	Consultant	Appendix
Planning Proposal	Ethos Urban	
Architectural Design Report and Drawings	Koichi Takada Architects	Appendix A
Survey Drawings	Project Surveyors	Appendix B
Landscape Concept Design	Arcadia	Appendix C
Heritage Assessment Report	Weir Philips Heritage	Appendix D
View Impact Analysis	Clouston and Associates	Appendix E
Traffic and Parking Impact Assessment Report	Barker Ryan Stewart	Appendix F
Pedestrian Wind Impact Analysis	Windtech	Appendix G
SEPP 65 Statement	Koichi Takada Architects	Appendix H
Site Specific DCP	North Sydney Council	Appendix I

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

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

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

- North Sydney Local Housing Strategy;
- North Sydney Local Strategic Planning Statement;
- North Sydney Centre Capacity and Land Use Strategy;
- Lavender Bay Planning Area / Milsons Town Centre identified by the North Sydney DCP 2013 (including Section 9.1.4 site specific DCP section); and
- North District Plan.

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

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

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

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

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

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

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

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

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

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

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

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

The option of rebuilding in accordance with the compliant LEP building height was considered in the initial stages of the design development. It is important to note that this option would result in a significantly reduced built form to



that which is currently accommodated on the site. Specifically, a building that complied with the height limit would sit 28.4m below the existing building height plane. Given this, it is considered that redevelopment of the site within the limits of the maximum height limit would unduly restrict the site's potential and would be at odds with the intent of the EP&A Act which seeks to facilitate the orderly and economic development of land.

It is considered that a future development that complied with the height limit would result in a suboptimal design outcome as the development would be of a reduced scale relative to the surrounding buildings. The DCP Planning Area statement prescribes that buildings fronting Alfred Street must include a four storey podium of 13 metres. The rear of the development fronts Glen Street and as such a three storey podium of 10 metres is required.

The LEP and existing DCP controls that to the site would severely limit the site's development potential and result in a built form outcome that is significantly smaller in scale than currently exists on site. Further, it is considered the standards and controls provide for a less optimal design outcome that would fail to respond to the site's unique context. These controls include:

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

Accordingly, the resultant outcome would be an anomalous envelope design that would appear out of character with the surrounding built form, ultimately disrupting the existing building height plane along Alfred Street South and failing to provide an appropriate transition in height.

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

#### **Option 4 – Rebuild to the existing height**

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

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

## 6.2 Relationship with the Strategic Planning Framework

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

#### Strategic Merit Test

'Local Environmental Plan Making Guideline' (2022) sets out that in order to answer this question, a planning proposal needs to justify that it meets the intended objectives of the relevant strategic planning framework. The consistency of this Planning Proposal with the assessment criteria is set out below.

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

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

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

#### Housing

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

#### Employment

- encourage job creation in proximity to the Strategic Centre of North Sydney that is well serviced by connections and major institutional activities;
- assist in meeting North Sydney's higher jobs target of 81,500 by 2036;
- concentrate housing and employment opportunities in immediate proximity to public transport to improve access to jobs and deliver a better outcome for households and the economy; and
- contribute to the expansion of the residential housing market and the local labour market within an area that already accommodates residential uses and is in proximity to major office markets.
- based on a construction cost of \$152.0 million, the construction phase is expected to directly support employment of 220 job-years and deliver a direct value-add to the economy of \$32.9 million. When the multipliers are taken into account, total state-wide economic effects over the construction program are anticipated to be: employment of 910 job-years and a total direct value-add to the economy of \$123.8 million.
- the operational phase is expected to deliver the following (direct) benefits: FTE employment of ongoing 160 jobs and direct value-add to the economy of \$21.6 million per annum. When the multipliers are taken into account, total ongoing economy-wide effects are estimated at: FTE employment of 300 jobs supported and a total direct value-add to the economy of \$38.9 million per annum.

### Transit Oriented Development

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

### Placemaking Design

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

### Sustainability

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

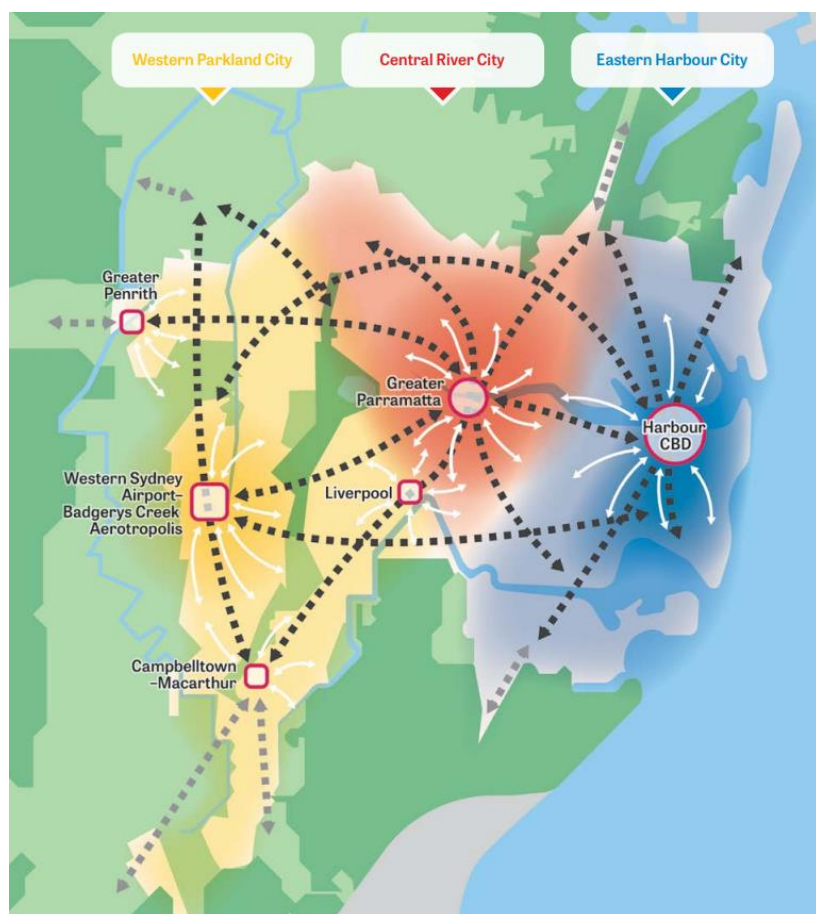
Further details are provided below.

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

The Greater Sydney Region Plan (GSRP), *A Metropolis of Three Cities* is the current overarching strategic plan for the greater Sydney metropolitan area. The GSRP strategic framework sets out the Government's wider vision for Sydney as a metropolis of three cities that will rebalance growth and deliver its benefits more equitably to residents across Greater Sydney (refer to **Figure 18**). The Plan is built on a vision where most residents live within 30 minutes of their jobs, education, health facilities, services and great places. To achieve this vision, it sets out ten overarching directions for the city, these being:

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

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



**Figure 18 A Metropolis of Three Cities**

Source: The Greater Sydney Region Plan

### Direction 1 – Infrastructure supporting new developments

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

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

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

In accordance with this, the Indicative Concept Scheme co-locates jobs, services and housing in an urbanised area that receives ample access to public transport. The site is located 750m from the North Sydney CBD and 1.6km south of the Sydney CBD, which both have excellent access to jobs, education, and community facilities and services. The Planning Proposal will facilitate the delivery of a mixed use development that increases the provision

of better suited employment opportunities and residential accommodation in a location well serviced by trains, buses, and cycle routes. As such, the Indicative Concept Scheme therefore promotes the efficient use of land and clearly provides an outcome that is consistent with the Plan in this regard.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

The site’s location in an established town centre (Milsons Point) and the Indicative Concept Scheme proposes a significant public benefit by way of revitalising the existing through-site link and delivering public domain upgrades that will contribute to a new ground level public plaza. The proposed scheme may also serve as a catalyst for future commercial development that will ultimately revitalise the Milsons Point locality.

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

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

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

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

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

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

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

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

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

- *Objective 18: Harbour CBD is stronger and more competitive*
- *Objective 19: Greater Parramatta is stronger and better connected*
- *Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City*
- *Objective 21: Internationally competitive health, education, research and innovation precincts*
- *Objective 22: Investment and business activity in centres*
- *Objective 23: Industrial and urban services land is planned, retained and managed*
- *Objective 24: Economic sectors are targeted for success*

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

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

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

- *Objective 25 – The coast and waterways are protected and healthier;*
- *Objective 26 – A cool and green parkland city in the South Creek corridor;*
- *Objective 25 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced;*



- *Objective 28 – Scenic and cultural landscapes are protected;*
- *Objective 29 – Environmental, social and economic values in rural areas are protected and enhanced;*
- *Objective 30 – Urban tree canopy cover is increased;*
- *Objective 31 – Public open space is accessible, protected and enhanced; and*
- *Objective 32 – The Green Grid links parks, open spaces, bushland and walking and cycling paths.*

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

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

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

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

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

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

### **7.2.2 North District Plan**

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

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

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

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

housing, employment, transport, recreation, environment and infrastructure for North Sydney LGA.

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

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

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

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

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

Council additionally note within the LSPS, that there is to be a focus on the creation of precinct-based plans to prevent ad-hoc planning proposals. Whilst there is acknowledged merit in this planning approach, it is however noted that the subject site represents a greater consistency with the built form and land use trends within the immediate area, removing an existing land use and building that has not maintained consistency with the evolving nature of the Milsons Point locality. Therefore, a precinct-based plan is not appropriate in this context, particularly as the broader environmental impacts present a scheme that is consistent with the existing approach to development within the immediate area, exhibited as part of this planning proposal (refer to **Section 8.0**) through a Stage 1 Development Application or detailed Development Application. With Council's assistance and guidance, these processes can provide similar levels of community and other engagement to help shape the future of the existing evolving Precinct.

#### 7.2.4 North Sydney Local Housing Strategy

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

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

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

Recent ABS Building Approval Data (as illustrated previously in **Figure 15**), indicates limited residential dwellings approved in 2018 and 2019 in the pipeline to be delivered. This, coupled with the current conditions in the housing market, means there will likely be a slow start to achieving Council's 6-10 year housing targets.

### Planning Mechanisms

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

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

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

### 7.2.5 NSW State Plan

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

The 12 Premier's priorities include:

- building infrastructure – key infrastructure projects to be delivered on time and on budget across the state;
- creating jobs – 150,000 new jobs by 2019;
- driving public sector diversity – Increase the number of women and Aboriginal and Torres Strait Islander people in senior leadership roles;
- faster housing approvals – Ninety per cent of housing approvals determined within 40 days;
- improving education results – Increase the proportion of NSW students in the top two NAPLAN bands by eight per cent;
- improving government services – Improve customer satisfaction with key government services every year, this term of government;

- improving service levels in hospitals – 81 per cent of patients through emergency departments within four hours;
- keeping our environment clean – Reduce the volume of litter by forty per cent by 2020;
- protecting our kids – Decrease the percentage of children and young people re-reported at risk of significant harm by 15%;
- reducing domestic violence – Reduce the proportion of domestic violence perpetrators re-offending within 12 months by 5%;
- reducing youth homelessness – Increase the proportion of young people who successfully move from Specialist Homelessness Services to long-term accommodation by 10%; and
- tackling childhood obesity – Reduce overweight and obesity rates of children by 5% over 10 years.

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

- Strong budget and economy
  - Making it easier to start a business
  - Encouraging business investment
  - Boosting apprenticeships
  - Accelerating major project assessment
  - Protecting our credit rating
  - Delivering strong budgets
- Building infrastructure
  - Improving road reliability
  - Increasing housing supply
- Protecting the vulnerable
  - Transitioning to the National Disability Insurance Scheme
  - Creating sustainable social housing
- Better services
  - Improving Aboriginal education outcomes
  - Better government digital services
  - Cutting wait times for planned surgeries
  - Increasing cultural participation
  - Ensure on-time running for public transport
- Safer communities
  - Reducing violent crime
  - Reducing adult re-offending
  - Reducing road fatalities

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

- create construction jobs;
- contribute to housing supply;
- encourage business investment in the North Sydney LGA;



- develop a high quality development in proximity to new infrastructure delivered by the NSW Government, including the Sydney Metro City and Southwest; and
- keep our environment clean by implementing latest standards in Ecologically Sustainable Development.

### 7.2.6 NSW Long Term Transport Master Plan

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

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

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

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

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

- the site is large in size and of an appropriate configuration to accommodate a residential development of the proposed scale;
- the site is situated directly adjacent to Milsons Point Railway Station and is therefore ideally placed to deliver high density residential development;
- local, district and state-level policy see the North Sydney CBD as delivering a greater concentration of office floor space to which increasing residential stock within the nearby Milsons Point Town Centre will support the growth of this office market by providing housing close to employment opportunities;
- the development of the site will not result in acceptable overshadowing impacts to key public spaces, including the adjacent Bradfield Park and surrounding public domain;
- the proposed height is capable of delivering a building that will provide a high standard of residential amenity for future occupants, particularly in regards to solar access, access to views, cross ventilation and internal functionality;
- the scheme will provide acceptable amenity impacts for surrounding properties in respect to privacy, overshadowing and view impacts;
- as demonstrated through the Indicative Concept Design the site has the potential to accommodate a building envelope that is strategically sited to ensure an appropriate view sharing outcome is achieved in accordance with the LEC Tenacity Planning Principle;
- a high-quality design solution is capable of being achieved on site that exhibits design excellence;
- the Indicative Design Concept confirms that a design response is capable of complying with the key parameters established by the Apartment Design Guide;
- the Indicative Concept Scheme has been designed to be fully compliant with the Council prepared site specific DCP for the site;
- any future redevelopment of the site is capable of maintaining and enhancing the adjoining heritage listed item known as Camden House;
- the redevelopment of the site provides an opportunity to deliver a significant public benefit to the site in the form of a through-site link and public domain upgrades that will improve the vitality of the streetscape and provide a new focal point of activity for residents and visitors of Milsons Point;

- the site is within close proximity to the two key Strategic Centres, including North Sydney and the Sydney CBD and is therefore well serviced by cultural assets and public amenities; and
- the site is well supported by health facilities contained within North Sydney and education facilities located within the North Sydney Education Precinct that consist of establishments such as the Australian Catholic University, The Sydney Church of England Grammar School and North Sydney Demonstration School.

## Summary

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

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

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

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

Yes.

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 6**.

**Table 6 Consistency with State Environmental Planning Policies**

SEPP (March 2022)	Consistency		N/A	Comment
	Yes	No		
State Environmental Planning Policy (Planning Systems) 2021			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008			✓	Not relevant to proposed LEP amendment. May apply to future development on the site.
State Environmental Planning Policy (Biodiversity and Conservation) 2021			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Resources and Energy) 2021			✓	Not relevant to proposed LEP amendment
State Environmental Planning Policy (Primary Production) 2021			✓	Not relevant to proposed LEP amendment
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021				The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Precincts—Central River City) 2021			✓	Not relevant to proposed LEP amendment
State Environmental Planning Policy (Precincts—Western Parkland City) 2021			✓	Not relevant to proposed LEP amendment
State Environmental Planning Policy (Precincts—Regional) 2021			✓	Not relevant to proposed LEP amendment

SEPP (March 2022)	Consistency		N/A	Comment
State Environmental Planning Policy (Resilience and Hazards) 2021	✓			Resilience and Hazards SEPP aims to promote the remediation of contaminated land for the purpose of reducing risk and harm to human health or any other aspects of the environment. In particular, it requires the consent authority to consider if remediation work is required for rezoning or building works and ensure that the subsequent remediation works are satisfactory with respect to standards and notification requirements.  It is noted that this proposal does not seek to change the zoning or land use provisions for the site and relates solely to increasing the applicable height limit. The site is capable of being used for commercial and residential purposes, with any requirement for remediation of the site addressed in the detailed DA for the mixed-use development.
State Environmental Planning Policy (Industry and Employment) 2021			✓	No advertising or signage is proposed under this Planning Proposal.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (2002 EPI 530)	✓			The indicative scheme demonstrates that a design solution is possible on the site that achieves an acceptable level of amenity and is capable of generally complying with SEPP 65 and the Apartment Design Guide.
State Environmental Planning Policy (Housing) 2021			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	✓			Future residential DA's would be subject to the requirements of the BASIX SEPP/ Sustainable Buildings SEPP
State Environmental Planning Policy (Transport and Infrastructure) 2021			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.

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

Yes. An assessment of the Planning Proposal against applicable Section 9.1 Directions is set out in **Table 8**.

**Table 7 Consistency with Section 9.1 Directions**

Table 1: Consistency with Section 60 Directions				
Direction	Consistency		N/A	Comment
	Yes	No		
1. Planning Systems				
1.1 Implementation of Regional plans	✓			As demonstrated in Section 7.2, the Planning Proposal is consistent with the Greater Sydney Regional Plan.
1.2 Development of Aboriginal Land Council Land			✓	Not applicable
1.3 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
1.4 Site Specific Provisions	✓			Site specific amendments to the LEP are sought.
1.16 North West Rail Link Corridor Strategy			✓	Not applicable
3. Biodiversity and Conservation				
3.1 Conservation Zones			✓	Not applicable

Direction	Consistency		N/A	Comment
3.2 Heritage Conservation	✓			The objective of 3.2 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Whilst there are no listed heritage items on the site itself, there are a heritage item located in close proximity. The Heritage Impact Statement justifies that there will be no adverse impact on adjoining and surrounding heritage items.
3.3 Sydney Drinking Water Catchments			✓	Not applicable
3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs			✓	Not applicable
3.5 Recreation Vehicle Areas			✓	Not applicable
<b>4. Resilience and Hazards</b>				
4.1 Flooding			✓	The site is not identified to be flood prone
4.2 Coastal Management			✓	The site is not within coastal zone.
4.3 Planning for Bushfire Protection			✓	The site is not mapped as being bushfire prone land.
4.4 Remediation of Contaminated Land;	✓			A Preliminary Site Investigation Report has been undertaken and is included at <b>Appendix J</b> . The report identifies that there may be some potential contamination sources within the vicinity of the site and provides mitigation recommendations within. Should any contamination be found and verified on site, it is able to be addressed and remediated during the time of construction after the issue of a future DA consent.
4.5 Acid Sulfate Soils			✓	The site is not mapped as containing acid sulfate soils.
4.6 Mine Subsidence and Unstable Land			✓	The site is not identified as mine subsidence or unstable land.
<b>5. Transport and Infrastructure</b>				
5.1 Integrating Land Use and Transport	✓			<p>This Direction applies due to this Planning Proposal relating to a zone that is able to accommodate residential development. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>- <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</li> <li>- <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</li> </ul> <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will provide residential accommodation and commercial uses in an area well serviced by public transport.</p>
5.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	✓			Not adversely affected. The site is not affected by the provisions of any ANEF site contour map nor are does this Planning Proposal seek approval for



Direction	Consistency		N/A	Comment
				a height that breaches the Obstacle Limitation Surface prescribed airport for Sydney Airport (noting that it is below 156m). The proposed heights of 88 RL (69.17m) and 84 RL (54.48m) do not breach OLS standards including the provision for additional height due to cranes (approx. 50m)
5.4 Shooting Ranges			✓	Not applicable
<b>Housing</b>				
6.1 Residential Zones	✓			This Planning Proposal will encourage a greater diversity of housing type in this locality. The site is well serviced for utilities and other infrastructure.
6.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable
<b>Industry and Employment</b>				
7.1 Business and Industrial Zones	✓			<p>The proposal will have no adverse impact on the viability of the Milsons Point Town Centre nor will it prevent the growth of employment in suitable locations.</p> <p>The proposal does not seek to amend the zoning and instead seeks to amend the height limit for the site. The site is currently zoned B4 Mixed Use (and future MU1 Mixed Use zone) and is therefore considered appropriate for shop top housing.</p> <p>It is acknowledged that the indicative reference scheme does reduce the amount of non-residential floor space on site than what currently exists, however, is considered to be consistent with the intent of the North Sydney CBD Capacity and Land Use Strategy and Planning Proposal which both demonstrated a clear intent to concentrate commercial growth and job creation in the North Sydney CBD (as defined by the LEP). It is considered that the Planning Proposal will facilitate the supply of housing in extremely close proximity to North Sydney as a known strategic centre that has been earmarked to accommodate an increased number of jobs and employment generating floorspace.</p> <p>Additionally, the conversion of a predominantly commercial land use to predominantly residential land use within Milsons Point represents a continuation of the historical trend for the growth of high-density residential development that has occurred over the past 20 years within the locality. Milsons Point facilitates a high level of amenity for residential development, benefiting from a myriad of transport connections, high quality open space, a range of shops and services, is within the catchment zone of multiple schools and thus a mainly residential use in this area is considered to achieve high site-specific merit.</p> <p>Furthermore, the scheme continues to accommodate an adequate amount of commercial development within the podium to meet the non-residential FSR requirements nominated by the NSLEP which mandates a minimum of 0.75:1 non-residential FSR on site. In this regard, the proposal continues to make adequate provisions for employment generating floor space which</p>

Direction	Consistency		N/A	Comment
				exceeds the provisions as mandated in the NSLEP.
7.2 Reduction in non-hosted short term rental accommodation period			✓	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable
<b>Resources and Energy</b>				
8.1 Mining, Petroleum Production and Extractive Industries			✓	Not applicable
<b>Primary Production</b>				
9.1 Rural Zones			✓	Not applicable
9.2 Rural Lands			✓	Not applicable
9.3 Oyster Aquaculture			✓	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast			✓	Not applicable

## 6.4 Environmental, Social and Economic Impacts

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

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

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

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

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

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

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

## **6.5 State and Commonwealth Interests**

### **Q10 – Is there adequate public infrastructure for the Planning Proposal?**

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

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

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

## **6.6 Community Consultation**

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

## 7.0 Indicative Development Concept

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

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

- replace the existing aged commercial tower contained within the site with a high density residential tower more compatible with the surrounding residential uses;
- deliver a public benefit in the form of upgraded and activated through-site links at the ground floor plane to improve connectivity in the locality and contribute to the activation of the public domain both on site and within the site's curtilage;
- deliver ground level retail uses along the Alfred Street frontage which will contribute to a continuous active street frontage;
- minimise the impacts to the adjoining heritage listed Camden House and integrate the proposal with this development in a way that improves activation of the ground plane surrounding the item;
- provide a building envelope with a height which complements the height plane established along Alfred Street South and Glen Street by the existing high rise developments;
- achieve a unity between the podium and the tower elements to ensure all components complement one another and contribute to a consistent language;
- provide a massing that terraces away from Alfred Street South and has a perceptible height of 14 storeys (RL 74.25) when viewed from the streetscape to ensure alignment with the height of the neighbouring 13 storey (RL 73.60) building at 68 Alfred Street;
- limit view impacts to the greatest extent possible by providing a significantly reduced bulk and scale at the Alfred Street frontage that achieves a more human scale when viewed at street level;
- deliver a slender tower in the western portion of the site that provides appropriate building separation in order to protect view corridors to the greatest extent possible;
- ensure that any built form on the site does not result in additional overshadowing to Bradfield Park;
- allow for a building envelope that is capable of accommodating adequately sized floorplates which provide a high standard of residential amenity;
- encourage sustainable modes of transport by delivering an envelope capable of accommodating bicycle parking and a through-site link that will encourage walkability; and
- achieve high levels of sustainability through the adoption of market leading practices into any future detailed design.

Using the above principles, Koichi Takada Architects (KTA) have prepared an Indicative Concept Scheme for the site (refer to **Appendix A** and **Figure 18-19**) that seeks to achieve the aforementioned design principles and intended outcomes of the Planning Proposal. The Indicative Concept Scheme demonstrates how the site could be redeveloped in the future under the proposed height control, whilst maintaining the amenity of adjacent buildings. Full details of the Indicative Concept Scheme are contained within **Appendix A**, however the key components of the scheme include:

- A built form across the subject site comprising a part three storey podium (fronting Alfred Street) and four storey podium (fronting Glen Street) with a residential tower above. As the site has a dual frontage, the eastern component fronting Alfred Street reaches a maximum height of 17 storeys and the western component fronting Glen Street reaches a maximum height of 22 storeys.
- Together the two building components provide a stepped built form that descends from west to east to the street frontages and also from north to south. It provides a reduced bulk at Alfred Street that corresponds with the scale of the existing building and aligns with the height plane established by adjoining developments.



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

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

### Indicative Scheme – Key Development Statistics

Key development information is summarised in **Table 8**.

**Table 8 Numerical overview of the indicative development concept (awaiting development schedule)**

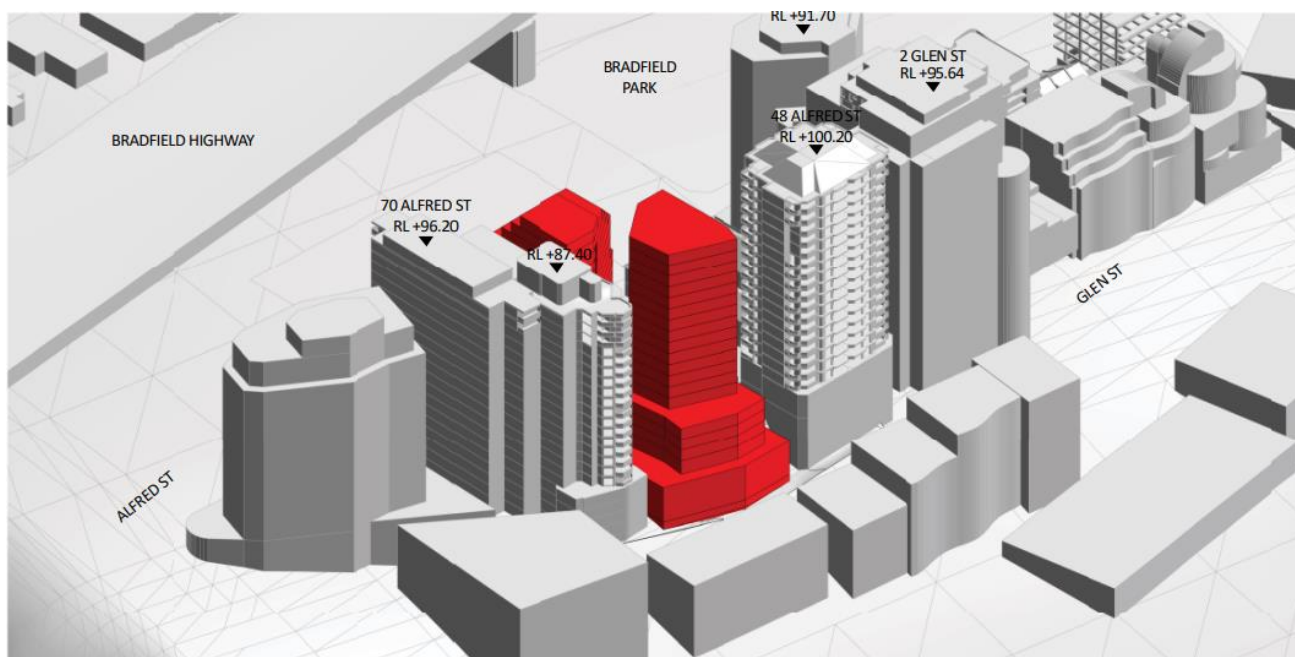
Component	Development Concept
Maximum overall height (storeys)	22
Maximum overall height (RL)	87.10 RL (approximately 69.09m) and 83.75 RL (approximately 54.17m)
Maximum podium height (storeys) (RL)	4
Maximum podium height	43.25 RL
<ul style="list-style-type: none"> <li>• GFA (total)</li> <li>• Retail/Commercial GFA</li> <li>• Residential GFA</li> <li>• Amenities GFA</li> </ul>	<ul style="list-style-type: none"> <li>• 17,944m<sup>2</sup></li> <li>• 3,255m<sup>2</sup></li> <li>• 14,188m<sup>2</sup></li> <li>• 500m<sup>2</sup></li> </ul>
<ul style="list-style-type: none"> <li>• Apartments (total)</li> <li>• Studio</li> <li>• 1 bed</li> <li>• 2 bed</li> <li>• 3 bed</li> <li>• 4 bed</li> </ul>	<ul style="list-style-type: none"> <li>• 125</li> <li>• 0 (0%)</li> <li>• 34 (27%)</li> <li>• 50 (40%)</li> <li>• 35 (28%)</li> <li>• 6 (5%)</li> </ul>
Car parking	191

## 7.1 Building Envelope

### Tower Elements

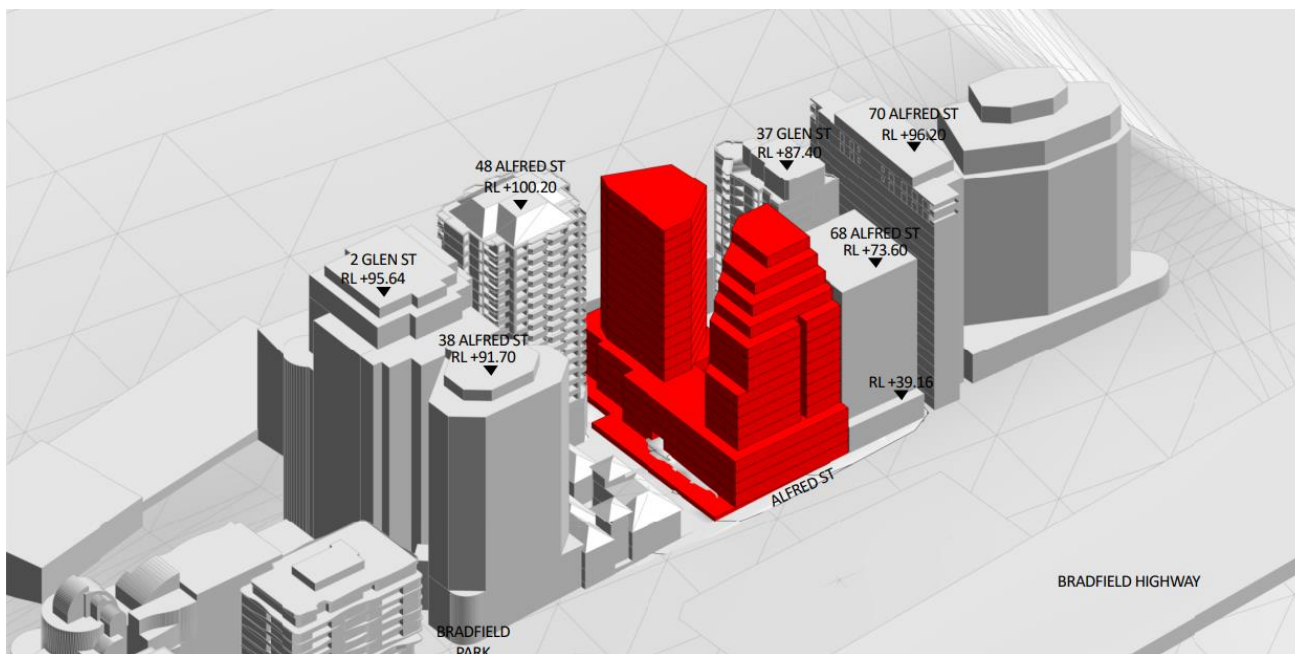
The building envelope proposed under the Indicative Concept Scheme is informed by the aforementioned principals. It comprises a residential mixed-use development consisting of two differing tower elements above a clearly defined podium, as shown in **Figures 19 – 20**). The western built element fronting Glen Street reaches 22 storeys (as measured from ground level at Glen Street) and has a maximum height of RL 87.10 (approximately 69.09m) when measured to the building's parapet. The proposed height provides an appropriate built form response to 70 Alfred Street which has a height of RL 96.20 and 48 Alfred Street which reaches RL 100.20, as Alfred Street slopes to the south.

The eastern built form element along Alfred Street frontage, descends from 17 to 14 storeys, with the height decreasing from RL 83.75 (approximately 54.17m) to RL 74.25 (approximately 44.67m) (refer to **Figure 20**). The reduced scale of the envelope is commensurate with the height of the existing building trend as the slope of the land descends along Alfred Street towards the south.



**Figure 19** Proposed envelope viewed from Northwest Glen Street

Source: KTA



**Figure 20** Proposed envelope viewed from Southeast Alfred Street

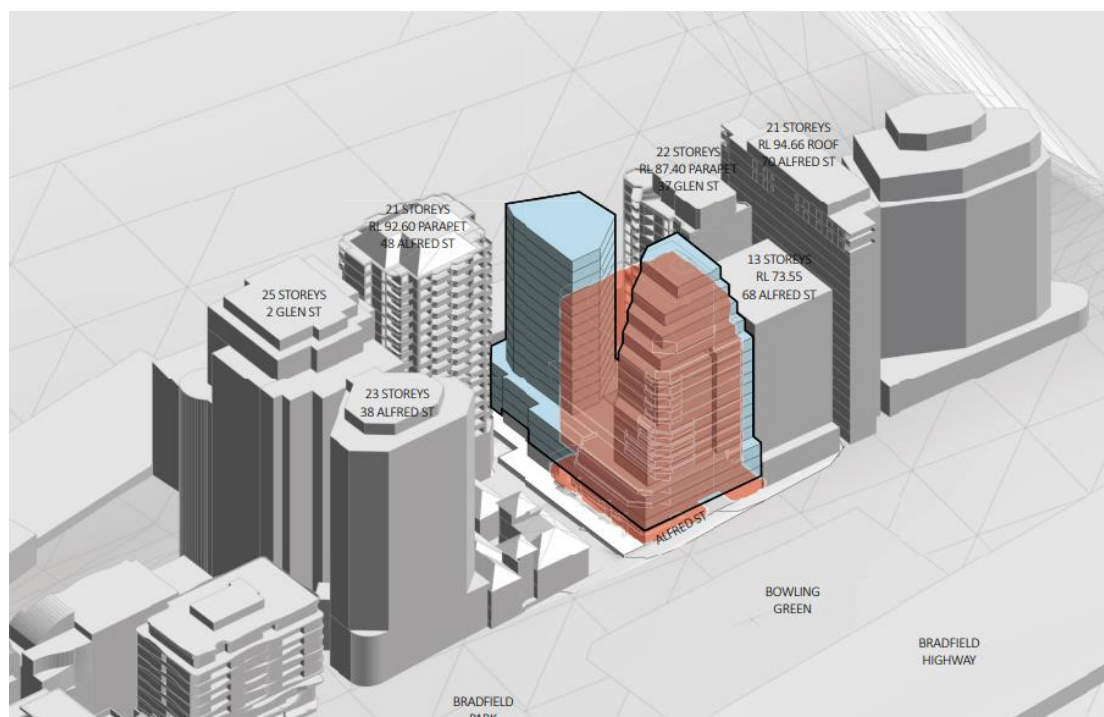
Source: KTA

### Relationship to Existing Building Envelope

In designing the envelope of the eastern built form element, a key intent has been to provide a massing that sits within the parameters of the existing building envelope. As shown in **Figure 21**, the proposed envelope has a

commensurate visual bulk to that existing. Importantly, the scheme maintains a perceptible building height of 14 storeys at the Alfred Street frontage.

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



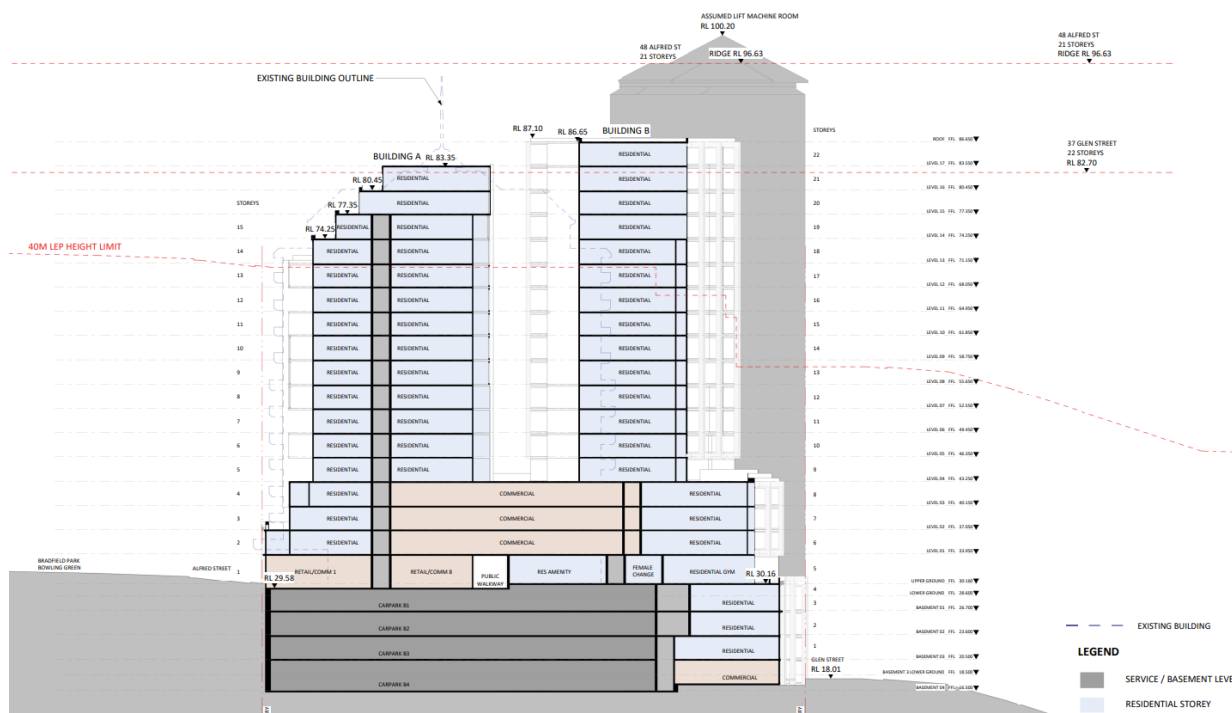
**Figure 21 Proposed envelope (blue) and existing building envelope**

Source: KTA

### Podium Elements

A podium is accommodated beneath the two separate built form elements and will contain commercial floorspace to meet the North Sydney LEP non-residential FSR requirements. The podium element fronting Alfred Street reaches three storeys and mirrors the height of the existing podium. The podium includes a zero setback to the site's Alfred Street frontage, consistent with the existing character of setbacks along Alfred Street (refer to **Figure 22**). At the southern boundary the podium provides a 6m setback to facilitate the provision of a through-site link.

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



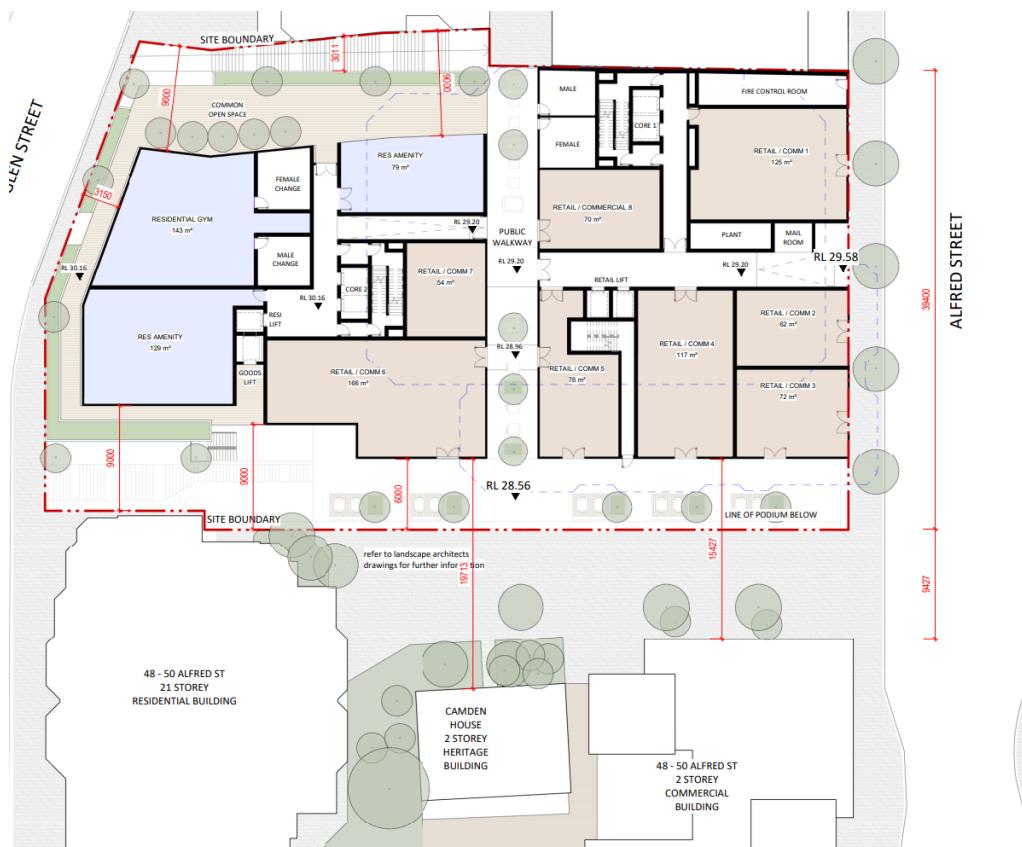
**Figure 22 Podium Elements– Alfred Street**

Source: KTA

## Streetscape Interface

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

The footprint of the building envelope remains largely consistent with that of the existing building. However, in contrast to the existing envelope, the scheme provides a greater setback to the southern boundary which ranges from 4.8 metres to 9 metres. This amounts to an overall separation of 19.7m (refer to **Figure 23**) between the façade line of the Indicative Development Concept and Camden House. An additional north-south through-site link is proposed across the ground floor plane of the site, connecting the existing east-west links and providing a direct connection to Camden House. To this end, it positively responds to Camden House by increasing the curtilage around the heritage item.



**Figure 23 Existing and Proposed setbacks (existing outlined in Blue)**

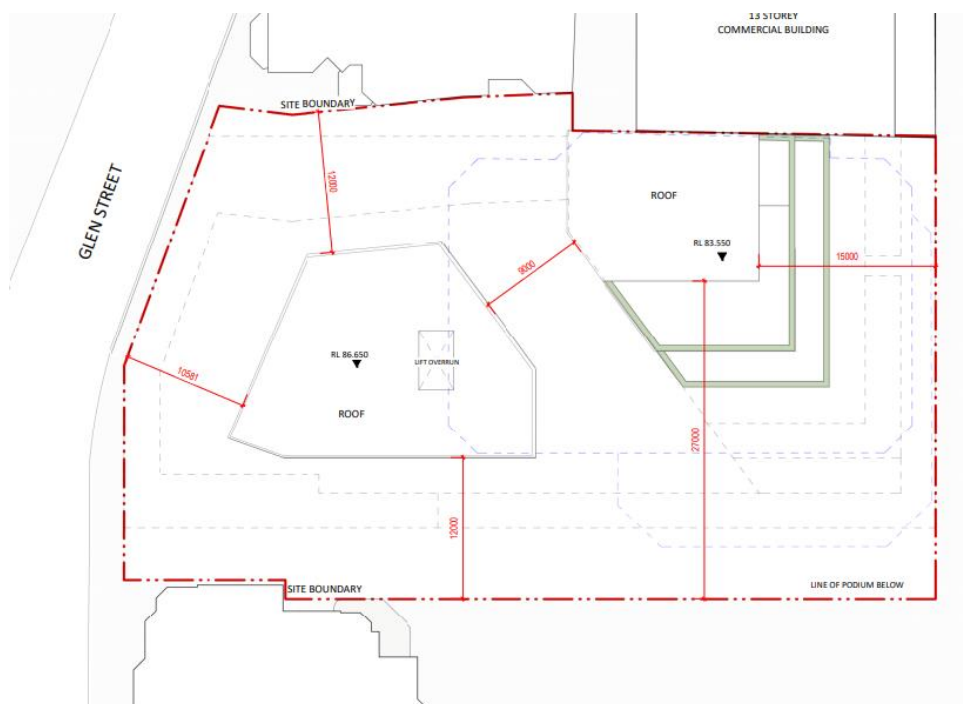
Source: KTA

## 7.2 Indicative Massing Strategy

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

The 18 storey tower fronting Glen Street incorporates an angular shaped floorplate which is achieved through the provision of a setback ranging from 3m – 10.5m to Glen Street and a setback of 3 – 11m to the proposed tower that fronts Alfred Street. The floorplate configuration of the tower fronting Glen Street is integral to the built form strategy for the site in that it will prevent the envelope from encroaching beyond the prevailing building line and view sharing line along Glen Street to minimise the impact to view corridors obtained from the residential units at 37 Glen Street, 70 Alfred Street and 48 Alfred Street. It will also provide adequate visual separation between the tower elements from Level 14 by 9m

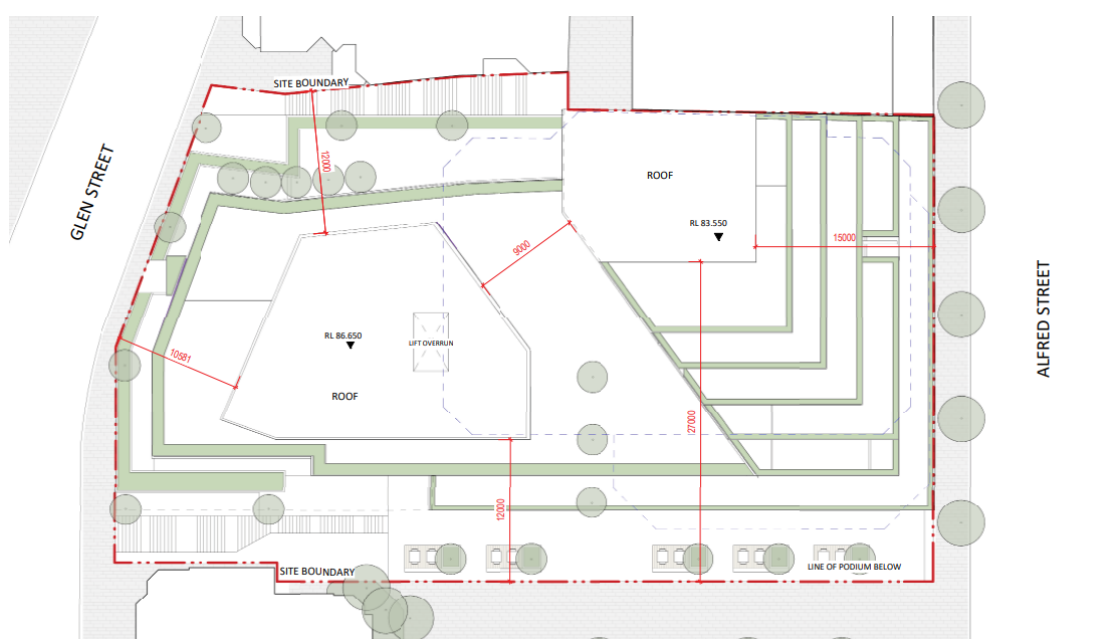




**Figure 24** Setbacks and angular configuration of proposed building footprint (existing outlined in Blue)

Source: KTA

The tower element fronting Alfred Street adopts a height of 17 storeys and a larger rectilinear footprint. The upper levels are chamfered from the north-west to the south-east. The chamfered built form is incorporated to demonstrate that a scheme within the nominated height can be developed without providing additional overshadowing to Bradfield Park (refer to **Section 9.5**). The chamfered built form is also effective in reducing the perceived bulk and scale of the eastern built form tower, allowing for a perceptible height of 14 storeys which is consistent with the adjoining developments including 68 Alfred Street to the immediate north (refer to **Appendix A**). Overall, the Indicative Concept Design demonstrates that a viable building can be contained within the maximum envelope, providing a number of opportunities and benefits, as discussed in **Section 4.0** and **Section 9.12**.



**Figure 25** Upper levels that are chamfered from the north-west to the south-east

Source: KTA

### 7.3 Public Domain

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

As shown at **Figure 26**, the southern east-west link upgrade works comprise comprehensive landscaping that interlinks with a ground level retail environment containing alfresco café seating areas (refer to **Appendix C**). The southern upgraded through-site link will connect to and open out towards the public domain area contained within the adjoining site that accommodates the heritage listed Camden House.

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

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

In addition, there is the potential for common open space and landscaping around the perimeters of the site and at the roof level (refer to **Figure 27**). Specifically, the indicative building envelope has been designed to provide an increased setback to the northern boundary capable of accommodating a common open space area landscaped area between the subject site and the property located to the north west. Landscaping along this boundary will provide visual privacy between the site and the adjoining development to the north.

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



**Figure 26** Proposed landscape scheme at the ground plane and internal to the building

Source: Arcadia



**Figure 27** Indicative landscaping at the rooftop level

Source: Arcadia

## 7.4 Access and Transport

### Vehicular Access

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

### Car Parking

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

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

### Pedestrian and Bicycle Facilities

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

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

### Pedestrian Access

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

## 7.5 Non-residential Floor Space

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

In accordance with the North Sydney LEP 2013, a minimum non-residential FSR of 0.75:1 applies to the site. Consistent with the minimum provision, the indicative concept scheme proposes a non-residential GFA of 3,755m<sup>2</sup> and thus achieves compliance with the non-residential FSR requirement. Commercial floor space will be concentrated within the podium levels and the Glen Street frontage. Retail floorspace is proposed to be concentrated along the Alfred Street South frontage, the new north-south through site link as well as the site's southern axis where it adjoins the public domain associated with Camden House. The provision of a number of retail tenancies together with seating areas is intended to enable the creation of an 'eat street' laneway style environment, which will help activate the ground floor and provide a new hub of activity within Milsons Point. The retail floor space will therefore facilitate the activation of the street frontage as well as the proposed through-site links, and complement the ground level retail uses contained within Camden House.

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

## 7.6 Apartment Design Guide

**Table 9** lists the relevant ADG "Rules of Thumb" and assesses the Indicative Concept Scheme's consistency with those standards. The assessment demonstrates that the indicative scheme complies with the majority of the "Rules of Thumb" and that the scheme is capable of providing a high standard of amenity for future residents. Where departures are proposed to the "Rules of Thumb" they are discussed in further detail below the table.

**Table 9 Consistency with the NSW Apartment Design Guide**

Objectives and Design Criteria			Consistent	
Part 3 Siting the Development				
3D Communal and Public Open Space				
Objective An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping			✓	
Design Criteria Communal open space has a minimum area equal to 25% of the site			✓	
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)			✓	
3E Deep Soil Zones				
Objective Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.			✓	
Design Criteria Deep soil zones are to meet the following minimum requirements:			Refer to alternative solution (see <b>Section 10.2</b> )	
Site Area		Minimum Dimensions		Deep Soil Zone (% of site area)
Less than 650m <sup>2</sup>	-	7%		
650m <sup>2</sup> – 1,500m <sup>2</sup>	3m			
Greater than 1,500m <sup>2</sup>	6m			
Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m			
3F Visual Privacy				
Objective Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.			Refer to alternative solution (see <b>Section 10.3</b> )	
Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			Refer to alternative solution (see <b>Section 10.3</b> )	
Building Height		Habitable rooms and balconies		Non-habitable rooms
Up to 12m (4 storeys)	6m	3m		
Up to 25m (5-8 storeys)	9m	4.5m		
Over 25m (9+ storeys)	12m	6m		
3K Bicycle and Car Parking				
Objective Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas			✓	
Design Criteria For development in the following locations:			✓	



Objectives and Design Criteria	Consistent												
<p>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</p> <p>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>													
<b>Part 4 Designing the Buildings</b>													
<b>4A Solar and Daylight Access</b>													
<p><i>Objective</i> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p>	✓												
<p><i>Design Criteria</i> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	✓ (see <b>Section 10.7</b> and <b>Appendix D</b> )												
<p>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.</p>	NA												
<p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</p>	✓												
<b>4B Natural Ventilation</b>													
<p><i>Objective</i> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p>	✓												
<p><i>Design Criteria</i> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	✓												
<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	✓												
<b>4C Ceiling Height</b>													
<p><i>Objective</i> Ceiling height achieves sufficient natural ventilation and daylight access</p>	✓												
<p><i>Design Criteria</i> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="145 1518 1123 1883"> <thead> <tr> <th colspan="2" data-bbox="145 1518 485 1556">Minimum ceiling height</th></tr> </thead> <tbody> <tr> <td data-bbox="145 1556 485 1603">Habitable rooms</td><td data-bbox="485 1556 1123 1603">2.7m</td></tr> <tr> <td data-bbox="145 1603 485 1650">Non-habitable</td><td data-bbox="485 1603 1123 1650">2.4m</td></tr> <tr> <td data-bbox="145 1650 485 1742">For 2 storey apartments</td><td data-bbox="485 1650 1123 1742">2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr> <tr> <td data-bbox="145 1742 485 1812">Attic spaces</td><td data-bbox="485 1742 1123 1812">1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr> <tr> <td data-bbox="145 1812 485 1883">If located in mixed use areas</td><td data-bbox="485 1812 1123 1883">3.3m for ground and first floor to promote future flexibility of use</td></tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	✓
Minimum ceiling height													
Habitable rooms	2.7m												
Non-habitable	2.4m												
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area												
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope												
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use												
<p>These minimums do not preclude higher ceilings if desired.</p>													
<b>4D Apartment Size and Layout</b>													
<p><i>Objective</i> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p>	✓												

Objectives and Design Criteria		Consistent															
<i>Design Criteria</i> Apartments are required to have the following minimum internal areas:		✓															
<table><tr><th>Apartment Type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table>		Apartment Type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>						
Apartment Type	Minimum internal area																
Studio	35m <sup>2</sup>																
1 bedroom	50m <sup>2</sup>																
2 bedroom	70m <sup>2</sup>																
3 bedroom	90m <sup>2</sup>																
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.																	
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		✓															
<i>Objective</i> Environmental performance of the apartment is maximised		✓															
<i>Design Criteria</i> Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		✓															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		✓															
<i>Objective</i> Apartment layouts are designed to accommodate a variety of household activities and needs		✓															
<i>Design Criteria</i> Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).		✓															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).		✓															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>• 3.6m for studio and 1 bedroom apartments</li><li>• 4m for 2 and 3 bedroom apartments</li></ul>		✓															
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		✓															
4E Private Open Space and Balconies																	
<i>Objectives</i> Apartments provide appropriately sized private open space and balconies to enhance residential amenity		✓															
<i>Design Criteria</i> All apartments are required to have primary balconies as follows:		✓															
<table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum depth</th></tr><tr><td>Studio apartment</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom apartment</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom apartment</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3+ bedroom apartment</td><td>12m<sup>2</sup></td><td>2.4m</td></tr></table>		Dwelling Type	Minimum Area	Minimum depth	Studio apartment	4m <sup>2</sup>	-	1 bedroom apartment	8m <sup>2</sup>	2m	2 bedroom apartment	10m <sup>2</sup>	2m	3+ bedroom apartment	12m <sup>2</sup>	2.4m	
Dwelling Type	Minimum Area	Minimum depth															
Studio apartment	4m <sup>2</sup>	-															
1 bedroom apartment	8m <sup>2</sup>	2m															
2 bedroom apartment	10m <sup>2</sup>	2m															
3+ bedroom apartment	12m <sup>2</sup>	2.4m															
The minimum balcony depth to be counted as contributing to the balcony area is 1m.																	
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.																	
4F Common Circulation and Spaces																	
<i>Objective</i> Common circulation spaces achieve good amenity and properly service the number of apartments		✓															
<i>Design Criteria</i>		✓															

Objectives and Design Criteria		Consistent
The maximum number of apartments off a circulation core on a single level is eight.		
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		
<b>4G Storage</b>		
<i>Objective</i> Adequate, well designed storage is provided in each apartment		✓
<i>Design Criteria</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		Capable of complying at the detailed design phase
<b>Dwelling Type</b>	<b>Minimum Area</b>	
Studio apartment	4m <sup>2</sup>	
1 bedroom apartment	6m <sup>2</sup>	
2 bedroom apartment	8m <sup>2</sup>	
3+ bedroom apartment	10m <sup>2</sup>	
At least 50% of the required storage is to be located within the apartment.		

## Dwelling Mix

The indicative concept scheme illustrates that the entire site has the potential to accommodate approximately 125 units comprising a mix of types and sizes, including:

- 34 x 1 bedroom units (27%);
- 50 x 2 bedroom units (40%); and
- 35 x 3 bedroom units (28%).
- 6x 4 bedroom units (5%)

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

## 8.7 Site Specific DCP

A draft site specific DCP has been prepared by North Sydney Council that regulates the development guidelines for the proposed indicative scheme, contained at Appendix I. The draft site specific DCP has been prepared under Division 3.6 of the EP&A Act and provides detailed planning and design guidelines to support the proposed amendments to the North Sydney LEP 2013. The draft DCP has been created by Council and was endorsed formally at the North Sydney Council meeting held on 28 March 2022 in response to addressing the built form recommendations by the SNPP. The following site-specific provisions apply to the site:

### Section 9.1.4 – 52 Alfred Street, Milsons Point

#### 9.1.4.1- Desired Future Character, Design Objectives and Key Principles

- P1 Development is to respond to the scale and character of existing development and desired future character of the surrounding area.
- P2 Built form, scale and massing is to reflect the dual frontage character of the block and residential building typologies.
- P3 Deliver a mixed-use development with active frontages to Alfred Street and Glen Street.
- P4 Development is to ensure that view loss, overshadowing and other amenity impacts on neighbouring residential buildings and impacts on heritage and the public domain are minimised.
- P5 Development is to maximise solar access to Bradfield Park.
- P6 An improved pedestrian through-site link between Alfred Street and Glen Street with active frontages.

#### 9.1.4.2- Desired Built Form

##### Objectives

- O1 To provide for increased opportunity for height and density in the Milsons Point Town Centre, in close proximity to public transport and services.
- O2 To ensure that solar access to Bradfield Park is maximised.
- O3 To ensure appropriate separation distances between existing and proposed buildings and ensure reasonable privacy, solar access and views are maintained to surrounding dwellings.
- O4 To positively relate to the heritage context surrounding the site.

##### Provisions

##### **Solar access**

- P1 P1 Any development at 52 Alfred Street must not result in a net increase in overshadowing to Bradfield Park between 12 noon and 3pm.

##### **Street and Side Setbacks**

- P2 Buildings must be setback:
  - a) 0m to Alfred Street and Glen Street, and
  - b) A minimum 6m to the southern boundary, and
  - c) A minimum 3m setback to the northern boundary where the site directly adjoins 37 Glen Street.

##### **Podium Height**

- P3 Despite any other provision of this DCP, a podium must:
  - a) maintain a consistent overall height across the entirety of the site.
  - b) be 2 storeys in height along its southern boundary and positively relate to the height of the heritage listed Camden House at 56 Alfred Street to its south, and
  - c) be 2 storeys in height fronting Alfred Street, and
  - d) not exceed 4 storeys fronting Glen Street.

##### **Above Podium Setbacks**

- P4 The following minimum setbacks must be provided above the podium:
  - a) 3m to the site's Alfred Street frontage, and
  - b) 3m to the site's Glen Street frontage, and any part of a building located above 8 storeys as viewed from Glen Street, must not be constructed westwards of a view line established from the eastern edge of living area windows to 37 Glen Street (located approximately 12.8m east of the Glen Street boundary projecting southwards across 52 Alfred Street site to the north-western corner of the residential flat building known as "The Milson" fronting Glen Street at 48-50 Alfred Street (approximately 3m east from the Glen Street boundary).
  - c) 9m to the site's southern boundary up to 8 storeys in height and 12m for any storeys located above, and
  - d) 9m to the site's northern boundary up to 8 storeys in height and 12m for any storeys located above, for that part of the site located directly adjacent to 37 Glen Street.
- P5 Despite provision P4 (b) and (c), increased setbacks may be required to achieve adequate building separation in accordance with SEPP 65, protect views to from adjacent residential buildings (37 Glen Street) and help break up the wall of development along Alfred Street.

##### **Through-site pedestrian link**

- P6 The following thru site link is to be provided, retained or enhanced:
  - a) An east-west link from Alfred Street to Glen Street adjacent to the southern boundary of 52 Alfred Street. This link must be a minimum of 6m wide.

The proposed indicative reference design envelope achieves compliance with the NSDCP draft Section 9.1.4 controls, delivering on a building envelope that is consistent with the provisions contained above.

## 8.0 Assessment of Planning Issues

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

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

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

### 8.1 Built Form

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

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

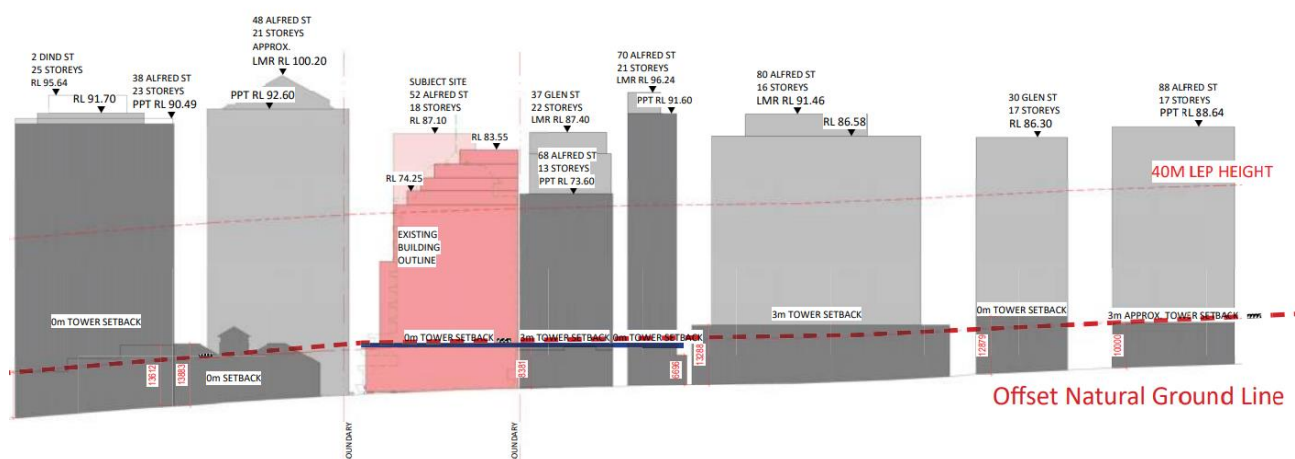
The building envelope is configured so as to prevent overshadowing to Bradfield Park and minimise view impacts to surrounding properties via an angled built form, informed by a detailed view analysis undertaken by taking physical photos from neighbouring apartment habitable spaces at 37 Glen Street.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

#### Character Area

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

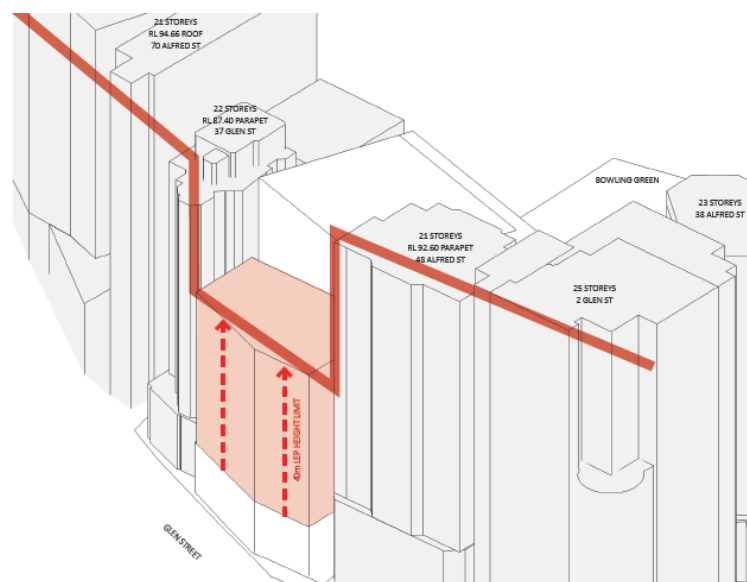
The proposed distribution of mass is entirely consistent with the prevailing character of the area. The existing towers positioned along Alfred Street (in the stretch between Lavender Street and Dind Street) increase in height on the western side of Alfred Street towards the peninsula. As demonstrated in **Figure 28**, some of Milsons Point's largest developments are concentrated along this stretch, including 48 Alfred Street, 37 Glen Street and 70 Alfred Street, which provide significant contraventions to the 40m height limit (refer to **Figure 29**) and reach maximum heights of RL 100 (refer to **Table 6**). The proposed heights are commensurate with these developments and will sit comfortably within the established and predominant built form character of the locality.





**Figure 28 Proposed development (red) and existing (grey) demonstrating the massing of the built form along Alfred Street**

Source: KTA



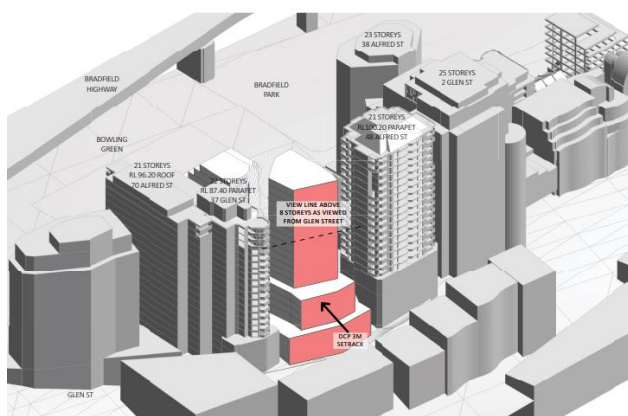
**Figure 29 Compliant massing fronting Glen Street**

Source: KTA

## DCP Setbacks

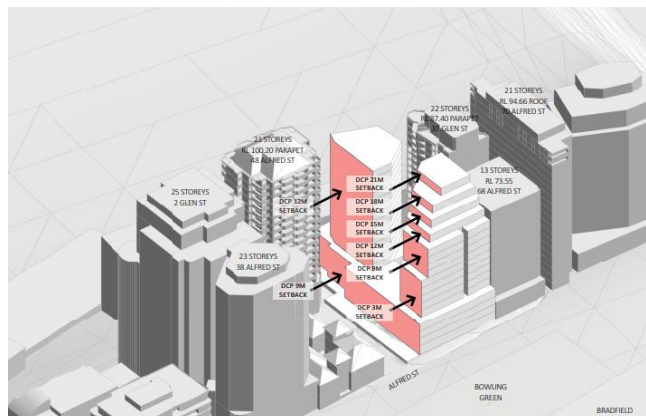
The proposal has been designed to be consistent with the draft site specific DCP that has been prepared and endorsed by North Sydney Council.

The proposed setbacks required under the draft site specific DCP (Section 9.1.4) have been complied with as noted in the Indicative Reference Scheme to ensure appropriate separation distances between existing buildings maintain reasonable privacy, solar access and views are maintained to surrounding dwellings. The setback proposed is therefore considered reasonable given the envelope in this location remains consistent with the site-specific DCP controls that were prepared and endorsed by Council for this site. Consequently, when viewed from the streetscape, the proposal will not project forward of the existing character of the building line nor will it visually dominate the wider locality. Refer to **Figures 30** and **31**.



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

Source: KTA



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

Source: KTA

## 8.2 Deep Soil, Landscaping and Public Domain Upgrades

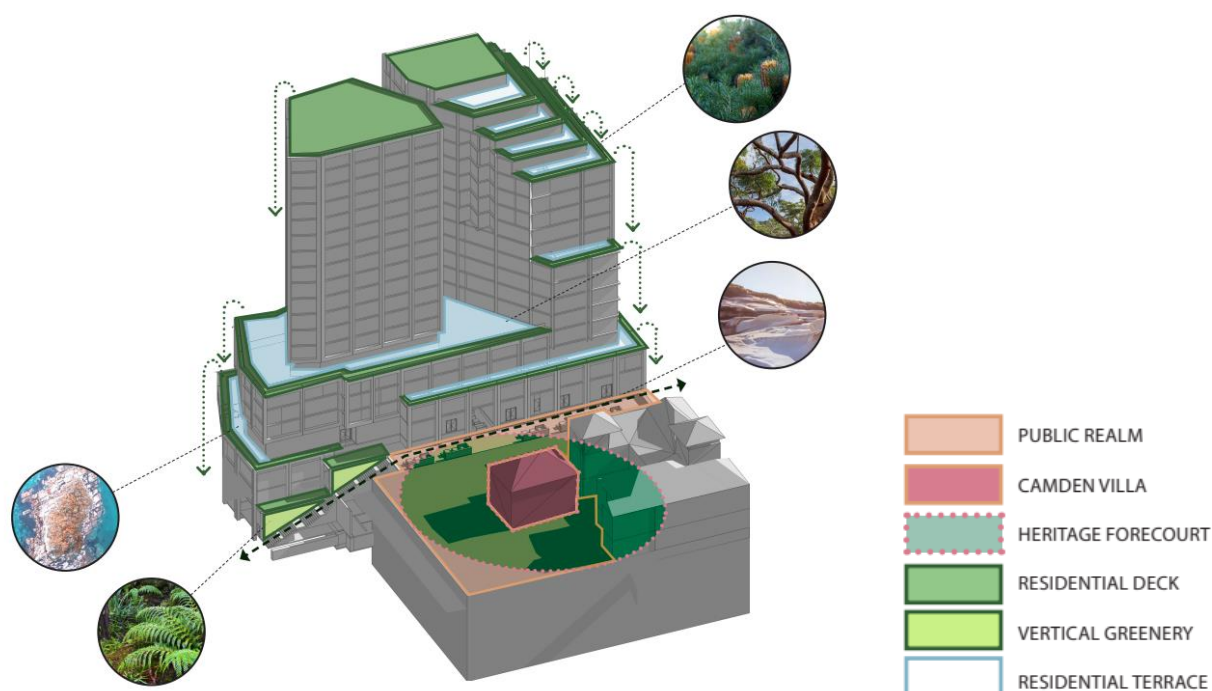
The ADG notes that deep soil zones are important for residential apartment developments as they allow for improved amenity and the appropriate management of water and air quality. The design criteria noted under Objective 3E-1 states:

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

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

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

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



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

Source: Arcadia

### Public Domain and Public Benefit

The Indicative Concept Scheme proposes to redesign and significantly upgrade the existing through-site link connection that facilitates access between Alfred Street South and Glen Street. As illustrated at **Appendix A**, ground level retail uses are orientated towards the through-site links and will improve the activation of the public domain, providing for a new hub of communal activity that will vastly improve the Milsons Point Town Centre. As shown in **Figures 33 - 34**, the landscape scheme seeks to revitalise the existing publicly accessible through-site link through the inclusion of new paving embellishments, vertical greenery, and spill out dining areas that will complement the retail areas as well as include a new north-south through-site link that will connect to Camden House. The proposed upgrade to the existing through-site link as well as a new through-site link across the site will improve permeability, encourage pedestrianisation/activation and enhance the interface with the heritage listed Camden House.





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

Source: Arcadia



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

Source: Ivolve Studios

### 8.3 Visual Privacy

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

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

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

The design criteria separation distances are outlined in **Table 10** below. For the reasons outlined in the following sections, it is considered that on merit, the non-compliant envelopes are acceptable.

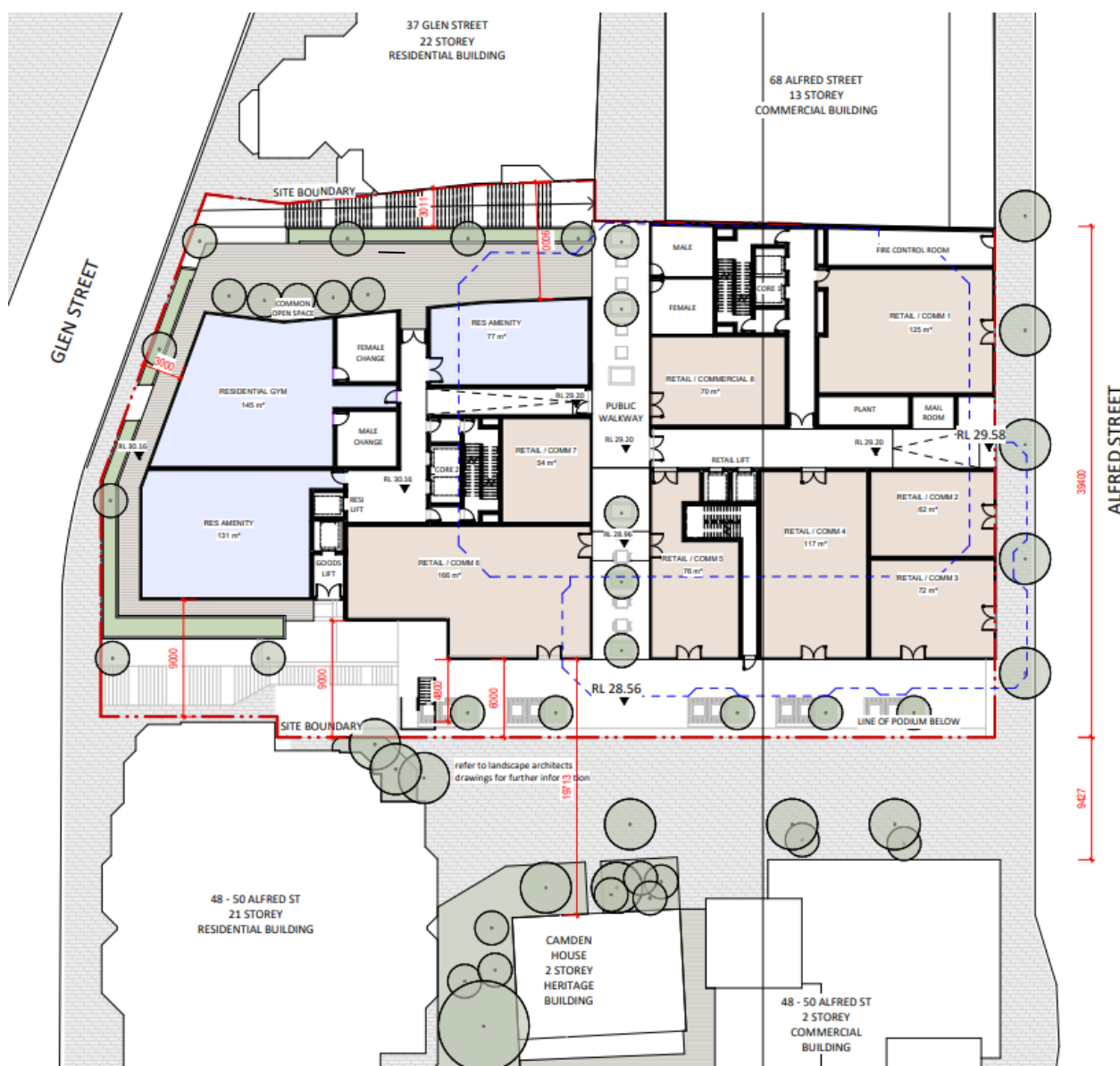
**Table 10 Proposed building separation to adjoining properties and consistency with the ADG**

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

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

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





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

Source: KTA

In the context of these constraints, variations to the numerical requirements are proposed. Notwithstanding, the Indicative Concept Scheme remains consistent with the aims associated with 2F Building Separation and objective nominated under 3F-1 Visual Privacy of the ADG. The indicative reference scheme has also been designed to be fully compliant with the site-specific DCP setback provisions created by North Sydney Council with the objective to maintain view sharing and residential amenity between neighbouring properties.

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

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

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

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

It also nominates the following relevant design guidance:

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

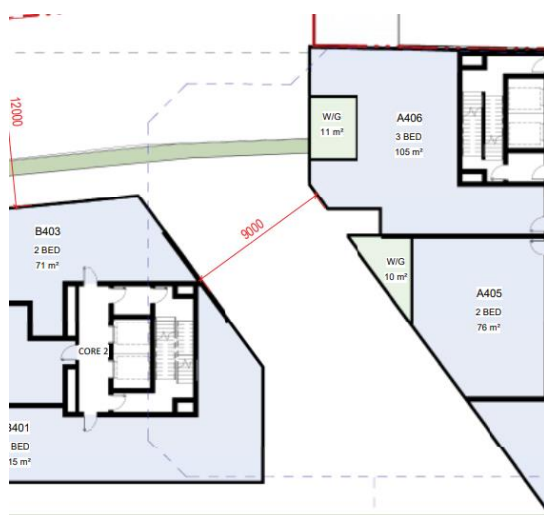
Notwithstanding any variation to the ADG setback requirements, a review of surrounding buildings indicates that there is clear precedent for developments to provide significantly reduced building separation (refer to **Appendix A**). Given the context of the surrounding development, the proposed separation provides for an appropriate massing and adequate space between the two buildings that is in keeping with the character of the area whilst also responding directly to the site-specific DCP setback controls that have been prepared and endorsed by Council.

#### **Internal Building Separation**

The Indicative Concept Scheme proposes two separate built form elements from Level 4 and above. The interface of the western tower is characterised by a blank wall (refer to **Appendix A**). In limited locations, balconies are provided by the tower element fronting Alfred Street South.

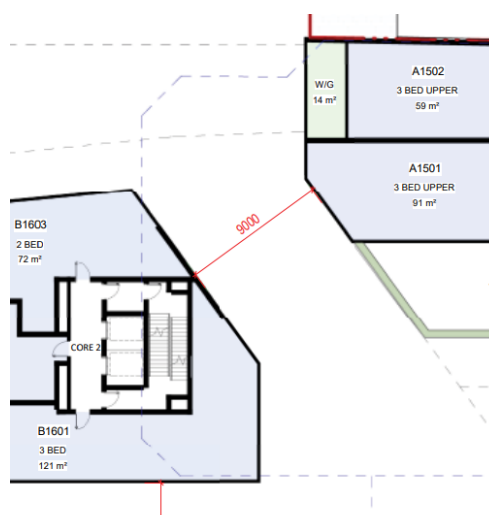
The ADG requires a building separation distance of 12m for the areas of the building containing habitable space, including balconies. It is noted that where blank walls are provided, no separation is required.

Due to the angular configuration of the floorplates the building separation varies. The building separation progressively increases with the proposal's height to a maximum of 9m between the habitable areas of the building, as demonstrated from **Figures 36 – 38**.



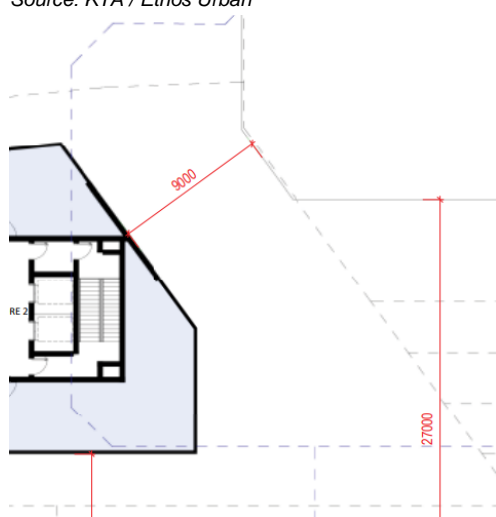
**Figure 36 Internal separation at Levels 4-8**

Source: KTA / Ethos Urban



**Figure 37 Internal building separation at Level 16**

Source: KTA / Ethos Urban



**Figure 38 Internal building separation at Level 17**

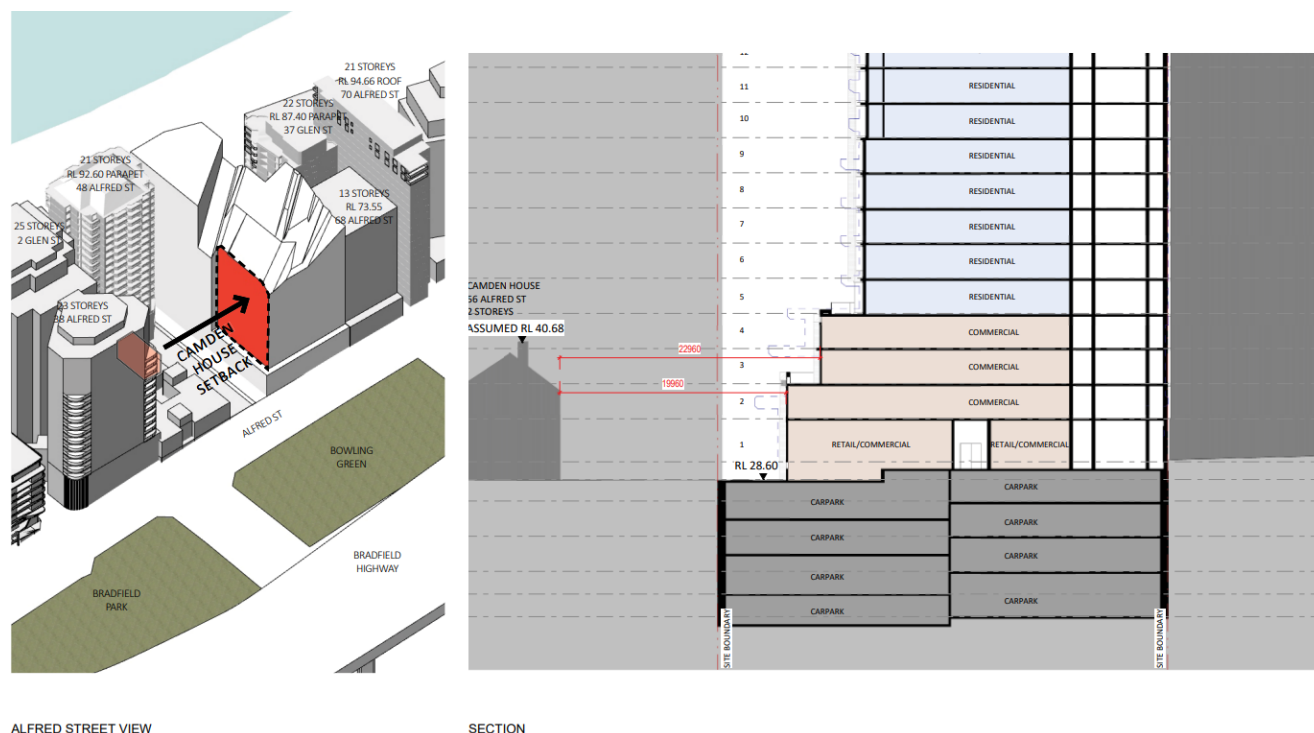
Source: KTA / Ethos Urban

Notwithstanding the numerical non-compliances, each balcony at the eastern tower interfaces with a blank wall at the western tower and therefore privacy impacts will not arise. At the upper levels, it is noted that the most useable portion of the balconies are oriented towards the south and east to benefit from the view corridors obtainable from the site. In this respect the amenity and the functionality of private open space proposed will not be compromised.

### Camden House

Due consideration has been given to maintaining the amenity of the heritage listed building to the south known as Camden House and the surrounding public domain within its curtilage. The proposed setbacks along with the envelope siting and configuration are generally in accordance with the existing building.

As illustrated in **Figure 39**, the podium element provides a setback of 19.9m which exceeds that of the existing building. Above the podium, the setback increases to 22.9m which is consistent with the existing building envelope. In providing a greater setback, the proposal facilitates improved solar access at this sensitive interface and achieve a greater curtilage around the site that continues to allow for the appreciation of its heritage significance. Improvements to the public realm at the through site linkages will also assist with improving the relationship between the site and Camden House.



**Figure 39 Proposed interface with Camden House**

Source: KTA

## 8.4 Heritage

A Heritage Assessment Report has been prepared by Weir Phillips Heritage and is included at **Appendix E**. The Statement has been prepared in accordance with the NSW Heritage Division publication Statements of Heritage Impact (2002 update), the North Sydney DCP 2013 and LEP 2013 and provides a merit based assessment of the proposal's impact on the surrounding heritage items.

The relevant character statement contained within the North Sydney DPC 2013 indicates that heritage items shall be protected and retained where practical. Whilst the site is not a heritage item, it is located within the vicinity of local and state listed heritage items (refer to **Section 2.4**). The items in the vicinity of the site include:

- The Sydney Harbour Bridge to the east (SHR No. 00781)
- Luna Park to the south (SHR No. 01811)
- Milsons Point Railway Station to the east (SHR No. 01194)
- Camden House to the immediate south (I0527)
- Bradfield Park to the east (I0538)
- Alfred Street (entrance to Luna Park, Alfred Street South (I0529)
- Commercial building at 2 – 2a Glen Street, Milsons Point to the west (I0531)

The Heritage Statement has provided an assessment of the impacts resulting from the proposal to each of the items. A summary is detailed below.

- *Camden House* – The heritage item is currently overshadowed and visually obscured by the surrounding built form. Weir Phillips Heritage conclude that the proposal will have no adverse impact on the item. The proposal has incorporated a larger setback to the podium at the southern elevation, allowing for a greater curtilage around the item which enhances its setting. The building separation is also not proposed to decrease from what the existing building provides. Furthermore, the height of the podium aligns with that of Camden House and consequently provides an appropriate transition in height. The Indicative Concept Scheme has the potential to

be constructed of sandstone which will complement the materiality of Camden House and provide for an improved relationship at this sensitive interface.

- *Sydney Harbour Bridge approach viaducts, arches and bays* - The proposal is similar in bulk and scale to the existing building contained within the site and will therefore have only a minor impact on the setting in which the Sydney Harbour Bridge is interpreted.
- *Luna Park* - The proposal will be partially visible from Luna Park when viewed from the south. Notwithstanding, the proposed bulk and scale will have no impact on the heritage significance of the site in that it will not impact significant view corridors or the ability to interpret the societal and historical significance of the site.
- *Milsons Point Railway Station* - The proposal will not overshadow Milsons Point Railway Station and accordingly will have no impact on the heritage significance of the site.
- *Commercial Building at 2 – 2a Glen Street* - The additional height will have minimal impact on the heritage listed commercial building. The heritage building is sited within a built up residential area. The proposed podium will provide an appropriate transition in scale and height to heritage item and will achieve a human scale that will prevent the tower's bulk from detracting from the commercial building.

Overall, Weir Phillips Heritage conclude that the Indicative Concept Scheme will not compromise the historic, social and aesthetic significance of the various heritage items located in the vicinity of the site.

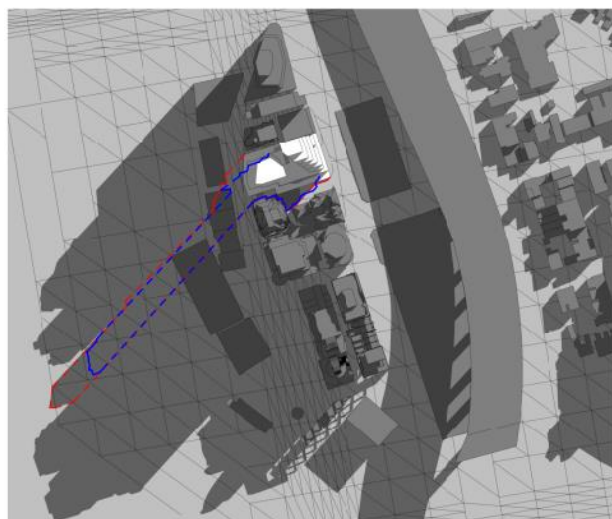
## 8.5 Overshadowing

An overshadowing analysis of the Indicative Concept Scheme has been prepared by KTA and is included at **Appendix A**. The study has examined the overshadowing resulting from the proposed building in the context of the shadow produced by the existing building and the surrounding developments.

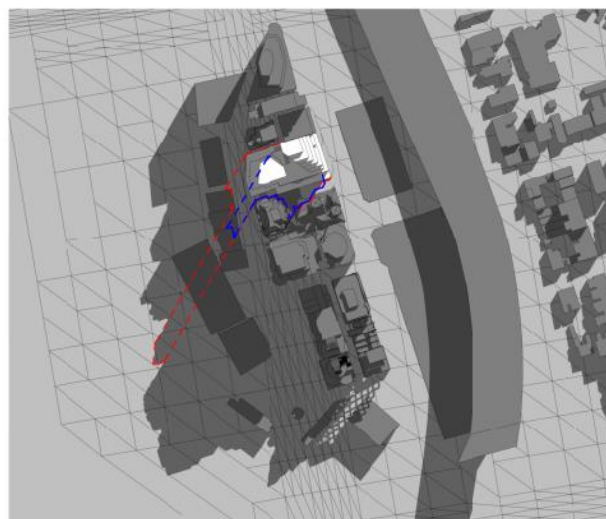
The overshadowing analysis indicates that the surrounding buildings and public domain area are already overshadowed by the existing high density built form within Milsons Point. The analysis indicates that the Indicative Concept Scheme will provide additional overshadowing to the west of the site. Specifically, the proposal will overshadow the developments located at 2 – 2A Glen Street, Luna Park and the harbour. Notwithstanding, the affected areas already experience a large degree of overshadowing from the existing building envelope (refer to **Figure 40**). Of the affected areas, Sydney Harbour is anticipated to experience the most substantial amount of overshadowing at 9am. Whilst some overshadowing will impact the residential and commercial developments along Glen Street, the impacts are present for a limited duration between 9am and 12pm. During this timeframe the additional overshadowing provided to 2A Glen Street is limited to occurring between the hours of 10am – 11am and is considered to be minor in nature.

During the afternoon period, the envelope will provide additional overshadowing to Camden House between 1:30pm and 3pm. However, it is noted that Camden House is already significantly overshadowed by the surrounding built form with heritage building already experiencing some degree of overshadowing during the aforementioned timeframe. The additional overshadowing resulting from the proposal will increase the extent of the shadow cast across the building; however, this increase is considered reasonable given it occurs for a limited duration in the late afternoon. As the siting of the proposed envelope at the site's southern aspect is generally in keeping with the existing building's footprint, the amount of additional shadow is also considered to be minor. Given the above, the proposal will have no adverse impact on the heritage item nor will it significantly reduce the amenity of occupants.

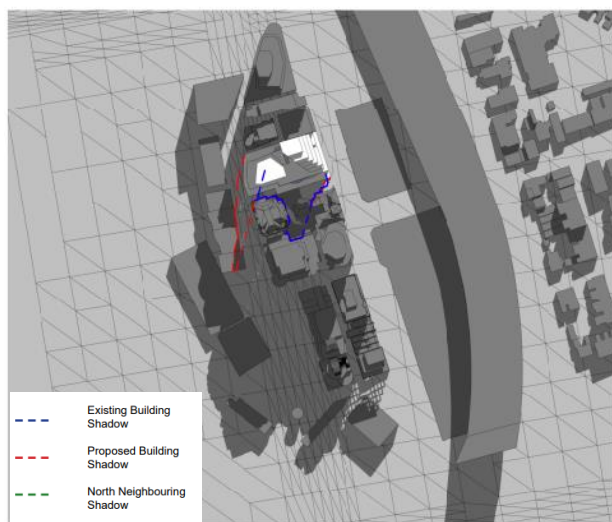




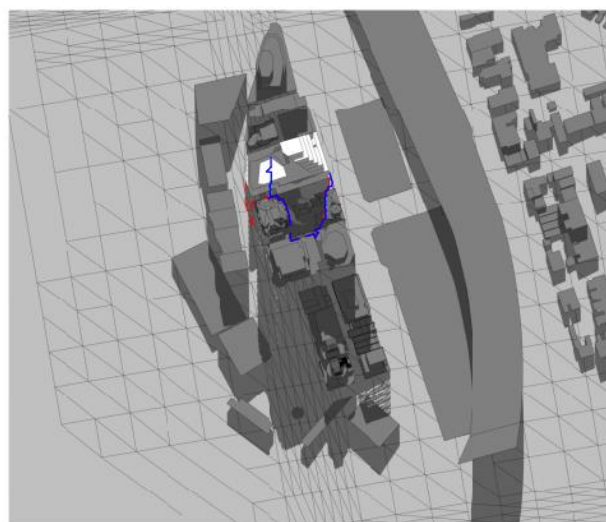
21st JUNE, 9 AM



21st JUNE, 10 AM



21st JUNE, 11 AM



21st JUNE, 12 PM

**Figure 40 Existing and proposed overshadowing to the west of the proposal**

Source: KTA

### Overshadowing to Bradfield Park

The North Sydney DCP indicates that there is to be no additional overshadowing to Bradfield Park between 1pm and 3pm. Specifically, guideline P16 states the following:

*There is no increase in overshadowing of Bradfield Park, Luna Park, and North Sydney Pool between 12 noon and 3pm.*

Furthermore, Section 9.1.4 of the NSDCP 2013 indicates the following site-specific provisions for any future development:

#### **9.1.4.1 Desired Future Character, Design Objectives and Key Principles**

*P4 - Development is to ensure that view loss, overshadowing and other amenity impacts on neighbouring residential buildings and impacts on heritage and the public domain are minimised*

*P5 - Development is to maximise solar access to Bradfield Park*

#### **9.1.4.2 Desired Built Form**

*O2 To ensure that solar access to Bradfield Park is maximised.*

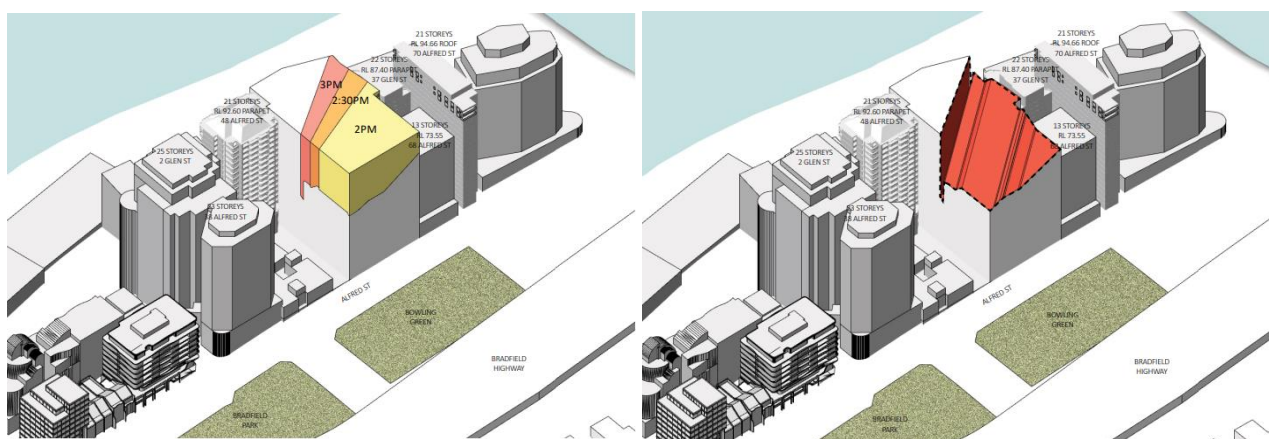
### Solar access

*P1 Any development at 52 Alfred Street must not result in a net increase in overshadowing to Bradfield Park between 12 noon and 3pm.*

Compared to the existing scenario, the Indicative Concept Scheme will reduce the overshadowing to Bradfield Park during the winter solstice in the afternoon period between 24.6m<sup>2</sup> up to 82m<sup>2</sup>. The reduction in overshadowing is attributed to the strategic distribution of mass across the site which has sought to minimise shadow impacts to the greatest extent possible. As shown at **Appendix A**, the massing is considerably reduced at the site's eastern portion where the envelope steps down from 22 storeys to 15 storeys, and then terraces down to 14 storeys at the street frontage of Alfred Street South.

The building's mass adjacent to Bradfield Park is characterised by a chamfered setback that descends from the site's north west to the south east (refer to **Figure 41**). Combined, these design measures minimise shadow impacts to Bradfield Park and the adjacent public domain to the greatest extent possible.

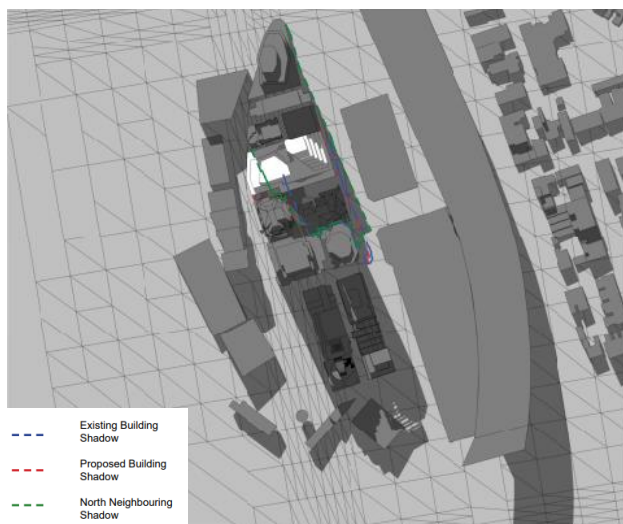
It is noted that the massing and resultant shadow impacts are indicative and the design of the envelope is capable of further refinement at detailed design phase.



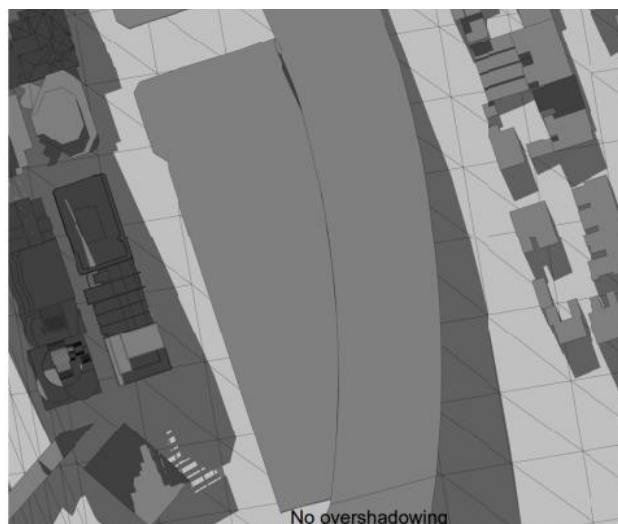
**Figure 41 Chamfered massing to maximise solar access to Bradfield Park**

Source: KTA

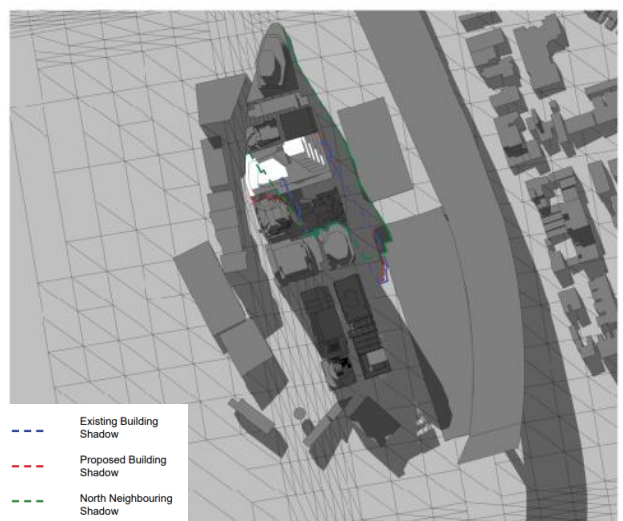
As shown at **Appendix A**, the Indicative Concept Scheme will provide no additional overshadowing to Bradfield Park during the Winter Solstice. More importantly, between 1:30pm and 3pm **the proposed massing will actually reduce overshadowing to Bradfield Park**. As shown in **Figure 42**, the overall reduction in overshadowing throughout the day results in a net reduction of 158.8m<sup>2</sup>. The scheme therefore provides for an overall improved outcome relative to the existing built form on site.



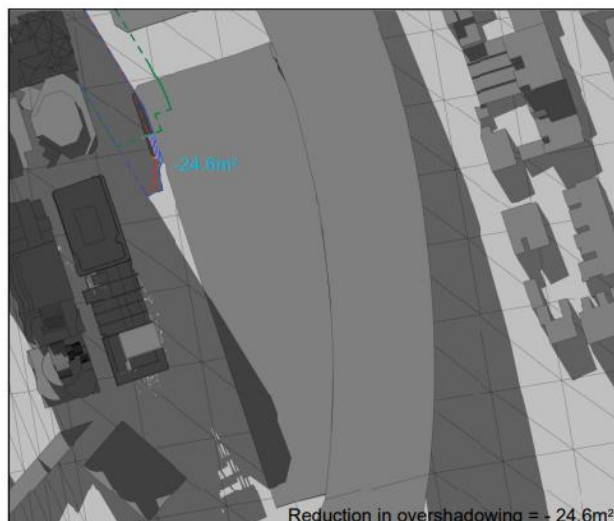
21st JUNE, 1.30 PM DETAILED SHADOW STUDY



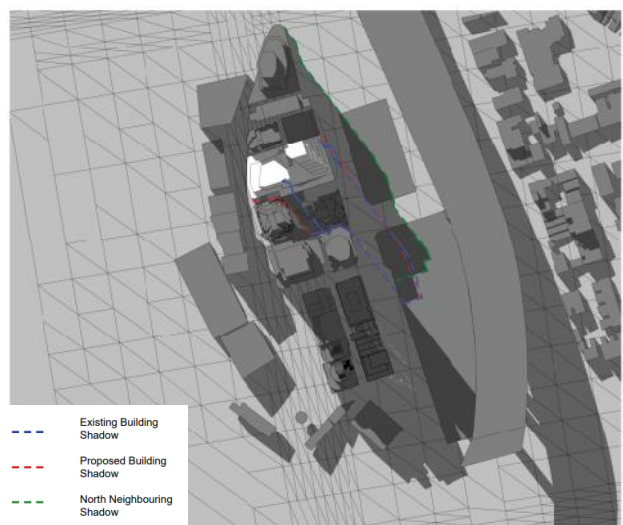
21st JUNE, 1.30 PM DETAILED SHADOW STUDY IN DETAIL



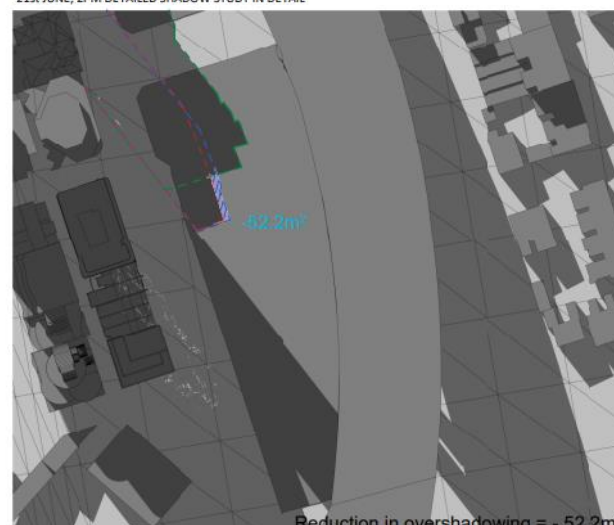
21st JUNE, 2PM DETAILED SHADOW STUDY



21st JUNE, 2PM DETAILED SHADOW STUDY IN DETAIL

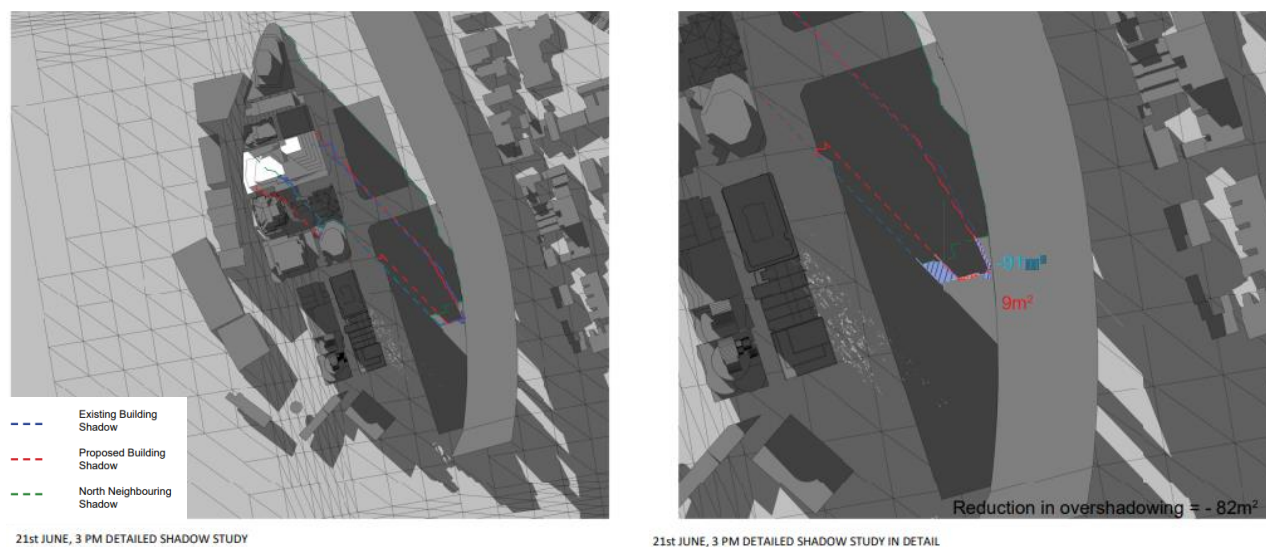


21st JUNE, 2.30 PM DETAILED SHADOW STUDY



21st JUNE, 2.30 PM DETAILED SHADOW STUDY IN DETAIL





**Figure 42** Proposed reduction of overshadowing to Bradfield Park between 1.30pm and 3pm

Source: KTA

Upon review of the shadow analysis as detailed above, it is evident that with regard to the nearby sensitive land uses such as Camden House and Bradfield Park, the overshadowing impacts are negligible to minor, and only occur for limited periods during the day. In this respect the impacts are considered to be acceptable.

## 8.6 Solar Impacts

KTA have prepared a solar impact assessment to determine the proposal's compliance with the ADG solar access requirements (refer to **Appendix D**).

### Solar Access

The results confirm that 72% of units receive 2 or more hours sunlight to primary windows (glazing) and private open space between 9am and 3pm on the 21 June (90 units of 125). In this regard the proposal is consistent with the relevant design criterion nominated under Objective 4A – 1 of the ADG that requires:

*Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.*

In addition, 28% of units (35 units) receive no direct sunlight between 9am to 3pm during mid winter. Notwithstanding this, the ADG acknowledges the difficulty in achieving strict numerical compliance with the design criteria in the instance of some sites. Specifically, it states:

*Achieving the design criteria may not be possible on some sites. This includes:*

- *Where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source.*
- *On south facing sloping sites.*
- *Where significant view are orientated away from the desired aspect for direct sunlight.*

It is considered that site constraints and orientation preclude the scheme from meeting the design criteria. The site is significantly constrained due to its location within a densely built up residential area and siting on a south facing slope. As high-rise developments elevated above the site are sited to the north and overshadow the full length of the subject site's northern façade, the site's access to sunlight is significantly reduced. Furthermore, the orientation of apartments to the south, east and west of the site has the potential to deliver an improved design outcome for the reasons addressed below.

In the context of these constraints and opportunities, the Indicative Concept Scheme is consistent with the underlying objective of the Design Criteria which seeks to:

*To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.*

In accordance with the objective, the design has sought to orientate apartments away from the north to alternative aspects that receive improved access to sunlight. Incidentally, apartments are afforded improved access to panoramic iconic views of landmarks such as Harbour Bridge, Luna Park and the Opera House. The single aspect southern facing apartments are provided with generous balconies, maximising the ability for views to be captured and providing for a higher standard of residential amenity that what would be achieved if apartments were orientated to the north.

## 8.7 Natural Ventilation

KTA have examined the proportion of apartments that are naturally cross ventilated. The assessment confirms that 43 out of 69 units within the first 9 storeys cross ventilated (62%). Therefore, in accordance with the ADG, 60% of apartments are cross ventilated within the first nine storeys of the building.

In determining the proportion of apartments that are cross ventilated, it was acknowledged that there is a significant difference in level between the street facades fronting Alfred and Glen Streets, and whilst these units are contained within the first nine storeys, they are deemed to be cross ventilated due to their height above Glen Street which affords them greater exposure to cross ventilation.

## 8.8 Solar Impacts

KTA have provided an assessment of the solar impacts associated with the scheme to assist in evaluating the proposal's compliance with Objective 3B – 2 and the design guidance which nominates:

*Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.*

The assessment has addressed the solar impact to the following residential towers, including:

- the Port Jackson Tower at 38 Alfred Street;
- the Pinnacle at 2 Dind Street; and
- 48 – 50 Alfred Street.

### 38 Alfred Street, Milsons Point

The Port Jackson Tower at 38 Alfred Street is located to the direct south of the site. The assessment concludes that the apartments retain full solar access for the minimum required 2 hours and accordingly there are no additional impacts relative to the existing building.

### 2 Dind Street

The development at 2 Dind Street is located to the direct south. These apartments receive limited solar access due to the existing building located on the subject site. With the proposed envelope, the quantity of apartments anticipated to receive a compliant amount of solar access is expected to reduce by 3.2%.

### 48 - 50 Alfred Street

The development at 48 – 50 Alfred Street is located to the south-west. KTA confirm that the solar impact to this property will remain generally consistent with the findings of the Amenity and Overshadowing Analysis prepared by Steve King included at Appendix D of the original planning proposal (PP/7/17) as submitted in previously. The Amenity and Overshadowing Analysis concluded that the Indicative Concept Scheme would reduce the percentage of apartments receiving a compliant amount of solar access by 11% or more.

The assessment concludes that the proposal provides a relatively small amount of overshadowing notwithstanding its location within a dense urban context. The Indicative Concept Scheme is considered acceptable for the following reasons:



- At the upper levels of each tower the setbacks considerably increase so as to reduce the amount of overshadowing to surrounding properties. In particular:
  - a generous setback above the podium fronting Glen Street reaching 10.5m is proposed and exceeds the minimum 3m requirement nominated by the Lavender Bay Planning Area Character Statement.
  - The eastern tower element fronting Alfred Street South is chamfered at the upper levels, and provides a maximum setback of 15m when measured from the rooftop to the property boundary.

the proposed envelope complies with the site-specific setbacks as nominated within the draft site specific DCP that was prepared and endorsed by Council, and which was drafted specifically by Council to address view sharing and solar impacts to neighbouring buildings..

## 8.9 Visual Impact and View Loss Assessment

The relevant character statement indicates future development in the Milsons Point Town Centre is to preserve views and vistas from most properties to Sydney Harbour and beyond, and views of Lavender Bay.

A Visual Impact and View Loss Assessment had been prepared by Clouston Associates and is included at **Appendix E**. A summary of the assessment is provided below. The assessment confirms that the proposed height will not have a significant or adverse impact on the view corridors obtained from neighbouring properties or the visual quality of significant vantage points within the surrounds.

### Scope and Methodology

The Assessment has been prepared in accordance with the below planning instruments and guidelines:

- North Sydney Development Control Plan 2013;
- The North Sydney LEP;
- The Planning Principles for public domain views set out in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and Anor [2013] NSWLEC 1046*; and
- The Planning Principles for private views set out in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*.

To support the visual analysis and provide for a rigorous assessment, Clouston and Associates have also relied on a range of best practice visual impact assessment methodologies, including:

- Guidelines for Landscape Character and Visual Impact Assessment, WIA-N04 published by the Roads and Maritime Service (RMS);
- Appendix D of the Sydney Harbour Foreshore Waterways Area Development Control Plan (SHFWA DCP), as published by the Department of Planning and development for marina assessment;
- Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> edition, as published by the Landscape Institute UK and IEMA; and
- Visual Assessment of Windfarms: Best Practice as published by Scottish Natural Heritage.

### 8.9.1 Visual Impact Assessment

The visual impact assessment prepared by Clouston Associates had been undertaken to assess the potential impacts of the proposed development on significant views obtained from the surrounding public domain that have the potential to be impacted by the Indicative Concept Scheme.

#### Key Public Vantage Points

Clouston Associates have identified a number of key vantage points which have been selected to assess the potential visual impact of the development. The vantage points were selected due to their proximity to the site and their potential to experience the greatest change as a result of the proposal. The key vantage points include:

- Viewpoint 1 – Kirribilli Markets near Burton Street looking south
- Viewpoint 2 – Looking west from Bradfield Bowling Green

- Viewpoint 3 – Corner of Alfred and Fitzroy Street looking north
- Viewpoint 4 – Southern end of Glen Street looking north
- Viewpoint 5 – Northern end of Glen Street looking south

Clouston's acknowledge that views are also available from many other locations including from the Harbour Bridge and the raised rail line. The selected views represent the most readily accessible view points to the public. They are also the views most likely to change as a result of the proposal. In addition to the views shown in **Figure 43**, the impact of the proposal from the vantage points obtained from Sydney Harbour Bridge approach and Lavender Bay have also been assessed.



**Figure 43 Key viewpoint locations**

Source: Clouston Associates

### Visual Impact Rating and Methodology

The overall impact of the Indicative Concept Scheme has been assessed with reference to a range of factors which include:

- The sensitivity of the receptor;
- The distance to the proposal;
- Quantum of the view;
- Period of view; and
- Scale of change.

These factors have been scored in accordance with the matrix score table detailed in **Table 11**. The scores with respect to each factor have been used to determine an overall impact rating. In accordance with the Land and

Environment Court (*Rose Bay Marina Pty Limited v Woollahra Municipal Council and Anor 2013*), the visual impacts on each viewpoint have accounted for both standing and siting positions.

**Table 11 Matrix score table**

Score	Extent of visual impact
Low	Minor adverse visual impact
Moderate / Low	Slightly adverse visual impact
Moderate	Moderately adverse visual impact
Moderate / High	Moderately to highly adverse visual impact

**Table 12** below documents each of these views including a brief description of the view and whether the proposed Indicative Concept Scheme is likely to impact on the scheme.

**Table 12 Summary of impacts to key vantage points**

Location	Distance (Approx.)	Receptors	Existing view	Expected visual impact Potential Impact	Visual Impact Rating
View Point 1 - Kirribilli Markets near Burton St	60m	Users of public open space, market patrons, commuters, and residents	<p>This view is taken from the site of the Kirribilli Markets near Burton and Alfred streets.</p> <p>Diagonal to the investigation site the view foreground consists of the gravel square as well as hedge and tree plantings. Multiple other office and residential buildings are positioned adjacent to the site as well as in the background.</p>	Minimal visual impact expected as the proposed building is similar in height of the existing building, and the podium height and setback are consistent with the surrounding buildings. The façade articulation will also reduce the bulk somewhat. Clouston Associates conclude that given the magnitude of the surrounding towers, the proposal will not visually dominate the landscape.	Low
View Point 2 – Bradfield Park Bowling Green	40m	Users of public open space, lawn bowls, participants, and residents	<p>The view is taken from directly opposite the investigation site on the Bradfield Park Bowling Green.</p> <p>Alfred Street and associated parking spaces can be seen in the foreground along with sparse street trees. Other office and residential buildings of similar scale or larger can be seen adjacent to the site as well as in the background.</p>	<p>The proposal will have a visible height of RL 74.25 (44.67m) which is in alignment with the neighbouring property at 68 Alfred Street which has a height of RL 73.60.</p> <p>The height combined with the setbacks will not be at odds with the existing visual environment and as such minimal impact is expected from this location.</p>	Low
View Point 3 – Corner of Alfred and Fitzroy Street	75m	Users of public open space, residents, shoppers and commuters	This view is taken from the corner of Bradfield Park near Alfred and Fitzroy Street looking north. The Alfred Street roundabout, street trees and retail shops can be seen in the foreground with the existing building positioned behind.	The proposed podium height (which accords with adjoining podiums) will help to ensure that the appearance of Alfred Street South remains relatively unchanged. Further, the stepping of the upper levels will ensure the envelope presents as having a height similar to the adjoining developments and as a result, Cloustons confirm that there will be a minor visual change expected in this location however it will not impact on any existing iconic views.	Low
View Point 4 – Southern End of Glen Street Looking North	20m	Users of public open space, residents, commuters and office workers	This view is taken from the Southern end of Glen Street looking north.	When viewed from the rear looking north, the podium fronting Glen Street is similar to the bulk of the existing podium. In addition, the height of the	Moderate / low

Location	Distance (Approx.)	Receptors	Existing view	Expected visual impact Potential Impact	Visual Impact Rating
			The foreground and background of this view is dominated by the adjoining mixed use building. Street tree plantings along Glen Street can also be glimpsed in the background.	tower is consistent with that of both the northern and southern towers, ensuring that the proposed building does not create a visually dominating new addition. Accordingly, the proposed height of the tower corresponds with its neighbours and the built up nature of the existing Milsons Point area means that although the change will be noticeable, it would not be at odds with its surrounds.	
View Point 5 – Northern end of Glen Street	70m	Residents, commuters and office workers	This view is taken from the northern end of Glen Street looking south. Street trees and planting associated with nearby buildings are positioned in the foreground. Only the lower back portion of the existing building can be seen from this viewpoint. A fraction of the Sydney Harbour Bridge can be viewed in the background.	The maximum height of the building will be visible from this location. Notwithstanding, the tower element is setback from the podium, and further setback at the upper levels. The setback of the tower combined with the dominance of 37 Alfred Street in the foreground will ensure that from this location only a minor presence of the tower will be perceptible resulting in a low visual impact.	Low

Based on the above assessment, Clouston Associate's conclude that mitigation measures to reduce the visual impact of the proposal upon completion would not be required.

### Sydney Harbour Bridge Approach

In addition to the above and in response to feedback provided by Council during the assessment of the previous Planning Proposals for the site (PP-7/17 and PP-4/19), the visual impact of the proposal when viewed from the Sydney Harbour Bridge approach and Lavender Bay have been considered by Ethos Urban. The impacts are discussed below.

The location of the view from the Harbour Bridge approach is shown below from **Figures 44** to **Figure 45**. At present, the existing building contained within the southern setback provides a narrow view corridor through to Lavender Bay when looking west. As shown in **Figure 45**, the view consists of open sky and partial views of the residential uses located on the western side of Lavender Bay. The view from this vantage point is narrow and does not afford sightlines of any iconic landmarks.

The photograph shown in **Figure 45** is taken at the eye level of cyclists that ride past this point. The visual receptors are limited to viewers who utilise the bicycle access way along the Harbour Bridge which is not accessible to pedestrians. Cyclists are also not permitted to stop along this access way and thus the vantage point can only be viewed when individuals are in motion. In light of this, it is considered to be a non-significant view corridor.





**Figure 44** Location of the Harbour Bridge vantage point

Source: Ethos Urban



**Figure 45** Location of the Harbour Bridge vantage point

Source: Ethos Urban



As shown at **Appendix A**, the Indicative Concept Scheme proposes to redevelop the western portion of the site. At this location, a generous setback has been applied by Council's site-specific DCP to protect views to the Harbour Bridge from neighbouring properties. Therefore, the indicative reference scheme as submitted in **Appendix A** does not affect any existing iconic views in this regard.

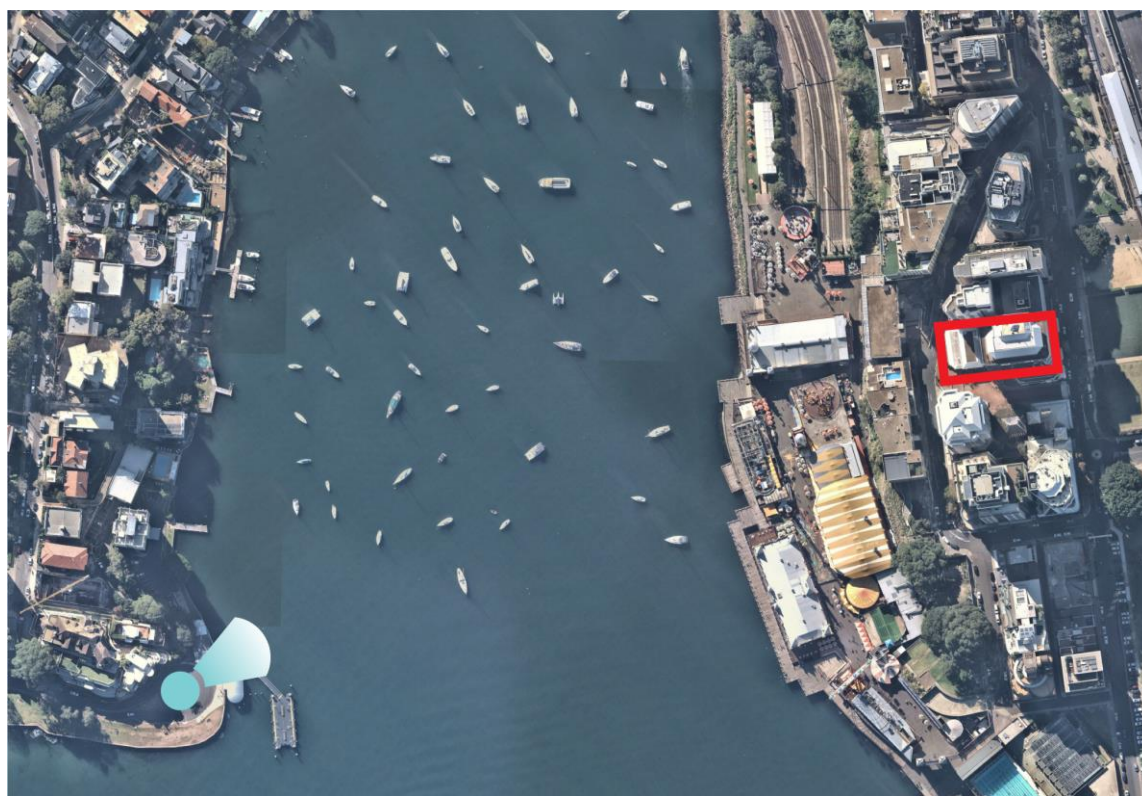
### Lavender Bay Looking East

The location of the view obtained from Lavender Bay is shown below in **Figure 46**. The vantage point was selected as it relates to a public reserve that affords expansive views of the site.

The siting and massing of the envelope will facilitate the delivery of a building that integrates with the built form along Glen Street and will not appear out of context when viewed from Lavender Bay. As shown at **Appendix A**, the siting of the podium and tower element has been prepared in accordance with the setbacks contained in Section 9.1.4 of the site-specific DCP as created by Council with the intention of view sharing. The tower element adopts an setback that has been designed to an angular configuration. Consequently, the envelope has been revised to be sited well behind the northern development at 37 Glen Street and is located in alignment with the building to the south at 48 – 50 Alfred Street.

The proposed height of the envelope has been reduced to 18 storeys which is below the existing neighbouring buildings at 48 Alfred Street which reaches 21 storeys in height and 70 Alfred Street which rises to 21 storeys.

In light of the above, it is considered the height and siting of the development will ensure the proposed scheme will not dominate the vantage point.



The Site      ● Viewpoint

**Figure 46** Location of the Lavender Bay view point

Source: Ethos Urban

### 8.9.2 Private View Impact Assessment

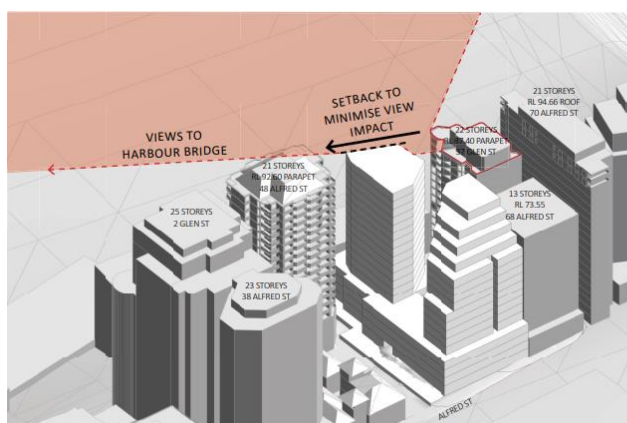
Clouston Associates have prepared a visual analysis in relation to the view impacts to 37 Glen Street. An assessment of the view impacts to 70 Alfred Street has also been prepared by Ethos Urban.

The view loss assessment demonstrates that the proposal is acceptable on a balance of considerations relevant to the proposal. In particular, the site is located within a dense urban environment and accordingly some view loss can reasonably be expected. In light of this, it is not inconsistent with the bulk of surrounding developments, particularly those to the immediate north and south which are commensurate in height. Whilst the scheme does give rise to some view loss, the impact is considered reasonable given that the design of the envelope reduces the extent of the impact and is largely consistent in terms of envelope setbacks with the existing development on site. This is consistent with the NSDCP 2013 which prescribes the following relevant preamble pertaining to view loss and sharing for developments in mixed use zones.

*New development has the potential to adversely affect existing views. Accordingly, there is a need to strike a balance between facilitating new development whilst preserving, as far as practicable, access to views from surrounding properties.*

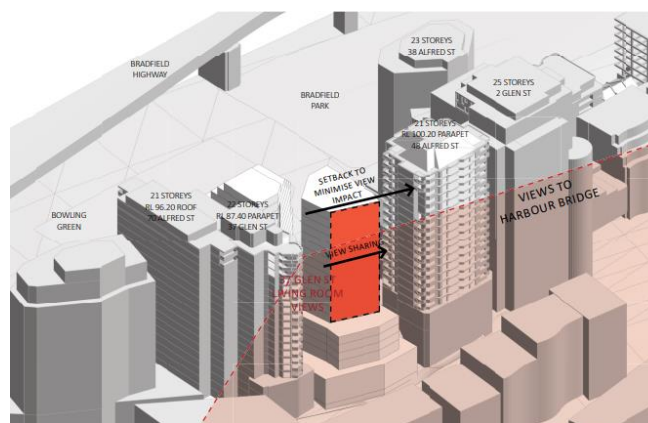
In accordance with the site-specific provisions contained within draft site specific DCP, the Indicative Concept Scheme has been designed to effectively mitigate potential view impacts by providing a scale and massing that has been configured to:

- Concentrate the bulk of the proposal in the western portion of the site and to reduce the intensity of the development in the eastern portion where the proposal is likely to impact the view corridors from 70 Alfred Street.
- Provide an envelope at the Alfred Street South frontage that is chamfered to facilitate view sharing.
- Locate the massing behind the prevailing building lines established along Alfred Street South and Glen Street to prevent any protrusion forward that may give rise to significant view loss impacts. It is noted that at the Glen Street frontage where the massing is the greatest, setbacks have been applied in accordance with the site-specific DCP which were prescribed on the basis of ensuring that views from apartments within the neighbouring development at 37 Glen Street are retained (refer to **Figures 47 - 48**).



**Figure 47 Building envelope and view corridors viewed from Alfred Street**

Source: Clouston Associates



**Figure 48 Upper level setbacks to the tower element fronting Glen Street**

Source: Clouston Associates

### View Loss Impact Rating and Methodology

The assessment prepared by Clouston Associates has been carried out in accordance with the four steps set out in the planning Principles established by *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*. These principles include:

- Principle 1 - Assessment of views to be affected;
- Principle 2 – Consideration from what part of the property the views are obtained;
- Principle 3 – Assessment of the extent of the impact; and

- Principle 4 – Assessment of the reasonableness of the proposal.

In assessing the views to be affected, Clouston's has determined the nature of the view, its extent and completeness, and categorised the existing views in accordance with the rating system detailed in **Table 13**.

**Table 13 View Ratings**

Score	Value of view
Low	Low value view
Moderate / Low	Moderate / low value view
Moderate	Moderate value view
Moderate / High	Moderate / high value view
High	High value view

The impacts to each view corridor have been qualitatively assessed using the classifications detailed in **Table 14**.

**Table 14 Visual impact ratings**

Score	Extent of the Impact
Negligible	Negligible visual view impact
Minor	Minor adverse view impact
Moderate	Moderate adverse view impact
Severe	Severe adverse view impact
Devastating	Devastating adverse visual impact

### Assessment of the reasonableness of the proposal

In accordance with the Planning Principles contained in *Tenacity v Warringah Council (2004) NSWLEC 140*, the reasonableness is addressed in terms of:

- compliance with the applicable planning controls, and whether a different or complying design would produce a better result;
- whether the visual impacts identified can be precluded, reduced or offset; and
- the overall view loss.

### 8.9.3 View Impacts to 70 Alfred Street

The existing residential tower at 70 Alfred Street is located to the north of the site beyond Burton Lane. It reaches 96.2 RL, is 21 storeys in height and provides a 26.4m variation to the 40m height limit.

The view impact assessment has not been undertaken for this development. However, it is noted that specific view points have not been identified given that the development is located a considerable distance from the site and largely unaffected by the proposed development.

### Assessment of the Views to be Impacted

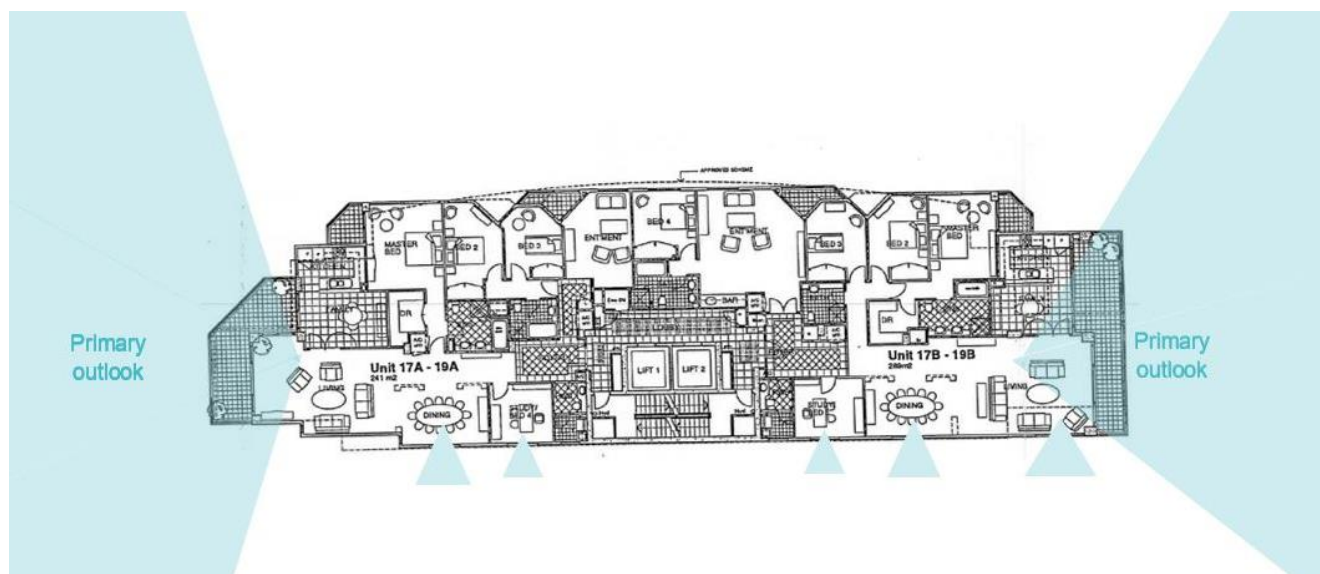
The existing views are considerably constrained by the existing adjoining built form. However, where views are accessible, they are considered to be of high value given they are likely to feature iconic landmarks such as the Sydney Harbour Bridge and land-water interfaces.

### Consideration from what part of the Property the Views are Obtained

The typical internal layout of 70 Alfred Street is illustrated below and demonstrates the locations existing views are obtained from (refer to **Figure 49**). As shown, the southern portion of the floorplate, which is to be most affected by the Indicative Concept Scheme, incorporates a lift core and a limited number of habitable spaces. As shown in **Figure 49**, the habitable spaces include W/C facilities, studies and living spaces. Notwithstanding this, the elevation generally comprises a blank façade (refer to **Figures 49 – 50**). Windows are provided in limited locations and

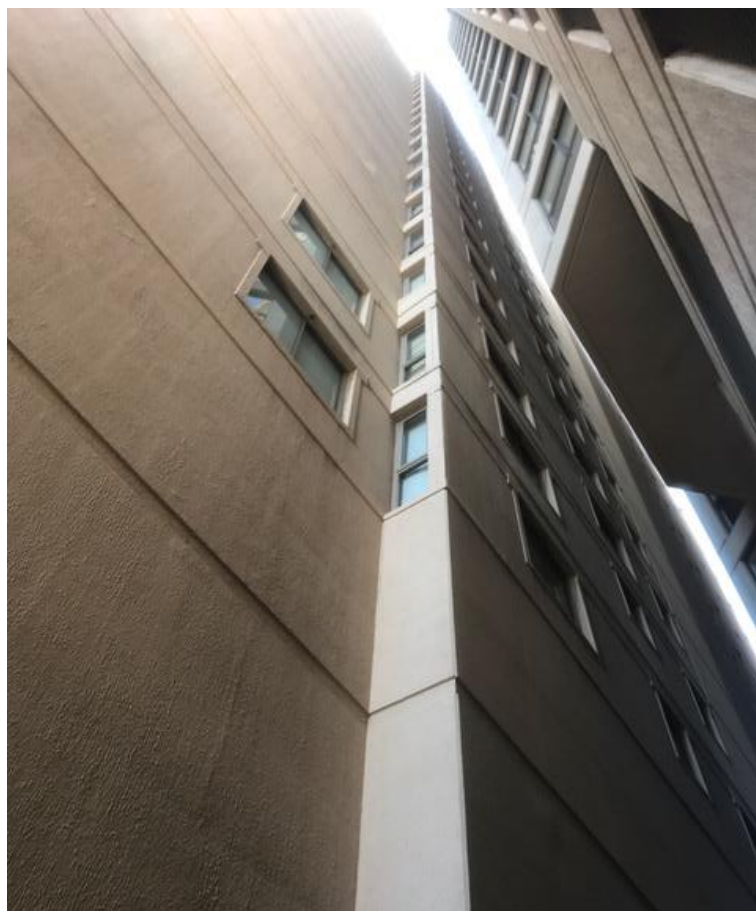


provided secondary view corridors from the living spaces. Given the density of the development to the south, the view corridors obtained from the windows are likely to consist of the surrounding built form as opposed to significant views of the harbour. As shown in **Figure 49**, the primary view corridors for these apartments are obtained from the balconies and living spaces that are oriented to the east and west.



**Figure 49 Typical floorplan of 70 Alfred Street**

Source: Michael Stanley and Associates



**Figure 50 Southern elevation of 70 Alfred Street**

Source: Ethos Urban

## Assessment of the Impacts

The views obtained from the habitable spaces located along the southern boundary of 70 Alfred Street will remain impeded by the existing buildings at 37 Glen Street and 68 Alfred Street. Both of these developments extend well beyond the 40m height limit, with 37 Glen Street reaching 22 storeys (RL 87.40) and 68 Alfred Street reaching 13 storeys (RL 73.60).

The views from the habitable rooms located at the southern boundary within the western orientated units from Level 1 to Level 15 will continue to consist of the northern elevation of 68 Alfred Street. Similarly, the views from the habitable rooms from Levels 1 – Level 17 of the eastern oriented apartments will consist of the northern elevation of 37 Glen Street. Accordingly, the impacts at these locations will correspond with those existing.

The eastern orientated units located from Level 15 to Level 17 will experience some change in that they will receive views of the proposal's top level (Level 18). However, these views are already obstructed by the existing development contained within the site and the towers located further southward.

Level 18 to Level 21 are afforded sightlines beyond the adjoining developments towards the subject site. It is expected that the western orientated apartments will receive views of the Indicative Concept Scheme's Level 18 and rooftop where the proposed massing is at its tallest. However, it is noted the views from these levels are already impeded by developments located further southward including 48 Alfred Street and 2 Dind Street.

Overall, it is considered that the view corridors obtained from the habitable rooms located along the southern elevation of the affected property will remain consistent to that existing or will experience a minor change which can reasonably be expected given the density of the development in the wider context.

## Assessment of the reasonableness of the proposal

- In consideration of the dense urban context, the existing composition of the view corridors are interrupted by other buildings and therefore of lesser significance. In the context of these developments, the Indicative Concept Scheme will not significantly alter existing view corridors as the scale and mass of the building at the eastern end is consistent with the existing.
- The siting of the Indicative Concept Scheme respects the existing building alignment established along Alfred Street South and Glen Street, and consequently does not protrude forward in a way that would give rise to additional view loss impacts compared to the existing scenario.
- The strategic distribution of the building's mass to the western portion has sought to reduce the visual impacts to the greatest extent possible. Where impacts do occur they do not impact on significant views that are the primary outlook from the adjacent apartments.

## Summary

Based on the preceding assessment, the building has been carefully designed to provide a balance between:

- Realising the opportunity to deliver a mixed use building with a bulk and scale commensurate with the adjoining development.
- Providing adequately sized floor plates that will achieve a high standard of residential amenity and will be functional for commercial purposes.
- Responding to the context, in particular with regards to:
  - maintaining consistency with the height of the adjoining developments;
  - respecting the dominant setbacks along Alfred Street South and Glen Street, and providing setbacks compliant with Section 9.1.4 of the NSDCP, created specifically by Council for the subject site; and
  - in providing substantial setbacks to the north and south in the context of a locality where it is typical for buildings to provide minimal or no separation at all.

Based on the above assessment, the proposal is considered to satisfy the principles established by the Tenacity Land and Environment Court and the site-specific controls contained within Section 9.1.4 of the NSDCP 2013, and represents an acceptable planning outcome.



## 8.10 Traffic, Access and Parking

A Traffic and Parking Impact Assessment Report has been prepared by Barker Ryan Stewart and is available at **Appendix G**. The purpose of the report is to assess the traffic and parking implications of the Planning Proposal.

### Traffic Generation

The capacity analysis of nearby intersections including Alfred Street South and Glen Street, and Alfred Street South and Fitzroy Street were modelling using the SIDRA Intersection Modelling software. The results indicate that the projected additional traffic flows will not have any adverse effects on the operational performance of these nearby intersections. No road improvements or intersection upgrades would be required as a consequence of the Planning Proposal.

### Parking

As illustrated at **Appendix A**, the proposal incorporates four levels of basement parking which are capable of accommodating the maximum parking requirements nominated by the NSDCP 2013 in respect to bicycle, car and motorcycle parking.

In respect to vehicle parking, the NSDCP 2013 requires that the proposal provide a maximum of 165 spaces;

- 153 residential car spaces
- 7 non-residential spaces

The indicative parking arrangements seek to retain the existing basement and provide 191 car spaces. Of this amount, 128 spaces will be allocated to the proposed development. The remaining 63 spaces will be allocated to Council in accordance with the positive covenant that applies to the site. In light of this, the proposed quantity of parking is sufficient to achieve compliance with the DCP parking rates and the requirement to provide 63 spaces for use by Council.

All spaces are capable of complying with the relevant Australian Standards for off street car parking.

### Loading

In accordance with the NSDCP 2013 parking rates, the loading arrangements consist of two MRV loading docks. The docks are accommodated within the Level 3 basement. The Traffic Parking and Assessment Report confirms that the proposed loading facilities are adequate to service the development and are capable of accommodating a Medium Rigid Vehicle.

The Assessment states that it is therefore reasonable to conclude that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading requirements.

## 8.11 Pedestrian Wind Impacts

A Pedestrian Wind Impact Analysis has been prepared by Windtech Consultants and is included in **Appendix H**. The assessment addresses the provisions of the NSDCP 2013 and provides an assessment of the general wind effects that have been identified following a visual inspection.

The report notes that the pedestrian footpath areas along Alfred Street and Glen Street are exposed to wind impacts arising from southerly and north-easterly winds. At the post development phase it is likely that various locations across the site will be impacted by winds, including the outdoor private terrace areas on Levels 12 to Level 16. There is also a chance that north-easterly and downward westerly winds will impact the communal open areas on the ground floor and at Level 15. To mitigate wind impacts, Windtech nominate a range of recommendations, including:

- inclusion of the proposed tree planting along Alfred Street capable of growing to 3-5m with a minimum canopy width of 4m;
- retention of the proposed Ground Level awning on the eastern and southern aspect;
- inclusion of a new awning along the southern aspect above the staircase;

- inclusion of full-height screens at the eastern elevation;
- inclusion of impermeable screens on the northern, eastern, western private terraces at various levels;
- inclusion of permeable balustrades along the perimeters of the private terraces; and
- hedge planting along the perimeter of the public terrace capable of growing 1 metre in height; and
- inclusion of a 2m high impermeable balustrade along the perimeter of the roof viewing deck.

The report concludes that with the implementation of the recommendations, the wind conditions affecting the site can effectively be mitigated. Notwithstanding, Windtech Consultants advise that the extent of the potential wind impacts and the adoptions of the measures should be further investigated through wind tunnel testing to ensure suitable pedestrian wind conditions.

In light of the above, the recommendations are capable of being adopted at the detailed design phase.

## 8.12 Public Benefit

As evidenced in the preceding sections, the proposal contains a number of significant public benefits. These benefits are not limited to the redevelopment of the site itself, but will extend to the Milsons Point Town Centre and beyond. These benefits include:

- Provision of a new high quality building that is compatible with the heights of the adjoining development and contributes towards a more consistent building height plane along Alfred Street South.
- Delivery of a building envelope that reduces the amount of cumulative overshadowing to Bradfield Park between 12pm and 3pm.
- Delivery of a building envelope within the proposed heights which reduces the amount of view loss impacts to the greatest extent possible through the strategic distribution of the building's mass.
- Delivery of a building envelope that will sit comfortably within the streetscape without undue compromise to the view corridors of surrounding properties.
- Achievement of a high quality built form outcome in a prominent location that will make a positive contribution to the appearance of the streetscape.
- Enabling the opportunity to create a new hub of commercial activity that functions as a vibrant, accessible place to meet, shop, eat and interact throughout the day and night, with capacity to make a meaningful contribution to the public realm which will ultimately support the local business community and the economic viability of the Milsons Point Town Centre.
- Delivery of an upgraded through-site link and new north-south through site link connection which will improve the quality of the ground plane between Camden House and improve connectivity within the Milsons Point Town Centre.
- Facilitating the provision of additional active uses at street level and adjacent to the heritage listed Camden House which will encourage the further pedestrianisation of the area.
- Delivery of a scheme that relative to the existing building contained within the site increases the separation to Camden House and improves the interface at this sensitive location.
- Creating the opportunity to deliver a new built form with a materiality that is more sympathetic to the heritage aesthetic of Camden House.
- Increasing the provision of housing in a locality well serviced by public transport, services and employment opportunities within the nearby strategic centres of the Sydney and North Sydney CBDs.
- Providing a greater diversity of uses, including high quality commercial and retail floor space, and residential floor space.
- Contributing towards the provision, extension or augmentation of public facilities that will, or are likely to, be required as a consequence of development in the area in accordance with the North Sydney Section 7.11 Contributions Plan.

In addition to the above, the Applicant is willing to enter into a Voluntary Planning Agreement (VPA) with Council at the time of gateway determination. This agreement could make provision for local services and/or facilities outside the scope of Council's Local Contributions Plan.

## 9.0 Indicative Project Timeline

Below is an indicative timeline for the planning proposal.

**Table 15 – Indicative project timeline**

Milestone	Timing
Submission of Planning Proposal	February 2021
Date of Gateway determination	November 2022
Commencement for public exhibition period	Before 11 <sup>th</sup> of May 2023
Timeframe for Planning Proposal reported to Council for final post-exhibition Gateway determination	Before 11 <sup>th</sup> of July 2023
Date of submission to the Department to finalise the LEP	No later than the 4 <sup>th</sup> October 2023

## 10.0 Conclusion

This Planning Proposal seeks an amendment to the North Sydney LEP 2013 in relation to the height control.

The amended control aligns with Council's objectives and controls for the site and broader LGA, as proposed in the Housing Strategy, Local Strategic Planning Statement, and the North Sydney Centre Capacity and Land Use Strategy.

This Planning Proposal is justified for the following reasons:

- The proposal aligns with Council's objectives and controls for the site, as proposed in Section 9.1.4 of the Site Specific DCP drafted by North Sydney Council for the site ;
- The proposal is consistent with the objectives of the EP&A Act, in that it promotes the orderly and economic use and development of land;
- The proposal will deliver a significant benefit to the site in the form of both new and upgraded through-site links and extensive public domain;
- The proposal is consistent with the strategic planning framework for the site;
- The development concept which the Planning Proposal aims to facilitate is suitable for the site with limited planning issues as follows:
  - the development concept will complement the existing skyline that characterises Alfred Street South;
  - the development concept will deliver design excellence in the CBD;
  - the development concept will provide a negligible amount of additional overshadowing to public spaces, such as Bradfield Park;
  - the development concept will have no adverse impacts on traffic generation; and
  - the development concept will be sympathetic to the heritage items on the site and nearby, including through the design of the podium.
- The proposal is consistent with the applicable SEPPs and Ministerial Directions.

Considering the above, the Planning Proposal is consistent with relevant strategic and statutory planning documents and will deliver a number of demonstrable public benefits. An environmental assessment of the impacts of the proposed built form facilitated by the Planning Proposal has also been undertaken and it demonstrates that the proposal will not result in any unacceptable environmental impact.

Given the strategic planning merit of the proposed amendments, the applicant respectfully requests that North Sydney Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with Section 3.34 of the EP&A Act.