

An architectural rendering of a modern, multi-story brick building with large windows and balconies. The building is partially obscured by large, mature trees with dense green foliage. In the foreground, a paved street shows a silver car on the left and a dark blue car on the right. A group of people, including adults and children, are walking on the sidewalk near the trees. The scene is brightly lit, suggesting a sunny day.

URBIS

AMENDED PLANNING PROPOSAL

**45 MCLAREN STREET,
NORTH SYDNEY**

PREPARED FOR
45 MCLAREN PTY LTD ("PODIA")
September 2022

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Report Number	Amended Planning Proposal _ September 2022

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EXECUTIVE SUMMARY

DOCUMENT CONTROL

This report has been amended since the original publication in October 2020, following the issue of the Gateway Determination by the Department of Planning and Environment (**DPE**) in June 2022. The Planning Proposal and the draft Development Control Plan (**DCP**) has been refined to address the conditions of the Gateway Determination.

SUMMARY

This amended Planning Proposal has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of 45 McLaren Pty Ltd (**the Proponent**) to initiate an amendment to the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 45 McLaren Street, North Sydney (**the site**).

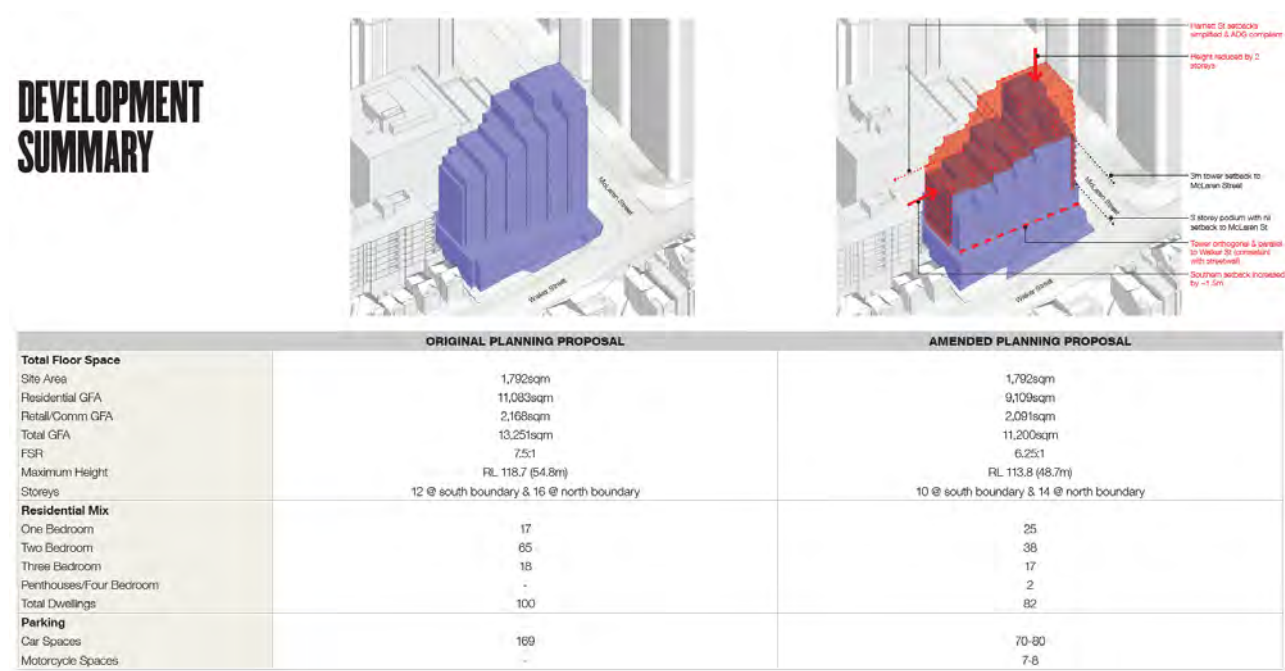
In accordance with the NSLEP 2013, the site is currently zoned R4 High Density Residential and has a maximum permissible building height of 12m. No floor space ratio (FSR) controls apply to the site and the site does not contain any items of European, Indigenous or environmental heritage.

The original Planning Proposal was lodged in October 2020. Following extensive and ongoing dialogue with North Sydney Council (**the Council**), this amended Planning Proposal seeks to redevelop the site from a 4-5 storey residential flat building to a mixed-use development comprising 82 residential units, with a maximum height of RL115 and a maximum FSR of 6.25:1. Whilst the intended vision remains the same, the original Planning Proposal has been amended to include the following changes (**Figure 1**):

- Rezone the site B4 Mixed Use, with an insertion into Clauses 4.4A and 6.12A to enable residential uses along Walker Street;
- A reduction in height from 12-16 storeys (RL118.7) to 10-14 storeys (RL115);
- A reduction in FSR from 7.5:1 to 6.25:1;
- Introduction of a minimum non-residential FSR of 1:1;
- A reduction in dwellings from 100 dwellings to 82 dwellings;
- 3m above podium setback to McLaren Street;
- Increased setbacks to the southern boundary; ADG compliant building separation to 41 McLaren Street;
- No overshadowing to the Central Plaza from 9am on June 21st; and
- Simplified building form to provide orthogonal frontage to Walker Street, consistent with the prevailing street wall character.

It is acknowledged that the Department of Planning and Environment has introduced a new employment zone framework which is to be implemented across all NSW LEPs by the end of 2022. Should that work be completed prior to the finalisation of any LEP amendment to which this Planning Proposal relates, the zoning of the land will be changed from R4 High Density Residential to MU1 Mixed Use under the new employment zone framework.

Figure 1: Development Summary



Source: Bates Smart

The redevelopment of the site would be guided by an amendment to the North Sydney Planning Area Character Statement of the *North Sydney Development Control Plan 2013 (NSDCP 2013)*. The amendment would seek to include the site within the boundary of the Central Business District (Part 2.1), reflective of the sites proposed zoning and its' location within the Ward Street Precinct.

The proposed amendments to the NSDCP 2013 include controls relating to building height in storeys, site setbacks, podium setbacks, and overshadowing restrictions to the Ward Street Plaza. The proposed DCP controls are outlined in *6.4 Site-Specific DCP Provisions*.

The amended Planning Proposal request has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the NSW Department of Planning, Industry and Environment (**DPIE**) guidelines '*Local Environmental Plan Making Guideline*' dated September 2022.

THE VISION

The Proponent's vision for the site is for a sustainable mixed-use building that celebrates the site's location at the transition between North Sydney's high-density CBD and North Sydney's Civic Precinct. The amended Planning Proposal will enable the site to be redeveloped for retail and residential purposes, with a commercial/retail podium activating Harnett and McLaren Streets, and residential land uses fronting Walker Street and in the tower form above.

The massing approach proposes a series of stepped and staggered landscaped rooftops and cascading planting, which transition between the heritage terraces located south of the site, to the tall residential towers directly north of the site.

The design intends to complement and enhance the Ward Street Precinct by transforming Harnett Street into a shared way, widening the Walker Street and Harnett Street through site-link and activating this north-eastern bookend of the Precinct through podium retail uses and public domain improvements. These key urban design moves will mark this corner of Walker Street with a high-end, luxury design and will substantially improve pedestrian permeability around the site.

Its stepped and staggered massing retains solar access to the Ward Street Plaza from 9am onwards, and the residential apartments directly south of the site.

The podium complements the site's lower-scale density, fine-grain heritage and leafy character along Walker Street, as well as the mixed-use character along McLaren Street.

Importantly, the amended Planning Proposal revitalises the site from an existing, outdated building in a state of despair into a modern, well designed mixed-use development that provides significant community benefit, ground floor activation and employment uses, affordable accommodation, together with a mixture of apartment types.

THE AMENDED PLANNING PROPOSAL

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

- Rezone the site from R4 High Density Residential to B4 Mixed Use (or MU1 Mixed Use if the Employment Zone Reforms are implemented prior to the finalisation of this proposed amendment);
- Amend the maximum height of buildings to include a split height of RL103 and RL115;
- Introduce a maximum floor space ratio of 6.25:1;
- Introduce a minimum non-residential floor space ratio of 1:1;
- Insert the following subclause (6A) after subclause 4.4A(6):
 - *Despite subclause (5), an active street frontage is not required for any part of a building facing Walker Street, erected on land at 45 McLaren Street, North Sydney, being SP 14598; and*
- Insert the following subclause (4) after subclause 6.12A(3):
 - *Despite subclause (3)(b), development consent may be granted for the purpose of a residential flat building for that part of the building at the ground floor level that faces Walker Street at 45 McLaren Street, North Sydney being SP 14598.*

STRATEGIC MERIT

The amended Planning Proposal demonstrates Strategic Merit as it gives effect to the following:

1. Consistent with the **Greater Sydney Region Plan and North District Plan** which seeks to intensify housing and employment around significant transport infrastructure and in proximity to employment nodes, capitalising on the State government's investment.
2. The site is located 100m from the new Victoria Cross Metro Station (north entrance) and approximately 600m from North Sydney Train Station.
3. Consistent with the **North Sydney Local Strategic Planning Statement** for locating residential development at the periphery of the North Sydney CBD. Residential density in this location will activate the CBD and supports the attainment of an 18-hour economy and a 30 minute city, as outlined within the **North District Plan**.
4. Assists Council in achieving the **housing targets** mandated by the **Greater Sydney Commission**. Council is required to demonstrate how it can achieve 3,000 – 3,500 dwellings for the period 2021/22 – 2025/26. Council's analysis currently shows 2,835 dwellings for this period.
5. Achieves an appropriate built form and scale that reflects the vision for **North Sydney** and the **Ward Street Precinct** which is expressed by local planning policy, precinct planning and the existing and emerging scale of development on adjacent and surrounding lands.
6. Rezoning the site to **B4 Mixed Use** is consistent with the zoning of all other land within the Ward Street Precinct, demonstrating consistency with the strategic intent for this Precinct, which is undergoing a period of transformation and urban renewal.
7. Increases the development capability of the site and activates the north-eastern corner of the Precinct, with 82 new dwellings and 2,091m² of commercial GFA.

SITE-SPECIFIC MERIT

The amended Planning Proposal demonstrates site-specific merit is achieved, by way of the following:

1. **Ward Street Precinct Masterplan and Council Resolution:** The Ward Street Precinct Masterplan was endorsed by North Sydney Council on 24th June 2019. At the time of the endorsement council resolved that...

despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 4 5McLaren Street and may identify how any future redevelopment will:

- I. Minimise solar reductions upon new public domain as identified in the Masterplan.*
- II. Minimise solar and privacy impacts upon existing residential development.*
- III. Provide for a commercial component to any redevelopment.*
- IV. Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.*

The amended Planning Proposal has been prepared to address the above key criteria, in addition to recommendations provided by Council in their preliminary assessment of the Planning Proposal. Together, this advice has shaped and guided the urban design outcome for the site.

2. **Height:** Utilising the building heights established within the Ward Street Precinct Masterplan, the approved development to the north and the existing heritage buildings and residential tower to the south, the built form provides for a transition from west to east and north to south. The proposed heights have been designed to have stepped transition, falling away to the south.
3. **Density:** The built form has an FSR of 6.25:1, providing an appropriate mixed-use outcome within a fine grain built form, that sits comfortably within the existing and future context of the immediate locality.
4. **Residential amenity:**
 - Solar access: The building envelope has been designed to ensure that there is no additional overshadowing to the Ward Street Plaza from 9am onwards on June 21st. Sculpting of the built form also retains solar access to the residential properties at 150 Walker Street.
 - Privacy: The site's triple frontage provides substantial separation distance between the site and those properties to the north and east. The south-western façade has been recessed to achieve ADG compliant separation distances to the west. The apartments within the lower southern portion are setback 4.5m from the boundary, complying with ADG and have been designed to orientate to the east & west, limiting any direct overlooking.
 - View impact: The modest scale and stepped nature of the built form, retains view corridors through the south of the site. Any views from the north would likely be impacted by taller buildings further south of the site.
5. **Heritage:** The inclusion of a 1-3 storey street wall height responds to the sites substantially varied topography and is consistent with the datum and the street setbacks of the heritage terraces to the south. Fine grain architectural design will be developed at the DA stage to ensure that the use of materials and finishes are complementary to these heritage items.
6. **Landscape terracing:** The stepping of the built form allows for cascading landscaping to form a series of green roofs with substantial planter boxes to be staggered across the building façade and within the site setbacks. Key corner locations will be designed with green walls, creating a living, breathing building façade.
7. **Streetscape activation:** Active frontages and passive surveillance are provided along all site frontages. McLaren Street & Harnett Street is activated by retail and recreational (indoor) uses with residential uses providing passive surveillance of Walker Street.
8. **Public Domain Improvements:** Pedestrian connectivity will be enhanced through the expansion (from 1.5m to 3m) of the existing through-site link connecting Walker Street and Harnett Street, improving, and promoting pedestrianisation around the site and activating Ward Street Plaza. Public domain improvements also include pedestrian upgrades to the street frontages and upgrade of Harnett Street.

1. INTRODUCTION

1.1. OVERVIEW

This amended Planning Proposal has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of 45 McLaren Pty Ltd (**the Proponent**) to initiate an amendment to the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 45 McLaren Street, North Sydney (**the site**).

In accordance with the NSLEP 2013, the site is currently zoned R4 High Density Residential and has a maximum permissible building height of 12m. No floor space ratio (**FSR**) controls apply to the site and the site does not contain any items of European, Indigenous or environmental heritage. The site is situated amongst locally listed heritage items, with the southern boundary adjoining locally listed heritage terraces, and other local heritage items located to the east of Walker Street and west of Harnett Street.

1.2. PROPONENT'S VISION & OBJECTIVES

The Proponent's vision is for a regenerative and sustainable urban place. A place that meaningfully and materially addresses the pressing environmental, social and economic challenges facing our city, our nation and our species. A place that moves beyond business-as-usual by implementing innovative initiatives in the built form that sets North Sydney on a new trajectory towards long term sustainability.

Our vision is for a sustainable, mixed-use building exhibiting exemplary architectural design along with sound urban design initiatives that encourage ground plane activation and improved street surveillance. The desired outcome is to celebrate the site's location at the intersection between North Sydney's CBD and North Sydney's Civic Precinct.

In addition to the sustainability aspirations, the Proponent is focused on delivering an enhanced public amenity, strong and considered connections to the low scale and fine-grained heritage buildings adjacent to the site, an abundance of landscape opportunities through the podium, terraces and rooftops, as well as delivering on the place principles of the Ward Street Precinct Masterplan (**WSPMP**).

The objectives of the amended Planning Proposal and the outcomes sought to be delivered for the site include:

- A sustainable (5 star Green Star Design and WELL silver rating) mixed-use building that celebrates the site's location at the transition between North Sydney's high-density CBD and North Sydney's Civic Precinct.
- A built form that responds to the emerging context defined by the place principles of the WSPMP through building articulation and amenity. The massing approach proposes a series of stepped and staggered landscapes rooftops, which transition between the low-mid scale residences to the south of the site and the tall residential towers to the north. The podium complements the site's lower-scale density, fine-grained heritage and leafy character along Walker Street.
- A proposal that seeks to enhance the pedestrian core defined within the WSPMP via a through-site linkage which connects pedestrians from the eastern side of Walker Street to the new central plaza and through to Miller Street.
- A proposal that enhances the public space journey by maximising the active retail frontages and improving pedestrian permeability which promotes a walkable, vibrant and connected centre.
- A proposal that strengthens the commercial centre of North Sydney through the provision of the new commercial/retail floor space which provides for an activated podium and supports employment.
- A proposal that seeks to deliver on the natural development potential of the site which will facilitate the delivery of approximately 41 full time jobs and housing growth on the edge of the North Sydney CBD and within a short walk from the new Victoria Cross Metro Station.

- An urban design outcome that connects positively with Walker, McLaren and Harnett Streets to encourage activation and create a sense of place, together with improved after-hours surveillance.
- A proposal that provides affordable key worker housing in a central and strategic location.

1.3. PROPOSED AMENDMENTS TO NSLEP 2013

This amended Planning Proposal seeks to amend the NSLEP 2013, by way of the following:

- Rezone the site from R4 High Density Residential to B4 Mixed Use (or MU1 Mixed Use if the Employment Zone Reforms are implemented prior to the finalisation of this proposed amendment ;
- Amend the height of buildings standard to a split maximum of RL103 and RL115;
- Introduce a maximum floor space ratio standard of 6.25:1;
- Introduce a minimum non-residential floor space ratio of 1:1;
- Insert the following subclause (6A) after subclause 4.4A(6):
 - *Despite subclause (5), an active street frontage is not required for any part of a building facing Walker Street, erected on land at 45 McLaren Street, North Sydney, being SP 14598.*
- Insert the following subclause (4) after subclause 6.12A(3):
 - *Despite subclause (3)(b), development consent may be granted for the purpose of a residential flat building for that part of the building at the ground floor level that faces Walker Street at 45 McLaren Street, North Sydney being SP 14598.*

1.4. REPORT STRUCTURE

This amended Planning Proposal has been prepared in accordance with Sections 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979* (the **EP&A Act**) and the relevant guidelines prepared by the NSW Department of Planning, Industry and Environment (**DPIE**), namely the *Local Environmental Plan Making Guideline* . It includes the following:

- **Section 2:** Site & surrounding context
- **Section 3:** Council engagement and concept refinement
- **Section 4:** Statutory planning framework
- **Section 5:** Local strategic planning background
- **Section 6:** The reference scheme
- **Section 7:** The amended Planning Proposal
- **Section 8:** Part 1 – Objectives & intended outcome
- **Section 9:** Part 2 – Explanation of proposed provisions
- **Section 10:** Part 3 – Justification of Proposal
- **Section 11:** Part 4 – Mapping
- **Section 12:** Part 5 – Community Consultation
- **Section 13:** Part 6 - Project timeline
- **Section 14:** Conclusion

1.5. SPECIALIST INPUTS

This amended Planning Proposal is accompanied by the following specialist reports, which provide an analysis of the site complexities and characteristics:

Table 1: Specialist consultant reports

Report	Consultant	Appendix
Urban Design Report (as amended)	Bates Smart	Appendix A
Draft North Sydney DCP Submission	Podia	Appendix B
Survey Plan	LTS Lockely	Appendix C
Stakeholder Engagement Report	Polymer	Appendix D
Draft VPA (as amended)	Urbis	Appendix E
Traffic Impact Assessment (as amended)	Traffix	Appendix F
Visual Assessment Report (as amended)	Urbis	Appendix G
Heritage Impact Assessment (and addendum)	Weir Phillips	Appendix H
Landscape Concept Design Report (as amended)	Arcadia	Appendix I
Preliminary Site Investigation	El Australia	Appendix J
Pedestrian Wind Environment Statement (and addendum)	Windtech	Appendix K
Sustainability Strategy (as amended)	Integral	Appendix L
Hydraulic Services Infrastructure Assessment	Calibre	Appendix M

2. SITE & SURROUNDING CONTEXT

2.1. THE SITE

The site is located at 45 McLaren Street, North Sydney (Lots 1-18 in SP14598) and is within the North Sydney Local Government Area (**LGA**).

The site forms a rectangular shaped corner block, with a primary frontage to McLaren Street in the north and secondary frontages to Walker Street in the east and Harnett Street in the west. Vehicular access is currently obtained from Walker Street.

The site is currently established with a part 4, part 5 storey residential flat building containing 18 strata title units. The existing building is an outdated 1960's building that is in a state of disrepair and requires substantial upgrades and improvements. The current design does not provide residents with adequate safety and security, and with the intensification of density around the site, this has been raised as a concern by residents.

The existing building provides little engagement with the streetscape and is of a typology that does not reflect the desired future character of the North Sydney CBD.

The key features of the site are summarised in the following table.

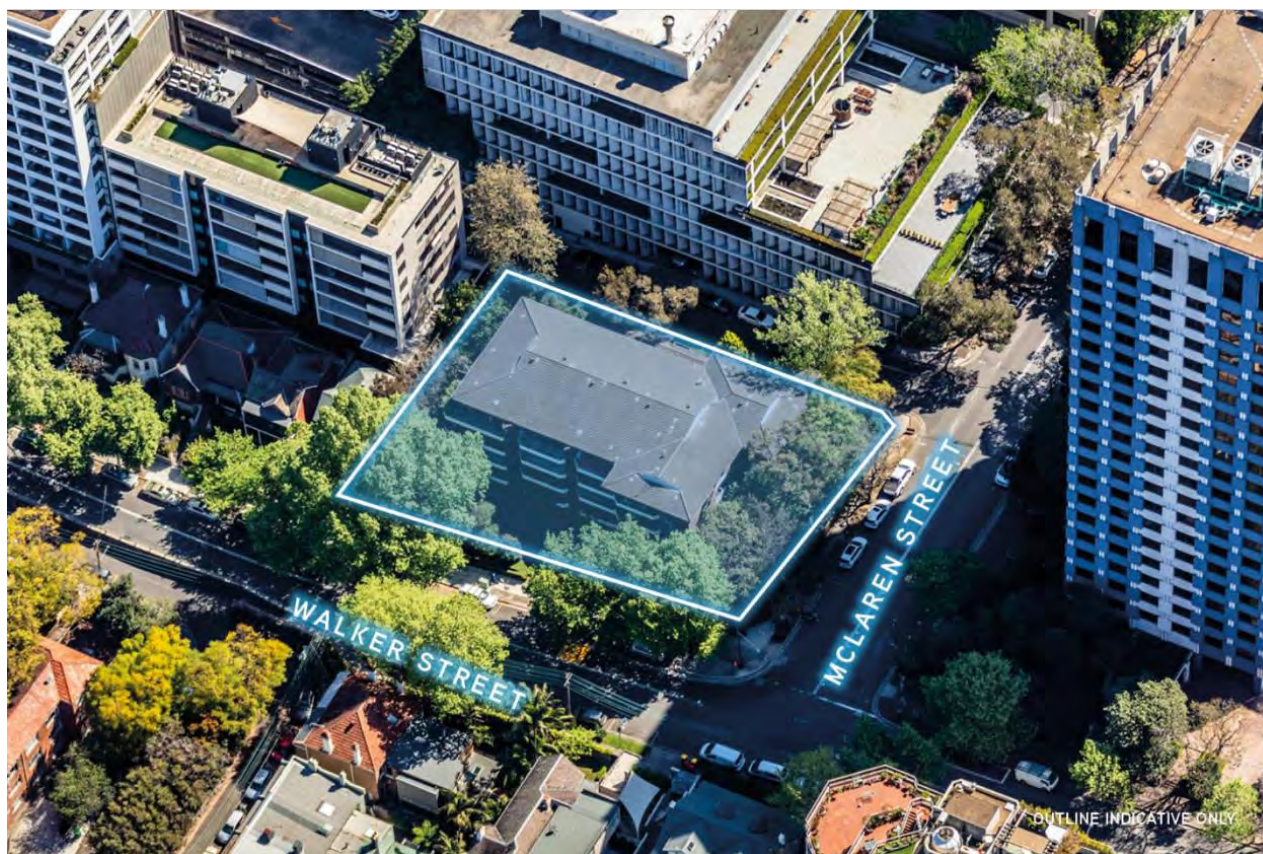
Table 2: Site Description

Feature	Description
Street Address	45 McLaren Street, North Sydney
Legal Description	Lot 1-18 in Strata Plan 14598
Site Area	1,792m ²
Site Dimensions	North: 29.23m – 37.72m (inc. corner truncations) East: 47.39m South: 35.67m West: 48.23m
Easements and Restrictions	Stormwater easement
Site Topography	8.7m fall from the north western corner of the site (RL68.7) to the south eastern corner of the site (RL60). 8m fall from the north eastern corner (RL68) to the south eastern corner (RL60) along the Walker Street frontage. 3.5m fall from the north western corner (RL68.7) to the south western corner (RL63.24) along the frontage of Harnett Street
Vegetation	Several mature trees are established along site's northern, southern and western boundaries, including some street trees. Two street trees are located adjacent to the site's south-eastern boundary.

Aerial images of the site and site photos are provided below.

[illegible]

Figure 3: Oblique view of the site, as viewed from the north east



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SYDNEY_FINAL_SEP

Figure 4: Site images



Picture 1: Site as viewed from the east illustrating existing vehicular access



Picture 2: Site as viewed from the north east, illustrating the sloping topography



Picture 3: south-eastern extent of the site illustrating the existing street trees



Picture 4: Site as viewed from the north-west, illustrating the relationship to Harnett Street

Source: Bates Smart

2.2. THE LOCALITY

The site is located within the suburb of North Sydney. North Sydney CBD is Australia's 9th largest commercial core and Sydney's 3rd largest, with over 800,000m² of commercial floor space, generating approximately 60,400 jobs (2016).

The North Sydney CBD specialises in financial and professional services, media and telecommunications. The commercial core is centred amongst a diverse range of land uses, including business and retail uses, educational facilities, churches and residential land uses of varying densities.

The suburb is bisected east-west by the Warringah Freeway, resulting in a predominance of residential land uses located on the eastern side of the Warringah Freeway, separated from the commercial core, mixed use precinct and key transport nodes.

The skyline of North Sydney is transforming, with a number of key factors contributing to the evolution of North Sydney as a strategic centre within the global economic corridor. These factors include, inter alia:

- The State government's commitment to the Sydney metro line and the presence of the Victoria Cross Metro Station on Miller Street and McLaren Street (approximately 100m from the site);
- The recently approved Victoria Cross Over Station Development (SSD 10294), which includes a commercial officer tower up to RL230, delivering 61,500m² of commercial GFA;
- Amendment No. 23 to the NSLEP 2013, which increased the building heights within the B3 Commercial Core zone, unlocking additional commercial floor space capacity within the CBD by 530,000m²;
- The endorsed WSPMP, which includes several key sites identified for substantial increased height and density. This has the potential to deliver 170,987m² – 189,811m² of GFA with maximum building heights of up to RL285. The key sites include the Council-owned car park and the Ausgrid site;
- The Civic Precinct Planning Study (**Civic Study**), which includes increased heights and densities to the north of the Ward Street Precinct; and
- Recent development activity within the locality which includes a number of prominent mid to large scale developments being approved and constructed, including East Walker Street Precinct.

The surge in development activity, combined with the recent amendments to the NSLEP 2013 and the anticipated growth arising from the WSPMP, will rejuvenate and revitalise the locality to create an active and vibrant precinct. This amended Planning Proposal aligns with the emergence of North Sydney as a global destination and provides an ideal opportunity for the delivery of a mixed-use development which will activate and compliment the Ward Street Precinct.

Figure 5: Site location and context plan

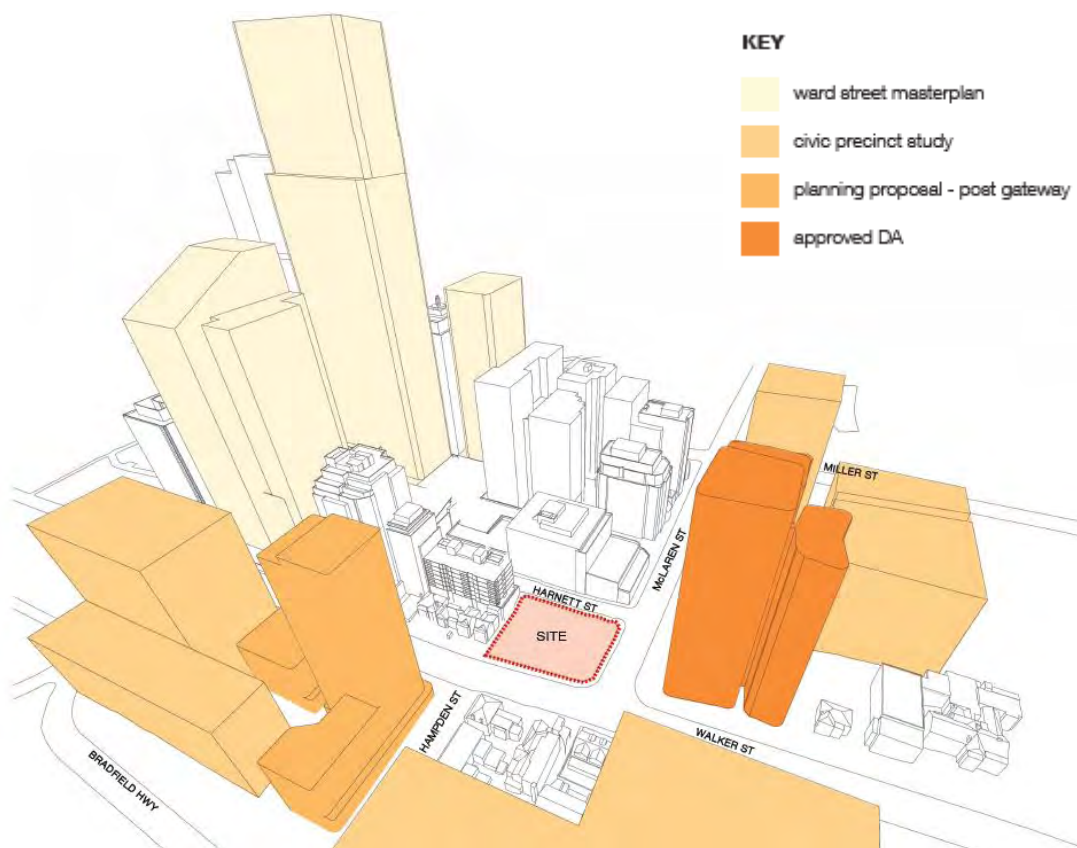


Figure 6: 3D view of the site within the existing locality



Source: Colliers International

Figure 7: Birds eye view of the site within the future context



Source: Bates Smart

2.3. THE CONTEXT

The site is located to the north-west of the North Sydney CBD and within the northern end of the Ward Street Precinct. The area is at the preliminary stages of urban renewal, which is set to transform the CBD and surrounds into a world class commercial destination, supported by a range of retail and residential uses. This transition is being supported by current development activity, recent approvals and further planned development within the North Sydney CBD and the Ward Street Precinct. The Civic Study also identifies the potential for future development activity to the north of the site.

The planning framework at both a State and local government level seeks to transition the area from an older style commercial precinct into a thriving mixed-use area, which retains and strengthens the commercial core for long-term employment growth supported by a mix of surrounding land uses.

The surrounding area is described as follows:

- **North:** The northern side of McLaren Street, at 168 Walker Street, is a recently approved 28-storey mixed-use tower, referred to as Aqualand. Further north of this is Wenona School Campus, which consists of a cluster of low to medium-rise buildings extending to Ridge and Elliot Streets to the north and west, respectively.
- **East:** To the east of the site is a heritage-listed retaining wall dissecting the roadway at Walker Street. Across the street are a row of two-storey heritage-listed terrace houses as well as a single storey heritage-listed stone cottage located adjacent to these to the north. Further to the east is the Warringah Freeway, which segregates the site and city centre from lower density residential land uses.
- **South:** To the south of the site is a through-site link connecting Walker Street to the east and Harnett Street to the west. South of this are a set of four heritage-listed terrace-style dwelling houses and a ten-storey residential building, referred to as 'The Heritage.'
- **West:** The site adjoins Harnett Street to the west, and on the western side of the street is Simsmetal House at 41 McLaren Street, seven – eight storey heritage-listed commercial building. Further west at 39 McLaren Street is The Harvard residential flat building, which is 18 storeys high.

Figure 8: Immediate site context



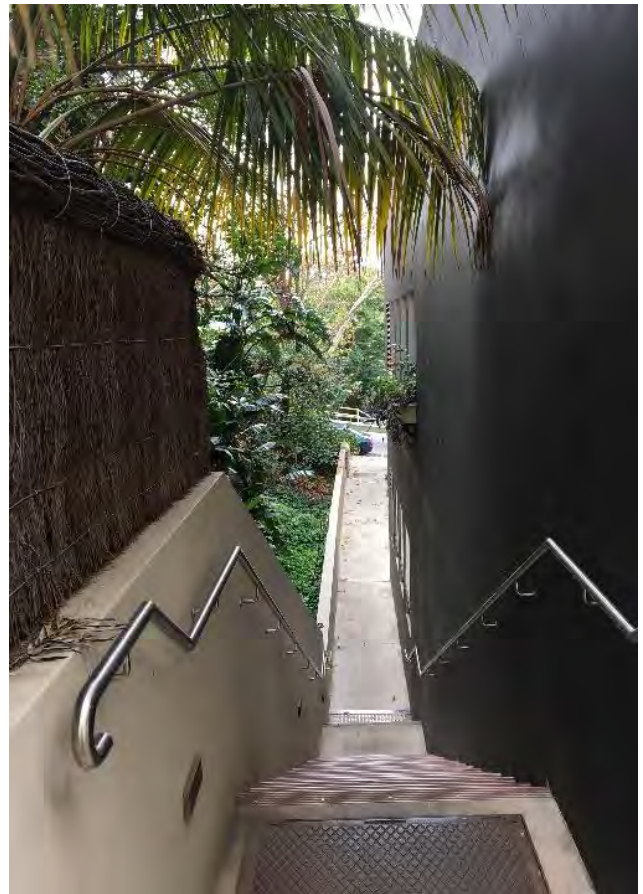
Picture 5: Heritage listed terraces at 150 Walker Street



Picture 6: 41 McLaren Street illustrating the stepped nature of the building form with landscaping above



Picture 7: Approved Aqualand building to the north



Picture 8: Existing through-site link, as viewed from Harnett Street

2.4. SURROUNDING ROAD, RAIL & BUS NETWORK

The site is well connected to significant road and rail infrastructure, including the Freeway, heavy rail and metro rail, making this one of the most accessible locations. North Sydney's transport statistics confirm that 71.3% of residents and 71.1% of workers are either walking, cycling or using public transport to travel (Source: *North Sydney CBD Transport Masterplan*).

2.4.1. Road

The site is located to the west of the Warringah Freeway and to the north of the Pacific Highway with access to the on ramp approximately 200m and 550m south of the site, respectively.

The Warringah Freeway provides direct and convenient access to the Sydney CBD in the south and Artarmon in the north west, where it then transitions into the Lane Cove Tunnel and intersects with the Pacific Highway.

2.4.2. Heavy Rail

The site is located 650m north of North Sydney Station, Sydney's 5th busiest station with an approximate 52,000 patrons per day (Environmental Impact Assessment, Sydney Metro). Frequent trains provide a 10-minute connection between North Sydney Station and the Sydney CBD. The train line also connects residents/workers to Berowra in the north and Parramatta in the west.

2.4.3. Metro Rail

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north-west to Bankston in the south-west. Early works for the Victoria Cross Metro Station began in September 2017 with the service expected to be operational in 2024. Trains will depart every 4 minutes, connecting North Sydney to Martin Place in 5 minutes and the Sydney CBD in 9 minutes. The Metro provides a 60% increase in the number of trains in the peak periods and caters for an extra 100,000 customers per hour.

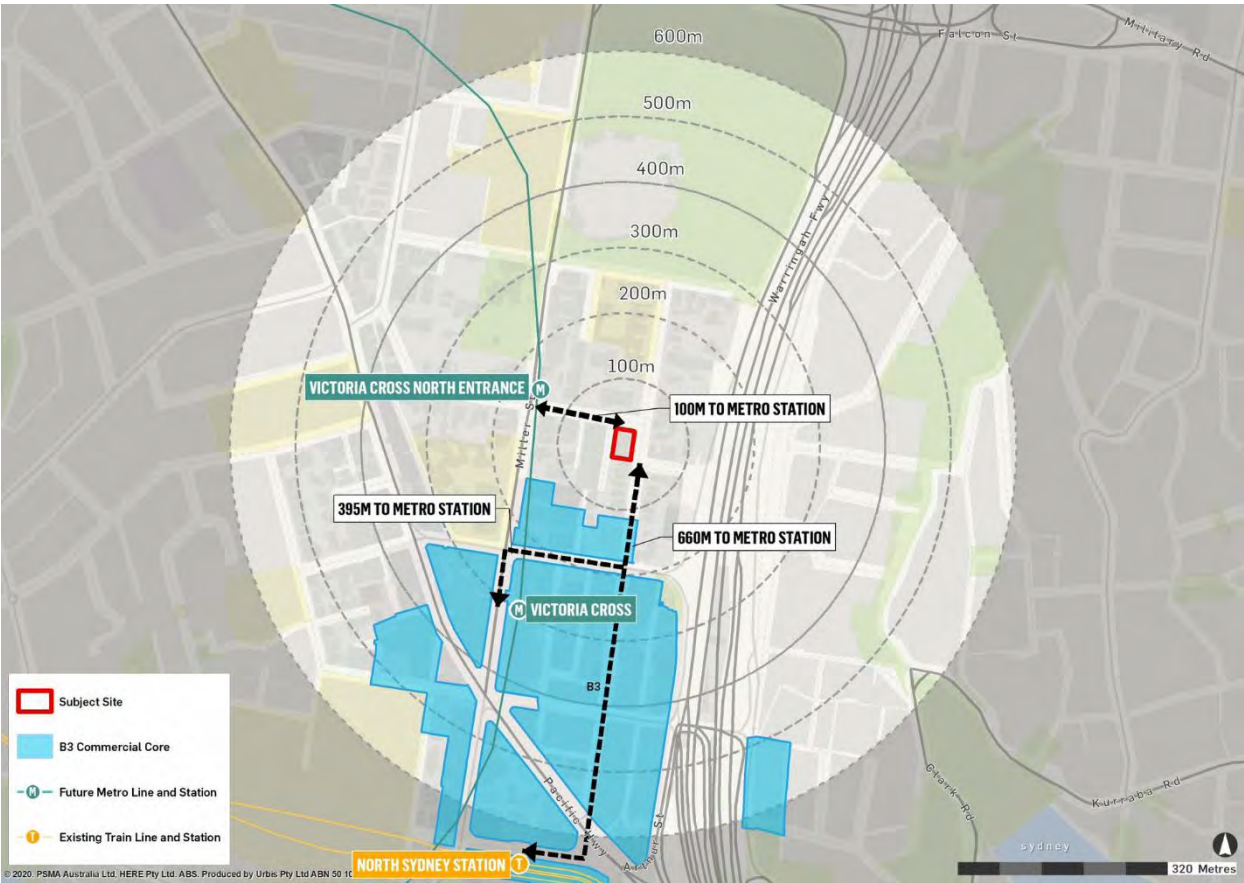
Victoria Cross will be accessed via the pedestrian plaza opening up onto Miller, Denison and Berry Streets. A secondary pedestrian entrance will be located at 50 McLaren Street, providing for underground connectivity between the two access points. This puts the site within 100m of the Metro Station.

The station will create a new transport focus on the northern side of the North Sydney CBD by providing much needed infrastructure to revitalise the area into an 18-hour economy, fostering greater connectivity to other nearby strategic centres, within the global economic arc.

2.4.4. Bus

Several different bus routes service North Sydney, with bus stops located along Miller Street, approximately 180m west of the site. The redevelopment of the Ward Street Precinct will allow for direct pedestrian connectivity to the Miller Street bus stops. Buses connect the Precinct to Sydney CBD, Bondi Junction, Gladesville, Lane Cove, Chatswood, Ryde, Kingsford and Botany.

Figure 9: Public transport map



Source: Urbis

3. COUNCIL ENGAGEMENT & CONCEPT REFINEMENT

3.1. COUNCIL ENGAGEMENT

The Proponent began preliminary discussions with Council in 2017 when the WSPMP was being prepared. As Council's studies progressed and the masterplan for the Ward Street Precinct was refined, the Proponent continued their ongoing dialogue, expressly reiterating the capacity of the site to accommodate a building of approximately 25 storeys, with no additional overshadowing between the nominated hours of 10:30am – 2:00pm.

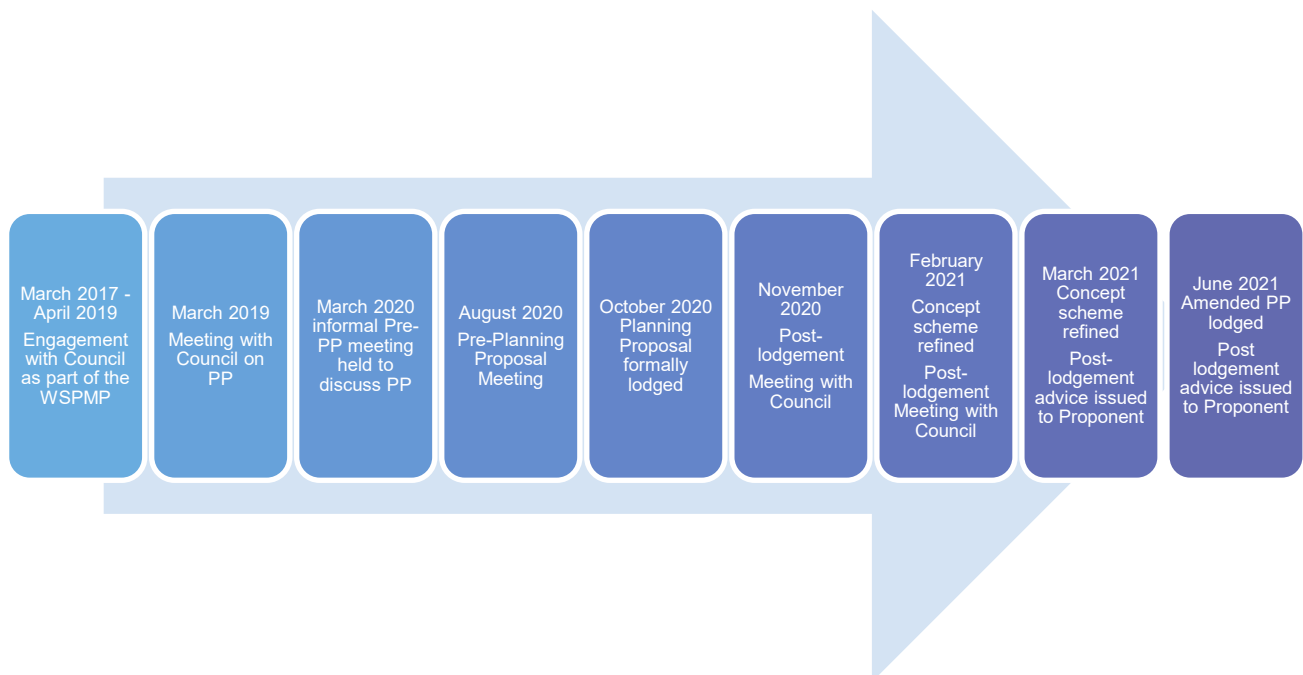
Following Council's decision to progress with Option 2 of the WSPMP (which precluded uplift on the site), the Proponent engaged with Council's strategic planning team.

Preliminary discussions were first held in March 2020 and a formal pre-Planning Proposal meeting was held on 10 August 2020, prior to the lodgement of the Planning Proposal.

Since that time, the Proponent has actively engaged with Council, with Bates Smart preparing multiple design refinements on each of the key issues, which have been discussed at length during various meetings with Council.

An overview of Council engagement to-date and the milestones of the Planning Proposal process is provided below.

Figure 10: Council engagement and Planning Proposal timeline



3.2. DESIGN EVOLUTION & CONCEPT REFINEMENT

Since lodgement of the original Planning Proposal, the design has evolved, and the concept has been refined in response to the key issues raised by Council. The key issues primarily relate to:

1. Overshadowing
2. Building setbacks
3. Separation distance

Other matters for consideration, including the appropriate land use zone, height, FSR, car parking rates and the VPA, have been positively addressed by the amended Planning Proposal.

A detailed analysis of the key issues is provided below:

3.2.1. Overshadowing to Ward Street Plaza

The original Planning Proposal had a height of 12 -16 storeys, stepping up from south to north. This resulted in Ward Street Plaza (**the Plaza**) being overshadowed, on June 21st, by approximately 516m² (9am), decreasing to 346m² (9:30am), and 98m² by 10am. By 10:17am, there was no additional overshadowing.

Full solar access was provided to the Plaza from Spring to Autumn.

Prior to lodgement, Council's direction was to ensure ***"minimal overshadowing to the Ward Street Plaza."*** The original Planning Proposal was prepared based on this preliminary advice. Given that overshadowing impacts were limited to a 1-hour period and primarily cast over an area of the Plaza that was identified as a raised green area, an amenities building and a pedestrian link (i.e. secondary spaces), the extent of overshadowing was considered to have minimal impact on the amenity of the space.

Following lodgement, Councils position changed. On 24th November 2020, the Proponent was advised to amend the concept design so that ***"there is no nett additional overshadowing of the future public squares at any time of the day year round."***

In addition, Council confirmed the anticipated levels of the proposed plazas, with the southern Central Plaza, reducing from RL74.00 to RL69.45 (4.5m reduction). Lowering the finished level of the Plaza will exacerbate the extent of overshadowing impacts.

Bates Smart refined the building envelope and remodelled the shadows with the revised Plaza levels. Revised concept envelopes were presented to Council in December 2020 and again February 2021.

On 5 March 2021, Council advised that ***"any increase in additional overshadowing to the future northern square is minimised to the greatest extent possible."***

Following the lodgement of the amended Planning Proposal in June 2021, Council advised, by written correspondence on 29 July 2021, that ***"there is no nett additional overshadowing of the proposed southern Central Square from 9am onwards between the March and September equinoxes."***

The current proposal has been revised to comply with Council's recommendation from 29 July 2021.

The amended Planning Proposal results in no nett additional overshadowing to the Central Square from 9am onwards, year-round.

A minor slither of overshadowing will occur within the northern Green Square from 9am – 10:08am during the winter solstice. This is considered acceptable, as it has been demonstrated through the continued design refinements, that this overshadowing is minimised to the greatest extent possible.

The proposed building envelope results in no nett additional overshadowing to both areas of the square, for the balance of the year.

3.2.2. Building Setbacks

3.2.2.1. North: McLaren Street

The original Planning Proposal included a 1.8m setback to McLaren Street at the street level and a nil setback above podium.

On 24 November 2021, Council recommended that the *“McLaren Street setback be revised to include a whole of building setback, consistent with the built form on adjoining properties.”*

The site is a unique island site when viewed along McLaren Street, separated from the western properties within Ward Street, by Harnett Street. Similarly, 41 McLaren Street is also separated from the two existing residential towers at 237 Miller Street and 39 McLaren Street by a carriageway. The built form along this frontage is varied in nature with 41 McLaren Street and 45 McLaren Street both separated by carriageways, with the site located 55m east from the two residential towers. The site is also substantially separated (28m) from 168 Walker Street, which has been built with tower to ground. This demonstrates that there is no prevailing character within this immediate section of McLaren Street that would result in the McLaren Street building alignment being inconsistent or “out of character.”

Council acknowledged that the current character of the southern side of McLaren Street does not conform to the applicable DCP controls. In their most recent correspondence, issued on 29 July 2021, Council recommended that a 3m above podium setback be adopted to McLaren Street.

Accordingly, the Planning Proposal has been amended to reflect Council’s recommendation.

3.2.2.2. East: Walker Street

The original Planning Proposal included a 5.5m setback to Walker Street at the podium level and a stepped tower form above the podium. The intent of the upper level setback was to provide a transition between the existing residential tower at 150 Walker Street and the Aqualand building at 168 Walker Street.

Council recommended that the planning proposal be revised to *“regularise the tower setback such that it is parallel to the alignment of Walker Street.”*

The amended Planning Proposal has adopted this recommendation, with an above podium setback of 4.85m (10.35m to boundary).

It is noted that Council also recommended increasing the ground floor setback from 5.5m to 7m. The amended Planning Proposal has not adopted this increased setback as the properties to the south, including the heritage terraces, have a setback of approximately 5.5m, consistent with that proposed. Whilst it is acknowledged that the DCP includes a 7m setback for Walker Street, the proposed setback is inconsistent with the existing, prevailing character of the streetscape, as illustrated below.

3.2.2.3. South: 150 Walker Street

The original Planning Proposal included a 1.5m setback to the southern boundary, which interfaces with 150 Walker Street.

Council recommended that the upper level of the southern setback be increased to 4.5m to improve sunlight and daylight access to the southern neighbour. The Planning Proposal has been amended to include a 4.5m setback to the southern boundary above Level 1.

3.2.3. Separation Distance to 41 McLaren Street

The original Planning Proposal included a 6.5m setback to the centreline of Harnett Street for the building’s entire height. This resulted in minor non-compliances with ADG separation distances between future residential uses on the site and the existing commercial tower.

The Planning Proposal has been amended to increase setbacks to Harnett Street, within the south portion of the site. This includes the following setbacks from the centreline of Harnett Street:

- 6m setback to ground level
- 7.5m setback from Level 1 – 3
- 9m setback from Level 4 – 9

3.3. KEY NUMERICAL CHANGES

The following tables provides a comparison of the key numerical changes that have occurred since lodgement of the original Planning Proposal, highlighting the reduction and refinement of the building envelope.

Table 3 Comparison between the original PP and amended PP

Numerical control	Original Planning Proposal	Amended Planning Proposal	Change
Zoning	R4 High Density zone	B4 Mixed Use zone *Clause added to permit residential dwellings on Walker Street	-
Height	RL118.7 / 16 storeys	RL115 (14 storeys) RL103 (10 storeys)	<2 storey
FSR	Total FSR: 7.5:1 Total GFA: 13,251m ²	Total FSR: 6.25:1 Total GFA: 11,200m ²	< 1.25:1 FSR <1,051m ² GFA
Minimum non-residential FSR	2,168m ²	2,091m ²	<77m ² commercial GFA
Overshadowing (to proposed southern Central Square)	9am: 516m ² 9:30am: 346m ² 10am: 98m ²	9am: 0m ² 9:30am: 0m ² 10am: 0m ²	9am: <516m ² 9:30am: <346m ² 10am: <98m ²
Setbacks	McLaren Street: Podium: 1.8m Above podium: 0m to boundary (1.8m from boundary on east & west corners) Walker Street: Podium: 5.5m Above podium: 4.85m – 9.1m South: Podium: 1.5m Above podium: 1.5m Harnett Street: Podium: 1m Above podium: 2.6m-5.3m at the south	McLaren Street: Podium: nil Above podium: 3m to boundary Walker Street: Podium: 5.5m Above podium: 4.85m South: Podium: 1.5m Above podium: 3m Harnett Street: Podium: 1m Above podium: 1.5m-3m at the south	McLaren Street: Podium <1.8m Above podium >3m Walker Street: Podium: no change Above podium: +4.25m in the south South: Podium: no change Above podium: +1.5m Harnett Street: Podium: 1m Above podium: 1.5m-3m at the south

Numerical control	Original Planning Proposal	Amended Planning Proposal	Change
Car parking	168 spaces	70-80 spaces	<88 spaces

3.4. DRAFT AMENDMENT TO NSDCP 2013 WARD STREET PRECINCT

3.4.1. Built form outcome

On 19 April 2021, Council placed the draft amendment to NSDCP 2013 Ward Street Precinct Masterplan amendments on public exhibition. The primary purpose of the DCP amendment is to provide built form controls that will guide future development within the Ward Street Precinct, reflective of the WSPMP. However, the amendment included specific reference to the site and the subject Planning Proposal.

At the time of exhibition, the Planning Proposal was under assessment. Council had provided feedback to the Proponent on 20 March 2021. The introduction of draft DCP controls without consultation with the Proponent undermines the due planning process and is contrary to good planning practice.

Figure 11 below, demonstrates a building envelope that is fully compliant with Council's exhibited draft DCP controls.

The resultant configuration is an inferior and irregular built form that ranges between 3 storeys and 7 storeys, where the upper three levels include floor plates of 160m²-300m², creating a poor urban design outcome that is costly and presents difficult floorplates to design. Furthermore, the envelope is incapable of complying with SEPP 65 (ADG controls). Evidently, the draft DCP controls completely sterilize the site making it undevelopable.

The draft DCP amendment and its accompanying solar access controls indicate that Council is establishing controls without adequate testing of the impacts and consequences and without due regards to either established practice or proper process. This has a major impact on the redevelopment of not just the subject site, but all sites within the Precinct.

The Proponent lodged a submission on the draft DCP controls (**Appendix B**). The submission detailed **three (3) significant recommendations** for Council to adopt in revising the draft DCP Amendment.

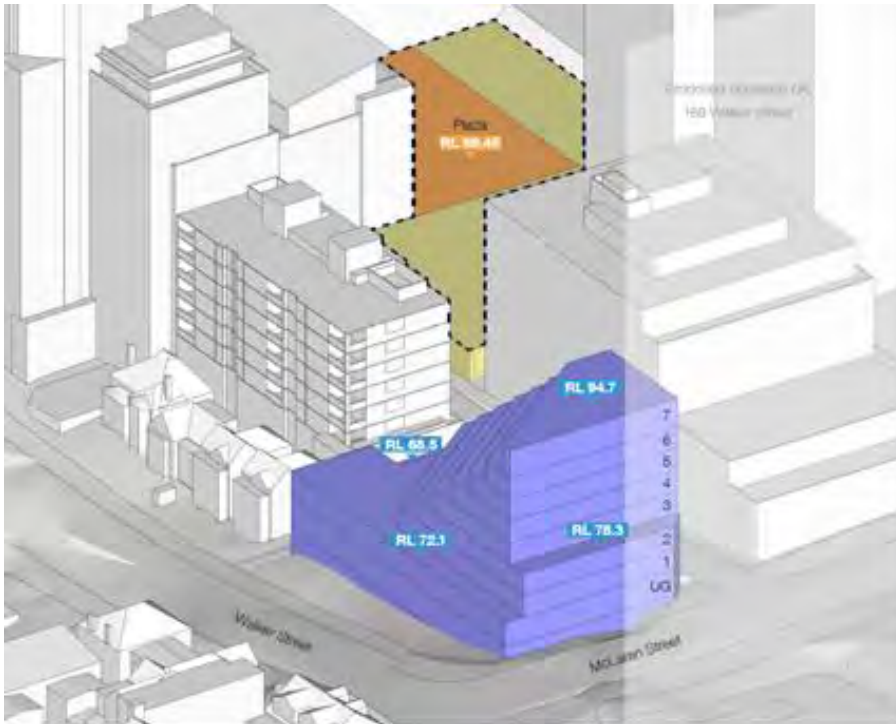
The recommendations were primarily in response to the inclusion of the DCP clause which states:

"Development is to be designed to maintain year round solar access to the new public squares to be created within the Ward Street Precinct."

As part of that submission, it was recommended that site-specific DCP controls be prepared in conjunction with the assessment of this amended Planning Proposal. A summary of the suggested site-specific DCP controls is contained in **Section 6.4**.

Council considered a post exhibition report to the draft DCP amendment on 26 April 2022, wherein it resolved to proceed with the draft amendment subject to a number of amendments in relation to issues raised in the public submissions. In particular, the overshadowing controls were relaxed to ensure no nett overshadowing the southern public square between 9am and 4pm between the March and September Equinoxes and that any overshadowing to the northern public square should be minimised. In addition, Council resolved to remove the site-specific controls that related to 45 McLaren Street and that any such amendments occur concurrently with the assessment of the Planning Proposal. The adopted amendments came into effect on 2 May 2022.

Figure 11: A building envelope that is fully compliant with council's draft DCP.



Source: Bates Smart Architects

4. STATUTORY PLANNING FRAMEWORK

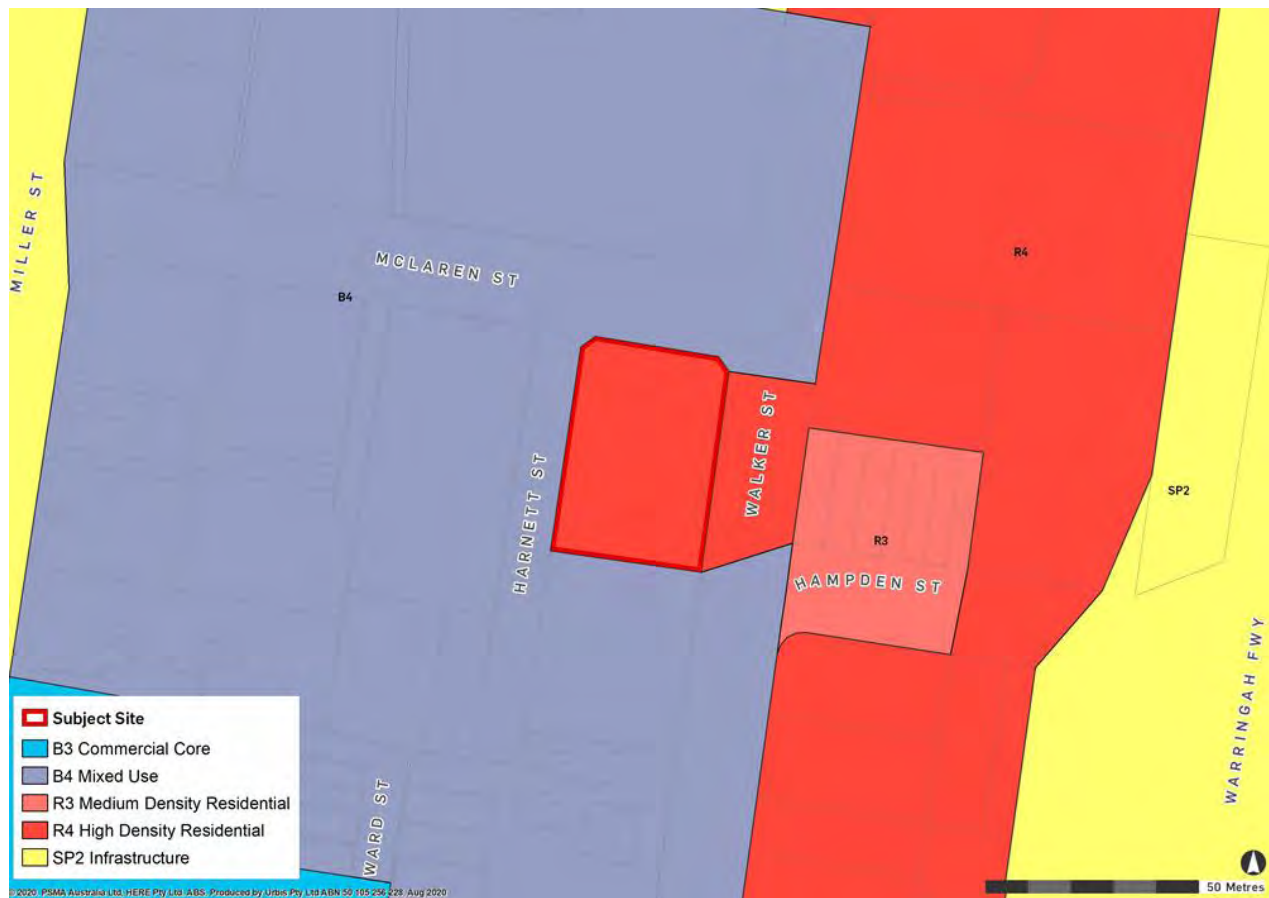
4.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

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

4.1.1. Land Use Zone

In accordance with the NSLEP 2013 and as illustrated below, the site is zoned R4 High Density Residential. **Table 4** details the zone objectives and land use permissibility.

Figure 12: NSLEP 2013 Land Zoning Map



Source: Urbis

Table 4: R4 High Density Residential zone objectives and permissibility

<p>1. Objectives of zone</p>	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To encourage the development of sites for high density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.
-------------------------------------	---

	<ul style="list-style-type: none"> To ensure that a reasonably high level of residential amenity is achieved and maintained.
2. Permitted without consent	<i>Environmental protection works</i>
3. Permitted with consent	<i>Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Entertainment facilities; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Shop top housing</i>
4. Prohibited	<i>Any development not specified in item 2 or 3</i>

4.1.1.1. Employment Zones Reform Framework

In December 2020, the Department of Planning and Environment commenced working on a suite of planning reforms to deliver a simplified employment zones framework under the Standard LEP. The new framework was introduced through the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 which was gazetted on 5 November 2021. The reforms will effectively replace the existing Business (B) and Industrial (IN) zones under a council's LEP with five new Employment (E) zones and three supporting zones (MU1, SP4 and W4). The Department of Planning commenced public exhibition of the translation of all LEPs in NSW, including NSLEP 2013, into the new employment zone framework on 30 May 2022. **Table 5** outlines the exhibited translation of the existing zones under NSLEP 2013 into the new zone framework.

Table 5: Land use zone transition

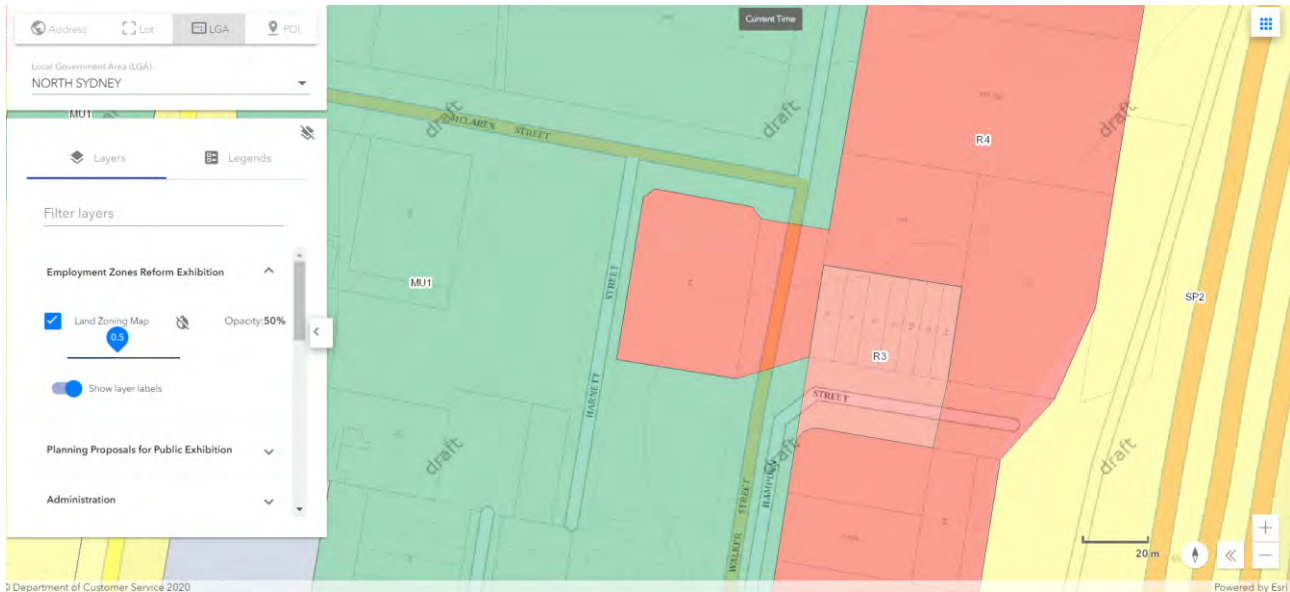
Existing	Proposed
B1 Neighbourhood Centre	E1 Local Centre
B3 Commercial Core	E2 Commercial Centre
B4 Mixed Use	MU1 Mixed Use
IN2 Light Industry	E3 Productivity Support
IN4 Working Waterfront	W4 Working Waterfront

The translation of the existing zones under NSLEP 2013 into the new zoning framework will result in all permissible uses under the current B4 Mixed Use zone being permissible under the proposed MU1 Mixed Use zone. However, the following land use types will also be made permissible with consent in the MU1 Mixed Use zone:

- Home businesses
- Home industries
- Home occupation
- Light industries

- Local distribution premises
- The following types of tourist and visitor accommodation types:
 - bed and breakfast
 - farm stay accommodation

Figure 13 NSLEP 2013 as amended per the employment zone reforms



Source: <https://www.planningportal.nsw.gov.au/employment-zones>

4.1.2. Height of Buildings

Pursuant to Clause 4.3. of the NSLEP2013 and as illustrated in **Figure 14** below, the site is subject to a maximum building height control of 12m.

Figure 14: NSLEP 2013 Height of Buildings Map



Source: Urbis

4.1.3. Floor Space Ratio

In accordance with the *NSLEP 2013*, the site is not encumbered by an FSR control.

Figure 15: NSLEP 2013 Floor Space Ratio Map



Source: Urbis

4.1.4. Heritage Conservation

In accordance with the *NSLEP 2013*, the site is not encumbered by any heritage affectations nor is it located within a heritage conservation area.

A number of heritage items are located in the immediate vicinity of the site including:

- **Item 889** Local heritage listed Simsmetal House (commercial office building) at 41 McLaren Street;
- **Item 988** Local heritage listed stone cottage at 185 Walker Street;
- **Items 984-987** Local heritage listed dwelling houses at 144-150 Walker Street;
- **Items 840-846** Local heritage listed Victorian Terraces at 2-14 Hampden Street; and
- **Item 996** Local heritage listed stone wall dissecting Walker Street.

The site is also located to the south of the Walker and Ridge Streets Heritage Conservation Area (CA20).

Figure 16: NSLEP 2013 Heritage Map



Source: Urbis

4.1.5. North Sydney Centre

As illustrated within **Figure 17** the site is not located within the North Sydney Centre.

Figure 17: NSLEP 2013 North Sydney Centre Map



Source: Urbis

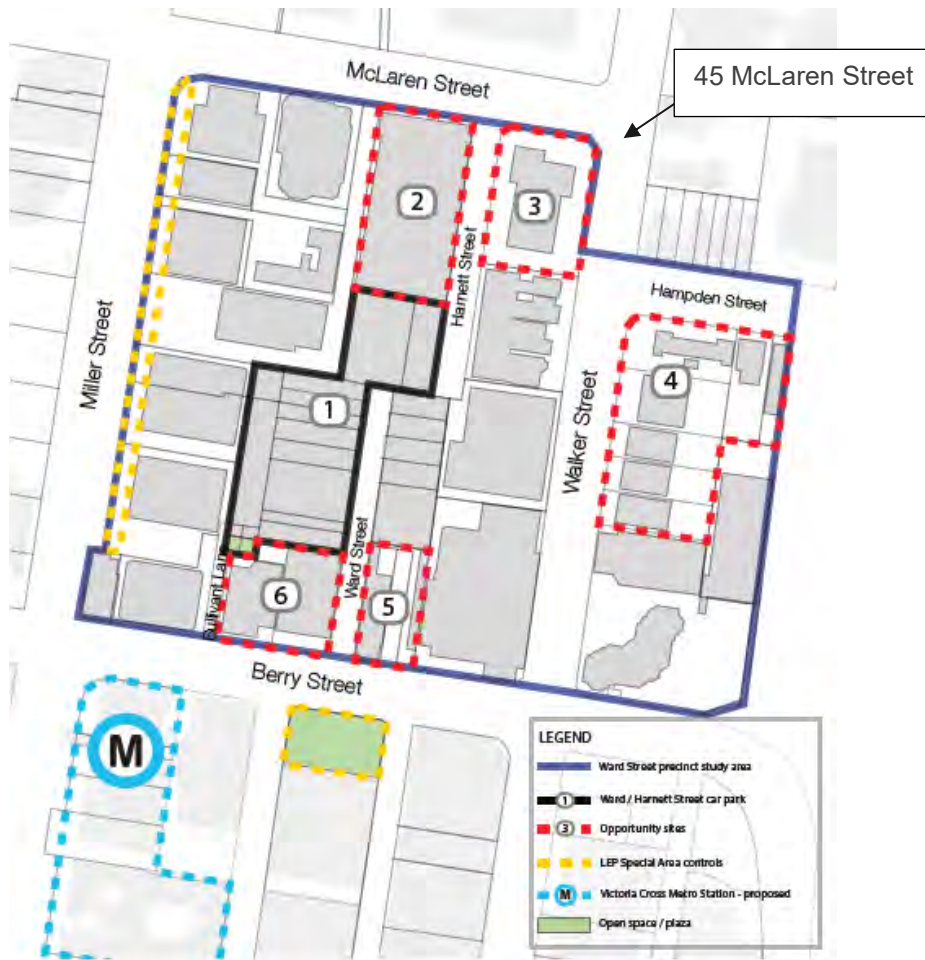
5. LOCAL STRATEGIC PLANNING BACKGROUND

5.1. STAGE 1 WARD STREET PRECINCT MASTERPLAN (2016)

On 5 December 2016, the WSPMP was presented to Council, identifying the site as an opportunity site (site 3) ready for redevelopment. Council noted that opportunity sites are those that are relatively unconstrained and where land is underutilised within the context of its locality and proximity to the Centre.

Under this initial version of the WSPMP, the site was identified as having the potential to accommodate a mixed-use building with street level retail/commercial and residential above. The building was identified as having a stepped built form with a maximum height of RL100, which is approximately 12 storeys.

Figure 18: Ward Street Precinct Masterplan Analysis



Source: North Sydney Council, Attachment to CiS06, dated 5/12/16

5.2. STAGE 2 WARD STREET PRECINCT MASTERPLAN (2019)

On completion of the Stage 1 WSPMP study, Council elected to engage new consultants, taking on board feedback to develop the Stage 2 WSPMP.

Stage 2 was publicly exhibited between 7 August and 8 October 2018 and included two masterplan options: Miller Street Square (Option 1) and Central Square (Option 2). Each option was designed based upon the following built form criteria:

- Overshadowing
- Separation
- Heritage Impact
- Address
- Area
- Daylight
- Views

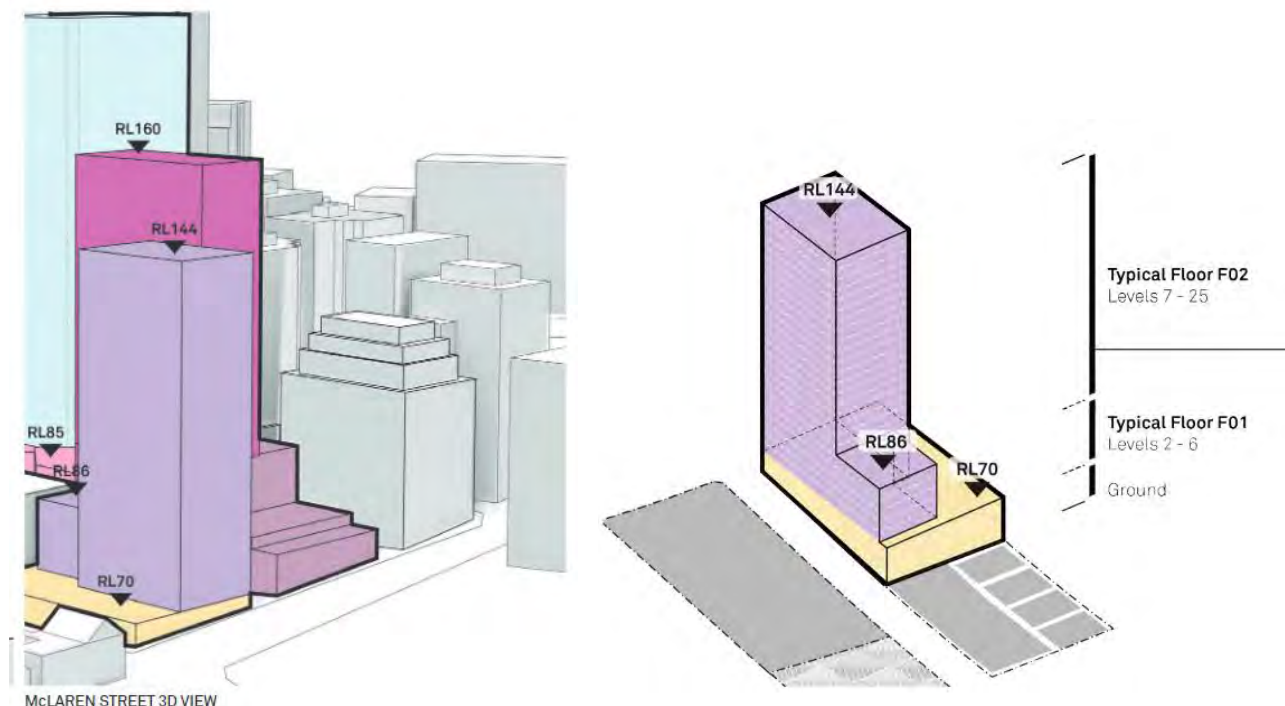
Option 1 – Miller Street Square

The Miller Street Square option provided a balance of uplift across the precinct, a range of land uses and a greater proportion of open space, incorporating a central civic square and a linear park along Miller Street.

Specific to the site, the Miller Street Square option modelled a mixed-use development outcome on the site, which included a retail podium of up to RL70 (1-3 storeys) and a residential tower above, in a stepped built form, of up to RL144 (25 storeys). This envelope was designed to avoid shadow to the southern neighbouring site and provide a consistent bulk and scale to Walker Street, while defining the corner of McLaren and Walker Streets.

In establishing this built form outcome, Council identified that the site has a greater capacity for density, particularly in light of Victoria Cross Metro Station and development precedents nearby.

Figure 19: Indicative built form outcome



Source: Stage 2 Ward Street Master Plan

Option 2 – Central Square

The Central Square option sought to focus heights and densities at the northern end of the Ward Street Precinct. This outcome provided a smaller consolidated civic space within the centre of the precinct, restricting future development to the north due to concerns relating to overshadowing.

This option afforded no additional uplift to the site. While modelling concluded a similar stepped envelope to RL100 in the Stage 1 Masterplan, due to the financial impediments of such development, Council chose not to show any uplift for the site in the Central Square option.

On 24 June 2019, Council resolved to endorse the finalised Stage 2 WSPMP, which pursued the delivery of Option 2 (being the Central Square Option), as amended (refer **Figure 22**). The major driver of the selection of this option was the quality and amenity of the open space to be created and the solar access likely to be experienced, and the creation of employment. While Council recognised that development potential exists on the site at 45 McLaren Street, such development did not meet the immediate drivers that motivated the final recommended built form. As such, no immediate changes were envisaged for the site under the adopted WSPMP.

Figure 20: Miller Street Square (Option 1)

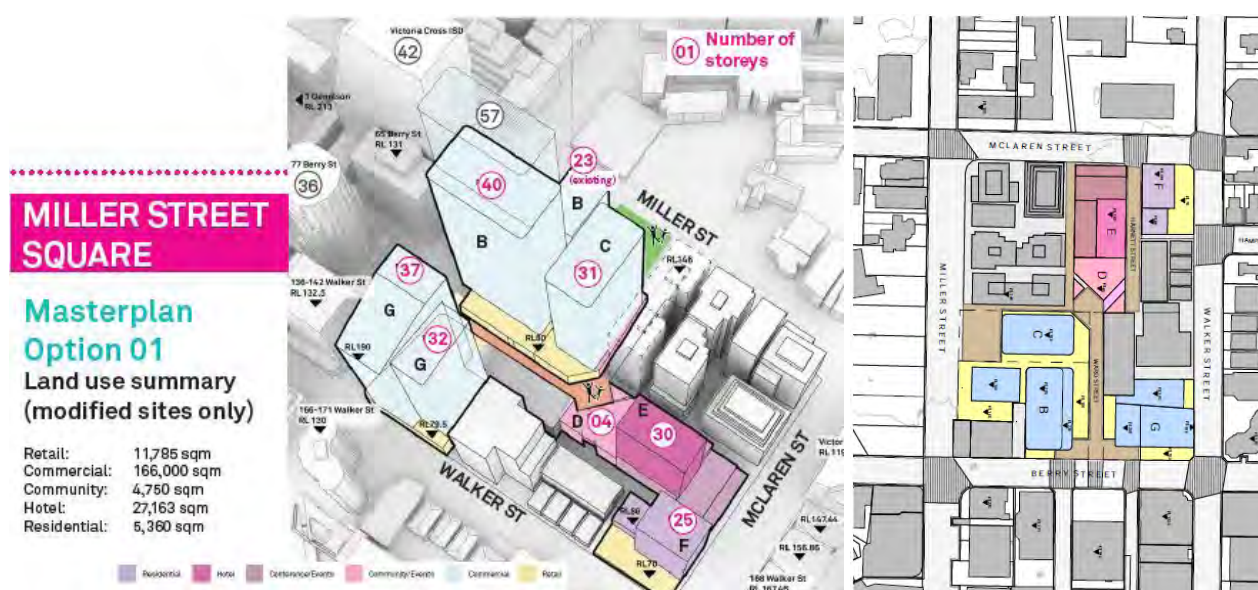


Figure 21: Central Square (Option 2)

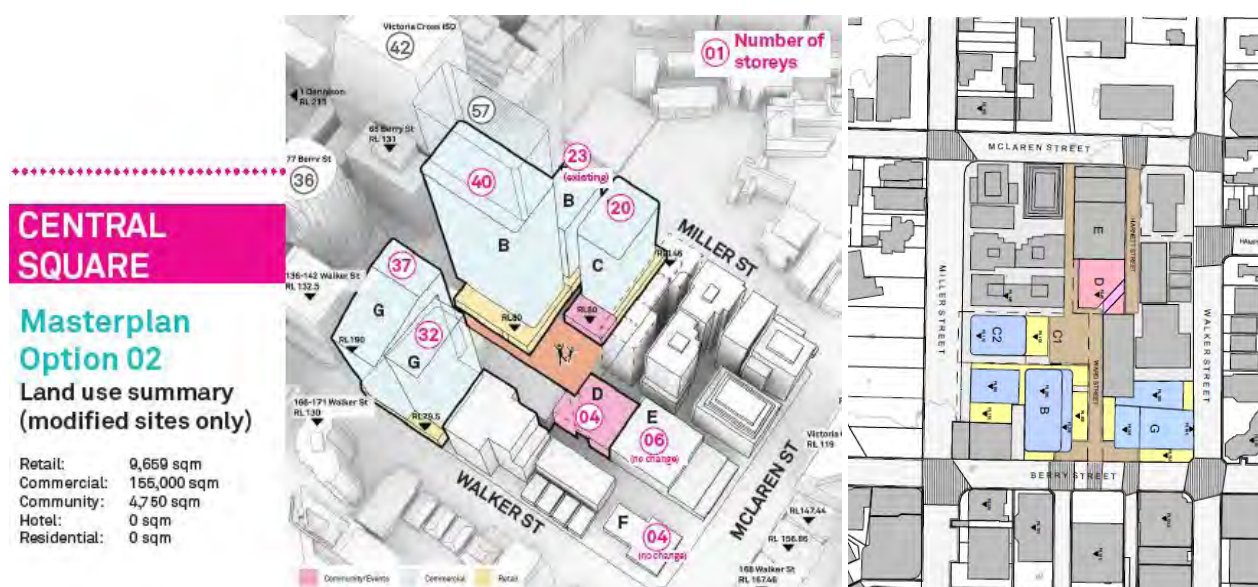
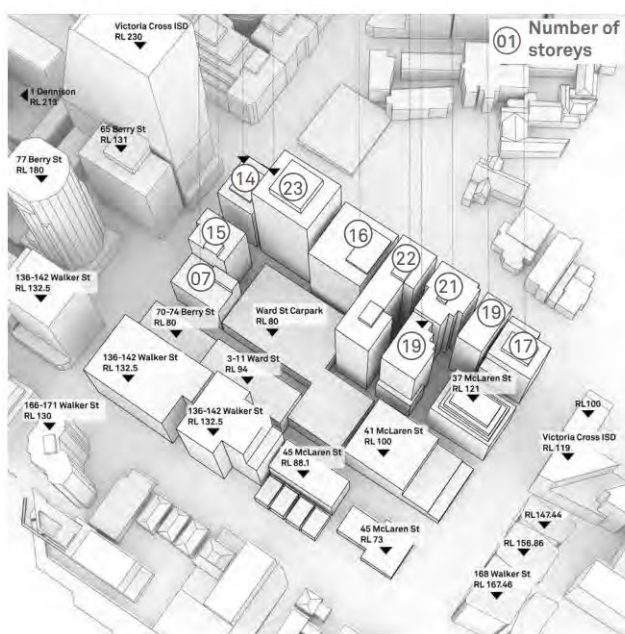
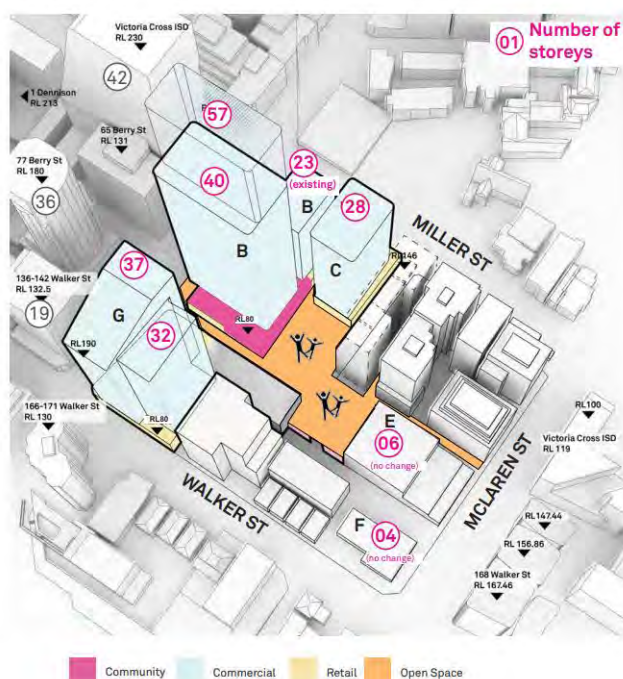


Figure 22: Final Ward Street Master Plan Built Form

Existing



Proposed



5.2.1. Consistency with the WSPMP

Whilst the endorsed WSPMP did not provide uplift on the site due to *adverse impacts to public spaces and adjoining residential areas*, Council's resolution recommended that:

despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:

- I. Minimise solar reductions upon new public domain as identified in the Masterplan.
- II. Minimise solar and privacy impacts upon existing residential development.
- III. Provide for a commercial component to any redevelopment.
- IV. Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.

The Proponent is acting upon Council's resolution, which provides a clear opportunity to lodge a site-specific Planning Proposal.

The principles outlined in Council's resolution have guided the built form modelling presented within the reference scheme, whilst also incorporating the Place Principles from the WSPMP and the objectives of the Civic Study.

The central objective of the WSPMP is to maximise the direct public benefit in the form of public open space and community facilities whilst delivering on the North District Plan's (NDP) job targets. This amended Planning Proposal incorporates 2.5 levels of commercial and retail floor space and the provision of a new through-site link and active frontages, in line with the stated objective.

A comparison between the building envelope original earmarked for the site, the endorsed envelope for the site under the WSPMP and the amended Planning Proposal (and submitted reference scheme) is summarised in **Table 6** below:

Table 6 Comparison between WSPMP and the amended Planning Proposal

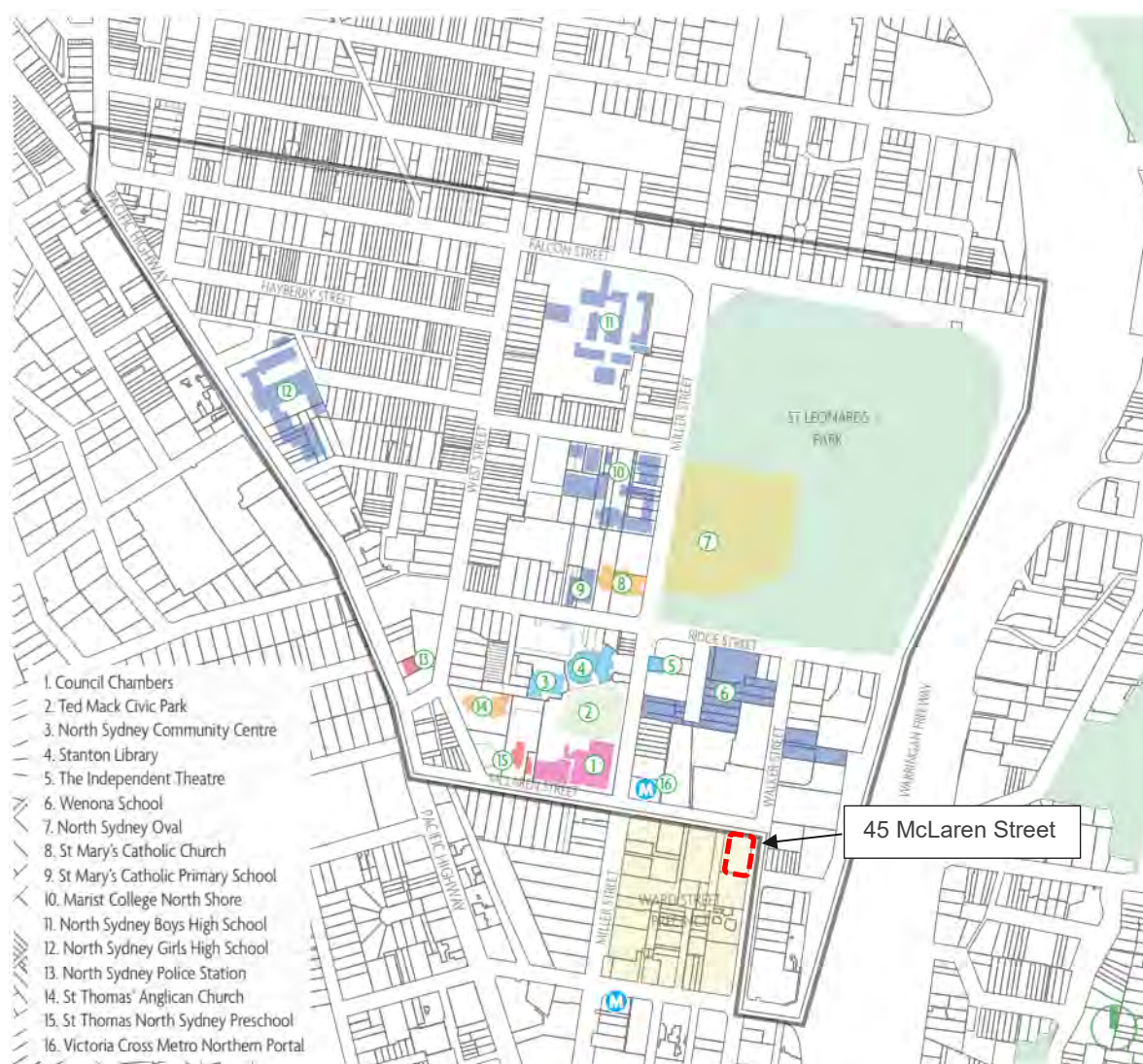
	Ward Street Precinct Masterplan (Option 1)	Ward Street Precinct Masterplan (Option 2)	Amended Planning Proposal
Podium	Retail podium up to RL70 (1-3 storeys) Retail GFA: 1,390m ²	N/A (retention of R4 zoning)	Retail podium up to RL72.1 (1-3 storeys) Retail / Comm GFA: 2,091m ²
Tower	Residential tower up to RL144 (25 storeys overall) with a southern wing up to RL86 (6 storeys overall) Residential GFA: 15,360m ² 834m ² GFA per floor plate	Maximum height of 12m (3-4 storeys)	Residential tower up to RL115 (14 storeys overall) with a southern wing up to RL103 (10 storeys overall) Residential GFA: 9,109m ²
Potential GFA	16,750m ²	As existing	11,200m ²
Through site link	Along the southern boundary	Along the southern boundary	Along the southern boundary
Active frontage(s)	Walker Street Harnett Street	Walker Street Harnett Street	McLaren Street Harnett Street

5.3. CIVIC PRECINCT STUDY

The Civic Precinct Planning Study (**Civic Study**) was exhibited between 18 May 2020 and 20 July 2020 and adopted by Council at its meeting on 30 November 2020. The Study was prepared in response to the construction of the Victoria Cross Metro Station and the significant transformation to the areas surrounding the Study area. The Study area is bound by McLaren Street, Pacific Highway, Falcon Street and the Warringah Freeway.

The site is not located within the Civic Precinct; rather, it forms part of the transitional zone between the CBD and the Civic Precinct, as shown in the diagram at **Figure 23** below.

Figure 23: Civic Precinct Study Area



Source: Civic Precinct Planning Study

5.3.1. Consistency with the Civic Precinct Study

Taking cues from the land uses, heights, densities and street wall heights nominated within the Study, for land to the north and east, the amended Planning Proposal includes the following elements:

- The stepped massing of the main building which provides a gradual transition between the mid-scale apartments to the south and the approved 28 storey Aqualand tower to the north;
- One – three storey street podium on the corner of Walker Street and McLaren Street, with upper level setbacks;
- Ground floor retail and commercial uses that improve street activation;
- A proportion of non-residential FSR consistent with the surrounding lands ranging between 0.5:1 and 1:1;
- Deliver jobs and housing growth on the fringe of the CBD;
- Preserve and respect heritage items;
- Improve the public domain and increasing linkages;
- Protect of amenity to existing and proposed public open spaces; and
- Provision of diversity in housing types.

6. THE REFERENCE SCHEME

6.1. REFERENCE SCHEME GUIDANCE

A reference scheme has been prepared by Bates Smart and Arcadia. Bates Smart has collaborated with the Proponent, the community and council staff to formulate a set of robust design principles that will inform the site's redevelopment into a high-quality mixed-use outcome.

The vision is for a sustainable mixed-use building that celebrates the site's location at the transition between North Sydney's high-density CBD and North Sydney's Civic Precinct.

6.1.1. Design Principles

The design strategy has been tailored to respond to the characteristics and constraints of the site and surrounds whilst incorporating the key design principles that underpinned the WSPMP and the Civic Study. This includes:

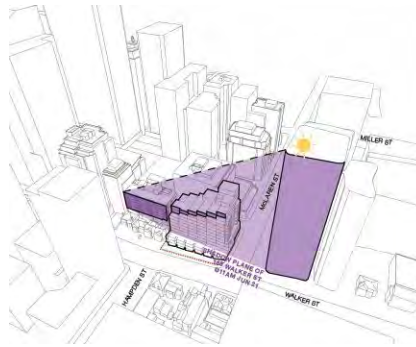
- **Solar access:** No overshadowing to the Central Square within the Plaza from 9am on June 21st and retention of solar access to existing residential properties at 150 Walker Street.
- **Height transition:** Utilising the building heights established within the endorsed WSPMP, the approved development to the north, and the existing heritage buildings and residential tower to the south, the proposed heights have been designed to have a stepped transition and fall away to the south.
- **Street setbacks:** The north-east and south-east corners of the podium have been setback with soft landscaping to align with the heritage terraces to the south, whilst the northern edge of the building aligns with 41 McLaren Street, immediately west of the site. The podium has also been setback along the southern boundary to allow for a widened through-site link.
- **Mixed-use outcome:** Commercial, retail and recreational (indoor) land uses contained within the podium along McLaren Street and Harnett Street and residential terraces fronting Walker Street will bridge the gap between the commercial buildings and to the west and the residential neighbourhoods to the east.
- **Streetscape activation:** Active frontages and passive surveillance are provided along all site frontages. McLaren Street and Harnett Street is activated by retail and recreational (indoor) uses with residential uses providing passive surveillance of Walker Street.
- **Public domain improvements:** Pedestrian connectivity will be enhanced through the expansion (from 1.5m to 3m) of the existing through-site link connecting Walker Street and Harnett Street, improving and promoting pedestrianisation around the site and activating Ward Street Plaza. Public domain improvements also include pedestrian upgrades to the street frontages and upgrade of Harnett Street.
- **Landscaping terracing:** The stepping of the built form allows for cascading landscaping to form a green roof. Key corner locations will be designed with green walls, creating a living, breathing building façade.

Figure 24 below illustrates graphically how the reference scheme has been developed based upon the adopted design principles.

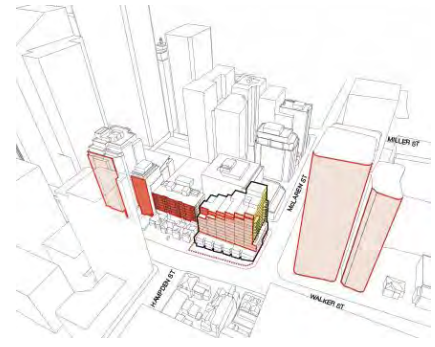
Figure 24: Design principles used to inform the reference scheme



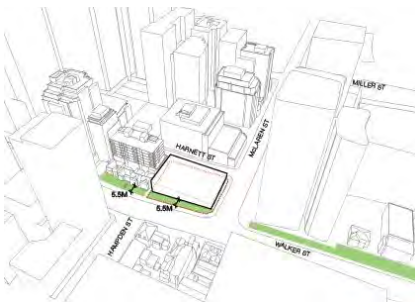
Picture 1: Rooftop stepping



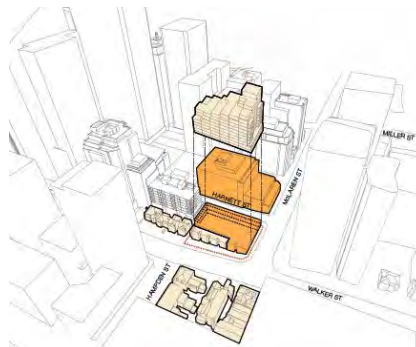
Picture 2: Tower stepping solar access



Picture 3: Tower setback stepping and alignments



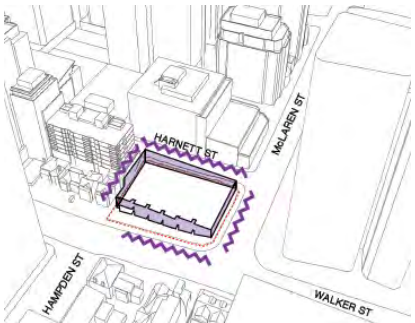
Picture 4: Street alignments and setbacks



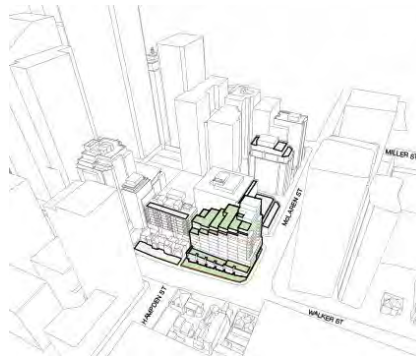
Picture 5: Mixed-use precinct



Picture 6: Enhancing the through-site link



Picture 7: Activation and interface



Picture 8: Landscape terracing



Picture 9: Building height transition and datum

Source: Bates Smart

6.2. REFERENCE DESIGN

By applying the design principles, Bates Smart has produced a reference design that demonstrates how future development could occur, consistent with the controls sought under this amended Planning Proposal.

6.2.1. Numerical Overview

The key numerical details of the reference scheme is provided in **Table 7** below.

Table 7: Key numerical details

Indicator	Proposed LEP Controls	Reference Design Outcome
Land Use	B4 Mixed Use (MU1 Mixed Use)	Residential accommodation (residential flat building) Commercial / Retail Recreational Facility (indoor) - Gymnasium
Height	Part RL 115 (max) Part RL 103 (max)	RL 113.8 (14 storeys overall) RL 101 (10 Storeys)
FSR	Whole - 6.25:1 (max)	Total GFA: 11,200m ² Total FSR: 6.25:1
	Residential – N/A	Residential GFA: 9,109m ²
	Non-Residential – 1:1 (min)	Retail/commercial GFA: 2,091m ² Non-Residential FSR: 1.17:1
Apartments	N/A	82 apartments: 25 x one-bedroom apartments 38 x two-bedroom apartments 17 x three-bedroom apartments 2 x penthouse apartments
Built form	As per proposed site specific DCP	1-3 storey podium Tower above podium
Parking	As per proposed site specific DCP	70-80 car spaces 7-8 motorcycle spaces

6.2.2. Land Use

The amended Planning Proposal seeks to rezone the site from R4 High Density Residential to B4 Mixed Use, which would support the activation of McLaren Street and Harnett Street, consistent with the desired future character of the precinct. Should the Department of Planning's Employment Zone reforms be implemented before the finalisation of any amendment to NSLEP 2013 to give effect to this planning proposal, the land will be zoned to MU1 Mixed Use under the new framework.

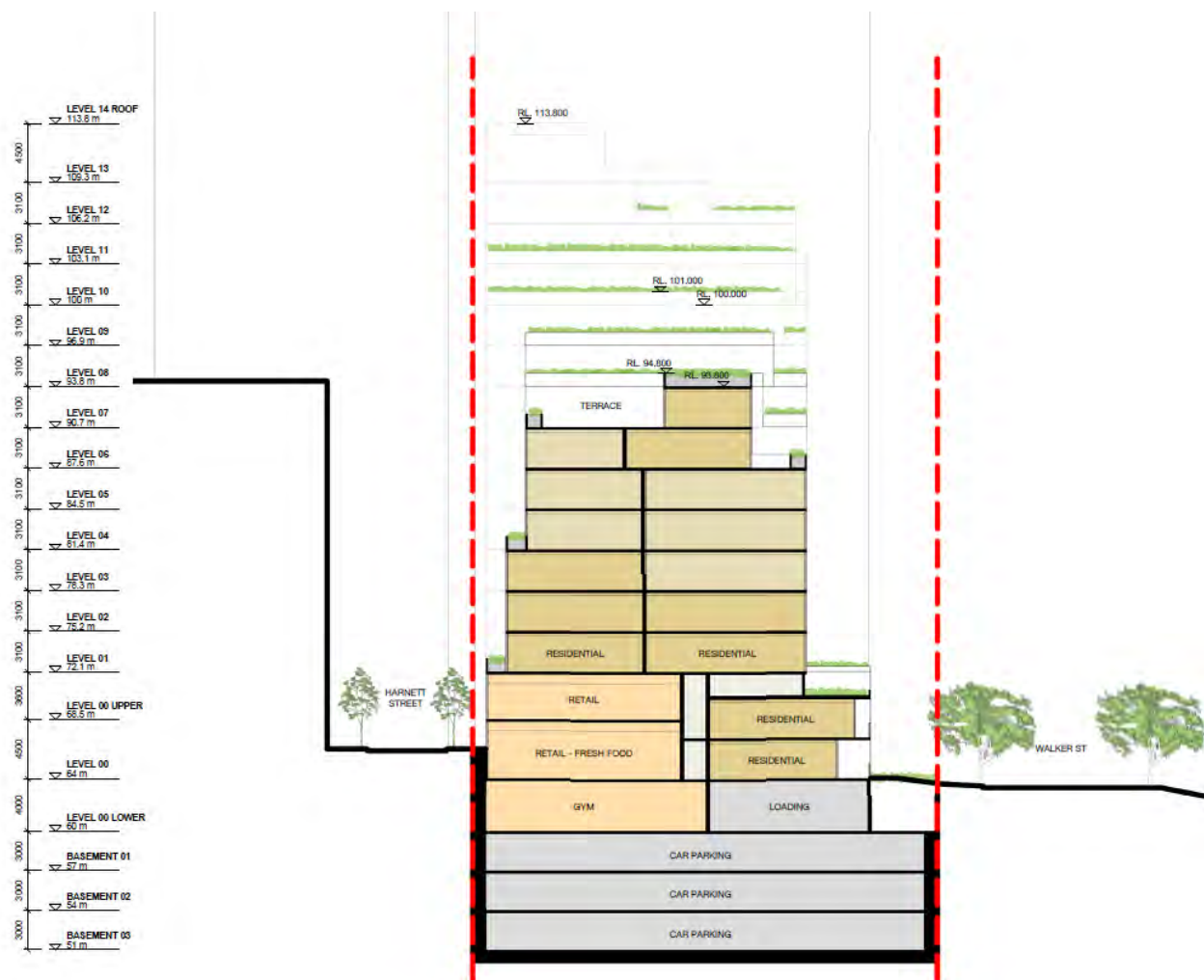
As illustrated in the submitted reference design, the redevelopment of the site would accommodate:

- Lower ground floor: A gym, which is accessed from the through site link or via the retail lift;
- Ground level and upper ground: retail on the corner of McLaren and Walker Streets and fresh-food offering with access from McLaren Street or Harnett Street
- Ground level (Walker Street): five (5) 1-2 storey residential terraces
- Tower: 82 residential apartments within the tower form above, which ranges in height from 10 storeys to 14 storeys (including podium)

The residential density on the site coupled with the provision of commercial/retail uses and a gym would activate the site and contribute to the 18-hour economy, creating a more vibrant place to live, work and socialise, and be consistent with the vision for the WSPMP.

The following sectional diagram shows how the land uses relate to the street frontages and the sites sloping topography.

Figure 25: Proposed east-west section illustrating the land uses



Source: Bates Smart

6.2.3. Height and Built Form

The reference design proposes a building up to 14 storeys in height above ground level up to RL113.8. The amended Planning Proposal proposes a maximum building height of part RL 103 and part RL115, which will allow for a built form that steps across the site. The reference design incorporates a 1-3 storey podium, with a 5.5m setback to Walker Street. Above the podium is a 7-13-storey tower form, which contains luxury residential apartments.

Key considerations have included an assessment of site and surrounding constraints and the evolving urban context. This has resulted in shaping a building envelope to deliver a stepped tower form that maximises opportunities for terrace landscaping at multiple levels across the site, reducing visual bulk impacts to provide a human-scale and contributing to ESD objectives and sustainability strategy.

Specifically, the building envelope has been positioned on the site to respond to the surrounding building context. The podium fronting Walker street has been setback to align with the heritage terraces to the south of the site, whilst the podium massing along McLaren Street aligns with 41 McLaren Street, immediately west of the site. The residential terraces along Walker Street are sculpted as individual 1-2 storey terraces, with outdoor balconies and direct street access as a modern interpretation of the heritage context.

The stepping of the tower form is within the solar plane cast by the building at 168 Walker Street, and provides a massing transition between this building and the residential apartments at 150 Walker Street. The stepped rooftop massing also enables good solar access to the site, the southern neighbouring properties and to the Central Plaza within the WSPMP. Further, the proposed building envelope results in no additional overshadowing to the Plaza. The stepped built form aligns with Council's intention of a transitional zone between the North Sydney CBD and the Civic Precinct on Walker and McLaren Streets.

The proposed stepped height is further justified and supported in the accompanying Urban Design Report prepared by Bates Smart (**Appendix A**).

6.2.4. Key Design Elements

The submitted reference scheme (**Appendix A**) includes the following key design elements that are anticipated to be reflected in any future development application.

6.2.4.1. Basement and site access

Vehicular access to the site is proposed at the southern extent of Walker Street. This driveway will provide access to both the basement car parking and loading dock.

A site access study has been undertaken by Bates Smart and is documented in the submitted urban design report (**Appendix A**). The study documents the benefits associated with locating vehicular access at the lowest point of the site. If access was to be provided from Harnett Street, this would require reliance on a car lift, which would result in inefficient and sub-terrain commercial floor space and would compromise the ability to activate the through-site link.

Vehicle access from Walker Street has substantial benefits and would enable a traditional access ramp to be provided. Given this is similar to the existing site access arrangements, it is considered that there would be no additional adverse traffic implications to Walker Street associated with the retaining the current site access provisions.

6.2.4.2. Lower ground

The lower ground level contains a waste room and loading area, which are below the McLaren Street level to minimise blank, un-activated frontages. These are accessed via a driveway from Walker Street to the south of the site, which also serves as the entrance to the basement parking levels. There is also a gym and associated change rooms accessible via the Harnett Street ground level, at the south-west corner of the site.

6.2.4.3. Ground

The ground floor at the Harnett Street frontage contains a fresh food supermarket accessible from the south-west corner of the site, as well as via the upper ground floor level on McLaren Street at the north-west corner of the site.

730
MCLAREN ST

RETAIL - FRESH FOOD BOH
361 SQM

38 LOWER
68 SQM

38 LOWER
68 SQM

38 LOWER
68 SQM

48 LOWER
94 SQM

RETAIL - FRESH FOOD
410 SQM
F75-64.0

RETAIL - FRESH FOOD
+ GYM ENTRY
315 SQM

THROUGH - SITE LINK

WALKER STREET

150 WALKER ST

46 THE REFERENCE SCHEME

6.2.4.4. Upper ground

The upper ground level features retail along the Harnett Street frontage as well as on the north-east corner of the site, which will activate the area. The podium level has a nil setback to McLaren Street. Separate lobbies for the various uses (residential and commercial lobbies) and associated lift are located on the upper ground floor and can be centrally accessed from the McLaren Street frontage. The upper ground floor also contains the upper levels of the four (4) residential terraces fronting Walker Street and an additional single storey, one (1) bedroom apartment.

Figure 28: Upper ground floor



Source: Bates Smart

6.2.4.5. Tower form

The residential tower above is stepped back from the podium base along Walker Street and varies in height from 7 to 13 storeys. The tower form has been sculpted to transition from the south-west, where it aligns with 150 Walker Street, to the north-east, where it aligns with 168 Walker Street. The tower alignment takes cues from both the proposed development directly to the north and the heritage terraces to the south. Each unit is provided with a balcony or landscaped terrace as private open space. The indicative design for the tower floorplates at Level 1-13 are provided below at **Figure 29**. Levels 8-13 are stepped and contain less apartments as the floor level increases.

Figure 29 Floorplates for Level 1-13



Picture 10 Level 3



Picture 11 Level 4-5



Picture 12 Level 8



Picture 13 Level 9



Picture 7 Level 10



Picture 8 Level 11



Picture 9 Level 12



Picture 10 Level 13

Source: Bates Smart

6.2.5. ESD Initiatives

The amended Planning Proposal and submitted reference scheme is founded on the vision and intent of delivering a sustainable mixed-use building that expands the horizons of sustainability performance in the built environment. This vision and the overarching objectives are documented in the Sustainability Strategy (**Appendix L**). These objectives directly align with the priorities of the North District Plan and are reproduced as follows:

1. To reduce Green House Gas (**GHG**) emissions, with the goal of Net Zero Emissions (Priority N21);
2. To support the health and wellbeing of building occupants, visitors and the community (Priority N4);
3. To dramatically reduce the use of non-renewable resources and advance the circular economy (Priority N21);
4. To support the physical resilience of assets, and the resilience of the community, to manage shocks and stresses from climate change (Priority N22);
5. To contribute new green space to the city, supporting local habitat, connectivity for mobile species, water management, urban heat and local amenity (Priorities 15, 16 and 19);
6. To enable movement to and from the site with non-vehicular transport; connecting to Sydney Metro, supporting better mobility options in the neighbourhood and supporting the adoption of emerging mobility options that supports sustainable outcomes;
7. To mitigate the consumption of potable water resources, seek more sustainable infrastructure solutions and provide best practice water quality leaving the site (Priority N21);
8. To embed Indigenous knowledge into the design and development process in support of our cultural heritage and recognition of the sustainability insight from Indigenous communities (Priority N17).

The sustainability objectives are supported by five strategic initiatives that have directly guided the design and modelling of the reference scheme, being:

1. Pathway to Climate Positive Approach;
2. Passive Design, Amenity and Ventilation;
3. Biophilia and a Healthy Building;
4. Transport and Mobility; and
5. Liveable Public Realm.

These strategic initiatives and the ESD principles are documented in the Urban Design Report (**Appendix A**). This includes the irrigation of plants and recycled heat for hot water, as well as the collection and reuse of rainwater. The insulated green roofs will also reduce heat gain, thermal mass and the Urban Heat Island Effect.

The orientation and stepped massing of the development is designed to increase solar access and limit overshadowing to the surrounding buildings and areas of public open space. As such, the design maximises the building's north and east aspects, reducing the heat load to the west and optimising daylight for enhanced indoor-outdoor connections.

6.2.6. Landscape Outcome

The Landscape Concept Design Report prepared by Arcadia (**Appendix I**) illustrates a high-quality landscape outcome, achieving substantial landscaped terraces across multiple levels of the site that are available for both private and communal use for future residents of the building.

Soft landscaping will be located along the Walker Street frontage setback, which is in keeping with the neighbouring properties to the south and the leafy character of the surrounding context. With the residential building being setback from the podium, terrace landscaping will also be included.

The stepped massing of the built form provides great opportunity to incorporate multiple landscaped rooftops above the podium terraces throughout the site, which provide a human scale and allow the building to respond sensitively to the surrounding items of heritage significance. The terrace landscaping includes both private landscaped open space areas and communal areas.

6.2.7. Public Domain Improvements

The Landscape Concept Design Report prepared by Arcadia (**Appendix I**) illustrates a high-quality public domain outcome, achieved by widening the pedestrian through-site link connecting Walker and Harnett Streets from approximately 1.5m to 3m in width. This increased setback along the southern boundary of the site will enhance the pedestrianisation around the site, particularly with the entry to the fresh food supermarket off Harnett Street and allow for activation of the Ward Street Precinct. The podium also provides an active frontage on the other three boundaries of the site with retail offerings, improving passive surveillance and onlooking to the public domain. The proposed expansion of the through-site link and activation of street frontages are consistent with Council's North Sydney Public Domain Manual.

6.3. PUBLIC BENEFIT OFFER

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

The Proponent has engaged in discussions with North Sydney Council on the details of the VPA offer, with the contents of the offer endorsed in principle by Council at its meeting on 28 March 2022. On 2 August 2022, the Proponent requested an amendment to the draft VPA offer to account for any monetary loss associated with the potential imposition of more restrictive car parking controls for the site as resolved by Council on 28 March 2022, when it agreed to support the progression of the Planning Proposal. Council considered and endorsed the Proponent's request in conjunction with an additional request from the Proponent to further amend the site-specific car parking rates to reflect the draft rates endorsed by Council on 25 July 2022.

The VPA offer has been prepared based on the indicative development yield and associated car parking, as described in *Section 6.2.1 Numerical Overview of this report*. The public benefits that have been in-principally agreed, include:

- Monetary contribution of \$34,000 per additional dwelling, excluding any affordable housing
- Widening of through site pedestrian link (works-in-kind and land dedication)
- Harnett Street, Walker Street and McLaren Street public domain improvement works
- Dedication of one x 2-bedroom apartment to Council's affordable housing program

It is intended that the monetary contribution would help fund the type of public benefits needed in the community and for the delivery of the Ward Street Precinct public domain upgrades.

Once agreement has been reached as per Council's resolution of 28 March 2022, a formalised draft VPA will be placed on public exhibition concurrently with this amended Planning Proposal.

6.4. SITE-SPECIFIC DCP PROVISIONS

The redevelopment of the site would be guided by an amendment to North Sydney Planning Area Character Statement of the *North Sydney Development Control Plan 2013 (NSDCP 2013)*. The amendment would seek to include the site within the boundary of the Central Business District (Part 2.1), reflective of the sites proposed B4 Mixed-Use zone and its location within the Ward Street Precinct.

The proposed amendments to the NSDCP 2013 also include site-specific controls relating to building height in storeys, site setbacks, podium setbacks and overshadowing restrictions to the southern Central Square within the Ward Street Plaza.

These controls are summarised in the table below, however, noting that the site boundary is not parallel to the building alignment. This results in slight variations to the setback alignment, presenting as a range rather than a single number. For the Planning Proposal, we have provided a single number based on an average setback.

Table 8: Proposed DCP provisions

Numerical control	Proposed control
Height in storeys	Development is to provide a stepped transition in building height across the site, ranging in a maximum overall building height, as follows: Southern Boundary: Maximum height of 10 storeys McLaren Street: Maximum height of 14 storeys
Setbacks	<p>McLaren Street</p> <p>Podium: 0m</p> <p>Above podium: 3m to boundary</p> <p>Walker Street</p> <p>Podium: 5.5m</p> <p>Above podium: 4.85m from eastern podium wall</p> <p>Southern boundary</p> <p>Podium: 1.5m</p> <p>Above podium: 3m from the southern podium wall</p> <p>Harnett Street:</p> <p>Podium: 1m</p> <p>Above podium: 1.5m-3m for the southern extent of the building only</p>
Activation of street frontages	Commercial / retail land uses are to be provided to all street frontages, except Walker Street.

Numerical control	Proposed control
	Residential accommodation is permitted along Walker Street, reflecting the land uses and heritage datum of the existing heritage terraces at 150 Walker Street.
Overshadowing	Development is to result in no nett increase in overshadowing to the Ward Street Central Square from 9am on June 21st

On 28 March 2022, Council resolved to adopt a draft site specific DCP generally consistent with the above controls and to place those draft controls on public exhibition concurrently with the Planning Proposal. As part of its resolution, Council also included more restrictive parking controls.

Council, at its meeting on 26 April 2022, resolved to adopt an amendment to the DCP to reflect the desired outcomes of the Ward Street Precinct Masterplan. As part of the post exhibition report, the finalised DCP removed the clause which restricted “no nett increase in traffic generation.” Council stated that the clause was removed as *“It was not proposed to amend the specific parking rates as part of this draft DCP amendment, as it was considered more beneficial for the matter to be addressed as part of a wider parking strategy in light of the introduction of the new Metro Stations in the LGA which would affect more than just the Ward Street Precinct. An LGA wide parking strategy is currently being prepared by Council and this issue can be addressed through this process.”*

On 25 July 2022 Council resolved to amend the parking rates under its DCP to restrict parking in localities across the LGA which have high levels of access to mass public transport, including the subject site. These draft amendments are anticipated to be publicly exhibited in September 2022.

Following this resolution, the Proponent formally requested Council on 3 August 2022 to amend the draft site-specific DCP amendment for the subject site to reflect the draft parking rates adopted on 25 July 2022. Council endorsed this request on 22 August 2022. Accordingly, the proposed parking rates for the site will be as follows:

Residential:

Studio/ 1 bed – 0.4 space per dwelling

2 bedrooms – 0.6 space per dwelling

3 bedrooms – 0.7 spaces per dwelling

Non-residential:

1 space per 400sqm of non-residential GFA

7. AMENDED PLANNING PROPOSAL

This amended Planning Proposal has been prepared in accordance with Sections 3.33(1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely “*Local Environmental Plan Making Guideline*” issued by the Department of Planning and Environment (September 2022).

Accordingly, the proposal is discussed in the following six parts:

- **Part 1:** Statement of the objectives or intended outcomes of the proposed amendment;
- **Part 2:** Explanation of the provisions that are to be included in the proposed amendment;
- **Part 3:** Justification for those objectives, outcomes and the process for their implementation;
- **Part 4:** Supporting maps which identify the aspects of the amended Planning Proposal;
- **Part 5:** Details of community consultation that is to be undertaken for the amended Planning Proposal; and
- **Part 6:** The prospective project timeline.

Each of the above are addressed in the following sections of this report.

8. PART 1 – OBJECTIVES & INTENDED OUTCOMES

8.1. OBJECTIVES

The primary objective of this amended Planning Proposal is to amend the NSLEP land zoning, building height and FSR controls and introduce additional local provisions to facilitate a mixed-use development outcome, commensurate with the desired future character of the immediate locale.

Other key objectives include:

- Realise the development potential envisaged by Council within the WSPMP;
- Encourage development activity in an identified key location, supporting the evolution of a diverse mixed-use precinct and contributing to the rejuvenation of the North Sydney Centre;
- Provide compatible mix of land uses that contribute to the creation of a vibrant and active community, including the co-location of residential, commercial and retail in immediate proximity of the Metro and existing train station;
- Contribute towards the North Sydney housing and employment density targets;
- A sustainable mixed-use development that adopts innovative strategic initiatives in the built form, in building systems and in support for a renewed public realm; and
- Integrate the site within the broader area through public domain improvements to the site's triple frontage and streetscape activation including the provision of an expanded through-site link, connecting Walker Street to Ward Street.

8.2. INTENDED OUTCOMES

The intended outcome of this amended Planning Proposal is to amend the planning controls that apply to 45 McLaren Street to achieve the following:

- Rezone the site from R4 High Density Residential to B4 Mixed Use;
- Establish a site-specific split maximum height of building control of RL103 and RL115;
- Establish a site-specific FSR control of 6.25:1;
- Establish a minimum non-residential FSR of 1:1;
- Insert the following subclause (6A) after subclause 4.4A(6):
 - *Despite subclause (5), an active street frontage is not required for any part of a building facing Walker Street, erected on land at 45 McLaren Street, North Sydney, being SP 14598.*
- Insert the following subclause (4) after subclause 6.12A(3):
 - *Despite subclause (3)(b), development consent may be granted for the purpose of a residential flat building for that part of the building at the ground floor level that faces Walker Street at 45 McLaren Street, North Sydney being SP 14598.*

It is acknowledged that the Department of Planning and Environment has introduced a new employment zone framework into the Standard Instrument LEP which is to be implemented across all NSW LEPs by the end of 2022. Should that work be completed prior to the finalisation of any LEP amendment to which this Planning Proposal relates, the zoning of the land is proposed to be changed from R4 High Density Residential to MU1 Mixed Use under the new employment zone framework.

Ultimately, this will enable the achievement of a range of regional and local strategic planning objectives, including increased employment and housing growth within an accessible and connected location. The outcome would be the renewal of the site with commercial and recreational land uses fronting McLaren Street and Harnett Street and new residential dwellings that would complement the increased commercial floor space envisaged within the North Sydney CBD and Ward Street Precinct. The development would be at an appropriate scale, transitioning from the 28 storey Aqualand tower in the north to the Walker Street and Belvedere apartments to the south. Redevelopment would also contribute to enhancing the public domain, street frontages, pedestrian linkages and activating the 18-hour economy.

It is acknowledged that Council recommended applying a sun-access plane control over the site to restrict the height of the building. However, as the final design and levels of the Plaza are unknown, it is premature to include sun-access plane controls over the site. As stated earlier, amendments to the relative level of the Plaza may result in differing overshadowing outcomes from surrounding buildings. It is more appropriate that an LEP split height control be applied to the site, in combination with DCP height in storey controls.

9. PART 2 – EXPLANATION OF PROVISIONS

The proposed objectives and outcomes will be achieved by:

- Amending the *North Sydney Local Environmental Plan 2013 Land Zoning Map* (Sheet LZN_002A) in accordance with the proposed land zoning map provided within Part 4 – Mapping. This illustrates a B4 Mixed Use zone over 45 McLaren Street;
- Amending the *North Sydney Local Environmental Plan 2013 Height of Buildings Map* (Sheet HOB_002A) in accordance with the proposed height of buildings map provided within Part 4 – Mapping. This illustrates a split maximum building height of RL103 and RL115 over 45 McLaren Street;
- Amending the *North Sydney Local Environmental Plan 2013 Floor Space Ratio Map* (Sheet FSR_002A) in accordance with the proposed floor space ratio map provided within Part 4 – Mapping. This illustrates a maximum floor space ratio of 6.25:1 over 45 McLaren Street;
- Amending the *North Sydney Local Environmental Plan 2013 Non-Residential Floor Space Ratio Map* (Sheet LCL_002A) in accordance with the proposed non-residential floor space ratio map provided within Part 4 – Mapping. This illustrates a minimum non-residential floor space ratio of 1:1 over 45 McLaren Street;
- Amending the *North Sydney Local Environmental Plan 2013* to insert an additional subclause under **Clause 4.4A Non-residential Floor Space Ratios**, as follows:
 - (6A) Despite subclause (5), an active street frontage is not required for any part of a building facing Walker Street, erected on land at 45 McLaren Street, North Sydney, being SP 14598.
- Amending the *North Sydney Local Environmental Plan 2013* to insert an additional subclause under **Clause 6.12A Residential flat buildings in Zone B4 Mixed Use**, as follows:
 - (4) Despite subclause (3)(b), development consent may be granted for the purpose of a residential flat building for that part of the building at the ground floor level that faces Walker Street at 45 McLaren Street, North Sydney being SP 14598.

Should the Department of Planning and Environment's new employment zone framework be implemented prior to the finalisation of any LEP amendment to which this Planning Proposal relates, the *North Sydney Local Environmental Plan 2013 Land Zoning Map* (Sheet LZN_002A) is to be amended in accordance with the proposed land zoning map provided within Part 4 – Mapping. This illustrates a MU1 Mixed Use zone over 45 McLaren Street.

10. PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

10.1. STRATEGIC & SITE-SPECIFIC MERIT ASSESSMENT CRITERIA

Part 3 of the Department's guide to preparing planning proposals states that:

“For a planning proposal to proceed through Gateway determination, the Minister (or delegate) must be satisfied that the proposal has strategic and site-specific merit and that identified potential impacts can be readily addressed during the subsequent LEP making stages.

The following illustrates the assessment criteria and how justification of strategic and site-specific merit in the planning proposal should be addressed.”

The Assessment Criteria, and the location of where those criteria are addressed in this amended Planning Proposal, is outlined in **Table 9** below.

Table 9: Guide for Preparing Planning Proposal Assessment Criteria

Assessment Criteria	Report Section Addressing Criteria
<i>a) Does the proposal have strategic merit? Will it:</i>	
<i>give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</i>	<p>Yes.</p> <p>Refer to response to Section B - Question 3. <i>Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?</i></p>
<i>Demonstrate consistency with the relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan; or</i>	<p>Yes.</p> <p>Refer to response to Section B - Question 4. <i>Is the planning proposal consistent with council LSPS that has been endorsed by the Planning secretary or GSC, or another endorsed local strategy or strategic plan?</i></p>
<p><i>Respond to a change in circumstances that has not been recognised by the existing planning framework.</i></p> <p><i>Factors that lead to responding to a change in circumstances may include, but not exclusively relate to:</i></p> <ul style="list-style-type: none"> <i>- Key infrastructure investment or opportunity to plan for future infrastructure unanticipated by the existing strategic planning framework</i> <i>- Response to key Government priorities – Premiers priorities, climate change, or a shift in government policy</i> 	<p>Yes.</p> <p>As discussed throughout this amended Planning Proposal, North Sydney is undergoing a period of urban transformation as a result of Australia's largest rail infrastructure investment and the State Government's initiative to boost housing supply and job growth around key transport nodes.</p> <p>The Sydney Metro project will deliver 66 kilometres of new metro rail linking Sydney's north western regions to the south west. Full services are due to commence in 2024, with a train every 4 minutes in peak periods.</p>

Assessment Criteria	Report Section Addressing Criteria
<ul style="list-style-type: none"> - <i>Changes to population and demographic trends</i> 	<p>The amended Planning Proposal responds to the construction of the Victoria Cross Metro Station Sydney, approximately 200 metres from the site. Infrastructure investment in increasing rail capacity is driving investment in North Sydney and surrounds. This is reflected in the recent amendments to the NSLEP 2013 for the commercial core in the CBD, the endorsed WSPMP, which provides an opportunity to expand the CBD north and the commissioning of further studies which recognise that increased density is required to boost employment and housing growth within walking distance of new rail infrastructure.</p>
<p><i>b) Does the proposal have site-specific merit, having regard to the following?</i></p>	
<p><i>The natural environment (including known significant environmental values, resources or hazards) and</i></p>	<p>Yes.</p> <p>Refer to response to Section B - <i>Question 7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?</i></p>
<p><i>The existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates; and</i></p>	<p>Yes.</p> <p>Refer to <i>Section 2 Site & Surrounding Context</i> and <i>Section 5 Local Strategic Planning Background</i>.</p>
<p><i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</i></p>	<p>Yes.</p> <p>Refer to response in Section C - <i>Question 10. Has the planning proposal adequately addressed any social and economic effects?</i></p>

10.2. MATTERS FOR CONSIDERATION

The following section provides justification for the planning proposal and responds to the matters for consideration, as outlined in Table 3 of the LEP Making Guidelines.

10.2.1. Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Proponent led amended Planning Proposal was initiated by the identification of the site as an opportunity site within the Stage 1 WSPMP in 2016. Uplift was identified for the site and built form testing was carried out as part of Option 1, within the Stage 2 WSPMP in 2019 (refer to **Section 5 Local Strategic Planning Background**).

Whilst Council resolved to endorse Option 2 and thus no uplift was afforded on the site, Council's resolution (24 June 2019), recommended that:

despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered from 45 McLaren Street and may identify how any future redevelopment will:

- i. Minimise solar reductions upon new public domain as identified in the Masterplan.*
- ii. Minimise solar and privacy impacts upon existing residential development.*
- iii. Provide for a commercial component to any redevelopment.*
- iv. Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.*

The Proponent is acting upon Council's resolution, which provides an opportunity and willingness to consider a site-specific Planning Proposal for this site.

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

Yes. This amended Planning Proposal is the best means of achieving the objectives and intended outcomes for the site as:

- The final WSPMP has been endorsed and it is unlikely that this would be amended to include development controls for the site. Council's resolution provides a clear framework. It must be noted that the intent of the WSPMP is to encourage *"individual stakeholders to pursue planning proposals that reflect the outcomes of the master plan."*¹ Regardless of the site's inclusion in the built form options for WSPMP, a site-specific Planning Proposal would still be required.
- Further, built form modelling undertaken by Bates Smart confirms that the proposed building envelope is appropriate and can comfortably fit within the wider Option 2 WSPMP, with limited overshadowing impacts in comparison to the built form modelling presented for the site, within Option 1.
- The extent in numeric variation from the current built form controls in comparison to the proposal would unlikely be supported through the use of *Clause 4.6 Exceptions to development standards*.
- In accordance with the NSLEP 2013, the proposed commercial, retail and gym are prohibited land uses within the R4 High Density Residential zone. A B4 Mixed Use (or future MU1 Mixed Use) zone was considered as these proposed uses, are permitted. However, whilst residential flat buildings are permitted with consent in the B4 Mixed Use (or future MU1 Mixed Use) zone, the NSLEP 2013 contains provisions that do not permit residential uses to be located at the ground floor, where it faces a street. Given the site's context and desire to address the nearby heritage items, it was felt a more appropriate approach was to have street level residential uses along Walker Street. Therefore, amendments to the LEP via Clauses 4.4A Non-residential Floor Space Ratios and 6.12A Residential flat buildings in Zone B4 Mixed Use (or future MU1 Mixed Use) will permit residential development along the Walker Street frontage, which is the best means to achieve the intended concept development outcome.

¹ Stage 2 Ward Street Precinct Masterplan 2019, pg 27

- The preparation of the site-specific planning proposal would not interfere nor compromise the extensive work undertaken by Council in relation to the Ward Street Precinct and the Civic Precinct Study.

Without an amendment to the statutory planning controls, the proposed reference scheme cannot be achieved, and the associated public and community benefits would be lost. The site is a logical and appropriate place to concentrate future growth, being strategically located 100m from the Victoria Cross Metro and within a precinct that is undergoing urban renewal. This amended Planning Proposal aligns with the strategic direction for this immediate locality.

10.2.2. Section B – Relationship to the strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited drafts plans or strategies)?

Yes. The amended Planning Proposal gives effect to the objectives and actions of the following regional, district and local planning strategies, thus demonstrating that the proposal has strategic merit:

- Greater Sydney Region Plan (see **Table 10**)
- North District Plan (see **Table 11**)

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

This section provides a summary of the *Greater Sydney Region Plan* (GSRP) and demonstrates how the amended Planning Proposal is consistent with the relevant objectives and actions therein.

The GSRP sets out policy directions to achieve the identified goals and principles, with each direction underpinned by a number of actions. **Table 10** below sets out some of the relevant directions and actions of the GSRP and explains how the amended Planning Proposal responds and aligns to these.

Table 10: Consistency with the Greater Sydney Region Plan

Greater Sydney Region Plan	Comment
Direction 1: A City supported by infrastructure	
<i>Objective 4: Infrastructure use is optimised</i>	<p>The proposed uplift will ensure the public transport infrastructure is optimised. The site is located approximately 100m from the Victoria Cross Station entrance. Once complete, Sydney Metro will provide a high frequency service connecting major employment hubs such as Macquarie Park, Chatswood and the North Sydney and Sydney CBDs.</p> <p>The proposal positively contributes to this objective by placing density in a highly convenient location that will encourage the use of existing and new transport infrastructure.</p> <p>The proposed mix of commercial, retail, recreational and residential land uses provides a diverse range of uses which will ensure the public transport is further optimised.</p> <p>Delivering density in the right location will help to drive better travel behaviour in future residents and workers, encouraging increased reliance on public transport.</p>
Direction 3: A city of people	
<i>Objective 7: Communities are healthy, resilient and socially connected</i>	<p>This amended Planning Proposal builds upon the strengths and characteristics of the community through public domain improvements and increased pedestrian connectivity to promote</p>

Greater Sydney Region Plan	Comment
	<p>walkability. Densification and dwelling diversity on the site coupled with a high quality streetscape interface and public domain improvements positively contributes to the social wellbeing of the existing and future residents.</p> <p>The applicant has actively engaged with stakeholders, community interest groups and local authorities to ensure that any future development delivers on the vision and needs of the community.</p>
Direction 4: Housing the city	
<p><i>Objective 10: Greater housing supply</i></p> <p><i>Objective 11: Housing is more diverse and affordable</i></p>	<p>The GSRP provides housing targets for 2016-2036 (Northern District), as per the following:</p> <ul style="list-style-type: none"> 0-5 year target (2016-2021): 25,950 additional homes; 20-year (2016-2036): 92,000 additional homes. <p>This amended Planning Proposal would directly contribute to the dwelling supply needed to meet the dwelling targets for the district.</p> <p>The reference scheme prepared by Bates Smart demonstrates that the redevelopment of the site could accommodate approximately 82 dwellings, providing greater housing diversity and choice for the LGA. This outcome would positively contribute to achieving the 6-10 year housing targets for the Council as part of the North District (stated to be a minimum of 3,000 dwellings).</p> <p>The concentration of residential density within the site will reduce the pressure on the commercial core and remove barriers to promote growth and allow efficient land use outcomes that will bring people closer to jobs and services.</p> <p>Increased housing supply in and around the commercial core will enable the retention of existing lower density residential areas further north of the CBD where land is constrained, preserving local character and creating housing diversity. The concentration of density within walking distance of public transport nodes is considered an appropriate location for additional housing.</p>
Direction 5: A city of great places	
<p><i>Objective 12: Great places that bring people together</i></p>	<p>This amended Planning Proposal is consistent with Council's vision to revitalise and rejuvenate the immediate area. The proposed LEP amendments and the reference scheme builds upon the work undertaken by Council and realises the development potential of the site to create a holistic outcome for the Ward Street Precinct.</p> <p>Specifically, the proposal includes significant public domain improvements including widening the through-site link</p>

Greater Sydney Region Plan	Comment
	<p>connecting Walker Street and Harnett Street, improving pedestrian walkability within Ward Street Plaza and to the Metro Station; active retail frontage to McLaren Street and Harnett Street; and landscaped terracing across the site.</p> <p>The reference scheme, submitted montages and landscape concept illustrates how the site could be opened up and better integrated into the streetscape with a sympathetic and thoughtful landscape and design response to Walker Street, which complements the heritage terraces to the south. The combination of these elements will enhance the public domain, creating places for people to gather and enjoy.</p>
Direction 6: A well-connected city	
<p><i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i></p> <p><i>Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive</i></p>	<p>North Sydney is defined in the GSRP as forming part of the 'Eastern Economic Corridor' and is identified as the district's largest office market. The site's location just outside of the commercial core represents an appropriate location for residential uplift which will provide housing in a location which is highly accessible to jobs and support the importance of the commercial core.</p> <p>Concentrating housing growth close to the commercial core supports the desired integrated land use and transport model and it also encourages walkable centres. For these reasons, this proposal supports this objective.</p>
Direction 7: Jobs and skills for the city	
<p><i>Objective 22: Investment and business activity in centres</i></p> <p><i>Objective 24: Economic sectors are targeted for success</i></p>	<p>This amended Planning Proposal seeks to provide employment floor space and increased housing in North Sydney CBD, a significant employment generating centre. The site capitalises on the State Government's investment in public transport and provides the community with better access to employment opportunities within the North Sydney CBD and elsewhere.</p> <p>The availability of public transport, coupled with the WSPMP vision for active retail and business uses, makes this an attractive walkable neighbourhood that will be a vibrant place to live; thus benefiting from the delivery of high density development.</p> <p>Strategic Centres, such as North Sydney, need a co-location of land uses. Including residential to ensure economic viability and liveability is maintained. This amended Planning Proposal delivers the residential accommodation that North Sydney CBD needs whilst provide for commercial, retail and recreational facilities at the podium level, which activities the site frontages.</p>
Direction 8: A city in its landscape	

Greater Sydney Region Plan	Comment
<i>Objective 31: Public open space is accessible, protected and enhanced</i>	<p>This amended Planning Proposal provides opportunity to positively contribute to the desired public domain upgrade works identified by Council, including:</p> <ul style="list-style-type: none"> ▪ Incorporate active uses along the building edges to Harnett Street, McLaren Street and Walker Street; ▪ Widen the through-site link connecting Harnett Street to Walker Street to improve legibility and safety of this existing pedestrian link into the future new civic plaza; ▪ Upgrade Harnett Street as a shared vehicle/pedestrian zone with improved public domain pavement, as part of the wider public domain improvements; ▪ Upgrade McLaren Street with pavement and furniture, in accordance with Council's public domain policy; ▪ New street trees to complement the existing street trees; and ▪ A green wall at the corner of McLaren Street and Walker Street.

North District Plan

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

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

A description of how this amended Planning Proposal directly aligns with the relevant priorities of the North District Plan priorities, is set out in **Table 11** below.

Table 11: Consistency with the North District Plan

North District Plan	Comment
<p>N1. <i>Planning for a city supported by infrastructure</i></p> <p>N12. <i>Delivering integrated land use and transport planning and a 30-minute city</i></p>	<p>The amended Planning Proposal leverages on the new Victoria Cross Metro Station. The site is ideally located, approximately 100m from the station. The future Metro Station will support the growth of North Sydney in order to deliver additional employment and residential capacity, providing housing in close proximity to services and jobs.</p>
<p>N4. <i>Fostering healthy, creative, culturally rich and socially connected communities</i></p> <p>N5. <i>Providing housing supply, choice and affordability, with access to jobs and services</i></p>	<p>The amended Planning Proposal will facilitate the delivery of employment floor space and new dwellings with excellent access to public transport and job markets.</p> <p>Excellent public transport access and proximity to Macquarie Park, Sydney CBD and North Sydney CBD makes the site a highly attractive location for residential uses. The current</p>

North District Plan	Comment
<i>N6. Creating and renewing great places and local centres and respecting the District's heritage</i>	<p>DPiE approach is seeking to balance residential intensification whilst maintaining a strong employment function. The site can play an important role in this regard and allows for housing adjacent to the North Sydney CBD.</p> <p>Further, the District Plan considers locational criteria for urban renewal opportunities such as that located around regional or strategic centres. The District Plan maintains a position that housing growth should not happen in an ad hoc manner, rather it should be restricted to areas that meet locational criteria for urban renewal.</p> <p>The site meets that locational criteria and the reference scheme contained in the Bates Smart Urban Design Report demonstrates the proposed fine grain urban form envisaged for the site.</p>
<i>N20. Delivering high quality open space</i>	<p>This amended Planning Proposal seeks to upgrade Harnett Street as a flush shared zone with improved public domain pavement to enhance pedestrian and cyclist amenity, with new street trees also proposed. This laneway and through-site link will also be activated, and connections to Ward Street Plaza, Victoria Cross Metro Station and to North Sydney Oval will be reinforced.</p> <p>Harnett Street will act as a critical 'entry foyer' to the Plaza in the Ward Street Precinct as well as the wider retail area along Miller Street.</p> <p>The proposal seeks to widen the through-site link connecting Walker and Harnett Streets, improving pedestrian linkages in and around the site.</p>

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. In addition to meeting Strategic Merit Criteria 1, this amended Planning Proposal meets Strategic Merit Criteria 2 in that it is consistent with the following local strategies, as addressed in Q4 below:

- Local Strategic Planning Statement (endorsed)
- Local Housing Strategy (approved by DPiE on 10 May 2021)
- North Sydney CBD Capacity and Land Use Strategy
- Community Strategic Plan 2018 – 2028
- Stage 2 Ward Street Masterplan
- Civic Precinct Study
- Stage 2 Public Domain Strategy for the CBD
- Traffic & Pedestrian Study

North Sydney Local Strategic Planning Statement (LSPS)

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

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

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

The vision for North Sydney states:

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

This amended Planning Proposal is consistent with local planning priorities outlined in the LSPS, as documented in **Table 12** below.

Table 12: Consistency with North Sydney LSPS

Planning Priorities	Consistency
Infrastructure & collaboration	
<i>I1 – Provide infrastructure and assets that support growth and change</i>	<p>As illustrated within the submitted Urban Design Report and the concept Landscape Plan, redevelopment of the site includes the upgrading and widening of the existing pedestrian through-site link connecting Walker Street and Harnett Street. Public domain improvement works are also proposed to Harnett Street, reflective of Council's public domain strategy which seeks to provide new active laneways and fine grain 'eat-streets.'</p> <p>The amended Planning Proposal is also accompanied by a draft VPA offer which, when executed, would contribute towards the necessary funding for Council to carry out public domain improvement works and local infrastructure works. The funding would provide a direct benefit to the North Sydney community.</p>
Liveability	
<i>L1 – Diverse housing options that meet the needs of the North Sydney Community.</i>	<p>The submitted reference design demonstrates that, subject to the proposed LEP amendment, future redevelopment of the site can accommodate approximately 82 dwellings, increasing housing choice and diversity. This represents a net increase of 64 dwellings from the existing apartment building on-site. The reference scheme includes a mix of 1, 2 & 3 bedroom unit typologies, which will capitalise on the site's location within the North Sydney CBD and within 100m of the Victoria Cross Metro Station.</p>

Planning Priorities	Consistency
<i>L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.</i>	As stated above, the amended Planning Proposal is accompanied by a draft VPA offer which includes a variety of monetary and non-monetary contributions. The monetary contribution will help fund the necessary and required social and local infrastructure. The proposal includes the provision for improved pedestrian connectivity and public domain upgrades, consistent with Council's Public Domain Strategy.
<i>L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage</i>	<p>The site interfaces with heritage items to the east, south and west.</p> <p>The reference scheme has been designed to complement the immediate local character through the establishment of a 1-3 storey podium level along the Walker Street frontage. As illustrated in the Urban Design Report, the height, scale and modulation of the podium has been sculpted to provide a modern interpretation of the immediate heritage context. This includes 1-2 storey terraces that are in-keeping with the heritage building (scale and form) datum fronting Walker Street, and a subdivision pattern that is consistent with the terraces to the south.</p>
Productivity	
<i>P6 – Support walkable centres and a connected, vibrant and sustainable North Sydney</i>	The future redevelopment of the Precinct encourages active walking and cycling and capitalises on the State Government's investment into the metro line.

Local Housing Strategy

North Sydney Council have prepared a Local Housing Strategy (LHS), which was formally approved by DPIE on 10 May 2021. The approval is subject to the following relevant requirements:

1. Council is to prepare an Affordable Housing Contribution Scheme that commits Council to examining the feasibility of levying affordable housing contributions for any new planning proposal resulting in uplift or increased land value.
2. Council's LSPS, stating "Council will only support Planning Proposals that are consistent with Council's endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community" is to prevail and replace Objective 6 of Council's LHS, which is to "Manage residential development growth to ensure that ad hoc Planning Proposals are rejected if not in line with Council's strategic framework to manage growth".
3. Notwithstanding requirement 2, the strategic direction endorsed in the St Leonards/Crows Nest 2036 Plan prevails over the LHS in the event of any inconsistency.
4. Forecasting indicates that Council is on track to meet the GSC target of 3,000 to 3,500 dwellings in the 2021-2026 period. Council is to therefore adopt a minimum housing target of 3,000 dwellings for this period to ensure that regional strategic planning can be appropriately managed.

Review of existing planning controls is mandated by the requirement to deliver housing in accordance with the targets set by the North District Plan. However, the LHS states that there is sufficient capacity within the existing planning controls, within existing planning proposals, within precinct studies undertaken by Council

and within the St Leonards/Crows Nest Precinct to enable the delivery of the 13,250 additional dwellings required to house the population, up to 2036.

Council's current policy position is not to amend the existing planning controls to provide for greater capacity, but rather, prepare master plans and studies for specific precincts which encourage individual landowners to lodge Planning Proposals to bring to fruition.

This amended Planning Proposal has been initiated by the Council resolution of the WSPMP, which provided a framework for the Proponent to lodge a Planning Proposal. The site's potential for increased residential density is acknowledged with Option 1 of the Stage 2 WSPMP, which identified the potential for 15,360m² of residential GFA.

The reference design demonstrates that the site's redevelopment has the potential to deliver 82 dwellings (being a net increase 64 new dwellings), in line with the 6-10-year housing targets required under the North District Plan. This represents a modest net dwelling increase and not one that would alter Council's current ongoing strategic planning goals.

North Sydney CBD Capacity and Land Use Strategy

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

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

The site is currently zoned R4 High Density Residential and is located outside the identified North Sydney Centre boundary and therefore is generally exempt from the study area.

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

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

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

Community Strategic Plan 2018-2028

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

The key directions of the strategic plan and how this amended Planning Proposal achieves these directives, is outlined in **Table 13** below:

Table 13: Achieving the outcomes of the Strategic Plan

Outcome	Strategies	Amended Planning Proposal
Direction 1: - Our Living Environment		
1.3 Quality urban greenspaces	1.3.1 Expand urban tree canopy cover 1.2.2 Encourage community gardening	<p>The reference scheme features an insulated green roof, reducing heat gain, thermal mass and the urban heat island effect.</p> <p>The proposal also consists of a series of rooftop landscaped terraces that cater for communal uses on level 10.</p> <p>Street tree planting and public domain works are also proposed along Harnett Street, McLaren Street and Walker Street.</p>
1.4 Public open space, recreation facilities and services that meet community needs	1.4.1 Maximise use of existing, and protect, enhance and expand public open space	<p>The Proposal will provide for public domain improvements, improved pedestrian connectivity and a gym, which will meet the recreational needs of the community and the increase demand projected by the increased employment floor space within the CBD and Ward Street Precinct.</p>
Direction 2: Our Built Infrastructure		
2.1 Infrastructure, assets and facilities that meet community needs	2.1.1 Expand and adapt existing infrastructure to meet future needs	<p>The amended Planning Proposal is accompanied by a draft VPA offer which includes a monetary contribution per additional dwelling, with the intent that this will provide needed funding for local and social infrastructure for the North Sydney community.</p>
2.2 Vibrant centres, public domain, villages and streetscapes	2.2.1 Enhance public domains and village streetscapes through planning and activation	<p>Any future DA over the site would include public domain improvements, including expansion and activation of the through-site link connecting Walker and Harnett Streets, providing landscaped terraces at each stepped level of the building, and incorporating active frontages along McLaren Street and Harnett Street.</p> <p>Harnett Street will be upgraded as a flush shared zone with improved public domain pavement to enhance pedestrian and cyclist amenity, with new street trees also proposed. Connections to Ward Street Plaza, Victoria Cross Metro Station and</p>

Outcome	Strategies	Amended Planning Proposal
		<p>to North Sydney Oval will also be reinforced.</p> <p>Harnett Street will act as a critical 'entry foyer' to the Plaza in the WSP as well as the wider retail area along Miller Street.</p>
2.3 Sustainable transport is encouraged	2.3.2 Ensure continual improvement and integration of major transport infrastructure through long term planning.	Increased density around public transport nodes results in increased patronage and reduces the reliance on private vehicular movement.
2.4 Improved traffic and parking management	2.4.3 Provide integrated and efficient on-street and off-street parking options in residential and commercial areas.	As illustrated within the reference scheme, future development would incorporate basement parking, with access provided off Walker Street.
Direction 3: Our Future Planning		
3.1 Prosperous and vibrant economy	3.1.4 Promote and enhance the night time/after hours and weekend offer	The increased residential population supports an 18-hour economy and contributes to the vitality and viability of local centres. The proposed commercial, retail and recreational land uses at the podium level would also activate this corner of the Ward Street Precinct and contribute towards the night time and weekend offering.
3.4 North Sydney is distinctive with a sense of place and quality design	<p>3.4.2 Strengthen community participation in land use planning</p> <p>3.4.4. Improve the urban design, amenity and quality of North Sydney's public domain</p> <p>3.4.5 Use a place-based planning approach to achieve design excellence and management</p>	<p>This amended Planning Proposal and the supporting reference scheme has been prepared and refined through the feedback received during the community consultation undertaken by the Proponent, in addition to the advice and guidance provided by Councillors within their resolution of the Stage 2 WSPMP and council officers as part of the Pre-Planning Proposal meeting.</p> <p>The submitted Urban Design Report demonstrates an exemplar urban design outcome that balances the site's constraints and characteristics whilst respecting the land use context in which the site is located.</p>

Stage 2 Ward Street Precinct Masterplan

The Stage 1 WSPMP marked the site as an 'opportunity site.' Opportunity sites are those which are underdeveloped and can accommodate greater heights and densities.

Council, as part of the Stage 2 WSPMP, undertook a series of built form testing and analysis. This included heights of up to 25 storeys and an FSR of 9:1.

Section 5.2.1 of this document provides an overview of how the amended Planning Proposal is consistent with the objects and intent of the WSPMP, as envisaged by Council. Importantly, this amended Planning Proposal demonstrates that the proposed built form outcome is suitable for the site, whilst addressing Council's concerns in relation to amenity and overshadowing of public spaces.

Civic Precinct Planning Study

Whilst the site is not located within the Civic Precinct Study, the land to the north and east is encompassed within this area.

As discussed in **Section 5.2.1**, the amended Planning Proposal has taken cues from the desired future character of the immediate locality, as sought by the Study.

In particular, the amended Planning Proposal and submitted reference scheme provides for a streetscape interface that relates to the evolving character of the McLaren and Walker Street intersection. This includes:

- The podium and height datum
- The active frontages along McLaren Street
- The existing heritage character to the south and to the east
- The transition in building heights
- Protection of residential amenity
- Protection of solar access to existing and planned open space

Bates Smart have thoroughly investigated the accumulated environmental impacts associated with the site's redevelopment and has tested building envelopes to achieve an outcome that responds to the existing and desired future context of this immediate precinct and its surrounds.

North Sydney Public Domain Strategy 2020

The North Sydney CBD Public Domain Strategy has been prepared to align public and private investment in the CBD. *The Public Domain Strategy sets up the vision and frame to deliver the public domain that goes alongside, and complements, the new transport infrastructure....and caters for expected growth².*

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

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

The site is located within the Ward Street Precinct. As part of the precinct revitalisation, the public domain offering includes over 3,000m² of new public open space.

This amended Planning Proposal aligns with the key public domain goals for the precinct, including the provision of new seats and street trees, active frontages and retail edges, pedestrian priority areas and comfortable meeting places.

Traffic and Pedestrian Study

The North Sydney Traffic and Pedestrian Study highlights that:

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

² North Sydney Council, *North Sydney Public Domain Strategy*, pg 3.

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

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes. The amended Planning Proposal gives effect to the objectives and actions of the following State strategies, thus demonstrating that the proposal has strategic merit:

- Future Transport Strategy 2056
- NSW State Infrastructure Strategy 2018-2038

Future Transport Strategy 2056

The *Future Transport Strategy 2056* (2018) (**the Strategy**) sets six state-wide outcomes to guide investment, policy and reform. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

The Strategy outlines the vision for the Greater Sydney mass transit network, detailing North Sydney as a 'strategic centre' linked directly to the 'Harbour City' (the Sydney CBD).

The site is well placed to gain from the future metro station, which will see high frequency metro transport moving more people, more quickly. Any future redevelopment of this key site has the potential to contribute to and enhance walking and cycling connections within the immediate precinct, and around the metro station.

NSW State Infrastructure Strategy 2018-2038

Infrastructure NSW published the Building Momentum State Infrastructure Strategy 2018-2038 (**SIS**). It is a 20-year infrastructure investment plan that sets out the infrastructure needs and priorities up to 2038.

It establishes six strategic directions which inform the recommendations contained within the SIS, including '*Integrating land use and infrastructure planning*'.

The Planning Proposal and supporting reference scheme have been prepared to take advantage of the existing infrastructure, being centrally located within an established commercial and mixed use area.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified in **Table 14**.

Table 14: Relevant SEPPs applicable to the amended Planning Proposal

Policy	Details
SEPP (Transport and Infrastructure) 2021	<p>Chapter 2 of the Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by, inter alia, identifying matters to be considered in the assessment of development adjacent to particular types of development.</p> <p>The proposed development is not identified as traffic generating development in accordance with Schedule 3 of the SEPP.</p> <p>Notwithstanding, the Traffic Impact Assessment undertaken by TRAFFIX (Appendix F) concludes that the road network is capable of supporting the level of traffic generated by the proposed density, with minimal impact to the road network. This is based upon the assumption that 20% of residents will travel by car, with 80% of residents using alternative modes. This is</p>

Policy	Details
	consistent with the EIS for the Victoria Cross Metro, which states that 70% of trips within North Sydney are undertaken by non-car related modes of transport.
SEPP (Buildings Sustainability Index: BASIX) 2004	<p>The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>The Planning Proposal does not relate to building sustainability. The reference scheme has been designed and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.</p>
SEPP 65 Design Quality of Residential Flat Buildings	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments. The development concept has been designed to facilitate future detailed building design in accordance with SEPP 65 and the accompanying Apartment Design Guide (ADG). Based on the indicative apartment layout, the following is noted:</p> <ul style="list-style-type: none"> ▪ The building envelope will facilitate approximately 82 apartments, comprising a mix of 1,2 and 3 bedrooms. ▪ The reference scheme prepared by Bates Smart demonstrates that the proposed building envelope generally achieves compliance with the ADG criteria relating to design and configuration. This includes separation distances, overshadowing, communal open space, deep soil planting, pedestrian and vehicular access and parking. ▪ Whilst assessment under Part 4 of the ADG is more relevant at the DA stage, the reference scheme includes indicative floor plans that confirm compliance with ADG can be achieved with regard to ventilation, apartment size and layout, private open space, ceiling height and storage. It is acknowledged that the indicative reference scheme achieves solar access to 61% of apartments however further detailed design and analysis will be carried out at the later DA stage.

While not a State Environmental Planning Policy, we have considered; *Development Near Rail Corridors and Busy Roads – Interim Guideline*. The provisions of the interim guideline will be considered in the assessment of the potential future acoustic impacts associated with the Warringah Highway. Suitable mitigation and management measures will be provided so that a satisfactory level of residential amenity can be achieved.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Yes. The amended Planning Proposal has been assessed against the applicable s.9.1 Ministerial Directions and is consistent with each of the relevant matters, as outlined in **Table 15**.

Table 15: Consistency of the amended Planning Proposal with the applicable s9.1 Ministerial Directions

Direction	Comment
1 Planning Systems	
1.1 Implementation of Regional Plans	The amended Planning Proposal is consistent with this Direction, as discussed within Question 3, Table 10.
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval & Referral Requirements	This is an administrative requirement for the PPA
1.4 Site Specific Provisions	<p>The amended Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the NSLEP 2013.</p> <p>The intended development outcome seeks to retain the existing residential land uses which front Walker Street at ground level. As the site is currently zoned R4 High Density, ground floor residential accommodation is permitted. However, both clauses 4.4A and 6.12A to NSLEP 2013 prohibits residential accommodation within the B4 Mixed Use zone, where it has street frontage and located at the ground level.</p> <p>The proposed amendments to Clause 4.4A and 6.12A seeks to resolve this issue, enabling the ground floor residential accommodation to be retained.</p> <p>Despite residential flat buildings being expressly permitted within the land use table for the B4 Mixed Use zone, an inclusion of a local clause within Schedule 1 Additionally Permitted Land Use would not overcome the restrictions under clauses 4.4A and 6.12A.</p>
1.5 Parramatta Road Corridor Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable

Direction	Comment
1.10 Implementation of Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16 North West Rail Link Corridor Strategy	Not applicable
2 Design and Place	
3 Biodiversity and Conservation	
3.1 Conservation Zones	The site is not within an environmentally sensitive area.
3.2 Heritage Conservation	<p>The site has no identified or known items of European or Aboriginal significance, as such this provision is not applicable.</p> <p>The amended Planning Proposal and reference schemes have been informed by specialist heritage advice to respect and mitigate any adverse impacts on the heritage items to the west, south, east and north-east.</p> <p>A Heritage Impact Statement has been prepared and is contained within Appendix H which confirms that the proposal is sympathetic to the heritage curtilage and has been designed to mitigate adverse impacts on the surrounding heritage items.</p>
3.3 Sydney Drinking Water Catchment	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
4 Resilience and Hazards	
4.1 Flooding	Not applicable
4.2 Coastal Management	Not applicable

Direction	Comment
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	<p>El Australia have prepared a preliminary site investigation assessment involving site visit, review of site information and historical records (Appendix J). Council records have not identified that a site audit statement has been received with respect to the site, and thus is not declared to be significantly contaminated land, nor subject to management or ongoing maintenance orders nor subject of an approved voluntary management proposal.</p> <p>Based upon the preliminary assessment and visual evidence, there was no evidence of gross contamination or suspicious odours. The potential for ASS is extremely low and the overall potential for contamination was low.</p> <p>The assessment concludes that, the site is not likely to be contaminated and providing appropriate disposal of demolition materials, is suitable for the proposed land uses.</p> <p>The site is currently utilised and zoned for residential purposes and this amended Planning Proposal seeks to maintain residential use of the land. The proposal is consistent with this direction.</p>
4.5 Acid Sulfate Soils	The site is not affected by acid sulfate soils.
4.6 Mine Subsidence & Unstable Land	Not applicable
5 Transport and Infrastructure	

Direction	Comment
<p>5.1 Integrating Land Use & Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight</p>	<p>The proposal is consistent with the direction for the following reasons:</p> <p>The proposal supports the principle of integrating land use and transport.</p> <p>The site is located 100m south-east of the Victoria Cross Metro Station and 700m north of the North Sydney Train Station. The Precinct is extremely well located to make use of existing services and employment opportunities and will complement and support these existing uses. The increased density supports the patronage of the metro station and accords with the key direction from the state government, which seeks to co-locate increased densities within the walking catchment of public transport nodes.</p> <p>The proximity to public transport will provide for increased opportunities to live, work and play within the LGA through the provision of residential accommodation adjacent to key employment nodes and therefore facilitating a walkable neighbourhood</p> <p>The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency. This is confirmed within the accompanying Traffic Impact Assessment, which confirms that the development is estimated to generate a net increase of 11 vehicle trips during the AM peak hour and 8 vehicle trips in the PM peak periods.</p>
5.2 Reserving Land for Public Purposes	The proposal does not seek to create, alter or reduce any existing zonings or reservations for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	Despite not being located in close proximity to Sydney Airport, almost the entire LGA is affected by an Obstacle Limitation Surface (OLS) of 156m AHD, as with the surrounding sites. The amended Planning Proposal does not seek to increase the maximum height permitted on the subject site above the OLS. The amended Planning Proposal seeks to introduce a split maximum height limit of RL103 and RL115. This remains well below the OSL and allows for ample room to accommodate a crane for any future construction of a building. Any future development would not constitute a controlled activity as defined in section 182 of the Airports Act 1996.
5.4 Shooting Ranges	Not applicable
6 Housing	

Direction	Comment
<p>6.1 Residential Zones</p> <p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p>	<p>The proposal will seek to broaden the range of housing provided in the LGA through accommodation of a high-density residential development offering a range of dwelling typologies, including a component of affordable rental accommodation.</p> <p>The amended Planning Proposal makes efficient use of existing and planned services and infrastructure and has the potential to accelerate housing supply surrounding the North Sydney CBD and assist in the achievement of infill housing targets. The proposed density will also assist in alleviating the pressure associated with the current housing shortage, will provide additional affordable rental accommodation in a highly sought after location and provides for significant residential opportunity within a centre that has limited future potential to supply growing demand.</p> <p>In this regard, the site is identified as one of a few large sites within walking distance to existing and planned transportation nodes, that is unconstrained by heritage affectations or extensive strata titling. The strategic placement of the site and relatively unconstrained nature demonstrates that it is ideal for redevelopment.</p> <p>Residential accommodation in this location will have minimal impact on the natural environment or resource lands as the site and surrounding sites are already developed for urban purposes.</p>
6.2 Caravan Parks & Manufactured Home Estates	Not applicable
7 Industry and Employment	
<p>7.1 Business & Industrial Zones</p> <p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified centres.</p>	<p>The amended Planning Proposal seeks to rezone the site B4 mixed use zone.</p> <p>The proposal is consistent with this Direction as follows:</p> <p>The amended Planning Proposal facilitates the provision of both increased residential densities and new commercial floorspace to support the viability of the centre and encouraging employment growth in the area.</p>
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

Direction	Comment
8 Resources and Energy	
8.1 Mining, Petroleum Production & Extractive Industries	Not applicable
9 Primary Production	
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

10.2.3. Section C – Environmental, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected because of the proposal?

No. The site is fully developed for urban purposes and comprises little vegetation. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts will be minimal.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

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

The likely environmental effects relate to built form and context, overshadowing, residential amenity, access and traffic, view sharing and public domain.

Environmental considerations:

Building height and transition

The skyline of North Sydney is already undergoing a transformation with a number of tall buildings recently approved or under construction. Surrounding sites will continue to undergo transformation over the coming years and the skyline will continue to evolve, as per council's strategic planning directive.

The proposed height is consistent with the emerging context, with the stepped building form sitting comfortably on this triple frontage site, providing a transition from the 8 storey contemporary residential flat building to the south and the 28 storey (RL168) Aqualand tower under construction to the north. The proposed heights of 10-14 storeys is of an appropriate and modest scale along this portion of Walker Street.

In this regard, the building height provides for a transition from north to south and west to east, being a scale that defines this corner at the transition zone of the CBD, Ward Street Precinct and the Civic Precincts. The overall height, bulk and scale including the varied setbacks responds contextually to the emerging character whilst being sympathetic to the southern heritage terraces and those low scale heritage properties on the eastern side of Walker Street.

Figure 30: Building height and transition



Picture 14 Existing streetscape

Source: Bates Smart



Picture 15 Future streetscape, demonstrating the transition in building heights

Podium resolution

This section of Walker Street and McLaren Street includes a varied streetscape with inconsistent tower setbacks.

A range of design measures have been installed in response to the site's existing contextual relationship and the desired future character of the streetscape, as envisaged by the Civic Precinct Study. This includes:

- A low-scale retail and residential podium that responds to the site's topography and aligns with the existing built form, including a nil setback to McLaren Street and 5.5m setback to Walker Street, which aligns with 150 Walker Street
- A 1-3 storey street wall height to Walker Street that responds to the heritage datum to the south and is consistent with the street wall height envisaged for the properties to the north and east (as per Civic Study)
- Modulation of the proposed residential terraces fronting Walker Street, which mimics the subdivision pattern and vertical proportions of the heritage terraces to the south; and
- Residential terraces along Walker Street with outdoor balconies and direct street access, as a modern interpretation of the heritage context.

The combination of these elements is considered to result in a thoughtful urban design outcome. It bridges the gap between the commercial buildings and residential neighbourhoods, through a considered blend of boutique residents and active retail spaces. The skewed setback of the tower form ties together the existing and desired future character of this portion of Walker Street.

Figure 31: Tower setback to align with the existing and approved built form

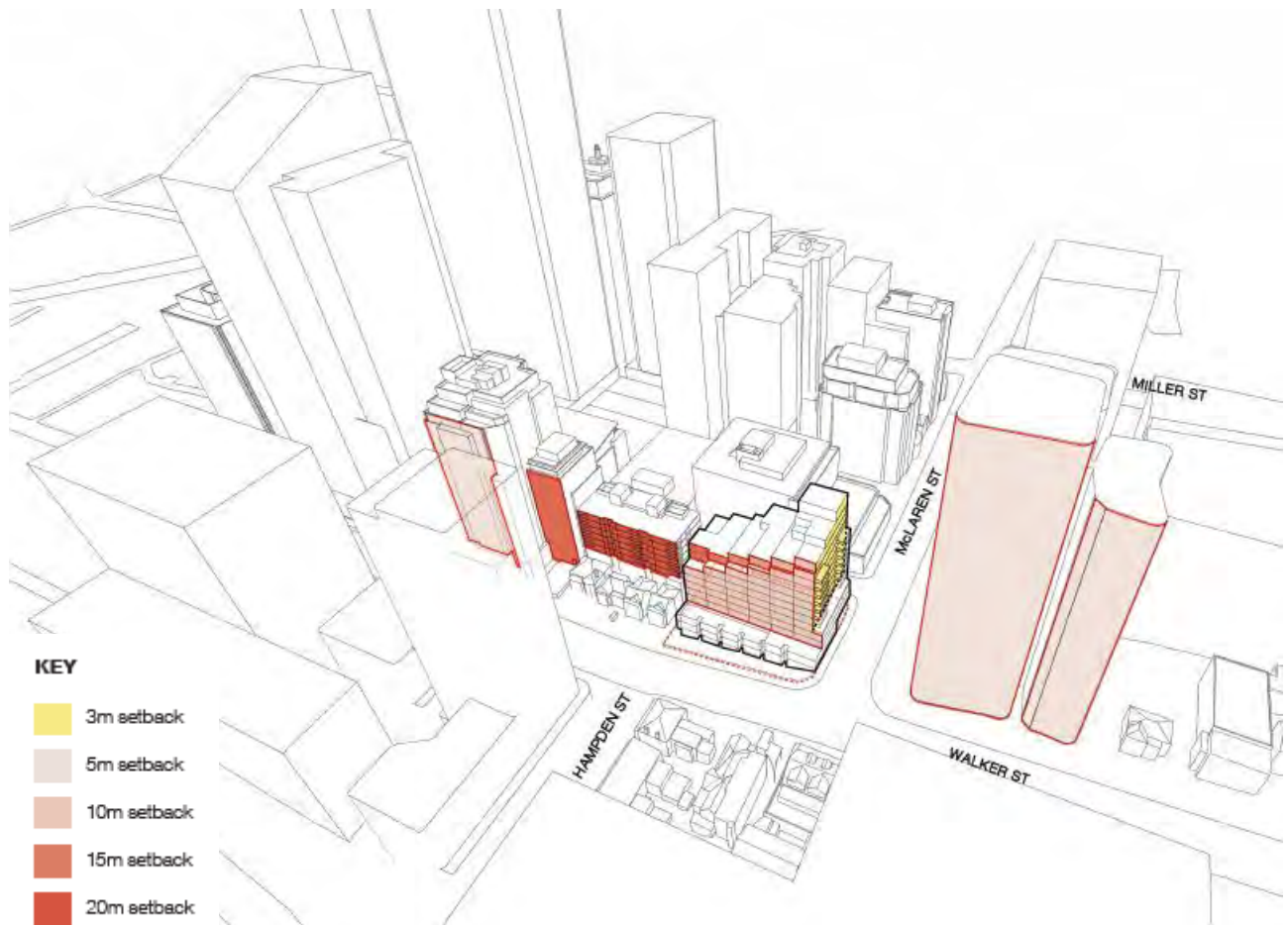


Figure 32: Modulation of the residential terraces along Walker Street



Source: Bates Smart

Figure 33: Aerial view of the podium and tower alignment and modulation of the built residential terraces



Source: Bates Smart

Public Domain and Landscape outcome

A Landscape Concept Plan has been prepared by Arcadia and is submitted at **Appendix I**. The report outlines the landscape vision for future public domain improvements and landscaping of the site, which is underpinned by four main principles:

1. *Strong Civic Connections* – to ensure the site has safe and legible connections
2. *Performative Landscape* – to ensure the landscape design is sustainable and contributes to environmental outcomes
3. *Green Inside, Green Outside* – to ensure both residents and the public benefit
4. *People-Centric Design* – to ensure that the needs of all user groups are respected

Public Domain

Council's Public Domain Strategy 2020 seeks to provide for a variety of high quality civic and public spaces, befitting a globally-orientated CBD.

The proposed public domain outcome delivers on Council's vision for the Ward Street Precinct through the following initiatives:

- Upgrade public domain pavement and furniture to McLaren Street and Walker Street
- Upgrade Harnett Street into a flush shared zone with new street trees, providing improved pedestrian and cyclist amenity
- Expand the existing east-west through site link to 3m (double the existing width), enhancing pedestrianisation around the site and promoting activation of the Ward Street Plaza
- Retain existing mature trees and plant new street trees to complement existing.

Figure 34: Public domain master plan



Source: Arcadia

Site Landscaping

In keeping with the leafy character of this immediate locality, the intent is for the site to be heavily landscaped with:

- deep podium planter with cascading plants along the perimeter
- a green roof and rooftop gardens with raised planter beds for small trees
- green walls at key building corner locations, creating habitats for native birds and breaking up the blank canvas

Figure 35: Walker Street elevation



Source: Arcadia

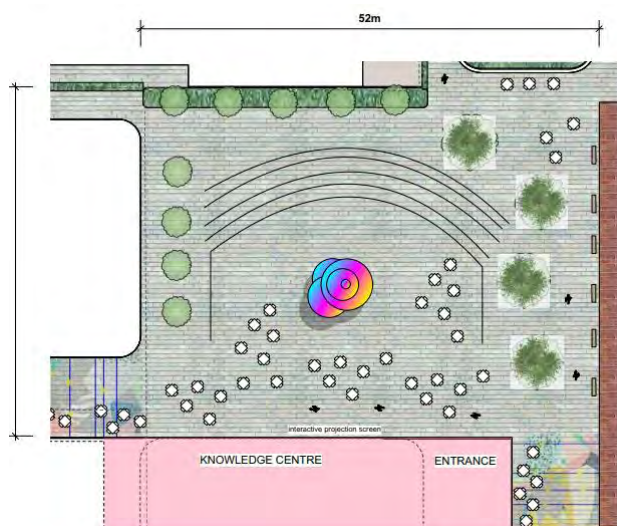
Overshadowing to the Plaza

The site is located to the north-east of the planned Ward Street Plaza, which is centrally located within the Ward Street Precinct, with direct access off Harnett Street.

Council's vision for Plaza includes two components as follows (**Figure 36**):

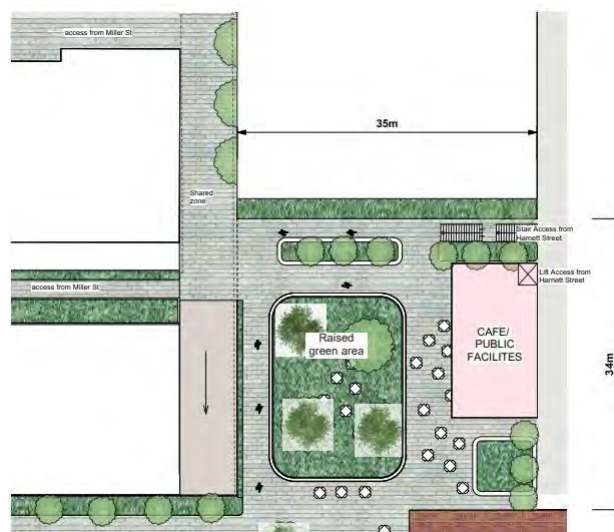
1. **The Central Square:** This southern square comprises an area of 2,080m² and is intended to be highly adaptable, forming a breakout space for community events being held in the Knowledge Hub. The square will be designed to provide for flexibility to maximise engagement. This area is located to take advantage of year round solar access.
2. **The Green Square:** This northern square comprises an area of 1,155m² and is envisaged to be transformed into an urban green 'pocket park' with landscape, a café and public facilities. This area is intended to accommodate for low-intensity open space activities with large shade trees.

Figure 36: Council's vision for the Plaza



Picture 16: Central Square

Source: Endorsed WSPMP



Picture 17: Green Square (north of central square)

The amended Planning Proposal and associated height and built form has been designed with due regard to the future public open space areas and their intended use and function. Council's resolution stated that any future development on the site is to minimise solar reduction to the new public domain.

The overshadowing diagrams provided within the urban design report, clearly demonstrate that the proposed heights and building envelope have minimal overshadowing impacts to the planned public domain areas.


This is further discussed in the below table. Importantly, the future Plaza has not yet been identified as a 'special area' for the purpose of solar protection in whole or part. Whilst the site is not located within the North Sydney Centre and therefore is not subject to the LEP solar protection controls, the overshadowing diagrams demonstrate that the proposed building envelope does not result in any overshadowing between the prescribed 12pm – 2pm period. Therefore, any future development on the site is capable of complying with clause 6.3(2)(a) of the NSLEP 2013, which promotes height and massing that have no adverse impacts on land identified as 'Special Area.' In interpreting this clause, it is assumed that a degree of overshadowing is acceptable, providing it is not within the prescribed hours of 12pm-2pm.


As discussed in *Section 3.2.1 Overshadowing to Ward Street Plaza*, the reference scheme and the proposed LEP and DCP building height controls have been established to ensure that there is no nett additional overshadowing on the southern Central Square from 9am, year round.

Minor overshadowing will occur within the northern Green Square, from 9am – 10.08am, during the winter solstice only.

The Planning Proposal has been amended to reflect the lengthy and ongoing negotiations with Council regarding protection of solar access to the public domain. The no additional overshadowing to the southern Central Square and the minimal overshadowing to northern Green Square is consistent with the advice and recommendations of Council.

Table 16: Overshadowing analysis

Overshadowing to Central Plaza	Analysis
Winter solstice – 21 June – Worst case scenario	
 <p>9am</p>	<p>At 9am, the proposed building envelope will result in additional overshadowing of 180m² to the northern Green Square.</p>
 <p>9:30am</p>	<p>By 9:30am, there will be approximately 148m² of additional overshadowing on the Green Square. It is noted that the concept design does include a café / amenities building in this location. Subject to final design of the northern Green Square, this degree of shadow may be proportionally reduced by the final design outcome for the public domain.</p>

Overshadowing to Central Plaza	Analysis
 <p>10am</p>	<p>By 10am, there will be approximately 20m² of additional overshadowing to the northern Green Square. This is a very minor degree of overshadowing and by 10:08am, the extent of shadow will have passed.</p> <p>The concept design for the northern Green Square includes an indicate location for an amenities building in this location. Therefore, depending on the final concept, the extent of overshadowing may not fall within any areas of usable public open space.</p>

Source: Bates Smart

The above overshadowing excerpts demonstrate that the proposed building envelope results in minimal overshadowing to the future Plaza, with the greatest level of impact occurring between 9am – 9:30am to the northern portion only. By 10:08am on June 21st, the proposed building envelope would result in no nett increase in overshadowing on any part of the future Plaza. It is considered that the proposed overshadowing is minor and reasonable when offset against the community and economic benefits associated with the site's redevelopment. It is argued that the overshadowing is in a location and at a time when users of the site are unlikely to congregate in that area for enjoyment of solar access and therefore, it is unlikely that the development would result in a loss of amenity for users of the public domain space.

The overshadowing diagrams further confirm that when users are most likely to enjoy the space (between 12pm-2pm), the development will not result in any overshadowing. Further, during the spring equinox (22 September), future development will not result in any additional overshadowing between 9am – 3pm. This is considered to be an exceptional outcome and further demonstrates the site-specific merit of the amended Planning Proposal.

Residential amenity

Internal amenity

An indicative reference scheme has been developed to test the performance of the residential dwellings on the site with regard to the requirements of SEPP 65 and the Apartment Design Guide (ADG).

The reference design, prepared by Bates Smart (**Appendix A**) confirms that a residential development of this density could achieve an acceptable level of internal and external amenity for future residents. Based on the indicative apartment layout, the following is noted:

- The residential component consists of 82 apartments suited to a variety of lifestyles. An indicative dwelling mix of 1, 2 and 3 bedroom apartments is provided, each with high quality private open space areas;
- The residential floors have minimum floor to ceiling heights of 2.7m;
- Rooftop communal open space is provided at level 10;
- A minimum of 2 hours solar access is achieved to 61% of the apartments (this would be further refined and tested at the DA stage to achieve closer to 70%);
- 60% of apartments would be naturally cross ventilated

Privacy

The site has a triple frontage and is separated from the western commercial building by Harnett Street, the northern residential tower by McLaren Street and the eastern residential dwellings by Walker Street. The proposed southern setback and through site link also provides appropriate separation distances to 150 Walker Street and the heritage terraces, not too dissimilar to that which currently exists.

As illustrated on the submitted reference scheme, the majority of the apartments have an easterly aspect. The combination of the Walker Street road corridor, the 5.5m ground floor setback and the upper level stepped podium setback, provides for substantial separation distances to those residents. The dual east-west orientation of the southern apartments ensures that privacy measures can be installed within the lower levels to limit any direct overlooking.

The Aqualand tower to the north of the site is suitable setback from McLaren Street to ensure that adequate separation distances between the two residential towers can be achieved.

Detailed floor planning and site layout would occur at the DA stage, however given the site's unique corner location, it is considered that privacy impacts can be mitigated.

Overshadowing

It is widely accepted that in a dense urban environment, there is an inevitable degree of overshadowing, especially when redevelopment occurs. The degree of overshadowing however, needs to be assessed to ensure that it is of acceptable level and that it does not unacceptably deteriorate the amenity of the site and its surrounds.

One of the fundamental urban design principles guiding the proposed development outcome, is retention of solar access to the residential apartments at 150 & 168 Walker Street. As demonstrated in the urban design report, a minor degree of overshadowing will occur between 9am – 11am on July 21st. However, the stepping of the built form and upper level modulation ensures that an acceptable degree of solar access is retained to those residences and that any future building form does not result in an unacceptable loss of amenity.

Detailed shadow diagrams would be undertaken at the DA stage.

View Sharing

A View Sharing Report dated November 2021 and an addendum to that report, dated July 2022 has been prepared by Urbis and is submitted at **Appendix G**.

The report assesses both the visual effects of the indicative reference scheme and the potential visual impacts on views within the private domain. To limit the extent of view impact and promote view sharing, the LEP height and FSR controls and the associated reference design have been prepared with the guidance and input from a specialist view impact consultant. The urban design principles that underpin the reference schemes are based on the principles of view sharing.

Urbis undertook fieldwork and documented views from the surrounding site and properties in July 2020.

Observations from the site investigation note that there is limited visual catchment to the north, west and south and that there are no public domain views available across the site towards the Sydney CBD and Harbour. Potential views towards Kirribilli would not be affected by the proposed additional height on the site, as there is no access to scenic views or vistas along Walker Street, towards the southern part of the North Sydney CBD. The assessment notes that the *“built form proposed is not dissimilar in character, height and form to other existing towers and approved development within the immediate visual context³.”*

To understand potential impacts, private domain views from 168 Walker Street, 39 and 41 McLaren Street, , 225, 229, 231 and 237 Miller Street were analysed.

It was determined that potential view loss may occur in relation to those apartments that are located at the upper levels to the west and directly align with the site, for instance 39 McLaren Street and the Harvard Apartments at 237 Miller Street. View access from properties further west would likely be blocked by 39 McLaren Street. However, the proposed height is of a modest scale and it has been determined that the height and scale is *“unlikely to create any significant view loss or blocking effects.⁴”*

In relation to the properties at 229 Miller Street and 37-39 McLaren Street, Urbis have used CGI's along with LiDar point cloud data to determine RL's to model any potential view loss. Urbis have also obtained typical floor plans for those units, sourced from real estate sites. The location of viewpoints chosen are documented in Table 2 of the addendum view sharing report. Figures 11-15 of that report, provide CGI imagery of the views from those apartments, with the proposed built form modelled in the foreground.

³ Urbis, *Visual Assessment Report*, pg 4

⁴ Urbis, *Visual Assessment Report*, pg 11

The CGI's confirm that view loss from these buildings *"would be negligible, given the wide extent of the view available, its predominant scenic character and quality."*

A detailed view study was carried out for the Aqualand building at 168 Walker Street, which involved a series of drone imagery and the preparation of photomontages based on the approved Aqualand floor plans. The locations used for the drone imagery is illustrated in Figure 38 and the potential 'worst case' view affections are illustrated in

Figure 39 below.

Figure 37: CGI's depicting views from 37-39 Miller Street and 229 Miller Street



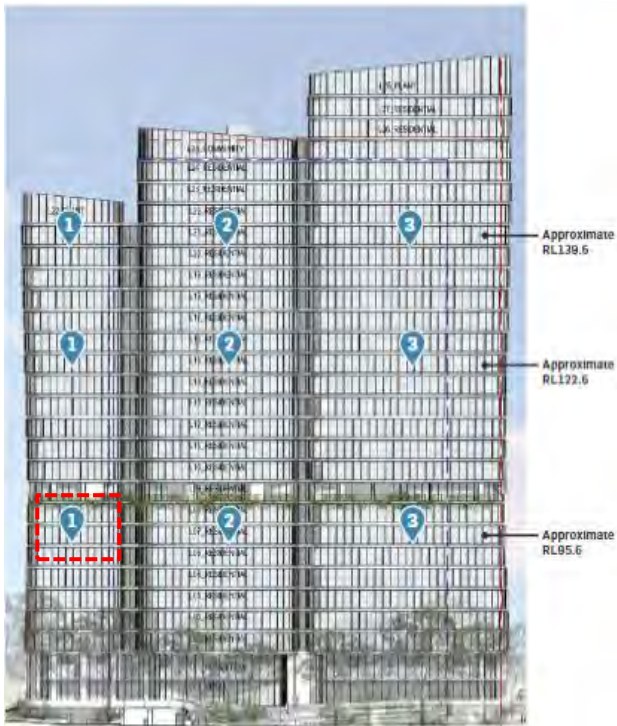
Picture 18: View from Penthouse of 37-39 Miller Street



Picture 19: View from Penthouse at 229 Miller Street

Source: *Visual Assessment, Urbis*

Figure 38 Location of drone imagery for Aqualand



Picture 20: Elevation illustrated the location of views

1. Position 01
2. Position 02
3. Position 03
- Three heights per position:
- 25.6m
 - 58.6m
 - 69.6m



Picture 21: Typical floor plate location of view

Figure 39: View analysis from Aqualand



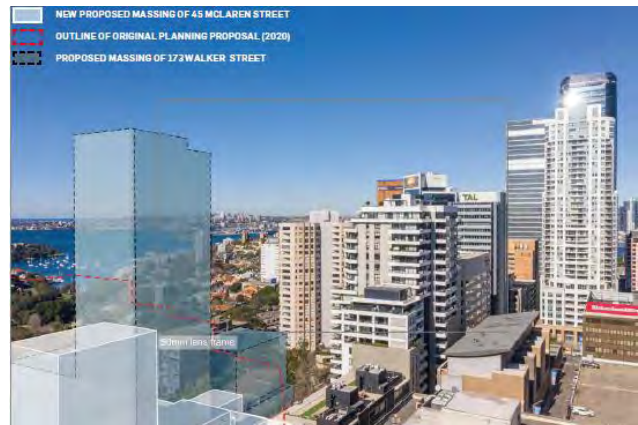
Picture 22: Existing view from RL92.36 (approximately L7) of the western stack of Aqualand



Picture 23: Proposed view from RL92.36 (approximately L7) of the western stack of Aqualand



Picture 24: Existing view from RL126.27 (approximately L15) of the western stack of Aqualand



Picture 25: Proposed from RL126.27 (approximately L15) of the western stack of Aqualand



Picture 26: Existing view from RL135.07 (approximately L21) of the middle stack of Aqualand



Picture 27: Proposed view from RL135.07 (approximately L21) of the middle stack of Aqualand

Source: Urbis

As per the above excerpts, the greatest view affectation is associated with the lower portion of the western tower (highlighted in red in Figure 38). The view is an oblique angle at the lower level of the western most wing of the residential tower. The views would be predominately blocked by any future development associated with the East Walker Street Precinct, with a narrow additional column east of the East Walker Street building envelope, which includes distant parts of Sydney Harbour. In this instance, the extent of view loss is rated moderate however the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

The view analysis has determined that view affectations from all other locations is rated as minor to negligible.

Overall, the additional height sought by the amended planning proposal does not block iconic items or large proportion of scenic or highly valued views, as defined in *Tenacity*. The views that are affected are predominately of other urban development within North Sydney.

It should be noted that detailed design would occur at the development application stage, at which time fine-grain consideration of the massing, articulation, detailing and materials would be resolved. Any future development application lodged over the site will need to address the view sharing planning principles established in *Tenacity*. Further, at the development application stage, any future development would need to demonstrate compliance with the objectives and provisions contained in Part B, Section 1.3.6 Views and Part C, Section 2.1.1 Views of the NSDCP 2013. A summary assessment of these sections is provided at **Table 17** below:

Table 17: Compliance with the NSDCP 2013

Control	Provision	Response
1.3.6 Views	<p>P1 Development should be designed such that views from streets and other public places, as identified in the relevant area character statement (refer to Part C of the DCP), are not unreasonably obstructed.</p> <p>P2 Development should be designed to maximise the sharing of views from surrounding properties and public places.</p> <p>P3 Ensure that existing and proposed dwellings will have an outlook onto trees and sky.</p> <p>P4 Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140.</p>	<p>A view sharing analysis has been undertaken by Urbis which confirms that the amendments to the LEP in relation to maximum building height is suitable for the site and that iconic and highly valued views will remain unimpacted.</p> <p>Any future building envelope, in accordance with the proposed LEP amendments, must be designed in such a way as to promote view sharing.</p> <p>Any future development application will be subject to assessment against the tenacity principles.</p>
2.1.1 Significant Elements	<p>Views</p> <p>P7. The following views and vistas are to be preserved and where possible enhanced:</p> <p>(a) From the plaza at No. 5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.</p> <p>(b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.</p> <p>(c) Views along the Pacific highway to the Post Office on Mount Street from the south-east.</p> <p>(d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.</p>	<p>The provision of a 1-3 storey street wall height and a stepped height transition south from McLaren Street ensures that a strong vista is maintained to the CBD.</p> <p>As documented on page 10 of the view sharing report, future development on the site would not affect the vistas along Walker Street, nor would they impact potential views of Kirribilli and the Harbour.</p> <p>The site sits north of the views and vistas identified in the NSDCP and does not form part of their areas of preservation.</p>

Heritage

The site does not contain any heritage listed items under Schedule 5 of the *NSLEP 2013*, nor is it located within a heritage conservation area.

There are however several listed heritage items located within the vicinity of the site, including Simsmetal House, a commercial office building, at 41 McLaren Street to the west of the site and the stone cottage at 185 Walker Street to the north-east. Other heritage items include a group of late nineteenth century houses at 144-150 Walker Street to the south of the site and a row of Victorian terrace houses to the east, at 2-14 Hampden Street.

The amended Planning Proposal is accompanied by a Heritage Impact Statement prepared by Weir Phillips Heritage (**Appendix H**) which provides a detailed assessment of the proposed impacts on the surrounding heritage items.

The report states:

- *The degree of separation between the site and surrounding heritage items is sufficient to ensure that the proposal would have no direct impact on the lot boundary curtilage of these items;*
- *No significant view corridors to/from the heritage items would be blocked, beyond that which currently exists;*
- *The architectural, historic and/or social significance of the items will not be impacted upon;*
- *The proposed design has established a lower scale transition of the development at the southern end of the site, which acts as a transition zone from the heritage items on the western side of Walker Street; and*
- *The impact of the transition to a tower form will be mitigated by the use of a podium level of appropriate height and the proposed stepped tower form to improve solar access to heritage items.*

The report also notes that Council has accepted that the wider setting of these heritage items will change over time, with the proposed reference design consistent with the redevelopment of the wider locality.

The heritage report concludes to state that the associated impacts are acceptable.

Traffic Generation

The amended Planning Proposal is accompanied by a Traffic Impact Assessment prepared by TRAFFIX in **Appendix F** which provides a detailed assessment of the proposed impacts on the traffic conditions surrounding the site.

The report addresses the following matters:

- Access to the site from Walker Street
- Generation car trips
- Vehicle queuing
- Public transport accessibility
- Car parking arrangements
- Pedestrian and bicycle access

TRAFFIX has modelled the traffic outputs associated with the capacity of the site to accommodate approximately 82 dwellings, consistent with the intended density within the area.

The key findings of the Traffic Impact Assessment are summarised as follows:

- The subject site is well connected to the public and active transport network with reliable access to regular bus, rail services and future metro services. These, along with existing pedestrian and cycle links, ensure the site is ideally situated for a mixed-use development as it provides a good opportunity to encourage future tenants/visitors to use sustainable transport modes.
- The reference scheme generates a demand for 70-80 car parking spaces. The site is capable of accommodating all car parking requirements within the basement.
- The traffic generation arising from the development has been assessed as a net change over existing conditions and equates to an additional 11 vehicle trips per hour during the morning peak and an additional 8 vehicle trips during the afternoon peak periods. SIDRA intersection modelling undertaken for the site indicated that no external improvements are required to facilitate the proposed development. The traffic impacts of the development are therefore considered acceptable.
- The basement car park will comply with the requirements of AS 2890.1 (2004), AS2890.2 (2002) and AS2890.6 (2009) and the detailed carpark operation can be dealt with during the DA Stage.

- The traffic report concludes that the amended Planning Proposal is supportable on traffic planning grounds.

Wind Assessment

A Pedestrian Wind Environment Statement has been prepared by Windtech Consultants and supplement with a Cover letter in support of the amended Planning Proposal (**Appendix K**). It provides an assessment of the impact of the proposed building envelope on the pedestrian amenity surrounding the site and the wind affections for future users of the site.

The assessment focused on the critical outdoor trafficable areas, including:

- Pedestrian footpaths
- Level 10 communal terrace
- Private balconies and terraces

The findings from the study confirm that the *“proposed development has incorporated several design features and wind mitigation strategies and is expected to be suitable for the intended use.”*⁵

The location of the site is however potentially exposed to a variety of prevailing north-easterly wind conditions. This can be ameliorated through the provision of street trees along the Walker Street and McLaren Street frontages and through densely foliating vegetation along the eastern boundary, such as that proposed within the landscape concept plan.

Windtech have provided mitigation measures which would be considered at any future detailed design phase.

ESD

A Sustainability Strategy has been prepared by Integral Group (**Appendix L**) which demonstrates a commitment by the Proponent to deliver a building that addresses the environmental challenges facing our society. The Strategy will be implemented through a schedule of certification commitments and a selection of strategic initiatives that support an ambitious sustainability agenda.

The Strategic Initiatives include:

1. Pathway to Climate Positive Approach
Objectives to achieve net zero emissions are aligned with industry best practice.
2. Passive Design, Amenity & Ventilation
This focuses on opportunities to reduce resource consumption.
3. Biophilia and a healthy building
This approach can reduce stress, improve cognitive function and creativity and improve well-being.
4. Transport and mobility
This considers the relationship of movement priority and place priority for the project.
5. Liveable Public Realm
A liveable public realm is at the heart of supporting a new urban place that is active, healthy and resilient.

The report concludes that the proposal demonstrates three key areas of innovation that addresses pressing needs in our city: the need to decarbonise the city; the need to make better use of our favourable climate; and the need to create places that are amenable and resilient in a changing climate.

Infrastructure

Preliminary investigations have been undertaken by Calibre (**Appendix J**) to identify the existing infrastructure services and confirm utility infrastructure required for the future redevelopment. The investigations confirm that subject to infrastructure upgrades, the surrounding infrastructure network is capable of accommodating the proposed density.

Detailed investigations will be undertaken at the Development Application stage.

⁵ Windtech Consultants Pty Ltd, *Pedestrian Wind Environment Statement*, pg iv

Q10. Has the Planning Proposal adequately addressed any social and economic effects?

Yes. The amended Planning Proposal is considered to have a number of social and economic benefits. Through realising economic benefits, a positive social on-flow effect can also occur, which the public can benefit through job creation and additional commercial and retail services.

The economic and social benefits are summarised as follows:

- **Facilitates renewal of a key site:** The amended Planning Proposal enables the renewal of an outdated and underdeveloped residential flat building that is situated on a triple frontage site and the junction of the Ward Street Precinct and Civic Precinct Study boundaries.
- **Creates indirect and direct construction jobs:** The site's redevelopment would result in full time construction jobs, with workers on the site also supporting local businesses.
- **Ensures ongoing employment:** The provision of a minimum non-residential FSR of 1:1, secures a proportion of employment generating floor space on the site. The estimated total number of full time jobs generated by the proposed development is 41. In addition, the proposed redevelopment of the site and ongoing maintenance will generate additional employment opportunities.
- **Economic benefits associated with future residential density:** Increased residential density would contribute to increased retail turnover and the activation of a night time economy. Such density is required to realise the vision for an active 18 hour economy and support council's vision for laneways, eat streets and arts and culture night time and weekend economy.
- **Improved public domain and ground floor activation, reinvigorating the precinct for workers and residents:** The inclusion of commercial and retail floor space at the ground floor and a gym, would have the benefit of activating the site and the through site link, contributing to a sense of place and activity through the day and night.
- **Public benefit offer:** A range of public benefits including the provision of public domain improvement works and through site links (including associated land dedication) and monetary contribution per net increase in dwelling yield, towards community infrastructure.

10.2.4. Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

Yes. The site benefits from all the services one could expect in a location on the edge of a metropolitan CBD. It is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. It will reinforce existing investment in public transport infrastructure, through increased patronage of the existing North Sydney train station and the planned Victoria Cross metro station.

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

Transport Infrastructure

As previously stated in this document, the site is located 100m from the Victoria Cross Metro Station and 600m from the North Sydney Train Station. By 2024, North Sydney will become one of the most connected centres in Sydney with ready access to all major employment centres in rapid time.

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

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

Social Infrastructure

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

a) Existing Health and Education

The North District Plan confirms that the North District has a high proportion health and education jobs, compared to the Greater Sydney average, and in turn is considered a hub of Health and Education.

This is directly demonstrated by the number of schools in North Sydney listed below.

Schools in North Sydney

Primary Schools (aged 5-12)

ANZAC Park Public School
Cameragal Montessori Primary
Camberay Public School
Loreto Kirribilli Junior School
Neutral Bay Public School
North Sydney Demonstration School
Redlands Grammar School
St Aloysius Junior College
St Mary's Primary School
Shore Grammar School
Wenona School
After School Care
Available in conjunction with Primary Schools.

Secondary Schools (aged 12-18)

Camberaygal High School
Loreto Kirribilli Senior School
Marist College North Shore
Monte Sant' Angelo Mercy College
North Sydney Boys High
North Sydney Girls High
Redlands Grammar School
St Aloysius Senior College
Shore Grammar School
Wenona School
TAFE NSW
St Leonards Campus
Bradfield Senior College (including HSC study)

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

Hospitals in North Sydney

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

b) Future Health and Education

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

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

Utility Infrastructure

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

10.2.5. Section E – State and Commonwealth Interests

Q12. What are the views of State and Federal public authorities and government agencies consulted in order to inform the Gateway Determination?

No consultation with State or Federal authorities has been carried out to date on the amended Planning Proposal. It is acknowledged that North Sydney Council will consult with relevant public authorities and government agencies following the Gateway Determination.

11. PART 4 – MAPS

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

- Height of Buildings Map Sheet HOB_002A
- Floor Space Ratio Map FSR_002A
- Non-Residential Floor Space Ratio Map LCL_002A
- Land Zoning Map LZN_002A

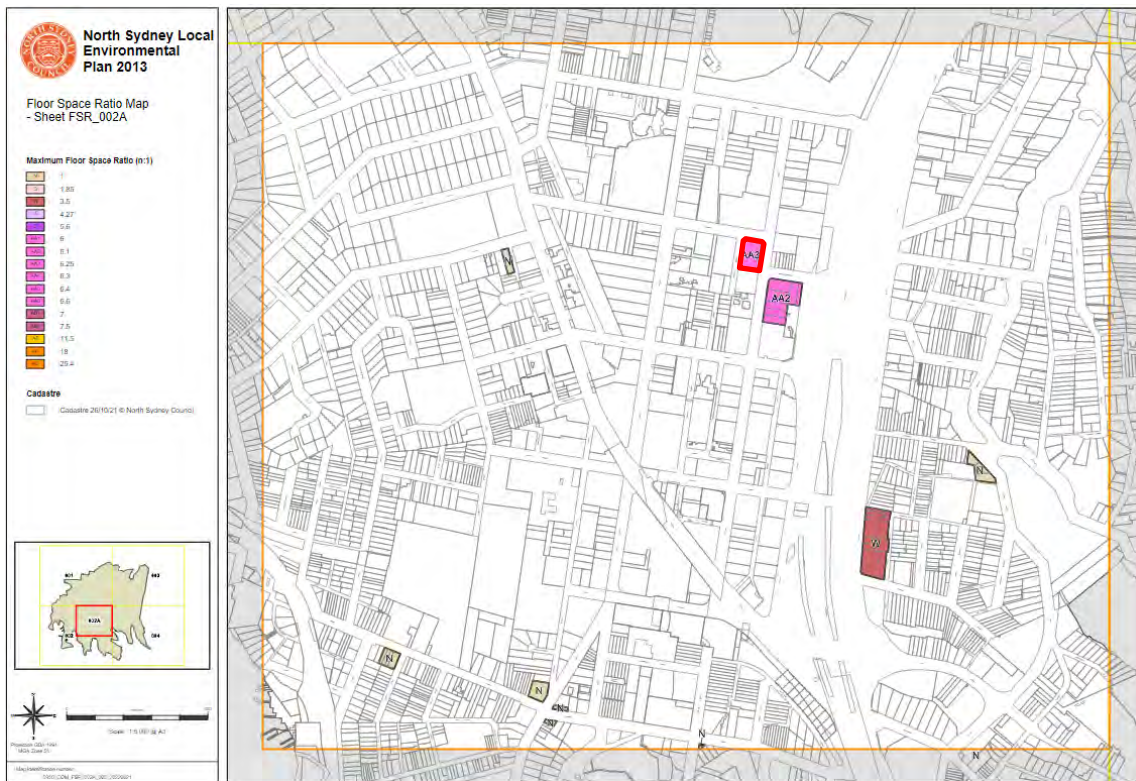
The proposed amendments to the LEP maps are provided below:

Figure 40: Height of Buildings Map



Picture 28 Existing Height of Buildings Map

Source: Urbis



Picture 31: Proposed Floor Space Ratio Map

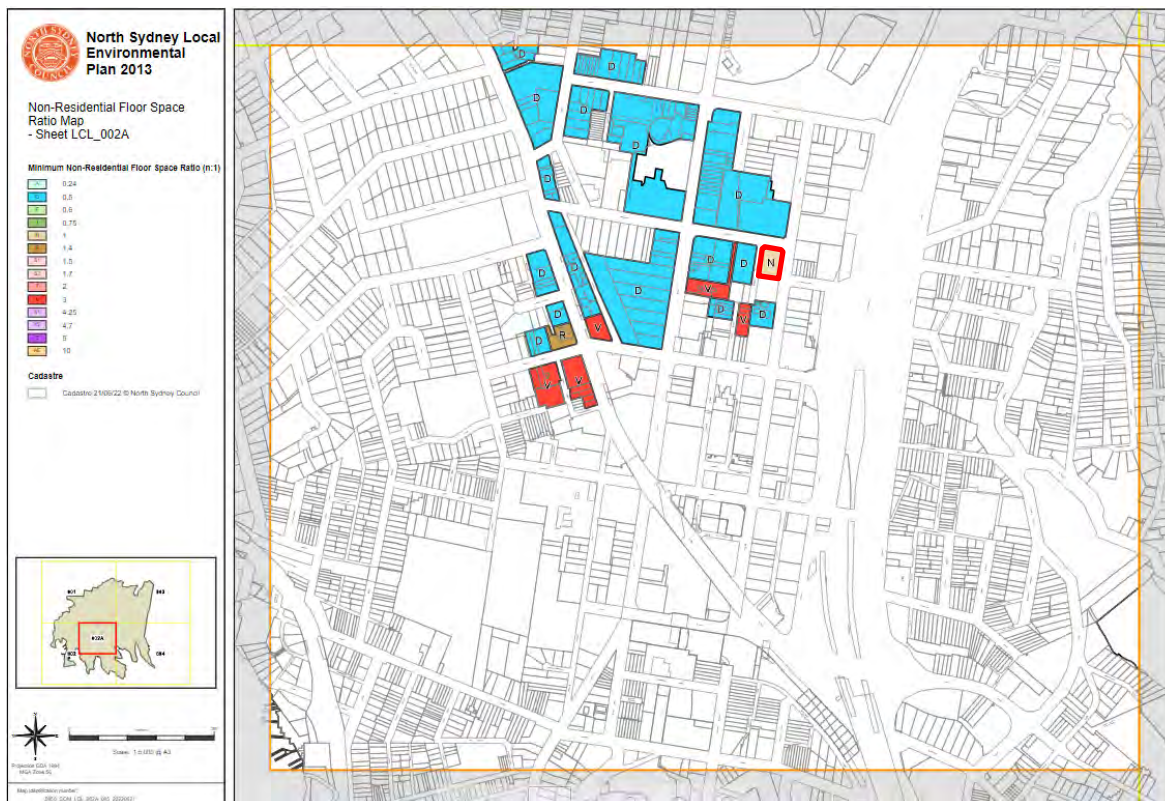
Source: North Sydney Council

Figure 42: Minimum Non-Residential Floor Space Map



Picture 32 Existing Minimum Non-Residential Floor Space Map

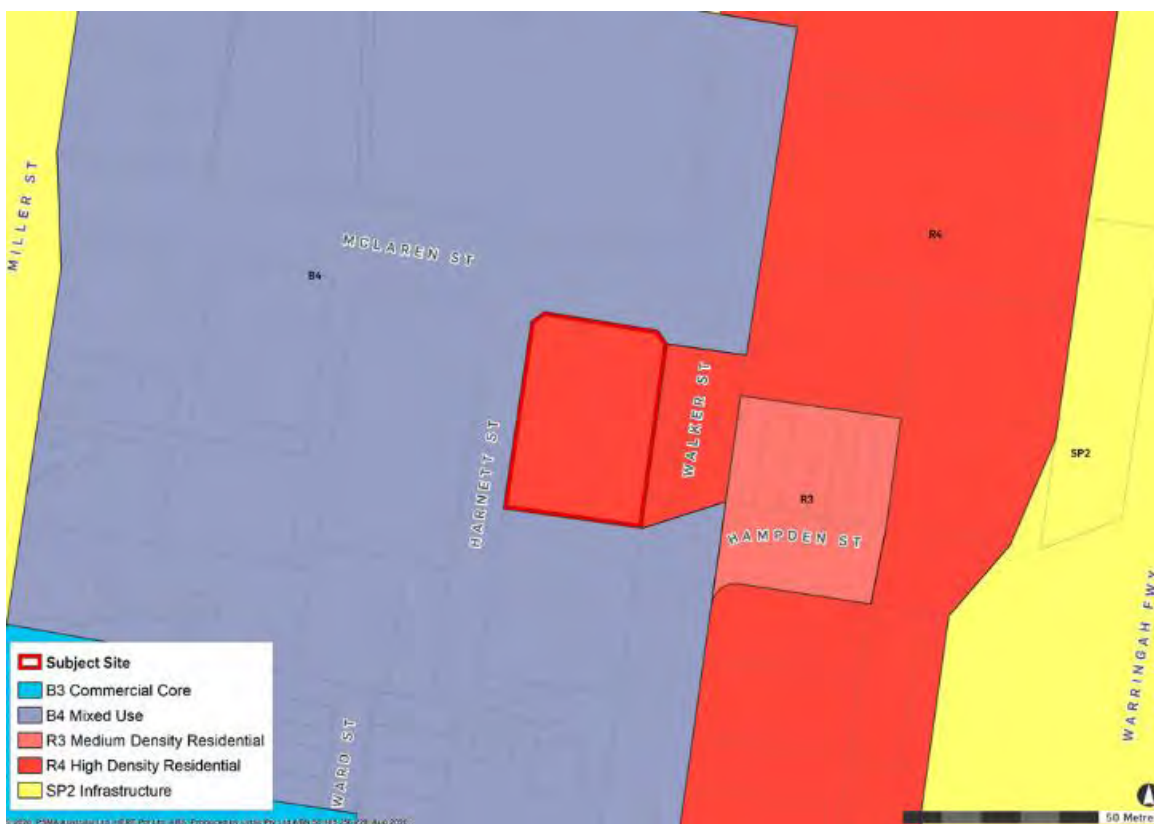
Source: Urbis



Picture 33 Proposed non-residential floor space

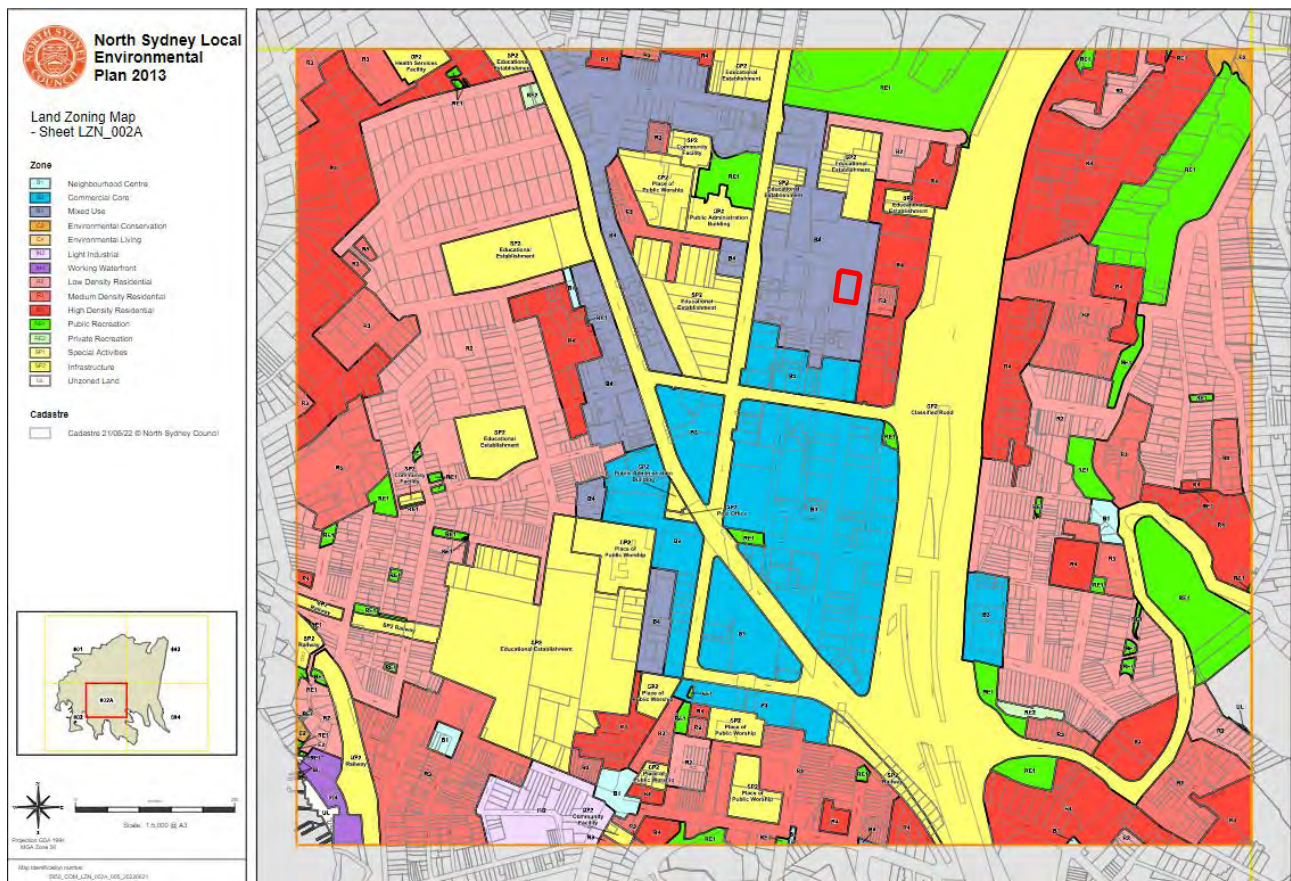
Source: Urbis

Figure 43 Land Zoning Map



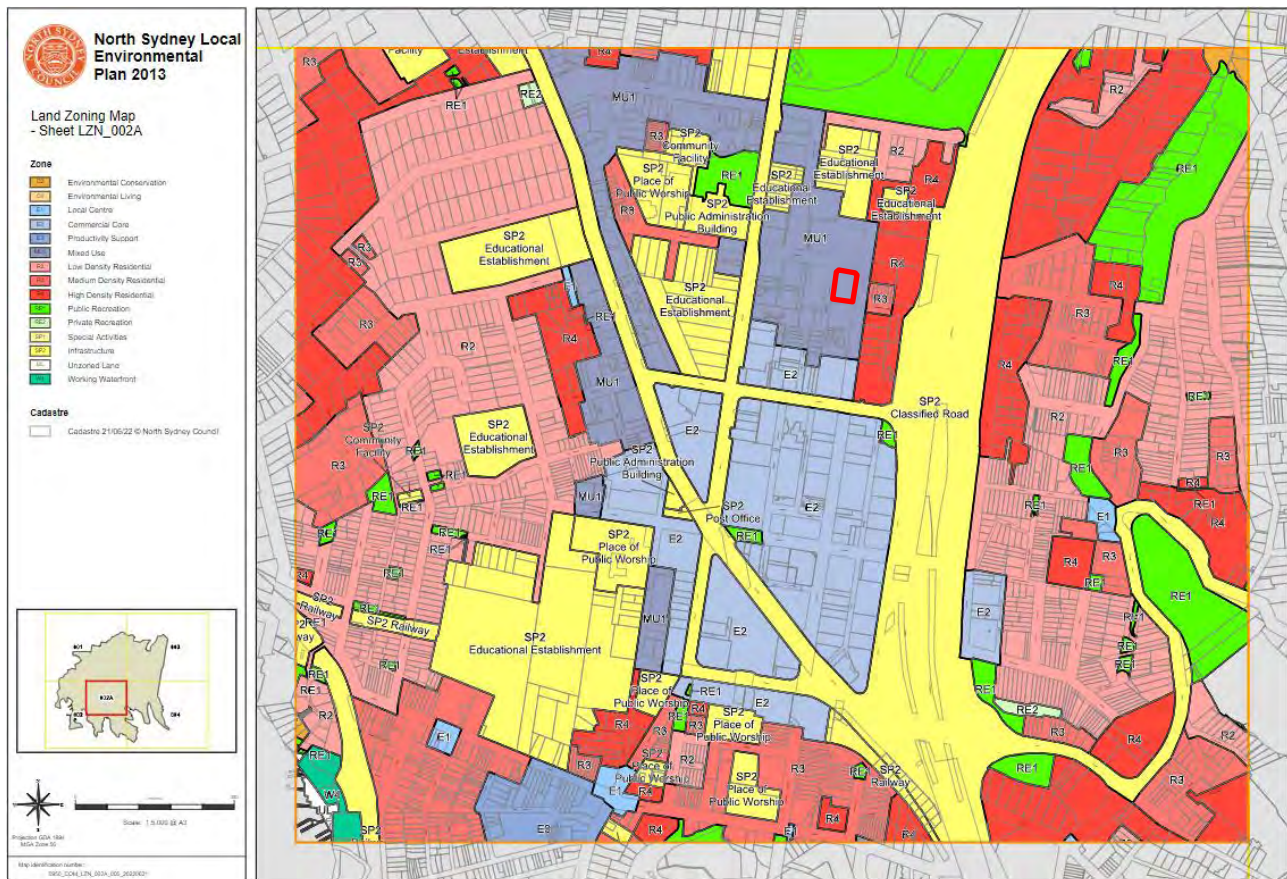
Picture 34 Existing Land Zoning Map

Source: Urbis



Picture 35 Proposed Land Zoning Map

Source: North Sydney Council



Picture 36 Proposed Land Zoning Map (if Employment Zone Reform is implemented)

Source: North Sydney Council

12. PART 5 – COMMUNITY CONSULTATION

12.1. PRE-LODGE MENT COMMUNITY ENGAGEMENT

Over August and September 2020, Podia undertook a stakeholder engagement strategy to inform the Planning Proposal outcomes. The engagement strategy is documented in **Appendix D**. This is consistent with North Sydney Council's Community Engagement Policy June 2018.

In summary, the consultation activities included:

- Distribution of DL flyers within a 1km radius;
- Online surveys
- Community Information session, held via Zoom on 2 September 2020
- Communication channels including a dedicated project email and project website, with an online survey (www.45mclaren.com.au).

A summary of the engagement activities is listed below and the location of the flyer distribution is illustrated in Figure 44.

ITEM	NUMBER
DL flyer distribution	833
Boundary of letterbox drop	1 km radius from 45 McLaren Street
Attendees at online community information session	18
Number of phone calls answered/received	14
Total number of surveys received	5
Length of time survey was available via community website	32 days
Number of interactions with Council	2

Figure 44: Map identifying DL flyer distribution



Source: Polymer Studio

This engagement process has been valuable in providing a forum for the community to share views, for the project team to take feedback and to create a transparent process that will build a foundation for further engagement through the process.

12.2. ENGAGEMENT WITH COUNCIL

As discussed in *Section 3.1 Council Engagement*, the Proponent has engaged with council, consulted with a range of stakeholders and technical experts and refined the proposed reference scheme to achieve an urban design outcome that is appropriate to the emerging site context.

Preliminary meetings and discussions with council began during the preparation of the WSPMP, which the site was ultimately void of any uplift. Notwithstanding, the Proponent and council maintained an ongoing dialogue, with a clear pathway presented to enable the framework for a site-specific Planning Proposal.

Since lodgement of the Planning Proposal, the Proponent and the technical team, have met with Council's strategic planners on a number of occasions, with four reiterations of feedback provided by Council. It is demonstrated that the Proponent has had a positive and ongoing dialogue with Council and this amended Planning Proposal has been prepared to reflect the conversations had to date. This amended Planning Proposal and the submitted Urban Design Report have adopted all recommendations made by Council, as part of their final letter of advice, of 29 July 2021.

Key issues that were raised and how the amended planning proposal has addressed those issues, are discussed in **Section 3. Council engagement & Concept refinement.**

12.3. PUBLIC CONSULTATION

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

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

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

As part of the public consultation process, the proponent will review all submissions, discuss with Council and DPIE as required, and provide a response to submission during the assessment of the amended Planning Proposal.

13. PART 6 – PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 12-18 months. An indicative project timeframe is provided at **Table 18**.

Table 18: Indicative Project timeline

Stage	Timeframe and/or Date
Lodgement of Planning Proposal	October 2020
Lodgement of Amended Planning Proposal	November 2021
Consideration by North Sydney Local Planning Panel	February 2022
Consideration by North Sydney Council to Progress to Gateway	March 2022
Planning Proposal referred to DPE for Gateway Determination	April 2022
Gateway Determination issued by DPE	June 2022 August 2022 – Alteration
Public exhibition period	September 2022 - November 2022 <i>To commence by 1 December 2022 and be publicly exhibited for a minimum 28 days</i>
Consideration of the Planning Proposal post-exhibition	December 2022 <i>For final recommendation by 1 February 2023</i>
Delegation to Council finalise the drafting and making of LEP	December 2022-February 2023
Gazettal of LEP Amendment	March 2023 – May 2023 <i>For final making by 1 March 2023</i>

14. CONCLUSION

This amended Planning Proposal seeks an amendment to the NSLEP 2013 to establish planning controls that would enable a high quality mixed-use development outcome at 45 McLaren Street, North Sydney.

The amended Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*.” It sets out the justification for the proposed LEP amendments. It is supported by an Urban Design Report (**Appendix A**), associated reference scheme and submitted technical studies which demonstrate that the site is suitable for the proposed amendments to the LEP.

The report demonstrates that there is strategic merit and site-specific merit to justify advancement of the amended Planning Proposal. The preparation of the site-specific Planning Proposal has been prepared under the directive of the recommendation from the council’s resolution of the endorsed WSPMP.

The amended Planning Proposal and submitted reference scheme draws upon the strategic planning work undertaken by council in relation to the Ward Street Precinct, Civic Study and Public Domain Strategy and incorporates, where relevant, the principles and design guidelines contained within these documents, as they relate to land use, building envelopes, overshadowing, views, street wall heights, pedestrian connectivity and landscaping.

The amended Planning Proposal demonstrates Strategic Merit as it gives effect to the following:

1. Consistent with the **Greater Sydney Region Plan and North District Plan** which seeks to intensify housing and employment around significant transport infrastructure and in proximity to employment nodes, capitalising on the State government’s investment. The site is located 100m from the new Victoria Cross Metro station and 600m from North Sydney Train Station.
2. Consistent with the **North Sydney Local Strategic Planning Statement** for locating residential development at the periphery of the North Sydney CBD. Residential density in this location will active the CBD and supports the attainment of an 18-hour economy and a 30 minute city, as outlined within the **North District Plan**.
3. Assists Council in achieving the **housing targets** mandated by the **Greater Sydney Commission**. Council is required to demonstrate how it can achieve 3,000 – 3,500 dwellings for the period 2021/22 – 2025/26. Council’s analysis currently shows 2,835 dwellings for this period.
4. Achieves an appropriate built form and scale that reflects the vision for **North Sydney** and the **Ward Street Precinct** which is expressed by local planning policy, precinct planning and the existing and emerging scale of development on adjacent and surrounding lands.
5. Rezoning the site to **B4 Mixed Use** is consistent with the zoning of all other land within the Ward Street Precinct, demonstrating consistency with the strategic intent for this Precinct, which is undergoing a period of transformation and urban renewal.
6. Increases the development capability of the site and activates the north-eastern corner of the Precinct, with 82 new dwellings and 2,091m² of commercial GFA. The site is strategically located 100m from the Victoria Metro Station (opening 2024) and 600m from the North Sydney Train Station and in close walking distance to schools, open space and employment opportunities.

The amended Planning Proposal demonstrates site-specific merit is achieved, by way of the following:

7. **Ward Street Precinct Masterplan and Council Resolution:** The Ward Street Precinct Masterplan was endorsed by North Sydney Council on 24th June 2019. At the time of the endorsement council resolved that...

despite the preferred Masterplan option, a landowner initiated Planning Proposal may be considered for 45 McLaren Street and may identify how any future redevelopment will:

I. Minimise solar reductions upon new public domain as identified in the Masterplan.

II. Minimise solar and privacy impacts upon existing residential development.

III. Provide for a commercial component to any redevelopment.

IV. Identifies significant public benefits that will arise from the development of the site with particular regard to the objectives of the Masterplan.

The amended Planning Proposal has been prepared to address the above key criteria, in addition to recommendations provided by Council. Together, this advice has shaped and guided the urban design outcome for the site.

8. **Height:** Utilising the building heights established within the Ward Street Precinct Masterplan, the approved development to the north and the existing heritage buildings and residential tower to the south, the built form provides for a transition from west to east and north to south. The proposed heights have been designed to have stepped transition, falling away to the south.
9. **Density:** The built form has a modest FSR of 6.25:1, providing an appropriate mixed-use outcome within a fine grain built form, that sits comfortably within the existing and future context of the immediate locality.
10. **Urban Design:** The site's redevelopment would include a sustainable mixed-use building, a green roof, green walls and green spaces throughout, passive design principles and will create a bold vision for North Sydney.

11. Residential amenity:

Solar access: The building envelope has been designed to ensure that there is no additional overshadowing to the Ward Street Plaza Central Square from 9am onwards and to the Green Square beyond 10:08am on June 21st. Sculpting of the built form also retains a good level of solar access to the residential properties at 150 Walker Street.

Privacy: The site's triple frontage provides substantial separation distance between the site and those properties to the north and east. The south-western façade has been recessed to achieve compliant separation distances to the west. The apartments within the lower southern portion are setback 4.5m from the boundary and have been designed to orientate to the east & west, limiting any direct overlooking.

View impact: The modest scale and stepped nature of the built form, retains view corridors through the south of the site. Any views from the north would likely be impacted by taller buildings further south of the site.

12. **Heritage:** The inclusion of a 2-3 storey street wall height responds to the sties substantially varied topography and is consistent with the datum and the street setbacks of the heritage terraces to the south. Fine grain architectural design will be developed at the DA stage to ensure that the use of materials and finishes are complementary to these heritage items.
13. **Landscape terracing:** The stepping of the built form allows for cascading landscaping to form a green roof and substantial planter boxes to be staggered across the building façade and within the site setbacks. Key corner locations will be designed with green walls, creating a living, breathing building façade.
14. **Streetscape activation:** Active frontages and passive surveillance are provided along all site frontages. McLaren Street & Harnett Street is activated by retail and recreational (indoor) uses with residential uses providing passive surveillance of Walker Street.
15. **Public Domain Improvements:** Pedestrian connectivity will be enhanced through the expansion (from 1.5m to 3m) of the existing through-site link connecting Walker Street and Harnett Street, improving, and promoting pedestrianisation around the site and activating Ward Street Plaza. Public domain improvements also include pedestrian upgrades to the street frontages and upgrade of Harnett Street.

This amended Planning Proposal supports the State government's current direction of increasing density in major centres with good access to public transport and facilities. It achieves the right balance of maintaining a strong community focus while also recognising the benefits of providing residential development to take advantage of the locational and amenity criteria that North Sydney has on offer.

In considering the tangible community and economic benefits of the amended Planning Proposal, it is respectfully requested that the Council resolve to forward this amended Planning Proposal to DPIE for LEP Gateway Determination.

DISCLAIMER

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APPENDIX A **URBAN DESIGN REPORT (AS AMENDED)**

APPENDIX B **DRAFT NORTH SYDNEY DCP SUBMISSION**

APPENDIX C **SURVEY PLAN**

APPENDIX D **STAKEHOLDER ENGAGEMENT REPORT**

APPENDIX E **DRAFT VPA (AS AMENDED)**

APPENDIX F **TRAFFIC IMPACT ASSESSMENT (AS AMENDED) REPORT (AS AMENDED)**

APPENDIX G **VISUAL ASSESSMENT REPORT (AS AMENDED) ASSESSMENT**

APPENDIX H **HERITAGE IMPACT ASSESSMENT**

APPENDIX I **LANDSCAPE DESIGN REPORT (AS AMENDED) INVESTIGATION**

APPENDIX J **PRELIMINARY SITE INVESTIGATION**

APPENDIX K **PEDESTRIAN WIND ENVIRONMENT STATEMENT (AS AMENDED)**

APPENDIX L **SUSTAINABILITY STRATEGY (AS AMENDED) INFRASTRUCTURE ASSESSMENT**

APPENDIX M **HYDRAULIC SERVICES INFRASTRUCTURE ASSESSMENT**



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