

8.6. PP6/20 - 45 McLaren Street, North Sydney

AUTHOR: Ben Boyd, Executive Strategic Planner

To seek Council's endorsement to progress a Planning Proposal for 45 McLaren Street, North Sydney to proceed to Gateway Determination for the purposes of public exhibition. To endorse an associated amendment to North Sydney Development Control Plan 2013 and an offer to enter into a Voluntary Planning Agreement to deliver a number of public benefits for concurrent public exhibition with the Planning Proposal.

On 22 October 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 45 McLaren Street, North Sydney. In particular, it seeks to make the following amendments to NSLEP 2013:

- Rezone the site from *R4 High Density Residential* to *B4 Mixed Use*;
- Increase the maximum height of building limit from 12m to part RL 103 (approximately 36-43m) and Part RL 115 (approximately 47-51m max);
- Impose a maximum floor space ratio of 6.25:1;
- Impose a non-residential floor space ratio of 1:1
- Amend Clause 4.4A – *Non-Residential Floor Space Ratios* to permit residential development at ground level facing Walker Street; and
- Amend Clause 6.12A – *Residential flat buildings in Zone B4 Mixed Use* to permit residential development at ground level facing Walker Street.

The indicative concept scheme accompanying the Planning Proposal includes a 10-14-storey mixed use building, comprising approximately 11,200sqm of Gross Floor Area (GFA), with 82 apartments located above 2,091sqm of commercial floorspace and 3 levels of basement car parking.

The Planning Proposal is also accompanied by an offer to enter a Voluntary Planning Agreement to deliver a number of public benefits to the value of approximately \$4.8 million including a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan, streetscape upgrades adjacent to the site, expansion of an existing public through site link across the site and dedication of one x 2-bedroom affordable housing unit.

The North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal and an Assessment Report prepared by Council Officers on 23 February 2022 and resolved to support the Planning Proposal proceeding to Gateway Determination in conjunction with the site specific DCP provisions to help guide future detailed design at the development application stage. The NSLPP also recommended that:

1. *The visual assessment report be amended to provide increased illustrative analysis of the view impacts from residential properties located to the west and fronting McLaren and Miller Streets, before being placed on public exhibition;*

2. *All vehicular access and servicing be provided from Walker Street and included in the DCP to be exhibited; and*
3. *Consideration be given to the provision of affordable housing given the development uplift.*

The additional issues raised (items 1 and 2) by the NSLPP do not require amendment to the Planning Proposal itself and they can be resolved by requesting conditions to be imposed on any future Gateway Determination to address these matters. The issue of affordable housing provision has been addressed in the applicant's a revised public benefit offer.

This report also seeks adoption of a site-specific draft amendment to North Sydney Development Control Plan 2013 to provide greater certainty as to the built form outcomes envisaged on the subject site, such that they can be placed on public exhibition concurrently with the Planning Proposal.

The progression of the Planning Proposal and associated DCP amendment from this point is covered by the Planning Proposal application fee.

The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement which proposes to provide a number of public benefits to the approximate value of \$4.8 million including a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan, streetscape upgrades adjacent to the site, expansion of an existing public through site link across the site and dedication of one x 2-bedroom affordable housing unit.

RECOMMENDATION:

1. THAT Council resolves to endorse the Planning Proposal comprising Attachment 1 forming Attachment 1 to this report and forward it to the Minister for Planning in order to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.

2. THAT in issuing any Gateway Determination, the Minister for Planning be requested to include a condition requiring:

- (a) the Visual Assessment Report be amended to include an illustrative assessment of the view impacts to residential properties located to the west of 45 McLaren Street located on McLaren and Miller Streets;
- (b) the Planning Proposal to be revised to reflect the coming into force of the new LEP making Guidelines.

3. THAT Council adopt the associated draft amendment to North Sydney Development Control Plan 2013 forming Attachment 2 to this report and that draft amendment be placed on public exhibition concurrently with the Planning Proposal.

4. THAT Council agree in-principle to the contents of the revised letter of offer dated 15 March 2022 to enter into a Voluntary Planning Agreement forming Attachment 3 to this report, subject to the offer being revised to:

- (a) include public benefits back up to a total value of \$5.8 million as originally offered, given the uncertainty as to the implementation of a Regional Infrastructure Contribution system; and
- (b) Include an ability for the applicant to revise their VPA offer should the Regional Infrastructure Contribution system be introduced.

5. THAT the General Manager be authorised to negotiate the detailed terms and provisions of a draft Voluntary Planning Agreement generally consistent with the applicant's offer (Attachment 3) and as outlined in this report.

6. THAT Resolution 5 be commenced immediately following Council's resolution to avoid any unnecessary delays post the issue of any Gateway Determination.

7. THAT should a Gateway Determination be issued to enable the Planning Proposal to be placed on public exhibition, that it only be placed on public exhibition concurrently with the draft Voluntary Planning Agreement (prepared in accordance with Recommendation No.5) and the draft amendment to North Sydney Development Control Plan 2013 (as adopted in accordance with Recommendation No.3).

The Recommendation was moved by Councillor Mutton and seconded by Councillor Beregi.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Drummond, Councillor Gibson, Councillor Lamb, Councillor Santer, Councillor Spenceley, Councillor Mutton and Councillor Welch

Against: Nil

Absent: Nil

{resolution-number}. RESOLVED:

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AUTHOR: Ben Boyd, Executive Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. ATTACHMENT 1 P P 6-20 45 McLaren Street Planning Proposal [8.6.1 - 113 pages]
2. ATTACHMENT 2 P P 6-20 45 McLaren Street Draft amendment to NSDCP 2013 [8.6.2 - 16 pages]
3. ATTACHMENT 3 P P 6-20 45 McLaren St North Sydney Public Benefit Offer [8.6.3 - 6 pages]

PURPOSE:

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EXECUTIVE SUMMARY:

On 22 October 2020, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 45 McLaren Street, North Sydney. In particular, it seeks to make the following amendments to NSLEP 2013:

- Rezone the site from *R4 High Density Residential* to *B4 Mixed Use*;
- Increase the maximum height of building limit from 12m to part RL 103 (approximately 36-43m) and Part RL 115 (approximately 47-51m max);
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The Planning Proposal is also accompanied by an offer to enter a Voluntary Planning Agreement to deliver a number of public benefits to the value of approximately \$4.8 million including a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan, streetscape upgrades adjacent to the site, expansion of an existing

public through site link across the site and dedication of one x 2-bedroom affordable housing unit.

The North Sydney Local Planning Panel (NSLPP) considered the Planning Proposal and an Assessment Report prepared by Council Officers on 23 February 2022 and resolved to support the Planning Proposal proceeding to Gateway Determination in conjunction with the site specific DCP provisions to help guide future detailed design at the development application stage. The NSLPP also recommended that:

1. *The visual assessment report be amended to provide increased illustrative analysis of the view impacts from residential properties located to the west and fronting McLaren and Miller Streets, before being placed on public exhibition;*
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The additional issues raised (items 1 and 2) by the NSLPP do not require amendment to the Planning Proposal itself and they can be resolved by requesting conditions to be imposed on any future Gateway Determination to address these matters. The issue of affordable housing provision has been addressed in the applicant's a revised public benefit offer.

This report also seeks adoption of a site-specific draft amendment to North Sydney Development Control Plan 2013 to provide greater certainty as to the built form outcomes envisaged on the subject site, such that they can be placed on public exhibition concurrently with the Planning Proposal.

FINANCIAL IMPLICATIONS:

The progression of the Planning Proposal and associated DCP amendment from this point is covered by the Planning Proposal application fee.

The Planning Proposal is accompanied by an offer to enter into a Voluntary Planning Agreement which proposes to provide a number of public benefits to the approximate value of \$4.8 million including a monetary contribution towards public infrastructure identified in the Ward Street Precinct Masterplan, streetscape upgrades adjacent to the site, expansion of an existing public through site link across the site and dedication of one x 2-bedroom affordable housing unit.

RECOMMENDATION:

1. THAT Council resolves to endorse the Planning Proposal comprising Attachment 1 forming Attachment 1 to this report and forward it to the Minister for Planning in order to obtain a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act, 1979.

2. THAT in issuing any Gateway Determination, the Minister for Planning be requested to include a condition requiring:

- (a) the Visual Assessment Report be amended to include an illustrative assessment of the view impacts to residential properties located to the west of 45 McLaren Street located on McLaren and Miller Streets;
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- 3. THAT** Council adopt the associated draft amendment to North Sydney Development Control Plan 2013 forming Attachment 2 to this report and that draft amendment be placed on public exhibition concurrently with the Planning Proposal.
- 4. THAT** Council agree in-principle to the contents of the revised letter of offer dated 15 March 2022 to enter into a Voluntary Planning Agreement forming Attachment 3 to this report, subject to the offer being revised to:
- (a) include public benefits back up to a total value of \$5.8 million as originally offered, given the uncertainty as to the implementation of a Regional Infrastructure Contribution system; and
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- 5. THAT** the General Manager be authorised to negotiate the detailed terms and provisions of a draft Voluntary Planning Agreement generally consistent with the applicant's offer (Attachment 3) and as outlined in this report.
- 6. THAT** Resolution 5 be commenced immediately following Council's resolution to avoid any unnecessary delays post the issue of any Gateway Determination.
- 7. THAT** should a Gateway Determination be issued to enable the Planning Proposal to be placed on public exhibition, that it only be placed on public exhibition concurrently with the draft Voluntary Planning Agreement (prepared in accordance with Recommendation No.5) and the draft amendment to North Sydney Development Control Plan 2013 (as adopted in accordance with Recommendation No.3).

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment

1.1 Protected and enhanced natural environment and biodiversity

2. Our Built Infrastructure

2.1 Infrastructure and assets meet community needs

2.2 Vibrant centres, public domain, villages and streetscapes

2.3 Sustainable transport is encouraged

2.4 Improved traffic and parking management

3. Our Future Planning

3.1 Prosperous and vibrant economy

3.2 North Sydney CBD is one of NSW's pre-eminent commercial centres

3.4 North Sydney is distinctive with a sense of place and quality design

4. Our Social Vitality

4.1 North Sydney is connected, inclusive, healthy and safe

4.4 North Sydney's history is preserved and recognised

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

BACKGROUND

A detailed history to the background of the Planning Proposal is contained in Council's Assessment Report which was considered by the North Sydney Local Planning Panel (NSLPP) on 23 February 2022, a copy of which can be found here.

- https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/23_february_2022/pp02_45_mclaren_street_north_sydney_6_20_rpt.pdf

In summary:

- In June 2016, Council commences the preparation of a Masterplan for the Ward Street Precinct, which incorporates the subject site.
- On 24 June 2019, Council adopts the Ward Street Precinct Masterplan (WSPMP) which does not envisage any uplift for 45 McLaren Street. However, Council also resolved:

7. THAT Council notes, 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.*
- On 22 October 2020, a planning proposal lodged for 45 McLaren Street.
- On 30 June 2021, a revised planning proposal was submitted to address Council's initial concerns.
- On 8 November 2021, a further revised planning proposal was submitted to address Council's additional concerns in response to the revised planning proposal of 30 June 2021.
- On 23 February 2022, the NSLPP resolved to support the revised Planning Proposal of 8 November 2021 progressing to Gateway Determination.
- Between the 1 March 2022 and 15 March 2022, Council staff have been in various meetings and corresponded with the applicant pertaining to the particulars of the proposed public benefit offer, resulting in a revised public benefit offer being received on 15 March 2022.

CONSULTATION REQUIREMENTS

Should Council determine that the Planning Proposal can proceed, community engagement will be undertaken in accordance with Council's Community Engagement Protocol, the requirements of any Gateway Determination issued in relation to the Planning Proposal and the Environmental Planning and Assessment Regulations 2021.

DETAIL

1. Planning Proposal

1.1. Applicant

The applicant for the proposal is 45 McLaren Pty Limited. The applicant has the consent of all owners of the property.

1.2. Site Description

The subject site is located at 45 McLaren Street, North Sydney and is legally described as SP 14598, containing 18 lots (refer to Figures 1 and 2). The site is located within the Ward Street Precinct and a full description of the site and its local context can be found within Sections 2 and 3 of the Assessment Report considered by the NSLPP on 23 February 2022 (refer to ATTACHMENT 1).

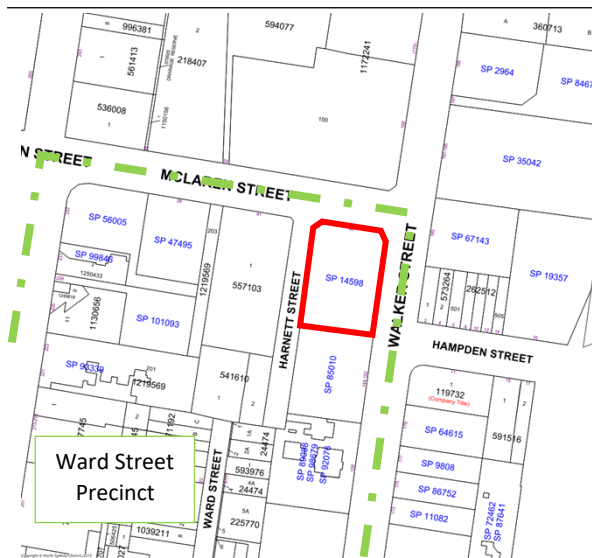


FIGURE 1: Subject Site



FIGURE 2: Aerial Photo

1.3. Current Planning Provisions

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The principal planning provisions relating to the subject site are as follows:

- Zoned *R4 High Density Residential* (refer to Figure 3); and
- A maximum building height of 12m (refer to Figure 4).

It is also noted that the site is in the vicinity of a number of heritage items (refer to Figure 5) and is located just outside of the North Sydney Centre (refer to Figure 6).

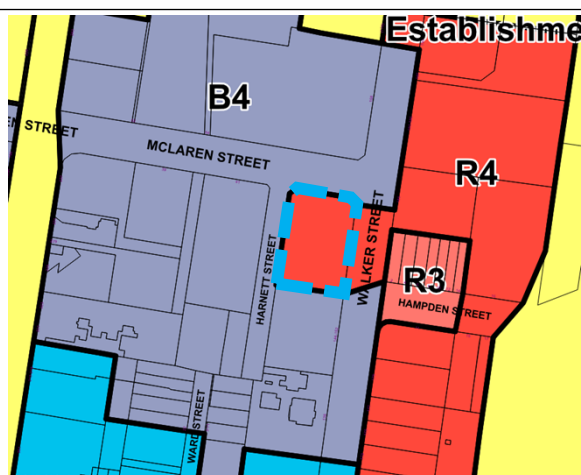


FIGURE 3: NSLEP 2013 Zoning Map extract

The subject site is zoned R4 High Density Residential

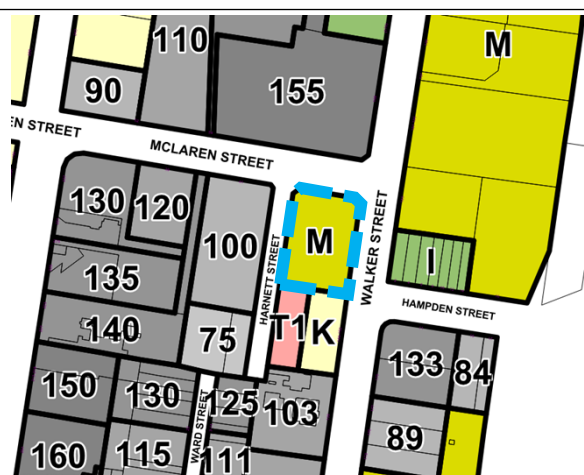


FIGURE 4: NSLEP 2013 Height of Buildings Map extract

The subject site has a maximum height of 12m (M)



FIGURE 5: NSLEP 2013 Heritage Map extract
The subject site is located in the vicinity of a number of heritage items

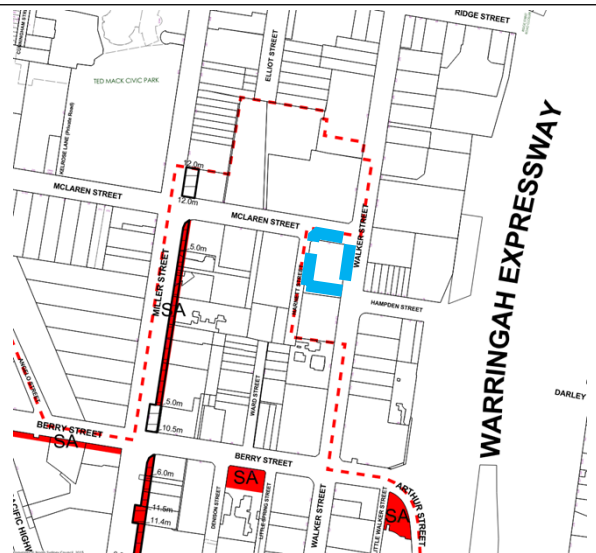


FIGURE 6: NSLEP 2013 North Sydney Centre Map extract
The subject site is located adjacent to the North Sydney Centre

1.4. Proposed Instrument Amendment

The key objectives of the Planning Proposal as described by the applicant are as follows:

...to amend the NSLEP building height and FSR controls and introduce additional permitted land uses 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 WSPM;*
- *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 carbon neutral 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 sites triple frontage and streetscape activation including the provision of an expanded through-site link, connecting Walker Street to Ward Street.*

The primary intent of the Planning Proposal is proposed to be achieved by:

- **Amending the Land Zoning Map from R4 High Density Residential to B4 Mixed Use;**

- Amending the Height of Buildings Map from 12m to part RL 103 (approximately 36-43m) across the southern portion of the site and part RL 115 (approximately 47-51m) across the northern portion of the site; and
- Amending the Floor Space Ratio Map to impose a maximum floor space ratio of 6.25:1;
- Amending the Non-Residential Floor Space Ratio Map to impose a minimum non-residential floor space ratio of 1:1.
- Including a subclause to Cl.4.4A to permit residential development at ground level facing Walker Street; and
- Including a subclause to Cl.6.12A to enable residential development to be provided at the ground level levels of any future building fronting Walker Street.

Details of the specific amendments are contained within Part 9 of the Planning Proposal comprising Attachment 1 to the Assessment Report considered by the NSLPP on 23 February 2022 (refer to ATTACHMENT 1).

1.5. Assessment

A detailed assessment of the Planning Proposal is contained within the Assessment Report considered by the NSLPP on 23 February 2022, a copy of which can be found here:

- https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/23_february_2022/pp02_45_mclaren_street_north_sydney_6_20_rpt.pdf

The Assessment Report concluded that the Planning Proposal could be supported as it:

- generally complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;
- generally complies with DPE's *Local Environmental Plan Making Guideline* (December 2021);
- on balance, does not contradict the ability to achieve the objectives and actions of high order planning strategies;
- is generally consistent with and promotes the desired future outcomes of the Ward Street Precinct Masterplan; and
- the scale and bulk of any future development on the site is unlikely to result in any significant adverse impacts on the environment or wider community, or has the ability to be appropriately mitigated as part of the implementation of appropriate standards within NSDCP 2013 and the development application process.
- will contribute to the delivery of a number of public benefits in the immediate locality of the site.

1.6. Local Planning Panel

By Ministerial direction, all planning proposals are required to be referred to the Local Planning Panel.

The NSLPP considered the proposal at its meeting on 23 February 2022, where it recommended that the Council support the progression of the Planning Proposal to Gateway Determination and the progression of site specific DCP provisions to help guide future detailed design at the development application stage. The NSLPP also recommended:

1. *the visual assessment report be amended to provide increased illustrative analysis of the view impacts from residential properties located to the west and fronting McLaren and Miller Streets, before being placed on public exhibition;*
2. *consideration be given to the provision of affordable housing given the development uplift; and*
3. *all vehicular access and servicing be provided from Walker Street and included in the DCP to be exhibited.*

A copy of the NSLPP recommendation can be found here:

- https://www.northsydney.nsw.gov.au/files/assets/public/docs/1_council_meetings/committees/nslpp/23_february_2022/minutes_planning_proposal_-_23_feb_2022_002hl.pdf

A response to the additional recommendations of the NSLPP is provided in the following subsections.

1.6.1. Visual Impact Assessment

The NSLPP's recommendation to amend the Visual Impact Assessment report to provide increased illustrative analysis of the view impacts from residential properties located to the west and fronting McLaren and Miller Streets replicates the concerns raised and recommendations contained within Council staff's assessment of the Planning Proposal.

Whilst the Visual Impact Assessment report could be amended prior to forwarding to the Department of Planning and Environment (DPE) for the purposes of issuing a Gateway Determination, the Gateway Determination could require a further amendment to that report. Accordingly, to avoid the potential need to amend the Visual Impact Assessment numerous times, it is recommended that Council request a condition be placed on the Gateway Determination requiring the Visual Impact Assessment report be amended prior to being placed on public exhibition.

1.6.2. Affordable Housing

During their deliberations of the Planning Proposal, the NSLPP queried why the proponent had not proposed to provide any affordable housing noting the level of uplift the subject site was to receive. In particular, the NSLPP had noted that the initial public benefit offer had included the delivery of affordable housing, but this aspect had since been removed.

Issues relating to the proposed public benefit offer are further detailed in Section 3 to this report. In summary, the applicant has amended the public benefit offer to include the

construction and dedication to Council of a single 2-bedroom apartment for the purposes of affordable housing.

1.6.3.Site Specific DCP Controls – Site access

The NSLPP supported the progression of site-specific development controls within NSDCP 2013 to guide the future development on the subject site (refer to Section 2 of this report). In their deliberations, the NSLPP had raised concerns with regard to the location of future vehicular access to the subject site. It was the NSLPP's preference for vehicles to access the site from Walker Street in preference to Harnett Street. This outcome is contrary to the recommendations of Council's Transport Planner who stated that providing vehicular access from Harnett Street would result in better pedestrian safety and amenity of both destination and non-destination walking trips along Walker Street, including those by students travelling between the CBD and Wenona School.

Due to the site's prevailing topography, it would be more practical to provide vehicular access off Walker Street as this would alleviate the need to accommodate additional internal vehicular circulation spaces above ground level which could result in poor visual and activation interfaces with the public domain. However, given the likely improved pedestrian safety outcomes, future vehicular access from Harnett Street should not be discounted.

Vehicular access to McLaren Street is inappropriate given that this frontage is likely to see the highest level of pedestrian patronage. Furthermore, due to this frontage being located at the highest point of the site, it would result in the worst built form outcome due to the additional internal vehicular circulation spaces needed to be accommodated above ground level likely to result in poor visual and activation interfaces with the public domain.

Accordingly, it is recommended that the future DCP provision seek to promote vehicular access which ensures the maximising of pedestrian safety outcomes and activation of frontages at the ground level. In addition, it is recommended that a provision be incorporated that promotes vehicular access being made from Walker Street and is prevented from McLaren Street.

2. North Sydney Development Control Plan (NSDCP) 2013

The proposal is accompanied by suggested amendments to NSDCP 2013 to assist in the delivery of the concept proposal. They comprise of site-specific controls to be incorporated within Part C of the DCP. In particular, the amendments proposed include:

- Incorporating the site within the Central Business District Locality Area from the Hampden Street Locality Area to better reflect the site's proposed *B4 Mixed Use* zoning and its location within the Ward Street Precinct;
- Applying site specific controls relating to building height in storeys, site setbacks, podium setbacks and overshadowing restrictions to the proposed Central Square within the Ward Street Plaza.

As part of its assessment of the Planning Proposal (refer to Attachment 1), Council staff identified some additional matters that should be incorporated within the draft DCP amendment, including:

- Ensuring any elements projecting into the above podium setback to McLaren Street are minor in nature;
- Noting that the Apartment Design Guide building separation requirements take precedence over the setback controls within the DCP;
- Ensure that deep soil zones are created along the Walker Street frontage;
- Applying the parking rates for Precincts 2 and 3 in St Leonards due to the site's proximity to the future Victoria Cross Metro Station; and
- Consideration be given to the use of sandstone in the construction of the through site link.

These additional controls are supported as it will provide increased certainty in the delivery of the intended built form. The NSLPP supported the inclusion of these additional elements at its meeting of 23 February 2022. In addition, the NSLPP recommended that a provision be included that promoted vehicular access be provided from Walker Street. As indicated in section 1.6.3 above, there may still be some advantage in providing vehicular access from Harnett Street. Accordingly, any new site-specific provision should not exclude the ability to provide vehicular access from Harnett Street, noting the potential improved pedestrian safety outcomes.

Draft amendments to NSDCP 2013 reflecting the applicant's anticipated proposed built form and concerns raised during the assessment of the Planning Proposal form ATTACHMENT 2 to this report.

It is recommended that if Council is of a mind to progress the Planning Proposal to Gateway Determination, that it also adopt the draft amendment to NSDCP 2013 and place that amendment on public exhibition concurrently with the Planning Proposal so as to allow the community a full appreciation of what is being proposed.

3. Voluntary Planning Agreement (VPA)

At the time that the NSLPP considered the Planning Proposal, the applicant had offered to enter into a VPA with Council (refer to Attachment 3 to the Council Assessment Report considered by the NSLPP on 23 February 2022) to deliver a number of public benefits to the value of approximately \$5.8 million in response to the proposed increase in intensity of the use of the subject site. At that time, the public benefit offer comprised the delivery of:

a) Community Infrastructure and Public Domain upgrades (Monetary Contribution - \$1,085,000 approx.):

A monetary contribution for the purpose of carrying out community infrastructure and public domain upgrades within the Ward Street Precinct. The amount would be based on a rate per every additional dwelling approved in any future Development Consent at 45 McLaren Street, North Sydney. A rate of \$17,500 per additional dwelling (excluding any apartments allocated for Affordable Housing) is proposed for the purpose of

carrying out community infrastructure and public domain upgrades within the Ward Street Precinct.

Should a total of 80 apartments be approved, based on the existing provision of 18 apartments then a total of \$1,085,000 would be paid based on 62 x \$17,500. The amount will ultimately vary depending on the number of apartments to be approved.

The contribution would be paid prior to issue of an Occupation Certificate and in addition to whatever the normal amount of local infrastructure contributions is payable under section 7.11 or 7.12 of the EP&A Act.

b) Widening of through-site pedestrian link (Works in Kind and Land Dedication \$4.15 million):

Proposal to construct a widened (by 2m) through-site pedestrian linkage between Walker and Harnett Streets along the site's southern boundary. The area of land incorporating the widened portion of the through site link (57sqm) is to be dedicated to Council after its construction.

c) Public Domain (footpath, curb and gutter) upgrade works (Works in Kind):

Proposed upgrade of approximately 127m of footpaths, curbs and gutters along the site's frontages to Walker, McLaren and Harnett Streets to the approximate value of \$585,000.

3.1. Internal Comments

The Planning Proposal and letter of offer to enter into a VPA was referred to Council's Community and Library Services and Engineering and Property Services Divisions for their comment to determine the acceptability of the proposed public benefit offers. Council also engaged economic consultant BEM to independently review the suggested value of the offer to determine if it is fair and reasonable with regard to the level of potential uplift sought on the site.

3.1.1. Value of public benefit offer

Economic consultant BEM have suggested that the site is currently valued at approximately \$23.4m and that if the site is redeveloped in accordance with the new controls, then the site would have a value of approximately \$52.3m, resulting in an uplift of approximately \$28.9m.

Based on a public benefit offer of \$5.8m this represents approximately 20% of the uplift in value. The suggested monetary value of the offer is generally consistent with value range of past accepted public benefit offers received by Council when compared to the anticipated value in uplift from a change to the planning controls.

3.1.2. Community Infrastructure & Public Domain Upgrades

No objection was raised with respect to this aspect of the proposed offer, other than to state that the monetary contribution goes towards the development and/or fit-out of community

facilities as detailed in the WSPMP. This aspect can be clarified in the finalisation of any formal VPA.

3.1.3.Streetscape upgrades

Council's Engineering and Property Services Division, did not raise any objection to the intent of the offer. However, it did request that if supported, that the VPA include a requirement to register a positive covenant on the land requiring the owner to of the land to be responsible for the day-to-day maintenance and upkeep for the public domain (i.e. footpaths) adjacent to the site.

If the site was to be redeveloped without the benefit of the planning proposal, it would be normal practice to require such works to be undertaken as a condition of consent to any approved wholesale redevelopment of the site. On this basis this aspect of the public benefit offer should be removed.

Any upgrade of adjacent footpaths would also need to be undertaken in accordance with the North Sydney CBD Public Domain Strategy which in some instances require a higher level of treatment than would ordinarily be required elsewhere in the LGA. This may not be delivered in the short to medium term if the subject Planning Proposal were not to proceed.

Accordingly, there is some degree of public benefit, but maybe not to the degree suggested by the applicant. Given the extensive frontage of the subject site to three streets, an apportioned cost could be attributed to this aspect of the proposed offer.

3.1.4.Through Site Link

The Planning Proposal indicates it would provide public benefit in the form of a widened through-site link to connect Walker Street to Hampden Street and through to the proposed public open space to the south-west. The enhancement of this through site link is strongly supported, given the narrowness of the current link across 144-150 Walker Street.

This aspect of the VPA offer has been initially considered by Council's Engineering and Property Services Division, who do not raise any objection to the intent of the offer. However, they did recommend that the VPA would need to include provisions that:

- Required the executed VPA to be registered on the title of the land;
- The through site link be dedicated to Council.
- Include a requirement to register a positive covenant on the land requiring:
 - the owner to of the land to be responsible for the day to day maintenance and upkeep of the through site link;
 - that Council be responsible for the structure repairs to the though site link.
- That appropriate covenants be put in place to delineate who will be responsible for the ongoing maintenance of the through site link.

Council's Engineering and Property Services Division also suggested that the through site link be widened further from a public safety – overall pedestrian circulation, aesthetics and public

amenity perspective. The proposed offer effectively doubles the width of the existing through site link on the adjoining property meeting these merit based goals. Whilst Council has generally adopted a 6m wide threshold for through site links elsewhere in the North Sydney Centre, it is not anticipated that this through site link will be carrying the same level of pedestrian traffic as the primary trafficable routes. Accordingly, a further increase in width is not deemed crucial in this instance.

Economic Consultants BEM in their review of the offer suggested that the land dedication component (estimated at \$3.5m) was greatly overestimated. In particular, they stated:

The Proponents are proposing a 1.5 metre wide public accessway pedestrian pathway link along the southern boundary of the site linking Harnett Street to Walker Street. This would immediately adjoin a similar pedestrian link that exists on the other side of the boundary line on the adjoining property (150 Walker Street). Whilst it is proposed that the developer would build this link to be possibly combined with the adjoining link, and 'sell' this section of land to Council as part of their 'public benefit' obligation, we see no benefit to Council in owning such a portion of land, particularly when the adjoining link is not in Council ownership. We would advise the link should be created by an easement for public access over the land with the rights and obligations for repair and maintenance resting with the sites eventual Owners Corporation.

...

In our opinion, because the development potential of this strip of land is being used to calculate[d] the GFA of the proposed development of the property, then the potential land 'as sold' would be stripped of its redevelopment potential and is therefore not logically worth anywhere near its value as part of a development site. We would attribute a value of say \$2,000/m² of site area to the land, say \$100,000, and the cost to develop such land with steps, a pathway, handrail and lighting we have estimated at circa \$180,000.

Based on BEMs' advice, the revised value of the offer would be approximately \$280,000. If this revised amount is tallied with other aspects of the proposed offer, the total value of the public offer reduces from the applicant's estimation of \$5.8m to a more realistic \$1.8m representing 6% of uplift in value of the land, which is outside of the range of public benefit offers that Council has previously entered into.

Irrespective of the value of the land, the delivery of the through site link is an unquantifiable public benefit. Therefore, assigning any monetary value to its delivery is difficult.

Given the land ownership arrangements associated with the through site link on the adjoining property to the south of the subject site and lack of value to Council should it be dedicated, it is recommended that the delivery of the through site link still be accepted. However, a positive covenant should be imposed over the site ensuring unfettered public access across the area of the through site link site 24 hours a day 7 days a week, with its upkeep the responsibility of the body corporate to any future development on the site.

It is recognised that if the through site link is to remain on private title, then there would be associated maintenance and upkeep costs for the life of the link.

3.1.5.Affordable Housing

Council's Community and Library Services Division offered its disappointment that the affordable housing aspect proposed within the initial public benefit offer at the time of lodgement of the Planning Proposal had been removed.

3.2. Revision of Public Benefit Offer

In light of the issues raised in the proceeding subsections, Council wrote to the applicant on 1 March 2022 advising those aspects of the public benefit offer which were supported and those which were not.

Following a number of meetings with the applicant, they submitted a revised public benefit offer on 15 March 2022 (refer to ATTACHMENT 3). The revised public benefit offer totals an approximate value of \$4.773 million and comprises the delivery of:

a) Community Infrastructure and Public Domain upgrades (Monetary Contribution - \$1,273,000 approx.):

A monetary contribution for the purpose of carrying out community infrastructure and public domain upgrades within the Ward Street Precinct. The amount would be based on a rate per every additional dwelling approved in any future Development Consent at 45 McLaren Street, North Sydney. A rate of \$19,500 per additional dwelling (excluding any apartments allocated for Affordable Housing) is proposed for the purpose of carrying out community infrastructure and public domain upgrades within the Ward Street Precinct.

Should a total of 85 apartments be approved, based on the existing provision of 18 apartments then a total of \$1,273,000 would be paid based on 67 (additional units) x \$19,000. The amount will ultimately vary depending on the number of apartments to be approved.

The contribution would be paid prior to issue of an Occupation Certificate and in addition to whatever the normal amount of local infrastructure contributions is payable under section 7.11 or 7.12 of the EP&A Act.

b) Widening of through-site pedestrian link (Works in Kind and Upkeep – approx. \$1.8 million):

Proposal to construct a widened (by 1.5m) through-site pedestrian link between Walker and Harnett Streets along the site's southern boundary. The area of land incorporating the widened portion of the through site link (57sqm) is to be tied to the future strata title of the development on the subject site and managed by the Body Corporate to be established on completion of the project.

c) Public Domain (footpath, curb and gutter) upgrade works (Works in Kind – \$200,000):

Proposed upgrade of approximately 127m of footpaths, curbs and gutters along the site's full frontages to Walker, McLaren and Harnett Streets to the approximate value of \$600,000. Whilst such works are typically delivered as part of any development application without the benefit of a planning proposal, only a 1/3 of these costs have been allocated against the total value of the public benefit offer.

d) Affordable Housing (Works in Kind and Dedication – approximate value \$1,500,000)

Construction and dedication of 1 x 2-bedroom apartment on site for the purposes of affordable housing to be owned and managed by Council in accordance with its Affordable Housing Strategy.

3.3. Assessment of revised public benefit offer

The aspects of the revised public benefit offer are assessed in the following subsections.

3.3.1. Value of public benefit offer

The total value of the public benefit offer has been reduced from approximately \$5.8million to \$4.773 million, despite there being no further amendment to the level of uplift proposed under the Planning Proposal.

The letter of offer indicates that from the 1 July 2022, all developers will be subject to a mandatory Regional Infrastructure Contribution (RIC) where there is a resultant increase in dwelling density or retail/commercial floor space. These contributions are proposed to be implemented transitionally, with a discounted rate (25%) applying from 1 July 2022 increasing to the full amount from 1 July 2024. Assuming it will take more than 2 years to obtain a development consent applying to a future development on the site should the Planning Proposal proceed, the concept development would be liable for a RIC in the order of \$1million., which represents the reduction in the monetary value of the public benefit offer.

If the value of the RIC is added to the value of the current public benefit offer, the offer would be in the order of \$5.77million which is marginally less than the previous offer.

However, there is currently no certainty around the implementation of a future mandatory RIC. Whilst the initial proposal to introduce the imposition of RICs on development was publicly exhibited in November and December 2021, the post exhibition process and subsequent implementation through legislative changes has yet to be finalised.

Given the uncertainty of the implementation of the RICs system, it is recommended that the applicant revise their offer to reinstate the potential \$1 million shortfall associated with the implementation of the RIC. Potential may exist to reallocate these funds to increase the affordable housing offer (e.g. a 1 x 1-bedroom apartment, increasing the total number of affordable housing dwellings to two apartments).

Notwithstanding, it is recognised that a RIC may still be implemented in the near future, which would impact on the applicant's ability to deliver the public benefits. Accordingly, the offer should include the ability to revise the draft VPA offer should a RIC be implemented. Similar provisions were incorporated into VPAs associated with development in St Leonards / Crows Nest when the State Government introduced the imposition of State Infrastructure Contributions as part of the *2036 Plan for St Leonards Crows Nest*.

3.3.2. Community Infrastructure & Public Domain Upgrades

As discussed in section 3.1.2 to this report, no objection is raised with respect to this aspect of the proposed offer. It is noted that the applicant has increased their per dwelling contribution to from \$17,500 to \$19,000 per additional dwelling provided on site. This increase in the monetary offer will further assist delivery of future community infrastructure and public domain upgrades within the Ward Street Precinct.

3.3.3. Streetscape upgrades

As discussed in section 3.1.3 to this report, the value of this public benefit is marginal given that such works would typically be required to be undertaken as a condition of consent to any approved wholesale redevelopment of the site, without the benefit of any uplift.

However, acknowledging the site has 3 street frontages and the level of upgrade to comply with the requirements of the North Sydney CBD Public Domain Strategy, it would be acceptable to consider a portion of the value of these works to be considered a public benefit.

The suggested allocation of 1/3 of the total monetary value of works is acceptable in this instance.

3.3.4. Through Site Link

This aspect of the offer has been revised to remove the dedication of the through site link to Council and ensure that its ownership and ongoing maintenance is tied to any future strata title associated with the redevelopment of the land. This is consistent with Council's advice to the applicant following its initial assessment of the previous offer.

The general costings associated with the delivery of the through site link appear to be logically worked out, however their actual determination is difficult to quantify especially given that the link is yet to be created and the extent of management and upkeep will depend on a number of external factors.

3.3.5. Affordable Housing

Whilst affordable housing is not identified as a key deliverable within the Ward Street Precinct, its proposed inclusion within the public benefit offer is generally supported and aligns with Council's strategic directions to increase this typology of housing in the LGA (as identified within Council's Affordable Housing Strategy, Local Housing Strategy and Local Strategic Planning Statement).

Both Council's Affordable Housing Strategy and Local Housing Strategy are silent on the quantum of affordable housing to be provided within a development, generally seeking to rely on a State Government led approach. Notwithstanding, it is noted that the Regional Plan for Sydney states "Within Greater Sydney, targets generally in the range of 5–10 per cent of new residential floor space are viable". Assuming that 85 apartments are approved, this would equate to around 4-8 apartments being allocated for affordable housing. However, provision of this many apartments would come at the expense of delivering other public benefits offered by the applicant, including the through site link and community infrastructure within the Ward Street Precinct.

Accordingly, the quantum of the offer is acceptable in this instance.

3.3.6. Other Issues

There is currently a lack of detail regarding certainty of outcomes, security of payment/delivery and enforcement of the agreement. These issues are of a technical nature and can be resolved prior to placing the Planning Proposal on public exhibition, should it be resolved that the Planning Proposal proceed to Gateway Determination.

Whilst the intent of the proposed public benefit offer to form a draft VPA is considered to be fair and reasonable, it is recommended that if Council resolves to allow the Planning Proposal to proceed to Gateway Determination, that Council staff immediately commence detailed negotiations with the applicant to finalise a draft VPA for public exhibition purposes.

Only once the General Manager is satisfied that any issues with the draft VPA, as identified by Council's lawyers, have been appropriately resolved, will the Planning Proposal and draft VPA then be publicly exhibited concurrently, so as to allow the community a full appreciation of what is being proposed. Council will have the opportunity to execute the draft VPA when the post-exhibition report is reported to Council.

4. Conclusion

The Planning Proposal seeks to amend NSLEP 2013 such that it will enable a mixed commercial and residential development up to 14 storeys in height on the site generally consistent with the desired outcomes of the Ward Street Precinct Masterplan and evolving future built form outcomes for the locality.

The relevant requirements under s.3.34 of the EP&A Act and the matters identified in the DPE's *'Local Environmental Plan Making Guidelines'* (December 2021) have been adequately addressed in the Planning Proposal and its impacts can be appropriately managed in conjunction with associated site-specific amendments to NSDCP 2013.

It is therefore recommended that Council support the forwarding of the Planning Proposal to the DPE, seeking a Gateway Determination under s3.34 of the EP&A Act 1979, subject to the addressing of matters as outlined in this report and adoption of site-specific draft amendments to NSDCP 2013. This will enable the concurrent public exhibition of the Planning

Proposal with the associated draft amendments to NSDCP 2013 and draft VPA offer, with the consideration of submissions made to be reported to a future Council meeting prior to the making of an LEP amendment giving effect to the Planning Proposal.

URBIS

AMENDED PLANNING PROPOSAL

**45 MCLAREN STREET,
NORTH SYDNEY**

PREPARED FOR
45 MCLAREN PTY LTD ("PODIA")
NOVEMBER 2021

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P0023365
Report Number	Final_Amended Planning Proposal Nov 2021

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EXECUTIVE SUMMARY

SUMMARY

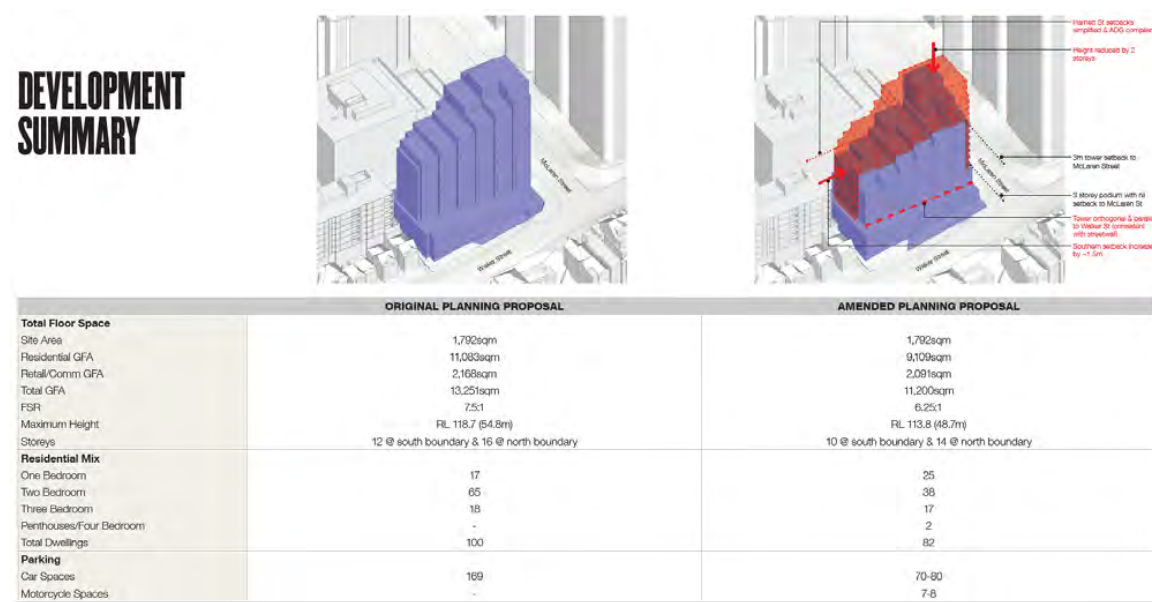
This amended Planning Proposal has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of 45 McLaren Pty Ltd (**the Proponent**) to initiate an amendment to the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as it relates to land at 45 McLaren Street, North Sydney (**the site**).

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.

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 '*Planning Proposals: A guide to preparing planning proposals*' dated December 2018.

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 NSLCP 2013 as follows:

- Rezone the site from R4 High Density Residential to B4 Mixed Use;
- 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 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 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 additional jobs and housing growth on the edge of the North Sydney CBD and 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;
- 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**). This includes *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. 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:** 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.

responds to the site's sloping topography which has a fall of approximately 9m from the north to the south.

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.

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

Source: Bates Smart



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

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 office 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

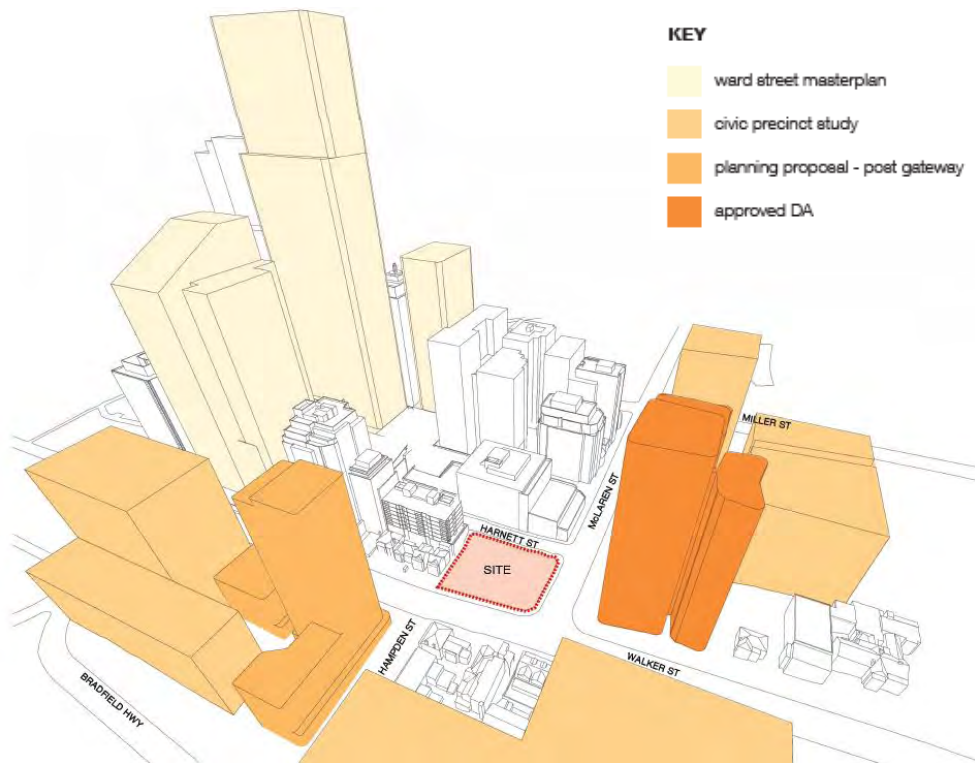


Figure 6: 3D view of the site within the existing locality



Source: Colliers International

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



Source: Bates Smart

2.3. THE CONTEXT

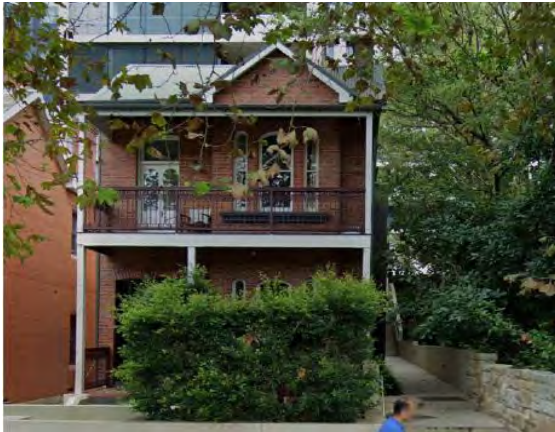
The site is located to the north-west of the North Sydney CBD and within the northern end of the Ward Street Precinct. The area is at the preliminary stages of urban renewal, which is set to transform the CBD and surrounds into a world class commercial destination, supported by a range of retail and 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.

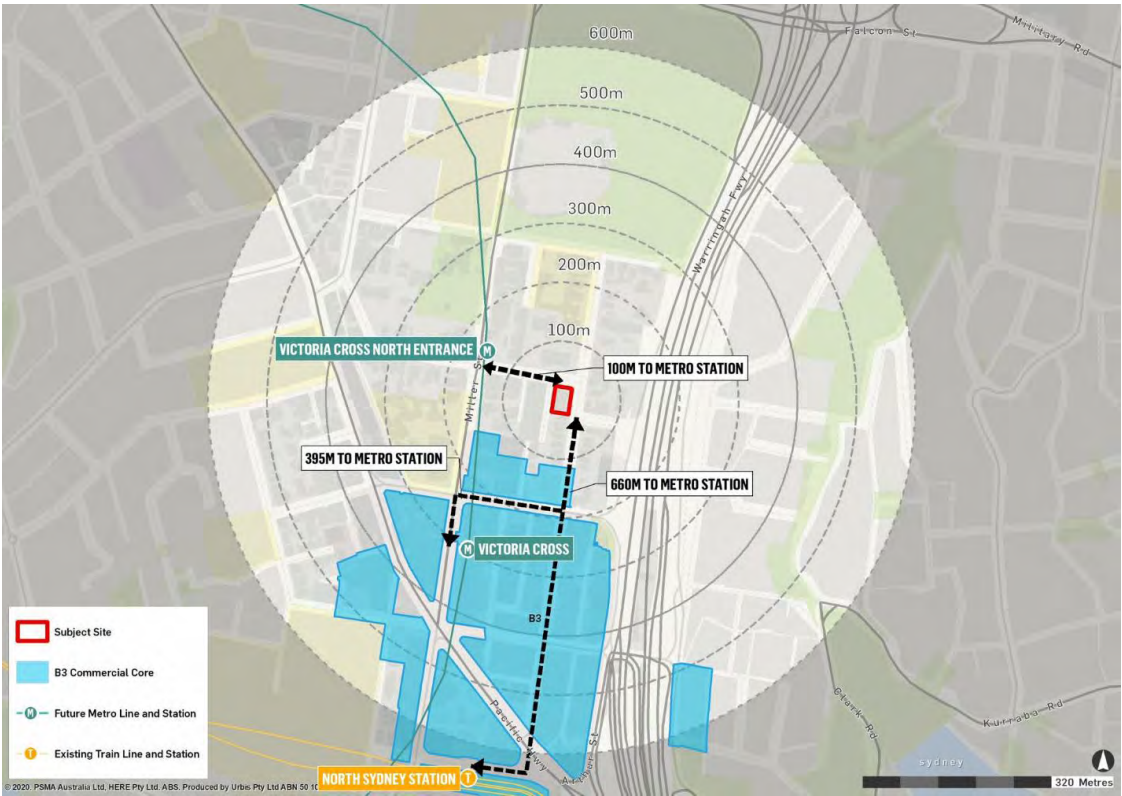
Victoria Cross will be accessed via the pedestrian plaza opening up onto Miller, Denison and Berry Streets. A secondary pedestrian entrance will be located at 50 McLaren Street, providing for underground connectivity between the two access points. This puts the site within 100m of the Metro Station.

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.

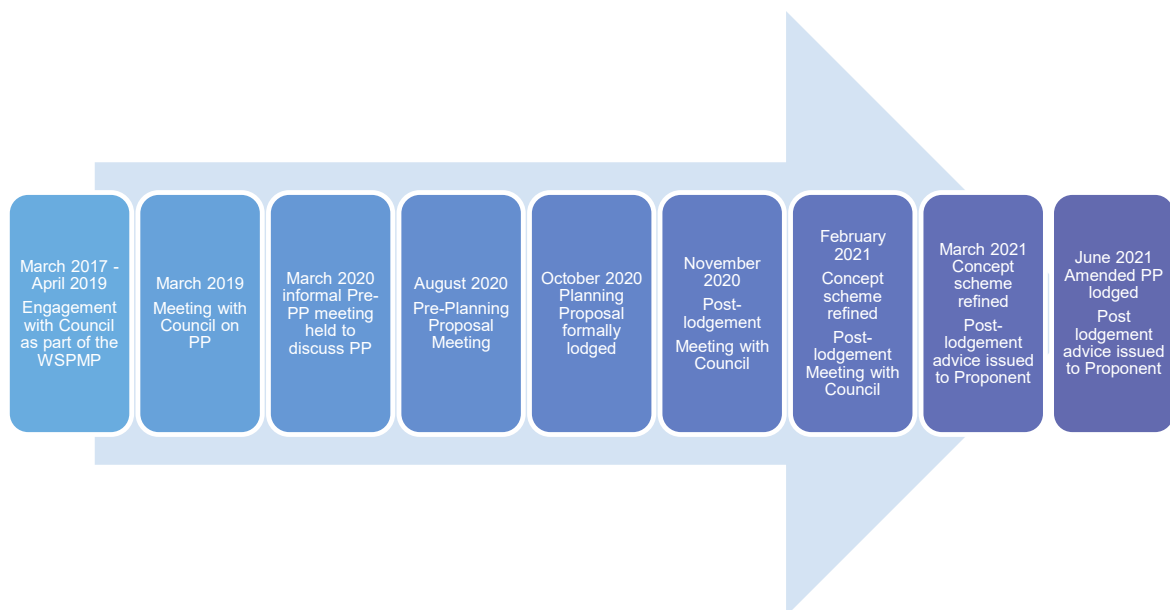
Following Council's decision to progress with Option 2 of the WSPMP (which precluded uplift on the site), the Proponent engaged with Council's strategic planning team.

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 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, Council's 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 refined the design of the Plaza, reducing the level of the Plaza 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, Council advised, by written correspondence on 29 July 2021, that ***"there is no nett additional overshadowing of the proposed southern Central Squares from 9am onwards between the March and September equinoxes."***

The Proponent has adopted Council's recommendation from 29 July.

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 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 recommended, 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	<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	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
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 has lodged a submission on the draft DCP controls (**Appendix B**). A post exhibition report is currently being prepared by Council.

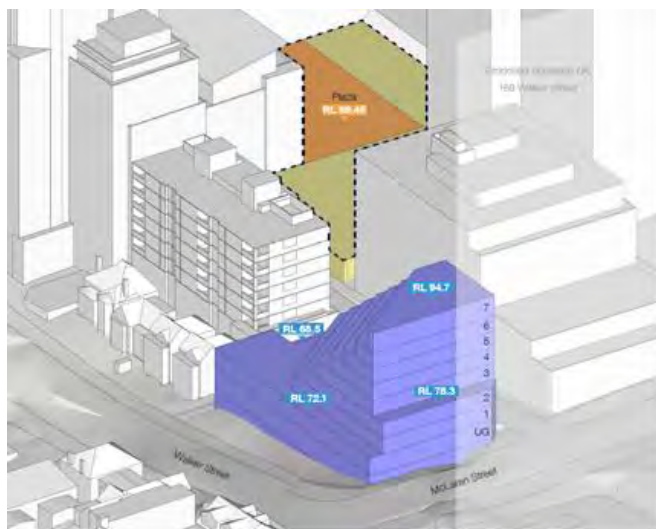
The submission detailed **three (3) significant recommendations** for Council to adopt in revising the draft DCP Amendment.

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**.

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



Source: Bates Smart Architects

4. STATUTORY PLANNING FRAMEWORK

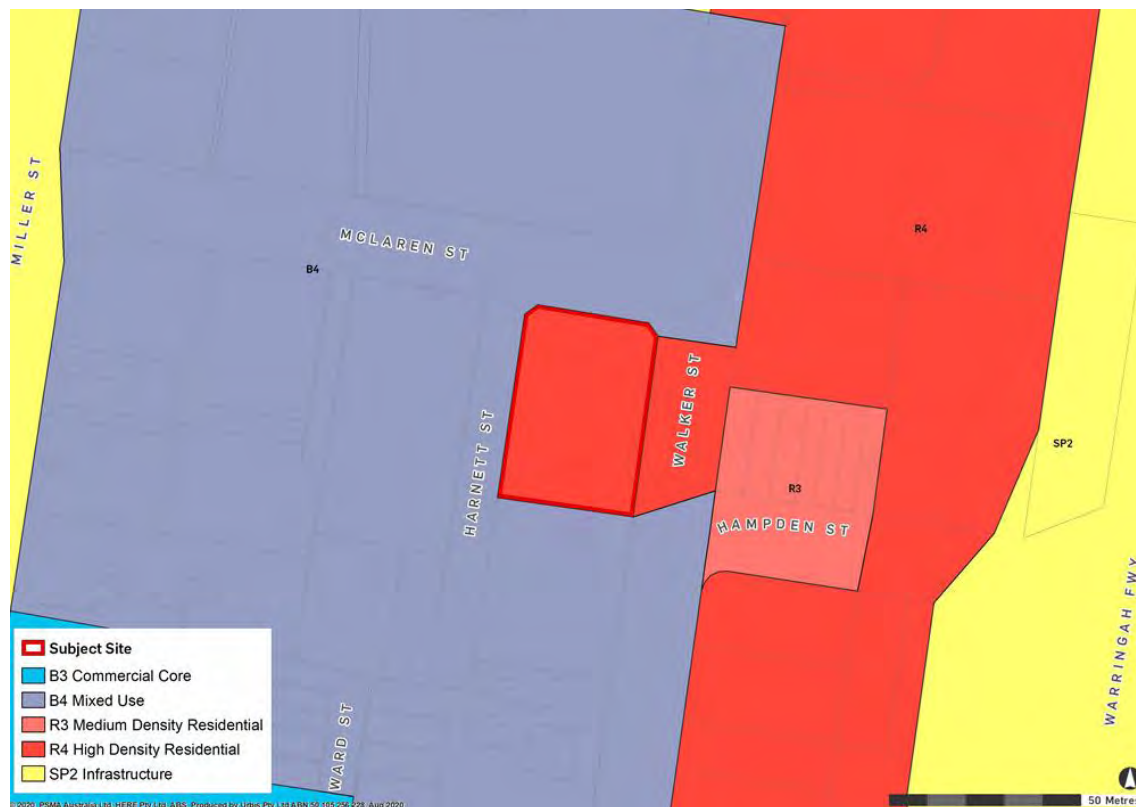
4.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

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

1. Objectives of zone	<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.
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	<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>

4.1.2. Height of Buildings

Pursuant to Clause 4.3. of the *NSLEP2013* and as illustrated in **Figure 13** below, the site is subject to a maximum building height control of 12m.

Figure 13: 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 14: 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 15: NSLEP 2013 Heritage Map



Source: Urbis

4.1.5. North Sydney Centre

As illustrated within **Figure 16** the site is not located within the North Sydney Centre.

Figure 16: NSLEP 2013 North Sydney Centre Map



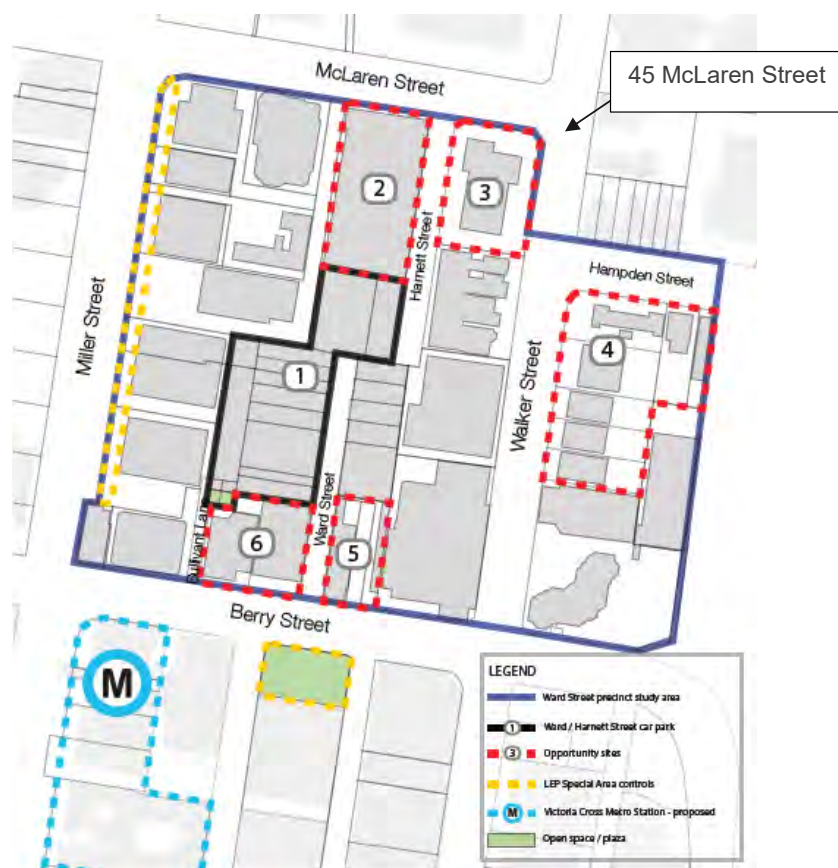
Source: Urbis

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.

Figure 17: 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.

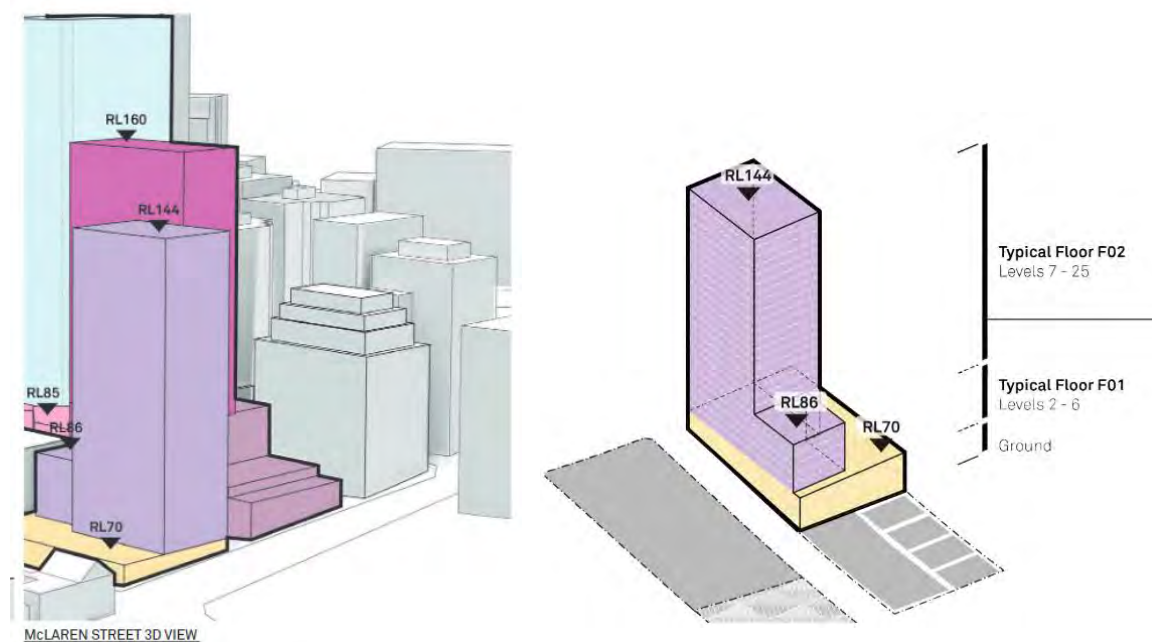
Stage 2 was publicly exhibited between 7 August and 8 October 2018 and included two masterplan options: Miller Street Square (Option 1) and Central Square (Option 2). Each option was designed based upon the following built form criteria:

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

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 and a residential tower above, of up to RL144 (25 storeys).

Figure 18: Indicative built form outcome



Source: Stage 2 Ward Street Master Plan

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.

On 24 June 2019, Council resolved to endorse the finalised Stage 2 WSPMP, being the Central Square Option, as amended (refer **Figure 21**).

Figure 19: Miller Street Square (Option 1)

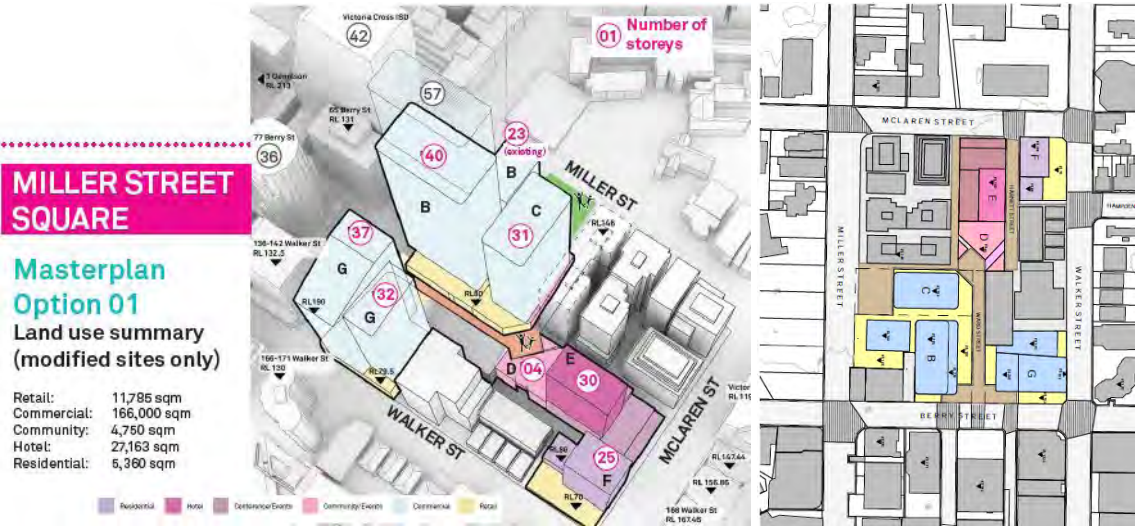


Figure 20: Central Square (Option 2)

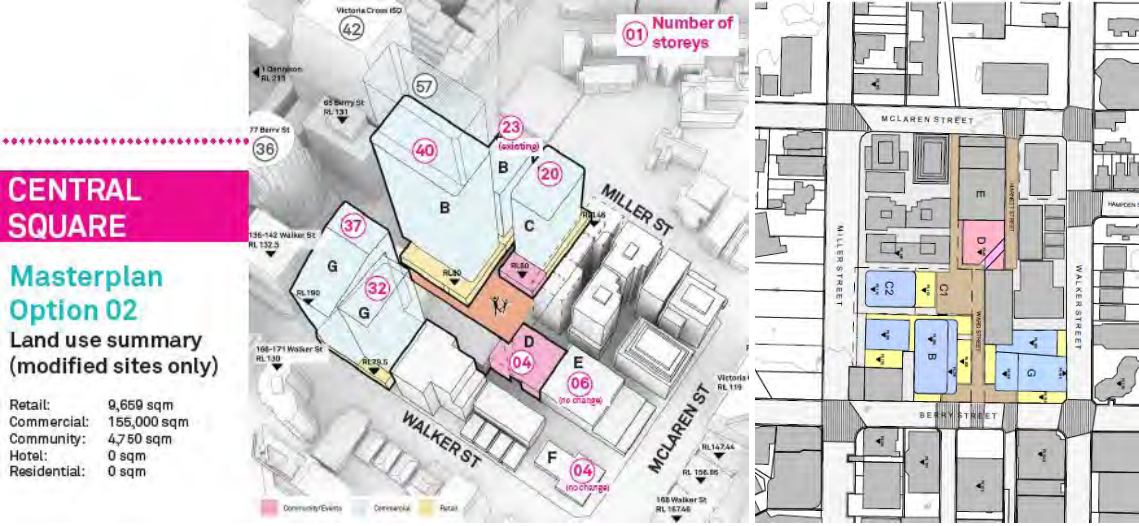
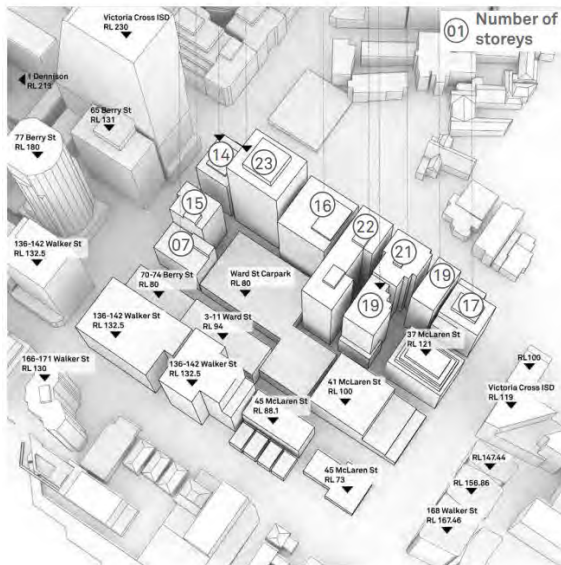
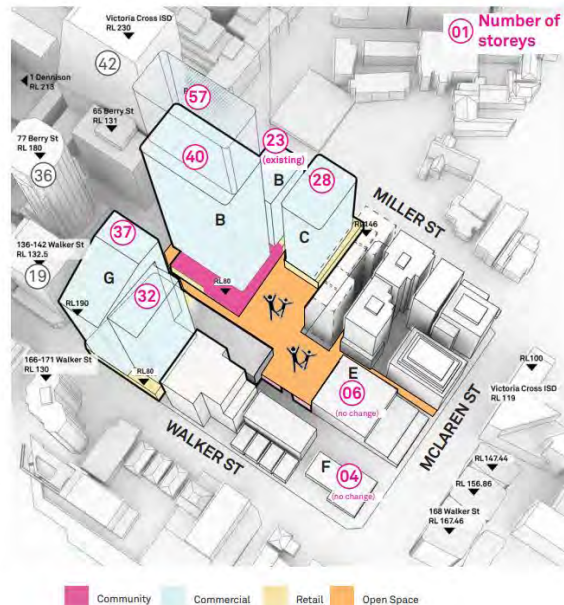


Figure 21: Final Ward Street Master Plan Built Form

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 and the amended Planning Proposal (and submitted reference scheme) is summarised in **Table 5** below:

Table 5 Comparison between WSPMP and the amended Planning Proposal

	Ward Street Precinct Masterplan (Option 1)	Amended Planning Proposal
Podium	Retail podium up to RL70 Retail GFA: 1,390m ²	Retail podium up to RL72.1 Retail / Comm GFA: 2,091m ²
Tower	Residential tower up to RL144 (25 storeys) with a southern wing up to RL86 (6 storeys) Residential GFA: 15,360m ² 834m ² GFA per floor plate	Residential tower up to RL113.8 (14 storeys) with a southern wing that steps from RL91.7 to RL101 (10 storeys) Residential GFA: 9,109m ²
Potential GFA	16,750m ²	11,200m ²
Through site link	Along the southern boundary	Along the southern boundary
Active frontage(s)	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 22** below.

Figure 22: 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.

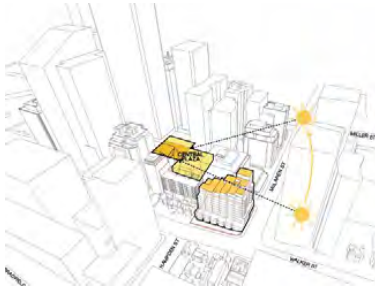
6.1.1. Design Principles

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:

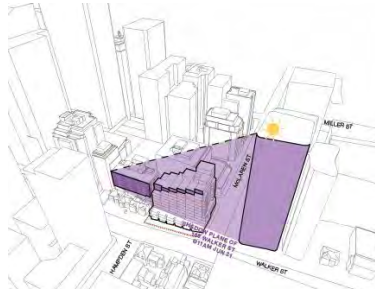
- **Solar access:** No overshadowing to the Central Square within the Plaza from 9am on June 21st and retention of solar access to existing residential properties at 150 Walker Street.
- **Height transition:** Utilising the building heights established within the endorsed WSPMP, the approved development 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 23 below illustrates graphically how the reference scheme has been developed based upon the adopted design principles.

Figure 23: 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



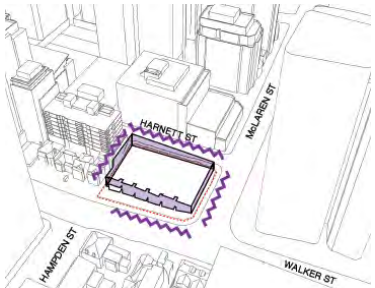
Picture 4: Street alignments and setbacks



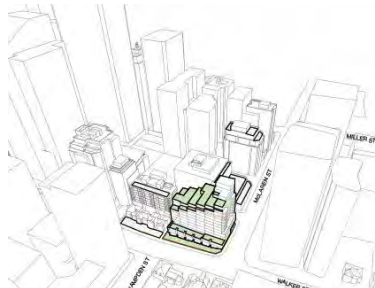
Picture 5: Mixed-use precinct



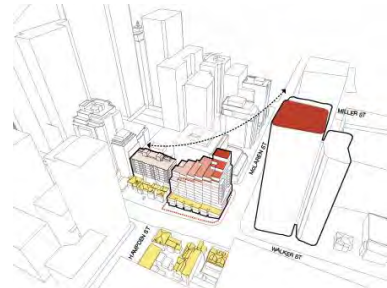
Picture 6: Enhancing the through-site link



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 6** below.

Table 6: Key numerical details

Indicator	Development outcome
Land Use	Residential accommodation Commercial / Retail Recreational Facility (indoor) - Gymnasium
Height	RL113.8 / 14 storeys <i>*Note: LEP heights have been rounded to allow for lift overrun and plant</i>
FSR	Total FSR: 6.25:1 Residential GFA: 9,109m ² Retail/commercial GFA: 2,091m ² Total GFA: 11,200m ²
Apartments	82 apartments: 25 x one-bedroom apartments 38 x two-bedroom apartments 17 x three-bedroom apartments 2 x penthouse apartments
Built form	1-3 storey podium Tower above podium
Parking	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.

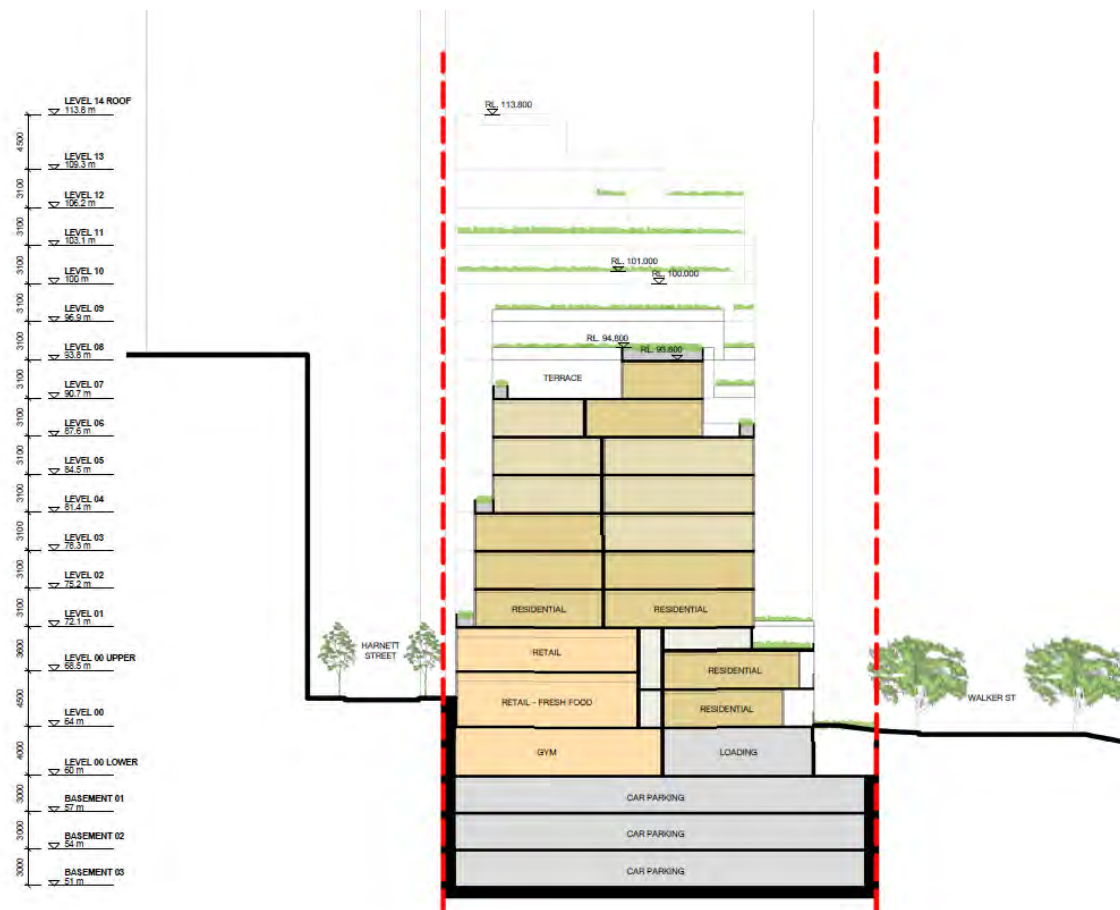
As illustrated in the submitted reference design, the redevelopment of the site would accommodate:

- 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 24: Proposed east-west section illustrating the land uses



Source: Bates Smart

6.2.3. Height and Built Form

The amended Planning Proposal proposes a maximum building height of 48.7m (RL113.8), which will allow for a built form that steps across the site. A 1-3 storey podium is proposed, which has 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.

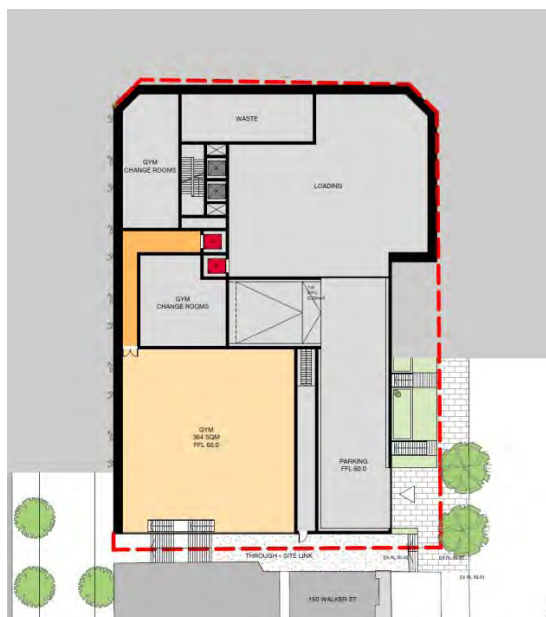
A site access study has been undertaken by Bates Smart and is documented in the submitted urban design report (**Appendix A**). The study documents the benefits associated with locating vehicular access at the lowest point of the site. If access was to be provided from Harnett Street, this would require 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.

Figure 25: Lower Ground Floor



Source: Bates Smart

6.2.4.3. Ground

The ground floor is setback 5.5m from Walker Street and contains four residential terraces with outdoor balconies and direct street access. These 2-storey terraces complement the heritage buildings directly to the south of the site, presenting as a modern interpretation of the heritage context.

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.

Figure 26: Ground floor



Source: Bates Smart

Figure 28 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.

It is anticipated that the proponent and North Sydney Council will enter into further discussions regarding a VPA to facilitate the delivery of public benefits commensurate with the degree of uplift associated with the amended Planning Proposal.

This amended Planning Proposal is accompanied by a letter of offer (**Appendix E**) which outlines the potential public benefits, including:

- Monetary contribution of \$17, 500 per net increase in residential yield (monetary contribution)
- Widening of through site pedestrian link (works-in-kind and land dedication)
- Harnett Street, Walker Street and McLaren Street public domain improvement works

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.

Should the proponent and Council agree to an offer of public benefit, a draft VPA would be separately placed on public exhibition prior to the gazettal of this 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 Centra Square within the Ward Street Plaza. These controls are summarised in the table below:

Table 7: 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	McLaren Street Podium: 0m Above podium: 3m to boundary Walker Street Podium: 5.5m Above podium: 4.85m Southern boundary Podium: 1.5m Above podium: 3m Harnett Street: Podium: 1m Above podium: 1.5m-3m for the southern extent of the building only
Activation of street frontages	Commercial / retail land uses are to be provided to all street frontages, except Walker Street. 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

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 “A guide to preparing planning proposals” issued by the Department of Planning and Environment (December 2018).

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 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.*

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 PROPOSED 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.

10. PART 3 – JUSTIFICATION OF PROPOSAL

10.1. 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 intend 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 zone was considered as these proposed uses, are permitted. However, whilst residential flat buildings are permitted with consent in the B4 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 will permit residential development along the Walker Street frontage, which is the best means to achieve the intended concept development outcome.
- 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

¹ Stage 2 Ward Street Precinct Masterplan 2019, pg 27

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. SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

10.2.1. Assessment Criteria

The Department's guide to preparing planning proposals states that:

"Assessment Criteria have been established to assist proponents or a PPA justify a planning proposal. These criteria form the basis of the strategic merit and site-specific merit assessment for the rezoning review process. As a minimum, the justification component of a planning proposal should address the following Assessment Criteria.²"

The Assessment Criteria, and the location of where those criteria are addressed in this amended Planning Proposal, is outlined in **Table 8** below.

Table 8: 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>	Yes. Refer to response to Question 3.
<i>Give effect to a 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 local strategic planning statement; or</i>	Yes. Refer to response to Question 4.
<i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.</i>	Yes. 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. The Sydney Metro project will deliver 66 kilometres of new metro rail linking Sydney's north western regions to the south west. Full services are due to commence in 2024, with a train every 4 minutes in peak periods. The amended Planning Proposal responds to the construction of the Victoria Cross Metro Station Sydney, approximately 200 metres from the site.

² NSW Department of Planning and Environment, *Planning Proposals, A guide to preparing planning proposals* 2018, pg 12

Assessment Criteria	Report Section Addressing Criteria
	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.
<i>b) Does the proposal have site-specific merit, having regard to the following?</i>	
<i>The natural environment (including known significant environmental values, resources or hazards) and</i>	Yes. Refer to response to Question 7.
<i>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and</i>	Yes. Refer to <i>Section 2 Site & Surrounding Context</i> and <i>Section 5 Local Strategic Planning Background</i> .
<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>	Yes. Refer to response in Question 10.

Other considerations within <i>A Guide to Preparing Planning Proposals</i>	Response
<ul style="list-style-type: none"> There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test. Note: A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not 	<p>With regard to these considerations, we note the following:</p> <ul style="list-style-type: none"> The NSLEP 2013 came into force on 13 September 2013, making the North Sydney LEP controls over five years old. This was informed by a Residential Strategy (2009) that is now 10 years old. Therefore, there should not be a presumption against a rezoning review given the aged nature of the applicable Housing Strategy and NSLEP. Whilst it is acknowledged that North Sydney Council have completed their Local Housing Strategy (LHS) and this was approved by the DPIE on 10 May 2021, the LEP has not been amended to reflect the housing growth. The LHS recommends three land use planning approaches to deliver the housing supply for the LGA. These include:

<p><i>proposed to finalise, that draft regional, district or corridor/precinct plan.</i></p>	<ul style="list-style-type: none"> – Concentrating residential density in and around existing centres and transport nodes; – Manage housing in the St Leonards/Crows Nest Precinct; and – Continue Council's approach of place-based strategic planning. <ul style="list-style-type: none"> ▪ The amended Planning Proposal aligns with Council's land use planning approach as it: <ol style="list-style-type: none"> 1. Provides residential density against to the CBD and within 100m of the Metro station and 600m from the Train Station; and 2. The Planning Proposal has been prepared in accordance with the resolution of the WSPMP, which encouraged a proponent-initiated planning proposal to be lodged. This is a direct outcome of Council's place-based strategic planning approach. ▪ The amended Planning Proposal achieves a number of strategies and actions that underpin the vision for North Sydney, as outlined in the <i>Greater Sydney Region Plan</i>. ▪ The amended Planning Proposal assists Council in delivering the actions and priorities of the <i>North District Plan</i>, particularly in the relation to achieving baseline housing targets and the delivery of a 30-minute city. ▪ There has been significant infrastructure investment for the new Victoria Cross Station, some 100 metres from the site.
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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 9**)
- North District Plan (see **Table 10**)
- Future Transport Strategy

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 9** 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 9: 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 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	
<i>Objective 10: Greater housing supply</i> <i>Objective 11: Housing is more diverse and affordable</i>	<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</p>

Greater Sydney Region Plan	Comment
	<p>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 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</p>

Greater Sydney Region Plan	Comment
	and it also encourages walkable centres. For these reasons, this proposal supports this objective.
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	
<p><i>Objective 31: Public open space is accessible, protected and enhanced</i></p>	<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 10** below.

Table 10: Consistency with the North District Plan

North District Plan	Comment
<p><i>N1. Planning for a city supported by infrastructure</i></p> <p><i>N12. 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><i>N4. Fostering healthy, creative, culturally rich and socially connected communities</i></p> <p><i>N5. Providing housing supply, choice and affordability, with access to jobs and services</i></p> <p><i>N6. Creating and renewing great places and local centres and respecting the District's heritage</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 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>
<p><i>N20. Delivering high quality open space</i></p>	<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>

North District Plan	Comment
	<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>

Future Transport Strategy 2056

The *Future Transport Strategy 2056* (2018) (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 Future Transport vision 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 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.

Q4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, 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 11** below.

Table 11: Consistency with North Sydney LSPS

Planning Priorities	Consistency
Infrastructure & collaboration	
<i>I1 – Provide infrastructure and assets that support growth and change</i>	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.'

Planning Priorities	Consistency
	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.
Liveability	
<i>L1 – Diverse housing options that meet the needs of the North Sydney Community.</i>	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.
<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>	The site interfaces with heritage items to the east, south and west. 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.
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 12** below:

Table 12: 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	The reference scheme features an insulated green roof, reducing heat gain, thermal mass and the urban heat island effect. The proposal also consists of a series of rooftop landscaped terraces that cater for communal uses on level 10. Street tree planting and public domain works are also proposed along Harnett Street, McLaren Street and Walker Street.
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	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.
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	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.

Outcome	Strategies	Amended Planning Proposal
2.2 Vibrant centres, public domain, villages and streetscapes	2.2.1 Enhance public domains and village streetscapes through planning and activation	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. 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 to North Sydney Oval will also be reinforced. 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.
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	3.4.2 Strengthen community participation in land use planning 3.4.4. Improve the urban design, amenity and quality of North Sydney's public domain	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

Outcome	Strategies	Amended Planning Proposal
	3.4.5 Use a place-based planning approach to achieve design excellence and management	and council officers as part of the Pre-Planning Proposal meeting. 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.

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 growth³.*

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

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 State Environmental Planning Policies?

Yes. The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified in **Table 13**.

Table 13: Relevant SEPPs applicable to the amended Planning Proposal

Policy	Details
SEPP (Urban Renewal) 2010	The reference scheme aligns with the objectives of SEPP (Urban Renewal) 2010 as it facilitates the orderly and economic redevelopment of an urban site that is accessible by public transport. Moreover, the amended Planning Proposal facilitates the delivery of the objectives of the relevant State and district planning policies, which seeks to increase densities within walking distance of existing and planned infrastructure, employment nodes and educational establishments.
SEPP (Affordable Rental Housing) 2009	Not relevant
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by, inter alia, identifying matters to be

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

Policy	Details
	<p>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 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.</p>
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 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.

Q6. Is the planning proposal consistent with the 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 14**.

Table 14: Consistency of the amended Planning Proposal with the applicable s9.1 Ministerial Directions

Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The amended Planning Proposal seeks to rezone the site B4 mixed use zone. The proposal is consistent with this Direction as follows: 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.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environmental Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Management	Not applicable
2.3 Heritage Conservation	The site has no identified or known items of European or Aboriginal significance, as such this provision is not applicable. 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. 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.
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable

Direction	Comment
2.6 Remediation of Contaminated Land	<p>EI 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>
3. Housing, Infrastructure and Urban Development	
<p>3.1 Residential Zones</p> <p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to 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>

Direction	Comment
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
<p>3.4 Integrating Land Use and Transport</p> <p>(1) 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> <ul style="list-style-type: none"> ▪ The proposal supports the principle of integrating land use and transport. ▪ 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. ▪ 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. ▪ 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.
3.5 Development near regulated airports and defence airfields	Whilst the site is not located in close proximity to the Sydney Airport, it is affected by an Obstacle Limitation Surface (OLS) of 156m, as with the surrounding sites. 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 <i>Airports Act 1996</i> .
3.6 Shooting ranges	Not applicable
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The site is not affected by acid sulfate soils.

Direction	Comment
4.2 Mine subsidence and unstable land	Not applicable
4.3 Flood prone land	Not applicable
4.4 Planning for bushfire protection	Not applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Revoked
5.2 Sydney Drinking water catchment	Not applicable
5.3 Farmland of State and Regional significance on NSW far north coast	Not applicable
5.4 Commercial and retail development along the pacific highway, North Coast	Not applicable
5.5 -5.8	Revoked
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The amended Planning Proposal is consistent with this Direction, as discussed within Question 3, Table 9 .
5.11 Development of Aboriginal Land Council land	Not applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	This is an administrative requirement for the PPA.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for PPA.
6.3 Site Specific Provisions	The amended Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the <i>NSLEP 2013</i> .
7. Metropolitan Planning	
Direction 7.1 Implementation of A Plan for Growing Sydney (1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and	The amended Planning Proposal gives effect to the <i>Greater Sydney Region Plan</i> and the <i>North District Plan</i> . The amended Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in the <i>Greater Sydney Region Plan</i> . This is further discussed in Table 9 .

Direction	Comment
transport gateways contained in A Plan for Growing Sydney.	
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
7.11 Implementation of St Leonards and Crows Nest 2040	Not applicable
7.12 Implementation of Greater Macarthur 2040	Not applicable
7.13 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable

10.2.2. Section C – Environmental, Social and Economic Impact

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

No. The site is fully developed 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.

Q8. Are there any other likely environmental effects as a result 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 29: 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 30: Tower setback to align with the existing and approved built form



Figure 31: Modulation of the residential terraces along Walker Street



Source: Bates Smart

Figure 32: 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 33: 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 34: Walker Street elevation



Source: Arcadia

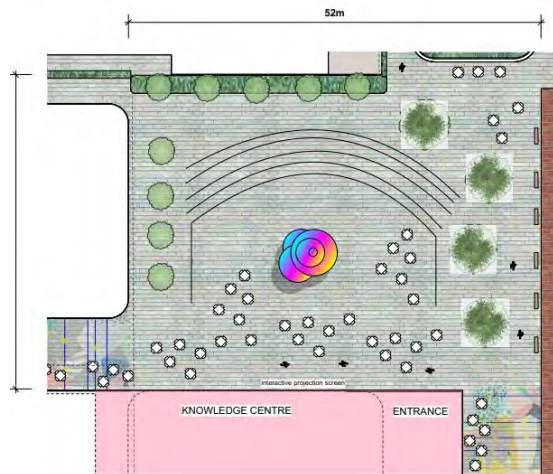
Overshadowing to the Plaza

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

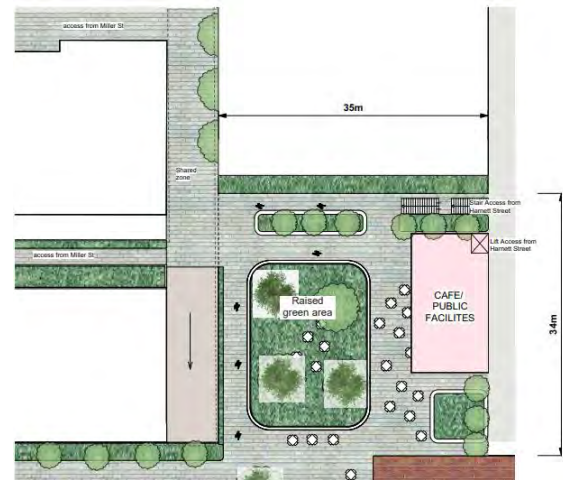
Council's vision for Plaza includes (**Figure 35**):

1. **The Central Square:** This 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:** The green square comprises an area of 1,155m² and is set 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 35: Council's vision for the Plaza



Picture 16: Central Square



Picture 17: Green Square (north of central square)

Source: Endorsed WSPMP

The amended Planning Proposal and associated height and built form has been designed with due regard to the planned 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.

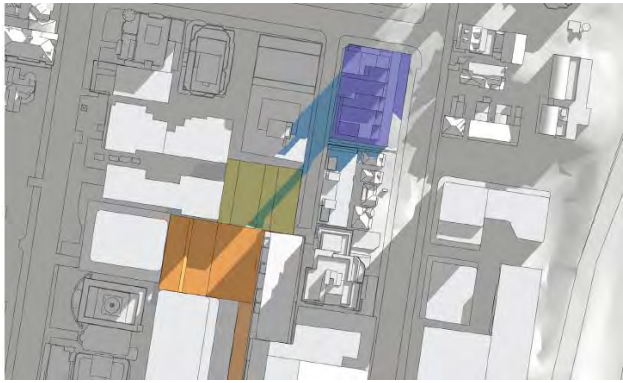
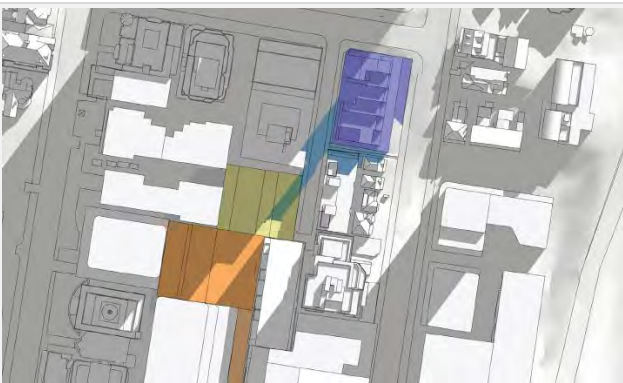

The overshadowing diagrams provided within the urban design report, clearly demonstrate that the proposed heights and building envelope have minimal overshadowing impacts to the planned public domain areas. This is further discussed in the below table. Importantly, the Plaza has not yet been identified as a 'special area' for the purpose of solar protection. 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 Central Square from 9am, year round.

Minor overshadowing will occur within the 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 Central Square and the minimal overshadowing to Green Square is consistent with the advice and recommendations of Council.

Table 15: Overshadowing analysis

Overshadowing to Central Plaza	Analysis
Winter solstice – 21 June – Worst case scenario	
 <p>9am</p>	At 9am, the proposed building envelope will result in additional overshadowing of 180m ² to the Green Square.
 <p>9:30am</p>	By 9:30am, there will be approximately 148m ² 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 Green Square, this degree of shadow may be proportionally reduced by the final design outcome for the public domain.
 <p>10am</p>	<p>By 10am, there will be approximately 20m² of additional overshadowing to the 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 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 Plaza, with the greatest level of impact occurring for between 9am – 9:30am. By 10:08am on June 21st, the proposed building envelope would result in no nett increase in overshadowing on the 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 SEPP65 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 Visual Assessment Report 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.

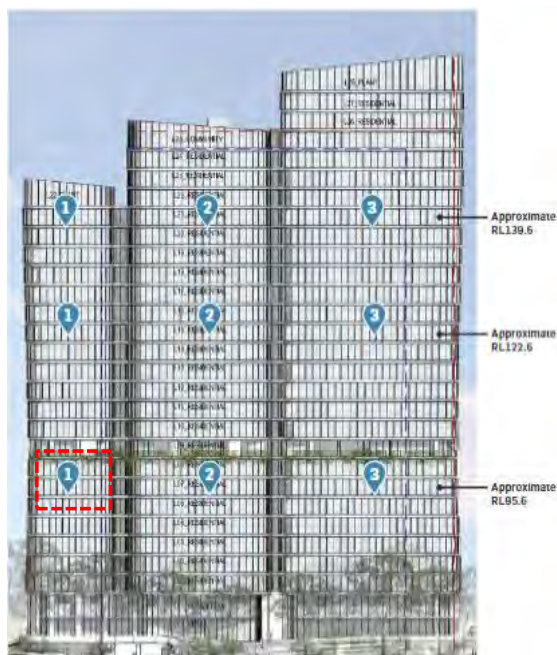
Urbis undertook fieldwork and documented views from the surrounding site and properties in July 2020.

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 context⁴.”*

To understand potential impacts to private domain views from 41 McLaren Street, 39 McLaren Street, the properties at Miller Street and the Quest building, views were analysed from the rooftop at 41 McLaren Street. 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.⁵”*

A detailed view study was carried out for the Aqualand building, 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 36 and the potential 'worst case' view affections are illustrated in Figure 37 below.

Figure 36 Location of drone imagery for Aqualand



Picture 18: Elevation illustrated the location of views



Picture 19: Typical floor plate location of view

⁴ Urbis, *Visual Assessment Report*, pg 4

⁵ Urbis, *Visual Assessment Report*, pg 11

Figure 37: View analysis from Aqualand



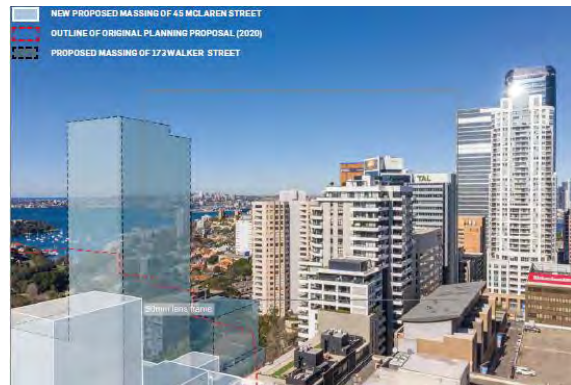
Picture 20: Existing view from RL92.36 (approximately L7) of the western stack of Aqualand



Picture 21: Proposed view from RL92.36 (approximately L7) of the western stack of Aqualand



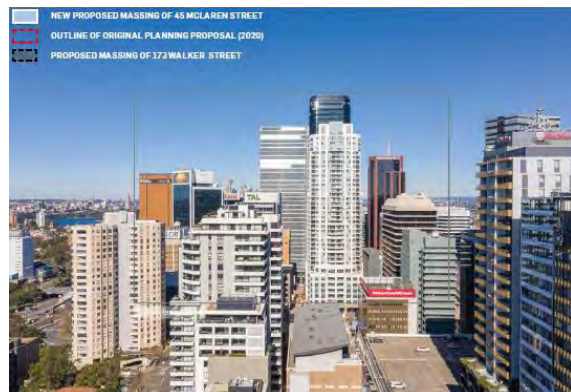
Picture 22: Existing view from RL126.27 (approximately L15) of the western stack of Aqualand



Picture 23: Proposed from RL126.27 (approximately L15) of the western stack of Aqualand



Picture 24: Existing view from RL135.07 (approximately L21) of the middle stack of Aqualand



Picture 25: 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 36). 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 16** below:

Table 16: 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>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>

Control	Provision	Response
	(c) Views along the Pacific highway to the Post Office on Mount Street from the south-east.	
	(d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.	

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.”*⁶

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.

⁶ Windtech Consultants Pty Ltd, *Pedestrian Wind Environment Statement*, pg iv

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.

Q9. 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:** Whilst the amended Planning Proposal seeks to retain the R4 High Density Residential zoning applicable to the site, the inclusion of commercial, retail and recreational (indoor) land uses as additional permitted uses, secures a proportion of employment generating floor space. 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.

10.2.3. Section D – State and Commonwealth Interests

Q10. 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)

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

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.

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

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



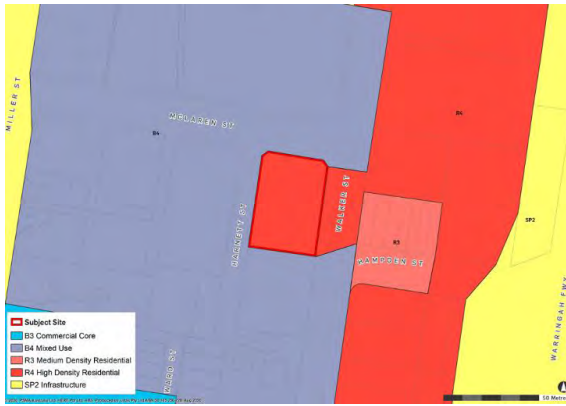
Picture 5 Existing non-residential FSR

Source: Urbis



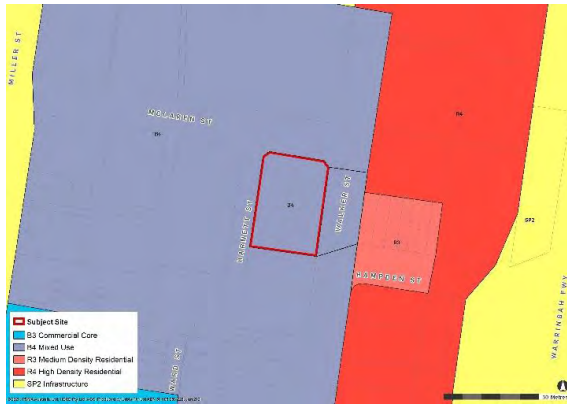
Picture 6 Proposed non-residential FSR

Source: Urbis



Picture 7 Existing land zoning

Source: Urbis



Picture 8 Proposed land zoning

Source: Urbis

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 39.

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 39: 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 17**.

Table 17: 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 Council	November - February 2021
Planning Proposal referred to DPIE for Gateway Determination	February 2021
Gateway Determination issued by DPIE	March 2022
Commencement and completion of public exhibition period	Dates are dependent on Gateway Determination. Anticipated timeframe for public exhibition is 28 days
Consideration of submissions	6 weeks
Consideration of the Planning Proposal post-exhibition	6 weeks
Submission to DPIE to finalise the LEP	August 2022
Gazettal of LEP Amendment	Mid / Late 2022

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

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

Liability limited by a scheme approved under Professional Standards Legislation.

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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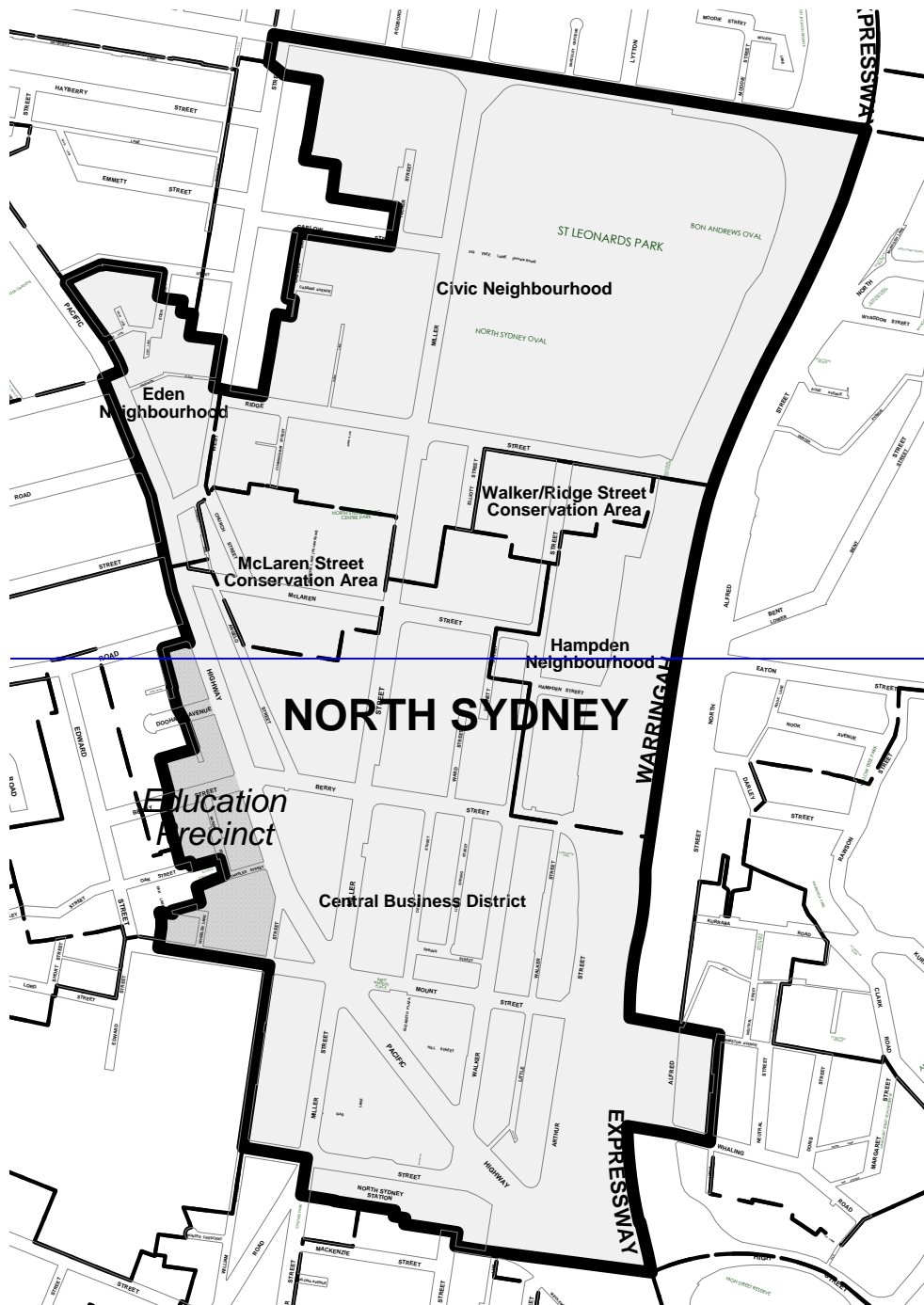


SECTION 2 NORTH SYDNEY PLANNING AREA



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Area Character Statements - North Sydney Planning Area



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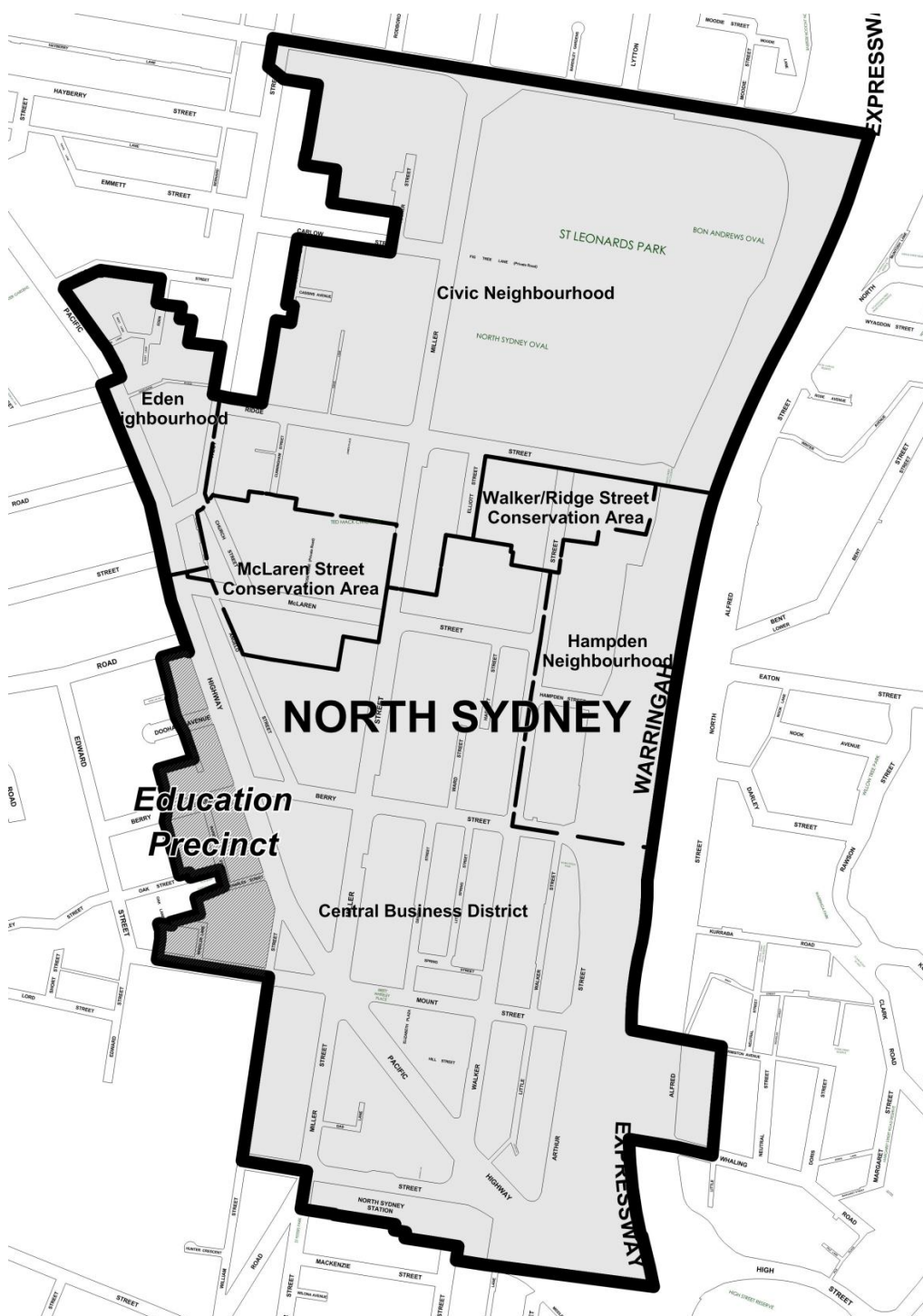
North Sydney Development Control Plan 2013 – **Draft Amendment****Area Character Statements - North Sydney Planning Area**

Figure C-2.1: North Sydney Planning Area and associated Locality Areas

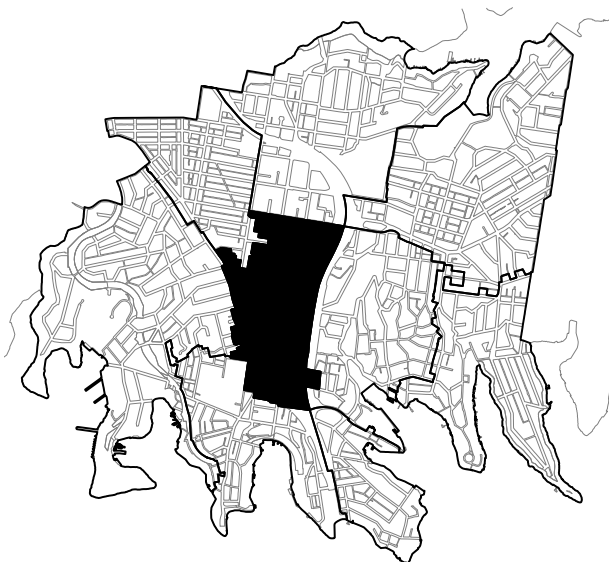
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Area Character Statements - North Sydney Planning Area

2.0 NORTH SYDNEY PLANNING AREA CHARACTER STATEMENT



The North Sydney Planning Area is an iconic, attractive, and sustainable area, with the focus on the North Sydney CBD, which is identified under the Metropolitan Strategy 2036 as a global commercial centre. A portion of the Education Precinct is located within the Planning Area on the western edge of the North Sydney CBD.

New development within the Planning Area should result in:

- a viable and attractive employment centre
- a diverse range of living, employment, recreation and social opportunities being provided that attract both local and regional populations which contribute to the vibrancy of the North Sydney CBD
- a vibrant and engaging Education Precinct with safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community
- a high level of amenity for residents, workers, students and visitors to enjoy
- a high quality built form
- a high level of public transport patronage which is easily accessible to residents, workers, students and visitors
- the area being linked to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus as well as by road and is a place of interchange between the various modes

and where:

Function

- The North Sydney CBD comprises one of Australia's largest commercial centres serving the local population and that of the Sydney region
- There is a mix of uses and activities to meet the demands of the residents, workforce, students and visitors

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North Sydney Development Control Plan 2013 – Draft Amendment

Area Character Statements - North Sydney Planning Area

- There is a civic focus supported by community facilities such as North Sydney Oval, the Stanton Library and the Independent Theatre
- There is an education focus in the Education Precinct, supported by educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School
- Community facilities meet the needs of the CBD's working and resident population, students, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the CBD
- Various grades and sizes of commercial floorspace accommodate a mix of small and larger business, services and retail
- New residential development will not occur in the commercial core, with further high density housing to be concentrated in the areas zoned mixed-use
- There is housing choice in the mix of dwelling sizes and in the range of affordability
- There are active uses outside of standard business hours
- Parks and public spaces are well used and provide for a range of social and recreational activities

Environmental Criteria

- The extremes of sun, wind and rain are mitigated by good building design
- Buildings, public places and streets all receive good access to natural light
- Mechanical noise and other commercial noise is controlled, to protect residential amenity
- Use of local flora extends habitats for native birds and other fauna
- Solar access to special areas and open spaces is maintained and contributes to the enjoyment of those spaces for use by the public
- There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas
- Additional public open space is provided for increased worker and residential populations

Built Form

- There is a pleasant, well designed and well-lit series of easily accessible and connected urban plazas and gardens.
- The setback on the eastern edge of Miller Street between McLaren Street and Mount Street is maintained and incorporates landscaped areas and actively utilised open space
- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area
- Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas
- Predominant early 20th Century character of the McLaren Street Conservation Area is maintained and protected
- Victorian and Federation character of streets in the Walker Street Conservation Area is maintained and protected
- Pedestrian connections provide alternate east/west routes through the CBD to promote pedestrian movement

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Quality Urban Environment

- There are links to the Sydney CBD, other suburban centres and many parts of the Sydney region by ferry, rail, bus and road and the CBD is a place of interchange between the various transport modes
- Public transport, including walking and cycling, is the main form of access to the North Sydney CBD and the Education Precinct
- Traffic is managed so that pedestrians can move within the area freely and safely, and amenity is maintained
- Parking is managed in a way that maintains pedestrian safety and the quality of the public realm and minimises traffic generation
- Rear lanes allow for the primary vehicular access to properties
- Limited increase to the capacity of private parking
- Pedestrians are assisted to safely cross barriers such as the Pacific Highway
- Educational establishments are oriented to the public domain to provide increased surveillance and activation
- Loading and delivery facilities should be located away from the street and where possible be located underground

Efficient Use of Resources

- Energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimisation of use of non-renewable energy resources
- Stormwater runoff is minimised, and recycled on-site where possible

Public Domain

- Additional open space is provided to service the increased residential, working and student population of the North Sydney CBD and the Education Precinct
- Streetscape improvements occur in accordance with the *North Sydney Centre Public Domain Strategy*, ~~and~~ *Education Precinct Public Domain Masterplan* ~~and~~ [Ward Street Precinct Masterplan](#)

In addition to the above character statement for the Planning Area, the relevant character statement for the following Locality Areas also requires consideration:

- Section 2.1: Central Business District
[Section 2.1.4: 45 McLaren Street](#)
- Section 2.2: Civic Neighbourhood
- Section 2.3: Eden Neighbourhood
- Section 2.4: Hampden Neighbourhood
- Section 2.5: McLaren Street Conservation Area
- Section 2.6: Walker Street Conservation Area

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2.1 CENTRAL BUSINESS DISTRICT



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2.1.1 Significant Elements

Land Use

- P1 Predominantly high rise commercial development.
- P2 Medium to high rise mixed commercial and residential development at the fringes.
- P3 Educational facilities.
- P4 Regional rail and road infrastructure.

Topography

- P5 Typically falling from the north to the south towards Sydney Harbour.

Natural Features

- P6 Natural rock outcrops at 136 Walker Street.

Views

- P7 The following views and vistas are to be preserved and where possible enhanced:
 - (a) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.
 - (b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.
 - (c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east.
 - (d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.

Identity / Icons

- P8 Brett Whiteley Place.
- P9 Greenwood.
- P10 Post Office and Court House.
- P11 MLC Building.
- P12 Don Bank Museum.

Subdivision

- P13 Predominantly large consolidated allotments within a rigid grid pattern.
- P14 Smaller allotments generally along the Pacific Highway north of Berry Street.

Streetscape

- P15 Wide fully paved footpaths, promoting heavy pedestrian use.
- P16 Active street frontages provided with a variety of shops, cafes and other commercial uses.
- P17 Buildings generally built to the boundary, with entry at street level.
- P18 Continuous awnings provided on commercial buildings.
- P19 Street trees.

Public transport

- P20 Development is to take advantage of the accessibility provided by existing and planned public transport infrastructure.

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North Sydney Development Control Plan 2013 – **Draft Amendment****Area Character Statements - North Sydney Planning Area****2.1.2 Desired Future Character****Diversity of activities, facilities, opportunities and services**

- P1 High rise and medium density, commercial and mixed use developments.
- P2 Provision of a variety of different sized office, retail, community and entertainment spaces.
- P3 Provision of a variety of outdoor and indoor community spaces (e.g. urban plazas, gymnasium; gardens; outdoor and indoor dining areas and food courts).
- P4 The commercial focus of the CBD is to be enhanced by preventing any further residential development from occurring in its core (i.e. the *B3 Commercial Core zone*).
- P5 Development above the Victoria Cross metro station will provide significant commercial floorspace, as well as retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.
- P6 Council will pursue its vision for Miller Street as the civic heart of North Sydney. This will involve significant interventions and public domain improvements aimed at creating a vibrant place for people, with vehicle movements removed or minimised as much as practicable and both sides of Miller Street activated.
- P7 Brett Whiteley Place is a key public space for the North Sydney CBD which will incorporate an expanded Elizabeth Plaza, as well as portions of Denison Street and Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.
- P8 The Central Laneways precinct will become a major focal point of pedestrian activity and amenity.
- P9 Active frontages to the Metro site, 1 Denison Street and the MLC building will contribute to the activation of the public domain in the Central Laneways Precinct.
- P10 A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.
- P11 Alternatives to the current entry of the commercial car park entry at 100 Miller Street (Northpoint) will be pursued to reduce or remove traffic on Miller Street and improve pedestrian amenity.
- P12 Public open space and a community facility is provided at Ward Street Plaza (car parking station site).
- P13 Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views.
- P14 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to promote street level activation, amenity, diversity and place making objectives.
- P15 Provide a diverse mix of higher density, non-residential land uses in the *B4 Mixed Use* zone of the Education Precinct, including education, shops, cafes, gyms, entertainment and small businesses.
- P16 Provide continuous active uses such as shops and cafes at the ground level of all buildings along Pacific Highway, Berry Street and Napier Street, especially within the Education Precinct.
- P17 Consideration should be given to the inclusion of educational or community-related purposes in the redevelopment of 110, 112, 116 and 120 Pacific Highway and 9 Napier Street.

Accessibility and permeability

- P18 Victoria Cross metro station is designed to enhance the North Sydney CBD as a major commercial centre and further encourage the use of public transport. Pedestrians are

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- prioritised throughout the CBD with a number of interconnected pedestrian routes that facilitates all direction movement and encourages fine grain retail and dining uses.
- P19 Barriers to pedestrian movement, particularly Miller Street, Berry Street and the Pacific Highway, will be reimagined such that their function and treatment favour pedestrian movement and amenity.
- P20 New development focuses on the use of public transport, cycling and walking.
- P21 Pick up and drop off points for public transport and taxi ranks are located as close as possible to public spaces and activities, and main building entries.
- P22 Loading and delivery facilities should be located away from the street and where possible be located underground.
- P23 The following through site links are to be provided, retained and enhanced:
- (a) A north - south pedestrian link from McLaren Street to Elliot Street across 54 McLaren Street.
 - (b) A north - south pedestrian link from McLaren Street to Ward Street across the vehicle access of 221 Miller Street.
 - (c) An east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street.
 - (d) A north - south pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street.
 - (e) An east - west pedestrian link from Harnett Street to Walker Street across 142 Walker Street.
 - ~~(f)~~ An east - west pedestrian link from Harnett Street to Walker Street across 144-152 Walker Street.
 - ~~(f)~~(g) An east-west pedestrian link from Harnett Street to Walker Street across 45 McLaren Street
 - ~~(g)~~(h) An east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.
 - ~~(h)~~(i) An east - west pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.
 - ~~(i)~~(j) An east - west pedestrian link from Ward Street to the open space area at the north-western corner of 76 Berry Street across 3-11 Ward Street.
 - ~~(j)~~(k) An east - west pedestrian link from Napier Street to Oak Street across the southern side of 8-20 Napier Street.
 - ~~(k)~~(l) A north - south pedestrian link from the green space of 100 Pacific Highway to Wheeler Lane across the western side of 1 Wheeler Lane. The pedestrian link may be made through the building envelope or an alternative architectural treatment that gradually 'reveals' the establishments on either side.
 - ~~(l)~~(m) An east - west pedestrian link through the Victoria Cross metro station linking Miller Street and Denison Street.
 - ~~(m)~~(n) A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.
 - ~~(n)~~(o) A widened and improved pedestrian link from Little Spring Street and Walker Street across 102 Walker and 110 Walker Street.
- P24 Consideration should be given to the provision of an east - west pedestrian link from the Pacific Highway to Napier Street across either the northern side of 120 Pacific Highway or the southern side of 33 Berry Street.

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- P25 Consideration should be given to the demolition of the single storey structure at the northern end of 105 Miller Street (MLC Building) to improve accessibility and permeability to Miller Street and the Victoria Cross metro station.

2.1.3 Desired Built Form
Subdivision

- P1 Development sites should be of a size which enables the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Metropolitan Strategy.
- P2 Development on small sites should not detrimentally impact on the long term ability of the amalgamation of sites for significant commercial development.

Form, massing and scale

- P3 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.
- P4 Roof design contributes to building's appearance from a regional view catchment.
- P5 Buildings on 116 and 120 Pacific Highway and 9 Napier Street should be designed such that their bulk steps down from the Pacific Highway to Napier Street to protect sunlight access to the Don Bank Museum and enhance pedestrian amenity to Napier Street.

Setbacks

- P6 Zero setback to all street frontages at the ground floor level and adjacent to heritage items, with the following exceptions:
- (a) In accordance with cl.6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.
 - (b) 7m from the western side of Walker Street, north of Berry Street.
 - (c) 5.4m from the southern side of Berry Street, between Pacific Highway and Miller Street.
 - (d) 14.5m from the western side of Miller Street, at No.60 Miller Street.
 - (e) 15m from the southern side of Mount Street, at No.60 Miller Street.
 - (f) Maintaining the setback of existing buildings to all properties comprising Monte St Angelo Convent and Girls School.
 - (g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.
 - (h) 1.5m whole of building setback from the eastern side of Napier Street, at No. 1-9 Napier Street and No.120 Pacific Highway.
- P7 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 146 - 150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168 - 172 Pacific Highway and 1-7 Napier Street.
- P8 The setback of new buildings or alterations and additions to existing buildings on land fronting McLaren Street between Miller and Walker Streets are to match that existing to protect the existing fig trees. Encroachments will only be permitted where the development does not cover the drip line of any of the existing trees.

Podiums

- P9 A maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium with the following exceptions:
- (a) No podium to Arthur Street.

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- (b) A maximum podium of 3 storeys to McLaren Street and Miller and Walker Streets north of McLaren Street, with a weighted setback of 3m above the podium.
 - (c) A podium of between 2 and 3 storeys to Wheeler Lane and Angelo, Charles, Denison, Harnett, Napier, Little Spring and Little Walker Spring, Ward Streets, with a weighted setback of 4m above the podium
- P10 Podium heights should match or provide a transition in height between immediately adjacent buildings.
- P11 Podium heights should match the height of adjacent heritage items.
- P12 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.
- P13 If there is no commercial component, and therefore no podium, adequate side separation should be provided for residential amenity.

Building design

- P14 Provide architectural detailing, high quality materials and ornamentation provide a rich visual texture and a symbolic/decorative reference to the history of the place, the building's use or occupant.
- P15 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.
- P16 The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

Awnings

- P17 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.
- P18 Consideration should be given to the provision of weather protection at the pedestrian entrances or over outdoor seating areas for buildings fronting Miller Street between the Pacific Highway and McLaren Street.

Streetscape

- P19 A 'sense of arrival' is established at North Sydney Station with strong linkage to the north to connect with the pedestrian bridge over Pacific Highway and Denison Street.
- P20 The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney CBD.
- P21 The intersection of Miller Street and Pacific Highway forms an important focal point of the North Sydney Centre with a distinctive character reinforced by the Post Office and the MLC building.
- P22 Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.
- P23 Provide a consolidated green space over the Don Bank Museum and 100 Pacific Highway. Consideration should be given to extending this green space over the western side of 1 Wheeler Lane to allow for a more direct north – south pedestrian link from Charles/Napier Street to Wheeler Lane.
- P24 33 Berry Street should be designed such that Napier Street is activated by non-residential tenancies such as commercial or educational facilities (At least 50% of its frontage should comprise of non-residential tenancies at the ground level).

Public Domain

- P25 Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.

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Landscaping

- P26 Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.
- P27 Choice of trees and vegetation in accordance with *North Sydney Centre Public Domain Strategy*, *Street Tree Strategy* and *North Sydney Council Infrastructure Manual*.

Car accommodation

- P28 Short stay parking spaces should be located within or as close as possible to meeting places.
- P29 Reduce the amount of long stay commuter parking on site.
- P30 Reduce the amount of non-residential parking on site.

2.1.4 45 McLaren Street



2.1.4.1 Desired Future Character, Design Objectives and Key Principles

- P1 Development is to respond to the scale and character of existing development and desired future character of the surrounding area.
- P2 Built form, scale and massing is to transition in scale across the site from north to south and east to west, whilst respecting the built form of adjacent and neighbouring heritage items.
- P3 Deliver a mixed use development with active frontages to McLaren and Harnett Streets.
- P4 Development is to maximise solar access to the proposed squares within the Ward Street Precinct.
- P5 Maintaining a landscaped setback to Walker Street.
- P6 An improved pedestrian through site link between Walker Street and Harnett Street.

2.1.4.2 Desired Built Form

Objectives

- O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.
- O2 To allow an appropriate stepping down in built form between 168 and 150 Walker Street.

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O3 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.

O4 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.

O5 To positively relate to the heritage context surrounding the site.

Provisions

Solar access

P1 Despite any other provision of this DCP, any development at 45 McLaren Street must not result in a nett increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

Building Height

P2 Development must not exceed 14 storeys above the crown of McLaren Street as it presents to McLaren Street.

P3 Development must not exceed 10 storeys above ground level existing fronting its southern boundary.

Street and Side Setbacks

P4 Buildings must be setback:

- (a) 0m to McLaren Street, and
- (b) A minimum of 5.5m to Walker Street, generally consistent with the setback of buildings located at 144, 146, 148 and 152 Walker Street, and
- (c) A minimum of 1.5m setback to the southern boundary, and
- (d) A minimum of 1m setback to Harnett Street.

Podium Height

P5 A podium must:

- (a) Be 2-3 storeys in height fronting McLaren Street and positively relate to the height of the podium to the heritage listed commercial building at 41 McLaren Street to its west and heritage dwellings to the east on the eastern side of Walker Street, and
- (b) Be 2-3 storeys in height fronting Walker Street and positively relate to the height of the heritage dwellings at 144,146,148 and 152 Walker Street, and
- (c) Not exceed 3 storeys to the southern boundary, and
- (d) Be 2-3 storeys in height fronting Harnett Street.

Above Podium Setbacks

P6 The following minimum setbacks must be provided above the podium level:

- (a) 3m to the site's McLaren Street frontage, and
- (b) 10.35m to the site's Walker Street frontage, and
- (c) 4.5m from the site's southern boundary, and
- (d) 1.5m-3m to Harnett Street, unless the consent authority is adequately satisfied that the proposal can comply with the relevant Apartment Design Guidelines can be achieved with regard to building separation and privacy.

P7 Despite Provision P5(a) above, the consent authority may permit a balcony to encroach into the setback area, but only if:

- (a) The balcony is unenclosed on at least two sides, and

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- (b) The balcony maintains a minimum 1m setback to McLaren Street, and
- (c) The cumulation of balconies on any one level does not exceed 50% of the façades length to McLaren Street.

2.1.4.3 Landscaped Area**Objectives**

- O1 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.
- O2 To provide a quantum of landscaping reflecting the transition between the North Sydney CBD and adjoining residential areas.
- O3 To incorporate appropriate materials conducive of its heritage context.

Provisions

- P1 Any basement structure should be setback at least 5.5m to Walker Street, to ensure the provision of deep soil zones to accommodate trees and vegetation of a scale reflective with the scale of the proposed future development on the site.
- P2 Despite P1, a basement may be permitted within the setback area to Walker Street, but only where there is a soil depth of at least 1.5m is provided below the alignment of the adjoining footpath on Walker Street.
- P3 Consideration to be given to using sandstone or natural rock features in the landscaping or lower parts of buildings, reflective of the site's heritage context.

2.1.4.4 Through Site Link**Objectives**

- O1 To enhance the existing through site link that runs across the northern boundary of 144-152 Walker Street between Walker Street and Harnett Street.

Provisions

- P1 All buildings are to be setback 1.5m from the southern boundary to enable the construction of a through site pedestrian link between Walker Street and Harnett Street which is integrated with the existing through site link across the northern boundary of 144-152 Walker Street.
- P2 Consideration is to be given to the use of sandstone to line surface or any adjacent retaining walls or walls to the through -site link.
- P3 Appropriate lighting be provided to ensure this link provides adequate safety for users.

2.1.4.5 Vehicular Access**Objectives**

- O1 To ensure vehicular and pedestrian conflicts are minimised.
- O2 To maximise activation of street frontages.

Provisions

- P1 No vehicular access is to be provided from McLaren Street.
- P2 Vehicular access should be provided from Walker Street, subject to ensuring that pedestrian safety is maximised.

2.1.4.6 Car parking**Objectives**

- O1 To minimise traffic generation in the proximity of the Victoria Cross Metro Station.

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Provisions

P1 Provide on-site parking, at the maximum rates stated Table C-2.1.

<u>TABLE C-2.1: Parking Rates</u>		
<u>Development type</u>		<u>Maximum Parking Rate</u>
<u>Residential accommodation</u>	<u>Studio / 1 bedroom</u>	<u>0.25 space / dwelling</u>
	<u>2 or more bedrooms</u>	<u>0.5 space/dwg</u> <u>0</u>
	<u>Motorcycle Parking</u>	<u>1/10 spaces/dwg</u>
<u>Non-residential development</u>		<u>1/400sqm of non-residential GFA</u>

P2 On-site car parking provision significantly below maximum rates specified in Table C-2.1 will only be considered if the proposed development has good access to public transport due to the impact that unmet on-site parking demand may have on surrounding residential streets, if viable alternative transport modes are not available.

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15 March 2022

North Sydney Council

200 Miller Street
North Sydney NSW 2000

Attention: The General Manager
By: Email

Dear Sir,

**LETTER OF OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT –
PLANNING PROPOSAL FOR 45 McLAREN ST NORTH SYDNEY.**

We write on behalf of 45 McLaren Pty Limited (the **Developer**), a wholly controlled subsidiary of the Podia Group in relation to 45 McLaren St, North Sydney (**the site**).

We have submitted a Planning Proposal which seeks an amendment to the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* to achieve enhanced urban design, architectural and sustainable outcomes for the site and the broader precinct. The Planning Proposal has the support of the North Sydney Local Planning Panel as confirmed during the Panels February 2022 meeting and is now due to be reported to North Sydney Council later this month.

This is a Letter of Offer to enter into a Voluntary Planning Agreement (**VPA**) under Section 7.4(1)(a) and (b) of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) that the Developer would be willing to enter into with North Sydney Council in accordance with its Voluntary Planning Agreement Policy (June 2018).

Development Overview.

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 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;
- 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.
- Insert the following subclause (4) after subclause 6.12A(3):
Despite subclause (3)(b), development consent may be granted for the purpose of a

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CREATING GREAT PLACES



residential flat building for that part of the building at the ground floor level that faces Walker Street, on land at 45 McLaren Street, North Sydney being SP 14598.

The Planning Proposal is accompanied by a comprehensive Urban Design investigation and indicative concept plan prepared by Bates Smart. Additionally, supporting technical studies are included in the submission which provide further guidance with respect to the anticipated development outcome for the site.

Voluntary Planning Agreement Offer.

In accordance with North Sydney Council's Voluntary Planning Agreement Policy (25 June 2018), we are pleased to submit an offer that provides material public benefit and monetary contribution to facilitate the delivery of public benefits in exchange for the planning controls uplift associated with the Planning Proposal.

Following submission of this Letter of Offer to Council, and subject to Council's agreement, we propose to prepare and submit for Council's consideration a draft VPA. It is proposed that the VPA will provide for:

a) Monetary Contribution for Community Infrastructure :

A monetary contribution for community infrastructure works is proposed based on a rate per additional dwelling approved in a Development Consent at 45 McLaren Street, North Sydney. A rate of **\$19,000** per additional dwelling (excluding any apartments allocated for Affordable Housing) is proposed for the purpose of carrying out community infrastructure and public domain upgrades within the Ward Street Precinct.

This amount will be paid prior to issue of occupation certificate and in addition to whatever the normal amount of local infrastructure contributions is payable under section 7.11 or 7.12 of the EP&A Act.

If any special infrastructure contribution is required to be paid to the NSW Government under the terms of a development consent (or a separate planning agreement with the state government) the monetary contribution required under the planning agreement will be reduced proportionately.

Working Example of Calculation Method (For methodology purposes only.):

Step 1: Number of dwellings approved in Development Consent for subject site:	say 85 dwellings in the Development Consent.
Step 2: Number of Existing Dwellings:	18 dwellings
Step 3: Number of Additional Dwellings:	67 dwellings
Step 4: Rate / Additional Dwelling:	\$19,000
Step 5: Monetary Contribution Value:	\$1,273,000



b) Through-Site Link (Works in Kind and Contribution of Land):

We propose to carry out the works to upgrade and widen the through-site pedestrian linkage between Walker Street and Harnett Street on the southern boundary of the site.

The pedestrian link is proposed to be widened by approximately 2m using land within the site. Following recent meetings with Council and in line with Council's request, the ownership of this land will be tied to the future strata title of the development and managed by the Body Corporate to be established following completion of the project.

The combined value of the Through-site link is estimated to be **\$1.8 million**, comprising the following elements:

Works to create through-site link	\$750,000
Land Value and Opportunity Costs The land being offered towards this initiative is estimated to have an underlying value of between \$400,000-\$600,000. Furthermore, there is an opportunity cost associated with the forgone land because of the lost opportunity to create improved amenity within the private space of the scheme, estimated to be worth \$200,000-\$400,000.	~\$500,000
On-going maintenance & minor capital expenditure Assumes \$100/week for upkeep, including blowing, sweeping, hosing etc plus \$1,000 p.a for minor capital expenditure, such as replacing broken pavers, broken light bulbs, removing graffiti and the like over a 50 year period. Escalation of 2% p.a over 50 years has also been allowed.	\$525,000
Major Capital Works Assumes \$5,000 every 10 years over a 50 year period. This is to cover costs for upkeep and upgrades (as required) to stormwater infrastructure, resurfacing of hardscaped areas, relandscaping and the like.	\$25,000
TOTAL COST	\$1,800,000

c) Public Domain (footpath, curb and gutter) upgrade works (Works in Kind):

We propose to carry out upgrade works to approximately 127m of footpaths, curbs, gutters and improved landscaping around the site Walker St, McLaren St, and Harnett St.

The cost estimate for the proposed works is \$600,000.

It is acknowledged that these works would traditionally take place following receipt of a Development Approval. However, a Development Approval would not be sought for the site unless a rezoning were granted. Accordingly, these are genuine costs to be incurred by the developer following receipt of a rezoning for the site. The site also comprises three (3) street frontages, where most sites typically have one or two street frontages.

These works also provide significant public benefit in the form of improved footpath regrading, improved disability access, improved lighting, and passive surveillance after hours and improved landscaping. All of these items contribute to making North Sydney CBD more pedestrian friendly and walkable.

In consideration of the above, we propose to allocate 1/3rd of the costs described above to our VPA offer, being **\$200,000**.



d) **Affordable Housing Contribution:**

We propose to deliver and handover to council 1, 2-bedroom apartment within the development to be owned and managed by council within its Affordable Housing program.

The estimated market value for a 2-bedroom apartment in this location is **\$1,500,000**.

Regional Infrastructure Contribution (RIC)

The State Government have recently imposed a Regional Infrastructure Contribution (RIC) on all developments across the state, effective from 1 July 2022. These costs will be imposed on developers progressively over the next 3 years (i.e a 50% discount applies in the first year, a 25% discount in the second year, and no discount in the third year).

Given the time frame required to complete the Planning Proposal process and LEP amendment and subsequently, the Development Approval process, the estimate of the RIC on the subject site is in the order of **\$1m** (\$10,000/dwelling plus \$30/m² for retail area).

These costs are additional cost not contemplated during the planning proposal process undertaken with council over the past 18 months. Accordingly, they must be factored into the overall public benefit costs to deliver the project.

Summary of Voluntary Planning Agreement Offer.

The table below provides a summary of our proposed contributions and value which reflect a total VPA offer of **\$4.773 million** (excluding additional mandatory RIC cost paid to State Government).

Description of Developer's Contribution	Estimated Value
a) Monetary Contribution – Community Infrastructure	\$1,273,000
b) Through-Site Link:	\$1,800,000
c) Public Domain Works	\$200,000
d) Affordable Housing	\$1,500,000
Total Estimated Contributions	\$4,773,000

The delivery of the material public benefit items would be provided before the issue of any occupation certification. The value of the contribution and material public benefit offering is based on the development proposed under the planning proposal to be reported to North Sydney Council in the March 2022 meeting.

In the event of changes to the proposed built form controls as part of the Planning Proposal, we reserve the right to adjust the VPA offer. Furthermore, we reserve the right to adjust the VPA offer based on the market conditions and/or major legislative changes prior to the exhibition of any draft VPA.



Parties to the VPA.

The parties to the VPA will be 45 McLaren Pty Limited as the Developer and the Council.

Land to which the VPA applies.

The VPA will apply to the site, being land described as Lot 1-18 in Strata Plan 14598.

Timing of the obligations.

The VPA will be entered into prior to the publication of the environmental planning instrument giving effect to the planning proposal.

The obligation to provide the contributions under the VPA must be satisfied prior to the issue of an occupation certificate for any building erected on the site in accordance with any future development consent for the erection of a mixed-use development incorporating residential, retail and commercial uses on the site.

Enforcement of the VPA.

The Developer does not propose to lodge monetary security in relation to the above obligations. This is because the VPA will provide for the enforcement of the agreement by a suitable means in the following ways:

- The Developer will arrange for the registration of the VPA on the title of the site. This means that the agreement will be binding on, and enforceable against, the Developer of the site from time to time as if each Developer for the time being had entered into the agreement (section 93H(3) of the *Environmental Planning and Assessment Act 1979*).
- Prior to registration, the Developer will not be able to assign or novate its rights under the agreement, or transfer its interest in the site, without Council's consent. The Council's consent may not be unreasonably withheld, but consent may be withheld if the Developer is in breach of the agreement. The restriction will not prevent the use of the land as security for the purpose of finance.
- It is proposed that an occupation certificate will not be able to be issued if:
 - the necessary construction required by the VPA has not been completed; and/or
 - the relevant easement-in-gross has not been imposed (section 6.10 of the *Environmental Planning and Assessment Act 1979*).

Dispute resolution.

The VPA will contain a mechanism for the resolution of disputes by way of mediation.

Formal document.

A VPA will need to be prepared in accordance with this offer. It should be expected that this document will contain reasonable safeguards to protect the Developer's interests and those of the Council that are not expressly referenced in this letter. Ultimately, any agreement will be dependent on the finalisation of this document in a form that is satisfactory to both the



Developer and the Council.

Costs of negotiating and exhibiting the VPA.

The Developer is prepared to pay the Council's reasonable costs of negotiating and exhibiting the VPA.

Next steps.

This Letter of Offer is submitted to Council for your consideration. We would welcome the opportunity to meet with Council to discuss this proposal after which time, we would proceed with drafting the VPA.

The VPA would operate when the amendments to the Local Environment Plan and Development Control Plan take effect.

Yours faithfully,

Michael Grassi

Director, Podia Developments Pty Ltd
On behalf of 45 McLaren Pty Limited