



# PRE-LODGE MENT MEETING MINUTES

601 Pacific Highway, St Leonards

**Time:** 10:30am

**Date:** 14 November 2022

**Venue:** CIS Meeting Room 1 (via Video Conference - Zoom)  
200 Miller Street  
NORTH SYDNEY NSW 2060

## Attendees:

Council Staff	Applicant/Consultant
Marcelo Occhiuzzi – Manager Strategic Planning	Graeme Collins – Stockland
Neal McCarry – Team Leader Policy	Stephen White – Urbis
Jing Li – Acting Team Leader Design	Rob Battersby – Urbis
Jim Davies – Executive Planner	Michele McSharry - Architectus
	Marko Damic - Architectus

## PROPOSAL

The applicant has sought pre-lodgement advice regarding a planning proposal to amend the controls in the North Sydney Local Environmental Plan 2013 as follows:

- Increase the maximum building height from 49m to 187.25m (RL276.5);
- Establish a maximum floor space ratio (FSR) control of 20:1; and
- Establish a minimum non-residential FSR control of 20:1.

Overall, the Pre-Planning Proposal generally follows the proposed planning control changes identified in the 2036 Plan, however, this document identifies various issues relating to building height, podium height, setbacks, FSR & tower floorplate area, tower floorplate layout, ground level activation and public domain which result in negative impacts on the local context and amenity that are discussed in more detail below.

### 1. DOCUMENTS THAT HAVE INFORMED THIS ADVICE

The following documents have informed this advice:

- St Leonards Crows Nest 2036 Plan (DPIE 2020).
- North Sydney LEP 2013 & North Sydney DCP 2013.

## POLICY CONTROLS

The primary controls in the **North Sydney LEP 2013** are:

- B3 – Commercial Core zone
- Height – 49m

The **North Sydney DCP 2013** contains a range of design based controls relating to setbacks, podiums, above podium setbacks, parking as well as a range of qualitative requirements. Some of these may be more relevant considerations at any future development assessment stage of the development process.

The **St Leonards and Crows Nest 2036 Plan** foreshadows the following broad development parameters for the site:

Height	– 42 storeys
Total FSR	– 20:1
Non-residential FSR	– 20:1

## **2. COMMENTS**

### **2.1 FSR**

Given that the site will remain zoned *B3 Commercial Core* zone, the minimum non-residential floor space ratio will not be required. If imposed, this will lead to a situation where the exact FSR will need to be complied with otherwise, a clause 4.6 variation will be required, either for more floor space than outlined in the maximum total FSR or less floor space than identified in the minimum non-residential FSR.

### **2.2 Building Height**

As outlined above, the 2036 Plan, identifies a 42 storey height limit for 601 Pacific Highway to accommodate a commercial building. The adjacent site to the west at 617-621 Pacific Highway is a proposed 50 storey mixed use building. The subject site has a direct interface with Mitchell Plaza on the east.

The proposed building height for this Planning Proposal is 187.25m. The proposed height includes 42 storeys of commercial and some retail floor space and associated plant rooms.

The 42 storey building height is consistent with the 2036 Plan. However, the overall 187.25m height for a 42 storey building is considered generous. Height is a sensitive issue in the precinct and one that requires careful management in terms of visual impact, solar access and relationship to other development. The following is observed:

- The three plant levels are proposed as 8m, 6m and 6m in height which provide for a more generous plant room height than may otherwise be expected.
- The proposed 4m floor to floor height for the commercial storeys at podium levels is greater than the minimum 3.6m non-residential level requirement in the NSDCP 2013.
- The proposed 3.75m floor to floor height for the commercial storeys at tower level is greater than the minimum 3.6m non-residential level requirement in the NSDCP 2013.
- The proposed roof has a 9.65m high structure, which represents a significant height increase above the 42 storey built form. It is unclear what uses are proposed at the roof top level.
- Above the roof structure, the proposed 187.25m building height includes a void envelope which is 10.51m in height.

Genuine efforts are recommended to be made to reduce this prior to lodgement of this planning proposal.

Given that the endorsed height increase for the site is significant, it is important to control the maximum building height to minimise the impacts on the surrounding areas caused by the height increase. In addition to this, the building height control principle under the 2036 Plan indicates that areas around the St Leonards Station and Crows Nest Metro Station will be height peaks. A reduction in height between the two peaks provides an opportunity for solar access for areas to the south of the Pacific Highway. The adjacent 617-621 Pacific Highway site is closer to St Leonards Railway Station with an endorsed height of 50 storeys (180m under the North Sydney LEP 2013). Following the 2036 Plan principle, the redevelopment of the subject site should be lower than 617-621 Pacific Highway.

### **2.3 Podium Heights**

The 2036 Plan suggests that the proposed podium heights fronting Pacific Highway, Mitchell Plaza and Atchison Street be 5 storeys in height. The North Sydney DCP 2013 identifies a podium height of 4 storeys for the site. It is acknowledged that within the site, there is a fall of approximately 3m from east to west, and a fall of approximately 1.5m from north to south across the site. It is therefore reasonable that podium heights are likely to be provided slightly differently at the three street and plaza frontages to address the level differences.

The indicative built form includes a 6 storey podium height fronting Pacific Highway, and a 5 storey podium height fronting Atchison Street, which does not comply with the 2036 Plan and the NSDCP 2013.

Within the same block, the 617-621 Pacific Highway site is adjacent to the subject site to the west, which has a 6 storey podium height control fronting Pacific Highway under the NSDCP 2013. The maximum existing ground level difference between the two sites along Pacific Highway is 7m, which is equivalent to approximately 2 storeys. As this block only contains these two sites, and Pacific Highway is a major street frontage, it is important to have a consistent podium height for this block to provide a good contextual response along Pacific Highway.

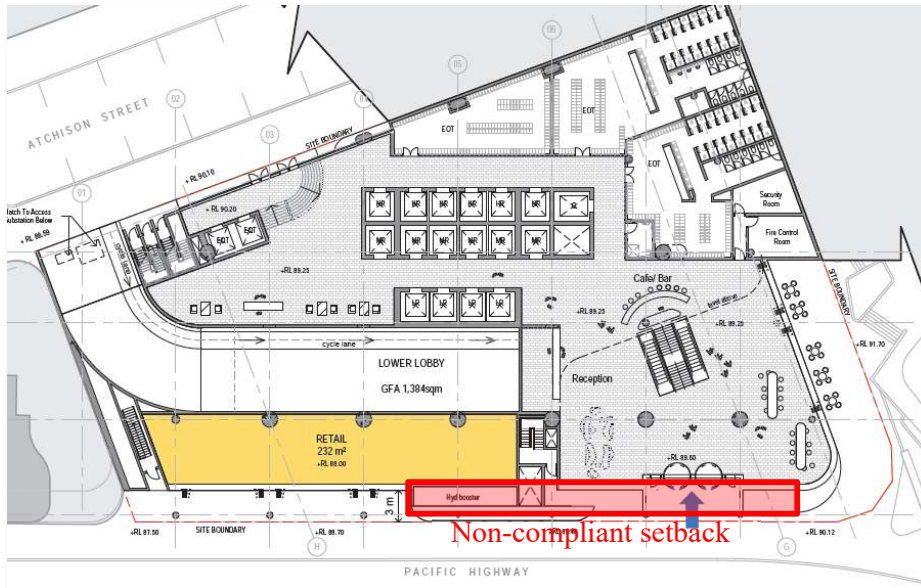
It is recommended that a 4 storey podium height is applied to Atchison Street, Mitchell Plaza and the majority of the Pacific Highway frontages. Where the site is adjacent to 617-621 Pacific Highway, a 5 storey podium height can be considered to address the site level difference. In addition, the proposed podium height should reflect general floor to floor height to avoid an oversized podium.

### **2.4 Setback**

The 2036 Plan and the NSDCP 2013 include setback requirements for the site to provide public domain upgrade opportunities and better contextual design responses along Pacific Highway and Mitchell Street Plaza. The setback requirements are:

- Provide a 3 metre ground level setback for 1 storey along the Pacific Highway
- Provide a 5 metre whole of building setback along Mitchell Plaza

The proposal provides a mix of 3m and 0m setbacks at ground level to the Pacific Highway, which does not comply with the 2036 Plan and the NSDCP 2013 (see diagram below). The 3m setbacks is consistently applied along the Pacific Highway and adherence to this is required in future documentation. This will provide a better pedestrian experience along this stretch of the Pacific Highway. Colonnades should also be avoided in this zone to create a barrier free pedestrian environment.



Indicative floor plan - Ground Level

The ground floor setback along Pacific Highway to comply with the minimum requirements in the 2036 Plan and NSDCP 2013.

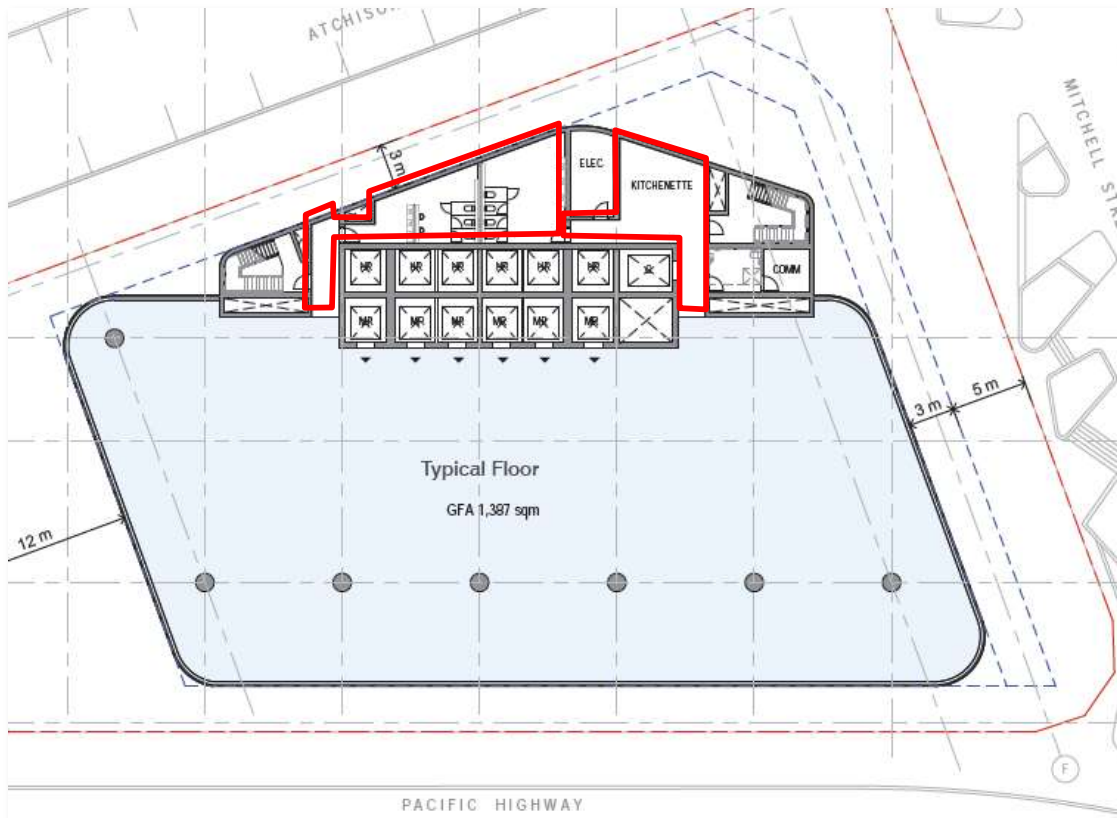
## 2.5 FSR & Tower Floorplate Area

The 2036 Plan foreshadows a maximum 20:1 FSR and a minimum 20:1 non-residential FSR for the site.

The proposed design has a maximum FSR of 20:1 and a minimum non-residential FSR of 20:1, consistent with the 2036 Plan. However, several issues are identified which will require attention prior to lodgement of a planning proposal. They are:

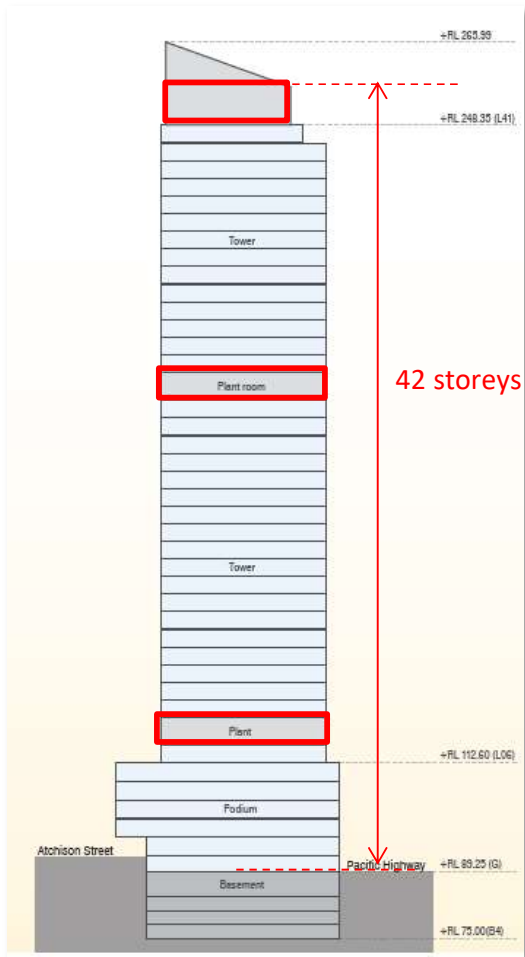
- Gross Floor Area (GFA) calculation errors
- The proposed three plant room levels

On the indicative floor plans of the typical mid-rise and high-rise levels, the GFA calculation includes the office areas, but excludes the toilet, kitchenette and corridor areas. This appears to be an error (see diagram below). The correct GFA would increase per commercial tower level, and as a result, the overall FSR would exceed the proposed 20:1.



Indicative floor plan - Typical Mid Rise Level

According to the indicative section, there are three plant room levels proposed within the 42 storeys height limit, and the proposed retail/commercial levels are 39 storeys. It is questioned whether the proposed building requires three levels of plant rooms with full size floorplates as per the drawing below.



Indicative section

It is recommended that the applicant reviews the calculation of GFA with particular regard to inclusion of toilet, kitchenette and corridor areas and recalculate FSR as required.

Clarification is sought as to whether three plant room levels are required.

## 2.6 Tower Floorplate Layout

The proposed tower levels include a significant amount of blank walls. The almost whole length of the tower facade facing Atchison Street and one-third of the tower façade facing Mitchell Plaza are indicated essentially as blank walls. Given that Atchison Street is envisioned as a Civic 'High Street', it is undesired to have a tower with blank walls facing the high amenity street and the public plaza. In addition to this, the opportunities diagram included in the submitted report indicates that the site has excellent views towards the east.



Indicative concept render - Atchison Street corner looking west with Mitchell St Plaza to the left

It is recommended that the orientation of the services and hence “blank wall” treatment of the tower be reconsidered to provide a tower façade with windows fronting the main pedestrian environments of the Mitchell Street Plaza and Atchison Street.

## 2.7 Ground Level Activation

In the St Leonards Crows Nest Precinct 2 & 3 Planning Study, Atchison Street is listed as the Civic ‘High Street’ with retail activities and streetscape upgrade opportunities. The NSDCP2013 requires that development maximise ground level activation along Mitchell and Atchison Streets by focusing food and drink premises and retail within a fine grain built form. This can be achieved through the emphasis on small to medium sized tenancies which directly address the public domain.

The proposed ground level design includes large lobbies fronting Atchison Street, Mitchell Plaza and the eastern corner of the Pacific Highway. It does not provide opportunities for fine grain retail activities along Atchison Street and Mitchell Plaza. The Atchison Street elevation from the driveway to several metres from the corner of Mitchell Street, are hostile to the enlivening objectives of Atchison Street and improved pedestrian amenity.

It is recommended that fine grain retail spaces should be explored along the ground level street frontages facing Atchison Street and Mitchell Street Plaza.

## 2.8 Mitchell Street Plaza

In the 2036 Plan, the required 5m whole of building setback to Mitchell Plaza and Mitchell Street is to provide additional open space as linear parks. Additional street trees are envisioned along the Mitchell Street Plaza footpath within the setback zone to create ‘green streets’ and provide shelter and shade to pedestrians. To achieve this vision and provide

sufficient deep soil for large trees, any basement levels should be consolidated beneath building footprints. It is worth noting this requirement is included in the proposed draft NSDCP2013 amendment which has recently been exhibited.

According to the landscape ground level plan, the proposal does not include any street trees in the setback zone along Mitchell Street Plaza. Instead, the setback zone incorporates hard paving.

In addition, the proposed basement levels are built to the boundary along Mitchell Plaza without a 5m setback. This arrangement will limit the opportunities for street trees in the setback zone.

Tree lined linear parks along Mitchell Street and Mitchell Plaza are important features of the 2036 Plan. The basement levels are required to be located beneath the building footprint to allow for adequate deep soil zones.

## **2.9 Driveway Access and Location**

The driveway access via Atchison Street is the logical location for car access. Given the high amenity pedestrian environment that is envisioned for Atchison Street, the location and proximity of the proposed driveway with that of the adjoining site at 617-621 Pacific Highway, will create a great expanse of driveway crossing which will undermine the pedestrian amenity objectives and enlivening ambitions for this street.

Efforts should be made to combine driveway access with the adjoining owner, given the early pre DA stage of that site.

## **2.10 Wind modelling**

The 18m separation between the potential future development of the subject site and the adjoining development at 617-621 Pacific Highway may give rise to wind tunnelling/velocity issues given the potential respective heights of these proposals. A study identifying wind impacts of these development and strategies to mitigate and reduce any impacts particularly in the context of pedestrian comfort at the ground plane, should be included with a planning proposal submission.

## **3. Voluntary Planning Agreement**

The State Infrastructure Contribution (SIC) that is applicable in the 2036 Plan precinct, does not apply to commercial development. In the context of a very significant increase in development potential being foreshadowed for the site as part of the 2036 Plan, the applicant is strongly encouraged to consider entering into a voluntary planning agreement towards the provision of much needed local infrastructure for the precinct.



#### **4. Notes**

The aim of pre-lodgement application consultation is to provide a service to people who wish to obtain the views of Council staff about the various aspects of a preliminary proposal, prior to lodging a planning proposal (PP). The advice can then be addressed or at least known, prior to lodging a PP. This has the following benefits:

- Allowing a more informed decision about whether to proceed with a PP; and
- Allowing matters and issues to be addressed especially issues of concern, prior to lodging a PP.

This could then save time and money once the PP is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based only on the plans and information submitted for preliminary assessment and discussion at the pre-PP consultation. You are advised that

- The views expressed may vary once detailed plans and information are submitted and formally assessed in the development application process, or as a result of issues contained in submissions by interested parties;
- Given the complexity of issues often involved and the limited time for full assessment, no guarantee is given that every issue of relevance will be identified;
- Amending one aspect of the proposal could result in changes which would create a different set of impacts from the original plans and therefore require further assessment and advice;
- This Pre-PP advice does not bind Council officers, the elected Council members, or other bodies beyond Council in any way whatsoever.

Council thank you for choosing Council's Pre-PP service and hopes that the meeting was of assistance. You are reminded to continue referring to and checking the relevant planning documents (LEP, DCP, etc) as you develop your proposal further to ensure compliance with those documents as these will be the basis for assessment of your application when it is lodged.

Should you have any further enquiries concerning these minutes please contact Council's Development Assessment staff during normal business hours on 9936 8100.

Note: The above notes are an indication of the issues discussed and conclusions reached at the meeting. They do not constitute a determination of Council, forming only part of the development application assessment process.

**Meeting Close**