

6 February 2012

The General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2060

Attn Mr. G Mossemenar

Dear Sir,



RE: DA 467/2011/1 – 144 – 150 Pacific Highway NORTH SYDNEY

INTRODUCTION

The applicant has instructed us to reply to the minutes of the Design Excellence Meeting and to subsequent discussions arising from those matters. In this regard we are advised that sketch details prepared by the project architect Nettleton Tribe have been provided to Council addressing the Panel issues associated with;

- The Doohat Lane thru-site link
- Lobby details for the serviced apartments
- Reconfiguration of certain apartments to address amenity
- Width of balcony details
- Architectural revision of detail to floors below level 6.

Also annexed is a commentary by GM Urban Design dated 25th January 2012 which addresses the detail of these changes as proposed and a peer review of the project by Mr. M Harrison of Architectus having regard to the comments of the Design Excellence Panel.

BUILDING HEIGHT

The principle issue in contention remains the proposed building height with the Design Excellence Panel expressing the opinion the height of the building should not exceed the height of buildings within the mixed use zone on the opposite corners to the subject site and the Council officers opinion that this height should be generally in the order of a maximum at RL 135. In addition to this the Council assessing planner has expressed the opinion that the provision of draft DCP 2010 is a matter to be considered in the evaluation of the application (presumably) reflecting the height provisions within draft North Sydney LEP 2009 that the height of building on this site be restricted to a maximum RL 125 and RL 106 on the 18 Berry Street component of the site.

In response to these issues we consider the following points are relevant:

- The application conforms to the outcomes for development of the site as provided for by the current planning controls. In this respect it is appropriate for a consideration of the application to have regard to the commentary at Annexure 2 of the SOEE as submitted with the development application and the opinion expressed by GM Urban Design as submitted with the development application. The peer review as expressed by Michael Harrison and appended to this submission is also relevant.

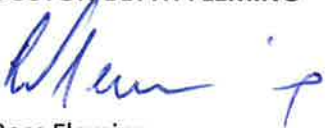
- There is no doubt the intent of draft versions of North Sydney LEP 2009 have proposed to reduce the height of building on the subject site. My client has consistently objected to those provisions (refer our submissions dated 9th March 2009 and 29th March 2011). However the points to be made are:
 - (i) The imminence and certainty of the North Sydney draft LEP 2009 is such that no planning weight should be attributed to it. We are advised by the Council strategic planning staff that the Parliamentary Counsel has written to Council expressing a range of reservations associated with the draft instrument and that in all likelihood the draft document will need significant revision and re-exhibition. Certainly the Council web page associated with the draft LEP does not provide any clarity as to the certainty or making of that draft instrument.
 - (ii) Importantly however the draft North Sydney DCP 2010 has (in our opinion) no role to play in the absence of draft LEP 2009. The introduction to the draft DCP at Part 1.3 requires the draft DCP to be read in conjunction with NSLEP 2009 and it is only on the making of draft NSLEP 2009 that NSDCP 2002 is repealed. Accordingly the applicable planning instruments pertinent to the current application is the current suite of controls provided by NSLEP 2001 and NSDCP 2002 and in our submission the application conforms to the specific performance provisions and objectives provided for by those instruments.
- Our submissions to the draft provisions of the height standards in draft LEP 2009 question the specifics of the height standards proposed and their legitimacy in terms of planning outcomes. To be precise the draft LEP provides for a maximum height on this site of RL 125 yet Council staff have previously recommended a height of RL 135 as appropriate with bonus provisions applicable beyond that range. In our opinion none of the restrictions proposed from the draft suite of controls have been justified in term of the outcomes posed by a reduced height from the current controls, the inappropriateness of the current controls nor have the justifications posed by the conclusions in the GMU urban design assessment been examined or assessed. The reductions in building height appear to be arbitrary and without planning justification or merit. They appear to be more concerned with a general issue of transition of building height across a common boundary and the adjacent residential boundary rather than the specifics of this site at a focal point to the CBD and without a common boundary to a residential zone. Apart from rejecting the 'gateway' notion of the GMU review the commentary of the Design Excellence Panel does not address itself to the intentions of the current planning controls as applicable to the site or the details of the scheme and its outcomes in terms of the objectives that underpin those controls. In this respect it is worthwhile noting the comments of Mr. Harrison in terms of the transitions in building heights and the focal nature of the site including his comments associated with the relationship of the site and the transition outcomes between the Norberry Terrace approval and the residential sites. The comment of the Design Excellence Panel is to (in effect) ignore this development.
- We note that a prior meeting of the Design Excellence Panel on the 8th June 2011 concluded: *"the Panel felt there was a reasonable case for some exceedence of the height controls (viz draft LEP 2009) but considered that it should be no higher than the north eastern corner of the intersection at RL 145."* The Panel qualified this opinion by reference to maintenance of non residential floor space (which the current DA adheres to). The point to be made is both the (apparent) inconsistency of the Panels position and the fluidity of the actual height control standards in terms of draft LEP 2009.

For the above reasons we consider the application as developed and presented is a conforming scheme and is consistent with the planning controls applicable to its consideration. Further the detail of the scheme is consistent with the design objective outcomes for this site pursuant to the draft controls associated with loss of sunlight to neighbouring dwellings and the Don Bank Museum.

If I can clarify or expand upon the comments in this submission please contact me.

Yours faithfully

BOSTON BLYTH FLEMING



Ross Fleming

27 January 2011

Strand Estates
144-148 Pacific Hwy
North Sydney NSW 2060

Architecture
Urban Design
Planning
Interior Architecture

To: David Walker, Director

144-148 Pacific Hwy & 18 Berry St, North Sydney Development Application

Urban Design Peer Review

This Urban Design Peer Review Report by Michael Harrison (undersigned) is based on your documentation brief of January 2012.

The brief includes the DA drawings (Nov 2011), the Design Excellence Panel Meeting minutes of 8 June 2011 and 13 December 2011, the Pre-DA meeting minutes of 17 August 2011 and an urban design report by GM Urban Design and Architecture and a range of other documents.

This Review is structured according to the issues raised at the Design Excellence Panel meeting of 13 December 2011 in regard to the development application (the proposal). The issue numbers are my numbers. The Applicant has made some revisions to address the Panel's issues. I have referred to these revisions with the words "revised proposal" below.

The text in bold is my summary consideration of each issue followed by a rationale/discussion. The conclusion at the end of this report is also in bold text.

Architectus Sydney
Level 3 341 George Street
Sydney NSW 2000 Australia
T 61 2 8252 8400
F 61 2 8252 8600
sydney@architectus.com.au
www.architectus.com.au

Auckland
Brisbane
Melbourne
Shanghai
Sydney

Issue 1 Gateway and building height

In summary, I consider that the tallest height of the proposal at RL 155 provides an appropriate balance between the low scale residential heights to the north west and the higher heights of CBD development (existing, approved and planned) in the other directions.

The proposal itself steps up from 11 storeys to 23 storeys (i.e. RL 113.55 to RL 156 at topmost point). The 11 storey component at RL 113.55 plus balustrade is similar in height to the adjacent approved development of RL 114.87 at 12-16 Berry St. The 23 storey component (RL 156) on the site at the highway intersection is diagonally opposite an approved development of 31 commercial storeys at RL 195 (on the south eastern corner of Pacific Hwy and Berry St).

It is clear that the proposal plays a key part in making the transition of stepping heights down from the highest heights of the North Sydney

Architectus Group Pty Ltd
ABN 90 131 245 684

Managing Director:
David Sainsbery
Nominated Architect
NSWARB 5551
ARBV 13176

CBD to its edge. That is a step down of 40m from across the highway to a further step down within the subject site of 43m to a further stepdown of 25-28m to the low scale residential development of Doohat St at c.RL 85-88.

Rationale

The site is near the northwestern edge of the CBD and fronts an important intersection on the highway – so it is an important location and focal point, if not a “gateway”.

The site sits between existing low scale (two storey) residential development nearby to the northwest and highrise development (30 storeys) of the North Sydney Centre within a street block to the south and southeast.

It is noted that the subject site is offset in plan relative to the low scale residential development. The offset arguably means that there is more scope for height and bulk on the subject site than if the site was directly in front of or behind low scale residential development.

The planning controls have an objective for building heights to be within a general “bell” curve” (or the “composite shadow diagram” which is a height control strategy for the CBD adopted by Council prior for the prevailing controls in LEP 2001 and remains as a consistent strategy or objective for the draft controls). The proposal is consistent with this objective as well as the diagram that shows the objective.

While it is not possible to be precise about the appropriate height given the generalised nature of the objective and its diagram, it is reasonable to review the local context of existing, approved and planned building heights and to come to an appropriate height that balances a transition of heights from the low scale residential area to the highest heights in the North Sydney Centre barely a street block away.

The relevant urban context building heights are (I have rounded RLs to nearest metre):

- Land close by to the northwest of the site - Doohat Avenue residential development at 1-2 storeys at approximately RL 85-88 to their roof tops.
- Adjacent site to the west - 12-16 Berry has approval for 9 storeys at RL 115 to the top of the roof plant rooms.
- Building on northeast corner of Berry St/Pacific Hwy – an existing older office building 16 storeys with a topmost height of RL128.
- Approval for a building on the southeast corner of Berry St/Pacific Hwy (177-199 Pacific Hwy) for RL 195 – 31 storeys. In the same street block is Northpoint office tower at RL 197 – commonly regarded as the centre of the North Sydney CBD with the GPO, the MLC building and the Mount St mall.

The current planning controls in LEP 2001 don't set RL height limits – rather, new buildings are required to be within the “bell curve” described above – which the proposal complies. The draft LEP 2009 sets RL height limits varying from RL125 to RL 195 at or near each corner of the Pacific Hwy intersection. The majority of tall buildings recently approved in the CBD exceed the draft control RL height limits – some to a substantial degree. These are listed in the GM Urban Design and Architecture report referred to above. Consequently, it is uncertain whether the RL height limits prescribed in the draft LEP will be carried through to gazettal.

Given the context of existing, approved and planned building heights, as well as the uncertain nature of the draft LEP height limits, the appropriate height limit on the subject site is a matter of merit.

The strategic planning principle of stepping down building heights from the street block diagonally opposite the subject site (which has the highest heights in the CBD) down to the nearby low scale residential area is accepted as appropriate – it has been a longstanding principle and it is consistent with good town planning. It is clear that the transition in building heights will be steep given the short distance between the highest heights approved/planned in the CBD and the Doohat St residential area – the horizontal distance between the closest point of the Doohat Ave residential area and 177-199 Pacific Hwy (the Norberry terraces site/within the street block that includes Northpoint tower) is about 100-120m. The subject site is the only site between these two points. So the subject site needs to mediate between RL 195 and RL 85-88. There are two main options to mediate the building heights:

1. the average height at RL 140, or
2. a stepped form on the subject site – at roughly even steps of 36m, a stepped form would be RL 159 down to RL 123. The proposal is RL 156 down to RL 113. The proposal is reasonably consistent with this option.

I consider that a stepped form (such as Option 2 and the proposal) is the best solution for the following reasons:

- the shadow control for Don Bank Museum is consistent with a stepped form.
- the stepped form is a better transition to the Doohat Ave residential area
- the stepped form enables the expression of a vertical tower element to the street corner which is consistent with the towers of the CBD and a tower is consistent with being located on a prominent intersection.

Issue 2 Podium

I firmly consider that the podium planning control (ie. the tower required to be set back from a street frontage podium by 5m) is inappropriate in this case and that the shadow line control to the Don Bank Museum should take precedence.

Rationale

There is a conflict in the planning controls – the requirement for a 5m setback tower above a podium fronting the Highway conflicts with the shadow line control to the Don Bank Museum. The podium control means the tower should be towards the west on the site and the shadow control means the tower should be east on the site.

Generally, I am a strong supporter of podium/tower developments for 3 reasons:

- Daylight to the street: In a city centre location where there is danger of a canyon effect, such as some streets in Central Sydney, it is appropriate to set back towers above podiums to enable reasonable sky exposure and daylight to the street. This is usually less important for corner sites

where there is daylight/sky exposure from multiple directions to the public domain. Consequently, this reason is not applicable to the site.

- Wind deflection of tower downdrafts: This is usually an important consideration as tower downdrafts can be quite uncomfortable for pedestrians at street level. However, given the relatively small floor plate area of the tower, the lack of adjacent towers of significant height (now or planned) and the design of the corner balconies (they would tend to break up the down drafts), it is considered that wind down drafts are unlikely to be a significant issue.
- Building scale: A podium has the effect of scaling down the bulk of a large development or a tower to the scale of the street and the pedestrian. In my opinion such a transition is unnecessary because of the small size of the site, the slenderness of the tower design and the scale of the development approved diagonally opposite. Façade design and articulation can assist in moderating building scale and creating visual interest for pedestrians. The proposal and revised proposal show how the lower levels of the building can be articulated successfully.

The combination of the two planning controls on the relatively small subject site would result in an unviable tower floor plate. It is considered that architectural articulation of the building is sufficient to mediate between the lower scale of development approvals fronting Berry St and the highway adjacent to the subject site. The revised proposal makes successful façade articulation changes to address to mediate with the adjacent approved built form.

It is important to note that most, if not all, of the development approvals for tower development in North Sydney in recent years has not included a podium with a set back tower above to the main frontage. For example: The Ark, 177-199 Pacific Hwy (Norberry Terraces site), 12-16 Berry St, and 100 Pacific Hwy (Leighton). The current proposal for 90-100 Mount St which Architectus is involved in has received recent support from Council's Design Excellence Panel without a podium and tower set back above - this is appropriate given the configuration of that site. These examples illustrate the point that there are circumstances where a podium is not warranted.

Issue 3: Through site link (Doohat Lane)

The applicant has decided to provide a pedestrian through site link. I am ambivalent about the merits of the need for the link. Nevertheless, given a link is considered important by the Design Excellence Panel, I recommend the revised proposal provides suitable design for the link.

Discussion

The need for the through site link is questioned given that:

- the lane is so close to Pacific Highway – it is actually more comfortable for people to walk via the Pacific Hwy footpath because of the slight hill in the lane and the steeper gradient of the lane from Berry St.
- the lane is very short and does not link very far beyond. The lane does link across Berry St to another lane serving the Don Bank Museum and some small buildings adaptively re-used for restaurants/cafe – this is a delightful area. But it is probably not a good idea to encourage pedestrians crossing Berry St between the lanes at this point due to the

close proximity to the highway signalised intersection and the gradient of Berry St.

- the lane will always be more of a service lane (for such a short lane there is a high number of vehicle entries and service areas) which means it will never be a comfortable pedestrian environment.
- The Traffix report results of a survey found that about 60 pedestrians use the lane during a whole day – a very low count.

Issue 4: Separate access/lifts for the serviced apartments

The applicant has decided to provide separate access/lifts for the serviced apartments. While I am ambivalent about the need for this, the revised proposal provides a suitable design.

Discussion

The main reason why such separation is usually requested is to separate short term residents from longer term residents because of security and social concerns. I consider that these concerns can be addressed sufficiently by having the serviced apartments on separate floors and for there to be electronic security for access to the apartment floors. The DA provides for this and is therefore adequate in my view.

Issue 5: Expand the communal terrace on Level 12

The applicant has decided to expand the communal terrace. I consider the DA proposal appropriate. A larger communal terrace may encourage larger groups of people to use it which may affect the amenity of nearby residents due to noise. Nevertheless, I consider that the revised proposal appropriately addresses this issue raised by the Design Excellence Panel.

Issue 6: Amenity of lower level serviced apartment

The applicant has decided to address this in the revised proposal by reconfiguring the plan and I consider has successfully improved the amenity of both the lower level apartment and the common area.

It is noted that serviced apartments do not need to be consistent with the rules of thumb in the NSW residential Flat Design Code.

Issue 7: Balcony size, shape and amenity

Many of the balconies are less than the preferred depth of 2m in the proposal. The applicant has appropriately addressed this issue for all of the apartment balconies in the revised proposal. I consider that the revised proposal provides a commendable diversity of balcony solutions from floor to ceiling balustraded windows for many of the serviced apartments, to recessed balconies, partly recessed balconies, long

balconies, balconies with 2 aspects for the same apartment, balconies that have varying depth from narrow to wide, and outdoor terraces.

The west facing balconies should have operable shade screens.

Rationale

Balcony size: The proposal had too many balconies that were too narrow. The revised proposal has all apartment balconies with at least part of its area being a minimum of 2m depth. This will permit convenient use of a table and chairs.

Generally, it is appropriate that a proportion of balconies have a lesser dimension providing amenity is addressed appropriate to the apartment. For example, not all serviced apartments need to have a balcony. Small apartments/studios can have a balustraded full height window and still achieve good indoor/outdoor amenity while providing variety of apartment types to the market and at different price points. Balconies ought to be able to be enclosed as indoor/outdoor spaces. My experience at the City of Sydney with the NSW Residential Flat Design Code indicates that greater diversity of balcony design is important and that the rule of thumb minimum depth need not be applied to all balconies.

Balcony shapes: The corner balconies are uniquely shaped and are an intrinsic aspect of the distinctive character of the building as it addresses the intersection. They form an interleaving layered pattern to the verticality of the tower and provide welcome visual interest as seen from the public domain.

Balcony amenity: Amenity is a function of size, degree of recess, relationship to the internal spaces of an apartment main such as direct access to the living space living space, aspect and ability to control direct sunlight. Generally balconies need some degree of recess to enable people to feel protected from the elements. Many of the balconies are recessed or have some recess. However, the SE corner balconies are not recessed – I consider that this issue is compensated by the facts that they are long and have two aspects - so there is an opportunity for protection from the wind. The revised proposal ensures that an appropriate part of all of the apartment balconies do have 2m minimum depth. All balconies relate well to the interior spaces. The western facing balconies should have external operable shade screens.

Issue 8: Aesthetics

The Panel comments related to the corner element of the tower and the depth of the balconies. The depth of the balconies has been addressed appropriately in the revised proposal as discussed above and it is considered that this has also resulted in a better aesthetic outcome as anticipated by the Panel.

There is a comment by the Panel that the tower corner element is “unduly assertive”. I have carefully considered this view and note that the vertical line of corner balconies both define the tower element and moderate its scale (which is already relatively small in floor plate area compared to other towers in North Sydney). The unique balcony shapes are a relatively minor element but I consider they will provide a good level of visual interest as they will be read together. Also, in the context of the approved much larger and bulkier tower diagonally opposite on the highway intersection, the proposal is much smaller in scale and will be seen as an interesting transitional buildings appropriate to the edge of the North Sydney Centre.

The corner triangulated columns on the ground floor and the splayed balconies above are elegant and distinctive, the street frontage activities at ground level are appropriate.

General Conclusion

The revised proposal addresses all of the Panel's comments except the tower height.

The height of the proposal is the main point of disagreement between Council officers and the applicant. While, there is no obviously correct answer both opinions are within the planning objective for building height (the planning control diagram of the bell curve derived from the "composite shadow diagram").

In the discussion above I have described a logic to help decide the appropriate height. The height is a transitional height between the highest heights of the CBD and the low scale residential heights near the edge of the CBD. This transition needs to occur over a remarkably short distance (effectively the diagonal length of the site itself). Either the building itself is stepped or its total height is treated more or less as one step in the transition. I consider that a stepped solution on the site is the best solution. Height is less of an issue on the highway corner but more of an issue between the corner and the adjacent development approval at 12-16 Berry St and to the Doohat Ave low scale residential area. The stepped proposal has a clear relationship to the approved development adjacent on Berry St, a clear tower form on the corner to the Highway intersection, and relates appropriately to the nearby low scale residential area of Doohat Ave.

Regards,



Michael Harrison
Director, Urban Design and Planning

Credentials of Michael Harrison

M City Plng and M Arch (Uni of Pennsylvania)

Fellow Planning Institute of Australia, Fellow Australian Institute of Architects

20 awards and commendations for planning and urban design excellence from PIA

30+ years professional experience

Seconded to Sydney City Council as Director City Strategy and Design (2007-2011)

Alternate Member Central Sydney Planning Committee (current)



GM Urban Design & Architecture
Studio 201
8 Clarke Street
Crows Nest NSW 2065

T. 9460 6088
F. 9460 6099
M. 0407 007 444
E. g.morrish@gmu.com.au
W. www.gmu.com.au

25 January 2012

For the attention of the General Manager
North Sydney Council
200 Miller Street
North Sydney NSW 2060

Dear Sirs,

Re: Development Application proposal for 150 Pacific Highway, North Sydney

GMU as an independent Urban Design expert has been involved in the design of the above project from concept design and strongly supports the proposed height and form of the building (relative to the existing and approved built form context as discussed in our Urban Design Report of September 2011 and the supplementary commentary of November 2011).

We have been asked by Strand Estates to provide further commentary in respect of sketches prepared by Nettleton Tribe Architects in order to illustrate how some of the concerns raised by the Design Excellence Panel at its meeting of 13 December 2011 can be addressed.

We do not consider that the proposal requires a redesign and we support the amendments put forward by Nettleton Tribe to address Council's concerns.

The main issues raised at the Design Excellence Panel meeting and stated in the Meeting Minutes were:

- No through site link provided from Doohat Lane to Berry Street.
- A separate access and lifts for the serviced apartments.
- The size and shape of balconies, particularly on the corner units and the amenity of the balconies.
- No podium as required by the controls and as provided for other recent approvals in the locality.
- The height of the tower should be no higher than the other mixed use zoned corners of the intersection - RL145.
- Amenity to the lower level north facing serviced apartments and dimensions of the light well/setback along the northern boundary.
- The design of the corner element.

In response to these issues the applicant has provided some sketches illustrating how some of the above issues can be addressed.

These amendments in summary are:

- 1) Provision of a pedestrian connection and stairs from Berry Street to Doohat Lane -

The pedestrian link through the site connecting Berry Street with Doohat Lane has been introduced back into the configuration of the site. The link is activated by a retail shop, which could be a great place for a local café or a florist that will be beneficial for the area and support Council's vision for North Sydney as retail and commercial core.

2) Provision of a separate lobby for serviced apartments –

The serviced apartments' access has been amended to include a separate entry, lift and stairway. This will improve the privacy and amenity of the residential component. The new entry is located in the western side of the building and will assist in activating the pedestrian through site link.

3) Reconfigure lower level north facing apartments –

The configuration of the apartments has been also changed to provide better solar access and natural ventilation to the unit at the northern side of the building with a light well expanded to a width of approximately 8.6m and a depth of 6m which exceeds the dimensions required by the Panel.

4) Amendment of the width of balconies –

Also all units have now been amended in order to provide min 2m width. However, it should be noted that this is a noisy corner and it is questionable if these balconies will ever be used. We still consider that a Juliette balcony as contemplated in the DA plans is a preferable solution for this location.

As a result to those changes, the number of units has decreased significantly from 101 residential units to 97 and from 41 serviced apartments down to 34. The reconfiguration of the units has improved the amenity of the units overall. The percentage of cross ventilated and receiving 2h solar access units has increased from 64% and 82% up to 77% and 86% respectively.

5) Stronger expression of podium –

The architecture of the building remains unchanged in its general form; however amendments to the lower levels of the building have been introduced such as an inset above 6th level on the Pacific Highway and Berry Street façades that relate directly to the neighbouring buildings to the north and west. The architectural detail of the 'podium' has been also revised to provide stronger emphasis of the continuity of the adjacent street scale in the proposed development. This type of 'podium' treatment has been used in other development applications approved in the area recently.

In our opinion the 5m setback in the NS DCP is not needed on this site particularly given the Council controls which advocate that 'Buildings are to reinforce the junction and termination of streets (other than laneways) by emphasising the corner of the street block and termination of the street' (NS DCP 2002, Part B Section 2). The adjacent recently approved DA to the west of the site has no setback, but expresses a podium through a difference in treatment to the lower levels and an inset of the depth of the balcony above the podium height.

In addition, the existing building located on the south-west corner of Pacific Highway and Berry Street intersection presents a 15 storey high building with a straight façade directly to the street without any podium treatment. If the northern corner of that intersection was to provide a podium setback of as much as the required 5m above the podium height, it would result in discordant forms of the buildings on either side of Berry Street to the west. On the eastern side of Pacific Highway the recently approved proposal's form (Norberry Terrace) corresponds to the form of the existing development to the north side of Berry Street (20 Berry Street). Equally there should be a dialogue between the buildings and their street frontage treatments to the western side of the highway.

In our opinion the site is a significant corner in North Sydney. As documented in our report supporting the DA from September 2011, the corner of Berry Street and Pacific Highway will be visible from various vantage points of North Sydney CBD. The sculptural form of the corner element together with the architectural detail of the proposed development will provide appropriate mark for the corner and visual termination to the Berry Street axis.

6) Validate the proposed height –

In our opinion the form of the building with its proposed height and stepped form, will provide an appropriate reinforcement of North Sydney Centre and adequate transition to the residential areas.

The form and height of the building responds to the northern gateway to the North Sydney Core. The lower scale residential development is located to the north and west of the proposal. It is separated by other mixed use developments of medium to high density. The proposed building's highest point is oriented towards the North Sydney CBD at the corner of the intersection and when viewed from the residential area (north-west) will be a sufficient distance that it will form part of the city edge, seen against the taller form of Norberry Terrace. This is an appropriate outcome for a CBD edge and is supported by the court decision (Castle Constructions Pty Lt vs North Sydney Council), where it was deemed that the CBD of North Sydney could terminate with a significant change of

scale. Notwithstanding that, the proposal does provide a transition within the steps from level 23 through the 12th level, which avoids any adverse impacts on the residential properties located to the north and west.

The recently approved 'Norberry Terrace' development will achieve a height almost identical to the height of Northpoint building of RL 200 (tallest building in North Sydney). As stated before in our Urban Design Report, the approved heights of the surrounding new developments, which are above the Draft LEP change the scale of the development and justify the increase in height on the subject site. Therefore the Draft LEP height limit on the subject site of RL125 seems inadequate and arbitrary.

The North Sydney controls clearly describe that transition from the highest point of the area needs to be provided as stated in the North Sydney Planning Area Character Statement on page 291: *'Buildings are stepped down from Northpoint (100 Miller Street) and Shopping World (79-81 Berry Street) towards the boundaries of the Centre'.*

If the desired transition is to be achieved, the height of the subject site should be significantly increased, provided there is no overshadowing impact on the public domain (Don Bank Museum). An RL of approximately 150 is an average from the approximately RL 197 to the south-east of the site (height of Norberry Terrace development) down to approximately RL 113 on the north-west of the site (height of 12-16 Berry Street development). The previous analysis provided by GMU to Council showed that the proposed design has no overshadowing impact on the Don Bank Museum. Therefore the proposed height not only has no adverse impacts on the surroundings, but also balances the greater height approved across the intersection.

The proposed development provides quality holiday rental and residential accommodation close to the employment hub, transport, schools and other amenities in the area. It will provide after-hours activation to the area.

The building is a slender tower form with no adverse impact to its surrounding context. It provides appropriate amenity for the future residents given the location of the development. In our opinion the amended proposal addresses the Panel's concerns.

The development, which in its previous form offered a high quality solution for the site and location, now also satisfies Panel's requirements in regard to the RFDC balcony width, improved amenity of the serviced apartments, activation of Berry Street and a through site pedestrian link as well as a stronger podium treatment to the facade. Once again, we recommend the proposal for approval.

Should you have any queries regarding this letter please do not hesitate to contact the author on 02 9460 6088.

Yours Sincerely,



Ms Gabrielle Morrish

Managing Director

GM Urban Design & Architecture Pty Ltd