



**NSLPP MEETING HELD ON 13/02/2019**

**Attachments:**

1. External Assessment Report
2. Planning Proposal
3. Urban Design Report
4. Reference Design

**ADDRESS/WARD:** 253-267 Pacific Highway, North Sydney (W)

**PROPOSAL NO:** 6/18

**PROPOSAL:** To amend the North Sydney Local Environmental Plan 2013. In particular, the Planning Proposal seeks to:

- Increase the maximum Height of Buildings from 10m to part 23m and part 68m (an increase of 13m and 58m respectively);
- Increase the minimum non-residential floor space ratio control from 0.5:1 to 1:1; and
- Establish a site-specific maximum overall floor space ratio control of 7.2:1.

**APPLICANT:** Legacy Property Group Pty Ltd

**AUTHOR:** Neal McCarry, Team Leader – Strategic Planning  
External Consultant Assessment Report - Ingham Planning

**DATE OF REPORT:** 31 January 2019

**DATE LODGED:** 27 September 2018

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## EXECUTIVE SUMMARY

On 27 September 2018, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to at 253-267 Pacific Highway, North Sydney. In particular, the Planning Proposal seeks the following changes to NSLEP 2013:

- Increase the maximum Height of Buildings from 10m to part 23m and part 68m (an increase of 13m and 58m respectively);
- Increase the minimum non-residential floor space ratio control from 0.5:1 to 1:1; and
- Establish a site-specific maximum overall floor space ratio control of 7.2:1.

The Planning Proposal is also supported by a Voluntary Planning Agreement offer that includes;

- Dedication of 233m<sup>2</sup> of the residential yield on Level 2 of the development (which equates to 3 x 1 bedroom apartments and 1 x studio apartment) to Council or an affordable housing provider for use as affordable housing;
- Dedication and partial fitout of 349m<sup>2</sup> of GFA on Level 2 of the development to Council to be used as affordable office space by ‘start-up’ businesses;
- Dedication and partial fitout of 55m<sup>2</sup> of GFA on the ground level of the development to Council to be used for community facilities;
- Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3–4.5m to 6m and the excision of approximately 130m<sup>2</sup> of land from the site area for dedication to the Council for the purpose of the new road; and
- Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.

Due to North Sydney Council being an owner (contracts exchanged with extended settlement) of one of the lots within the application site, an independent assessment has been undertaken. This is provided at **Attachment 1**. It is recommended that the Panel give consideration to the attached Independent Planning Assessment report which recommends the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- *The proposed built form is excessive and out of keeping with the existing and desired future character of the area. It will visually dominate the area, which is characterised by low-scale buildings. It will be even larger than buildings permitted to the south of McLaren Street which are located within the North Sydney CBD;*
- *Whilst providing higher density development near the new Victoria Cross Metro Station would be consistent with Metropolitan and District Planning Strategies, to provide the best planning outcome for this precinct a coordinated approach to growth should be undertaken, similar to that which is in progress at St Leonards/Crows Nest. Council has recently secured funding to progress the North CBD Planning Study which will investigate opportunities for increased density in the area round the station. Council has advised that this will include the subject site;*

- *There is no short-term 'need' for the proposal as the Greater Sydney Commission has advised Council that it is on track with the additional dwelling targets set out in the North District Plan;*
- *The proposed building form will have unacceptable overshadowing impacts on North Sydney Demonstration School;*
- *The proposal will have unacceptable impacts in relation to heritage and conservation in relation to the curtilage and relationship to the existing heritage item on the site at 265 Pacific Highway and its height relationship with the adjoining conservation area.*

## LOCATION MAP



Figure 1 - Application site – 253-267 Pacific Highway North Sydney



## **PANEL REFERRAL**

On 23 February 2018, the Minister for Planning released a section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the DPE for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that council's general manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore the Planning Proposal must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

## **BACKGROUND**

On 9 October 2018, Council wrote to the applicant requesting that they withdraw their application as the proposal could not be supported. In particular, Council has a long held policy of not supporting the progression of planning proposals to Gateway Determination, which seek significant departures from current planning controls and are not supported by an endorsed precinct wide based planning study. The applicant subsequently responded requesting that Council continue with its assessment of the Planning Proposal.

This position was recently reinforced at Council's meeting of 30 July 2018, wherein it resolved to not accept any new planning proposals involving a residential use, until the earlier of 1 July 2020 or the completion of any gazetted amendments to the North Sydney LEP in respect of any Land Use and Infrastructure Plan produced by the Department of Planning's Priority Precinct planning process. At this meeting, Council also resolved to write to the Minister for Planning, seeking an amendment to the state policy for rezoning reviews to exclude its operation for the North Sydney LGA in respect of new residential planning proposals until 1 July 2020 or the completion of any gazetted amendments to the North Sydney LEP in respect of any Land Use and Infrastructure Plan produced by the Department of Planning's Priority Precinct.

At the date of finalisation of this report, Council has not received a formal response to this request, however, have been advised that the Minister for Planning is seeking advice from the Greater Sydney Commission on this request and would await receipt of this before determining whether to endorse Council's position.

It is noted that Council has identified a need to undertake a precinct based planning study which focuses on land in the vicinity of the entry portals to the Victoria Cross Metro Station (including the subject site). Once adopted, this would provide Council with the ability to consider any changes to the planning controls if they have been identified for the subject site. Following successful receipt of a State Government LEP acceleration grant funding application in late 2018, Council has recently appointed additional strategic planning and urban design staff to progress this work. Work has very recently (January 2019) commenced on the CBD North Planning Study and will progress throughout 2019.

## **SUBMISSIONS**

There are no statutory requirements to publicly exhibit a planning proposal before the issuance of a Gateway Determination.

However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process, arise from the community becoming aware of their lodgement through Council's application tracking webpage.

These submissions are normally considered as part of Council's assessment report for a planning proposal, to illustrate the level of public interest in the matter before Council makes its determination.

To date, no submissions have been received in relation to this Planning Proposal.

**Neal McCarry**  
**TEAM LEADER - POLICY**

**Marcelo Occhiuzzi**  
**MANAGER STRATEGIC PLANNING**

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# **PLANNING PROPOSAL ASSESSMENT REPORT**

## **Draft Amendment to North Sydney Local Environmental Plan 2013**

### **Amendments to height and FSR controls at 253–267 Pacific Highway, North Sydney**



**Prepared By  
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**January 2019**

## EXECUTIVE SUMMARY

The Planning Proposal seeks amendment of North Sydney Local Environmental Plan 2013 to allow:

- an increase in the permitted maximum height of buildings from 10m to part 23m and part 68m (an increase of 13 and 58m respectively);
- an increase in the permitted minimum non-residential floor space ratio control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall floor space ratio control of 7.2:1.

The Planning Proposal is also supported by an offer to enter into a Voluntary Planning Agreement (VPA) valued at \$9.2M.

The applicant has opted to proceed with the Planning Proposal despite being requested by Council to withdraw the application due to a Council resolution regarding a moratorium on residential Planning Proposals.

As Council owns part of the site an independent planning assessment has been sought from Ingham Planning Pty Ltd.

This assessment of the Planning Proposal concludes that the proposed amendments to LEP 2013 should not be supported for the following reasons:

- The proposed built form is excessive and out of keeping with the existing and desired future character of the area. It will visually dominate the area, which is characterised by low-scale buildings. It will be even larger than buildings permitted to the south of McLaren Street which are located within the North Sydney CBD;
- Whilst providing higher density development near the new Victoria Cross Metro Station would be consistent with Metropolitan and District Planning Strategies, to provide the best planning outcome for this precinct a coordinated approach to growth should be undertaken, similar to that which is in progress at St Leonards/Crows Nest. Council has recently secured funding to progress the North CBD Planning Study which will investigate opportunities for increased density in the area round the station. Council has advised that this will include the subject site;
- There is no short-term 'need' for the proposal as the Greater Sydney Commission has advised Council that it is on track with the additional dwelling targets set out in the North District Plan;
- The proposed building form will have unacceptable overshadowing impacts on North Sydney Demonstration School;
- The proposal will have unacceptable impacts in relation to heritage and conservation in relation to the curtilage and relationship to the existing heritage item on the site at 265 Pacific Hwy and its height relationship with the adjoining conservation area.

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# 1. INTRODUCTION

This report provides an independent planning assessment of a Planning Proposal for land at 253–267 Pacific Highway, North Sydney (see **Figure 1** and **Figure 2**). Its aim is to assist the North Sydney Local Planning Panel (NSLPP) in considering whether to support the proposal and North Sydney Council (NSC) in considering whether the proposal should be rejected or sent to the Department of Planning and Environment (DP&E) seeking a 'Gateway' determination. An independent report has been sought by Council as it owns a parcel of land that is subject to the Planning Proposal.

The Planning Proposal was submitted by the applicant on 7 September 2018. In a letter dated 9 October 2018, Council requested the applicant to withdraw the application as it conflicted with Council's *"long held policy of not supporting the progression of planning proposals to Gateway Determination, which seek significant departures from current planning controls and are not supported by an endorsed precinct wide planning study. This position was recently reinforced at Council's meeting of 30 July 2018, wherein it resolved to not accept any new planning proposals involving a residential use, until the earlier of 1 July 2020 or the completion of any gazetted amendments to the North Sydney LEP in respect of any Land Use and Infrastructure Plan produced by the Department of Planning's Priority Precinct planning process."*

Council received a response to its position of 30 July 2018 from the Minister for Planning dated 16 November 2018, which indicated that the Minister would seek further advice from the Greater Sydney Commission before providing their endorsement of Council's position.

Notwithstanding the above, without an agreement by the State government to a moratorium, the Planning Proposal must be assessed on its merits. It is up to Council to make a determination on the Planning Proposal and as part of this consideration they may take any previous relevant resolutions into account.

The assessment has had appropriate regard for the relevant documents and guidelines relating to Planning Proposal's including:

- A Guide to Preparing Local Environmental Plans dated December 2018 prepared by DP&E; and
- A Guide to Preparing Planning Proposals dated December 2018 prepared by DP&E.



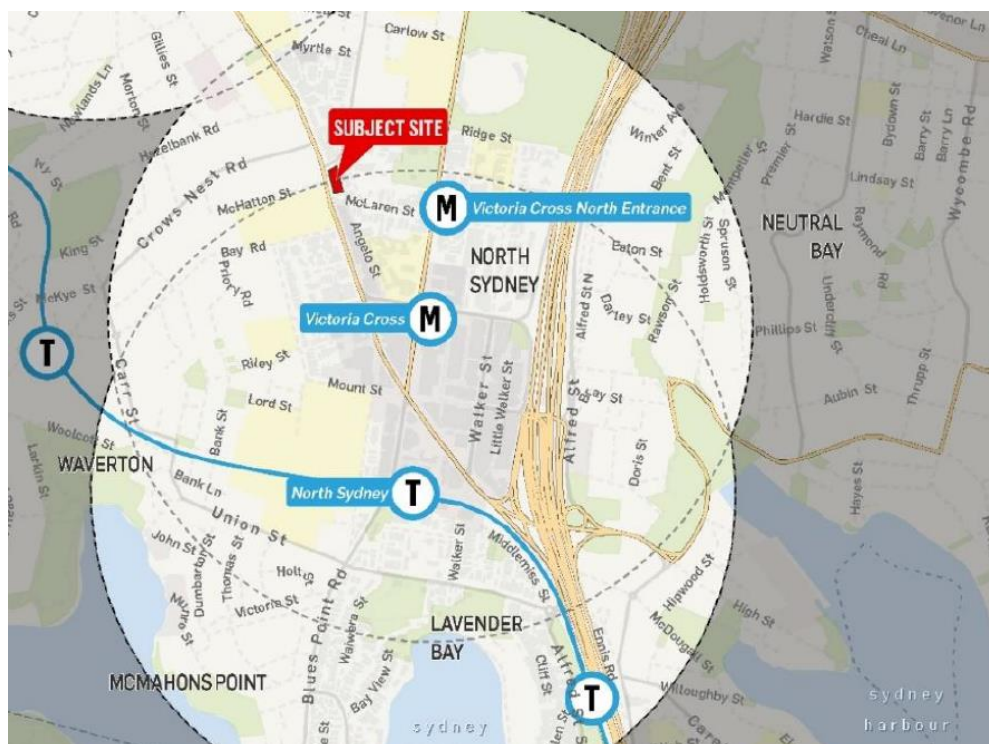
## 2. THE SITE, LOCALITY AND PLANNING CONTROLS

### 2.1 The Site

The following description of the site location is provided in the applicant's Planning Proposal report.

*The site is located within the suburb of North Sydney and the North Sydney Local Government Area (LGA). North Sydney is located approximately 4.5km north of the Sydney CBD, on the northern side of the Sydney Harbour Bridge and within Sydney's Lower North Shore. The suburb is in close proximity and highly accessible to the commercial centres of St Leonards, Chatswood and Macquarie Park.*

*The North Sydney Train Station is located approximately 750m south east of the subject site, at the southern edge of the North Sydney CBD. The subject site is also located 260m north west of the planned Victoria Cross Metro Station.*



Source – Planning Proposal Report prepared by Urbis

**Figure 1 Location**

The applicant's detailed description of the site is as follows.

*The subject site is located at 253–267 Pacific Highway, North Sydney. The site has a primary frontage to the Pacific Highway of 60m and secondary frontages to Church Lane (65m) and West Street (23m). The site has total approximate area of 1,469sqm. Church Lane provides access to the individual lots and ranges in width from 3–4.5m due to the existing uneven boundary alignments of the subject properties.*

*The consolidated site comprises five (5) separate lots. The street addresses, legal description and description of existing development on each lot is described below in Table 1. An aerial*



image of the subject site and an image of the existing buildings on the site are provided at Figures 2 and 3 overleaf.

Table 1 – Site description

Address and legal description	Existing development and access arrangements
253 Pacific Highway, North Sydney SP 16134	<ul style="list-style-type: none"> <li>Two (2) storey commercial building fronting Pacific Highway.</li> <li>One at-grade onsite parking space accessed from Church Lane.</li> </ul>
255-259 Pacific Highway, North Sydney SP 22870	<ul style="list-style-type: none"> <li>Two storey commercial building with pedestrian access fronting the Pacific Highway.</li> <li>Vehicular access and on-site parking accessed from Church Lane.</li> </ul>
261 Pacific Highway, North Sydney Lot 51 DP 714323	<ul style="list-style-type: none"> <li>Three (3) storey commercial building fronting the Pacific Highway.</li> <li>Vehicular access and on-site parking accessed from Church Lane.</li> </ul>
265 Pacific Highway, North Sydney Lot B DP 321904	<ul style="list-style-type: none"> <li>Three storey heritage shopfront (locally listed item No. 0959 under the NSLEP 2013).</li> <li>Heritage building is orientated towards the Pacific Highway, with garage (new addition) accessed from Church Lane.</li> </ul>
267 Pacific Highway, North Sydney Lot 10 DP 749576	<ul style="list-style-type: none"> <li>Two (2) storey commercial building with pedestrian access fronting the Pacific Highway and West Street.</li> <li>Vehicular access and on-site parking shared with 265 Pacific Highway and accessed from Church Lane.</li> </ul>



Source – Planning Proposal Report prepared by Urbis

Figure 2 Site



Source – Building Envelope Study and Reference Design prepared by PTW Architects

**Figure 3 Site viewed from south on Pacific Highway**



Source – Building Envelope Study and Reference Design prepared by PTW Architects

**Figure 4 Heritage item at 265 Pacific Highway**



## 2.2 The Locality

The applicant describes the immediate locality of the site as follows.

*The site is located on the Pacific Highway on the northern edge of the North Sydney CBD. The surrounding context of the site is characterised by medium density commercial and residential uses. The site is immediately surrounded by the following:*

- *To the north of the site is West Street. On the northern side of West Street is the Union Hotel, a two (2) storey locally listed heritage item. Further north is a variety of medium to high density commercial uses.*
- *To the east of the site is Church Lane. On the opposite side of Church Lane are low and medium residential uses fronting Church Street.*
- *To the south of the site is a two (2) storey house fronting McLaren Street. Further south are a variety of medium to high density commercial uses fronting the Pacific Highway.*
- *To the west of the site is the Pacific Highway. On the western side of the Pacific Highway is a childcare centre and the North Sydney Demonstration School.*

## 2.3 Current Planning Controls

The current planning controls under North Sydney Local Environmental Plan 2013 (the LEP) are as follows:

Zoning – the site is zoned B4 Mixed Use (see **Figure 5**).



Source – Planning Proposal Report prepared by Urbis

**Figure 5 Zoning**

Height – the permitted height is 10m (see **Figure 6**).



**Figure 6 Permitted height**

Non-Residential Floor Space Ratio – the site is subject of a minimum non-residential FSR of 0.5:1.

Heritage – the site contains a heritage item (265 Pacific Highway) (see **Figure 4**) and adjoins two heritage conservation areas – McLaren Street conservation area to the east and the Crows Nest conservation area to the west. There are also heritage items in the vicinity of the site as indicated on **Figure 7**.



**Figure 7 Heritage and Conservation**

### 3. DETAILS OF THE PLANNING PROPOSAL

#### 3.1 Overview

The Planning Proposal seeks to amend the LEP to allow:

- an increase in the permitted maximum Height of Buildings from 10m to part 23m and part 68m (an increase of 13 and 58m respectively);
- an increase in the permitted minimum non-residential floor space ratio control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall floor space ratio control of 7.2:1.

#### 3.2 Indicative Development Concept

The applicant has provided details of an indicative development concept aimed at demonstrating that the site can be reasonably developed if the above amendments to the LEP are undertaken. The applicant's Planning Proposal report provides the following details:

*The urban design principles and design rationale supporting the Planning Proposal are established in the Urban Design Report prepared by GMU at Appendix A. The Indicative Architectural Plans prepared by PTW at Appendix B provide a reference scheme to demonstrate how the site could be redeveloped, consistent with the controls sought under this Planning Proposal.*

*The amalgamation of the lots creates a substantial site area on the periphery of the North Sydney CBD. The Planning Proposal will deliver on State, district and local planning objectives to foster a high quality mixed use development. Key numerical details of the Indicative Reference Scheme are provided in Table 4 below followed by illustrations of the scheme at Figure 11.*

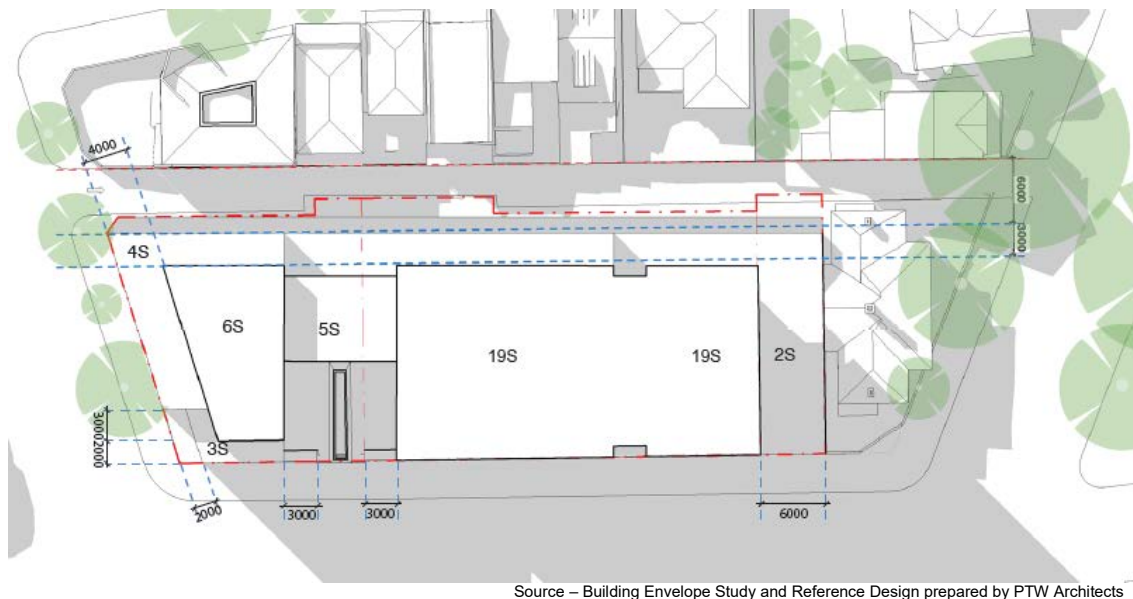
Table 4 – Key Numeric details

Element	Depicted in the Indicative Concept Design
Land uses	Part 3, part 4 levels of office / retail / community land uses Residential apartments Residential communal facilities
Indicative yield <i>(these yields are based on the indicative test fit design presented in the Urban Design Report)</i>	1,667m <sup>2</sup> non-residential GFA 8,810m <sup>2</sup> residential GFA (indicatively 89 residential apartments)
Gross Floor Area (GFA) Total	10,477m <sup>2</sup>
Floor Space Ratio (FSR)	7.14:1
Non-residential floor space (FSR)	1.14:1
Built form	Split level podium Tower above podium in southern portion of site
Split maximum building height	<ul style="list-style-type: none"> <li>• 67.2 metres (RL 154.02)</li> <li>• 22.3 metres (RL 111.82)</li> </ul>

The proposed built form comprises a tower and podium configuration as indicated in the diagrams prepared by the applicant's architect, PTW (see **Figure 9**). As can be seen in **Figure 8**, the podium ranges from 2 storeys at the McLaren Street end and 4 storeys along Church Lane.

The indicative concept provides for:

- 2 basement parking levels;
- 1.5 levels of commercial floor space with a community room and loading dock at ground level on Church Lane;
- 89 residential apartments.



**Figure 8 Concept building heights**

### 3.3 Public Benefit Offer

The applicant has offered to enter into a Voluntary Planning Agreement (VPA) with North Sydney Council. The features of the offer are as follows:

- Dedication of 233m<sup>2</sup> of the residential yield on Level 2 of the development (which equates to 3 x 1 bedroom apartments and 1 x studio apartment) to Council or an affordable housing provider for use as affordable housing for low and very low income renters, in accordance with the objectives of the North Sydney Affordable Housing Strategy 2015;
- Dedication of 349m<sup>2</sup> of GFA on Level 2 of the development to Council to be used as affordable office space by 'start-up' businesses. The commercial space will be provided in the form of a partial fit-out, including finished walls, ceiling, flooring and basic service connections for electricity, water and sewer;
- Dedication of 55m<sup>2</sup> of GFA on the ground level of the development to Council to be used for community facilities, as defined by the North Sydney LEP 2013. The community space will be provided in the form of a partial fit-out, including finished walls, ceiling, flooring and basic service connections for electricity, water and sewer;





Source – Building Envelope Study and Reference Design prepared by PTW Architects

**Figure 9 Comparison of view from north on Pacific Highway for existing and proposed concept building**

- Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3–4.5m to 6m and the excision of approximately 130m<sup>2</sup> of land

from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and

- Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.

In response to a request for further information from Council, the applicant has provided an estimate of the indicative value of the above offer and also an estimate of the 'value uplift' resulting from the changes to the controls. The estimated value of the offer is \$9.2M and the estimated value uplift is \$23.2M.



## 4. ASSESSMENT OF THE PLANNING PROPOSAL

As well as the main Planning Proposal document prepared by Urbis, the following supporting documents have been submitted:

- Urban Design Report prepared by GMU;
- Indicative Reference Scheme prepared by PTW Architects;
- Heritage Impact Statement prepared by NBRSPartners;
- Traffic and Transport Assessment prepared by ARUP;
- Wind Impact Assessment prepared by VIPAC;
- Preliminary Site Investigation prepared by JBS&G;
- Public Benefit Offer prepared by Legacy Property;
- Additional shadow diagrams prepared by PTW;
- Letter regarding value uplift prepared by Legacy Property.

### 4.1 Objectives and Intended Outcomes

The applicant has provided details of the objectives and intended outcomes for the Planning Proposal. These generally relate to the specifics of the proposal and not broader planning objectives.

### 4.2 Explanation of Provisions

The applicant has provided an appropriate explanation of the provisions of the LEP that would need to be amended should the Planning Proposal proceed.

### 4.3 The Need for the Planning Proposal

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

There is no specifically identified need for the Planning Proposal. In this regard there is no specific study that recommends the increase in the density of development on the site. Whilst there are a number of studies in adjacent areas, this does not justify why the controls on the subject land should change. Further, Council has advised that it has now received funding to undertake the North CBD Planning Study which is highly likely to include the subject site. We are advised that work on this review has commenced and will be undertaken throughout 2019.

Notwithstanding the above, a need for increased density could be justified if such a need is identified in A Metropolis of Three Cities – the Greater Sydney Region Plan (GSRP) March 2018 or the associated North District Plan (NDP) March 2018. The NDP indicates that North Sydney LGA has a housing target of 3,000 additional dwellings for the 2016–2021 period. However, as noted in **Section 4.4.2** on page 16, the Greater Sydney Commission has advised Council that it is on track to achieve its additional dwelling targets.

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

The applicant has indicated that the Planning Proposal is the best way of achieving the stated objectives and outcomes. The applicant indicates that a similar outcome could be achieved through the process of updating the whole current LEP, for which Council has sought funding. The applicant contends that this process would take too long and that it would be unreasonable to make the applicant wait until 2022 (the estimated completion date) and that this would not allow advantage to be taken of the new Metro Station at Victoria Cross. However, as noted above Council has now commenced a review of the area around the station (Northern CBD Planning Study). Given that the Metro is not due for completion until 2024, there is no obvious reason why the planning control changes are needed in the shorter term. A medium-term time frame would allow Council time to consider any extension to the existing North Sydney Centre in a more holistic manner.

**4.4 Relationship to the Strategic Planning Framework**

4.4.1 Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

*A Metropolis of Three Cities – the Greater Sydney Region Plan (GSRP) March 2018*

The applicant has provided an overview of the consistency of the proposal with this document. It is considered that the Planning Proposal is generally consistent with the objectives of the GSRP. More specifically though, the subject site is not within a centre (it is outside the current North Sydney Centre boundary identified in the LEP) and it is not within an identified Growth Area, Urban Renewal Corridor or Planned Precinct. The GSRP notes that these are the 'preferred locations' for future housing. In the Section titled 'More housing in the right locations' (p61 within the Housing the City part of the GSRP), it is noted that:

*Locational criteria for urban renewal investigation opportunities include:*

- *alignment with investment in regional and district infrastructure which acknowledges the catalytic impacts of infrastructure such as Sydney Metro Northwest and Sydney Metro City & Southwest, NorthConnex, WestConnex, CBD and South East Light Rail, Parramatta Light Rail, Northern Beaches Hospital.....*
- *catchment areas within walking distance (up to 10 minutes) of centres with rail, light rail or regional bus transport.*

Consistent with the above, the subject site is only 260m to the proposed Victoria Cross Metro Station northern entry. However, *urban renewal investigation opportunities* in this context does not mean a Planning Proposal but consideration within a broader strategic planning investigation. It is noted that:

*Where there is significant investment in mass transit corridors, both existing and proposed, urban renewal may best be investigated in key nodes along the corridor. Corridor investigations can provide a longer-term strategic context while the development of precincts within the corridor is sequenced over time.*

*North District Plan (NDP) March 2018*

The NDP is consistent with the GSPR but provides more detail. The NDP indicates a housing target for North Sydney LGA of 3,000 additional dwellings in the 2016–2021 period. It is stated that: *“The five-year targets are generally consistent with known housing approvals and construction activity. These are minimum targets and largely reflect delivery potential under current planning controls.”*

The NDP also notes that:

*“Additional capacity for housing supply is well progressed across much of the District.”*

Part of this capacity relates to the St Leonards–Crows Nest Planned Precinct which is focused on the new Crows Nest Metro Station and includes land within North Sydney LGA. The draft Plan for St Leonards and Crows Nest is presently on public exhibition. It provides for 7,525 additional dwellings in the precinct. It also aims to provide for an additional 16,500 jobs to meet the high end target of 63,500 jobs by 2036 set out in the GSRP.

Further, prior to the above commencing, North Sydney Council prepared its own investigations for land in this area – The St Leonards/Crows Nest Planning Study. Around 10 Planning Proposals have been submitted for increases to density within this area, based on the findings of this Study.

The NDP also notes the potential for additional urban renewal opportunities relate to the new Metro infrastructure. North Sydney Council is currently progressing a Master Plan for the Ward Street precinct which is adjacent to the new Victoria Cross Metro Station. The exhibited Master Plan indicates provision of an additional 30,600sqm of commercial floor space and 150–220 dwellings.

Further, the North CBD Planning Study is underway and is likely to result in further sites being identified (including the subject site) for increased density. Without the context of a broader investigation, the amount of density appropriate for the subject site is difficult to determine. As discussed in detail in **Section 4.5.2(b)** below, when considered in relation to the existing context, the proposed building height and bulk is considered to be out of keeping with the existing character. As a stand alone proposal, a more conservative approach is needed to provide a balance between making use of the new infrastructure and maintaining the character of the area.

Also, for the sake of comparison, it is noted that the draft St Leonards–Crows Nest Plan provides for a 27 storey building on the Metro site, with reducing heights the further one moves from the station. Areas as close as 100m from the station have building heights of 4–8 storeys. Compared to this, the 19 storey building proposed in the subject Planning Proposal (which is 260m from the north entry to Victoria Cross Metro Station), appears excessive.

The DP&E's Guide to Preparing Planning Proposals includes Assessment Criteria to be considered in the case where the relevant strategy plan does not have Sustainability Criteria. The North District Plan does not have Sustainability Criteria. The submitted Planning Proposal does not include any consideration of the Assessment Criteria. Notwithstanding, the relevant criteria are noted and commented upon below.

a) *Does the proposal have strategic merit? Will it:*

- *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*
- *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*
- *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.*

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.

The proposal will give effect to the North District Plan, in particular *Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport*, in that it will provide additional housing and employment in a highly accessible location. However, the submitted documentation has not demonstrated a need for the additional housing to allow the relevant additional housing targets to be met. Also, without a broader planning framework, many of the other Planning Priorities will not be achieved. These include Planning Priority N3 – Providing services and social infrastructure to meet people's changing needs, Planning Priority N4 – Fostering healthy, creative, culturally rich and socially connected communities and Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage.

There is no relevant local strategy and as such the Planning Proposal can be viewed as an isolated amendment to the LEP.

The Planning Proposal does respond to the new investment in the Metro infrastructure however this infrastructure is already taken into account in the GSRP and NDP and there are two planning processes underway (Ward Street Masterplan and the St Leonards/Crows Nest Priority Precinct), to maximise the benefit of this infrastructure. As noted a new review of controls around Victoria Cross Station (likely to include the subject site) has also commenced.

The North Sydney LEP is only just older than 5 years old and in any event it is considered that the proposal does not adequately satisfy the Strategic Merit Test.

*b) Does the proposal have site-specific merit, having regard to the following?*

- *the natural environment (including known significant environmental values, resources or hazards); and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- *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.*

There are no specific merits of the proposal or the site in relation to the natural environment.

The site is located in a predominantly low–medium density area with permitted building heights ranging from 8.5–13m. There are two buildings in proximity which are not consistent with this character – a 9 storey apartment building at 299 Pacific Highway and an 11 storey office tower at 8 West Street. Across the Pacific Highway to the west are low density residential areas and the North Sydney Demonstration School.

Further to the south across McLaren Street is land which is within the North Sydney CBD. This area is within the area subject to the North Sydney CBD Capacity and Land Use Strategy. The proposed amendments to the LEP arising from this Planning Proposal were gazetted on 26 October 2018. These amendments include increasing building heights within the CBD. In this regard the land to the south now permits buildings up to RL118–125m. These amendments were primarily aimed at increasing employment and do not increase potential for additional dwellings.

The Planning Proposal provides for a higher building (up to RL154m) than any of the existing buildings or permitted height controls on surrounding properties. Contextually a building of this height will be out of keeping with the existing and desired future character of the area.

In relation to infrastructure, the Planning Proposal is accompanied by a VPA and would be subject to future Section 7.11 contributions. The proposal is outside of the scope of Council's Contributions Plan (which is dated 2013) and as such the demands it creates could be different to those identified in this Contributions Plan.

The items that form part of the VPA have been assessed by Council's Director of Community and Library Services with the following conclusion:

1. *The 233sqm of affordable housing should be defined as for low and moderate income renters rather than very low and is an acceptable public benefit.*
2. *Consideration should be given to adding the 349sqm to the key worker housing proposal, totalling 582sqm, on the grounds that the proposed 349sqm for start ups is outside Council policy currently and too small as a co-working space.*
3. *The proposed ground floor community space requires an accessible, additional entrance off Church Lane, with fit out to include power on all four internal walls. The internal door giving on to the residential lift area needs to remain.*

It is noted that if the affordable housing component was 582sqm that this would be within the 5–10% of overall residential GFA identified as being an appropriate target in the GSRP.

Notwithstanding the above, not being part of a coordinated broader approach to increasing density around the Metro Station, will mean a poorer overall planning outcome as specific infrastructure which could be needed or identified as desirable by the local community cannot be provided.

Having regard to the above, it is considered that the Planning Proposal does not adequately satisfy the Strategic Merit Test.

4.4.2 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

No, the Planning Proposal is not specifically based on any local strategy.

In addition to those local strategies mentioned above, Council has its Local Development Strategy (LDS) and Residential Development Strategy (RDS). Both of these documents are dated 2009 and are somewhat outdated and based on the provisions of the then draft LEP 2009, however they do provide some indication of the need for additional housing having regard to the more recent target set in the GSRP and NDP. A discussion of the targets is provided below.

- RDS identified additional dwelling capacity (mid 2009–2013) at 6199 dwellings or 288 dwellings per year;
- The RDS notes that dwelling approvals for the 2004–mid 2009 period were an average of 236 per year;
- The target at the time of the RDS was set by the draft Inner North Subregion Strategy. For the period 2004–2031 the target was 5,500 additional dwellings (203 per year). On this basis, the RDS noted that the targets could be clearly met by the draft LEP 2009 and this would be further supplemented by other zoning and density changes;
- Since the RDS was prepared there have been many changes to expected capacity through both Planning Proposals and development approved at higher densities than allowed by the controls;
- The NDS provides a target of 3,000 additional dwellings in the 5 years from 2016–2021 (600 per year). This is a significant increase on previous targets.

Council has advised it has recently received written advice (December 2018) from the Greater Sydney Commission (GSC) in relation to additional dwelling targets. This advice states:

*“The DPE’s housing supply forecast confirms that the North District’s housing supply is on track to deliver 27,300 new dwellings between 2016/17 to 2020/21 which is above the minimum 0–5 year target of 25,950. This has been established by adding completions from July 2016–September 2018 and a pro-rata of the annual average of DPE’s housing supply forecast from 2017/18 to 2021/22 (average of 5,490 per year).”*

*The DPE’s housing supply forecast confirms that North Sydney Council’s housing supply is on track to deliver 2,830 new dwellings between 2016/17 to 2020/21 which is close to the minimum 0–5 year target of 3,000. This has been established by adding completions from July 2016–September 2018 and a pro-rata of DPE’s housing supply forecast from 2017/18–2021/22 (2,750 dwellings).”*

With the GSC noting that Council is ‘on track’ to meet the current targets, there does not appear to be a demonstrated ‘need’ to increase density on the subject site in order to meet these targets.

In relation to future targets, we understand that the housing supply referred to above did not include any of the growth within the St Leonards/Crows Nest Priority Precinct (except where related to Planning Proposals that have already proceeded within the precinct). This means that it is likely that a considerable proportion of the target for the 2021–2026 period (assuming it is similar to 3000), could be met through the proposed changes in density in this area. Further, Council is shortly to commence preparation of its Local Housing Strategy which will deal with the location, form and delivery of future housing growth beyond the 5 year targets that have already been set. This will take into account the other studies referred to including the Ward Street Master Plan and North CBD Planning Study, which both relate to the area around the Victoria Cross Metro Station.



4.4.3 Is the planning proposal consistent with applicable state environmental planning policies?

The submitted documentation has adequately demonstrated consistency with the relevant SEPP's. In relation to SEPP 55 – Remediation of Contaminated Land, it is noted that the Planning Proposal does not alter the zoning of the land as dwellings are already a permitted use on the site. Despite being contaminated, there is no evidence to suggest that the site cannot be suitably remediated to allow the proposed uses.

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

The submitted documentation has adequately considered the relevant Section 9.1 Directions. In relation to heritage conservation, whilst the Planning Proposal indicates the adaptive reuse of the heritage item on the site, Council's heritage advisor concludes that the proposal will have an adverse heritage impact (see comment below).

**4.5 Environmental, Social and Economic Impact**

4.5.1 Traffic and Transport Considerations

The Council has not undertaken a detailed assessment of this issue however it is unlikely that the proposal would create any traffic concerns that are not able to be addressed either post-Gateway or during the DA stage.

In relation to transport, Council's Senior Strategic Transport Planner has provided the following comments:

*Traffic and Transport Assessment discusses residential cycle parking but does not detail retail/commercial cycle parking and end of trip facility requirements and basement/ground floor reference design drawings don't show cycle parking compound location or end of trip facilities for retail/commercial uses.*

These matters can be addressed at DA stage.

4.5.2 Environmental Considerations

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

No, there is no important ecology on the site.

4.5.2(b) Are there any other likely environmental effects because of the planning proposal and how are they proposed to be managed?

*Council Executive Planner (Assessments) comments*

The following comments have been provided by Council and relate to a number of different issues:

*It is noted that the subject site is situated well away from the Crows Nest Metro and the Ward Street Precinct. The current controls are generally in keeping with the context of the area north of McLaren Street where the scale drops significantly from the mixed use zone closest to the commercial core of the CBD.*

*The subject site includes a heritage item and is surrounded on all sides by heritage items and/or Conservation areas. The zonings to the east and west allow for low scale development only.*

*The applicant is seeking to use the scale of commercial buildings within the CBD as support for a tall building on site. The taller CBD towers are within a totally different context and zone.*

*The applicant should be looking at the mixed use scale along the Highway where it obviously scales down as you move north away from the CBD and as the topography rises up to West Street. The scale has to have regard to adjacent zones that will dictate the future character of the area. To allow any significant increase in height, Council would need to reconsider the mixed use zoned land between McLaren Street and Ridge Street as well as the heritage controls and the current zoning in Church Street. This might be part of the LEP review rather than a separate planning proposal.*

*It is agreed that the lane at the rear needs to be widened to 6m before any substantial redevelopment can be considered. The podium of any proposal would be determined by the heritage building on site as well as the dwelling to the south and the Hotel on the corner of West Street. Some ground level setbacks need to be considered along the Highway due to the grade of the footpath to accommodate pedestrian access to the site and street activation.*

*With regard to SEPP 65 separation distances, the rear apartments should have a minimum setback from the centre of the lane (after widening) of 6m up to a height of 12m and 9m up to a height of 25m. Council's DCP also requires a 3m setback above the podium at the rear and side.*

*As the site adjoins a residential zone at the rear, a building height plane applies, measured from the centre of the lane 3.5m above ground level projected at 45 degrees internally to the site.*

*The proposal does not satisfy the basic setback/separation requirements. The overshadowing of the Primary School is extensive and cannot be supported. The height and scale is excessive particularly when it is adjacent to a Conservation Area.*

These comments are generally concurred with as detailed in the follow discussion.

*Acoustic Environment/Impacts*



The subject land adjoins a high volume road (Pacific Highway) and as such any future development may need to provide appropriate noise mitigation to ensure an acceptable level of acoustic amenity.

### *Shadow Impacts*

Shadow diagrams have been prepared by PTW, illustrating the shadow impact of the existing building on the site, a fully compliant development envelope and the proposed envelope.

The shadow diagrams illustrate that:

- The existing buildings have very little impact on adjoining properties with only the development across Church Lane to the east being overshadowed from about 2pm at midwinter;
- A complying building envelope would increase this impact but only slightly;
- The proposed envelope has significant additional impacts. In particular the proposal will overshadow the North Sydney Demonstration School including its play space before 9am and until after 11am. The school bell times are noted on their website as follows:

#### *Kindergarten to Year 2*

*8.55am Classes begin*

*10.55am – 11.05am K–2 eating time*

*11.05am – 11.25am K–2 first half lunch*

*11.25am – 11.50am K–2 second half lunch*

*1.50pm – 2.10pm K–2 break time*

*2.55pm End of day*

#### *Year 3 to Year 6*

*8.55am Classes begin*

*10.15am – 10.35am 3–6 recess*

*11.55am – 12.05pm 3–6 eating time*

*12.05pm – 12.25pm 3–6 first half lunch*

*12.25pm – 12.50pm 3–6 second half lunch*

*2.55pm End of day*

This means that 2–3 periods when children are likely to be using the play space will be overshadowed, at least in part. This is an unacceptable level of impact that is not justified in the circumstances. The impact on other properties appears to be acceptable as they will maintain more than 3 hours solar access at midwinter.

### *Privacy Impacts*

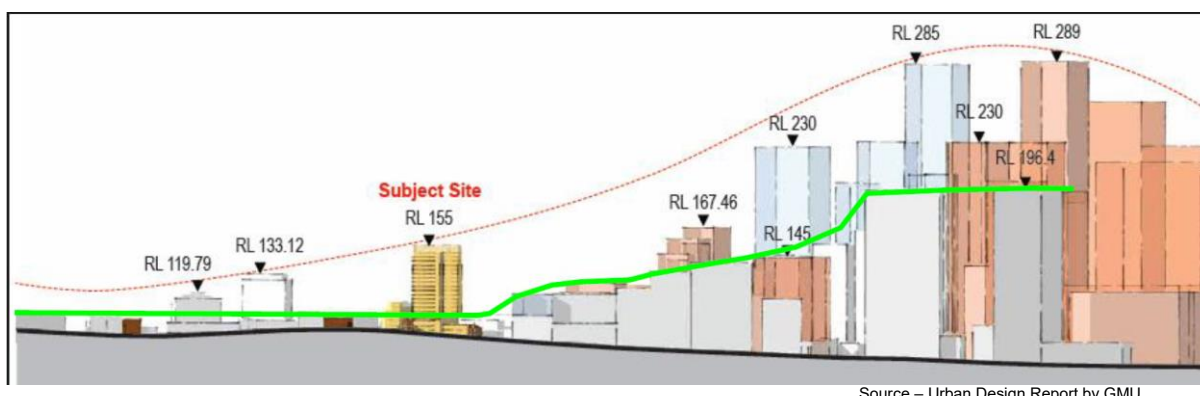
The proposal does not fully comply with the visual privacy setback requirements of the Apartment Design Guide (ADG), however, any non-compliances should be able to be resolved through the DA stage.

### *View Impacts*

There are few buildings in the vicinity of the site that are higher than the existing buildings. However there are some buildings to the north that could potentially have harbour views over the site and these views could be impacted by the indicative concept design. The submitted documentation provides no assessment of the potential impacts on these views.

### *Visual impacts/Character*

The main justification for the proposed building form put forward by the applicant is the 'emerging skyline' argument. This is detailed in the following figure (**Figure 10**) provided in the documentation.



**Figure 10 – Emerging Skyline diagram**

The original diagram is somewhat misleading as it includes the higher buildings towards the centre of the CBD which are well removed from the Pacific Highway. The Pacific Highway buildings and potential envelopes are shown in the foreground and are much lower. The two buildings to the north of the site are considered to be non-characteristic of this precinct and should not inform building heights on the subject site. As indicated by the green overlay line, the building heights along the Pacific Highway clearly show that the proposed scheme is way beyond this height line and even higher than the land to the south which is located within the CBD.

Whilst higher densities should be provided near railway stations, without considering the Station precinct as a whole, the proposal has no appropriate context and will be vastly greater in bulk and scale than its neighbours (which includes 2 storey terrace houses to the east across Church Lane). It also results in an isolated site on McLaren Street which will be unable to achieve development potential of the subject site.

The 4 storey podium height along Church Lane is also considered to be excessive in its relationship with the adjoining 1–2 storey terrace house development.

Given the sensitive nature of the location and as only amendments to height and FSR are proposed in relation to built form, it is recommended that if the Planning Proposal proceeds that there be a requirement for site specific Development Control Plan (DCP) to be prepared and exhibited with the LEP amendments. This will better ensure that the intended outcomes are achieved by development subject to a future development application.

### *Heritage impacts*

Council's heritage advisor has concluded that the proposal has the following adverse impacts:

- *the curtilage of the heritage item at 265 Pacific Highway should be taken to include the whole of the lot. Tenancies for the heritage item should consider access through to the rear of the site so as to enable ongoing interpretation of the earlier lot size and spatial qualities of the place.*
- *The proposed podium levels either side of the heritage item should be sympathetic to the scale of the heritage item*
- *The overall height of the new structures should be reduced to minimise impact on the adjoining heritage conservation area, in particular the McLaren Street conservation area and to harmonise with the overall scale of buildings along Pacific Highway south of the subject site.*
- *An archival recording of the heritage item should be undertaken.*

#### *Wind Impact*

The submitted wind assessment indicates that the proposed form will result in the relevant criteria being exceeded on footpaths, communal open space and private open space areas in certain conditions. Appropriate mitigation measures are noted. This is to be expected for a tower of the type proposed and more detailed investigation needs to be undertaken to confirm that the impacts are not unreasonable and that the mitigation measures are practical and do not have other impacts such as overshadowing.

#### 4.5.3 Social Considerations

The proposal will have a direct social benefit in terms of provision of affordable housing and other public benefits that have been offered. However in relation to more general social benefits, as previously noted the additional floor space would not have been allowed for in Council's Contributions Plan and there has been no assessment of the adequacy of Council's existing services and facilities to accommodate additional residents and workers. Whilst an ad hoc approach to this issue may be acceptable in certain circumstances, it would be far preferable to adopt a precinct wide investigation, similar to that occurring in Crows Nest, so social infrastructure can be specifically tailored to the incoming population. This would also allow consideration of applying a Special Infrastructure Contribution (SIC) for State and regional infrastructure.

As noted above, the Council has provided some comments on the items that form part of the applicant's offer to enter into a VPA and some changes are recommended. Further it is noted that the offer includes: *"embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street."* However this work (except along McLaren Street) would lawfully be required as a condition of any consent granted and is not an 'additional' benefit.

In a letter dated 9 October 2018, Council noted that if the applicant did not withdraw the application as requested, that further information would be required regarding overshadowing and: *"economic feasibility details to determine if the value of the public benefit offer is appropriate relative to the financial gain by amending the planning controls."*

In response, Council received a letter from the applicant dated 26 October 2018. This letter outlines the estimated 'value uplift' that would result from the proposed LEP

amendments. North Sydney Council does not have a discussion of 'value uplift' in its VPA policy. In lieu of this, reference is made to a Parramatta Council report on a Draft Amended Voluntary Planning Agreements Policy dated 13 June 2017. Whilst this Policy has not yet been adopted, it contains some basic principles on the issue of value uplift. The Council report notes that:

*A number of key factors should apply:*

- *Items that would ordinarily be required to achieve development consent should not be allocated value in a planning agreement;*
- *Where land is to be dedicated but the developer will still seek to realise the applicable FSR then the land will be given a negligible value in a planning agreement. In other circumstances, land shall be valued in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.*
- *Land valuations and quantity survey estimates should be undertaken by suitably qualified and experienced persons.*
- *Where necessary an independent third party should be engaged to review valuation or quantity surveying information provided by Council and/or the applicant.*
- *Third party costs to be borne by the developer.*

Having regard to the above:

- As noted previously the majority of the public domain works should not be included as a public benefit as they would be lawfully required as a condition of consent;
- The area of new laneway to be dedicated should be given minimal value as it is included as part of the site area on which the proposed FSR is based;
- The before and after valuations need to be prepared by a qualified, independent valuer. The estimated value needs to be reflective of a general \$ per sqm rate of the area to ensure consistency within the area. The applicant has set this at \$4,500/sqm for the 'after' scenario but has used actual acquisition costs for the 'before' scenario. This is not consistent or appropriate as these costs could be well above or below reasonable market value;
- If the Planning Proposal proceeds additional clarification should be sought and an independent review undertaken by an appropriately qualified valuer.

Another issue with the information provided is that no details have been provided on how the estimated value of the offer has been calculated. If the Planning Proposal proceeds, this needs to be provided and take into account those matters raised above.

## **4.6 State and Commonwealth Interests**

### **4.6.1 Is there adequate public infrastructure for the planning proposal?**

The applicant has indicated that there is adequate infrastructure in the area to accommodate the proposed increases in demand. The relevant agencies would be consulted if the Planning Proposal proceeded and any issues could be addressed at that stage.

### **4.6.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway determination. This section of the planning proposal will be completed following consultation with those public authorities nominated by the Gateway Determination.

#### **4.7 Community Consultation**

The applicant has undertaken consultation with North Sydney Council as part of the preparation of the Planning Proposal. This include pre-lodgement meetings and further meeting with Council officers. The applicant was advised of Council's views and the moratorium.

## 5. CONCLUSION

This Planning Proposal seeks amendment of North Sydney LEP 2013 to:

- an increase in the permitted maximum Height of Buildings from 10m to part 23m and part 68m (an increase of 13 and 58m respectively);
- an increase in the permitted minimum non-residential floor space ratio control from 0.5:1 to 1:1; and
- to establish a site-specific maximum overall floor space ratio control of 7.2:1.

The applicant has also offered to enter into a VPA to provide \$9.2M worth of public benefits. However, this value is questioned and is likely to be a lower value than this.

Since the applicant has submitted the Planning Proposal, the Council has secured funding to review the planning controls in the vicinity of the new Victoria Cross Metro Station. This is considered to be the most appropriate context in which to consider any substantial changes to the existing planning controls. As has occurred in the St Leonards/Crows Nest Priority Precinct, a broader review will allow a more coordinated response to the issues and the constraints and opportunities of the locality. New infrastructure will be able to be identified and planned for. This is good and proper planning. To allow a stand alone Planning Proposal to proceed ahead of a broader review, in this context, would result in a poorer planning outcome and whilst some of the priorities of the Regional and District Plans may be achieved, many would not.

Regardless of the broader investigation now being undertaken, the Planning Proposal has not adequately demonstrated there is a need for additional dwellings in order to meet the District Plan targets. To the contrary, the Greater Sydney Commission has indicated that Council is on track to meet the targets. Also, the justification provided in relation to the compatibility of the proposed building form with the existing and likely future built form is not adequate and it is considered that the proposal will have an adverse impact on the character of the area. It will also have adverse and unacceptable overshadowing impacts on the North Sydney Demonstration School and also on the heritage significance of the site and locality.

In view of the above it is recommended that Council not proceed with the Planning Proposal and that it be rejected.





# PLANNING PROPOSAL

## 253-267 PACIFIC HIGHWAY

### NORTH SYDNEY

SEPTEMBER 2018  
SA6804  
PREPARED FOR LEGACY PROPERTY



**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Stephen White
Senior Consultant	Kate Ryan
Project Code	SA6804
Report Number	Final



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# 1. INTRODUCTION

## 1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf of LegPro 45 Pty Ltd (the Proponent), to initiate an amendment of the North Sydney Local Environmental Plan 2013 relating to land at 253-267 Pacific Highway, North Sydney (the subject site).

The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high quality mixed-use development in a location highly suitable for density uplift. The envisaged future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres.

The proposal does not seek to amend the current B4 Mixed Use zone under the NSLEP 2013.

The intended outcome of this Planning Proposal is to amend the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) as follows:

- Establish a site-specific split height control, with maximum heights of 23m and 68m;
- Establish a site-specific maximum FSR control, with a maximum FSR of 7.2:1; and
- Establish a site-specific minimum non-residential FSR control of 1:1.

Importantly, by increasing the minimum non-residential floor space from 0.5:1 to 1:1, the future redevelopment of the site will contribute to a meaningful growth of employment generating floor space.

The Planning Proposal will deliver significant public benefits. The public benefit offer that accompanies this proposal details a commitment to the dedication of floorspace for affordable rental housing and the dedication of both commercial and community floor space to Council. Furthermore, the consolidated land holding presents a unique opportunity to widen Church Lane at the rear of the site to improve the safety and amenity of the laneway and accordingly the proponent offers to dedicate land to facilitate the widening of Church Lane.

North Sydney Council must now commence investigations to plan for following 5 year period of housing growth (2021-2026). Research presented in this proposal illustrates the limited opportunities to accommodate further housing growth in North Sydney owing to constraints such as heritage conservation and zoning. The site presents a significant and rare opportunity for urban renewal and uplift to assist Council in identifying opportunity sites to accommodate the required housing demand.

The site is highly accessible to the North Sydney & St Leonards CBDs, both of which are identified for significant future employment growth. The site is in close walking distance to a number of existing and planned transport connections, including the planned Victoria Cross Sydney Metro Station (260m) and Crows Nest Station (1km), frequent bus services on the Pacific Highway and North Sydney Station (750m).

As demonstrated in this report, following consideration of the assessment criteria, in our opinion the proposal has clear strategic and site-specific planning merit to warrant proceeding to a Gateway Determination.

## 1.2. REPORT STRUCTURE

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the relevant guidelines prepared by DPE including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It includes the following:

- Description of the subject site and its context
- Indicative plans showing sufficient detail to indicate the effect of the proposal (Indicative Concept Design)
- Statement of the objectives and intended outcomes of the proposal
- Explanation of the provisions of the proposal
- Summary of the justification of the proposal.

The Planning Proposal is accompanied by a range of plans and reports that provide a comprehensive analysis of the site opportunities and constraints which are appended to this report. These include:

- **Appendix A** – Urban Design Report prepared by GMU.
- **Appendix B** – Indicative Reference Scheme prepared by PTW.
- **Appendix C** – Heritage Impact Statement prepared by NBRS Architecture.
- **Appendix D** - Traffic and Parking Study prepared by ARUP.
- **Appendix E** – Wind Report prepared by Vipac Engineers and Scientists.
- **Appendix F** – Preliminary Site Investigation prepared by JBS&G.
- **Appendix G** – Public Benefit Offer prepared by Legacy Property.

Each of the above plans and reports have both informed and assessed the proposal and the development of the indicative concept for the site.

## 2. SITE & SURROUNDING CONTEXT

### 2.1. SITE LOCATION

The site is located within the suburb of North Sydney and the North Sydney Local Government Area (LGA). North Sydney is located approximately 4.5km north of the Sydney CBD, on the northern side of the Sydney Harbour Bridge and within Sydney's Lower North Shore. The suburb is in close proximity and highly accessible to the commercial centres of St Leonards, Chatswood and Macquarie Park.

The North Sydney Train Station is located approximately 750m south east of the subject site, at the southern edge of the North Sydney CBD. The subject site is also located 260m north west of the planned Victoria Cross Metro Station. The site is identified in the Site Location Plan at **Figure 1** overleaf.

### 2.2. THE SITE

The subject site is located at 253-267 Pacific Highway, North Sydney. The site has a primary frontage to the Pacific Highway of 60m and secondary frontages to Church Lane (65m) and West Street (23m). The site has total approximate area of 1,469sqm. Church Lane provides access to the individual lots and ranges in width from 3-4.5m due to the existing uneven boundary alignments of the subject properties.

The consolidated site comprises five (5) separate lots. The street addresses, legal description and description of existing development on each is lot is described below in **Table 1**. An aerial image of the subject site and an image of the existing buildings on the site are provided at **Figures 2** and **3** overleaf.

Table 1 – Site description

Address and legal description	Existing development and access arrangements
253 Pacific Highway, North Sydney SP 16134	<ul style="list-style-type: none"> <li>Two (2) storey commercial building fronting Pacific Highway.</li> <li>One at-grade onsite parking space accessed from Church Lane.</li> </ul>
255-259 Pacific Highway, North Sydney SP 22870	<ul style="list-style-type: none"> <li>Two storey commercial building with pedestrian access fronting the Pacific Highway.</li> <li>Vehicular access and on-site parking accessed from Church Lane.</li> </ul>
261 Pacific Highway, North Sydney Lot 51 DP 714323	<ul style="list-style-type: none"> <li>Three (3) storey commercial building fronting the Pacific Highway.</li> <li>Vehicular access and on-site parking accessed from Church Lane.</li> </ul>
265 Pacific Highway, North Sydney Lot B DP 321904	<ul style="list-style-type: none"> <li>Three storey heritage shopfront (locally listed item No. 0959 under the NSLEP 2013).</li> <li>Heritage building is orientated towards the Pacific Highway, with garage (new addition) accessed from Church Lane.</li> </ul>
267 Pacific Highway, North Sydney Lot 10 DP 749576	<ul style="list-style-type: none"> <li>Two (2) storey commercial building with pedestrian access fronting the Pacific Highway and West Street.</li> <li>Vehicular access and on-site parking shared with 265 Pacific Highway and accessed from Church Lane.</li> </ul>

Figure 1 – Site location and context plan

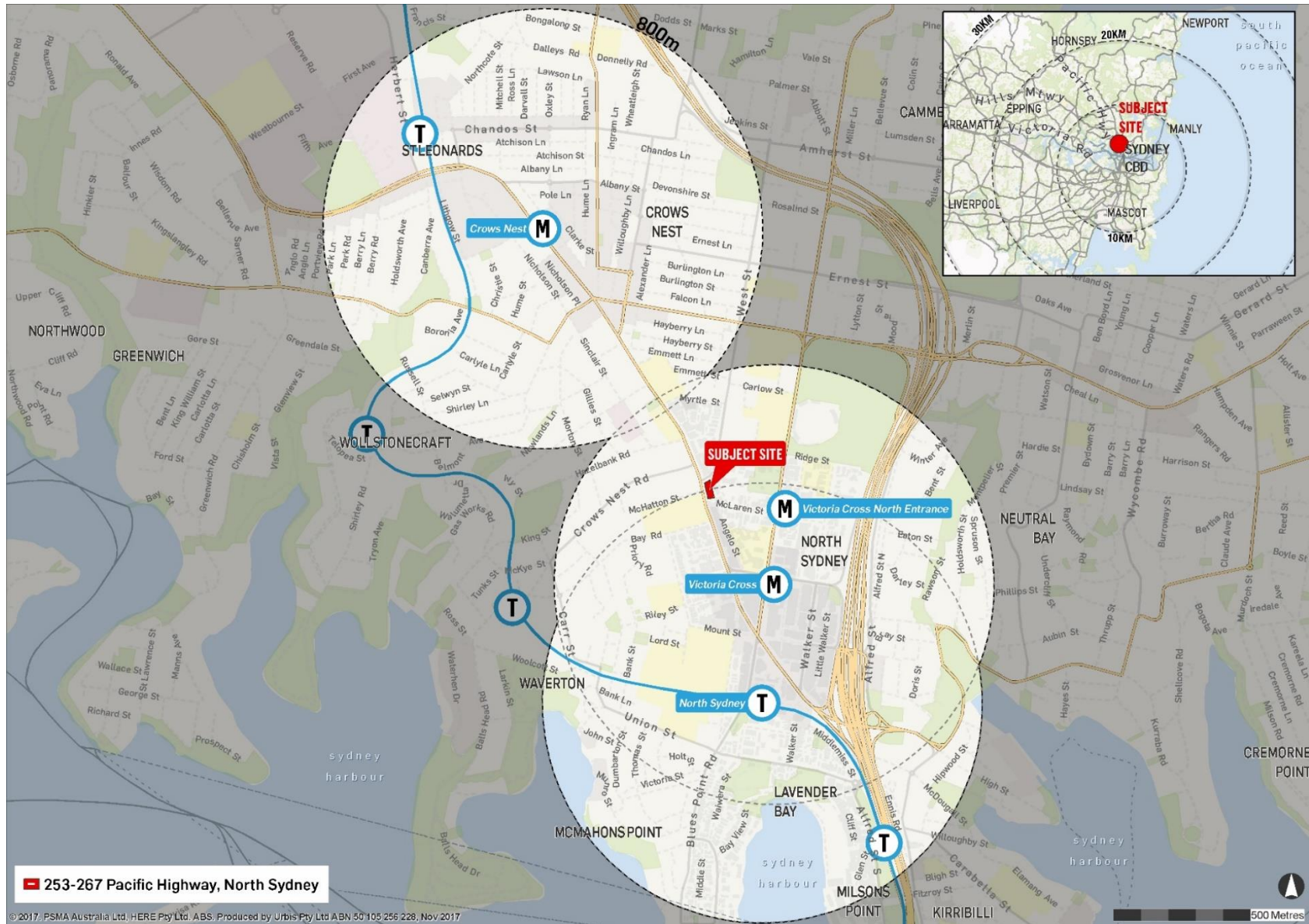




Figure 2 – Aerial image of the subject site



Figure 3 – Image of the subject site - Existing commercial buildings on the site facing north across the Pacific highway





## 2.3. SURROUNDING CONTEXT

The subject site is located within the suburb of North Sydney. The suburb is in close proximity and highly accessible to the commercial centres of St Leonards, Chatswood and Macquarie Park. North Sydney is Australia's 9<sup>th</sup> largest commercial core and Sydney's 3<sup>rd</sup> largest, with over 800,000m<sup>2</sup> 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, places of public worship and residential land uses of varying densities. The current commercial floor space is of B grade stock, with increasing demand for higher quality commercial floor space.

The site is located on the Pacific Highway on the northern edge of the North Sydney CBD. The surrounding context of the site is characterised by medium density commercial and residential uses. The site is immediately surrounded by the following:

- **To the north** of the site is West Street. On the northern side of West Street is the Union Hotel, a two (2) storey locally listed heritage item. Further north is a variety of medium to high density commercial uses.
- **To the east** of the site is Church Lane. On the opposite side of Church Lane are low and medium residential uses fronting Church Street.
- **To the south** of the site is a two storey house fronting McLaren Street. Further south are a variety of medium to high density commercial uses fronting the Pacific Highway.
- **To the west** of the site is the Pacific Highway. On the western side of the Pacific Highway is a childcare centre and the North Sydney Demonstration School.

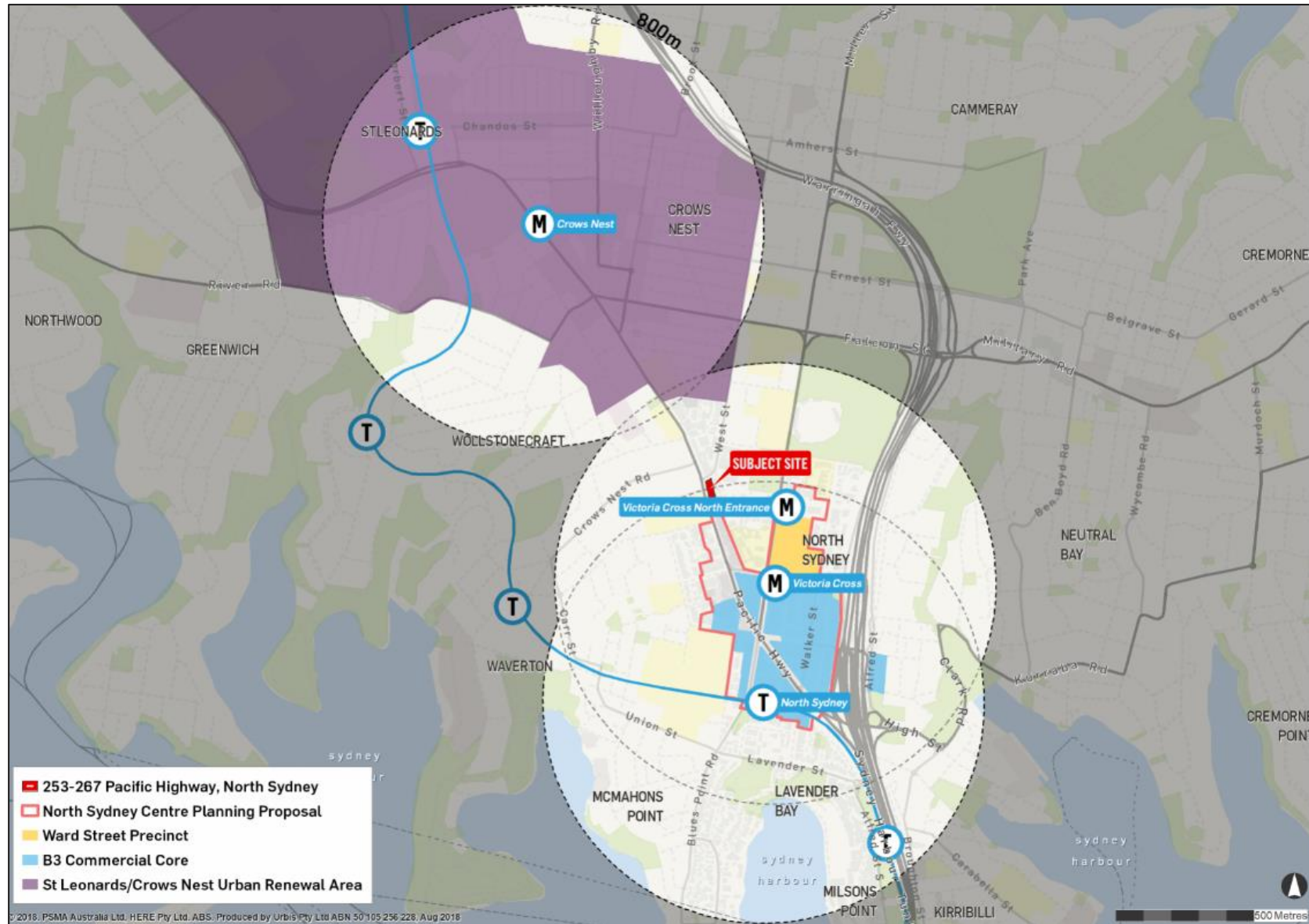
The skyline of North Sydney is set to undergo a transformation, with a number of key factors contributing to the evolution of North Sydney as a strategic centre within the global economic corridor. The key strategic context is mapped in **Figure 4** below, in summary, this includes:

- **North Sydney Centre Planning Proposal** (currently with DPE for finalisation) which seeks significant building height uplift of sites within the B3 Commercial Core Zone;
- **The draft Ward Street Precinct Masterplan** which includes a number of key sites set for large scale redevelopment, including the Council owned car park, Ausgrid site and the introduction of Victoria Cross Metro Station;
- **The St Leonards and Crows Nest Planning Precinct** which is currently in its project development phase following the interim statement released in August 2017, landowners and industry are now awaiting the release of the draft Land Use Infrastructure Plan.
- **Recent development activity** which includes a number of prominent mid to large scale developments being approved and constructed within the immediate locality.

The surge in recent development activity, combined with the anticipated growth arising from the Ward Street Precinct Masterplan and North Sydney Planning Proposal will rejuvenate and revitalise the locality to create an active and vibrant precinct. This planning proposal aligns with the emergence of North Sydney as a global destination and a commercial CBD by providing an ideal opportunity for residential floor space to activate and compliment the commercial core.

The strategic visioning for the area highlighted in state and local planning policies is discussed in full within **Section 9.2** of this report.

Figure 4 – Recent Development Activity



## **2.4. SURROUNDING ROAD, RAIL AND BUS NETWORK**

### **2.4.1. Rail**

The site is located 750m north of North Sydney Station. Trains connecting North Sydney Station and the Sydney CBD provide a frequent and quick service. The train line also connects residents and workers to Berowra in the north and Parramatta in the west.

### **2.4.2. Sydney Metro**

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north west and Bankstown in the south west. Victoria Cross Metro Station will be located in North Sydney, between the site and the North Sydney Train Station. Early works for Victoria Cross Metro Station began in September 2017, with service operation set to commence in 2024. Trains will depart every 4 minutes, connecting North Sydney to the Sydney CBD in 5 minutes.

Victoria Cross Station will be accessed at the corner of McLaren Street and Miller Street in the north and Berry Street and Miller Street to the south. The site is located approximately 260m from the northern station entry.

The station will create a new transport focus on the northern side of the North Sydney commercial core and provides much needed infrastructure to revitalise the area and to generate a night time economy, including increased connectivity to other nearby strategic centres, within the global economic arc.

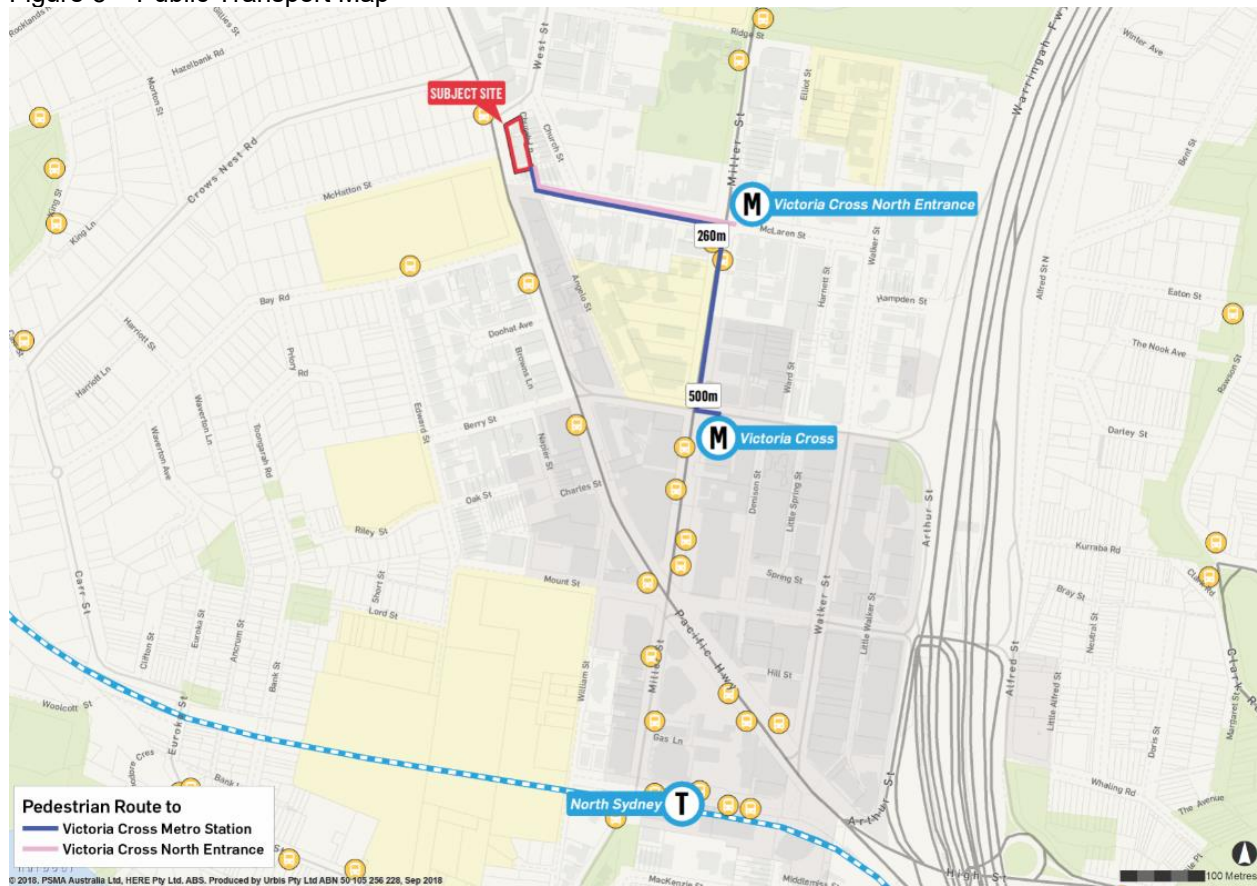
### **2.4.3. Road**

The site is located on the Pacific Highway. The Pacific Highway connects Sydney's north western suburbs to North Sydney, before linking to the Bradfield Highway and Cahill Expressway to the Sydney CBD.

### **2.4.4. Bus**

Several bus routes provide frequent services along the Pacific Highway. North and south bound bus stops are located opposite the site. Buses connect the site with the North Sydney CBD, Sydney CBD, Bondi Junction, Gladesville, Lane Cove, Chatswood, Ryde, Kingsford and Botany.

Figure 5 – Public Transport Map



## 3. BACKGROUND

### 3.1. PRE-LODGEEMENT MEETINGS

Legacy Property and the design team have met with North Sydney Council Strategic Planning Officers on two occasions prior to lodgement of this planning proposal.

A preliminary meeting was held on 28 June 2017, where the proponent and design team provided an overview of the site, including site amalgamation progress, site considerations including opportunities and constraints for future residential development in North Sydney, and a brief study of building height and urban design outcomes. Council provided limited feedback on the proposal and highlighted Council's intention to lead the process of planning change and therefore wouldn't not endorse a proponent lead Planning Proposal.

A second meeting was held on 9 August 2018, where the proponent and design team provided an overview of the concept progression and further detailed urban design analysis. The proponent and design team informed Council of further site acquisition, the evolution of the building forms and the intention to include a Public Benefit Offer as part of the Planning Proposal. An analysis of two built form options was presented, which are discussed in the Urban Design Report attached at **Appendix A**. The first option presented included a 13-storey block form across the site. The second option included a lower scale stepped podium across the site and a tower form in the southern portion of the site. Both options included the retention of the heritage item at 265 Pacific Highway. Whilst Council did not provide a view on their preferred option, the second option of the stepped podium and tower built form was chosen to form the subject of this planning proposal as it represents a superior outcome in relation to the site's urban design context and environmental impacts of the building form, as discussed in this report.

In summary, Council officers declined to provide any detail comment on the merits of the proposed density change and maintained the constant position that Council wish to lead the strategic planning process and therefore cannot endorse a proponent lead Planning Proposal.

### 3.2. SITE AMALGAMATION

Legacy Property has acquired the subject lots over the last year, dating from October 2017 to September 2018, as set in **Table 2** below.

Table 2 – Site acquisition summary

Property	Option / Contract Date
253 Pacific Highway	6/10/2017
255-259 Pacific Highway	11/07/2017
261 Pacific Highway	23/05/2018
265 Pacific Highway (Heritage shop)	25/09/2018
267 Pacific Highway	23/05/2018



## 4. EXISTING 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 gazetted on 13 September 2013.

#### 4.1.1. Zoning

The subject site is zoned B4 Mixed Use under the NSLEP 2013 as illustrated in **Figure 6** below. **Table 3** details the zone objectives and land use permissibility.

Figure 6 – NSLEP 2013 Zoning Map

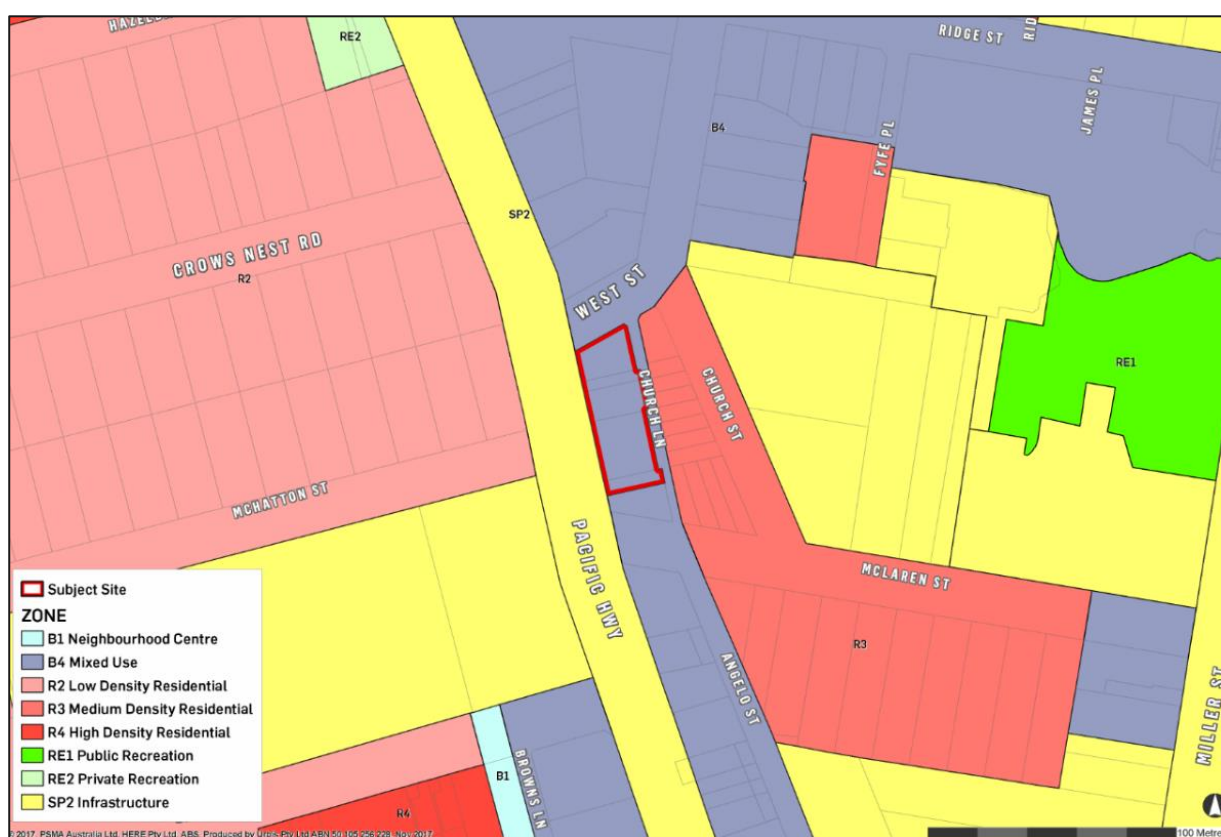


Table 3 – B4 Zone objectives and permissibility

<b>Zone objectives</b>	<ul style="list-style-type: none"> <li>To provide a mixture of compatible land uses.</li> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> <li>To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity.</li> <li>To maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.</li> </ul>
<b>Permitted without consent</b>	Nil

<b>Permitted with consent</b>	<i>Amusement centres; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments; Sex services premises; Shop top housing; Signage; Vehicle repair stations; Veterinary hospitals</i>
<b>Prohibited</b>	<i>Any development not specified in item 2 or 3</i>

#### 4.1.2. Maximum Height of Buildings

The site is subject to maximum building height control of 10m under the SNLEP 2013 (labelled as 'k') as illustrated in **Figure 7**.

Figure 7 – NSLEP 2013 Height of Buildings Map



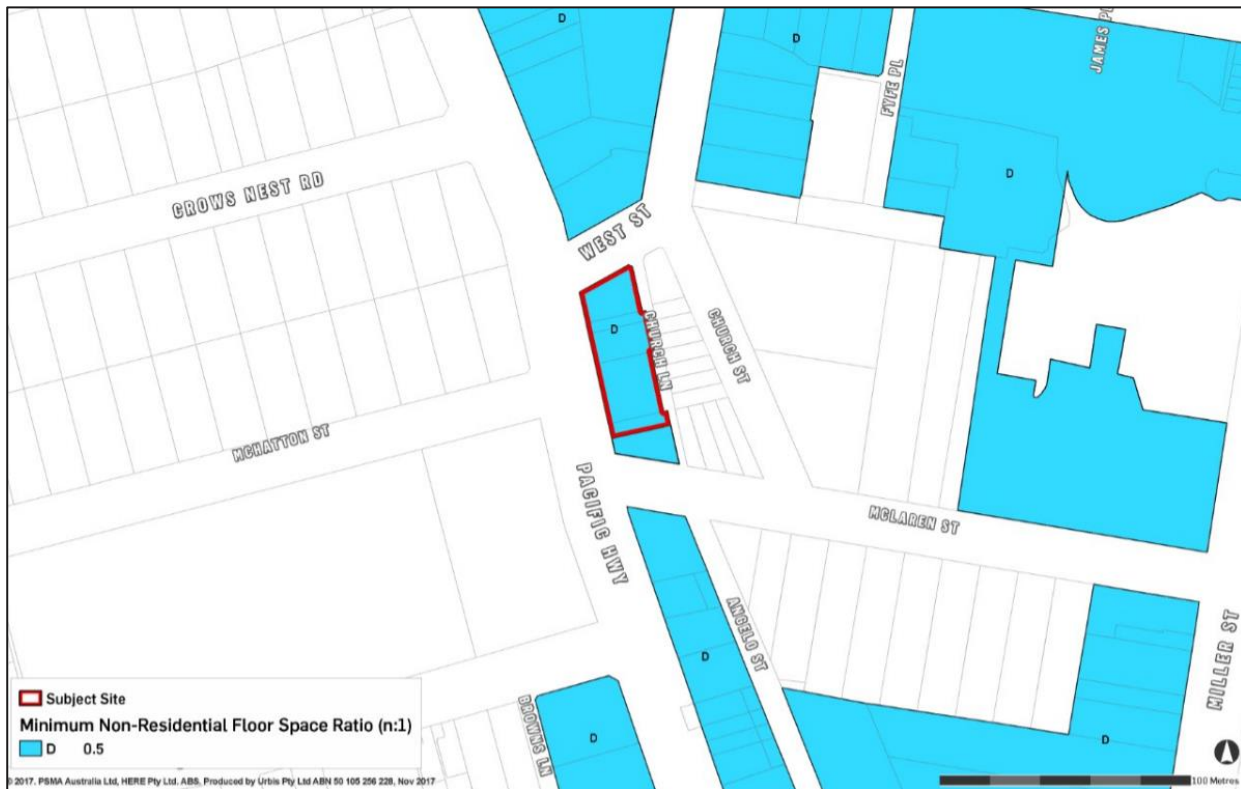
### 4.1.3. Floor Space Ratio

The site is not encumbered by a maximum floor space ratio under the SNLEP 2013.

### 4.1.4. Non-residential Floor Space Ratio

The site is subject to minimum non-residential floor space ratio of 0.5:1 under the NSLEP 2013 as illustrated in **Figure 8**. Under clause 4.4A, the consent authority must be satisfied that the development will deliver an active street frontage.

Figure 8 – Minimum non-residential floor space ratio





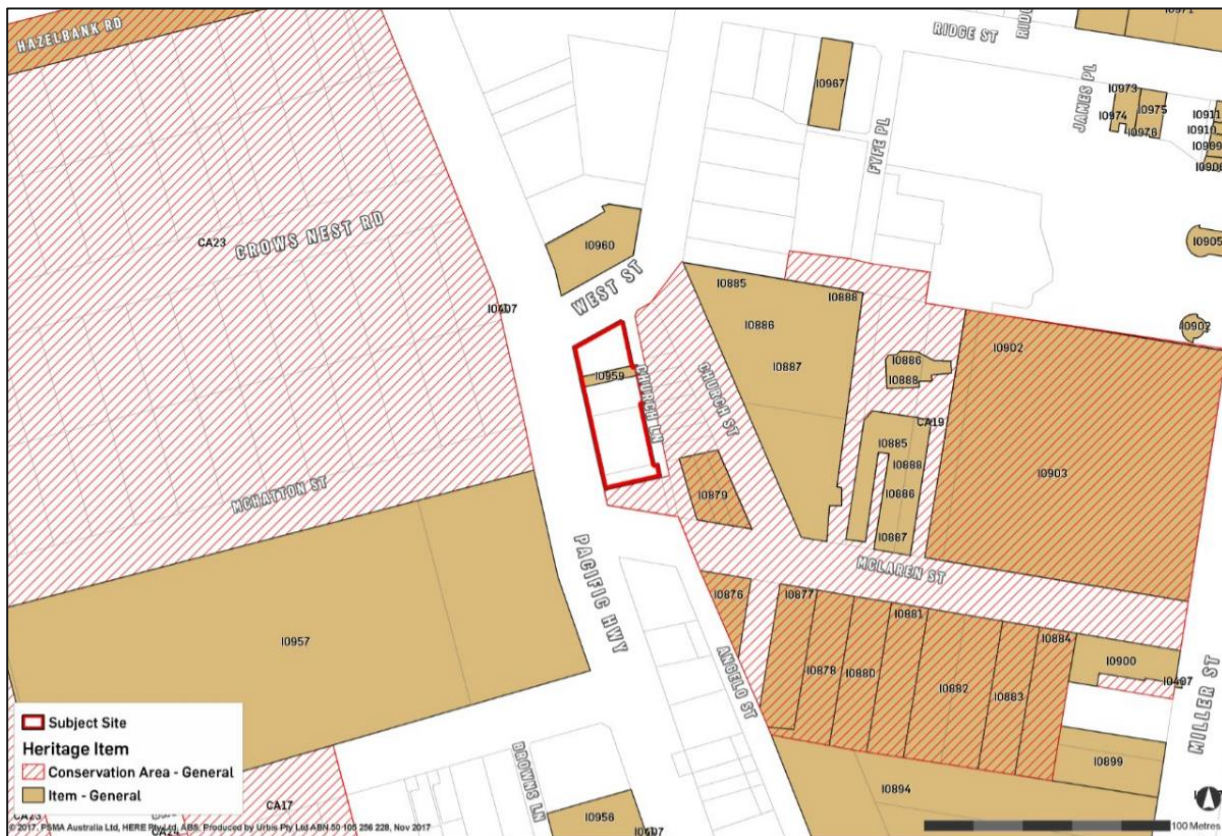
#### 4.1.5. Heritage Conservation

The site includes a locally listed heritage item located at 265 Pacific Highway. The item is an historic three-storey terrace style shop and is identified as item number 0959 under the NSLEP 2013. As detailed in the Heritage Impact Statement prepared by NBR Architecture at **Appendix C**, the item is known as 'The Cloisters' shop and is gothic style shop built of decorative two-colour brickwork constructed in the 1880s. The heritage item is to be retained under the Planning Proposal, as illustrated and the supporting design documentation at **Appendix A** and **B** and the Heritage Impact Statement at **Appendix C**.

The site is located between the following two conservation areas as illustrated in **Figure 9** below:

- C19 - McLaren Street conservation area immediately to the east; and
- C23 - Crows Nest conservation area to the west across the Pacific Highway.

Figure 9 – NSLEP 2013 Heritage Map Extract



## 5. INDICATIVE DEVELOPMENT CONCEPT

The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high quality mixed-use development in a location highly suitable for density uplift. The envisaged future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres.

The intended outcome of this Planning Proposal is to amend the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) to allow uplift on the site as follows:

- Establish a site-specific split height control, with maximum heights of 23m and 68m;
- Establish a site-specific FSR control, with a maximum FSR of 7.2:1; and
- Establish a site-specific non-residential FSR control, with a minimum non-residential FSR of 1:1.

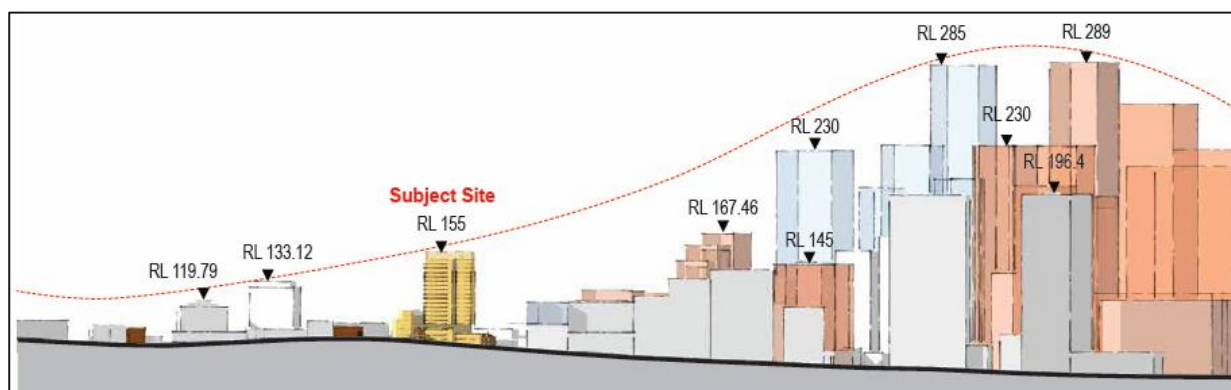
The proposal does not seek to amend the current B4 Mixed Use zone under the NSLEP 2013. The proposed redevelopment of the site is consistent with the objectives of the B4 Mixed Use zone

### 5.1. DESIGN PRINCIPLES

The conceptual building envelope and design strategy have been specifically tailored to respond to the site opportunities and the surrounding urban character. The key guiding principles are discussed below.

- **Urban renewal:** Facilitate the mixed-use redevelopment of the site and upgrade the existing commercial offering to contribute to employment generation on the site. Facilitate the creation of 89 residential apartments on the site and approximately 1,667sqm of GFA for office, retail and community uses.
- **Street Activation:** Provide continuous active edges to the Pacific Highway and West Street.
- **Emerging skyline:** Respond and design to the changing context of the North Sydney skyline along the Pacific Highway. Design a slender tower form in the southern portion of the site and a lower scale podium extending underneath the tower to occupy the northern end of the site around the heritage item (refer to **Figure 10** below). Modulate the built form to retain views and solar access to surrounding properties whilst creating a height, bulk and scale that is commensurate with the future desired character of the surrounding area.
- **Solar Access:** Develop a slender tower form to create a fast moving shadow which ensures that reasonable solar access to adjoining properties is retained, including the education uses on the western side of the Pacific Highway and residential uses to the south and east of the site.
- **Heritage:** Retain the heritage item on the site and facilitate the adaptive reuse of the building. Increase building separation and the visibility of the building.
- **Transport orientated development:** Leverage on the Sydney Metro project and provide residential and employment uses in walking distance to a future transport hub.

Figure 10 – Emerging skyline – Pacific Highway section



Source: GMU 2018



## 5.2. DEVELOPMENT CONCEPT SCHEME

The urban design principles and design rationale supporting the Planning Proposal are established in the Urban Design Report prepared by GMU at **Appendix A**. The Indicative Architectural Plans prepared by PTW at **Appendix B** provide a reference scheme to demonstrate how the site could be redeveloped, consistent with the controls sought under this Planning Proposal.

The amalgamation of the lots creates a substantial site area on the periphery of the North Sydney CBD. The Planning Proposal will deliver on State, district and local planning objectives to foster a high quality mixed use development. Key numerical details of the Indicative Reference Scheme are provided in **Table 4** below followed by illustrations of the scheme at **Figure 11**.

Table 4 – Key Numeric details

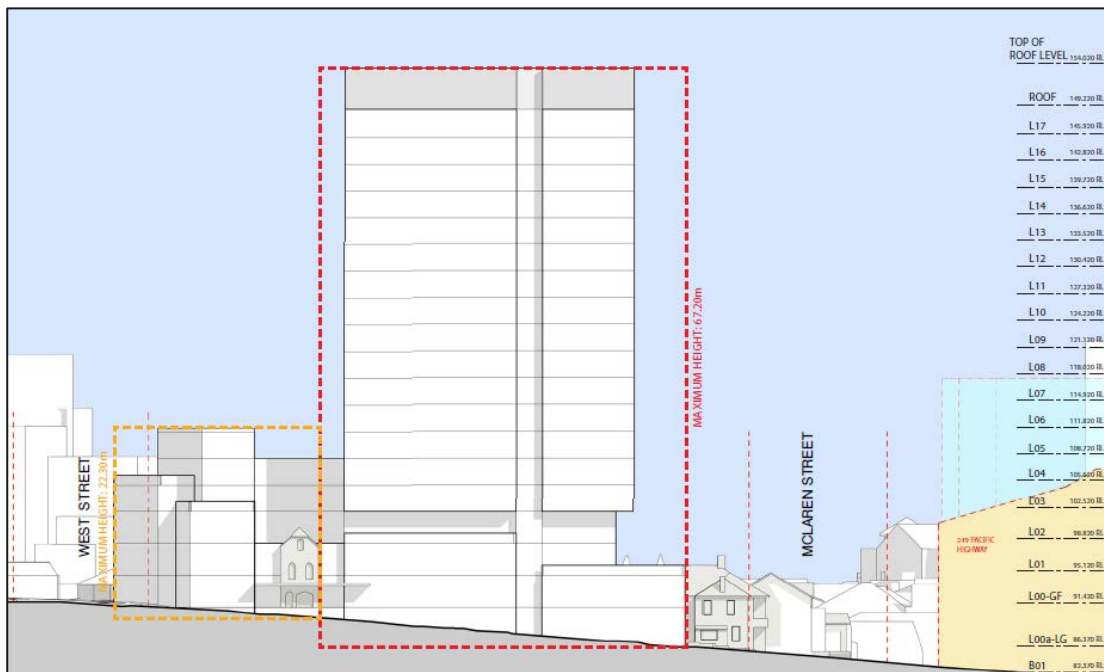
Element	Depicted in the Indicative Concept Design
Land uses	Part 3, part 4 levels of office / retail / community land uses  Residential apartments  Residential communal facilities
Indicative yield  <i>(these yields are based on the indicative test fit design presented in the Urban Design Report)</i>	1,667m <sup>2</sup> non-residential GFA  8,810m <sup>2</sup> residential GFA (indicatively 89 residential apartments)
Gross Floor Area (GFA) Total	10,477m <sup>2</sup>
Floor Space Ratio (FSR)	7.14:1
Non-residential floor space (FSR)	1.14:1
Built form	Split level podium  Tower above podium in southern portion of site
Split maximum building height	<ul style="list-style-type: none"> <li>• 67.2 metres (RL 154.02)</li> <li>• 22.3 metres (RL 111.82)</li> </ul>

Figure 11 – Indicative Concept Scheme



Artist's impression of the proposed development - viewing from Pacific Highway

Source: PTW 2018



Concept massing plan illustrating the proposed split height controls across the site

Source: PTW 2018

## Building massing and key design elements

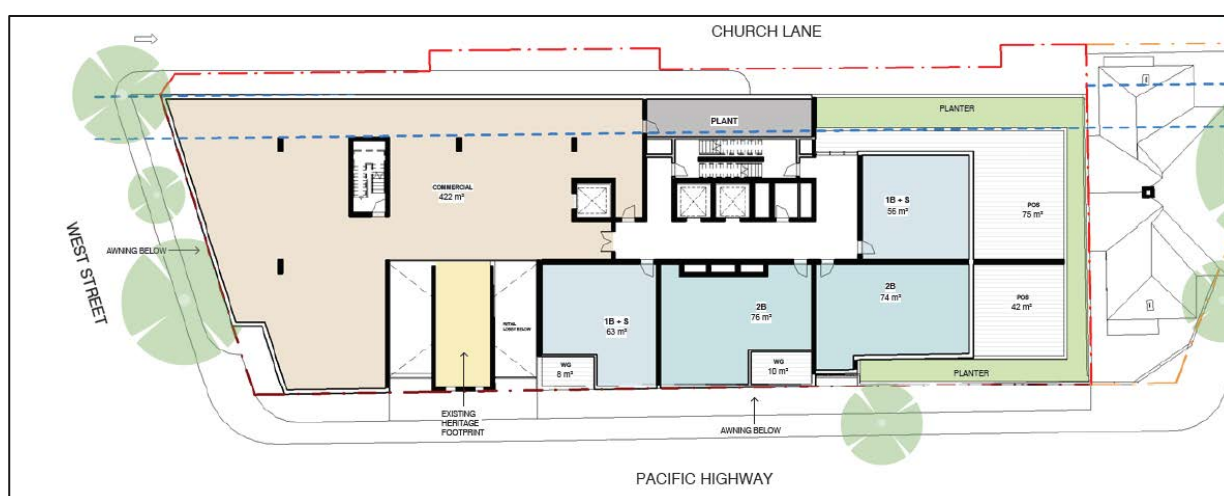
As detailed in the Urban Design Report (**Appendix A**) and as evident in the Indicative Reference Design (**Appendix B**), the future development of the site, as facilitated by the planning proposal, will be guided the following key design elements.

### Podium Form

The podium form includes a two to three street wall to the Pacific Highway and two to four storeys at Church Lane. The upper podium levels are stepped to provide relief to heritage item and provide three metre side setbacks to the historic shop, as illustrated in **Figure 12** below. The podium has been stepped in response to the slopped topography of the site to ensure that a continuous active frontage can be provided to the Pacific Highway.

The podium primarily accommodates non-residential uses, which may include office space, retail uses and / or community facilities, all of which are permissible with consent in the B4 Mixed Use zone under the NSLEP 2013. Some residential apartments are located within the podium where a nine metre separation distance to neighbouring property boundaries can be achieved. Separate residential and commercial lobbies are provided.

Figure 12 – Indicative level 1 floor plan



Source: PTW 2018

### Tower Form

The tower is 19 storeys in height (inclusive of podium levels below) and reaches a maximum height of RL 155. The tower design incorporates a recessed waist level to create a strongly defined podium. Residential communal open space will be provided on the rooftops of the development. The indicative design for the tower floor plate is provided below at **Figure 13**.

Figure 13 - Indicative tower floor plan



Source: PTW 2018

## Site Access and Church Lane Improvements

Vehicular access will be provided from singular basement driveway on Church Lane. The Planning Proposal and Concept Scheme include the widening of Church Lane from 3-4.5m to 6m. The proposed works to Church Lane will significantly improve the safety and amenity of the laneway. At present the laneway is burden by uneven property boundaries resulting in a very narrow road carriageway in sections. As per the Public Benefit Offer at **Appendix G**, the laneway widening will be undertaken on the site and then dedicated to Council as part of a future VPA for the site.

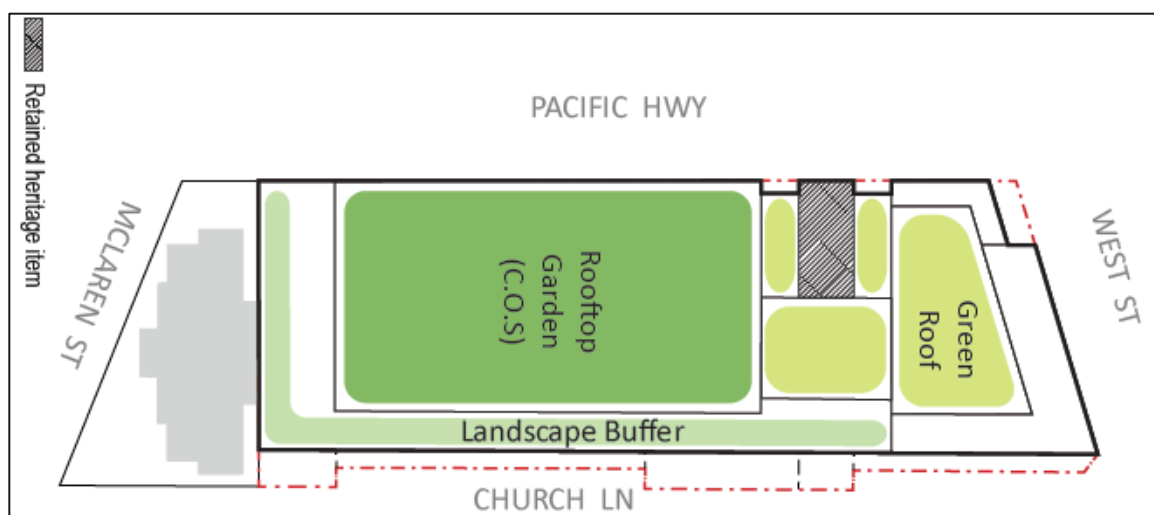
## Basement

The Concept Design proposes that car, motorcycle and bicycle parking, and plant and services will be located within basement levels. The Indicative Reference Design includes the provision of approximately 40 parking spaces, which is below the maximum allowable number of spaces permitted under the NSDCP 2013.

## Public Domain and Landscaping

The Concept Scheme includes landscaped residential communal open space, podium level planting and street trees as indicated in the indicative landscape plan at **Figure 14** below. Continuous awnings will be provided on the Pacific Highway and West Street frontages.

Figure 14 – Public Domain and Landscape Concept



Source: GMU 2018

### 5.3. PUBLIC BENEFIT

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.

Following a Gateway determination, it is anticipated that the Proponent and North Sydney Council will enter into discussions regarding the offer of Public Benefits outlined in this Planning Proposal.

The Offer of Public Benefit is attached at **Appendix G**, with the key terms are summarised below:

- Dedication of 233m<sup>2</sup> of the residential yield on Level 2 of the development (which equates to 3 x 1 bedroom apartments and 1 x studio apartment) to Council or an affordable housing provider for use as affordable housing for low and very low income renters, in accordance with the objectives of the North Sydney Affordable Housing Strategy 2015;
- Dedication of 349m<sup>2</sup> of GFA on Level 2 of the development to Council to be used as affordable office space by 'start-up' businesses. The commercial space will provided in the form of a partial fit-out, including finished walls, ceiling, flooring and basic service connections for electricity, water and sewer;
- Dedication of 55m<sup>2</sup> of GFA on the ground level of the development to Council to be used for community facilities, as defined by the North Sydney LEP 2013. The community space will provided in the form of a partial fit-out, including finished walls, ceiling, flooring and basic service connections for electricity, water and sewer;
- Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3-4.5m to 6m and the excision of approximately 130m<sup>2</sup> of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and
- Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.



## 6. THE PLANNING PROPOSAL

This 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 DPE in August 2016.

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the planning proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following chapters.

## 7. PART 1 - OBJECTIVES & INTENDED OUTCOMES

### 7.1. OBJECTIVES

The primary objective of the Planning Proposal is to amend the NSLEP built form development standards to facilitate commercial and residential density uplift to achieve a contextually appropriate built form outcome on this strategically located site. No change to the current zoning is proposed.

The proposed LEP amendments, will facilitate redevelopment of the site to make a meaningful contribution toward growth of employment floor space suitable for small to medium sized businesses, that will complement the planned commercial office growth in North Sydney CBD.

It will also, provide an important positive contribution to Council's requirement to enable a pipeline of new dwelling supply for the medium term (2021-2026) to meet its District Plan housing targets. Given the limited opportunities for housing growth to occur in North Sydney, large amalgamated sites, like this, are vital to enable the steady continuum of housing supply in locations well-served by public transport.

In addition, the proposal will deliver multiple other tangible public benefits including; the delivery and dedication of affordable residential, commercial and community floor space, in addition to the public domain improvements and land dedication for the widening of Church Lane.

The built form response depicted in the Indicative Concept Design provides for a taller building form commensurate with the Council vision to increase building scales in North Sydney CBD. The Indicative Concept Design also leverages the significant public investment in current and future transport infrastructure near the site by providing increased residential and employment opportunities in a well-served location.

The proposed amendments to NSLEP 2013 have the objective of enabling future development that would achieve the following:

- Provide compatible land uses that contribute to the creation of a vibrant and active community, including the potential for residential, commercial and community uses to co-locate;
- Provide a consolidated development solution across multiple sites to enable a future cohesive development and public domain outcomes;
- Capitalise on the natural development potential of the site given its strategic highway location between two railway stations;
- Create opportunities for small scale retail and commercial businesses to locate in a more affordable location, close to the North Sydney CBD;
- Provide high quality publicly accessible spaces at the ground level, which activate West Street and the Pacific Highway; and
- Provide affordable key worker housing in the centre.

### 7.2. INTENDED OUTCOMES

The intended outcome of the Planning Proposal is to establish planning controls that would enable the redevelopment of the site. The proposed planning controls would create the flexibility to accommodate a high quality mixed-use building that successfully integrates with the emerging context of St Leonards. This is proposed through the following changes to the NSLEP 2013:

- Amend the *NSLEP 2013 Height of Buildings Map* to provide an amended building height control across the site of part 23m and part 68m.
- Amend the *NSLEP 2013 Maximum Floor Space Ratio Map* to provide a maximum floor space ratio control of 7.2:1; and
- Amend the *NSLEP 2013 Non Residential Floor Space Ratio Map* to provide a minimum non-residential floor space ratio control of 1:1.

## 8. PART 2 - EXPLANATION OF THE PROVISIONS

### 8.1. LAND TO WHICH THE PLAN WILL APPLY

The land that is proposed to be included in the LEP amendment is located at 253-267 Pacific Highway, North Sydney. It is legally described as Lot 10 DP749576, Lot B DP 321904, Lot 51 DP 714323, SP 22870 and SP 16134.

### 8.2. PROPOSED LEP AMENDMENTS

#### 8.2.1. Height of Buildings Map

The existing Height of Buildings Map limits development on the site to a maximum height of 10m. The planning proposal seeks to amend the height of buildings development standard to permit maximum heights of part 23m and part 68m on the site.

As illustrated in the accompanying Concept Plans, the proposed height control allows for a split level podium across the site and tower in the southern portion of the site. **Figure 11** above illustrates the proposed split height control across the site.

To facilitate the proposed amendment, the Planning Proposal requires the replacement of the existing Height of Buildings Map Sheet HOB\_002A, as contained within the NSLEP 2013 with a new sheet which incorporates an updated legend, with specific reference to the subject lots.

#### 8.2.2. Floor Space Ratio

There is no existing FSR control applicable to the site.

It is proposed that a maximum FSR of 7.2:1 be applied to the site.

This outcome can be achieved by amending the existing *Floor Space Ratio Map FSR\_002A* of NSLEP 2013 with a new sheet which incorporates an updated legend, with specific reference to the subject lots. The proposed mapping is detailed in **Section 10** of this Report.

#### 8.2.3. Non-Residential Floor Space

The site is currently subject to a minimum non-residential floor space of 0.5:1.

It is proposed that minimum non-residential floor space of 1:1 is applied to the site, thus seeking to double the minimum requirement for non-residential floor space on the site.

The amendment will ensure that the future redevelopment of the site will deliver considerable employment generating floor space on the site. It is envisaged that the site will include a mixed of non-residential uses including retail, office and community uses.

### 8.3. RELATIONSHIP TO EXISTING LOCAL PLANNING INSTRUMENT

It is proposed that NSLEP 2013 will continue to apply to the site and will be amended by the site specific LEP.

### 8.4. SAVINGS PROVISIONS

It is not considered necessary to include a savings provision.

## 9. PART 3 - JUSTIFICATION

### 9.1. NEED FOR THE PLANNING PROPOSAL

#### Q1 - Is the planning proposal a result of any strategic study or report?

This planning proposal is not a direct result of any strategic study or report. However, the planning proposal has arisen following a detailed analysis of the site and surrounding context and the changes happening therein. The immediate surrounds of the site are changing, with renewal and uplift catalysed by the following three strategic studies, all which relate to land in close proximity the site:

- North Sydney CBD Planning Proposal – 30m to the south of the site;
- Ward Street Precinct – 300m to the east of the site;
- St Leonards/Crows Nest Strategic Planning Investigation Area – 350m to the north of the site.

The site is located on the Pacific Highway, a major corridor and arterial spine which has been identified as the primary density growth corridor in the strategic planning investigations for St Leonards/Crows Nest and the North Sydney Centre. Under these strategies, urban renewal is envisaged along the Pacific Highway, with heights and densities greatest along highway frontages and commercial centres, whilst retaining the low-density housing scale on the adjacent streets immediately off the Pacific Highway. In this regard, the subject site has a comparable context to existing renewal corridor of St Leonards/Crows Nest.

The proposal will positively contribute to the delivery of housing in accordance with the housing targets for North Sydney under the North District Plan. This outcome would positively contribute towards Council's obligations of facilitating the achievement of the medium term (2021-2026) District Plan housing targets. This is further discussed in Section 9.2 below.

GMU have undertaken a 'sieving' analysis, which illustrates that most sites in North Sydney are constrained from future redevelopment due to one or more of the following characteristics:

- Heritage items or conservation areas
- Non-residential land uses unlikely to be redeveloped (schools, places of worship hospitals)
- Large strata properties (16+ owners).

The analysis finds that the subject site is one of few sites capable of being redeveloped in the short to medium term (refer to Urban Design Report at **Appendix A**). The identified sites are the sites which can assist in meeting the housing targets identified for North Sydney under the District Plan and will assist in achieving greater housing supply, choice and affordability.

When viewed holistically in the context of the above urban renewal strategies, the site represents the logical extension of the strategic considerations by Council for increased residential density for the following key reasons:

- The proposal is located just outside of the North Sydney B3 Commercial Core and will not compromise the vision for growing and strengthening the North Sydney CBD commercial focus, which is articulated in the North Sydney CBD Planning Proposal.
- The proposed amendment to the height of buildings control, which is considerably lower in scale to the changing height context planned for the CBD and Ward Street precinct, will achieve an appropriate contextual response to its immediate locality.
- Increased residential population in close proximity to the CBD will assist with Council's desire for an 18 hour economy and creating a vibrant city centre outside of business hours. Given the restriction of residential uses in the CBD, achieving a reasonable residential density on the CBD fringe is critical to this objective.

## Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Without an amendment to the statutory planning controls, the Indicative Concept Design for the site cannot be achieved and the associated public benefits would not be realised.

Given this, the following alternate strategies were considered:

- Lodge a Development Application with a Clause 4.6 variation the current NSLEP controls; and
- 'Do nothing' – wait for future NSELP 2013 update.

Lodging a Development Application was considered as the B4 zone permits a mixed use development incorporating residential, retail and commercial uses. The current built form controls of a maximum building height of 10 metres with a minimum non-residential FSR of 0.5:1 is considered obsolete and not reflective of a suitable density for such a strategic site along Pacific Highway, close of a CBD employment node and high frequency existing and future public transport. A Development Application could be submitted with a Clause 4.6 variation to the building height control. There are however limitations to the practical application of this clause to vary development standards. As the current control is highly restrictive to building height it would not be appropriate nor would we expect that legal powers exist within the intent of the clause to be used to support the intended development concept. Consequently, this option was not pursued.

We understand North Sydney Council has applied for funding to support the acceleration of its LEP update and revised house strategy from the NSW Government. At the timing of writing, Council had not been awarded the funding for LEP acceleration. Assuming that Council was successful, Council will be required to have a draft LEP submitted to the GSC/Department of Planning by June 2021 (or June 2020 if was confirmed as a priority LEP). A range of housing, employment and associated studies will commence and be carried out to inform the updated LEP. With this timeframe, the realistic likelihood is that any updated LEP controls won't be in place until at best mid-late 2022, some 4 years away. Since the proponent has taken financial steps to amalgamate landholdings in the block, it's not considered reasonable to wait for a future 4+ years until new planning controls are in place, especially when the North Sydney LEP is itself over 5 years old, and was informed by a 2009 residential strategy.

As such, amending the built form LEP controls is considered the most appropriate approach as it would enable a timelier delivery of retail, commercial and residential taking advantage of the new Victoria Cross metro station.

## 9.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

### Q3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The Planning Proposal is consistent with the objectives and actions of applicable strategies, demonstrating the strategic merit of the proposal. This is demonstrated through the Planning Proposal's alignment and consistency with the following as detailed in the proceeding sections:

- Site specific and Strategic merit tests as outlined in the Guide for Preparing Planning Proposals (**Section 9.2.1**)
- Greater Sydney Region Plan (**Section 9.2.2**)
- North District Plan (**Section 9.2.3**)
- Future Transport Strategy (**Section 9.2.4**)

#### 9.2.1. Guide to Preparing Planning Proposals – Assessment Criteria

The Planning Proposal demonstrates site specific and strategic merit. This is in accordance with Part (a) of the Assessment Criteria in the DPE's *Guide for Preparing Planning Proposals*. **Table 5** below contains an assessment of the Planning Proposal against the Guide.



Table 5 – Guide for Preparing Planning Proposals Assessment Criteria

Assessment Criteria	Response
Does the proposal have <b>strategic merit</b> ? Is it; <ul style="list-style-type: none"> <li>Consistent with 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</li> </ul>	Yes. Refer to <b>Sections 9.2.2 – 9.2.4</b> of this report which demonstrate direct alignment between this Planning Proposal and the <i>Greater Sydney Region Plan</i> and <i>North District Plan</i> .
<ul style="list-style-type: none"> <li>Consistent with a relevant local council strategy that has been endorsed by the Department; or</li> </ul>	The proposal represents a highly considered response to the Planning Studies and strategies relating to land in the immediate vicinity of the planning proposal site as discussed in <b>Section 9.2.2</b> below.
<ul style="list-style-type: none"> <li>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</li> </ul>	<p>Yes. The Planning Proposal responds to the confirmation that the Sydney Metro Rail Line will include a station at Victoria Cross, approximately 260 metres from the site. Increases in rail capacity and the location of an additional stations within North Sydney and Crows Nest are driving investment in the locality. The Sydney Metro project will deliver 66 kilometres of new metro rail linking Sydney's north western regions to the south west. Full services are due to commence in 2024, with a train every 4 minutes in peak periods.</p> <p>The site is located in close proximity to a number of areas subject to renewal and uplift under the following three strategic planning studies:</p> <ul style="list-style-type: none"> <li>North Sydney CBD Planning Proposal – 30m to the south of the site;</li> <li>Ward Street Precinct – 300m east of the site;</li> <li>St Leonards/Crows Nest Strategic Planning Investigation Area – 350m of the site.</li> </ul> <p>The North Sydney CBD and St Leonards / Crows Nest are linked by the Pacific Highway, the primary commercial spine envisaged for urban renewal and activation under the St Leonards/Crows Nest Strategic Planning Investigation Area.</p>
Does the proposal have <b>site-specific merit</b> , having regard to the following: <ul style="list-style-type: none"> <li>the natural environment (including known significant environmental values, resources or hazards), and</li> </ul>	<p>Yes. The subject site does not contain any natural environmental features which would preclude the site from being redeveloped in accordance with the proposed concept high density mixed-use development.</p> <p>The proposed concept plan responds appropriately to the sloping topography of the site. Commercial uses</p>

Assessment Criteria	Response
<ul style="list-style-type: none"> <li>the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal, and</li> </ul>	<p>along the Pacific Highway have been stepped to respond to the gradient and allow for continuous active frontages.</p> <p>Yes. The Planning Proposal is consistent with the emerging trend of development, in terms of scale and land use mix, as described in <b>Section 9.3</b> of this report and as demonstrated by the nature of development proposed and under construction on surrounding sites.</p> <p>The subject site is located at the periphery of the North Sydney CBD, which is currently subject to a Planning Proposal that includes significant uplift, resulting in heights of up to RL289. The Planning Proposal for North Sydney Centre is with DPE for finalisation and includes significant uplift on sites zoned B3 Commercial Core.</p> <p>In addition to this, properties located within the Ward Street Precinct (approximately 300m east of the site) are subject to are also identified for significant uplift under the Ward Street Precinct Masterplan, resulting in heights of up to RL206.</p> <p>Given the site's surrounding area, its prominent location and its ability to achieve a high level of compliance with SEPP 65, there is site specific merit to support the use of this site for mixed use uplift. This is demonstrated within the 3D context massing within the Urban Design Report at <b>Appendix A</b>.</p> <p>Finally, this Planning Proposal is accompanied by a number of specialist consultant reports which conclude that the subject site is suitable for the high density mixed use development and that the proposed building envelope has been adequately designed to respect the heritage significance of the contributory heritage building on the site, to promote view sharing, retain a compliant degree of solar access to surrounding residential properties, and provide a design that addresses heritage and transport issues.</p> <p><b>Section 9.3</b> of this Report provides a detailed analysis of the likely environmental, social and economic impacts of the proposed development.</p>
<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>Yes. The subject 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 subject site.</p>

Assessment Criteria	Response
	The construction of the Sydney Metro Station at Victoria Cross will provide additional transport infrastructure to support the increased densities in North Sydney.

### 9.2.2. 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 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 6** below sets out some of the relevant directions and actions of the GSRP and explains how the Planning Proposal responds and aligns to these.

Table 6 – Planning Proposal Response to the *Greater Sydney Region Plan*

Greater Sydney Region Plan	Planning Proposal Response
<b>Direction 1: A City supported by Infrastructure</b>	
<i>Objective 4: Infrastructure use is optimised</i>	<p>The proposed uplift will ensure the public transport infrastructure is optimised. The site is located approximate 260m 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 use of existing and new transport infrastructure.</p> <p>Delivering density in the right location, such as the subject site, will help to drive better travel behaviour in future residents and workers, encouraging increased reliance on public transport.</p>
<b>Direction 2: A Collaborative City</b>	
<i>Objective 5: Benefits of growth realised by collaboration of governments, community and business</i>	<p>This Planning Proposal will assist in the collaboration of government, community and business as follows:</p> <ul style="list-style-type: none"> <li>• Dedication of 349sqm of floor space to Council for affordable office space to be used by 'start-up' businesses and 55sqm of floor space to be utilised for community facilities.</li> <li>• Renewal of this site for mixed-use development would assist government in contributing towards housing and employment targets for the centre, ensuring the proposal positively contributes to housing and economic policy of government.</li> <li>• The community will be enhanced through providing residential land uses in proximity to services, and as the population grows, government expenditure will increase.</li> </ul>
<b>Direction 4: Housing the City</b>	
<i>Objective 10: Greater housing supply</i>	The GSRP provides housing targets for 2016-2036 (Northern District), as per the following:

Greater Sydney Region Plan	Planning Proposal Response
<p><i>Objective 11: Housing is more diverse and affordable</i></p>	<ul style="list-style-type: none"> <li>0-5 year target (2016-2021): <b>25,950 additional homes</b>;</li> <li>20-year (2016-2036): <b>92,000 additional homes</b>.</li> </ul> <p>This Planning Proposal seeks to enable a mixed use development which would permit the development of apartments, in addition to commercial and retail uses. The planning proposal would directly contribute to the dwelling supply needed to meet the dwelling targets for the district.</p> <p>The indicative concept design at <b>Appendix B</b> accommodates approximately 89 new dwellings. This outcome would positively contribute to achieving the 6-10 year housing targets for the Council as part of the North District.</p> <p>The concentration of density along the Pacific Highway Corridor enables the retention of existing low density residential areas to the east of the site, 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> <p>The Public Benefit Offer accompanying this planning proposal seeks to dedicate 233sqm of floor space for affordable rental housing. It is envisaged under the Public Benefit Offer that floor space for affordable housing would be dedicated to Council under a future VPA for the site should the planning proposal proceed through Gateway.</p> <p>The provision of housing in general terms has the potential to contribute to housing affordability by contributing to general housing supply which places downward pressure on housing costs.</p>
<b>Direction 5: A City of Great Places</b>	
<p><i>Objective 12: Great places that bring people together</i></p>	<p>The Planning Proposal will support the renewal of the site. The proposed LEP amendments and the Indicative Concept Scheme illustrate how the renewal of the site will also enhance and respect the heritage significance of the building at 265 Pacific Highway.</p> <p>The planning proposal will facilitate the redevelopment of the site which will transform the existing underutilised commercial floor space into new highly usable and flexible spaces which provide activation to the streetscape. The Pacific Highway is a major transport corridor and the renewal of the site will enhance the visual amenity of this prominent site.</p> <p>The Public Benefit Offer includes the proposed dedication of lane to achieve a widening of the rear lane for the benefit of future workers, residents and the public. This will provide a significant improvement to the current state of the laneway,</p>

Greater Sydney Region Plan	Planning Proposal Response
	which is burdened by its narrow width and an uneven alignment.
<b>Direction 6: A well-connected City</b>	
<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, GOP and Western Economic Corridors are better connected and more competitive</i></p>	<p>North Sydney 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 defined commercial core represents an appropriate location for mixed-use uplift which will provide housing is a location which is highly accessible to jobs, yet will not erode the commercial importance of the core itself.</p> <p>The Planning Proposal seeks to increase the statutory minimum of non-residential floor space from 0.5:1 to 1:1, which will facilitate increased employment opportunities and will safeguard the commercial offering of the site into the future. Concentrating employment and housing growth in North Sydney supports the desired integrated land use and transport model and it also encourages walkable centres. For these reasons, this proposal supports this objective.</p>
<b>Direction 7: Jobs and skills for the City</b>	
<p><i>Objective 21: Internationally competitive health, education, research and innovation precincts</i></p> <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 Planning Proposal seeks to retain the employment role of the site by retaining the B4 Mixed Use and achieving a minimum non-residential FSR control of 1:1. This will ensure that the site continues to make a contribution to jobs and economic growth of North Sydney.</p> <p>The Planning Proposal would result in a number of direct economic benefits, during the construction stage and during ongoing operations.</p>
<b>Direction 9: An Efficient City</b>	
<p><i>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i></p>	<p>The Planning Proposal facilitates the promotion of walkable neighbourhoods and low carbon transport options due to its proximity to public transport, being within walking distance of the future Victoria Cross Metro Station, as well as existing bus services.</p> <p>The site's proximity to public transport would provide opportunities for residents and employees to conveniently use public transport thereby reducing private vehicle trip movements, and assisting the objective to create low-carbon cities.</p> <p>Further, sustainability measures would be explored in any future redevelopment of the site.</p>



### 9.2.3. North District Plan (2018)

The site is located within 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 Planning Proposal directly aligns with the relevant priorities of the North District Plan priorities, is set out in **Table 7** below.

Table 7 – Planning Proposals alignment with the *North District Plan*

North District Plan	Planning Proposal Response
<p><b>N1. Planning for a city supported by infrastructure</b></p> <p><b>N12. Delivering integrated land use and transport planning and a 30-minute city</b></p>	<p>The Planning Proposal leverages on the new Victoria Cross Metro Station. The site is ideally located in just a short walking distance to the future 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><b>N5. Providing housing supply, choice and affordability, with access to jobs and services</b></p> <p><b>N10. Growing investment, business opportunities and jobs in strategic centres</b></p>	<p>The Planning Proposal will facilitate the delivery of new dwellings with excellent access to public transport and job markets.</p> <p>The Urban Design report prepared by GMU at <b>Appendix A</b> details the finding of a 'sieving analysis' for land within 800m of Victoria Cross Station. By using GIS to map land constrained from future redevelopment, the analysis finds that the only available sites with short-term development opportunities outside of the Ward Street Precinct are primarily located along the Pacific Highway corridor.</p> <p>The sieving analysis finds that many sites within an 800m radius of Victoria Cross Station are constrained by one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>• Heritage items or conservation areas</li> <li>• Non-residential land uses unlikely to be redeveloped (schools, places of worship hospitals)</li> <li>• Large strata properties (16+ owners).</li> </ul> <p><b>Figure 15</b> below provides an excerpt of the analysis undertaken by GMU and illustrates the sites which have been identified as constrained from future redevelopment.</p> <p>Conversely, <b>Figure 16</b> identifies that the subject site is one of few sites capable of being redeveloped in the short to medium term. The identified sites are</p>

North District Plan	Planning Proposal Response
	<p>the sites which are can assist in meeting the housing targets identified for North Sydney under the District Plan and will assist in achieving greater housing supply, choice and affordability.</p> <p>Excellent public transport access and proximity to Macquarie Park, Sydney CBD, North Sydney CBD makes the site a highly attractive location for residential uses. The current DPE approach is seeking to balance residential intensification whilst maintaining a strong employment function. The subject site can play an important role in this regard and allows for housing close to the North Sydney CBD commercial core, which is reserved for commercial growth only.</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>
<b>N13.</b> <i>Supporting growth of targeted industry sectors</i>	<p>The indicative concept scheme provides contemporary and flexible employment space to promote diversity in industries and provide variety of job opportunities.</p>



Figure 15 – Constrained sites

Heritage and conservation areas

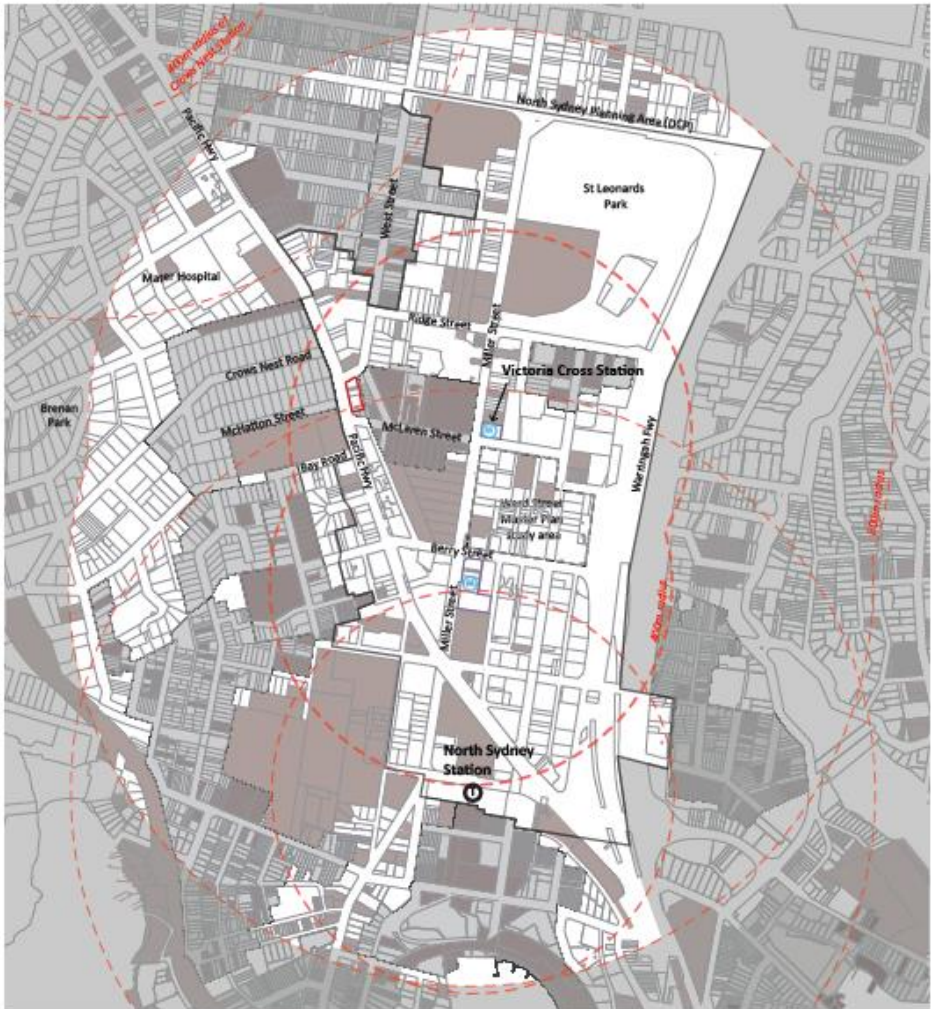
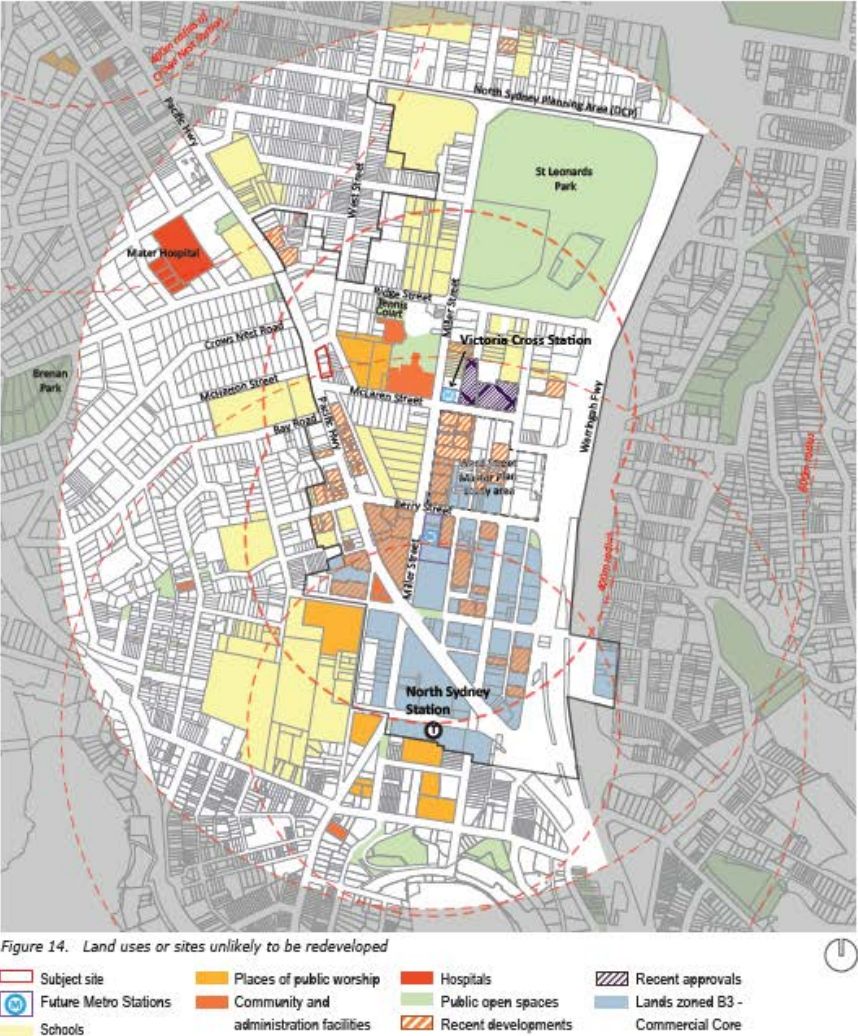


Figure 13. Heritage And Conservation Area

Source: GMU 2018

Land uses for sites unlikely to be redeveloped



Large strata titled properties

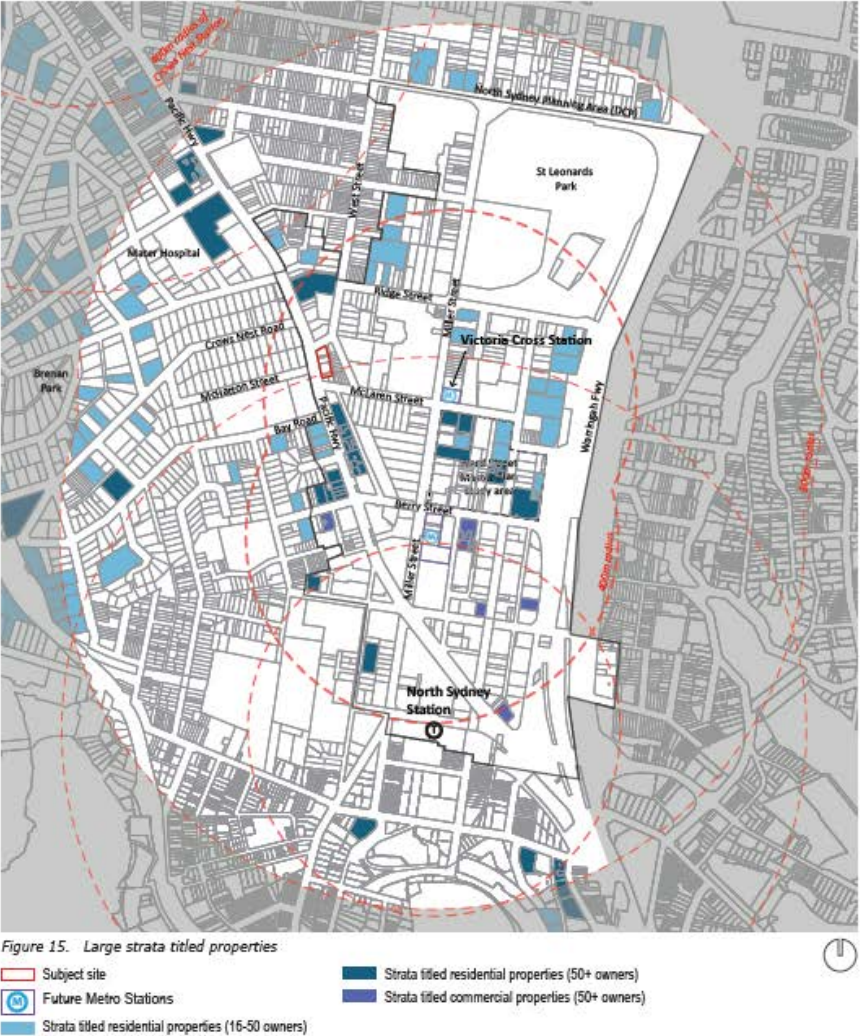
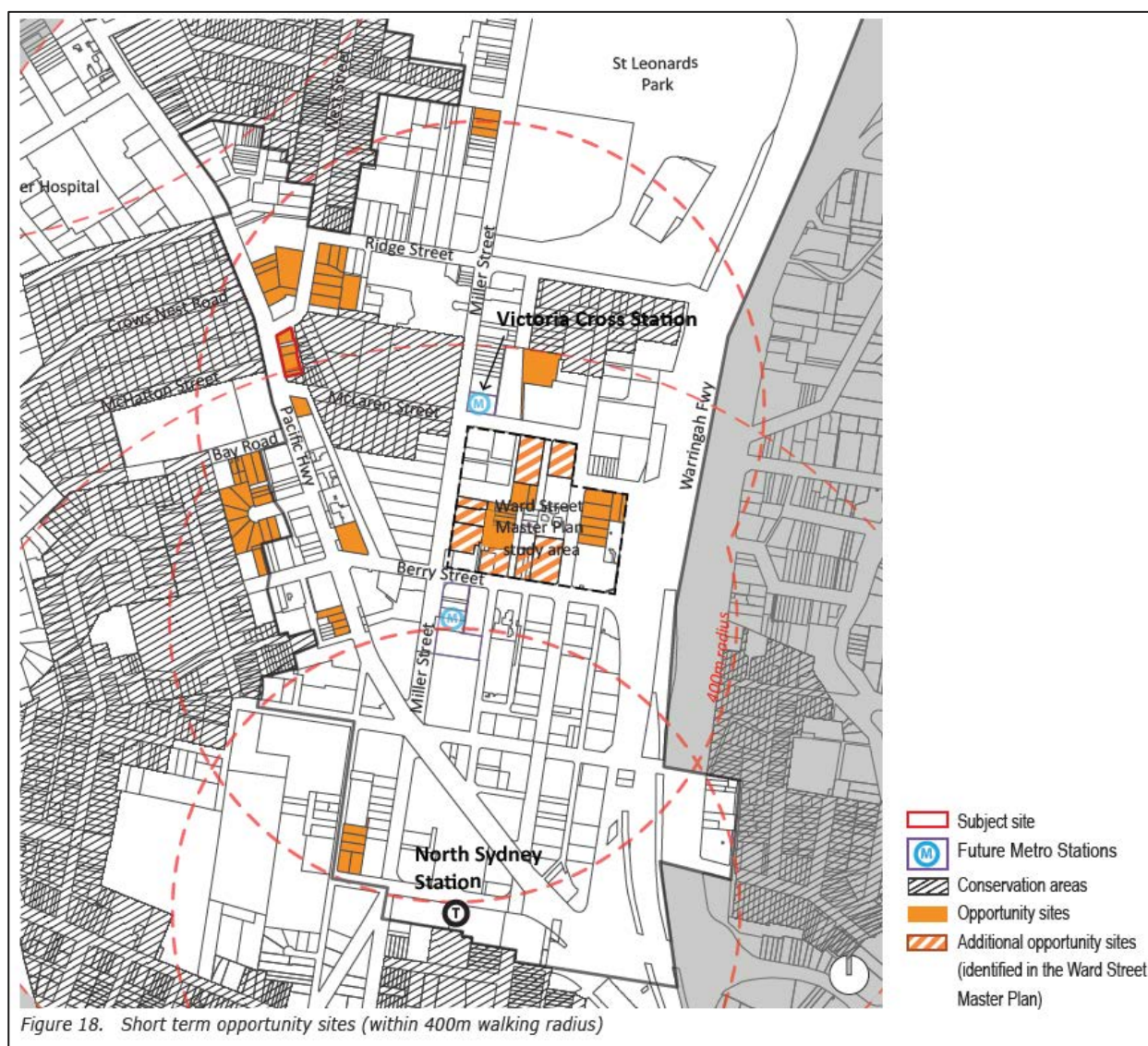




Figure 16 – Short to medium term opportunity sites (within 400m radius of Victoria Cross Station)



Source: GMU 2018

#### 9.2.4. Future Transport Strategy 2056

The Future Transport 2056 Strategy (2018) (the Strategy) outlines the vision for the Greater Sydney mass transit network.

The Future Transport vision sets six state-wide outcomes to guide investment, policy and reform and service provision. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

The site is well placed to gain from the future transport network proposed through both the frequency of transport services projected as well as upgraded infrastructure for all forms of mobility.

More specifically, the Strategy seeks to enhance public transport services in Greater Sydney by establishing efficient and reliable corridors. The site is located within a 'City Shaping Corridor' which is described as: *major trunk road and public transport corridors providing higher speed and volume links between cities and centres that shape locational decisions of residents and businesses*. The City-shaping Network is detailed as providing high capacity turn-up-and-go services.

The Planning Proposal leverages from upgrades to the North Sydney heavy rail and the new Victoria Cross metro station. These substantial infrastructure investments aim to encourage greater rail patronage and the subject site is conveniently located to make that attractive to future workers and residents.

The Strategy also designates upgrades to bicycle and road networks. Potential upgrades to the Pacific Highway to address long term capacity constraints are also noted which may improve road connectivity to the site.

Any future redevelopment of this key site has the potential to contribute to, and enhance, walking and cycle connections between the stations.

### 9.2.5. Q4 - Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

**Yes.** The Planning Proposal is consistent with the following local planning strategies:

#### North Sydney Residential Development Strategy 2009

The North Sydney Residential Development Strategy (RDS) was formerly adopted in 2011 and is the strategic framework for guiding housing in North Sydney, up until 2031.

The RDS indicates that North Sydney Council should contribute 5,500 additional dwellings between 2004 and 2031. **This is significantly below the targets set by the North District Plan**, which has been calculated to be approximately 11,170 from 2016-2036.

It is considered that the RDS and the associated targets are outdated and do not appropriately reflect current data and population projects. This is evident within the RDS, with the NSW Government setting a housing target of 5,500 additional dwellings between 2004 – 2031, which equates to approximately 203 dwellings per annum.

Furthermore, the population forecasts modelled within the RDS utilises 2006 ABS data, forecasting a residential population of 65,000 in 2021. This is in comparison to current population projections which forecast a population of 76,721 by 2021 (forecast.id) resulting in a net difference in the population projections of 11,720 residents.

This Planning Proposal therefore provides Council with the opportunity for additional residential floor space to contribute to its 6-10 year housing target from the District Plan, on land that is relatively unconstrained and strategically located to accommodate for increased density, beyond that envisaged by the current planning controls.

As outlined previously in this report and illustrated in the GMU report, there are limited opportunities for housing density growth for land around North Sydney station and the new Victoria Cross metro, making sites like this, extremely important future contributors toward achieving the required housing growth.

#### North Sydney CBD Capacity & Land Use Strategy and Planning Proposal

The North Sydney Centre Planning Proposal was issued Gateway determination on 20 July 2017 and was placed on public exhibition between 14 September 2017 and 11 October 2017. The Planning Proposal is now with the DPE for finalisation, which is now imminent. The Planning Proposal relates to land identified in **Figure 17** below. The North Sydney Centre Planning Proposal has been informed by a comprehensive review of the study area and seeks to implement the recommendations adopted in the North Sydney CBD Capacity and Land Use Strategy and the North Sydney CBD Capacity and Land Use Study.

The Strategy includes land zoned B3 Commercial Core and land on the peripheries of the commercial core zoned B4 Mixed Use. B4 zoned sites 30m south of the site are included in the North Sydney Centre Planning Review. Whilst the North Sydney Centre Planning Proposal does not contain changes to the height controls for B4 zones land in the study area, the North Sydney CBD Capacity and Land Use Strategy invites proponent-led planning proposal for B4 zoned sites which are in accordance with the indicative futures heights map identified in the Strategy.

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

Accordingly, this 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;*



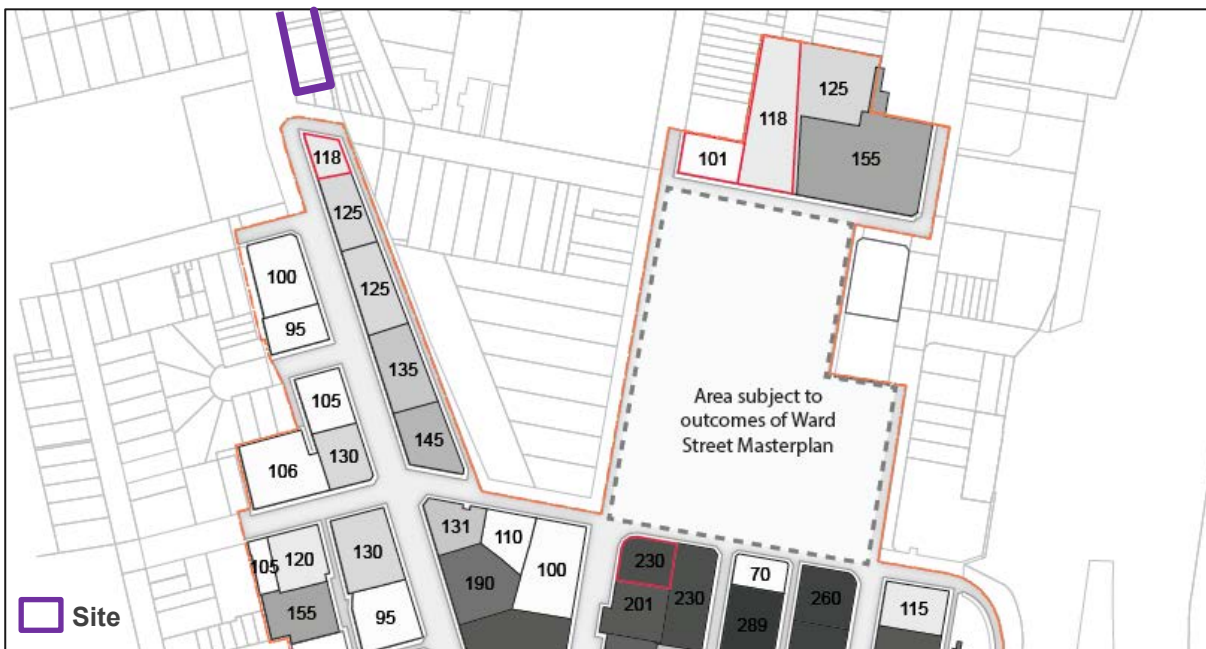
- *Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure; and*
- *Allow for the growth of North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre.*

The Strategy has been informed by a number of key pieces of work, including the North Sydney Commercial Centre Study (2015) – Urbis, North Sydney Centre Economic Study (2013) – Hill PDA, Special Areas Review by North Sydney Council, drawing upon the Public Domain Review by Place Partners and 3D modelling undertaken by SJB.

As a result of the aforementioned studies, North Sydney Council is awaiting the gazettal of the LEP changes resulting in new height controls within the centre, primarily based upon a 10am – 2pm restriction on additional overshadowing to residential land uses outside of the North Sydney Centre.

As indicated in the indicative future heights map extract below at **Figure 17**, sites to the south of the subject site fronting the Pacific Highway are subject to indicative heights ranging from RL 145- 118. 1 McLaren Street (located 30m from the site, fronting the Pacific Highway) is subject to an indicative future height of RL 118. The indicative future height for this site represents approximately 10 storeys.

Figure 17 - North Sydney CBD Capacity and Land Use Strategy – Indicative future heights map extract



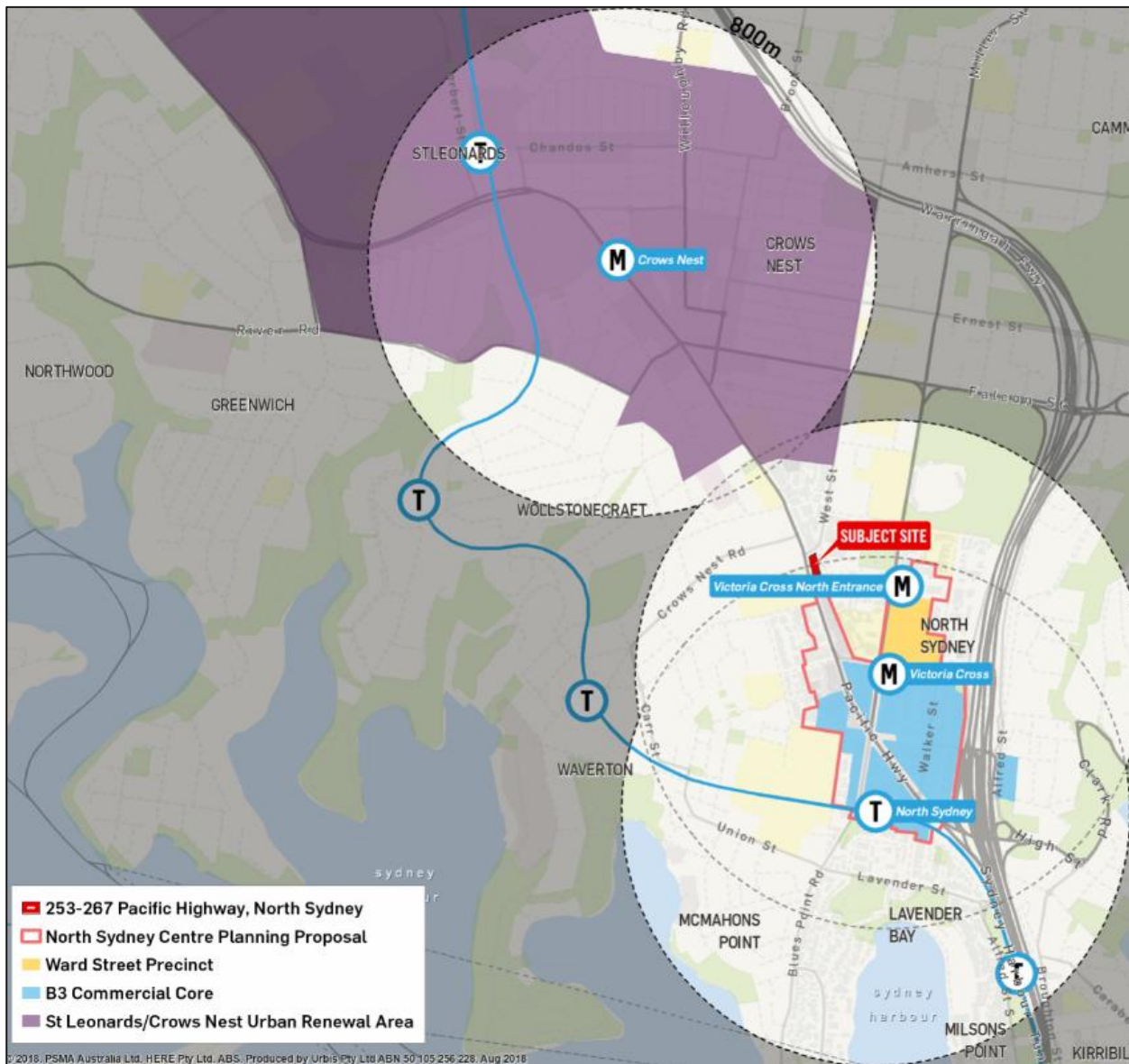
### Ward Street Precinct Master Plan

The draft Ward Street Masterplan was first publicly exhibited from 26 January to 10 March 2017. Following feedback from the original master plan, Council engaged new consultants to prepare a revised 'Stage 2' Master Plan, which was exhibited from 7 August to 8 October 2018.

The Stage 2 exhibited Master Plan contained a mix of commercial, mixed use and residential land use in two built form options based on locations of optimum open space amenity. Both options incorporate tall building forms, varying between 20 to 37 storeys in height (RL160 to RL190) with a tall commercial tower at 57 storeys (RL285). This represents a significant building height increase in this northern end of the CBD, reflecting the sites proximity to the new Victoria Cross metro station.

The subject site is located to the north west of the Ward Street master plan site, some 300 metres walking distance. The proposed concept represents an appropriate transitional built form scale from the future taller heights on the northern CBD edge within the Ward Street Master Plan and wider CBD as further detailed in **Section 9.3** of this report.

Figure 18 – Site within strategic context



### Community Strategic Plan 2013-2023

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 the Planning Proposal achieves these directives, is outlined in the table below:

Table 8 – Achieving the outcomes of the Strategic Plan

Outcome	Strategies	Planning Proposal
<b>Direction 1: - Our Living Environment</b>		
1.2 Quality urban greenspaces	1.2.1 Maximise tree plantings to enhance canopy cover in developed areas	The Urban Design Report (Appendix A) details opportunities for planting in the public and private domains of future development on the site.

Outcome	Strategies	Planning Proposal
	1.2.2 Encourage community gardening  1.2.3 Encourage rooftop and hard surface greening	
<b>Direction 2: - Our Built Environment</b>		
2.1  Infrastructure, assets and facilities that meet community needs	2.1.2 Expand capacity of existing community infrastructure	The Planning Proposal includes dedication of 349sqm of floor space to Council affordable office space by 'start-up' businesses and 55sqm of floor space to be utilised for community facilities.
2.2  Improved mix of land use and quality development through design excellence	2.2.3 Encourage sustainable design in future development and refurbishment of existing buildings for better environmental performance  2.2.6 Ensure new residential development is well designed, for people with a disability or limited mobility, the elderly and is adaptable for use by different household types to encourage ageing in place	The high degree of compliance with SEPP65 principles in regard to solar access and ventilation demonstrates a reduce reliance on artificial heating and cooling means.  The proposal would incorporate accessible accommodation.
2.5  Sustainable transport is encouraged		The Planning Proposal increases public transport patronages and reduces the reliance on private vehicular movement
2.7  Improved parking options and supply	2.7.1 Provide integrated and efficient parking options in residential and commercial areas  2.7.3 Manage off street parking in new developments through Development Control Plan (DCP)	The proposal incorporates approximately 40 parking spaces.
<b>Direction 3: Economic Vitality</b>		
3.1 Diverse, strong, sustainable and vibrant local economy	3.1.1 Expand opportunities for business particularly after hours and weekends through planning initiatives e.g. late night trading and small bars  3.1.2 Encourage a diverse mix of businesses	The Planning Proposal will provide approximately 1,667sqm of non-residential floor space.  The increased residential population will support the night economy and will contribute to the vitality and viability of local centres.

Outcome	Strategies	Planning Proposal
	3.1.3 Expand employment growth capacity	
<b>Direction 4: Social Vitality</b>		
4.10 Improved affordable housing and accommodation	4.10.2 Increase housing diversity to meet a range of needs especially older people, people with disabilities and key workers	Dedication of 233sqm of GFA for affordable housing aligns with this policy outcome.  The supply of housing is also considered to alleviate the pressure of housing affordability.

### 9.2.6. Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal's consistency with current State Environmental Planning Policies (SEPPs) is summarised in **Table 9**. The Planning Proposal's consistency with Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed SEPPs, is summarised in **Table 9**.

Table 9 – Consistency with State Environmental Planning Policies

SEPP	Consistency
SEPP 14 – Coastal Wetlands	Not relevant
SEPP 19 – Bushland in urban areas	Not relevant
SEPP 21 – Caravan Parks	Not relevant
SEPP 26—Littoral Rainforests	Not relevant
SEPP 30 – Intensive Agriculture	Not relevant
SEPP 33 – Hazardous and offensive development	Not relevant
SEPP 36—Manufactured Home Estates	Not relevant
SEPP 44 Koala Habitat Protection	Not relevant
SEPP 47 – Moore Park Showground	Not relevant
SEPP 50 – Canal estate development	Not relevant
SEPP 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not relevant

SEPP	Consistency
SEPP 55 Remediation of Land	<p>SEPP 55 provides the planning framework for the management of contaminated land in NSW.</p> <p>A Phase 1 Environmental Site Assessment (<b>Appendix F</b>) has been undertaken and concludes that the site can be made suitable for the intended land uses. Potential contamination identified within the PSI is representative of common urban environments and implementation of typical contamination management practices would result in the mitigation of unacceptable risks to future site users.</p>
SEPP 62 – Sustainable Aquaculture	Not relevant
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 Indicative Concept Design has been designed to test one way in which the proposed planning controls could be translated to a future redevelopment. The Indicative Concept Design has therefore been assessed against SEPP 65 and the accompanying Apartment Design Guide (ADG). Based on that assessment, the following is noted:</p> <ul style="list-style-type: none"> <li>91% of apartments achieve the ADG requirement of 2 hours of sunlight between 9am and 3pm in mid-winter.</li> <li>68% of apartments (ground floor to Level 8) are cross ventilated.</li> </ul> <p>PTW have addresses the design principles of SEPP 65 at <b>Appendix B</b>.</p> <p>A detailed assessment would be required to accompany any future DA.</p>
SEPP 70 - Affordable Housing (Revised Schemes)	Not relevant
SEPP 71 – Coastal Protection	Not relevant
SEPP (Educational Establishments and Child Care Facilities) 2017	Not Relevant
SEPP (Affordable Rental Housing) 2009	Not relevant
SEPP (Exempt and Complying development codes) 2008	Not relevant
SEPP (Housing for seniors or people with a disability) 2004	Not relevant
SEPP (Major Development) 2005	Not relevant



SEPP	Consistency
SEPP (Mining, Petroleum production and extractive industries) 2007	Not relevant
SEPP (Miscellaneous consent provisions) 2007	Not relevant
SEPP (State and Regional Development) 2011	Not relevant
SREP (Sydney Harbour Catchment) 2005	Not relevant
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 Indicative Concept Design has been designed with building massing and orientation that would facilitate future BASIX compliance, which would need to be documented in any future DA.</p>
SEPP (Infrastructure) 2007	<p>The Infrastructure SEPP aims to facilitate the efficient delivery of infrastructure across the State.</p> <p>Any future development may require existing utility services to be upgraded and/or augmented to enable the future residential population to be accommodated. Further details would need to be provided during any future DA.</p> <p>In addition, any future DA submitted for this site may trigger the referral requirements for traffic generating development of the to the RMS.</p>
SEPP - (Integration and Repeals) 2016	Not relevant
SEPP - (Kosciuszko National Park—Alpine Resorts) 2007	Not relevant
SEPP - (Kurnell Peninsula) 1989	Not relevant
SEPP - (Mining, Petroleum Production and Extractive Industries) 2007	Not relevant
SEPP - (Miscellaneous Consent Provisions) 2007	Not relevant
SEPP - (Penrith Lakes Scheme) 1989	Not relevant
SEPP - (Rural Lands) 2008	Not relevant
SEPP - (State and Regional Development) 2011	Not relevant
SEPP - (State Significant Precincts) 2005	Not relevant
SEPP - (Sydney Drinking Water Catchment) 2011	Not relevant

SEPP	Consistency
SEPP - (Sydney Region Growth Centres) 2006	Not relevant
SEPP - (Three Ports) 2013	Not relevant
SEPP - (Urban Renewal) 2010	The concept proposal 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. Furthermore, the 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 - (Western Sydney Employment Area) 2009	Not relevant
SEPP - (Western Sydney Parklands) 2009	Not relevant

In addition, while not a SEPP, consideration have been given to *Development Near Rail Corridors and Busy Roads – Interim Guideline*. The provisions of the interim guideline would need to be considered in the assessment of acoustic impacts associated with the Pacific Highway on any future redevelopment proposed. Suitable mitigation and management measures would need to be provided so that a satisfactory level of amenity can be achieved, which would be explored through the detailed design phase associated with any future DA.

### 9.2.7. Q6 - Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions (formerly s.117 directions)?

The Planning Proposal's consistency with applicable Section 9.1 Ministerial Directions (*formerly Section 117*) is outlined in **Table 10**.

Table 10 – Section 9.1 Compliance Table

Ministerial Direction	Consistency of Proposal
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	<p>The Planning Proposal does not seek to change the B4 Mixed Use zone and seeks to increase the statutory minimum non-residential FSR requirement under NSLEP 2013 from 0.5:1 to 1:1. The Planning Proposal seeks to further contribute to employment generating land uses and thus is consistent with this Direction.</p> <p>The intention of the Planning Proposal is to optimise a development outcome on the site, by amending the built form controls to provide residential uses in additional to the retail/commercial uses.</p>
1.2 Rural Zones	Not Relevant
1.3 Mining, Petroleum Production and Extractive Industries	Not Relevant

Ministerial Direction	Consistency of Proposal
1.4 Oyster Aquaculture	Not Relevant
1.5 Rural Lands	Not Relevant
<b>2. Environment and Heritage</b>	
2.1 Environmental Protection Zones	Not Relevant
2.2 Coastal Protection	Not Relevant
2.3 Heritage Conservation	The Planning Proposal and Concept Scheme has been informed by specialist heritage advice to ensure the protection and mitigation of any adverse impacts on the heritage item at 265 Pacific Highway. The HIS at <b>Appendix C</b> confirms that the proposal is sympathetic to the heritage item and has been designed to mitigate adverse visual impacts as further discussed in <b>Section 9.3</b> below.
2.4 Recreation Vehicle Areas	Not Relevant
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Relevant
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	<p>As previously stated, residential development is permitted in the current B4 Mixed Use zone on the site. The current shortcoming of the built form controls is that they don't provide sufficient scope to achieve reasonable residential density outcomes for such a strategically located site.</p> <p>The Planning Proposal will make 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>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> <p>The Planning Proposal includes the dedication of 233sqm of residential floor space for affordable rental accommodation as detailed in the Letter of Offer at <b>Appendix G</b>.</p>

Ministerial Direction	Consistency of Proposal
3.2 Caravan Parks and Manufactured Home Estates	Not Relevant
3.3 Home Occupations	Not Relevant
3.4 Integrating Land Use and Transport	<p>The site is extremely well located to make use of existing services and employment opportunities and will complement and support these existing uses. The increased density on the site also 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 walker catchment of public transport nodes. The provision of increased housing supply within a walkable neighbourhood reduces the need for car dependency.</p> <p>The site's proximity to public transport will provide for increased opportunities to live, work and play within the LGA through the provision of residential accommodation adjacent to key employment nodes and therefore facilitating a walkable neighbourhood.</p>
3.5 Development Near Licensed Aerodromes	The site is not in close proximity to Sydney Airport however it is affected by obstacle limitation surface (OLS) of 156 AHD comment. The proposal sits below the OLS limit for the site.
3.6 Shooting Ranges	Not Relevant
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	<p>There is no mapping of acid sulfate soils (ASS) by Council.</p> <p>Given the location of the site on a ridge the likelihood of ASS is low. Evidence of recent construction close to the site demonstrate ASS is not a constraint to the future proposed development of the site. Further assessment can be carried out if necessary as part of any future development application.</p>
4.2 Mine Subsidence and Unstable Land	Not Relevant
4.3 Flood Prone Lane	Not Relevant
4.4 Planning for Bushfire Protection	Not Relevant
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Revoked
5.2 Sydney Drinking Water Catchments	Not Relevant

<b>Ministerial Direction</b>	<b>Consistency of Proposal</b>
5.3 Farm Land of State and Regional Significance on the NSW Far North Coast	Not Relevant
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Relevant
5.5-5.7	Revoked
5.8 Second Sydney Airport: Badgerys Creek	Not Relevant
5.9 North West Rail Link Corridor Strategy	Not Relevant
5.10 Implementation of Regional Plans	The Planning Proposal is consistent with this Direction, as discussed within Question 3, Section 9.2.2.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.
6.3 Site Specific Provisions	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the NSLEP 2013.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of A Plan for Growing Sydney	The Planning Proposal gives effect to the Greater Sydney Region Plan and the North District Plan in accordance with Direction 7.1. The Planning Proposal is consistent with the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained in the Greater Sydney Region Plan. This is further discussed Section 9.2.2.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not Relevant
7.2 Implementation of Greater Macarthur Land Release Investigation	Not Relevant
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not Relevant
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Relevant



Ministerial Direction	Consistency of Proposal
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Relevant
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Relevant
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Relevant

### 9.3. ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACT

#### 9.3.1. 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?

The site is fully developed comprising buildings constructed to the site boundaries, as such there is no on-site natural vegetation present. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts arising from future redevelopment are extremely minimal.

#### 9.3.2. Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is free of major constraints. There are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development. Preliminary investigations have been undertaken as outlined below.

##### Visual Impact

The Planning Proposal has been informed by a detailed analysis of the changing built form context of North Sydney and the Pacific Highway corridor. The below diagrams prepared by GMU at **Figure 19** illustrates the proposal within the changing urban context.

Various built form scenarios have been tested for the site as detailed in the Urban Design Report at **Appendix A**. The stepped podium and slender tower form is considered the optimal built form scenario for the site, as per the Urban Design Report prepared by GMU:

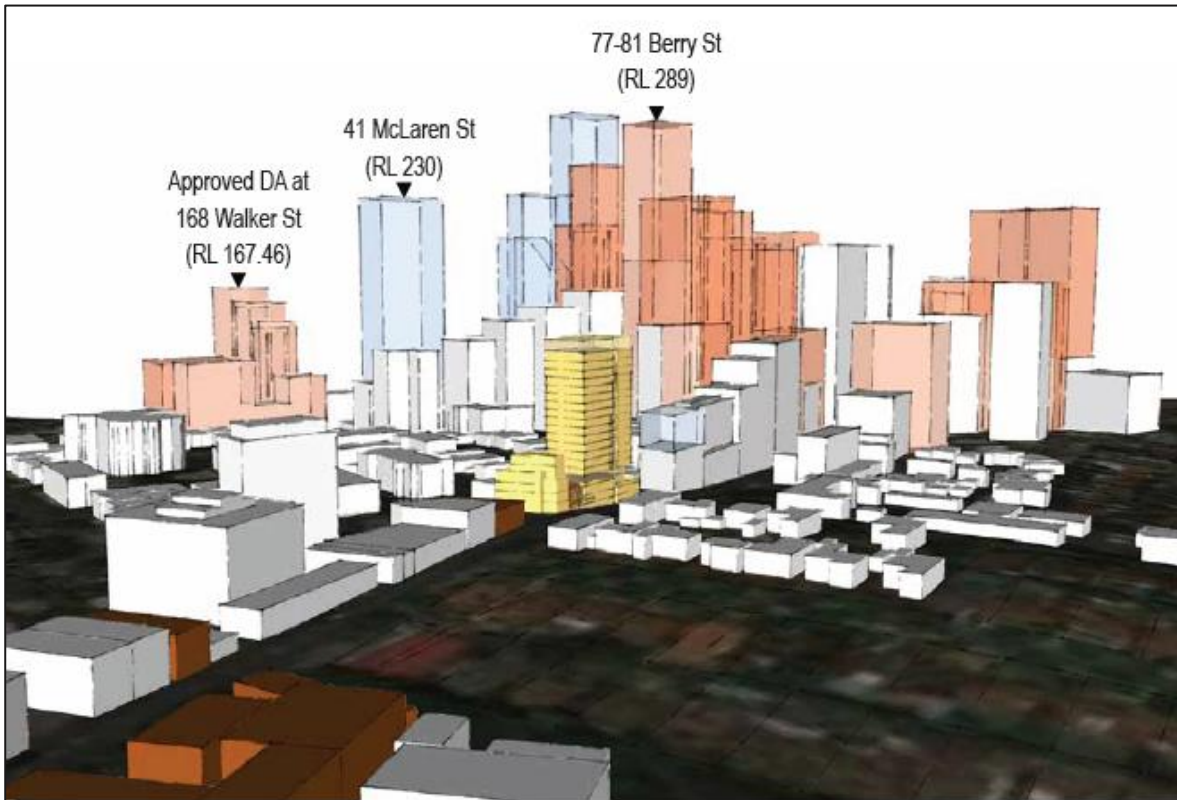
*“A slender tower form with increased setbacks to the conservation area and lower scale form to heritage items presents a balanced and sustainable approach responding to the need to growth this corridor whilst responding to the current and future context. The tower is distinctly separated from the heritage item which is considered a visually less dominated form to the heritage item and reduce the length of the site with a taller marker.”*

A strong built form characteristic of North Sydney is an abrupt scale change from high rise developments to adjacent low-scale conservation areas. Examples of this include tower development on Berry Street (west of the Pacific Highway) and the Ward Street Precinct and its immediate context. Of considerable relevance is the recent master planning exercise undertaken for St Leonards and Crows Nest Station Precinct, which focuses density along the Pacific Highway with abrupt density changes on properties falling away from the commercial spine.

Section 4.3 of the Urban Design Report contains a suite of site-specific urban design guidelines to ensure that an appropriate built form and design excellence is achieved. The guidelines include elements such as height in storeys, setbacks and separation and landscaped areas.

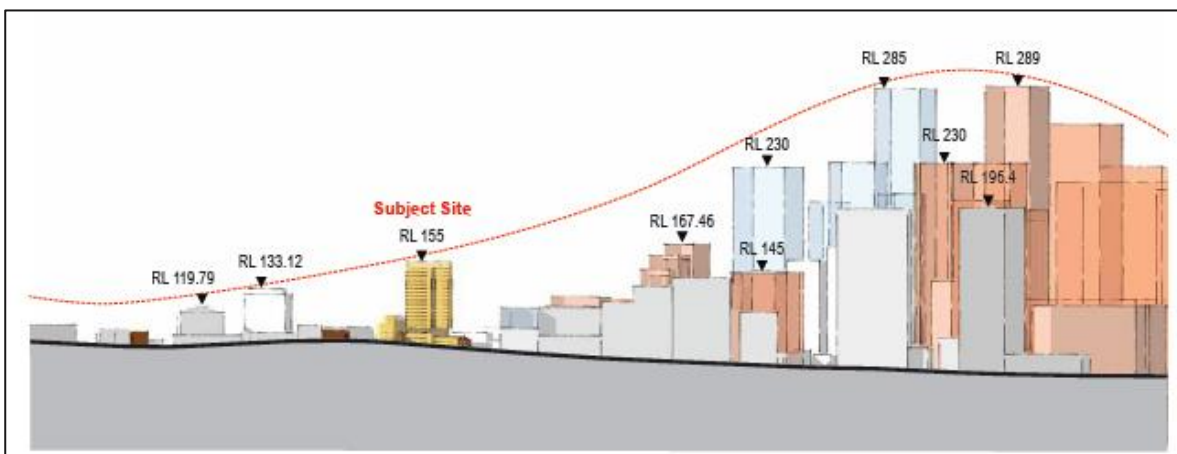
The visual impacts of the proposed development will be further refined and considered at the detailed DA stage, including façade design and materials and finishes.

Figure 19 – Changing urban context



Picture 1 – Bird eye view of proposal, showing the changing context of North Sydney CBD and Ward Street Precinct

Source: GMU 2018



Picture 2 – Height context of Pacific Highway

Source: GMU 2018

## Traffic

ARUP have prepared a Traffic Impact Assessment which accompanies the Planning Proposal submission at **Appendix D**. The assessment describes the existing local traffic context, including access and the potential traffic implications of the Planning Proposal. The report addresses the following matters:

- An overview of the existing transport and planning context
- Generation of car trips
- Traffic impacts of the development
- Public transport accessibility
- Car parking arrangements
- Pedestrian and bicycle access

The report confirms that the proposed parking provisions are considered appropriate to meet the parking needs of the development while also minimising the impact on the adjacent road network by reducing traffic generation. The assessment estimates that the development will generate only 4 vehicle trips during the AM peak hour and 3 vehicle trips during the PM peak hour, which will have minimal impact on have a minimal impact on the local transport network.

## Residential Amenity

The Indicative Concept Design has been developed having regard to the requirements of State Environmental Planning Policy 65 and the accompanying Apartment Design Guide (ADG).

An analysis of the Indicative Concept Design has been undertaken by PTW (**Appendix B**). This analysis confirms that a residential development could achieve an acceptable level of internal amenity for future residents with regard to solar access, natural ventilation and privacy. Based on the indicative apartment layout tested by PTW, the following is noted:

- 91% of apartments achieve the ADG requirement of 2 hours of sunlight between 9am and 3pm in mid-winter.
- 68% of apartments (ground floor to Level 8) are cross ventilated.
- Apartment sizes and private open space meet the requirements under the ADG.
- Adaptable apartments can be accommodated under the concept floor plates.

## Overshadowing

An assessment of the potential shadow impacts of the Planning Proposal has been undertaken within the Indicative Reference Design at **Appendix B**. The slender tower form creates a fast moving shadow, traversing the education uses on the western side of the Pacific Highway, before moving across the highway to the south east.

The shadow generated by any future development in accordance with the Planning Proposal will not dwell on any significant open space, heritage item or public facilities. The findings of the shadow analysis can be summarised as follows:

- The tower form affects the North Sydney Demonstration School's playground between 9am-10am. Recess time is at 10.15am and therefore the proposal will have no impacts on the activity time of the school.
- KU Dem School Kids Care playground to the west of Pacific Highway is usually used between 7:30-9am and 3-6pm during its operation time as a before and after school care facility. As shown in the shadow analysis, approximately 30% or more of the outdoor space can receive sunlight between 8-9am, which is in accordance with the minimum standards under the Childcare Planning Guideline 2017.
- The shadow largely falls on the Pacific Highway and the commercial development at 1 McLaren Street between 11am – 1pm.

- From 1pm onwards, the shadow falls on McLaren Street properties and the rear of the Church Street residential properties. Based on desktop research of the internal layouts of the Church Street residential properties undertaken by GMU (refer to Urban Design Report at **Appendix A**), primary living areas and private open space are generally orientated the north and east and are unaffected by the proposed development. Whilst the houses at 2 Church Street and 8A-10A Church Street have west facing courtyards, the solar analysis indicates that a minimum of 2 hours of solar access is received in mid-winter. As demonstrated in the shadow analysis, redevelopment on the site under the current built form controls would create similar shadow impacts for the rear of the Church Lane properties.

## Wind

A preliminary review of the Indicative Concept Design was undertaken by Vipac Engineers and Scientists to provide an opinion on the likely impact of the local wind environment to the critical outdoor areas within and around the subject site (**Appendix E**). The wind report incorporates recommendations for the detailed building design which can be addressed at the detailed DA stage to ensure appropriate wind comfort levels are achieved, including the following:

- Curving the tower corners to suppress vortex shedding;
- Providing an awning along the Pacific Highway frontage as shown in the Concept Scheme; and
- Incorporate a balustrade to the communal open space area with a minimum height of 1.8m.

## Noise

The site is affected by road noise associated with the Pacific Highway. Mitigation measures would be required to address noise if future redevelopment plans include residential uses. It is expected that these matters would be addressed at a future DA stage.

## Servicing

The site is located on the edge of the North Sydney CBD in close proximity to existing services. In liaison with service providers, any future redevelopment would be subject to further capacity testing to determine the suitability of existing service infrastructure and any upgrades required.

## Contamination

A Preliminary Site Investigation (PSI) has been carried out and is attached at **Appendix F**. The findings of the PSI show that the site can be made suitable for the intended land uses. Potential contamination identified within the PSI is representative of common urban environments and implementation of typical contamination management practices would result in the mitigation of unacceptable risks to future site users.

### 9.3.3. Q9 - Has the planning proposal adequately addressed any social and economic effects?

As detailed in **Table 10** above, the Planning Proposal is considered to have a number of economic benefits. Through realising economic benefits, a positive social on-flow effect can also occur with the public benefiting through job creation and public domain upgrades.

The economic and social benefits are summarised as follows:

- Facilitates renewal of a key site: The Planning Proposal enables to the renewal of an older, inefficient commercial building to a new building that contributes to the evolution of the North Sydney and the Pacific Highway corridor.
- Ensures ongoing employment: The proposal to create a minimum non-residential FSR control for this site ensures any future redevelopment includes, as a minimum, 1:1 FSR worth of non-residential space. This does not preclude a higher proportion of any future redevelopment being allocated to office or another form of employment generating use during the detailed design phase.
- New and greater variety of job types: The consolidated redevelopment of the site will for a mix in size and typology of retail and commercial floor space, allowing greater flexibility than if the sites were to be redeveloped in isolation. Direct and indirect jobs will be created during the construction stages.
- Improving the quality of the commercial floorspace: The development of new office space would create a more modern, flexible and contemporary working environment. Any new commercial floorspace would

be designed to better suit tenant needs and demand, including a more flexible floorplate better suited to growing industries.

- Affordable office space and community facility: The Public Benefit Offer includes the dedication of 349sqm of floor space to Council affordable office space by 'start-up' businesses and 55sqm of floor space to be utilised for community facilities.
- Affordable housing: The Public Benefit Offer includes 233qm of GFA to be delivered for affordable housing (operated by Council or an affordable housing provider) for the benefit of key workers in the region.
- Additional services: The mixed use zoning permits a range of services uses, creating the opportunity to deliver additional services within North Sydney, for example, community and busies uses.
- Improved public domain and ground floor activation, reinvigorating the precinct for workers and residents: The inclusion of retail floor space at the ground floor plane, which would support cafes, restaurants and the like, would have the benefit of activating the site and the precinct, contributing to a sense of place and activity day and night.

## 9.4. STATE & COMMONWEALTH INTERESTS

### 9.4.1. Q10 - Is there adequate public infrastructure for the planning proposal?

Yes. The site 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. Furthermore, any future redevelopment of this site would reinforce existing investment in public transport infrastructure, through increased patronage of the existing station at North Sydney and the new metro rail station at Victoria Cross.

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

### 9.4.2. 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 Planning Proposal.

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.



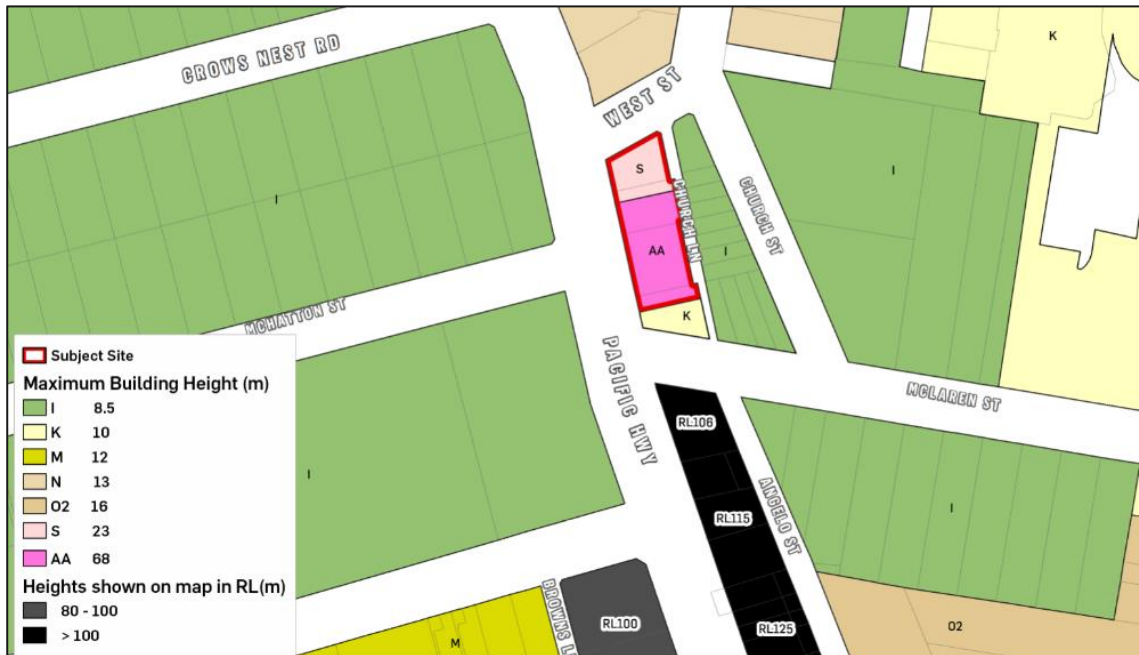
# 10. MAPPING

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

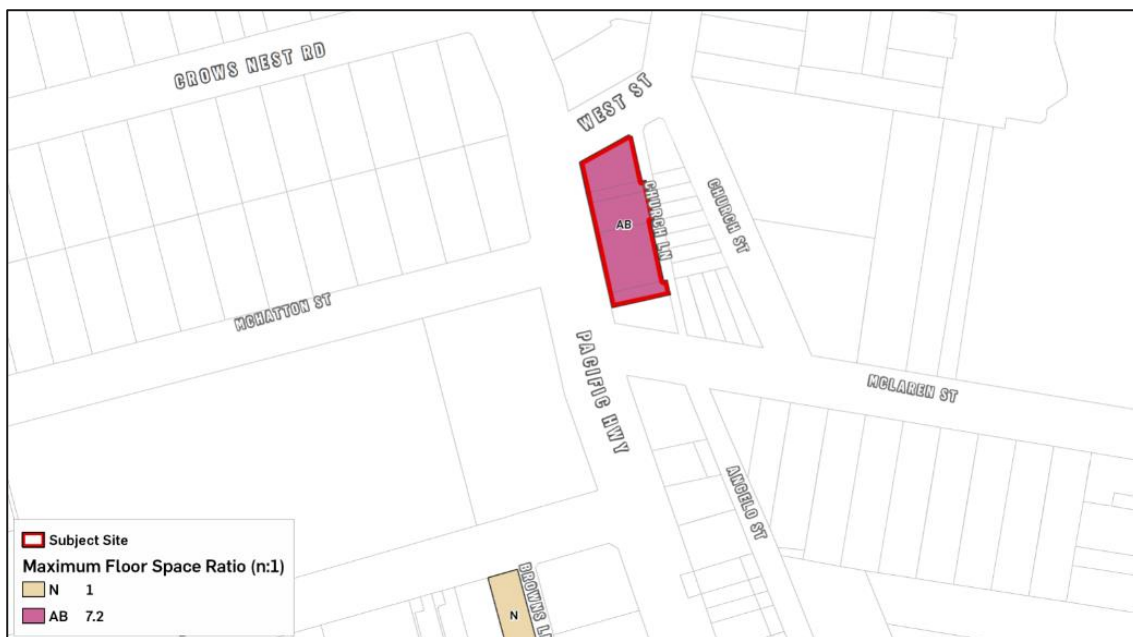
- Height of Buildings Map Sheet HOB\_002A
- Maximum Floor Space Ratio Map FSR\_002A
- Non Residential Floor Space Ratio Map LCL\_002A

The proposed amendments to the LEP maps are provided in **Figure 20** below.

Figure 20 – Proposed LEP amendments



Proposed maximum building height control



Proposed maximum FSR Control



*Proposed minimum non-residential FSR Control*

## 11. PART 5 - COMMUNITY 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.

It is anticipated that the 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 DPE as required, and provide written comments in response to assist in the assessment of the Planning Proposal.

## 12. PART 6 - PROJECT TIMELINE

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

Table 11 – Indicative Project Timeline

Stage	Dates
Consideration by North Sydney Council	Late September 2018 – December 2018
Planning Proposal referred to Department of Planning and Environment for Gateway Determination	January – February 2019
Gateway Determination by Department of Planning and Environment	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Commencement and completion of public exhibition	6 weeks
Consideration of submissions and consideration of the proposal post-exhibition	6 weeks
Proposal reported back to Council for endorsement	Late 2019
Date of submission to the Department of Planning and Environment to finalise the LEP	Late 2019 / Early 2020

## 13. CONCLUSION

This Planning Proposal seeks an amendment to the North Sydney Local Environmental Plan 2013 to establish planning controls that would enable high density mixed use development on the site at 253-267 Pacific Highway, North Sydney.

The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high quality mixed-use development in a location highly suitable for density uplift. The envisaged future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres.

We consider the proposed amendments to NSLEP 2013 satisfy the strategic merit and site specific merit tests and would enable an appropriate development outcome and generate significant community benefit for the following reasons:

- **From a strategic planning policy perspective:** The Planning Proposal positively aligns and is consistent with the achievement of State and Local Government strategic planning goals of increasing employment and housing densities in strategic centres with access to public transport. The site is already zoned suitable from a mix of commercial and residential uses. The proposed density increase for housing and employment is justified on the grounds of the sites' proximity to the major new metro rail infrastructure as well as the employment and services offerings of North Sydney CBD.
- **From a local context perspective:** The Planning Proposal has site-specific merit because it facilitates future development that would achieve an appropriate built form and scale outcome, having regard to the existing and emerging scale of development on adjacent and surrounding sites. The tailored building height controls will achieve a contextually appropriate outcome having regard to the future higher building heights to the south and the established residential area to the east.
- **From a net community benefit perspective:** The Planning Proposal will create a range of genuine public benefits, including:
  - By doubling the minimum non-residential floor space control, the future redevelopment will make a positive contribution to achieve employment growth on the site.
  - Under the proposed public benefit offer, future redevelopment will include the delivery and dedication of affordable rental housing, commercial floor space and a community facility which will create significant benefits for residents and small businesses in the community.
  - The dedication of land to enable with widening of Church Lane will significantly improve the safety and amenity of the laneway, which at present, is burden by uneven property boundaries resulting in a very narrow road carriageway in sections.
  - Future redevelopment will employment opportunities during the construction stage and during ongoing operations.
  - The project will enable new housing to be accommodated within the site, which increases housing choice and diversity within a designated Strategic Centre in close proximity to public transport infrastructure with a proportion to be delivered as affordable rental housing for key workers.
  - A new, fit-for-purpose commercial office space within a podium level, as well as easily identifiable and permeable ground level retail, all of which would appeal to a wide range of local and small businesses, positively contributing North Sydney's aspiration to become as a highly desirable place to live, work and play.
  - Public domain benefits which integrate the built form and public realm to create a landscaped activated open space at the ground place, for the enjoyment of the community.
  - Locating density in a desired location that will be serviced by the new metro rail line as well as the existing heavy rail service.
- **From an environmental perspective:** The provision of a mix of uses on the site with good accessibility to services and public transport, will generate environmental benefits by encouraging more trips within and outside of the centre without cars, and without generating adverse environmental impacts such as wind, solar and traffic on the locality. The assessment of the environmental performance of the Indicative



Concept Design has found that it would satisfy the key environmental amenity requirements for future workers and residents in the building.

The Planning Proposal achieves the right balance of maintaining an employment focus while also recognising the benefits of providing other uses to take advantage of the locational and amenity benefits this part of North Sydney Centre. In considering the tangible community and economic benefits of the Planning Proposal, in our opinion the proposal has clear strategic and site-specific planning merit to warrant proceeding to a Gateway Determination.



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URBAN DESIGN REPORT IN SUPPORT OF A PLANNING PROPOSAL  
FOR NOS. 253-267 PACIFIC HIGHWAY, NORTH SYDNEY

26 / 09 / 2018





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B	07 / 09 / 2018	Final Draft	LZ	GM
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# 1. INTRODUCTION





## 1.1 INTRODUCTION

GM Urban Design and Architecture (GMU) have been appointed by Legacy Pty Ltd to undertake an urban design study for a mixed-use development for the site located at Nos. 253-267 Pacific Highway, North Sydney.

The main purpose of this study is to consider the site opportunities given the location of the site, its current and future context given its proximity to the new station at North Sydney. The study has also considered built form principles and density to achieve an appropriate urban design outcome that is mindful of its context but also contributes to need for Transit Oriented Development around the new Metro station in recognition of the State Government's infrastructure investment.

In formulating the opinions in this report, GMU has conducted extensive analysis of the context and modelling of the existing heights along the Pacific Highway growth corridor between the North Sydney CBD and St Leonards area as well as the proposed height of recent DA and Planning Proposals to determine likely height scenarios for the future expansion of the Crows Nest and North Sydney Centres. We have also analysed and formed a view on the potential for height increases for the subject site mindful of the adjacent Conservation area and relationships between this lower scale area and the new towers to the south of this block approved by Council that also recognises the changing role of the Pacific Highway Corridor.

This study has considered the broader planning framework for the surrounding city centre area and the intent of the applicable and draft controls to the general and immediate context. This urban design report forms part of the supporting documentation included as part of a Planning Proposal for the site and will also be included as part of the design brief for a future design excellence competition for the site.

### Methodology

In undertaking this study and arriving at the views and conclusions expressed in this report, GMU has undertaken the following methodology:

- Site and broader context visit.
- Reviewed the North District Plan
- Reviewed the current controls for the subject site, subject block and North Sydney CBD in general.
- Researched previous studies for North Sydney City Centre and St Leonards and Crows Nest Station Precinct including:
  - North Sydney CBD Capacity and Land Use Strategy (May 2017)
  - North Sydney Commercial Centre Study 2013
  - North Sydney - North of Centre Precinct Plan (the Draft Ward Street Master Plan November 2016).

- Ward Street Precinct Masterplan (Exhibited in August 2018)
- St Leonards and Crows Nest Station Precinct Interim Statement by the Department (August 2017)
- St Leonards & Crows Nest Station Precinct Preliminary Urban Design Analysis (May 2017)
- Reviewed Planning Proposals and recent DA approvals or DA's under assessment in the vicinity of the subject site.
- Considered the site and block from various vantage points including approaching by car and public transport and its visibility from Robin Thomas Reserve and Pacific Highway.

## 1.2 THE SUBJECT SITE

The subject site consists of Nos. 253, 255-259, 261-263, 265 & 267 Pacific Highway, North Sydney. The site has an area of approximately 1,469sqm and is irregular in shape. It has a primary street frontage of approximately 59.7m to Pacific Highway.

The site is bounded by Pacific Highway and Crows Nest Road Conservation Area to the west, West Street to the north, Church Lane and lower scale McLaren Street Conservation Area to the east.

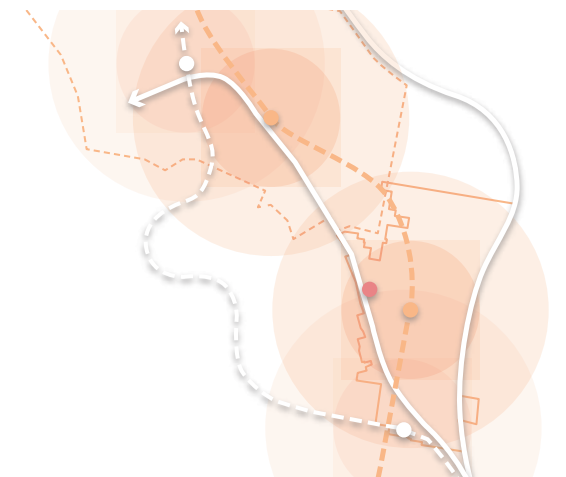
The site is currently occupied by five 2-storey brick buildings with commercial use including a heritage item at Nos. 256 Pacific Highway proposed to be retained. It is located approximately 260m west of the new Victoria Cross Metro Station and 850m to the existing heavy rail station.



Figure 1. Aerial photo of subject site (source: Near Map).



## 2. STRATEGIC CONTEXT ANALYSIS



2.1 NORTH SYDNEY AND THE URBAN STRATEGIC FRAMEWORK

The North District Plan, released in March 2018, provides the overarching district-level planning direction to implement 'A Metropolis of Three Cities-the Greater Sydney Region Plan', guiding development towards the 40-year vision. The Plan seeks to locate housing and jobs in the right places to support new and improved infrastructure. It also targets enhancing North Sydney's commercial core, seeking to strengthen the District's economic link to the Harbour CBD and its role as part of the Eastern Economic Corridor via a number of priorities and actions.

As shown in Figure 2, the North Sydney CBD has become part of the 'Harbour CBD', which is envisioned as Australia's global gateway. The intent is to grow the CBD as a whole to boost productivity and global connections. It will be further supported and shaped by the Sydney Metro, which is Australia's largest public transport project.

The planned new Victoria Cross Metro Station, located in the northern section of North Sydney CBD, will "relieve demand in peak hours and support continued growth of the North Sydney CBD and enhance Sydney's status as a global city" (courtesy of Sydney Metro City & Southwest Project overview - February 2016). The District Plan also targets an additional 3,000 new homes by 2021 in North Sydney LGA. The desired area for the new dwellings is shown in yellow in Figure 3.

Proposed entries to the station are via Miller Street at the corners of McLaren Street and Berry Street. This catalyst infrastructure will strengthen the connectivity and accessibility of North Sydney as well as bring new opportunities to revisit and optimise land use for sites still available for redevelopment. The goal is to establish a compact, transit oriented core around both the existing heavy rail and new metro stations.

The subject site is strategically located along Pacific Highway and approximately 260m to the west of the new north entry to the Victoria Cross Station. Benefiting from excellent access to public transport - both major CBD bus routes and the new rail station, this site presents an opportunity to:

- Support the significant State Government's infrastructure investment.
- Provide a mixed use development to support the housing and job targets and contribute to intensification in close proximity to the new station.
- Enhance the vitality and after hour activities within the centre area and particularly along the northern portion of the Pacific Highway spine.
- Reinforce the Highway concentration of development that is intended to occur along Pacific Highway, both for North Sydney and Crows Nest over time.

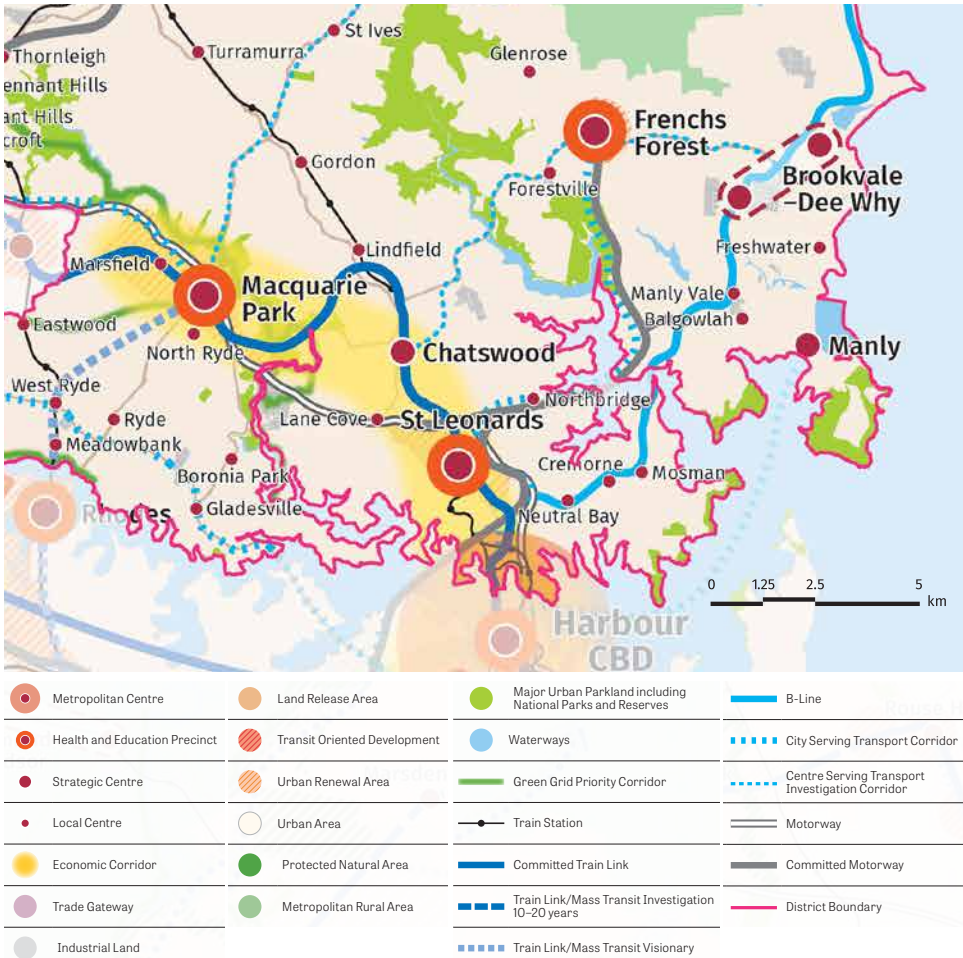


Figure 2. North District Structure Plan (source: North District Plan).



Figure 3. Housing supply strategy (source: North District Plan).

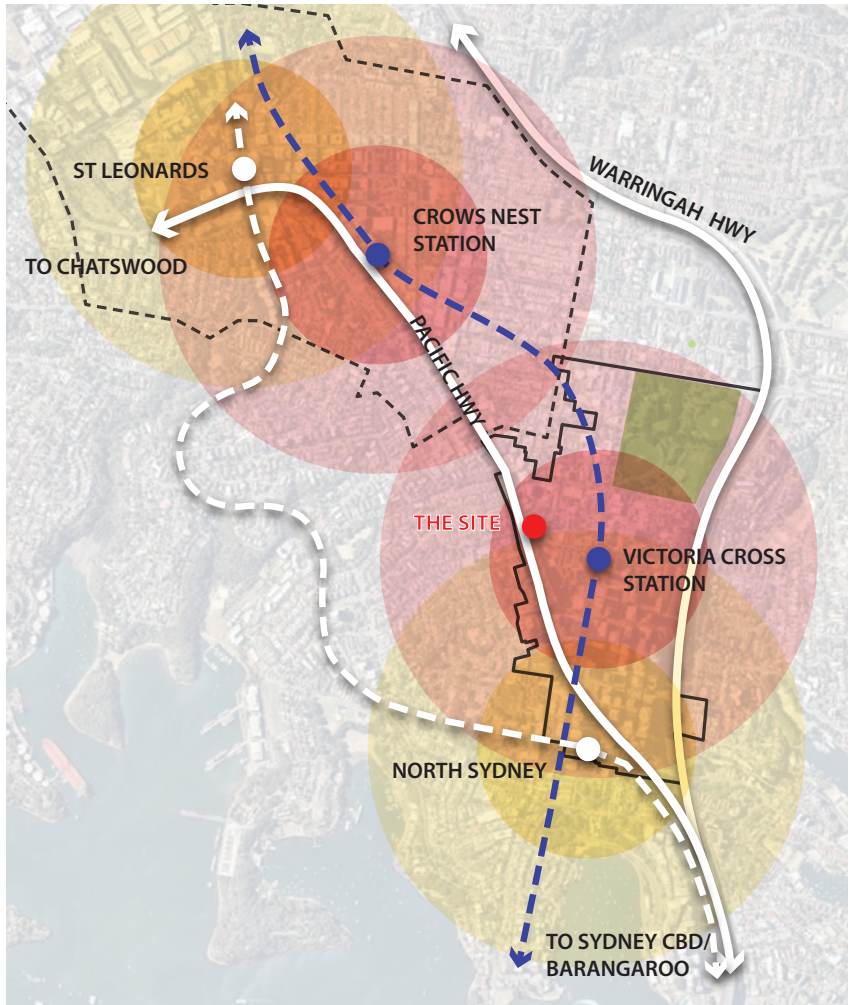


Figure 4. Connectivity of North Sydney (source: GMU)



2.2 FUTURE GROWTH OF NORTH SYDNEY

North Sydney CBD Capacity and Land Use Strategy

In early 2017, North Sydney Council adopted the North Sydney CBD Capacity and Land use strategy (the Strategy). In May 2017, Council lodged a Planning Proposal to implement the Strategy for the North Sydney Centre. It proceeded to Gateway in July 2017. The Planning Proposal has since been exhibited and has been forwarded to DPE for gazettal which is now imminent.

In light of the new metro station, the Strategy seeks to facilitate intensification with increased heights in the centre core area, i.e. the height limit for No. 77-81 Berry Street has been increased from RL185 to RL 289. The Strategy also attempts to unlock the commercial capacity within North Sydney CBD area whilst identifying future residential opportunities in the mixed use zone of the centre. The main purpose of this study is to respond to the strategic planning direction to maintain North Sydney as a resilient, vibrant and world class commercial centre as well as seek to intensify land use opportunities around the new metro stations. It can be seen in Figure 5, that the future main height spine is still located between Miller and Walker Street with a secondary height spine along Pacific Highway extending towards Crows Nest.

The Planning Proposal recommends the following implementation strategies:

- A 10am to 2pm restriction on additional overshadowing to residential land outside of the North Sydney Centre.
- Apply new height controls via the following mechanisms:
  - New height controls for lands zoned B3 Commercial Core zone applied via a Council-initiated planning proposal.
  - New height controls for lands within B4 Mixed Use zone subject to consideration of proponent-initiated planning proposal processes.
- Revisit and amend the Special Areas Map of NSLEP 2013
- Prohibit the development of serviced apartments within the B3 Commercial Core zone.
- Review North Sydney DCP 2013 Part B Section 2 Commercial Development and Part 3 Section 2 North Sydney Planning Area Character Statement to further consider built form issues within the Centre.

To respect the rich built form heritage within the North Sydney CBD area, the Strategy retains the existing building height controls for the majority of heritage item with the exception of a small number of sites.

The adopted Land Use Strategy conducted studies for a number of sites within the CBD area and recommended potential height uplift. It is noted that the proposed amendments to the maximum height control map only focuses on the lands in the commercial core area (B3 Commercial Core Zone). The proposed LEP height amendment across B3 zoned land is significant and will result in much higher forms in the CBD in the near future.

The recommended changes to the existing lands zoned B4 have not been included as part of the amended 'height of building control' as yet, however, the Ward Street Master Plan area (details will be discussed in the following section) and 1 McLaren Street do include proposed height uplift on B4 zoned land, which will inform future LEP amendments for that part of the centre. The land use strategy recommends a height uplift of up to RL 118m (12m additional height) on 1 McLaren Street.

North Sydney Economic Development Strategy (2016)

This Strategy illustrates the Council's overarching vision for economic development and sets out a coordinated plan and function to facilitate the continued economic growth of North Sydney.

The strategy offers a list of strategies and actions for the future development of North Sydney Centre (CBD area). The new Victoria Cross Station, as catalyst infrastructure, provides the opportunity to review the current land uses and density on developable lands to achieve a transit-oriented development. The desired intensification will extend the density and height within North Sydney CBD towards McLaren Street.

Given the site's convenient location adjacent to the existing CBD area and in proximity to the new Victoria Cross Station as well as key community uses, GMU consider that it contribute to the future growth of the North Sydney CBD area and support the new station in many aspects.

The key opportunities under the strategy for the subject development are:

- Strategy 2 - Improve amenity of centres for workers
- Strategy 9 - Support small business, start-ups and those working from home.
- Strategy 10 - Enhance the role of North Sydney's smaller centres as focal points for night time activity by targeting specific needs in the early evening hours.
- Strategy 11 - Enhance the role of North Sydney's major centres as focal points for night time activity by targeting entertainments uses.
- Strategy 16 - Increase residential population in appropriate areas to support centres' role and function.

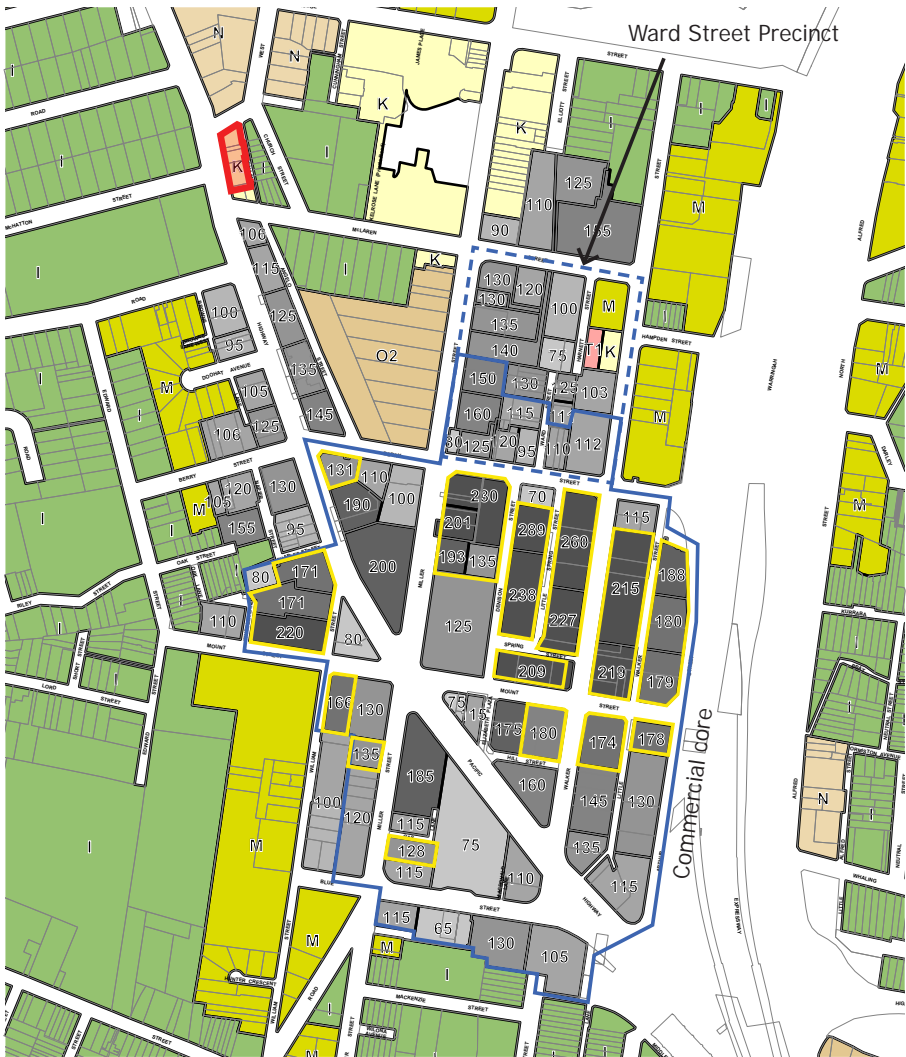


Figure 5. Amended Height of Building map - New heights outlined in yellow (source: Planning Proposal for North Sydney Centre prepared by the Council)



Figure 6. 3D modelling of recommended increase in height at 1 McLaren St (source: North Sydney CBD Capacity and Land Use Strategy)



Ward Street Precinct Masterplan

Stage 1 phase

In 2017, North Sydney Council prepared a draft master plan for the Ward Street precinct, which sought additional density and height as a world-class transit-oriented development in recognition of the Victoria Cross Station.

The draft Masterplan targeted a new community hub including public benefits such as a new through site link with a central square, community facilities and a mix of residential, commercial, retail and hotel uses. The proposed maximum height is RL 206 (approximately 39 storeys). It also intended to adaptively reuse the listed heritage building designed by Harry Seidler (41 McLaren Street) with increased height to create additional floor space.

The plan would establish a new desired future character around the Victoria Cross Station and alter the future city skyline with significant height further towards McLaren Street the north.

In late 2017, Architectus lodged a Planning Proposal for 41 McLaren Street. It sought approval for increased height up to RL 230m (45 storeys). This is based on an alternative precinct master plan with an urban design justification recommending a 60-storey tower (RL 300) on top of the new station at Berry Street.

The Sydney North Planning Panel reviewed the proposed development and its alternative Ward Street Precinct masterplan option and recommended that it should proceed to Gateway and be exhibited as one of the Precinct options.

Stage 2 - Exhibition

In August 2018, Council exhibited 2 options for public review and comment. The Masterplan Report prepared by Hassell, shows the tallest tower of 57 storeys (RL 285) adjacent to the new metro station with height transition towards McLaren Street. Option 1 has the primary open space located on Miller Street with an increased height of up to RL 160m (30 storeys) for 41 McLaren Street. Option 2 suggests a central square within the precinct which limits the building height to the north. No uplift is proposed for 41 McLaren Street.

According to Council's interim Submissions Report dated 05 May 2017, there is a need to investigate expanding the boundaries of the North Sydney Centre to facilitate renewal of the CBD area. The master plan recognised this and suggested expanding the CBD north to St Leonards Park and Falcon Street, within the walking distance of the new metro station. GMU considers this an appropriate design approach for the future expansion of North Sydney CBD area.

It is noted that the subject site is within the walking catchment of the station. It has been catagorised as part of the future Mid-town area where the desired future city expansion would occur. This gives the site an opportunity to consider a transit-oriented development in response to the future vision.

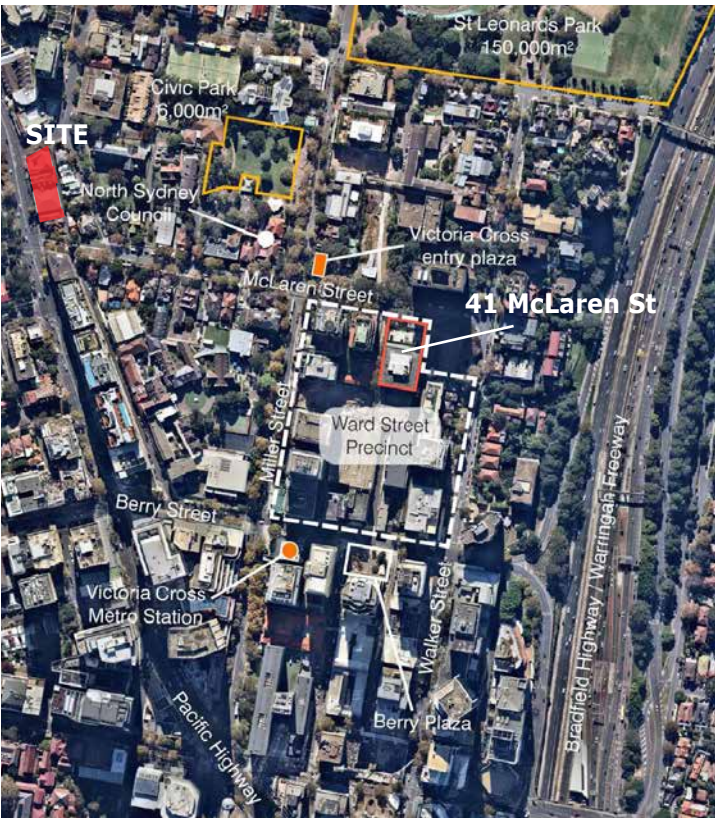


Figure 7. Context Map (extracted from Architectus Planning Proposal - 41 McLaren Street, North Sydney).



Figure 8. Stage 2 Ward Street Precinct Masterplan - Urban design analysis (source: Ward Street Precinct Masterplan by Hassell).

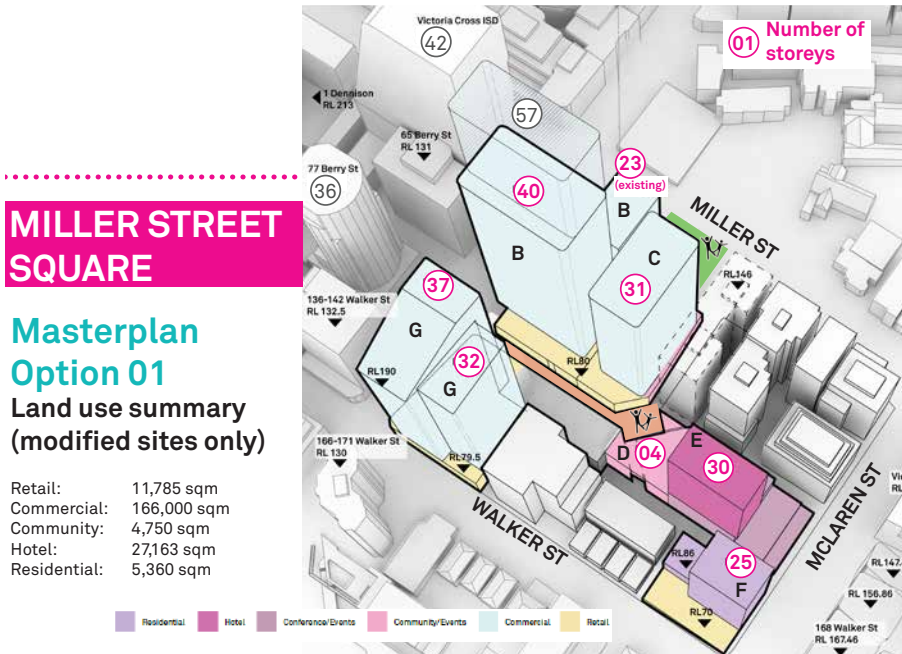
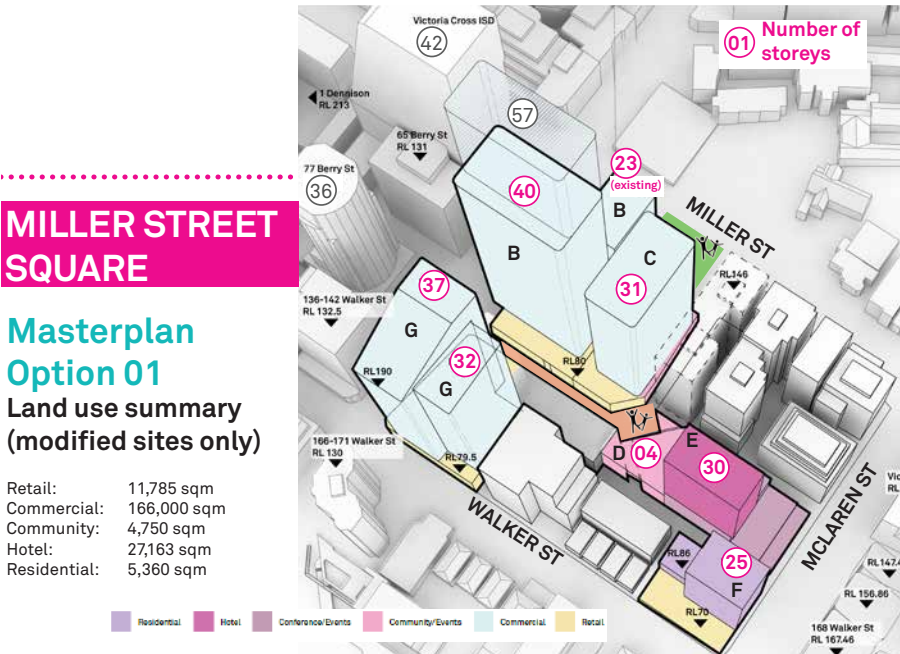


Figure 9. Stage 2 Ward Street Precinct Masterplan - Options (bottom) (source: Ward Street Precinct Masterplan by Hassell).



2.3 CROWS NEST AND THE METRO STATION

In August 2017, the Department released the St Leonards and Crows Nest Station Precinct Interim Statement. The Statement puts forward the new vision/ strategies and targets for employment growth to support the new metro station. The vision and strategy are to:

- Establish St Leonards/Crows Nest as a 'Health and Education Super Precinct'.
- Provide a varied skyline with increased height and density within a 400m catchment area of St Leonards and Crows Nest Metro stations, especially along Pacific Highway corridor as a key height spine.
- Achieve uplift in some of the underdeveloped lower scale sites.
- Maintain the heritage context/character in the area.

In July 2018, the Department released the Crows Nest Integrated Station Development which indicated a height of up to 27 storeys over the Crows Nest Metro Station (see Figure 11). The advent of the metro station redevelopment will change the profile of Crows Nest.

The existing maximum building height is RL 196m for St Leonards. There is a recently approved development at No. 617-621 Pacific Highway with a maximum height up to RL 263 (50 storeys). It will reposition the height apex of St Leonards Town Centre. There are a number of other proposals seeking significant uplift for the sites along the Pacific Highway corridor,

including 100 Christie Street (36 storeys) and 500-520 Pacific Highway (36 storeys).

According to the Interim Statement, Crows Nest will support the growth of St Leonards and establish a stronger Health and Education Precinct. The Opportunities diagrams clearly indicates that the intent of the strategy around this station is to redevelop to achieve uplift in some of the lower scale sites currently underdeveloped along Pacific Highway whilst ensuring that heritage and low scale character areas can maintain their current low scale form.

There is a current planning proposal for the site bounded by Falcon Street to the north, Alexander Street to the east and Pacific Highway to the southwest. The proposal seeks to rezone the land for a maximum 60 storey development (approx. 302m AHD). It provides a major marker to identifies the existing 5-way junction located at the southern end of the existing Crows Nest village centre along Willoughby Road. Whilst it is not known if this height would be supported it is clear that the highway provides an appropriate opportunity to achieve taller development and respond to the role of this intersection.

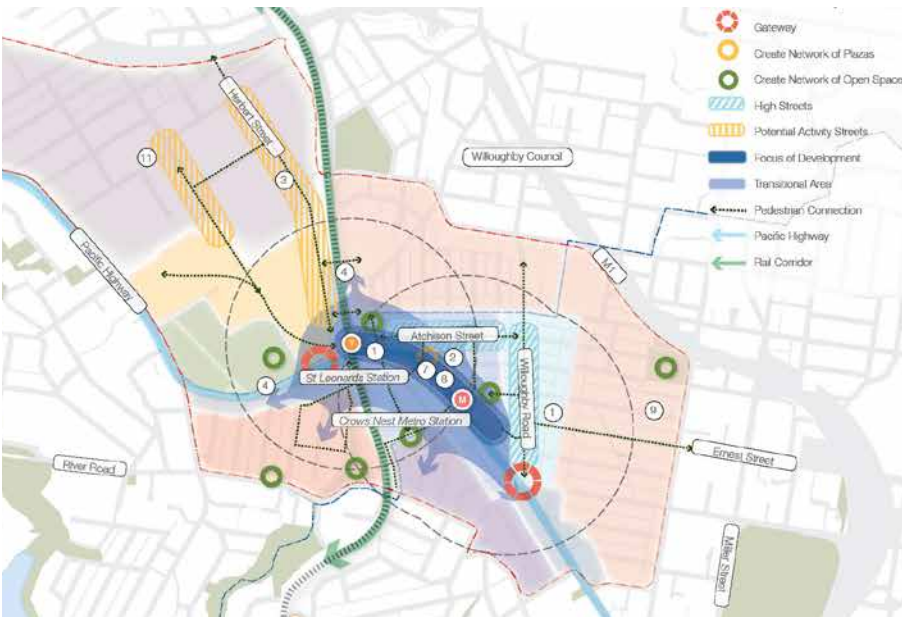


Figure 10. St Leonards and Crows Nest Station Precinct (Extract from St Leonards & Crows Nest Station Precinct Preliminary Urban Design Analysis).

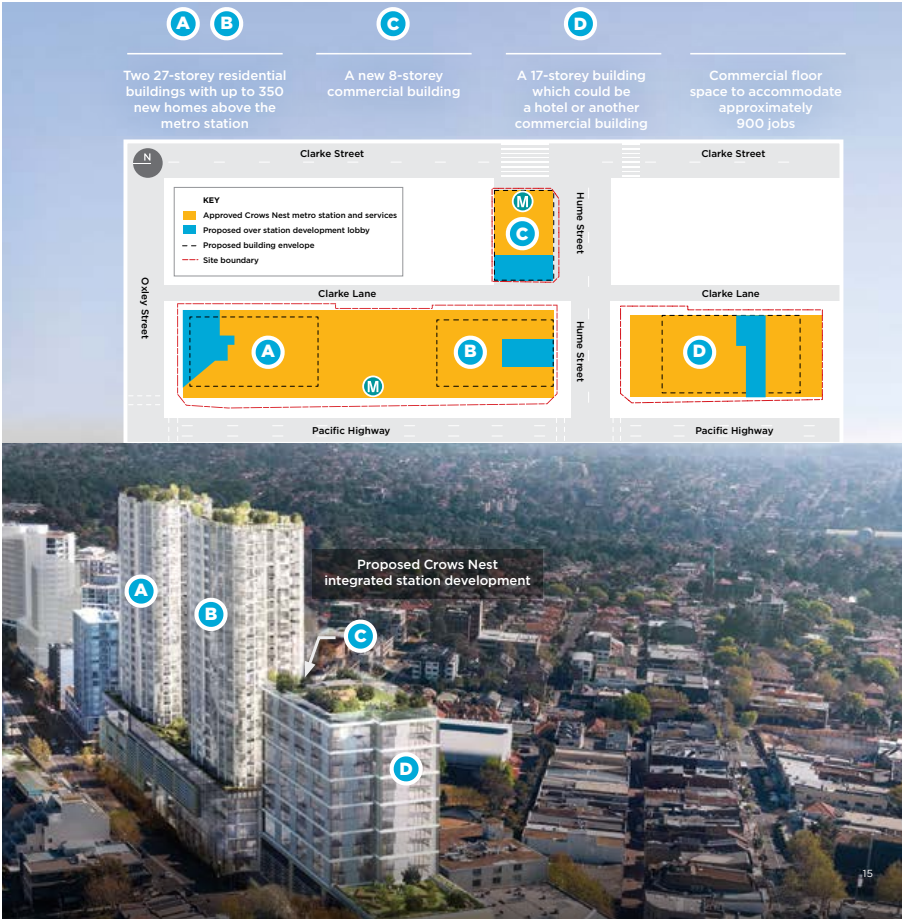


Figure 11. Proposed development over the new metro station (source: Crows Nest Integrated Station Development by DP&E)

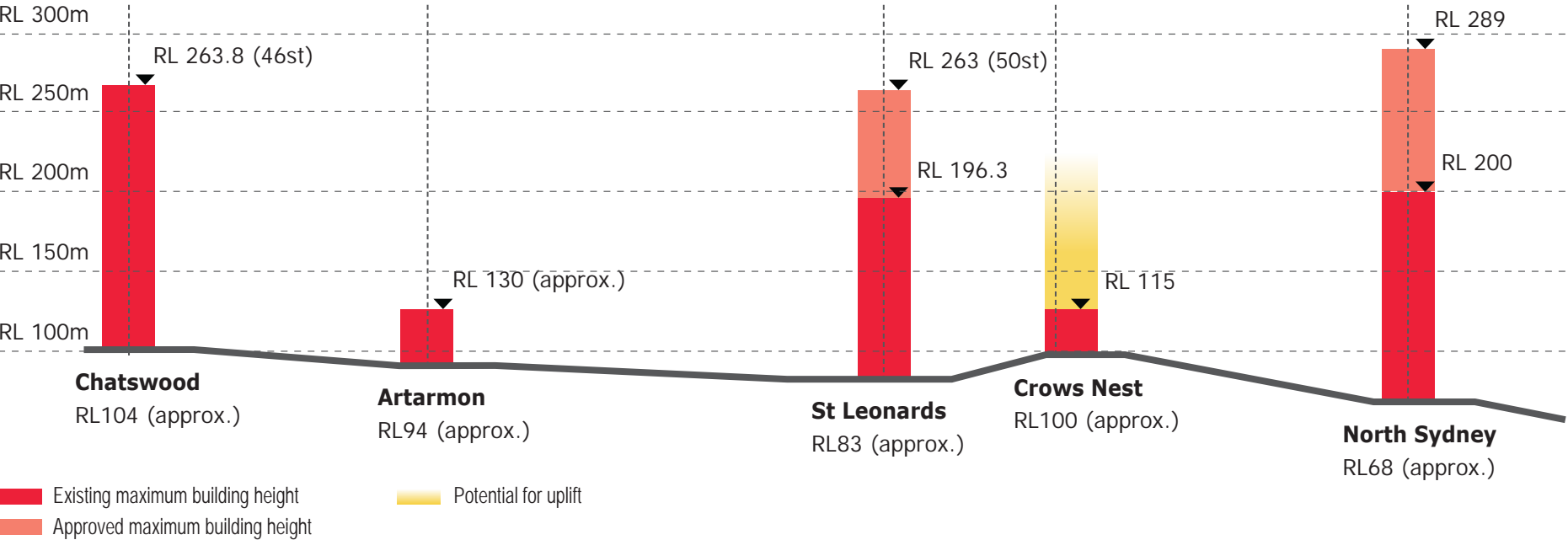


Figure 12. Height study of existing centres



## 2.4 CONSTRAINTS FOR FUTURE DEVELOPMENT

The new Metro Station for North Sydney will clearly influence and change the character and density of the key areas within 400-800m of the station entries. This approach is already evident in the strategy for the new Crows Nest Station.

To understand the site's potential role, we have attempted to understand how North Sydney may evolve to respond to the new Station. The following analysis has assisted our understanding of how density and growth might be distributed within these radii based on constrained sites and heritage/conservation areas as well as sites that might be unlikely to change in the short to medium term.

The following sieving analysis has been prepared based on GIS information from SIX mapS, Near map, the Department and Council's planning strategies, and the site visits undertaken in August 2017.

Constraints that may limit future development within the new metro station's catchment area (800m) include:

- Heritage and conservation areas.
- Land uses that mean sites are unlikely to be redeveloped.
- Large strata titled properties (16+ owners) which would be long term opportunities (if at all).

A significant portion of the land to the west of Pacific Highway and to the north beyond McLaren St are impacted by the conservation areas and small lot subdivision patterns.

Warringah Fwy (M1), creates a major barrier both visually and in terms of connectivity as it segregates the land to the east from the North Sydney CBD area. This degree of separation means the area to the east has limited utility to absorb additional density. The CBD itself, where development opportunity still exists, will intensify but again many sites are occupied by large existing commercial building stock which has limited opportunity.

Figure 14 & 15 show the sites that are occupied by school/community facilities, recent/strata-titled developments and commercial buildings with limited opportunities to contribute to the future growth of North Sydney, especially additional housing targets. The diagrams suggest that there is a large number of lands available within the 400-800m circle. There are limited lands remaining available within a 400m catchment area for residential development, mainly along the Pacific Highway corridor and to the west of Warringah Freeway.

### Heritage and conservation areas

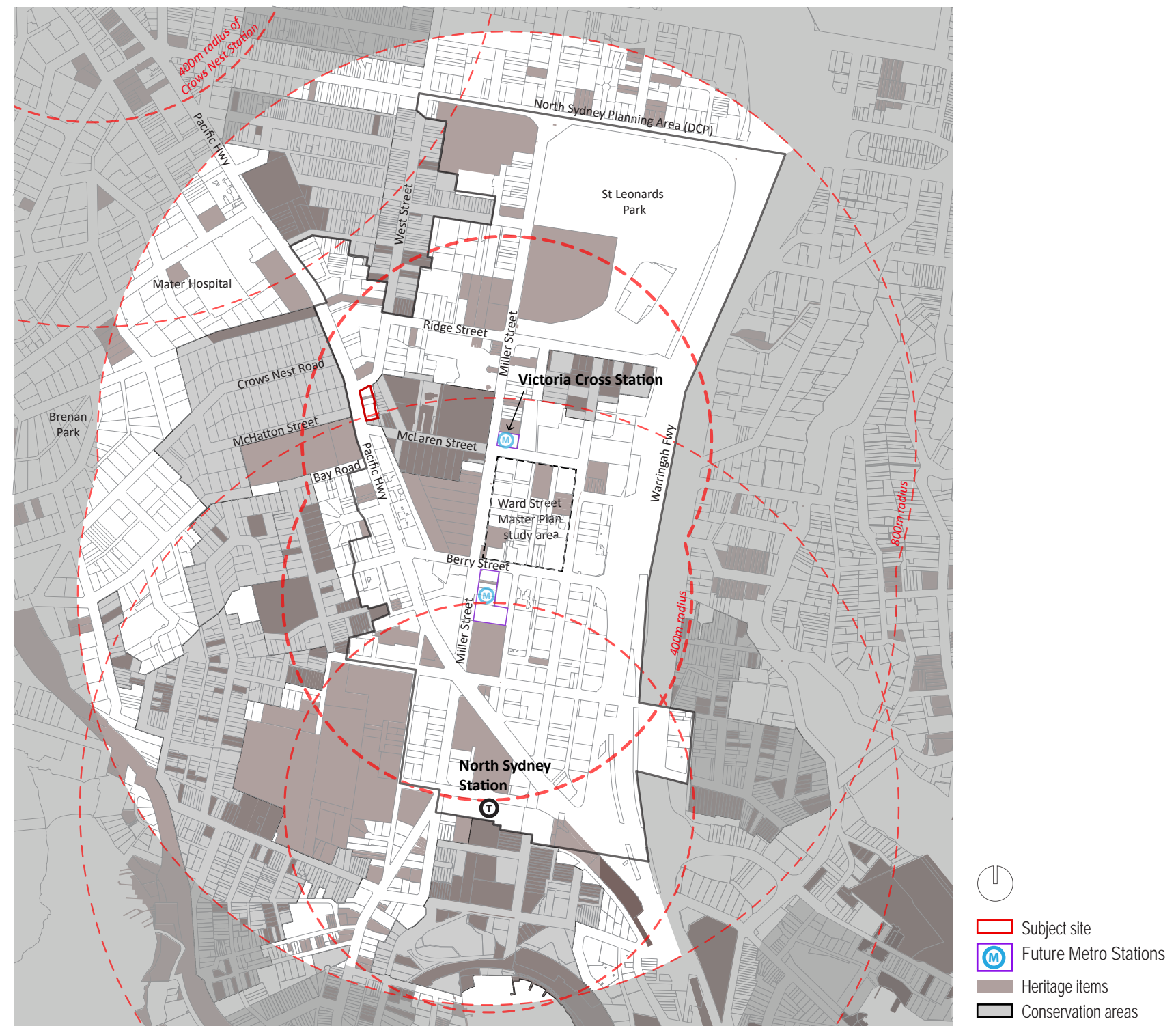


Figure 13. Heritage And Conservation Area



Land uses for sites unlikely to be redeveloped

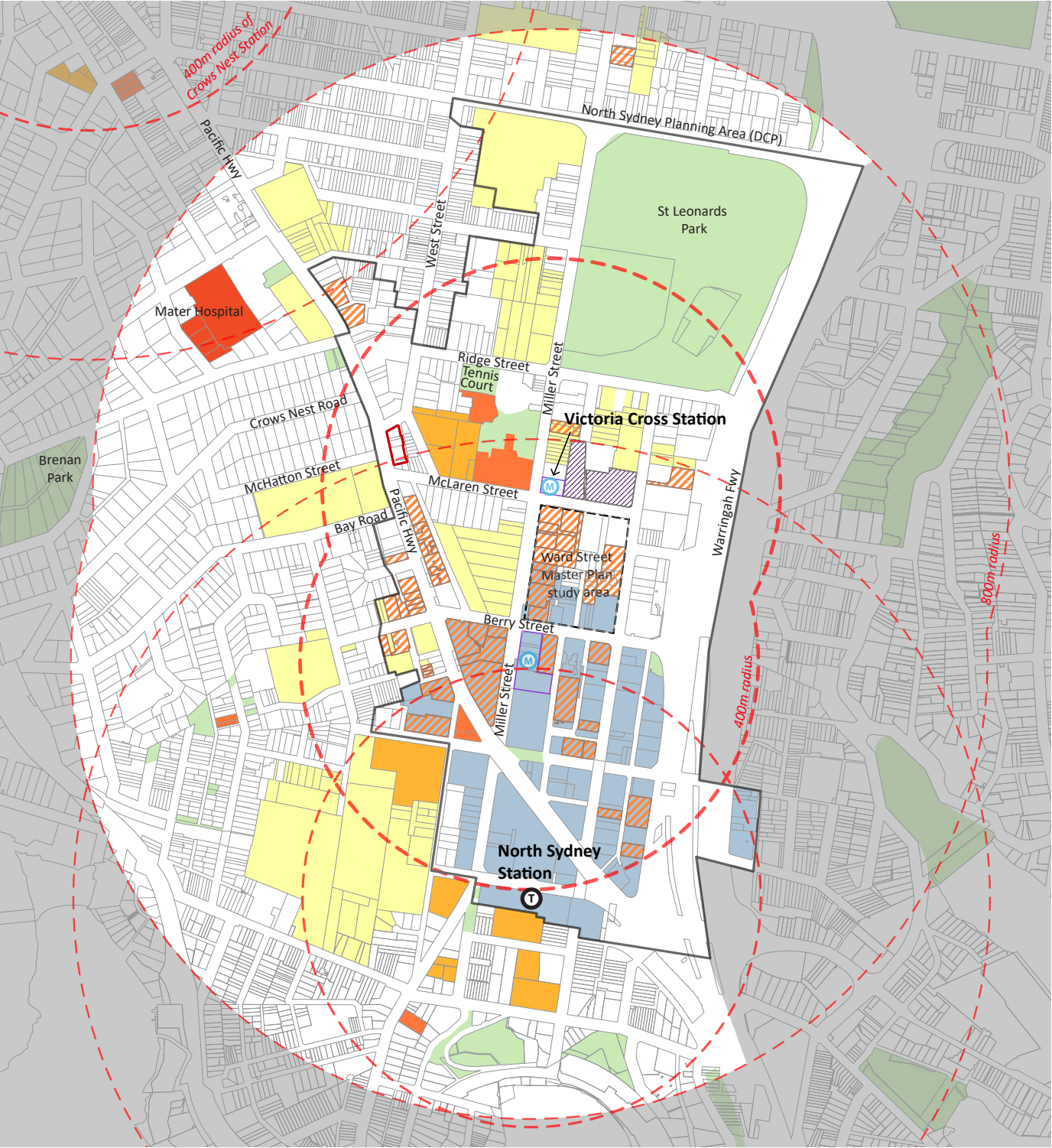


Figure 14. Land uses or sites unlikely to be redeveloped

- |                       |   |                     |                                  |
|-----------------------|---|---------------------|----------------------------------|
| Subject site          | Places of public worship                | Hospitals           | Recent approvals                 |
| Future Metro Stations | Community and administration facilities | Public open spaces  | Lands zoned B3 - Commercial Core |
| Schools               |   | Recent developments |                                  |

Large strata titled properties

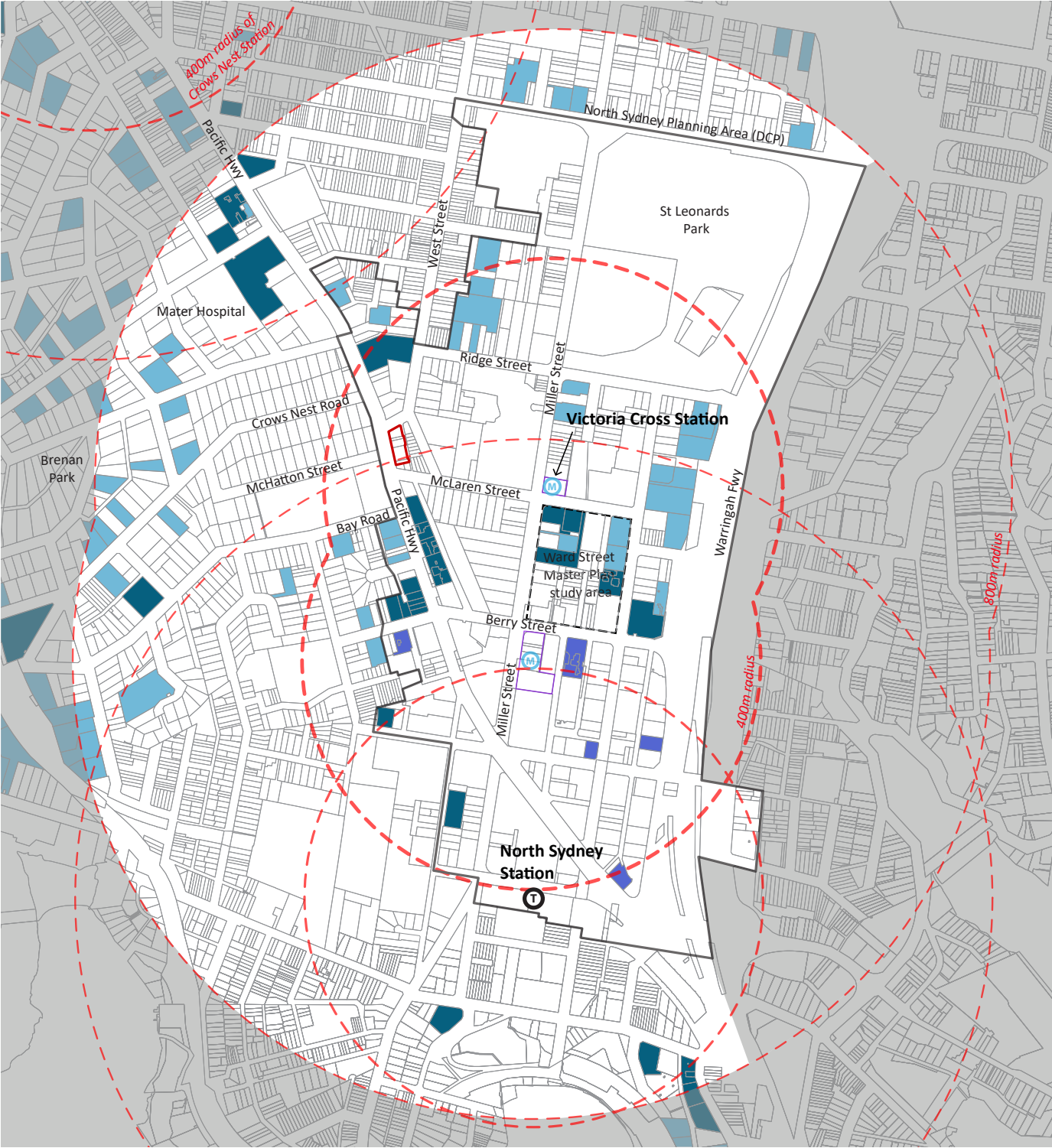


Figure 15. Large strata titled properties

- |   |   |
|---|---|
| Subject site  | Strata titled residential properties (50+ owners) |
| Future Metro Stations                               | Strata titled commercial properties (50+ owners)  |
| Strata titled residential properties (16-50 owners) |   |



2.5 REALISTIC LOCATIONS FOR FUTURE GROWTH

Combining the various constraints mapping shows the sites available for redevelopment in the short to medium term. The white sites shown below in Figure 16 are the opportunity sites. The mapping shows that to achieve the increased density to support the new station the sites with capacity will need to significantly increase density. They are dotted throughout the area but with a concentration along Pacific Highway and around McLaren and Ridge St.

These available sites are clearly identified in orange on the adjacent map (Figure 17). The greatest intensity based on current urban design thinking should be concentrated on those sites within a 400m walkable catchment with a gradual transition in density and height through the 800m walkable catchment.

With the Crows Nest Strategy, State Government is seeking to reinforce a height spine along Pacific Highway as an approach that allows the lower scale residential areas behind to maintain their current (density, height) character against a backdrop of a high-rise spine in proximity to the major transport routes. A similar approach is possible for the northern portion of North Sydney. There is a cluster of sites available along Pacific Highway and around Ridge St that have the potential to absorb additional density and scale, reinforcing this approach and the existing development spine seen along the remainder of Pacific Highway into the North Sydney CBD.



Figure 16. Combined Constraints

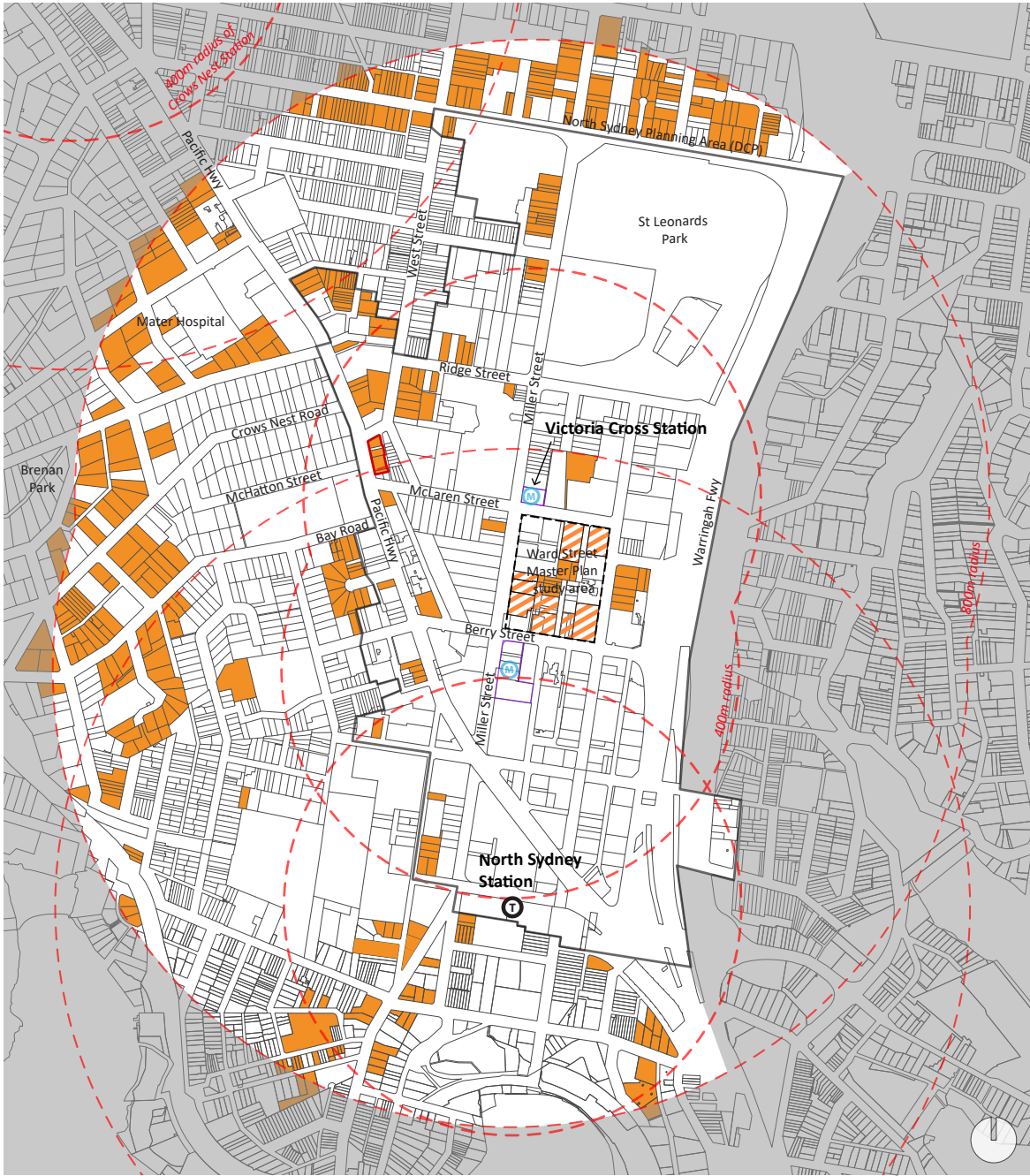


Figure 17. Developable areas



## 2.6 SHORT TO MEDIUM TERM DEVELOPABLE LANDS

The previous constraints analysis has enabled GMU to spatially identify sites that are available for mixed use redevelopments in the short to medium term based on the GIS information available. GMU considers that mixed use development is likely to be the most suitable redevelopment along major routes such as Pacific Highway. Figure 18 shows the developable sites within the 400m catchment of the future Victoria Cross metro station with short-term potential.

The criteria for a short-term classified are:

- Not within a conservation area,
- Older commercial or residential development in private ownership (pre 1980).
- Either not strata titled or very low ownership numbers (under 16 owners)
- Either a reasonable land size or if small lots then under the same ownership, allowing for amalgamation.

Calculations show that based on these sites the total available land area is approximately 41,366 sqm, of which 16,415 sqm is within the Ward Street Precinct area.

The revised North District Plan provides 0-5 years housing supply targets by LGA. It envisages an additional 3,000 new dwellings by 2021 within the North Sydney LGA.

At least 60-80% of the new dwellings should ideally be provided within the 400m walkable catchment of the centres being North Sydney, St Leonards/Crows Nest, Northbridge, Neutral Bay and Cremorne. This would translate into these centres providing an additional 1,800-2,400 dwellings.

Good urban design practice would suggest that the majority of these dwellings are best located close to heavy rail and the main business centres of North Sydney and St Leonards/Crows Nest.

On that basis GMU considers that the sites identified in the adjacent map should be considered and tested for their potential for greater density.

It is noted that apart from the Ward St precinct (which is already identified for greater density) most of the available sites about existing low scale conservation areas. This creates a potential tension between the character of these areas and increased density. However GMU notes that one of the strong characteristics of the North Sydney CBD edge is that there is an abrupt scale change from the high rise mixed use and commercial towers to the lower scale residential conservation areas.

The character of Pacific Highway is also created by a significant change in building typology, scale and uses in comparison with the conservation areas. Therefore this juxtaposition of height, density and use, with the lower scale residential character of the conservation area, is part of the

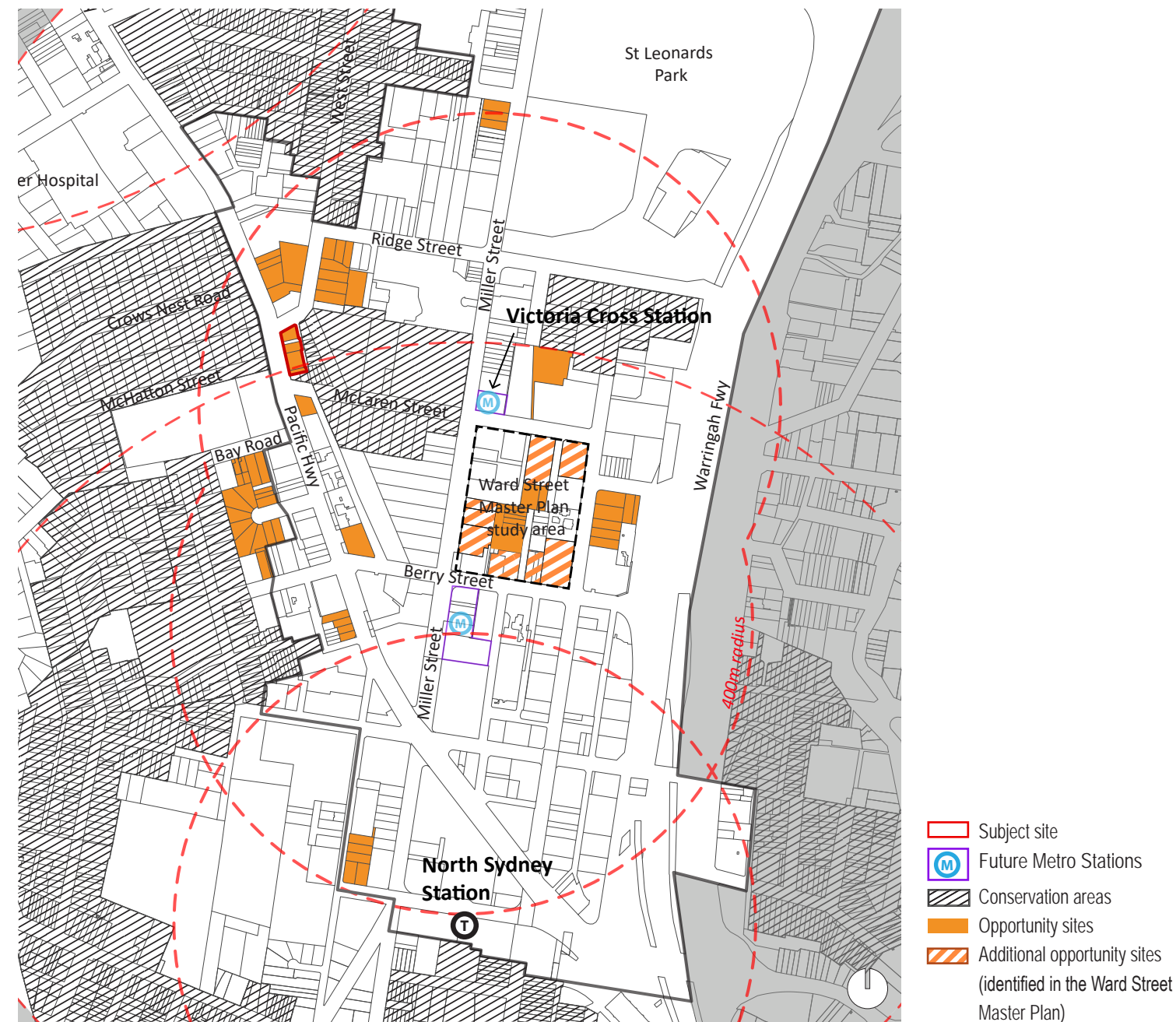


Figure 18. Short term opportunity sites (within 400m walking radius)

North Sydney CBD character. This variation in scale, use and form will be further reinforced through the strategy for St Leonards and Crows Nest.

On this basis GMU considers that these available sites can achieve short-term intensification even if in proximity to the conservation areas.

2.7 CITY SKYLINE ANALYSIS

In determining how the opportunity sites could develop it is appropriate to consider how the new centres of St Leonards, Crows Nest and North Sydney might develop in terms of their skyline, scale and transition.

The skyline analysis below considers the existing and possible future built form within North Sydney CBD and the St Leonards/Crows Nest Precinct Area. This analysis is based on:

- Existing/approved building heights in the centres.
- Approved height uplift for the North Sydney Centre.
- The identified opportunity uplift zone for the St Leonards/Crows Nest Precinct.
- Recent development proposals.

The elevational study (Figure 19 & 20) shows the potential future skyline when viewed along Pacific Highway and Ridge Street. Given the new Victoria Cross Station, located in the north of the North Sydney Planning Area and the developable land pattern, it is clear that the centres of St Leonards/Crows Nest and North Sydney will expand towards each other along Pacific Highway and for North Sydney also along Miller Street.

The profiles below show that Pacific Highway has the potential for uplift which will reinforce the centres through a height spine (minimising density impacts), to deliver additional development as part of the centre edge still

celebrating a lower scale ‘breathing space’ between the two centres. The profile identifies that sites within the 400m-800m catchment area have the potential for additional height reducing to a more gradual transition from the centre cores. For North Sydney the existing scale of development along Pacific Highway between Berry St and McLaren St is significantly lower than the core. Counter to the topography, the hills have even lower heights. There is potential for this area to benefit from some uplift, respond to the

rising topography and still achieve a sense of transition from the city core out towards the edge of the new Crows Nest Precinct around Myrtle St.

On the basis of this approach, the sites between McLaren St and Ridge St do have the potential for greater height and density.

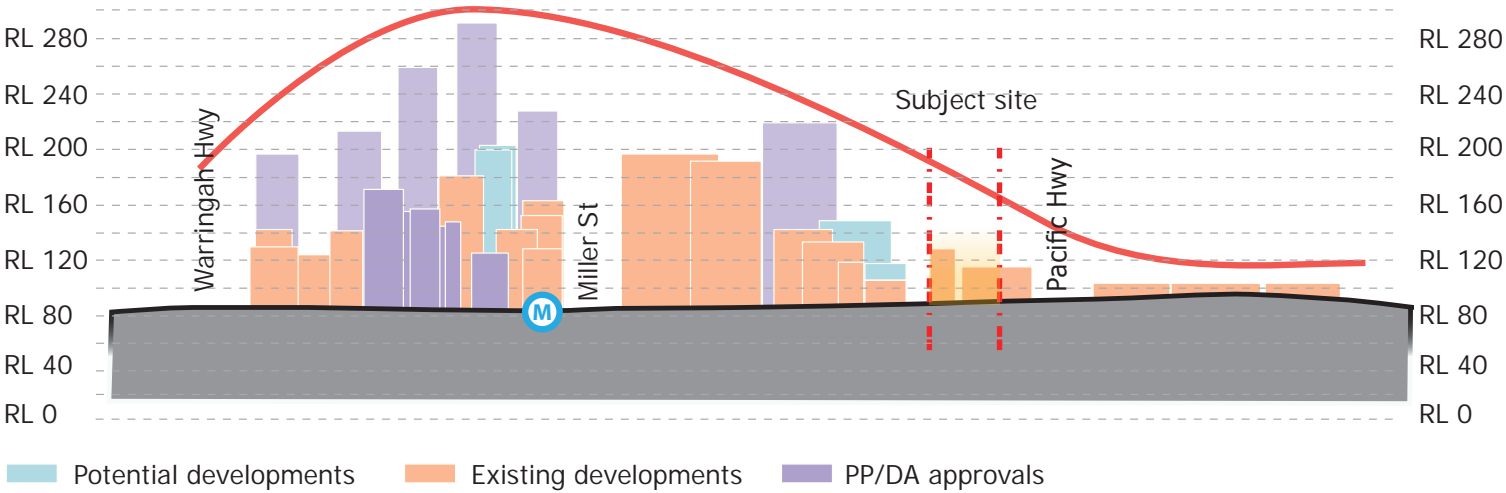


Figure 19. Indicative elevation along Ridge Street

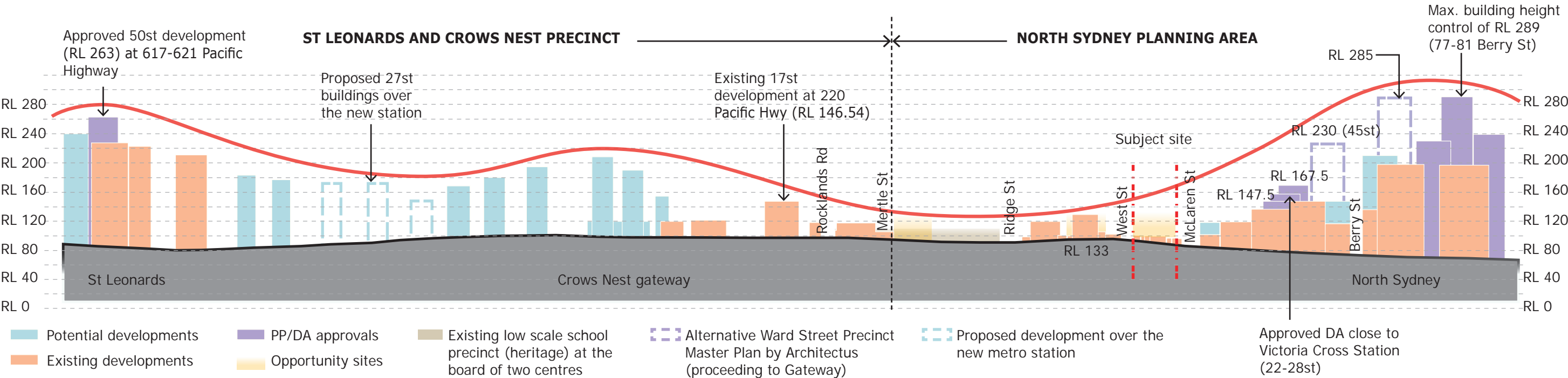


Figure 20. Indicative elevation along Pacific Highway

### 3. THE SITE AND BUILT FORM STRATEGY





### 3.1 THE SITE'S CHARACTERISTICS

The comprehensive study of North Sydney's growth potential and future context, together with the projected future growth of St Leonards/Crows Nest Precinct, has informed the growth scenario for North Sydney, especially along Pacific Highway. GMU considers that the subject site, as one of the larger available sites ready for development, has the opportunity to achieve a higher-density development to support the new transport infrastructure and the desired growth of North Sydney as part of the Harbour CBD - a Global Gateway for Sydney.

To understand the potential future built form for the site, the following section discuss the site's characteristics, its immediate context and the opportunities and constraints. The detailed study has informed the design principles and concept options for the site and planning proposal.

The subject site consists of the following allotments with a total area of approximately 1,468.79sqm:

- No. 253 Pacific Highway (SP 16134)
- No. 255-259 Pacific Highway (SP 22870)
- No. 261-263 Pacific Highway (Lot 51 DP 714323)
- No. 265 Pacific Highway (Lot B DP 321904)
- No. 267 Pacific Highway (Lot 10 DP 749576)

The site is occupied by five 2-storey brick buildings with commercial/retail uses. No. 265 Pacific Highway, also known as 'The Cloisters Antique Dealer', is a listed heritage item with local significance. The business is currently closed for operation. The existing vehicle entries are limited to Church Lane, which is a narrow laneway with a general width of 4.5m and 3m to a number of pinch points.

The site has a street frontage of approximately 59.7m to Pacific Highway. It falls in a north-to-south direction by approximately 5m along Pacific Highway and Church Lane.



Figure 21. The subject site (courtesy of PTW)



Figure 22. The survey of the site (Source: Linker Surveying)





Heritage hotel and tower development to the north of the site.



Existing heritage development on site.



Existing 2-storey dwelling within the conservation area to the south.



Recent developments with higher density and scale to the south of the site.



Narrow laneway and low scale dwellings with windows facing the site to the east.



Existing school with front playground across Pacific Highway to the west.



Tower development adjacent to low-scale buildings along Angelo Lane.



Recent development showing an abrupt edge to towers relative to low scale developments.

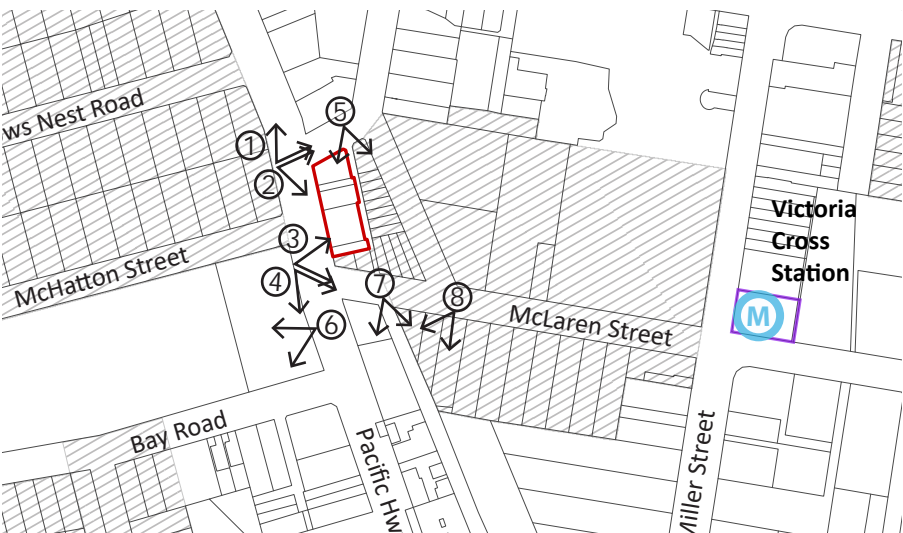


Figure 23. View key location map.



3.2 THE CURRENT PLANNING CONTROLS

GMU has reviewed the current planning controls that apply to the site and its surrounding context in order to understand the current development potential for the site. The permissible controls including zoning, height of buildings, FSR and heritage significance and conservation area status are discussed below:

Zoning

- All the eastern linear blocks along Pacific Highway, including the subject site, are zoned B4 Mixed Use.
- The land adjacent to these blocks further to the east and the other side of Church Lane is zoned R3 Medium Density Residential.
- Areas to the west on the other side of Pacific Highway are zoned R2 Low Density Residential and SP2 - a large school precinct.

Height of building

- The subject site has a permissible height of 10m (equivalent to 3st) which applies across the entire block.
- The adjoining lands to the west and east have an allowable height of 8.5m (equivalent to 2st).
- The block area to the immediate north has a maximum building height control of 13m (equivalent to 4st).
- The blocks along the highway to the south towards the CBD area rise from RL 106m (approx. 21m/6st) to RL 200.

FSR

- No specific FSR control applies to the site or the surrounding areas.
- A minimum commercial FSR of 0.5:1 applies to the site.

Heritage

- The subject site contains a listed heritage item located at No. 265 Pacific Highway.
- The site is flanked by two conservation areas to the east and west including various heritage items.

GMU's overview of the planning instruments shows that the site and the block in which it is contained was seen as the low scale end of the North Sydney centre and part of the low scale area between Crows Nest and North Sydney CBD. However, the advent of the new rail station and the need for greater concentration of jobs and housing for North Sydney, Crows Nest and St Leonards means that any low scale transitional areas should ideally occur outside of the 400m or even the 800m radii around the stations. Therefore, the subject block and available sites outside of the conservation areas need to contribute that intensification to support the infrastructure investment and creation of walkable centres.

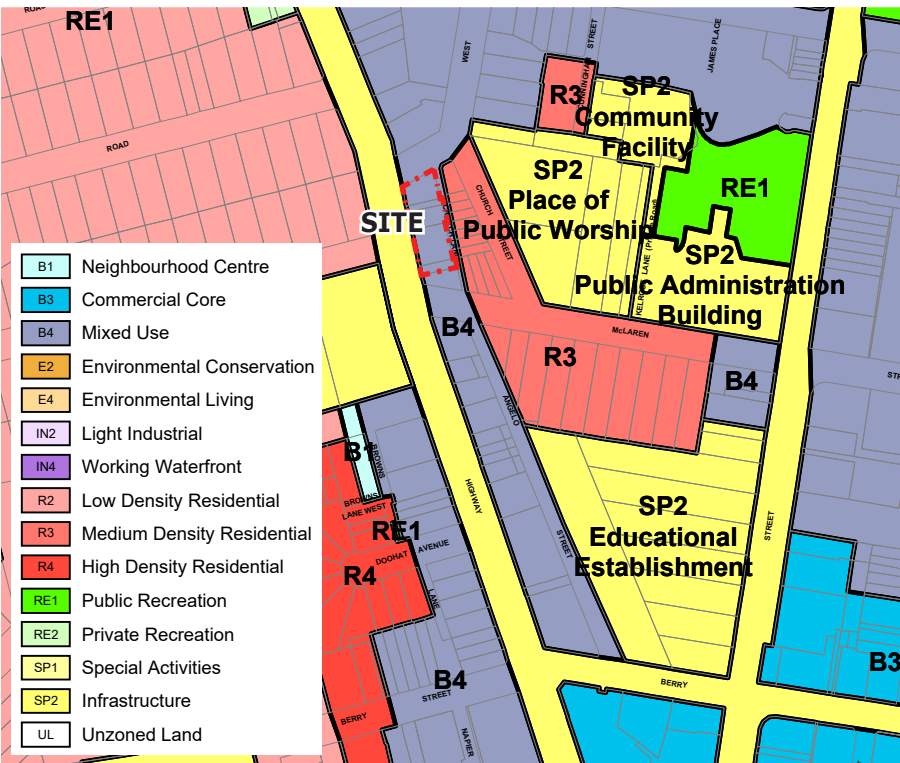


Figure 24. Zoning map (source: North Sydney Council).



Figure 25. Height of building map (source: North Sydney Council).



Figure 26. Non-Residential FSR map (source: North Sydney Council).

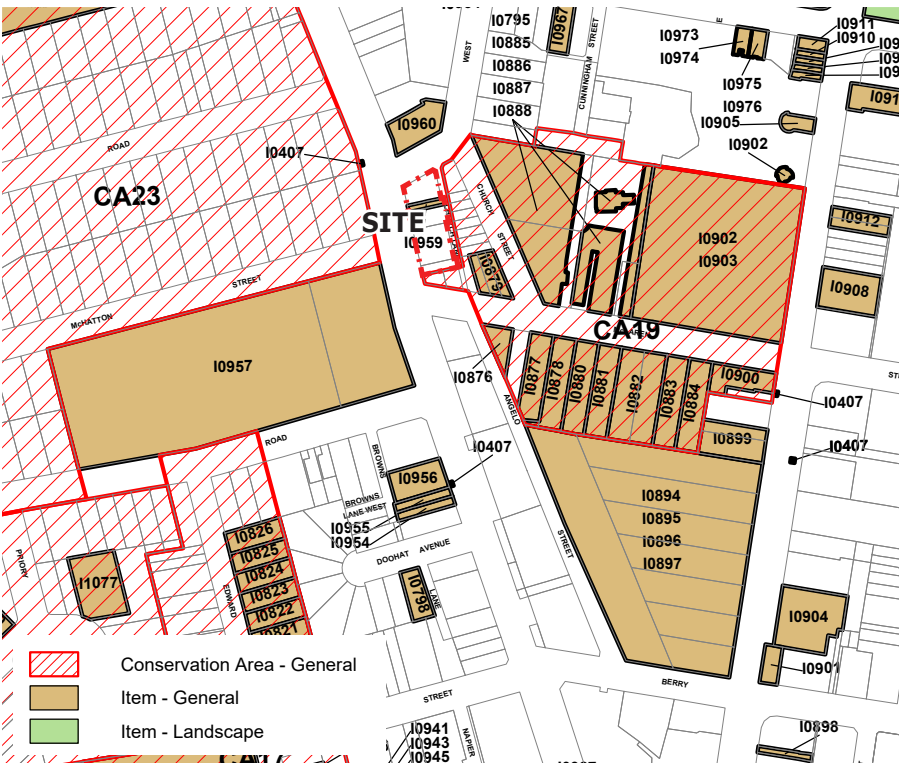


Figure 27. Heritage map (source: North Sydney Council).

### 3.3 THE CURRENT DCP CONTROLS

The site is located to the southern end of Eden Neighbourhood Precinct, adjoining the Central Business District to the north.

The existing streetscape is characterised by zero lot boundary setbacks to greater separation to image along the Pacific Highway, irregular planting of street trees and shrubs as well as wide fully paved footpaths. The area currently has a high level of accessibility to high frequency bus services along the Pacific Highway.

The North Sydney DCP 2013 envisaged the following future character for this area:

- Diverse range of activities including residential, public services, commercial and retail.
- A variety of different sized nonresidential spaces.

The DCP also outlines a number of desired built form characteristics for any development along Pacific Highway and with an interface with Church Lane. They are:

- A variety of building heights in the mixed use area with the average height being 4 storeys.
- Buildings adjacent to conservation areas transition in height to match building height in conservation areas.
- A podium of 4 storeys to Pacific Highway and West Street with a weighted setback of 3m above the podium.
- A podium of 3 storeys to Church Lane with a setback of 1.5m above the podium.
- Building form emphasises on quality mixed use design to complement heritage items.
- Form, scale and massing reflects surrounding development to provide visual interest through a range of detailing.
- Ground floor commercial/retail uses to provide activity and interest along Pacific Highway.
- Mixed use development complements lower scale residential development in adjoining conservation areas.

In principle even with intensification of this area, the streetscape and podium of any built form can achieve the majority of the desired built form character elements, with a sympathetic response to the conservation area and heritage items. However, we consider that the nominated building height (average 4 storeys) is no longer appropriate given the changing character and redevelopment along the Pacific Highway and the significant transport investment in North Sydney. Based on our earlier analysis, there are limited sites within a 400m catchment of the new metro station which are able to provide short to medium (and even long) term growth to complement the desired T.O.D. A new height should be considered to encourage revitalisation of the area and to support the North Sydney CBD.

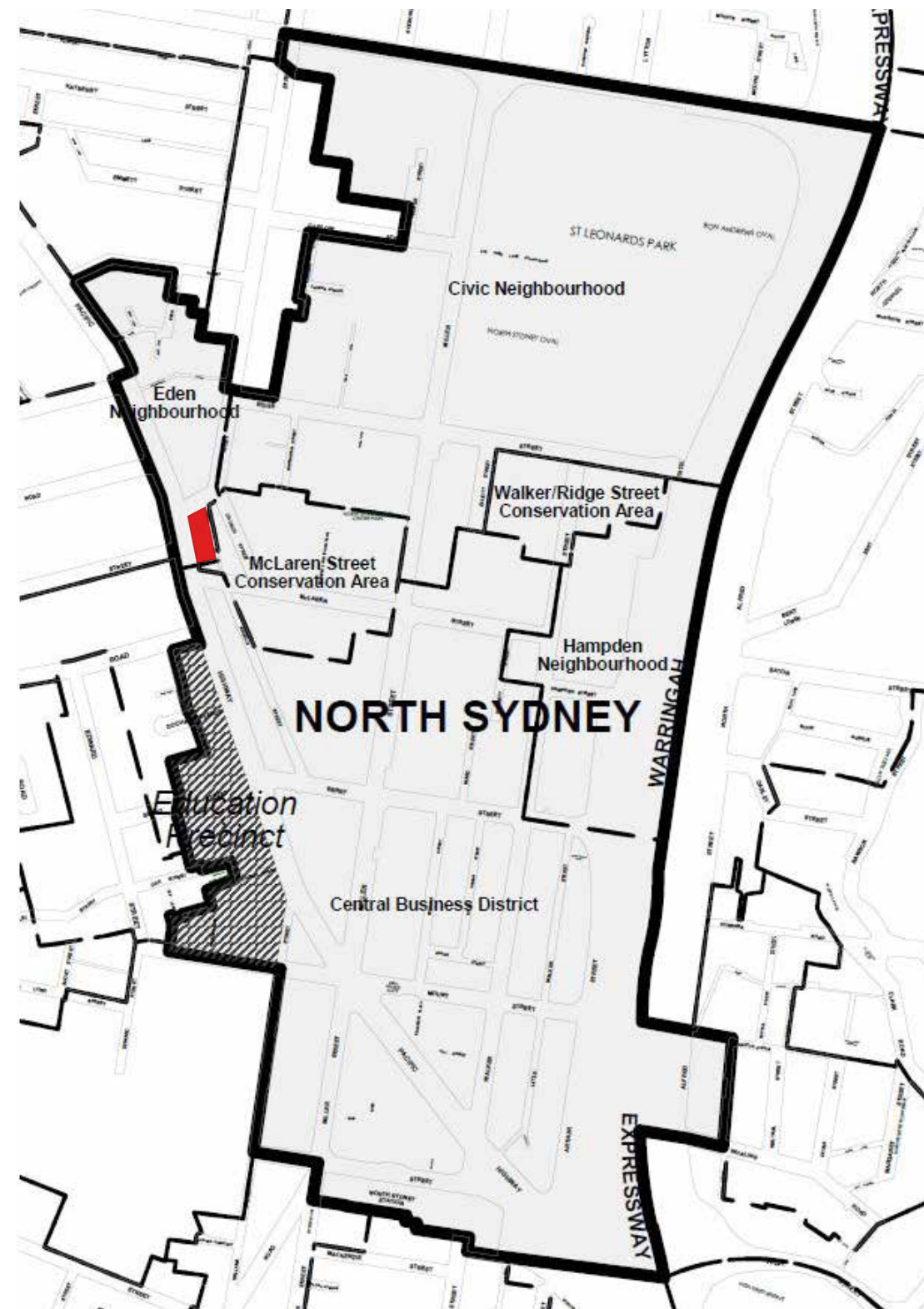
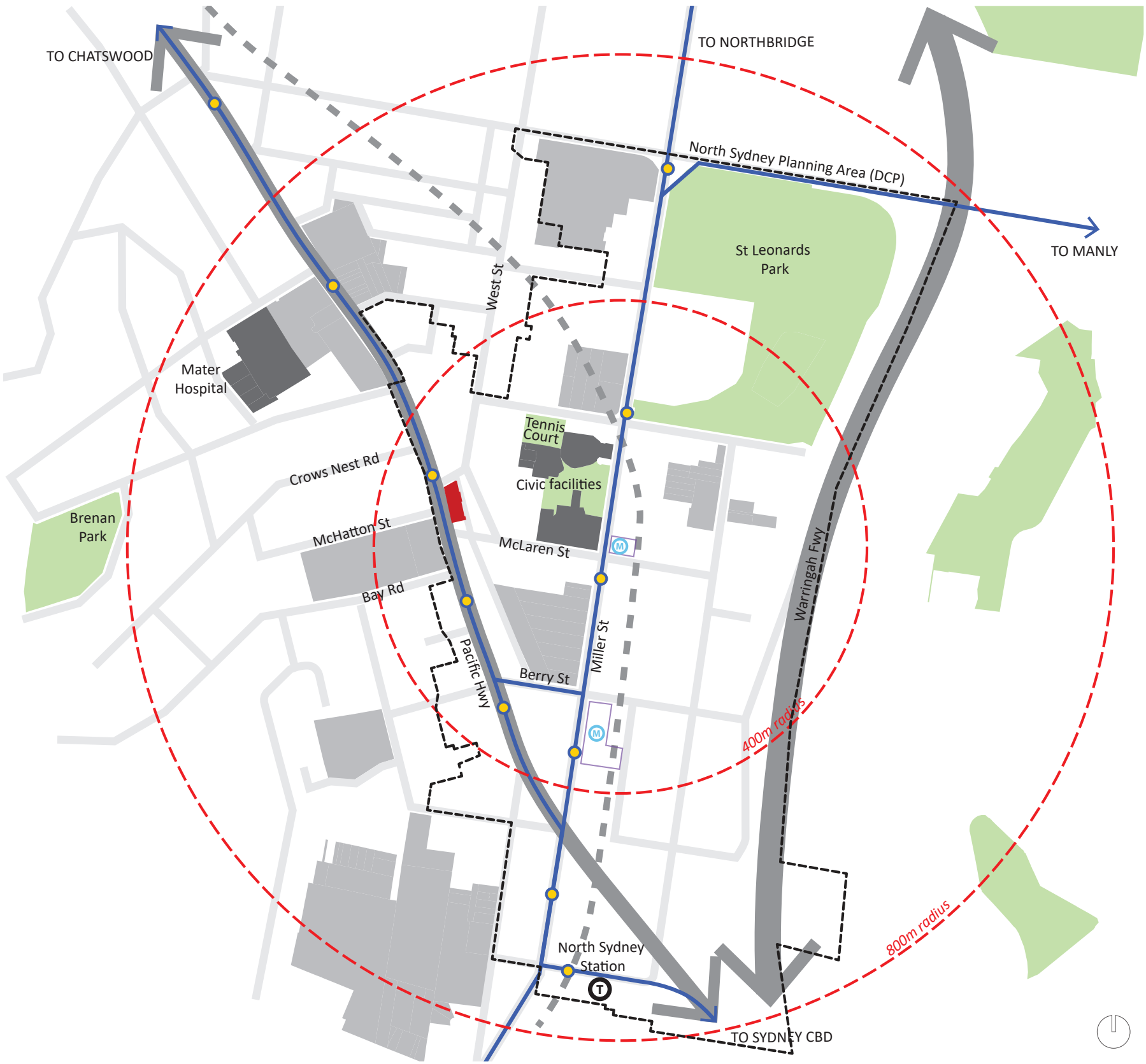


Figure 28. Heritage map (source: North Sydney Council).



3.4 CONNECTIVITY



The site, located on Pacific Highway, is well connected to local public transport and road infrastructure. There are regular bus services which connect to Chatswood and the Sydney CBD. The site is within an 800m walkable catchment of the existing station at North Sydney and is 800m from Crows Nest centre, 400m from Mater Hospital, 300m from North Sydney Council and 80m from North Sydney Demonstration School. Around the site the street pattern is an interconnected grid system which offers a range of pedestrian and vehicular routes to North Sydney and St Leonards as well as the highway itself to supplement public transport.

The new Metro Rail (currently under construction) will further strengthen the site's accessibility and connectivity from/to surrounding key destinations such as Sydney CBD, Barangaroo, Macquarie Park and Macquarie University. The norther entry/exit of Victoria Cross Station is proposed at corner of Miller Street and McLaren Street, approximately 260m (2min walk) east of the site.

The site is located within short distance to a number of other facilities such a community centre, Station Library and St Leonards Park.

The location of the subject site enables it to play an integral part in the strategic planning and future growth of North Sydney and the existing high rise development spin along Pacific Highway.

As a consolidated site comprising most of a block in close proximity to the new station and the CBD area, the site can contribute to the intended transit-oriented centre by providing a variety of housing choices such as key worker's housing, start-up business opportunities and jobs.

The site enables a holistic approach to provide intensification around the new station with a sympathetic response to the existing heritage context and an improved pedestrian environment.

Figure 29. Connectivity (source: GMU).



### 3.5 HERITAGE CONTEXT AND CONSERVATION AREAS

The site is located between 2 separate conservation areas - McLaren Street (to the south and south-east) and Crows Nest (to the north-west) and amongst a number of heritage items in the vicinity.

According to the Statement of Heritage Impact report prepared by NBRS Architecture Heritage, the Crows Nest Conservation Area, separated by Pacific Highway to the north-west, is mainly characterised by 1-2 storey residential dwellings with gardens and street trees contributing to the quality of the area. McLaren Street Conservation Area has more diversified building character (1-3 storeys) including Church and Council buildings and some residential dwellings to the eastern side of Church Lane and southern side of McLaren Street. No. 6-8 McLaren Street (2-storey), located at the western end of conservation area where McLaren Street meets Pacific Highway, is a contributory item adjacent to the south of the site.

There are a number of heritage items in the vicinity, such as Union Hotel to the north (2-storey), North Sydney Demonstration School to the west, and the McLaren Street Group (a group of 1-2 storey Federation style dwellings) to the south-east. Given the site's location within the significant heritage context, it is important to provide a sympathetic design response to reinforce the predominant character of the heritage streetscape and the low-scale built form.

The Cloisters Antiques (No. 265 Pacific Highway) on site is a heritage listed item in the Victoria Free Gothic style. It is considered as a prominent element on the present streetscape. The subject development attempts to retain the original building with demolition of the late extension with low heritage value.

Views along McLaren Street are characterised by mature trees and the lower scale heritage items. There is an opportunity for the site to reinforce this low-scale visual corridor by setting back the potential tower development away from the conservation area.

It is also noted that views from McLaren Street to the south, south west and south east are characterised by recent tower development as a backdrop to the lower-scale heritage context. These tower developments to the south of the site along Pacific Highway with rear access from Angelo Street (approx. 9m wide) establish an abrupt edge relative to low scale conservation area and heritage items. They have their podium built to the boundary with residential units on lower podium level facing the institutional development on the other side of the lane. A brief study of the interface of recent high-rise developments to conservation/heritage areas in North Sydney shows the following main characteristics:

- Adaptive reuse of heritage items with a modern interpretation.
- Sudden scale transition between the new high-rise mixed use development and conservation areas adjacent.
- Recent development doesn't provide required ADG separation distances to existing residential/heritage areas.

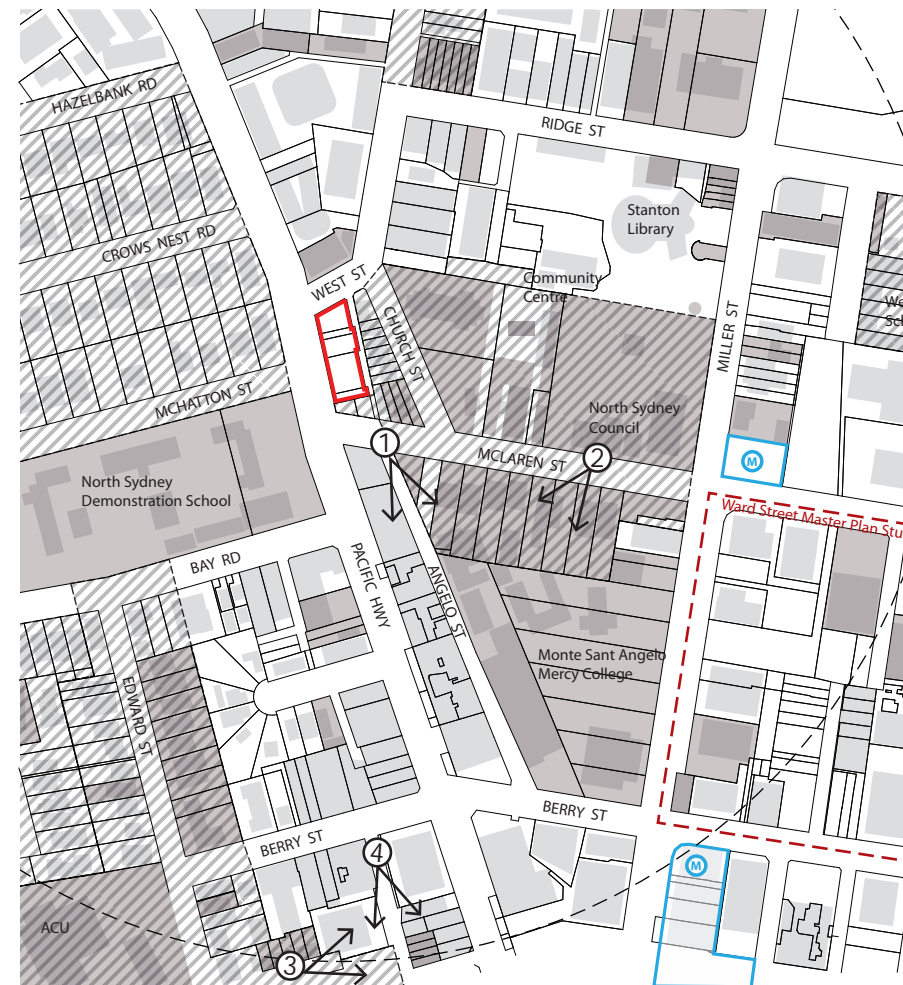


Figure 30. Existing building heights (source: GMU).



Recent tower development viewed from McLaren Street Conservation Area.



Existing tower developments along Oak Street with an interface to a conservation area.



Recent tower developments along Angelo St.



Adaptive reuse of heritage buildings with tower developments as a backdrop



3.6 BUILDING HEIGHTS AND POTENTIAL DEVELOPMENT SCENARIOS FOR THE SITE



Figure 31. Existing building heights (source: GMU).

To understand the existing and evolving character of the North Sydney area, GMU has studied the existing and recently approved building heights within the area.

Figure 31 shows that there is an established height spine along the Pacific Highway Corridor. The Northpoint Tower is currently the apex of the centre with a height of 37 storeys (RL 196.78). The height spine then transitions down towards the north to Ridge Street, achieving 10 storeys in height.

In 2017, North Sydney Council lodged a Planning Proposal to implement the North Sydney CBD Capacity and Land Use Strategy and this has proceeded to Gateway. The Strategy aims to create opportunities for further intensification around the new Victoria Cross Metro Station and along Miller Street. It increases the permissible height of No. 77-81 Berry Street from RL 185 to RL 289 (an extra 104m), which will shift the new apex of the centre towards the new Metro Station.

There is a recently approved DA development for No. 168 Walker Street with an increased height of up to 28 storeys (RL 167.46) to the immediate east of the northern entry of Victoria Cross Station. The approved FSR is 9.5:1 with a non-commercial FSR of approx. 0.51:1.

The street block to the south of the site is occupied by a number of recent large tower developments of 11 to 20 storeys, forming a ‘wall’ of development immediately adjacent to the McLaren Street Conservation Area and Monte Sant Angelo Mercy Colledge - a large heritage precinct (see Figure 31). The existing total FSR’s of these buildings range between 7.23-10.48:1 and a non-residential FSR of 0.55-1.7:1.

These block form developments, with greater heights, create a sudden scale transition between the current development and the lower-scale (2-3 storeys) heritage developments to the east. This pattern can also be seen within the context area, e.g. tower developments around Berry Street with a significant scale change to the existing traditional fine-grain dwellings.

The above analysis shows that North Sydney is undergoing a significant uplift in recognition of the new Metro Station. Its skyline profile will be changed given the shift of the height emphasis towards the north of the CBD expanding to McLaren Street. It is also noted that one of the strong characteristics of the North Sydney CBD edge is that there is an abrupt scale change from the recent high-rise mixed-use and commercial towers to the lower scale conservation areas.

The sieving analysis concludes that apart from the Ward Street Precinct, the only available sites with a short-term development opportunity are mainly along the Pacific Highway corridor in proximity to conservation areas.

The subject site, as one of the key available sites within a 300 catchment area of the new station and on Pacific Highway, is an ideal place for uplift to complement the new infrastructure investment and reinforce the existing height spine between North Sydney and St Leonards/Crows Nest. There is also an opportunity for the site to explore a tower form given the established built form character within the CBD area.



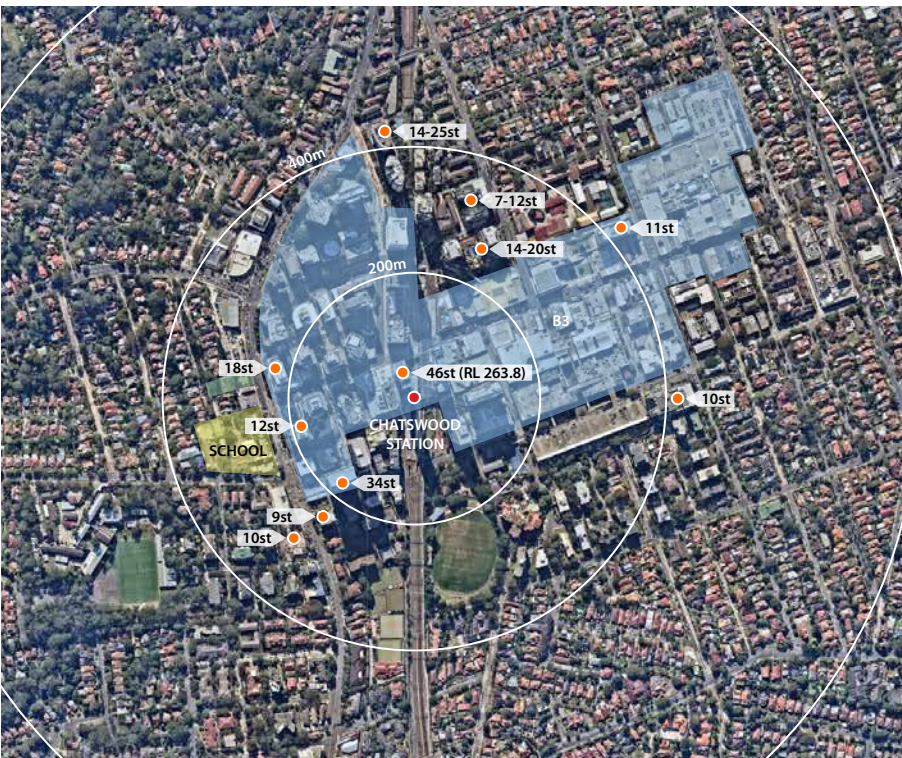


Figure 32. Existing development around the Chatswood (top) and St Leonards (bottom) stations.

The site is located within a 200-400m walking catchment area to the Victoria Cross station. The existing developments within a similar distance range to the station are 10-24 storeys.

A brief study of building heights in St Leonards and Chatswood also reveals that the current development within a 200-400m walking catchment area achieves a height range of 7-20 storeys in Chatswood and 8-42 storeys around St Leonards station.

Therefore, it is considered appropriate for the subject site to explore a comparable height between 10-20 storeys.

Based on the above, GMU has considered 2 potential height scenarios for the subject site in response to the existing context along Pacific Highway and the potential future context around the station.

**Scenario 1 - Block form with a max. height of 13st**

This scenario explores the potential of the site in response to the existing building heights along Pacific Highway as well as the sloping topography. Figure 30 below suggests that the site can achieve a similar height of RL 135m (equivalent to approx. 13 storeys).

The existing developments to the immediate south of the subject site establish a 'wall' of development on Pacific Highway and to the conservation area to the east. It is considered acceptable that the site can be developed in a similar block form responding to the existing streetscape.

**Scenario 2 - Tower form with a max. height of 19st**

This scenario explores the potential of the site in response to the desired future skyline from the new apex of the centre. According to the projected skyline, the site can achieve a similar height of RL 147.5m or slightly higher (equivalent to approx. 18-19 storeys).

The majority of recent developments within the centre area are in a podium and tower form, which create elegant silhouettes and punctuation into the skyline. It is GMU's opinion that a development with this potential height, it will be better to consider a elegant tower form instead of the block form. This is to avoid potential adverse impact to the conservation area to the east of the subject site.

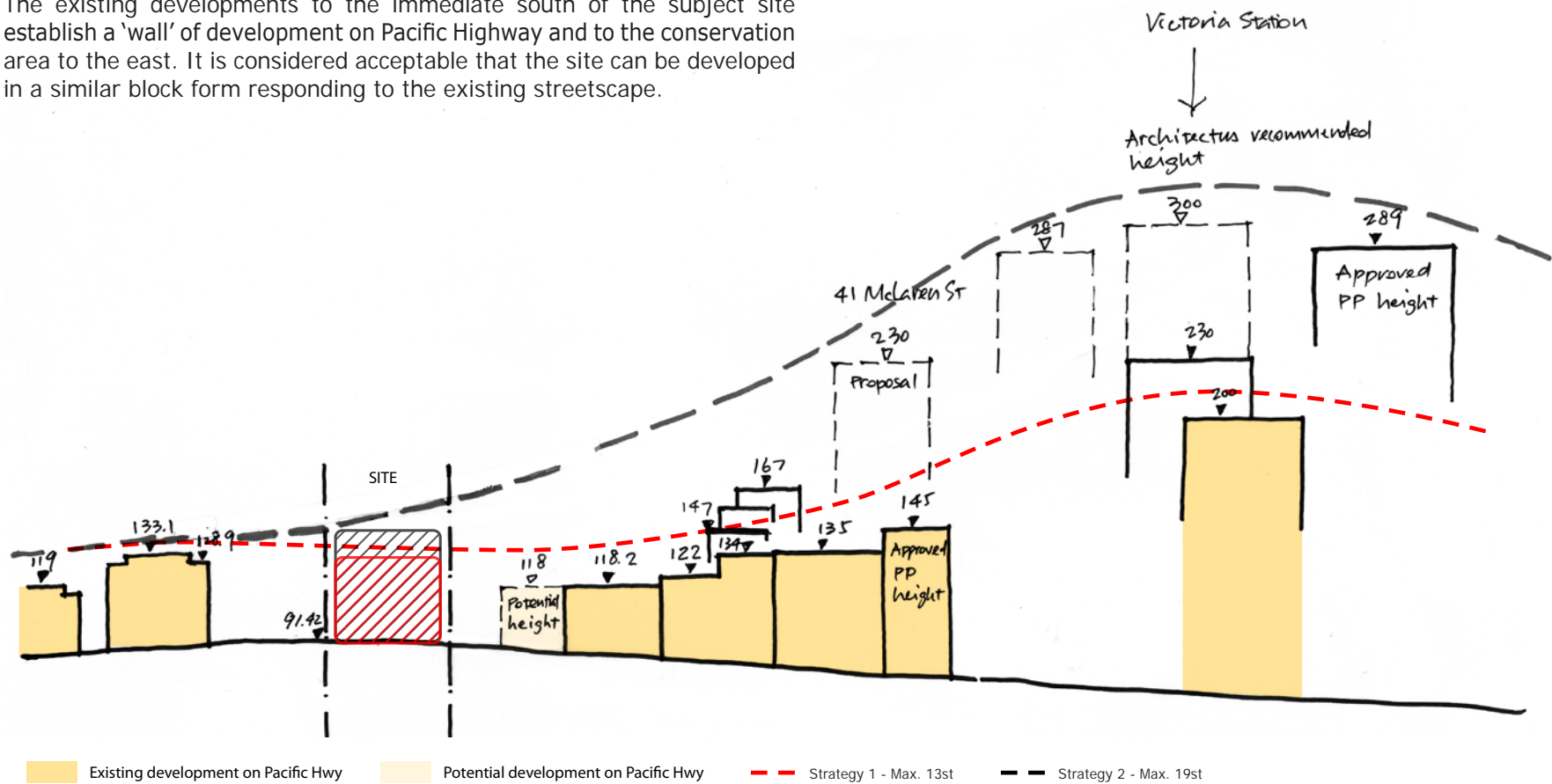


Figure 33. Potential height scenarios

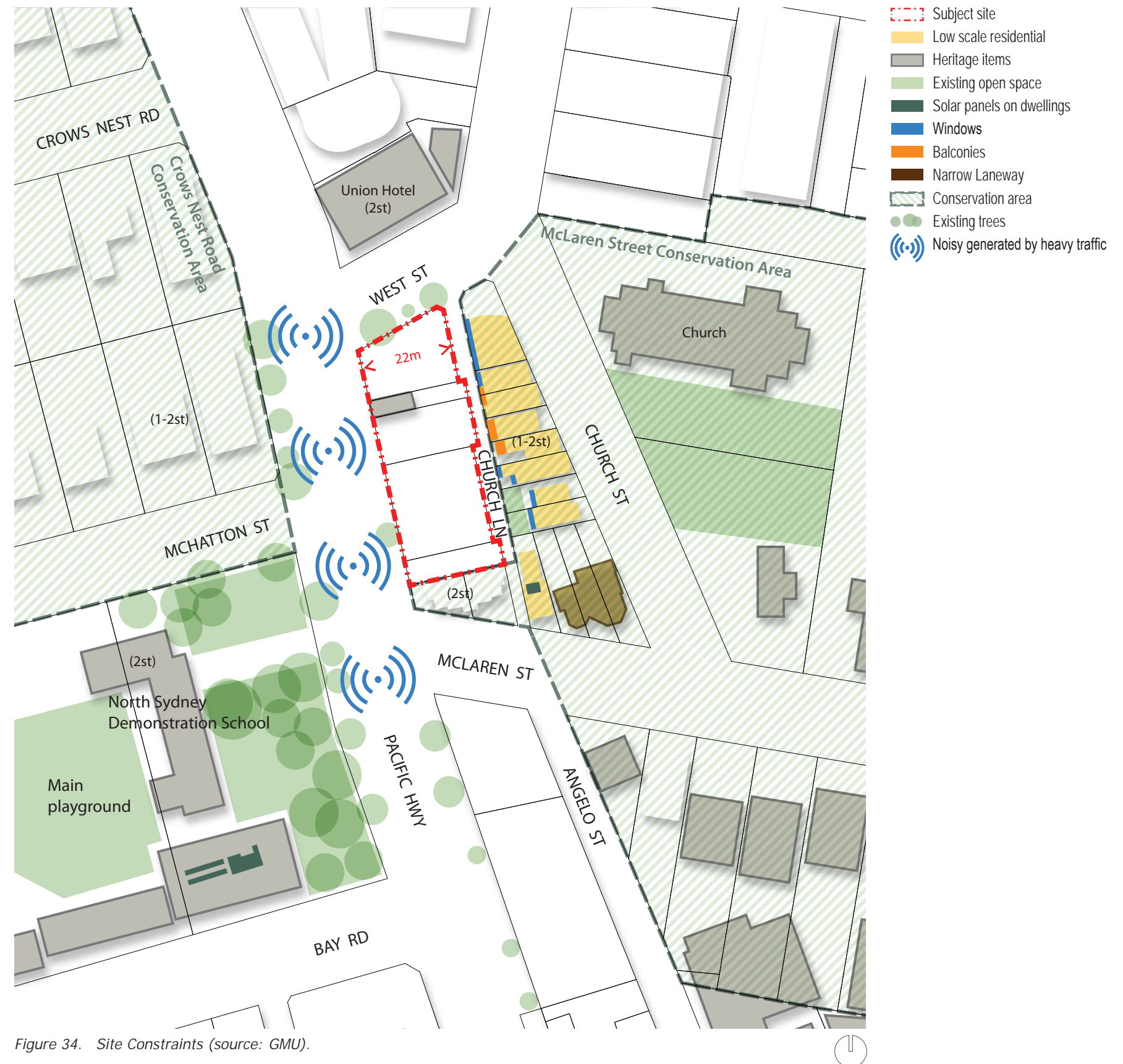


### 3.7 SITE CONSTRAINTS

GMU has conducted a detailed analysis of the site's constraints and opportunities to understand the potential future built form and any potential impacts.

The site constraints are:

- The site depth limits the built form outcomes and constraints options for a basement car park.
- Proximity to Crows Nest Road Conservation Area (west) and McLaren Street Conservation Area (east and south).
- Proximity to a number heritage items including North Sydney Demonstration School with a front playground to the southwest (2-3st).
- The listed heritage item (No. 265 Pacific Highway) on site requires integration that supports its significance within the design response.
- The existing low-scale fine-grain residential dwellings with windows, balconies and backyards facing the laneway to the east. The future interface with these dwellings requires a careful design response.
- Potential overshadowing impacts to the south, particularly school play grounds.
- Existing dwellings/buildings with solar panels installed on the rooftop. Any future development on site should ensure sufficient solar access is maintained to these properties.
- Vehicle access from Pacific Highway is restricted.
- Church Lane is a narrow lane (3-4.5m) to the east. It creates access issues for neighbouring dwellings already, widening the laneway will assist manoeuvring as well as enabling access to the site from the laneway.
- Noise generated by existing traffic along Pacific Highway.





### 3.8 SITE OPPORTUNITIES AND DESIGN PRINCIPLES

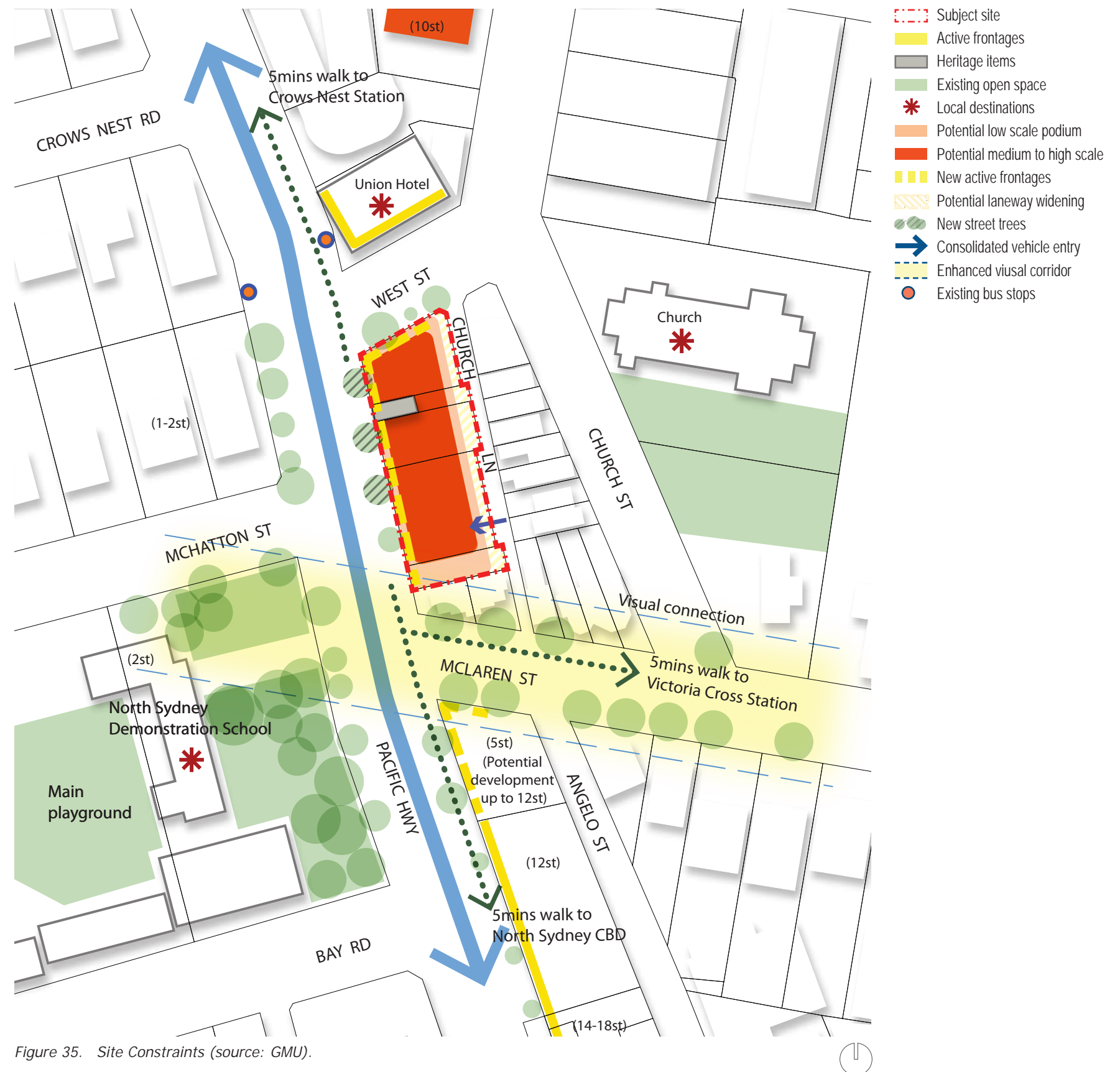
The site is located on Pacific Highway and is directly to the north of North Sydney CBD. As analysed in the previous charter, the site is one of the few key available sites which have opportunity to contribute to as well as to support sustainable growth of the future North Sydney area.

To ensure the proposed development contributes to the locality in accordance with the changing character and re-development of the area, GMU have studied the local context and recognised a number of opportunities for the subject site. Key opportunities are:

- Close proximity to local attractions, schools, bus stops and Victoria Cross Station, and local centres i.e. Crows Nest and North Sydney.
- Good connectivity through the local and regional road network.
- Location on Pacific Highway, a major transport corridor and the existing height spine extending between North Sydney CBD and St Leonards and Crows Nest Precinct, celebrating the key collector road with a different scale to areas behind the highway.
- Good exposure when approached on Pacific Highway.

The site's characteristics and location offers the following opportunities for the re-development of the site to:

- Provide a mixed-use development including commercial, retail and a mix of contemporary housing choices in close proximity to amenities and job hubs.
- Provide improved active frontages and extended night time activity to Pacific Highway.
- Provide much needed community facilities/services and/or affordable housing on site.
- Accommodate increased height along the highway spine to support the T.O.D development and the desired city skyline and reduce pressure on other low scale areas close to the new station.
- Provide lower-scale street wall height in response to the heritage context.
- Adaptive reuse and integration of the listed heritage item on site into the new development.
- Provide improved amenity for residents on site and neighbours through laneway widening of up to 6m with an additional 3m setback to the upper tower levels.
- Provide a sympathetic built form response to enhance the visual corridor between McLaren Street and Crows Nest Street Conservations Areas.
- Enhance the streetscape character of Pacific Highway with new street planting.



### 3.9 PRELIMINARY CONCEPT OPTIONS

As discussed in the previous sections, the detailed analysis of the evolving character within the area and an understanding of the site's constraints and opportunities has informed the potential height scenarios and design principles for the site.

Based on the parameters and guidance established by the design principles, GMU and the project team, developed 2 built form options for consideration.

#### Option 1 - Block form

This option explores a block form with a maximum height of up to 13 storeys. The proposed built form aims to locate higher element to the north with a scale transition to the conservation area along McLaren Street.

##### Pros

- Responds well to the heights and block form established along Pacific Highway.
- Form responds to the sloping topography.
- Identified low-scale street wall height provides sympathetic response to the surrounding heritage context.
- The proposed height is less confronting to the laneway and lower scale development to the east.
- Laneway widening to 6m.

##### Cons

- Reduced curtilage area around the heritage items on site.
- A potential wall of development adjacent to the conservation area.
- Proximity of tall development to conservation area.

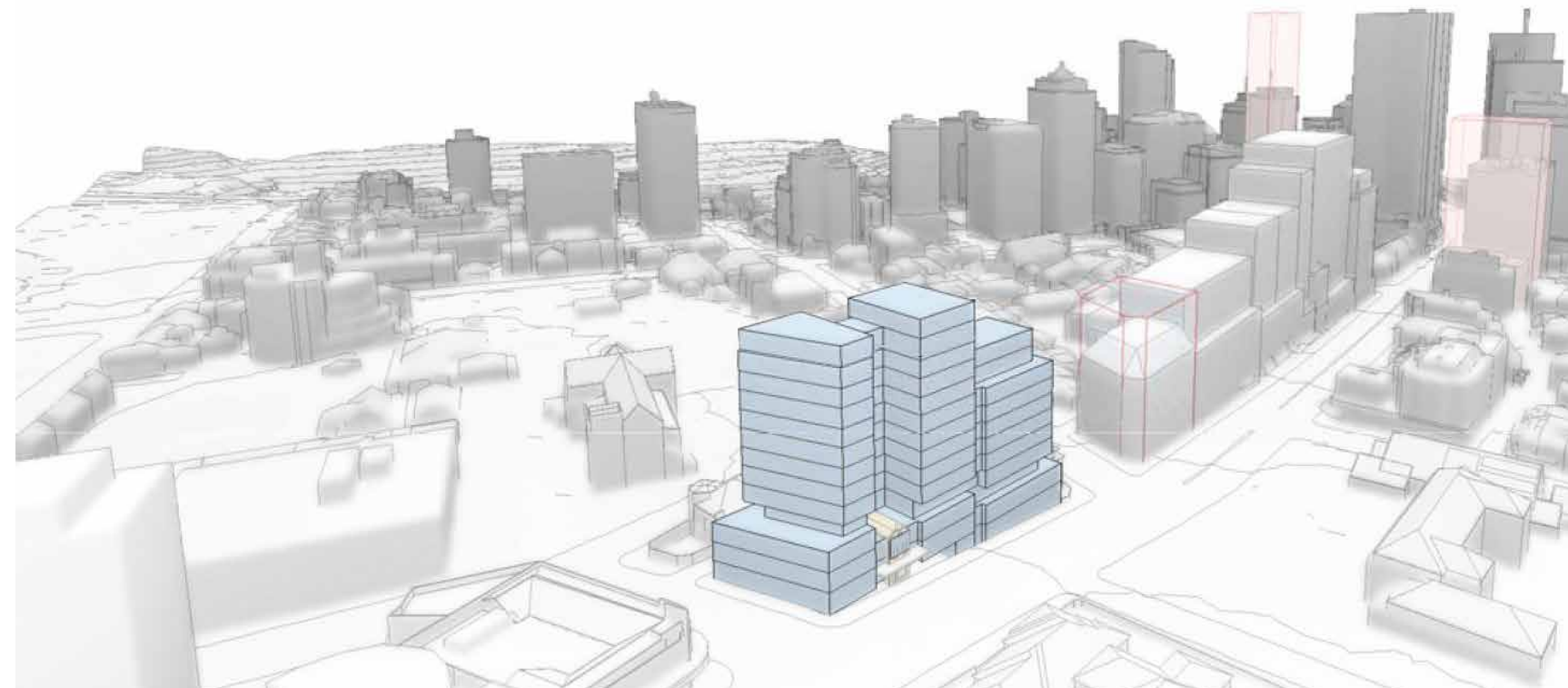


Figure 36. Bird's eye view of Option 1 due south above Pacific Highway (source: PTW).

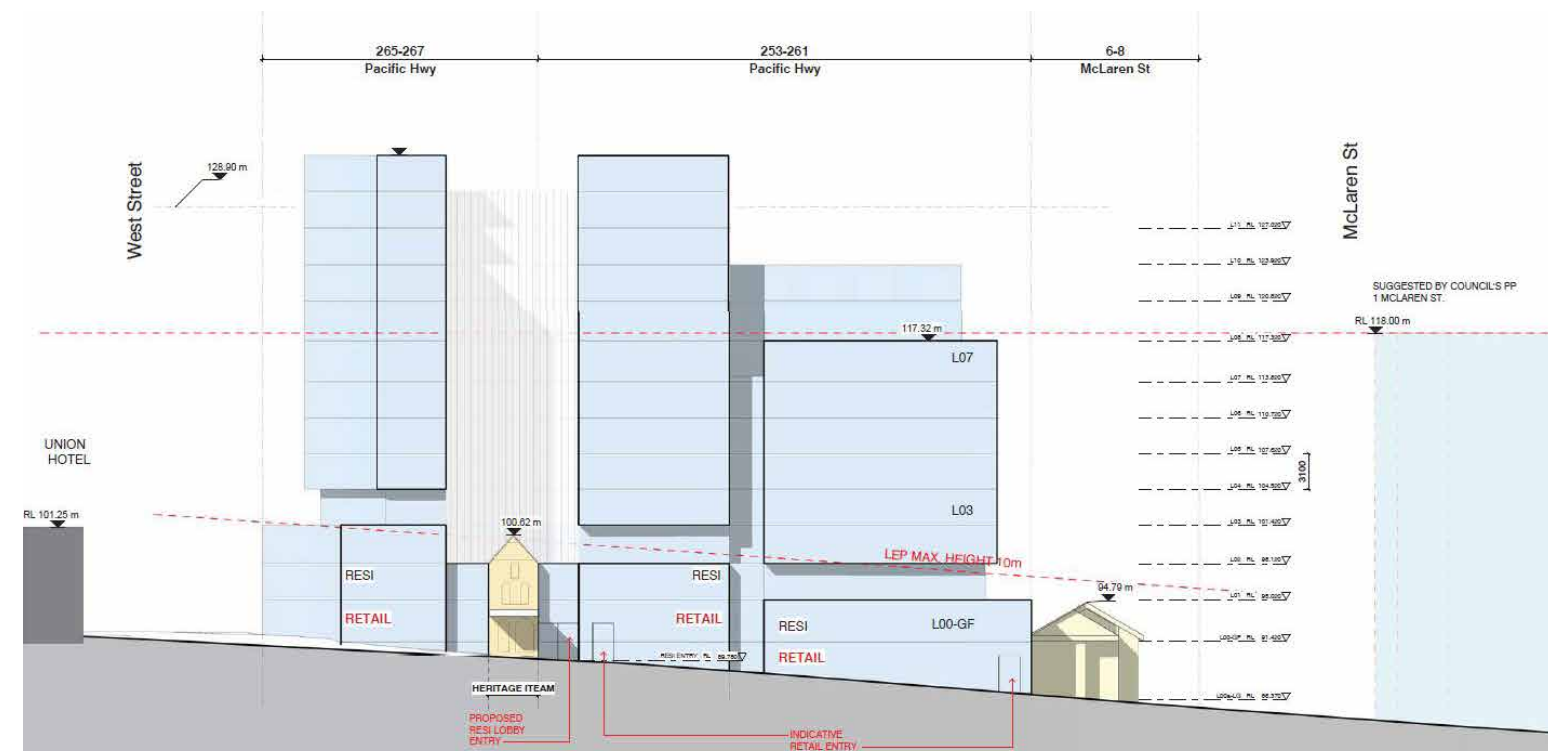


Figure 37. Option 1 - Elevation along Pacific Highway - Option 1 (Adapted from the elevation plan prepared by PTW).



### Option 2 - Podium and tower form

This option aims to achieve an elegant tower form in response to a wider urban context to the south and south-east. The proposed height is up to 19 storeys. The proposed development will have a tower form placed towards the southern end with a large setback to the conservation area along McLaren Street and a lower scale built form in response to the heritage item on site and to the north. It tries to achieve a balanced built form with a fast-moving shadow for the area to the south.

#### Pros

- A clear and balanced tower and podium form.
- Intensity concentrated into a slender tower.
- Identified low-scale street wall height provides a sympathetic response to the heritage context.
- Lower scale response to heritage items with an increased setback to the tower and lower built form around heritage item.
- Widened and enhanced visual corridor between 2 conservation areas along Pacific Highway.
- Laneway widening to 6m.

#### Cons

- Potential increase in length of overshadowing.
- Greater height to part of the laneway.

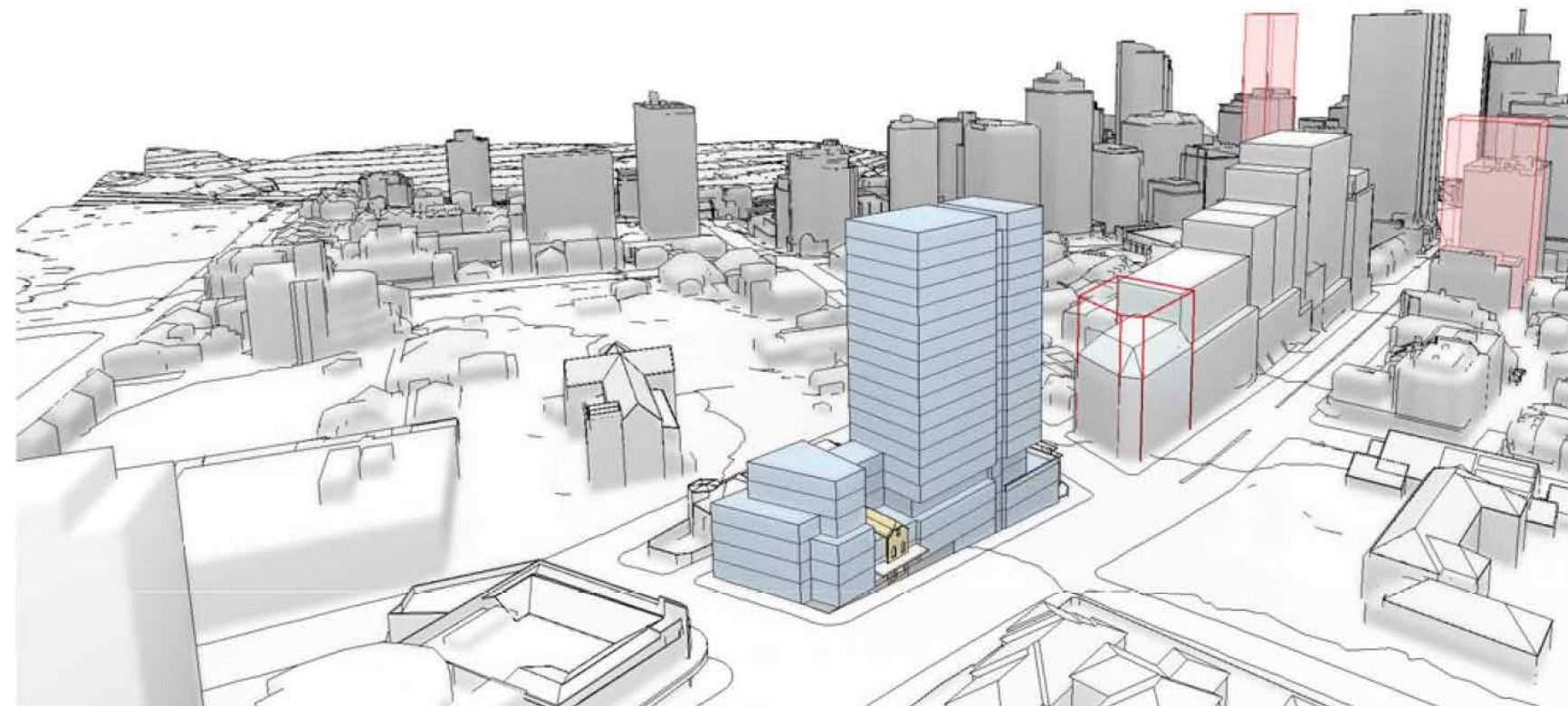


Figure 38. Bird's eye view of Option 2 due south above Pacific Highway (source: PTW).

### Preferred built form option

With Option 1, the subject development could create a wall of development to the properties to the south and along Pacific Highway. The density and height are concentrated around the heritage shop on site whilst more consistent with the existing development form along the highway. The impact of the bulk of Option 1 is greater. The potential lift core in close proximity to the heritage item means that it may require excavation under the heritage building during the construction phase which is not considered a best practice to retain the heritage building.

Given the new metro station and the changing context, we consider that it is an appropriate design approach for the site to respond to the future context. A response to only the current status presents a missed opportunity for the site in light of the major transport investment. A slender tower form with increased setbacks to the conservation area and lower scale form to heritage items presents a balanced and sustainable approach responding to the need to growth this corridor whilst responding to the current and future context. The tower is distinctly separated from the heritage item which is considered a visually less dominated form to the heritage item and reduce the length of the site with a taller marker.

Therefore, Option 2 has been selected as the preferred concept plan for further development and testing.

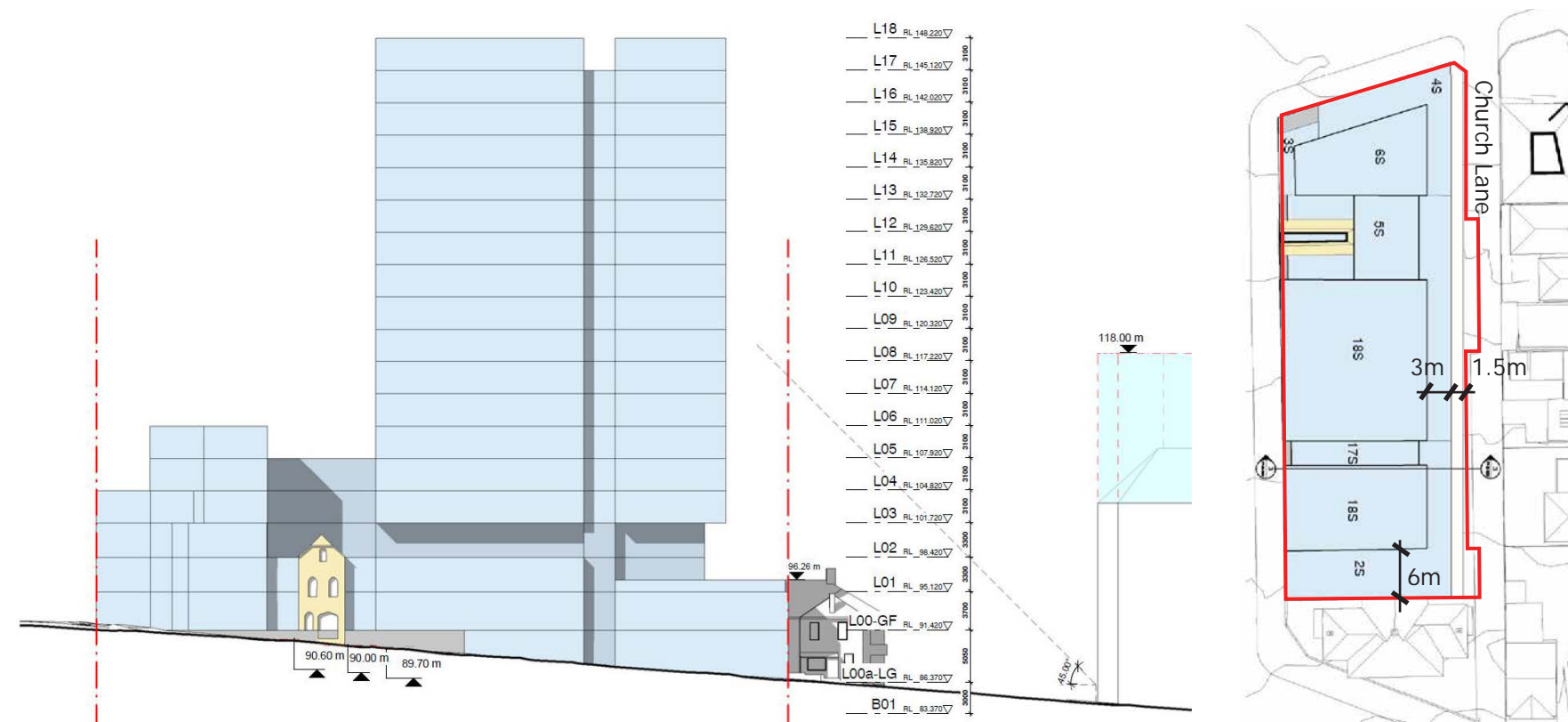


Figure 39. Option 2 - Elevation along Pacific Highway (left) and site plan (right) (source: PTW).



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## 4. THE PREFERRED MASTER PLAN



## 4.1 THE PREFERRED MASTER PLAN AND USES

The final preferred master plan to guide a Planning Proposal for the subject site is based on the Concept Option 2 - Podium and tower form. The master plan has been refined based on further built form testing regarding its likely shadow and amenity impacts to neighbouring sites, solar and cross ventilation performance and the proposed uses.

The key design elements of the preferred master plan are:

- A lower-sale street wall height of 2-3 storeys to Pacific Highway and 2-4 storeys to Church Lane in response to the surrounding heritage and lower scale context.
- A maximum 19-storey tower (RL 155m including lift overrun zone) located at the southern end with a 6m setback to the southern common boundary above the podium.
- A recessed 'waist' level to the tower to create a strongly defined lower-scale podium.
- 5-6 storeys to the southern end providing a sympathetic response to heritage items on site and to the north of West Street.
- Integration of the heritage item into the new podium development. A 3m setback zone to be provided.
- Laneway widening to Church Lane from 3-4.5m to 6m.
- An additional 3m setback to the tower levels to the east, ensuring the separation distance and amenity to neighbouring residential properties.
- Residential uses on the podium levels only where a 9m setback to the neighbouring boundary is provided.
- Limited (1) vehicular accessing point from Church Lane.
- Communal open space is provided on the rooftop of the taller tower.
- Provision of landscape screening on the edges of podium to mitigate the potential overlooking issues and wind effect.
- Separated and recessed commercial and residential entries are provided along Pacific Highway.
- Activation to streets with a mix of commercial/retail and communal uses.
- Provision of awnings to Pacific Highway and West Street with improved pedestrian amenity.
- Potential new street trees along Pacific Highway to enhance the existing leafy streetscape character.

The proposal aims to provide increased commercial floor space of approx. 1,667 sqm and 8,810 sqm for residential uses including potential key worker's housing.

According to the preliminary typical layout testing, 68% of total units can achieve cross-ventilation and 91% of total units (81 out of 89 units) can receive min. 2 hours solar in the mid-winter. The proposal fully complies with the ADG requirements. Details, please refer to Appendix 1 - Building Envelopes Study and Reference Design by PTW.

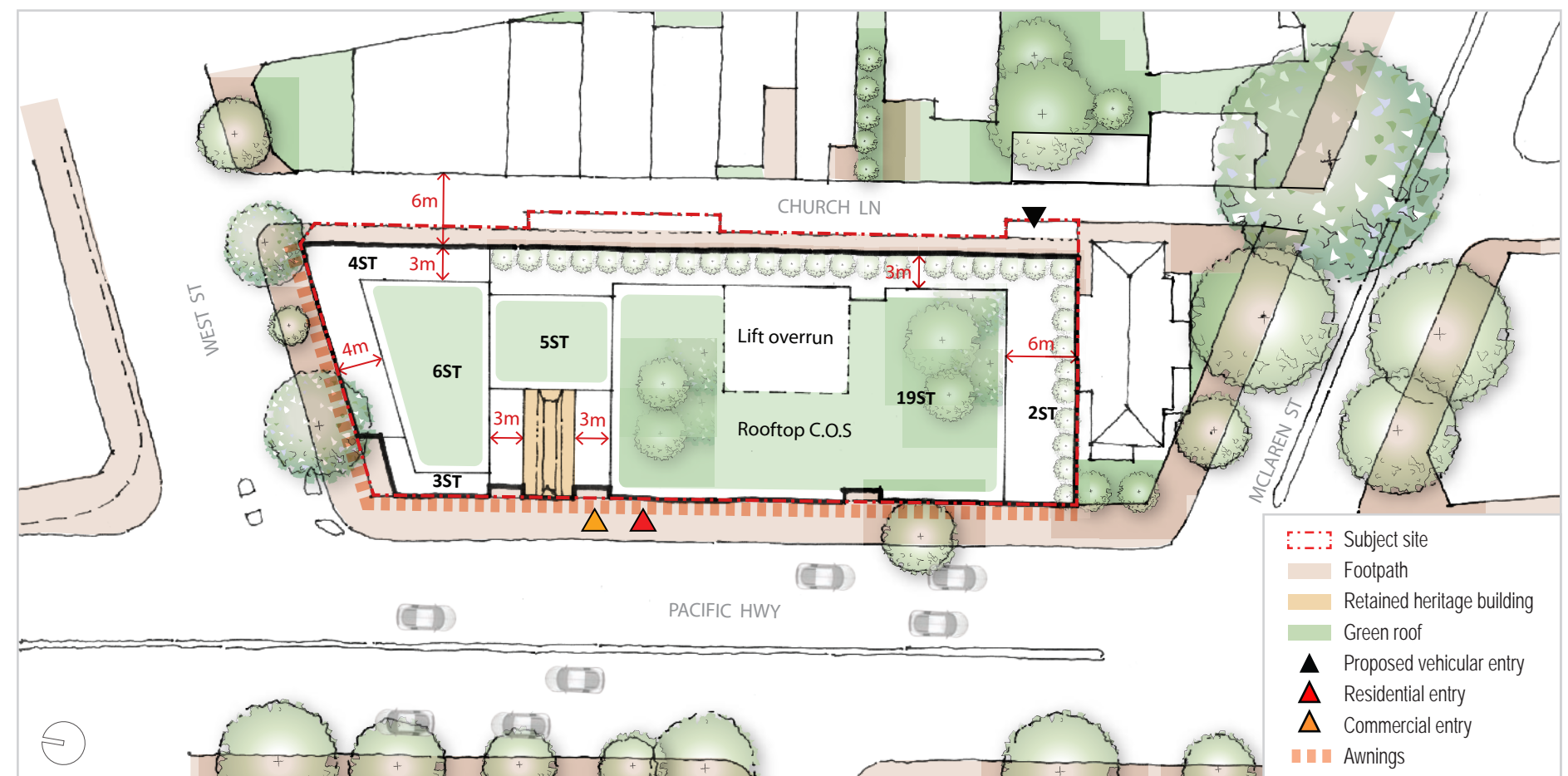


Figure 40. Preferred master plan.

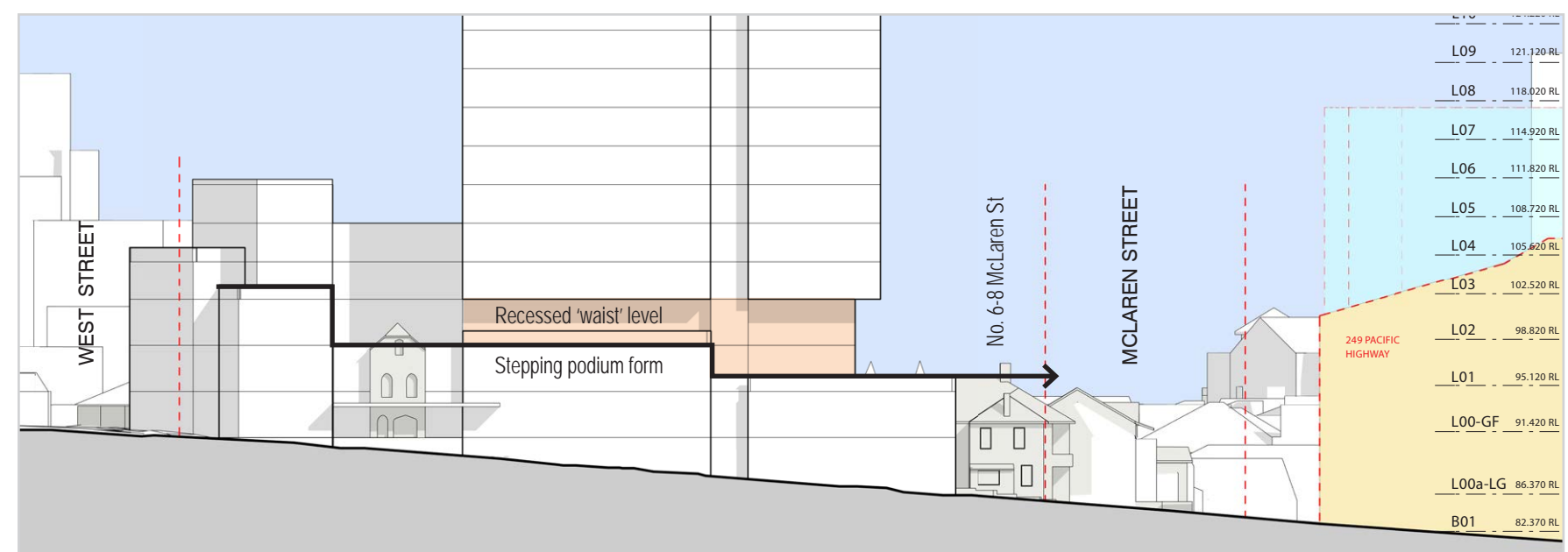


Figure 41. Elevation along Pacific Highway (adapted from Building Envelope Study and Reference Design - Elevation - West - Pacific Highway).



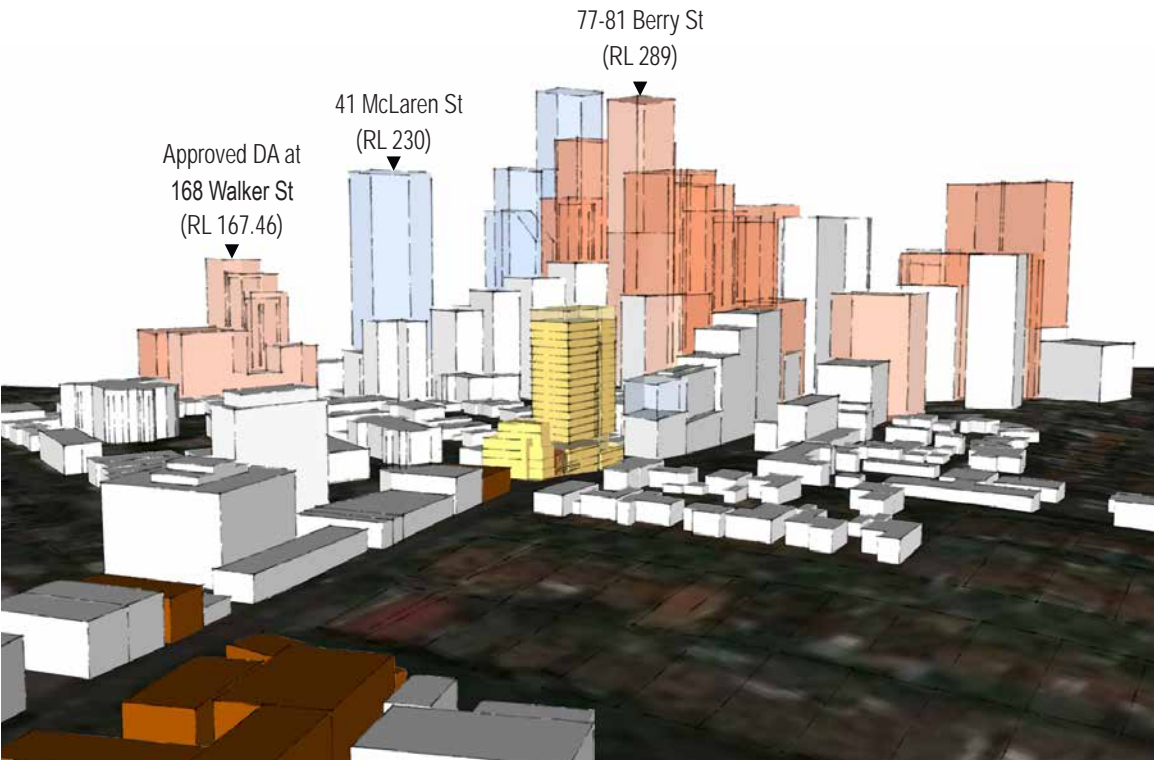


Figure 42. Bird's eye view showing the subject development in changing context.

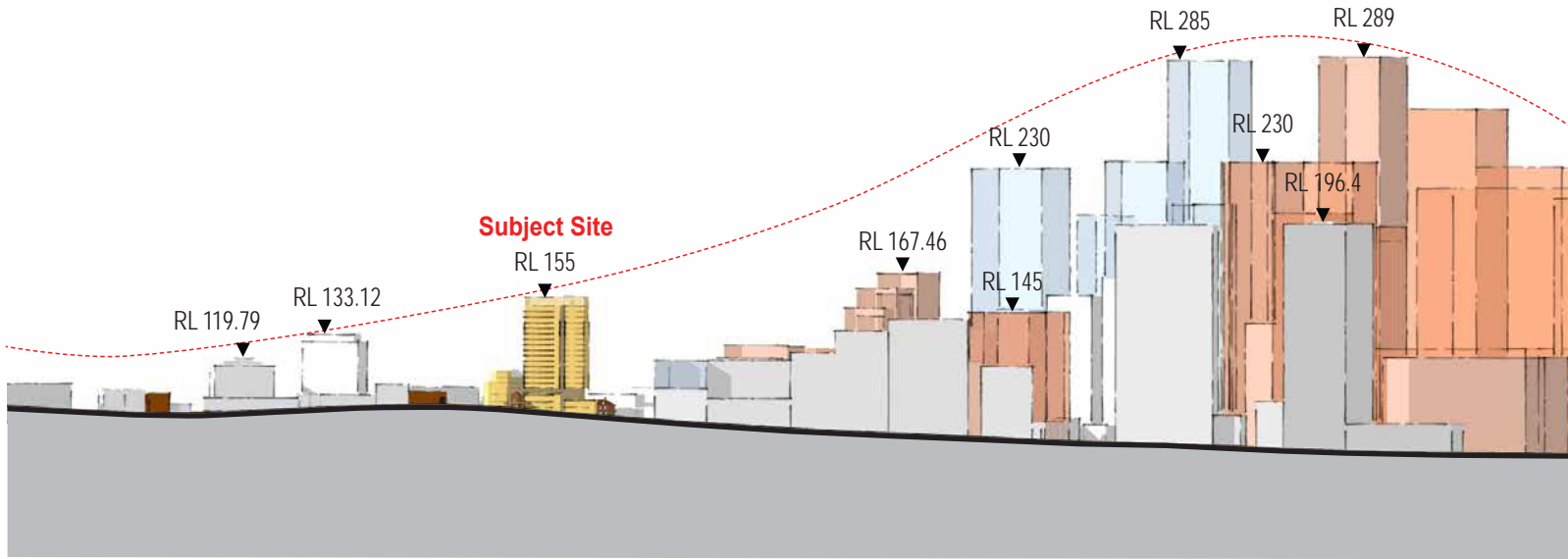


Figure 44. The proposed development in response to the changing context - Section along Pacific Highway.

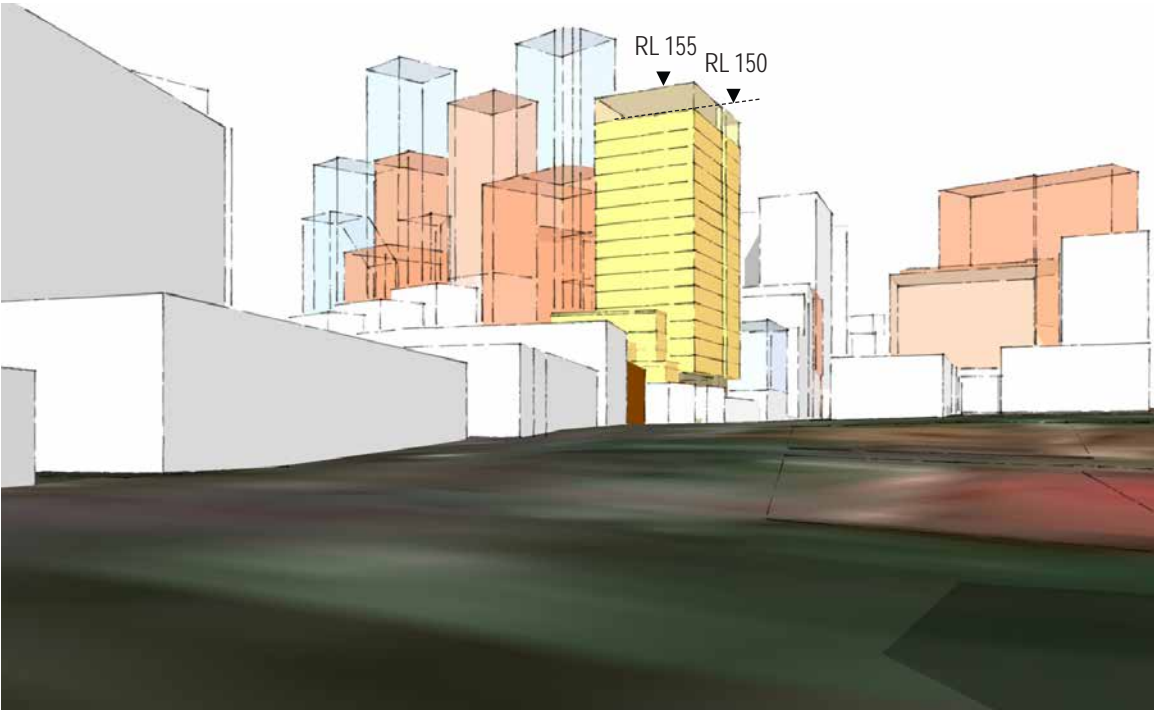


Figure 43. View south from Pacific Highway, showing the proposal in the changing context.

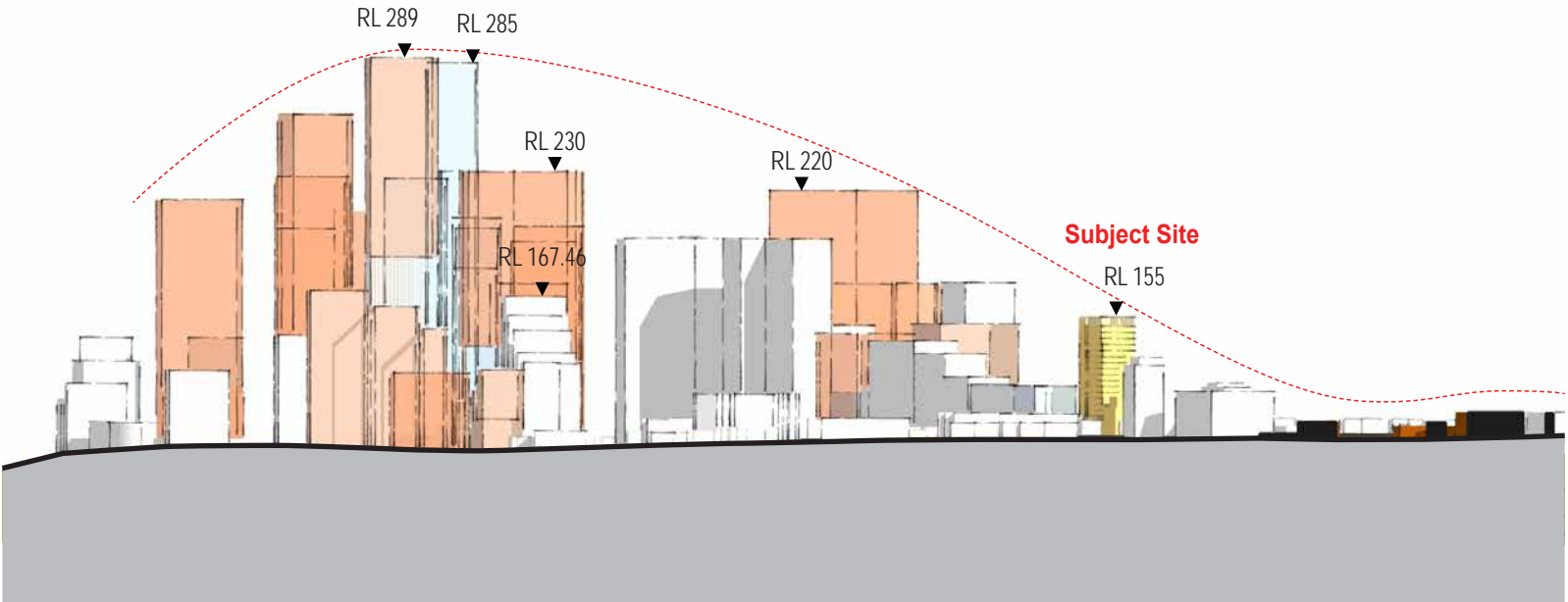


Figure 45. The proposed development in response to the changing context - Section along Ridge Street.

- Subject development
- Approved Planning Proposals / DAs
- Proposed lift overrun zone
- Ward Street Precinct Masterplan (exhibited heights)





Figure 46. Artist's impression of the proposed development - viewing towards north from Pacific Highway (source: PTW).





Figure 47. Artist's impression of the proposed development - viewing towards south from Pacific Highway (source: PTW).



## 4.2 OVERSHADOWING ANALYSIS

The proposed building envelope has been tested in terms of shadow impacts on the surrounding areas and properties. The analysis shows the extent of shadows cast by the proposed maximum development envelope between 9am and 3pm in mid-winter. The diagrams also show a comparison of the shadow impacts of the proposed building envelope relative to a fully compliant envelope to the surrounding context.

As Figure 48 shows, the proposed building envelope creates a fast-moving shadow to the surrounding context. It creates additional overshadowing on the North Sydney Demonstration School's playground between 9-10am (highlighted in green in Figure 48). Given the student's recess time starts from 10:15am, the proposed development will have no impacts on the activity time and therefore is acceptable.

The KU Dem School Kids Care (before and after school care) playground to the west of Pacific Highway is usually used between 7:30-9am and 3-6pm during its operation time. According to the Childcare Planning Guideline 2017, a minimum 30% of the outdoor play areas need to have year-round solar access. As shown in Figure 49, approximately 30% or more of the outdoor space can receive sunlight between 8-9am. The majority of the outdoor play area is already shaded by the existing development between 7:30-8 am and the proposed building envelope will not create any additional overshadowing to the area by that time. Figure 48 shows that the proposal will have no impact on the Kids Care playground after 3pm given its location on the east. Therefore, the proposal will still remain reasonable solar access to this play area.

Based on desktop research of internal layouts of those residential properties to the east, the available information clearly shows that their main living/private open spaces are located to the north and east (see photos on the page to the right). The subject development to the west of this residential block will have no impact on their main living and private open spaces. No. 2 Church Street has a rear courtyard facing Church Lane, 50% of this space can still receive 2 hours sunlight during the day. Nos. 8A-10A have upper-level terraces facing the laneway. Approx. 50% of the open terrace at No. 10A can receive 2 hours solar. It is noted that a compliant development will have shadow impacts on the other 2 terraces after 2pm. The proposal creates no additional impact when compared to a compliant envelope.

It is noted that there are a number of buildings in the vicinity have solar panels installed on the rooftop. The detailed study shows that all these properties can receive a minimum of 4 hours solar during the day. Therefore, the minor shadow impacts created by the subject development in the early morning or late afternoon is acceptable. We consider that the site located at No. 1 McLaren Street is one of the potential sites for redevelopment. The shadow analysis shows that the subject development will not limit the development potential of that property as at least 70% of the facades can receive 2-hours solar in mid-winter.

Compared with a compliant envelope, the subject development will generate increased overshadowing in mid-winter. However, the above-detailed analysis shows that the proposed development can ensure reasonable solar access to the adjoining properties with no adverse impacts.

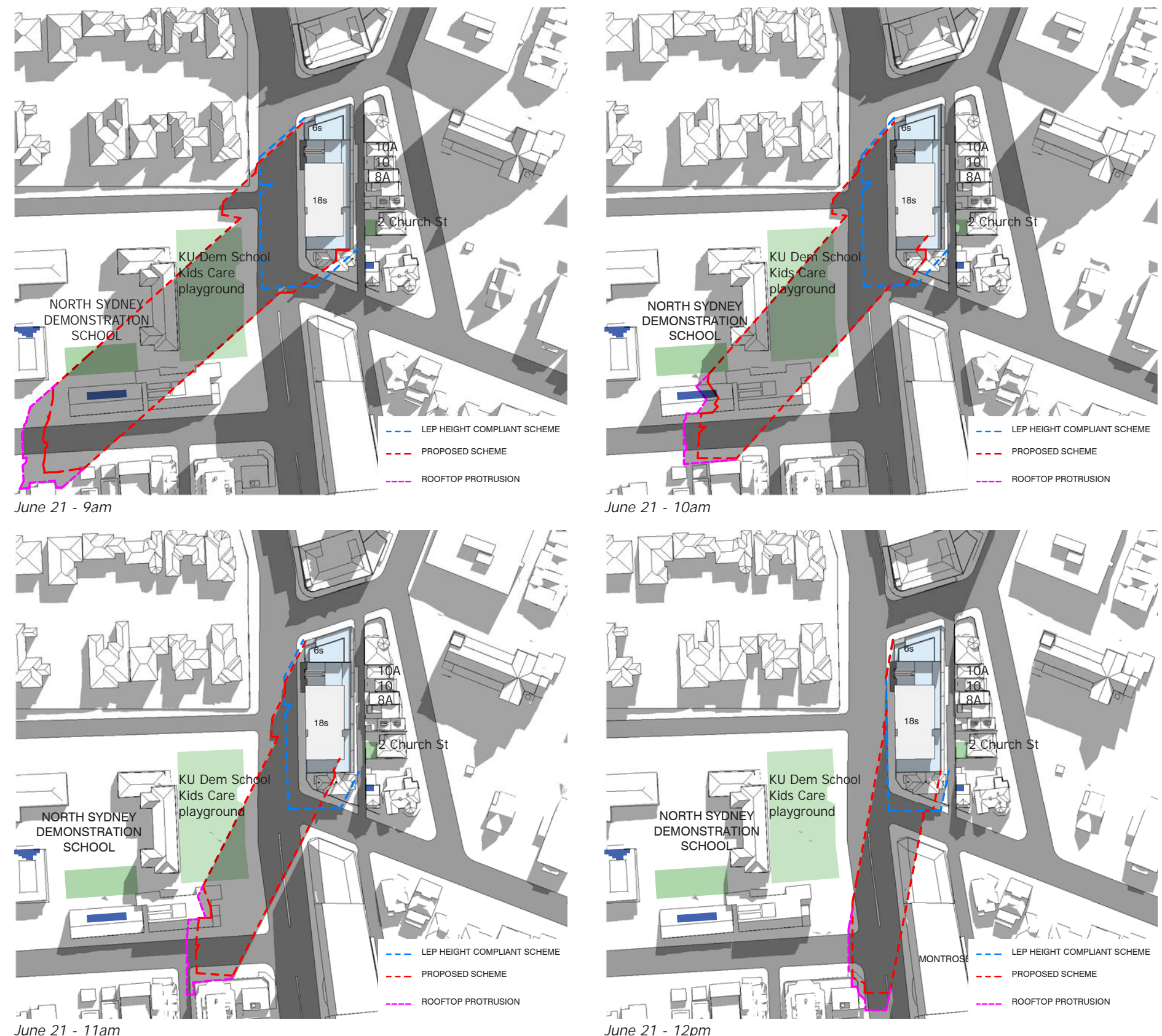
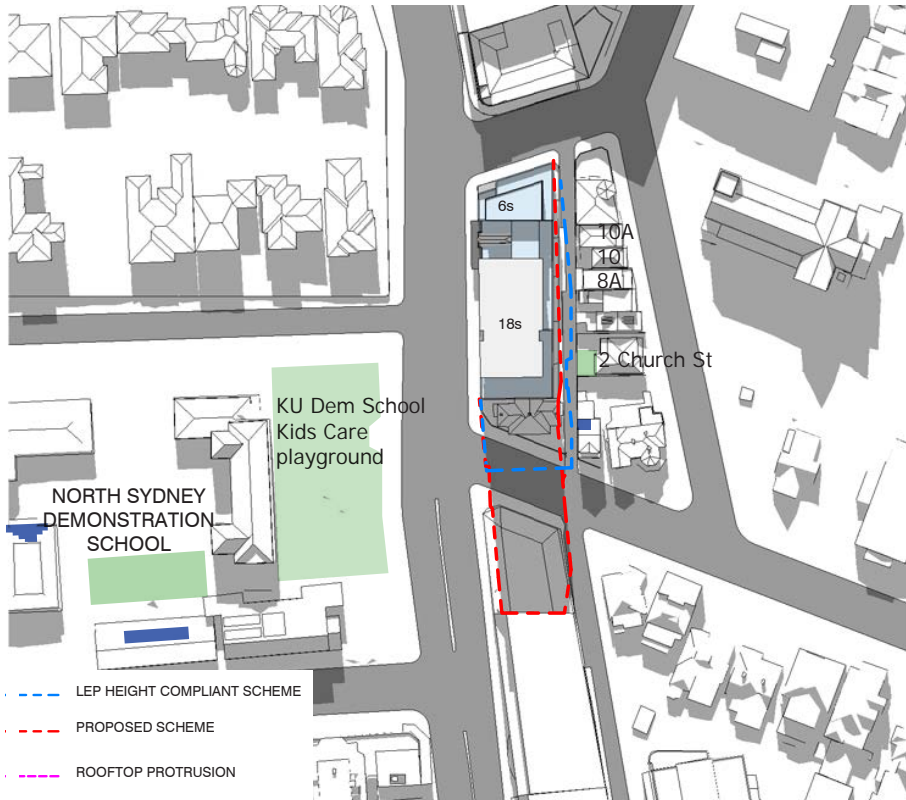
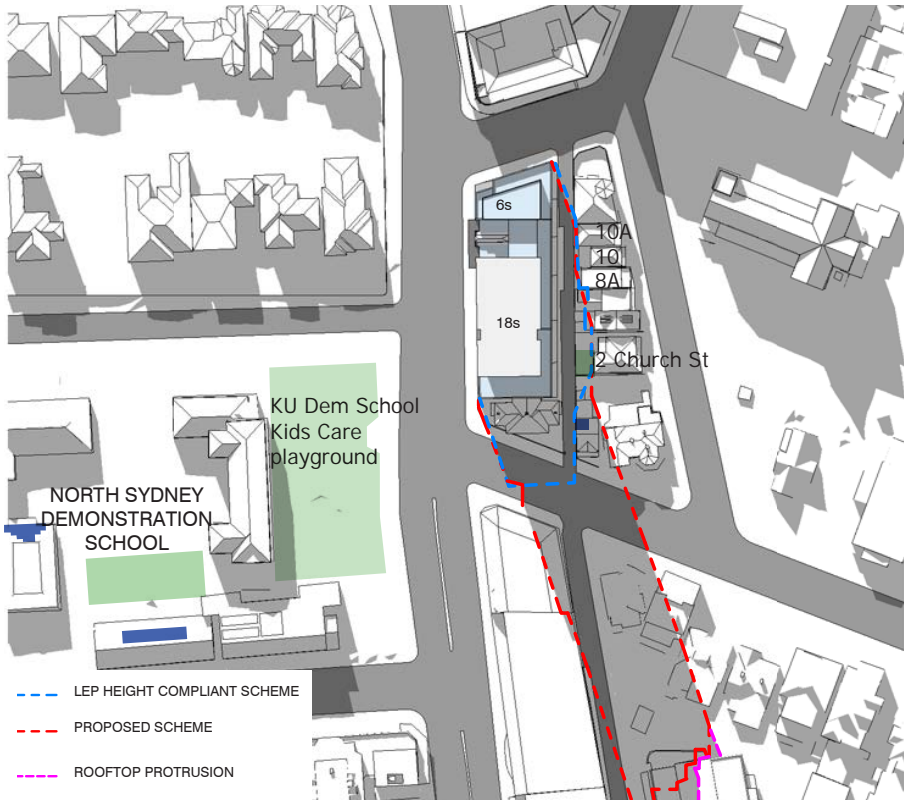


Figure 48. Shadow impact analysis diagrams (adapted from Shadow Diagrams - Winter Solstice prepared by PTW)





June 21 - 1pm



June 21 - 2pm



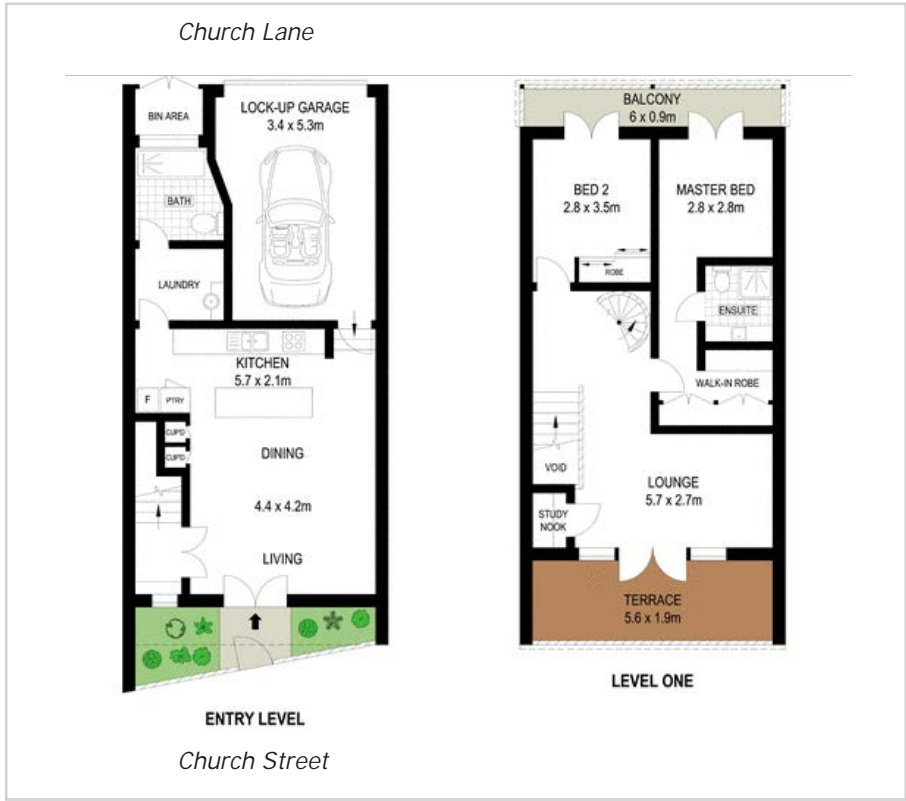
June 21 - 3pm



12 Church Street - units with living room facing Church and West Streets (source: Google).

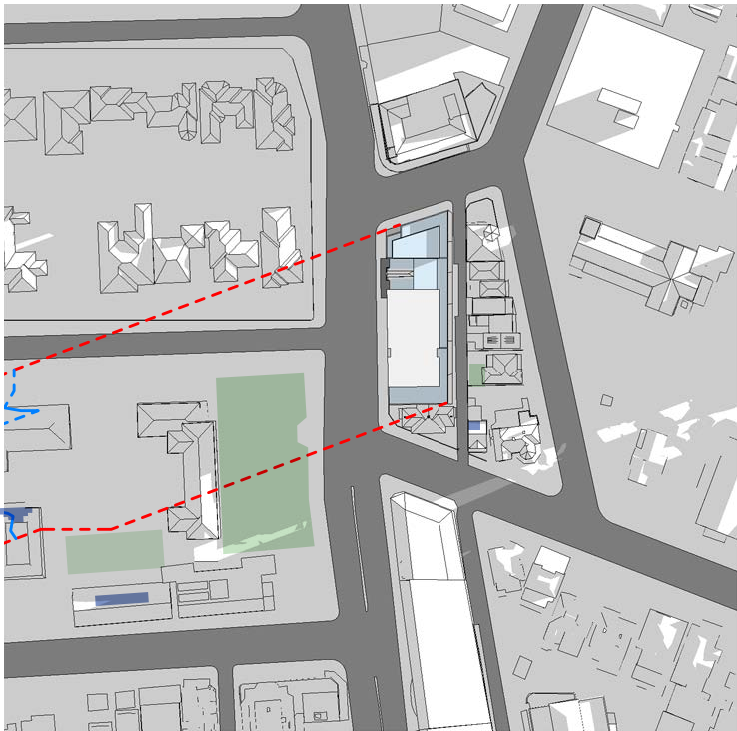


10 Church Street with living room facing Church Street (source: Google).

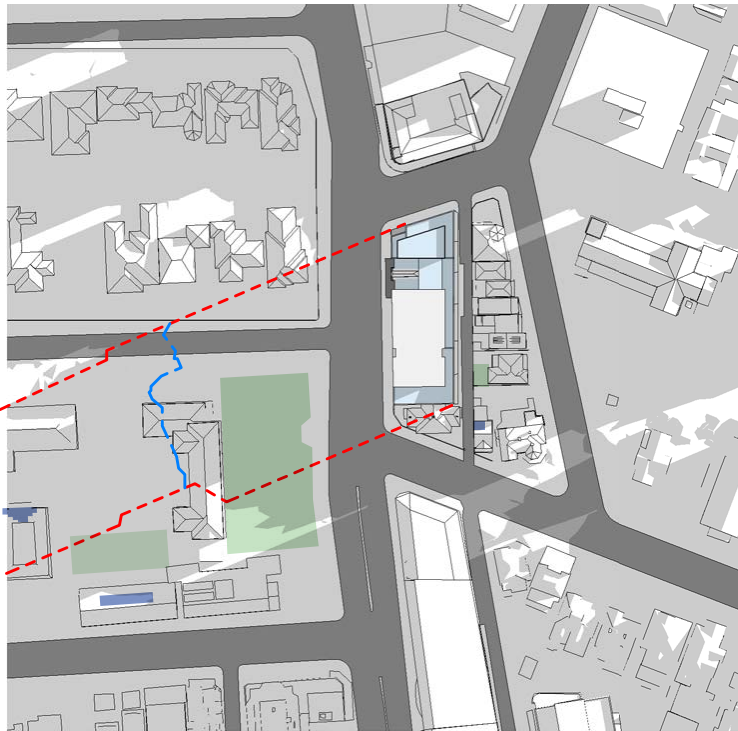


10A Church Street - Layout plans (source: Google).

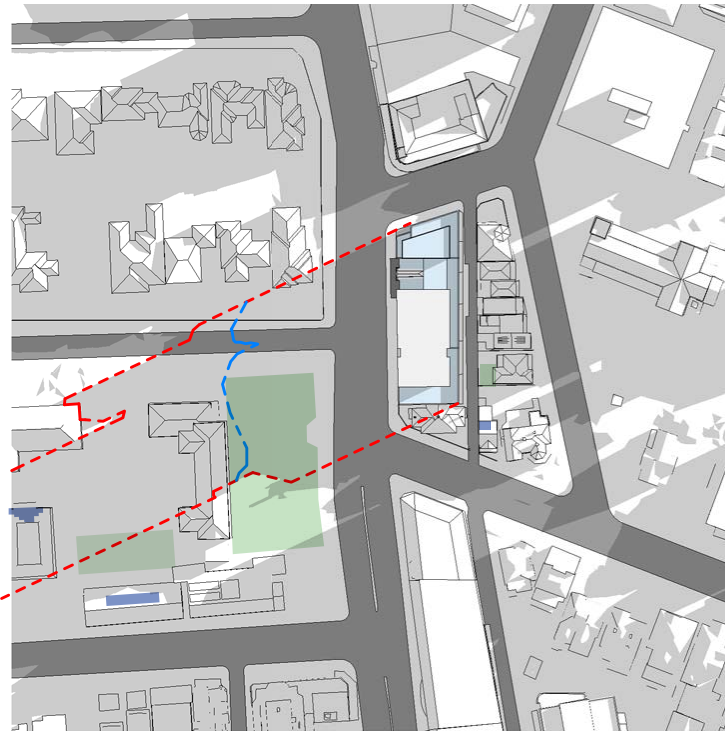




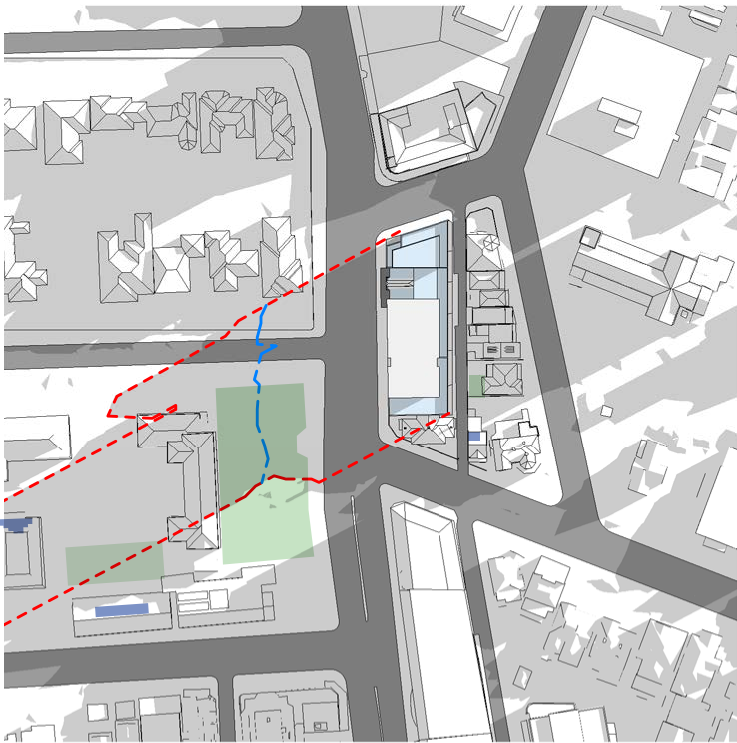
SHADOW DIAGRAM\_June21\_0730



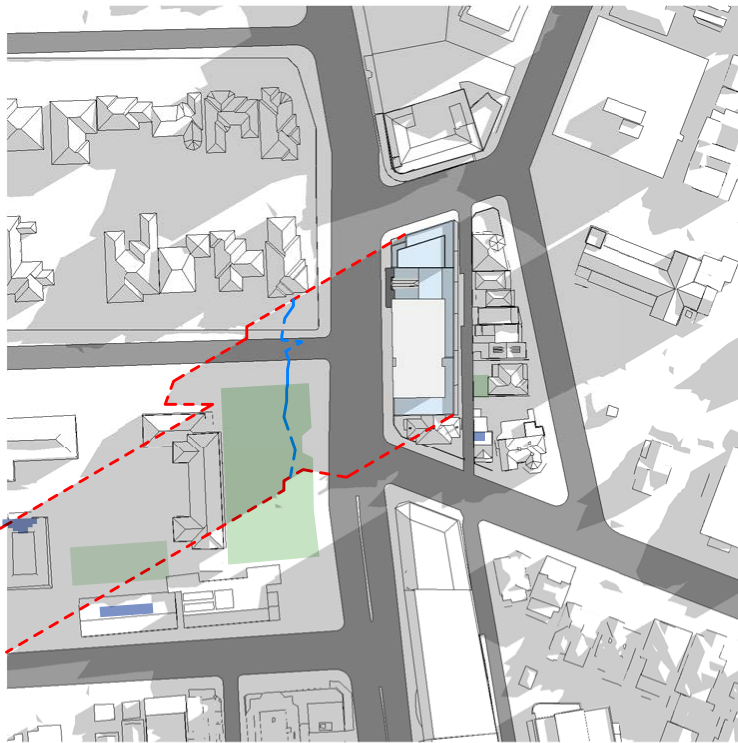
SHADOW DIAGRAM\_June21\_0745



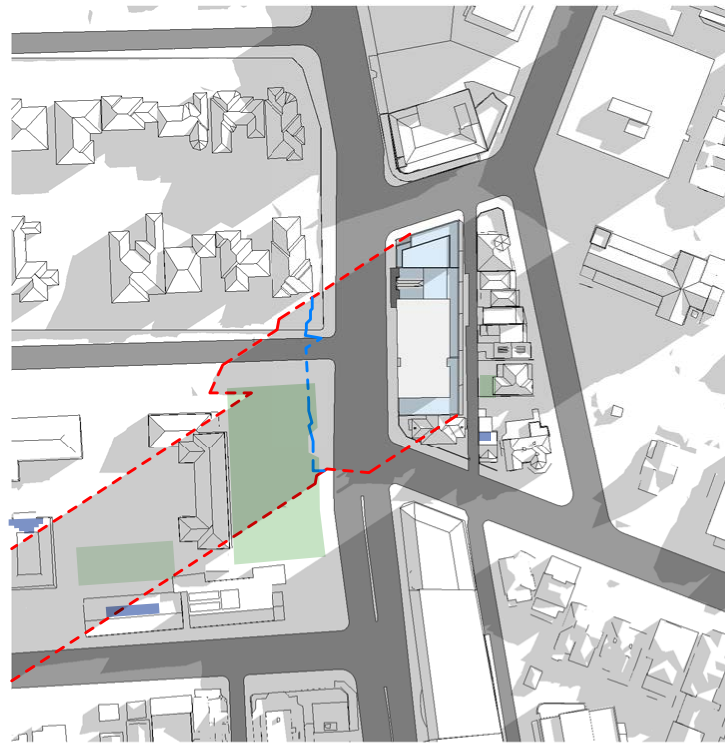
SHADOW DIAGRAM\_June21\_0800



SHADOW DIAGRAM\_June21\_0815



SHADOW DIAGRAM\_June21\_0830



SHADOW DIAGRAM\_June21\_0845

Figure 49. Early morning (7:30-8:45am) shadow impacts on the KU Dem School Kids Care site (source: PTW)

--- LEP HEIGHT COMPLIANT SCHEME  
--- PROPOSED SCHEME



### 4.3 URBAN DESIGN GUIDELINES

To guide the future development of the site, GMU has prepared the following site-specific development guidelines to ensure an appropriate built form and design excellence are achieved.

#### Maximum building heights

##### Objectives

- To provide increased opportunities for height and density within 300m of the station to contribute to the TOD development around the new Metro Station.
- To reinforce the concentration of height along Pacific Highway and whilst transitioning from the increased height occurring around the station nodes and centre of North Sydney.
- To achieve an appropriate relationship consistent with the character of North Sydney to the existing heritage items and conservation areas.
- To minimise any adverse shadow impacts to the adjoining sites.
- To moderate scale to the laneway.

##### Controls

- A defined 2-3 storey street wall height is to be provided following the topography along Pacific Highway and the heritage context.
- 2-4 storey streetwall height to Church Lane.
- Maximum 19 storeys at the southern end of the site. The maximum RL to the top of the lift overrun is RL 155. No habitable spaces are allowed within the life overrun zone above RL 150.
- Maximum 6 storeys to West Street with a 3-4 storey podium.
- The floor-to-floor heights are to comply with the ADG and DCP controls.
- Proposed building heights and floor to floor heights should generally comply with Figure 50 & 52.

#### Building setback and separation

##### Objectives

- To achieve appropriate separation, amenity and outlook for neighbouring sites, ensuring a reasonable level of amenity for future residents and neighbours.
- To provide the desired curtilage around the heritage item on site.
- To enhance the visual connection between McLaren Street and Crows Nest Conservation areas.
- Concentrate height and bulk on the highway to achieve separation to the conservation area.

##### Controls

- Provide a zero lot setback to the podium and tower to Pacific Highway and the podium to West Street, defining the street edges.
- Recess the proposed 'waist' level(s) by minimum of 2m from the Pacific Highway boundary to create a clearly defined lower-scale podium for pedestrians.
- Provide a 1.5-3m setback to the east for the length of the site to widen Church Lane to a minimum of 6m.
- Provide an additional 3m setback to the upper levels above the podium to achieve a minimum 9m separation to the boundary of neighbouring residential lots.

- Provide a 6m upper-level setback to the southern boundary with No. 6-8 McLaren Street to reduce the impact of the tower and continue the existing visual connection between 2 conservation areas.
- Provide a minimum 4m setback to the upper levels above podium levels to West Street.
- Provide a minimum 3m wide curtilage above the podium to the north and south of the retained heritage item.
- Proposed setbacks and separation distances should generally comply with Figure 51&52.

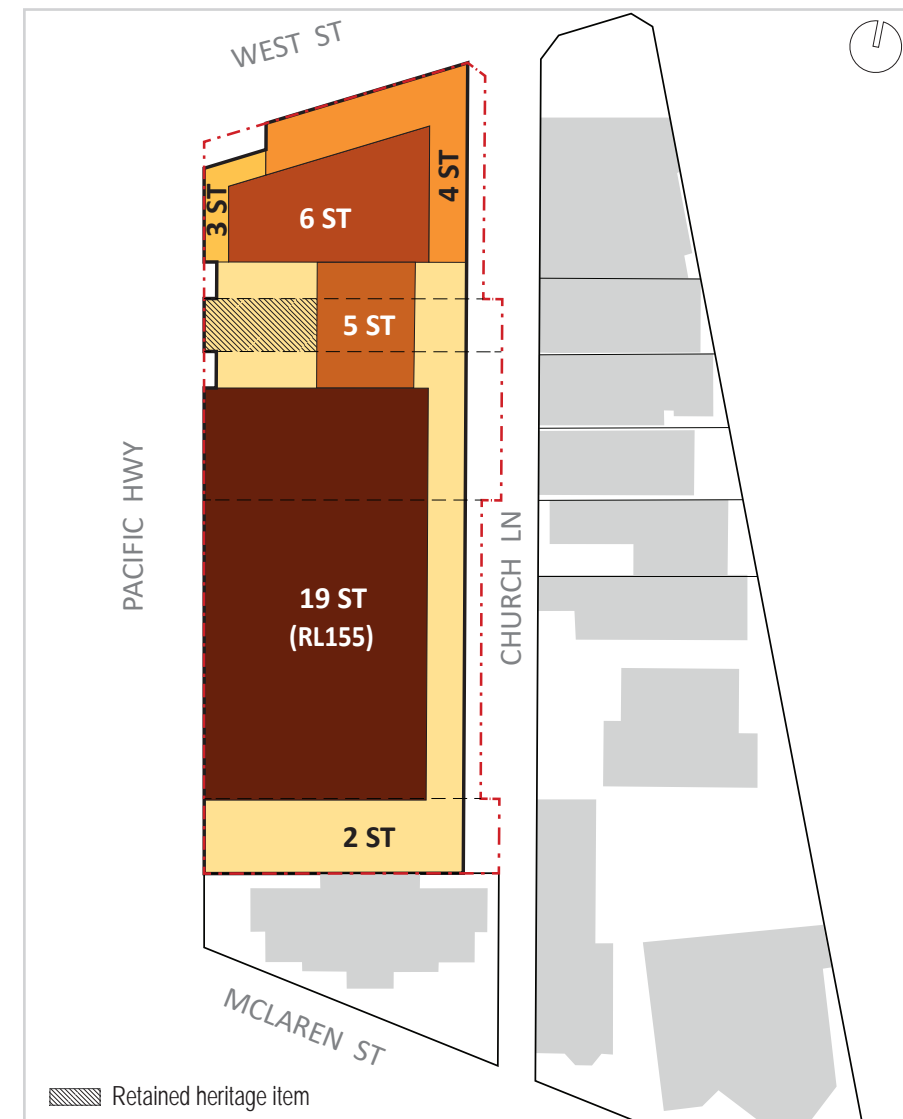


Figure 50. Maximum building heights

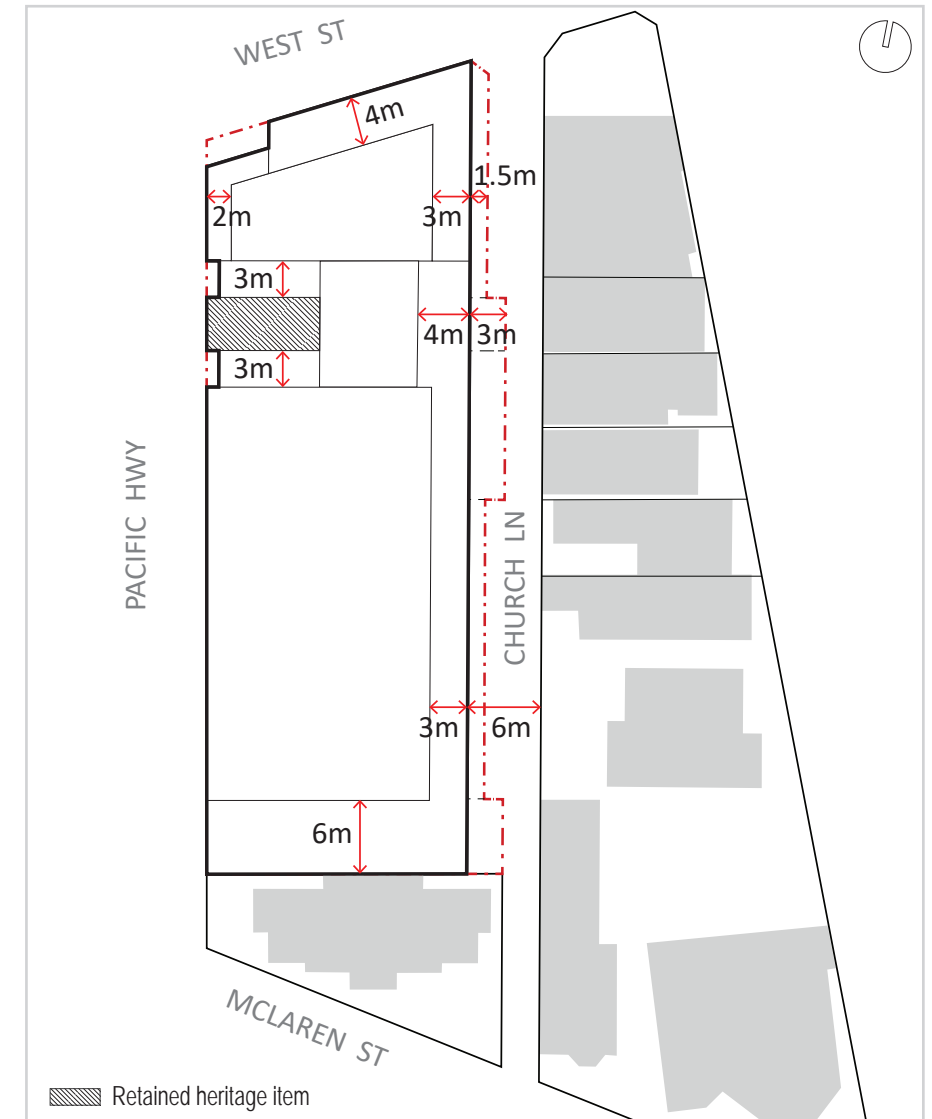


Figure 51. Setbacks and separation distances

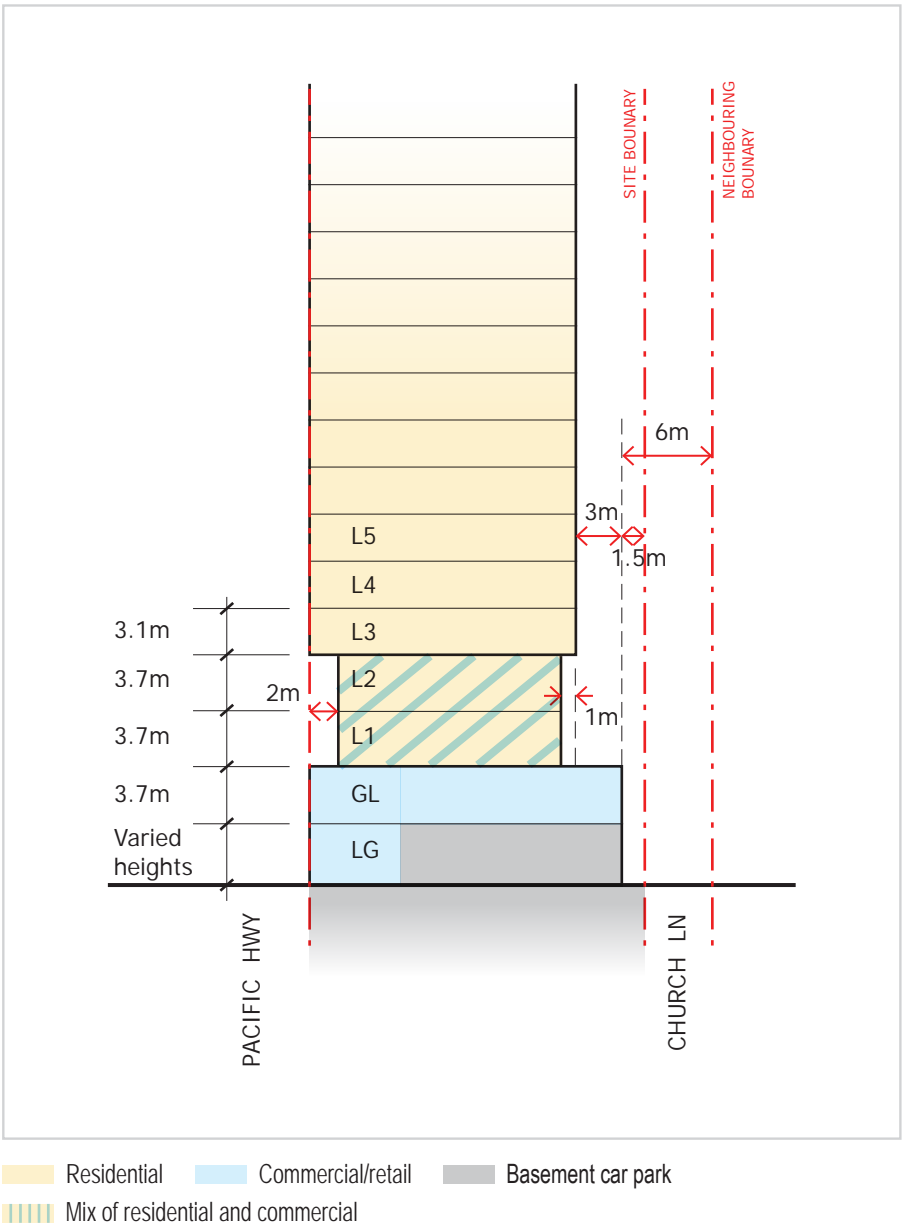


Figure 52. 'Waist' level setbacks and floor to floor heights

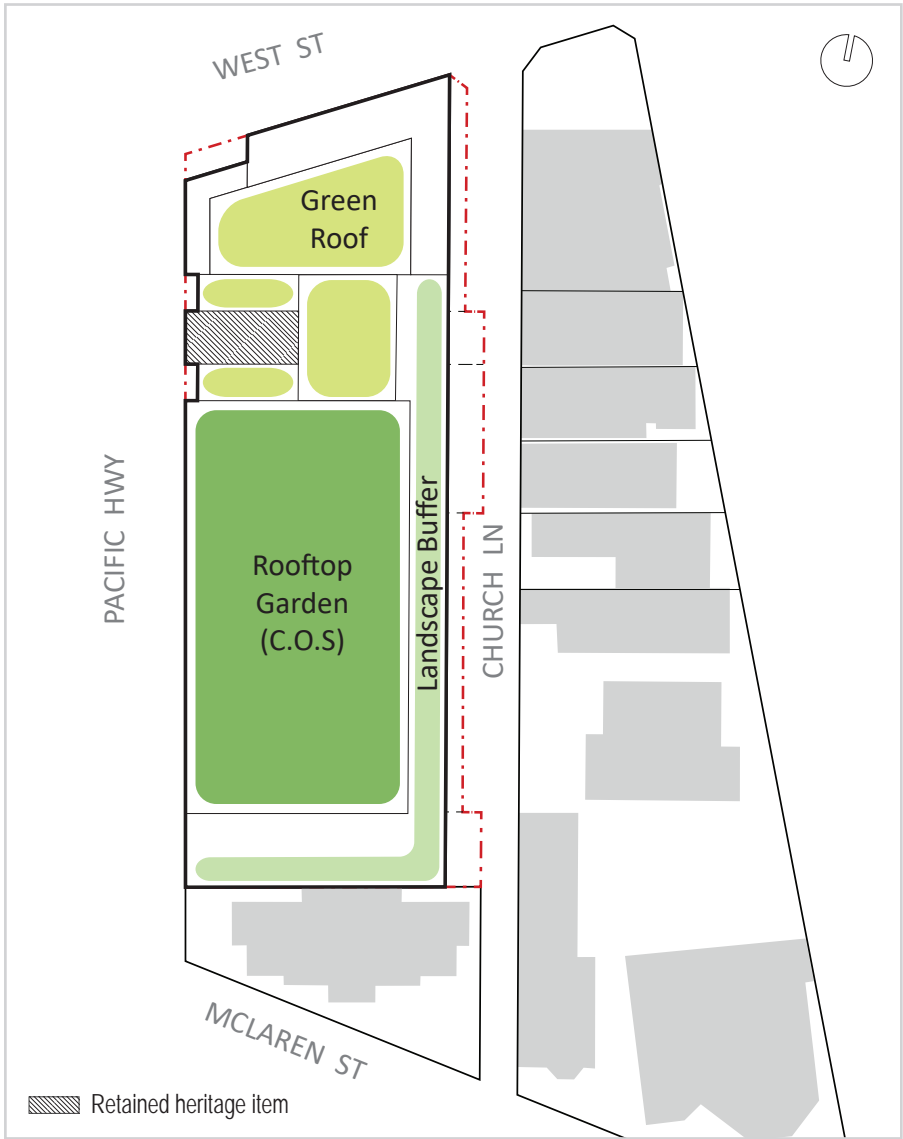


Figure 53. Open space and landscape area

**Open space and landscape areas**

**Objectives**

- To achieve quality external recreational areas for residents.
- To achieve landscape buffers between new development and neighbouring residential dwellings.
- To provide reasonable privacy to the residential dwellings from residential uses at low level.

**Controls**

- Provide min. 490 sqm of communal open space on the rooftop of the tower form.
- Provide landscape planters with a minimum clear width of 2.5m and height of 1m to the edges of the podium to reduce overlooking opportunities with an interface with lower-scale residential to the east and south.
- Incorporate green roofs where possible.
- The open space and landscape locations are to generally comply with Figure 53.

**Vehicular and pedestrian access**

**Objectives**

- To merge traffic movements as access is denied from Pacific Highway .
- To improve the public domain of Pacific Highway for pedestrians.
- To widen Church Lane to benefit all uses.
- To improve the site's accessibility.

**Controls**

- Vehicular access is to be located at teh north eastern end of the site from Church Lane.
- Building access for pedestrians is to be from Pacific Highway and West Street.
- Vehicular and pedestrian access locations should generally comply with Figure 54.

### Activate frontages and awnings

#### Objectives

- To enhance the Pacific Highway and West Street streetscapes and the public domain for all weather conditions.
- To provide an active ground plane with an increased opportunity for passive surveillance to the public domain.

#### Controls

- Active uses are to be provided to Pacific Highway and West Street at ground level.
- Disruption to active frontages by services, fire exits and blank walls is to be minimised.
- Where blank walls are unavoidable, these facades should be treated with high-quality materials and design solutions.
- Awnings are to be provided to the Pacific Highway and West Street, stepping down to the south in response to the sloping topography.
- Shopfronts and retail tenancies are to be provided that respond to the narrow subdivision pattern and step down to follow the topography.
- The active uses and location for awnings are to generally comply with Figure 54.



Figure 54. Access, active frontages and awnings



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## 5. FINAL RECOMMENDATIONS



## 5.1 PROPOSED STATUTORY CONTROLS

GMU recommends that the following statutory controls in North Sydney LEP 2013 be amended.

### LEP Height of Building

Given the changing context and desired concentration of height and density around the new Victoria Cross Metro Station and along the Pacific Highway Corridor, the proposal seeks an opportunity to amend the current maximum building height from 10m to a maximum 23m to Nos. 265-267 and 68m to the remainder of the site, including the lift overrun zone.

**LEP FSR**

Currently, there is no specific FSR control applies to the site. The proposal seeks to introduce a maximum FSR of 7.2:1 for the site to ensure a quality design outcome in the later development stage.

### LEP Non-residentail FSR

The existing non-residential FSR applicable to the site is 0.5:1. To support the economic growth of the centre area, the proposal seeks an amendment to an increased non-residential FSR of 1.0:1 for the site.



Figure 55. Proposed amendments to the Height of Building Map.



Figure 56. Amended FSR Map.



Figure 57. Amended Non-Residential FSR Map.



## 5.2 CONCLUSIONS

GMU and the project team have undertaken an extensive analysis of the existing and desired future character and growth pattern of North Sydney and the role that the subject site could play in the anticipated growth of the North Sydney Centre.

This report has concluded that the proposed redevelopment of the site provides the opportunity to complement the Sydney Metro project of a new station at North Sydney. Its increased density and taller form for this block will contribute positively to the need for transit-orientated development around the new Victoria Cross Station supporting this largest State Government's investment.

The site, as an amalgamated land parcel in close proximity to the North Sydney CBD and reinforcing the height spine along Pacific Highway both in North Sydney and Crows Nest Station, will provide a greater concentration of jobs and housing for North Sydney reinforcing the approach of a walkable city whilst the existing characteristics of the area also acknowledging.

The proposed development will provide a defined lower-scale podium in response to the scale of the adjacent conservation areas and heritage items. The heritage shop on site will be retained and integrated as part of the podium development. The distinctly separate tower form with appropriate setbacks to heritage items, conservation areas and the laneway will support the desired intensification around the station whilst responding to the heritage context.

The proposed widened Church Lane (from 4.5m to 6m) will improve the accessibility of the site and surrounding areas, especially those residential dwellings with rear access to the east. It also ensures an increased separation distance to the new built form for residents on neighboring lots.

The proposed development will provide an increased opportunity for start-up business, new jobs and a variety of housing choices including affordable housing, to support the future growth of the centre with a new metro station.

Based on the above, GMU encourages Council to support this Planning Proposal and recommend it for 'gateway' approval.



Figure 58. Artist's impression of the proposed development - viewing towards south from Pacific Highway (source: PTW).

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# APPENDIX 1 - BUILDING ENVELOPE STUDY AND REFERENCE DESIGN PREPARED BY PTW





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253-267 PACIFIC HIGHWAY, NORTH SYDNEY

## BUILDING ENVELOPE STUDY AND REFERENCE DESIGN

Prepared for: LEGACY PROPERTY

Prepared by: PTW ARCHITECTS

Prepared Date: 2018.09.18

PTW



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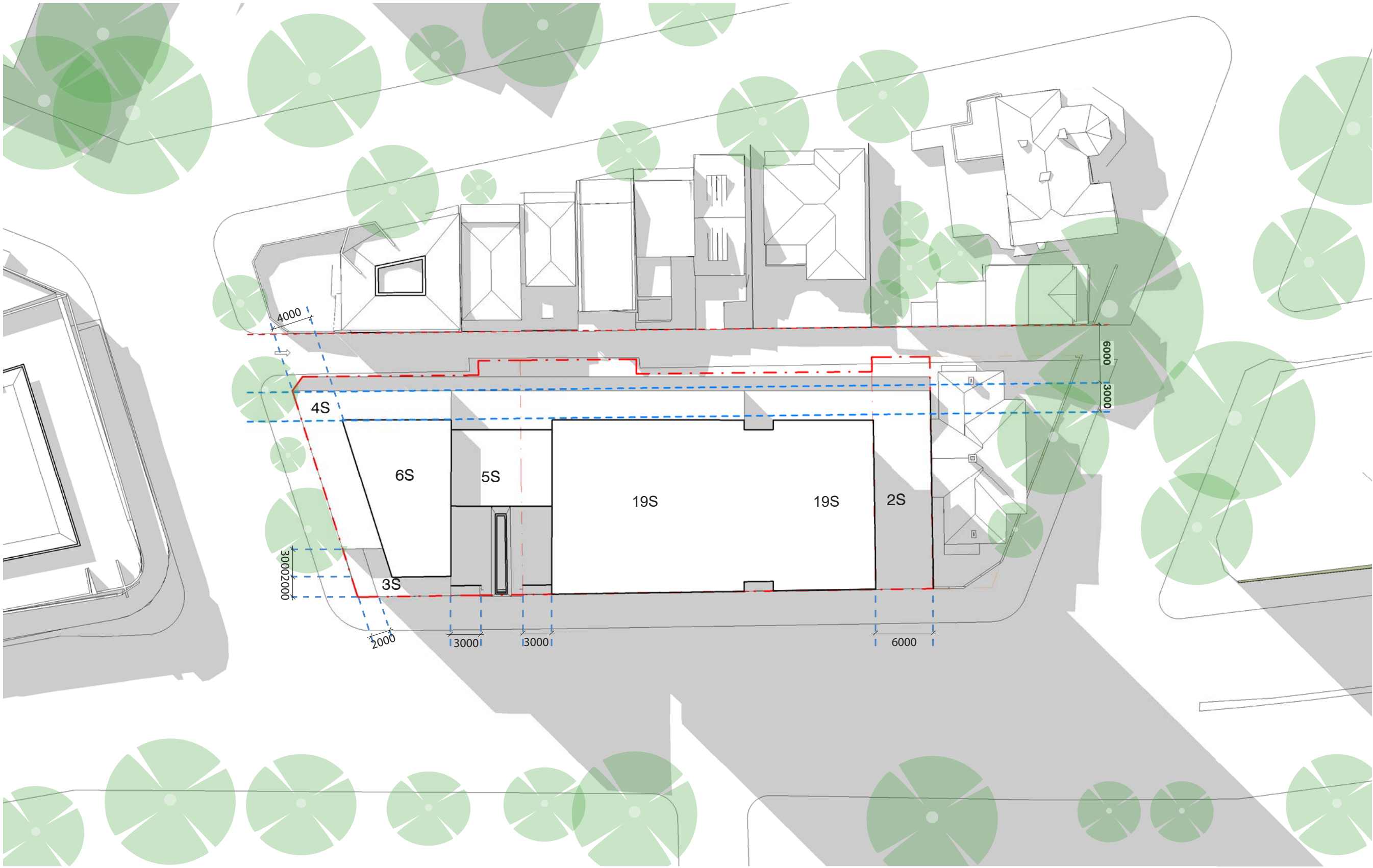
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# BUILDING ENVELOPE

253-267 PACIFIC HIGHWAY, NORTH SYDNEY

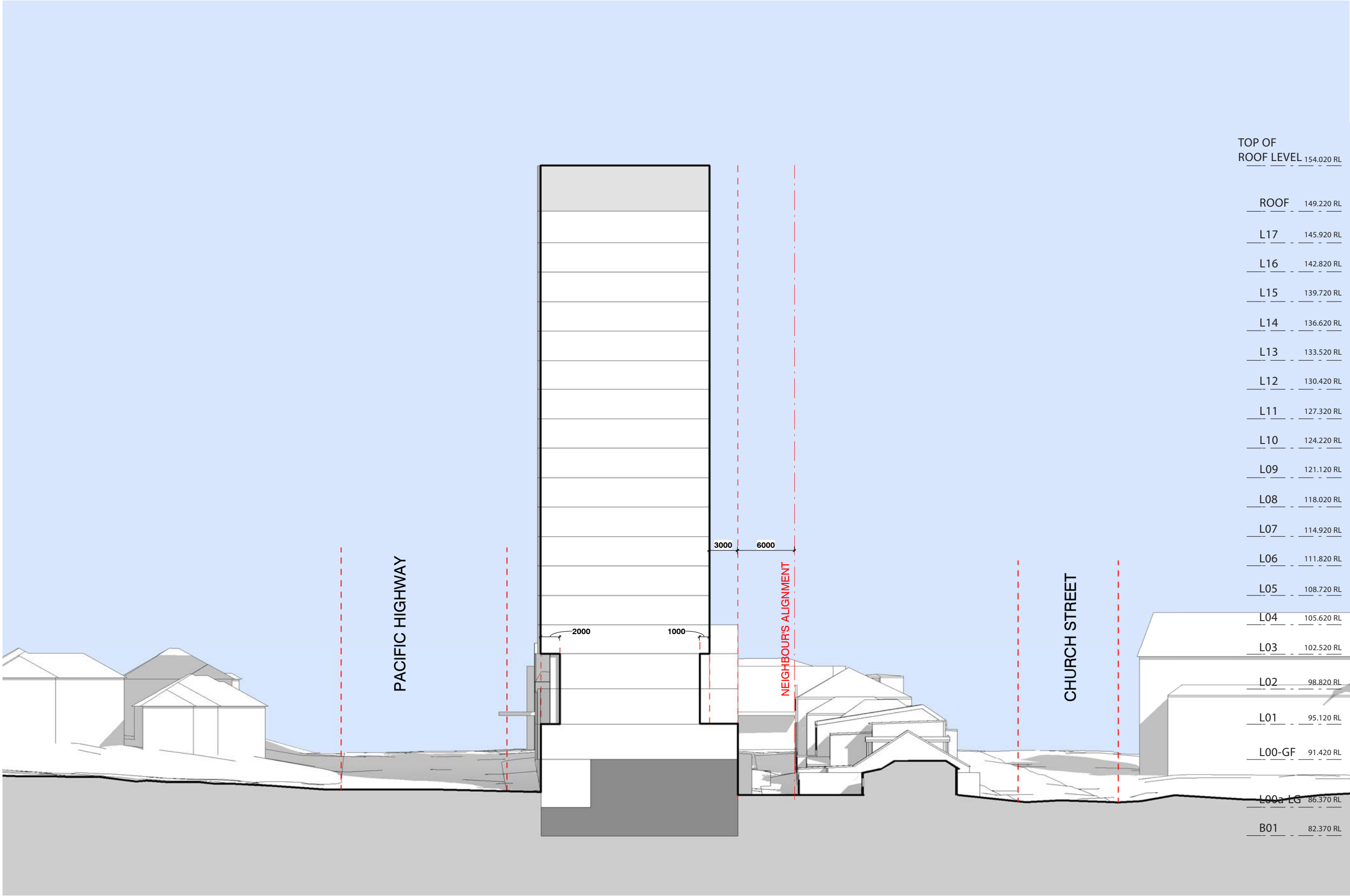


BUILDING ENVELOPE



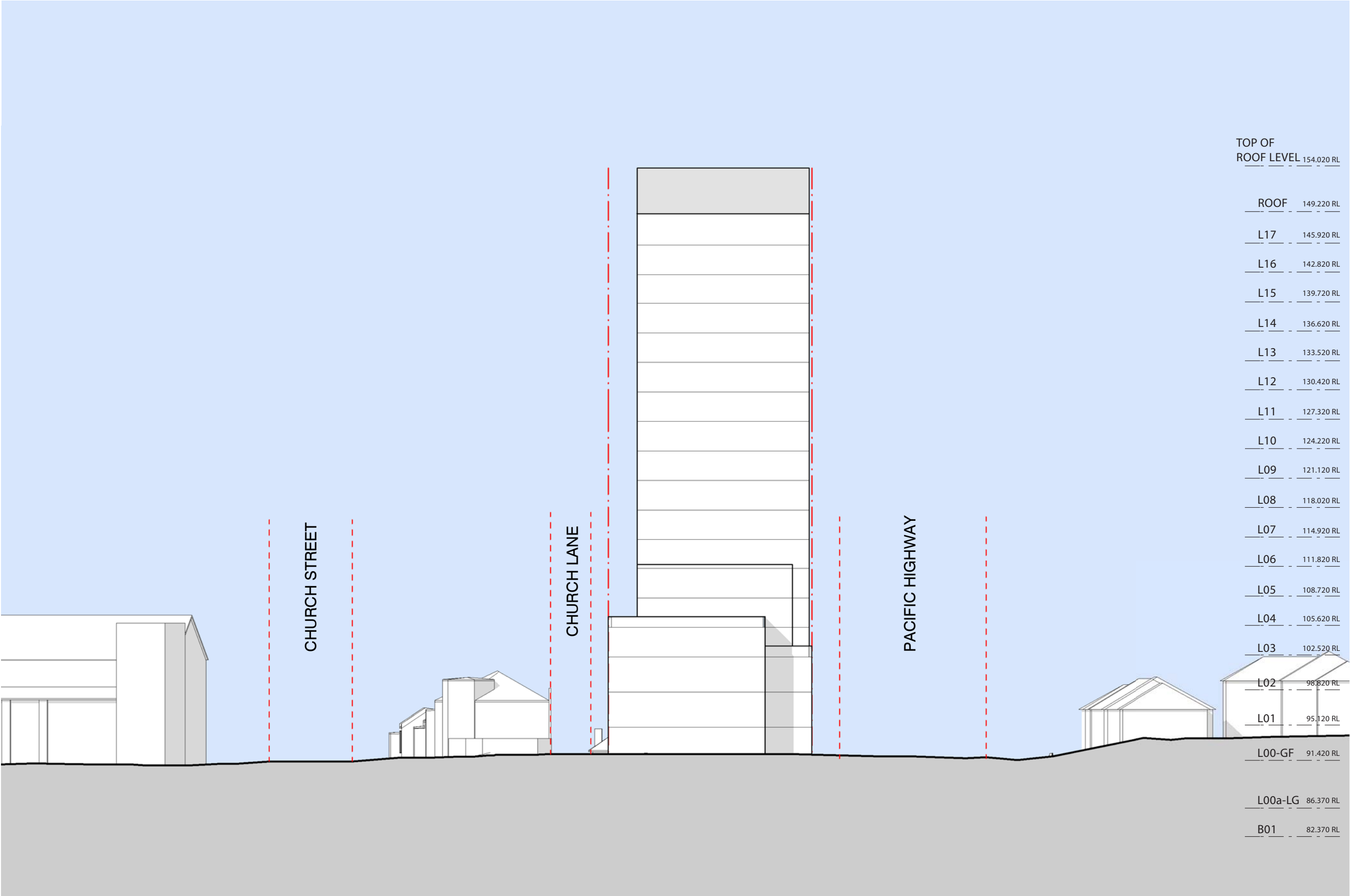
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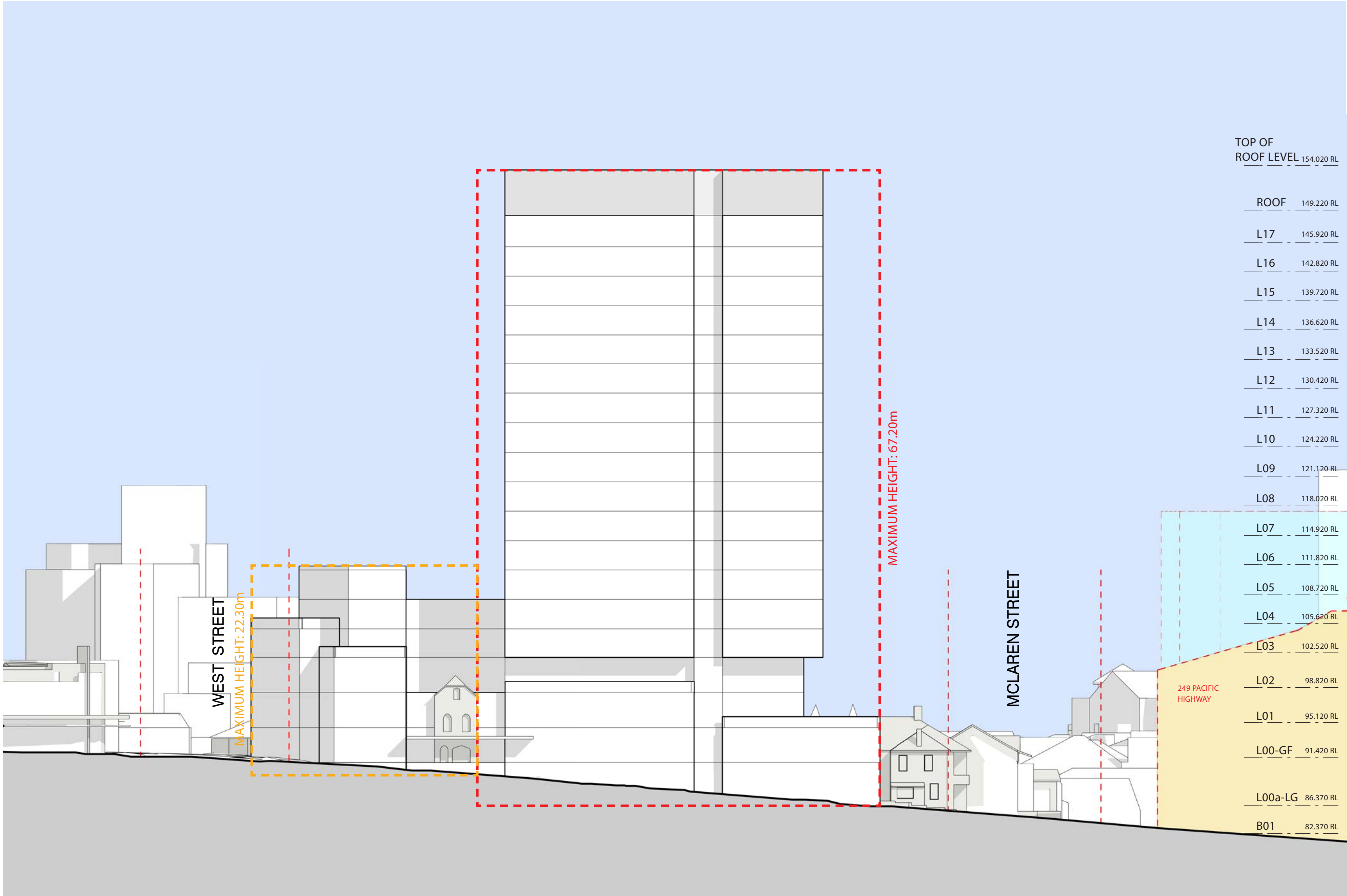
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BUILDING ENVELOPE



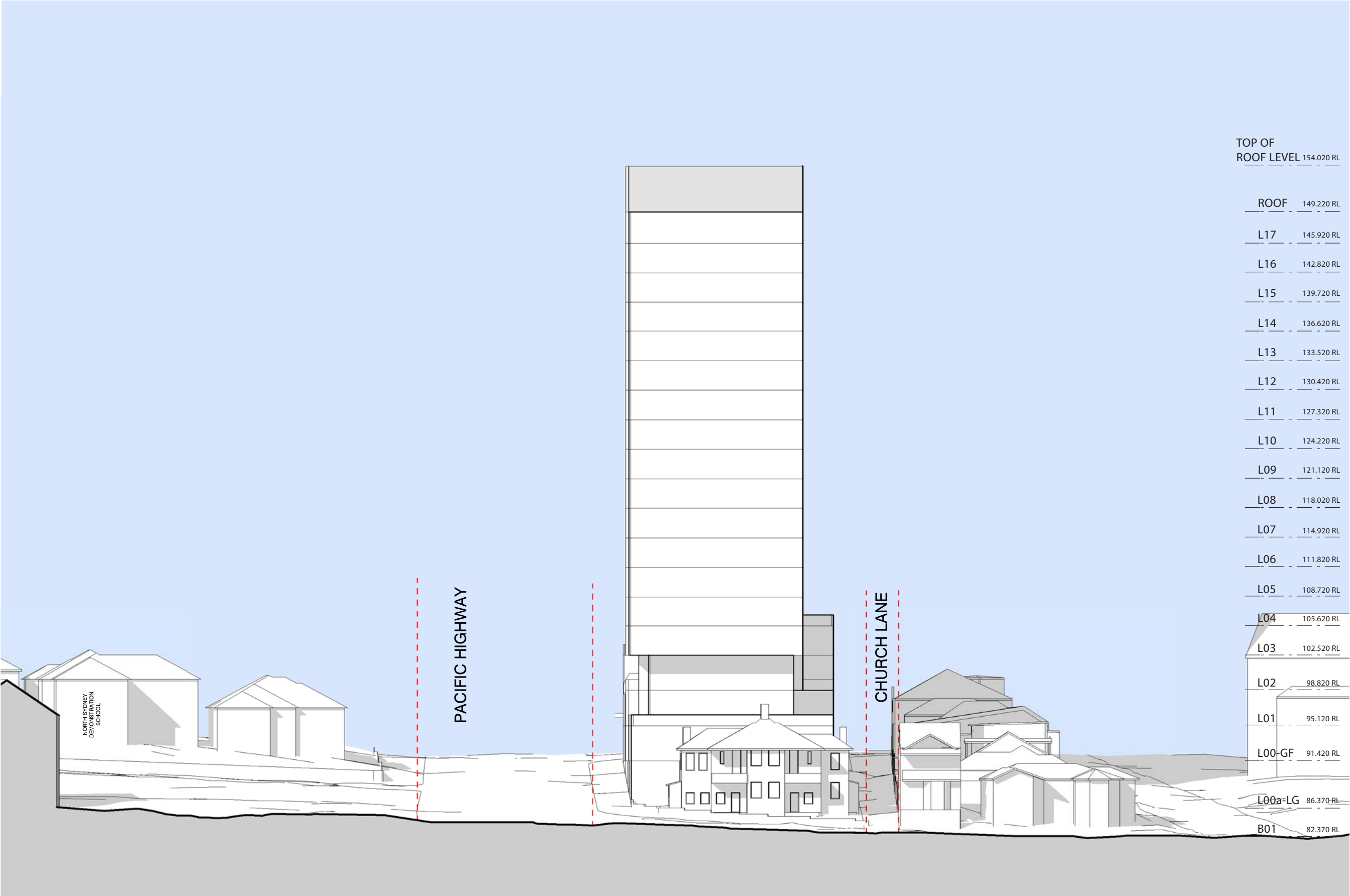
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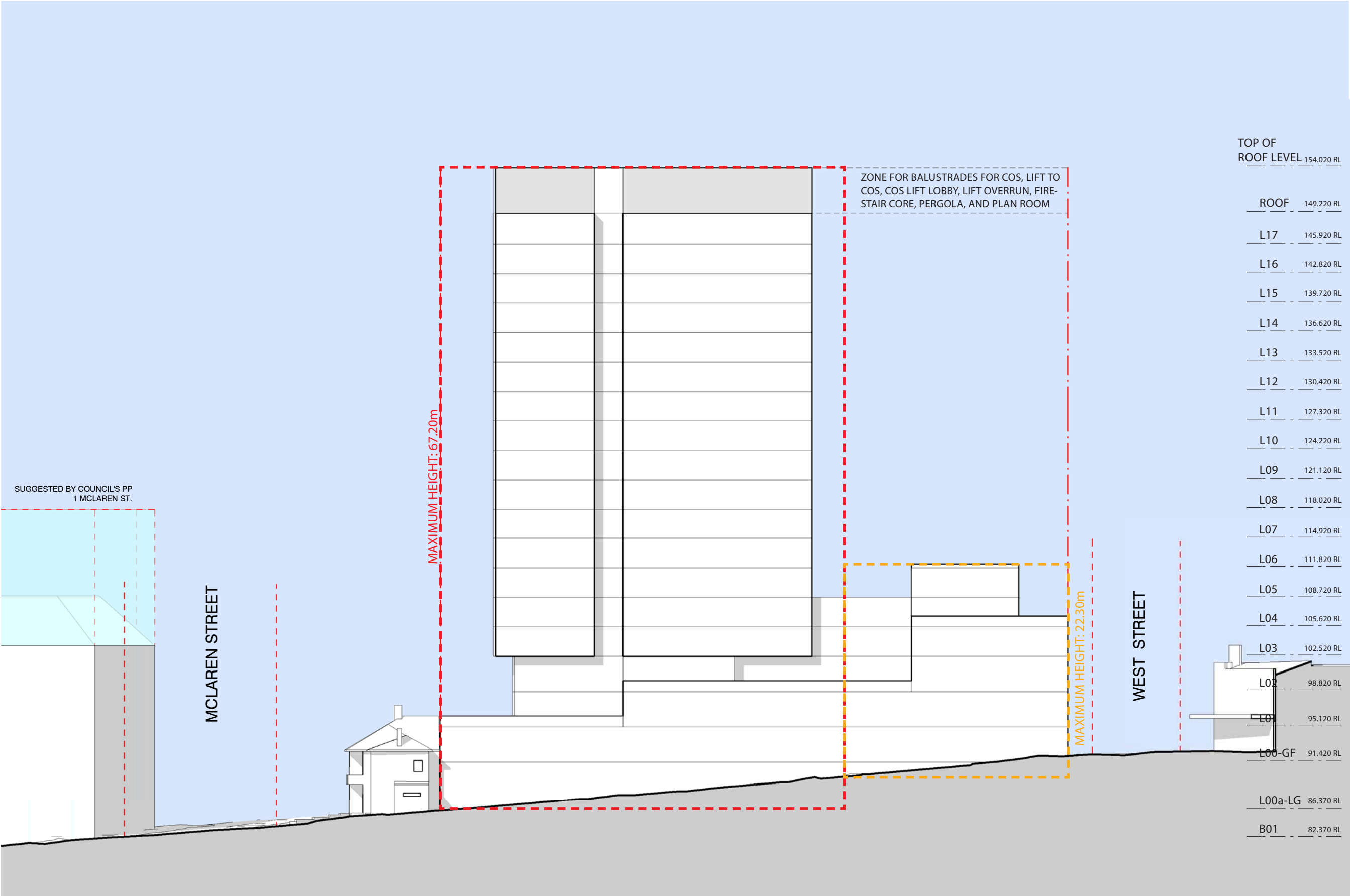


02 | Elevation - West - Pacific Highway - 1:400 @A3

BUILDING ENVELOPE



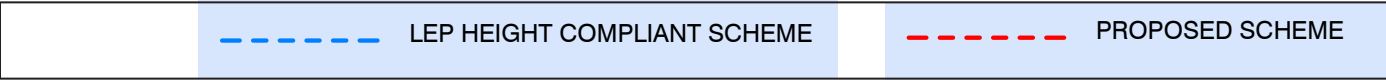
03 | Elevation - South - McLaren Street - 1:400 @A3



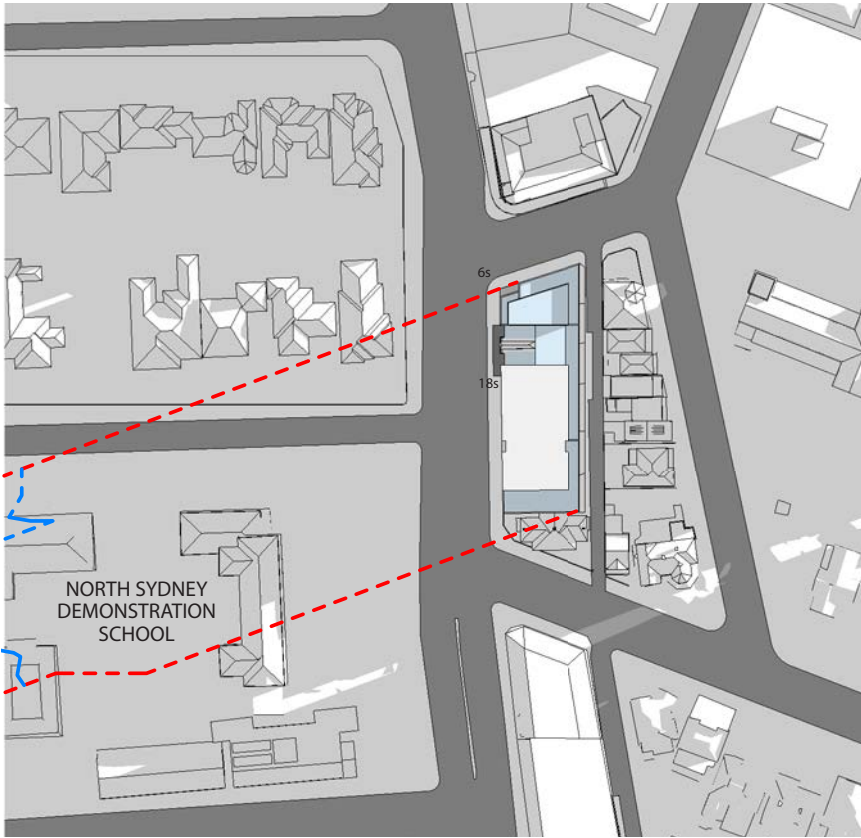
04 | Elevation - East - Church Lane - 1:400 @A3



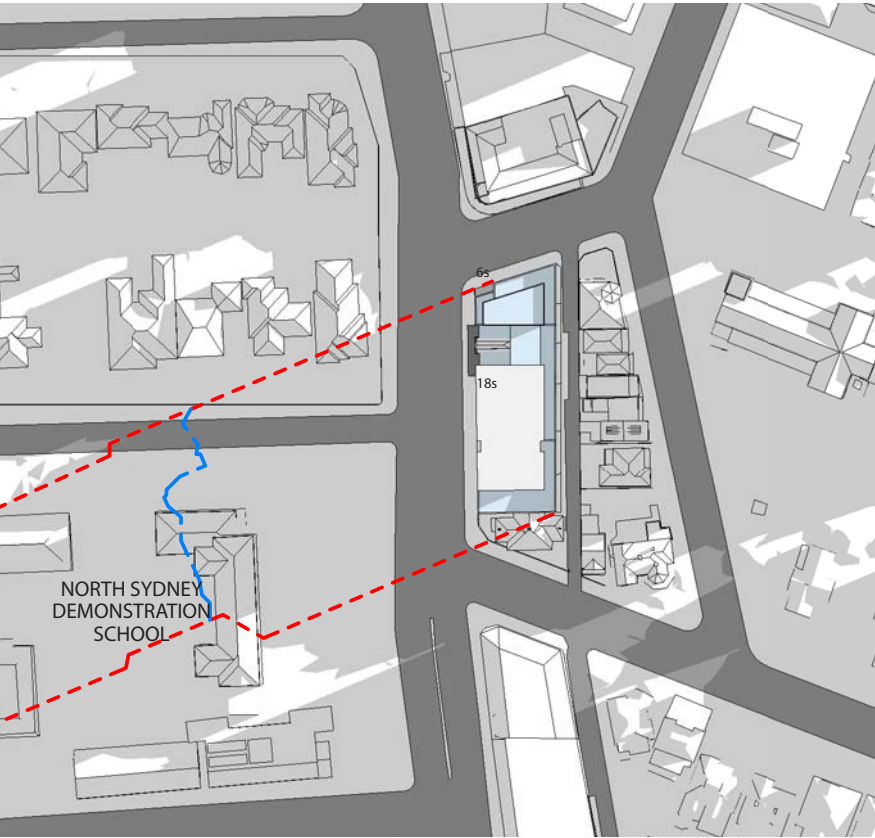
BUILDING ENVELOPE



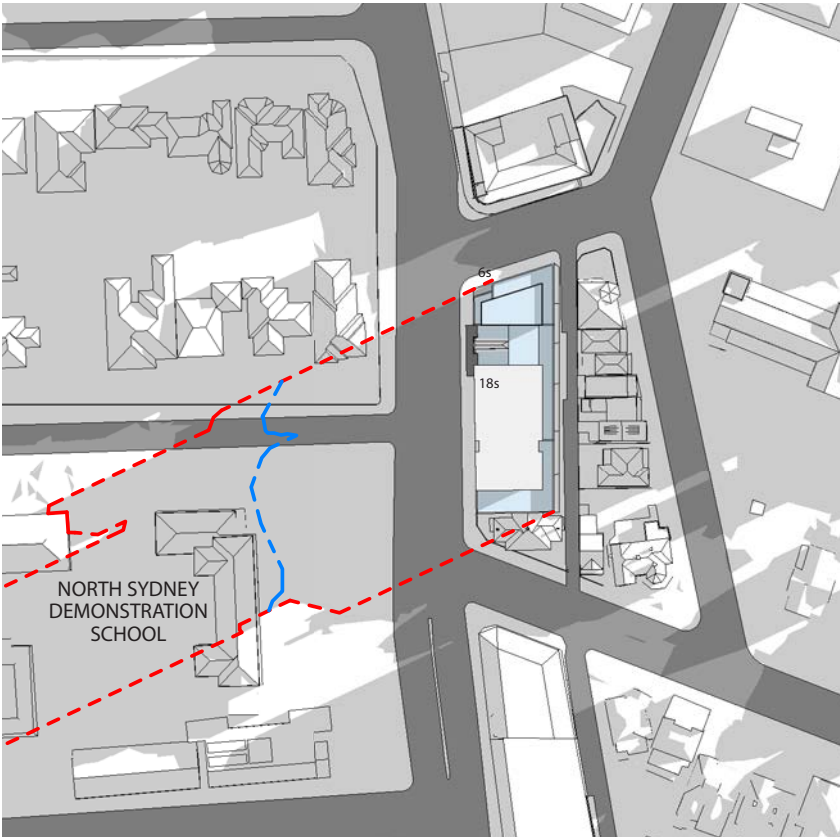
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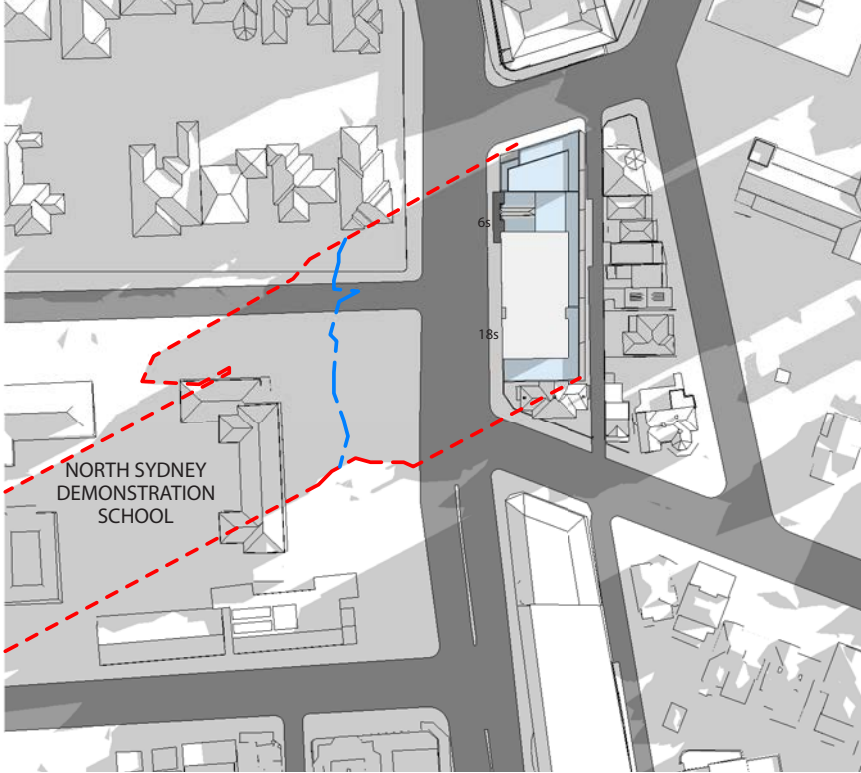
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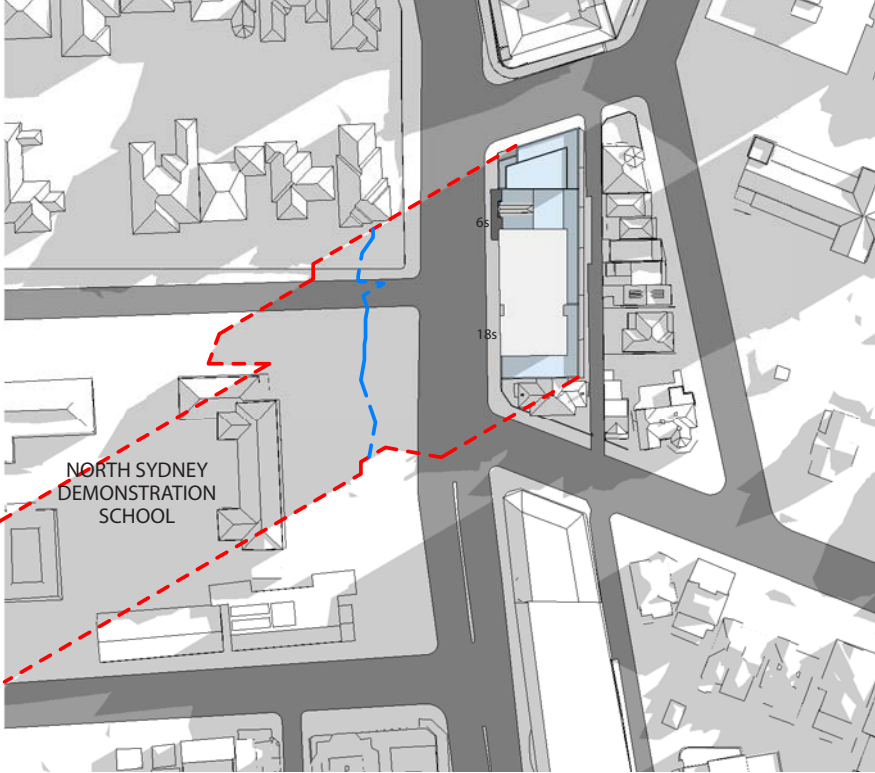
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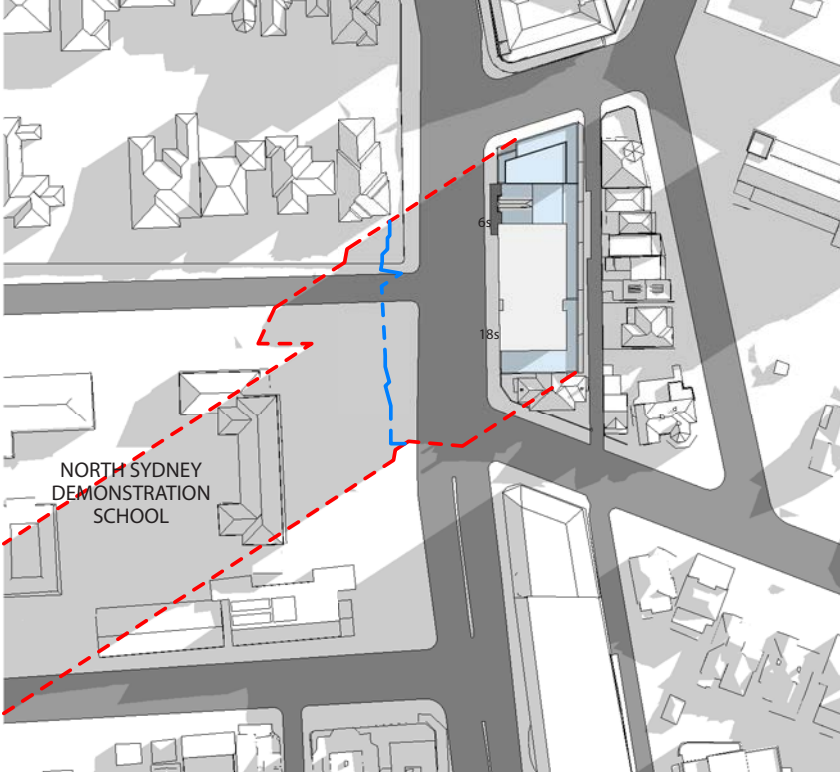
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08:30



08:45



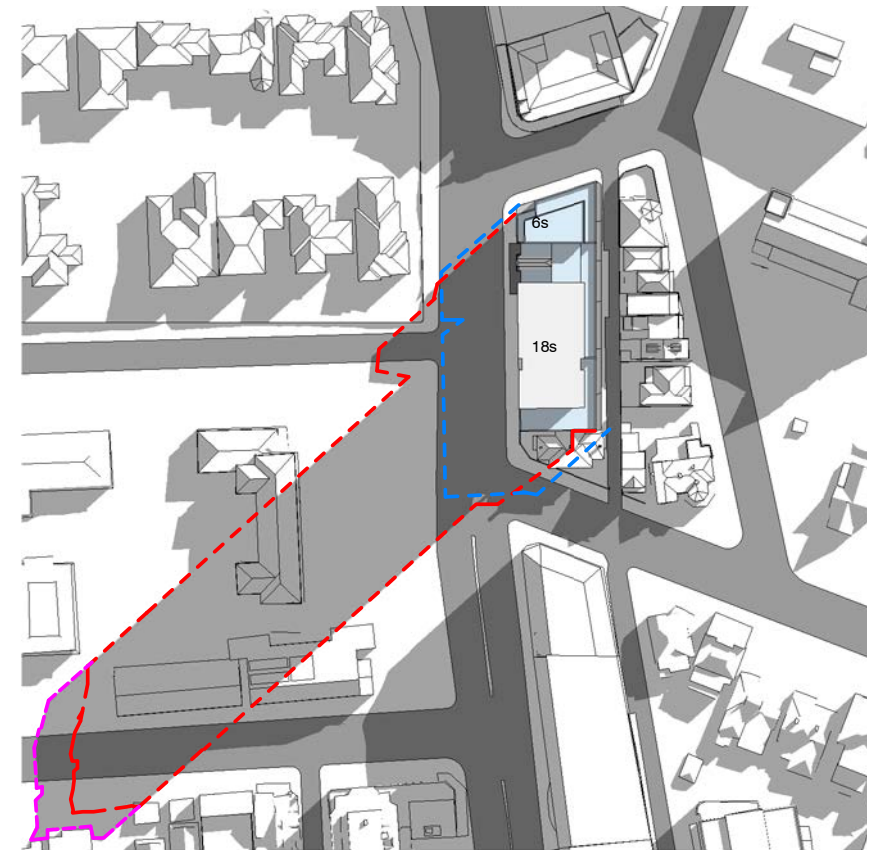
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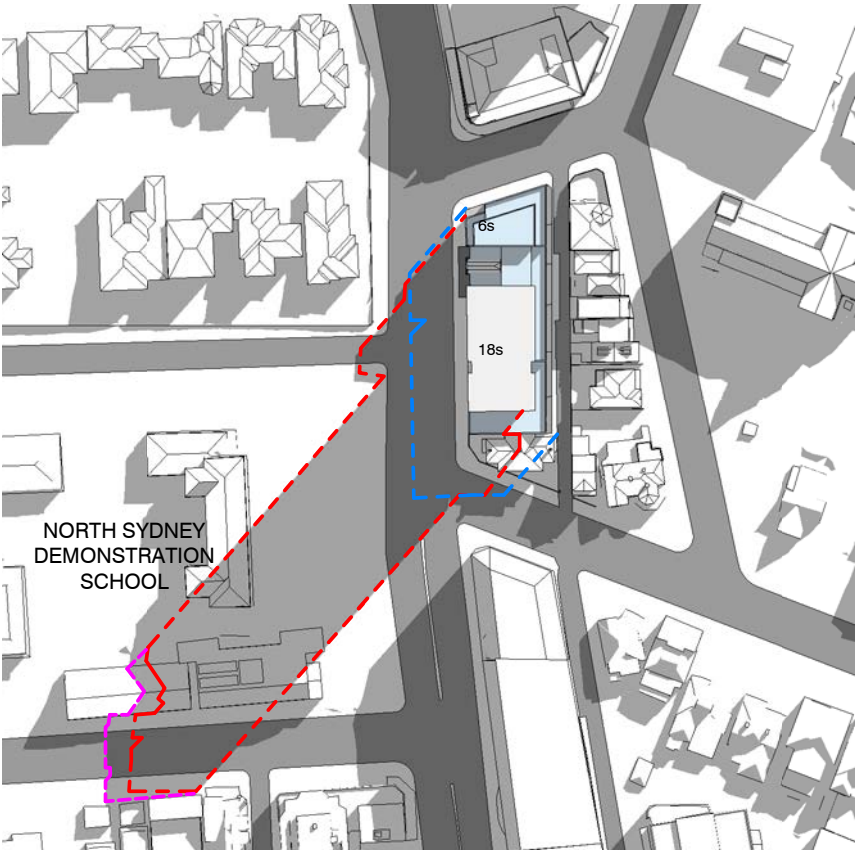




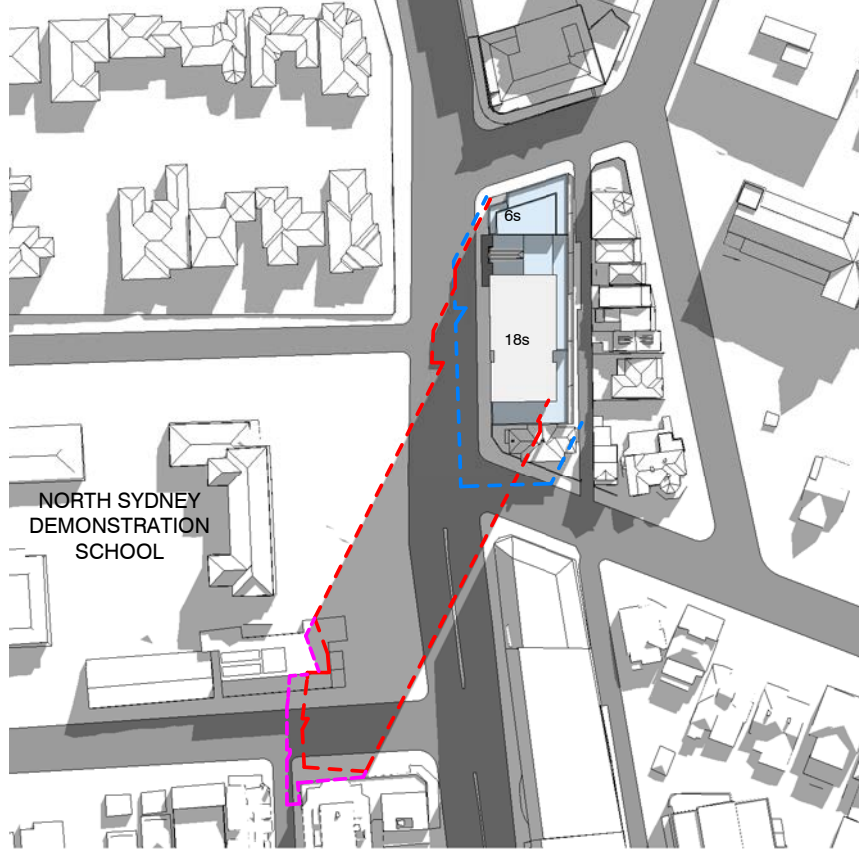
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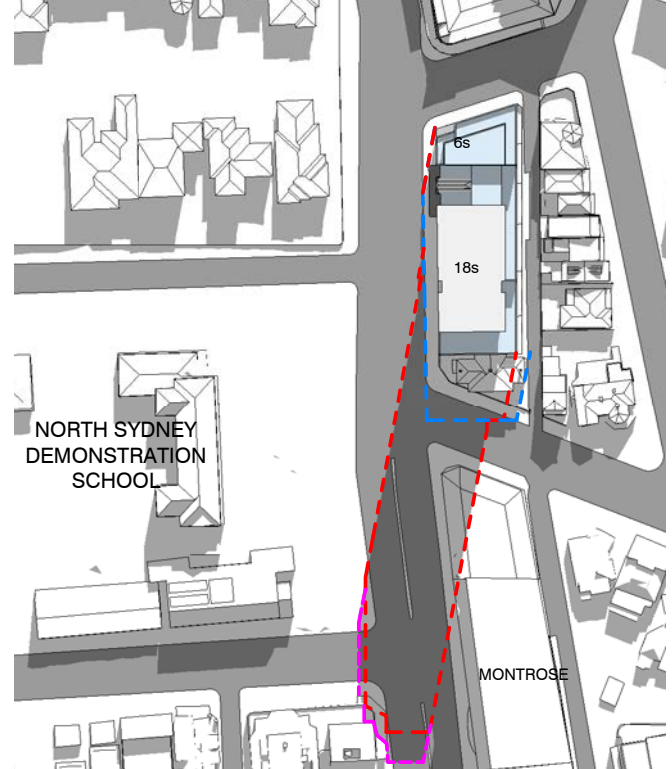
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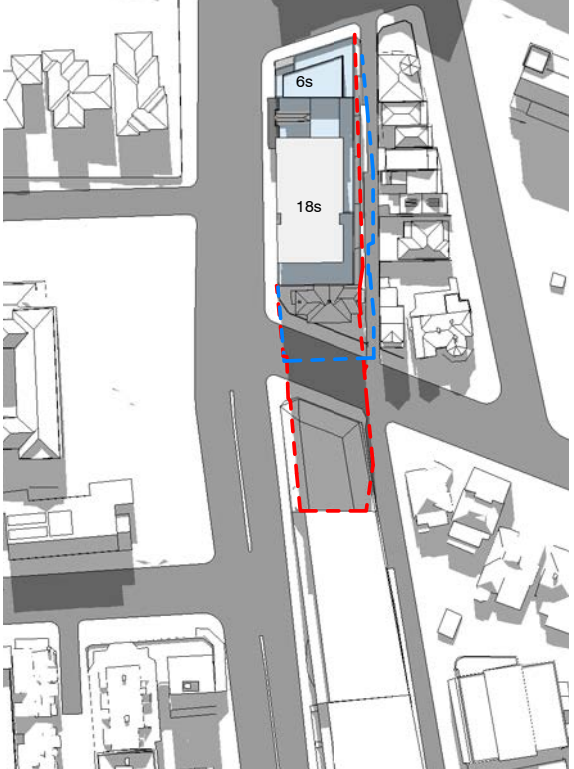
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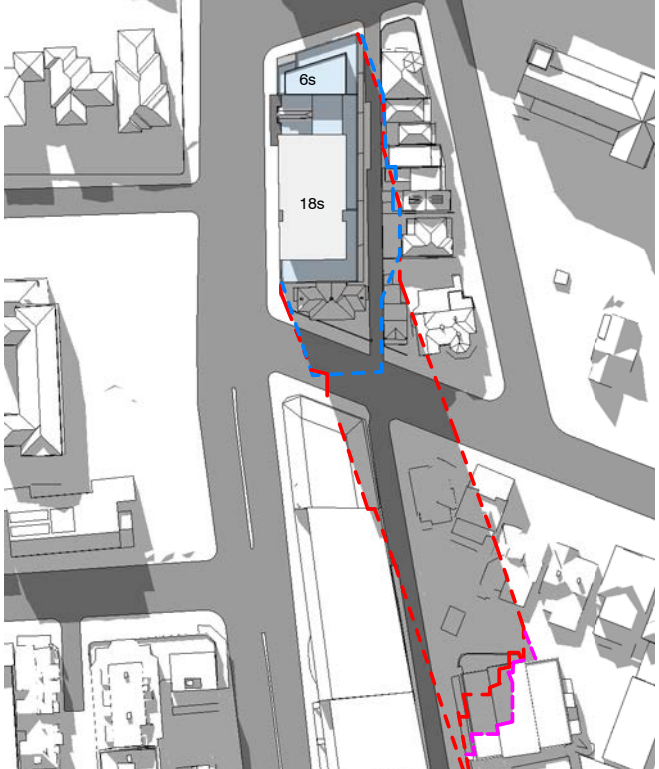
12:00



13:00



14:00



15:00



02 | Shadow Diagrams - 09:00 to 15:00 - 1:2000 @A3



BUILDING ENVELOPE

GFA AND FSR	
SITE AREA	1,468.79m <sup>2</sup>
COMMERCIAL INCLUDING RETAIL	
LEVEL	GFA
L00-GF	761m <sup>2</sup>
L00-aLG	135 m <sup>2</sup>
L01	422 m <sup>2</sup>
L02	349 m <sup>2</sup>
Total Commercial Including Retail GFA	1,667m <sup>2</sup>
Total Commercial Including Retail FSR	1.14
RESIDENTIAL	
LEVEL	GFA
L00-GF	144 m <sup>2</sup>
L01	380 m <sup>2</sup>
L02	338 m <sup>2</sup>
L03	781 m <sup>2</sup>
L04	684 m <sup>2</sup>
L05	602 m <sup>2</sup>
L06	489 m <sup>2</sup>
L07	489 m <sup>2</sup>
L08	489 m <sup>2</sup>
L09	489 m <sup>2</sup>
L10	489 m <sup>2</sup>
L11	489 m <sup>2</sup>
L12	489 m <sup>2</sup>
L13	489 m <sup>2</sup>
L14	489 m <sup>2</sup>
L15	489 m <sup>2</sup>
L16	489 m <sup>2</sup>
L17	489 m <sup>2</sup>
ROOF	13 m <sup>2</sup>
Total Residential GFA	8,810m <sup>2</sup>
Total Residential FSR	6.00
Grand Total GFA	10,477m <sup>2</sup>
Grand Total FSR	7.14:1

01 | GFA and FSR

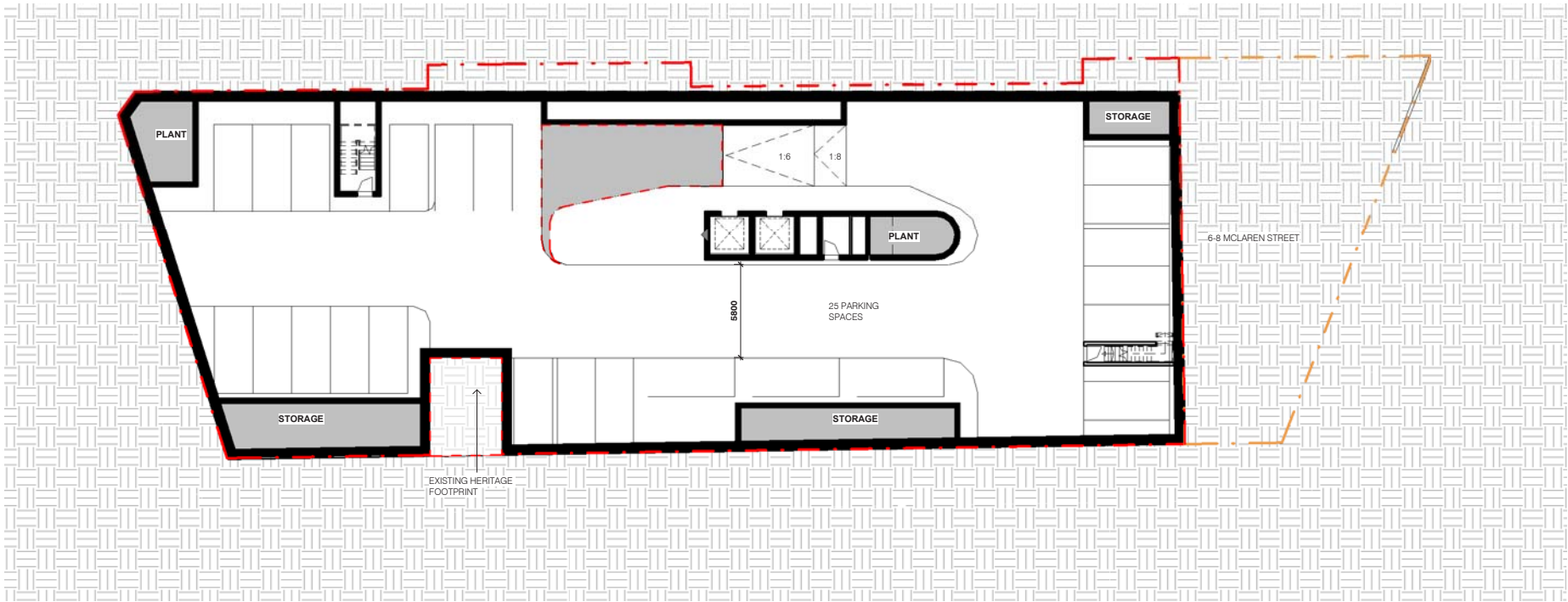


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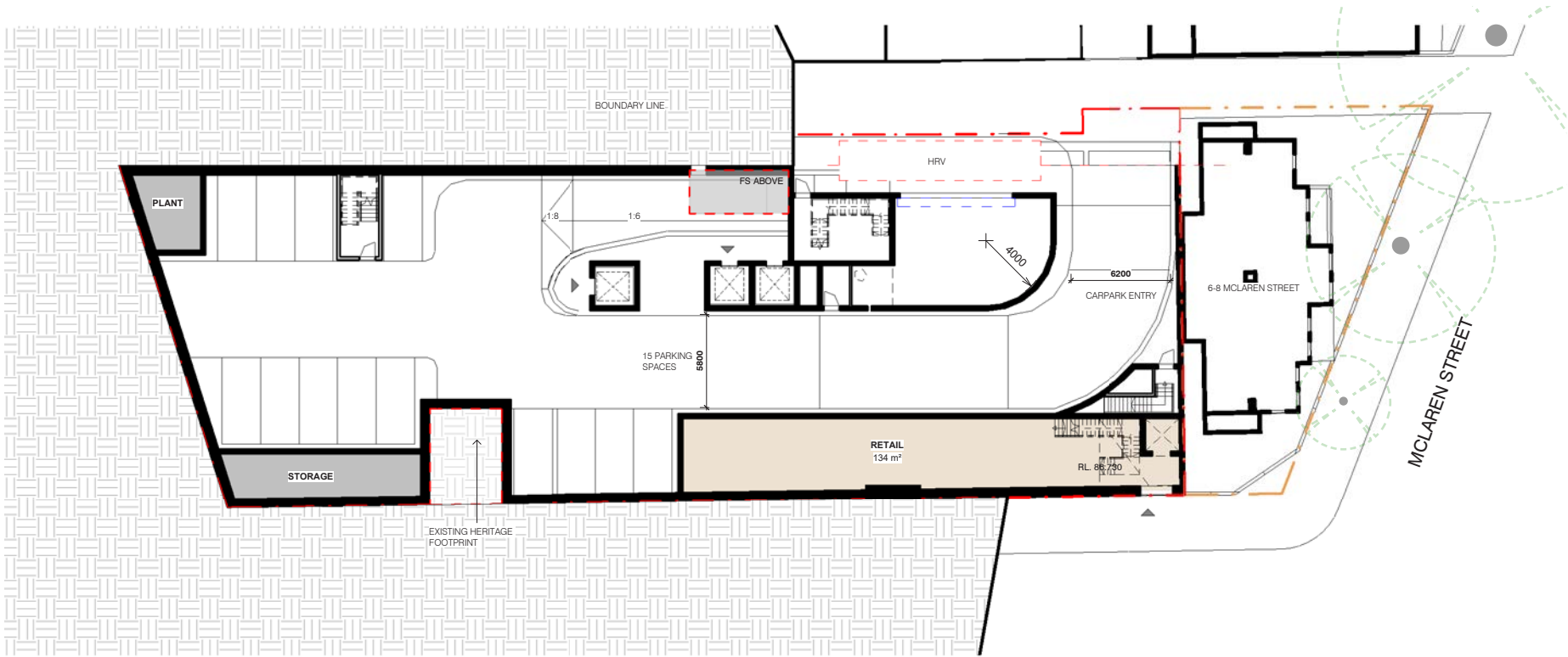
# REFERENCE DESIGN

253-267 PACIFIC HIGHWAY, NORTH SYDNEY

REFERENCE DESIGN

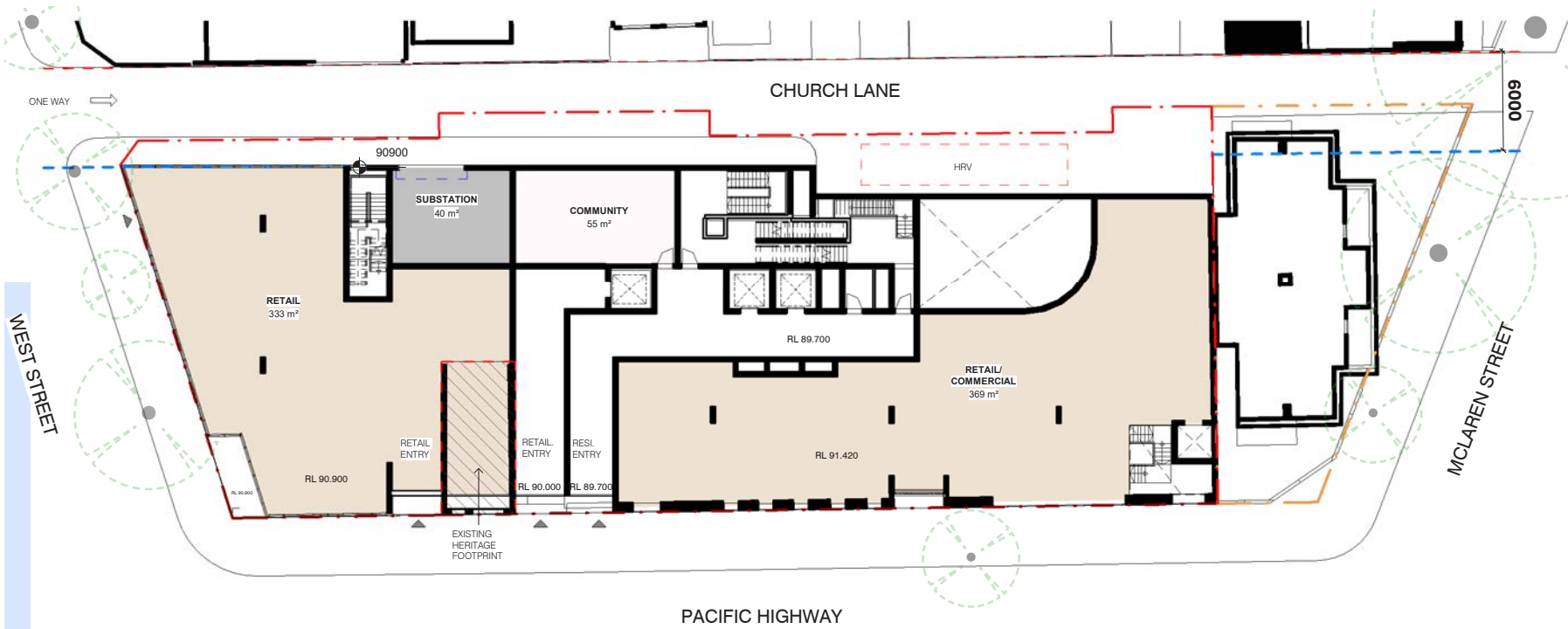


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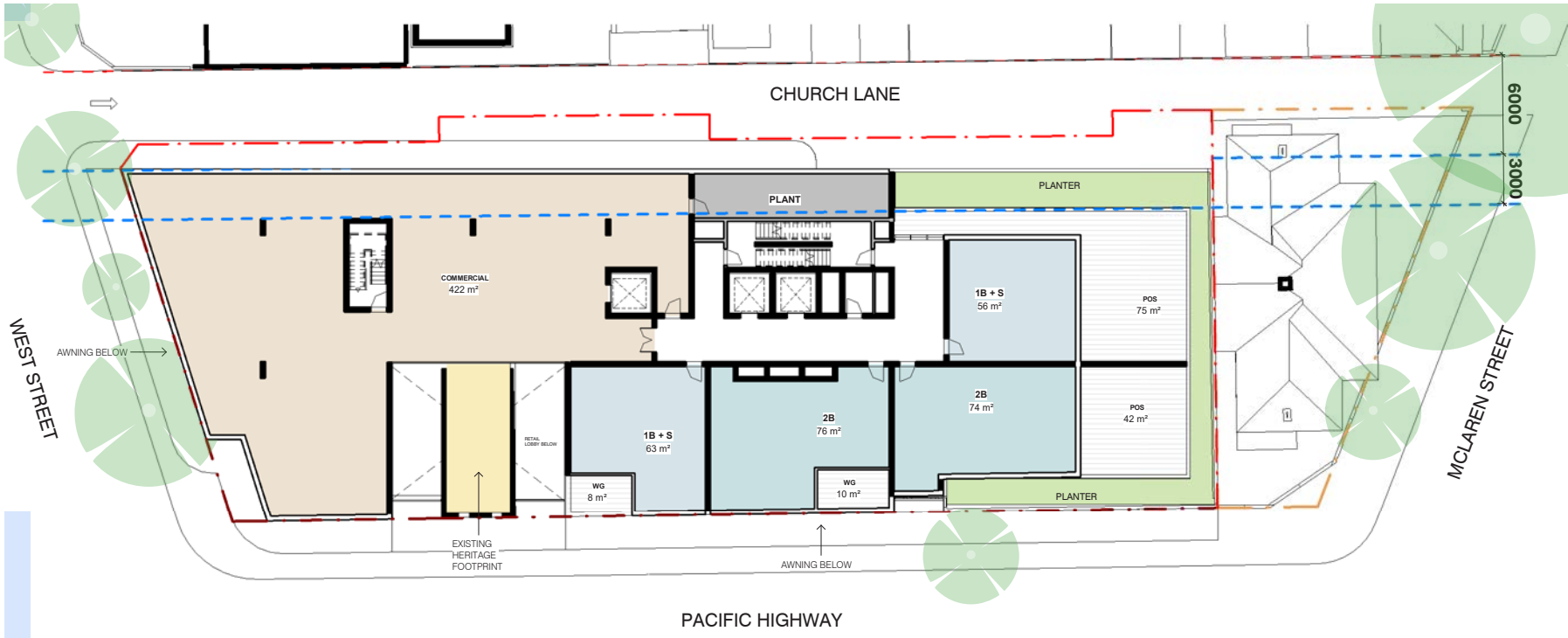


02 | Lower Ground Plan - 1:400 @A3





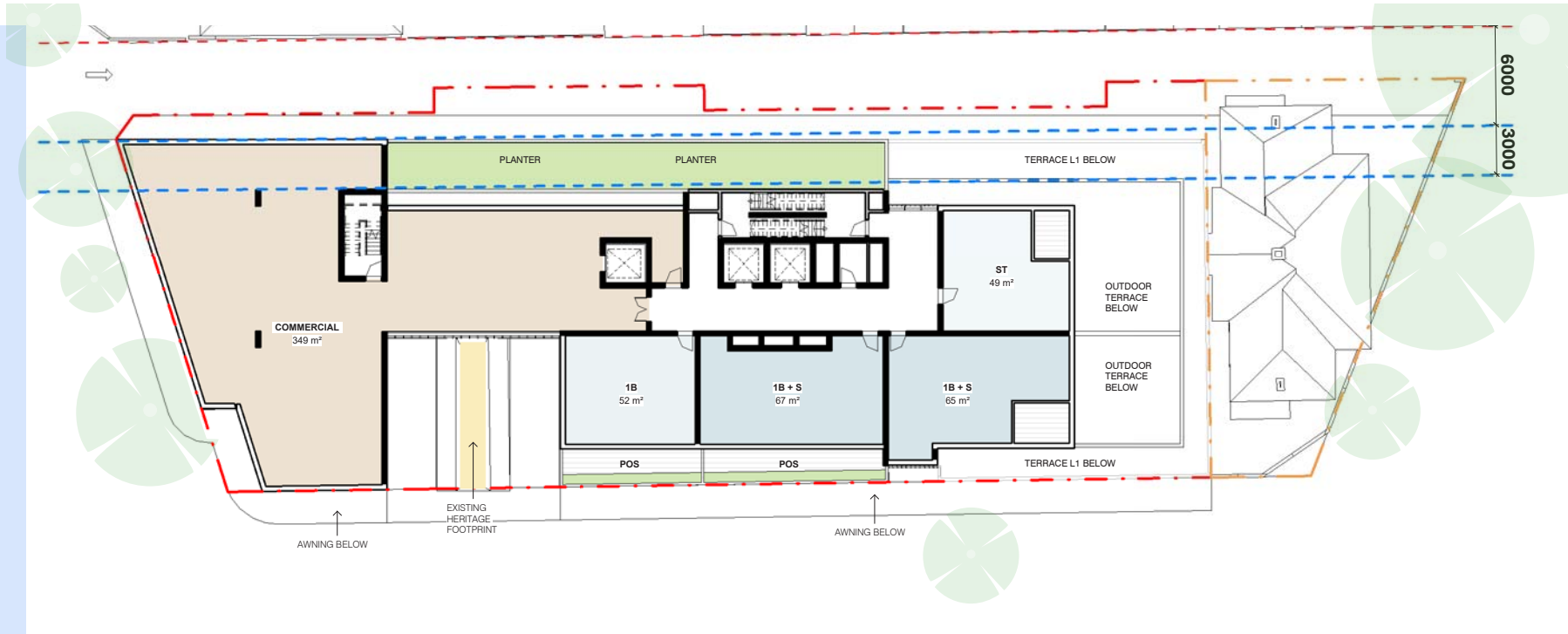
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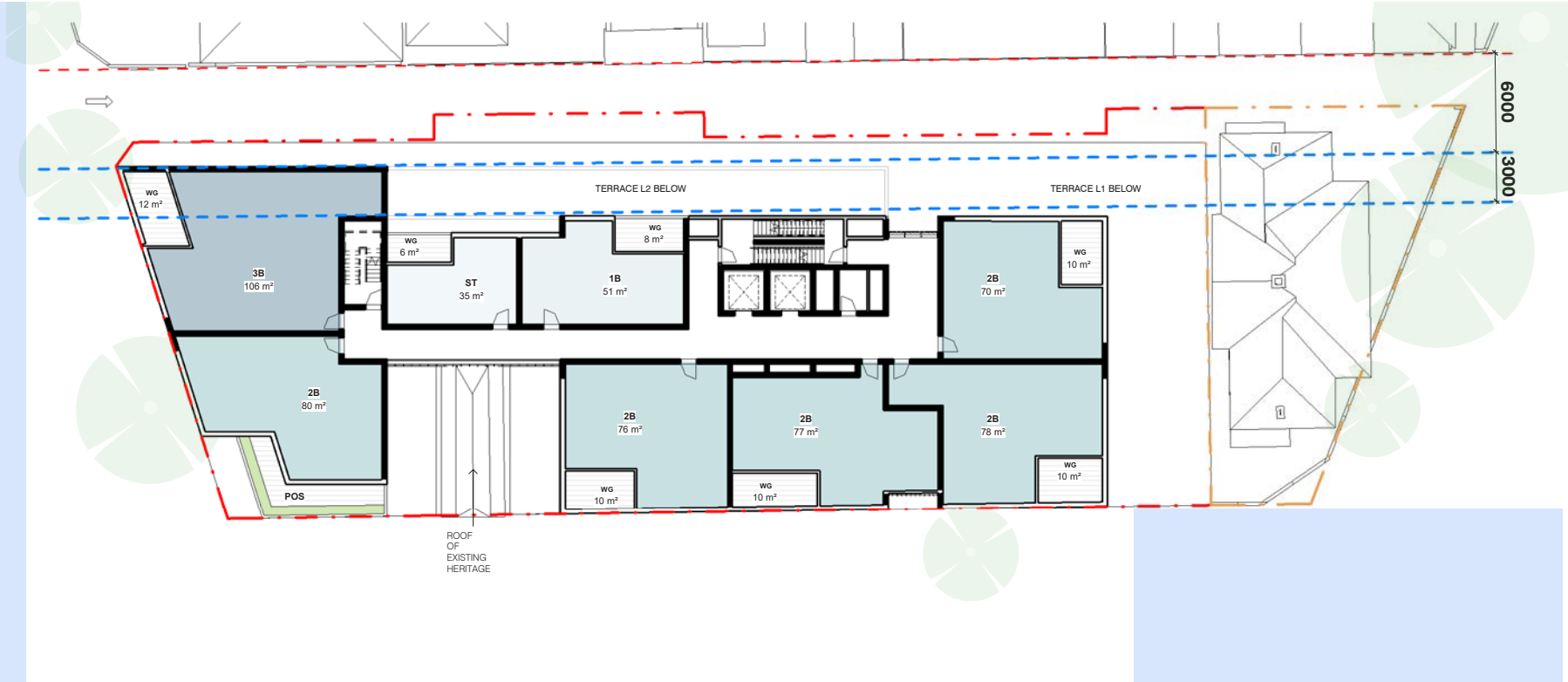
04 | Level 01 Plan - 1:400 @A3





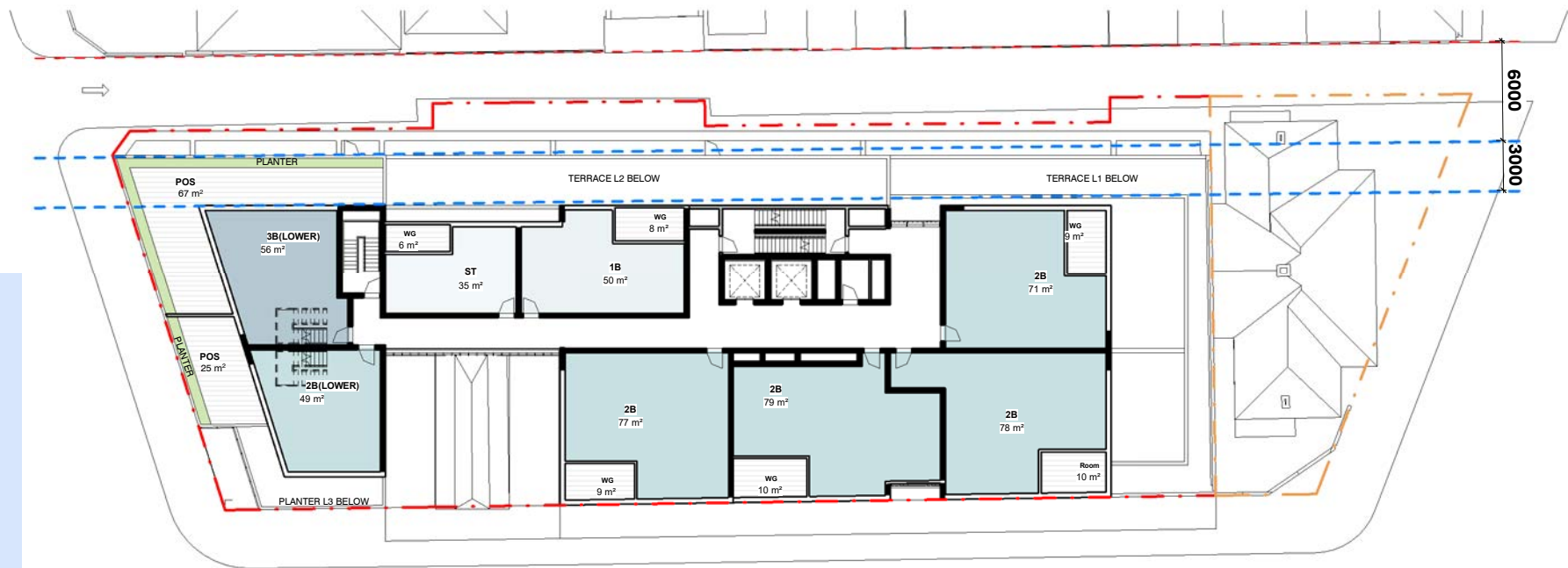


05 | Level 02 Plan - 1:400 @A3

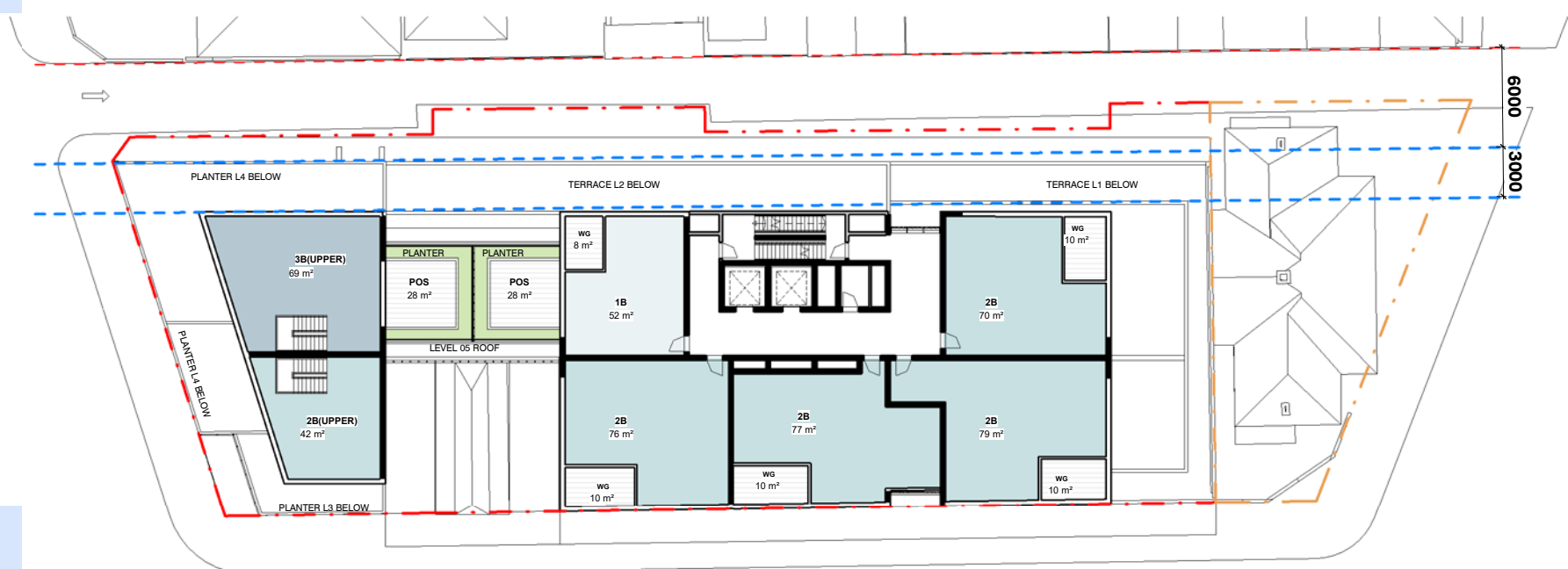


06 | Level 03 Plan - 1:400 @A3





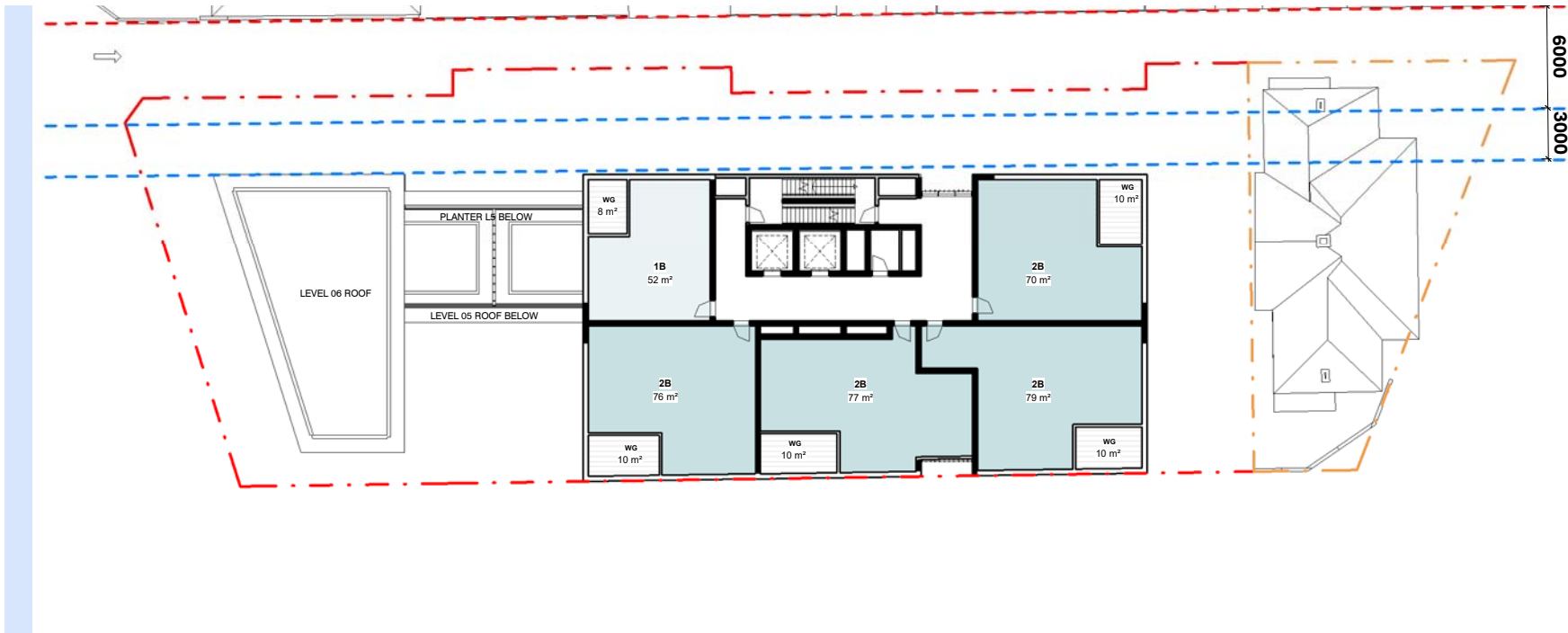
07 | Level 04 Plan - 1:400 @ A3



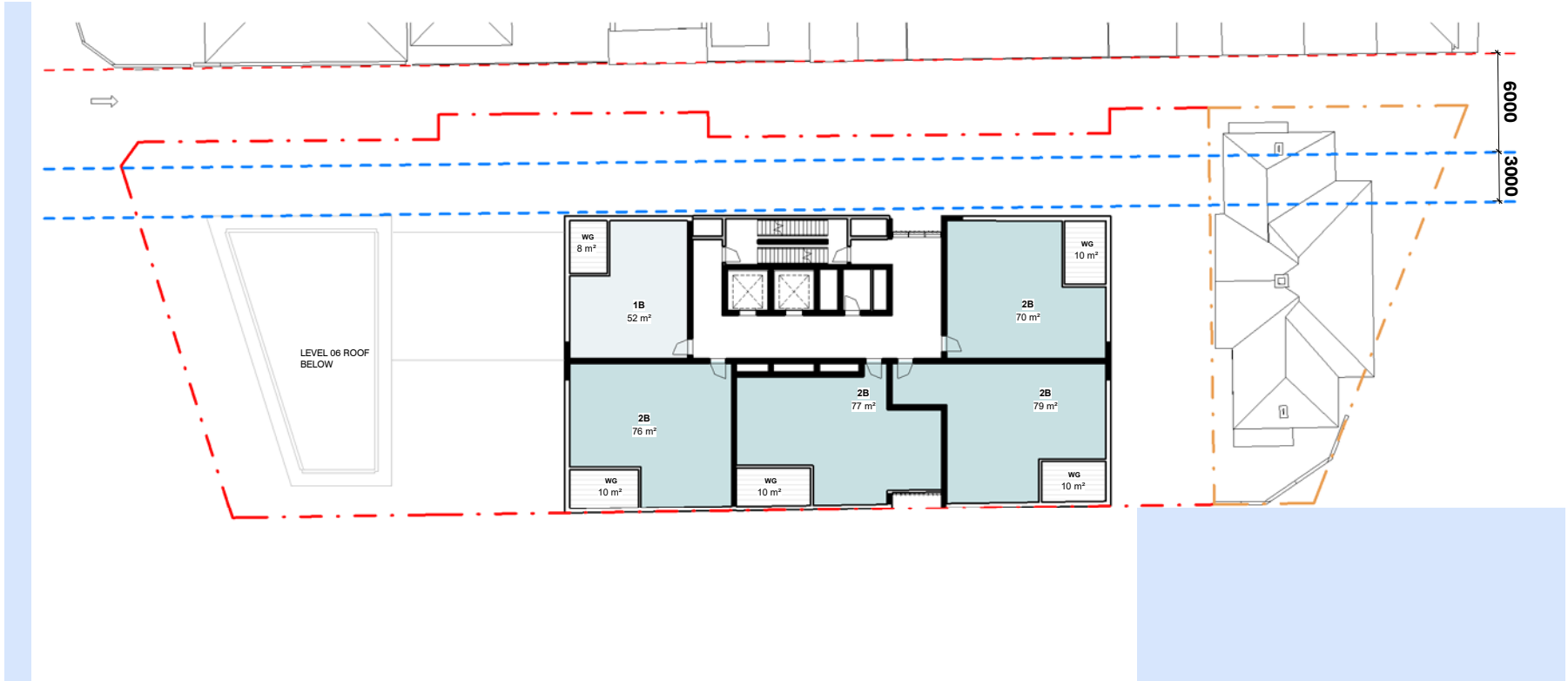
08 | Level 05 Plan - 1:400 @ A3



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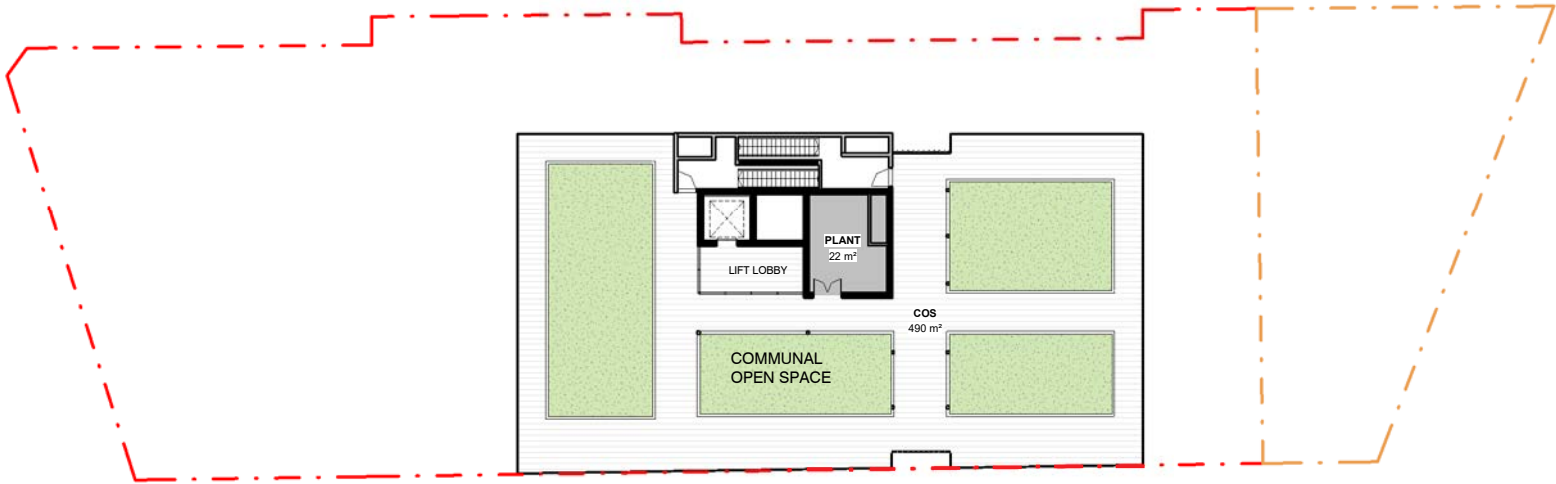
09 | Level 06 Plan - 1:400 @A3



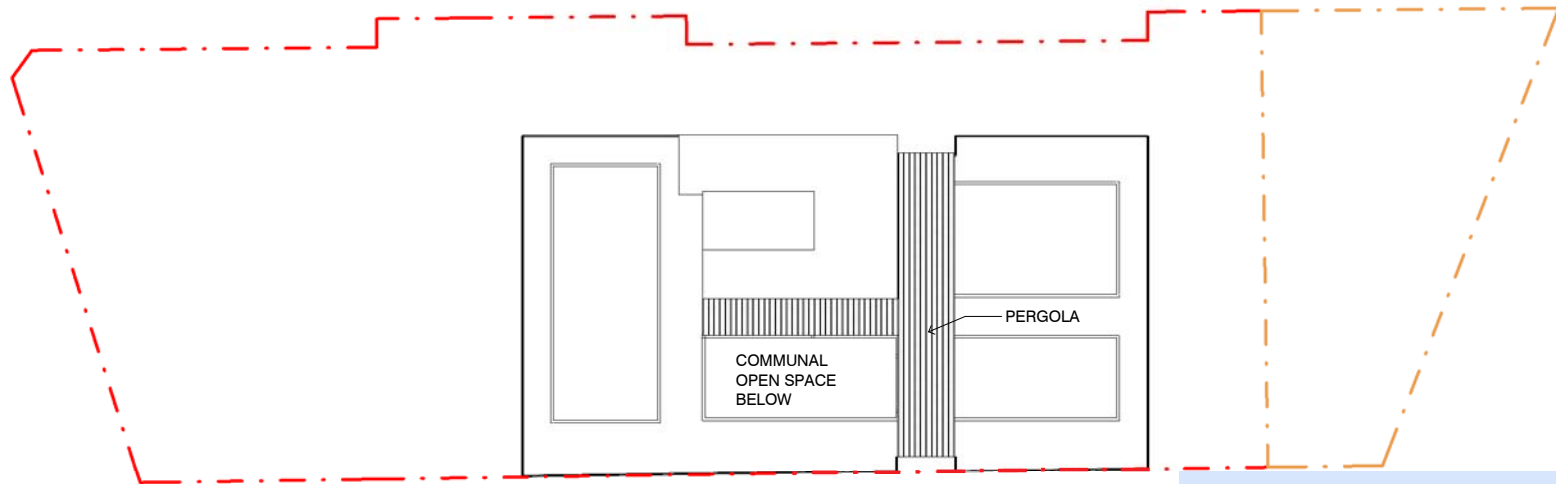
10 | Level 07 Plan - 1:400 @A3







11 | Roof Plan - 1:400 @A3



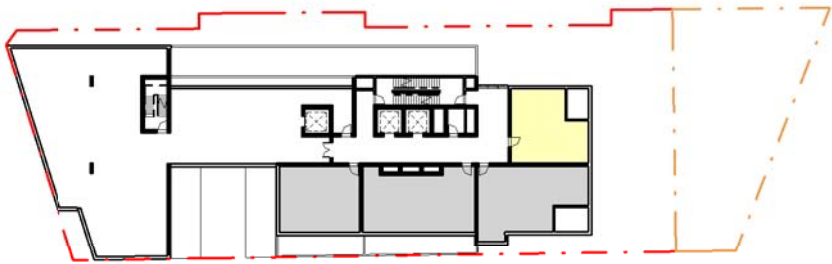
12 | Top of Roof Plan - 1:400 @A3



SOLAR ACCESS COMPLIANCE		
SOLAR ACCESS	NUMBER OF APARTMENTS	PERCENTAGE
<2h	8	9%
>2h	81	91%
Grand total: 89	89	



Level 01



Level 02



Level 03



Level 04



Level 05



Level 06 - Level 17

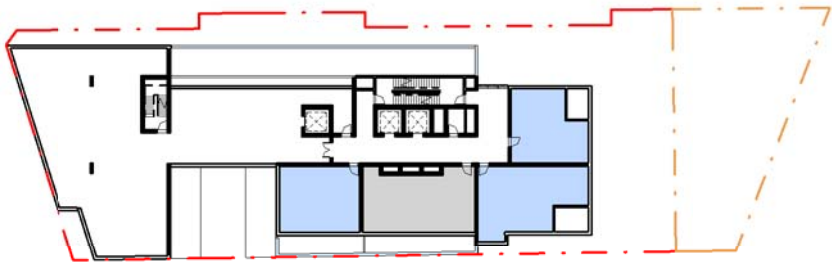
01 | Solar Access - 1:750 @A3



CROSS VENTILATION COMPLIANCE (GROUND FLOOR TO LEVEL 8)		
CROSS VENTILATED	NUMBER OF APARTMENTS	PERCENTAGE
N	14	32%
N: 14	14	
Y	30	68%
Y: 30	30	
Grand total: 44	44	



Level 01



Level 02



Level 03



Level 04



Level 05



Level 06 - Level 17

02 | Cross Ventilation - 1:750 @A3





## REFERENCE DESIGN



Pacific Highway Precinct: Existing





Pacific Highway Precinct: Proposed



## REFERENCE DESIGN



Pacific Highway Precinct: Existing





Pacific Highway Precinct: Proposed





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## APPENDIX 2 - SEPP 65 ASSESSMENT REPORT - PRELIMINARY APARTMENT DESIGN GUIDE STATEMENT PREPARED BY PTW







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<b>Document</b>	SEPP 65 Assessment Report - Preliminary Apartment Design Guide Statement
<b>Project</b>	253-267 Pacific Highway, North Sydney, NSW
<b>Project Number</b>	PA016036
<b>Client</b>	Legacy Property
<b>Stage</b>	Planning Proposal
<b>Date</b>	12/09/2018
<b>Revision</b>	A

## 01 STATEMENT OF INTENT

### 01.01 Design Approach, Objectives, and Excellence

The site is located on Pacific Highway and is directly north of North Sydney CBD. The proposed development is envisaged as a prominent landmark to draw residents, workers and visitors alike. The design intends to maximise site opportunities through the creation of an elegant tower form in response to a wider urban context to the south and southeast. The proposed height is up to 19 storeys.

The concept design process has followed closely and maintained the Apartment Design Guide principles to strengthen the design excellence. The cumulative impact of design response to the guidelines outlined in ADG, DCP and SEPP 65 further enhances not only the individual site context, but also the entire Pacific Highway.

### 01.02 Schedule 1 - Design Quality Principles

#### Principle 1: Context and Neighbourhood Character

The mixed-use design complements the neighbourhood character and various conditions surrounding the site, through the incorporation of a large setback to the conservation area along McLaren Street and a lower scale built form in response to the heritage item on site and to the north.

The design contributes positively to the surrounding context and social conditions by identifying the mixed-use nature of all adjacent sites, whether in established areas, areas undergoing change, or for regions with proposed change.

The residential levels are articulated to respond to the existing built forms in the neighbouring developments to maximise the living experience for the residents.

The retail design creates an interactive public streetscape along Pacific Highway and the public domain to encourage a better economic environment.

#### Principle 2: Built Form and Scale

The design achieves a massing scale and height with respect to the existing and desired future built forms of surrounding developments and the street character, while adhering to the development controls.

The podium is articulated to tie in with the horizontal planes of neighbouring structures as a way of creating harmony in the streetscape and responding to the heritage item on site as well as to the north. The residential built form is split to create private open spaces on various levels between the podium and tower, achieving the required separations and breaking the long façade along Pacific Highway.

**Principle 3: Density**

The development is in a well-connected urban location surrounded by other residential, commercial, retail, and mixed-use buildings. The proposed densities are expected to reach the projected population in the future.

The apartments have been designed with a communal open space at the roof top level, within the built form.

**Principle 4: Sustainability**

The design incorporates sustainable strategies for the building longevity and environmental conservation. The cross ventilation and solar access for the residential unit follows the ADG standards to create an enhanced living environment for residents.

The services are planned on the concept of energy efficiency and conservation: elements such as recycling of materials and waste are included. There is a proposed green private open space within the built form with planters along deep setback terraces between the podium and tower; this space acts as a green buffer which improves the privacy of both the proposed units and their surrounding neighbours.

**Principle 5: Landscape**

The communal open space found on the roof level offers areas of social interaction and equitable access to recreation and incorporates green areas while private open spaces are complemented by balconies and planters on other levels of the building.

**Principle 6: Amenity**

The design achieves a high degree of residential and external amenity with primary attention to efficient apartment layouts, solar access (91% of apartments with more than 2 hours), cross ventilation (68% of apartments are cross ventilated), and visual and acoustic privacy. The overall floor layouts provide easy accessibility and degrees of mobility for all age groups.

The design provides sufficient separation across the laneway to neighbours and planters have been provided to keep our residents from overlooking these gardens below.

Additional architectural design elements could be further explored during the DA stage to improve visual and acoustic privacy of adjoining properties across the laneway; facade elements such as privacy screens and frosted and colour-backed glass panels could be used without compromising access to natural light and air.

The balconies and private open spaces offer personal outdoor areas in addition to the communal open space. Winter gardens are provided to reduce noise from busy streets to habitable spaces.

**Principle 7: Safety**

The design takes considers the safety feature of the development through planning strategies which optimize security. There is a single vehicular access way to the property from Church Lane with two distinct lobbies to the residential and commercial uses, suitable security features, and maximum

opportunities of passive surveillance of public and communal areas.

The design promotes a suitable balance between easy access to the public domain and safety to private spaces.

The safety and security of all open spaces within the development is further supported through use of signage and excellent artificial lighting during the night.

### **Principle 8: Housing Diversity and Social Interaction**

The development proposes a mix of apartment types and sizes to cater to a variety of housing choices and budgets for a diverse population, while simultaneously complying with ADG guidelines in terms of size of habitable rooms, balconies, and circulation.

### **Principle 9: Aesthetics**

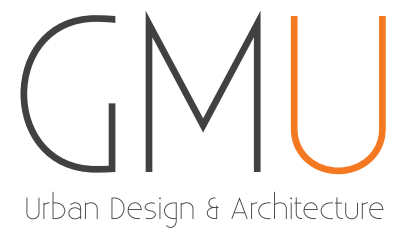
The visual impact of the structure is achieved by dividing the podium into portions of similar width of the existing heritage item. This allows for a respectful relationship toward the heritage item through façade articulation.

Furthermore, the podium is defined with similar brickwork to the surrounding buildings (hotel) with awnings over the lobbies and retail. The residential tower is distinguished by its vertical language, improving the general perception, as well contrasting lightness with glazing and heaviness with brick found on the podium.

The recessed and fully glazed residential floor between the podium and tower produce a visually pleasing, floating effect to the tower. The wintergardens allow the tower to be viewed as a clear object, contributing to the streetscape.

The design pays great attention to ensuring a continuous streetscape relative to neighbouring structures, while maximising visual aesthetics.





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Prepared for	LEGACY
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253-267 PACIFIC HIGHWAY, NORTH SYDNEY

## BUILDING ENVELOPE STUDY AND REFERENCE DESIGN

Prepared for: LEGACY PROPERTY

Prepared by: PTW ARCHITECTS

Prepared Date: 2018.09.18

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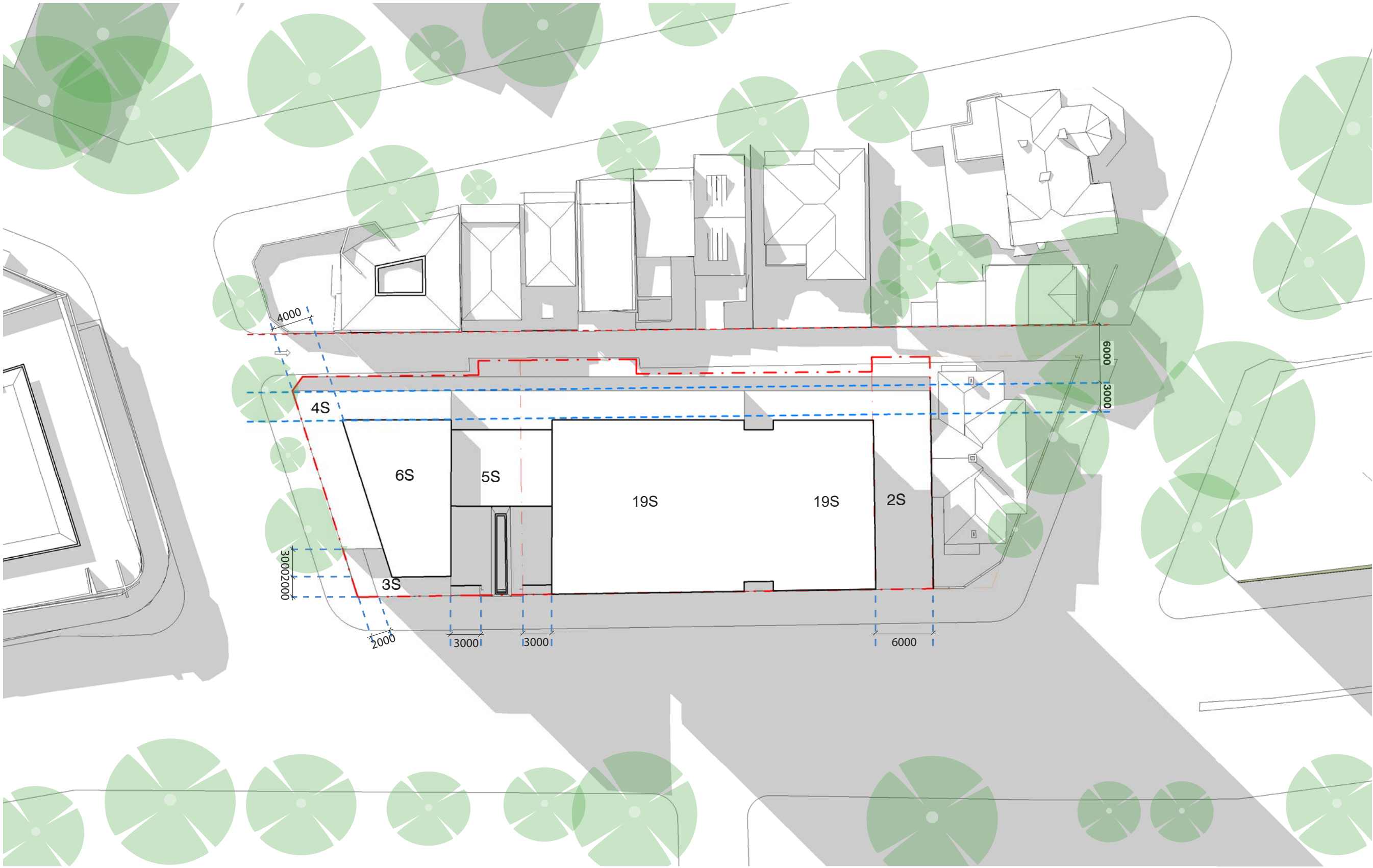
01

# BUILDING ENVELOPE

253-267 PACIFIC HIGHWAY, NORTH SYDNEY

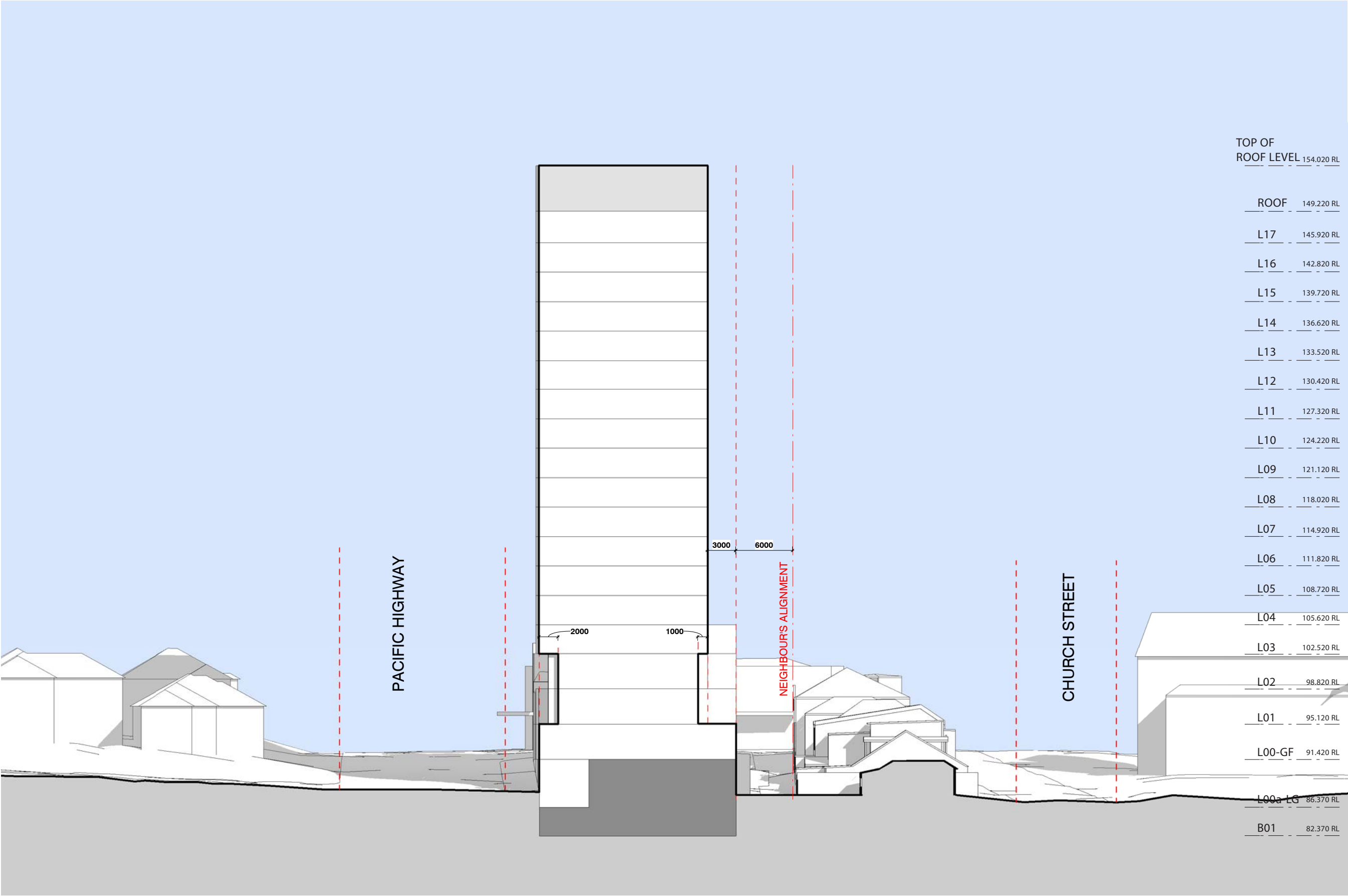


BUILDING ENVELOPE



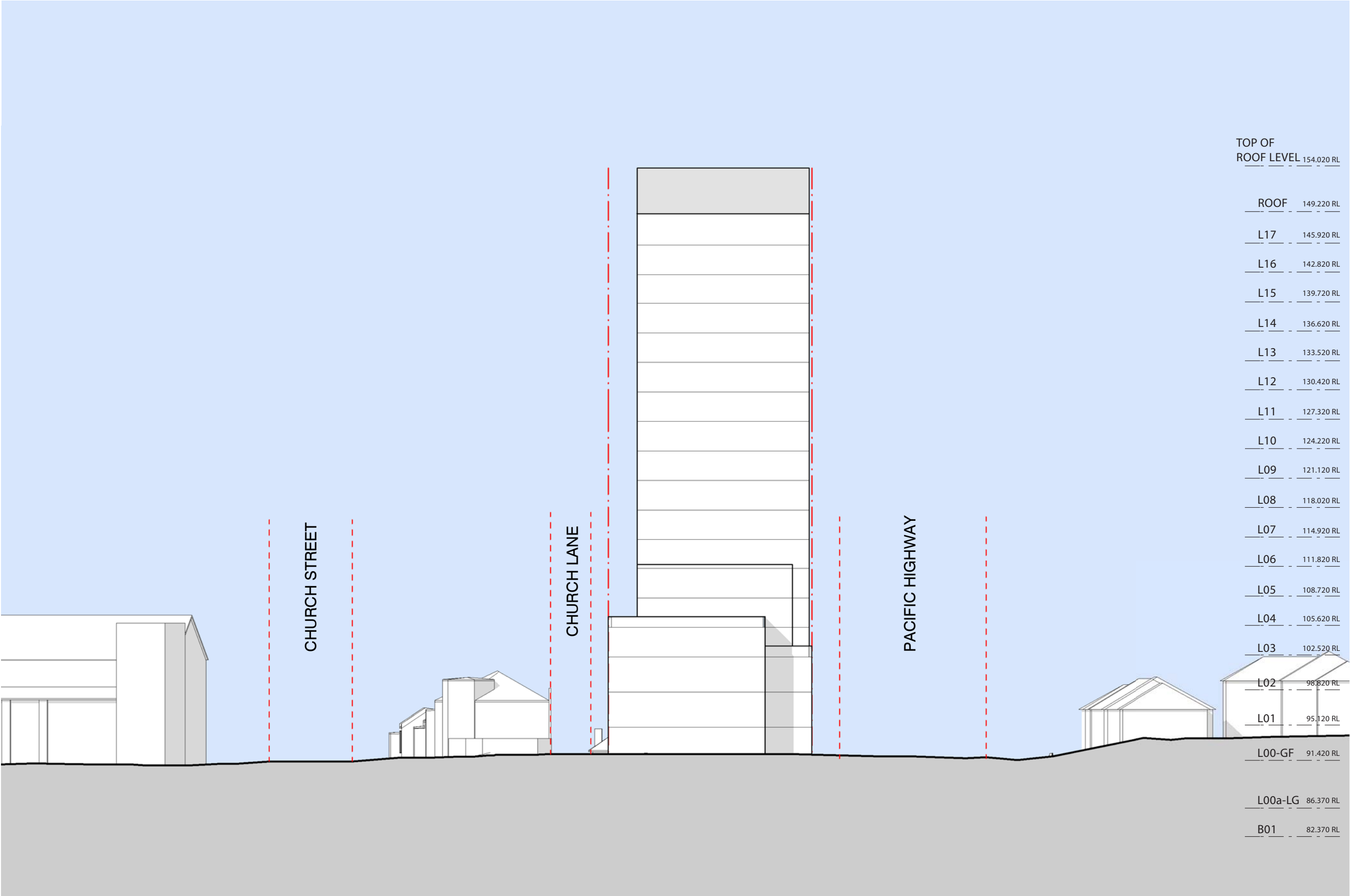
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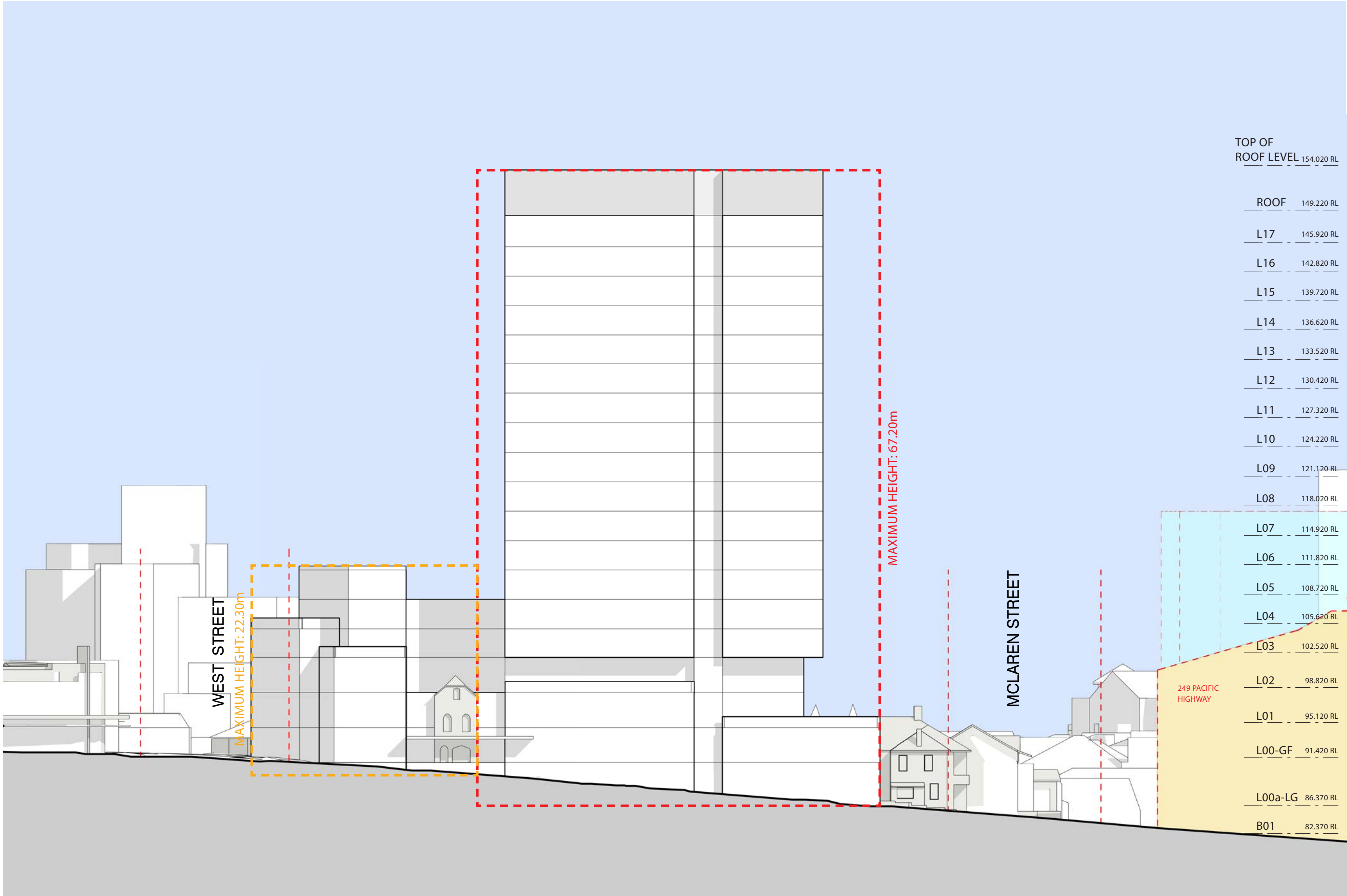
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BUILDING ENVELOPE



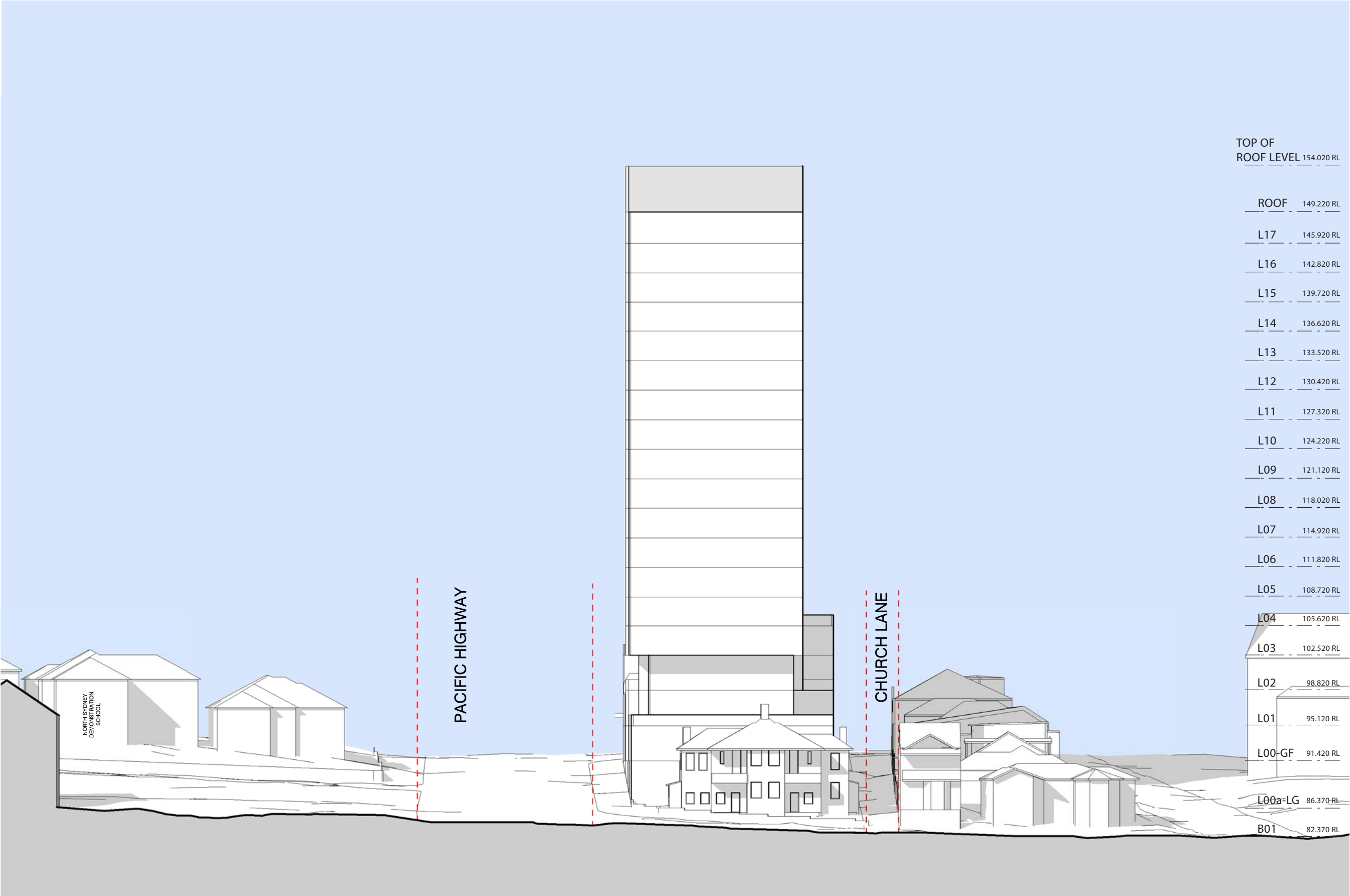
01 | Elevation - North - West Street - 1:400 @A3



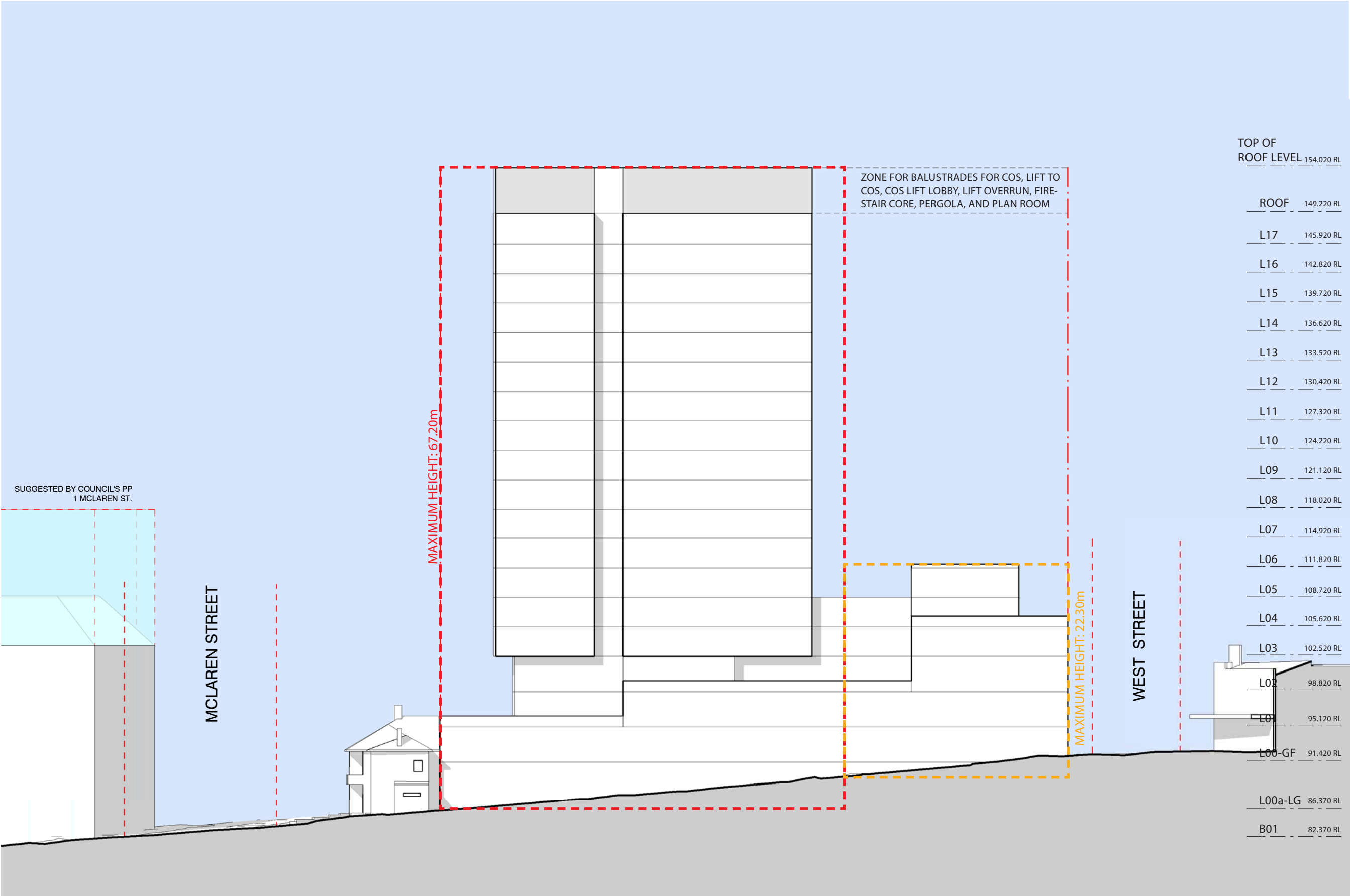


02 | Elevation - West - Pacific Highway - 1:400 @A3

BUILDING ENVELOPE



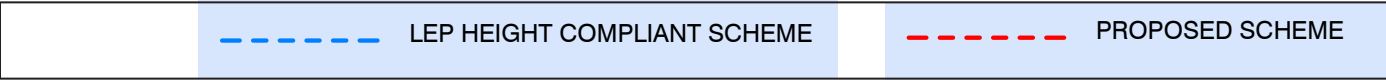
03 | Elevation - South - McLaren Street - 1:400 @A3



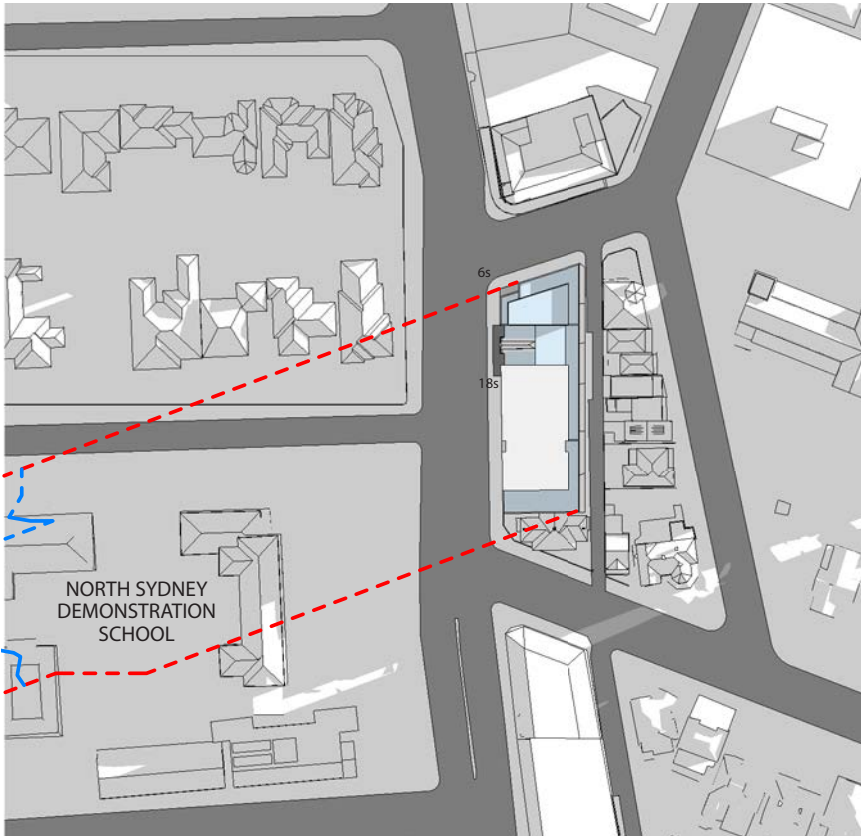
04 | Elevation - East - Church Lane - 1:400 @A3



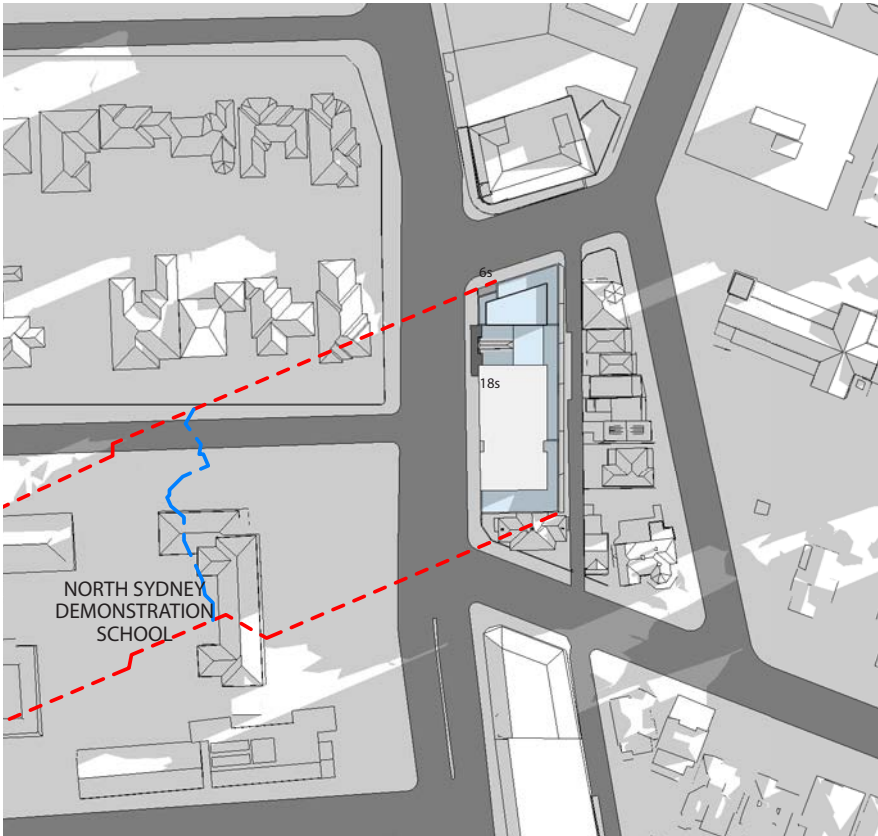
BUILDING ENVELOPE



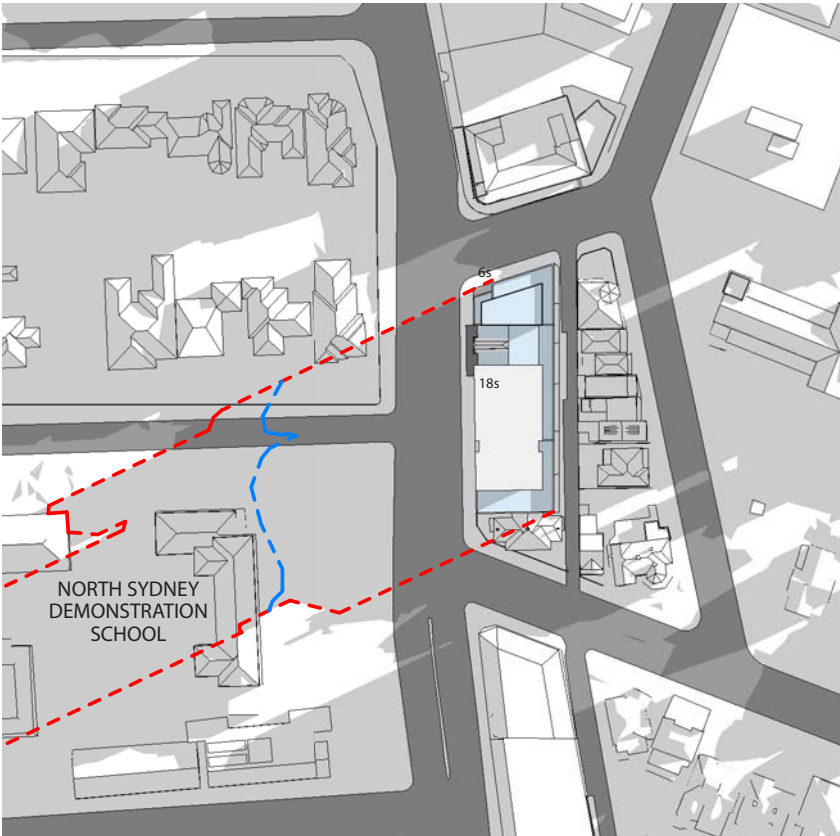
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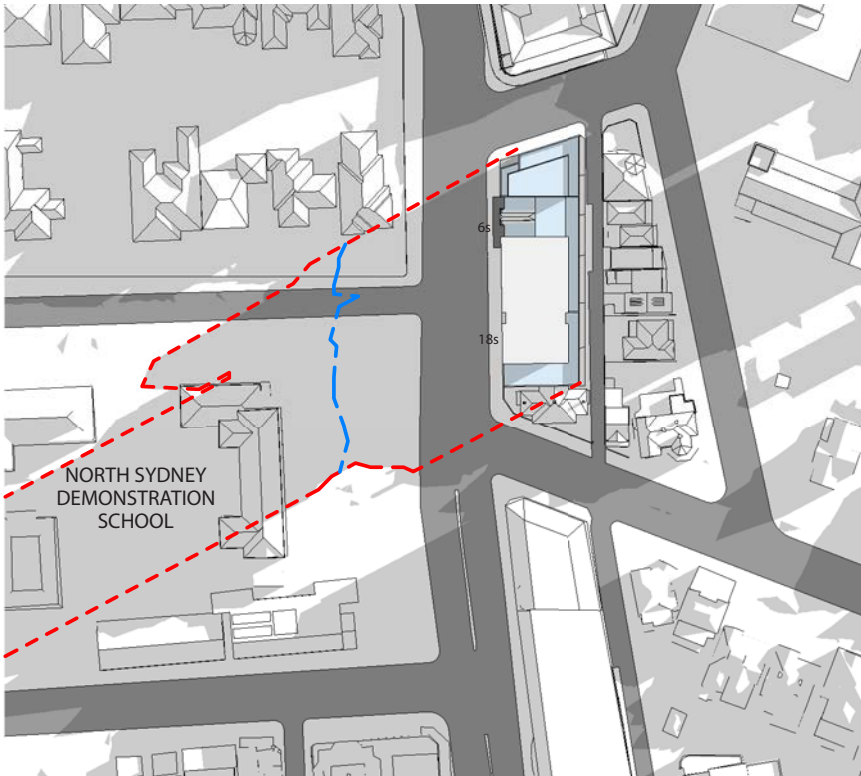
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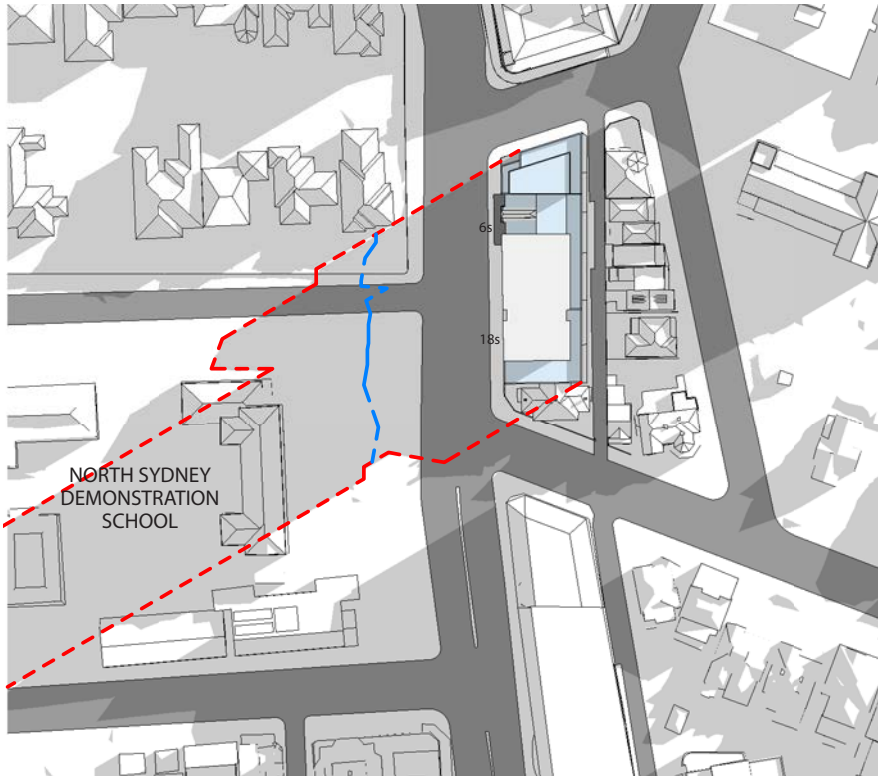
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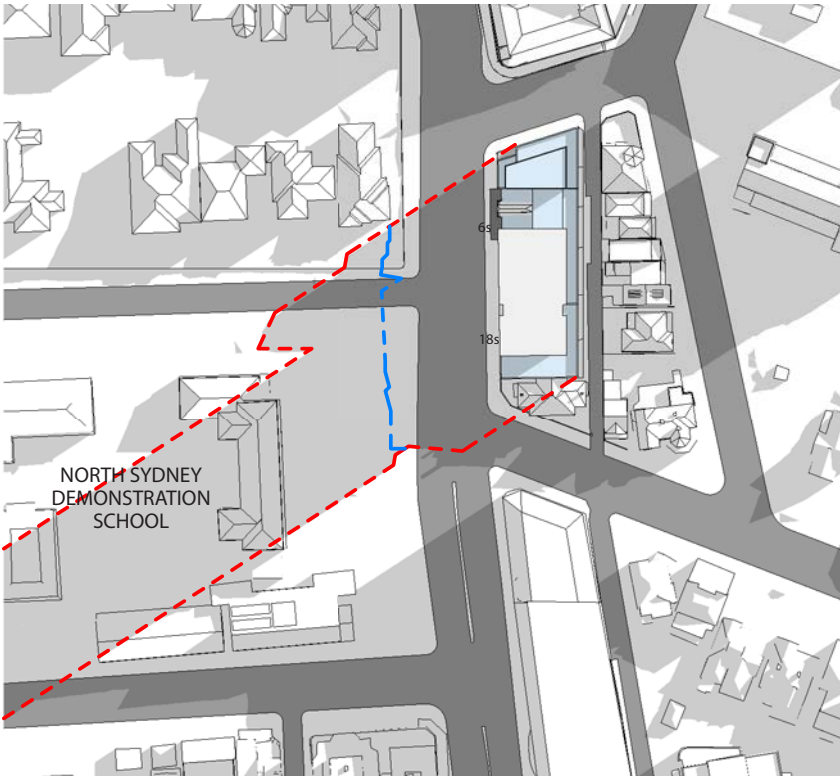
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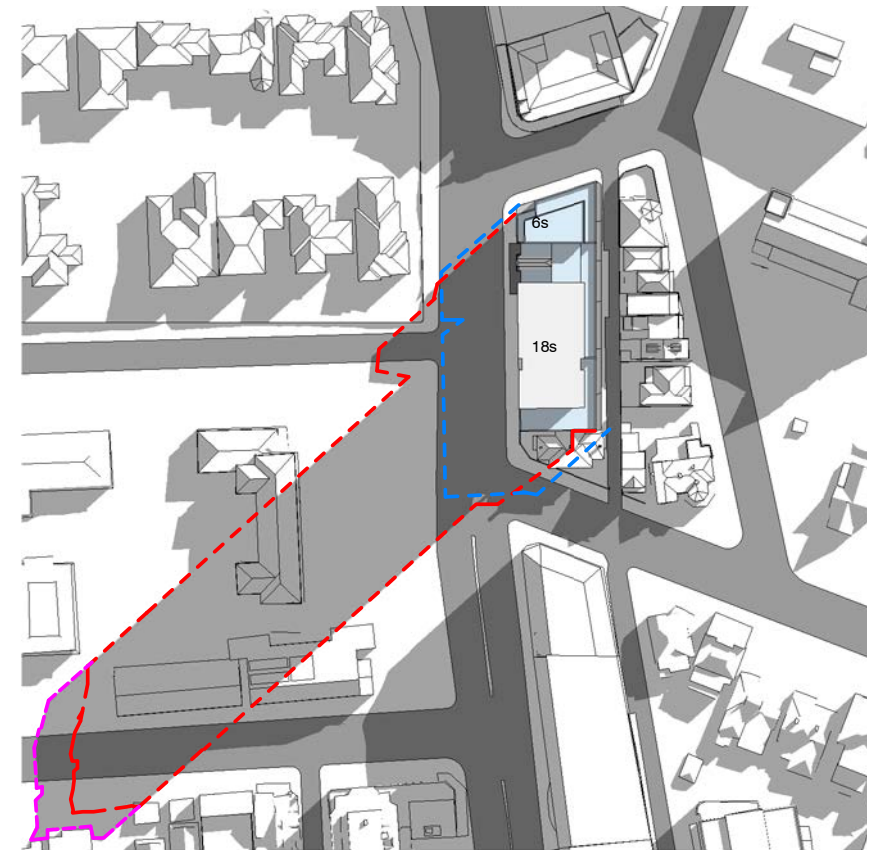
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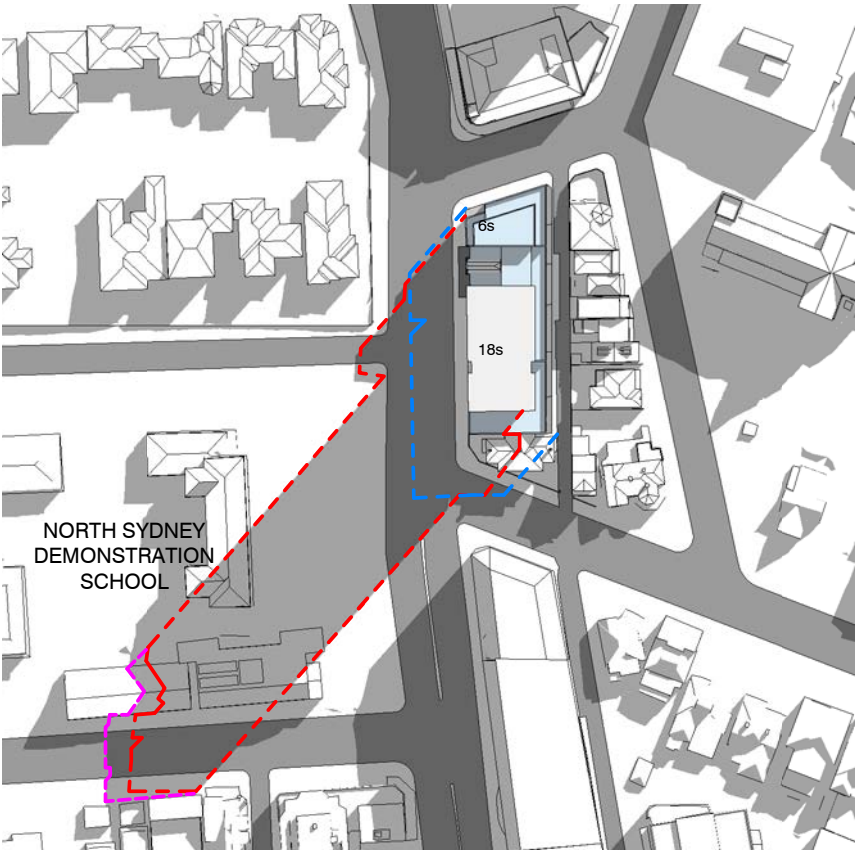




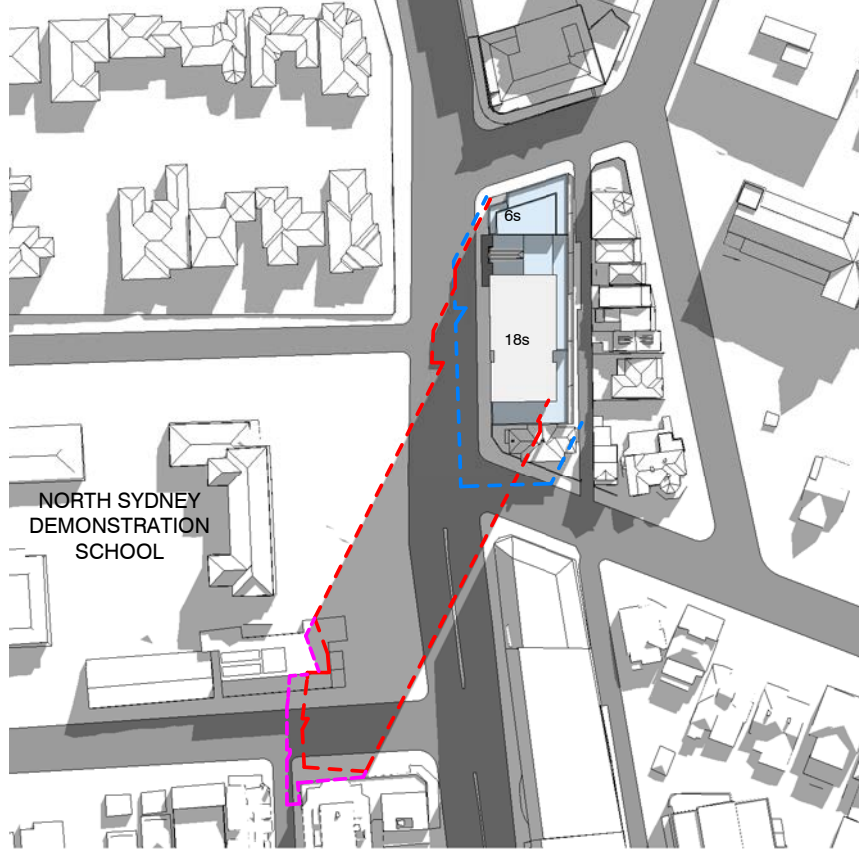
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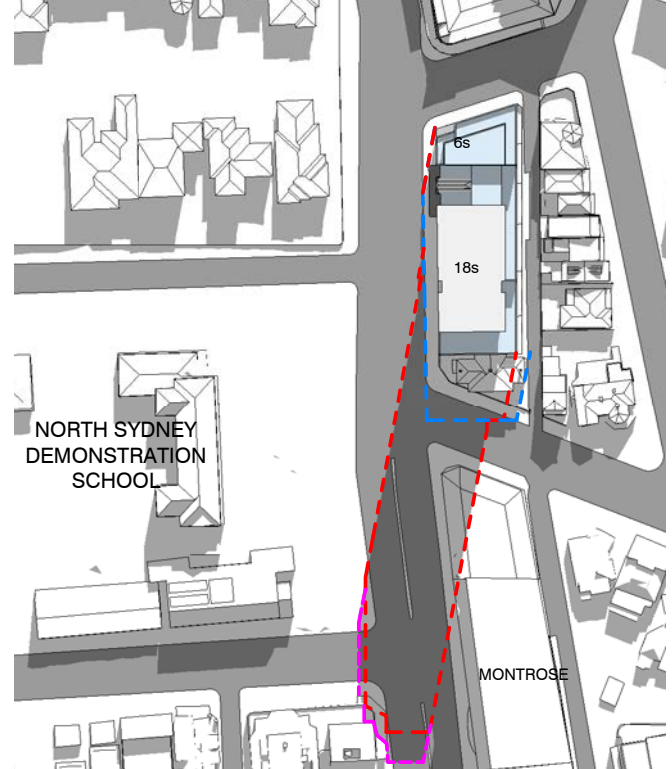
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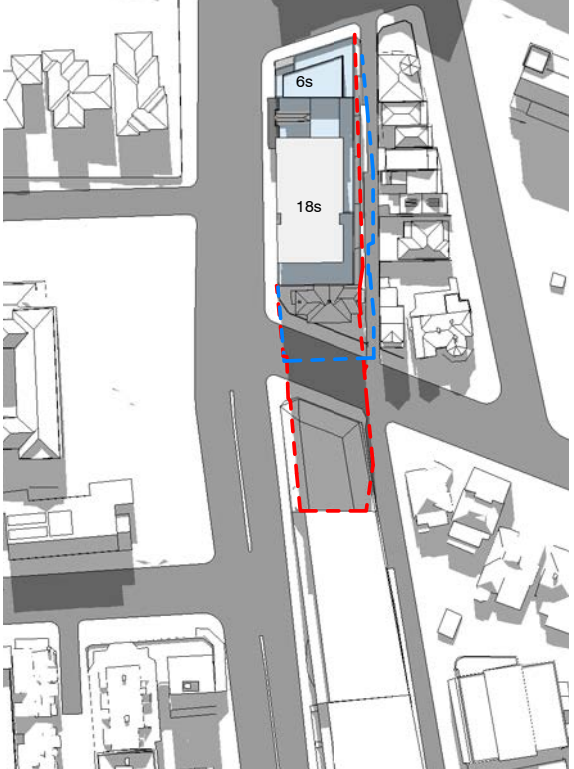
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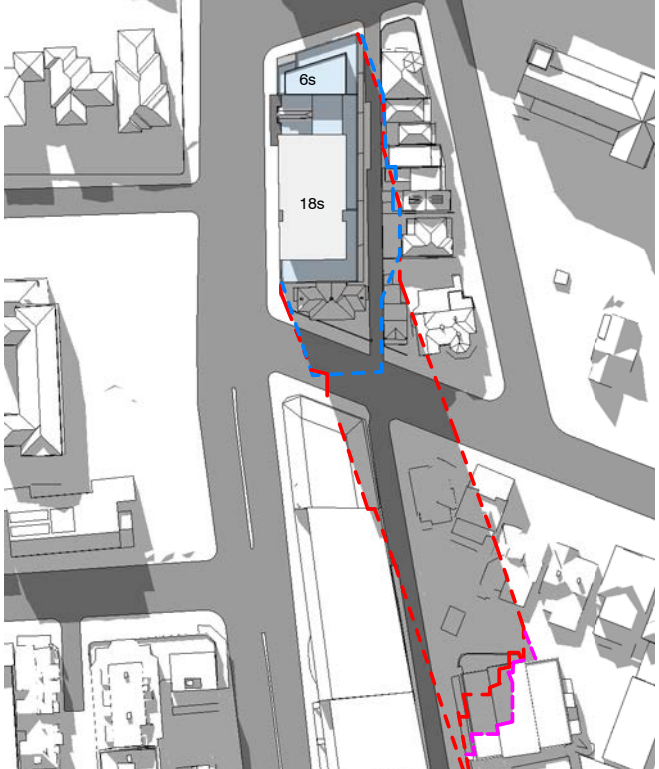
12:00



13:00



14:00



15:00



02 | Shadow Diagrams - 09:00 to 15:00 - 1:2000 @A3



BUILDING ENVELOPE

GFA AND FSR	
SITE AREA	1,468.79m <sup>2</sup>
COMMERCIAL INCLUDING RETAIL	
LEVEL	GFA
L00-GF	761m <sup>2</sup>
L00-aLG	135 m <sup>2</sup>
L01	422 m <sup>2</sup>
L02	349 m <sup>2</sup>
Total Commercial Including Retail GFA	1,667m <sup>2</sup>
Total Commercial Including Retail FSR	1.14
RESIDENTIAL	
LEVEL	GFA
L00-GF	144 m <sup>2</sup>
L01	380 m <sup>2</sup>
L02	338 m <sup>2</sup>
L03	781 m <sup>2</sup>
L04	684 m <sup>2</sup>
L05	602 m <sup>2</sup>
L06	489 m <sup>2</sup>
L07	489 m <sup>2</sup>
L08	489 m <sup>2</sup>
L09	489 m <sup>2</sup>
L10	489 m <sup>2</sup>
L11	489 m <sup>2</sup>
L12	489 m <sup>2</sup>
L13	489 m <sup>2</sup>
L14	489 m <sup>2</sup>
L15	489 m <sup>2</sup>
L16	489 m <sup>2</sup>
L17	489 m <sup>2</sup>
ROOF	13 m <sup>2</sup>
Total Residential GFA	8,810m <sup>2</sup>
Total Residential FSR	6.00
Grand Total GFA	10,477m <sup>2</sup>
Grand Total FSR	7.14:1

01 | GFA and FSR

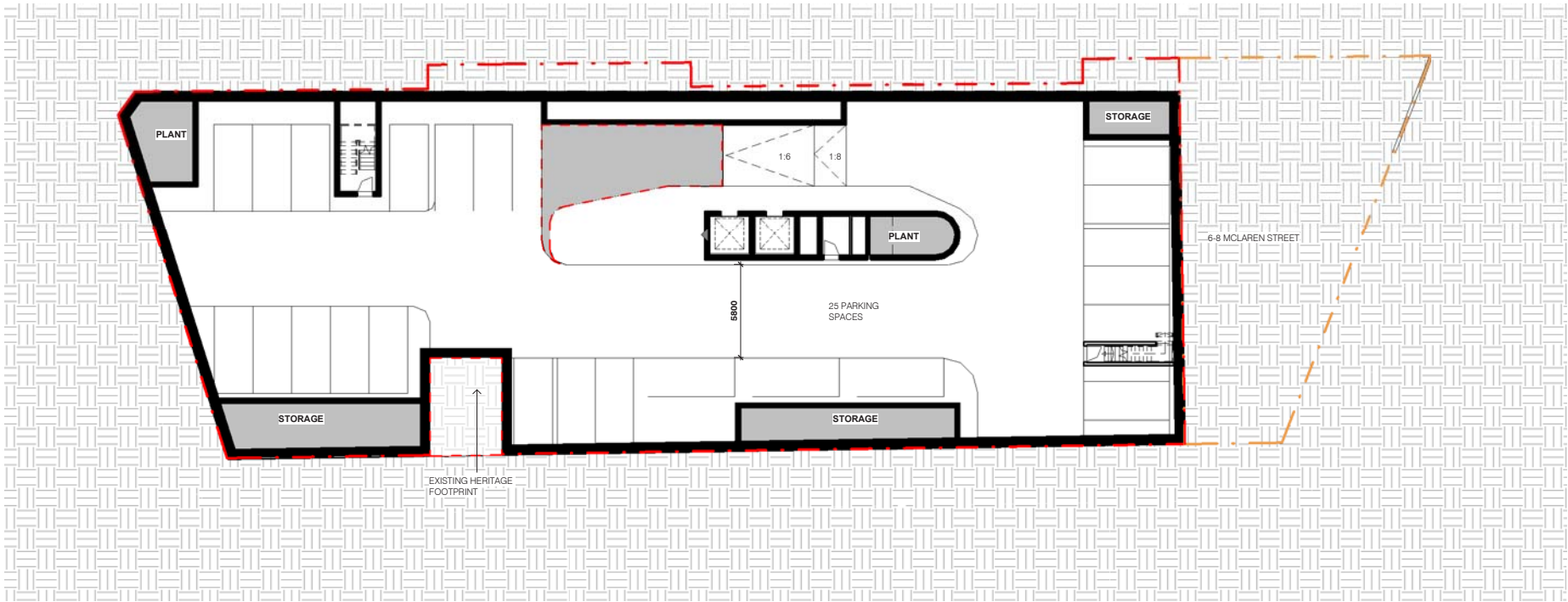


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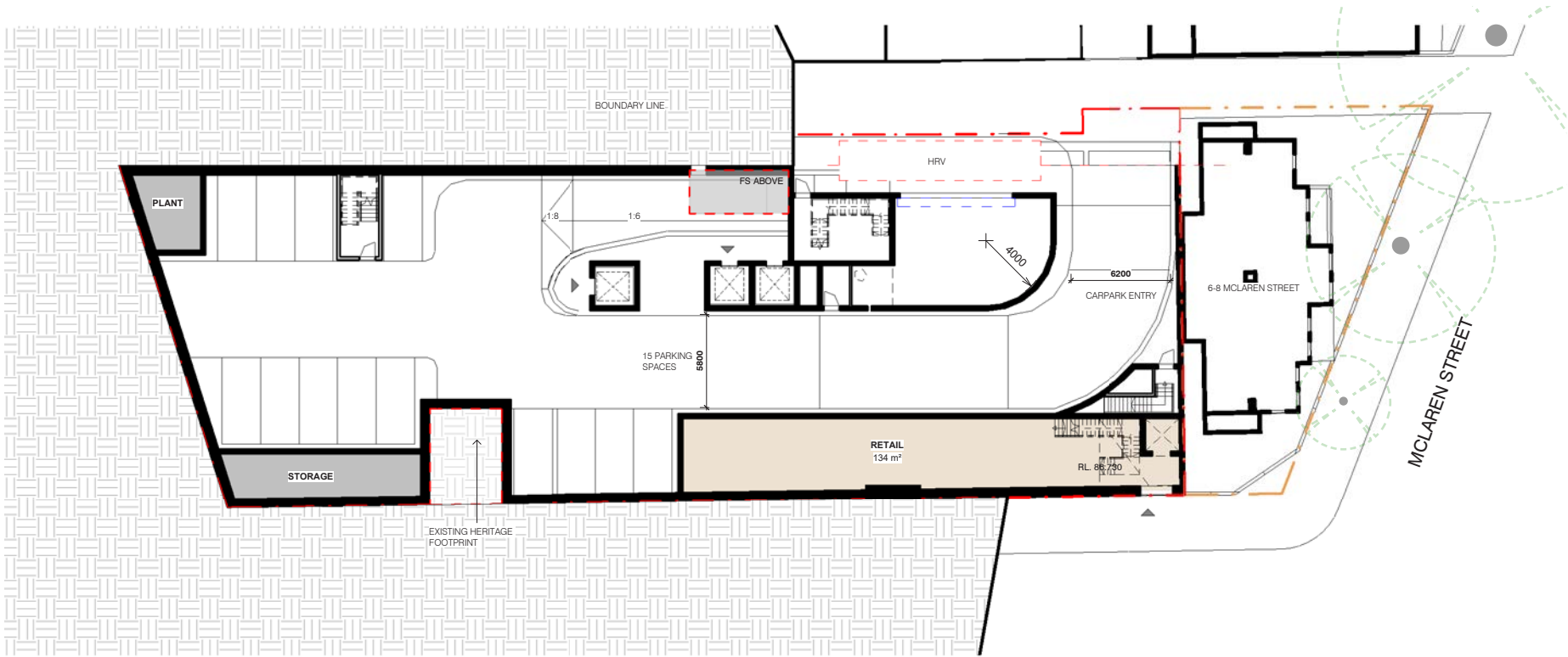
# REFERENCE DESIGN

253-267 PACIFIC HIGHWAY, NORTH SYDNEY

REFERENCE DESIGN

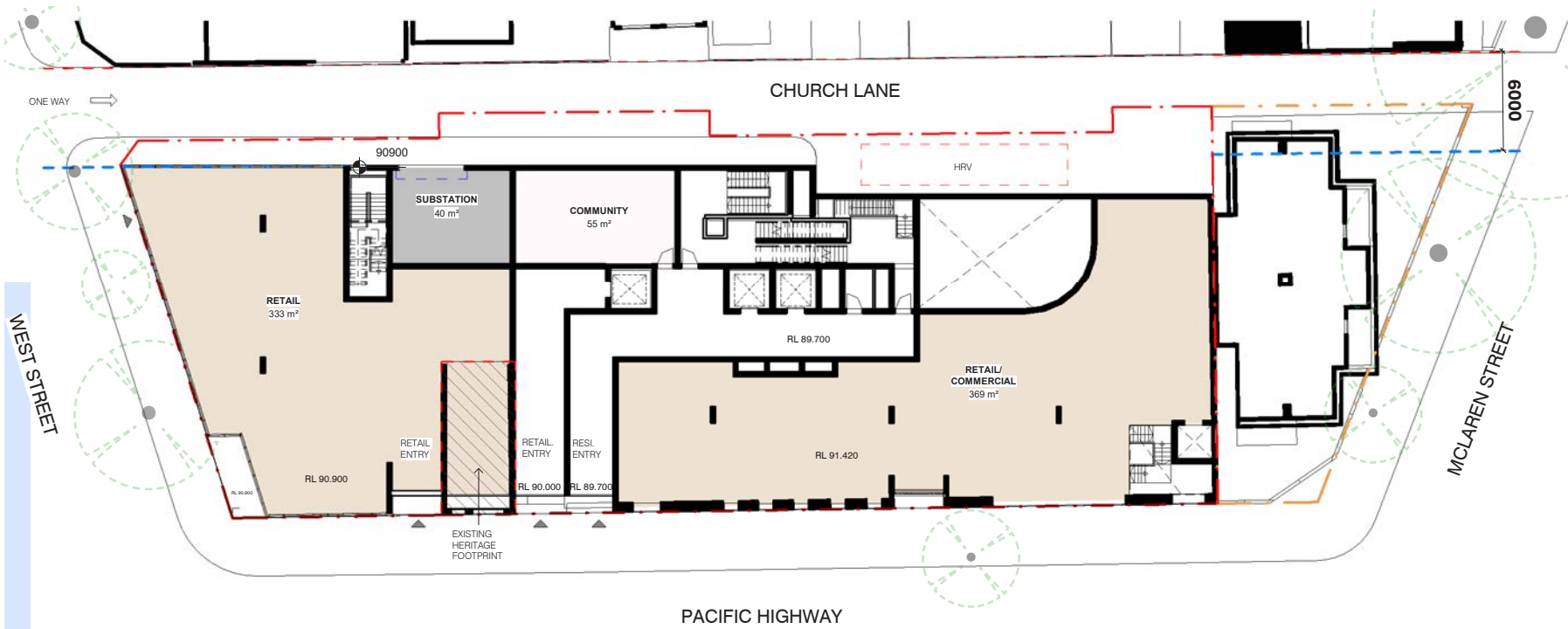


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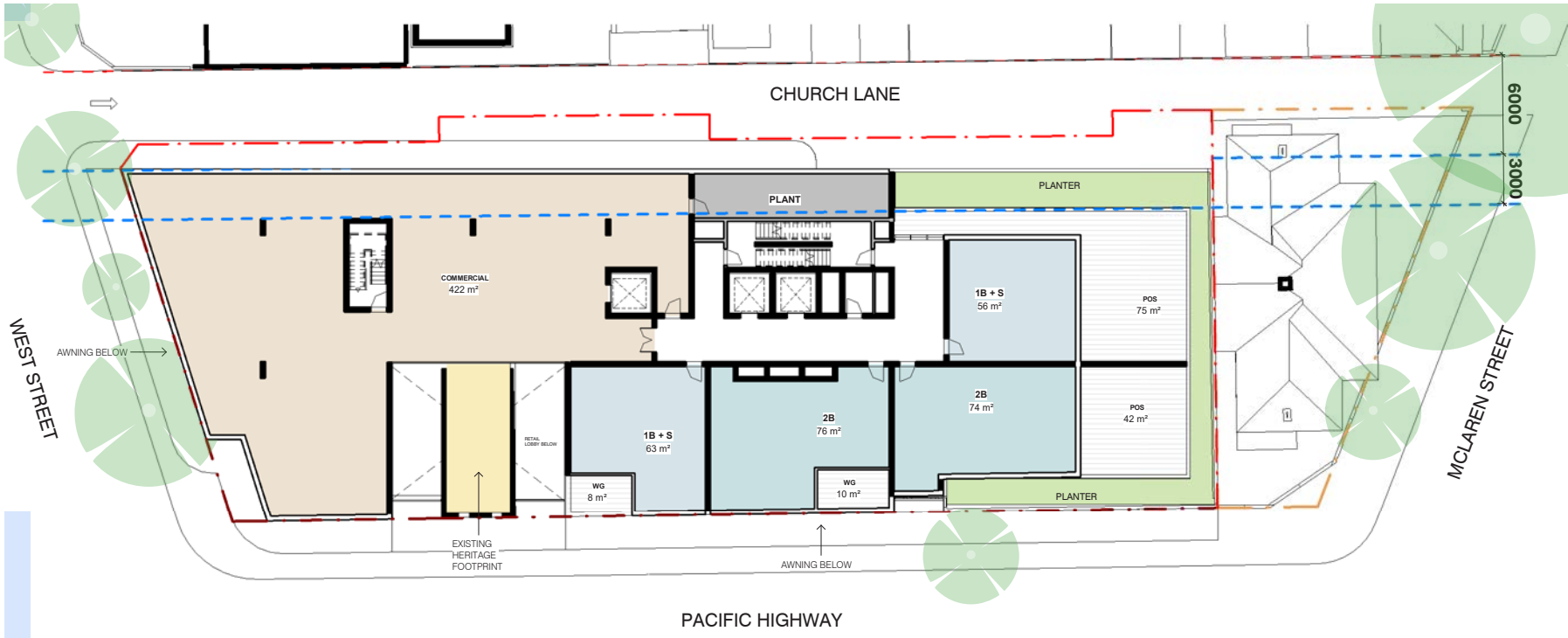


02 | Lower Ground Plan - 1:400 @A3





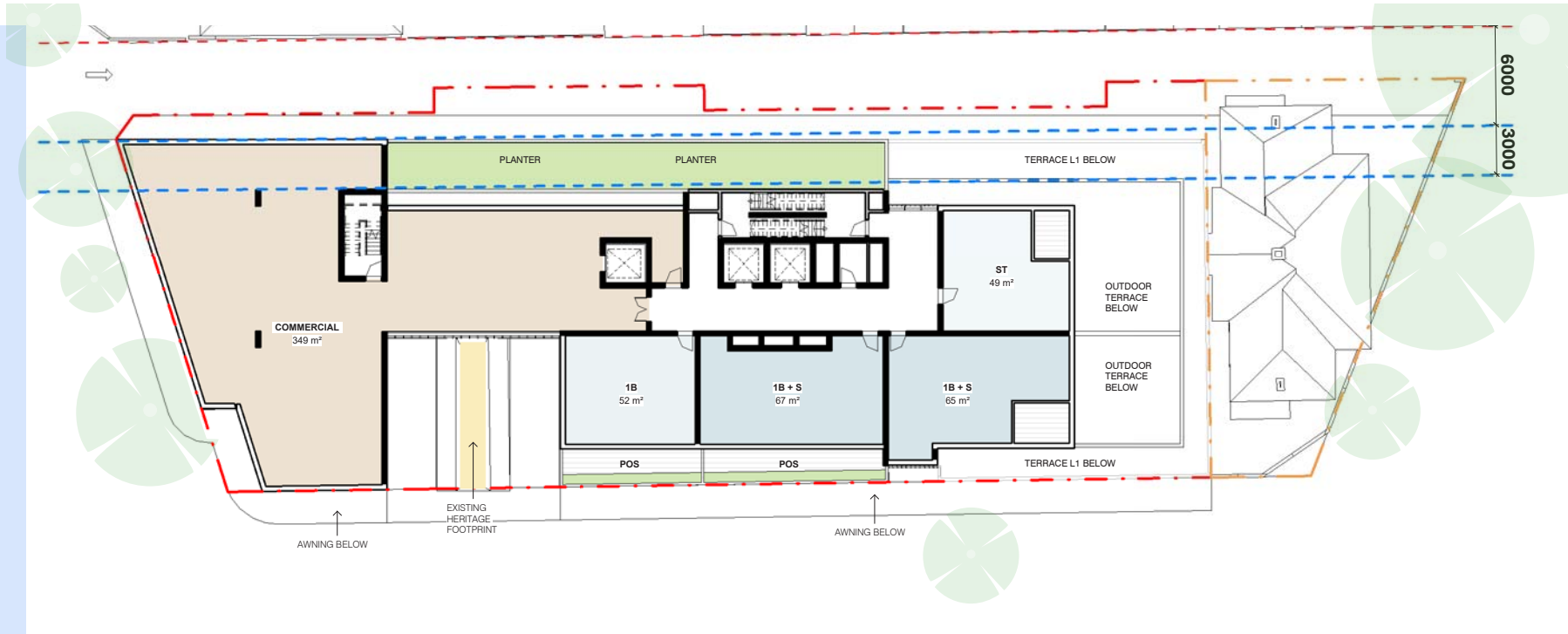
03 | Ground Level Plan - 1:400 @A3



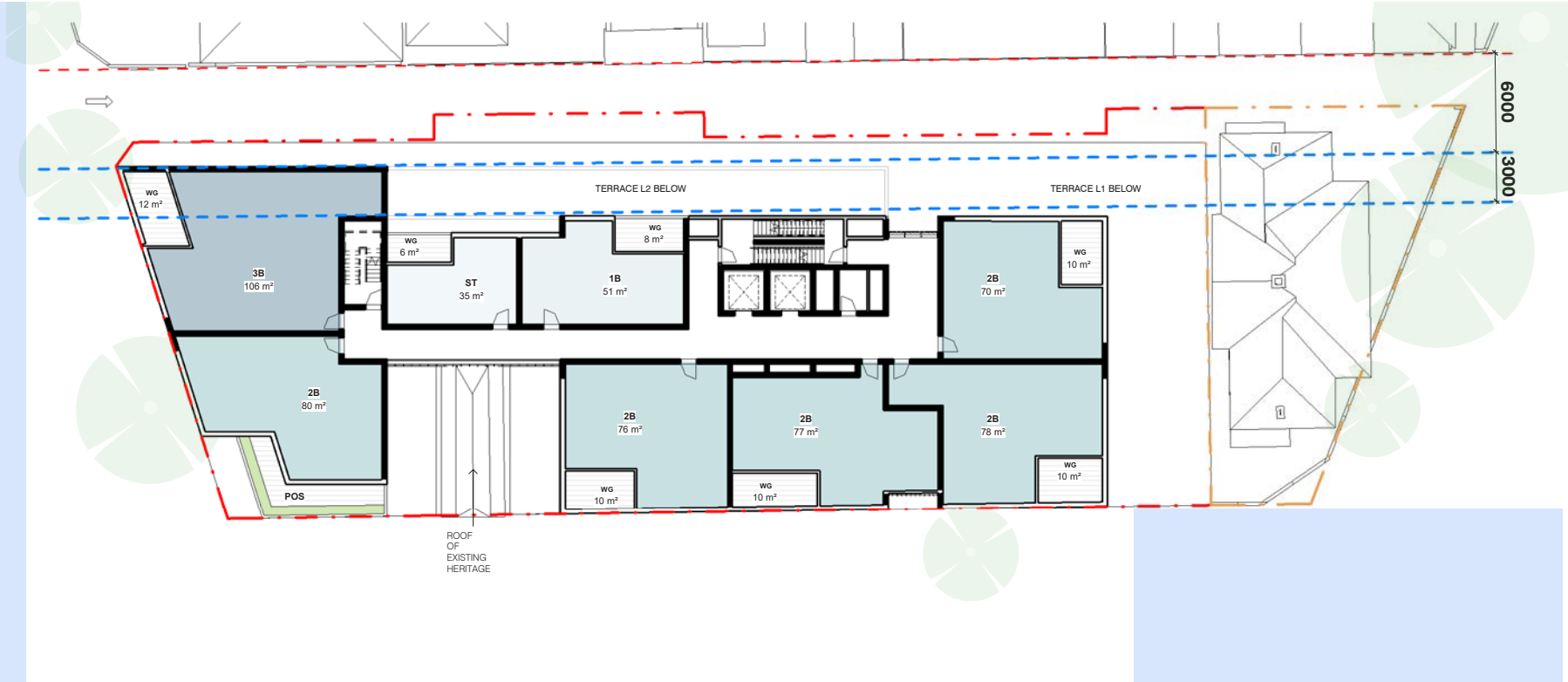
04 | Level 01 Plan - 1:400 @A3





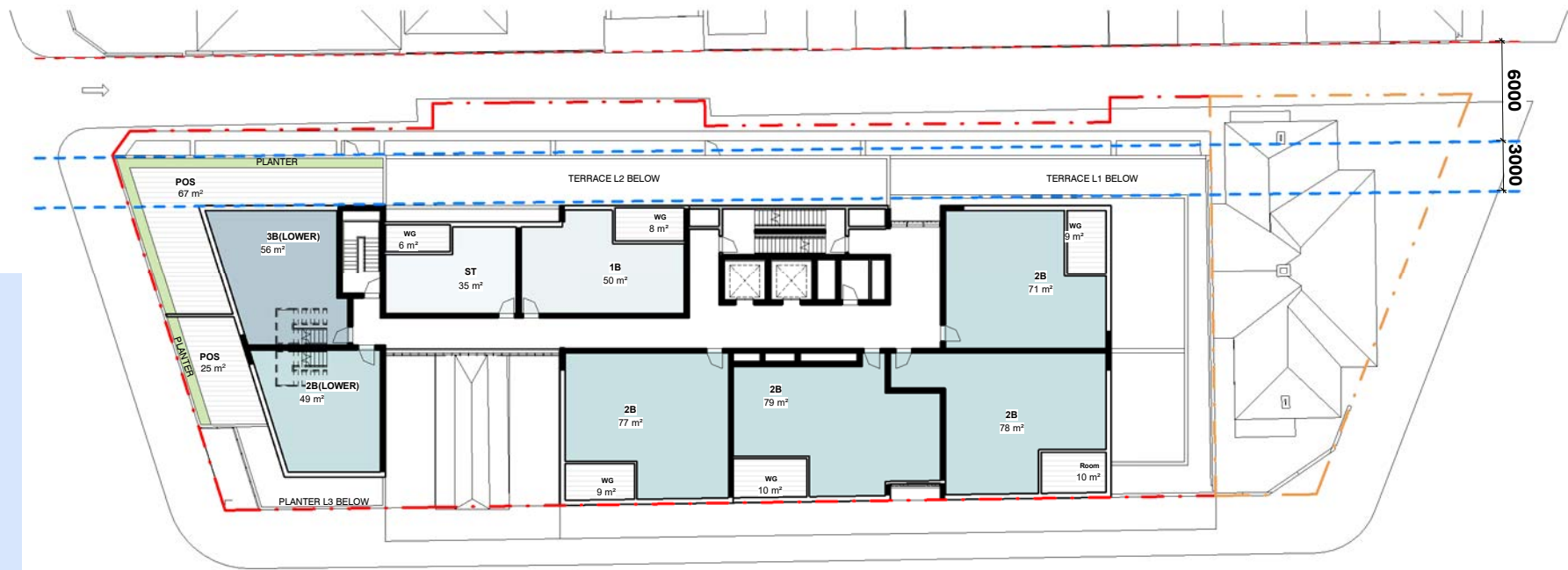


05 | Level 02 Plan - 1:400 @A3

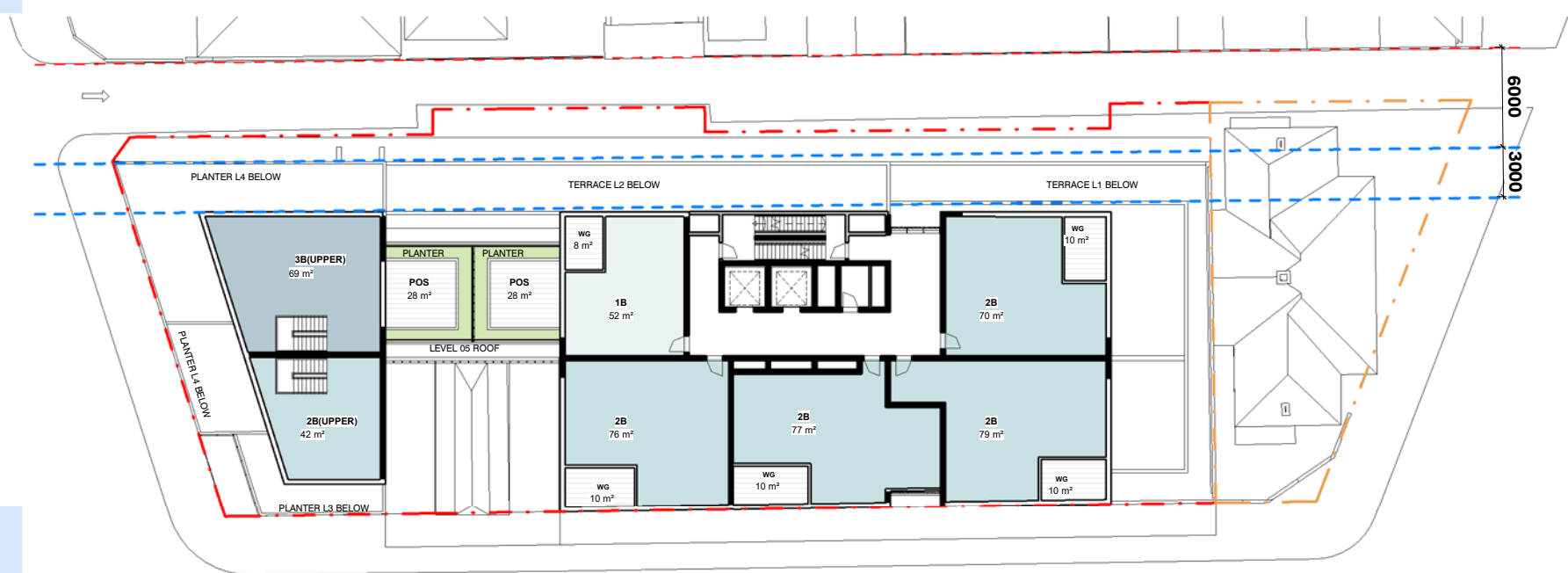


06 | Level 03 Plan - 1:400 @A3





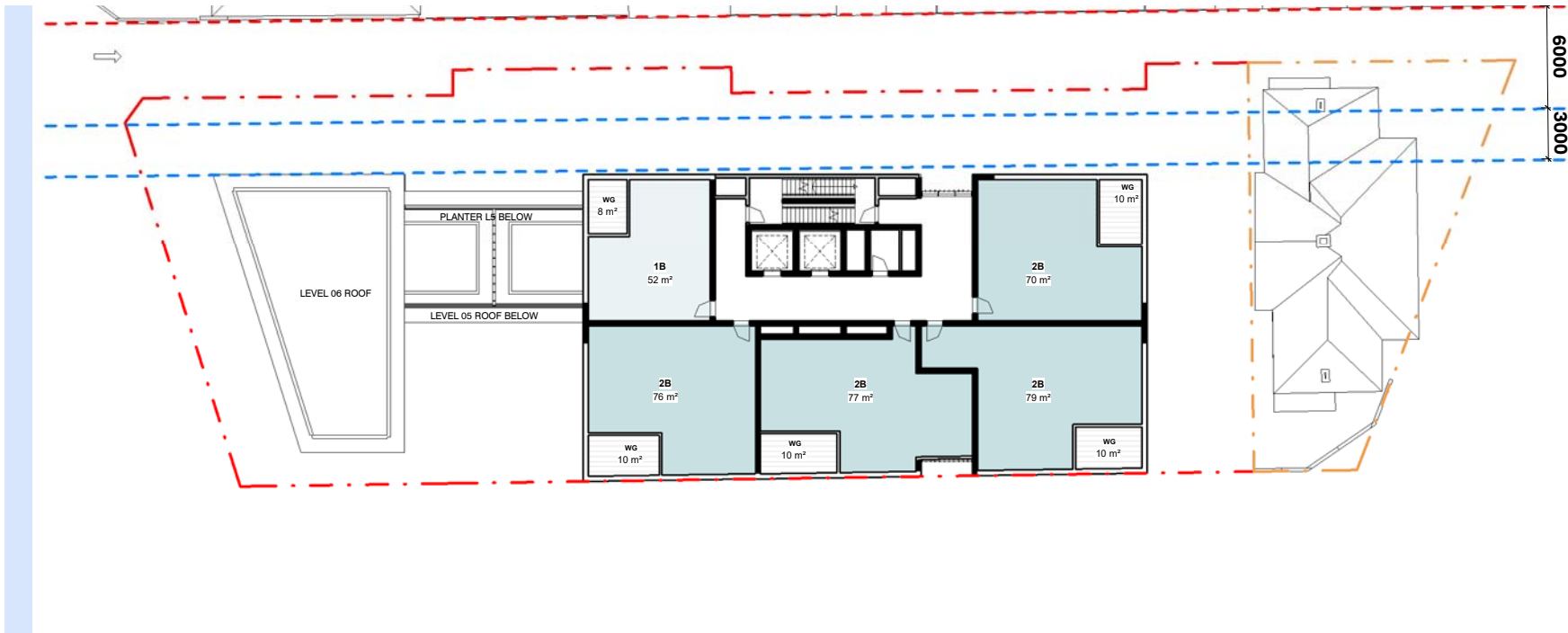
07 | Level 04 Plan - 1:400 @ A3



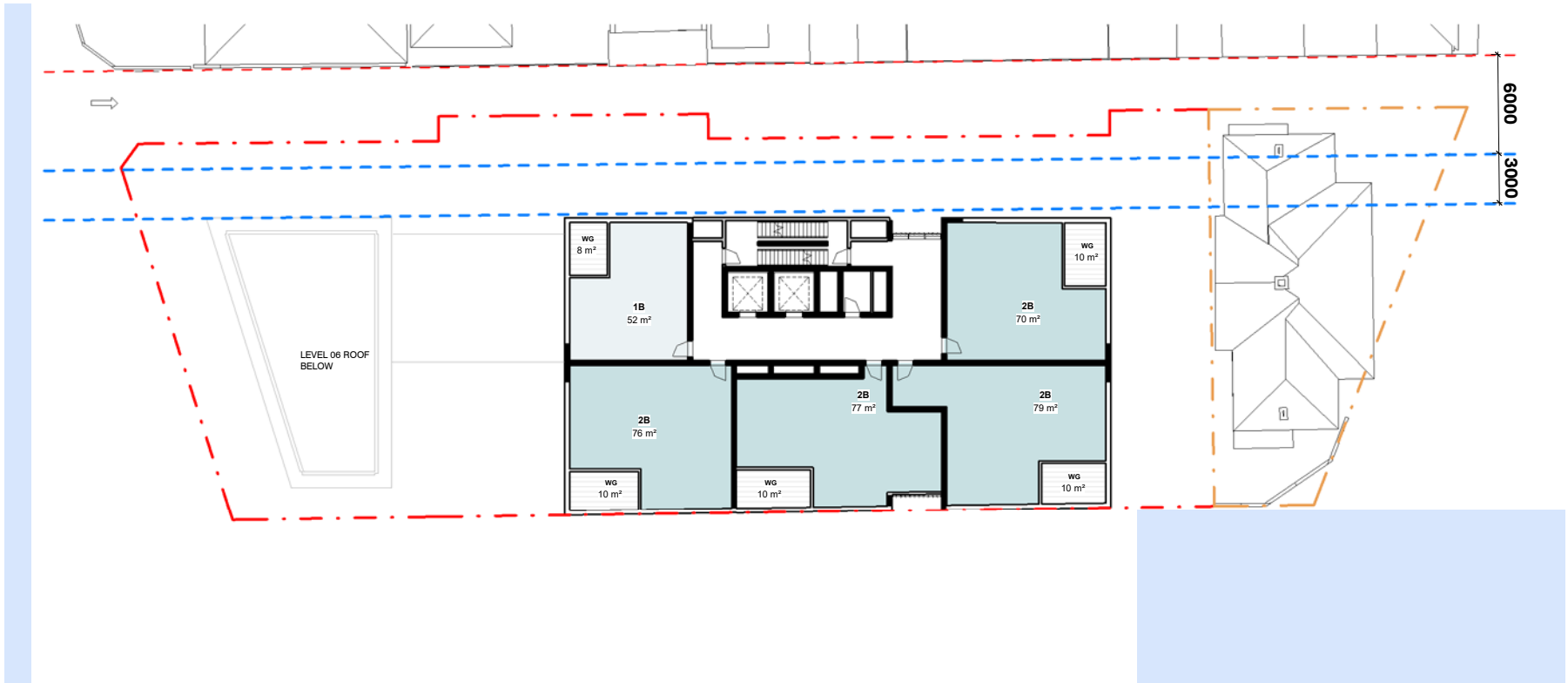
08 | Level 05 Plan - 1:400 @ A3



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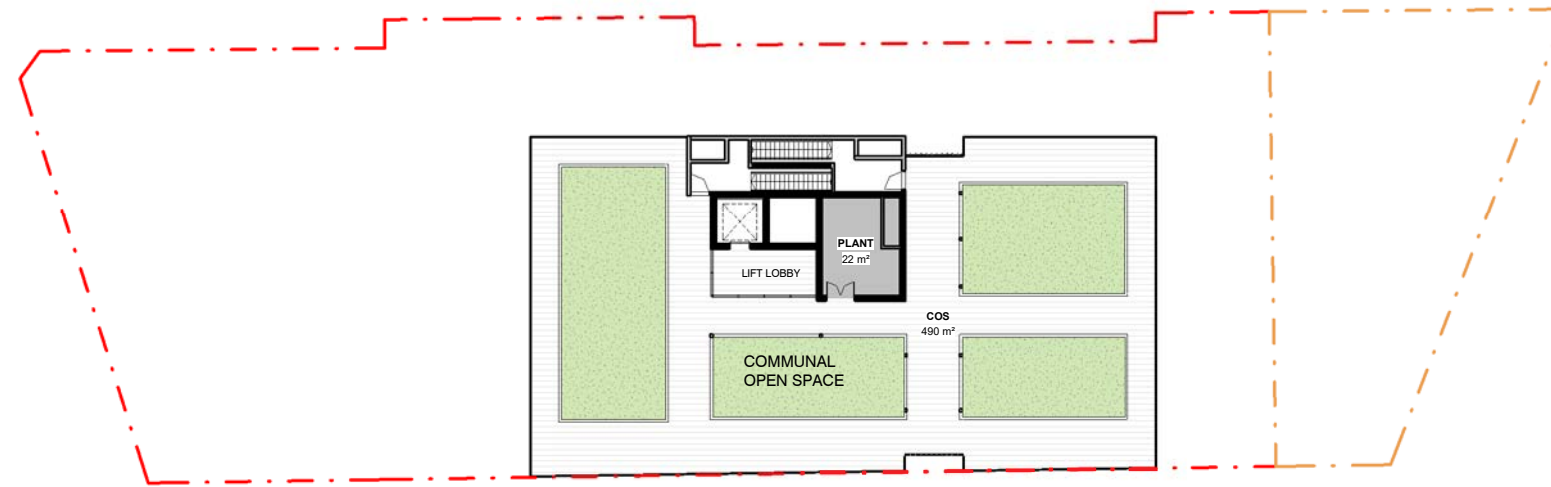
09 | Level 06 Plan - 1:400 @A3



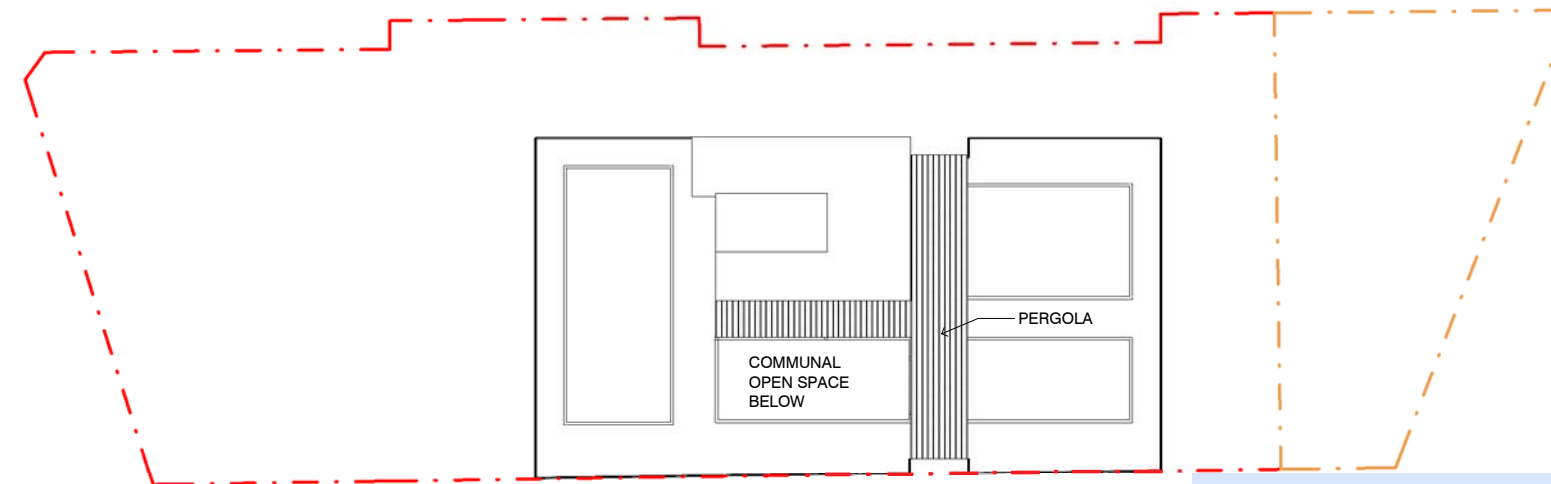
10 | Level 07 Plan - 1:400 @A3







11 | Roof Plan - 1:400 @A3



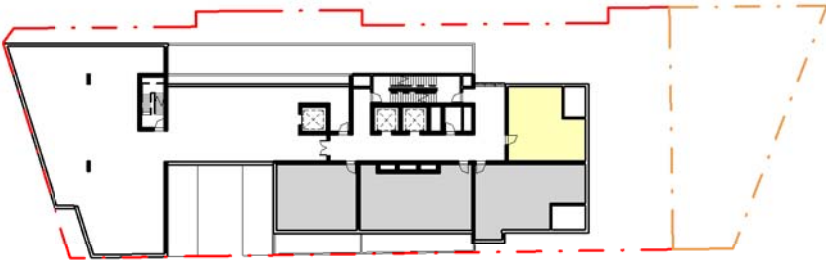
12 | Top of Roof Plan - 1:400 @A3



SOLAR ACCESS COMPLIANCE		
SOLAR ACCESS	NUMBER OF APARTMENTS	PERCENTAGE
<2h	8	9%
>2h	81	91%
Grand total: 89	89	



Level 01



Level 02



Level 03



Level 04



Level 05



Level 06 - Level 17

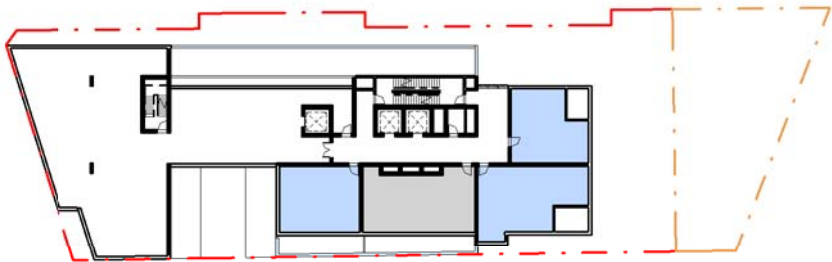
01 | Solar Access - 1:750 @A3



CROSS VENTILATION COMPLIANCE (GROUND FLOOR TO LEVEL 8)		
CROSS VENTILATED	NUMBER OF APARTMENTS	PERCENTAGE
N	14	32%
N: 14	14	
Y	30	68%
Y: 30	30	
Grand total: 44	44	



Level 01



Level 02



Level 03



Level 04



Level 05



Level 06 - Level 17

02 | Cross Ventilation - 1:750 @A3





## REFERENCE DESIGN



Pacific Highway Precinct: Existing





Pacific Highway Precinct: Proposed



## REFERENCE DESIGN



Pacific Highway Precinct: Existing





Pacific Highway Precinct: Proposed





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