



# **PLANNING PROPOSAL**

## **253-267 PACIFIC HIGHWAY**

### **NORTH SYDNEY**

SEPTEMBER 2018  
SA6804  
PREPARED FOR LEGACY PROPERTY



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

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| Project Code      | SA6804        |
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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<br>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<br>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<br>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<br>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<br>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

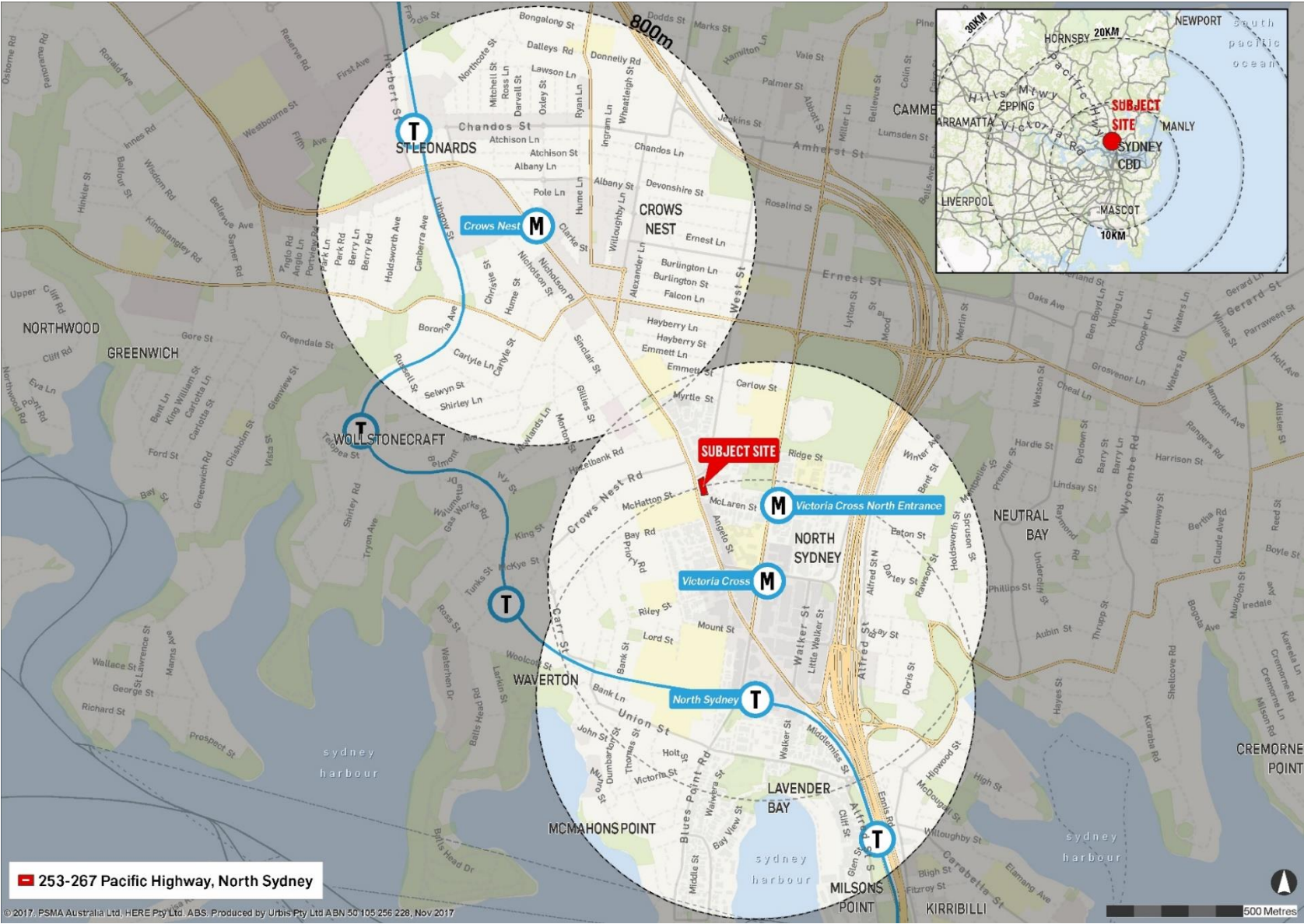




Figure 2 – Aerial image of the subject site



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.

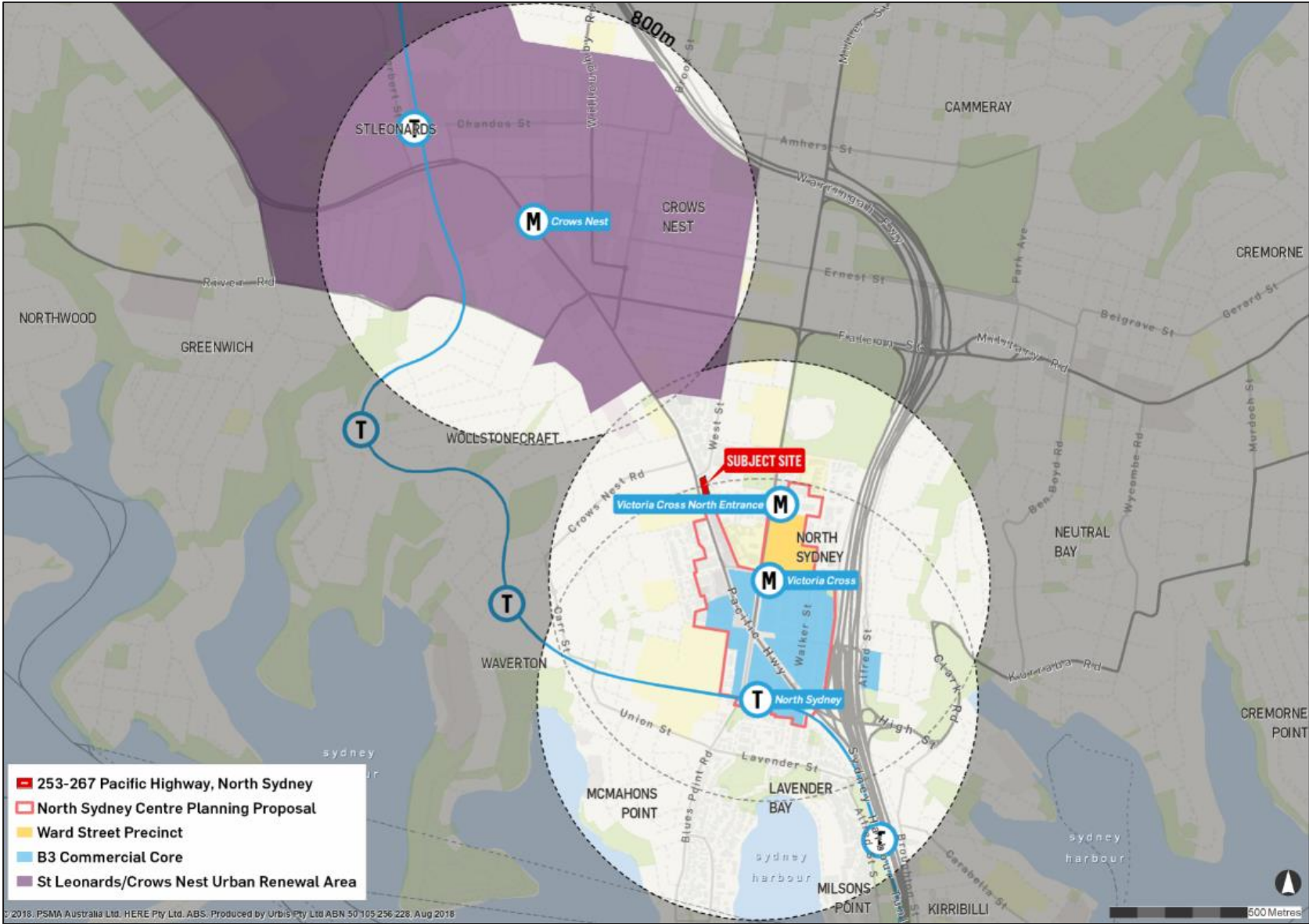
The skyline of North Sydney is set to undergo a transformation, with a number of key factors contributing to the evolution of North Sydney as a strategic centre within the global economic corridor. The key strategic context is mapped in **Figure 4** below, in summary, this includes:

- **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.

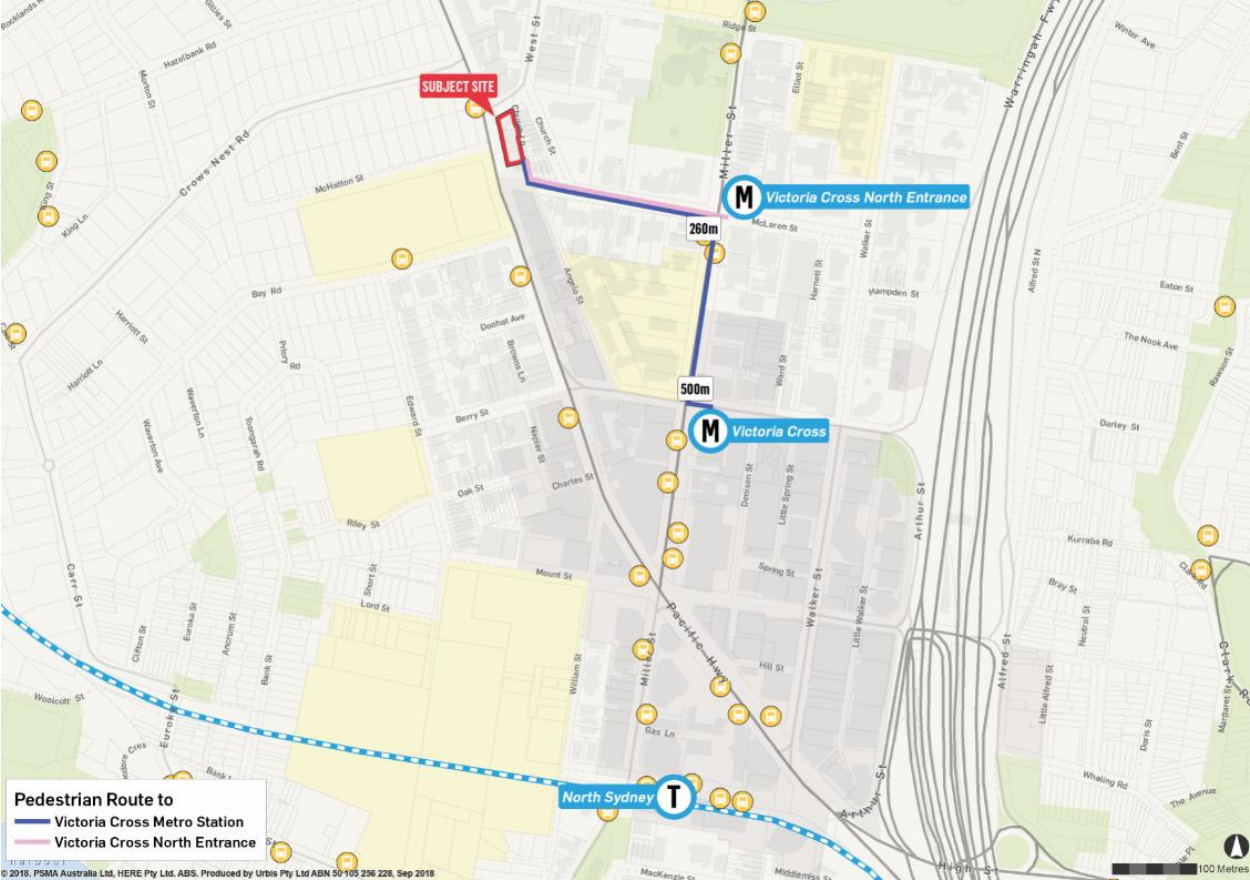
### **2.4.3. Road**

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-LODGEMENT 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

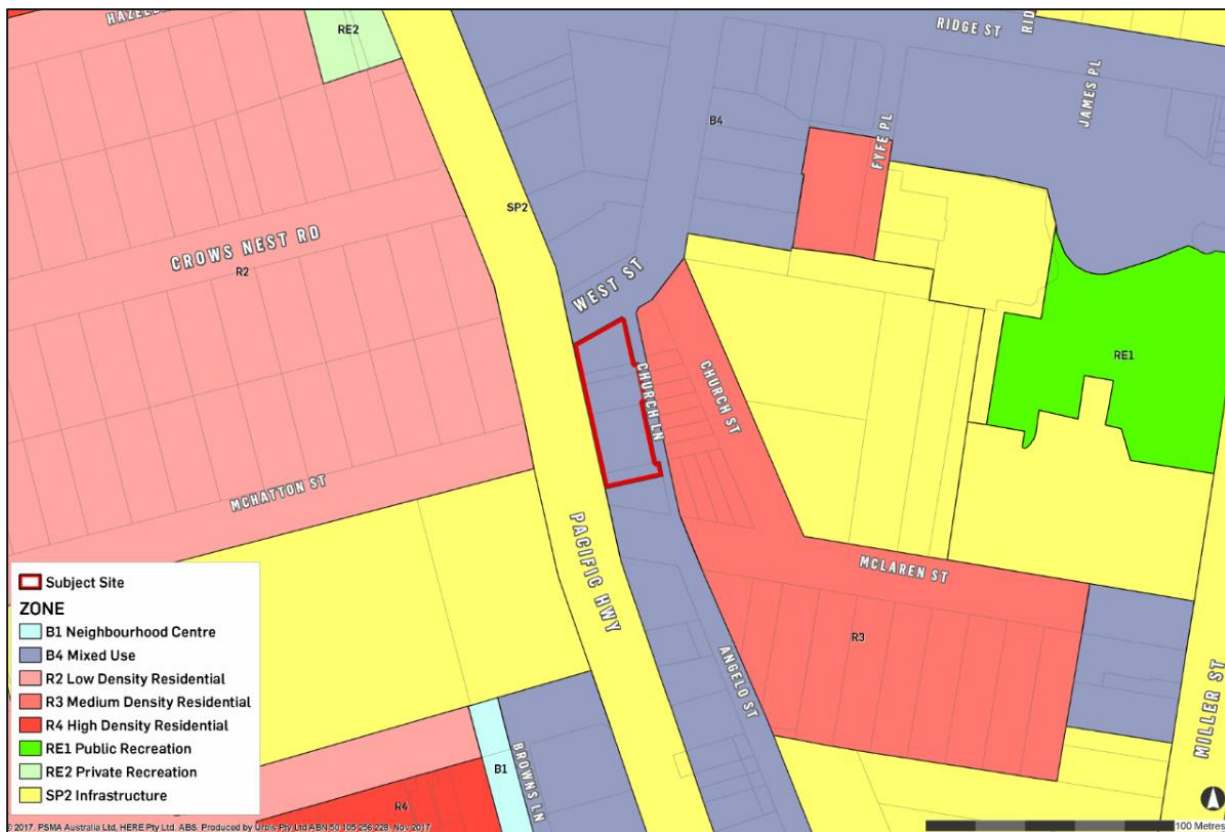


Table 3 – B4 Zone objectives and permissibility

|                                  |   |
|----------------------------------|---|
| <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





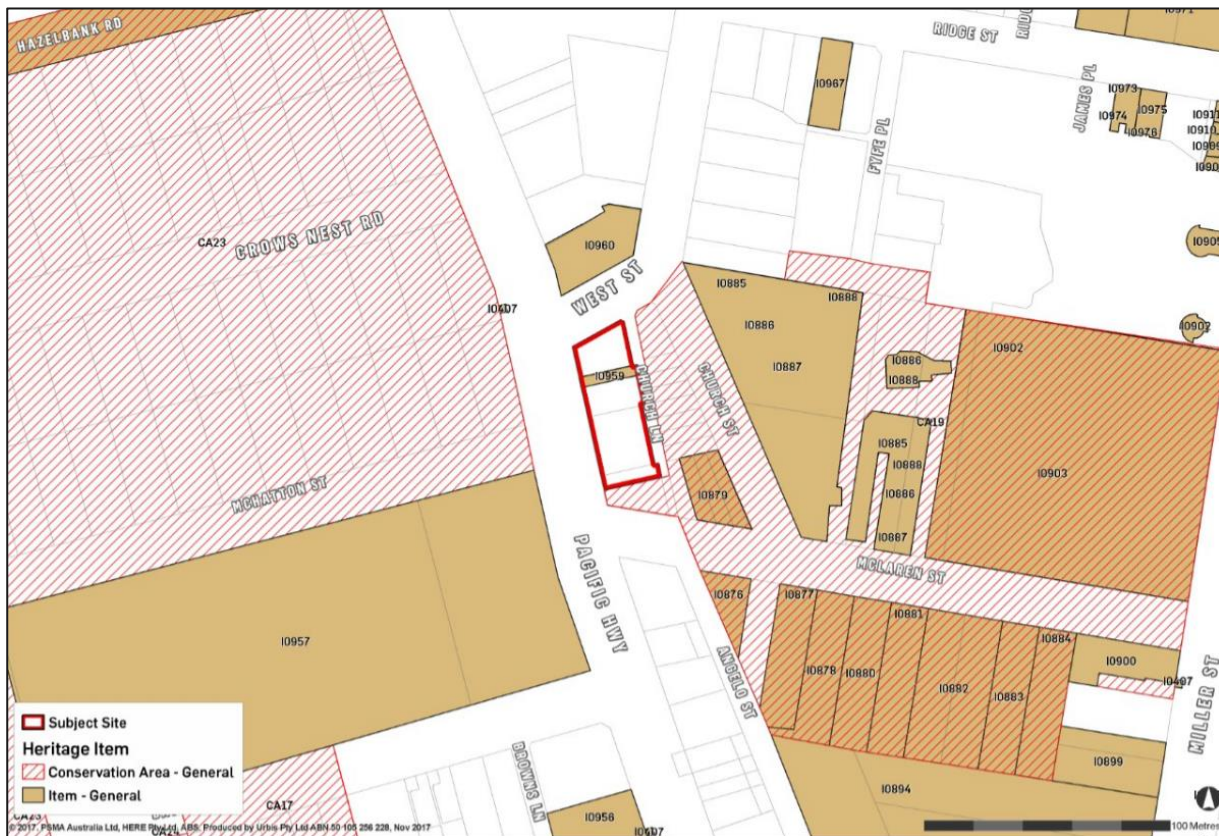
#### 4.1.5. Heritage Conservation

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.

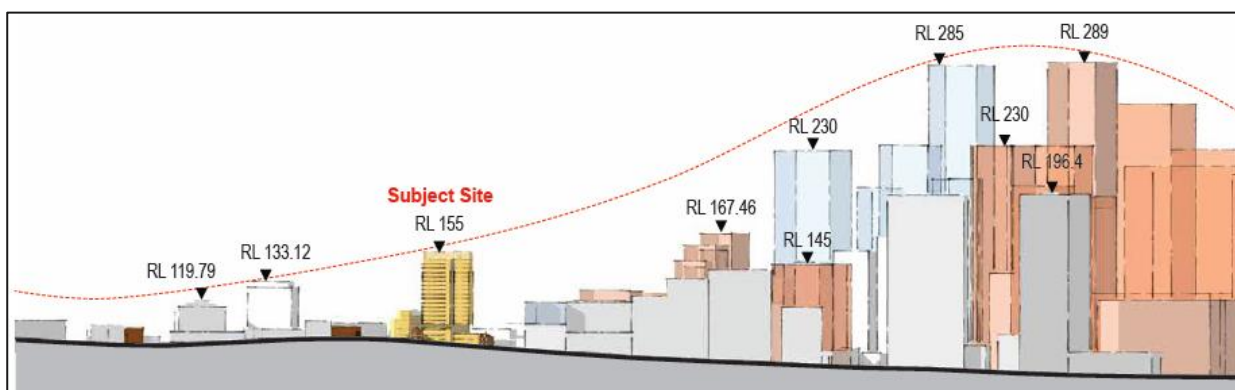
The proposal does not seek to amend the current B4 Mixed Use zone under the NSLEP 2013. The proposed redevelopment of the site is consistent with the objectives of the B4 Mixed Use zone

### 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

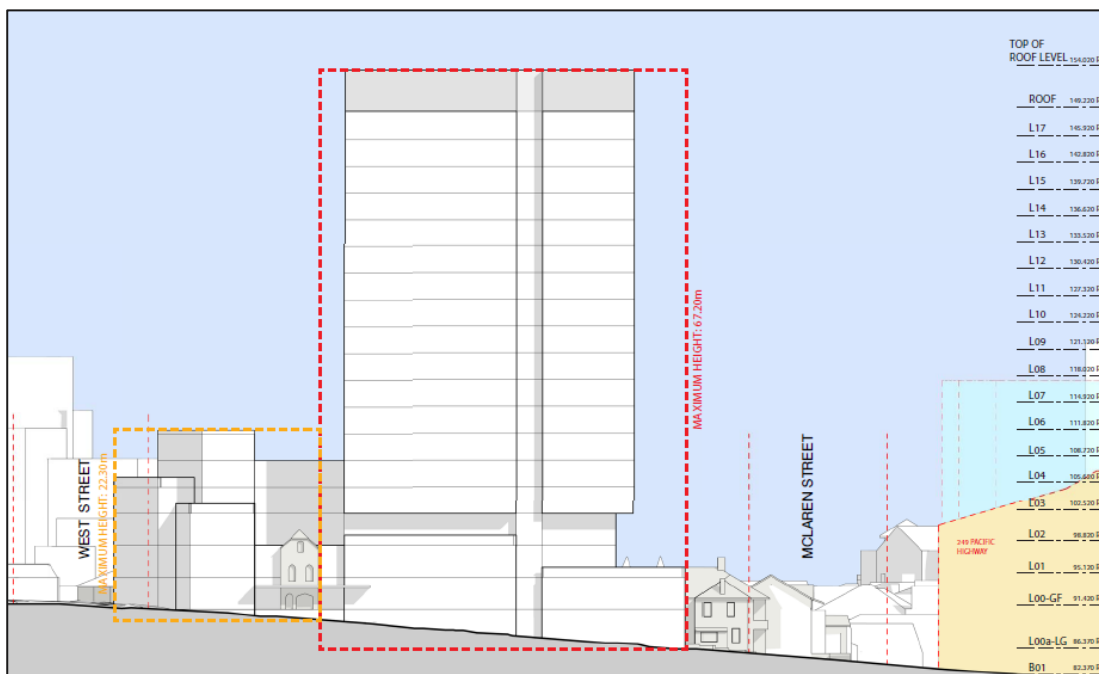
| Element  | Depicted in the Indicative Concept Design   |
|--|---|
| Land uses  | Part 3, part 4 levels of office / retail / community land uses<br><br>Residential apartments<br><br>Residential communal facilities |
| Indicative yield<br><br><i>(these yields are based on the indicative test fit design presented in the Urban Design Report)</i> | 1,667m <sup>2</sup> non-residential GFA<br><br>8,810m <sup>2</sup> residential GFA (indicatively 89 residential apartments)         |
| Gross Floor Area (GFA)<br>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<br><br>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

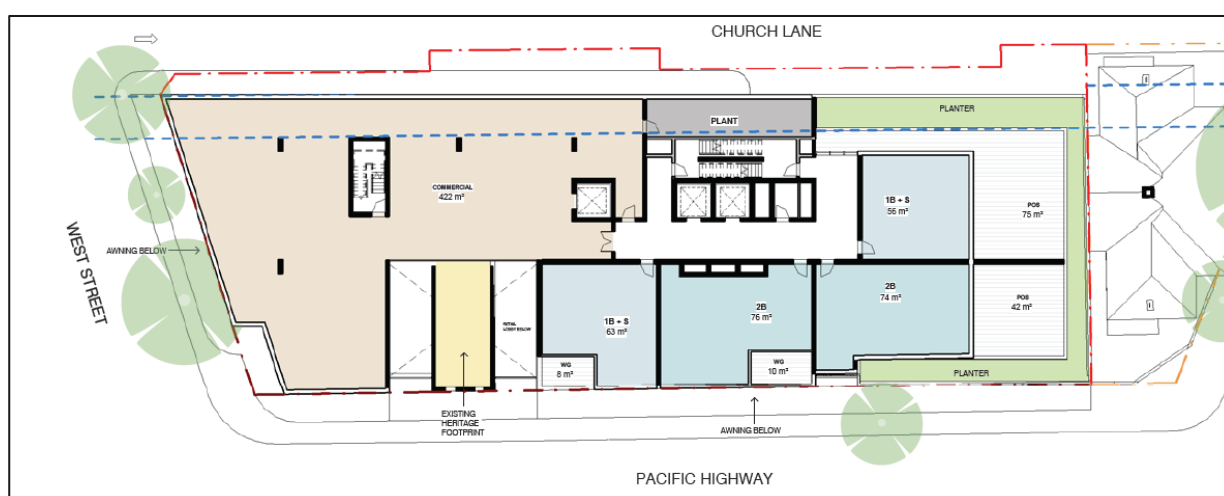
As detailed in the Urban Design Report (**Appendix A**) and as evident in the Indicative Reference Design (**Appendix B**), the future development of the site, as facilitated by the planning proposal, will be guided the following key design elements.

### 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 sloped 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

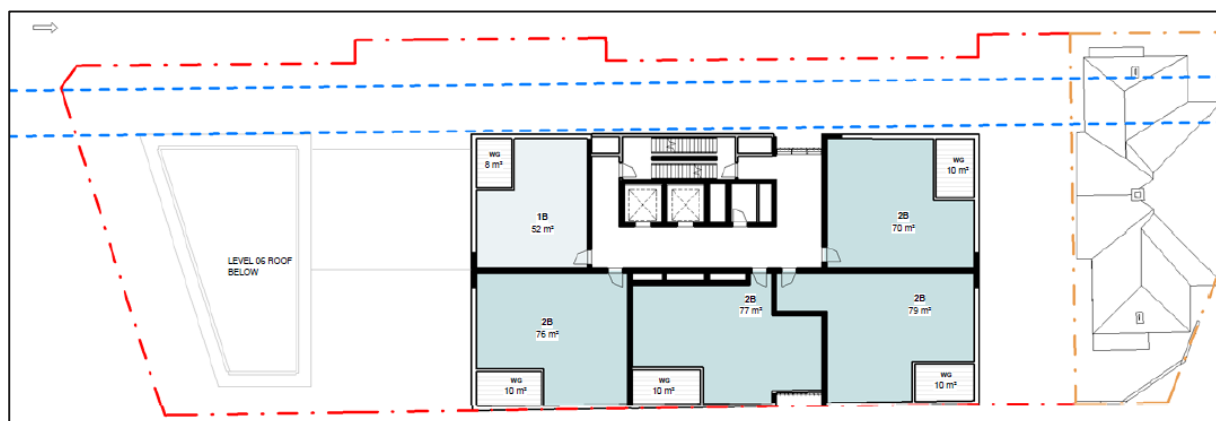


Source: PTW 2018

### 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.

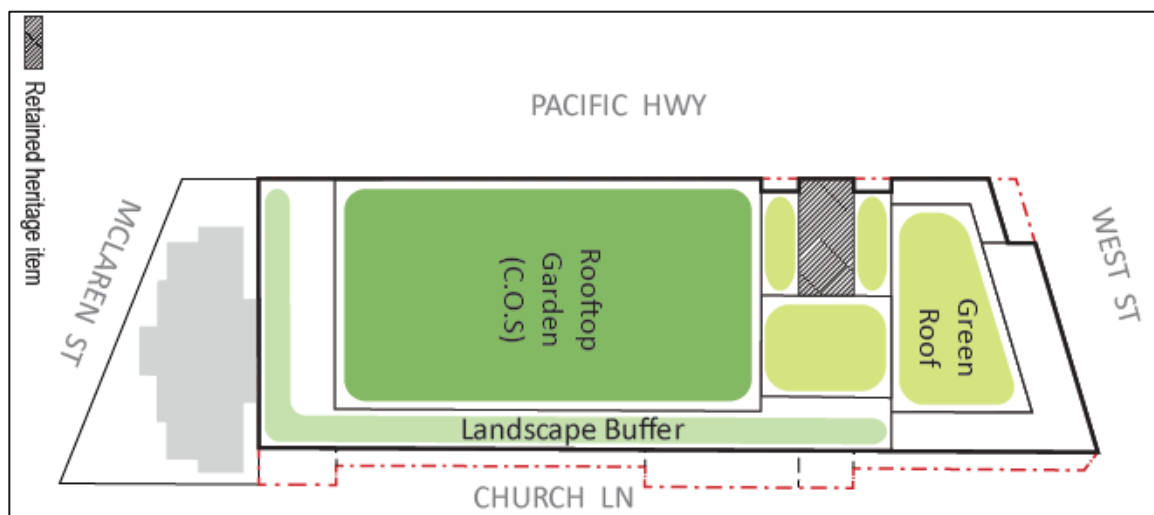
## Basement

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 *NSELP 2013 Maximum Floor Space Ratio Map* to provide a maximum floor space ratio control of 7.2:1; and
- Amend the *NSELP 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>   |

|                            |   |
|----------------------------|---|
| <b>Assessment Criteria</b> | <b>Response</b>   |
|                            | 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.

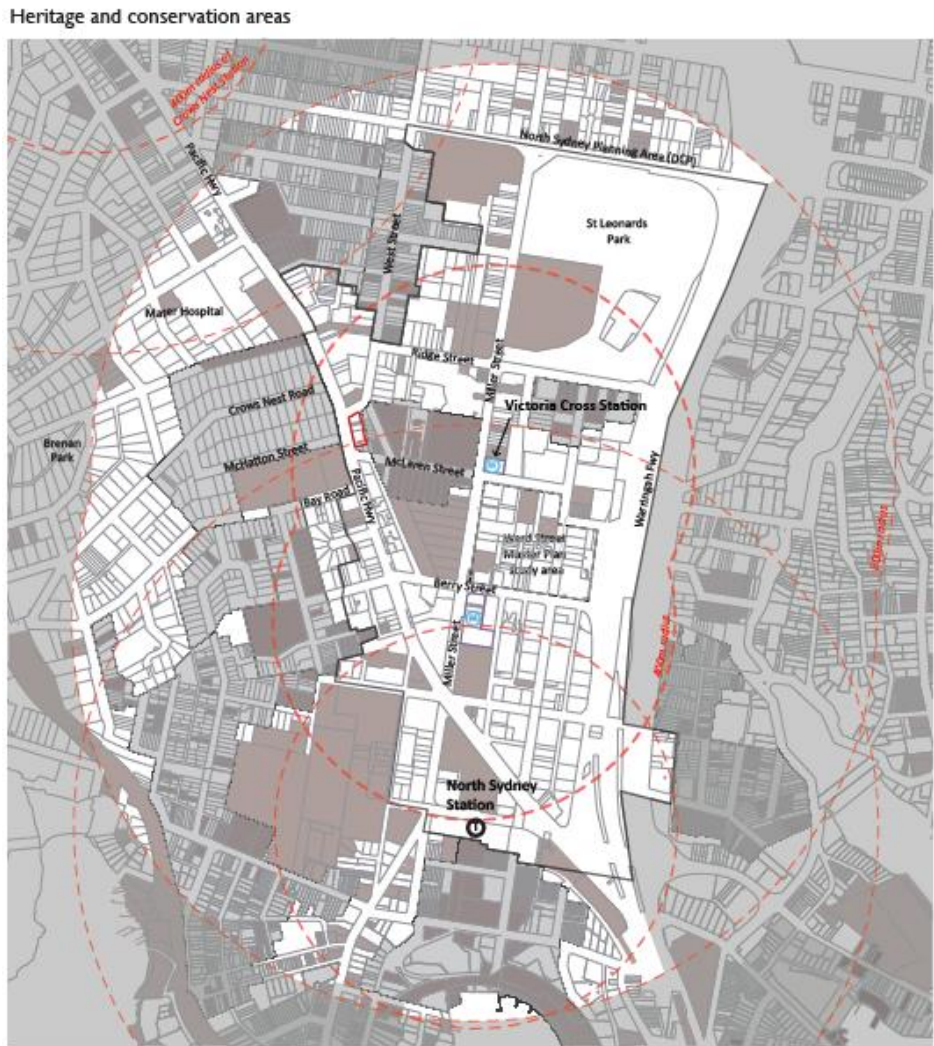
Table 7 – Planning Proposals alignment with the *North District Plan*

| North District Plan  | Planning Proposal Response  |
|--|---|
| <p><b>N1.</b> <i>Planning for a city supported by infrastructure</i></p> <p><b>N12.</b> <i>Delivering integrated land use and transport planning and a 30-minute city</i></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.</b> <i>Providing housing supply, choice and affordability, with access to jobs and services</i></p> <p><b>N10.</b> <i>Growing investment, business opportunities and jobs in strategic centres</i></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



Source: GMU 2018

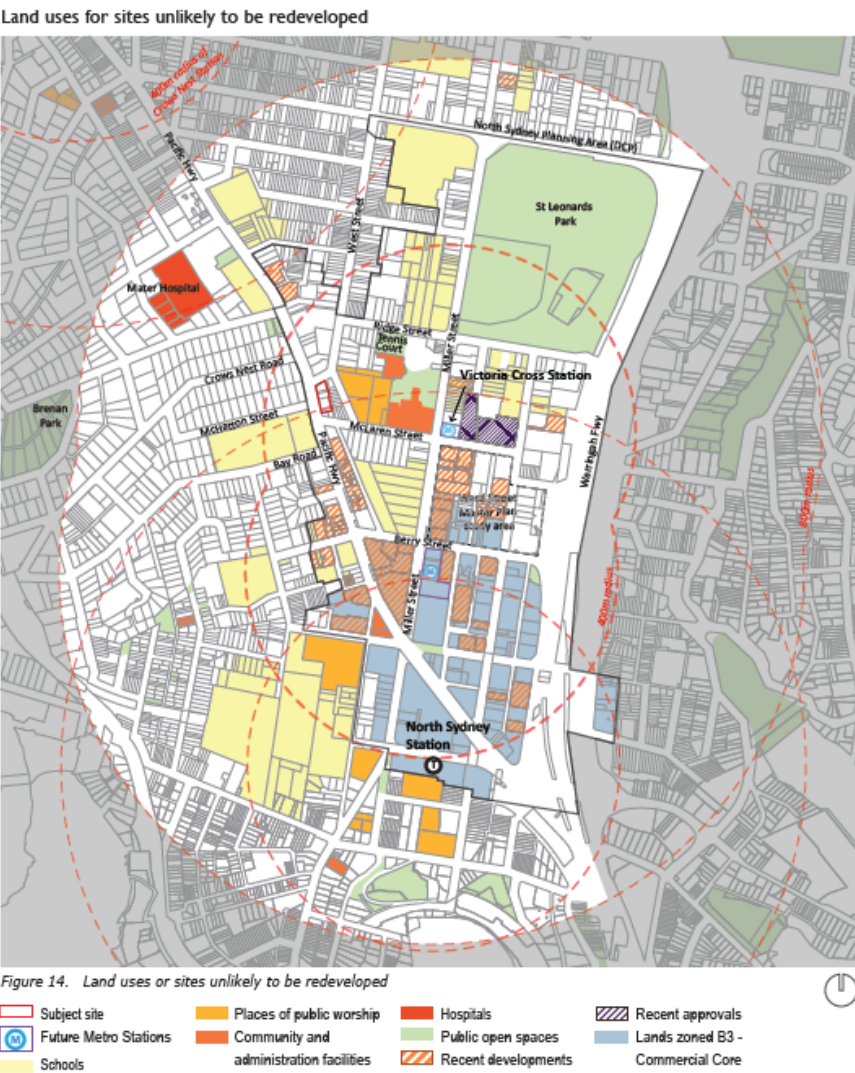
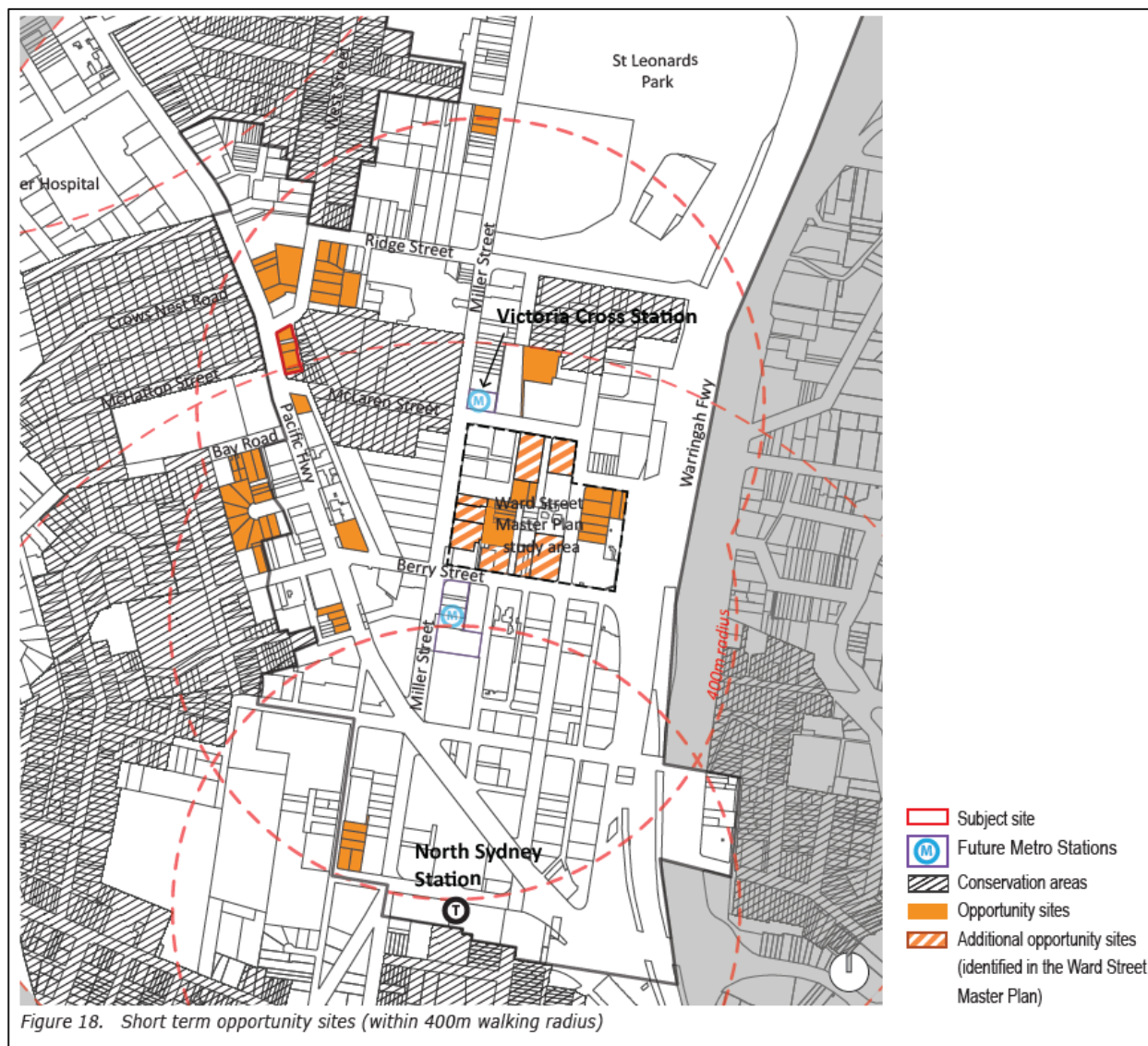




Figure 16 – Short to medium term opportunity sites (within 400m radius of Victoria Cross Station)



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;*

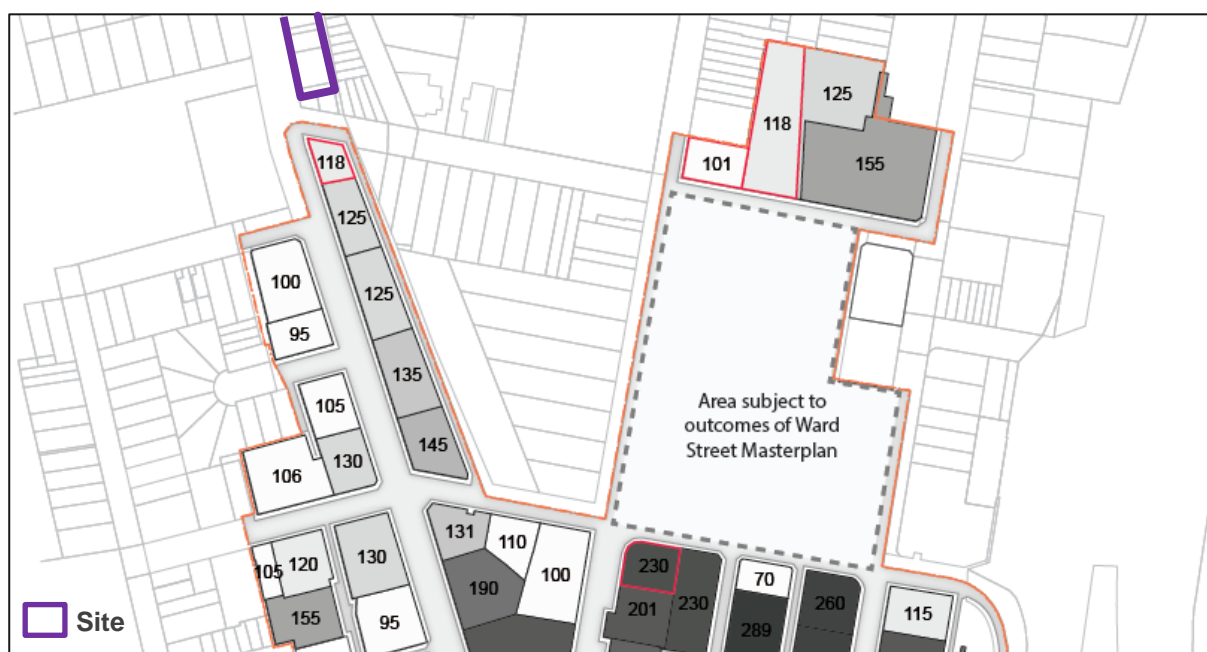
- *Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure; and*
- *Allow for the growth of North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre.*

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



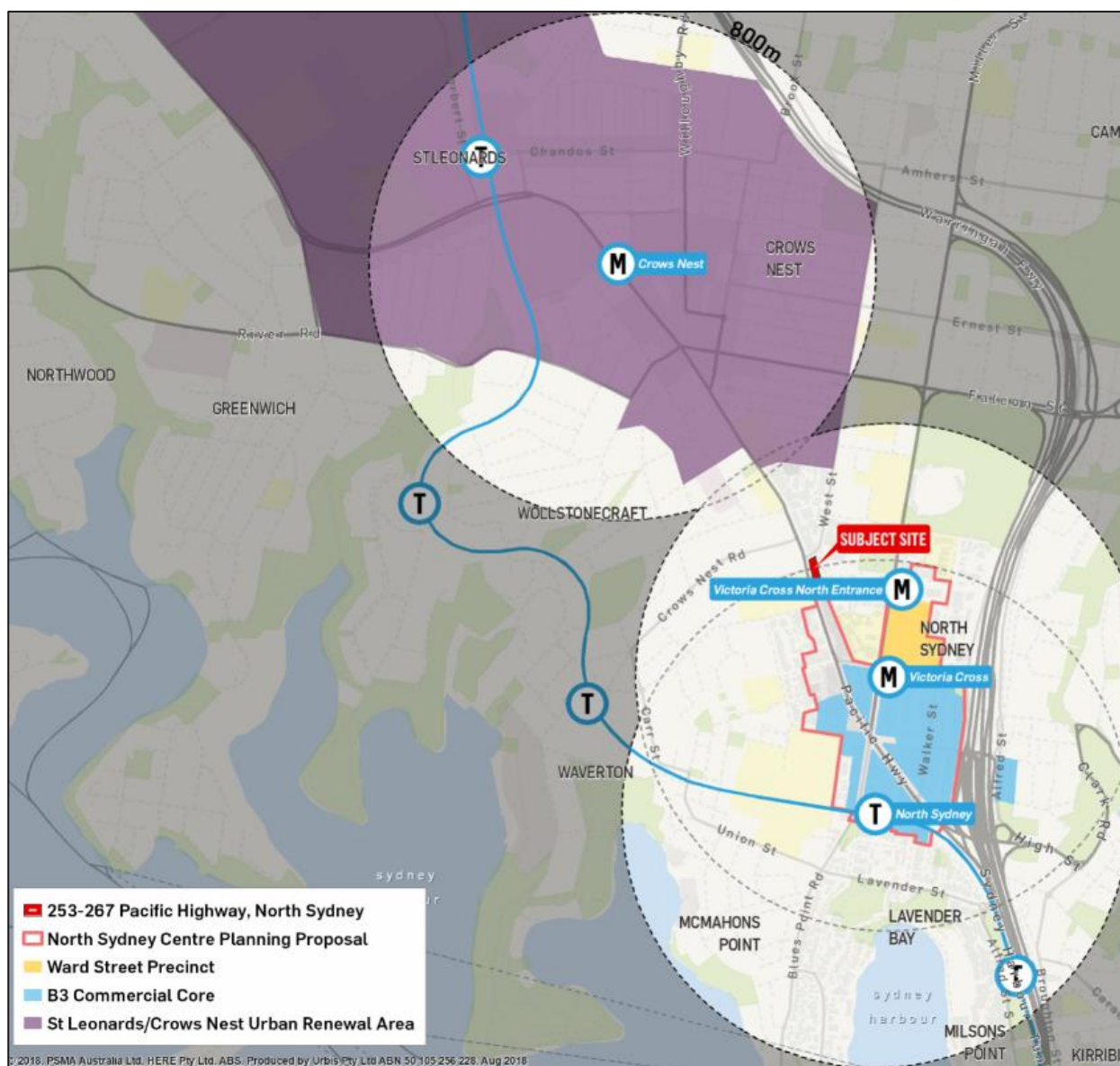
### Ward Street Precinct Master Plan

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<br>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<br><br>1.2.3 Encourage rooftop and hard surface greening   |  |
| <b>Direction 2: - Our Built Environment</b>   |  |  |
| 2.1<br><br>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<br><br>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<br><br>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.<br><br>The proposal would incorporate accessible accommodation.   |
| 2.5<br><br>Sustainable transport is encouraged  |  | The Planning Proposal increases public transport patronages and reduces the reliance on private vehicular movement   |
| 2.7<br><br>Improved parking options and supply  | 2.7.1 Provide integrated and efficient parking options in residential and commercial areas<br><br>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<br><br>3.1.2 Encourage a diverse mix of businesses   | The Planning Proposal will provide approximately 1,667sqm of non-residential floor space.<br><br>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<br>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.<br><br>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   |

| <b>SEPP</b>  | <b>Consistency</b>   |
|--|--|
| 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> |

| <b>Ministerial Direction</b>                    | <b>Consistency of Proposal</b>   |
|---|--|
| 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:

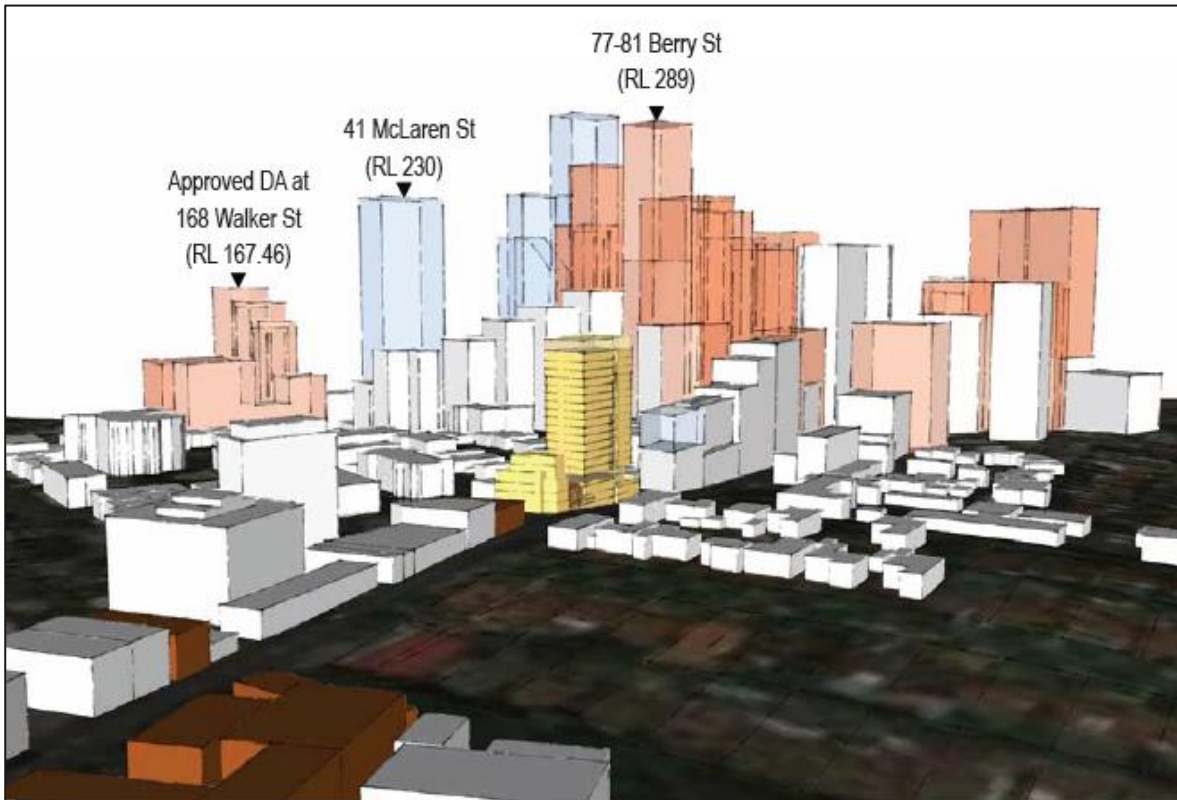
*“A slender tower form with increased setbacks to the conservation area and lower scale form to heritage items presents a balanced and sustainable approach responding to the need to growth this corridor whilst responding to the current and future context. The tower is distinctly separated from the heritage 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.

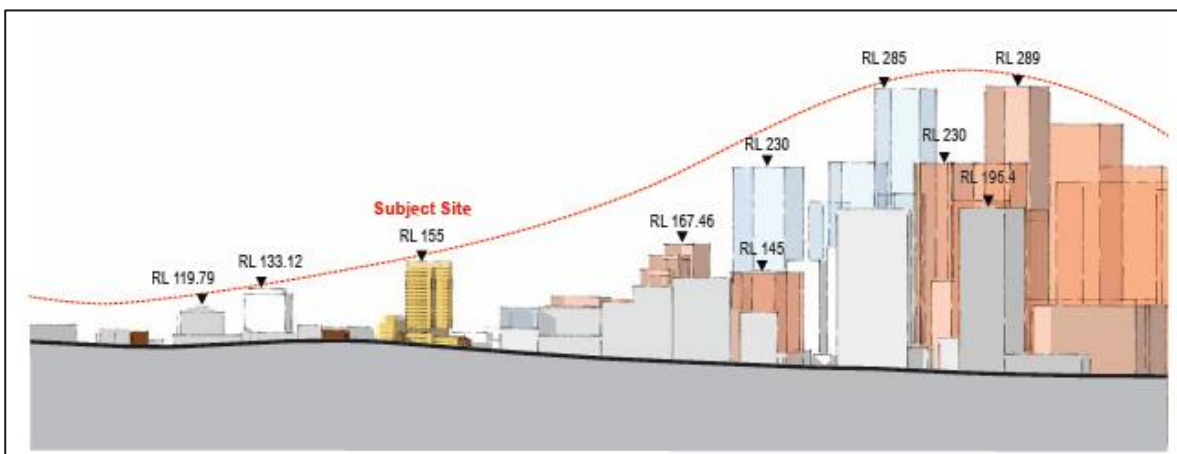
The visual impacts of the proposed development will be further refined and considered at the detailed DA stage, including façade design and materials and finishes.

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.

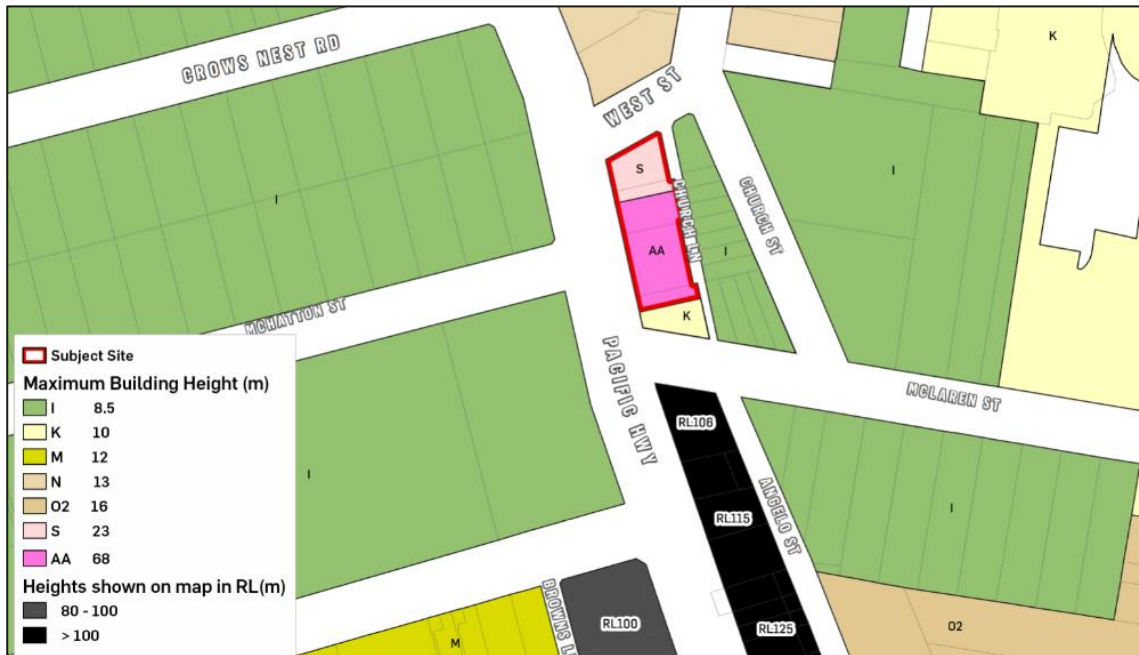
# 10. MAPPING

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

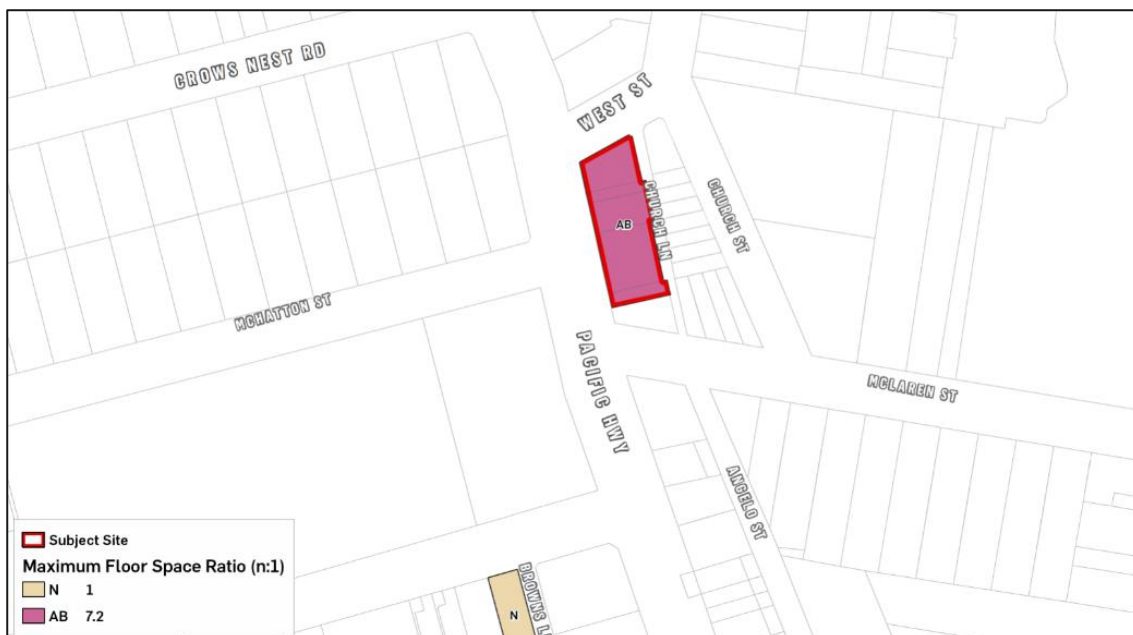
- Height of Buildings Map Sheet HOB\_002A
- Maximum Floor Space Ratio Map FSR\_002A
- Non Residential Floor Space Ratio Map LCL\_002A

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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