

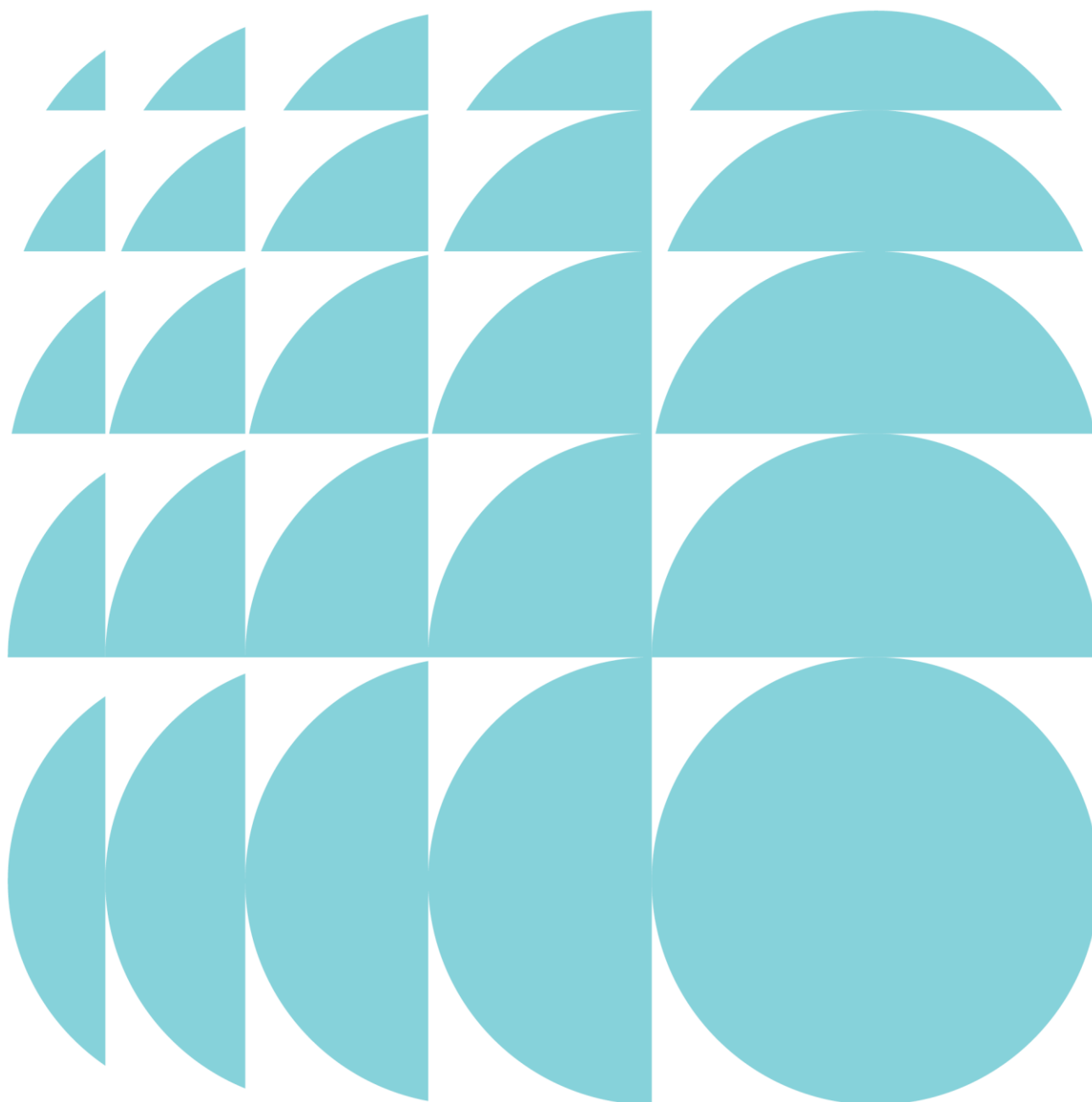
ETHOS URBAN

52 Alfred Street South, Milsons Point

Amendment to North Sydney LEP 2013

Submitted to North Sydney Council
On behalf of Milsons Point 2 Pty Ltd

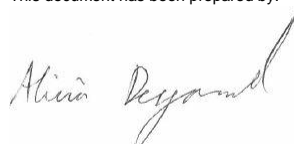
25 March 2019 | 16698



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Steve King



Executive Summary

This Planning Proposal to amend the North Sydney LEP 2013 (NSLEP 2013) has been prepared by Ethos Urban on behalf of Milsons Point 2 Pty Ltd and relates to 52 Alfred Street South, Milsons Point.

This Planning Proposal seeks to amend the NSLEP 2013 to increase the LEP height standard as it applies to the site. The amended height will facilitate the site's future redevelopment for a new mixed use scheme that will replace the current building known as the 'Kimberly Clarke House'. The Kimberly Clarke House is a 13 storey building that exceeds the incumbent 40 metre height limit set by the NSLEP 2013 by 19.14 metres.

This Planning Proposal to amend the NSLEP 2013 is accompanied by an Indicative Concept Scheme prepared for the site by Koichi Takada Architects (KTA). The Indicative Concept Scheme entails a part 17 and 25 storey development comprising 2,431m² of non-residential gross floor area (GFA), 21,550m² of residential floor area and 173 apartments. The scheme illustrates how the site may be redeveloped in the future.

The objective of this Planning Proposal is to amend the existing 40 metre height limit as it currently applies to the site to RL 97 and RL 84. A planning proposal is required for the site to remove the undue restrictions the planning controls currently impose on its future redevelopment. The existing building contained within the site significantly exceeds the prevailing building height limit. Consequently, any redevelopment under the current controls could not be carried out without a considerable loss of floorspace and a significant truncation of the existing height/built form.

It is also considered that the built form governed by the current planning controls results in a sub-optimal design outcome, with a redevelopment conforming to these controls unlikely to facilitate the delivery of a building that is compatible in scale with the surrounding built form. The bulk of the developments along Alfred Street South significantly exceed the incumbent 40m height limit within the NSLEP 2013. In light of this, the amended height control will facilitate a future building that corresponds with the established building height line that prevails along Alfred Street South and sits comfortably within the broader streetscape by achieving an appropriate transition in height to the adjoining developments that are commensurate in height.

In accordance with the North Sydney DCP 2013 (NSDCP 2013) the subject site forms part of the Milsons Point Town Centre which is characterised by a mix of high-rise residential and commercial development. It is located adjacent to the Milsons Point Railway Station and the Sydney Harbour Bridge and is consequently afforded ample access to public transport and expansive view corridors. With an area of 2,711m², the site is generous in size and provides a significant opportunity to contribute to the revitalisation of the Milsons Point Town Centre. It also has the capacity to deliver significant public domain upgrades that will improve the quality of the streetscape and amenity for Milsons Point residents and visitors.

The need to protect solar access to the surrounding public domain is well recognised in Council's planning controls. Specifically, an objective for the maximum building height is to promote development that maintains solar access to existing public reserves. The North Sydney DCP 2013 requires that there is to be no increase in overshadowing to Bradfield Park between the time of 12pm and 3pm. The Indicative Concept Scheme demonstrates that a building can be accommodated within the proposed height(s) without resulting in additional overshadowing to the surrounding public domain. Accordingly, it is emphasised that the proposed amendment to the height limit will not result in any additional overshadowing to Bradfield Park. Further, with the adoption of the proposed massing strategy, the scheme actually has the capacity to reduce existing overshadowing impacts to this important public open space area.

Strategic Justification

The current planning controls that apply to the site do not reflect its strategic potential and are inconsistent with the existing built form. The height limit prescribed by the NSLEP 2013 sets a limit of 40 metres, effectively permitting buildings that reach no more than 11 storeys. The maximum height and typical storey height is incompatible with the existing building heights that prevail along Alfred Street South, which range from 17 to 25 storeys.

The applicable height limit therefore does not correspond with the locational advantages of the site, namely its proximity to Milsons Point Railway Station and public amenities. Given this, the planning controls fail to recognise the potential for the site to deliver housing choice, reduce dependency on cars, increase public transport patronage

and achieve a high quality built form outcome that accords with the established character of the development along the streetscape.

Local Planning Strategies

Relevant strategic planning documents identify the envisaged built form for the area and nominate a range of directions that are consistent with the outcomes and benefits attainable by the subject Planning Proposal. In addition to the above, the *North Sydney Residential Strategy (2009)* (RDS) provides the framework for the previous North Sydney LEP 2009. A key objective of the strategy is to concentrate residential development within mixed use centres located in proximity to retail, office and other key civic uses. Additional housing is to address the demand for greater housing choice and the changing demographics of the LGA. Specifically, the growth of the ageing population and the need for smaller dwelling types that can readily be accommodated by high density residential developments.

Whilst the RDS indicates Milsons Point is nearing capacity, the nearby Milsons Point Town Centre has increasingly come to accommodate residential development that capitalises on its proximity to the North Sydney CBD along with its locational benefits, including access to public transport and iconic views. Recent market trends indicate that there is a strong demand for residential development in Milsons Point. In particular, relative to the Greater Sydney Region, residential unit prices in Milsons Point have increased significantly. Specifically, the medium unit price increased at an average annual growth rate of 7.1% to reach a median price of \$1.72 million. The difference in price and growth demonstrates that there is a greater market demand for residential accommodation in Milsons Point.

More recent studies published since the RDS also lend support for the provision of additional residential accommodation in Milsons Point. The *North Sydney Capacity and Land Use Study (2017)* sets out recommendations to facilitate the future growth of the North Sydney CBD and informs the North Sydney Centre Planning Proposal, which received a positive Gateway Determination in July 2017 and was gazetted on the 26 October 2018. Both the Study and the Planning Proposal identify that the North Sydney Central Business District (CBD) (as defined by the NSLEP 2013) is earmarked to accommodate a significant amount of additional commercial floorspace with capacity to support 7,000 new employment opportunities.

To facilitate the envisaged growth in commercial development, the North Sydney Centre Planning Proposal increases the height controls for a number of key sites. It provides limited support to further growth in residential development and prohibits serviced apartment development on the basis that this would undermine the employment generation potential of commercial floor space in the North Sydney Centre. Evidently, there is a clear intent to focus commercial development within the North Sydney Centre away from the surrounding residential areas such as Milsons Point. The provision of residential development in Milsons Point as facilitated by the Planning Proposal will complement the North Sydney CBD Planning Proposal in that it will support and reinforce North Sydney CBD as being the focus for commercial activity.

North District Plan

The North Central District Plan underpins the Greater Sydney Region Plan, *A Metropolis of Three Cities*, and is a key component of the vision to transform Greater Sydney into a metropolis of three cities. The site forms part of the broader Eastern Harbour City, which is the North District's metropolitan centre. The Eastern Harbour City's economy is underpinned by the Harbour CBD, which includes both the Sydney CBD and North Sydney CBD. The Harbour CBD collectively comprises the region's largest office market. The North District is forecast to experience an overall population growth of 196,000 between 2016 to 2036, necessitating the delivery of an additional 92,000 homes by 2036. The key drivers for the District, which sets the strategic direction for the region over the next two decades, include:

- The need to address housing choice and affordability. The projected population growth will require the delivery of a minimum of 36,250 new homes each year. The delivery of these homes needs to be undertaken adopting a place-based approach with consideration given to localised factors, including the character of an area and prevailing market preferences.
- Providing accessible jobs and homes to achieve the '30 minute city'. Housing needs to be delivered within appropriate locations that provide a high standard of amenity. In particular, the location of future housing needs to be supplied within walkable neighbourhoods containing easily accessible services, jobs and public transport.

- The supply of housing needs to respond to changes in household sizes and age structures. The number of single parent and couple-only households are expected to increase by 2036. The changing household structure will necessitate the provision of smaller homes.
- There is a need to facilitate the delivery of great places by recognising the character of a locality and focusing on the public realm. New development should aim to contribute to improving walkability as well providing a mix of functions and a fine-grained urban form.

The Planning Proposal has the potential to align with many of the objectives and actions included within the District Plan to deliver on the planning outcomes for the North District. The site's size and locational characteristics make it well suited to meet the objectives of the Plan. The following sections outline how specific actions should be addressed by the proposal.



Figure 1 A Metropolis of Three Cities

Source: North District Plan

Increase Housing Supply

Planning Priority N5 is a direction nominated by the Plan that outlines the need to increase housing supply, choice and affordability in locations with easy access to jobs, services and public transport. The direction is underpinned by Action 17 which involves the preparation of five-year housing supply targets for each Local Government Area (LGA) and the creation of further capacity for more housing in the right locations. The North Sydney LGA is projected to require 3,000 new dwellings over the next five years. The Plan highlights that the delivery of new dwellings needs to respond to anticipated changes in household structures. It is projected that the quantity of single-person households will increase by 31,750 to 2036. This represents a 39 percent increase in single-person households. Furthermore, the number of residents aged over 85 is expected to grow by 85%. Consequently, there will be a growing demand for compact housing that suits the needs of seniors, single people and the younger demographic that require smaller and more affordable dwelling types. It is also recognised by the Plan that housing needs to be delivered in the right locations. In particular, the delivery of new homes needs to be concentrated in catchment areas within walking distance of up to 10 minutes of public transport.

The site is ideally suited to provide new housing stock that contributes to the achievement of the housing targets for the North Sydney LGA. In particular, it is situated in walking distance of existing infrastructure and services, including Milsons Point railway station, cycle networks which provide connections to the North Sydney CBD and Sydney CBD, and a range of retail services within the Milsons Point Town Centre. In light of this, the redevelopment of the site provides an opportunity to support the delivery of high density transit-orientated development through the co-location of infrastructure, housing and services.

Integrating Land Use and Transport Planning

Planning Priority N12 is a direction included in the Plan that aims to facilitate the integration of land use and transport planning to achieve the concept of a 30-minute city which permits access to a metropolitan or strategic centre within 30 minutes. The concept of the 30-minute city aims to provide easy access to workplaces, services and community facilities. The site is located central to the Milsons Point Town Centre and 80m from the Milsons Point Railway Station. Its location affords residents a short 5 – 10 minute commute to the key office markets of the Sydney CBD and the North Sydney CBD. In this respect the site is ideally suited to accommodate additional housing and its redevelopment for residential mixed use purposes will directly contribute to the creation of a 30-minute city.

The Indicative Concept Scheme has the capacity to incorporate a through-site link that runs parallel to the site's southern boundary. The through-site link will facilitate the delivery of a pedestrian link that will improve connectivity to the broader Milsons Point Town Centre and improve access to workplaces, services and the like.

Creating and Renewing Great Places and Local Centres, and Respecting the District's Heritage

Planning Priority N6 relates to the delivery of great places and local centres, whilst respecting the District's heritage. The direction is supported by Action 19 which identifies the need to use *a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*

- a. prioritising a people-friendly public realm and open spaces as a central organising design principle*
- b. recognising and balancing the dual function of streets as places for people and movement*
- c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
- d. integrating social infrastructure to support social connections and provide a community hub*
- e. recognising and celebrating the character of a place and its people*

The Indicative Concept Scheme is entirely consistent with Planning Priority N6 and Action 19 in that it has the capacity to deliver a high quality ground level plaza and revitalise the existing through-site link. Fine grained-retail uses are capable of inclusion at the ground plane and will facilitate the activation of the through-site link and surrounding streetscape to deliver a new hub of community activity.

In addition to the above, the direction is underscored by Action 21 which aims to identify, conserve and enhance environmental heritage. In consultation with Council, the design has been refined to provide an improved interface with the adjoining heritage item known as Camden House. Specifically, increased separation along with a modulated floorplate that varies and articulates the building envelope has been provided to reduce the perceived

bulk and scale of the development at this sensitive interface. Overall, the siting of the proposed envelope along with the provision of generous building separation allows for the continued appreciation of the heritage item when viewed from the surrounding streetscape.

Protecting and enhancing scenic and cultural landscapes

Planning Priority N17 relates to the protection and enhancement of scenic and cultural landscapes. It is underscored by Action 68 which aims to protect views of scenic and cultural landscapes from the public realm. The proposal is afforded ample view corridors of Sydney Harbour and iconic landmarks such as the Opera House and Sydney Harbour Bridge. Due consideration has been given to the configuration of the building's mass to ensure the proposal provides minimal impact to the quality of existing view corridors when viewed from the public realm and surrounding properties. The tower element of the proposal is setback from the podium to ensure view corridors down Alfred Street are not obscured. The envelope adopts a stepped built form from east to west and north to south to minimise impacts to the view corridors of surrounding properties to the greatest extent possible.

Summary

The current planning controls applicable to the site fail to correspond with the aforementioned directions and actions. The current height control unduly limits the site's development potential and reduces its capacity to increase the provision of housing in a highly sustainable location with excellent access to public transport, services and facilities. The incumbent height control therefore results in a mismatch between the State Government's strategic objectives and the local statutory planning framework.

This Planning Proposal demonstrates that through a site-specific architectural and context analysis, an amended height can deliver an improved outcome for the site, including a dwelling yield that reflects the demand for housing in proximity to the Sydney and North Sydney CBDs, and an integrated public domain that benefits the local community. This Planning Proposal recognises the opportunity to take advantage of the site's locational advantages (particularly its expansive view corridors and proximity to employment and transport), and to design and deliver a quality public domain outcome that will benefit residents of not just the site but the broader locality. Whilst the planning proposal seeks to deliver an increase in the site's height standard, it will deliver:

- non-residential uses at the podium level that will revitalise and further activate the street in accordance with the built form envisaged for the area;
- increased residential floorspace that will address demand for housing in a location well serviced by public transport infrastructure and proximity to employment centres;
- public domain upgrades including a new hub of retail activity and a pedestrian through-site link that will improve connectivity within Milsons Point and enhance the permeability of the surrounding locality;
- delivery of a built form that provides an appropriate transition in height and corresponds with the existing building height line along Alfred Street and Glen Street; and
- improved opportunities for landscaping and greenspace at ground level.

Key Assessment Issues

The key assessment issues associated with the proposal are listed below:

- View loss;
- Non-residential floorspace;
- Overshadowing;
- Pedestrian wind impacts;
- ADG compliance;
- Traffic and parking; and
- Heritage.

The environmental assessment provided in Section 11.0 of this Planning Proposal demonstrates that the proposed amendment, will facilitate a future development outcome that responds appropriately to its surrounds is capable of complying with key planning requirements (e.g. ADG), and which enhances the character of the area.

Conclusion

Considering the strategic nature of the site and justification provided in addressing planning issues, the Planning Proposal is considered to have sufficient 'Strategic Merit' proceeding through the Gateway process to public exhibition.

Strategic Merit

- Permit a building height capable of accommodating a range of dwelling types that will assist in meeting the North District Plan's housing target of 3,000 homes for North Sydney by 2021.
- Increase the provision of housing in a location well serviced by public transport that will support the growth of the North Sydney CBD as envisaged by local, district and state-level policies and the North Sydney CBD and associated technical studies including the *North Sydney CBD Capacity and Land Use Strategy*.
- Provide premium and upgraded commercial floor space to support Sydney's global economic activities.
- In accordance with the Greater Sydney Region Plan, facilitate the provision of housing and employment opportunities close to transport and a strategic centre to assist with the achievement of a 30-minute city.

Site Specific Merit

- Deliver a high quality development compatible in height with the developments along Alfred Street South which reach approximately 70m and provide significant contraventions to the 40m height limit prescribed by the NSLEP 2013.
- Deliver an appropriately scaled building that is capable of reducing the overshadowing impacts to Bradfield Park.
- Provide a high quality built form that corresponds with the established height plane along Alfred Street South which otherwise would not be achievable if the scheme strictly adhered to the NSLEP 2013 height limit of 40m.
- Provide an appropriately scaled envelope within the limits of the proposed heights that protects the view corridors of surrounding properties.

Public Benefits

- Provision of a high quality built form capable of providing a high standard of residential amenity along with premium commercial floor space.
- Delivery of a building envelope that reduces the amount of cumulative overshadowing to Bradfield Park between 21pm and 3pm.
- Facilitate the delivery of a range of new commercial and retail tenancies that will support the local economy and facilitate job creation.
- Capitalise on the opportunity to improve the relationship with Camden House through the delivery of an improved public domain within the curtilage of the item; an appropriately scaled podium consistent with the existing building envelope; and greater building separation to the item.
- Deliver an upgraded through-site link that will improve connectivity within Milsons Point and enhance the permeability of the ground plane.
- Enable the opportunity to create a vibrant public realm at the ground level with the potential to function as a new hub of commercial activity within Milsons Point.

1.0 Introduction

This report has been prepared by Ethos Urban on behalf of Element Property Australia. It supports a Planning Proposal to amend the NSLEP 2013 as it relates to 52 Alfred Street, Milsons point.

The objective of this Planning Proposal is to amend the site's existing maximum height controls under the NSLEP 2013.

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment. Section 10.0 of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, state environmental planning policies, ministerial directions and the environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the relevant expert consultant reports appended (see Table of Contents).

1.1 Stakeholder Involvement

The preparation of the Planning Proposal has included the involvement of Council staff, Council's Design Excellence Panel, the North Sydney Local Planning Panel (NSLPP) and the general public.

1.1.1 Pre-lodgement Meeting

A pre-lodgement meeting was held with North Sydney Council on Wednesday 10 May 2017 to discuss the site and the Planning Proposal. During this meeting the project team presented a conceptual proposal to the Council and explained the rationale for the proposed height increase, in particular the key matters discussed at the meeting include:

- The proposed site and its surrounding Milsons Point context.
- The potential for the site to accommodate a taller and the urban design rationale for the proposed increase.
- The Council's CBD Planning Proposal and the timings associated with its ongoing assessment.
- Matters to be considered as part of any Planning Proposal process, including:
 - the strategic planning framework;
 - North Sydney Council's policies and strategies;
 - the established built form;
 - the need to minimise amenity impacts on the surrounding area, including overshadowing and view impacts to the adjoining developments;
- The documentation that would be required to support a Planning Proposal.

It is noted that North Sydney Council advised that their preference was for any amendments to LEP height limits to occur only as part of a comprehensive study of the area, however the Council also advised that such a study was unlikely to happen in the near future.

1.2 Design – Review Panel

On 12 December 2017, a Planning Proposal was lodged by Ethos Urban on behalf of Milsons Point 2 Pty Ltd (previously known as Element Property Australia). Subsequently, a meeting was held between the Applicant and Council on the 13 February 2018 and consisted of a joint presentation by Koichi Takada Architects and Ethos Urban which provided Council officers with a comprehensive overview of the proposed Indicative Concept Scheme. Following this meeting, Council prepared a preliminary assessment and provided formal written feedback on the 27 February 2018. A summary of the feedback is provided below.

- **Height and Overshadowing:** Council stated the height exceedance will result in additional overshadowing to the surrounding public domain, including Bradfield Park and the residential dwellings located at 48 – 50 Alfred

Street, 30 Alfred Street and 2 Dind Street. Council requested that a more comprehensive overshadowing analysis be prepared to clearly differentiate the existing shadows from surrounding buildings and the shadows from the proposed scheme. Additionally, Council recommend that the scheme be revised to prevent additional overshadowing of Bradfield Park.

- **Relationship to Context:** Council stated that further refinement of the scheme is required to achieve an appropriate relationship with the surrounding context, particularly the heritage item to the south known as Camden House. It was noted by Council that the existing building contained within the site provides a 2 – 3 storey podium with a generous setback above at its southern aspect that achieves an appropriate built form relationship at this sensitive interface. It was highlighted that any future development within the site should retain this interface. It was also recommended that the scheme be revised to increase the setbacks to the south potentially by removing the proposed atrium. The provision of a greater setback will also improve solar access to Camden House.
- **Building Form and Scale:** Council considered that the bulk and scale of the Indicative Concept Scheme was excessive and to provide unacceptable impacts to Camden House and the adjoining public open space (Bradfield Park). It was noted that the length of the southern elevation is approximately 64m and it was recommended that this elevation be redesigned to break up its massing and scale.
- **Amenity:** Council advised that a fully compliant scheme should be developed to demonstrate that the building at the proposed height can achieve a higher standard of private amenity.
- **Views:** Council have requested that a further detailed view impact analysis be provided to address the impacts from key public domain viewpoints including the Sydney Harbour Bridge and Lavender Bay. It was recommended that view impacts from adjoining sites at 37 Glen Street and 70 Alfred Street South from bedroom and living room windows also be considered.
- **Design:** Council are of the view the eastern and western facades should be refined to address issues such as heat loads, privacy and the useability of balconies. It was advised that the articulation of the facades be further developed to ensure the character of the building complements the surrounds, including Camden House.

1.1.2 Design Development and Meeting with North Sydney Council

Following extensive design review, a revised scheme was prepared in response to Council's comments. Whilst the scheme maintained the height proposed under the initial Planning Proposal submission, it sought to minimise overshadowing and the perceived bulk and scale by redistributing the building's mass into two distinct forms. In accordance with Council's comments, the revised scheme also removed the atrium element to facilitate the provision of an increased southern setback to maximise the building separation to Camden House.

A follow up meeting was held with Council on 29 May 2018 to discuss the revisions made to the scheme. Council provided written email correspondence on the 4th July 2018 and raised the following concerns:

- That the proposal as amended continues to overshadow the surrounding public open space areas which is contrary to Council's DPC guidelines that prohibits overshadowing to Bradfield Park between 12 – 3pm.
- The bulk and scale of the development is still considered to be excessive and inconsistent with the prevailing surrounding built form.
- The proposed stepped massing is irregular in presentation and requires further rationalisation. It is also inconsistent with the DCP Area Character Statement which requires buildings to step down from the compliant height limit of 40m to 10m at the site's western aspect fronting Lavender Bay.
- Consideration should be given to the provision of greater setbacks to the north and south to provide adequate building separation for the purpose of maintaining a high standard of residential amenity.
- There is currently no strategic priority for the site's existing commercial use to be converted to a predominantly residential mixed use development.

1.1.3 Further Design Development

Following the meeting held with Council on the 29th May 2018, the project team pursued further design development to determine the best outcome for the site in light of the comments raised by Council. A revised Planning Proposal was submitted on the 8th August 2018 (Planning Proposal 7/17).

When reconsidering the design, the Proponent and its project team sought to address the issues raised by Council. A summary of how the revised scheme previously submitted sought to address each of the items listed in **Section 1.2** and **Section 1.3** is provided below in **Table 1**.

Table 1 Detailed response to Council's feedback

Issue	Design Response
Height and overshadowing	<p>Section 9.1.2 of the North Sydney DCP stipulates that development is not to provide additional overshadowing to Bradfield Park between 12pm and 3pm. In light of this, the massing strategy for the site was amended to provide a chamfered form north-west to south-east that minimised overshadowing to Bradfield Park.</p> <p>KTA also prepared a detailed overshadowing study for the proposed development (refer to Appendix A). It demonstrated that shadow impacts resulting from the development would be limited in duration to between 2:30pm and 3pm. It also demonstrated that in the context of the existing surrounding developments and tree planting, the shadow resulting from the proposal would provide only a minor variance to that provided by the existing building.</p>
Relationship to context	<p>The southern setback above the podium was amended from 19.5m to 23.1m to increase the building separation to Camden House. In accordance with Council's comments, the provision of the increased setback was achieved through the deletion of the atrium.</p> <p>As per the existing building, the proposal incorporated a three storey podium at its eastern aspect that reached RL 40.15 and therefore sat below the existing podium which has a height of RL 43.90. The reduced podium height was considered to provide for a more human scale and an improved interface with Camden House.</p>
Building form and scale	<p>The southern elevation was broken down into two lengths through the inclusion of an increased setback to Camden House and reflected two distinct building elements with individual lengths of 19m and 45m.</p> <p>Fronting Alfred Street South, the building's height was reduced from RL 86.55 to RL 80.45. Its massing was also strategically distributed to reduce the perceived scale of the development. In particular, the building was chamfered from north-west and south-east and the upper levels setback from the building's parapet to provide for a greater stepped form.</p>
Amenity	<p>The Indicative Concept Scheme submitted with the previous Planning Proposal demonstrated that the proposed envelopes were capable of accommodating a development that is largely compliant with the ADG. The former scheme was able to achieve the following key compliances:</p> <ul style="list-style-type: none"> • A total of 25% of the site area comprises communal open space. • 70% of apartments receive more than 2 hours of direction sunlight to glazing and private open space between 9am and 3pm on June 21. • 64.6% of apartments achieve cross ventilation in accordance with the ADG. • The apartments are capable of meeting the minimum internal area requirements. • The ceiling heights measured from the finished floor level to finished ceiling level were consistent with the minimum requirements for habitable, non-habitable and ground / first floor. • All balconies were consistent with the minimum size and depth requirements. • The maximum number of apartments of a circulation core on a single level was 6.
Views	<p>Council requested a detailed view impact assessment that addressed the impacts from key public domain viewpoints including the Sydney Harbour Bridge and Lavender Bay, and private viewpoints from adjoining sites at 37 Glen Street and 70 Alfred Street South from bedroom and living room windows. The aforementioned viewpoints were addressed in Section 9.8.</p>
Design	<p>Council recommended that the eastern and western facades be refined to address issues such as heat loads, privacy and the useability of balconies. In response to this concern, the applicant noted that the design was indicative only. Notwithstanding, the articulation of the façade was refined to reduce the extent of the glazing and the balconies amended to meet the requirements of the ADG. It was also demonstrated that adequate privacy mitigation measures could be incorporated into the design.</p>

1.1.4 North Sydney Local Planning Panel (NSLPP)

Council published an assessment report on 12 September 2018 that raised a number of concerns with the previous scheme (Planning Proposal 7/17) which are outlined in **Table 2**. On the 26 September 2018, the Planning Proposal was referred to the North Sydney Local Planning Panel (NSLPP) for advice prior to Council making a determination on the matter. The Panel gave support to Council's conclusions. Accordingly, it was determined that the planning proposal should not proceed to Gateway Determination.

In response to the determination the Proponent and the project team have further refined the scheme to address the concerns raised by Panel and Council. This scheme forms the subject of this amended Planning Proposal. An overview of how the revised proposal has addressed the key concerns raised by the NSLPP and Council are provided in **Table 2**.

Table 2 Detailed response to the NSLPP and Council's feedback

Issue Raised by Council	Design Response
The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context, and will result in a significant level of public and private amenity impacts.	<p>Whilst the scheme maintains the heights proposed under Planning Proposal 7/17, the distribution of bulk and scale has been amended to prevent public amenity impacts in the form of overshadowing to Bradfield Park.</p> <p>The amended design increases the amount of building separation which will limit amenity impacts to surrounding properties in the form of solar access, visual impacts and privacy impacts.</p> <p>The revised scheme is consistent with key amenity guidelines nominated by the Apartment Design Guide (ADG), including cross ventilation, solar access and visual privacy and communal open space.</p> <p>Public and private amenity impacts are addressed in detail in Section 9.0.</p>
The Planning Proposal is contrary to the objectives of the Height of Building controls under clause 4.6 to NSLEP 2013.	<p>As the application relates to a Planning Proposal, the requirements established by clause 4.6 of the LEP are not relevant. Notwithstanding, this Planning proposal demonstrates that:</p> <ul style="list-style-type: none"> • compliance with the Building Height Development Standard is unreasonable and unnecessary in the circumstances of the case given that the existing building contained within the site and those in the surrounds already substantially contravene the standard; • the Planning Proposal will facilitate the delivery of a range of public benefits, as detailed in Section 4.0, Section 7.0 and Section 9.12. • the proposal demonstrates that a building can be accommodated within the proposed heights without producing unacceptable amenity impacts (refer to Section 9.0).
The scheme is inconsistent with the Milsons Point Town Centre Area Character Statement under Section 9.1 to Part C of NSDCP 2013.	The proposal is consistent with the relevant character statement for the reasons outlined in Section 9.1 .
The proposal will reduce the amount of commercial floor space over the site which is inconsistent with Direction 1.1 – Business and Industrial Zones to the section 9.1 Ministerial Directions under the Environmental Planning and Assessment Act 1979.	The proposal is not inconsistent with the direction for the reasons outlined in Table 9 .
It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land.	For the reasons outlined in Section 7.0 , the Planning Proposal is entirely consistent with the regional and district strategies applying to the site.
Sufficient residential capacity is already provided under NSLEP 2013 to meet State housing targets, without the need to change the land use mix on the subject site.	Recent market data indicates that there is a strong demand for residential development in Milsons Point (refer to Section 4.0). This is also supported by the historical trend for the conversion of commercial development to residential within Milsons Point.

Issue Raised by Council	Design Response
<p>The Planning Proposal if implemented could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed use zoned land in highly accessible locations without the benefit of a comprehensive planning study for Milsons Point.</p>	<p>As highlighted above, there is a strong precedent for the conversion of commercial development to residential in Milsons Point. Further, the site is zoned B4 Mixed use and the land use mix proposed by the Indicative Concept Scheme is permissible with consent.</p> <p>It is noted that the application relates to a Planning Proposal to increase the allowable height on the site. Accordingly, the proposed distribution of commercial and residential development across the site is indicative only and could be subject to change at the detailed DA phase.</p>
<p>The proposal will significantly reduce the amount of commercial floor space on a site that benefits from high accessibility to mass public transport and which is well utilised at present.</p>	<p>The site is ideally suited for accommodating residential development due to its proximity to public transport, employment and services.</p> <p>It is considered that Council's planning framework makes adequate provision for commercial floor space within the Sydney CBD. In light of this, it is appropriate for additional residential development to be concentrated in surrounding suburbs as it will support the local workforce and the growth of the North Sydney CBD. Further discussion is provided in Section 4.0.</p>

2.0 The Site

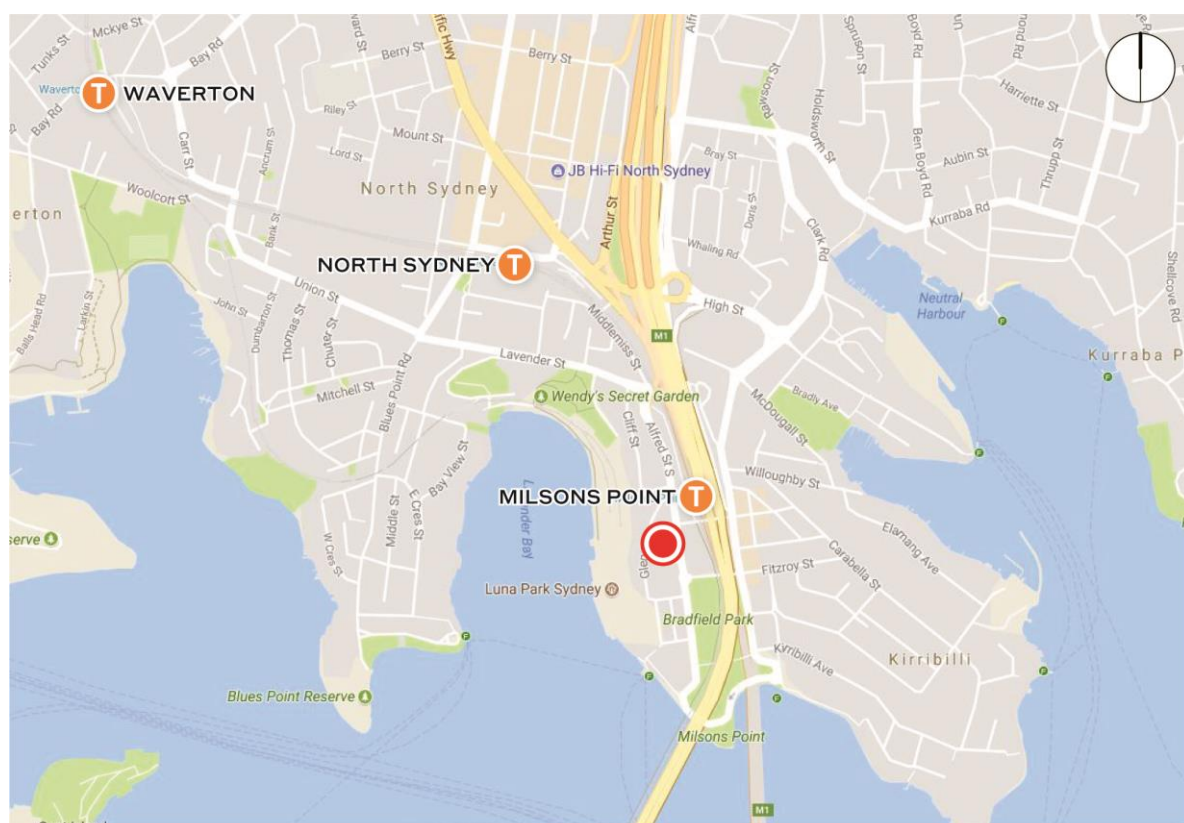
2.1 Site Location and Context

The site is formally known as 'Kimberly-Clark House' and is located at 52 Alfred Street South, Milsons Point within the far southern portion of the North Sydney Local Government Area (LGA). The site is located approximately 139m west of Kirribilli Village, 1.6km to the north west of the Sydney CBD and 750m south east of the North Sydney CBD. The site is situated within the Milsons Point Town Centre and is in proximity to a range of facilities, schools and amenities, including local supermarkets, cafes and restaurants.

The site is positioned on the western side of Alfred Street South directly west of the Sydney Harbour Bridge and Bradfield Park, and north of Luna Park. Alfred Street South is characterised by a range of high rise developments that typically provide active retail street frontages with residential uses above that capitalises on the expansive eastern view corridors of Sydney Harbour to the east and Lavender Bay to the west.

The site is located directly adjacent to Milsons Point Station which lies to the north east and is situated 350m south of Milsons Point Wharf. It is in walking distance of the Sydney CBD and afforded access to a number of bus routes, including the 229, 230, 252, 261 which provide connections to Mosman, Neutral Bay, Sydney CBD and North Sydney.

The site's location is shown below in **Figure 2**.



The Site

Figure 2 Location Plan

Source: Nearnmap / Ethos Urban

2.2 Site Description

The site is legally described as Lot 1 in DP 738322 and is owned by Element Property Australia Pty Ltd. The site has an area of 2,711m² and is slightly irregular in shape. A Survey Plan is located at **Appendix B**.

It has a primary frontage to Alfred Street South of 39m and a secondary frontage to Glen Street of 43m.

An aerial photo of the site is shown at **Figure 3**.



 The Site

Figure 3 Aerial image of the site

Source: Nearmap / Ethos Urban

2.3 Existing Development

The existing development contained within the site comprises a commercial building formally known as 'The Kimberly Clarke House' that was approved in 1985. The building reaches 13 storeys and when measured from existing ground level to the lower parapet has a height of 55.1 metres. The building provides a four storey podium defined by landscaped balconies that wrap around the eastern and southern sides of the building. At ground level fronting Alfred Street South, the building accommodates a singular retail use consisting of a convenience store. A pedestrian link is provided along the site's southern boundary adjacent to Camden House and facilitates access from Alfred Street South to Glen Street.

Figures 4 to 5 illustrate the existing building.



 The Site

Figure 4 Existing Building in the context of the surrounding development viewed looking south west

Source: Nearmap / Ethos Urban



Figure 5 Existing building and ground plane where the site adjoins Camden House

Source: Ethos Urban

2.4 Heritage

The site is not identified as a heritage item under the NSLEP 2013 nor is it located in a heritage conservation area. The site is however sited in immediate proximity to a number of heritage items. To the south the site is bounded by a heritage item known as Camden House (I0527) which is of local significance and consists of a two storey house significant for being one of the earliest surviving houses on the North Shore. A number of other heritage items surround the site, including the locally significant commercial building (I0531) to the direct west at 2-2A Glen Street. To the south, from 17 – 21 Northcliff Street, are a number of two storey locally listed terrace houses (I0534, I0533 and I0532) (refer to **Figure 6**).

Within the broader surrounds there are a number of local and State listed heritage items with high visibility from the site. To the east lies the State listed heritage item the Sydney Harbour Bridge (I0530) to which the site receives extensive view corridors of. To the west and south west of the site is the State listed heritage item known as Luna Park (I0563) and to the south the locally listed North Sydney Olympic Pool. To the north west of the site is Lavender Bay Railway (I0387) and the Lavender Bay heritage conservation area.



Figure 6 Location of site and surrounding heritage items

Source: North Sydney LEP 2013

2.5 Surrounding Development

The site is located within Milsons Point which is sited on the shores of Sydney Harbour and accommodates a number of landmark developments. The surrounding development generally consists of a mix of commercial, retail and high density residential development. The following section describes the surrounding development, both current and proposed/approved.

North

To the immediate north west the site is bounded by a tower containing serviced apartments at 37 Glen Street known as Peninsula Towers, which reaches 22 storeys in height (refer to **Figure 7**). The development to the immediate north east at 68 Alfred Street South is 13 storeys in height, inclusive of a two storey podium and accommodates office space. Further north at 70 Alfred Street South is a 21 storey residential tower known as the 'Grandview' apartments with retail uses at ground level (refer to **Figure 8**). The development is adjoined by the 16 storey 'Bridge Hill' development that provides retail uses at street level within its two storey podium. High rise developments continue northward along Alfred Street South with towers typically ranging from 17 to 22 storeys in height. Beyond this lies Clark Park, the North Sydney CBD and North Sydney's education precinct which provide a range of educational institutions including Australian Catholic University (ACU), The Sydney Church of England Grammar School and the North Sydney Demonstration School.



Figure 7 Adjoining building at 37 Glen Street, Milsons Point

Source: Ethos Urban



Figure 8 Development at 70 Alfred Street South known as the 'Grandview' Apartments

Source: Ethos Urban

South

To the immediate south the site adjoins the historical 'Camden House' which consists of a two storey adaptively reused dwelling that provides retail uses at ground level, as shown in **Figure 9**. To the south west the site adjoins a residential tower at 48 – 50 Alfred Street which accommodates serviced apartments and reaches 21.

Further south lies the Port Jackson Tower at 38 Alfred Street. The development reaches 38 storeys in height and accommodates ground level commercial uses. An eight storey commercial office building is sited further south on the corner of Dind and Alfred Street and is adjoined by a number of two storey residential terrace houses that extend southward along Alfred Street South to where they meet the prominent mixed use residential development at 20 Alfred Street which reaches 10 storeys in height (refer to **Figure 10**). Beyond these developments lie Luna Park and North Sydney Olympic Pool.



Figure 9 Adjoining building known as Camden House

Source: Ethos Urban



Figure 10 Residential terrace houses and building contained within 20 Alfred Street

Source: Ethos Urban

East

To the immediate east of the site is the former Kirribilli Ex-Servicemen's Bowling Club, which now consists of open space, and Milsons Point Railway Station. To the directly south east at the base of the Sydney Harbour Bridge and Bradfield Highway lies Bradfield Park (refer to **Figure 11**). Further south east is the Sydney Harbour Bridge. On the eastern side of Bradfield Highway is the residential suburb of Kirribilli and the Kirribilli Village Centre which provides a range of retail and commercial uses within walking distance of the site.



Figure 11 Bradfield Park and Sydney Harbour Bridge to the east and south east of the site

Source: Ethos Urban

West

Glen Street bounds the site to the immediate west. Smaller scale commercial and residential developments site directly opposite the site and range from three and seven storeys in height. Specifically, the adjacent property at 6A Glen Street, Milsons Point accommodates a four storey office building. To the south west is a three storey residential building which provides a rooftop pool and a part six and seven storey locally heritage listed commercial building at 2 - 2A Glen Street (refer to **Figure 12**). Beyond these properties is Luna Park and Lavender Bay. Across from Lavender bay is the suburb of McMahons Point.



Figure 12 Development at 2 – 2A Glen Street, Milsons Point

Source: Ethos Urban

Public Transport

The site is well serviced by public transport, with an access point to Milsons Point Railway Station located directly west of the site. The site is located within proximity to a number of bus routes. To the direct north 79 metres distance from the site is a bus interchange that provides a number of frequent services with connections to Mosman, Warringah Mall, and Castlecrag.

Located to the south of the site is Milsons Point Wharf which provides access to a range of ferry services including Sydney Ferries Parramatta River and Darling Harbour ferry services operated by First Fleet and RiverCat ferries. The services provide connections to Chiswick, Circular Quay, Barangaroo, McMahon's Point and Rydalmere.

3.0 Current Planning Controls

3.1 North Sydney Local Environmental Plan 2013

The North Sydney LEP 2013 is the principle Environmental Planning Instrument that applies to the site. The existing planning controls that apply to the site are outlined below in **Table 3**.

Table 3 Existing controls under the North Sydney Local Environmental Plan 2013

North Sydney Local Environmental Plan 2013	
Zoning	B4 Mixed Use
Building Height	The site is subject to a maximum height of 40m.
Existing Height	The building contained within the site has a maximum height of 56.7m.
Floor Space	A maximum floor space ratio does not apply to the site
Non-residential floor space ratio	A minimum non-residential floor space ratio of 0.75:1 applies to the site. The site has an area of 2,711m ² and accordingly a minimum non-residential gross floor area of 2030m ² is required to be provided by a future development.
Heritage	The site is not a local or state listed heritage item nor is it sited within a heritage conservation area. A number of local and state heritage items are located in proximity to the site. Most notably to the immediate south the site adjoins a heritage item known as Camden House (I0527). To the east is the State listed Sydney Harbour Bridge (I0539), and Milsons Point Railway Station Group (I0539). To the south west the residential building at 2 – 2A Glen Street is a locally listed heritage item (I0531). The Lavender Bay conservation area is located north west of the site.

3.2 North Sydney Development Control Plan 2013

The NSDCP 2013 builds upon and provides more detailed provisions than the NSLEP 2013. As identified by the NSDCP 2013, the site is located in the Lavender Bay Planning Area within the Milsons Point Town Centre. The Planning Area identifies Milsons Point to consist of mixed residential and commercial towers. The DCP stipulates that future residential development within the Planning Area should accord with the following envisaged built form:

Any residential growth being in accordance with the Residential Development Strategy, with high density residential accommodation mainly being accommodated within the mixed use zone at Milsons Point, with no substantial change in other residential and light industrial areas.

A number of criterion apply to new development within the Lavender Bay Planning Area. Key quality built form criteria of relevance to the proposal include the following:

- *Any development that occurs reflects and reinforces the existing distinctive built form / landscape areas and distribution of accommodation types.*
- *Buildings in Milsons Point are designed to preserve views and prevent wind tunnels.*
- *There is appropriate built form on the foreshore to maintain the significance of Sydney Harbour.*

The proposal is located within a mixed use zone and in accordance with the relevant character area seeks to accommodate high density mixed use residential development that is of a scale commensurate with the surrounding built form. In addition to the criteria of the Lavender Bay Planning Area, a variety of specific DCP development controls apply to the site. The controls which are of most relevance to the building envelope are described in further detail below.

Front Setbacks

The general provisions of the NSDCP 2013, the Lavender Bay Planning Area and the Milsons Point Town Centre Area Character Statement prescribe a range of setback provisions to ensure development sits comfortably within the streetscape and maintains view corridors.

The desired built form for the Lavender Bay Planning Area under the NSDCP 2013 stipulates that a zero metre front setback to Alfred Street South be provided at the podium with a setback of 3 metres above the podium. The character statement also nominates that buildings be designed to preserve views and prevent wind tunnels.

Side and Rear Setbacks

The relevant character statement identifies that buildings fronting Alfred Street South and Glen Street require a 3m setback above the podium to all parts of the building.

Podium Setbacks

The NSDCP 2013 requires that a podium be provided along all street frontages including laneways, with a height and setback above the podium in accordance with the relevant character statement.

The Lavender Bay character statement prescribes a 3m setback above the podium. Additionally, the general provisions of the NSDCP 2013 nominated that podiums are required to match the height and setbacks of adjacent buildings or the average of the heights of the adjacent podiums having regard to their existing nature and/or their redevelopment potential. Where the ground level changes across the width of the site, the podium should be stepped at an appropriate location to maintain a characteristic podium height.

Podium Height

The Planning Area statement prescribes that buildings fronting Alfred Street must include a four storey podium of 13 metres. The rear of the development fronts Glen Street and as such a three storey podium of 10 metres is required.

The LEP and DCP controls for the site at 52 Alfred Street severely limit the development potential of the site and provide for a built form that is smaller in scale to what currently exists on site. Further, it is considered the standards and controls provide for a less optimal design outcome that does not respond to the site's unique context. In essence, there are four key envelope controls that regulate development of the site which include:

- The NSLEP 2013 maximum height of 40m for the site;
- The NSDCP 2013 3m setback above the podium to Alfred and Glen Streets;
- The NSDCP 2013 requirement for a 0m setback at the podium to all boundaries; and
- The NSDCP 2013 requirement for a 4 storey podium height along Alfred Street South, and a 3 storey podium height along Glen Street.

Form, Massing and Scale

The Milsons Point Town Centre Character Statement specifies that buildings are required to step down from 40m on the ridge of the peninsula (along Alfred Street from Lavender Street to Dind Street) to 10m on the shores of Lavender Bay.

It is noted that the prevailing built form within Milsons Point does not conform with this requirement. Specifically, some the tallest buildings with heights of up to RL 100.20 are concentrated along the western side of the ridge towards Lavender Bay (refer to **Figure 13**).

Existing Height Plane

Figure 13 illustrates the existing height limit under the NSLEP 2013 and the NSDCP 2013. It is evident from this depiction that the existing height limit is entirely inconsistent with the established built form character of the area. It is also shown that the existing building exceeds the maximum 40m height plane and provides for a tower of approximately 59.14m in height.

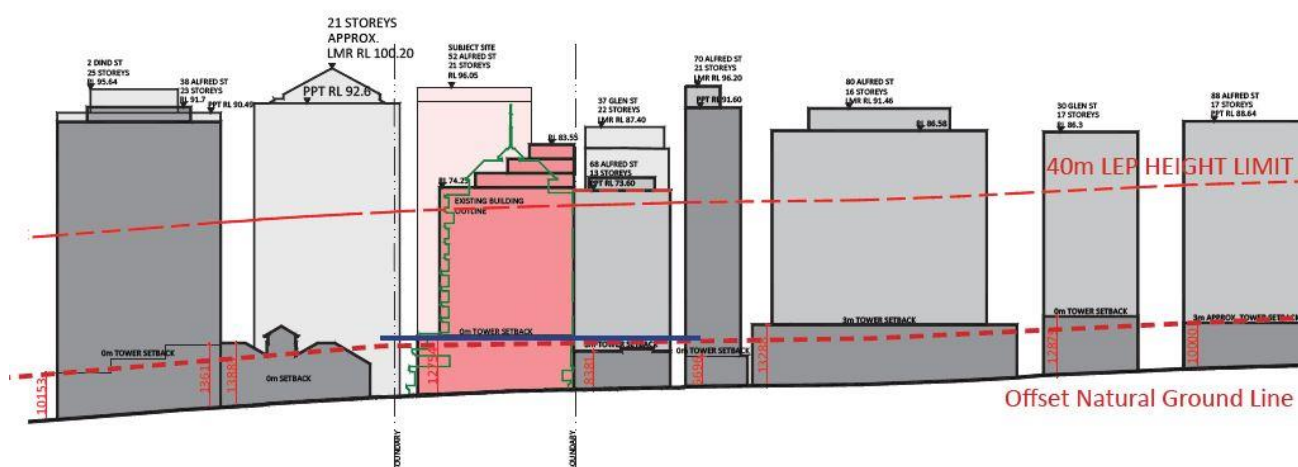


Figure 13 Compliant 40m building height line in the context of the existing and proposed building envelopes, and surrounding properties

Source: KTA

The existing built form, despite exceeding the height limit, is smaller in scale relative to the surrounding high rise developments, as shown in **Figure 13**. Given this, it is considered that strict adherence to the maximum height limit for any new development proposal would unduly limit the development potential of the site. It would also result in a sub-optimal design outcome with regards to delivering a building that sits comfortably within the streetscape and complements the existing building line that defines Alfred Street South.

A building that complied with the height limit would also fail to integrate with the built form along Glen Street. As shown in **Figure 14**, a compliant envelope sits well below the prevailing building line. Furthermore, it is considered that concentrating the building's mass in accordance with the height limit at the Glen Street aspect would result in undesirable view impacts to surrounding properties, particularly the residential tower at 37 Glen Street.

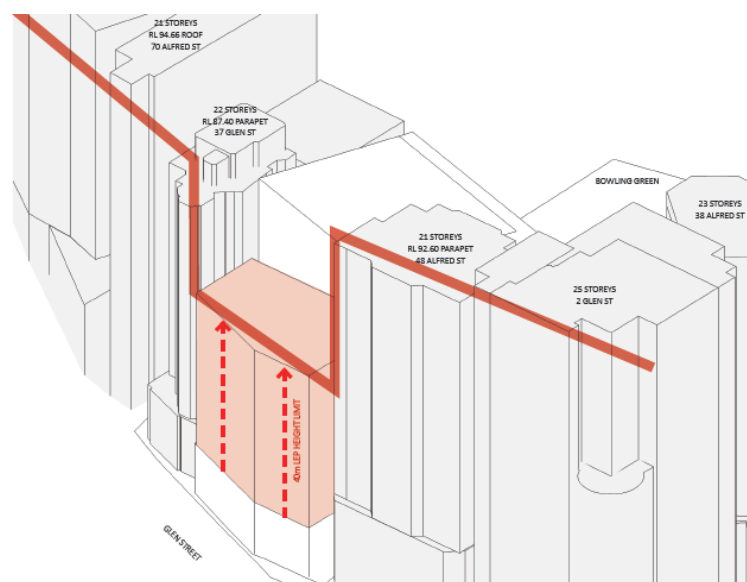


Figure 14 Compliant massing fronting Glen Street

Source: KTA

4.0 The Case for Change

A Metropolis of Three Cities – the Greater Sydney Region Plan was released in March 2018 and provides a strategy for addressing Sydney's population growth. It envisages that by that Greater Sydney will consist of a sustainable metropolis comprising the Eastern Harbour City, Central River City and Western Parkland City. It identifies that by 2036 Sydney's economic output will almost double to \$655 billion and anticipates that an additional 817,000 jobs will be added to the economy. The projected economic growth will be accompanied by a significant population increase, with an additional 1.7 million people expected to be living in Sydney by 2036 or 3.2 million people by 2056. To address the expected population and economic growth, the Plan prioritises the need to increase the supply of housing to facilitate the delivery of an additional 725,000 dwellings by 2056. Housing growth is to occur in and around centres close to employment opportunities and public transport, and is to facilitate the delivery of a diversity of housing types that respond to varying needs and lifestyles, and offer a high standard of residential amenity.

The Plans sets the direction for subregional planning and provides prescriptive goals, directions and actions pertaining to housing growth. The subject site falls within the North District, which is a highly urbanised location that contains North Sydney, the second largest office market in Sydney. The State Government has made a clear priority to support the growth of North Sydney's office market by concreting premium grade commercial floorspace within this centre and increasing the supply of housing in surrounding centres afforded good access to public transport. Integral to achieving this priority is the need to work with local Councils to concentrate housing and employment growth in accordance with infrastructure availability and in proximity to train services. This goal is informed by a series of clear 'Objectives' aimed at focusing urban renewal and maximising housing delivery within and around centres and public transport facilities. The relevant 'Objectives' include:

Infrastructure use is optimised (Objective 4)

Greater housing supply (Objective 10)

Housing is more diverse and affordable (Objective 11)

A Metropolis of three cities – integrated land use and transport creates walkable and 30 minute cities (Objective 14)

Harbour CBD is stronger and more competitive (Objective 18)

These 'Objectives' are supported by the North District Plan, which establishes an increased minimum housing target of 92,000 dwellings for the North District. Importantly, the revised draft District Plan recognises that North Sydney has a housing target of an additional 3,000 dwellings by 2021.

The North District is identified to have a higher than average use of public transport with key projects such as the Sydney Metro currently underway to improve accessibility to employment. Accordingly, there is a strong demand for housing in proximity to transport. In light of this, a key focus is to continue to deliver housing in locations with good access to public transport, particularly around train stations. Milsons Point is located on the North Shore line, which in conjunction with the Northern and Western Lines, buses and ferry services, provides convenient connections between the District's four Strategic Centres which include Macquarie Park, Chatswood, St Leonards and North Sydney. Concentrating housing along the rail corridor is noted by the Plan to be of great economic benefit and crucial to driving the growth of these centres in that it improves access to labour markets and allows for increased interactions between businesses.

The Milsons Point Town Centre lies between two of Sydney's largest Strategic Centres, these being North Sydney and Sydney CBD. The locality provides ample access to public transport including Milsons Point Railway Station, Milsons Point Ferry and various bus services. In consequence, residents are typically afforded access to jobs within a 30 minute commute by public transport and private vehicle. Accordingly, Milsons Point is ideally suited for accommodating additional residential accommodation.

In addressing the growing demand for housing there is a need to capitalise on opportunities to deliver Transit Oriented Development around key transport nodes and intensifying diverse activities and mixed use development around these nodes. In doing so access to services, localised employment opportunities and housing can be

provided within singular localities. The result is the delivery of significant social and economic benefits to the community, including but not limited to, reduced travel times, improved productivity and reduced traffic congestion. Milsons Point provides access to the rail line of the North Shore and Northern Line which receives connections to the major transport interchanges of Wynard, Chatswood, Hornsby and Parramatta that link to the broader intercity and suburban rail network. Milsons Point Railway Station is serviced by several bus routes that provide connections to the Sydney CBD, Neutral Bay, Mosman, Lindfield and North Sydney. Train patronage demonstrate the North Shore Line has the highest patronage rate of all intercity and suburban Sydney train lines, with 108,119K passenger trips from January 2017 through to September 2017, representing a 38% share relative to other train lines¹. Second and third to this figure is the Airport, Inner West and South Line, and the Eastern Suburban and Illawarra Line, which have a share of 23 percent and 17 percent, respectively.

When compared to other town centres located along the North Shore Line, Milsons Point Railway station is fourth in respect to in / out 24-hour barrier counts only to North Sydney, St Leonards and Chatswood which are two of Sydney's primary office markets (refer to **Table 3**). Milsons Point therefore has more movements compared to surrounding town centres such as Artarmon, Waverton and Wollstonecraft, which too predominantly accommodate residential uses.

Table 4 24 Hour Barrier Counts through stations for 2014

Town Centre Railway Station	Barrier Counts through stations for 2014
North Sydney	57,220
Chatswood	44,400
St Leonards	35,180
Milsons Point	13,980
Artarmon	10,520
Waverton	5,080
Wollstonecraft	5,080

Within the North District there are strong precedents pertaining to the concentration of high rise residential mixed use developments adjacent to stations. These centres and many others along the North Shore Line accommodate high rise buildings in excess of the 40m height limit that applies to the subject site. Chatswood is identifiable as a major interchange for public transport and provides high density residential development adjacent to the railway station reaching heights up to 90 metres to capitalise on the availability of transportation. Likewise, St Leonards station is earmarked to accommodate building heights of 50 metres. While heights and density slightly differ between the centres, the key similarity between these centres is the focus on higher density development within proximity to established railway stations along the rail corridor.

The draft Plan situates North Sydney within the metropolitan city centre known as the Harbour CBD, which is located within the wider Eastern Harbour City – one of three cities that form Greater Sydney. An overarching priority of the Greater Sydney Region Plan is to reinforce the Harbour CBD's role as a regional hub within the global financial market. Integral to achieving this priority is to strengthen the competitiveness of the Harbour CBD by delivering residential development without compromising the objectives for commercial development. Milsons Point is sited between the major office markets of the Sydney CBD and the North Sydney CBD, and presents a unique opportunity with capacity to deliver new residential mixed-use development. Given the town centre's location, Milsons Point it is ideally suited to accommodate additional housing that is close to jobs contained within these two office markets. **With existing building heights reaching approximately 70m and permissible building heights of 40m, Milsons Point is clearly suitable and earmarked for high density development.**

There is also a strong urban design rationale for permitting an increased building height. The site is sited in a highly visible location. It has a prominent location in the Milsons Point skyline and will also be viewed in the context of the Sydney CBD skyline. It is considered that the height of existing buildings (25 storeys and approximately 70 metres) provide an appropriate transition in scale to the high rise development contained within the Sydney CBD. Conversely, a permissible building height of 40 metres provides for a built form that is inconsistent with the adjoining developments, which together achieve a continuous building height line along Alfred Street South.

¹ <https://www.transport.nsw.gov.au/performance-and-analytics/passenger-travel/train-patronage/train-patronage-monthly-figures>

Accordingly, building to the height limit would result in a development that is significantly smaller in scale and out of context with the established skyline of Milsons Point.

The locality exhibits a demand for housing, with the demand for commercial development stronger in surrounding Strategic Centres such as the North Sydney CBD. In light of this, through the conversion of commercial buildings the locality has increasingly begun to accommodate residential uses. This trend is indicative of the strong demand for housing in proximity to the surrounding office markets. Residential vacancy rates lend support to this trend. Specifically, Milsons Point is identified to have a current residential vacancy rate of 3.93% which falls well short of North Sydney's 4.15% rate.

Integral to supporting the delivery of high density Transit Oriented Development is the potential to increase the provision of high quality walking facilities and improve connectivity to public transport infrastructure in order to reduce reliance on private vehicles. The Plan identifies the need to work with North Sydney Council to improve walking and cycling connections between Global Sydney Precincts and to the surrounding area. **Located central to Milsons Point and directly adjacent to the Milsons Point Railway Station, the subject site represents an opportunity to provide high quality legible pedestrian routes at the ground plane. These pedestrian routes, including a new through-site link and an upgraded footpath along Alfred Street South will improve connectivity in the area, intensify pedestrian activity and provide linkages to transport services and commercial uses.**

North Sydney Centre Capacity and Land Use Strategy

On 1 May 2017 North Sydney Council adopted the North Sydney Centre Capacity and Land Use Strategy. A Planning Proposal to amend the NSLEP 2013 to give effect to the strategy was subsequently submitted on the 25 May 2017 and issued a Gateway Determination on 20 July 2017. The Planning Proposal and the Strategy are informed by the North Sydney Commercial Centre Study 2015. The Study indicates that the North Sydney CBD currently accommodates around 60% of all jobs in the North Sydney LGA. Additionally, around 60% of new jobs to be accommodated within the North Sydney LGA by 2036 are projected to be located within its CBD.

The rationale for the amendment is to improve the status of the North Sydney Centre as a primary office market along the Global Economic Arc and bolster its competitiveness in the rental market making it a central location for a highly qualified white collar workforce. The Strategy identifies potential opportunities to increase density and the capacity for additional commercial floor space within the North Sydney CBD. To facilitate this desired end outcome, the Planning Proposal seeks to amend the maximum height controls in order to increase the capacity of the CBD to accommodate additional office stock.

The demand for office floor space is projected to continue to grow with residential housing stock anticipated to increase in alternative locations outside but in proximity to the North Sydney CBD. The Study indicates that there have been significant additions to the North Sydney office market over the past three years, including 100 Mount Street, 1 Denson Street and 177 – 199 Pacific Highway. It also indicates the need to focus office development rather than residential in the CBD as the former is demonstrably more economical for the locality.

Office stock is envisaged to continue to grow in the North Sydney CBD as a result of both the proposed amendments to planning controls and market demand. The proposed LEP amendments will facilitate in increasing the provision of A-grade office floorspace to respond to the demand for high quality office stock and to remain competitive with surrounding office markets, particularly Sydney, Macquarie Park and Barangaroo. Key infrastructure developments, including Sydney Rapid Transit and proposed station at Victoria Cross will facilitate North Sydney CBD's growth as a leading office market and provide an impetus for concentrating commercial floorspace in the CBD as opposed to the traditionally smaller office areas such as Milsons Point. **The Study projects there will be a withdrawal of office stock from Milsons Point over the next three years with approximately 46,000sq.m anticipated to be converted to alternative uses such as residential.**

The proposal to implement the North Sydney CBD Capacity and Land Use Strategy combined with the findings of the North Sydney Commercial Centre Study 2015 solidify North Sydney CBD's status as the primary office market in the North Sydney LGA and lend weight to the observation that there is a strong demand for residential development to be concentrated in alternative locations such as Milsons Point that whilst may have historically functioned as suburban office markets, now prove more suitable for residential mixed use development.

North Sydney Residential Development Strategy 2009

Council's *North Sydney Residential Development Strategy* (RDS) provides the strategic framework for housing in North Sydney to 2031. The Strategy nominates a target of an additional 5,500 additional dwellings for the North Sydney LGA by 2031. Since 2004, 1,300 dwellings have been approved resulting in the need for an additional 4,200 dwellings. The target amounts to 183 additional dwellings per year for the next 23 years.

Under the NSLEP 2009, which has since been superseded by the NLEP 2013, there was capacity to accommodate over 6,000 additional dwellings. The NLEP 2009 was predicated on the need to meet the target of 5,500 additional dwellings for the North Sydney LGA by 2031, as nominated by the North Sydney Local Development Strategy and the Draft Inner North Subregional Strategy. The NSLEP 2009 was based on the assumption that there would be no requirement to make significant policy changes or up-zonings. It also provides a conservative estimate in that it applies a 40% discount rate.

It is noted that the draft Inner North Subregional Strategy was released in 2007 and therefore its dwelling targets are over 10 years old. **The more recent revised draft North District Plan provides a housing target of 92,000 for 2036 for the North District. Whilst 10 year housing supply targets are yet to be determined, the Plan provides a target of 3,000 additional dwellings for the North Sydney LGA by 2021. When compared to the RDS this amounts to a significantly higher target of 750 dwellings per year.**

Of the target of 5,500 dwellings, the RDS estimates that Milsons Point and Lavender Bay have the capacity to supply a mere 326 residential dwellings over the next 23 years. Given the housing supply targets nominated by the revised draft North District Plan, it can be deduced that there is additional capacity within the Milsons Point Town Centre to accommodate a greater number of dwellings to assist in meeting the increased housing targets for the North District.

Increasing the supply of high density residential housing in the Milsons Point Town Centre is consistent with the RDS and the envisaged built form for the area. The RDS identifies the need to deliver improved housing choice that meets the needs of existing and future residents. In light of this, due to the aging population and the on-going decline in the household occupancy rate (i.e. a reduced number of people living in detached dwellings), there is a growing demand for smaller household types. **The Council's RDS provides an overview of areas suitable for accommodating housing growth. It suggests that mixed use centres such as Milsons Point are ideally suited for high density residential development as they provide convenient access to public transport, services, shops and facilities.** The nearby suburban areas of Cammeray, Cremorne, Waverton and Wollstonecraft are nominated as suitable for accommodating detached residential dwellings. Whilst Milsons Point has experienced a substantial loss of commercial floor space, the RDS identifies the North Sydney CBD as the most suitable location for existing and future commercial floor space.

North Sydney Local Development Strategy 2009

The Local Development Strategy synthesises the strategic directions of the *'City of Cities' Sydney Metropolitan Strategy* and *Draft Inner North Subregional Strategy*, both of which have been superseded with *A Plan for Growing Sydney*, the *draft Greater Sydney Region Plan* and the *revised draft North District Plan*. It was established to deliver a broad planning framework for the North Sydney LGA and provides a rationale for the provisions of the previous NSLEP 2009.

The Strategy conveys a clear intent to provide flexibility of uses for future development in order to respond to changing market conditions. Accordingly, there is a need to deliver mixed use developments that offer flexibility of building use over the life of the development to accommodate commercial or residential, or a mix of both.

Existing Housing Conditions

Existing housing conditions and dwelling statistics suggest there is a strong demand for high density development within suburban localities outside the core of the North Sydney CBD. As addressed above, the recent revised draft North District Plan provides a significantly higher target of 3,000 for 2021 for the North Sydney LGA, which equates to 750 additional dwellings per year for the next 5 years. Based on ABS building approval data the average dwelling approval rate for the North Sydney LGA from 2008 to 2017 is 513 dwellings per year, falling well short of the average nominated higher target prescribed by the Draft North District Plan.

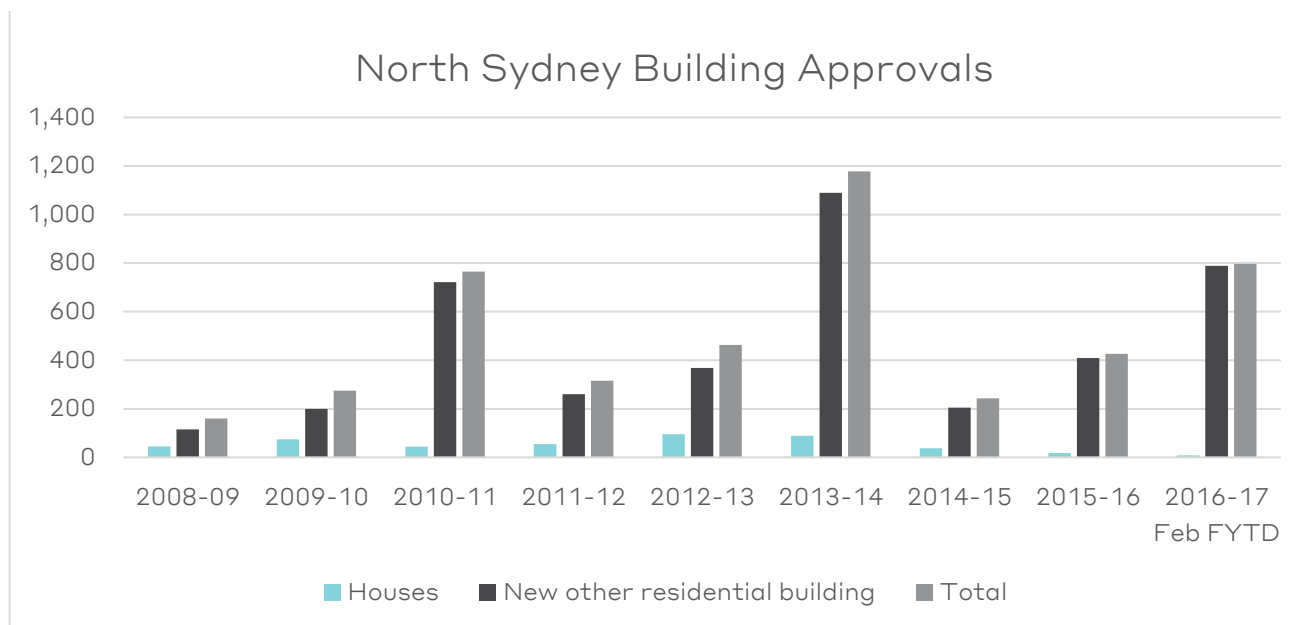


Figure 15 North Sydney Building Approvals 2008 - 2017

Source: ABS Building Approval Data

Historical trends related to building approvals in the local area are reflective of the demand for development and building typologies in the locality. Within the North Sydney LGA, building approvals indicate that there has been a steady shift away from lower density development such as detached housing to other building types that include high density development (refer to **Figure 15**). This demonstrates that there has been significant market interest in alternative forms of housing other than detached residential dwellings.

The demand for housing in Milsons Point is also evidenced by the sharp price increases in Milsons Point. While house and unit price growth has been subdued of late, as highlighted in **Table 5** below, unit price growth has been strong in Milsons Point for many years. Between 2010 and 2018, the median unit price increased at an average annual growth rate of 7.1% to reach a median price of \$1.72 million. By contrast, over this same period, the Greater Sydney median unit price increased by an average annual growth rate of 5.3% to reach a median price of \$725,000 in 2018. This difference in price and growth reflects strong demand for residential apartments in Milsons Point driven by a range of locational attributes including proximity and views over Sydney Harbour and proximity to the Sydney CBD.

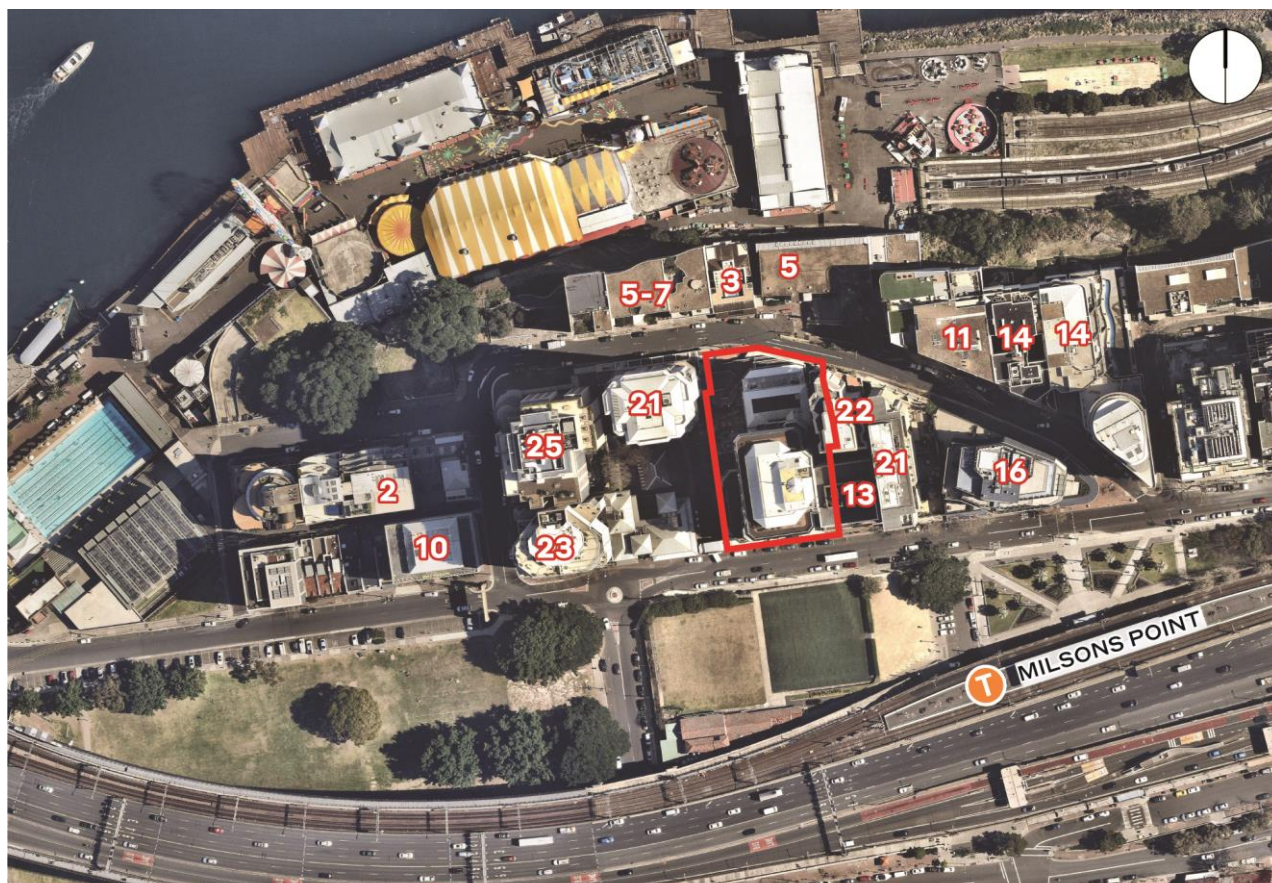
Table 5 Volume and Median Unit Price Growth – Milsons Point

Year	Milsons Point		Greater Sydney	
	Volume	Price	Volume	Price
2010	107	\$990k	46,511	\$479k
2011	65	\$950k	47,540	\$485k
2012	73	\$920k	42,823	\$518k
2013	198	\$962k	59,695	\$555k
2014	115	\$1.33m	63,110	\$630k
2015	231	\$1.59m	64,950	\$707k
2016	64	\$1.8m	49,793	\$722k
2017	58	\$1.6m	45,275	\$740k
2018	55	\$1.72m	30,713	\$725k
Average Annual Growth Rate, 2010-18		7.1%		5.3%

Source: Ethos Urban; Pricefinder (2019)

Milsons Point Town Centre

The Planning Proposal has been prepared in the context of the evolving development landscape surrounding the site. Whilst the RDS and the North Sydney Local Development Strategy 2009 suggest there is limited capacity for additional housing in Milsons Point, recently constructed and approved developments in the immediate vicinity of the site suggest there is a strong demand for high density development and that this demand is being accommodated through the conversion of commercial buildings to residential.



 The Site

Figure 16 Typical building heights in the surrounds of the site

Source: Ethos Urban / Nearmap

The site is located within the Milsons Point Town Centre which contains a number of recently constructed developments that are responding to the need for higher density development along the established rail corridor (refer to **Figure 16**). These developments are predominantly located north and south of the site along Alfred Street South and are reflective of the changing character of the area that has been steadily reshaped by the conversion of commercial office buildings to high quality mixed use residential buildings. Whilst the developments in the vicinity of the site are subject to a 40 metre height limit prescribed by the NSLEP 2013, and therefore an approximate 11 storey height limit, the bulk of developments significantly exceed this limit.

As shown in **Figure 16**, the site is situated amongst a number of high density developments that typically range from 21 to 25 storeys in height, with heights and density decreasing away Milsons Point Railway Station towards the south and north. To the south, the site adjoins a 21 storey residential tower at 48 – 50 Alfred Street, Milsons Point. Further south, the site is sited adjacent to a 25 storey mixed use residential tower at 38 Alfred Street and a 23 storey residential tower at 23 Alfred Street. Additionally, north of the site are a number of recently approved high rise mixed use residential developments, including:

- the recently constructed 18 storey (67.2m) Bridgehill development at 80 Alfred Street;

- the recently constructed 16 storey (52.5m) building at 88 Alfred Street; and
- the approved 8 storey (33.6m) development at 30 Alfred Street.

A detailed summary of the surrounding developments that exceed the height limit are included below in **Table 4**.

Table 6 Existing height of developments surrounding the site

Site	Height (RL(m))	Height Exceedance (m)
88 Alfred Street	88.6	14
48 Alfred Street	96.6	23.3
30 Glen Street	86.3	26.9
80 Alfred Street	91.5	21.1
70 Alfred Street	96.2	26.4
37 Alfred Street	87.4	18.1
3 Glen Street	99.1	31.7
2 Dind Street	95.6	30.5
56 Alfred Street	91.7	27.1

5.0 Planning Proposal

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), and ‘A Guide to Preparing Planning Proposals’ prepared by the NSW Department of Planning and Environment, which requires the following matters to be addressed:

- objectives and intended outcomes of the amendment to the LEP;
- explanation of provisions;
- justification;
- relationship to strategic planning frameworks;
- environmental, social and economic impact;
- State and Commonwealth interests; and
- community consultation.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in **Section 9** of this report.

5.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to seek amendments to the building height control that applies to the site at 52 Alfred Street South, Milsons Point, in order to facilitate a mixed use shop top housing development commensurate with its location. The intended outcome of the Planning Proposal is to enable a high quality mixed use development to be achieved on the site that complements the building heights that prevail along Alfred Street South.

A summary of the key objectives of this Planning Proposal is provided below:

- deliver a maximum height control and a built form outcome consistent with the established built form in the locality;
- provide for a built form that responds to the relevant character statement in the NSDCP 2013 whilst taking into account the existing character for the area;
- contribute to the achievement of the objectives contained within the North Sydney RDS;
- deliver a high quality mixed use development that exhibits design excellence on a site earmarked for high density residential development;
- enable the development of a high performance building;
- contribute to community infrastructure in the form of a through-site link in the Milsons Point Town Centre;
- maintain solar access to key public spaces including the adjacent Bradfield Park;
- protect heritage values of Camden House by ensuring compatible podium design to the existing streetscape facades;
- provide for an active retail frontage that will improve the vitality of the streetscape and complement existing retail uses;
- facilitate the delivery of residential development in a desirable location that receives ample access to iconic views, public transport and surrounding civic amenities; and
- increase the provision of high quality commercial floorspace in Milsons Point.

6.0 Explanation of provisions

This section provides an explanation of the provisions proposed to apply to the subject land under the North Sydney LEP 2013.

6.1 North Sydney LEP 2013

The following provisions are proposed to apply to the site in the North Sydney LEP 2013

6.2 Land to which the plan will apply

The Planning Proposal applies to the site known as 52 Alfred Street South, Milsons Point and is formally described as Lot 1 in DP 738322.

6.3 Height

The NSLEP 2013 nominates a maximum height limit of 40m under the Building Heights Map. It is proposed that the map be amended to permit a maximum permissible height of between RL 97 and RL 84 in order to accommodate the proposed heights of RL 96.05 and RL 83.55.

6.4 Mapping

This Planning Proposal seeks to amend the following maps of the North Sydney LEP 2013 Height of Buildings Map. The revised Height of Building's map is included below in **Figure 17**.

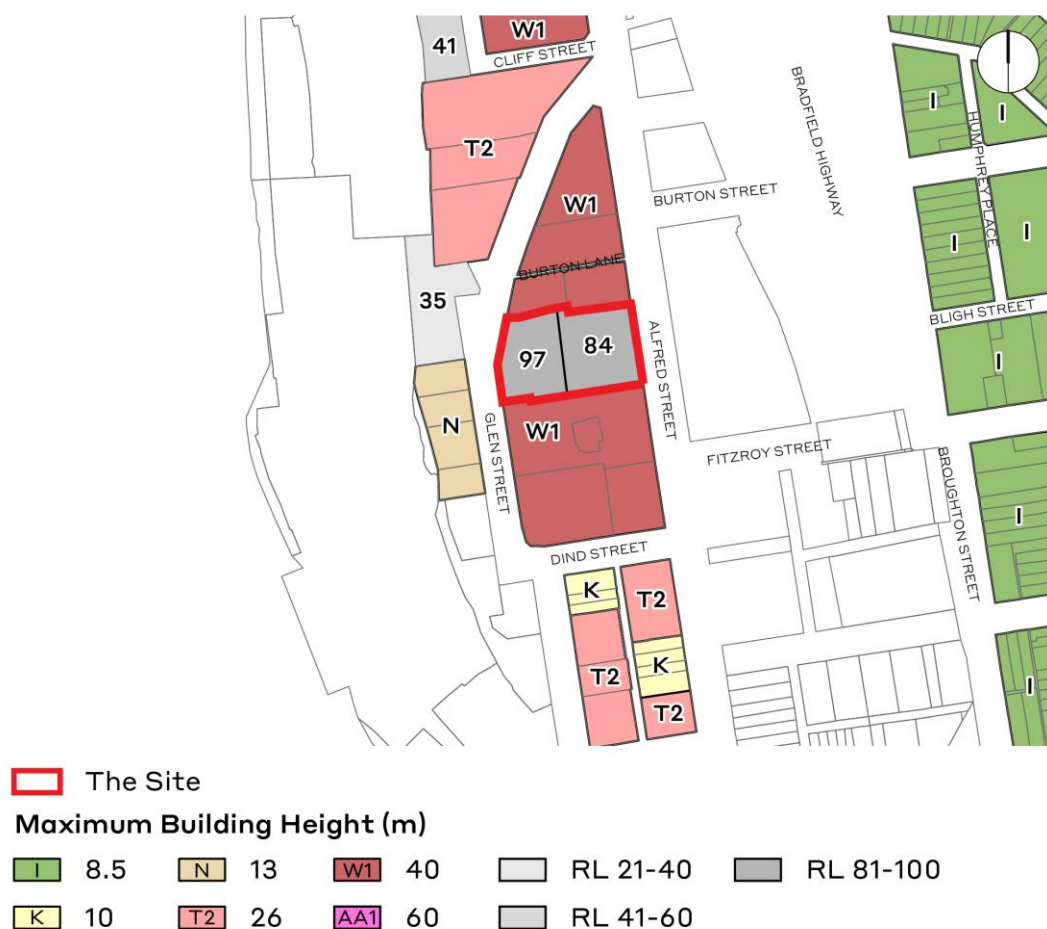


Figure 17 Proposed Building Heights LEP Map

Source: Ethos Urban / NSLEP 2013

7.0 Strategic Justification

This chapter outlines the strategic and statutory planning framework within which the development outcomes for the land have been considered and provides commentary on how the proposal responds to each of these documents.

7.1 The Need for a Planning Proposal

Q1 – Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is a result of several specialist studies which have been prepared by Element's consultant project team as set out in **Table 7**.

Table 7 Supporting Studies

Study	Consultant	Appendix
Planning Proposal	Ethos Urban	
Architectural Design Report and Drawings	Koichi Takada Architects	Appendix A
Survey Drawings	Project Surveyors	Appendix B
Landscape Concept Design	Arcadia	Appendix C
Heritage Assessment Report	Weir Philips Heritage	Appendix E
View Impact Analysis	Clouston and Associates	Appendix F
Traffic and Parking Impact Assessment Report	Barker Ryan Stewart	Appendix G
Pedestrian Wind Impact Analysis	Windtech	Appendix H

Together, the consultant studies provide a strong and compelling strategic planning case for the Planning Proposal on the following grounds:

- The accompanying landscape works represent an opportunity to provide a built form that better integrates with the surrounding public domain by providing active uses, improved building separation to Camden house, and an appropriately scaled podium that provides for a human scale at street level.
- The existing road network in the immediate vicinity of the site is adequate to accommodate the proposed concept, and will not result in any undesirable traffic and parking implications.
- The Indicative Concept Scheme is capable of complying with the key amenity standards established by the ADG.
- The proposal has been strategically designed to minimise view impacts to the greatest extent possible and maintains the view corridors of surrounding properties. As demonstrated by the accompanying View Impact Analysis, the proposal will not have a significant impact on the view corridors obtained from surrounding properties.
- The site optimises the opportunity to contribute significant public domain upgrades to the surrounding streetscape, including an upgraded through-site link that will further activate the curtilage surrounding Camden House.
- The Indicative Concept Scheme would provide for a significantly improved active street frontage that will enhance the vitality of the streetscape.
- The wind impacts resulting from the development can be effectively mitigated with the adoption of various design measures at the detailed DA phase.
- The overshadowing impacts are considered to be acceptable given the context of the site and predominantly impact the public domain as opposed to sensitive residential uses.

This Planning Proposal has also given consideration to a number of relevant strategic studies, including the:

- North Sydney Residential Development Strategy;
- The North Sydney Local Development Strategy;

- North Sydney Centre Capacity and Land Use Strategy;
- Lavender Bay Planning Area / Milsons Town Centre identified by the North Sydney DCP 2013; and
- Draft North District Plan.

Q2 – Is the Planning Proposal the best means of achieving the intended outcome?

This Planning Proposal is the most suitable means of achieving the intended outcome for the site, realising identified state and local objectives, and achieving identified aims, which is to facilitate a mixed use shop top housing development on the site with a maximum building height of RL 96.05.

Prior to consultation with Council, the proponent explored a variety of options for the site's redevelopment, noting their commercial viability, as well as the benefit each option would bring to the site, and more widely, the Milsons Point Town Centre. In preparing this Planning Proposal, three options were considered to facilitate the intended outcomes as set out in **Section 5.1**. These are listed and discussed below:

- Option 1: Rebuild to an acceptable height / mass (this Planning Proposal)
- Option 2: Rebuild to a compliant LEP building
- Option 3: Rebuild to the existing height

Option 1 – This Planning Proposal

This Planning Proposal is considered to be the most appropriate means of achieving the objectives and intended outcomes for the site. The proposed heights and the Indicative Concept Scheme have been subject to significant design testing and developed in response to the ongoing feedback provided by Council following the Proponent's submission of the previous Planning Proposal's for the site.

As demonstrated by the Indicative Concept Scheme (see **Section 9.1**), the proposed height amendments will enable the feasible redevelopment of the site whilst delivering a design outcome that sits comfortably within the established built form context, responds to the existing character of Milsons Point and limits amenity impacts on the surrounding area to the greatest extent possible. The Indicative Concept Scheme demonstrates that a building can be accommodated within the proposed heights without compromising compliance with the key built form parameters that govern the redevelopment of the site and amenity impacts. Most notably, the scheme can be delivered within the proposed heights without producing additional overshadowing to Bradfield Park.

The proposed option is therefore considered to be the most suitable as it provides for a feasible development outcome that responds appropriately to its surrounding context and site-specific constraints.

Option 2 – Previous Planning Proposal

An option to amend the LEP height limit to the existing controls with an alternative Indicative Concept Scheme design was considered under a Planning Proposal submitted to Council on the 8 August 2018 (Planning Proposal 7/17). The scheme adopted an alternative massing strategy that was not supported by Council for a range of reasons set out in **Section 1.1.4**. Principally, it was not supported due to the potential overshadowing impacts to Bradfield Park; view impacts to surrounding properties; and non-compliances with the ADG.

For the above reasons this option was identified as less preferable and the Proponent has subsequently sought to develop the scheme outlined in Option 1 to address Council's concerns.

Option 3 – Rebuild to a compliant LEP building

The option of rebuilding in accordance with the compliant LEP building height was considered in the initial stages of the design development. It is important to note that this option would result in a significantly reduced built form to that which is currently accommodated on the site. Specifically, a building that complied with the height limit would sit 28.4m below the existing building height plane. Given this, it is considered that redevelopment of the site within the limits of the maximum height limit would unduly restrict the site's potential and would be at odds with the intent of the EP&A Act which seeks to facilitate the orderly and economic development of land.

It is considered that a future development that complied with the height limit would result in a suboptimal design outcome as the development would be of a reduced scale relative to the surrounding buildings. Accordingly, the resultant outcome would be an anomalous envelope design that would appear out of character with the surrounding built form, ultimately disrupting the existing building height plane along Alfred Street South and failing to provide an appropriate transition in height.

Compliance with the height limit would necessitate an increase in the extent of the building's footprint in order to optimise the site's development potential. Consequently, the building footprint would occupy a larger area and provide a greater encroachment on the view corridors of adjoining residential developments. In light of the above, this option was not considered the preferred option.

Option 4 – Rebuild to the existing height

This option involves redevelopment of the site to construct a building to the same height as the existing building on site. Based on our analysis of this option, it is not the best means of achieving the intended outcome as it does not accord with the scale of the surrounding residential towers.

The Indicative Concept Scheme reaches 18 storeys in height and sits below the building height plane of surrounding developments, including the 21 storey development at 3 Glen Street to the south west, the 22 Storey development at 37 Glen Street to the north west and the 23 storey development at 38 Alfred Street to the south of the site. In consequence, building to the existing height of 14 storeys would result in a smaller built form that did not sit comfortably in the context of the surrounding development. This option has been dismissed in favour of Option 1.

7.2 Relationship with the Strategic Planning Framework

1.1.5 Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Strategic Merit Test

A Guide to Preparing Planning Proposals sets out that in order to answer this question, a planning proposal needs to justify that it meets the intended objectives of the relevant strategic planning framework. The consistency of this Planning Proposal with the assessment criteria is set out below.

a) Does the proposal have strategic merit?

The Planning Proposal is considered to have strategic merit as it will provide an outcome that is consistent with several directions. The consistency of the Planning Proposal with State and Regional strategic frameworks is set out below.

The Planning Proposal is congruent with several key directions, objectives and strategies in draft Greater Sydney Region Plan and the revised draft North District Plan. Specifically, it will:

Housing

- facilitate the expansion of high density residential development to support the significant population growth envisaged for North District under the Plan;
- deliver a high-density, and high-amenity residential development;
- assist in meeting North Sydney's housing targets of 3,000 homes by 2021;
- increase the provision of smaller dwelling types in order to cater to the projected growth of an additional 31,750 single person households by 2036;
- improve housing choice and diversity by permitting a building height capable of accommodating a range of dwelling types that respond to the varying lifestyle needs of the local demographic;
- respond to people's need for services by increasing the provision of dwellings and employment opportunities in a location well serviced by public transport and a range of other civic services; and

- amend existing planning controls to increase the supply of housing in the North Sydney LGA on a site that has capacity to accommodate a greater yield than what is currently permitted under existing controls and therefore represents a logical location for increased density.

Employment

- encourage job creation in proximity to the Strategic Centre of North Sydney that is well serviced by connections and major institutional activities;
- assist in meeting North Sydney's higher jobs target of 81,500 by 2036;
- concentrate housing and employment opportunities in immediate proximity to public transport to improve access to jobs and deliver a better outcome for households and the economy; and
- contribute to the expansion of the residential housing market and the local labour market within an area that already accommodates residential uses and is in proximity to major office markets.

Transit Oriented Development

- is consistent with TOD principles by seeking to provide additional capacity around Milsons Point Railway Station for additional high-density housing;
- increases the provision of housing in proximity to the office centre of North Sydney and within the Harbour CBD; and
- increase the supply of housing and improves housing choice around the Milsons Point Town Centre and Railway Station which is conducive to reducing traffic congestion, encouraging walkability and fostering a sense of community;

Placemaking Design

- deliver a public benefit in the form of a through-site link that will improve connectivity and a sense of community within the Milsons Point Town Centre;
- deliver retail uses at street level capable of supporting a vibrant high-time economy;
- ensure that the proposed additional levels on the site achieve a high standard of urban design and architectural excellence that will contribute to the amenity of future residents of and visitors to the North Sydney LGA; and
- increase the provision of retail uses at ground level that will contribute to an active street life.

Sustainability

- due consideration has been given to the siting of the development and the distribution of its bulk in order to protect scenic views of the surrounding landscape;
- ensure that the bulk of the development will have minimal impact on the adjacent open space areas such as Bradfield Park;
- delivers a high density residential development within proximity to high quality open space;
- develop a high-quality building with capacity to score well on a range of sustainability outcomes; and
- increase the provision of housing close to public transport in order to reduce reliance on non-sustainable modes of public transport.

Further details are provided below.

A Metropolis of Three Cities – The Greater Sydney Region Plan

The Greater Sydney Region Plan, *A Metropolis of Three Cities* is the current strategic plan for the Sydney metropolitan area. Having been recently published in March 2018 it represents the most up to date strategic framework and sets out the Government's vision for Sydney as a metropolis of three cities that will rebalance growth and deliver its benefits more equitably to residents across Greater Sydney (refer to **Figure 18**). The Plan is built on a vision where most residents live within 30 minutes of their jobs, education, health facilities, services and great places. To achieve this vision, it sets out ten overarching directions for the city, these being:

- infrastructure supporting new developments;
- working together to grow a Greater Sydney;
- celebrating diversity and putting people at the heart of planning;
- giving people housing choices
- designing places for people;
- developing a more accessible and walkable city
- creating the conditions for a stronger economy
- valuing green spaces and landscape;
- using resources wisely; and
- adapting to a changing world.

A series of more detailed objectives provide the framework for realising the directions. The relevant objectives are discussed in further detail below.



Figure 18 A Metropolis of Three Cities

Source: *The Greater Sydney Region Plan*

Direction 1 – Infrastructure supporting new developments

To ensure that Sydney has a competitive economy with world class services and transport the Plan sets out a number of objectives including but not limited to:

- *Objective 1 - Infrastructure supports the three cities*
- *Objective 2 - Infrastructure aligns with forecast growth – growth infrastructure compact*
- *Objective 3 - Infrastructure adapts to meet future needs*
- *Objective 4 - Infrastructure use is optimised*

By carrying out the above, the Plan seeks to support and ensure that Sydney will continue to be a premier location for global commerce, business and investment with strong ties to its region and with world class infrastructure that supports growing, efficient and innovative industries. Of particular relevance to this Planning Proposal is Objective 4 which seeks to ensure ‘infrastructure use is optimised’. Underlying this objective, the Plan states infrastructure use can be optimised by *‘using land more efficiently by co-locating services, or by allocating road space to support increased mass transit service’*.

In accordance with this, the Indicative Concept Scheme co-locates jobs, services and housing in an urbanised area that receives ample access to public transport. The site is located 750m from the North Sydney CBD and 1.6km south of the Sydney CBD, which both have excellent access to jobs, education, and community facilities and services. The Planning Proposal will facilitate the delivery of a mixed use development that increases the provision of employment opportunities and residential accommodation in a location well serviced by trains, buses, and cycle routes. As such, the Indicative Concept Scheme therefore promotes the efficient use of land and clearly provides an outcome that is consistent with the Plan in this regard.

Direction 3 – Celebrating diversity and putting people at the heart of planning

Plan identifies the need to deliver the right services and infrastructure in order to respond to changing demographics and meet the needs of the community. The co-location of services and infrastructure, including social infrastructure, with housing and complementary commercial uses will support the changing needs of the community. To achieve this, the Plan sets out the following objectives:

- *Objective 6 – Services and infrastructure meet communities’ changing needs*
- *Objective 7 – Communities are healthy, resilient and socially connected*
- *Objective 8 – Greater Sydney’s communities are culturally rich with diverse neighbourhoods*
- *Objective 9 – Greater Sydney celebrates arts and supports creative industries and innovation*

Of particular relevance to this Planning Proposal is Objective 6 which seeks to ensure ‘services and infrastructure meet communities’ changing needs’. To support the achievement of the objective the Plan nominates Strategy 6.1 which aims to *‘deliver social infrastructure to reflect the needs of the community now and in the future’*. In accordance with the Strategy, the Planning Proposal will increase the provision of well designed and highly accessible retail and commercial services. It will also provide a diversity of housing types capable of responding to changing demographics. The Indicative Concept Scheme will co-locate this housing with recreational type facilities, including a publicly accessible courtyard adjacent to the proposed retail uses and a new through-site link which together will foster a socially connected local community.

In addition, the Indicative Concept Plan is consistent with Objective 9 which highlights ‘Greater Sydney celebrates arts and supports creative industries and innovation’. Objective 9 is supported by Strategy 9.1 which outlines the need to *‘facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden, including the appropriate development of the night-time economy’*. The objective and associated strategy aims to enhance Greater Sydney’s standing as a global city by growing the night-time economy and promoting the inclusion dynamic places that boost local communities. The Indicative Concept Scheme is situated within the heart of the Milsons Point Town Centre and seeks to deliver a mixed use development that accommodates retail uses at the ground plane fronting Alfred Street and the through-site link to the south. These uses are capable of accommodating retail and indoor / outdoor dining that extends out to the southern through-site

link. They will facilitate the delivery of a new activated public plaza that will support the growth of the locality's night-time economy.

Direction 4 – Giving people housing choices

The Plan identifies that some 725,000 new homes will need to be built by 2036 to meet forecast demand and highlights that there is a need to *'link the delivery of new homes in the right locations with local infrastructure'*. Moreover, the Plan states that *'planning and designing for better places respects and enhances local character'*. As such, the Plan identifies that the delivery of housing needs to respond to local characteristics, recognising that not all areas of Greater Sydney are appropriate for significant additional development. To achieve this, it sets out two key objectives including:

- *Objective 10 - Greater housing supply*
- *Objective 11 - Housing is more diverse and affordable*

To facilitate the achievement of Objective 10, the Plan nominates Action 3 and Action 4. Action 3 requires that Council's prepare local and district housing strategies that align with the housing targets and strategies addressed in the District Plans. Action 4 nominates that councils, other agencies and the Greater Sydney Commission work towards the development of 6 – 10 year housing targets for the relevant LGAs. Councils are also required to ensure that housing is delivered in suitable areas in proximity to transport interchanges and strategic local centres to encourage walkable neighbourhoods that provide convenient access to services, social infrastructure and employment opportunities.

The Plan specifies housing supply targets for each District. Milsons Point is situated within the Eastern City District and the Plan establishes a 0 – 5 year housing supply target (2016 – 2021) of 46,550 and a 20 year strategic housing target (2016 – 2036) of 157,500. In light of this, the proposed height will permit a building envelope with the capacity to accommodate 186 apartments that will address the growing demand for smaller housing types.

Additionally, the location of the site reflects a number of attributes that make it ideally suited to accommodating new housing. In particular, the site is situated adjacent to an established transport interchange and will provide new housing within an established urban area with good connections to job-rich areas of the Sydney CBD and North Sydney. The Planning Proposal will facilitate increased housing supply in the local area and in this regard will make a significant contribution to enhancing the local economy and diversifying housing choice to meet the needs of the growing population.

Direction 5 – Designing places for people

To create great places that bring people together the plan highlights the importance of creating more well designed built environments that are inclusive of people irrespective of age and abilities. The key objectives for achieving this Direction include:

- *Objective 12 - Great places that bring people together*
- *Objective 13 - Environmental heritage is identified, conserved and enhanced*

Of particular relevance to the Planning Proposal is Objective 12 which prescribes *'great places that bring people together'*. Under this objective Strategy 12.1 notes that great places can be delivered by:

- *prioritising a people-friendly public realm and open spaces as a central organising design principle.*
- *providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centres.*
- *integrating social infrastructure to support social connections and provide a community hub.*
- *recognising and celebrating the character of a place and its people.*

The site's location in an established town centre (Milsons Point) and the Indicative Concept Scheme proposes a significant public benefit by way of revitalising the existing through-site link and delivering public domain upgrades

that will contribute to a new ground level public plaza. The proposed scheme may also serve as a catalyst for future commercial development that will ultimately revitalise the Milsons Point locality.

The Indicative Concept Scheme is entirely consistent with the Direction and its associated objectives in that the through-site link upgrade, including the proposed retail uses at street level, will contribute to a people-friendly public realm. The proposed retail uses along the through-site link and Alfred Street will encourage a new commercial hub of activity and enhance walkability by co-locating commercial / retail uses with housing.

As identified above, Strategy 12.1 notes that great places can be delivered by *recognising and celebrating the character of a place and its people*. Camden House plays an important role in contributing to the unique character of the locality. It is noted that the proposed retail uses located along the length of through-site will facilitate the activation of the public domain that adjoins the heritage listed building known as Camden House. In doing so the Indicative Concept Scheme will enhance the public's ability to appreciate the heritage item and will respect the unique character of the locality.

Direction 6 – Developing a more accessible and walkable city

The plan notes that to achieve an improved level of productivity it is necessary for the city to be well-connected. Under this Direction it is noted that the co-location of *'activities in metropolitan, strategic and local centres and the increase in the provision of housing in and around centres to create walkable neighbourhoods'* is necessary to promote productivity. The Direction is supported by Strategy 14.1 which is to 'integrate land use and transport plans to deliver the 30 – minute city' and the following objectives:

- *Objective 14 - A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities*
- *Objective 15 - The Eastern, GPOP and Western Economic Corridors are better connected and more competitive*
- *Objective 16 - Freight and logistics network is competitive and efficient*
- *Objective 17 - Regional connectivity is enhanced*

The Planning Proposal will provide an outcome that is entirely consistent with the Direction. As noted previously the site is located 750m of the North Sydney CBD and 1.6km of the Sydney CBD, and is sited directly adjacent to Milsons Point Railway Station. The proposal will therefore promote increased density in a location that receives ample access to public transport and employment opportunities within Sydney's two largest office markets. The Planning Proposal will assist in integrating housing and transport. By co-locating housing within walking distance of public transport and employment opportunities, the Planning Proposal will contribute to the achievement of a walkable 30-minute city.

Direction 7 - Creating the conditions for a stronger economy

A key priority of the Plan is to improve the strength and competitiveness of the Harbour CBD. The financial services sector concentrated within the Harbour CBD plays a pivotal role in promoting Sydney's competitiveness in global financial markets. Addressing the demand for premium-grade office space is critical for the ongoing viability of the financial services sector.

The Plan also identifies the need to foster the growth of the Harbour CBD by encouraging a diversity of activities supported through the emergence of district assets that include cultural and entertainment facilities; internationally competitive health and education precincts; creative sector; and high amenity and high-density residential precincts. To achieve the direction, the Plan sets out a number of objectives including:

- *Objective 18: Harbour CBD is stronger and more competitive*
- *Objective 19: Greater Parramatta is stronger and better connected*
- *Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City*
- *Objective 21: Internationally competitive health, education, research and innovation precincts*
- *Objective 22: Investment and business activity in centres*

- *Objective 23: Industrial and urban services land is planned, retained and managed*
- *Objective 24: Economic sectors are targeted for success*

To support the above, the Plan nominates a range of strategies. Strategy 18.2 identifies the need to ‘provide residential development without compromising commercial development’. The Planning Proposal is entirely consistent with the Direction and Strategy. The proposal will contribute to the growth of a high-amenity and high-density precinct. Increasing the provision of housing within an established residential area will also support the commercial functions of the surrounding office markets without compromising their competitiveness. The Planning Proposal seeks to provide non-residential floorspace in accordance with local statutory planning instruments and in doing so has the potential to support creative and entrepreneurial job opportunities in a locality well serviced by public transport.

Direction 8 - Valuing green spaces and landscape

The Plan notes that as the city grows, good urban design and planning will be more critical than ever to making the city’s built environment sustainable and energy efficient while also protecting the environment. The Plan fosters an integrated approach to planning and the delivery of green infrastructure. It is noted scenic and cultural landscapes support green infrastructure and should also be protected. To do this it sets out a number of Objectives, these being:

- *Objective 25 – The coast and waterways are protected and healthier;*
- *Objective 26 – A cool and green parkland city in the South Creek corridor;*
- *Objective 25 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced;*
- *Objective 28 – Scenic and cultural landscapes are protected;*
- *Objective 29 – Environmental, social and economic values in rural areas are protected and enhanced;*
- *Objective 30 – Urban tree canopy cover is increased;*
- *Objective 31 – Public open space is accessible, protected and enhanced; and*
- *Objective 32 – The Green Grid links parks, open spaces, bushland and walking and cycling paths.*

The subject site is situated adjacent to scenic and cultural assets, including Bradfield Park and Sydney Harbour. In designing the proposal due consideration has been given to protecting views of Sydney Harbour and the amenity of Bradfield Park by reducing overshadowing to the greatest extent possible. In addition to protecting these natural assets, the Planning Proposal will deliver housing in a location that receives good access to public open space.

Direction 9 – Using resources wisely

The Plan notes there is a need to deliver an efficient city. Adapting to climate change is a key priority and as the city grows, good urban design and planning will be more critical than ever to make the city’s built environment sustainable and energy efficient while also protecting the environment. To do this it sets out a number of key strategic directions, these being:

- *Objective 33 – A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change*
- *Objective 34 – Energy and water flows are captured, used and re-used*
- *Objective 35 – More waste is re-used and recycled to support the development of a circular economy*

The above Objectives are relevant to the Planning Proposal and will be supported by the site’s future redevelopment as proposed, as it:

- avoids delivering housing and services exposed to natural hazards and hazardous industries;
- promotes increased density in a highly appropriate and sustainable location in close proximity to existing transport infrastructure, community facilities and jobs;

- promote the urban renewal of a site that receives ample access to public transport by replacing an aged commercial building capable of incorporating contemporary energy efficiency measures;
- is appropriately designed in accordance with latest ESD initiatives thus minimising impacts on the environment; and
- is capable of incorporating appropriate waste recycling measures.

North District Plan

As described above, the North District Plan was released in October 2017 and states that an additional 92,000 homes will be required in the District by 2036 in order to support a significant population growth of approximately 196,000 people by 2036. This equates to an average annual supply of 4,600 dwellings over the next 20 years. The Plan also prescribes five year housing supply targets for each LGA. The North Sydney LGA is stated to require an additional 3,000 dwellings by 2021. In addition to increasing the provision of housing, the Plan identifies the need to increase housing choice around centres and stations to make it easier to walk and cycle to shops or services, to travel to work and reduce traffic congestion.

The subject site is located directly opposite Milsons Point Railway Station within the Milsons Point Town Centre. The proposal to increase the height of the subject site and deliver more housing is therefore consistent with the aims of the Plan due to the sites location and presented opportunities for urban renewal in an established transport corridor. Further, the uplift proposed seeks to provide housing diversity in a built form conducive to a town centre environment.

NSW State Plan

The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The initial Plan, created in 2011 by incumbent Premier Barry O'Farrell has been revised following subsequent premierships by Mike Baird and Gladys Berejiklian. The current focus of the Government is outlined in 12 Premier's priorities and 18 state priorities.

The 12 Premier's priorities include:

- building infrastructure – key infrastructure projects to be delivered on time and on budget across the state;
- creating jobs – 150,000 new jobs by 2019;
- driving public sector diversity – Increase the number of women and Aboriginal and Torres Strait Islander people in senior leadership roles;
- faster housing approvals – Ninety per cent of housing approvals determined within 40 days;
- improving education results – Increase the proportion of NSW students in the top two NAPLAN bands by eight per cent;
- improving government services – Improve customer satisfaction with key government services every year, this term of government;
- improving service levels in hospitals – 81 per cent of patients through emergency departments within four hours;
- keeping our environment clean – Reduce the volume of litter by forty per cent by 2020;
- protecting our kids – Decrease the percentage of children and young people re-reported at risk of significant harm by 15%;
- reducing domestic violence – Reduce the proportion of domestic violence perpetrators re-offending within 12 months by 5%;
- reducing youth homelessness – Increase the proportion of young people who successfully move from Specialist Homelessness Services to long-term accommodation by 10%; and
- tackling childhood obesity – Reduce overweight and obesity rates of children by 5% over 10 years.

The 18 State priorities being actioned by the NSW Government are grouped under five main themes:

- Strong budget and economy
 - Making it easier to start a business

- Encouraging business investment
- Boosting apprenticeships
- Accelerating major project assessment
- Protecting our credit rating
- Delivering strong budgets
- Building infrastructure
 - Improving road reliability
 - Increasing housing supply
- Protecting the vulnerable
 - Transitioning to the National Disability Insurance Scheme
 - Creating sustainable social housing
- Better services
 - Improving Aboriginal education outcomes
 - Better government digital services
 - Cutting wait times for planned surgeries
 - Increasing cultural participation
 - Ensure on-time running for public transport
- Safer communities
 - Reducing violent crime
 - Reducing adult re-offending
 - Reducing road fatalities

The Planning Proposal is consistent with the revised NSW State Plan 2021 in that it will:

- create construction jobs;
- contribute to housing supply;
- encourage business investment in the North Sydney LGA;
- develop a high quality development in proximity to new infrastructure delivered by the NSW Government, including the Sydney Metro City and Southwest; and
- keep our environment clean by implementing latest standards in Ecologically Sustainable Development.

NSW Long Term Transport Master Plan

The NSW Long Term Transport Master Plan, released by Transport for NSW (2012) and updated in 2014, provides a framework for delivery of integrated and modern transport systems. The Master Plan identifies the challenges and needs of the city, as well as the actions proposed to address these challenges.

The Master Plan preceded the announcement of the Sydney Metro. Nevertheless, redevelopment of the site will serve the objectives of the Transport Master Plan by:

- improving liveability – the proposed development concept will provide residences and jobs close to high quality, reliable public transport; and
- improve sustainability – by locating jobs and residences close to public transport and delivering a through-site link upgrade, the proposed development concept reduces reliance on private motor vehicles and encourages active transport.

b) Does the proposal have site-specific merit?

Yes it does. Detailed justification of the site-specific merit is provided through an Indicative Concept Scheme that is analysed in **Section 4.0 and Section 9.0**. As demonstrated, the proposal is considered to have site-specific merit for the following reasons:

- the site is large in size and of an appropriate configuration to accommodate a residential development of the proposed scale;
- the site is situated directly adjacent to Milsons Point Railway Station and is therefore ideally placed to deliver high density residential development;
- local, district and state-level policy see the North Sydney CBD as delivering a greater concentration of office floor space to which increasing residential stock within the nearby Milsons Point Town Centre will support the growth of this office market by providing housing close to employment opportunities;
- the development of the site will not result in acceptable overshadowing impacts to key public spaces, including the adjacent Bradfield Park and surrounding public domain;
- the proposed height is capable of delivering a building that will provide a high standard of residential amenity for future occupants, particularly in regards to solar access, access to views, cross ventilation and internal functionality;
- the scheme will provide acceptable amenity impacts for surrounding properties in respect to privacy, overshadowing and view impacts;
- as demonstrated through the Indicative Concept Design the site has the potential to accommodate a building envelope that is strategically sited to ensure an appropriate view sharing outcome is achieved in accordance with the LEC Tenacity Planning Principle;
- a high-quality design solution is capable of being achieved on site that exhibits design excellence;
- the Indicative Design Concept confirms that a design response is capable of complying with the key parameters established by the Apartment Design Guide;
- any future redevelopment of the site is capable of maintaining and enhancing the adjoining heritage listed item known as Camden House;
- the redevelopment of the site provides an opportunity to deliver a significant public benefit to the site in the form of a through-site link and public domain upgrades that will improve the vitality of the streetscape and provide a new focal point of activity for residents and visitors of Milsons Point;
- the site is within close proximity to the two key Strategic Centres, including North Sydney and the Sydney CBD and is therefore well serviced by cultural assets and public amenities; and
- the site is well supported by health facilities contained within North Sydney and education facilities located within the North Sydney Education Precinct that consist of establishments such as the Australian Catholic University, The Sydney Church of England Grammar School and North Sydney Demonstration School.

Summary

This Planning Proposal achieves the assessment criteria as it demonstrates both strategic merit and site-specific merit. It is therefore considered that this Planning Proposal meets the Strategic Merit Test.

Q4 – Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

North Sydney Council has expressed clear ambitions to deliver more housing in locations well serviced by civic amenities, employment opportunities and public transport. Council's RDS has established a strategic framework to guide housing development to 2031. This Planning Proposal is consistent with the Strategy in that it will increase the supply of dwellings within an established town centre that provides ample access to public transport, retail uses and other services. It will allow for the provision of increased housing in proximity to the CBD and will therefore support the North Sydney CBD by delivering jobs close to homes.

Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes.

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 8**.

Table 8 Consistency with State Environmental Planning Policies

SEPP	Consistency		N/A	Comment
	Yes	No		
SEPP No. 1 Development Standards			✓	SEPP 1 does not apply to the North Sydney LGA, since it adopts the Standard Instrument LEP.
SEPP (State and Regional Development) 2011			✓	Not relevant to proposed LEP amendment
SEPP (Affordable Rental Housing)			✓	Not relevant to proposed LEP amendment
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed LEP amendment. May apply to future development on the sites.
SEPP No. 55 Remediation of Land	✓			SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing risk and harm to human health or any other aspects of the environment. In particular, it requires the consent authority to consider if remediation work is required for rezoning or building works, and ensure that the subsequent remediation works are satisfactory with respect to standards and notification requirements. It is noted that this proposal does not seek to change the zoning or land use provisions for the site, and relates solely to increasing the applicable height limit. The site is capable of being used for commercial and residential purposes, with any requirement for remediation of the site addressed in the detailed DA for the mixed-use development.
SEPP No. 64 Advertising and Signage			✓	No signage is proposed under this Planning Proposal.
SEPP No. 65 Design Quality of Residential Apartment Development	✓			The indicative scheme demonstrates that a design solution is possible on the site that achieves an acceptable level of amenity and is capable of generally complying with SEPP 65 and the Apartment Design Guide.
SEPP (Affordable Rental Housing) 2009			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (Building Sustainability Index) BASIX 2004	✓			Future residential DA's would be subject to the requirements of the BASIX SEPP.
SEPP (Exempt and Complying Development Codes) 2008			✓	Not applicable to this proposal.
SEPP (Infrastructure) 2007			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP (State and Regional Development) 2011			✓	Not applicable to this proposal.
SEPP (Housing for Seniors or People with a Disability) 2004			✓	The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.

7.3 Is the proposal consistent with the Ministerial Directions (s. 177 directions)?

Yes. An assessment of the Planning Proposal against applicable Section 117 Directions is set out in **Table 9**.

Table 9 Consistency with Section 117 Directions

Direction	Consistency		N/A	Comment
	Yes	No		
1. Employment and Resources				
1.1 Business and Industrial Zones	✓			<p>The proposal will have no adverse impact on the viability of the Milsons Point Town Centre nor will it prevent the growth of employment in suitable locations.</p> <p>The proposal does not seek to amend the zoning and instead seeks to amend the height limit for the site. The site is currently zoned B4 Mixed Use and is therefore considered appropriate for shop top housing.</p> <p>The North Sydney Centre Planning Proposal and associated studies demonstrate a clear intent to concentrate commercial growth and job creation in the North Sydney CBD (as defined by the LEP). It is considered that the Planning Proposal will facilitate the supply of housing in close proximity to a strategic centre earmarked to accommodate an increased number of jobs.</p> <p>Additionally, the conversion of commercial development to residential in Milsons Point represents a continuation of the historical trend for the growth of high density residential development.</p> <p>The scheme incorporates an adequate amount of commercial development within the podium to meet the non-residential FSR requirements nominated by the NSLEP. In this regard the proposal makes adequate provision for employment growth.</p>
1.2 Rural Zones			✓	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries			✓	Not applicable
1.4 Oyster Aquaculture			✓	Not applicable
1.5 Rural Lands			✓	Not applicable
2 Environment and Heritage				
2.1 Environmental Protection Zones			✓	Not applicable
2.2 Coastal Protection			✓	The site is not within coastal zone.
2.3 Heritage Conservation	✓			The proposal will have no adverse impact on adjoining and surrounding heritage items.
2.4 Recreational Vehicle Area			✓	Not applicable
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			This Planning Proposal will encourage a greater diversity of housing type in this locality. The site is well serviced for utilities and other infrastructure.
3.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable

Direction	Consistency		N/A	Comment
3.3 Home Occupations			✓	No change is proposed to the current permissibility of home occupations.
3.4 Integrating Land Use and Transport	✓			<p>This Direction applies due to this Planning Proposal relating to a residential zone. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> - <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and - <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will provide residential accommodation and commercial uses in an area well serviced by public transport.</p>
3.5 Development Near Licensed Aerodromes			✓	Not applicable
3.6 Shooting Ranges			✓	Not applicable
4. Hazard and Risk				
4.1 Acid Sulfate Soil			✓	The site is not mapped as containing acid sulfate soils
4.2 Mine Subsidence and Unstable Land			✓	The site is not identified as mine subsidence or unstable land.
4.3 Flood Prone Land			✓	The site is not identified to be flood prone
4.4 Planning for Bushfire Protection			✓	The site is not mapped as being bushfire prone land.
5. Regional Planning				
5.1 Implementation of Regional Strategies	✓			See comments above on District Plans. No Regional Plans apply.
5.2 Sydney Drinking Water Catchments			✓	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast			✓	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable
5.8 Second Sydney Airport Badgerys Creek			✓	Not applicable
5.9 North West Rail Link Corridor Strategy			✓	Not applicable
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision	✓			Site specific amendments to the LEP are sought.
7. Metropolitan Planning				

Direction	Consistency		N/A	Comment
7.1 Implementation of A Plan for Growing Sydney and the draft Greater Sydney Region Plan	✓			The Planning Proposal is consistent with the Metropolitan Plan, as discussed in Section 10.2 above.
7.2 Implementation of Greater Land Release Investigation			✓	Not applicable

7.4 Environmental, Social and Economic Impacts

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?

This Planning Proposal will not have any impact on critical habitat or threatened species, populations or ecological communities or their habitats. There has been no critical habitat or threatened species, populations or ecological communities, or their habitats, identified on this site.

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 an existing urban site devoid of significant vegetation with no ecological value. There are no likely ecological impacts as a result of this Planning Proposal. The environmental effects of the Planning Proposal are addressed in detail in **Section 7**.

Any future development of the site will be assessed against the environmental provisions of the applicable planning instruments.

Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

The Planning Proposal will result in positive social and economic effects for the local area through the generation of local employment opportunities during construction and operation. It will improve local facilities, employment opportunities, movement networks, increase housing stock close to public transport and amenities, provide greater housing choice as well as improve public domain facilities and enhance the pedestrian interface with surrounding streets.

7.5 State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the Planning Proposal?

Yes. The site is located just 100m from Milsons Point Station which is sited on the eastern side of Alfred Street South. The site is also located in walking distance of Milsons Point Ferry which is located 350m to the south.

Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

7.6 Community Consultation

Community consultation will be conducted in accordance with section 57 of EP&A Act and *A Guide to Preparing Planning Proposals*.

8.0 Indicative Development Concept

This chapter of the report describes the Planning Proposal and the urban design principles that set the foundation for its structure. Further detail is provided throughout the environmental assessment in the following chapters.

Taking into consideration the site-specific opportunities and constraints including but not limited to its locational attributes; strategic planning policy; and the surrounding built form a number of planning and design principles were established to guide and inform how the site may be redeveloped in the future under the proposed planning controls. Specifically, it was established that any future redevelopment of the site was to:

- replace the existing aged commercial tower contained within the site with a high density residential tower more compatible with the surrounding residential uses;
- deliver a public benefit in the form of an upgraded and activated through-site link to improve connectivity in the locality and contribute to the activation of the public domain within the site's curtilage;
- deliver ground level retail uses along the Alfred Street frontage which will contribute to a continuous active street frontage;
- minimise the impacts to the adjoining heritage listed Camden House and integrate the proposal with this development in a way that improves activation of the ground plane surrounding the item;
- provide a building envelope with a height which complements the height plane established along Alfred Street South and Glen Street by the existing high rise developments;
- achieve a unity between the podium and the tower elements to ensure all components complement one another and contribute to a consistent language;
- provide a massing that terraces away from Alfred Street South and has a perceptible height of 14 storeys (RL 74.15) when viewed from the streetscape to ensure alignment with the height of the neighbouring 13 storey (RL 73.60) building at 68 Alfred Street;
- limit view impacts to the greatest extent possible by providing a significantly reduced bulk and scale at the Alfred Street frontage that achieves a more human scale when viewed at street level;
- deliver a slender tower in the western portion of the site that provides appropriate building separation in order to protect view corridors to the greatest extent possible;
- ensure that any built form on the site does not result in additional overshadowing to Bradfield Park;
- allow for a building envelope that is capable of accommodating adequately sized floorplates which provide a high standard of residential amenity;
- encourage sustainable modes of transport by delivering an envelope capable of accommodating bicycle parking and a through-site link that will encourage walkability; and
- achieve high levels of sustainability through the adoption of market leading practices into any future detailed design.

Using the above principles, Koichi Takada Architects (KTA) have prepared an Indicative Concept Scheme for the site (refer to **Appendix A** and **Figure 19 - 20**) that seeks to achieve the aforementioned design principles and intended outcomes of the Planning Proposal. The Indicative Concept Scheme demonstrates how the site could be redeveloped in the future under the proposed height control, whilst maintaining the amenity of adjacent buildings. Full details of the Indicative Concept Scheme are contained within **Appendix A**, however the key components of the scheme include:

- A built form across the subject site comprising a part three storey podium (fronting Alfred Street) and four storey podium (fronting Glen Street) with a residential tower above consisting of two components. Specifically, an eastern component fronting Alfred Street that reaches a maximum height of 17 storeys and a western component fronting Glen Street with a maximum height of 25 storeys.
- Together the two towers provide a stepped built form the descends from west to east and north to south. It provides a reduced bulk at Alfred Street that corresponds with the scale of the existing building and aligns with the height plane established by adjoining developments.

- The tower component fronting Alfred Street South adopts a terraced form that steps down in height from north to south to correspond with the sloping topography of Alfred Street South.
- A building podium that respects the podium building line established by adjacent properties to protect view corridors.
- Provision of an upgraded through-site link with comprehensive landscaping and public domain improvements along the site's southern boundary which accommodates an existing connection from Alfred Street South through to Glen Street in need of upgrading.
- Ground floor retail tenancies along the site's southern and eastern elevations that will facilitate the activation of the through-site link and Alfred Street South.
- Provision of basement level parking accessed from Glen Street to prevent additional traffic congestion along Alfred Street South.

It is important to note that the Indicative Concept Scheme represents just one possible solution for how the site might be redeveloped under the proposed planning controls. It does not represent the only possible solution to the site's future design which would be subject to further design development and detailed analysis at the future development assessment stage.

Indicative Scheme – Key Development Statistics

Key development information is summarised in **Table 10**.

Table 10 Numerical overview of the indicative development concept (awaiting development schedule)

Component	Development Concept
Maximum overall height (storeys)	25
Maximum overall height (RL)	96.05 RL
Maximum podium height (storeys) (RL)	4 (fronting Glen Street)
Maximum podium height	40.15 RL
<ul style="list-style-type: none"> • GFA (total) • Retail/Commercial GFA • Residential GFA • Amenities GFA 	<ul style="list-style-type: none"> • 24,054m² • 2,431m² • 21,550m² • 478m²
<ul style="list-style-type: none"> • Apartments (total) • Studio • 1 bed • 2 bed • 3 bed 	<ul style="list-style-type: none"> • 173 • 14 (8%) • 1 (0.5%) • 86 (49.5%) • 72 (42%)
Car parking	191

8.1 Building Envelope

Tower Elements

The building envelope proposed under the Indicative Concept Scheme is informed by the aforementioned principals. It comprises a residential mixed-use development consisting of two distinct tower elements above a clearly defined podium, as shown in **Figures 19 - 20**. The western tower element fronting Glen Street reaches 25 storeys and has a maximum height of RL 96.05 (67.2m) when measured to the proposed plant zone and RL 92.85 (64m) when measured to the building's parapet. The proposed height provides an appropriate built form response to 70 Alfred Street which has a height of RL 96.20 and 48 Alfred Street which reaches RL 100.20.

The eastern tower along Alfred Street frontage, descends from 16 to 14 storeys, with the height decreasing from RL 80.45 to RL 74.25 (refer to **Figure 19**). An indicative plant zone is included at Level 16 and reaches RL 83.55. The plant zone is setback from the building's parapet to prevent additional overshadowing. The reduced scale of the envelope is commensurate with the height of the existing buildings along Alfred Street South.

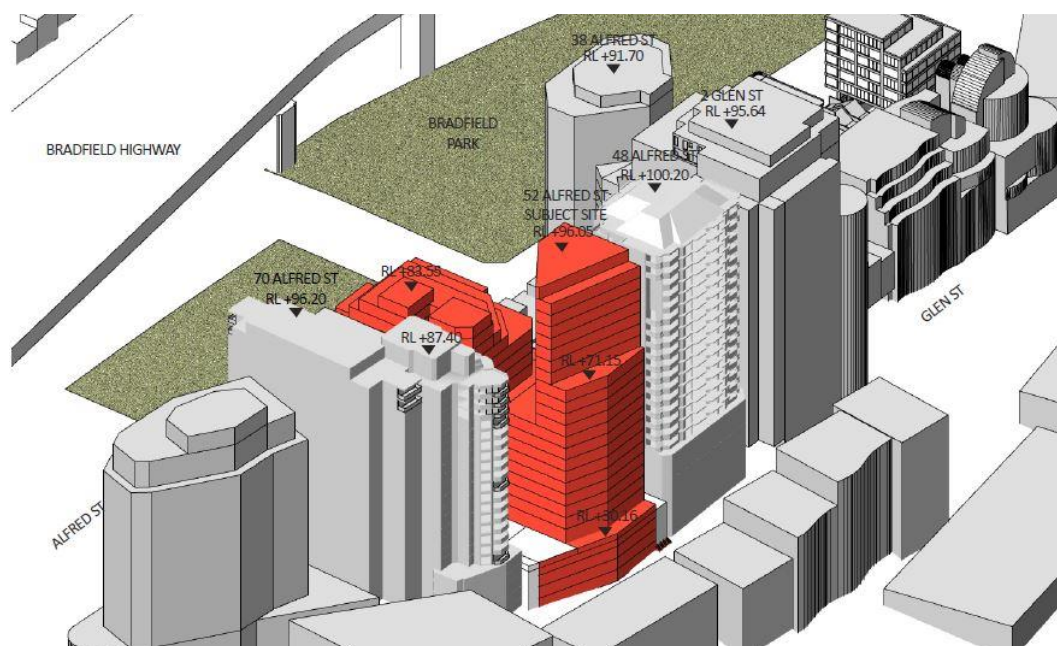


Figure 19 Proposed envelope viewed from Glen Street

Source: KTA

Relationship to Existing Building Envelope

In designing the envelope of the eastern tower element, a key intent has been to provide a massing that sits within the parameters of the existing building envelope. As shown in **Figure 20**, the proposed envelope has a commensurate visual bulk to that existing. Importantly, the scheme maintains a perceptible building height of 14 storeys at the Alfred Street frontage.

The rationale for this approach is to ensure the environmental impacts remain largely consistent with those resulting from the existing building, particularly with regards to view impacts, the relationship with Camden House and visual impact. Further discussion is provided in **Section 9.0**.

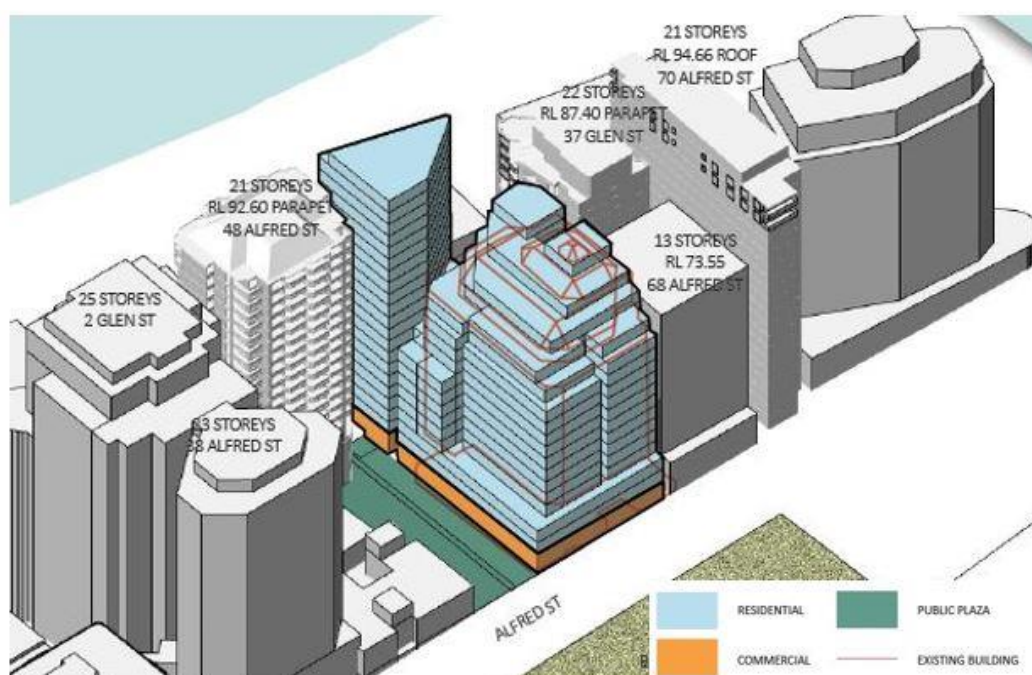


Figure 20 Proposed envelope and existing building envelope

Source: KTA

Podium Elements

A podium is accommodated beneath the two tower elements and will contain commercial floorspace to meet the North Sydney LEP non-residential FSR requirements. The podium element fronting Alfred Street reaches three storeys and mirrors the height of the existing podium (refer to **Figure 20**). It is setback 2m from the eastern boundary (Alfred Street South) to accommodate a pedestrian footpath that will lead into the plaza at the base of Camden House. At the southern boundary the podium provides a 6m setback to facilitate the provision of a through-site link.

The podium fronting Glen Street reaches four storeys. It has been designed to respond to the sloping topography of Glen Street and sit below the height of the adjoining podiums to achieve a more human scale at street level. The existing basement beneath the podium will be retained and will continue to accommodate parking.

Streetscape Interface

The Indicative Concept Scheme has been designed taking into consideration the interface with Alfred Street South and the adjoining heritage listed Camden House at the site's southern aspect.

The footprint of the building envelope remains largely consistent with that of the existing building. However, in contrast to the existing envelope, the scheme provides a greater setback to the southern boundary which ranges from 6 metres to 9.7 metres. This amounts to an overall separation of 23m between the façade line of the Indicative Development Concept and Camden House. To this end, it positively responds to Camden House by increasing the curtilage around the heritage item.

The building maintains a 2m setback from Alfred Street South to allow for the continuation of the footpath and tree planting.

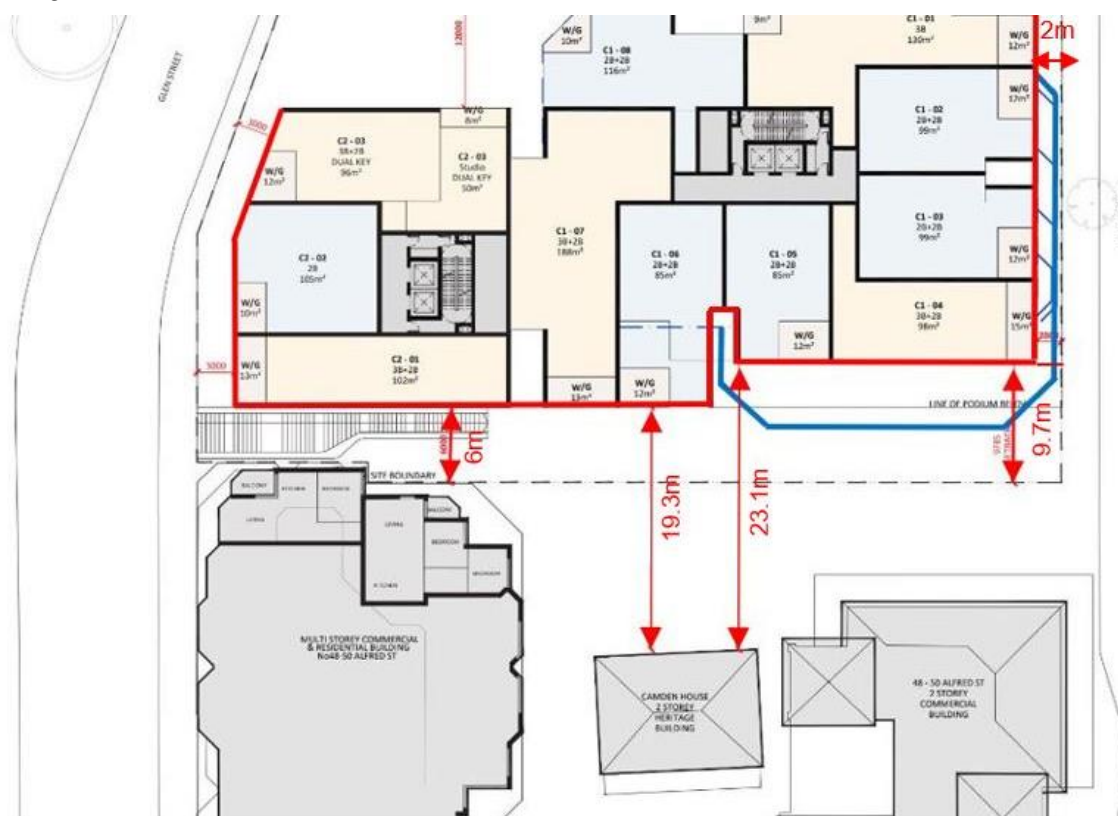


Figure 21 Existing and Proposed southern and eastern setbacks

Source: KTA and Ethos Urban

8.2 Indicative Massing Strategy

KTa have prepared an Indicative Concept Design within the maximum building envelope parameters outlined above to demonstrate the opportunities available if the site were to be redeveloped within the limits of the proposed height(s).

The 25 storey tower fronting Glen Street incorporates an angular shaped floorplate which is achieved through the provision of a setback ranging from 3m – 7.7m to Glen Street and a setback of 5.4m to the proposed tower that fronts Alfred Street. The floorplate configuration of the tower fronting Glen Street is integral to the built form strategy for the site in that it will prevent the envelope from encroaching beyond the prevailing building line along Glen Street to minimise the impact to view corridors obtained from the residential units at 37 Glen Street, 70 Alfred Street and 48 Alfred Street. It will also provide adequate visual separation between the tower elements.

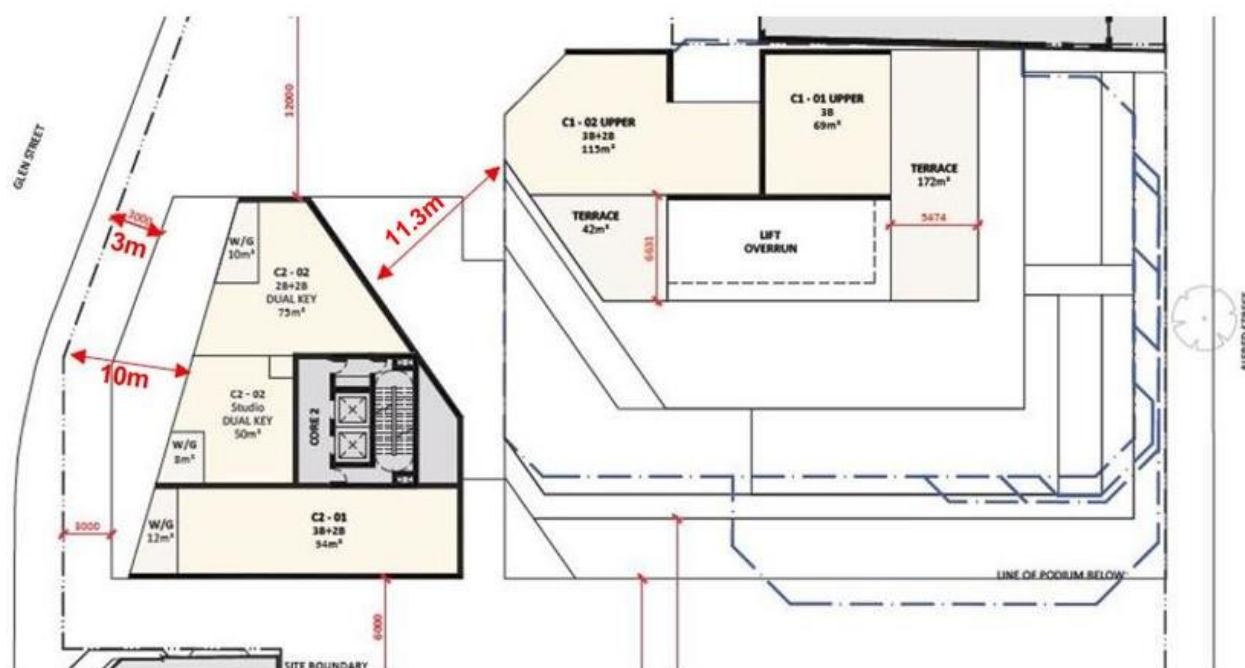


Figure 22 Setbacks and angular configuration of proposed building footprint

Source: KTA

The tower element fronting Alfred Street adopts a reduced height 16 storeys (inclusive of plant) and a larger rectilinear footprint. The upper levels are chamfered from the north-west to the south-east. The chamfered built form is incorporated to demonstrate that a scheme within the nominated height can be developed without providing additional overshadowing to Bradfield Park (refer to **Section 9.5**). The chamfered built form is also effective in reducing the perceived bulk and scale of the eastern tower, allowing for a perceptible height of 13 storeys which is consistent with the adjoining developments including 68 Alfred Street to the immediate north (refer to **Appendix A**). Overall, the Indicative Concept Design demonstrates that a viable building can be contained within the maximum envelope, providing a number of opportunities and benefits, as discussed in **Section 4.0** and **Section 9.12**.

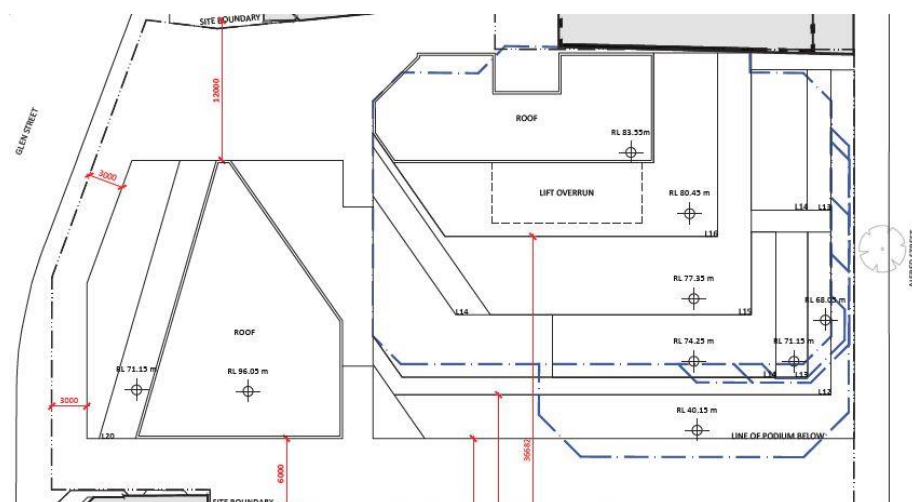


Figure 23 Upper levels that are chamfered from the north-west to the south-east

Source: KTA

8.3 Public Domain

The Indicative Concept Scheme has sought to maximise the public benefit from the site by reactivating the underutilised public plaza and public domain area within the curtilage of the building. The works principally relate to the site's southern aspect and consist of upgrade works to the through-site link. As shown at **Figure 24**, the works comprise comprehensive landscaping that interlinks with a ground level retail environment containing alfresco café seating areas (refer to **Appendix C**). The through-site link will connect to and open out towards the public domain area contained within the adjoining site that accommodates the heritage listed Camden House. The inclusion of this space is predicated on the desire to deliver a public benefit that significantly enhances the streetscape, facilities the activation of not only the retail uses contained within the site but those within Camden House, and improve connectivity within the locality.

Exploration of the detailed architectural and landscape design of the through-site link would occur during the detailed Development Application Phase. Whilst this is the case, Arcadia Landscape Architecture have prepared an indicative landscape concept design (refer to **Appendix C**) which demonstrates that a high quality public domain is able to be achieved incorporating seating, landscaping, and feature trees that complement and enhance the setting of Camden House site.

In addition, there is the potential for common open space and landscaping around the perimeters of the site and at the roof level (refer to **Figure 25**). Specifically, the indicative building envelope has been designed to provide an increased setback to the northern boundary capable of accommodating a common open space area landscaped area between the subject site and the property located to the north west (refer to **Figure 24**). Landscaping along this boundary will provide visual privacy between the site and the adjoining development to the north.

A through-site link runs along the site's southern boundary to maximise open space adjacent to Camden House and provide a pedestrian connection from east to west. The through-site link facilitates the provision of an increased setback that minimises the bulk of the development where it adjoins the heritage listed building and effectively improves the proposal's interface with Camden House.



Figure 24 Proposed landscape scheme at the ground plane and internal to the building

Source: Arcadia



Figure 25 Indicative landscaping at the rooftop level

Source: Arcadia

8.4 Access and Transport

Vehicular Access

Vehicular access to the site is proposed to be rationalised from a singular access point off Glen Street. The entry point will consist of a single ingress and egress point onto Glen Street which will provide access to the basement parking levels. The provision of a single access point is considered appropriate to assist in mitigating potential traffic congestion on Alfred Street South.

Car Parking

The Indicative Concept Scheme provides for four levels of basement car parking capable of accommodating 191 car parking spaces. Of this amount 63 spaces are proposed to be retained for use by Council in accordance with the positive covenant that applies to the site. The remaining spaces will service the proposed development.

The proposed basement is sized appropriately to accommodate the motorcycle and bicycle parking requirements nominated by the North Sydney DCP.

Pedestrian and Bicycle Facilities

The proposal has the potential to significantly improve the pedestrian experience and deliver a new through-site connection from Alfred Street South through to Glen Street. The through-site link will be activated by retail uses along the building podium's southern axis that will engage pedestrians and improve pedestrian connectivity.

The redevelopment of the site will enable the provision of improved bicycle facilities within the underground basement. These facilities will encourage the uptake of non-vehicular modes of public transport, particularly given that the main bicycle park across the Harbour Bridge is just 50m from the site.

Pedestrian Access

The built form has been designed to ensure retail and commercial tenancies are accessible from individual access points. Access to the upper level commercial uses is obtained from a lobby area located the western aspect of the floorplate. The residential tower component of the development will be serviced by the western lobby and a separate residential lobby located in the site's north eastern corner off the primary street frontage.

8.5 Non-residential Floor Space

The redevelopment of the site will contribute to the delivery of non-residential floor space within the Milsons Point Town Centre and the provision of a continuous and active street frontage along Alfred Street South. The redevelopment proposal does not seek to amend Council's minimum non-residential floor space controls.

In accordance with the North Sydney LEP 2013, a minimum non-residential FSR of 0.75:1 applies to the site. Consistent with the minimum provision, the indicative concept scheme proposes a non-residential GFA of 2,431m² and FSR of 0.89:1. Commercial floor space will be concentrated towards the rear fronting Glen Street. Retail floorspace is proposed to be concentrated along the Alfred Street South frontage and the site's southern axis where it adjoins the public domain associated with Camden House. The provision of a number of retail tenancies together with seating areas is intended to enable the creation of an 'eat street' style environment, which will help activate the ground floor and provide a new hub of activity within Milsons Point. The retail floor space will therefore facilitate the activation of the street frontage and the proposed through-site link, and complement the ground level retail uses contained within Camden House.

Redevelopment of the site will enable the provision of premium grade commercial floor space in a desirable location. The commercial uses are proposed at the site's rear and will complement the commercial uses provided along Glen Street. The provision of premium commercial floor space within the Milsons Point Town Centre will contribute to several of the strategic directions, namely the direction nominated by *Greater Sydney Region Plan* to strengthen the Harbour CBD by growing the office market within the North Sydney LGA which receives ample access to connections to Sydney City. Consequently, the provisions of commercial floorspace will contribute to improving Sydney's competitive economy.

8.6 Apartment Design Guide

Table 10 lists the relevant ADG 'Rules of Thumb' and assesses the Indicative Concept Scheme's consistency with those standards. The assessment demonstrates that the indicative scheme complies with the majority of the 'Rules of Thumb' and that the scheme is capable of providing a high standard of amenity for future residents. Where departures are proposed to the 'Rules of Thumb' they are discussed in further detail below the table.

Table 11 Consistency with the NSW Apartment Design Guide

Objectives and Design Criteria			Consistent	
Part 3 Siting the Development				
3D Communal and Public Open Space				
Objective An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping			✓	
Design Criteria Communal open space has a minimum area equal to 25% of the site			✓	
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)			✓	
3E Deep Soil Zones				
Objective Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.			✓	
Design Criteria Deep soil zones are to meet the following minimum requirements:			Refer to alternative solution (see Section 10.2)	
Site Area		Minimum Dimensions		Deep Soil Zone (% of site area)
Less than 650m ²	-	7%		
650m ² – 1,500m ²	3m			
Greater than 1,500m ²	6m			
Greater than 1,500m ² with significant existing tree cover	6m			
3F Visual Privacy				
Objective Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.			Refer to alternative solution (see Section 10.3)	
Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			Refer to alternative solution (see Section 10.3)	
Building Height		Habitable rooms and balconies		Non-habitable rooms
Up to 12m (4 storeys)	6m	3m		
Up to 25m (5-8 storeys)	9m	4.5m		
Over 25m (9+ storeys)	12m	6m		
3K Bicycle and Car Parking				
Objective Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas			✓	
Design Criteria For development in the following locations:			✓	

Objectives and Design Criteria	Consistent												
<p>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</p> <p>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>													
Part 4 Designing the Buildings													
4A Solar and Daylight Access													
<p><i>Objective</i> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p>	✓												
<p><i>Design Criteria</i> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	✓ (see Section 10.7 and Appendix D)												
<p>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.</p>	NA												
<p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</p>	Refer to alternative solution (see Section 10.7 and Appendix D)												
4B Natural Ventilation													
<p><i>Objective</i> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p>	✓												
<p><i>Design Criteria</i> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	✓												
<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	✓												
4C Ceiling Height													
<p><i>Objective</i> Ceiling height achieves sufficient natural ventilation and daylight access</p>	✓												
<p><i>Design Criteria</i> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="145 1554 1123 1912"> <thead> <tr> <th data-bbox="145 1554 485 1585">Minimum ceiling height</th><th data-bbox="485 1554 1123 1585"></th></tr> </thead> <tbody> <tr> <td data-bbox="145 1585 485 1630">Habitable rooms</td><td data-bbox="485 1585 1123 1630">2.7m</td></tr> <tr> <td data-bbox="145 1630 485 1675">Non-habitable</td><td data-bbox="485 1630 1123 1675">2.4m</td></tr> <tr> <td data-bbox="145 1675 485 1769">For 2 storey apartments</td><td data-bbox="485 1675 1123 1769">2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr> <tr> <td data-bbox="145 1769 485 1836">Attic spaces</td><td data-bbox="485 1769 1123 1836">1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr> <tr> <td data-bbox="145 1836 485 1912">If located in mixed use areas</td><td data-bbox="485 1836 1123 1912">3.3m for ground and first floor to promote future flexibility of use</td></tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	✓
Minimum ceiling height													
Habitable rooms	2.7m												
Non-habitable	2.4m												
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area												
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope												
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use												
<p>These minimums do not preclude higher ceilings if desired.</p>													
4D Apartment Size and Layout													
<p><i>Objective</i></p>	✓												

Objectives and Design Criteria		Consistent															
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity																	
<i>Design Criteria</i> Apartments are required to have the following minimum internal areas:		✓															
<table><tr><th>Apartment Type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>			Apartment Type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²					
Apartment Type	Minimum internal area																
Studio	35m ²																
1 bedroom	50m ²																
2 bedroom	70m ²																
3 bedroom	90m ²																
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.																	
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		✓															
<i>Objective</i> Environmental performance of the apartment is maximised		✓															
<i>Design Criteria</i> Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		✓															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		✓															
<i>Objective</i> Apartment layouts are designed to accommodate a variety of household activities and needs		✓															
<i>Design Criteria</i> Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).		✓															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).		✓															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">• 3.6m for studio and 1 bedroom apartments• 4m for 2 and 3 bedroom apartments		✓															
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		✓															
4E Private Open Space and Balconies																	
<i>Objectives</i> Apartments provide appropriately sized private open space and balconies to enhance residential amenity		✓															
<i>Design Criteria</i> All apartments are required to have primary balconies as follows:		✓															
<table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum depth</th></tr><tr><td>Studio apartment</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartment</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartment</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartment</td><td>12m²</td><td>2.4m</td></tr></table>			Dwelling Type	Minimum Area	Minimum depth	Studio apartment	4m ²	-	1 bedroom apartment	8m ²	2m	2 bedroom apartment	10m ²	2m	3+ bedroom apartment	12m ²	2.4m
Dwelling Type	Minimum Area		Minimum depth														
Studio apartment	4m ²		-														
1 bedroom apartment	8m ²		2m														
2 bedroom apartment	10m ²	2m															
3+ bedroom apartment	12m ²	2.4m															
The minimum balcony depth to be counted as contributing to the balcony area is 1m.																	
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.																	
4F Common Circulation and Spaces																	
<i>Objective</i>		✓															

Objectives and Design Criteria		Consistent
Common circulation spaces achieve good amenity and properly service the number of apartments		
<i>Design Criteria</i> The maximum number of apartments off a circulation core on a single level is eight.		✓
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		
4G Storage		
<i>Objective</i> Adequate, well designed storage is provided in each apartment		✓
<i>Design Criteria</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		Capable of complying at the detailed design phase
Dwelling Type	Minimum Area	
Studio apartment	4m ²	
1 bedroom apartment	6m ²	
2 bedroom apartment	8m ²	
3+ bedroom apartment	10m ²	
At least 50% of the required storage is to be located within the apartment.		

Dwelling Mix

The indicative concept scheme illustrates that the entire site has the potential to accommodate approximately 173 apartments comprising a mix of types and sizes, including:

- 14 x Studio units (8%);
- 1 x 1 bedroom units (1%);
- 86 x 2 bedroom units (50%); and
- 72 x 3 bedroom units (42%).

The Indicative Concept Scheme results in a variation to the unit mix provisions prescribed by the NSDCP 2013. It is noted the proposed unit mix is not prescriptive. The floorplates are generous in size and the mix of apartments along with the configuration of the internal layout can be revised at the detailed DA stage in response to the prevailing market demand. Notwithstanding, the proposed unit mix is consistent with the objectives of the ADG in that it will provide a diversity of apartments which cater to differing household needs both now and in the future.

9.0 Assessment of Planning Issues

This section considers the key planning issues associated with the Planning Proposal as well as those associated with a future development.

As outlined in **Section 8.0**, to inform the preparation of the Planning Proposal, an Indicative Concept Scheme was developed by KTA (as outlined in **Section 8.0** and **Appendix A**) to test and demonstrate how a future development could be accommodated on site in accordance with the proposed height control and to ensure all relevant built form, separation, amenity, and design parameters have been considered. Accordingly, the outcomes of these investigations and analysis have largely guided the content of this Planning Proposal.

By adopting this approach, the built outcomes and associated impacts of the Planning Proposal (and subsequent DA) can be tested, understood and clearly presented.

9.1 Built Form

The built form controls sought by this planning proposal are a result of site specific analysis involving design development and testing. These were assessed in terms of their design outcomes and impacts on the surrounding area, with those less suited dismissed. The built form illustrated in the Indicative Concept Scheme and facilitated by this proposal therefore represent a deliberate design response to the site's surrounding built form and strategic context within the Milsons Point Town Centre.

As demonstrated by the Indicative Concept Scheme, the proposed amendments to the maximum height of building standard facilitate the delivery of a high quality mixed use development outcome that would effectively integrate with the established built form which reinforces the vision and desired future character for the Milsons Point Town Centre as set out in the North Sydney DCP.

The building envelope is configured so as to prevent overshadowing to Bradfield Park and minimise view impacts to surrounding properties. Specifically, the proposal adopts a chamfered built form that decreases in scale from north to west and south to east. Additionally, the proposed height accords with that of the surrounding developments and is sited below the height of existing nearby buildings, including 70 Alfred Street, 48 Alfred Street, 3 Glen Street and 2 Dind Street.

Character Area

As set out in **Section 6.0**, developments are required by the relevant character statement to step down from 40m on the ridge of the peninsula to 10m to the west towards the shores of Lavender Bay. The Indicative Concept Scheme proposes a massing whereby the tallest tower element is sited on the western side of the site.

The proposed distribution of mass is entirely consistent with the prevailing character of the area. The existing towers positioned along Alfred Street (in the stretch between Lavender Street and Dind Street) increase in height on the western side of Alfred Street towards the peninsula. As demonstrated in **Figure 26**, some of Milsons Point's largest developments are concentrated along this stretch, including 48 Alfred Street, 37 Glen Street and 70 Alfred Street, which provide significant contraventions to the 40m height limit and reach maximum heights of RL 100 (refer to **Table 6**). The proposed heights are commensurate with these developments and will sit comfortably within the established and predominant built form character of the locality.

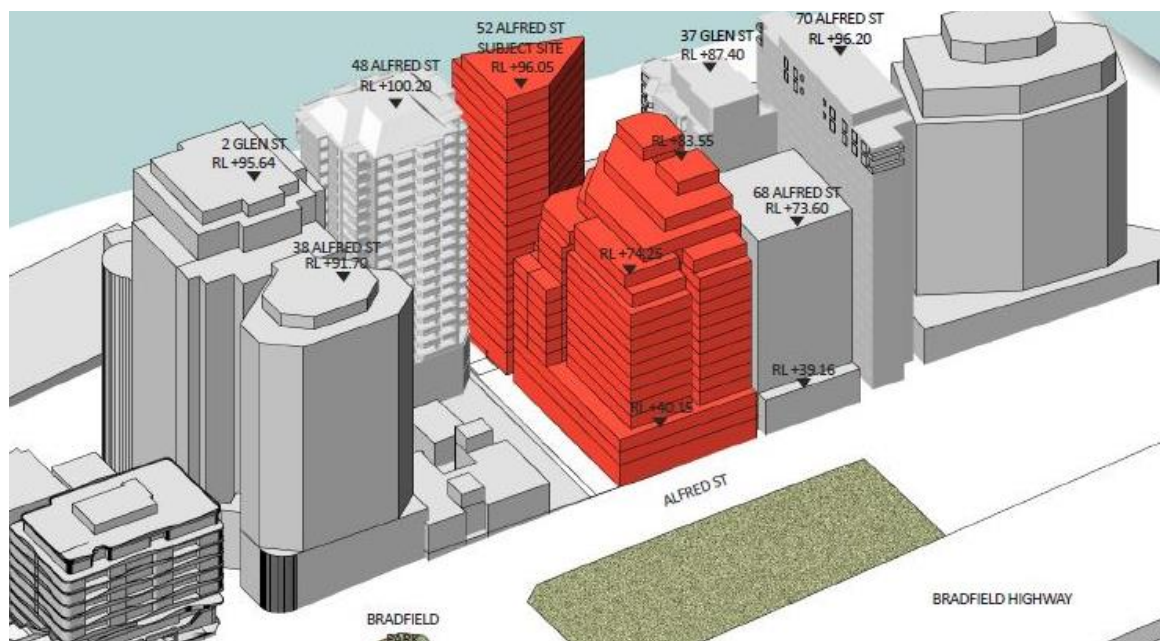


Figure 26 Proposed development (red) and existing (grey) demonstrating the massing of the developments along the western side of Alfred Street

Source: KTA

DCP Setbacks

The proposal is generally consistent with the NSDCP 2013 setback requirements and the existing building envelope.

Consistent with the NSDCP, the podium element fronting Alfred Street South is generally built to the street frontage. A 2m setback is provided at street level for the purpose of accommodating a footpath which is consistent with the existing building envelope.

Above the podium the envelope is required to provide a minimum 3m setback to all parts of the building. The envelope proposes a slight variation to the guideline whereby a 2m setback is proposed from Alfred Street South (refer to **Figure 25**). The setback is considered reasonable given the envelope in this location remains consistent with the existing building. It is also recessed behind the envelope of 68 Alfred Street South to the immediate north. Consequently, when viewed from the streetscape, the proposal will not project forward of the existing building line nor will it visually dominate.

At all other parts of the building above the podium, the setbacks are well in excess of the minimum 3m requirement for the purpose of providing adequate building separation. However, a reduced setback is proposed along the northern boundary in a limited number of locations. Notwithstanding, the envelope along this aspect adopts the same siting as the existing envelope. Blank walls are provided in these locations to mitigate the possibility of privacy impacts.

The podium element fronting Glen Street is built to the street frontage in accordance with the NSDCP 2013. A minimum setback of 3m is also required to all parts of the building above the podium, as shown in **Figure 26**. Consistent with this requirement, the tower element provides a minimum setback of 3m to the western, northern and southern boundaries. Fronting Glen Street at the western aspect, an increased setback of 7.7m is provided from Level 13 and above to protect view corridors (refer to **Figure 28**).

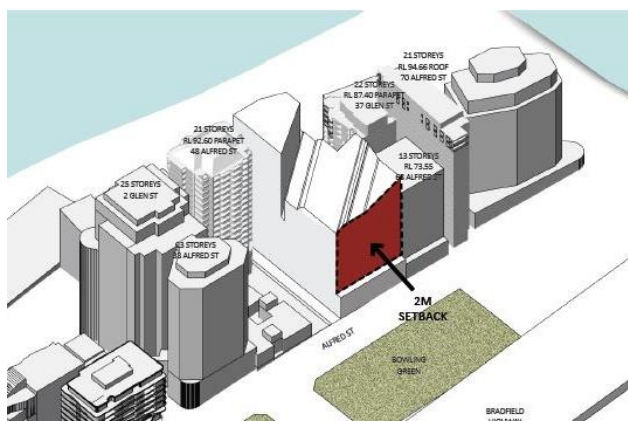


Figure 27 Consistency with the Alfred Street DCP Setbacks

Source: KTA

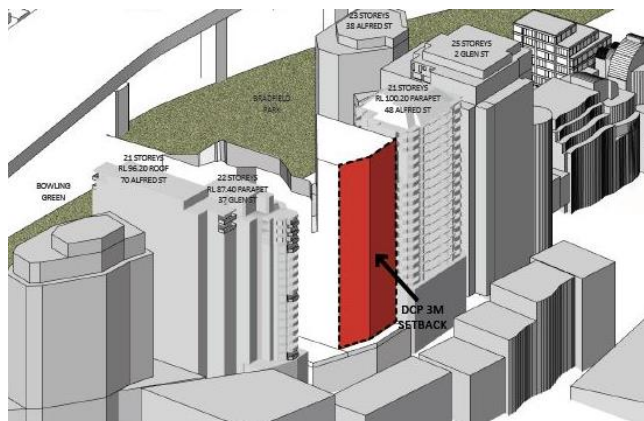


Figure 28 Consistency with the DCP Glen Street setbacks

Source: KTA

9.2 Deep Soil, Landscaping and Public Domain Upgrades

The ADG notes that deep soil zones are important for residential apartment developments as they allow for improved amenity and the appropriate management of water and air quality. The design criteria noted under Objective 3E-1 states:

Achieving the design criteria may not be possible on some sites including where:

- *the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)*
- *there is 100% site coverage or non-residential uses at ground floor level. Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure*

In light of the above, it is recognised that a constrained site may not be able to achieve a compliant amount of deep soil. In particular, sites within densely urbanised areas with limited or no space for deep soil at ground level, and developments containing non-residential uses at ground floor level with full site coverage are notable exceptions recognised by the ADG. The site is situated within a densely urbanised area. The basement structure covers the entirety of the site. Due to this and the need to provide retail uses at ground level and achieve a continuous active frontage the provision of deep soil planting is unattainable.

Notwithstanding, the Indicative Concept Scheme demonstrates an alternative design solution is capable of being delivered. The design solution includes the provision of extensive landscaping that is integrated throughout the development along with significant public domain upgrades at the ground plane. An Indicative Landscape Concept has been prepared by Arcadia and is included at **Appendix C**. Landscaping will be integrated within the terraces of the upper residential levels to soften the appearance of the development (refer to **Figure 29**). At the rear fronting Glen Street, the landscape design incorporates a communal open space area which has the capacity to accommodate extensive planting, a communal deck, and a reflection pool (refer to **Appendix C**). Perimeter landscaping is provided to promote visual privacy. Appropriate stormwater management measures are capable of being delivered at the detailed DA phase.

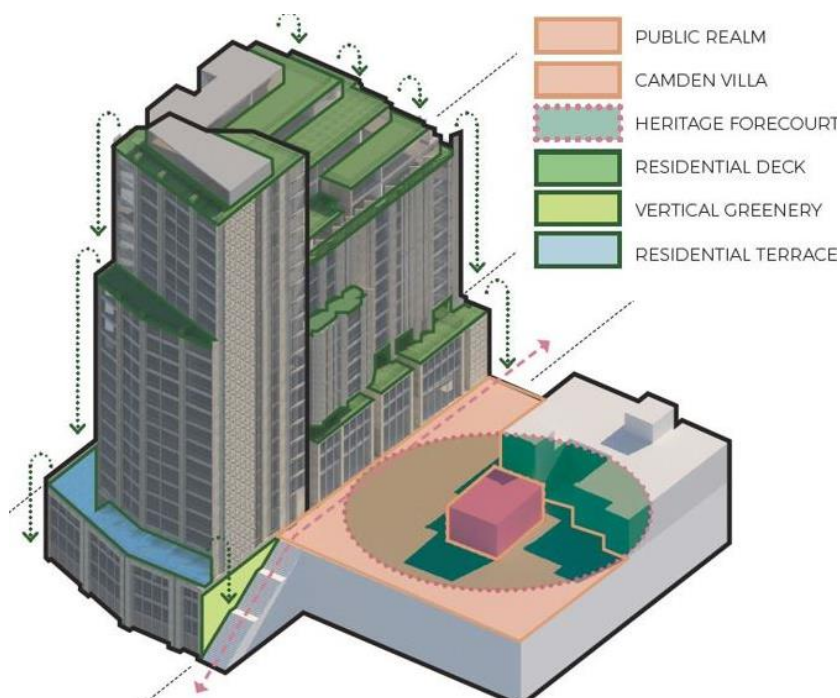


Figure 29 Proposed vertical greenery (right) and residential decks (left)

Source: Arcadia and KTA

Public Domain and Public Benefit

The Indicative Concept Scheme proposes to redesign and significantly upgrade the existing through-site link connection that facilitates access between Alfred Street South and Glen Street. As illustrated at **Appendix A**, ground level retail uses are orientated towards the through-site link and will improve the activation of the public domain, providing for a new hub of communal activity that will vastly improve the Milsons Point Town Centre. As shown in **Figures 30 - 31**, the landscape scheme seeks to revitalise the existing publicly accessible through-site link through the inclusion of new paving embellishments, vertical greenery, and spill out dining areas that will complement the retail areas. The proposed works to the through-site link will improve permeability, encourage pedestrianisation/activation and enhance the interface with the heritage listed Camden House.



Figure 30 Proposed indicative design of the through-site link

Source: Arcadia



Figure 31 Visual depiction of the proposed through-site link

Source: Arcadia

9.3 Visual Privacy

Due consideration has been given to ensuring the Indicative Concept Scheme provides a high level of visual privacy for adjoining developments. It is noted that the scheme does not achieve strict numerical compliance with the building separation requirements set out in sections 2F Building Separation and 3F-1 Visual Privacy.

Notwithstanding, it is acknowledged by the ADG that rigid numerical controls (the design criteria) are not always achievable. This is further supported by The Department of Planning circular *PS 17-001 (29 June 2017)* which states that:

"the ADG is not intended to be and should not be applied as a set of strict development standards".

The design criteria separation distances are outlined in **Table 12** below. For the reasons outlined in the following sections, it is considered that on merit, the non-compliant envelopes are acceptable.

Table 12 Proposed building separation to adjoining properties and consistency with the ADG

Height	Separation	North (37 Glen Street)	North (68 Alfred Street)	South (48 – 50 Alfred Street)
Up to 12m	Required Design Criteria Separation to the boundary	0m - 6m	0m – 6m	0m – 6m
	Proposed Separation (building to site boundary)	1.7m - 12m	0m – 1.7m	4.3 – 6mm
Above 12 m	Required Design Criteria Separation to the boundary	9m	0m – 9m	0m – 9m
	Proposed Separation (building to site boundary)	3.6m – 12m	0m – 1.7m	4.3m – 6m
Over 25m	Required Design Criteria Separation to the boundary	12m	0m – 12m	0m – 12m
	Proposed Separation (building to site boundary)	3.6m – 12m	0m – 1.7m	4.3 – 6m

In assessing the proposed building separation, it needs to be acknowledged that the developments which bound the site to the immediate north and south do not provide adequate boundary setbacks that would allow the subject site to be redeveloped in full compliance with the ADG without significant compromise to the size of the floorplates and their functionality.

As shown in **Figure 30**, the buildings to the direct north at 37 Glen Street and 68 Alfred Street South are generally built to the site boundary and provide a zero metre setback. Similarly, the development to the south at 48 – 50 Alfred Street is also built to the site boundary (refer to **Figure 32**).

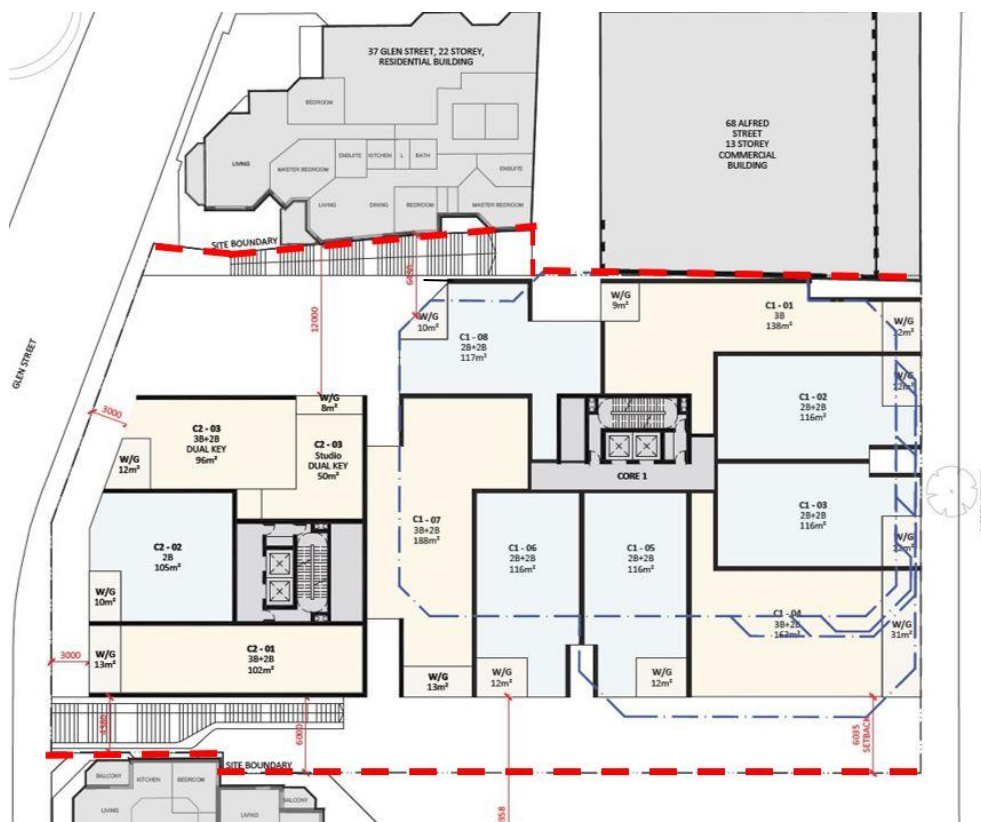


Figure 32 Location with adjoining northern and southern developments with respect to the site's boundary

Source: KTA and Ethos Urban

In the context of these constraints, variations to the numerical requirements are proposed. Notwithstanding, the Indicative Concept Scheme remains consistent with the aims associated with 2F Building Separation and objective nominated under 3F-1 Visual Privacy of the ADG.

The aims provided under 2F Building Separation guidance are to:

- *Ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings*
- *Assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook*
- *Provide suitable areas for communal open spaces, deep soil zones and landscaping.*

In addition to the above, Objective 3F-1 Visual Privacy nominates the following objective:

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

It also nominates the following relevant design guidance:

- *New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings;*
- *No separation is required between blank walls;*
- *Direct lines of sight should be avoided for windows and balconies across corners.*

The scheme's consistency with the above is addressed in the following sections.

North West

The context of the adjoining development is critical to understanding the appropriateness of the proposed setbacks. The tower to the north west at 37 Glen Street reaches 22 storeys in height and contains habitable space and windows that are positioned directly on the common boundary with no setback provided to the subject site.

Figure 33 illustrates the typical layout of the approved floor plate of 37 Glen Street and the location of habitable rooms and windows. The primary living spaces are generally oriented towards the south west to maximise view corridors of Lavender Bay. Bedroom windows are oriented to the south towards the subject site and some are splayed so as to face the south west.

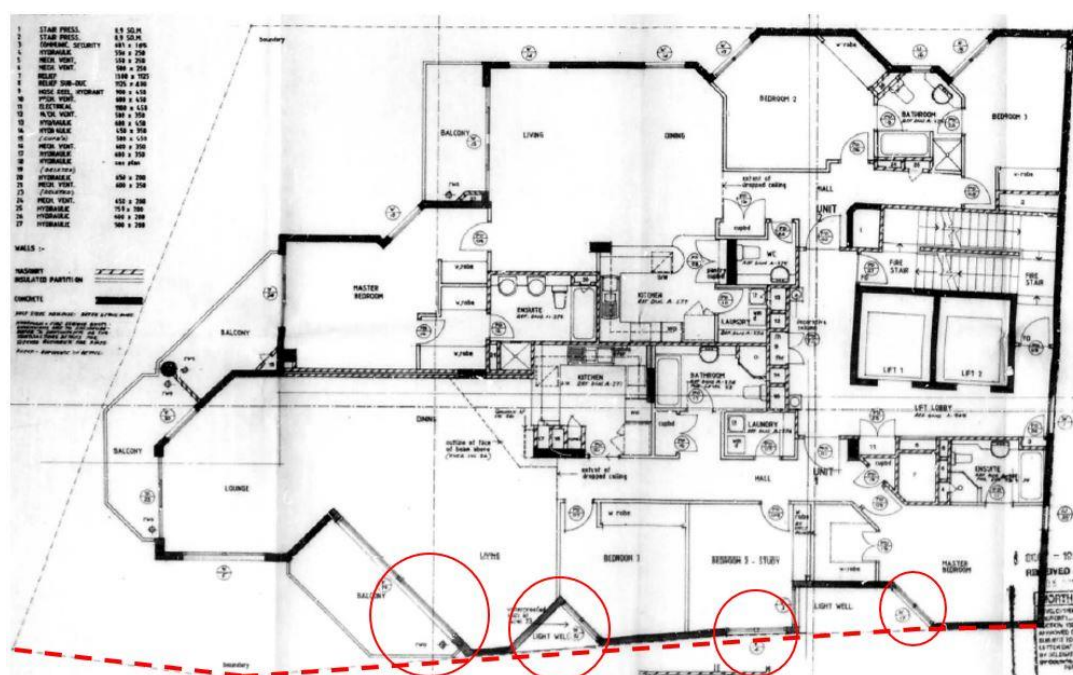


Figure 33 Typical floorplate of the residential apartment at 37 Glen Street

Source: Michael Stanley and Associates

The proposed envelope has been configured to reduce visual and aural privacy to the greatest extent possible.

A setback ranging from 1.7m to 12m is provided to the site's north western boundary where it adjoins 37 Glen Street. The setback progressively increases with the building's height. An assessment of these setbacks in accordance with the ADG is provided below.

Up to 12m (4 storeys)

The basement levels through to the ground floor occupy the first four storeys of the building that interface with 37 Glen Street. Commercial floor space and non-habitable residential floor space (residential gym and lounge) are

proposed within these levels. Similarly, non-habitable uses are contained within the first four storeys of 37 Glen Street.

As shown at **Appendix A**, the interface is largely characterised by blank walls, with the exception of where windows are included on the northern elevation at the location of the proposed residential gym. The setbacks at these levels are detailed in **Table 13** below.

Table 13 Building separation compliances for the first four storeys

Height	Design Criteria separation to the boundary	ADG Required Separation	Proposed
Up to 12m (4 storeys)	Blank wall to blank wall	0m	1.7m - 12m
	Habitable to non-habitable	3m	4.3m - 12m

As

noted in **Table 13**, the Indicative Concept Scheme is consistent with the minimum required separation distances. Where a 1.7m setback is provided it relates to the proposed podium fronting Glen Street (refer to **Figure 34**). The setback is considered reasonable given that it accords with the siting of the existing building envelope and non-habitable floorspace combined with blank walls are provided by each development. A compliant setback ranging from 4.4m to 12m is provided from the residential gym and lounge (refer to **Figure 35**). The absence of windows on the southern elevation of Glen Street will prevent onlooking into both rooms.



Figure 34 Proposed 1.7m separation

Source: KTA / Ethos Urban

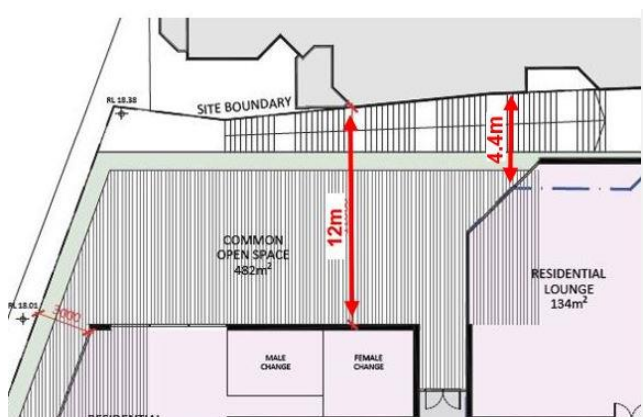


Figure 35 Separation to non-habitable space areas

Source: KTA / Ethos Urban

Up to 25m (5 – 8 storeys)

For the fifth to eight storeys of the building (Levels 1 – 4), varied setbacks are required due to the presence of existing and proposed blank walls. The required separation distances are detailed in **Table 14**.

Table 14 Building separation compliance for the first four storeys

Height	Design Criteria separation to the boundary	ADG Required Separation	Proposed
Above 12m (5-8 storeys)	Blank wall to habitable space	6m	3.6m
	Habitable rooms / balconies to habitable rooms	9m	6m - 12m
Over 25m (9 storeys +)	Blank wall to habitable space	6m	3.6m
	Habitable rooms / balconies to habitable rooms	12m	6m - 12m

A 12m setback is proposed for the most part of the building's length and consequently the majority of the two buildings are separated as required. Furthermore, the floorplate adopts an angular configuration that narrows towards the northern boundary as the building progresses in height. Consequently, the interface between the two developments is significantly reduced (refer to **Figure 36**).

A reduced setback of 3.6m is provided from the proposed eastern tower fronting Alfred Street South to 37 Glen Street. This setback increases to 3.9m from Level 15 and above. The setback is considered appropriate given that the proposed façade incorporates a blank wall which thus removes opportunities for onlooking. Whilst a window to habitable room is sited opposite on the southern façade of 37 Glen Street, it is oriented towards the south west and consequently lines of sight to the proposed blank envelope are not afforded.

The setback increases to approximately 6m in the location of the proposed winter garden which is angled so as to direct sightlines to the north west to prevent close and direct views to the habitable rooms at 37 Glen Street. Privacy screening is incorporated to prevent sightlines (refer to **Figure 36**).

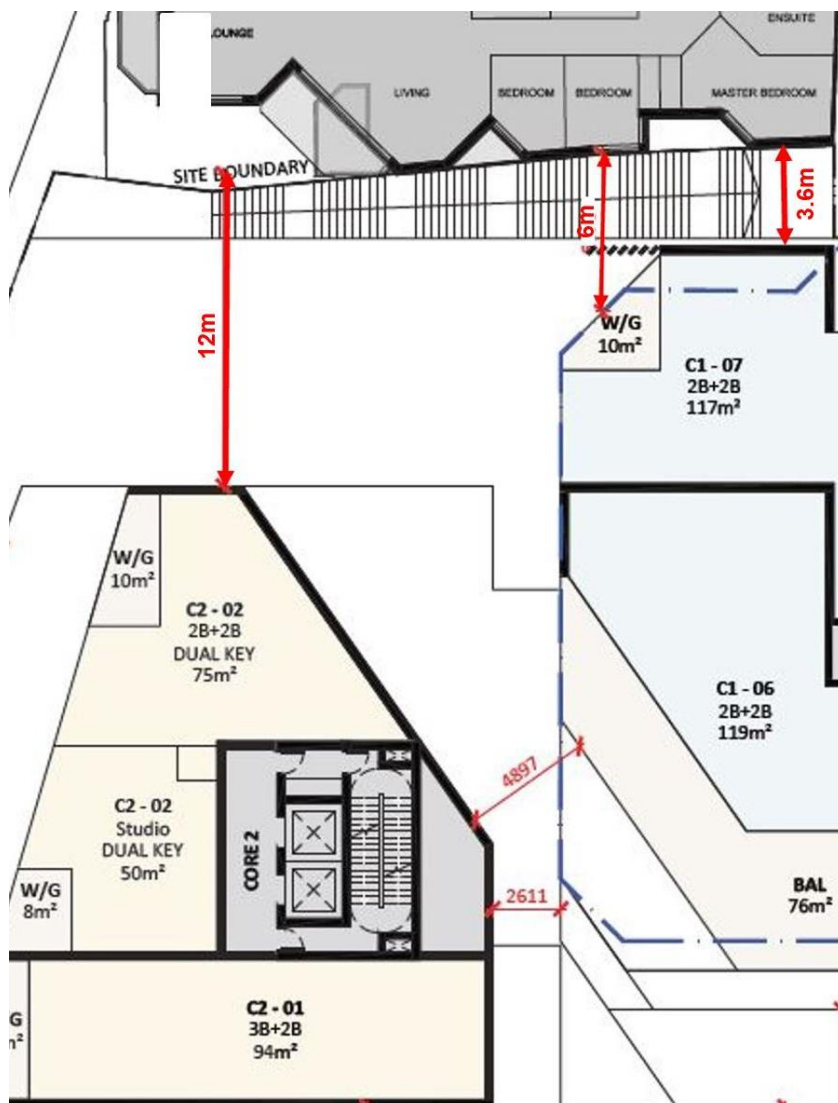


Figure 36 Proposed building separation to 37 Glen Street

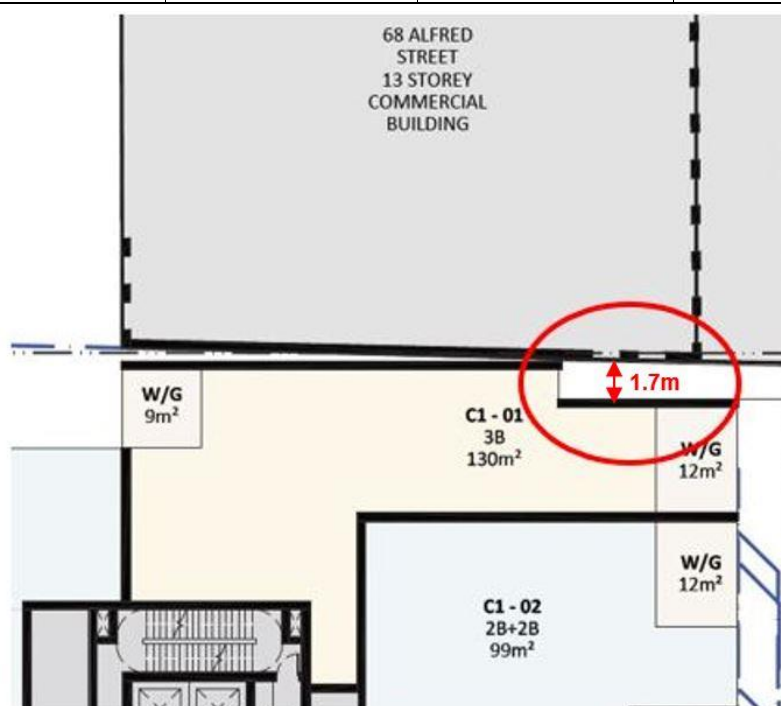
Source: KTA

North East

The commercial tower at 68 Alfred Street reaches 13 storeys in height. The southern elevation of this building predominantly comprises a blank wall and includes a small number of windows that are limited to the far eastern end of the facade (refer to **Figure 37**). These windows are also positioned directly on the common boundary. The proposed envelope also incorporates a blank wall. In light of this, the required separation distances are detailed below in **Table 15**.

Table 15 Building separation distances required to 68 Alfred Street

Height	Design Criteria separation to the boundary	ADG Required Separation	Proposed
Up to 12m (4 storeys)	Blank wall to blank wall	0m	0m – 1.45m
	Blank wall to office space (habitable space)	3m	1.7m
Up to 25m (5 – 8 storeys)	Blank wall to blank wall	0m	0m – 1.45m
	Blank wall to office space (habitable space)	4.5m	1.7m
Over 25m (9+ storeys)	Blank wall to blank wall	0m	0m – 1.45m
	Blank wall to office space (habitable space)	6m	1.7m

**Figure 37 Location of windows on the southern façade of 68 Alfred Street South**

Source: KTA

The commercial tower at 68 Alfred Street is built to the boundary and immediately abuts the existing building contained within the subject site. As such, there is already an absence of building separation and thus the Indicative Concept Scheme will not further compromise the privacy of the commercial development. Further, the northern elevation of the proposal comprises a blank wall which will prevent direct lines of sight to the windows located in the far eastern corner.

South

The development to the south west fronting Glen Street at 48 – 50 Alfred Street comprises a residential building containing serviced apartments. It is acknowledged that there is the potential for this building to be converted to residential apartments in the future and as such an assessment with regard to the ADG has been undertaken to demonstrate that the Indicative Concept Scheme will not compromise the visual privacy of the development.

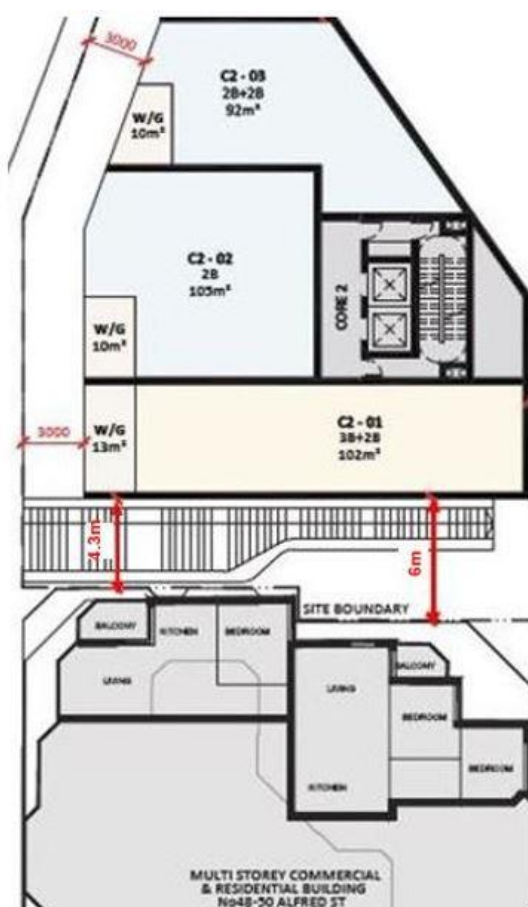
The required and proposed separation distances are detailed in **Table 16**.

Table 16 Building separation distances required to 48 – 50 Alfred Street

Height	Design Criteria separation to the boundary	ADG Required Separation	Proposed
Up to 12m (4 storeys)	Blank wall to blank wall	0m	4.5m
Up to 25m (5 – 8 storeys)	Blank wall to blank wall	0m	4.3m – 6m
	Blank wall to habitable space	4.5m	
Over 25m (9+ storeys)	Blank wall to blank wall	0m	4.3m – 6m
	Blank wall to habitable space	6m	

The building at 48 – 50 Alfred Street South is generally built to the site's boundary and incorporates blank walls for the most part of its northern elevation. The Indicative Concept Scheme includes blank walls along its southern elevation. The ADG notes that there is no requirement to provide building separation where blank walls are incorporated. Notwithstanding, at all levels the scheme provides a setback ranging from 4.3m to 6m to the site's boundary. The greater setback of 6m is provided where the adjoining development incorporates a living window that is oriented directly to the site.

In addition, the ADG requires that adequate separation be provided between windows and balconies to ensure visual privacy. The provision of a blank façade adjacent to the neighbouring balconies will remove opportunities for overlooking.

**Figure 38 Proposed separation between the proposed western tower and 48 – 50 Alfred Street**

Source: KTA

Summary

Notwithstanding the variations, a review of surrounding buildings indicates that there is clear precedent for developments to provide significantly reduced building separation (refer to **Appendix A**). Given the context of the surrounding development, the proposed separation provides for an appropriate massing and adequate space between the two buildings that is in keeping with the character of the area.

Internal Building Separation

The Indicative Concept Scheme proposes two tower elements from Level 9 and above. The interface between the two buildings is typically characterised by blank walls (refer to **Appendix A**). In limited locations, balconies are provided by the tower element fronting Alfred Street South.

The ADG requires a building separation distance of 12m for the areas of the building containing habitable space, including balconies. It is noted that where blank walls are provided, no separation is required.

Due to the angular configuration of the floorplates the building separation varies. The building separation progressively increases with the proposal's height to a maximum of 11.3m between the habitable areas of the building, as demonstrated from **Figures 39 – 42**.

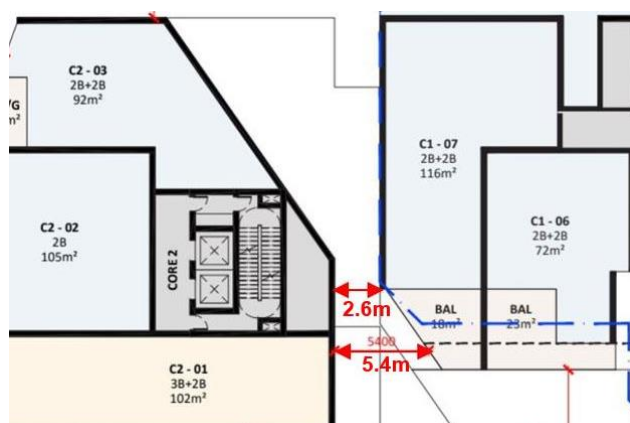


Figure 39 Internal separation from Level 9 - 11

Source: KTA / Ethos Urban

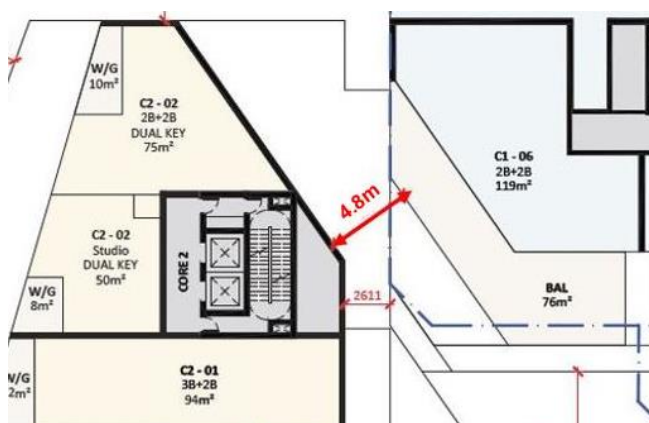


Figure 40 Internal separation at Level 13

Source: KTA / Ethos Urban

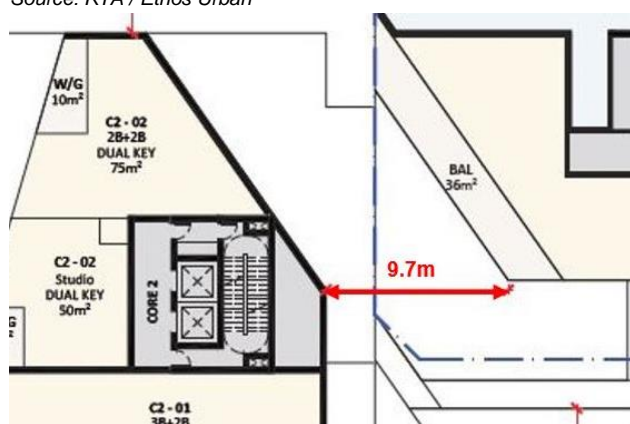


Figure 41 Internal building separation at Level 14

Source: KTA / Ethos Urban

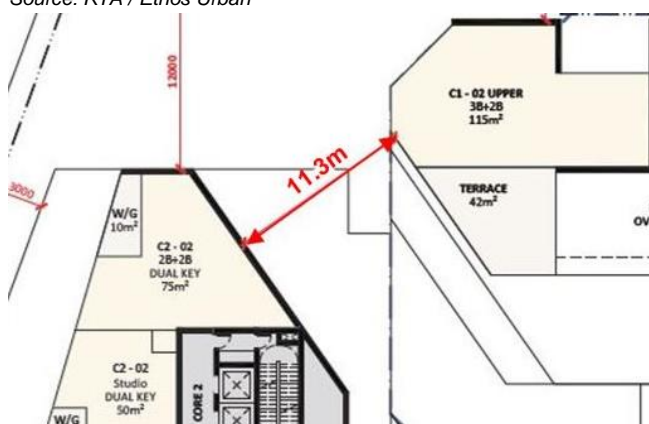


Figure 42 Internal building separation at Level 16

Source: KTA / Ethos Urban

A minimum separation of 2.6m is provided from Level 9 to Level 13 (refer to **Figure 39**). In these locations, balconies are located adjacent to blank walls. The proposed separation is considered appropriate given that the balconies are oriented towards a blank wall which will not provide an opportunity for privacy impacts. The balconies are angular in configuration which consequently increases the separation distance to 5.4m (refer to **Figure 39**). Due to the siting of the towers and the configuration of the balconies, they are largely offset from the adjacent tower element.

At Level 13 and Level 14 the building separation increase to 4.8m and 9.7m, respectively (refer to **Figures 40 – 41**). At level 16, the separation increases to 11.3m (refer to **Figure 42**). As illustrated in **Figures 40 - 41**, the balconies wrap around the tower.

Notwithstanding the numerical non-compliances, each balcony interfaces with a blank wall and therefore privacy impacts will not arise. At Levels 13 and 16, it is noted that the most useable portion of the balcony shown in **Figure 40** is oriented towards the south and east to benefit from the view corridors to the east. In this respect the amenity and the functionality of each will not be compromised.

Camden House

Due consideration has been given to maintaining the amenity of the heritage listed building to the south known as Camden House and the surrounding public domain within its curtilage. The proposed setbacks along with the envelope siting and configuration are generally in accordance with the existing building.

As illustrated in **Figure 43**, the podium element provides a setback of 19.3m which exceeds that of the existing building. Above the podium, the setback increases to 23.1m which is consistent with the existing building envelope. At the upper levels of the development, the envelope steps away from Camden House and provides a maximum setback of 36.6m. In providing a greater setback, the proposal facilitates improved solar access at this sensitive interface and achieve a greater curtilage around the site that continues to allow for the appreciation of its heritage significance. Improvements to the public realm will also assist with improving the relationship between the site and Camden House.

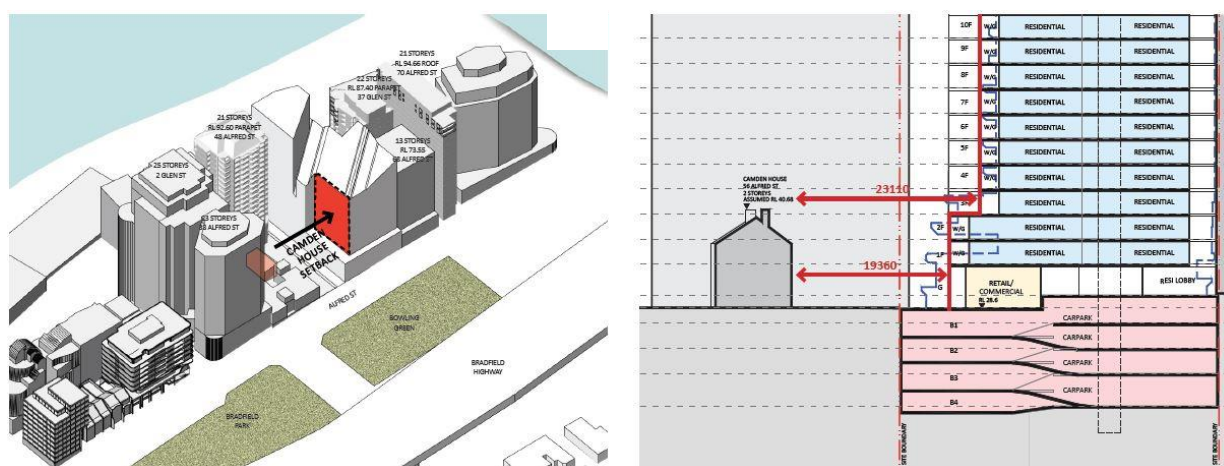


Figure 43 Proposed interface with Camden House

Source: KTA

9.4 Heritage

A Heritage Assessment Report has been prepared by Weir Phillips Heritage and is included at **Appendix E**. The Statement has been prepared in accordance with the NSW Heritage Division publication Statements of Heritage Impact (2002 update), the North Sydney DCP 2013 and LEP 2013 and provides a merit based assessment of the proposal's impact on the surrounding heritage items.

The relevant character statement contained within the North Sydney DPC 2013 indicates that heritage items shall be protected and retained where practical. Whilst the site is not a heritage item, it is located within the vicinity of local and state listed heritage items (refer to **Section 2.4**). The items in the vicinity of the site include:

- The Sydney Harbour Bridge to the east (SHR No. 00781)
- Luna Park to the south (SHR No. 01811)
- Milsons Point Railway Station to the east (SHR No. 01194)
- Camden House to the immediate south (I0527)
- Bradfield Park to the east (I0538)

- Alfred Street (entrance to Luna Park, Alfred Street South (I0529)
- Commercial building at 2 – 2a Glen Street, Milsons Point to the west (I0531)

The Heritage Statement has provided an assessment of the impacts resulting from the proposal to each of the items. A summary is detailed below.

- *Camden House* – The heritage item is currently overshadowed and visually obscured by the surrounding built form. Weir Phillips Heritage conclude that the proposal will have no adverse impact on the item. The proposal has incorporated a larger setback to the podium at the southern elevation, allowing for a greater curtilage around the item which enhances its setting. The building separation is also not proposed to decrease from what the existing building provides. Furthermore, the height of the podium aligns with that of Camden House and consequently provides an appropriate transition in height. The Indicative Concept Scheme has the potential to be constructed of sandstone which will complement the materiality of Camden House and provide for an improved relationship at this sensitive interface.
- *Sydney Harbour Bridge approach viaducts, arches and bays* - The proposal is similar in bulk and scale to the existing building contained within the site and will therefore have only a minor impact on the setting in which the Sydney Harbour Bridge is interpreted.
- *Luna Park* - The proposal will be partially visible from Luna Park when viewed from the south. Notwithstanding, the proposed bulk and scale will have no impact on the heritage significance of the site in that it will not impact significant view corridors or the ability to interpret the societal and historical significance of the site.
- *Milsons Point Railway Station* - The proposal will not overshadow Milsons Point Railway Station and accordingly will have no impact on the heritage significance of the site.
- *Commercial Building at 2 – 2a Glen Street* - The additional height will have minimal impact on the heritage listed commercial building. The heritage building is sited within a built up residential area. The proposed podium will provide an appropriate transition in scale and height to heritage item and will achieve a human scale that will prevent the tower's bulk from detracting from the commercial building.

Overall, Weir Phillips Heritage conclude that the Indicative Concept Scheme will not compromise the historic, social and aesthetic significance of the various heritage items located in the vicinity of the site.

9.5 Overshadowing

An overshadowing analysis of the Indicative Concept Scheme has been prepared by KTA and is included at **Appendix A**. The study has examined the overshadowing resulting from the proposed building in the context of the shadow produced by the existing building and the surrounding developments.

The overshadowing analysis indicates that the surrounding buildings and public domain area are already overshadowed by the existing high density built form within Milsons Point. The analysis indicates that the Indicative Concept Scheme will provide additional overshadowing to the west of the site. Specifically, the proposal will overshadow the developments located at 2 – 2A Glen Street, Luna Park and the harbour. Notwithstanding, the affected areas already experience a large degree of overshadowing from the existing building envelope (refer to **Figure 37**). Of the affected areas, Sydney Harbour is anticipated to experience the most substantial amount of overshadowing at 9am. Whilst some overshadowing will impact the residential and commercial developments along Glen Street, the impacts are present for a limited duration between 9am and 12pm. During this timeframe the additional overshadowing provided to 2A Glen Street is limited to occurring between the hours of 10am – 11am and is considered to be minor in nature.

During the afternoon period, the envelope will provide additional overshadowing to Camden House between 1:30pm and 3pm. However, it is noted that Camden House is already significantly overshadowed by the surrounding built form with heritage building already experiencing some degree of overshadowing during the aforementioned timeframe. The additional overshadowing resulting from the proposal will increase the extent of the shadow cast across the building; however, this increase is considered reasonable given it occurs for a limited duration in the late afternoon. As the siting of the proposed envelope at the site's southern aspect is generally in keeping with the existing building's footprint, the amount of additional shadow is also considered to be minor. Given the above, the proposal will have no adverse impact on the heritage item nor will it significantly reduce the amenity of occupants.

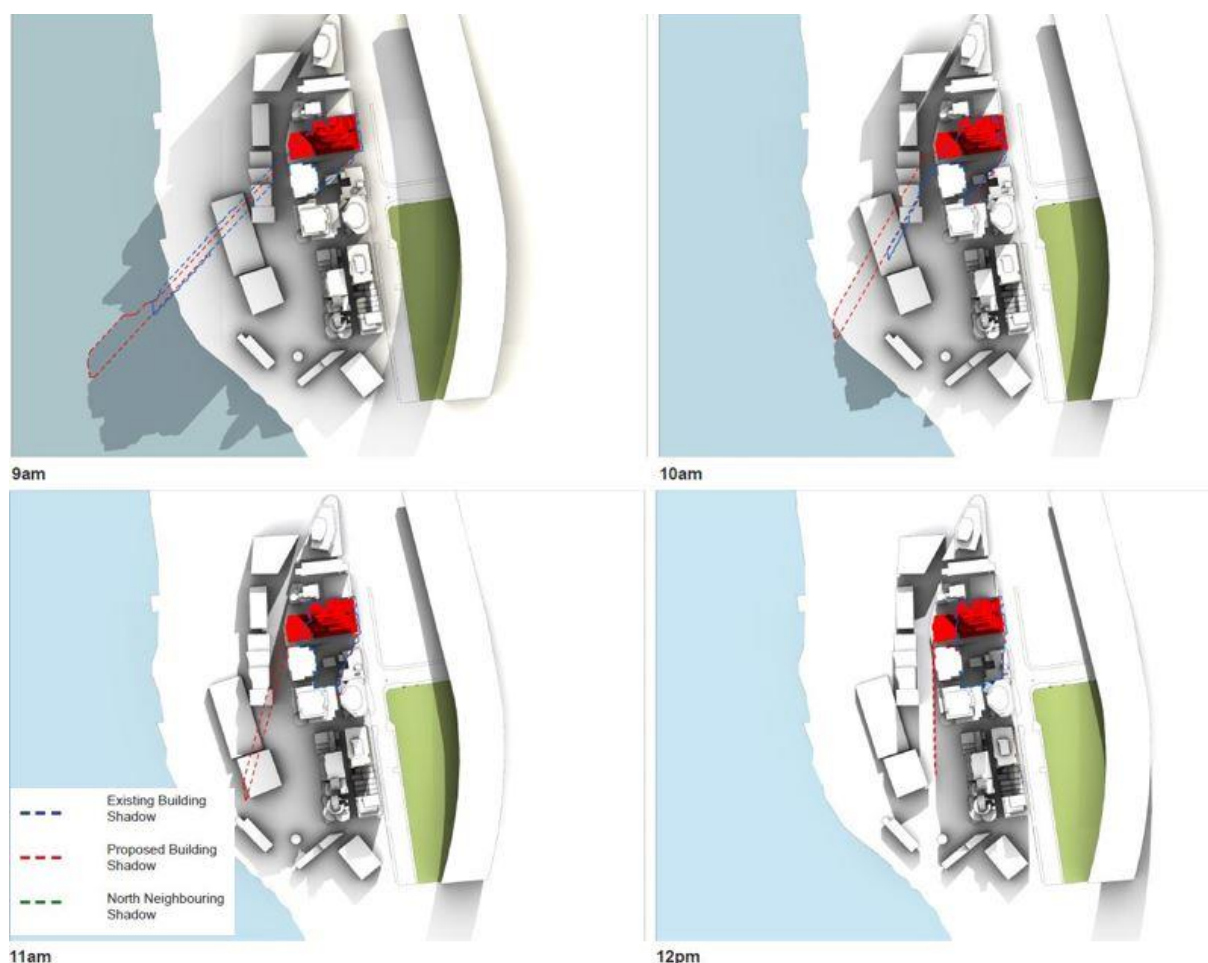


Figure 44 Existing and proposed overshadowing to the west of the proposal

Source: KTA

Overshadowing to Bradfield Park

The North Sydney DCP indicates that there is to be no additional overshadowing to Bradfield Park between 1pm and 3pm. Specifically, guideline P16 states the following:

There is no increase in overshadowing of Bradfield Park, Luna Park, and North Sydney Pool between 12 noon and 3pm.

Compared to the existing scenario, the Indicative Concept Scheme will reduce the overshadowing to Bradfield Park during the winter solstice in the afternoon period. The reduction in overshadowing is attributed to the strategic distribution of mass across the site which has sought to minimise shadow impacts to the greatest extent possible. As shown at **Appendix A**, the massing is considerably reduced at the site's eastern portion where the envelope steps down from 25 storeys to 17 storeys, and then terraces down to 14 storeys at the street frontage of Alfred Street South.

The building's mass adjacent to Bradfield Park is characterised by a chamfered setback that descends from the site's north west to the south east (refer to **Figure 45**). Combined these design measures minimise shadow impacts to Bradfield Park and the adjacent public domain to the greatest extent possible.

It is noted that the massing and resultant shadow impacts are indicative and the design of the envelope is capable of further refinement at detailed design phase.

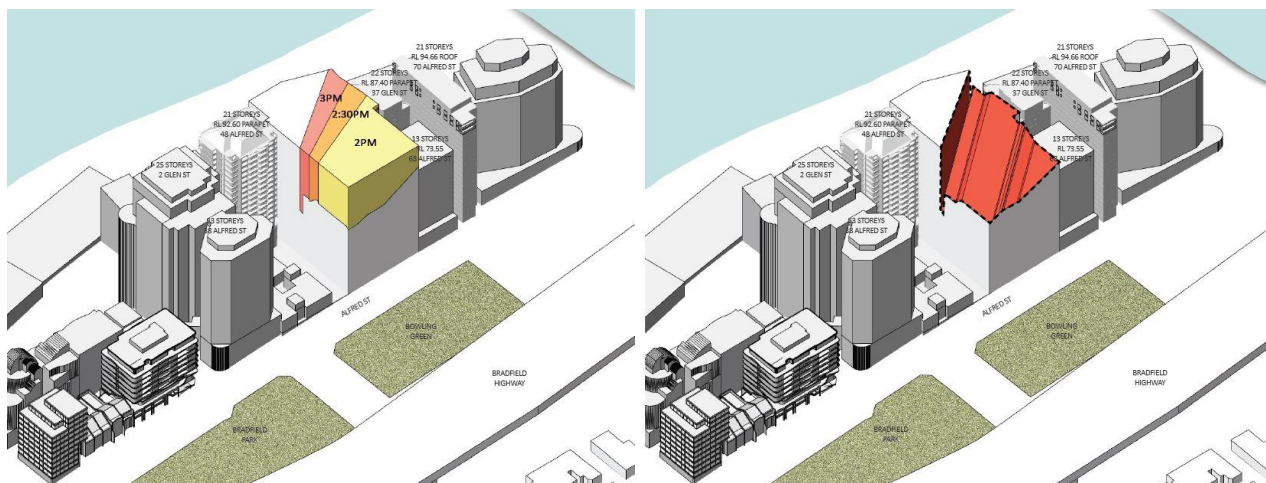
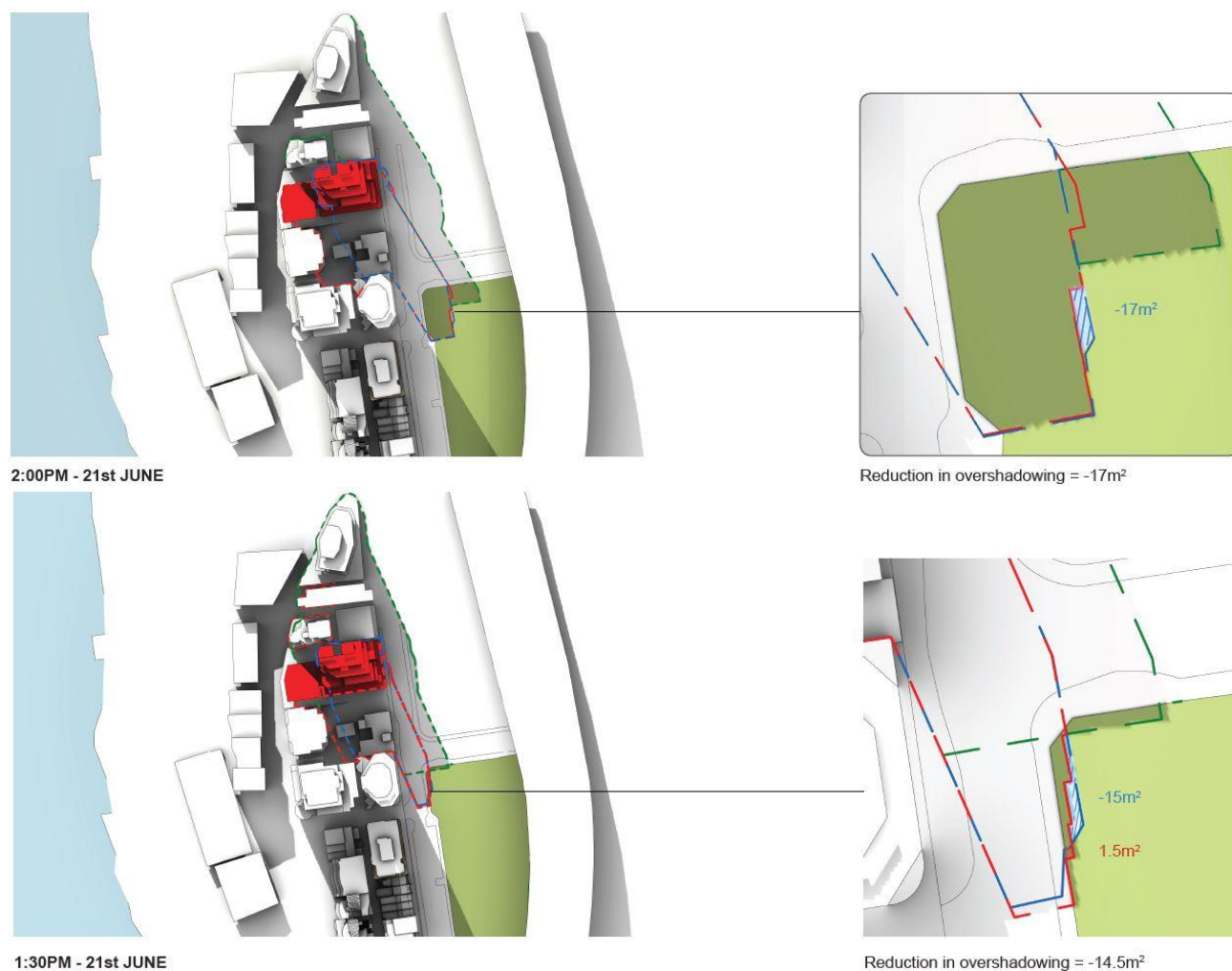


Figure 45 Chamfered massing to maximise solar access to Bradfield Park

Source: KTA

As shown at **Appendix A**, the Indicative Concept Scheme will provide no additional overshadowing to Bradfield Park during the Winter Solstice. More importantly, between 2:30pm and 3pm the proposed massing will actually reduce overshadowing to Bradfield Park. As shown in **Figure 46**, the overall reduction in overshadowing amounts to 56.5m². The scheme therefore provides for an improved outcome relative to the existing building envelope.



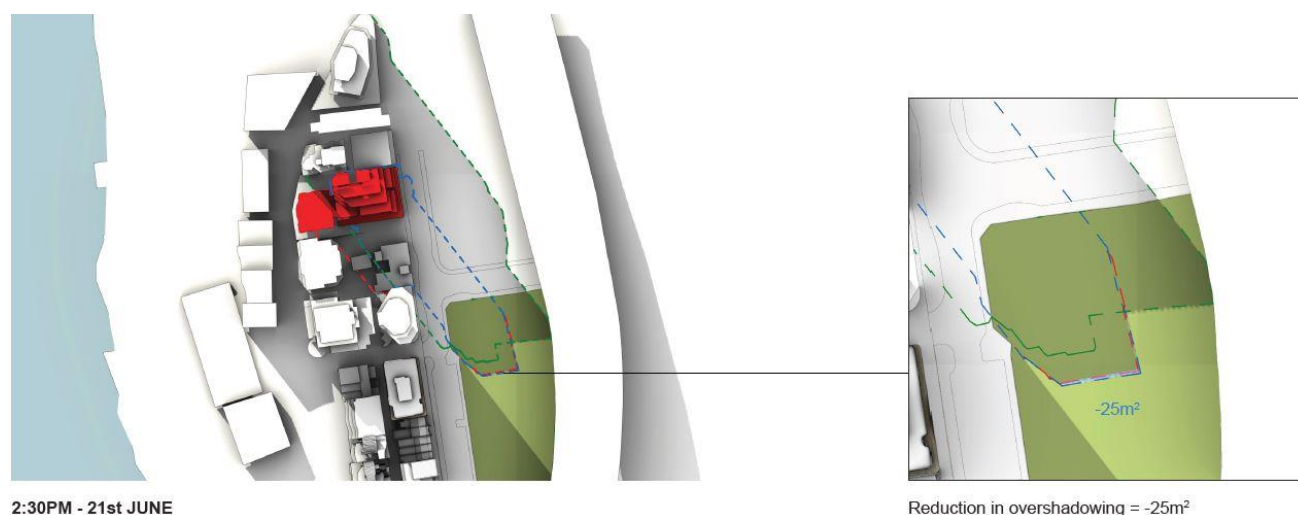


Figure 46 Proposed reduction of overshadowing to Bradfield Park between 2pm and 2:30pm

Source: KTA

Upon review of the shadow analysis as detailed above, it is evident that with regard to the nearby sensitive land uses such as Camden House and Bradfield Park, the overshadowing impacts are negligible to minor, and only occur for limited periods during the day. In this respect the impacts are considered to be acceptable.

9.6 Solar Impacts

KTA have prepared a solar impact assessment to determine the proposal's compliance with the ADG solar access requirements (refer to **Appendix D**).

Solar Access

The results confirm that 70% of units receive 2 or more hours sunlight to primary windows (glazing) and private open space between 9am and 3pm on the 21 June (121 units of 173). In this regard the proposal is consistent with the relevant design criterion nominated under Objective 4A – 1 of the ADG that requires:

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.

In addition, 30.6% of units (52 units) receive no direct sunlight between 9am to 3pm during mid winter. Notwithstanding, the ADG acknowledges the difficulty in achieving strict numerical compliance with the design criteria in the instance of some sites. Specifically, it states:

Achieving the design criteria may not be possible on some sites. This includes:

- *Where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source.*
- *On south facing sloping sites.*
- *Where significant view are orientated away from the desired aspect for direct sunlight.*

It is considered that site constraints and orientation preclude the scheme from meeting the design criteria. The site is considered to be significantly constrained due to its location within a densely built up residential area and siting on a south facing slope. As high-rise developments elevated above the site are sited to the north and overshadow the full length of the subject site's northern façade, the site's access to sunlight is significantly reduced. Furthermore, the orientation of apartments to the south, east and west of the site has the potential to deliver an improved design outcome for the reasons addressed below.

In the context of these constraints and opportunities, the Indicative Concept Scheme is consistent with the underlying objective of the Design Criteria which seeks to:

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

In accordance with the objective, the design has sought to orientate apartments away from the north to alternative aspects that receive improved access to sunlight. Incidentally, apartments are afforded improved access to panoramic iconic views of landmarks such as Harbour Bridge, Luna Park and the Opera House. The single aspect southern facing apartments are provided with generous balconies, maximising the ability for views to be captured and providing for a higher standard of residential amenity that what would be achieved if apartments were orientated to the north.

9.7 Natural Ventilation

KTA have examined the proportion of apartments that are naturally cross ventilated. The assessment confirms that 54 units out of a total of 96 in the lower 9 storeys are simply cross ventilated. In addition, a total of 8 units are deemed ventilated by virtue of their positioning above Glen Street. These units are located within the first nine levels when counted from the Alfred Street facade. Therefore, in accordance with the ADG, 64.6% of apartments (62 of the 96 units) are cross ventilated within the first nine storeys of the building.

In determining the proportion of apartments that are cross ventilated, it was acknowledged that there is a significant difference in level between the street facades fronting Alfred and Glen Streets, and whilst these units are contained within the first nine storeys, they are deemed to be cross ventilated due to their height above Glen Street which affords them greater exposure to cross ventilation.

9.8 Solar Impacts

KTA have provided an assessment of the solar impacts associated with the scheme to assist in evaluating the proposal's compliance with Objective 3B – 2 and the design guidance which nominates:

Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.

The assessment has addressed the solar impact to the following residential towers, including:

- the Port Jackson Tower at 38 Alfred Street;
- the Pinnacle at 2 Dind Street; and
- 48 – 50 Alfred Street.

38 Alfred Street, Milsons Point

The Port Jackson Tower at 38 Alfred Street is located to the direct south of the site. The assessment concludes that the apartments retain full solar access for the minimum required 2 hours and accordingly there are no additional impacts relative to the existing building.

2 Dind Street

The development at 2 Dind Street is located to the direct south. These apartments receive limited solar access due to the existing building located on the subject site. With the proposed envelope, the quantity of apartments anticipated to receive a compliant amount of solar access is expected to reduce by 3.2%.

48 - 50 Alfred Street

The development at 48 – 50 Alfred Street is located to the south-west. KTA confirm that the solar impact to this property will remain generally consistent with the findings of the Amenity and Overshadowing Analysis prepared by Steve King included at Appendix D of the previous planning proposal (PP/7/17) (included under separate cover). The Amenity and Overshadowing Analysis concluded that the Indicative Concept Scheme would reduce the percentage of apartments receiving a compliant amount of solar access by 11%.

The assessment concludes that the proposal provides a relatively small amount of overshadowing notwithstanding its location within a dense urban context. The Indicative Concept Scheme is considered acceptable for the following reasons:

- At the upper levels of each tower the setbacks considerably increase so as to reduce the amount of overshadowing to surrounding properties. In particular:
 - a generous setback above the podium fronting Glen Street reaching 7.7m is proposed and exceeds the minimum 3m requirement nominated by the Lavender Bay Planning Area Character Statement.
 - The eastern tower element fronting Alfred Street South is chamfered at the upper levels, and provides a maximum setback of 29m when measured from the rooftop to the property boundary. At the podium level, the massing to the southern boundary is generally setback behind the existing envelope.
- the proposed envelope does not protrude beyond the established building alignment that prevails along both Alfred Street and Glen Street.

In addition to the above, the apartments anticipated to receive reduced access to solar are predominantly located in the lower portion of the apartment building from Levels 3 to 11. Given their location, it is likely that even a development with a smaller bulk would provide a similar impact to the solar access enjoyed by these apartments.

9.9 Visual Impact and View Loss Assessment

The relevant character statement indicates future development in the Milsons Point Town Centre is to preserve views and vistas from most properties to Sydney Harbour and beyond, and views of Lavender Bay.

A Visual Impact and View Loss Assessment has been prepared by Clouston Associates and is included at **Appendix F**. A summary of the assessment is provided below. The assessment confirms that the proposed height will not have a significant or adverse impact on the view corridors obtained from neighbouring properties or the visual quality of significant vantage points within the surrounds.

Scope and Methodology

The Assessment has been prepared in accordance with the below planning instruments and guidelines:

- North Sydney Development Control Plan 2013;
- The North Sydney LEP;
- The Planning Principles for public domain views set out in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and Anor [2013] NSWLEC 1046*; and
- The Planning Principles for private views set out in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*.

To support the visual analysis and provide for a rigorous assessment, Clouston and Associates have also relied on a range of best practice visual impact assessment methodologies, including:

- Guidelines for Landscape Character and Visual Impact Assessment, WIA-N04 published by the Roads and Maritime Service (RMS);
- Appendix D of the Sydney Harbour Foreshore Waterways Area Development Control Plan (SHFWA DCP), as published by the Department of Planning and development for marina assessment;
- Guidelines for Landscape and Visual Impact Assessment, 3rd edition, as published by the Landscape Institute UK and IEMA; and
- Visual Assessment of Windfarms: Best Practice as published by Scottish Natural Heritage.

9.9.1 Visual Impact Assessment

The visual impact assessment prepared by Clouston Associates has been undertaken to assess the potential impacts of the proposed development on significant views obtained from the surrounding public domain that have the potential to be impacted by the Indicative Concept Scheme.

Key Public Vantage Points

Clouston Associates have identified a number of key vantage points which have been selected to assess the potential visual impact of the development. The vantage points were selected due to their proximity to the site and their potential to experience the greatest change as a result of the proposal. The key vantage points include:

- Viewpoint 1 – Kirribilli Markets near Burton Street looking south
- Viewpoint 2 – Looking west from Bradfield Bowling Green
- Viewpoint 3 – Corner of Alfred and Fitzroy Street looking north
- Viewpoint 4 – Southern end of Glen Street looking north
- Viewpoint 5 – Northern end of Glen Street looking south

Clouston's acknowledge that views are also available from many other locations including from the Harbour Bridge and the raised rail line. The selected views represent the most readily accessible view points to the public. They are also the views most likely to change as a result of the proposal. In addition to the views shown in **Figure 40**, the impact of the proposal from the vantage points obtained from Sydney Harbour Bridge approach and Lavender Bay have also been assessed.



Figure 47 Key viewpoint locations

Source: Clouston Associates

Visual Impact Rating and Methodology

The overall impact of the Indicative Concept Scheme has been assessed with reference to a range of factors which include:

- The sensitivity of the receptor;
- The distance to the proposal;
- Quantum of the view;
- Period of view; and
- Scale of change.

These factors have been scored in accordance with the matrix score table detailed in **Table 17**. The scores with respect to each factor have been used to determine an overall impact rating. In accordance with the Land and Environment Court (*Rose Bay Marina Pty Limited v Woollahra Municipal Council and Anor 2013*), the visual impacts on each viewpoint have accounted for both standing and siting positions.

Table 17 Matrix score table

Score	Extent of visual impact
Low	Minor adverse visual impact
Moderate / Low	Slightly adverse visual impact
Moderate	Moderately adverse visual impact
Moderate / High	Moderately to highly adverse visual impact

Table 18 below documents each of these views including a brief description of the view and whether the proposed Indicative Concept Scheme is likely to impact on the scheme.

Table 18 Summary of impacts to key vantage points

Location	Distance (Approx.)	Receptors	Existing view	Expected visual impact Potential Impact	Visual Impact Rating
View Point 1 - Kirribilli Markets near Burton St	60m	Users of public open space, market patrons, commuters, and residents	This view is taken from the site of the Kirribilli Markets near Burton and Alfred streets. Diagonal to the investigation site the view foreground consists of the gravel square as well as hedge and tree plantings. Multiple other office and residential buildings are positioned adjacent to the site as well as in the background.	Minimal visual impact expected as the proposed building is similar in height of the existing building, and the podium height and setback are consistent with the surrounding buildings. The façade articulation will also reduce the bulk somewhat. Clouston Associates conclude that given the magnitude of the surrounding towers, the proposal will not visually dominate the landscape.	Low
View Point 2 – Bradfield Park Bowling Green	40m	Users of public open space, lawn bowls, participants, and residents	The view is taken from directly opposite the investigation site on the Bradfield Park Bowling Green. Alfred Street and associated parking spaces can be seen in the foreground along with sparse street trees. Other office and residential buildings of similar scale or larger can be seen adjacent to the site as well as in the background.	The proposal will have a visible height of RL 74.25 which is in alignment with the neighbouring property at 68 Alfred Street which has a height of RL 73.60. The height combined with the setbacks will not be at odds with the existing visual environment and as such minimal impact is expected from this location.	Low
View Point 3 – Corner of Alfred	75m	Users of public open space, residents,	This view is taken from the corner of Bradfield Park near Alfred and	The proposed podium height (which accords with adjoining	Low

and Fitzroy Street		shoppers and commuters	Fitzroy Street looking north. The Alfred Street roundabout, street trees and retail shops can be seen in the foreground with the existing building positioned behind.	podiums) will help to ensure that the appearance of Alfred Street South remains relatively unchanged. Further, the stepping of the upper levels will ensure the envelope presents as having a height similar to the adjoining developments.	
View Point 4 – Southern End of Glen Street Looking North	20m	Users of public open space, residents, commuters and office workers	This view is taken from the Southern end of Glen Street looking north. The foreground and background of this view is dominated by the adjoining mixed use building. Street tree plantings along Glen Street can also be glimpsed in the background.	When viewed from the rear looking north, the podium fronting Glen Street is similar to the bulk of the existing podium. In addition, the height of the tower is consistent with that of both the northern and southern towers. Accordingly, whilst the change will be noticeable it will not be a dramatic visual change.	Moderate / low
View Point 5 – Northern end of Glen Street	70m	Residents, commuters and office workers	This view is taken from the northern end of Glen Street looking south. Street trees and planting associated with nearby buildings are positioned in the foreground. Only the lower back portion of the existing building can be seen from this viewpoint. A fraction of the Sydney Harbour Bridge can be viewed in the background.	The maximum height of the building will be visible from this location. Notwithstanding, the tower element is setback from the podium, and further setback at the upper levels. As such, from this location it is anticipated that the proposal will have only a minor visual prominence.	Low

Based on the above assessment, Clouston Associate's conclude that mitigation measures to reduce the visual impact of the proposal upon completion would not be required.

Sydney Harbour Bridge Approach

In addition to the above and in response to feedback provided by Council during the assessment of the previous Planning Proposal for the site (PP-7/17), the visual impact of the proposal when viewed from the Sydney Harbour Bridge approach and Lavender Bay have been considered by Ethos Urban. The impacts are discussed below.

The location of the view from the Harbour Bridge approach is shown below from **Figures 48** to **Figure 49**. At present, the existing building contained within the southern setback provides a narrow view corridor through to Lavender Bay when looking west. As shown in **Figure 49**, the view consists of open sky and partial views of the residential uses located on the western side of Lavender Bay. The view from this vantage point is narrow and does not afford sightlines of any iconic landmarks.

The photograph shown in **Figure 49** is taken at the eye level of cyclists that ride past this point. The visual receptors are limited to viewers who utilise the bicycle access way along the Harbour Bridge which is not accessible to pedestrians. Cyclists are also not permitted to stop along this access way and thus the vantage point can only be viewed when individuals are in motion. In light of this, it is considered to be a non-significant view corridor.



Figure 48 Location of the Harbour Bridge vantage point

Source: Ethos Urban



Figure 49 Location of the Harbour Bridge vantage point

Source: Ethos Urban

As shown at **Appendix A**, the Indicative Concept Scheme proposes to redevelop the western portion of the site. At this location, a 6m setback to the southern boundary is proposed and consequently the envelope encroaches beyond the existing building line. In light of this, compared to the existing scenario, it is expected that the Indicative Concept Scheme will have a minor to moderate visual impact on this vantage point. Notwithstanding, the encroachment on this vantage point will be minor and a view corridor will largely be preserved. Furthermore, given the views obtained from this location generally consist of open sky and do not include any iconic landmarks or structures, it is considered to be a non-significant view. Accordingly, the minor view loss is considered to be acceptable.

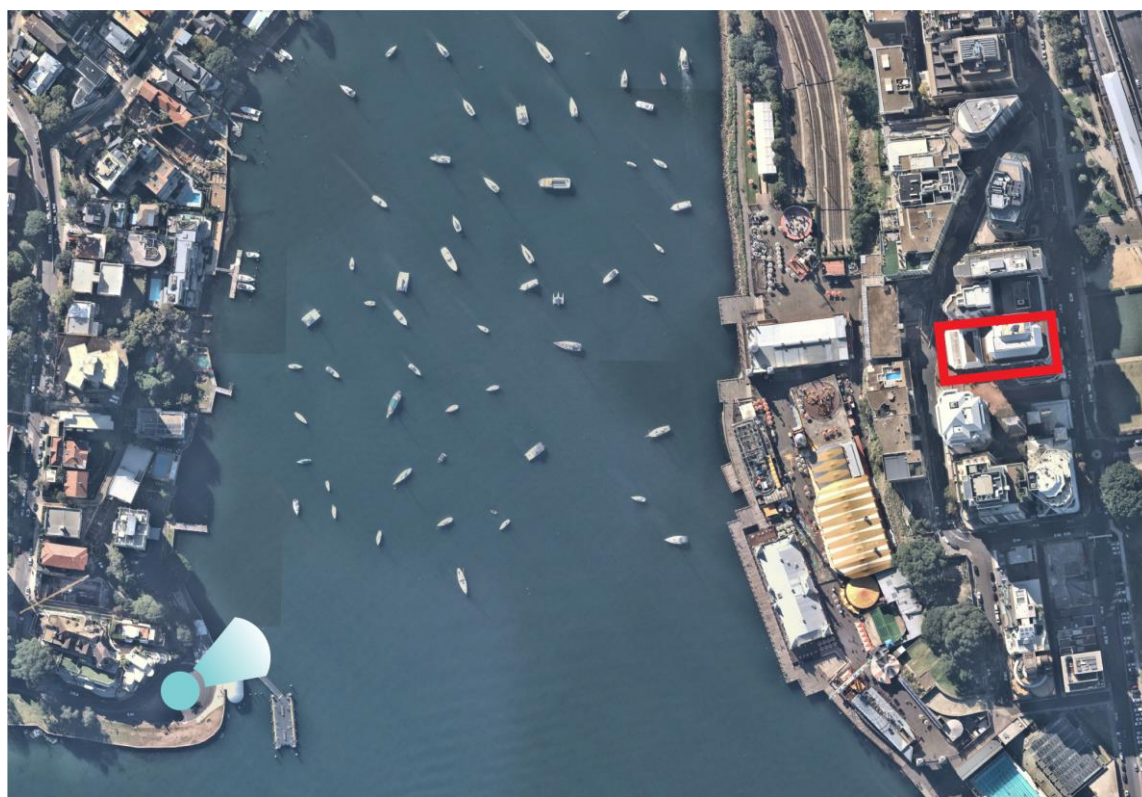
Lavender Bay Looking East

The location of the view obtained from Lavender Bay is shown below in **Figure 50**. The vantage point was selected as it relates to a public reserve that affords expansive views of the site.

The siting and massing of the envelope will facilitate the delivery of a building that integrates with the built form along Glen Street and will not appear out of context when viewed from Lavender Bay. As shown at **Appendix A**, the siting of the podium and tower element is located in accordance with the established building alignment along Glen Street. In particular, the tower element adopts an average 9m setback and an angular configuration. Consequently, the envelope is sited well behind the northern development at 37 Glen Street and is located in alignment with the building to the south at 48 – 50 Alfred Street.

The proposed height of the envelope complements the bulk of the adjoining buildings. As illustrated at **Appendix A**, the height of the envelope corresponds with that of 48 Alfred Street which reaches 21 storeys in height and 70 Alfred Street which rises to 21 storeys.

In light of the above, it is considered the height and siting of the development will ensure the proposed scheme will not dominate the vantage point.



The Site ● Viewpoint

Figure 50 Location of the Lavender Bay view point

Source: Ethos Urban

9.9.2 Private View Impact Assessment

Clouston Associates have prepared a visual analysis in relation to the view impacts to 37 Glen Street. An assessment of the view impacts to 70 Alfred Street has also been prepared by Ethos Urban.

The view loss assessment demonstrates that the proposal is acceptable on a balance of considerations relevant to the proposal. In particular, the site is located within a dense urban environment and accordingly some view loss can reasonably be expected. In light of this, it is not inconsistent with the bulk of surrounding developments, particularly those to the immediate north and south which are commensurate in height. Whilst the scheme does give rise to some view loss, the impact is considered reasonable given that the design of the envelope reduces the extent of the impact. This is consistent with the NSDCP 2013 which prescribes the following relevant preamble pertaining to view loss and sharing for developments in mixed use zones.

New development has the potential to adversely affect existing views. Accordingly, there is a need to strike a balance between facilitating new development whilst preserving, as far as practicable, access to views from surrounding properties.

In accordance with the NSDCP 2013, the Indicative Concept Scheme effectively mitigates potential view impacts by providing a scale and massing that has been configured to:

- Concentrate the bulk of the proposal in the western portion of the site and to reduce the intensity of the development in the eastern portion where the proposal is likely to impact the view corridors from 70 Alfred Street.
- Provide an envelope at the Alfred Street South frontage that is chamfered to facilitate view sharing.
- Locate the massing behind the prevailing building lines established along Alfred Street South and Glen Street to prevent any protrusion forward that may give rise to significant view loss impacts. It is noted that at the Glen Street frontage where the massing is the greatest, an increased setback of 7.7m is provided at the upper levels where the envelope aligns with 37 Glen Street (refer to **Figures 51 - 52**).

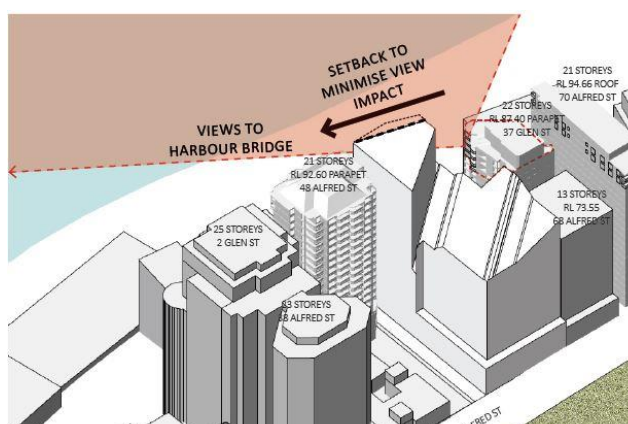


Figure 51 Building envelope and view corridors viewed from Alfred Street

Source: Clouston Associates

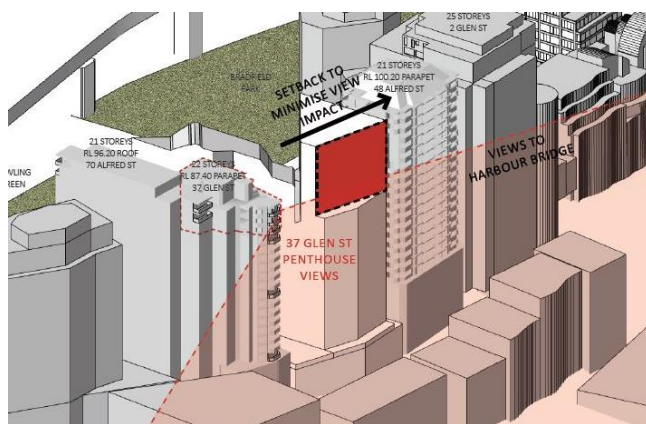


Figure 52 Upper level setbacks to the tower element fronting Glen Street

Source: Clouston Associates

View Loss Impact Rating and Methodology

The assessment prepared by Clouston Associates has been carried out in accordance with the four steps set out in the planning Principles established by *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*. These principles include:

- Principle 1 - Assessment of views to be affected;
- Principle 2 – Consideration from what part of the property the views are obtained;
- Principle 3 – Assessment of the extent of the impact; and
- Principle 4 – Assessment of the reasonableness of the proposal.

In assessing the views to be affected, Clouston's has determined the nature of the view, its extent and completeness, and categorised the existing views in accordance with the rating system detailed in **Table 19**.

Table 19 View Ratings

Score	Value of view
Low	Low value view
Moderate / Low	Moderate / low value view
Moderate	Moderate value view
Moderate / High	Moderate / high value view
High	High value view

The impacts to each view corridor have been qualitatively assessed using the classifications detailed in **Table 20**.

Table 20 Visual impact ratings

Score	Extent of the Impact
Negligible	Negligible visual view impact
Minor	Minor adverse view impact
Moderate	Moderate adverse view impact
Severe	Severe adverse view impact
Devastating	Devastating adverse visual impact

Assessment of the reasonableness of the proposal

In accordance with the Planning Principles contained in *Tenacity v Warringah Council (2004) NSWLEC 140*, the reasonableness is addressed in terms of:

- compliance with the applicable planning controls, and whether a different or complying design would produce a better result;
- whether the visual impacts identified can be precluded, reduced or offset; and
- the overall view loss.

9.9.3 View Impacts to 37 Glen Street

The following section provides a visual analysis in relation to the view impacts to the residential apartment building at 37 Glen Street, Milsons Point. The development reaches 22 storeys in height and measures 87.40 RL. It includes a five storey podium containing carparking. Sited above the podium is a 17 storey tower containing apartments.

For the purpose of the assessment, select views for Levels 22 and 26 have been evaluated in terms of their view loss. These levels have been selected as they will be most affected by the proposed additional building height. The individual units have been selected as they are afforded substantial views of iconic landmarks such as Sydney Harbour Bridge and Sydney Harbour.

Clouston Associates acknowledge that there are other habitable rooms within these levels that are afforded partial or oblique views. In particular, bedrooms located along the southern side boundary. However, the planning principles of *Tenacity Consulting v Warringah Council (2004)* clearly establish the following:

- that the protection of views across side boundaries is more difficult to protect compared to the views obtained from front and rear boundaries; and
- the impact from living areas is more significant than bedrooms.

Taking into consideration the fact that the bedroom windows are side windows and are located directly on the side boundary, the views available from these windows are less significant to those available from the living rooms. For these reasons the viewpoints obtained from the bedrooms located along the side boundary have been excluded from the assessment.

Assessment of the Views to be Impacted

The views afforded by the development are considered to be of high value given that they are of land-water interfaces, iconic buildings and landmarks. Furthermore, these views are whole views of the water and in many cases include views of the Sydney Harbour Bridge.

Consideration of where views are obtained from within the property

Clouston Associates have considered what part of the units at 37 Glen Street receive access to view corridors. Views from the impacted building are available from the western and south-western elevations of the building. Primary living spaces are oriented towards the western and south western aspects to capitalise on view corridors towards Lavender Bay, Walsh Bay and the Sydney Harbour Bridge. The views that form the subject of the assessment relate to the living areas that are oriented towards the west and south-west at the rear of the building. Living areas were selected given that they are inhabited frequently by occupants and are considered to be more significant relative to other habitable areas such as bedrooms.

Assessment of the Extent of the Impact

Clouston Associates assessment concludes that from the majority of the view corridors, the Indicative Concept Scheme will have acceptable view loss impacts.

View 1 - Level 22

View corridor 1 relates to the primary living spaces located at Level 22 of 37 Glen Street (refer to **Figure 53**). Sightlines are provided to the south west. The view corridors are considered to be high value as they are uninterrupted and provide whole and partial views of Walsh Bay.



Figure 53 View 1 obtained from Level 22 looking to the south west towards Walsh Bay

Source: Clouston Associates



Figure 54 View 1 without building

Source: Clouston Associates

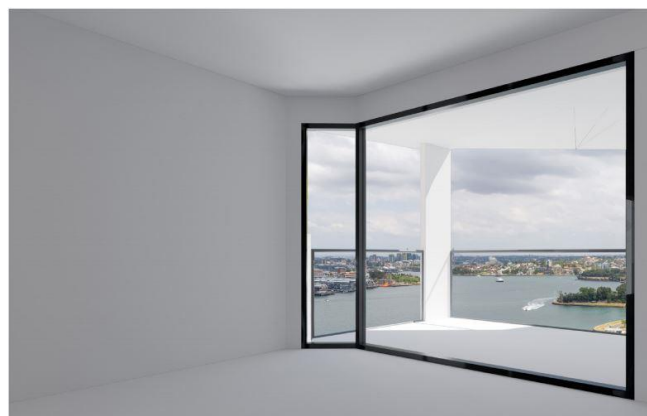


Figure 55 View 1 with the proposed envelope

Source: Clouston Associates

The indicative view impacts resulting from the proposed envelope are shown from **Figures 54 – 55**. The view impacts are considered by Clouston Associates to be negligible on the basis that a very minor portion of the Walsh Bay wharves are obscured by the proposal. Accordingly, the view corridor will remain largely uninterrupted by the proposal.

View 2 - Level 22

View corridor 2 relates to Level 22 and is obtained from the western portion of the primary living space. The view corridor is oriented towards the south west (refer to **Figure 56**). The views obtained from this vantage point are considered by Clouston Associates to be high value given that they consist of whole views of the water and partial views of the iconic Sydney Harbour Bridge.

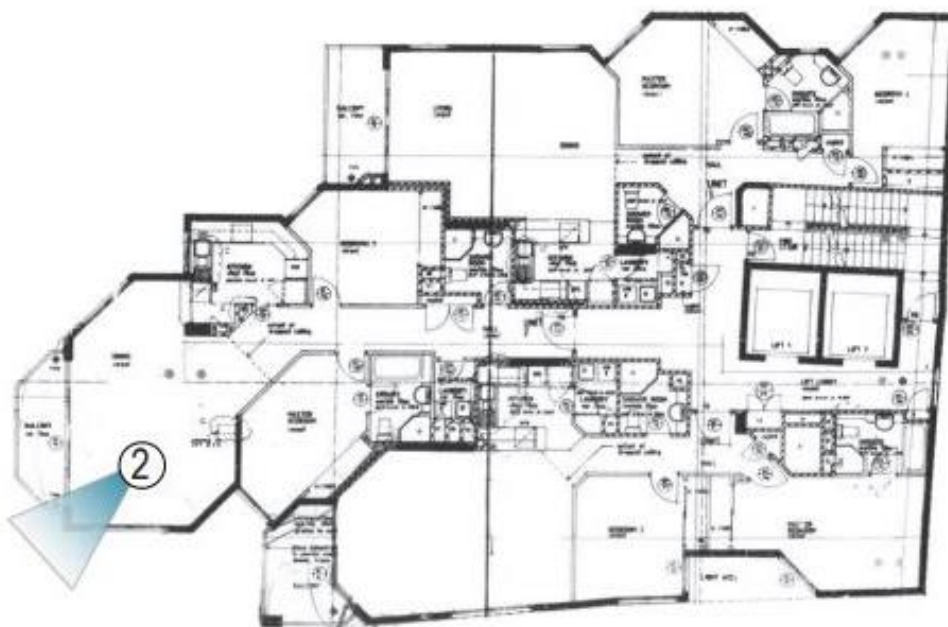


Figure 56 Location of the view corridor obtained from the living space of Level 22

Source: Clouston Associates

The extent of the impact from this viewpoint is considered moderate due to the noticeable partial loss of view of the Sydney Harbour Bridge and the reduction in views of water towards Campbell Cove. The view corridors towards Walsh Bay remain unchanged, as shown from **Figures 57 - 58**.



Figure 57 View 2 without building

Source: Clouston Associates



Figure 58 View 2 with the proposed envelope

Source: Clouston Associates

View 3 - Level 26

At Level 26 the view corridors from eastern portion of the primary living space to the rear consist of whole views of the water and partial views of the Sydney Harbour Bridge (refer to **Figure 59**).



Figure 59 Location of view corridor 3 viewed from the primary living space of Level 26

Source: Clouston Associates

The extent of the impact to this view corridor is considered moderate as the pylon of the harbour bridge will be partially concealed by the proposed envelope. Notwithstanding, the view impacts are limited to the western edge of the view corridor. Consequently, the living space continues to receive uninterrupted access to expansive views of Walsh Bay.



Figure 60 View 3 without building

Source: Clouston Associates



Figure 61 View 3 with the proposed envelope

Source: Clouston Associates

View 4 - Level 26

View 4 is obtained from the western portion of the primary living space at Level 26 (refer to **Figure 62**). From this location the view corridors are considered to be high value given they relate to whole views of the water and partial views of the Sydney Harbour Bridge, as shown in **Figure 63**.

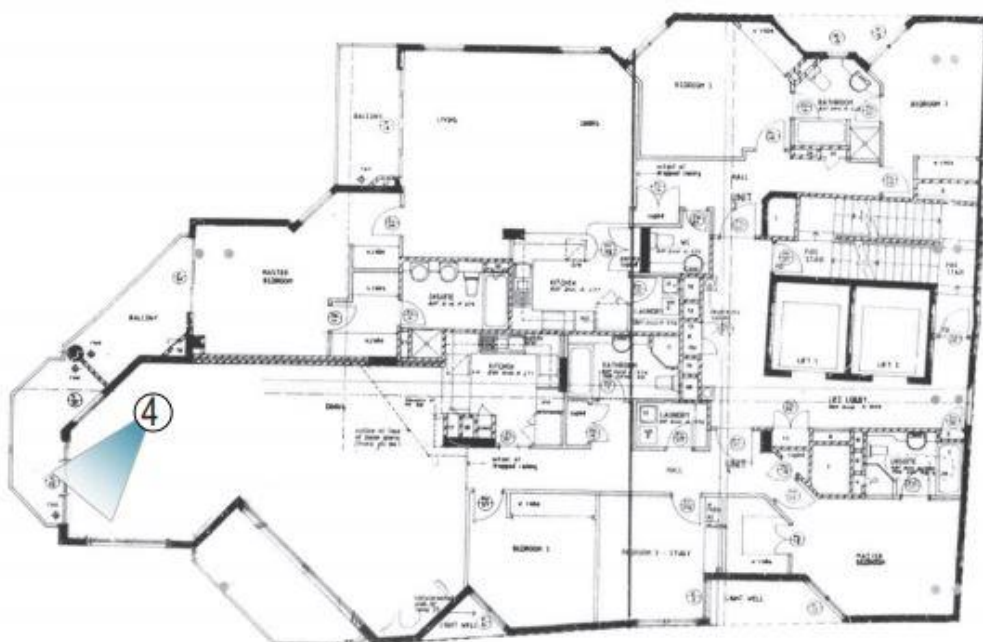


Figure 62 Location of view corridor 4 viewed from the primary living space of Level 26

Source: Clouston Associates

As evidenced by **Figure 64**, the proposed building envelope will have no impact on the view corridor. The view corridor will continue to provide uninterrupted views of the Harbour Bridge and Sydney Harbour.



Figure 63 View 4 without building

Source: Clouston Associates



Figure 64 View 4 with building

Source: Clouston Associates

Assessment of the reasonableness of the proposal

- Two of the four views are considered to experience negligible view loss (no discernible change from the selected viewpoint).
- Two of the views are anticipated to experience a moderate degree of view loss. Notwithstanding, the degree to which the view corridors are obstructed is not considered to be significant given that the envelope only impedes the periphery of the view corridor.
- Whilst the Harbour Bridge will be partially concealed, the view loss impacts to the moderately affected view corridors will be counterbalanced by the multiple points at which iconic views can be obtained from other positions within each living space.

Overall Clouston Associates conclude that in respect to view loss, the reasonableness test can be deemed to be met and no mitigation measures are required.

9.9.4 View Impacts to 70 Alfred Street

The existing residential tower at 70 Alfred Street is located to the north of the site beyond Burton Lane. It reaches 96.2 RL, is 21 storeys in height and provides a 26.4m variation to the 40m height limit.

The view impact assessment has been undertaken for this development. However, it is noted that specific view points have not been identified given that the development is located a considerable distance from the site and largely unaffected by the proposed development.

Assessment of the Views to be Impacted

The existing views are considerably constrained by the existing adjoining built form. However, where views are accessible, they are considered to be of high value given they are likely to feature iconic landmarks such as the Sydney Harbour Bridge and land-water interfaces.

Consideration from what part of the Property the Views are Obtained

The typical internal layout of 70 Alfred Street is illustrated below and demonstrates the locations existing views are obtained from (refer to **Figure 65**). As shown, the southern portion of the floorplate, which is to be most affected by the Indicative Concept Scheme, incorporates a lift core and a limited number of habitable spaces. As shown in **Figure 65**, the habitable spaces include W/C facilities, studies and living spaces. Notwithstanding this, the elevation generally comprises a blank façade (refer to **Figures 65 – 66**). Windows are provided in limited locations and provided secondary view corridors from the living spaces. Given the density of the development to the south, the view corridors obtained from the windows are likely to consist of the surrounding built form as opposed to significant views of the harbour. As shown in **Figure 65**, the primary view corridors for these apartments are obtained from the balconies and living spaces that are oriented to the east and west.

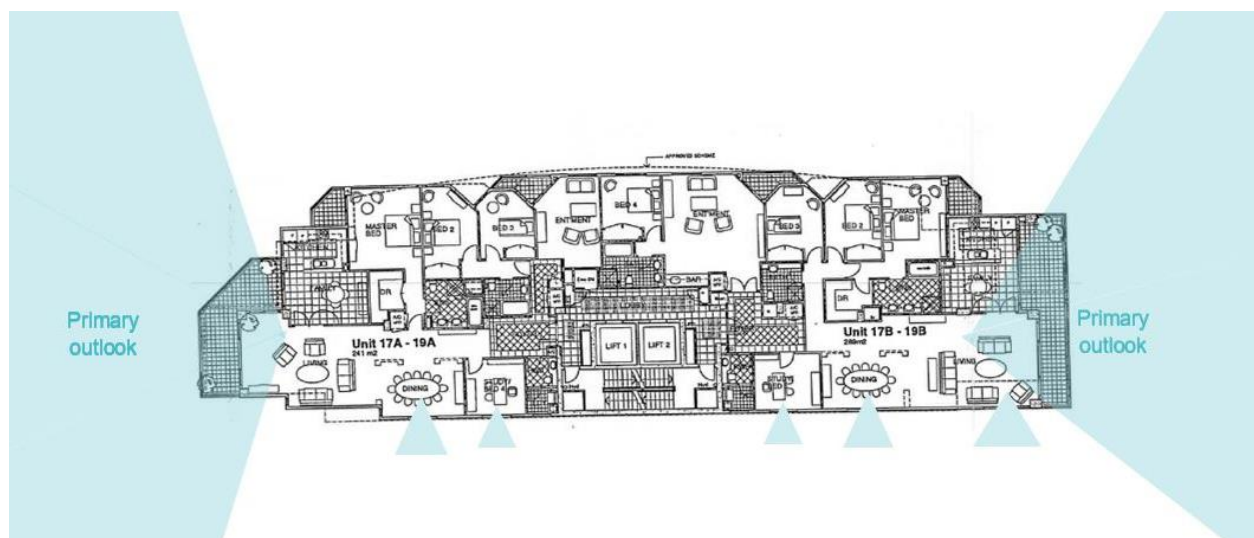


Figure 65 Typical floorplan of 70 Alfred Street

Source: Michael Stanley and Associates

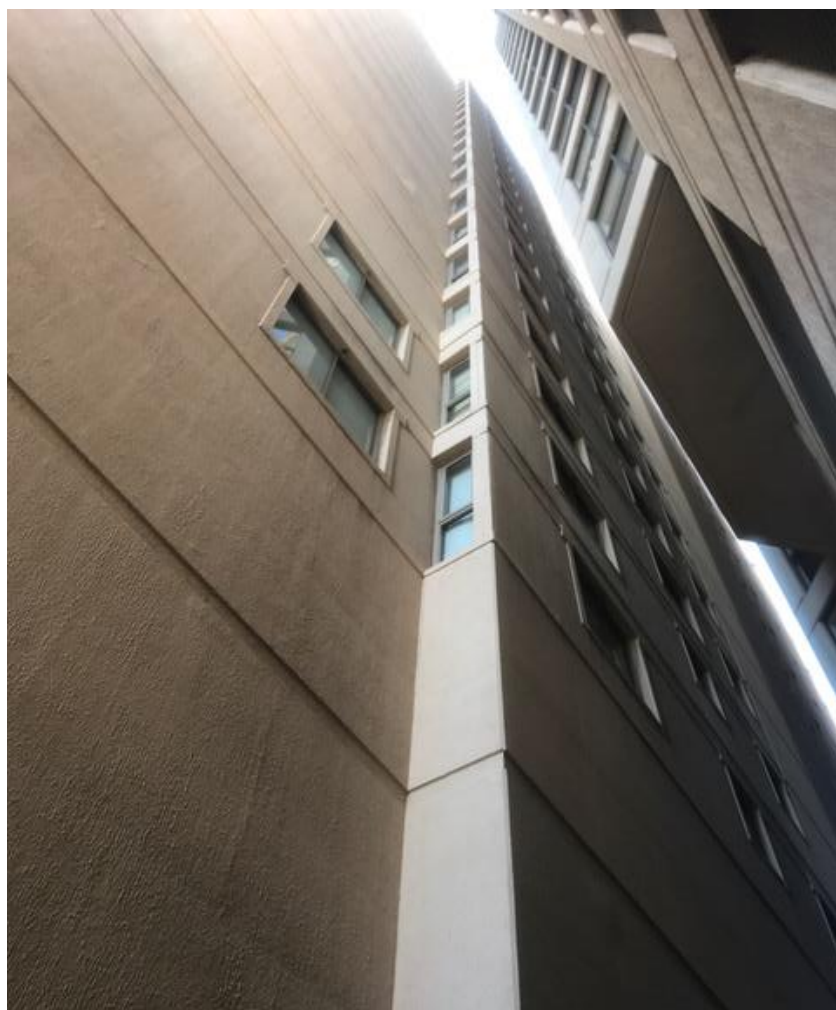


Figure 66 Southern elevation of 70 Alfred Street

Source: Ethos Urban

Assessment of the Impacts

The views obtained from the habitable spaces located along the southern boundary of 70 Alfred Street will remain impeded by the existing buildings at 37 Glen Street and 68 Alfred Street. Both of these developments extend well beyond the 40m height limit, with 37 Glen Street reaching 22 storeys (RL 87.40) and 68 Alfred Street reaching 13 storeys (RL 73.60).

The views from the habitable rooms located at the southern boundary within the western orientated units from Level 1 to Level 15 will continue to consist of the northern elevation of 68 Alfred Street. Similarly, the views from the habitable rooms from Levels 1 – Level 17 of the eastern oriented apartments will consist of the northern elevation of 37 Glen Street. Accordingly, the impacts at these locations will correspond with those existing.

The eastern orientated units located from Level 15 to Level 17 will experience some change in that they will receive views of the proposal's chamfered upper levels. However, these views are already obstructed by the existing development contained within the site and the towers located further southward.

Level 18 to Level 21 are afforded sightlines beyond the adjoining developments towards the subject site. It is expected that the western orientated apartments will receive views of the Indicative Concept Scheme's upper levels where the proposed massing is at its tallest. However, it is noted the views from these levels are already impeded by developments located further southward including 48 Alfred Street and 2 Dind Street.

Overall, it is considered that the view corridors obtained from the habitable rooms located along the southern elevation of the affected property will remain consistent to that existing or will experience a minor change which can reasonably be expected given the density of the development in the wider context.

Assessment of the reasonableness of the proposal

- In consideration of the dense urban context, the existing composition of the view corridors are interrupted by other buildings and therefore of lesser significance. In the context of these developments, the Indicative Concept Scheme will not significantly alter existing view corridors as the scale and mass of the building at the eastern end is consistent with the existing.
- The siting of the Indicative Concept Scheme respects the existing building alignment established along Alfred Street South and Glen Street, and consequently does not protrude forward in a way that would give rise to additional view loss impacts compared to the existing scenario.
- The strategic distribution of the building's mass to the western portion has sought to reduce the visual impacts to the greatest extent possible. Where impacts do occur they do not impact on significant views that are the primary outlook from the adjacent apartments.

Summary

Based on the preceding assessment, the building has been carefully designed to provide a balance between:

- Realising the opportunity to deliver a mixed use building with a bulk and scale commensurate with the adjoining development.
- Providing adequately sized floor plates that will achieve a high standard of residential amenity and will be functional for commercial purposes.
- Responding to the context, in particular with regards to:
 - maintaining consistency with the height of the adjoining developments;
 - respecting the dominant setbacks along Alfred Street South and Glen Street; and
 - in providing substantial setbacks to the north and south in the context of a locality where it is typical for buildings to provide minimal or no separation at all.

Based on the above assessment, the proposal is considered to satisfy the principles established by the Tenacity Land and Environment Court and the objectives of the NSDCP 2013, and represents an acceptable planning outcome.

9.10 Traffic, Access and Parking

A Traffic and Parking Impact Assessment Report has been prepared by Barker Ryan Stewart and is available at **Appendix G**. The purpose of the report is to assess the traffic and parking implications of the Planning Proposal.

Traffic Generation

The capacity analysis of nearby intersections including Alfred Street South and Glen Street, and Alfred Street South and Fitzroy Street were modelling using the SIDRA Intersection Modelling software. The results indicate that the projected additional traffic flows will not have any adverse effects on the operational performance of these nearby intersections. No road improvements or intersection upgrades would be required as a consequence of the Planning Proposal.

Parking

As illustrated at **Appendix A**, the proposal incorporates four levels of basement parking which are capable of accommodating the maximum parking requirements nominated by the NSDCP 2013 in respect to bicycle, car and motorcycle parking.

In respect to vehicle parking, the NSDCP 2013 requires that the proposal provide a maximum of 173 spaces;

- 166 residential car spaces
- 7 non-residential spaces

The indicative parking arrangements seek to retain the existing basement and provide 173 car spaces. Of this amount, 123 spaces will be allocated to the proposed development. The remaining 63 spaces will be allocated to Council in accordance with the positive covenant that applies to the site. In light of this, the proposed quantity of parking is sufficient to achieve compliance with the DCP parking rates and the requirement to provide 63 spaces for use by Council.

All spaces are capable of complying with the relevant Australian Standards for off street car parking.

Loading

In accordance with the NSDCP 2013 parking rates, the loading arrangements consist of two MRV loading docks. The docks are accommodated within the Level 3 basement. The Traffic Parking and Assessment Report confirms that the proposed loading facilities are adequate to service the development and are capable of accommodating a Medium Rigid Vehicle.

The Assessment states that it is therefore reasonable to conclude that the Planning Proposal will not have any unacceptable implications in terms of road network capacity or off-street parking/loading requirements.

9.11 Pedestrian Wind Impacts

A Pedestrian Wind Impact Analysis has been prepared by Windtech Consultants and is included in **Appendix H**. The assessment addresses the provisions of the NSDCP 2013 and provides an assessment of the general wind effects that have been identified following a visual inspection.

The report notes that the pedestrian footpath areas along Alfred Street and Glen Street are exposed to wind impacts arising from southerly and north-easterly winds. At the post development phase it is likely that various locations across the site will be impacted by winds, including the Level 3 private terraces and the outdoor private terrace areas on Levels 14 to Level 17. There is also a chance that north-easterly and downward westerly winds will impact the retail tenancy areas and seating located along the through-site link. To mitigate wind impacts, Windtech nominate a range of recommendations, including:

- inclusion of the proposed tree planting along Alfred Street capable of growing to 3-5m with a minimum canopy width of 4m;
- retention of the proposed Ground Level awning on the eastern and southern aspect;
- inclusion of a new awning along the southern aspect above the staircase;

- inclusion of full-height screen at the eastern elevation;
- inclusion of impermeable screens on the northern, eastern, western private terraces at various levels;
- inclusion of permeable balustrades along the perimeters of the private terraces; and
- hedge planting along the perimeter of the public terrace capable of growing 1 metre in height; and
- inclusion of a 2m high impermeable balustrade along the perimeter of the roof viewing deck.

The report concludes that with the implementation of the recommendations, the wind conditions affecting the site can effectively be mitigated. Notwithstanding, Windtech Consultants advise that the extent of the potential wind impacts and the adoptions of the measures should be further investigated through wind tunnel testing to ensure suitable pedestrian wind conditions.

In light of the above, the recommendations are capable of being adopted at the detailed design phase.

9.12 Public Benefit

As evidenced in the preceding sections, the proposal contains a number of significant public benefits. These benefits are not limited to the redevelopment of the site itself, but will extend to the Milsons Point Town Centre and beyond. These benefits include:

- Provision of a new high quality building that is compatible with the heights of the adjoining development and contributes towards a more consistent building height plane along Alfred Street South.
- Delivery of a building envelope that reduces the amount of cumulative overshadowing to Bradfield Park between 12pm and 3pm.
- Delivery of a building envelope within the proposed heights which reduces the amount of view loss impacts to the greatest extent possible through the strategic distribution of the building's mass.
- Delivery of a building envelope that will sit comfortably within the streetscape without undue compromise to the view corridors of surrounding properties.
- Achievement of a high quality built form outcome in a prominent location that will make a positive contribution to the appearance of the streetscape.
- Enabling the opportunity to create a new hub of commercial activity that functions as a vibrant, accessible place to meet, shop, eat and interact throughout the day and night, with capacity to make a meaningful contribution to the public realm which will ultimately support the local business community and the economic viability of the Milsons Point Town Centre.
- Delivery of an ungraded through-site link which will improve the quality of the ground plane between Camden House and improve connectivity in the Milsons Point Town Centre.
- Facilitating the provision of additional active uses at street level and adjacent to the heritage listed Camden House which will encourage the further pedestrianisation of the area.
- Delivery of a scheme that relative to the existing building contained within the site increases the separation to Camden House and improves the interface at this sensitive location.
- Creating the opportunity to deliver a new built form with a materiality that is more sympathetic to the heritage aesthetic of Camden House.
- Increasing the provision of housing in a locality well serviced by public transport, services and employment opportunities within the nearby strategic centres of the Sydney and North Sydney CBDs.
- Providing a greater diversity of uses, including high quality commercial and retail floor space, and residential floor space.
- Contributing towards the provision, extension or augmentation of public facilities that will, or are likely to, be required as a consequence of development in the area in accordance with the North Sydney Section 94 Contributions Plan.

In addition to the above, the Applicant is willing to enter into a Voluntary Planning Agreement (VPA) with Council at the time of gateway determination. This agreement could make provision for local services and/or facilities outside the scope of Council's Local Contributions Plan.

10.0 Conclusion

This Planning Proposal seeks an amendment to the North Sydney LEP 2013 in relation to the height control.

The amended control aligns with Council's objectives and controls for the site and broader LGA, as proposed in the North Sydney RDS 2009 Strategy and the North Sydney Centre Capacity and Land Use Strategy.

This Planning Proposal is justified for the following reasons:

- The proposal aligns with Council's objectives and controls for the site, as proposed in the relevant Area Character Statement and the RDS;
- The proposal is consistent with the objectives of the EP&A Act, in that it promotes the orderly and economic use and development of land;
- The proposal will deliver a significant benefit to the site in the form of an upgraded through-site link and extensive public domain;
- The proposal is consistent with the strategic planning framework for the site;
- The development concept which the Planning Proposal aims to facilitate is suitable for the site with limited planning issues as follows:
 - the development concept will complement the existing skyline that characterises Alfred Street South;
 - the development concept will deliver design excellence in the CBD;
 - the development concept will provide a negligible amount of additional overshadowing to public spaces, such as Bradfield Park;
 - the development concept will have no adverse impacts on traffic generation; and
 - the development concept will be sympathetic to the heritage items on the site and nearby, including through the design of the podium.
- The proposal is consistent with the applicable SEPPs and Ministerial Directions.

Considering the above, the Planning Proposal is consistent with relevant strategic and statutory planning documents and will deliver a number of demonstrable public benefits. An environmental assessment of the impacts of the proposed built form facilitated by the Planning Proposal has also been undertaken and it demonstrates that the proposal will not result in any unacceptable environmental impact.

Given the strategic planning merit of the proposed amendments, the applicant respectfully requests that Strathfield Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with Section 56 of the EP&A Act.