

REZONING REVIEW – Briefing Report

Date of referral	5 July 2019	
Department ref. no	RR_2019_NORTH_004_00	
LGA	North Sydney	
LEP to be amended	North Sydney Local Environment Plan 2013	
Address	52 Alfred Street, Milsons Point	
Reason for review	<input type="checkbox"/> Council notified the proponent it will not support the proposed amendment	<input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
Is a disclosure statement relating to reportable political donations under s10.4 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required	

1. SUMMARY OF THE PROPOSAL

The rezoning review request was submitted by Ethos Urban on behalf of the landowner (2 Milsons Point 2 Pty Ltd, previously known as Element Property Australia Pty Ltd) for a planning proposal for the site at 52 Alfred Street, Milsons Point.

The proposal for the site seeks to amend the North Sydney Local Environment Plan (LEP) 2013 to increase the maximum height of buildings from 40m to part RL97 (25 Storeys) and part RL84 (17 storeys) to accommodate proposed heights of part RL96.05 and part RL83.55.

The rezoning review request was submitted as North Sydney Council failed to indicate support for the proposal within 90 days.

1.1 Background

Previous Planning Proposal – 2017

On 12 December 2017, Ethos Urban Pty Ltd lodged a planning proposal on behalf of the landowner (Element Property Australia) to increase the maximum building height from 40m to a split height control of RL93 and RL90 across the site at 52 Alfred Street, Milsons Point.

On 8 August 2018, the planning proposal was resubmitted after feedback from Council and the Design Excellence Panel. The revised planning proposal was to amend the maximum building height from 40m to a split height control of RL97 (25 storeys) and RL84 (17 storeys) across the site.

On 26 September 2018, the North Sydney Planning Panel (NSPP) considered Council's assessment report and Council's recommendation to not support the proposal. The Panel stated that the concept design did not comply with the building heights under the North Sydney LEP and there were inconsistencies with the Greater Sydney Region Plan and Section 9.1 Ministerial Directions. In particular, the reduction of commercial floor space was inconsistent with Direction 1.1 – Business and Industrial Zones.

On 29 October 2018, the NSPP recommended to Council that the proposal to increase the height from 40m to between 55.4m and 79.6m and an FSR of 9.4:1 not proceed to Gateway.

On 15 November 2018, a pre-application request was made and withdrawn by the applicant.

Current Planning Proposal

On 26 March 2019, Council received a planning proposal for land at 52 Alfred Street, Milsons Point. The planning proposal seeks to amend the North Sydney Local Environment Plan (LEP) 2013 to increase the maximum building height from 40 metres to part RL 97 and part RL 84 across the site.

On 1 July 2019, Ethos Urban Pty Ltd on behalf of Milsons Point 2 Pty Ltd (previously known as Element Property Australia) submitted a rezoning review request relating to the planning proposal (**Attachment E1**). The rezoning review is requested as Council has failed to indicate support for the proposal within the required 90 days. Council stated that delays in assessing the proposal were caused by Council's high work load and the need to engage an independent planning consultant.

Council's report stated that the consultant, Ingham Planning, reported that the applicant's assessment in relation to solar access and view loss is insufficient to determine the true impact. The report stated that the assessment tables contained errors and in parts did not reflect the impacts of the current scheme. The report also stated that the modelling contains omissions and drawings that lack sufficient visual representations to verify outcomes (**Attachment D2**).

On 14 August 2019, the North Sydney Planning Panel resolved to recommend to Council that the planning proposal not proceed to Gateway. Due to Council not having made a determination within 90 days and the lodged rezoning review request, the North Sydney Planning Panel needs to consider the matter.

1.2 Locality and context

The site is at 52 Alfred Street, Milsons Point in the North Sydney Local Government Area (LGA) and formerly known as Kimberley-Clark House. The site is located within the Milsons Point Town Centre. It is situated on the western side of Alfred Street, directly west of Bradfield Park and the Sydney Harbour Bridge approach.

Alfred Street is characterised by high-rise developments consisting of active retail street level frontages with residential dwellings above. Glen Street contains high-rise towers on the eastern side and four to eight storey residential, commercial and mixed-use buildings on the western side.

Milsons Point Station entrance approximately 130m to the north-east. North Sydney CBD is 750m to the north-east and Luna Park is situated to the west of the site.

Milsons Point Wharf is approximately 350m to the south and provides access to ferry services with connections to Chiswick, Barangaroo, McMahon's Point, Rydalmere and Circular Quay 1.5 kms to the south of the site. Numerous bus route service the area with connections to Mosman, Neutral Bay, Sydney CBD and North Sydney.

A locality map is provided at (**Attachment A**) and Figure 1.

The site is adjacent to Camden House listed on the North Sydney LEP 2013 as local heritage item I0527. There are several other local and state heritage items near the site being:

- Sydney Harbour Bridge (items I0530, I0541);
- Milsons Point Railway Station Group (item I0539);
- 2-2A Glen Street, Milsons Point (item I0531);
- Luna Park (items I0529, I0536);
- Houses 24 to 28 Alfred Street, Milsons Point (items I0522, I0523, I0525, I0526);
- Bradfield Park (item I0538);
- Milson Point seawall and wharf site (item I0540);
- Houses 15 to 21 Northcliff Street, Milsons Point (items I0532, I0533, I0534, I0535); and
- North Sydney Pool (item I0537)

The Lavender Bay Conservation Area is to the north-west of the site. A heritage map extract is provided in **Attachment C** and Figure 8.



Figure 1 Site location (Source: Nearmap)

1.3 Site description

The site is legally known as Lot 1 DP 738322 as owned by Element Property Australia Pty Ltd and comprises a total area of approximately 2,711m². The site has two street frontages, Alfred Street South being the primary frontage at approximately 39m and a secondary irregular frontage to Glen Street at approximately 42m.

A site map is provided at **Attachment B** and Figure 2.

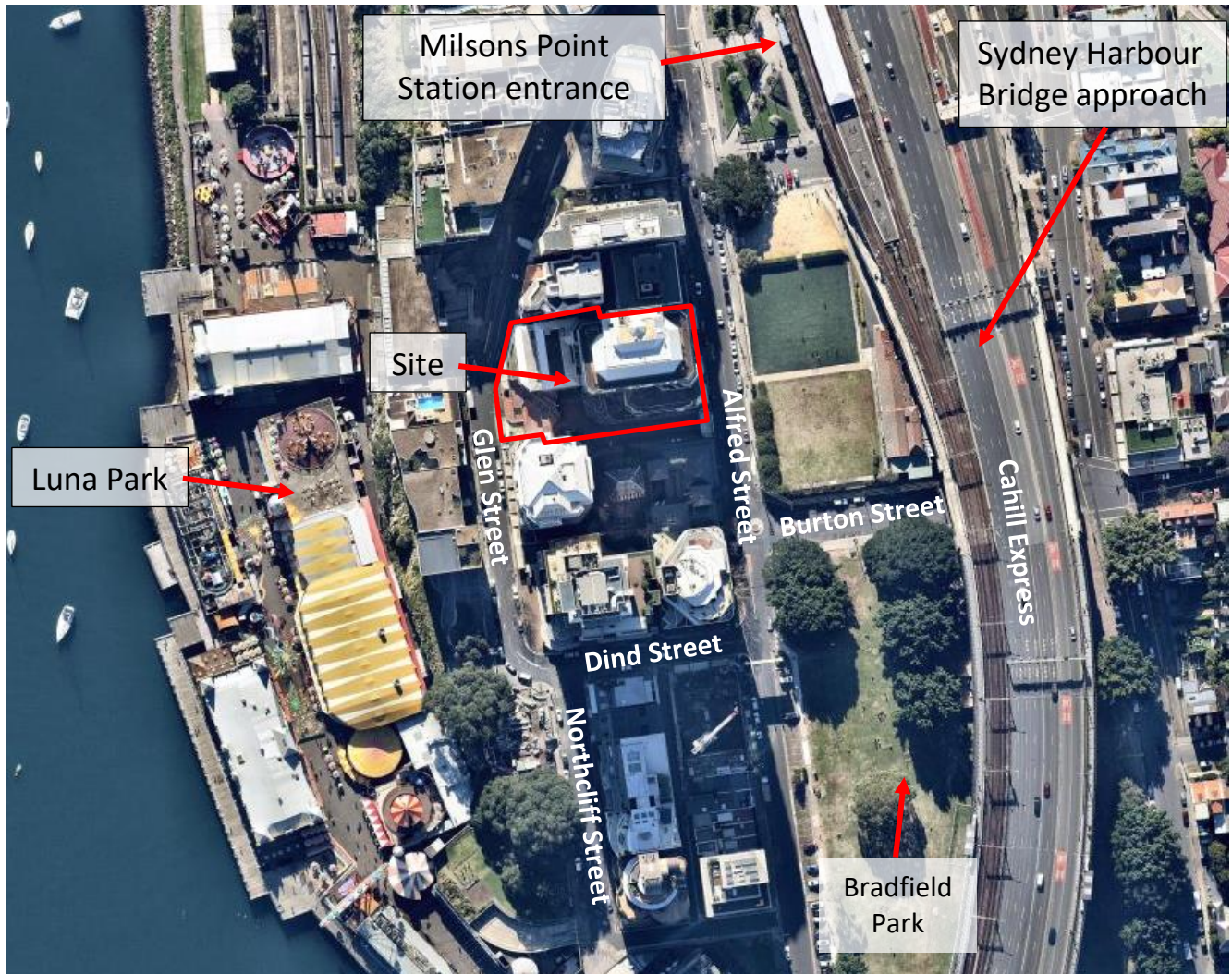


Figure 2: Aerial photo of 52 Alfred Street, Milsons Point (Source: Near Maps)

A part single and part 12 storey commercial building (originally approved and constructed under DA1180/85) occupies the site over basement car parking (Figure 3). The 12-storey commercial office tower, also known as 'Kimberly Clark House,' is positioned over the eastern portion of the site with an attached single storey commercial building located over the western portion of the site. The buildings are built to the northern and western boundaries and set back from the eastern and southern boundary. Basement parking is access from Glen Street and also via the open driveway from Alfred Street South.

Council's report states that the building currently contains approximately 11,091m² of commercial floorspace with over 90 percent occupied.



Figure 3: View of the subject site from Sydney Harbour Bridge approach (Source: North Sydney Council)

1.4 Current planning provisions

Under the North Sydney LEP 2013, the site is subject to the following planning controls:

- B4 mixed use (Figure 4);
- a maximum Height of Building of 40m (Figure 5); and
- a 0.75:1 minimum non-residential floor space ratio (Figure 6).

The site is not subject to an overall FSR control (Figure 7) and is not identified as a heritage item or within a heritage conservation area. There are several heritage items near the site (Figure 8).

Current LEP zoning, maximum building heights, non-residential FSR and heritage maps are provided at **Attachment C**.

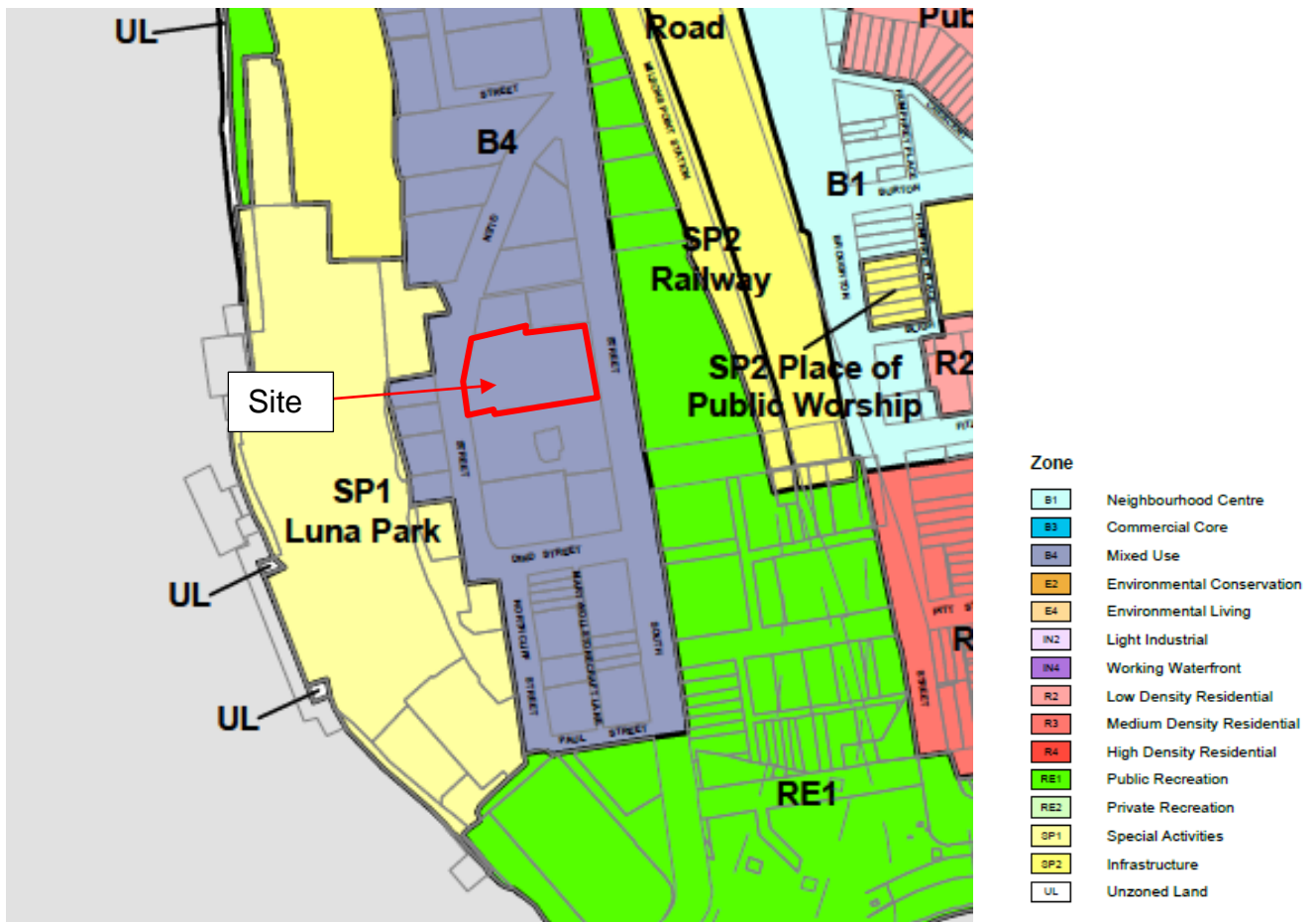


Figure 4: current land-use map under the North Sydney LEP 2013 (LZN_002)



Figure 5: current maximum building height map under the North Sydney LEP 2013 HOB_002)

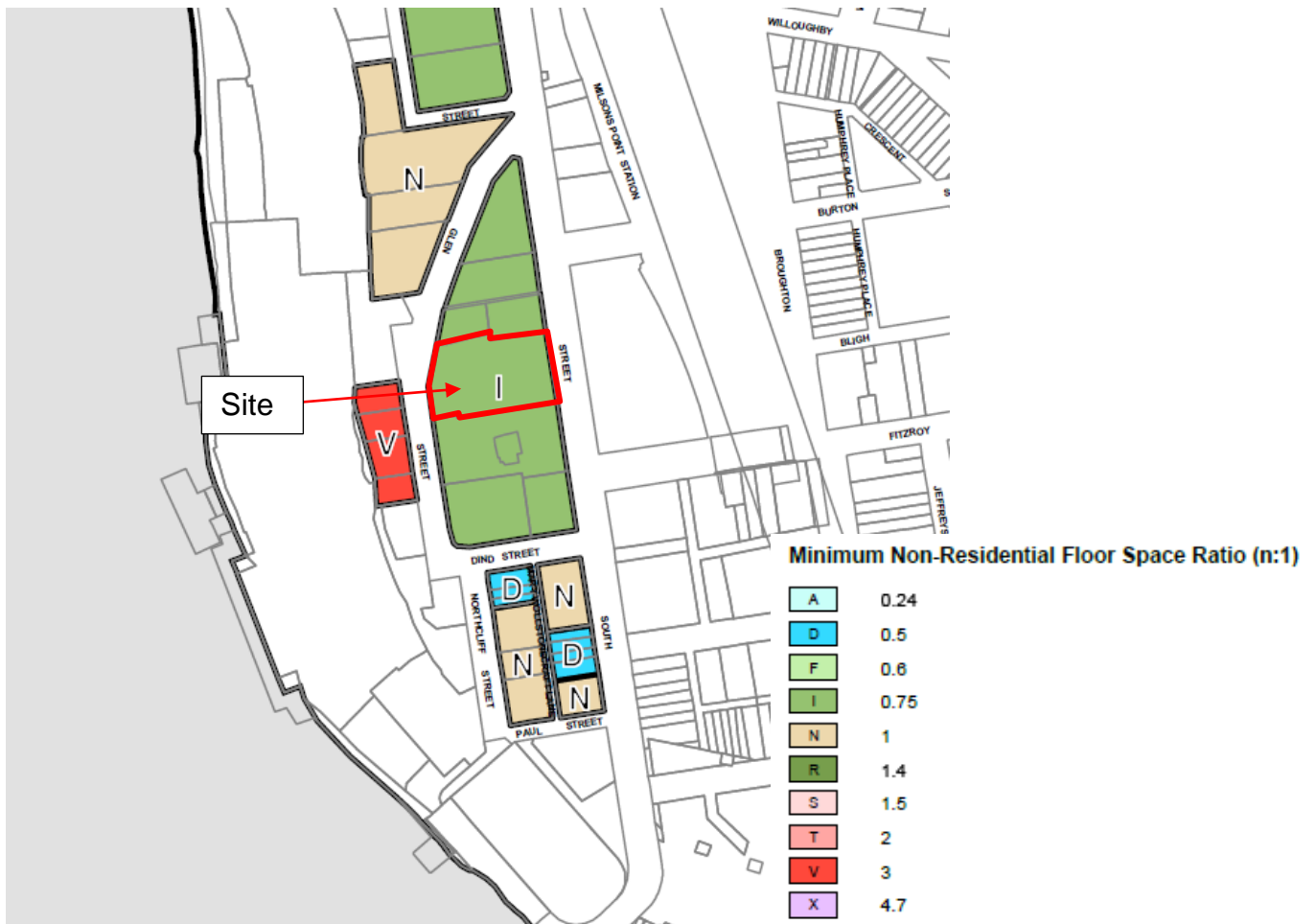


Figure 6: current minimum non-residential floor space ratio map under the North Sydney LEP 2013 (LCL_002)

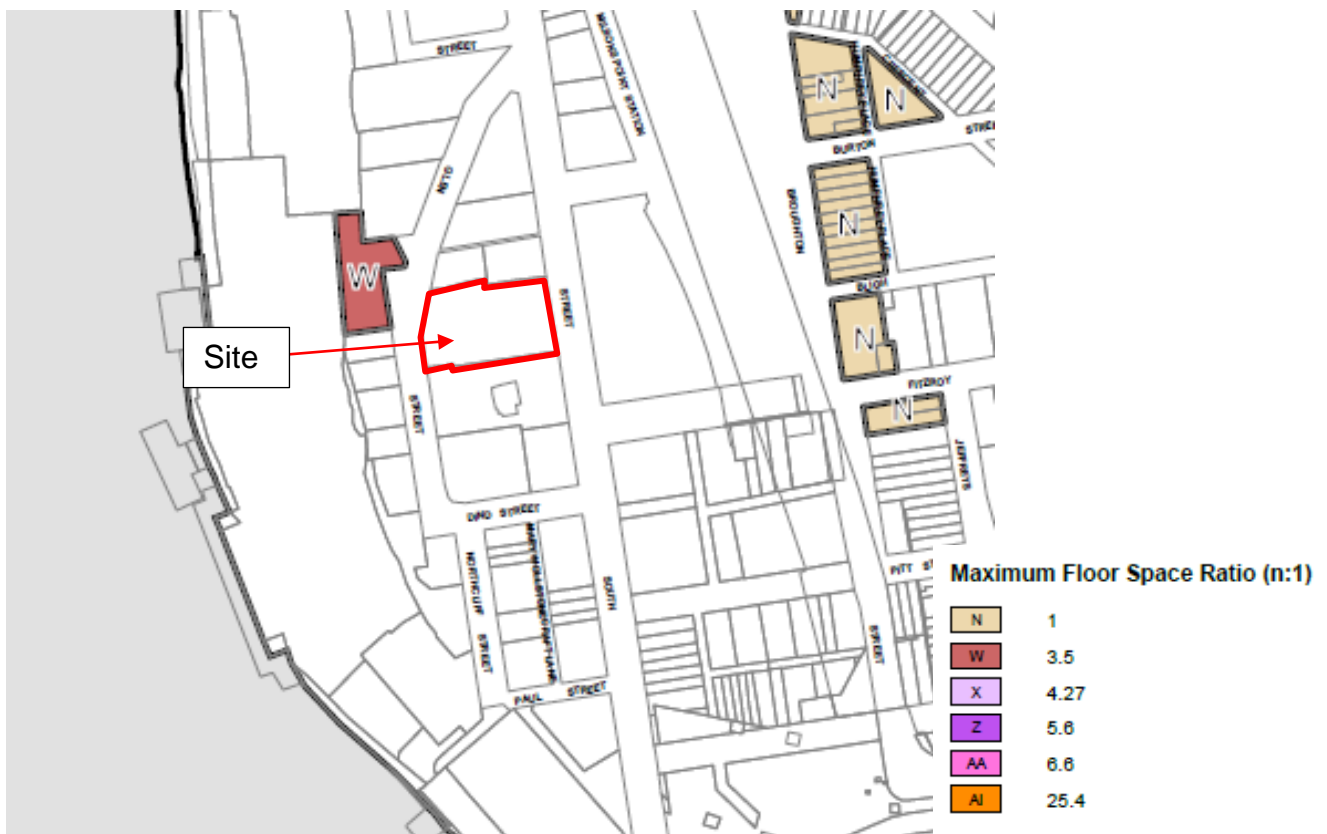


Figure 7: current floor space ratio map under the North Sydney LEP 2013 (FSR_002)

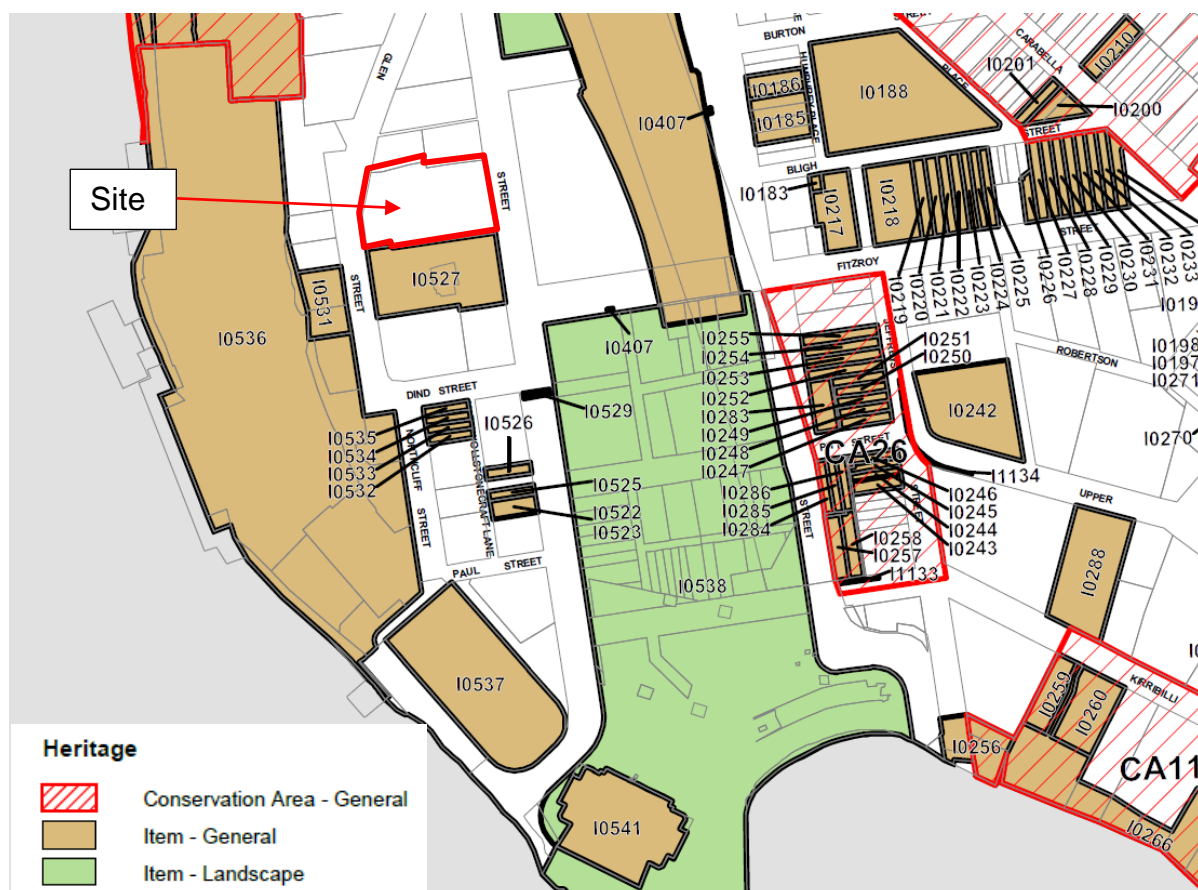


Figure 8: current Heritage under the North Sydney LEP 2013 (HER_002)

1.5 Proposed planning provisions

The proposal seeks to amend the North Sydney LEP 2013 by increasing the maximum building height controls from 40 metres to part RL 97 and part RL 84 across the site (Figure 9). No other planning control or zoning changes are proposed.

The planning proposal is supported by a concept design comprising a 66.7m (25 storey) mixed-use commercial and residential building containing 173 apartments with 2,431m² of retail and commercial GFA. Refer to Table 1 for the envisaged development yield across the site:

Table 1 Development Summary

Component	Development Concept
Maximum overall height (storeys)	25
Maximum overall height	96.05 RL (66.7m)
Maximum podium height (storeys)	4 (Glen Street elevation)
Maximum podium height (RL)	40.15 RL
Total GFA	24,054m ²
Retail/ Commercial GFA	2,431m ²
Residential GFA	21,550m ²
Amenities GFA	478m ²
Apartments (total)	173
Studio	14 (18%)
1 bed	1 (0.5%)
2 bed	86 (49.5%)
3 bed	72 (42%)
Car parking	191

Commercial floor space will be concentrated in the area fronting Glen Street in line with the existing uses along the street. Retail floor space is proposed to be along the Alfred Street South frontage and the site's southern area. This area adjoins the public area associated with Camden House and the through-site link.

The existing built form along the section of Alfred Street exceeds the height limit of 40m as stated in the North Sydney LEP 2013. The proposal indicates the bulk of the building will have a height of RL 74.25 or 14 storeys before the setbacks at the top with a total RL of 83.55. The proposal states that this is in line with the neighbouring buildings.

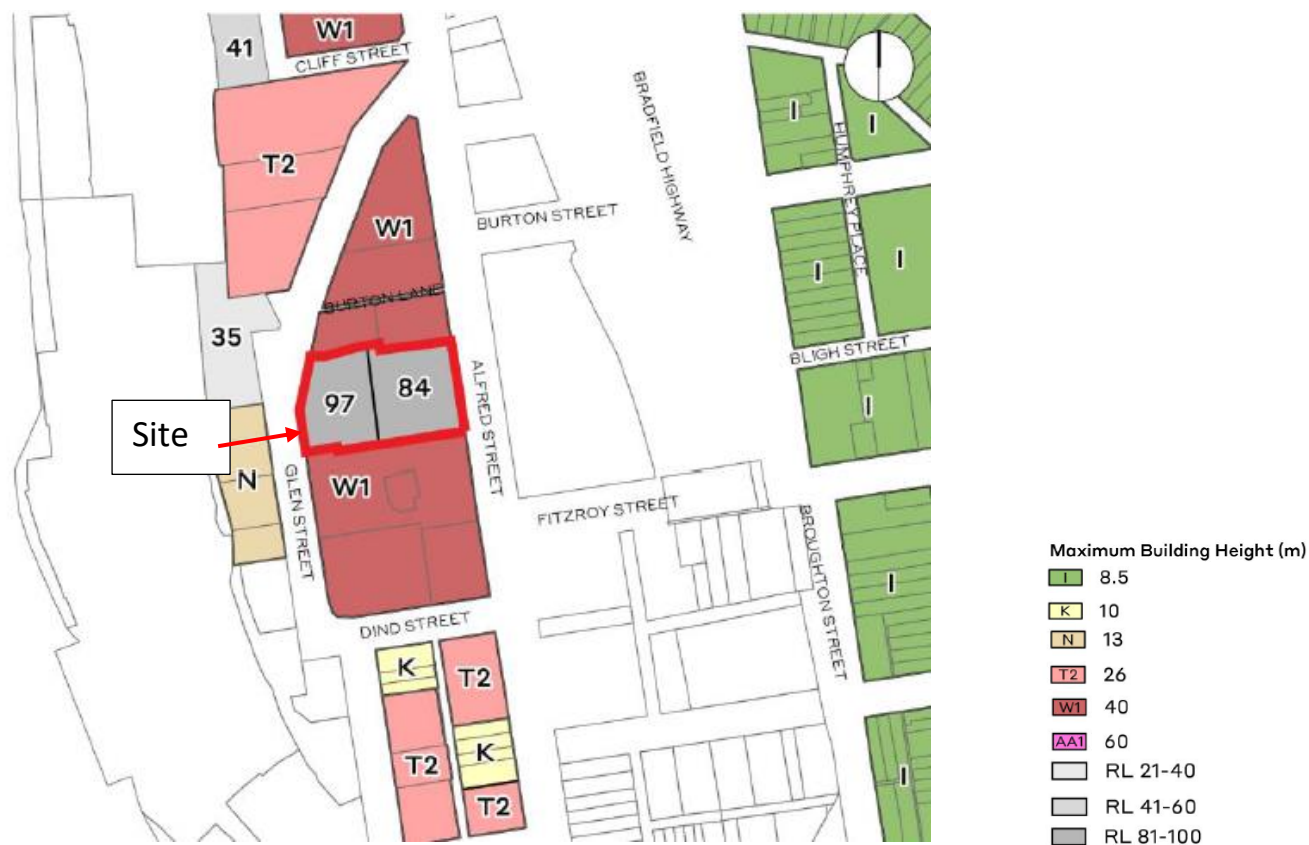


Figure 9: Proposed Height of Buildings at 52 Alfred Street (Source: Ethos Urban)



Figure 10: Concept of 52 Alfred Street, Alfred Street elevation (Source: KTA)

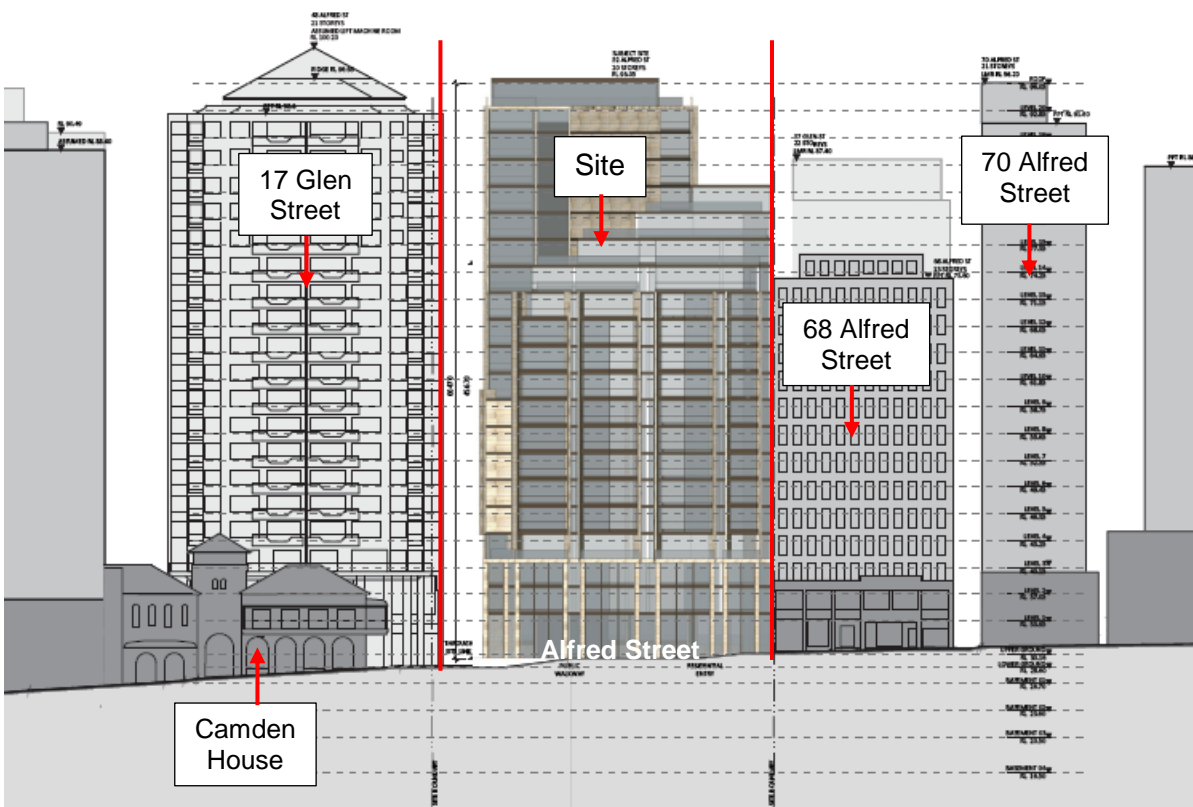


Figure 11: Concept of 52 Alfred Street, Alfred Street elevation (Source: KTA)



Figure 12: Concept at 52 Alfred Street, Glen Street elevation (Source: KTA)

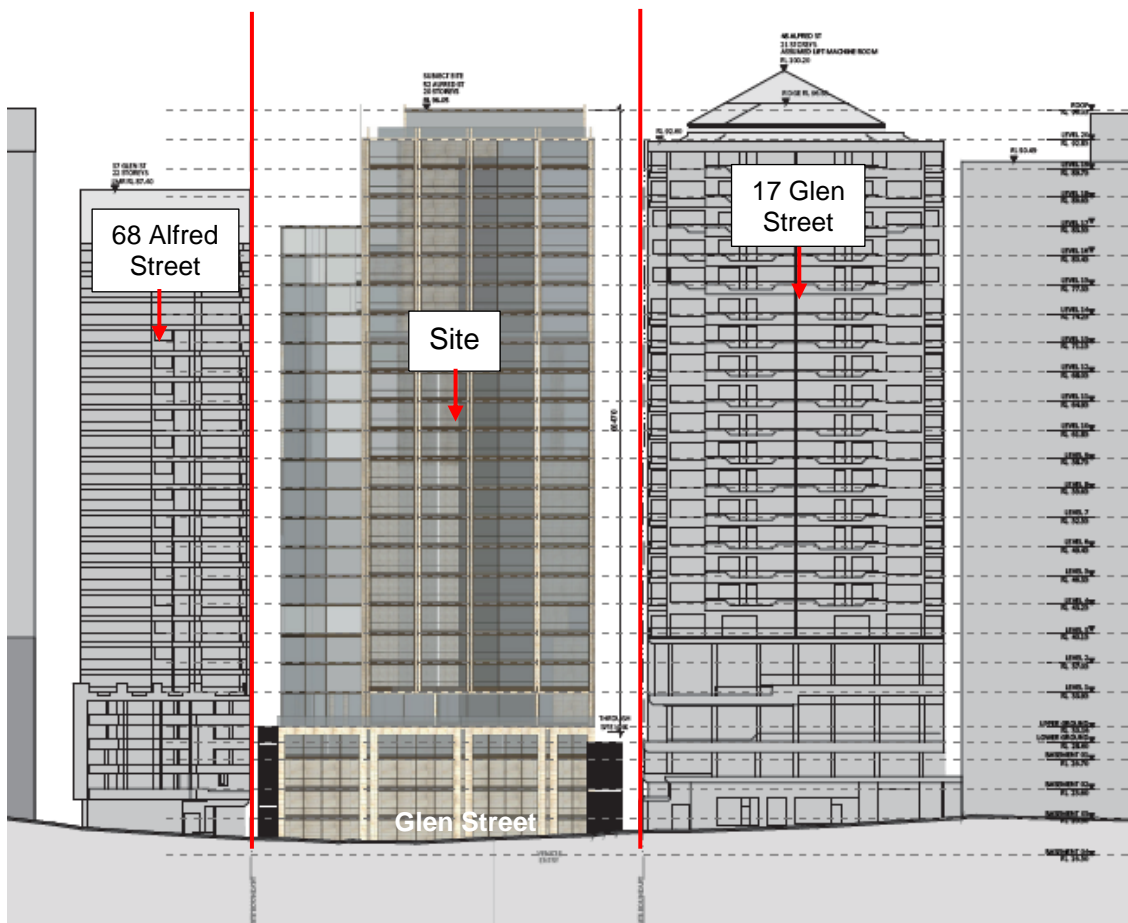


Figure 13: Concept at 52 Alfred Street, Glen Street elevation (Source: KTA)

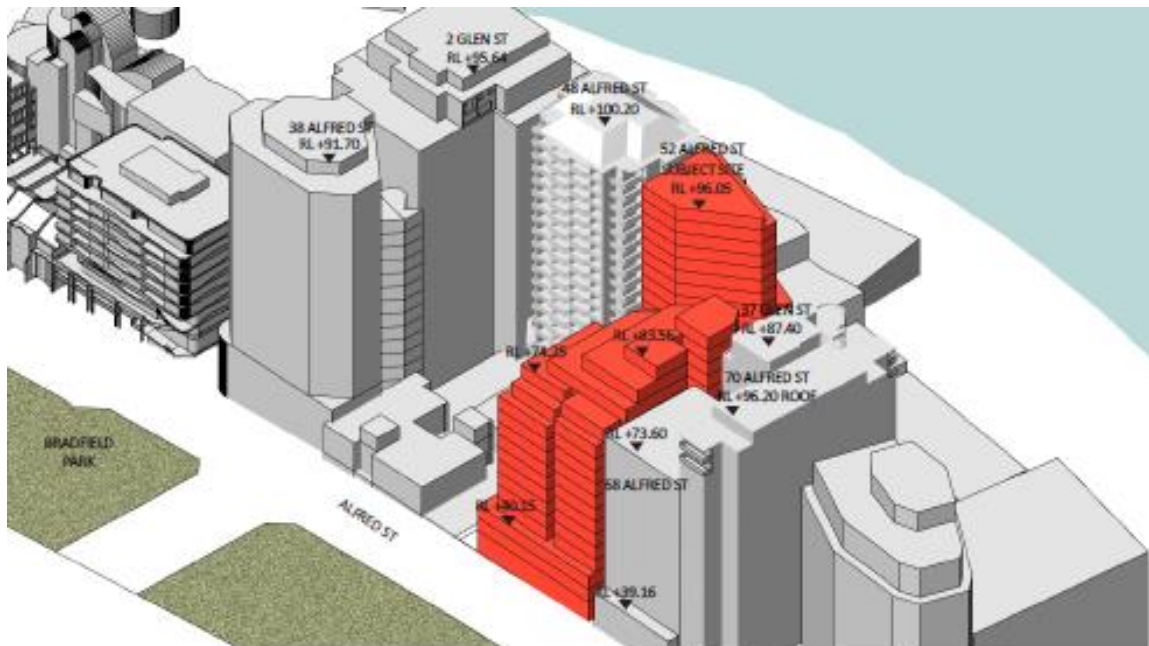


Figure 14: North-east view of the concept along Alfred Street (Source: KTA Architects)

2. INFORMATION ASSESSMENT

Does the proposal seek to amend a zone or planning control that is less than five years old?

No. The proposal seeks to amend the North Sydney LEP 2013 which commenced on 2 August 2013.

2.1 Strategic merit test

Consistency with the relevant regional plan outside the Greater Sydney region, district plan within the Greater Sydney region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning and Public Spaces or the Department of Planning, Industry and Environment have announced that such a plan will be updated before being able to be relied on.

North District Plan

The planning proposal states that it is consistent with the North District Plan as it will:

- contribute to the housing supply near public transport, services and employment;
- provide housing diversity and choice to suit a wide demographic;
- integrate land use and transport planning to achieve the objective of the 30-minute city;
- contribute to the connectivity and renewal of the Milson Point Town Centre; and
- provide premium and upgraded commercial floor space supporting global economic activity in Sydney;

Table 2: Summary of response to the North District Plan

Planning Priority	Response
N5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposal states the amendment will provide increased housing supply and choice and affordability within easy access to jobs, services and public transport.
N6 Creating and renewing great places and local centres, and respecting the District's heritage	The proposal states the scheme will provide capacity for a high-quality ground level plaza and revitalise the existing through site link. Activation of the through-site link will be achieved via fine grained-retail uses on the ground level. The proposal will interface with the adjoining heritage item by providing increased separation through a modulated floorplate.
N12 Delivering integrated land use and transport planning and a 30-minute city	The proposal states it will facilitate the integration of land use and transport planning to achieve the 30 -minute city with easy access to workplaces, services and community facilities given its location to the Milsons Point Town Centre and the Milsons Point Railway Station. The location will give residents a 5 - 10-minute commute to key sites such as the Sydney CBD and North Sydney CBD
N17 Protecting and enhancing scenic and cultural landscapes	The proposal states the scheme will allow view corridors of Sydney Harbour and iconic landmarks such as the Opera House and Sydney Harbour Bridge, through tower setbacks and stepped built form.

Consistency with a relevant local strategy that has been endorsed by the Department.

North Sydney Residential Development Strategy 2009

The North Sydney Residential Strategy 2009 is the strategic framework for guiding housing in North Sydney until 2031. A key objective of the strategy is to provide residential development within mixed use centres. The Strategy indicated that Milsons Point is nearing capacity, but the nearby Milson Point Town Centre is increasing accommodating residential development because of its close proximity to the North Sydney CBD.

This strategy has not been endorsed by the Department.

The rezoning review application states that the proposal is consistent with the local planning strategy as it will:

- provide residential development within a centre located close to retail, office and other services;
- address the demand for a greater housing choice for the changing demographic in the Local Government Area; and
- capitalise on its proximity to the North Sydney CBD that is earmarked to accommodate growth in commercial floorspace and new employment opportunities.

The planning proposal states that it responds to changing demographic trends that shows a growth of the aging population in the LGA with a need for smaller dwelling typologies. Recent trends that indicate there is a strong demand for residential accommodation in Milsons Point. The North Sydney Capacity and Land Use Study (2017) and the North Sydney Centre Planning Proposal is to provide an increase in commercial floorspace in the North Sydney Central Business District and limited growth in residential accommodation.

Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The rezoning review documentation states that the planning proposal responds to the need for greater housing choice and the changing demographics of the LGA. The documentation states that due to an aging population, there is a need for smaller dwelling types that can be accommodated by high-density residential developments.

The rezoning review states that the proposal will accommodate commercial or residential, or mixed-use in order to respond to changing market conditions.

2.2 Site-specific merit test

The natural environment (including known significant environmental values, resources or hazards).

The rezoning review application states the site is in an urbanised environment and there are no known critical habitats, threatened species or ecological communities on the site and therefore the likelihood of any negative impacts is minimal.

The rezoning review and planning proposal states that the proposal has site-specific merit as:

- it is compatible in height with development along Alfred Street South;
- it establishes an envelope that can deliver a building that is appropriately scaled and reduces overshadowing impacts to Bradfield Park;
- the size is large and can accommodate a residential development;
- the site is situated adjacent to Milson's Point Railway Station and is ideally placed to deliver high density residential development;
- the North Sydney CBD will deliver a greater concentration of office floorspace and the residential stock will provide housing close to jobs;
- the proposal will not result in unacceptable overshadowing to key public spaces including Bradfield Park;
- the proposal can provide a high standard of residential amenity for future occupants;
- the scheme will provide acceptable amenity impacts, including privacy, overshadowing and view impacts for surrounding properties;
- the envelope is strategically sited to ensure an appropriate view sharing outcome;
- a high-quality design solution is capable of being achieved that exhibits design excellence;
- any future redevelopment of the site can maintain and enhance the adjoining heritage listed Camden House; and
- the redevelopment of the site provides an opportunity to deliver public benefit with a through-site link and public domain upgrades.

Overshadowing

An assessment of the potential shadow impacts was undertaken by Steve King and reported in the Amenity and Overshadowing Analysis. The analysis finds that:

Apartment Buildings

- 37 Glen Street (22 storey residential flat building)
 - all dwellings are to the north of the planning proposal and as such will not be impacted by overshadowing from the subject building;

- 38 Alfred Street (23 storey residential flat building)
 - the total duration of direct sun will be reduced to the dwellings on the north-east, these apartments will receive direct sun for over 2 hours between 9am and 3pm;
- 2 Dind Street (25 storey serviced apartments)
 - of a total of 36 apartments, 30 are overshadowed but receive a minimum of 2 hours sun. The proposal will shade and additional two lower floors at 11am reducing the number of complying apartments to 28;
- 48-50 Alfred Street
 - it is situated to the south-west of the site and will be impacted the most by overshadowing by the proposal. Of a total of 109 units, 32 units will receive no direct sun. This figure is an increase from the overshadowing from existing building affected 21 units with no direct sun.

Bradfield Park

The assessment by the consultant, Steve King (**Attachment E10**), concluded that there was no discernible additional overshadowing from 1.30pm from the proposed concept building when existing trees were factored in. A comparison render without trees at 2.30pm showed a small difference between the shadows of the existing building and the proposed development. The proposal states the building has been scaled to reduce the overshadowing impacts to the nearby Bradfield Park achieved by redistributing the buildings mass into two distinct forms, increase the southern setback and provide a chamfered form north-west to south-east.

Architects, KTA, state that between 2.30pm and 3pm the overshadowing would have a limited duration on Bradfield Park. The heritage listed Camden House will receive additional overshadowing between 1.30pm and 3pm. The Heritage Impact Assessment (**Attachment E6**) stated that Camden House is already considerably overshadowed by the existing built forms during that time. Refer to Figures 15-24.

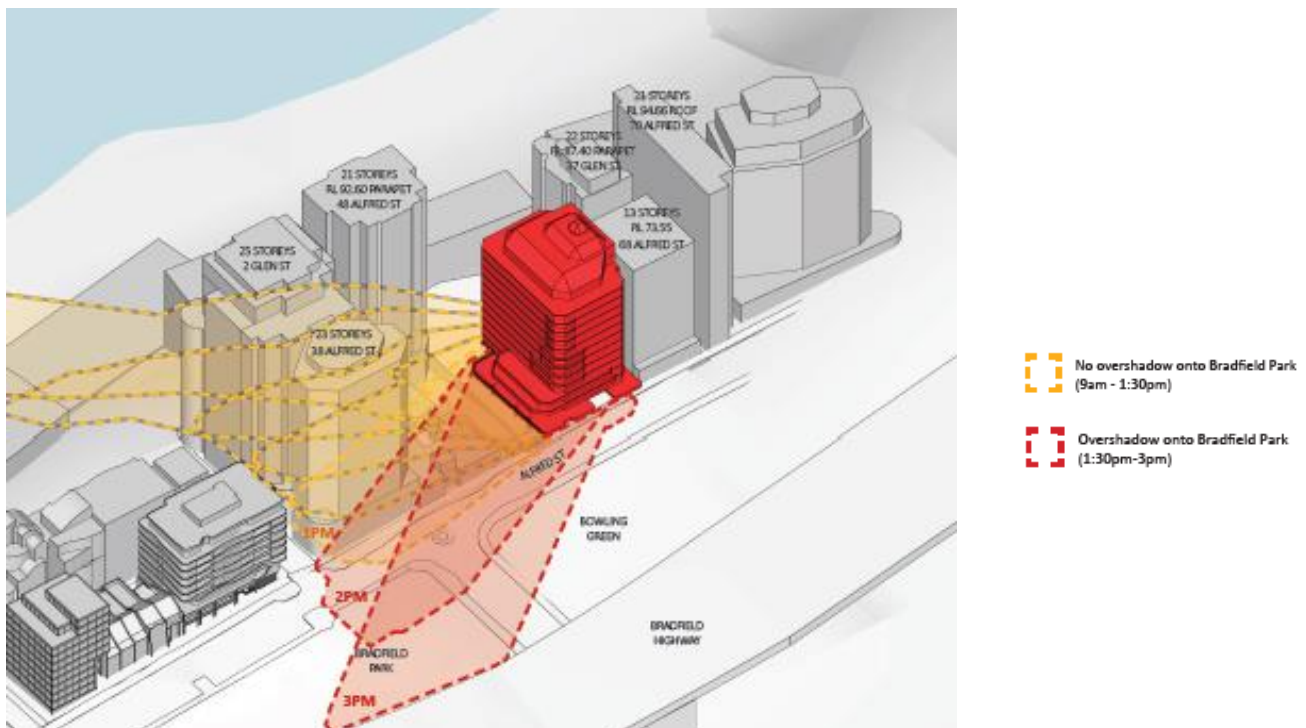


Figure 15: Existing overshadowing to Bradfield Park (Source: KTA Architects)

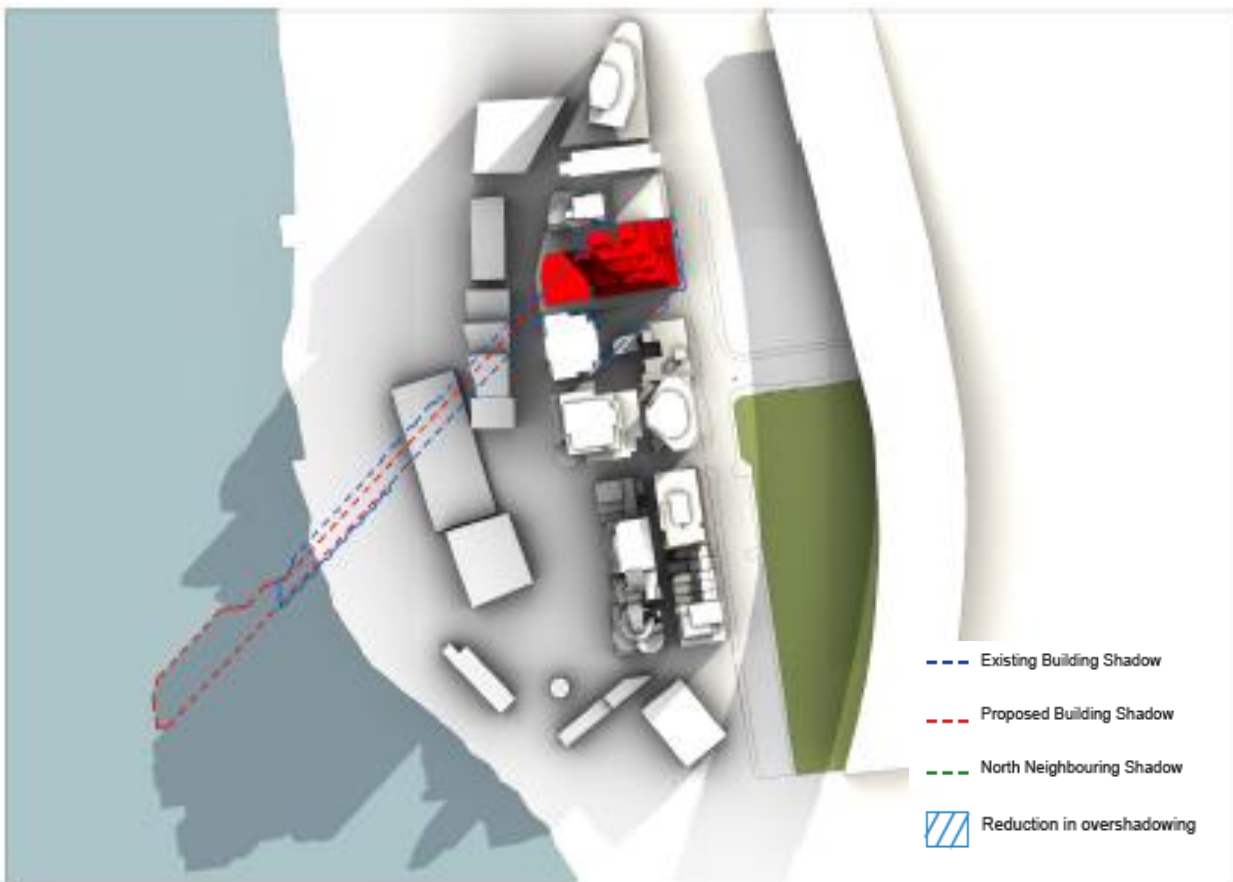


Figure 16: Proposed overshadowing 9am 21st June
(Source: KTA Architects)

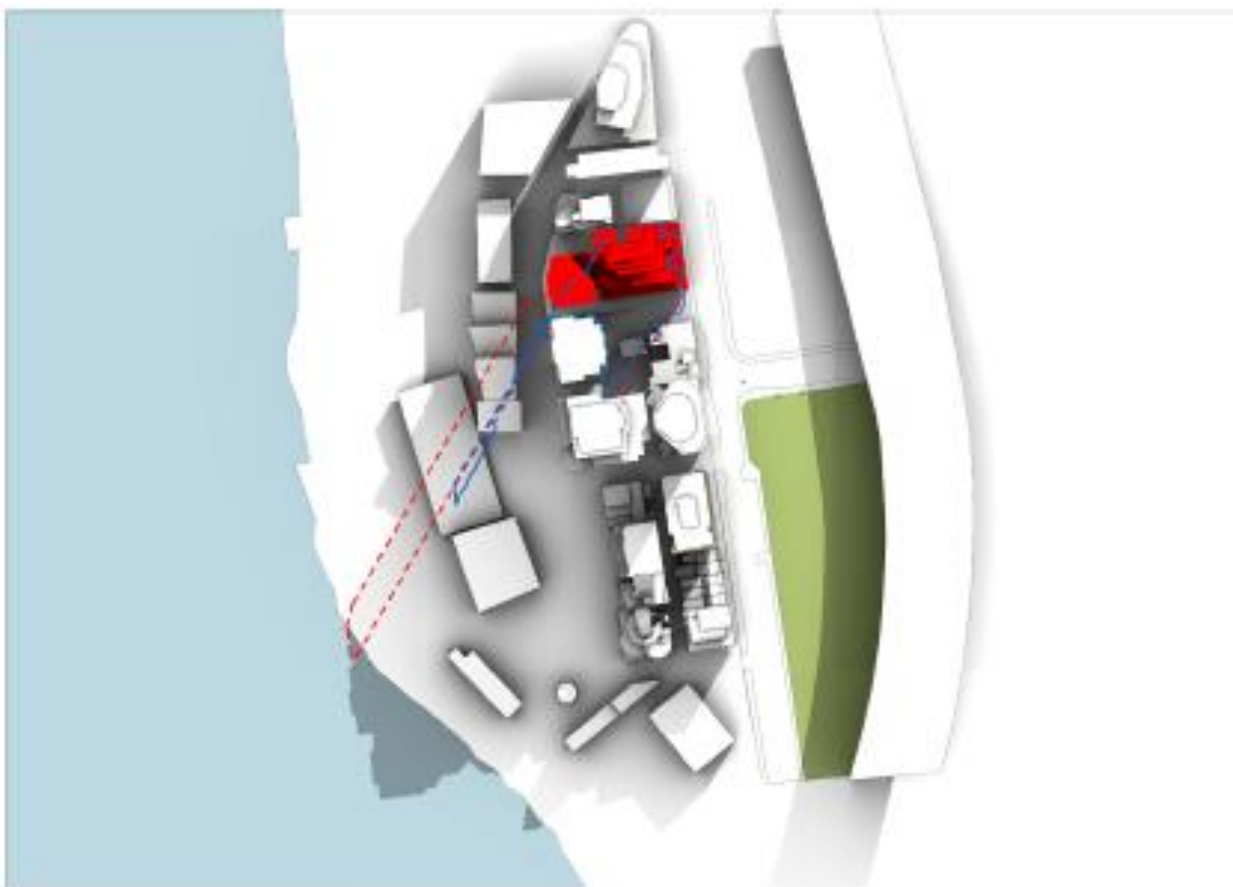


Figure 17: Proposed overshadowing 10am 21st June
(Source: KTA Architects)



Figure 18: Proposed overshadowing 11am 21st June
(Source: KTA Architects)

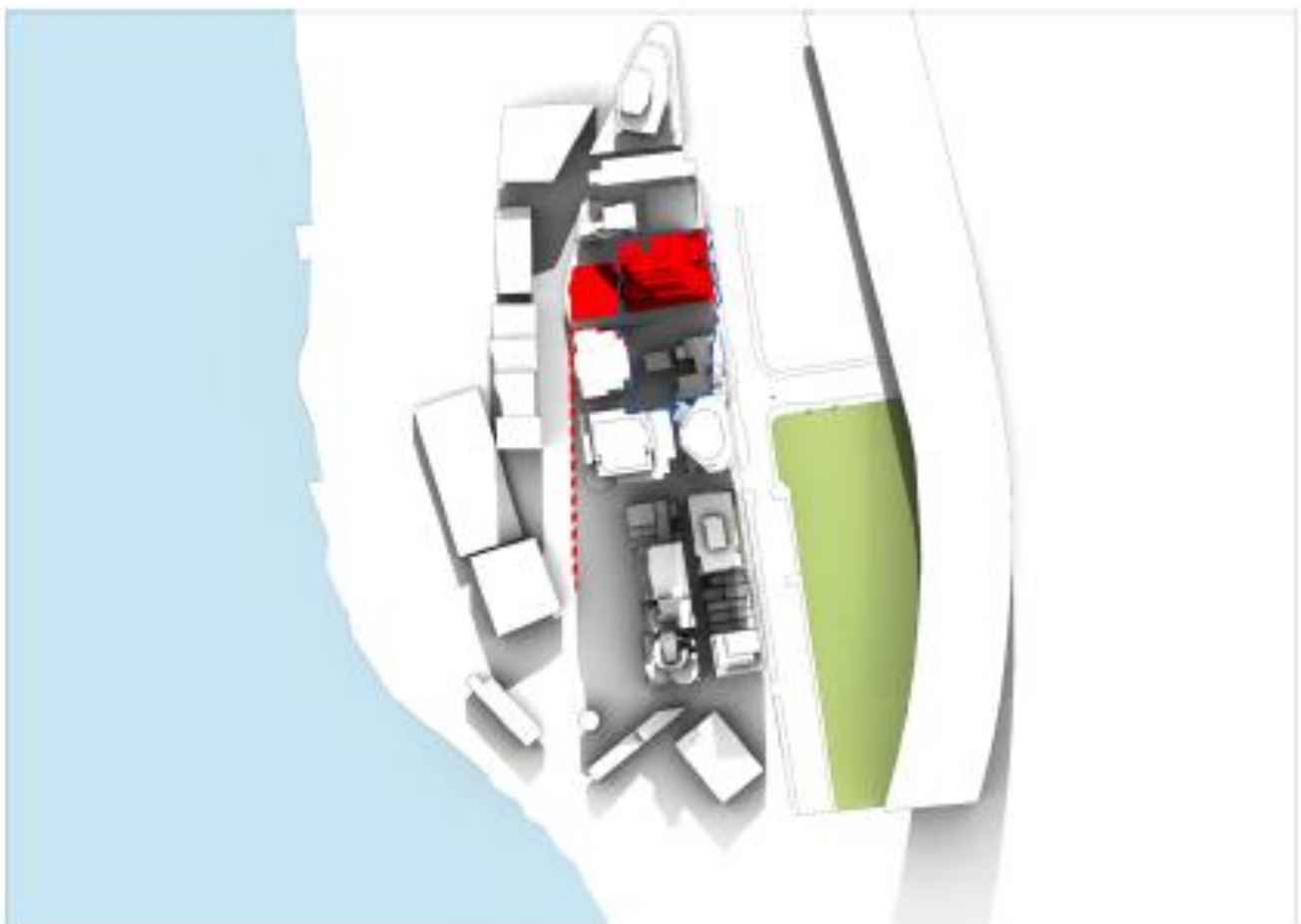


Figure 19: Proposed overshadowing 12pm 21st June

(Source: KTA Architects)



Figure 20: Proposed overshadowing 1pm 21st June
(Source: KTA Architects)

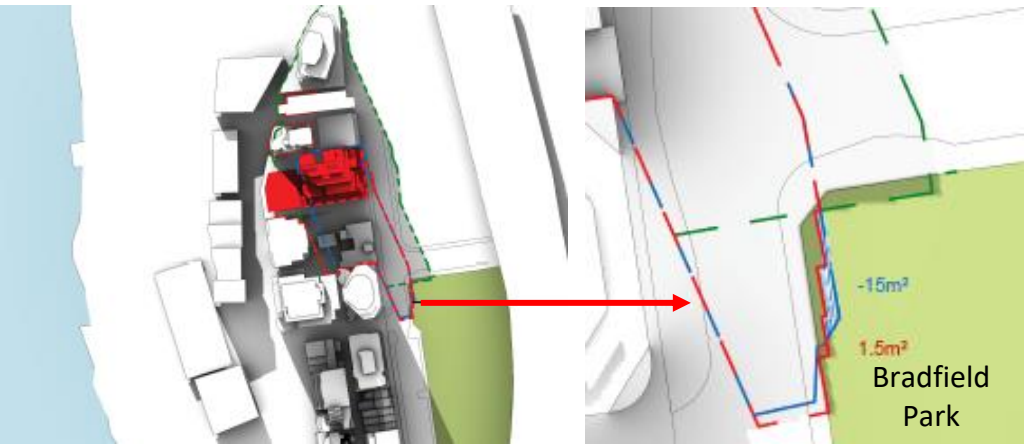


Figure 21: Proposed overshadowing to Bradfield Park 1.30pm 21 June (Source: KTA Architects)

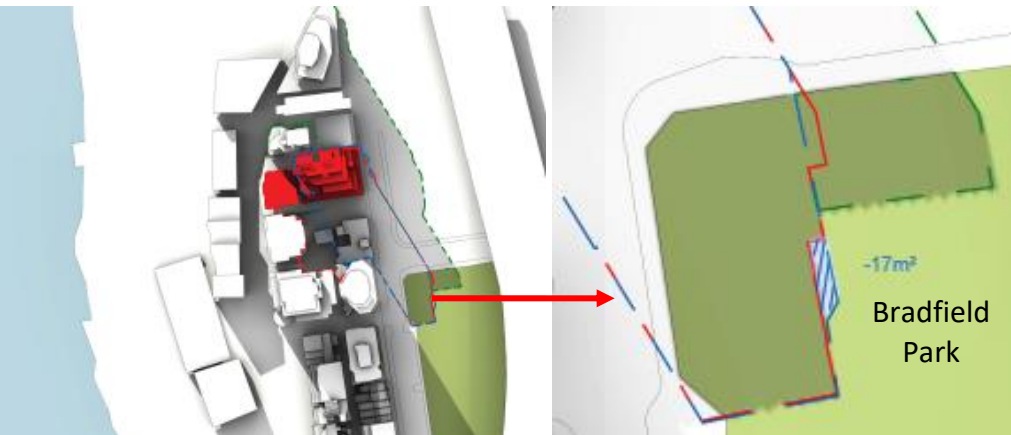


Figure 22: Proposed scheme showing a reduction of the overshadowing to Bradfield Park from the existing by 17m², 2.00pm, 21 June (Source: KTA Architects)

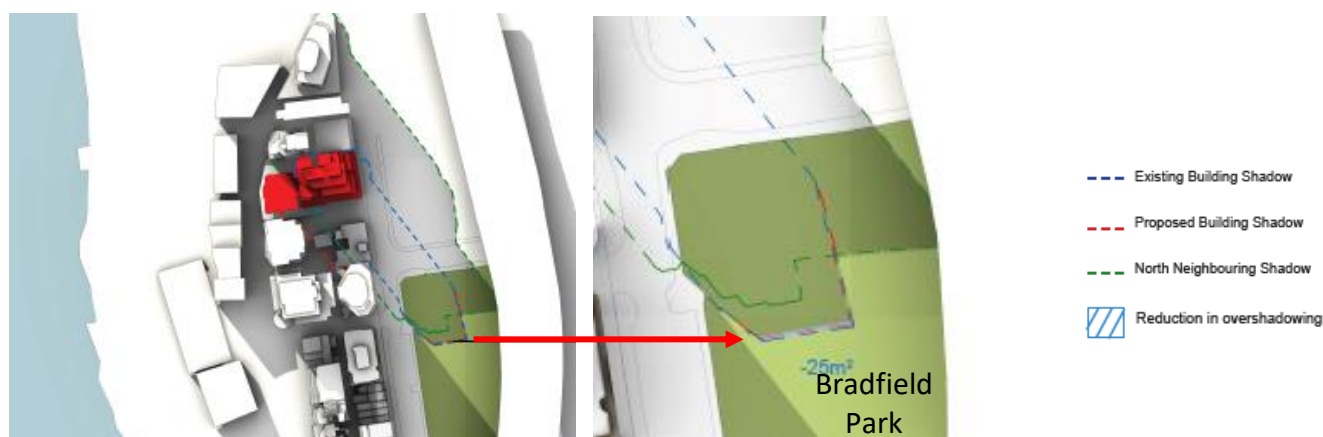


Figure 23: Proposed scheme showing a reduction of the overshadowing to Bradfield Park from the existing by 25m², 2.30pm, 21 June (Source: KTA Architects)

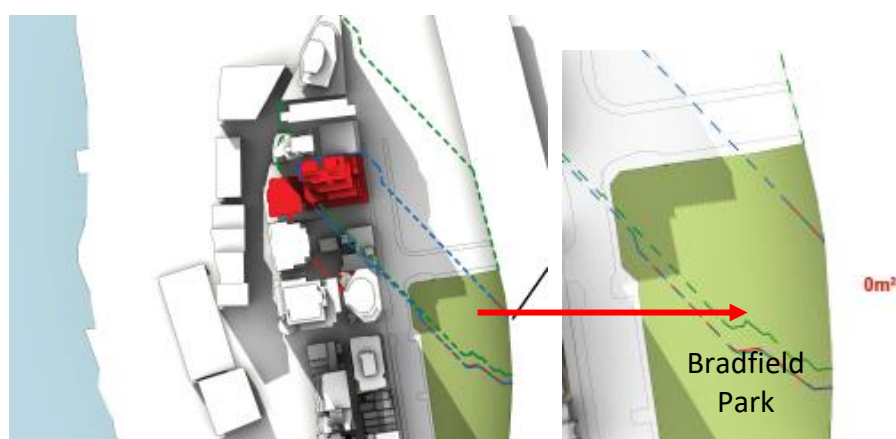


Figure 24: Proposed scheme showing no additional overshadowing to Bradfield Park from the existing, 3.00pm, 21 June (Source: KTA Architects)

View Impacts

A view impact assessment was carried out by consultants, Clouston Associates (**Attachment E7**). The proposal was assessed from five viewpoints (Figure 25). Their report concludes that the building:

- replaces an existing high-rise building on the site;
- will result in no significant additional view loss from the public domain towards the Sydney Harbour and the Harbour Bridge;
- has minimal visual impact when viewed from the public domain;
- the articulated façade design would appear less bulky; and
- wider less cluttered pedestrian street front on Glen Street.

The planning proposal states that three of the five viewpoints had a low visual impact rating. Users of public open space will have a loss of views from the corner of Bradfield Park on the corner of Alfred and Fitzroy Street looking north-west (3). A moderate to low view loss is evident from the southern end of Glen Street looking north (4).



Figure 25 Viewpoints locations

View Loss

The assessment of view loss was also undertaken by taken by Clouston Associates (**Attachment E7**). This analysis was taken from two different levels as selected by the project architect of the building from single points in the living areas. The report states that a different view may produce a different view loss.

37 Glen Street

- Level 22 (Figures 26 to 28):
 - the extent of the impact is considered negligible with the view of Walsh Bay wharves; and
 - noticeable partial loss of the view of Sydney Harbour Bridge, water and towards Campbell Cove.
- Level 26 (Figures 29 to 31):
 - the view of Walsh Bay wharves remains unchanged; and
 - the view of the southern pylon of the Sydney Harbour Bridge will be obscured and is considered a moderate view loss.

The report states that two of the four views had negligible view loss. Views 2 and 3 (Figures 26 to 31) had a moderate view loss rating.



Figure 26 Level 22, 37 Glen Street view point for analysis



Figure 27 Level 22, 37 Glen Street view with existing building



Figure 28 Level 22, 37 Glen Street view with proposed building



Figure 29 Level 26, 37 Glen Street view point for analysis



Figure 30 Level 26, 37 Glen Street view with existing building



Figure 31 Level 26, 37 Glen Street view with proposed building

Heritage

The site is not identified as a heritage item and it is not located in a heritage conservation area. The site is near several State and locally listed heritage items (Figures 32 and 33).

State listings

- Sydney Harbour Bridge approach viaducts, arches (item 10530).
- Milsons Point Railway Station Group (item I0539).
- Luna Park (item I0536).

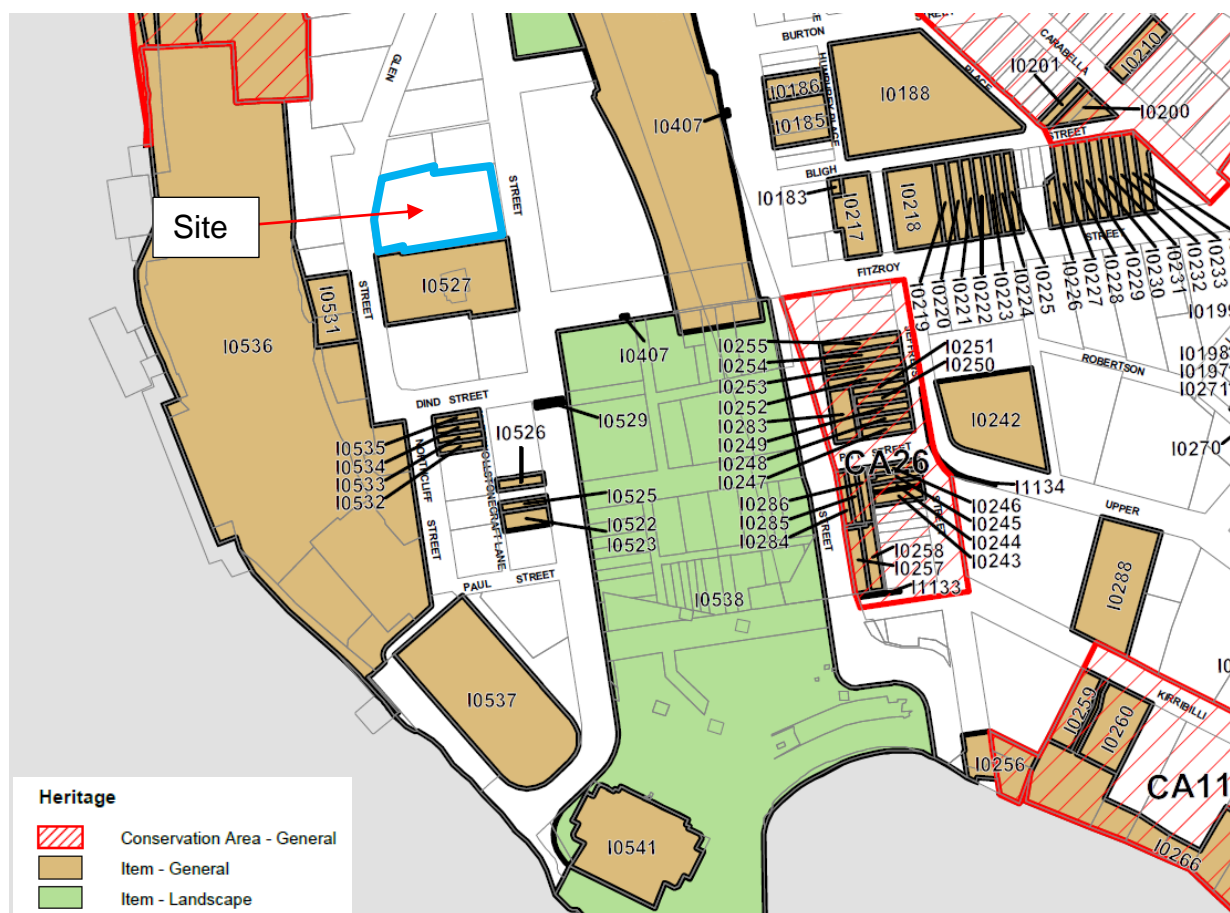
Local listings

- Camden House (item I0527).
- 2-2A Glen Street, Milsons Point (item I0531).
- Alfred Street (entrance to Luna Park) (item I0529).
- Bradfield Park (item I0538).
- Houses 24 to 28 Alfred Street, Milsons Point (items I0522, I0523, I0525, I0526).
- Houses 15 to 21 Northcliff Street, Milsons Point (items I0532, I0533, I0534, I0535).
- Milson Point seawall and wharf site (item I0540).
- North Sydney Pool (item I0537).

The Lavender Bay Conservation Area is to the north-west of the site (Figure 33).

The planning proposal includes a heritage impact statement prepared by Weir Phillips. The assessment concludes that the proposed development will have an acceptable impact on heritage items in the vicinity as:

- view corridors will not be impeded or blocked to heritage items.
- an appropriate height at podium level will mitigate the impact of the tower at on the adjacent Camden House.
- separation between Camden House and the site remains unchanged.
- the improved through site link to Luna Park will improve future public activation.
- when viewed from the Sydney Harbour Bridge approach, viaducts, arches and bays and the Sydney Opera House, the future building will not have any undue prominence.
- the existing building has been assessed as having no heritage significance.



Traffic and Parking

The planning proposal includes a traffic and parking impact assessment prepared by Barker Ryan Stewart dated March 2019 (**Attachment E8**). The assessment concludes:

- The proposed parking and loading facilities are considered practical and safe ensuring that all traffic generated by the development can enter and exist the site in a forward direction.
- The increase in traffic generated would have a minimal impact on the safety and operating efficiency to both Alfred Street South and Glen Street, in addition to the intersections with Dind Street and Fitzroy Street.
- There would be no warrant to upgrade the local road network as a result of any additional traffic generated by the development.
- The proposal is compliant with NSDCP 2013 parking rates. The proposal provides four levels of basement car parking capable of accommodating 191 car parking spaces. This includes 63 spaces to be dedicated for the use of Council in accordance with a positive covenant that applies to the site.
- The site is suitable for the proposed intensification of the use of the site in relation to the impact of traffic, vehicle access, parking and safety considerations. It will have a negligible impact on the operation of the surrounding transport network.

Wind Impact

A Pedestrian Wind Impact Analysis was prepared by Windtech Consultants to provide an assessment of the general wind effects required by the NSDCP 2013 (**Attachment E9**). The report noted that the pedestrian footpaths along Alfred Street and Glen Street are exposed to southerly and north-easterly winds. Windtech has made a range of recommendations to mitigate the impact, including:

- tree planting along Alfred Street with a height of 3-5m and a minimum canopy of 4m width.
- a ground level awning at ground level on the eastern and southern aspect.
- inclusion of an awning along the southern aspect above the staircase.
- installation of a full height screen at the eastern elevation.
- impermeable screens on the northern, eastern, western private terraces at various levels.
- permeable balustrades along the perimeters of the private terraces.
- hedging along the perimeter of the public terrace to 1 meter in height.
- inclusion of a 2m high impermeable balustrade along the perimeter of the roof viewing deck.

Windtech advises that the extent of the potential wind impact and the mitigation measures should be investigated further through wind tunnel testing to confirm conditions are suitable for pedestrians.

The existing uses approved uses and likely future uses of land in the vicinity of the proposal.

The surrounding development is comprised of a mix of commercial, retail and high-density residential developments. These developments range from 13 storeys up to 22 storeys.

Immediately adjoining the site to the south is the heritage listed 'Camden House'. This is a two storey dwelling with retail on the ground level.

Figures 34 and 35, and Table 3 illustrates the concept envelope and surrounding development heights.



Figure 35: Heights of surrounding developments (refer to Table 3 below)

Table 3: Summary of existing heights of surrounding developments (approximately heights)

Number	Site	Storeys	Height RL	Height over the 40m maximum height limit in the NORTH SYDNEY LEP 2013 (m)
Site	52 Alfred Street	25 (Alfred Street)	96.05	22.8 (proposed)
1	30 Glen Street	16	86.3	26.9
2	80 Alfred Street	18	91.5 (67.2m)	21.1
3	70 Alfred Street	21	96.2	26.4
4	37 Glen Street	22	87.4	18.1
5	48 Alfred Street	21	100.2	31.9
6	2 Dind Street	25	95.6	30.5
7	38 Alfred Street	23	91.7 (52.5m)	27.1
8	Camden House	2	40.68	0

The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.

The planning proposal states the existing building reaches 13 storeys with a four storey podium containing landscaped balconies wrapping around the eastern and southern sides. Ground level at Alfred Street South accommodates a single retail use which comprises a convenience store.

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The rezoning review application states:

- The site is well serviced by infrastructure and services.
- the site is within walking distance of a wide range of existing infrastructure and services.
- the site provides an opportunity to support the delivery of high-density transit-oriented development.

Public benefit

The rezoning review also identifies potential public benefits that are not part of the site-specific merit test regarding:

- a built form with high residential amenity and premium commercial floorspace;
- support the local economy by providing new commercial tenancies;
- provide a through-site-link to improve connectivity with Milson's Point and increase the permeability of the site; and
- improve the public realm at ground level.

3. COUNCIL VIEWS

The Department wrote to Council on 4 July 2019 advising of the Rezoning Review request. Council responded on 18 July 2019 and 2 August 2019 (**Attachment D1**) that they did not support the planning proposal.

Council stated that the consultant's assessment was reported to the Local Planning Panel 14 August 2019 (**Attachment D3**). The consultant's report did not support the proposal in its current form but stated that it could be supported if a more detailed impact assessment was undertaken by the applicant. The assessment report was accompanied by a Manager Advisory Note (Advisory Note) from Council which provided comments in relation to the consultant's assessment and recommendation.

The Advisory Note (**Attachment D4**) identified that the current proposal:

- had unacceptable or undetermined amenity impacts, and further investigation was required;
- may require the proposed heights to be reduced;
- contains assessment tables that had errors and, in some instances, had not been updated to reflect the impacts of the current proposal;
- contains modelling and drawings that lacked sufficient visual representations to reliably verify outcomes;
- demonstrates an unacceptable level of impact in that 30% of proposed apartments will receive no sun when the ADG specifies a 15% maximum;
- will affect apartments located at 48-5 Alfred Street with a significant reduction in solar access; and
- will affect the two apartments at each level up to level 19 of 37 Glen Street on one up to level 22 will be significantly affected by view loss;

The Advisory Note stated that photographs submitted by residents at 37 Glen Street indicated that the planning proposal documents contained misleading viewpoint angles. It was stated that the extent of the potential view loss to iconic landmarks such as the Sydney Harbour Bridge was not represented.

The Advisory Note (**Attachment D4**) stated that it challenged the consultant's recommendation that the proposal could be supported with amendments for the following reasons:

- *the proposal does not demonstrate an acceptable development to respond to the site attributes and will result in a significant level of amenity impacts to adjoining residents;*

- *the extent of impact identified, particularly in relation to view loss, may not be able to be resolved through the provision of increased building separation and setbacks;*
- *to defer further assessment of impacts provides no certainty that the site can appropriately accommodate the height sought;*
- *the proposal fails to demonstrate strategic merit because:*
 - *of inconsistency with a number of objectives and actions under the relevant Regional and District Plans;*
 - *sufficient residential capacity is identified in the draft North Sydney Local Housing Strategy (2019) to meet projected housing demand for the next 20 years, without the need to change the land use mix on the subject site;*
- *it is contrary to the objectives of the Height of Building controls under clause 4.3 to NSLEP 2013 and inconsistent with the Milsons Point Town Centre Character Statement under section 9.1 to Part C of NSDCP 2013; and*
- *there is 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.*

The North Sydney Local Planning Panel recommended that the planning proposal to increase the maximum height controls across the site should not be supported for the reasons outlined in the Advisory Note.

Additionally, the Advisory Note stated:

- that the broader community required a level of certainty and past poor design outcomes were not to be used as precedents for seeking variations to current planning controls;
- the scheme does not demonstrate how an increase in height from the current 40m limit to a proposed 79.6m height to the site fronting Glen Street will not result in significant view loss and reduced solar access to adjoining development;
- there would be a loss of employment floorspace in a building that is understood to be currently over 90% let; and
- the housing supply to 2036 indicated in Council's draft Local Housing Strategy is already planned and does not depend on the inclusion of this site.

ATTACHMENTS

Attachment A – Locality map

Attachment B – Site map

Attachment C – Current LEP maps

Attachment D1-D4 – Council comments

Attachment E1-E10 – Rezoning review

- Planning proposal
- Architectural plans
- Design verification statement
- Survey drawings
- Landscape concept
- Heritage impact statement
- View impact analysis
- Traffic and parking assessment
- Pedestrian wind impact analysis
- Amenity and overshadowing analysis

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