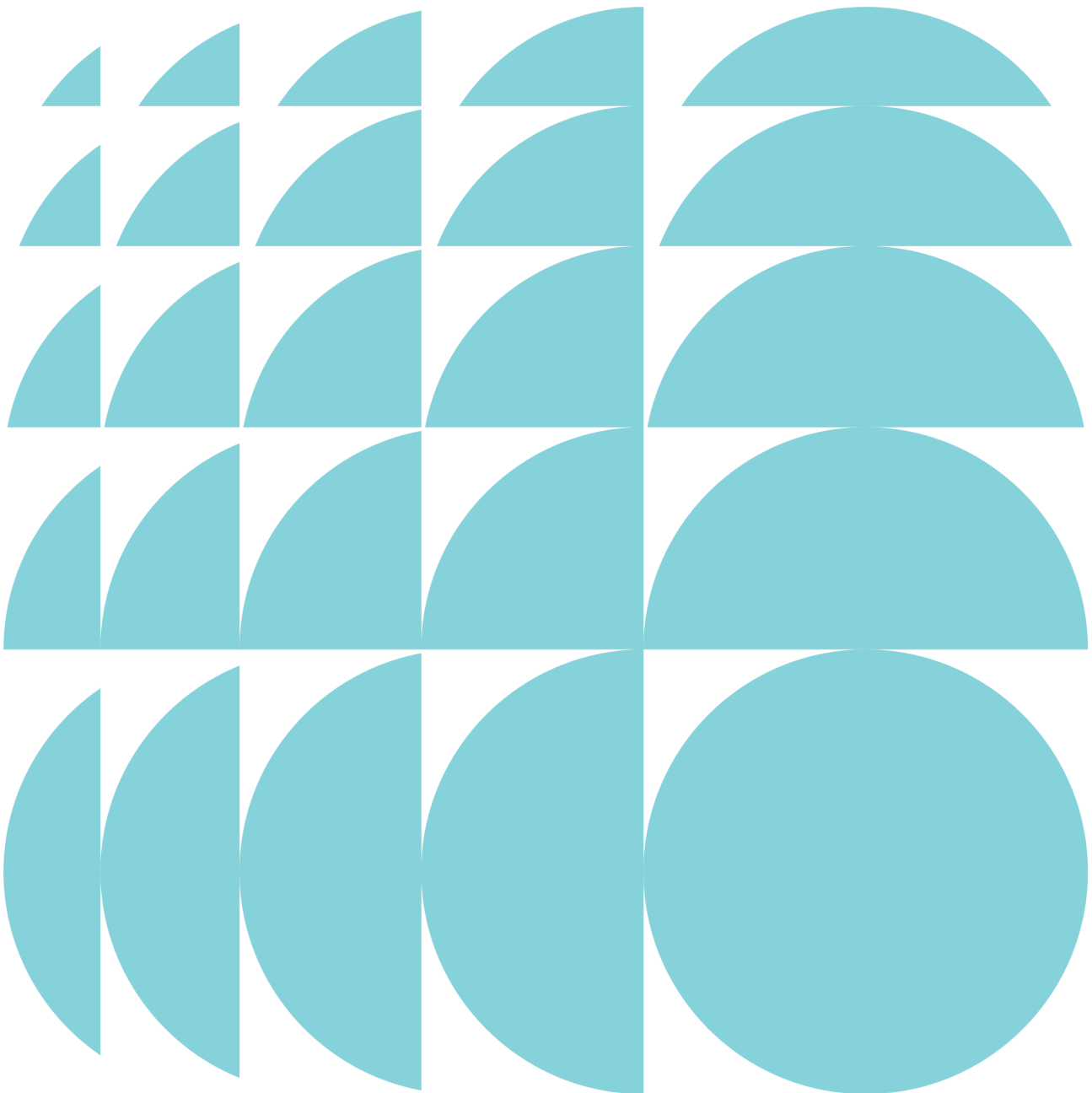


Planning Proposal

1A Little Alfred Street, North Sydney
Planning Proposal

Submitted to North Sydney Council
On behalf of Tooma & Tooma Pty Ltd

February 2021 | 15003



CONTACT

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- E** Traffic and Parking Assessment
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- G** Voluntary Planning Agreement
Tooma & Tooma
- H** Review of Recreational Use, Viability and Options report
Otium Planning Group

1.0 Introduction

This report has been prepared by Ethos Urban on behalf applicant Tooma & Tooma Pty Ltd, in support of a Planning Proposal to amend the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) with respect to the land at 1A Little Alfred Street, North Sydney.

The owners of the site wish to repurpose the existing tennis courts and establish a viable business that allows them to retain ownership of the site and make a positive contribution to the local community.

The vision for the site is to create an '*inner-city urban lifestyle retreat*' with an executive and innovative style accommodation experience – aimed primarily at business executives or young individuals looking to network, working in the North Sydney or Sydney CBDs. The concept plan includes a collection of supporting activities - a café, health/wellbeing space and co-working space, designed as complimentary services to the accommodation experience.

The vision also seeks to maintain the recreation function of the site. One existing tennis court will be retained for public access, subject to the existing booking arrangements. This will be supported by indoor and outdoor recreation opportunities that will be open to guests and local residents. A new 3 storey building on the western portion of the site will contain:

- 11 x 1-2 bedroom apartments (at levels 1-3); and
- a 38m² kiosk style café, a 62m² health/wellness space that could be used for yoga, a gym space etc, and 55m² of shared 'co-working' space, accommodation lobby and back of house, all at ground level.

To enable the above, specifically, this Planning Proposal seeks to amend NSLEP 2013 as follows:

- allow 'Serviced apartments' and 'Co-Living (subject to the finalisation of the Draft Housing Diversity SEPP is finalised) as additional permissible uses on the site (NB: 'Kiosk' and 'Recreation facility (indoor)' uses are already permissible on the site under the existing RE2 zone). With respect to the Boarding House use, if the Council officers actively support maintaining this use then this will be reconsidered;
- amend the Height of Buildings Map with a maximum height of 12.5m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.9:1 on the western portion of the site.

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 3.0 of this report describes the proposed development concept plan for the site whilst **Section 4.0** summaries the proposed planning amendments. **Section 5.0** sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, state environmental planning policies and relevant ministerial directions. **Section 6.0** provides an assessment of the key environmental, social and economic impacts of the proposal.

1.1 Site Background

Part of the site was occupied by two residences prior to the construction of the existing tennis courts, which have been used as a private tennis facility since prior to 1930. Despite its current use, the site had previously been zoned Residential A under Interim Development Order 57 which allowed townhouses. It was rezoned by Council to Private Recreation under the North Sydney LEP 1989.

In 2010, Council's Division of Open Space & Environment Services considered the site for purchase and concluded that due to the site configuration, the range of court types, and therefore the range of sports that could utilise the space, would be significantly restricted. The site was considered not good value for money when measured against all the recreational needs of the community.

2011 Planning Proposal

In 2002, the owner at the time approached Council with a number of concepts including a sports club, 5-6 attached dwellings and a complex of three buildings each containing duplexes. Council officers considered these schemes to be overdevelopment and did not support them.

The subsequent Planning Proposal (2011) sought to rezone the site from RE2 Private Recreation to R2 Residential with a maximum height limit of 8.5m and a maximum of 3 dwellings. The Council officers supported the rezoning of the site. However, the Council resolved to defer the matter to a public meeting which was held in August 2011. At the October 2011 meeting, Council resolved not to proceed with the Planning Proposal.

2014 Multi storey recreation facility (DA 16/14)

A DA was submitted to Council in 2014 by a previous owner. The DA proposed to excavate the site and construct a 4-level building containing 3,200m² of recreational floor space including: bowling alley, wave pool, cafe, lap pool, screen golf, rifle range, rock climbing, gym, lounge, sauna, day spa, treatment rooms and 31 car spaces.

The Council officer assessment report recommended refusal of the proposal on the grounds that it failed to meet the aims and objectives of the LEP and represented an overdevelopment of the site. The excavation was considered excessive without appropriate setbacks, the site cover was considered excessive, particularly with is no soft landscaping (deep planting) provided. The parking and loading facilities were considered inadequate, and that insufficient detail was provided with regard to the proposed uses to properly determine the acoustic impacts or proper management of the uses.

1.2 Pre-Lodgement Engagement

With respect to this Planning Proposal, community consultation will be conducted in accordance with Section 3.34 and Schedule 1 of EP&A Act and *A Guide to Preparing Planning Proposals*, at which point the public and relevant authorities will have an opportunity to make comment on the proposal. In addition, any future DA will also be exhibited in accordance with Council requirements.

Notwithstanding this, pre-lodgement engagement has been undertaken during the design development phase regarding this proposal. A summary of this is included below.

North Sydney Council

In December 2017, the proponent and project team met with Council officers to present and discuss the preliminary concept for the site. The following key points were discussed:

- there has been a previous planning proposal relating to the site, which was rejected by North Sydney Council for a number of reasons;
- there was also a previously submitted DA for the site, which was recommended for refusal. Some of these reasons included unreasonable impacts to neighbouring residential amenity, insufficient parking for proposed uses, and extensive excavation;
- Council will be seeking to understand impacts on neighbours, and their concerns or supporting comments; Council will likely no support residential apartments as it was already meeting its housing target elsewhere; and
- Council are conscious that the site is constrained and will be looking to see a detailed site analysis and design response to inform any future redevelopment.

Adjoining Landowners

In February 2018, some of the neighbouring landowners fronting Whaling Road were invited to meet with the project team in regard to the preliminary scheme. The project team met individually with four households to discuss the proposal.

In December 2018, neighbours fronting High Street were likewise invited to meet with the project team to discuss the proposal. Four individual households responded to this requesting a meeting. The key points of discussions at these various meetings are summarised below.

General comments:

- Appreciated the concept of shared work space and a café, and acknowledged these facilities will contribute to the local amenity and were likely be used to immediate surrounding neighbours
- Acknowledged that there are very limited views to the city and that the proposed development will likely not impact this
- There are potential benefits that the proposed building may act as a noise buffer from the busy roads to the south and west
- An awareness that many redevelopment proposals have been sought previously and that eventually the site will likely be redeveloped. If the site is to be redeveloped, they would like to ensure a better outcome than previous schemes with less impacts
- Acknowledged that this proposal is more considerate of its surrounds than all previous proposals for the site, and overall has less of an impact
- Acknowledged that the proposed uses are more representative of the surrounding character, and will likely attract more pedestrians than cars
- Acknowledged that the concept design has carefully considered potential impacts, and siting of the proposed building seeks to minimise overshadowing and privacy impacts on the maximum number of neighbours.

Concerns:

- Potential uncertainty of development after rezoning if approved. How can the proposed outcomes be guaranteed, without relying purely on trust in the proponent?
- Concerns the land may be sold to another developer after the site has been rezoned, and that the future development will result in residential flat buildings rather than the currently proposed short stay accommodation. As such, would like to restrictive controls to ensure that uses other the proposed concept design cannot be built at later stages
- Previous development proposals explored offering rear access to the adjoining neighbours. Requested that personal access to the site would be ideal, however acknowledged that it is unfeasible to provide access to all neighbours, due to the large ground level differences and utilisation of that space to provide parking for the proposal
- Would like detailed drawings to understand intended outcomes prior to supporting any rezoning
- Concern that the proposed height to introduce privacy issues to use of back yards and rear entertaining areas, and would generally prefer a sympathetic height
- Concerns for potential impacts on the quality of life during construction
- Some were opposed to any development on the site
- Concerns relating to potential for additional parking and traffic generation impacts on Whaling Road
- Noted that waste collection occurs from Little Alfred Street, and request that the proposal seeks to minimise truck reversing and blocking of the lane
- Window/balcony placement and design must prevent overlooking into neighbour backyards and private entertainment areas. Screening methods should be used to direct views
- Noted a need to ensure box culvert along common boundary is reinstated to allow stormwater runoff.

1.3 Post Lodgement of PP2/20

On the 28 July 2020 preliminary feedback was received from Council after the original planning proposal (PP2/20) was submitted to North Sydney Council on 24 March 2020 for an indicative reference scheme that incorporated a part 4, part 5 storey development with an FSR of 1.62:1. Council's comments in their July 2020 correspondence provided a series of comments and concerns with the proposal, including:

- Maintaining an adequate supply of recreational areas within the LGA, in line with Council's Recreational Needs Study undertaken in 2015.
- A fear of the loss of private recreational area within close proximity to an employment area being inconsistent with Council's goal to maintain areas for sports use within the catchment of North Sydney CBD.
- A fear that the reduction of 2 out of 3 tennis courts on site would reduce opportunity for local participation in sport and physical activity which may reduce compliance with the Federal Government's 'Sport 2030 - National Sport Plan' which aims to ensure Australia is, "the world's most active and healthy nation."
- A fear that the reduction of 2 out of 3 tennis courts on site would reduce the important role recreational areas play in supporting the health and wellbeing of the local community in a post-covid recovery environment.
- The perceived 'fragmentation' of the remaining tennis court from the adjacent RE1 pocket parks being undesirable and may reduce the useability and amenity of both spaces.
- The proposal's considered inconsistency with the objectives of the RE2 zone and with the objectives of the adjacent zones in that it will result in a loss of recreational area and proposes to introduce serviced apartments which isn't reflective of the current or desired land use of the existing or surrounding properties and is out of context in the form proposed.
- The proposal's scale of development not being seen as desirable within the DCP 2013 Character Statement.
- The proposal's impact on the vegetation directly to the south of the site.
- Even though the proposal had not undergone a formal 'Public Exhibition' process, Council had received numerous submissions from residents indicating their concern with the proposal.

A full response to each of the above comments is provided within the covering letter appended to this Planning Proposal.

Additionally, even though the proposal had not undergone an official 'Public Exhibition' period mandated to all Planning Proposals as part of the Gateway Determination process, Council has received over 50 submissions in relation to the original Planning Proposal scheme, identifying a number of matters of concerns to the nearby residents. The key issues raised in relation to the Planning Proposal, and the proponents detailed responses to each of the key themes expressed within the submission, are provided within **Table 2** of the covering letter appended to this Planning Proposal.

The following amendments were made to the reference scheme and planning proposal following receipt of Council's initial assessment comments and public submissions:

- Reduction of the proposed maximum building height from 4 and 5 storeys (21m maximum building height control) to 3 storeys (15m maximum building height control);
- Reduction of the proposed maximum Floor Space Ratio from 1.6:1 to 0.9:1:1 on the western portion of the site;
- Amendments to the proposed maximum building envelope to reflect the revised planning controls (refer to **Appendix A**);
- Amendments to the proposed reference design scheme to reflect the revised planning controls (refer to **Appendix A**); and
- Revision to the VPA letter to extend the offer of guaranteed operation of the tennis court from a period of 5 year to 15 years (refer to **Appendix G**).

This Planning Proposal report represents an amended reference scheme that has been revised to incorporate the design changes as a result of the proponent's response to Council comments. This Planning Proposal should be read in conjunction with the appended covering letter, which responds to Council concerns and public submissions, as well as the following relevant reports that have been amended/included to reflect any changes and to appropriately respond to the issues raised:

- Revised Design Report prepared by Carter Williamson (**Appendix A**);
- Review of Recreation Use prepared by Otium Planning Group (**Appendix H**); and
- VPA Offer letter prepared by Tooma and Tooma (**Appendix G**).

North Sydney Local Planning Panel – 9 December 2020

Following Council's preliminary feedback on the Planning Proposal outlined above, a revised Planning Proposal was submitted to Council for review. The revised Planning Proposal was not recommended for approval by North Sydney Council, despite the revisions made. The Planning Proposal was then forwarded to the North Sydney Local Planning Panel (NSLPP) for review on 9 December 2020.

The NSLPP concluded that the Planning Proposal is supported based on the following amendments:

- Any additional use sought were to be limited to 'serviced apartments' only
- Maximum height limit of 12.5 metres and three storeys.
- FSR of 0.9:1 confined to the western portion of the site.

Furthermore, the NSLPP recommended that additional restrictions would be supported, including restrictions on future subdivisions to ensure the entire site remains in single ownership.

Based on the above, the NSLPP resolved that the 'serviced apartment' use has both strategic and site-specific merit, and in conjunction with the above conditions, the Planning Proposal was mostly supported by the panel. The NSLPP also recognised the unique location and constraints of the site, and the need for complementary uses to activate the site and ensure continued access to the recreational parts of the site, as achieved by this Planning Proposal

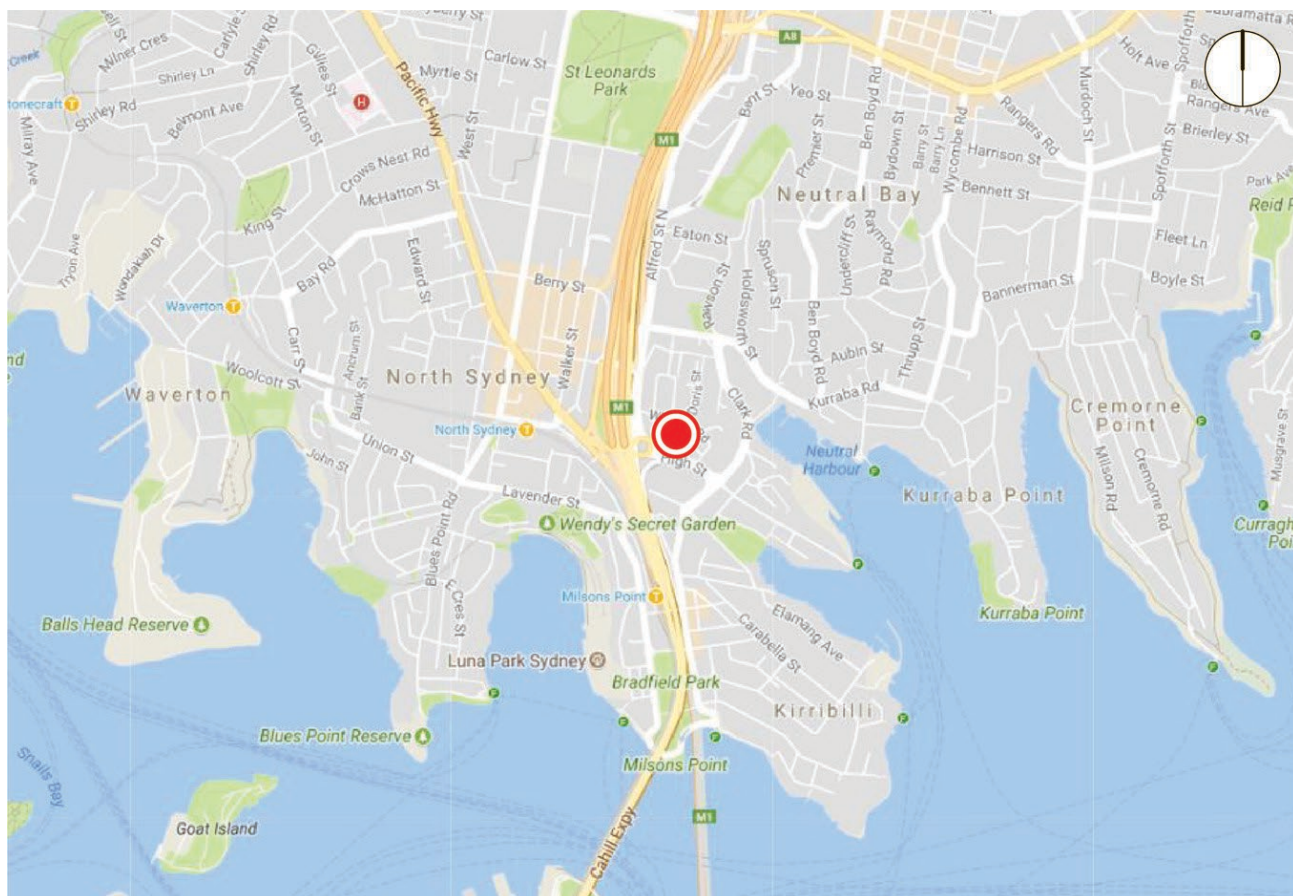
The Planning Proposal has since been revised to incorporate the recommendations of the NSLPP, including the removal of the proposed 'office premises' use, and revision of the FSR.

2.0 The Site

2.1 Site Location and Context

The site is located at 1a Little Alfred St, North Sydney (**Figure 1-3**). It is located within the North Sydney Local Government Area, approximately 500m from North Sydney CBD, and 2km from Sydney CBD. The North Sydney CBD, separated from the site by the Warringah Freeway, is currently undergoing substantial commercial intensification, particularly with a strategic encouragement of a diverse mix of employment generating uses.

The site is located within the centre of the street block bound by Whaling Road, High Street, Pile Lane and Little Alfred Street. The site is bordered by residential properties to the north, east and south and a park on the western boundary.



The Site

Figure 1 Location context

Source: Google & Ethos Urban

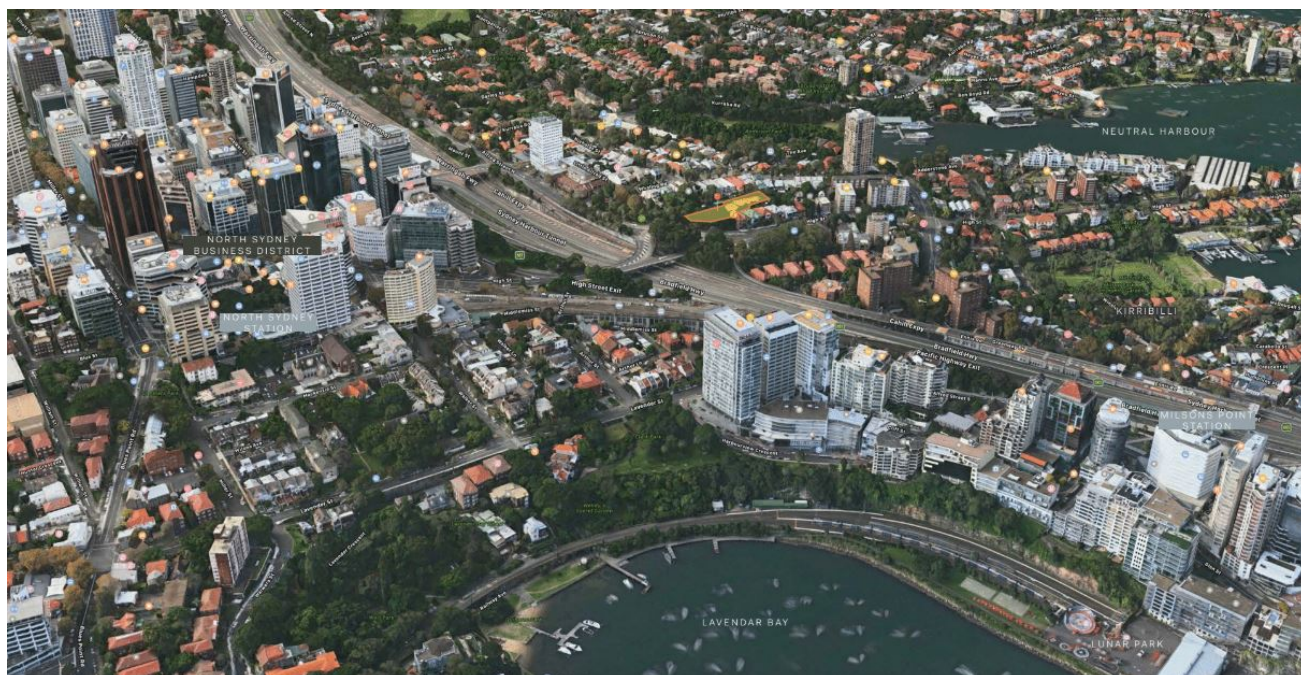


Figure 2 Site in relation to North Sydney CBD

Source: Carter Williamson



 The Site

Figure 3 Local site context

Source: Nearmap & Ethos Urban

2.2 Site Description

A site survey plan is included at **Appendix A**. The site, approximately 1,829m² in area, is legally described as Lot 1051 DP812614 and known as 1A Little Alfred Street, North Sydney. Existing development on site is illustrated at **Figure 4**. It comprises 3 tennis courts, 3 parking spaces, two huts and bathrooms. Site access is provided via Little Alfred Street, at the western edge of the site. The topography of the site is relatively flat, with three main levelled ground heights, due to the site's existing use comprising 3 tennis courts. There is no existing vegetation on the site. The three tennis courts are operational between the hours of 6am to 10pm, 7 days a week. Bookings and payments are made online via a website.



Site entry and car park located on western boundary of the site



View from Court 1 looking west towards North Sydney CBD



Existing players amenity hut, containing bathrooms and change facilities, located on northern boundary of the site



Existing players hut located on the southern boundary of the site



Looking south down Little Alfred Street towards entry to the site



Existing pedestrian access on site along southern boundary



Looking north from the site towards the rear boundaries of adjoining residences



Looking east from the site

Figure 4 Various views of the site

2.3 Surrounding Development

North: Residential dwellings to the immediate north of the site generally comprise terraces and dual occupancies along Whaling Road. Further north- west comprises medium to higher density residential and commercial uses within the 'Alfred Street Precinct'.

South: Residential dwellings to the immediate south of the site generally comprise manor houses along High Street, and apartment buildings further south and to the south east of the site. The immediate south-west of the site comprises a landscaped area with dense foliage connecting to the adjoining public park.

East: Surrounding context to the east of the site generally comprise low density residential dwellings and high-density residential apartments.

West: A public park adjoins the site to the immediate west. Further to the west comprises the Warringah Freeway and North Sydney CBD and North Sydney Railway Station.



Looking north at the adjoining public park and Little Alfred Street



View of the public park looking south east towards the site



Existing adjoining residential properties to the south of the site, fronting High Street



Existing high-density residential properties along High Street, located to the south east of the site



Existing residential properties adjoining the site to the north, fronting Whaling Road



Existing residential property adjoining the site to the north, fronting Whaling Road



View of northern neighbouring residence from Little Alfred Street



Existing commercial development along Alfred Street North, north of the site

Figure 5 Various views of the surrounding development

2.4 Current Planning Controls

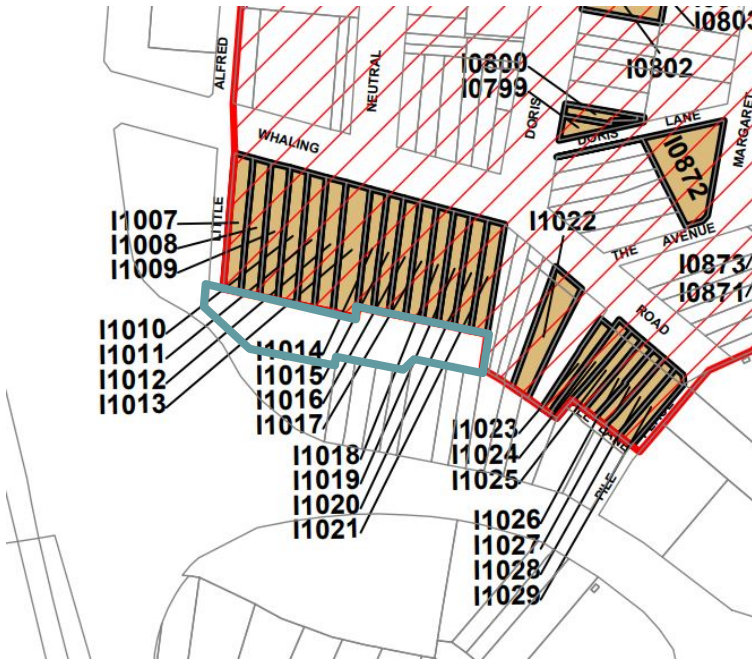
The planning documents that apply to the site are:

- North Sydney Local Environmental Plan 2013 (NSLEP 2013); and
- North Sydney Development Control Plan 2012 (NSDCP 2012).

The relevant aspects of NSLEP 2013 is set out in **Table 1** below. **Section 4.0** of this report outlines how the NSLEP 2013 is proposed to be amended by this Planning Proposal. Consistency of the proposal against the key relevant DCP provisions is assessed at Section 6.3.

Table 1 Key relevant planning controls of NSLEP 2013

Control	Mapping	Comments
CI 2.3 Land Use Zone	<p>The Site</p> <p>Zoning</p> <ul style="list-style-type: none"> B3 Commercial Core R2 Low Density Residential R3 Medium Density Residential R4 High Density Residential RE1 Public Recreation RE2 Private Recreation SP2 Infrastructure 	<p>The site is zoned as RE2 – Private Recreation. Current uses permissible with consent include:</p> <ul style="list-style-type: none"> Building identification signs; Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads
CI 4.3 Height of Buildings	<p>The Site</p> <p>Maximum Building Height (m)</p> <ul style="list-style-type: none"> I 8.5 M 12 N 13 O2 16 S 24 	<p>There is maximum permissible building height for the site. Surrounding residential areas to the north and south of the site have a maximum permissible building height of 8.5m</p>

Control	Mapping	Comments
CI 4.4 Floor Space Ratio	There is no maximum FSR limit for the site.	There is no maximum FSR limit for the surrounding residential areas to the north, south and east
CI 5.10 Environmental Heritage		<p>The site is not a heritage listed item under the <i>North Sydney LEP 2013</i>, or State Heritage Register, nor is it located within a Conservation Area</p> <p>Residential properties adjoining the site, located to the immediate north are locally listed under the <i>North Sydney LEP 2013</i>, and located within the 'Conservation Zone 21 Whaling Road'</p>
CI 6.7 Development in Zone RE1 or Zone RE2	<p>(2) <i>Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following:</i></p> <ul style="list-style-type: none"> (a) <i>the need for the proposed development on the land,</i> (b) <i>whether the proposed development is likely to have a detrimental impact on the existing or likely future use of the land,</i> (c) <i>whether the height and bulk of any proposed building or structure has regard to the existing vegetation and topography,</i> (d) <i>whether the proposed development will adversely impact on bushland and remnant bushland,</i> (e) <i>whether the proposed development will adversely impact on stormwater flow</i> 	Any future DA on the site will address the considerations of this clause
	<p>(3) <i>Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> (a) <i>the proposed development is consistent with the objectives of the zone of any adjacent land, and</i> (b) <i>the proposed development is not likely to result in any adverse impacts on development that is permissible on any adjacent land, and</i> (c) <i>the proposed development is consistent with the most restrictive development standards applying to any adjacent land in the following zones in relation to the height of buildings, floor space ratios and setbacks:</i> <ul style="list-style-type: none"> (i) <i>Zone R2 Low Density Residential,</i> (ii) <i>Zone R3 Medium Density Residential</i> 	<p>This Planning Proposal seeks to introduce site specific development controls for height and FSR, which have been proposed with consideration and assessment of adjoining land use zones and development controls.</p> <p>As such, if this Planning Proposal is gazetted, a future DA on the site will be consistent with its own site-specific development standards, as well as consistency with the objectives of the adjoining land use zones.</p>

3.0 Proposed Development Concept

The following section should be read in conjunction with the design concept prepared by award winning architects Carter Williamson, included at **Appendix B**. The concept design report includes a detailed site analysis, a set of key design principles as well as a schematic architectural design.

3.1 The Vision

The vision for the site is to create an '*inner-city urban lifestyle retreat*' with an executive style accommodation experience – aimed primarily at business executives working in the North Sydney or Sydney CBDs. The concept includes a collection of supporting activities - a café, health/wellbeing space and co-working space, designed as complimentary services to the accommodation experience.

The intended architectural design outcome focuses on quality design and finishes, sustainability and a high-quality landscape reflective of the surrounding natural environment.

3.2 Proposed Activities

This Planning Proposal aims to facilitate the concept design (see **Appendix B**), a new 3 storey building on the western portion of the site that will contain:

- 11 x 1-2 bedroom serviced apartments (at levels 1-3); and
- a 38m² kiosk style café, a 62m² health/wellness space that could be used for yoga, a gym space etc, and 55m² of shared 'co-working' space, accommodation lobby and back of house, all at ground level.

The eastern portion of the site will be utilised as an outdoor garden and active recreation space used in conjunction with the health/wellness space. The eastern most tennis court will be retained and will remain open to the public, via an online booking system (as per the existing arrangement). This can be secured through a future condition of development consent or Planning Agreement.

The whole site and its uses will be privately managed and maintained by on-site management. Ground floor uses will be commercially operated, open to all, and will not be restricted to the residents of the short stay accommodation. Seven (7) car spaces will be provided on-site, including one car share space, all at grade with no excavation proposed. The site concept is illustrated at **Figure 6**.

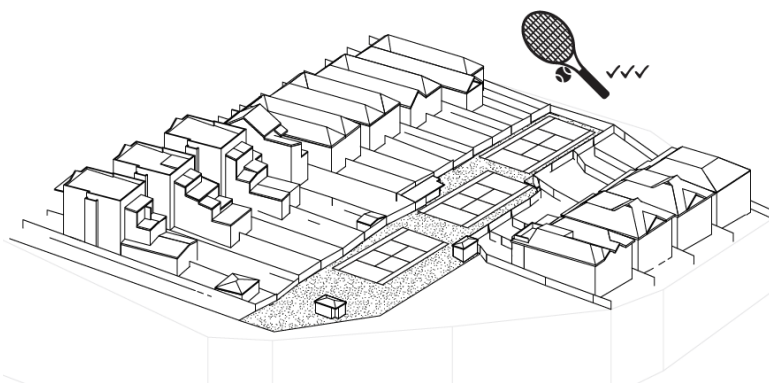


Figure 6 Proposed overall site concept

Source: Carter Williamson

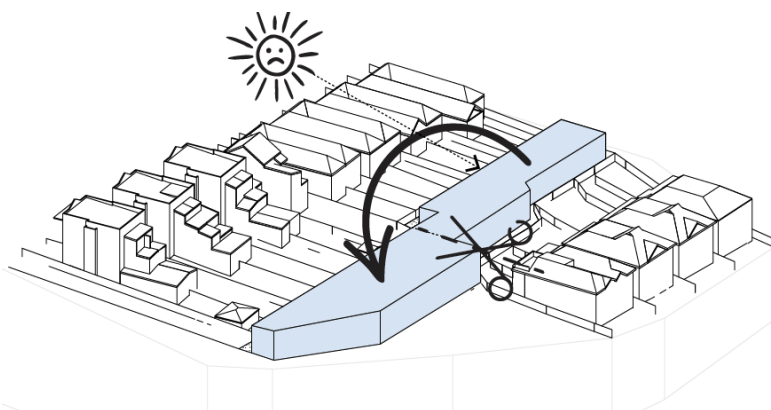
3.3 Key Design Principles

The key design principles developed by Carter Williamson to inform the site planning are set out below.



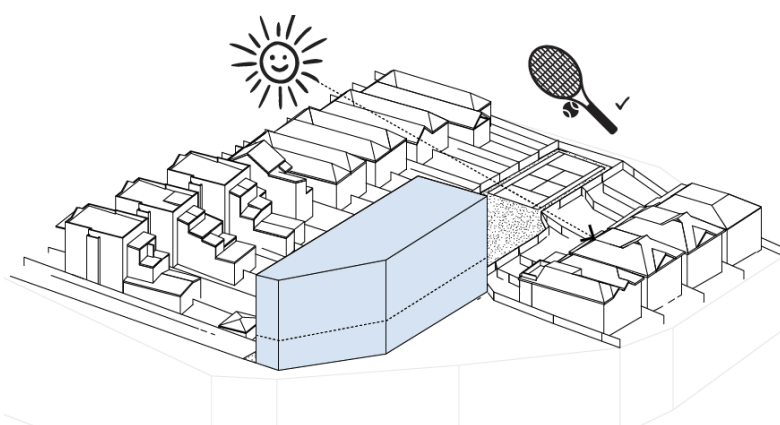
The existing tennis courts on site are underutilised, and unviable as a private commercial business in the long term

Retain one existing tennis court for continued recreation use



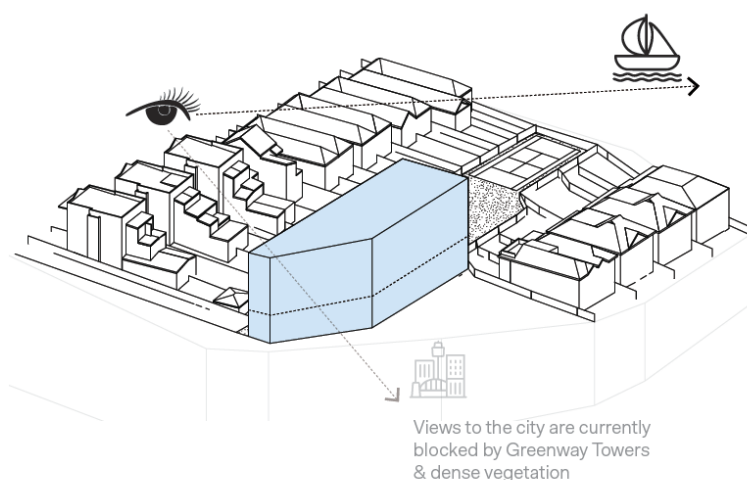
A low scale development located along the width of the site will result in significant overshadowing impacts to the south as well as the loss of all existing tennis courts

Built form across the whole site results in neighbour impacts



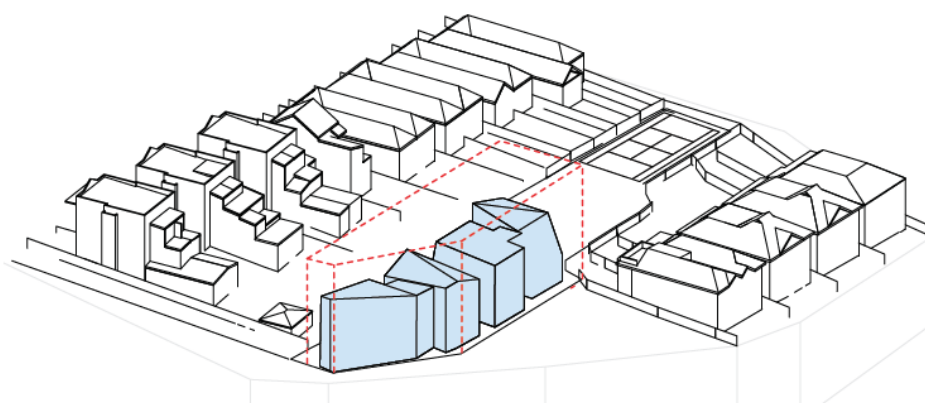
In order to minimise these impacts, the proposed built is transferred to the western portion of the site

Consolidated built form at western end improves solar access to High Street properties



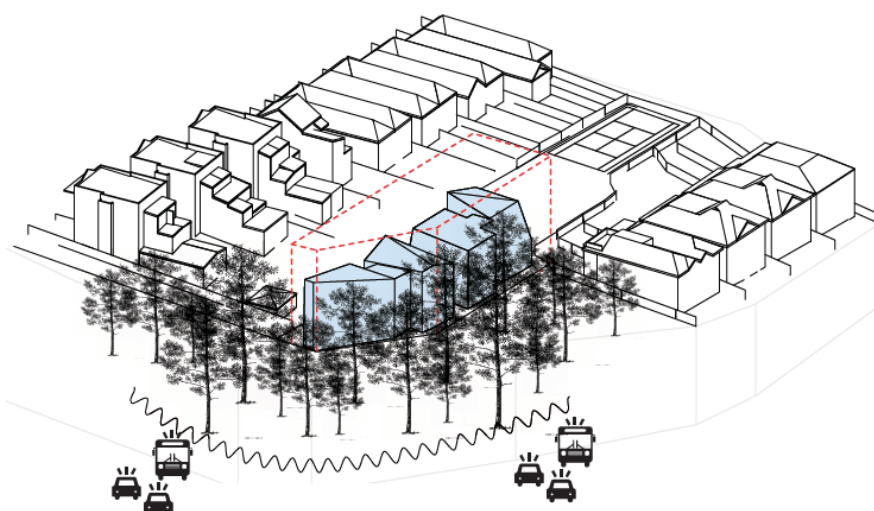
The built form at the western end of the site also retains key harbour views for the houses fronting Whaling Road

Consolidated built form at western end retains water views



The building volume is articulated to minimise overshadowing, reduce the visual impacts of the form and provide views and light through the built form

Articulated built form to minimise solar and privacy impacts



The proposed form will act as a noise buffer for the high traffic environments of Alfred Street North and High Street. All existing trees located within the public park land are to be retained and will act as a visual buffer from High Street

Proposed built form acts as a noise buffer from high traffic roads to the south and west

3.4 Built Form and Density

The above design principles inform the maximum building envelope illustrated in **Figure 7** and **Figure 8** below. This maximum building envelope sets the maximum extent of a future building within the site so as to ensure minimal off-site impact. At DA stage, the detailed design of the building will need to be wholly contained within this envelope. Should Council require a site specific Development Control Plan provisions, this envelope plan can form a key development control for the site.

The proposed overall GFA is 844m², representing an FSR of 0.46:1 across the whole site or 0.9:1 across the western portion of the site.

It is noted that some portions of the roof design of the proposed scheme may extend beyond the 12.5 metre height limit due to the design of the building. Any additional height will be designed as an architectural roof feature and will meet the requirements of section 5.6 of the North Sydney Local Environmental Plan 2013. This will be further investigated in the detailed design and development application stage of the development.

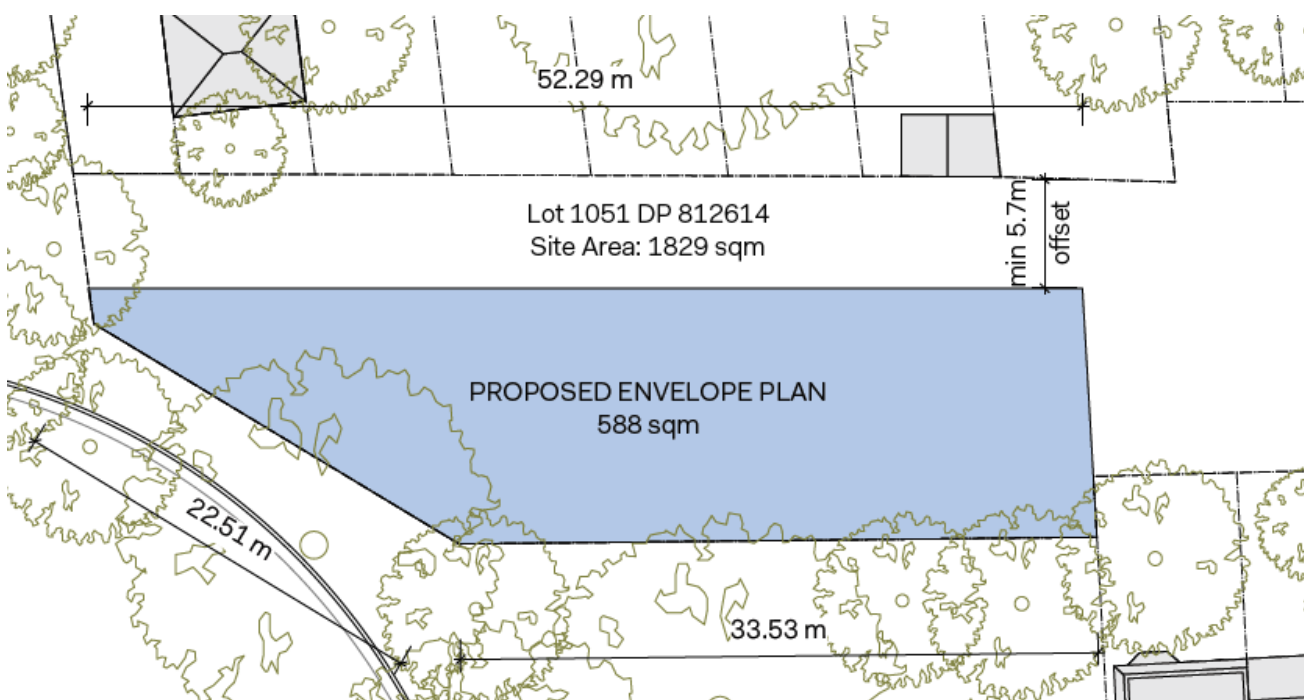


Figure 7 Proposed maximum building envelope plan (footprint)

Source: Carter Williamson

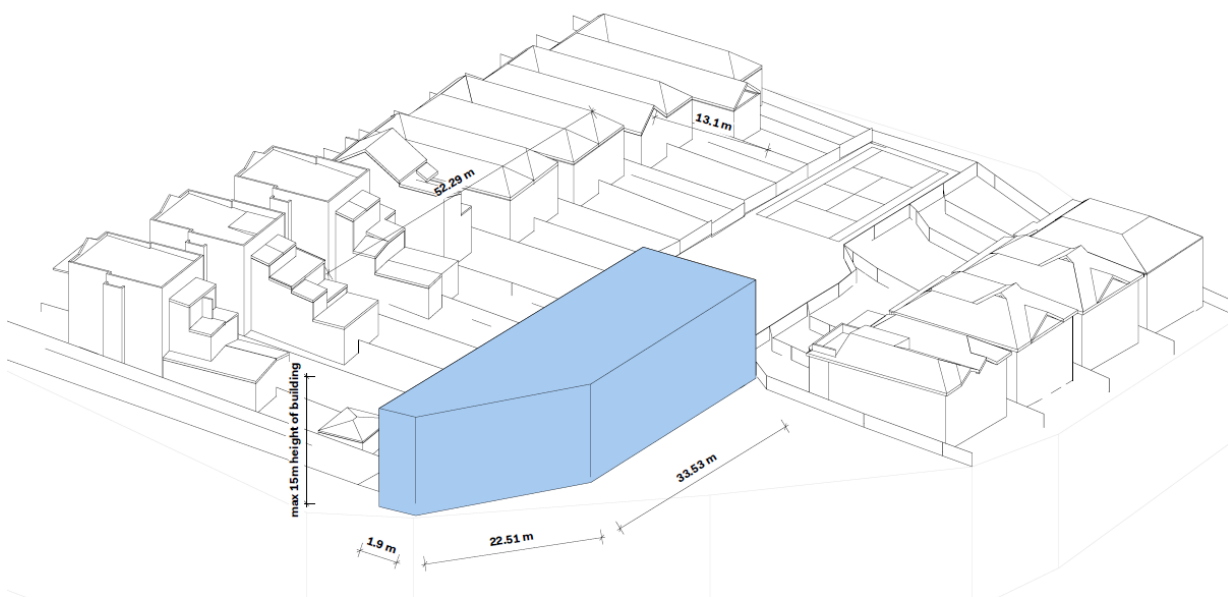


Figure 8 Proposed maximum building envelope (3D)

Source: Carter Williamson

3.5 Landscape Design

Detailed landscape plans have been prepared by Melissa Wilson Landscape Architect and are included at **Appendix C**. The proposed landscape design (**Figure 9**) incorporates a quiet reflection space located to the immediate east of the proposed building, and is designed as a flexible space, offering use by short terms residents of the proposed serviced apartments, as well as visitors of the proposed co-working space and wellness centre. The landscape space creates opportunity to provide additional spill out space for the wellness centre.

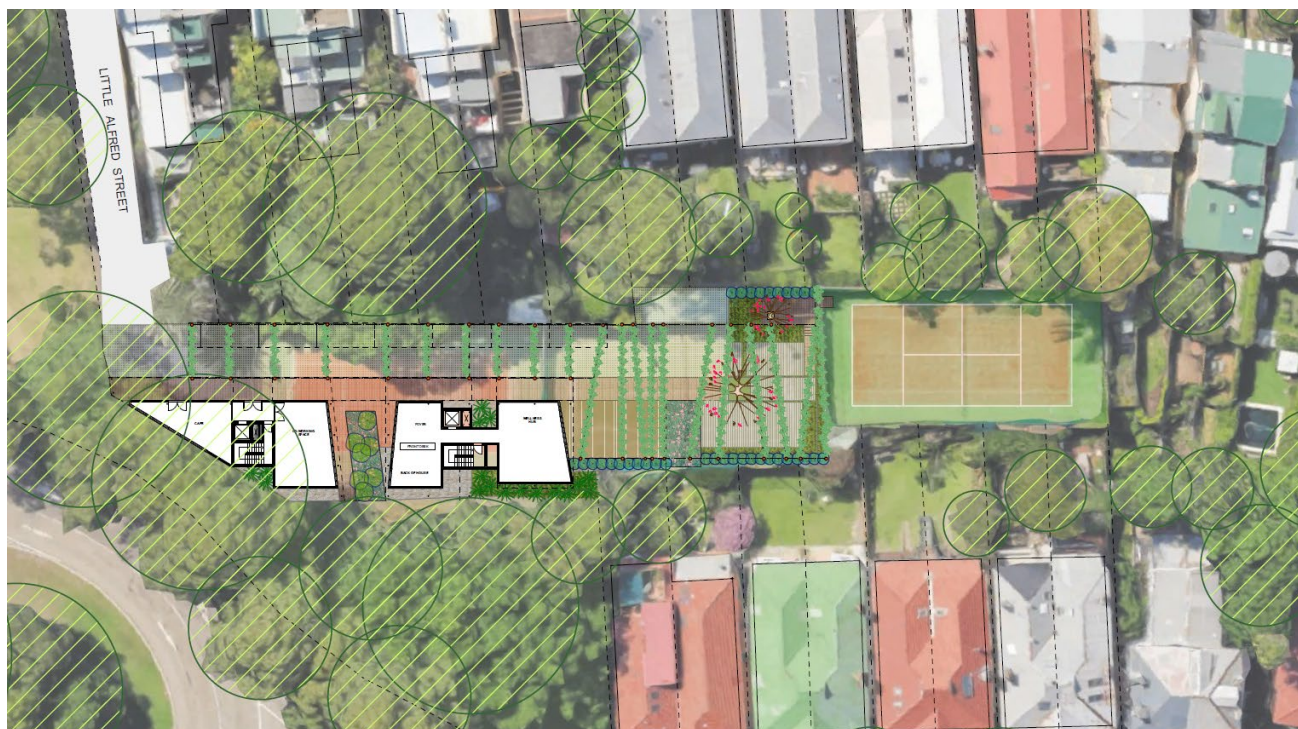


Figure 9 Illustrative landscape plan

Source: Melissa Wilson Landscape Architect

3.6 Site Access and Parking

The proposal retains existing site access via Little Alfred Street and provides a total of seven spaces along the northern boundary. The proposal incorporates uses such as short stay accommodation, co-working spaces and wellbeing centre which have comparably less traffic and parking generation than standard residential accommodation. Due to the site's location in proximity to public transport and North Sydney CBD, the proposal seeks to attract executives working in the area, as well as residents within walking distance who wish to access the kiosk, co-working space, wellbeing centre or tennis courts.

3.7 Alternative Co-Living Use

While the development concept plan envisages serviced apartments on site, the Planning Proposal includes the use 'Co-Living' as a permitted use. It is not intended to use the site as a traditional 'Boarding House' however this is the Standard Instrument definition that used to describe the 'Co-Living' housing typology, and as yet there is not a complete definition for co-living.

Co-living is a relatively new (for Australia) style of residential living that offers private bedrooms and shared communal areas, such as kitchens and workspaces. This concept is very common in many European and American cities and is the equivalent of "We Work" in a residential accommodation context. It is similar to a serviced apartment typology, however provides some communal facilities rather than being an entirely self-contained apartment, and may provide programmed activities to encourage social interaction within a managed environment. Lease terms tend to be flexible, similar to serviced apartments.

The target audience for 'Co-Living' will be the same as the serviced apartments - professionals, including corporate clients. It is designed to provide residents with independence, flexibility and convenience, in a professional and strictly managed environmental. The core operating principles seek to provide a sense of 'community', smart living and value for money in terms of accommodation and lifestyle.

The 'Co-Living' concept links well with the vision to revitalise the site and provides a synergy with the other facilities co-located on site, being the tennis court, kiosk, co-working space and indoor wellness recreation space.

Any future proposed built form for 'Co-Living' will be similar to that of serviced apartments (the development concept plan), however will have more internal communal spaces with smaller studio/apartments. The parking requirements of a 'Co-Living' development are similar to that of serviced apartments, being very low given the site's proximity to public transport.

Given that the operation of the site will be dependent upon the appointment of a private operator/facilities manager, it is considered that flexibility is required to ensure any future development on the site is feasible. The proposed use of serviced apartments or 'Co-Living' can be similar in function and operation, however, are technically defined by separate land use definitions. The proposed additional permissible uses of 'Serviced Apartments' and "Co-living" will therefore allow flexibility in the specific typology of uses on site to directly respond to market conditions at the time of a future Development Application. It is noted that the intended outcomes and objectives for the site remain similar for either land use, and both uses will facilitate a similar built form typology due to the restrictive nature of the proposed built form controls, seeking to minimise environmental impacts to surrounding uses.

3.7.1 Draft Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP)

The proposed Draft Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP) and Explanation of Intended Effect (EIE) was placed on public exhibition from 29 July to 9 September. The draft SEPP seeks to update some planning provisions to facilitate to respond to changing housing needs, and 'co-living' is one of the new diverse housing types being introduced to provide more housing options.

'Co-living' housing is currently defined under a boarding house use. However, the draft SEPP introduces a new separate land use definition for co-living, being:

A building held in single ownership that:

- *provides tenants with a principal place of residence for 3 months or more;*
- *includes on-site management;*
- *includes a communal living room and may include other shared facilities, such as a communal bathroom, kitchen or laundry; and*
- *has at least 10 private rooms, some or all of which may have private kitchen and/or bathroom facilities, with each private room accommodating not more than two adults.*

This Planning Proposal and reference design scheme seeks to facilitate such co-living uses on the site as it is well suited within the reference design scheme due to the synergies between the other communal recreational facilities as well as the sites proximity to public transport and North Sydney CBD.

Therefore, although it is presently in draft format, it is requested that should the Housing Diversity SEPP be finalised and gazetted, this newly defined use of 'co-living' be included as an additional permissible use on the site.

4.0 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 5.0** and **Section 6.0**.

4.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to facilitate the redevelopment of the site through the addition of permissible land uses and changes to building height and floor space ratio on the western portion of the site.

4.2 Explanation of Provisions

This Planning Proposal seeks to:

- allow 'Serviced apartments' and 'Co-Living (subject to the finalisation of the Draft Housing Diversity SEPP is finalised) as additional permissible uses on the site (NB: 'Kiosk' and 'Recreation facility (indoor)' uses are already permissible on the site under the existing RE2 zone). With respect to the Boarding House use, if the Council officers actively support maintaining this use then this will be reconsidered;
- amend the Height of Buildings Map with a maximum height of 15m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.9:1 on the western portion of the site.

4.3 Mapping

This Planning Proposal seeks to amend the following maps of the North Sydney LEP 2013:

- Height of Buildings Map; and
- Floor Space Ratio Map.

The proposed maps are included at **Figure 10** to **Figure 11** below.



Figure 10 Proposed Maximum Building Height Map

Source: Ethos Urban

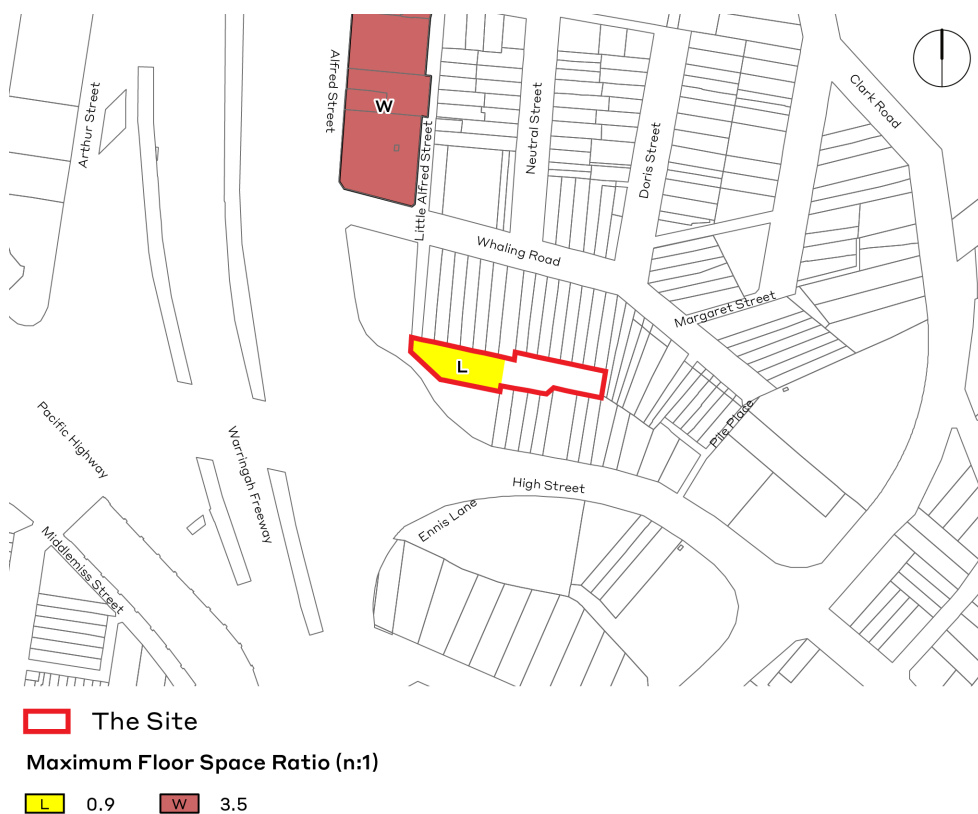


Figure 11 Proposed Maximum Floor Space Ratio Map

Source: Ethos Urban

5.0 Strategic Justification

5.1 The Need for a Planning Proposal

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

No.

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

Yes. Under the existing North Sydney LEP 2013, there is no one zone that facilitates the proposal in its entirety. The following options were explored in terms of the most appropriate zoning to facilitate the delivery of the concept plan, without an overcomplication of the controls. Three options were considered to facilitate the intended outcomes as set out in **Section 5.1**. These are listed and discussed below:

- Option 1: Rezone portion of the site to R4 zone
- Option 2: Rezone portion of the site to R4 zone, with additional prohibited use
- Option 3: Retain RE2 zone (this Planning Proposal).

Option 1 – Rezone portion of the Site to R4 High Density Residential

Option 1 comprises the rezoning of the western portion of the Site, including a change of zoning from the existing RE2 – Private Recreation zone to R4 – High Density Residential zone. It also includes insertion of Schedule 1 additional permissible uses of 'Kiosk', 'Serviced Apartments', 'Office Premises' and 'Recreational Facility (indoor)'.

Option 1 will facilitate the redevelopment of the site as intended, however can facilitate additional permissible uses of the R4 High Density Residential zone, including residential flat buildings. As the intention of this proposal is not to facilitate permanent residences on the site, it is considered that this is not the preferred option, and will require unnecessary planning assessment, for uses beyond the intention of the proposed concept plan.

Option 2 – Rezone portion of the Site to R4 High Density Residential (with Residential Flat Buildings prohibited)

Option 2 comprises the rezoning of the western portion of the site to R4 – High Density Residential, insertion of Schedule 1 additional permissible uses 'Kiosk', 'Serviced Apartments', 'Office Premises', and 'Recreational Facility (indoor)'; and the insertion of Schedule 1 prohibited use of 'Residential Flat Buildings'.

Although Option 2 would deliver the intended outcomes, it is not considered appropriate given its overcomplication of planning legislation, and inconsistency with Section 9.1 Ministerial Direction 6.3 – Site Specific Provision, which seeks to avoid the imposition of additional development standards (refer to Section 0 for further detail).

Option 3 – Retain RE2 zone (this Planning Proposal)

Option 1 comprises retaining the existing zoning of the entire site and includes insertion of Schedule 1 additional permissible uses of 'Serviced Apartments' and 'Co-Living'. This is the preferred option as it retains the existing zoning, and therefore retaining the possibility of future recreational uses, while introducing new uses to facilitate the intended concept plan or one similar to the concept plan however with the alternative 'Co-Living' use instead, as described in **Section 3.0**.

The insertion of height and FSR development standards is included within all options, as this is the best means of ensuring future built form on site is sensitive to surrounding uses.

5.2 Relationship with the Strategic Planning Framework

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

Yes. *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 Strategic Merit Test. The consistency of this Planning Proposal with the mandated assessment criteria is set out below. The proposal is:

- consistent with the North District Plan; and
- responding to a change in circumstances, including the recent amendments to the NSLEP 2013 prohibiting serviced apartments within North Sydney CBD.

North District Plan

The North District Plan identifies employment targets in North Sydney. The plan sets a higher limit target of an additional 21,100 jobs from 2016 to 2036. With a significant target to increase employment within North Sydney by 2036, there will likewise be an increasing demand for serviced apartments in proximity to employment and transport, as well as increased demand for co-working space opportunities. The Planning Proposal will assist in the continued economic development of the CBD as well as assist in facilitating the local visitor economy.

Prohibition of Serviced Apartments in North Sydney CBD

In October 2018, NSLEP 2013 (Amendment No 23) was amended to prohibit serviced apartments within land in Zone B3 Commercial Core due to the view that their proliferation would undermine the employment capacity of CBD. Whilst serviced apartments are permissible within the B4 zone around the CBD fringe, the majority of this zone has now been developed out. In this regard, the site is ideally located to provide this form of land use.

Site-Specific Merit

The existing tennis courts on site are underutilised and present challenges to ensure the long-term viability of the business. Without facilitating increased development opportunities on site, the courts are likely to eventually close due to underutilisation and high maintenance costs.

As noted above, Council's Open Space & Environment Services reviewed the site in 2010 and concluded that due to the site configuration, the range of court types and therefore the range of sports that could utilise the space would be significantly restricted. The site was considered not good value for money when measured against all the recreational needs of the community. Therefore, it is likewise unlikely Council will purchase the site for the provision of public recreation.

The existing zoning permits a limited variety of options for viable development, some of which include: Environmental facilities; Indoor recreational facilities; Community facilities; Kiosk (café); and Recreation facilities (outdoor). These uses are highly unlikely to be developed and are not commercially viable given the site-specific conditions such as location, size, surrounding uses, access and parking limitations. The suitability of these uses of site has been assessed in detail within the Recreational Needs Analysis included at **Appendix D**.

Despite no existing maximum height or FSR controls, Clause 6.7 of *NSLEP 2013* limits development to be consistent with surrounding development. This does not provide a feasible floor space for the provision of most indoor recreational facilities such as indoor rock climbing or trampolining, and the narrow site width prevents indoor courts such as basketball, tennis, netball etc. While these uses may not be viable singularly, they become increasingly viable when combined with complimentary uses and providing increased user experience and choice for recreation activities.

By assessing the site-specific opportunities and constraints, this Planning Proposal seeks to increase the provision of recreational opportunities on the site, while ensuring the long-term commercial viability for the combined uses (including the tennis court). The site-specific controls proposed within this Planning Proposal will provide more suited development controls that ensure an environmental sensitive outcome while achieving the intended outcomes of the RE2 Private Recreation zoning under the *NSLEP 2013*.

5.3 Consistency with Local Planning Strategies

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

It is noted that Council's focus in the provision of open space and recreational facilities is for sites that are in public ownership. As the site is privately owned, Council has no formal control with regard to the operation of the courts.

Consistency with the Zone Objectives

The proposal is generally consistent with the objectives of the provisions within *NSLEP 2013* as outlined in **Table 2**.

Table 2 Consistency with the objectives of the RE2 zone under NSLEP 2013

Objective	Assessment	Consistency
To enable land to be used for private open space or recreational purposes	The proposed zoning planning controls seek to retain the RE2 zone on the site to ensure that the proposed rezoning does not prevent any future recreational uses on the site. The proposed Maximum Building Height and Floor Space Ratio planning controls apply only to the western portion of the site and will protect the eastern portion of the site to be retained as a tennis court. Subsidising the remaining tennis court by enabling development within a portion of the site, further enables private recreation uses to continue on the site, compared with the alternative being the closure of all facilities due to underutilisation.	Yes
To provide a range of recreational settings and activities and compatible land uses	<p>The proposal seeks to introduce a broader range of recreational and compatible uses. The proposed serviced apartments or spaces are compatible with surrounding uses as it is a residential accommodation use requiring the least demand for parking. Other recreational or permanent residential uses will generate increased demand for parking, which is more likely to have adverse effects on the surrounds. Other proposed additional permissible uses will complement and enable the existing and proposed additional recreational uses to operate by attracting more people to site.</p> <p>Its important to note that the adjoining R2 and R3 residential zones already permit boarding houses as permissible uses, as well as a range of other uses such as childcare centres medical centres, churches, hostels (R3) and neighbourhood shops (R3). It is therefore considered that the proposed uses are not inconsistent with the surrounding land uses.</p>	Yes
To protect and enhance the natural environment for recreational purposes	The proposal provides activation to the adjoining public open space, encouraging increased recreational use of the existing natural environment. There is presently no 'natural environment' on the site, the full extent of which is occupied by parking and hard stand tennis courts. Also, existing trees adjoining to site will be protected. This proposal or development concept plan does not seek to remove any vegetation.	Yes
To minimise the adverse effects of development on surrounding residential development	The indicative scheme has been deeply considered and is carefully designed to minimise adverse impacts to surrounding residential development. No zoning changes are proposed to the portion of the site that adjoins majority of the neighbouring residential properties, which will have the most adverse impacts to surrounding residential development.	Yes

Consistency with the Height Objectives

The proposed height limit of 12.5m for the site is generally consistent with the objectives of *NSLEP 2013* as outlined in **Table 3**.

Table 3 Consistency with the height objectives of NSLEP 2013

Objective	Assessment	Consistency
To promote development that conforms to and reflects natural landforms, by stepping	The proposed building has taken into consideration the site and surrounding topography.	Yes

Objective	Assessment	Consistency
development on sloping land to follow the natural gradient		
To promote the retention and, if appropriate, sharing of existing views	The proposed building siting has been determined to specifically retain existing water views to the south-east from the properties fronting Whaling Road (refer to Section 6.4). The revised 3 storey built form scheme sits comfortably below the existing building skyline, illustrating an appropriate height transition.	Yes
To maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development	The proposed building siting and form has been determined specifically to minimise the extent of overshadowing to adjoining properties fronting High Street (refer to Section 6.5). The shadow cast of the proposed building falls mainly on to the already in shadow road reserve	Yes
To maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings	The proposed building envelope is located approximately 17m from the existing northern residences, with heavy tree canopy and foliage in between, providing additional privacy mitigation. Future development can continue to accommodate window privacy screening/window hoods to further mitigate these privacy concerns (refer to Section 6.6)	Yes
To ensure compatibility between development, particularly at zone boundaries	Whilst technically at a zone boundary, the RE1 zone does not permit a greater height than what is permitted in the R2 zone. The proposed height responds to the specific constraints and opportunities of the site and its context.	Yes
To encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area	Whilst the adjoining properties have an 8.5m maximum height limit under North Sydney Local Environmental Plan 2013, the vast majority of surrounding buildings exceed this height limit. The terrace houses fronting Whaling Road and High Street are typically 10-12m in height whilst that locality includes several 5-9 storey apartment buildings as well as the 22-storey tower at 50 Whaling Road. Therefore, the scale and density of the proposal is in accordance with and promotes the character of the area (refer to Section 6.2).	Yes

Consistency with the FSR Objectives

The proposed FSR of 0.9:1 over the western portion of the site (or 0.46 across the entire site) is consistent with the objectives of the FSR provisions within *NSLEP 2013* as outlined in **Table 4**.

Table 4 Consistency with the FSR objectives of NSLEP 2013

Objective	Assessment	Consistency
To ensure the intensity of development is compatible with the desired future character and zone objectives for the land	Given the site configuration and the specific siting of the proposed building, the intensity (and density) of the proposal is compatible with the desired future character and zone objectives	Yes
To limit the bulk and scale of development	The bulk and scale of the proposal does not result in any substantial adverse impacts on surrounding properties (refer to Section 6.3)	Yes

North Sydney Development Control Plan 2013

The relevant aspects of NSDCP2013 are addressed in **Table 5** below.

Table 5 Consistency with NSDCP 2013

Control	Description	Consistency
Views	<p>Development should be designed such that views from streets and other public places, as identified in the relevant area character statement (refer to Part C of the DCP), are not unreasonably obstructed</p> <p>Development should be designed to maximise the sharing of views from surrounding properties and public places, and ensure that existing and proposed dwellings will have an outlook onto trees and sky</p>	The proposed building siting has been determined to specifically retain existing water views to the south-east from the properties fronting Whaling Road (refer to Section 6.4). The proposal sits comfortably below the skyline and does not block any existing water views and views to Careening Cove are maintained through the siting of buildings on site. The proposal is consistent with the tests outlined in the Land and Environment Court's Planning Principle for view sharing established in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140.
Solar access	New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm	The proposal does not overshadow the adjoining public park to the west or the existing properties fronting Whaling Road during winter solstice (21 June), Equinox (21 March) or Summer Solstice (21 December). The proposal does overshadow a portion of the vegetated land to the south of the site, however it noted that this portion of the RE1 zoned land is densely populated with trees which currently overshadow this land for majority of the day. The existing tree canopy is well above the proposed building height and therefore the resultant overshadowing will not impact the growth of these trees.
Setbacks	Side (northern boundary) - on land with a height limit greater than 12m: 4.5m for the 1st to 3rd storey (up to 10m). 6m above the 3rd storey	The proposal has a 5.7m northern setback, 30cm short of the control. At DA stage, the detailed design of proposed windows and balconies can ensure there is no privacy impacts on adjoining properties
Traffic & parking	<p>The proposal should seek to provide:</p> <ul style="list-style-type: none"> - a turning bay to allow vehicles to turn within site - off-street loading and unloading facilities - Vehicular and other parking as per the DCP 	The proposed concept plan incorporates a turning area within the site. Parking can be provided in accordance with the DCP requirements. NB for serviced apartments, the rate is 1 space per 5 apartments
Landscaping	Minimum 40% landscaped area	The concept plan incorporates 43% landscape area of the development area on the western portion of the site. The development area is the total site area excluding the area of the eastern most tennis court.

Control	Description	Consistency
Form, massing & scale	<p>The finished floor height of the ground floor level should not exceed 1m above ground level (existing), measured vertically at any point</p> <p>Finished floor to ceiling heights are a minimum of 2.7m. A lesser height may be permitted by Council, but only where the applicant can satisfactorily demonstrate that the dwelling is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments with large amounts of window area)</p>	Nothing in this proposal prevents future development from achieving consistency with this clause
7.2 Neutral Neighbourhood	<p>Character Statement provisions</p> <p>Land Use</p> <ul style="list-style-type: none"> - Predominantly residential accommodation - Passive and active recreational spaces - Small scale commercial activities <p>Views</p> <p>The following views and vistas are to be preserved and where possible enhanced:</p> <ul style="list-style-type: none"> - views from streets and reserves to Sydney Harbour and beyond - Westleigh Street Lookout, Reserve Street Lookout, Anderson Street Lookout, Phillip Street Lookout, Holdsworth Road Lookout, Spruson Street Lookout. <p>Desired Future Character</p> <ul style="list-style-type: none"> - Predominantly low-density residential accommodation in the form of dwelling houses, semi-detached houses and dual occupancies - Pockets of attached dwellings, multi dwelling housing and residential flat buildings according to zone - Small scale commercial and retail premises according to zone - Maintaining and enhancing recreational and cultural facilities 	<p>The proposal is consistent with the local character statement land use provisions, providing enhanced passive and active recreational spaces, within a small-scale commercial activity</p> <p>The proposal has been designed and sited to preserve views and vistas where possible, and particularly maintain the significant views identified within the local character statement</p>
13.4 Development in the vicinity of heritage items	<ul style="list-style-type: none"> - Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work - Maintain significant public domain views to and from the heritage item - Ensure compatibility with the orientation and alignment of the heritage item - Provide an adequate area around the heritage item to allow for its interpretation - Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting - Protect and allow interpretation of archaeological features (as appropriate and relevant). 	The siting and future detailed design of the proposal will not adversely impact upon the heritage qualities of nearby items and/or the conservation area (refer to Section 6.9)

North Sydney CBD Public Domain Strategy

In October 2018, Council released the North Sydney Place Book – Stage 1 Public Spaces Vision. Stage 1, summarised in this 'Place Book', is an ideas phase that examines the potential of the North Sydney CBD public domain. It identifies a framework for future public domain upgrades with both short and long terms projects.

The Strategy identifies the potential for future provision of a new park, with combined public sporting facilities, to be located above the Warringah Freeway immediately west of the site (**Figure 12**). It is understood that Council is currently undertaking investigations relating to the development of this concept. This proposed park under investigation is located just west of the site, and if developed will further cater to user demands of the existing tennis courts.



Figure 12 Potential 'Warringah Landbridge Park' under investigation

Source: North Sydney Council 2019

North Sydney Community Strategic Plan 2018- 2028

The strategy identified the following key aspects (based on community responses) relevant to the proposed application:

- Enhance public open space and increase access to and provision of recreation facilities to meet current and future needs, including through creative reuse of existing facilities (Direction 1)
- Increase community gardening opportunities (Direction 1)
- Improve existing (Council) assets and infrastructure (Direction 2)
- Embrace innovation and grow the local ecosystem of entrepreneurs and start-ups (Direction 3)
- Maximise the visitor economy, whilst balancing visitor impacts with residents' lifestyles (Direction 3)
- 82% of the community noted a satisfaction with Council's provision of recreational facilities in 2016
- That open space, parks and recreation, attractiveness and amenity/locality were three of the five most recognised themes that make North Sydney a great place.

The Strategy notes the following key aspects relevant to this Planning Proposal:

- An increasing population means that the demand for open space and sporting and recreation facilities grows. Council's challenge is to plan and manage the demand for active and passive recreation and leisure opportunities from the community and visitors with the limited land available
- Investigation of creative use of existing infrastructure to increase open space has resulted in premier new facilities, that balance residential lifestyle with user needs
- Council are seeking to encourage community gardening and rooftop and hard surface greening, incorporating native vegetation planting where possible
- Council is to provide infrastructure to support physical activity
- Council is to explore green public space over Warringah Freeway.

The proposed concept for the site seeks to facilitate the redevelopment of the site, consistent with Directions 1 and 2 of the strategy, providing opportunities to deliver a future community garden, space for local entrepreneurs and start-ups, increased diversity in recreational facilities and improving the visitor economy in North Sydney.

The proposal will additionally enhance the provision of parks, recreation, attractiveness and amenity/locality of the local area, which are recognised by the community as key factors in facilitating a great place to live, work and play. In exploring the provisions of green public and recreational space over the Warringah Freeway, this provides Council the ability to deliver substantial recreational infrastructure in a more accessible location and facilitate an improved recreational lifestyle, and facilities which respond more appropriately to user needs.

5.4 Consistency with State Environmental Planning Policies and Local Planning Directions

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 6** below.

Table 6 Consistency with State Environmental Planning Policies

SEPP	Consistency		N/A	Comment
	Yes	No		
SEPP No. 55 Remediation of Land	✓			A contamination study has not been commissioned at this early stage of planning. This can be undertaken if required by the Gateway Determination, though the site has been used for recreational uses for some time and as such is considered at low risk of contamination.
SEPP No. 65 Design Quality of Residential Apartment Development			✓	This proposal does not include any residential flat buildings.
SEPP (Infrastructure) 2007			✓	Not relevant to proposed LEP amendment. May apply to future development on the site.

Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes. An assessment of the Planning Proposal against applicable Section 117 Directions is set out in **Table 7** below.

Table 7 Consistency with Section 117 Directions

Direction	Consistency		N/A	Comment
	Yes	No		
1. Employment and Resources			✓	Not Applicable
2 Environment and Heritage				
2.1 Environmental Protection Zones	✓			Not Applicable. The site is not located within Environmental Protection zones
2.2 Coastal Protection	✓			Not Applicable. The site is not located within Coastal Protection areas
2.3 Heritage Conservation	✓			The site does not comprise any items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area
2.4 Recreational Vehicle Area	✓			Not Applicable

Direction	Consistency		N/A	Comment
	Yes	No		
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			Not Applicable
3.2 Caravan Parks and Manufactured Home Estates	✓			Not Applicable
3.3 Home Occupations	✓			Not Applicable. 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">- Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and- The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will provide short stay serviced accommodation in an employment area well serviced by public transport</p>
3.5 Development Near Licensed Aerodromes	✓			The site is located outside the ANEF contours of Kingsford Smith Airport
3.6 Shooting Ranges	✓			Not Applicable
4. Hazard and Risk				
4.1 Acid Sulfate Soil			✓	The site is not identified as acid sulfate soil impacted land
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 as flood prone land
4.4 Planning for Bushfire Protection			✓	The site is not identified as bushfire prone land
5. Regional Planning			✓	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	✓			This Planning Proposal is consistent with this Direction in that it allows the intended land use to be carried out on land within its existing zone
7. Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	✓			The Planning Proposal is consistent with the Metropolitan Plan and North District Plan

Section 9.1 Direction - 6.3 - Site Specific Provision

As outlined in **Table 8** below, the Planning Proposal is consistent with the S9.1 Direction for site specific provisions.

Table 8 Consistency with S9.1 Direction – 6.3 Site Specific Provisions

Provision	Assessment	Consistency
Objective:		
(1) the objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.	<p>The amendment proposed under this Planning Proposal will allow the site to achieve its full development potential in line with the district policies whilst maintaining its existing character and contribution to the local community and economy.</p> <p>The proposal does not propose unnecessary restrictive site-specific planning controls. The proposal does not seek any additional prohibitions.</p>	Yes
(4) A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:		
(a) allow that land use to be carried out in the zone the land is situated on, or	<p>The Planning Proposal seeks to retain the existing zoning of the site, however, insert additional permissible uses to allow the intended concept plan or similar to be carried out in the existing RE2 zone.</p> <p>Clause 6.7 of NSLEP 2013 amongst other things, prohibits development within an RE2 zone, unless it is consistent with the most restrictive development standards applying to adjacent land in the R2 and R3 residential zones. As such, the proposal seeks to insert specific building controls zoning relating to part of the site, in order to facilitate development within only that portion of the site, and allow the intended uses to be carried out on the site.</p>	Yes
(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone; or	<p>There is no existing zoning under NS LEP 2013 that can facilitate all of the intended use of this planning proposal. As such, this proposal seeks to retain the existing land use zone, however add additional permissible uses for the intended uses of the proposal. This proposal also seeks to insert maximum height and FSR development standards to provide appropriate limitations on any future bulk and scale on the site.</p>	N/A
(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.		N/A
(5) a planning proposal must not contain or refer to drawings that show details of the development proposal.	A concept plan has been prepared to accompany the Planning Proposal however this is to indicate that the site, and the proposed planning controls can accommodate a development that is cognisant with the desired future character of the area.	Yes

5.5 State and Commonwealth Interests

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

Yes. The proposed location is around an existing central business district centre that is close to jobs and is serviced by public transport services that are frequent and capable of moving large numbers of people. In addition to the upcoming Victoria Cross Metro services, and existing North Sydney Railway Station, the site is also serviced by existing bus services along High Street. As demonstrated in **Section 6.7**, the subject site is well located in terms of access to public transport services.

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.

6.0 Assessment of Key Planning Issues and Impacts

The following section outlines the environmental, social and economic impacts of the proposed rezoning, with appropriate consideration of the concept plan and potential future uses on the site. The following key questions are considered in relation to this Planning Proposal.

Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal will not affect critical habit, endangered species, populations or ecological communities within and surrounding the site.

Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Site investigations have confirmed that the site is free of major constraints and that there are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development. Refer to following sections for discussion.

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

The Planning Proposal will facilitate the redevelopment of the site, delivering a number of positive social outcomes including:

- Increased supply of short stay serviced apartments, wellbeing uses and co-working spaces to keep up with demand;
- Increased diversity in recreational uses and accommodation typologies for the benefit of local residents, employees and visitors;
- Maintains and further compliments the site's existing recreational use;
- Increases activation and surveillance of the adjoining public park, while reducing existing anti-social behaviour on site; and
- Has positive economic impacts, in that it will contribute to the visitor economy of North Sydney;

The following key environmental impacts for consideration are assessed in detail below.

6.1 Recreation Needs

The three existing tennis courts on site are operated by an online booking system via a website. Since the operation of this website (April 2015), the booking system database provides overall information regarding the usage/bookings for the courts. This information is illustrated in **Figure 13**. These calculations include the use of all three tennis courts. The courts are open 16 hours a day, 7 days a week.

As illustrated on the following page, the courts are severely underutilised, with the maximum average utilisation being 47%. The highest average utilised month from 2015 to 2018 has been February at 36.5%, with the lowest average month being just 12.8%. On average this equates to the full utilisation of one of the three tennis courts. The Proponent and neighbours have noted that when none of the courts are in use, the site attracts anti-social behaviour within the car park, causing concern for surrounding residences.

Due to this lack of utilisation of the courts, and ongoing maintenance costs, the business is not viable in the long term. The introduction of additional compatible uses will facilitate a more viable operation of private recreational uses on site, by providing alternate source of income, and facilitate the opportunities to provide increased amenity on site, such as passive open space and a kiosk.

Due to site specific constraints, the provision of a large amount of currently permissible recreational uses is likewise unviable in the future, and therefore this application proposes to rezone a portion of the site to facilitate a more appropriate built form, and additional compatible uses.

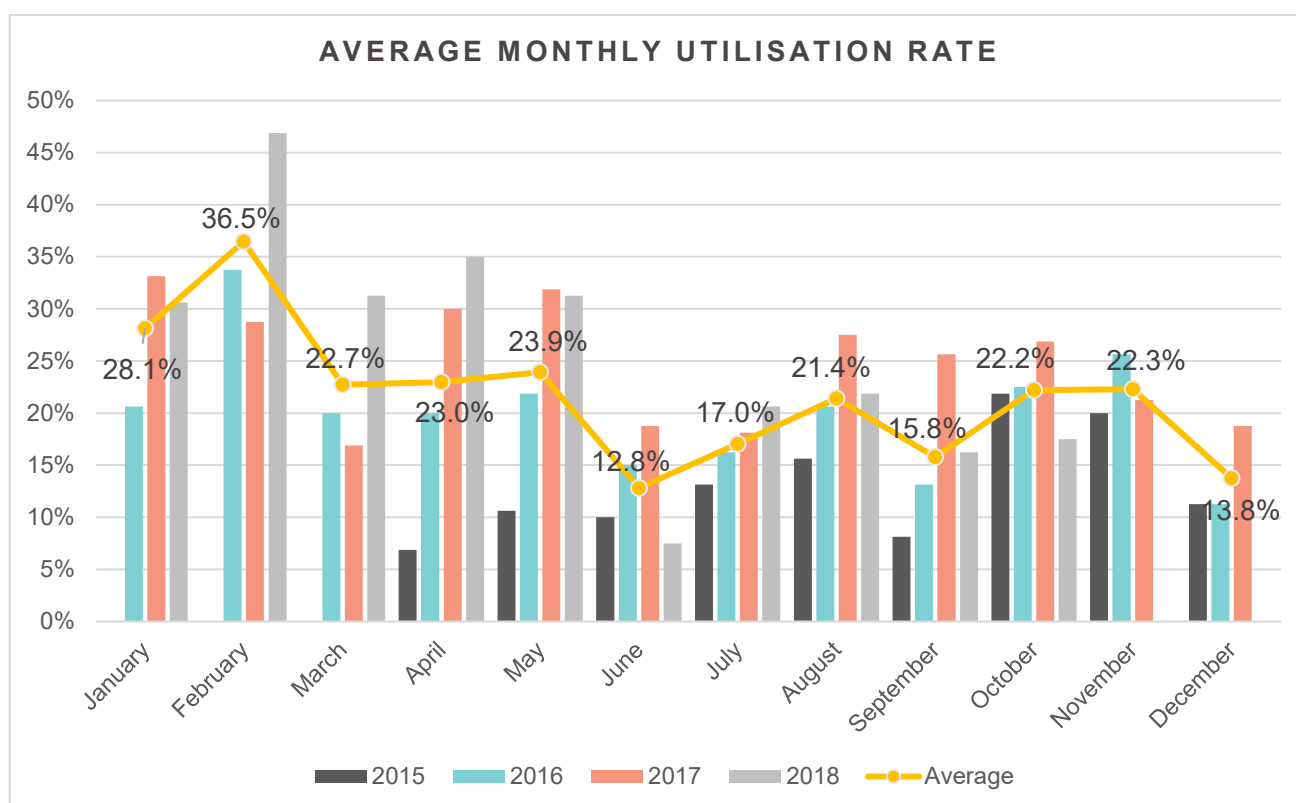


Figure 13 Average monthly utilisation of the existing tennis courts

Source: Ethos Urban

A Recreational Needs Analysis has been prepared by Ethos Urban (see **Appendix D**), as well as a Review of Recreational Use, Viability and Options report prepared by Otium Planning Group (**Appendix H**) to assess the impacts of the loss of the two existing tennis courts, and the potential for future permissible land uses under the current zoning. This assessment identified that:

- Tennis is one of the most supplied recreational opportunities in North Sydney LGA, with 21 tennis courts available in 2019. More generally, there is a good supply of passive recreational facilities within the North Sydney LGA, particularly benefitting from harbour front foreshore area. However, maintaining an adequate supply, quality and diversity of facilities is an ongoing challenge for Council.
- Tennis traditionally is a highly popular organised sport in Australia. It remains a popular participation activity for both men and women. In recent years however, its participation rates have fallen, along with many other organised sports. Participation rates are the highest amongst the 15-17-year-old age bracket. This age group is substantially under represented within the North Sydney LGA, when compared to other parts of the greater Sydney. Being an estimated, inner city area, the locality is not expected to undergo a substantial population boom in the future that will see a dramatic rise in this younger demographic.
- An online survey conducted as part of consultation for the Council's Recreational Needs Study, indicated a demand for additional sports fields (hockey, soccer, football and rugby touch), cycling, park-based activities (such as yoga, pilates etc), outdoor fitness (equipment), and water-based recreation facilities. Tennis was not identified as having a significantly high level of demand for additional facilities, when compared with these other more in demand activities.
- The viability of the current tennis operation on the subject is considered poor without substantial investment in upgrading the courts, lights and amenities. Even with this expenditure the expectation is that the overall operation as a tennis centre would be marginal
- The redevelopment of the site will result in a small overall reduction in the availability of tennis facilities within the North Sydney LGA that is not expected to have an impact on the sport or tennis participation on site. The existing utilisation data illustrates that the existing courts are utilised only 20% - 25% of the time (on average over the past 3 years). The ongoing public availability of one court on-site, enhanced with other recreation facilities, will ensure that existing demand will continue to be catered for.

- The site is within private ownership resulting in an inherent requirement for revenue generation and financial viability as a business to ensure its long-term survival. As such there is no guarantee that the facility will remain operational given the current lack of utilisation.
- Community based uses such as club courts, parkland, community garden and active and passive recreation are viable uses for the site, however these are not commercial uses and would not offer a return to the owner. These uses would be viable under a not-for profit model such as council ownership and operation as park or lease to a club.
- The site is not considered to be suited to the long-term provision of tennis courts or other outdoor recreation facilities for the following reasons:
 - its proximity to residential properties and the potential for amenity and noise impacts particularly during evenings and weekends;
 - site-specific characteristics such as a narrow width, poor site through access and surrounding topography result in land that is not suited to a large portion of permissible recreational uses;
 - being bounded by residential properties on three sides there is no opportunity to expand the site's existing facilities; and
 - the site provides very limited on-site parking, further restricting the potential to intensify or provide alternative high turnover recreation uses.
- In assessing the acceptability of the loss of the tennis courts and potential recreation uses on site, it is important to simultaneously consider the implications of the site's private ownership. As such, any provision of recreational facilities on the site is dependent on the private desires of its owner, with no obligation to the public.
- Community recreation benefits can be retained and enhanced on the site with the retention of a single multi-use court and provision of new more viable opportunities such as an indoor exercise and wellness centre. Supporting this outcome via a residential development (this proposal) is a viable option

6.2 Compatibility of Land Uses

A key objective of the proposal is to develop an ongoing use for the site that is compatible with the adjoining residential properties. Through careful design and on-site management, the residential amenity of existing properties immediately surrounding the site will be maintained. The design and siting of new buildings has been informed by a comprehensive site analysis to ensure that development will not result in adverse impacts on existing residential properties.

The proposed kiosk and wellbeing centre (indoor recreational facility) are currently permissible under the RE2 zone. This Planning Proposal seeks only to insert additional permissible uses for the specific intention of facilitating this proposal and does not seek any uses other than those intended by the vision and concept for the site, preventing the future development of unsuitable uses.

The kiosk will provide additional amenity, activation and surveillance to the adjoining public park.

6.3 Consistency with Surrounding Built Form and Density

Whilst the adjoining properties have an 8.5m maximum height limit under *North Sydney Local Environmental Plan 2013*, the vast majority of surrounding buildings exceed this height limit (**Figure 14**). The terrace houses fronting Whaling Road and High Street at typically 10-12m in height whilst that locality includes several 5-9 storey apartment buildings as well as the 22-storey tower at 50 Whaling Road (**Figure 4** in Section 2.2).



Figure 14 Surrounding building heights relative to the LEP

Source: Ethos Urban



Figure 15 Site cross section from Whaling Road to High Street, looking east

Source: Carter Williamson

Figure 15 illustrates the relationship between the proposed building and the adjoining terraces. The revised reference design and building envelope significantly reduces the building height compared to the original PP2/2020 Planning Proposal (as outlined in red) and greatly improves the building height transition from Whaling Road to High Street.

The revised proposal is an appropriate height transition for the surrounding context. The proposal is significantly lower in height than the terraces when viewed from Whaling Road and the adjoining public park. As illustrated in **Figure 16**, the proposal sits comfortably within surrounding built form, and does not protrude into the skyline. The revised proposal provides a lower transition of height looking south from Whaling Road, following the natural topography of the surrounds.

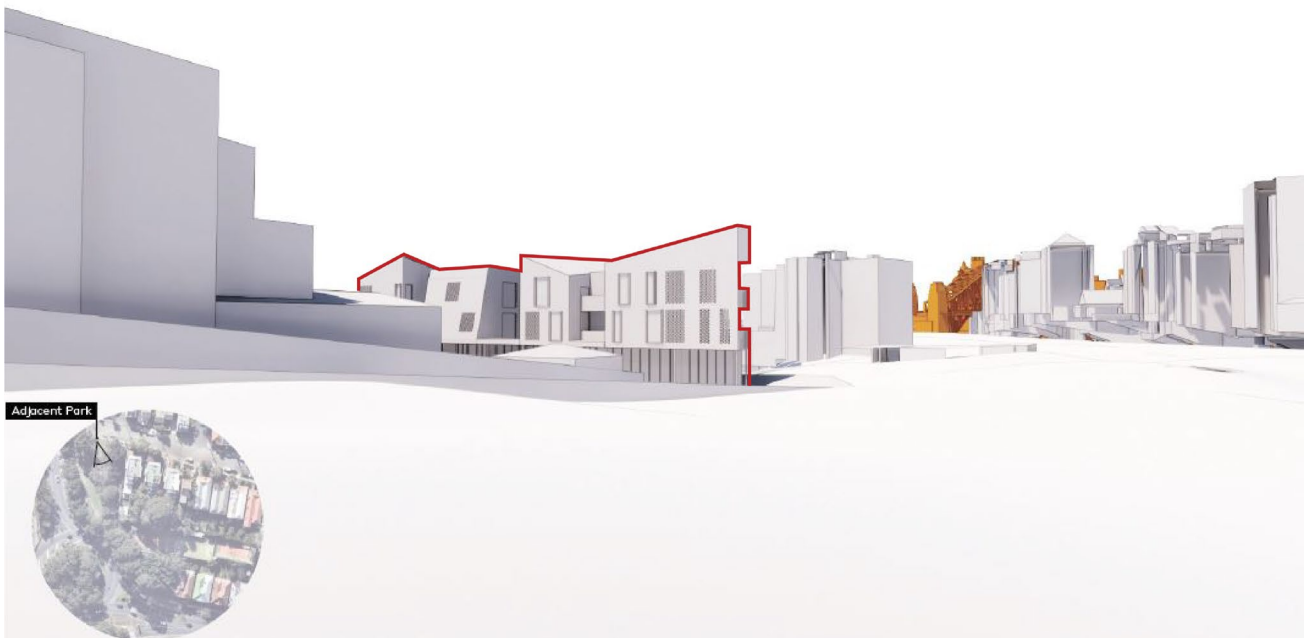


Figure 16 Indicative View of the Reference Scheme from Whaling Road/adjoining Park

Source: Ethos Urban

The proposed maximum height (being 3 storeys) is considered appropriate for the following reasons:

- it is lower in height than the large terrace houses fronting Whaling Road, and is therefore consistent with the surrounding height transition towards High Street; ;
- it will not be visible from the Whaling Road public domain;

- it does not protrude into the skyline and will not contribute to visual clutter in the skyline of the local area;
- buildings taller than the existing LEP height controls are not uncharacteristic in the surrounding area;
- it does not block city views or harbour views of the neighbours to the north;
- it will sit comfortably within the height of the canopy of the adjoining trees; and
- overshadowing impacts are all within the limits which are permitted by Council's planning controls;

In terms of density, the overall proposed revised FSR across the whole site would be equivalent to 0.46:1. This is less dense than the average density of the existing buildings fronting High Street and Whaling Road within the same street block..

6.4 View impacts

Neighbours on Whaling Road confirmed that they do not benefit from significant CBD/Harbour Bridge views due to the Greenway Towers blocking the view. However, it is noted that they do enjoy views of Careening Cove and Sydney Harbour to the south-east. A view impact analysis has been undertaken to understand the extent of view loss as a result of this Planning Proposal.

This analysis is illustrated in **Figure 17** to **Figure 22** and confirms that there will be no significant view loss resulting from the proposal. The revised reference scheme results in significantly less view loss impacts, the proposed new built form now sitting comfortably below the existing building skyline, illustrating an appropriate height transition. The revised planning proposal likewise prevents any potential impacts to significant views such as the CBD, Harbour Bridge and Opera House. Neighbours will continue to benefit from view of Careening Cove and Sydney Harbour to the south-east.

It is further noted that the below indicative visual impact diagrams have not incorporated existing vegetation which further screens existing views between the adjoining residences on Whaling Road and the site. The revised building envelope sits well below the existing tree canopy line, therefore residents of Whaling Road will continue to enjoy the green outlook in a south westerly direction. It is noted that residences at 15 Whaling Road, North Sydney will not experience any views loss of Careening Cove, as illustrated in **Figure 22**.

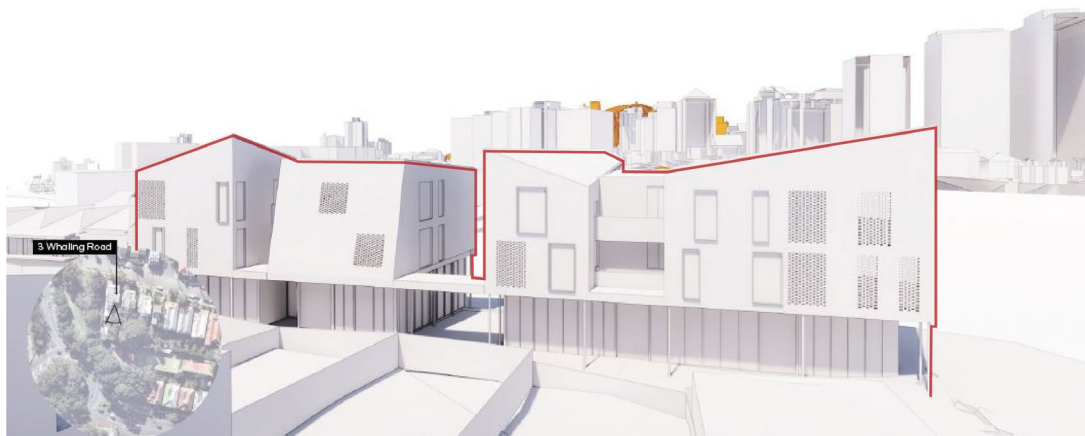


Figure 17 View from rear window of 3 Whaling Rd looking south towards the CBD (proposal outline in red)

Source: Ethos Urban

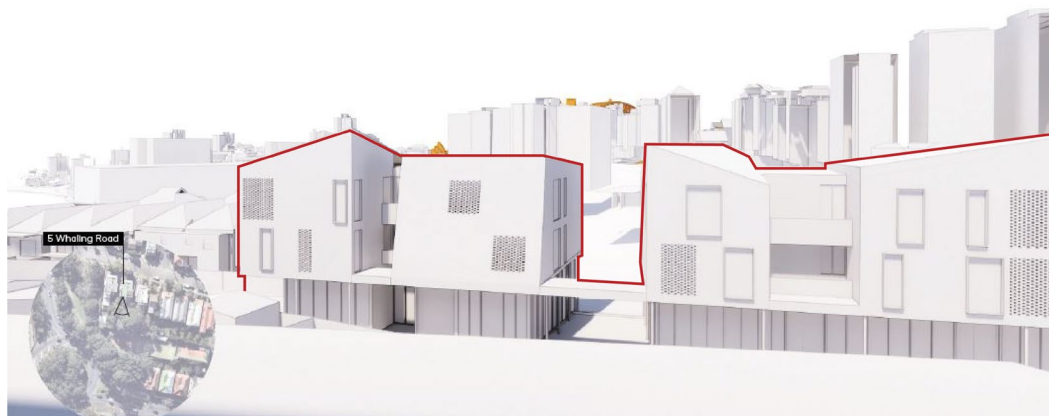


Figure 18 View from rear window of 5 Whaling Rd looking south towards the CBD (proposal outline in red)

Source: Ethos Urban



Figure 19 View from rear window of 7 Whaling Rd looking south towards the CBD (proposal outline in red)

Source: Ethos Urban



Figure 20 View from rear window of 9 Whaling Rd looking south-east towards Careening Cove (proposal outline in red)

Source: Ethos Urban



Figure 21 View from rear window of 11 Whaling Rd looking south-east towards Careening Cove (outline in red)

Source: Ethos Urban

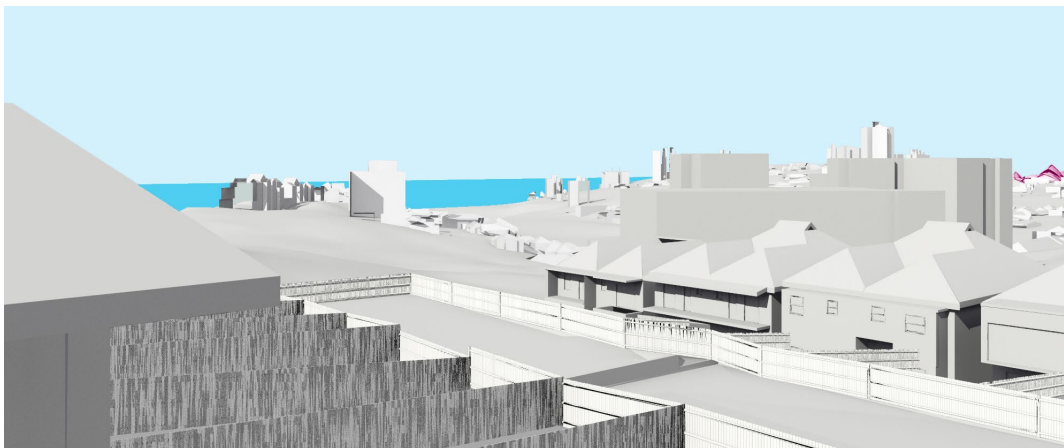


Figure 22 View from rear window of 15 Whaling Rd looking south-east

Source: Ethos Urban

6.5 Overshadowing

The proposal does not overshadow the adjoining park to the west or the existing properties fronting Whaling Road during winter solstice (21 June), Equinox (21 March) or Summer Solstice (21 December).

Overshadowing impacts of the proposal are limited to the neighbouring properties to the south of the site fronting High Street. These properties will not be affected by any overshadowing by the during midsummer. During the Equinox (March) the private open spaces of the southern properties will be partly affected by overshadowing between 1 pm to 4pm, however the internal living space will remain largely unaffected (**Figure 23**).

At mid-winter, there is no shadow impact to the High Street between 9am and 12pm. Therefore, these residential properties will retain the minimum 3-hour solar access at the winter solstice (21st June), between the hours of 9.00am and 3.00pm to:

- any solar panels;
- the windows of main internal living areas;
- principal private open space areas; and
- any communal open space areas.

For the prescribed period of 9am to 3pm, overshadowing resulting from the proposal is limited to between 12pm to 3pm during the winter solstice (refer to **Figure 24** and **Figure 25**). These impacts are largely limited to the two most

western properties on High Street (Nos. 26-28) as demonstrated within the elevation overshadowing diagrams included at **Appendix A**.

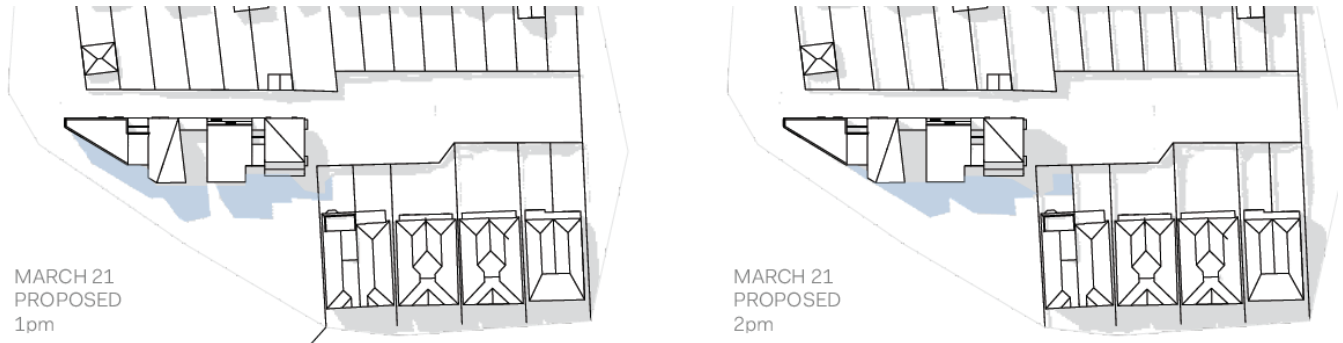


Figure 23 Reference Scheme March 21 Overshadowing 1-2pm

Source: Carter Williamson

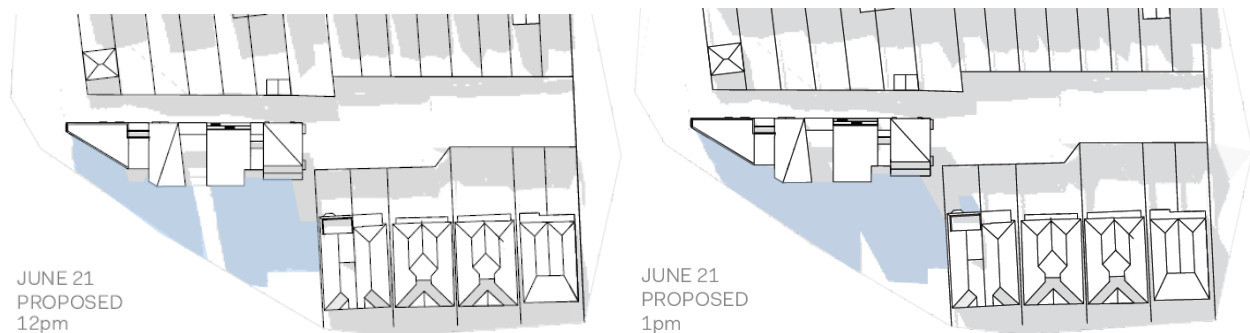


Figure 24 Reference Scheme June 21 Overshadowing 12-1pm

Source: Carter Williamson

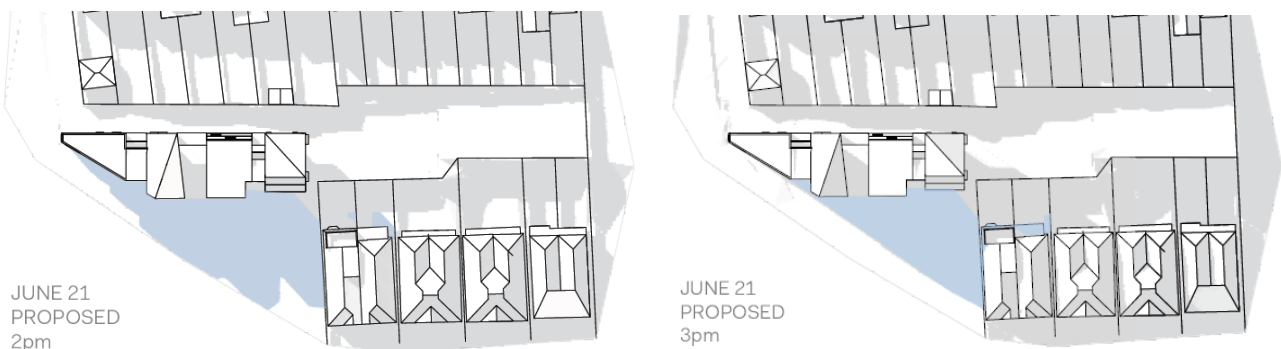


Figure 25 Reference Scheme June 21 Overshadowing 2-3pm

Source: Carter Williamson

6.6 Privacy

As opposed to the original PP2/2020 reference design, this revised Planning Proposal has a proposed height of 12.5m (3 storeys) which will limit any potential for overlooking into the top levels of the adjoining residences.

The proposed building envelope is located approximately 17m from the existing northern residences, with heavy tree canopy and foliage in between, providing additional privacy mitigation. This degree of separation is in fact significantly more than the average separation between the residences on Whaling Road themselves, and likewise significantly more than the average separation of any urban low-density residential context such as North Sydney.

Conceptual internal suite layouts have been designed with particular consideration towards minimising privacy impacts to all neighbours. Unlike residential apartment buildings, the occupants of serviced apartments typically spend less time within their apartment and the proposed complex provides additional complimentary uses for these temporary residents, including the co-working space, tennis courts, kiosk and wellbeing centre.

The above considerations are considered adequate at this Planning Proposal and building envelope stage to ensure prevention of overlooking and impacts to the privacy of adjoining residences. Further assessment and detailed mitigation measures will be addressed at development application stage, for which specific consultation can also occur with the adjoining residents to further address these concerns.

Future development can continue to accommodate window privacy screening/window hoods to further mitigate these privacy concerns, as outlined within the original Planning Proposal documentation. Future development can likewise ensure that all balconies and windows can be positioned to avoid direct overlooking. Given this, the potential for privacy impacts to the surrounding residences is minimal.

6.7 Traffic and Parking

A Traffic and Parking Impact Assessment has been prepared by PTC (**Appendix E**) to assess the impacts of the density and additional uses on the site arising from the proposal. The assessment of the potential traffic generation of the site revealed that the development will lead to a net traffic generation of 19 trips during the peak hour. This represents a low increase in traffic activity and therefore the proposed concept plan or future development is not anticipated to generate any negative impacts to the local road network.

It is noted that there are numerous train, metro and bus services accessible within walking distance of the site, including North Sydney Station (5 minute walk), and Victoria Cross Station (10 minute walk) and bus services on High Street (5 minute walk).

A review of local cycling networks identified numerous dedicated on-road and off-road shared cycle paths within proximity of the site. It is noted that due to close proximity to North Sydney CBD, there will likely be higher rates of active transport by users to and from the site.

PTC conclude that there are numerous public and active transport options available to staff and visitors providing convenient links to the North Sydney CBD as well as the Sydney CBD. As such, the subject site is well located in terms of access to public transport services.

PTC have assessed that the site is capable of accommodating a development that satisfies DCP 2013 requirements for car parking, motorcycle and bicycle parking. The development provides a total of seven spaces, satisfying the maximum requirements of the DCP for residential, staff and visitor parking. Further detailed traffic assessment will be undertaken during detailed design and DA stage.

6.8 Trees

An Arboricultural Impact Assessment has been prepared by Australis Tree Management (**Appendix F**) to identify the health and condition of the selected trees, the potential impacts from proposed concept plan, and to provide recommendations regarding tree retention and protection. All trees assessed are located on adjoining lots, with existing trees present on the site. The assessment confirms that all trees can be retained with appropriate tree protection measures throughout the development works. It is noted that some trees will require pruning to the boundary to avoid damage to the tree.

6.9 Heritage

The site is not a heritage item or within a heritage conservation area. The properties to the north are however both items and within the Whaling Road Conservation Area. NSDCP 2013 describes the Conservation Area as follows:

“The Whaling Road Conservation Area is defined by the Warringah Expressway and the escarpment edge to Clark Road. The landform slopes steeply to the north east, creating dramatic views, and resulting in stepped forms and house. The urban form is strongly influenced by the topography, and by the main phases of development. The area is a discrete residential neighbourhood that is characterised by dwelling houses on small lots. The subdivision pattern is regular and irregular reflecting the topography with has small lots. Streets follow the slope and contours of the area with short streets with a number of steep, dead-end streets. Doris Street is split level for most of its length, and Margaret Street is not accessible to vehicles.

The area is characterised by small scale housing, one to two storey Victorian Georgian, Victorian Filigree and Federation style dwellings forming a dense urban pattern. There are high quality groups of single and two storey attached dwellings. There are small pocket of public open space, some pedestrian links. Fencing is low and characteristically of timber giving coherence throughout the area.

Doris Street has remnant cobbling showing through contemporary road surfacing.”

Figure 17 on previous pages illustrates the relationship between the proposed building and the terraces fronting Whaling Road. The proposed future built form will remain largely unseen when viewed from Whaling Road and as such will not affect the heritage values of the terraces or the conservation area. A detailed heritage assessment will be submitted as part of any future DA.

7.0 Conclusion

The owners of the site, and the proponent of this Planning Proposal, wish to repurpose the existing tennis courts and establish a viable business that allows them to retain ownership of the site and make a positive contribution to the local community. Their vision is to create an '*inner-city urban lifestyle retreat*' with an executive and innovative style accommodation experience – aimed primarily at business executives or young individuals looking to network, working in the North Sydney or Sydney CBDs.

The Planning Proposal is supported for the following reasons:

- The existing tennis operation is underutilised. The loss of the two existing tennis courts has been considered and addressed within the recreation needs assessment. The existing recreation function of the site can be maintained and enhanced through ensuring the ongoing viability of the site's operation;
- The site is ideally located for its proposed use given its close to the employment bases of North Sydney and Sydney CBDs with a range of active and public transport options available;
- Previous proposals for the site have been unsympathetic in terms of their site planning and impacts. Residential amenity of existing properties immediately surrounding the site will be maintained. The design and siting of new buildings has been informed by a comprehensive site analysis to ensure that development will not result in adverse impacts on existing residential properties;
- Future development can occur without adverse traffic impacts and the future parking requirements of the proposal can be accommodated on-site;
- The proposal is not inconsistent with the strategic planning framework, applicable SEPPs and Ministerial Directions; and
- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land.

In light of the above, we would have no hesitation in recommending that the Planning Proposal proceed through Council to the Gateway and on to public exhibition.