



PRE-PLANNING PROPOSAL MEETING MINUTES

20 Berry Street, North Sydney

Time: 11am
Date: 20 August 2020
Venue: **Virtual Meeting – MS Teams**
200 Miller Street
NORTH SYDNEY NSW 2060

Attendees

Applicant:

Sue Francis – City Plan
Lotti Wilkinson – City Plan
Nick Turner – Turner
Annraoi Morris – Turner
David Furlong - Urban Plan Services
Suijith Kavali – Holdmark Pty Ltd

Council:

Emma Booth – Team Leader Design
Geoff Mossemeneer – Executive Assessment Planner
Michael Stephens – Assessment Officer
Liam Rogers – Student Strategic Planner

Discussion Items:

1. The Site

The site is described as Lot 1 DP 550167 and is known as 20 Berry Street, North Sydney. The site has an area of approximately 1,420 sqm and comprises a fifteen-storey, brutalist-style commercial tower dating from the 1970s, with a two-storey refurbished podium. The site has frontages to the Pacific Highway to the west, Berry Street to the south and Angelo Street to the east.

The site is located within the North Sydney Centre and is zoned B4 – Mixed Use. It has a maximum building height limit of 145m RL (equating to a building height of approximately 75m) and is subject to a minimum non-residential FSR of 3:1. The site is also subject to clause 6.3 of NSLEP 2013 which requires that there is no net increase in overshadowing between 12pm and 2pm from the March equinox to the September equinox (inclusive) on any land that is identified as a 'Special Area' within the North Sydney Centre. The Berry Street (West) Special Area is located to the south of the site.

2. Proposal

The proposal seeks to facilitate the redevelopment of the site into a larger, premium grade commercial tower. The proposed building envelope would allow for a commercial tower approximately 25-storeys in height (101m) with a GFA of 23,500 sqm.

A concept plan was provided with the pre-lodgement package which proposed the following:

- Amending the maximum building height applying to the site from RL 145 to RL 171, dropping to RL 70 in the south-eastern corner;

- Inclusion of a site-specific provision in NSLEP 2013 to allow 20 Berry Street to result in additional overshadowing to the Berry Street (West) Special Area; and
- Creation of a new Special Area on the south-eastern corner of 20 Berry Street, no less than 115 sqm in area.

3. **Matters Discussed and Advice from Council**

Proposal

The proponents claimed that strict observance of the current planning controls meant that no redevelopment of the site would be feasible and that a compliant building envelope would not facilitate the achievement of a 21st century commercial floorplate.

The proponents raised the following key aspects to their proposal:

- The existing building and a compliant building envelope would not be practical and would have limited redevelopment potential;
- The Berry Street (West) Special Area is poorly activated with sections comprising vehicle access and substation facilities, with the mapped area partially enclosed within the footprint of existing buildings. Accordingly, the area currently makes minimal contribution to the amenity of the North Sydney Centre;
- The additional overshadowing impact to the Berry Street (West) Special Area is small and there is potential to increase solar access overall through the provision of an additional mapped special area on the subject site.

Zoning

Council advised that if the proposal is for a commercial building then the Planning Proposal for the site should propose a rezoning from B4 – Mixed Use to B3 – Commercial Core. This would avoid an approved building envelope being inappropriately repurposed for residential development in future.

The proponents stated that their intention is to deliver a commercial building on the site and residential development would likely add further constraints to the potential building envelope due to ADG requirements.

Strategic Planning Context

North Sydney CBD Employment Targets

Council staff acknowledged that there is merit in the proponent's intent to create flexible and diverse commercial floorplates in light of the changing requirements for workplaces in response to COVID-19. However, Council advised that while the State Government has imposed ambitious targets for employment growth in the North Sydney CBD (15,600–21,100 additional jobs by 2036), Council is currently on track to meet these targets. Therefore, the delivery of additional commercial floorspace through a Planning Proposal for this site is not considered necessary to meet Council's employment targets.

Draft North Sydney CBD Public Domain Strategy

Council encouraged the proponents to consider the draft North Sydney CBD Public Domain Strategy in the preparation of any Planning Proposal for the site. This strategy outlines Council's vision for the future public domain of the North Sydney CBD and has implications for the subject site. As part of this vision Council will seek to calm traffic volumes in the CBD and return to two-way traffic on Berry Street. If achieved these changes would enable the transformation of Berry Street with upgraded footpaths, awnings and potentially outdoor dining and activation. The southern edge of the street, including the current Special Area, is essential to this vision for its solar access.

Western Harbour Tunnel

Council staff highlighted the uncertainties surrounding the potential impacts of the Western Harbour Tunnel (WHT) road project on the North Sydney CBD, and Berry Street in particular. Council has been working with TfNSW to consider design options that divert regional traffic around the periphery of the North Sydney CBD so that Council can deliver the urban design and public domain improvements outlined in the CBD Public Domain Strategy. This includes the closure of a portion of Miller Street and the eventual conversion of Berry Street to a two-way road for local traffic. The current proposed design of the WHT uses Berry Street as an access point for one of the tunnel's access portals, which would have significant implications for Berry Street. The proposed design of the WHT project would prevent the conversion of Berry Street into a two-way road and would significantly increase traffic volumes passing through the North Sydney CBD. It may also necessitate a widening of Berry Street. This would have significant impacts on the amenity and utility of both the current Berry Street Special Area and the proponent's proposed new Special Area.

The outcome of Council's collaborations with TfNSW may have fundamental place making implications for the North Sydney CBD, including the function and amenity of Berry Street.

Monte Sant Angelo College

Council staff queried whether the potential for redevelopment on the adjacent school site had been considered. The school currently has a 16m height limit across the site, and there is some concern that this could be exceeded in the future. The creation of the proposed Special Area would provide an additional constraint to the development potential of the school which is already required to have regard to the existing Special Area. The proponent claimed that to their knowledge the development on the school site is not anticipated to have any impacts on the proposed Special Area.

Overshadowing and Solar Access – Existing and Proposed Berry Street Special Areas

The principal justification of the proposal is that a net gain in solar hours will be achieved by permitting a small increase in overshadowing to the existing Special Area to be offset by the creation of an additional Special Area on the subject site, which would quantitatively receive a greater total amount of sunlight. However, Council staff raised concerns over the value of the proposed new Special Area when weighed against the value and potential of the existing Berry Street Special Area.

The proposed Special Area is located off main pedestrian routes and fronts the service entry to the adjacent school. The Special Area has some potential for activation, but this is limited by the fact that it only adjoins the subject site itself and would be impacted by the use of Angelo Street for servicing and car parking entries. The proposed Special Area, while it may benefit the subject site, has limited benefits for the wider North Sydney Centre.

Council staff were also concerned that the proposed benefits in terms of solar access, though representing a net gain, are overstated and do not justify the impact to the existing Special Area. The proposed new Special Area appeared to provide good solar access for just a small portion of the lunchtime period, between 12pm and 12.30-12.45, and would be completely overshadowed for the remainder of the prescribed period. In response the proponents pointed out that additional solar modelling would likely indicate that the proposed Special Area would also receive morning sun. However, this does not satisfy the intent of the clause and Council staff are still concerned that the benefits of the proposed area are limited to a relatively narrow window, and do not justify diluting the solar access of the existing Berry Street Special Area, which may compromise its delivery in the long term. The intention of the Special Area is to provide consolidated areas with good solar access.

The Berry Street (West) Special Area is not currently used to its full potential. However, one of the high priority projects advocated in the Public Domain Strategy is to ease traffic conditions on Berry Street and convert it into a bidirectional road with upgraded footpaths and seating. In this scenario, the area would become an attractive pedestrian link connecting Victoria Cross Metro Station with the Education precinct to the west, with the potential to encourage an upgraded public domain, outdoor dining and greater activation. In light of this area's future potential there is value in retaining the current levels of solar access to the Special Area.

It should also be noted that the Vodafone building directly south of the subject site contains an indoor public plaza, part of which is included in the mapped Special Area. Though this space is enclosed, it does constitute a semi publicly accessible space during working hours, and as such overshadowing impacts to this space should be carefully considered.

Urban Design Comments

Form and Massing

Council staff raised concerns regarding the proposed built form. In its attempt to minimise overshadowing and maximise commercial floorplates, the proposed building is overly contrived in form. Certain alterations to the form and massing of the building, such as cut-outs to preserve solar access to public spaces below, may be supported in isolation, but in this case such measures have dominated the form of the building. As a result, the proposed volume is unsympathetic and out of character with the size of the site and the context of the North Sydney Centre. Council staff recommend consideration be given to a simpler, rectilinear form with a well-defined podium. Council also recommends that more consideration could be given to identifying and articulating the corner on this site, as the proposed volume could better address the intersection between Berry Street and the Pacific Highway.

Setbacks and Podium

The proposal does not comply with Council's DCP requirements for podiums and setbacks. It does not provide a podium or setbacks to Angelo Street, where the NSDCP 2013 requires a 2-3 storey podium with a 3m weighed setback above. It is also not clear if the proposal complies with the DCP requirements for a 5m setback to Berry Street above the podium. Council staff also sought clarity on whether the setbacks to the Pacific Highway and Berry Street would align with existing development and raised the desire for greater setbacks. Council recommends that more consideration be given to the proposed podium heights, and setbacks above a podium to achieve a built form more aligned with Council's vision for the North Sydney Centre. A survey showing the current podium setbacks on Pacific Highway to the recent mixed use buildings would be useful to determine an acceptable setback. The proponent should not rely on any precedent from Part 3A approved buildings in the CBD.

Height

The proposal seeks a height increase of 26m, from RL 145 to RL 171. Council staff advised that maximum building heights are set by taking into account the wider CBD context and associated urban design principles rather than site specific development potential. These principles include creating a transition in height and land use from the commercial core of the North Sydney CBD to the low-rise and heritage character of North Sydney's Civic Precinct. Buildings on this block contribute to this transition by stepping down towards the north along the Pacific Highway, with heights descending from RL 145 to RL 135, RL 125 and RL 115. In light of this principle, the extent of the proposed height increase is inconsistent with this transition.

Furthermore, as part of the proposed increase in height above RL 150-155, the response to the solar access controls preventing additional overshadowing to the Miller Street Special Area results in a sloping tower form for the upper storeys of the building. This delivers limited additional commercial floorspace and a poor built form outcome. Council staff recommend that the building height should be limited to the point before overshadowing to Miller Street begins and a more rectilinear built form be considered. This would also be more consistent with the recent mixed use building at 150 Pacific Highway on the opposite corner of Berry Street.

DOCUMENTATION

- Improvements to diagrams ensuring that the ground plane of Berry Street is depicted
- More solar analysis, including outside of the 12-2pm period

- Solar analysis of the Vodafone lobby and surrounding buildings is also necessary, not only the Special Areas identified by the LEP controls
- Details of the proposed location of the vehicle access and building services along Angelo Street and how this is integrated with the proposed special area

NOTES

The aim of pre planning proposal consultation is to provide a service to people who wish to obtain the views of Council staff about the various aspects of a preliminary proposal, prior to lodging a planning proposal (PP). The advice can then be addressed or at least known, prior to lodging a PP. This has the following benefits;

- Allowing a more informed decision about whether to proceed with a PP.
- Allowing matters and issues to be addressed especially issues of concern, prior to lodging a PP.

This could then save time and money once the PP is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based only on the plans and information submitted for preliminary assessment and discussion at the pre PP consultation. You are advised that

- The views expressed may vary once detailed plans and information are submitted and formally assessed in the planning proposal process, or as a result of issues contained in submissions by interested parties;
- Given the complexity of issues often involved and the limited time for full assessment, no guarantee is given that every issue of relevance will be identified;
- Amending one aspect of the proposal could result in changes which would create a different set of impacts from the original plans and therefore require further assessment and advice;
- This Pre-PP advice does not bind Council officers, the elected Council members, or other bodies beyond Council in any way whatsoever.

Council thanks you for choosing Council's pre-PP service and hopes that the meeting was of assistance. You are reminded to continue referring to and checking the relevant planning documents (LEP, DCP, etc) as you develop your proposal further to ensure compliance with those documents as these will be the basis for assessment of your application when it is lodged.

Should you have any further enquiries concerning these minutes please contact Council's Development Assessment staff during normal business hours on 9936 8100.

Note: The above notes are an indication of the issues discussed and conclusions reached at the meeting. They do not constitute a determination of Council, forming only part of the development application assessment process.

Meeting Close