

18 May 2022

Christina Brooks
Planning Officer
Department of Planning and Environment
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Dear Christina,

RE: REZONING REVIEW – 20 BERRY STREET, NORTH SYDNEY

GYDE Consulting represents Holdmark, the applicant for the Planning Proposal (PP) located at 20 Berry Street, North Sydney (Council Reference: 3/21).

The below provides a summary of the key milestones in the assessment of the PP to date:

- 15 April 2021 – Holdmark lodged PP on the NSW Planning Portal.
- 13 April 2022 – Council's Local Planning Panel (LPP) supported the PP and determined that it had site specific and strategic planning merit.
- 26 April 2022 – Council resolved to not support the PP proceeding for a Gateway Determination.
- 12 May 2022 – Holdmark lodged a request for rezoning review on the NSW Planning Portal.

During the assessment period of the PP, multiple meetings were held with Council to discuss the proposal. As a result of these meetings, several amendments to the PP were made. The final PP, which was considered by the LPP and Council, included the following amendments to the North Sydney Local Environmental Plan 2013 (NSLEP)

- Rezone from B4 Mixed Use to B3 Commercial Core.
- Include a new "special area" on the south-eastern corner of 20 Berry Street of no less than 800 sqm in area.
- Amend the maximum building height control for the site from RL145 to a maximum RL172 which would negate the need to use clause 6.3(3) of the NSLEP.

This letter elaborates on the above and demonstrates the strategic merit of the proposal.

1. ATTACHMENTS

The following documentation has been attached to this letter:

- Appendix 1 – Consistency with Greater Sydney Regional Plan.
- Appendix 2 – Consistency with North District Plan.
- Appendix 3 – Consistency with North Sydney Council's Local Strategic Planning Statement.
- Appendix 4 – Minutes from North Sydney Local Planning Panel.
- Appendix 5 – Minutes from North Sydney Council Meeting.

- Appendix 6 – Original Planning Proposal lodged on 15 April 2021.
- Appendix 7 – Amended Planning Proposal dated 2 February 2022.

2. THE SITE

The proposal relates to the site at 20 Berry Street, North Sydney. The site has an area of approximately 1,420sqm and consists of one allotment, legally described as Lot 1 DP 550167 (refer to Figure 1).



Figure 1: The site, highlighted in yellow

3. THE PROPOSAL

The PP proposes to amend the NSLEP to allow for the following:

- Rezone from B4 Mixed Use to B3 Commercial Core – this will ensure any uplift from the PP will be used for non-residential purposes such as a commercial office building.
- Amend the maximum building height control for the site from RL145 to a maximum RL172 which would negate the need to use clause 6.3(3) of the NSLEP (refer to Figure 2 for an indicative photomontage of the proposed development).



Figure 2: Indicative Photomontage

- Include a new “special area” on the south-eastern corner of 20 Berry Street of no less than 800 sqm in area (refer to Figure 3). It is the intention for the Special Area to be shown on the North Sydney Local Environmental Plan 2013 “North Sydney Centre” map. It is also the intention for this special area include a positive covenant on the site to allow public access.

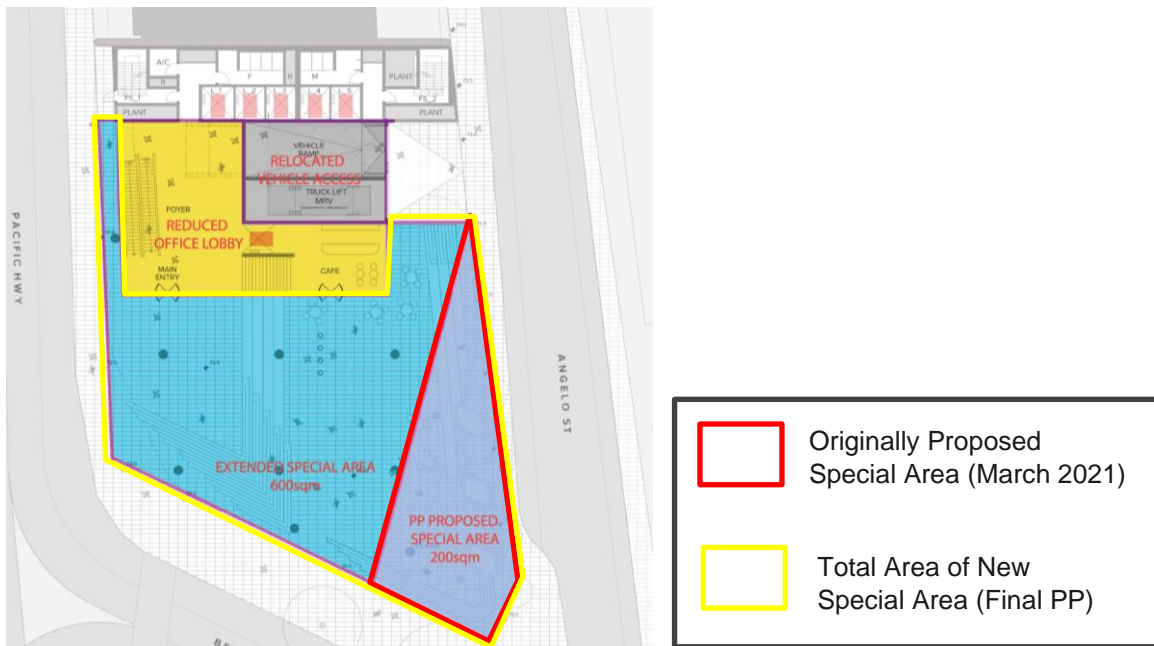


Figure 3: Amended Concept Plan

4. SPECIAL AREA

The below provides a breakdown of the solar hours the special area receives:

- Existing Special Area: 82,299 hours
- Expanded Special Area: 48,490 hours

- Combined Special Area: 119,554 hours

The expanded special area receives an additional 48,490 solar hours, which is a 59% increase when compared to the existing special area. No other special areas (including the Miller Street Special Area) are shadowed by the proposed development. The calculation has been prepared for the period between March and September, consistent with the methodology outlined in Clause 6.3 of the NSLEP.

The PP documentation lodged with Council, outlines that the proposed PP generates similar shadowing when compared to the existing building. It is however acknowledged that for the month of March, the proposed additional height does generate additional shadowing when compared to the existing building (refer to Figure 4). Any impacts associated with the proposed development are, however, limited to the special area occupied by the carpark entry of the recently constructed Vodafone building, which is not a useable public domain area.



Figure 4: Solar Analysis - March 21st (Source: Turner)

5. STRATEGIC MERIT

The Department of Planning and Environment have prepared assessment criteria to determine if a PP has strategic planning merit.

In this respect, as outlined in the below summary table, there can be no doubt that this site, due to its position in Metropolitan Sydney and its proximity to significant proposed new infrastructure, has strategic merit and is consistent with the objectives and directions of the Greater Sydney Region Plan.

Table 1: Merit Test

Consideration	Response
a) Does the proposal have strategic merit? Will it:	
give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	Refer to Appendix 1 which demonstrates consistency with the Greater Sydney Region Plan. Refer to Appendix 2 which demonstrates consistency with the North District Plan.
give effect to a relevant local strategic planning statement or strategy that has been endorsed by	Refer to Appendix 3 which demonstrates consistency with Council's Local Strategic Planning

the Department or required as part of a regional or district plan or local strategic planning statement; or	Statement (LSPS).
responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.	The proposed development directly responds to the NSW government's infrastructure investment, given the site is in the vicinity of new stations which form part of the new Sydney Metro line (under construction) and the Western Sydney Harbour Tunnel.
b) Does the proposal have site-specific merit, having regard to the following?	
the natural environment (including known significant environmental values, resources or hazards) and	The subject site is located in an existing urban environment. The proposed development will there have minimal impact to the natural environment.
the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and	The PP has been carefully developed to ensure it does not impact the redevelopment of any surrounding sites. To the east of the site is the Monte Sant' Angelo Mercy College, which is a heritage site. Given the site is a heritage item, it has limited redevelopment potential. The permissible height limit on the site is 16 metres. The shadow analysis, provided with the lodged PP, demonstrates that should the school be redeveloped to a 16 metre height limit, it will not overshadow the new special area between 12-2pm during between the March and September Equinoxes. The new special area will therefore not restrict the redevelopment of the school.
the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	As outlined in PP documentation, the surrounding road and traffic infrastructure can accommodate the proposed development. It is likely that the surrounding utility infrastructure can also accommodate the proposal, with further information to be provided at Development Application stage, should the proposal proceed.

6. LOCAL PLANNING PANEL

On 13 April 2022, Council's LPP unanimously resolved to defer the PP, **given its potential to have both strategic and site-specific merit**. The minutes from the LPP meeting have been provided at Appendix 4. An extract from the LPP's minutes, has also been provided below, which outlines that additional studies should be undertaken.

Given the above there may be both strategic and site-specific merit for a planning proposal and the Panel RECOMMENDS to the Council that the matter be DEFERRED to allow the applicant the opportunity to submit further documentation including the following:

- Further details of the public domain area are to be provided detailing how public access is to be provided for the life of the development, and the landscape materials and finishes plan for this area according to the NSC Public Domain Style Manual and Design Code guidelines,
- An analysis of the public benefit of the proposed public domain area,
- A detailed wind analysis of the proposed newly created public domain area,
- A detailed shadow analysis of the equinoxes impact on the Berry Street “Special Area” between 12pm and 2pm,
- An incremental height analysis to interpret the potential overshadowing impact on the Miller Street “Special Area” with each additional level of the Planning Proposal above the gazetted height of RL145 per NSLEP 2013 Heights of Buildings, Map Extract on page 11 of NSLPP Report PP02 dated 13/04/22. (Noting that a prohibition currently applies in the LEP for any overshadowing on the Miller Street “Special Area” and Berry Street “Special Area”).

The PP was considered at the Council meeting on 26 April 2022, where Council, rather than adopting the LPP’s recommendation, decided to not support the PP.

The LPP acknowledged that the PP had strategic merit and was an opportunity for urban renewal, which would not otherwise be available under existing controls. The LPP recommended additional studies being undertaken, which we are happy to undertake and provide.

7. CONCLUSION

As outlined in this letter and the lodged PP material (and subsequent RFI responses), the PP is considered suitable and appropriate as it:

- Is consistent with the Greater Sydney Regional Plan and the North District Plan;
- Is consistent and complies with the strategic planning test outlines in DPIE’s “A guide to preparing planning proposals”;
- Is consistent with Council’s Local Strategic Planning Statement; and
- Does not pose any adverse environmental or social impacts to the surrounding community.

We believe that the proposed special area, will provide a unique plaza area for the North Sydney CBD, which could incorporate active uses such as cafes, new landscaping and public domain features such as artworks and table/benches. The quantum of solar access and size of the special area will make it an engaging and desirable location, more desirable than the existing Berry Street Special Area, which is heavily constrained with developed buildings and driveways.

We believe that the proposed development will provide a positive impact to the site and Berry Street, which would only be achievable through the preparation of the PP.

We look forward to progressing the PP through the rezoning review process. Should you require any further information, please do not hesitate to contact Anthony Kazacos (Senior Associate) on (02) 9068 7545 or anthonyk@gyde.com.au

Yours sincerely,



Susan E. Francis
Executive Director

APPENDIX 1 – CONSISTENCY WITH GREATER SYDNEY REGION PLAN

The table below demonstrates consistency with the Greater Sydney Region Plan – A Metropolis of Three Cities.

Table 2: Response to Greater Sydney Region Plan

Objectives	Response
Objective 4 Infrastructure use is optimised	The proposed development can provide an increased quantum of commercial floorspace within walking distance to both the existing North Sydney train station and approximately 100m away from the new Victoria Cross Metro Station. The proposed development will maximise the usage of this infrastructure.
Objective 6 Services and infrastructure meet communities' changing needs	There are sufficient services in the vicinity of the site to accommodate the redevelopment. This will be enhanced with the construction of the new Victoria Cross Metro Station and the Western Harbour Tunnel. Additionally, the proposed development includes a new special area which could be used by visitors, workers and residents of North Sydney.
Objective 7 Communities are healthy, resilient and socially connected	The PP proposes to provide a new 800 sqm special area, with increased levels of solar access, which could be used for open space purposes, which could be used by visitors, workers and residents of North Sydney.
Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The proposed development can provide approximately 704 direct jobs within walking distance to major public transport and existing residential development, which will assist in creating a 30-minute walking city.
Objective 15 The Eastern, GOP and Western Economic Corridors are better connected and more competitive	Council's LSPS identifies the value and significance of the North Sydney CBD to the Eastern Economic Corridor and to North Sydney's ability to provide for employment. It also identifies the challenges that the CBD has faced, which includes the encroachment of residential development on commercial uses. The PP will promote urban renewal by encouraging redevelopment of a key site in the North Sydney CBD, for employment purposes, which is in close proximity to existing, new and proposed infrastructure. The proposed development will create approximately 704 jobs.
Objective 18 Harbour CBD is stronger and more competitive	
Objective 30 Urban tree canopy cover is increased	The proposed development will provide a new special area. The area will include new landscaping such as mature trees, which will assist in increasing urban tree canopy cover within the North Sydney CBD.
Objective 31 Public open space is accessible, protected and enhanced	The proposed development includes a new special area, which will include increased levels of amenity (which could include new landscaping, street furniture and mature trees) when compared to surrounding special areas. The new special area could be used by residents, visitors and workers of the CBD, in addition to workers and students of the adjacent Monte Sant' Angelo Mercy College.

APPENDIX 2 – CONSISTENCY WITH NORTH DISTRICT PLAN

The North District Plan is applicable to the site and has been prepared to give effect to the Greater Sydney Region Plan. Consistency with the plan's planning priorities, objectives and actions is demonstrated in the table below.



Table 3: Consistency with Regional and District Plans

Planning Priority	Greater Sydney Regional Plan Objective	Action	Comment	Consistent
Planning Priority N1 Planning for a city supported by infrastructure	Objective 2 Infrastructure aligns with forecast growth – growth infrastructure compact. Objective 4 Infrastructure use is optimised.	3. Align forecast growth with infrastructure. 4. Sequence infrastructure provision using a place-based approach 6. Maximise the utility of existing infrastructure assets and consider strategies to influence behaviour changes, to reduce the demand for new infrastructure, including supporting the development of adaptive and flexible regulations to allow decentralised utilities.	The proposed development will promote urban renewal and the use of alternative modes of transportation, including walking, cycling and the use of the Sydney Metro which is currently under construction within 100m from the site and the future Western Harbour Tunnel and Beaches Link which is currently being planned.	Yes
Planning Priority N3 Providing services and social infrastructure to meet people's changing needs	Objective 6 Services and infrastructure meet communities' changing needs.	8. Deliver social infrastructure that reflects the needs of the community now and in the future.	The PP proposes to provide a new 800 sqm special area, which would be used for open space purposes, which could be used by visitors, workers and residents of North Sydney. The new special area provides for additional solar access to the special areas of the precinct than those anticipated by Councils current controls.	Yes
Planning Priority N4 Fostering healthy, creative, culturally rich and socially connected communities	Objective 7 Communities are healthy, resilient and socially connected Objective 8 Greater Sydney's communities are culturally rich with diverse neighbourhoods. Objective 9 Greater	10. Deliver healthy, safe, and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by: a. providing walkable places at a human scale with active street life b. prioritising opportunities for people to walk, cycle and use public transport c. co-locating schools, health, aged care, sporting and cultural facilities. d. promoting local access to healthy fresh food and supporting local fresh food		Yes

	Sydney celebrates the arts and supports creative industries and innovation.	production.		
Planning Priority N6 Creating and renewing great places and local centres, and respecting the District's heritage	Objective 12 Great places that bring people together. Objective 13 Environmental heritage is identified, conserved and enhanced.	1. Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by: a. prioritising a people-friendly public realm and open spaces as a central organising design principle b. recognising and balancing the dual function of streets as places for people and movement c. providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres d. integrating social infrastructure to support social connections and provide a community hub e. recognising and celebrating the character of the place and its people	The proposed new special area will improve the amenity of the North Sydney CBD. It will provide much needed useable open space, whilst promoting walkability and increased amenity.	Yes
Planning Priority N7 Growing a stronger and more competitive Harbour CBD	Objective 18 Harbour CBD is stronger and more competitive	24. Grow economic development in the North Sydney CBD to: a. maximise the land use opportunities provided by the new station b. grow jobs in the centre and maintain a commercial core c. strengthen North Sydney's reputation as an education centre, to grow jobs and add diversity d. expand after hours' activities e. encourage growth in business tourism as a conference location that takes advantage of North Sydney's identity as a business hub, its location, access and views f. provide a variety of high quality civic and public spaces befitting a globally-oriented CBD, which can be utilised for a range of cultural and entertainment activities g. improve amenity by reducing the impact of vehicle movements on pedestrians h. create capacity to achieve job targets by reviewing the current planning controls.	The PP will promote urban renewal by encouraging redevelopment of a key site in the North Sydney CBD, for employment purposes, which is in close proximity to existing, new and proposed infrastructure. The proposed development will also create additional jobs (approximately 740 jobs) in close proximity to existing and proposed new infrastructure.	Yes

Planning Priority C8 Eastern Economic Corridor is better connected and more competitive	Objective 15 The Eastern, GOP and Western Economic Corridors are better connected and more competitive.	29. Prioritise public transport investment to deliver the 30-minute city objective for strategic centres along the GOP Economic Corridor.	The site is located within walking distance to existing, new and proposed public transport and road infrastructure. Providing additional employment in this location will assist in creating a 30-minute city.	Yes
Planning Priority C10 Growing investment, business opportunities and jobs in strategic centres	Objective 22 Investment and business activity in centres	36. Provide access to jobs, goods and services by: a. attracting significant investment and business activity in strategic centres providing jobs growth b. diversifying the range of activities in all centres c. creating vibrant, safe places and quality public realm d. focusing on a human-scale public realm and locally accessible open space e. balancing the efficient movement of people and goods with supporting the liveability of places on the road network f. improving the walkability within and to the centre g. completing and improving a safe and connected cycling network to and within the centre. h. improving public transport services to all strategic centres i. conserving and interpreting heritage significance j. designing parking that can be adapted to future uses k. providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts l. creating the conditions for residential development within strategic centres and within walking distance (up to 10 mins), but not at the expense of the attraction and growth of jobs, retailing and services; where appropriate, strategic centres should define commercial cores informed by an assessment of their need.	The redevelopment of the site will provide additional gross floor area for employment purposes such as commercial office space and retail tenancies.	Yes
Planning Priority N12 Delivering	Objective 14 A Metropolis of Three Cities –	53. Plan for urban development, new centres, better places and employment uses that are	The proposed development would maximise the usage of major transport investment,	

integrated land use and transport planning and a 30-minute city	integrated land use and transport creates walkable and 30-minute cities.	integrated with, and optimise opportunities of, the public values and use of Sydney Metro City & Southwest, as well as other city-shaping projects.	given its close proximity to both the new Sydney Metro Line and Western Harbour Tunnel and Beaches Link.	
Planning Priority N20 Delivering high quality open space	Objective 31 Public open space is accessible, protected and enhanced.	73. Maximise the use of existing open space and protect, enhance and expand public open space by: a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved d. planning new neighbourhoods with a sufficient quantity and quality of new open space e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses f. delivering, or complementing the Greater Sydney Green Grid g. providing walking and cycling links for transport as well as leisure and recreational trips.	The PP provides an opportunity to expand and enhance the open space network in the North Sydney CBD, by providing a new special area, with an area of approximately 800 sqm.	

APPENDIX 3 – CONSISTENCY WITH LSPS

The North Sydney Local Strategic Planning Statement (LSPS) sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure for LGA.

The LSPS guides the content of Council's Local Environmental Plan (LEP) and supports Council's consideration and determination of any proposed changes to the development standards under the LEP.

Table 4 outlines consistency with the mains priorities of the LSPS.

Table 4: Consistency with LSPS

Priority/Direction/Action	Response
Collaborate with State government Agencies and the community to deliver new housing, jobs, infrastructure and great places.	<p>The PP will facilitate the redevelopment of the site, within 100m of the new Victoria Cross Metro Station and 500m of North Sydney Station, and provide approximately 22,750 sqm of commercial floorspace, which is an increase when compared to the site's existing building.</p> <p>The proposal responds to the desire to have transport led growth within walking distance of public transport</p>
Create great places that recognise and preserve North Sydney's distinct local character and heritage.	The PP will deliver an important public domain outcome with the creation of an additional special area within the North Sydney CBD. This area will offer a unique space for workers, residents and visitors to the CBD.
Grow a stronger, more globally competitive North Sydney CBD.	The PP will facilitate the redevelopment of the site and provide opportunities for additional commercial office and employment growth. The PP will assist in meeting the employment target of 15,600 - 21,000 additional jobs for the North Sydney CBD by 2036, by providing approximately 704 jobs as a direct result of the PP. The PP will also improve user and public domain amenity within the CBD to support an attractive, vibrant and globally competitive North Sydney CBD.
Develop a smart, innovative and prosperous North Sydney economy.	The site currently comprises an ageing commercial office building. Redevelopment of the site will unlikely occur under existing controls, as the built form will result in an unfeasible building envelope with inefficient floorplates. The proposed controls will enable and encourage redevelopment, by provide a landmark commercial tower for the North Sydney CBD.

APPENDIX 4 – LPP MINUTES

APPENDIX 5 – COUNCIL MINUTES

APPENDIX 6 – ORIGINAL PLANNING PROPOSAL

APPENDIX 7 – UPDATED PLANNING PROPOSAL