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URBIS

PLANNING PROPOSAL - REQUEST FOR REZONING REVIEW

253-267 PACIFIC HIGHWAY
NORTH SYDNEY

Prepared for
LEGACY PROJECTS
4 April 2022

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EXECUTIVE SUMMARY

On behalf of Legacy Projects (the **proponent**), we hereby request a Rezoning Review of a Planning Proposal submitted to North Sydney Council on the 12 April 2021, pertaining to land at 253 – 267 Pacific Highway, North Sydney (the **site**). This request for a Rezoning Review has been prepared in accordance with Section 5.1 of '*A guide to preparing local environmental plans*'.

Background and History

The proponent first began negotiations with Council in 2017, when the site was initially identified by Council as a location for potential uplift. A previous Planning Proposal was submitted in September 2018 for consideration, however ultimately the Panel did not support the application due to the application pre-empting the Council lead strategic planning process regarding the Civic Precinct Planning Study (**CPPS**).

With the Civic Study in place, in early January 2021, the proponent commenced preparation of the current Planning Proposal. Following further consultation with North Sydney Council (**Council**), the current Planning Proposal was lodged with Council in April 2021.

At every stage of the process, the proponent has sought to work closely with Council staff (both strategic and statutory teams) and its independent planning consultant, to satisfactorily respond to any matters raised in relation to overall planning and design considerations for the site with a level of detailed review akin to a development application. Additionally, there was further review with Council's Design Excellence Panel (**DEP**) and extensive landowner-initiated engagement with the local community to address a range of matters resulting in a number of refinements. This detailed review and engagement process culminated in the submission of an amended Planning Proposal that was resubmitted to Council in December 2021.

Proposed LEP Changes

The proposed LEP amendments are consistent with the designated built form controls for the site contained within the Council adopted Civic Precinct Planning Study.

The intended outcome of the Planning Proposal (as resubmitted in December 2021) is to amend the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as follows:

- Establish a site-specific split height control, with maximum heights of 15 metres, 29 metres and 37 metres;
- Establish a site-specific split maximum FSR control, with a maximum FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway; and
- Establish a site-specific minimum non-residential FSR control of 1:1.
- No change to current B4 Mixed Use zone is proposed.

Council Planning Officer & Local Planning Panel Support

After assessing the amended planning proposal, Council's assessing officers prepared a report recommending support to proceed to Gateway and the Local Planning Panel (**LPP**) similarly resolved and recommended to Council that the Planning Proposal proceed to Gateway.

However, contrary to:

- The proposal's compliance with Council's own recently adopted Civic Precinct Planning Study; and
- Council Planning Staff's recommendation of support (informed by multiple design excellence Panel reviews); and
- Council Local Planning Panel recommendation of support to Gateway;

the elected Councillors on 28 March 2022 put forward and resolved an alternative resolution that did not support the Planning Proposal proceeding to Gateway. Given the unequivocal demonstrated evidence of the strategic planning merits of this proposal it would appear, in our opinion, the Council decision was not based on the required considerations of strategic planning merit, but rather political in nature.

Strategic & Site-Specific Planning Merit Summary

The proposed amendments to the NSLEP 2013 clearly satisfy the strategic merit and site-specific merit tests and would enable an appropriate development outcome and generate significant community benefit for the following reasons:

- **From a strategic planning merit perspective:** The Planning Proposal positively is consistent with the achievement of State and Local Government strategic planning goals of increasing employment and housing densities in strategic centres with access to public transport. The proposed density increase for housing and employment is justified on the grounds of the sites' proximity to the major new Metro rail infrastructure as well as the employment and services offerings of North Sydney CBD.
- **From a site-specific local context perspective:** The Planning Proposal facilitates future development that would achieve a built form and scale outcome consistent with Council's endorsed Civic Precinct Stud, which was subject to formal public exhibition processes and refinement based on community feedback. The tailored building height LEP controls will ensure a highly nuanced built form outcome that positively responds to the immediate context and ensures the future development will not unduly depart from the reference concept.
- **From a site-specific environmental perspective:** The consideration of off-site environmental impacts such as heritage, visual privacy and overshadowing were extensively considered. Arising from the ongoing feedback during the process, the proposal was subsequently amended resulting in reduced podium height, increased setbacks and lower building height, that ultimately ensured that the site would achieve an acceptable impact on the locality, consistent with that envisaged by Council when adopting the Civic Precinct Planning Study.

Overall, the Planning Proposal provides an appropriate built form and scale that reflects the vision for North Sydney Civic Precinct, and the existing and emerging scale of development on adjacent and surrounding lands.

The compelling reasons justifying the proposed amendments as requested in this Planning Proposal include:

- Alignment with Council's recently adopted Civic Precinct Planning Study
- A unique site that is held under a single landholding and able to be fully redeveloped in accordance with strategic plans and policies.
- Ability to deliver a genuine mixed use and transit-oriented outcome for the site.
- Retention and adaptive reuse of mid-block heritage item.
- Ensuring that the site achieves its employment capacity target set by Council whilst also allowing capacity for residential growth.
- Embracing the site's critical location at the transition between the lower scale Civic Core to north and the higher density North Sydney CBD to the south.
- The delivery of public domain improvements to benefit the local community, and future employees, residents, and visitors of the site.
- Both Council's assessing officer and the Local Planning Panel are supportive of the amended Planning Proposal.

As evidenced by all of the submitted material, this Planning Proposal demonstrates that the proposal has considerable strategic and site-specific merit as outlined in "*A Guide to Preparing Local Environmental Plans*" and thus warrants the Panels support to proceed to Gateway for public exhibition.

1. INTRODUCTION

1.1. OVERVIEW

On behalf of Legacy Projects (the **proponent**), we hereby request a Rezoning Review of a Planning Proposal submitted to North Sydney Council on the 12 April 2021, pertaining to land at 253 – 267 Pacific Highway, North Sydney (the **site**).

This request for a Rezoning Review has been prepared in accordance with Section 5.1 of 'A guide to preparing local environmental plans'.

The Planning Proposal was subsequently amended and resubmitted on the 13 December 2021 following a period of extensive consultation with Council's independent planner and Council's Design Excellence Panel (**DEP**).

The Council officers and Local Planning Panel recently both recommended the Planning Proposal proceed to Gateway, however the elected Councillors subsequently put forward an alternative resolution that did not support the Planning Proposal proceed to Gateway.

This request for a Rezoning Review has therefore been initiated by the proponent.

The intended outcome of the Planning Proposal (as amended on 13 December 2021) is to amend the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as follows:

- Establish a site-specific split height control, with maximum heights of 15 metres, 29 metres and 37 metres;
- Establish a site-specific split maximum FSR control, with a maximum FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway; and
- Establish a site-specific minimum non-residential FSR control of 1:1.

The proposal does not seek to amend the current B4 Mixed Use zone under the NSLEP 2013.

Further details of the original Planning Proposal are contained within **Attachment A Planning Proposal Report prepared by Urbis**. Further details of the Planning Proposal (as amended on 13th December 2021) are contained within **Attachment D Amended Planning Proposal Report prepared by Urbis**.

Noting Council's position, the Planning Proposal requests a fresh and independent review from the Sydney North Planning Panel as:

- The Planning Proposal demonstrates both strategic merit and site-specific merit as highlighted throughout this document and support attachments.
- The Planning Proposal is consistent with Council's local strategy (Civic Precinct Planning Study) which was endorsed by Council in October 2020.
- The Council officer assessment report was supportive of the amended Planning Proposal as informed by the DEP review.
- The Local Planning Panel (**LPP**) was supportive of the progression of the amended Planning Proposal to a Gateway Determination.

1.2. SUPPORTING DOCUMENTATION

This request for a Rezoning Review is supported by the following attachments:

- **Attachment A** - The Planning Proposal Report prepared by Urbis and supporting Appendices
- **Attachment B** – Copy of correspondence with North Sydney Council and Design Excellence Panel (**DEP**)
- **Attachment C** – Community and Stakeholder Engagement Report and supporting Appendices
- **Attachment D** – The amended Planning Proposal Report prepared by Urbis and supporting Appendices

1.3. AMENDMENTS TO THE ORIGINAL PLANNING PROPOSAL AND REFERENCE DESIGN

Guided by ongoing consultation with Council, the Planning Proposal was amended and resubmitted on 13 December 2021. The following amendments were made to the Planning Proposal and supporting indicative reference scheme:

- A reduction in street wall scale at the southern part of the site from three (3) to two (2) storeys;
- Introduction of a transitional form element at the southern end of the podium, reducing the width and scale of the podium element aligning the southern site edge and the contributory property;
- Increased secondary setback to Church Lane (east) as part of the vertical tower articulation zones fronting Church Lane;
- Increased secondary setback to Pacific Highway (west) as part of the vertical tower articulation zones fronting Pacific Highway;
- A reduced tower footprint on Levels 7 and 8 to ensure overshadowing impact to the school is comparable to the envelope envisaged by Council's precinct study and which ensures there is no additional overshadowing to the school playground during its time of use; and
- A reduced tower footprint on Levels 7 and 8 to increase the capacity for Communal Open Space.

The above amendments resulted in changes to the intended outcome of the Planning Proposal as summarised in **Table 1**. Overall, the amended reference design results in a reduction in total GFA from 6,143sqm to 5,668sqm. This has subsequently resulted in a reduction to the maximum FSR sought from 5.35:1 to 4.83:1 to 253-261 Pacific Highway, and 1.85:1 to 1.83:1 to 265-267 Pacific Highway. The reason for the minor increase in height from 14 to 15 metres to the northern portion of the site is due to the inclusion of a lift overrun.

The revised indicative reference scheme and building envelope plans developed by PTW Architects provide further detail and are included in **Attachment D** of this document. **Table 4** of this report provides a detailed comparison of the original proposal against the amended scheme.

An artist's impression of the updated reference design is provided at amended indicative reference design is provided at **Figure 1** whilst an artist's impression of the original indicative reference design is provided at **Figure 2**.

Table 1 Summary of Intended Outcome of Planning Proposal (Previous vs Amended)

Development Standard	Previous Planning Proposal	Planning Proposal (As Amended)
Height of building	Establish a site-specific split height control, with maximum heights of 14 metres, 29 metres and 37 metres	Establish a site-specific split height control, with maximum heights of 15 metres, 29 metres and 37 metres
Floor space ratio	Establish a site-specific split maximum FSR control, with a maximum FSR of 5.35:1 to 253-261 Pacific Highway and a maximum FSR of 1.85:1 to 265-267 Pacific Highway	Establish a site-specific split maximum FSR control, with a maximum FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway
Non-residential floor space ratio	Establish a site-specific minimum non-residential FSR control of 1:1	Establish a site-specific minimum non-residential FSR control of 1:1

Figure 1 Amended Indicative Reference Design - Artist's impression



Source: PTW Architects

Figure 2 Indicative Reference Design - Artist's impression (As originally submitted)



Source: PTW Architects

1.4. SUMMARY OF PLANNING PROPOSAL MERIT

1.4.1. Consistency with Civic Precinct Planning Strategy

The site is located within North Sydney Council's Civic Precinct Planning Study (CPPS) area which establishes the strategic planning framework for future development in the locality. The CPPS specifically identifies the site as a location for density uplift given its location on the periphery of the North Sydney CBD, a major commercial office node.

The CPPS establishes the proposed built form and building envelope for future development at the site and this Planning Proposal is consistent with the Study in that it:

- Provides maximum building heights of 8 and 10 storeys in the form of a stepped tower;
- Provides a three-storey commercial podium;
- Ensures a minimum non-residential FSR of 1:1;
- Provides a 9m tower setback to the heritage conservation area to the east;
- Ensures the mid-block heritage item on site is preserved, integrated, and appropriately adapted for re-use.

1.4.2. Strategic Merit

The Planning Proposal demonstrates strategic merit as:

- The proposal aligns with State planning strategic goals which seek to intensify land use around significant transport infrastructure and in proximity to employment nodes.

- The proposal capitalises on existing and planned infrastructure with sustainable benefits by reducing reliance on private vehicular transportation, being strategically located 260m from the Victoria Metro Station (which is due to open in 2024) and 750m from the North Sydney Train Station.
- The proposal supports the attainment of an 18-hour economy and a 30-minute city, as outlined within the North District Plan.
- The proposal provides for additional housing stock in the B4 Mixed Use zone, adjacent to North Sydney CBD, a major commercial office precinct which has limited future potential to supply growing demand. The GSC has confirmed that Council will fall short of the minimum 5-year housing target by 170 dwellings.
- The Planning Proposal complies with the criteria set by North Sydney Council as part of their strategic review of the site. The proposed built form is largely consistent with the design guidelines, objectives and specific urban framework including the building envelope plan outlined in Council's CPPS.

1.4.3. Site-specific Merit

The Planning Proposal demonstrates site-specific merit as:

- The envelope massing proposed is based on the urban design framework adopted by North Sydney Council as outlined in the CPPS which identifies the site as a transition site with an opportunity for density uplift.
- It ensures a high-quality urban outcome with appropriate transitional separation between the existing and future context. This includes achieving an appropriate interface with the scale and character of the adjacent McLaren Street conservation area.
- Above podium setbacks are introduced to provide further transitions in height and scale to the adjoining heritage buildings and to ensure adequate separation is provided between the tower form and the HCA.
- The proposal creates an appropriately scaled edge to the CPPS area on the periphery of the CBD and has the potential to service the North Sydney CBD commercial core and release the pressure of residential encroachment on commercial zoned land.
- A three-storey podium is proposed consistent with the CPPS building envelope plan which matches the scale of the mid-block heritage item and prevailing streetscape along the Pacific Highway.
- Incorporation of the whole site into a single development, including the heritage item at 265 Pacific Highway and 267 Pacific Highway ensures its potential to appropriately respond to its site context.
- The reference scheme demonstrates the ability to achieve compliance with key ADG design and amenity criterion, including most of the building separation distances, open space, solar access, ventilation, apartment size and typology, private open space and storage requirements.
- Detailed shadow analysis (refer **Attachment D – Building Envelope Study and Reference Scheme prepared by PTW Architects**) of the impacts on the conservation area and the North Sydney Demonstration School on the western side of the Pacific Highway demonstrates the proposed building envelope will not result in any additional overshadowing to the playground as envisaged under the CPPS.
- The reference scheme and the proposed building heights across the site have been designed to achieve a human scale podium level, building heights and breaks which provide for view sharing, and to promote a shared and active environment and a high quality landscaped outcome within both the public and private domain.

2. SITE AND SURROUNDING CONTEXT

2.1. SITE LOCATION

The site is located within the suburb of North Sydney and the North Sydney Local Government Area (**LGA**). North Sydney is located approximately 4.5km north of the Sydney CBD, on the northern side of the Sydney Harbour Bridge and within Sydney's Lower North Shore. The suburb is in close proximity and highly accessible to the commercial centres of St Leonards, Chatswood and Macquarie Park.

The North Sydney Train Station is located approximately 750m south east of the subject site, at the southern edge of the North Sydney CBD. The subject site is also located 260m north west of the planned Victoria Cross Metro Station. An aerial image of the subject site and an image of the existing buildings on the site are provided at **Figure 3** and **Figure 4**.

2.2. SITE DESCRIPTION

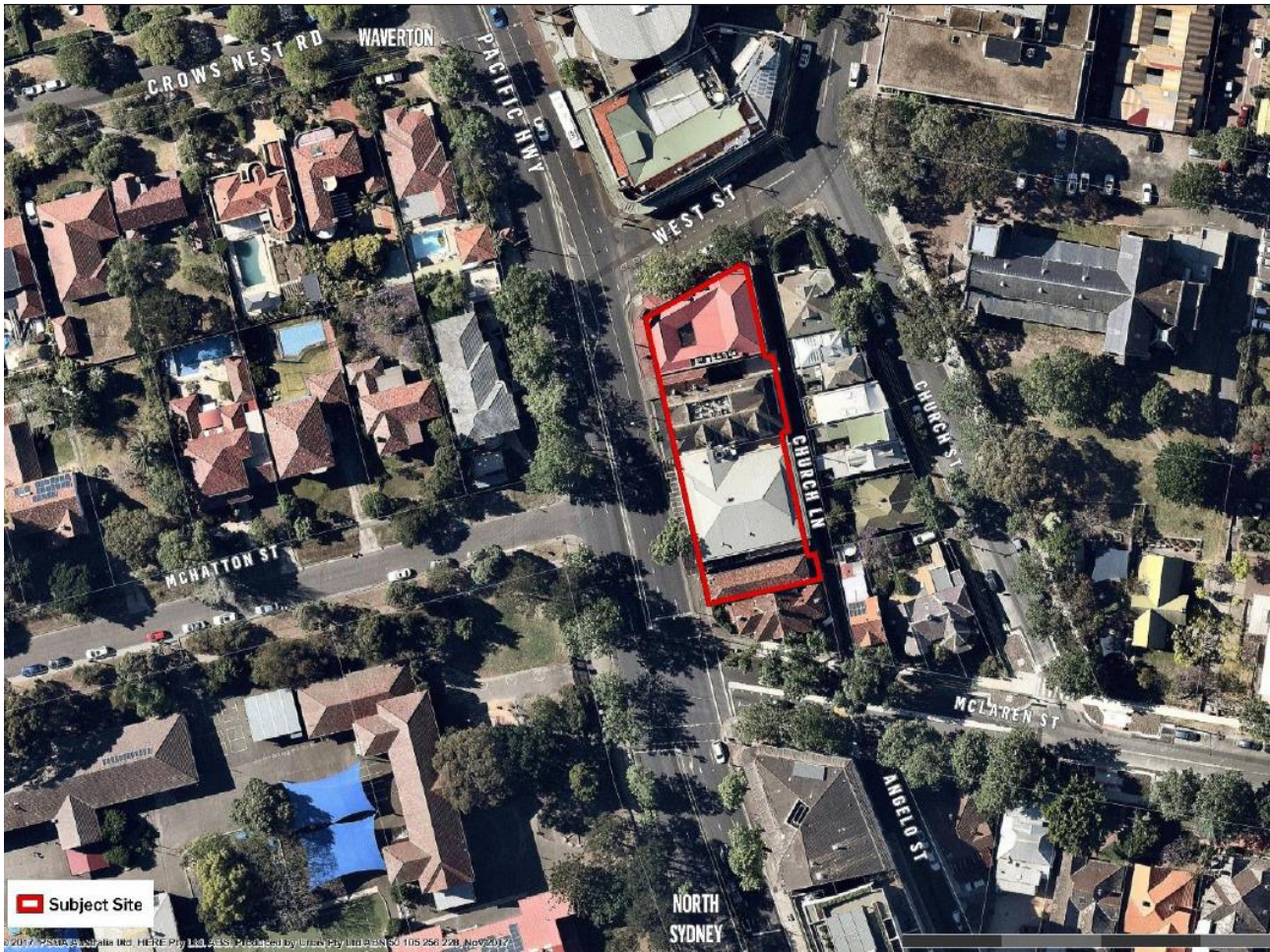
The subject site is located at 253-267 Pacific Highway, North Sydney. The site has a primary frontage to the Pacific Highway of 60m and secondary frontages to Church Lane (65m) and West Street (23m). The site has total approximate area of 1,469sqm. Church Lane provides access to the individual lots and ranges in width from 3-4.5m due to the existing uneven boundary alignments of the subject properties.

The consolidated site comprises five (5) separate lots. The street addresses, legal description and description of existing development on each is lot is described below in **Table 2**.

Table 2 Site Description

Address and Legal Description	Existing and access arrangements
253 Pacific Highway, North Sydney SP 16134	<ul style="list-style-type: none"> Two (2) storey commercial building fronting Pacific Highway. One at-grade onsite parking space accessed from Church Lane.
255-259 Pacific Highway, North Sydney SP 22870	<ul style="list-style-type: none"> Two storey commercial building with pedestrian access fronting the Pacific Highway. Vehicular access and on-site parking accessed from Church Lane.
261 Pacific Highway, North Sydney Lot 51 DP 714323	<ul style="list-style-type: none"> Three (3) storey commercial building fronting the Pacific Highway. Vehicular access and on-site parking accessed from Church Lane.
265 Pacific Highway, North Sydney Lot B DP 321904	<ul style="list-style-type: none"> Three storey heritage shopfront (locally listed item No. 0959 under the NSLEP 2013). Heritage building is orientated towards the Pacific Highway, with garage (new addition) accessed from Church Lane.
267 Pacific Highway, North Sydney Lot 10 DP 749576	<ul style="list-style-type: none"> Two (2) storey commercial building with pedestrian access fronting the Pacific Highway and West Street. Vehicular access and on-site parking accessed from Church Lane.

Figure 3 Aerial image of the subject site



Source: Urbis

Figure 4 Image of the subject site - Existing commercial buildings on the site fronting Pacific Highway



Source: PTW Architects

2.3. SURROUNDING CONTEXT

The site is located on the Pacific Highway on the northern edge of the North Sydney CBD within the Civic Precinct Study Area. The surrounding context of the site is characterised by medium density commercial and residential uses. The site is immediately surrounded by the following:

- **To the north** of the site is West Street. On the northern side of West Street is the Union Hotel, a two (2) storey locally listed heritage item. Further north is a variety of medium to high density commercial uses.
- **To the east** of the site is Church Lane. On the opposite side of Church Lane are low and medium residential uses fronting Church Street.
- **To the south** of the site is a two-storey house fronting McLaren Street. Further south is a variety of medium to high density commercial uses fronting the Pacific Highway.
- **To the west** of the site is the Pacific Highway. On the western side of the Pacific Highway is a childcare centre and the North Sydney Demonstration School.

3. BACKGROUND TO PLANNING PROPOSAL

3.1. PREVIOUS PLANNING PROPOSAL - WITHDRAWN

This section provides a summary overview of the planning history to date, noting that the proponent first began negotiations with Council in 2017, when the site was initially identified by Council as a location for potential uplift.

2017

- In June 2017, following further investigations, a planning modification was exhibited proposing an additional station entry portal and the relocation of the northern portal from 194-196A Miller Street to 50 McLaren Street. The new entry would provide greater accessibility to the north of the CBD Precinct close to where the site is located.
- Given the site's strategic merit, the proponent opted to prepare and lodge a Planning Proposal seeking additional uplift at the site.
- A preliminary meeting (**Meeting 1**) with North Sydney Council was held on 28 June 2017, where the proponent and design team provided an overview of the site, including site amalgamation progress, site considerations including opportunities and constraints for future residential development in North Sydney, and a brief study of building height and urban design outcomes.
- Council provided limited feedback on the proposal and highlighted Council's intention to lead the process of planning change and therefore would not endorse a proponent lead Planning Proposal.
- Following this meeting, Council officers declined to provide any detail comment on the merits of the proposed density change and maintained the position that Council wish to lead the strategic planning process and therefore cannot endorse a proponent lead Planning Proposal.

2018

- A second meeting (**Meeting 2**) was held with Council on 9 August 2018, where the proponent and design team provided an overview of the concept progression and further detailed urban design analysis. An analysis of two built form options was presented.
- The first option presented included a 13-storey block form across the site. The second option included a lower scale stepped podium across the site and a tower form in the southern portion of the site. The second option of the stepped podium and tower built form was chosen to form the subject of the original Planning Proposal.
- Subsequently, the proponent submitted a Planning Proposal in September 2018 for consideration. The intended outcome of the Planning Proposal was to make the following amendments to the NSLEP 2013:
 - Amend the NSLEP 2013 Height of Buildings Map to provide an amended building height control across the site of part 23m and part 68m.
 - Amend the NSELP 2013 Maximum Floor Space Ratio Map to provide a maximum floor space ratio control of 7.2:1; and
 - Amend the NSELP 2013 Non-Residential Floor Space Ratio Map to provide a minimum non-residential floor space ratio control of 1:1.
- The Planning Proposal was progressed to Rezoning Review, however ultimately the Panel did not support the application. The main reason for this was due to the application pre-empting the Council lead strategic planning process regarding the Civic Precinct Planning Study.

3.2. COUNCIL ADOPTION OF CIVIC PRECINCT PLANNING STUDY

- In October 2018 North Sydney Council accepted Accelerated LEP Review Grant Funding and subsequently agreed with the Department of Planning & Environment (**DPE**) to prepare specific projects to bring the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* and other planning instruments and policies into closer alignment with the Greater Sydney Commission's North District Plan. The Civic Precinct Planning Study (**CPPS**) was one of these projects.

2019

- The draft CPPS was undertaken in two stages. Council initially carried out a Stage 1 preliminary community consultation in mid-2019 to understand the community's aspirations for the Civic Precinct area. An internal analysis of public facilities was also conducted. This stage yielded a set of community priorities which then informed the design brief for Stage 2.
- In October 2019, the Stage 1 report was endorsed by Council. Following this, Council appointed Conybeare Morrison (CM+) and a team of sub-consultants to assist with the development of Stage 2. Based on the brief, extensive analysis of the area and further public consultation workshops, the team developed a vision for the Civic Precinct together with a series of urban design principles and objectives.
- This work resulted in an extensive and thorough background report with a series of proposed actions and strategies to be implemented across the precinct in order to achieve the vision for the area, together with proposed changes to the planning controls in selected locations including the subject site. The ideas of the study were presented to the North Sydney Design Excellence Panel and Council's Project Control Group.

2020

- In early 2020, Council exhibited the draft CPPS based on the abovementioned independent urban analysis which showed building heights of 10 – 12 storeys for the site and assumed a 9-metre setback for the upper levels to the adjacent land to the east of the site.
- Following exhibition of the Study, Council amended the draft CPPS with further changes, which included reducing the building heights for the subject site to 8 -10 storeys. No additional analysis or external advice was publicly provided which supported the reduction in building heights.
- In July 2020, the proponent prepared a submission to the draft CPPS, a copy of which is provided at **Attachment B**. This submission provided two options for achieving a viable redevelopment of the site. The submission highlighted that whilst the proponent was broadly supportive of all principles identified in the Draft Study, concerns were noted that the Study provided limited redevelopment opportunities which would not deliver meaningful additional housing opportunities. As a result, the submission sought to provide the following recommendations to Council for their consideration in the finalised Study:
 - Amend the vision statement to incorporate reference to a diversity of housing opportunities and the precinct's role to provide a vibrant fringe to the CBD.
 - Review proposed housing targets in the Draft Study area in response to the GSC's requirement for increased housing supply over the 2022-2026 period.
 - Undertake feasibility assessment to support the Draft Study, and make this publicly available, to ensure that redevelopment is commercially feasible and is realised in order to provide additional housing and contribute to public benefits as contemplated in the Draft Study.
 - Maximise the opportunity for additional housing on key sites through increased heights.
 - Consider the inclusion of bonus floor space incentives to support provision of public benefits and design excellence.
- In October 2020, the amended CPPS was reported to Council for consideration, and in November 2020 Council resolved to adopt the CPPS.

3.3. CURRENT PLANNING PROPOSAL

3.3.1. Council Engagement – Pre-Lodgement

January 2021

- With the Civic Study in place, in early January 2021, the proponent submitted a request to meet Council in relation to the lodgement of a second Planning Proposal.
- Legacy Property and the design team met with North Sydney Council on 18 January 2021 (**Meeting 3**) to discuss the merits of this Planning Proposal. The project team presented 2 preliminary concept options to Council with a focus on the tower form development. Both of the options adhered to most of the built form guidelines set by the CPPS but with a number of variations proposed.

- The key matters raised by Council and which have been addressed in this Planning Proposal included:
 - Incorporating the whole site, including the heritage item at 265 Pacific Highway and 267 Pacific Highway into a single building envelope.
 - Providing detailed shadow analysis of the impacts on the conservation area and the North Sydney Demonstration School on the western side of the Pacific Highway, including impacts prior to 9am midwinter and on the school's façade and playground fronting the Pacific Highway.
 - Providing a detailed building envelope addressing the ADG separation guidelines and consideration of a single loaded corridor tower to achieve this separation.
 - Recommending that an archival recording of the heritage item is carried out.
- *Section 7 Pre-lodgement Meeting* of the Planning Proposal Report prepared by Urbis and submitted at **Attachment A** provides detailed responses to all matters raised by Council.
- Based on Council's feedback and further detailed urban design study of the context and built form character, GMU and the project team developed the preferred master plan which shows a clear stepped built form with improved built form response to the surrounding context and heritage items.
- In addition to the above, the proponent engaged with Director of City Strategy on a number of occasions through telephone conversations, email exchanges and face-to-face to ensure a collaborative approach to planning for this precinct and to resolve the local planning issues.

April 2021

- The current Planning Proposal was subsequently originally lodged with Council on the 12 April 2021 (refer to **Attachment A**).

As demonstrated in the above timeline, the proponent undertook extensive consultation with Council for redevelopment of the subject site prior to the submission of the Planning Proposal, which has been subject to shifting goalposts in terms of the required heights and setbacks.

3.3.2. Council Engagement – Post Lodgement

Since lodgement of the Planning Proposal, the proponent has been engaged in regular communication with North Sydney Council regarding the Planning Proposal and planning considerations. This has included phone calls, email correspondence and attending virtual meetings.

Copies of all correspondence referred to in this section is provided at **Attachment B**.

8 June 2021 - Design Excellence Panel meeting 1

On 8 June 2021, the proponent presented an overview of the Planning Proposal to the Design Excellence Panel (DEP). Members of the panel expressed varying comments and concerns in subsequent meeting minute notes issued to the proponent. Key matters raised included consistency with Council's Civic Precinct Planning Study, particularly in relation to the proposed massing and building envelope.

The DEP noted in considering a suitable FSR and height under the Planning Proposal process, there was not a sufficient level of information provided, nor comfort or consensus in the overall appropriateness of the proposal as currently presented.

The proponent also received correspondence from Council's independent assessing planner. To clarify and address the matters raised in this correspondence, the proponent was requested to provide the following:

- Provide additional massing analysis at the zone interface with the McLaren Street HCA, including a vista analysis along McLaren Street;
- Address the massing impact and interface to the contributory building at Nos 6-8 McLaren Street by potentially stepping the podium along Pacific Highway;
- Amend the plans to allow for no additional overshadowing to the playground to the North Sydney Demonstration School;
- Justify the allocation of height (building mass) where it varies from the CPPS;
- Provide an analysis in plan form for the achievable height in meters; and

- Demonstrate the achievable FSR.

16 July 2021 - response to DEP minutes

On 16 July 2021, the proponent subsequently submitted additional information to Council and the DEP for further consideration. The package of additional information included:

- A comparative study presenting the differences between the proposal and the envelope identified in the Council Study,
- Contextual massing studies as viewed from eye level at various locations around the site, and
- Elevations and shadow impact studies showing the anticipated height of various features on the roof level and the impact of shadowing of the envelopes inclusive of parapet screening, plant zones and the like.

In addition to providing the supporting information the proponent also provided additional written justification and clarification on certain other matters raised.

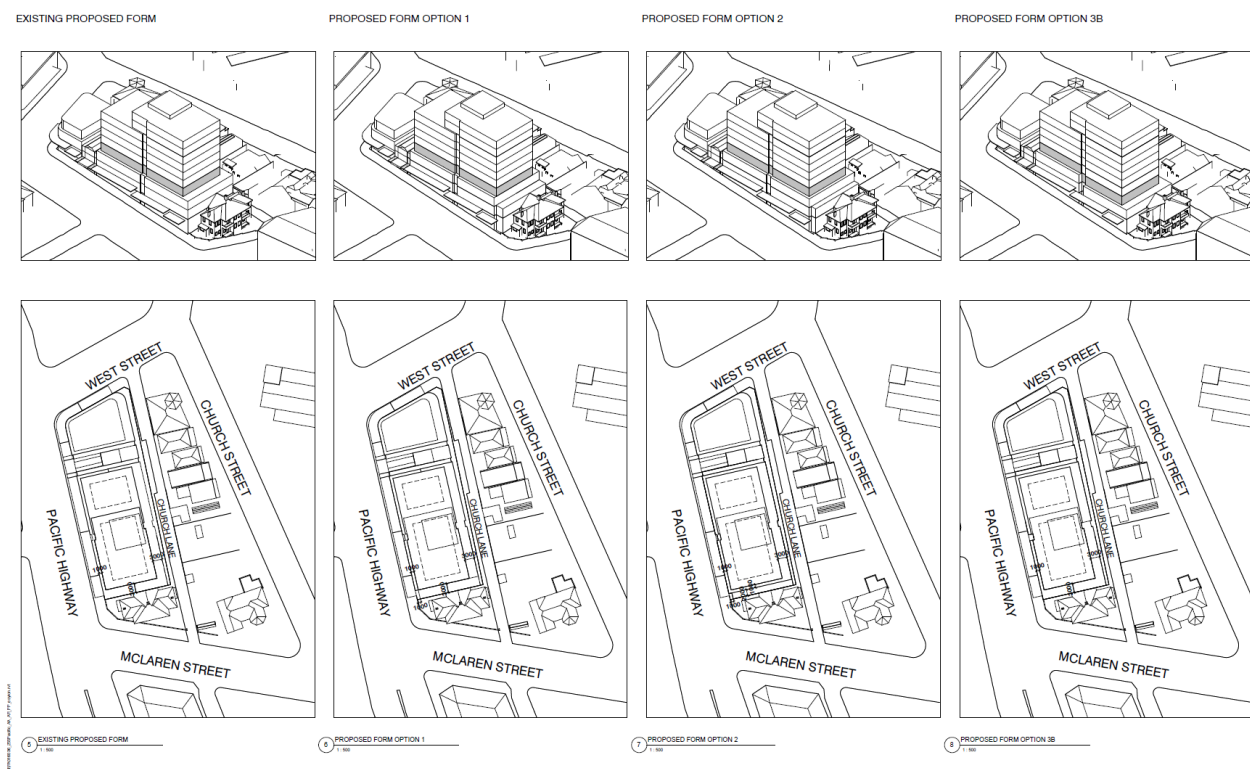
It was noted by the proponent that at this stage in the assessment process, the intent is to determine whether the Planning Proposal has strategic planning and site-specific planning merit then determine any conditions that might be required as part of a gateway approval. The proponent therefore requested that the Panel prepares its advice to Council on this basis, rather than focusing on detailed design matters that should be addressed in the design development process that would result in a future Development Application (DA).

19 July 2021 - proponent meeting with Council

On 19 July 2021, the proponent arranged a further meeting with Council (**Meeting 4**) to discuss the preliminary comments received from Council's independent assessor as well as from the DEP and to present further design justification for the proposed building envelope. The additional justification is discussed further at **Attachment B**.

Following this meeting, updated massing options (refer to **Figure 5**) were provided to Council and the DEP for further consideration.

Figure 5 Alternative Massing Options



Source: PTW Architects

20 July 2021 - written response to AK Planning RFI letter request

On 20 July 2021, the proponent prepared a written response to AK Planning (Council's independent assessing planner), responding to items on heritage, zone interface and scale, podium height, building mass, building height and FSR.

27 July 2021 - proponent meeting with Council

On 27 July 2021, the proponent arranged a further meeting with Council (**Meeting 5**) to discuss the merits of the Planning Proposal.

17 August 2021 - letter received from AK Planning

On 17 August 2021, the proponent received additional correspondence from Council's independent assessing planner on various assessment issues.

6 September 2021 - letter from proponent responding to AK Planning letter

On 6 September 2021, the proponent submitted a letter to Council responding to the matters raised in the letter from AK Planning. The cover letter from the proponent provided clarifications and additional information including a view study prepared by PTW architects (refer to **Attachment B**) to address the following matters:

- Vehicular entries off Church Lane;
- Podium and interface with contributory building;
- Transition to McLaren Street Heritage Conservation Area;
- Proposed height; and
- Proposed FSR.

12 October 2021 - Design Excellence Panel meeting 2

On 12 October 2021, a second meeting was held with the DEP. Subsequent to this, additional correspondence was received from the DEP. The panel identified the following issues for discussion including:

- The proposals interface and relationship to the contributory item located at 6-8 McLaren Street;
- The tower setback from Pacific Highway;
- The tower setback to Church Lane and the conservation area to the east;
- Appropriate space within any approved envelope for articulation, shading, and the like; and
- Wind mitigation.

In response to the feedback received, the Planning Proposal and supporting indicative reference design was further revised. The following amendments were made to the Planning Proposal and indicative reference design:

- A reduction in street wall scale at the southern part of the site from three (3) to two (2) storeys;
- Introduction of a transitional form element at the southern end of the podium, reducing the width and scale of the podium element aligning the southern site edge and the contributory property;
- Increased secondary setback to Church Lane (east) as part of the vertical tower articulation zones fronting Church Lane;
- Increased secondary setback to Pacific Highway (west) as part of the vertical tower articulation zones fronting Pacific Highway;
- A reduced tower footprint on Levels 7 and 8 to ensure overshadowing impact to the school is comparable to the envelope envisaged by Council's precinct study;
- A reduced tower footprint on Levels 7 and 8 to increase the capacity for Communal Open Space; and
- Modulation of the northern tower footprint to reduce overshadowing impact to the school grounds.

The above amendments resulted in changes to the intended outcome of the Planning Proposal, and as reflected in the amended Planning Proposal that was submitted on 14 December 2021.

17 October 2021 - proponent meeting with Council

This discussion was a follow on from the DEP meeting of 12 October (**Meeting 6**) to explore some of the built form refinements to address massing comments.

14 December 2021 - amended Planning Proposal submitted

As alluded to, on 14 December 2021, an amended Planning Proposal was lodged with Council which responded to all post lodgement feedback and discussions. A copy of the amended Planning Proposal Report prepared by Urbis and all supporting appendices is provided at **Attachment D**.

The amended Planning Proposal also included a draft site specific DCP which sought to introduce detailed planning controls for the site. An extract of the draft DCP is provided below.

Solar access

P1 Any proposal must not reduce the level of solar access currently available to the primary play area of the educational use opposite the site during school hours (9:00 – 3:00pm). Any additional overshadowing outside school hours should not exceed the shadow cast by the building envelope contemplated in Council's Civic Precinct Planning Study.

Heritage interfaces

P2 The podium element of any new development shall be modulated and present an appropriate scale at its interface with No 6-8 McLaren Street.

P3 A highly considered architectural treatment shall be provided at this interface in order to create a sympathetic relationship between these building elements.

P4 Blank walls or an abrupt imposing form and presentation are to be avoided.

Podium –street wall height

P5 The proposed podium element shall be stepped to respond to the topography of the site.

P6 A maximum 2-storey scale at the site interface with 6-8 McLaren Street.

P7 A maximum 2-3 storey street wall height to Pacific Highway is required.

Tower

P8 The tower facade, articulation and massing treatment should present as two expressed forms to break up the scale and massing of the tower.

P9 A minimum tower setback of 2.3m shall be provided to the retained heritage item at 265 Pacific Highway.

P10 A minimum above podium tower setback of 3m shall be provided to the site's southern boundary.

P11 The tower, including the podium component is to be a maximum of 10 storeys in height.

P12 A minimum setback of 1m shall be provided above level 2 to the site's northern boundary.

Pacific Highway setback

P13 A minimum above podium tower setback of 1m is to be provided, with at least 40% of the envelope set back to 2m.

Church Lane setback

P14 A minimum above podium tower setback of 3m is to be provided, with a predominant setback of 4m being provided for at least 60% of the building length.

Church Lane widening

P15A 6m widening of Church Lane inclusive of public footpaths is required to improve neighbourhood amenity and passive surveillance to the public domain.

10 February 2022 - Council Assessment Report issued

On 10 February Council issued its Assessment Report (refer to **Attachment B**) which indicated support for the amended Planning Proposal. The Assessment Report prepared by an independent assessing planner concluded with the following:

*'Having completed an assessment of the Planning Proposal against the Civic Precinct Planning Study and relevant Regional and District Plans, **it is recommended that the Planning Proposal be supported to proceed to Gateway Determination.***

Having regard to the sensitivity concerning built form and amenity surrounding the site, it is recommended that the draft site-specific DCP be further developed for the site to help manage the transitional relationship and interface with neighbouring low-density sites and contributory building including overshadowing impacts. In addition, feedback is sought from the Panel on an appropriate height for the site, given the proposed height of 37m is somewhat higher than would be ordinarily expected for a 10-storey residential tower'.

23 February 2022 - Local Planning Panel meeting

The North Sydney Local Planning Panel (**NSLPP**) considered the Assessment Report on 23 February 2022 and resolved to support the progression of the Planning Proposal to a Gateway Determination (refer to **Attachment B**).

The NSLPP agreed with the reasons for supporting the Planning Proposal as outlined in Council's Assessment Report and also recommended that:

- The maximum height be 37m to accommodate the sloping topography, lift overrun and a floor-to-floor height of 4.4m for the ground floor, (noting that the maximum number of storeys is to remain the same); and
- The setback of the tower on the Pacific Highway elevation be modified to provide a minimum tower setback above the podium of 1m, with at least 30% of the envelope setback to 3m, to provide façade articulation and wind mitigation. The setbacks to all other frontages are to remain as per the draft DCP.

Accordingly, the NSLPP recommended that **Council resolves to support the Planning Proposal proceeding to Gateway Determination**

The reasons provided by the NSLPP for supporting the Planning Proposal is outlined as follows:

- *Complies with the relevant Local Environment Plan making provisions under the Environmental Planning & Assessment Act 1979;*
- *Complies with the Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals (August 2016);*
- *On balance, it does not contradict the ability to achieve the objectives and actions of high-level planning strategies;*
- *The proposed height is consistent with that anticipated under the Civic Precinct Planning Study (CPPS);*
- *The location / placement of the towers is generally consistent with that anticipated under the CPPS;*
- *The Planning Proposal will provide higher density development near the new Victoria Cross Metro Station consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcome for this precinct;*
- *The future building form will have an acceptable overshadowing impact on North Sydney Demonstration School;*
- *It includes a stepped podium resulting in human-scale spaces along Pacific Highway and an appropriate interface and scale with the contributory building at No. 6-8 McLaren Street; and*
- *The proposal will have an acceptable impact in relation to heritage and conservation in relation to the curtilage and relationship to the existing heritage item on the site at No. 265 Pacific Highway and its height relationship with the adjoining conservation area.*

28 March 2022 - North Sydney Council meeting

On 28 March, the Council officer presented the report summary and recommendation to North Sydney Councillors that the proposal be supported and sent to the DPE for gateway determination. A copy of the minutes recorded are provided at **Attachment B**.

However, during the meeting, a motion was moved by two Councillors which resolved not support the Planning Proposal proceeding to Gateway Determination based on the following reasons:

- *The proposed increase in the permitted maximum height of buildings from 10m to part 14m, 29m and 37m together with the increased site specific floor space ratio control will result in significant adverse impacts on surrounding properties, the conservation area and the future character of the precinct.*
- *The proposed increases to height and floor space ratio controls will result in an unacceptable height, bulk and scale of future development on the site.*
- *The proposal will have an significant adverse impacts on the existing heritage item (retained), the contributory item at 6-8 McLaren Street and the adjoining conservation area and fails to provide an appropriate interface and scale of development to transition to the conservation area.*
- *The negative impact on the North Sydney Demonstration School, itself a heritage item, including bulk and scale and additional shadowing in the mornings of the playground which is unsupportable given the shading that already occurs - any further loss of solar access for the children is unacceptable.*

The motion was passed, and accordingly, the Councillors resolved not to support the Planning Proposal proceeding to Gateway Determination despite the fact that Council staff and the Local Planning Panel in their assessments confirmed the site has strategic and site specific merit.

3.3.3. Community and Stakeholder Engagement – Post Lodgement

A Stakeholder and Community Consultation Strategy was developed following submission of the Planning Proposal. Urbis was engaged by the applicant to undertake community and stakeholder consultation. Further detail of the consultation undertaken is set out in the Community and Stakeholder Engagement Outcomes Report and supporting Appendices (refer to **Attachment C**)

Consultation activities to date have been carried out in June to July 2021.

In summary, the consultation activities included:

- Distribution of a letter and project fact sheet to residents and neighbours notifying them of the Planning Proposal;
- Door knock of residents in nearby properties;
- Community information and feedback sessions;
- Consultation with stakeholders and interest groups; and
- Communication channels including a dedicated project phone number and email address.

The feedback received is summarised in **Attachment C**.

3.3.3.1. Consultation activities

Fact sheet

The fact sheet outlined key features of the proposal and invited stakeholders and the community to provide feedback. It included details of a project email and phone number managed by Urbis to enable collection of this feedback. It was distributed by letterbox drop to approximately 263 households and businesses in North Sydney on 16 June 2021. The fact sheet was also emailed to key stakeholders.

Door knock

On 16 June 2021, representatives from Urbis door knocked 10 near neighbours to introduce the project, provide a copy of the fact sheet, answer any questions, and collect feedback. During the doorknock Urbis representatives spoke with five neighbours. Neighbour who were not at home were provided a 'Sorry we missed you' notice and flyer which includes contact details for more information.

Two neighbours had no questions and three neighbours expressed concerns about solar access, traffic and parking and impact on local character. A follow up letter was sent to neighbours who expressed concerns offering a further meeting.

Engagement email and phone line

The fact sheet provided a dedicated phone number and email address managed by Urbis to enable people to provide feedback on the project. Two enquiries were received at the time of writing this report.

Project emails and stakeholder meetings

Legacy Property corresponded through emails and meetings with Councillors, nearby businesses, and local government representatives.

3.3.3.2. Stakeholders

The following table outlines the key stakeholders who have been consulted, any issues raised and the project response.

Table 3 Stakeholders

Stakeholder	Engagement interface (lead)	Level of engagement (IAP2)	Engagement activities
North Sydney Council (Staff)	Urbis Planning & Legacy Property	Consult	Ongoing meetings, phone calls and emails.
North Sydney Council Mayor Jilly Gibson Deputy Mayor Stephen Barbour Cr Samuel Gunning Cr Jessica Keen Cr Ian Mutton Cr Dr Alanya Drummond	Urbis Engagement & Legacy Property	Inform	An email was sent to Mayor and Ward Councillors on 16 June 2021, providing a copy of the fact sheet and advising Councillors of the planned engagement activities.
			Legacy Property sent letters to Mayor and Councillors on 17 June 2021, outlining the proposal facts and offering a personal briefing.
Stanton Precinct Committee	Urbis Engagement	Consult	An email was sent to the Stanton Precinct Committee meeting to seek a briefing on 18 May 2021, a follow up email was sent on 16 June 2021, providing a copy of the fact sheet.
Adjacent Precinct Committees Hayberry Precinct Committee Edward Precinct Committee	Urbis Engagement	Inform	An email was sent to adjacent precinct Committees on 16 June 2021, providing a copy of the fact sheet and contact details for further information.
North Shore Historical Society	Urbis Engagement	Inform	An email was sent on 16 June 2021, providing a copy of the fact sheet, contact details for further information and briefing

Stakeholder	Engagement interface (lead)	Level of engagement (IAP2)	Engagement activities
			offer. A follow up email was sent on 24 June. No response was received.
North Sydney Chamber of commerce	Urbis Engagement	Consult	An email was sent on 16 June 2021, providing a copy of the fact sheet, contact details for further information and briefing offer. A follow up email was sent on 24 June. No response was received.
North Sydney Demonstration School - Principal	Urbis Engagement	Inform	An Urbis representative spoke with School administration office by phone 21 June 2021. An email with a copy of the fact sheet and offer to brief the Principal was sent to the school on 21 June 2021. No response was received.
Near neighbours including: 2 - 8 McLaren St, North Sydney 2 - 12 Church St, North Sydney	Urbis Engagement	Consult	On 16 June 2021, representatives from Urbis door knocked near neighbours to introduce the project, provide a copy of the fact sheet, answer any questions, and collect feedback. Two meetings have been scheduled with near neighbours to provide further information.
North Sydney Anglican Church North Sydney General Practice Dress for a night North Sydney Police Station Meetings and events Australia	Urbis Engagement	Inform	A fact sheet distributed by letterbox drop and email on 16 June 2021.

4. SUMMARY OF AMENDED PLANNING PROPOSAL

4.1. OVERVIEW

The Planning Proposal (as amended and resubmitted on 14 December 2021) seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high-quality development in a location highly suitable for density uplift.

The consolidated site presents an opportunity to mark the entry into the North Sydney CBD area whilst achieving desired scale transition in response to the surrounding lower scale development and the heritage context.

The intended outcome of the Planning Proposal is to amend the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* as follows:

- Establish a site-specific split height control, with maximum heights of 15 metres, 29 metres and 37 metres;
- Establish a site-specific split maximum FSR control, with a maximum FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway; and
- Establish a site-specific minimum non-residential FSR control of 1:1.

The proposal does not seek to amend the current B4 Mixed Use zone under the NSLEP 2013, and the proposed redevelopment of the site is consistent with the objectives of the B4 Mixed Use zone.

The amended indicative reference scheme prepared by PTW provides plans to demonstrate how the site could be redeveloped, consistent with the controls sought under this Planning Proposal.

The proposal aligns with the building envelope plan identified for the subject site in Council's CPPS. An artist's impression of the indicative reference design is provided at **Figure 6**.

Figure 6 Amended Indicative Reference Design - Artist's impression



Source: PTW Architects

4.2. INDICATIVE REFERENCE SCHEME

The amended Planning Proposal is supported by an amended indicative reference design prepared by PTW Architects (refer to **Attachment D**) which has been refined since the original submission to respond to Council's feedback during the post lodgement phase.

The Planning Proposal seeks to unlock the potential of the site as an amalgamated landholding, to deliver a high-quality mixed-use development in a location highly suitable for density uplift as envisaged under the CPPS. The future redevelopment of the site will supply residential and commercial floor space in a highly accessible location, benefiting from public transport and growing employment centres.

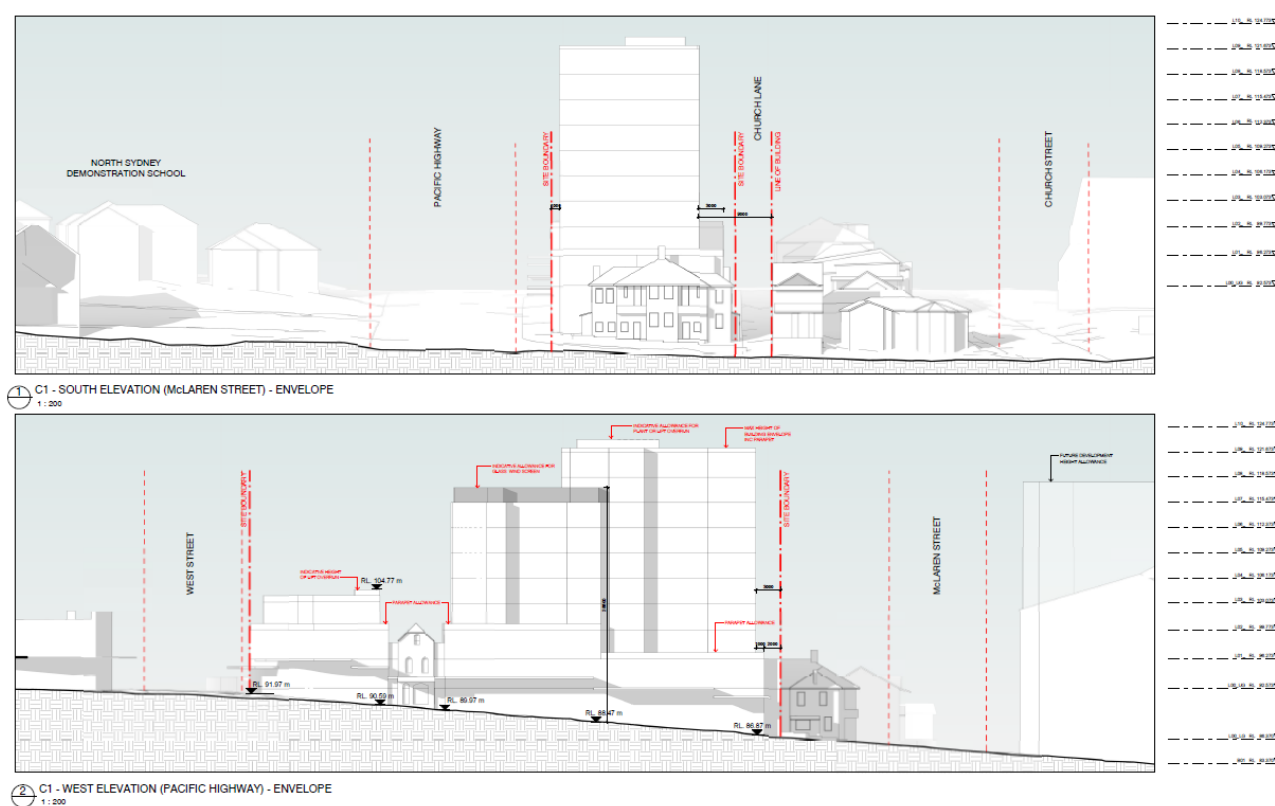
Figures 7 – 8 provides extracts plans of the amended building envelope plans, whilst the following table provides a numerical comparison of the original submitted reference design and the amended reference design.

Table 4 Key Numerical Details of Reference Design (Original vs Amended)

Key parameters	Original Indicative Reference Design	Amended Indicative Reference Design
Land uses	Commercial office / retail, residential apartments, residential communal facilities	Commercial office / retail, residential apartments, residential communal facilities
Indicative yield	39 residential apartments	37 residential apartments
Gross floor area (GFA)	Residential – 4,351sqm Commercial/Retail – 1,792sqm Total – 6,143sqm	Residential – 3,893sqm Commercial/Retail – 1,775sqm Total – 5,668sqm
Floor space ratio (FSR)	5.35:1 to 253-261 Pacific Highway 1.85:1 to 265-267 Pacific Highway <i>* This results in an FSR of 4.18:1 (across whole of site)</i>	4.83:1 to 253-261 Pacific Highway 1.83:1 to 265-267 Pacific Highway <i>* This results in an FSR of 3.86:1 (across whole of site)</i>
Non-residential floor space ratio (FSR)	1.22:1	1.21:1
Podium height	3 storey podium to southern portion of site	2 storey podium to southern portion of site
Tower (secondary setbacks)	Church lane – 3 metres Pacific highway – 1 metre Southern boundary – 3 metres	Church lane – 3-4 metres as part of articulation zone Pacific highway – 1-2 metres as part of articulation zone Southern boundary – 3 metres
Building heights	A maximum building height of 37m in southern portion of site Stepping down to a height of 29m further north towards the heritage item.	A maximum building height of 37m in southern portion of site Stepping down to a height of 29m further north towards the heritage item.

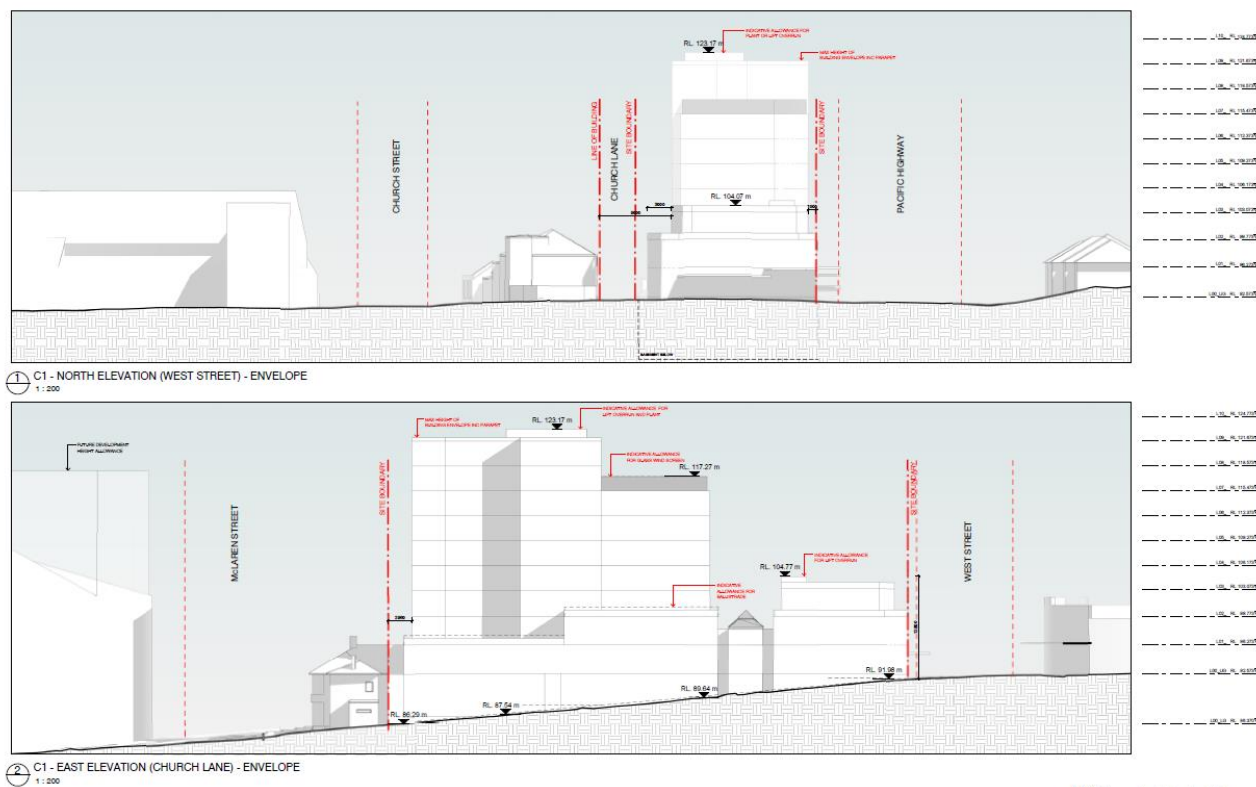
Key parameters	Original Indicative Reference Design	Amended Indicative Reference Design
	A height of 14m north of the heritage item.	A height of 15m north of the heritage item.
Car parking rates	39 spaces total 4 spaces for commercial/retail 35 spaces for residential component	38 spaces total 4 spaces for commercial/retail 34 spaces for residential component
Communal open space	244.5sqm to 253-261 Pacific Highway (27.2% of site area)	227sqm to 253-261 Pacific Highway (25.2% of site area)

Figure 7 Indicative Reference Design – South and West Elevation Envelope



Source: PTW Architects

Figure 8 Indicative Reference Design – North and East Elevation Envelope



Source: PTW Architects

4.3. DESIGN PRINCIPLES

The updated conceptual building envelope plans and design strategy have been specifically tailored to respond to requirements of the CPPS, as well the site opportunities and the surrounding urban character. The key guiding principles are summarised below.

- A lower-scale street wall height of max. 3 storeys to Pacific Highway and Church Lane in response to the surrounding heritage and lower scale context.
- A part 8 and part 10 storey tower located at the southern end of the site with a 3m setback to the southern common boundary above the podium.
- An additional 1m to 2m varying setback to the tower levels to Pacific Highway (west) to create a defined podium and tower form as well as responding to the existing streetscape character.
- Integration of the heritage item into the new podium development.
- A new covered courtyard between the conserved heritage item and the new structure to the eastern boundary accommodating highly intrusive uses i.e. kitchen, bathrooms etc.
- Laneway widening to Church Lane from 3 - 4.5m to 6m.
- An additional 3m to 4m varying setback to the tower levels to Church Lane (east), ensuring the separation distance and amenity to neighbouring residential properties.
- Residential uses on the podium levels only where a 9m setback to the neighbouring boundary is provided.
- 2 vehicular access points from Church Lane.
- Communal open space on the rooftop of the lower tower component.
- Provision of landscape screening on the edges of podium to mitigate the potential overlooking issues and wind effect.
- Separated commercial and residential entries provided along Pacific Highway.

- Activation to streets with a mix of commercial/retail and communal uses.
- Provision of awnings to Pacific Highway and West Street to facilitate improved pedestrian amenity.
- Potential new street trees along Pacific Highway to enhance the existing leafy streetscape character.

4.4. BUILDING MASSING

The proposed massing of the building has been derived having regard to the CPPS as well responding to the site opportunities and the surrounding urban character and context. The proposed massing:

- Provides a distinct podium and highly articulated tower form with the maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the building envelope map in the CPPS;
- Incorporates the site into one single, mixed-use building with a predominantly commercial podium and a residential tower component above;
- Delivers a 3-storey podium to align with the streetscape to the north, and to the south provides a 2-storey street wall height with tower form above to align with adjacent heritage conservation area;
- Preserves and integrates the heritage item into the future podium. Adequate legibility and articulation are provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed;
- Provides a nil setback to the podium along the Pacific Highway frontage to ensure alignment with the existing mid-block heritage item;
- Provides an adequate transition to the conservation area to the east in the form of a two-storey podium with above podium setbacks;
- Provides a gradual transition between the lower scale development to the north and CBD high density area to the south with a stepped massing of the main building;
- Locates a taller building form on the southernmost block to transition between the Civic Precinct and the CBD high-density area and building heights that are consistent with the building envelope identified in CPPS; and
- Includes vertical indentations/articulation to reduce the perceived bulk and scale of a larger scale development and to break up the continuity of the street wall to in response to the existing lot patterns and/or finer-grain context.

4.5. CAR PARKING AND SITE ACCESS

The indicative reference design proposes that car, motorcycle and bicycle parking, and plant and services will be located within two basement levels. The concept scheme includes the provision of approximately 38 parking spaces, which is below the maximum allowable number of spaces permitted under the NSDCP 2013.

Vehicle access to the site will be provided via Church Lane, consistent with the recommendations of the Council' CPPS. Two vehicle access points are provided, one serving the car park for the residential building via a basement ramp and a second separate entry for the retail/commercial building at 267 Pacific Highway.

A ramp will provide vehicle access via Church Lane from the Upper Ground Level to these commercial parking spaces. Separate waste and loading facilities are provided on the Lower Ground Level for the residential and commercial component of the development.

Separate waste and loading facilities are provided on the Lower Ground Level for the residential and commercial component of the development.

A loading dock is proposed which will be able to accommodate one Heavy Rigid Vehicle (HRV) bay within the site boundary adjacent to Church Lane which can also accommodate Council waste collection vehicles. HRV's will be able to enter and exit the site in a forward direction.

Direct pedestrian access is provided to the development via entry lobbies from the Pacific Highway ensuring street activation.

Further details are provided in the updated *Traffic and Parking Study prepared by JMT Consulting* and provided at **Attachment D**.

4.6. PUBLIC DOMAIN & LANDSCAPING

The indicative reference design includes a landscaped residential communal open space at the rooftop, podium level planting and street trees as indicated in the reference design plans.

As outlined in the *Urban Design Statement* and original *Urban Design Report prepared by GMU* (refer to **Attachment D**), the key objectives for landscaping include:

- To achieve quality external recreational areas for residents.
- To achieve landscape buffers between new development and neighbouring residential dwellings.
- To provide reasonable privacy to the residential dwellings from residential uses at low level.

The scheme includes landscape planters with a minimum width of 2.5m and height of 1m to the edges of the podium to reduce overlooking opportunities with an interface with lower-scale residential to the east and south.

Continuous awnings will be provided on the Pacific Highway and West Street frontages.

The Planning Proposal includes the widening of Church Lane from 3 - 4.5m to 6m. The proposed works to Church Lane will significantly improve the safety and amenity of the laneway. At present the laneway is burdened by uneven property boundaries resulting in a very narrow road carriageway in sections.

4.7. PUBLIC BENEFITS

Under Section 7.4 of the EP&A Act, a proponent may enter into a Voluntary Planning Agreement (VPA) where a change is sought to an environmental planning instrument, under which the developer agrees to dedicate land, pay a monetary contribution and/or provide any other material public benefit in association with the change to the environmental planning instrument.

Following a Gateway determination, it is anticipated that the proponent and North Sydney Council will enter into discussions regarding the offer of Public Benefits outlined in this Planning Proposal.

Public benefits committed to as part of the project delivery include:

- Construction of a portion of new road within the boundaries of the site to widen Church Lane from 3-4.5m to 6m and the excision of approximately 130sqm of land from the site area for dedication to the Council for the purpose of the new road following construction of the nominated works; and
- Embellishment of approximately 200m of footpaths and public domain around the site on the Pacific Highway, West Street, Church Lane and McLaren Street.
- Conservation and adaptive re-use of the heritage item including removal of the surrounding c1980's development that physically abuts the heritage item, conserving the significant fabric, building form, primary shop space and internal spaces, joinery elements and finishes, and reconstructing the rear balcony off the first floor, and the rear façade generally.

The above public domain improvements are commensurate with the scale of the development.

Should the proponent and Council agree to an offer of public benefit, a draft VPA would be separately placed on public exhibition prior to the gazettal of this Planning Proposal. These benefits can be secured through several mechanisms including the amended LEP as well conditions associated with future development consents.

4.8. ACTIVE STREET FRONTAGES

The amended indicative reference design ensures the site will have highly activated street frontages by ensuring:

- Active uses are provided to Pacific Highway and West Street at ground level.
- Disruption to active frontages by services, fire exits, and blank walls is minimised.

- Where blank walls are unavoidable, facades will be treated with high-quality materials and design solutions.
- Rear entries to the residential lobby and commercial/retail tenancies are provided wherever possible to provide improved passive surveillance to Church Lane.
- Awnings are provided to the Pacific Highway and West Street, stepping down to the south in response to the sloping topography.
- Shopfronts and retail tenancies are provided that respond to the narrow subdivision pattern and step down to follow the topography.

This will ensure that the streetscape and surrounding public domain is enhanced and adequate weather protection is provided whilst also providing increased opportunities for passive surveillance to the public domain.

5. JUSTIFICATION FOR THE REZONING REVIEW

Section 5.1 of *A guide to preparing local environmental plans* outlines the test in determining whether the proposal has merit and should be submitted for a determination under Section 3.34 of the Act (Gateway Determination). The proposal must demonstrate both strategic merit and site-specific merit.

As endorsed by Council staff and the Local Planning Panel in their assessments, the site and accompanying Planning Proposal **does** have strategic and site-specific merit in that:

- The proposal complies with the relevant Local Environment Plan making provisions under the *Environmental Planning & Assessment Act 1979*.
- The proposal complies with the Department of Planning, Industry and Environment's 'A Guide to Preparing Planning Proposals' (August 2016).
- On balance, the proposal complies does not contradict the ability to achieve the objectives and actions of high-level planning strategies.
- The proposed height is consistent with that anticipated under the Civic Precinct Planning Study (CPPS).
- The location and placement of the towers is generally consistent with that anticipated under the CPPS.
- The Planning Proposal will provide higher density development near the new Victoria Cross Metro Station consistent with the Metropolitan and District Planning Strategies, delivering the best planning outcome for this precinct.
- The future building form will have an acceptable overshadowing impact on North Sydney Demonstration School.
- The supporting reference design includes a stepped podium resulting in human-scale spaces along Pacific Highway and an appropriate interface and scale with the contributory building at No. 6-8 McLaren Street.
- The Planning Proposal will have an acceptable impact in relation to heritage and conservation in relation to the curtilage and relationship to the existing heritage item on the site at No. 265 Pacific Highway and its height relationship with the adjoining conservation area.

5.1. STRATEGIC MERIT

The proposal clearly demonstrates strategic merit in that it would positively contribute to the achievement of State and Local Government strategic planning goals, including the Greater Sydney Region Plan, North District Plan, North Sydney Council's Civic Precinct Planning Study, and North Sydney Local Strategic Planning Statement.

In summary, the Planning Proposal demonstrates strategic merit as:

- The site is in a precinct that has been identified by North Sydney Council for density uplift because of its proximity to the Metro station under construction.
- The proposal will create more jobs and housing opportunities near the Metros station.
- The Civic Precinct Study specifically identifies the site as a location for built form uplift given its strategic location.
- The proposed built form is largely consistent with the design guidelines, objectives and specific urban framework including the building envelope plan outlined in Council's Civic Precinct Study.
- The proposal will increase amenity and activation along Pacific Highway.
- The housing growth from strategic sites in the Civic Precinct Study have been factored into Councils Housing Strategy to meet their ongoing housing targets.
- The development depicted in the amended indicative reference design will facilitate the provision of commercial, retail and residential land uses, which will contribute towards housing and employment targets and optimise public transport infrastructure investment.

- The proposal supports the attainment of an 18-hour economy and a 30-minute city, as outlined within the North District Plan.
- The proposal aligns with State planning strategic goals which seek to intensify land use around significant transport infrastructure and in proximity to employment nodes.
- The strategic merit of the site and proposal has been supported by Council officers in their report and Council's Local Planning Panel.
- The proposal will deliver a vibrant mixed-use development on the CBD fringe.
- The proposal will create a medium-scale streetscape area between North Sydney CBD and St Leonards that promotes human-scale and is pedestrian focused.

*Section 10.1 and 10.2 'Relationship To Strategic Planning Framework' of the Amended Planning Proposal Report prepared by Urbis (refer to **Attachment D**) provides a detailed assessment and demonstrates the strategic planning merit of the Planning Proposal, against each of the criteria established by the DPE.*

5.1.1. Consistent with relevant District Plan within the Greater Sydney Region

Greater Sydney Region Plan – A Metropolis of Three Cities (2018)

The Planning Proposal is consistent with the Greater Sydney Region Plan in that it:

- The proposed uplift will ensure the public transport infrastructure is optimised.
- This proposal will facilitate the renewal of the site for mixed-use development which would assist government in contributing towards housing and employment targets for the centre, ensuring the proposal positively contributes to housing and economic policy of government.
- The proposal will directly contribute to the dwelling supply needed to meet the dwelling targets for the District.
- The proposal seeks to increase the statutory minimum of non-residential floor space from 0.5:1 to 1:1, which will facilitate increased employment opportunities and safeguard the commercial offering of the site into the future.
- The proposal will facilitate the promotion of walkable neighbourhoods and low carbon transport options due to its proximity to public transport, being within walking distance of the future Victoria Cross Metro Station, as well as existing bus services.

North District Plan

The Planning Proposal is consistent with the North District Plan in that it:

- The proposal will facilitate the delivery of new dwellings with excellent access to public transport and job markets in accordance with the vision of Council's CPPS.
- The indicative reference design provides contemporary and flexible employment space to promote diversity in industries and provide variety of job opportunities.

5.1.2. Consistent with a relevant local council strategy that has been endorsed by the Department

Civic Precinct Planning Study

The Planning Proposal is consistent with the design guidelines and specific building envelope plan for the site provided in Council's Civic Precinct Study as it will:

- Provide a maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the building envelope map.
- Incorporate the site into one single, mixed use building with a predominantly commercial podium and a residential component above.

- Deliver a 3-storey podium to align with the streetscape to the north, and to the south provides a 2-storey street wall height with tower form above.
- Provide a tower form above the podium located south of the heritage item.
- Preserve and integrate the heritage item into the future podium. Adequate legibility and articulation are provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed.
- Provide a nil setback to the podium along the Pacific Highway frontage to ensure alignment with the existing mid-block heritage item.
- Ensure that the future development will not reduce or affect the amenity of education facilities located on the western side of Pacific Highway (overshadowing and visual privacy).
- Provide an adequate transition to the conservation area to the east in the form of a podium with above podium setbacks.
- Provide a gradual transition between the lower scale development to the north and CBD high density area to the south with a stepped massing of the main building.
- Provide a taller building on the southernmost block to transition between the Civic Precinct and the CBD high-density area and building heights that are consistent with the building envelope.
- Provide active frontages to the Pacific Highway where possible including ground floor retail and commercial uses that improve street activation.
- Deliver a proportion of non-residential FSR consistent with the CPPS (of 1:1).
- Provide a transition in building heights at the southern end of the streetscape along the Pacific Highway to allow for greater employment and housing opportunities with a better transition into the CBD high-density area.

Local Housing Strategy

The subject site is one of few sites capable of being redeveloped in the short to medium term. The Planning Proposal provides Council with the opportunity for additional residential floor space on land that is relatively unconstrained and strategically located to accommodate for increased density, beyond that envisaged by the current planning controls.

The indicative reference design demonstrates that the redevelopment of the site has the potential to deliver 37 dwellings, in line with the 6-10-year housing targets required under the North District Plan. The proposal will assist in ensuring that Council are on track to achieve their mid to longer term housing targets. Notwithstanding, the dwelling yield of the development is only a small portion of the 20-year target of 13,250 dwellings within the North Sydney LGA for 2041.

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

North Sydney is undergoing a period of urban transformation as a result of Australia's largest rail infrastructure investment and the State Government's initiative to boost housing supply and job growth around key transport nodes.

The Sydney Metro project will deliver 66 kilometres of new Metro rail linking Sydney's north western regions to the south west. Full services are due to commence in 2024, with a train every 4 minutes in peak periods.

The Planning Proposal responds to the construction of the Victoria Cross Metro Station Sydney some 260 metres from the site. Infrastructure investment in increasing rail capacity is driving investment in North Sydney and surrounds. This is reflected in the recent amendments to the NSLEP 2013 and the commissioning of further housing strategy studies which recognises that increased density is required to boost employment and housing growth within walking distance of new rail infrastructure.

5.1.4. Other considerations within A Guide to Preparing Local Environmental Plans include:

There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.

A draft regional plan outside of the Greater Sydney Region, draft district plan within the Greater Sydney Region or draft corridor/precinct plan that has been released for public comment by the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment does not form the basis for the Strategic Merit Test where the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment announces that there is to be another exhibition of, or it is not proposed to finalise, that draft regional, district or corridor/precinct plan.

With regard to the above considerations, we note the following:

- The NSLEP 2013 came into force on 13 September 2013, making the LEP controls over five years old. Therefore, there should not be a presumption against a rezoning review given the aged nature of the applicable Housing Strategy and LEP.
- In addition, it is considered that the proposal meets the Strategic Merit Test, as outlined in the preceding sections above and within the submitted Planning Proposal. The Planning Proposal achieves a number of strategies and actions that underpin the vision for North Sydney, namely the Civic Precinct Planning Study.
- The Planning Proposal assists Council in delivering the actions and priorities of the Civic Precinct Planning Study, particularly in the relation to achieving baseline housing targets and the delivery of a 30-minute city.

5.2. SITE-SPECIFIC MERIT

In addition to meeting at least one of the strategic merit criteria, a Planning Proposal is required to demonstrate site-specific merit against the following criteria, which we address below:

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

The site is located along the Pacific Highway in North Sydney which is a highly urbanised highway corridor area.

The site is free from any major constraints that would render the land unsuitable for future redevelopment. This Planning Proposal has been prepared with specific focus on the likely environmental effects associated with development within a highly urbanised area. Preliminary urban design analysis and technical investigations have been undertaken to identify any potential site-specific environmental effects.

The site contains no known critical habitats, threatened species or ecological communities that would inhibit or restrict its redevelopment. Further, the site is not subject to any natural hazards such as bushfire or flooding.

The indicative reference design presents the opportunity to incorporate landscaped residential communal open space, podium level planting which will provide a positive environmental contribution to creating new landscaping on the site.

The Precinct does not contain environmentally sensitive land or significant biodiversity values. For these reasons, the site is not encumbered from an natural environmental perspective for the intended increased density sought by this proposal.

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

The Planning Proposal is consistent with the emerging trend of development, in terms of scale and land use mix as described in the Planning Proposal Report and as demonstrated by the nature of existing developments and future developments envisioned in the Civic Precinct Study.

The skyline of North Sydney is set to undergo a transformation, with a number of key factors contributing to the evolution of North Sydney as a strategic centre within the global economic corridor.

In summary, this includes:

- The Civic Precinct Planning Study which includes increased heights and densities in appropriate transition zones, and in which the site is located and identified as a key transition site.
- The State government's commitment to the Sydney Metro line and the presence of the Victoria Cross Metro Station on Miller Street and McLaren Street;
- The recently approved Victoria Cross Over Station Development (SSD 10294), which includes a commercial office tower up to RL230, delivering 61,500m² of commercial GFA;
- Amendment No. 23 to the NSLEP 2013 which increased the building heights within the B3 Commercial Core zone, maximising the commercial floor space capacity of the CBD by up to 530,000m² of additional commercial GFA;
- The Ward Street Precinct Masterplan which includes a number of key sites identified for substantial increased height and density, with the potential to deliver 170,987m² – 189,811m² of GFA within maximum building heights of up to RL285;
- Recent development activity which includes a number of prominent mid to large scale developments being approved and constructed within the immediate locality.

The surge in recent development activity, combined with the anticipated growth arising from the Civic Precinct Planning Study, the Ward Street Precinct Masterplan and North Sydney Planning Proposal will rejuvenate and revitalise the locality to create an active and vibrant precinct.

The Planning Proposal aligns with the emergence of North Sydney as a global destination and a commercial CBD by providing an ideal opportunity for residential floor space to activate and compliment the commercial core.

The *Amended Planning Proposal Report prepared by Urbis* (refer to **Attachment D**) and accompanying specialist consultant reports, including the *Urban Design Report prepared by GMU* conclude that the subject site is suitable for the high density mixed use development and that the proposed building envelope has been designed to respect the emerging local character and existing heritage item, whilst promoting view sharing and retaining a compliant degree of solar access to surrounding properties.

Built Form, Bulk and Scale

The Planning Proposal is supported by an indicative reference design prepared by PTW Architects (refer to **Attachment D**) which demonstrates how the proposed built form closely aligns with the building envelope plan identified for the subject site in Council's CPPS. To further guide the future development of the site, a draft site specific DCP has also been prepared by Urbis.

The urban design principles and design rationale supporting the Planning Proposal are established in the Urban Design Statement and original Urban Design Report prepared by GMU.

The visual impacts of the proposed development will be further refined and considered at the detailed DA stage, including façade design and materials and finishes.

Podium and street wall proportions

The built form continues to provide a defined lower-scale podium to the pedestrian environment, the surrounding low scale development and nearby heritage fabric. The mid-block heritage item will be retained and integrated as part of the podium development. The refined proportions and 'rhythm of the street wall ensure the podium and tower are expressed as separate form elements.

Recent amendments to the podium form deliver a stepped street wall alignment to the eastern and western frontages, due to the reduced street wall scale at the southern part of the site. The reduced podium scale accentuates the sloping topography and the stepped profile of the street wall assists in breaking up the continuous façade at the pedestrian level.

The reduced podium height and the narrow frontage width created by the transitional podium element at the southern site edge, present as a visual backdrop to the two-storey federation building fronting McLaren Street. As demonstrated in **Figure 9**, the reduction in the podium proportions at the southern site edge

provides a more sympathetic relationship to the grain and scale of the contributory properties fronting McLaren Street and the laneway. The 3D model illustrates how the stepped street wall height enhances the slender, vertical tower proportions.

The stepped podium form improves the street wall proportions as the desired stepped tower skyline profile transitions from the taller tower clusters in the CBD (south) to the lower scale areas further north.

Figure 9 3D render of proposal from Pacific Highway



Source: PTW Architects

Modulation

With recent amendments, further modulation is introduced to the tower forms. In combination with the stepped street wall profile, the additional modulation to the tower frontages enhances the slender vertical proportions and reduces perceived bulk as well as the overall visual presence of the tower. The revised reference design prepared by PTW demonstrates the capacity to deliver an elegant and contemporary tower design that is sympathetic to the grain of the contributory fabric, as seen in **Figure 9**.

To the northern site edge, the reference scheme demonstrates the capacity to improve the existing built form responses to what is considered a visually prominent corner location, opposite the Union Hotel which is a listed heritage item and a local destination. The built form proportions in this location are also further refined in response to the sensitive visual corridor between the Crows Nest Road Conservation Area (west) and the McLaren Street Conservation Area (east).

As discussed with Council, the material palette has been amended to include brick treatment to the tower façades to enhance the residential expression of the development.

Setbacks

The secondary setback to the eastern boundary has been increased in selected locations. The setback is increased ranging from 3m – 4m, minimising visual bulk to the adjacent conservation area to the east.

Due to the limited site width (approximately 22m – 23.5m) and the proposed laneway widening, the opportunities to provide efficient and workable floor plan layouts are constrained by the tower footprint proportions, the arrangement of basement layouts and the location of vertical circulation cores. Therefore, these recent changes to the eastern tower setback were discussed at length with Council's advisors and the

North Sydney Design Excellence Panel to arrive at a solution that protects amenity outcomes to neighbouring properties whilst maintaining a residential presence and passive surveillance to all tower frontages.

Subsequently, two articulation zones are introduced along the laneway frontage to mitigate visual bulk impact to the low scale residential area including the two (2) existing dwellings with upper level private open spaces and habitable windows orientated to the laneway.

The amended built form outcomes are based on rigorous model testing and the revised reference scheme prepared by PTW demonstrates the capacity to meet ADG Criteria with regard to solar access and natural cross ventilation. Indicative unit layouts are also provided in **Attachment D**, demonstrating how unit layouts and landscaped areas can be configured to minimise amenity impact to neighbouring sites.

The building continues to provide a ground level setback to the Pacific Highway, however two vertical tower articulation zones have also been introduced to the western tower frontage to provide additional setbacks. The articulation zones emphasise the vertical proportions of the tower form and create visual interest to complement the streetscape presentation.

The shadow analysis demonstrates that there is negligible impact on solar access between the complying and proposed envelope, and the difference will be immaterial.

Further, as demonstrated in **Figure 10** and **Figure 11**, a study of recent developments within B4 Mixed use zones along Pacific Highway and Miller Street shows the following characteristics:

- A distinct podium and tower form but not necessarily through use of a large setback. Solution include:
 - Narrower upper-level setbacks to the towers above the podium (generally approx. 1-3m)
 - Different facade and material treatments
- Vertical indentations/articulation to reduce the perceived bulk and scale of a larger scale development and break up the continuity of the street wall in response to the existing lot patterns and/or finer grain context.

As agreed with Council during the post lodgement phase, placement of the building envelope is considered appropriate and we consider that a reduced upper level setback to the Pacific Highway is acceptable.

The northern alignment of the 10-storey tower footprint has been modified to increase the provision of rooftop communal open space, reducing the perceived width of the tower frontage to Pacific Highway. The reduction in the tower footprint has also further reduced the overshadowing impact on the school grounds.

Overall, the proposed setbacks:

- Provide a zero-street setback to the podium to Pacific Highway and West Street, defining the street edge.
- Provide a 1.5 - 3m ground level setback to the east for the length of the site to widen Church Lane to a minimum of 6m.
- Provide a 1m to 2m varying setback from the Pacific Highway boundary to levels above the podium combined with material differentiation between podium and upper floors, creating a defined lower-scale podium for pedestrians.
- Provide an additional 3m to 4m varying setback to the upper levels to the laneway above the podium to achieve a minimum 9m separation to the boundary of neighbouring residential lots.
- Provide a 3m upper-level setback to the southern boundary with No. 6-8 McLaren Street to manage the scale of upper bulk and continue the existing visual connection between the 2 conservation areas.
- Provide a minimum 2.3m wide curtilage above the podium to the north and south of the retained heritage item, achieving a 9m separation distance between the levels above the podium.
- Will enable the proposed widened Church Lane (from 4.5m to 6m) which will improve the access for movements in the laneway, especially those residential dwellings with rear access to the east.

Figure 10 Recent Mixed-Use Tower Development along Pacific Highway



Source: GMU

Figure 11 Recent Mixed-Use Tower Development along Miller Street



Source: GMU

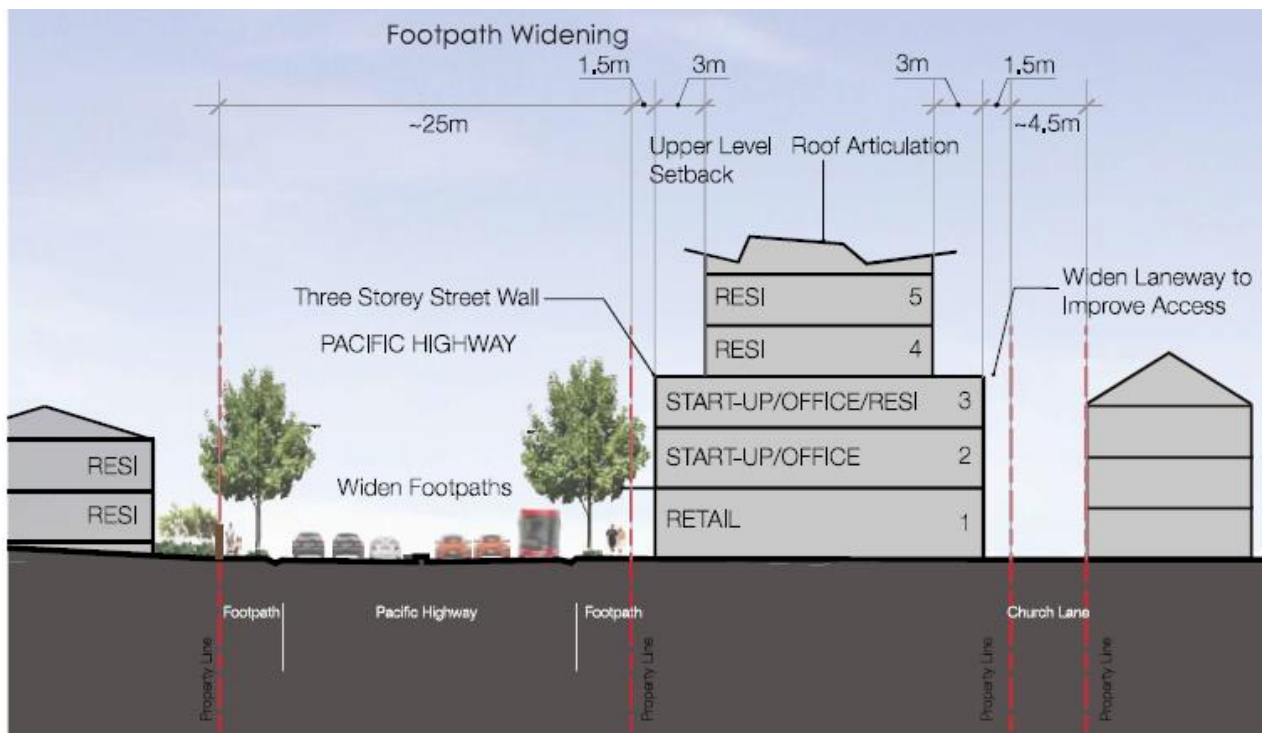
Building separation

As agreed to with Council and the DEP during the post lodgement phase of the development, the proposed variations to ADG building separation guidelines are considered warranted in this circumstance as:

- At level 3 and above, the indicative reference design provides a 9m to 10m setback from the site to the western boundary of the R3 zone which is consistent with the vision of the CPPS prepared by Conybeare Morrison (refer to **Figure 12**).

- The site is unique in the sense of zone transitions from B4 Mixed Use to R3 Medium Density Residential to the east. Adjoining development to the east comprises individual land parcels within a heritage conservation area and the current planning controls pertaining to this land are unlikely to be amended by Council. Therefore, under Council's own planning framework this land will not be redeveloped into higher density residential development in the future.
- It is highly unlikely that there will ever be a building of similar height to that currently being proposed for the site, thus the issue of building separation (at the higher levels of the proposed development for the site) will not be an issue. The minor inconsistencies are therefore a technical departure from ADG guidelines as the site is located adjacent to a change in land zoning to the east.
- Any assessment for building separation requirements should therefore be made against the existing 8.5 metre height limit which would render application of the ADG not applicable in this instance. Further as demonstrated in the original Urban Design Report submitted within **Attachment A**, the adjoining HCA parcel of land is too narrow to accommodate any future tower form.

Figure 12 Original Conybeare Morrison plan showing 9m upper level separation



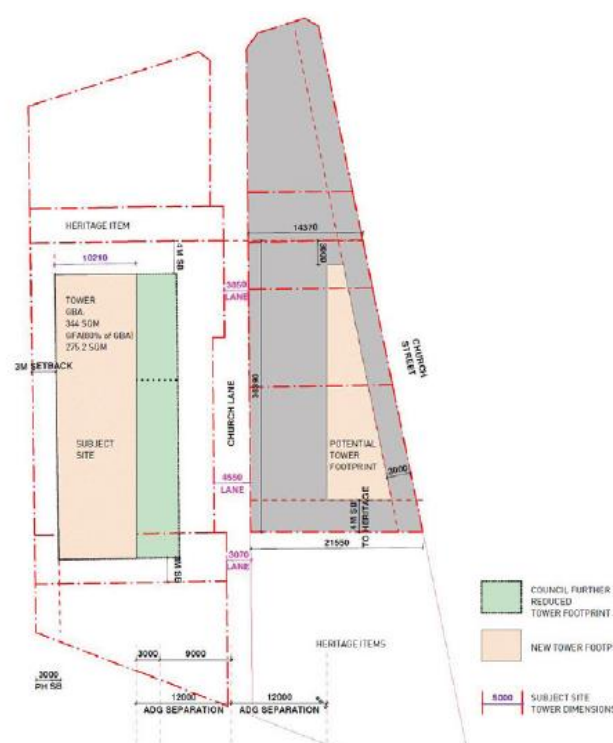
Source: Conybeare Morrison

- As demonstrated in **Figure 13**, strict compliance of ADG building separations would render any future development of the subject site as economically unviable, requiring a single loaded corridor apartment building which would also result in poor amenity outcomes for future residents.
- In this case, the minor inconsistencies with ADG building separation guidelines will not result in any additional amenity impacts to adjoining land in terms of overshadowing, visual privacy and noise. Conversely, the minor variations sought will allow for improved internal amenity of future apartments contained within the residential component of the tower in terms of natural ventilation, outlook, and solar access. The proposed building separations will not result in any additional amenity impacts to adjoining land in terms of overshadowing.
- As outlined in the original Urban Design Report prepared by GMU and attached as part of **Attachment A**, a study of the interface of recent high-rise developments to conservation/heritage areas in North Sydney shows the following main characteristics:
 - Adaptive reuse of heritage items with a modern interpretation.
 - Sudden scale transition between the new high-rise mixed-use development and conservation areas adjacent.

- Recent development does not provide required ADG separation distances to existing residential/heritage areas.
- Noting the above, it is not unusual for abrupt changes in zones and the local character of North Sydney is typified by transitions between new high-rise mixed-use development and conservation areas adjacent. Independent urban design advice from Conybeare Morrison informing Council's CPPS has recognised that this approach is entirely reasonable.
- To address visual privacy concerns to dwellings across Church Lane, an increased secondary setback to Church Lane (east) has been provided as part of the vertical tower articulation zones fronting Church Lane. Further, the proposed internal layout locates the lift core to the eastern side of the tower building. A blank feature wall is also provided to part of the upper levels of the eastern façade and all apartment balconies have been oriented away from the eastern boundary to minimise the potential for overlooking.
- The use of privacy devices and screening of windows, or directionally preventing privacy impacts (i.e. by projecting windows and orienting them diagonally rather than directly over adjacent sites) is a common means of meeting the objectives of the building separation distances in the ADG, rather than seeking to comply strictly with the design criteria for separation distances in 3F.



CPPS Building Envelope Plan



ADG Compliant Building Envelope

The DA stage will further develop future fine grain detailing and building articulation. Additional facade treatments including privacy screens will further minimise issues such as visual privacy and solar access. Ultimately, strict application of ADG building separation requirements would result in a sterilised site and the cumulative impact would render any future development unfeasible.

The ADG is intended as a guiding document, to be used as a guide for the siting, design and amenity of residential apartment development. The minor non-compliance with the building separation controls in the ADG where in fact there is no direct interface with any other building, should not be made the subject of any rigid requirement at the Planning Proposal stage.

Legal advice obtained from Mills Oakley has identified that there are many examples of matters where strict compliance with ADG building separation was not required. Strict application of the numerical requirements of the controls in the ADG is therefore not required and these controls should be applied flexibly.

Planning Circular PS 17-001 'Using the Apartment Design Guide' prepared by DPE provides guidance on the application of the ADG to the assessment of development applications under SEPP 65. According to the ADG Circular "apart from the non-discretionary development standards, the ADG is not intended to be, and should not be applied as, a set of strict development standards". The non-discretionary development standards are the minimum requirements for car parking, internal area and ceiling heights.

It should also be noted that recently the NSW government introduced draft changes to both SEPP 65 and the ADG. The proposed draft *Design and Place State Environmental Planning Policy* is intended to replace SEPP 65 to provide for a principle-based approach to guide the design and assessment of development, including residential flat buildings.

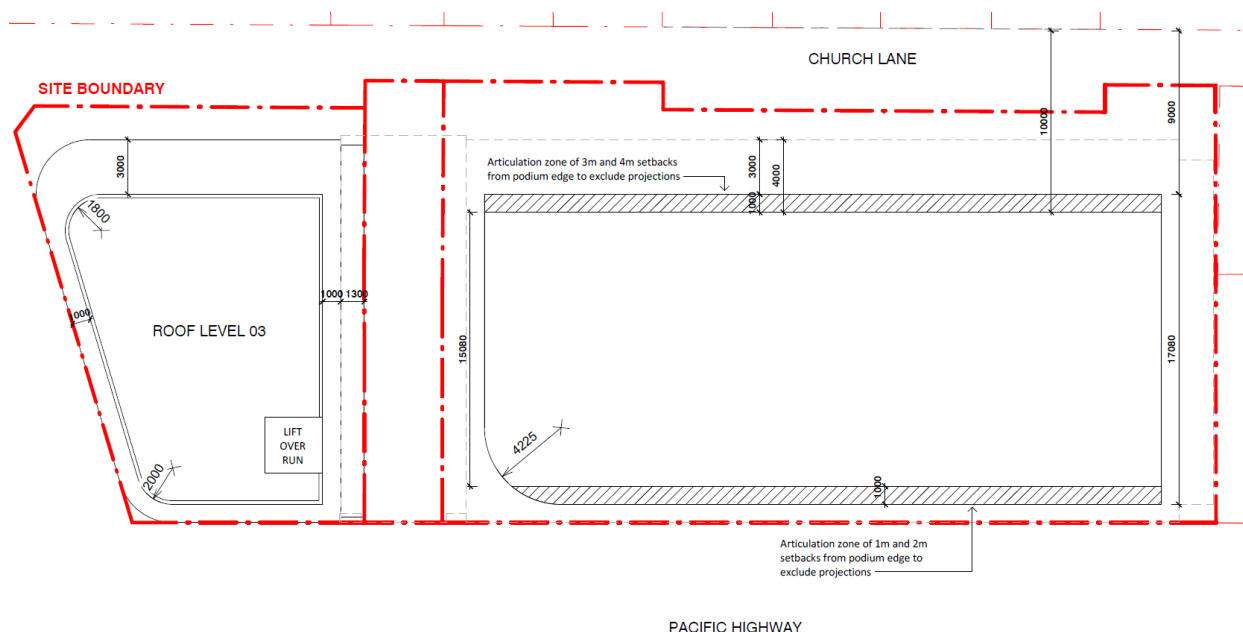
According to the NSW Government "the advantage of a principle-based approach is that it encourages greater creativity and innovation, moving away from using prescriptive 'one-size-fits-all' rules to a more local, context-specific approach. A principle-based approach can reduce the complexity of the planning system without reducing its rigour."

Given that the ADG appears to be the subject of a review process and therefore highly susceptible to change, this is a further reason to seek to meet the key objectives rather than the design criteria in the ADG.

Overall, the proposed separations as shown in **Figure 14** will:

- Achieve reasonable separation, amenity and outlook for neighbouring dwellings.
- Provide an appropriate curtilage around the heritage item.
- Continue the visual connection between McLaren Street and Crows Nest Conservation areas.
- Concentrate height and scale along the Pacific Highway frontage to maximise separation to the conservation area.

Figure 14 Indicative Reference Design – Level 3 Envelope



Source: PTW Architects

Heritage setback interface

A 2.3 metre setback is provided to the above podium tower of the new building and the heritage item. Providing a 4m setback to the heritage item above the podium tower is considered excessive and would potentially create CPTED issues for future users of the site in providing dead spaces which do have any natural surveillance.

The proportion of the heritage item as it is read in the podium is narrow and upright. For this reason, a reduced upper setback as agreed to with Council, less than 4m separation between new development and the heritage item, is acceptable in heritage terms, as an appropriate setback should be determined based on visual impacts on the appreciation of the heritage item. Whilst a hard metric is understandable as a guide, a more detailed analysis of a specific situation results in a more considered and proportioned design outcome.

As demonstrated in **Figure 15**, the interface of recent high-rise developments to conservation/heritage areas in North Sydney shows the following main characteristics:

- Adaptive reuse of heritage items with a modern interpretation.
- Sudden scale transition between the new high-rise mixed-use development and conservation areas adjacent.
- Recent development does not provide required ADG separation distances to existing residential/heritage areas.

Figure 15 Interface of Recent High-Rise Developments to Conservation/Heritage Areas



Recent tower developments along Angelo St.

Source: GMU



Recent tower development viewed from McLaren Street Conservation Area.

Source: GMU



Existing tower developments along Oak Street with an interface to a conservation area.

Source: GMU



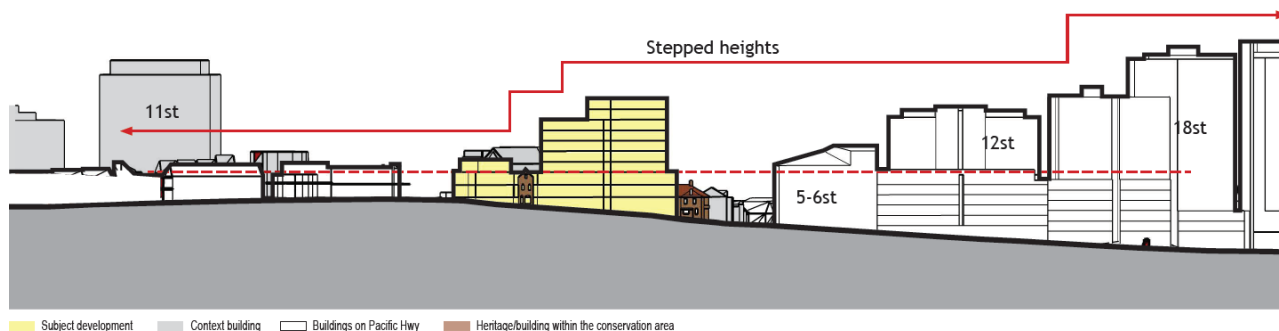
Adaptive reuse of heritage buildings with tower developments as a back

Source: GMU

Building height and massing

Consistent with the CPPS, the indicative reference design provides a distinct podium and tower form with the maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct (refer to **Figure 16**) The proposed building envelope will deliver a 3-storey podium to align with the streetscape to the north and a 2-storey street wall height with tower form above to the south.

Figure 16 Emerging Skyline – Pacific Highway Cross Section



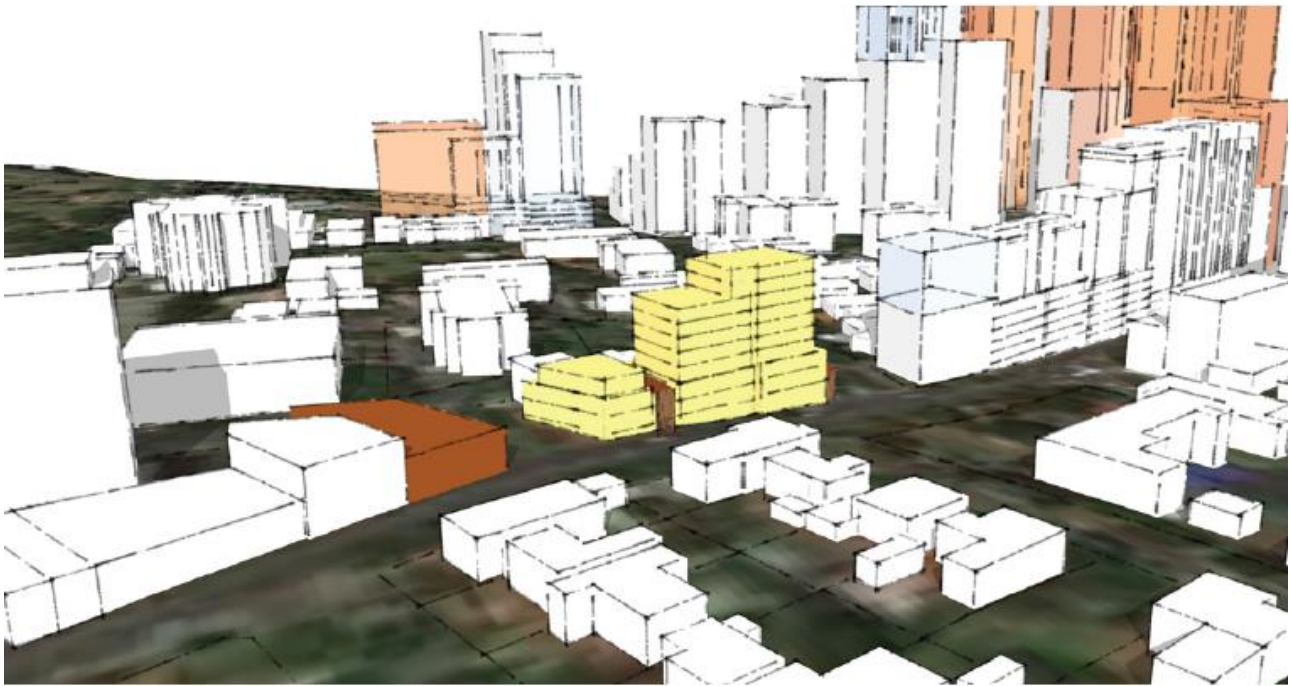
Source: GMU

The proposed massing of the building has been derived having regard to the CPPS as well responding to the site opportunities and the surrounding urban character and context (refer to **Figure 17** and **Figure 18**).

The proposed massing:

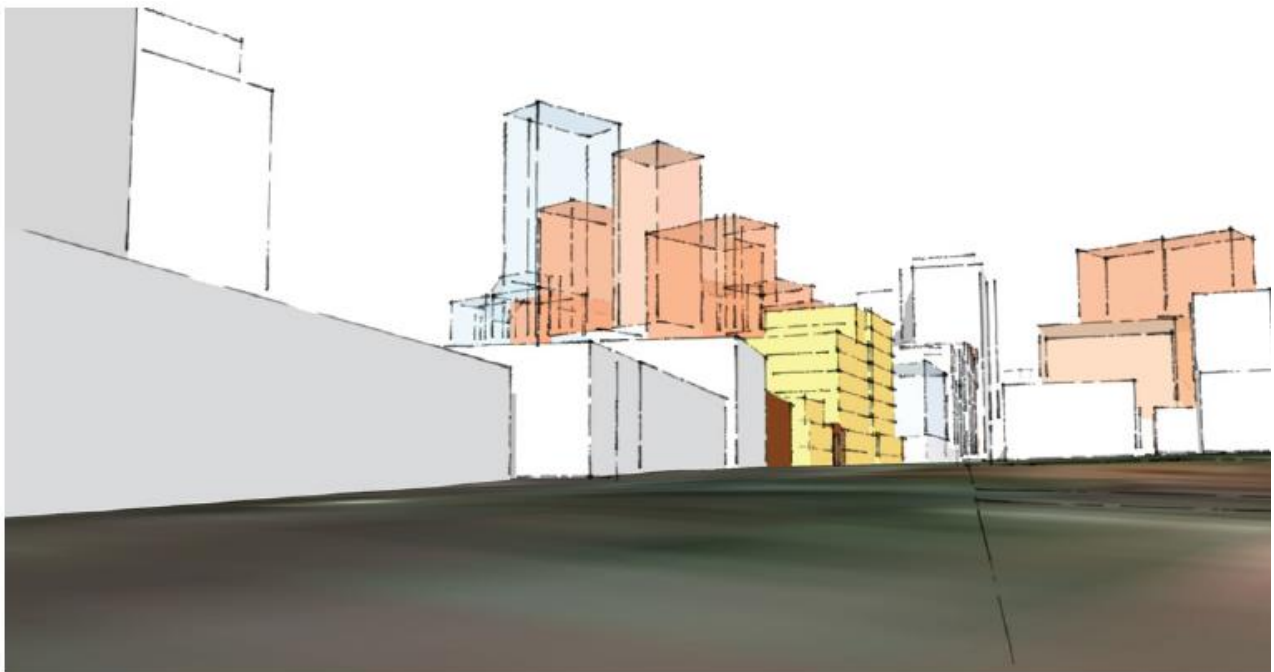
- Provides a distinct podium and tower form with the maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the building envelope map in the CPPS;
- Incorporates the site into one single, mixed-use building with a predominantly commercial podium and a residential tower component above;
- Delivers a 3-storey podium to align with the streetscape to the north, and to the south provides a 2-storey street wall height with tower form above;
- Preserves and integrates the heritage item into the future podium. Adequate legibility and articulation is provided at the podium level to highlight the heritage item. Adaptive reuse of the heritage item is proposed;
- Provides a nil setback to the podium along the Pacific Highway frontage to ensure alignment with the existing mid-block heritage item;
- Provides an adequate transition to the conservation area to the east in the form of a podium with above podium setbacks;
- Provides a gradual transition between the lower scale development to the north and CBD high density area to the south with a stepped massing of the main building;
- Locates a taller building form on the southernmost block to transition between the Civic Precinct and the CBD high-density area and building heights that are consistent with the building envelope identified in CPPS; and
- Includes vertical indentations/articulation to reduce the perceived bulk and scale of a larger scale development and to break up the continuity of the street wall to in response to the existing lot patterns and/or finer-grain context.

Figure 17 Birds eye view of the indicative development which responds to the changing surrounding context



Source: GMU

Figure 18 View south from Pacific Highway, showing the indicative development in the changing context



Source: GMU

Overall, the proposed building heights will:

- Provide increased opportunities for height and density within 300m of the station to contribute to the TOD development around the new Metro Station.
- Respond to the role of Pacific Highway within North Sydney CBD whilst also transitioning from the increased height of the CBD to the city edge.
- Achieve an appropriate built form relationship to the existing heritage items and conservation areas consistent with the character of North Sydney.

- Minimise any adverse shadow impacts to the adjoining houses and school.
- Moderate scale to the laneway.

The proposed massing includes vertical indentations/articulation to reduce the perceived bulk and scale of a larger scale development and to break up the continuity of the street wall to in response to the existing lot patterns and/or finer-grain context.

Heritage

The amended Planning Proposal is accompanied by a *Heritage Impact Statement prepared by NBRS* (refer to **Attachment D**).

The building envelope study and reference design developed to support the Planning Proposal by PTW Architects has taken into account the heritage item and items in the vicinity and has been informed by an analysis of historical research and the retained physical fabric and spaces.

The overall form of the development can be simply understood as a podium, within which the heritage item sits, wrapping around the site, with a higher stepped tower form to the south and a lower form to the north.

The nil podium setback from the Pacific Highway frontage allows the heritage item to be located in line with the development. This nil setback also ensures that an awning design for the podium can effectively include the conserved and reconstructed elements of the heritage awning into the development.

The podium containing the heritage item facing the Pacific Highway, includes an indented visual separation zone either side of the heritage item; this allows the original form and fabric of the item to be conserved and for the building to retain its visual presence from the public domain. In removing the later 1980's interpretive development either side of The Cloisters, this design decision supports the recapturing of the original 'standalone' character of the building in the streetscape as a single building of this typology.

Above the heritage item a separation zone of 7.92 meters between the built forms rising above the heritage item demonstrates a design response that is sympathetic to the scale and proportions of the heritage building. It provides sufficient visual clearance to enable the heritage item to remain as a landmark item on the Pacific Highway. The articulation of the podium on either side of the item also supports the conservation of the building as part of the streetscape in its own right.

The Church Lane elevation of the podium forms a backdrop to the buildings along the western boundary of the McLaren Street conservation area. Facing Church Lane, the podium creates a new frontage to the laneway in response to the existing inconsistent alignment. As part of the rear podium design the location of the heritage allotment is interpreted in the façade through two indents that mirror those on the Pacific Highway frontage. The rationalisation of the boundary, namely bringing in the edge of the current shed structure where it protrudes into the laneway, does not alter how the original allotment is understood.

The southern elevation of the podium acts as a backdrop to a pair of two-story residences which contribute to the McLaren Street conservation area. This southern end of the podium has been specifically designed for multiple opportunities for a future detailed proposal to provide an architectural response which supports the appreciation of the McLaren Street buildings, both in architectural detailing as well as materiality. The tower portion of the building is set further back from the boundary.

As the podium rounds the northern end of the site it is then directly addressing the Union Hotel and in turn the small-scale residences facing onto Church Street (and away from the development site) that are included in the adjacent conservation area. The shorter built form at the higher end of the site acts as a transition element stepping down to the Union Hotel, and alongside the hotel, bookmarking the entry into West Street. This lower form, in conjunction with the adjacent residences, provides an appropriate stepped transition in views of St Thomas's Church on Church Street as you move further up West Street away from the Pacific Highway.

The taller, stepped tower form to the south is read in the context of the tower buildings existing and contemplated along the Pacific Highway and leading into the heart of North Sydney. The taller tower form is of a similar relationship to the McLaren Street conservation area as the existing tower buildings backing onto Angelo Street, and completes views of contemporary development that currently edge the conservation area to the south. The locating of the taller building forms on the edge of the conservation area reflects the existing development pattern along the Pacific Highway.

The new building will form a backdrop in some views across the conservation area, however, will not diminish the appreciation of the scale and character of the buildings that lie within the conservation area, nor

will it alter how the conservation is appreciated from the public domain. The McLaren Street conservation area is characterised by a mix of residential and civic buildings; this variety in character will continue to be appreciated and be interpreted by those living, working and passing through the streets of the conservation area.

The above assessment is supported by the Local Planning Panel and Council officers who concluded the following in their assessments:

- The proposal includes a stepped podium resulting in human-scale spaces along Pacific Highway and an appropriate interface and scale with the contributory building at No. 6-8 McLaren Street; and
- The proposal will have an acceptable impact in relation to heritage and conservation in relation to the curtilage and relationship to the existing heritage item on the site at No. 265 Pacific Highway and its height relationship with the adjoining conservation area.

To mitigate any potentially adverse impacts from the Planning Proposal on the heritage item, NBRS have made the following recommendations that would apply as conditions to future development applications:

- A Conservation Management Plan for the site known as The Cloisters, at 265 Pacific Highway, North Sydney, should be prepared to guide decisions about the future use, care and possible changes to the place.
- A Photographic Archival Recording of the interiors and exterior should be carried out prior to any proposed works commencing.
- Measured Drawings of the building should be carried out and stored with the Photographic Archival Recording.

Overall, the assessment concludes that the Planning Proposal is acceptable from a heritage perspective.

Overshadowing

The updated shadow study prepared by PTW (refer **Attachment D**) compares the overshadowing cast by the amended building envelope, to the overshadowing cast by Council's built form envelope envisaged under the CPPS.

As demonstrated in **Figure 19**, the updated shadow study demonstrates that no additional overshadowing will impact the primary school play areas during school hours 9am – 3pm during mid-winter. During school hours, the overshadowing caused by the proposal will fall within the existing shadow of the school building. Between 8:30am and 9am, a minor area of additional overshadowing will impact the southwestern corner of the school site however, the additional overshadowing falls within the overshadowing cast by the building envelope anticipated in Council's Civic Precinct Planning Study.

An analysis of overshadowing is summarised below.

- KU Dem School Kids Care playground to the west of Pacific Highway is usually used between 7:30 - 9am and 3 - 6pm during its operation time as a before and after school care facility. As shown in the shadow analysis, approximately 30% or more of the outdoor space can receive sunlight between 8 - 9am, which is in accordance with the minimum standards under the Childcare Planning Guideline 2017.
- The tower form does not affect the North Sydney Demonstration School's primary playground during School hours. After 10am mid-winter, additional overshadowing no longer affects the school grounds.
- The shadow largely falls on the Pacific Highway and the commercial development at 1 McLaren Street between 11am – 1pm.
- From 1pm onwards, the shadow falls on McLaren Street properties and the rear of the Church Street residential properties. Based on desktop research of the internal layouts of the Church Street residential properties undertaken by GMU (refer to the original Urban Design Report submitted as part of **Attachment D**), primary living areas and private open space are generally orientated the north and east and are unaffected by the proposed development. Whilst the houses at 2 Church Street and 8A-10A Church Street have west facing courtyards, the solar analysis indicates that a minimum of 2 hours of solar access is received in mid-winter.
- As demonstrated in the shadow analysis, the proposed redevelopment results in reduced overshadowing to the Church Lane properties compared to the compliant building envelope provided in the CPPS.

- Compared with Council's envelope, the subject development will generate a negligible increase to overshadowing in early morning in mid-winter and less impact in the afternoon. The analysis shows that the proposed development can ensure reasonable solar access to the adjoining properties with no adverse impacts.

Overall, the shadows are considered acceptable as:

- The proposed built form complies with the CPPS guidelines to not affect the amenity of educational facilities located on the western side of the Pacific Highway in terms of overshadowing.
- The reduced above podium setback to the Pacific Highway has no material additional adverse impact to surrounding sites.

This is supported by the fact that both the Local Planning Panel and Council officers in their assessments concluded that the future building form will have an acceptable overshadowing impact on North Sydney Demonstration School.

Residential Amenity

The indicative reference design has been developed having regard to the requirements of *State Environmental Planning Policy 65* and the accompanying guidelines of the Apartment Design Guide (ADG).

An analysis of the amended indicative reference design has been undertaken by GMU (**Attachment D**). This analysis confirms that a residential development could achieve an acceptable level of internal amenity for future residents with regard to solar access, natural ventilation and privacy. Based on the indicative apartment layout tested by PTW, the following is noted:

- 84% of apartments achieve the ADG requirement of 2 hours of sunlight between 9am and 3pm in mid-winter.
- 73% of apartments (ground floor to Level 8) are cross ventilated.
- Communal open space comprises 25.2% of the site area which meets the ADG criteria.
- Apartment sizes and private open space meet the requirements under the ADG.
- Adaptable apartments can be accommodated under the concept floor plates.

Wind

A review of the amended indicative reference design has been undertaken by Vipac Engineers and Scientists to provide an opinion on the likely impact of the local wind environment to the critical outdoor areas within and around the subject site (**Attachment D**). The assessment confirms that:

- The adjacent footpaths are expected to have wind levels within the walking comfort criterion;
- The wind conditions at the building entrances are expected to be within the recommended standing criterion; and
- The Level 7 communal terrace is expected to have wind levels within the recommended walking comfort criterion with the proposed 1.8 metre balustrades incorporated.

Overall, whilst the proposed development is anticipated to result in some changes to wind conditions to adjacent ground level areas, it is expected that wind levels will remain within the recommended comfort criteria, and therefore minimal mitigation is required.

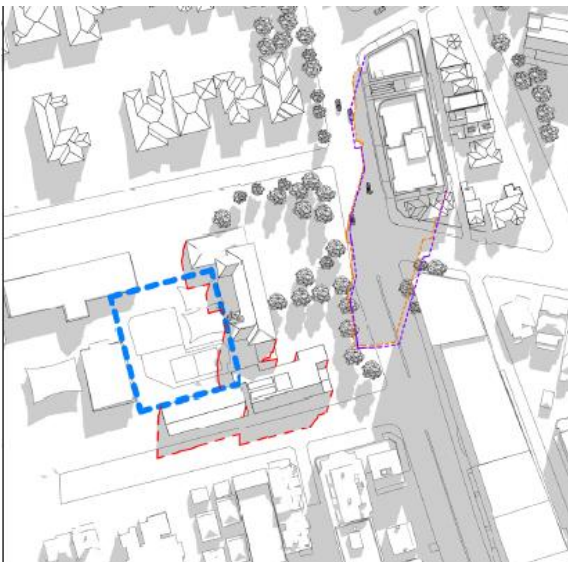
Figure 19 Shadow Analysis during Winter Solstice



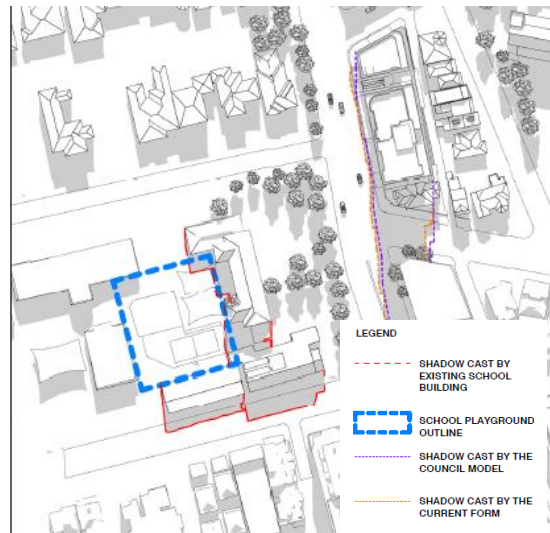
9am 21st of June



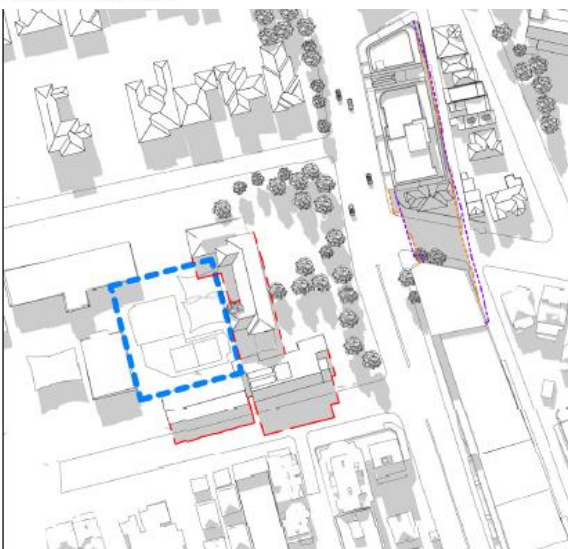
10am 21st of June



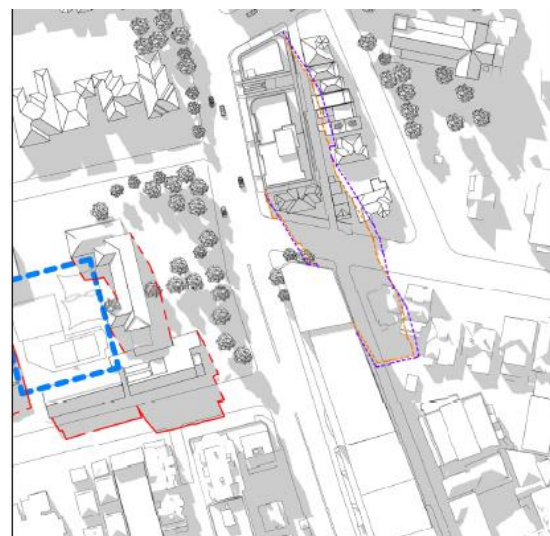
11am 21st of June



12pm 21st of June



1pm 21st of June



2pm 21st of June

Source: PTW Architects

Traffic and Parking

JMT Consulting prepared an updated Traffic Impact Assessment which accompanies the amended Planning Proposal at **Attachment D**. The assessment describes the existing local traffic context, including access and the potential traffic implications of the Planning Proposal. The key findings are summarised below:

- Under the indicative architecture concept vehicle access would be provided off Church Lane to minimise conflicts with pedestrians and general traffic along the Pacific Highway.
- The proposed on-site parking provision, based on the reference design prepared for the Planning Proposal, is less than the maximum permissible under Council's DCP parking rates for B4 zoned areas.
- The site is located in close proximity to various public transport facilities, including North Sydney transport interchange, nearby bus stops and the future Victoria Cross Metro station only 260m away, with any future development not expected to not generate significant traffic impacts.
- Analysis indicates that the potential increase in traffic as a result of the Planning Proposal is an additional 11 vehicles in the AM peak hour and 10 vehicles in the PM peak hour. This volume of additional traffic is considered negligible in the context of existing traffic flows and would not impact the operation of the surrounding road network.
- Service vehicle parking is proposed in accordance with the requirements set out in the North Sydney DCP.
- Secure bicycle parking would be provided as a component of any future proposed development, in line with rates specified in the North Sydney DCP.

In the above context, the traffic and transport impacts arising from the proposal are considered acceptable.

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

The subject site is located within an established urban area and is fully serviced by existing and planned infrastructure which is capable of accommodating increased density.

The site is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area. Furthermore, any future redevelopment of this site would reinforce existing investment in public transport infrastructure, through increased patronage of the existing station at North Sydney and the new Metro rail station at Victoria Cross.

A range of established services are available within close proximity of the site, including health, education and emergency services networks.

6. CONCLUSION

6.1. OVERVIEW

This report has been prepared in support of a Rezoning Review request to DPE in relation to the proponent-initiated Planning Proposal at 253 – 267 Pacific Highway, North Sydney.

The Planning Proposal seeks an amendment to the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* to establish planning controls that would enable high-density mixed-use development on the site at 253-267 Pacific Highway, North Sydney.

Specifically, the intended outcome of the Planning Proposal is to amend the NSLEP 2013 as follows:

- Establish a site-specific split height control, with maximum heights of 15 metres, 29 metres and 37 metres;
- Establish a site-specific split maximum FSR control, with a maximum FSR of 4.83:1 to 253-261 Pacific Highway and a maximum FSR of 1.83:1 to 265-267 Pacific Highway; and
- Establish a site-specific minimum non-residential FSR control of 1:1.

The proponent has engaged extensively with Council since 2017 to promote this Planning Proposal, which is evidenced by the various meetings, urban design options and analysis of site constraints and opportunities.

6.2. AMENDED PLANNING PROPOSAL

Guided by ongoing consultation with Council, the Planning Proposal was amended and resubmitted on 13 December 2021. The following amendments were made to the Planning Proposal and indicative reference scheme:

- A reduction in street wall scale at the southern part of the site from three (3) to two (2) storeys;
- Introduction of a transitional form element at the southern end of the podium, reducing the width and scale of the podium element aligning the southern site edge and the contributory property;
- Increased secondary setback to Church Lane (east) as part of the vertical tower articulation zones fronting Church Lane;
- Increased secondary setback to Pacific Highway (west) as part of the vertical tower articulation zones fronting Pacific Highway;
- A reduced tower footprint on Levels 7 and 8 to ensure overshadowing impact to the school is comparable to the envelope envisaged by Council's precinct study and which ensures there is no additional overshadowing to the school playground during its time of use; and
- A reduced tower footprint on Levels 7 and 8 to increase the capacity for Communal Open Space.

The Council officers and Local Planning Panel both recommended the amended Planning Proposal proceed to Gateway, however the elected Councillors subsequently put forward an alternative resolution that did not support the Planning Proposal proceed to Gateway.

Noting Council's position, this Planning Proposal requests a fresh and independent review from the Sydney North Planning Panel, because:

- The Planning Proposal demonstrates both strategic merit and site-specific merit.
- The Planning Proposal is entirely consistent with Council's Civic Precinct Planning Study.
- The Council officer assessment report was supportive of the amended Planning Proposal as informed by the DEP review.
- The Local Planning Panel (LPP) was supportive of the progression of the amended Planning Proposal to a Gateway Determination.
- However, notwithstanding the above, Council's ultimately resolved to amend the officer recommendation and refused to support the Planning Proposal proceed to Gateway.

The issues underpinning the elected Councillors ultimate resolution have all been addressed through the 2-year process since lodgement of the original Planning Proposal.

We consider the proposed amendments to the NSLEP 2013 satisfy the strategic merit and site-specific merit tests and would enable an appropriate development outcome and generate significant community benefit for the following reasons:

- **From a strategic planning policy perspective:** The Planning Proposal positively aligns and is consistent with the achievement of State and Local Government strategic planning goals of increasing employment and housing densities in strategic centres with access to public transport. The site is already zoned suitable from a mix of commercial and residential uses. The proposed density increase for housing and employment is justified on the grounds of the sites' proximity to the major new Metro rail infrastructure as well as the employment and services offerings of North Sydney CBD.
- **From a local context perspective:** The Planning Proposal has site-specific merit because it facilitates future development that would achieve an appropriate built form and scale outcome, having regard to the existing and emerging scale of development on adjacent and surrounding sites. The tailored building height controls will achieve a contextually appropriate outcome having regard to the future higher building heights to the south and the established residential area to the east.
- **From an environmental perspective:** The provision of a mix of uses on the site with good accessibility to services and public transport, will generate environmental benefits by encouraging more trips within and outside of the centre without cars, and without generating adverse environmental impacts such as wind, solar and traffic on the locality. The assessment of the environmental performance of the indicative reference design has found that it would satisfy the key environmental amenity requirements for future workers and residents in the building.

6.3. STRATEGIC MERIT TEST

As demonstrated throughout this report, the Planning Proposal has clear strategic merit, for the following reasons:

- The proposal aligns with State planning strategic goals which seek to intensify land use around significant transport infrastructure and in proximity to employment nodes.
- The proposal capitalises on existing and planned infrastructure with sustainable benefits by reducing reliance on private vehicular transportation, being strategically located 260m from the Victoria Metro Station (which is due to open in 2024) and 750m from the North Sydney Train Station.
- The proposal supports the attainment of an 18-hour economy and a 30-minute city, as outlined within the North District Plan.
- The proposal provides for additional housing stock in the B4 Mixed Use zone, adjacent to North Sydney CBD, a major commercial office precinct which has limited future potential to supply growing demand. The GSC has confirmed that Council will fall short of the minimum 5-year housing target by 170 dwellings.
- The Planning Proposal complies with the criteria set by North Sydney Council as part of their strategic review of the site. The proposed built form is largely consistent with the design guidelines, objectives and specific urban framework including the building envelope plan outlined in Council's CPPS.

6.4. SITE SPECIFIC MERIT TEST

As demonstrated throughout this report, the Planning Proposal demonstrates site-specific merit as:

- The envelope massing proposed is based on the urban design framework adopted by North Sydney Council as outlined in the CPPS which identifies the site as a transition site with an opportunity for density uplift.
- It ensures a high-quality urban outcome with appropriate transitional separation between the existing and future context. This includes achieving an appropriate interface with the scale and character of the adjacent McLaren Street conservation area.
- Above podium setbacks are introduced to provide further transitions in height and scale to the adjoining heritage buildings and to ensure adequate separation is provided between the tower form and the HCA.

- The proposal creates an appropriately scaled edge to the CPPS area on the periphery of the CBD and has the potential to service the North Sydney CBD commercial core and release the pressure of residential encroachment on commercial zoned land.
- A three-storey podium is proposed consistent with the CPPS building envelope plan which matches the scale of the mid-block heritage item and prevailing streetscape along the Pacific Highway.
- Incorporation of the whole site into a single development, including the heritage item at 265 Pacific Highway and 267 Pacific Highway ensures its potential to appropriately respond to its site context.
- The reference scheme demonstrates the ability to achieve compliance with key ADG design and amenity criterion, including most of the building separation distances, open space, solar access, ventilation, apartment size and typology, private open space and storage requirements.
- Detailed shadow analysis (refer **Attachment D – Building Envelope Study and Reference Scheme prepared by PTW Architects**) of the impacts on the conservation area and the North Sydney Demonstration School on the western side of the Pacific Highway demonstrates the proposed building envelope will not result in any additional overshadowing to the playground as envisaged under the CPPS.
- The reference scheme and the proposed building heights across the site have been designed to achieve a human scale podium level, building heights and breaks which provide for view sharing, and to promote a shared and active environment and a high quality landscaped outcome within both the public and private domain.

6.5. SUMMARY

Overall, the Planning Proposal provides an appropriate built form and scale that reflects the vision for North Sydney Civic Precinct, and the existing and emerging scale of development on adjacent and surrounding lands.

The compelling reasons justifying the proposed amendments as requested in this Planning Proposal include:

- Alignment with Council's Civic Precinct Planning Study.
- A unique site that is held under a single landholding and able to be fully redeveloped in accordance with strategic plans and policies.
- Ability to deliver a genuine mixed use and transit-oriented outcome for the site.
- Retention and adaptive reuse of mid-block heritage item.
- Ensuring that the site achieves its employment capacity target set by Council whilst also allowing capacity for residential growth.
- Embracing the site's critical location at the transition between the lower scale Civic Core to north and the higher density North Sydney CBD to the south.
- The delivery of public domain improvements to benefit the local community, and future employees, residents, and visitors of the site.
- Both Council's assessing officer and the Local Planning Panel are supportive of the amended Planning Proposal.

The site, as a significant land parcel in close proximity to the North Sydney CBD and reinforcing both the height spine along Pacific Highway in North Sydney whilst also creating transition to the city edge, will provide a greater concentration of jobs and housing for North Sydney reinforcing the approach of a walkable city whilst the existing characteristics of the area also acknowledging.

The proposal will provide a defined lower-scale podium in response to the surrounding lower-scale context and heritage items. The heritage item on site will be retained and integrated as part of the podium development. The single form with appropriate setbacks to heritage items, conservation areas and the laneway will support the desired intensification around the station whilst responding to the heritage and conservation area context. The stepped form will provide desired scale transition from the North Sydney CBD.

The proposal will provide an increased opportunity for start-up business, new jobs and housing diversity including potential larger units allowing people working or study from home to support the future growth of the centre with a new Metro station. The slender tower form will assist in achieving good residential amenity and reduced perceived bulk in response to the heritage context.

As evidenced by the submitted urban design analysis, this Planning Proposal responds directly to the feedback received by the Council and demonstrates that the proposal has considerable strategic and site-specific merit as outlined in “*A Guide to Preparing Local Environmental Plans*” and thus warrants the Panels support to proceed to Gateway for public exhibition.

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Attachment A – Planning Proposal Report and Appendices

Attachment B – Correspondence with North Sydney Council and DEP

Attachment C – Community and Stakeholder Engagement Report and Appendices

Attachment D - Amended Planning Proposal Report and Appendices

