

17 August 2021

North Sydney Council
PO Box 12
North Sydney, NSW 2059

Att: Neal McCarry
Team Leader Policy
Per email: Neal McCarry <Neal.McCarry@northsydney.nsw.gov.au>

Dear Neal

RE: PLANNING PROPOSAL – PP2/21 AT 253-267 PACIFIC HIGHWAY NORTH SYDNEY

I refer to the additional information received on 20 July 2021 and the subsequent meeting with the proponents on Friday 23 July 2021.

Following a more detailed preliminary assessment of the PP, the additional information provided as well as an urban design “testing” exercise, we are in a much better position to provide advice on matters which needs to be resolved in order to allow for a better contextual framework.

The key design objectives identified are as follows:-

- Respond to the fine-grain established by the heritage item and contributory building, especially in modulation and rhythm along frontages;
- Massing and morphology to solve relationships to diverse contexts without overwhelming heritage;
- McLaren Street character should carry to Pacific Highway;
- The sloping site requires design response to follow the ground level; and
- Optimise amenity. Especially given the noisy unpleasant environment of Pacific Highway.

The unique circumstance of the site means the specific design response is crucial. There is an apparent tension between the low-scale fine-grained setting (which will remain owing to the heritage conservation area designation) and the intention to redevelop as a higher density. Various strategic planning and design efforts have sought to resolve these relationships with indicative envelopes. It is apparent from these studies that uplift to the site is possible subject to a considered design response which under the current Concept Reference Scheme remains unresolved.

It is recommended that the Reference Design Scheme be amended or seek to resolve the following in order to progress the Planning Proposal for a positive recommendation to the North Sydney Local Planning Panel:-

1. Vehicular entries off Church Lane

The Concept Reference Scheme allows for two vehicular entries off Church Lane, one for the commercial building on the corner of PHW and West Street and one for the mixed-use building. The commercial building basement carpark relies on a carlift for access. The use of a car lift should

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always be the last alternative for vehicular access. With any vehicular lift, there are concerns because of the time delay and inconvenience, and this will place demands on the on-street parking.

Consideration should be given to consolidating services by allowing for a single entry point off Church Lane into a consolidated basement in order to optimise lane frontage. Moreover, the narrowness of Church Lane does not lend itself to two separate basement entries.

The allowance for two separate basements and entry points creates a disconnection between the commercial building and the mixed-use buildings. Concern is raised that this will, in effect, allow for multiple ownership and multiple DA's, whilst the CPPS adopts a consolidated site which will be developed as *"one single, mixed use building"* with a cohesive outcome.

2. Podium and Interface with contributory building

The continuous podium and the interface with the contributory building remains unresolved. The contributory building at No. 6-8 McLaren Street is not a street-wall building. Therefore, it should not be addressed with a four-storey zero-lot podium. The conventional podium and tower form is incongruous with No.6-8 McLaren Street.

The podium creates a four-storey blind wall (13m high) resulting in a massing which dominates the contributory building as well as Church Lane. Unfortunately as suggested by the proponent's heritage consultant, the use of materials to create visual interest and relief, will not sufficiently alleviate the scale impact.

Principal 8 of CPPS requires new infill development to respect the heritage character and scale of the streetscape as well as contributory buildings. As such, the position remains that the continuation of the 3 storey podium, without stepping it down to follow the topography, results in an unresolved streetscape and interface with the contributory building.

The grain and scale should be different from the developments to the south since the site is not part of the contiguous North Sydney CBD.

It is recommended that the Concept Reference Scheme be amended to:

- Step the podium to allow for a low scaled streetscape that provide human-scale spaces for pedestrians, which follows the topography not only along Pacific Highway but also Church Lane;
- Set Level L01 back from the southern boundary with No. 6-8 McLaren Street to reduce the visual impact of the massing towards the contributory building and improve the visual connection between the two conservation areas;
- Allow the podium (street wall) design to be in dialogue with not only the heritage item but also the contributory building (e.g. polychromatic brickwork, fenestration etc.); and
- Tower expression may be very distinctive and contemporary (distinguish from the base - also distinguish from CBD).

Additional suggestion:

- Opportunity to create a distinct waist above podium to distinguish tower further.

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3. Transition to McLaren Street Heritage Conservation Area

In order to achieve an agreed FSR, any building envelope must adhere to the setbacks/ separation distances within the CPPS, the Apartment Design Guidelines and the North Sydney DCP 2013. The Concept Reference Scheme allows for a proposed GFA, which occupies the entire envelope with little articulation.

Specifically, the separation to the eastern boundary should be increased as it adjoins a low-density heritage conservation area. In this regard, the ADG notes in Section 2F: *At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.*

In this regard, the PP argues:

- *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.*
- *As it is highly unlikely that there will ever be a building of similar height to that currently being proposed for the site, 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 Urban Design Report provided at **Appendix B**, the adjoining HCA parcel of land is too narrow to accommodate any future tower form.*

The proponent argument above is partially agreed with. Notwithstanding accepting the proponents rationale that it is highly unlikely that the land adjoining Church Street will be developed to a height above 8.5m, it is considered that in order to achieve an appropriate transition between the existing lower scale built form within the conservation area, and the new tower elements (above podium), an increase in separation is required.

The CPPS acknowledges that additional height could be achieved on the subject site, provided there is an appropriate transition down to the lower scale heritage conservation area. As such, in order to concentrate the height and bulk towards Pacific Highway and achieve appropriate transition to the McLaren Street conservation area, it is recommended that an additional 2m setback above the podium be provided, to achieve a minimum 9m separation from the centre line of Church Lane.

In order to accommodate the 9m separation distance measured from the centreline of Church Lane, a reduction to the required above podium setback along Pacific Highway (3m under the CPPS) and as proposed by the PP (1m) is acknowledge and supportable.

4. Proposed Height

In response to the RFI request, on how the proposed storeys were converted into a maximum building height in meters, the applicant has provided the following advice:-

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In relation to storey heights, we have adopted the following approach (please reference PTW drawings that include floor RL's included on pages 6&7 in the Planning proposal submission).

- *Up to level 1 heights are variable as it is a slopping site,*
- *L1 to L2 is predominantly commercial use and we have adopted a floor to floor height of – 3.5m,*
- *Level 2 to 3 is a mix of residential and commercial we have adopted – 3.3m floor to floor height,*
- *Typical floors are residential use and we have adopted – 3.1m floor to floor height,*
- *Then on the roof there is an allowance for lift over run and plant of – 1.5m.*

Unfortunately, there are discrepancies with the information provide within the letter by Legacy Property dated 20 July 2021 and the PTW plan PP20-0200 West Elevation which demonstrates the following:

- Lower Ground floor allows for variable heights of 0m to 6.1m in the south (RL86.37- RL92.57);
- Upper Ground level allows for floor-to-floor heights of 3.7m (RL92.57 – RL96.27);
- Level 1 allows for a floor-to-floor height of 3.5m (RL96.27 to RL99.77);
- Level 2 allows for a floor-to-floor height of 3.3m (RL99.77- RL103.07);
- Levels 3 to 10 allows for floor-to-floor heights of 3.1m; and
- Level 10 - lift and plant overrun of 1.8m.

In order to achieve an appropriate height in metres, *Section 2C Building height* of the ADG were applied in the table below:

10 storey built form	8 storey built form	West St – Comm building
Podium = 3 levels (3.3m each) = 3 x (3.3 + 0.4) = 3 x 3.7 =11.1m	Podium = 3 levels (3.3m each) = 3 x (3.3 + 0.4) = 3 x 3.7 =11.1m	Podium = 3 levels (3.3m each) = 3 x (3.3 + 0.4) = 3 x 3.7 =11.1m
Resi levels = 7 levels (2.7m each) = 7 x (2.7 + 0.4) = 7 x 3.1 = 21.7m	Resi levels = 5 levels (2.7m each) = 5 x (2.7 + 0.4) = 5 x 3.1 = 15.5m	
Plan = +1m		Plan = +1m
Topographical changes = +2m	Topographical changes = +2m	Topographical changes = +2m
Total 35.8m	Total 28.5m	Total 14.1m
Applicant seeking = 37m	Applicant seeking 29m	Applicant seeking 14m

The analysis above demonstrates that the proposed 10 storey tower, converted into meters (37m) is overstated. Moreover, in plan form the maximum building height including the lift overrun achieves a maximum height of 36.3m.

It is recommended that the Concept Reference Scheme be amended as follows:

- Amend the proposed height from 37m to 36m

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5. Proposed FSR

The proponent has provided an analysis of the proposed FSR, applying efficiency rates of 77% for the non-residential component and 87% for the residential component, which is very generous.

The proponent's response to this is as follows:-

In this instance we have progressed a design outcome well beyond a hypothetical circumstance as we have recognised the unique site constraints that this site exhibits and hence why the efficiency rate is slightly higher than the ADG rule of thumb.

Providing "progressed" design detail as part of a PP is not uncommon in order to deliver a level of certainty and comfort to the North Sydney Local Planning Panel. It also means a smoother Development Application process.

In this regard the PTW Concept Reference Scheme preliminary plans demonstrates a disproportionate number of 2 bedroom apartments (76.9%) as well as very generous 2 & 3 bedroom apartment sizes.

It is recommended that the Concept Reference Scheme reduced the building envelope and gross floor area (and thus the FSR) in order to get closer to a complying building envelope under the CPPS, by amending it as follows:-

- Allow for an appropriate mix of apartment types and sizes, which may mean an increase in 1 bedroom and reduction in 2 bedroom apartments;
- Allow for greater separation to the low scale heritage conservation area across Church Lane; and
- Allow for greater separation to the contributory building at No 6-8 McLaren Street.

Should you wish to discuss or seek clarification on the issues above, please do not hesitate to contact me.

Kind regards



Annelize Kaalsen