



LEGACYPROPERTY

6 September 2021

AK Planning
C/O North Sydney Council
200 Miller Street
North Sydney NSW 2060

By email: Neal.McCarry@northsydney.nsw.gov.au;
annelize@akplanning.com.au

Dear Neal and Annelize,

RE: AK Planning letter dated 17 August 2021 re PP2/21 at 253-267 Pacific Highway, North Sydney

Please find our clarifications/responses to the matters raised in your letter dated 17 August 2021 included below.

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 car lift for access. The use of a car lift should 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."

Our planning proposal contemplates a separate vehicular entry off Church Lane to 267 Pacific Highway as it's not practical to excavate a basement beneath the heritage item at 265 Pacific Highway to accommodate a single basement across the entire site. Furthermore, as 267 Pacific Highway is solely retail and commercial (i.e., there are no residential uses in the building), there is no reason to provide a single basement. For these reasons, we believe it is essential to maintain two separate basement entries off Church Lane.

It should be noted that existing buildings on the site include four separate entries to basements and on-grade parking off Church Lane (excluding open car spaces), so the provision of two vehicular entrances still represents a significant improvement.

We agree that a car lift is not ideal and can increase the use of on-street parking if it is considered inconvenient. While a car lift may provide some minor circulation improvements to the proposed basement, our architects have confirmed that it is unnecessary and that a standard entry ramp can be accommodated. As such, we have updated our reference design to include a standard entry ramp to access the basement at 267 Pacific Highway.



Ultimately the concept plan is provided to guide the establishment of new statutory controls. These are matters of detailed design for a future development application phase. While we appreciate the rationale behind the comments, the planning proposal will ultimately establish a high degree of built form certainty to ensure the desired built form outcome will be delivered. Matters of access design will undergo detailed review and engagement with the Council's traffic engineers once intricate designs are developed post gazettal.

2. Podium and interface with contributory building

"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.

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.*

Following recent feedback from AK Planning, we have considered several alternative podium design scenarios and analysed visual impacts from various view angles around the site. Please refer to the attached detailed view study for the full details.

We have also proposed a slender transitional form with a stepped corner along the southern site edge to break up the continuous podium frontage and celebrate the interface between the contemporary and existing fabric. This form results in a reduced podium frontage to the southern interface and contributes to the reduced sense of enclosure at the south end of Church Lane. We note that in AK Planning's email on 18 August 2021, the merit of this approach was acknowledged as it implies consideration of transition to the yard of the contributory item.

Shown overleaf are two critical view angles that showcase the proposed changes.



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Comparison of the original planning proposal and AK Planning suggested form from McLaren Street



- Reducing the podium height from 3 to 2 storeys improves the visual presence for the contributory item on the corner of McLaren St
- The reduction in street wall scale to the laneway enhances the slender proportions of the tower form



The revised Planning proposal and AK Planning suggested form from Pacific Highway

- No noticeable impact on 'visual amenity' between AK Planning building tower form and the proposed tower form setback to Church Lane
- The reduced street wall scale delivers a stepped street wall profile, transitioning to the contributory item interfacing the southern site edge



Based on this analysis, we agree that reducing the podium at the southern end of the site to 2 storeys will result in an enhanced design outcome for several reasons:

- Reducing the blank wall area forming the visual backdrop to the contributory item will enable the roof form of the existing fabric fronting McLaren Street to have a more substantial visible presence
- Visual bulk will be reduced and transition to the southern and eastern side edges of the site will be improved, resulting in a more harmonious built form relationship with the conservation area
- A stepped street wall profile to Pacific Highway and Church Lane will respond to the sloping topography of the site
- Better fine-grain proportions to the human scale environment along Pacific Hwy
- Slender proportions of the tower form will be enhanced
- The sense of enclosure at the southern end of the laneway will be reduced

Therefore, the reduced street wall podium scale will be incorporated into the updated scheme.

3. Transition to McLaren Street Heritage Conservation Area

"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."

We have undertaken extensive analysis on the impact of both our current proposal and an alternative scenario delivering an additional 2m tower setback above the podium. Please refer to the attached detailed view study for the full details. Shown overleaf are four views extracted from that view study to compare the outcomes of both tower forms and the possible impact.

Comparison of the original planning proposal and AK Planning suggested form from McLaren Street



- The additional 2m tower setback does not alter the composition of the view or the scale relationship in terms of the contemporary taller tower forms presenting as a visual backdrop to the lower scale dwellings
- A minor change to the view is associated with the additional tower setback, but it does not alter the character of the view. It is considered unlikely to be perceived by the ordinary observer.



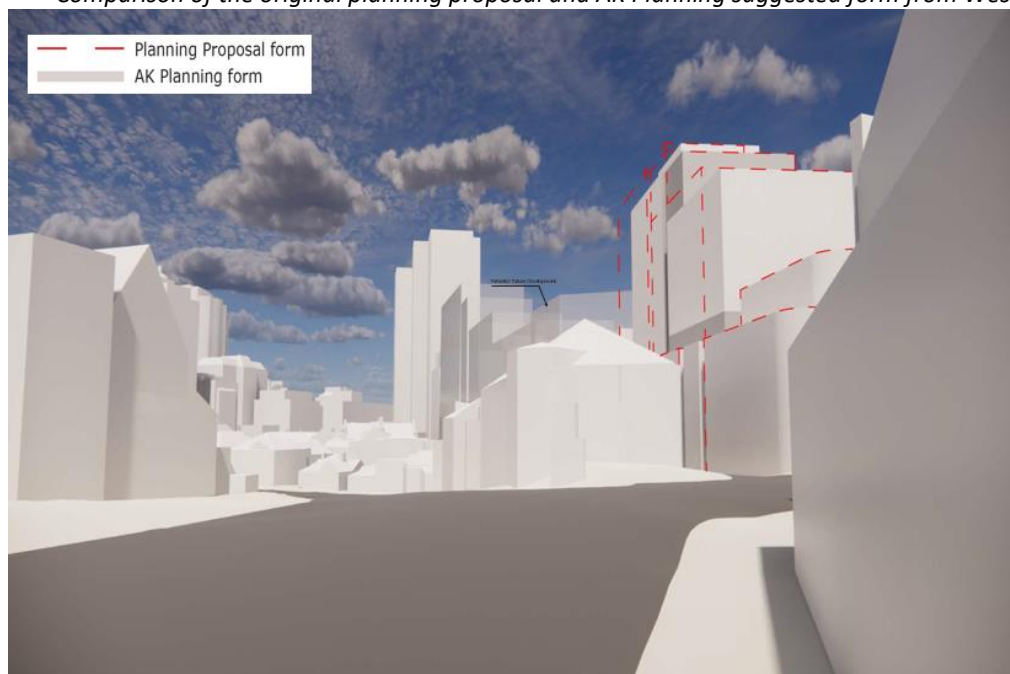
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Outcomes of the revised planning proposal and AK Planning suggested form from McLaren Street



- Significant positive impact of articulated and reduced southern podium height
- The reduced street-wall height and the articulated podium form delivers built form relief at the southern end of the laneway
- No noticeable impact on 'visual amenity' between AK Planning building tower form and the proposed tower form set back to church lane

Comparison of the original planning proposal and AK Planning suggested form from West Street



- The new built form is seen in the distance. The site forms part of a wider cityscape backdrop against which, the conservation area and St Thomas Church is seen. The additional tower setback does not alter the scale relationship between the lower scale development and the new built form fronting the highway.
- The reduced street wall scale is not perceived in this view.



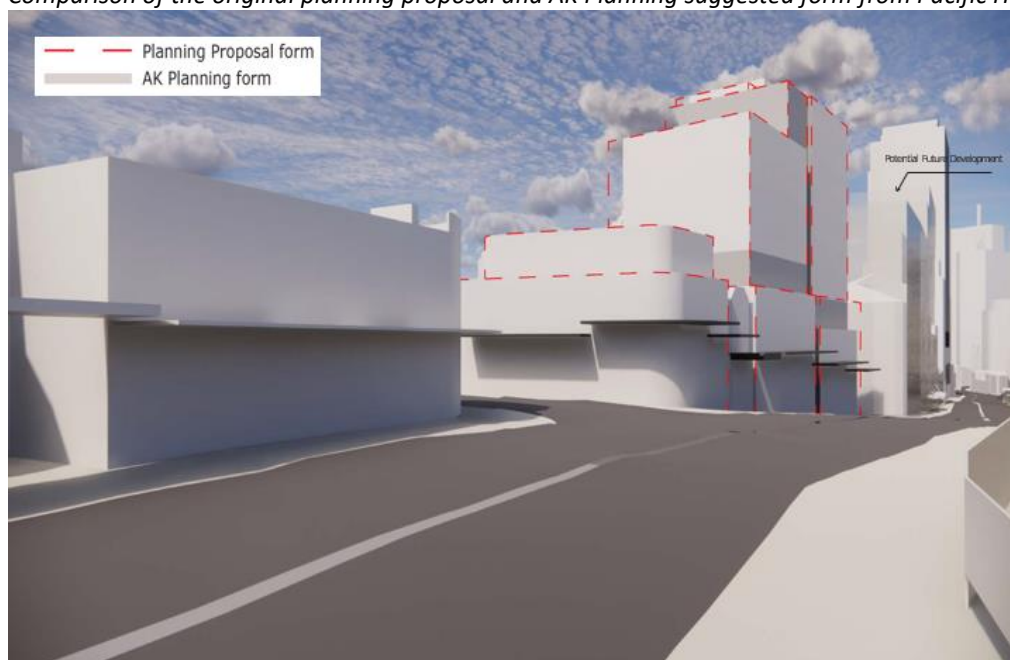
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Outcomes of the revised planning proposal and AK Planning suggested form from West Street



- No noticeable impact on 'visual amenity' between AK Planning building tower form and the proposed tower form setback to Church Lane
- Improved building footprint options for amenity, apartment mix and utilities by retaining planning proposal setback

Comparison of the original planning proposal and AK Planning suggested form from Pacific Highway



- The varied street wall height accentuates a more refined grain to Pacific Hwy to ensure the visual presence of the podium form is reduced against the detailed contributory fabric.
- The increased tower setback is hardly visible in this view and is unlikely to be perceived from pedestrian or vehicular views



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Outcomes of the revised planning proposal and AK Planning suggested form from Pacific Highway



- The reduced street wall scale delivers a stepped street wall profile, transitioning down along Pacific Highway
- No noticeable impact on 'visual amenity' between AK Planning building tower form and the proposed tower form setback to Church Lane
- Improved building footprint options for amenity, apartment mix and utilities by retaining planning proposal setback

Comparison of the original planning proposal and AK Planning suggested form from Church Street



- The change associated with the increased tower setback is negligible and would not be perceived. Pedestrians would continue to view the new taller built form as the backdrop against which the conservation area is seen.
- The reduced street wall scale is perceived at the site's southern end, whereby the podium form is obstructed mainly by the dwellings fronting Church Street.



Outcomes of the revised planning proposal and AK Planning suggested form from Church Street



- Podium is now hardly visible because of the height reduction on the southern end - resulting in enhanced visual amenity along Church Lane and Church Street
- No noticeable impact on visual amenity between AK Planning building tower form and the proposed tower form setback to Church Lane
- The additional 2m tower setback does not alter the composition of the view or the scale relationship in terms of the contemporary taller tower forms presenting as a visual backdrop to the lower scale dwellings to the east.

Based on the above analysis, we have concluded.

- The increased tower setback will result in only very minor or negligible changes to pedestrian views. It is unlikely to result in any real impact to the built form proportions as perceived by a casual observer, which is the test against which these proposed changes should be considered.
- The increased tower setback will substantially compromise the dimensions of a workable/viable tower footprint and, with no perceivable visual bulk, benefits demonstrated through the comparative analysis.
- There are no discernable environmental benefits of increasing the tower setback.
- As demonstrated above, and in the view study, the most impactful and beneficial envelope change is lowering the podium height, which we support.

Therefore, we believe the increased tower setback should not be adopted as part of the updated envelope.



4. Proposed Height

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

As indicated above, architectural plans submitted with our planning proposal demonstrate a maximum building height (including the lift overrun) of 36.3 metres with floor-to-floor height allowances generally in alignment with the ADG. The variable size for the lower ground floor (retail) reflects the significant slope in topography. It is essential that this is reflected in the height limit implemented for the site.

We recognise that the height limit of 37 metres requested in our planning proposal provides a small degree of flexibility (0.7 metres). A height limit aligned with the architectural plans would increase Council's certainty on the final height outcome. This is a common and accepted rounding practice that the Department of Planning routinely accepts in planning proposals when there are often fractions of change in the later detailed design phase once lifting systems are confirmed.

So, our preference is to avoid the possibility of having to lodge a clause 4.6 variation to the new controls and establish a slight rounding up in the building height control. Given that the rounding up clearly would not enable an extra storey, plus we are establishing a maximum FSR to control the floor space, there should be no significant grounds of concern. If there remains a concern, we would be happy to discuss it further.



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5. Proposed FSR

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.

Please refer to our discussion on building separation and transition to the adjacent heritage conservation area in earlier sections of this letter.

We recognise that there is a significant proportion of 2 bedroom apartments in the reference design submitted with our planning proposal and that a reduction to allow for more one-bedroom or Three bedroom apartments may be appropriate. This will be considered in depth at the DA stage, as is typically the case, and will be informed by extensive market research and analysis at the time.

We trust that the additional information and clarification of the issues raised provided are constructive. We look forward to running through this response with you on Friday, 10 September. Should Council or AK Planning have any queries in the meantime, please do not hesitate to contact me.

Yours sincerely

Tim Turpin
Head of Development Legacy Property
Attached View Study