



16 July 2021

Phillip Graus, Chair
Design Excellence Panel
C/O North Sydney Council
200 Miller Street
North Sydney NSW 2060

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

Dear Neal, Phillip and Panel,






RE: Response to the additional Information request for PP2/21 at 253-267 Pacific Highway, North Sydney and meeting notes circulated on 25 June 2021.

Thank you for the opportunity to present our planning proposal to the Design Excellence Panel (Panel) at our meeting on 8 June 2021. We value the Panel's feedback in working toward delivering a positive development outcome on the site.








Our planning proposal aims to update planning controls based on North Sydney Council's Civic Precinct Planning Study (Study) which identifies a small number of redevelopment opportunities across the precinct to deliver additional housing and employment close to the upcoming Victoria Cross Metro.

Importantly the planning proposal is generally consistent with the objectives of the Council adopted Study and where there is a minor departure from the guidelines the result only improves the overall development outcomes and community benefits.

The extent of the planning proposal's compliance with the Study guidelines is shown below.

Council Study Design Guidelines	Compliance with Study	
8 to 10 storey building height		Complies
1:1 non-residential FSR within podium		Complies
Single mixed-use building with a commercial podium and residential component above		Some residential uses are proposed in the podium after 1:1 non-residential FSR is achieved, based on pre-lodgement meeting discussions with North Sydney Council
3-storey podium		Complies
Alignment of podium with heritage item at Pacific Highway		Complies



Council Study Design Guidelines	Compliance with Study	
3 metre setback to built form above podium	 	<p>A 1 metre setback is proposed on Pacific Highway consistent with the existing character of the area, preserving amenity for apartments and project viability. By moving building tower form away from the church lane it provides increased separation to Church Street residences compared to the Civic Precinct Study.</p> <p>This on balance achieves the most appropriate response to the constraints of the site and enables a renewal of the site as identified by Council</p> <p>3 metre setback is provided above podium on southern boundary adjacent to 6-8 McLaren Street consistent with Council requirements.</p>
Above podium building footprint to be located south of the heritage item		Complies
4 metre minimum separation between new development (above the podium) and the heritage item		<p>Our expert Heritage advice indicated a 4 metre setback would isolate the heritage item and be inconsistent with its intended vertical form. The proposed setback results in a more considered heritage outcome and provides ADG compliant separation to the built form at 267 Pacific Highway.</p> <p>Subsequently the Design Excellence Panel has indicated its support for the proposed 2.3 metre setback around the heritage item at the meeting of the 8th June 2021.</p>
Heritage item will be preserved and integrated into the future podium. Adequate legibility and articulation is to be provided at podium level to highlight the heritage item. Adaptive reuse of the heritage item is encouraged.		Complies
Future development is not to reduce or affect the amenity of education facilities located on the western side of Pacific Highway		<p>Complies</p> <p>Proposal results in no additional overshadowing to primary playground.</p> <p>Overshadowing of front setback area is substantially consistent with Civic Precinct Study.</p>
Adequate transition to the conservation area to the east should be provided in the form of a podium with significant above podium setbacks		<p>Complies</p> <p>Proposal provides increased separation to Church Street residences compared to the Civic Precinct Study.</p> <p>Proposal doubles the width of Church Lane at its narrowest point (from ~3m to 6m), providing a significant benefit for residents.</p>



We have prepared and attach as requested a package of additional information that includes the following.

- 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 we feel it necessary to respond to several of the comments included in the meeting notes and provide the following by way of clarification or response.

At this stage in the assessment process, we understand 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. We request that the Panel prepares its advice to Council on this basis, rather than focusing on detailed design issues that should be addressed in the design development process that would result in a future Development Application.

Justification to depart from the Council Study (setbacks or areas of building mass) and the Panel's reference to the Conybeare Morrison Plan (pg 70 of the planning proposal report by Urbis).

The heights and general arrangement in the Planning Proposal are consistent with the Council's Study. There are slight extents of form outside the indicative 8 storey area shown in the high-level plan within the Study and some adjustment to the position of the height to get a better outcome to the conservation area but overall, the proposal is implementing the heights adopted and supported by Council. If there is disagreement from the Panel about these heights, that is an issue between Council and the Panel but should not prejudice this proposal when it seeks to be generally consistent with the adopted Council Study.

It is also our understanding that the Conybeare Morrison (CM) Study was presented to the North Sydney Design Excellence Panel as noted on page 3 of the Council Study. Therefore, we are surprised that some members of the Panel are not supportive of the overall intent within the Study for this site and its increase in scale and density. We note the Panel's preference that the scheme adopt the CM plan for this site and block. To assist we summarise those recommendations in comparison with the Council Study.

The CM Plan included recommendations for the subject site and block. These were discussed on page 87 and 88 of the CM report. The recommendation for the subject block and site is reproduced below.



8.0 PREFERRED PLANNING STRATEGY



Figure 101: Site Plan



Figure 102: Key Plan

Site Specific Study - 253-267 Pacific Highway

This is a consolidated site along the Pacific Highway, in the Pacific Highway Transition character area. A heritage listed building at 265 Pacific Highway is within the consolidated site.

A mixed use podium and tower built form is proposed with building heights that step up from five storeys at the north of the site to 12 storeys at the south. This will provide a height transition from the mid-scale Pacific Highway corridor, to the northern edge of the North Sydney CBD. The progressive stepping up in height on the site is also to manage the scale impact to the adjacent HCA to the east.

A three storey podium is proposed which matches the scale of the heritage item, that is framed by the retail / commercial podium. A setback in accordance with the DCP to the podium along Church Lane is proposed to improve pedestrian and vehicular access. A small plaza is created along Church Lane at the heritage building.

A 1.5m building setback along the Pacific Highway frontage is proposed for widening of the footpath to allow street tree planting, awnings and to enhance overall amenity.

Secondary upper level setbacks are introduced to provide further transitions in height and scale to adjoining heritage buildings and the HCA.

The key messages from the CM report were heights of 10 and 12 storeys to the southern tower portions of the site, 5 storeys to the northern end adjacent to West Street with a 2 and 3 storey podium. The section shown on page 70 of the Urbis report (as referenced by the Panel) refers to the 5 storey built form at the northern end of the block addressing West Street, not the location where towers are proposed.

The Council Study has not adopted this massing approach for either the northern portion of the block or the tower area and has instead significantly reduced the achievable number of storeys, ie only 3 storeys is allowed to West St (north) resulting in a proposed built form almost equivalent to the existing height control of 10m for this part of the site and the tower heights are reduced to 8 storeys and 10 storeys.

The Council requests a 3m setback to the highway. The suggested design guidelines in Council's adopted Study are not clear on what setback is required to the southern boundary of the site, however it would appear to be 3m, nor does the Study nominate a setback to the laneway and no dimensions are provided on the plan. Study of the narrowness of the podium-coloured area in the plan would suggest that the setback to the lane in this layout is far less than 3m. It scales around 1 - 1.5m. The Study seeks a 3 storey podium interface to all heritage items within and adjacent to the site.

By comparison with the CM study, the envelope shown in the Council Study is loose and the recommendations are guidelines. This would suggest there can be some flexibility in how this diagram is interpreted and the adoption of where the break between the 8 and 10 storey elements is expected to be considered more holistically not be a literal adoption especially where there are no dimensions. The Study page referencing the site is reproduced below.



Southern transition area

The Civic Precinct southern transition site along Pacific Highway is constrained, with a limited footprint, two heritage items within the block and immediately adjacent to a conservation area. However, as it is a consolidated site near the northern metro station, it has potential to provide additional dwellings that contribute towards Council's dwelling target. By providing a stepped form, it can transition from the North Sydney CBD towards the Civic Precinct through the development of a medium-scale building that bridges the gap between the mid-rise residential buildings south along Pacific Highway to the low-scale environment of the Civic Precinct to the north.

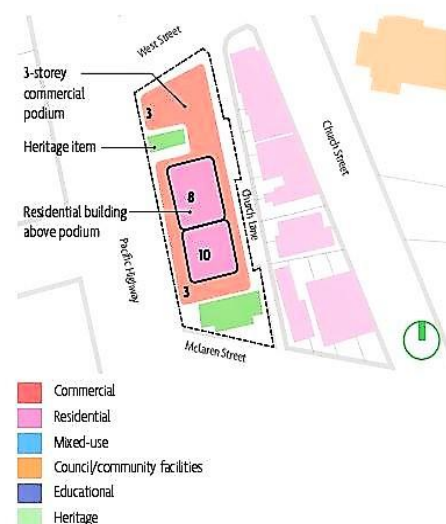
Design guidelines

- A maximum built form height of 10 storeys stepping down to 8 further north towards the Civic Precinct, as per the map
- The site should be developed as one single, mixed use building with a commercial podium and a residential component above
- The podium should be 3-storeys in height to align with the streetscape to the north and the mid-block heritage item
- The podium is to be aligned with the existing heritage item and present no setback to Pacific Highway. The built form above the podium is to be set back a minimum of 3 metres

- The building footprint above podium is to be located south of the heritage item. A minimum 4 metre separation between new development and the heritage item is required. Overhanging elements over the heritage item are not supported.
- The heritage item will be preserved and integrated into the future podium. Adequate legibility and articulation is to be provided at podium level to highlight the heritage item. Adaptive reuse of the heritage item is encouraged
- Future development is to not reduce or affect the amenity of education facilities located on the western side of Pacific Highway (overshadowing and visual privacy)
- An adequate transition to the conservation area to the east should be provided in the form of a podium with significant above podium setbacks

Potential public benefits

- Refer to potential public benefits at page 47
- Public domain upgrades
- Affordable housing



Comparison of the two studies shows that the massing proposed by CM has been squeezed down into a reduced number of storeys. This puts significant pressure on the setbacks and extent of building form at 8 and 10 storeys. Council's envelope also does not appear to anticipate any articulation - the planning proposal does mandate key locations for articulation quite apart from the normal articulation that would follow in a DA created by balconies, screens and fins.

The proposal before the Panel seeks to moderate between the thoughts in the CM study and Council's Study. We support the CM approach of a 3m setback to the tower on the laneway given this is the more sensitive interface. Therefore, we have adopted their 3m recommendation in addition to the road widening dedication we are providing. The reduction in number of storeys all over the site has made it impossible to achieve a viable yield within 8 to 10 storeys in the remaining built form depth if a 3m setback is provided to the highway. This has led us to adopt the same built form relationships seen to the south on the same side of the highway in other existing tower forms, ie. 1-1.5m setbacks above podium. This has also led to a slight extension of the 10 storey section towards the north. You will see reference scheme seeks to address this element by setting it back from the main tower facade and introducing a material change.

Interface with the "heritage listed" building on the corner of McLaren St.

The two storey residences at 6 and 8 McLaren Street are considered to be Contributory to the McLaren Street Heritage Conservation Area. Importantly we wish to point out that **they have not met the criteria for listing as individual heritage items.**



Whilst the majority of the houses lining McLaren Street no longer support a residential use, together with the community buildings that comprise the St Thomas' group they describe a particular period of development in the area, one recognised through the HCA listing. The retention of the architectural character and form of these houses, alongside the mature street plantings, comprise a distinctive streetscape character. The properties at 6 and 8 McLaren Street contribute to this character.

The current setting for 6-8 McLaren Street is defined by its corner location on the Pacific Highway and commercial buildings to the north and south. Importantly however, the houses immediately to the east maintain a visual link with the other dwellings in the conservation area. The link to the intersection is recognised through the HCA mapping which steps out to intentionally include this site.

In views west along McLaren Street, the dwellings and their modest garden setbacks are primarily appreciated as people move along footpaths around the intersection with the Pacific Highway. The building is not notable in terms of its architectural design, nor does it demonstrate any distinctive landmark qualities; it does however maintain the typical scale and character of the streetscape and so contributes to an overall understanding of the HCA.

Recognising the existing context of 6-8 McLaren Street and its primary presentation to McLaren Street, the podium will replace the existing commercial building that forms the current interface between the site and the HCA. The podium will provide the opportunity to establish a backdrop more sympathetic to the two storey Federation building, and for the rear of the houses on the laneway generally. The overarching approach, as demonstrated in the reference scheme, is through the selection of a face brick finish which would provide the fine grain scale and traditional materiality that would contribute to the setting of the adjacent McLaren Street HCA.

We further recognise that the podium design established as part of a future detailed architectural response developed at Development Application stage will be important. The NSW Heritage Office (now Heritage NSW) publication *Design in Context – Guidelines for Infill Development* sets out a series of principles that are relevant in the current context. These principles will guide decisions around the future detailed design of the interface between 6-8 McLaren Street and the conservation area. At that time matters of materiality, articulation and fenestration design will be addressed.

It is worth noting that a common characteristic of the North Sydney LGA is the close adjacencies of historic buildings and new tower development. The physical and visual context of 6-8 McLaren Street includes tower forms in the immediate vicinity and nearby, and importantly the proposed scheme meets the planning controls in terms of height set by Council.

Our expert heritage advice is that the proposal does not obscure or diminish any appreciation of the contributory building and it continues to be read as part of the group of houses on the north side of McLaren Street between Church Street and the Pacific Highway.



Degree of detail requested by the Panel for the massing and envelopes.

We note that the application is for a planning proposal that seeks to support and refine the envelope that accompanies the proposed changes in Council's Civic Precinct Planning Study. The Study envelopes do not include detail refinements such as PV panels and plant areas or screening elements. All such details are normally developed as part of a detailed Development Application which would be prepared after the Planning Proposal was supported through Gateway and the amendments were adopted by Council.

Whilst it is reasonable to seek to review indicative plans to inform how the envelope might resolve and satisfy key outcomes under the ADG, it seems extreme to expect a level of resolution equivalent to a DA (with a Basix recommendation on screening). This also seems counter to the original intent of a Planning Proposal prior to gateway - which is to determine whether the proposal has merit, which can then be proved in greater detail once it has passed through gateway.

Summary

It should be noted that the departures from the council guidelines proposed are relatively minor in nature and the impacts of these changes are also minor. This is illustrated by the massing and shadow studies prepared by PTW. The 3m setback to the laneway adopted in the proposal does reduce the massing seen along the laneway and in views from the north. The difference is not huge but then nor are the adjustments proposed to the Study envelope.

The extent of 10 storey section (to the north) is slightly increased but this does not result in any significant adverse visual impacts by being set back/recessed from main tower facade and treated with a material change. Heights in the order of 10 storeys already create a major scale change and slight adjustments in alignment at that sort of height are not material from the ground level unless over a far greater extent.

We trust that the additional information and clarification of the issues raised in the meeting notes provided is constructive.

We would welcome the opportunity to run through this additional information via "a Microsoft Teams meeting" as soon as practical. Should council or the panel have any queries please do not hesitate to contact me.

Yours sincerely

Tim Turpin
Head of Development Legacy Property

Attachment - DEP additional Information request



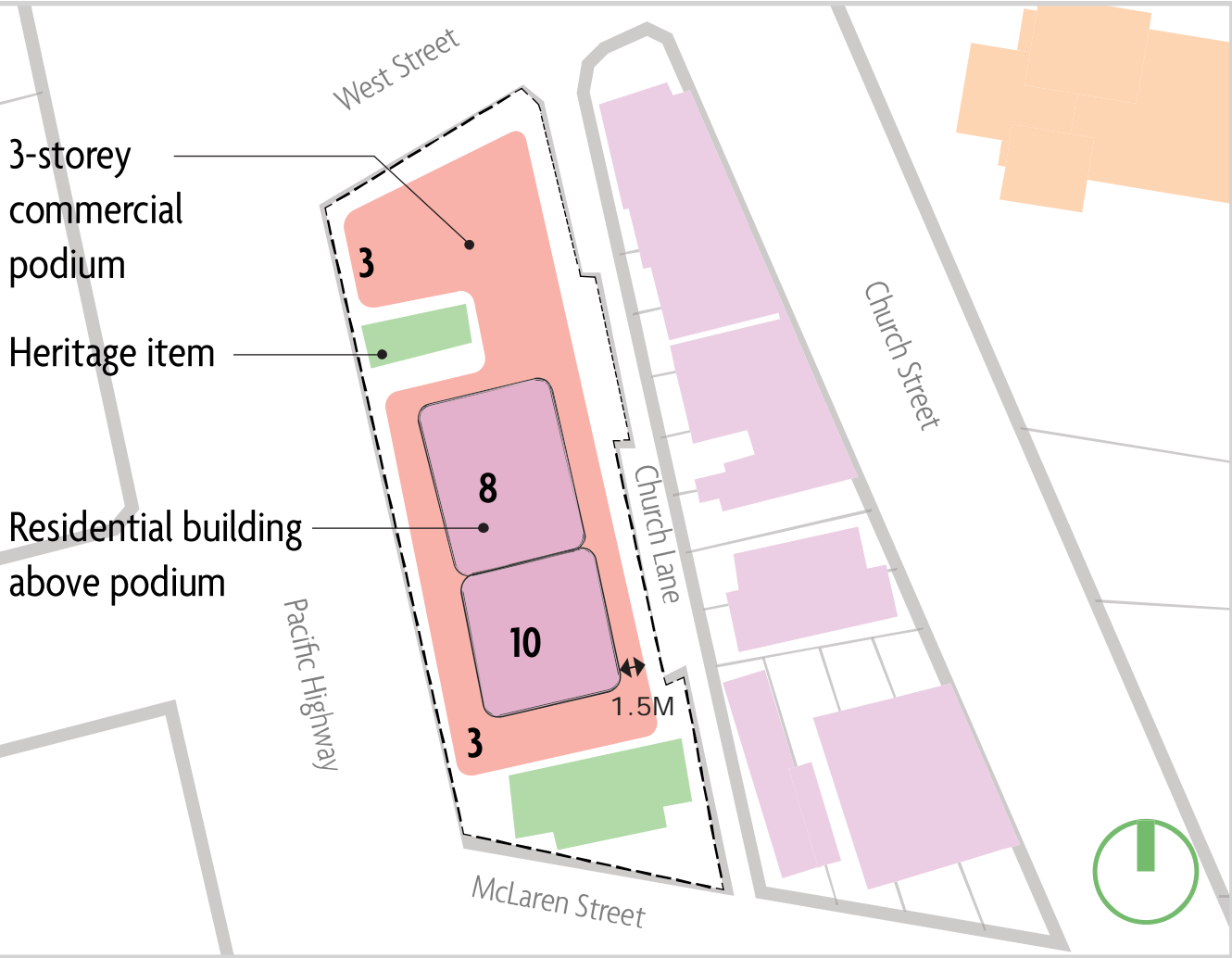
RESPONSE TO DEP FOR

253-267 PACIFIC HWY, NORTH SYDNEY

09/07/21

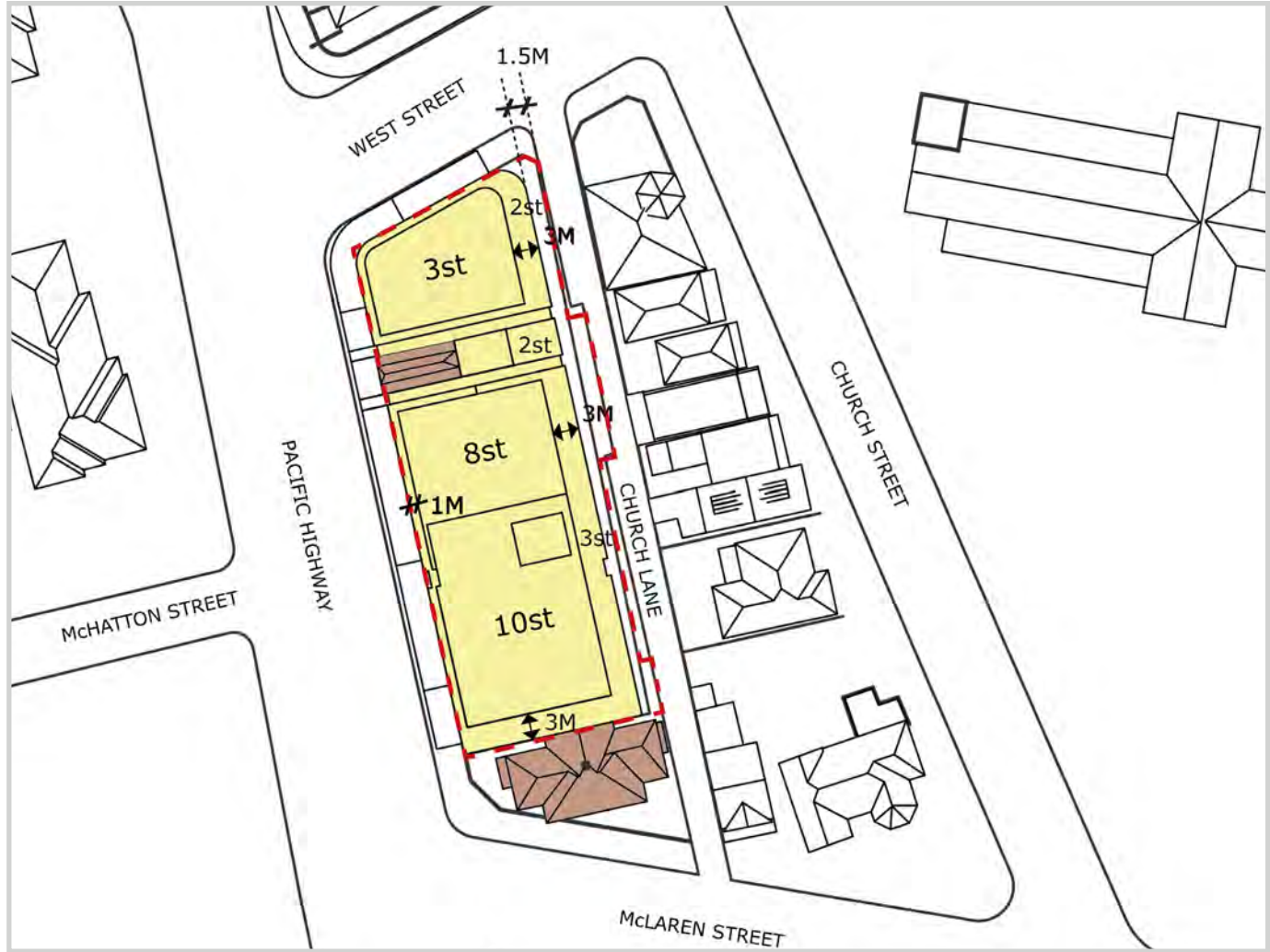
PTW

COUNCIL ADOPTED BUILT FORM



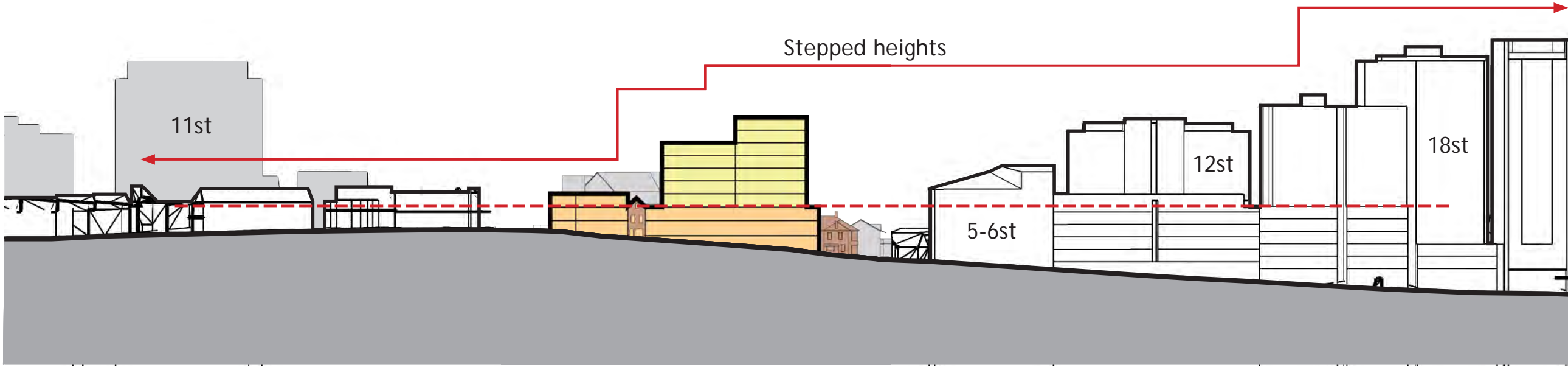
- Commercial
- Residential
- Mixed-use
- Council/community facilities
- Educational
- Heritage

PLANNING PROPOSAL BUILT FORM

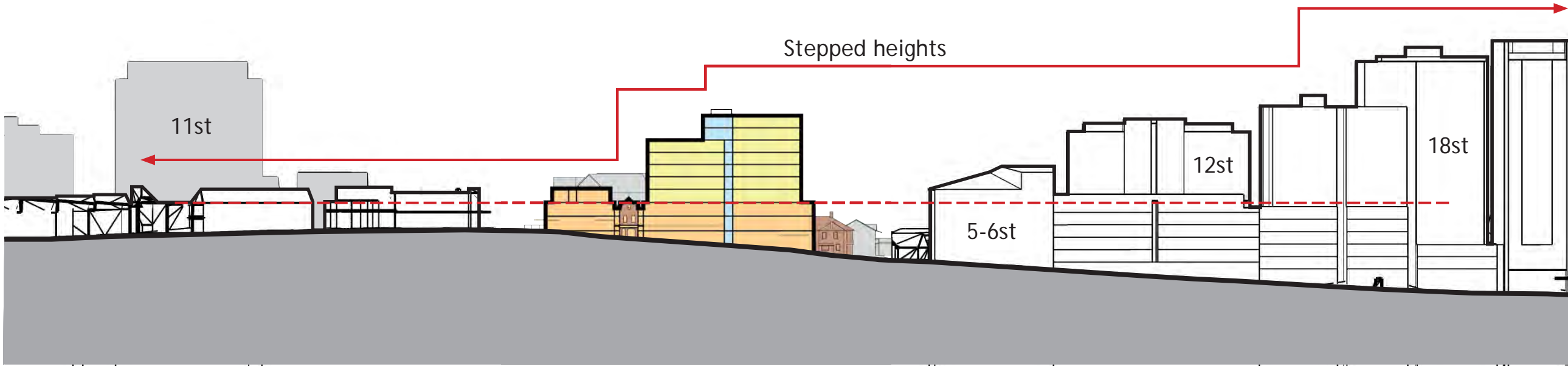


- Proposed Building
- Site Area
- Heritage/building within the conservation area

PACIFIC HIGHWAY ELEVATION

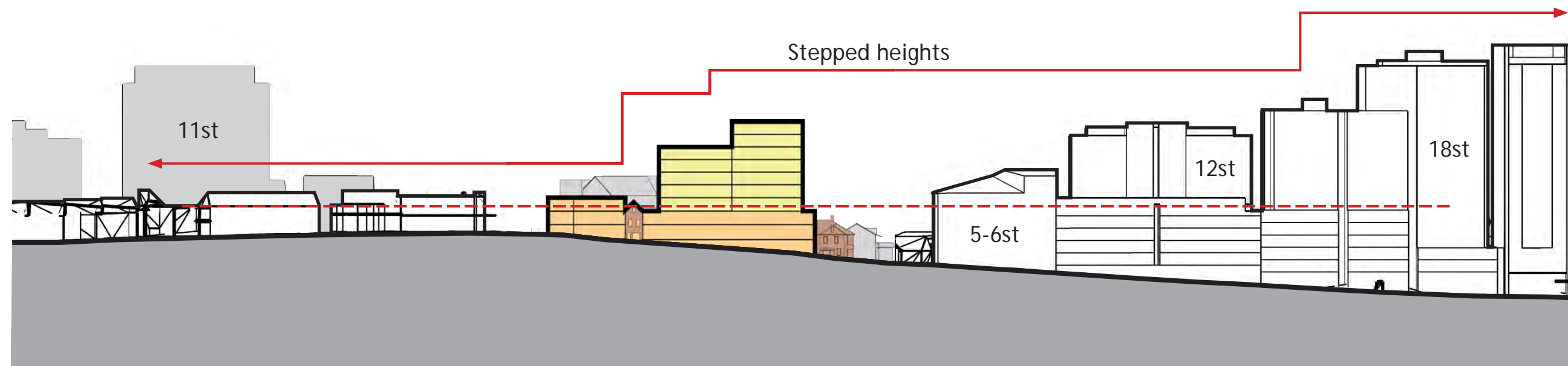


Council adopted built form - 8-10 storeys

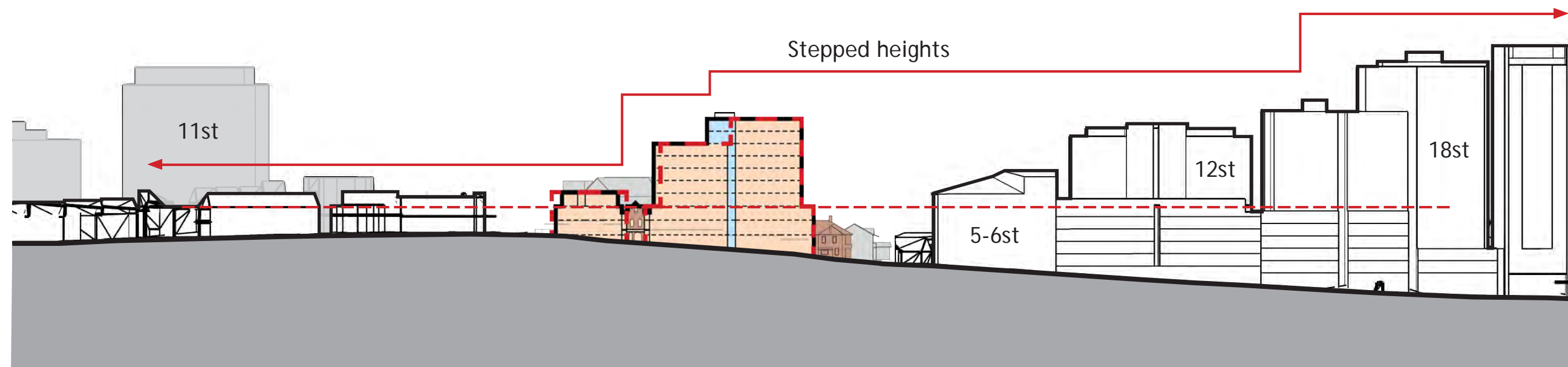


Planning Proposal Built Form - 8-10 storeys







- 3rd podium on site
- Tower above the podium
- Heritage/building within the conservation area
- Buildings on Pacific Hwy
- Context building
- Vertical waist



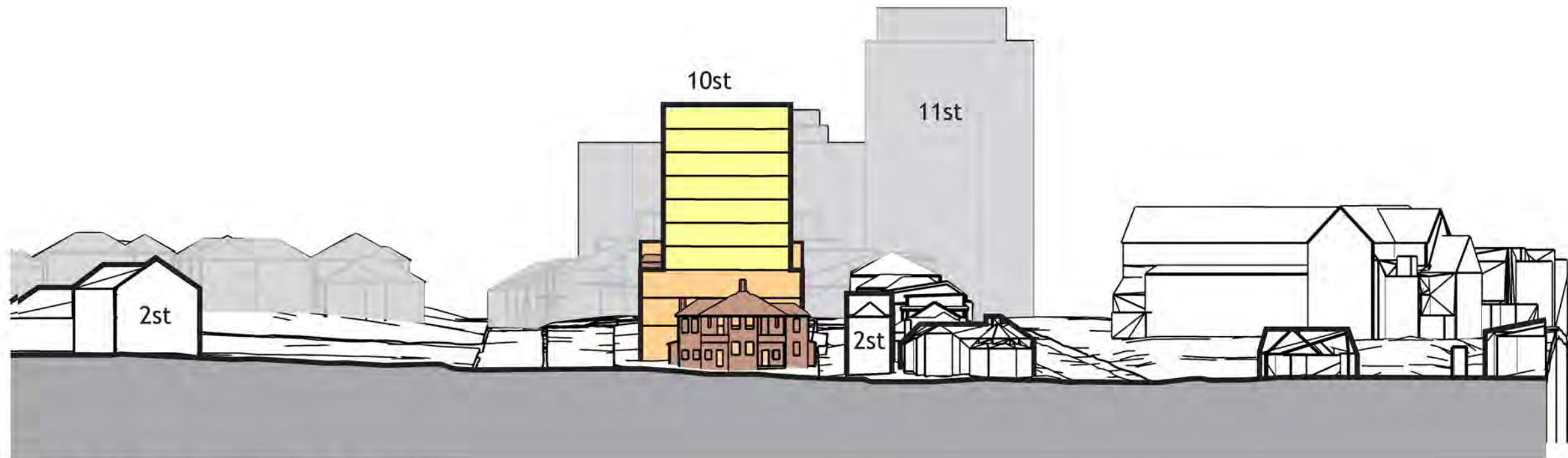
Council adopted built form - 8-10 storeys



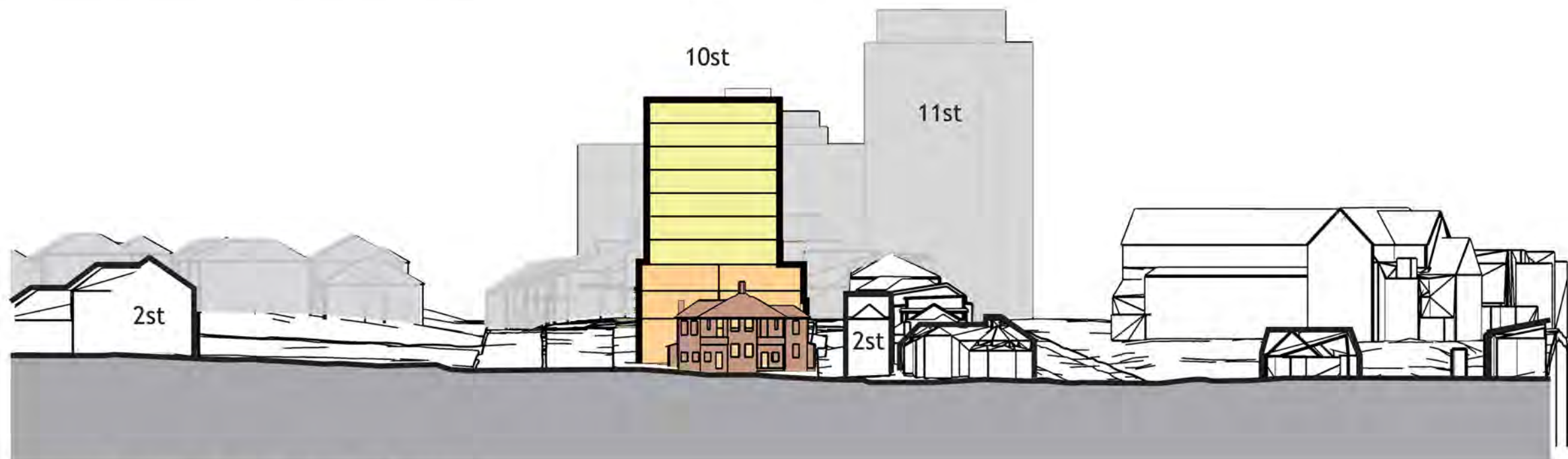
Height comparison of 2 different scenarios

- | | | |
|---|--|--|
|  Planning Proposal Built Form 8-10st |  Council adopted built form 8-10st |  Heritage/building within the conservation area |
|  Buildings on Pacific Hwy |  Context building |  Vertical waist |


SECTIONAL STUDY

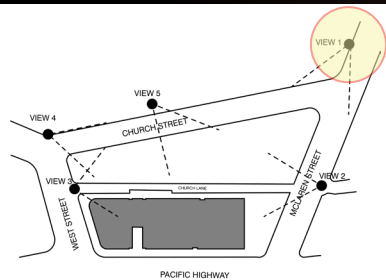
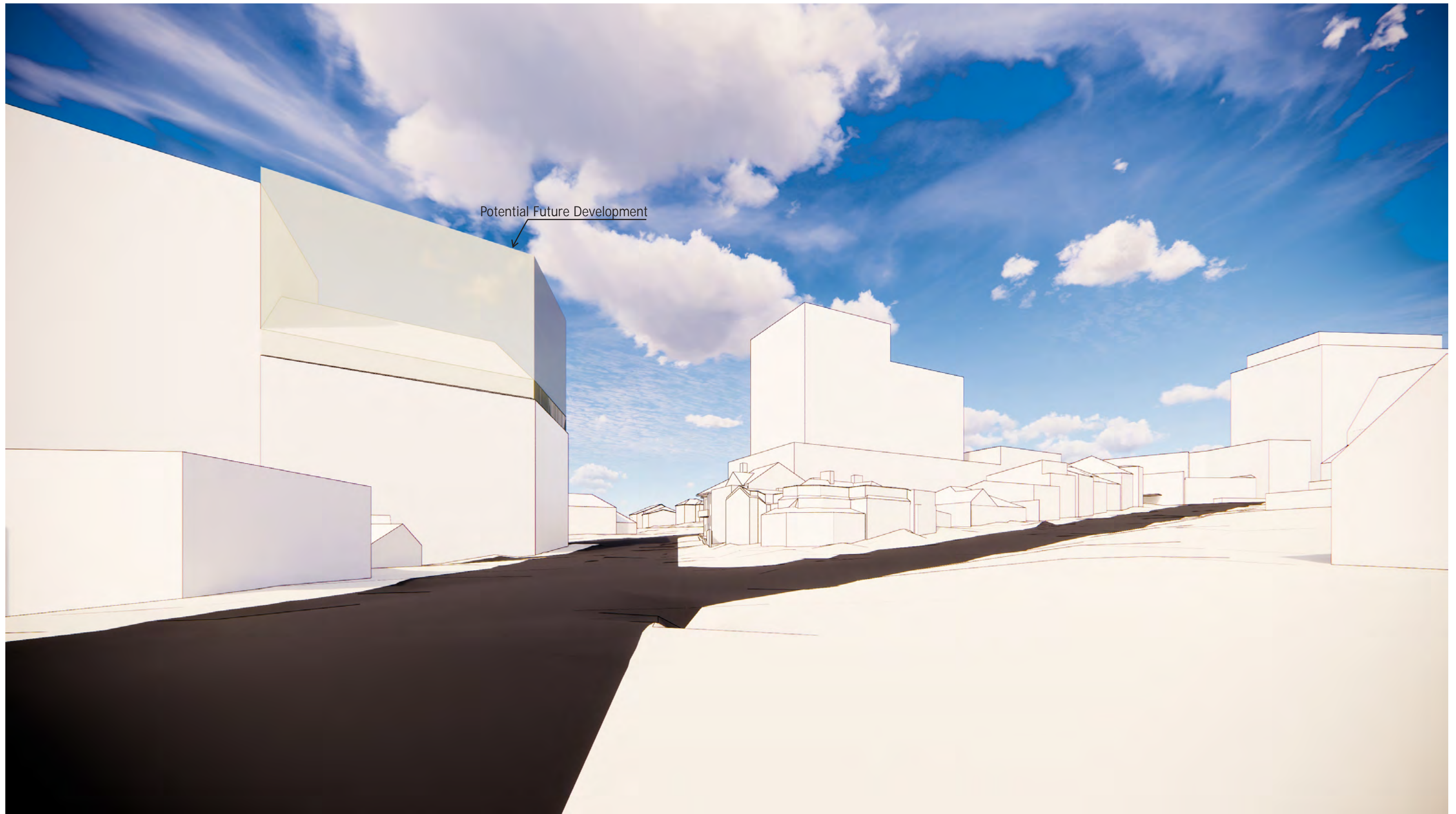


Council adopted built form - 8-10 storeys

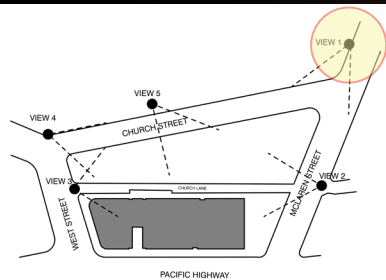


Planning Proposal Built Form- 8-10 storeys

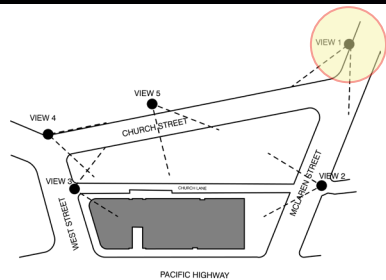
 3st podium on site  Tower above the podium  Heritage/building within the conservation area  Context building



COUNCIL ADOPTED BUILT FORM VIEW 1 - CORNER OF CHURCH ST & MCLAREN ST



PLANNING PROPOSAL BUILT FORM VIEW 1 - CORNER OF CHURCH ST & MCLAREN ST



COMPARISON OF THE TWO SCENARIOS VIEW 1 - CORNER OF CHURCH ST & MCLAREN ST

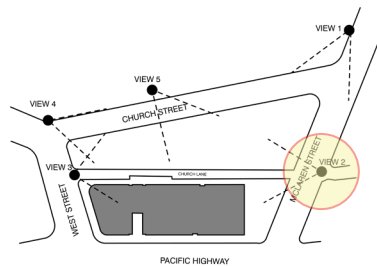
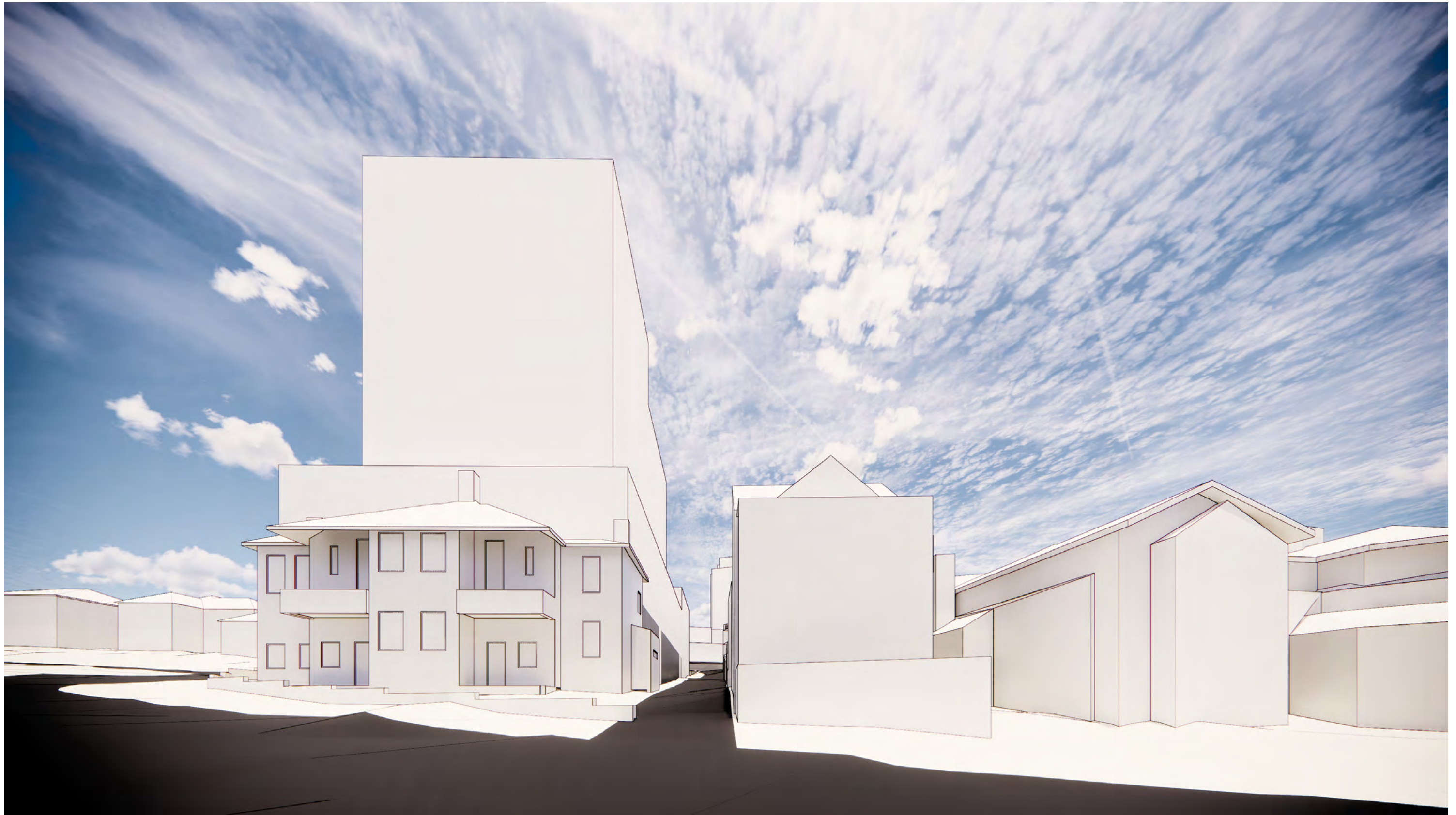


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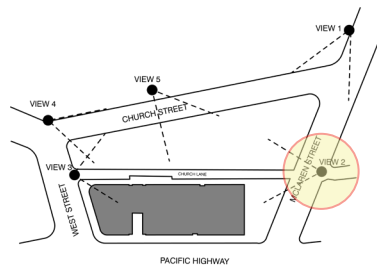
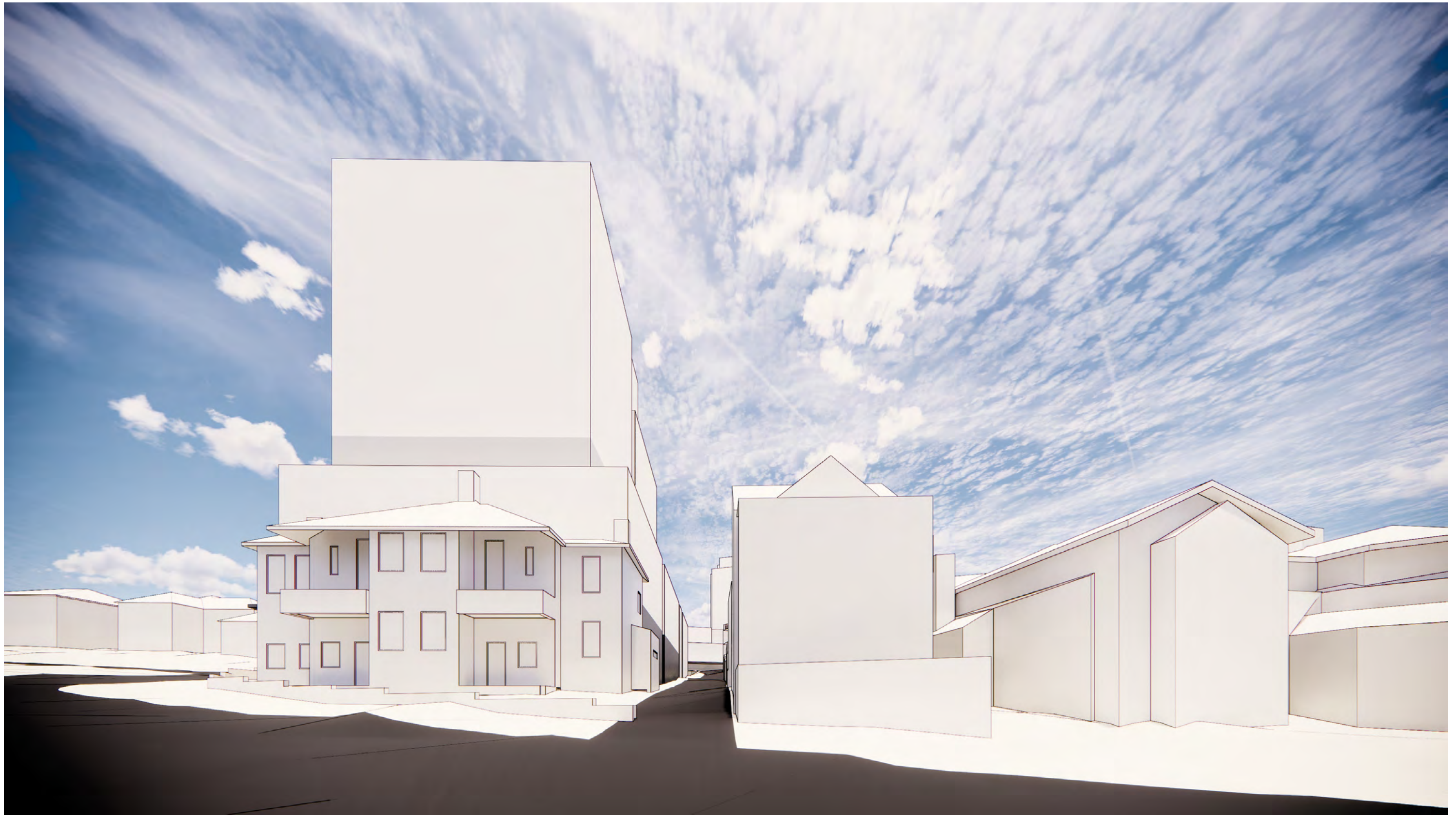
- Tower bulk is moved further away from laneway.
- Northern bulk is further setback on its upper level. Both provide more sky view to Church Lane and McLaren St Precinct.
- Additional articulation zones provided.
- Vertical indent added to tower, to separate 8 and 10 storey elements.
- Same setback to South against contributory item on McLaren St.
- Tower bulk is moved further towards the highway.

CONCLUSION

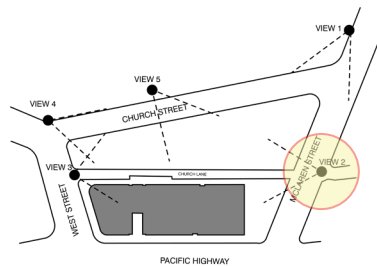
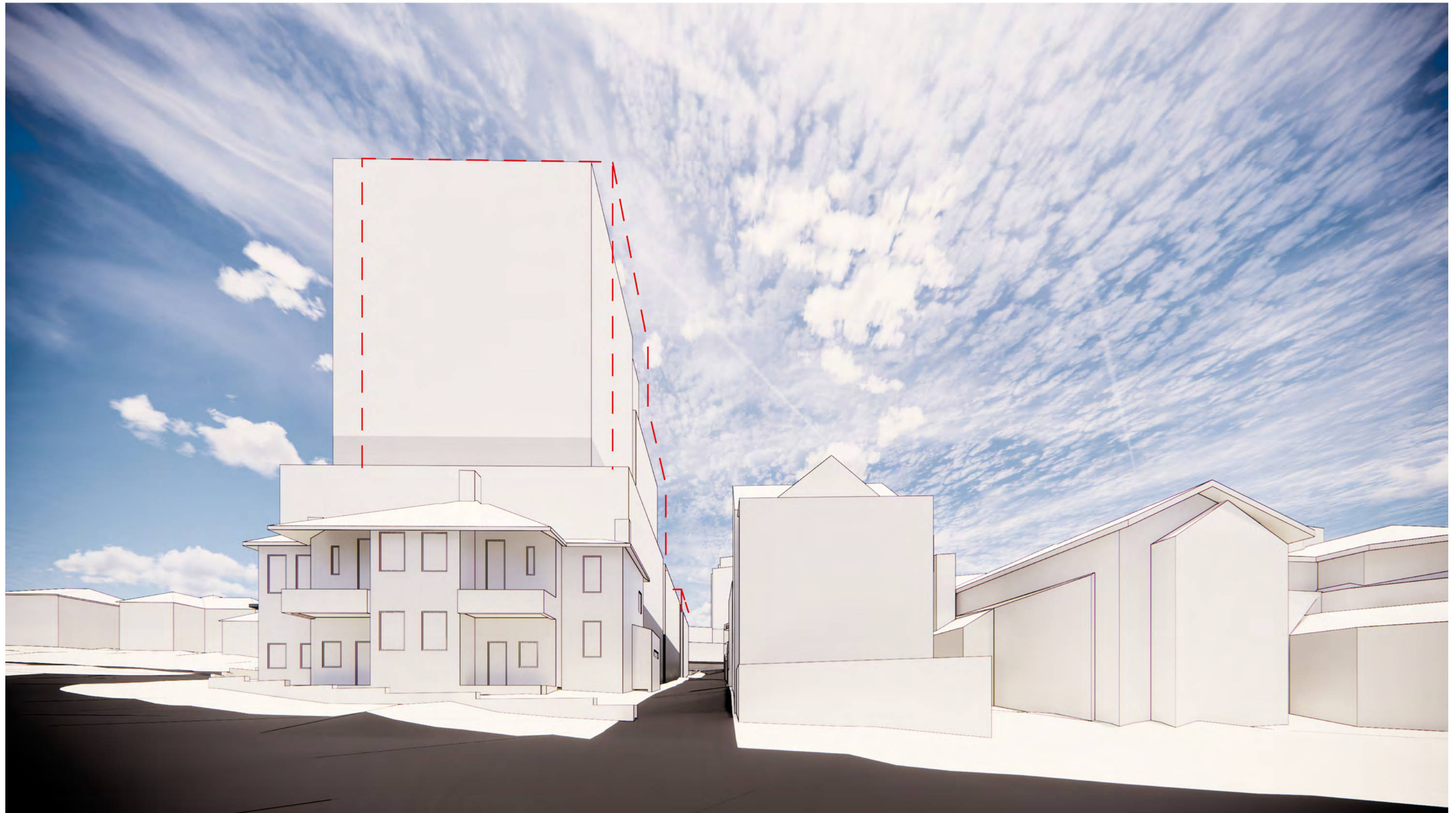
- Better to setback further on the more sensitive laneway than on the Highway, and better to setback to the Northern upper level.



COUNCIL ADOPTED BUILT FORM VIEW 2 - INTERSECTION OF ANGELO ST AND McLAREN ST



PLANNING PROPOSAL BUILT FORM VIEW 2 - INTERSECTION OF ANGELO ST AND McLAREN ST



COMPARISON OF THE TWO SCENARIOS VIEW 2 - INTERSECTION OF ANGELO ST AND McLAREN ST

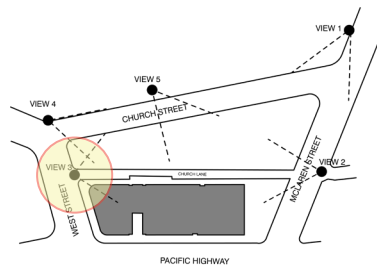
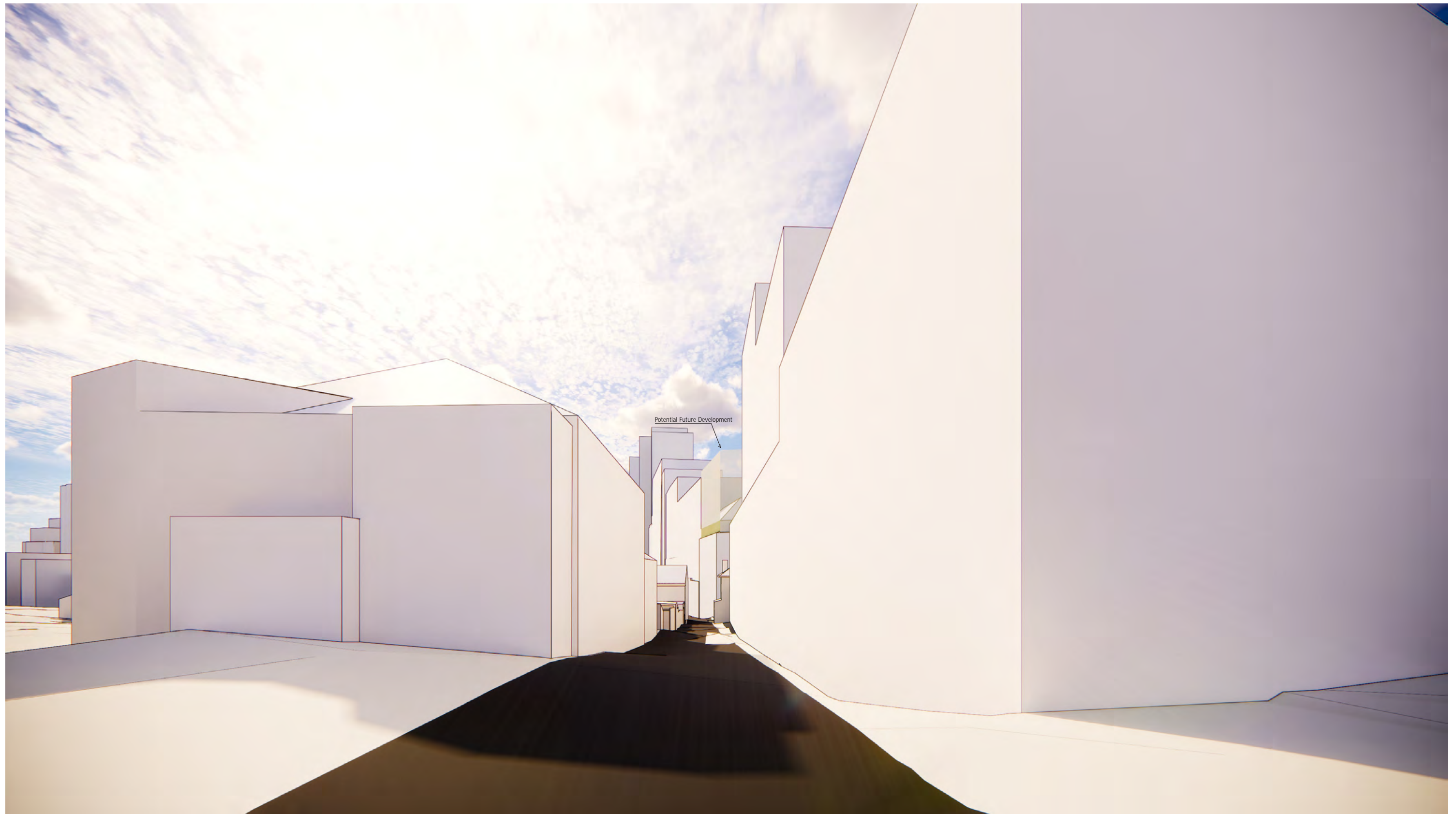


OUTCOMES:

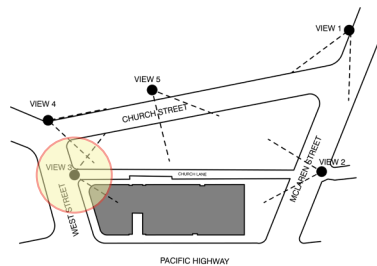
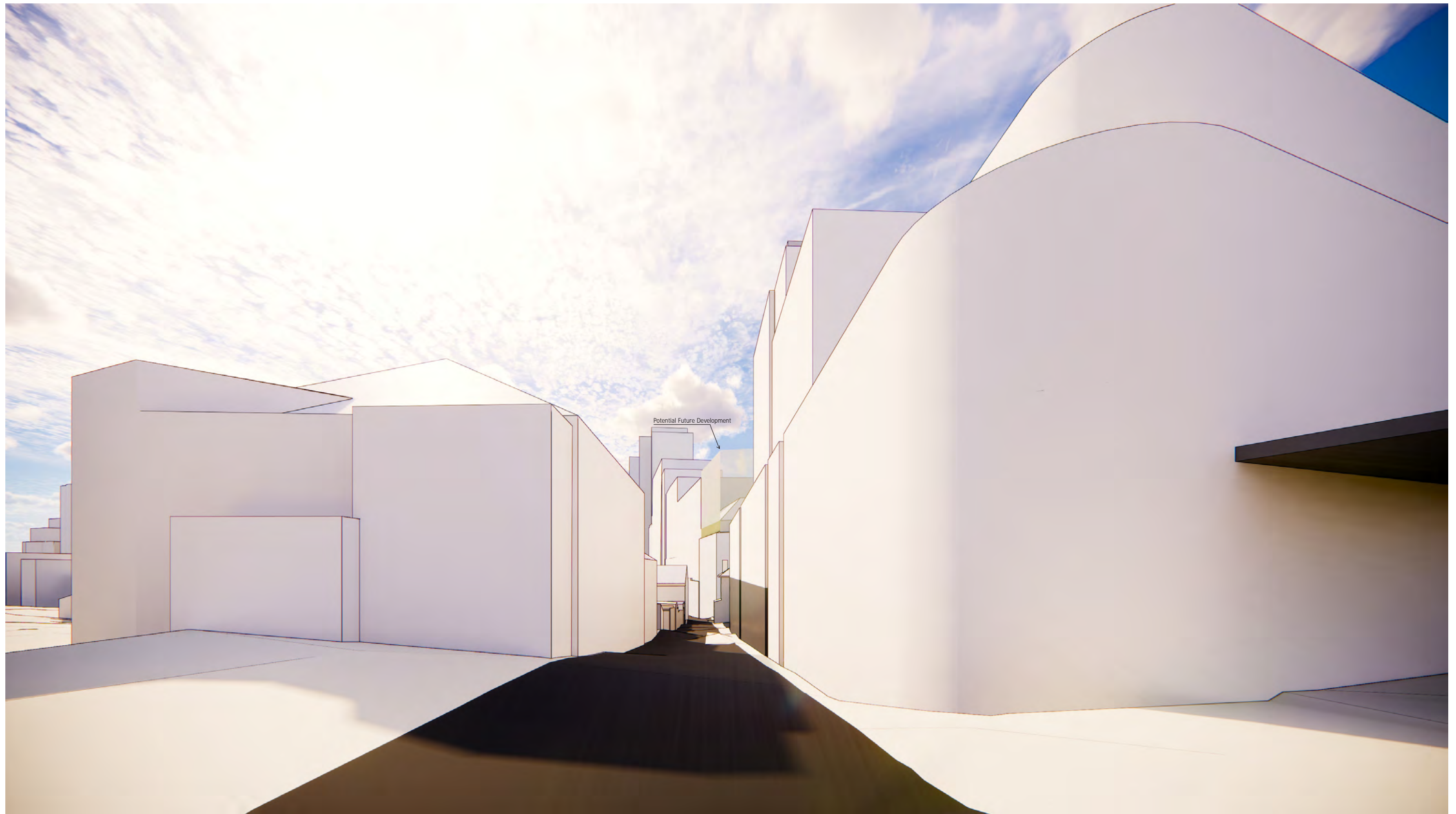
- Tower bulk is moved further away from laneway.
- Same height and setback to South against contributory item on McLaren St.
- Tower bulk is moved further towards the highway.
- Additional articulation zones provided.

CONCLUSION

- Better to setback further on the more sensitive laneway than on the Highway.

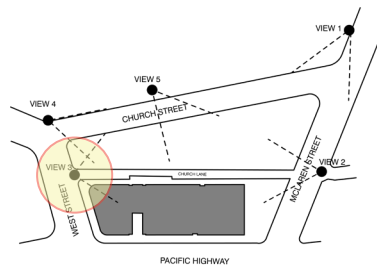
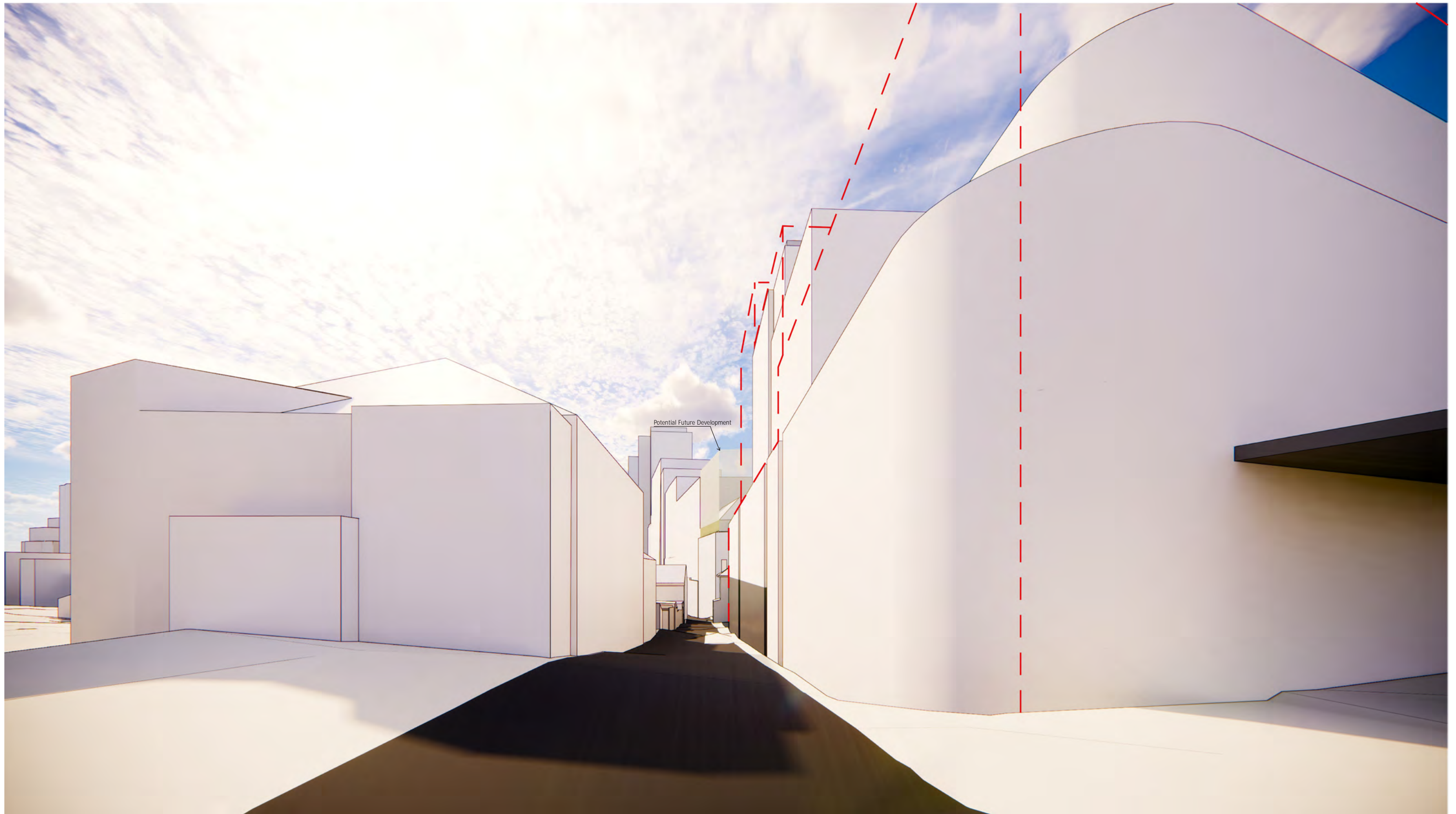


COUNCIL ADOPTED BUILT FORM VIEW 3 - INTERSECTION OF WEST ST AND CHURCH LANE



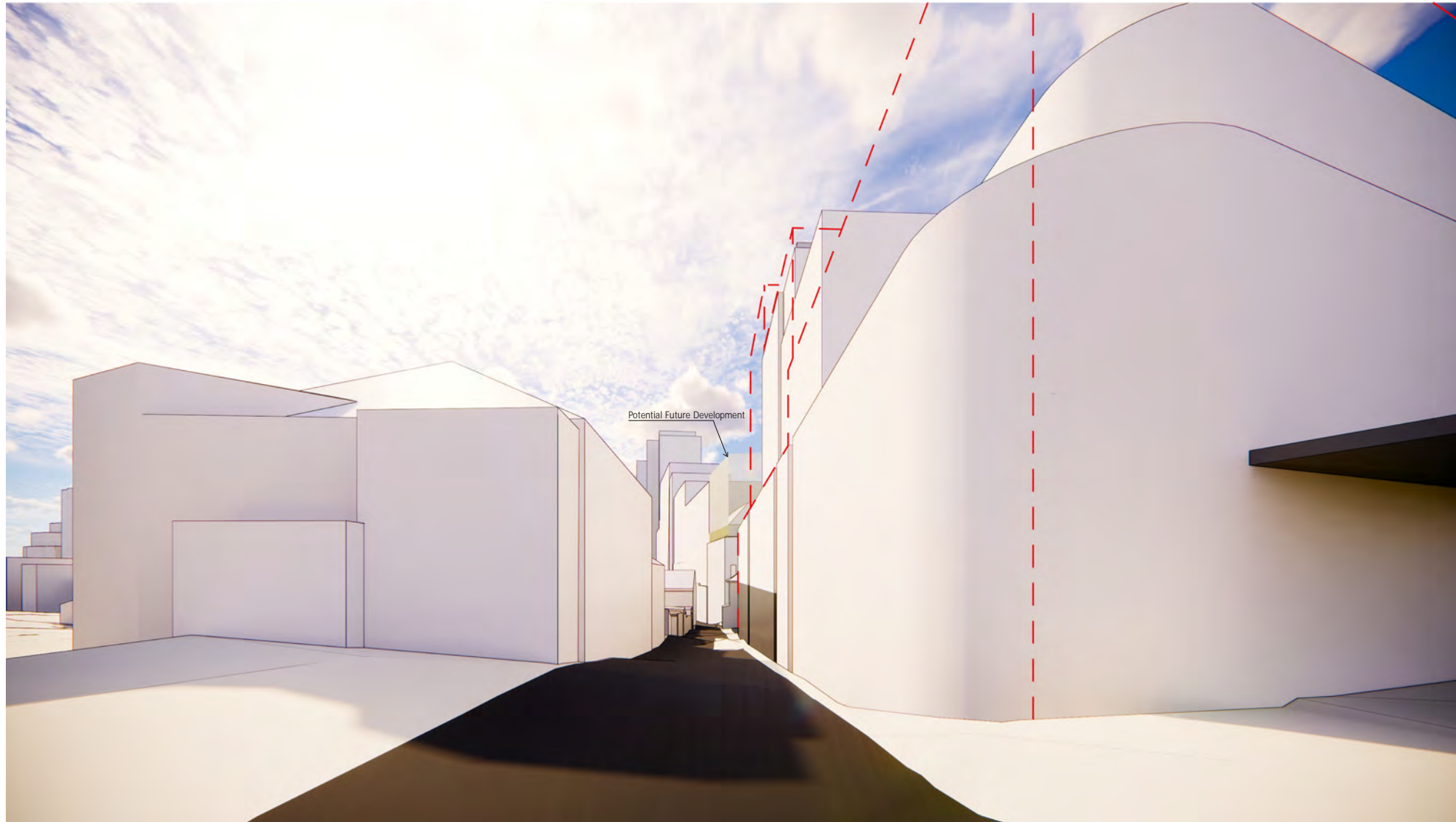
PLANNING PROPOSAL BUILT FORM

VIEW 3 - INTERSECTION OF WEST ST AND CHURCH LANE



COMPARISON OF THE TWO SCENARIOS

VIEW 3 - INTERSECTION OF WEST ST AND CHURCH LANE

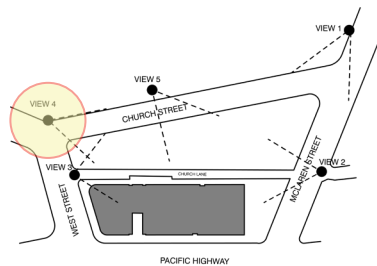
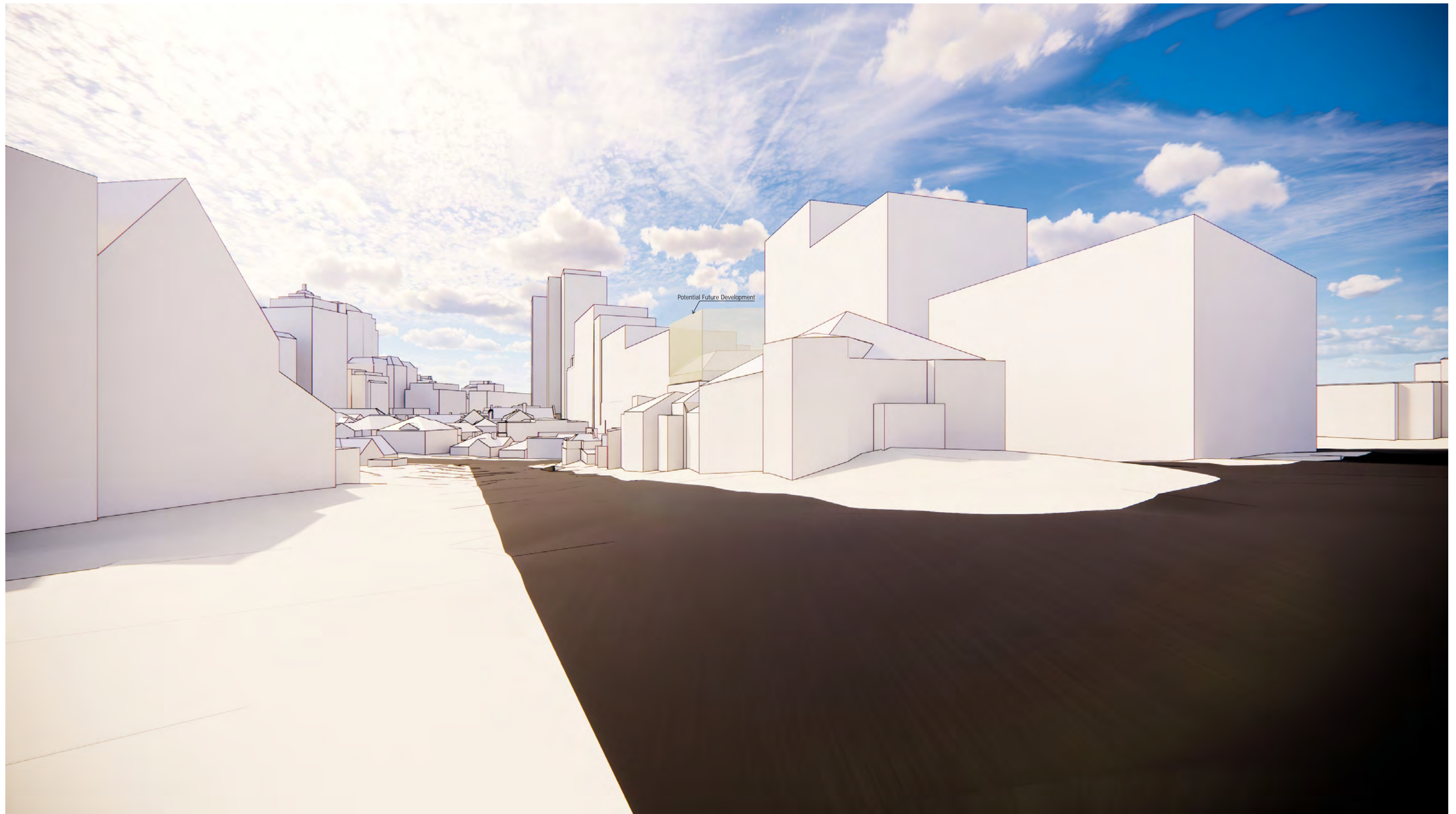


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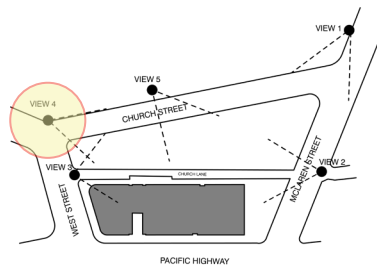
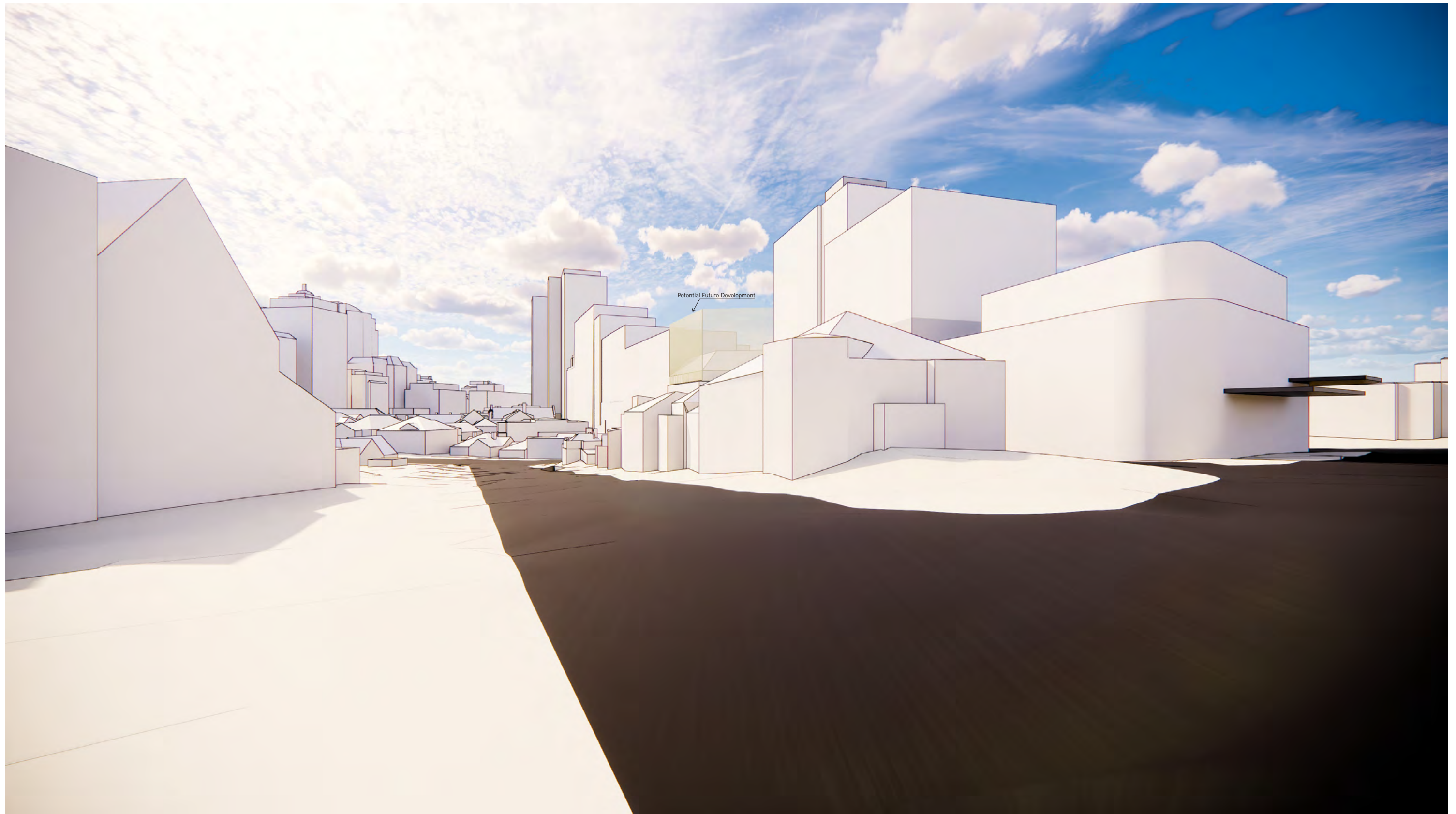
- Tower bulk is moved further away from laneway.
- Northern bulk is further setback on its upper level to provide more sky view to Church lane and to the hotel which is also a heritage item.
- Vertical indent added to tower, to separate 8 and 10 storey elements.
- Additional articulation zones provided.
- Same setback to South against contributory item on McLaren St.
- Tower bulk is moved further towards the highway.

CONCLUSION

- Better to setback further on the more sensitive laneway than on the Highway
- Better to allow form of the hotel opposite to be mirrored in the proposed Northern envelope, Per the PP.

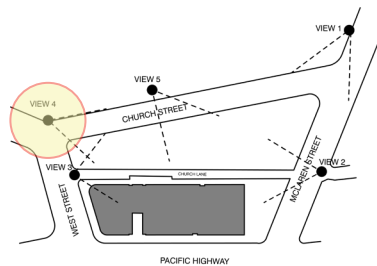
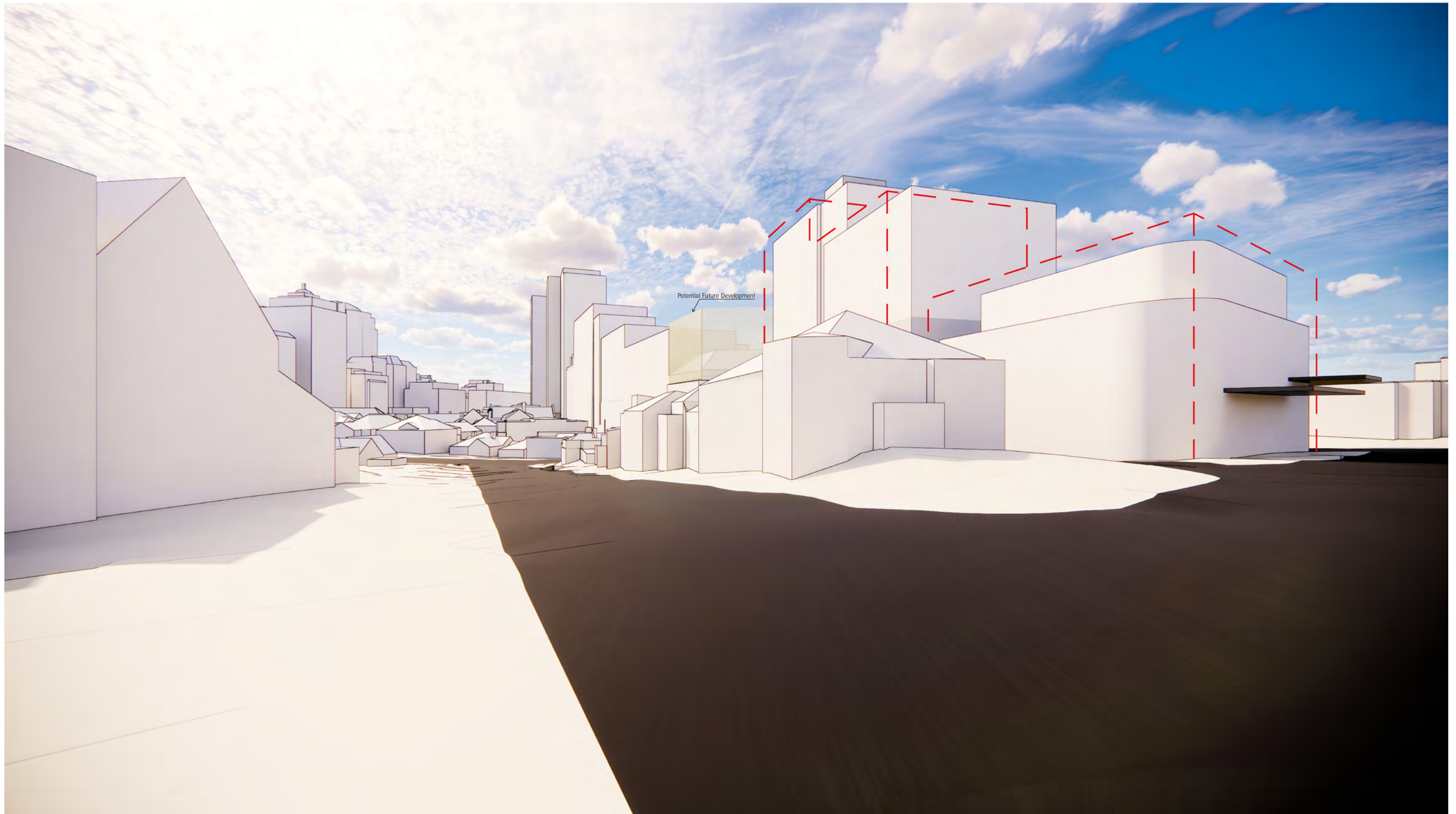


COUNCIL ADOPTED BUILT FORM VIEW 4 - CORNER OF WEST ST AND CHURCH ST

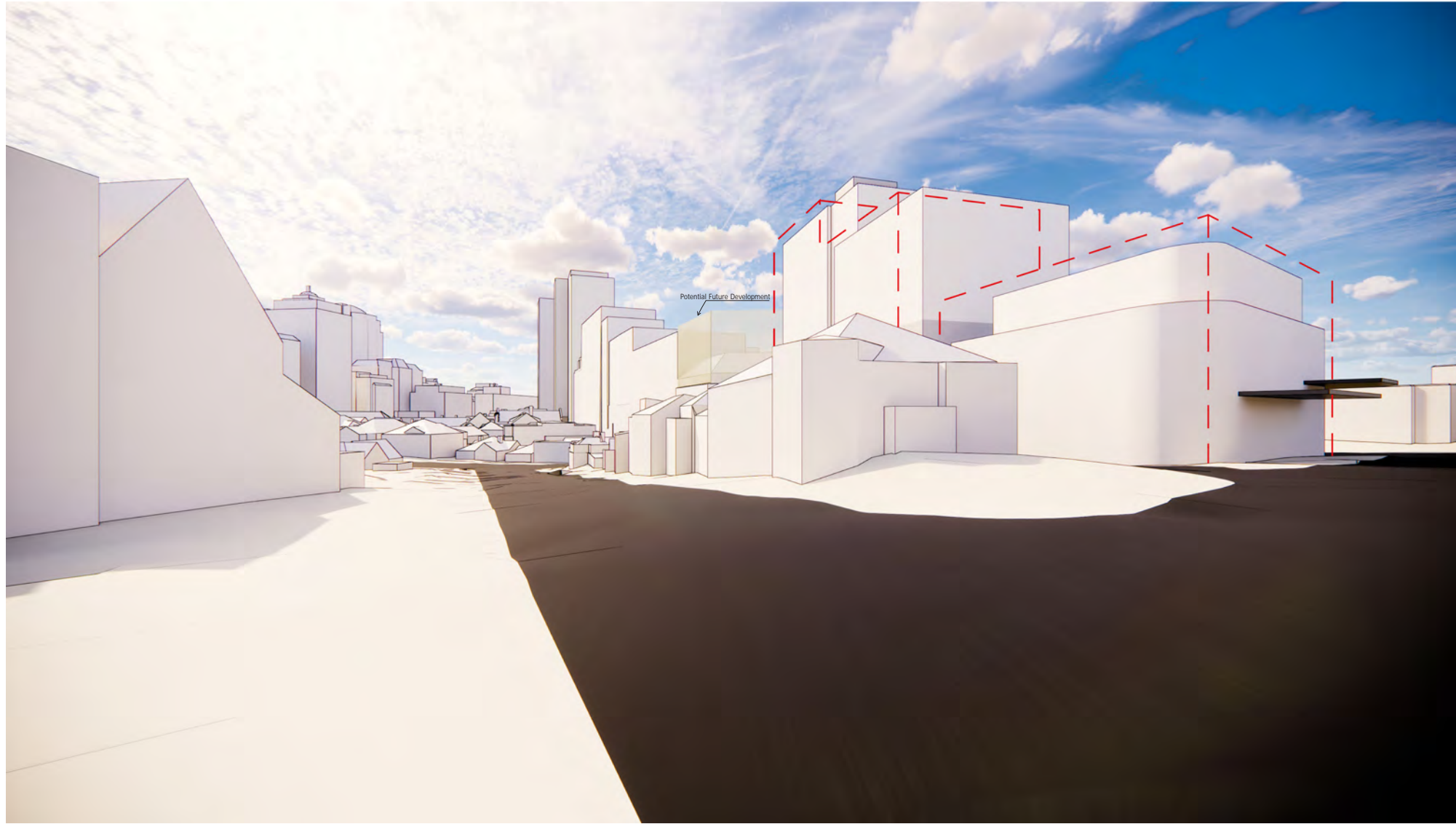


PLANNING PROPOSAL BUILT FORM

VIEW 4 - CORNER OF WEST ST AND CHURCH ST



COMPARISON OF THE TWO SCENARIOS VIEW 4 - CORNER OF WEST ST AND CHURCH ST

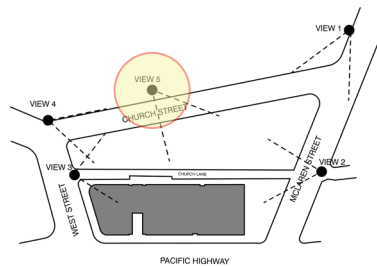


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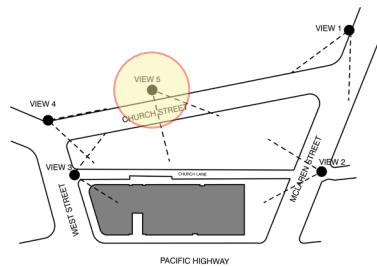
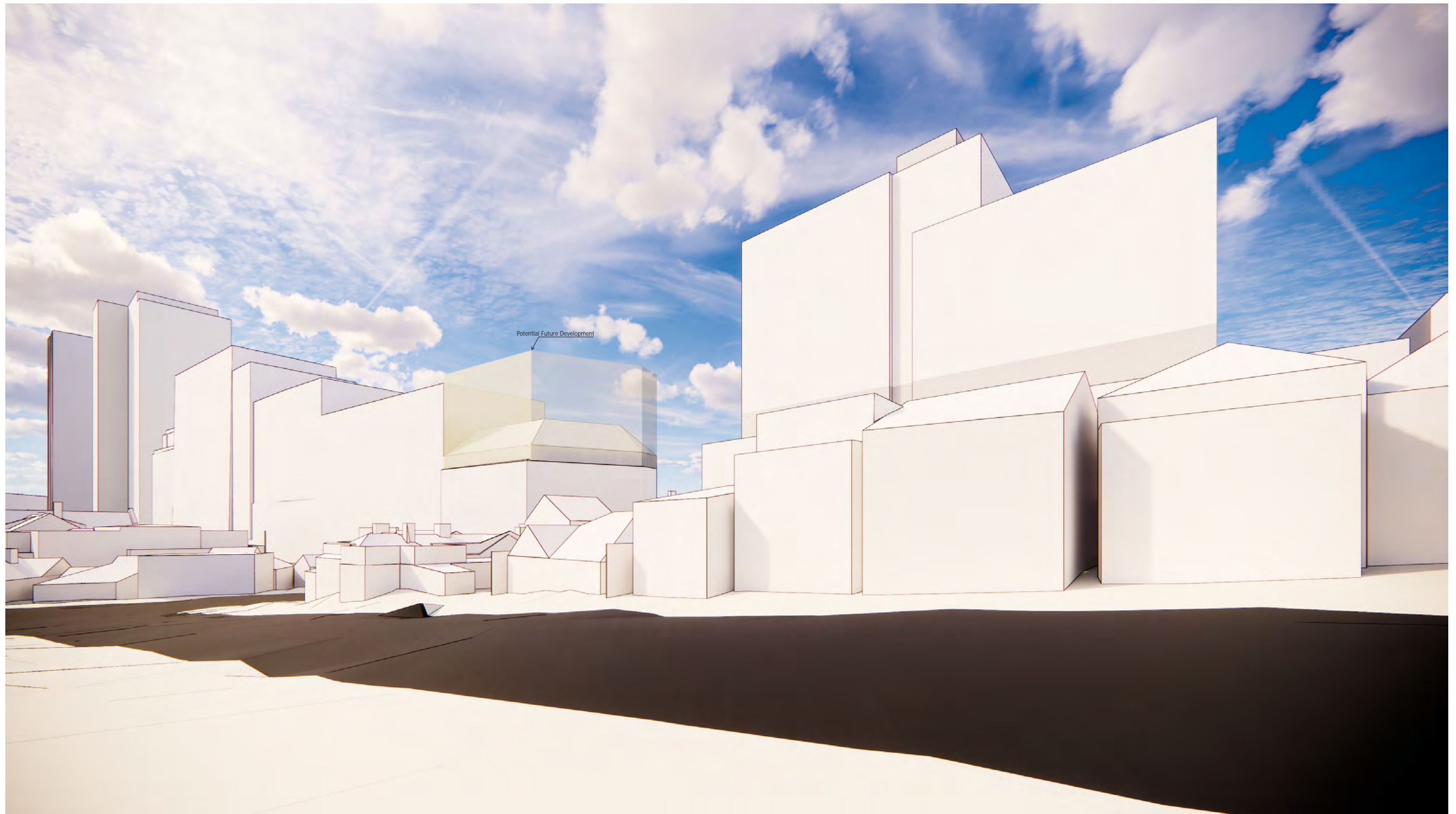
- Northern bulk is further setback on its upper level providing improved recessive upper character and a tailored response to the intersection.
- Tower bulk is moved further away from laneway.
- Additional articulation zones provided.
- Same setback to South against contributory item on McLaren St.
- Tower bulk is moved further towards the highway.
- Uppermost two levels of the tower are pushed North to allow for a workable floor plate and efficient apartment layout (but only to the extent that they provide the requisite 25% communal open space rooftop area).

CONCLUSION

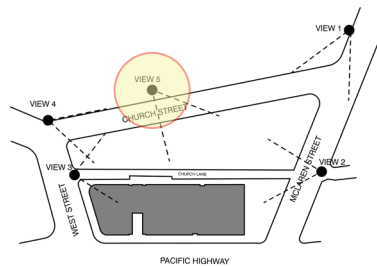
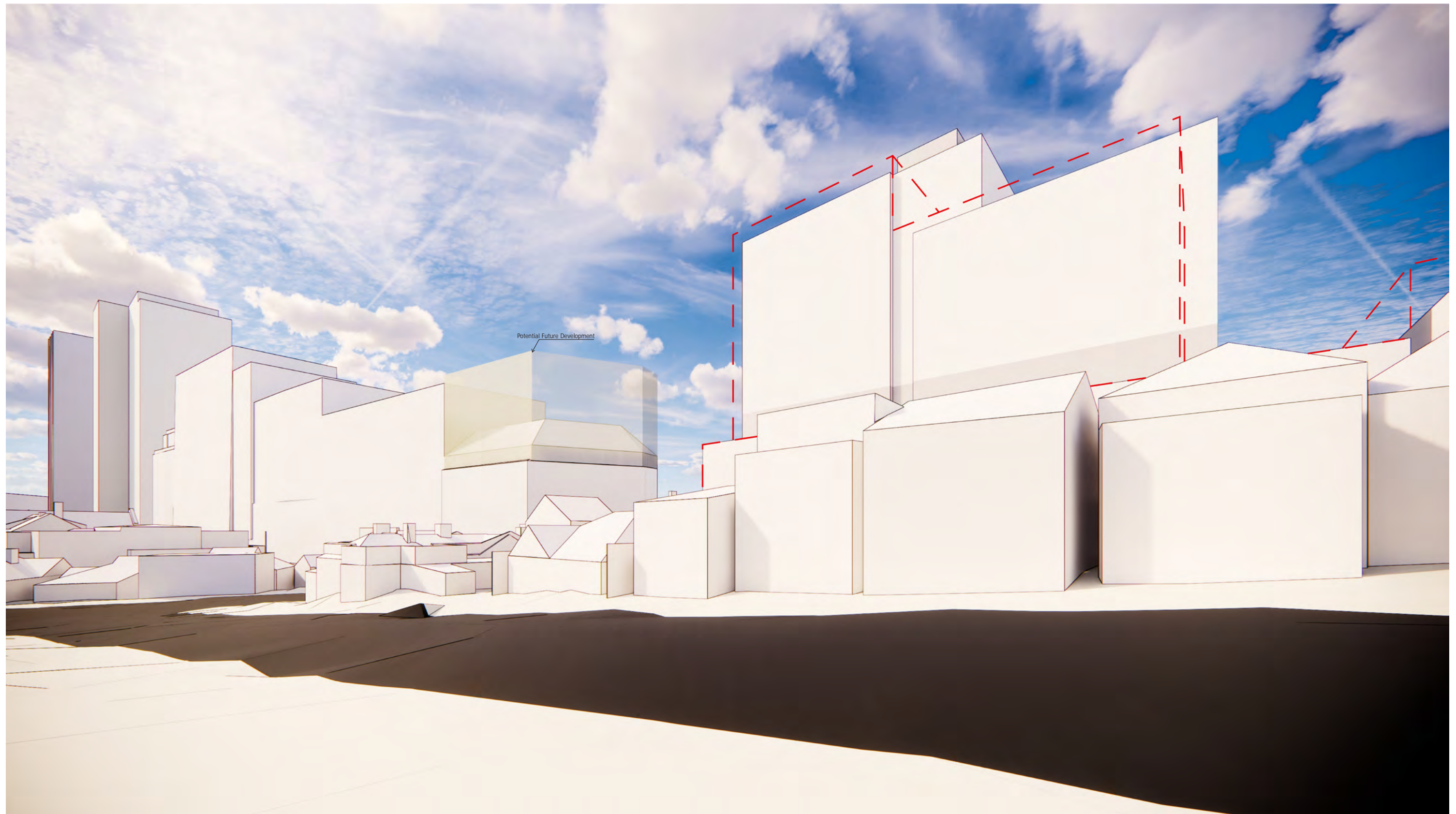
- Better to setback further on the more sensitive laneway than on the Highway.



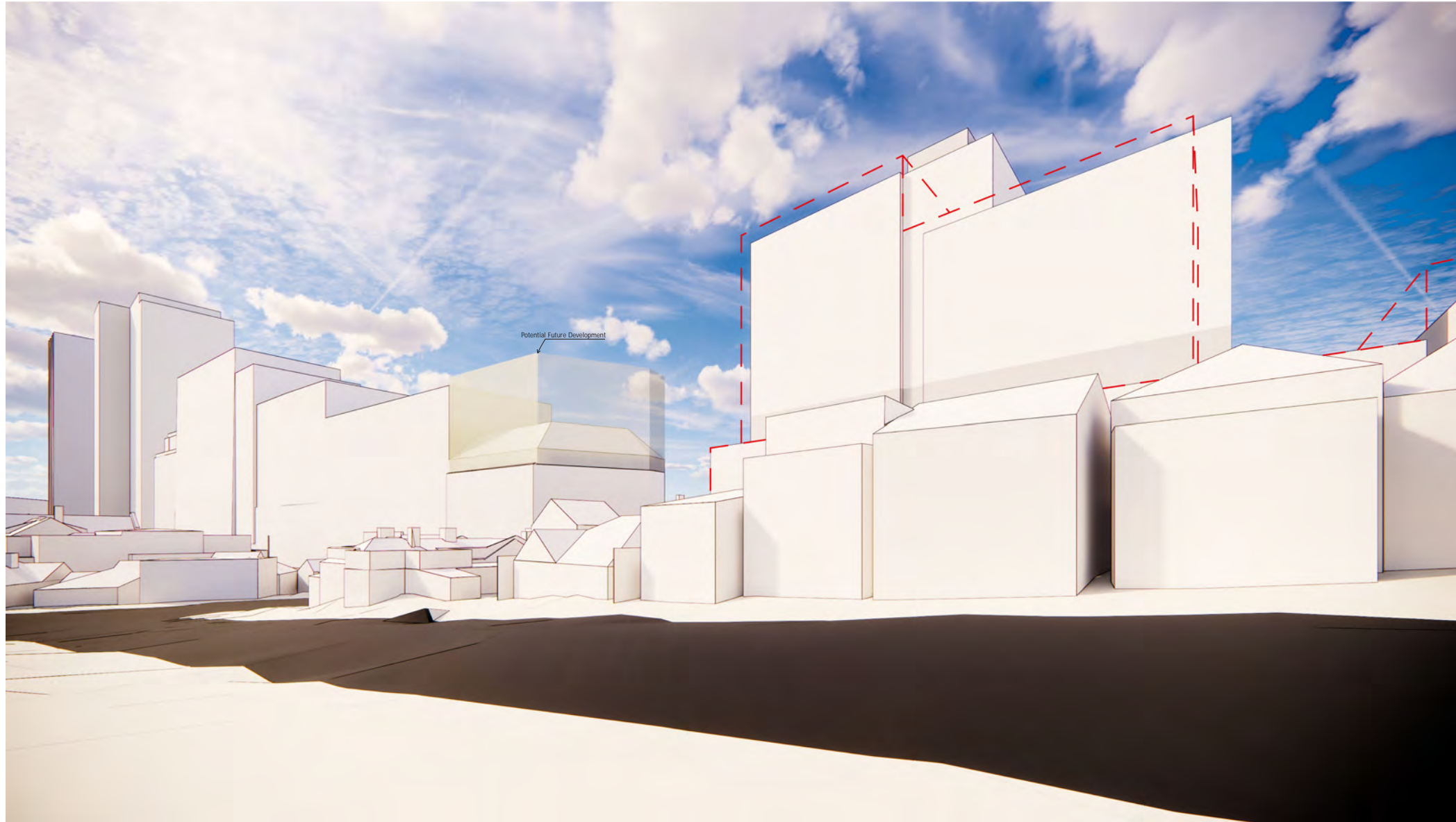
COUNCIL ADOPTED BUILT FORM VIEW 5 - ST THOMAS' ANGLICAN CHURCH DOOR VIEW (CHURCH ST)



PLANNING PROPOSAL BUILT FORM VIEW 5 - ST THOMAS' ANGLICAN CHURCH DOOR VIEW (CHURCH ST)



COMPARISON OF THE TWO SCENARIOS VIEW 5 - ST THOMAS' ANGLICAN CHURCH DOOR VIEW (CHURCH ST)



OUTCOMES:

- Tower bulk is moved further away from laneway
- Northern bulk is further setback and provides more sky view.
- Additional articulation zones provided.
- Same setback to South against contributory item on McLaren St.
- Tower bulk is moved further towards the highway.

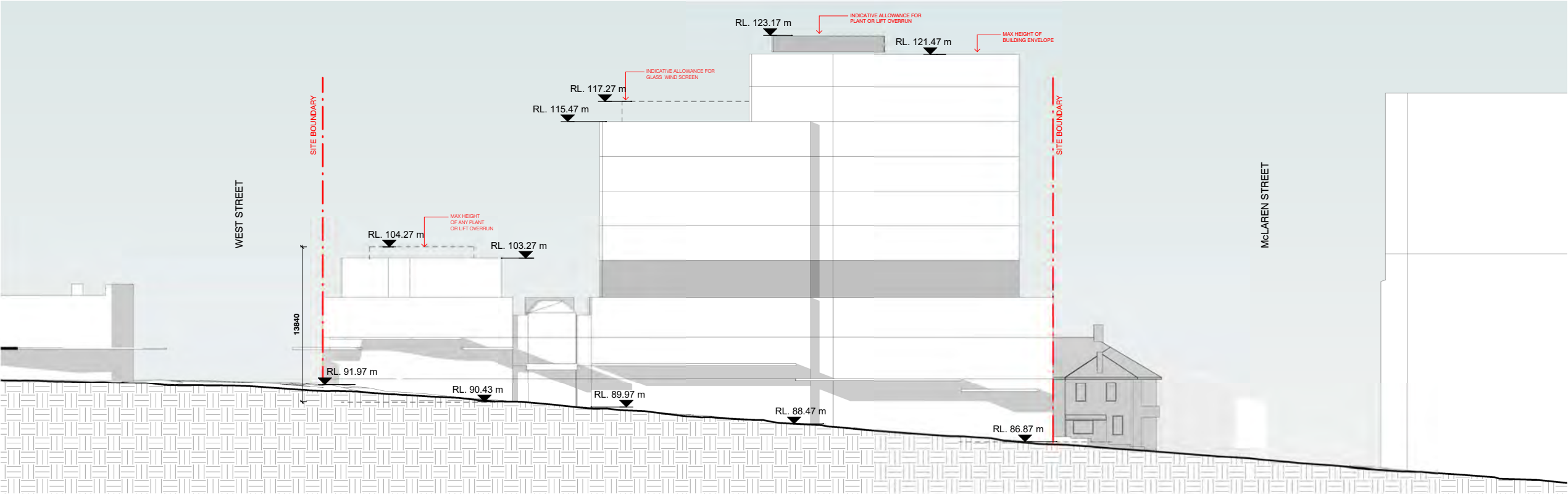
CONCLUSION

- Better to setback further on the more sensitive laneway than on the Highway.

SOUTH AND WEST ELEVATION - ENVELOPE



1 SOUTH ELEVATION (McLAREN STREET) - ENVELOPE
1 : 200



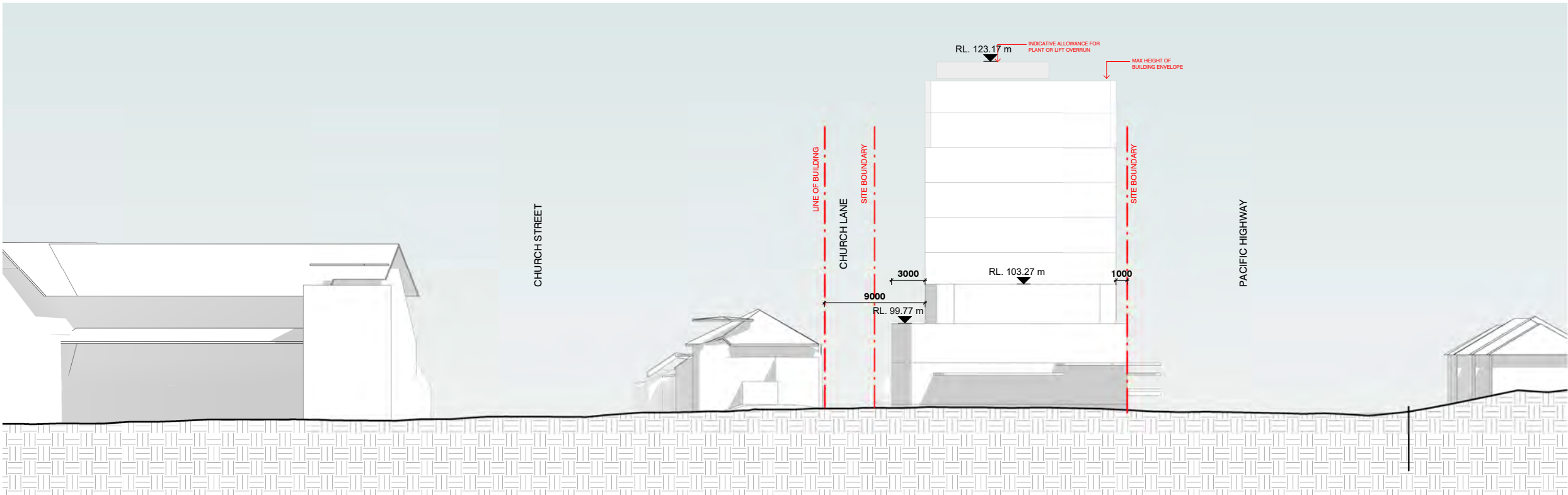
2 WEST ELEVATION (PACIFIC HIGHWAY) - ENVELOPE
1 : 200



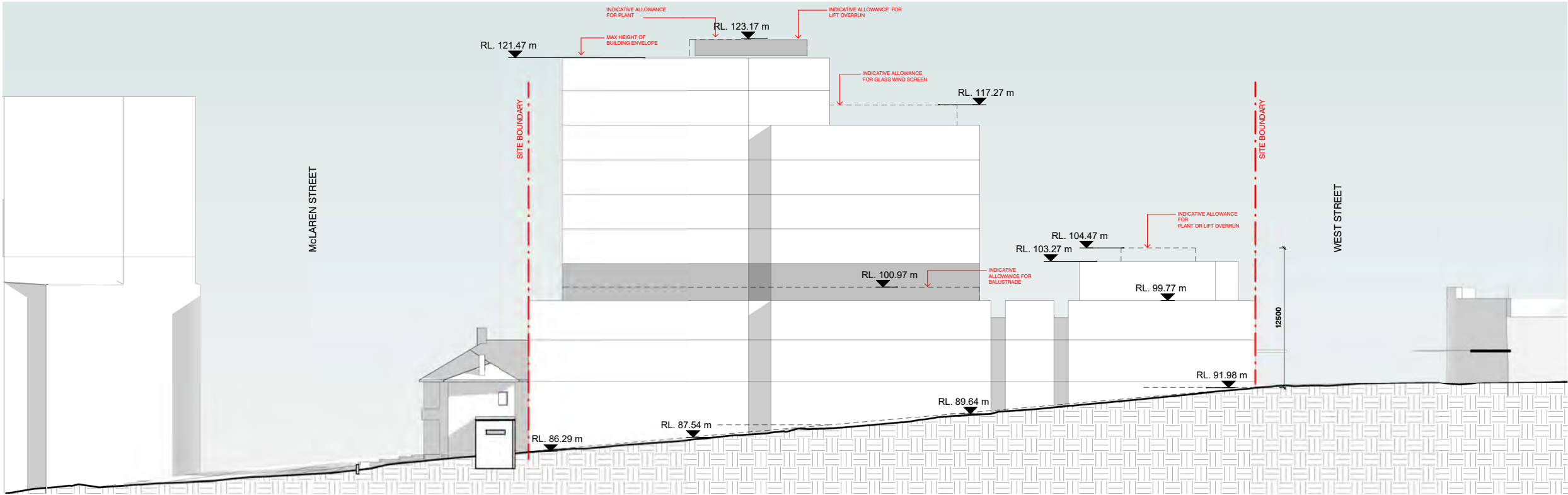
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NORTH AND EAST ELEVATION - ENVELOPE



1 NORTH ELEVATION (WEST STREET) - ENVELOPE
1 : 200



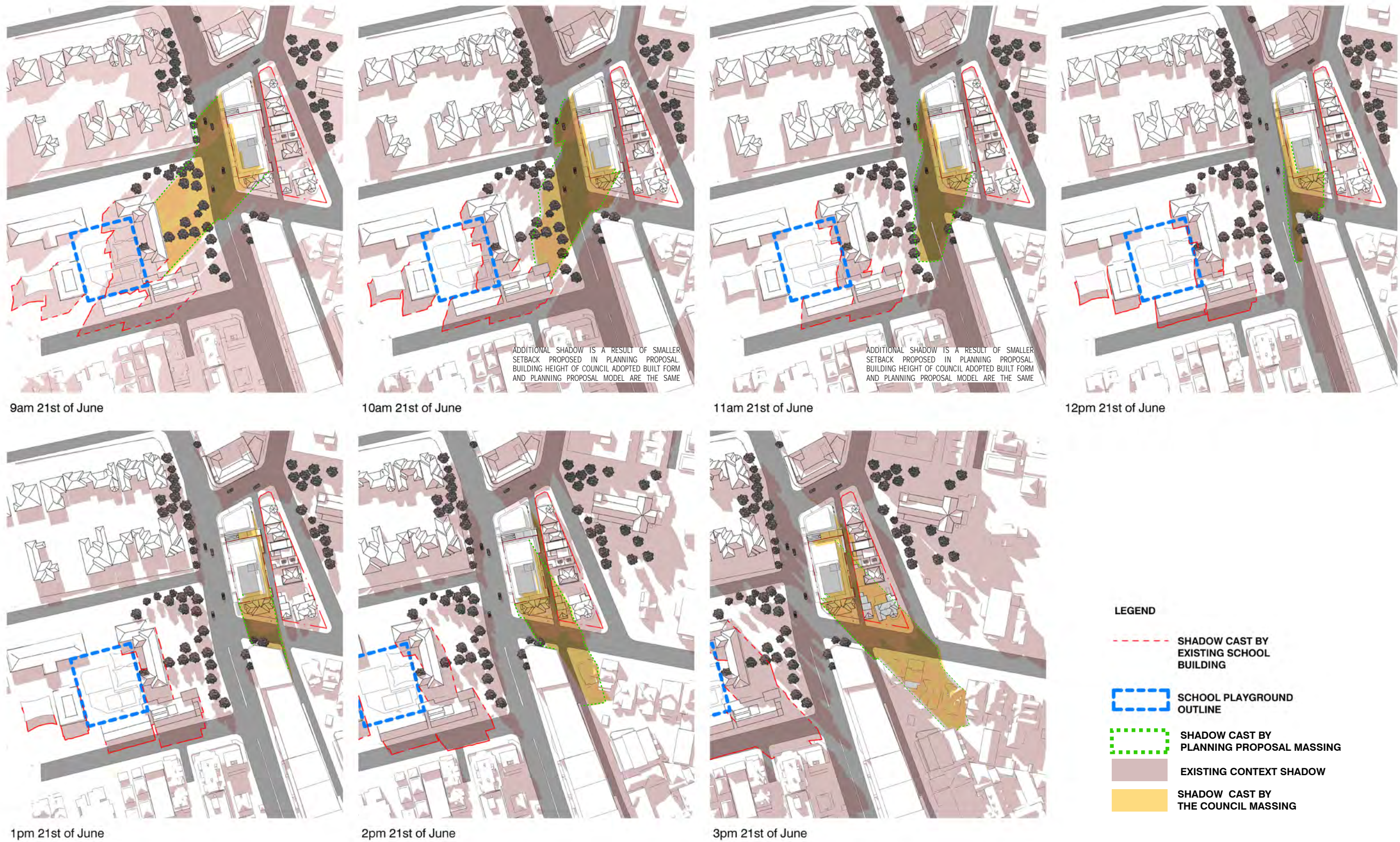
2 EAST ELEVATION (CHURCH LANE) - ENVELOPE
1 : 200



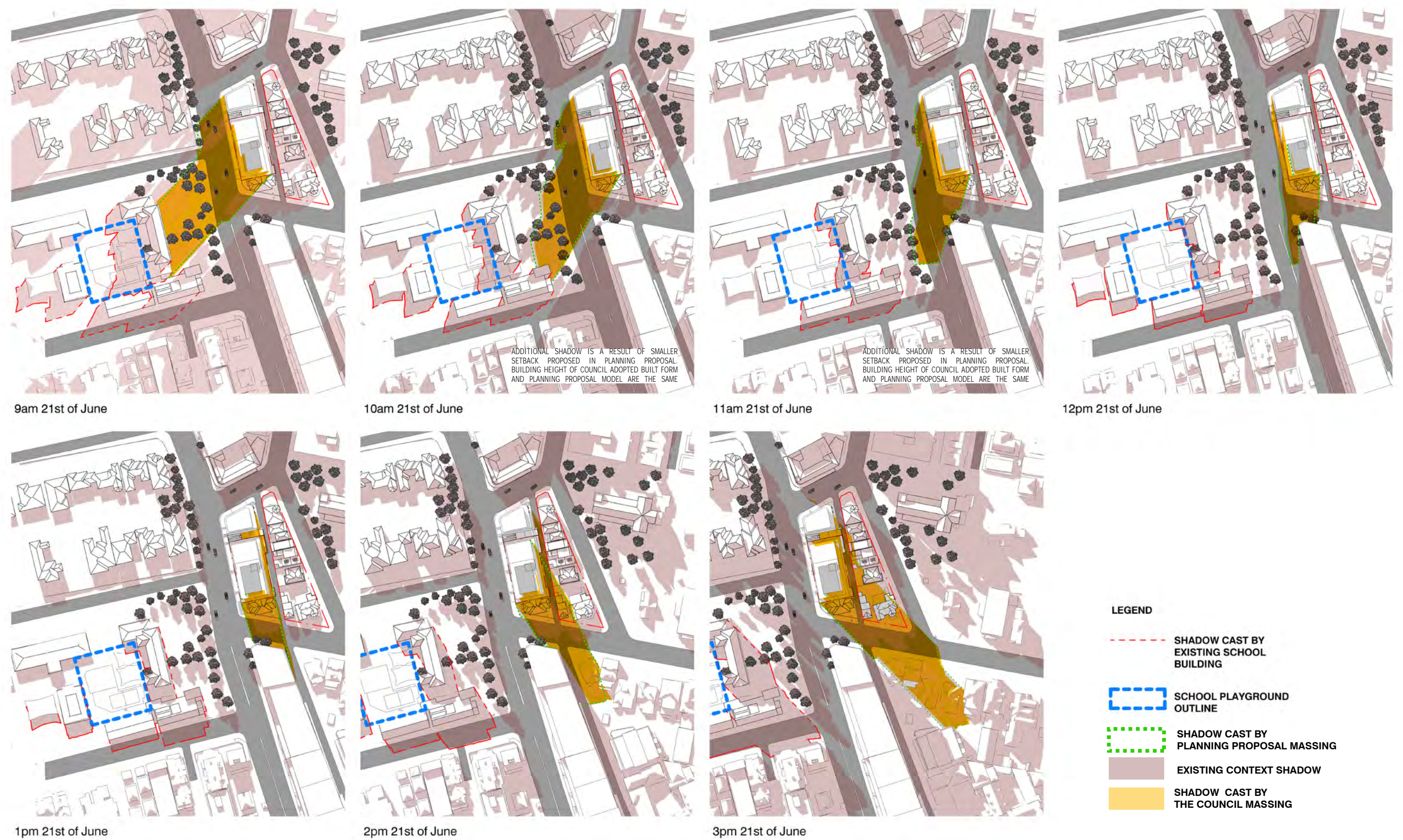
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COUNCIL AND PLANNING PROPOSAL BUILT FORM SOLAR STUDY



COUNCIL AND PLANNING PROPOSAL BUILT FORM SOLAR STUDY (WITH 450mm ARTICULATION ZONE)



ADDITIONAL OVERSHADOWING ON NORTH SYDNEY PUBLIC SCHOOL FROM THE PLANNING PROPOSAL
COMPARED TO THE COUNCIL ADOPTED BUILT FORM
1ST JULY 2019, SHADOW CAST AT 10am (WORST CASE SCENARIO)



Minimal additional overshadowing area
resulting from the Planning Proposal as
compared to the council adopted built form

Note that the majority of additional shadow cast by the PP
(being closer to the highway by 2m) falls on tarmac and/or
areas in shadow already from existing trees.

The additional shadow is only as a result of smaller setback
proposed in planning proposal, the building height of the
council adopted built form and planning proposal model are
the same.