



LEGACYPROPERTY

20 July 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 15 July 2021 re PP2/21 at 253-267 Pacific Highway, North Sydney

Please find our clarifications /responses to the matters raised in your letter dated 15 July 2021 included below and referenced in the attached response to the Design Excellence Panel (Panel).

1.Heritage

The CPPS scheme includes all the land between McLaren and West Streets, whilst the Concept Reference Scheme excludes Nos. 6-8 McLaren Street with no discussions as to the reasoning behind this exclusion.

In addition, the Concept Reference Scheme demonstrates that a conventional podium and tower form is incongruous with Nos 6-8 McLaren Street, resulting in a massing which dominates Nos. 6-8 McLaren Street. The documentation submitted does not adequately address the impact on the contributory item, nor how this item could in the future be incorporated into the development.

The interface with the contributory building needs to be resolved.

In addition, McLaren Street has been identified as an important visual corridor. It is recommended that a vista analysis along McLaren Street looking west, towards the site be submitted.

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. 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.

6-8 McLaren Street is set between commercial properties, however its inclusion in the conservation area allows the residential character of McLaren Street to be extended as far as the Pacific Highway and support an appreciation of a continuous streetscape naturally terminating at a major road intersection.

The reference scheme does not include 6-8 McLaren Street as part of the development as the level of physical intervention required to incorporate it into the scheme would require an unacceptable level of change. This change would physically and visually alter the residential scale and character of 6-8 McLaren Street and in turn, its ability to contribute to the HCA.

Retention of these properties independent from the development supports the stated aims of the CPPS to maintain areas which are characterised by a leafy outlook and which support a pedestrian friendly environment. The proximity of the Pacific Highway intersection is a double-edged sword – it makes this a vehicular heavy environment whilst also supporting a major pedestrian crossing point



from the North Sydney Demonstration School. The location of the Victoria Metro Northern Portal will further increase the amount of pedestrian traffic using this intersection, making the retention of these dwellings important in maintaining the continuity of the McLaren Street streetscape as a pedestrian scaled environment.

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. (For the view analysis please refer to pages 6 -13 in the DEP additional information pack attached to this letter.)

The primary presentation of 6-8 McLaren Street is to McLaren Street; the proposed 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.

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 as such the podium and tower form is neither unfamiliar nor incongruous. Importantly the proposed scheme meets the planning controls in terms of height set by Council.

We appreciate that the future detailed architectural response will address the proximity of the podium to 6-8 McLaren Street in much greater detail in terms of materiality, articulation and fenestration design. The NSW Heritage Office (now Heritage NSW) publication Design in Context – Guidelines for Infill Development sets out a series of principles that will guide decisions around this future detailed design of the interface between 6-8 McLaren Street and the podium.

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

2. Zone interface and transition in scale

It is recommended that additional massing studies be provided illustrating the proposed built form/visual massing as viewed from the surrounding lower scale R3 zoned land (the adjacent McLaren Street heritage conservation area), consistent with the request by the Design Excellence Panel.

Please refer to pages 6 to 25 of the DEP additional information pack attached to this letter.



3.Podium

The Concept Reference Scheme does not allow the podium to step down Pacific Highway. Whilst it is acknowledged that the Concept Reference Scheme does achieve the 3 storey street wall height recommended under the CPPS (aligning with the streetscape to the north) the continuation of the podium results in a massing which dominates the contributory item to the south at No. 6-8 McLaren Street.

There is a potential to pay homage to the original streetscape pattern by breaking up the continues street wall. This would also alleviate the massing presented to No. 6-8 McLaren Street. The rhythm and scale should be different from the developments to the south, since the site is not part of the contiguous CBD.

As you have acknowledged the study guidelines indicate a 3-storey podium and we are seeking to respond to that study. We believe it is appropriate and practical to adopt this podium massing as it reflects the form along pacific highway which in our view should not be ignored but continued as you transition to the north.

In relation to the podium design itself you will see in the reference design (extract below) that the notion of stepping is expressed by the awning design and the inclusion of a waist at the podium level. Further work will be done on this during design development leading to DA. At that time matters of materiality, articulation and fenestration design will be addressed.

In relation to the impact on the contributory item 6 to 8 McLaren please refer to the comments included under the previous section Item 1. Heritage.



4.Building Mass

It is noted that the proposed allocation of the maximum height is not consistent with the envelope suggested under the CPPS (10 storey tower envelope is larger than the suggested envelope). Insufficient justification for this variation has been provided.

The proposal before the Council & 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.

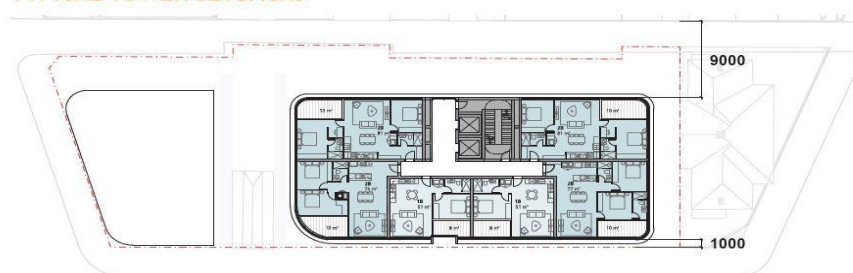
The reduction in number of storeys all over the site has made it impossible to achieve a viable footprint within 8 to 10 storeys in the remaining built form depth if a 3m setback is provided to the



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

The image below shows that by adopting this principle the result is a well-proportioned tower footprint that is ~ 17m that is in line with industry and ADG amenity requirements. Any further reduction in footprint width would result in unacceptable impacts on amenity and compliance with industry and ADG guidelines.

TYPICAL TOWER SETBACKS



- A WELL-PROPORTIONED FOOTPRINT OF 17M WIDTH X 37.3M LENGTH
- PROVIDES 82% SOLAR ACCESS AND 72% CROSS VENTILATION
- 9M SETBACK TO CHURCH LANE NEIGHBOURS
- 1M SETBACK TO PACIFIC HIGHWAY. NOT 3M, TO PROVIDE REASONABLE PRIVACY TO RESIDENTIAL NEIGHBOURS ON LANEWAY.

The overall reduction in storeys has also led to a slight extension of the 10 storey section towards the north. This slight increase does not result in significant adverse visual impacts as heights of that order 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.

I think it is relevant to point out that the envelope shown in the Council Study is indicative and the recommendations are guidelines. This would suggest there can be some flexibility in how it 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.

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.



You will see the reference scheme begins to address this articulation by setting it back from the main tower facade and introducing material changes.



5. Proposed Height

It is assumed that the Concept Reference Scheme applied Section 2C Building Height “considerations in setting height controls” of the ADG, to identify an appropriate height in meters. However, this analysis has not been provided within any of the documentation submitted. The applicant is encouraged to provide this analysis in plan form, which will be very useful for not only the community but also the approval authority.

Note: following receipt of this request Legacy Property sought clarification of what is expected in relation to this item and it has now been clarified with Council to simply provide our assumptions around floor to floor heights so as to establish what number of storeys is reasonably achievable within the RL's that have been referenced in the Planning proposal.

The planning proposal includes a proposed height of buildings map that seeks approval for three heights across the site, reflecting the reference scheme comprising a lower northern built form and the stepped 8 to 10 storey forms on the remainder of the site. This has been derived from the analysis prepared by PTW architects, which varies across the site having regard to the slope and varied height profile proposed. This is considered a commonly applied approach to providing clarity and transparency to the envisaged height profile plan for the site.

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.

6. Proposed FSR

For the purposes of establishing an appropriate FSR for the site, the building envelope must adhere to setbacks as outlined in the CPPS, the NSDCP and the ADG.

Concern is raised regarding the level of articulation to the towers. In this regard, the ADG recommends that typically a building envelope should be 25%-30% greater than the achievable FSR. It appears that the proposed envelope equals the proposed FSR.

The applicant is requested to demonstrate how the Concept Reference Scheme arrived at the proposed FSR. What is the Gross Building Area (GBA) and what is the efficiency rate applied? Provide an analysis similar to the Conybeare Morison analysis (p53 of Civic Precinct and Surrounds Planning Study) or demonstrate in plan form how articulation of the envelope has achieved the proposed FSR/yield (noting that most of the balconies are counted as GFA because they are enclosed / wintergardens).

In addition, a reduced site area (not including the offering to dedicate land to facilitate the widening of Church Lane) has been applied on the PTW plans for the purposes of calculating FSR. No planning justification / explanation has been given pursuant to Clause 4.5 of the North Sydney LEP 2013 for this exclusion.

We can confirm that the proposed envelope does not simply equal the FSR.

As per your request we have created a table representing the CM format. The table shows the efficiency of the planning proposal at approximately 82 %. For comparison purposes the CM plus

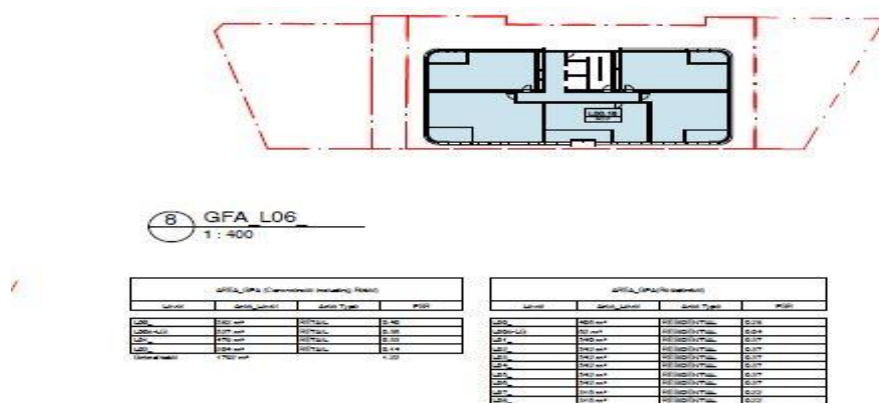


study had an efficiency of circa 80 %. This indicates that the outcome is within industry standards.

		Commercial			Residential			Total GFA	Efficiency	FSR
Site Area	Level	GBA (m²)	Efficiency	GFA (m²)	GBA (m²)	Efficiency	GFA (m²)			
1,465 m²	1-3	2336	77%	1792	1160	87%	1008	6,142 m²	82%	4.19:1
	4-10				3988	84%	3342			
	Total GBA	7,484 m²								

The ADG envelope reference you highlight is a generic rule of thumb and is applied by government when undertaking precinct wide strategic planning, the St Leonards/Crows Nest Planning Strategy by Department of Planning is a case in point. For landowner led planning proposals given the level of scrutiny now applied to reference schemes, warrants close to a DA level of envelope planning and design. In this instance we have progressed a design outcome well beyond a hypothetical circumstance as we have recognized the unique site constraints that this site exhibits and hence why the efficiency rate is slightly higher than the ADG rule of thumb. We believe we have demonstrated that the efficiency outcome should be achievable as we progress through the next steps of design.

The GFA calculations are based on level by level drawings (please reference PTW drawings that are included on page20 in the Planning proposal submission an extract for reference is included below:



In terms of the background to the FSR calculations included in the planning proposal please see the basis outlined below.

253 - 261 Pacific Hwy – 5,275sqm of GF/ 991sqm (site area) = 5.323:1 (rounded up to 5.35:1)

265 - 267 Pacific Hwy – 869sqm GFA/ 474sqm (site area) = 1.833:1 (rounded up to 1.85:1)

Total Site - 6,143sqm GFA/ 1,465sqm (site area) = 4.193:1

Total floor space proposed by land use:

Residential – 4,351sqm /1,465sqm (site area) = 2.969:1

Commercial/Retail – 1,792sqm/1,465sqm (site area) = 1.22:1

Total Site - 6,143sqm GFA/ 1,465sqm (site area) = 4.193:1



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Please also note we have calculated the FSR on the full site area inclusive of the dedicated road area however we have calculated the “communal open space requirement” on the reduced site area after dedication of the road widening element.

7.Overshadowing

The Planning Proposal report prepared by Urbis states:- “the proposed building envelope will not result in any additional overshadowing to the playground as envisaged under the CPPS”. However the shadow analysis prepared by PTW demonstrate Additional overshadowing beyond the existing school buildings.....In addition please confirm whether the shadow analysis include the additional 1m as annotated on the plans for roof services.



Extract From PTW plans – red outline showing additional overshadowing.

We acknowledge that there is a very minor encroachment outside operational school hours and point out that this minor additional encroachment into outdoor asphalt space disappears by 8.45am well before school starts.

We apologize for this oversight. We do not believe this is materially detrimental to the school and wish to point out that the council endorsed envelope would also have a minor additional encroachment.

The shadow analysis does not include the addition 1 m of plant space as it is assumed that any translucent screen or plant will be set well back from the building edge thus avoiding any impact of additional shadows.

We trust that the additional information and clarification of the issues raised provided is constructive. We look forward to running through this response with you on Friday 23 July. 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

Attachment - DEP additional Information



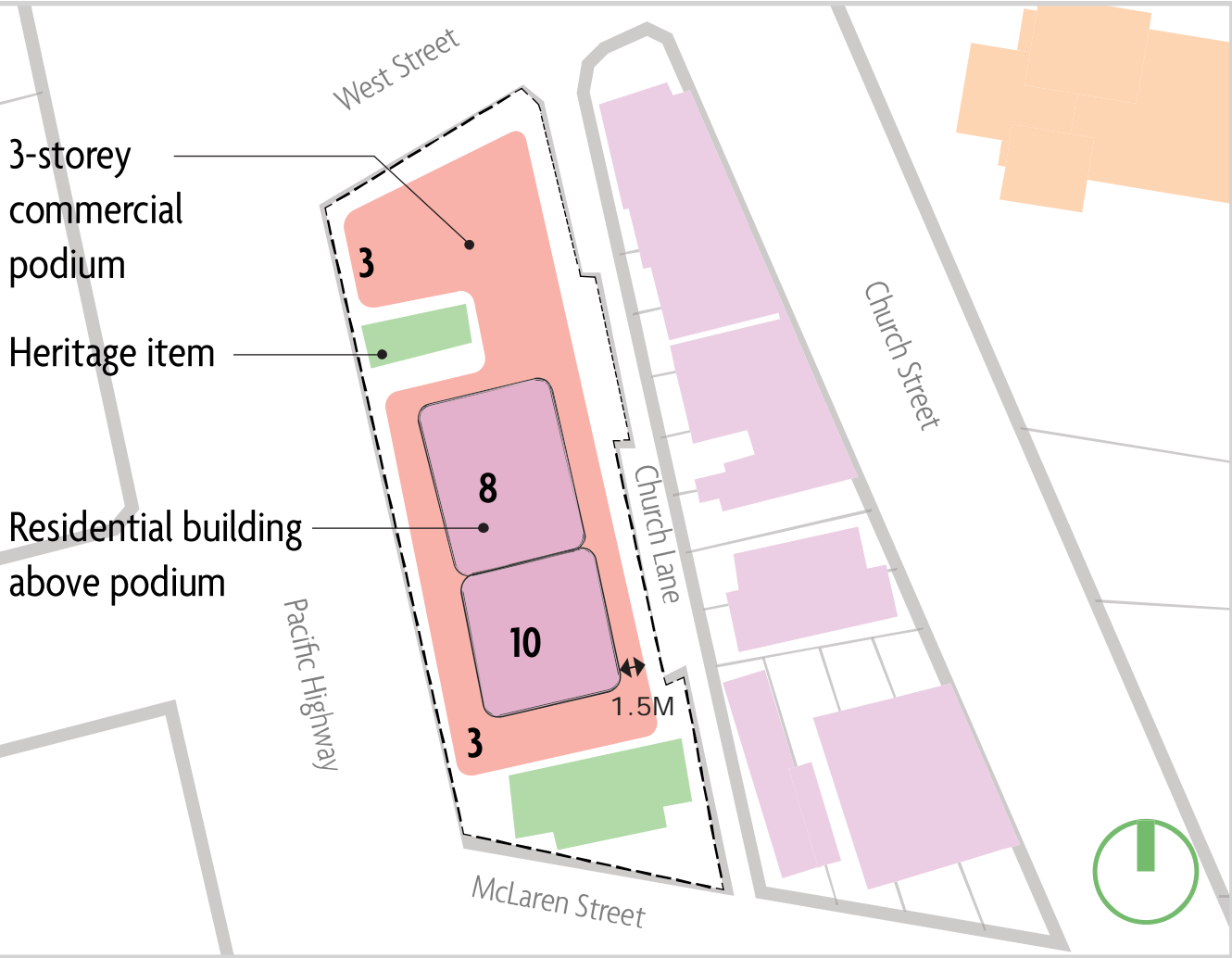
RESPONSE TO DEP FOR

253-267 PACIFIC HWY, NORTH SYDNEY

09/07/21

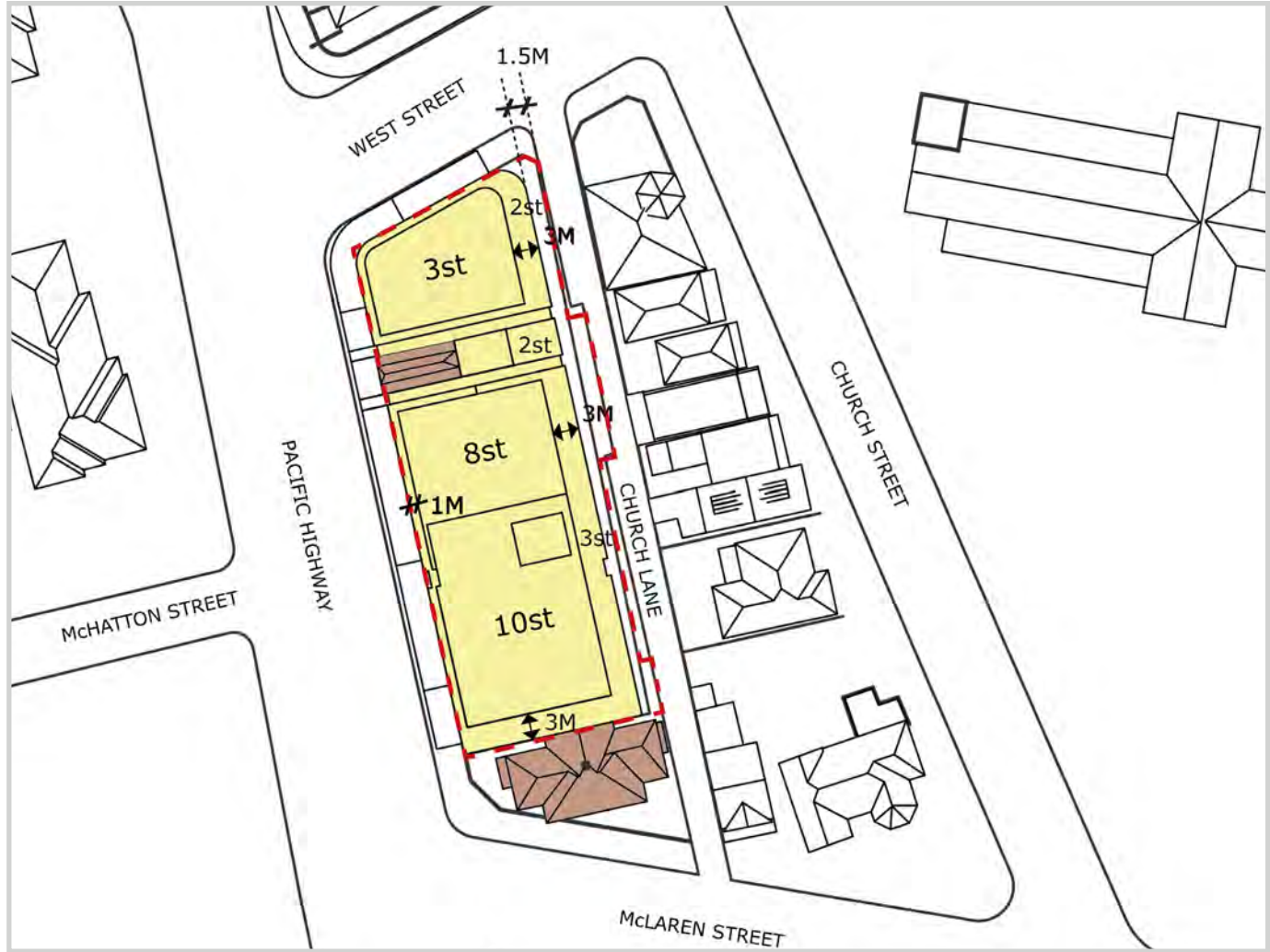
PTW

COUNCIL ADOPTED BUILT FORM



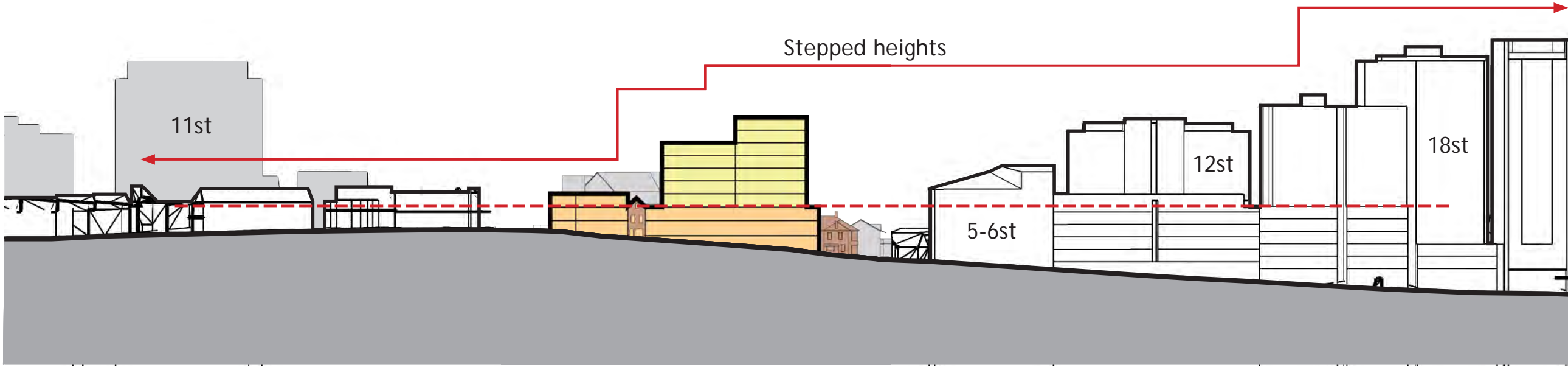
- Commercial
- Residential
- Mixed-use
- Council/community facilities
- Educational
- Heritage

PLANNING PROPOSAL BUILT FORM

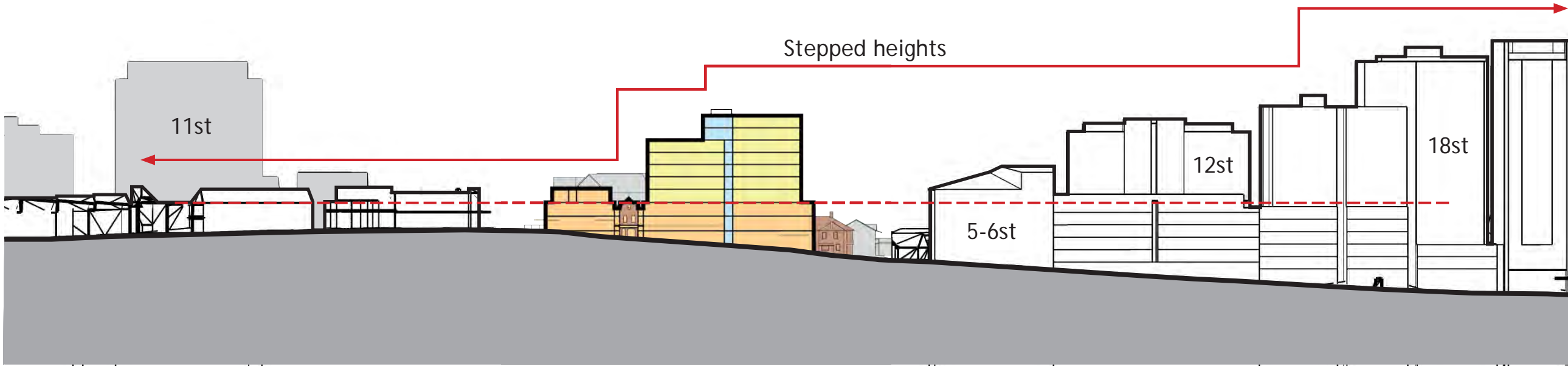


- Proposed Building
- Site Area
- Heritage/building within the conservation area

PACIFIC HIGHWAY ELEVATION

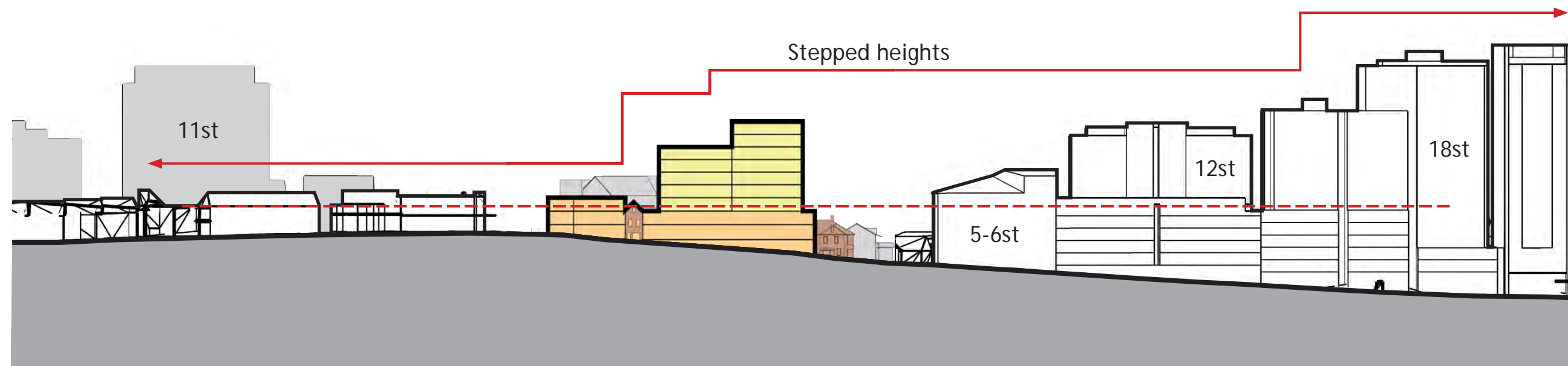


Council adopted built form - 8-10 storeys

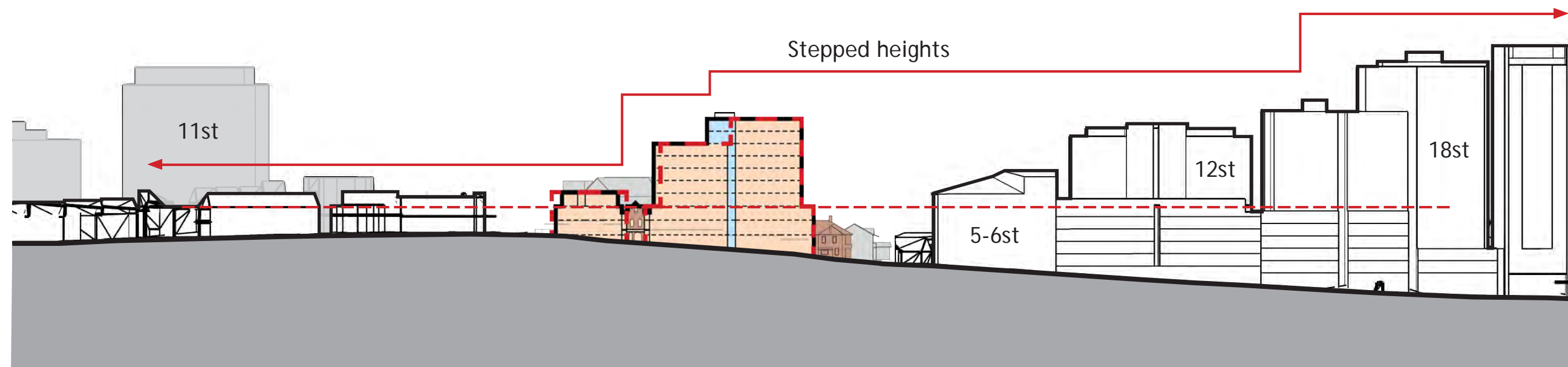


Planning Proposal Built Form - 8-10 storeys







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



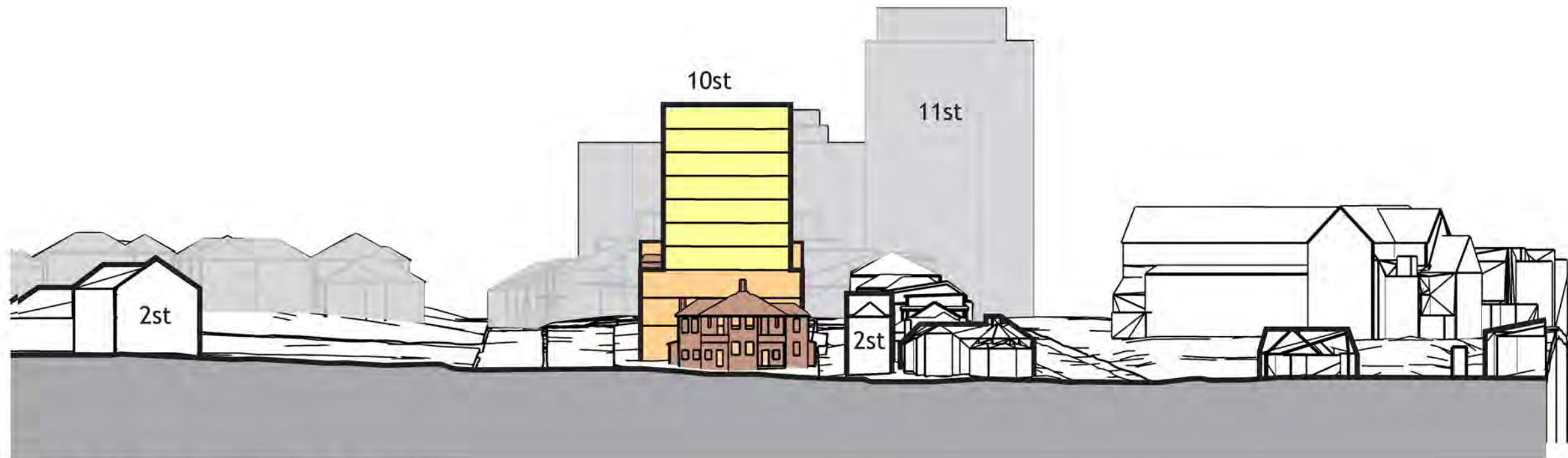
Council adopted built form - 8-10 storeys



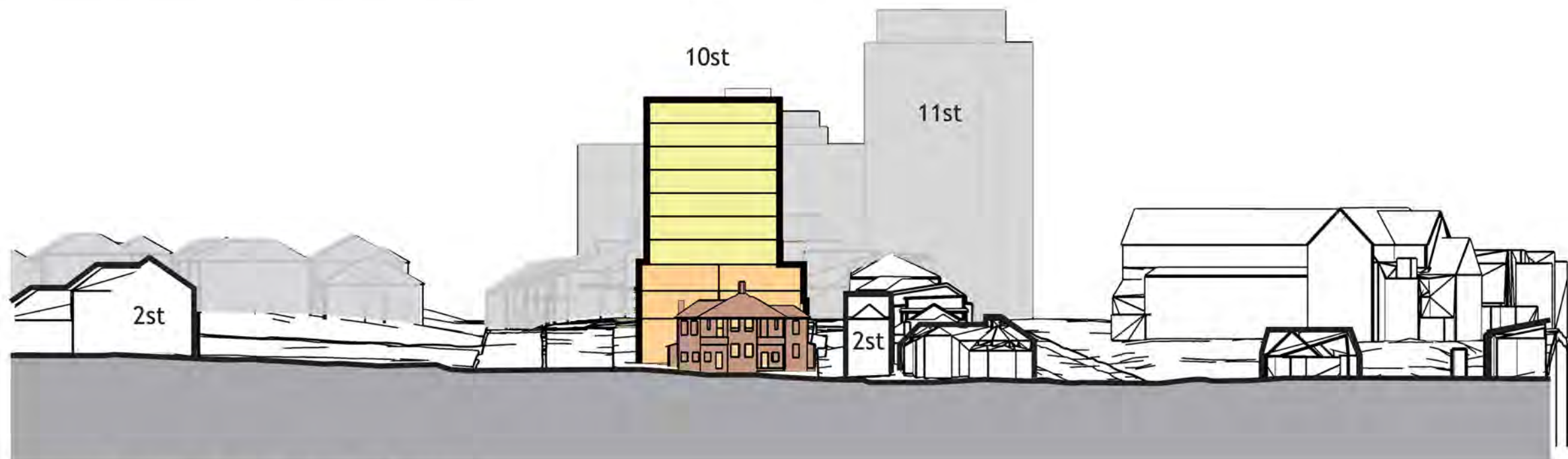
Height comparison of 2 different scenarios

- | | | |
|---|--|--|
|  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

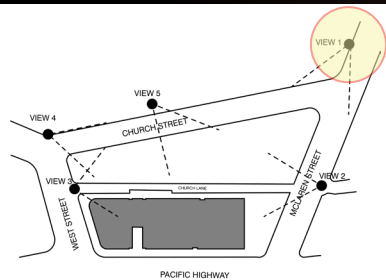
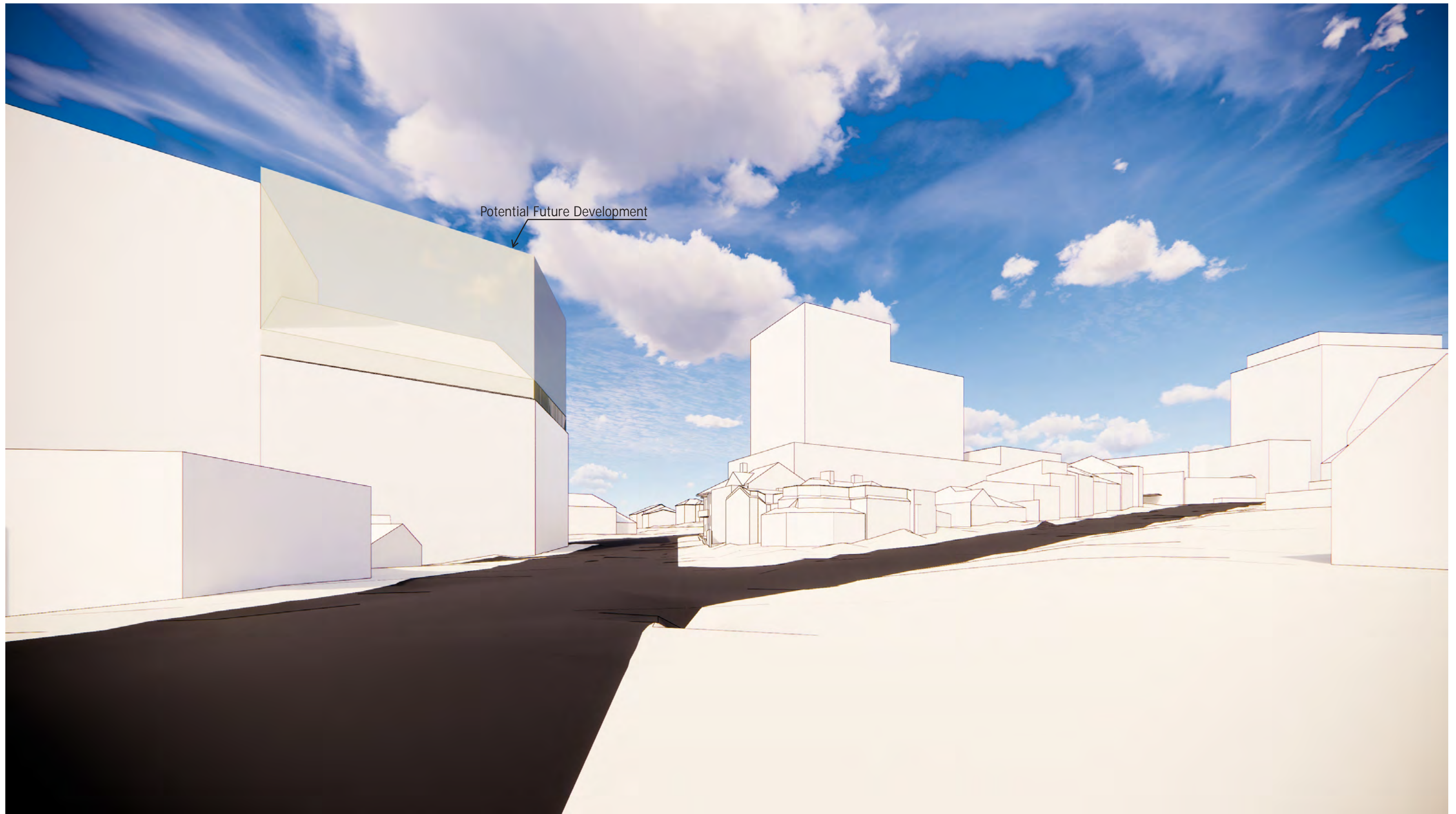


Council adopted built form - 8-10 storeys

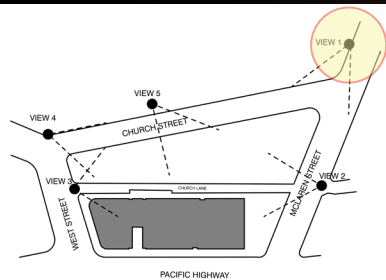


Planning Proposal Built Form- 8-10 storeys

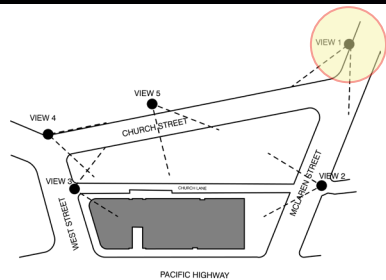
3rd podium on site Tower above the podium Heritage/building within the conservation area Context building



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

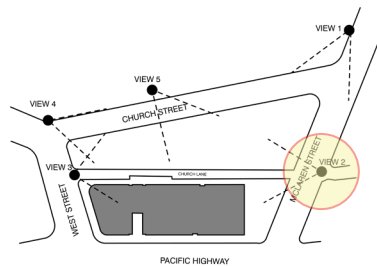
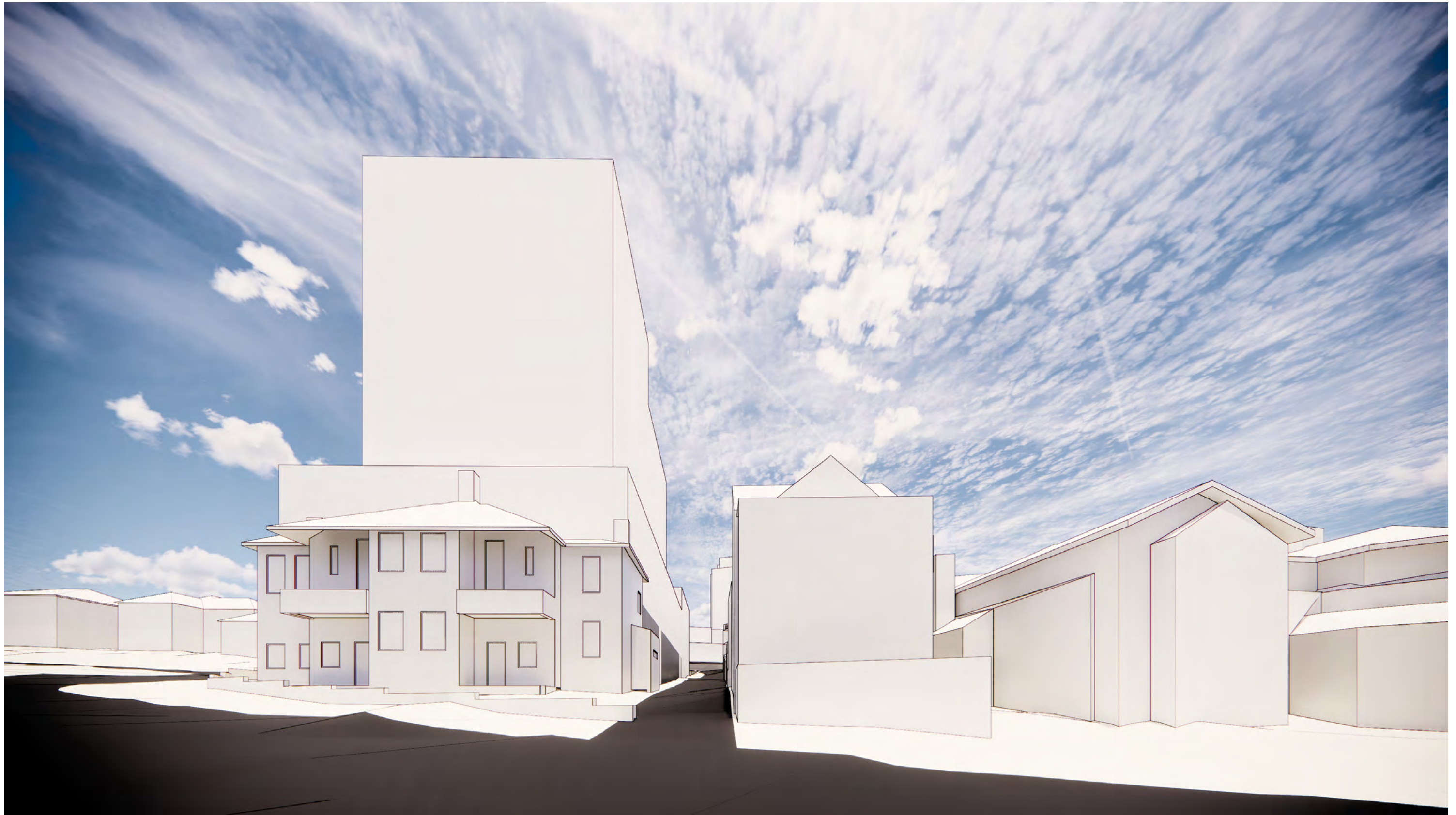


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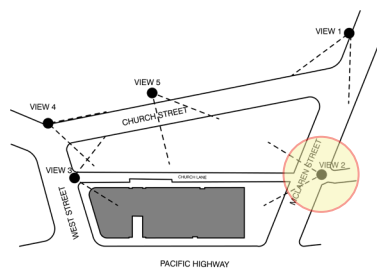
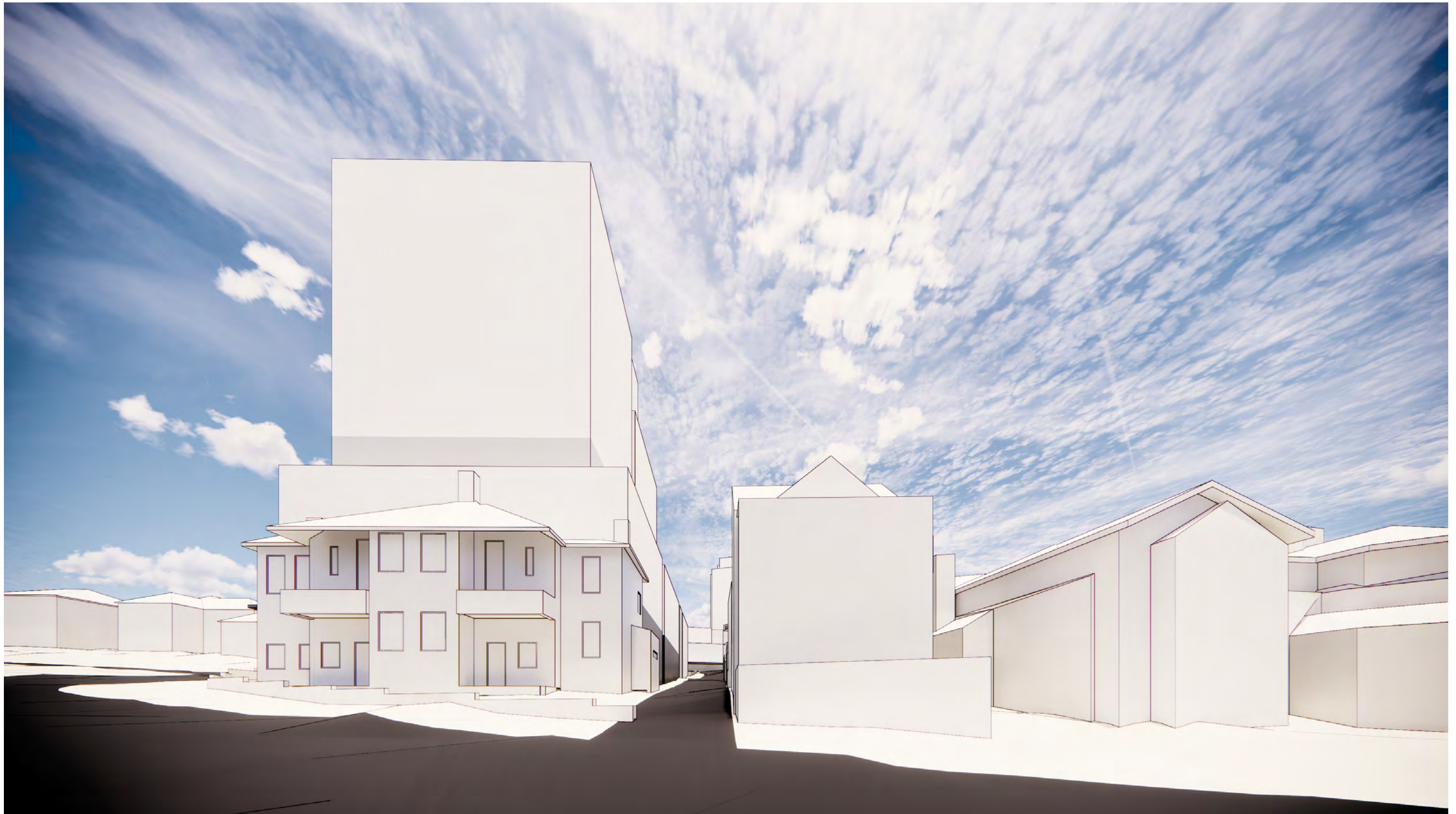
- Tower bulk is moved further away from laneway.
- Northern bulk is further setback on its upper level. Both provide more sky view to Church Lane and McLaren St Precinct.
- Additional articulation zones provided.
- Vertical indent added to tower, to separate 8 and 10 storey elements.
- Same setback to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

CONCLUSION

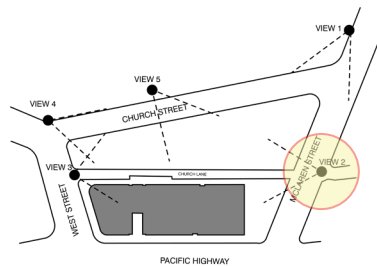
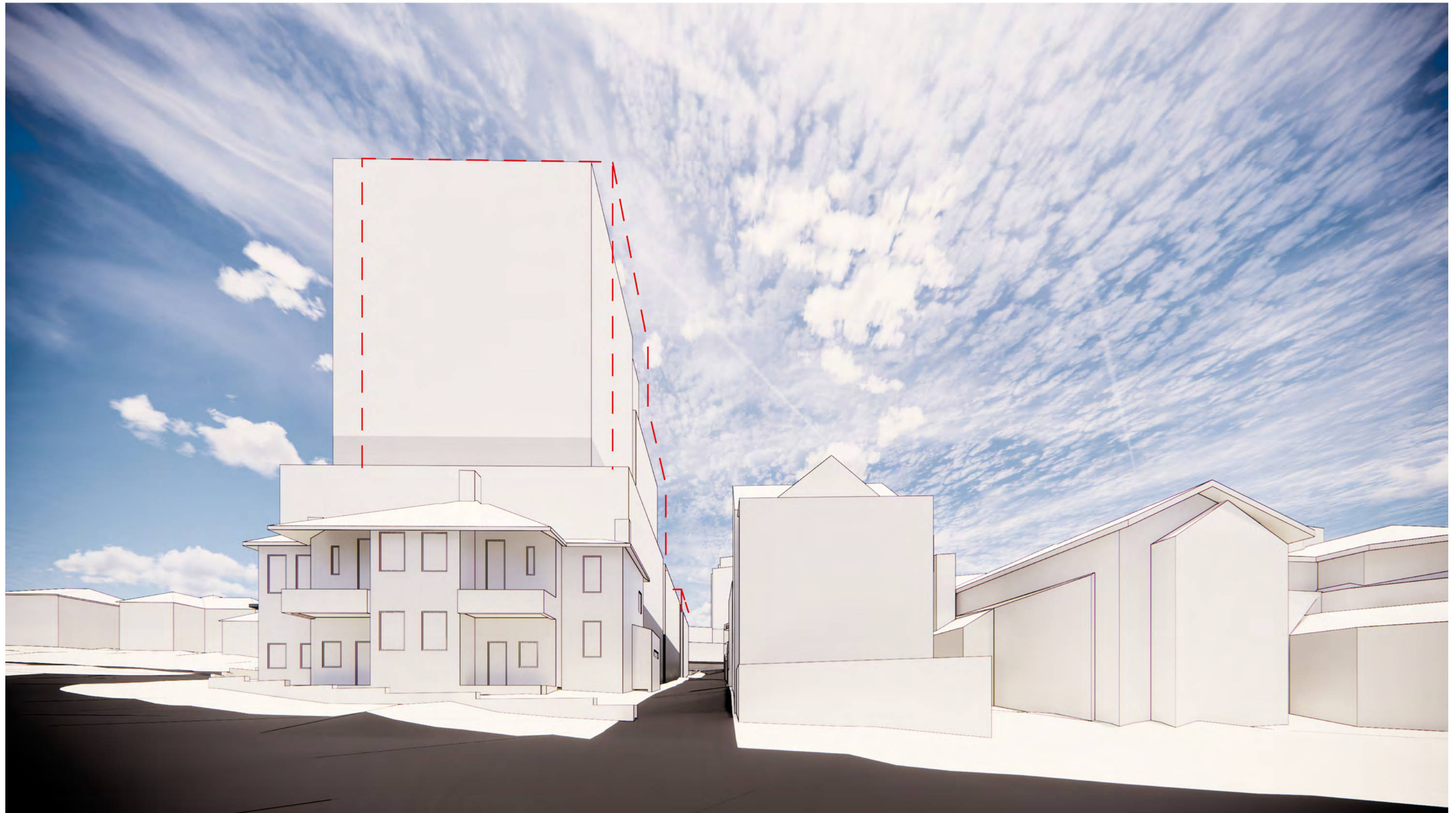
- Better to setback further on the more sensitive laneway than on the Highway, and better to setback to the Northern upper level.



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

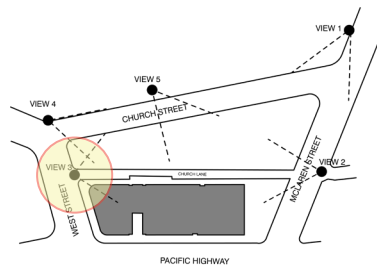
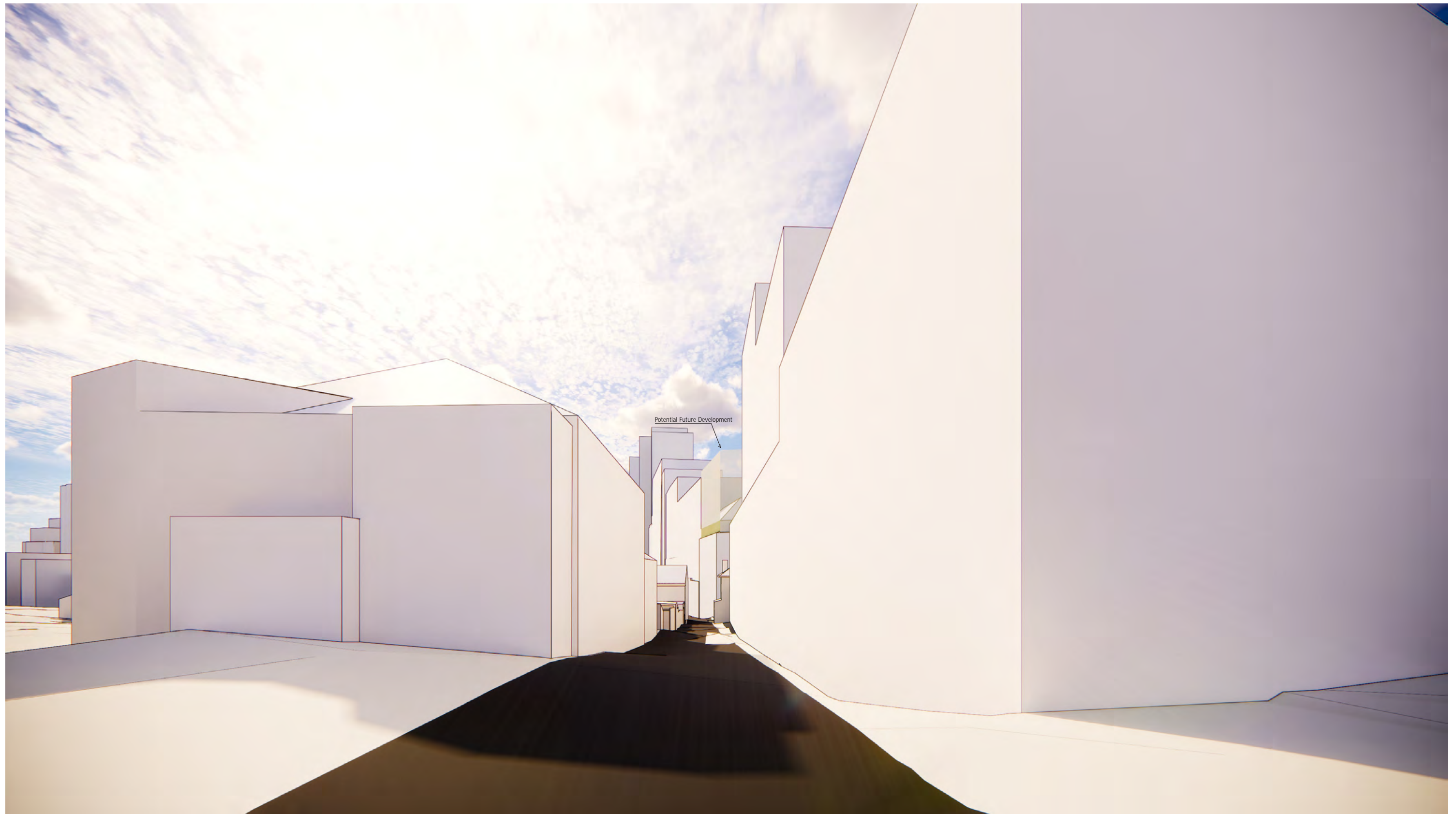


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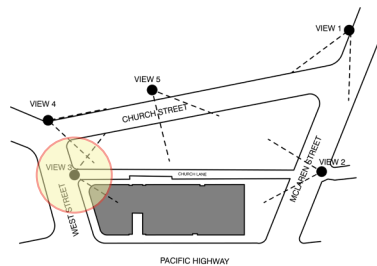
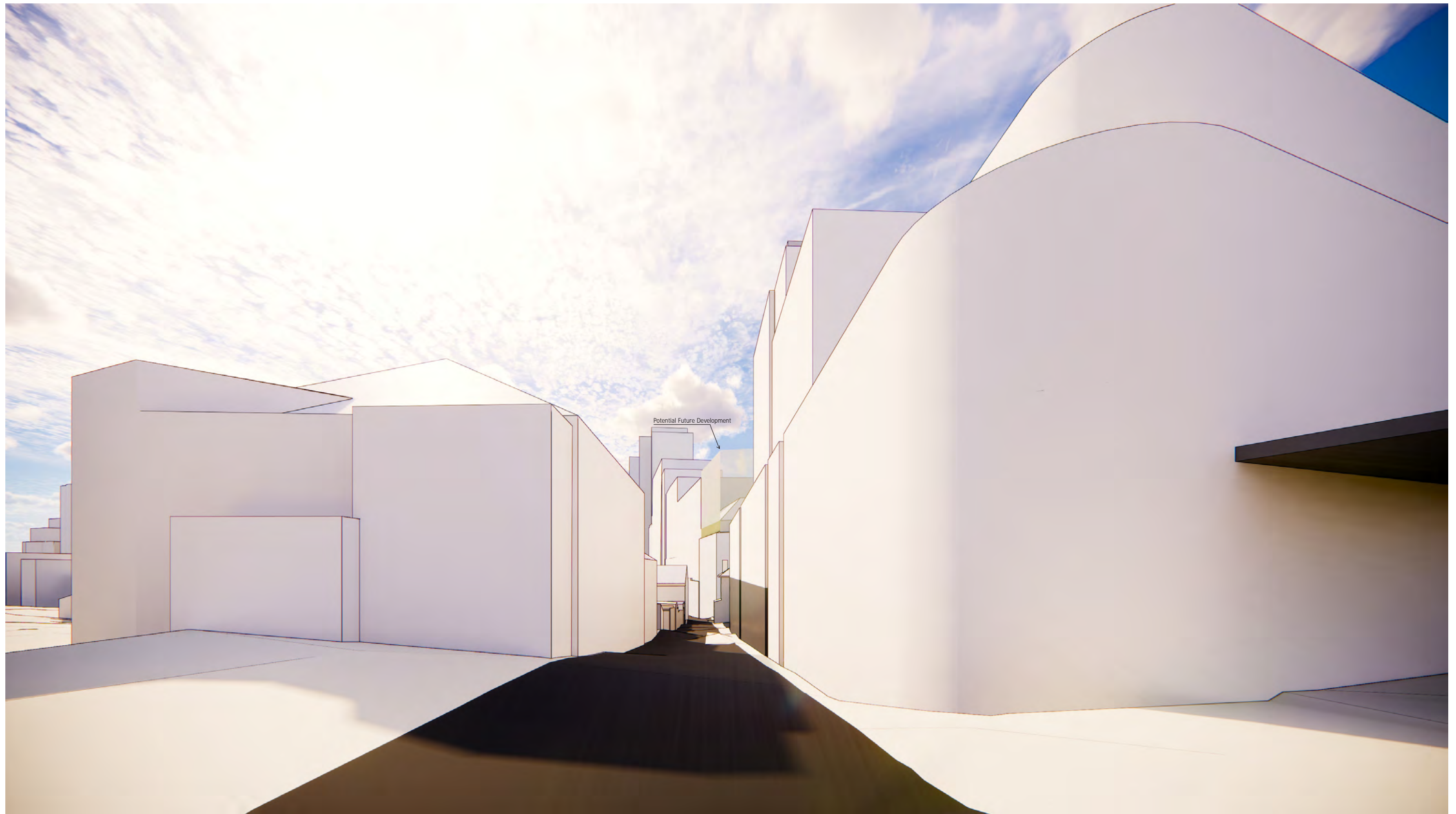
- Tower bulk is moved further away from laneway.
- Same height and setback to South against contributory item on McLaren St.
- Tower bulk is moved further towards the highway.
- Additional articulation zones provided.

CONCLUSION

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

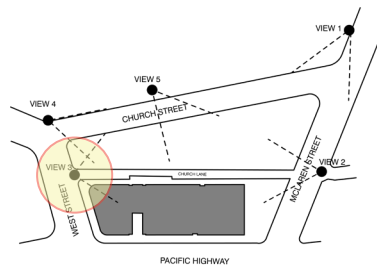
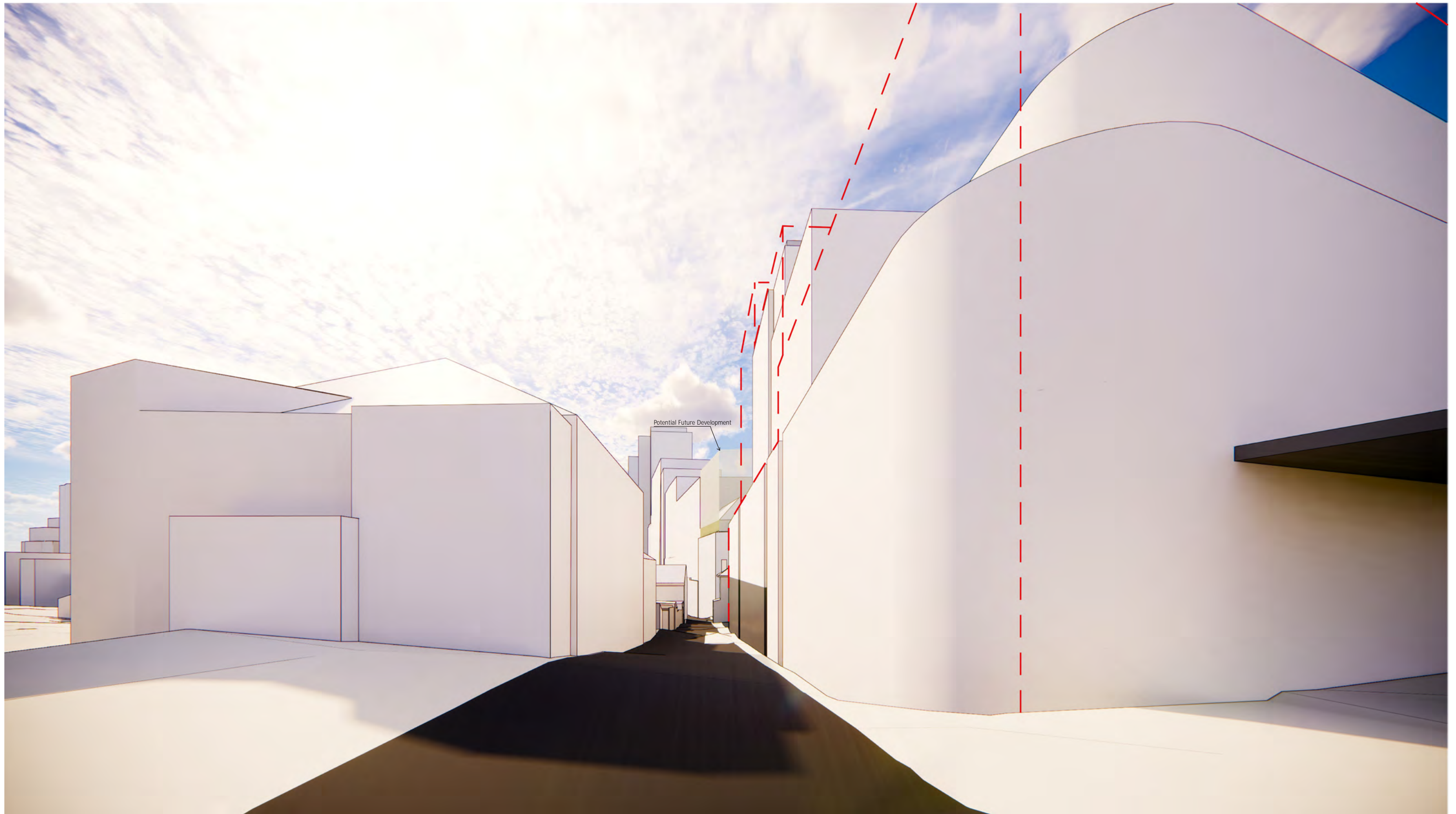


COUNCIL ADOPTED BUILT FORM VIEW 3 - INTERSECTION OF WEST ST AND CHURCH LANE

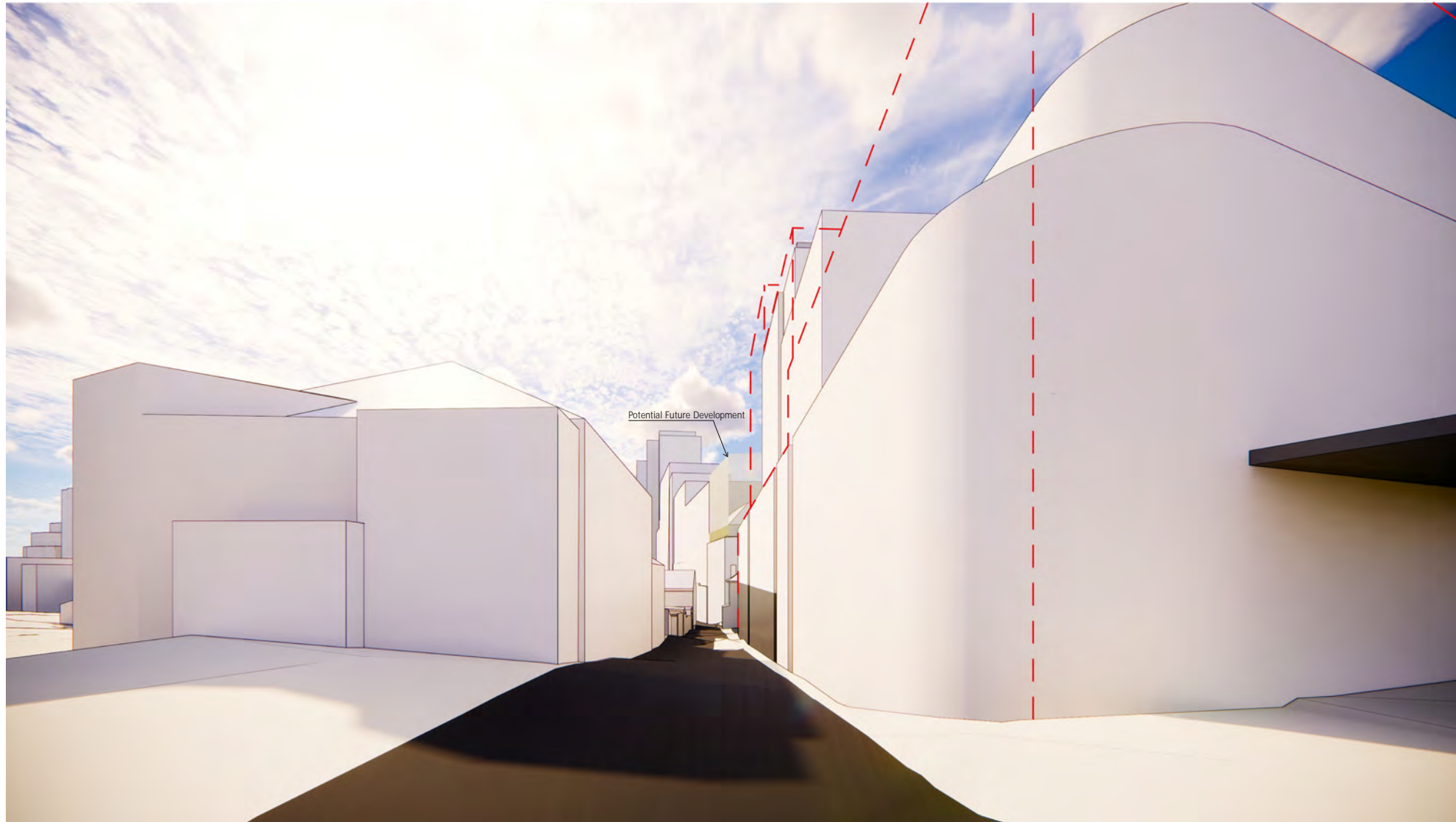


PLANNING PROPOSAL BUILT FORM

VIEW 3 - INTERSECTION OF WEST ST AND CHURCH LANE



COMPARISON OF THE TWO SCENARIOS VIEW 3 - INTERSECTION OF WEST ST AND CHURCH LANE

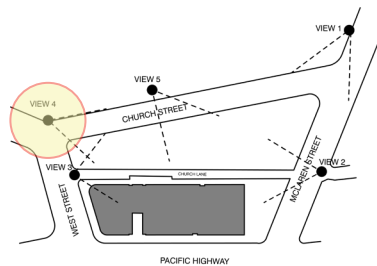
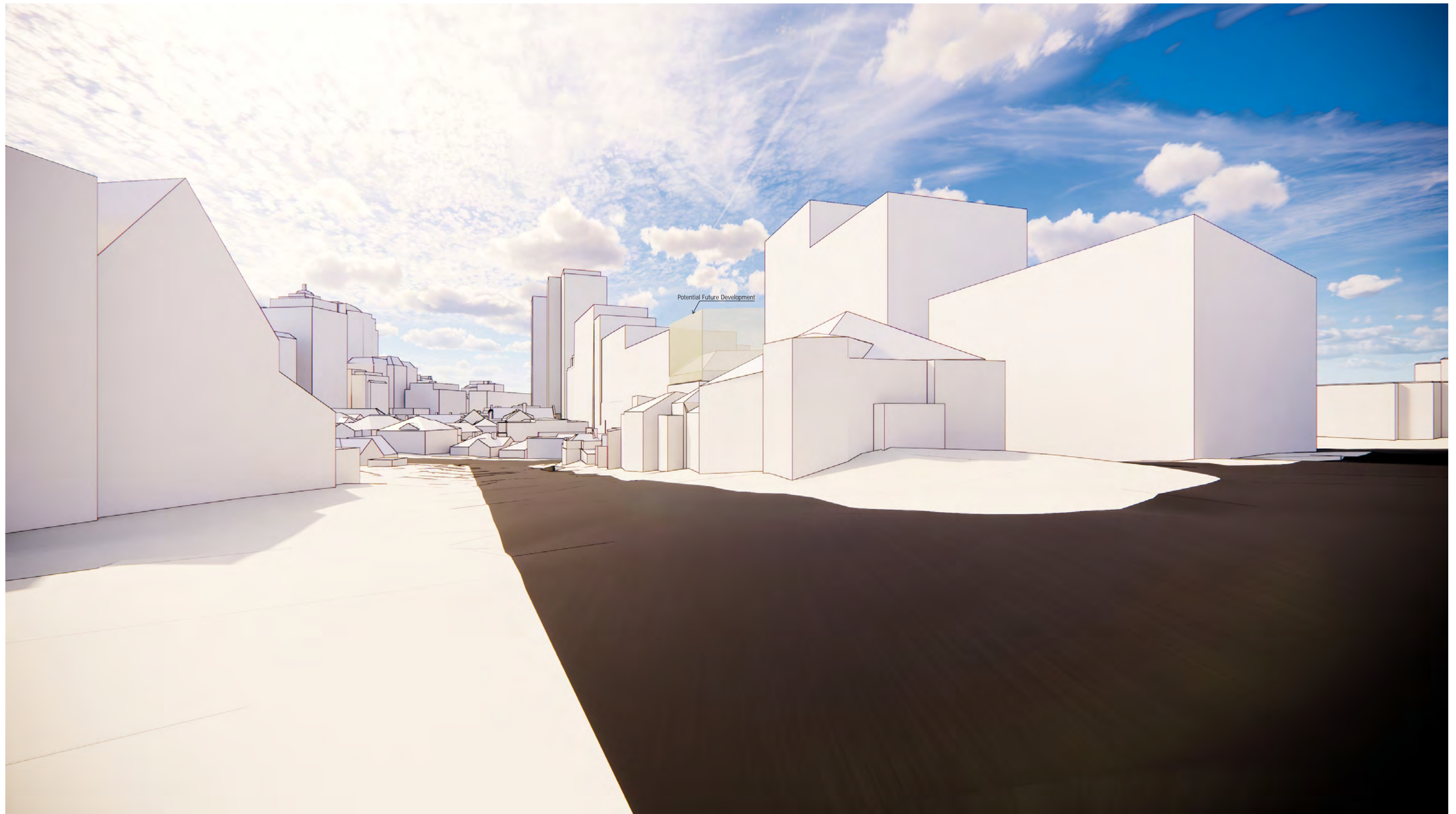


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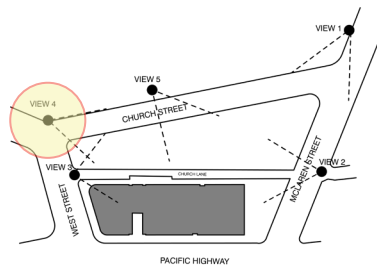
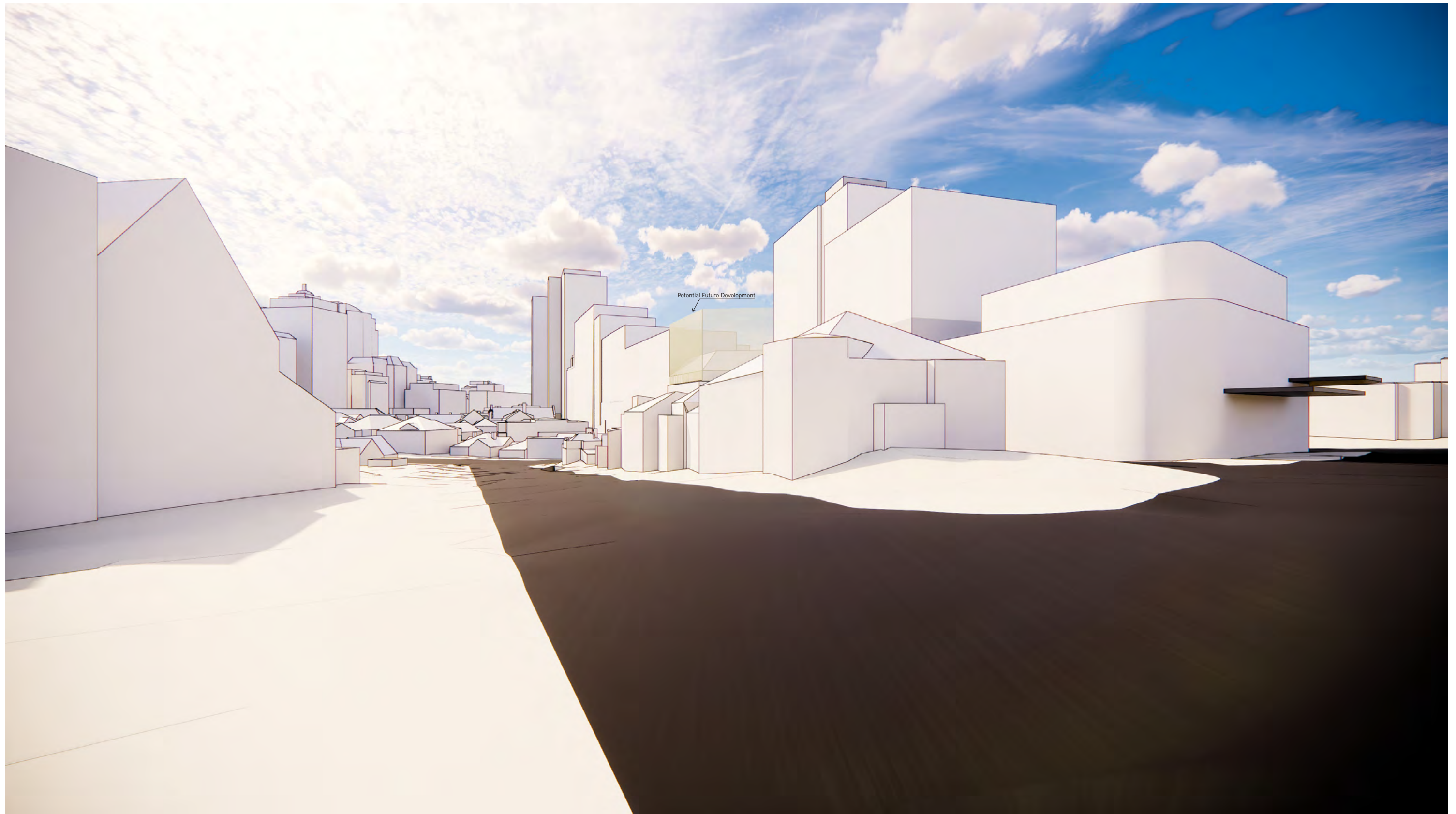
- Tower bulk is moved further away from laneway.
- Northern bulk is further setback on its upper level to provide more sky view to Church lane and to the hotel which is also a heritage item.
- Vertical indent added to tower, to separate 8 and 10 storey elements.
- Additional articulation zones provided.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

CONCLUSION

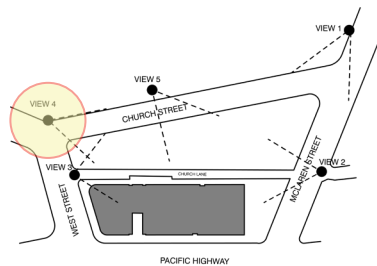
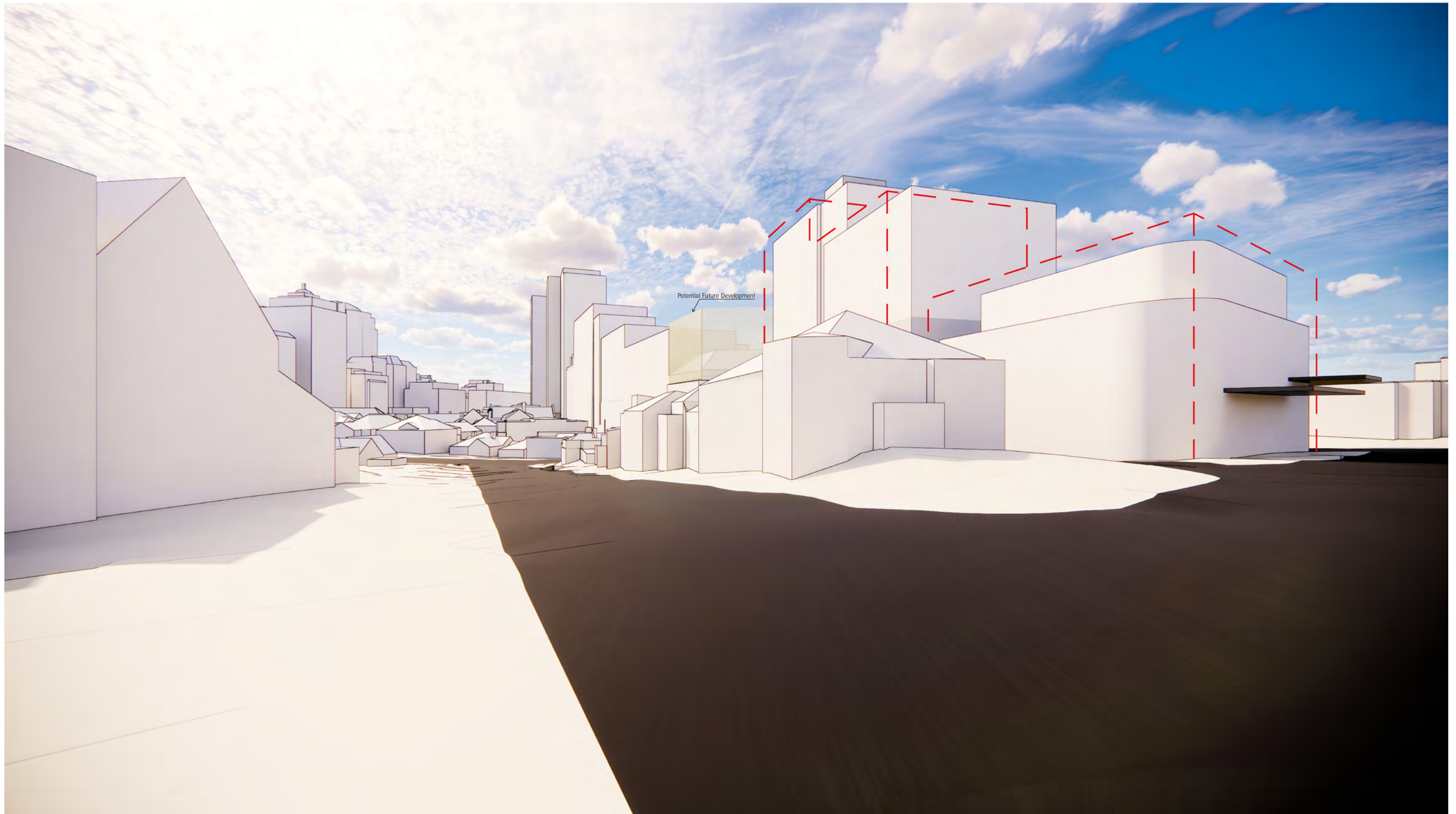
- Better to setback further on the more sensitive laneway than on the Highway
- Better to allow form of the hotel opposite to be mirrored in the proposed Northern envelope, Per the PP.



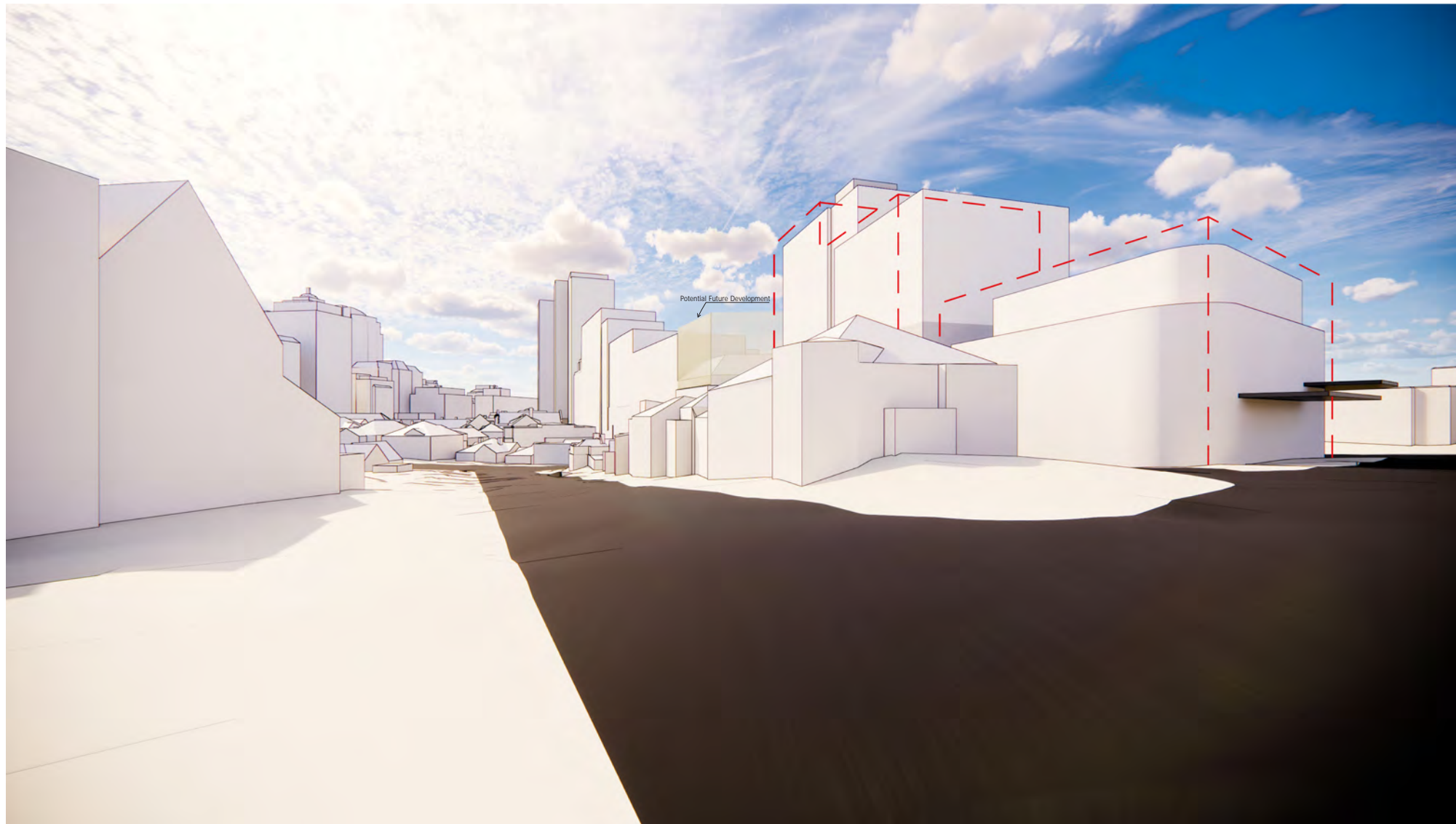
COUNCIL ADOPTED BUILT FORM VIEW 4 - CORNER OF WEST ST AND CHURCH ST



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

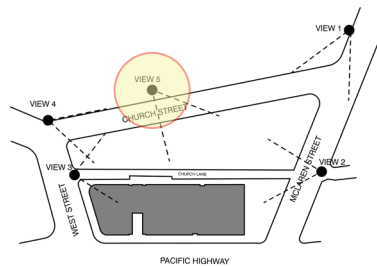


OUTCOMES:

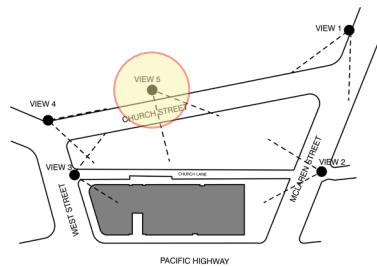
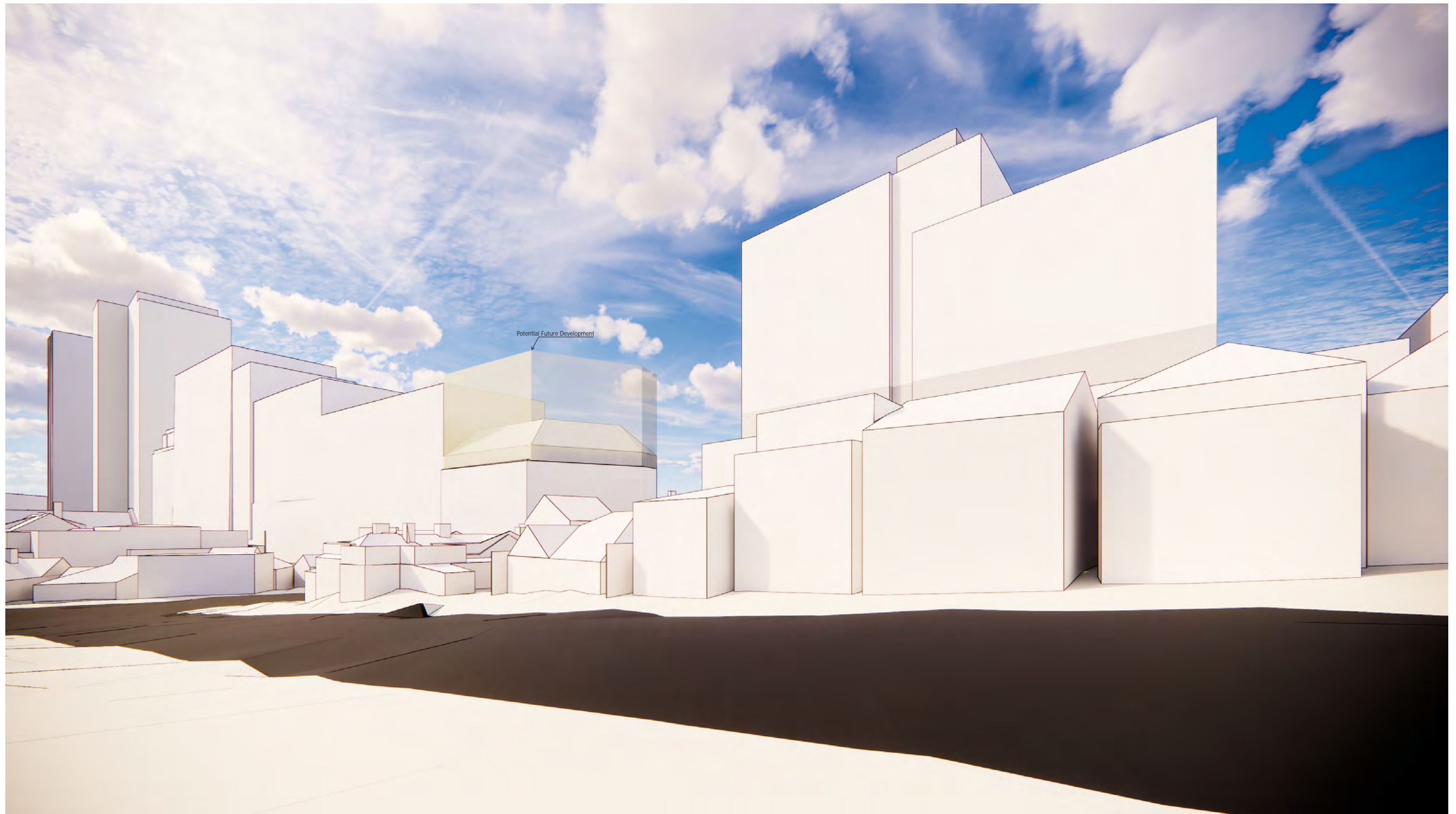
- Northern bulk is further setback on its upper level providing improved recessive upper character and a tailored response to the intersection.
- Tower bulk is moved further away from laneway.
- Additional articulation zones provided.
- Same setback to South against contributory item on McLaren St.
- 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

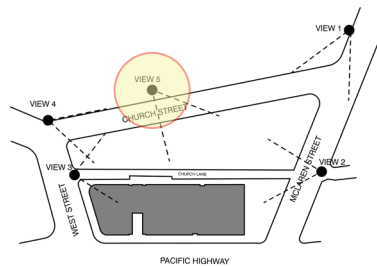
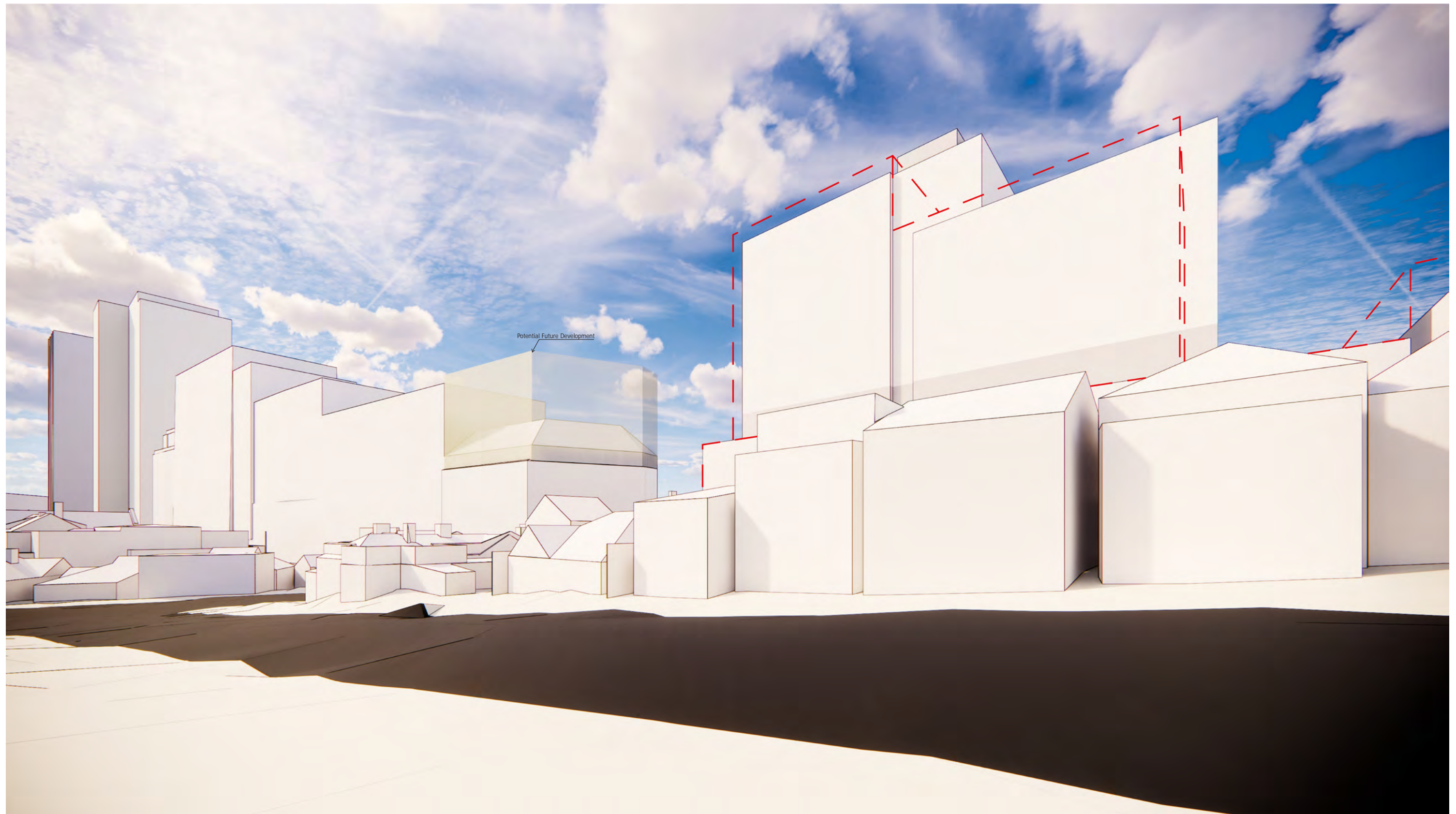
- Better to setback further on the more sensitive laneway than on the Highway.



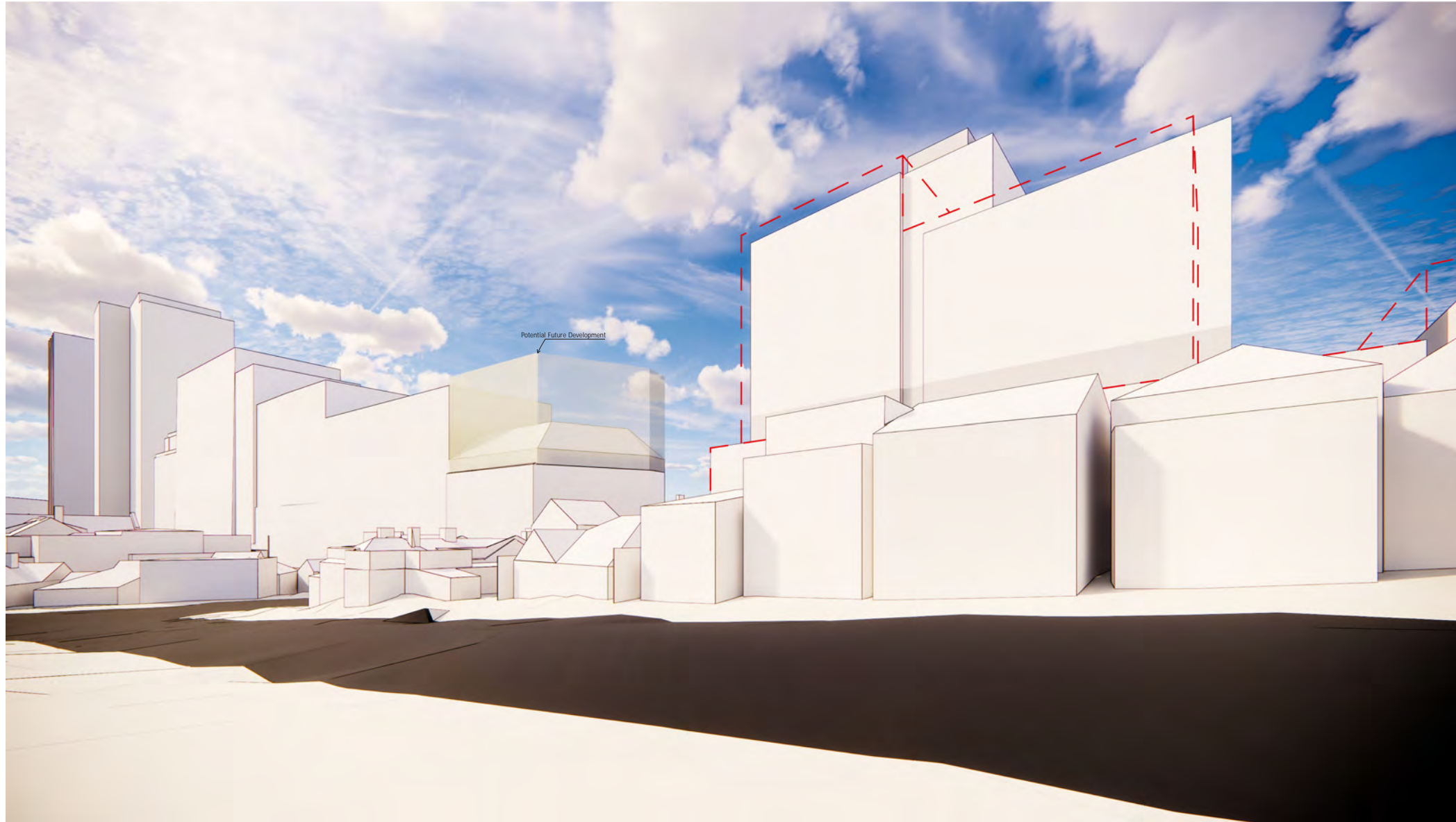
COUNCIL ADOPTED BUILT FORM VIEW 5 - ST THOMAS' ANGLICAN CHURCH DOOR VIEW (CHURCH ST)



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.

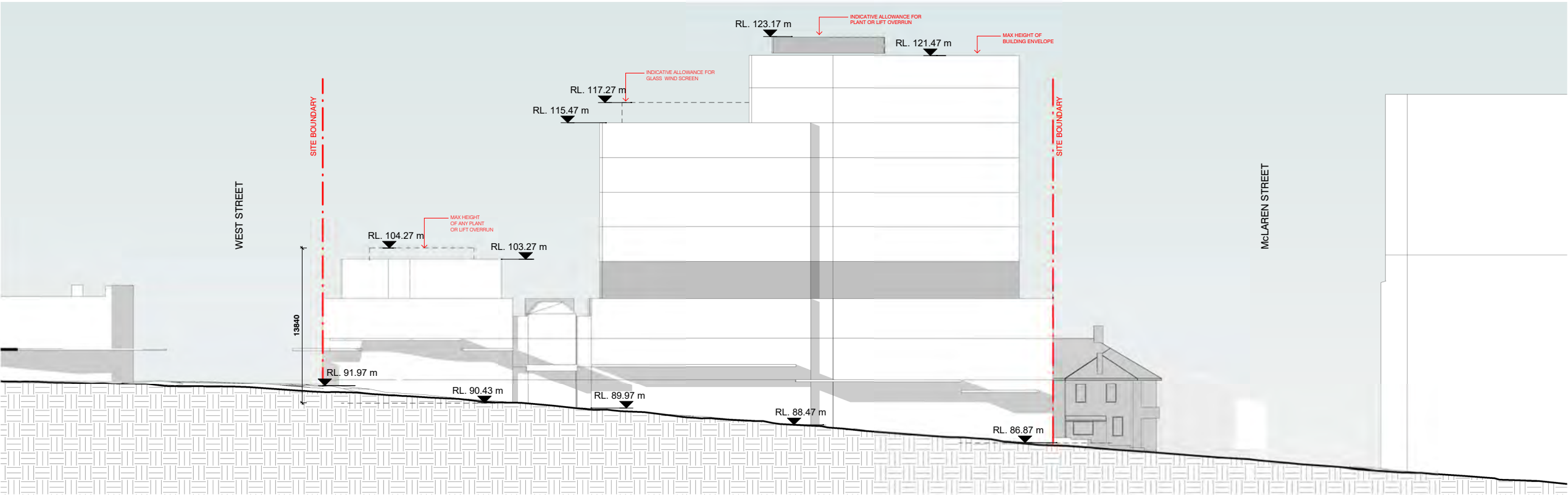
CONCLUSION

- 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



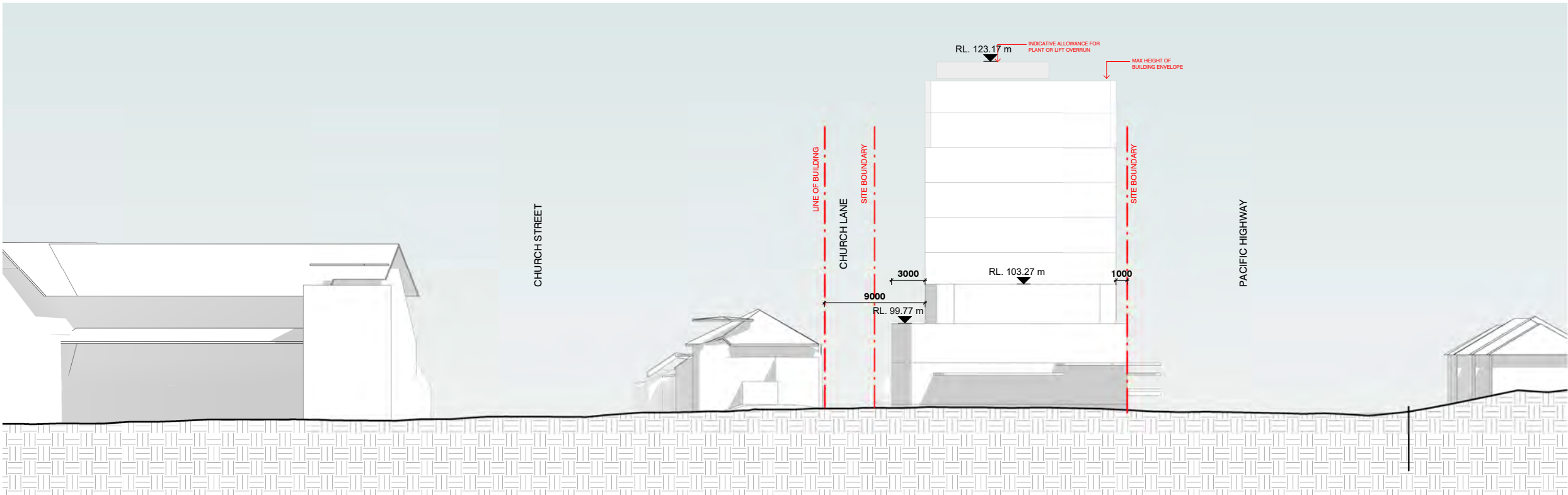
2 WEST ELEVATION (PACIFIC HIGHWAY) - ENVELOPE
1 : 200



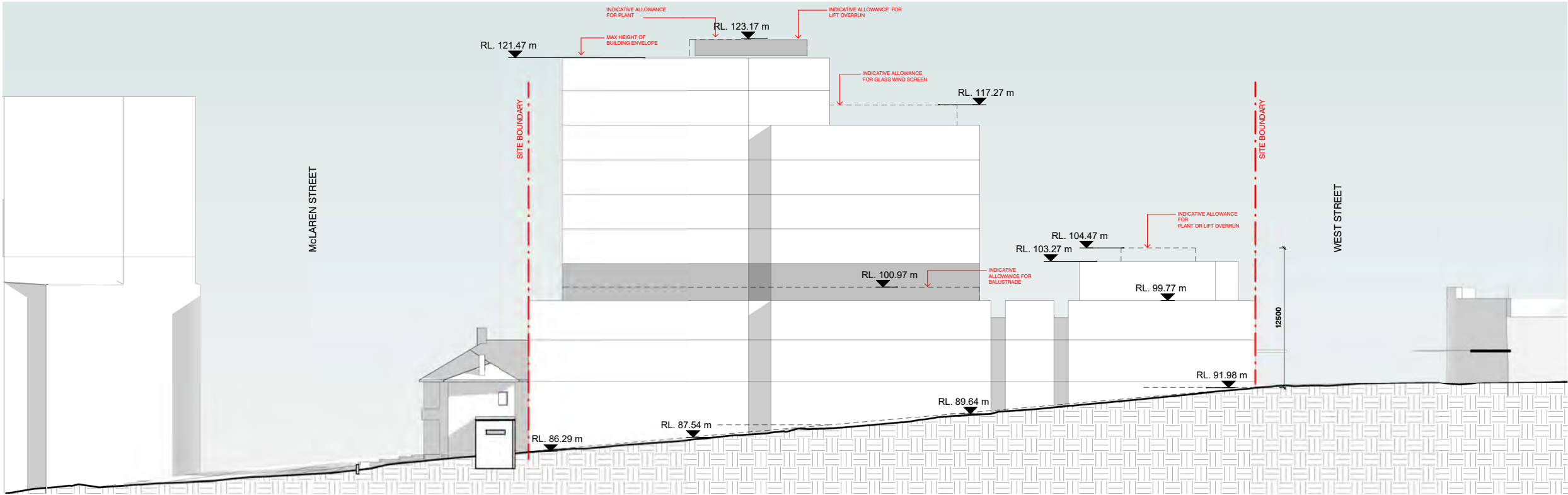
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Sydney NSW 2000 Australia

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T +612 9232 5877
Level 11, 88 Phillip Street
Sydney NSW 2000 Australia

NORTH AND EAST ELEVATION - ENVELOPE



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



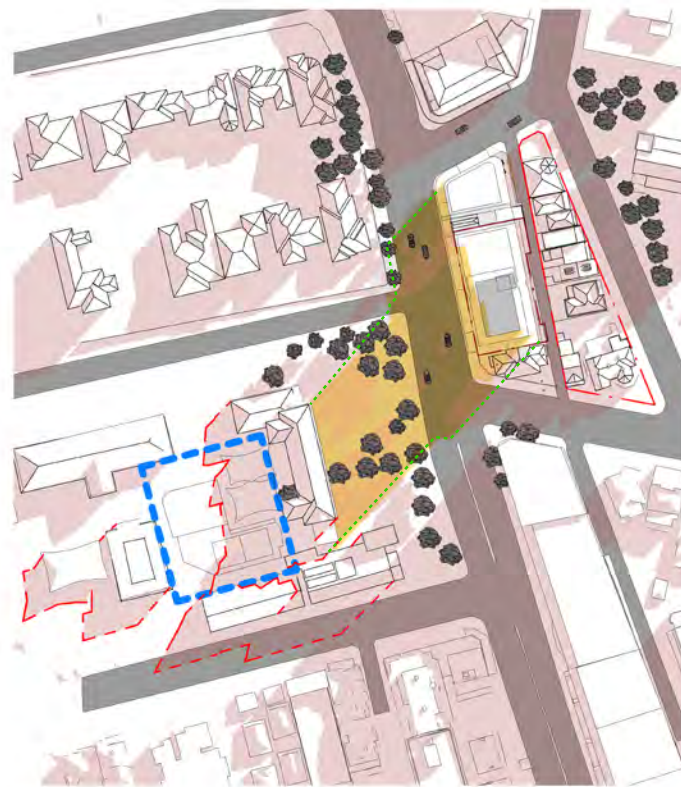
2 EAST ELEVATION (CHURCH LANE) - ENVELOPE
1 : 200



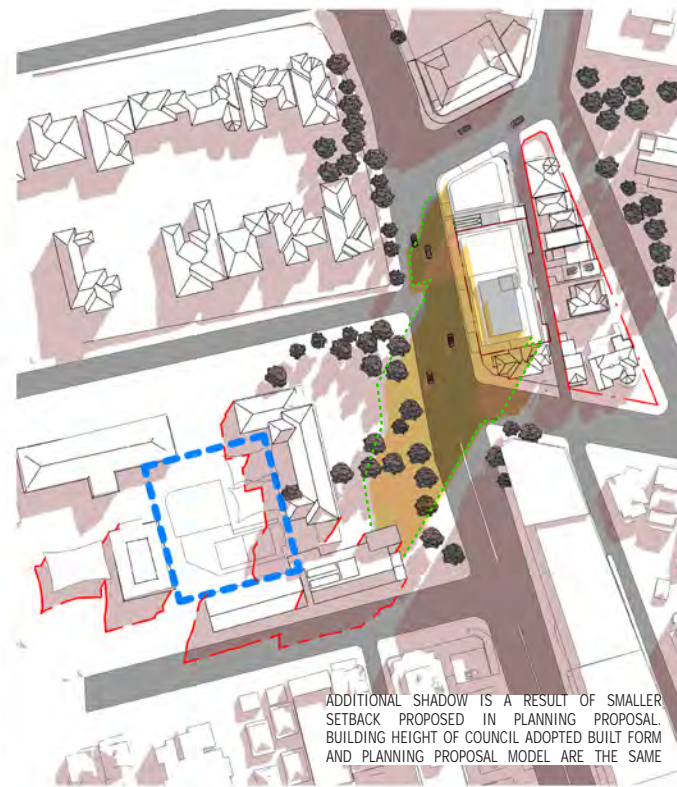
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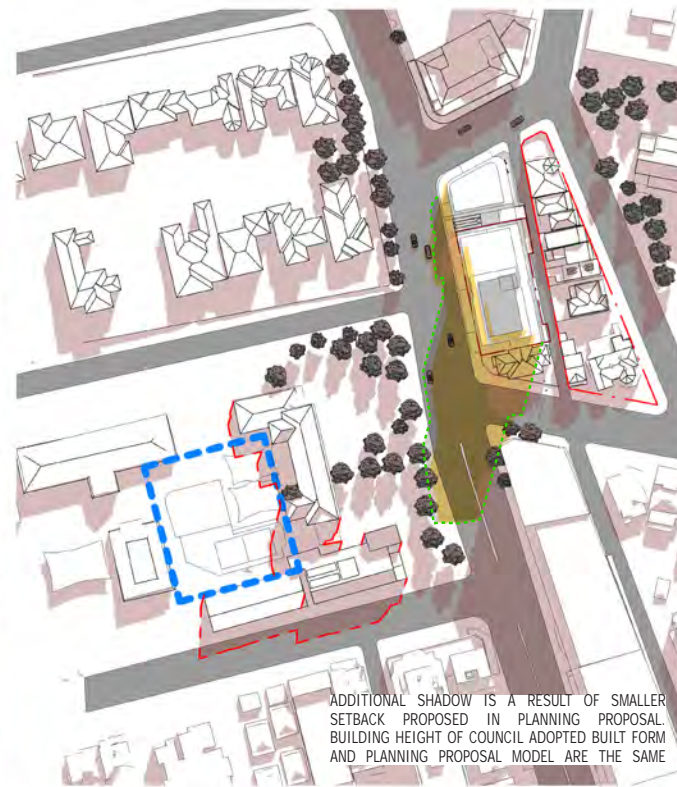
COUNCIL AND PLANNING PROPOSAL BUILT FORM SOLAR STUDY



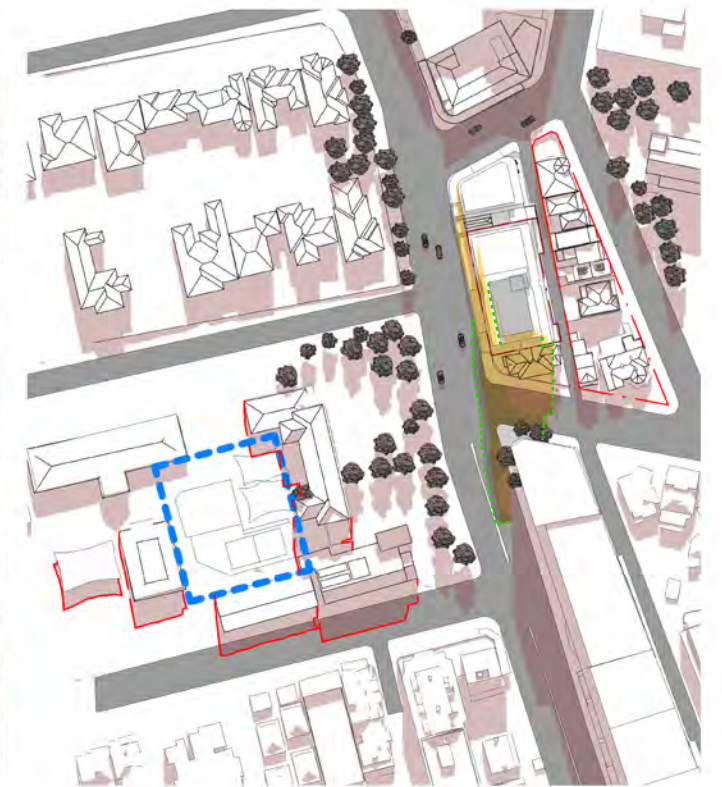
9am 21st of June



10am 21st of June



11am 21st of June



12pm 21st of June



1pm 21st of June



2pm 21st of June



3pm 21st of June

LEGEND

- SHADOW CAST BY EXISTING SCHOOL BUILDING
- SCHOOL PLAYGROUND OUTLINE
- SHADOW CAST BY PLANNING PROPOSAL MASSING
- EXISTING CONTEXT SHADOW
- SHADOW CAST BY THE COUNCIL MASSING

Project: 253 - 267 PACIFIC HWY NORTH SYDNEY | Client: LEGACY PROPERTY | 07/07/21 | Job No: 16036 | Dwg No: PP-93-0202 | SHADOW STUDY COMPARISON

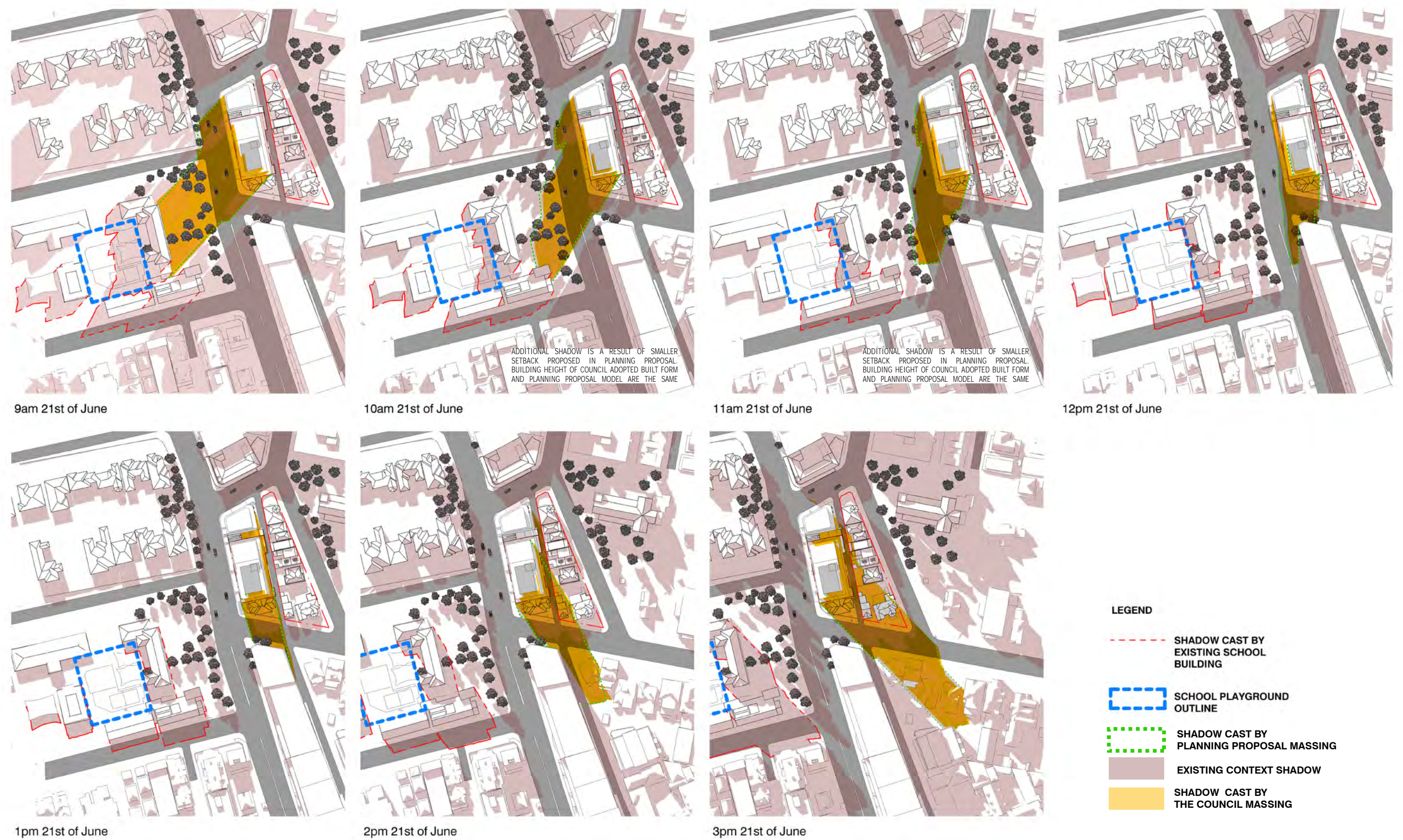
Revision: *Registered Architect JW JH Woodley NSW Arch 8722

1 : 1200 @ A1

9/07/2021 1:06:25 PM

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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.