



Brendan Metcalfe  
Director, North District  
NSW Department of Planning Housing & Infrastructure  
Locked Bag 5022  
PARRAMATTA NSW 2124

BB3 (CPE)

Attn: Kristian Jebbink

2 February 2024

Dear Brendan,

**RE: REZONING REVIEW – ALFRED STREET PRECINCT**

I refer to the Department's letter dated 20 December 2023, which advises of the instigation of a Rezoning Review relating to the submission of a revised Planning Proposal for land known as the Alfred Street Precinct, comprising, 263-269, 271-273, 275 & 283 Alfred Street and 4 Little Alfred Street, North Sydney. Council thanks the Department for the opportunity to provide comment on the revised Planning Proposal, prior to the Sydney North Planning Panel making a recommendation as to whether the Planning Proposal should proceed to Gateway Determination or not.

Due to the short timeframe within which to provide comments and current work program demands, Council has been unable to undertake a detailed assessment of the proposal and report the matter to its elected Council to obtain a formal position. Notwithstanding, as the premise of the current proposal relates to the seeking of a Gateway Determination, Council recognises that there will still be an opportunity to provide a formalised position during any future public exhibition.

Council staff have identified a number of matters which the Sydney North Planning Panel should take into consideration as to whether the revised Planning Proposal should proceed to Gateway Determination or require amendment subject to the imposition of appropriate conditions.

**1) Clarity of proposed controls in relation to the Reference Scheme / Concept Design**

- The proposal does not provide sufficient clarity as to how the proposed built form and permissible building envelopes compare to the existing built form and permissible building envelopes. To improve clarity, new diagrams should be prepared and incorporated that adequately demonstrate the proposed controls (including relevant setbacks) in relation to the existing controls and their relationship to the existing development and potential reference/concept design.

**2) Adaptive reuse**

- The proposal is largely premised on the adaptive reuse of the existing building at 275 Alfred Street. However, nowhere within the proposal does it demonstrate that this outcome will be ultimately achieved. Further details are to be provided that

adequately demonstrate the potential outcomes should the existing building be adaptively reused or its wholesale reconstruction. Of particular note, some concessions in built form may be appropriate if the building is adaptively reused based on its current floor plate extent and positioning on the site, but the proposed built form envelope should be revised to be consistent with best practice should the entire building be reconstructed. This would ensure that amenity impacts are minimised to the best extent possible.

### 3) Proposed Height Controls

- The proposal seeks to impose a maximum height of RL 120 on the *Height of Buildings Map* for Site B – 275 Alfred Street. This height may only be achieved subject to satisfying a proposed new local clause which requires delivery of a merit based “design excellence” outcome, otherwise, development on the site would be limited to a maximum of RL 101.
- This proposed approach is contrary to best practice, whereby the base height (RL 101) is applied to the *Height of Buildings Map* and then a bonus height (to RL 120) be permitted subject to satisfactorily meeting criteria under a local provision. The proponent’s requested approach would build in an unrealistic expectation. It is therefore recommended that the proposed height provisions be revised to reflect the best practice approach.
- The proposed bonus height to RL 120 is questioned. The proponent bases the proposed increase on the following:
  - Base height of RL 101 (top of signage structure);
  - 4 additional floors x 3.52m floor to floor;
  - 3.5m lift overrun; and
  - 1.45m contingency allowance.
- The proposed additional floor to floor heights are excessive, given that the ADG only envisages 3.1-3.2m.
- A “contingency allowance” is not required. It is proposed to set the maximum height through the use of an RL control, which is a flat surface. Therefore, there is no need to factor in a contingency for any potential topographic changes as suggested under the ADG.
- It is questioned why the additional height requested commences from the topmost part of the roof top sign (RL 100.97) and not the parapet of the topmost floor (RL 92.4). The proponent’s calculations effectively double dip into the lift overrun/plant areas of the existing building which could accommodate an additional 2 habitable storeys. Based on the applicant’s proposal to only accommodate an additional 4 habitable floors above the existing parapet and a 3.5m lift overrun allowance, the topmost part of any new building should be RL 108.7.
- The proposal overshadows the public park to the south which is contrary to the Panel’s decision on the 5 October 2023, which stated:

*The Proponent’s proposed development should not result in additional overshadowing over the adjoining public open space to the south of the Precinct, or additional visual and transition of scale issues with the Heritage Conservation Area.*
- Accordingly, if progressed, the maximum height should be revised to reflect an additional four storeys above the existing parapet and not result in the overshadowing over the adjoining public open space to the south of the Precinct.

### 4) Setbacks

- The reference design does not incorporate a whole of building setback to the northern boundary of Site A. The site to the north is zoned *R2 Low Density Residential*. Both the ADG and Council’s DCP currently require whole of building setbacks for

development in an employment zone (including the proposed *MU1 Mixed Use* zone) where it adjoins lower density residential zones.

- The reference design seeks to exacerbate the degree of non-compliance with side setback controls with regard to the ADG, particularly to Site B. The proposed built form envelopes should seek to maintain the existing level of non-compliance at a minimum and where practical increase them to improve amenity. However, such an approach should only be applied if the existing building at 275 Alfred Street is to be adaptively reused. Should wholesale redevelopment occur, increased setbacks consistent with the ADG should be imposed.

**5) Floor Space Ratio (FSR)**

- As outlined elsewhere in this letter, addressing various concerns may result in a modification to the proposed built form envelopes, which in turn may have an impact on the ability to meet the proposed FSR being sought.
- The proposed building on Site A (283 Alfred Street) incorporates residential and non-residential floorspace directly adjacent to one another on the same floor and includes a communal/combined residential and commercial lobby. Such a design is likely to lead to poor amenity outcomes due to the conflicting land uses. Reconfiguration may have impacts on the achievable floor space for the development.

**6) Non-residential Floor Space Ratio**

- A non-residential FSR/s should be applied to the entire Alfred Street block, consistent with the approach adopted by Council for all land zoned *MU1 Mixed Use*. Imposition of such a control will help to ensure that the objectives of the *MU1 Mixed Use* zone can be met and ensures a greater level of certainty. Whilst Clause 6.12 prevents residential accommodation to be erected on land within the *MU1 Mixed Use* zone, unless it forms part of a mixed use development and there are no dwellings located at the ground level of any building, it does not guarantee the delivery of any non-residential floorspace. A base rate of 0.5:1 (a minimum standard) is typically used where it is only envisaged that the ground floor be activated. Council has previously and continuously raised this issue in response to each of proposal's iterations. Alternatively, more specific standard could be imposed based on the outcomes of an acceptable reference scheme.

**7) Additional Permitted Uses**

- Consideration should be given to the need to retain clause 25 to Schedule 1 - Additional permitted uses of NSLEP 2013 as it relates to the site at 263 Alfred Street. This clause enables residential accommodation to be permitted on this site despite the prohibition of such uses under the Land Use Table under the current zoning (e2 Commercial Centre). The proposed rezoning of the Precinct to *MU1 Mixed Use*, would result in this clause becoming redundant as it would merely duplicate the permissibility under the land use table.

**8) Traffic and Carparking**

- The proposal is accompanied by a traffic and transport report. This report heavily relies of data prepared in 2019. Since this time however, there have been significant amendments made to the maximum residential parking rates applying to the subject land and the surrounding road network is undergoing significant realignment and configuration with regard to the construction of the Western Harbour Tunnel project. These matters have major implications for the redevelopment of the site and should be updated to reflect the revised current context to ensure a more accurate estimate of potential impacts is adequately addressed. Given the scale of development and

proximity to public transport options, a Green Travel Plan should also accompany any Planning Proposal.

- The reference design scheme appears to rely the use of stacked parking spaces with the basement to 275 Alfred Street. Such an arrangement is inappropriate in a residential setting, unless the entire system is mechanical (which the proposed layout is not).

Please note that given the limited timeframe in which to review the proposal, Council may raise further issues in its consideration of any Planning Proposal that progresses to public exhibition.

Should you have any queries, please direct them to either Ben Boyd, Executive Strategic Planner or the undersigned on **9936-8100**.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N. McCarry', with a stylized flourish at the end.

NEAL MCCARRY  
**ACTING MANAGER STRATEGIC PLANNING**