

Independent Review Briefing Report – IR-2024-1

Alfred Street Precinct (Precinct) - 283 Alfred Street (Site A), 275 Alfred Street (Site B), 271-273 Alfred Street (Site C) and 263-269 Alfred Street and 4 Little Alfred Street (Site D), North Sydney (131 dwellings, 1,200sqm commercial floor space) – Planning proposal seeks to rezone Sites A, B C and D from E2 Commercial Centre to MU1 Mixed Use, remove FSR controls for Sites A, B, C and D, increase the maximum height of building for Sites A and B from 13m to RL69.00 for Site A and RL120.00 for Site B and introduce a Design Excellence Clause and Map that requires a Design Excellence Competition to be held where a proposed building on Site B exceeds RL101.00.

Element	Description
Date of request	21 November 2023
Department ref. no	IR-2024-1
LGA	North Sydney
LEP to be amended	North Sydney Local Environmental Plan 2013
Address	283 Alfred Street, 275 Alfred Street, 271-273 Alfred Street, 263-269 Alfred Street and 4 Little Alfred Street, North Sydney
Reason for review	<p>The Department initiated this Independent Review in order for the proposal to be independently reviewed by the Sydney North Planning Panel (the Panel), via a similar process to a Rezoning Review.</p> <p>This differs from the standard Rezoning Review process in that this version of the planning proposal has not been first referred to Council for Gateway determination. This approach has been taken given the previous planning proposals and the protracted planning history of the Precinct.</p>

Independent Review – Briefing Report

PP-2024-122 (IR-2024-1)



Element	Description
Appointment of the Planning Proposal Authority (PPA)	<p>Council have not undertaken an assessment of the Planning Proposal for Gateway determination due to the proposal to be independently reviewed by the Panel. The Panel does not have delegation to appoint itself as the PPA in these circumstances.</p> <p>Subject to the outcome of the independent review, where the Panel supports the proposal for Gateway assessment, the Panel should also request that the Deputy Secretary of Planning, Land Use Strategy and Housing, as delegate of the Minister for Planning and Public Spaces, appoint the Panel as the PPA in accordance with section 3.32(2)(c) of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
Consultation	<p>Following the Department determining that the previous planning proposal should not proceed (PP-2020-74), the Sydney North Planning Panel (the Panel) was requested to provide guidance on what form any new planning proposal should take.</p> <p>On 5 October 2023, the Panel advised that the new planning proposal should (Attachment C):</p> <ul style="list-style-type: none">• Rezone Sites A, B, C and D from E2 Commercial Centre to MU1 Mixed Use;• Remove FSR controls for Sites A, B, C and D;• Introduce a Design Excellence Clause and Map into the North Sydney LEP 2013 (similar to Clause 6.19B of the LEP) which includes the requirement for completion of a Design Excellence Competition to trigger an increase in height for Site B to RL120.00 for the topmost part of building roof plant (including lift overrun and contingency);• Detail a Site Specific Master Plan for setbacks and podium height for Site B; and,• Confirm non-residential uses for the ground floor Site B and application of Transport for NSW's retail cap for each site. <p>The revised Planning Proposal was submitted directly to the Department to be independently reviewed by the Panel and to consider forwarding the Proposal to the Department for Gateway determination.</p>
Previous planning proposals	<p>There is a long history of planning for the site, detailed in Attachment – Previous Planning Proposals.</p>

Overview of the timeframe / progress of the current planning proposal

21 April 2023: The Department meets with the Proponent and invites the Proponent to comment on the peer review undertaken by HillPDA and make a submission to support a preferred building height and FSR.

2 June 2023: The Proponent provides a submission to the Department commenting on the peer reviewed feasibility study and support for building height and FSR.

28 June 2023: The Departments Urban Design Branch provides advice on the proposal, noting that the existing height on Site B would be more consistent with the building height aims of the ADG, will prevent overshadowing of local parkland and heritage homes, and would better address overdevelopment concerns of surrounding residents.

25 July 2023: The Department and Proponent meet to discuss advice provided by the Urban Design Branch.

28 October 2023: The Proponent provides a further submission to the Department in response to the urban design advice.

19 September 2023: The Panel is briefed on the progression of planning for the site between the Department and the Proponent and is requested to advice to the Department on what form the new planning proposal should take in terms of height and FSR. The Panel requests for further information regarding relative heights, application of an FSR and floor to floor heights.

29 September 2023: The Panel is further briefed following receipt of additional information from the Proponent.

5 October 2023: The Panel advised that the new planning proposal should (**Attachment C**):

- Rezone Sites A, B, C and D from E2 Commercial Centre to MU1 Mixed Use;
- Remove FSR controls for Sites A, B, C and D;
- Introduce a Design Excellence Clause and Map into the North Sydney LEP 2013 (similar to Clause 6.19B of the LEP) which includes the requirement for completion of a Design Excellence Competition to trigger an increase in height for Site B to RL120.00 for the topmost part of building roof plant (including lift overrun and contingency);
- Detail a Site Specific Master Plan for setbacks and podium height for Site B; and,

Independent Review – Briefing Report

PP-2024-122 (IR-2024-1)



Element	Description
	<ul style="list-style-type: none">Confirm non-residential uses for the ground floor Site B and application of Transport for NSW's retail cap for each site. <p>19 October 2023: The Department advises the Proponent to submit a revised Proposal to be referred to the Panel under section 2.15(c) of the Act to review the draft proposal and advise the Secretary whether it recommends that it should be submitted to the Department for Gateway determination as per section 3.32(2)(c).</p> <p>21 November 2023: The Proponent submits a new planning proposal to the Department.</p>
Department contact:	Derryn John – Manager, North District

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	5,217sqm
Site Description	<p>283 Alfred Street (Site A), 275 Alfred Street (Site B), 271-273 Alfred Street (Site C) and 263-269 Alfred Street and 4 Little Alfred Street (Site D), North Sydney, also known as the Alfred Street Precinct.</p> <p>Site A is currently occupied by a 3-4 storey building containing several commercial tenancies.</p> <p>Site B is currently occupied by an 18 storey commercial building that characterises the entire precinct. Constructed in 1971, the overall building height (including rooftop signage) equates to approximately 60.97m (RL100.97). Site B contains an underground carpark that is accessible at the rear via Little Alfred Street.</p> <p>Site C is currently occupied by a 3-4 storey building containing several commercial tenancies.</p> <p>Site D is currently occupied by a 3-5 storey strata building containing a mix of townhouses and residential units with some occupied for commercial use and some converted to residential use.</p> <p>The site has street frontages of approximately 120m to Alfred Street to the west, 43m to Whaling Road to the south and 120m to Little Alfred Street to the east. Vehicular access is provided via Little Alfred Street to the east of the Precinct.</p> <p>An aerial view of the Precinct is provided at Figure 1.</p>
Surrounding Area	<p>The Precinct is located between the high rise North Sydney Commercial Core and fine grain, low rise residential buildings to the north and east which are within the Whaling Road Conservation Area.</p> <p>To the north and east of the site is the Whaling Road Heritage Conservation Area which contains residential dwellings such as terrace houses and detached dwellings of 1-3 storeys in height. There are also taller, high-density residential buildings which were built around 1970's to the north east and south east of the site, including 22 Doris Street at 9-10 storeys and 50 Whaling Road at 23 storeys (Figure 2).</p>

Element	Description
	<p>West of the site is the Warringah Expressway and beyond the Warringah Expressway is the North Sydney Centre comprising of predominantly commercial offices with some retail and residential uses.</p> <p>Directly south of the precinct opposite Whaling Road is an RMS owned reserve, which provides a buffer between the highly trafficked Warringah Expressway, Alfred Street and the residential areas beyond. Across Whaling Road is Alfred Street North Park.</p>
<p>Proposal summary</p>	<p>The objective of the planning proposal is to enable the renewal of the Precinct consistent with previous several years of studies and SNPP/JRPP resolutions.</p> <p>The planning proposal subject to this rezoning review seeks to amend the <i>North Sydney Local Environmental Plan (LEP) 2013</i> to:</p> <ul style="list-style-type: none"> • Rezone Sites A, B, C and D from E2 Commercial Centre to MU1 Mixed Use; • Remove the maximum FSR control of 3.5:1 for Sites A, B, C and D; • Increase the maximum height of buildings for Sites A and B from 13m to RL69.00 for Site A and RL120.00 for Site B; and, • Introduce a Design Excellence Clause and Map that requires a Design Excellence Competition to be held where a proposed building on Site B exceeds RL101.00. <p>A concept scheme (Attachment B1) details a 7-storey mixed-use building on Site A, a 24-storey mixed-use building on Site B and 3 levels of basement carparking with 61 spaces. The proposed development will accommodate 131 new residential dwellings and up to 1,200sqm of commercial/retail floor space within a 3 storey podium.</p> <p>The planning proposal has been prepared following advice issued by the Sydney North Planning Panel to the Proponent on 5 October 2023 regarding what form any new proposal for the Precinct should take (Attachment C).</p> <p>The planning proposal is accompanied by a draft site-specific DCP which provides controls relating to building setbacks, podium heights, site amalgamation, through site links, retail cap, solar access, building design, parking, noise, awnings, landscaping.</p>

Element	Description
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none"> Greater Sydney Region Plan North District Plan North Sydney Local Environmental Plan 2013 North Sydney Local Strategic Planning Statement (March 2020) SEPPs <ul style="list-style-type: none"> SEPP (Resilience and Hazards) 2021 SEPP (Housing) 2021 SEPP (Transport and Infrastructure) 2021 9.1 Ministerial Directions <ul style="list-style-type: none"> 1.1 Implementation of Regional Plans 1.3 Approval and Referral Requirements 1.4 Site Specific Provisions 3.2 Heritage Conservation 4.4 Remediation of Contaminated Land 5.1 Integrating Land Use and Transport 6.1 Residential Zones 7.1 Business and Industrial Zones

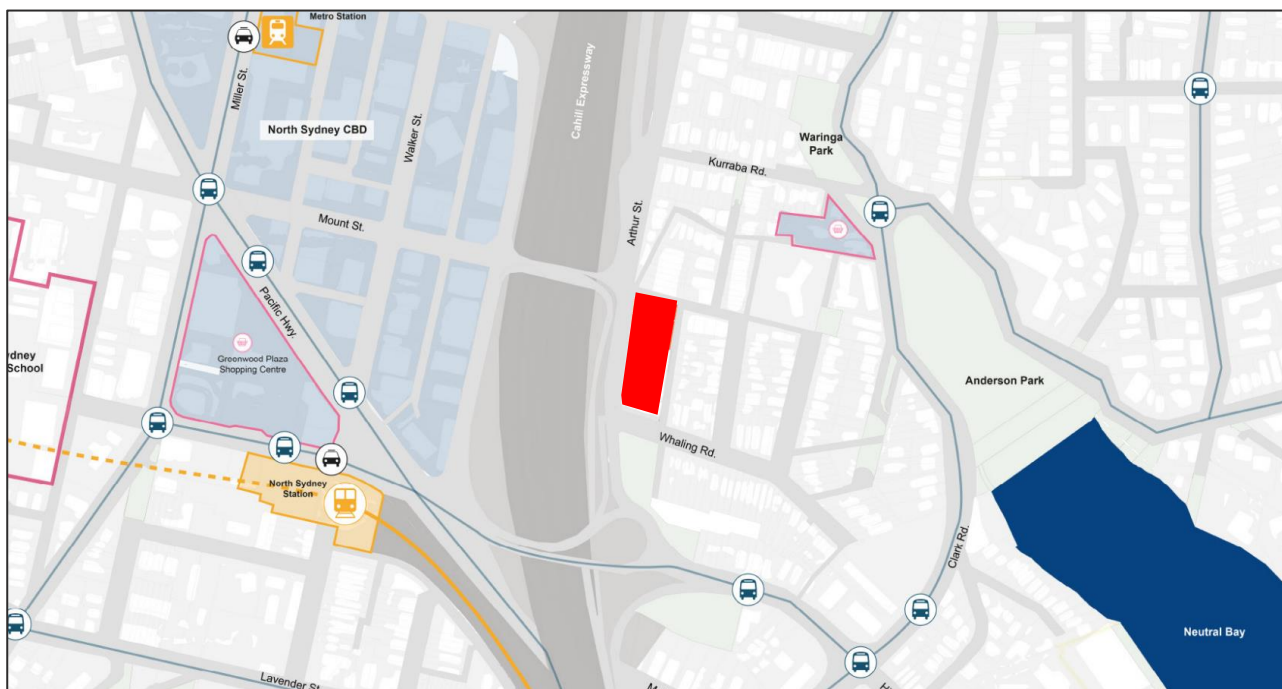


Figure 1. Site context map, site is shaded red (source: *Grimshaw Architects*)



Figure 2. Subject site (source: SIXMaps)

The planning proposal seeks to amend North Sydney LEP 2013 per the changes in **Table 2** below.

Table 2. Current and proposed controls

Control	Current	Proposed
Zone	E2 Commercial Centre	MU1 Mixed Use
Maximum height of the building	13m	Site A: RL69.00 Site B: RL120.00 Site C: 13m (no change) Site D: 13m (no change)
Maximum FSR	3.5:1	(remove FSR)
Design Excellence	N/A	Identify Site B
Number of dwellings on sites A&B	0	117
Non-residential GFA	Site A: 1,740sqm Site B: 7,920sqm	Site A and B: 1,200sqm commercial/retail

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Independent Review – Briefing Report

PP-2024-122 (IR-2024-1)

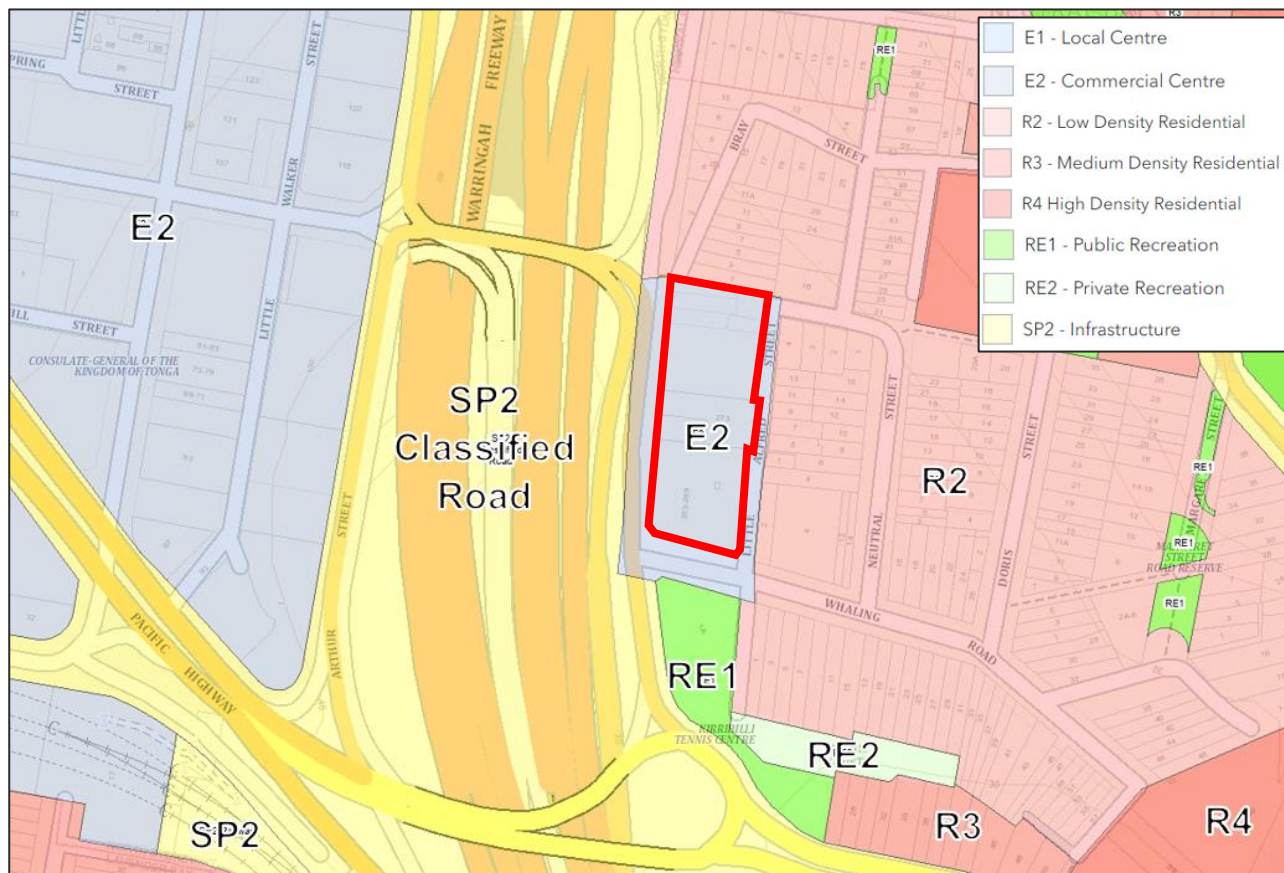


Figure 3. Current land use map (source: North Sydney Council)

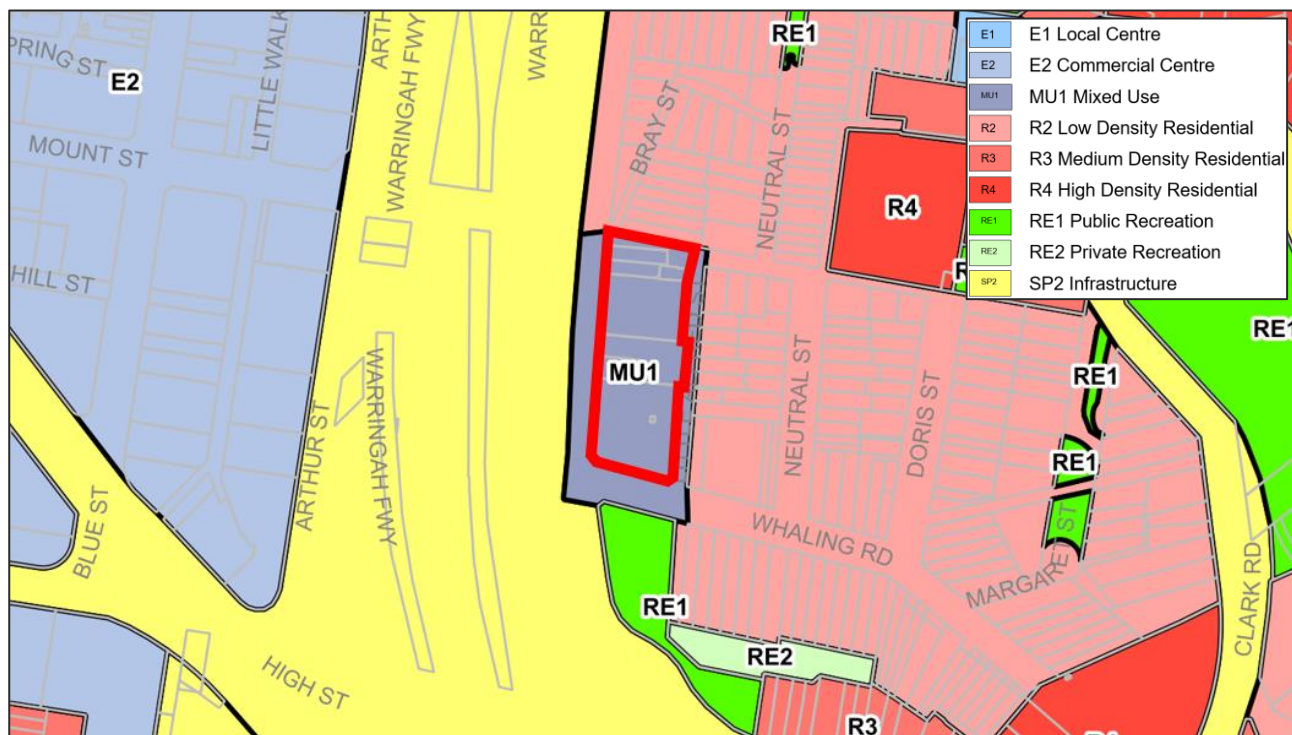


Figure 4. Proposed land use zone map (source: Mecone)

Independent Review – Briefing Report

PP-2024-122 (IR-2024-1)



Figure 5. Current height of buildings map (source: North Sydney Council)



Figure 6. Proposed height of buildings map (source: Mecone)

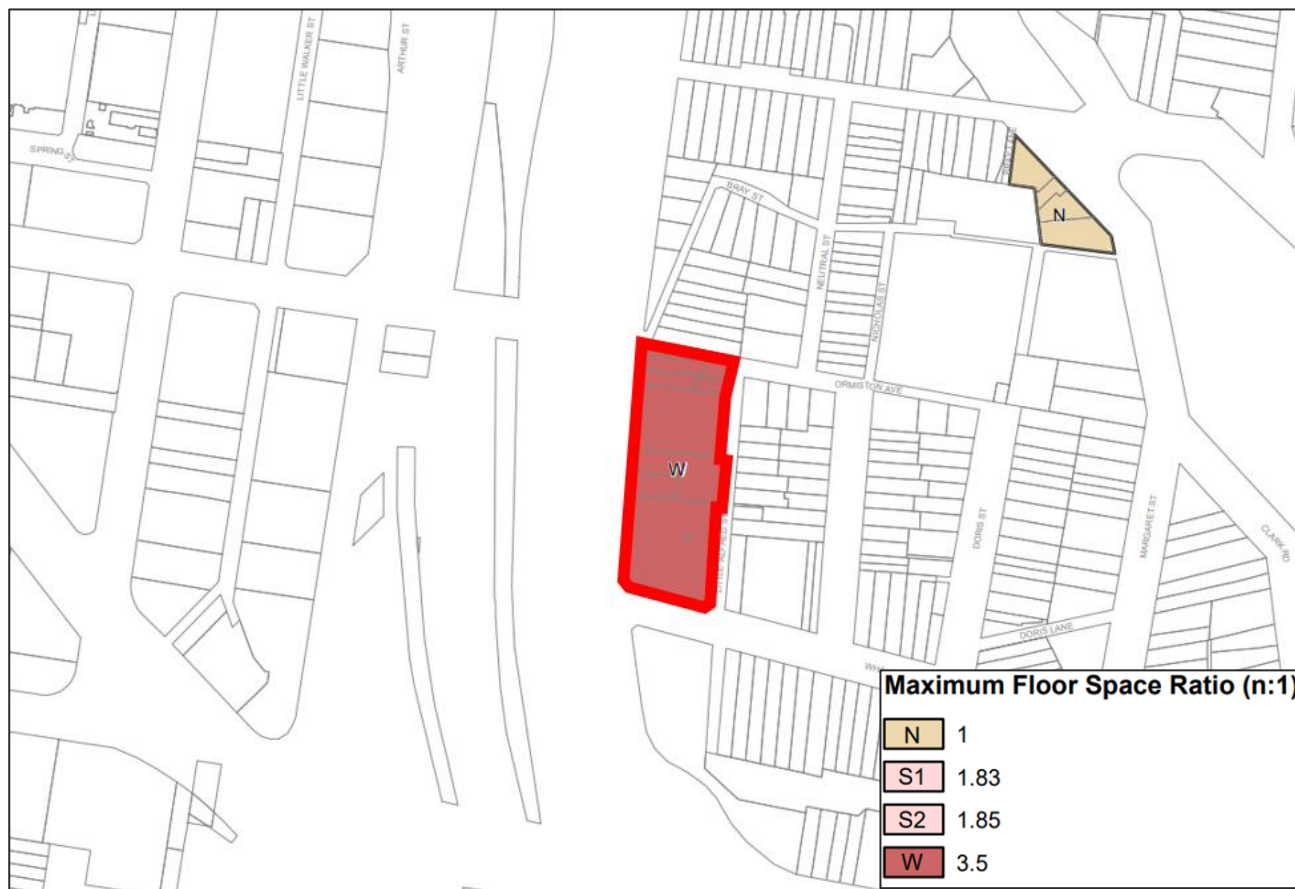


Figure 7. Current floor space ratio map (source: *North Sydney Council*)

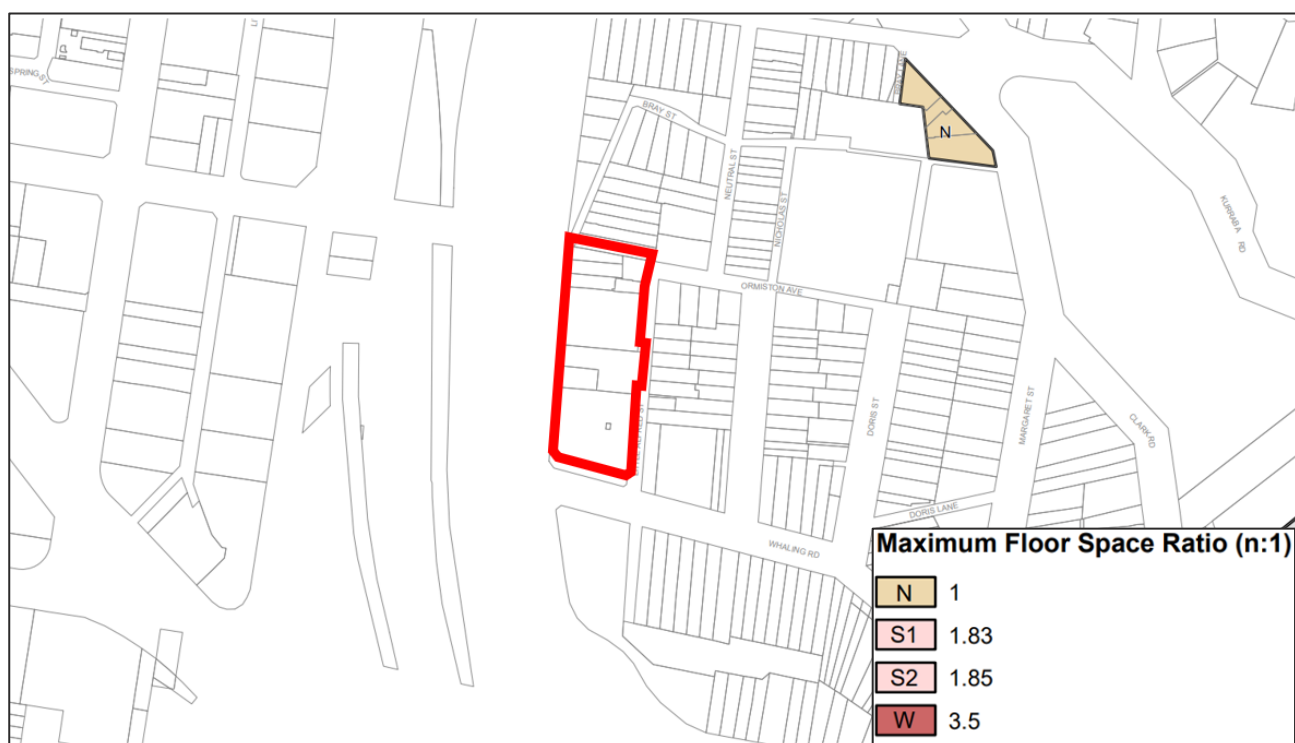


Figure 8. Proposed floor space ratio map (source: *Mecone*)

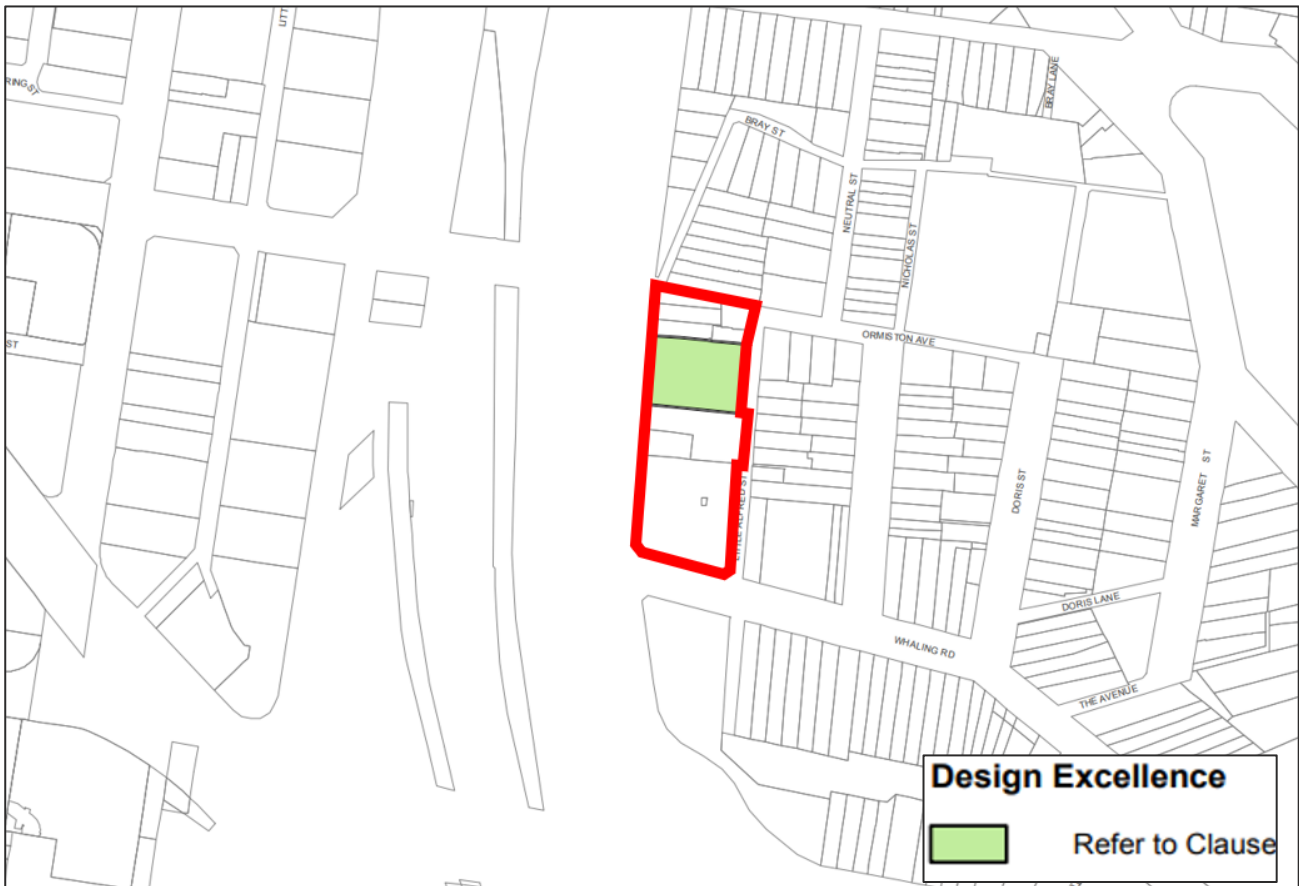


Figure 9. Proposed design excellence map (source: *Mecone*)

Built Form



Figure 10. Concept building view approaching from North Sydney CBD (source: *Grimshaw Architects - urban design package*)



Figure 11. Concept scheme south-east 3D view (source: *Grimshaw Architects - urban design package*)

Independent Review – Briefing Report

PP-2024-122 (IR-2024-1)



Figure 12. Concept scheme ground floor plan (source: *Grimshaw Architects - urban design package*)

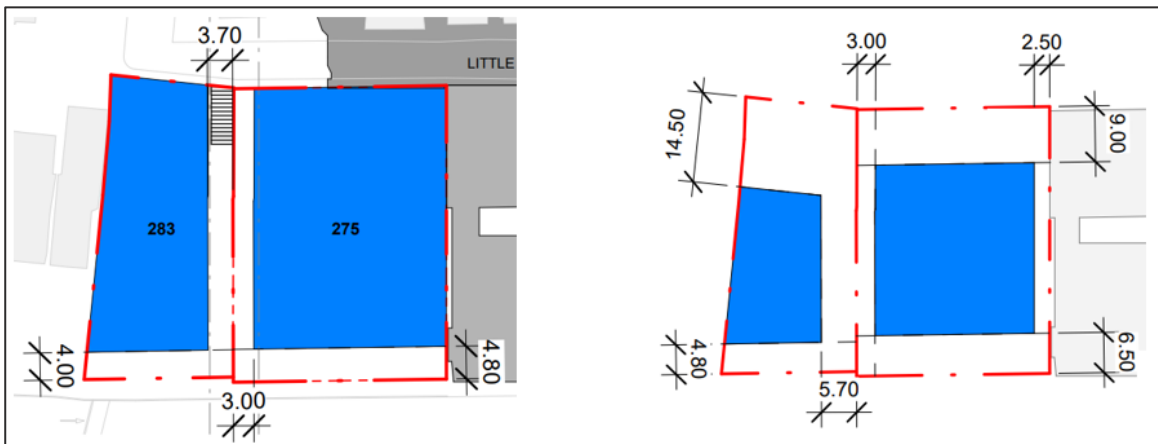


Figure 13. Concept scheme setbacks ground floor (left) and from Level 7 and above (right) (source: *Grimshaw Architects - urban design package*)



Figure 14. Concept scheme shadow diagrams on 21 June at 9am (top), 11am (middle) and 12pm (bottom) red shadow represents existing building blue shadow represents proposed building (source: *Grimshaw Architects - urban design package*)

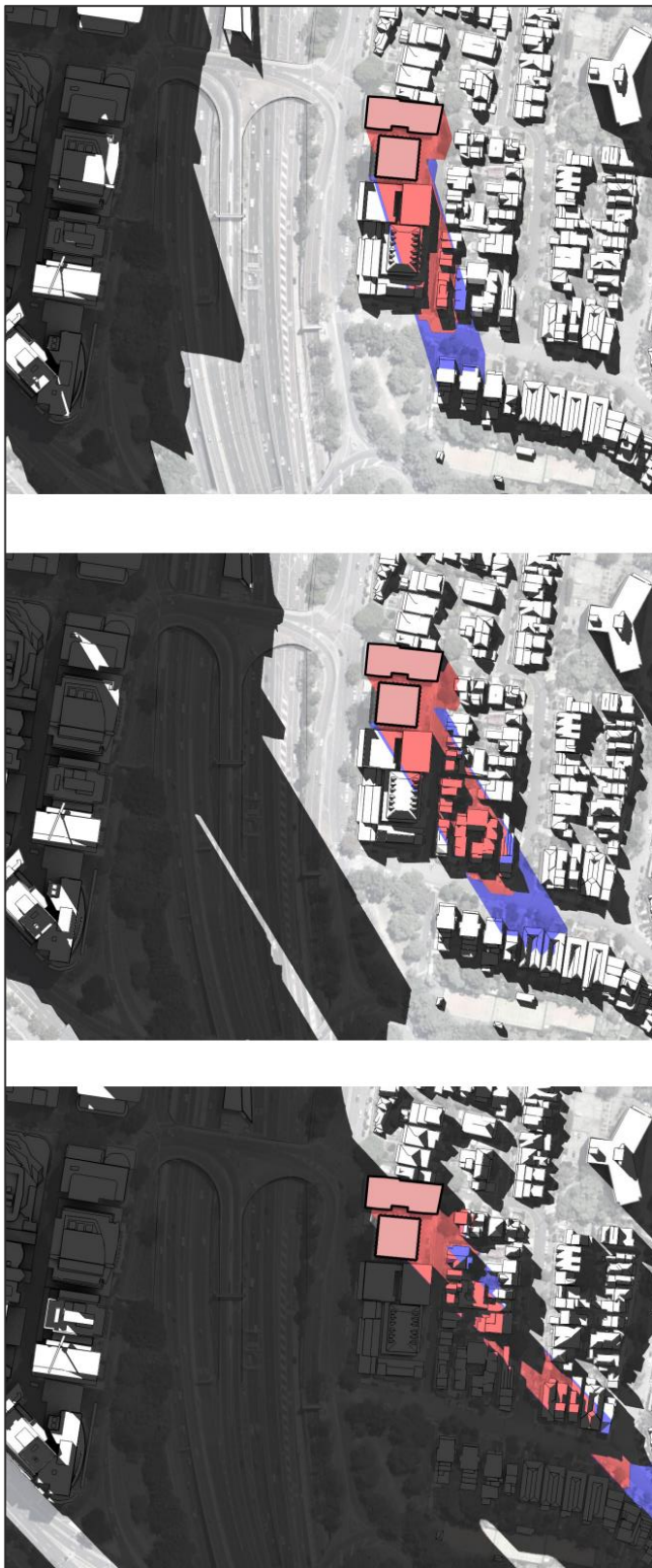


Figure 15. Concept scheme shadow diagrams on 21 June at 1pm (top), 2pm (middle) and 3pm (bottom) red shadow represents existing building blue shadow represents proposed building (source: *Grimshaw Architects - urban design package*)

Panel Advice – 5 October 2023

Table 3 below addresses the planning proposal's consistency with advice provided by the Panel on 5 October 2023 (**Attachment C**).

Panel Advice	Consistent
Rezone Sites A, B, C and D from E2 Commercial Centre to MU1 Mixed Use.	Yes
Remove FSR controls for Sites A, B, C and D.	Yes
Introduce a Design Excellence Clause and Map into the North Sydney LEP 2013 (similar to Clause 6.19B of the LEP) which includes the requirement for completion of a Design Excellence Competition to trigger an increase in height for Site B to RL120.00 for the topmost part of building roof plant (including lift overrun and contingency).	Yes – triggered beyond existing building height of RL101.00
Detail a Site Specific Master Plan for setbacks and podium height for Site B.	Yes – Attachment B6
Confirm non-residential uses for the ground floor Site B and application of Transport for NSW's retail cap for each site.	Yes (see Figure 12 and Attachment B3)

Key Issues

The following section summarises the key issues, drawn from the Proponent's planning proposal (**Attachment B**) and Council's comments for the independent review (**Attachment C**).

Issue no. 1 – Proposed Height Controls

Council view

- Proposed approach to achieve height of RL120.00 subject to a merit based design excellence outcome is contrary to best practice. It is recommended that the proposed height provisions be revised to reflect the best practice approach whereby the base height of RL101.00 is applied to the site and the bonus height up to RL120.00 be permitted subject to satisfactory meeting criteria under a local provision.
- Proposed bonus height to RL120.00 is questioned and the additional floor to floor heights (3.52m) are excessive, given that Apartment Design Guide (ADG) only envisages 3.1-3.2m.
- A "contingency allowance" is not required as the set maximum height through the use of an RL control is a flat surface, therefore there is no need to factor in a contingency for any potential topographic changes.

- 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 RL108.7.
- The proposal overshadows the public park to the south which is contrary to the Panel's decision on 5 October 2023.
- 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.

Proponent view

- The proposed heights are consistent with the SNPP decision of 5 October 2023 and are the result of several years of detailed studies and liaison with the Department on appropriate heights for the precinct.
- The design excellence bonus provision for the 275 Alfred Street building (Site B) which will require a design competition process to be undertaken for any additional increase in height to ensure a high standard of architecture, urban and landscape design is achieved for the site.
- The proposed heights will not adversely impact upon the amenity of the adjoining neighbours with regard to solar access and privacy as established under the previous planning proposal PP 2020-774.
- The proposed development will create a smooth transition between the Heritage Conservation Area to the CBD in terms of heights, scale, function and connectivity.

Issue no. 2 – Setbacks

Council view

- The site to the north of Site A 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 MU7 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.

Proponent view

- The built form for Sites A and B will be setback to Alfred Street minimum 4m for podium levels and 4.8-6.5m for tower (above podium) levels. Setbacks to Little Alfred

Street are 0m to lower ground and 4m to upper ground floor in response to the steep topography which falls away to the north.

- A site-specific DCP (**Attachment B6**) has been prepared for the Precinct which provides controls relating to building setbacks.
- The above podium tower levels will be setback minimum 9m for Site B and 14.5m for Site A. Landscaping buffer zones will be created along the eastern and western elevations which will provide visual screening to the adjoining Heritage Conservation Area and Freeway
- The Planning Proposal intent is to provide greater building setbacks to both facades providing continuity and legibility around the public through connection with increased landscape amenity to the site edges. The minimisation of the built form along Little Alfred Street to two storeys provides an appropriate transition to the low density dwellings to the east of the precinct
- Tower levels will be setback from the podium edge to allow for top of podium landscaping and maintain solar access for Sites C and D and the adjacent heritage conservation area.

Issue no. 4 – Traffic and Parking

Council view

- The proposal is accompanied by a traffic and transport report. This report heavily relies on 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. The surrounding road network is also 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 the planning proposal 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 on the use of stacked parking spaces within 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).

Proponent view

- A Traffic Impact Assessment (TIA) (**Attachment B3**) has been prepared which provides an assessment on the proposed parking and internal layout and examines the traffic generation of the proposed development.
- The TIA concludes that the proposal is not expected to result in any noticeable traffic impacts on the surrounding road network and therefore, no mitigation measures are required. The existing road network is expected to accommodate the proposed development traffic, rather than increase trips, the proposal is expected to reduce trip generation in the precinct by more than half.

A site-specific DCP (**Attachment B6**) has been prepared for the Precinct which provides controls relating to parking.

Other issues:

Floor Space Ratio:

Council raised the following concerns:

- Addressing various concerns noted by Council 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.
Note: it is intended that the FSR controls be removed.
- The proposed building on Site A 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.

Non-residential Floor Space Ratio

Council made the following recommendation with regards to the delivery of non-residential floor space:

- A non-residential FSR 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.
- Alternatively, a more specific standard could be imposed based on the outcomes of an acceptable reference scheme.

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

Council raised the following concerns:

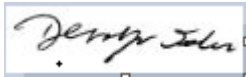
- The proposal does not provide sufficient clarity as to how the proposed built form and permissible building envelopes compare to the existing built form and permissible building envelopes.
- New diagrams should be prepared and incorporated that adequately demonstrate the proposed controls (including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

Additional Permitted Uses

Council made the following recommendation with regards to residential accommodation at 263 Alfred Street (Site D):

- Consideration should be given to the need to retain clause 25 to Schedule 1- Additional permitted uses of the North Sydney LEP 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.



27 February 2024

Derryn John

Manager, Metro North, Metro Central and North



5 March 2024

Brendan Metcalfe

Director, Metro North, Metro Central and North

Assessment officer

Kristian Jebbink

Senior Planning Officer, Metro North, Metro Central and North

02 9995 6424

Attachments

Attachment – Previous Planning Proposals (21 November 2023)

Attachment A – Submission Letter (21 November 2023)

Attachment B – Planning Proposal Package

Attachment B1 – Planning Proposal (21 November 2023)

Attachment B2 – Urban Design Package (20 November 2023)

Attachment B3 – Traffic and Parking Assessment (17 November 2023)

Attachment B4 – Wind Assessment (17 November 2023)

Attachment B5 – LEP Maps (December 2022)

Attachment B6 – Site Specific Development Control Plan (20 November 2023)

Attachment B7 – Letter of Offer to Purchase Adjoining Site (14 February 2019)

Attachment C – Sydney North Planning Panel Advice (5 October 2023)

Attachment D – Council's Response to the Rezoning Review (2 February 2024)