

Alfred Street Precinct, North Sydney

Planning Proposal

PREPARED FOR
BENMIL PTY LTD &
JB NO.3 PTY LTD

APRIL 2024
MECONE.COM.AU

Mecone acknowledges the Traditional Custodians of the land on where this project is undertaken and across the Mecone offices that this report is prepared, paying respect to the Elders past and present. We recognise the ongoing connection of Aboriginal and Torres Strait Islander peoples to land, waters, and culture.

Project Director

Ian Cady

Contributors

Harrison Depczynski

Genevieve Henry

REVISION	REVISION DATE	STATUS	AUTHORISED
A	08/05/2024		Ian Cady

* This document is for discussion purposes only unless signed and dated by the persons identified.
This document has been reviewed by the Project Director.

Contact

Suite 1204b, Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000

info@mecone.com.au
mecone.com.au

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Executive Summary

This Planning Proposal has been prepared by Mecone on behalf of Benmill Pty Ltd & JB No. 3 Pty in relation to the Alfred Street Precinct (the **Precinct**) which includes sites 283 Alfred Street (**Site A**), 275 Alfred Street (**Site B**), 271-273 Alfred Street (**Site C**) and 263-269 Alfred Street/4 Little Alfred Street (**Site D**). This planning proposal satisfies the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

SUBJECT SITE

The Alfred Street Precinct is located in North Sydney local government area located east of the North Sydney CBD separated by the Warringah Expressway. The Precinct comprises of a block zoned E2 Commercial Core and is roughly rectangular in shape with a combined area of 5,217m². The site has significant level variations with a steep crest of 7m (approximately) to the middle of the eastern boundary (Little Alfred Street) and the site falls steeply from Alfred Street to Little Alfred Street by approximately 3m.

The site has a range of land uses with commercial buildings to 271, 273 and 283 Alfred Street which are 3-4 storeys, 3-5 storey strata building with townhouses, residential units and some commercial uses at 263-268 Alfred Street and 4 Little Alfred Street and an RL 100.97 tall commercial building at 275 Alfred Street (formerly known as the Bayer Building).

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. The proposed Victoria Cross Metro Station is located approximately 500m from the Precinct, while North Sydney Railway Station is approximately located 600m to the west. The Precinct is also located 500m from bus services which operate regularly along the Pacific Highway and is 1km from the North Sydney Ferry.

PLANNING BACKGROUND

The Precinct has an extensive planning background which is detailed in section 3 of this report.

Planning Proposal (2015)

A Planning Proposal was lodged in September 2015 for 275 Alfred Street which proposed the rezoning of the site to B4 Mixed Use, increase the maximum building height from 13m (existing building 52.36m) to 85m and increase the maximum FSR from 3.5:1 (existing building 7.3:1) to 10.2:1. However, the Joint Regional Planning Panel (JRPP) did not initially support the proposal. The JRPP made the following comments:

- The JRPP considers the site and the street block zoned B3 is isolated from North Sydney CBD and closely related to the adjoining residential area and therefore a change in zoning that would allow residential use, would be appropriate;
- The Planning Proposal only deals with one site rather than the Precinct and results in a piecemeal approach. Furthermore, the proposal leads to the site having three times the development potential of the other sites within the B3 zone and fails to achieve separation distances and affects the development potential of the adjoining sites; and
- The JRPP considered appropriate to grant the 275 Alfred Street building (formerly known as Bayer Building) the density it currently enjoys with additional height subject to appropriate amenity. As for the other sites in the B3 zone, the existing density of 3.5:1 may be combined with some additional height, with appropriate amenity.



Alfred Street Precinct Planning Study

Following the JRPP decision, Council prepared the Alfred Street Precinct Planning Study (**Precinct Planning Study**) in February 2017 which would provide a framework for the entire Precinct and would act as a guide for a future landowner led Planning Proposal. At its meeting in January 2019, Council resolved not to support the Precinct Planning Study due to political reasons.

While the Precinct Planning Study has no statutory force given it was not formally adopted by Council it is considered to have probative value. It has been used to inform this Planning Proposal and should be given evidentiary weight as it is based on the professional opinion of Council officers. This Planning Proposal is also generally consistent with the objectives and design requirements outlined in the Precinct Planning Study.

Council's preferred option in the Precinct Planning Study is outlined below:

- Amalgamate sites 275 and 283 Alfred Street to create Site A and the remainder of the southern sites to create Site B;
- Achieves an FSR of 3.9:1 – 4.4:1 across the Precinct with 6.5:1-7.4:1 for Site A and 2.1:1-2.4:1 for Site B;
- Little Alfred Street incorporates fine grain residential accommodation which is 3 storeys in height;
- For Site A, the built form would include a three storey commercial podium (to the through site links and Alfred Street) with a new tower to align with 275 Alfred Street Building (including its width along Little Alfred Street) with an additional 6 storeys which are to be tapered along the eastern boundary;
- For Site B, the ground floor is to be retail/commercial (along through the through site link, Alfred Street and Whaling Road, with a 4 and 9 storey built form along Alfred Street;
- Shared basement access; and
- Public benefits including a public through site link to the northern edge of Site A, a laneway which straddles Sites A and B, street frontage setbacks and an upgraded public domain.

There is value in Council's preferred scheme as it represents a balance between Council's professional expertise and the community's expectation for the Precinct.

Planning Proposal (2019)

Given that Council was unable to support its own Precinct Planning Study, the Proponent lodged its own precinct Planning Proposal in March 2019. The 2019 Planning Proposal sought to address the concerns raised by the JRPP in September 2016 by including all sites in the precinct (Sites A, B, C and D). The proposal sought to:

- Rezone the Precinct from B3 Commercial Core to B4 Mixed Use;
- Increase the maximum height of buildings from 13m to:
 - 31m for 283 Alfred Street (Building A);
 - 80m for 275 Alfred Street (Building B);
 - 28m for 271-273 Alfred Street (Building C); and
 - 29m for 263-269 Alfred Street/4 Little Alfred Street (Building D).
- Increase FSR provision for 275 Alfred Street (Building B) from 3.5:1 to a base of 7.3:1 which is the existing FSR of 275 Alfred Street. Insert a design excellence provision which allows for an additional 2:1 FSR (with a total maximum FSR control of 9.3:1), subject to a design competition being undertaken for the site.



The North Sydney Local Planning Panel (**NSLPP**) considered the proposal at its meeting of 14 August 2019 and acknowledged its strategic merits. However, it raised several matters of site-specific merit that needed to be addressed and/or required further information and clarification. On, 5 November 2019 Sydney North Planning Panel (**SNPP**) considered the rezoning review request and determined the proposal be submitted for a Gateway determination as the planning proposal demonstrated strategic and site-specific merit. Following public exhibition, the SNPP on 10 December 2021 resolved to seek further advice from the Department of Planning (**the Department**) prior to making a final determination of the Planning Proposal.

In their determination, the SNPP advised:

The Panel believes the Proponent has generally satisfied the following site-specific concerns: traffic and pedestrian safety; overlooking and privacy; environmental impacts; and public exhibition process.

However, the Panel concurs with the Department that the following site-specific concerns need further review and refinement prior to the proposal proceeding to finalisation.

- *The extent of **overshadowing on public open space** and neighbouring properties including the Whaling Road Heritage Conservation Area and how any such overshadowing could be further minimised;*
- *The timing, execution and requirement of a **site-specific DCP** to be prepared between the Proponent and Council;*
- *Consideration of the Western Harbour Tunnel and Warringah **Freeway upgrade**, particularly with the proposed changes to nearby public open space;*
- *The inclusion of a **maximum retail floor space** cap to manage traffic generation, as requested by Transport for NSW;*
- *The formalisation and execution of **public benefit offers** with Council;*
- *The extent of setbacks consistent with the additional landscaping proposed along Little Alfred Street and a more appropriate **transition to the low-density** heritage conservation area; and*
- *The **ADG building separation** controls be applied to ensure it is compliant with the distances required for the heights proposed.*

Consideration could be given to the final mix of land uses and whether this could accommodate a reduction in building height as to reduce potential amenity impacts on open space and the Whaling Road HCA.

*Consequently, the Panel requests the Department work with the Proponent and Council to review and **refine the Proposal, in relation to the above points, prior to presenting the Proposal to the Panel again** for further consideration within the first quarter of 2022.*

Given that the Planning Proposal had not met its Gateway determination completion date, the Department altered the Gateway determination not to proceed on 2 March 2022. This was to allow for a new consolidated and amended planning proposal to be lodged and re-exhibited. Between February and April 2022, the proponent met with the Department a total of three times to address the SNPP's recommendations.

On 29 June 2022, the SNPP held a briefing with the Department to discuss the progress in resolving key issues. Following this briefing, the SNPP held a further briefing with the Department on 13 July 2022. At this briefing the SNPP generally concurred with the analysis and recommendations contained in the Department's Briefing Report of 23 June 2022. The SNPP unanimously determined as part of their record of decision that the proposal should proceed onto the Gateway assessment stage for re-exhibition for sites A and B and including the rezoning of sites C and D to B4 Mixed Use only. Additionally, the SNPP suggested the Department, Applicant and Council work together to identify an appropriate mix of all uses having regard to traffic considerations.

Following the July 2022 meeting, the Department and the Proponent met several times to discuss process and form of lodging a new Planning Proposal. The Department determined that through this process it would seek further advice from a newly constituted SNPP.



The SNPP met with proponent on both 19 September 2023 and 29 September 2023. In its record of decision from 5 October 2023 the SNPP advised the following:

The majority of the Panel have provided advice that the Proponent's proposed development should be amended to:

1. *Rezone sites A, B, C and D from E2 Commercial Centre to MU1 Mixed Use;*
2. *Remove FSR controls from sites A, B, C and D;*
3. *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);*
4. *Detail a Site-Specific Master Plan for setbacks and podium height of Site B; and*
5. *Confirm non-residential uses for the ground floor of Site B and application of Transport for NSW's retail cap for each site.*

As a result, the majority of the Panel advise that should the Proponent wish to submit a new proposed planning proposal then it should consider the above points and details in the Mecone letter of 29 September 2023.

Planning Proposal (2023/24)

In response to the SNPP's record of decision from 5 October 2023, a new Planning Proposal was prepared and submitted to the Department. The Planning Minister's delegate requested the Panel undertake an independent review of the Planning Proposal under S2.15(C) of the Environmental Planning & Assessment Act 1979 due to the complex and lengthy history of planning for the site and precinct.

The proposal was then referred to the Sydney North Planning Panel (SNPP) for independent review. The Department also referred the new Planning Proposal to North Sydney Council for review and comment. In March 2024, the proponent provided a letter to the Department and SNPP, responding to the matters raised by Council.

SNPP Consideration & Decision (April 2024)

On 15 March 2023, the proponent met with the SNPP and the Department in relation to the new Planning Proposal. On 22 March 2024, the SNPP issued their determination on the new Planning Proposal. The SNPP's recommendations were as follows:

The majority of the Panel recommends that prior to the Planning Proposal Authority (PPA) submitting the Planning Proposal for a Gateway determination, the Planning Proposal is to be revised to address the following:

- *removing the proposed height increase for Site A thereby retaining the current height limit of 13m;*
- *amending the proposed new Clause 6.19E - Design Excellence so that the Design Competition criteria requires a Design Competition for any height increase over RL 101 up to an absolute maximum including all roof plant of RL 120, whether the existing building is retained and altered or whether the site is redeveloped;*
- *including a proposed LEP provision for a site specific Development Control Plan (DCP); and*
- *updating the planning proposal and supporting reports and studies in accordance with the above two points and the LEP Making Guidelines (August 2023) to reflect the Panel's decision.*



The majority of the Panel also recommends that:

- *the Proponent works with Council to produce a Site Specific DCP and a public benefits offer which may include:*
 - *affordable housing – contribution rate in perpetuity with a Community Housing Provider; and*
 - *confirming with Transport for NSW an acceptable non-residential GFA for Site B and the proposed removal of a non-residential GFA for sites A, C & D.*
- *given the prominence of this site, the very protracted evolution of the planning proposal and the additional height of the current planning proposal, the Panel requests the Department consider identifying Site B for exclusion from further bonus height or FSR available under the amended State Environmental Planning Policy (Housing) 2023.*

The Panel requests it be appointed as the PPA for the planning proposal. Should the Panel be appointed the PPA for this planning proposal, the Panel requires confirmation from the proponent that they agree to:

- a) *revise the planning proposal to be consistent with the Panel's recommendations above; and*
- b) *subsequently provide a revised planning proposal to address the Panel's concerns.*

Revised Planning Proposal (May 2024)

In response to the SNPP determination, the Proponent issued a letter to the SNPP on 24 April 2024 confirming it agreed to revise the Planning Proposal to be consistent with the SNPP's recommendations. As such, this revised Planning Proposal has been submitted in accordance with the SNPP recommendations.

Throughout the planning process which began prior to 2015, the Proponent has demonstrated its willingness to work with Council and the Department to achieve a good planning outcome for the Precinct. Council's own Precinct Planning Study (2017-2019) took over 2 years to prepare and did not eventuate in an outcome. The Gateway Determination for Planning Proposal 2020-74, lodged in 2019 and altered in 2022 resulted in Planning Proposal 2020-74 not proceeding. The Proponent would like to continue working with Council, the Panel and the Department to ensure that this Planning Proposal which will create a vibrant mixed-use Precinct is approved.

PROPOSAL

The Planning Proposal seeks the following amendments to North Sydney Local Environmental Plan 2013 (NSLEP):

- Rezone the Precinct (Sites A, B, C and D) from E2 Commercial Centre to MU1 Mixed Use
- Remove FSR controls from the Precinct (Sites A, B, C and D)
- Increase the maximum building height for Site B (275 Alfred Street) from 13m to RL 120.00
- Introduce a Design Excellence Clause and Map into the North Sydney LEP 2013 that:
 - Requires a Design Excellence Competition to be held where a proposed building on Site B (275 Alfred Street) exceeds RL 101.00
- Introduce a Development Control Plan Clause into North Sydney LEP 2013 that:
 - Requires a Development Control Plan be prepared for the land that provides for detailed development controls for Site B (275 Alfred Street).



A reference scheme has been provided which demonstrates how the increased density for 275 Alfred Street (Site B) can be achieved on the site. The reference scheme for the Planning Proposal will facilitate an additional approximately 115 residential units within the Precinct. The proposal seeks to retain the existing building structure on Site B but add additional height, overhaul the building services and undertake remediation works.

A site-specific DCP has been prepared for the Precinct which provides controls relating to building setbacks, podium heights, site amalgamation, through site links, retail cap, solar access, building design, parking, noise, awnings, landscaping (refer to **Appendix 5**).

RATIONALE FOR THE PROPOSED CHANGES TO PLANNING CONTROLS

The purpose of the Planning Proposal is to provide a considered approach to the future redevelopment of the Precinct, consistent with previous JRPP decisions and the latest SNPP advice of 22 March 2024.

The Precinct's strategic location near transport hubs and amenities enhances the justification for redevelopment. The redevelopment aligns with NSW planning directives, promoting densification in tandem with sustainable and community-oriented development. Detailed considerations emphasise limited environmental impacts, and opportunities for improved pedestrian wind comfort improvements.

URBAN DESIGN

The approach for the future redevelopment of the Precinct was to seek a balance between amenity, public benefit, quality, economic viability and development surety. An urban form for the Precinct has been developed as a holistic approach, with massing responding to topography and existing residential context whilst maintaining its unique character as a gateway precinct.

The proposal will incorporate a 3-storey podium to Alfred Street which is consistent with the existing built form. Fine grain residential accommodation will be located along Little Alfred Street to create an appropriate transition with the low scale dwellings. The built form above the podium along Little Alfred Street will be generous to allow for solar access deep into the site and pedestrian arcade.

The built form for Site B will be setback to Alfred Street minimum 4.8m for podium levels and 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. The above podium tower levels will be setback minimum 9m. 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 proposal will also incorporate elevated landscaping podiums along Little Alfred Street which will further soften the built form along this elevation.

The pedestrian through-site link between Sites A and B linking Alfred Street with Little Alfred Street will increase the permeability of the precinct and create significant improvements to the ground floor plane.

ECONOMIC ANALYSIS

Within North Sydney Centre there are a number of initiatives which will provide significant commercial growth including Council's finalised Capacity and Land Use Study/North Sydney Centre Planning Proposal, ongoing developments, Ward Street Precinct Masterplan and Victoria Cross Metro Station. Cumulatively, there appears to be in the order of 806,000m² of additional commercial supply capacity in the Centre which would provide 40,300 additional jobs and exceed the job targets for the North District Plan.

Council's Precinct Planning Study proposed resulted in the loss of 9,000m² existing floor space and is equivalent to 450 jobs. The loss of commercial floorspace was acknowledged by Council to be unfortunate, however in the context of capacity in the Centre and demonstrated development interest it was considered an acceptable outcome. Furthermore, the JRPP acknowledged that the Precinct is not a suitable location for employment growth given it is isolated and disconnected from the North Sydney CBD.



Further, since 2019 the commercial market has become considerably more challenging given the effects of COVID-19 and the result reduction in demand for commercial floorspace with hybrid working arrangements. The loss of dated, lower grade office space just outside the North Sydney Centre is minor in comparison to the 806,000m² of additional commercial supply capacity, including large A-grade commercial office developments under construction or have recently come online in the North Sydney Centre in the past few years (e.g. Victoria Cross OSD, Zurich Building, 86-88 Walker St, 1 Denison St).

TRAFFIC AND PARKING

A Traffic Impact Assessment (TIA) has been prepared on behalf of TTPP (refer to **Appendix 2**) which provides an assessment on the proposed parking and internal layout and examines the traffic generation of the proposed development. The proposal however is expected to significantly reduce the future trips generated in the precinct by more than half (reduction of 137 trips in AM peak and 103 trips in PM peak) given residential trip generation rates are lower than commercial rates.

Traffic modelling has previously been undertaken for the existing base case and the proposed development to the intersections of Little Alfred Street/Whaling Road and Neutral Street/Whaling Road. The intersections are currently operating at an 'A' (good operation) level of service and will continue to operate at this level as a result of the proposal. 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 as the existing road network is expected to accommodate the proposed development traffic.

SOCIAL IMPACTS

The planning proposal will create a number of positive social impacts, including:

- Increasing housing choice and stock in close proximity to a range of public transport options and other services. The proposal aligns with NSW planning directives, promoting densification in tandem with sustainable and community-oriented development, allowing more development near transport hubs to leverage existing infrastructure capacity in response to the current housing supply and affordability crisis.
- Improving the ground floor plane and public domain by:
 - Providing a pedestrian through-site link to improve permeability within and through the Precinct to North Sydney CBD.
 - Appropriate setbacks along Little Alfred Street and Alfred Street to improve the pathways with some kerb build outs along Alfred Street; and
 - Providing opportunities for landscaping which will provide a buffer in between the Heritage Conservation Area and the Freeway along Alfred Street;
- Create a mixed use Precinct which will integrate housing, employment opportunities and services and reduce the need for car travel whilst promoting cycling and walking in the locality;
- Providing an appropriate transition to the low scale development in the Conservation Area with a residential fine grain typology along Little Alfred Street; and
- Proposing a building envelope which will minimise amenity impacts to the surrounding Conservation Area with regard to overshadowing, privacy and view loss.

STRATEGIC MERIT

The strategic merits of the proposal have been established several times throughout the various Planning Proposals and studies as acknowledged by the former JRPP and SNPP in their previous considerations. The proposal is consistent with relevant state, regional and local strategies and the rezoning of the Precinct will



allow for a better transition with the adjoining Heritage Conservation Area which is close proximity to a number of public transport services.

SITE-SPECIFIC MERIT

As established in Section 7.3 of this report, the proposal has demonstrated site-specific merit promoting densification in tandem with sustainable and community-oriented development, allowing more development near transport hubs to leverage existing infrastructure capacity. Detailed considerations emphasise limited environmental impacts, and opportunities for improved pedestrian wind comfort improvements.

Since the December 2021 JRPP consideration of the proposal (see section 3.4.2) where the JRPP confirmed satisfaction of many site-specific matters, the proponent has worked with the Department and since resolved the remaining site-specific merit matters raised by the JRPP in relation to: overshadowing on public open space, site-specific DCP, Warringah Freeway upgrades, retail floorspace cap, public benefit offers, setbacks and landscaping, and ADG consideration.

CONCLUSION

This Planning Proposal report provides a full justification of the proposal in line with the Department of Planning and Environment's LEP Making Guideline. The justification demonstrates that:

- The proposal is consistent with the SNPP advice made on 22 March 2024 and 5 October 2023 in that it has been amended to rezone the entire precinct to MU1 Mixed Use and remove FSR controls, introduce design excellence and development control plan clauses in the NSLEP pertaining to Site B (275 Alfred Street), and is accompanied by a site-specific DCP which introduces a maximum retail floor space cap for the precinct and details site specific masterplan controls.
- The proposal allows for a Precinct wide approach to the future redevelopment of the E2 zoned block. Furthermore, it will rezone the Precinct to incorporate residential uses which was considered by the JRPP to be appropriate given the isolation of the Precinct from the North Sydney CBD;
- Although Council's Alfred Street Precinct Planning Study was not formally adopted and has no legal weight, it is considered to have some probative value. The Study acts as a framework for the future redevelopment of the Precinct and it is based on the professional opinion of Council officers as to what could be an acceptable built form. The Planning Proposal is consistent with the objectives and design requirements of Council's draft Alfred Precinct Planning Study;
- The proposal is consistent with the Greater Sydney Region Plan and Northern District Plan given it will integrate housing and employment opportunities with public transport which contributes to the 30 minute city and contributes to housing targets;
- The proposal is consistent with the relevant s9.1 Ministerial Directions.
- The proposal has strategic merit given it is consistent with the relevant state, regional and local strategies and the rezoning of the Precinct will allow for a better transition with the adjoining Heritage Conservation Area which is close proximity to a number of public transport services.
- The proposal has demonstrated site-specific merit promoting densification in tandem with sustainable and community-oriented development, allowing more development near transport hubs to leverage existing infrastructure capacity.
- The proposal significantly improves the ground floor plane and public domain of the Precinct. The additional provision of a through-site link, landscaping and widening of the footpaths along Little Alfred Street and Alfred Street will improve permeability and the pedestrian experience.



- The proposal provides housing diversity and choice for the future residents of North Sydney LGA with a variety of unit types in close proximity to existing public transport, jobs, services and infrastructure; and
- Provides an appropriate built form between the North Sydney CBD and the low scale residential development in the Conservation Area, addressing matters of amenity and environmental impacts.



1 Introduction

This Planning Proposal has been prepared by Mecone on behalf of Benmill Pty Ltd & JB No. 3 Pty Ltd in relation to the Alfred Street Precinct which includes sites 283 Alfred Street (Site A), 275 Alfred Street (Site B), 271-273 Alfred Street (Site C) and 263-269 Alfred Street/4 Little Alfred Street (Site D).

The Planning Proposal seeks the following amendments to North Sydney Local Environmental Plan (NSLEP) 2013:

- Rezone the Precinct (Sites A, B, C and D) from E2 Commercial Centre to MU1 Mixed Use;
- Remove FSR controls from the Precinct (Sites A, B, C and D);
- Increase the maximum building height for Site B (275 Alfred Street) from 13m to RL 120.00
- Introduce a Design Excellence Clause and Map into the North Sydney LEP 2013 that:
 - Requires a Design Excellence Competition to be held where a proposed building on Site B (275 Alfred Street) exceeds RL 101.00
- Introduce a Development Control Plan clause into North Sydney LEP 2013 that:
 - Requires a Development Control Plan be prepared for the land that provides for detailed development controls for Site B (275 Alfred Street).

The Planning Proposal is accompanied by a site-specific DCP for the precinct which provides controls relating to building setbacks, podium heights, site amalgamation, through site links, solar access, building design, noise, awnings, landscaping (refer to **Appendix 5**).

The Planning Proposal has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the **Act**); and
- The NSW Department of Planning and Environment's (**the Department**) *Local Environmental Plan Making Guideline* dated August 2023.

Specifically, the planning proposal includes the following information:

- A description of the site in its local and regional context;
- A statement of the objectives or intended outcomes of the proposed instrument;
- An explanation of the provisions that are to be included in the proposed instrument; and
- The justification for those provisions and the process for their implementation including:
 - Whether the proposed instrument will comply with relevant directions under Section 9.1;
 - The relationship to the strategic planning framework;
 - Environmental, social and economic impacts;
 - Any relevant State and Commonwealth interests; and
 - Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.



The Planning Proposal Report is accompanied by the following documents:

- **Appendix 1** – Urban Design Package
- **Appendix 2** – Traffic and Parking Assessment
- **Appendix 3** – Wind Assessment
- **Appendix 4** – Local Environmental Plan Maps
- **Appendix 5** – Site Specific Development Control Plan
- **Appendix 6** – Letter of Offer to Purchase Adjoining Site

1.1 Proponent and Project Team

The Planning Proposal has been prepared on behalf of Benmill Pty Ltd & JB No. 3 Pty Ltd. **Table 1** identifies the project team.

TABLE 1 - PROJECT TEAM

Item	Description
Urban Planning	Mecone
Architect	Grimshaw Architects
Wind Consultant	RWDI
Traffic Consultant	TTPP



2 The Site

2.1 Precinct location and description

The Alfred Street Precinct is located in North Sydney local government area located east of the North Sydney CBD separated by the Warringah Expressway. It comprises of a block zoned E2 Commercial Centre with a combined area of is 5,217m². An aerial image depicting the site and its immediate context is provided in the figure below. Note the Planning Proposal references the sites as Sites A, B, C and D which is consistent with the proposed amalgamation patterns. The table below provides the legal description and a brief summary of the precinct and its surrounding context.

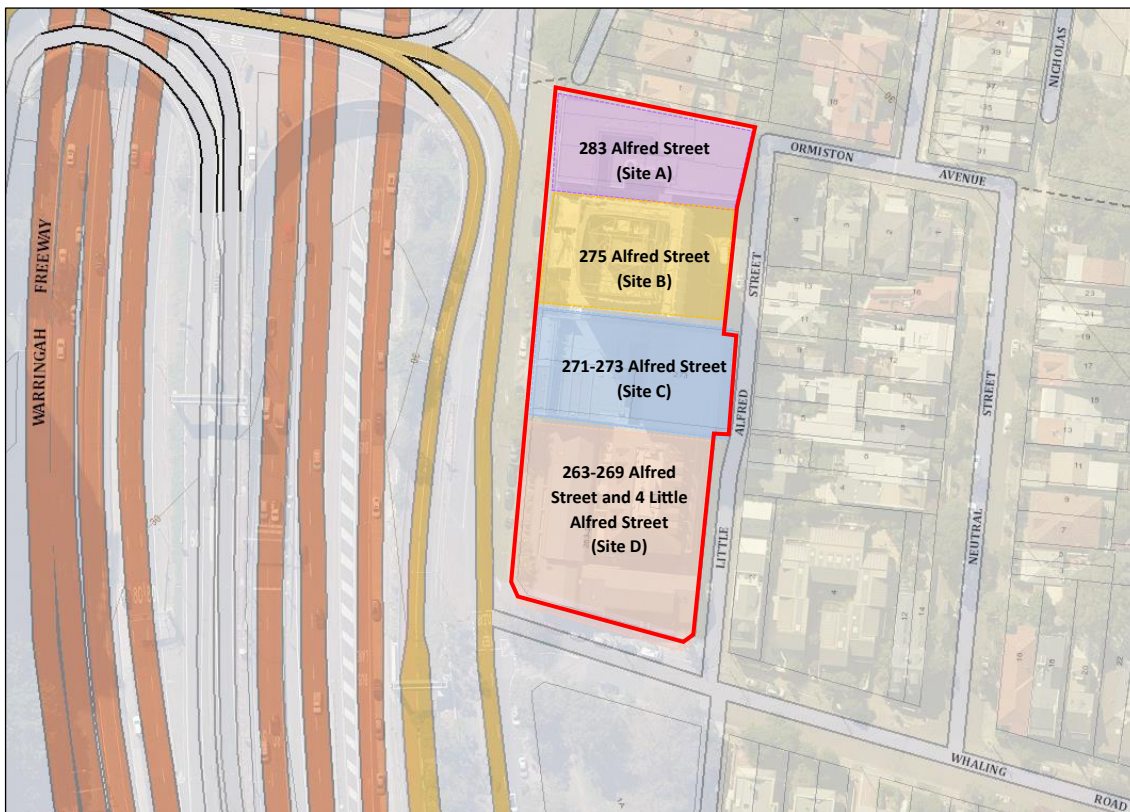


Figure 1 - Subject Site

Source: Sixmaps, modified by Mecone

TABLE 2 – SITE DESCRIPTION

Item	Detail
Legal description	283 Alfred Street (Site A): Lot 14 DP67882; Lot 15 DP67882; Lot 16 DP67882; Lot 3 DP554750; and Lot 1 DP554749. 275 Alfred Street (Site B): Lot 1 DP54856 271-273 Alfred Street (Site C): Lot 1 DP532504 and SP6830

	263-269 Alfred Street/4 Little Alfred Street (Site D): SP71563 and SP71454
Total site area	5,217m ²
Site description and frontage	The Precinct is roughly rectangular shape with a combined frontage 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.
Site topography	The Precinct has significant level variations. Little Alfred Street (eastern boundary) has a steep crest of approximately 7m with the northern and southern ends dipping down. The Precinct falls steeply from Alfred Street to Little Alfred Street by approximately 3m.
Existing buildings/ structures	<p><u>283 Alfred Street</u></p> <p>3-4 storey commercial building, estimated 1,740m² net lettable area.</p> <p><u>275 Alfred Street</u></p> <p>The Precinct is characterised by 275 Alfred Street building constructed in 1971, which is an 18 level commercial building (ground floor retail + 17 levels of office space with a total of 7,920m² net lettable area) with underground parking. The overall building height, including the signage panel, is 60.97m, while the ground floor is at RL40.00 and the very top of the panel behind the signage is RL100.97. The site has an FSR of 7.3:1. Constructed in 1971, the building is now nearing the end of its economically useful life as a commercial office building.</p> <p><u>273 Alfred Street</u></p> <p>3-4 storey commercial building, approximately 1,490m² net lettable area</p> <p><u>271 Alfred Street</u></p> <p>3-4 storey commercial building, approximately 521m² net lettable area.</p> <p><u>263-269 Alfred Street/4 Little Alfred Street</u></p> <p>3-5 storey strata building with townhouses and residential units, some occupied for commercial, some converted for residential use.</p>
Surrounding uses	<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><u>North and East</u></p> <p>Residential dwellings including terrace houses and detached dwellings of 1-3 storeys in height. The area is included in the Whaling Road Heritage Conservation Area. There are also a number of taller, high-density residential buildings which were built around 1970's to the north east and south east of the precinct, including 22 Doris Street at 9-10 storeys and 50 Whaling Road at 23 storeys.</p> <p><u>West</u></p> <p>The Warringah Expressway borders the precinct to the west. Beyond the Warringah Expressway is the North Sydney CBD comprising medium to high rise buildings of predominantly commercial offices with some retail and residential uses</p>



South

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.

Access

Alfred Street connects the precinct to Warringah Freeway, which is a state road. There are a number of vehicle access points along Little Alfred Street and one to Alfred Street. There are various pedestrian entrances currently provided to buildings on site along each of the street frontages.

Public transport

The proposed Victoria Cross Metro Station is located approximately 500m walking distance from the precinct. While North Sydney Railway Station is approximately located 600m walking distance to the west.

The Precinct is also located approximately 500m from bus services which operates regularly along the Pacific Highway.

North Sydney Ferry is located a kilometre south from the Precinct.

The Precinct falls just outside of the 'North Sydney CBD' area as defined in the North District Plan. However the site is within the northern portion of the Harbour CBD and outside of the 'North Sydney Centre' as identified in the North Sydney LEP 2013, refer to the figures below.

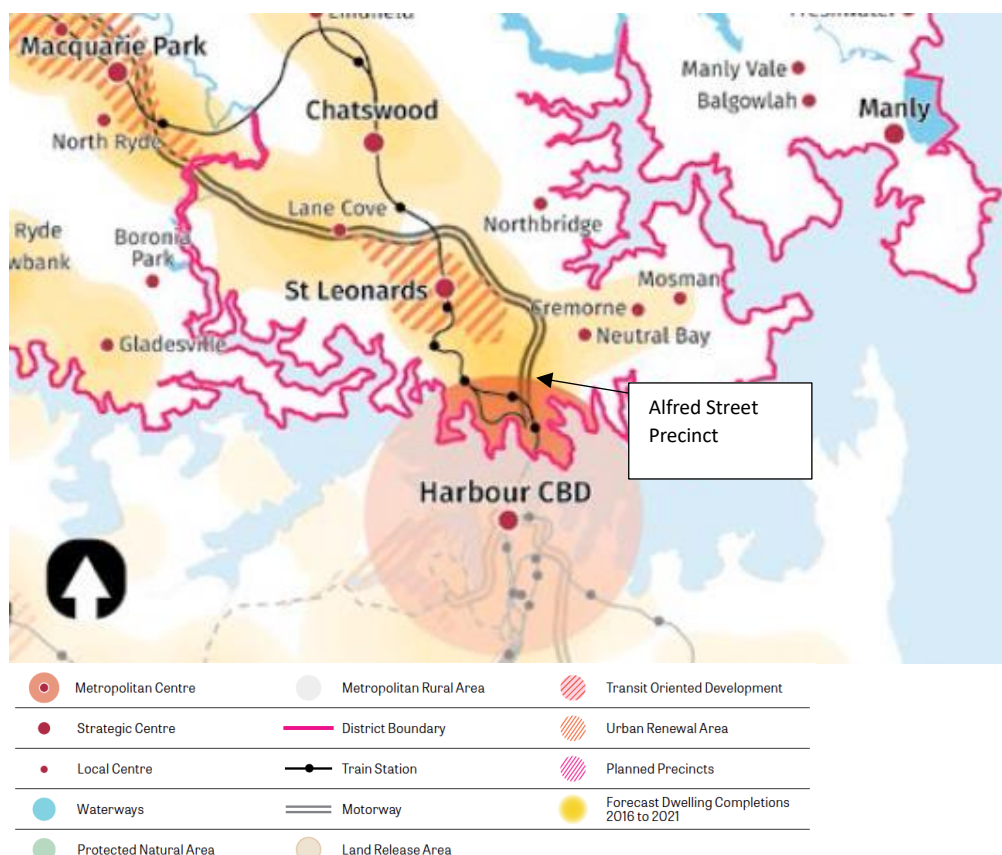


Figure 2 - Harbour CBD
Source: North District Plan





Figure 3 - North Sydney Centre Map (Alfred St Precinct identified)
 Source: North Sydney LEP 2013 (amended by Mecone)

The following images depict the site, its interface and surrounding locality.



Figure 4 - View of precinct from the west
 Source: Google





Figure 5 – Built form along Alfred Street
Source: Google



Figure 6 – Southern boundary of precinct
Source: Grimshaw



Figure 7 – Precinct along Little Alfred Street (looking north)
Source: Grimshaw



Figure 8 – Existing Precinct interface with Little Alfred Street looking north at Sites C, B and A (left to right)
Source: Google





Figure 9 – Public accessway to Bray Street
Source: Grimshaw



Figure 10 – Residential properties along Whaling Avenue
Source: Grimshaw





Figure 11 – View along Ormiston Avenue (looking east)
Source: Grimshaw

2.2 Surrounding context

The figure below illustrates the regional context of the subject site. The site is within close proximity to North Sydney Train Station, and the Bradfield Highway which provides access north and south. Victoria Cross Metro Station will also be located nearby. To the north and east of the site is the Whaling Road Heritage Conservation Area.

Due to the proximity to the harbor foreshore and topography, the area has high amenity with views and pedestrian access to the waterfront.



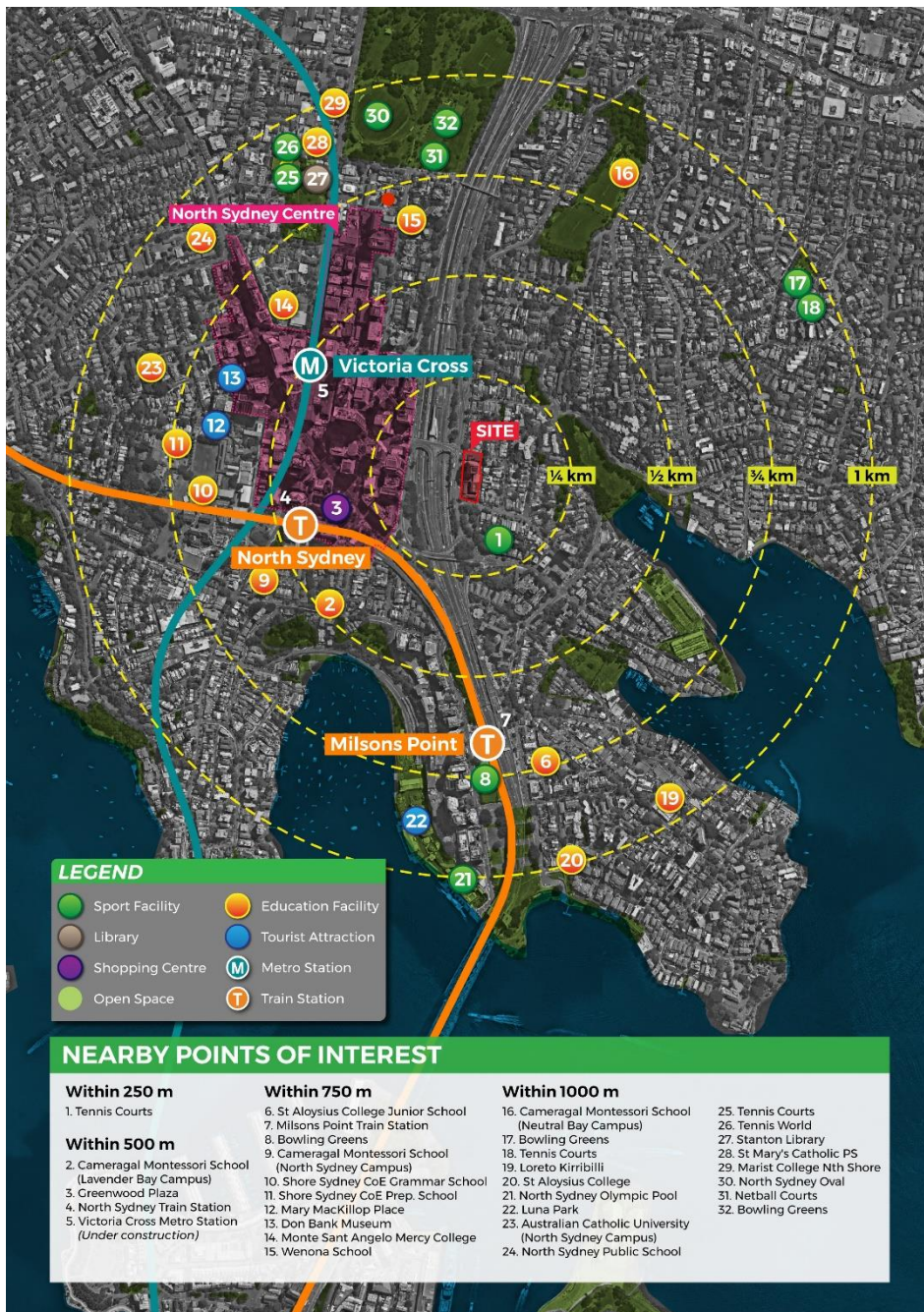


Figure 12 – Regional Map
Source: Mecone



2.3 Planning Context

A METROPOLIS OF THREE CITIES – THE GREATER SYDNEY REGION PLAN

The Greater Sydney Region Plan (the Plan), *A Metropolis of Three Cities*, published in March 2018 outlines a vision for Sydney to 2056. The Plan's 40-year vision is built upon a 20-year plan to manage the built and natural environment to accommodate the anticipated growth of Greater Sydney.

The vision includes:

- A Metropolis of three cities where economic, cultural and social life is supported by three distinct metropolitan centres or clusters. The three cities are the Eastern Harbour City, the Central River City and the Western Parkland City. Each city is characterised by its current economic, social and natural attributes with planning for their future based on their competitive strengths and advantages;
- The creation of 30-minute cities where people are within 30-minutes to jobs and services via public transport. The Plan aims to achieve the 30-minute City through investment in infrastructure, locating housing and jobs in the right places and improving accessibility to places where people want to be;
- Creating capacity of an additional 725,000 dwellings in well located and connected places to meet anticipated need;
- Creating capacity for 817,000 additional jobs with a focus of locating jobs in well-connected economic corridors, health and education precincts and strategic and local centres; and
- Increasing the urban tree canopy and delivering green-grid links to provide for better urban amenity, reduce heat island effects and improve climate resilience.

The Plan includes 40 Objectives that further outline the intended outcomes of the Plan. The Objectives are supported by a series of Strategies and Actions to will give effect to the vision. These Strategies are to be adopted and Actions implemented by NSW Government agencies and Local Government.

The Plan identifies the site as being within the Eastern Harbour City and within the Eastern Economic Corridor. The Corridor is NSW's if not Australia's primary economic area and contains approximately 775,000 jobs, stretching from Macquarie Park to Green Square. The vision for the Eastern Economic Corridor is for increased economic activity enabled enhanced accessibility within the corridor and growing investment and businesses in centres and trade gateways. This will be enabled through investments in transport infrastructure such as Sydney Metro North West, City and South West as well as urban renewal projects within the corridor that provide additional capacity of investment and activity.

The Plan also requires Council's to prepare housing strategies to supply housing for the next 20 years. In addition, the Eastern City provides over-arching objectives to provide local infrastructure to support its transportation and develop a fine grain urban form and land use mix that is essential for improving the regions' liveability.

The proposal represents an opportunity to provide for additional housing and jobs located in a well-connected and well-serviced centre. The site is well located with access to jobs health and education services and amenities within walking distance. Furthermore, the site has strong connections to metropolitan employment markets, open space, cultural and recreational assets.

The site is within the Eastern Economic Corridor. However, the Precinct is considered to be isolated from the North Sydney CBD and adjoins a residential zone and therefore is not considered appropriate for employment growth. Whilst the proposal will result in the loss of some commercial floor space, there appears to be in the order of 806,000m² of additional commercial supply in the North Sydney Centre which would provide 40,300 additional jobs and exceed the job targets for the North District Plan.



NORTH DISTRICT PLAN

The North District Plan was published with the Greater Sydney Region Plan in March 2018. The North District Plan reflects the vision of the Region Plan, giving it effect at the District and local level.

The District Plan provides guidance to local government, state agencies and other planning authorities and delivery groups as to the actions required to deliver on the vision for the District. The District Plan informs local environmental plans, local strategic planning statements as well as other supporting strategies and policy.

The Precinct falls out of the North Sydney CBD as identified in the District Plan. The vision for North Sydney CBD is to grow the economic capacity of the centre by capitalising on transport investment and connections; improving centre amenity and improving the capacity for jobs. These are reflected through North District Plan Actions 24 and 25 which outline a series of directions for North Sydney CBD for North Sydney Council, State agencies, other council and planning authorities to enact.

The District Plan notes that North Sydney competes with other strategic centres including Macquarie Park to attract commercial investment as part of the Greater Sydney office market. As office markets are influenced by available floorspace, opportunities for agglomeration, accessibility and quality of building stock, by providing modern office floorplates and facilities the proposal will improve commercial interest in the area and improve North Sydney's competitive advantage within the Greater Sydney office market.

Further, North Sydney Council are required to plan for a range of additional housing in appropriate locations. This includes in planning for various dwelling types in areas that are close to regional and district transport infrastructure, areas with existing transport accessibility, and areas within walking distance to jobs and services. The proposal represents an opportunity to add to the housing capacity of North Sydney LGA that is supported by transport, jobs and services.

NORTH SYDNEY LOCAL STRATEGIC PLANNING STATEMENT

The North Sydney Local Strategic Planning Statement (**LSPS**) was published in March 2020 and provides a 20-year vision for land use planning in North Sydney LGA. The LSPS is built upon the actions, directions and priorities expressed in the CSP and District Plan. The LSPS identifies planning priorities and actions for expected future growth in housing, employment, transport, recreation, environment and infrastructure in the LGA. It provides a guide for future planning controls changes sought through Planning Proposals to achieve the intended priorities.

The vision is for North Sydney LGA to continue enjoying high levels of amenity and liveability with good access to transport, job opportunities and unique scenic areas. The LSPS set out a list of local planning priorities relevant to the Planning Proposal, including:

- Provide infrastructure and assets that support growth and change,
- Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places,
- Provide diverse housing options that meet the needs of the North Sydney community,
- Grow a stronger, more globally competitive North Sydney CBD,
- Enhance the commercial amenity and viability of North Sydney's local centres,
- Develop a smart, innovative and prosperous North Sydney economy,
- Support walkable centres and a connected, vibrant and sustainable North Sydney,

In order to achieve these priorities, the identified actions in the LSPS will guide land use decisions for the next 20 years. The Planning Proposal will provide a Precinct that will respond to the planning priorities by offering new job opportunities with new commercial and retail premises, diverse housing options throughout the



residential component, walkable centres with improved pedestrian connections and links and ground floor retail, which will encourage socially connected communities and allow for ground floor activation.

NORTH SYDNEY LOCAL HOUSING STRATEGY

The North Sydney Local Housing Strategy (**LHS**) was published in October 2019 and identifies the strategic direction for housing in the LGA over the next 20 years and aligns with the Regional and District Plans directions and objectives. North Sydney has predominately high-density housing which is expected to continue growing with multi-unit developments in the next 5 years. In the next 20 years, 11,450 dwellings are projected to be required in the LGA, including a mix of dwelling sizes and diversity of bedroom mix.

North Sydney CBD and commercial centres have been identified as land use opportunities for new housing supply, given its benefits to good access to transport, services, community facilities and employment opportunities. The Precinct proposes a strategic approach which will enable housing supply and maintain commercial and retail floorspace, in accordance with the Strategy objectives.

NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

North Sydney Local Environmental Plan 2013 (**NSLEP**) is the principal planning instrument, guiding development in the LGA. The table below provides an overview of the key local planning controls contained in the LEP in relation to the Precinct.

TABLE 3 – KEY EXISTING NSLEP PROVISIONS FOR ALFRED STREET PRECINCT	
Clause/standard	Provision
Zoning	E2 Commercial Centre
Height of Building	13 metres
Floor Space Ratio	3.5:1
Minimum lot size	A minimum lot size does not apply to the precinct.



3 Planning background

The Precinct has an extensive planning background which is outlined below.

3.1 Original Planning Proposal (2015)

In late 2014 initial discussions for the rezoning and renewal of 275 Alfred Street, North Sydney were held with North Sydney Council (**Council**) and Department of Planning and Environment (**the Department**). While the site is part of the North Sydney CBD, its dislocation from the commercial core of North Sydney CBD was acknowledged by both Council and DP&E officers.

A Planning Proposal for 275 Alfred Street was submitted to North Sydney Council on the 3 September 2015 to facilitate a mixed-use development including 24 levels of residential apartments above 2 levels of retail/commercial uses. The original Planning Proposal sought to amend the LEP for the 275 Alfred Street building (Site B) as follows:

- Rezone the site from B3 Commercial Core to B4 Mixed Use;
- Increase the maximum building height for the site from 13m (existing building 52.36m) to 85m; and
- Increase the maximum FSR for the site from 3.5:1 (existing building 7.3:1) to 10.2:1.

On 15 February 2016, Council resolved to not support the Planning Proposal proceeding to Gateway Determination.

On 17 February 2016, Mecone submitted a request for a Pre-Gateway Review to the Department. A review of the Planning Proposal was undertaken, and it was determined to have merit to proceed to the Sydney East Joint Regional Planning Panel (**JRPP**).

On 13 September 2016, the JRPP concluded the Planning Proposal should not be submitted for a Gateway Determination. The JRPP acknowledged the sites isolation from the main commercial centre and considered a change in zoning to enable residential use would be appropriate. However, the JRPP recommended that any future rezoning apply to the entire B3 area (Alfred Street Precinct) to demonstrate a holistic planning approach.

The basis of the JRPP determination is as follows:

- '1. The Panel considers that this site and the street block zoned B3 in which it is located is isolated from the main commercial centre of North Sydney and closely related to the adjoining residential area. Therefore, a change in zoning that would allow residential use in the street block, would be appropriate.'*
- '2. The main reason why the Panel does not recommend that this planning proposal proceed to Gateway Determination is that it deals with one site only rather than the area zoned B3 in which it is located. This piecemeal approach is contrary to the strategic intent of zoning decisions. In addition, the planning proposal leads to this site having three times the development potential of the other sites within the B3 zone. It fails to achieve the desirable separation distances between residential buildings and adversely affects the development potential of the adjoining sites.'*
- '3. The Panel considers that, in any future planning proposal for the block zoned B3, it would be appropriate to grant this site the density it now enjoys by virtue of the existing building on it, with some additional height so that a mixed use building with appropriate amenity may be developed on it. As concerns the other sites within the B3 zone, the existing density of 3.5:1 may be combined with some additional height, so that it becomes possible to develop them to their development potential for mixed use buildings with appropriate amenity.'*



3.1.1 Meetings with Department and Council

Following the determination of the JRPP, the proponent met with Department and Council to discuss submitting a Planning Proposal for the entire Precinct. However, Council suggested the proponent wait until it prepared a Planning Study for the Precinct which would provide a framework for a future Planning Proposal. The proponent was willing to work with Council and agreed not to submit a revised Planning Proposal until Council had prepared its study.

3.2 Draft Alfred Street Precinct Planning Study (2017-18)

Following the JRRP decision, Council responded to the Planning Proposal (2015) by resolving to prepare the Alfred Street Precinct Planning Study (**Precinct Planning Study**) at its meeting on 20 February 2017:

1. *That Council endorse the preparation of a planning study for the Alfred Street precinct as a basis to guide the preparation of any future planning proposal for the site at 275 Alfred Street, North Sydney.*

On 26 March 2018 Council resolved to adopt and publicly exhibit the Precinct Planning Study which was exhibited from 26 April 2018 to 8 June 2018.

Council's preferred option

Council's preferred option of the Precinct Planning Study proposed (refer to figure below):

- A maximum 23 storey residential tower over a three storey commercial podium at the northern end of the precinct;
- A maximum six storey residential tower over a three storey commercial podium at the southern end of the precinct, with a three storey apartment block fronting Little Alfred Street;
- Shared basement access; and
- Public benefits including a new pocket park between Alfred and little Alfred Streets, new pedestrian links and through site links, street setbacks and an upgraded public domain.



Figure 13 - Draft Alfred Street Planning Study: Preferred Option
Source: North Sydney Council

3.2.1 Amended Alfred Street Planning Study and Council meeting – 29 January 2019

Following public exhibition of the Precinct Planning Study, the Study was amended in response to submissions.

The key amendments made to the Study which were then put to Council on 29 January include:

- Fine grain residential accommodation up to 3 storeys located along the length of Little Alfred Street to create a better transition with the Whaling Road HCA;
- Retaining the existing 275 Alfred Street building floorplate (rather than a knock down rebuild) and incorporate specific built form principles that promote architectural detailing to the façade and balconies.
- The 275 Alfred Street building was lowered from **26 to 24 storeys** while the bulk of the building was increased from 20m to 24.75m along Alfred Street. The maximum width of the eastern façade was to remain the same as the existing tower and the height was to be tapered along the eastern boundary;
- The efficiency of the floorplate was adjusted 70% to 80% and a higher rate of residential floorspace was recommended to reduce the height and bulk and allow for a more feasible scheme;
- Revision to the amalgamation patterns – with 275 and 283 Alfred Street amalgamated and the remainder of the sites to the south amalgamated;
 - For Site A, the built form would include a three storey commercial podium (with through site links) with a new tower to align with the 275 Alfred Street building (including its width along Little Alfred Street) with an additional 6 storeys which would be tapered along the eastern boundary;
 - For Site B, the ground floor would be commercial with a 4 and 9 storey built form along Alfred Street;
- Removal of the pocket park along the northern boundary to create a 10m wide through site link;
- Create a 6m setback along Little Alfred Street to allow for public domain upgrades and canopy trees;
- Public benefits included a public through site link to the northern edge of Site A, a laneway which straddles Sites A and B, street frontage setbacks and an upgraded public domain.
- Affordable housing was not recommended to be pursued given it would create greater pressure on the height and bulk of the development; and
- The amended Precinct Planning Study noted ongoing transport concerns which were to be addressed in a future Planning Proposal, including:

Driveway access, shared path, street parking, traffic through Little Alfred Street, Mount Street Overpass Upgrade and intersections at Whaling Road.

Note: the FSR targets in Council's Precinct Planning Study for each site did not allow for Sites A, C and D to achieve their current maximum permissible FSRs in the LEP (3.5:1). Refer to the table below which outlines the target FSRs for each site based on Council's draft Precinct Planning Study.

	Site A	Site B	Site C	Site D
Precinct Planning Study – Target FSRs	1.39:1	10.58:1	1.62:1	3.42:1

Source: Grimshaw

Refer to the figures below for Council's preferred scheme and proposed public benefits.



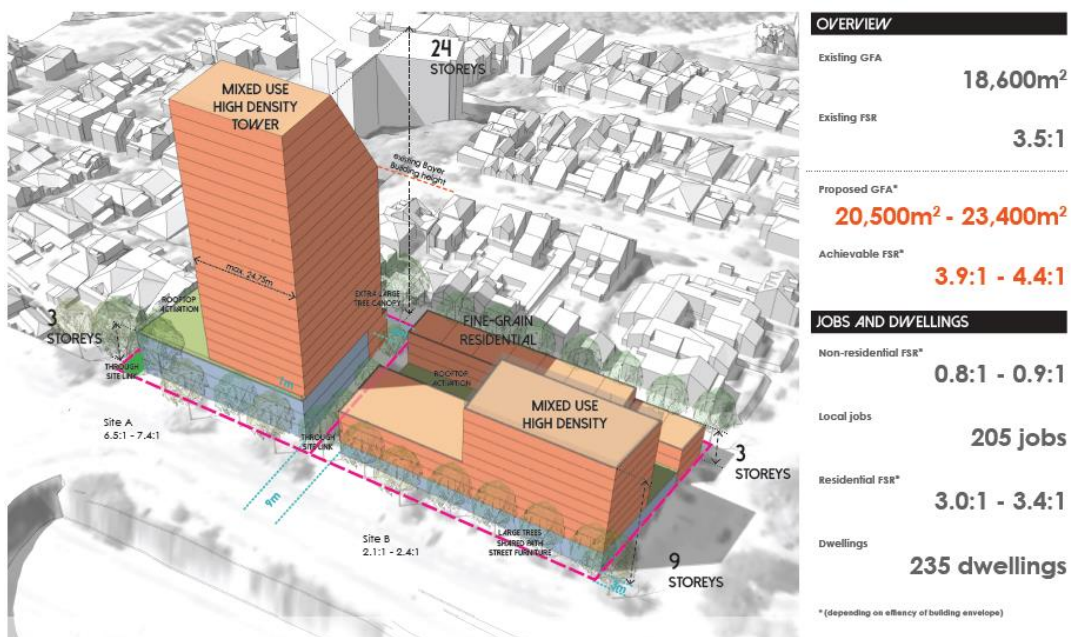


Figure 14 – Council's Preferred Option
Source: North Sydney Council

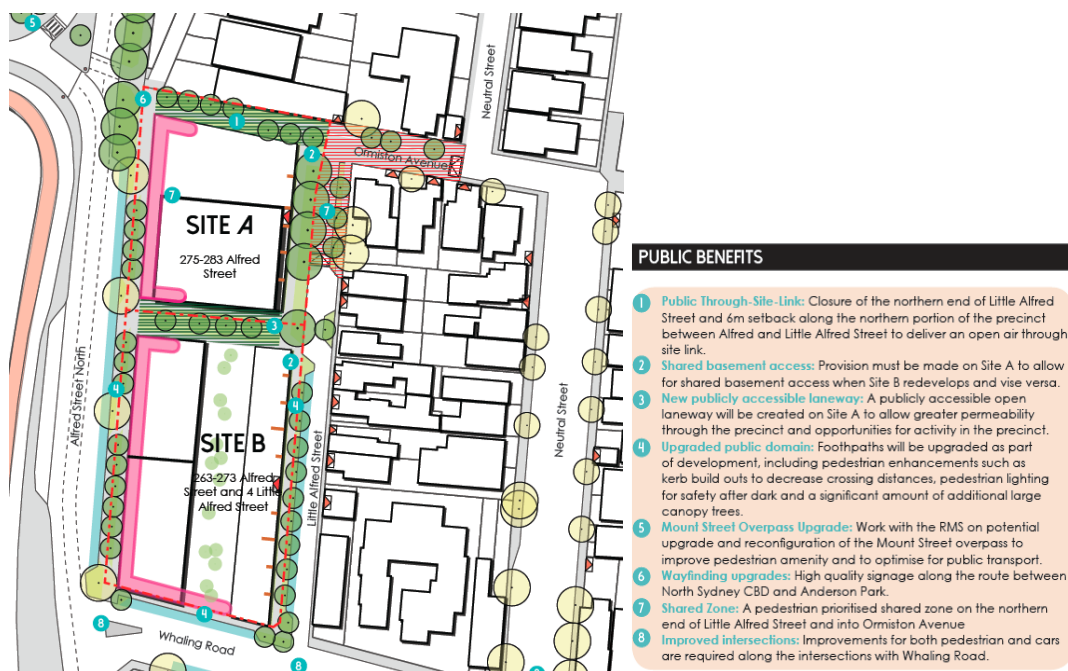


Figure 15 – Public benefits
Source: North Sydney Council

The amended Precinct Planning Study was put to Council on 29 January 2019 for adoption. However, Council resolved not to adopt Precinct Planning Study despite two years of work and consultation. While the Precinct Planning Study has no statutory force given it was not formally adopted by Council it is considered to have probative value. It has been used to inform this Planning Proposal and should be given evidentiary weight as

it is based on the professional opinion of Council officers. This Planning Proposal is also generally consistent with the objectives and design requirements outlined in the Precinct Planning Study.

3.3 Revised Planning Proposal (2019)

Following Council's decision not to proceed with its own Precinct Study, in March 2019 the proponent submitted a revised Planning Proposal to Council addressing the concerns raised by the JRPP (Sep 2016) by including all sites in the precinct (Sites A, B, C and D).

On 14 August 2019, North Sydney Local Planning Panel (NSLPP) considered the proposal at its meeting acknowledging its strategic merits. However, it raised several matters of site-specific merit that needed to be addressed and/or required further information and clarification.

3.4 Rezoning Review (2019)

In mid-2019 the Proponent requested a rezoning review of the revised Planning Proposal.

On, 5 November 2019 Sydney North Planning Panel (**SNPP**) considered the rezoning review request and determined the proposal be submitted for a Gateway determination as the planning proposal demonstrated strategic and site-specific merit. The Proponent requested that the SNPP act as the Planning Proposal Authority (**PPA**) for the Planning Proposal.

On 4 November 2020, the Department reviewed the revised Planning Proposal and advised the SNPP Secretariat that the conditions of the Gateway determination had been addressed to the Department's satisfaction.

3.4.1 Public Exhibition (2020-21)

From 10 December 2020 to 19 February 2021 the Planning Proposal was publicly exhibited. On 5 May 2021 the Proponent provided a detailed response to submissions received during public notification.

In November 2021, the Department prepared its Response to Submissions (RtS) Report. The Report recommended that the Planning Proposal should not proceed to finalisation in its current form, noting that the proposal demonstrates strategic merit, but not sufficient site-specific merit.

3.4.2 SNPP Determination (Dec 2021)

On 10 December 2021, after consideration of public and agency submissions as well as the Department's RtS Report, the SNPP resolved to seek further advice from the Department prior to making a final determination of the Planning Proposal.

In their determination, the SNPP advised:

The Panel believes the Proponent has generally satisfied the following site-specific concerns: traffic and pedestrian safety; overlooking and privacy; environmental impacts; and public exhibition process.

However, the Panel concurs with the Department that the following site-specific concerns need further review and refinement prior to the proposal proceeding to finalisation.

- *The extent of **overshadowing on public open space** and neighbouring properties including the Whaling Road Heritage Conservation Area and how any such overshadowing could be further minimised;*
- *The timing, execution and requirement of a **site-specific DCP** to be prepared between the Proponent and Council;*



- *Consideration of the Western Harbour Tunnel and Warringah **Freeway upgrade**, particularly with the proposed changes to nearby public open space;*
- *The inclusion of a **maximum retail floor space** cap to manage traffic generation, as requested by Transport for NSW;*
- *The formalisation and execution of **public benefit offers** with Council;*
- *The extent of setbacks consistent with the additional landscaping proposed along Little Alfred Street and a more appropriate **transition to the low-density** heritage conservation area; and*
- *The **ADG building separation** controls be applied to ensure it is compliant with the distances required for the heights proposed.*

Consideration could be given to the final mix of land uses and whether this could accommodate a reduction in building height as to reduce potential amenity impacts on open space and the Whaling Road HCA.

*Consequently, the Panel requests the Department work with the Proponent and Council to review and **refine the Proposal, in relation to the above points, prior to presenting the Proposal to the Panel again** for further consideration within the first quarter of 2022.*

(our emphasis)

3.4.3 Gateway Alteration (Mar 2022)

Given that the Planning Proposal had not met its Gateway determination completion date, the Department altered the Gateway determination not to proceed on 2 March 2022. This was to allow for a new consolidated and amended Planning Proposal to be lodged and re-exhibited.

3.4.4 Proponent Meetings with the Department (Feb-Apr 2022)

Between February and April 2022, the Proponent met with the Department a total of three times to address the SNPP's recommendations of December 2021. During this time, the Department's Urban Design Branch reviewed the proposed amendments and provided feedback on the Proponents response to the SNPP's recommendations.

During this liaison with the Department this included:

- Responses to the JRPP's Dec 2021 determination matters to be confirmed, including an updated urban design package
- Further investigations and responses to matters outlined in the Department's Urban Design Team's Review, including:
 - Through-site connections
 - Building Separation
 - Building Size
 - Internal Overshadowing

On 5 May 2022, the Proponent provided their response to the Department's advice, requesting the Planning Proposal proceed for sites A and B, with a site-specific DCP to be prepared for those two sites only. This was in response to further urban design feedback from the Department and their Urban Design Team (dated 21 April 2022) on the amended Alfred Street Precinct Planning Proposal and discussed during the meeting on 29 April 2022.



The process of further work and investigations with the Department demonstrated that, despite all reasonable efforts, the Department remained unsatisfied that there was clear case for change for Sites C and D, or that a feasible redevelopment option was available for Sites C and D that satisfactorily addressed:

- Building separation
- Sunlight and daylight access
- Outlook
- Natural ventilation
- Visual and acoustic privacy
- Transition to Little Alfred Street and the low-density heritage conservation area
- Overshadowing on public open space and neighbouring properties
- Building floorplate sizes

The Department's concerns in relation to Sites C and D did not extend to Sites A and B (283 and 275 Alfred Street) whose renewal had been well established as having strategic and site-specific merit in its own right. Therefore, the proponent formally requested that the Planning Proposal proceed for Sites A and B, with a site-specific DCP to be prepared for these two sites only.

3.4.5 Panel Consideration (Jun 2022)

On 29 June 2022, the SNPP held a briefing with the Department to discuss the progress in resolving key issues.

3.4.6 Panel Consideration (Jul 2022)

Following the June 2022 briefing, the SNPP held a further briefing with the Department on 13 July 2022. At this briefing the SNPP generally concurred with the analysis and recommendations contained in the Department's Briefing Report of 23 June 2022. The SNPP unanimously determined as part of their record of decision that the proposal should proceed onto the Gateway assessment stage for re-exhibition for sites A and B and including the rezoning of sites C and D to B4 Mixed Use only. Additionally, the SNPP suggested the Department, Applicant and Council work together to identify an appropriate mix of all uses having regard to traffic considerations.

3.4.7 Response to Panel Consideration

Following the SNPP's resolution, the proponent liaised with the Department to examine potential issues arising in relation to building height, in addition to various procedural matters concerning the forum of the resolution.

As part of negotiations with the proponent the Department advised that, as there was no active planning proposal, the Panel's 13 July 2022 recommendation constituted advice to the Secretary that did not have a binding effect on any future applications.

The Department met with the Proponent several times from early to mid 2023 to discuss the process and form of lodging a new Planning Proposal. These meetings included discussions with the Department's Urban Design Branch on the proposed built form and potential impact on the surrounding area.



3.5 Current Planning Proposal (2023)

3.5.1 Pre-lodgement discussions (Early-mid 2023)

In a letter dated 9 May 2023, the Department invited the proponent to make a submission to support a preferred building height and FSR. The submission would be submitted to the SNPP for consideration and then for the SNPP to provide advice back to the Department. In response to this request, the Proponent prepared two packages of documents on 31 May and 21 August 2023 respectively. These comprised:

- First package 31 May 2023:
 - Response to the Department
 - Overshadowing Analysis
 - Assessment of the Department's Feasibility Peer Review
- Second package 21 August 2023:
 - Cover letter
 - Urban Design Expert Opinion
 - Preliminary Visual Impact Assessment
 - Preliminary Wind Assessment

3.5.2 Council Memorandum (Sep 2023)

The SNPP invited Council to attend a scheduled Pre-Planning Proposal Briefing for the Planning Proposal on 19 September 2023. In Council's memorandum to the SNPP dated 14 September 2023, Council advised:

Council respectfully declines to attend the Briefing noting that Council's position has been established and that position has not changed in the absence of any alternate resolved policy position and that Council will no longer be taking carriage of the progression of any future Planning Proposal.

Despite this position, Council would like to bring to the Panel's attention a number of issues for consideration in determining its recommendation to the Department of Planning with regard to the progression of the future Planning Proposal. In particular:

- *Proposed height limits for Sites A and B should be presented in "RL" and not "m". The reason for this is to reflect the difficulty in the application and interpretation of a "m" rate over a site which has complex topography and significant falls diagonally across the sites. An RL would also provide greater certainty for the community, especially in terms of understanding how much more height may potentially be being sought relative to the existing building.*
- *For the Panel's benefit, Council staff have undertaken a review of its property files and have established the following reference heights in relation to 275 Alfred Street:*
 - *Topmost part of signage structure – RL 100.97*
 - *Topmost part of original building roof plant – RL 98.37*
 - *Topmost part of parapet to tower – RL 92.4*
- *Any proposed maximum RL to be imposed should be made to the nearest metre (rounded up). This is to avoid requests to vary any new height requirements imposed on the site. If the Panel is of a mind to set a more accurate figure, then it should be to a maximum of 1 decimal place.*



- *The proposed Floor space Ratio (FSR) for Sites A and B should be revised to account for modifications to the built form envelopes as outlined by the DPE in its briefing note.*
- *It is requested that the FSR control applying to the remaining Sites C and D be removed in its entirety. This control is incapable of being met under the current height limits as applied to those two sites. In addition, this control had initially been applied as though the entire Alfred Street block which is zoned E2 Commercial Centre was to be redeveloped as a single entity (i.e. the FSR of the buildings in the Alfred Street block currently have an FSR of approximately 3.5:1, and the control was imposed to avoid increased density in this block).*
- *A non-residential FSR/s should be applied to the entire Alfred Street block, consistent with that applied by Council to all land zoned MU1 Mixed use. Imposition of such a control will also help to ensure that the objectives of the MU1 zone can be met. It is further recognised that Clause 6.12 prevents residential flat buildings 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 at the ground level of any building.*
- *Consideration should be given to the necessity 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.*
- *NSDCP 2013 has recently been subject to a number of amendments that affect the subject sites. In particular, there have been substantive amendments in relation to carparking and built form controls for development in the E2 Commercial Centre zone (formerly B3 Commercial Core zone). In light of this, the Planning Proposal should include an assessment of the concept proposal's compliance against NSDCP 2013 as amended.*
- *Any site specific DCP controls proposed to be incorporated are to be adequately justified.*
- *Further advice is required as to how the associated draft DCP amendment is to be progressed concurrently with the Planning Proposal. If the Department of Planning is not willing to take the responsibility of its progression and implementation, then consideration needs to be given to either:*
 - *Ensuring that the Planning Proposal and Draft DCP (as adopted by Council) are placed on public exhibition concurrently; or*
 - *The Planning Proposal include a provision that effectively prevents the approval of any development application on the Alfred Street block, unless there is a site specific DCP in force.*

3.5.3 SNPP Consideration (Sep 2023)

On 19 September 2023, the Proponent met with the SNPP and Department to discuss the history of the site, previous Planning Proposals, the Proponent's current intentions, North Sydney Council's Memorandum of 14 September 2023, and the Department's Memorandum and analysis of 12 September 2023.

With the benefit of further detailed analysis contained in the two information packages submitted by the Proponent, the SNPP was requested to provide advice to the Department on what form a new Planning Proposal should take in terms of height and FSR.

The panel subsequently deferred providing advice on the proposal until it could receive the further information from the proponent. This included the proposed relative heights, application of FSR and floor to floor heights.



On 28 September 2023, the Proponent provided clarifying information which formed the basis of a further briefing and detailed discussions between the Proponent and the SNPP on 29 September 2023.

3.5.4 SNPP Decision (Oct 2023)

On 5 October 2023, the SNPP published their record of decision which included:

The majority of the Panel have provided advice that the Proponent's proposed development should be amended to:

- 1. Rezone sites A, B, C and D from E2 Commercial Centre to MU1 Mixed Use;*
- 2. Remove FSR controls from sites A, B, C and D;*
- 3. 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*
- 4. 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);*
- 5. Detail a Site Specific MasterPlan for setbacks and podium height of Site B; and*
- 6. Confirm non-residential uses for the ground floor of Site B and application of Transport for NSW's retail cap for each site.*

As a result, the majority of the Panel advise that should the Proponent wish to submit a new proposed planning proposal then it should consider the above points and details in the Mecone letter of 29 September 2023.

3.5.1 Submission of New Planning Proposal (Nov 2023)

In response to the SNPP's record of decision from 5 October 2023, a new Planning Proposal was prepared and submitted to the Department. The Planning Minister's delegate requested the Panel undertake an independent review of the Planning Proposal under S2.15(C) of the Environmental Planning & Assessment Act due to the complex and lengthy history of planning for the site and precinct.

The proposal was then referred to the Sydney North Planning Panel (SNPP) for independent review. The Department also referred the new Planning Proposal to North Sydney Council for review and comment.

3.5.1 Council Memorandum (Feb 2024)

In response to the Department's invitation for comment on the new Planning Proposal, North Sydney Council issued a letter to the Department dated 2 February 2024, identifying matters for the SNPP's consideration.

On 6 and 11 March 2024, the proponent provided a letter to the Department and SNPP respectively, responding to the matters raised by Council.

3.5.2 SNPP Consideration & Decision (March 2024)

On 15 March 2023, the Proponent met with the SNPP and Department regarding the new Planning Proposal. On 22 March 2024, the SNPP issued their determination on the new Planning Proposal. The SNPP's recommendations were as follows:



The majority of the Panel recommends that prior to the Planning Proposal Authority (PPA) submitting the Planning Proposal for a Gateway determination, **the Planning Proposal is to be revised** to address the following:

- **removing the proposed height increase for Site A** thereby retaining the current height limit of 13m;
- **amending the proposed new Clause 6.19E - Design Excellence** so that the Design Competition criteria requires a Design Competition for any height increase over RL 101 up to an absolute maximum including all roof plant of RL 120, whether the existing building is retained and altered or whether the site is redeveloped;
- including a proposed LEP provision for a **site specific Development Control Plan (DCP)**; and
- updating the planning proposal and supporting reports and studies in accordance with the above two points and the LEP Making Guidelines (August 2023) to reflect the Panel's decision.

The majority of the Panel also recommends that:

- the Proponent works with Council to produce a Site Specific DCP and a public benefits offer which may include:
 - **affordable housing** – contribution rate in perpetuity with a Community Housing Provider; and
 - confirming with Transport for NSW an acceptable **non-residential GFA for Site B** and the proposed removal of a non-residential GFA for sites A, C & D.
- given the prominence of this site, the very protracted evolution of the planning proposal and the additional height of the current planning proposal, the Panel requests the Department consider identifying Site B for exclusion from further bonus height or FSR available under the amended State Environmental Planning Policy (Housing) 2023.

The **Panel requests it be appointed as the PPA** for the planning proposal. Should the Panel be appointed the PPA for this planning proposal, the Panel requires confirmation from the **proponent that they agree to**:

- c) revise the planning proposal to be consistent with the Panel's recommendations above; and
- d) subsequently provide a revised planning proposal to address the Panel's concerns.

3.5.3 Revised Planning Proposal (April 2024)

In response to the SNPP determination, the Proponent on 24 April 2024 issued a letter to the SNPP confirming it agreed to revise the Planning Proposal to be consistent with the Panel's recommendations. As such, this revised Planning Proposal has been submitted in accordance with the SNPP recommendations. Following the confirmation of Gateway, the proponent will commence discussions with Council regarding the site-specific DCP and potential VPA.

Throughout the planning process which began prior to 2015, the Proponent has demonstrated its willingness to work with Council and the Department to achieve a good planning outcome for the Precinct. Council's own Precinct Planning Study (2017-2019) took over 2 years to prepare and did not eventuate in an outcome. The Gateway Determination for Planning Proposal 2020-74, lodged in 2019 and altered in 2022 resulted in Planning Proposal 2020-74 not proceeding. The Proponent would like to continue working with Council, the Panel and the Department to ensure that this Planning Proposal which will create a vibrant mixed-use Precinct is approved.



4 Planning Proposal Overview

Section 3.33 of the EPA Act outlines the required contents of a planning proposal. The Department of Planning and Environment's *Local Environmental Plan Making Guideline* (August 2023), breaks these requirements into six parts. These parts are addressed in proceeding report sections as follows:

- Section 5 addresses Part 1 — a statement of the objectives and intended outcomes of the proposed instrument
- Section 6 addresses Part 2 — an explanation of the provisions to be included in the proposed instrument
- Section 7 addresses Part 3 — justification of strategic and site-specific merit, outcomes, and the process for implementation
- Section 8 addresses Part 4 — maps to identify the effect of the planning proposal and the area to which it applies
- Section 9 addresses Part 5 — details of consultation undertaken and the community consultation to be undertaken post-Gateway and during exhibition
- Section 10 addresses Part 6 — project timeline to detail the anticipated timeframe for the LEP making process



5 Objectives and Intended Outcomes

The objectives and intended outcomes of the planning proposal are to:

- To facilitate renewal of the entire Precinct consistent with the previous several years of detailed studies and SNPP/JRPP resolutions.
- To incorporate a number of public benefits within the scheme including improvements to the ground floor plane with a pedestrian through-site link, additional landscaping and street activation.
- To facilitate the redevelopment of the Precinct as a high-quality mixed use development in close proximity to public transport, recreational facilities and services.
- To provide for improved permeability in the area by delivering a pedestrian through-site link.
- To rezone the Precinct from E2 Commercial Centre to MU1 Mixed use to allow for residential accommodation. The 'mixed use' typology will be more appropriate for the locality given it will create a suitable transition between North Sydney CBD and residential zones and activate the precinct in the evenings with the residential uses.
- Increase the height of buildings provision which will create an appropriate transition in height from North Sydney CBD to the adjoining low scale residential areas and heritage conservation area. The proposed height will ensure the redevelopment of the Precinct is economically feasible.
- To allow for additional height to the 275 Alfred Street building (Site B) as an incentive to improve the outdated office space and ground floor plane. A high quality architectural design and façade treatment (with the retention of the structural frame) will be provided that responds to its context, topography, adjoining residential dwellings/heritage conservation area and the North Sydney CBD.
- To provide a design excellence bonus provision for the 275 Alfred Street building (Site B) which requires 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.
- To provide amalgamation patterns which will easily facilitate the redevelopment of the Precinct.
- To provide for additional dwellings in an existing urban area while minimising adverse amenity impacts on the surrounding residential dwellings, heritage conservation area and public domain.
- To improve the public domain along all street frontages by incorporating additional landscaping and activating the street frontages.
- Promoting densification in tandem with sustainable and community-oriented development, allowing more development near transport hubs to leverage existing infrastructure capacity.
- To facilitate residential development which responds to the key findings of the NSW Productivity Commission's May 2023 Report "Building more homes where people want to live"; through providing more housing in Sydney's existing housing areas, through "raising average apartment heights in suburbs close to the CBD and job opportunities", and "allowing more development near transport hubs to leverage existing infrastructure capacity".
- To respond to key NSW Government commitments including a pledge for more housing around the Metro stations in Cherrybrook, North Sydney and Crows Nest. The precinct is proximate to the Victoria Cross Metro Station and North Sydney Railway Station.
- To assist in achieving North Sydney's housing targets and address the lack of housing availability within the locality by providing additional residential accommodation.



6 Explanation of Provisions

The Planning Proposal seeks to achieve the intended outcomes outlined in Section 5 of this report through proposed amendments to the maps and introducing new provisions into the LEP. The proposed LEP maps are provided at **Appendix 4**.

6.1 Amendments to the LEP maps

The proposal includes amendments to the Land Zoning, Floor Space Ratio and Height of Buildings maps in North Sydney LEP 2013 as outlined in the table below.

TABLE 4 - PROPOSED MAP AMENDMENTS		
Map Sheet	Amendment	Explanation
Land Zoning Map LZN_002A	<ul style="list-style-type: none">Rezone the Precinct (Sites A, B, C and D) from E2 Commercial Centre to MU1 Mixed Use	<p>The precinct is isolated from the North Sydney CBD. The MU1 Mixed Use zoning will allow for residential accommodation and create a better transition between the North Sydney CBD and the adjoining residential areas. The rezoning of the precinct to MU1 Mixed Use was supported by the JRPP decision in 2016, is consistent with Council's draft Alfred Street Precinct Study in 2017, and recommended in the decision of the SNPP on 5 October 2023.</p>
Height of Buildings Map HOB_002A	<ul style="list-style-type: none">Increase the maximum height of building for Site B from 13m to RL 120.00:	<p>As requested by Council in its memo to the SNPP dated 14 September 2023, the proposed maximum building height for Site B is listed in relative levels (AHD).</p> <p>The proposal seeks to increase the height to allow for a maximum height of RL 120.0 for Site B.</p> <p>A Design Competition will be triggered if a Development Application is lodged for a building exceeding RL 101.00m in height (with the existing height being RL 100.97m including the signage) and will ensure a high standard of architecture, urban and landscape design is achieved for the site.</p> <p>The wording for the new provision including Clause 6.15E - Design Excellence is detailed below.</p> <p>The proposed heights are consistent with the SNPP decisions of 5 October 2023 and 15 March 2024 and are the result of several years of detailed</p>



		studies and liaison with the Department on appropriate heights for the precinct. This is also consistent as far back as the 2016 JRPP decision which stipulated it would be appropriate to grant the precinct the density it now enjoys with additional height so that a mixed use building with appropriate amenity may be developed on it.
Floor Space Ratio Map FSR_002A	Remove FSR controls from sites A, B, C, and D	<p>Consistent with the SNPP decision on 5 October 2023, the proposal will remove the FSR controls for all sites in the precinct.</p> <p>With respect to Sites C and D, Council requested in their memo to the SNPP dated 14 September 2023 that the FSR control be removed given the existing FSR control was incapable of being met under the existing height limits for those two sites.</p>
Design Excellence Map DEX_002A	Include Site B (275 Alfred Street) on the Design Excellence Map	<p>Include Site B (275 Alfred Street) on the Design Excellence Map with a label: “Refer to Clause 6.19E”. See Section 6.2 below for the proposed new design excellence LEP clause relating to Site B (275 Alfred Street).</p> <p>We note this may also require the amendment of Clause 6.19B(2) of NSLEP to clarify that clause only applies to land in the area adjacent to Crows Nest Metro Station – see further discussion at Section 6.3 below.</p>

6.2 Insert New LEP Clause 6.19E – Design Excellence

The proposal seeks to introduce the following design excellence provisions in the LEP:

- Clause 6.19E Design Excellence at 275 Alfred Street, North Sydney

Refer to the proposed wording below:

6.19E Design Excellence at 275 Alfred Street, North Sydney.

- (1) *The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- (2) *This clause applies to development on land identified on the Design Excellence Map at 275 Alfred Street, North Sydney, in respect of a building that has, or will have, a building height greater than RL 101.00 and up to a maximum of RL120.*
- (3) *Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.*



- (4) *In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:*
- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
 - (c) *whether the proposed development detrimentally impacts on view corridors,*
 - (d) *how the proposed development addresses the following matters:*
 - (i) *the suitability of the land for development,*
 - (ii) *the existing and proposed uses and use mix,*
 - (iii) *any heritage issues and streetscape constraints,*
 - (iv) *the bulk, massing and modulation of buildings,*
 - (v) *street frontage heights,*
 - (vi) *environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
 - (vii) *the achievement of the principles of ecologically sustainable development,*
 - (viii) *pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,*
 - (ix) *the impact on, and any proposed improvements to, the public domain,*
 - (x) *the impact on any special character area,*
 - (xi) *achieving appropriate interfaces at ground level between the building and the public domain,*
 - (xii) *excellence and integration of landscape design.*
- (5) *Development consent must not be granted to the development to which this clause applies unless an architectural design competition process has been held in relation to the proposed development.*
- (6) *An architectural design competition process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development:*
- (a) *involves only alterations or additions to an existing building, and*
 - (b) *does not significantly increase the height or gross floor area of the building, and*
 - (c) *does not have significant adverse impacts on adjoining buildings and the public domain, and*
 - (d) *does not significantly alter any aspect of the building when viewed from public places.*
- (7) *An architectural design competition conducted in accordance with Design Excellence Guidelines that were in force when the competition was conducted is taken to have been conducted in accordance with the Design Excellence Guidelines.*
- (8) *In this clause:*



building demonstrating design excellence means a building where the design of the building (or the design of an external alteration to the building) is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence.

architectural design competition means a competitive process conducted in accordance with the Design Excellence Guidelines.

Design Excellence Guidelines means the Design Excellence Guidelines adopted by the Council, or, if none have been adopted, the Design Excellence Guidelines issued by the Secretary.

Subclause (6) has been included based on the provisions of Sydney LEP 2012, which provides that after completion of the project, future minor alterations to the proposed upper levels (e.g. sun shading devices, communal open space furniture) can occur without undertaking another design excellence competition.

6.3 Amend Existing LEP Clause 6.19B – Design Excellence in the area adjacent to Crows Nest Metro Station

With the proposed new *Clause 6.19E Design Excellence at 275 Alfred Street, North Sydney*, this will require minor amendment to Clause 6.19B to clarify that clause only applies to land in the area adjacent to Crows Nest Metro Station as shown on the Design Excellence Map - Sheet DEX_001.

The proposed amendments to Clause 6.19B are provided below in red.

6.19B Design excellence in the area adjacent to Crows Nest Metro Station

- (2) *The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- (3) *This clause applies to land identified as “Design Excellence” on the Design Excellence Map at:*
 - (a) *477 Pacific Highway, Crows Nest, being Lot 100, DP 747672.*
 - (b) *479 Pacific Highway, Crows Nest, being Lot 101, DP 747672.*
 - (c) *495 Pacific Highway, Crows Nest, being Lot A, DP 442804.*
 - (d) *497 Pacific Highway, Crows Nest, being Lot 2, DP 575046.*
 - (e) *501 Pacific Highway, Crows Nest, being Lot 1, DP 575046.*
 - (f) *503 Pacific Highway, Crows Nest, being Lot 3, DP 655677.*
 - (g) *507 Pacific Highway, Crows Nest, being Lot 4, DP 1096359.*
 - (h) *511 Pacific Highway, Crows Nest, being Lot 10, DP 1060663.*
 - (i) *521 Pacific Highway, Crows Nest, being Lot A, DP 374468 and Lot B, DP 374468.*
 - (j) *14 Clarke Street, Crows Nest, being Lot 1, DP 1223850.*
- (4) *Development consent must not be granted for development on land to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (5) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—*



- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) *whether the development detrimentally impacts on view corridors from public spaces,*
- (d) *the consistency of the development with any guidelines issued by the Planning Secretary relating to the design and amenity of the area adjacent to the Crows Nest Metro Station,*
- (e) *how the development ensures appropriate solar access to—*
 - (i) *Willoughby Road between 11.30 am and 2.30 pm in midwinter, and*
 - (ii) *Ernest Place between 10 am and 3 pm in midwinter,*
- (f) *how the development addresses the following matters—*
 - (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*
 - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (vii) *the achievement of the principles of ecologically sustainable development,*
 - (viii) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (ix) *the impact on, and any proposed improvements to, the public domain,*
 - (x) *achieving appropriate interfaces at ground level between the development and the public domain,*
 - (xi) *active street frontages,*
 - (xii) *integration of landscape design.*

6.4 Insert New LEP Clause 6.20 – Requirement for Development Control Plan

The proposal seeks to introduce the following provisions in the LEP requiring a development control plan (DCP) be prepared for the site prior to the granting of consent. This is consistent with the SNPP determination of 22 March 2024. We note that a draft DCP has been prepared for the site (**Appendix 5**) to satisfy this requirement:

- Clause 6.20 Requirement for development control plans



Refer to the proposed wording below:

6.20 Requirement for development control plan

- (1) The objective of this clause is to ensure development on certain land is only considered after a development control plan has been prepared and adopted for the land.*
- (2) This clause applies to land identified as a 275 Alfred Street, North Sydney.*
- (3) Development consent must not be granted to development on land to which this clause applies unless a development control plan that provides for detailed development controls has been prepared for the land.*
- (4) Subclause (3) does not apply to proposed development on land that is of a minor nature, only if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.*

As is standard with these clauses in other LEPs, to accommodate any unforeseen situations, it is proposed to allow for an exemption from the requirement to have a DCP in place (subclause 4) where works of a minor nature are to be carried out (e.g. minor internal works).



7 Part 3 – Justification of Strategic and Site-specific Merit

7.1 Section A – Need for the proposal

Q1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal has been prepared as a direct result of Council's Alfred Street Precinct Planning Study. The Planning Proposal is also consistent with key state and local documents including:

- A Metropolis of Three Cities – the Greater Sydney Region Plan;
- North District Plan;
- North Sydney Local Strategic Planning Statement;
- North Sydney Residential Strategy (2009); and
- North Sydney Community Strategic Plan 2018 - 2028.

ALFRED STREET PRECINCT PLANNING STUDY

The *Alfred Street Precinct Planning Study (Precinct Planning Study)* was prepared by North Sydney Council following the decision of the Joint Regional Planning Panel (JRPP).

On 13 September 2016 the JRPP had considered a Pre-Gateway Review for a previous Planning Proposal (2015) for 275 Alfred Street. The Proposal sought to amend controls for 275 Alfred Street (to the exclusion of all other sites) including changing the land use zone from B3 Commercial Core (now E2 Commercial Centre) to B4 Mixed Use (now MU1 Mixed Use), increase the building height and floor space ratio standards.

While the JRPP recommended refusal of the Planning Proposal, it advised that (summary of advice):

- A change in zoning to allow residential use in the street block would be appropriate;
- The main reason the PP was not recommended to proceed was the manner in which the Planning Proposal only dealt with 275 Alfred Street rather than the area zoned E2 Commercial Centre in which it is located;
- For any future Planning Proposal for the block, it would be appropriate to grant 275 Alfred Street the density it now enjoys, with some additional height so that a mixed use building with appropriate amenity can be developed on it; and
- For the other sites within the E2 Commercial Centre zoned land the existing density of 3.5:1 may be combined with some additional height so that it becomes possible to develop them to their development potential for mixed use buildings with appropriate amenity.

In response to JRPP decision, Council resolved to prepare a Planning Study for the Alfred Street Precinct. Council resolved at its meeting on 26 March 2018 to adopt and publicly exhibit the draft Alfred Street Planning Study. Following the public exhibition of the draft Precinct Planning Study, it was amended. However, at its meeting of the 29 January 2019, Council resolved not to adopt the Precinct Planning Study.

Whilst, the Precinct Planning Study was not adopted by Council, the study was undertaken in response to earlier consideration of the matter by the JRPP. The purpose of the Study was to create a framework for a



future land owner led Planning Proposal for the entire Precinct. The draft Precinct Planning Study provides a guide of what Council and the wider community would like to see in the future redevelopment of the Precinct.

The Planning Proposal provides an opportunity to improve the amenity of the Alfred Street Precinct, provide for a good mix of uses, establish urban design precedent, provide public benefits and permeability across the Precinct.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal seeks to rezone the site to MU1 Mixed Use and increase the density (Height of Buildings provision) of 275 Alfred Street (Site B) which is controlled by *North Sydney Local Environmental Plan 2013* and the procedure to amending these provisions is through a Planning Proposal. There would be likely no prospect of facilitating an increase in the 13m Height of Building control through a Clause 4.6 variation as part of a Development Application, as the extent of variation would be generally outside of the realm of which a consent authority would consider reasonable and support under Clause 4.6 request.

7.2 Section B – Relationship to strategic planning framework

Q3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal is consistent with the priorities, objectives and actions contained within the following plans and strategies.

THE GREATER SYDNEY REGIONAL PLAN - A METROPOLIS OF THREE CITIES

The Greater Sydney Regional Plan 2056 was published in March 2018 and sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. The Plan replaced the previous *A Plan for Growing Sydney*. The Plan outlines 10 overarching directions supported by 40 objectives which aim to provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents. The Planning Proposal's consistency with the 40 objectives is discussed in the table below:

TABLE 5 - A METROPOLIS OF THREE CITIES

Objective		Consistency
1	Infrastructure supports the three cities	The proposal is located within proximity to public transport services, North Sydney CBD (which includes employment, health and education, retail and other services) and open space. The proposal seeks to utilise new transport infrastructure in the Sydney Metro City and South West accessible via Victoria Cross Station.
2	Infrastructure aligns with forecast growth – growth infrastructure compact	The proposal aligns with population, employment and housing demand for North Sydney LGA, facilitating additional residential floor space.
3	Infrastructure adapts to meet future needs	The proposal does not include provision of infrastructure.



4	Infrastructure use is optimised	Not Applicable
5	Benefits of growth realised by collaboration of governments, community and business	The proposal has been subject to discussion and collaboration with Council in relation to realising the vision for the site and providing an outcome that is consistent with the directions of strategic planning.
6	Services and infrastructure meet communities' changing needs	The proposal will facilitate additional housing in a location well serviced by education, health and community facilities and other infrastructure.
7	Communities are healthy, resilient and socially connected	<p>The Proposal will establish improved pedestrian connections and links and ground floor retail, which will encourage socially connected communities and allow for ground floor activation.</p> <p>The proposal will create a walkable place with the provision of retail/ commercial uses conveniently located close to residential accommodation. Bicycle parking will be provided in the scheme which will be detailed in the future Development Application. The promotion of walking and cycling will improve the health of future residents and reduce traffic congestion.</p> <p>Enhancing accessibility across the site to the surrounding area and proximity to North Sydney CBD will encourage active transport and public transport use.</p>
8	Greater Sydney's communities are culturally rich with diverse neighbourhoods	Not Applicable
9	Greater Sydney celebrates the arts and supports creative industries and innovation	The revitalisation of the precinct facilitated by the Planning Proposal could provide opportunity for public art and sculpture works throughout the precinct.
10	Greater housing supply	The reference scheme provides for approximately 115 dwellings on Site B. This will contribute to the housing targets as mandated by the GSC.
11	Housing is more diverse and affordable	The proposal will deliver a mix of housing types across the site including 1, 2 and 3-bedroom apartments, contributing to housing diversity.
12	Great places that bring people together	The proposal will enable the initial steps toward the enhance of the sense of place for the Precinct. This will be achieved through urban design, amenity and safety improvements for the precinct and provide



		wider place making benefits for the North Sydney CBD.
13	Environmental heritage is identified, conserved and enhanced	The proposal has been designed so that it is respectful to and will not adversely impact the Whaling Road Heritage Conservation Area adjacent to the site.
14	<i>A Metropolis of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities	The proposal provides housing and employment in close proximity to public transport services. It also will provide improved links between North Sydney CBD and the surrounding area improving walkability to jobs and services within 10 minutes of the centre.
15	The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	<p>The site is within the Eastern Economic Corridor. However, the Precinct is considered to be isolated from the North Sydney CBD and adjoins a residential zone and therefore is not considered appropriate for employment growth.</p> <p>Whilst the proposal will result in the loss of commercial space, it will be replaced with residential accommodation and will contribute to the housing targets for the North District and North Sydney LGA, and aligns with NSW Government priorities for housing in proximity to railways stations in response to the current housing crisis.</p>
16	Freight and logistics network is competitive and efficient	Not Applicable.
17	Regional connectivity is enhanced	Not Applicable.
18	Harbour CBD is stronger and more competitive	The site is within the Eastern Economic Corridor. However, the Precinct is considered to be isolated from the North Sydney CBD and adjoins a residential zone and therefore is not considered appropriate for employment growth. Whilst the proposal will result in the loss of some commercial floor space, there appears to be in the order of 806,000m ² of additional commercial supply capacity in the North Sydney Centre which would provide 40,300 additional jobs and exceed the job targets for the North District Plan.
19	Greater Parramatta is stronger and better connected	Not Applicable.
20	Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Sydney	Not Applicable.



21	Internationally competitive health, education, research and innovation precincts	Not Applicable.
22	Investment and business activity in centres	The proposal will contribute to the Harbour CBD and North Sydney CBD through the provision of improved connections to these centres from the surrounding area, adding to the diversity of uses, providing for residential development but not at the expense of commercial jobs, and creating a quality public realm.
23	Industrial and urban services land is planned, retained and managed	Not Applicable.
24	Economic sectors are targeted for success	Not Applicable.
25	The coasts and waterways are protected and healthier	Not Applicable.
26	A cool and green parkland city in the South Creek corridor	Not Applicable.
27	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Not Applicable.
28	Scenic and cultural landscapes are protected	Not Applicable.
29	Environmental, social and economic values in rural areas are protected and enhanced	Not Applicable.
30	Urban tree canopy cover is increased	The proposal includes tree canopy improvements to the streetscape of Little Alfred Street and Alfred Street with some elevated podium areas along Little Alfred Street for further landscaping opportunities.
31	Public open space is accessible, protected and enhanced	The proposal will enhance access from North Sydney CBD, through the site itself to open space at Anderson Park and the Harbour Foreshore.
32	The Green Grid links parks, open spaces, bushland and walking and cycling paths	The proposal will provide links to surrounding open spaces and walking and cycling paths.
33	A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The proposal will contribute to a more sustainable and resilient city through natural revegetation of the site and its surrounds. The proposal will create a development which integrates employment (commercial/retail) and housing which reduces the need to travel by



		car. The proposal will also incorporate sustainable construction methods and energy efficient design measures within the building which will be explored further as part of the Development Application process.
34	Energy and water flows are captured, used and re-used	The proposal will provide uses that will enable WSUD and ensure water is appropriately drained across the site.
35	More waste is re-used and recycled to support the development of a circular economy	The proposal will facilitate a mix of land uses that can utilise recycled water for landscaping and WSUD which will be explored further at Development Application stage.
36	People and places adapt to climate change and future shocks and stresses	The proposal will deliver a gradual improvement of vegetation across the site by providing landscaping for mature trees.
37	Exposure to natural and urban hazards is reduced	The proposal will deliver a resilient community that is able to respond to varying shocks and stresses of surrounding environment.
38	Heatwaves and extreme heat are managed	The proposal will deliver additional landscaping and tree plantings on the site, improving the overall urban cooling of the site.
39	A collaborative approach to city planning	Not Applicable.
40	Plans refined by monitoring and reporting	Not Applicable.

NORTH DISTRICT PLAN

The table below provides a summary of the planning proposal's consistency with the relevant District Plan priorities.

TABLE 6 - NORTH DISTRICT PLAN

Planning Priority		Consistency
N1	Planning for a city supported by infrastructure	The Planning Proposal aligns with city-shaping infrastructure investment of the Sydney Metro City and South West line which will support increased demand for transport services resulting from renewal of the Precinct.
N5	Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>A housing supply target of 3,000 additional dwellings by 2021 in the North Sydney LGA has been set. The Precinct is within walking distance to jobs, health and education, retail and other services as well as a number of public transport services.</p> <p>The rezoning of the site to MU1 Mixed Use will allow for residential accommodation to be provided in the Precinct. Further amendments to the height of building provisions will facilitate the increase of residential density within the Precinct. As such the proposal will increase the planning capacity for dwellings in the LGA, contributing to the</p>



		housing required by the District Plan. A diversity of dwelling types, through provision of bedrooms, will provide for a range of price points.
N7	Growing a stronger and more competitive Harbour CBD	The Precinct falls just outside of the North Sydney CBD as defined by the North District Plan. North Sydney CBD has a thriving commercial market and is considered to complement the Sydney CBD and is referred to as the northern component of the Harbour CBD.
N10	Growing investment, business opportunities and jobs in strategic centres	The Precinct is located outside of the North Sydney CBD and is not within a strategic centre. The Precinct is not suitable for employment growth given it is isolated and dislocated from the CBD which was acknowledged by the JRPP and North Sydney Council.
N12	Delivering integrated land use and transport planning and a 30-minute city	The Planning Proposal capitalises on the investment and planned investments of the Sydney Metro City and South West, and Western Harbour Tunnel. Development resulting from the Planning Proposal will increase the number of jobs and dwellings within the 30-minutes to a strategic centre through public and active transport.
N19	Increasing urban tree canopy and delivering Green Grid connections	The proposal seeks to provide additional mature landscaping along Little Alfred Street and Alfred Street to increase the urban tree canopy and allow for further Green Grid connections.

Q4. Is the Planning Proposal consistent with a council's LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

DRAFT ALFRED STREET PRECINCT PLANNING STUDY

Whilst, the Precinct Planning Study was not adopted by Council, the Study was to created a framework for a future landowner led Planning Proposal for the Precinct. The Study considers site specific and wider implications with regard to solar access, building separation, visual impact, built form and heritage. The Precinct Planning Study provides a number of objectives which the proposal is consistent with and are discussed under the relevant headings below:

- *Establish a liveable, high amenity precinct that supports a good mix of commercial, mixed use and residential buildings*

The proposal seeks to create a liveable and lively mixed use precinct with an appropriate mixture of retail/commercial and residential uses. The ground floor retail will activate the ground floor plane which will incorporate a pedestrian through-site link between Sites A and B.

- *Ensure an appropriate transition to the surrounding low scale heritage conservation area*

As described in the Urban Design Report, the existing site offers little visual continuity to either Alfred or Little Alfred Street frontages with varying building setbacks and massing articulation. The Planning Proposal intent is to provide greater building setbacks to 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.

- *Provide public benefits that are commensurate with zoning uplift*



The proposal will incorporate a number of public benefits within the scheme which are to be captured through the site specific Development Control Plan (refer to **Appendix 5**). The public benefits for each site are also to be captured in a future VPA and/or part of any future Development Application for the sites.

The public benefits for the Precinct include which are generally consistent with the draft Precinct Planning Study:

- **Pedestrian through-site link:** Provide a pedestrian through-site link at the ground floor to improve permeability through the Precinct and between the HCA and the North Sydney CBD and train/metro stations.
- **Upgrades to public domain:** The following upgrades are proposed for the public domain:
 - Increase landscaping along Little Alfred Street and Alfred Street (with some mature trees to create a canopy) to create a landscaping buffer.
 - Increase setbacks along Little Alfred Street and Alfred Street to improve the pathways with some kerb build outs along Alfred Street.

The proposal has been refined in liaison with the Department and the SNPP since the December 2021 JRPP decision (see section 3.4). The matter raised by the JRPP has been addressed and the new proposal has been lodged and revised consistent with the advice of the now SNPP in their most recent decisions dated 5 October 2023 and 15 March 2024 (see Section 3.5).

NORTH SYDNEY LOCAL STRATEGIC PLANNING STATEMENT 2020

The North Sydney Local Strategic Planning Statement (**LSPS**) provides an overall land use vision for North Sydney LGA for the next 20 years, with priorities and actions for future land use planning. North Sydney LGA will continue to offer high levels of amenity and liveability with good access to transport, job opportunities and unique recreational areas. The North Sydney LSPS builds on the key directions and outcomes of the North Sydney CSP and planning priorities of the District Plan.

Table 8 provides an overview of the LSPS planning priorities and the Planning Proposal's consistency with each priority.

TABLE 7 – NORTH SYDNEY LOCAL PLANNING PRIORITIES

	Planning Priorities	Consistency
Infrastructure		
I1	Provide infrastructure and assets that support growth and change.	The Precinct will provide new assets for North Sydney including new housing and job opportunities which will promote growth and change in the local area. The Planning Proposal will include negotiations for a voluntary planning agreement which will outline contributions to Council infrastructure.
I2	Collaborate with State government Agencies and the community to deliver new housing, jobs, infrastructure and great places.	The Planning Proposal has been prepared in consultation with State government agencies including the Department of Planning and Environment, TfNSW and the community, in order to deliver the best planning outcome on site, which includes the provision of new housing, jobs and great places.
Liveability		



L1	Diverse housing options that meet the needs of the North Sydney community.	The proposal will facilitate the provision of diverse housing options that meet the needs of North Sydney community.
L2	Provide a range of community facilities and services to support a creative, healthy, diverse and socially connected North Sydney community.	N/A
L3	Create great places that recognise and preserve North Sydney's distinct local character and heritage.	The proposal will provide great places and preserve North Sydney's local character. The 275 Alfred Street building is capable of retaining the existing building frame and will not be located further to the north to limit additional impacts to the surrounding heritage conservation area.

Productivity

P1	Grow a stronger, more globally competitive North Sydney CBD.	The reduction in commercial floor space in the Precinct makes way for newer A-grade commercial floor space in the adjacent North Sydney CBD, supporting a stronger and more competitive North Sydney CBD.
P2	Develop innovative and diverse business clusters in St Leonards/Crows Nest.	N/A
P3	Enhance the commercial amenity and viability of North Sydney's local centres.	The Proposal will allow for smaller commercial/retail spaces, whilst considering its close proximity to the commercial-focused North Sydney CBD.
P4	Develop a smart, innovative and prosperous North Sydney economy.	The proposal will facilitate an increase in housing close to North Sydney CBD, allowing for more residents to live close to jobs to support the North Sydney economy.
P5	Protect North Sydney's light industrial and working waterfront lands and evolving business and employment hubs.	N/A
P6	Support walkable centres and a connected and sustainable North Sydney.	The proposal will incorporate a through site link, increasing the permeability of the precinct and allowing for more direct route for pedestrians to and from the North Sydney CBD and the adjacent residential areas within the HCA.

Sustainability

S1	Protect and enhance North Sydney's natural environment and biodiversity.	The proposal will protect North Sydney's natural environment with no vegetation removal while providing new landscaping with the development.
S2	Provide a high quality, well-connected and integrated urban greenspace system.	The proposal will provide opportunity for further landscaping and greening of the existing dense urban environment.
S3	Reduce greenhouse gas emissions, energy, water and waste.	The proposal is committed to reduce its greenhouse emissions, energy, water and waste. The adaptive re-use of the 275 Alfred Street building will be an important opportunity to revitalise the dated building



		whilst achieving a reduction in greenhouse gas emissions compared to a full knock-down rebuild.
S4	Increase North Sydney's resilience against natural and urban hazards.	N/A

NORTH SYDNEY CENTRE REVIEW - CAPACITY AND LAND USE STUDY (CLUS)

The CLUS was adopted by North Sydney Council on 24 October 2016 for the purposes of exhibition. The CLUS was prepared to address a number of issues relating to land use matters, including residential uses, within the North Sydney Centre Commercial Core (the 'Commercial Core') in relation to future development capacity and expansion opportunities. Key objectives of the study seeks to:

- "identify residential development opportunities in mixed use periphery" and
- "identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability."

Alfred Street Precinct is a E2 Commercial Centre zoned area located on the eastern of the Warringah Freeway and does not formally constitute part of the Commercial Centre. Despite the commercial centre zoning, the LEP permits residential accommodation on 263 Alfred Street, south of the Precinct, as an additional permitted use which has led to the construction 20 residential units to an existing commercial development in 2003.

The existing 275 Alfred Street building consists of around half of the existing commercial floor space in the precinct. However, the building is over 50 years of age and is experiencing significant ageing which will require major capital expenditure in the future to maintain basic levels of quality and service. Given the quantum of commercial planning capacity in addition to commercial projects recently completed or underway in North Sydney, it is unlikely a commercial refreshment would be financially viable.

The CLUS also advises that the Commercial Core should not function in isolation and should require the complementary support of other land uses provided in the wider North Sydney Centre, in particular, the periphery. As identified in the CLUS, the Precinct suffers a "physical and psychological disconnect" from the Commercial Core due to the separation by Warringah Freeway. Despite the negative geographical factors, Alfred Street Precinct offers a seamless transition between the Commercial Core and residential area immediately surrounding the Precinct through providing an appropriate mix of land uses.

The findings of the JRPP recommendation have been adopted in the CLUS which considers residential use appropriate in Alfred Street Precinct. The CLUS further recommends any rezoning proposal for this precinct "would need to include the precinct as a whole and demonstrate that significant land use, amenity and urban design improvements would result". The provisions in this Planning Proposal will seek to implement the recommended approach of the CLUS and will unlock future redevelopment opportunities that is currently hindered by the existing singular commercial zoning of the precinct.

NORTH SYDNEY CBD CAPACITY AND LAND USE STRATEGY AND PLANNING PROPOSAL (2017)

The Planning Proposal amended the maximum building heights on various sites within the North Sydney CBD along Arthur Street, Berry Street, Miller Street, Mount Street, Walker Street, and others. Maximum building height increases vary from the equivalent of 13m up to 115m. Gazetted in October 2018, the LEP height amendments of the affected sites vary between RL 70 and RL 289. Furthermore, the new height controls to the North Sydney Centre were based on maintaining solar access to residential land outside of the North Sydney Centre by reducing the time frame from 9am-3pm to 10am-2pm. This approach was undertaken to provide an acceptable balance between allowing the Centre to grow whilst minimising impacts on adjoining residents. The proposal has considered these additional heights within the overshadowing diagrams.



NORTH SYDNEY RESIDENTIAL STRATEGY (2009)

The North Sydney Residential Development Strategy (RDS) 2009 guides North Sydney's residential development over the next 25 years. It identifies the potential for 6,199 dwellings in the North Sydney LGA by 2031 under the provisions of the LEP. These targets exceed the current housing targets for the LGA established in the current North District Plan and it is noted that the RDS was prepared nearly 10 years ago.

The following principles for residential development are identified in the RDS:

1. Concentrate new dwellings in centres within walking distance of shops, jobs, public transport, facilities and services;
2. Minimise the impact of new development on local character, amenity, environment and heritage;
3. Preserve existing and potential commercial floor space in the commercial core of the North Sydney CBD;
4. Maintain existing mixed use areas as village centres for the local community;
5. Maintain housing choice by retaining intact areas of detached and semi detached housing and allowing for further development of apartments and attached dwellings only in appropriate locations; and
6. Discourage further intensification in the areas of Kirribilli, McMahons Point, Waverton, Wollstonecraft and Cremorne Point, which are considered fully developed in terms of the impacts of existing development on parking, traffic, heritage and infrastructure.

The proposal is generally consistent with the above principles in that it provides for housing choice to meet the needs of future residents; minimises impacts on local character, amenity, environment and heritage and provides for a mixed-use development in a location with good access to public transport and other services.

NORTH SYDNEY COMMUNITY STRATEGIC PLAN 2018-2028

The North Sydney Community Strategic Plan 2018 – 2028 (CSP) is an extensive plan developed from the ground up and based on the vision and desires of the North Sydney community. Developed through extensive community consultation, the CSP reflects the social, environmental and economic priorities of residents to 2028 and provides a series of Directions, Outcomes and Strategies to realise these.

The Planning Proposal seeks to enable the redevelopment of the Alfred Street Precinct which would provide for renewal of commercial, business and residential structures. The proposal would also allow for improved access to and through the Precinct improving integration with the broader area. As such the Planning Proposal aligns with the CSP, in particular it supports the CSP natural and built environment, economic and social aspirations by:

- Improving the use of open space through enhanced accessibility and connectivity;
- Providing integrated and efficient off-street parking options;
- Encouraging a diverse mix of business size and type;
- Support existing businesses and attract and foster new businesses;
- Improving North Sydney's standing as one of NSW pre-eminent commercial centres; and
- Using a place-based approach to achieve design excellence and management of places as they change.



Q5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

FUTURE TRANSPORT STRATEGY 2056

The Future Transport Strategy 2056 (Strategy) is an update of the 2012 Long Term Transport Master Plan for NSW. It is a 40-year strategy, supported by plans for regional NSW and for Greater Sydney. It outlines a vision, strategic directions and customer outcomes, with infrastructure and services plans underpinning the delivery of these directions across the state.

The Proposal is consistent with the measure of 'successful places' which is as follows:

Increase the number of people able to access centres by walking, cycling and using public transport -

The Proposal will provide a pedestrian through-site link increasing the permeability of the precinct and importantly providing a shorter, more direct route for pedestrians to and from North Sydney CBD and residential areas to the east. Furthermore, the proposal will create a mixed-use Precinct by providing a mixture of retail/commercial and residential land uses which will be accessible by public transport, cycling or walking.

Q6. Is the Planning Proposal consistent with applicable SEPPs?

The proposal would address and/or be consistent with all relevant Environmental Planning Policies (SEPPs). The following outlines the intent of the relevant SEPPs and consistency of the Planning Proposal.

TABLE 8 - STATE ENVIRONMENTAL PLANNING POLICIES		
SEPP	Consistent	Comments
Housing SEPP	Not Applicable	
Transport and Infrastructure SEPP	Consistent	To be addressed at Development Application stage.
Primary Production SEPP	Not Applicable	
Biodiversity and Conservation SEPP	Not Applicable	
Resilience and Hazards SEPP	Consistent	To be addressed at Development Application stage.
Industry and Employment SEPP	Not Applicable	
Resources and Energy SEPP	Not Applicable	
Planning System SEPP	Consistent	To be addressed at Development Application stage.
Eastern Harbour City Precincts SEPP	Not Applicable	
Central River City Precincts SEPP	Not Applicable	
Western Parkland City Precincts SEPP	Not Applicable	
Regional Precincts SEPP	Not Applicable	
SEPP No 65 (Design Quality of Residential Apartment Development)	Consistent	Future redevelopment of Site B is capable of satisfying the relevant design objectives of the ADG. To be



		addressed further at Development Application stage.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent	To be addressed at Development Application stage.
SEPP (Exempt and Complying Development Codes) 2008	Consistent	The proposal does not inhibit any operations of this SEPP.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The Planning Proposal is consistent with all relevant section 9.1 Directions (previously s117 directions). The assessment of these is outlined in the table below.

TABLE 9 - SECTION 9.1 MINISTERIAL DIRECTIONS			
Clause	Direction	Consistent	Comments
1 Planning Systems			
1.1	Implementation of Regional Plans	Consistent	The planning proposal is consistent with the Region Plan and North District Plan as evidenced in Section 7.2.
1.2	Development of Aboriginal Land Council land	Not Applicable	
1.3	Approval and Referral Requirements	Consistent	<p><i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p> <p>The proposal has minimised the inclusion of provisions that require the concurrence, consultation or referral of Development Applications to a Minister or public authority.</p> <p>The future development would not be identified as designated development.</p>
1.4	Site Specific Provisions	Consistent	<p><i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i></p> <p>The proposal will not impose any unnecessarily restrictive site specific controls.</p>
1.4A	Exclusion of Development Standards from Variation	Not Applicable	
1 Planning Systems – Place-based			
1.5	Parramatta Road Corridor Urban Transformation Strategy	N/A	



1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and infrastructure Implementation Plan	N/A	
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	
1.10	Implementation of Western Sydney Aerotropolis Plan	N/A	
1.11	Implementation of Bayside West Precincts 2036 Plan	N/A	
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	N/A	
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	N/A	
1.14	Implementation of Greater Macarthur 2040	N/A	
1.15	Implementation of the Pyrmont Peninsula Place Strategy	N/A	



1.16	North West Rail Link Corridor Strategy	N/A	
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3 Biodiversity and Conservation

3.1	Conservation Zones	N/A	
3.2	Heritage Conservation	Consistent	<p>The Whaling Road Conservation Area is located to the north and east of the Precinct. It contains mostly 1-2 storey dwellings on small allotments. The proposal will provide an appropriate built form along the northern and eastern boundaries which will create an appropriate transition to the low scale residential dwellings in the conservation area.</p> <p>The proposal is not expected to have adverse impacts on the heritage significance of this area. More detailed consideration of heritage impacts can be addressed at the DA stage.</p>
3.3	Sydney Drinking Water Catchments	N/A	
3.5	Recreation Vehicle Areas	N/A	
3.6	Strategic Conservation Planning	N/A	<p>The planning proposal site is not affected by:</p> <ul style="list-style-type: none"> • native vegetation, • riparian corridors, including native vegetation and water quality, • threatened ecological communities, threatened species and their habitats, • koala habitat and corridors, and • matters of national environmental significance. <p>The Planning Proposal does not rezone land identified as avoided land or a strategic conservation area in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.</p>

4 Resilience and Hazards

4.1	Flooding	N/A	
4.2	Coastal Management	N/A	
4.3	Planning for Bushfire Protection	N/A	The site is not identified on Bushfire Prone Land mapping.
4.4	Remediation of Contaminated Land	Consistent	The site has historically been used for residential accommodation prior to the current commercial use with the current building since 1971. The land is not



			within an investigation area within the meaning of the Contaminated Land Management Act 1997. The land does not contain development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out.
4.5	Acid Sulfate Soils	N/A	The LEP does not identify the site as containing acid sulfate soils.
4.6	Mine Subsidence and Unstable Land	N/A	The land is not identified as affected by mine subsidence or unstable land.

5 Transport and Infrastructure

5.1	Integrating Land Use and Transport	Consistent	The site is serviced by a variety of public transport options, including regular bus services and heavy rail. The traffic generation associated with the proposal is considered to be acceptable and will not adversely impact the surrounding road network. Section 7.3 provides further discussion.
5.2	Reserving Land for Public Purposes	Consistent	The planning proposal does not propose to alter or reduce existing zonings or reservations of land for public purposes.
5.3	Development near Regulated Airports and Defence Airfields	N/A	
5.4	Shooting ranges	N/A	

6 Housing

6.1	Residential Zones	Consistent	<p>The proposal encourages the provision of housing that will make more efficient use of existing infrastructure and services due to its location within walking catchment of the Victoria Cross Metro Station and North Sydney Railway Station.</p> <p>Due consideration has been given to ensuring the proposal does not adversely impact surrounding residential properties.</p> <p>The site is adequately serviced by existing infrastructure and services to support the proposal.</p>
6.2	Caravan Parks and Manufactured Home Estates	N/A	

7 Industry and Employment

7.1	Business and Industrial Zones	Consistent	<p>As addressed in the Economic Impact Assessment which accompanied the 2019 Rezoning Review, the Planning Proposal is consistent with the objectives of this direction:</p> <p><i>a) encourage employment growth in suitable locations,</i></p>
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			<p><i>(b) protect employment land in employment zones, and</i></p> <p><i>(c) support the viability of identified centres.</i></p> <p>With respect to objective (a), the Precinct is physically disconnected from the North Sydney Centre by the Warringah Freeway. The Precinct's isolation and disconnection are factors that were acknowledged by the former Sydney North Joint Regional Planning Panel and North Sydney Council, recognising that the Precinct is not a suitable location within which to grow employment.</p> <p>Investigations by Council indicate the North Sydney Centre has the supply capacity required to accommodate employment growth. Growth in the Centre is considered much more suitable than in the Precinct given the proximity of the former to transport and urban amenity.</p> <p>Knowledge-intensive sectors require good quality urban amenity in order to be attracted to a location. The Precinct has a limited offer in this respect.</p> <p>A key site in the Precinct (275 Alfred Street building) is nearing the end of its economic useful life. Refurbishment or development into a commercial building is tested and found to be not financially viable.</p> <p>In the absence of the Proposal Case, the 275 Alfred Street building will continue to age and deteriorate, conceivably resulting in lower occupancy rates and negative employment growth.</p> <p>With respect to objective (b), the MU1 Mixed Use zoning sought would not lead to a reduction in the quantum of land zoned for businesses uses in North Sydney CBD and the Precinct would still accommodate some employment uses post-development.</p> <p>With respect to objective (c), the North Sydney Centre is the northern component of the Harbour CBD and should be the primary location for high density commercial and retail in accordance with planning policy.</p> <p>The Proposal would increase the quantum of household expenditure by new residents and thereby provide a net positive addition to the pool of expenditure available to be captured by local businesses in the North Sydney Centre and elsewhere in the North Sydney LGA.</p>
7.2	Reduction in non-hosted short-term rental accommodation period	N/A	



7.3	Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
8 Resources and Energy			
8.1	Mining, Petroleum Production & Extractive Industries	N/A	
9 Primary Production			
9.1	Rural Zones	N/A	
9.2	Rural Lands	N/A	
9.3	Oyster Aquaculture	N/A	
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	

7.3 Section C – Environmental, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by this Planning Proposal.

Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

BUILT FORM

The Precinct is located just outside of the North Sydney Centre under NSLEP. The Planning Proposal seeks to increase the building height of Site B to RL 120.0. Adjoining to the north and east of the site is Whaling Road Heritage Conservation Area which incorporates existing low scale residential development (1-2 storeys in height).

The 275 Alfred Street building is a key component of North Sydney's skyline and creates a 20 storey iconic landmark building for the Precinct along the eastern side of the freeway. The buildings in the remainder of the Precinct are currently underdeveloped and between 3-4 storeys in height with the built form abutting the street boundaries.

The approach for the future redevelopment of the Precinct was to seek a balance between amenity, public benefit, quality, economic viability and development surety. An urban form for the Precinct has been developed as a holistic approach, with massing responding to topography and existing residential context whilst maintaining its unique character as a gateway precinct. The proposed development will create a smooth



transition between the Heritage Conservation Area to the CBD in terms of heights, scale, function and connectivity.

The proposal seeks to remove the existing FSR controls for all sites. The proposal seeks to increase the heights of Site B as per previous Planning Proposal 2020-74.

Site B

The proposal will incorporate a up to 3 storey podium along all the Alfred Street frontage for the Site B. Tower levels will be setback from the podium edge allow for top of podium landscaping and maintain solar access for Sites C and D and the adjacent heritage conservation area.



Figure 16 – 3D image along Alfred Street
Source: Grimshaw



Figure 17 – 3D image along Little Alfred Street
Source: Grimshaw

The built form for Site B will be setback to Alfred Street minimum 4.8m for podium levels and 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. The above podium tower levels will be setback minimum 9m. 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 proposal will also incorporate elevated landscaping podiums along Little Alfred Street which will further soften the built form along this elevation.

The proposal seeks a maximum building height of RL 120 for Site B, which is consistent with the SNPP's resolution of 5 October 2023. The built form to Site B will contain generous setbacks above the podium along the elevations with the Conservation Area and generally define the street edge along Alfred Street. The proposed height 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 pedestrian through-site link would be located through the precinct at the ground level between Sites A and B that connects Little Alfred Street to Alfred Street and onto the North Sydney CBD. This requirement for the link is reflected in the Site-Specific DCP which allows for a 6.7m wide link shared between Sites A and B.



Figure 18 – Proposed Through-site Link (hatched red)
Source: Grimshaw

The commercial buildings in the Precinct appear to date from the 1960s and 1970s. In particular, 275 Alfred Street building is coming to the end of its economic useful life and a number of development scenarios for the building have been explored in the Urban Design Report (refer to **Appendix 1**). The best strategy for the 275 Alfred Street building would be to retain the existing building frame, overhaul the building services and undertake remediation works of the existing commercial floor space which would be offset by the additional building height. This scenario would also involve the significant reconfiguration of the ground floor required to accommodate retail uses and deliver the through-site link. There would still be limited revenue in the refurbished commercial offering due to the isolation from the main commercial district although the offset of high-quality residential floors would deliver an economic opportunity for redevelopment.

Furthermore, the Planning Proposal includes design excellence provision for the 275 Alfred Street building, which is triggered where a Development Application is lodged for the site with a building higher than RL 101, being the height of the existing structure. This will ensure that the landmark building will exhibit design excellence, and a high standard of architecture, urban and landscape design is achieved. In particular, this will ensure that façade of the building is upgraded which is currently dated and deteriorated.

The proposed residential accommodation will address the key Apartment Design Guide (ADG) design criteria including solar access, cross ventilation, visual privacy and building depth. The reference scheme demonstrates that facilitated by the planning proposal, the site can be future developed with a built form featuring high residential amenity, improved public domain and minimised environmental impacts.

OVERSHADOWING

The Urban Design Report (refer to **Appendix 1**) provides a shadow analysis of the proposed development versus the existing built form at mid-winter which is the worst-case scenario. All residential properties in this

area maintain existing solar access prior to 12pm. It is also noted that Council's Precinct Planning Study considered that the additional shadow impacts associated with Council's preferred option were acceptable.

The residential properties to the south of Whaling Road incorporate semi-detached dwellings which are oriented north-south. It is untested where the living spaces are arranged in these properties although any southern orientated living spaces would not currently receive solar access. It is also noted that these sites generally overshadow their own rear private open space given their orientation. The northern rooms of all these dwellings will receive 3 hours of morning solar. The shadow from the 275 Alfred Street building is generally fast moving given it is slender and tall.

Dwellings located in the adjacent residential block between Little Alfred Street and Neutral Street would only overshadowed between 2 and 3pm. Dwellings along Little Alfred Street may have minor afternoon solar impact pending actual living space locations although also receive 3 hours of morning solar access to their north and east facades as per existing conditions.

The solar access diagrams demonstrate that the proposal will create additional overshadowing to only a small portion of the park to the south of the Precinct between 11am and 1pm. However, it is noted that the park abuts a Freeway, has recently been halved for a new slip road as part of the Warringah Freeway upgrades, and is not highly used whilst there are a number of other larger open space areas in the immediate locality.

PARKING AND TRAFFIC

A Traffic Impact Assessment (TIA) has been prepared on behalf of TTPP (refer to **Appendix 2**) which provides an assessment on the proposed parking and internal layout and examines the traffic generation of the proposed development.

Traffic generation

The precinct currently comprises 33 residential units and 3 commercial buildings (with a combined GFA of approximately 14,200m²) which generate 233 trips in the AM peak and 175 trips in the PM peak (refer to the table below). The proposal however is expected to significantly reduce the future trips generated in the precinct (by 137 during the AM peak and 103 trips during the PM peak) given residential trip generation rates are lower than commercial rates.

TABLE 10 - NET CHANGES IN TRAFFIC GENERATION

Traffic generation	AM peak	PM peak
Existing traffic generation	233	175
Future traffic generation	96	72
Net change	-137	-103

Traffic modelling has previously been undertaken for the existing base case and the proposed development to the intersections of Little Alfred Street/Whaling Road and Neutral Street/Whaling Road. The intersections are currently operating at an 'A' (good operation) level of service and will continue to operate as this level as a result of the proposal. 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 as the existing road network is expected to accommodate the proposed development traffic. Rather, as evident in the table above, the proposal is expected to reduce trip generation in the precinct by more than half.

Vehicle access

The existing rear vehicular access point for Site B to Little Alfred Street is to be retained under the proposal which services the basement car parking and loading dock areas. The loading areas are expected to predominately cater for waste collection vehicles and occasional deliveries.



Bicycle parking

A cycle lane has been identified along Alfred Street by North Sydney Council. Based on the minimum bicycle parking rates in the NSDCP 2013, redevelopment of Site B would require a total minimum of 130 spaces.

Loading facilities

It is proposed to provide on-site loading areas for Site B. The loading area is expected to predominately cater for waste collection vehicles and occasional deliveries.

It is however expected that the existing loading zone on Alfred Street North would also continue to service the site due to its proximity to the main road (where trucks travel to/from) in order to minimise truck movements along Little Alfred Street and Whaling Road.

WIND IMPACTS

A Wind Impact Assessment (WIA) has been prepared by RWDI Australia in regard to the pedestrian wind effects associated with the additional four (4) storeys on the existing 275 Alfred Street building on Site B. The report notes that the proposed increase in height (to RL 120) is unlikely to significantly alter the existing wind conditions on site. The report advises that redevelopment of the site will provide an opportunity to address the existing wind environment around the site through the incorporation of building form changes such as setbacks, chamfers, and other mitigation elements.

Redevelopment of the site facilitated by the planning proposal provides the opportunity to incorporate design measures (e.g. built form articulation, the rounded corner profiles, and deep canopies / setbacks closer to the ground level) and improve the current pedestrian wind environment experienced at the site which is otherwise currently untreated with the existing building.

Offer to purchase 283 Alfred Street

A genuine effort to purchase 283 Alfred Street by the landowner of 275 Alfred Street has been undertaken, however there has been no response from the landowner of 283 (Honuka Pty Ltd). An independent valuation of 283 Alfred Street was prepared by Cushman and Wakefield and an offer to acquire the site was sent to the landowner of 283 via registered post on 14 February 2019 (refer to **Appendix 8**). An attempt to call the landowner was also made on 13 February and a follow up email was sent on 26 February to discuss this matter further, however there has been no response or willingness to negotiate.

The attempt to purchase the site is consistent with planning principle for site amalgamation, *Karavellas v Sutherland Shire Council [2004] NSWLEC 251 at 17-19* which deals with two questions when dealing with isolated sites:

1. *Is amalgamation of the sites feasible?*
2. *Can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

The first question (is amalgamation of the sites feasible?) is to be determined in accordance with three principles (*Melissa Grech v Auburn Council [2004] NSWLEC 40 (at 50)*):

1. *Where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements, then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*
2. *Where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.*

The relevant question is whether the applicant has taken reasonable steps to cause an amalgamation. It is not necessary for an applicant to do any more than what is reasonable.



3. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.

A genuine attempt to purchase no. 283 Alfred Street has been undertaken and correspondence has been provided to demonstrate this. A reasonable offer was made which was determined by an independent valuation and it was suggested that each site undertakes its own Due Diligence of the site. Therefore, in this regard it has been demonstrated that the amalgamation of the sites are not feasible. Furthermore, no. 283 Alfred Street can be redeveloped individually given the size of the site is sufficient and the site can achieve the FSR threshold as identified in AEC's Economic Feasibility Study (2.75:1), therefore this will ensure the orderly and economic use of the no. 283.

In this regard, we propose that the redevelopment of 275 and 283 Alfred Street be undertaken individually. Furthermore, we have proposed that sites 273 and 271 Alfred Street and 263-269 Alfred Street/4 Little Alfred Street be redeveloped individually.

The proposal will minimise the number of landowners required to amalgamate and the sites are generous which ensures that they can be redeveloped individually with meaningful floor plates with a high level of amenity. It is also noted that the JRPP decision did not recommend any amalgamations to increase the density within the Precinct.

Q10. Has the Planning Proposal adequately addressed any social and economic effects?

SOCIAL EFFECTS

The planning proposal will create a number of positive social outcomes, including:

- Provision of an east-west pedestrian through-site link from Alfred Street to Little Alfred Street, increasing the permeability of the precinct and importantly providing a shorter, more direct route for pedestrians between the North Sydney CBD and residential areas to the east.
- Further improvements to the ground floor plane and public domain through:
 - Providing a pedestrian through-site link to improve permeability within and through the Precinct to North Sydney CBD.
 - Appropriate setbacks along Little Alfred Street and Alfred Street to improve the pathways with some kerb build outs along Alfred Street; and
 - Providing opportunities for landscaping which will provide a buffer in between the Heritage Conservation Area and the Freeway along Alfred Street;
- Create a mixed use precinct which will integrate housing, retail employment opportunities and services and reduce the need for car travel whilst promoting cycling and walking in the locality;
- Increasing housing choice and stock in close proximity to a range of public transport options and other services;
- Providing an appropriate transition to the low scale development in the Conservation Area with a residential fine grain typology along Little Alfred Street, greater building envelope setbacks and a landscaping buffer;
- Providing an opportunity to improve the façade and appearance of the existing dated 275 Alfred Street building through redevelopment supported by a design competition process to achieve a built form outcome which exhibits design excellence.



ECONOMIC EFFECTS

The Precinct falls just outside of the North Sydney CBD as defined by the North District Plan. The District Plan considers the North Sydney CBD as the northern component of the Harbour CBD and has a thriving office market which complements the Sydney CBD. The North Sydney CBD has a high level of job in professional, scientific and technical services, financial and insurance services, and information, media and telecommunications and is well connected to public transport services. The District Plan sets a target for the North Sydney CBD of 15,600-21,100 new jobs by 2036 which equates roughly to 300,000+ sqm of commercial floor space.

Within North Sydney Centre there are a number of initiatives which will provide significant commercial growth which are outlined below:

- **North Sydney Centre:** Council's CLUS and North Sydney Centre Planning Proposal unlocked 529,000m² of additional commercial floorspace in North Sydney Centre. It is noted that the Precinct falls just outside of the nominated Centre;
- **Ongoing Developments:** There is significant development and investor interest in the Centre and over the next 3-4 years an additional 112,000m² floor space will be provided;
- **Ward Street Precinct Masterplan:** This Masterplan prepared by Council (which was publicly exhibited in August 2018) will result in the potential to deliver an additional 100,000m² commercial floor space;
- **Victoria Cross Metro Station:** The over-station development above the Victoria Cross metro station will provide an additional 65,000m²+ of office and retail space.

Cumulatively, there appears to be in the order of 806,000m² of additional commercial supply capacity in the Centre which would provide 40,300 additional jobs and exceed the job targets for the North District Plan.

Council's Alfred Street Precinct Planning Study proposed 4,200-4,800m² of commercial floor space which results in the loss of 9,000m² existing floor space and is equivalent to 450 jobs. The loss of commercial floorspace was acknowledged by Council to be unfortunate, however in the context of capacity in the Centre and demonstrated development interest it was considered an acceptable outcome.

The building at 275 Alfred Street dates from the 1970s. The Economic Impact Assessment prepared under the previous PP-2020-774 examined a number of scenarios which include a base case, base case looking forward and the proposal case. In particular, it was established that the 275 Alfred Street building is approaching the end of its economic useful life (being approximately 50 years old) and the cumulative impact of its limited revenue potential (small floorplates and isolated location) and substantial cost to refurbish means that commercial refurbishment was not a viable solution.

As part of the proponent's submission to Council's Precinct Planning Study, in 2018, AEC Group undertook an Economic Feasibility Study which identified FSR thresholds for individual sites that reflect a financially attractive proposition to all landowners in order to encourage precinct renewal and associated public benefits.

If the base case looking forward was taken as the baseline comparison, the proposal results in net positive economic impacts through the initial stimulus and flow-on impacts (per annum):

- \$13.6 million in additional output (including \$6.1 million directly).
- \$7.5 million in additional GRP (including \$3.2 million directly).
- \$3.8 million additional in incomes and salaries paid to households.
- 39 additional FTE jobs (including 18 FTE directly related to commercial activity and dispersed jobs).



It is reiterated that the JRPP and North Sydney Council acknowledged that the Precinct is not a suitable location for employment growth given it is isolated and disconnected from the North Sydney CBD. Displaced businesses could seek space in the North Sydney Centre where there is large stock of secondary grade buildings with low rents which are comparable to the Precinct. The economic activity would therefore not be 'lost' from North Sydney but merely relocated across the Warringah Freeway into the North Sydney Centre.

Further, since 2019 the commercial market has become considerably more challenging given the effects of COVID-19 and the result reduction in demand for commercial floorspace with hybrid working arrangements. The loss of circa 10,000m² of dated, lower grade office space just outside the North Sydney Centre is minor in comparison to the 806,000m² of additional commercial supply capacity, including large A-grade commercial office developments under construction or have recently come online in the North Sydney Centre in the past few years (e.g. Victoria Cross OSD, Zurich Building, 86-88 Walker St, 1 Denison St).

7.4 Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the Planning Proposal?

The Precinct is well serviced by public transport with the North Sydney train station and future Victoria Cross Metro Station within close proximity. The Precinct is also close to the North Sydney ferry and bus services along the Pacific Highway. The Precinct is well serviced by North Sydney CBD which offers retail and commercial activity, employment, community facilities, education, health and community facilities and other infrastructure. Directly to the south of the site is small park and within the wider catchment are a number of larger parks including Anderson Park, Forsyth Park and Milson Park.

7.5 Section E – State and Commonwealth Interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The previous Planning Proposal over the site PP-2020-774, the Panel's Secretariat consulted with the following state public authorities in accordance with the conditions of the Gateway determination:

- Transport for NSW
- Ausgrid
- Sydney Water
- NSW Department of Education
- NSW Department of Health

Transport for NSW (TfNSW) raised the following in its review of the proposal documentation:

- *The need for coordination regarding the Western Harbour Tunnel and Beaches Link project for any future DA;*
- *A residential and workplace travel plan should be required as a part of any future DA;*
- *A request that a site-specific clause be included to limit the total retail floor space area for the site to 1,200m² and*
- *The proposal should consider pedestrian amenity and public transport accessibility and the impact of the development in the locality. TfNSW advise that a contribution or works in kind should be provided to infrastructure improvements within the locality that is commensurate with the impact of the development and could be required through a satisfactory arrangements clause.*



These matters were subsequently addressed through responses to submissions process and liaison with the Department and Council in 2022 or in some cases will be addressed at the future DA stage. In particular, regarding the retail floor space limitation, this has been addressed through the inclusion of a site-specific DCP control limiting the floor space of retail premises across the precinct (Sites A – D) to 1,200m².

We note with the issue of a Gateway determination for this revised Planning Proposal, government agencies will once again be consulted on the proposal.



8 Part 4 – Mapping

The table below outlines the proposed amendments to the NSLEP 2013 maps. Refer to **Appendix 4** for the draft amended maps.

TABLE 11 - KEY PLANNING CONTROLS

Map	Current Control	Proposed Control
Land Zoning Map LZN_002A	E2 Commercial Centre	MU1 Mixed Use
Floor Space Ratio Map FSR_002A	3.5:1	Remove FSR controls for all Sites A, B, C and D.
Height of Buildings Map HOB_002A	13m	<ul style="list-style-type: none">• Site B (275 Alfred Street): RL 120.00• Sites A, C and D: No change
Design Excellence Map DEX_002A	Sites A – D not identified on map.	Identify Site B (275 Alfred Street) on map.



9 Part 5 – Community Consultation

Subject to the provision of a Gateway Determination from the Department, the planning proposal will be placed on public exhibition. Confirmation of the public exhibition period and requirements for consultation will be detailed as part of the Gateway Determination.

Any further Community consultation will be conducted in accordance with Section 3.34 and Schedule 1 of the EP&A Act and the Local Environmental Plan Making Guideline (August 2023) from DPE. This is likely to involve notification of the proposal:

- On Council's website
- On the Planning Portal
- In writing to affected and adjoining landowners unless this is impractical and therefore not required as part of the Gateway determination

The following material must be made available for inspection:

- The planning proposal in the form approved for public exhibition by the Gateway determination
- The Gateway determination
- All relevant additional information relied upon by the planning proposal

The Site Specific DCP would also likely be exhibited alongside the Planning Proposal in accordance with Council's requirements.

10 Part 6 – Project Timeline

This project timeline has been provided to assist with monitoring the progress of the Planning Proposal through the plan making process and assist with resourcing to reduce potential delays.

TABLE 12 - PROJECT TIMELINE

Milestone	Date
Submission of the Planning Proposal	November 2023
Referral to Minister for Gateway Determination	April 2024
Anticipated commencement date (date of Gateway determination)	April 2024
Commencement and completion dates for public exhibition period	TBA
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination)	4 weeks (estimated)
Timeframe for consideration of submissions	4 weeks (estimated)
Timeframe for consideration of a proposal post exhibition	September 2024
Consideration of PP by SNPP	October 2024
DPE to finalise the LEP	November 2024
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	November 2024
Anticipated date for publishing of the plan	December 2024

11 Conclusion

The planning proposal has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979*
- NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline* dated August 2023

The Planning Proposal pertains to the land encompassing 263-283 Alfred Street and 4 Little Alfred Street, North Sydney. This report provides a full justification of the proposal in line with the Department of Planning and Environment's LEP Making Guideline. The justification demonstrates that:

- The proposal is consistent with the SNPP advice made on 5 October 2023 and 22 March 2024 in that it proposes to rezone the entire precinct to MU1 Mixed Use and remove FSR controls, introduce a design excellence pertaining to Site B (275 Alfred Street), and is accompanied by a site-specific DCP which introduces a maximum retail floor space cap for the precinct and details site specific masterplan controls.
- The proposal allows for a Precinct wide approach to the future redevelopment of the E2 zoned block. Furthermore, it will rezone the Precinct to incorporate residential uses which was considered by the JRPP to be appropriate given the isolation of the Precinct from the North Sydney CBD.
- Although Council's Alfred Street Precinct Planning Study was not formally adopted and has no legal weight, it is considered to have some probative value. The Study acts as a framework for the future redevelopment of the Precinct and it is based on the professional opinion of Council officers as to what could be an acceptable built form. The Planning Proposal is consistent with the objectives and design requirements of Council's draft Alfred Precinct Planning Study.
- The proposal is consistent with the Greater Sydney Region Plan and Northern District Plan given it will integrate housing and employment opportunities with public transport which contributes to the 30 minute city and contributes to housing targets.
- The proposal is consistent with the relevant s9.1 Ministerial Directions.
- The proposal has strategic merit given it is consistent with the relevant state, regional and local strategies and the rezoning of the Precinct will allow for a better transition with the adjoining Heritage Conservation Area which is close proximity to a number of public transport services.
- The proposal has demonstrated site-specific merit promoting densification in tandem with sustainable and community-oriented development, allowing more development near transport hubs to leverage existing infrastructure capacity.
- The proposal significantly improves the ground floor plane and public domain of the Precinct. The additional provision of a through-site link, landscaping and widening of the footpaths along Little Alfred Street and Alfred Street will improve permeability and the pedestrian experience.
- The proposal provides housing diversity and choice for the future residents of North Sydney LGA with a variety of unit types in close proximity to existing public transport, jobs, services and infrastructure; and
- Provides an appropriate built form between the North Sydney CBD and the low scale residential development in the Conservation Area, addressing matters of amenity and environmental impacts.

