

# **Planning proposal**

52 McLaren Street, North Sydney

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*GHD*

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*GHD*

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*Ethos Urban*

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*GHD*

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*NBRS Heritage*

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*GHD*

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*GHD Woodhead*

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*Sydney Metro*

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*CPP*

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*GHD*

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*GHD*

**Date:** November 2024  
**Version:** 4  
**Division:** City & Southwest – Property and Place

# 1 Introduction

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This planning proposal report is submitted to North Sydney Council (Council) to request amendments to the *North Sydney Local Environmental Plan 2013* (North Sydney LEP 2013) relating to land at 52 McLaren Street, North Sydney (the site). The purpose of this planning proposal is to amend the North Sydney planning controls to propose a maximum floor space ratio (FSR) and height to enable a future development that is consistent with the North Sydney Civic Precinct Planning Study (CPPS) which envisages two buildings with mixed-uses and a unified podium on the site. This planning proposal does not propose any construction. Future detailed design of buildings and associated construction activity will be subject to a separate planning approval process (Development Application (DA) with Council) that will be prepared by others.

This planning proposal requests that Council initiate a Local Environmental Plan (LEP) amendment process to:

- amend the maximum building height from RL 110m to part RL 107m and RL 156m
- apply a maximum FSR of 5.3:1 on the site
- amend the minimum non-residential FSR from 0.5:1 to 1:1.

An indicative image of a proposed building which would be achievable under the proposed LEP controls is provided in Figure 1.

This planning proposal describes the site, the proposed amendments to the North Sydney LEP 2013 and provides an environmental assessment of the proposed height, FSR and non-residential FSR controls, building envelope and indicative reference design to demonstrate how a future built form could look and function. The report should be read in conjunction with the Urban Design Report and indicative Architectural Drawings prepared by GHD (Appendices A, B and C) and specialist consultant reports appended to this proposal (refer to Table of Contents). This planning proposal has been prepared having regard to '*Local Environmental Plan Making Guideline*' published by the Department of Planning, Industry and Environment (DPIE). In particular this planning proposal addresses the following specific matters in the guideline:

Part 1 – Objectives and intended outcomes

Part 2 – Explanation of provisions

Part 3 – Justification

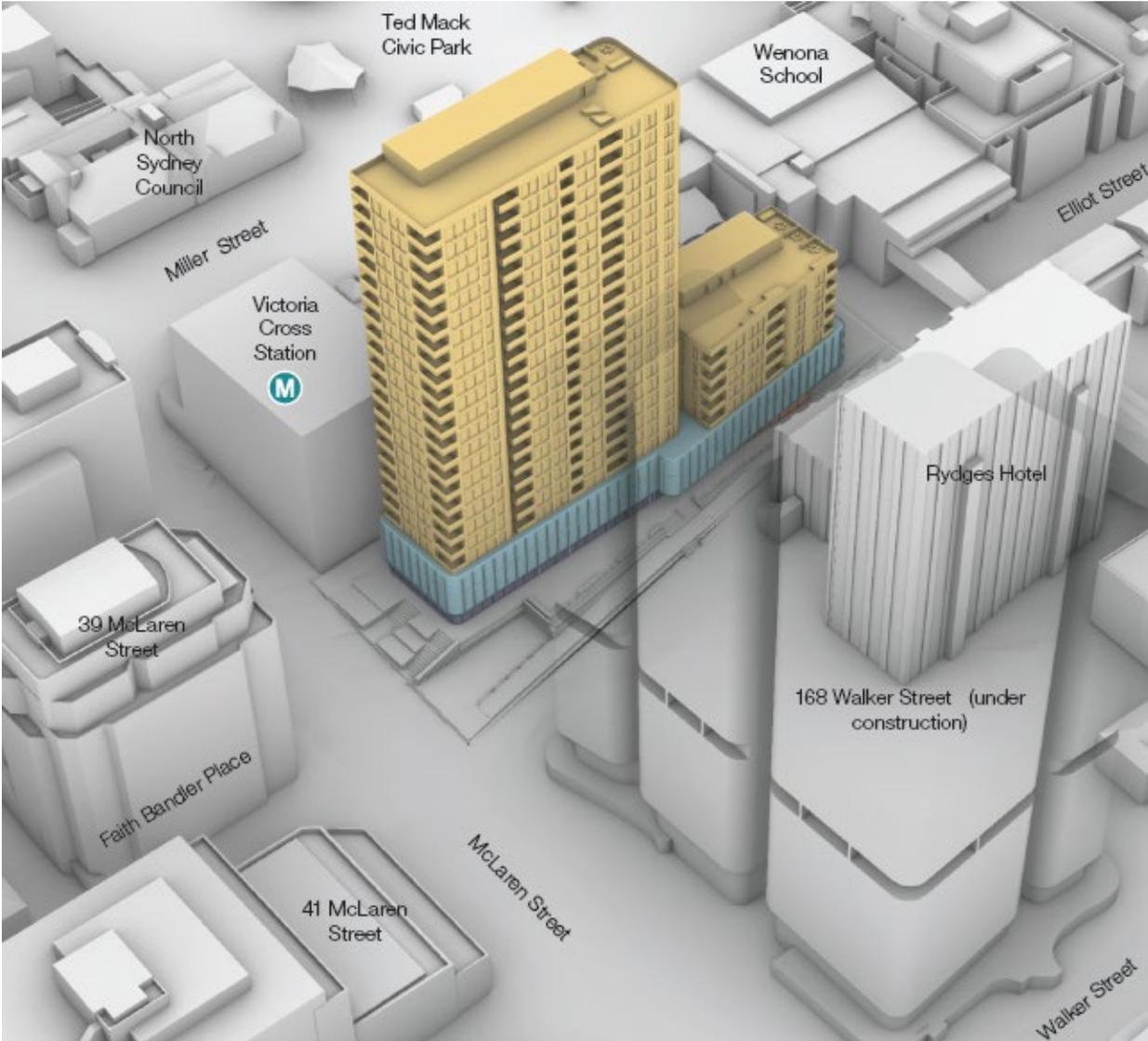
- Environmental, social and economic impact.
- Need for the planning proposal.
- Relationship to strategic planning framework.
- State and Commonwealth interests.

Part 4 – Mapping

Part 5 – Community consultation

Part 6 – Project timeline

**Figure 1** An indicative scheme that could be achieved under the proposed controls (GHD Woodhead)



**1.1 North Sydney Civic Precinct Planning Study**

In response to the delivery of new infrastructure within the North Sydney CBD and the actions outlined in the North District Plan, Council resolved to prepare the CPPS as a means of investigating the potential for new housing and employment opportunities within the Civic Precinct.

The CPPS envisions a modern, connected area, primarily low scale in character with a network of pedestrian links and open spaces. The CPPS also specifically recognises the location of the northern entrance for the Victoria Cross Station which is located within the Civic Precinct on corner of Miller and McLaren streets. The new infrastructure acts as a catalyst to a series of actions and objectives identified by Council, ensuring any revisions to the controls for that precinct will deliver additional dwellings and commercial floor space for new employment opportunities.

The CPPS was exhibited for community consultation by Council from 4 June to 20 July 2020. It was then adopted, with revisions, on 20 November 2020.

The site is located within one of the two transition areas identified in the CPPS which is nearby to the North Sydney Central Business District (CBD). The transition areas are earmarked to provide vibrant mixed-use zones, allowing for more job and housing opportunities within the North Sydney area. The CPPS provides site specific guidelines for future development on the site and introduces the potential for two buildings ranging from 14 to 24 storeys with a unified podium. It notes the opportunity to create a mixed-used or commercial development next to the new metro station.

## 1.2 Pre-lodgement consultation with Council

A pre-planning proposal meeting was undertaken on 26 February 2021 with Council regarding the proposal. A second meeting was held with Council to present a revised scheme where most of Council’s concerns regarding the through-site link were discussed. Key matters raised by Council have been included in Table 1.

**Table 1** Pre-planning proposal meeting key matters raised

Comment	Response
Victoria Cross Station northern entrance	
<p>There are concerns that the lack of detail around the northern entrance design could impact on the future relationship between the entrance and the proposal at 52 McLaren Street, specifically:</p> <ul style="list-style-type: none"> <li>the pedestrian experience at the south west corner of 52 McLaren Street coming to and from the metro entrance and the treatment of any tall, blank walls on the metro site</li> <li>the potentially random streetscape character along McLaren Street between Miller Street and Walker Street</li> <li>the occupant amenity in the south building, especially the south west corner directly adjacent to the metro entrance.</li> </ul>	<p>This planning proposal is subject to the envelope on 52 McLaren Street only. The design of the Victoria Cross Station northern entrance is subject to a separate design and planning process. Notwithstanding this, the proposed planning controls have been developed in response to the site constraints, including the Victoria Cross North site.</p> <p>The proposal provides an at-grade pedestrian connection along the podium level on 52 McLaren Street that connects through to the through-site link.</p> <p>The proposal is positioned in line with the Walker Street development adjacent to the site to provide a more consistent streetscape.</p> <p>Where apartments are located adjacent to Victoria Cross North site building, a dual aspect is proposed with the primary aspect towards the south and away from the metro station.</p>
<p>It is recommended that any planning proposal include section diagrams along McLaren Street to show how the proposal for 52 McLaren Street successfully integrates into the streetscape, taking into account the design of the northern metro entrance, as well as the Rydges Hotel and the future development at 168 Walker Street.</p>	<p>Refer to Urban Design Report at Appendix A and Architectural Drawings at Appendix B.</p>
<p>The placement of the metro entrance right up to the boundary of the 52 McLaren Street site requires some level of resolution at the planning proposal stage as it will impact the plaza entrance as well as the west façade of the south building.</p>	<p>Refer to the Urban Design Report at Appendix A as to how this relationship can be addressed.</p>
Whole of building FSR	
<p>The planning proposal must include a maximum whole of building FSR that applies across the whole site. The FSR must be calculated based on a building envelope that complies with the:</p>	<p>A FSR has been calculated on the maximum building envelope and is sought for as part of this planning proposal. This is compliant with Council’s recommendations contained in the CPPS.</p>

- height limits and overshadowing requirements of the CPPS
- separation and overshadowing design criteria of the Apartment Design Guide (DPIE 2015)
- protection of solar access to the proposed future public squares to be created in the Ward Street Precinct.

#### Non-residential FSR

The planning proposal should include a non-residential FSR control that is consistent with the concept design scheme. This helps to reinforce the delivery of employment floor space and provides a better level of certainty for the community.

A minimum non-residential FSR of 1:1 is proposed consistent with CPPS.

#### Height

It is noted that the nominated RL for the northern building varies under schemes 1 and 2, depending on the land use. To deal with this, it is recommended that the planning proposal:

- apply a maximum RL over the northern portion that reflects a 14-storey residential building; and
- include a subclause within Clause 4.3 that stipulates that despite the height map control, a revised RL is permitted if the development on that part of the site does not contain residential accommodation.

This planning proposal seeks approval for two (2) heights to cater to the concept scheme. This solution is considered to be a superior outcome that provides greater certainty to Council, the community and the landowner.

Specifying two potential heights is not considered necessary given that both envelopes have been assessed to have an acceptable environmental outcome and the overall bulk of the building is also controlled by a site specific FSR which will prevent the building envelope being fully utilised.

#### Overshadowing

The planning proposal must provide a detailed shadow analysis that demonstrates how the building envelope complies with the requirements outlined in the Ward Street Masterplan, CPPS and ADG. Analysis should include plant floors on both buildings. The planning proposal will also need to address key provisions under the North Sydney LEP 2013.

An overshadowing analysis has been provided in the Urban Design Report at Appendix A.

#### Apartment Design Guide

Separate analysis should address the ADG design criteria for solar and daylight access that stipulates:

- 70% of living and private open spaces of apartments in a building receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter
- in all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of three hours direct sunlight between 9am and 3pm at mid-winter
- a maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm at mid-winter.

Refer to Urban Design Report at Appendix A.

#### North Sydney LEP 2013

The planning proposal should provide a clear justification for any height above RL133 under the Capacity and Land Use Study.

Refer to Section 5.2 of this Report.

The proposal has the potential to overshadow residential dwellings at 45 McLaren Street and 144-150 Walker Street, both of which are located outside of the North Sydney Centre. Clause 6.3(3) of North Sydney LEP 2013 applies.

Overshadowing on neighbouring properties has been analysed in the Urban Design Report at Appendix A. This is further discussed at Section 6.4 of this report.

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The shadow analysis should include at least 15-minute intervals during the hours (between 9am and 3pm) that the buildings could potentially overshadow 45 McLaren Street and 144-150 Walker Street. Analysis should cover winter solstice, equinox and summer solstices.

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Consideration should be given to objectives and outcomes of the Ward Street Precinct Masterplan and the draft requirements within the North Sydney Development Control Plan (DCP).

Refer to Urban Design Report at Appendix A and Section 6.4.

#### Childcare centre

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Council requested the proponent investigate layouts for the childcare centre which extend over a single floor.

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The proposed childcare centre location extends over a single floor. Refer to Architectural Drawings at Appendix B.

Indicative floor plans for both outdoor and indoor areas of the childcare centre should be provided in any future planning proposal.

Childcare centre requirements:

- minimum 900m<sup>2</sup> of dedicated space including 450m<sup>2</sup> of outdoor space
- indoor and outdoor space across the same level, not split over two floors
- 2 x all-day designated car spaces for staff (Health and Work Safety requirement)
- 4 x additional car spaces for drop off during the hours of 7:30-9:30am and pick-up between 4:00pm and 6:00pm (10 minute stop limit)
- comply with the NSW Child Care Planning Guideline 2017.

All of these requirements are demonstrated in the indicative design. Refer to Urban Design Report at Appendix A and Architectural Drawings at Appendix B.

The applicant would be willing to enter into a Voluntary Planning Agreement with Council which ensures the spatial provision of the childcare centre.

#### Pedestrian through-site link

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Council is of the view that further work needs to be undertaken to achieve a more direct, Disability Discrimination Act (DDA) compliant link to Elliot Street.

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The planning proposal should also include details of wayfinding and desire lines to improve the visual and physical connectivity of any through-site link, from Faith Bandler Place to Elliot Street. Wayfinding should ensure that pedestrians walking on McLaren Street or Elliot Street are aware that a public and accessible link is available.

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The pedestrian through-site link was further revised following the pre-planning proposal meeting and was presented to Council who had more positive feedback. The through-site link is a DDA compliant link and has been designed in a way to help assist wayfinding and improve the visual connectivity of pedestrian through-site links within the North Sydney CBD. The retail uses on the ground plane will activate the through-site link as per the CPPS design guidelines.

The planning proposal should provide details on how the through-site link can be activated as per the CPPS design guidelines.

#### Landscape masterplan

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Landscape masterplan should be included with the planning proposal to detail the future pedestrian through-site link and/or public plaza. It should include:

- existing and proposed deep soil planting (basement floor plan should reflect this)
- private and public open spaces (including required communal open space for residents)
- levels to surrounding properties, footpaths, and streets (including levels of the plaza and adjacent terrain at 54 McLaren Street)
- materials for the through-site link and/or plaza and how they respond to the existing surrounding

The design of the proposal retains the existing fig trees on the McLaren frontage. A landscape masterplan has been provided in the Urban Design Report at Appendix A to demonstrate the hard and soft-scaping strategies.

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footpaths, having regard to the North Sydney Public Domain Style Guide

- location of services around the area of the driveway including fire escapes, ventilation, maintenance shafts, etc.

Any future planning proposal should aim to include some deep soil planting, and if not included, this decision should be clearly justified.

#### Podium

Council recommends a reverse setback at the ground level and locating columns inside the podium to improve activation, view lines and safety.

The design has been revised to include columns inside the podium to improve activation, view lines and safety.

The planning proposal should include section diagrams to show the relationship between the building and the pedestrian through-site link and surrounding context.

Refer to Urban Design Report at Appendix A.

#### ADG separation

An ADG assessment is to be submitted with the planning proposal to demonstrate that the building envelope complies with site separation requirements. The assessment should include indicative floor plans to establish habitable and non-habitable rooms, as well as distances to all surrounding buildings on all sides and distances between the two buildings.

The proposal's compliance with the ADG is provided in the Urban Design Report at Appendix A.

#### Visual impact

The planning proposal should be supported by a visual impact study.

Refer to Section 6.6 and the Visual Impact Assessment at Appendix C.

Indicative details of the potential architectural treatment and visual amenity of the two building facades facing west should be incorporated into the visual impact analysis to demonstrate how these 'core zones' will not result in tall, blank walls that are visible throughout the Civic Precinct.

Indicative details of the proposed façade design have been provided within the Urban Design Report at Appendix A.

#### Vehicular entry

Locating the vehicular entry further west is strongly encouraged.

Due to the need to protect the tree root zones of the two existing Morton Bay Fig trees the vehicular entry cannot be located any further west. Refer to the Urban Design Report at Appendix A for further details on site dimensions.

#### Car parking

Any future planning proposal should adhere to the current maximum DCP allowances for car parking spaces in B4 zones.

Refer to Section 6.9 and the Traffic and Parking Impact Assessment at Appendix D.

Council recommends that if the two schemes are presented in the planning proposal, parking figures should be provided for both schemes.

#### Green Travel Plan

A draft Green Travel Plan, in line with the requirements of North Sydney DCP 2013 should be provided with the planning proposal to demonstrate how the applicant intends to reduce car reliance; increase uptake of walking, cycling, public transport, and car sharing; and further reduce on-site car dependency, car ownership, parking demand and parking supply for the site. Justification of car share provisions and how they relate

A Green Travel Plan has been prepared by GHD and is provided at Appendix K. The Plan establishes the framework, objectives, targets, structure and systems for an operational Green Travel Plan for the site and associated development.

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to reduced car parking provisions for the site should be provided as part of the draft Green Travel Plan.

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Floor plans should identify end of trip facilities (resident, worker and visitor bicycle parking, showers, lockers and changing rooms). Dedicated resident/worker bicycle parking and at grade visitor cycle parking must be considered for the site.

End of trip facilities are provided within the basement of the indicative scheme. Refer to the Architectural Drawings at Appendix B.

## Heritage

The heritage assessment should consider the following:

- the juxtaposition of the new development behind the low-scale urban context of the Wenona School complex along Miller Street and including heritage items at 243 and 255 Miller Street
- the impact of the new development on the setting of the heritage items at 243 and 255 Miller Street and the adjacent *Walker and Ridge Street* and *McLaren Street* conservation areas
- impact on views from various important cultural vantage points (see 'View impacts')
- maintaining the relevant connection with the low scale and leafy character at the core of the Civic Precinct, particularly through the creation of the through-site link with Elliot Street that will connect with St Leonards Park
- the connectivity of the threshold area in front of the southern building facing McLaren Street in terms of:
  - its transitory function as the edge and link to the heart of the Civic Precinct through its through-site link to Elliot Street to the north and Faith Bandler Place to the south
  - its relationship with the metro northern entrance on the corner of the Miller Street/McLaren Street intersection

Refer to Section 6.11 and the Heritage Impact Statement at Appendix E.

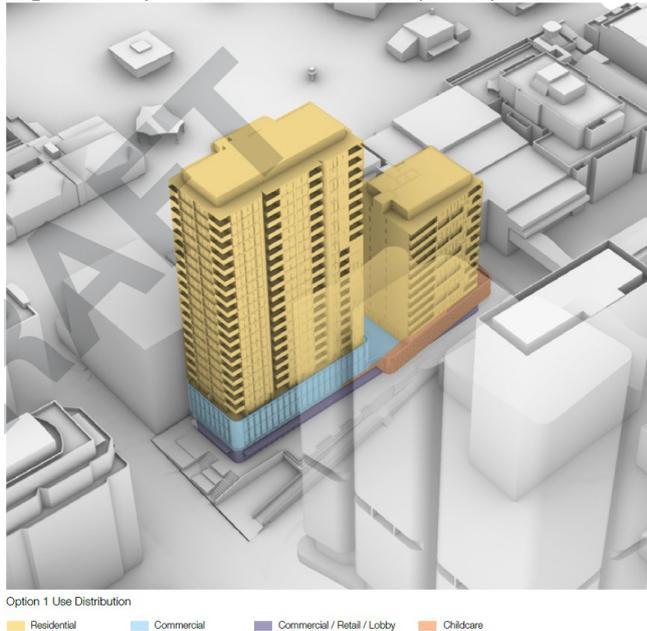
## 1.3 Post-lodgement consultation

On 11 August 2021, Planning Proposal 6/21 was lodged by Sydney Metro with North Sydney Council. It initially included two indicative design options as outlined below.

### Option 1: Residential North and South Buildings

- North building 14 storeys (RL 124.2m) (inclusive of plant)
- South building 24 storeys (RL 156m) (inclusive of plant)
- Three (3) basement levels, comprising 139 car parking spaces and childcare drop off zone
- Total GFA of 19,096m<sup>2</sup> including:
  - 15,646m<sup>2</sup> residential floor space
  - 2,481m<sup>2</sup> commercial floor space
  - 493m<sup>2</sup> retail floor space
  - 476m<sup>2</sup> internal and 450m<sup>2</sup> external childcare floor space
- Publicly accessible through-site link connecting McLaren Street and Elliot Street.

Figure 2 Option 1 land use mix (GHD)



## Option 2: Commercial North Building and Residential South Building

- North building 14 storeys (RL 131m) (inclusive of plant)
- South building 24 storeys (RL 156m) (inclusive of plant)
- Three (3) basement levels, comprising 122 car parking spaces and childcare drop off zone
- Total GFA of 19,698m<sup>2</sup> including:
  - 11,036m<sup>2</sup> residential floor space
  - 7,703m<sup>2</sup> commercial floor space
  - 476m<sup>2</sup> retail floor space
  - 476m<sup>2</sup> internal and 450m<sup>2</sup> external childcare floor space; and
- Publicly accessible through-site link connecting McLaren Street and Elliot Street.

**Figure 3** Option 2 land use mix (GHD)



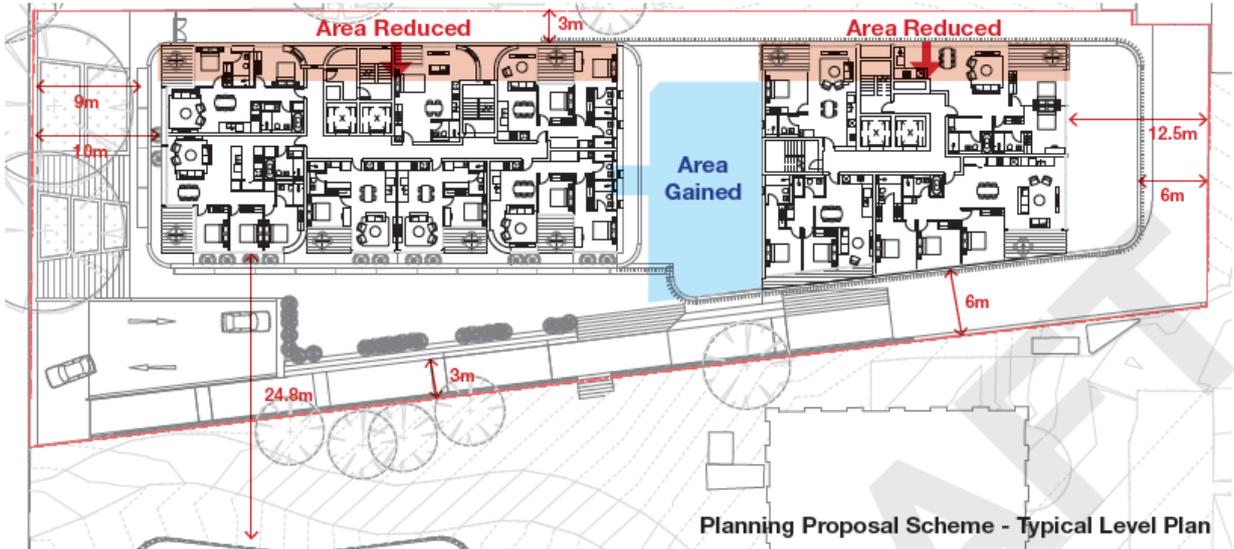
A meeting was held on Monday 22 November with Council to discuss the planning proposal. Council noted their concern with the urban design elements of both options, particularly in relation to building setbacks and tower separation. Key concerns have been summarised below:

- The western boundary 3m setback was considered insufficient for a building of the scale it was and non-compliant with ADG. Council noted support for the proposal would only be provided if the minimum setback of 6m is applied for non-habitable rooms or any commercial development.
- Council noted a minimum 6m setback was required on the eastern boundary for non-habitable rooms or any commercial development to adhere with the ADG separation distances and achieve a suitable interface between adjoining buildings. The setback was expected to be 12m where habitable rooms were proposed.
- Council noted for a dual tower option, a minimum separation distance of 18m was required to break up the built form, achieve suitable solar access and ensure ADG compliance.

Council also requested a comprehensive draft travel plan be prepared to accompany the planning proposal demonstrating how the site will help to reduce car dependence and support other transport modes given its location adjacent to the new Sydney Metro Victoria Cross Station Northern Portal.

Following the meeting, Sydney Metro submitted a response to Council's comments accompanied by a revised scheme. The proposed changes primarily involved extending the western setback and closing the separation between the two buildings (as shown in **Figure 3**)

**Figure 4** High level changes proposed in response to Council feedback



Council reviewed the revised scheme and provided further comments on their intended vision for the site which responded to the site’s constraints (largely due to its irregular shape). Council requested a scheme comprising:

- a 4 storey commercial podium,
- 8 storey height on the northern residential building,
- an increased length of the southern building (maximum 45m)

Sydney Metro undertook further investigations following Council’s suggestions and have further developed the planning proposal in line with Council’s revised vision for the site still comprising of commercial, residential and community uses (childcare) on the site. At a high level, the scheme was presented and Council confirmed their support for the lodgement of a revised planning proposal in accordance with the concept plans presented (dated 26 April 2022).

Accordingly, this planning proposal has been updated to reflect the revised scheme as consulted with Council.

Council requested a detailed concept plan for the proposed childcare centre. The planning proposal allows for sufficient indoor and outdoor space across a singular level to facilitate a future childcare centre. As indicated in the Urban Design Report at Appendix A, the concept proposal meets the following childcare facility requirements:

- Minimum 900m<sup>2</sup> of dedicated space including 450m<sup>2</sup> of outdoor space.
- Entire facility to be provided over one level ideally for ease of connection between indoor and outdoor spaces, increased supervision, and reduced staffing requirements.
- Outdoor space to be preferably one single consolidated area, rather than two separate areas.

- 2 x all-day designated car spaces for staff (Health and Work Safety requirement) 4 x additional car spaces for drop off during the hours of 7:30-9:30am and pick-up between 4:00pm and 6:00pm (10 minute stop limit)

A concept plan of the space has been provided at Appendix B. The detailed design of the childcare centre will be subject to the Transport and Infrastructure SEPP as well as local provisions.

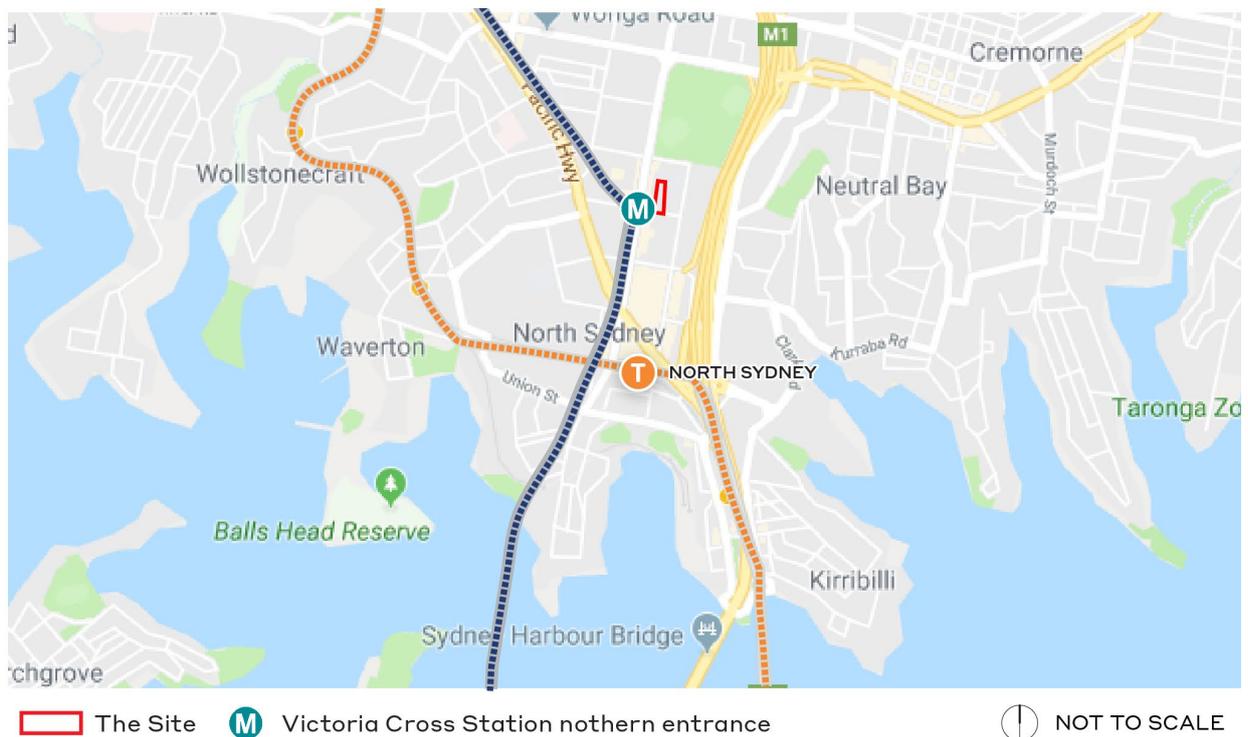
## 2 The Site

### 2.1 Site location and context

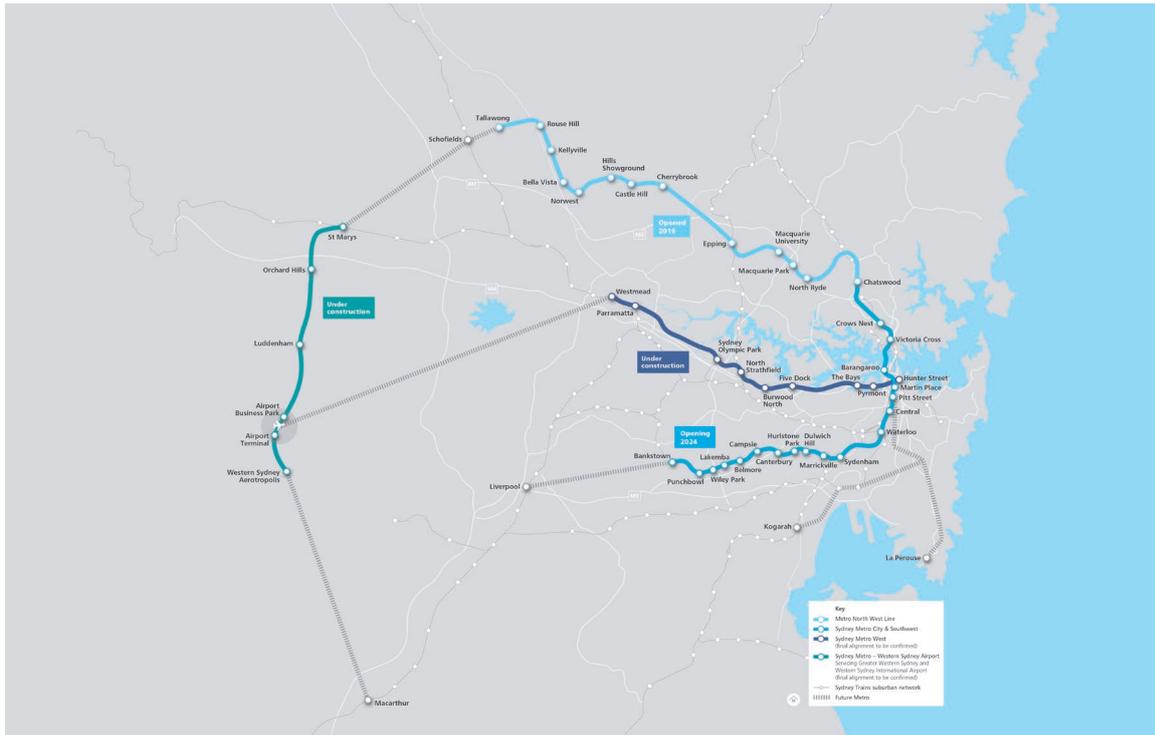
The site is located at 52 McLaren Street, North Sydney within the North Sydney Local Government Area (LGA). North Sydney is a commercial and residential strategic centre on the Lower North Shore of Sydney providing retail, commercial, education and services which are all located within close proximity to the site. The site is located on the border of both the North Sydney CBD as identified in the North Sydney Development Control Plan (North Sydney DCP 2013) and within the Civic Precinct as identified in the CPPS prepared by Council. The site and its immediate surrounds have been labelled as a dense and active transition zone, which creates a prime opportunity for redevelopment within an already well-established and significant area.

Significant investment has been made by the State Government in proximity to the site including the new Sydney Metro Victoria Cross Station, of which the North site (entrance) is located adjacent to the site. Victoria Cross Station is expected to open in 2024 and will form part of the broader Sydney Metro City & Southwest project. In addition to the future metro station, the site is 400m north of North Sydney railway station and is nearby to bus services. The site's locational context is shown at 5 and the broader Sydney Metro alignment map is shown in Figure 6.

**Figure 5** Site context



**Figure 6** Sydney Metro alignment map



## 2.2 Site description

The site is legally described as Lot 2 in DP 218407, Lot 1 in DP 1150156, Lot 2 in DP 1150156 and including an undefined allotment as per Figure 7. The land is owned by Sydney Metro. It is irregular in shape and contains an area of approximately 3,197m<sup>2</sup>. Its southern boundary consists of a 36.5m frontage to McLaren Street and the northern boundary has a frontage of 11m to Elliot Street. The site currently benefits from vehicular access from McLaren Street. An aerial photo of the site is shown at Figure 7.

**Figure 7** Aerial image of the site



## 2.3 Existing development

The site is currently clear of development and is being utilised by Sydney Metro for the purposes of constructing Victoria Cross Station. Photos are provided at Figures 8 and 9.

**Figure 8** Site photo (looking north)



**Figure 9** Site photo (looking south)



## 2.4 Previous development consent

Prior to the use of the site for the purposes of constructing Victoria Cross Station, the site was occupied by a residential aged care facility (RACF) which was owned by Uniting. Uniting obtained development consent for the demolition of the existing RACF and a Stage 1 concept approval for an aged care housing development and associated non-residential uses (DA67/11).

The Stage 1 building envelope was approved to maximum building heights of RL118 to the top of Building A and RL104 for Building B.

Setbacks for this building envelope were approved as per the following:

- Up to RL 101 – as per the submitted architectural drawings (see Figure 10)
- Above RL 101 - setbacks from boundaries for Building A over RL 101 are approved as a minimum of 6 metres, with all articulation within the building envelope and with all balconies off living rooms having setbacks of at least 7m.



## 2.5 Surrounding development

### North

Directly north of the site is Elliot Street which leads to St Leonards Park. Elliot Street is surrounded by buildings associated with Independent School, Wenona and residential development (see Figure 11). A bridge crosses over Elliot Street and provides elevated access for staff and students travelling across the Wenona school campus (refer to Figure 12). Further north of the site is St Leonards Park which includes North Sydney Oval, Bon Andrews Oval and other recreational facilities.

**Figure 11** Elliot Street (looking north)



**Figure 12** Overpass bridge connecting Wenona school campus



### South

Directly south of the site development comprises high rise residential buildings (refer to Figure 13). The future Ward Street Precinct will be located further south of the site which will improve the public domain and amenity in the heart of the North Sydney CBD. Access from the Ward Street Precinct to the Victoria Cross Station northern entrance will be provided via Faith Bandler Place (refer to Figure 14).

South east of the site is a residential building known as 45 McLaren Street which is a four storey residential flat building. 45 McLaren Street forms part of the broader Ward Street precinct and a Planning Proposal has been lodged which seeks to significantly increase the development potential of the site.

The scheme, as lodged, proposes a building of up to 16 storeys at the northern boundary and 12 storeys at the southern boundary. An artist's impression of a building that could be developed under the draft controls is provided at Figure 15.

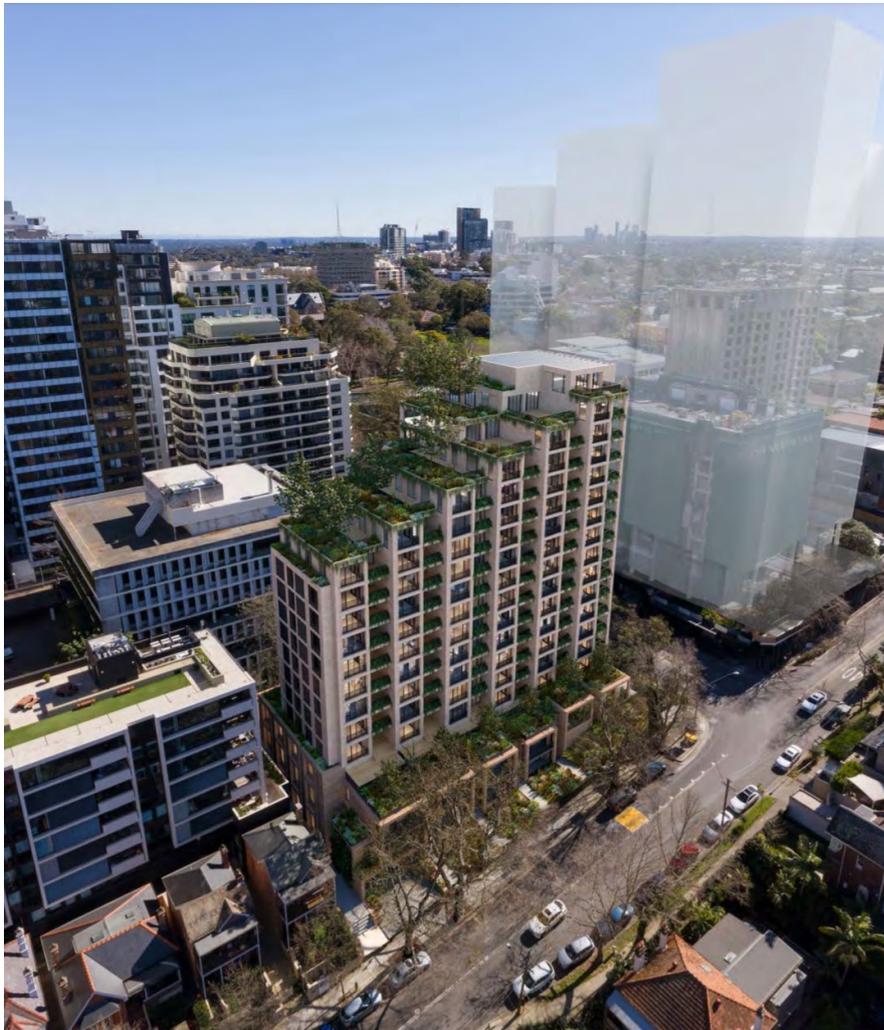
**Figure 13** Residential apartment buildings south of the site



**Figure 14** Faith Bandler Place



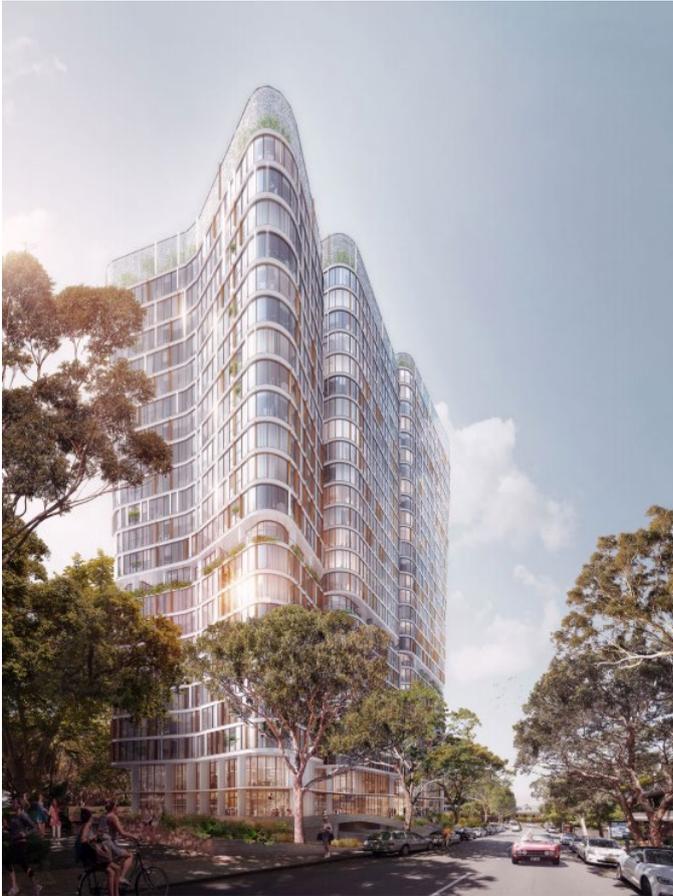
**Figure 15** An artist's impression of the lodged 45 McLaren Street development



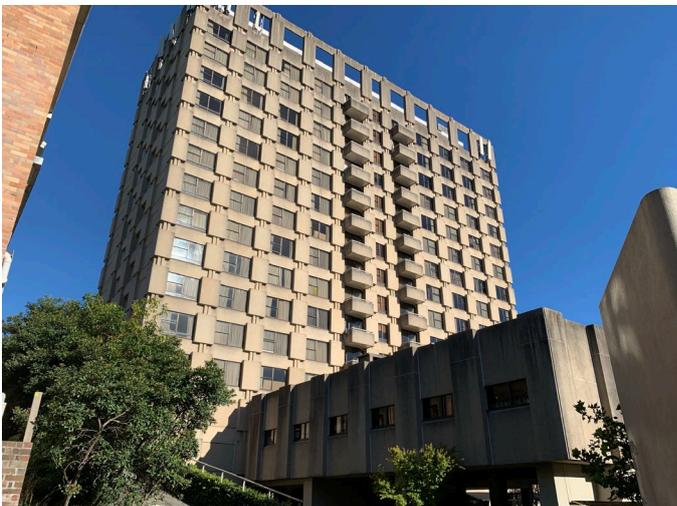
## East

To the east of the site is residential development and short stay accommodation. Directly adjacent to the site is 168 Walker Street where a new mixed-use development is proposed, varying from 22 to 28 storeys (refer to Figure 16). The site also adjoins the Rydges Hotel site (refer to Figure 17). One block east of the site is Warringah Freeway, which separates the North Sydney CBD from low to medium density residential developments of Neutral Bay and Kirribilli further east.

**Figure 16** 168 Walker Street development DA render (Woods Bagot)



**Figure 17** Rydges Hotel



## West

Directly adjacent to the site to the west is the new Victoria Cross Station northern entrance which is currently under construction and expected to open in 2024. The building will be 23 metres high from Miller Street at ground level. It will feature a ground floor and three plant levels above which will be taller than typical commercial floor heights to hold the necessary plant and equipment for the station.

To the site's north-western boundary are low rise commercial buildings, two of which are heritage listed under the North Sydney LEP 2013. Further west is the North Sydney Council Chambers and a mixture of educational and recreational development.

**Figure 18** Victoria Cross Station North site under construction



**Figure 19** Heritage building west of the site



**Figure 20** Wenona School

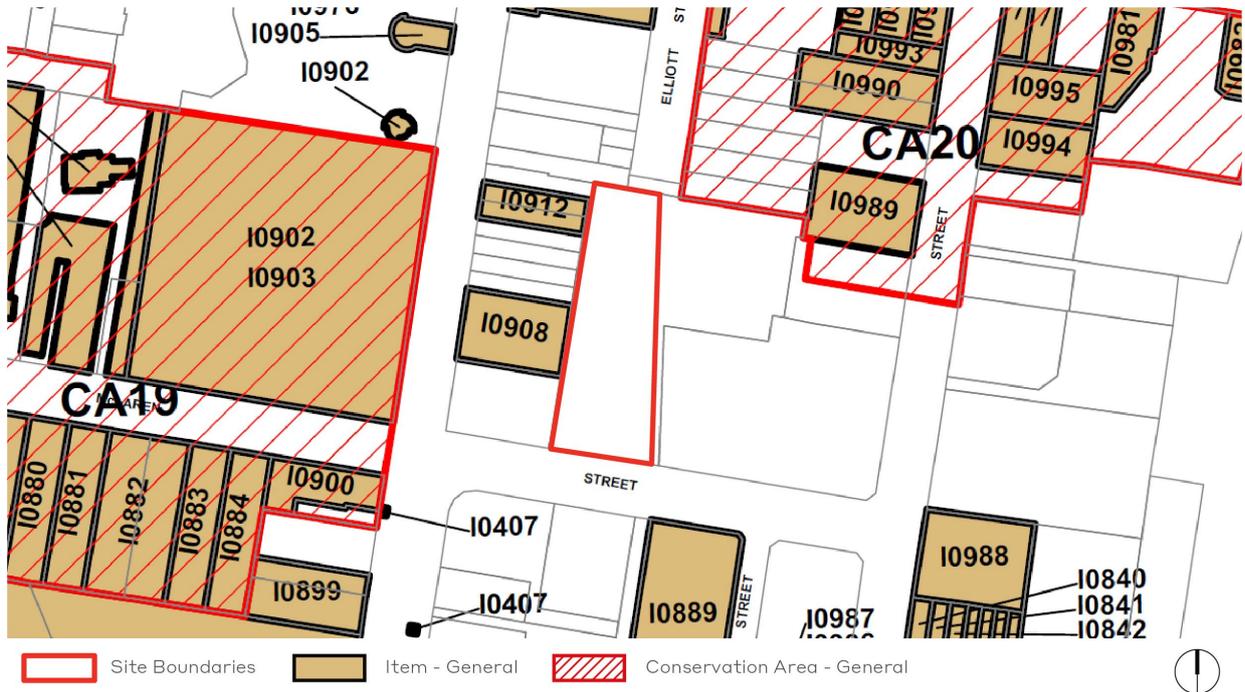




**Figure 22** Non-residential floor space ratio map extract



**Figure 23** Heritage map extract



## North Sydney Development Control Plan 2013

The North Sydney DCP 2013 provides additional detailed design guidance which builds on the provisions of the North Sydney LEP 2013. The site is located within the CBD as identified in the North Sydney DCP 2013, meaning it is subject to built form controls relating to accessibility and permeability, setbacks, podiums and the public domain. Relevant controls that apply to the planning proposal stage are outlined in Table 3 below.

**Table 3** North Sydney DCP 2013 Central Business District controls

Provision	Site Control
2.1.2 Desired Future Character	
Accessibility and permeability	P23 The following through-site links are to be provided, retained and enhanced: (a) A north – south pedestrian link from McLaren Street to Elliot Street across 54 McLaren Street.
2.1.3 Desired Built Form	
Setbacks	<p>P6 Zero setback to all street frontages at the ground floor level and adjacent to heritage items, with the following exceptions: (g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.</p> <hr/> <p>P7 Buildings must be setback to conserve views to, and the setbacks and settings of heritage item at 86 and 146-150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168-172 Pacific Highway and 1-7 Napier Street.</p> <hr/> <p>P8 The setback of new buildings or alterations and additions to existing buildings on land fronting McLaren Street between Miller and Walker Streets are to match that existing to protect the existing fig trees. Encroachments will only be permitted where the development does not cover the drip line of any of the existing trees.</p>
Podiums	<p>P9 A maximum podium of 5 storeys to all streets, with a weighted setback of 5m above the podium with the following exception: (b) A maximum podium of 3 storeys to McLaren Street and Miller and Walker Streets north of McLaren Street, with a weighted setback of 3 metre above the podium.</p> <hr/> <p>P10 Podium heights should match or provide a transition in height between immediately adjacent buildings.</p> <hr/> <p>P11 Podium heights should match the height of adjacent heritage items.</p> <hr/> <p>P12 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.</p>
Public Domain	P25 Have regard to Public Domain designed in accordance with the North Sydney Centre Public Domain Strategy and North Sydney Council Infrastructure Manual.

## 3 Development concept

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An indicative planning envelope has been prepared by GHD Woodhead which demonstrates that the site can deliver the objectives and actions of the CPPS and provide sufficient floor space commensurate with the North Sydney CBD context.

The proposed indicative envelope will enable the development of a building that maximises employment and residential opportunities and capitalises on direct access to the future high-speed rail network, heavy rail and bus network, and results in an improved urban design outcome. With the opening of Sydney Metro Victoria Cross Station, there is a responsibility and reasonable planning expectation for the development capacity of the site to be realised in conjunction with maximised public benefits.

### 3.1 Proposed planning envelope description

An indicative scheme has been prepared by GHD Woodhead to inform revised planning controls for the site. The proposed envelope facilitates a podium and building form, consistent with the provisions of the North Sydney DCP 2013. The scheme illustrates that the proposed amendments to the North Sydney LEP 2013 can support the delivery of a development with 8 and 24 storey mixed-use buildings accommodating retail, office and residential land uses. The development scheme comprises a three (3) storey podium for commercial and childcare uses and the following:

North building 8 storeys (RL106.2m) (inclusive of plant)

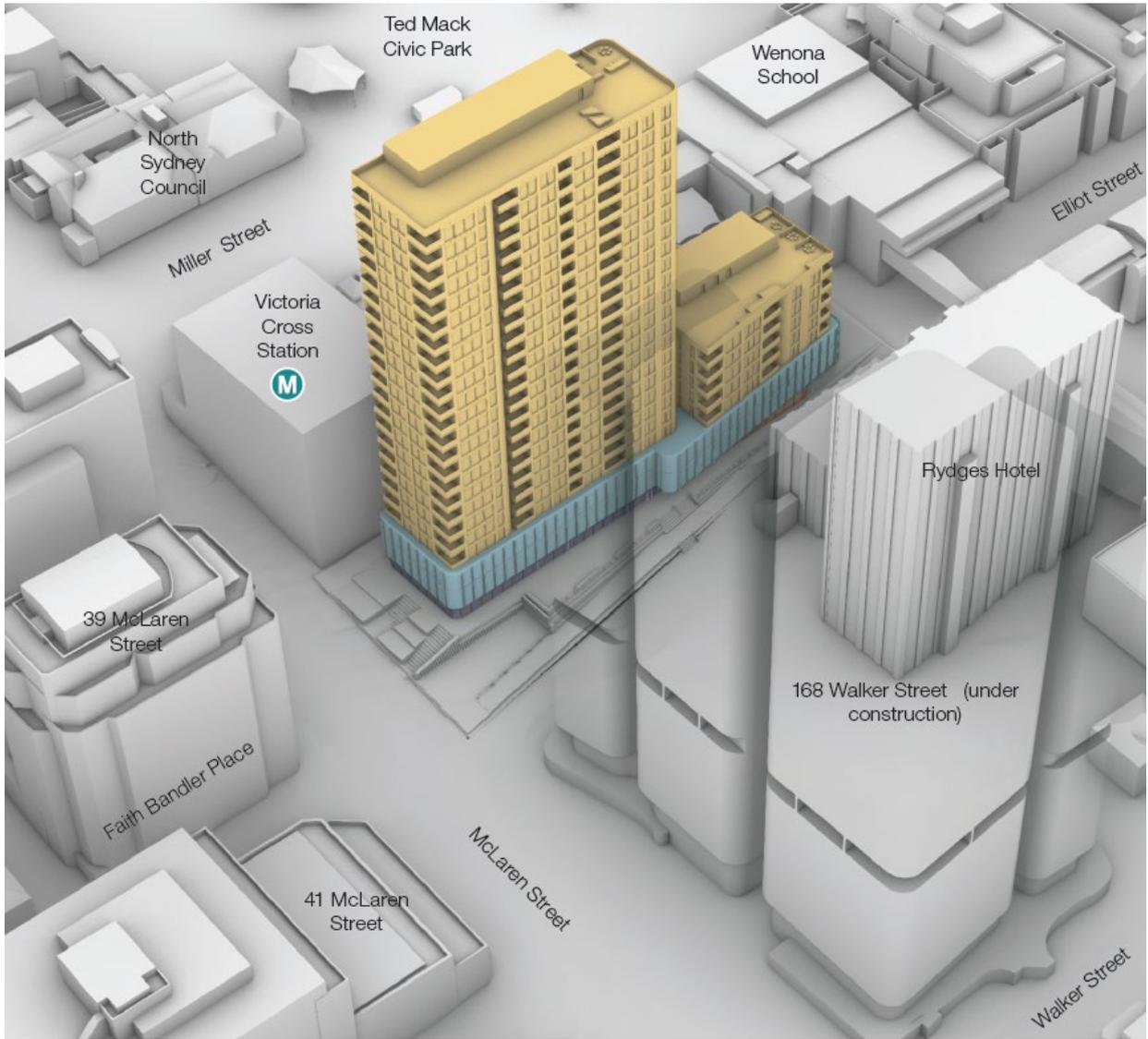
South building 24 storeys (RL156m) (inclusive of plant)

Three (3) basement levels, comprising 121 car parking spaces and childcare centre drop off zone

Total GFA of 16,947m<sup>2</sup> including:

- 13,487m<sup>2</sup> residential floor space
- 2,573m<sup>2</sup> commercial floor space
- 427m<sup>2</sup> retail floor space
- 460m<sup>2</sup> internal and 450m<sup>2</sup> external childcare floor space
- Publicly accessible through site link connecting McLaren Street and Elliot Street.

The scheme is detailed in the Architectural Drawings at Appendix B. An Urban Design Report has also been prepared and is provided at Appendix A.



**Figure 24** Land use mix (GHD Woodhead)

## 4 Planning proposal

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This planning proposal has been prepared in accordance with Section 3.33 of the EP&A Act and 'Local Environmental Plan Making Guideline' prepared by the then NSW Department of Planning, Industry and Environment (now NSW Department of Planning and Environment), which requires the following matters to be addressed:

- Part 1 – A statement of the objectives of the proposed LEP
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP
- Part 3 – Justification of strategic and potential site-specific merit, outcomes, and the process for implementation
- Part 4 – Maps, where relevant, to identify the effect of the planning proposal and the area to which it applies
- Part 5 – Details of the community consultation that is to be undertaken on the planning proposal
- Part 6 – Project timeline to detail the anticipated timeframe for the LEP making process in accordance with the benchmarks in the *Local Environmental Plan Making Guideline*.

The following section outlines the objectives and intended outcomes and provides an explanation of provisions to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in Section 5 of this report.

### 4.1 Part 1 - objectives and intended outcomes

The objective of this planning proposal is to amend the existing North Sydney LEP 2013 controls in relation to height, maximum FSR and minimum non-residential FSR as they apply to the site. These proposed amendments are generally consistent with the design guidelines for the site included in the CPPS as adopted by Council. The intended outcome of the planning proposal is to enable high-quality mixed-use development to be achieved on the site.

More specifically, the objectives of the planning proposal are to:

- implement the vision, planning priorities and strategic intent of the CPPS through unlocking the development potential of the site
- contribute towards Council's vision for the site and broader Civic Precinct by providing an improved urban design and pedestrian experience at ground level, with enhanced street activation and a through-site link connecting the North Sydney CBD with St Leonards Park
- further strengthen and protect the commercial operations of North Sydney CBD
- provide commercial and residential uses that are within close proximity to the future Victoria Cross Station
- facilitate the delivery of building envelopes that can accommodate commercial and residential floor plates with a high level of internal amenity and acceptable environmental impacts.

Through the proposed amendments, the planning proposal will enable a mixed-use development to be situated on the site with two maximum heights of RL 107 and RL 156, a maximum FSR of 5.3:1 and a minimum non-residential FSR of 1:1.

## 4.2 Part 2 - explanation of provisions

The overarching purpose of this planning proposal is to facilitate the development of the site for a mixed-use building that is of high quality urban form, provides for public benefits in the form of a through-site link and by providing community uses, and delivers strategically important employment and residential floor space in close proximity to existing transport networks and the future Victoria Cross Station.

To achieve this desired outcome, three amendments to the North Sydney LEP are proposed:

- Amendment to Height of Buildings Map – Sheet HOB\_002A of North Sydney LEP 2013;
- Amendment to Floor Space Ratio Map – Sheet FSR\_002A of North Sydney LEP 2013; and
- Amendment to Non-Residential Floor Space Ratio Map – Sheet LCL\_002A of North Sydney LEP 2013.

This section describes the proposed changes to the North Sydney LEP 2013.

### Proposed North Sydney LEP 2013 amendments

The North Sydney LEP 2013 sets out the planning controls that apply to the site. This planning proposal seeks to amend the North Sydney LEP 2013 to facilitate a better outcome for the site and support an uplift to meet the evolving role of North Sydney as a key strategic centre within Greater Sydney. The recommended amendments to the North Sydney LEP 2013 controls are outlined below and justification is provided in Section 5.0.

**Table 4** Proposed North Sydney LEP 2013 amendments

Planning Control	Existing Control	Proposed Control
Height of Building	RL 110	RL107 and RL156
Minimum Non-Residential Floor Space Ratio	0.5:1	1:1
Maximum Floor Space Ratio	Not assigned	5.3:1

## 5 Part 3 – Strategic justification

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### 5.1 The need for a planning proposal

The following section of the report addresses the need for the planning proposal.

#### **Q1 – Is the planning proposal a result of an endorsed strategic planning statement, strategic study or report?**

The site is located within the ‘Civic Precinct’ as identified by Council. Council prepared and endorsed the CPPS in November 2020 which sets out how additional density can be accommodated within the precinct given the new infrastructure that is being delivered by Sydney Metro. The study was also prepared in an effort to align the statutory framework with the objects of the Region and District Plans.

The CPPS identifies the site and provides site-specific guidelines for future development. It notes the opportunity to create a mixed-use development directly adjacent to the future Sydney Metro Victoria Cross Station. The site’s vision as illustrated in the CPPS has been provided in Figure 25.

The CPPS envisages future development on the site:

- a three-storey community podium to the north and a four-storey commercial podium to the south
- a 14-storey building above the podium to the north (residential or commercial) and a 24-storey residential building to the south
- a six-metre wide pedestrian through-site link on the site’s eastern boundary, connecting McLaren and Elliot streets
- a minimum 1:1 non-residential FSR (refer to Figure 26).

However, Council did not resolve to amend the planning controls to implement the CPPS and rather elected to implement the study through the processing of Proponent led planning proposals. As a result, this planning proposal is now proposed to give effect to the CPPS as it applies to the site and to provide Council and the community with certainty that the public benefits (childcare centre and through-site link) will be delivered with any future development.

**Figure 25** CPPS site vision (North Sydney Council, 2020)



**Figure 26** CPPS non-residential FSR (North Sydney Council, 2020)



The proposal's consistency with the design guidelines for the site as included in the CPPS is provided in Table 5.

**Table 5** Proposal's consistency with Civic Planning Study Design Guidelines

Design guideline	Consistency
Maximum building heights transitioning down from 24 to 14 storeys as per the map to respond to the approved development at 168 Walker Street and the existing Rydges Hotel.	The amendments to the North Sydney LEP 2013 controls seek to amend the permissible height of buildings development standard applicable to the site to reflect a development which consists of two building heights of 24 and 8 storeys.
Building heights (including plant) are subject to no net increase in overshadowing of planned public spaces identified in the Ward Street Masterplan and Doris Fitton Park.	As demonstrated in the overshadowing analysis included in the Urban Design Report at Appendix A, the proposed building heights (including the plant) will not result in a net increase in overshadowing of planned public spaces identified in the Ward Street Masterplan and Doris Fitton Park. The proposal will however result in minor overshadowing to Faith Bandler Place (refer to Section 6.4)
Provide a commercial podium fronting McLaren Street that appropriately responds to the scale of the northern metro entrance and approved development at 168 Walker Street (maximum 4-storeys).	The indicative scheme provides a commercial podium which fronts McLaren Street and is 4 storeys, aligning with the height of the approved development at 168 Walker Street. The proposed minimum non-residential FSR will ensure that active uses are provided on the ground levels of the development and within the podium.
Provide a minimum 6-metre whole of building setback along the eastern boundary to deliver the pedestrian link between McLaren and Elliot Streets.	A minimum six metre setback has been provided from the site's eastern boundary. Due to the site constraints, including the need to retain the two existing fig trees, the need to provide vehicular access from McLaren Street and the narrow width of the site, only a 3-metre wide pedestrian link is able to be provided along the eastern boundary of the site to facilitate a DDA compliant pedestrian link between McLaren and Elliot Streets. The proposal includes sufficient permeability throughout the ground floor of the building offering pedestrian movement along the podium that links to the south-western portion of the site.
Provide a whole of building setback to McLaren Street to align the future building with the adjacent development at 168 Walker Street, facilitate a more level public access to the pedestrian link and achieve greater built form separation to residential buildings south of McLaren Street.	A whole of building setback has been accommodated in the indicative schemes which align the future building with the adjacent development at 168 Walker Street. A level public access entry can be accommodated on the south western corner of the site at the DA stage.
Provide adequate separation to the properties to the west, both at podium at building levels.	Adequate separation has been provided to the properties to the west. A separation distance of 23m is provided between the proposal and the rear façade of 243 Miller Street and a 11-21m separation distance is provided between the proposal and the rear façade of Wenona School.
Comply with the Apartment Design Guideline (ADG) building separation recommendations to all 4 boundaries.	The planning proposal is capable of complying with the ADG building separation recommendations. This is further discussed in Section 5.2.
Minimise overshadowing impacts to existing buildings on the southern side of McLaren Street by locating any future building towards the western side of the site.	Overshadowing impacts have been minimised as much as possible. A detailed shadow analysis is provided at Appendix A and this issue is further discussed at Section 6.4.

Design guideline	Consistency
Ensure surrounding apartments receive at least 2 hours of direct sunlight in mid-winter as per the ADG recommendations.	The indicative scheme demonstrates that adequate solar access can be provided and retained to surrounding apartments in mid-winter. The proposal's compliance is further discussed in Section 6.4.
Include a visual impact study with any future planning proposal.	A Visual Impact Assessment (VIA) has been prepared by Ethos Urban and is provided at Appendix C. Refer to Section 6.6.
Provide vehicular access to the site from McLaren Street.	The indicative schemes provide vehicular access to the site via McLaren Street.

The CPPS also outlines a number of potential public benefits which are listed in Table 6.

**Table 6** CPPS potential public benefits

Potential public benefit	Consistency
Incorporate community uses within the podium at the northern end of the site.	The planning proposal seeks to include 900m <sup>2</sup> of community floor space in the northern end of the podium which is anticipated to cater for a future childcare centre.
Provide a dedicated pedestrian through-site link from McLaren Street to Elliott Street along the eastern boundary of the site. This link should be a minimum width of 6 metres.	A dedicated pedestrian through-site link has been provided connecting McLaren and Elliot Streets. While the width of the link is 3-metres, the through-site link has been made DDA compliant. The non-compliance with the recommended minimum width dimension is further justified in Section 6.1.
Activate the pedestrian through-site link with commercial, retail and public uses.	Commercial, retail and public uses are envisaged for the ground plane of future development on the site and will activate the through-site link which lines the eastern boundary of the site.

## Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal, seeking to amend the North Sydney LEP 2013, is the most effective way of achieving the objectives and intended outcomes. It is further justified for the following reasons:

- the planning proposal seeks to amend the North Sydney LEP 2013 to respond to Council's position and framework on unlocking commercial and residential floor space in the Civic Precinct
- the planning proposal will give Council, the landowner and the community certainty of the development outcome on the site
- the site under the existing controls is limited to a maximum non-residential FSR of 0.5:1 and height of RL 110, which is not commensurate with the site's strategic and locational attributes and would not accommodate the development envisaged under the CPPS.

The proposed development could also be achieved by way of a Clause 4.6 variation to the maximum height control. Clause 4.6 of the North Sydney LEP 2013 states that the objectives of the clause are to provide flexibility in applying certain development standards to achieve a better outcome for, and from, the development. While this planning proposal outlines that a superior outcome can be delivered above the current development standards, contravention of these development standards to the proposed extent is considered to breach the thresholds

set by clause 4.6 of the North Sydney LEP 2013. As such, the site-specific planning proposal allows for a more merit-based approach to determining new maximum FSR, minimum non-residential FSR and maximum building height development standards for the site. Furthermore, the site-specific planning proposal allows greater stakeholder engagement, as this mechanism seeks to amend Council’s own LEP, Council is a key stakeholder in the process.

Maintaining the current controls will result in a lost opportunity to:

- deliver a mixed-use development with amenity and public benefit within an identified area of change as nominated in the CPPS
- strengthen the Civic Precinct of North Sydney
- provide a greater supply of commercial and residential floor plates in a location with high public transport accessibility, in line with transit-oriented development best practice.

Therefore, a site-specific planning proposal based on Council’s vision and intent, is the best means for achieving the desired outcome outlined in this proposal.

**5.2 Relationship with the strategic planning framework**

This section of the report outlines the proposal’s consistency with the 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)?**

**Greater Sydney Region Plan – A Metropolis of Three Cities**

The *Greater Sydney Region Plan* (GSRP) is the overarching strategy for growing and shaping the Greater Sydney Area. It sets a 40-year vision (to 2056) and establishes a 20-year plan to manage the social, economic and environmental growth and change for Greater Sydney. It was adopted in March 2018 and seeks to reposition Sydney as a metropolis of three cities – the western parkland city, central river city and the eastern harbour city. Similar to *A Plan for Growing Sydney* (the strategic policy that preceded it), the plan provides 10 high level policy directions supported by 40 objectives that inform the District Plans, Local Plans and Planning Proposals which follow in the planning hierarchy.

The proposal aligns with the strategic objectives and directions set under the plan and will contribute to the appropriate growth and development of North Sydney. This is discussed further in Table 7 below, which provides an assessment against the GSRP.

**Table 7** Consistency with the GSRP



- A city supported by infrastructure
- The proposal delivers increased supply of commercial and residential floor space in-line with the delivery of significant infrastructure project, Sydney Metro City & Southwest being delivered by State Government.
  - The site is adjacent to the new Victoria Cross metro station, as well as various bus services which connect the site to Sydney CBD and Sydney’s northern suburbs.

	<p>A collaborative city</p> <ul style="list-style-type: none"> <li>The site is not located within an identified collaboration area under the GSRP. However, this objective focuses on the opportunities for state and local agencies to collaborate and deliver infrastructure in appropriate areas. This proposal seeks to deliver increased residential and employment generating floor space in a high quality building in the vicinity of the future Victoria Cross metro station. This planning proposal brings together the aspirations of Council under the CPPS, in alignment with the delivery of State infrastructure and therefore by its nature the planning proposal is collaborative.</li> </ul>
	<p>A city for people</p> <ul style="list-style-type: none"> <li>The proposal has been designed with consideration of intergenerational equity and promotes sustainability, universal design, accessibility and community integration with the surrounding context of the North Sydney CBD particularly through ground plane improvements and pedestrian connections.</li> <li>It prioritises opportunities for people to walk, cycle and use public transport through improved pedestrian connections and reduction in onsite car parking.</li> </ul>
	<p>Housing the city</p> <ul style="list-style-type: none"> <li>Residential land uses are proposed, commensurate with the mixed-use zoning under the North Sydney LEP 2013.</li> <li>The proposal is in full alignment with Council's policy direction to deliver a mix of uses in the Civic Precinct, especially on McLaren Street which adjoins the fringe of the North Sydney CBD.</li> </ul>
	<p>A city of great places</p> <ul style="list-style-type: none"> <li>The proposal will regenerate the site to become a lively destination, providing employment, retail, community and residential uses. The proposal's eastern boundary will be activated by a through-site link providing pedestrians and cyclists with a connection from the Ward Street Precinct through to St Leonards Park.</li> </ul>
	<p>A well-connected city</p> <ul style="list-style-type: none"> <li>The proposal will seek to deliver additional commercial and residential floor space adjacent to the future Victoria Cross metro station and in doing so will connect new employees and residents to high-capacity transport. This will take advantage of substantial investment in public transport infrastructure and support the achievement of a '30-minute city'.</li> </ul>
	<p>Jobs and skills for the city</p> <ul style="list-style-type: none"> <li>The GSRP recognises that Sydney's greatest economic strength globally and nationally is the concentration of financial services sectors in the Harbour CBD (which includes North Sydney), and that one of the implications of a strong financial sector is a high demand for associated knowledge intensive industries such as legal, accounting, real estate and insurance. The proposal is consistent with this objective in seeking to deliver new, premium-grade office space in the North Sydney CBD.</li> <li>In conjunction with commercial office floor space, associated retail and public domain spaces will also be delivered that support the diversity of functions in the North Sydney CBD and encourage activity at the ground plane.</li> </ul>
	<p>A city in its landscape</p> <ul style="list-style-type: none"> <li>The proposal does not affect any protected biodiversity or remnant or significant vegetation. Landscaping opportunities will be included throughout the detailed design process, and maximised where possible.</li> </ul>



#### An efficient city

- The proposal provides an opportunity for future development on the site to deliver a highly efficient building which meets required targets for sustainability, energy efficiency and water and waste management.



#### A resilient city

- The proposal will enable the future development on the site to exercise environmental initiatives that contribute to enhanced environmental outcomes and seek to mitigate impacts related to climate change.

## North District Plan

The *North District Plan* underpins the *Greater Sydney Region Plan* and sets a 20-year vision for the district. The District Plan comprises 'Planning Priorities' that are linked to the Region Plan. The Plan provides a 20-year plan that outlines growth areas, in line with the themes of economic, social and environmental objectives.

The proposed development will achieve the relevant planning priorities, as demonstrated in Table 7. A few of the key priorities have also been explored further below in the context of the North District Plan.

### Planning Priority N1 – Planning for a city supported by infrastructure

#### *Objective 4: Infrastructure use is optimised*

Aligning land use and infrastructure planning ensures that infrastructure is maximised, and that growth and infrastructure provision are aligned. The development of commercial and residential floor space is aligned with additional public transport capacity being delivered by state government. The proposal also has the opportunity for a community infrastructure contribution, supporting Council's commitments to providing adequate childcare facilities to accommodate the growing population.

### Planning Priority N3 – Providing services and social infrastructure to meet people's changing needs

#### *Objective 6: Services and Infrastructure meet communities' changing needs.*

The North District Plan outlines the importance of community facilities that are accessible with direct and safe walking and cycling connections and that can be used by people of all ages and abilities. Importantly, the North District Plan recognises the need to plan for early education and childcare facilities and consider co-locating such facilities with office buildings, close to transport facilities. The planning proposal contributes to this objective by co-locating potential childcare uses with commercial and residential uses within future development on the site.

### Planning Priority N5 – Providing housing supply, choice and affordability with access to jobs, services and public transport

#### *Objective 10: Greater Housing supply*

The NSW Department of Planning and Environment's projections of population and household growth in the North District translate to a need for an additional 92,000 homes in the period 2016-2036. New housing is to be located and coordinated with local infrastructure to create liveable, walkable neighbourhoods which are well connected to shops and services. The

proposed amendments will provide for potentially up to 13,487m<sup>2</sup> of residential land uses on the site, providing homes close to public transport, retail and recreational spaces.

#### Planning Priority N7 – Growing a stronger and more competitive Harbour CBD

##### *Objective 18: Harbour CBD is stronger and more competitive*

The North District Plan notes that the Harbour CBD is Australia's financial and business capital, contains the largest proportion of headquarters for multinational and national companies, and contains Australia's most significant finance industry cluster. The North District Plan identifies the area's unique offerings, including high-amenity residential and mixed-use precincts and the district's high quality commercial core. The planning proposal will enable the realisation of the plan's commitment to maximise the land use opportunities provided by the new Sydney Metro Victoria Cross Station by providing up to 2,573m<sup>2</sup> of commercial and 427m<sup>2</sup> of retail land uses.

#### Planning Priority N12 – Delivering integrated land use and transport planning and a 30-minute city

##### *Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*

The '30-minute city' model is a long-term aspiration for Greater Sydney whereby jobs and services and strategic/metropolitan centres are accessible within 30 minutes by public transport. This planning proposal and future development on the site is uniquely placed to benefit the '30-minute city' model, by providing commercial and residential floor space within a highly accessible location and thereby improving access to jobs and homes. The proposal will facilitate employment growth that is delivered following the opening of the Sydney Metro Victoria Cross Station.

#### **NSW State Infrastructure Strategy 2018**

The NSW State Infrastructure Strategy 2018-2038 brings together the infrastructure investment and land use planning of the Future Transport Strategy 2056 and the Greater Sydney Region Plan and is underpinned by the State Infrastructure Strategy 2018–2038: Building Momentum that established a pipeline of investment for infrastructure that is underway or in advanced planning. The strategy sets out the NSW Government's vision for infrastructure over the next 20 years, focussing on aligning investment with sustainable growth. For Metropolitan NSW, the primary goal is to provide residents with access to jobs and services within 30 minutes, known as the '30- minute city' model.

The strategy sets out six (6) directions for infrastructure in NSW, of which the following are relevant:

- continuously improve the integration of land use and infrastructure planning
- ensure NSW's existing and future infrastructure is resilient to natural hazards and human-related threats.

#### **a) Does the proposal have strategic merit?**

The proposed development is considered to have strategic merit when considered against the assessment criteria contained within the guide to preparing planning proposals as it will:

- generate new housing and employment opportunities thereby contributing to the targets set for the North District

- give effect to regional and local planning policy, including the North District Plan, North Sydney Local Strategic Planning Statement and the CPPS by locating new residential and commercial development adjacent to new transport infrastructure
- provisions for a new community facility and other public benefits alongside the new employment and housing opportunities.

#### **b) Does the proposal have site-specific merit?**

The proposal is considered to have site-specific merit in that:

- it is directly adjacent to a new metro station and is therefore highly accessible and a desirable location to locate increased density
- is located within the Civic Precinct which is well serviced with employment, retail and other services.

#### **Q4 – Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

The planning proposal seeks to deliver development in line with the North Sydney Local Strategic Planning Statement (North Sydney LSPS) and North Sydney Community Strategic Plan (CSP) 2018-2028. These are discussed further below. An assessment of the proposal's compliance with CPPS has previously been provided at Section 5.1.

#### **North Sydney Local Strategic Planning Statement**

Under changes made to the EP&A Act, all councils are required to prepare a Local Strategic Planning Statement to give effect to the Region and District Plan. The North Sydney LSPS was endorsed by Council on 24 March 2020. The North Sydney LSPS seeks to provide a coordinated vision for the North Sydney Local Government Area (LGA) to manage future growth and change to 2036.

The North Sydney LSPS identifies priorities to deliver land use outcomes for infrastructure, housing, town centres, employment, transport, recreation and the environment. The population of the North Sydney LGA in 2016 was 72,150 people and this is expected to grow by an additional 19,500 people, representing a 27% increase over the next 20 years and equating to an average growth rate of approximately 1.3% every year.

The planning proposal is considered to align with the strategic priorities as outlined in the North Sydney LSPS as it:

- seeks to provide an improved outcome on the site which aligns with Council's vision for the area and which responds to community needs and aspirations (Planning Priority I2)
- seeks to deliver new housing and jobs within a vibrant mixed-use future development which is also within close proximity to transport services (Planning Priority L1)
- provisions for 900m<sup>2</sup> of floor space dedicated to community uses to support early childhood education within an urban context (Planning Priority L2)
- presents an opportunity to help facilitate the growth of commercial services within the North Sydney CBD (Planning Priority P1).

## North Sydney Community Strategic Plan 2018-2028

Council's Community Strategic Plan (CSP) outlines the community's aspirations and 10-year vision for the North Sydney LGA. The plan is centred on five strategic directions which are accompanied by desired outcomes supported by specific strategies and sustainability indicators. The vision guiding the CSP is "shaping a progressive, vibrant and diverse North Sydney community". The CSP estimates that North Sydney's population is expected to increase by 12,385 to over 84,000 people by 2036.

The planning proposal is considered to align with the outcomes of the CSP as it:

- will facilitate the contribution of significant commercial floor space to strengthen the North Sydney CBD as one of NSW's pre-eminent commercial centres (Outcome 3.2)
- will provide for a future development that has considered connectivity with the surrounding area and acknowledges inclusivity and safety (Outcome 4.1).

## North Sydney CBD Capacity and Land Use Strategy and Planning Proposal

The North Sydney Centre CBD Capacity and Land Use Strategy forms part of Council's North Sydney Centre Planning Review which was initiated in 2014. The strategy aims to unlock additional commercial floor space capacity within the North Sydney CBD, ensuring the strategic centre remains competitive.

At the time of the strategy, Council recommended an indicative height of RL 118m on the site and believed that the recommendation was appropriate given the site's transition toward the low scale, heritage rich, Miller Street streetscape. Following exhibition, the landowner of the site at the time provided a submission which included modelling analysis undertaken by Cox Architecture and which identified that the site could feature significantly more development capacity than identified by Council in the Strategy. Council responded to the submission, stating:

*"the indicative height control map presented by the Study represents potential height controls under the application of a broad strategic approach. The recommendations of the Study advise that eventual height controls will be the result of further detailed consideration"*

Since the adoption of the Strategy seven (7) years ago, the site has been acquired by Sydney Metro and the Victoria Cross Station north site has been relocated to sit adjacent to the site at 50 McLaren Street. As per Council's comments, further detailed consideration has been undertaken as part of this planning proposal. The proposal identifies maximum heights of RL 107m and RL 156m can be accommodated without generating unacceptable environmental impacts and that the resultant building envelope is appropriate within the context of surrounding development. It should be noted the proposed heights are also within those identified in the CPPS.

## Q5 – Is the planning proposal consistent with any other applicable state and regional studies or strategies?

The following applicable state and regional studies/strategies are relevant to the planning proposal.

### Better Placed

The Government Architect of NSW (GANSW) has established seven distinct objectives to define the key design considerations. Achievement of these objectives from this early stage of the project, through to the detailed design and construction stage will ensure the development

will be healthy, responsive, integrated, equitable, and resilient. **Table 8** demonstrates how the proposal is consistent with the objectives of the policy.

**Table 8** Consistency with the Objectives of GANSW's Better Placed

Objective	Response
Objective 1: Better fit	Of its Place: The commitment to design excellence will deliver the highest standard of built outcomes for the site.
	Local / Contextual: The planning proposal will facilitate a built outcome that responds to the evolving character of the North Sydney centre and will complement its existing built form.
Objective 2: Better performance	The planning proposal will facilitate a building envelope which promotes efficient building design and sustainable design practices.
Objective 3: Better for community	Inclusive / Diverse: The planning proposal will facilitate a future building project that offers local employment opportunities and will provide an integrated development that blends community infrastructure in the form of a childcare centre with residential living. Connected: The proposal facilitates a pedestrian connection between McLaren and Elliot Streets.
Objective 4: Better for people	Safe: Pedestrians, cyclists and vehicle entries have all been accommodated within the public realm with safety and amenity in mind.
	Comfortable: The indicative design provides generous public domain space which will encourage people to meet and will provide a place for people to sit.
	Liveable: The proposal seeks to support local resident's patterns of living and will facilitate a high quality, well designed building with a high level of amenity for future residents in a well connected area.
Objective 5: Better working	Functional: Access points are well defined and convenient.
	Efficient / Functional: The development is efficient in its arrangement and seeks a high energy efficiency and environmental performance to be resolved through the detailed DA process.
Objective 6: Better value	Creating Value: Future provision of a childcare centre will serve the needs of new and existing residents within the area. The proposal presents a unique opportunity to provide high quality public domain and provide a through-site link connecting pedestrians from the North Sydney centre through to St Leonards Park.
	Adding Value: The proposal co-locates residential, commercial and community uses adjacent to the Sydney Metro Victoria Cross Station providing visitors and residents with maximum connectivity to public transport modes (in addition to existing bus and rail infrastructure within North Sydney).
Objective 7: Better look and feel	Engaging and Inviting: The Proposal presents an opportunity to provide a building which exhibits design excellence and will comprise high quality materials.

## Q6 – Is the planning proposal consistent with applicable state environmental planning policies?

Yes.

An assessment of the planning proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 9**.

**Table 9** Consistency with state environmental planning policies

SEPP	Consistency		N/A	Comment
	Yes	No		
Housing SEPP	✓			Chapter 4 'Design of residential apartment development' will apply to a future detailed DA seeking approval for residential apartment development. Section 147 requires the consent authority to consider the Apartment Design Guide. The proposal's assessment against the ADG is provided below in Table 10 and discussed in Section 6.
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed LEP amendment. May apply to future development on the sites.
Resilience and Hazards SEPP			✓	Nothing within this amendment will prevent a future DA's ability to comply with the Resilience and Hazards SEPP.
Industry and Employment SEPP			✓	Nothing within this amendment will prevent a future DA's ability to comply with the Industry and Employment SEPP.
Transport and Infrastructure SEPP	✓			Given the site's proximity to the future Metro rail corridor, it is considered that Division 15 of the Transport and Infrastructure SEPP will apply when excavation and basement works are proposed. Concurrence will be required by Sydney Metro Authority prior to the determination of the detailed DA.

### Apartment Design Guide

The indicative scheme that can be delivered as a result of the planning proposal is capable of complying with the Apartment Design Guide as demonstrated in Table 10.

**Table 10** Consistency with the Apartment Design Guide

Design Criteria	Proposal
<b>Part 3 Siting the Development</b>	
<b>3D Communal and Public Open Space</b>	
<i>Objective</i> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	The design has allowed for communal areas and landscaping. Further detail can be found in the Urban Design Report at Appendix A.
<i>Design Criteria</i> Communal open space has a minimum area equal to 25% of the site	Yes – subject to detail design
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	Yes, subject to detailed design and modelling
<b>3E Deep Soil Zones</b>	

<p><b>Objective</b> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p>	<p>Capable of compliance</p>												
<p><b>Design Criteria</b> Deep soil zones are to meet the following minimum requirements:</p> <table border="1" data-bbox="204 371 1107 674"> <thead> <tr> <th>Site Area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m<sup>2</sup></td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m<sup>2</sup> – 1,500m<sup>2</sup></td> <td>3m</td> </tr> <tr> <td>Greater than 1,500m<sup>2</sup></td> <td>6m</td> </tr> <tr> <td>Greater than 1,500m<sup>2</sup> with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m <sup>2</sup>	-	7%	650m <sup>2</sup> – 1,500m <sup>2</sup>	3m	Greater than 1,500m <sup>2</sup>	6m	Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m	
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)											
Less than 650m <sup>2</sup>	-	7%											
650m <sup>2</sup> – 1,500m <sup>2</sup>	3m												
Greater than 1,500m <sup>2</sup>	6m												
Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m												
<p><b>3F Visual Privacy</b></p>													
<p><b>Objective</b> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p>	<p>Capable of compliance</p>												
<p><b>Design Criteria</b> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="204 947 1013 1149"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	
Building Height	Habitable rooms and balconies	Non-habitable rooms											
Up to 12m (4 storeys)	6m	3m											
Up to 25m (5-8 storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											
<p><b>3J Bicycle and Car Parking</b></p>													
<p><b>Objective</b> Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p>	<p>Capable of compliance. Refer to the Traffic and Parking Impact Assessment at Appendix D.</p>												
<p><b>Design Criteria</b> For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed-use or equivalent in a nominated regional centre</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street.</p>													
<p><b>Part 4 Designing the Buildings</b></p>													
<p><b>4A Solar and Daylight access</b></p>													
<p><b>Objective</b> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p>	<p>The indicative design optimises the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p>												

<p><i>Design Criteria</i> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p>	<p>Capable of compliance.</p> <p>All apartments receive at least 2 hours direct sunlight between 9am and 3pm at mid winter to living rooms and private open spaces.</p>											
<p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>No apartments are subject to no direct sunlight.</p>											
<p><b>4B Natural Ventilation</b></p>												
<p><i>Objective</i> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p>	<p>Capable of compliance</p>											
<p><i>Design Criteria</i> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>												
<p><b>4C Ceiling Height</b></p>												
<p><i>Objective</i> Ceiling height achieves sufficient natural ventilation and daylight access</p>	<p>2700mm ceiling heights provided to all apartments.</p>											
<p><i>Design Criteria</i> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p>												
<table border="1" data-bbox="204 1016 1106 1397"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed-use areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table> <p>These minimums do not preclude higher ceilings if desired.</p>		Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed-use areas
Minimum ceiling height												
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For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope											
If located in mixed-use areas	3.3m for ground and first floor to promote future flexibility of use											
<p><b>4D Apartment Size and Layout</b></p>												
<p><i>Objective</i> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p>	<p>Capable of compliance</p>											
<p><i>Design Criteria</i> Apartments are required to have the following minimum internal areas:</p> <table border="1" data-bbox="204 1637 879 1861"> <thead> <tr> <th>Apartment Type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3 bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table>	Apartment Type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	<p>All apartments meet or exceed these minimum areas.</p>	
Apartment Type	Minimum internal area											
Studio	35m <sup>2</sup>											
1 bedroom	50m <sup>2</sup>											
2 bedroom	70m <sup>2</sup>											
3 bedroom	90m <sup>2</sup>											
<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>												
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>Capable of compliance</p>											

<i>Objective</i> Environmental performance of the apartment is maximised																
<i>Design Criteria</i> Habitable room depths are limited to a maximum of 2.5 x the ceiling height.																
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.																
<i>Objective</i> Apartment layouts are designed to accommodate a variety of household activities and needs																
<i>Design Criteria</i> Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).																
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).																
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>																
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.																
<b>4E Private Open Space and Balconies</b>																
<i>Objectives</i> Apartments provide appropriately sized private open space and balconies to enhance residential amenity	Capable of compliance															
<i>Design Criteria</i> All apartments are required to have primary balconies as follows:	All balconies meet or exceed these minimum areas.															
<table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartment</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bedroom apartment</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom apartment</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartment</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling Type	Minimum Area	Minimum depth	Studio apartment	4m <sup>2</sup>	-	1 bedroom apartment	8m <sup>2</sup>	2m	2 bedroom apartment	10m <sup>2</sup>	2m	3+ bedroom apartment	12m <sup>2</sup>	2.4m	
Dwelling Type	Minimum Area	Minimum depth														
Studio apartment	4m <sup>2</sup>	-														
1 bedroom apartment	8m <sup>2</sup>	2m														
2 bedroom apartment	10m <sup>2</sup>	2m														
3+ bedroom apartment	12m <sup>2</sup>	2.4m														
The minimum balcony depth to be counted as contributing to the balcony area is 1m.																
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.																
<b>4F Common Circulation and Spaces</b>																
<i>Objective</i> Common circulation spaces achieve good amenity and properly service the number of apartments	Capable of compliance															
<i>Design Criteria</i> The maximum number of apartments off a circulation core on a single level is eight (8).  For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Capable of compliance with the design criteria.															
<b>4G Storage</b>																
<i>Objective</i> Adequate, well designed storage is provided in each apartment.	Capable of compliance															

<p><i>Design Criteria</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> </tr> </thead> <tbody> <tr> <td>Studio apartment</td> <td>4m<sup>2</sup></td> </tr> <tr> <td>1 bedroom apartment</td> <td>6m<sup>2</sup></td> </tr> <tr> <td>2 bedroom apartment</td> <td>8m<sup>2</sup></td> </tr> <tr> <td>3+ bedroom apartment</td> <td>10m<sup>2</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>		Dwelling Type	Minimum Area	Studio apartment	4m <sup>2</sup>	1 bedroom apartment	6m <sup>2</sup>	2 bedroom apartment	8m <sup>2</sup>	3+ bedroom apartment	10m <sup>2</sup>	Storage provided that either meets or exceeds these minimum areas.
Dwelling Type	Minimum Area											
Studio apartment	4m <sup>2</sup>											
1 bedroom apartment	6m <sup>2</sup>											
2 bedroom apartment	8m <sup>2</sup>											
3+ bedroom apartment	10m <sup>2</sup>											

## Q7 – Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Yes.

An assessment of the planning proposal against applicable section 9.1 Directions is set out in **Table 11**.

**Table 11** Consistency with Section 9.1 directions

Ministerial Direction	Consistency			Comment
	Yes	No	N/A	
<b>1. Planning Systems</b>				
1.1 Implementation of the Minister's Planning Principles	✓			The planning proposal is consistent with the Minister's Planning Principles by providing commercial, residential and community uses within close proximity to transport infrastructure.
1.2 Implementation of Regional Plans	✓			The planning proposal is consistent with the Greater Sydney Region Plan as discussed in Section 5.2
1.3 Development of Aboriginal Land Council land			✓	Not applicable.
1.4 Approval of Referral Requirements	✓			This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The relevant requirements of this direction have been considered in the preparation of this Planning Proposal.
1.5 Site Specific Provisions	✓			A particular development scenario is envisaged for the site. The proposed provisions will allow for the envisaged development to be carried out on the site. The included indicative development proposal is for explanatory purposes only.
<b>1. Planning Systems – Place-based</b>				
1.6 Parramatta Road Corridor Urban Transformation Strategy			✓	Not applicable.
1.7 Implementation of the North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.

1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation			✓	Not applicable.
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor			✓	Not applicable.
1.11 Implementation of the Western Sydney Aerotropolis Plan			✓	Not applicable.
1.12 Implementation of Bayside West Precincts 2036 Plan			✓	Not applicable.
1.13 Implementation of Planning Principles for the Cooks Cove Precinct			✓	Not applicable.
1.14 Implementation of St Leonards and Crows Nest 2036 Plan			✓	Not applicable.
1.15 Implementation of Greater Macarthur 2040			✓	Not applicable.
1.16 Implementation of the Pyrmont Peninsula Place Strategy			✓	Not applicable.
1.17 North West Rail Link Corridor Strategy			✓	Not applicable.
<b>3. Biodiversity and Conservation</b>				
3.1 Conservation zones			✓	Not applicable.
3.2 Heritage Conservation	✓			While the site does not contain a heritage item or located within a heritage conservation area, it is in the vicinity of two (2) locally listed items. The Heritage Impact Statement (HIS) at Appendix E details that there will be an acceptable impact to the heritage items surrounding the site.
3.3 Sydney Drink Water Catchments			✓	Not applicable.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Cost LEPs			✓	Not applicable.
3.5 Recreation Vehicle Areas			✓	Not applicable.
<b>4. Resilience and Hazards</b>				
4.1 Flooding			✓	Any future development application will be designed to consider flood planning and ensure that relevant mitigation measures are implemented to manage flood impacts.
4.2 Coastal Management			✓	Not applicable.
4.3 Planning for Bushfire Protection			✓	Not applicable.
4.4 Remediation of Contaminated Land	✓			The site has been the subject of several site investigations which have determined that the site can be made suitable for the nominated uses. Refer to Appendix F.
4.5 Acid Sulfate Soils			✓	Any future development works will address any issues relating to the Acid Sulfate Soils.
4.6 Mine Subsidence and Unstable Land			✓	Not applicable.
<b>5. Transport and Infrastructure</b>				

5.1 Integrating Land Use and Transport	✓			The planning proposal will take advantage of the site's strategic location within the North Sydney CBD and proximity to the new Victoria Cross metro station, as well as existing bus and train services.
5.2 Reserving Land for Public Purposes			✓	No new road reservation is proposed.
5.3 Development Near Regulated Airports and Defence Airfields	✓			Compliant. Refer to Section 6.14 and the Review of Airspace Implications at Appendix G.
5.4 Shooting Ranges			✓	Not applicable.
<b>6. Housing</b>				
6.1 Residential Zones			✓	Not applicable.
6.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable.
<b>7. Industry and Employment</b>				
7.1 Business and Industrial Zones	✓			In accordance with the objectives of the direction, this planning proposal will facilitate employment growth by way of increasing the minimum non-residential FSR requirement from 0.5:1 up to 1:1. No change is proposed to the land use zoning of the site.
7.2 Reduction in non-hosted short-term rental accommodation period			✓	Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable.
<b>8. Resources and Energy</b>				
8.1 Mining, Petroleum Production and Extractive Industries			✓	Not applicable.
<b>9. Primary Production</b>				
9.1 Rural Zones			✓	Not applicable.
9.2 Rural Lands			✓	Not applicable.
9.3 Oyster Aquaculture			✓	Not applicable.
9.4 Farmland of State and Regional Significance on NSW Far North Coast			✓	Not applicable.

### 5.3 Environmental, social and economic impacts

#### **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?**

No. The proposed site is currently clear from previous development and has no significant existing vegetation and is located within the highly urbanised setting of North Sydney. The proposed development will not affect the habitat of any threatened species or ecological communities as there is no habitat present at the site.

#### **Q9 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

A detailed environmental assessment has been provided at Section 6.0 of this report, which outlines any potential environmental impacts resulting from this planning proposal and how they are able to be managed through future development on the site.

#### **Q10 – Has the planning proposal adequately addressed any social and economic impacts?**

Yes. Social and economic impacts are addressed in Sections 6.12 and 6.13. This assessment finds that the social and economic outcomes of this planning proposal will be positive.

### **5.4 State and Commonwealth interests**

#### **Q11 – Is there adequate public infrastructure for the planning proposal?**

Yes. The site of the planning proposal is located in the northern portion of the North Sydney CBD, which is serviced by significant transport infrastructure. The site is adjacent to the Sydney Metro Victoria Cross Station which will open in 2024. In addition to this, North Sydney train station is located a short walk south of the site. Various bus routes also surround the site. The site is also within walking distance of community facilities such as the library and civic centre and is within walking distance of retail outlets.

#### **Q12 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?**

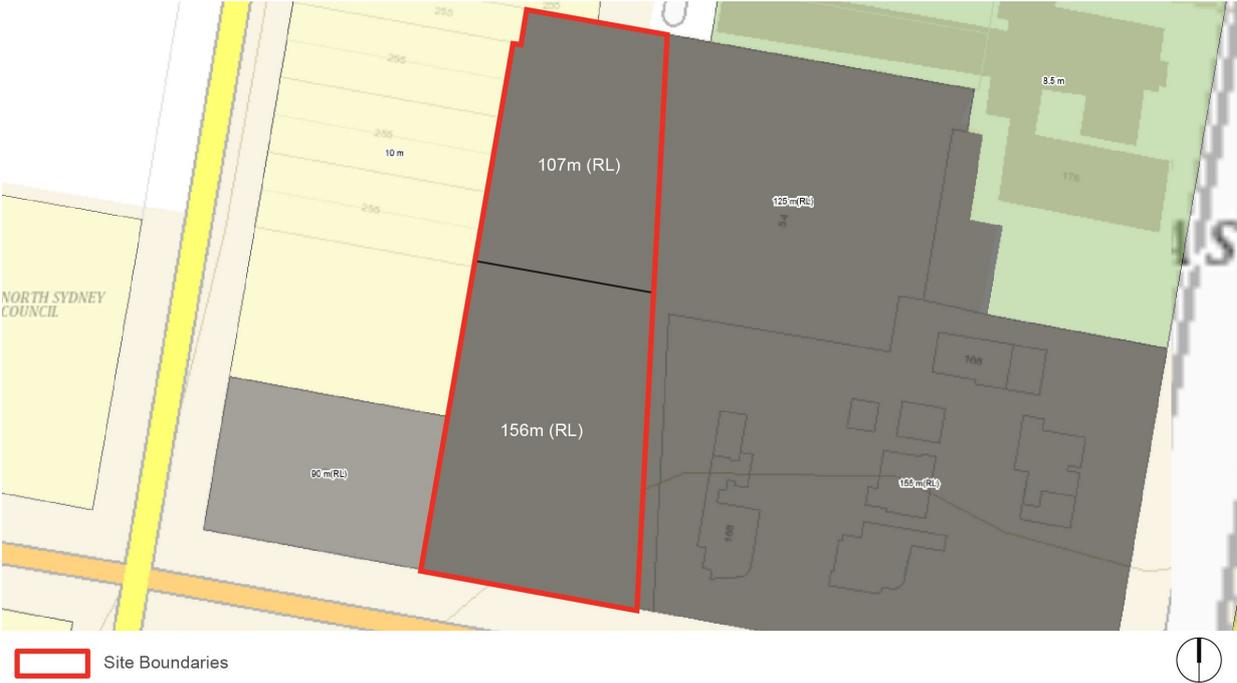
It is not expected that referral to any State or Commonwealth agency would be required. Referral to Sydney Metro may also be required as part of the processing and assessment of a future detailed development application on the site given the site is in the vicinity of the Sydney Metro tunnel.

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the planning proposal. State and Commonwealth authorities will have the opportunity to provide comment on the planning proposal as part of its formal exhibition.

### **5.5 Part 4 - mapping**

This planning proposal will amend the height of buildings map (Sheet 002A), Floor space ratio map (Sheet 002A) and the non-residential FSR map (Sheet 002A) of the North Sydney LEP 2013 as shown at Figures 27, 28 and 29.

**Figure 27** Proposed height of building map



**Figure 28** Proposed floor space ratio map

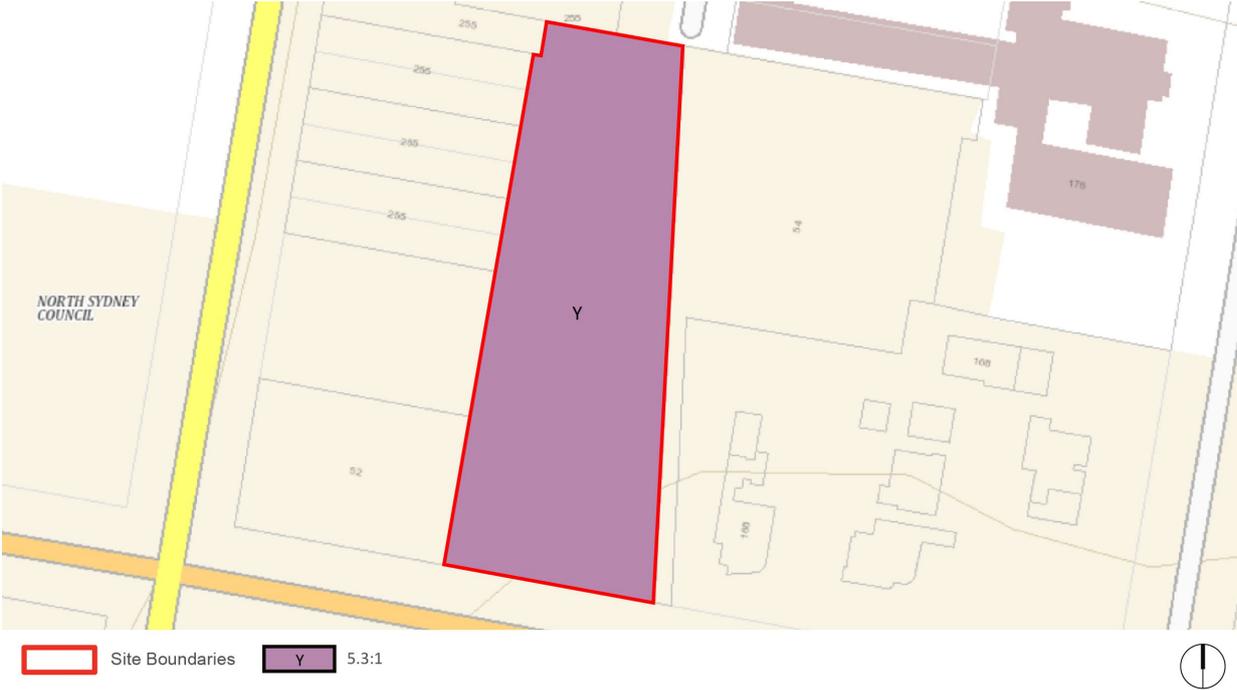
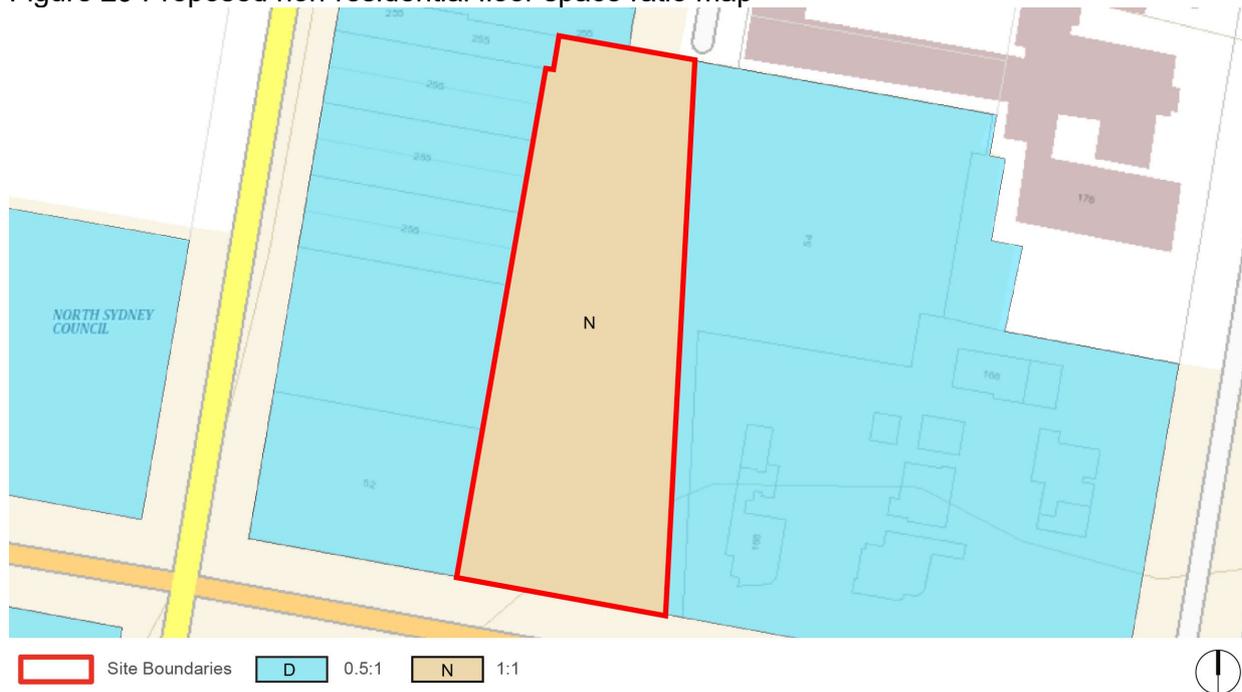


Figure 29 Proposed non-residential floor space ratio map



## 5.6 Part 5 - community consultation

Community consultation will be conducted in accordance with Section 3.34 and Schedule 1 of EP&A Act and *A Guide to Preparing Planning Proposals*. It is requested that the planning proposal be publicly exhibited for a minimum period of 28 days.

Sydney Metro has also undertaken preliminary consultation with the site's neighbouring properties. A Consultation Report has been prepared summarising the outcomes of that process and is provided at Appendix H.

As indicated in Section 1.3, Council's comments have been taken into consideration as part of the consultation process.

## 6 Environmental assessment

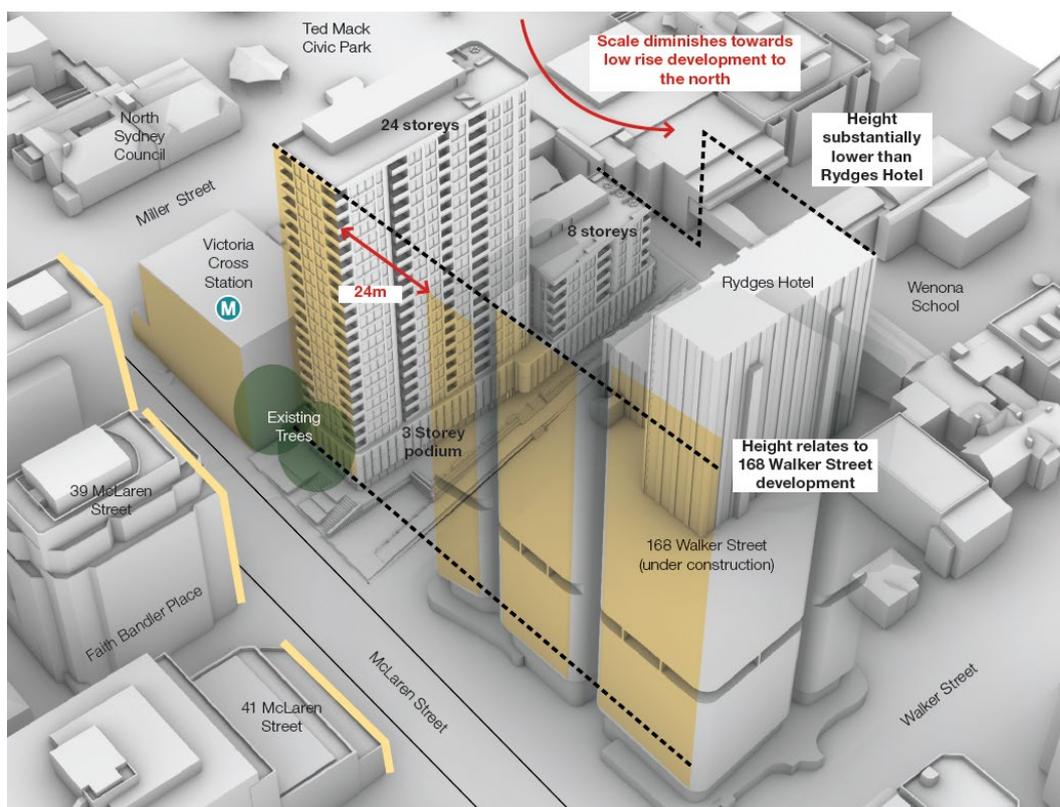
The other environmental considerations associated with the planning proposal are addressed in subsequent sections.

### 6.1 Built form and urban design

The planning proposal seeks to amend the permissible height, FSR and non-residential FSR to allow for an alternative development option that will deliver a considered development on a site within a dense urban context. The design has been informed by both strategic documentation and the existing and future built form within the street block. The proposed building envelope will enable a building which includes:

- maximum building heights transitioning down from 24 to 8 storeys to respond to the approved development at 168 Walker Street and the existing lower scale development to the north
- a three storey commercial podium fronting McLaren Street that appropriately responds to the scale of the Victoria Cross north site and approved development at 168 Walker Street
- a three storey commercial podium fronting Elliot Street with an opportunity for community uses as part of a public benefit offering
- a minimum six metre whole of building setback along the eastern boundary and three metre DDA compliant pedestrian link connecting McLaren and Elliot streets
- a whole of building setback to McLaren Street to align with the adjacent development at 168 Walker Street.

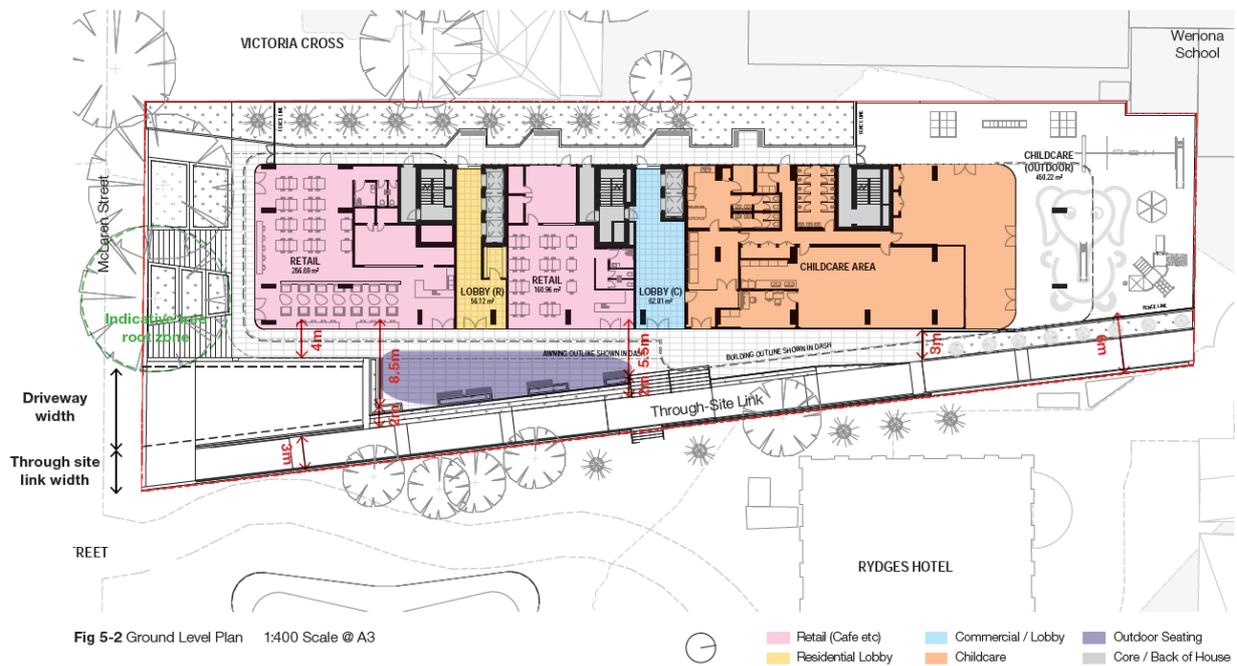
**Figure 30** Urban Design Principles of proposed building envelope (GHD)



### 6.1.1 Podium

The podium height is within the design guidelines as listed under the CPPS featuring a three (3) storey community and commercial podium. The indicative scheme comprises a ground floor level which consists of primarily retail and childcare uses with lobby areas providing access to the residential and commercial tenancies above. A public plaza area is also provided to the east of the podium form, providing opportunities for outdoor seating and al-fresco dining.

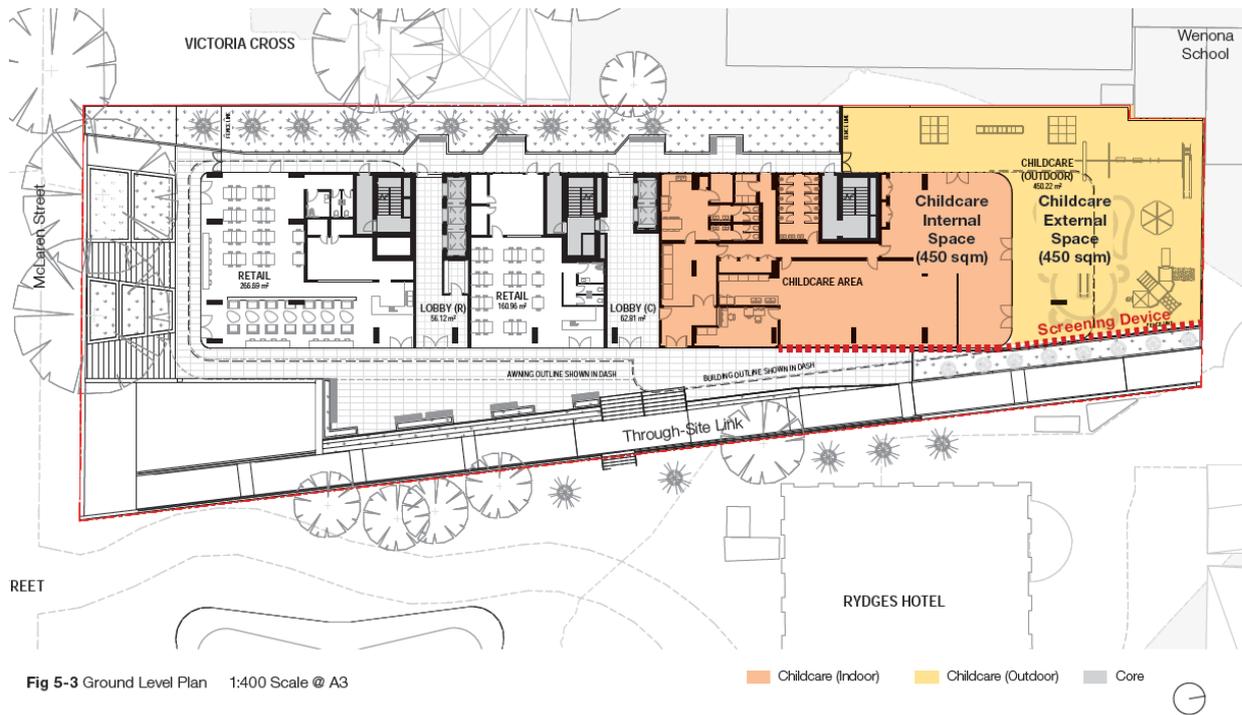
**Figure 31** Ground level plan concept design



### Childcare facility

The ground floor of the northern podium is subject to a public benefit offer proposed as part of this proposal. Responding to the CPPS which requires community uses on the site, the proposal provides the opportunity for the site to accommodate a childcare centre. The childcare use includes approximately 450m<sup>2</sup> of indoor space and 450m<sup>2</sup> of outdoor space, providing a total area of approximately 900m<sup>2</sup>. By providing both spaces on a single floor, there is a direct physical connection which caters to the operational requirements of the childcare facility as advised by Council. The external childcare area will benefit from north facing sunlight throughout the day and will feature a covered area offering sun and rain protection when necessary.

**Figure 32** Childcare location



## 6.2 Landscape concept

A landscape concept design has been prepared by GHD and is included in the Urban Design Report at Appendix A. The design has been informed by a number of public domain and civic precinct Council studies. Importantly, the development presents an opportunity to link the existing and future planned pedestrian laneways in the CBD to create a safe and activated pedestrian environment. A new pedestrian link is proposed along the eastern boundary of the site which will connect McLaren Street through to Elliot Street and will facilitate the following:

- reinforce connections to Ward Street plaza, Victoria Cross Station, and to North Sydney Oval;
- greater opportunities for public realm activation;
- increased landscaping, planting and open space;
- opportunities for water-sensitive urban design initiatives; and
- provision of consistent paving and materiality that creates a continuous and unified street network.

The public domain framework for the site is guided by the following four main principles:

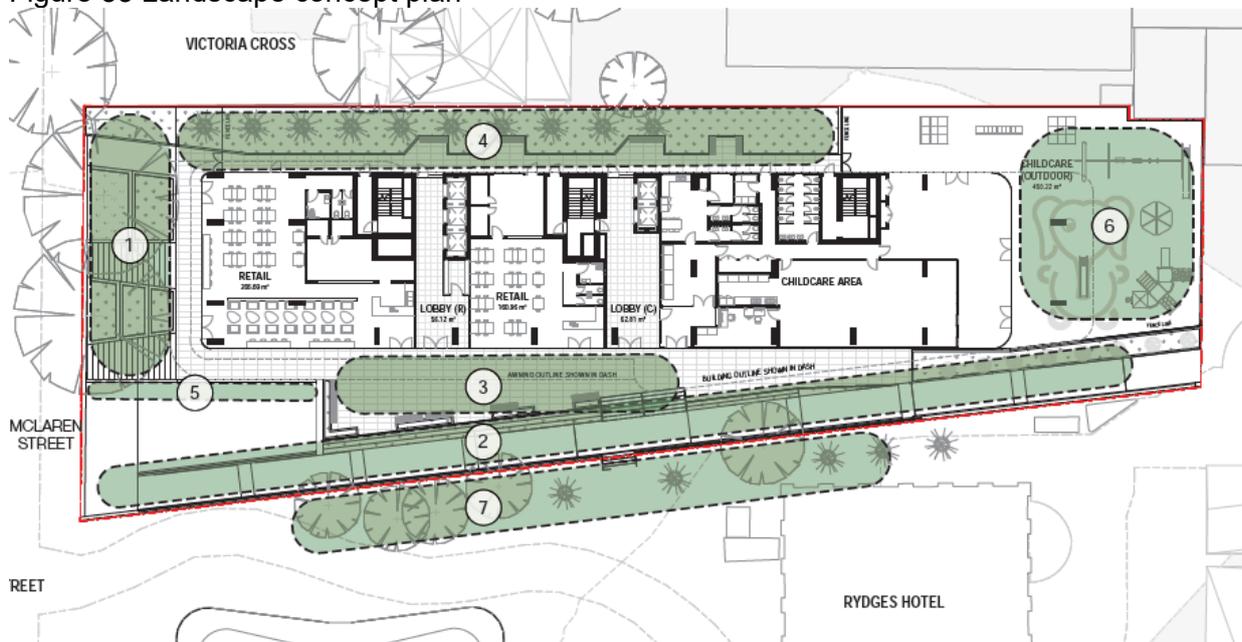
- strong and clear connections, ensuring the site has a safe, well connected and legible public realm
- amenity and inclusion, ensuring all user groups are respected and both the residents and the public benefit
- responsive and sustainable landscape, ensuring the landscape design is sustainable and contributes to environmental outcomes
- activation, ensuring the public realm and building edge provide opportunities for meeting, socialising and dwelling.

An indicative landscape concept plan has been formulated for the site, identifying the key landscape additions. Seven (7) landscape character zones have been identified which include:

1. McLaren Street entry, landscaping and retained trees
2. Pedestrianised through-site link: DDA compliant ramp linking Elliot Street to McLaren Street
3. Ground plane/building interface activation: A combination of movement and gathering spaces linked to the retail and commercial precinct along the building
4. Private resident's garden within western setback
5. Car park entrance: Climbing plants lining the walls of the entry to soften transition from outside
6. Childcare outdoor play space
7. Adjacent Site (\*note existing landscaping on the adjacent site is not subject to this proposal): Future potential as a pedestrian link and a continuation of planting.

The concept landscape plan including the corresponding landscape character zones is provided at Figure 33. An artist's impression of the zones across the ground plane of the indicative concept has been demonstrated at Figure 34. The artist's impression is not to scale and is for visual representation purposes of how the spaces may look and function.

Figure 33 Landscape concept plan



- ① McLaren Street entry, landscaping and retained trees
- ② Pedestrianised through site link
- ③ Ground plane / building interface activation
- ④ Private resident's garden
- ⑤ Car park entrance
- ⑥ Childcare outdoor play space
- ⑦ Adjacent Site (\*\* Note existing green and landscaping on the adjacent site not subject to this proposal)

Figure 34 Artist impression of landscape zones (not to scale)



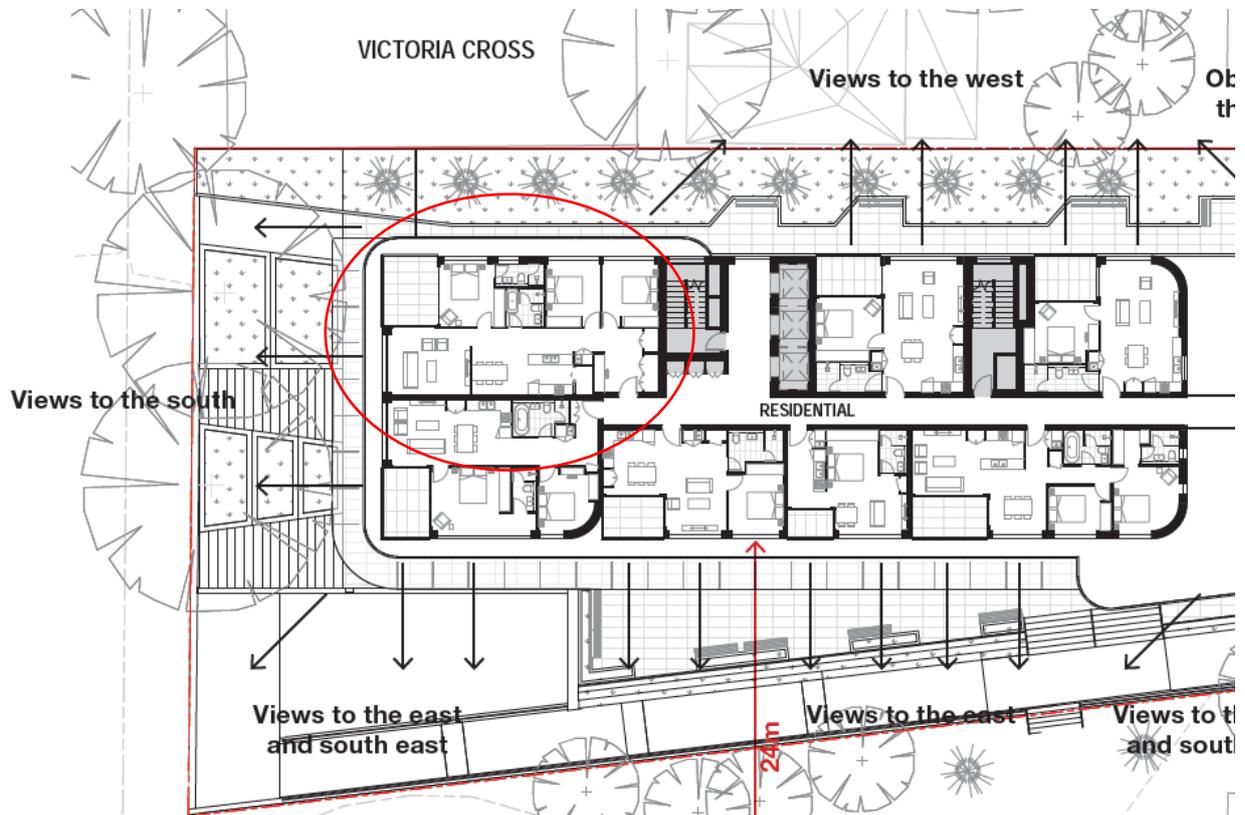
### 6.3 Residential amenity

The design concept for the residential component of the planning proposal has been designed to meet the requirements of the ADG as demonstrated in the Urban Design Report at Appendix A. Notably, the concept demonstrates that the site can accommodate high density residential development that will provide:

- apartments consistent with the ADG minimum size requirements
- balconies and private open spaces consistent with the ADG minimum size requirements
- a minimum of two hours solar access to all indicative apartments
- natural cross ventilation to 60% of indicative apartments

One of the issues raised by Council in the pre-lodgement meeting was the amenity of apartments that are in close proximity to the Victoria Cross north site building which will front the boundary of 50 McLaren Street. There are four apartments over four levels which will have a direct interface with the metro station. As demonstrated in Figure 35, the apartments in this location have been designed to have a dual aspect, with the primary outlook from the apartment living areas to the south.

**Figure 35** Southern building indicative apartment layout



## 6.4 Overshadowing

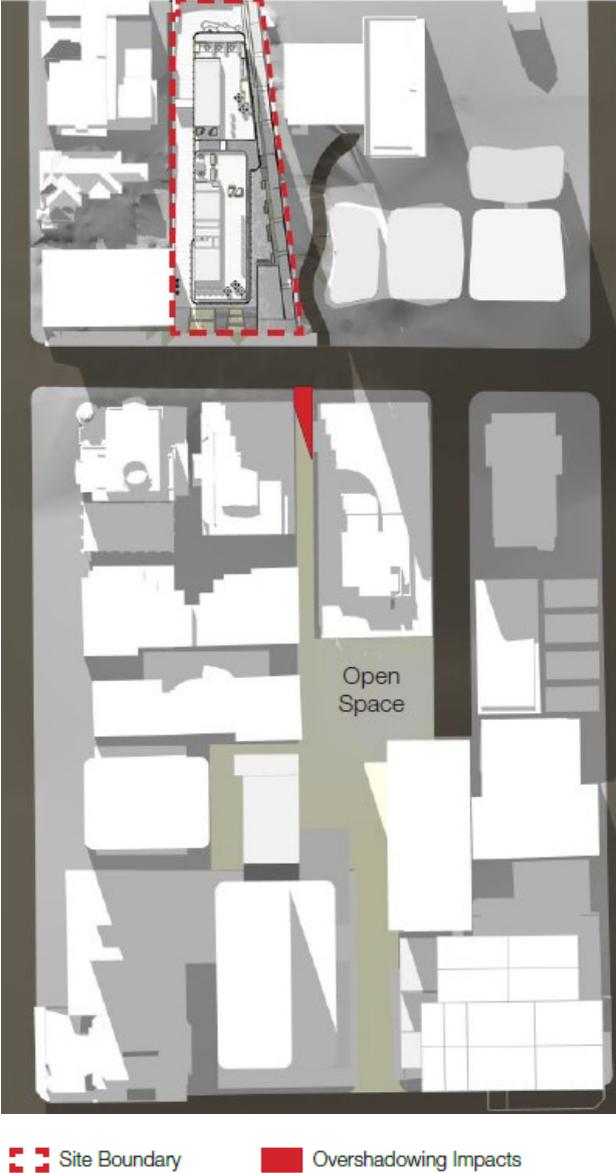
GHD have analysed the overshadowing impacts of the proposal with the results presented in Appendix A and an assessment of compliance provided in the following sections.

### 6.4.1 Public Open Space

The Ward Street Precinct Masterplan and CPPS both stipulate the need to protect overshadowing of Council identified public spaces and Doris Fitton Park. The overshadowing analysis confirms the proposal will not generate any net increase in overshadowing year-round of planned public spaces identified in the Ward Street Masterplan and Doris Fitton Park.

There will be some new overshadowing generated on the northern extremity of the precinct on Faith Bandler Place from 12pm to 2pm during the winter solstice as shown in the excerpt at Figure 36. It should be noted the area is a thoroughfare as opposed to public open space and is not identified for protection under the Ward Street Masterplan. The additional overshadowing is considered to be acceptable.

**Figure 36** Overshadowing to Faith Bandler Place (worst case scenario)



**6.4.2 45 McLaren Street**

The residential flat building at 45 McLaren Street is located outside of the North Sydney CBD and as such the provisions of clause 6.3(3) of the North Sydney LEP 2013 applies. The relevant provision is replicated below:

*(3) The consent authority may grant development consent to development on land in the North Sydney Centre that would exceed the maximum height of buildings shown for the land on the Height of Buildings Map if the consent authority is satisfied that any increase in overshadowing between 9 am and 3 pm from the March equinox to the September equinox (inclusive) will not result in any private open space, or window to a habitable room, located outside the North Sydney Centre receiving—*

*(a) if it received 2 hours or more of direct sunlight immediately before the commencement of North Sydney Local Environmental Plan 2013 (Amendment No 23)—less than 2 hours of direct sunlight, or*

*(b) if it received less than 2 hours of direct sunlight immediately before the commencement of North Sydney Local Environmental Plan 2013 (Amendment No 23)—less direct sunlight than it did immediately before that commencement.*

GHD has prepared overshadowing diagrams which show that the proposed building envelope will have an impact on the apartments with a western aspect at the southern end of the building after 1.30pm on the winter solstice. This affects portions of the building that are occupied by bedrooms of apartments that have a primary aspect to the east to take advantage of harbour views. There is no impact to the main living areas of these apartments. The diagrams at Appendix A also demonstrate that the proposed development does not generate any impact on the development at 45 McLaren Street from the six month period running from the 21st of September through to the 20th of March.

Whilst the above analysis shows that the proposal would not meet the criteria of clause 6.3(3), it is noted that this building is unlikely to remain on the site in perpetuity as the site was identified for significant uplift during the preparation of the Ward Street Masterplan and a planning proposal has been lodged to affect that uplift. If a planning proposal is successful and the site is redeveloped, the provisions of clause 6.6(3) would cease to apply as the new development would not have been in existence immediately before the commencement of Amendment 23 to the North Sydney LEP 2013.

Further to the above it is noted that the location of the site relates better to the North Sydney CBD context than the residential zoned areas that this clause seeks to protect. In our opinion, the site should be located within the North Sydney CBD boundary, particularly given that it forms part of the Ward Street Precinct and is similar in nature to other recent residential developments located further south on the western side of Walker Street which are located within the CBD boundary. Finally, the zoning of the site as R4 High Density Residential is also considered to be outdated, given that as part of the redevelopment of the site it is likely that a mix of uses will be required to achieve activation of the ground plane and to contribute to the employment targets for the North Sydney CBD.

It is therefore our conclusion that this building should be assessed in a manner similar to other residential buildings within the CBD context and should not be afforded a higher level of solar protection as that of other residential zoned buildings which are located outside of the North Sydney CBD. In that instance the provisions of the ADG would apply and any development on the site would need to assess the solar impacts to the future building located on the 45 McLaren Street site. The ADG suggests that an appropriate level of solar access is the provision of two or more hours of sunlight to at least 70% of apartments but notes that this may not be achievable on all sites. It is noted that the 45 McLaren Street site is located directly south of 168 Walker Street which is a tall building that has a significant shadow to the south, any future building is also likely to be predominantly orientated to the east where valuable harbour views can be obtained. The solar study prepared by Bates Smart (Figure 37) as part of the Planning Proposal for 45 McLaren Street reaffirms that any future design is likely to orientate the majority of apartments in the building to the east where views are obtained, and more solar access is available to key living areas.

**Figure 37** 45 McLaren Street Solar Access Study (Bates Smart)



GHD has modelled the shadow impacts on the indicative scheme that was submitted with the planning proposal for 45 McLaren Street. Whilst this does show additional impacts to 45 McLaren Street, the effect of the 45 McLaren Street building achieving compliance with the ADG is minimal as the shadows primarily fall on apartments which are not being relied upon to achieve compliance with ADG.

To require the ongoing protection of a building that is likely to be demolished would be inconsistent with Council’s policy direction to enable development uplift in areas which are well located in respect of proximity to public transport and the CBD. As the proposal cannot comply with the current drafting of Clause 6.3(3) the following options are available to facilitate the outcome that is proposed in Council’s CPPS for the proposed site:

- Include a site-specific provision in Schedule 1 of the North Sydney LEP 2013 which outlines that clause 6.3(3) does not apply to the site. Noting that a variation to the maximum building height control would not be required anyway given the amendment to the height map proposed in this planning proposal; or
- Amend the boundary of the North Sydney CBD such that it includes the property at 45 McLaren Street; or
- Amend the zoning of the property at 45 McLaren Street such that it is zoned B4 Mixed-use.

### 6.4.3 39 McLaren Street and 237 Miller Street

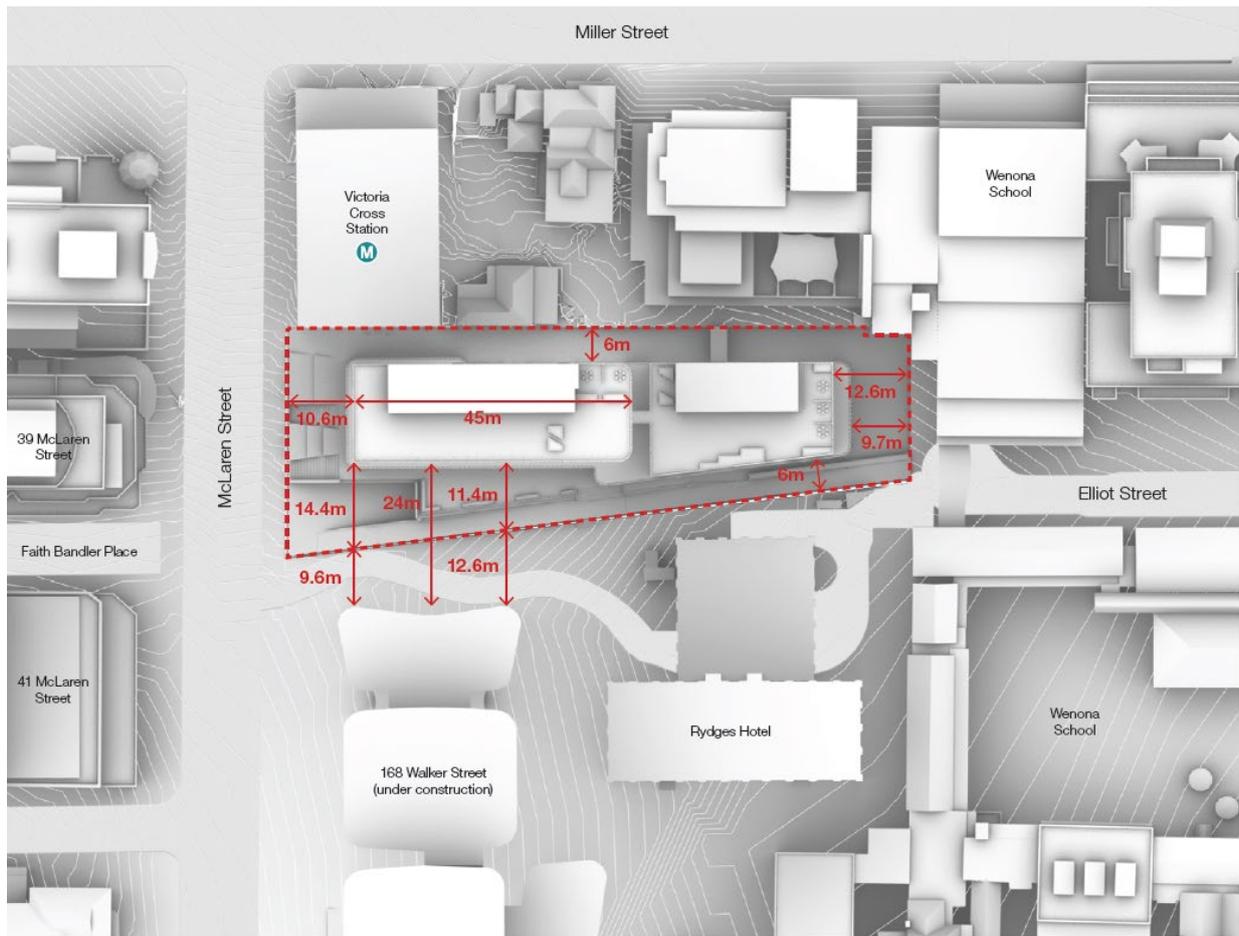
GHD has prepared a shadow analysis of the two residential buildings located directly south of the site at 39 McLaren Street and 237 Miller Street (see Appendix A). In accordance with the requirements of ADG, the proposal will maintain a minimum of two hours direct sunlight between 9 am and 3 pm at midwinter, to 70% of the living rooms and private open spaces on the northern facades of these buildings.

Further to the above, it is noted that the proposed building envelope results in a higher level of solar access to a larger proportion of apartments within 39 McLaren Street than that of a compliant building envelope as a result of the larger setback proposed to the eastern boundary of the site.

## 6.5 Visual privacy

Visual privacy is usually addressed by building separation as prescribed by the ADG or alternatively by way of visual screening. The following section assesses the proposal for compliance with the ADG setback controls and the relationship of the proposed building envelope to neighbouring buildings. The context of the development and the proposed building setbacks are shown in Figure 38.

**Figure 38** Proposed building setbacks

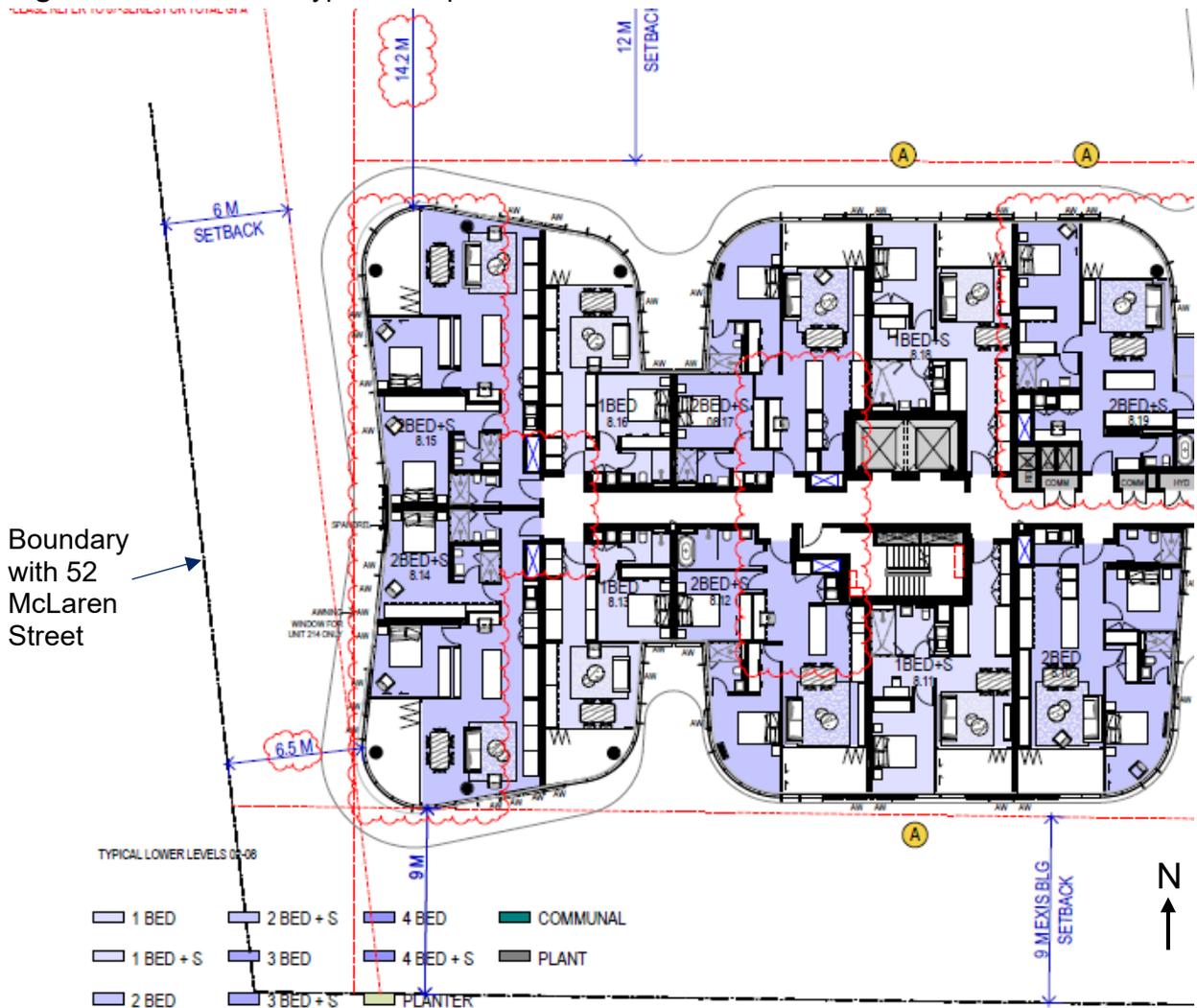


### 6.5.1 168 Walker Street

Due to the tapered nature of the site, the proposed building envelope is setback between six-metres to 15 metres from the eastern boundary. This provides a 24-metre building separation distance between the southern residential building on the site and the future residential building currently being constructed at 168 Walker Street.

As can be seen in Figure 39 the approved design of the building at 168 Walker Street does not comply with the required building setback controls from the western boundary and as such borrows amenity from 52 McLaren Street. To respond to this, the building envelope on the site has been pushed towards the western boundary so as to ensure that adequate visual amenity can be provided between the two buildings.

**Figure 39** Levels 2 – 8 typical floorplan of 168 Walker Street



### **6.5.2 243 Miller Street**

243 Miller Street is a heritage property that adjoins the site's western boundary. The site is prescribed a maximum building height of 10 metres under the North Sydney LEP 2013 and no increased development potential is envisaged under the CPPS.

As a result of the increased setback to the eastern boundary, a setback of six (6) metres is proposed to the western boundary of the site. The setback is justified in that:

- sufficient separation distance (approximately 23 metres) is achieved between the primary building at 243 Miller Street and the proposed building envelope. It is noted that the approved Stage 1 envelope for the previous Uniting scheme was approved a minimum 4.7 metres from the eastern boundary and was deemed acceptable. Further, the lower levels of the proposed building, which have an interface with 243 Miller Street, will be non-residential and can be appropriately screened if deemed necessary.
- the development potential of 243 Miller Street is constrained by its heritage listing and the current controls applying under the North Sydney LEP 2013. There is also limited opportunity to amalgamate the site with adjoining properties to create a larger development site due to the location of the metro station and the school on either side, noting that the school has recently expanded the buildings fronting Miller Street.
- As mentioned previously, a larger setback has been provided to the eastern boundary to provide a greater separation distance between the proposed building envelope and the future residential building at 168 Walker Street. A greater separation distance between the two residential flat buildings is considered preferable than increasing the setback to the west.

### **6.5.3 Wenona School**

The proposed building is also setback 6 metres from its western boundary and 9.7 metres to 12.6 metres from its northern boundary from the Wenona School building which fronts Miller Street to the west. Again, as the direct interface relates to commercial uses and the proposed childcare centre, there is the ability to install screen to the relevant facades if required or to install obscured glazing. Given the associated land uses at the northern end, there could be opportunity within the detailed design to integrate these uses which would be subject to future negotiation by others.

## **6.6 View impact analysis**

GHD has prepared a view impact analysis from the two residential buildings at 39 McLaren Street and 237 Miller Street which is presented below. The views have been prepared using a 3D electronic model and can be verified by photos taken from the relevant units during the assessment phase if required and access is permitted.

### **6.6.1 39 McLaren Street**

The views from 39 Miller Street have been taken from the following points of the building to give representative views across the building:

- View 1 – First floor (RL 82)
- View 2 – Seventh floor (RL 102)
- View 3 – Twelfth floor (RL 115)

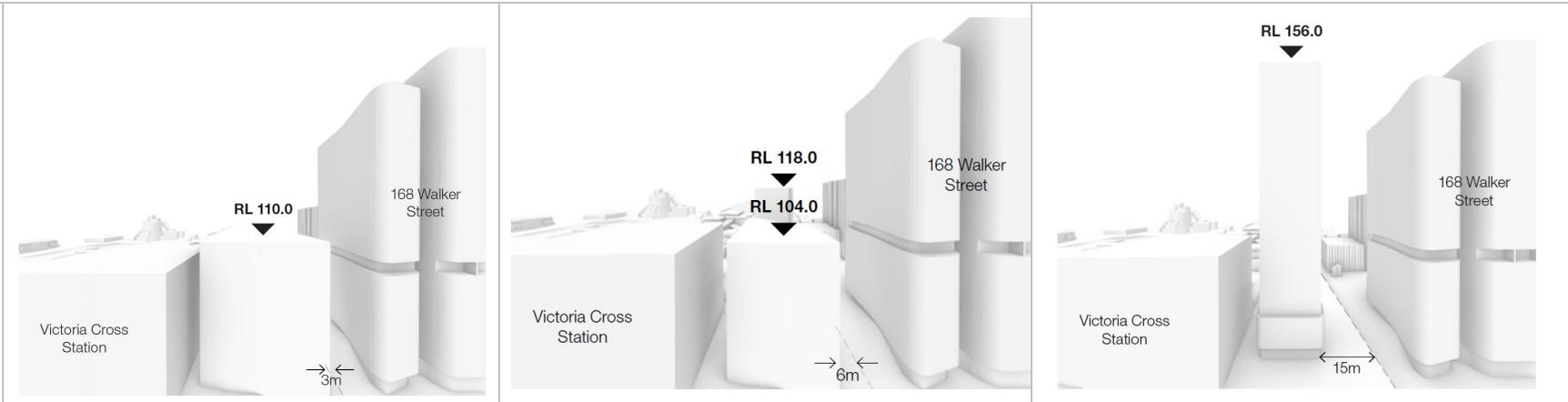
As can be seen in the view comparisons, the proposed building envelope, due to its tall slender form, will retain more regional views towards the north than a compliant building under the current building controls. Further, the proposed building envelope will have a lesser view impact than that which was previously considered acceptable by the North Planning Panel in approving the Uniting Stage 1 Concept Application.

It is noted that the proposed building envelope is higher than the current permissible and approved building envelopes on the site and will reduce some of the sky view obtained from the apartments at 39 McLaren Street, however this is a minor proportion of the view and is considered reasonable given, the location of the development within the CBD context and the fact that the proposed envelope enables greater retention of regional views between the building envelopes.

**Table 12 39 McLaren Street view impact of LEP envelope, approved Uniting envelope and proposed envelope**

View Location	LEP Envelope	Approved Uniting Envelope	Proposed Envelope
1			
2			

3



### **6.6.1 237 Miller Street**

Table 13 provides an assessment of the view impacts from a selection of view points from 237 Miller Street. Specifically, the following locations are represented:

View 1 – First floor (RL 82)

View 2 – Eighth floor (RL 105)

View 3 – Fifteenth floor (RL 124)

Similarly to the visual impacts from 39 McLaren Street, the proposed slender building envelope will retain more regional views towards the north than a compliant building under the current building controls.

While the proposed building envelope is higher than the current permissible and approved building envelopes on the site and will reduce some of the sky view obtained from the apartments at 237 Miller Street, the impact is considered minor, given the proposal will not adversely impact the view of further northern elements. Additionally, the scale is considered justified given the development is located within a CBD context.

**Table 13** 237 Miller Street view impact of LEP envelope, approved Uniting envelope and proposed envelope

View Location	LEP Envelope	Approved Uniting Envelope	Proposed Envelope
1			
2			
3			

## 6.7 Visual impact analysis

Virtual Ideas has prepared a series of key views incorporating the proposed envelope to inform the visual impact analysis (VIA) prepared by Ethos Urban and provided at Appendix C. Viewpoints have been agreed upon with Council and demonstrate key areas of the public domain where the proposed building will alter the current visual setting. The assessment also considers the provisions under the CPPS and DCP in relation to protecting views.

In summary, when considering the factors of sensitivity and magnitude, it is concluded that the proposal gives rise to moderate visual impact. However, these impacts are considered acceptable as the proposal:

- aligns with the strategic vision envisaged by Council in their Civic Precinct Planning Study
- results in an urban form outcome consistent with the planning intent for the Civic Precinct, in particular through contributing to the transition zone between the North Sydney CBD and the Civic Precinct
- does not block, occlude, or otherwise adversely impact significant views obtained from the public domain to elements identified as being of high scenic value such as Sydney Harbour or the Sydney CBD skyline.

The VIA has been informed by the proposed planning envelope only. It is noted that the visual impact of the proposal will be refined and improved through the detailed design, as the planning proposal assessment considers a maximum building envelope.

## 6.8 Wind assessment

A qualitative wind assessment has been prepared by CPP and is provided at Appendix I.

CPP concludes that the proposed development will have some effect on the local wind environment. Wind conditions around the development are expected to be classified as acceptable for a pedestrian standing or walking from the perspective of the Lawson Wind Comfort Criteria perspective and pass the distress/safety criterion, which is broadly in line with the intent of the North Sydney DCP 2013. The assessment outlines local improvements would likely be necessary for areas intended for long-term stationary or outdoor dining activities, particularly on the eastern side of the development site. However, mitigation measures will need to be determined at the detailed design/development application stage.

It has been recommended wind tunnel testing is undertaken to quantify the wind conditions around the site. This again is more appropriately undertaken at the development application stage when the detailed design of the building is being determined.

## 6.9 Transport and traffic

A Traffic and Parking Impact Assessment has been prepared by GHD and is provided at Appendix D. The assessment outlines the existing traffic and transport context on the site, as well as the likely traffic outcomes resulting from the development outcomes that are likely to result from the planning proposal.

### 6.9.1 Existing conditions

The site is located on McLaren Street which is classified as a local road and features an undivided carriage way with one travel lane in each direction. Miller Street, located west of the site, is classified as a regional road and also features an undivided carriageway with one travel lane in each direction. Located east of the site is Walker Street which is classified as a local

road and like McLaren and Miller Streets, includes an undivided carriageway with one travel lane in each direction.

Being in the North Sydney CBD, the site has excellent accessibility to public transport and is within walking distance to North Sydney train station (approximately 800m). Bus services operate on Miller Street (approximately 100m southwest of the site) and will be adjacent to the future Sydney Metro Victoria Cross Station, providing public transport opportunities to the CBD, local districts and the greater area.

### 6.9.2 Parking

The design concept proposes maximum car parking in line with the North Sydney DCP 2013 and the Traffic and Parking Impact Assessment submitted with this Planning Proposal. This assessment states that car parking rates for residents and visitors must follow either the Guide to Traffic Developments (GTTGD) or the relevant council's requirements, whichever is lower. Since the DCP sets a lower maximum than the ADG, it defines the required parking for the development. It is important to note that references to the maximum car parking provisions as identified in the DCP are the rates that were applicable at the time the traffic and parking impact assessment was undertaken, however since that time Council has amended its DCP.

Table 14 outlines the proposed parking for the design concept, showing a 20% reduction against the maximum DCP rates for the residential component applicable at the time. The DCP required a maximum of 130 spaces for residential uses, but only 104 are provided in the design concept. This represents a 20% reduction relating to the residential component of the maximum required by the DCP rates that applied at the time of the preparation of the planning proposal and the traffic and parking impact assessment. The reduced maximum parking requirements was considered appropriate as it will be consistent with the intent of the NSDCP 2013 objectives to reduce parking provision and encourage the use of alternate, more sustainable, transport opportunities.

It is acknowledged the parking requirements of the North Sydney DCP have recently been amended, whereby the parking requirements referred to in this Planning Proposal and the Traffic and Parking Impact Assessment are outdated. It has been demonstrated that the design concept proposal complied with the controls applicable at the time the assessment was undertaken. Notwithstanding, any future development of the site will need to adhere to the maximum parking controls that are relevant at the time of DA submission.

**Table 14 Design concept plan parking and end of trip provisions**

Control	Requirement	Compliance
Car parking (including visitor)		
Residential uses	DCP: Max. 130 spaces	104 spaces (including 34 accessible spaces)
Office/Retail uses	<b>DCP:</b> Max. 7 spaces	7 spaces (including 1 accessible space)
Childcare uses	<b>DCP:</b> Max. 6 spaces	6 spaces (including 1 accessible space)
Total	<b>DCP:</b> 143 spaces	121 spaces (including 4 car share spaces)
Accessible car spaces (North Sydney DCP 2013)		
Total	36 spaces	36 spaces (included in the above figures)
Bicycle Parking (including visitor) (North Sydney DCP 2013)		

Control	Requirement	Compliance
Residential uses	Min. 189 spaces	Subject to detailed DA
Retail uses	Min. 4 spaces	
Office uses	Min. 23 spaces	
Childcare uses	Min. 3 spaces	
Total	243 spaces	
<b>Motorcycle Parking</b>		
Total	12 spaces	12 spaces
<b>End of Trip Facilities</b>		
Lockers	20	Subject to detailed DA
Shower and change cubical	2	

### 6.9.3 Traffic generation

The proposed development is likely to generate up to an additional 136 trips in the morning peak, 116 trips in the evening peak on a typical weekday and 98 trips on a peak weekend period. The adopted trip generation within the assessment is considered an overestimate of the likely demand when considering the adjoining site will be the future Sydney Metro Victoria Cross Station and the site is subject to maximum parking provision limit in line with the North Sydney DCP.

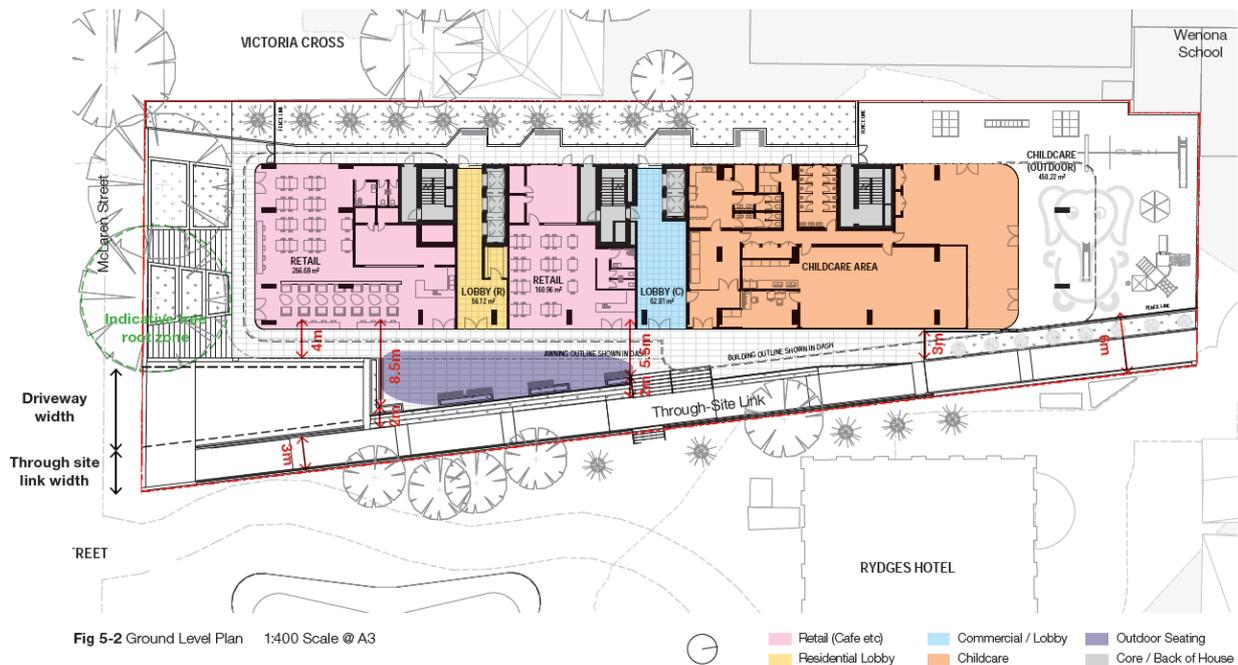
GHD conclude that each of the analysed intersections will have an acceptable Level of Service (i.e., better than Level of Service E) with spare capacity in both the weekday morning, evening weekday and weekend peak periods in the 2020 post-development scenario with road network operation being comparable to existing conditions.

### 6.9.4 Access

Access to the site is proposed via McLaren Street which aligns with the CPPS. The driveway is located on the straight sections of the road alignment with no permanent obstructions to the north to affect the visibility from the driver when exiting the site.

The proposal includes a through-site link in a north-south direction along the eastern side of the site which will provide pedestrians and cyclists access to and through the site. Level access is also provided at the south western corner adjacent to the Victoria Cross Station northern entrance.

Council, in its pre-lodgement comments suggested the driveway entrance be located as far west as possible to enable the widening of the through-site link. As is demonstrated in the diagram in Figure 40, there is limited space to accommodate the driveway and through-site link due to the location of the existing fig trees on McLaren Street and the need to retain a tree root protection zone.



**Figure 40** Configuration of driveway and through-site link

### 6.9.5 Green Travel Plan

A Green Travel Plan (GTP) has been prepared by GHD and is provided at Appendix K. The Plan establishes the framework, objectives, targets, structure and systems for an operational Green Travel Plan for the site and associated development.

For the proposed development, the target is to encourage future residents, staff and visitors to use sustainable transport options for commuting to and from the site. The development is well serviced by existing and future alternative transport options. In conjunction with the GTP, the different transport options will reduce car dependency and associated vehicle trip generation within the surrounding road network and provide healthier lifestyle opportunities for the community. A series of actions are recommended in the GTP related to public transport, walking and cycling and minimising car use. It also recommends the development of a Transport Access Guide to assist visitors and residents with available travel modes. The GTP recommends a Travel Plan Coordinator is appointed. Key responsibilities of the Travel Plan Coordinator would include:

- Coordinating implementation efforts
- Conducting surveys or other data collection processes to measure progress
- Communicating the travel plan to stakeholders
- Coordinating events to promote awareness of the plan and associated initiatives
- Coordinating marketing and promotional programs.

The GTP notes while it meets the requirements of the proposed development, additional measures should be in place at the detail design stage of the development.

### 6.10 Acoustic

An Acoustic Assessment has been prepared by GHD and is provided at Appendix J. The assessment outlines the legislative and policy requirements, including the requirements of Council, related to acoustic impacts from the proposed development which include noise impacts both to and from the proposed development.

The assessment includes a variety of in principle noise mitigation measures that should be considered in the detailed design of the development to mitigate the noise and vibration impacts on the proposed development. The measures include:

- locating habitable areas as far away from road/rail noise sources, where possible.
- less sensitive rooms (laundries, bathrooms, corridors etc.) should be placed on the noisy side of the building
- using non-sensitive or less noise-sensitive buildings as noise shields
- locating non-residential uses at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources
- use of podiums on lower levels to act as a shield to the higher residential receivers
- use of enclosed balconies (with openable glass/louvres) or winter gardens. Note that reflections from hard surfaces within the winter garden can sometimes increase noise levels. Absorptive materials should be installed to reduce reflected noise.

Where the above measures are not possible to include in the design, the following should be implemented as included in the ADG:

- limiting the number and size of openings facing noise sources
- providing seals for operable windows and doors to prevent noise transfer through gaps
- using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)
- Using materials with mass and/or sound insulation or absorption properties e.g., solid balcony balustrades, external screens and soffits.

Due to the level of construction currently occurring around the site, GHD was unable to undertake noise monitoring and has thus relied upon noise monitoring which was undertaken as part of the preparation of the Environmental Impact Statement for Sydney Metro City & Southwest Chatswood to Sydenham approval, as this is considered to be more reflective of the surrounding background noise levels.

Based on existing noise monitoring, GHD conclude that a reduction of between 31 and 34 dB is required to achieve the internal noise goals of the North Sydney DCP. At higher levels of the development, this may be higher due to exposure to busy roads surrounding the site. GHD recommend that consideration should be given to developing a 3D noise model later in the design process to determine reduction required for each façade/level.

A full summary of the noise emission levels for the proposal is provided in the acoustic assessment. The assessment recommends the following mitigation measures to ensure appropriate noise level emission on the site:

- where possible, selection of mechanical plant with low noise levels
- acoustic barriers / enclosures for any external plant, such as rooftop plant
- appropriate location of plant rooms away from sensitive receivers
- construction of plant rooms with high acoustic performing materials (i.e., concrete panels, solid concrete blocks)
- the installation of acoustic louvres where appropriate for plant rooms
- design of ductwork systems, incorporating the following where appropriate
- acoustic attenuators for exhaust / supply fans

- internal lining of ductwork
- duct outlets directed away from sensitive receiver locations.

In conclusion, it is likely that noise mitigation measures can be incorporate into the detailed design of the development to meet the noise emission requirements. It has also been recommended a full acoustic assessment is undertaken at the detailed design stage of the project to ensure that noise emissions from the site achieves the relevant noise emission requirements and provides specific noise mitigation measures.

## 6.11 Heritage

A Heritage Impact Statement has been prepared by NBRS Heritage and is provided at Appendix E. While the site itself is not listed as an item of local heritage significance in the North Sydney Local Environmental Plan (LEP) 2013, it is located in the vicinity of a number of locally listed heritage items and is in the vicinity of two Heritage Conservation Areas (HCA) listed below:

- “Simsmetal House”, 41 McLaren Street, North Sydney – Item No. I0889
- “North Sydney Council Chambers” including fountain in park adjacent to Council Chambers, 200 Miller Street, North Sydney – Item I0902
- “North Sydney Council Chambers” Wyllie Wing, 200 Miller Street, North Sydney - Item I0903
- “Shop”, 243 Miller Street, North Sydney – Item I0908
- “House”, 255-257 Miller Street, North Sydney – Item I0912
- “Wenona Girls School Group – Wenona”, (182 Ridge Street) North Sydney – Item I0989
- “McLaren Street Conservation Area” - HCA 19
- “Walker & Ridge Streets Conservation Area” – HCA 20

The proposal is considered to alter views from both Miller Street and Ted Mack Civic Park. However, NBRS note that the setting of these heritage items is already considered to be altered with the addition of existing and approved buildings including the new metro north building and the residential building at 168 Walker Street.

Notwithstanding the above, NBRS consider that the proposed changes to the setting of the heritage items are considered acceptable in this instance as the proposal is consistent with the heritage principles set out in the CPPS and the proposal does not adversely impact the appreciation or significance of the heritage items or conservation areas in the vicinity of the site. Specifically, the assessment notes that:

- the existing small scale buildings of historic character and mature tree plantings will be retained and conserved, there will be no change to the appreciation of the character of Miller Street, the park or the McLaren Street Conservation Area
- the retention of the two building forms in any future development application will reduce the scale of the development and avoids a solid ‘wall’ behind the item, also allowing sky views and sunlight through

- future detailed design, articulation of the form and fenestration combined with an appropriate material language in any future development can be developed, the principles for the design would include:
  - a podium form which acts as the backdrop to the item – its articulation, scale and materiality would read as secondary and recessive to the item in front.
  - the building portion would read as separate and above, to support the podium as reading as a backdrop to the existing low scale development along Miller Street.

NBRS note future detailed design, articulation and fenestration combined with an appropriate materiality can be adopted to provide a sympathetic backdrop for the nearby heritage item at 243 Miller Street.

## 6.12 Economic impacts

The proposed development at the 52 McLaren Street site will generate significant economic benefits for North Sydney and the surrounding regional area. A high-level summary of the economic benefits likely to be generated as a result of the project has been undertaken and includes the following components:

- A description of the approach and assumptions in which the analysis has been formed.
- Estimated number of jobs likely to be supported both during construction and on an ongoing basis once the building is complete and fully occupied.
- An estimate of the level of economic output (value-added) supported by the project.
- An estimate of the likely level of additional retail expenditure supported as a result of the uplift in both the resident and worker population at the site on completion.
- Headline summary of other economic benefits likely to result from the project, including alignment with North Sydney Council objectives such as the North Sydney Economic Development Strategy.

### 6.12.1 Approach and methodology

The approach underpinning this benefit summary is based on accepted methodology used in economic impact assessments and takes into account existing benchmarks along with information about the project as provided by Sydney Metro. Information used in this analysis includes:

- Development description sourced from GHD.
- City of Sydney Floor Space and Employment Survey, 2017.
- Education and Care Services National Regulations.
- ABS National Accounts: Input-Output Tables 2019/20

The following assumptions have been made in preparing this assessment:

- Employment estimates take into account a fully occupied development.
- Estimated capital costs of construction are estimated at \$80 million and relate to direct construction costs only.

For the purposes of this assessment, City of Sydney LGA averages have been adopted as proxies for the workspace ratios at the proposed 52 McLaren Street project.

- The City of Sydney undertakes a floorspace and employment survey every five years, with the latest results from the 2017 survey released in early 2019. This survey collects data from businesses on employment numbers and floorspace use across the City of Sydney Local Government Area (LGA). Specifically, the data collected produces a

workspace ratio that represents the average provision of floorspace provided for each worker on a per square metre basis across each key property sector. City of Sydney Floor Space and Employment Survey results of the floorspace provision per worker across the City of Sydney LGA indicates the following workspace ratios:

- **Office:** 14.2m<sup>2</sup> per worker with an average workspace ratio of 10.1m<sup>2</sup> per worker for open-plan and partitioned office space
- **Retail:** 30.2m<sup>2</sup> per worker
- For childcare, employment ratios have been calculated from benchmarks used by the Education and Care Services National Regulations for childcare in Australia. This includes:
  - 1 child per 3.25m<sup>2</sup> of indoor space
  - 1 educator (worker) for every 5 children aged between 24-36 months.

Projections take into account total employment and economic benefit based on completion of the project, rather than the net gain associated with the redevelopment of former existing facilities on the site.

### 6.12.2 Input-Output modelling

Economic impacts associated with the proposed development have been prepared with input-output modelling undertaken with reference and compliance to best-practice guidelines.

Input-output tables are a 'map' of the economy that track the flow of products, services, and payments through the many industries, households, government organisations and foreign transactions that make up the Australian economy.

Every industry requires inputs from many other industries, plus the inputs of workers and machinery and equipment to produce output. Input-output modelling uses averages derived from the ABS Input Output Tables to estimate the impact on all industries when one industry expands its production. The modelling used in this report is based on the 2019/20 ABS National Accounts release.

As with all economic models input-output models include a number of limitations, which include the following inherent assumptions: unlimited supplies of all resources including labour and capital, prices remaining constant, technology is fixed in all industries, and import shares are fixed.

Having regard for these limitations, the modelling used for the purposes of this assessment applies the **Simple Multiplier effect** measure. The Simple Multiplier effect measure estimates the expansion of other industries required to support the initial (direct) increase in the original industry; and does not include the additional impacts of extra wages and employment income being spent across the economy (spill-over effects).

Use of the **Simple Multiplier effect** measure is in-line with best practice industry standards and reflects a conservative position. Results from the modelling should be interpreted as indicative of the potential impact the project will have on the Australian economy.

The modelling provides estimates of the following economic benefits as a result of the project:

- **Construction Employment** - direct construction job-years supported by construction of the development and indirect job-years supported across all other industries over the construction period.

'Job-years' is defined as the number of full-time equivalent (FTE) jobs supported over the construction period. i.e., if construction is over 10 years, 100 job-years is equivalent to 10 FTE jobs per year. Job years only applies to construction employment.

- **Ongoing Employment** - direct and indirect FTE jobs supported by the ongoing operation of the project annually.
- **Value Added** - direct and indirect value added generated during the construction and operational phase of the project.

Value Added is defined as the wages, salaries and supplements plus gross operating surplus (income earned by businesses) required in producing the extra output (construction investment and operating output/turnover). This represents the standard measure of economic contribution, that is, the increase in economic activity as measured by gross domestic product (GDP).

Estimates of the economic benefits of the proposed development will be realised across the national economy, given the scale and diversity of the New South Wales economy, a large proportion of these benefits will be realised locally. The benefits have been prepared for:

- **Construction Phase:** Economic activity during the construction phase of the project which will be spread across the construction program.
- **Operational Phase:** Ongoing economic activity once the project is completed.

### 6.12.3 Employment Impacts

#### Construction employment

While construction costs are yet to be determined, for the purposes of this analysis it is estimated that the level of capital investment required to realise the proposed development will be in the order of \$80 million. This estimate is based on the preliminary concept plans and relevant construction cost benchmarks sourced from Napier and Blakeley.

Based on an estimated construction cost of \$80 million, the construction phase is expected to directly support employment of 110 job-years and deliver a direct value-add to the economy of \$17.3 million.

When the multipliers are taken into account, total state-wide economic effects over the construction program are forecast to be employment of 470 job-years and a total direct value-add to the economy of \$65.1 million.

**Table 15 Direct and indirect jobs during construction**

	Construction phase (spread over construction period)		
	Direct	Indirect	Total
Output (\$M)	\$80.0	\$117.9	\$197.9
Employment (job-years)	110	360	470
Value Added (\$M)	\$17.3	\$47.8	\$65.1

Source: ABS, National Accounts 2019/20; Ethos Urban Research  
 Job-years - Number of FTE jobs supported over the construction period. i.e., if construction is over 10 years, 100 job-years is equivalent to 10 FTE jobs per year.

## Ongoing employment

Economic benefits associated with the ongoing operation of the 52 McLaren Street project once complete and fully occupied have been based on estimates of the level of supportable employment for the various uses incorporated in the proposed scheme. Ongoing employment at the 52 McLaren Street project is estimated using the following benchmarks and summarised as follows:

- **Commercial:** one worker for every 14.2m<sup>2</sup> of commercial floorspace.
- **Retail:** one worker for every 30.2m<sup>2</sup> of retail floorspace.
- **Childcare:** Estimated by calculating the number of placements at one child per 3.25m<sup>2</sup> (*National Regulations for Childcare*). At this rate, the proposed centre could support 142 children at any given time. The National Regulations further outline an educator to child ratio of one worker per five children for children aged 24-36 months. This equates to a workspace ratio of one worker per 16.2m<sup>2</sup> of childcare Gross Floor Area (GFA).

Based on the above, (and with an assumption of a GFA to GLA efficiency of 80% across the proposed commercial and retail uses), on completion of the proposed development, the ongoing operation of the project is expected to deliver the following (direct) benefits: FTE employment of ongoing 220 jobs and direct value-add to the economy of \$28.1 million per annum.

When the multipliers are considered, total ongoing economy-wide effects are estimated at: FTE employment of 380 jobs supported and a total direct value-add to the economy of \$49.3 million per annum.

**Table 16 Estimated ongoing jobs**

	Operational phase (annual)		
	Direct	Indirect	Total
Output (\$M)	\$53.5	\$42.5	\$96.0
Employment (FTE)	220	160	380
Value Added (\$M)	\$28.1	\$21.2	\$49.3

Source: ABS, National Accounts 2019/20; Ethos Urban

Note: Based on a development including 2,573m<sup>2</sup> of commercial, 427m<sup>2</sup> of retail and 460m<sup>2</sup> of childcare floorspace

### 6.12.4 Increased retail expenditure activity

An increase in the local population at the site through additional workers and residents will likely result in increased retail expenditure available in the local area.

Over the longer term the development will support a number of additional residents on site through the delivery of 172 residential apartments. Adopting the average household size for North Sydney of 1.97 (ABS 2021), the development of the 52 McLaren Street site could support an estimated 339 residents at full occupancy.

Spending per capita on retail items by residents in North Sydney is typically in the order of \$23,110 each year (*Marketinfo*). Accordingly, at 339 new residents at the site, a total of around \$7.8 million in additional retail expenditure could be generated each year (**see Table 17**). This would include spending on food, liquor and groceries, food catering, non-food items and services. Overall, the increase in retail expenditure from new residents will benefit the local and regional community, providing additional activity and directing a substantial amount of retail expenditure towards local operators.

In addition to the above, the additional 220 workers at the site will direct additional retail expenditure towards local businesses before and after work as well as during lunchtimes. This

will include a high proportion of food-related purchases such as take-away, cafés, restaurant dining as well as convenience based retail needs including groceries and retail services. Assuming that workers spend an average of \$15 per work day on local food and beverages near their place of work, this would result in an increase in annual spending at local businesses of up to \$500,000 per annum (based on an estimated three (3) days at the site per working week).

A breakdown of estimated retail expenditure is shown in **Table 17** below.

**Table 17** Estimated additional retail expenditure

Total resident expenditure		Total worker spending		Total retail expenditure per year (\$)
Number of residents	Total retail expenditure pa (\$)	Number of workers	Total retail expenditure pa (\$)	
339	\$7,831,000	220	\$500,000	<b>\$8,331,000</b>

Source: Ethos Urban, Marketinfo, Profile, id  
 Note: Figures Rounded

**Other economic benefits**

The proposed 52 McLaren Street project would result in an overall net community benefit, with a summary of key benefits likely to result from the project throughout the local and regional community including:

- Support the role of the North Sydney CBD as a key commercial office precinct in Sydney, and one of the largest metropolitan office markets by adding +2,573m<sup>2</sup> (GFA) of high quality, modern office space.
- Contribute to the transition of the North Sydney CBD into a live, work, play environment, through the provision of a modern, high quality and activated mixed-use development in a highly accessible location in North Sydney.
- Support economic growth and development at a critical time, with potential for the proposed development to contribute meaningfully to the recovery of the local community through this period of economic recovery.
- Contribute to the growth and evolution of North Sydney as a community and worker destination within broader metropolitan Sydney. The project will present a viable destination for the community and workers into the future by delivering a modern residential community and office space.
- Contribute to the growth of the night-time and weekend economy by supporting additional residents within a highly assessable location who will enhance activation for extended hours at the edge of the North Sydney CBD.
- Increase retail expenditure by local residents as well as workers at the site each day on completion, enhancing business growth and employment opportunities for local retailers and other businesses.
- Provide additional public access and public space on the activated ground floors and include additional retail facilities that will enhance the vibrancy within this part of North Sydney, both during, and after, traditional working hours.

- Provide childcare facilities within a highly accessible, integrated resident and worker environment, providing increased access to childcare services for the 12.4% of North Sydney LGA households with young children.
- Support the objectives of the North District Plan, North Sydney Council Local Strategic Planning Statement and the North Sydney Economic Development Strategy which seek to provide the following (of most relevance to the proposal):
  - Provide housing supply, choice and affordability with access to jobs, services and public transport.
  - Grow a stronger, more globally competitive North Sydney CBD
  - Encourage new A-grade office stock and the refurbishment of existing office stock
  - Improve amenity of centres for workers
  - Improve accessibility to all commercial, mixed-use and neighbourhood centres
  - Increase residential population in appropriate areas to support centres role and function

In conclusion the 52 McLaren Street project will generate a range of economic benefits in the form of additional employment and value added benefits to both the local and regional economy as well as the surrounding community.

### **6.13 Preliminary consideration of social issues**

The development at the 52 McLaren Street site has the potential to generate significant social benefits for North Sydney and the surrounding area.

A preliminary analysis of the potential social benefits and issues arising from the planning proposal has been undertaken. However, it is noted that this does not constitute a comprehensive social impact assessment, as per the NSW DPIE Social Impact Assessment (SIA) Guidelines (July 2020).

Social issues and benefits arising from the planning proposal may include:

- improvements to way of life and daily living routines associated with new and improved housing and employment opportunities close to social infrastructure and convenient public transport connections to the Sydney CBD and other employment centres. Housing and workplaces delivered in highly accessible locations have the potential to reduce travel times and improve convenience for workers and residents
- improved housing choice within North Sydney, to meet forecast population growth. The delivery of new housing opportunities at this site aligns with state and local government strategy directions which aim to facilitate the delivery of new and diverse housing in areas well connected to public transport, employment opportunities and social infrastructure
- improved accessibility of employment opportunities at this site. The Planning Proposal would result in 220 jobs at the site. The delivery of employment opportunities at this site will support the competitiveness of North Sydney CBD as a key commercial office precinct in Greater Sydney, while connecting local workers with opportunities to improve their skills and incomes

- maximising the social benefit of the new Victoria Cross Station. The site is located at the northern entrance to the new Victoria Cross Station. Transforming this site into a high-density mixed-use development will increase the density of activity and number of jobs in proximity to this station, which will deliver on the vision of integrated land use and transport planning and a '30-minute city', where jobs, services and amenity are easily accessible. It would also increase pedestrian activation and accessibility of the site from residents, workers and commuters
- improved access to early education and childcare services, in a location close to public transport, workplaces, housing and social infrastructure (including Wenona School). The planning proposal will deliver 450m<sup>2</sup> internal and 450m<sup>2</sup> external childcare floor space, offering new childcare places to support the worker and residential population of North Sydney CBD. Access to early education and care services is critical to the development of children's long-term mental, physical and emotional health
- improved pedestrian permeability and connectivity associated with delivery of a through-site link connecting McLaren Street and Elliot Street. It is a Council priority to enhance the flexibility and capacity of public spaces throughout the North Sydney CBD, so that they can be used by workers, residents and visitors, and for a range of cultural and entertainment activities. Improved through-site links also provide a more walkable network for pedestrians throughout North Sydney CBD, including to and from Victoria Cross Station.

The social issues and benefits listed above are preliminary but indicate that the overall long-term impact of the planning proposal is likely to be positive.

A more comprehensive SIA is recommended to be undertaken at development application stage.

## 6.14 Airport operations

A review of airspace implications has been prepared by GHD Woodhead and is provided at Appendix G. The report outlines the impact of the proposed development on the airspace over North Sydney and on aircraft flight operations at Sydney Airport.

The report outlines the elevation of the Outer Horizontal Surface of the Obstacle Limitation Surfaces (OLS) for safeguarding the Sydney Airport airspace over the North Sydney LGA is 156 metres Australian Height Datum (AHD). As the maximum height of the proposal does not exceed 156 metres AHD, the structures are not considered to rise above the Outer Horizontal Surface for Sydney Airport and neither proposal would therefore constitute a violation of the protected airspace as far as the airport's OLS are concerned. It confirms that the maximum obstacle elevation for the Sydney Airspace north of the airport is 335.3 metres AHD which will allow for sufficient height above the site for the temporary use of construction cranes. The review outlines that a separate application for the temporary erection of construction cranes will need to be sought from Sydney Airport.

## 6.15 Public benefit

As outlined in this report, the planning proposal is expected to deliver significant public benefits including new housing and employment in an accessible location, new community floor space, the delivery of the last section of a through-site link through the middle of the North Sydney CBD and a significant investment in the local economy.

Sydney Metro has provisioned for the future delivery of these public benefits as demonstrated in the concept scheme and intend to enter a Voluntary Planning Agreement (VPA) with Council. The VPA will dictate the extent of construction works to be delivered but would include a formal offer to:

- provide 900m<sup>2</sup> (450m<sup>2</sup> indoor and 450m<sup>2</sup> outdoor) space on the ground level to provision for a future childcare centre to be delivered by Council. This also includes the dedication of six car spaces in the basement level and dedicated lift access;
- the provision of a three-metre wide through-site link along the eastern boundary of the site. This space is to include landscaping, seating and integrated with the podium uses; and
- provide affordable housing based on 5% of residential gross floor area to be managed by a Community Housing Provider for a minimum of 10 years.

In addition to the above it is noted that any future development occurring on the site would also be subject to developer contributions which would further contribute to other community facilities and open space within the local government area.

## 7 Project timeline

An indicative timeframe for the planning proposal is outlined in **Table 18**. However, it is noted that these are estimates only and the actual timeframes will depend on both Council's and DPE's assessment timeframes and work commitments.

**Table 18** Indicative project timeline

Stage	Timeframe
Council decision	11 Dec 2023
Gateway determination	22 Mar 2024
Commencement and completion of public exhibition period	21 Oct – 2 Dec 2024
Consideration of submissions	Dec 2024 – Feb 2025
Post-exhibition review and additional studies	15 Nov – 8 Dec 2024
Council meeting	Jan/Feb 2025
Submission to the Department for finalisation	Feb 2025
Gazettal of LEP amendment	Q2 2025

## 8 Conclusion

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This planning proposal is submitted to North Sydney Council seeking amendments to the North Sydney LEP 2013. The planning proposal seeks to introduce new maximum height of buildings, maximum FSR and minimum non-residential FSR development standards for the site, unlocking additional employment and residential generating floor space, consistent with the vision and intent of the CPPS.

Specifically, the following amendments are sought:

- amend the maximum building height from RL 110m to part RL 107m and part RL 156m
- apply a maximum FSR of 5.3:1 on the site
- amend the non-residential FSR from 0.5:1 to 1:1.

It also proposed that a site-specific DCP would be prepared which would contain controls relating to the design and location of the through-site link and building setbacks.

The planning proposal is justified for the following reasons:

- the proposal is consistent with the objectives of the EP&A Act, in that it promotes the orderly and economic use and development of land
- the site has been cleared and will not be required once construction is complete of the metro station. There is strong site and strategic merit to reimagine the site and capitalise on its location within the North Sydney CBD adjacent to the Victoria Cross Station north site.
- Council recognises the strategic importance of the site and identified the site in its CPPS. This planning proposal supports the CPPS and Council's vision for the site by:
- providing a pedestrian DDA compliant through-site link on the eastern side of the site
- providing envelopes for 8 and 24 storey buildings on the site which provide an adequate transition into the North Sydney CBD
- providing 900m<sup>2</sup> of childcare/community floorspace extending over a single floor
- the proposal can meet the design criteria of the Apartment Design Guidelines
- the proposal will deliver preferable outcomes when compared to development that complies with current planning controls in respect of overshadowing and view retention
- any environmental impacts associated with the development can be appropriately mitigated
- the proposal is consistent with the applicable planning framework and Ministerial Directions.

In light of the above, we would have no hesitation in recommending that the planning proposal proceed through the Gateway to public exhibition.