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O/N H-1014465

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH NORTH SYDNEY COUNCIL**

**RE:           REQUEST FOR GATEWAY DETERMINATION REVIEW  
              OF MCLAREN STREET, NORTH SYDNEY**

**PANEL:                               CHRIS WILSON  
  WENDY LEWIN  
  ALAN COUTTS**

**ASSISTING PANEL:                 MATTHEW TODD-JONES**

**COUNCIL:                           MARCELO OCCHIUZZI  
  JENNIFER LAWLEY  
  EMMA BOOTH**

**LOCATION:                           IPC OFFICES  
  LEVEL 3, 201 ELIZABETH STREET  
  SYDNEY, NEW SOUTH WALES**

**DATE:                               11.30 AM, WEDNESDAY, 10 APRIL 2019**

MR C. WILSON: Good morning and welcome. Thank you for coming. Before we begin, I would like to acknowledge the Traditional Owners of the land on which we meet and pay my respects to their Elders past and present. Welcome to the meeting today on the Gateway determination review request for a planning proposal seeking  
5 to amend the North Sydney LEP 2013 in relation to 41 McLaren Street. The proposal seeks to amend the LEP by increasing the maximum building height from 100 metres AHD to 226 metres and increase the minimum non-residential floor space ration from 0.5 to 1 to 3 to 1.

10 My name is Chris Wilson. I'm the chair of this IPC panel. Joining me on the panel is Wendy Lewin and Alan Coutts. The other attendee is Matthew Todd-Jones from the IPC Secretariat. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded, and a full transcript  
15 will be produced and made available on the Commission's website. This meeting is one part of the Commission's process in providing advice. It is taking place at the preliminary stage of this process and will form one of several sources of information upon which the Commission will base its advice.

It is important for the commissioners to ask questions of attendees and to clarify  
20 issues whenever we consider it appropriate. If you're asked a question and you're not in a position to answer, please feel free to take it on notice and provide any additional information in writing, which we will then put on our website. Thank you. We will now begin. So we started the last – we just – the applicant's – we saw the applicant before you. We asked the question basically of why they thought their  
25 proposal had strategic and site-specific merit, and I guess we will ask the reverse of you guys – we want to make sure we were consistent – as to why you don't think it has strategic merit and site-specific merit. Yes.

MR M. OCCHIUZZI: Okay. I might answer that one. And the - - -  
30

MR WILSON: Thank you.

MR OCCHIUZZI: The presentation, which is a relatively 12 or 15 minute - - -

35 MR WILSON: Sure.

MR OCCHIUZZI: - - - presentation was really going to try and address that in a more holistic way, but in a shorthand manner, I suppose, the council invested significant resources of time - - -  
40

MR WILSON: Yes.

MR OCCHIUZZI: - - - in preparing a master plan. This submission was made during the preparation – fairly late stages of the preparation of the master plan and  
45 we see this as, I suppose, an undermining of good progress, of good holistic planning, of stakeholder involvement, consultation and reaching an outcome that

meets as many objectives as possible. So in that sense, the – in a process sense, the application has kind of jumped the barrier a little, but in a more specific sense, and we will go through it, the master planning that's been done for the precinct is largely premised on solar access of newly created areas of open space. That probably is our  
5 most telling objection to the proposal, and the – so there's a solar access component on public open space that is in dire need in the North Sydney Centre. We've got a real paucity of open space, and this proposal, in a holistic sense, is trying to utilise the land ownership of council, being their car park, to really, I suppose, negotiate really good outcomes on the ground.

10 MR WILSON: Yes.

MS J. LAWLEY: It might take a few minutes.

15 MR OCCHIUZZI: Yes. Yes.

MR WILSON: Sorry. Okay. Yes.

MR OCCHIUZZI: That's okay. We could have maybe sent it prior.  
20

MR WILSON: Do you have a copy of this?

MS LAWLEY: Yes, that's the - - -

25 MR WILSON: A spare one that we could talk to, or – it's going to come up on the screen, so it doesn't matter. That's okay.

MR OCCHIUZZI: We can certainly leave – well, we will leave you a copy, because I think it's required.  
30

MR WILSON: Well, yes, we will have to put it .up... anyway. So just while we're waiting for that, maybe we can ask a couple of questions.

MR OCCHIUZZI: Sure.  
35

MR WILSON: Just in terms of the status of option 2 of stage 2 - - -

MR OCCHIUZZI: Yes. So that was reported up to the council meeting of 25 February – correct me if I'm wrong.  
40

MR WILSON: Yes.

MR OCCHIUZZI: Unfortunately, the council deferred that decision. We had expected it to sail through. There was various councillor workshops and briefings prior to that meeting. The folks at 45 McLaren Street made strong representations on the night.  
45

MR WILSON: Okay.

MR OCCHIUZZI: And, really, on the basis of that site, that the matter was deferred and we're – we will be reporting it up to the council meeting of – probably unlikely  
5 April because of the leading times, but May, it will be reported up, specifically  
addressing the issues raised by the folks at 45 McLaren Street, which is that corner  
site.

MR WILSON: Yes, yes, no, I understand which site it is. Okay. All right. And  
10 that's the primary reason it was deferred?

MR OCCHIUZZI: That's really the only reason it was deferred.

MR A. COUTTS: So what's council's expectations of its officers in terms of  
15 reporting back?

MR OCCHIUZZI: So we had hoped to get the report to the April meeting.  
However, there was a meeting of the representatives at 45 McLaren Street, their  
planning consultant, with the mayor and council staff fairly recently. There was an  
20 opportunity given to the planning consultant to make any additional submissions,  
which has only just been received last week. So it's a relatively lengthy submission,  
so we will need to formulate a position on it.

MR COUTTS: So the applicant's basically made another submission - - -  
25

MR OCCHIUZZI: That's right.

MR COUTTS: - - - to you to consider their development as part of your master  
30 plan.

MR OCCHIUZZI: That's right. That's right. So when the master plan – stage 2  
master plan was placed on public exhibition, there were two options. If we're talking  
specifically about 45 McLaren Street, the first option had no development potential.  
The second option, or the other way around, had reasonably significant development  
35 potential. Their submission simply said, "We prefer this option", without really  
elaborating on the reasons why. They were – perhaps the recommendation was  
unexpected to them, so they have come back now and sought to make – and now  
subsequently made a fresh submission, which we will work through and report back  
up. So from my perspective and our perspective, the purpose of the additional report  
40 is really to focus in on the development potential of that - - -

MR WILSON: Yes, no, sure. That's okay. But they have – there's nothing in the  
system in relation to that site. It's just purely a submission to the master plan.

45 MR OCCHIUZZI: That's right. Yes.

MR WILSON: Yes.

MS LAWLEY: Can the mouse – when we click through, can we bring that - - -

MR WILSON: Yes, you can bring it all. Yes.

5 MS LAWLEY: Okay.

MR OCCHIUZZI: I will work through – in the context of that conversation, I will work through this a little bit more quickly - - -

10 MR WILSON: Yes.

MR OCCHIUZZI: - - - hopefully. Okay. So this presentation will cover a lot of that Ward Street master planning process that we've gone through. It will cover, briefly, the North District Plan targets without, hopefully, boring you, the finalisation  
15 process, the CBD Public Domain Strategy, which has been exhibited and will be reported back to council soon, but it's been – it's out there and it gives – it provides some context, the public benefits that we're seeking to achieve out of the master planning process, the assessment of the actual 41 McLaren Street proposal. So in – it's going to be one of those days, I think.

20

So in terms of the principles, as I say, we started this process – as you see at the bottom of the page there, we started the process in 2015 with what we're calling stage 1 of the master planning process. That was exhibited through 2016. We received really good submissions, including from Architectus, on behalf of their  
25 clients for 41 McLaren Street, as well as others that really highlighted some inadequacies, I think, in the stage 1 master plan. So we moved on, appointed Hassell to help us through that stage 2 process with the submissions made to really refine the master plan, and hoping for endorsement in the very near future.

30 But, at its core, the master plan tries to maximise the benefits arising out of the Metro arrival in 2024. It seeks to exhibit pedestrian core. The pedestrian environment in North Sydney is quite poor, and it really needs a good sort of shake up. This block provides the opportunity of providing pedestrian access from North Sydney Station, the existing station, right through to St Leonards Park. We are hoping out of this  
35 process to enhance public space. Again, a real paucity of open space throughout North Sydney, particularly that's in public ownership.

We're hoping to establish a hub for public life. So it's not just about development or open space. It's about community facilities and how that interacts with the private  
40 domain, as well as strengthening the commercial centre. Just quickly, the submissions that we received in response to the most recent exhibition were very good.

45 They were very detailed, very well considered, by and large, and, overwhelmingly, they were quite positive. But – and we will come to why we favoured option 2 out of the process, and there were significant concerns expressed that the scale and the

density towards the northern part of the precinct were of concern to many of the local stakeholders. So we've moved onto the finalisation of the master plan.

5 Just quickly, in terms of the North District planning targets, North Sydney has a target of between 15,600 and 21,000 additional jobs by 2036. That's a fairly big load to carry, we acknowledge that, in a quite a highly constrained CBD environment. The master plan identifies a growth of around about four and a half thousand to over 5000 additional jobs once completed representing 92,000 to 110,000 square metres of floor space.

10 That's the commercial targets, and that's what we're really focused on in the CBD simply because there is a real lack of space to work with unlike other CBDs. In terms of residential targets – and we're talking, of course, about a largely residential building – we've got a target of 3000 dwellings to 2021. We've got confirmation  
15 from the Greater Sydney Commission that that target will be met. I've got that in writing.

The Ward Street Precinct is a very dense environment. It accommodates almost 1000 dwellings right now, and we will finalise our strategy for the five to 10-year  
20 movement of people and the target through our local housing strategy which is a requirement of the Greater Sydney Commission. So that work is – will be completed this year, and we've signed a contract, essentially, with the Department of Planning – sorry – yes, the Department of Planning to have that work completed this year.

25 So just in terms of the key details of the master plan, probably the key parameter or characteristic of the master plan is the creation of a large and very flexible area of open space about five and a half thousand metres, importantly, open to the sky. There were previous discussions around whether we could create, you know, undercroft areas and so on, but it's an important component that it's open to the sky  
30 in a dense environment, creating premium great offices right to the Metro Station which will arrive in 2024, creating a neat street environment directly off Berry Street. And this relies and depends on, in terms of amenity, uplift of 41 and 45 McLaren Street not really eventuating over this process.

35 MR WILSON: Sorry. Sorry. Say that again.

MR OCCHIUZZI: So the real - - -

MR WILSON: Are you saying it can't be delivered if those – if there's uplift on those two sites? Yes?

40 MR OCCHIUZZI: In terms of amenity. It can be delivered. It can be built. Of course, physically it can be built.

45 MR WILSON: That's overshadowing, basically, is it?

MR OCCHIUZZI: Correct. Overshadowing and as – we’ve got a couple of graphics there – a visual amenity as well, as you’re moving through the space.

5 MR WILSON: Okay. Can I just get a sense of the size of that? It’s difficult just looking at all these documents. What could I equate five and a half thousand square metres of open space to? What size is a football field?

MR OCCHIUZZI: We’ve got a graphic - - -

10 MR WILSON: Sorry. I know it’s a silly question, but - - -

MR OCCHIUZZI: Sorry. I will - - -

15 MS E. BOOTH: No. It’s - - -

MR WILSON: - - - I’m just trying to - - -

MS BOOTH: Yes.

20 MR WILSON: - - - conceptualise how big this open space is.

MS BOOTH: Maybe that picture, the one that’s coming up, might give you a feel for it because it shows our existing – sorry. Go back.

25 MS LAWLEY: So the central square itself will be over 50 metres long by over 40 metres deep. So it’s a sizeable public square suitable to - - -

MR WILSON: Half the size of a football field.

30 MR OCCHIUZZI: Half of – half the size. Yes. I was - - -

MR COUTTS: Half size of a football – thank you.

35 MS LAWLEY: Yes.

MR COUTTS.....1: .....

MR .COUTTS.....2: .....

40 MS BOOTH: You can see from this map - - -

MR COUTTS: Three .....

45 MS BOOTH: - - - sort of how it compares to the existing publicly accessible space in our CBD at the moment. If you know North Sydney - - -

MR WILSON: Which is – yes, which is limited.

MS BOOTH: - - - Brett Whiteley Place is right in the centre there: that yellow rectangle. Thanks, Jen. That's probably our main civic space at the moment. So you can sort of see comparably how much bigger this new open space would be, and the reason that we are able to deliver that is because it's a council asset with the car park being rejuvenated.

MR COUTTS: And you can't deliver that space if the - - -

MR WILSON: Not in the same size - - -

MR COUTTS: You can deliver the space but not - - -

MR OCCHIUZZI: We've got - - -

MS BOOTH: Unless it's overshadowed.

MR OCCHIUZZI: Yes. We've got - - -

MR WILSON: Yes.

MR COUTTS: So you can still deliver the space, but it would be - - -

MS BOOTH: Low amenity.

MR COUTTS: - - - impacted.

MS LAWLEY: Yes. Which we've got some more - - -

MR WILSON: Diminished in amenity.

MS LAWLEY: We've got some more visual renders to show you.

MR OCCHIUZZI: So I think the important thing about this is the context of that open space in terms of available open space, and I think we were talking earlier about around about 30 per cent of that open space is actually in public ownership. We rely on things like Greenwood Place to deliver sort of the function of open space on a private setting. So in the context of all of that, the – not only the size but the configuration is important, and we will talk about that why in a moment, but in the context of growth within – significant growth within the CBD, we think that we will need around about 16,000 square metres of additional open space just to retain the square metres per person type ratio, which is not high, at the - - -

MS BOOTH: And I would like to just emphasise that the North District Plan, one of the key directions for North Sydney CBD, is to deliver high-quality open space to support the future working population of the CBD.

MR OCCHIUZZI: So in a little more detail – and I will preface this with the – I suppose, the fact that we haven't done any detailed design work around the open space. It's a framework. It's a set of ideas, and the next phase of detailed planning, detailed design will come after the council adopts the master plan, but we're seeing  
5 sort of three components of open space. A slightly more intimate space up here with the potential for it to be more green, and sort of the look and feel of it you kind of get a notion from these sorts of graphics.

10 A much bigger space that Jen just talked about, which provides the council really with the only opportunity of providing event-type occurrences. It's a flat piece of space, reasonable solar access – not fantastic, but reasonable, particularly in the morning, and highly activated by what we're hoping to achieve through here, which is the knowledge hub and a multipurpose-type facility and then an eat-street environment coming up just directly off Berry Street, and importantly, this smaller  
15 space here created by the built form embellishes the existing Berry Square on the southern side.

So this is just honing in on that large open space. So the dimensions, Jen, were 40 by 50. Quite flat environment – again, perhaps not pay too much attention to the design  
20 – just a set of ideas at this stage – and will provide the opportunity for events that we really, as a council, struggle to grab much attention because the main space that we use at the moment is Brett Whiteley Place, which is highly challenged by slope and cigarette butts.

25 MS W. LEWIN: Is that the substation just - - -

MR OCCHIUZZI: That's right. So that's a flat wall which is, on the one hand, challenging. There's also some opportunities with, you know, some creative use of that flat space. It's a brickwork finish, and there can be all sorts of artwork - - -  
30

MS LEWIN: Its - - -

MR OCCHIUZZI: - - - food-truck-type environments.

35 MS LEWIN: Yes. Its height?

MR OCCHIUZZI: Sorry?

MS LEWIN: The height.  
40

MR OCCHIUZZI: It's about four storeys.

MS LAWLEY: Yes. It's - - -

45 MS BOOTH: It's quite modest.

MS LAWLEY: It's modest, but it's also been quite well-designed. We don't see it as a hindrance to the space. We see it as a canvas for the space as well. You'll see in some other renders we've put together some ideas. It's actually a face brick. It's actually well-conceived and well-built, given that it's actually buried in the middle of this precinct at the moment. So it's not a deterrent for us in terms of design.

MR OCCHIUZZI: And this is the slightly more intimate space to the northern part. The idea there is to activate it with a café or similar – a restaurant – as well as public facilities – toilets, that sort of thing – and some landscaping, and, importantly, that creates that channel, that provision for accessing the space towards the north.

MS BOOTH: Just to be clear, that's due south of the subject site.

MS LAWLEY: Yes. Which is - - -

MR WILSON: Yes. Yes. I appreciate that.

MR OCCHIUZZI: An important part of the – and something that we've received a lot of feedback from stakeholders – is the creation of this knowledge and cultural hub. As I said, it's not just about buildings and about, you know, creating more open space. It's about enlivening the place and providing opportunities for more civic-type activities. The council library is just a couple of hundred metres up the road, and it is absolutely chock-a-block.

We had a presentation just actually a few days ago from the staff there, and every time they put out a table it's like swarms of people attack it because it's – there's a real shortage of space, and there's all sorts of facilities as well as programs that are oversubscribed and very, very popular. So this is an adjunct to that. It's not a library. That's not the idea. It's more a kind of a tech environment as well a place to share, to meet and to have, you know, civic-type functions.

MR WILSON: Would there be parking associated with that?

MR OCCHIUZZI: There's a very active conversation happening with our councillors at the moment. The council has made - - -

MR WILSON: Giving up the car parks.

MR OCCHIUZZI: Sorry?

MS LAWLEY: Underneath the whole precinct there is – and it's included in the master plan details – there is parking provided, but we're very conscious to not add any more traffic to the precinct.

MR WILSON: Sure.

MS LAWLEY: So parking rates were based on that assessment.

MR WILSON: Okay.

MR OCCHIUZZI: Yes. And we've got to be mindful – we keep bringing people back to the fact that 2024 we've got a brand-new Metro just next door, which is  
5 across the road. We're really keen to ensure as many people catch the Metro, walk, cycle and use more kind of active forms of transport to create a better space, better environment. So, in short, just before – we will go into the specifics of 41 McLaren Street, but we think, in the context of all those things, that the proposal undermines the strategic work that we've been able to conduct over the last couple of years.  
10 There are adverse impacts not only on public spaces but also on residential development in the vicinity. We think it's contrary to some of the objectives, at least, of the regional and district plans, and it's inconsistent with the Ward Street Masterplan.

15 So this is a – I suppose, a useful – you've spoken with the applicant. This is a useful comparison side by side, particularly of the open space offering that the two schemes or the two proposals result in. So on the left-hand side is the Architectus proposal. So you can see the spaces are a lot more linear. We're really missing a big chunk of open space that's quite flexible, which we will be providing as part of the Ward  
20 Street Masterplan. The Miller Street civic spine there is something that's come out of the public domain strategy, and what's not clear when you're walking along Miller Street is that the – there's a lot of private land – sorry – what feels and looks like private land - - -

25 MR COUTTS: Is public land.

MR OCCHIUZZI: - - - is public land.

30 MR COUTTS: Unutilised public land.

MR OCCHIUZZI: That's right. So the boundaries created by landscaping and other small-scale structures sort of delineate that space as private. It's actually public, so there's an opportunity. And it doesn't come across all that clearly through here, but there's - - -

35 MS LAWLEY: Yes, that that's all part of the public - - -

MR OCCHIUZZI: - - - something like four metres or so of land that we can really work with to create that linear park, which I think is getting to sort of the thrust of the  
40 Architectus option. The council option is, in our opinion, much more flexible and much more solar access.

MR WILSON: So the fundamental difference between those two, I mean, taking the site at – excising the site for now that's the subject of our consideration, the  
45 difference – the fundamental difference between the two is really just the size of the open space.

MR OCCHIUZZI: That's right, yes.

MS BOOTH: And also what we're trying to achieve, I suppose, in site B, located at the bottom there.

5

MR WILSON: Okay.

MS BOOTH: Our key driver for this work is to deliver on State Government's district plan objectives, which is to deliver on the 15 to 20 thousand additional jobs that we have to deliver in the CBD.

10

MR WILSON: And you're relying on site B to do that, yes?

MS BOOTH: So with site B, under the Architectus scheme, you're delivering A-grade floor plate, but we've been able to manage to deliver a premium-grade floor plate which can support a significant height and increased GFA.

15

MR WILSON: But I guess what I'm saying is why can't they – and I'm just moving around there, but why can't they develop their site and you still – notwithstanding – putting aside the overshadowing, why can't you still achieve site B in your objectives? I'm just trying to work out – there's not much difference in the site configuration for - - -

20

MS BOOTH: I think when we look at the visual impacts it has and how it's dominating over the central square, we will have more of a discussion.

25

MR WILSON: Yes, no, but how does that affect site B?

MR OCCHIUZZI: I think you're right. It could be. You're quite right. If I suppose - - -

30

MR WILSON: Because we've just been asked to look at one and another – anyway, so that's all right, I'm just - - -

MR OCCHIUZZI: That's what's on the table before us.

35

MR WILSON: Yes, yes. Okay. Fair enough.

MR OCCHIUZZI: And I - - -

40

MS BOOTH: The quality of the space that we're trying to deliver is key in terms of solar access - - -

MR WILSON: I appreciate that.

45

MS BOOTH: - - - and visual access. It is a very different offer, what Architectus is putting forward.

MS LEWIN: Is it also important to have the connection through to Walker Street?

MS BOOTH: The McLaren – through to McLaren?

5 MS LEWIN: I'm sorry. Yes.

MS BOOTH: Yes.

MS LEWIN: Yes, yes.

10

MS BOOTH: Yes, that's a big point to discuss, actually, did you want to talk about  
- - -

MR OCCHIUZZI: Sorry, to Walker Street or to Miller Street?

15

MR WILSON: Miller Street. You mean Miller Street, don't you?

MS LEWIN: Sorry; Miller Street.

20 MR WILSON: Yes.

MS LEWIN: I beg your pardon.

MR WILSON: So you've got access, three-way access from the boundary.

25

MR OCCHIUZZI: Yes, so what we've done is identified site C as a potential development site. The discussions post the exhibition that we've had with the owners sort of indicate that it's sort of on the threshold of being feasible, so it's unlikely to go immediately or in the short term, but it's the – I suppose, the desire and the ambition of this plan to work with that site over time to achieve that connection, but there are other connections. It's just not shown through here. There are other connections back through to Miller Street.

30

MS BOOTH: So while we're on this picture, too, we might just point out that 41 McLaren's offer is that there is a sort of through-site linkup to McLaren on their property.

35

MR WILSON: That's their public benefit.. yes?

40 MS BOOTH: That's right. The Ward Street Masterplan has shown that we actually don't need it. It would be lovely, but we don't need it to achieve that through-site link, but there is the shared way just to the west of it, that one there.

40

MS LAWLEY: We've worked very closely with the landowners who own the laneway to ensure that it will be meeting our public domain guidelines in terms of its finishing and - - -

45

MR WILSON: The shared - - -

MS LAWLEY: - - - its vegetation.

5 MR WILSON: Shared – is it a shared vehicle pedestrian zone... or something similar, is it?

MS LAWLEY: Yes ..... a shared zone and it's about creating these open-sky laneway networks all through North Sydney that take you right from the train station  
10 right up to St Leonards Park. It's about an overall strategy that we're trying to employ throughout the city, so it's actually a very important link for us, and a big part of the masterplan is this connection here.

MR COUTTS: Presumably you connect from the ..... north all the way up to the top.  
15

MR WILSON: Yes.

MR COUTTS: If that's all empty green space.

20 MS BOOTH: That's what we're trying, yes, and it's part of a wider network across the whole city.

MR OCCHIUZZI: So this is some renders that we've come up with. Again, the zone, you know, up for grabs, no doubt, but the purpose of this is just to give you an  
25 idea about the impressions, walking through that space, so this is sort of starting your journey from Berry Street, heading up to the north towards 41 McLaren Street, and that highlights the visual, the shadow. You're not really picking up too strongly along here, but - - -

30 MR WILSON: So that's - - -

MR OCCHIUZZI: That's looking north, so the red building is the 41 McLaren building.

35 MR WILSON: Okay.

MR OCCHIUZZI: So just on the left-hand side you see those grey shapes, the three forms there is a recent-ish approval at 168.

40 MR WILSON: Yes, no, they're illustrated on that.

MR OCCHIUZZI: Yes, and that's a tall building. That's a very tall building.

MR COUTTS: So that's the vision, according to your masterplan option 3.

45 MR OCCHIUZZI: Yes.

MR COUTTS: And that's the vision on the right if you had, what .....

MS BOOTH: Yes, that's the impact of 41 McLaren.

MR OCCHIUZZI: Correct, correct, so – and just another – so this is the eat street, as we're calling it, coming up again from Berry Street, looking north. The – sort of  
5 the termination of that view with the 41 McLaren Street built form. Again, the design, obviously we are seeking to achieve as much activation and activity and engagement with the street between the buildings and the public domain, but it's a very strong feature of the built environment when you're terminating that view with a very tall building.

10 So moving on just to speak a little bit about the shadowing, this is looking from the southeast towards the northwest. The comparison at the spring equinox. Sometimes there's a compulsion to concentrate only on winter shadows, but I've kind of consistently said that it's often on the shoulders of the winter that people are actually  
15 looking for warmth and comfort, where you're getting out of that winter environment, so this is 11 o'clock, and you can see the very significant impact on that public space. There's a little bit more detail from a slightly different angle looking up from Berry Street. So 11.30 in the spring, that's the sort of shadow impact, and we go into perhaps too much detail here, but just to illustrate the point  
20 - - -

MR WILSON: No. To be fair to you, we got the same sort of detail from them, so we're happy to see this.

25 MR OCCHIUZZI: So this builds in, importantly, the 168 Walker Street proposal just north of this, so that builds in all those background shadows and all the shadows that have been approved and not yet built, so the darker tan colour there is the movement of the shadow, really starting to take hold from 10 o'clock in the morning right through until midday, and what I would say about this is that there sometimes  
30 can be too much focus on the lunchtime amenity, and that's of course important, and a lot of our planning documents reference that kind of planning outcome.

But, you know, more and more we're seeing people in offices getting out, conducting meetings at cafés, conducting meetings in public spaces, having informal meetings,  
35 get-togethers, at all hours of the morning, and it is an important component of North Sydney that solar access is really challenged, so we've got a lack of open space and we've got a lack of sunlit open space so, really, we're grabbing everything we can get our hands on.

40 MS LAWLEY: It's also for the residents as well.

MR OCCHIUZZI: Correct.

45 MS LAWLEY: Yes, not just – we're focusing on providing squares for students, residents, as well as the office workers. We have over 10,000 students arriving in North Sydney every day. So we're trying to consider everyone that could be using the space.

MR OCCHIUZZI: Yes, and it's, I suppose, important to remember as well, that it's not just commercial activities at the base of these buildings. You know, if we've got a community hub at the base of those buildings, there will be activity throughout the day, not just lunchtime. And in winter, the effect is slightly less, because the shadows are more elongated, but you can still see there the darker tan, particularly  
5 sort of from about 10.30 till just before midday probably, the impact is fairly significant. And, look, we're not talking about six or seven hours of impact, but we're talking about significant impact in an area – sorry, in a city that's already challenged from a solar perspective. So that's the solar, and so it's really the  
10 morning access to sunlight that we're talking about. We acknowledge and accept that after – in the afternoon, it's a challenge and it starts to be overshadowed in any case.

MR WILSON: Regardless.

15

MR OCCHIUZZI: Regardless.

MR WILSON: Yes.

20 MR OCCHIUZZI: So these diagrams give you an idea about ADG-type compliance. It's the ideal. This is a very challenging environment in terms of the density of the built form. Where, on the left-hand side, you see some of those buildings in the brown colours that have been approved, some are under construction – on the left-hand side, under construction. On the right-hand side, already built. So  
25 strict compliance with the separation requirements gets you to those lines on the map from the existing development perspective, and then from the potential or proposed development on the right-hand side. Again, strict adherence to all those ADG requirements.

30 So it's not ideal and certainly will be challenging, all of those ADG-type requirements, and we know that the Department of Planning Gateway determination did talk about amenity impacts – amenity to be addressed prior to exhibition. So it will be a challenge. One point as well that I would make is we're on – we're in a  
35 CBD that really has got some fairly high employment targets. Whenever you, I suppose, approve very tall residential development, you start to challenge new development from a commercial perspective. It comes along because existing residents will talk about loss of views and that sort of thing, and there is no doubt this building, if built, will enjoy beautiful views down to the harbour.

40 MS LAWLEY: You don't want to talk about the east-west - - -

MR OCCHIUZZI: Go on.

45 MS LAWLEY: I think it's worth noting that these condensed residential towers were approved because when they were doing all the planning reviews, all these living spaces, which face out over the east, there was an assumption made at the time that there will be no future development over a heritage site, and that we knew that

the Ward Street Masterplan and council asset – we didn't expect there to be any development on this site, and the approval process really took into account that the amenity of these apartments – good amenity could be achieved because they wouldn't be built out. I think that's a very important point to consider about the  
5 ADG satisfaction of those particular approvals.

MR OCCHIUZZI: Yes, we will talk about - - -

10 MR WILSON: Sorry, that's – is that 29 Miller – what's - - -

MS LAWLEY: Yes, we've got two - - -

MR OCCHIUZZI: It's 221 and 229.

15 MS LAWLEY: Yes. So the southern one is 221 Miller and then this one is 229.

MR OCCHIUZZI: So - - -

20 MR WILSON: So they were approved on the basis – what you're saying is they're approved on the basis that any development in the vicinity of those would struggle in relation to ADG and SEPP 65 requirements?

25 MR OCCHIUZZI: Yes. There was a reasonable expectation that there's a height limit of - - -

MS LAWLEY: A hundred - - -

MR OCCHIUZZI: - - - not very much higher than the building is now - - -

30 MR WILSON: Okay. Yes.

35 MR OCCHIUZZI: - - - with the heritage listing, that there's a reasonable expectation that that's not going to be a tall building any time soon. So this graphic, again in spring, gives you an idea about those two buildings, 229 – I think, Jen, I did mark-up one – I think – have you got my copy?

MR WILSON: Sorry, when were those approved? Was that – that was pre-Metro, wasn't it, or - - -

40 MR OCCHIUZZI: Yes, they were approved by the JRPP 2015, 2016.

MR WILSON: Yes. Okay.

45 MR OCCHIUZZI: Sorry, my apologies for fumbling through that paperwork.

MR WILSON: No, you're right.

MR OCCHIUZZI: So this graphic gives you an idea about the – these buildings are very challenged in terms of solar access, both this one and this one. The JRPP report – I thought I'd made a note of it. The JRPP report talks about 221 enjoying around about 62 per cent – sorry, 62 per cent of apartments receiving two hours of solar access. 229 enjoys about 68 per cent of units enjoying two hours of solar access.

MS LAWLEY: That's from 9 till 11.

MR OCCHIUZZI: So they're obviously relying very heavily on that. That north-eastern and north-western, they will still enjoy – the top apartments will enjoy reasonable levels of solar access in the afternoon, but this side will be, as you can see, at 10 o'clock, and this will range from 8 or 9 till about 11, those impacts. Now, we haven't done a – as you see in some development applications, a unit by unit dissection of that impact. It's pretty clear to the owner, I suppose, that that will be a significant impact on - - -

MR WILSON: At that time.

MS LAWLEY: Yes.

MR OCCHIUZZI: Yes.

MS LAWLEY: We've checked all the hours, and, yes, this is – that's what we've been able to establish.

MR WILSON: That's the most significant, is it?

MS LAWLEY: It's – yes. So from - - -

MR WILSON: 10 am is the most significant impact, or thereabouts, in terms of solar access.

MS LAWLEY: Yes. Well, from 9 to 11, they are effective.

MR WILSON: Nine to 11.

MR COUTTS: So they lose, then, two hours. Is that basically it?

MR WILSON: They lose two hours.

MR OCCHIUZZI: Well, the approval by the JRPP already, I suppose, compromised on the 70 per cent, by getting down to what those figures were, 62 and 68. So that will be reduced further.

MR COUTTS: Do we know to what?

MR OCCHIUZZI: We haven't done that analysis. So this graphic is an outline. The colour coding red indicating residential – largely residential – mixed use, but largely residential, and the blue denoting pure commercial development. It just gives you an idea of the scale of residential versus commercial development. There is no  
5 doubt that the council is seeking to exploit as much commercial floor space out of a constrained CBD as we can, and these, I suppose, shorter buildings along here – these are the buildings that we've just talked about, 221 and 229 Miller Street, they're 22 – 20, 22 storey buildings. They're big buildings. They're tall buildings. So this just gives you an idea of the scale that we're talking about.

10 MR WILSON: Just while we've got this – this is a good figure. I mean, in relation to the stepping of – or the transitional heights in the CBD, I note from reading your documentation that you have a preferred stepping of east-west, or west-east. Let me get that right. Yes, west to east.

15 MR OCCHIUZZI: West to east. Yes, that's premised on solar access. So our height - - -

MR WILSON: Premised on solar access, is it?

20 MR OCCHIUZZI: Our height limits are really - - -

MR WILSON: Is that solar access to the residential areas on the other side of the Warringah Expressway?

25 MR OCCHIUZZI: Correct. As well as solar access to public open space - - -

MR WILSON: Okay.

30 MR OCCHIUZZI: - - - even within the CBD. So a very strong way that that's expressed is along Miller Street there's a – what we call a special area, and we don't allow any level of additional overshadowing along it. So that's where the Metro Plaza will be. So that means that there's a damping of height along Miller Street, for  
35 example.

MR WILSON: Okay.

MS BOOTH: And this is factored into our LEP.

40 MR WILSON: Which is reflected – sorry?

MS BOOTH: It's in our LEP.

MR WILSON: Yes.

45 MR OCCHIUZZI: So it's just a graphic to give you an idea of scope.

MR WILSON: So are we go back to the - - -

MR OCCHIUZZI: Yes.

5 MR WILSON: The shaded area above, is that – the blue one with the - - -

MR OCCHIUZZI: So what we've said in the master plan is that the height limit that's identified by the blue - - -

10 MR WILSON: Yes.

MR OCCHIUZZI: - - - is something that we're comfortable with, supporting. So it's just a master plan, and there'll be, you know, design - - -

15 MR WILSON: Yes.

MR OCCHIUZZI: - - - working through and whatever. The additional height is something that the master plan identifies that we're prepared to consider if design excellence, additional public benefit - - -

20

MR WILSON: Yes. Okay. Sure.

MR OCCHIUZZI: - - - and so on can be achieved.

25 MR WILSON: All right.

MR OCCHIUZZI: So the owner of that will - - -

30 MR WILSON: I can see where you're concentrating. So you've obviously concentrating your core uplift in the southern part of the precinct there.

MS LAWLEY: And that is because of - - -

35 MR WILSON: It has less impact on solar access.

MS LAWLEY: Less impact on our special areas - - -

MR WILSON: Yes.

40 MS LAWLEY: - - - as well as residential areas.

45 MR OCCHIUZZI: So there were, as I said – perhaps I'm repeating the point – conditions of Gateway determination that require the applicant and council, presumably, to work together to come up with a built form or conditions requirements that address amenity, including overshadowing, loss of privacy, that sort of thing, and a strict compliance with ADG will get you this sort of built form, which is clearly not going to see the light of day.

MR WILSON: And is that consistent with the hotel in option 1 of the stage 2 masterplan, generally?

5 MS LAWLEY: This is slightly different. Under option 1, we looked at an equal sharing of uplift between 41 and 45, because we always need to take into account the whole precinct, not just one site.

MR WILSON: Sorry. Is this 41 or 45?

10 MR OCCHIUZZI: It's 41.

MR WILSON: 41.

MS LAWLEY: This is 41.

15

MR WILSON: Sorry, yes, that's what I thought.

MS LAWLEY: And this is 45.

20 MR WILSON: Yes, okay. Sorry.

MS LAWLEY: So this was the ADG – this was meeting the setback requirements. What we considered in our final option 1 was uplift on 45, so we looked at a tower that was more moved to the east, and then we also put a tower on 45, and we offset  
25 the towers, and that was sort of a big process that Hassell went through to make sure that the uplift was equally shared. The tower form had to be severely compromised to make sure that the amenity was shared between 221, 229 Miller, 45, 41 McLaren, and in the end there were still significant impacts on the solar amenity of 221, 229 and on our public spaces, and because of the community's - - -

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MR WILSON: From this?

MS LAWLEY: From the option 1 that was - - -

35 MR WILSON: Yes, okay.

MS LAWLEY: - - - put on, so in our assessment and moving towards this finalisation of the masterplan, we did not provide uplift on either site because of all the concerns that were raised during our secondary review, and because of the  
40 community's preference for option 2, so just remembering that the two options – the two masterplan options, only one had the uplift. The other one did not.

MR WILSON: Yes.

45 MS LAWLEY: Yes, so it's a very difficult – we believe it's very difficult to achieve and meet those amenity concerns with a more compliant - - -

MR WILSON: But the key reason for option 2 was - - -

MR OCCHIUZZI: Yes, so - - -

5 MR WILSON: Over option 1.

MR OCCHIUZZI: I was just going to make the important point that the difference between option 1 and option 2 is the location of the open space, so option 1 had open space - - -

10

MR WILSON: Yes, between Miller Street and the central square.

MR OCCHIUZZI: That's right, so we felt that option 1, because the public open space was really oriented towards Miller Street, a little overshadowing in a more kind of supporting piece of open space we could live with so the open space along Miller Street had reasonable access to solar amenity. Through the exhibition of – through the – of the master planning options, the owners of the site that would be required to deliver that, because of the configuration of that, started raising issues with feasibility and that sort of thing, and that was one factor, at least, in moving us towards option 2.

20

MS LAWLEY: A critical element was also that the open space under option 1 was half the size of what we could achieve with a central square. 1000 square metres is nothing to be – we need every square metre that we can get, so that was a very big part of the reasoning for option 2, and the community like the idea that it's also – would offer more wind protection. It's a precinct in itself that they can arrive at. There seemed to be a real ownership, reading through all the submissions, that they really liked the idea of a central sort of precinct that's activated by this knowledge hub, cultural hub and open space that they can spill out into and use for events.

30

MS BOOTH: So more open space and it's more achievable for us to deliver.

MR OCCHIUZZI: So, look, there's just a couple of slides left, and just reiterating the point that I think we started with, which is about the process. We've gone through a long process with lots of community and stakeholder engagement to get to the point that we're at. Plenty of landowners have expressed the desire to develop their sites individually, and we've asked them all to patiently wait on the sidelines until the work was done, and all have done that except for 41 McLaren Street.

35

40 And our fear is that this, then, will start to drive the agenda of what should be a more holistic planning endeavour, so for that reason, and the reasons that we've talked about in terms of impact on, particularly, the excellent piece of public open space that could be achieved under the masterplan, and the impacts on some of the private development that's going up at the moment, we feel that the 41 McLaren Street proposal should be refused, and I'm going the wrong way. So that just summarises the issues that we have with the proposal. We would seriously have to – if this was

45

approved, we would seriously have to consider the status of the masterplan and which direction it heads.

5 MR WILSON: This – okay. The developer or the proponent, in some of the documentation, said that they could – so I’m asking the question, it’s basically they could develop their site and not have – without implications. I understand there’s implications for solar access, but not have implications for the development of the rest of the precinct. From what I’m hearing today, that’s not possible.

10 MR OCCHIUZZI: I think that’s very, very challenging, and I fear that if – because we haven’t done the assessment on 221 and 229 unit by unit, but the modelling that we’ve done, and it’s a SketchUp model that we’ve done, very clearly impacts on already compromised levels of solar access, so what the numbers are, I couldn’t hand on heart say, but there is clearly a diminution of already compromised levels of solar  
15 access, so I’m not quite sure what the argument could be there from the applicant’s perspective.

MS BOOTH: The proponent’s argument, as I understand it, also, is that they are trying to – the proposal has strategic merit because it’s delivering on our residential  
20 target, so it might be worth just pointing out, for a moment, that our current target under the North District Plan is 3000 additional dwellings by 2021. The Greater Sydney Commission has already done the modelling and written to us and said we’ve already achieved that target under our current controls.

25 MR WILSON: I think that’s a question for the department.

MS BOOTH: So we’ve delivered that. In addition, State Government is finalising the St Leonards/Crows Nest Priority Precinct, which is going to deliver 7500 additional dwellings. That’s shared between both Lane Cove and North Sydney, and  
30 their own market feasibility analysis, as part of that investigation, says that that’s going to saturate the market, that, in fact, about 6800 additional dwellings is about as much as the market can take, so we have delivered on our residential target. Our plan is to look across the local government area for long-term residential uplift, but our priority for the CBD is jobs and high-quality open space to support those jobs, in  
35 line with State Government’s policy.

MR OCCHIUZZI: We can send you the letter that we received from the Greater Sydney Commission in their response to our local plan review, local environmental  
40 plan review, where they talk specifically about housing targets, and they say:

*The DPE’s housing supply forecast confirms that North Sydney Council’s housing supply is on track to deliver 2830 new dwelling between ’16/17 to 2021, which is close to the minimum zero to five-year target of 3000.*

45 So we’re 170 short. That includes a level of forecasting, of course, so the local housing strategy that we’re now required to complete this year needs to fill in the following five years, which we’ve started on, and given the 2036 plan that the State

Government advertised just at the end of last year for St Leonards and Crows Nest which identifies, for Willoughby, Lane Cove and North Sydney, over 7000 new dwellings, I don't think that's going to be too much of a stretch.

5 MR WILSON: Okay. Yes. Do we want that letter? I don't think we do.

MR OCCHIUZZI: Happy to send it through.

MR WILSON: Okay.

10

MR OCCHIUZZI: This is a bit waterlogged, but I will send you through a clean one.

MS LEWIN: When was that dated? What's the date on it?

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MR OCCHIUZZI: That's dated 21 December last year.

MR WILSON: And the housing strategies need to be in place by when?

20 MR OCCHIUZZI: We've committed to delivering our housing strategy by, I think, October. It's certainly late this year.

MR WILSON: Okay.

25 MR OCCHIUZZI: Could be November. I think it was October.

MR COUTTS: And your expectation of council finalising the masterplan is that it's .....

30 MR OCCHIUZZI: Yes.

MR COUTTS: Do you have a level of confidence that they will actually do that, or - - -

35 MR OCCHIUZZI: Look, I do, I do, but, you know, surprises can occur.

MR COUTTS: I understand you can't – I understand you can't speak on behalf of councillors, but - - -

40 MR OCCHIUZZI: Yes. Look, what gives me confidence is that there is one site, one site that I suppose is making the approaches and is lobbying pretty hard at the moment, and it's a site that's – it's a little peripheral. It's not as central as 41 McLaren in terms of the solar access arguments, so I think, either way, we will come to a solution, that there is a solution there that I think we can work through.

45

MR WILSON: That's – you've answered most of the questions I have.

MR COUTTS: So you would essentially disagree with the – what, the panel that made the determination that it should be given the gateway?

5 MR OCCHIUZZI: Look, to be perfectly honest, I was extremely disappointed in that panel decision, and I think, unfortunately, the notion of pushing through a  
planning proposal ahead of a masterplan is just poor planning. If we had been at this  
for, you know, 15 years and couldn't get a resolution, perhaps that would have been  
understandable, but we're pretty close to working on an implementation plan, and,  
10 you know, the land owners around there, both those directly affected by potential  
uplifts as well as local residents, you know, people are generally fairly satisfied with  
the outcome. Everybody has been aware that there has been this master planning  
process gone on, and it's – you know, in North Sydney, more than many places, due  
process is held in very high regard.

15 MS BOOTH: And to that end, I suppose, supporting this planning proposal has implications, then, for the Ward Street Masterplan going on into the future as well. We might have to sort of revisit the masterplan process.

MR WILSON: I appreciate that, yes.  
20

MR COUTTS: Nothing more from me.

MR WILSON: Nothing more from you?

25 MS LEWIN: No, I think that's comprehensive.

MR WILSON: Very comprehensive. Thank you very much for coming. We really appreciate it.

30 MR OCCHIUZZI: Thank you.

MS BOOTH: Thank you very much.

35 **RECORDING CONCLUDED**

**[12.21 pm]**