

41 McLaren Street, North Sydney

Planning Proposal

Prepared for
Erolcine Pty Ltd and Clairside Pty Ltd

Date
1 September 2017



Architectus Group Pty Ltd
ABN 90 131 245 684

Level 18, MLC Centre
19 Martin Place
Sydney NSW 2000
Australia
T +61 2 8252 8400
F +61 2 8252 8600
sydney@architectus.com.au

architectus.com.au

Report Contact

Taylor Vernon
Senior Urban Planner
taylor.vernon@architectus.com.au

This report is considered a draft unless signed by a Director



Michael Harrison, Director Urban Design and Planning

Revision history

Issue Reference	Issue Date	Issue Status
A	25 August 2017	Draft Issue to Client
B	1 September 2017	Final for submission to NS Council

Contents

Executive summary	6
1. Introduction	10
1.1 Preliminary	10
1.2 Structure of this report	10
1.3 Preparation of the proposal	11
2. The site and context	12
2.1 Site details	12
2.2 Local context and site surrounds	13
2.3 Regional context	14
2.4 Legislation	16
2.5 Planning context	16
2.6 Strategic planning context	17
2.7 Current planning controls	20
2.8 Other plans and policies	28
2.9 Demographic profile and trends	30
3. The proposal	32
3.1 Need for redevelopment	32
3.2 The Alternative Masterplan	33
3.3 The Visionary Masterplan	37
3.4 Proposed development	39
3.5 Design philosophy	41
4. Objectives and intended outcomes	42
4.1 Intended outcomes	42
4.2 Objectives of the proposed controls	44
4.3 Potential future amendments to planning provisions to achieve the Alternative Masterplan	44
4.4 Summary	45
5. Explanation of provisions	46
5.1 Proposed amendments to the LEP planning controls	46
6. Justification	48
6.1 Section A – Need for the Planning Proposal	48
6.2 Section B – Relationship to strategic planning framework	51
6.3 Section C – Environmental, social and economic impact	68
6.4 Section D – State and Commonwealth interests	77
7. Mapping	78
7.1 Existing and proposed LEP maps	78
8. Consultation	80
8.1 North Sydney Council	80
8.2 Relevant Commonwealth and State public authorities	80
8.3 Consultation strategy	80
9. Project timeline	82
9.1 Timeline	82
9.2 Staging	82
10. Conclusion	83

Figures & tables

List of figures

Figure 1	41 McLaren Street, North Sydney	6
Figure 2	View of 41 McLaren Street, North Sydney (the site)	12
Figure 3	Local context plan	14
Figure 4	Heritage detached dwellings along Walker Street	15
Figure 5	Metropolitan priorities for Greater Sydney 2056	18
Figure 6	Land Use Zoning Map (site outlined in yellow)	21
Figure 7	Height of Buildings Map (site outlined in yellow)	22
Figure 8	Non-Residential Floor Space Ratio Map (site outlined in yellow)	24
Figure 9	Heritage Map (site outlined in blue)	25
Figure 10	North Sydney Centre Map	27
Figure 11	Public domain principles	34
Figure 12	Draft Ward Street Precinct Masterplan (as exhibited) – Site plan	35
Figure 13	Architectus Alternative Masterplan – Site plan	36
Figure 14	Architectus Alternative Masterplan – 3D View	37
Figure 15	Architectus Visionary Masterplan – Site plan	38
Figure 16	Architectus Visionary Masterplan – 3D View	39
Figure 17	Proposed development of 41 McLaren Street	40
Figure 18	Proposed development of 41 McLaren Street	40
Figure 19	Public domain concept plan	44
Figure 20	Context analysis of Ward Street Precinct	50
Figure 21	Overshadowing of Berry Square under Draft WSPM	69
Figure 22	Solar access to proposed public open space	70
Figure 23	Areas of existing residential for studying shadow impacts	71
Figure 24	Location of existing and proposed residential flat buildings	72
Figure 25	View looking southwest from Falcon Street overpass	74
Figure 26	View sharing and separation to adjacent residential buildings	75
Figure 27	Height of Buildings Map	78
Figure 28	Proposed Height of Buildings Map	79

List of tables

Table 1	Project team	11
Table 2	A Plan for Growing Sydney	51
Table 3	Draft North District Plan	53
Table 4	North Sydney Community Strategic Plan 2013-2023	57
Table 5	State Environmental Planning Policies	58
Table 6	Section 117 Directions	61
Table 7	Staging of Planning Proposal	82

Attachments

List of attachments

Attachment A –	Urban Design Report, prepared by Architectus
Attachment B –	Architectural Drawings, prepared by Harry Seidler & Associates
Attachment C –	Architectural Design Statement, prepared by Harry Seidler & Associates
Attachment D –	Site Survey, prepared by Frank M Mason & Co Pty Ltd
Attachment E –	Economic Viability, prepared by Colliers
Attachment F –	Independent Market Report, prepared by Knight Frank
Attachment G –	Development Feasibility, prepared by Hill PDA
Attachment H –	Public Art Strategy, prepared by Fine Art Studio
Attachment I –	Public Domain Landscape Plans, prepared by Spackman Mossop Michaels
Attachment J –	Landscape Plans (future development of 41 McLaren Street), prepared by Spackman Mossop Michaels
Attachment K –	Heritage Assessment, prepared by GML Heritage
Attachment L –	Heritage Impact Statement, prepared by GML Heritage
Attachment M –	Traffic Impact Assessment, prepared by Ason Group
Attachment N –	Wind Impact Assessment, prepared by CPP
Attachment O –	Acoustic Assessment, prepared by Wood & Grieve
Attachment P –	SEPP 65, ADG, LEP and DCP Compliance
Attachment Q –	Extract Sydney LEP 2012 – APDG Site
Attachment R –	BCA Report (For information purposes only), prepared by Newland Wood
Attachment S –	Stormwater Plans (For information purposes only), prepared by Wood & Grieve
Attachment T –	Stormwater Management Report (For information purposes only), prepared by Wood & Grieve
Attachment U –	Structural Report, prepared by TTW (for information purposes only)
Attachment V –	BASIX Report (for information purposes only)

Separately Provided

1. VPA Report
2. Video
3. Physical Model

Executive summary

This Planning Proposal has been prepared by Architectus on behalf of Erolcene Pty Ltd and Claijade Pty Ltd to present to North Sydney Council in relation to a proposed mixed use development at 41 McLaren Street, North Sydney. The Planning Proposal seeks Council support to progress an amendment to the North Sydney Local Environmental Plan (LEP) 2013.

The site

This report relates to the site at 41 McLaren Street, North Sydney, which is bound by McLaren Street to the north, Harnett Street to the east, by a Council owned car park to the south and by existing and proposed mixed-use developments to the west. The site is currently occupied by a commercial office building known as Simsmetal House, which was designed in 1971 by Harry Seidler. The site is located within the 'North Sydney Centre', a major commercial centre, as defined by the North Sydney LEP 2013. An aerial photograph of the site is provided in **Figure 1** below.



Figure 1 41 McLaren Street, North Sydney

Source: Six Viewer, NSW Government

The site is currently subject to a maximum building height of RL 100 metres under the North Sydney LEP 2013. The site is zoned B4 Mixed Use, permitting a range of uses including child care centres, commercial premises, residential flat buildings, seniors housing, serviced apartments, and shop top housing.

Strategic and planning context

The site is located approximately 50 metres from the future Victoria Cross Metro Station, which has an entry on the opposite side of McLaren Street. The site is also located within the Ward Street Precinct, which forms a vital part of the North Sydney Centre and is anticipated to undergo significant transformation. The Precinct, roughly covering 0.9 square kilometres, has been identified as being capable of accommodating a substantial uplift in residential and employment densities as a result of delivery of the Victoria Cross Metro Station and its associated increased public transport capacity for the North Sydney Centre.

North Sydney is identified as a Strategic Centre within the metropolitan strategy, *A Plan for Growing Sydney*. The strategy states that 'investigating potential future employment and housing opportunities associated with a Sydney Rapid Transit train station (now known as Sydney Metro) at Victoria Cross is a priority for Global Sydney. Likewise, the draft North District Plan released by the Greater Sydney Commission identifies North Sydney as a Strategic Centre and outlines the need to maximise land use opportunities presented by the Sydney Metro Station at Victoria Cross.

This proposal is seen to be in line with the strategic vision for Sydney as introduced under Sydney's current Metropolitan Strategy, *A Plan for Growing Sydney*, which recommends the following:

- Direction 2.1: Improve housing supply across Sydney
- Direction 2.2: Ensure more homes closer to jobs
- Direction 2.3: Improve housing choice to suit different needs and lifestyles

The proposal is seen to be in line with the strategic vision and priorities of the draft North District Plan, that is to improve housing choice, improve housing diversity and affordability, and to grow economic activity in centres in the district.

Strategic merit test

This Planning Proposal has been motivated by the announcement of the Victoria Cross Metro Station, which will have its northern access approximately 50 metres from the site, and Council's own investigations into allowing increased capacity in the North Sydney Centre. Accordingly, the Proposal relates specifically to a change in circumstances not recognised by the existing controls and on this basis, is considered to have strategic merit. It is also considered to be consistent with the relevant State and local plans and policies.

The Sydney Metro aims to address a strategic need to significantly increase transport capacity and frequency within the Global Economic Corridor and to drive productivity through integrated transport and land use planning. The *Chatswood to Sydenham EIS* provides that the opportunity for urban development around the proposed stations is a key benefit of the project and also that, through the application of transit oriented development principles, the project will support the Government's objectives to achieve more sustainable and efficient use of land to meet Sydney's growth.

The EIS also details the site-selection process which was undertaken for the North Sydney Centre, comparing the Victoria Cross site with alternate options within the locality. It goes on to state, in support of the chosen site, that:

“Victoria Cross was considered superior as it has a greater catchment area and a greater potential for residential, commercial and transit oriented development.”

It is acknowledged that North Sydney Council is undertaking its own process to review opportunities for increased development capacity within the Ward Street Precinct, and the North Sydney Centre more broadly. The Planning Proposal is considered to be generally consistent with the aims and intent of the North Sydney Centre CLU Strategy, being generally to promote balanced growth within the Centre with protection of amenity.

As detailed at length in the Urban Design Study at **Attachment A**, Architectus considers that the potential for the Ward Street Precinct as a vibrant mixed-use destination is unlikely to be realised under the draft *Ward Street Precinct Masterplan* (WSPM), given it fails to adequately consider the economic feasibility of delivering the Masterplan and it

under-delivers on additional commercial and residential floor space. Comparatively, it is considered that the Architectus Alternative Masterplan provides a vital north-south link through the Precinct, alleviating the need for agreements to be made with multiple landowners to achieve the mid-block public open space connection, and also that amalgamation of the 20 Ward Street, 55 Berry Street & 66 Berry Street achieves a far superior development outcome and allows for almost double the amount of public open space compared to the draft WSPM.

Site-specific merit test

The Ward Street Precinct, within which 41 McLaren Street is located, presents a unique opportunity to deliver a vibrant mixed-use community through provision of high quality public open space, highly accessible employment generating floor space at the southern end of the precinct where it adjoins the existing commercial core of the North Sydney Centre and by providing for a range of uses, including residential, at its northern extent, in close proximity to the northern access to Victoria Cross Station – therefore promoting the use of public and active modes of transport, reducing dependence on private vehicle use and providing for the efficient and sustainable use of land.

The Heritage Assessment Report by GML Heritage prepared in April 2017 and provided at **Attachment K** identifies that the site should be afforded uplift to ensure that the heritage building is appropriately maintained. The report also states that future planning for the site must consider the scale of changes to the statutory planning environment of the site since its construction, for the original Simsmetal House now no longer relates to the scale and character of its setting.

The proposed amendments to the North Sydney LEP 2013 seek to improve and revitalise the existing building, now listed as a local heritage item, to become more adaptable and sustainable within its changing surrounding context, and will also enable the delivery of a key through-site link between McLaren Street in the north and Berry Street in the south, improving the accessibility of the future public space in the Ward Street Precinct.

There are no environmental constraints which would reasonably preclude the proposed development, nor the Architectus Alternative Masterplan.

Proposed amendments to the North Sydney planning controls

The following amendments to the North Sydney Local Environmental Plan (LEP) 2013 are proposed to facilitate the proposal and the effective utilisation of the site:

- Height of buildings – to amend the North Sydney LEP 2013 to increase the maximum height of buildings to allow for the proposed development; or built form and public domain outcomes, and to facilitate a redevelopment and renewal of the site; or
- Clause amendment to the North Sydney LEP 2013 – inclusion of a site-specific clause applying to the site that allows for a building to have a maximum height greater than that provided by the Height of Buildings Map where heritage conservation and public domain requirements are satisfied.

Council may wish to impose site-specific provisions under the North Sydney Development Control Plan (DCP) 2013 to ensure that the future development of the site is consistent with the Planning Proposal, in which case an amendment to the DCP could be undertaken through a separate process.

Assessment

The Planning Proposal, Urban Design Report and supporting technical reports provide the detailed consideration and analysis of environmental opportunities and constraints which have informed the design of the future development of 41 McLaren Street and also the Architectus Alternative Masterplan for the Ward Street Precinct.

It is noted that the supporting technical reports generally contain a level of detail appropriate for a Development Application and that a Planning Proposal would typically contain only conceptual detail. This level of detail has been provided to ensure that all relevant issues have been comprehensively addressed, including impacts on heritage, views, and in respect to the design quality of the proposed building.

Given the proposal will provide for substantial public benefits associated with the development of the Ward Street Precinct, it is considered that the environmental impacts of the proposal are acceptable.

Recommendation

It is recommended that North Sydney Council resolve to support the Planning Proposal and forward it to the Department of Planning and Environment for a Gateway determination.

The architectural design by Harry Seidler and Associates submitted with the Planning Proposal is for the best residential/mixed use tower on the North Shore and ideal to attract people downsizing from their family homes, thus releasing needed housing accommodation.

1. Introduction

1.1 Preliminary

This Planning Proposal has been prepared by Architectus on behalf of Erolcene Pty Ltd and Claijade Pty Ltd (owners of 41 McLaren St) to present to North Sydney Council requesting an amendment to the North Sydney Local Environmental Plan (LEP) 2013 in relation to a proposed mixed use development at 41 McLaren Street, North Sydney. The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *A Guide to Preparing Planning Proposals*, August 2016.

1.2 Structure of this report

This report is prepared in accordance with the NSW Government's '*A Guide to Preparing Planning Proposals*', and is set out as follows:

- **Section 2:** The site and context – provides an overview of the site to which the Planning Proposal is intended to apply.
- **Section 3:** The vision for the site – outlines the design principles and built form philosophy that have been identified to inform the Architectus Alternative Masterplan for the Ward Street Precinct and also for the proposed development of 41 McLaren Street.
- **Section 4:** Objectives or intended outcomes – provides a concise statement of the proposal objectives and intended outcomes.
- **Section 5:** Explanation of provisions – outlines the proposed amendments to the planning provisions within the North Sydney Local Environmental Plan 2013 to achieve the proposal.
- **Section 6:** Justification – provides the urban planning argumentation/reason to support the proposal.
- **Section 7:** Mapping – existing and proposed North Sydney Local Environmental Plan 2013 mapping.
- **Section 8:** Consultation – outlines the community consultation program that should be undertaken in respect of the proposal.
- **Section 9:** Project Timeline – outlines expectations for timeframe of the progression of the proposal.
- **Section 10:** Conclusion – concludes the report with a summary of findings and recommendations.

This report should be read in conjunction with **Attachments A to V**.

1.3 Preparation of the proposal

This Planning Proposal has been prepared by Taylor Vernon, Senior Urban Planner. The report has been reviewed by Jane Fielding, Senior Associate and Urban Planner and Michael Harrison, Director Urban Design and Planning.

Project team

The Project team is set out below:

Table 1 Project team

Applicant	Erolcene Pty Ltd and Claijade Pty Ltd
Owners	Erolcene Pty Ltd and Claijade Pty Ltd
Project Manager	RBG Services Group Pty Ltd
Architects	Harry Seidler & Associates
Landscape Architects	Spackman Mossop Michaels
Urban Planning and Urban Design	Architectus
Surveyor	Frank M Mason & Co. Pty Ltd
Heritage	GML Heritage
Traffic Engineer	Ason Group
BCA Consultant	Newland Wood Certification Pty Ltd
Structural Engineer	Taylor Thomson Whitting
Civil Engineer	Wood & Grieve Engineers
Wind Consultant	Cermak Peterka Petersen
Quantity Surveyor	Rider Levett Bucknall
Geotechnical Engineer	JK Geotechnics
Acoustic Consultant	Wood & Grieve Engineers
VPA Strategy	Urbis

2. The site and context

This section includes details about the site and its surrounding context. It also contains relevant Mapping images to identify the intent of the planning proposal and the area to which it applies.

2.1 Site details

Existing land use

The site is currently occupied by an existing seven to eight-storey commercial office building designed by Harry Seidler in 1971 and completed in 1972, known as Simsmetal House. The existing building is identified as an item of local environmental heritage under the North Sydney LEP 2013 and is proposed to be retained.

The Planning Proposal is intended to facilitate a mixed-use building allowing for the refurbishment of the existing commercial building and the addition of a residential tower above.

An image of the existing building viewed from McLaren Street is provided in **Figure 2** below.



Figure 2 View of 41 McLaren Street, North Sydney (the site)

The site as viewed from McLaren Street.

Source: Google streetview.

Legal description

The subject site is a rectangular shaped allotment having an area of 2,359sqm and is legally described as Lot 1 in Deposited Plan 557103.

Land ownership

The site is owned by two owners, Erolcene Pty Ltd and Claijade Pty Ltd, who are also the applicants for this Planning Proposal.

2.2 Local context and site surrounds

The site is located at the northern extent of the North Sydney Centre, being a major commercial centre. The area is characterised by primarily mixed use buildings of commercial, retail and residential uses, as well as a diversity of lower-scale residential developments, sport fields and parklands.

The subject site is located at the corner of McLaren Street (primary frontage) and Harnett Street, a laneway. The site lies on a street block that is bound also by Miller Street, a major street, and local roads Walker Street and Berry Street (south). Council's Ward Street Carpark adjoins south of the site.

To the north of the site, on the opposite side of McLaren Street, 168 Walker Street (located at the corner of McLaren Street and Walker Street) is an existing 18-storey commercial office building which was approved for redevelopment by the Sydney East Joint Regional Planning Panel at its meeting of 12 July 2016 for a 29-storey predominantly residential building with a maximum height of RL 167.51 metres (maximum building height 99 metres), and a vacant site at the corner of McLaren Street and Miller Street which will be developed as the northern access to the Victoria Cross Metro Station and a future over-station development.

The primary pedestrian access to the future Victoria Cross Station is located approximately 200 metres to the south of the site, at the intersection of Berry Street and Miller Street. Architectus considers that a future over-station development of that site should be for a commercial office building, or mixed-use building of between 40 and 60 storeys. A 40-storey commercial building on the site would be of a similar scale to the commercial building currently under construction at 100 Mount Street, so it is therefore considered to be an appropriate scale of commercial development for the North Sydney Centre. A building up to 60-storeys would allow for a mixed-use building, potentially with hotel and/or residential uses above commercial office uses. Architectus considers that the future development of this site will establish a new context for building height in the North Sydney Centre and the potential development of Council's Ward St carpark site.

The site is also located 500 metres north of Greenwood Plaza Shopping Centre, which has been recently redeveloped and contains 101 retailers.

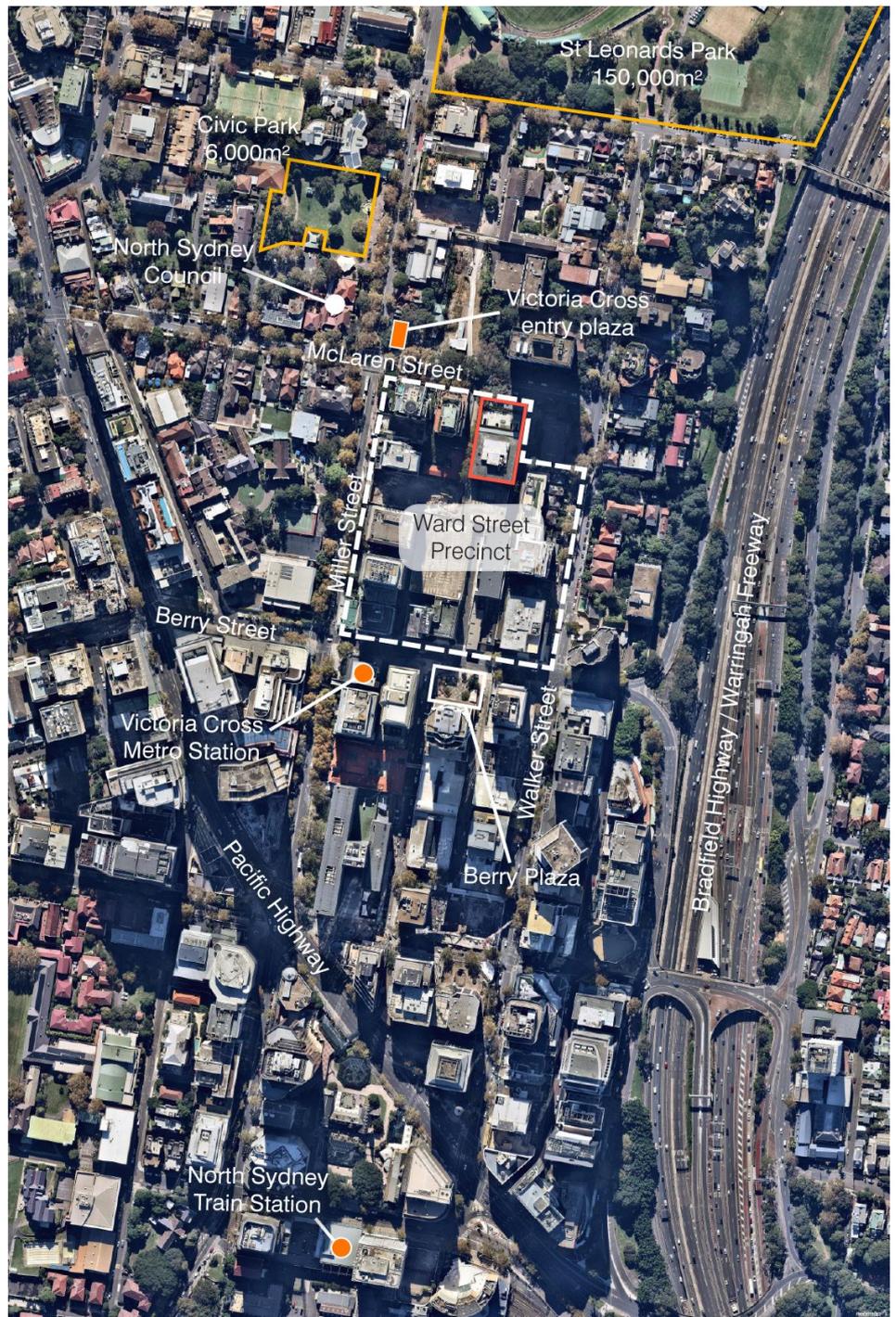


Figure 3 Local context plan

Site outlined in red.

Source: Nearmap 2017

2.3 Regional context

The subject site is located within North Sydney Centre, approximately 3 kilometres to the north of the Sydney CBD. It is Sydney's third largest commercial floor space market with a growing mixed use/residential periphery. The suburb is identified as a Strategic Centre within the metropolitan strategy, *A Plan for Growing Sydney* as being located within 'Global Sydney' and the Global Economic Corridor.

North Sydney is likewise identified as a strategic centre in the Draft North District Plan, recently released by the Greater Sydney Commission.

The site is well positioned within a cluster of economic centres containing knowledge-intensive and professional jobs, such as St Leonards and Chatswood to the north, and Central Sydney to the south.

Heritage context

The site does not lay within a heritage conservation area but contains the Simsmetal House, which is listed as a local heritage item (I0889) under the North Sydney LEP 2013. A Heritage Impact Statement has been prepared by GML Heritage and is provided as **Attachment J**.

Heritage buildings within the vicinity include four detached dwellings across Harnett Street, described as items I0987, I0986, I0985 and I0984. These are separated from the site by more recent apartment buildings, adjoining the rear of these dwellings. It is not considered that that the proposal will impact upon these items.



Figure 4 Heritage detached dwellings along Walker Street

Four detached dwellings listed as heritage items within the NS LEP 2013. Newer apartment buildings line the rear. The site lies behind these newer buildings across Harnett Street. Source: Google streetview.

Traffic and transport context

The site is well connected to Central Sydney via the existing North Sydney Train station, as well as buses primarily servicing inter-regional journeys.

It is also located opposite the future Victoria Cross Metro Station, which will have its northern access located at the intersection of McLaren Street and Miller Street, approximately 50 metres west of the site. This new rail service will span from Bankstown to Rouse Hill via Central Sydney and provide new stops at North Sydney, Crows Nest and Barangaroo. It is anticipated the new metro rail network will service a target capacity of more than 40,000 customers per hour in each direction and up to 60 trains per hour (30 trains in each direction from Victoria Cross) during peak times.

The Sydney Metro project will be a major catalyst for urban renewal and densification within its corridor, resulting in significant change to the urban form within the walkable catchment of its stations. The Environmental Impact Statement (EIS) for the project provides that creating opportunities for urban development, particularly around the new stations at Crows Nest, Victoria Cross, Barangaroo and Waterloo is a key benefit of the project.

The EIS also details the site-selection process which was undertaken for the North Sydney Centre, comparing the Victoria Cross site with alternate options within the locality. It goes on to state, in support of the chosen site, that:

“Victoria Cross was considered superior as it has a greater catchment area and a greater potential for residential, commercial and transit oriented development.”

Currently, the strategic positioning of the site within the North Sydney Centre makes it highly accessible to public transport, private vehicle and active transport modes.

North Sydney Train Station, which lies 650 metres to the south of the site, is located on the North Shore Line and provides journeys to the north and north western regions of

Sydney, as well as toward Central Sydney. This proximity to Central Sydney means that the journey time is 5-10 minutes.

A number of bus services surround the site. Buses primarily service inter-regional journeys toward the Northern Beaches (from Miller Street) and Chatswood and Lane Cove (from North Sydney train station). Some buses journey toward Central Sydney and Botany (from Pacific Highway).

The site is most accessible by pedestrians via footpaths alongside Miller Street and Walker Street, which act as two main north-south connections beginning from North Sydney Station. The Ward Street Precinct Masterplan (WSPM) identifies the need for a mid-block north-south connection between Berry Street and McLaren Street. There is currently an informal 'ant track' path through the Council car park, being the preferred path for many pedestrians given the steep incline on both Miller and Walker Streets. The WSPM thoroughfare relies on agreements being made with multiple private property owners, while the Architectus Alternative Masterplan overcomes this issue by providing a through-site link which would connect directly with the future public domain within the Ward Street Precinct.

Metered parking is available on both sides of McLaren Street. A taxi zone additionally is located on McLaren Street opposite the site.

A Traffic Impact Assessment Report has been prepared by Ason Group and is provided at **Attachment L**.

2.4 Legislation

The EP&A Act is the overarching body of planning legislation applicable within NSW. It provides under Section 55 that a Planning Proposal is required before an environmental planning instrument is made which explains the intended effect and provides justification for the proposed instrument. Specifically, a Planning Proposal is to include:

- *a statement of the objectives or intended outcomes of the proposed instrument,*
- *an explanation of the provisions that are to be included in the proposed instrument,*
- *the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117),*
- *if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
- *details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*

It is considered that this Planning Proposal comprehensively addresses these requirements.

2.5 Planning context

The following legislation, planning instruments and planning controls are applicable to the proposal:

Strategic plans	<ul style="list-style-type: none">- Sydney Metropolitan Strategy: <i>A Plan for Growing Sydney</i>- Towards our Greater Sydney 2056- Draft North District Plan- North Sydney Community Strategic Plan: <i>2013-2023</i>
Current planning controls	<p><u>Environmental Planning Instruments:</u></p> <ul style="list-style-type: none">- North Sydney Local Environmental Plan 2013- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (and associated NSW Apartment Design Guide)

	<u>Development Control Plans:</u>
	– North Sydney Development Control Plan 2013
Legislation	– Environmental Planning and Assessment Act 1979 (EP&A Act)
Other plans and policies	– North Sydney Centre Capacity and Land Use Study (NSCCLUS)
	– Draft Ward Street Precinct Masterplan (WSPM)

The above legislation, planning instruments and planning controls are addressed in the paragraphs below.

2.6 Strategic planning context

Sydney Metropolitan Strategy: A Plan for Growing Sydney

A Plan for Growing Sydney, (the Sydney metropolitan strategy) was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area. It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space. The Plan identifies that by 2031 there is a need to create an additional 664,000 new dwellings and 689,000 new jobs.

The Metropolitan Strategy's vision for Sydney is "a strong global city, a great place to live". The Strategy identifies goals, directions and principles which inform the future growth and development of Sydney. The key matters which relate to the subject site are as follows:

Goal 1: A competitive economy with world-class services and transport

- Direction 1.7: Grow strategic centres – providing more jobs closer to home

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles

- Direction 2.1: Accelerate housing supply across Sydney
- Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs

Goal 3: A great place to live with communities that are strong, healthy and well connected

- Direction 3.1: Revitalise existing suburbs
- Direction 3.2: Create a network of interlinked, multipurpose open and green spaces across Sydney

The Planning Principles that will guide how Sydney Grows

- Principle 1: Increasing housing choice around all centres through urban renewal in established areas;
- Principle 2: Stronger economic development in strategic centres and transport gateways; and
- Principle 3: Connecting centres with a networked transport system.

The Proposal will support the intended outcomes of the Strategy as it:

- Seeks to increase the supply of housing while also retaining employment generating floor space, in the North Sydney Centre, being a major commercial centre within Sydney. The Proposal responds to the new planned Metro station at Victoria Cross and provides for density of development commensurate with a significant increase in public transport capacity.
- Allows for public domain works and new open spaces in the form of the creation of a new pedestrian spine in line with the Draft Ward Street Precinct Masterplan.

Towards our Greater Sydney 2056

Towards our Greater Sydney 2056 outlines a draft amendment to the current metropolitan strategy, *A Plan for Growing Sydney*. The vision for Greater Sydney to 2056 represents the economic, social and environmental integration of a metropolis of three cities, the established Eastern City, which includes the North Sydney Centre and Central Sydney; the developing Central City, with Parramatta and the Olympic Peninsula as its heart; and the emerging Western City, focused around the centres of Penrith, Blacktown, Liverpool and Campbelltown, as well as the Western Sydney Airport.

The vision for Sydney 2056 can be delivered through the metropolitan priorities in the table provided at **Figure 5** below.

A Productive Sydney	A Liveable Sydney	A Sustainable Sydney
A growing city A city with smart jobs A 30-minute city	An equitable, polycentric city A city of housing choice and diversity A collaborative city	A city in its landscape An efficient city A resilient city

Figure 5 Metropolitan priorities for Greater Sydney 2056
(source: *Towards our Greater Sydney 2056*, Greater Sydney Commission)

The following metropolitan priorities are of relevance to the Planning Proposal:

Metropolitan Priority: A Growing City

As Sydney's population grows, so too does the number of workers. New jobs need to be located in a way that meets the needs of businesses while also providing access and choice for workers. By 2035, this metropolitan priority has the following aims:

- support the generation of over 817,000 additional jobs;
- accommodate 1.74 million additional people and more than 725,000 new homes;
- increase Greater Sydney's economic growth rate; and
- increase total economic activity by 75% to approximately \$655 billion.

The Planning Proposal supports these objectives by facilitating increased mixed-use density, providing both employment and housing in a highly accessible location. The alignment of Sydney Metro, providing high frequency and high capacity public transport through Sydney's Global Economic Corridor is such that focusing growth within the walkable catchment of future Metro Stations will achieve significant productivity gains for Greater Sydney, and allow a greater proportion of the population to be able to access a greater range of employment opportunities.

Metropolitan Priority: A 30-minute City

This metropolitan priority aims to increase the proportion of people with good access to jobs and to improve the ability to walk to local services and amenities. As provided above, allowing increased densities within the Metro Corridor, and particularly for sites such as 41 McLaren Street, being located opposite the northern entry to the future Victoria Cross Metro Station, will allow a greater proportion of Sydney's population to be able to access jobs within 30-minutes.

Additionally, 41 McLaren Street is located within the Ward Street Precinct, which is capable of providing a range of services and facilities which will benefit the local community, and is also within the North Sydney Centre which offers a wide variety of services and amenities within walking distance.

Accelerating Housing Opportunities

Towards our Greater Sydney 2056 states the following:

“Greater Sydney is experiencing a step change in its growth, with natural increases (that is, an increase in the number of births) a major contributor. We need to recognise that the current and significant levels of growth, and the forecast higher rates of growth, are the new norm rather than a one-off peak or boom.”

It then goes on to state:

“To accommodate new housing growth while also responding to housing affordability, there is a need to accelerate housing supply across Greater Sydney.”

The vision is that opportunities for accommodating additional housing is intrinsically linked to planning for and integrating with new infrastructure and services. One of the ways this growth is to be achieved is through urban renewal, with the vision recognizing that the need for additional capacity is greatest in the North and Central Districts, and further that growth should be aligned with investment in infrastructure, such as the Sydney Metro, and within walking distance of centres.

Metropolitan priority: An equitable, polycentric city

This priority focuses on the growth of Sydney’s many centres, to provide more equitable access to jobs and education in centres and to plan for infrastructure as growth occurs. The North Sydney Centre, being a key centre within the Global Economic Corridor plays a key role in the economy of Greater Sydney. It is essential that productivity gains be maximised for the North Sydney Centre by capitalizing on the delivery of the Sydney Metro, and enhanced connections this will create with Sydney’s North-West and South-West.

Metropolitan priority: A city of housing choice and diversity

The population of Greater Sydney could be as high as eight million by 2056, it is therefore important to plan for more housing options in close proximity to jobs and services. And also to provide for a range of housing options to suit a range of needs.

In the context of an aging population and declining household size, the proposed development provides an opportunity to provide for a variety of unit types and sizes and close to existing services and facilities, and also existing and proposed public transport infrastructure, that will accommodate a range of household types, including those seeking to downsize from larger homes in less accessible locations in the surrounding localities.

Draft North District Plan

The *Draft North District Plan* was released by the Greater Sydney Commission in November 2016 and supports *A Plan for Growing Sydney* by providing regional strategic planning across Sydney’s six Districts. The Plan identifies North Sydney as a Strategic Centre in which the identified job target is 15,600 – 21,100 additional jobs by 2036.

The Plan also identifies that single persons (43%) and couple only (26%) households comprise the largest number of household types in North Sydney. Apartments account for 71% of the existing housing stock in North Sydney and the Plan notes that housing to accommodate smaller households – such as apartments or terrace/row housing – is in the greatest demand in North Sydney. The Plan also states that the creation of these ‘should consider proximity to public transport, day-to-day needs, health, education, infrastructure and services’. The proposal is consistent with this by providing for additional housing which is suited to smaller households, strategically located on the fringe of the North Sydney Centre, and in close proximity to both the existing North Sydney Train Station and the planned Metro station.

The proposal also assists in allowing the North District’s five-year housing supply target to be achieved, noting that the target for North Sydney is anticipated at 3,000 new dwellings.

North Sydney Community Strategic Plan 2013 – 2023

The North Sydney Community Strategic Plan (NS CSP) is Council's strategic document identifying the community's main priorities and aspirations for its future. Its vision is to shape a North Sydney that is 'progressive, diverse and vibrant'. In this it sees new priorities to revitalise and reposition the North Sydney CBD from a purely commercial centre to a place for both business and entertainment.

It sets five Key Directions, comprising Our Living Environment, Our Built Environment, Our Economic Vitality, Our Social Vitality, and Our Civic Leadership. Within these are outcomes and strategies which provide benchmarks for progress. Relevant outcomes are considered in **Section 6.2**.

2.7 Current planning controls

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

The State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) applies to all land within New South Wales identified as land for urban purposes with exceptions and conditions listed under clause 4 of the SEPP.

It seeks to improve the design quality of residential development in NSW including through the achievement of better built forms and aesthetics of buildings, as well as of the streetscapes and public spaces they define, and by better satisfying increasing demand.

Its nine (9) design quality principles are as follows:

- Principle 1: Context and neighbourhood character
- Principle 2: Built form and scale
- Principle 3: Density
- Principle 4: Sustainability
- Principle 5: Landscape
- Principle 6: Amenity
- Principle 7: Safety
- Principle 8: Housing diversity and social interaction
- Principle 9: Aesthetics

The proposal will facilitate the feasible redevelopment of the site by allowing a residential tower to be developed while retaining and investing in the conservation of the existing heritage commercial office building. The proposal provides an opportunity for the creation of high quality housing within the North Sydney Centre that responds to the changed character of the area since the site's construction. These matters are further considered and discussed in **Section 6.2**.

North Sydney Local Environmental Plan 2013

The North Sydney LEP 2013 applies to this proposal as the primary environmental planning instrument. An assessment of the proposed development of 41 McLaren Street against the relevant provisions of the LEP 2013 is provided at **Attachment P**. An overview of the key provisions is provided below.

Zoning

The subject site is currently zoned as **B4 Mixed Use**.

Objectives of the zone	<ul style="list-style-type: none"> - To provide a mixture of compatible land uses. - To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. - To create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity. - To maintain existing commercial space and allow for residential development in mixed use buildings, with residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.
Permitted without consent	Nil
Permitted with consent	Car parks; Child care centres; Commercial premises; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Seniors housing; Serviced apartments; Shop top housing; Signage
Prohibited	Any development not specified in item 2 or 3

Refer to the LEP zoning map of the site and surrounds provided at **Figure 6** below.

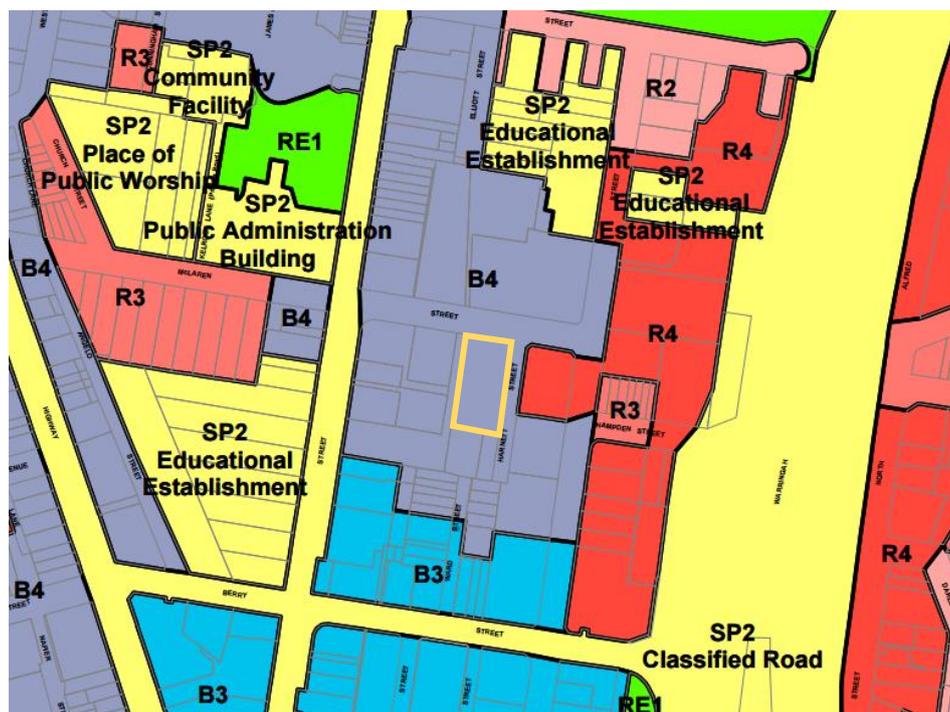


Figure 6 Land Use Zoning Map (site outlined in yellow)
 Source: North Sydney LEP 2013, Sheet LZN_002A

Building height

The site is currently subject to a height of **RL 100 metres**.

The maximum height of building controls under Clause 4.3 are as follows:

(1) *The objectives of this clause are as follows:*

- a) *to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,*
- b) *to promote the retention and, if appropriate, sharing of existing views,*
- c) *to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- d) *to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,*
- e) *to ensure compatibility between development, particularly at zone boundaries,*
- f) *to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A)–(2C) *(Repealed)*

The height of buildings map applying to the site and surrounding area is illustrated at **Figure 7**. Note that the site-specific height limits are provided as RL metres.



Figure 7 Height of Buildings Map (site outlined in yellow)
Source: North Sydney LEP 2013, Sheet HOB_002A

The existing height limit applying to 41 McLaren Street of RL 100 metres roughly aligns with the height of the existing building.

Floor space ratio

The site is not subject of a maximum floor space ratio under clause 4.4 of the LEP.

Clause 4.4A and the associated Non-Residential Floor Space Ratio Map prescribes provides a minimum Non-Residential FSR of 0.5:1 for the site. Clause 4.4A states the following:

- 1) *The objectives of this clause are as follows:*
 - a) *to provide for development with continuous and active street frontages on certain land in Zone B1 Neighbourhood Centre, Zone B4 Mixed Use and Zone SP2 Infrastructure,*
 - b) *to encourage an appropriate mix of residential and non-residential uses,*
 - c) *to provide a level of flexibility in the mix of land uses to cater for market demands,*
 - d) *to ensure that a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of commercial centres.*
- 2) *The non-residential floor space ratio for all buildings within a site on any land must not be less than the ratio shown for the land on the Non-Residential Floor Space Ratio Map.*
- (3), (4) *(Repealed)*
- 5) *Development consent must not be granted to the erection of a building on land in Zone B1 Neighbourhood Centre or Zone B4 Mixed Use unless the consent authority is satisfied that the building will have an active street frontage after its erection.*
- 6) *Despite subclause (5), an active street frontage is not required for any part of a building that is used for any of the following:*
 - a) *entrances and lobbies (including as part of a mixed use development),*
 - b) *access for fire services,*
 - c) *vehicular access.*
- 7) *In this clause, a building has an **active street frontage** if no part of the ground floor of the building facing a street is used for residential accommodation.*
- 8) *In this clause, **non-residential floor space ratio** means the ratio of the gross floor area of that part of a building used or proposed to be used for any purpose in all buildings within a site to the site area, other than for any of the following purposes:*
 - a) *residential accommodation,*
 - b) *serviced apartments, if less than 50 serviced apartments are or will be contained within the site,*
 - c) *a car park,*
 - d) *a telecommunications facility.*

The Proposal includes a Non-Residential FSR of 3.1:1 and therefore complies with this provision.

An extract from the LEP Non-Residential Floor Space Ratio Map is provided in **Figure 8** below.

North Sydney Centre

The site is located within the North Sydney Centre as defined by the LEP.

The objectives for the North Sydney Centre are found under clause 6.1 as below:

The objectives of this Division are as follows:

- a) *to maintain the status of the North Sydney Centre as a major commercial centre,*
- b) *to require arrangements for railway infrastructure to be in place before any additional non-residential gross floor area is permissible in relation to any proposed development in the North Sydney Centre,*
- c) *to permit an additional 250,000 square metres of non-residential gross floor area in addition to the estimated existing (as at 28 February 2003) 700,000 square metres of non-residential gross floor area,*
- d) *to ensure that transport infrastructure, and in particular North Sydney station, will enable and encourage a greater percentage of people to access the North Sydney Centre by public transport than by private transport and:*
 - (i) be convenient and accessible, and*
 - (ii) ensure that additional car parking is not required in the North Sydney Centre, and*
 - (iii) have the capacity to service the demands generated by development in the North Sydney Centre,*
- e) *to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1,000 square metres,*
- f) *to protect the privacy of residents, and the amenity of residential and open space areas, within and around the North Sydney Centre,*
- g) *to prevent any net increase in overshadowing of any land in Zone RE1 Public Recreation (other than Mount Street Plaza) or any land identified as "Special Area" on the North Sydney Centre Map,*
- h) *to prevent any increase in overshadowing that would adversely impact on any land within a residential zone,*
- i) *to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and to protect the amenity of those areas.*

Provisions for building heights and massing are found within clause 6.3 and provided below:

(1) The objectives of this clause are as follows:

- a) *to achieve a transition of building heights generally from 100 Miller Street and 79–81 Berry Street to the boundaries of the North Sydney Centre,*
- b) *to promote a height and massing that has no adverse impact on land in Zone RE1 Public Recreation or land identified as "Special Area" on the North Sydney Centre Map or on the land known as the Don Bank Museum at 6 Napier Street, North Sydney,*
- c) *to minimise overshadowing of, and loss of solar access to, land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone RE1 Public Recreation or land identified as "Special Area" on the North Sydney Centre Map,*
- d) *to promote scale and massing that provides for pedestrian comfort in relation to protection from the weather, solar access, human scale and visual dominance,*
- e) *to encourage the consolidation of sites for the provision of high grade commercial space.*

North Sydney Development Control Plan 2013

The North Sydney Development Control Plan (DCP) 2013 applies to all sites within the North Sydney LGA. The DCP was adopted by North Sydney Council on 2 September 2013 and came into effect on 13 September 2013.

The DCP applies to the wider North Sydney LGA and provides for a range of controls relating to site suitability, built form, site density and other matters. It focuses planning controls in two ways: for general developments and types; and toward desired future outcomes for neighbourhoods which display distinct characteristics, such as for the 'North Sydney Planning Area' within which the site is located. This area generally comprises the North Sydney CBD and is bound by the Warringah Freeway, Pacific Highway and Falcon Street.

New development should result in outcomes such as a diverse range of living, employment, recreation and social opportunities that contribute to the vibrancy of and meet demand in the Centre. Parks and public spaces should allow a range of social and recreational activities. Further, residential development is encouraged to be concentrated in areas zoned mixed-uses, rather than within the commercial core, and provide housing choice.

The Architectus Alternative Master Plan for the Ward Street Precinct provided in the Urban Design Report at **Attachment A**, of which the proposed development of 41 McLaren Street forms a part, is consistent with the objectives and intent of the DCP as it seeks to add value to the Centre and to enable the creation of a new pedestrian spine, increase the area of public open space in the Centre and revitalise the area occupied by the Council-owned Ward Street car park by allowing for high-quality and economically viable development outcomes.

An assessment of the proposed development of 41 McLaren Street against the relevant provisions of the DCP is provided at **Attachment P**.

2.8 Other plans and policies

Draft Ward Street Precinct Masterplan

The *Draft Ward Street Precinct Masterplan* (WSPM) was publicly exhibited by North Sydney Council in January 2017 with its key objectives being to provide a balanced public domain and built form response to the proposed Victoria Cross Metro Station and to ensure a built form response that effectively balances growth within the Centre and amenity to surrounding properties.

The WSPM provides that the precinct currently contains:

- 1,115 dwellings
- 3,700 jobs
- 1,890 parking spaces (existing and approved) / 925 public parking spaces
- 20 sqm of public open space

Additionally, the WSPM notes that the following are located within 50 metres of the Precinct:

- 960 additional dwellings (existing and approved)
- 1 Metro station (planned)
- 2 independent schools

The Masterplan goes on to state that it provides the following:

- 5,100 sqm of new community floor space
- 2,100+ sqm of public open space and plaza
- Pedestrian permeability
- New landscaped open space opportunities

- Temporary event and pop-up spaces
- 30,600 sqm of new commercial floor space
- 2,000+ sqm of new retail space
- 150 - 220 new dwellings

It is noted that Architectus provided a submission to the public exhibition of the draft WSPM based on detailed analysis of the exhibited material which concluded that the net increase of office space resulting from the draft Masterplan amounted to 6,545sqm GFA.

The draft WSPM is discussed in detail (including an overview of Architectus' submission) within the Urban Design Strategy prepared by Architectus and provided as **Attachment A**.

Following exhibition and consideration of the draft Masterplan, North Sydney Council, at its meeting of 1 May 2017 considered an interim report and resolved to take steps toward the finalisation of the draft Masterplan incorporating matters raised during consultation. A further report will be considered by North Sydney Council at some point (the timing of which is unknown at this time) which outlines Council's proposed response to these issues, after which consultants will be appointed to revise the Masterplan.

North Sydney Centre Capacity and Land Use Strategy

The *North Sydney Centre Capacity and Land Use Strategy* (CLU Strategy) was endorsed by North Sydney Council on 1 May 2017 following a process of public consultation which involved exhibition of a Draft Capacity and Land Use Study, to which Architectus made a submission on behalf of the owners of 41 McLaren Street (provided as an attachment to the Urban Design Report at **Attachment A**).

The CLU Strategy seeks to:

- Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre;
- Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;
- Inform and respond to district planning, particularly employment and commercial floor space targets for the North Sydney Centre;
- Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure;
- Offset commercial floor space losses in the mixed use zone of the Centre;
- Identify residential development opportunities in the mixed use periphery; and
- Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability.

To achieve these objectives, the following strategies are proposed:

Strategy 1

Apply new height controls to the North Sydney Centre based on the following:

- A 10 am to 2 pm restriction on additional overshadowing to residential land outside of the North Sydney Centre; and
- The continued prohibition of additional overshadowing to land identified as special areas under NSLEP 2013.
- Any other measure identified as a result of further detailed consideration.

Strategy 2

Apply new height controls via the following mechanisms:

B3 Commercial Zone

New heights controls will be applied via a Council initiated planning proposal.

B4 Mixed Use

The achievement of potential additional height identified by the Study will be subject to the consideration of a proponent-initiated planning proposal, where appropriate land uses and development mix can be assessed and assured.

Strategy 3

- Amend the Special Areas Map of NSLEP 2013 to remove Blue Street and Elizabeth Plaza special areas and add the green space at the rear of 100 Pacific Highway.
- Revisit Miller Street Central and Tower Square special areas to align with the public domain outcomes of the Victoria Cross Metro station.
- Review Berry Square as part of the Ward Street Masterplan.

Strategy 4

Prohibit the development of serviced apartments within the B3 Commercial Core zone.

Strategy 5

Undertake a review of North Sydney DCP 2013 *Part B Section 2 Commercial Development* and *Part 3 Section 2 North Sydney Planning Area Character Statement*, to further consider built form issues within the Centre.

At its meeting of 1 May 2017, North Sydney Council resolved to adopt a Planning Proposal seeking to give statutory effect to the CLU Strategy and to forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway determination. A Gateway Determination was subsequently issued for the proposal on 20 July 2017 and is currently with North Sydney Council for implementation. It is noted that the CLU Strategy deferred consideration of the planning controls relevant to sites within the Ward Street Precinct for consideration and review as part of the Ward Street Precinct Masterplan process.

2.9 Demographic profile and trends

The Draft North District Plan notes that the aggregate population growth within North Sydney LGA is set to be 19,600 by 2036.

2016 Census data for the North Sydney suburb (SSC) revealed that the residential population was approximately 7,705 persons, of which the median age was 35.

The household composition comprised of: families (54.9%); single or lone persons (37.8%); and group households (7.2%). Family household compositions were distributed as follows:

- Couples without children (58.1%)
- Couples with children (29.8%)
- One parent families (9.3%)
- Other families (2.7%)

Additionally, the dwelling structure was as follows:

- Flat or apartments (79.9%)
- Semi-detached, row or terrace houses, townhouses etc. (12.5%)
- Separate houses (6.8%)
- Other dwelling (0.4%)

Of occupied private dwellings, the number of bedrooms were:

- 1 bedroom (30.4%)
- 2 bedrooms (37.0%)
- 3 bedrooms (20.5%)
- 4 or more bedrooms (4.6%)
- Not stated/none (7.5%)

The Plan notes that housing to accommodate smaller households – such as apartments or terrace/row housing – is in the greatest demand in North Sydney. The Plan also states that the creation of these ‘should consider proximity to public transport, day-to-day needs, health, education, infrastructure and services’.

3. The proposal

This Section provides an overview of the need for a Planning Proposal and identifies the design philosophy to inform the redevelopment of the site.

3.1 Need for redevelopment

The owners of 41 McLaren St, Erolcene Pty Ltd and Claijade Pty Ltd, have within the last three years undertaken meetings with senior Council officers over the future of Council's Ward Street Carpark and the broader Ward Street Precinct, being the land bound by McLaren Street to the north, Miller Street to the west, Walker Street to the east and Berry Street to the south. Council has recognised that a number of significant and transformational changes, such as the return of the Ward Street carpark to Council control in 2020 and the announcement of the Victoria Cross Metro station, have and will continue to affect the Precinct, making it well suited to a masterplan which considers how potential development sites may develop in a complementary manner.

Architectus considers that both 41 McLaren St and the Ward Street carpark site represent a unique opportunity to deliver significant public benefit for the wider community including, but not limited to, a fine grain of connected lanes and ground level uses, public open space, community facilities, child care and revitalised through-site connections providing easy access to the Metro Station.

Between 26 January and 10 March 2017 North Sydney Council publicly exhibited the *Draft Ward Street Precinct Master Plan*, which includes 41 McLaren Street. Architectus prepared a submission in March 2017 to the draft Master Plan and raised a number of concerns, including:

- The additional height in storeys and RL proposed for 41 McLaren St at 5 storeys and up to RL110 were incorrect (5 additional storeys above the existing building cannot be achieved under RL 110 metres) and additionally not viable given the costs of an additional lift core, plant relocation and structural strengthening;
- There was no discussion of the range of criteria used for setting building heights, such as the consideration of aviation height limits, whether it may be more appropriate to establish maximum building heights based on contextual considerations, growth needs, or protection of solar amenity of existing residential uses;
- There was no discussion of potential development scenarios for tower(s) above the future Metro station, which will influence the height of future towers within the Precinct; and
- The draft Masterplan provides for very little additional commercial floor space (just 6,545sqm additional GFA) and would generally be of a low quality, due to floorplate sizes and lack of street address.

This submission forms the basis of the Urban Design Report provided at **Attachment A**.

Recognising the implications and limitations of the WSPM, Architectus' submission includes a proposed Alternative Master Plan, which is discussed throughout this Planning Proposal. While it is not the intent of the Planning Proposal to implement the Alternative Masterplan, the proposed development of 41 McLaren Street has been

designed to enable achievement of the Alternative Masterplan, should Council consider that it would be an appropriate outcome for the Precinct.

3.2 The Alternative Masterplan

The Architectus Alternative Masterplan for the Ward Street Precinct was developed in response to exhibition of the Draft WSPM by North Sydney Council to address a number of concerns, including the quality and economic viability of envisaged development outcomes, limitations on being able to achieve high quality public open space (which was dependent upon the development of 56 & 66 Berry Street with insufficient uplift to make such a development viable), and a lack of realisation of urban renewal and densification in the walkable catchment of the Victoria Cross Metro Station, having been a key factor in the determination of the metro site.

Key objectives and outcomes which informed the Alternative Masterplan include:

Public Domain

- Increased the area of public domain compared with the draft WSPM by almost double.
- Direct line of sight between Berry Street and McLaren Street (via a double height colonnade through 41 McLaren Street aligned with the Ward Street Precinct open space spine).

20 Ward Street/56 Berry Street/66 Berry Street

- Provide planning controls to enable the amalgamation of the three sites to achieve a high quality mixed-use tower comprising 'A' Grade commercial office tower and hotel uses above
- Balance solar access to Berry Square by increasing sunlight to part and reducing to part.
- Incorporate community uses within podium levels
- Provide retail and lobbies with potential tunnel connecting into Metro Station concourse alleviating pedestrian crowding on Berry Street.

41 McLaren Street

- Allow development uplift to incentivise heritage conservation works to the existing heritage building by allowing for a residential tower above the existing heritage building.
- Provide for a range of uses to contribute to the 18-hour economy of the precinct.
- No additional overshadowing of Berry Square between 12pm and 2pm midwinter.
- Achieve quality outcomes for the heritage building, and a high quality residential tower above, while retaining commercial uses within the heritage podium, to contribute to the redevelopment of the wider Ward Street Precinct.

The design principles for the public domain treatment of the Architectus Alternative Masterplan are provided in **Figure 11** below.

41 MCLAREN STREET DESIGN PRINCIPLES

1. DESIGN AXIAL PATHWAYS AND PEDESTRIAN STREETS TO EMPHASISE THE SITE'S TOPOGRAPHY AND PROVIDE CLEAR SIGHTLINES
2. PROVIDE VISUAL LANDMARKS AND WAYFINDING TO GUIDE PEOPLE THROUGH THE SITE AND TO PUBLIC TRANSPORT CONNECTIONS
3. CREATE FLEXIBLE OPEN SPACE FOR PROGRAMMING SUCH AS NIGHT MARKETS, LUNCH TIME PERFORMANCES, CINEMA SCREENINGS, OUTDOOR GALLERIES, ETC.
4. PROVIDE UNIVERSAL ACCESSIBILITY THROUGH GRADING AND LANDFORM IN ORDER TO REDUCE THE NEED FOR HANDRAILS AND OTHER VISUAL CLUTTER
5. ENCOURAGE SITE ACTIVATION THROUGHOUT THE DAY AND NIGHT WITH SHOPS, RESTAURANTS, BARS, ARTWORK, AND CREATIVE LIGHTING IN ORDER TO ATTRACT LOCAL RESIDENTS, VISITORS, AND WORKERS
6. PROVIDE MULTISPATIAL SCALES AND ACTIVITIES, FROM EXPANSIVE GATHERING SPACES TO FINER-GRAIN LANEWAYS AND SITTING NOOKS

-  PRIMARY CIVIC PEDESTRIAN AXIS
-  SITE ENTRY POINTS AND LANEWAY CONNECTIONS
-  FLEXIBLE OPEN SPACES
-  KEY LANDMARKS AND METRO

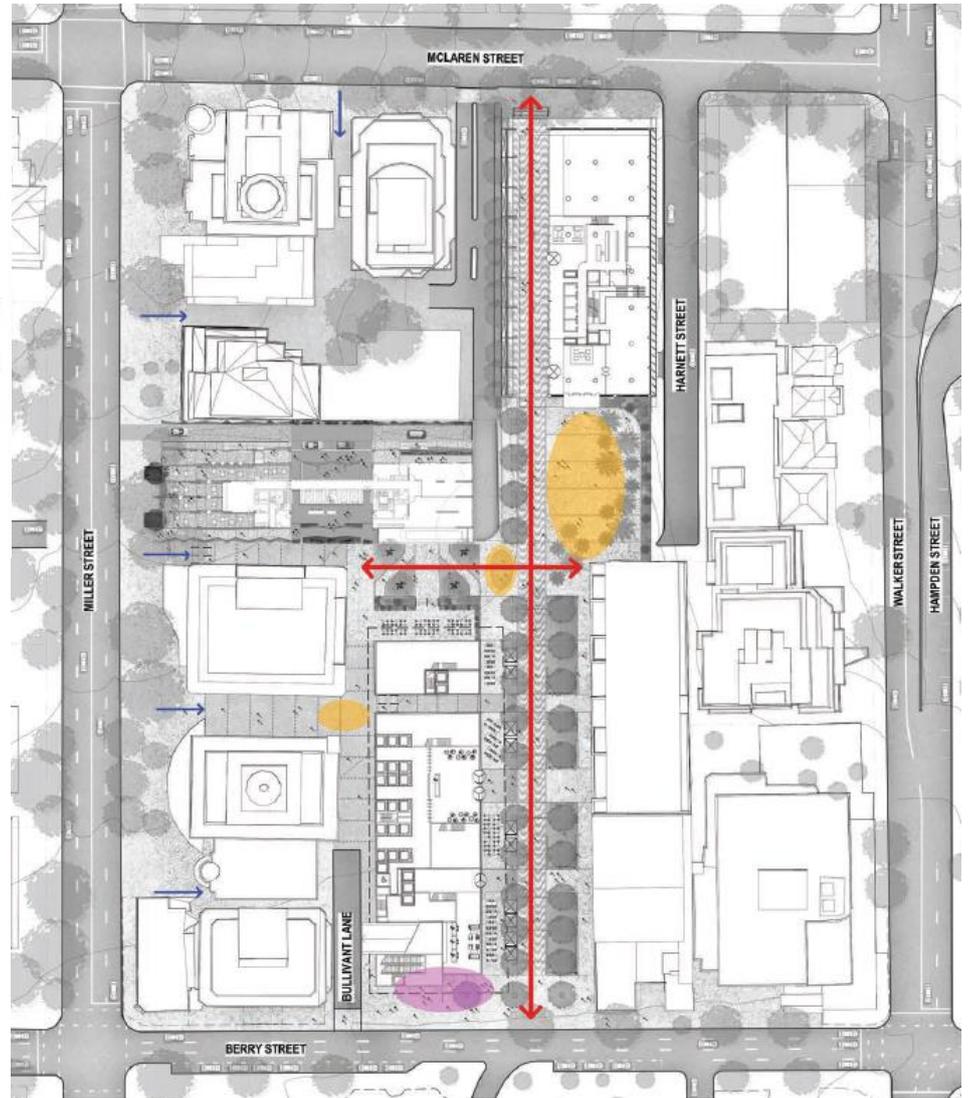


Figure 11 Public domain principles

Source: Spackman Mossop Michaels Public Domain Plan

A comparison between the draft WSPM as exhibited by North Sydney Council and the Alternative Masterplan prepared by Architectus can be seen in **Figure 12** and **Figure 13** below.

- (A) Indicative Metro Tower
- (B) 41 McLaren St
- (C) 20 Ward St
- (D) 56/66 Berry St
- (E) 70-74 Berry St
- (F) 45 McLaren St
- Site boundary
- Existing commercial
- Existing residential
- Future commercial
- Future residential
- Future community facilities
- Future hotel
- Substation
- Opportunity site
- Berry Square
- Proposed N.O.C Square
- ⊕ Number of storeys
- RLXX Reduced Levels AHD

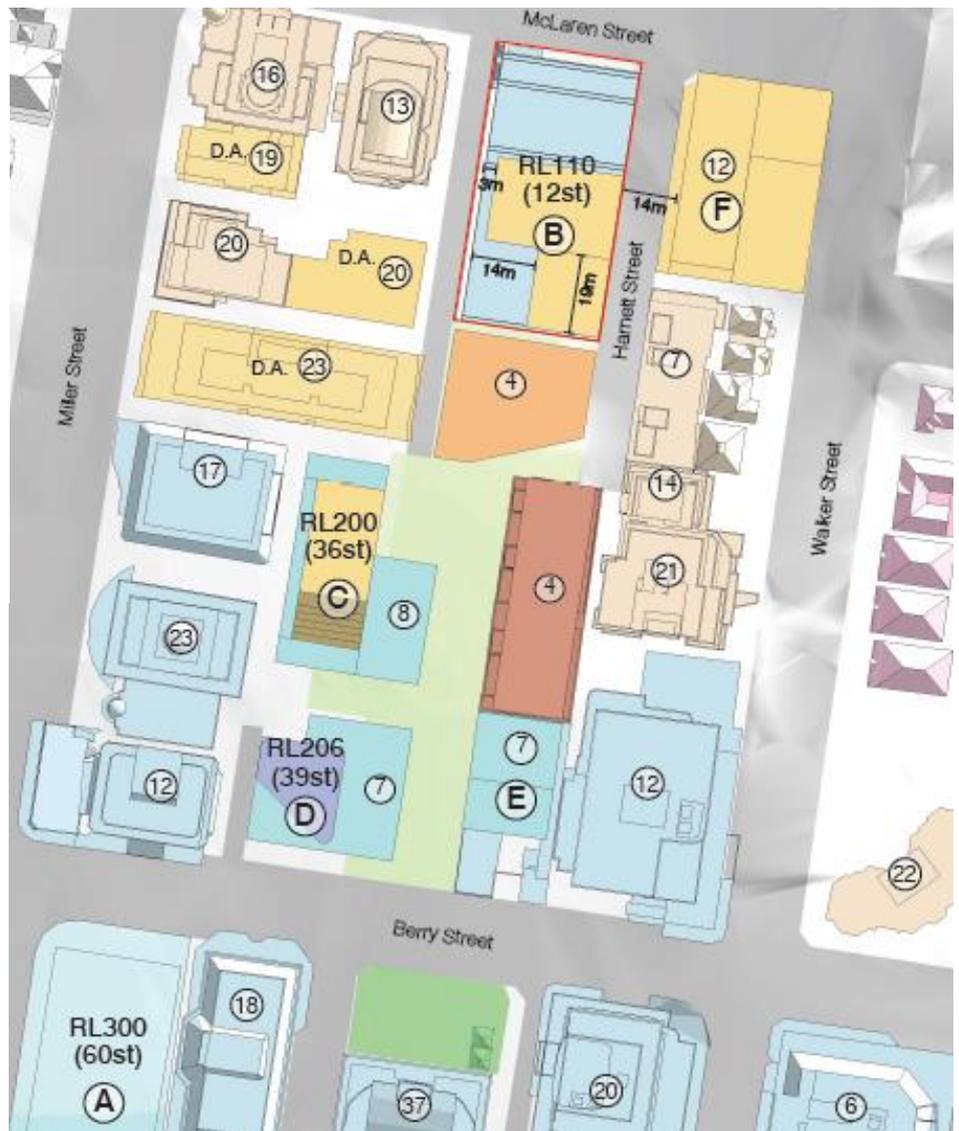


Figure 12 Draft Ward Street Precinct Masterplan (as exhibited) – Site plan

Source: Architectus Urban Design Strategy (adapted from exhibited Roberts Day plan)

Note: This illustration by Architectus is based on the draft Ward St Precinct Master Plan. The notation of Building A is Architectus' view of the potential height of the over station development above Victoria Cross Rail Station which could be 40-60 commercial storeys.

- (A) Indicative metro tower
 - (B) 20 Ward St/56 Berry
 - (C) St/66 Berry St
 - 41 McLaren St
- Site boundary
 - Alternative proposal on 41 McLaren St
 - Existing commercial
 - Existing residential
 - Future commercial
 - Future residential
 - Future community facilities
 - Future hotel
 - Substation
 - Opportunity site
 - Berry Square
 - Proposed N.O.C Square
 - Double height colonnade for visual connection and weather protection for pedestrians
 - # Number of storeys
 - RLXX Reduced Levels AHD

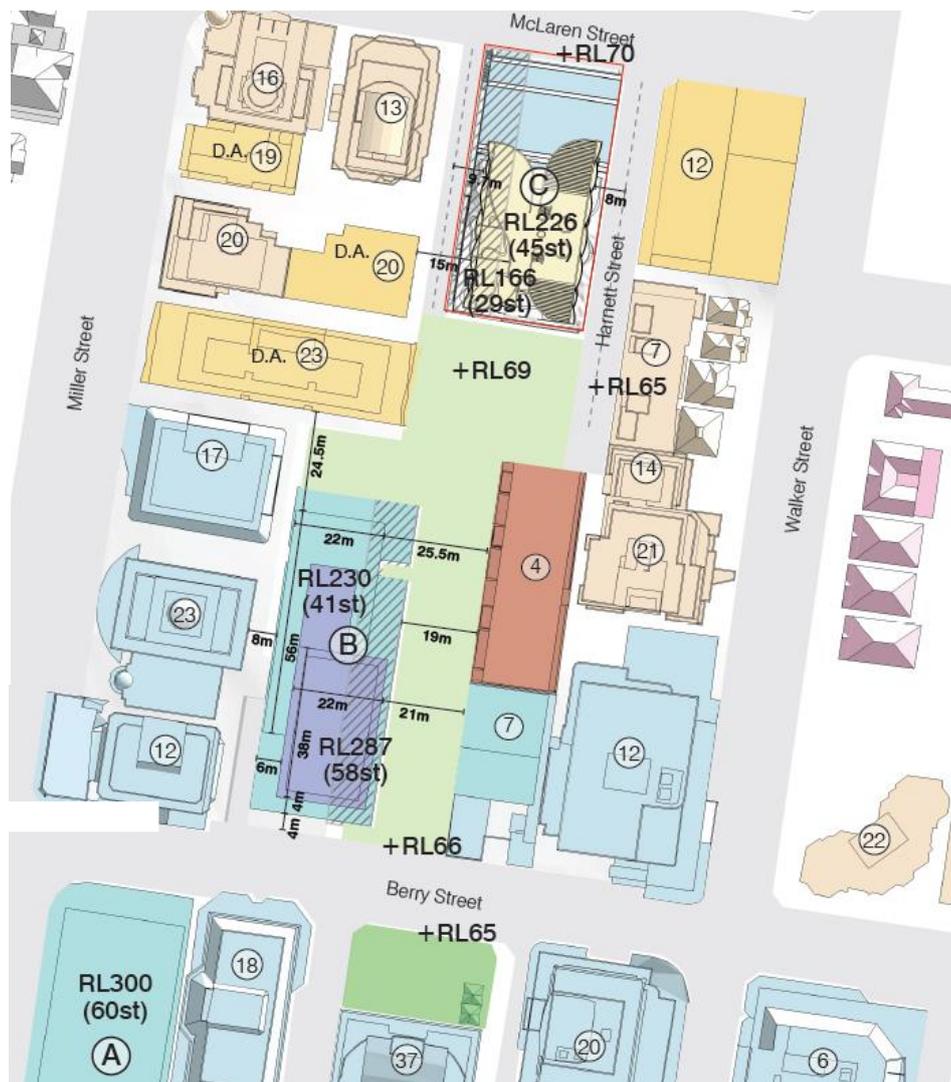


Figure 13 Architectus Alternative Masterplan – Site plan

Source: Architectus Urban Design Strategy

The Planning Proposal, while relating only to the proposed development of 41 McLaren Street, is intended to support the future delivery of the Alternative Masterplan for the Ward Street Precinct.

A 3D perspective of development of the Ward Street Precinct and surround under the Alternative Masterplan is provided at **Figure 14** below.

- A Indicative Metro Tower
- B Ward Street Tower
- C 41 McLaren St

- Proposed on Site
- Existing commercial
- Existing residential
- Future commercial
- Future residential
- Future community facilities
- Future hotel
- Substation site
- Opportunity site
- Berry Square
- Proposed N.O.C Square
- # Number of storeys
- RLXX** Reduced Levels AHD



Figure 14 Architectus Alternative Masterplan – 3D View

Source: Architectus Urban Design Strategy

3.3 The Visionary Masterplan

The Architectus Visionary Masterplan for the Ward Street Precinct was developed to examine the potential uplift in capacity for the Ward Street Precinct, where the potential height of a future over-station development above the Victoria Cross Metro site at the intersection of Berry Street and Miller Street (up to 60-storeys, or RL 300 metres) is taken to establish the context for tower height in the precinct, and where Council supports the removal of sun access controls for Berry Square.

Architectus considers that the Berry Square sun access control should be removed for the benefit of the Precinct, to allow for significant development uplift for the wider Ward Street Precinct and to allow the potential for the precinct to achieve a density of development suitable for its location and the investment in infrastructure which is occurring.

The public benefit associated with the protection of sun access to a relatively small, privately-owned forecourt, which is largely overshadowed by existing buildings, is insignificant in comparison with the public benefit that could be provided through the redevelopment of the Ward Street Precinct, which is heavily constrained in terms of future development potential by protection of sun access to Berry Square (it is noted, however, that the Architectus Alternative Masterplan ensures no additional overshadowing of the Berry Square).

Architectus' Visionary Masterplan is depicted in **Figure 15** and **Figure 16** below.

- (A) Indicative metro tower
 - (B) 20 Ward St/56 Berry St
 - (C) 41 McLaren St
 - (D) Corner Berry St/Miller St tower
 - (E) Corner Berry St/Walker St/Ausgrid tower
 - (F) 45 McLaren St tower
-
- Site boundary
 - Proposed on site
 - Existing commercial
 - Existing residential
 - Future commercial
 - Future residential
 - Future community facilities
 - Future hotel
 - Substation site
 - Opportunity site
 - Berry Square
 - Proposed N.O.C Square
 - Ⓝ Number of storeys
 - RLXX Reduced Levels AHD

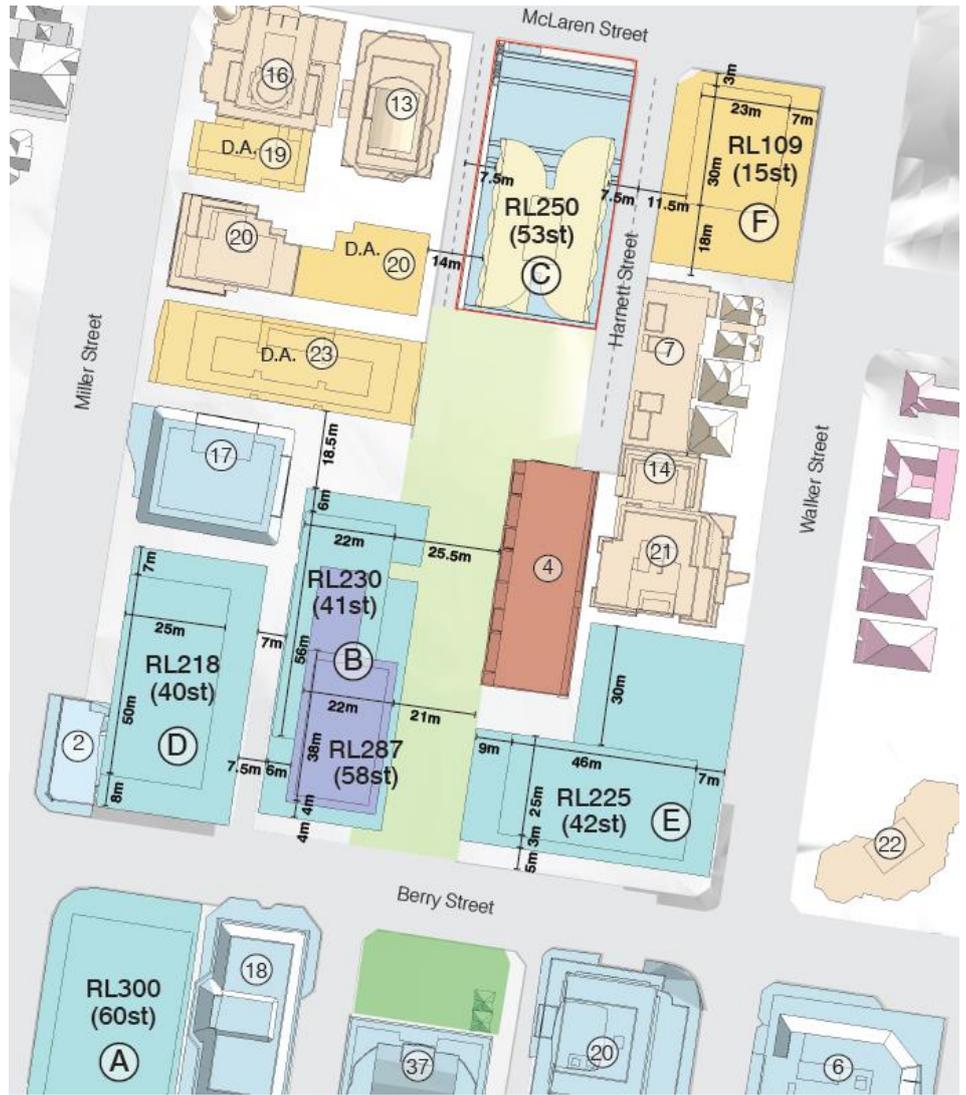


Figure 15 Architectus Visionary Masterplan – Site plan
 Source: Architectus Urban Design Strategy

- (A) Indicative metro tower
 - (B) 41 McLaren St
 - (C) 20 Ward St/56 Berry St/66 Berry St
 - (D) Corner Berry St/Miller St tower
 - (E) Corner Berry St/Walker St/Ausgrid tower
 - (F) 45 McLaren St tower
-
- Proposed on Site
 - Existing commercial
 - Existing residential
 - Future commercial
 - Future residential
 - Future community facilities
 - Future hotel
 - Substation site
 - Opportunity site
 - Berry Square
 - Proposed N.O.C Square
 - Ⓝ Number of storeys
 - RLXX Reduced Levels AHD

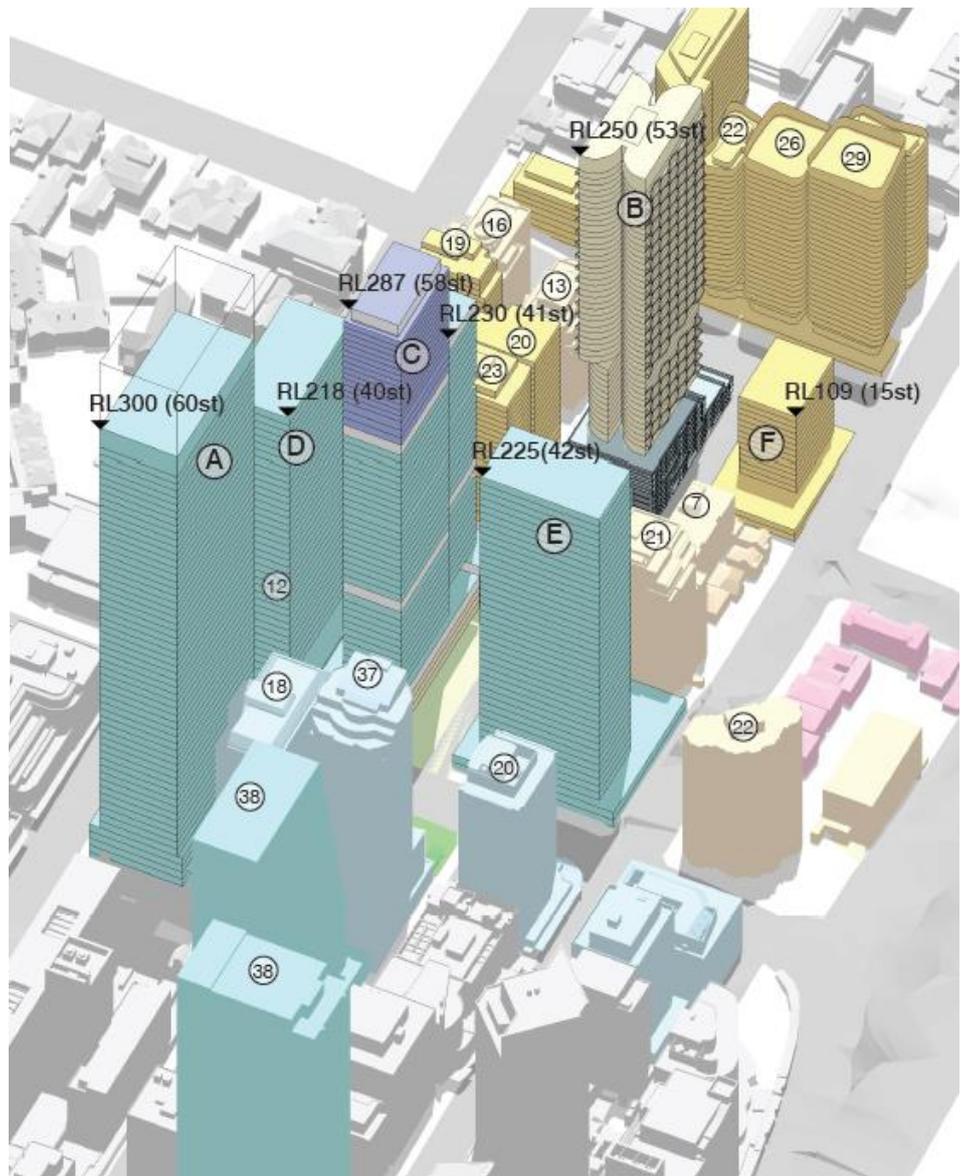


Figure 16 Architectus Visionary Masterplan – 3D View

Source: Architectus Urban Design Strategy

3.4 Proposed development

This Planning Proposal seeks to facilitate the development of 41 McLaren Street as per the Architectural Drawings prepared by Harry Seidler & Associates and provided at **Attachment B**, which includes the following:

- Retention of the heritage listed 'Simsmetal House' and commercial office uses within the podium of a mixed-use building;
- Provision of a double-height colonnade with a vertical clearance of approx. 5.8 metres and minimum width of approx. 7.5 metres, which will function as the principal access to the building and also provide a through-site link to the future public open space to the south of the site;
- Construction of a residential tower, containing 224 residential units (22 x studio; 78 x 1-bedroom; 86 x 2-bedroom; 32 x 3-bedroom; and 6 x 4-bedroom) across 37 levels of residential units above the existing commercial building;
- 7,285sqm of commercial office space within the building podium;
- Heritage conservation and restoration works to the existing building;

- Excavation for basement car parking and provision of 219 car parking spaces (including 40 accessible spaces and 22 visitor parking spaces), an increase of 128 car parking spaces above the existing; and
- Associated site-works and landscaping.

The proposed development of 41 McLaren Street is illustrated in **Figure 17** and **Figure 18** below.



Figure 17 Proposed development of 41 McLaren Street

Source: Harry Seidler & Associates Architects



Figure 18 Proposed development of 41 McLaren Street

Source: Harry Seidler & Associates Architects

3.5 Design philosophy

Harry Seidler & Associates (HSA) Architects have sought to retain the heritage values of the existing building in the design of the proposed development while also creating a distinctive, high quality residential tower.

The design principles which informed the preparation of the architectural scheme provided at **Attachment B** are detailed in the Architectural Design Statement, also prepared by HSA Architects and provided at **Attachment C**.

In summary, the design principles guiding the building design are as follows:

- Maintaining the McLaren Street streetscape character by providing a generous front setback to the tower form;
- Extend the existing undercroft area and increase the height to two-storeys, to provide a through-site link and a scale commensurate with the new entry functions of the residential lobby, commercial lobbies and an expanded food and beverage offering. Public art by renowned Australian Artist Robert Owen and installation of distinctive wavy paving will add to the visual interest of the space;
- Re-landscaping of the podium terraces to enrich these spaces, consistent with the original concept of the building;
- Utilisation of the podium roof for communal recreation and open space;
- A residential tower which ‘floats’ above the commercial podium in a tall slender structure comprising two narrow wings with curved ends returning to a naturally lit central core lift lobby – the slim proportions of the building utilise the long sides of the site to maximise exposure and ensure suitable building separation; and
- Stepping down of the west wing of the tower to prevent overshadowing of Berry Square.

4. Objectives and intended outcomes

This section outlines the objectives of the Planning Proposal and provides detail on the proposed planning control provisions to achieve these objectives and outcomes.

4.1 Intended outcomes

This Planning Proposal seeks to amend the planning controls applicable to 41 McLaren Street to achieve the following:

Maximum building height

The current controls applying to the site allow a maximum building height of up to RL 100 metres (7 storeys). This does not allow for development to meet market expectations, particularly considering the site's changing surrounds and the announcement of the future Victoria Cross Metro Station, which has its northern access on the opposite side of McLaren Street.

It is proposed to amend the LEP 2013 to facilitate the redevelopment of the site in accordance with the architectural scheme prepared by Harry Seidler & Associates and provided at **Attachment B**, which achieves a maximum height of RL 225.8 metres.

Mix of uses

It is not proposed to amend the zoning of the land. The redevelopment of the site should see the introduction of compatible land uses that are consistent with its current B4 Mixed Use zoning. This planning proposal will enable the sustainable redevelopment of the site to accommodate residential dwellings that cater to the future growth of the North Sydney Centre.

Built form

The proposed development includes retention of the existing heritage listed building with a tower above, containing 37 levels of residential units.

The design of the tower relates to the site context and minimises view-loss and amenity impacts for both existing and approved residential developments surrounding the site.

The western wing of the building has a modulated form that scallops inward and steps down toward the south to preserve solar access to Berry Square.

Overshadowing of land outside of the North Sydney Centre

It is noted that the Planning Proposal currently being advanced by North Sydney Council as an outcome of the North Sydney Centre CLU Strategy seeks to amend clause 6.3(3) of the LEP to stipulate that development consent must not be granted to development which exceeds the maximum height of buildings as provided by the Height of Buildings Map.

It is acknowledged that the Planning Proposal would likely result in an increase in overshadowing of the East of Walker Street land identified and discussed in **Section 6.3** of this Planning Proposal.

it is considered that the impact on this land is acceptable, given the land is already substantially overshadowed by the approved development of 168 Walker Street; that densification and increased heights are likely for this land in the future; and that overshadowing of this land from any development of 41 McLaren Street would not preclude any future residential development on the land from achieving solar access in accordance with the ADG. Accordingly, should a site-specific amendment to the LEP be preferred to a change to the Height of Buildings Map (see discussion under **Section 5.1** of this Planning Proposal), then the proposed development of 41 McLaren Street would need to be excluded from the application of this proposed clause.

Public benefit

It is considered that the Planning Proposal is in the public benefit as it would:

- Allow for essential heritage conservation and restoration works;
- Provide a vital through-site link via a double height colonnade at the ground level of the building which will provide a connection from McLaren Street to the proposed public open space to the south of the building; and
- Allow for a density and mix of uses commensurate with its located opposite the future Victoria Cross Metro Station and also contribute positively to the development of the Ward Street Precinct, a precinct which is envisaged to include high quality public domain and a vibrant day and night economy.

A landscape concept for the Architectus Alternative Masterplan has been prepared by Spackman Mossop Michaels Landscape Architects to highlight the potential for the precinct to achieve superior outcomes under the Alternative Masterplan. An extract is provided in **Figure 19** below and detail provided in the Urban Design Report at **Attachment A**.

Urbis has prepared a VPA Report which is provided under separate cover which provides a rationale for the appropriate funding mechanism to allow for value capture associated with uplift in the Ward Street Precinct to fund the provision of community facilities and public domain works. The development of 41 McLaren Street will contribute to the delivery of this infrastructure by means of either a monetary contribution paid to Council, or as works in kind. This will be negotiated with Council through a separate process, concurrent to consideration of the Planning Proposal.

LEGEND

1. PEDESTRIAN AXIS "MAIN STREET"
2. LANEWAYS
3. OUTDOOR DINING / CAFE SPACE
4. TERRACED SEATING
5. STEPPED SEATING & VIEWING SPACE
6. PART-TIME WATER FEATURE / FLEXIBLE SPACE
7. LARGE FLEXIBLE OPEN SPACE
8. COLONADE
9. 221 MILLER STREET (OCULUS)



Figure 19 The Public domain concept plan

A pedestrian spine is proposed as well as increased pedestrian connections and activated open spaces.

Source: Spackman Mossop Michaels Landscape Architects

4.2 Objectives of the proposed controls

The Planning Proposal aims to facilitate the redevelopment of the site, including retention of the existing heritage listed commercial building, with the addition of a residential tower above.

Key objectives of this proposal are to:

- Provide opportunity for increased residential dwelling provision to meet growing demand and support renewal of the subject site;
- To allow an uplift in density for the site commensurate with its location opposite the new planned Victoria Cross Station; and
- To allow holistic planning of the site in conjunction with the renewal of the Ward Street Precinct.

4.3 Potential future amendments to planning provisions to achieve the Alternative Masterplan

Although it is not proposed by this Planning Proposal, Architectus considers that it would be appropriate to introduce alternative development controls for the development of sites within the Ward Street Precinct where development is proposed which is in accordance with the Masterplan. This could be implemented by providing for increased building heights where the amalgamation of sites is proposed and the delivery of public benefits ensured.

This approach has been applied in other local government areas to promote urban renewal and encourage the amalgamation of sites through planning incentives to achieve balanced and desirable outcomes which are also economically viable. An example of this is the development of the “APDG Block” in the City of Sydney, being the block bound by Alfred Street, Pitt Street, Dalley Street and George Street in Central Sydney. Refer to clause 6.25 of the Sydney Local Environmental Plan 2012 provided at **Attachment Q**.

In relation to 20 Ward Street, 56 Berry Street and 66 Berry Street, a maximum building height could apply to an amalgamated site which is greater than that provided under clause 4.3 – Maximum height of buildings and the associated Height of Buildings Map, but only where the development relates to the Ward Street car park site and one or both of the Berry Street sites (56 & 66), and provided suitable public benefit, such as the provision of public open space and community uses within the podium of the building. Similarly, a maximum building height of RL 226 metres would apply to 41 McLaren Street where the development involved heritage restoration and conservation works, provision of a through-site link and contributions to the proposed open space to the south.

4.4 Summary

The objective and intended outcome of the Planning Proposal is to allow for:

- The delivery of a mixed-use development of 41 McLaren Street which is complementary to the development of the broader Ward Street Precinct, being of an appropriate density given its location relative to the Victoria Cross Metro Station;
- Appropriately address impacts on surrounding private land and public places;
- Provide potential for, and contribute to, the future delivery of high quality public domain and links through the precinct which provide active uses and vibrant day and night economy; and
- Retention and conservation of the heritage significance of the existing commercial office building.

To allow for the delivery of these changes, the Planning Proposal seeks to allow for increase in the maximum building height applicable to 41 McLaren Street.

5. Explanation of provisions

This section gives a detailed statement of how the objectives or intended outcomes are to be achieved by means of amending the existing LEP.

5.1 Proposed amendments to the LEP planning controls

There are two potential means of amending the North Sydney LEP 2013 to achieve the objectives and intended outcomes of the Planning Proposal, being:

- Through the introduction of a site-specific clause under Division 2 General provisions of the LEP allowing for a development up to RL 226 metres (despite the height of buildings map), where the development satisfies certain requirements; **or**
- To amend the height of buildings map to allow for a building height of up to RL 226 metres (as illustrated in **Section 7** of this Planning Proposal).

Site-specific clause

Should Council consider that a site-specific clause is the most appropriate means for achieving the objectives and intended outcomes of the Planning Proposal, then a clause such as the following is recommended as appropriate:

6.20 Development at 41 McLaren Street, North Sydney

- (1) *The objectives of this clause is to provide for additional building height on land at 41 McLaren Street (Lot 1, DP 557103) if the development of the site provides for retention and conservation of 'Simsmetal House' and pedestrian links through the site.*
- (2) *Despite clause 4.3, development consent may be granted to a building on the land with a maximum height of RL 226 metres.*
- (3) *Development consent must not be granted under this clause unless the consent authority is satisfied that the development will:*
 - (a) *Conserve key components and attributes of 'Simsmetal House';*
 - (b) *Be consistent with a heritage management document prepared in accordance with clause 5.10(5);*
 - (c) *Provide publicly accessible, unobstructed external access through the site (a through-site link); and*
 - (d) *Provide active uses with frontages at ground level addressing the through-site link.*
- (4) *This clause prevails in the result of any inconsistency clause 6.3(3).*

There is the possibility that the development may also include community uses and/or affordable housing as part of a Public Benefit Offer negotiated through a separate process with North Sydney Council. A site-specific provision would also seek to encapsulate any such use.

Amendment to the Height of Building Map

Should an amendment to the Height of Buildings Map be the preferred option for achieving the objectives and intended outcomes of the Planning Proposal, this would require an amendment to the Height of Buildings Map – Sheet HOB_002A as illustrated in **Section 7** of this Planning Proposal.

6. Justification

This section provides justification of the Planning Proposal in line with the 'questions to consider when demonstration justification' set out within the NSW Government's 'A guide to preparing planning proposals'.

6.1 Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

This Planning Proposal has resulted from the following strategic studies and reports:

North Sydney Centre Capacity and Land Use Strategy (CLU Strategy)

The *North Sydney Centre Capacity and Land Use Strategy* (CLU Strategy) was endorsed by North Sydney Council on 1 May 2017 following a process of public consultation which involved exhibition of a Draft Capacity and Land Use Study, to which Architectus made a submission on behalf of the owners of 41 McLaren Street (provided as an attachment to the Urban Design Report at **Attachment A**).

The CLU Strategy seeks to:

- *Develop a framework that allows for the growth of the North Sydney Centre to ensure it maintains and improves its status as a resilient, vibrant and globally relevant commercial centre;*
- *Accommodate forecast demand for additional commercial floor space in the North Sydney Centre;*
- *Inform and respond to district planning, particularly employment and commercial floor space targets for the North Sydney Centre;*
- *Take advantage of planned infrastructure upgrades by intensifying land use around significant transport infrastructure;*
- *Offset commercial floor space losses in the mixed use zone of the Centre;*
- *Identify residential development opportunities in the mixed use periphery; and*
- *Identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability.*

The CLU Strategy deferred detailed consideration of the built form controls applicable to the separate but related Ward Street Precinct master planning process. Detailed discussion of the CLU Strategy is provided in Section 4.1 of the Urban Design Strategy at **Attachment A**.

North Sydney Centre Ward Street Masterplan Consultant Brief, dated April 2016

In April 2016 North Sydney Council released a Consultant Brief for the Ward Street Precinct, which sought for urban planning and design assistance to prepare a precinct master plan. The Brief outlined major factors necessitating the need for the preparation of a cohesive strategy for the precinct, which are summarised as follows:

1. *The return of a major Council asset (Ward/Harnett Street car park) in 2020 and subsequent need to plan for its long-term future and redevelopment opportunities, including those of adjacent opportunity sites.*
2. *New transport infrastructure, being the proposed Victoria Cross Metro Station.*
3. *Strong private development interest from within the Ward Street Precinct.*

4. *Ability to set the direction for contemporary, best practice planning for the Ward Street precinct.*
5. *Activation of North Sydney Centre as a destination for commercial and economic activity.*

The Brief further notes that, in relation to the wider North Sydney Centre, that 'Council's policies seek to grow and strengthen the commercial core of the Centre, whilst encouraging new mixed use development within that zone.' The opportunity to redevelop the Ward Street car park site has also been identified as having incredible opportunity to provide significant public benefit, as well as becoming 'integral to the movement and congregation of people through and within the precinct' and 'to house a number of uses essential to the improvement of the Centre'.

This Planning Proposal has thus been informed by this brief, as well as the subsequent Draft Ward Street Precinct Masterplan, by seeking to introduce residential accommodation to the existing commercial building at 41 McLaren Street, complementing the site's B4 mixed use zoning under the NS LEP 2013. This Planning Proposal is also intended to contribute to and deliver substantial public benefits envisaged for the Ward Street Precinct and detailed within the brief and the Draft WSPM.

Draft Ward Street Precinct Masterplan (WSPM)

The Draft WSPM, publicly exhibited by North Sydney Council between 26 January and 10 March 2017, was undertaken by Council as a response to the following:

- The return of the Ward Street car park to Council control in 2020
- The approved Victoria Cross Metro Station
- Strong private development interest
- The activation of the North Sydney CBD and implementation of the directions set out by the North Sydney Centre Review.

Focusing upon the Ward Street car park, it proposed to replace this with a '*major new community facility and a 1450 square metre public plaza that is connected by active, pedestrian focussed laneways*'. It also proposes revised planning controls for a number of sites within the precinct, including 41 McLaren Street.

Refer **Figure 20** below for the context analysis map.

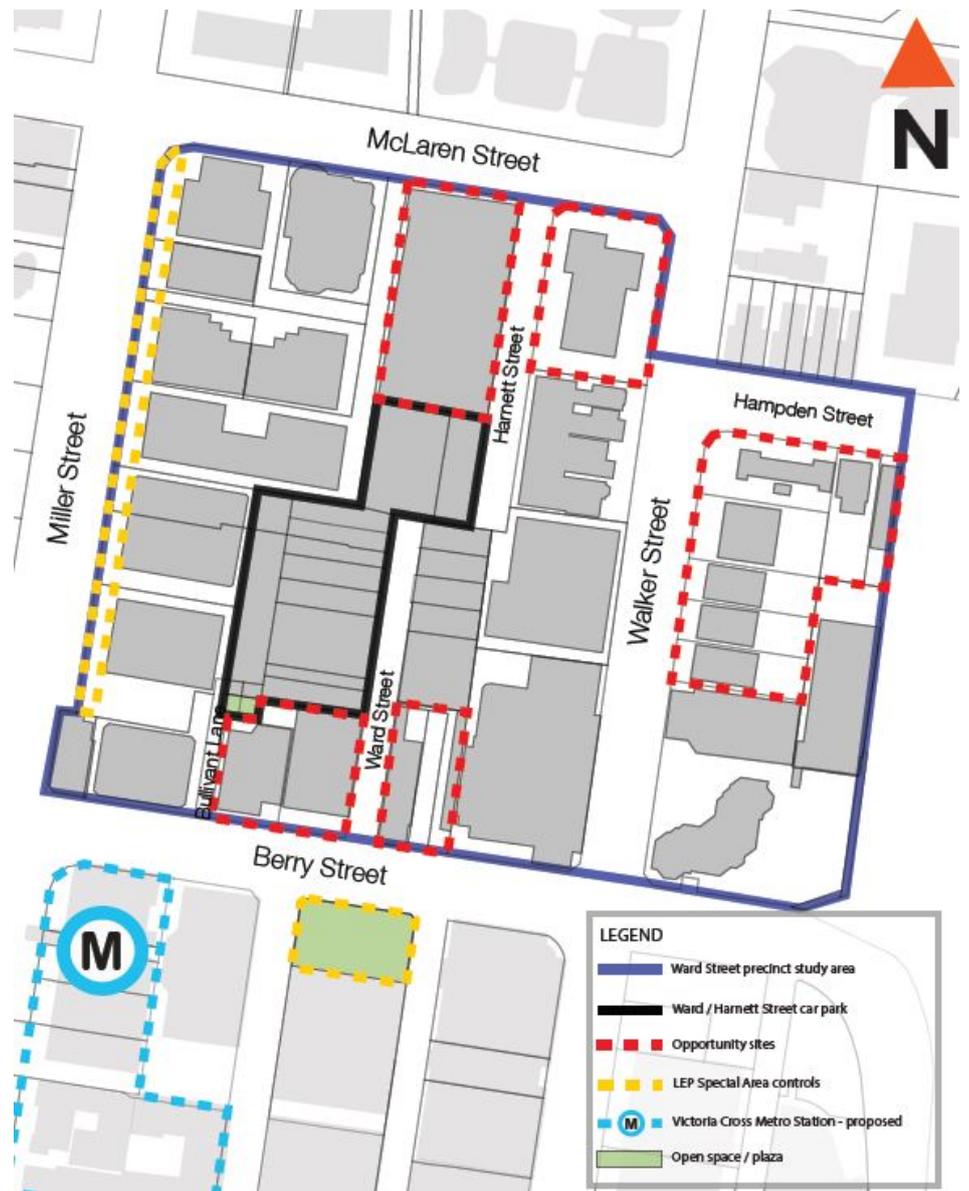


Figure 20 Context analysis of Ward Street Precinct
 Source: Draft Ward Street Precinct Masterplan, North Sydney Council

In March 2017 Architectus provided a submission toward the Draft Masterplan, highlighting that the additional capacity envisaged by the WSPM would be unlikely to be realised due to built form outcomes which fail to constitute economically viable development, and that the WSPM would therefore be unlikely to facilitate the necessary redevelopment of existing buildings to allow the public benefits envisaged by Masterplan to be achieved. For further discussion of the draft WSPM refer to the Urban Design Report at **Attachment A** and the Development Feasibility Report prepared by Hill PDA at **Attachment G**.

Urban Design Strategy and Alternative Master Plan, Architectus, August 2017

An Urban Design Strategy containing an Alternative Master Plan has been prepared on behalf of the owners of 41 McLaren Street, North Sydney, Erolcene Pty Ltd and Claijade Pty Ltd, and is based on the recent submission to North Sydney Council regarding the public exhibition of the Draft WSPM. It provides the strategic planning context and basis for this Planning Proposal toward the site at 41 McLaren Street, North Sydney.

The Strategy acknowledges that while the objectives and principles in the Draft Ward St Precinct Master Plan are supported, the Masterplan does not deliver effectively on jobs or housing, with particular consideration to the new Metro station and appropriate levels of development uplift which would be considered appropriate given this level of investment in public transport and the increased public transport capacity this will provide for the North Sydney Centre.

This Planning Proposal is thereby an outcome of the Urban Design Study, to which it also supports the Alternative Masterplan in light of its better outcomes for the Precinct.

The Urban Design Strategy is provided as **Attachment A** to this Planning Proposal.

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

The objectives and intended outcomes of the proposal can only be achieved through an increase in height beyond those achievable under the current North Sydney Local Environmental Plan 2013.

The current maximum building height applying to the site is RL 100m (7 storeys). This would not allow for any additional development above that which is existing on the site.

6.2 Section B – Relationship to strategic planning framework

This section provides a summary of the strategic planning framework within which the Planning Proposal outcomes for the site have been considered.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal is consistent with the objectives and actions of the following strategies:

Sydney Metropolitan Strategy

The applicable current regional strategy is the NSW Government's *A Plan for Growing Sydney* (2014). Relevant directions from the Metropolitan Plan are noted at **Table 2** below.

Table 2 A Plan for Growing Sydney

Goals and Directions	Consistency	Comment
Goal 1: A competitive economy with world-class services and transport		
Direction 1.7: Grow strategic centres - providing more jobs closer to home	Yes	The proposal seeks to increase residential capacity of the site, located within the North Sydney CBD, comprising one of the highest concentration of jobs in Sydney.
Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity	Yes	North Sydney is identified as a strategic centre. The Action notes the following: 'Unlocking developable land by consolidating fragmented sites for redevelopment and improving planning policies and regulations will encourage flexibility, higher density and a more diverse range of activities.' This proposal has been informed by an Alternative Master Plan, which seeks to consolidate the site with the Ward Street carpark to create a better outcome than proposed within the Draft Ward Street Precinct Master Plan. Further, the Action notes that 'better governance of centres will help to improve the public spaces in and

		<p>around centres and improve the walkability of centres.’</p> <p>This proposal will further facilitate the creation of well-designed public spaces through the contributions made by the redevelopment of the 41 McLaren Street site.</p>
<hr/> <p>Goal 2: A city of housing choice, with homes that meet our needs and lifestyles</p> <hr/>		
<p>Direction 2.1: Accelerate housing supply across Sydney</p> <p>Action 2.1.1: Accelerate housing supply and local housing choices</p>	Yes	<p>The proposal presents an opportunity to create new dwellings in a strategically located site within the North Sydney Centre that is also well-connected to jobs and public transport.</p> <p>As such, this responds effectively to this action.</p>
<p>Action 2.1.3: Deliver more housing by developing surplus or under-used government land</p>	Yes	<p>The Ward Street carpark, a major Council asset, will be returned to Council in 2020 and has been identified by Council and other consultant studies as having significant opportunities for redevelopment.</p> <p>This proposal is informed by the Alternative Master Plan which seeks to consolidate the site with the Ward Street carpark. This has been explained as allowing the feasible redevelopment of the 41 McLaren Street site and introduction of residential accommodation on would otherwise be a constrained site and surrounds.</p>
<p>Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs</p> <p>Action 2.2.2: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres</p>	Yes	<p>The proposal seeks to allow for the urban renewal of the site as a low-lying commercial building built in the 1970’s and utilise site potential to deliver housing within a job-rich strategic centre. In addition, this will:</p> <p>Connect new homes to the planned new Sydney Metro station; and</p> <p>Provide new housing which will support the development of the Ward Street Precinct Masterplan.</p>
<p>Direction 2.3: Improve housing choice to suit different needs and lifestyles</p>	Yes	<p>The proposal allows the introduction of a range of apartment types and sizes, which are appropriate additions atop the existing commercial building.</p>
<hr/> <p>Goal 3: A great place to live with communities that are strong, healthy and well connected</p> <hr/>		
<p>Direction 3.1: Revitalise existing suburbs</p>	Yes	<p>It is anticipated that the increased residential densities that can be achieved through this planning proposal will contribute to the revitalization of the locality in tangent with the Ward Street Precinct Masterplan.</p>
<p>Direction 3.2: Create a network of interlinked, multipurpose open and green spaces across Sydney</p>	Yes	<p>Previous studies have noted that the North Sydney Centre currently lacks sufficient provisions of open space.</p> <p>The proposal will facilitate the development of the pedestrian spine within the Ward Street Precinct, which will include a number of open and green spaces.</p> <p>Refer Landscape concept for the Ward Street Precinct prepared Spackman</p>

		Mossop Michaels and contained within the Urban Design Report at Attachment A.
Direction 3.3: Create healthy built environments	Yes	The redevelopment of the site will result in the creation of mixed-uses that will provide opportunities for a range of daily activities via the retail, restaurant and bar uses, a through-site link at ground level, and other public domain contributions.

Draft North District Plan

The *Draft North District Plan* was released by the Greater Sydney Commission in November 2016 and supports *A Plan for Growing Sydney* by providing regional strategic planning across Sydney's six Districts. The site is located within the North District and subject to the Plan. Relevant directions from the District Plan are noted at **Table 3** below.

Table 3 Draft North District Plan

Liveability priorities	Consistency	Comment
<i>Improve housing choice</i>		
Deliver North District's five-year housing supply target	Yes	This proposal will contribute to the housing supply targets for the North District due to its facilitation of increasing residential capacity on site.
<ul style="list-style-type: none"> - Plan to provide sufficient capacity and monitor delivery of the five-year housing targets 		
Create housing capacity in the North District	Yes	This proposal will increase housing capacity via its amendment to LEP planning controls to the site, and subsequent introduction of residential accommodation atop the existing commercial building.
<i>Improve housing diversity and affordability</i>		
Plan for housing diversity	Yes	The proposal will facilitate the creation of a diverse range of apartment types and sizes of 1, 2 and 3 bedroom apartments and studios.
<ul style="list-style-type: none"> - Deliver housing diversity 		Affordable housing may be provided as part of the future development, subject to negotiations with North Sydney Council.
Support planning for adaptable housing and aged care	Yes	Adaptable housing is capable of being provided within the future development.
Deliver Affordable Rental Housing	Yes	The site is capable of including the provision of affordable rental housing as part of a Public Benefit Offer to be negotiated with North Sydney Council.
<ul style="list-style-type: none"> - Implement the Affordable Rental Housing Target 		
Support social housing in the North District		
<ul style="list-style-type: none"> - Increase social housing provision 		
<i>Create great places in the North District</i>		
Provide design-led planning	Yes	This proposal is the result of numerous discussions with Council regarding the redevelopment potential of the site and contribution to the greater precinct.
		This proposal has additionally been supported by an Urban Design Report (see Attachment A) as well as being heavily informed by the Draft Ward

		Street Precinct Master Plan, and is evidential of design-led planning.
<p>Plan for safe and healthy places</p> <ul style="list-style-type: none"> – Facilitate the delivery of safe and healthy places 	Yes	<p>This proposal also facilitates the integrated planning and design of the Ward Street Carpark site, to which the 41 McLaren Street site will be able to contribute via public domain works and increased permeability in its surrounds.</p> <p>This includes the new north-south pedestrian spine beginning from the site down to Berry Street, which will encourage pedestrian activity and add toward making safe and healthy places within the North Sydney Centre.</p>
<p>Enhance walking and cycling connections</p> <ul style="list-style-type: none"> – Facilitate enhanced walking and cycling connections 	Yes	<p>See above response.</p> <p>The proposed redevelopment of the site incorporates a public through-site link, which is intended to enhance permeability and will easily connect the Victoria Cross Metro Station to the Ward Street Precinct.</p> <p>In conjunction with the shared access way to the west of the site, these enhance north-south pedestrian accessibility and complements the objectives of the precinct master-planning.</p> <p>Refer Architectural Design Statement at Attachment C.</p>
<p><i>Foster cohesive communities in the North District</i></p>		
<p>Conserve and enhance environmental heritage including Aboriginal, European and natural</p> <ul style="list-style-type: none"> – Conserve heritage and unique local characteristics 	Yes	<p>The proposal respects the existing locally heritage listed commercial building.</p> <p>The Architectural Design Statement notes that a structural methodology (not included as part of this Planning Proposal) has been developed to retain the significant structure of the building, with changes seeking to support the functional and structural requirements of the new residential tower.</p> <p>See Architectural Design Statement at Attachment C and Heritage Impact Assessment at Attachment N.</p>
<p>Create opportunities for more recreation and community facilities</p>	Yes	<p>The pedestrian spine that will be enabled as part of the redevelopment of the site will include various public open spaces, seating areas and features which will encourage opportunities for recreation.</p> <p>See below.</p>
<p><i>Respond to people's need for services</i></p>		
<p>Plan for the provision of early education and child care facilities capacity across the District</p>	Yes	<p>There may be the possibility for community uses/facilities to be provided as part of the development. The draft WSPM identifies a need for community facilities within the Precinct, however, the proposed location is poorly considered. It is recommended in the Alternative Masterplan that community uses be contained within</p>

the podium of a mixed-use development on 20 Ward Street/56 & 66 Berry Street to allow for additional public open space. There is the potential that uses could be contained within the podium of 41 McLaren Street, should Council consider this appropriate and subject to a Public Benefit Offer associated with the Planning Proposal – to allow the vision for the Ward Street Precinct to be achieved.

Does the proposal have strategic merit? Is it:

- ***Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or***
- ***Consistent with a relevant local council strategy that has been endorsed by the Department; or***
- ***Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.***

Part 3 of *A Guide to Preparing Planning Proposals* provides the above as criteria for determining whether a Planning Proposal has strategic merit. It is noted that demonstrating that a proposal has strategic merit is of particular relevance where it proposes to amend an LEP which is less than five (5) years old. The North Sydney LEP was gazetted on 2 August 2013 and is therefore approximately four (4) years old.

This Planning Proposal has been motivated by the announcement of the Victoria Cross Metro Station, which will have its northern access approximately 50 metres from the site, and Council's own investigations into allowing increased capacity in the North Sydney Centre. Accordingly, the proposal relates specifically to a change in circumstances not recognised by the existing controls and on this basis, is considered to have strategic merit. It is also considered to be consistent with the relevant State and local plans and policies.

The Sydney Metro aims to address a strategic need to significantly increase transport capacity and frequency within the Global Economic Corridor and to drive productivity through integrated transport and land use planning. The *Chatswood to Sydenham EIS* provides that the opportunity for urban development around the proposed stations is a key benefit of the project and also that, through the application of transit oriented development principles, the project will support the Government's objectives to achieve more sustainable and efficient use of land to meet Sydney's growth.

The EIS also details the site-selection process which was undertaken for the North Sydney Centre, comparing the Victoria Cross site with alternate options within the locality. It goes on to state, in support of the chosen site, that:

“Victoria Cross was considered superior as it has a greater catchment area and a greater potential for residential, commercial and transit oriented development.”

The proposed amendment to the North Sydney LEP 2013 is considered to be consistent with relevant strategic plans, including the *Sydney Metropolitan Strategy: A Plan for Growing Sydney* and the *Draft North District Plan*.

North Sydney is identified as a Strategic Centre within the metropolitan strategy, *A Plan for Growing Sydney*. The strategy states to 'investigate potential future employment and housing opportunities associated with a Sydney Rapid Transit train station (now known as Sydney Metro) at Victoria Cross' as a priority for Global Sydney. A priority for the North Subregion also is to 'work with councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal) and train services' that include the Sydney Metro. Likewise, the draft North District Plan released by the Greater Sydney Commission identifies North Sydney as a Strategic Centre and outlines the need to maximise land use opportunities presented by the Sydney Metro Station at Victoria Cross.

It is acknowledged that North Sydney Council is undertaking its own process to review opportunities for increased development capacity within the Ward Street Precinct, and the North Sydney Centre more broadly. The Planning Proposal is considered to be generally consistent with the aims and intent of the North Sydney Centre CLU Strategy, being generally to promote balanced growth within the Centre with protection of amenity. While not formally endorsed by the Department of Planning and Environment, the CLU Strategy relates to a Planning Proposal being advanced by North Sydney Council which was given a Gateway determination on 20 July 2017. It is noted that the Strategy deferred detailed consideration of land within the Ward Street Precinct to the separate but related WSPM process and that the WSPM has not yet been adopted by Council.

As detailed at length in the Urban Design Study at **Attachment A**, Architectus consider that the potential for the Ward Street Precinct as a vibrant mixed-use destination is unlikely to be realised under the draft WSPM, given it fails to adequately consider the economic feasibility of delivering the Masterplan. Comparatively, it is considered that the Architectus Masterplan provides a vital north-south link through the Precinct, alleviating the need for agreements to be made with multiple landowners to achieve the mid-block public open space connection, and also that amalgamation of the 20 Ward Street, 55 Berry Street & 66 Berry Street achieves a far superior development outcome and allows for almost double the amount of public open space.

Does the proposal have site-specific merit, having regard to the following:

- ***the natural environment (including known significant environmental values, resources or hazards) and***
- ***the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and***
- ***the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.***

The Ward Street Precinct, within which 41 McLaren Street is located, presents a unique opportunity to deliver a vibrant mixed-use community through provision of high quality public open space, highly accessible employment generating floor space at the southern end of the precinct where it adjoins the existing commercial core of the North Sydney Centre and by providing for a range of uses, including residential, at its northern extent, in close proximity to the northern access to Victoria Cross Station – therefore promoting the use of public and active modes of transport, reducing dependence on private vehicle use and providing for the efficient and sustainable use of land.

It will be proposed through a separate Voluntary Planning Agreement (VPA) process to provide a contribution towards the cost of delivering proposed public open space and associated public domain works within the Ward Street Precinct, in addition to providing a double-height colonnade to establish a vital connection between McLaren Street in the north to Berry Street in the south. Urbis have prepared a comprehensive VPA Report which is intended to inform the appropriate approach to levying development within the Ward Street Precinct to fund delivery of public and community facilities and public domain works within the precinct. The report is provided under separate cover.

There are no environmental constraints which would reasonably preclude the proposed development, nor the Architectus Alternative Masterplan. It is considered that the environmental impacts of the proposal have been comprehensively addressed in **Section 6.3** and in the Urban Design Report provided as **Attachment A**.

The Heritage Assessment Report by GML Heritage prepared in April 2017 and provided at **Attachment K** identifies that the site should be afforded uplift to ensure that the heritage building is appropriately maintained. The report also states that future planning for the site must consider the scale of changes to the statutory planning environment of the site since its construction, for the original Simsmetal House now no longer relates to the scale and character of its setting. Further, the report states that the 3-5 storey addition to 41 McLaren Street suggested by the draft WSPM is an inappropriate response to the heritage significance of the building.

The proposed amendments to the North Sydney LEP 2013 seek to improve and revitalise the existing building, now listed as a local heritage item, to become more adaptable and sustainable within its changing surrounding context, and will also enable the delivery of a key through-site link between McLaren Street in the north and Berry Street in the south, improving the accessibility of the future public space in the Ward Street Precinct.

Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

North Sydney Council's *Community Strategic Plan 2013-2023* (NS CSP) is Council's strategic document identifying the community's main priorities and aspirations for its future and provides strategies and outcomes. Relevant directions from the Plan are noted at **Table 4** below.

Table 4 North Sydney Community Strategic Plan 2013-2023

NS CSP 2013 – 2023	Consistency	Comment
Direction 1: Our Living Environment		
Outcome 1.2 Quality urban greenspace	Yes	The proposal will facilitate the urban renewal of the Ward Street Carpark and the creation of the Ward Street Precinct as a vibrant, attractive mixed-use precinct characterised by high-quality public open space. The landscape concept for the Architectus Alternative Masterplan is provided in the Urban Design report at Attachment A .
Outcome 1.5 Public open space, recreation facilities and services that meet community needs	Yes	The proposal allows for the feasible redevelopment of the site, allowing for public domain works that cater to a range of needs and uses via flexible and open spaces as well as seating. It also allows for. The Alternative Masterplan also includes the provision of community uses which could provide for a range of needs.
Direction 2: Our Built Environment		
Outcome 2.2 Improved mix of land use and quality development through design excellence	Yes	This proposal seeks to make amendments to Council's NSLEP 2013 to allow the site to redevelop feasibly within its changing context, to which current LEP controls do not allow for the site nor reflect its strategic location within an urban environment characterised by recent tower development and opposite the future Victoria Cross Metro Station.
Outcome 2.4 North Sydney's heritage is preserved and valued	Yes	The proposal intends to retain and refurbish the existing heritage listed commercial building onsite and integrate a new residential tower above.
Outcome 2.5 Sustainable transport is encouraged	Yes	The proposed development, being in close proximity to the North Sydney Centre, the existing North Sydney railway station and the future Victoria Cross Metro Station is ideally located to promote the use of active and public transport.

NS CSP 2013 – 2023	Consistency	Comment
Direction 4: Our Social Vitality		
Outcome 4.1 Community is connected	Yes	The proposal's facilitation of public domain improvements to the Ward Street Carpark via the new pedestrian spine is intended to connect communities and encourage pedestrian use of the new link, which is supplemented by outdoor eating and seating areas, and public open spaces.
Direction 5: Our Civic Leadership		
Outcome 5.1 Council leads the strategic direction of North Sydney	Yes	The Alternative Masterplan provides a significantly improved outcome over the draft WSPM in terms of development returns, including for the Council-owned Ward Street car park site. Additionally, allowing for economically feasible development outcomes for the remaining sites within the precinct will allow Council to levy the developers of these sites to contribute to the cost of providing the public open space and community facilities identified in the draft WSPM, which achieves improved financial returns from a development perspective
Outcome 5.2 Council is financially sustainable	Yes	As above.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The consistency of the Planning Proposal with the applicable State Environmental Planning Policies is discussed within **Table 5** below.

Table 5 State Environmental Planning Policies

State Environmental Planning Policy	Consistency	Comment
State Environmental Planning Policy No 1—Development Standards	N/A	N/A
State Environmental Planning Policy No 14—Coastal Wetlands	N/A	N/A
State Environmental Planning Policy No 19—Bushland in Urban Areas	N/A	N/A
State Environmental Planning Policy No 21—Caravan Parks	N/A	N/A
State Environmental Planning Policy No 26—Littoral Rainforests	N/A	N/A
State Environmental Planning Policy No 30—Intensive Agriculture	N/A	N/A
State Environmental Planning Policy No 33—Hazardous and Offensive Development	N/A	N/A
State Environmental Planning Policy No 36—Manufactured Home Estates	N/A	N/A
State Environmental Planning Policy No 44—Koala Habitat Protection	N/A	N/A
State Environmental Planning Policy No 47—Moore Park Showground	N/A	N/A
State Environmental Planning Policy No 50—Canal Estate Development	N/A	N/A

State Environmental Planning Policy	Consistency	Comment
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	N/A
State Environmental Planning Policy No 55—Remediation of Land	Yes	<p>SEPP 55 provides that a planning authority must consider whether land is within an investigation area, or whether there is a history of potentially contaminating uses on the land, when preparing an environmental planning instrument which would permit a change of use of the land. This Planning Proposal is not seeking any change to the zoning of the land or to the types of development which will be permissible with consent on the land. The Planning Proposal is seeking only to amend the maximum building height applying to the land.</p> <p>The site is currently occupied by a commercial office building completed in 1973, which will be retained as part of a future development of the site, with residential uses provided within a tower above. Given the history of use of the land and that there is no proposed change to the permissible uses of the land, the Planning Proposal is considered to be consistent with SEPP 55.</p>
State Environmental Planning Policy No 62—Sustainable Aquaculture	N/A	N/A
State Environmental Planning Policy No 64—Advertising and Signage	N/A	N/A
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Yes	<p>The Planning Proposal is not considered to hinder the application of this SEPP or the accompanying Apartment Design Guide. Compliance with the policy and guideline will be assessed and considered as part of a future development application for the proposed development.</p> <p>Attachment P provides a compliance table for SEPP65 and the ADG</p>
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	N/A	N/A
State Environmental Planning Policy No 71—Coastal Protection	N/A	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	Yes	<p>Discussions with North Sydney Council in relation to a potential public benefit offer, which may include the provision of affordable housing units, will occur as a separate process, concurrent to consideration of the Planning Proposal. Should the applicant and Council determine that the provision of affordable housing units as part of the proposed development is appropriate, this will form part of</p>

State Environmental Planning Policy	Consistency	Comment
		a future development application.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	Although not required until a future DA is lodged for the proposed development, a BASIX Certificate is provided at Attachment V to demonstrate that the building complies with the requirements of the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A	N/A
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N/A	N/A
State Environmental Planning Policy (Infrastructure) 2007	Yes	Given the proximity of the site to the proposed Victoria Cross Metro Station and underground rail tunnels, and that the future development of the site will include excavation for additional basement car parking, it is recommended that consultation be undertaken with Sydney Metro as part of the Planning Proposal process.
State Environmental Planning Policy (Integration and Repeals) 2016	N/A	N/A
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N/A	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N/A	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	N/A
State Environmental Planning Policy (Rural Lands) 2008	N/A	N/A
State Environmental Planning Policy (State and Regional Development) 2011	N/A	N/A
State Environmental Planning Policy (State Significant Precincts) 2005	N/A	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A	N/A
State Environmental Planning Policy (Three Ports) 2013	N/A	N/A
State Environmental Planning Policy (Urban Renewal) 2010	N/A	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	N/A

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A review of the consistency of the Planning Proposal with the Ministerial Directions for LEPs under Section 117 of the EP&A Act 1979 is discussed at **Table 6** below.

Table 6 Section 117 Directions

No.	Direction	Objectives	Consistency	Comment
1	Employment and Resources			
1.1	Business and Industrial Zones	<ul style="list-style-type: none"> – Encourage employment growth in suitable locations; – Protect employment land in business and industrial zones; and – Support the viability of identified strategic centres. 	Yes	The Planning Proposal does not propose to significantly reduce the total potential floor space area for employment uses and is consistent with the objectives of the direction as it protects employment land within the B4 zone will support the viability of the North Sydney Centre. It is noted that the NSLEP requires a minimum of 0.5:1 non-residential FSR and the proposed development provides approx. 3.1:1 commercial uses, and is therefore compliant with this provision.
1.2	Rural Zones	<ul style="list-style-type: none"> – Protect the agricultural production value of rural land. 	N/A	The Planning Proposal does not affect land within an existing or proposed rural zone.
1.3	Mining, Petroleum Production and Extractive Industries	<ul style="list-style-type: none"> – Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. 	N/A	The Planning Proposal does not relate to the mining of coal or other materials, production of petroleum or extractive materials.
1.4	Oyster Aquaculture	<ul style="list-style-type: none"> – Ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal; and – Protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. 	N/A	The Planning Proposal does not relate to oyster aquaculture.

No.	Direction	Objectives	Consistency	Comment
1.5	Rural Lands	<ul style="list-style-type: none"> – Protect the agricultural production value of rural land; and – Facilitate the orderly and economic development of rural lands for rural and related purposes. 	N/A	The Planning Proposal does not apply to an existing or proposed rural or environmental protection zone.
2 Environment and Heritage				
2.1	Environment Protection Zones	<ul style="list-style-type: none"> – Protect and conserve environmentally sensitive areas. 	N/A	The Planning Proposal does not apply to land within an environmental protection zone or identified for environmental protection purposes.
2.2	Coastal Protection	<ul style="list-style-type: none"> – Implement the principles in the NSW Coastal Policy. 	N/A	The Planning Proposal does not apply to land within the coastal Zone.
2.3	Heritage Conservation	<ul style="list-style-type: none"> – Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. 	Yes	The Planning Proposal does not propose to amend the heritage status of the subject site, or any site in the vicinity.
2.4	Recreation Vehicle Areas	<ul style="list-style-type: none"> – Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. 	N/A	The Planning Proposal does not seek to enable land to be developed for the purposes of a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<ul style="list-style-type: none"> – The objective of this direction is to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast. 	N/A	The Planning Proposal does not apply to land on the NSW Far North Coast.
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	<ul style="list-style-type: none"> – Encourage a variety and choice of housing types to provide for existing and future housing needs; – Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and – Minimise the impact of residential development on the environment and resource lands. 	Yes	The Planning Proposal will allow for additional housing in close proximity to the future Victoria Cross Metro Station, the existing North Sydney train station and the North Sydney Centre, therefore promoting the efficient use of infrastructure services reducing the need for consumption of land for housing and associated urban development on Sydney's urban fringe to accommodate the City's growth. Further, the Planning Proposal

No.	Direction	Objectives	Consistency	Comment
				allows for an appropriate mix of apartment types as part of a future DA.
3.2	Caravan Parks and Manufactured Home Estates	<ul style="list-style-type: none"> – Provide for a variety of housing types; and – Provide opportunities for caravan parks and manufactured home estates. 	N/A	The Planning Proposal does not relate to the location or provision for caravan parks or manufactured homes.
3.3	Home Occupations	<ul style="list-style-type: none"> – Encourage the carrying out of low-impact small businesses in dwelling houses. 	N/A	The Planning Proposal does not seek to change the permissibility of home occupations in dwelling houses.
3.4	Integrating Land Use and Transport	<ul style="list-style-type: none"> – Improving access to housing, jobs and services by walking, cycling and public transport; – Increasing the choice of available transport and reducing dependence on cars; – Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; – Supporting the efficient and viable operation of public transport services; and – Providing for the efficient movement of freight. 	Yes	<p>The Planning Proposal will improve access to housing, jobs and services by walking, cycling and public transport and reduce dependence on private vehicles. The Planning Proposal is consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> – <i>Improving Transport Choice – Guidelines for Planning and Development</i> (DUAP 2001); and – <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001)
3.5	Development Near Licensed Aerodromes	<ul style="list-style-type: none"> – Ensure the effective and safe operation of aerodromes; – Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; – Ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. 	See comment.	<p>The proposed maximum building height of RL 226 metres AHD is above the Obstacle Limitation Surface (OLS) for North Sydney of 156 metres AHD, but below the Procedures for Air Navigation Systems Operations (PAN-OPS) surface of 335.2 metres AHD.</p> <p>The direction provides that a planning authority must consider the OLS in preparing development standards, including height. It is noted that a large number of sites in the North Sydney Centre currently have maximum heights above the level of the OLS and that the site is located within a</p>

No.	Direction	Objectives	Consistency	Comment
				cluster of both existing and future tall buildings. The inconsistency is therefore considered of minor significance and consultation with the relevant Commonwealth Department is recommended following a Gateway determination.
3.6	Shooting Ranges	<ul style="list-style-type: none"> – Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range; – Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land; and – Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. 	N/A	The Planning Proposal does not relate to land adjacent to or adjoining an existing shooting range.
4 Hazard and risk				
4.1	Acid Sulfate Soils	<ul style="list-style-type: none"> – Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. 	N/A	The Planning Proposal does not apply to land identified as having a probability of acid sulfate soils.
4.2	Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> – Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. 	N/A	The Planning Proposal does not apply to land that is within a mine subsidence district or that has been identified as being unstable.
4.3	Flood Prone Land	<ul style="list-style-type: none"> – Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 – Ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. 	N/A	The Planning Proposal does not seek to create, remove, or alter a zone or provision that affects flood prone land.

No.	Direction	Objectives	Consistency	Comment
4.4	Planning for Bushfire Protection	<ul style="list-style-type: none"> – Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; – Encourage sound management of bush fire prone areas. 	N/A	The Planning Proposal relates to a site in a highly urban context, being located within the North Sydney Centre. The land is not identified as bush fire prone land.
5 Regional Planning				
5.1	Implementation of Regional Strategies	<ul style="list-style-type: none"> – Give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. 	N/A	The Planning Proposal does not apply to land to which a regional strategy relates.
5.2	Sydney Drinking Water Catchment	<ul style="list-style-type: none"> – Protect water quality in the Sydney drinking water catchment. 	N/A	The Planning Proposal does not apply to land in the Sydney drinking water catchment.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	<ul style="list-style-type: none"> – Ensure that the best agricultural land will be available for current and future generations to grow food and fibre; – Provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning; – Reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas. 	N/A	The Planning Proposal does not apply to land in the nominated Council areas.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	<ul style="list-style-type: none"> – Protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route; – Prevent inappropriate development fronting the highway; – Protect public expenditure invested in the Pacific Highway; – Protect and improve highway safety and highway efficiency; – Provide for the food, vehicle service and rest needs of travellers on the highway; and 	N/A	The Planning Proposal does not apply to land in Council areas on the north Coast.

No.	Direction	Objectives	Consistency	Comment
		<ul style="list-style-type: none"> Reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns. 		
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	<i>(Revoked 18 June 2010)</i>		
5.6	Sydney to Canberra Corridor	<i>(Revoked 10 July 2008)</i>		
5.7	Central Coast	<i>(Revoked 10 July 2008)</i>		
5.8	Second Sydney Airport: Badgerys Creek	<ul style="list-style-type: none"> Avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek 	N/A	The Planning Proposal does not apply to land in the vicinity of Badgerys Creek.
5.9	North West Rail Link Corridor Strategy	<ul style="list-style-type: none"> Promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) Ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans. 	N/A	The Planning Proposal does not apply to land within the Hornsby Shire, Hills Shire or Blacktown Council areas.
5.10	Implementation of Regional Plans	<ul style="list-style-type: none"> The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. 	N/A	The Planning Proposal relates to land within Metropolitan Sydney.
6	Local Plan Making			
6.1	Approval and Referral Requirements	<ul style="list-style-type: none"> Ensure that LEP provisions encourage the efficient and appropriate assessment of development. 	Yes	The Planning Proposal does not include any provisions which would require the concurrence, consultation or referral of any development application to a Minister or public authority and does not identify any development as designated development.
6.2	Reserving Land for Public Purposes	<ul style="list-style-type: none"> Facilitate the provision of public services and facilities by reserving land for public purposes; and Facilitate the removal of 	Yes	The Planning Proposal does not propose to create, alter or reduce any existing zoning or reservation on the land for a public purpose.

No.	Direction	Objectives	Consistency	Comment
		reservations of land for public purposes where the land is no longer required for acquisition.		
6.3	Site Specific Provisions	– Discourage unnecessarily restrictive site specific planning controls.	N/A	The Planning Proposal does not propose any unnecessarily restrictive site specific planning controls. Should it be considered that a site-specific provision be the preferred option to implement the Planning Proposal, the intent of that site-specific provision is to ensure that the heritage value of the existing Harry Seidler designed building is retained as part of any future development of the site and also that the future development of the site is consistent with the objectives and vision for the precinct as envisaged by the Alternative Ward Street Precinct Masterplan prepared by Architectus.
7 Metropolitan Planning				
7.1	Implementation of <i>A Plan for Growing Sydney</i>	– Give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in <i>A Plan for Growing Sydney</i>	N/A	The Planning Proposal will enable development that is consistent with the key directions of the metropolitan Strategy, <i>A Plan for Growing Sydney</i> . This is discussed elsewhere within Section 6.2 of this report.
7.2	Implementation of Greater Macarthur Land Release Investigation	– Ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Preliminary Strategy)	N/A	The Planning Proposal does not apply to land in the vicinity of the Macarthur land release area.
7.3	Parramatta Road Corridor Urban Transformation Strategy	– Facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor	N/A	The Planning Proposal does not apply to land in the Parramatta Road Corridor.

No.	Direction	Objectives	Consistency	Comment
		Implementation Tool Kit; <ul style="list-style-type: none"> – Provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community; and – Guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure. 		
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	<ul style="list-style-type: none"> – The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy). 	N/A	The Planning Proposal does not apply to land in the North West Priority Growth Area.

6.3 Section C – Environmental, social and economic impact

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

There are no impacts envisaged. The site to which this Planning Proposal relates is located in a highly urban context, within a cluster of buildings on a block in the North Sydney Centre.

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

The Planning Proposal has considered the potential environmental impacts of the proposal and it is concluded that the potential impacts are acceptable, given the site's location in a highly urban context and the need to achieve growth and renewal in the Wad Street Precinct, given its strategic location and potential as a vibrant mixed-use destination providing high levels of amenity. The potential environmental impacts of the proposal are considered and discussed below:

Heritage

A Heritage Impact Assessment has been prepared by GML Heritage and is provided at **Attachment L**. The report states that based on the nature and degree of the heritage significance of the existing building and the various physical, financial, technical, functional and contextual challenges it currently faces, the site has a need for sufficient additional development to achieve appropriate long-term conservation outcomes. The report recognises the unique opportunity for the site to develop in a complementary manner to the surrounding Ward Street Precinct and to provide a vital through-site link to the proposed public open space to the south of the site. The report notes that a range of measures have been implemented in the design of the future development to conserve significant building components and attributes and mitigate potential adverse impacts, including:

- Retention and conservation of the three-storey front block with terraced roofs;
- Removal of intrusive/unsympathetic alterations to external areas, including balustrades, landscaping structures, modern planter boxes etc. and

replacement with fewer, more appropriately detailed components based on the original form and layout of the building;

- Retention and reconstruction/adaptation of the original covered colonnade as the primary pedestrian entry point and thoroughfare for the site, providing protected and secure access to waiting areas, lift lobbies etc. and ground floor tenancies;
- Retention and appropriate reconstruction/adaptation of the vertical sun-shading blades on the east and west elevations, reinstating elements with complementary form, size/massing, visual character and detailing. Noting that adaptation of materials and construction (e.g. Use of lightweight concrete pre-cast elements) may be used.

The report concludes that the proposed development of the site, as envisaged by the architectural scheme prepared by Harry Seidler & Associates and provided at **Attachment B**, represents an appropriate solution for the meaningful conservation and long-term maintenance of the existing building.

Solar Access and Overshadowing

Protection of solar access to Berry Square (located approximately 150 metres south of 41 McLaren Street); to the proposed public open space within the Ward Street Precinct; and overshadowing of existing and approved residential developments have been guiding principles in the design of the proposed mixed-use tower and detailed modelling of overshadowing and solar access is provided in the Urban Design Report at **Attachment A**

Berry Square

Clause 6.3(2) of the North Sydney LEP 2013 stipulates that development consent must not be granted to the erection of a building within the North Sydney Centre which would result in a net increase in overshadowing of land identified as a “special area”, of which Berry Square is one, between 12pm and 2pm. Architectus has undertaken detailed analysis of solar access to Berry Square (refer to the Urban Design Study at **Attachment A**) to determine the amount of sunshine reaching Berry Square as a result of the Draft WSMP and found that the Square receives reasonable levels of sunlight between 11am and 12.30pm, but for the majority of the protected time (between 12pm and 2pm) during mid-winter, the Square is largely in shadow. Solar access to Berry Square during the protected times is provided in **Figure 21** below.



Figure 21 Overshadowing of Berry Square under Draft WSMP
Source: Architectus Urban Design Study 2017

The *North Sydney Centre Capacity and Land Use Study* preempted preparation and exhibition of the Draft WSPM and stated that the Master Plan would “review the Berry Square Special Area in terms of whether the existing constraints on development to the north should be relaxed in order to realise wider public benefits arising from the redevelopment of the precinct.” Subsequent to this, the Draft WSPM proceeded to recommend that the protected times be extended to protect solar access between 10.30am and 2pm, with significant resultant implications on the development capacity of the Ward Street Precinct. While it noted that the proposed development of 41 McLaren Street does not result in any net increase in overshadowing of Berry Square during the currently protected times of 12pm to 2pm, Architectus does not support the principle of significantly restricting the development capacity of the Ward Street Precinct in order to protect solar access to a small, privately owned building forecourt, and considers that there are significant public benefits to be achieved from allowing additional capacity to be delivered in the Ward Street Precinct, adjacent to the future Victoria Cross Metro Station.

It is further noted that Berry Square was added as a “Special Area” in the 2013 LEP. At the same time, the special area controls for the North Sydney Centre, which previously restricted any net increase between the hours of 10am and 2pm, were reduced to 12pm to 2pm to ensure strong protection during the times when the spaces are most commonly used. Given the relatively small size and value of Berry Square as an area of open space, particularly given the envisaged future public open space within the Ward Street Precinct, Architectus considers it an unreasonable constraint on development of the Precinct to protect solar access between the hours of 10.30am and 2pm as proposed.

Proposed Public Open Space

By rationalising and consolidating potential development footprints, the Architectus Alternative Masterplan for the Ward Street Precinct provides for a significantly larger area of public open space (approx. 3,900sqm) compared with the draft WSPM exhibited by North Sydney (approx. 2,100sqm open to the sky). While the development of 41 McLaren Street is taller than that which would be permitted under the draft Masterplan exhibited by Council, and therefore casts a longer shadow in mid-winter, by increasing the width and size of the public open space the result is that a comparable area of the proposed public open space receives direct sunlight. A comparative analysis of the solar access to the proposed public open space under the exhibited draft WSPM and the Alternative Masterplan is provided in **Figure 22** below. (Note: the area of solar access achieved under the draft Masterplan differs between the exhibited draft Masterplan and Architectus’ built form model, which was purchased for the purpose of undertaking this project. Given the model was prepared based on recent survey data, this should be the most accurate information available and should therefore be more accurate than the figures provided by Council’s consultants in preparing the draft Masterplan.)

Solar access to NOC Square (sqm) - New Ward St open space - midwinter				Solar access to NOC Square (sqm) - New Ward St open space - equinox			
Time	Draft Master Plan (from document)	Draft Master Plan (from Architectus model)	Alternative Master Plan	Time	Draft Master Plan (from document)	Draft Master Plan (from Architectus model)	Alternative Master Plan
9am	151	79	121	9am	433	415	1,254
9.30am	233	209	270	9.30am	666	793	1,648
10am	154	58	406	10am	934	1,149	1,890
10.30am	824	856	315	10.30am	1,276	1,462	1,664
11am	1,362	1,401	86	11am	1,577	1,576	874
11.30am	1,470	1,437	930	11.30am	1,686	1,736	1,715
12pm	797	664	1,177	12pm	989	1,043	1,681
12.30pm	77	22	219	12.30pm	159	195	654
1pm	-	-	-	1pm	-	6	227
1.30pm	-	-	-	1.30pm	-	-	-
2pm	-	-	-	2pm	-	-	-
Total	5,068	4,726	3,524	Total	7,720	8,375	11,607

Figure 22 Solar access to proposed public open space
Source: Architectus Urban Design Strategy

While there is a slight reduction in solar access to the proposed public open space at midwinter for the Alternative Masterplan compared with the draft WSPM, there is a significant increase at the equinox. On balance considering the significantly larger public open space provided under the Alternative Masterplan and that the Alternative Masterplan establishes a key link in the north-south spine absent from the Draft WSPM (which relies on agreements being made with multiple private landowners to achieve the mid-block link) the impacts are considered acceptable.

Existing Residential

As detailed in the Urban Design Study at **Attachment A**, there are four areas of existing residential development which could be potentially effected by overshadowing from tower development in the Ward Street Precinct, including 41 McLaren Street, being:

- Residential areas east of Warringah Freeway (Area 1)
- Existing and future residential along the east side of Walker Street (Area 2)
- Existing residential along the west side of Walker Street (Area 3)
- Existing and future residential along Miller Street (Area 4)

These areas are identified in **Figure 23** below, as well as a summary of the impacts on each of these areas. For further analysis and discussion refer to the Urban Design Report at **Attachment A**.



Figure 23 Areas of existing residential for studying shadow impacts

Source: Architectus Urban Design Study

East of Warringah Freeway (Area 1)

It is noted that the NSCCLUS proposes a control on no additional overshadowing of areas outside of the North Sydney Centre between 10am and 2pm. The Architectus Alternative Masterplan and the proposed development of 41 McLaren Street do not cause any overshadowing of land east of the Warringah Freeway between these hours.

East of Walker Street (Area 2)

It is considered that the land east of Walker Street and shown as Area 2 in **Figure 23**, would logically form part of the North Sydney Centre. This area was identified in the NSCCLUS as an area likely to undergo significant change and redevelopment, and therefore accommodate some of the necessary growth in the capacity of the North Sydney Centre, with the Study noting that further consideration of this would be deferred to the WSPM.

The Council Report of 5 December 2016 relating to the WSPM again deferred further consideration of development potential for this land to “further discussions with relevant landowners who may seek to initiate a planning proposal”. Given the North Sydney Centre boundary has not been expanded to include this land, the proposed no additional overshadowing control would have significant and unreasonable impacts on any potential for redevelopment of 41 McLaren Street and for potentially for the future over-station development on the northern side of McLaren Street.

Given this land is already substantially overshadowed by the approved development of 168 Walker Street, that densification and increased heights are likely for this land in the future, and that overshadowing of this land from any development of 41 McLaren Street would not preclude any future residential development on that land from achieving solar access in accordance with the ADG, it is considered that the impact on this land is acceptable.

West of Walker Street (Area 3) & Miller Street (Area 4)

Adjoining the site to the west on land at 229 Miller Street is an existing low-scale residential flat building which has been approved for redevelopment to accommodate a twenty-two (22) storey residential building. To the south of that site is a currently under construction residential flat building of a similar height and scale at 221 Miller Street. To the south-east of the site is an existing residential flat building at 136-140 Walker Street. The location of these buildings relevant to 41 McLaren Street is illustrated in **Figure 24** below.

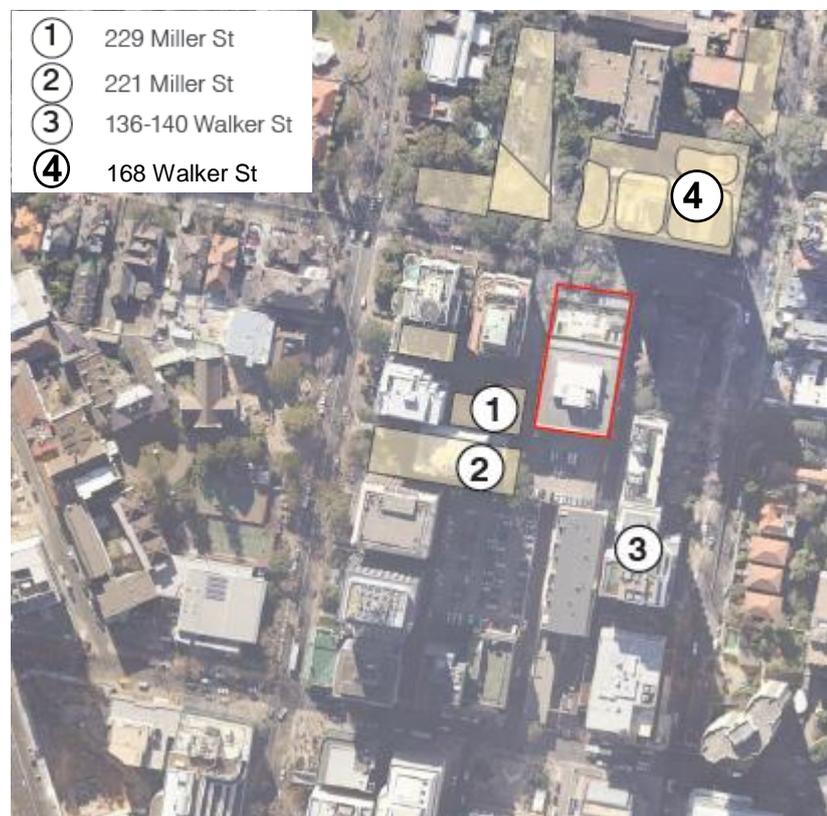


Figure 24 Location of existing and proposed residential flat buildings

Source: Architectus Urban Design Strategy

Analysis of the impact on solar access to units within these developments has been undertaken to determine the likely impacts of the proposed development of 41 McLaren Street. Architectus' analysis concludes that 221 and 229 Miller Street would not achieve 2 hours of direct solar access to 70% of apartments between 9am and 3pm at midwinter as per the Apartment Design Guide under the draft WSPM. Much of the impact results from the now approved development of 168 Walker Street. There would be a modest reduction to solar access under the Architectus Alternative Masterplan, in part due to the increased tower height on 41 McLaren Street. In total the Architectus Alternative Masterplan would result in a reduction of 9% of units at 229 Miller Street receiving 2 hours of solar access between the specified times and a 16% reduction for 221 Miller Street.

Under the draft WSPM Architectus estimate that 73% of units at 136-140 Walker Street receive 2 hours of solar access, and this would be reduced to 69% as a result of the Alternative Masterplan.

It is considered that a reduction of the magnitude proposed is reasonable for development in a dense urban environment and that this loss of amenity is negated by the improved amenity that would be afforded to residents through an enhanced Ward Street Precinct and access to the new Metro Station.

Visual Impact

A series of views are provided as part of the Urban Design Study at **Attachment A** illustrating the proposed development within the context of the future development of the Ward Street Precinct under the Alternative Masterplan, approved developments in the vicinity such as 168 Walker Street, and also the likely development scenario for an over-station development on the northern side of McLaren Street and above the main entrance to the Victoria Cross Station at the intersection of Berry Street and Miller Street.

It is considered that the proposed height and scale of 41 McLaren Street is appropriate for the changing character of the North Sydney Centre, as a result of future development which appropriately relates density to accessibility of high frequency and high capacity public transport, services and employment, associated with the construction of the Victoria Cross Metro Station.

In the context of future development in the North Sydney Centre, the height and scale of the development is considered appropriate and will not result in any unsatisfactory visual impact. An indicative view of the proposed development looking southwest from the Falcon Street overpass is provided in **Figure 25** below.

- A** Indicative Metro Tower
- B** Ward Street Tower
- C** 41 McLaren St



Figure 25 View looking southwest from Falcon Street overpass

Source: Architectus Urban Design Strategy

Views

Impact on neighbouring residential views are discussed in Section 8.9 of the Urban Design Report provided at **Attachment A**.

There are two residential buildings which will have their views impacted by the proposed development of 41 McLaren Street, being:

- 39 McLaren Street (existing); and
- 229 Miller Street (DA approved)

As illustrated in **Figure 26** below, the tower has been designed to retain 60 degree angle views in plan for these buildings. It is considered that this is an appropriate balance to share views and provide outlook.

noted that the narrow plan form of the proposed tower, its orientation relative to prevailing winds, and the proposed setbacks from podium edges will each assist in ameliorating wind impacts at pedestrian level.

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

This Planning Proposal will facilitate a proposed residential tower form which will contribute to the delivery of the Alternative Masterplan for the Ward Street Precinct, with its significant public benefits to which the development of 41 McLaren Street would contribute.

Market analysis and commercial viability analysis of the draft WSPM has been undertaken separately by both Colliers International Consultancy (**Attachment E**) and Knight Frank Consulting (**Attachment F**). These reports highlight a number of issues with the Masterplan, including:

- Small and irregular commercial plates
- Small hotel floorplates unlikely to achieve desirable operation efficiency
- Insufficient uplift to encourage redevelopment

Specifically, it is noted that demand from commercial tenants is typically for larger floorplate buildings. It is further noted that there has not been an A Grade or Premium Grade commercial building built in North Sydney with a floor plate of less than 1,053sqm since 1988, and that the average floorplate size in the 2018 - 2020 development phase is 1,550sqm. The average of the Ward Street car park site and 56 & 66 Berry Street is just 914sqm across all floors (with tower floorplates for the commercial building of just 626sqm GFA) and therefore does not reflect market trends and demand.

These reports suggest that in order to achieve a high quality commercial development, the Ward Street car park site and 56 & 66 Berry Street should be amalgamated to allow a single tower to be built across these sites. This is further reinforced by the Development Feasibility Report prepared by HillPDA and provided as **Attachment G**, which concludes that of all the proposed built form amendments under the draft WSPM, only the car park site would result in an economically feasible development outcome (although it is noted that this still not an ideal development outcome as it does not reflect market trends and demand as outlined above).

Based on the economic input provided by Colliers, Knight Frank and Hill PDA, it can be reasonably assumed that the additional capacity envisaged for the Precinct by the draft WSPM is unlikely to be realised and public benefits such as proposed community facilities, key through-site links and public domain works would not be likely to be delivered.

These issues are comprehensively addressed by the Alternative Master Plan for the Ward Street Precinct prepared by Architectus, which provides for economically viable outcomes which will allow the envisaged public benefits, such as public open space and community facilities, to be delivered as part of the development of the Precinct.

The development of 41 McLaren Street will also allow a density of land uses commensurate with a site being located opposite the northern entrance to the future Victoria Cross Metro Station and for an uplift in density which would enable essential heritage restoration works to be undertaken to the existing commercial building and provide a key through-site link to activate the precinct.

The mixed use combination of a new residential tower atop the commercial podium, combined with improved permeability in the site surrounds, further will encourage the growth of a 24/7 vibrant centre. Use of the new café, restaurant and bar facilities within the commercial podium will be encouraged to the public realm, and are anticipated to generate opportunities for social interaction.

6.4 Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will result in the addition of higher residential densities on the site. The site is currently strategically located within North Sydney Centre, being within walking distance from North Sydney Train Station and approximately 50 metres from the northern entrance to the future planned Victoria Cross Sydney Metro station. The site also enjoys access to frequent bus services to the west along Miller Street. Accordingly, consultation will be required with Council, Transport for NSW and the RMS in relation to roads, traffic and transport.

The impact of the Planning Proposal on traffic in the vicinity of the site has been undertaken (**Attachment M**) which concluded that the Planning Proposal would have a negligible impact on traffic conditions in the surrounding road network.

As part of a future DA consultation will occur with utilities providers to ensure that sufficient capacity exists in water, sewer, gas, telecommunications, and all other utilities.

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

There has been no advice sought on State and Commonwealth views at this stage. Any State and Commonwealth comments regarding the proposal will be gathered during the consultation program of the preparation of the Draft Local Environmental Plan, as discussed in **Section 8** of this report.

8. Consultation

This section provides information regarding consultation with council, stakeholders, residents and the community which has informed the preparation of this Planning Proposal.

8.1 North Sydney Council

The owners of 41 McLaren Street and Architectus have engaged with North Sydney Council on a quarterly basis over a 3-year period in relation to a future development of 41 McLaren Street and the renewal of the Ward Street Precinct. Key aspects of this consultation are summarised as follows:

2014

- Identified need to holistically plan for development of the Ward Street car park site and the development of surrounding sites, specifically future change in building heights.

2015

- Discussion of options by Architectus for Council-owned land and 41 McLaren Street.

2016

- Initial design concept by Harry Seidler & Associates for 41 McLaren Street prepared and discussed

2017

- Architectus provide submission to the draft WSPM and commence preparation of Planning Proposal

8.2 Relevant Commonwealth and State public authorities

Consultation with public authorities will be undertaken in accordance with the requirements of a Gateway determination.

It is recommended that the following public authorities be consulted with in considering the Planning Proposal:

- Transport for NSW (including Sydney Metro)
- Department of Planning and Environment
- Ausgrid
- Roads and Maritime Services
- Office of Environment and Heritage
- Department of Infrastructure and regional Development (in relation to the Obstacle Limitation Surface)
- The Greater Sydney Commission

8.3 Consultation strategy

Confirmation of the public exhibition period and requirements will be provided as part of a Gateway determination and public consultation will be undertaken in accordance with these requirements.

It is anticipated that the Planning Proposal will be publicly exhibited for a period of 28 days on the North Sydney Council website and in newspapers circulated within the North Sydney Local Government Area (LGA). It is also anticipated that adjoining and nearby property owners will be notified in writing of the Planning Proposal.

9. Project timeline

9.1 Timeline

The timeframe for amendment of the NSLEP 2013 is expected to be dependent on the consideration by Council of the Planning Proposal and the progression of any additional information requested by Council to satisfy any matters required to be addressed as part of a Gateway determination.

It is considered that the technical studies required to progress the Planning Proposal to a Gateway determination have been submitted along with this Planning Proposal.

9.2 Staging

Detail on projected project timeframes are provided **Table 7** below.

Table 7 Staging of Planning Proposal

Stage	Timing	Responsible Organisation
Lodgment of Planning Proposal with North Sydney Council	1 September 2017	Architectus
Consideration by Council	November to December 2017	North Sydney Council
Lodgment for Gateway Determination	December 2017 to January 2018	North Sydney Council
Anticipated commencement date (date of Gateway determination)	January to February 2018	Minister (or delegate)
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	February to March 2018	Applicant and North Sydney Council
Commencement and completion dates for public exhibition period	February to March 2018	North Sydney Council
Timeframe for the consideration of a proposal post exhibition	April to May 2018	North Sydney Council
Anticipated date Relevant Planning Authority will make the plan (if delegated)	April to May 2018	North Sydney Council

10. Conclusion

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning publication *'A Guide to Preparing Planning Proposals'* dated August 2016.

The objective of this proposal is to facilitate the mixed-use development of 41 McLaren Street, North Sydney – comprising the adaptation of the heritage-listed Simsmetal House and the construction of a residential tower above. The proposed development of 41 McLaren Street contributes positively toward Architectus' Alternative Masterplan for the Ward Street Precinct through the provision of a double-height colonnade, being a key link through the Precinct which will enable activation of the future public open space. To achieve the objectives and intended outcomes of the Planning Proposal an amendment to the NSLEP 2013 is required which would permit a greater maximum building height than is currently permitted by clause 4.3 and the associated Height of Buildings Map. Two options are presented which would enable this to occur:

- To amend the Height of Buildings Map to allow for a building height of up to RL 226 metres; or
- Through the introduction of a site-specific clause under Division 2 - General provisions of the LEP allowing for a development up to RL 226 metres (despite the height of buildings map), where the development satisfies certain requirements.

It is considered that this Planning Proposal report is sufficient for a Gateway determination to be issued. It is recommended that Council support this Proposal to allow the proposed development to proceed and to allow for additional housing to be delivered in a strategic location, on the fringe of the North Sydney Centre and in close proximity to the future Victoria Cross Metro Station. It is also recommended that Council consider advancing its own Planning Proposal to implement the Architectus Alternative Masterplan, which allows for substantial public benefits and a density of commercial, community and residential uses commensurate with its location adjacent the future metro station.

Architectus has considered the impact of the amendments to maximum height on surrounding land uses. In summary, Architectus consider that the environmental impacts resulting from the proposal are acceptable under the circumstances and also that the potential impacts of the Alternative Masterplan are comparable to those of the draft WSPM, but with the advantage of providing for economically viable development outcomes which will facilitate the delivery of significant benefits to the resident, worker and visitor populations of the North Sydney Centre.

Through the application of this framework, the Planning Proposal is considered to be justified and recommended for support.

Recommendation

Architectus recommends that Council support this Planning Proposal and resolve to submit it to the Department of Planning and Environment for a Gateway determination.

Attachment A – Urban Design Report, prepared by Architectus

Attachment B – Architectural Drawings, prepared by Harry Seidler & Associates

Attachment C – Architectural Design Statement, prepared by Harry Seidler & Associates

Attachment D – Site Survey, prepared by Frank M Mason & Co Pty Ltd

Attachment E – Economic Viability, prepared by Colliers

Attachment F – Independent Market Report, prepared by Knight Frank

Attachment G – Development Feasibility, prepared by Hill PDA

Attachment H – Public Art Strategy, prepared by Fine Art Studio

Attachment I – Public Domain Landscape Plans, prepared by Spackman Mossop Michaels

Attachment J – Landscape
Plans (future development of 41
McLaren Street), prepared by
Spackman Mossop Michaels

Attachment K – Heritage Assessment, prepared by GML Heritage

Attachment L – Heritage Impact Statement, prepared by GML Heritage

Attachment M – Traffic Impact Assessment, prepared by Ason Group

Attachment N – Wind Impact Assessment, prepared by CPP

Attachment O – Acoustic Assessment, prepared by Wood & Grieve

Attachment P – SEPP 65, ADG, LEP and DCP Compliance

Attachment Q – Extract Sydney LEP 2012 – APDG Site

Attachment R – BCA Report
(For information purposes only),
prepared by Newland Wood

Attachment S – Stormwater Plans (For information purposes only), prepared by Wood & Grieve

Attachment T – Stormwater
Management Report (For
information purposes only),
prepared by Wood & Grieve

Attachment U – Structural Report, prepared by TTW (for information purposes only)

Attachment V – BASIX Report (for information purposes only)

Under Separate Cover – VPA
Report, prepared by Urbis