

14 January 2019

Marcus Ray  
Deputy Secretary - Planning Services  
NSW Department of Planning and Environment  
GPO Box 39  
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Architecture  
Urban Design  
Planning  
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**RE: 41 McLaren Street, North Sydney - Gateway Review for Planning Proposal – Addendum submission**

Dear Marcus,

I write in response to your letter dated 6 December 2018 in relation to the review of the Gateway determination for the Planning Proposal for land at 41 McLaren Street, North Sydney. Architectus, on behalf of the owners of the land, Erolcene Pty Ltd and Claijade Pty Ltd, welcomes the opportunity to provide comments in relation to the Gateway Review. This letter is intended as an addendum to the comments previously provided in the letter dated 21 December 2018 and submitted to Mary Su, Senior Planning Officer at the Department of Planning and Environment (DPE). This submission provides further consideration and discussion of the visual impact of the proposal and the overshadowing impact from the proposal on adjacent and nearby residential development.

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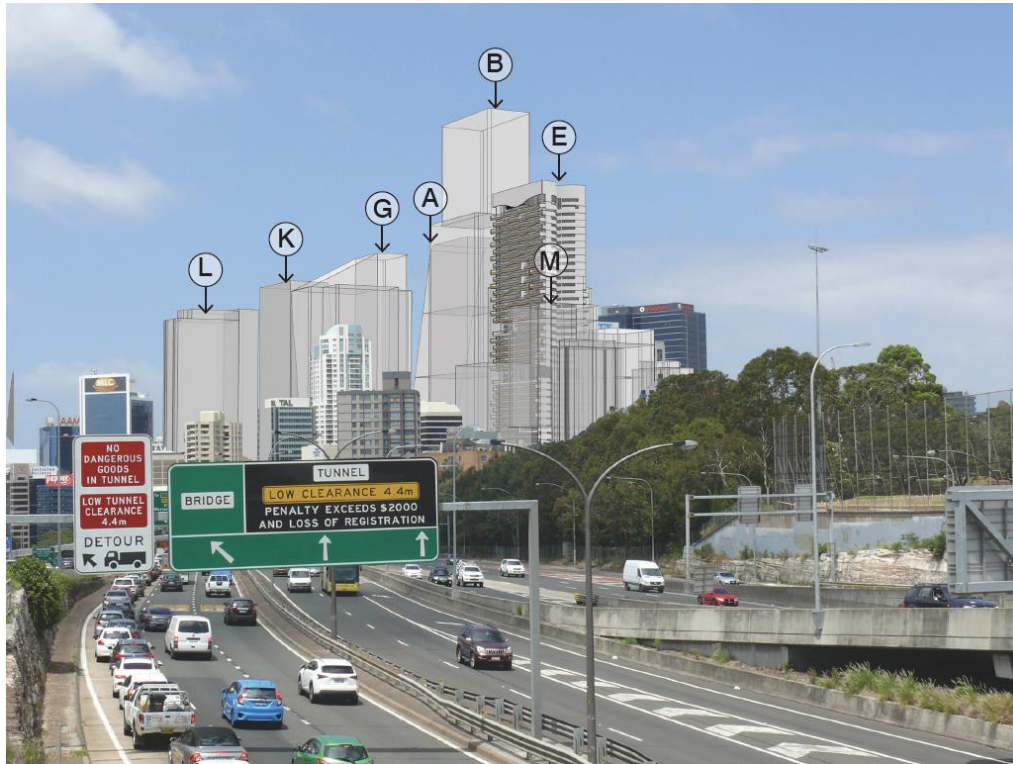
### Visual Impact

The report considered by North Sydney Council ('Council') at its meeting of 29 October 2018, where it was resolved to seek a review of the Gateway determination for 41 McLaren Street, states that the proposal misrepresented the heights of surrounding buildings, specifically the height of the future Metro over-station development at the site of the Victoria Cross Metro Station. The Urban Design Report which accompanied the Planning Proposal for 41 McLaren Street indicatively illustrated a future building on this site of up to RL 300m. The Planning Proposal for 41 McLaren Street was lodged on 1 September 2017. At that time there was no publicly available information in relation to the future development of that site and so a future building height was assumed, which was based on Transport for NSW's objective of maximising development opportunities within the Metro Corridor. In November 2017 a request for the Secretary's Environmental Assessment Requirements (SEARs) was submitted to DPE for the Victoria Cross over-station development detailing a proposed building envelope up to a maximum height of RL 230m. A Concept State Significant Development Application (SSDA) was subsequently lodged for the proposed building envelope, which was granted consent on 18 December 2018.

In light of the approval of the Metro over-station development and the revised Ward Street Masterplan (WSPM) options as exhibited by Council, the views of the the proposed development of 41 McLaren Street within its future context provided in the Planning Proposal for 41 McLaren Street have been updated and provided overleaf to demonstrate the visual impact of the proposal within the future character of the North Sydney Centre.

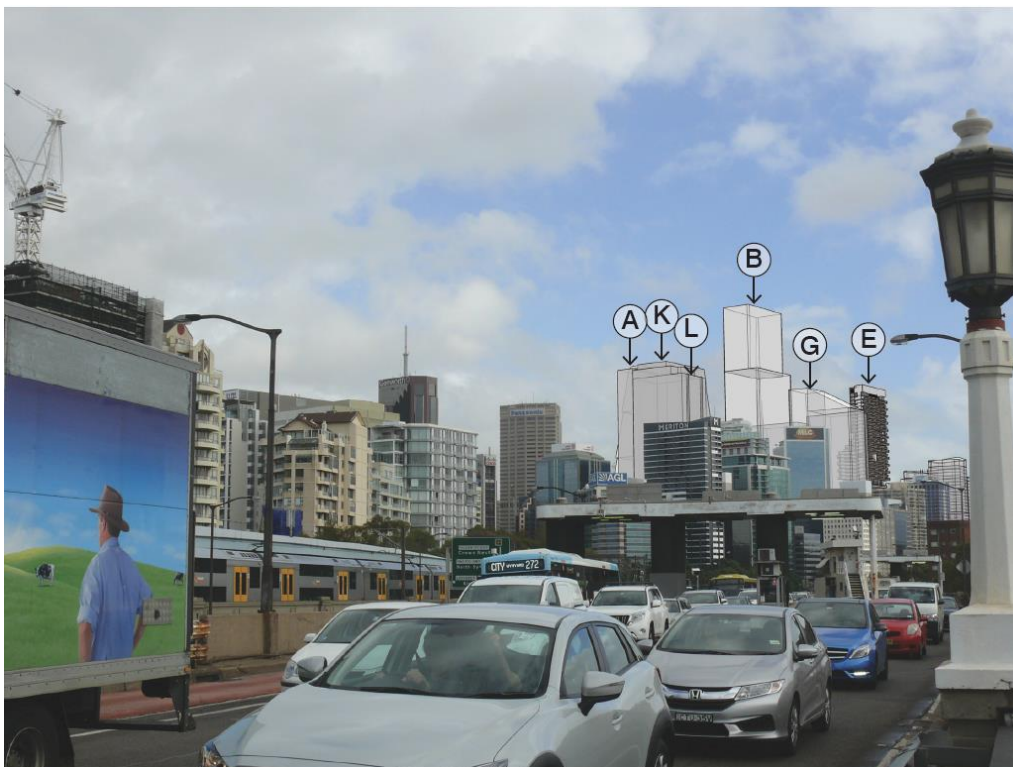
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- (A) Metro Tower
- (B) Ward Street Tower
- (E) 41 McLaren St
- (G) 76 Berry Street
- (K) 1 Denison Street
- (L) 100 Mount Street
- (M) 168 Walker Street

**Figure 1:** View looking southwest from Falcon Street overpass



**Figure 2:** View looking north from Cahill Expressway pedestrian path

The proposed height of 41 McLaren Street of RL 226m can be seen to appropriately relate to the future building heights within the Ward Street Precinct, providing a transition in height from the proposed Ward Street car park tower at RL 289m to the south of the subject site, and the approved development at 168 Walker Street (with a maximum height of RL 167.46m) to the north of the site. Council in its report of 19 February 2018 in relation to the Rezoning Review of the Planning Proposal for 41 McLaren Street states *“building heights should generally be highest within the geographical middle of commercial centres and taper down towards its edges.”* The proposed building height at 41 McLaren Street is therefore considered to be consistent with Council’s vision for building heights within the Centre.

The status of each of the future buildings indicatively shown in Figure 1 and Figure 2 is provided in Table 1 below.

**Table 1:** North Sydney Development Status

Site	Detail	Status
A	Proposed Victoria Cross Metro Development	DA approved
B	Ward Street Car Park Site (WSPM Site B)	Proposed by WSPM
E	41 McLaren Street	Planning Proposal
G	76 Berry Street (WSPM Site G)	Proposed by WSPM
K	1 Denison Street	Under construction
L	100 Mount Street	Under construction
M	168 Walker Street	DA approved

The proponent has prepared a highly detailed physical model of the North Sydney Centre which clearly demonstrates the proposal for 41 McLaren Street in the context of existing and proposed development within the Centre. This will be presented at the meeting with the Independent Planning Commission to discuss the Gateway Review.

### **Overshadowing of nearby residential dwellings**

The impact of overshadowing from the proposal for 41 McLaren Street on nearby residential buildings is focused on the existing building at 136-140 Walker Street, and the buildings currently under construction at 221 and 229 Miller Street

Council has identified that the overshadowing impact of a future building envelope on 41 McLaren Street was a key consideration in the preparation of the revised WSPM – specifically, in shifting the building envelope toward the east. While the currently proposed tower location at 41 McLaren Street is considered to be the most balanced solution when considering the impacts of overshadowing and the design response to the heritage-listed Simsmetal House, it is noted that the location of a tower form can be further considered at a future DA stage. In any case, further analysis of the overshadowing impact of the proposal on surrounding residential buildings has been undertaken and results provided below.

### **WSPM Option 1**

The results of the comparative overshadowing analysis between WSPM Option 1 (which provides for a tower towards the east of the site part above the existing building at 41 McLaren Street up to a height of RL 160m) and the proposed development are provided in Table 2 overleaf.

**Table 2: Solar access under WSPM Option 1**

Solar Access Apartment receiving 2 or more hours				
Street Address	Total Number of apartments	Ward Street Master Plan Option 1-Miller Street Square (%)	Ward Street Master Plan Option 1-Miller Street Square (%) (with Architectus Proposal)	Change (%)
1. 229 Miller Street	101	30%	28%	-2%
2. 221 Miller Street	169	38%	38%	0%
3. 136-140 Walker Street	195	72%	69%	-3%

Note: Apartment number based on approved DA available plans.

The proposed development results in only minor additional impact compared to WSPM Option 1, despite Option 1 of the WSPM providing significantly less development uplift for 41 McLaren Street and not having given detailed consideration to the heritage impacts and buildability of a tower form above the existing building – matters which are addressed in detail by the Planning Proposal and supported by various detailed consultant reports.

### WSPM Option 2

A comparison between the solar performance of surrounding building under WSPM Option 2 with and without the proposal for 41 McLaren Street is provided in Table 3 below. Given Option 2 proposes no change to the existing building height for 41 McLaren Street, this comparison provides a clear indication of the actual impact of the proposed development and illustrates that the impact is acceptable.

**Table 3: Solar access under WSPM Option 2**

Solar Access Apartment receiving 2 or more hours				
Street Address	Total Number of apartments	Ward Street Master Plan Option 2-Central Square (%)	Ward Street Master Plan Option 2a-Central Square (%) (with Architectus Proposal)	Change (%)
1. 229 Miller Street	101	32%	28%	-4%
2. 221 Miller Street	169	49%	38%	-10%
3. 136-140 Walker Street	195	75%	69%	-6%

Note: Apartment number based on approved DA available plans.

In the case of both 221 and 229 Miller Street, both of which do not currently achieve solar access in accordance with the Apartment Design Guide (ADG) the overshadowing impact is within an acceptable range, well below the 20% additional impact allowed for by the Guide (Design guidance under Objective 3B-2).

In relation to 136-140 Walker Street, which currently receives a minimum of 2-hours between 9am and 3pm at midwinter to greater than 70% of apartments, there is only a minor impact from the proposed development and will only result in a marginal inconsistency (1%) with the 70% recommended by the ADG.

The impact of the proposed development on 221 and 229 Miller Street was discussed with and considered by the Sydney North Planning Panel through the Rezoning Review process. In that instance, the Panel gave consideration to the dense urban context of the Ward Street Precinct, with a number of tall buildings approved and under construction in close proximity to one another, and determined that the additional impact which will result from the proposed development is acceptable on balance when considering the amenity afforded by the proximity of the precinct to transport, employment and entertainment. In determining that the Planning Proposal has site-specific merit, the Panel acknowledged the need to facilitate an uplift in density in this location, noting the proximity of the site to the Victoria Cross Metro Station, which has its northern entry on the opposite side of McLaren Street to the subject site (within 100m of the site) and that the Environmental Impact Statement for the State Significant Infrastructure

project provides that a factor in the selection of the location for the Victoria Cross Metro Station was the surrounding Precinct's capacity to accommodate growth in density within a walkable catchment of the Station. Further, the Panel were satisfied that adequate design measures had been incorporated into the proposed development of 41 McLaren Street to mitigate impacts on surrounding buildings.

## Conclusion

For the reasons detailed in this letter, Architectus believes that the DPE was correct in its identification of the merit of the Planning Proposal for 41 McLaren Street, North Sydney, when issuing a Gateway determination. The matters raised by Council in relation to the Rezoning Review had been previously considered by the Sydney North Planning Panel as part of the Rezoning Review, where it was determined that the Planning Proposal should be submitted for a Gateway determination because it exhibited 'strategic merit' and 'site-specific merit'. Further, the concerns raised by Council are considered to have been adequately addressed by the Planning Proposal and supporting documentation, and will be addressed in detail through future refinement of the Planning Proposal and in the assessment of a future DA for the building.

We look forward to the opportunity to present the Planning Proposal to the Independent Planning Commission and reinforce the position taken by both the Sydney North Planning Panel and the DPE in their decisions to progress the Planning Proposal because of its substantial merit.

Should you have any queries or wish to discuss this matter further, please do not hesitate to contact me on (02) 8252 8400 or [Michael.Harrison@architectus.com.au](mailto:Michael.Harrison@architectus.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Harrison', followed by a period.

Michael Harrison  
Director Planning and Urban Design  
Architectus Group Pty Ltd