

## 10.5. PP6/21: 52 McLaren Street North Sydney - Post Exhibition Report

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### PURPOSE:

The purpose of this report is to seek Council's endorsement to progress Planning Proposal 6/21 which seeks to amend North Sydney Local Environmental Plan 2013 for 52 McLaren Street North Sydney, to adopt the associated amendment to the North Sydney Development Control Plan 2013 and proceed with the execution of the related Voluntary Planning Agreement following public exhibition.

## EXECUTIVE SUMMARY:

- At its meeting of 11 December 2023, Council resolved to support the progression of Planning Proposal 6/21 for the purposes of seeking a Gateway Determination. The Planning Proposal seeks to amend the planning controls under the North Sydney Local Environmental Plan (NSLEP) 2013 as they relate to 52 McLaren Street North Sydney. The proposed amendments include:
  - amending the maximum building height from RL 110m to part RL 107m and RL 156m (8 and 24 storeys respectively);
  - imposing a maximum overall floor space ratio of 5.3:1; and
  - amending the minimum non-residential FSR from 0.5:1 to 1:1.
- The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) to deliver a number of public benefits to an estimated value of approximately \$12.5 million, including:
  - the construction and dedication to Council of a ground level space to accommodate a future childcare centre;
  - a publicly accessible pedestrian through-site-link between McLaren Street and Elliot Street; and
  - provision of affordable housing, up to a maximum of 5% of the residential gross floor area, to be managed by a Community Housing Provider for a minimum of 10 years.
- Council also resolved on 11 December 2023 that the proponent prepare a draft site-specific amendment to North Sydney Development Control Plan (NSDCP) 2013, to provide greater certainty as to the built form outcomes envisaged on the subject site and place that draft amendment on public exhibition concurrently with the Planning Proposal. Council subsequently endorsed a draft amendment to NSDCP 2013 for public exhibition purposes on 24 June 2024.
- On 22 March 2024, the Minister for Planning issued a Gateway Determination, permitting the Planning Proposal to be placed on public exhibition. The Gateway Determination was altered on 14 October 2024 to revise the processing timeframes.
- In accordance with the Gateway Determination (as altered), the Planning Proposal, draft DCP amendment, and draft VPA were placed on public exhibition concurrently for a period of 54 calendar days (24 working days) from 2 December 2024 to 24 January 2025.
- 71 submissions were received during the exhibition period, of which one was in support of the intended outcomes of the Planning Proposal, one did not object to the proposal but had requested a change to the draft DCP amendment, and 69 opposed the whole, or aspects of, the Planning Proposal.
- This report has considered all submissions made, and on balance of the assessment conducted in this report, and in the context of the planning process undertaken with the preparation of the Civic Precinct Planning Study in 2020 and the ongoing demands to accommodate a growing population, it is recommended:

- that the Planning Proposal proceed to the next stage of the plan-making process unamended;
- that the VPA be executed with no additional changes to the scope of the public benefit offer; and
- that the proposed amendment to NSDCP 2013 be adopted subject to the removal of requirement that the carparking provision be limited to a maximum of 80% of the general DCP requirement.

**RECOMMENDATION:**

- 1. THAT** Council note the submissions made.
- 2. THAT** having had regard to the submissions made, Council endorse the Planning Proposal, as exhibited, forming Attachment 3 to this report.
- 3. THAT** having completed the community consultation requirements outlined in the Gateway Determination, Council proceed under delegation with the making of a Local Environmental Plan in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal (Attachment 3).
- 4. THAT** Council grant delegation to the Chief Executive Officer to finalise the Voluntary Planning Agreement (Attachment 4), including any necessary minor administrative amendments, with the view to have it executed prior to the gazettal of the LEP amendment.
- 5. THAT** in accordance with clause 14(1)(b) of the Environmental Planning and Assessment Regulation, 2021, Council adopt the amendment to North Sydney Development Control Plan 2013 as amended in response to submissions, forming Attachment 7 to this report.
- 6. THAT** in accordance with clause 14(2) of the Environmental Planning and Assessment Regulation 2021, public notice be given of the adoption and publication of the amendment to North Sydney Development Control Plan 2013 on Council's website.
- 7. THAT** in accordance with the clause 20(1) of the Environmental Planning and Assessment Regulation 2021, a copy of the revised development control plan be provided to the NSW Planning Secretary.
- 8. THAT** Council notify all submitters of Council's decision.

## **BACKGROUND**

The following outlines the chronology and milestones of the relevant strategic planning and Planning Proposal processes to date.

### **Civic Precinct Planning Study**

Mid 2017 – NSW Government announces that an additional entry point (i.e., the Northern Portal) is to be incorporated within the construction of the Victoria Cross Metro Station. The additional entry point is to be located at the corner of Miller and McLaren Streets North Sydney.

28 May 2018 – Council considers a report to seek State Government funding to prepare amendments to their planning instruments, to align with the desired outcomes of their recently released Regional and District Plans. The Council report formally recognised a need to prepare a planning study to address the implications arising from the increased accessibility associated with the construction of the Northern Portal to the Victoria Cross Metro Station.

25 March 2019 – Having successfully receiving funding from the State Government, Council formally resolved to commence the preparation of a planning study (to become known as the Civic Precinct Planning Study – CPPS) covering the area generally bound by Falcon Street to the north, Warringah Freeway to the east, Berry, Walker, and McLaren Streets to the south, and Pacific Highway to the west.

4 June – 20 July 2020 – Draft CPPS placed on public exhibition. The endorsed draft envisages a part 14-storey (northern portion) and part 24-storey (southern portion) mixed-use tower and delivery of a publicly accessible pedestrian dedicated through-site link. Any future building was to accommodate a two-storey podium across the northern portion and six-storey commercial-based podium across the southern portion.

30 November 2020 – Council considers a post-exhibition report and resolve to adopt the CPPS, incorporating amendments in response to submissions made. With regard to 52 McLaren Street North Sydney, the adopted CPPS envisages a part 14-storey (northern portion) and part 24-storey (southern portion) mixed-use tower and delivery of a publicly accessible pedestrian dedicated through-site link. Any future building was to accommodate a three-storey podium (including community uses) across the northern portion and four-storey commercial-based podium across the southern portion.

### **Planning Proposal**

23 August 2021 – Planning Proposal 6/21 (DPHI Ref: PP-2021-5024) was lodged with Council to amend the planning controls within North Sydney Local Environmental Plan (NSLEP) 2013 as it relates to land located at 52 McLaren Street North Sydney.

The proposal included two options outlining different commercial / residential mix outcomes within a similar built form comprising a part 14-storey building over the northern portion of the site and a part 24-storey building over the southern portion of the site.



Option 1 involved the use of the northern tower completely for commercial purposes, whilst the southern tower would be used for a mix of commercial uses at the lower levels, with residential above. Option 2 differed, in that both proposed towers would be used for a mixture of commercial uses at the lower levels, with residential above.

In order to achieve either of the two concept proposals, it was sought to amend NSLEP 2013 as follows:

- amend the maximum height of building limit from RL 110m to part RL 124.2m and part RL 156m (if the northern tower included residential uses) or RL 130.2m and part RL 156m (if the northern tower was to be used solely for commercial purposes);
- impose a maximum floor space ratio of 6.3:1; and
- amend the minimum non-residential floor space ratio from 0.5:1 to 1:1.

The Planning Proposal was also accompanied by an offer to enter into a draft Voluntary Planning Agreement (VPA) to deliver a number of public benefits to an estimated value of approximately \$11 million, including construction and dedication to Council of a ground level space to accommodate a future childcare centre, and a 3m-wide publicly accessible dedicated pedestrian through-site link between McLaren Street and Elliot Street along the site's eastern boundary.

A "Blue" site notice was erected on the site advising of the lodgement of the Planning Proposal as per Council procedures.

September 2021 – March 2022 - Following a preliminary assessment of the original Planning Proposal, extensive design discussions and meetings were held with the proponent between November 2021 to March 2022 to further refine the proposal to address its bulk and scale and relationship to adjacent properties. Revised designs were presented for Council's consideration in January and March 2022.

29 September 2022 – Proponent submits a revised Planning Proposal in response to issues raised by Council staff. The revised proposal sought to accommodate a part eight-storey and part 24-storey mixed-use development, comprising approximately 16,947sqm (GFA), with 172 apartments located above a commercial podium of 3,460sqm, and three basement levels accommodating 121 parking spaces. In order to achieve the delivery of the revised concept proposal, it was sought to amend NSLEP 2013 as follows:

- amend the maximum height of building limit from RL 110m to part RL 107m and part RL 156m;
- impose a maximum floor space ratio of 5.3:1; and
- amend the minimum non-residential floor space ratio from 0.5:1 to 1:1.

The proposed offer to enter into a draft VPA to deliver a future childcare centre and through-site link remained unamended.

31 May 2023 – The North Sydney Local Planning Panel (NSLPP) considered the proposal and defers making a recommendation to allow the proponent an opportunity to consider the possibility of incorporating affordable housing within the development and a preparation of

a site-specific Development Control Plan to better inform the proposed building envelopes.

3 October 2023 – In response to the NSLPP recommendation of 31 May 2023, the proponent submitted a revised offer to enter into a draft VPA. The revised offer comprised all aspects as originally proposed, plus the inclusion of affordable housing at the rate of a minimum of 5% of the total residential gross floor area and for it to be managed by a Community Housing Provider for a minimum of 10 years. It was further advised by the proponent, that if additional affordable housing be sought or negotiated in the future, it would come at the expense of delivering the other proposed public benefits being offered. The total value of the revised offer was estimated to be in the order of \$12.5 million.

11 December 2023 – Council resolved to support the progression of Planning Proposal 6/21 to Gateway Determination to amend the planning controls under NSLEP 2013 as it relates to land at 52 McLaren Street North Sydney. In addition, it resolved:

- To request that the proponent prepare a site specific DCP to detail provisions such as siting of building height, setbacks, building length, podium heights, and through-site link design.
- Council accept in principle, the proponent's Voluntary Planning Agreement offer which includes the provision of a childcare facility, through-site link and 5% of the development as Affordable Housing for a period of 10 years.
- That in light of the announcements from the NSW Government promoting a minimum of 15% affordable housing on private land and 30% on government owned land in perpetuity, that the proponent be urged to increase the amount of affordable housing to at least 30% on the subject site.
- the associated Voluntary Planning Agreement and draft site-specific Development Control Plan be exhibited concurrently with the Planning Proposal.

12 January 2024 – Council submitted the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) requesting a Gateway Determination.

24 March 2024 – The DPHI issued a Gateway Determination enabling the Planning Proposal to proceed to public exhibition, subject to meeting a number of conditions.

14 May 2024 – Council received a site-specific draft amendment to NSDCP 2013 as per Council's resolution of 11 December 2023 to provide added guidance to the anticipated built form on the site.

24 June 2024 – Council endorsed the site-specific draft amendment to NSDCP 2013 as it relates to the subject site and that the draft DCP amendment be publicly exhibited concurrently with the Planning Proposal.

19 September 2024 – Council submitted a Gateway Determination Alteration Request to the DPHI. The request seeks an amendment to the specified timeframes to enable the proponent and Council to agree to the terms of the Draft VPA prior to it going on public exhibition.

14 October 2024 – DPHI issued a Gateway Determination Alteration to enable an extension to the timeframes set within the Determination.

## **REPORT**

### **1. Issue of Gateway Determination**

On 22 March 2024, the DPHI issued a Gateway Determination (refer to Attachment 1) enabling the Planning Proposal to proceed to the public exhibition of the plan-making process subject to satisfying five conditions. The Gateway Determination was altered on 14 October 2024 (refer to Attachment 2) to extend the timeframes within which to complete certain aspects of the plan making process.

### **2. Assessment against Gateway Determination Conditions**

The five conditions imposed on the Gateway Determination, as altered, are addressed in the following subsections.

#### **2.1. Amendment of Planning Proposal prior to public exhibition**

Condition 1 of the Gateway Determination required the Planning Proposal to be amended prior to being placed on public exhibition. In particular, the following matters were to be addressed:

- a) an updated assessment of SEPP (Housing) 2021 and remove reference to SEPP 65 – Design Quality of Residential Apartment Development; and;*
- b) an updated timeline based on the date of the Gateway determination;*

The proponent revised the Planning Proposal (refer to Attachment 3) to address the identified matters to Council's satisfaction prior to being placed on public exhibition. In particular, the Planning Proposal has been amended as follows:

#### SEPP References

Sections 5.2 and 6.9.2 to the Planning Proposal have been revised to replace former references to "SEPP 65 – Design Quality of Residential Apartment Development" with "SEPP (Housing) 2021" and to provide an updated assessment against SEPP (Housing) 2021.

#### Planning Proposal Timeline

Section 7 to the Planning Proposal has been revised to reflect the desired timeframes within the Gateway Determination as altered on 14 October 2024.

### **2.2. Affordable Housing Requirement**

Condition 2 of the Gateway Determination required that the Planning Proposal be updated (if required) under any formal affordable housing policy applicable to the site that the NSW Government releases prior to the finalisation of the Planning Proposal, subject to feasibility and considering other contributions that are proposed as part of the VPA with Council. No

such policy has been released by the NSW Government to date, and therefore there has been no need to amend the Planning Proposal to respond to this condition.

Notwithstanding, the draft VPA (Attachment 4) includes a provision to amend the affordable housing component to align with any future changes in NSW Government policy, consistent with this condition.

### **2.3. Public Exhibition**

Condition 3 of the Gateway Determination required that the Planning Proposal be placed on public exhibition for a minimum of 20 working days (n.b.: “working days” specifically excludes 20 December to 10 January inclusive). It also required that notification of the Planning Proposal and its exhibition comply with the Department’s *Local Environmental Plan Making Guideline*.

The Planning Proposal (Attachment 3) was placed on public exhibition from 2 December 2024 to 24 January 2025 inclusive which consisted of a total period of 54 calendar days (24 working days), in accordance with this Condition.

The notification documentation complied with the requirements of the *Local Environmental Plan Making Guideline*, which included the following information:

- objectives and intended outcomes of the Planning Proposal;
- land affected by the Planning Proposal;
- where the Planning Proposal can be viewed;
- contact details for submissions; and
- that Council is the local plan-making authority.

### **2.4. Consultation with Public Bodies**

Condition 4 of the Gateway Determination stated that the Planning Proposal required referral to the following public authorities and government agencies:

- Transport for NSW (TfNSW);
- Sydney Metro;
- Sydney Water Corporation;
- Ausgrid;
- NSW Department of Education;
- NSW Department of Health – Northern Sydney Local Health District;
- Sydney Airport Corporation;
- Air Services Australia; and
- Commonwealth Department of Infrastructure, Regional Development.

The Planning Proposal was referred to all of the above public authorities on 11 November 2024 through the NSW Planning Portal. Responses were received from all public authorities with their responses summarised in the following subsections.

#### **2.4.1. Transport for NSW (Ref 3326)**

No objection was raised with regard to the Planning Proposal, noting the proximity of the site to the new Victoria Cross Metro Station and North Sydney Train Station, low traffic generation potential, and the limited on-site car parking provision.

#### **2.4.2. Sydney Metro (Ref 3327)**

No specific objection was raised with regard to the Planning Proposal. However, Sydney Metro identified matters which should be addressed as part of any future development application to be lodged for the redevelopment of the site.

#### **2.4.3. Sydney Water Corporation (Ref 3328)**

No objection was raised with regard to the Planning Proposal, noting that there are appropriate services located in the vicinity of the site, and that matters of augmentation and upgrading can be addressed at the development application stage.

#### **2.4.4. Ausgrid (Reg 3329)**

No specific objection was raised with regard to the Planning Proposal. However, Ausgrid identified matters which should be addressed as part of any future development application to be lodged for the redevelopment of the site.

#### **2.4.5. NSW Department of Education (Ref 3330)**

No objection was raised with regard to the Planning Proposal, noting that the proposal did not satisfy any of the criteria for referral for comment.

#### **2.4.6. NSW Department of Health – Northern Sydney Local Health District (Ref 3331)**

No objection was raised with regard to the Planning Proposal, noting that the proposal was not located within the proximity to any Northern Sydney Local Health District's owned or leased properties.

Further, it was noted that that the proposal *maximizes employment and residential opportunities and capitalises on direct access to the high-speed rail network, heavy rail and bus network. With the new Victoria Cross Metro Station having opened, there is a responsibility and reasonable planning expectation for the Property to be realized for development.*

#### **2.4.7. Sydney Airport Corporation (Ref 3332)**

No specific objection was raised with regard to the Planning Proposal. However, the Corporation noted that any construction cranes associated with the construction of any future development on the site will operate above Sydney Airport's Obstacle Limitation Surface (OLS) and, consequently, would first require approval under the Airports (Protection of Airspace) Regulations. This issue can be addressed as part of any future development application for the site.

#### **2.4.8. Air Services Australia (Ref 3333)**

No objection was raised with regard to the Planning Proposal, noting that the proposed development at the proposed location and elevation would not adversely affect the safety of flight operations at Sydney Airport, nor within the airspace surrounding the airport. It was

further noted that, as advised by Sydney Airport Corporation, any associated construction cranes would need to be assessed under the Airports (Protection of Airspace) Regulations, which can be addressed at the development application stage.

#### **2.4.9. Commonwealth Department of Infrastructure, Regional Development (Ref 3334)**

No objection was raised with regard to the Planning Proposal, noting that Sydney Airport Corporation and Air Services Australia did not raise objection, and that any future proposal would be subject to acquiring the required approvals for any associated construction cranes would need to be assessed under the Airports (Protection of Airspace) Regulations, which can be addressed at the development application stage.

### **2.5. Public Hearing**

Condition 5 of the Gateway Determination did not require the undertaking of a public hearing in accordance with s.3.34(2)(e) of the EP&A Act. However, the Condition stated that this did not remove the need to undertake a public hearing in relation to the reclassification of land under the Local Government Act, 1993.

The Planning Proposal does not seek to reclassify any land under the Local Government Act, 1993, and therefore did not warrant the holding of a public hearing under s.3.34(2)(e) of the EP&A Act.

### **2.6. Council as Planning Proposal Authority**

The Gateway Determination stated that Council, as the Planning Proposal Authority, is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;*
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified;*  
*and*
- (c) there are no outstanding written objections from public authorities.*

Compliance with these requirements is addressed in the following subsections.

#### **2.6.1. Satisfaction of Conditions**

As demonstrated within Sections 2.1 – 2.5 of this report, Council has, in the progression of the Planning Proposal post-issue of the Gateway Determination, ensured compliance with all conditions imposed.

#### **2.6.2. Ministerial Directions**

In issuing the Gateway Determination, the DPHI did not raise any issue with Planning Proposal's compliance and consistency with the Ministerial Directions.

### **2.6.3. Outstanding Objections**

Of the responses received from public authorities, none have objected to the progression of the Planning Proposal. Therefore, there are no outstanding objections to be resolved.

### **2.6.4. Summary**

As Council has been able to satisfactorily meet all criteria, Council is entitled to be the Local Plan Making Authority, which will enable Council to finalise and make the Plan under delegation.

## **2.7. Completion Timeframe**

The Gateway Determination as altered requires that an LEP that implements the intent of the Planning Proposal, “should” be completed by 30 May 2025.

Based on a review of the LEP-making processes of former LEP amendments of similar complexity, it is anticipated that this amendment could be made within approximately two-three months after the consideration of the post-exhibition report, if adopted by Council and not subjected to significant amendment. This also allows sufficient time to execute any associated VPA prior to the making of any LEP amendment, as per normal Council practice.

As this report is dated 26 May 2025, there is insufficient time (four days) to finalise an LEP amendment giving effect to the Planning Proposal. Of particular note, delays have arisen as follows:

- a substantial amount of time was expended drafting the VPA, so that it was acceptable for public exhibition purposes; and
- awaiting additional information from the proponent in response to the issues raised during the public exhibition process. In particular, six weeks were required by the proponent to prepare a new traffic and parking impact assessment.

In noting the Gateway Determination’s current completion date, Council requested a further Gateway Alteration on 29 April 2025, to allow Council to finalise the LEP amendment within a revised timeframe (30 September 2025). Despite not yet receiving a formal response from the DPHI at the time of writing this report, it is recognised that the DPHI typically does not raise objection to the extension of timeframes under Gateway Determinations, provided actions are underway to progress the proposal. Accordingly, it is possible that Council can complete the plan-making process as the Local Plan Making Authority.

## **3. Public exhibition**

The Planning Proposal (Attachment 3), draft VPA (Attachment 4), and draft amendment to NSDCP 2013 (Attachment 5) were placed on public exhibition concurrently for 54 calendar days (24 “working days”), from Monday 2 December 2024 to Friday 24 January 2025.

Approximately 5,200 property owners and occupiers located in the vicinity of the site were directly notified by letter of the public exhibition of the Planning Proposal.

In addition, formal notices were placed on the NSW Planning Portal and Council's website in accordance with the Environmental Planning and Assessment Act, 1979 (EP&A Act), and Council's Community Engagement Strategy.

Electronic copies of the exhibition documentation were made available on Council's website and the NSW Planning Portal for the entirety of the exhibition period. In addition, hard copies of the exhibition documents were made available at Council's Customer Service Centre and Stanton Library for the entirety of the exhibition period.

Noting that the Blue Site Notice sign had been removed from the site, a new sign was erected on the subject site advising of the existence of the Planning Proposal.

#### **4. Consideration of Submissions**

71 submissions (excluding two duplicates) were received with regard to the public exhibition of the Planning Proposal, draft VPA, and draft amendment to NSDCP 2013, of which:

- one submission supported the intent of the proposal;
- one submission did not support nor object to the intent of the proposal; and
- 69 submissions objected to the intent of the proposal.

It should be further recognised that seven submitters lodged multiple submissions or came from the same residence. Therefore, the submissions were made by or on behalf of 64 individual properties.

Of those who objected to the proposal, the following reasons for objection were identified (frequency of issue indicated in parentheses):

- Traffic impacts (50);
- Solar access and overshadowing impacts (34);
- Loss of views (33);
- Loss of visual privacy (28)
- Height / Bulk & Scale/ Density / Overdevelopment (25);
- Lack of community benefit (17);
  - Lack of affordable housing provision (12)
  - Need for a childcare centre (3)
  - Need for a through-site link (3)
- Loss in property value (15);
- Alternative Use (14);
- Outdated documents (13)
- Disclosure of planning information (12);
- Construction impacts (10);
- Stakeholder Engagement (9);
- Consistency with the Civic Precinct Planning Study (8);
- Amenity impacts (8);
- Consistency with planning policies and planning processes (7);
- Lack of infrastructure capacity (7);
- Wind impacts (7);
- Noise impacts (6);



- Impacts on landscaping and greenspaces (5);
- Impacts on local heritage (3);
- Visual impact (3);
- Structural safety (3);
- Absence of a design excellence process (3);
- Impact on Heritage (3);
- Impacts arising from pollution (2);
- Public Interest (2);
- Impact on quality of Life (2);
- Aesthetics (2);
- Social Impact (1)
- Reduction in air circulation (1);
- Threats of legal action against process (1); and
- Application of the Secretary's Environmental Assessment Requirements (SEARS)(1).

A summary and response to all submissions received is provided in the attached Submissions Summary Table (refer to Attachment 6).

Key issues raised with regard to the Planning Proposal component are discussed in detail in the following subsections:

- Traffic and parking impacts;
- Overshadowing and solar access impacts;
- Loss of views;
- Loss of visual privacy;
- Height / Bulk & Scale/ Density / Overdevelopment;
- Loss in property value;
- Alternative uses;
- Outdated documents;
- Disclosure of planning information;
- Construction impacts
- Lack of stakeholder engagement;
- Consistency with the Civic Precinct Planning Study; and
- Amenity impacts.

#### **4.1. Traffic & Parking Impacts**

50 submissions objected to the proposal on the basis that it would result in unacceptable traffic impacts on the locality, especially given the current level of traffic congestion in the area during peak times.

The majority of submissions identified that the Traffic & Parking Impact Assessment (T&PIA) prepared by GHD and accompanied the Planning Proposal contains incorrect and inadequate information, insofar as:

- the proposed impacts were assessed against a base development and traffic volume rate established during the first COVID lockdown in 2020, and ignored the issue of extended peak hour use rates associated with the high concentration of schools in the locality, thereby misrepresenting traffic volumes on surrounding streets;

- the cumulative impacts have not been considered, arising from the completion of 168 Walker Street, and proposed developments at 45 McLaren Street, 173-179 Walker Street, and the proposed school at 41 McLaren Street;
- it does not consider the significant increase in pedestrian traffic associated with the opening of the northern portal to the Victoria Cross Metro Station;
- it does not consider impacts arising from the future operation of the Western Harbour Tunnel project.

Other traffic related issues identified by submitters in relation to the proposal included:

- increased demand for on-street parking; and
- the proposed childcare centre will exacerbate traffic impacts.

Some submissions suggested alternative solutions including:

- that vehicular access be provided entirely off Elliot Street at the rear of the site, or off both Elliot Street and McLaren Street;
- reducing the speed limit in the immediate locality; and
- reducing the level of on-street parking in the locality.

#### **4.1.1. Comment**

##### Transport & Parking Impact Assessment (T&PIA)

The data and conclusions contained within the exhibited T&PIA is reflective of the time when it was prepared and was deemed acceptable for the purposes of initial assessment at the time of the Planning Proposal's lodgement in 2021. However, due to the length of time that had passed between lodgement and exhibition, the immediate area surrounding the subject site has undergone change and warrants the re-examination of the base traffic data to determine if the proposal is likely to have a detrimental impact on the surrounding road and transport systems.

On this basis, on 18 February 2025, Council requested the proponent to provide an updated T&PIA to address the following:

- *include a new assessment of the base case (Section 2), to reflect the completion and operation of the following new developments:*
  - *Northern Portal to the Victoria Cross Metro Station;*
  - *the mixed-use development at 168 Walker Street;*
  - *the school at 41 McLaren Street.*
- *include a new assessment in relation to the potential impacts (section 3) arising from the new development and network changes, addressing:*
  - *the change to the residential parking rates under North Sydney DCP 2013 (within section 4);*
  - *future impacts arising from the approval of a new mixed use development at 45 McLaren Street;*
  - *future impacts arising from a future approval of a residential development at 173-179 Walker Street and 7-17 Hampden Street;*
  - *future impacts associated with the operation of the Western Harbour Tunnel;*

- *consider traffic flows during peak school times in addition to traditional peak work times, especially given the number of schools in the immediate location.*

On 14 April 2025, Council received a revised T&PIA and Green Travel Plan addressing the aspects identified in Council's request for additional information. With regard to traffic generation impacts, the revised T&PIA concluded:

*It is not expected that the planning proposal at 52 McLaren Street will cause the operation of the McLaren Street and Walker Street intersection to operate below an acceptable performance level based on the findings of the assessment. Traffic generated by the planning proposal is expected to result in a minor increase in delay at the intersection of McLaren Street and Miller Street, especially in the AM peak, where the intersection is expected to operate near capacity.*

*Analysis of the 2035 future year modelling results for the McLaren Street / Miller Street intersection identified:*

- *The intersection is operating near capacity, not including any traffic generated by the planning proposal, with an increase in overall intersection delay of 22 seconds modelled from existing conditions. The key movements that are expected to be operating at or near capacity and may require upgrades are:*
  - *The right turn on the north approach (Miller Street).*
  - *The through and right turn movements on the west approach (McLaren Street).*
- *The planning proposal is forecast to generate 52 vehicles in the AM peak hour when the performance of the intersection is at a LoS [Level of Service] E. This comprises approximately 20 percent of the total increase in traffic at the intersection to 2035 (total increase of 251 vehicles). As such, the increased delay is expected to predominantly be driven by background traffic growth in the area for which a conservative rate has been used.*

*As a result, the planning proposal is not expected to have an unreasonable impact on the surrounding road network. To minimise the potential impact of the planning proposal on the surrounding road network, measures should be undertaken as per the GTP [Green Travel Plan] to encourage the use of alternative travel modes to reduce the number of vehicles generated by the planning proposal.*

The T&PIA adequately demonstrates, that in addition to other development in the locality, the intersections in the locality will continue to operate within capacity limits at all times of the day. It is noted that future measures may be required to improve the operation of the Miller and McLaren Streets intersection in the future, once it reaches capacity. However, the need to undertake any relevant upgrade of this intersection is largely attributable to external traffic generation, rather than the development itself.

With regard to the future operation of the Western Harbour Tunnel and Warringah Freeway upgrades, the T&PIA states that these works are not expected to impact upon the operation of McLaren Street directly. However, changes to vehicular traffic destinations may change as

a result of these new connections. In addition, potential changes to commuter behaviour (including transport modal shift) may affect the functionality of the road network.

It is further recognised that Transport for NSW did not raise an objection to the progression of the Planning Proposal, noting the subject site's proximity to the Victoria Cross Metro and North Sydney Train Stations, the proposal's low level of traffic generation potential, and limited on-site car parking provision.

In an environment where ambitious housing targets are being set by the NSW Government across Metropolitan Sydney, this is a much more sensible and sustainable location to accommodate housing growth, compared with many of North Sydney's neighbourhood areas.

#### Childcare Centre Impacts

The level of likely impact has been addressed within both the original and the revised T&PIA. As demonstrated in the revised T&PIA, the development as a whole, including the childcare centre, is deemed to have an acceptable level of impact on the surrounding network, with the childcare centre component only contributing to approximately 20% of all trips to and from the development on a weekday.

#### On-Street Parking

The proposal does not seek to modify the extent of on-street parking in the vicinity of the site, which is unlikely to change post-development. The suggested demand for on-street-parking is questioned, given that any proposed development on the site will need to provide on-site carparking, and that the site is well served by mass and high frequency public transport, minimising the need to rely on private transportation.

#### Vehicular Access

Whilst providing vehicular access to Elliot Street (in part or full) may alleviate vehicular conflicts along McLaren Street, it also has the potential to negatively impact on the delivery of a number of long-term strategic goals.

Elliot Street is identified in Council's Civic Precinct Planning Study and Public Domain Strategy as a future shareway, with a focus on pedestrian priority. In particular, Elliot Street, along with the proposal's dedicated pedestrian through-site link, will positively contribute to an additional pedestrian-focused route between the heart of the North Sydney Centre and St Leonards Park. Any additional increase in vehicular traffic movements along Elliot Street would be inconsistent with achieving this long-term goal and is therefore not supported.

#### **4.1.2. Recommendation**

That the exhibited Planning Proposal and draft amendments to NSDCP 2013 be progressed unamended with regard to traffic related issues.

## 4.2. Overshadowing / Solar Access

34 submissions objected to the proposal on the basis that it would result in a loss of solar access to existing buildings in the surrounding area, particularly to the western façade of the recently-completed building at 168 Walker Street located immediately to the east of the subject site, and northern-facing apartments at 39 McLaren Street and 237 Miller Street, located immediately to the south of the subject site.

One submission also suggested that the proposal would also reduce the solar access to Ted Mack Park to the west of the subject site.

Many submitters suggested that the issues regarding overshadowing and solar access could be mitigated by reducing the proposal's height and/or the swapping positions of the proposed towers, such that the eight-storey tower is located over the southern portion, and the 24-storey tower is located over the northern portion of the site.

### 4.2.1. Comment

NSDCP 2013 adopts the solar access controls under the Apartment Design Guidelines (ADG) for developments incorporating residential flat buildings. In particular, the ADG recommends that in dense urban areas such as North Sydney, at least 70% of all apartments should receive a minimum of two hours of solar access between 9am and 3pm at the Winter Solstice. It is also further noted that the ADG states:

*Achieving the design criteria may not be possible on some sites. This includes:*

- *where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source*
  - *on south facing sloping sites*
  - *where significant views are oriented away from the desired aspect for direct sunlight*
- Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.*

The objectives relevant to the design criteria are:

*4A-1: To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private opens space.*

*4A-2: Daylight access is maximised where sunlight is limited.*

The ADG defines solar access as “the ability of a building to receive direct sunlight without the obstruction from other buildings or impediments, not including trees. Sunlight is direct beam radiation from the sun” and daylight access as “consists of sunlight and diffuse light from the sky. Daylight changes with the time of day, season and weather conditions”.

The prevailing topography in the immediate locality is generally south-facing and views are afforded towards Sydney Harbour, where they are not obstructed by existing tall buildings within the North Sydney Centre. Accordingly, the desire to achieve strict technical compliance with the design criteria is already compromised, as more dwellings are likely to be located on

the southern sides of buildings due to both topography and views. This outcome was anticipated under the CPPS when setting its desired outcomes.

The proponent had demonstrated through the Planning Proposal and Urban Design Report that the proposed built form envelope will have an acceptable level of overshadowing impact, largely achieved by incorporating suitable setbacks to its boundaries, regulating the built form envelope away from other residential towers, the stepping of the built form to the north, and minimising tower widths in an east-west orientation. The degree of solar impact was also considered acceptable in Council's initial assessment of the proposal, being generally consistent with the outcomes of the CPPS.

In light of the submissions made, Council has reassessed the degree of impact. This has been determined with regard to the comparison between the existing planning controls and the proposed planning controls, consistent with the approach adopted by the proponent in their initial assessment. It is not considered reasonable to assess the proposal against the current situation (i.e., no development on the site), as a proposal could still be approved under the current planning controls, resulting in future impacts.

#### Degree of Impact to 237 Miller Street

The Planning Proposal and Urban Design Report suggests that the majority of apartments at 237 Miller Street would be able to achieve greater than the minimum required two hours between 9am and 3pm at the Winter Solstice.

Further analysis has determined that under the current planning controls, approximately 58% of apartments within 237 Miller Street receive at least two hours of sunlight between 9am and 3pm at the Winter Solstice, which is less than the technical requirements with the ADG. If the proposal were to proceed, then the quantum of apartments receiving a minimum of two hours would remain unchanged. This is due to the impact being largely limited to the apartments on the northern façade which currently receive well in excess of the minimum two hour requirement, and will not result in that access being reduced to below the minimum requirement.

It is also recognised that there will also be increased impacts to some apartments on the eastern elevation of 237 Miller Street, which currently do not meet the technical minimum two hour solar access requirement under the ADG.

Given the existing extent of solar access being below the technical requirements for the ADG, the Planning Proposal also investigates the ability of dwellings to achieve daylight access. In particular, it demonstrates at least 80% of apartments will be able to receive at least two hours of daylight access at the winter solstice.

#### Degree of Impact to 39 McLaren Street

The Planning Proposal and Urban Design Report do not indicate what quantum of apartments at 39 McLaren Street are able to meet the minimum solar access requirements, other than those located on the northern façade.

Further analysis has determined that under the current planning controls, approximately 27% of apartments at 39 McLaren Miller Street would receive at least two hours of sunlight between 9am and 3pm at the Winter Solstice which is less than the technical requirements with the ADG. If the proposal were to proceed, then the quantum of apartments receiving a minimum of two hours would remain unchanged. This is due to the impact being largely limited those apartments on the northern façade which currently receive well in excess of the minimum requirements and will not result in that access being reduced to below the minimum requirement.

It is further recognised that impacts to the eastern and western facades of 39 McLaren Street will remain largely unchanged as a result of existing overshadowing impacts by 168 Walker Street and 237 Miller Street.

Given the existing extent of solar access being below the technical requirements for the ADG, the Planning Proposal also investigates the ability of dwellings to achieve daylight access. In particular, it demonstrates that the proposal will result in at least 30% of apartments being able to receive at least two hours of daylight access at the winter solstice, which is 3% greater than the existing planning controls would allow for. This has largely been achieved by incorporating a 6m setback to the subject site's eastern boundary.

#### Degree of Impact to 168 Walker Street

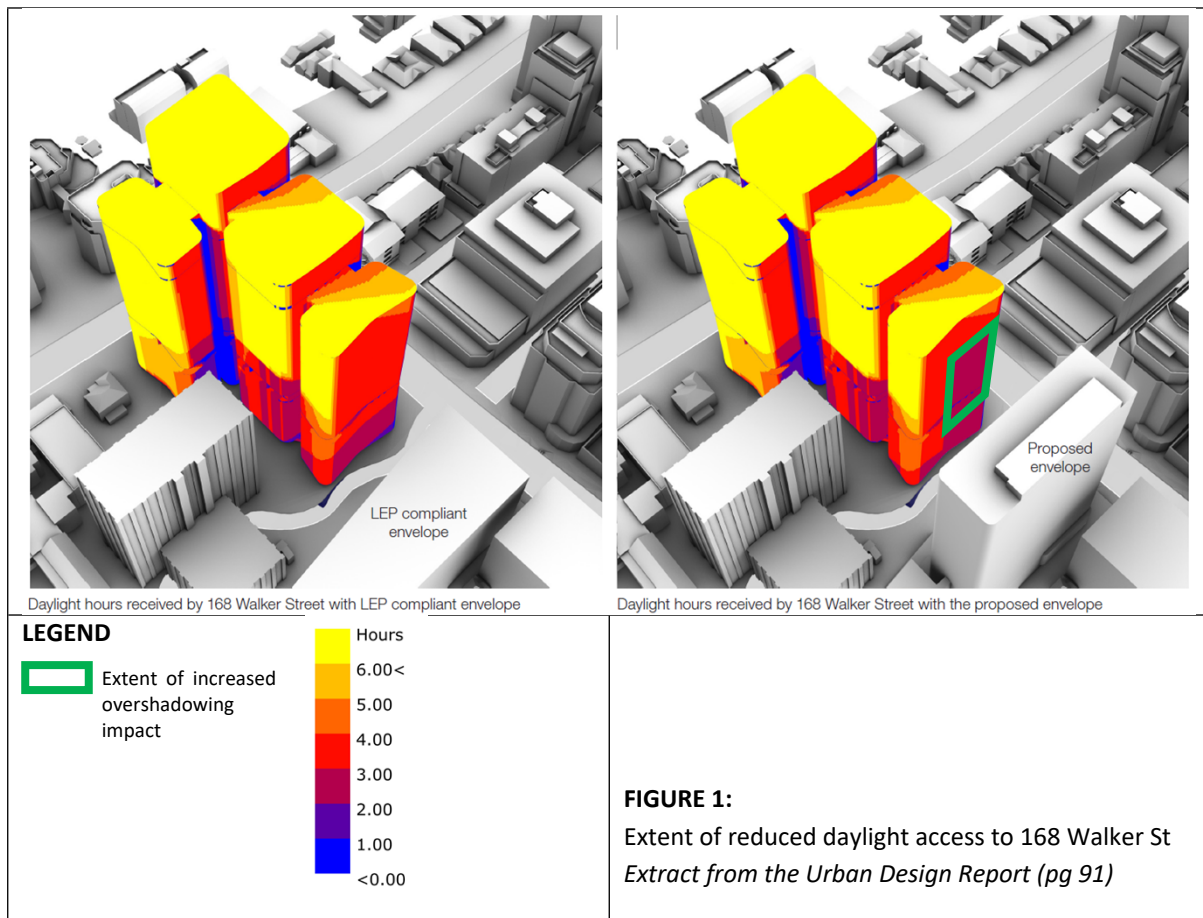
The Planning Proposal and Urban Design Report suggest that the majority of apartments at 168 Walker Street will be able to achieve greater than the minimum two hours between 9am and 3pm at the Winter Solstice.

Further analysis has determined that under the current planning controls, approximately 68% of apartments at 168 Walker Street are able to receive at least two hours of sunlight between 9am and 3pm at the Winter Solstice, under the current planning controls, almost technically compliant with the ADG. One of the reasons for the existing technical non-compliance is due to the high portion of purely south-facing apartments within the development (comprising approximately 31% of total apartments, compared to the ADG's recommended maximum of 15%).

If the proposal were to proceed, then the quantum of apartments receiving at least two hours of solar access would be slightly reduced to approximately 64%. In particular, the apartments in the south-western corner to 168 Walker Street would have the solar access to their western façades reduced from approximately two-three hours to one-two hours. The apartments located on the northern-western corner would receive no impact on the solar access to their northern facades but would have a reduction to their western façades from approximately three hours to two-three hours.

Despite the technical non-compliance for solar access to the south-western apartments, the proponent has demonstrated that those apartments affected on the western façade are capable of receiving a high level of daylight access (three-four hours) as demonstrated in Figure 1. This has largely been achieved through the provision of a large building separation

between 168 Walker Street and future development at 52 McLaren Street (a minimum of 24m).



### Summary of impacts to adjoining properties

In a dense urban environment, there is an inevitable degree of overshadowing expected when significant redevelopment occurs.

Whilst the ADG sets some base numerical standards for solar access, it also notes that these numerical standards may not always be able to be met depending upon the locational context. Of particular note:

- the subject site is located in an area of significant change arising from the construction of the Victoria Cross Metro Station;
- the locality is subject to substantial falls in topography to the southeast with distant views to Sydney Harbour;
- no dwelling on a neighbouring site will result in complete or dramatic loss of its solar access at the Winter Solstice; and
- the proponent has demonstrated that neighbouring dwellings will receive a reasonable level of access to daylight, being generally greater than 2 hours at the winter solstice.

Furthermore, during the preparation of the CPPS, it was recognised that, whilst additional height and density may lead to impacts on residential amenity (such as solar access), the concentration of appropriate mixed-use development in close proximity to mass public



transport, employment, and services would better accommodate significant housing and job targets, than dispersing this growth throughout more sensitive neighbourhoods with lower levels of accessibility. This approach is particularly relevant in the current climate of particularly ambitious NSW Government housing growth targets and aggressive policy settings to achieve these where in some instances, planning powers are now actively being taken out of Council's hands.

At the time the CPPS was being prepared, Council received some level of support from the community to unlock additional development capacity within the Precinct, provided commensurate public benefits are delivered to meet the needs of the community, and efforts are made to limit impacts of new buildings.

The proponent is proposing a number of public benefits in line with the community-endorsed CPPS, including community facilities and a public pedestrian dedicated through-site link. In its planning, the proposal was included to allow for the rehousing of the existing Kelly's Place childcare facility to free up an area for much-needed public open space around the Crows Nest station.

Acknowledging these solar impacts, on balance, the proposal is considered a reasonable planning outcome, having regard to both the site and broader strategic planning outcomes.

#### Repositioning Tower Height

Whilst repositioning the tower heights, as suggested in some submissions, could improve solar access to properties immediately to the south of the subject site, it would also result in increased solar access impacts to dwellings within 168 Walker Street. In particular, it is likely that the total number of neighbouring apartments affected by pursuing this solution would significantly increase, especially those located on the northern façade of the building at 168 Walker Street, within its two western segments. Furthermore, repositioning of the tower heights would result in a poor transitioning of height to the north, potentially have negative impact on the heritage values of properties to the north, as well as additional visual impact upon the setting of, and when viewed from, Ted Mack Park.

#### Overshadowing of Ted Mack Park

Some submitters suggested that the proposal would overshadow Ted Mack Park, located to the west of the subject site. Ted Mack Park is incapable of being overshadowed year-round between the key hours of 9.00am to 3.00pm, due to its relative position, orientation, and distance from the subject site.

#### **4.2.2. Recommendation**

That the exhibited Planning Proposal and draft amendments to NSDCP 2013 be progressed unamended with regard to overshadowing and solar access related issues.

#### 4.3. Loss of views

33 submissions stated that the proposal would result in the loss of views to neighbouring apartments; many stated that the proposal would result in the complete loss of views from their apartments. The majority of these submissions were from residents residing in the western wing of 168 Walker Street, located immediately to the east of the subject site. The remaining submissions were from residents living to the south of the site at 221 and 237 Miller Street, and 39 McLaren Street.

A number of submissions stated that the Visual Impact Assessment and Planning Proposal do not adequately assess the level of view loss from 168 Walker Street, which is considered to be substantial.

Some stated that the View Impact Analysis was outdated as it did not consider the most current international Guidelines for Landscape and Visual Impact Assessment and had inaccurately identified the value of some of the views that would be impacted.

Many submitters suggested that the issues regarding view loss could be mitigated by reducing the proposal's height and/or the swapping positions of the proposed towers, such that the eight-storey tower is located over the southern portion, and the 24-storey tower is located over the northern portion of the site.

##### 4.3.1. Comment

There appeared to be some confusion with regard to the assessments undertaken in relation to view impacts and view loss.

##### Visual Impact Assessment (VIA)

Many of the submitters who raised view loss as an issue, stated that the VIA did not consider private view loss. The VIA focuses its analysis on visual impacts towards the site from the public domain. This was clearly outlined within Section 2 of the VIA. Furthermore, that Section also stated that the VIA did not undertake an analysis of private view loss, which would be dealt with within the Urban Design Report.

With regard to the utilisation of the most current *Guidelines for Landscape and Visual Impact Assessment*, it is noted that a document entitled *Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3)* was published in August 2024. The Gateway Determination enabling the Planning Proposal to proceed to public exhibition was granted on 22 March 2024, which pre-dated the publication of these clarification Guidelines. Therefore, there was no ability to request revision of the VIA prior to publicly exhibiting the Planning Proposal.

Notwithstanding the publication of these clarification Guidelines, they did not incorporate any wholesale changes to the existing Guidelines, with the general approach to visual assessment remaining largely unchanged.

It should be recognised that GLVIA 3 is a guidance document only, and that assessors who use it are not mandated to follow it but encouraged to do so as a matter of best practice.

Council is satisfied that the VIA as exhibited was sufficient to determine the level of impact of the proposal as viewed from the public domain, notwithstanding any changes arising out of the publication of *Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3)*.

Some submitters stated that the VIA inaccurately identified the value of some of the views that would be impacted upon. It would appear, however, that the submitters had incorrectly sought to apply the tests and values associated with private domain impacts rather than the public domain, upon which the VIA was undertaken. For instance, views westwards along McLaren Street from ground level in the public domain are very different from the views experienced from the upper levels of 168 Walker Street in the same direction.

#### Private View Loss - Planning Proposal & Urban Design Report

It is recognised that both the Planning Proposal and Urban Design Report specifically address potential view loss from 39 McLaren Street and 237 Miller Street but is silent with regard to impacts from 168 Walker Street. It is further recognised that the impacts from 168 Walker Street were not considered in detail during the initial assessment of the planning proposal.

Given that the development at 168 Walker Street has since been completed and is largely occupied, a further evaluation has been undertaken as part of this post-exhibition report to ensure that this issue has been adequately considered before making a recommendation as to whether the proposal should proceed or not.

#### Rights to a View

Many submitters suggested that the proposal will completely obstruct or significantly impact upon their views, and that the degree of impact is inconsistent with the application of the planning principle established by the Land & Environment Court relating to view loss in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140 (“Tenacity”).

Whilst the Courts have acknowledged that views from a person’s home can have considerable value, that does not mean that a person has the power to protect and maintain their view as a legal, proprietary right.

A property owners’ right to views (or lack thereof) is a long-settled legal principle, most notably examined and established by the High Court in *Victoria Park Racing & Recreation Grounds Co Ltd v Taylor* (1937); it was found that nobody has a proprietary right to a view.

The Land & Environment Court’s ‘planning principles’ are not binding law. They are described by the Court as a statement of desirable outcomes from a set of reasoning aimed at reaching a planning decision, or a list of appropriate matters to be considered in making a planning decision. Although a planning principle is not binding on a decision-maker, the Court will try to apply the principle consistently in appeals before it, unless it is inconsistent with the

Council's applicable controls. If a planning principle is observed by the Council when assessing a development, the planning decision is more likely to be sound in the eyes of the Court.

In other words, if an application is made to a Council for development which has the potential to impact on neighbouring views, then it is desirable that the Council assess the impact on views in accordance with the four-step process set out in Tenacity, including determining whether the impact is negligible, minor, moderate, severe, or devastating.

It should be further noted that the Tenacity planning principle relates to the assessment of development applications, not planning proposals. Despite this, matters relating to "view sharing" were considered when Council prepared the Civic Precinct Planning Study and are imbedded in Council's existing planning controls.

However, Tenacity does not provide that anyone has a proprietary right to retain all, or part of, the views enjoyed (or capable of enjoyment) from their land. The Court specifically acknowledges that entire loss of a view in some cases could be reasonable in the circumstances. Also, the case is merely concerned with the planning decision and does not deal with whether a landowner can enforce any right to a view against another landowner.

#### Degree of Impact to 168 Walker Street

It is recognised that the largest impact to views will be to those apartments situated on the western-most elevation of 168 Walker Street. It is unreasonable to assume that nothing will be constructed on the subject site, and therefore the extent of impact is largely restricted to those apartments located above Level 11 at 168 Walker Street, which generally reflects the current maximum height limit of the subject site (RL 110).

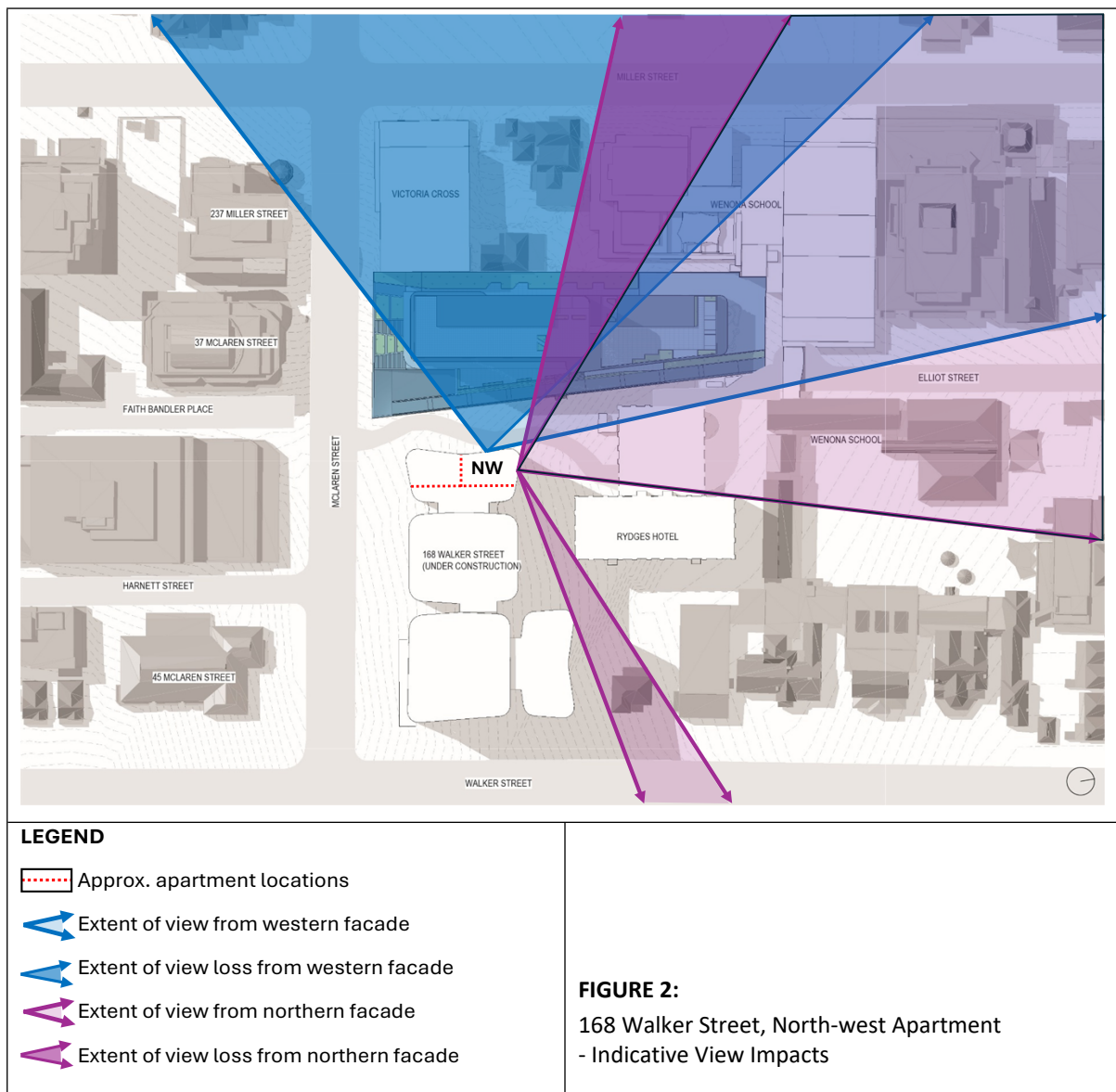
The proposed built form envelope has been positioned to minimise impacts to existing views; no view will be completely removed from an apartment at 168 Walker Street.

The western elevation to 168 Waker Street is limited to two apartments per floor, each of which have dual aspects to the north and west, or the south and west. The submitters to these apartments largely suggest that their sole views are to the west only, which is not entirely accurate.

The extent of potential view loss from apartments on the western facade of 168 Walker Street is illustrated in Figures 2 and 3. These Figures are illustrative only and do not necessarily determine the full extent of views currently or proposed to be available in every situation, but have been determined on the following basis:

- views are taken from a central point along the northern, western, and southern facades of affected apartments;
- it is assumed that views southwards between 237 Miller Street and 171 Walker Street are obstructed by existing buildings in the North Sydney Centre (some higher-level apartments may be afforded a wider view over some of these buildings);
- it is assumed that views are obstructed by the Rydges Hotel at 54 McLaren Street (some higher-level apartments may be afforded a wider view over Rydges Hotel);

- view loss from the proposal is limited to the proposed 24-storey component of the reference design on the subject site, as the proposed eight-storey component complies with the current and proposed height limit over that portion of the site.

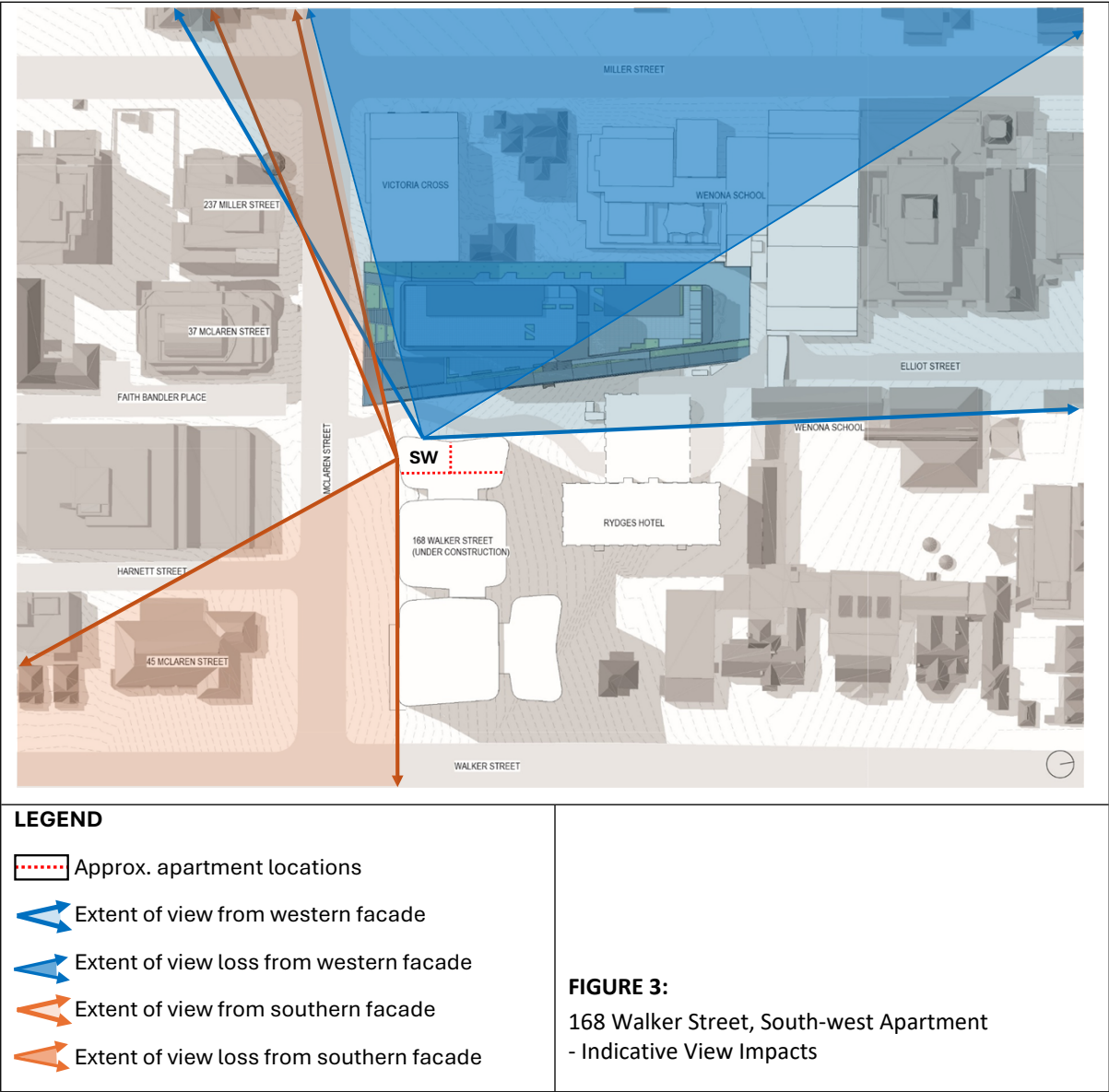


As demonstrated in Figure 2, the western facades of the north-western located apartments currently have a view range of approximately 115 degrees (as indicated in blue), spanning from the south-west to the north. This view range takes in district views as far as the Blue Mountains, and also takes in the skylines of Parramatta, St Leonards, and Chatswood. The proposal will result in approximately 75% of that existing view being obstructed, with views to the north and north-west still available.

The northern façade has an approximately 85-degree view range from the west to the north (indicated in purple), incorporating district views and views of the skylines of St Leonards and Chatswood. The proposal will result in approximately 75% of that existing view being obstructed, with views to the north-northwest still available.

There is also an approximately 12-degree wide long distance slot view to the north-east between the Rydges Hotel and the building at 168 Walker Street. This view remains unimpeded.

Higher-level apartments on the northern facades would be impacted even less, with their view range reducing by approximately 15%, from 145 degrees to 125 degrees.



As demonstrated in Figure 3 the western facades of the south-western located apartments currently have a view range of approximately 120 degrees (indicated in blue), spanning from the south-west to the north. This westerly view range takes in district views as far as the Blue Mountains, and also takes in the skylines of Sydney Olympic Park, Parramatta, St Leonards, and Chatswood. The proposal will result in approximately 62% of that existing view being obstructed, with views to the south-west and north still available.

The southern facade has an approximate 10-degree slot view to the south-west, and an approximate 60-degree view range from the south-east to the east (indicated in orange),

which incorporates views of parts of Sydney Harbour. None of these views are impacted upon as a result of the Planning Proposal.

The above analysis demonstrates, that whilst there is an impact on views associated with the proposal, the proposal will not completely obstruct those views. Furthermore, the degree of view loss in a highly urbanised area is considered reasonable.

Degree of Impact to 237 Miller Street

Impacts to 237 Miller Street are minor, as demonstrated in the Planning Proposal and Urban Design Report. This is primarily due to the proposed built form envelope being offset against the primary views to the north and west.

If a building was to be constructed in accordance with the current planning controls, it would result in only the apartments on the top five levels of 237 Miller Street having their views partially obstructed. The degree of impact on these views is considered to be in the order of 15% of the current overall view range from the northern façade (refer to Figure 4), utilising the same principles used for determining the impacts to 168 Walker Street.



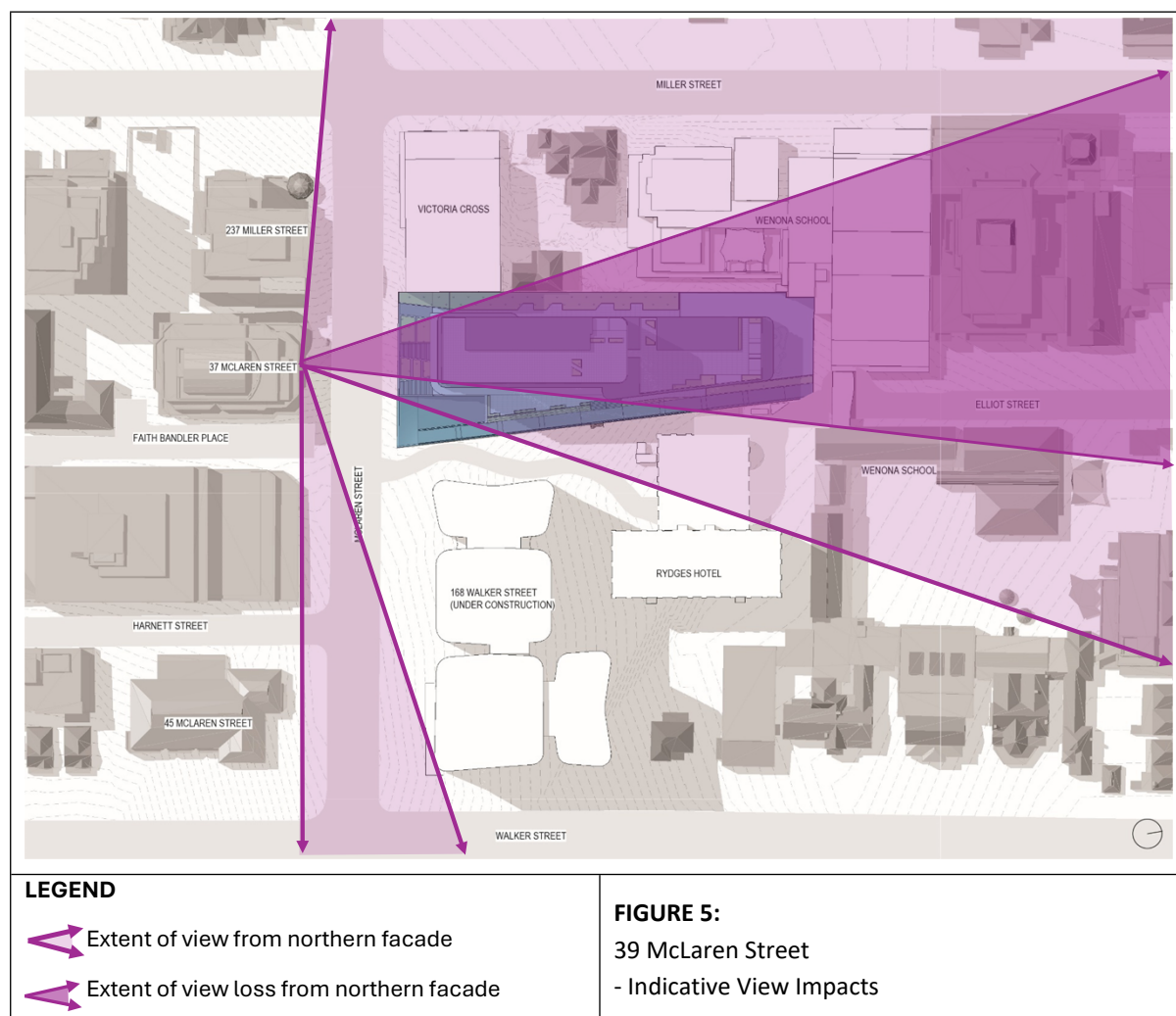


### Degree of Impact to 39 McLaren Street

Impacts to 39 McLaren Street are considered acceptable, as demonstrated in the Planning Proposal and Urban Design Report and are improved when compared to the current set of planning controls applying to the site. In particular, the proposal would allow slot views to the north between the proposal's built form envelope and Rydges Hotel.

If a building was to be constructed in accordance with the current planning controls, it would result in only the apartments on the top two levels of 39 McLaren Street having their views partially obstructed. The degree of impact on these views is considered to be in the order of 21% of the current overall view range from the northern façade (refer to Figure 5), utilising the same principles used for determining the impacts to 168 Walker Street.

However, the proposed built form envelope will improve over that possible under the current controls, by enabling slot views to the north between the subject site and the Rydges Hotel, whilst retaining broader views to the north-west.





## Civic Precinct Planning Study (CPPS)

In its preparation, the CPPS acknowledged that the Precinct's primary views were to the south-east towards Sydney Harbour, and that these views should be shared where practical. Limited emphasis was provided on the views to the west and north as they did not contain significant elements such as harbour or iconic views or were generally more distant from properties within the Precinct as a whole. Whilst it is acknowledged that views to the west are currently enjoyed by the occupants of 168 Walker Street, the expectation of full retention of those longer distant views (such as to the Blue Mountains) it is not practical in a dense urban environment, and requirements to accommodate additional growth.

### Repositioning Tower Height

Whilst repositioning the tower heights (as suggested in some submissions) could marginally improve views to dwellings in the western wing of 168 Walker Street, located immediately to the east of the subject site, it would also result in increased solar access impacts to dwellings at 168 Walker Street. It is considered that access to direct sunlight is an equally valid planning consideration, in terms of a dwelling's liveability and amenity. Furthermore, despite a loss of some views to the west, the entire view and outlook will not be completely obstructed.

Repositioning the tower heights would have limited impact on the ability to maintain views to the north from residential apartments located to the south of the subject site.

#### **4.3.2. Recommendation**

That the exhibited Planning Proposal and draft amendments to NSDCP 2013 be progressed unamended in relation to view loss issues.

#### **4.4. Loss of visual privacy**

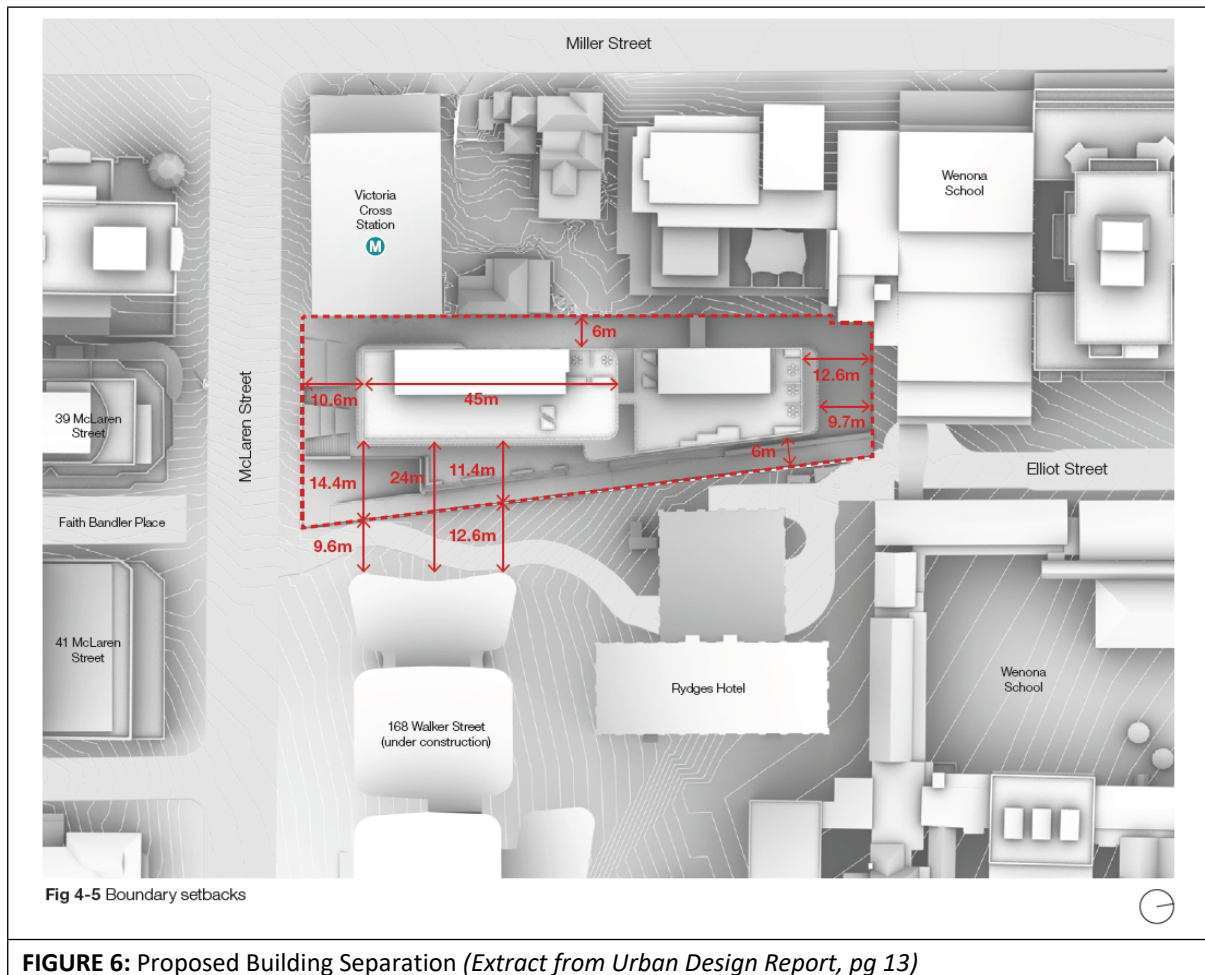
28 submissions stated that the proposal will result in a loss of privacy to existing buildings in the surrounding area, particularly to the development at 168 Walker Street (Aura), located immediately to the east of the subject site, and 237 Miller Street and 39 McLaren Street to the south. It was stated that the loss of privacy was attributable to the proposed height of the building, the degree of building separation from the anticipated built form, and that the western façade of 168 Walker Street is fully glazed.

Some had suggested that the heights of the proposed towers should be swapped to increase the level of separation between buildings, thereby reducing potential privacy concerns.

##### **4.4.1. Comment**

The proposed building envelope has been established with regard to the minimum building separation and setback requirements under the Apartment Design Guide (ADG). In particular, the concept design clearly shows that the proposed built form envelop maintains a minimum separation of:

- 24m to 168 Walker Street and is typically larger than this due to the skewed boundary between the properties and irregular alignment of the western façade to the boundary;
- approximately 32m to 39 McLaren Street; and
- approximately 34m to 237 Miller Street.



**FIGURE 6:** Proposed Building Separation (Extract from Urban Design Report, pg 13)

Increased levels of privacy can be further considered at the development application stage through architectural design (e.g., window sizing, location, and orientation) and incorporation of architectural treatments (e.g., use of opaque glazing, privacy screens etc.).

#### 4.4.2. Recommendation

That the Planning Proposal and amendments to NSDCP 2013 be progressed unamended.

#### 4.5. Height / Bulk & Scale / Density / Overdevelopment

Most of the issues raised in the submissions directly related to the proposed increase in the height limit (e.g., overshadowing, views, and privacy). To alleviate the potential impacts, many submissions requested that the height controls be lowered, retained as existing, or even reduced below existing.

#### 4.5.1. Comment

Amenity issues (i.e., solar access, views, and privacy) arising with regard to the proposed height, have been addressed elsewhere in this report.

The current planning controls applying to the site enable the construction of an approximately 10-storey high mixed-use building. It is further noted that a concept development application for the site approved by the State Government in 2011 permitted a part eight-storey (to RL 101 across the southern portion) and part 12-storey (to RL 118 across the northern portion) mixed use building, which was in excess of the planning controls.

Only enabling an eight-storey building to be constructed on the site as suggested by some submitters would require a further reduction in the current permitted height controls, which is contrary to meeting the relevant s.9.1 Ministerial Guidelines, as it would reduce the site's residential accommodation and employment floor space capacity and therefore would be difficult to justify, especially when there is significant pressure to deliver additional housing.

The existing height limits applying to the subject site were set before the Sydney Metro was conceived and delivered. The introduction of the northern portal to the Victoria Cross Metro Station was a key driver in Council instigating the CPPS. In particular, it sought to determine how Council could responsibly respond to increased transport accessibility associated with the construction of the Metro and manage associated increase in developer-led planning proposals. The CPPS is a place-based planning strategy which seeks to outline the desired future character of the Precinct, providing a balance between allowing additional development in areas of low sensitivity whilst protecting those with high levels of sensitivity. This was a proactive planning initiative, to avoid opportunistic and ad-hoc proposals for high rise development in the absence of a planning framework. This is increasingly more relevant given the operation of the NSW Government's Housing Delivery Authority, which is facilitating a number of large-scale applications for housing, many of which seek significant variations to planning controls, with little reference to the local community (refer to the separate report on this issue being considered at this same meeting).

In developing the built form controls for the subject site, including height, the following objectives were identified in the CPPS:

- *Deliver jobs and housing growth on the fringe of the CBD in areas with additional transport infrastructure*
- *Provide a height transition between the commercial core of the CBD and the low-scale conservation area to the north*
- *Protect the amenity and sunlight of existing and proposed public open spaces identified in this study and in the Ward Street Masterplan*
- *Adopt view sharing principles to retain Harbour views for occupants of existing residential towers where possible*
- *Complete the North-South pedestrian laneway link from North Sydney train station to St Leonards Park*
- *Preserve the Heritage Conservation Area (HCA) along Ridge Street*
- *Deliver new open space identified under Action 8*

The proposal adequately demonstrates its ability to meet these objectives. In addition, the proposal is generally consistent with the built form outcomes envisaged for the site. It is further noted that following lodgement, Council staff negotiated a reduction of the height of the northern tower (by six storeys) to eight storeys, in comparison to that suggested as appropriate under the CPPS (14 storeys), to provide a more sensitive transition in scale and interface to development located to the north and north-west of the site.

Whilst it is recognised that there are amenity impacts to adjoining residential apartments in terms of solar access, views, and privacy, the proposal's height, scale, and bulk has been adequately moderated to minimise those impacts, positively responds to the locality's evolving context, and promotes integrated land-use and planning principles. Furthermore, some of the amenity issues can be further addressed at the DA stage through appropriate detailed architectural design.

#### **4.5.2. Recommendation**

That the exhibited Planning Proposal and draft amendments to NSDCP 2013 be progressed unamended in relation to visual privacy.

#### **4.6. Property Value**

15 submissions objected to the proposal due to the likely loss in property value associated with the redevelopment of the subject site generally in line with the outcomes envisaged under the Planning Proposal. In particular, the loss of value was largely attributable to the potential loss of privacy, solar access, and views.

##### **4.6.1. Comment**

A reduction in property values is not a valid planning argument to justify the prevention of the progression of a planning proposal or approval of a development application.

All councils in NSW are required to determine the best means of accommodating additional dwellings and employment floor space to satisfy the future demand and needs of a growing population. Noting that the North Sydney LGA is a relatively confined area and already heavily urbanised, there are limited locations where additional density may be readily accommodated, whilst managing impacts on the wider community.

Council has sought to increase density in locations that can leverage and benefit from existing infrastructure, whilst balancing impacts to the environment, heritage, and areas with other unique characteristics. Council proactively seeks to implement this response through place-based planning. This was achieved when Council completed its CPPS in 2020 which included a future direction for the subject site. The Planning Proposal is consistent with this future direction and it is therefore not unreasonable in terms of anticipated uplift in the locality.

Whilst it is unfortunate that some neighbouring apartments will experience some impacts in terms of solar access, privacy, and views, the anticipated proposed built form outcome has been carefully advanced with Council over a number of years, in an effort to work towards

managing impacts to ensure that they are reasonably balanced in the context of increasing density in a highly urbanised area.

#### **4.6.2. Recommendation**

That the exhibited Planning Proposal and draft amendments to NSDCP 2013 be progressed unamended in relation to property value issues.

#### **4.7. Alternative Use for the Site**

14 submissions questioned the need to accommodate more housing and commercial space on the subject site. Many suggested that the site is surplus to the State's needs and an alternative community-focused land use should be implemented. The following alternative uses were suggested:

- public open space (11);
- childcare centre (3);
- commuter car park for Metro passengers (2);
- low scale development, such as townhouses (2);
- aged or disabled care (2);
- a community facility (1); and
- potential additional access to Victoria Cross Metro Station (1).

Submitters who suggested that the site should be used for public open spaces justified this on the basis that there are a large number of local schools in the immediate vicinity of the site, and that those schools need access to open space.

Some submissions suggested that the immediate area is already developed to capacity and that permitting any additional development will erode the amenity of the area, having a negative impact on mental health, arising from a loss in privacy and solar access, increased traffic congestion, and noise.

Some suggested that the future use of the site should be determined in consultation with the community to ensure the outcome works for everyone, not just the developer.

Two submitters stated that the State Government had acquired the land through compulsory acquisition for public infrastructure purposes, and as the land is now to be sold for private development profit, this is a misuse of the Compulsory and Mandatory Land Acquisition Policy.

##### **4.7.1. Comment**

The subject site is zoned *MU1 Mixed Use* under NSLEP 2013, which permits a very wide variety of uses, including recreational areas and facilities. Therefore, there is no immediate need to amend the underlying land zoning of the subject site.

However, if the site was to be predominantly restricted for public open space and recreational purposes, it would be better to rezone the land to *RE1 Public Recreation* and undertake any

associated consequential amendments such as removal of height of building and minimum non-residential floor space ratio controls. Such an amendment cannot be supported as it is contrary to s.9.1 Ministerial Directions 5.1 – *Integrating Land Use and Transport*, 6.1 – *Residential Zones* and 7.1 – *Employment Zones*. In particular, it would result in reducing the capacity to deliver residential accommodation and employment floorspace in an area of high accessibility to public transport and services.

When the land was acquired by Sydney Metro, its price was based on the highest and best use of the land at the time of purchase. Reducing the land's development capacity may give rise to compensation claims from the current owner or potentially place an obligation on Council to acquire the subject site for that public purpose. Council does not have the financial capacity to acquire the subject site.

The future use and scale of development of development on the site was previously determined through the preparation and adoption of the CPPS, which was subject to wide community consultation. Whilst it is recognised a number of new stakeholders have come to reside in the vicinity of the site since the adoption of the CPPS, it is considered unreasonable to revisit the future use and scale of the subject site, especially given the length of time to prepare and adopt a place-based planning strategy for the locality, and the time and resources spent by the proponent working with Council to reach the current point, ensuring that the proposal is consistent with the vision for the site under the CPPS. As previously discussed, in the context of growing demands on Council to identify increased housing supply, fundamentally revisiting the capacity of a site to accommodate housing that is so well located and serviced, is not supported.

With regard to how the land was first acquired by Sydney Metro, the site was required to assist with the construction and delivery of the Victoria Cross Metro Station and was appropriately acquired. Given that the Northern Portal to the Victoria Cross Metro Station effectively sterilises that portion of the site for its highest and best use, it is not unreasonable to consider the relocation of that development potential over the remainder of the site. Furthermore, Council has also indicated through its CPPS, that the subject site has the potential to accommodate additional development capacity to address ever-increasing residential and employment targets set by the NSW Government.

#### **4.7.2. Recommendation**

That the exhibited Planning Proposal be progressed unamended in relation to future land use issues.

#### **4.8. Outdated & Inaccurate Documents**

13 submissions stated that many of the supporting documents are outdated and or contain inaccuracies, resulting in the anticipated levels of impacts not being accurately represented. In particular, the submitters identified that development in the immediate locality has undergone significant change, and additional change is still to come. The following developments were identified in the evolving context of the immediate area:

- the recent completion of the mixed-use development at 168 Walker Street;

- the recent commencement of the new school at 41 McLaren Street;
- the future mixed-use development at 45 McLaren Street;
- the future residential development at 173-179 Walker Street and 1-17 Hampden Street; and
- the future opening of the Western Harbour Tunnel.

The following documents were specifically identified as being out of date or containing inaccuracies:

- Traffic & Parking Impact Assessment;
- Visual Impact Assessment;
- Heritage Impact Assessment;
- Wind Impact Assessment;
- Stakeholder Consultation Report;

#### **4.8.1. Comment**

Issues regarding traffic & parking, views, and stakeholder engagement are addressed at sections 4.1, 4.3, and 4.11 of this report respectively. The remaining issues are addressed below.

##### Heritage

All submissions that raised heritage as an issue did not elaborate on why the Heritage Impact Assessment was deficient, nor how the proposal would impact on the significance of heritage items and conservation areas.

The Planning Proposal and accompanying Heritage Impact Assessment were reviewed by Council's Conservation Planners prior to the decision to support the proposal progressing to Gateway Determination. The Conservation Planners determined, in the context of the evolving character of the area, the proposal was consistent with the strategic vision for the site as stipulated under the CPPS, the proposed built form envelope provides an appropriate relationship to the heritage items located on adjoining sites, and any resulting impacts are acceptable, or can be further addressed at the DA stage.

##### Wind

Most submitters who raised concern that the Wind Impact Assessment (WIA) was insufficient did so on the assumption that it did not contemplate the existence of the completed development at 168 Walker Street. This assumption is incorrect, as the WIA clearly makes reference to the development at 168 Walker Street as though it had been completed.

Despite the absence of a physical building, wind impacts associated with 168 Walker Street can be reasonably measured through computer modelling. Whilst not definitive, it can provide a relatively reasonable assumption of what future wind movements will occur and what measures can be used to mitigate any negative impacts. In particular, the WIA identifies potential impacts and recommends the use of various design and architectural treatments to minimise any potential impacts.

It should be recognised that, whilst the Planning Proposal does not include a final design (the reference scheme serves as a proof of concept only), the Assessment indicates that wind impacts resulting from a future development on the site can be adequately managed at the detailed design stage. The extent of impact from a final design would need to be reassessed at the development application stage, which would necessitate a further detailed WIA.

#### **4.8.2. Recommendation**

That the exhibited Planning Proposal and draft amendments to NSDCP 2013 be progressed unamended in relation to issues associated with outdated and inaccurate reports.

#### **4.9. Disclosure of Planning Information**

12 submissions objected to the proposal on the basis that Council had failed to adequately disclose the existence of the Planning Proposal and the CPPS, and that if known, would have affected their decision to purchase a property adjacent to the subject site.

In particular, it was stated that despite the Planning Proposal being initially lodged in 2021, the existence of the Planning Proposal did not start appearing on a s.10.7 Planning Certificate until public exhibition commenced in December 2024. In addition, some stated that they were unable to find any evidence of any relevant development applications or planning proposals applying to the subject site on Council's website. Some submitters also stated that whilst they were aware of the CPPS, they were unable to find information on regarding its preparation and adoption.

One submitter stated that, if Council proceeds with the progression of the proposal as exhibited, they intend to commence legal proceedings regarding:

- Council's decision-making processes;
- the monetary loss in property value;
- costs associated with the need to move home; and
- personal damages relating to a reduction in their health and well-being.

##### **4.9.1. Comment**

###### Planning Certificates

A Planning Certificate is a certificate issued under s.10.7 of the EP&A Act and must accompany all contracts of sale of real property under the Conveyancing Act 1919 and Conveyancing (Sale of Land) Regulations 2017. Planning Certificates contain information on the development potential of a parcel of land to which the Certificate relates. It includes the planning restrictions that apply to the land on the date the certificate was issued. It should be noted that there is no requirement to provide information that relates to planning restrictions on adjoining land.



There are two main types of Planning Certificates:

*Section 10.7(2) Planning Certificate (Basic):*

Contains basic information to satisfy the mandated requirements identified under Schedule 2 to the Environmental Planning and Assessment Regulation 2021 (EP&A Regulations).

*Section 10.7(2)&(5) Planning Certificate (Full):*

Contains all information provided within a Basic Planning Certificate and any additional information that a council is of the opinion that should be provide in relation to the property.

The minimum requirement for the sale of real property is the obtaining of a Planning Certificate addressing the mandatory requirements of s.10.7(2) of the EP&A Act. It is up to individuals to determine if they would like the additional information contained in a Full Planning Certificate.

With regard to disclosing information pertaining to Planning Proposals, the EP&A Act and EP&A Regulations only requires that the Planning Certificate provide the following level of information (emphasis added):

**1 Names of relevant planning instruments and development control plans**

- (1) *The name of each environmental planning instrument and development control plan that applies to the carrying out of development on the land.*
- (2) *The name of each proposed environmental planning instrument and draft development control plan, which is or has been subject to community consultation or public exhibition under the Act, that will apply to the carrying out of development on the land.*
- (3) *Subsection (2) does not apply in relation to a proposed environmental planning instrument or draft development control plan if—*
  - (a) *it has been more than 3 years since the end of the public exhibition period for the proposed instrument or draft plan, or*
  - (b) *for a proposed environmental planning instrument—the Planning Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved.*
- (4) *In this section—*  
*proposed environmental planning instrument means a draft environmental planning instrument and includes a planning proposal for a local environmental plan.*

In addition:

**2 Zoning and land use under relevant planning instruments**

- The following matters for each environmental planning instrument or draft environmental planning instrument that includes the land in a zone, however described—*
- (a) *the identity of the zone, whether by reference to—*

- (i) a name, such as “Residential Zone” or “Heritage Area”, or
- (ii) a number, such as “Zone No 2 (a)”,
- (b) the purposes for which development in the zone—
  - (i) may be carried out without development consent, and
  - (ii) may not be carried out except with development consent, and
  - (iii) is prohibited,
- (c) whether additional permitted uses apply to the land,
- (d) whether development standards applying to the land fix minimum land dimensions for the erection of a dwelling house on the land and, if so, the fixed minimum land dimensions,
- (e) whether the land is in an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016,
- (f) whether the land is in a conservation area, however described,
- (g) whether an item of environmental heritage, however described, is located on the land.

The above requirements clearly state that the notification of a planning proposal is only to occur from the point that the planning proposal is placed on public exhibition. That notation is to remain until such time as an LEP has been made to give effect to the planning proposal, or where the Planning Proposal Authority has resolved not to proceed with the planning proposal.

Whilst technically, a Planning Certificate only needs to identify the existence of a planning proposal that affects the land to which the Certificate relates, Council notates all planning proposals (that have been subject to public exhibition) on Planning Certificates for all properties within the LGA, to provide greater levels of transparency. This is to ensure that future purchasers understand that the planning controls on adjacent or nearby properties may change in the future.

The following message was included on all Planning Certificates from 2 December 2024, which coincided with the commencement of the public exhibition of the subject Planning Proposal:

***Planning Proposal 6/21 to amend North Sydney Local Environmental Plan 2013 – 52 McLaren Street, North Sydney (Dept of Planning Ref: PP-2021-5024)***

*This Planning Proposal seeks to amend the planning controls to North Sydney Local Environmental Plan 2013 for land at 52 McLaren Street, North Sydney. In particular, the proposed amendments include:*

- *amend the maximum building height from RL 110m to part RL 107m and RL 156m (8 and 24 storeys respectively);*
- *impose a maximum overall Floor Space Ratio of 5.3:1; and*
- *amend the minimum non-residential FSR from 0.5:1 to 1:1.*

*The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) that proposes to deliver a number of public benefits to the value of approximately \$12.5*

*million and a site-specific draft amendment to North Sydney Development Control Plan 2013 to provide further guidance on an appropriate built form outcome.*

*The Planning Proposal, draft VPA and draft DCP amendment will be on public exhibition from Monday 2 December 2024 to Friday 24 January 2025.*

The provision of the above level of information on a Basic Planning Certificate exceeds the mandatory requirements under the EP&A Act and Regulations.

Section 10.7(5) of the EP&A Act enables a Council, if it so chooses, to include advice on such other relevant matters affecting the land of which it may be aware.

Council does not include information of a Full Planning Certificate in relation to the preparation and/or adoption of planning studies (including the Civic Precinct Planning Study), as such documents do not necessarily result in those desired outcomes being implemented and may in some instances give rise to false expectations as to what may eventuate on land in the future. This is particularly important in the current planning environment, where State Government reforms are more regularly implementing very significant changes to planning policies that often erode endorsed local strategic planning outcomes or aspirations.

There are other means by which planning and development information can be disseminated, which are described below.

### Planning Proposals

As planning proposals are not required under legislation to be publicly notified until they are placed on public exhibition, Council proactively seeks to make the community aware of these proposals on its website and via “Blue” site notices placed on the subject site from the time that they are lodged with Council. This approach was first introduced in 2020.

Once lodged, planning proposals are added to Council’s development tracker which can be freely searched by the general public on Council’s website. Council’s website also contains a dedicated page which provides a list of all active planning proposals and indicates at which stage they are up to. The webpage also provides direct links back to the development tracker.

Prior to the public exhibition of the Planning Proposal, Council staff note that for the uninitiated, navigation and searching through the development tracker was somewhat difficult, unless the searcher had all the correct information including the address, application number, and year lodged. Furthermore, there were limitations on the ability to filter out planning proposals from development applications, which often got confused with one another.

These issues were discussed internally in late 2024 and the functionality of Council’s development tracker has since been greatly enhanced it now enables a search for all planning proposals ever lodged in one step, rather than searching for “planning proposals”, “year lodged”, and “application number” at the same time.

When the Planning Proposal was initially lodged in 2021, a “Blue” site notice was placed on the subject site, advising of the existence of the Planning Proposal. When the Planning Proposal had reached public exhibition stage, it was noted that the “Blue” site notice had been removed by someone other than Council. Council accordingly attached a replacement “Blue” notice sign at the time that the public exhibition commenced.

Accordingly, despite there being no legislative need to, it is clear that the existence of planning proposals from the time of lodgement have been proactively provided by Council within the public domain.

#### Civic Precinct Planning Study (CPPS)

All information relating to the preparation and adoption of the CPPS is accessible via Council’s website.

Prior to the website’s comprehensive update in early 2023, a dedicated page was provided on Council’s website regarding the preparation and adoption of the CPPS. This information was also available through Council’s Yoursay page. Copies of Council’s reports that related to the CPPS could also be found using the search function.

It has been noted that, since the commencement of Council’s new website in 2023, the dedicated page for the CPPS was removed and only a copy of the adopted CPPS remains as a downloadable document under the “Policies, Plans and Strategies” page. Information on the Yoursay page and search function for Council reports is still available.

It is noted that the search function on Council’s main website does not extend to searching Council’s Yoursay page, and vice-versa, making it difficult to find the background information. This issue was discussed internally, and it was found not to be possible to cross-link the two search functions as they are technically hosted on different web pages. Further investigation could be undertaken to determine if Council’s website site can be amended to improve access to relevant information pertaining to adopted planning studies.

#### Summary

Council has proactively sought to ensure that information in relation to planning proposals and its planning studies are as widely distributed or accessed as possible. This has been achieved through:

- inclusion of information relating to the public exhibition of the planning proposal on all planning certificates issued, not just the affected site;
- maintaining a tracking system on all planning proposals, such that people may become aware of a planning proposal from the time that it is submitted with Council;
- placing site notices on sites subject to a planning proposal from the time of lodgement; and
- maintaining dedicated pages on Council’s website relating to planning studies.

These actions are beyond the legislative requirements that Councils are required to follow. Potential exists to undertake minor amendments to Council's website to improve access of information relating to adopted planning studies and policies.

#### **4.9.2. Recommendation**

- 1) That the exhibited Planning Proposal progress unamended in relation to how information about the Planning Proposal has been made publicly available through the plan making process.
- 2) Further investigations be undertaken to determine if Council's main webpage can be improved to ensure information is more readily accessible.

#### **4.10. Construction Impacts**

10 submissions objected to the proposal on the basis that it would result in adverse amenity impacts arising from the construction of a future development on the subject site. Some submissions highlighted that residents have had to endure continual construction activity impacts from other developments in the immediate locality over the last 10 years without respite. The extent of amenity impacts identified by the submitters included noise, dust, pollution, and traffic safety.

##### **4.10.1. Comment**

Whilst it is recognised that construction impacts can be disruptive, they are typically temporary in nature and are not a valid reason to prevent a proposal from proceeding.

As required, potential impacts from construction activities can be mitigated through the imposition of appropriate conditions on a development consent issued for any future development approved for the site.

Further, it is acknowledged that construction activities on multiple sites in close proximity to one another and occurring at the same time can exacerbate these issues. Conversely, having multiple developments being constructed concurrently, can lead to an overall reduced impact timewise, rather than allowing developments to only be constructed one at a time or with very short periods of no development in between.

##### **4.10.2. Recommendation**

That the exhibited Planning Proposal be progressed unamended in relation to construction impacts.

#### **4.11. Stakeholder Consultation**

Nine submissions noted that the information contained in the 'Consultation and Stakeholder Report' which formed an attachment to the Planning Proposal, reflects consultation that was conducted in 2021. However, between that consultation period and the exhibition of this Planning Proposal, the number of stakeholders within the vicinity of the site has changed,

with the completion of the mixed-use development at 168 Walker Street, and the new school at 41 McLaren Street. It was stated that consultation with these new stakeholders should be undertaken.

Further, some had noted, that whilst Aqualand (the developer for 168 Walker Street) was consulted in June 2021, it was unlikely that they would have been as invested or concerned as future long term owners.

#### **4.11.1. Comment**

There is no formal requirement for proponents to actively engage with the community prior to lodgement of a planning proposal. However, by undertaking early stakeholder engagement, it enables the proponent to address any potential issues that may arise from the proposed development. This avenue is encouraged in the DPHI's *Local Environmental Plan Making Guidelines*.

Therefore, the 'Consultation and Stakeholder Report' comprises a voluntary and non-mandatory consultation exercise undertaken by the proponent to determine the scope of issues that would need to be addressed in the redevelopment of the site, and to assist in refining the envisaged outcomes for the site prior to formal lodgement.

It is noted that Aqualand was contacted by the proponent as part of this consultation exercise, but apparently did not provide a response to the applicant in relation to the information disseminated. The proponent further confirmed that an online meeting was held with Aqualand on 29 July 2021, in which the presentation that was provided to all landowners in the vicinity of the site was also presented to Aqualand. It was also confirmed that no response was received with regard to the presentation. Furthermore, it was advised that email correspondence between Aqualand and the proponent had occurred prior to Aqualand's pre-sales launch for 168 Walker Street.

There are no statutory requirements to publicly exhibit a planning proposal before the issuance of a Gateway Determination. However, Council sometimes receives submissions in response to planning proposals which have been lodged but not determined for the purposes of seeking a Gateway Determination. The generation of submissions at this stage of the planning process arise from the community becoming aware of their lodgement through Council's application tracker, webpage, and on-site signage.

At the time that the NSLPP considered the initial assessment report on 31 May 2024, 12 submissions had been received from local residents, including one from Wenona School. The issues raised in these submissions were addressed in that assessment report.

The formal public exhibition of the Planning Proposal has provided a further opportunity for affected stakeholders (including new ones) to provide comment on the proposal before it is determined whether it should proceed or not. As indicated within Section 3 to this report, approximately 5,200 property owners and occupiers were notified of the public exhibition of the Planning Proposal, which included all owners and occupants of 168 Walker Street and the developer of 168 Walker Street. The issues raised by the community, including the new

stakeholders with regard to the formal exhibition of the Planning Proposal are addressed in this report.

Therefore, despite the changes to the extent and mix of stakeholders in the vicinity of the site, there have been a number of opportunities to provide comment on the before a final decision is made.

#### **4.11.2. Recommendation**

That the exhibited Planning Proposal be progressed unamended in relation to stakeholder engagement.

#### **4.12. Consistency with the Civic Precinct Planning Study (CPPS)**

Eight submissions identified that the proposal is inconsistent with the outcomes of the CPPS.

Of particular note, most of the submissions advised that the subject site is located in a “transition zone” with the desired outcome being to “limit any significant development in this area” with the northern end of Miller Street to retain its village characteristics, which is rich in culture and heritage. It was suggested that unlike the adjacent building at 168 Walker Street, which is located further down from the Civic Precinct with an “elegant architectural design and providing a pleasant visual impression”, the proposal is in the transition zone and not within the North Sydney CBD, which is more suitable to accommodate additional height.

Some submitters also noted that whilst the proposal seeks to deliver a number of public benefits, those public benefits are contrary to the public benefit principles outlined in the CPPS.

Some submitters had suggested that a more reasonable approach would have been for Council to implement all of the CPPS principles for the transport/transition zone to limit any significant development, rather than rely on a site-specific consideration.

##### **4.12.1. Comment**

The initial proposal was considered against the adopted outcomes of the CPPS in the assessment report considered by the NSLPP on 31 May 2023 and again by Council on 11 December 2023. It concluded that the proposal was consistent with the desired outcomes of the CPPS.

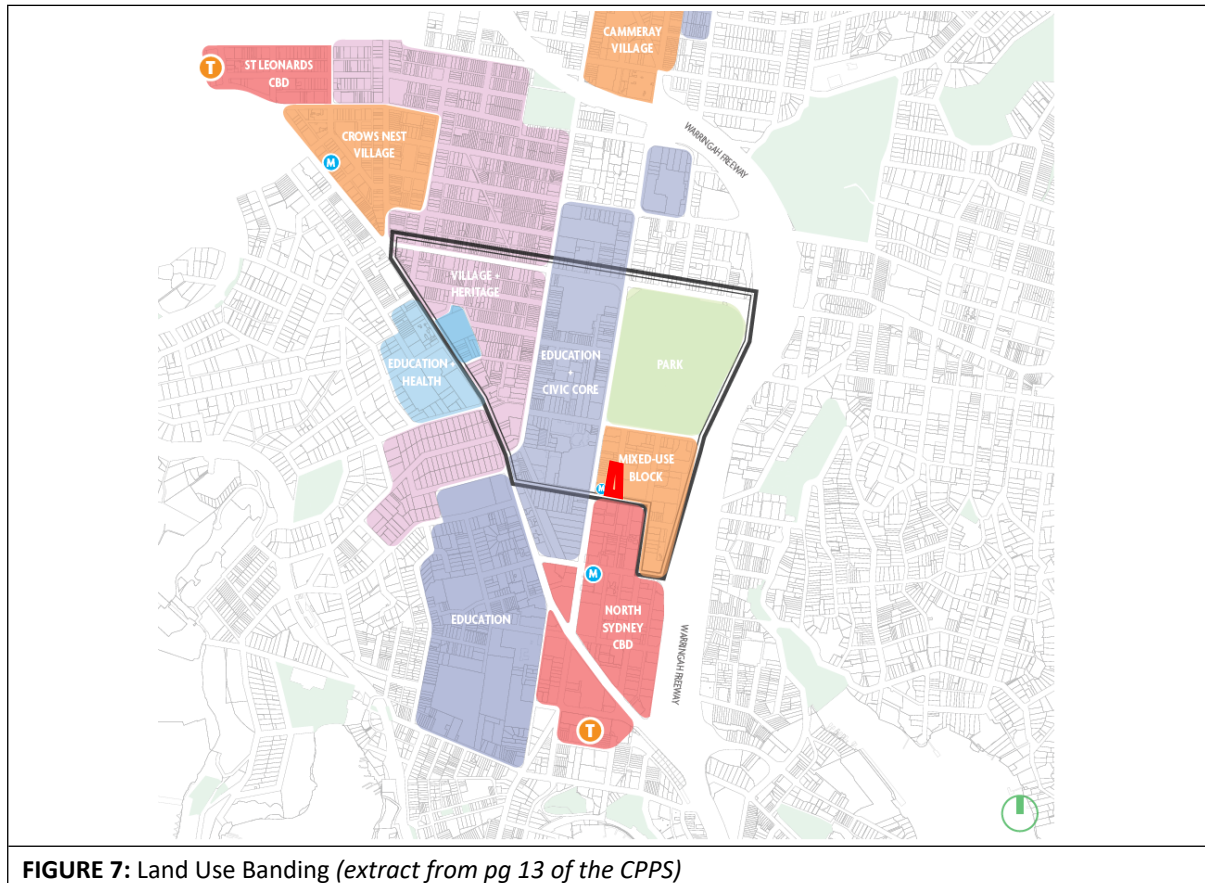
#### **Planning Principles**

In delineating the outcomes of the CPPS, it split the Precinct into 3 main land use bands (refer to Figure 7). The subject site is located in the “A Mixed Use CBD fringe”, which was identified as having the following characteristics:

*McLaren and Walker Streets adjoin the fringe of the North Sydney CBD. Along these streets, and also along Pacific Highway, a medium to high-density, mixed used*

environment has developed over the years providing a mix of residential apartments, office buildings, hospitality venues, a hotel and other typologies.

*This study aims to consolidate and regularise these areas to create a vibrant mixed use transition zone between the CBD and the centre of the Civic Precinct. This transition zone could increase commercial offerings and job opportunities to support both the CBD and nearby educational and medical sectors.*



**FIGURE 7:** Land Use Banding (extract from pg 13 of the CPPS)

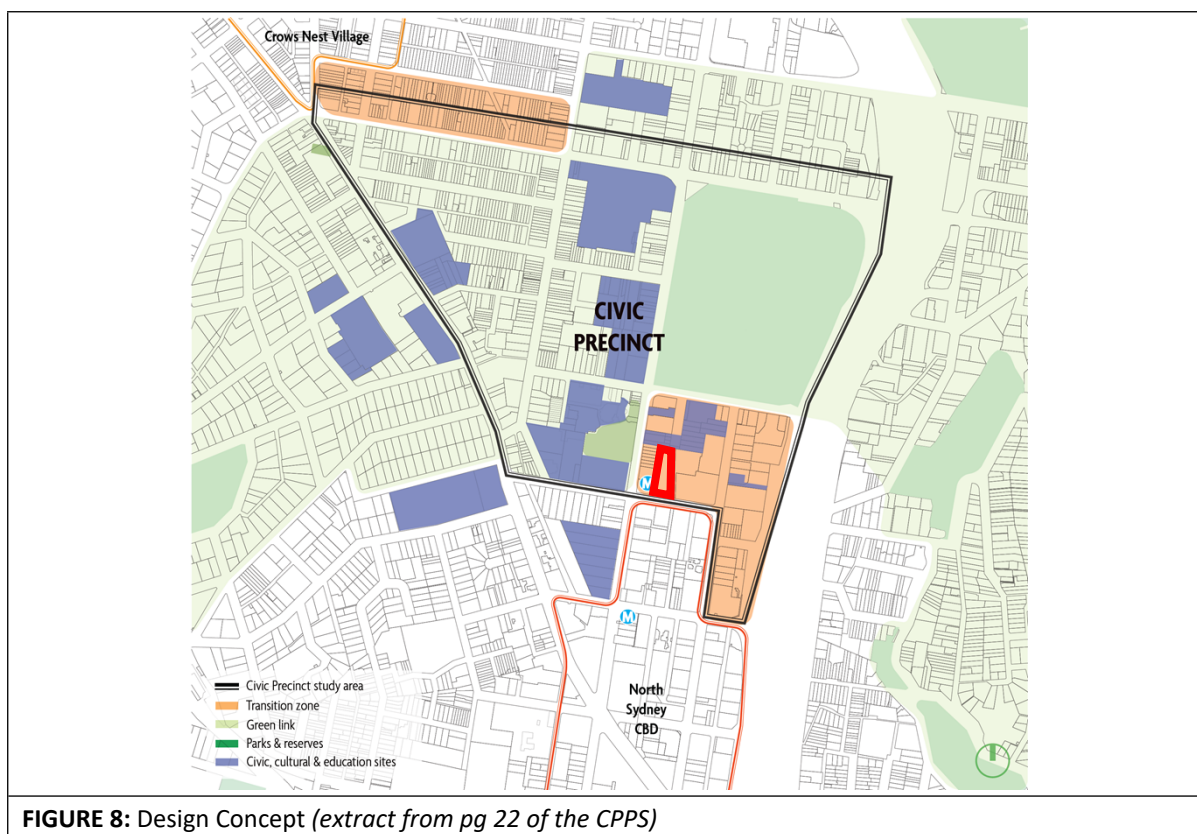
Principle 4 to the CPPS specifically states:

**4. Manage growth and ensure development is of an appropriate scale and character**

*Limit any potential significant development to the transport corridors and the transition zones (if and where appropriate) and ensure built form and scale transitions are sympathetic to the heritage items and conservation areas.*

The map on page 22 of the CPPS (refer to Figure 8) outlines the extent of the transition zone. Whilst there is no further explanation as to what the transport corridors comprise, these are considered to comprise Miller Street, Pacific Highway, and Falcon Street.





**FIGURE 8:** Design Concept (extract from pg 22 of the CPPS)

It would appear that the submitters may have misinterpreted this Principle, in so far that the Principle states that any significant development is only to occur within the transition zone or transport corridors and not anywhere else in the Precinct, as opposed to the submitter's interpretation that significant development is not permitted in the transition zone and transport corridors. The CPPS clearly envisages increased development opportunities on sites located within the transition zone (refer to Action 1 of the CPPS), which includes the subject site.

### Public Benefits

The CPPS states that one of the driving principles of the Study is that any development opportunities afforded by the Study over and above the current planning controls should only be pursued if much needed public benefits are provided to meet the community's need.

In accordance with the CPPS, the proposal is accompanied by a VPA, which offers to deliver the following public benefits:

- a new publicly accessible through site pedestrian link;
- a childcare facility to be dedicated to Council; and
- provision of affordable housing.

All of the above items are consistent with the types of public benefits identified as being needed within the LGA (refer to pages 44 and 45 of the CPPS). Accordingly, the proposal is consistent with the public benefit aspects of the CPPS.

## Implementation of the CPPS

The CPPS was initially prepared in response to a number of ad-hoc proposals being progressed by private land holders within the Precinct and to recognise the opportunities and pressures associated with the construction of the northern portal to the Victoria Cross Metro Station and ensure that an appropriate place-based approach to development was achieved.

Whilst Council could have progressed a single Planning Proposal and an associated amendment to NSDCP 2013 to implement the desired outcomes of the CPPS, there was a risk that none of the public benefits identified under the CPPS would be delivered, unless Council also undertook significant work to amend its local infrastructure contributions plan.

### **4.12.2. Recommendation**

That the exhibited Planning Proposal and draft amendment to NSDCP 2013 proceed unamended in relation to consistency with the CPPS.

### **4.13. Amenity**

Eight submissions objected to the proposal on the basis that it would reduce amenity of the locality or to adjoining properties.

#### **4.13.1. Comment**

Where amenity to a locality was mentioned, it generally related to higher level issues such as privacy, overshadowing, view sharing, environmental impacts through reduced landscaping, traffic generation and congestion, accessibility, and adaptability.

These issues are addressed in detail elsewhere in this report.

#### **4.13.2. Recommendation**

That the exhibited Planning Proposal and draft amendment to NSDCP 2013 proceed unamended in relation to amenity issues.

## **5. Amendment of the Planning Proposal**

Section 3.35 of the EP&A Act states that the Planning Proposal Authority may, at any time, vary its proposals as a consequence of its consideration of any submission or report during community consultation or for any other reason. However, if it does so, it must forward the planning proposal to the Minister to determine if further community consultation is required.

It is not recommended to amend the Planning Proposal as a result of consideration of the submissions.

## **6. Authorisation to Make the Plan**

In issuing the Gateway Determination, the DPHI initially granted Council delegation to be the local plan-making authority to finalise the making of the LEP amendment giving effect to the Planning Proposal (refer to Attachment 1). However, the exercising of this delegation is subject to satisfactorily meeting the criteria set out in preliminary text of the Gateway Determination.

As outlined within Section 2 to this report, the requirements enabling Council to exercise its delegation as the local plan-making authority can be satisfactorily met, subject to receiving a revised Gateway Alteration to amend the plan making timeframes.

## **7. Draft amendment to NSDCP 2013**

A site-specific draft amendment to NSDCP 2013 was exhibited concurrently with the Planning Proposal to ensure consistency with the proposed NSLEP 2013 amendments.

Two submissions identified issues with the proposed provisions within the site-specific draft amendment and related to:

- building setbacks; and
- car parking rates.

Responses to these issues are addressed in the following subsections.

### **7.1. Setbacks**

One submission stated that the proposed minimum 6m setback to the eastern boundary would result in a future development on the site being located less than the minimum 24m separation requirement as per the ADG, which would lead to increased impacts on privacy and overshadowing.

#### **7.1.1. Comment**

The draft amendments to NSDCP 2013 are located within Part C – *Area Character Statements*. The primary purpose of Part C is to include additional and/or alternative built form controls to ensure the desired future character of an area (and in this case, this site) is appropriately delivered.

Whilst it is acknowledged that the proposed minimum whole of building setback control to the eastern boundary is only 6m, it also needs to be read in conjunction with the existing building separation requirements under Part B of the DCP. These controls effectively replicate those under the ADG, which requires anywhere between 12m and 24m building separation for buildings greater than eight storeys in height, depending upon the use of the rooms that directly face one another. Given that a future building at 52 McLaren Street and the existing building at 168 Walker Street will contain habitable rooms facing one another, then a minimum 24m building separation would be required for buildings exceeding eight storeys.

The Concept Proposal that accompanies the Planning Proposal (refer to Figure 6) clearly demonstrates that a future building form can be accommodated on the subject site, incorporating the minimum required setbacks to 168 Walker Street, based on the proposed heights of buildings on the subject site.

Furthermore, the Planning Proposal also includes a maximum FSR of 5.3:1. This proposed requirement restricts the overall quantum of floor space that can be accommodated on the site and will assist in the prevention of non-compliance with building separation requirements.

#### **7.1.2. Recommendation**

No amendment be made to the setback provisions or building separation requirements under the proposed amendment to NSDCP 2013.

### **7.2. Carparking Rates**

The proponent of the Planning Proposal objected to the inclusion of Provision P12 to Section 2.5.6 of the draft amendment to NSDCP 2013, which relates to a requirement to reduce the level of carparking beyond the maximum rate under Section 10 to Part B of NSDCP 2013. The proposed clause states:

*P12 The total amount of car parking must not exceed 80% of the total parking provision permitted under Section 10 – Car Parking and Transport to Part B of the DCP, rounded down to the nearest whole space.*

The submitter states that the proposed provision was incorporated in response to the recommendations of the T&PIA which accompanied the Planning Proposal at lodgement. The T&PIA noted the concept design provided 80% of the required residential car parking rates which applied at the time of lodging the Planning Proposal. The justification for reducing the amount of residential parking on site was to recognise the site's immediate proximity to the then future northern portal to the Victoria Cross Metro Station and ensure that public transport usage is maximised.

However, since the lodgement of the Planning Proposal, the submitter pointed out that Council revised its residential parking rates for residential development in high accessibility locations in May 2023, which included the subject site. If the new carparking rates are to be applied to the concept proposal that accompanied the Planning Proposal, it was stated that it would equate to a similar number of spaces as initially proposed within the concept design. Therefore, a provision in the site-specific DCP requiring further reduction of the residential parking rate is no longer necessary, given that the new maximum residential parking rates already achieve the original intent of Provision 12.

#### **7.2.1. Comment**

Table 1 (next page) outlines the quantum of parking that the concept proposal envisaged and compares it to the parking required under NSCP 2013 at the time of lodgement of the Planning

Proposal (2021) and after the parking rates were amended (2023) for residential development in high accessibility areas.

<b>TABLE 1: Parking Provision</b>						
<b>Development Type</b>	<b>Concept Proposal</b>		<b>NSDCP 2013 Maximum Parking Rates</b>			
		<b>Spaces</b>	<b>Pre May 2023</b>		<b>Post May 2023</b>	
<b>Residential</b>						
Studio / 1 bedroom	84 dw		0.5 / dw	42	0.4 / dw	33
2 bedrooms	62 dw		1 / dw	62	0.6 / dw	37
3 or more bedrooms	26 dw		1 / dw	26	0.7 / dw	18
<b>Subtotal</b>	<b>172 dw</b>	<b>104</b>	<b>130</b>		<b>88</b>	
<b>Non-residential</b>						
Commercial	2,573sqm		1 / 400sqm of non-residential GFA	6	1 / 400sqm of non-residential GFA	6
Retail	427sqm		1 / 400sqm of non-residential GFA	1	1 space / 400sqm of non-residential GFA	1
Childcare						
• Staff	Min 6		1 / 2 staff (Max 3)	3	1sp / 2 staff (Max 3)	3
• Parents	>24 places		2 / <24 child places 3 / >child 24 places	3	2 / <24 child places 3 / >child 24 places	3
<b>Subtotal</b>		<b>13</b>	<b>13</b>		<b>13</b>	
<b>Carshare</b>	N/A	<b>4</b>	N/A		N/A	
<b>TOTAL</b>		<b>121</b>	<b>143</b>		<b>101</b>	

As can be seen from Table 1, the concept proposal sought to provide 104 residential spaces, which represented 80% of the required maximum amount at the time of lodgement of the Planning Proposal. The current parking rates would require a maximum of 88 residential parking spaces, which represents 65% of the former parking rates. As this quantum is far less than the former requirements, there is no longer a need to impose an additional reduction in the parking rate for this site. Notwithstanding, nothing prevents the quantum of parking spaces to be further lowered in accordance with NSDCP 2013, as the rates are maximums.

### 7.2.2. Recommendation

That proposed provision P12 to Section 2.5.6 to Part C of NSDCP 2013 be deleted in its entirety, as the current carparking rates effectively achieve the same outcome as that under the proposed clause.

### **7.3. Revised amendment to NSDCP 2013**

The recommended revisions to draft NSDCP 2013 as outlined in section 7.2.2 are reflected in Attachment 7 to this report.

## **8. Voluntary Planning Agreement (VPA)**

17 submissions raised concerns with various aspects of the proposed VPA. In particular, concerns were raised with regard to:

- the quantum and extent of affordable housing (12);
- the value in delivering a childcare centre (3); and
- through-site link (3).

Each of these issues are addressed in the following subsections.

### **8.1. Affordable Housing**

The submissions that raised issues with regard to the proposed affordable housing offer, identified the following concerns:

- the proposed quantum of 5% of total residential floor space is insufficient and should be increased:
  - to a minimum of 10-20%, consistent with the recommendations of the North Sydney Local Planning Panel Meeting 31 May 2023; or
  - to a minimum of 30%, consistent with announced State Policy for government land and Council's recommendations of 11 December 2023;
- the proposed limitation for the use as affordable housing for 10 years is insufficient and should be increased to in perpetuity; and
- the quantum and timing would not make an impact on housing affordability.

In connection with the above, many submitters suggested that, as the subject site represents surplus public land, it should be considered as a location for greater community benefit. These issues are addressed at Section 4.7 of this report.

#### **8.1.1. Comment**

##### Government Policy

As part of its pre-election commitments, the NSW Government indicated its desire to ensure that developments on surplus public land include a minimum of 30% affordable, social, and universal housing. When Council agreed to the progression of the Planning Proposal and the associated offer to enter into a VPA to deliver a number of public benefits on 11 December 2023, it requested that the proponent consider revising their offer to align with the State Government's pre-election commitment.

However, since this time there has been no firm commitment to deliver on this pre-election promise. In July 2024, the NSW Housing Minister advised that:

*The consistent advice government has received since taking office is that imposing a 30 per cent target on each [surplus] site would deliver less social and affordable housing, less housing overall, and would do so at significantly greater cost.*

*Our target to provide an uplift of social and affordable housing remains the same – but we must have a responsible approach to delivery.*

*This will ensure we can get shovels in the ground and a roof over people's head sooner.*

The Minister further advised that the Government's target of 30% social and affordable housing would still be delivered but would be achieved across a broader program. This means that higher proportions of social and affordable housing would be developed on other land already acquired for such purposes, where it can be delivered more efficiently.

Despite the lack of a formal position, the Draft VPA incorporated a provision to reflect the intent of Council's resolution of 11 December 2023 relating to the nature and extent of the affordable housing contribution component as follows:

*This agreement is to be updated, in accordance with clause 8 and clause 14.9, if required under any formal affordable housing policy applicable to the site that the NSW Government releases prior to the finalisation of the Planning Proposal, in accordance with the conditions of the Gateway Determination PP-2021-5024 dated 22 March 2024, as amended from time to time.*

This provision effectively means, that should the State Government adopt a formal policy position on affordable and social housing prior to the making of any LEP giving effect to the Planning Proposal, then the terms of the VPA would need to be changed to ensure that it reflected the State's new policy position.

As indicated in Section 2.7 to this report, it is anticipated that any LEP amendment would occur within two-three months of Council's resolution. Therefore, there is still potential for this aspect of the VPA to be revised if the State Government's policy position changes within this period.

#### Quantum and Period

There is no consistent requirement for the provision of affordable housing in conjunction with new development. The provision of affordable housing is largely achieved through:

- State Government delivery from the outset (100% and in perpetuity);
- development bonuses under the Housing SEPP (a minimum of 10-15% of residential floor space for a minimum of 15 years);
- LEP requirements implemented through the Transit Oriented Development (TOD) Precincts program (a minimum of 3%-18% of residential floor space and in perpetuity);
- through a Council's Affordable Housing Policy / Contributions Scheme (typically a monetary contribution based on a defined % of the residential floor space and market value of dwellings in the affected LGA); or
- voluntarily through a VPA (no requirements - variable).

Delivery can also be made via either the provision of physical dwellings or an equivalent monetary contribution for future delivery elsewhere within an LGA.

The Housing SEPP requires at least 10 - 15% of the residential floorspace within a development to comprise affordable housing, depending on the level of height or FSR bonus being sought. Affordable housing provided through these SEPP provisions is required to be used for affordable housing for a minimum of 15 years, after which it may be sold at full market value.

NSLEP 2013 requires that development within the Crows Nest TOD Precinct is to provide between 3-18% of residential floor space as affordable housing in perpetuity. The quantum of affordable housing is generally aligned with the level of uplift that a particular site was granted within the Precinct. It is noted that some of the sites within the Crows Nest TOD Precinct that were provided with an uplift to 24 storeys (similar to the subject site), are required to provide a minimum of 6% of residential floorspace as affordable housing in perpetuity.

Council does not currently have an Affordable Housing Policy or Contributions Scheme to assist with the delivery of affordable housing in the LGA. Whilst one is currently being prepared, the details have yet to be subject to Council endorsement or community consultation.

#### Additional response from Proponent

In response to the submissions made and the previous resolution made by Council on 13 December 2023, Council wrote to the proponent on 18 February 2025 and requested that they amend the terms of their VPA with regard to the quantum and/or period of delivery of affordable housing to be provided on the site.

On 14 April 2025, Council received a response (Attachment 8) from the proponent which stated that they do not intend to amend their current offer, citing that Council should “consider the current affordable housing offer in the context of the overall additional public benefits included in the VPA, which represents half of the value of the uplift achieved with the proposal”.

The proponent stated that aligning the proposed timeframes to be used as affordable housing with those under the Housing SEPP is not appropriate. In particular, they clarified “that the planning proposal is not seeking any ‘bonus’ height and floorspace under the [Housing] SEPP. The height and FSR controls being sought are aligned with Council’s approved Civic Precinct Planning Study (November 2020), which Sydney Metro has worked with Council to develop a solution that responds to the site’s constraints and enables a positive mixed-use and public benefit outcome on site”. The proponent further stated that “Should Council seek to amend this offer, the above mentioned benefits included in the current offer would need to be reconsidered”.



Therefore, if the proponent were to amend the affordable housing component of the public benefit offer, then it would come at the expense of delivering the proposed space for the childcare centre. It is unlikely that the through-site link would be jeopardised as this needs to be delivered to achieve a number of other long terms goals, including contributing to a continuous pedestrian link between St Leonards Park and the North Sydney CBD and enabling increased building separation. As indicated in section 8.2 of this report, there is an dire shortage of childcare places within North Sydney.

### Summary

Whilst Council could request that the quantum and or period of affordable housing be increased, the proponent's current position is that it will come at the expense of delivering a new space for a future childcare centre to be dedicated to Council, for which there is an acute need for in the LGA. It would also necessitate a re-exhibition of the Draft VPA as its terms would have significantly changed, which could also potentially delay the making of any LEP amendment in accordance with Council's resolution to progress the Planning Proposal.

#### **8.1.2. Recommendation**

That no further amendment be made to the affordable housing contributions component of the draft VPA, noting that should State policy positions change, the degree of affordable housing could still be required to be increased as per the terms of the VPA.

#### **8.2. Childcare Centre**

Three submissions raised issue with the proposed childcare element of the proposal. They identified that:

- the proposed childcare centre does not represent a new net public benefit, as it would effectively replace an existing centre in Crows Nest and the distance between the centre locations is too great;
- a new childcare centre is not needed/required due to the number of other centres located within a short distance of the Victoria Cross Metro Station;
- as it is proposed to be located adjacent to the Metro Station, it would be utilised by people who live outside of the LGA;
- the proposed childcare centre is largely indoor, which is not ideal;
- the provision of childcare facilities should be left to the market;

##### **8.2.1. Comment**

The CPPS identified that the Kelly's Place Child Centre is a not-for-profit community facility currently located in Crows Nest and needs to be relocated in order to undertake further works in upgrading Hume Street Park (within which Kelly's Place is located), consistent with the 2036 Plan for St Leonards / Crows Nest and the more recent implementation of the Crows Nest TOD Precinct Plan.

It was identified that the Civic Precinct could be potentially a good location for its new location as it is within the Centre's general catchment and is well serviced by public transport. It

further recognised that should an alternative solution be found to relocate Kelly's Place, "there is still an acute demand for affordable long day care centres in North Sydney".

Accordingly, regardless whether Kelly's Place or another provider occupies the space, there is still a need to provide a childcare centre in the locality and this aspect of the proposed public benefit offer is deemed appropriate.

With regard to the quantum of indoor to open space, this will be addressed at any future DA stage which needs to meet national standards, dependent upon the number of childcare spaces.

### **8.2.2. Recommendation**

The Planning Proposal, draft amendment to NSDCP 2013 and VPA be progressed unamended.

### **8.3. Through-Site Link**

Three submissions specifically objected to the proposed through site link. In particular, it was suggested that the through-site link:

- has little or no value as there is plenty of existing access in the locality;
- pedestrian access is already provided between Elliot Street and McLaren Streets via the Rydges Hotel driveway;
- will only benefit residents living on McLaren Street;
- would be more beneficial if it directly connected to the Victoria Cross Metro Station's Northern Portal, to improve accessibility for residents and workers living or working east of the station entry who are unable to traverse the steep section of McLaren Street up to Miller Street safely.

#### **8.3.1. Comment**

The proposed through-site link assists with the delivery of some of the key long-term visions established within the CPPS, the Ward Street Precinct Planning Study, and the North Sydney Public Domain Strategy, which all seek to improve dedicated pedestrian access in the locality. In particular, the proposal will complete a portion of a pedestrian-focused link to be provided between the core of the North Sydney Centre and St Leonards Park, which will benefit more than just immediate residents and workers.

Whilst it is recognised that the Rydges Hotel's driveway is known to be used as an informal pedestrian route between Ridge and McLaren Streets, it does not comprise a safe (it is vehicular-focused) or lawful (there is no public right of way) route. The proposal will enable a dedicated publicly accessible pedestrian route with a minimum trafficable width of 3m. In addition, the proposed through-site link will provide a direct line of sight between Elliot Street and McLaren Street, greatly improving perceived safety levels for pedestrians.

There are limited abilities to directly connect to the existing Northern Portal. Whilst there is no ability to re-grade McLaren Street to make it more accessible, the Concept Design that accompanies the Planning Proposal illustrates that efforts have been made to enhance

accessibility across the site, removing unacceptable grades where practical. For example, an accessible path of travel will now be available between McLaren Street and Elliot Street and to the site's south-western corner.

### **8.3.2. Recommendation**

The Planning Proposal, draft amendment to NSDCP 2013 and VPA be progressed unamended.

## **8.4. Summary**

It is recommended that delegation be granted to the Chief Executive Officer to finalise and execute the VPA generally in accordance with that exhibited and that the VPA be executed before the LEP amendment is made.

### **8.4.1. Recommendation**

The Planning Proposal, draft amendment to NSDCP 2013 and VPA be progressed unamended.

## **9. Other Matters**

### **Minister's Statement of Expectations**

On 1 July 2024, the NSW Minister for Planning and Public Spaces made a new Statement of Expectations Order under the Environmental Planning and Assessment (EP&A) Act 1979, which sets the expected performance for all NSW councils in relation to planning and development matters.

This Order sets new benchmarks for Council performance on development assessment, planning proposals, and strategic planning. The expectations set out in the Ministerial Order include (emphasis added):

- new minimum performance standards for determining development applications;
- new standard for DA lodgement times;
- new benchmark time frames to complete stages of planning proposals;
- new requirements for councils to complete and carry out local strategic planning statements and local planning strategies, with a focus on delivering housing targets within time frames that the department specifies;
- new heads of consideration that guide how the Minister considers Council performance against expectations.

To promote the meeting of the Expectation Order, the DPHI launched the NSW Council League Table on 11 July 2024. The League Table comprises an interactive dashboard on the DPHI's website, which presents data on lodgement and assessment timeframes for DAs for all NSW councils and monitors that performance. Planning Proposals are not yet publicly monitored on the league table but are being monitored by the DPHI.

On 6 March 2025, Council received a letter from the Minister for Planning and Public Spaces stating that within the first six months of monitoring Council's performance, Council had not

met the benchmark timeframes for development application assessment performance. The Minister advised that Council had 28 days to prepare an endorsed “action plan” to identify improvements to its DA assessment performance. A report was considered by Council at its meeting of 24 March 2025, in which an action plan was endorsed.

If Council were to delay or refuse the Planning Proposal from progressing, there is potential that this decision could be used to support the issuing of a Performance Improvement Order.

## OPTIONS

Council has the following options in relation to this matter:

1. Progress with the making of an amendment to NSLEP 2013 giving effect to the Planning Proposal and adoption of the associated VPA and amendments to NSDCP 2013.
2. Not proceed with the making of an amendment to NSLEP 2013 giving effect to the Planning Proposal or adoption of the associated VPA and amendments to NSDCP 2013.

These options are assessed in the table below.

TABLE 2: Options			
Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	The progression of the Planning Proposal, VPA and amendment to NSDCP 2013 can be accommodated within existing budget lines. Potential financial costs associated with the operation of the dedicated space for a childcare centre but may be offset from leasing out that space.	Contributes to the provision of three substantial public benefits. Enables the appropriate redevelopment of the site, which has been subject to years of negotiation between the proponent, Council, and the wider community.	No additional consultation is required. Submitters to be notified of Council’s decision.
2.	Additional staff time may be required defend Council’s refusal to proceed with the proposal with the DPHI. Additional staff time to potentially reassess a new proposal.	Proponent may lobby DPHI to progress the proposal contrary to Council’s resolved position. Loss of the provision of substantial public benefits. Potential additional example to justify the issuing of a Performance Improvement Order over Council. The matter may be progressed through the Housing Development	No additional consultation is required. Submitters to be notified of Council’s decision.

TABLE 2: Options			
Option	Finance/Resourcing	Risk/Opportunity	Consultation
		Authority pathway with control taken out of Council's hands, with different outcomes being a very real possibility.	

Option 1, is recommended for the following reasons:

- Progression of the Planning Proposal, VPA and amendment to NSDCP 2013 can occur with minimal impact on Council finances and resources.
- Progression of the Planning Proposal, VPA and amendment to NSDCP 2013 will enable the suitable redevelopment of the site in the context of the existing planning framework and minimising impacts to adjoining properties.
- In the context of demanding housing targets and the operation of the State Government's HDA, retaining control of the planning process and outcome is highly desirable.
- The proposal will deliver a number of positive long term and short term public benefits through the partial completion of a pedestrianised though street block link, space to accommodate a future child care centre to be dedicated to Council and affordable housing for a temporary period of time.
- No further consultation is required other than to advise submitters of Council's resolution on the matter.

### Consultation requirements

Community engagement has occurred in accordance with Council's Community Engagement Protocol and the conditions of the Gateway Determination. The detail of this report provides the outcomes from the engagement for Council to consider prior to adoption.

### Financial/Resource Implications

Progressing and finalising the plan making process for this Planning Proposal to amend NSLEP 2013 in the manner proposed represents a modest investment in Council resources. This can be accommodated within existing budget lines.

Progressing and finalising the VPA represents a modest investment of Council resources, the costs of which are to be reimbursed by the proponent under the terms of the VPA. Delivery of the VPA will result in the dedication of space within a future building on the site for the purposes of a childcare centre. Whilst there will be costs associated with the operation of that asset, it can be offset against any income derived from a third party utilising that asset.

## **Legislation**

The proposal's compliance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and accompanying Regulations (2021) have been addressed throughout this report.

## **Conclusion**

The Planning Proposal as publicly exhibited seeks to amend the planning controls to NSLEP 2013, to enable the site to be redeveloped for a mixed commercial and residential development. The proposal is also accompanied by VPA to deliver a number of public benefits and an amendment to NSDCP 2013 to incorporate site-specific controls to provide greater certainty as to the built form outcomes envisaged on the subject site.

In response to the submissions made, it is recommended that:

- the Planning Proposal proceed to the next stage of the plan making process unamended;
- the VPA be executed with no additional changes to the scope of the public benefit offer; and
- the draft amendment to NSDCP 2013 as exhibited, be adopted subject to the removal of P12 to Section 2.5.6 to Part C of NSDCP 2013.

Should Council resolve to pursue an increased level of affordable housing as part of the VPA, then it needs to be recognised that it may come at the expense of delivering the childcare facility and would warrant the re-exhibition of the VPA to reflect the new offer and ultimately delay the progression of the Planning Proposal.



Department of Planning, Housing and Infrastructure

DPHI ref: IRF24/223

Ms Therese Manns  
General Manager  
North Sydney Council  
PO Box 12  
NORTH SYDNEY NSW 2059

Dear Ms Manns

**Planning proposal PP-2021-5024 to amend North Sydney Local Environmental Plan 2013**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 12 January 2023 in respect of the planning proposal to increase the maximum height of buildings from RL110m to part RL107m and part RL156m, introduce a maximum floorspace ratio of 5.3:1 and increase the non-residential FSR from 0.5:1 to 1:1.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 17 January 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to [mapinstrument.drafting@dpie.nsw.gov.au](mailto:mapinstrument.drafting@dpie.nsw.gov.au). The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Christina Brooks to assist you. Ms Brooks can be contacted on 9274 6045.

Yours sincerely



**22 March 2024**  
**Brendan Metcalfe**  
**Director, Metro North**  
**Metro Central and North**

Encl: Gateway determination





## Department of Planning, Housing and Infrastructure

### Gateway Determination

**Planning proposal (Department Ref: PP-2021-5024):** to amend the North Sydney LEP 2013 for land at 52 McLaren Street, North Sydney to increase the maximum height of buildings, introduce a maximum floorspace ratio and increase the minimum non-residential floorspace ratio

I, the Director, North District at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan 2013 to increase the maximum height of buildings, introduce a maximum floorspace ratio and increase the minimum non-residential floorspace ratio should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 17 January 2025.

#### Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to include:
  - (a) an updated assessment of SEPP (Housing) 2021 and remove reference to SEPP 65 – Design Quality of Residential Apartment Development; and
  - (b) an updated timeline based on the date of the Gateway determination.
2. The planning proposal is to be updated if required under any formal affordable housing policy applicable to the site that the NSW Government releases prior to the finalisation of the planning proposal, subject to feasibility and considering other contributions that are proposed as part of the VPA with Council.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be

made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Transport for NSW;
- Transport for NSW (Sydney Metro);
- Ausgrid;
- Sydney Water Corporation;
- NSW Department of Education including Schools Infrastructure NSW;
- NSW Health – Northern Sydney Local Health District;
- Sydney Airport Corporation Limited (SACL);
- Airservices Australia; and
- Department of Transport, Infrastructure, Regional Development and Communications (DTIRDC).

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 22 March 2024



**Brendan Metcalfe**  
Director, North District  
Planning, Landuse Strategy & Housing  
Department of Planning, Housing and  
Infrastructure

**Delegate of the Minister for Planning and  
Public Spaces**



Department of Planning, Housing and Infrastructure

Ms Therese Cole  
Chief Executive Officer  
North Sydney Council  
PO Box 12  
North Sydney NSW 2059

Our ref: PP-2021-5024

Attention: Ben Boyd, Executive Strategic Manager

Dear Ms Cole

**Planning proposal PP-2021-5024 – Alteration of Gateway Determination**

I refer to correspondence with Council seeking an extension of time to complete planning proposal PP-2021-5024 for 52 McLaren Street, North Sydney to enable Council to complete the planning proposal as local plan-making authority.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 25 March 2024. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr James Bellamy to assist you. Mr Bellamy can be contacted on 8275 1847.

Yours sincerely

**Jazmin Van Veen**  
**Director Local Planning, North, East and Central Coast**  
**Planning, Land Use Strategy, Housing and Infrastructure**

Encl: Alteration of Gateway Determination



Department of Planning, Housing and Infrastructure

## Alteration of Gateway Determination

**Planning proposal: PP-2021-5024** for 52 McLaren Street, North Sydney

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 25 March 2024 (since altered) for the proposed amendment to the North Sydney Local Environmental Plan 2013 as follows:

1. Delete:

"The LEP should be completed on or before 17 January 2025."

and replace with:

"The timeframe for completing the LEP is by 30 May 2025."

Dated 14th day of October 2024.

A handwritten signature in black ink, appearing to read "Jazmin Van Veen".

**Jazmin Van Veen**  
**Director Local Planning (North, East and Central Coast)**  
**Local Planning and Council Support**  
**Department of Planning, Housing and Infrastructure**

**Delegate of the Minister for Planning and Public Spaces**

# Planning proposal

52 McLaren Street, North Sydney

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*GHD*

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### **Appendix F – Contamination Statement**

*GHD*

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*GHD Woodhead*

### **Appendix H – Consultation Report**

*Sydney Metro*

### **Appendix I – Qualitative Wind Assessment**

*CPP*

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*GHD*

### **Appendix K – Green Travel Plan**

*GHD*

<b>Date:</b>	November 2024
<b>Version:</b>	4
<b>Division:</b>	City & Southwest – Property and Place



# 1 Introduction

---

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

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

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

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

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

Part 1 – Objectives and intended outcomes

Part 2 – Explanation of provisions

Part 3 – Justification

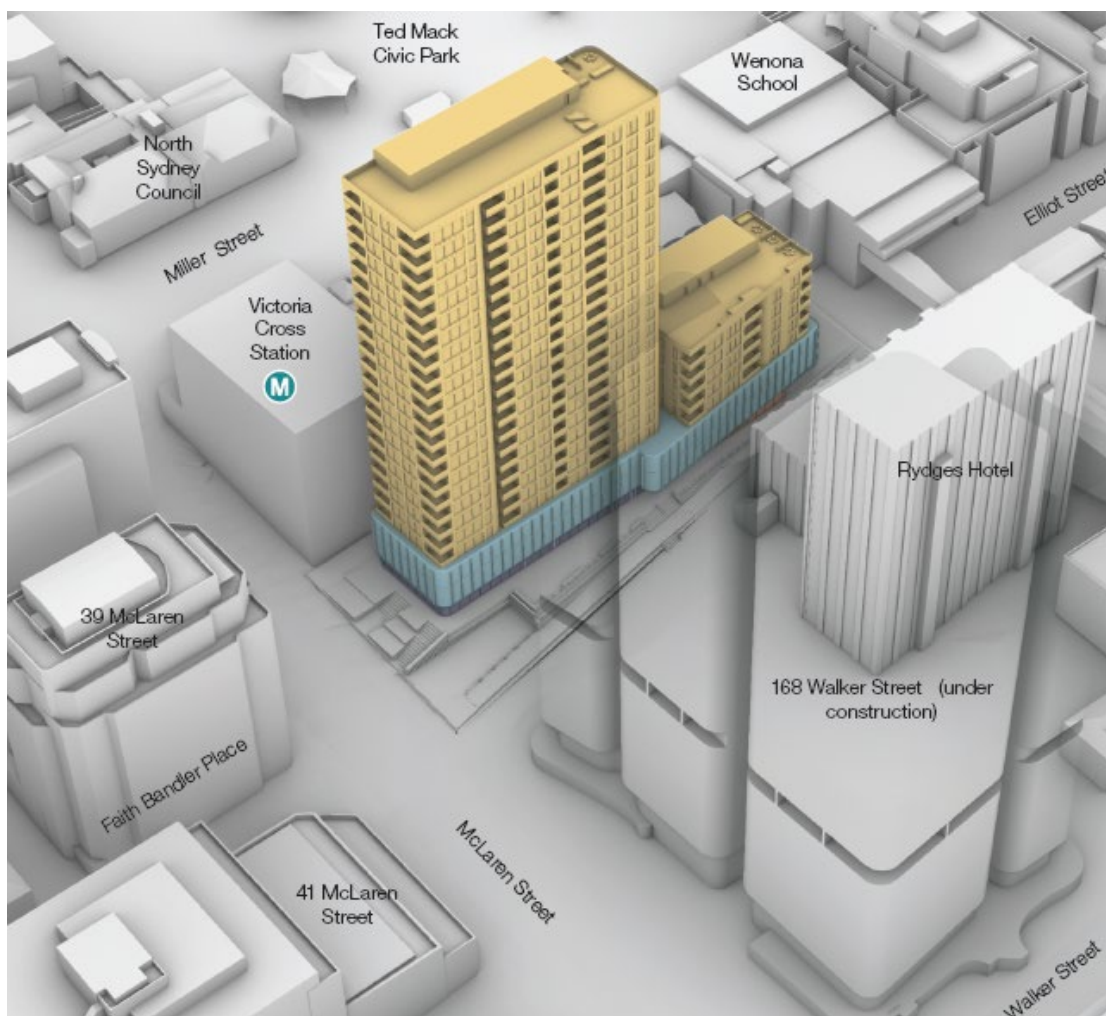
- Environmental, social and economic impact.
- Need for the planning proposal.
- Relationship to strategic planning framework.
- State and Commonwealth interests.

Part 4 – Mapping

Part 5 – Community consultation

Part 6 – Project timeline

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



## 1.1 North Sydney Civic Precinct Planning Study

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

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

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

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

## 1.2 Pre-lodgement consultation with Council

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

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

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

<ul style="list-style-type: none"> <li>• height limits and overshadowing requirements of the CPPS</li> <li>• separation and overshadowing design criteria of the Apartment Design Guide (DPIE 2015)</li> <li>• protection of solar access to the proposed future public squares to be created in the Ward Street Precinct.</li> </ul>	
<b>Non-residential FSR</b>	
The planning proposal should include a non-residential FSR control that is consistent with the concept design scheme. This helps to reinforce the delivery of employment floor space and provides a better level of certainty for the community.	A minimum non-residential FSR of 1:1 is proposed consistent with CPPS.
<b>Height</b>	
<p>It is noted that the nominated RL for the northern building varies under schemes 1 and 2, depending on the land use. To deal with this, it is recommended that the planning proposal:</p> <ul style="list-style-type: none"> <li>• apply a maximum RL over the northern portion that reflects a 14-storey residential building; and</li> <li>• include a subclause within Clause 4.3 that stipulates that despite the height map control, a revised RL is permitted if the development on that part of the site does not contain residential accommodation.</li> </ul>	<p>This planning proposal seeks approval for two (2) heights to cater to the concept scheme. This solution is considered to be a superior outcome that provides greater certainty to Council, the community and the landowner.</p> <p>Specifying two potential heights is not considered necessary given that both envelopes have been assessed to have an acceptable environmental outcome and the overall bulk of the building is also controlled by a site specific FSR which will prevent the building envelope being fully utilised.</p>
<b>Overshadowing</b>	
The planning proposal must provide a detailed shadow analysis that demonstrates how the building envelope complies with the requirements outlined in the Ward Street Masterplan, CPPS and ADG. Analysis should include plant floors on both buildings. The planning proposal will also need to address key provisions under the North Sydney LEP 2013.	An overshadowing analysis has been provided in the Urban Design Report at Appendix A.
<b>Apartment Design Guide</b>	
<p>Separate analysis should address the ADG design criteria for solar and daylight access that stipulates:</p> <ul style="list-style-type: none"> <li>• 70% of living and private open spaces of apartments in a building receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter</li> <li>• in all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of three hours direct sunlight between 9am and 3pm at mid-winter</li> <li>• a maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm at mid-winter.</li> </ul>	Refer to Urban Design Report at Appendix A.
<b>North Sydney LEP 2013</b>	
The planning proposal should provide a clear justification for any height above RL133 under the Capacity and Land Use Study.	Refer to Section 5.2 of this Report.
The proposal has the potential to overshadow residential dwellings at 45 McLaren Street and 144-150 Walker Street, both of which are located outside of the North Sydney Centre. Clause 6.3(3) of North Sydney LEP 2013 applies.	Overshadowing on neighbouring properties has been analysed in the Urban Design Report at Appendix A. This is further discussed at Section 6.4 of this report.

The shadow analysis should include at least 15-minute intervals during the hours (between 9am and 3pm) that the buildings could potentially overshadow 45 McLaren Street and 144-150 Walker Street. Analysis should cover winter solstice, equinox and summer solstices.	
Consideration should be given to objectives and outcomes of the Ward Street Precinct Masterplan and the draft requirements within the North Sydney Development Control Plan (DCP).	Refer to Urban Design Report at Appendix A and Section 6.4.
Childcare centre	
Council requested the proponent investigate layouts for the childcare centre which extend over a single floor.	The proposed childcare centre location extends over a single floor. Refer to Architectural Drawings at Appendix B.
Indicative floor plans for both outdoor and indoor areas of the childcare centre should be provided in any future planning proposal.	
Childcare centre requirements: <ul style="list-style-type: none"><li>• minimum 900m<sup>2</sup> of dedicated space including 450m<sup>2</sup> of outdoor space</li><li>• indoor and outdoor space across the same level, not split over two floors</li><li>• 2 x all-day designated car spaces for staff (Health and Work Safety requirement)</li><li>• 4 x additional car spaces for drop off during the hours of 7:30-9:30am and pick-up between 4:00pm and 6:00pm (10 minute stop limit)</li><li>• comply with the NSW Child Care Planning Guideline 2017.</li></ul>	<p>All of these requirements are demonstrated in the indicative design. Refer to Urban Design Report at Appendix A and Architectural Drawings at Appendix B.</p> <p>The applicant would be willing to enter into a Voluntary Planning Agreement with Council which ensures the spatial provision of the childcare centre.</p>
Pedestrian through-site link	
Council is of the view that further work needs to be undertaken to achieve a more direct, Disability Discrimination Act (DDA) compliant link to Elliot Street.	The pedestrian through-site link was further revised following the pre-planning proposal meeting and was presented to Council who had more positive feedback. The through-site link is a DDA compliant link and has been designed in a way to help assist wayfinding and improve the visual connectivity of pedestrian through-site links within the North Sydney CBD. The retail uses on the ground plane will activate the through-site link as per the CPPS design guidelines.
The planning proposal should also include details of wayfinding and desire lines to improve the visual and physical connectivity of any through-site link, from Faith Bandler Place to Elliot Street. Wayfinding should ensure that pedestrians walking on McLaren Street or Elliot Street are aware that a public and accessible link is available.	
The planning proposal should provide details on how the through-site link can be activated as per the CPPS design guidelines.	
Landscape masterplan	
Landscape masterplan should be included with the planning proposal to detail the future pedestrian through-site link and/or public plaza. It should include: <ul style="list-style-type: none"><li>• existing and proposed deep soil planting (basement floor plan should reflect this)</li><li>• private and public open spaces (including required communal open space for residents)</li><li>• levels to surrounding properties, footpaths, and streets (including levels of the plaza and adjacent terrain at 54 McLaren Street)</li><li>• materials for the through-site link and/or plaza and how they respond to the existing surrounding</li></ul>	The design of the proposal retains the existing fig trees on the McLaren frontage. A landscape masterplan has been provided in the Urban Design Report at Appendix A to demonstrate the hard and soft-scaping strategies.

<p>footpaths, having regard to the North Sydney Public Domain Style Guide</p> <ul style="list-style-type: none"> <li>location of services around the area of the driveway including fire escapes, ventilation, maintenance shafts, etc.</li> </ul> <p>Any future planning proposal should aim to include some deep soil planting, and if not included, this decision should be clearly justified.</p>	
<b>Podium</b>	
Council recommends a reverse setback at the ground level and locating columns inside the podium to improve activation, view lines and safety.	The design has been revised to include columns inside the podium to improve activation, view lines and safety.
The planning proposal should include section diagrams to show the relationship between the building and the pedestrian through-site link and surrounding context.	Refer to Urban Design Report at Appendix A.
<b>ADG separation</b>	
An ADG assessment is to be submitted with the planning proposal to demonstrate that the building envelope complies with site separation requirements. The assessment should include indicative floor plans to establish habitable and non-habitable rooms, as well as distances to all surrounding buildings on all sides and distances between the two buildings.	The proposal's compliance with the ADG is provided in the Urban Design Report at Appendix A.
<b>Visual impact</b>	
The planning proposal should be supported by a visual impact study.	Refer to Section 6.6 and the Visual Impact Assessment at Appendix C.
Indicative details of the potential architectural treatment and visual amenity of the two building facades facing west should be incorporated into the visual impact analysis to demonstrate how these 'core zones' will not result in tall, blank walls that are visible throughout the Civic Precinct.	Indicative details of the proposed façade design have been provided within the Urban Design Report at Appendix A.
<b>Vehicular entry</b>	
Locating the vehicular entry further west is strongly encouraged.	Due to the need to protect the tree root zones of the two existing Morton Bay Fig trees the vehicular entry cannot be located any further west. Refer to the Urban Design Report at Appendix A for further details on site dimensions.
<b>Car parking</b>	
Any future planning proposal should adhere to the current maximum DCP allowances for car parking spaces in B4 zones.	Refer to Section 6.9 and the Traffic and Parking Impact Assessment at Appendix D.
Council recommends that if the two schemes are presented in the planning proposal, parking figures should be provided for both schemes.	
<b>Green Travel Plan</b>	
A draft Green Travel Plan, in line with the requirements of North Sydney DCP 2013 should be provided with the planning proposal to demonstrate how the applicant intends to reduce car reliance; increase uptake of walking, cycling, public transport, and car sharing; and further reduce on-site car dependency, car ownership, parking demand and parking supply for the site. Justification of car share provisions and how they relate	A Green Travel Plan has been prepared by GHD and is provided at Appendix K. The Plan establishes the framework, objectives, targets, structure and systems for an operational Green Travel Plan for the site and associated development.



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

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

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

#### Heritage

The heritage assessment should consider the following:

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

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

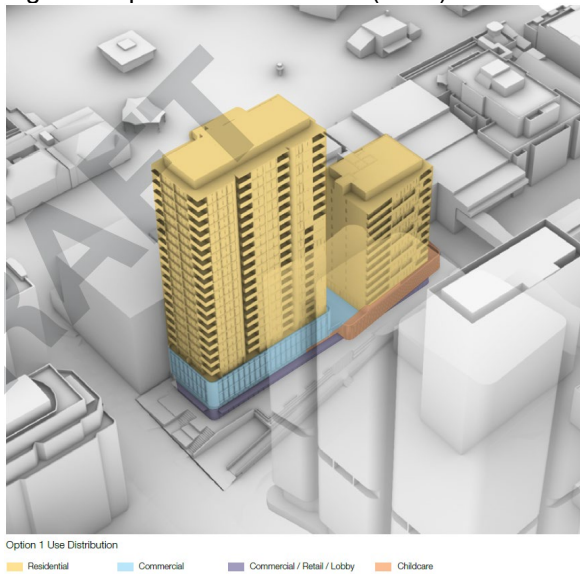
### 1.3 Post-lodgement consultation

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

#### Option 1: Residential North and South Buildings

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

Figure 2 Option 1 land use mix (GHD)



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

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



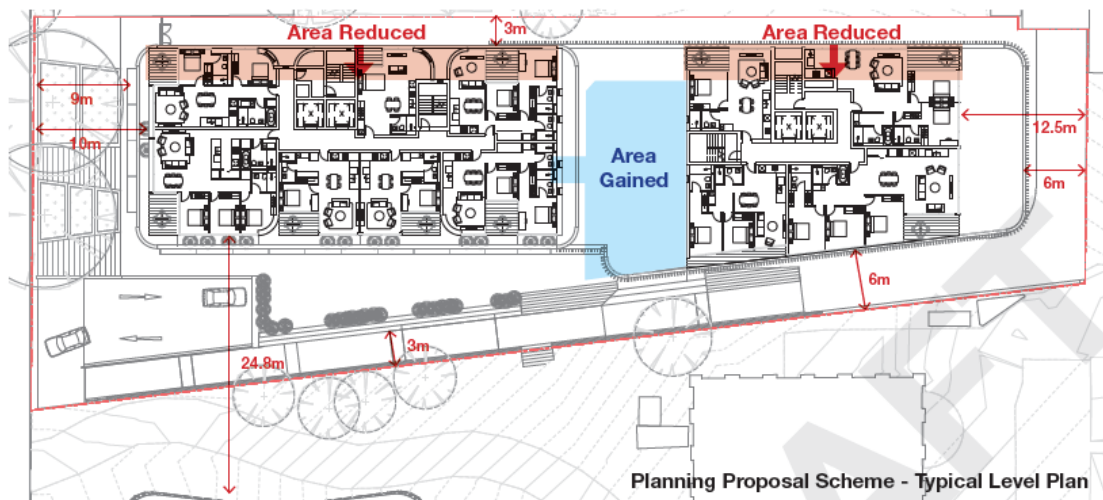
**Figure 3** Option 2 land use mix (GHD)

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

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

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

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

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

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

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

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

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

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

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

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

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

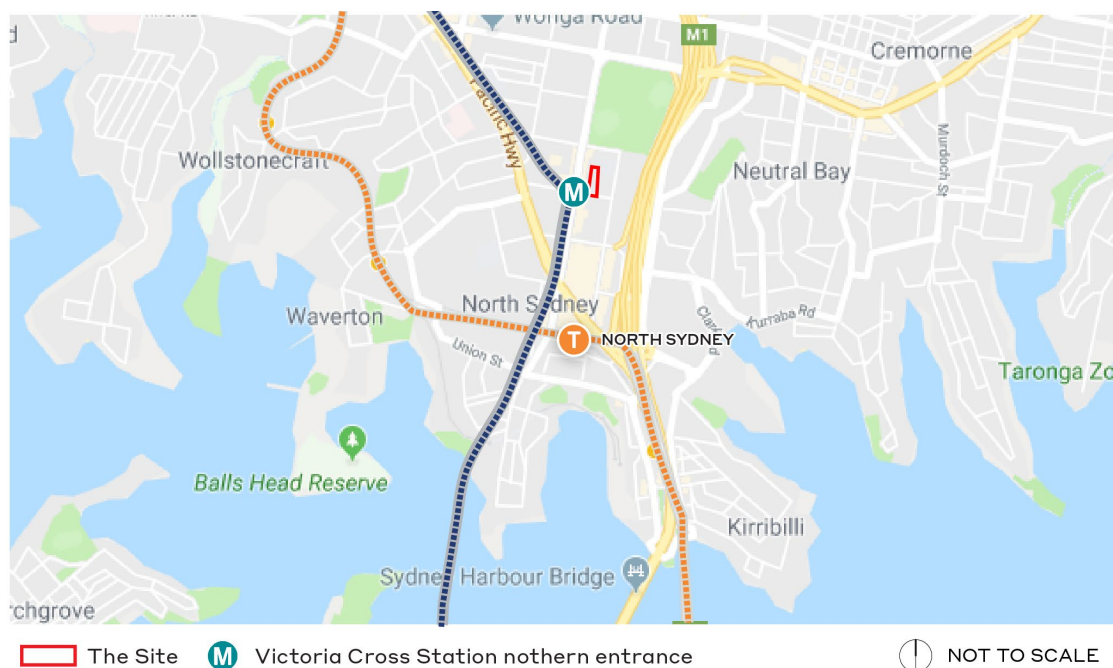
## 2 The Site

### 2.1 Site location and context

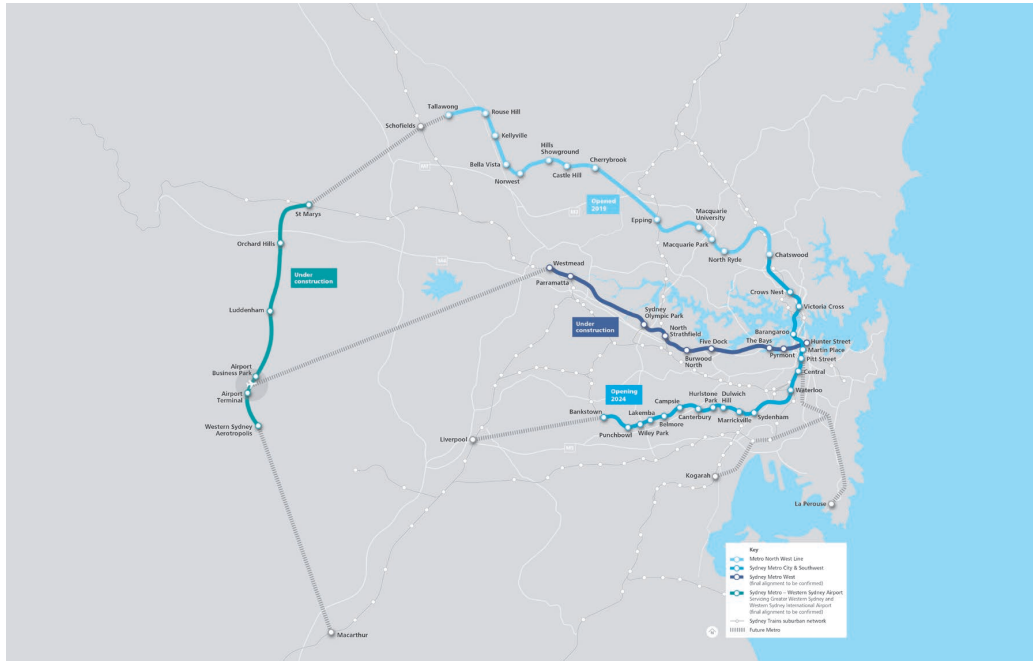
The site is located at 52 McLaren Street, North Sydney within the North Sydney Local Government Area (LGA). North Sydney is a commercial and residential strategic centre on the Lower North Shore of Sydney providing retail, commercial, education and services which are all located within close proximity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

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

**Figure 5** Site context



**Figure 6** Sydney Metro alignment map



## 2.2 Site description

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

**Figure 7** Aerial image of the site





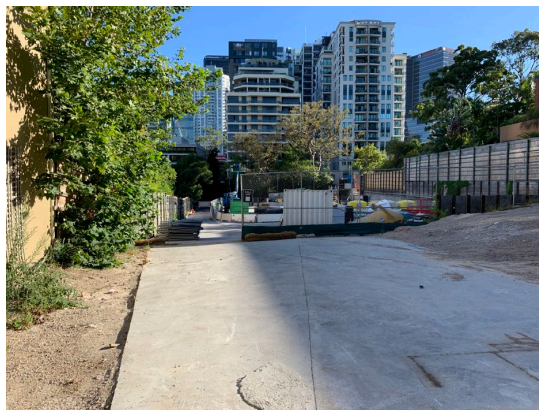
## 2.3 Existing development

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

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



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



## 2.4 Previous development consent

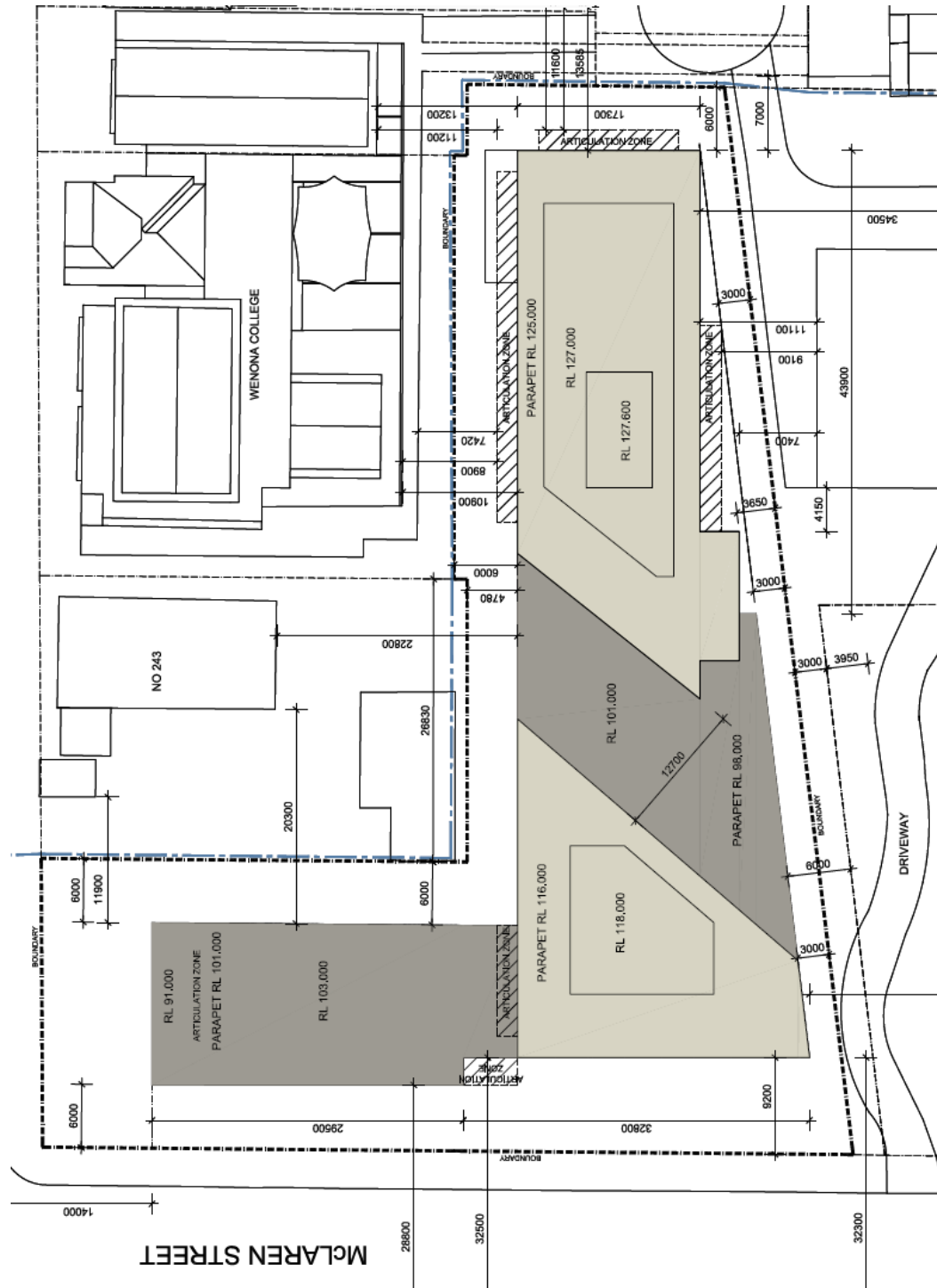
Prior to the use of the site for the purposes of constructing Victoria Cross Station, the site was occupied by a residential aged care facility (RACF) which was owned by Uniting. Uniting obtained development consent for the demolition of the existing RACF and a Stage 1 concept approval for an aged care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

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

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

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

**Figure 10** Approved previous development setbacks



## 2.5 Surrounding development

### North

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

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



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



### South

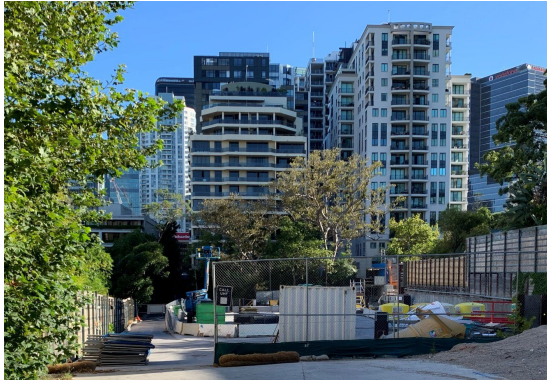
Directly south of the site development comprises high rise residential buildings (refer to Figure 13). The future Ward Street Precinct will be located further south of the site which will improve the public domain and amenity in the heart of the North Sydney CBD. Access from the Ward Street Precinct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

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

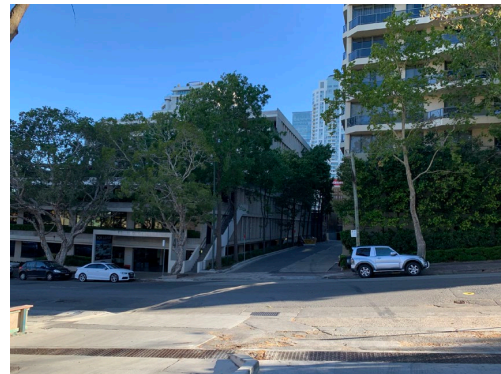
The scheme, as lodged, proposes a building of up to 16 storeys at the northern boundary and 12 storeys at the southern boundary. An artist's impression of a building that could be developed under the draft controls is provided at Figure 15.



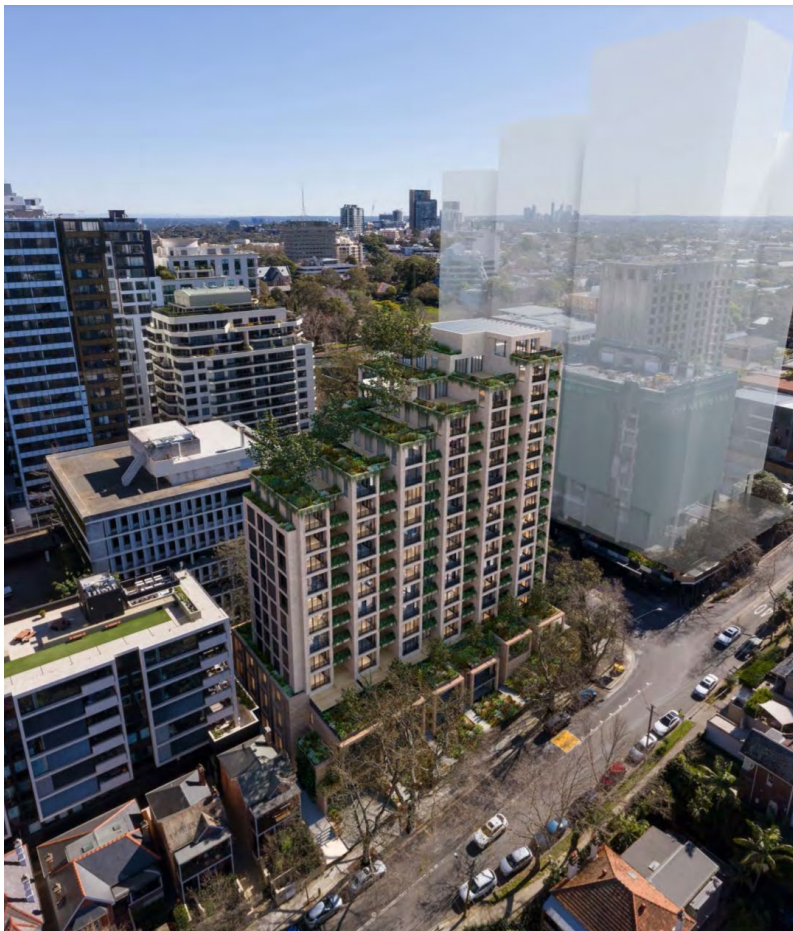
**Figure 13** Residential apartment buildings south of the site



**Figure 14** Faith Bandler Place



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



## East

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

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



**Figure 17** Rydges Hotel





## West

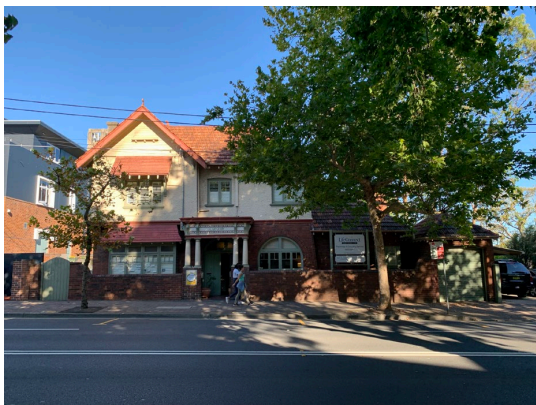
Directly adjacent to the site to the west is the new Victoria Cross Station northern entrance which is currently under construction and expected to open in 2024. The building will be 23 metres high from Miller Street at ground level. It will feature a ground floor and three plant levels above which will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

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

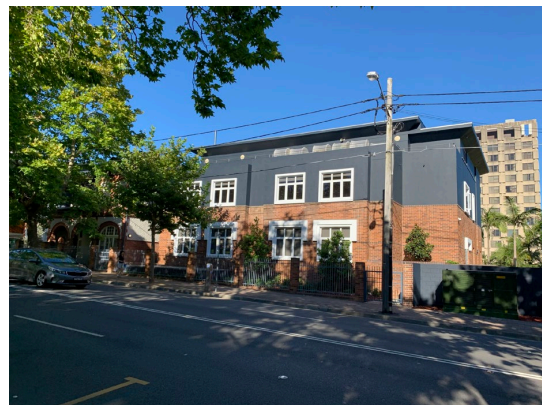
**Figure 18** Victoria Cross Station North site under construction



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



**Figure 20** Wenona School



## 2.6 Current planning controls

### North Sydney Local Environmental Plan 2013

The North Sydney LEP 2013 is the principal environmental planning instrument applying to the site. The relevant standards applicable to the site are listed in Table 2.

**Table 2** Current controls and provisions applying to the site under the North Sydney LEP 2013

Provision	Existing Control
Height	Development across the site is restricted to a maximum building height control of RL 110. Refer to the extract at Figure 21 below.
Non-Residential FSR	A non-residential floor space ratio (FSR) control has been applied to provide a minimum commercial requirement on the site. The minimum non-residential FSR that applies across the site is 0.5:1. Refer to Figure 22 below.
Heritage	Whilst the site itself is not classified as a heritage item nor is it within a conservation area, its western boundary adjoins two general heritage items. Additionally, 'McLaren Street Conservation Area' is located west of the site and 'Walker and Ridge Streets Conservation Area' is located north east of the site. Refer to Figure 20 below.

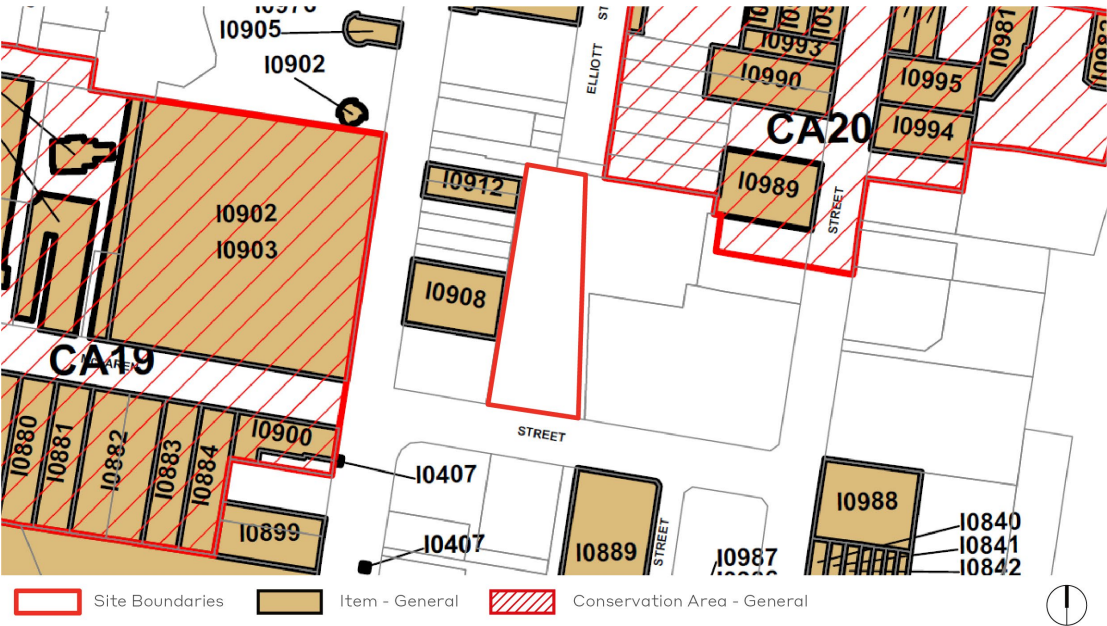
**Figure 21** Height of buildings map extract



Figure 22 Non-residential floor space ratio map extract



Figure 23 Heritage map extract



### North Sydney Development Control Plan 2013

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

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

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



### 3 Development concept

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

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

#### 3.1 Proposed planning envelope description

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

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

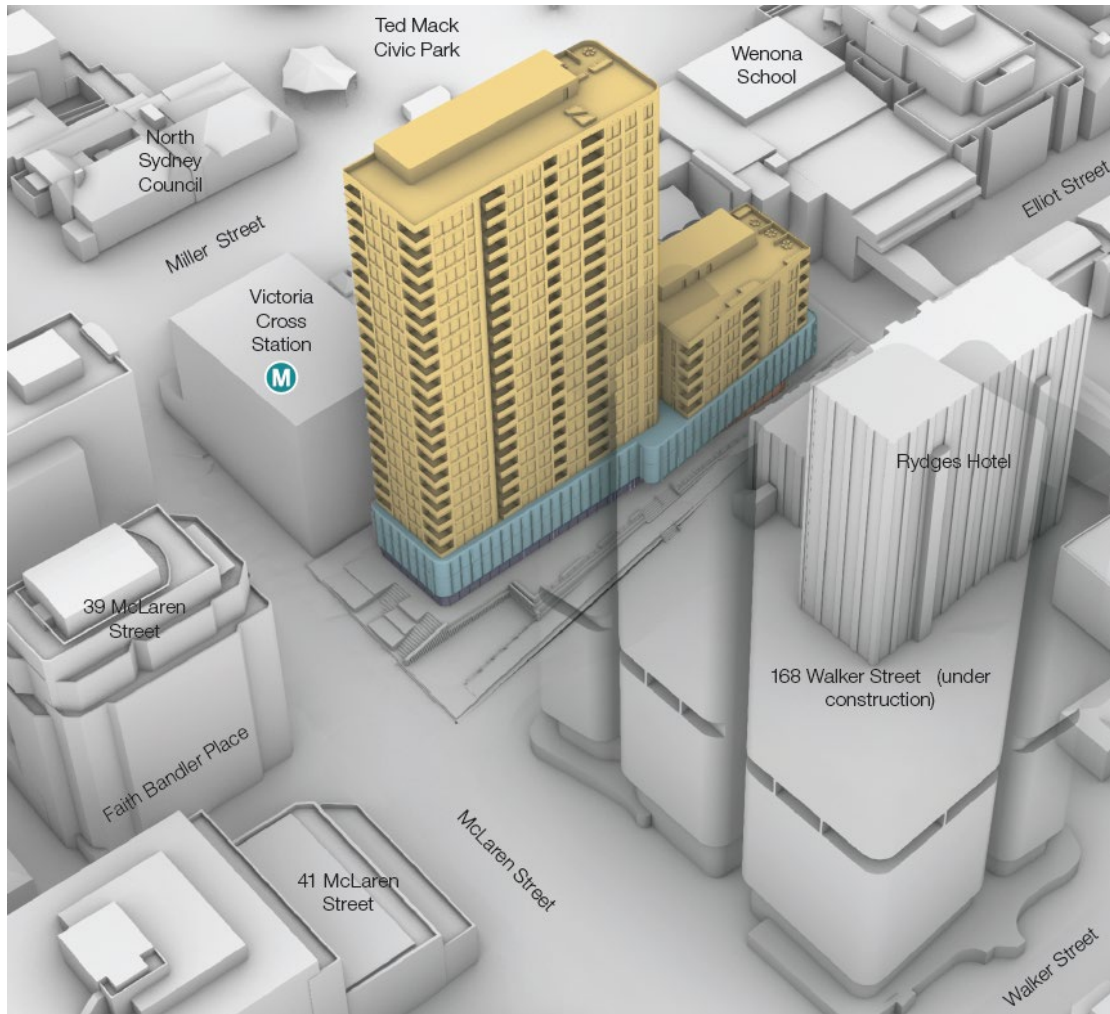
South building 24 storeys (RL156m) (inclusive of plant)

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

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

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

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



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



## 4 Planning proposal

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

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

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

### 4.1 Part 1 - objectives and intended outcomes

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

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

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

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

## 4.2 Part 2 - explanation of provisions

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

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

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

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

### Proposed North Sydney LEP 2013 amendments

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

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

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

## 5 Part 3 – Strategic justification

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### 5.1 The need for a planning proposal

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

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

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

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

The CPPS envisages future development on the site:

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

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

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



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



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

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

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

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

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

**Table 6** CPPS potential public benefits

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

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

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

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

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

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

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

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

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

## 5.2 Relationship with the strategic planning framework

This section of the report outlines the proposal's consistency with the strategic planning framework.

### Q3 – Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

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

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

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

**Table 7** Consistency with the GSRP





A city supported by infrastructure

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



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



	<p>An efficient city</p> <ul style="list-style-type: none"> <li>The proposal provides an opportunity for future development on the site to deliver a highly efficient building which meets required targets for sustainability, energy efficiency and water and waste management.</li> </ul>
	<p>A resilient city</p> <ul style="list-style-type: none"> <li>The proposal will enable the future development on the site to exercise environmental initiatives that contribute to enhanced environmental outcomes and seek to mitigate impacts related to climate change.</li> </ul>

## North District Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NSW State Infrastructure Strategy 2018**

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

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

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

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

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

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

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

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

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

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

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

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

**North Sydney Local Strategic Planning Statement**

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

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

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

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

### North Sydney Community Strategic Plan 2018-2028

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

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

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

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

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

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

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

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

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

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

#### Better Placed

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

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

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

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

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

Yes.

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

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

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

### Apartment Design Guide

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

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

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

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

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



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

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

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

Yes.

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

**Table 11** Consistency with Section 9.1 directions

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

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

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

### 5.3 Environmental, social and economic impacts

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

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

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

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

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

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

**5.4 State and Commonwealth interests****Q11 – Is there adequate public infrastructure for the planning proposal?**

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

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

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

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

**5.5 Part 4 - mapping**

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

Figure 27 Proposed height of building map

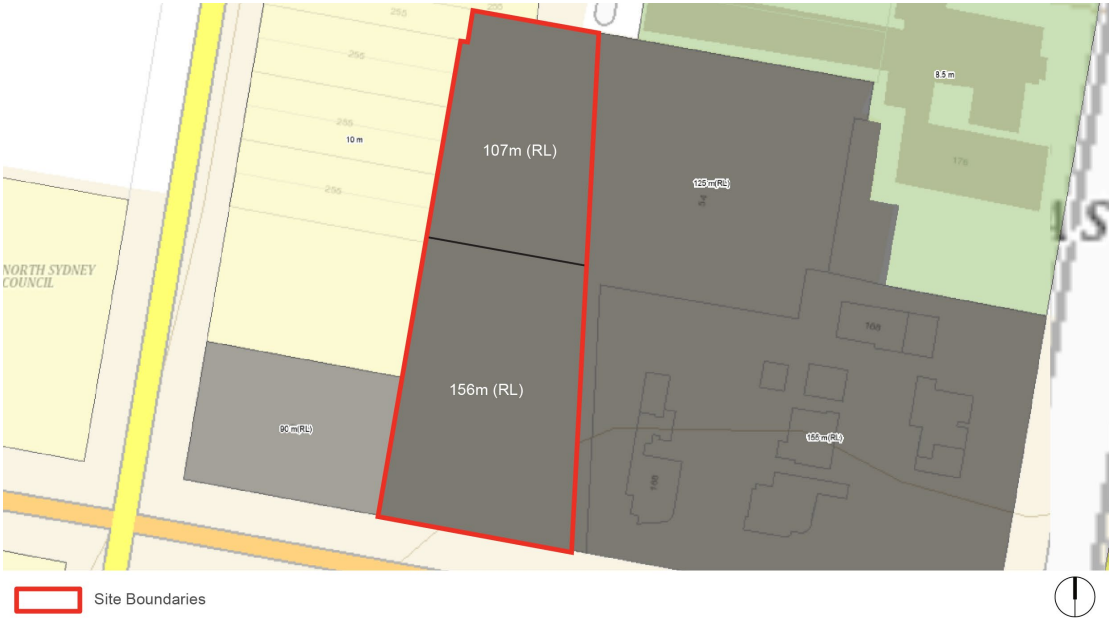


Figure 28 Proposed floor space ratio map

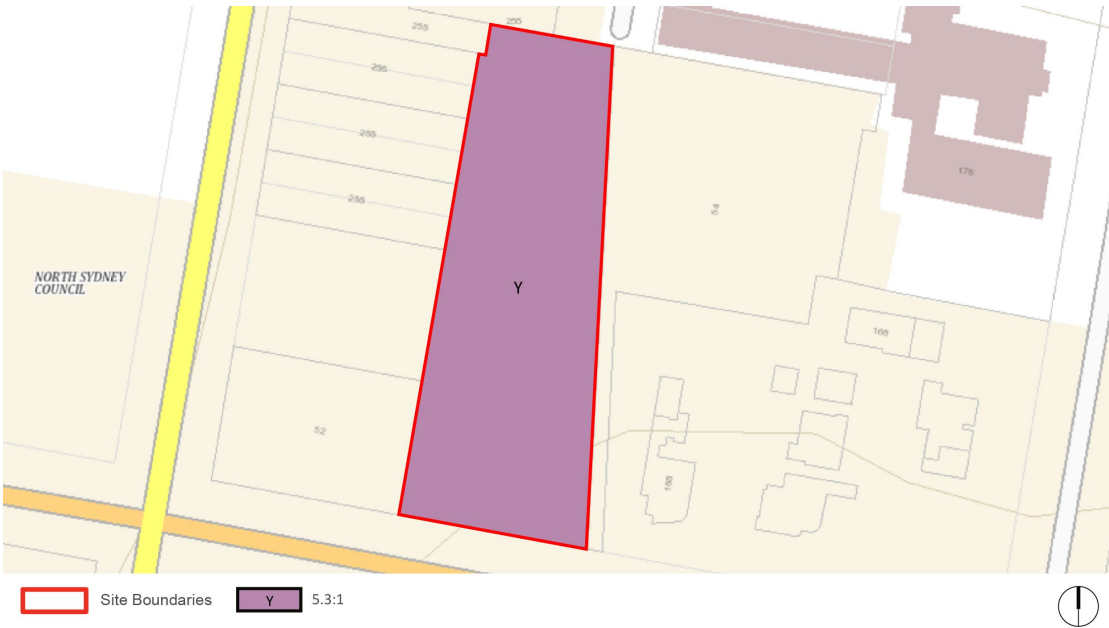
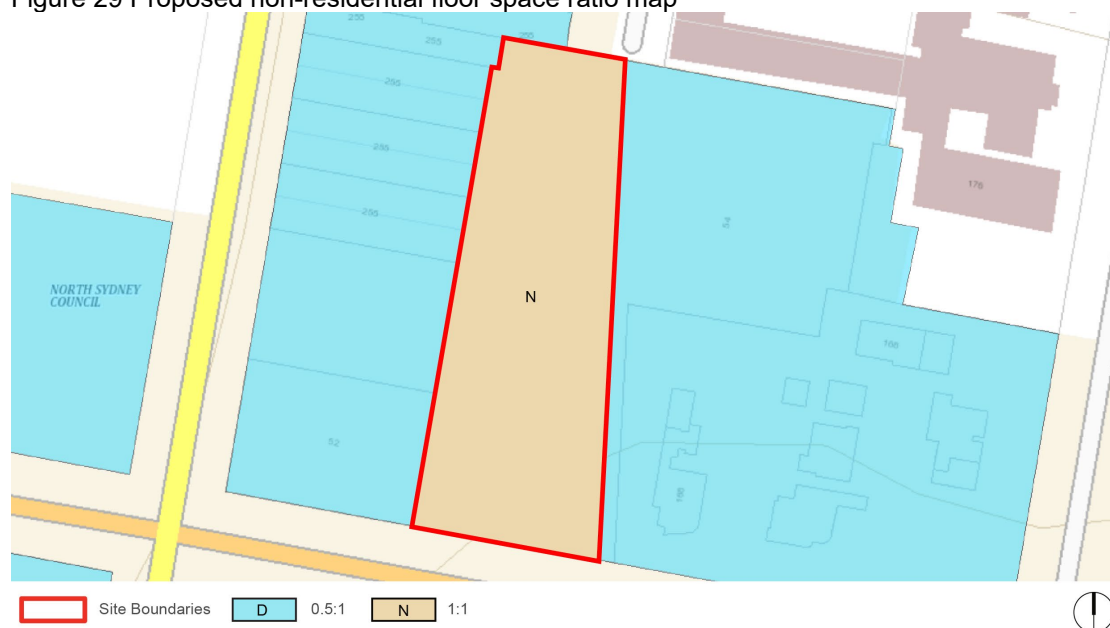


Figure 29 Proposed non-residential floor space ratio map



## 5.6 Part 5 - community consultation

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

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

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



## 6 Environmental assessment

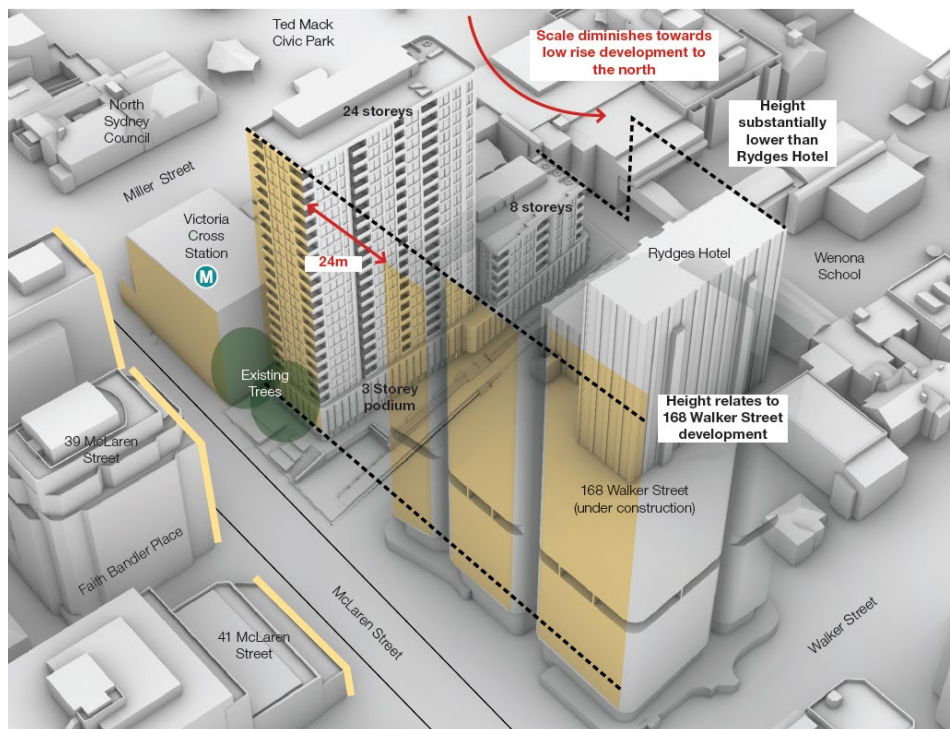
The other environmental considerations associated with the planning proposal are addressed in subsequent sections.

### 6.1 Built form and urban design

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

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

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



Planning Proposal – 52 McLaren Street, North Sydney

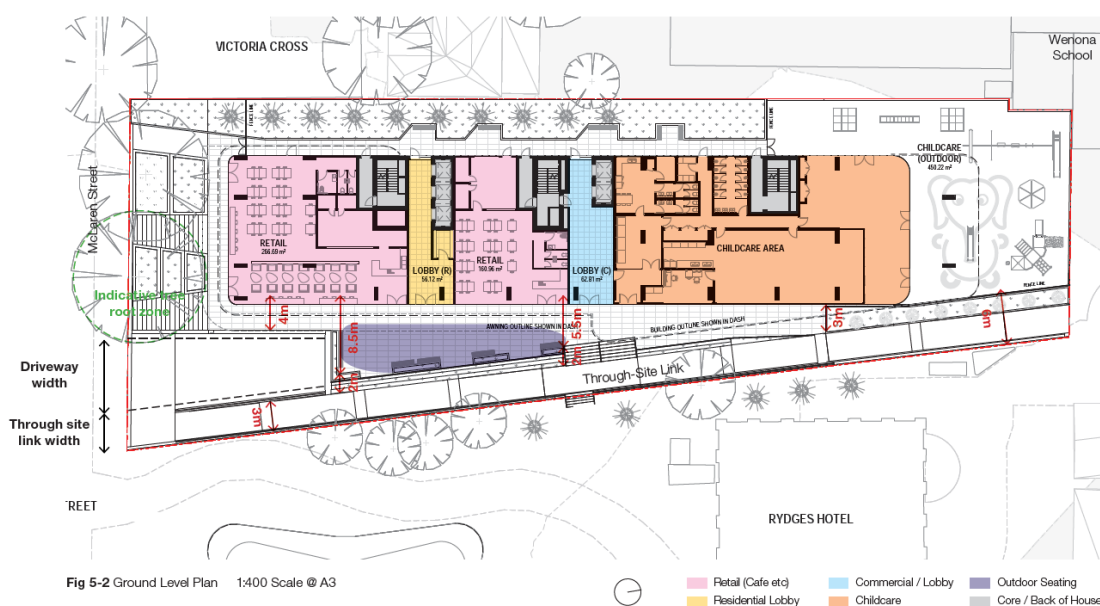
53

OFFICIAL

### 6.1.1 Podium

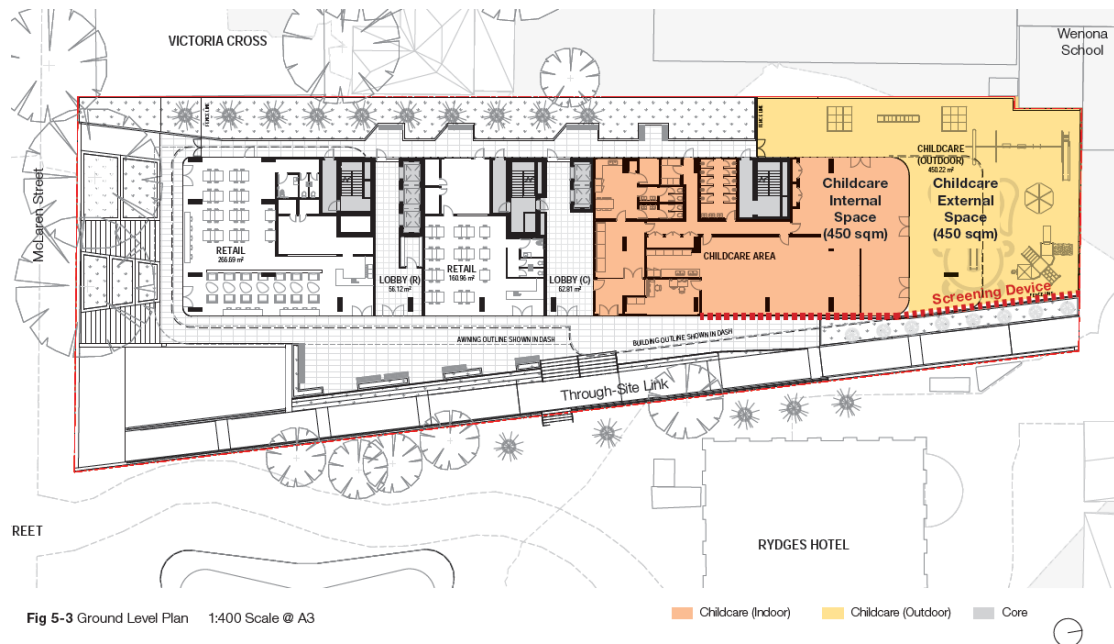
The podium height is within the design guidelines as listed under the CPPS featuring a three (3) storey community and commercial podium. The indicative scheme comprises a ground floor level which consists of primarily retail and childcare uses with lobby areas providing access to the residential and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

**Figure 31** Ground level plan concept design



### Childcare facility

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

**Figure 32** Childcare location

## 6.2 Landscape concept

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

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

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

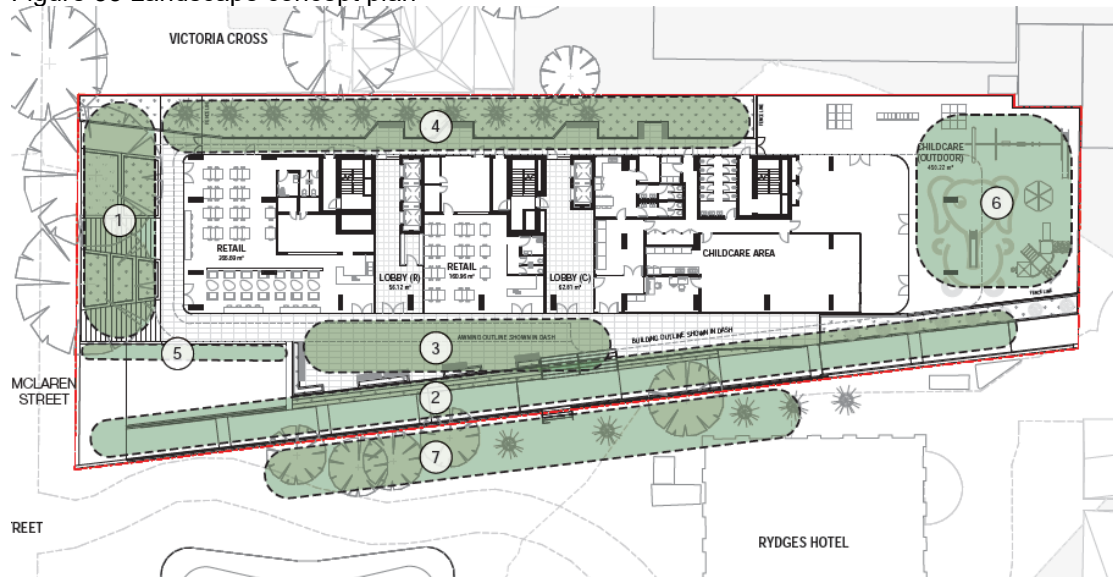
- strong and clear connections, ensuring the site has a safe, well connected and legible public realm
- amenity and inclusion, ensuring all user groups are respected and both the residents and the public benefit
- responsive and sustainable landscape, ensuring the landscape design is sustainable and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

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

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

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

Figure 33 Landscape concept plan



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



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

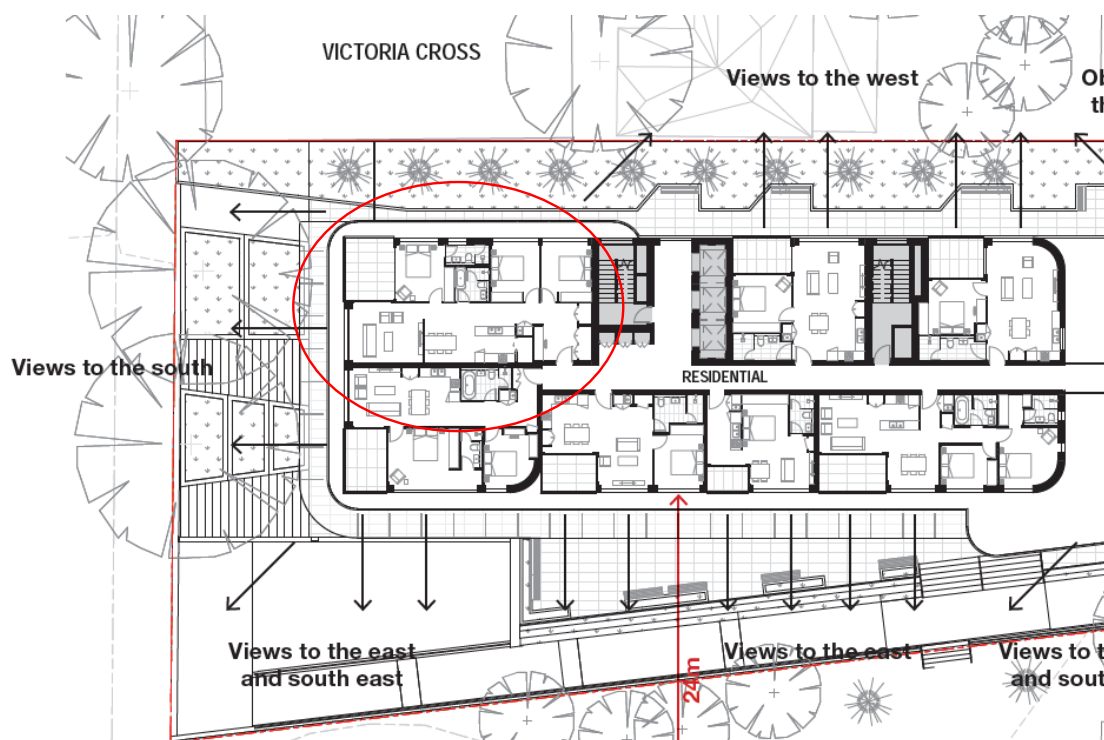


### 6.3 Residential amenity

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

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

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

**Figure 35** Southern building indicative apartment layout

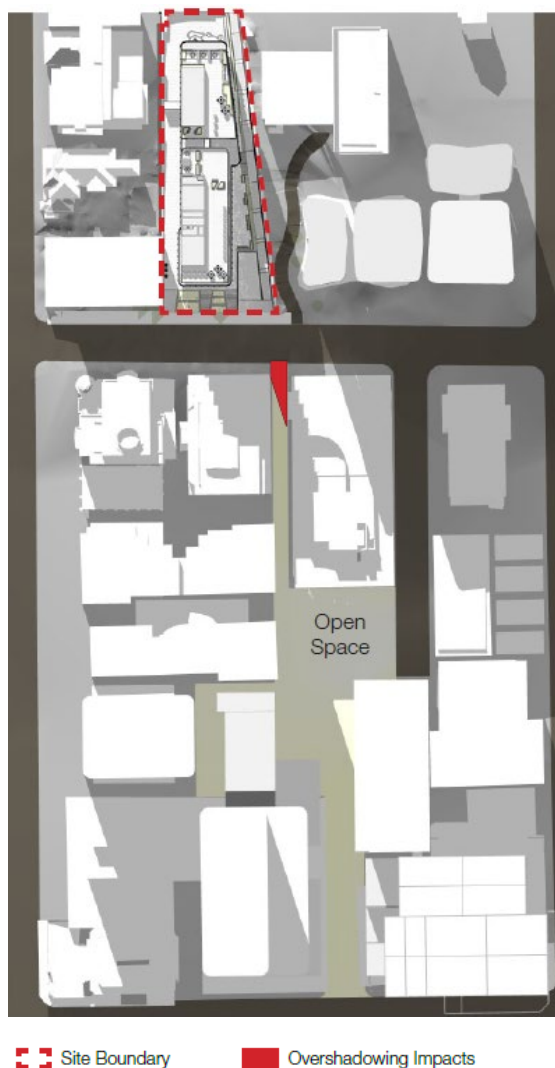
## 6.4 Overshadowing

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

### 6.4.1 Public Open Space

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

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

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

#### 6.4.2 45 McLaren Street

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

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

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

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

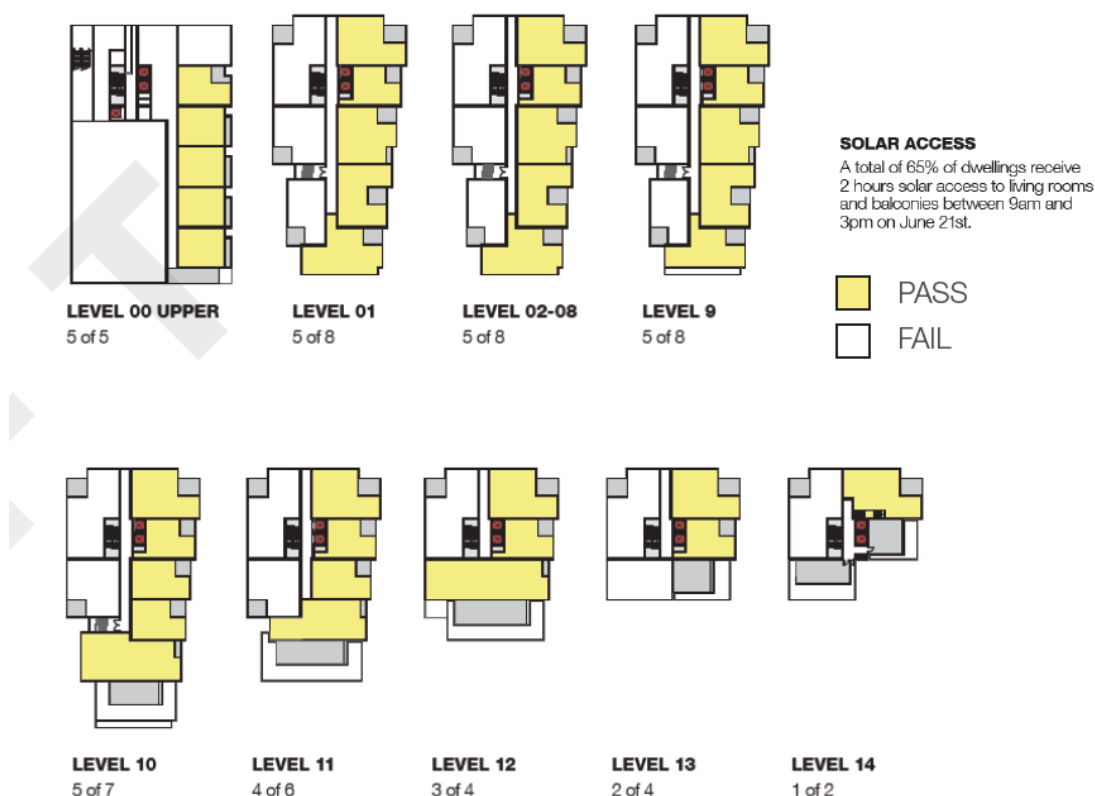
GHD has prepared overshadowing diagrams which show that the proposed building envelope will have an impact on the apartments with a western aspect at the southern end of the building after 1.30pm on the winter solstice. This affects portions of the building that are occupied by bedrooms of apartments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

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

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

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



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

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

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

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

### 6.4.3 39 McLaren Street and 237 Miller Street

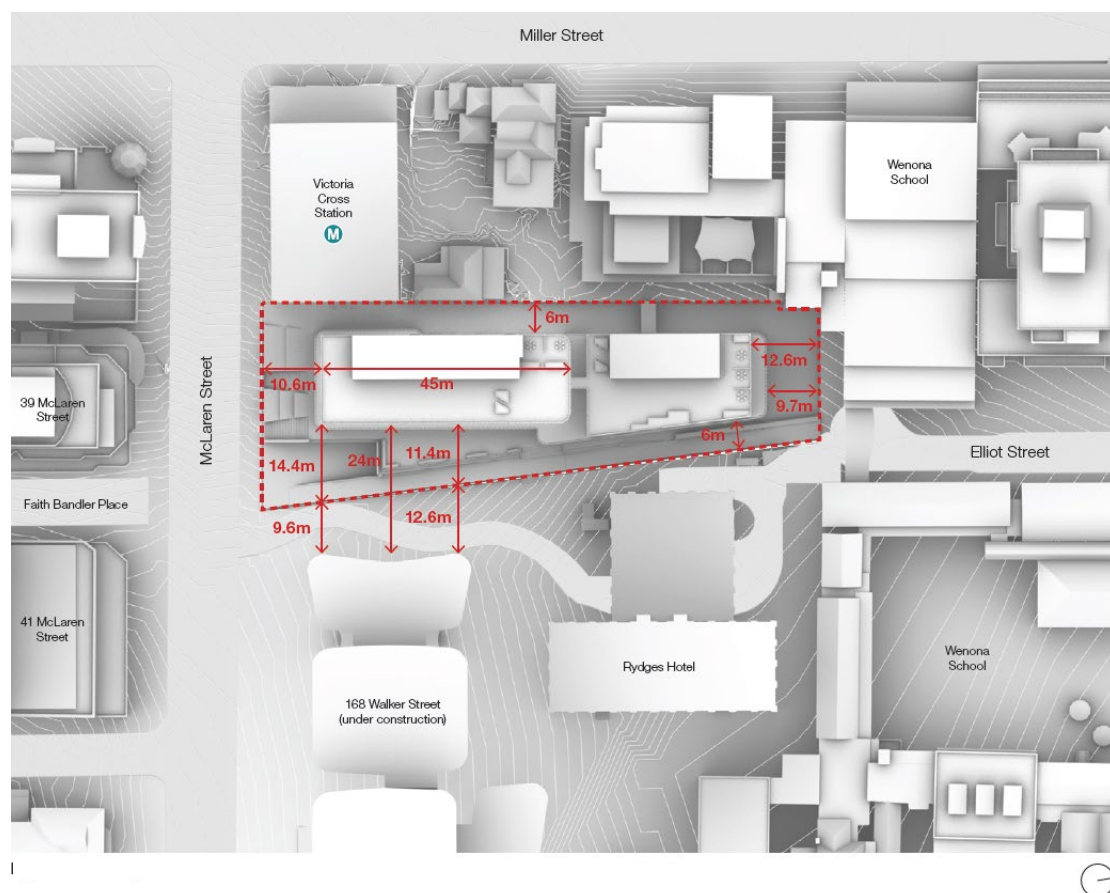
GHD has prepared a shadow analysis of the two residential buildings located directly south of the site at 39 McLaren Street and 237 Miller Street (see Appendix A). In accordance with the requirements of ADG, the proposal will maintain a minimum of two hours direct sunlight between 9 am and 3 pm at midwinter,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

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

## 6.5 Visual privacy

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

**Figure 38** Proposed building setbacks

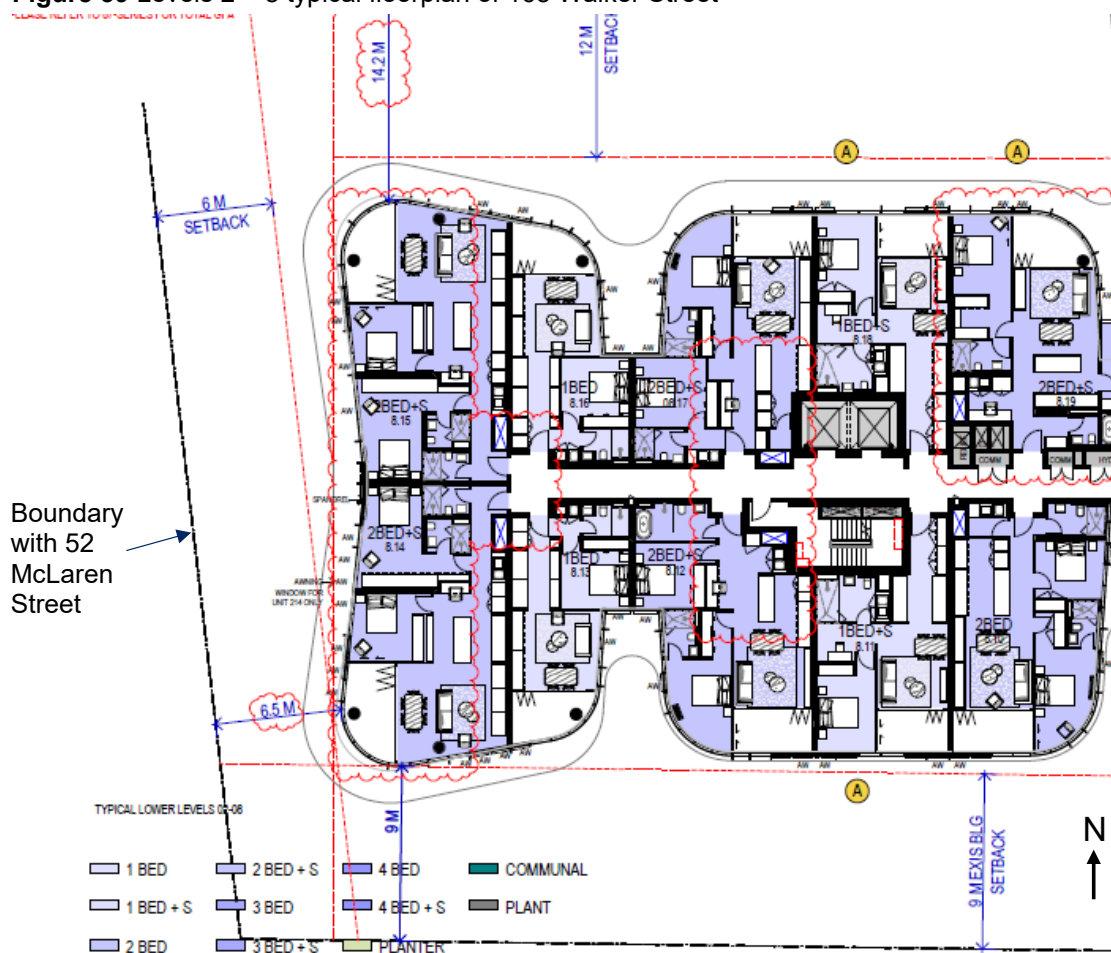


### 6.5.1 168 Walker Street

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

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

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



### 6.5.2 243 Miller Street

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

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

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

### 6.5.3 Wenona School

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

## 6.6 View impact analysis

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

### 6.6.1 39 McLaren Street

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

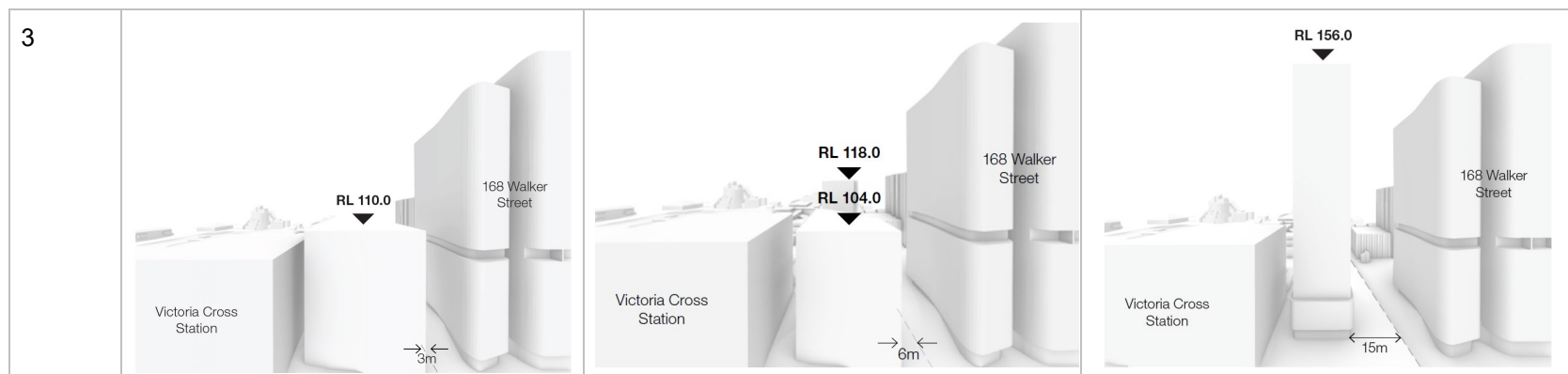
- View 1 – First floor (RL 82)
- View 2 – Seventh floor (RL 102)
- View 3 – Twelfth floor (RL 115)

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

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

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

View Location	LEP Envelope	Approved Uniting Envelope	Proposed Envelope
1			
2			



### 6.6.1 237 Miller Street

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

View 1 – First floor (RL 82)

View 2 – Eighth floor (RL 105)

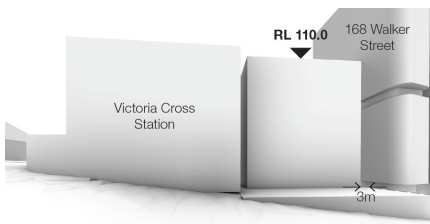
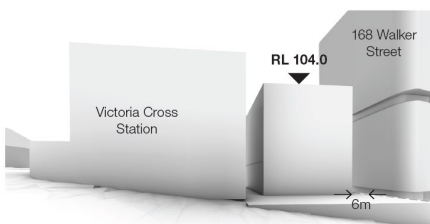

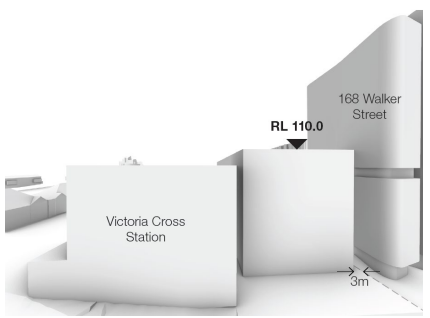
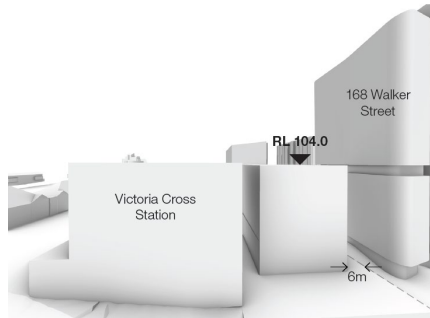
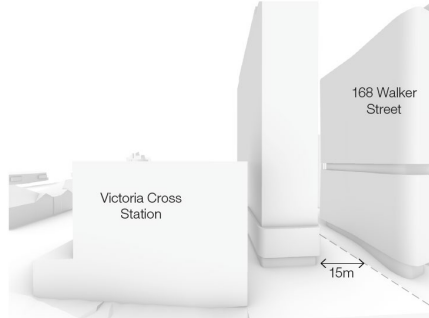
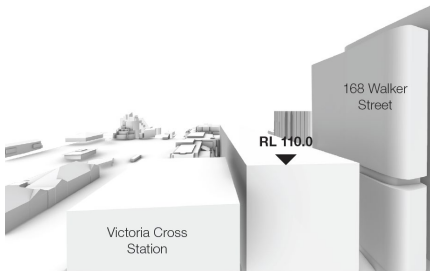
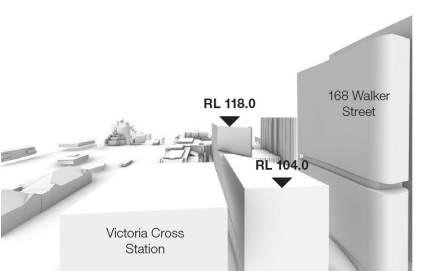
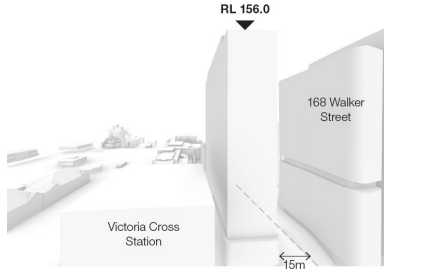
View 3 – Fifteenth floor (RL 124)

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

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



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

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

## 6.7 Visual impact analysis

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

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

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

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

## 6.8 Wind assessment

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

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

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

## 6.9 Transport and traffic

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

### 6.9.1 Existing conditions

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

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

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

### 6.9.2 Parking

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

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

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

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

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

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

### 6.9.3 Traffic generation

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

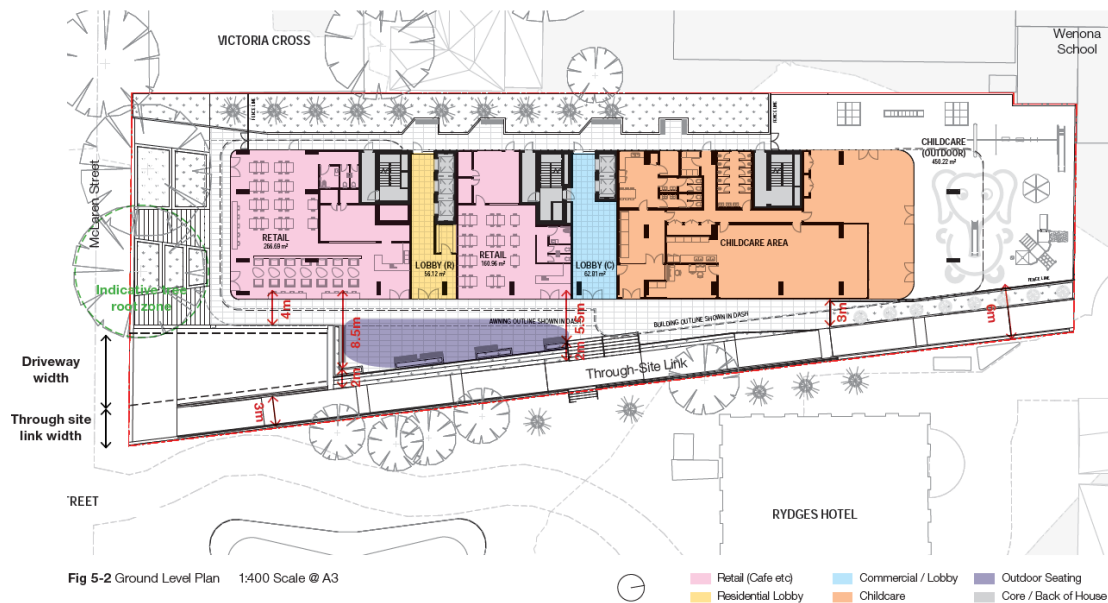
GHD conclude that each of the analysed intersections will have an acceptable Level of Service (i.e., better than Level of Service E) with spare capacity in both the weekday morning, evening weekday and weekend peak periods in the 2020 post-development scenario with road network operation being comparable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

### 6.9.4 Access

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

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

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



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

### 6.9.5 Green Travel Plan

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

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

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

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

## 6.10 Acoustic

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

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

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

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

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

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

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

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

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

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

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

## 6.11 Heritage

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

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

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

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

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



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

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

## 6.12 Economic impacts

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

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

### 6.12.1 Approach and methodology

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

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

The following assumptions have been made in preparing this assessment:

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

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

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



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

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

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

### 6.12.2 Input-Output modelling

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

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

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

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

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

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

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

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

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

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

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

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

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

### 6.12.3 Employment Impacts

#### Construction employment

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

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

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

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

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

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

Job-years - Number of FTE jobs supported over the construction period. i.e., if construction is over 10 years, 100 job-years is equivalent to 10 FTE jobs per year.

### Ongoing employment

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

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

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

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

**Table 16 Estimated ongoing jobs**

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

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

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

#### 6.12.4 Increased retail expenditure activity

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

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

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

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

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

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

**Table 17** Estimated additional retail expenditure

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

Source: Ethos Urban, Marketinfo, Profile, id

Note: Figures Rounded

#### Other economic benefits

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

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

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

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

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

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

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

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

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

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

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

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

## 6.14 Airport operations

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

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

## 6.15 Public benefit

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

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

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

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

## 7 Project timeline

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

**Table 18** Indicative project timeline

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



## 8 Conclusion

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

Specifically, the following amendments are sought:

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

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

The planning proposal is justified for the following reasons:

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

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

# Voluntary Planning Agreement

## **DRAFT 18 November 2024**

North Sydney Council  
*ABN 32 353 260 317*

Sydney Metro  
*ABN 12 354 063 515*

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# Agreement

## Date

## Parties

### First party

<b>Name</b>	North Sydney Council ( <b>Council</b> )
<b>ABN</b>	32 353 260 317
<b>Contact</b>	General Manager
<b>Telephone</b>	(02) 9936 8100

### Second party

<b>Name</b>	Sydney Metro ( <b>Developer</b> )
<b>ABN</b>	12 354 063 515
<b>Contact</b>	Ivan Glavinic (Executive Director, Property and Place)
<b>Telephone</b>	0408 896 736

## Background

- A. The Developer owns the Land.
- B. The Developer proposes to carry out the Development on the Land and the adjoining Drainage Reserve 979505.
- C. To facilitate the Development, the Developer has lodged a Planning Proposal seeking to amend NSLEP 2013 as it relates to land at 52 McLaren Street, North Sydney as follows:
  - a. Increase the maximum building height for the land from RL110m to part RL 107m and part RL 156m;
  - b. Apply a maximum FSR of 5.3:1; and
  - c. Increase the minimum non-residential FSR from 0.5:1 to 1:1.
- D. The Developer has made an offer to enter into this Agreement to provide public benefits at the Developer's cost in connection with the Planning Proposal and Development.
- E. Council has accepted the offer to enter into this Agreement. The Parties wish to formalise that offer by entering into this Agreement in accordance with section 7.4 of the Act.

## Agreed terms

### 1 Definitions and Interpretation

#### 1.1 Definitions

In this Agreement, unless the context indicates a contrary intention:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW);

**Affordable Housing** has the same meaning as in the Act and section 13 of *State Environmental Planning Policy (Housing) 2021*;

**Approval** means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this Agreement;

**Authority** means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person, agency or entity and includes a certifier accredited under the *Building and Development Certifiers Act 2018* (NSW);

**Bank Guarantee** means an irrevocable and unconditional undertaking that is not limited in time and does not expire by one of the following trading banks:

- (a) Australia and New Zealand Banking Group Limited,
- (b) Commonwealth Bank of Australia,
- (c) Macquarie Bank,
- (d) National Australia Bank,
- (e) St George Bank Limited,
- (f) Westpac Banking Corporation, or
- (g) Other financial institution approved by the Council,

to pay an amount or amounts of money to the Council on demand and containing terms and conditions reasonably acceptable to the Council;

**Bond** means a documentary performance bond in favour of Council which is signed and issued by an AA- credit rated insurer and that is in a form and substance satisfactory to Council, acting reasonably;

**Business Day** means any day except for Saturday or Sunday or a day which is a public holiday in Sydney;

**Certificate of Practical Completion** means the written certificate confirming the Works, or part of the Works, have been completed to the Council's satisfaction issued under **clause 8.1(b)(i)** of the Construction Terms;

**Certification Regulation** means the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*;

**Claim** means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this Agreement;

**Cold Shell** means a standard of construction which denotes a space with an unfinished interior but includes the elements described in Part B of Annexure A.

**Consent Authority** has the same meaning as in the Act;

**Construction Certificate** means a construction certificate as defined under section 6.4 of the Act;

**Construction Terms** means the terms set out in **Schedule 2**;

**Contributions** means the dedication of land and provision of material public benefits required under this Agreement, the nature and extent of which are set out in the Schedule 1;

**CPI** means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics;

**Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with this Agreement or the Land;

**Dedication Terms** means the terms in Schedule 3;

**Development Application** has the same meaning as in the Act;

**Development Consent** has the same meaning as in the Act;

**Development** means the proposed development of the Land and the adjoining Drainage Reserve 979505 for the purposes of a multi-storey mixed-use development comprising approximately 172 apartments, a three-storey commercial podium, basement car parking, Through-site Link and the Proposed Community Space;

**Dispute** means any dispute or difference between the parties arising out of, relating to or in connection with this Agreement, including any dispute or difference as to the formation, validity, existence or termination of this Agreement;

**Easement in Gross** means an easement in gross, limited in depth to allow the below-ground components of the Development, granted in favour of Council, that permits public access via the Through-site Link as detailed in the Easement Terms;

**Easement Terms** means the terms of an Easement in Gross set out in **Schedule 4**;

**Explanatory Note** means the explanatory note relating to and publicly notified with this Agreement, as required by section 205 of the Regulation, a draft of which is **Annexure E** ;

**GST** has the same meaning as in the GST Law;

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of GST;

**Insolvent** means the occurrence of any of the following:

- (a) a Party is liquidated, whether compulsorily or voluntarily (other than for the purpose of amalgamation or reconstruction whilst solvent);
- (b) a Party becomes unable to pay its debts as they fall due;
- (c) a Party enters into any arrangement with creditors;
- (d) a Party becomes subject to external administration within the meaning of Chapter 5 of the *Corporations Act 2001* (Cth), including having a receiver or administrator appointed over all or any part of its assets; or
- (e) anything analogous (such as analogous bankruptcy processes) or having a substantially similar effect to the events specified in clauses (a) to (b) of this definition, above, occurs in relation to a Party, including the Court appointment of a receiver;

**Instrument Change** means an amendment to the *North Sydney Local Environmental Plan 2013* in response to the Planning Proposal;

**Land** means Lot 2 DP 218407, known as 52 McLaren Street, North Sydney and adjoining land within Lots 1 and 2 DP 1150156 as shown on the plan at Annexure E ;

**Law** means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and
- (c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

**NSLEP 2013** means the *North Sydney Local Environmental Plan 2013*;

**Occupation Certificate** means an occupation certificate as defined under section 6.4 of the Act and includes an Occupation Certificate for part of a building;

**Party** means a party to this Agreement, including their successors and assigns;

**Planning Proposal** means planning proposal PP6/21 (Department of Planning Ref: PP-2023-5024) seeking to amend NSLEP 2013 as it relates to the Land and land within Drainage Reserve 979505 as follows:

- (a) amend the maximum building height from RL110m to part RL107 m and part RL 156m;
- (b) apply a maximum overall floor space ratio of 5.3:1; and
- (c) amend the minimum non-residential floor space ratio from 0.5:1 to 1:1.

**Proposed Community Space** means a combined indoor and outdoor area at the ground floor for the initial purpose of accommodating a child care facility at the northern end of the site generally in accordance with concept design within Annexure A.

**Proposed Community Space Stratum Lot** means the stratum lot created to contain the Proposed Community Space and to be dedicated to Council in accordance with this Agreement;

**Register** means the Torrens title register maintained under the *Real Property Act 1900* (NSW);

**Registered Community Housing Provider** has the same meaning as in *State Environmental Planning Policy (Housing) 2021*;

**Regulation** means the *Environmental Planning and Assessment Regulation 2021*;

**Security** means a Bank Guarantee or Bond;

**Through-site Link** means a pedestrian thoroughfare at least three (3) metres wide and open-to-sky along the eastern boundary of the Land that connects McLaren Street to Elliot Street and that will be subject to the Easement in Gross for public access 24 hours per day, 7 days a week, as generally identified in the location on the plan in **Annexure B**; and

**Works** means the works required to construct the Proposed Community Space as a Cold Shell and the works required to construct the Through-site Link required under this Agreement and as shown on the preliminary concept at **Annexure B**, including but not



limited to design, survey, planning, environmental assessment, obtaining approvals, engineering and construction.

## 1.2 General

In this Agreement the following definitions apply:

- (a) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (b) the singular includes the plural and vice versa;
- (c) the word "person" includes a firm, a body corporate, an unincorporated association or an authority;
- (d) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and assigns;
- (e) a reference to anything (including, without limitation, any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually;
- (f) "include" or "including" when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind;
- (g) if a Party is required to do something, that includes a requirement to cause that thing to be done, and if a Party is prohibited from doing anything, it is also prohibited from doing or omitting to do anything which allows or causes that thing to be done;
- (h) a reference to a statute, ordinance, code or law includes a State ordinance code or law of the Commonwealth of Australia;
- (i) a reference to a body, whether statutory or not which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its powers or functions;
- (j) no rule of construction applies to the disadvantage of a Party because that Party was responsible for the preparation of this Agreement;
- (k) any capitalised term used, but not defined in this Agreement, will have the meaning ascribed to it under, and by virtue of, the Act;
- (l) headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (m) a reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (n) a reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced;
- (o) a reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (p) a reference to this Agreement includes the agreement recorded in this Agreement; and

- (q) any schedules and attachments form part of this Agreement.

## 2 Planning Agreement under the Act

- (a) The Parties agree that this Agreement is a planning agreement within the meaning of section 7.4 of the Act.
- (b) **Schedule 4** of this Agreement summarises the requirements for planning agreements under section 7.4 of the Act and the way this Agreement addresses those requirements.

## 3 Application of this Agreement

This Agreement applies to:

- (a) the Instrument Change;
- (b) the Development; and
- (c) the Land.

## 4 Operation of this Agreement

This Agreement commences on and from the date it is executed by all Parties.

## 5 Contributions to be made under this Agreement

- (a) The Developer must deliver the Contributions to Council at the time and in the manner set out in Schedule 1.
- (b) The parties acknowledge and agree that the Contributions serve the public purposes set out in Schedule 1.

## 6 Application of s 7.11, s 7.12 and s 7.24 of the Act to the Development

- (a) Sections 7.11, 7.12 and Division 7.1, Subdivision 4 of the Act are not excluded from applying to the Land and the Development.
- (b) The benefits under this Agreement are not to be taken into consideration in determining a development contribution under section 7.11(6) of the Act.

## 7 Registration of this Agreement

### 7.1 Registration

- (a) The Developer represents and warrant to the Council that, on the date of this Agreement, it is the registered proprietor of the Land.
- (b) The Developer agrees to procure the registration of this Agreement under the *Real Property Act 1900* (NSW) in the relevant folios of the Register of the Land in accordance with section 7.6 of the Act.
- (c) The Developer will, at its own expense and promptly after the execution of this Agreement, take all practical steps, and otherwise do anything that the Council reasonably requires to procure:
  - (i) the consent of each person who has an estate or interest in the Land registered under the *Real Property Act 1900* (NSW) or is seized or possessed of an estate or interest in the Land;

- (ii) an acceptance of the terms of this Agreement and an acknowledgement in writing from any existing mortgagee in relation to the Land that the mortgagee will adhere to the provisions of this Agreement if it takes possession of the Land as mortgagee in possession,
  - (iii) the execution of any documents; and
  - (iv) the production of the relevant duplicate certificates of title, or electronic equivalents,
- to enable the registration of this Agreement in accordance with **clause 7.1(b)**.
- (d) The Developer, at its own expense, will take all practical steps, and otherwise do anything that the Council reasonably requires:
    - (i) to procure the lodgement of this Agreement with the Registrar-General as soon as reasonably practicable after this Agreement comes into operation, but in any event, no later than 10 Business Days after that date; and
    - (ii) to procure the registration of this Agreement by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this Agreement is lodged for registration.

## 7.2 *Removal from register*

The Council will, promptly after receipt of a request from the Developer, provide a release and discharge of this Agreement so that it may be removed from the folios of the Register for the Land (or any part of it) provided the Council is satisfied the Developer has duly fulfilled its obligations under this Agreement, and is not otherwise in default of any of the obligations under this Agreement.

## 7.3 *Caveat*

- (a) The Developer acknowledges and agrees that:
  - (i) when this Agreement is executed, the Council will have acquired and the Developer will have granted, an equitable estate and interest in the Land for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and, consequently, the Council will have a sufficient interest in the Land in respect of which to lodge a caveat over the Land notifying of that interest; and
  - (ii) it will not object to the Council lodging a caveat in the relevant folios of the Register for the Land, nor will it seek to remove any caveat lodged by the Council, provided the caveat does not prevent registration of any Dealing or plan other than a transfer.
- (b) Council must, at the Developer's cost, lodge a withdrawal of any caveat in respect of the Land on the earlier of:
  - (i) the date that the Developer registers this Agreement under **clause 7.1**; or
  - (ii) the date upon which the Developer would otherwise be entitled to a release under **clause 7.2**.

## 8 Review of this Agreement

- (a) This Agreement may be reviewed or modified. Any review or modification of this Agreement will be conducted in the circumstances and in the manner determined by the Parties.
- (b) No modification or review of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.
- (c) A Party is not in breach of this Agreement if it does not agree to an amendment to this Agreement requested by a party in, or as a consequence of, a review.

## 9 Dispute Resolution

### 9.1 Application

Any Dispute must be determined in accordance with the procedure in this clause 9.

### 9.2 Negotiation

- (a) If any Dispute arises, a party to the Dispute (**Referring Party**) may by giving notice to the other party or parties to the Dispute (**Dispute Notice**) refer the Dispute to the Developer's Representative and the Council's Representative for resolution. The Dispute Notice must:
  - (i) be in writing;
  - (ii) state that it is given pursuant to this clause 9; and
  - (iii) include or be accompanied by reasonable particulars of the Dispute including:
    - (A) a brief description of the circumstances in which the Dispute arose;
    - (B) references to any:
      - 1. provisions of this Agreement; and
      - 2. acts or omissions of any person, relevant to the Dispute; and
    - (C) where applicable, the amount in dispute (whether monetary or any other commodity) and if not precisely known, the best estimate available.
- (b) Within 10 Business Days of the Referring Party issuing the Dispute Notice (**Resolution Period**), the Developer's Representative and the Council's Representative must meet at least once to attempt to resolve the Dispute.
- (c) The Developer's Representative and the Council's Representative may meet more than once to resolve a Dispute. The Developer's Representative and the Council's Representative may meet in person, via telephone, videoconference, internet-based instant messaging or any other agreed means of instantaneous communication to effect the meeting.

### 9.3 Not use information

The purpose of any exchange of information or documents or the making of any offer of settlement under this clause 9 is to attempt to settle the Dispute. Neither party may use any information or documents obtained through any dispute resolution process

undertaken under this clause 9 for any purpose other than in an attempt to settle the Dispute.

#### 9.4 *Condition precedent to litigation*

Subject to clause 9.5, a party must not commence legal proceedings in respect of a Dispute unless:

- (a) a Dispute Notice has been given; and
- (b) the Resolution Period has expired.

#### 9.5 *Summary or urgent relief*

Nothing in this clause 9 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of a Dispute.

### 10 Enforcement and security

#### 10.1 *Application of this clause*

- (a) Clauses 10.2, 10.3 and 10.5 will apply only to the extent that the Developer is not either Sydney Metro or another NSW Government agency.
- (b) The right of the Council to call on the Security, which is contained in clause 10.4, will only apply to the extent that the Developer is not either Sydney Metro or another NSW Government agency.

#### 10.2 *Security*

- (a) The Developer must provide to Council, Security for the delivery of the Contributions as specified in Schedule 1.
- (b) Council may call on the Security provided under this clause if:
  - (i) the Developer is in material or substantial breach of this Agreement, and has failed to rectify the breach after having been given reasonable notice (which must not be less than 20 Business Days) in writing to do so; or
  - (ii) the Developer becomes Insolvent.
- (c) Subject to this clause, the Council may apply the proceeds of a Security in satisfaction of:
  - (i) any obligation of the Developer to carry out the Works;
  - (ii) any obligation of the Developer to pay for the costs of Council acquiring the Proposed Community Space or the Easement in Gross; and
  - (iii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this Agreement.
- (d) Nothing in this **clause 10.2** prevents or restricts the Council from taking any enforcement action in relation to:
  - (i) any obligation of the Developer under this Agreement; or
  - (ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this Agreement,

that is not, or cannot, be satisfied by calling on the Security.

### 10.3 Replacement Security

- (a) At any time following the provision of the Security, the Developer may provide the Council with one or more replacement Securities totalling the amount of all the Securities required to be provided under this clause for the time being.
- (b) Within 20 Business Days of each anniversary of any Security provided under this Agreement, the Developer must provide Council with one or more replacement Securities (**Replacement Security**) in an amount calculated in accordance with the following:

$$A = \frac{B \times D}{C}$$

Where:

A is the amount of the Replacement Security;

B is the amount of the Security to be replaced;

C is the CPI for the quarter ending immediately before the date of the Security to be replaced; and

D is the CPI for the quarter ending immediately before the date of the Replacement Security;

provided A is greater than B.

- (c) On receipt of any Replacement Security, Council must immediately release and return to the Developer, as directed, the Securities it holds that have been replaced.
- (d) Council must promptly return the Security at the request of the Developer if any of the following occurs:
  - (i) the Developer fulfills the relevant obligations under this Agreement;
  - (ii) the Minister refuses to make the Instrument Change and the Developer withdraws the Planning Proposal seeking the Instrument Change; or
  - (iii) a Court of competent jurisdiction invalidates the Instrument Change and all avenues of appeal from that decision have been exhausted.

### 10.4 Acquisition of Proposed Community Space Stratum Lot and Easement in Gross

- (a) This clause constitutes an agreement for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).
- (b) If the Developer does not transfer the Proposed Community Space Stratum Lot or grant the Easement in Gross as required by this Agreement, the Council may compulsorily acquire those relevant interests in the land (that is, the Proposed Community Space Stratum Lot and the Easement in Gross to the extent that they have not been transferred as required by the Agreement), in which case the Developer consents to the Council compulsorily acquiring those interests for compensation in the amount of \$1.00, without having to follow the pre-acquisition procedures in the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW), and Council may call upon any Security provided under **clause 10.2** to cover any costs, including legal costs, incurred by the Council on acquisition of the land.

- (c) Except as otherwise agreed between the Developer and Council, the Developer must ensure the land subject to the acquisition in accordance with **clause 10.4(b)** are freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, except as may be permitted by this Agreement on the date that the Council will acquire the interests in accordance with this **clause 10.4**.
- (d) The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the relevant land under this **clause 10.4**.
- (e) The Developer must pay the Council, promptly on demand, an amount equivalent to all costs, including legal costs, incurred by the Council acquiring the whole or any part of the relevant interest in land under this clause and, if the Developer fails to do so, the Council may call on the Security provided under **clause 10.2** for the purposes of reimbursing those costs.

#### 10.5 *Restriction on the issue of Certificates*

- (a) In accordance with section 6.8 of the Act and section 21 of the Certification Regulation, a Construction Certificate for the Development or any part of the Development must not be issued unless the Developer has provided any Security required under **clause 10.2**.
- (b) In accordance with section 6.10(2) of the Act and section 48 of the Certification Regulation, an Occupation Certificate for the Development or any part of the Development must not be issued unless:
  - (i) the Works have been completed in accordance with the Construction Terms;
  - (ii) the Developer has provided, to Council's satisfaction, Security for any item of the Works for defects liability as required by the Construction Terms; and
  - (iii) the Developer has provided, to Council's satisfaction, a copy of a contract with a Registered Community Housing Provider for the management of Affordable Housing, as required by Schedule 1.

#### 10.6 *General Enforcement*

- (a) Subject to clause 9, and without limiting any other remedies available to the Parties, this Agreement may be enforced by any party in any Court of competent jurisdiction.
- (b) Nothing in this Agreement prevents:
  - (i) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates; and
  - (ii) the Council or Sydney Metro from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

## 11 Notices

- (a) Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (i) delivered or posted to that Party at its address set out below; or
  - (ii) emailed to that Party at its email address set out below.

to North Sydney Council:	200 Miller Street, Sydney NSW 2060 Email: council@northsydney.nsw.gov.au Attention: General Manager
to Sydney Metro:	L43, 680 George St, Sydney 2000 Email: [sydneymetroproperty@transport.nsw.gov.au] Attention: Ivan Glavinic

- (b) If a Party gives the other Party three Business Days' notice of a change of its address or email address, any notice, consent, information, application or request is only given or made by that Party if it is delivered, posted or emailed to the latest address or email address.
- (c) Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (i) if it is delivered, when it is left at the relevant address;
  - (ii) if it is sent by email, if an "undelivered receipt" is not received; or
  - (iii) if it is sent by post, five Business Days after it is posted.
- (d) If any notice, consent, information, application, or request is given or made on a day that is not a Business Day, or if it is given or made after 5:00pm on a Business Day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

## 12 Approvals and consents

The Parties acknowledge that:

- (a) except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party;
- (b) a Party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions; and
- (c) this Agreement does not impose any obligation on a Consent Authority to:
  - (i) grant development consent; or
  - (ii) exercise any function under the Act in relation to a change in an environmental planning instrument.



## 13 Assignment and Dealings

### 13.1 Dealing by the Council

- (a) The Council may Deal with its interest in this Agreement without the consent of the Developer if the Dealing is with a NSW Government Agency. The Council must give the Developer notice of the Dealing within five Business Days of the date of the Dealing.
- (b) The Council may not otherwise Deal with its interest in this Agreement without the consent of the Developer, such consent not to be unreasonably withheld or delayed.

### 13.2 Dealing by the Developer

- (a) The Developer must not Deal with this Agreement or the Land unless:
  - (i) the Council gives prior written consent, which must not be unreasonably withheld or delayed where the Developer complies with clause 13.2(a)(ii) to (vii); and
  - (ii) the Developer satisfies the Council, acting reasonably, that the rights of the Council will not be diminished or fettered in any way; and
  - (iii) the Council, the Developer and the third party the subject of the Dealing enter into a deed of novation generally in the form included in **Annexure F** to this Agreement with the Council's entry into such a deed not to be unreasonably withheld or delayed; and
  - (iv) prior to the proposed novation of its obligations under this Agreement to a third party (the **Incoming Party**), the Developer satisfies the Council (acting reasonably) that the Incoming Party has sufficient assets, resources and expertise required to perform the Developer's obligations under this Agreement;
  - (v) the Incoming Party provides to the satisfaction of Council any Security required under **clause 10.2** to secure the outstanding obligations under this Agreement;
  - (vi) the Incoming Party provides to the satisfaction of Council copies of insurances or other documents required under this Agreement for the carrying out of any Works;
  - (vii) any default under any provisions of this Agreement has been remedied or waived by the Council, on such conditions as the Council may determine; and
  - (viii) the Developer and the Incoming Party pay the Council's reasonable costs in relation to the assignment.

## 14 General

### 14.1 Costs

The Developer agrees to pay or reimburse Council all reasonable costs incurred in connection with the negotiation, preparation, execution, stamping, registering, release and discharge of this Agreement, including the reasonable costs of any legal advice

Council has received in connection with this Agreement within 10 Business Days after receipt of a notice from the Council as to the amount of those costs.

#### 14.2 *Entire Agreement*

The contents of this Agreement constitute the entire agreement between the Parties and supersede any prior negotiations, representations, understandings or arrangements made between the Parties regarding the subject matter of this Agreement, whether orally or in writing.

#### 14.3 *Further acts*

- (a) Each Party must promptly execute all documents and do all other things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.
- (b) If the time for doing any act or thing required to be done or a notice period specified in this Agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (c) If any act or thing required to be done is done after 5:00 pm on the specified day, it is taken to have been done on the following Business Day.

#### 14.4 *Governing law and jurisdiction*

- (a) The laws applicable in New South Wales govern this Agreement.
- (b) The Parties submit to the non-exclusive jurisdiction of the Courts of New South Wales and any Courts competent to hear appeals from those Courts. The Parties will not object to the exercise of jurisdiction by those Courts on any basis.
- (c) Without preventing any other method of service, any document in an action may be served on a Party by being delivered or left at that Party's address set out in **clause 11(a)**.

#### 14.5 *Joint and individual liability and benefits*

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds those persons jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

#### 14.6 *No fetter*

- (a) This Agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council or Sydney Metro, including, but not limited to, any statutory power or discretion of the Council relating to the Development Application or any other application for Development Consent (all referred to in this Agreement as a '**Discretion**').
- (b) No provision of this Agreement is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this Agreement is held by a Court of competent jurisdiction to constitute a fetter on any Discretion, the Parties agree:
  - (i) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied;

- (ii) in the event that (i) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this Agreement has full force and effect; and
- (iii) to endeavour to satisfy the common objectives of the Parties in relation to the provision of this Agreement, which is to be held to be a fetter on the extent that is possible having regard to the relevant Court judgment.

#### 14.7 *Representations and warranties*

The Parties represent and warrant that they have the power and authority to enter into this Agreement and comply with their obligations under the Agreement, and that entry into this Agreement will not result in the breach of any law.

#### 14.8 *Severability*

- (a) The Parties acknowledge that under and by virtue of section 7.4(4) of the Act, any provision of this Agreement is not invalid by reason only that there is no connection between the Planning Proposal or the Development and the object of the expenditure of any money required to be paid by that provision.
- (b) The Parties agree that to the extent permitted by law, this Agreement prevails to the extent of its inconsistency with any law.
- (c) If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- (d) If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement but the rest of this Agreement is not affected,

#### 14.9 *Modification*

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement and is in accordance with the provisions of the Act.

#### 14.10 *Waiver*

- (a) The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- (b) A waiver by a Party is only effective if it is in writing.
- (c) A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach, or as an implied waiver of that obligation or breach in relation to any other occasion.

#### 14.11 *GST*

- (a) In this **clause 14.11**, unless there is a contrary indication, words and expressions which are not defined in this Agreement but which have a defined meaning in the GST Law have the same meaning as in the GST Law.
- (b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this Agreement are exclusive of GST.

- (c) The Parties agree, in accordance with Class Ruling 2013/13, that the contributions required to be made under this Agreement are exempt from GST.
- (d) If GST is imposed on any supply made under or in accordance with this Agreement, the Developer must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

**14.12 Explanatory Note**

The Explanatory Note annexed at **Annexure D** prepared in connection with this Agreement pursuant to the Regulation is not to be used to interpret this Agreement.

**14.13 Execution**

This Agreement may be executed in any number of counterparts, each of which:

- (a) may be executed electronically or in handwriting; and
  - (b) will be deemed an original whether kept in electronic or paper form, and
- all of which will taken together will constitute one and the same document.

**14.14 Relationship between the Parties**

- (a) Nothing in this Agreement:
  - (i) constitutes a partnership between the Parties; or
  - (ii) except as expressly provided, makes a Party an agent of another Party for any purpose.
- (b) A Party cannot in any way or for any purpose:
  - (i) bind another Party; or
  - (ii) contract in the name of another Party.
- (c) If a Party must fulfil an obligation and that Party is dependent on another Party, then that other Party must do each thing reasonably within its power to assist the other in the performance of that obligation.

## Schedule 1 Contributions

Contribution Item	Public Purpose	Nature and Extent	Timing	Manner of Delivery	Security Required	Timing of Security
Construction of Proposed Community Space (Intended for Childcare facility)	The Proposed Community Space contribution will serve the public purpose of providing community facilities that will meet the physical, social, cultural or intellectual welfare needs of the community.	The Developer must, as part of the Development, construct the Proposed Community Space as a Cold Shell in accordance with: <ul style="list-style-type: none"> <li>(a) the concept design in Annexure B,</li> <li>(b) the Construction Terms; and</li> <li>(c) any Approval for those Works.</li> </ul>	The Proposed Community Space must be constructed prior to the issue of an Occupation Certificate for the Development.	The Works to construct the Proposed Community Space will be taken to have been completed when Council issues a Certificate of Practical Completion for those Works.	Security equivalent to the estimated cost of the Works to construct the Proposed Community Space in accordance with this Agreement.	Prior to the issue of a Construction Certificate for the Development.
Monetary Contribution towards the fitout of the Proposed Community Space	The contribution towards the fit out of the Proposed Community Space will serve the public purpose of providing community facilities	The Developer must pay \$650,000 (indexed in accordance with increases in the CPI from the date of this agreement to the date of payment) to the	The monetary contribution must be delivered prior to the issue of a Construction Certificate for any above	The contribution will be taken to have been made when cleared funds have been received in the account nominated by Council.	N/A	N/A.

Contribution Item	Public Purpose	Nature and Extent	Timing	Manner of Delivery	Security Required	Timing of Security
	that will meet the physical, social, cultural or intellectual welfare needs of the community.	Council instead of carrying out the fit out works.	ground works associated with the Development.			
Dedication of Proposed Community Space Stratum Lot	The Proposed Community Space contribution will serve the public purpose of providing community facilities that will meet the physical, social, cultural or intellectual welfare needs of the community.	Within 60 Business Days after the issue of a Certificate of Practical Completion for the works to construct the Proposed Community Space and the issue of an Occupation Certificate for the Proposed Community Space, the land is to be dedicated free of cost in accordance with the Dedication Terms.	The Proposed Community Space Stratum Lot must be dedicated to Council before an Occupation Certificate is issued in respect of any residential component of the Development. The dedication of the Proposed Community Space Stratum Lot will be completed when an Occupation Certificate is issued for the Proposed Community Space and Council receives confirmation from the Developer that it is the registered proprietor of the Proposed Community	The Proposed Community Space Stratum Lot must be transferred to Council at no cost to Council in accordance with the Dedication Terms.	<p>The security provided for the construction of the Proposed Community Space will be retained by Council until the Proposed Community Stratum Lot is dedicated to Council.</p> <p>The security may be called on by Council to pay the costs of any acquisition of the Proposed Community Space Stratum Lot</p>	Refer to terms of Contribution Item: <i>Construction of Proposed Community Space</i>

Contribution Item	Public Purpose	Nature and Extent	Timing	Manner of Delivery	Security Required	Timing of Security
			Space Stratum Lot on the Register.			
Through Site Link	Pedestrian amenity, safety and connection to transport links and other infrastructure	<p>The Developer must carry out Works to construct the Through-site Link as public domain, including landscaping, seating and integration with the podium of the Development, generally in accordance with:</p> <ul style="list-style-type: none"> <li>(d) the specifications in Annexure C;</li> <li>(e) the concept design in Annexure B,</li> <li>(f) the Construction Terms; and</li> <li>(g) any Approval for those Works.</li> </ul> <p>The Developer must register the Easement in Gross (in accordance with the Easement</p>	<p>The Works to construct the Through-site Link must be completed prior to the issue of an Occupation Certificate for the Development.</p> <p>The Easement in Gross must be registered prior to the issue of an Occupation Certificate for the Development.</p>	<p>The Works to construct the Through-site Link will be taken to have been completed when Council issues a Certificate of Practical Completion for those Works.</p> <p>The Developer must provide a copy of a title and dealing search to Council confirming that the Easement in Gross has been registered.</p>	Security equivalent to the estimated cost of the Works to construct the Community Space in accordance with this Agreement.	Prior to the issue of a Construction Certificate for the Development.

Contribution Item	Public Purpose	Nature and Extent	Timing	Manner of Delivery	Security Required	Timing of Security
		Terms) over the Through-site Link.				
Construction and management of Affordable Housing	To increase and improve the provision of affordable housing in the North Sydney Local Government Area	<p>A minimum of 5% of the residential gross floor area (as defined in NSLEP 2013) of the Development must be managed by a Registered Community Housing Provider as Affordable Housing.</p> <p>This agreement is to be updated, in accordance with clause 8 and clause 14.9, if required under any formal affordable housing policy applicable to the site that the NSW Government releases prior to the finalisation of the Planning Proposal, in accordance with the conditions of the Gateway Determination PP-2021-5024 dated</p>	The Affordable Housing Contribution must be provided for a minimum 10 years after an Occupation Certificate is issued for the Affordable Housing.	Prior to the issue of an Occupation Certificate for the Development, the Developer must provide to Council a copy of a contract it has entered into with a Registered Community Housing Provider for the management of the Affordable Housing and a plan showing the location of the Affordable Housing in comparison to other residential components of the Development.	N/A	N/A



Contribution Item	Public Purpose	Nature and Extent	Timing	Manner of Delivery	Security Required	Timing of Security
		22 March 2024, as amended from time to time.				

## Schedule 2 Construction terms

### 1 Interpretation

For the purposes of this **Schedule 2**, the defined terms and interpretation principles in **clause 1** of this Agreement will apply and, unless context indicates a contrary intention:

**Builder** means any entity contracted under the Construction Contract to carry out the Works;

**Construction Contract** means the contract between the Developer and its Builder to carry out the Works (whether or not that is a contract for the Works only or forms part of a contract for the building of other components of the Development);

**Defects Liability Period** means in respect of each item of building works which together comprise the Works the period of 12 months from the date on which the Works are delivered to Council in accordance with this Agreement;

**Detailed Design** means the final specifications and finishes for the Works prepared in accordance with **clause 5.2** of this **Schedule 1** and will include the engineering design of the Works, the location for the Works, installation specifications and estimated costs of construction and/or installation;

**Services** means all water, gas, electricity, television, drainage, sewerage, cable TV, data communications, telecommunications and other services which are required under a development consent within the meaning of the Act or an Approval and which are necessary or desirable for the construction or operation of the Development;

**Superintendent** means the Superintendent appointed under any Construction Contract.

### 2 Requirements of Authorities and Approvals

2.1 These Construction Terms must be read and construed subject to:

- (a) any requirements or conditions of any Development Consent;
- (b) the requirements of and conditions imposed by all relevant Authorities and all Laws relating to the Development and the construction of the Development.

2.2 If the Developer requires any Approvals in order to carry out the obligations under this Agreement, then the Developer will acquire all Approvals necessary to carry out the Works at its own cost.

2.3 The Developer must ensure that the Works carried out under this Agreement are carried out:

- (a) in accordance with the relevant Development Consent for the Works and all Approvals and the requirements of all Laws, including without limitation, work health and safety legislation; and
- (b) in a good and workmanlike manner and so that they are diligently progressed until completion;

AND it is acknowledged that to the extent that there is any inconsistency between this Agreement and any Approval the terms of the Approval shall take precedence.

### 3 Costs of Works

All costs of the Works must be borne by the Developer.

### 4 Project Management and Contractor Engagement

- 4.1 The Developer will be responsible for managing the Works.
- 4.2 The Developer will ensure that any contractor it engages to carry out the Works agrees to:
  - (a) carry out the Developer's obligations in these Construction Terms as part of any Construction Contract; and
  - (b) request a Council representative to be present at each on-site meeting attended by the Superintendent and to ensure the Council representative is present at the meeting.

## 5 Design Development and Approvals

### 5.1 Design

- (a) Prior to submitting a Development Application for the Development, the Developer must prepare a draft design for the Works in accordance with:
  - (i) the concept for the Works set out in **Annexure B**;
  - (ii) the North Sydney Public Domain Style Manual and Design Codes;
- (b) The Developer and the Council must work in consultation with each other to prepare and agree on the design and must both act reasonably and with due expedition in their consultations with each other.

### 5.2 Detailed Design

- (a) Prior to submitting an application for a Construction Certificate for the Development, the Developer must provide a copy of the draft Detailed Design to the Council for approval.
- (b) The draft Detailed Design must be consistent with the concept for the Works in **Annexure B**, the standards and specifications referred to in **clause 5.1(a)** of this Schedule and the concept design agreed in accordance with **clause 5.1** of this Schedule.
- (c) Within 15 Business Days of receiving the draft Detailed Design, Council will respond to the Developer with any suggested amendments to the Detailed Design.
- (d) If the Detailed Design is not completed and agreed within 15 Business Days of Council providing its suggested amendments in accordance with **clause 5.2(c)** of this Schedule, to avoid possible delays to the issue of a Certificate of Practical Completion, the Council will, in its sole discretion, be entitled to decide on any outstanding or undecided matter or item relating to areas that are to be accessible to the public, provided that any decision made by Council under this clause:
  - (i) is consistent with the obligation of the Developer to carry out the Works under this Agreement; and
  - (ii) is consistent with the Development Consent; and
  - (iii) does not materially and adversely affect the Development; and
  - (iv) is not unreasonable.

- (e) Any acceptance by the Council of the Detailed Design under this **clause 5** of this Schedule is not to be taken as approval of or to any Construction Certificate for the Works.

### 5.3 **Good faith**

The Parties must act promptly and in good faith to consult in relation to the concept design and the Detailed Design of the Works.

## 6 **Carrying out of Works**

### 6.1 **Communication**

The Developer must keep Council reasonably informed of progress of the Works and provide to Council such information about the Works as Council reasonably requests.

### 6.2 **Standard of Works**

- (a) Unless otherwise provided, the Developer shall, and must cause the Builder to, use suitable new materials and proper tradesmanlike workmanship when carrying out the Works.
- (b) The qualitative standard of the design and finishes for the Works must be in accordance with Council's specifications for the Works as provided during the preparation of the concept design and Detailed Design.
- (c) The Developer will obtain any relevant standards (including design standards), specifications, or guidelines and any other requirements or policies referred to in **clause 6.2** of this Schedule from Council if the Council fails to deliver them to the Developer.
- (d) The Developer may, but is not obliged to, reinstate any Works where damage or destruction is as a result of:
  - (i) any act or omission of Council or its employees, consultants or agents relating to any part of the Works under this Agreement; or
  - (ii) the use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of the Council of any part of the Works.

## 7 **Inspection**

- (a) On completion of the Detailed Design, the Council will provide a schedule of inspections to be undertaken by Council (**Inspection Schedule**) to occur at specified stages of the construction of the Works (**Inspection Stage**). If the Council does not provide the Inspection Schedule, the Developer must request the Inspection Schedule from the Council prior to the Works commencing.
- (b) Five Business Days prior to reaching an Inspection Stage as set out in the Inspection Schedule, the Developer must notify the Council of the proposed inspection date (**Inspection Date**).
- (c) On the Inspection Date, or other agreed date, the Developer must ensure that any employees, contractors, agents or representatives of Council have access to and may enter the land on which the Works are taking place to inspect the Works.

- (d) In addition to carrying out inspections in accordance with the Inspection Schedule, the Council may enter the land on which the Works are taking place to inspect the progress of the Works, subject to:
  - (i) the terms of the Construction Contract (save for any clause of the Construction Contract which prevents the Council from accessing the land);
  - (ii) giving reasonable notice to the Developer;
  - (iii) complying with all reasonable directions of the Developer; and
  - (iv) being accompanied by the Developer or a nominee, or as otherwise agreed.
- (e) The Council may, acting reasonably, within 5 Business Days of carrying out an inspection (either under **clause 7(c)** or **7(d)** of this Schedule), notify the Developer of any defect or non-compliance in the Works and direct the Developer to carry out work to rectify that defect or non-compliance within a reasonable period of time. Such work may include, but is not limited to:
  - (i) removal of defective or non-complying material;
  - (ii) demolishing defective or non-complying work;
  - (iii) reconstructing, replacing or correcting any defective or non-complying work; and
  - (iv) not delivering any defective or non-complying material to the site of the Works.
- (f) If the Developer is issued a direction to carry out further work under **clause 7(e)** of this Schedule, the Developer must, at its cost, rectify the defect or non-compliance specified in the Notice within the time period specified in the Notice, provided that it is reasonable having regard to the nature of the works.
- (g) If the Developer fails to comply with a direction to carry out work given under **clause 7(e)** of this Schedule, the Council will be entitled to refuse to accept that the Works (or the relevant part of the Works) meet the Council's standards and specifications and may refuse to issue a Certificate of Practical Completion, until the required Works have been completed to the Council's satisfaction, acting reasonably.
- (h) For the avoidance of doubt, any acceptance by the Council that the Developer has rectified a defect or non-compliance identified in a notice issued under **clause 7(e)** of this Schedule does not constitute:
  - (i) acceptance by the Council that the Works comply with all Approvals and Laws; or
  - (ii) an Approval by the Council in respect of the Works; or
  - (iii) an agreement or acknowledgment by the Council that the Works or the relevant part of the Works are complete and may be delivered to the Council in accordance with this agreement.

## 8 Completion

### 8.1 Practical Completion

- (a) When the Developer considers that the Works, or any part of the Works, are complete, the Developer must send a Notice to the Council accompanied by complete works as executed plans, any relevant certificates or consents of any public utility authority and a request for written certification from the Council that the Works are complete.
- (b) Within 10 Business Days of receipt of the notice under **clause 8.1(a)** of this Schedule, the Council will carry out an inspection of the Works and will, acting reasonably, either:
  - (i) provide written certification to the Developer that the Works have been completed (**Certificate of Practical Completion**); or
  - (ii) notify the Developer of any additional information required or matters which must be addressed by the Developer prior to the certification being issued.
- (c) If the Developer is required to provide additional information or address any matters under **clause 8.1(b)(ii)** of this Schedule, the Developer will provide that information to Council or address those matters within 10 Business Days of receiving the notice or within a reasonable period of time and make a further request under **clause 8.1(a)** of this Schedule for written certification that the Works have been completed.
- (d) Practical completion will be achieved in relation to the Works or any part of the Works when a Certificate of Practical Completion has been issued for those Works.

### 8.2 Delivery of documents

- (a) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works deliver to the Council, complete and legible electronic copies of:
  - (i) all 'as built' full-sized drawings, specifications and relevant operation and service manuals;
  - (ii) all necessary certificates including the certificates of any consultants of the Developer that the Council may reasonably require, and Approvals of any public utility authority (where relevant); and
  - (iii) copies of all Approvals required for use of the land subject to the Works.
- (b) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works, provide the Council with a tour of the land subject to the Works and provide reasonable instructions on the operation and use of the Services on that land.

### 8.3 Assignment of Warranties and Causes of Action

- (a) The Developer must assign (as beneficial owner) or cause to be assigned to Council the benefit of any warranties and guarantees obtained by the Developer

and the Builder (and capable of assignment) with respect to any material or goods incorporated in or forming part of the Works.

- (b) To the extent that any such warranties or guarantees cannot be assigned, the Developer must, at the request of Council, do anything reasonably required by Council to enforce such warranties or guarantees for the benefit of Council.

#### 8.4 Defects Liability Period

- (a) During the Defects Liability Period, the Council (acting reasonably) may give to the Developer a notice (**Rectification Notice**) in writing that identifies a defect in the Works and specifies:
  - (i) action required to be undertaken by the Developer to rectify that defect (**Rectification Works**); and
  - (ii) the date on which the defect must be rectified (**Rectification Date**).
- (b) The Developer must comply with the Rectification Notice by:
  - (i) procuring the performance of the Rectification Works by the Rectification Date, or such other date as agreed between the Parties;
  - (ii) keeping the Council reasonably informed of the action to be taken to rectify the defect; and
  - (iii) carrying out the Rectification Works.
- (c) The Council must give the Developer and its contractors any access required to carry out the Rectification Works.
- (d) When the Developer considers that the Rectification Works are complete, the Developer must notify the Council and provide documentation, plans or invoices which establish that the Rectification Works were carried out.
- (e) The Council may inspect the Rectification Works within 15 Business Days of receiving a Notice from the Developer under **clause 8.14(d)** of this Schedule and, acting reasonably:
  - (i) issue a further Rectification Notice if it is not reasonably satisfied that the Rectification Works are complete; or
  - (ii) notify the Developer in writing that it is satisfied the Rectification Works are complete.
- (f) The Developer must meet all costs of and incidental to rectification of defects under this **clause 8.4**.
- (g) If the Developer fails to comply with a Rectification Notice, then the Council may do such things or take such action as is necessary to carry out the Rectification Works, including accessing and occupying any part of the Land without further notice to the Developer, and may:
  - (i) call upon any Security provided to the Council under **clause 8.5** of this Schedule to meet its costs of carrying out Rectification Works; and
  - (ii) recover as a debt due to the Council by the Developer in a Court of competent jurisdiction, any difference between the amount of the Security and the costs incurred by the Council in carrying out Rectification Works.

- (h) The Developer must request that Council inspect the Works 28 days prior to the end of the Defects Liability Period. The Council must inspect the Works at any time after receiving the request from the Developer and before the end of the Defects Liability Period.
- (i) If, prior to the end of the Defects Liability Period, the Developer fails to request the inspection, the Council may extend the Defects Liability Period so that the inspection may be carried out.

#### 8.5 Security for Defects Liability

- (a) Prior to the issue of a Certificate of Practical Completion for each item of the Works, the Developer must deliver to the Council Security in an amount equivalent to 2.5% of the construction costs for the particular item of Works.
- (b) The Developer advises and the Council acknowledges its awareness that the Bonds or Bank Guarantees may be supplied by the Builder and form a part of the security held by the Developer from the Builder under the terms of the Construction Contract, provided that:
  - (i) any Bond or Bank Guarantee provided by the Builder benefits the Council and satisfies the requirements of this agreement; and
  - (ii) the Developer procures an agreement from the Builder and the Builder's bank that the Council will be entitled to call on any Bond or Bank Guarantee provided by the Builder, in accordance with the terms of this Agreement and the terms of any Construction Contract.
- (c) Within 10 Business Days after the Defects Liability Period for a particular item of Works has expired Council must (if it has not called on it) return the Bond or Bank Guarantee referred to in **clause 8.5(a)** of this Schedule for that item of Works (or any remaining balance of it) to the Developer.
- (d) Notwithstanding **clause 8.4(c)** of this Schedule, if during the Defects Liability Period for a particular item of Works, the Council issues a Rectification Notice and the Rectification Notice is not complied with, then the Council need not deliver the balance of any Bonds or Bank Guarantees provided to it until that defect has been rectified.
- (e) The Council must deliver the balance of any Bond or Bank Guarantee for the Defects Liability Period to the Developer within 14 days after the Defects Liability Period has ended.

#### 9 Risk

The Developer undertakes the Works entirely at its own risk.

#### 10 Insurance

- (a) Prior to the commencement of the construction of any of the Works, the Developer must ensure the Builder effects and the Developer must produce evidence to the Council of the following insurances issued by an insurer approved by the Council (acting reasonably) in a form approved by the Council (acting reasonably):
  - (i) construction works insurance for the value of the Works;
  - (ii) public risk insurance for at least \$20 million;



- (iii) workers compensation insurance as required by Law.
- (b) The Developer must provide evidence of currency of insurance required by **clause 10(a) of this Schedule 1** upon request by the Council, acting reasonably, throughout the term of this Agreement.

#### **11 Indemnities**

The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the carrying out by the Developer of the Works except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

#### **12 Intellectual Property Rights**

The Council acknowledges that the Developer or its contractors hold all rights to copyright and any intellectual property which may exist in the Works. To the extent the Developer has or receives intellectual property rights for the Works, the Developer shall assign those intellectual property rights to Council or permit use thereof.

#### **13 Risk of contamination**

The Developer acknowledges and agrees:

- (a) that it is responsible for the management and remediation of any contamination present upon or under the land on which the Works are to be carried out;
- (b) it will attend to any necessary remediation at its own cost;
- (c) prior to the dedication of the Proposed Community Space Stratum Lot and the grant of the Easement in Gross, the Developer must provide to Council a site audit report and site audit statement in accordance with the *Contaminated Land Management Act 1997* confirming that the land forming the Proposed Community Space Stratum Lot and the Easement in Gross meets relevant soil quality guidelines and Residential A health-based investigation levels (HIL A) and is suitable for its intended use in accordance with this Agreement;
- (d) to the fullest extent permitted by Law indemnify and release the Council from any Claim which might arise from any contamination with respect to the land on which the Works are to be carried out.

#### **14 Plans**

The Parties acknowledge and agree that further detail and refinement of plans and documents in connection with this agreement may be necessary having regard to the following matters:

- (a) matters affecting Works not capable of identification on or before the date of this agreement; or
- (b) by agreement between the Parties.

## Schedule 3                      Dedication Terms

### 1                      Interpretation

#### 1.1                      In this Schedule:

- (a) **Management Statement** means either the building management statement pursuant to section 196J of the *Conveyancing Act 1919* or the strata management statement pursuant to section 108 of the *Strata Schemes Development Act 2015* accompanying the Stratum Plan;
- (b) **Stratum Documents** means the Stratum Plan, Stratum Instrument and the Management Statement;
- (c) **Stratum Instrument** means the section 88B instrument to be registered with the Stratum Plan; and
- (d) **Stratum Plan** means the stratum plan of subdivision subdividing the Land to create the Proposed Community Space Stratum Lot.

### 2                      Proposed Community Space Stratum Lot

- 2.1                      The Developer must, at its cost, prepare and procure registration of the Stratum Plan.
- 2.2                      Council intends to use the Proposed Community Space Stratum Lot for the purposes of a childcare facility as its first use.
- 2.3                      The Developer must obtain an Occupation Certificate for the Proposed Community Space Stratum Lot prior to transfer to Council.

### 3                      Stratum Documents

#### 3.1                      The Developer must:

- (a) obtain the approval of Council of the Stratum Documents prior to finalising and registering the Stratum Documents;
- (b) prepare and submit to Council for its approval, drafts of the Stratum Documents;
- (c) amend the Stratum Documents as required by Council, acting reasonably, and resubmit the amended drafts to Council until they are approved by Council;
- (d) not amend the Stratum Documents approved by Council without the written consent of Council, acting reasonably;
- (e) ensure the allocation of voting rights and the costs of shared facilities is fair and reasonable having regard to Council's intended use of the Proposed Community Space Stratum Lot for public purposes; and
- (f) ensure the Stratum Documents contain provisions protecting Council's rights under the Stratum Documents and providing the agreed allocation of costs cannot be changed without the consent of Council.

#### 3.2                      The Developer must obtain Council's approval to:

- (a) any proposal requiring the payment of contributions or levies towards the cost of operating, maintaining and repairing shared facilities; or
- (b) any proposal to strata subdivide the building (prior to lodgement of any development application for strata subdivision), including any strata management

statement or similar document that attributes unit entitlements and requires payment of strata administrative and capital works levies.

- 3.3 The Developer must ensure that any strata administrative and capital works levies required to be paid in connection with the Proposed Community Space Stratum Lot only relate to the operation of the non-residential components of the building.
- 3.4 Any consent or approval which the Developer is required to obtain from the Council under this clause 3, must not be unreasonably withheld.

**4 Transfer of Proposed Community Space Stratum Lot**

- 4.1 In accordance with the timing provisions in Schedule 1, the Developer must transfer the Proposed Community Space Stratum Lot to Council in accordance with the *NSW Participation Rules* under the *Electronic Conveyancing National Law (NSW)*.
- 4.2 The Developer must transfer the Proposed Community Space Stratum Lot to the Council, at no cost to Council, and freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land, including but not limited to, municipal rates and charges, water rates and land tax.
- 4.3 The obligation to transfer the Proposed Community Space Stratum Lot will be taken to have been satisfied when Council is the registered proprietor for the Community Space Stratum Lot on the Register.
- 4.4 The Developer must, in accordance with the provisions of the Construction Terms, ensure that, on transfer of the Proposed Community Space Stratum Lot, Council will have the benefit of any defects liability warranty given by a Builder for the Proposed Community Space, together with any other warranties and guarantees in accordance with clause 8.3 of the Construction Terms.

## Schedule 4 Easement Terms

### Definitions

For the purpose of this Schedule 4 of this Agreement, the following words have the following meanings:

**Council** means North Sydney Council and its successors;

**Easement** means the Easement created in accordance with this Schedule 4 of this Agreement;

**Easement Site** means the location of the Through-site Link as defined in clause 1 of this Agreement;

**Lot Burdened** means the Land;

**Owner of the Lot Burdened** means the registered proprietor of the Lot Burdened from time to time.

### Easement Terms

1. The Owner of the Lot Burdened grants to the Council and members of the public full and free right to go, pass and repass over the Lot Burdened at all times (but only within the Easement Site):
  - a. with or without companion animals (as defined in the *Companion Animals Act 1998*) or other small pet animals; and
  - b. on foot without vehicles (other than wheelchairs or other disabled access aids), unless vehicles are being used to access the building on the Land via clearly identified entry and exit points;

for all lawful purposes.
2. The Owner of the Lot Burdened must, to the satisfaction of Council, acting reasonably:
  - a. keep the Easement Site (including any services in, on or under the Lot Burdened) in good repair and condition;
  - b. maintain and repair the Easement Site and all improvements on it;
  - c. keep the Easement Site clean and free from rubbish; and
  - d. maintain sufficient public liability insurance covering the use of the Easement Site in accordance with the terms of this Easement.
3. The Owner of the Lot Burdened must ensure that any rules made by an Owner's Corporation relating to the Easement Site have been approved by the Council, acting reasonably.
4. If any member or members of the public loiter or congregate, for any purpose which the owner of the Lot Burdened, acting reasonably, considers to be a nuisance or a safety risk, the Owner of the Lot Burdened may either remove those members of the public, or arrange for their removal by an appropriate authority.
5. The Owner of the Lot Burdened may erect safety signage and any other appropriate signage, and may erect CCTV cameras on the Lot Burdened.
6. The Owner of the Lot Burdened may engage security personnel to monitor and control the behaviour of the public including but not limited to prohibiting smoking, consumption of alcohol (except within licensed areas), passage of animals apart from those referred to in clause 1(a) of the Easement Terms, bicycles and skateboards and the like in

accordance with any rules made by an Owner's Corporation relating to the Lot Burdened.

7. The Owner of the Lot Burdened may, with the Council's prior written consent (except in the case of an emergency, in which case the Council's prior written consent is not required) temporarily close or temporarily restrict access through all or part of the Lot Burdened for the time and to the extent necessary but only on reasonable grounds for the purposes of:
  - a. construction, construction access, repairs, maintenance, replacement and alteration to the Lot Burdened or any improvements in, on or under the Lot Burdened; or
  - b. security, public safety or evacuation of the Lot Burdened and adjoining buildings.
8. Subject to ensuring the provision of access in accordance with clause 1 of the Easement Terms, the Owner of the Lot Burdened may, with the consent of Council:
  - a. carry out works in the Lot Burdened for the purposes of enhancing the Lot Burdened;
  - b. install or erect works of art, street furniture, awnings, tables and chairs associated with the ground floor commercial premises, notice boards or any other similar improvements at ground level within the Lot Burdened; and
  - c. use the Lot Burdened;in a manner consistent with any outdoor or footway dining policy of the Council.

**Release and variation of Easement**

9. The Council is solely empowered to release this Easement.
10. The Easement may only be varied by written agreement between the Council and the Owner of the Lot Burdened.

## Schedule 5 Summary of requirements (section 7.4)

Subject and subsection of the Act	Planning Agreement
<b>Planning instrument and/or Development Application – Section 7.4(1)</b>  The Developer has: <ul style="list-style-type: none"> <li>(a) Sought a change to an environmental planning instrument <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>(b) Made, or propose to make a Development Application <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>(c) Entered into an agreement with, or are otherwise associated with, a person to whom paragraph (a) or (b) applies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul>	
<b>Description of the land to which the planning Agreement applies – Section 7.4(3)(a)</b>	See the definition of “Land” in <b>clause 1</b> .
<b>Description of the change to the environmental planning instrument to which the agreement applies – Section 7.4(3)(b)</b>	See the definition of “Instrument Change” and “Planning Proposal” in <b>clause 1</b> .
<b>The scope, timing and manner of delivery of contribution required by the Planning Agreement – Section 7.4(3)(c)</b>	See <b>clause 5</b> and <b>Schedule 1</b> .
<b>Applicability of section 7.11 of the Act – Section 7.4(3)(d)</b>	Not excluded - see <b>clause 6</b>
<b>Applicability of section 7.12 of the Act – Section 7.4(3)(d)</b>	Not excluded - see <b>clause 6</b>
<b>Applicability of Division 7.1, Subdivision 4 of the Act – Section 7.4(3)(d)</b>	Not excluded - see <b>clause 6</b>
<b>Whether benefits are to be taken into consideration under section 7.11 – Section 7.4(3)(e)</b>	Not taken into account - see <b>clause 6</b>
<b>Mechanism for dispute resolution – Section 7.4(3)(f)</b>	See <b>clause 9</b>
<b>Enforcement of the Planning Agreement – Section 7.4(3)(g)</b>	See <b>clause 10</b>
<b>Registration of the Planning Agreement – Section 7.4(3)(g), section 7.6</b>	See <b>clause 7</b>
<b>No obligation to grant consent or exercise functions – Section 7.4(9)</b>	See <b>clause 14.6</b>

Sparke Helmore Lawyers

Executed as deed

**Executed** for and on behalf of **North** )  
**Sydney Council** ABN 32 353 260 317 by )  
its authorised delegate in accordance with )  
a resolution of the Council dated [...] )  
 )  
 )

.....  
Signature of witness

.....  
Signature of Authorised Delegate

.....  
Print name of witness

.....  
Print name and position of Authorised  
Delegate

**Executed** for and on behalf of **Sydney** )  
**Metro** ABN 12 354 063 515 by its )  
authorised delegate in accordance with )  
delegation made on [date]: )  
 )  
 )

.....  
Signature of Witness

.....  
Signature of Authorised Delegate

.....  
Print name of Witness

.....  
Print name and position of Authorised  
Delegate

## Annexure A                      Proposed Community Space (Intended for Childcare Facility)

### **Part A: Proposed Community Space – General Specifications**

The Proposed Community Space must be at least 900 square metres, including indoor floor space of at least 450sqm and an outdoor area of at least 450sqm and located at ground floor level of the podium.

The Proposed Community Space Stratum Lot must include six dedicated car parking spaces within the basement and associated access to those spaces and lift access to the ground level.

The Proposed Community Space must be constructed as a Cold Shell in accordance with Part B of this Annexure.

### **Part B: Proposed Community Space - Cold Shell Construction**

The internal components of the Space are to comprise a standard of construction which denotes a space with an unfinished interior that includes, but is not limited to, the following elements:

- (a) electrical distribution board;
- (b) emergency lighting;
- (c) fire and smoke detection devices and fire extinguishers;
- (d) fire sprinklers;
- (e) smoke management system;
- (f) sewer connection;
- (g) heating, ventilation and air-conditioning; and
- (h) water connection
- (i) telecommunications connection
- (j) access to one lift and accompanying shaft to a finished level.

The external components of the Space are to comprise a standard of construction which denotes a space with an unfinished surface that includes, but is not limited to, the following elements:

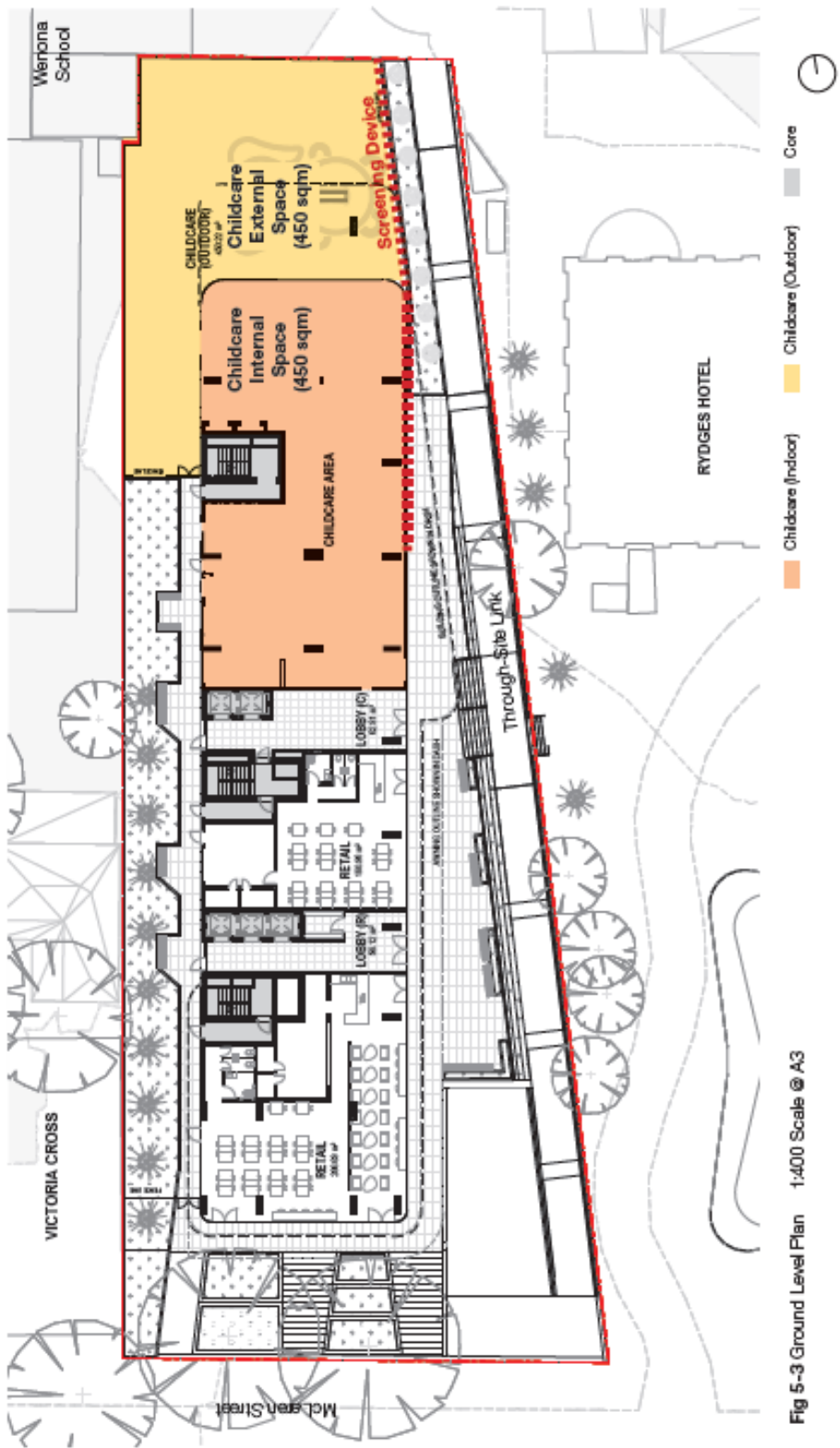
- (a) water connection;
- (b) boundary fencing to the site;
- (c) stormwater connection; and
- (d) finished and marked car parking sites.

### **Part C: Proposed Community Space – Fitout & Embellishment**

A monetary contribution is to be provided to Council in accordance with Clause 5 and Schedule 1 of this Agreement to enable the fitout of the Proposed Community Space.



Annexure B      Concept Design



## Annexure C Through Site Link

The objectives and specification for Through -Site Link to be consistent with those specified within *North Sydney Development Control Plan 2013* as it applies to the Land.

## Annexure D

## Explanatory Note

**Explanatory Note****Exhibition of draft Voluntary Planning Agreement****PP6/21: 52 McLaren Street, North Sydney***Environmental Planning and Assessment Regulation 2021 (section 205)***Draft Planning Agreement**

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft Planning Agreement (**the Planning Agreement**) under Section 7.4 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

Section 205(1) of the *Environmental Planning and Assessment Regulation 2021* (**“the EPA Regulation”**) requires that an Explanatory Note must be prepared to accompany a planning agreement.

The Explanatory Note must address the requirements of section 205(1)(a)-(b) of the EPA Regulation. This Explanatory Note has been prepared to address these requirements.

Additionally, in preparing the Explanatory Note, the planning authority must consider any relevant practice note prepared by the Planning Secretary under clause 203(6). The relevant practice note is *Planning agreements: Practice note – February 2021* published by the former NSW Department of Planning, Industry and Environment (now the Department of Planning and Environment).

This practice note has been considered by the parties in the course of preparing this Explanatory Note.

**Parties**

Sydney Metro (**Developer**) made an offer to North Sydney Council (**Council**) to enter into a Planning Agreement in connection with the Planning Proposal for land at 52 McLaren Street, North Sydney.

**Description of the Land**

The land to which the Planning Agreement applies is Lot 2 DP 218407 and adjoining land within Lots 1 and 2 DP 1150156, known as 52 McLaren Street, North Sydney (**the Land**).

**The Development**

The Planning Agreement relates to proposed development of the Land (and adjoining Drainage Reserve 979505) for the purpose of a multi-storey mixed use residential and commercial development comprising approximately 172 apartments, a three-storey commercial podium, basement car parking, through-site link and community space initially to be used for a child care facility.

**Description of the Planning Proposal to which the Planning Agreement applies**

To facilitate the Development, the Developer has lodged a Planning Proposal. The Planning Proposal (PP6/21) seeks to amend the *North Sydney Local Environment Plan 2013 (NSLEP)* to:

- (a) Increase the maximum building height for the Land from RL 110m to part RL 107m and part RL 156m;

- (b) Impose a maximum floor space ratio (**FSR**) of 5.3:1; and
- (c) Increase the minimum non-residential FSR from 0.5:1 to 1:1.

For completeness, the Planning Proposal also applies to Drainage Reserve 979505 which adjoins the Land.

## **Summary of Objectives, Nature and Effect of the Planning Agreement**

### **Objectives**

The objective of the Planning Agreement is to provide a mechanism by which contributions towards public purposes can be made in connection with the proposed amendment to NSLEP and the future development of the Land to benefit the community.

The public benefits include the provision of a community facility or childcare facility, improved pedestrian amenity and safety and the establishment and maintenance of a through-site pedestrian link.

### **Nature**

A Planning Agreement of this kind may require a developer to dedicate land free of costs, pay a monetary contribution, or provide any other material public benefit to be used for or applied towards a public purpose.

In this case, the Planning Agreement will require the following:

- (a) Construction of a stratum lot of approximately 900 m<sup>2</sup> in area within the Development and dedication of that land to Council together with payment of a monetary contribution to fitout the stratum lot for use as a community facility or a child care facility;
- (b) Establishment of a pedestrian through-site link of at least 3m wide that is open-to-sky connecting McLaren Street and Elliot Street with an easement for public access 24 hours a day, 7 days a week; and
- (c) Providing at least 5% of the residential gross floor area of the Development for use as affordable housing, with the affordable housing to be managed by a Community Housing Provider.

The monetary contribution is to be paid prior to the issue of a Construction Certificate for the Development. The contributions involving the delivery of works and grant of an easement for public access, are to be completed before the issue of an Occupation Certificate for any part of the Development. The requirement to dedicate the community facility space must be satisfied before the issue of an Occupation Certificate for any residential component of the Development. The Developer is required to confirm it has entered into a contract for management of the affordable housing prior to the issue of an Occupation Certificate for the Development and must provide affordable housing for a period of 10 years after an Occupation Certificate is issued.

The contributions are also guaranteed by Securities in the form of a Bond or Bank Guarantee, which will be indexed in accordance with increases in the Consumer Price Index from the date of the Agreement to the date the Works are completed.

**Effect**

In general terms, delivery of the contributions is timed in a way that is practicable for the Developer and still provides for the enhancement and improvement of public domain and open space to meet the needs of the new residents and the community.

The Planning Agreement provides for the enforcement of the Planning Agreement by a suitable means if there is a breach by the Developer. The contributions are to be delivered prior to the issue of an occupation certificate for the Development or any part of the Development. An occupation certificate cannot be lawfully issued if the required contributions have not been made.

The Planning Agreement is to be registered on the title to the Land.

**Assessment of the Merits of the Planning Agreement****How the Planning Agreement Promotes the Objects of the Act and the public interest**

The draft Planning Agreement promotes the following objectives of the Act:

- a. Promotes the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources (section 1.3(a)).*
- b. Promotes the orderly and economic use and development of land (section 1.3 (c)).*
- c. Promotes good design and amenity of the built environment (section 1.3(g)).*

The Planning Agreement will enable the utilisation of the development potential of the Land, while requiring the Developer to make provision for public purposes. The Planning Agreement promotes the public interest because it will require the provision of community facilities that will benefit existing and future residents and workers in the area. These contributions will have a positive impact on the public and will provide for the social welfare of the community.

The contribution required under the Planning Agreement is additional to any normal contribution that will ordinarily need to be made in relation to the development.

The proposed contribution under the Planning Agreement is consistent with the Council's strategic plans and policy documents.

**The Planning Purposes served by the Planning Agreement**

The Planning Agreement facilitates the implementation of Council's strategic plans and, through the development contributions, provides existing and future residents in the area with improved facilities and pedestrian amenity.

**Whether the Planning Agreement conforms with the Council's Capital Works Program**

The Planning Agreement will contribute towards meeting the demand for community facilities and affordable housing and will provide for pedestrian amenity, safety and connection in the local government area. The Planning Agreement will assist the Council to meet the current and future needs of the local community.

The contribution proposed under the Planning Agreement does not conform with the Council's capital works program. This is because the opportunity to obtain the contributions has arisen outside of the Council's capital works program.

The Planning Agreement will not have an adverse effect on this capital works program. Overall, the Planning Agreement is likely to result in more capital works (to the benefit of the community) than would be the case without the Planning Agreement.

**Whether the Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued**

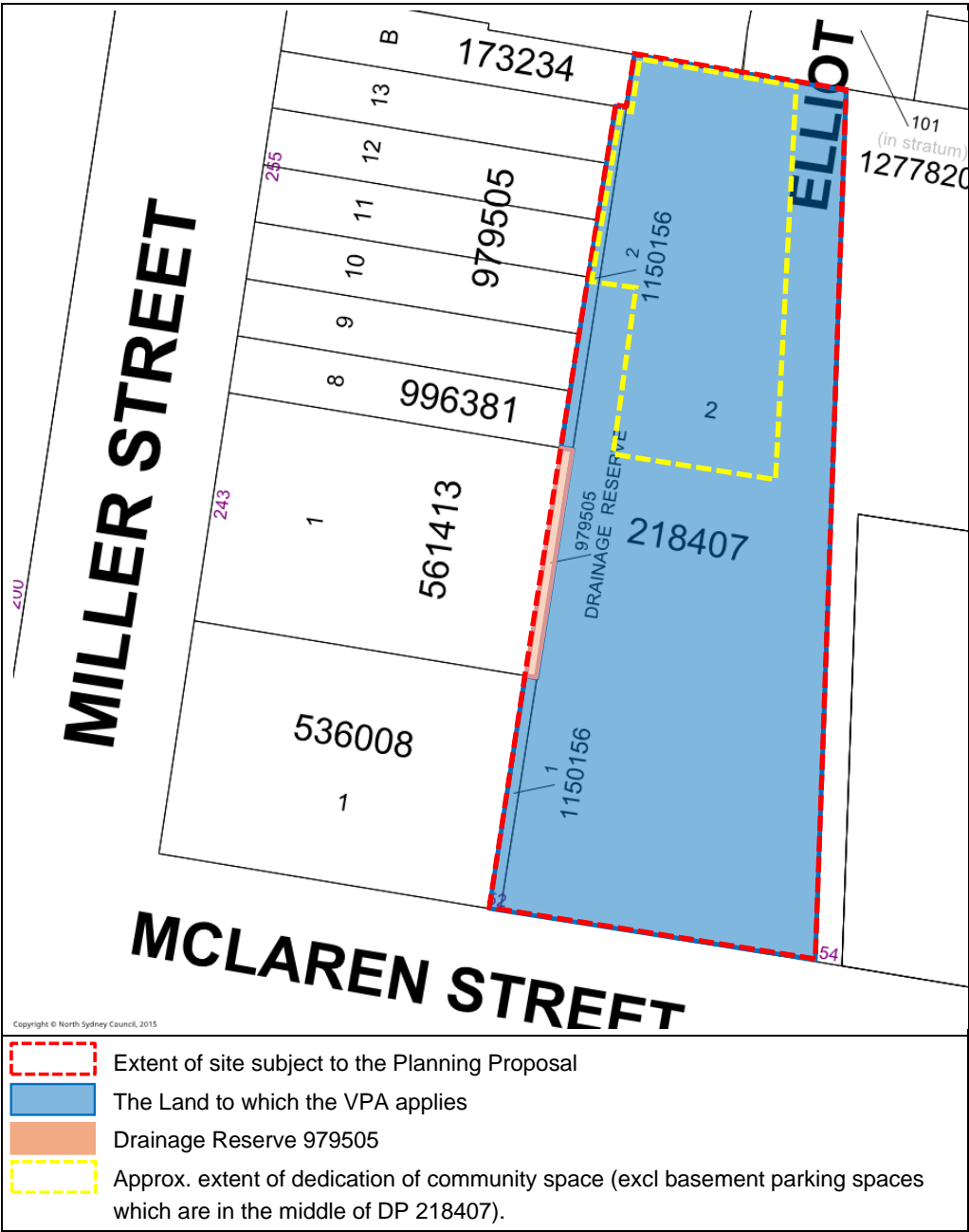
The Planning Agreement requires the works and grant of the easement to be completed before the issue of an **occupation certificate** for the Development. The registration of the Planning Agreement and the provision of a Security for the obligations under the Planning Agreement must be provided prior to the issue of a **construction certificate** for the Development.

**Status of the Explanatory Note**

This Explanatory Note has been prepared jointly between the parties.

The parties have agreed that this Explanatory Note is not to be used to assist in construing the Planning Agreement.

Annexure E      Plan showing Land



Annexure F                      Novation Deed

**Novation Deed**

**Date**

**Parties**

First party

**Name**                                      North Sydney Council (**Council**)  
**ABN**    32 353 260 317  
**Address**                                      [Address]

Second party

**Name**                                      [Name] (**Developer**)  
**AN**    [No]  
**Address**                                      [Address]

Third party

**Name**                                      [Name] (**Transferee**)  
**ACN**    [No]  
**Address**                                      [Address]

**Recitals**

- A.        The Council and the Developer are parties to the Original Agreement.
- B.        The Original Agreement relates to the whole of the Land.
- C.        The Developer proposes to sell the Land to the Transferee.
- D.        The Developer wishes to assign its rights and obligations under the Original Agreement to the Transferee.
- E.        The parties to this deed have agreed to the novation of the obligations under the Original Agreement to the Transferee.

**This deed provides**

**1        Definitions and interpretation**

**1.1      Definitions**

**Act** means the *Environmental Planning and Assessment Act 1979*.  
**Effective Date** means the date the Land is transferred to the Transferee.  
**Land** has the meaning given to that term in the Original Agreement.



**Original Agreement** means the voluntary planning agreement made under section 7.4 of the Act dated [date].

**Required Obligations** means the obligations of the Developer under the terms of the Original Agreement.

## 1.2 References to certain general terms

In this deed unless the contrary intention appears:

- (a) a reference to this deed or another instrument includes any variation or replacement of them;
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (c) the singular includes the plural and vice versa;
- (d) the word person includes a firm, body corporate, an unincorporated association or an authority;
- (e) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and assigns;
- (f) an agreement, representation or warranty on the part of or in favour of two or more persons binds or is for the benefit of them jointly and severally;
- (g) a reference to anything (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of persons is a reference to anyone or more of them;
- (h) "include" in any form when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar nature; and
- (i) capitalised terms which are used in this deed but are not otherwise defined have the meaning given to them in the Original Agreement.

## 1.3 Headings

Headings are inserted for convenience and do not affect the interpretation of this deed.

## 2 Novation

### 2.1 Original Agreement

Subject to clause 2.4 and with effect from the Effective Date:

- (a) the Transferee is substituted for the Developer as a party to the Original Agreement, and agrees to perform the Required Obligations of the Developer;
- (b) the Transferee will be bound by the Original Agreement, and will be entitled to the benefit of the Original Agreement, as if the Transferee was a party to the Original Agreement instead of the Developer;
- (c) all references to the Developer in the Original Agreement shall be taken to be a reference to the Transferee; and
- (d) the Developer is released and discharged from all obligations and liabilities, and from all claims (whether for Costs, Legal Costs, damages, fees or otherwise),

arising under the Original Agreement insofar as the Original Agreement relates to the Required Obligations.

## **2.2 Performance by Transferee**

The Transferee must perform all the obligations of the Developer, under the Original Agreement, whether or not the relevant obligations relate to works performed prior to the date of this deed, including, but not limited to:

- (a) the delivery of all public benefits to Council (including the Contribution Items); and
- (b) the provision of all Securities to Council.

## **2.3 Release of Securities**

The parties expressly acknowledge and agree that:

- (a) Council will release any Security provided to Council under the provisions of the Original Agreement to the party that provided the Security (or as otherwise directed by that party in writing) within 14 days after the provision of replacement Security by the Transferee; and
- (b) nothing in this clause 2.3 will be read or construed as a waiver of any right held by Council relating to or arising from the performance of the Original Agreement by the Developer before the date of this Deed.

## **2.4 Liability before Effective Date**

- (a) The Developer warrants to the Council and the Transferee that, up to and including the Effective Date, it has complied with all its obligations under the Original Agreement due as at the Effective Date.
- (b) Notwithstanding any other provision of this deed, the Developer is not released, relieved or discharged from liability under the Original Agreement before the Effective Date, or in relation to any breach of any provision of the Original Agreement occurring before the Effective Date (to the extent that it is not remedied by the Effective Date) in so far as the Original Agreement relates to the Required Obligations.

## **3 Affirmation of the Original Agreement**

The Original Agreement will be read and construed subject to this deed, and in all other respects the provisions of the Original Agreement are ratified and confirmed, and, subject to the variation and novation contained in this deed, the Original Agreement will continue in full force and effect.

## **4 GST**

Where a supply made under this deed gives rise to a liability for GST, the consideration to be provided for that supply (other than under this clause) shall be increased by an additional amount equal to the GST payable on the supply. The additional amount must be paid, and the supplier must provide a tax invoice, at the same time as the other consideration for that supply is to be provided under this deed. Terms used in this clause have the meanings in the *A New Tax System (Goods and Services Tax) Act 1999*.

## **5 Stamp duty and costs**

- (a) The Developer and the Transferee are jointly and severally liable for the Council's legal costs of and incidental to the negotiation, preparation and execution of this deed, and must reimburse the Council for such legal costs promptly on demand.
- (b) The Transferee will pay all stamp duty arising directly or indirectly from this deed.

## **6 General**

### **6.1 Further Acts**

- (a) Each party will take all steps, execute all deeds and do everything reasonably required by any other party to give effect to any of the actions contemplated by this deed.
- (b) This deed binds each party which signs it even if other parties do not, or if the execution by other parties is defective, void or voidable.

### **6.2 Authority and power**

- (a) Each party represents and warrants that:
  - (i) it has the full power and authority to enter into and to perform its obligations under this deed;
  - (ii) the execution, delivery and performance by it of this deed does not and will not contravene any provision of:
    - (A) any Law, authorisation, ruling, consent, judgment, order or decree of any Authority; or
    - (B) its constituent documents,
 and does not and will not result in a breach or default in any material respect under any agreement binding it; and
- (b) any authorisations required in connection with the execution, delivery and performance by it and the validity and enforceability against it of this deed have been obtained or effected and are in full force, and there has been no material default by it in the performance of any of the terms and conditions of any of those authorisations.
- (c) [OPTIONAL CLAUSE – If Transferee is a trustee] - The Transferee entering into this deed as a trustee warrants that:
  - (i) it holds the Land on trust for the [name of trust] (**Trust**);
  - (ii) it has the power under the [name of trust deed] (**Trust Deed**):
    - (A) enter and deliver this Deed; and
    - (B) perform its obligations under this Deed;
  - (iii) all action required by the Trust Deed to authorise:
    - (A) its execution and delivery of this Deed; and
    - (B) the performance of its obligations under this Deed,
 has been taken;
  - (iv) the execution by it of this Deed and the performance by it of its obligations or the exercise of its rights under this Deed does not contravene the Trust Deed;

- (v) it is the sole trustee and no action is currently taking place or pending to remove it as trustee of the Trust or appoint a new or additional trustee of the Trust;
  - (vi) it has a right to be fully indemnified out of the assets of the Trust in respect of the obligations incurred by it under this Deed and it has not released, disposed of or restricted its equitable lien over the Trust which secures that indemnity;
  - (vii) it is not aware of any reason why the assets of the Trust Deed might be insufficient to satisfy or discharge the obligations and liabilities incurred by it under this Deed;
  - (viii) it is not and has never been in breach of the Trust Deed;
  - (ix) it has complied with its obligations in connection with the Trust;
  - (x) the Trust has not been terminated and no action is pending to terminate the Trust; and
  - (xi) no vesting date for Trust has been determined.
- (d) The Transferee indemnifies the Council, and agrees to keep the Council indemnified, in respect of any loss or liability in any way connected with a breach of a warranty in clause 6.2(c).

### 6.3 Invalidity

- (a) A word or provision must be read down if:
  - (i) this deed is void, voidable, or unenforceable if it is not read down;
  - (ii) this deed will not be void, voidable or unenforceable if it is read down; and
  - (iii) the provision is capable of being read down.
- (b) A word or provision must be severed if:
  - (i) despite the operation of clause Annexure F6.3(a), the provision is void, voidable or unenforceable if it is not severed; and
  - (ii) this deed will be void, voidable or unenforceable if it is not severed.
- (c) The remainder of this deed has full effect even if clause Annexure F6.3(b)(i) or (ii) applies.

### 6.4 Notices

Any notice given under or in connection with this deed (**Notice**):

- (a) must be in writing;
- (b) must be addressed and delivered to the intended recipient by hand, by post, or by email at the address below or to the latest address for the party as notified in writing:
  - (i) to Council: [Address]  
Email: [email]  
Attention: [contact]

(ii) to Developer [Address]  
 Email: [email]  
 Attention: [contact]

(iii) to Transferee [Address]  
 Email: [email]  
 Attention: [contact]

- (c) is taken to be given and received:
- (i) in the case of hand delivery, when delivered;
  - (ii) in the case of email, if an “undelivered receipt” is not received; and
  - (iii) in the case of delivery by post, five Business Days after the date of posting (if posted to an address in the same country) or seven Business Days after the date of posting (if posted to an address in another country).
- (d) if under clause (c) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 5:00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.

#### **6.5 Assignment**

A party may not assign or otherwise deal with their rights under this deed or allow any interest in them to arise or be varied without the consent of the other parties.

#### **6.6 Governing law**

This deed is governed by the law in force in the place specified in the New South Wales and the parties submit to the non-exclusive jurisdiction of the courts of that place.

#### **6.7 Counterparts**

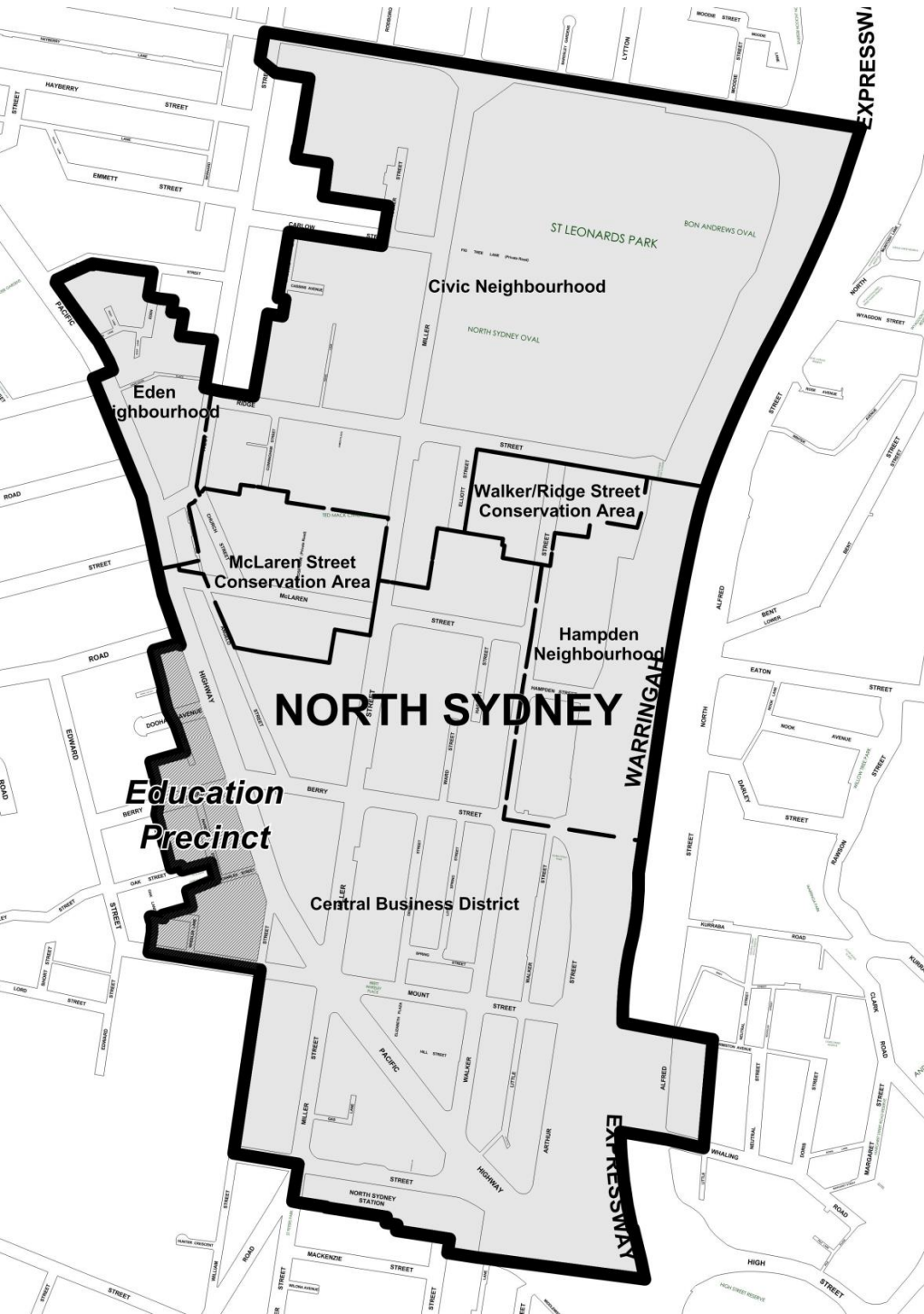
This deed may be executed electronically and may be executed in any number of counterparts and the counterparts taken together constitute one and the same instrument.

### **Executed as a deed**

[Insert execution blocks]



**SECTION 2     NORTH SYDNEY PLANNING AREA**



**Figure C-2.1:** North Sydney Planning Area and associated Locality Areas

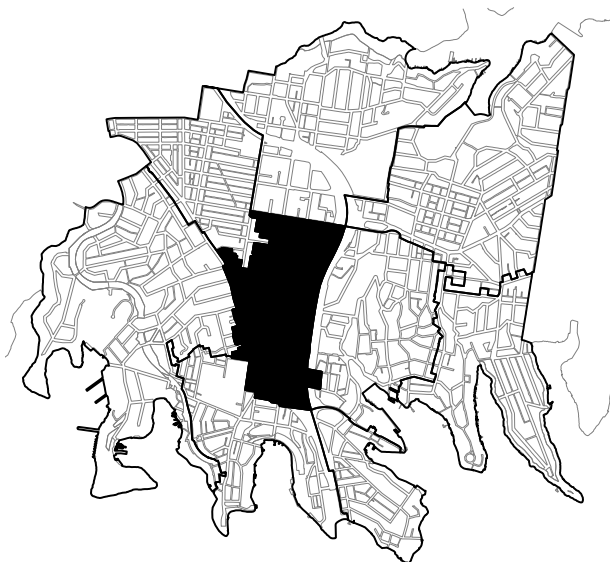
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## **DRAFT AMENDMENT – North Sydney Development Control Plan 2013**

### **Area Character Statements - North Sydney Planning Area**

## **2.0 NORTH SYDNEY PLANNING AREA CHARACTER STATEMENT**



The North Sydney Planning Area is an iconic, attractive, and sustainable area, with the focus on the North Sydney CBD, which is identified under the Metropolitan Strategy 2036 as a global commercial centre. A portion of the Education Precinct is located within the Planning Area on the western edge of the North Sydney CBD and the Ward Street Precinct is located within the northern portion of the Planning Area.

New development within the Planning Area should result in:

- a viable and attractive employment centre
- a diverse range of living, employment, recreation and social opportunities being provided that attract both local and regional populations which contribute to the vibrancy of the North Sydney CBD
- a vibrant and engaging Education Precinct with safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community
- the creation of a new vibrant public meeting place within the Ward Street Precinct for workers, residents and visitors which has high levels of amenity and is activated in the daytime, evenings and weekends
- a high level of amenity for residents, workers, students and visitors to enjoy
- a high quality built form
- a high level of public transport patronage which is easily accessible to residents, workers, students and visitors
- the area being linked to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus as well as by road and is a place of interchange between the various modes

**North Sydney Development Control Plan 2013 – DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area**

and where:

**Function**

- The North Sydney CBD comprises one of Australia's largest commercial centres serving the local population and that of the Sydney region
- There is a mix of uses and activities to meet the demands of the residents, workforce, students and visitors
- There is a civic focus supported by community facilities such as North Sydney Oval, the Stanton Library and the Independent Theatre
- There is an education focus in the Education Precinct, supported by educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School
- Creation of a new pedestrian focal point centrally within the Ward Street Precinct, through the provision of new public squares which integrate with a highly permeable pedestrian network and is activated by commercial and community frontages
- Community facilities meet the needs of the CBD's working and resident population, students, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the CBD
- Various grades and sizes of commercial floorspace accommodate a mix of small and larger business, services and retail
- New residential development will not occur in the commercial core, with further high density housing to be concentrated in the areas zoned mixed-use
- There is housing choice in the mix of dwelling sizes and in the range of affordability
- There are active uses outside of standard business hours
- Parks and public spaces are well used and provide for a range of social and recreational activities

**Environmental Criteria**

- The extremes of sun, wind and rain are mitigated by good building design
- Buildings, public places and streets all receive good access to natural light
- Mechanical noise and other commercial noise is controlled, to protect residential amenity
- Use of local flora extends habitats for native birds and other fauna
- Solar access to special areas and open spaces is maintained and contributes to the enjoyment of those spaces for use by the public
- There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas
- Additional public open space is provided for increased worker and residential populations

**Built Form**

- There is a pleasant, well designed and well-lit series of easily accessible and connected urban plazas and gardens
- The setback on the eastern edge of Miller Street between McLaren Street and Mount Street is maintained and incorporates landscaped areas and actively utilised open space

**Part****C****Page****C2-3**





## **DRAFT AMENDMENT – North Sydney Development Control Plan 2013**

### **Area Character Statements - North Sydney Planning Area**

- Physical breaks are provided between tall commercial towers to afford occupants of commercial buildings reasonable levels amenity in terms of ventilation, daylight access, solar access and views
- Physical breaks are provided between tall commercial towers to afford users of the public domain reasonable levels of amenity in terms of daylight access, solar access, sky views and reduction in adverse wind impacts
- Avoiding continuous, uninterrupted walls of towers to reinforce a human scale when read from the public domain
- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area
- Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas
- Predominant early 20th Century character of the McLaren Street Conservation Area is maintained and protected
- Victorian and Federation character of streets in the Walker Street Conservation Area is maintained and protected
- Pedestrian connections provide alternate east/west and north/south routes through the CBD to promote pedestrian movement

#### **Quality Urban Environment**

- There are links to the Sydney CBD, other suburban centres and many parts of the Sydney region by ferry, rail, bus and road and the CBD is a place of interchange between the various transport modes
- Public transport, including walking and cycling, is the main form of access to the North Sydney CBD and the Education Precinct
- Traffic is managed so that pedestrians can move within the area freely and safely, and amenity is maintained
- Parking is managed in a way that maintains pedestrian safety and the quality of the public realm and minimises traffic generation
- The cumulative desired future built form outcome within the Ward Street Precinct does not result in a nett increase in traffic generation for the Precinct
- Rear lanes allow for the primary vehicular access to properties
- Limited increase to the capacity of private parking
- Pedestrians are assisted to safely cross barriers such as the Pacific Highway
- Educational establishments are oriented to the public domain to provide increased surveillance and activation
- Loading and delivery facilities should be located away from the street and where possible be located underground

#### **Efficient Use of Resources**

- Energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimisation of use of non-renewable energy resources
- Stormwater runoff is minimised, and recycled on-site where possible

#### **Public Domain**

- Additional open space is provided to service the increased residential, working and student population of the North Sydney CBD and the Education Precinct
- A new public square/s be provided centrally within the Ward Street Precinct which is integrated with a highly permeable pedestrian network

**North Sydney Development Control Plan 2013 – DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area**

- Streetscape improvements occur in accordance with the *North Sydney Centre Public Domain Strategy*, *Education Precinct Public Domain Masterplan* and *Ward Street Precinct Masterplan*

In addition to the above character statement for the Planning Area, the relevant character statement for the following Locality Areas also requires consideration:

- Section 2.1: Central Business District
  - Section 2.1.4: 45 McLaren Street
  - Section 2.1.5: 52 McLaren Street
- Section 2.2: Civic Neighbourhood
- Section 2.3: Eden Neighbourhood
- Section 2.4: Hampden Neighbourhood
  - Section 2.4.4 East Walker Street Precinct
- Section 2.5: Walker/Ridge Street Conservation Area
- Section 2.6: McLaren Street Conservation Area

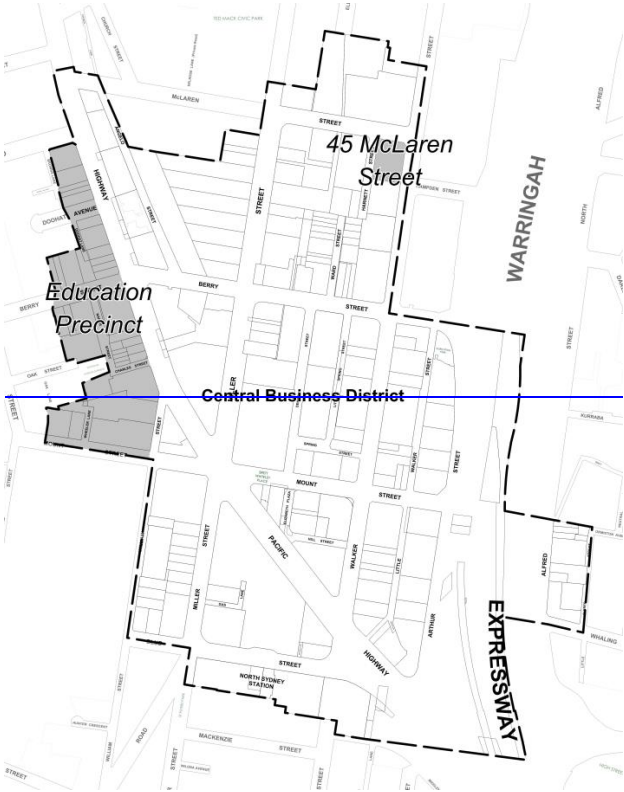
**Part****C****Page****C2-5**



**DRAFT AMENDMENT – North Sydney Development Control Plan 2013**

**Area Character Statements - North Sydney Planning Area**

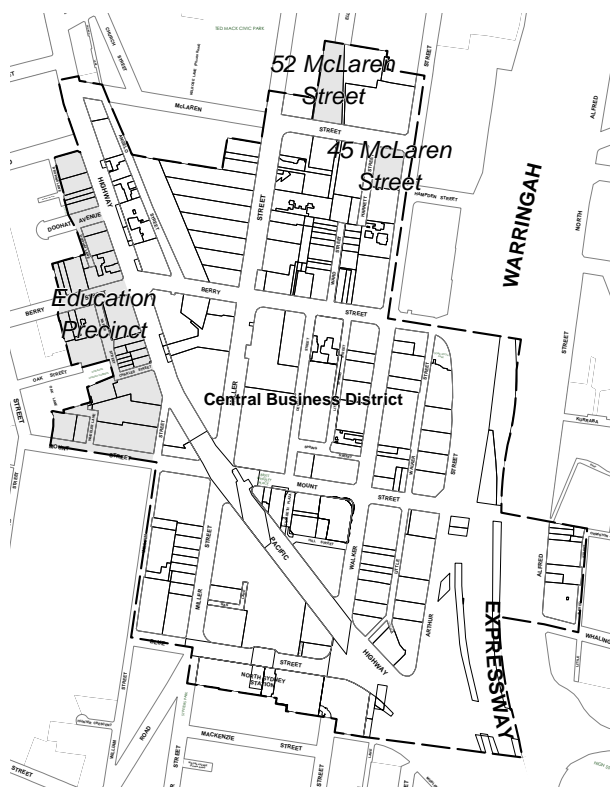
**2.1 CENTRAL BUSINESS DISTRICT**



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### 2.1.1 Significant Elements

#### Land Use

- P1 Predominantly high-rise commercial development.
- P2 Medium to high rise mixed commercial and residential development at the fringes.
- P3 Educational facilities.
- P4 Regional rail and road infrastructure.

#### Topography

- P5 Typically falling from the north to the south towards Sydney Harbour.

#### Natural Features

- P6 Natural rock outcrops at 136 Walker Street.

#### Views

- P7 The following views and vistas are to be preserved and where possible enhanced:
  - (a) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.
  - (b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.
  - (c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east.
  - (d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.



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#### **Identity / Icons**

- P8 Brett Whiteley Place.
- P9 Greenwood.
- P10 Post Office and Court House.
- P11 MLC Building.
- P12 Don Bank Museum.

#### **Subdivision**

- P13 Predominantly large consolidated allotments within a rigid grid pattern.
- P14 Smaller allotments generally along the Pacific Highway north of Berry Street.

#### **Streetscape**

- P15 Wide fully paved footpaths, promoting heavy pedestrian use.
- P16 Active street frontages provided with a variety of shops, cafes and other commercial uses.
- P17 Buildings generally built to the boundary, with entry at street level.
- P18 Continuous awnings provided on commercial buildings.
- P19 Street trees.

#### **Public transport**

- P20 Development is to take advantage of the accessibility provided by existing and planned public transport infrastructure.

### **2.1.2 Desired Future Character**

#### **Diversity of activities, facilities, opportunities and services**

- P1 High rise and medium density, commercial and mixed use developments.
- P2 Provision of a variety of different sized office, retail, community and entertainment spaces.
- P3 Provision of a variety of outdoor and indoor community spaces (e.g. urban plazas, gymnasium; gardens; outdoor and indoor dining areas and food courts).
- P4 The commercial focus of the CBD is to be enhanced by preventing any further residential development from occurring in its core (i.e. the *E2 Commercial Centre zone*).
- P5 Development above the Victoria Cross metro station will provide significant commercial floorspace, as well as retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.
- P6 Council will pursue its vision for Miller Street as the civic heart of North Sydney. This will involve significant interventions and public domain improvements aimed at creating a vibrant place for people, with vehicle movements removed or minimised as much as practicable and both sides of Miller Street activated.
- P7 Creation of a substantial new public space within the middle of the street block bound by McLaren, Walker, Berry and Miller Streets, activated by surrounding buildings and new community facilities consistent with the *Ward Street Precinct Masterplan*. This space is to be designed to be highly adaptable for events and prominent activities and form a spill over space for other community events associated with community facilities to be located in adjacent buildings.
- P8 Brett Whiteley Place is a key public space for the North Sydney CBD which will incorporate an expanded Elizabeth Plaza, as well as portions of Denison Street and

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## Area Character Statements - North Sydney Planning Area

- Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.
- P9 Consideration be given to expanding Berrys Square to the northern side of Berry Street.
- P10 The Central Laneways Precinct will become a major focal point of pedestrian activity and amenity.
- P11 Active frontages to the Metro site, 1 Denison Street and the MLC building will contribute to the activation of the public domain in the Central Laneways Precinct.
- P12 A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.
- P13 Alternatives to the current entry of the commercial car park entry at 100 Miller Street (Northpoint) will be pursued to reduce or remove traffic on Miller Street and improve pedestrian amenity.
- P14 Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views.
- P15 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to promote street level activation, amenity, diversity and place making objectives.
- P16 Provide a diverse mix of higher density, non-residential land uses in the *MU1 Mixed Use* zone of the Education Precinct, including education, shops, cafes, gyms, entertainment and small businesses.
- P17 Provide continuous active uses such as shops and cafes at the ground level of all buildings along Pacific Highway, Berry Street and Napier Street, especially within the Education Precinct.
- P18 Consideration should be given to the inclusion of educational or community-related purposes in the redevelopment of 110, 112, 116 and 120 Pacific Highway and 9 Napier Street.
- P19 Community facilities that are of a type that support the creation of a cultural destination which is activated in the daytime, evenings and weekends are to be incorporated into the lower levels of the redevelopment of 56-66 Berry Street and the Ward Street Carpark site and these facilities are to front onto a new public square/s consistent with the *Ward Street Precinct Masterplan*.

### Accessibility and permeability

- P20 Victoria Cross metro station is designed to enhance the North Sydney CBD as a major commercial centre and further encourage the use of public transport. Pedestrians are prioritised throughout the CBD with a number of interconnected pedestrian routes that facilitates all direction movement and encourages fine grain retail and dining uses.
- P21 Consideration be given to providing a direct vertical pedestrian connection between the new public open space located centrally within the Ward Street Precinct and the Victoria Cross Metro Station concourse.
- P22 Barriers to pedestrian movement, particularly within the Ward Street Precinct, Miller Street, Berry Street and the Pacific Highway, will be reimagined such that their function and treatment favour pedestrian movement and amenity.
- P23 New development focuses on the use of public transport, cycling and walking.
- P24 Pick up and drop off points for public transport and taxi ranks are located as close as possible to public spaces and activities, and main building entries.
- P25 Loading and delivery facilities should be located away from the street and where possible be located underground.
- P26 The following through site links are to be provided, retained and enhanced:

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### ***Area Character Statements - North Sydney Planning Area***

- (a) A north - south pedestrian link from McLaren Street to Elliot Street across 52 and 54 McLaren Street.
  - (b) A north - south pedestrian link from McLaren Street to Ward Street across the vehicle access of 221 Miller Street.
  - (c) An east-west pedestrian link of at least 3m in width is provided from Miller Street to the future public open space off Ward Street along the northern boundary of 201 Miller Street.
  - (d) An east-west pedestrian link of at least 6m in width is provided from Miller Street to the future public open space off Ward Street along the southern boundary of 213-219 Miller Street.
  - (e) An east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street.
  - (f) A north - south pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street.
  - (g) An east - west pedestrian link from Harnett Street to Walker Street across 142 Walker Street.
  - (h) An east - west pedestrian link from Harnett Street to Walker Street across 144-150 Walker Street.
  - (i) An east-west pedestrian link from Harnett Street to Walker Street across 45 McLaren Street.
  - (j) An east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.
  - (k) An east - west pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.
  - (l) An east - west pedestrian link from Napier Street to Oak Street across the southern side of 8-20 Napier Street.
  - (m) A north - south pedestrian link from the green space of 100 Pacific Highway to Wheeler Lane across the western side of 1 Wheeler Lane. The pedestrian link may be made through the building envelope or an alternative architectural treatment that gradually 'reveals' the establishments on either side.
  - (n) An east - west pedestrian link through the Victoria Cross metro station linking Miller Street and Denison Street.
  - (o) A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.
  - (p) A widened and improved pedestrian link from Little Spring Street and Walker Street across 102 Walker and 110 Walker Street.
- P27 Consideration should be given to the provision of an east - west pedestrian link from the Pacific Highway to Napier Street across either the northern side of 120 Pacific Highway or the southern side of 33 Berry Street.
- P28 Consideration should be given to the demolition of the single-storey structure at the northern end of 105 Miller Street (MLC Building) to improve accessibility and permeability to Miller Street and the Victoria Cross metro station.

### **2.1.3 Desired Built Form**

#### **Subdivision**

P1 Development sites should be of a size which enable:

- (a) the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Metropolitan Strategy; and

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- (b) the incorporation of adequate setbacks and breaks between tall commercial towers above the podium level to maintain reasonable access to sky views and daylight to the public domain.
- P2 Development on small sites should not detrimentally impact on the long-term ability of the amalgamation of sites for significant commercial development.
- P3 Site amalgamation should occur generally in accordance with that identified within the Ward Street Precinct Masterplan to maximise the delivery of the desired outcomes of the Masterplan.

### Form, massing and scale

- P4 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.
- P5 Roof design contributes to building's appearance from a regional view catchment.
- P6 Buildings on 116 and 120 Pacific Highway and 9 Napier Street should be designed such that their bulk steps down from the Pacific Highway to Napier Street to protect sunlight access to the Don Bank Museum and enhance pedestrian amenity to Napier Street.
- P7 No part of a building located above the podium and which exceeds 45m in height may have a horizontal width of more than 60m.
- P8 Development is to be designed to maximise year round solar access to the new public squares to be created centrally within the Ward Street Precinct.
- P9 Development must not result in a nett increase in overshadowing to the main southern square to be created centrally within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

### Setbacks

**Note.** Additional setbacks may be required for any part of the building located above the podium level.

- P10 Buildings are to provide a zero metre setback to all street frontages and adjacent to heritage items, with the following exceptions:
  - (a) In accordance with cl.6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.
  - (b) 5m from the western side of Walker Street, north of 76 Berry Street.
  - (c) 5.4m from the southern side of Berry Street, between Pacific Highway and Miller Street.
  - (d) 14.5m from the western side of Miller Street, at No.60 Miller Street.
  - (e) 15m from the southern side of Mount Street, at No.60 Miller Street.
  - (f) Maintaining the setback of existing buildings to all properties comprising Monte St Angelo Convent and Girls School.
  - (g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.
  - (h) 1.5m whole of building setback from the eastern side of Napier Street, at No. 1-9 Napier Street and No.120 Pacific Highway.
  - (i) 2m setback to the ground level of buildings fronting Arthur Street.
- P11 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 144 - 150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168 - 172 Pacific Highway and 1-7 Napier Street.
- P12 The setback of new buildings or alterations and additions to existing buildings on land fronting McLaren Street between Miller and Walker Streets are to match that existing

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to protect the existing fig trees. Encroachments will only be permitted where the development does not cover the drip line of any of the existing trees.

#### Podium Heights

- P13 Podiums are to be provided in accordance with the Podium Heights Map (refer to Figure C-2.2).
- P14 Despite P13, a podium of between 3 and 5 storeys above the finished level of the new public squares to be created centrally within the Ward Street Precinct, where buildings front onto those squares, maintaining a human scale to the squares.
- P15 The entirety of a podium must be setback from any street frontage if required under Provisions P10 – P12 to s.2.1.3 to this Part of the DCP.
- P16 Podiums are to be built to all side and rear boundaries that do not have a street frontage, except where the site directly adjoins residentially zoned land (i.e. *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential*) or requires a through site link as required under P23 to s.2.1.2 to this Part of the DCP.
- P17 Podium heights should match or provide a transition in height between immediately adjacent buildings.
- P18 Podium heights should match the height of adjacent heritage items.
- P19 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.

#### Above Podium Setbacks

- P20 All parts of a building located above the podium are to be setback from the podium's frontage to a street or laneway in accordance with the Above Podium Setbacks Map (refer to Figure C-2.3). Setbacks are to be measured from the outer wall of the podium. Where a weighted setback is required, it applies to the width of the building's façade located above the podium.
- P21 Despite P20, no part of any building may be located within 3m of the outer wall of the podium level fronting a street or laneway.
- P22 Despite P20 and P21, for buildings fronting Ward Street and the new public squares to be created within the Ward Street Precinct, that part of the building located above the podium is to be setback a sufficient distance to ensure the minimising of potential wind impacts and maintaining a human scale to the squares.
- P23 Where a building is to be erected on land zoned *E2 Commercial Centre* or on any other land and the building will not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any side boundary, unless:
- (a) the area of the site is less than 1,000sqm; and
  - (b) the building does not exceed 45m in height.

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Figure C-2.2: Podium Heights Map

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## **Area Character Statements - North Sydney Planning Area**



**Figure C-2.3: Above Podium Setbacks Map**

P24 Despite P23, no setback is required above the podium level to:

- (a) the southern boundaries of 122 Arthur Street (SP 57439) or 100 Walker Street (Lots 1 and 2, DP 542915), if developed in isolation from sites to their north;
- (b) the southern boundary of 90 Arthur Street (Lot 1, DP 738262), if developed in isolation from the site to the south;

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- (c) the northern boundary of 20 Berry Street (Lot 1, DP 550167) if developed in isolation from the site to the north;
  - (d) the eastern boundary of 80 Mount Street (Lot 1, DP 566189) if developed in isolation from the site to the east; and
  - (e) the southern boundary of 1 Wheeler Lane (Lot 101, DP 1076397) if developed in isolation from the site to the south.
- P25 Where a building does not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any rear boundary that does not have a street or laneway frontage.
- P26 Despite P25, no setback is required above the podium level to the western boundary of 65 Berry Street (Lot 2, DP 1230458) if developed in isolation from the site to the west.
- P27 Where there is more than one tower located above the podium level on land zoned *E2 Commercial Centre* or on any other land and the building will not contain residential accommodation, the towers must maintain a minimum 12m separation from one another.

#### Building design

- P28 Provide architectural detailing, high quality materials and ornamentation provide a rich visual texture and a symbolic/decorative reference to the history of the place, the building's use or occupant.
- P29 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.
- P30 The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

#### Awnings

- P31 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.
- P32 Consideration should be given to the provision of weather protection at the pedestrian entrances or over outdoor seating areas for buildings fronting Miller Street between the Pacific Highway and McLaren Street.

#### Streetscape

- P33 A 'sense of arrival' is established at North Sydney Station with strong linkage to the north to connect with the pedestrian bridge over Pacific Highway and Denison Street.
- P34 The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney CBD.
- P35 The intersection of Miller Street and Pacific Highway forms an important focal point of the North Sydney Centre with a distinctive character reinforced by the Post Office and the MLC building.
- P36 Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.
- P37 Provide a consolidated green space over the Don Bank Museum and 100 Pacific Highway. Consideration should be given to extending this green space over the western side of 1 Wheeler Lane to allow for a more direct north – south pedestrian link from Charles/Napier Street to Wheeler Lane.
- P38 33 Berry Street should be designed such that Napier Street is activated by non-residential tenancies such as commercial or educational facilities (At least 50% of its frontage should comprise of non-residential tenancies at the ground level).

#### Public Domain

- P39 Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.

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P40 A new multi-purpose public square with a minimum dimension of 52m by 40m is to be created in the centre of the Ward Street Precinct and integrated with a secondary public square of minimum dimension 35m by 33m consistent with the *Ward Street Precinct Masterplan*. The squares are to be designed to maximise the flexibility of uses.

P41 Consideration be given to activating the secondary northern square within the Ward Street Precinct with a café, public facilities or other active and community uses.

P42 Consideration be given to expanding Berry Square across to the northern side of Berry Street.

#### **Landscaping**

P43 Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.

P44 Choice of trees and vegetation in accordance with *North Sydney Centre Public Domain Strategy*, *Street Tree Strategy* and *North Sydney Council Infrastructure Manual*.

#### **Car accommodation**

P45 Short stay parking spaces should be located within or as close as possible to meeting places.

P46 Reduce the amount of long stay commuter parking on site.

P47 Reduce the amount of non-residential parking on site.

#### **Vehicle Servicing**

P48 Consideration to be given to providing all vehicular access to 213-219 Miller Street, 56-66 Berry Street and the Ward Street Carpark site from Harnett Lane and underneath the proposed new public squares, to maximise pedestrian amenity within the Ward Street Precinct.

P49 Vehicular access to 76 Berry Street is to be provided from Walker Street.

### **2.1.4 45 McLaren Street**



#### **2.1.4.1 Desired Future Character, Design Objectives and Key Principles**

P1 Development is to respond to the scale and character of existing development and desired future character of the surrounding area.

P2 Built form, scale and massing is to transition in scale across the site from north to south and east to west, whilst respecting the built form of adjacent and neighbouring heritage items.

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- P3 Deliver a mixed use development with active frontages to McLaren and Harnett Streets.
- P4 Development is to maximise solar access to the proposed squares within the Ward Street Precinct.
- P5 Maintaining a landscaped setback to Walker Street.
- P6 An improved pedestrian through site link between Walker Street and Harnett Street.

**2.1.4.2 Desired Built Form****Objectives**

- O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.
- O2 To allow an appropriate stepping down in built form between 168 and 150 Walker Street.
- O3 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.
- O4 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.
- O5 To positively relate to the heritage context surrounding the site.

**Provisions****Solar access**

- P1 Despite any other provision of this DCP, any development at 45 McLaren Street must not result in a nett increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

**Building Height**

- P2 Development must not exceed 14 storeys above the crown of McLaren Street as it presents to McLaren Street.
- P3 Development must not exceed 10 storeys above ground level existing fronting its southern boundary.

**Street and Side Setbacks**

- P4 Buildings must be setback:
- (a) 0m to McLaren Street, and
  - (b) A minimum of 5m to Walker Street, consistent with the setback of buildings located at 144, 146, 148 and 152 Walker Street, and
  - (c) A minimum of 1.5m setback to the southern boundary, and
  - (d) A minimum of 1m setback to Harnett Street.

**Podium Height**

- P5 A podium must:
- (a) Be 2-3 storeys in height fronting McLaren Street and positively relate to the height of the podium to the heritage listed commercial building at 41 McLaren Street to its west and heritage dwellings to the east on the eastern side of Walker Street, and
  - (b) Be 2-3 storeys in height fronting Walker Street and positively relate to the height of the heritage dwellings at 144,146,148 and 152 Walker Street, and
  - (c) Not exceed 3 storeys to the southern boundary, and

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- (d) Be 2-3 storeys in height fronting Harnett Street.

#### **Above Podium Setbacks**

- P6 The following minimum setbacks must be provided above the podium level:
- (a) 3m to the site's McLaren Street frontage, and
  - (b) 4.85m from the eastern alignment of the podium facing Walker Street, and
  - (c) 4.5m from the site's southern boundary, and
  - (d) 1.5m-3m to Harnett Street, unless the consent authority is adequately satisfied that the proposal can comply with the relevant Apartment Design Guidelines can be achieved with regard to building separation and privacy.
- P7 Despite Provision P6(a) above, the consent authority may permit a balcony to encroach into the setback area, but only if:
- (a) The balcony is unenclosed on at least two sides, and
  - (b) The balcony maintains a minimum 1m setback to McLaren Street, and
  - (c) The cumulation of balconies on any one level does not exceed 50% of the façade's length to McLaren Street.

#### **2.1.4.3 Landscaped Area**

##### **Objectives**

- O1 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.
- O2 To provide a quantum of landscaping reflecting the transition between the North Sydney CBD and adjoining residential areas.
- O3 To incorporate appropriate materials conducive of its heritage context.

##### **Provisions**

- P1 Any basement structure should be setback at least 5m to Walker Street, to ensure the provision of deep soil zones to accommodate trees and vegetation of a scale reflective with the scale of the proposed future development on the site.
- P2 Despite P1, a basement may be permitted within the setback area to Walker Street, but only where it can be adequately demonstrated that the setback area is predominantly soft landscaped and is capable of accommodating trees and vegetation of a scale reflective of the proposed future development on the site.
- P3 Consideration to be given to using sandstone or natural rock features in the landscaping or lower parts of buildings, reflective of the site's heritage context.

#### **2.1.4.4 Through-Site Link**

##### **Objectives**

- O1 To enhance the existing through site link that runs across the northern boundary of 144-152 Walker Street between Walker Street and Harnett Street.

##### **Provisions**

- P1 All buildings are to be setback a minimum of 1.5m from the southern boundary to enable the construction of a through site pedestrian link between Walker Street and Harnett Street which is integrated with the existing through site link across the northern boundary of 144-152 Walker Street.
- P2 Consideration is to be given to the use of sandstone to line surface or any adjacent retaining walls or walls to the through-site link.
- P3 Appropriate lighting be provided to ensure this link provides adequate safety for users.

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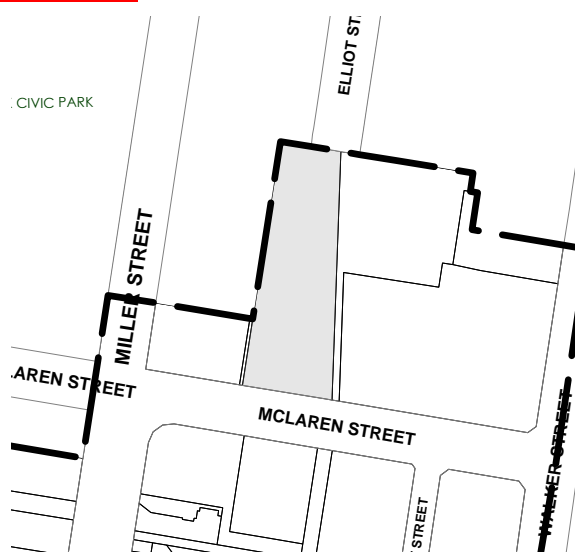
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**North Sydney Development Control Plan 2013 – DRAFT AMENDMENT****Area Character Statements - North Sydney Planning Area****2.1.4.5 Vehicular Access****Objectives**

- O1 To ensure vehicular and pedestrian conflicts are minimised.
- O2 To maximise activation of street frontages.

**Provisions**

- P1 No vehicular access is to be provided from McLaren Street.
- P2 Vehicular access should be provided from Walker Street, subject to ensuring that pedestrian safety is maximised.

**2.1.5 52 McLaren Street**

Note: to remove any doubt, the following controls apply to land known as Lot 2, DP 218407; Lots 1 and 2, DP 1150156; and former drainage reserve in DP 979505.

**2.1.5.1 Desired Future Character, Design Objectives and Key Principles**

- P1 To allow a scale and form which reflects its proximity to the Northern Portal of the Victoria Cross Metro Station, whilst enabling a suitable transition in scale from the north to the south, and respecting the built form of adjacent development, including neighbouring heritage items.
- P2 Development responds to the scale and character of existing development and desired future character of the surrounding area.
- P3 To ensure development is integrated with and provides a safe and accessible connection with the Northern Portal of the Victoria Cross Metro Station.
- P4 To deliver a mixture of retail, commercial, community and residential uses that positively contribute to the vitality and vibrancy of the North Sydney Centre.
- P5 To provide active frontages at the ground plane to McLaren Street and the future through-site link such that it contributes to an active and safe public domain.
- P6 Maximising solar access to the proposed squares within the Ward Street Precinct.
- P7 Maintaining a landscaped setback to the northern side of McLaren Street.
- P8 Deliver a safe and welcoming dedicated pedestrian through-site link between McLaren Street and Elliot Street.
- P9 Minimise impacts on adjacent sensitive uses.

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#### **2.1.5.2 Desired Built Form**

##### **Objectives**

- O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.
- O2 To allow an appropriate stepping down in built form between the Ward Street Precinct to the south and mid-rise development to the north.
- O3 To deliver a slender built form that minimises overshadowing impacts to existing buildings, whilst ensuring building depths and lengths provide adequate light, cross ventilation, and amenity for occupants, visitors and/or workers.
- O4 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.
- O5 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.
- O6 To maintain a consistent setback to the northern side of McLaren Street.
- O7 To positively relate to the heritage context surrounding the site.
- O8 To ensure appropriate articulation of building facades and 'fine grain' response to the public domain.

##### **Provisions**

##### **Solar access**

- P1 Despite any other provision of this DCP, any development at 52 McLaren Street must not result in a nett increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

##### **Building Height**

- P2 Development must not exceed 24 storeys as it presents to McLaren Street.
- P3 Development must not exceed 8 storeys as it presents to its northern boundary at ground level.

##### **Setbacks**

- P4 Buildings must be setback:
  - (a) A minimum of 10.5m to McLaren Street, consistent with the general alignment of 168 Walker Street as it presents to McLaren Street, and
  - (b) A minimum of 6m to the eastern boundary, and
  - (c) A minimum of 9.5m setback to the northern boundary, and
  - (d) A minimum of 6m to the western side boundary.
- P5 Despite Provision P4(a) above, the consent authority may permit a setback of 9.5m at Levels 1 and 2 only, and those levels are used for non-residential purposes.
- P6 Despite Provision P4(d) above, the consent authority may permit a setback of 5m at Levels 1 and 2 only, but only along that part of the site that directly adjoins the Victoria Cross Metro Northern Portal and those levels are used for non-residential purposes.

##### **Podium Height**

- P7 A 3-storey podium must be provided.

##### **Above Podium Setbacks**

- P8 The following minimum setbacks must be provided above the podium level:

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## North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

### Area Character Statements - North Sydney Planning Area



(a) 10.5m from the McLaren Street frontage, and

(b) 6m from the eastern boundary, and

(c) 12.5m from the northern boundary, and

(d) 6m from the western boundary, and

P9 Despite P8(b) a 24m building separation must be provided to the building located at 168 Walker Street to the east.

#### **Building Form**

P10 The podium level is to have a different architectural expression to the tower elements above to reflect the different uses of the building.

P11 That part of the building located above the podium must present as two expressed forms to suitably break the scale and massing of the tower.

P12 Tower elements located above the podium level must not exceed 45m in horizontal width or length, unless punctuated with a significant visual break or articulation element.

P13 The building is to be designed to prevent the overlooking of sensitive areas of the adjacent school and proposed childcare centre within.

P14 Consideration is given to the incorporation of 1.8m high solid balustrades to any communal rooftop terraces to mitigate any potential adverse wind impacts upon the users of the terrace.

P15 The building is to incorporate façade articulation and fenestration to ensure an appropriate human scale is provided to the elevations.

P16 A continuous awning must be provided along the full length of the McLaren Street elevation and continue past all main pedestrian entries to the building.

#### **Heritage interface**

P17 Avoid providing blank walls directly facing heritage items or an abrupt imposing built form and presentation.

P18 Provide a deep soil zone along the western boundary adjacent to No.243 Miller Street, to enable tree planting that will help to soften the transition between development on the site and the adjacent heritage item.

#### **Communal Open Space**

P19 Communal open space may be provided on rooftop areas of any building on the site, but only where it can be adequately demonstrated that there are no resulting adverse visual privacy or acoustic impacts to the adjoining school and residential private open spaces and dwellings.

### **2.1.5.3 Child Care Centre**

#### **Objectives**

O1 To locate the proposed child care centre adjacent to compatible uses.

O2 To provide sufficient screening of the child care centre from the public domain.

O3 To ensure a direct physical connection between the internal and external spaces is provided, which facilitates provision for a high degree of child supervision.

O4 To provide convenient and safe access to the child care centre.

#### **Provisions**

P1 A child care centre is to be located at the ground level of the building at its northern end such that can maximise its access to natural daylight and opportunities for providing a consolidated open space area.

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## **DRAFT AMENDMENT – North Sydney Development Control Plan 2013**

### **Area Character Statements - North Sydney Planning Area**

- P2** The child care centre must provide:
- (a) a minimum 450sqm of indoor space; and
  - (b) a minimum 450sqm of outdoor space,
  - both at the same level, providing for a minimum of 900sqm in total area.
- P3** The outdoor play area is to be:
- (a) north facing, and
  - (b) predominantly open to the sky, whilst also providing for an outdoor covered area offering sun and rain protection as necessary, and
  - (c) a single consolidated space.
- P4** A dedicated lift must be provided from the child care centre to the basement car parking area.
- P5** The external facade of the child care facility shall incorporate full height screening, using louvres or other architectural treatments to restrict views into the child care centre, whilst also permitting daylight into the child care centre.
- P6** The development shall provide a total of six (6) parking spaces within the basement of the development comprising:
- (a) two (2) all-day designated car spaces for child care staff; and
  - (b) four (4) designated car spaces for child care drop-off and pick-up times.
- These spaces may be utilised outside the child care centre's normal hours of operation for other parking purposes (e.g. residential visitor spaces).

#### **2.1.5.4 Landscaping**

##### **Objectives**

- O1** To ensure that landscaping is used to provide appropriate amenity for the residents and tenants of the development, including weather protection.
- O2** To soften the appearance of buildings and their interface with neighbouring uses, heritage items and the public domain.
- O3** To maintain and protect existing street trees and canopy trees on-site.
- O4** To reduce the heat island effect and create a user-friendly green space.

##### **Provisions**

- P1** The existing fig trees adjacent to the McLaren Street frontage are to be retained.
- P2** Any basement structure/s must be setback a minimum of 6m to McLaren Street, to maximise the extent of the root zone to the existing fig trees. A greater setback may be required if the level of impact on the root zone would adversely affect the health and safety of the trees.
- P3** A landscaped area of at least 450sqm, must be provided along the western boundary, adjacent to No.243 Miller Street and the northern portal to the Victoria Cross Metro Station. The depth and horizontal dimensions of the landscaped area must be capable of accommodating trees and vegetation of a scale reflective of the scale of the proposed future development on the site.
- P4** Podium/terrace areas shall incorporate landscaped elements, including planter boxes or the like, with appropriate dimensions to facilitate mature vegetation to soften the appearance of the development and greening of the through-site link. Podium landscaping shall also wrap around the development and provide for a curtain effect to the car park entry.

## North Sydney Development Control Plan 2013 – **DRAFT AMENDMENT**

### Area Character Statements - North Sydney Planning Area



#### **2.1.5.5 Through-Site Link**

##### **Objectives**

- O1 To provide a safe and accessible dedicated pedestrian through-site link connecting McLaren and Elliot Streets contributing to the overall desired pedestrian outcomes under the North Sydney Public Domain Strategy.
- O2 To ensure that development facilitates cross and through movements, enhancing precinct permeability and access to the transport interchange functions of the locality.
- O3 To provide opportunities for increased permeability through the site to adjoining properties.
- O4 To provide for areas within the through-site link that encourage people to rest, meet and socialise.

##### **Provisions**

- P1 A continuous and unobstructed 3m wide pedestrian pathway is to be provided along the entirety of the eastern boundary connecting McLaren Street to Elliot Street.
- P2 The ground level of all buildings facing the through-site link shall be designed to accommodate an active frontage.
- P3 The through-site link shall be designed to comply with the requirements of the Disability Discrimination Act.
- P4 The edges of the through-site link shall be softened using landscaped terracing up to the plaza level. Seating is to be provided at intervals along the length of the through-site link integrated into the various terraced levels.
- P5 Consideration is to be given to the integration of a potential future pedestrian through-site link between 168 Walker Street and 54 McLaren Street enabling access through to Walker Street.
- P6 The through-site link is to be appropriately lit to enable safe 24 hour use.
- P7 The through-site link is to be designed to ensure that vehicles are prevented from using the pathway.

#### **2.1.5.6 Vehicular Access & Parking Provision**

##### **Objectives**

- O1 To ensure vehicular and pedestrian conflicts are minimised.
- O2 To maximise activation of street frontages.
- O3 To minimise traffic congestion in close proximity to mass public transport.
- O4 To protect and retain the existing canopy trees adjacent to the McLaren Street frontage.

##### **Provisions**

- P8 Maximum of 1 vehicular access point, off McLaren Street.
- P9 The width of any vehicular access point should be minimised to ensure that pedestrian safety is maximised.
- P10 The location of the vehicular access point must be positioned to retain the existing trees to McLaren Street and delivery of a dedicated pedestrian through-site link along the site's eastern boundary.
- P11 Any structures located between the vehicular access point and the new through-site link must be designed to maximise visibility between drivers and pedestrians, especially at the link's southernmost end.
- P12 The total amount of car parking must not exceed 80% of the total parking provision permitted under Section 10 – Car Parking and Transport to Part B of the DCP, rounded down to the nearest whole space.

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## ATTACHMENT 6

### Planning Proposal 6/21 – 52 McLaren Street, North Sydney Summary of submissions received during public exhibition period (2 December 2024 to 24 January 2025)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Planning Proposal and draft Development Control Plan amendment **would be** amended if issues raised in the submission:
  - a provided additional information of relevance.
  - b indicated or clarified a change in government legislation, Council's commitment or management policy.
  - c proposed strategies that would better achieve or assist with Council's objectives.
  - d was an alternate viewpoint received on the topic and is considered a better option than that proposed or;
  - e indicated omissions, inaccuracies or a lack of clarity.
2. The Planning Proposal and draft Development Control Plan amendment **would not be** amended if the issues raised in the submission:
  - a addressed issues beyond the scope of the proposal.
  - b was already in the proposal or will be considered during the development of a subordinate plan (prepared by Council).
  - c offered an open statement, or no change was sought.
  - d clearly supported the proposal.
  - e was an alternate viewpoint received on the topic but the recommendation was still considered the best option.
  - f was based on incorrect information.
  - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
1	Resident U1412, 168 Walker Street North Sydney NSW 2060	<b>Alternative Use</b>	Would prefer to have the subject site as a beautiful park leading through to Elliott St and North Sydney Oval.	<p><b>Refer to Section 4.7 of the main report.</b></p> <p>The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.</p> <p>Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.</p>	Nil	2E, 2G
		<b>Solar Access / Overshadowing</b>	The combination of proposed height and building separation will result in the significant loss of solar access.	<p><b>Refer to Section 4.2 of the main report.</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable given the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the Apartment Design Guide (ADG) in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the western facade of the submitter's apartment from 2-3hrs to 1-2hrs.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
1 con'		<b>Privacy</b>	Concerned that there will be a great loss of privacy, with the bedrooms and living areas for both buildings looking straight into each other at a distance of only 24m.	<b>Refer to Section 4.4 of the main report</b> The proposed built form envelope has been established with regard to the building separation and setback requirements under the Apartment Design Guide (ADG). Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.	Nil	2E
		<b>Views</b>	The combination of proposed height and building separation will result in the significant loss of green and district views to the west.	<b>Refer to Section 4.3 of the main report.</b> Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed. This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal. Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment. Despite the submitter's apartment losing most of its western views, the apartment still has views to Sydney Harbour to the southeast which have greater value.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
1 con'		Height	Objects to the proposed height on grounds of loss of solar access, views and privacy. Requests that the proposed height be reduced to 8 storeys across the site to decrease the proposal's massive impact.	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>Issues regarding impacts on solar access, views and privacy are addressed elsewhere in this summary table and report.</p> <p>The current planning controls applying to the site enables the construction of an approximately 10-storey high mixed use building. The previous 2011 concept development approval permitted a part 8-storey and part 12 storey mixed use building.</p> <p>Only enabling an 8-storey building to be constructed on the site would require a further reduction in the current permitted height controls, which is contrary to meeting the relevant s.9.1 Ministerial Guidelines by reducing residential accommodation and employment floor space capacity.</p> <p>Furthermore, the proposal is consistent with the outcomes of the CPPS which envisages higher development on the subject site which was established with regard to its locational context and the need to mitigate potential impacts from the additional height.</p>	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
2 & 52	Resident U2102, 221 Miller Street NORTH SYDNEY NSW 2060	<b>Traffic / Outdated Documents</b>	<p>The adjacent road network is already under extreme pressure with constant traffic congestion and queuing at the McLaren/Miller, Ridge/Miller and Walker/Berry intersections. The proposal will only worsen this situation. The Traffic &amp; Parking Impact Assessment (T&amp;PIA) report does not adequately analyse:</p> <ul style="list-style-type: none"> <li>- the impact of the extra vehicles generated by the proposal;</li> <li>- acknowledge that the above intersections are the only exit routes for the precinct;</li> <li>- the proposed vehicular access to the site is opposite Faith Bandler Place, which already has difficult access to McLaren St for hundreds of apartments;</li> <li>- peak hour operations of the many nearby schools s when there is existing gridlock;</li> <li>- the schools and the Metro already require priority pedestrian access being given at the intersection of Miller/McLaren associated with the opening of the Victoria Cross Metro Station, resulting in longer wait times at traffic lights.</li> </ul> <p>The T&amp;PIA does not consider the future traffic impacts associated with:</p> <ul style="list-style-type: none"> <li>- the mixed use developments at 168 Walker St and 45 McLaren St</li> <li>- the new school at 41 McLaren Street commencing in January 2025.</li> </ul> <p>If the proposal is to proceed, vehicular access should be mandated via Elliott St.</p>	<p><b>Refer to sections 4.1 and 4.8 of the main report.</b></p> <p><b><u>Outdated Documents</u></b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p><b><u>Traffic Impacts</u></b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p><b><u>Vehicular Access</u></b></p> <p>Whilst proving vehicular access to Elliot St in part or full may alleviate vehicular conflicts along McLaren St, it also has the potential to negatively impact on the delivery of a prioritised pedestrian route consistent with Council's CPPS and Public Domain Strategy.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
2 & 52 con'		<b>Stakeholder Engagement / Outdated Documents</b>	The supporting reports are out of date and must address all new submissions and objections, and fully and properly take into account all new developments in this area which are yet to come on stream.	<b>Refer to sections 4.8 and 4.11 of the main report.</b>  There is no mandatory requirement for a proponent to undertake consultation with neighbouring properties prior to preparing a planning proposal. However, undertaking such an exercise can help address any potential issues prior to the lodgement of the planning proposal.  There is no need to revise the Consultation and Stakeholder Report as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.	Nil	2E
		<b>SEARs</b>	The Planning Secretary's Environmental Assessment Requirements (SEAR) document contains many highly specific requirements which require proper responses not just box-ticking. These requirements are policy and must be upheld and must be fully and properly measured against the proponent's responses.	Whilst a future development on the site may constitute State Significant Development and thereby requiring the need to obtain SEARs, there is no such requirement for a planning proposal.  Notwithstanding, the Ministerial Directions under s.9.1 of the EP&A Act and the LEP Making Guidelines outline the extent of justification required to ensure all relevant impacts are addressed. The proposal had already been assessed against these requirements prior to the issue of Gateway Determination by the DPHI and are readdressed as part of this post exhibition assessment.	Nil	2A, 2E, 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
2 & 52 con'		<b>Public Interest</b>	Suggests that there will be a unanimous very strong local consensus that the proposal is unacceptable and inappropriate. The proposal cannot be justified on planning principles and runs contrary to the public interest.	The Planning Proposal has been assessed against the relevant requirements under the LEP Making Guidelines. That assessment, in conjunction with the consideration of issues raised during the public exhibition, demonstrates that the proposal remains consistent with relevant Regional, District Local and precinct based planning strategies.  Whilst it is unfortunate that the proposal results in amenity impacts to some existing residents, the degree of impact is considered reasonable in a highly urbanised area and which is currently undergoing transition in response to increased accessibility to mass public transport. Additionally, there is potential to further minimise some of these impacts at the development application stage through design.	Nil	2E
3	Resident U1608, 221 Miller Street NORTH SYDNEY NSW 2060	<b>Traffic</b>	The proposal will lead to increased traffic congestion in an area already heavily impacted, particularly with the opening of a new school at 41 McLaren St in 2025.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Density / Amenity</b>	In conjunction with the recently completed development at 168 Walker St, any additional increase in density will make the area impossible to live in.	<b>Refer to Section 4.13 of the main report.</b> Amenity is a broad term and generally relates to higher level issues such as privacy, overshadowing, view sharing, environmental impacts through reduced landscaping, traffic generation and congestion and construction impacts. The majority of these issues are addressed in detail elsewhere in this table and the main report.	Nil	2E
4	Resident U912, 221 Miller Street NORTH SYDNEY NSW 2060	<b>Traffic</b>	Traffic flow in and around Miller St and McLaren St is already heavily congested particularly during peak hours. The proposal will further impact on its operation, reducing the viability of vehicles using these roads.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
5	Resident U1110, 221 Miller Street NORTH SYDNEY NSW 2060	<b>Traffic</b>	The proposal will result in increased traffic and people in an already crowded area.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Construction Impacts</b>	Disturbances during construction will be important	<b>Refer to Section 4.10 of the main report.</b> Construction impacts are temporary in nature. Whilst it is acknowledged that construction activities on multiple sites in close proximity to one another and at the same time can exacerbate these issues, can lead to an overall reduced impact time wise, than allowing developments to only be constructed one at a time or with very short periods of no development in between.	Nil	2E
6	Resident Address Withheld	<b>Infrastructure Capacity</b>	The proposal will place a significant strain on existing infrastructure, including roads, public transportation, water supply, sewage systems, and waste management services, leading to potential breakdowns or overuse.	The planning proposal was referred to multiple State infrastructure agencies who have indicated that there is sufficient capacity in the existing systems to accommodate a development of the scale and intensity envisaged for the site.	Nil	2E
		<b>Social Infrastructure</b>	The proposal will result in overcrowded public services, including: schools, hospitals, and other public services. The proposal will reduce availability of public amenities and green spaces.	The planning proposal was referred to multiple State infrastructure agencies who have indicated that there is sufficient capacity in the existing systems to accommodate a development of the scale and intensity envisaged for the site.	Nil	2E
		<b>Traffic</b>	The development will result in increased traffic congestion, longer commute times, higher levels of pollution, and greater stress on public transportation systems.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.  The proposal has the potential to maximise the use of existing rail, metro and bus infrastructure.	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
6 con'		Noise	The proposal will result increased noise levels.	The Planning Proposal is accompanied by an Acoustic Assessment which indicates that a future development is likely to satisfy the various acoustic requirements, subject to implementation of various architectural design and treatments and management of operations of future uses, all of which can be addressed at the DA stage.	Nil	2E
		Traffic - <i>Car Parking</i>	Increased population density can exacerbate parking issues, making it difficult for residents and visitors to find adequate parking spaces and leading to illegal parking and associated problems.	<b>Refer to Section 4.1 of the main report.</b> The proposal has the capacity to deliver a sufficient level of parking on site to meet the requirements of NSDCP 2013. Furthermore, the site's high level of accessibility to public transport reduces reliance on the need for private vehicular use and therefore demand for on-street parking.	Nil	2E, 2F
		Public Interest	If a significant portion of the local community is opposed to the development, this can be a compelling reason to reconsider or modify the plans to better align with residents' wishes and concerns. a high-density residential development in an already crowded North Sydney local government area can be based on several key reasons	The Planning Proposal has been assessed against the relevant requirements under the LEP Making Guidelines. That assessment, in conjunction with the consideration of issues raised during the public exhibition, demonstrates that the proposal remains consistent with relevant Regional, District Local and precinct based planning strategies.  Whilst it is unfortunate that the proposal results in amenity impacts to some existing residents, the degree of impact is considered reasonable in a highly urbanised area and which is currently undergoing transition in response to increased accessibility to mass public transport. Additionally, there is potential to further minimise some of these impacts at the development application stage through design.	Nil	2E
7	Resident Address Withheld	Traffic	The proposal, in conjunction with the opening of a new school at 41 McLaren St, will seriously increase traffic congestion.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
7 con'		<b>Affordable Housing</b>	What is meant by providing affordable living accommodation?	Affordable housing is rental housing for members of the community who cannot meet their housing needs in the general market. In particular, it is reserved for households who have “very low to moderate incomes”. The rent for such housing is capped to ensure the residents have enough money left over to pay for other essentials such as food, medicine, clothing and transport.	Nil	2C
8 & 25	Residents U2309, 168 Walker Street NORTH SYDNEY NSW 20260	<b>Quality of life / Mental health</b>	<p>The submitter highlighted that one of the occupants of their apartment has a non-curable cancer and had purchased their apartment noting that this would be the sick resident's last resting places.</p> <p>The apartment, which is located on the 23 floor, was initially selected due to the amenity it provides.</p> <p>In particular, the apartment provides a relaxing refuge far above the chaotic and busy streets with relaxing uninterrupted views.</p> <p>The proposal will destroy the calm and peace and quality of life that the submitters currently enjoy for all the reasons stated above and below.</p> <p>Since being notified the submitter claims they have been unable to sleep and been worrying about the impact this will have on sick resident's health, well-being and quality of the rest of their life.</p>	<p>This issue is directly associated with amenity impacts to the submitter's apartment.</p> <p>Whilst Council is empathetic to the submitter's personal circumstances, it is not in a position to prevent the progression of a proposal on those reasons alone.</p> <p>As detailed throughout the post exhibition report, the proposal has been prepared with regard to best planning practices and the anticipated built form outcome aligns with those practices and the resulting impacts are acceptable in the context of the locality's emerging new character.</p>	Nil	2E
		<b>Privacy</b>	The proposal's height and building separation will result in reduced privacy as future apartments on the subject site will look directly into existing apartments.	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG.</p> <p>Appropriate levels of privacy can be further considered at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
8 & 25 con'		<b>Solar Access / Overshadowing</b>	A 24 storey building only a few metres away to the west will block out all natural sunlight from the northwest and west. The submitter's apartment will be overshadowed and in darkness for several hours a day, which will be oppressive and depressing.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed indicative built form envelope will result in additional overshadowing impacts, the degree of impact is considered acceptable in the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments that receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will not result in any reduction of solar access to the northern façade of the submitter's apartment (maintains 6hrs) but a reduction to its western facade from 3hrs to 2-3hrs, which is above the min design criteria under the ADG.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
8 & 25 con'		<b>Views</b>	The proposal will result in all of the submitter's near and distant views to the west and north -west being totally obstructed. These leafy, green and distant water views are relaxing and therapeutic and will be lost completely.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has expansive views from the north-west to north-east.</p>	Nil	2E
		<b>Property Value</b>	<p>The proposal will severely reduce the value of the submitter's apartment.</p> <p>The submitter states that they cashed in their life savings to purchase the apartment in order to acquire a high quality of life.</p> <p>If proceeded with, it is alleged that they will be forced to sell at a lower value and then will not be able to afford to buy the same quality of property and views again.</p> <p>It is suggested that the proposed development will add \$12.5m in public benefits. However, the decline in value to the properties at 168 Walker St alone will far exceed that amount, particularly those at levels 11-26.</p>	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are generally considered speculative and are not typically a planning matter for consideration.</p> <p>There is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>The proposal will ultimately improve liveability in the locality more generally by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p>	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
8 & 25 con'		<b>Construction Impacts</b>	<p>Whilst it is accepted that building work will occur on the subject site, it is considered manageable if the existing height limit is retained.</p> <p>The proposal would enable construction work to occur directly opposite and at least 1 floor above the submitter's apartment. With a prevailing westerly wind, this will blow dust and debris onto our balcony and windows. We will be constantly cleaning, breathing polluted air and hearing noise nuisance.</p> <p>We are both retired so trying to limit the noise builders can make to, say, 8am to 5pm is 9hrs too much.</p>	<p><b>Refer to Section 4.10 of the main report.</b></p> <p>Construction impacts and disturbance can be disruptive but are temporary in nature.</p> <p>Whilst it is acknowledged that construction activities on multiple sites in close proximity to one another and at the same time can exacerbate these issues, this can lead to an overall reduced impact time wise, than allowing developments to only be constructed one at a time or with very short periods of no development in between.</p> <p>Potential impacts from construction activities can be minimised at the DA stage through the imposition of appropriate conditions on a development consent issued for any future development approved for the site.</p>	Nil	2E
		<b>Aesthetics</b>	<p>The submitter suggests that the proposal will completely destroy the aesthetics of the western side of 168 Walker St, which utilises complete glassed walls, through its proximity to one another.</p>	<p>Aesthetics is a subjective term and largely depends on its context.</p> <p>As the subject site and submitter's site are located at the northern end of the North Sydney Centre and not hampered by the restrictions of a heritage conservation area, it is questioned how the proposal will impact on the aesthetics of 168 Walker St.</p> <p>Further, the proposed built form envelope has been positioned and modulated to positively respect the existing and future context within which the site sits.</p>	Nil	2A, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
8 & 25 con'		<b>Planning Policy</b>	The submitter questions the utility of prescribing height restrictions under a council's LEP, if it can be changed at its discretion. It is suggested that Council is flouting its own policy, which has been extensively canvassed and discussed.	<p>The controls contained within NSLEP 2013 are largely informed by the outcomes of adopted planning strategies which set out the desired direction of future development in the LGA. The implementation of these planning strategy outcomes into NSLEP 2013 are typically implemented on an LGA wide, precinct or site-specific approach, depending on the issues addressed in the planning strategy.</p> <p>Despite Council's adoption of the CPPS in 2020, it has not yet sought to fully implement all the outcomes of that planning study in its LEP and/or DCP.</p> <p>Despite Council not yet fully implementing the outcomes of the CPPS, nothing prevents a proponent of a site covered by that planning strategy seeking to amend the planning controls applying to their sites consistent with the outcomes of that planning strategy.</p> <p>The proposal has been assessed against the outcomes of the CPPS and is deemed to be consistent with those outcomes.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
8 & 25 con'		<b>Disclosure of Planning Information</b>	<p>Prior to purchasing their apartment in 2023, the submitter undertook due diligence investigations to determine if there was any development being planned in the locality that might impact their purchase.</p> <p>These investigations noted that the subject site had a maximum height of RL110m. No evidence could be found of any active development applications or planning proposals affecting the subject site.</p> <p>However, when the submitter was notified of the public exhibition of the subject Planning Proposal, it was discovered that it had been lodged with Council in 2021.</p> <p>It is questioned why the existence of this planning proposal was not made available to solicitors/prospective purchasers at 168 Walker St until now. The submitter regards this as a total and unlawful lack of transparency.</p> <p>The submitter advised that they had recently enquired with Council staff regarding the finding of this information, but was told that this information was difficult to find on the website and they could not confirm with certainty if these documents were in the public domain prior to the purchase of their apartment in April 2023.</p>	<p><b>Refer to Section 4.9 of the main report.</b></p> <p>The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.</p> <p>Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.</p> <p>In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.</p> <p>It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is justified is also publicly accessible through Council's website.</p>	Nil	2E, 2G
		<b>Legal Action</b>	<p>The submitter states that if Council proceeds with the progression of the proposal as exhibited, they intend to:</p> <ul style="list-style-type: none"> <li>• Seek judicial review of Council's decision making process;</li> <li>• Sue Council for the difference in the value of the submitter's property before the proposal takes effect and after the proposal takes effect; and an additional sum for: <ul style="list-style-type: none"> <li>○ damages to reflect the stress and the deterioration in the submitter's health and well being suffered during this traumatic period;</li> <li>○ the cost of moving home;</li> <li>○ Stamp duty paid on our recent purchase;</li> </ul> </li> <li>• Ensure North Sydney Council's reputation and reliability is fully exposed.</li> </ul>	<p><b>Refer to section 4.9. of the main report.</b></p> <p>Council has disclosed all relevant information as required for the purposes of issuing a s.10.7 Planning Certificate under the EP&amp;A Act, which unfortunately does not include Planning Proposals which have not been placed on public exhibition.</p> <p>Despite no legal obligation to do so, Council includes information on all lodged planning proposals that are being considered by Council on its website. These details can be found through various avenues on the website. Investigations could be made to determine how these existing approaches may be amended or supplemented to further improve transparency and clarity.</p>	<b>Council to investigate ways to improve the accessibility of adopted planning studies.</b>	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
9	Resident U84, 237 Miller Street NORTH SYDNEY NSW 2060	<b>Traffic</b>	<p>This part of North Sydney already contains high density residential and commercial development and the existing local roads are already congested and cannot support any additional traffic. The proposal in conjunction with recently completed Metro Station and 168 Walker St, along with the future new school at 41 McLaren St, mixed use development at 45 McLaren St and Western Harbour Tunnel will only exacerbate this issue.</p> <p>Road safety is also another major issue as it will be impacted by pedestrian and cyclist movements using the northern portal to the Victoria Cross Metro Station.</p> <p>Concern is also raised with regard to the potential difficulties and risks for first responder and emergency vehicle access and egress will become much higher.</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E
		<b>Noise</b>	Daily noise both direct and deflected from the surrounding tall buildings would be a constant imposition on the peace of local residents.	The Planning Proposal is accompanied by an Acoustic Assessment which indicates that a future development is likely to satisfy the various acoustic requirements, subject to implementation of various architectural design and treatments and management of operations of future uses, all of which can be addressed at the DA stage.	Nil	2E
		<b>Pollution</b>	<p>The proposal will result in an increase in air pollution. In addition to noxious fumes emanating from the additional vehicles stuck in traffic, the construction of more high density buildings increases the urban heat affect through increased hard surfaces, resulting in a higher reliance on artificial cooling which can also add to heat generation.</p> <p>Use of air conditioners prevents natural aeration and results in a higher concentration of pollutants to the air due to the lack of natural air exchange.</p>	<p>The proximity of the site to mass public transport and services and facilities within the North Sydney Centre greatly reduces the need for reliance of private transportation for all trips.</p> <p>Despite a site within the <i>MU1 Mixed Use</i> zone being capable of occupying 100% of the site area, the proposal seeks to adopt a much lessor footprint and accommodates areas for deep soil planting and other landscaped areas.</p> <p>All new dwellings are required to adequately demonstrate compliance with BASIX which seeks in part to reduce energy consumption, which extends to cover the use of air conditioners. The ADG also seeks to have apartment buildings designed to reduce their reliance on artificial heating and cooling, minimising the potential for urban heat generation and artificial aeration.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
10	Resident Address withheld	<b>Support</b>	Highly supportive of increasing the housing density in the area.	Noted	Nil	2D
		<b>On-street Parking</b>	Requests a reduction in the amount of on-street parking.	This is a matter which can be considered as part of a broader parking strategy.	Nil	2A
		<b>Speed limit</b>	Requests a decrease in the speed limit.	It is recognised that McLaren St already has a 40km/h speed limit. Any further reduction would need to be considered with regard to a wider precinct approach.	Nil	2A, 2G
11	Resident U1711, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Property Value</b>	Strongly objects to the proposal, as it will affect the value of the submitter's apartment.	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration.</p> <p>Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
11 con'		<b>Views</b>	Strongly objects to the proposal, as it will obstruct the views from the submitter's apartment.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has views to Sydney Harbour to the southeast which have greater value.</p>	Nil	2E
12 & 23	Resident U702, 39 McLaren Street NORTH SYDNEY NSW 2060	<b>Scale and bulk</b>	Suggests that the architectural designs are misleading and do not reflect the true "after development" as viewed from 39 McLaren St. The overt distortion presented is contemptable which will result in previous bright and sunny apartments being left in darkness 24hrs/day and cannot be allowed to proceed.	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>Many of the amenity impacts are addressed elsewhere in this report.</p> <p>It is unclear as to what aspects of the reference scheme are misleading. The Planning Proposal is accompanied by various interpretations of the reference scheme, the majority of which comprise plan, elevational and 3D modelling. It is not accompanied by 3D renders, which can often distort the actual end result.</p> <p>Furthermore, the reference scheme is only a proof of concept. There are no guarantees that the final development will reflect the same outcome as the reference scheme.</p>	Nil	2F

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
12 & 23 con'		<b>Solar Access / Overshadowing</b>	The proposal will result in significant overshadowing of dwellings at 37 McLaren St	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that despite the proposal resulting in the reduction of solar access to the submitter's apartment from 6hrs to 4hrs between 9am and 3pm at the winter solstice, well above the min design criteria under the ADG.</p>	Nil	2E
		<b>Privacy</b>	<p>The proposal will result in significant loss of privacy to dwellings at 39 McLaren St.</p> <p>The apartments at 39 McLaren St will look straight into 52 McLaren St and not as shown on in the Visual Impact Assessment which has been distorted as taken from below 39 McLaren St.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>Of particular note is that the proposed future building is proposed setback 10.6m from the street frontage, which will enable a landscaped setback, capable of accommodating vegetation of sufficient height to assist in screening between buildings. In conjunction with the landscaped setback, the proposal will have a min 32m building separation to 39 McLaren St, well in excess of the min requirement.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
12 & 23 con'		<b>Views</b>	The proposal will result in significant view loss to apartments at 39 McLaren St. This is compounded when considering the future developments being considered at 45 McLaren St and 173-179 Walker St	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>View loss from 39 McLaren St has been minimised by ensuring that the proposed tower built form is kept narrow and regularised (i.e. does not widen as it gets closer to the southern boundary to match the shape of the allotment) which enable some views to be retained to the north.</p>	Nil	2E
13, 51 & 73	Resident U614, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Privacy</b>	The proposal will only be 24m away from the western façade of 168 Walker St and remove all privacy from the submitter's apartment, with apartments looking directly into one another. This reduction in privacy will have mental health implications for residents.	<p><b>Refer to Section 4.4 of the main report.</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p>	Nil	2E
		<b>Amenity</b>	The proposal will negatively impact on the amenity of the wider area and destroy the feng shui to the submitter's apartment.	<p><b>Refer to Section 4.13 of the main report.</b></p> <p>Amenity is a broad term and generally relates to higher level issues such as privacy, overshadowing, view sharing, environmental impacts through reduced landscaping, traffic generation and congestion and construction impacts.</p> <p>The majority of these issues are addressed in detail elsewhere in this table and the main report.</p>	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
13, 51 & 73 con'		<b>Social impact</b>	Objects to the proposal as it would significantly increase the population density near McLaren St resulting in social and destructive impacts on the neighbourhood which is rich in history and culture.  In particular, the proposal is out of character with the predominant civic nature of the area, which is home to schools and churches, and if built would devalue the land and damage the cultural environment and ancient history of North Sydney.	The subject site has been zoned for mixed use purposes for a long period of time and it is not proposed to change those controls.  Whilst it is noted that the site is in the proximity of a large grouping of civic places and spaces to the west of the subject site, the proposal is unlikely to negatively impact on these places and spaces.	Nil	2E
		<b>Structural Safety</b>	The submitter noted that there are numerous examples of where buildings have been constructed above underground rail lines and stations they have developed cracks along with foundation displacement.  Questioned whether the government had considered whether to implement policies for constructing buildings near subway stations and railway stations.  Requests that any building constructed above Victoria Cross Metro Station, are to proceed with caution and should be supplemented by thorough surveys to prevent similar accidents from occurring.	There are numerous examples where developments are constructed over and above underground public transport infrastructure, without any adverse risk to that infrastructure. In this particular instance the proposed tower will not be located directly above the infrastructure, but adjacent to it, with the main alignment of the rail tunnels being located under Miller St.  Furthermore, these issues can be adequately addressed at the development application stage.	Nil	2B 2E
14	Resident U906, 221 Miller Street NORTH SYDNEY NSW 2060	<b>Density</b>	Questions the need for continually increasing density in this locality which is not justified.	Council is required to increase residential accommodation and employment floorspace to meet State targets, which continually increase over time. Council seeks to accommodate this additional capacity in line with the recommendations of planning studies, which identify the best location for any additional capacity with due consideration to	Nil	2E
		<b>Access to Open Space</b>	There is currently a lack of open space in North Sydney, and the proposal will make it worse.	Whilst it is acknowledged that increases in the residential population places increased demand for open space, the subject site is located in an area with a high level of access to public open space.	Nil	2E
		<b>Traffic</b>	The proposal will result in increased traffic congestion	<b>Refer to Section 4.1 of the main report.</b>  The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
14 con'		Views	States that the proposal will completely block their views.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The submitter's apartment is orientated to the south-east. As the subject site is located to the north of 221 Miller St, the proposal will not obstruct the submitter's views.</p>	Nil	2F

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
14 con'		<b>Solar Access / Overshadowing</b>	Stated that the proposal will reduce access to sunlight.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that the proposal is incapable of overshadowing the submitter's apartment between 9am and 3pm at the winter solstice due to the shadow being obstructed by other buildings located between the subject site and the submitter's site.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
14 con'		Property Value	Suggests that the proposal will result in a decrease in the value of their property.	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration.</p> <p>Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p> <p>It is noted that the submitter's apartment is not directly impacted upon in terms of views, privacy or solar access due to existing development located between the subject site and the submitter's building, thereby unlikely to impact upon the value of the submitter's property.</p>	Nil	2E
15	Resident U1701, 229 Miller Street NORTH SYDNEY NSW 2060	Traffic	<p>Due to the extent of intensification of development and construction activity in the locality, Council needs to be cognisant of the impacts on parking and road infrastructure, congestion and safety issues.</p> <p>It is suggested that the traffic environment in the immediate area is already experiencing 'amenity collapse', and any increase in traffic should be avoided.</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
16	Resident U1912, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Outdated Documents</b> <ul style="list-style-type: none"> <li>• <b>Traffic</b></li> <li>• <b>Views</b></li> <li>• <b>Stakeholder Engagement</b></li> </ul>	<p>Many of the supporting documents were prepared many years ago and pre-date major developments in and around the subject site. This does not result in an accurate interpretation of the potential impacts arising from the development. In particular, the following reports are considered to be out of date:</p> <ul style="list-style-type: none"> <li>• Traffic &amp; Parking Impact Assessment (T&amp;PIA)</li> <li>• Visual Impact Assessment (VIA)</li> <li>• Consultation and Stakeholder Report (C&amp;SR)</li> </ul>	<p><b>Refer to Sections 4.1, 4.3, 4.8 and 4.11 of the main report.</b></p> <p><b><u>Traffic</u></b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p><b><u>Views</u></b></p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p> <p><b><u>Stakeholder Engagement</u></b></p> <p>There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.</p> <p>There is no need to revise the C&amp;SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.</p>	Nil	2E, 2F

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
16 con'		<b>Consistency with Civic Precinct Planning Study (CPPS)</b>	<p>The proposal is contrary to outcomes of the CPPS, which indicates that the subject site is located in a 'transport zone' with the goal to 'limit any significant development in this area'.</p> <p>Whilst recognising that the proposal seeks to deliver public benefits, those public benefits are contrary to the public benefit principles outlined in the CPPS.</p> <p>Council should be doing more to uphold the principles within the CPPS.</p>	<p><b>Refer to Section 4.12 of the main report</b></p> <p>The submitter has misinterpreted the CPPS, which seeks to limit any significant development within the Precinct to only within the transition zone or transport corridors. The proposal is consistent with this outcome being located within the transition zone.</p> <p>The proposed public benefits represent 3 of the 4 identified public benefits recommended to be delivered in the Precinct.</p>	Nil	2E, 2F
		<b>Visual Impact Assessment</b>		<b>Refer to Section 4.3 of the main report.</b>	Nil	2E, 2F
		- <b>Methodology</b>	<p>It is questioned why “private view loss” has been specifically excluded from the assessment.</p> <p>Further, it is questioned why the principles within the judgement for Tenacity Consulting v Waringah [2004] NSWLEC 140 (Tenacity) have been considered, which applies to “view sharing” from private property, if private view loss has been excluded.</p>	<p>Private view loss was specifically addressed in the Planning Proposal and accompanying Urban Design Report.</p> <p>Section 2 of the Visual Impact Assessment states that a view loss assessment in accordance with the principles of Tenacity was not undertaken. However, it is recognised that some aspects of that Court case have been used to determine what value should be placed on different types of views.</p>	Nil	2F
		- <b>Contradictory Assessment</b>	<p>It is suggested that the assessment undertaken within VIA contradicts the application of the international standard “Guidelines for Landscape and Visual Impact Assessment version 3 (GLVIA3) published by the Landscape Institute and the Institute of Environmental Management and Assessment in 2013. In particular:</p> <p><b>Sensitivity</b></p> <p>The report states that the Sensitivity assessment from Viewpoint 1 (from North-west from McLaren St) is rated as “Low-Medium”.</p> <p>It is suggested that it should be rated as “High”, as per GLVIA3 considerations of components, composition and other aspects impact sensitivity assessment given. In particular, it does not recognise that this Viewpoint faces west with clear 'mountains and hills' and the Blue Mountains which is a 'heritage' site. Furthermore, the extent of view loss would be complete loss.</p>	<p>It appears that the use of the Guidelines has been misrepresented in their application. Refer to comments below.</p> <p>Due to the prevailing topography, views to the west from the public domain is restricted by the upslope of land westwards of the viewpoint, thereby preventing any view of the Blue Mountains. Accordingly, the level of impact is considered correct.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
16 con'			<p><b>Magnitude</b></p> <p>The report states that the Magnitude assessment from Viewpoint 1 (from North-west from McLaren St) is rated as “Considerable”.</p> <p>It is suggested that it should be rated as “Dominant” due to its “High” Sensitivity assessment addressed above.</p> <p><b>Significance</b></p> <p>The report states that the significance assessment from Viewpoint 1 (from North-west from McLaren St) is rated as “Low-Medium”.</p> <p>It is suggested that it should be rated as “High”, due to its high sensitivity and dominant magnitude as suggested above.</p>	<p>Whilst the proposal would represent a considerable change to the current view from Viewpoint 1, it is likely to be the last significant change in the locality of a scale and bulk generally consistent with other development in the locality and therefore will not necessarily be dominant.</p> <p>As previously indicated above, the prevailing topography and evolving nature of the locality does not warrant a “high” significance.</p>		
		- <b>updated guidelines</b>	<p>The visual impacts were assessed with regard to the GLVIA3(2013). However, since this time “Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3)” were published in August 2024 and have not been considered.</p>	<p>Gateway Determination, which enables the Planning Proposal to proceed to public exhibition was granted on 22 March 2024, which predated the publication of the clarification guidelines.</p> <p>It is not possible to amend the supporting studies prior to exhibition unless explicitly stated within the Gateway Determination (no such condition applied).</p> <p>Of particular note is that GLVIA 3 is a guidance document and assessors using it are not mandated to follow it, but encouraged to do so as a matter of best practice.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
16 con'		<b>Views</b>	Residents at 168 Walker St whose apartments face due west will have complete view loss. These issues do not appear to have been assessed.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has sweeping views from the north-west to north-east.</p>	Nil	2E
		<b>Traffic</b>	<p>The traffic survey undertaken to justify the T&amp;PIA was conducted in August 2020, during the middle of COVID lockdown and does not accurately represent the base case for such a large development.</p> <p>Furthermore, the T&amp;PIA does not take into consideration new development in the locality including, the new school at 41 McLaren St, 168 Walker St, or operation of the northern portal to Victoria Cross Metro Station.</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E
		<b>Car parking – Childcare</b>	<p>Questions the provision for only 2 car spaces for childcare centre staff. Based on the National Quality Framework on Educator to child ratios, it could be assumed that the child care centre would only accommodate 20 children. However, the proposed amount of floor area dedicated for the child care centre would appear to be able to accommodate significantly more children and therefore staff.</p> <p>It is noted that 4 parent "drop off" spaces will be provided restricted to 10 minutes. How will this be policed?</p>	<p>Whilst the proposal includes a concept design, the quantum of parking can only be estimated at this point.</p> <p>The T&amp;PIA and PP indicate that 6 spaces would be allocated to the child care centre portion of the development which is consistent with maximum amount permitted (6 spaces) under NSDCP 2013 for a centre of this size.</p> <p>Furthermore, these issues can be satisfactorily addressed at the development application stage once final details are known.</p>	Nil	2F



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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
16 con'		<b>Stakeholder Engagement / Outdated Documents</b>	The Consultation and Stakeholder Report (C&SR) was conducted in 2021. Since this time, a number of new stakeholders are impacted, as a result of the completion and approval of new developments in the vicinity of the site, including mixed use development at 168 Walker St and the new school at 41 McLaren St. Consultation with these new stakeholders is required.	<b>Refer to Sections 4.8 and 4.11 of the main report.</b> There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.  There is no need to revise the C&SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.	Nil	2E
		<b>Public Benefit / Alternative Uses</b>	Consideration should be given to other public benefit uses of the site, such as green park/play spaces for children, especially considering the number of local schools in the immediate vicinity of the site.	<b>Refer to Section 4.7 of the main report.</b> The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.  Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.	Nil	2E, 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
17	Resident U1113, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	The proposal will obstruct solar access to apartments at 168 Walker St.  Requests that the southern tower be halved in length and moved further south to the street boundary and extend the northern tower southwards at the same height to improve solar access.	<b>Refer to Section 4.2 of the main report</b>  Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.  The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.  This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.  It is noted that between 9am and 3pm at the winter solstice, the proposal will not result in any reduction of solar access to the northern façade of the submitter's apartment (maintains 6hrs) but a minor reduction to its western facade from 3hrs to 2-3hrs, which is well above the min design criteria under the ADG.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
17 con'		<b>Views</b>	The proposal will obstruct views to the west from apartments at 168 Walker St.  Requests that the southern tower be halved in length and moved further south to the street boundary and extend the northern tower southwards at the same height to improve views.	<b>Refer to Section 4.3 of the main report.</b>  Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.  This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.  Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.  Despite the submitter's apartment losing most of its western views, the apartment still has sweeping views from the north-west to north-east.	Nil	2E
		<b>Privacy</b>	The proposal will reduce privacy levels to the west facing apartments at 168 Walker St, reducing amenity.	<b>Refer to Section 4.4 of the main report</b>  The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
17 con'		<b>Overdevelopment / Property Value</b>	Concerned that the proposal will have a negative impact on the value of the submitter's apartment due to a loss of amenity as outlined in the submitter's submission. There are enough tall buildings in North Sydney, and the proposal will only create chaos, complexity, and confusion. The area will feel cluttered which is not appealing.	<b>Refer to Section 4.6 of the main report.</b> Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration. Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location. Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.	Nil	2E
		<b>Alternative Uses</b>	Suggests that the site may be better used as a commuter car park for Metro users or access to the Ward Street Precinct.	<b>Refer to Section 4.7 of the main report.</b> The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced. Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park. Utilisation of the site for commuter parking would create significant traffic congestion issues and would not outweigh the benefits associated with increased utilisation of public transport without the need to utilise private transportation first.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
18	Resident U2308, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Outdated Documents</b> <ul style="list-style-type: none"> <li>• <b>Traffic</b></li> <li>• <b>Views</b></li> <li>• <b>Wind</b></li> <li>• <b>Heritage</b></li> </ul>	<p>The supporting documents accompanied the proposal are either outdated or inaccurate. Some statements within the supporting documents are misleading and only of the opinions of Sydney Metro's consultants.</p> <p>The true impacts on traffic, views, wind, heritage and culture etc are not accurately represented.</p>	<p><b>Refer to Sections 4.1, 4.3 and 4.8 of the main report.</b></p> <p><b><u>Traffic</u></b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p><b><u>Views</u></b></p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p> <p><b><u>Wind</u></b></p> <p>This assumption is incorrect, as the Assessment clearly makes reference to the development at 168 Walker St, as though it had been completed.</p> <p>Wind impacts can be measured through computer modelling, despite the absence of a physical building. Whilst not definitive, it can provide a relatively reasonable assumption of what future wind movements will occur and what measures can be used to mitigate any negative impacts. In particular, the Assessment identifies potential impacts and recommends the use of various design and architectural treatments to minimise any potential impacts.</p> <p>Wind impacts can be further assessed and the built form refined at the development application stage.</p>	Nil	2E, 2F

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
18 con'				<p><b>Heritage</b></p> <p>It is unclear as to what aspects of the proposal impact upon heritage significance.</p> <p>The proposal has been assessed by one of Council's Conservation Planners who concluded that in the context of the evolving changing character of the locality, the proposal will not adversely impact on the significance of any nearby heritage items or conservation areas.</p>		
		<b>Planning Policy</b>	<p>The proposal is inconsistent with the aims and objectives of NSLEP2013 and its associated DCP. It will have adverse environmental impact, and negative visual impact upon neighbouring properties and their private open space area. It will have significant adverse impact on the natural environment, heritage significance, or the amenity of the surrounding area. Due to the site's elongated shape, the proposed building with an increase building height to RL156m is likely to have inadequate design quality, which is inconsistent with the character and scale of the surrounding area</p>	<p>The controls contained within NSLEP 2013 are largely informed by the outcomes of adopted planning strategies which set out the desired direction of future development in the LGA. The implementation of these planning strategy outcomes into NSLEP 2013 are typically implemented on an LGA wide, precinct or site-specific approach, depending on the issues addressed in the planning strategy.</p> <p>Despite Council's adoption of the CPPS in 2020, it has not yet sought to implement the outcomes of that planning study in its LEP and/or DCP.</p> <p>Despite Council not yet implementing the outcomes of the CPPS, nothing prevents a proponent of a site covered by that planning strategy seeking to amend the planning controls applying to their sites consistent with the outcomes of that planning strategy.</p> <p>The proposal has been assessed against the outcomes of the CPPS and is deemed to be consistent with those outcomes.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
18 con'		<b>Visual Impact</b>	<p>The View Impact Assessment that accompanied the proposal was completed in August 2022, and did not consider the west facing views of apartments from 168 Walker St.</p> <p>The proposal will adversely impact on the district views afforded from the submitter's apartment which can be enjoyed from the living area, kitchen and one of the bedrooms.</p> <p>These views stretch from Lavender Bay through to St Leonards and incorporate Lane Cove River, Homebush metropolitan &amp; Parramatta metropolitan skylines and the Blue Mountains are clearly visible on a clear day.</p> <p>The submitter had purchased a west facing apartment on the 23th floor of 168 Walker St.</p> <p>In October 2023, the submitter made the decision to purchase their apartment for its expansive and unobstructed westerly view and based on the planning controls contained within NSLEP 2031 and NSDCP 2013 which only anticipated a 10-storey built form on the subject site.</p> <p>The LEP and DCP seek to promote the retention of and if appropriate sharing of existing views. The proposal clearly does not constitute reasonable view sharing. It is also contrary to the Land and Environment Court Planning Principle set out in Tenacity Consulting v Warringah Council which states "Where an impact on views arises as a result of noncompliance with one or more planning controls, even a moderate impact may be considered unreasonable"</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has views to Sydney Harbour to the southeast which have greater value.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
18 con'		<b>Disclosure of Planning Information</b>	<p>Prior to purchasing their apartment in 2023, the submitter undertook due diligence investigations to determine if there was any development being planned in the locality that might impact their purchase.</p> <p>In particular, they relied on the information contained with the s.10.7 Planning Certificate (dated July 2023) supplied with the contract of sale for the submitter's apartment. However, the Certificate did not include information about the existence of the subject Planning Proposal, despite it having been lodged with Council in 2021. Council has therefore failed to take reasonable care in issuing s.10.7 Planning Certificates in disclosing the existence of the Planning Proposal 6/21.</p>	<p><b>Refer to Section 4.9 of the main report.</b></p> <p>The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.</p> <p>Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.</p> <p>In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.</p> <p>It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.</p>	Nil	2E, 2G
		<b>Consistency with Civic Precinct Planning Study (CPPS)</b>	<p>The proposal is contrary to outcomes of the CPPS, which indicates that the subject site is located in a 'transport zone' with the goal to 'limit any significant development in this area'.</p> <p>The northern end of Miller St should retain its village characteristics, which is rich in culture and heritage.</p> <p>Unlike adjacent building at 168 Walker St, which is further down from the Civic Precinct with an elegant architectural design which provides a pleasant visual impression, the proposal is in the transition zone. The site is not located in the North Sydney CBD and it is unreasonable to permit a 24-storey building so close to public amenities.</p>	<p><b>Refer to Section 4.12 of the main report</b></p> <p>The submitter has misinterpreted the CPPS, which seeks to limit any significant development within the Precinct to only within the transition zone or transport corridors. The proposal is consistent with this outcome being located within the transition zone.</p> <p>The proposal has adequately demonstrated its consistency with the CPPS.</p>	Nil	2E, 2F
		<b>Traffic / Outdated Documents</b>	<p>The submitter notes that the traffic survey undertaken to justify the T&amp;PIA was conducted in August 2020, during the middle of COVID lockdown and does not accurately represent the base case for such a large development.</p> <p>Furthermore, the T&amp;PIA does not take into consideration new development in the locality including, the new school at 41 McLaren St, 168 Walker St, or future Western Harbour Tunnel.</p>	<p><b>Refer to Section 4.1 and 4.8 of the main report.</b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E



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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
18 con'		<b>Stakeholder Engagement / Outdated Documents</b>	The Consultation and Stakeholder Report (C&SR) was compiled in August 2022. The information in this report is now irrelevant, as there are now an additional 384 dwellings in the building next door at 168 Walker St and a new school at 41 McLaren St.	<b>Refer to sections 4.8 and 4.11 of the main report.</b>  There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.  There is no need to revise the C&SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.	Nil	2E
		<b>Wind Impact / Outdated Documents</b>	The Wind Impact Assessment was completed in July 2021. This assessment is now irrelevant as it does not consider having 2 high rise buildings located adjacent to one another (i.e. the development at 168 Walker St has been ignored).  Of particular concern, is the potential wind tunnel effect from North to South (Elliot St to McLaren St) with impacts at the ground level along McLaren St, impacts to the ground floor piazza and podium level of 168 Walker St.  It is also suggested that the 450 sqm outdoor space to be occupied by the childcare centre would not be usable and pedestrians would avoid using the sloped through site link.  A proper wind impact assessment must be completed before any building height amendment can occur and council should obtain an independent engineer to confirm the wind impacts of the proposal.	<b>Refer to Section 4.8 of the main report.</b>  This assumption is incorrect, as the Assessment clearly makes reference to the development at 168 Walker St, as though it had been completed.  Wind impacts can be measured through computer modelling, despite the absence of a physical building. Whilst not definitive, it can provide a relatively reasonable assumption of what future wind movements will occur and what measures can be used to mitigate any negative impacts. In particular, the Assessment identifies potential impacts and recommends the use of various design and architectural treatments to minimise any potential impacts.  Wind impacts can be further assessed and the built form refined at the development application stage.	Nil	2E, 2F

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
18 con'		<b>Overdevelopment / Infrastructure</b>	<p>Questioned why the original proposal for seniors living on the site has not been retained, given the limited number of aged care facilities in North Sydney.</p> <p>While recognising that there is a genuine need for additional housing in the LGA, additional infrastructure must also be provided to cater for the needs of these new residents.</p> <p>The proposal represents an overdevelopment of the site and would not result in bringing a vibrant atmosphere nor commercial gain to North Sydney. Conversely, it would discourage people moving to North Sydney in fear the Council and the State Government would blindly support any development proposal.</p>	<p><u><b>Use</b></u></p> <p>Whilst there was a former approval for seniors living on the site, that approval has since lapsed. Council is not in a position to dictate that the site is used for seniors living, unless it is rezoned to stipulate a such. Such a rezoning would be contrary to the outcomes under the s.9.1 Ministerial Directions.</p> <p><u><b>Infrastructure</b></u></p> <p>The planning proposal was referred to multiple State infrastructure agencies who have indicated that there is sufficient capacity in the existing systems to accommodate a development of the scale and intensity envisaged for the site.</p> <p><u><b>Overdevelopment / Vibrancy</b></u></p> <p>The proposal will help to improve the vibrancy of the locality by providing a mixed use development with edges that are conducive to activating the public domain at the ground plane.</p>	Nil	2E
		<b>Affordable Housing</b>	<p>The proposal only commits to the delivery of 5% of all dwellings as affordable housing for 10 years, contrary to the min of 10-20% in perpetuity as recommended by the North Sydney Local Planning Panel Meeting 31 May 2023. The quantum and extent is also contrary to the State Government's housing policy.</p> <p>It appears that the proposal is to act as a profit-making instrument, it does not consider affordable housing to be critical to the development.</p>	<p><b>Refer to Section 8.1 of the main report.</b></p> <p>Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government. Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government.</p> <p>If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
18 con'		Property Value	The submitter states that should the proposal be supported and progressed, they will suffer substantial economic loss, largely as a result of the loss of views and privacy.	<b>Refer to Section 4.6 of the main report.</b> Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration. Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location. Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.	Nil	2E
19	Resident U1014, 168 Walker Street NORTH SYDNEY NSW 2060	Alternative Use / Public Benefit	Raises concern about the land being acquired by the State Government through compulsory acquisition for public infrastructure purposes. However, the land is now being sold for private development profit. This appears to be a misuse of the Compulsory and Mandatory Land Acquisition Policy.  If the land is no longer needed for the Metro, it should logically be repurposed for community benefit through facilities such as green spaces/parks, aged care, disability accommodation, or childcare centres.	<b>Refer to Section 4.7 of the main report.</b> The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced. Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.  Whilst the subject site has been appropriately acquired to assist in the delivery of the Victoria Cross Metro Station, it is not unreasonable to allow additional development to offset the loss of commercial viability of only providing a pedestrian entry to the Metro Station over a portion of the site. Furthermore, the CPPS identified that there is potential for additional development capacity over the subject site.	Nil	2E, 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
19 con'		<b>Scale and Bulk</b>	The current RL 110m building height limit provides a sensible transition from the Metro's northern portal on Miller St to 168 Walker St. There appears to be no justified need for the additional height beyond developer profit.	<b>Refer to Section 4.5 of the main report.</b> The proposal has been prepared in response to and consistent with the outcomes of the CPPS. The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets. In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts.	Nil	2E
		<b>Solar Access / Overshadowing</b>	The combination of proposed height and building separation will result in the significant loss of solar access to neighbouring dwellings.	<b>Refer to Section 4.2 of the main report</b> Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment. The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area. This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths. It is noted that between 9am and 3pm at the winter solstice, the proposal will not result in any reduction of solar access to the northern façade of the submitter's apartment (maintains 6hrs) well above the min design criteria under the ADG.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
19 con'		<b>Privacy</b>	The combination of proposed height and building separation will result in the significant loss of privacy.	<b>Refer to Section 4.4 of the main report</b> The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens. The submitter's apartment is located on the northern façade with sole north orientation and therefore not directly impacted upon in this regard.	Nil	2E
		<b>Views</b>	The combination of proposed height and building separation will result in the significant loss of green and district views to the west.	<b>Refer to Section 4.3 of the main report.</b> Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed. This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal. Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment. The submitter's apartment has a sole northern orientation and any impact from the proposal will be minimal.	Nil	2E
		<b>Traffic</b>	Concerned about the proposal's impact on local traffic. North Sydney is already at capacity and the situation will only worsen when the Western Harbor Tunnel opens, which will channel traffic through Miller St and Walker St via McLaren St. The proposal will only further compound these issues while increasing local pollution levels.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
19 con'		<b>Planning Processes</b>	It is suggested that there has been a lack of transparency in the planning process.  Concerned that Council is supporting a proposal without a formal Development Application. This appears to bypass important planning processes designed to protect community interests.	The main report demonstrates how Council has followed the legislative requirements for the amendment of its planning controls.  The proposal merely seeks approval of new planning controls and not for an actual development to be constructed.  A finalised design for construction will be subject to a future development application and its assessment, whereby the community will be given a further opportunity to comment on its acceptability.  Further, as indicated in Section 4.9 to the main report, Council has gone over and above the min requirements to disclose as much relevant information as required with regard to the progression and adoption of relevant planning studies and planning proposals.	Nil	2E, 2F
		<b>Stakeholder Engagement / Outdated Documents</b>	Council's reliance on an outdated Consultation and Stakeholder Report (C&SR) dated June 2021 fails to consider the significant demographic changes in our area over the past three years	<b>Refer to Sections 4.8 and 4.11 of the main report.</b>  There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.  There is no need to revise the C&SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
19 con'		<b>Disclosure of Planning Information</b>	This proposal was not disclosed in legal searches prior to recent property purchases, despite the height increase being proposed in Council's 2020 Civic Precinct Planning Study.	<p><b>Refer to Section 4.9 of the main report.</b></p> <p>The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.</p> <p>Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.</p> <p>In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.</p> <p>It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.</p>	Nil	2E, 2G
		<b>Affordable Housing</b>	<p>Objects to the proposed 5% affordable housing allocation for only 10 years, which falls well below government thresholds for developments of this nature.</p> <p>The North Sydney Civic Precinct needs more public facilities and infrastructure to support our growing population, not more luxury apartments.</p>	<p><b>Refer to Section 8.1 of the main report.</b></p> <p>Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government.</p> <p>Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government.</p> <p>If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
20	Resident Unit 1014, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Alternative Uses / Public Benefit</b>	<p>Raises concern about the land being acquired by the State Government through compulsory acquisition for public infrastructure purposes. However, the land is now being sold for private development profit. This appears to be a misuse of the Compulsory and Mandatory Land Acquisition Policy.</p> <p>If the land is no longer needed for the Metro, it should logically be repurposed for community benefit through facilities such as green spaces/parks, aged care, disability accommodation, or childcare centres.</p>	<p><b>Refer to Section 4.7 of the main report.</b></p> <p>The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.</p> <p>Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.</p> <p>Whilst the subject site has been appropriately acquired to assist in the delivery of the Victoria Cross Metro Station, it is not unreasonable to allow additional development to offset the loss of commercial viability of only providing a pedestrian entry to the Metro Station over a portion of the site. Furthermore, the CPPS identified that there is potential for additional development capacity over the subject site.</p>	Nil	2E
		<b>Scale</b>	<p>The current RL 110m height limit provides a sensible transition from the Metro building to the Aura building. There appears to be no justified need for the additional height beyond developer profit.</p>	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>The proposal has been prepared in response to and consistent with the outcomes of the CPPS.</p> <p>The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets.</p> <p>In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts.</p>	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
20 con'		<b>Solar access / Overshadowing</b>	The combination of proposed height and building separation will result in the significant loss of solar access to neighbouring dwellings.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will not result in any reduction of solar access to the northern façade of the submitter's apartment (maintains 6hrs) well above the min design criteria under the ADG.</p>	Nil	2E
		<b>Privacy</b>	The combination of proposed height and building separation will result in the significant loss of privacy.	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG.</p> <p>Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
20 con'		<b>Views</b>	The combination of proposed height and building separation will result in the significant loss of green and district views to the west.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate posing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The submitter's apartment has a sole northern orientation and any impact from the proposal will be minimal.</p>	Nil	2E
		<b>Traffic</b>	The local streets are already congested. The proposal will only make the situation more challenging, especially when the Western Harbor Tunnel directs additional traffic through McLaren St via Miller St and Walker St. This increased traffic will degrade local air quality.	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
20 con'		<b>Disclosure of Planning Information</b>	This proposal was not disclosed in legal searches prior to recent property purchases, despite the height increase being proposed in Council's 2020 Civic Precinct Planning Study.	<p><b>Refer to Section 4.9 of the main report.</b></p> <p>The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.</p> <p>Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.</p> <p>In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.</p> <p>It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.</p>	Nil	2E, 2G
		<b>Affordable Housing / Public benefit</b>	<p>Objects to the proposed 5% affordable housing allocation for only 10 years, which falls well below government thresholds for developments of this nature.</p> <p>The North Sydney Civic Precinct needs more public facilities and infrastructure to support population growth, not more luxury apartments.</p>	<p><b>Refer to Section 8.1 of the main report.</b></p> <p>Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government.</p> <p>Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government.</p> <p>If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
20 con'		<b>Planning Processes</b>	Council's support for this proposal without requiring a formal Development Application raises serious questions about proper planning processes and community protection.	<p>The main report demonstrates how Council has followed the legislative requirements for the amendment of its planning controls.</p> <p>The proposal merely seeks approval of new planning controls and not for an actual development to be constructed.</p> <p>A finalised design for construction will be subject to a future development application and its assessment, whereby the community will be given a further opportunity to comment on its acceptability.</p> <p>Further, as indicated in Section 4.9 to the main report, Council has gone over and above the min requirements to disclose as much relevant information as required with regard to the progression and adoption of relevant planning studies and planning proposals.</p>	Nil	2E, 2F
21	Resident Units 2211 and 1805, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Views</b>	<p>The combination of proposed height and building separation (approximately 20m) will severely impact the views from the submitter's apartment which is located on the western side of 168 Walker St.</p> <p>Currently, there is no obstruction to the west, and the submitter had paid a premium for a high level unit on the understanding that there would be no high-rise buildings located to the west to obstruct the apartment's beautiful views.</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's south western apartment losing most of its western views, the apartment still has views to Sydney Harbour to the southeast which have greater value. The proposal will have no impact on the other apartment as its sole orientation is to the south east.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
21 con'		<b>Privacy</b>	<p>The combination of proposed height and building separation (approximately 20m) will severely impact the privacy upon the submitter's apartment which is located on the western side of 168 Walker St.</p> <p>The western façade of the building at 168 Walker St is fully glazed and the submitter states that they will have to have their curtains closed all day to ensure their privacy.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p>	Nil	2E
		<b>Solar Access / Overshadowing</b>	<p>The combination of proposed height and building separation (approximately 20m) will result in the significant loss of solar access to the western facing apartments in 168 Walker St.</p>	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will not result in any reduction of solar access to either of submitter's apartments (3hrs to the western facade of the south western apartment and 3hrs to south eastern apartment), consistent with the min design criteria under the ADG.</p>	Nil	2E
		<b>Traffic</b>	<p>The proposal, in conjunction with the opening of a new school at 41 McLaren St, will seriously increase traffic congestion.</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
22	Resident U2002, 221 Miller Street NORTH SYDNEY NSW 2060	<b>Building Height / Scale</b>	<p>The proposed building of 24 storeys, which is located at the top of the hill, will comprise the other surrounding buildings by excessive overshadowing.</p> <p>Buildings in North Sydney generally follow the peaks and troughs of the undulating terrain, so that the cumulative built form looks consistent. The proposal will look to defy that outcome.</p> <p>Requests that the maximum building height be reduced to 15 storeys or lower.</p>	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>The proposal has been prepared in response to and consistent with the outcomes of the CPPS.</p> <p>The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets.</p> <p>In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts.</p> <p>Whilst it appears that the proposal's transition is at odds with the existing character, it needs to be recognised that the locality's characteristics are changing following the construction of the Victoria Cross Station, which has effectively expanded the North Sydney Centre, northwards creating a subnode.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
22 con'		<b>Solar access / Overshadowing</b>	The proposal will result in excess overshadowing as a result of its location at the top of the hill.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that the proposal is incapable of overshadowing the submitter's apartment between 9am and 3pm at the winter solstice due to the shadow being obstructed by other buildings located between the subject site and the submitter's site.</p>	Nil	2E
		<b>Traffic</b>	<p>The locality is already subject to significant existing traffic congestion, primarily due to the numerous one way streets and existence of numerous schools, which causes traffic gridlock often.</p> <p>The proposal will exacerbate this situation and further worsen once the Western Harbour Tunnel is completed.</p> <p>It is noted that the T&amp;PIA indicates that about 800 cars pass along Miller St an hour. However, this seems to exclude the movements of development at 168 Walker St and therefore will only be higher now.</p>	<p><b>Refer to Section 4.1 and 4.8 of the main report.</b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
22 con'		<b>Construction Management</b>	The construction management plan is overly simplistic. Garbage trucks are currently required to reverse down Faith Bandler Place to service buildings along Miller St. If the project were to go ahead, construction vehicle access to the site will be an impossibility.  There is also likely to be an adverse impact on first responder access and/or emergency egress from Miller St to be even worse.	As the proposal only seeks to amend the planning controls and does not involve any construction, there is technically no need for a construction management plan. However, one has been provided to give a general indication of how such impacts may be managed.  Issues regarding construction management are better addressed at the DA stage, when greater detail is known as to how the development may be constructed. Appropriate conditions can be added to any development consent to manage those impacts.	Nil	2E
		<b>Views</b>	The Visual Impact Assessment (VIA) clearly outlines and confirms view loss from up to 1000 apartments in at least 8 residential buildings located in Walker St and Miller St. This is unfair and requires further consideration.	<b>Refer to Section 4.3 of the main report.</b>  The VIA only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.  This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.  Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment. Despite the submitter's apartment losing some of its northern views, the apartment will still retain the majority of its views to the north-west past the subject site.	Nil	2E
23	Resident U702, 39 McLaren Street, NORTH SYDNEY NSW 2060	<b>Duplicate submission</b>	Duplicate of Submission 12 from the same submitter.	Refer to Submission 12	-	-



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
24	Resident U2112, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	The proposal will significantly diminish solar access to the apartments on the western side of 168 Walker St.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will not result in any reduction of solar access to the northern or western façades of the submitter's apartment (maintaining 6hrs and 3hrs respectively) well above the min design criteria under the ADG.</p>	Nil	2E
		<b>Privacy</b>	The proposal will eliminate the privacy to all west facing apartments at 168 Walker St.	<p><b>Refer to Section 4.4 of the main report.</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG.</p> <p>Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
24 con'		<b>Views</b>	The proposal will totally block the existing views from all west facing apartments at 168 Walker St from Level 26 and below.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate posing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has sweeping views from the north-west to north-east.</p>	Nil	2E
		<b>Through Site Link</b>	<p>The submitter notes that the proposal incorporates pedestrian access from McLaren St through to Elliot St. It is suggested that this proposed pedestrian access does not provide significant community benefit, as:</p> <ul style="list-style-type: none"> <li>- there is currently access from McLaren St to Elliot St via the Rydge's Hotel site; and</li> <li>- the access only benefits pedestrian traffic from McLaren St.</li> </ul>	<p><b>Refer to Section 8.3 of the main report.</b></p> <p>The proposed pedestrian through site link assists with the delivering on the key long term vision established within the Civic Precinct Planning Study and North Sydney Public Domain Strategy which seek to improve dedicated public pedestrian access through the locality.</p> <p>It is recognised that there are other aspects which will need to be delivered upon to fully achieve the long term goals.</p>	Nil	2E
		<b>Construction Impacts</b>	States that residents will have to put up with years of more construction activities including dust, pollution and noise.	<p><b>Refer to Section 4.10 of the main report.</b></p> <p>Construction impacts are temporary in nature.</p> <p>Whilst it is acknowledged that construction activities on multiple sites in close proximity to one another and at the same time can exacerbate these issues, can lead to an overall reduced impact time wise, than allowing developments to only be constructed one at a time or with very short periods of no development in between.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
24 con'		<b>Property Value</b>	The value of properties at 168 Walker St will be reduced as a result of the proposed development.	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration.</p> <p>Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p>	Nil	2E
		<b>Disclosure of Planning Information</b>	Suggests that Council has not followed proper procedures to advertise proposed changes in height relating to 52 McLaren St. Noted that Council held documents from 2020 and 2021 which discussed potential planning changes, but were not disclosed on search, nor were they made available in the public domain until recently.	<p><b>Refer to Section 4.9 of the main report.</b></p> <p>The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.</p> <p>Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.</p> <p>In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.</p> <p>It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
24 con'		<b>Outdated Documents</b> <ul style="list-style-type: none"> <li>Traffic</li> <li>Views</li> </ul>	<p>The exhibited Planning Proposal documents are outdated, and hence not reasonably reflect or provide an accurate account of current conditions in the locality. In particular, the following documents are outdated:</p> <ul style="list-style-type: none"> <li>Traffic &amp; Parking Impact Assessment (T&amp;PIA).</li> <li>Visual Impact Assessment (VIA)</li> </ul> <p>Suggested that these should be undertaken only once the new school at 41 McLaren St is operational.</p>	<p><b>Refer to Sections 4.1, 4.3 and 4.8 of the main report.</b></p> <p><b>Traffic</b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p><b>Views</b></p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p>	Nil	2E, 2F
		<b>Consistency with Civic Precinct Planning Study (CPPS)</b>	<p>The proposal is inconsistent with the outcomes of the CPPS. In particular, it does not align with Principle 4 to 'limit any potential significant development to the transport corridors and the transition zone'. A 24-storey plus 14-storey development is a significant development. Rather than rely on a site specific consideration, a more reasonable approach would be for Council to implement all of the CPPS principles for this transport/transition zone to limit any significant development.</p>	<p><b>Refer to Section 4.12 of the main report</b></p> <p>The submitter has misinterpreted the CPPS, which seeks to limit any significant development within the Precinct to only within the transition zone or transport corridors. The proposal is consistent with this outcome being located within the transition zone.</p> <p>Whilst Council could instigate a wider reform to amend its LEP and DCP to implement the outcomes of the CPPS, it is often dependant upon its capacity to do so. The benefit of having the CPPS is that it sets a community endorse strategic direction for the locality, should private interest seek to progress quicker than Council.</p> <p>If Council had already embarked to implement the outcomes of the CPPS, it would be little different to what is being proposed now, as the proposal is consistent with the outcomes of the CPPS.</p>	Nil	2E, 2F

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
24 con'		<b>Traffic</b>	Miller St and McLaren St do not have the capability to accommodate more traffic associated with this proposal.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Public Benefits</b>	The proposed 'public benefits' contravenes the community objective to carefully manage the scale and design of new development.			
		- <b><i>Overshadowing of public space</i></b>	States that the Civic Precinct should be kept for all residents of North Sydney, with any additional high rise resulting in overcrowding and overshadowing of existing public open spaces.	The planning proposal does not overshadow any existing or proposed public open spaces. The anticipated future population of the site post development will not place an undue stress on these existing or future public open spaces.	Nil	2E
		- <b><i>Child Care Centre</i></b>	States that the need for a child care centre here is not required due to the number of other centres located within a short distance from the Victoria Cross Metro station.  The proposed child care centre is largely indoor, which is not ideal and would be most likely used by commuters from outside the North Sydney LGA.	<b>Refer to Section 8.2 of the main report.</b> There is an acute need to deliver more child care places within the LGA as identified under the CPPS. The design of the child care centre will be addressed at the DA stage, which will require assessment against relevant criteria, which is not needed to be addressed at this stage.	Nil	2E, 2F
		- <b><i>Infrastructure Capacity</i></b>	The Civic Precinct does not have sufficient infrastructure and capacity to accommodate an additional day care centre or residents.	The planning proposal was referred to multiple State infrastructure agencies who have indicated that there is sufficient capacity in the existing systems to accommodate a development of the scale and intensity envisaged for the site.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
24 con'		- <b>Affordable housing</b>	The proposed commitment to deliver 5% of apartments as affordable housing (i.e. less than 10 apartments) and for only 10 years is meaningless and not significant enough to make an impact to housing affordability, nor justification for the amended height controls from 12 to 24 storeys.	<b>Refer to Section 8.1 of the main report.</b>  Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government.  Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government.  If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.	Nil	2E
		<b>Alternative Use</b>	Other public benefits should be considered, including using the site as green park/play space for children, especially when factoring the amount of the local schools in the immediate vicinity of the site (Wenona, Reddam, Marist, Monte)	<b>Refer to Section 4.7 of the main report.</b>  The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.  Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.	Nil	2E, 2G
25	Residents U2309, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Additional submission</b>	Additional issues raised and incorporated within Submission 8	Refer to Submission 8	-	-
26	Resident 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	The proposal will completely overshadow Wenona School on the Miller St side.	The proposal will have minimal overshadowing impact on the Wenona School grounds and usable outdoor spaces. This is largely achieved through the setbacks established for any future development from side and rear boundaries and reducing the maximum height limit across the northern portion of the subject site by 3m.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
26 con'		<b>Privacy</b>	The proposal reduces the privacy of school children at Wenona. This, in conjunction with the towering structure, will negatively impact on students' mental wellbeing.	<b>Refer to Section 4.4 of the main report.</b> The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens. It is unclear if the submitter's apartment is directly affected as their address has been withheld.	Nil	2E
		<b>Building Scale</b>	The proposed height limit is out of proportion to surrounding development with the exception of 168 Walker St	<b>Refer to Section 4.5 of the main report.</b> The proposal has been prepared in response to and consistent with the outcomes of the CPPS. The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets. In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts.	Nil	2E
		<b>Public Amenity</b>	The structure also reduces amenity for members of public who use the Ted Mack Civic Park.	The submission is unclear as to what impacts on the amenity of Ted Mack Civic Park will entail. The proposal does not overshadow the park at key usable hours.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
26 con'		<b>Structural safety</b>	The proposed height limit would mean that any future building on the site would require a foundation of such depth that it would pose a risk to the Metro line. This is a major concern for the structural integrity of the Victoria Station whereby over 200,000 passengers pass through and over 15,000 enter/exit everyday. An incident due to structural issues puts hundreds of lives and limbs at risk.	There are numerous examples where developments are constructed over and above underground public transport infrastructure, without any adverse risk to that infrastructure. In this particular instance the proposed tower will not be located directly above the infrastructure, but adjacent to (the main alignment of the rail tunnels being located under Miller St.  Furthermore, these issues can be adequately addressed at the development application stage.	Nil	2E
27	Resident U90, 237 Miller Street, NORTH SYDNEY NSW 2060	<b>Traffic</b>	The management of traffic in this locality will become more problematic as children return to school, as commuters get dropped off at the Metro entrance and as residents at 168 Walker St and 45 McLaren St begin to use vehicles in this small street.	<b>Refer to Section 4.1 of the main report.</b>  The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Local Amenity</b>	Council needs to consider the health and amenity of the residents who already live in LGA, rather than just try to accommodate more residents.	Council is required by the State government to deliver more dwellings and employment floorspace in response to broader population growth. It is best practice to locate this additional population in locations which have ready access to existing transport, social and community infrastructure. The subject site is highly accessibly to mas public transport and existing services and facilities which reduces the need for residents to travel large distances for the day to day needs.  The assessment of the planning proposal requires the relevant planning authority to	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
27 con'		<b>Overdevelopment / Alternative Uses</b>	<p>This locality has experienced substantial redevelopment in the last 10 years with the construction of:</p> <ul style="list-style-type: none"> <li>- the northern portal to Victoria Cross Metro station;</li> <li>- the mixed use development at 168 Walker St;</li> <li>- the new school at 41 McLaren St; and</li> <li>- future demolition and development of 45 McLaren St</li> </ul> <p>Concerned that the proposal will result in an overdevelopment of this location straddling a small street. Whilst delighted with the way North Sydney is burgeoning, the submitter is concerned that the overdevelopment of this site is unwise.</p> <p>Suggests that the subject site should be redeveloped either as:</p> <ul style="list-style-type: none"> <li>- a pathway through to St Leonards Park; or</li> <li>- a new public open space for residents and students of the new school at 41 McLaren St; or</li> <li>- a low-rise block, which will not impact so much on traffic, overshadowing, light and noise.</li> </ul> <p>Questioned why increased residential accommodation is required at this stage in this location, especially given that only about half of the apartments at 168 Walker St have been sold and more are to be delivered at 45 McLaren St.</p>	<p><b><u>Overdevelopment</u></b></p> <p>The planning proposal was referred to multiple State infrastructure agencies who have indicated that there is sufficient capacity in the existing systems to accommodate a development of the scale and intensity envisaged for the site.</p> <p>The proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p> <p>Additional housing in this location is warranted inline with State and Federal Governments push to locate more homes in areas with high levels of accessibility and infrastructure capacity.</p> <p><b><u>Alternative Uses</u></b></p> <p><b>Refer to Section 4.7 of the main report.</b></p> <p>The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.</p> <p>Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.</p>	Nil	2E, 2G

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
28	Resident U87, 237 Miller Street, NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	The proposal will result in a darker street being completely overshadowed.  Requests that the proposed building envelope be reversed, with the taller element to the north, thereby minimising overshadowing impacts to the residential dwellings located to the south of McLaren St.	<b>Refer to Section 4.2 of the main report</b>  Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.  The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.  This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.  It is noted that the proposal will result in a minor reduction of solar access to the submitter's apartment between 9am and 3pm at the winter solstice, from 6hrs to 5hrs to the northern facade and no reduction to the 3hrs received to the western façade), well above the min design criteria under the ADG.	Nil	2E
		<b>Wind Impacts</b>	The proposal is likely to contribute to increased wind impacts on McLaren St. The recently constructed building at 168 Walker St is evidence of this.	<b>Refer to Section 4.8 of the main report.</b>  Whilst it is recognised that increasing tower heights can contribute to increased wind impacts at the pedestrian level, there are numerous design and architectural element solutions to assist in mitigating these impacts.  Wind impacts can be further assessed and the built form refined at the development application stage if required.	Nil	2E
		<b>Traffic</b>	Suggests that vehicular traffic should enter from McLaren St and exit into Elliot St. This should minimise impacts for school children in the area.	<b>Refer to Section 4.1 of the main report.</b>  Elliot St is identified under Council's Civic Precinct Planning Study and Public Domain Strategy as a future shareway, with a focus on pedestrian priority. Any additional increase in vehicular traffic movements along Elliot St would be inconsistent with achieving this long-term goal.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
28 con'		<b>Building Separation / Residential amenity</b>	Requests a bigger building separation between the proposed built form envelope and dwellings located on the southern side of McLaren St in order to maximise the green visual space.	The proposed building envelope seeks to retain the existing landscaped setback zone and existing figtree. This envelope maintains a min separation distance of at least 32m which is well in excess of the building separation requirements under the Apartment Design Guide (min of 24m)	Nil	2E
		<b>Construction Impacts</b>	Residents have suffered for years with the continual construction activities on the subject site to deliver the Metro and the demolition and construction of bigger and bigger buildings, which is totally destroying the amenity of the suburb	<b>Refer to Section 4.10 of the main report.</b> Construction impacts are temporary in nature. Whilst it is acknowledged that construction activities on multiple sites in close proximity to one another and at the same time can exacerbate these issues, can lead to an overall reduced impact time wise, than allowing developments to only be constructed one at a time or with very short periods of no development in between.	Nil	2E
		<b>Condition of Fig Trees</b>	The submitter had previously advised Council about the condition of the fig trees on the subject site but has yet to receive a response.  In particular, they have noticed that no remedial works have been undertaken to protect them, such as clearing out competing plants, and if left in this condition are likely to die of their own accord.	This is a compliance issue in relation to the DA for the construction of the Metro Portal.  The issue has been passed onto the relevant section of Council for action/response.	Nil	2A

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
29	Resident Unit 1003, 229 Miller Street, NORTH SYDNEY NSW 2060	<b>Construction Impacts</b>	<p>The proposal poses serious risk to the families and children of the North Sydney community, namely the surrounding education facilities.</p> <p>North Sydney has been subjected to a wide range of heavy duty construction in the recent years in the vicinity of the subject site.</p> <p>Children commute up and down Miller St numerous times a day, including the two trips daily to school from home and back, as well as countless trips during their school day for lunch, recess, study breaks, and Physical Education classes. These innumerable daily commutes scale considerably when accounting for the high number of education facilities in the area. Therefore, the proliferation of construction in the surrounding area, including the subject site, poses a substantial worry for parents.</p> <p>Also concerned about the increased volume of concentrated traffic in the area, in conjunction with construction traffic which increases the risk of serious operational incidents.</p> <p>Whilst the submitter notes that halting the progress of ongoing constructions is difficult, they request Council puts to an end to the addition of new and unjustified developments like that proposed</p>	<p><b>Refer to Section 4.10 of the main report</b></p> <p>Construction impacts are temporary in nature.</p> <p>Whilst it is acknowledged that construction activities on multiple sites in close proximity to one another and at the same time can exacerbate these issues, can lead to an overall reduced impact time wise, than allowing developments to only be constructed one at a time or with very short periods of no development in between.</p> <p>The safety of pedestrians are typically dealt with as a requirement of any development consent with the requirement to provide a detail construction management plan.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
30	Resident Unit 1802, 229 Miller Street, NORTH SYDNEY NSW 2060	<b>Construction Impacts</b>	<p>The proposal poses serious risk to the families and children of the North Sydney community, namely the surrounding education facilities.</p> <p>North Sydney has been subjected to a wide range of heavy duty construction in the recent years in the vicinity of the subject site.</p> <p>Children commute up and down Miller St numerous times a day, including the two trips daily to school from home and back, as well as countless trips during their school day for lunch, recess, study breaks, and Physical Education classes. These innumerable daily commutes scale considerably when accounting for the high number of education facilities in the area. Therefore, the proliferation of construction in the surrounding area, including the subject site, poses a substantial worry for parents.</p> <p>Also concerned about the increased volume of concentrated traffic in the area, in conjunction with construction traffic which increases the risk of serious operational incidents.</p> <p>Whilst the submitter notes that halting the progress of ongoing constructions is difficult, they request Council puts to an end to the addition of new and unjustified developments like that proposed</p>	<p><b>Refer to Section 4.10 of the main report.</b></p> <p>Construction impacts are temporary in nature.</p> <p>Whilst it is acknowledged that construction activities on multiple sites in close proximity to one another and at the same time can exacerbate these issues, can lead to an overall reduced impact time wise, than allowing developments to only be constructed one at a time or with very short periods of no development in between.</p> <p>The safety of pedestrians are typically dealt with as a requirement of any development consent with the requirement to provide a detail construction management plan.</p>	Nil	2E
31	Resident U2310, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Outdated Documents</b> <ul style="list-style-type: none"> <li>• Traffic</li> <li>• Views</li> <li>• Wind</li> <li>• Heritage</li> </ul>	<p>The supporting documents accompanied the proposal are either outdated or inaccurate. Some statements within the supporting documents are misleading and only of the opinions of Sydney Metro's consultants.</p> <p>The true impacts on traffic, views, wind, heritage and culture etc are not accurately represented.</p>	<p><b>Refer to Sections 4.1, 4.3 and 4.8 of the main report.</b></p> <p><b><u>Traffic</u></b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2E, 2F

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
31 con'				<p><b><u>Views</u></b></p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p> <p><b><u>Wind</u></b></p> <p>This assumption is incorrect, as the Assessment clearly makes reference to the development at 168 Walker St, as though it had been completed. Wind impacts can be measured through computer modelling, despite the absence of a physical building. Whilst not definitive, it can provide a relatively reasonable assumption of what future wind movements will occur and what measures can be used to mitigate any negative impacts. In particular, the Assessment identifies potential impacts and recommends the use of various design and architectural treatments to minimise any potential impacts.</p> <p>Wind impacts can be further assessed and the built form refined at the development application stage.</p> <p><b><u>Heritage</u></b></p> <p>It is unclear as to what aspects of the proposal impact upon heritage significance.</p> <p>The proposal has been assessed by one of Council's Conservation Planners who concluded that in the context of the evolving changing character of the locality, the proposal will not adversely impact on the significance of any nearby heritage items or conservation areas.</p>		

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
31 con'		<b>Visual Impact</b>	The attributes of the site necessitates a building which is long and narrow. This built form outcome will have a devastating impact on the Civic Precinct skyline when looking from Ted Mac Park. The elegant design of the building at 168 Walker St will be completely blocked from Miller St.	The proposed built form is generally consistent with best practice for tall towers, by incorporating a maximum tower width which is consistent with the CPPS and reinforced through the draft DCP.	Nil	2E
		<b>Consistency with Civic Precinct Planning Study (CPPS)</b>	The proposal is contrary to outcomes of the CPPS, which indicates that the subject site is located in a 'transport zone' with the goal to 'limit any significant development in this area'. The northern end of Miller St should retain its village characteristics, which is rich in culture and heritage. Unlike adjacent building at 168 Walker St, which is further down from the Civic Precinct with an elegant architectural design which provides a pleasant visual impression, the proposal is in the transition zone. The site is not located in the North Sydney CBD and it is unreasonable to permit a 24-storey building so close to public amenities.	<b>Refer to Section 4.12 of the main report</b> The submitter has misinterpreted the CPPS, which seeks to limit any significant development within the Precinct to only within the transition zone or transport corridors. The proposal is consistent with this outcome being located within the transition zone. The proposal has adequately demonstrated its consistency with the CPPS.	Nil	2E, 2F
		<b>Stakeholder Engagement / Outdated Documents</b>	Th Consultation and Stakeholder Report (C&SR) was compiled in August 2022. The information in this report is now irrelevant, as there are now an additional 384 dwellings in the building next door at 168 Walker St and a new school at 41 McLaren St.	<b>Refer to sections 4.8 and 4.11 of the main report.</b> There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal. There is no need to revise the C&SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
31 con'		<b>Traffic</b>	The submitter notes that the traffic survey undertaken to justify the Traffic I& Parking Impact Assessment was conducted in August 2020, during the middle of COVID lockdown and does not accurately represent the base case for such a large development.  Furthermore, the T&PIA does not take into consideration new development in the locality including, the new school at 41 McLaren St, 168 Walker St, or future Western Harbour Tunnel.	<b>Refer to Section 4.1 of the main report.</b>  The applicant has supplied a revised T&PIA which addresses the contextual changes in vicinity of the site.  The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2E
		<b>Wind / Outdated Documents</b>	The Wind Impact Assessment was completed in July 2021. This assessment is now irrelevant as it does not consider having 2 high rise buildings located adjacent to one another (i.e. the development at 168 Walker St has been ignored).  Of particular concern, is the potential wind tunnel effect from North to South (Elliot St to McLaren St) with impacts at the ground level along McLaren St, impacts to the ground floor piazza and podium level of 168 Walker St.  It is also suggested that the 450 sqm outdoor space to be occupied by the childcare centre would not be usable and pedestrians would avoid using the sloped through site link. A proper wind impact assessment must be completed before any building height amendment can occur and council should obtain an independent engineer to confirm the wind impacts of the proposal.	<b>Refer to Section 4.8 of the main report.</b>  This assumption is incorrect, as the Assessment clearly makes reference to the development at 168 Walker St, as though it had been completed.  Wind impacts can be measured through computer modelling, despite the absence of a physical building. Whilst not definitive, it can provide a relatively reasonable assumption of what future wind movements will occur and what measures can be used to mitigate any negative impacts. In particular, the Assessment identifies potential impacts and recommends the use of various design and architectural treatments to minimise any potential impacts.  Wind impacts can be further assessed and the built form refined at the development application stage.	Nil	2E, 2F
		<b>Overdevelopment</b>	The proposal represents an overdevelopment of the site and would not result in bringing a vibrant atmosphere nor commercial gain to North Sydney. Conversely, it would discourage people moving to North Sydney in fear the Council and the State Government would blindly support any development proposal.	The planning proposal was referred to multiple State infrastructure agencies who have indicated that there is sufficient capacity in the existing systems to accommodate a development of the scale and intensity envisaged for the site.  In addition, the subject site is conducive to increased development with regard to its high level of accessibility to public transport and existing services and facilities.  The proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
31 con'		<b>Affordable Housing</b>	<p>The proposal only commits to the delivery of 5% of all dwellings as affordable housing for 10 years, contrary to the min of 10-20% in perpetuity as recommended by the North Sydney Local Planning Panel Meeting 31 May 2023. The quantum and extent is also contrary to the State Government's housing policy.</p> <p>It appears that the proposal is to act as a profit-making instrument, it does not consider affordable housing to be critical to the development.</p>	<p><b>Refer to Section 8.1 of the main report.</b></p> <p>Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government.</p> <p>Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government.</p> <p>If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.</p>	Nil	2E
		<b>Disclosure of Planning Information</b>	<p>The proposal uplift is unreasonable and unequitable to those who recently purchased the west facing units in Aura Building.</p> <p>Council failed to take reasonable care in issuing s.10.7 Planning Certificates in disclosing the existence of the Planning Proposal 6/21.</p>	<p><b>Refer to Section 4.9 of the main report.</b></p> <p>The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.</p> <p>Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.</p> <p>In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.</p> <p>It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.</p>	Nil	2E 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
31 con'		<b>Property Value</b>	The submitter states that if the proposal is supported to be progressed, they will suffer substantial economic loss, largely as a result of the loss of views and privacy.	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration.</p> <p>Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>It is noted that the submitter's apartment is located on the northern façade of 168 Walker St, with a sole north orientation and any amenity impacts arising from the proposal would be limited.</p> <p>Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p>	Nil	2E
32	Resident U906, 221 Miller Street, NORTH SYDNEY NSW 2060	<b>Overdevelopment</b>	Approving this proposal sets a dangerous precedent, encouraging similar excessive developments. Requested that Council reject this proposal and prioritize the community's well-being. The original 8-storey approval is considered appropriate.	<p>The subject site was identified as one of a limited number of opportunities under the CPPS to accommodate additional development as a result of it having a high level of accessibility to public transport and existing services and facilities, whilst minimising impacts to the wider community.</p> <p>The proposal is consistent with the outcomes envisaged under the CPPS and is therefore appropriate.</p>	Nil	2E
		<b>Loss of green spaces</b>	The loss of green spaces and increased density are eroding the neighbourhood's liveability.	<p>The proposal does not involve the removal of any public greenspaces.</p> <p>The proposal will incorporate a level of landscaping not typically provided for in the Mixed Use zone (up to 100% site coverage is permitted).</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
32 con'		<b>Solar Access / Overshadowing</b>	The proposed increase in height from 8 to 24 storeys will severely block sunlight drastically impacting the submitter's quality of life.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that the proposal is incapable of overshadowing the submitter's apartment between 9am and 3pm at the winter solstice due to the shadow being obstructed by other buildings located between the subject site and the submitter's site.</p>	Nil	2E, 2F

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
32 con'		<b>Views</b>	The proposed increase in height from 8 to 24 storeys will severely block views from dwellings at 221 Miller St.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The submitter's apartment is oriented to the southwest and therefore it is incapable of having its views obstructed by the proposal, being located to the south of the subject site.</p>	Nil	2E, 2F
		<b>Construction Impacts</b>	Ongoing construction in the locality has disrupted resident's lives for years with noise and dust, even on weekends. The proposal will extend these issues further.	<p><b>Refer to Section 4.10 of the main report</b></p> <p>Construction impacts are temporary in nature.</p> <p>Whilst it is acknowledged that construction activities on multiple sites in close proximity to one another and at the same time can exacerbate these issues, can lead to an overall reduced impact time wise, than allowing developments to only be constructed one at a time or with very short periods of no development in between.</p> <p>The safety of pedestrians are typically dealt with as a requirement of any development consent with the requirement to provide a detail construction management plan.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
32 con'		Property Value	The impacts associated with the proposal's increased height will reduce the value of apartments affected by the proposal.	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration.</p> <p>Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p> <p>It is noted that the submitter's apartment is not directly impacted upon in terms of views, privacy or solar access due to existing development located between the subject site and the submitter's building, thereby unlikely to impact upon the value of the submitter's property.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
33	Resident U72, 237 Miller Street, NORTH SYDNEY NSW 2060	<b>Planning Process</b>	<p>The original plan proposed an 8-storey building on McLaren St, but this has now been amended to a 24-storey building.</p> <p>This significant change raises questions about transparency in the decision-making process. Questions what factors led to this alteration, and why was the community not adequately consulted.</p> <p>Suggests that the proposed increase in height is purely for potential revenue.</p> <p>The community expects Council to prioritize creating harmonious and environmentally friendly neighbourhoods whereas the proposal appears to achieve the opposite.</p>	<p>The main report demonstrates how Council has followed the legislative requirements for the amendment of its planning controls.</p> <p>The proposal merely seeks approval of new planning controls and not for an actual development to be constructed.</p> <p>A finalised design for construction will be subject to a future development application and its assessment, whereby the community will be given a further opportunity to comment on its acceptability.</p> <p>Further, as indicated in Section 4.9 to the main report, Council has gone over and above the min requirements to disclose as much relevant information as required with regard to the progression and adoption of relevant planning studies and planning proposals.</p>	Nil	2E, 2F
		<b>Infrastructure</b>	Accommodation of more businesses and residents will further strain local infrastructure.	The planning proposal was referred to multiple State infrastructure agencies who have indicated that there is sufficient capacity in the existing systems to accommodate a development of the scale and intensity envisaged for the site.	Nil	2E
		<b>Traffic</b>	<p>The area is already experiencing significant congestion, particularly following the opening of the Metro. The proposed development will exacerbate this issue.</p> <p>The development at 168 Walker St has already demonstrated how increased density negatively impacts traffic flow, even with occupancy at less than 50%. This situation is likely to worsen as occupancy increases.</p> <p>Additionally, the new school at 41 McLaren St and future development at 45 McLaren St will add to congestion. Introducing another major development will likely result in chaos.</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
33 con'		<b>Solar Access / Ventilation</b>	The proposed development will adversely affect solar access and airflow to neighbouring apartments, negatively impacting both the exterior environment and, more importantly, the mental health of residents.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable in the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the submitter's apartment from 6hrs to 4hrs, which remains above the min design criteria under the ADG.</p> <p>The proposal provides adequate separation from other buildings and is unlikely to reduce natural airflow to those buildings.</p>	Nil	2E
		<b>Green Spaces</b>	The proposed approach to green spaces is insufficient. Planting a few small trees cannot substitute for a balanced and sustainable green environment. Concern is raised that that existing mature trees on the site will be removed under questionable justifications, with inadequate replacements offered.	<p>Whilst it is acknowledged that increases in the residential population places increased demand for open space, the subject site is located in an area with a high level of access to public open space.</p> <p>The proposal will also provide the ability to accommodate landscaped areas over and above that typically found on land zoned <i>MU1 Mixed Use</i>.</p> <p>Controls are also contained within the proposed DCP to protect existing vegetation along the McLaren Street frontage.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
34	Resident U906, 221 Miller Street NORTH SYDNEY NSW 2060	<b>Traffic</b>	Traffic is already highly congested in the locality and will worsen once the new school at 41 McLaren St starts operating. The proposal will only worsen the situation.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Solar Access / Overshadowing</b>	The proposal will severely block solar access to the submitter's apartment, which is already impacted by the development at 168 Walker St. Claims that they do not even receive the min amount of solar access requirements in the middle of winter.	<b>Refer to Section 4.2 of the main report</b> Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment. The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area. This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths. It is noted that the proposal is incapable of overshadowing the submitter's apartment between 9am and 3pm at the winter solstice due to the shadow being obstructed by other buildings located between the subject site and the submitter's site.	Nil	2E, 2F



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
34 con'		Views	The proposal will completely take the submitter's view.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The submitter's apartment is oriented to the southwest and therefore it is incapable of having its views obstructed by the proposal, being located to the south of the subject site.</p>	Nil	2E, 2F

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
34 con'		<b>Property Value</b>	The impacts associated with the proposal's increased height will reduce the value of apartments affected by the proposal.	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration.</p> <p>Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p> <p>It is noted that the submitter's apartment is not directly impacted upon in terms of views, privacy or solar access due to existing development located between the subject site and the submitter's building.</p>	Nil	2E
		<b>Open Space</b>	There is a lack of open space in North Sydney.	<p>Whilst it is acknowledged that increases in the residential population places increased demand for open space, the subject site is located in an area with a high level of access to public open space.</p> <p>The proposal will also provide the ability to accommodate landscaped areas over and above that typically found on land zoned MU1 Mixed Use.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
35	Resident U2, 237 Miller Street NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	<p>The proposal will cast a large shadow over 237 Miller St and other buildings forting the southern side of McLaren St.</p> <p>The submitter's apartment, along with others at the lowest levels of the building will be heavily impacted.</p> <p>Suggested that the two proposed buildings be swapped such that the northern portion accommodates the 24 storey building thereby reducing the shadow over the buildings on the southern side of McLaren St.</p>	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the submitter's apartment is incapable of receiving any direct sunlight and the proposal will therefore not create an additional impact.</p>	Nil	2E
		<b>Traffic</b>	<p>The proposal will result in increased traffic and parking in a locality which is heavily compromised. This will be further exacerbated once the new school at 41 McLaren St and mixed use development at 45 McLaren St are completed.</p>	<p><b>Refer to Sections 4.1 and 4.8 of the main report.</b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E
36	Resident 39 McLaren Street NORTH SYDNEY	<b>Traffic</b>	<p>The proposal will create more traffic on McLaren and Walker and Miller Sts. It's possible that residents will not even be able to leave their premises in peak hours.</p> <p>This increased congestion also creates more noise and commotion to the detriment of the residents living on Walker and Miller and McLaren Sts.</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
36 con'		<b>Solar Access / Overshadowing</b>	The proposal will overshadow the residential apartments within the buildings on the southern side of McLaren St.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that approximately 27% of apartments within 39 McLaren St are capable of receiving the min 2hrs of sunlight between 9am and 3pm at the winter solstice. The proposal will not change the quantum of apartments receiving the minimum amount.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
36 con'		<b>Views</b>	The proposal will block the northern and western views from 39 McLaren St.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>View loss from 39 McLaren St has been minimised by ensuring that the proposed tower built form is kept narrow and regularised (i.e. does not widen as it gets closer to the southern boundary to match the shape of the allotment) which enable some views to be retained to the north.</p>	Nil	2E
		<b>Safety</b>	The proposal will create higher physical security risks to the residents on McLaren, Walker and Miller Sts.	<p>The proposal is more likely to increase perceived safety levels through increased casual surveillance of the public domain afforded by a mixture of residential and non-residential activities. Safety can be further enhanced through design and architectural treatments within the public domain through use of appropriate materials, landscaping and lighting.</p> <p>These issues are more appropriately resolved during the Development Application stage.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
36 con'		<b>Property Value</b>	The impacts associated with the proposal's increased height will reduce the value of apartments affected by the proposal.	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration.</p> <p>Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p>	Nil	2E
		<b>Planning Process</b>	Submitter cannot understand how Council can oppose the Planning Proposal for Woolworths at Rangers Road, Neutral Bay based on solar access and traffic concerns, yet supports the progression of this proposal.	<p>The subject proposal is considered to be consistent with the desired outcomes of the CPPS, whereas the Woolworth's Planning Proposal was not completely aligned with the outcomes of the Neutral Bay Village Planning Study.</p> <p>Traffic and overshadowing impacts arising from the proposal have been reevaluated and are deemed to be acceptable in the locality's evolving urban context.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
37	Resident U83, 237 Miller Street, NORTH SYDNEY 2060	<b>Solar Access / Overshadowing</b>	The proposal will increase blockage of northern sunlight into the apartments at 237 Miller St and 39 McLaren St, resulting in higher heating costs in the winter months.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the submitter's apartment from 6hrs to 4hrs, which remains above the min design criteria under the ADG</p>	Nil	2E
		<b>Privacy</b>	The proposal will result in a loss of privacy to residents of 237 Miller St and 39 McLaren St, due to the extreme proximity of the proposed building envelope, requiring residents to constantly close their curtains/blinds.	<p><b>Refer to Section 4.4 of the main report.</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>Of particular note is that the proposed future building is proposed setback 10.6m from the, which will enable a landscaped setback, capable of accommodating vegetation of sufficient height to assist in screening between buildings. In conjunction with the landscaped setback, the proposal will have a min 34m building separation to 237 Miller St, well in excess of the min requirement.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
37 con'		<b>Views</b>	The proposal will result in the total loss of views to St Leonards Park for apartments within 237 Miller St and 39 McLaren St.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>View loss from 39 McLaren St has been minimised by ensuring that the proposed tower built form is kept narrow and regularised (i.e. does not widen as it gets closer to the southern boundary to match the shape of the allotment) which enable some views to be retained to the north.</p> <p>Western and northern view loss from 237 Miller St will be minimal, as this building is offset in comparison to the subject site.</p>	Nil	2E
		<b>Traffic</b>	The proposal will result in an increase in traffic.	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
37 con'		<b>Property Value</b>	The impacts associated with the proposal's increased height will reduce the value of apartments affected by the proposal and make them less appealing to rent.	<b>Refer to Section 4.6 of the main report.</b> Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration. Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location. Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.	Nil	2E
		<b>Planning Process</b>	There are no other precedents to allow this development to occur.	<b>Refer to Section 4.12 of the main report.</b> The proposal has been prepared in response to an adopted Planning Study which sets the expectations for future development in the locality. This is Council's preferred approach, as a more holistic view of impacts can be assessed and addressed in the envisage built form outcomes rather than on a site by site basis.	Nil	2E
38	Resident 39 McLaren Street NORTH SYDNEY NSW 2060	<b>Traffic</b>	The proposal will increase traffic congestion.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
38 con'		<b>Solar Access / Overshadowing</b>	<p>The proposal will result in direct loss of solar access to the apartments within 39 McLaren St.</p> <p>Recommended that the built form be reversed with the taller 24 storey component to be located over the northern portion of the site and shorter 8 storey component located over the southern portion.</p>	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that approximately 27% of apartments within 39 McLaren St are capable of receiving the min 2hrs of sunlight between 9am and 3pm at the winter solstice. The proposal will not change the quantum of apartments receiving the min amount.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
38 con'		<b>Views</b>	The proposal will result in the total loss of views to the north from apartments within 39 McLaren St.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>View loss from 39 McLaren St has been minimised by ensuring that the proposed tower built form is kept narrow and regularised (i.e. does not widen as it gets closer to the southern boundary to match the shape of the allotment) which enable some views to be retained to the north.</p>	Nil	2E
		<b>Privacy</b>	<p>Due to the extremely close proximity of the proposal, it will result in a loss of privacy to residents at 39 McLaren St. Suggested that no residential apartments have been built this closely across from each other in NSW.</p> <p>Recommended that the built form be reversed with the taller 24 storey component to be located over the northern portion of the site and shorter 8 storey component located over the southern portion.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
38 con'		<b>Property Value</b>	The impacts associated with the proposal's increased height will reduce the value of the submitter's apartment and make it less appealing to rent, resulting in lost income.	<b>Refer to Section 4.6 of the main report.</b> Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration. Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location. Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.	Nil	2E
39	Resident 802, 39 McLaren Street NORTH YSNDYE NSW 2060	<b>Solar access / Overshadowing</b>	The proposal will result in direct loss of solar access to the submitter's apartment, resulting in higher heating costs in the winter months.	<b>Refer to Section 4.2 of the main report</b> Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment. The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area. This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths. It is noted that approximately 27% of apartments within 39 McLaren St are capable of receiving the min 2hrs of sunlight between 9am and 3pm at the winter solstice. The proposal will not change the quantum of apartments receiving the min amount.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
39 con'		<b>Views</b>	The proposal will result in the total loss of views to the north from the submitter's apartments.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>View loss from 39 McLaren St has been minimised by ensuring that the proposed tower built form is kept narrow and regularised (i.e. does not widen as it gets closer to the southern boundary to match the shape of the allotment) which enable some views to be retained to the north.</p>	Nil	2E
		<b>Privacy</b>	Due to the close proximity of the proposal, it will result in a loss of privacy to the submitter's apartment.	<p><b>Refer to Section 4.4 of the main report.</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>Of particular note is that the proposed future building is proposed setback 10.6m from the street frontage, which will enable a landscaped setback, capable of accommodating vegetation of sufficient height to assist in screening between buildings. In conjunction with the landscaped setback, the proposal will have a min 32m building separation to 39 McLaren St, well in excess of the min requirement.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
39 con'		<b>Traffic</b>	The proposal will increase traffic congestion and make parking on McLaren St more difficult.	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p>The proposal has the capacity to deliver a sufficient level of parking on site to meet the requirements of NSDCP 2013. Furthermore, the site's high level of accessibility to public transport reduces reliance on the need for private vehicular use and therefore demand for on-street parking.</p>	Nil	2B, 2E
		<b>Property Value</b>	The impacts associated with the proposal's increased height will reduce the value of apartments affected by the proposal and make them less appealing to rent.	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration.</p> <p>Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
40	Resident U1012, 168 Walker Street NORTH YSNDYE NSW 2060	<b>Solar access / Overshadowing</b>	The proposal will overshadow the submitters apartment.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the western facade of the submitter's apartment from 2-3hrs to 1-2hrs.</p>	Nil	2E
		<b>Traffic</b>	The proposal will increase traffic on McLaren St.	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E
		<b>Alternative Use</b>	The land itself is already very narrow. It more beneficial to us as open space.	<p><b>Refer to Section 4.7 of the main report.</b></p> <p>The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.</p> <p>Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.</p>	Nil	2E, 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
41	Resident U95, 237 Miller Street NORTH SYDNEY NSW 2060	<b>Height / Scale</b>	<p>Objects to the proposed height of the building and the switching of the location of the building's bulk, such that the 24 storey component now faces McLaren St and the smaller 8 storey component to the rear (north).</p> <p>The submitter is of the opinion that justification for this approach is fanciful as it does not provide a better transition between development to the north and south. There is now a very distinct "hump" in both orientations.</p>	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>The proposal has been prepared in response to and consistent with the outcomes of the CPPS.</p> <p>The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets.</p> <p>In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts.</p>	Nil	2E
		<b>Traffic</b>	<p>The intersection of Miller and McLaren Sts is extremely busy, with both vehicular and pedestrian traffic which will increase dramatically with the opening of the new school at 41 McLaren St and as occupancy rates increase at 168 Walker St.</p> <p>It is already difficult for vehicles to enter and exit 39 McLaren St.</p> <p>The proposition of a child care centre in the building will exacerbate traffic and safety concerns.</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
		<b>Solar Access / Overshadowing</b>	The proposal will result in direct loss of solar access to the apartments within 39 McLaren St.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that the proposal will not result in any reduction of solar access to the submitter's apartment between 9am and 3pm at the winter solstice (4hrs to the northern facade), above the min design criteria under the ADG.</p>	Nil	2E
		<b>Landscaping</b>	North Sydney's green canopy is currently being decimated with freeway and other construction. Questioned if the mature trees on the subject site will be removed also.	The Draft DCP reinforces the need to retain these existing trees in any redevelopment of the site.	Nil	2B
42	Resident U809, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Site suitability</b>	The anticipated development for this site is not suitable due to its narrowness.	The Planning Proposal has adequately demonstrated that the site can be adequately developed with regard to maintaining an appropriate form that minimises impacts to adjoining properties.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
42 con'		<b>Views</b>	The proposal will block the views of some apartments at 168 Walker St.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The submitter's apartment has a sole southern orientation and any impact from the proposal will be negligible.</p>	Nil	2E
		<b>Air Circulation</b>	Local airflows will be disrupted as a result of too many tall buildings being clustered together on this small street.	The proposed built form envelope maintains the min building separation distances in accordance with the ADG, thereby ensuring that air can flow past the building to neighbouring buildings.	Nil	2E
43	Resident U2402, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Height / Density</b>	Objects to the proposed increase in height, with the residents on western side of 168 Walker St will be significantly impacted, basically boxed in by the proposal	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>The proposal has been prepared in response to and consistent with the outcomes of the CPPS.</p> <p>The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets.</p> <p>In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
43 con'		<b>Traffic</b>	It is suggested that the traffic impacts have not been considered adequately.  In particular, consideration has not been given to the new school at 41 McLaren St, a pick-up and drop-off zone in front of the Metro Station, and new developments progressing in the immediate area.  The proposal will only make traffic congestion worse.	<b>Refer to Sections 4.1 and 4.8 of the main report.</b>  The applicant has supplied a revised T&PIA which addresses the contextual changes in vicinity of the site.  The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Noise impacts</b>	Whilst the proposed through-site link will add pedestrian flow which it is designed for, noise from pedestrians will be amplified to all residents who face into that area due to tall hard structures.	The through site link is proposed to be landscaped, which will assist with absorbing noise between the buildings. There are also opportunities to provide greenwalls in any future development on the site which could further alleviate potential noise transmission.	Nil	2E
44	Resident U2014, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	The proposal will enclose and overshadow the western side of the building at 168 Walker St to an unacceptable level.	<b>Refer to Section 4.2 of the main report</b>  Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.  The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.  This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.  It is noted that between 9am and 3pm at the winter solstice, the proposal will not result in any reduction of solar access to the northern façade of the submitter's apartment (maintains 6hrs) well above the min design criteria under the ADG.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
44 con'		<b>Amenity</b>	Concerned that the size/height/scope of the proposal will negatively impact on the amenity of their apartment.	<b>Refer to Section 4.13 of the main report.</b> Amenity is a broad term and generally relates to higher level issues such as privacy, overshadowing, view sharing, environmental impacts through reduced landscaping, traffic generation and congestion and construction impacts. The majority of these issues are addressed in detail elsewhere in this table and the main report.	Nil	2E
		<b>Traffic and Pedestrian Safety</b>	The local road network is already at capacity and the proposal will worsen the situation along with the additional traffic from the new school at 41 McLaren St.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Planning Processes / Planning Information Disclosure</b>	Concerned that many aspects of this proposal and amendments were not adequately advertised and disclosed.	<b>Refer to Sections 3 4.9 and 4.9 of the main report.</b> The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation. Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation. In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice. It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.	Nil	2E, 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
45	Resident U2011, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	The proposal will result in direct loss of solar access to the submitter's apartment.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the western facade of the submitter's apartment from 2-3hrs to 2-2.25hrs, which remains above the min design criteria under the ADG.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
45 con'		<b>Views</b>	The proposal will result in the total loss of views to the west from the submitter's apartment.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has views to Sydney Harbour to the southeast which have greater value.</p>	Nil	2E
		<b>Privacy</b>	The proposal will result in a loss of privacy to the submitter's apartment.	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG.</p> <p>Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
45 con'		<b>Property Value</b>	It is extremely disappointing that the height limit is proposed to be increased, just after all the westerly facing apartments at 168 Walker St were sold, undermining their sales decision and impacting the ongoing value of these properties.	<b>Refer to Section 4.6 of the main report.</b> Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration. Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location. Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts. It is noted that the submitter's apartment is not directly impacted upon in terms of views, privacy or solar access due to it being located on the northern façade of 168 Walker St with a sole north orientation, thereby unlikely to impact upon the value of the submitter's property.	Nil	2E
		<b>Traffic / Outdated Documents</b>	The data relied upon in the T&PIA is well out of date and as such does not reflect the current situation and needs to be redone. In particular, it: - does not consider the impacts from the completion of a number of nearby mixed use developments and new school at 41 McLaren St; - uses existing traffic movements undertaken 2020, past the end of the school term and during covid disruptions to determine the base case which skews the responses.	<b>Refer to Sections 4.1 and 4.8 of the main report.</b> The applicant has supplied a revised T&PIA which addresses the contextual changes in vicinity of the site. The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
45 con'		<b>Community Benefit</b>	The community benefits in the proposal are poorly considered and overstated.	<b>Refer to Section 8.2 of the main report.</b>  Whilst initially flagged as potential replacement for an existing child care centre in Crows Nest, there is a shortage of child care places in the LGA, particularly near the North Sydney CBD, and therefore will still provide a valuable community resource.  Issues relating to the number of car drop off spaces can be adequately addressed at the development application DA stage.	Nil	2E
		- <b>Child Care Centre</b>	The submitter notes that the child care centre will replace an existing centre in Crows Nest and therefore does not add any new net benefit to the wider community. The child care centre is under supported in terms of drop off car spots.			
		- <b>Through Site Link</b>	The pedestrian access is of little or no value as there is plenty of existing access.			
		- <b>Affordable Housing</b>	The proposal only commits to the delivery of 5% of all dwellings as affordable housing for 10 years, contrary to the min of 30% in perpetuity as requested by Council. Requests that this housing be provided in perpetuity. As the subject site represents surplus public land it should be considered as a location for greater community benefit.	<b>Refer to Section 8.1 of the main report.</b>  Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government. Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government.  If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
45 con'		<b>Height / Scale / Transition</b>	<p>The proposed building height is not in keeping with the existing stepping down on the northern side of McLaren St and it should be reduced back to its current height limit such that it is between the heights of 168 Walker St and the Metro Station Building.</p> <p>However, if the proposal is to proceed, then the location of the two proposed towers should be switched, which would reduce the impact on privacy concerns and views of existing residents in all surrounding buildings. This option could still support the goals of the Council and the developer. Any objections by the developer in regards of views/value through switching the orientation of the towers should be considered in line with future degraded harbour views caused by the approved and endorsed developments on McLaren St and Walker St.</p>	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>The proposal has been prepared in response to and consistent with the outcomes of the CPPS.</p> <p>The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets.</p> <p>In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts.</p> <p>Whilst it appears that the proposal's transition is at odds with the existing character, it needs to be recognised that the locality's characteristics are changing following the construction of the Victoria Cross Station, which has effectively expanded the North Sydney Centre, northwards creating a subnode.</p>	Nil	2E
		<b>Land Uses</b>	<p>Questions the inclusion of commercial floor space in the proposal as there appears to be existing vacancy in the area and future OSD at the southern end of the Victoria Cross Metro Station.</p> <p>Removal of this floorspace would be an opportunity to reduce the height of the overall development by up to 8 floors.</p>	<p>The proposal does not seek to provide a high level of non-residential floor space and is generally consistent with that required in the vicinity of the sight, particular to the south of McLaren St.</p> <p>As the proposal only incorporates 3 levels of non-residential floorspace, the request to remove 8 storeys is nonsensical in terms of removing the commercial floor space aspects.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
45 con'		<b>Alternative Uses</b>	<p>Suggests that as land is Government owned, it should be used for more community good such as green space, sporting space (Hockey/Basketball) or a community garden. These types of facilities and spaces are in need by the local schools.</p> <p>Commuter car parking could be consideration the adjacent entry to the Metro station.</p> <p>Consideration could be given expanding the current Metro portal entry onto the subject site to providing escalator and stair access from the platform to the surface in a low lying structure. This would help alleviate the significant commuter congestion using the Metro portal at peak times and improve safety.</p>	<p><b>Refer to Section 4.7 of the main report.</b></p> <p>The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.</p> <p>Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.</p> <p>METRO CONNECTION</p>	Nil	2E, 2G
46	Resident U2113, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Views</b>	The proposed increase in building height will block all views westwards from 168 Walker St from Level 26 and below.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The submitter's apartment has a sole northern orientation and any impact from the proposal will be minimal.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
46 con'		<b>Solar access / Overshadowing</b>	Apartments within 168 Walker St will be overshadowed and the sunlight hours will be significantly diminished.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will not result in any reduction of solar access to the northern façade of the submitter's apartment (maintains 6hrs) well above the min design criteria under the ADG.</p>	Nil	2E
		<b>Privacy</b>	The proposal will result in the submitter's privacy being eliminated.	<p><b>Refer to Section 4.4 of the main report.</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p>	Nil	2E
		<b>Construction Impacts</b>	Residents will have to put up with years of construction activities including dust, pollution and noise.	<p><b>Refer to Section 4.10 of the main report.</b></p> <p>Construction impacts are temporary in nature. Whilst it is acknowledged that construction activities on multiple sites in close proximity to one another and at the same time can exacerbate these issues, can lead to an overall reduced impact time wise, than allowing developments to only be constructed one at a time or with very short periods of no development in between.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
46 con'		Property Value	The value of all properties will be reduced as a result of the proposal.	<p><b>Refer to Section 4.6 of the main report.</b></p> <p>Statements relating to a decline in property value are considered speculative and are not typically a planning matter for consideration.</p> <p>Whilst it is acknowledged that the obstruction of views could potentially affect the value of a property, there is an expectation that within a dense urban environment like North Sydney that tall new buildings will be built and thereby result in potential impacts on views. In addition, it would be difficult to meet the State targets for the provision of jobs and housing without having some level of impact upon views in such a location.</p> <p>Furthermore, the proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.</p> <p>It is noted that the submitter's apartment is not directly impacted upon in terms of views, privacy or solar access due to it being located on the northern façade of 168 Walker St with a sole north orientation, thereby unlikely to impact upon the value of the submitter's property.</p>	Nil	2E
47	Resident 168 Walker Street NORTH SYDNEY NSW 2060	Height	Requests that Council reconsider the proposed new height limit.	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>The proposal has been prepared in response to and consistent with the outcomes of the CPPS.</p> <p>The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets.</p> <p>In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts..</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
48	Resident U606, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Traffic</b>	Strongly objects to this proposal due to increased traffic impacts.	<b>Refer to Section 4.1 of the main report.</b> The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Wind</b>	Strongly objects to this proposal due to increase wind impacts.	<b>Refer to Section 4.8 of the main report.</b> Whilst it is recognised that increasing tower heights can contribute to increased wind impacts at the pedestrian level, there are numerous design and architectural element solutions to assist in mitigating these impacts. Such issues can be addressed at the development application stage.	Nil	2E
		<b>Heritage</b>	Strongly objects to this proposal due to heritage impacts.	<b>Refer to Section 4.8 of the main report.</b> It is unclear as to what aspects of the proposal impact upon heritage significance. The proposal has been assessed by one of Council's Conservation Planners who concluded that in the context of the evolving changing character of the locality, the proposal will not adversely impact on the significance of any nearby heritage items or conservation areas.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
49	Resident U2211, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	The proposal will significantly overshadow the submitter's apartment, reducing its amenity.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable in the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the western facade of the submitter's apartment from 2-3hrs to 2-2.5hrs, above the min design criteria under the ADG.</p>	Nil	2E
		<b>Privacy</b>	Due to the height and proximity of the proposed development, the submitter will receive reduced levels of privacy to their apartment. Likely that the submitter will have to close their curtains all day long	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG.</p> <p>Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p>	Nil	2E
		<b>Traffic</b>	The local road network is already at capacity and the proposal will worsen the situation along with the additional traffic from the new school at 41 McLaren St.	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
50	Resident U1705, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Traffic</b>	The proposal will create too much traffic.	<b>Refer to Section 4.1 of the main report.</b>  The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Amenity</b>	The proposal will have a huge impact on local residents' living standards.	<b>Refer to Section 4.13 of the main report.</b>  Amenity is a broad term and generally relates to higher level issues such as privacy, overshadowing, view sharing, environmental impacts through reduced landscaping, traffic generation and congestion and construction impacts.  The majority of these issues are addressed in detail elsewhere in this table and the main report.	Nil	2E
		<b>Pollution</b>	The proposal will increase pollution levels reducing the amount of fresh air and likely to impact on the students of the nearby school.	The proximity of the site to mass public transport and services and facilities within the North Sydney Centre greatly reduces the need for reliance of private transportation for all trips.  Despite a site within the MU1 Mixed Use zone being capable of occupying 100% of the site area, the proposal seeks to adopt a much lessor footprint and accommodates areas for deep soil planting and other landscaped areas.  All new dwellings are required to adequately demonstrate compliance with BASIX which seeks in part to reduce energy consumption, which extends to cover the use of air conditioners. The ADG also seeks to have apartment buildings designed to reduce their reliance on artificial heating and cooling, minimising the potential for urban heat generation and artificial aeration.	Nil	2E
51	Resident U614, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Additional Submission</b>	Additional issues raised and incorporated within Submission 13	Refer to submission 13	-	-
52	Resident U2102, 221 Miller Street NORTH SYDNEY NSW 2060	<b>Additional Submission</b>	Additional issues raised and incorporated within Submission 2	Refer to submission 2	-	-

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
53	Resident U1814, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Outdated Documents</b> <ul style="list-style-type: none"> <li>• Traffic</li> <li>• Views</li> <li>• Wind</li> <li>• Heritage</li> </ul>	<p>Many of the supporting documents accompanying the proposal are either outdated or contain inaccuracies.</p> <p>Several statements within these documents are misleading and reflect the opinions of Sydney Metro's consultants, rather than an objective analysis.</p> <p>The true impacts on aspects such as traffic, views, wind, heritage and local culture have not been accurately represented.</p>	<p><b>Refer to Sections 4.1, 4.3 and 4.8 of the main report.</b></p> <p><b><u>Traffic</u></b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p><b><u>Views</u></b></p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p> <p><b><u>Wind</u></b></p> <p>This assumption is incorrect, as the Assessment clearly makes reference to the development at 168 Walker St, as though it had been completed.</p> <p>Wind impacts can be measured through computer modelling, despite the absence of a physical building. Whilst not definitive, it can provide a relatively reasonable assumption of what future wind movements will occur and what measures can be used to mitigate any negative impacts. In particular, the Assessment identifies potential impacts and recommends the use of various design and architectural treatments to minimise any potential impacts.</p> <p>Wind impacts can be further assessed and the built form refined at the development application stage.</p>	Nil	2E, 2F



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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
53 con'				<p><b>Heritage</b></p> <p>It is unclear as to what aspects of the proposal impact upon heritage significance.</p> <p>The proposal has been assessed by one of Council's Conservation Planners who concluded that in the context of the evolving changing character of the locality, the proposal will not adversely impact on the significance of any nearby heritage items or conservation areas.</p>		
		<b>Views</b>	<p>When the submitter purchased their apartment, it was on the understanding that the apartment's views would be protected.</p> <p>Prior to purchasing, searches undertaken did not return any active development or planning proposals or planning studies (including the Civic Precinct Planning Study) that would result on a future impact on views.</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The submitter's apartment has a sole northern orientation and any impact from the proposal will be minimal.</p>	Nil	2E
54 & 61	Aura Strata Committee 168 Walker Street, NORTH SYDNEY NSW 2060	<p><b>Outdated Documents</b></p> <ul style="list-style-type: none"> <li>• <b>Traffic</b></li> <li>• <b>Views</b></li> <li>• <b>Stakeholder Engagement</b></li> </ul>	<p>Many of the supporting documents were prepared many years ago and pre-date major developments in and around the subject site. This does not result in an accurate interpretation of the potential impacts arising from the development. In particular, the following reports are consider to be out of date:</p> <ul style="list-style-type: none"> <li>• Traffic &amp; Parking Impact Assessment (T&amp;PIA)</li> <li>• Visual Impact Assessment (VIA)</li> <li>• Consultation and Stakeholder Report (C&amp;SR)</li> </ul>	<p><b>Refer to Sections 4.1, 4.3, 4.8 and 4.11 of the main report.</b></p> <p><b>Traffic</b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2E, 2F

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
54 & 61 con'				<p><b>Views</b></p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p> <p><b>Stakeholder Engagement</b></p> <p>There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.</p> <p>There is no need to revise the C&amp;SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.</p>		
		<p><b>Community Benefit</b></p> <p>- <b>Affordable Housing</b></p>	<p>The proposed offer to deliver of 5% of all dwellings for affordable housing for a min of 10 years is not a true long-term solution. It falls well below the State's baseline requirement and is a token effort at compliance. It should be between 10-20% of all dwellings and held in perpetuity, consistent with the recommendations of the North Sydney Planning Panel Meeting of 31 May 2023.</p>	<p><b>Refer to Section 8.1 of the main report.</b></p> <p>Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government.</p> <p>Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government.</p> <p>If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
54 & 61 con'		<b>Solar Access / Overshadowing</b>	<p>The proposal does not adequately investigate or attempt to mitigate the loss of solar and daylight access to those apartments located on the western façade of 168 Walker St and is inconsistent with the solar access requirements under the Apartment Design Guide, and Council's DCP.</p> <p>Aura (refer requirements for Apartment Design Guide Objective 4A, and SEPP 65), or contemplated how any view sharing of the western views might work.</p> <p>The proposed impact is particularly pronounced at the lower levels of the building.</p>	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>Impacts are limited to the western façade of 168 Walker St at the winter solstice. Where they do occur, the north-western oriented apartments will still be able to receive well in excess of 2hrs (noting the northern facades are unaffected), whereas the majority of the south-western orientated apartments would have their south access reduced from 2-3hrs to 1-2hrs.</p>	Nil	2E
		<b>Views</b>	<p>The proposed built form envelope will result in the complete loss of western views to all apartments on the western façade of 168 Walker Street. This is inconsistent with Council's DCP with regard to encouraging view sharing.</p> <p>Depending on the floor level and configuration of apartments at 168 Walker St, up to 75% of the living room outlook and 100% of the bedroom outlook, will be affected, where they currently have private, uninterrupted westerly views.</p> <p>Further noted that, the Visual Impact Assessment is incomplete, as it only provides commentary as to the view impacts from the public domain and nothing from a private property perspective.</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
54 & 61 con'		<b>Privacy</b>	<p>The proposed built form envelope will result in the complete loss of western views to all apartments on the western façade of 168 Walker Street.</p> <p>This is inconsistent with Council's DCP with regard to maintaining privacy.</p> <p>Whilst noting that the underlying site constraints it is impossible to re-orientate the tower to improve solar access, views and remedy some of the privacy issues. Suggests that the site be maybe redeveloped more effectively for the community using other permitted uses under MU1 Mixed Use zone.</p> <p>Given the elevation differences, appartements in the lower levels of 168 Walker St would have restaurants and entertainment venues located directly opposite them at the same level and separated by only 12-20m, resulting in noise and light impacts from those commercial businesses into bedrooms and living spaces.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>Impacts between residential and non-residential purposes are generally cancelled out due to those spaces being used at alternative times. Furthermore, any non-residential development proposed on the subject site would need to be approved and demonstrate that privacy impacts could be minimised. This may be demonstrated through the development application process.</p>	Nil	2E
		<b>Noise</b>	<p>The proposal's height and narrow separation of only 12-20m to the western façade of 168 Walker St will create a noise tunnel.</p> <p>Noise will be exacerbated by:</p> <ul style="list-style-type: none"> <li>unattenuated noise sources from exposed balconies on the proposal's eastern side,</li> <li>continuous noise all day from proposed restaurant/entertainment facilities at night and the child care centre during the day.</li> <li>Pedestrians using the proposed through site link.</li> </ul> <p>Noise impacts can be minimised by:</p> <ul style="list-style-type: none"> <li>Remove the ability to accommodate restaurants / entertainment facilities;</li> <li>Remove the child care component</li> <li>Remove the through site link.</li> </ul>	<p>The Planning Proposal is accompanied by an Acoustic Assessment which indicates that a future development is likely to satisfy the various acoustic requirements, subject to implementation of various architectural design and treatments and management of operations of future uses, all of which can be addressed at the DA stage.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
54 & 61 con'		<b>Design Excellence</b>	<p>When the development at 168 Walker St was proposed, it was required to work closely with Council's Design Excellence Panel to address a range of design constraints including the assumption that Levels 1 – 8 of 168 Walker St's western facade would be obscured by development on the subject property. It was never envisaged that the planning controls for the subject site would be significantly revised to such extremes and at the expense of home owners on the western façade of Aura, and neighbouring apartment towers opposite on McLaren St.</p> <p>It is requested that the Design Excellence Panel be equally engaged to comment on the likely impact on surrounding properties and adherence to the relevant specifications and best practice.</p>	<p>The Design Excellence Panel is not necessarily required to be consulted in the preparation of a planning proposal, as planning proposals typically only seek to set land use and some very basic high level built form controls.</p> <p>The Design Excellence Panel is typically used at the DA stage to provide advice as to how a detailed development proposal will meet the relevant planning controls and address any amenity concerns.</p> <p>Notwithstanding, the CPPS was reviewed by the Design Excellence Panel prior to its finalisation and their comments incorporated where appropriate. Given that the proposal is consistent with the desired outcomes of the CPPS, then it is likely that a future DA for the subject site, could be generally supported in principle by the Design Excellence Panel.</p>	Nil	2E, 2G
		<b>Stakeholder Engagement / Outdated Documents</b>	<p>The Consultation and Stakeholder Report (C&amp;SR) was compiled in August 2022. The information in this report is now irrelevant, as there are now an additional 384 dwellings in 168 Walker St.</p> <p>Whist Aqualand, the developer for 168 Walker St was consulted in June 2021, it is obvious that they would not be as invested or concerned as future long term owners.</p> <p>The proposal should not proceed without consideration of feedback of the current owners.</p>	<p><b>Refer to sections 4.8 and 4.11 of the main report.</b></p> <p>There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.</p> <p>There is no need to revise the C&amp;SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
54 & 61 con'		<b>Consistency with Civic Precinct Planning Study (CPPS)</b>	The CPPS states that the subject site is located in a 'transition zone' with the goal to 'limit any significant development in this area'. Therefore, Council's initial support of the proposal is contradictory to Planning Study's stated goal, which is shared by residents.	<b>Refer to Section 4.12 of the main report</b>  The submitter has misinterpreted the CPPS, which seeks to limit any significant development within the Precinct to only within the transition zone or transport corridors. The proposal is consistent with this outcome being located within the transition zone.  The proposal has adequately demonstrated its consistency with the CPPS.	Nil	2E, 2F
		<b>Traffic</b>	The neighbouring streets in the vicinity of the subject site are currently often gridlocked during parts of the day. The proposal will result in increased traffic congestion making this situation worse.  The submitter notes that the traffic survey undertaken to justify the T&PIA was conducted in August 2020, during the middle of COVID lockdown and does not accurately represent the base case for such a large development. Furthermore, the T&PIA does not take into consideration new development in the locality including, <ul style="list-style-type: none"> <li>- the new school at 41 McLaren St,</li> <li>- the mixed use developments at 168 Walker St and 45 McLaren St,</li> <li>- future Western Harbour Tunnel,</li> <li>- additional traffic due to the proposed childcare centre within the new development; and</li> </ul> inadequate drop of / pick up zones for taxis / ubers, students, daycare centre (which only has 4 spaces allotted in the building for this purpose	<b>Refer to Section 4.1 of the main report</b>  The applicant has supplied a revised T&PIA which addresses the contextual changes in vicinity of the site.  The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
54 & 61 con'		<b>Alternative Uses</b>	Given the subject lot is surplus to government needs, there is no need to maximize or overdevelop this site and it could be used to increase local amenity such as additional green space or a community garden.	<b>Refer to Sections 4.7 of the main report</b>  The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.  Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.	Nil	2E, 2G
		<b>Disclosure of Planning Information</b>	Whilst it is understood that the proposal is consistent with the 2020 Civic Precinct Planning Study (CPPS), these outcomes are not reflected in current planning controls (i.e. NSLEP 2013 and NSDCP 2013).  The linkage between NSLEP 2013 and the CPPS was not evident during searches performed by owners prior to purchasing apartments at 168 Walker St. Therefore, all purchasers of west facing apartments were unaware of the ability of the subject site potentially being developed to such a scale under the CPPS that it would subsequently adversely affect their views, privacy and/or solar access.  How are potential purchasers reasonably expected to discover these changes through their searches, when relying on the contents of existing planning instruments and plans.	<b>Refer to Section 4.9 of the main report.</b>  The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.  Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.  In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.  It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website. The purpose of the Planning Study was to ensure that a strategic position was adopted to prevent ad-hoc proposals being put forward without wider regard to cumulative impacts from those proposals.	Nil	2E, 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
55	Resident U1710, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Traffic</b>	<p>The neighbouring streets in the vicinity of the subject site are currently often gridlocked during parts of the day. The proposal will result in increased traffic congestion making this situation worse.</p> <p>The submitter notes that the traffic survey undertaken to justify the T&amp;PIA was conducted in August 2020, during the middle of COVID lockdown and does not accurately represent the base case for such a large development.</p> <p>Furthermore, the T&amp;PIA does not take into consideration new development in the locality including,</p> <ul style="list-style-type: none"> <li>- the new school at 41 McLaren St,</li> <li>- the mixed use developments at 168 Walker St and 45 McLaren St,</li> <li>- future Western Harbour Tunnel, and</li> <li>- additional traffic due to the proposed childcare centre within the new development.</li> </ul> <p>The submitter also notes that many schools in the locality have or are seeking increases in student capacity. How are these proposals being considered when these schools are not providing any additional transport infrastructure?</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2E
		<b>Bulk &amp; Scale</b>	<p>The proposed built form provides a poor transition in height and scale along the length of McLaren St. It is also contrary to the requirements for mixed use development under NSDCP 2013, regarding the orientation and height of the building envelop giving consideration to the topography of the land and contextual constraints such as the impact on neighbouring residents.</p> <p>Suggests that the height of the proposed southern tower be reduced to maximum of 16 storeys. This would improve impacts in relation to solar access, privacy and views and would also provide a better transition in scale.</p>	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>The proposal has been prepared in response to and consistent with the outcomes of the CPPS.</p> <p>The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets.</p> <p>In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts.</p>	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
55 con'		<b>Solar Access / Overshadowing</b>	<p>The proposal results in a built form which is taller than the western façade of 168 Walker St and will result in the complete blocking of solar access to this façade.</p> <p>The proposal does not adequately investigate or attempt to mitigate the loss of solar and daylight access to those apartments located on the western façade of 168 Walker St and is inconsistent with the solar access requirements under the Apartment Design Guide, and Council's DCP.</p>	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that the proposal will not result in any reduction of solar access to the submitter's apartment between 9am and 3pm at the winter solstice, as it is solely south facing.</p>	Nil	2E
		<b>View Impacts</b>	<p>The proposed built form envelope will result in the complete loss of western views to all apartments on the western façade of 168 Walker St.</p> <p>This is inconsistent with Council's DCP with regard to encouraging view sharing.</p> <p>The View Impact Assessment report which accompanied the proposal only considers view impacts from public places and ignores impacts from private property.</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The submitter's apartment has a sole southern orientation and any impact from the proposal will be negligible.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
55 con'		<b>Privacy</b>	The proposed built form envelope will result in the complete loss of privacy to all apartments on the western façade of 168 Walker St.	<b>Refer to Section 4.4 of the main report</b>  The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.  The submitter's apartment is located on the southern façade with sole south orientation and therefore not directly impacted upon in this regard.	Nil	2E
		<b>Outdated Documents</b> <ul style="list-style-type: none"> <li>• <b>Traffic</b></li> <li>• <b>Views</b></li> </ul>	Many of the supporting documents were prepared many years ago and pre-date major developments in and around the subject site. This does not result in an accurate interpretation of the potential impacts arising from the development. In particular, the following reports are considered to be out of date: <ul style="list-style-type: none"> <li>• Traffic &amp; Parking Impact Assessment (T&amp;PIA)</li> <li>• Visual Impact Assessment (VIA)</li> </ul> Some statements within the supporting documents are misleading and only of the opinions of Sydney Metro's consultants.	<b>Refer to Sections 4.1, 4.3 and 4.8 of the main report.</b>  <b><u>Traffic</u></b>  The applicant has supplied a revised T&PIA which addresses the contextual changes in vicinity of the site.  The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.  <b><u>Views</u></b>  The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.	Nil	2E, 2F

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
55 con'		<b>Disclosure of Planning Information</b>	<p>Whilst it is understood that the proposal is consistent with the 2020 Civic Precinct Planning Study (CPPS), these outcomes are not reflected in current planning controls (i.e. NSLEP 2013 and NSDCP 2013).</p> <p>How are potential purchasers reasonably expected to discover these changes through their searches, when relying on the contents of existing planning instruments and plans.</p>	<p><b>Refer to Section 4.9 of the main report.</b></p> <p>The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.</p> <p>Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.</p> <p>In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.</p> <p>It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.</p>	Nil	2E
		<b>Community Benefit</b>  <b>- Child Care Centre</b>	<p>The VPA, as currently scoped, fails to secure planning benefits for the wider community of workers, ratepayers and residents of this precinct.</p> <p>The applicant's current offer is tokenistic at best.</p> <p>Given that the underling zoning permits child care centres and the current shortage of childcare spaces in North Sydney, it is likely that market demand alone would be sufficient enough to attract a childcare operator who could fund the fitout and operation, rather than Council.</p> <p>The proposal to build a childcare facility in North Sydney cannot be considered a replacement for an existing one in Crows Nest, due to the geographical distance between the two locations.</p>	<p><b>Refer to Section 8.2 of the main report.</b></p> <p>Whilst initially flagged as potential replacement for an existing child care centre in Crows Nest, there is a shortage of child care places in the LGA, particularly near the North Sydney CBD, and therefore will still provide a valuable community resource.</p> <p>Issues relating to the number of car drop off spaces can be adequately addressed at the development application DA stage.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
55 con'		- <b>Through Site Link</b>	<p>The through site link would become more beneficial to residents of both the proposed development site and surrounding sites if the through site link is required to directly connect into the Northern Portal of the Victoria Cross Metro station.</p> <p>A physical connection lower down McLaren St would increase accessibility to any residents and workers living or working east of the station entry, who are unable to traverse the steep section of McLaren St safely.</p>	<p><b>Refer to Section 8.3 of the main report.</b></p> <p>The proposed pedestrian through site link assists with the delivering on the key long term vision established within the Civic Precinct Planning Study and North Sydney Public Domain Strategy which seek to improve dedicated public pedestrian access through the locality.</p> <p>It is recognised that there are other aspects which will need to be delivered upon to fully achieve the long term goals.</p>	Nil	2E
		- <b>Affordable Housing</b>	<p>The site is owned by the Government and has been deemed surplus to requirements. This is a unique opportunity for Government to lead by example - maximising the amount of affordable housing and ensuring that there is also a prorated amount of adaptable housing across both the affordable and market valued apartments. The allocation of affordable housing should exist in perpetuity.</p>	<p><b>Affordable housing</b></p> <p><b>Refer to Section 8.1 of the main report.</b></p> <p>Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government.</p> <p>Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government.</p> <p>If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.</p> <p><b>Adaptable Housing</b></p> <p>NSDCP 2013 already contains mandatory adaptable housing requirements to ensure a sufficient level is provided throughout the entire development.</p>	<p>Nil</p> <p>Nil</p>	<p>2E</p> <p>2B</p>
56	Resident U806, 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Bulk and Scale / Skyline</b>	<p>The height of the proposed buildings has been increased compared to the original plans. This increase significantly impacts the surrounding area's skyline.</p> <p>It is questioned why North Sydney needs to be any higher as it is greatly impacting on the character of North Sydney and the reason residents live here.</p>	<p>The CPPS identified an appropriate height for development on the subject site with regard to the evolving character of the area whilst balancing the need to accommodate more development adverse impacts to more sensitive areas. The proposal is consistent with the desired outcomes of the CPPS.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
56 con'		<b>Privacy</b>	<p>The concept design shows that a future building will be positioned closer to the property boundaries than initially proposed.</p> <p>This change exacerbates the intrusion into personal space and could lead to potential noise and privacy issues. The proximity of these new structures will undoubtedly affect the quality of life for adjacent property like Wenona.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>The submitter's apartment is located on the eastern façade with sole east orientation and therefore not directly impacted upon in this regard.</p>	Nil	2E
		<b>Disclosure of Planning Information / Consultation</b>	<p>It is concerning that the proposed changes were not communicated transparently in earlier stages of the planning process.</p> <p>The lack of prior disclosure of this information undermines the integrity of the consultation process and does not provide rate payers with a fair opportunity to voice their concerns or adapt to these significant changes.</p>	<p><b>Refer to Sections 3, 4.9 and 4.11 of the main report.</b></p> <p>The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.</p> <p>Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.</p> <p>In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.</p> <p>It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.</p>	Nil	2E, 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
57	BBC Planners C/o: Residents & owners of: U1811, U2111, U2309, 168 Walker Street NORTH SYDNEY	<b>View Impacts</b>  - <b>General</b>	The proposal does not adequately take into account the view loss from apartments at 168 Walker St.	<b>Refer to Section 4.3 of the main report.</b>  Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.  This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.  Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.	Nil	2E
		- <b>Inadequate assessment</b>	The Visual Impact Assessment is out of date and contains inaccuracies. In particular, the Assessment incorrectly identifies: <ul style="list-style-type: none"> <li>the number of private visual “receptors” (i.e. homes) as being “low”, despite the high number of apartments located at 168 Walker St.</li> <li>the “view range” is medium and distant not just medium.</li> </ul>	<b>Refer to Section 4.3 of the main report.</b>  There appears to be an assumption that the VIA applies to both private and public views. However, the VIA clearly states that it only applies to views from public spaces.  The number of visual receptors appears correct as the development at 168 Walker St obstructs views westwards from Walker St. Accordingly, the development has been considered, but does not comprise a visual receptor when viewed from this location.  Private views have been addressed under the Planning Proposal and Urban Design Report.	Nil	2E
			The Planning Proposal and Urban Design Report which supports the Planning Proposal is out of date as it fails to identify potential view loss from west facing apartments at 168 Walker St as being a constraint on the subject site's redevelopment. It was questioned why view loss from 39 McLaren St and 237 Miller St was considered but impacts to 168 Walker St ignored?	The Planning Proposal itself is not out of date, but noted that it did not incorporate an adequate assessment of potential view loss from 168 Walker St.  Despite this inadequacy, private view loss has been reassessed at Section 4.3 of the main report. The assessment has adequately demonstrated that no apartment has its views completely removed by the proposal and the degree of loss is considered acceptable in the evolving character of the locality.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
57 con'			The submission is supported by a View Impact Analysis prepared by Urbaine which suggests that the proposed impact on westerly views from 168 Walker St are 'devastating'	A review of the submitter's View Impact Analysis gives the impression that the apartments on the western elevation of 168 Walker St only have a western orientation. However, it fails to recognise that these apartments also have views to the southeast or to the northwest to north, with some high-level apartments having extended views to the northeast.  This misrepresents the level of impact. As indicated in section 4.3 of the main report, no apartment will result in a complete view loss.	Nil	2E
58	Resident U66, 237 Miller Street NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	The proposal will result in the blocking of solar access to submitter's apartment and neighbouring apartments.  To improve solar access, the proposed built form should be reversed, with the 24-storey portion located over the northern end of the site and the 8-storey portion located over the southern end.  Repositioning the height would not adversely impact upon Wenona School as it is not occupied for many months of the year and there is less privacy concerns between dwellings and schools.	<b>Refer to Section 4.2 of the main report</b>  Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.  The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.  This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.  It is noted that the proposal will result in a reduction of solar access to the submitter's apartment between 9am and 3pm at the winter solstice (from 2hrs to approximately about 1hr.  Repositioning the towers may marginally improve solar access to the submitter's apartment, but would result in increased impacts to other apartments at 168 Walker St and create an overbearing transition to development to the north.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
58 con'		<b>Views</b>	<p>The proposal will result in the blocking of the green and open space views from the submitter's apartment and neighbouring apartments.</p> <p>Requests that the proposed heights be reduced to what they currently are so that views to St Leonards Park are maintained.</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Western and northern view loss from 237 Miller St will be minimal, as this building is offset in comparison to the subject site.</p>	Nil	2E
		<b>Privacy / Landscaping</b>	<p>The bulk of the building should be shifted to the north. This will permit increased opportunities for more green spaces with deep soil landscaping. Consideration should also be given to providing greenspace at different elevations of the building on McLaren St to prevent overlooking and to soften the impact of the flat surface of the building and provide green outlooks for the buildings opposite.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>Of particular note is that the proposed future building is proposed setback 10.6m from the street frontage, which will enable a landscaped setback, capable of accommodating vegetation of sufficient height to assist in screening between buildings. In conjunction with the landscaped setback, the proposal will have a min 34m building separation to 237 Miller St, well in excess of the min requirement.</p>	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
58 con'		<b>Traffic</b>	<p>The proposal, in conjunction with new school at 41 McLaren St and mixed use development at 45 McLaren St, will result in the section of McLaren St located between Miller St and Walker St becoming gridlocked with a significant increase in traffic.</p> <p>Noted that the T&amp;PIA states “<i>The analysis is a desktop study with no site visits undertaken</i>”. It is questioned how can an assessment of such a dense urban area be assessed without active onsite observations?</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p>Despite the application of a “desktop assessment” it still includes recent data of traffic volumes and movements from other sources.</p>	Nil	2B, 2E
		<b>Wind</b>	<p>Over the last 6 months, the submitter has noted that McLaren St has become a wind tunnel created by all the hard surfaces particularly around the development at 168 Walker St Aqualand and the café/restaurant area.</p> <p>The proposal will introduce even more hard surfaces at the ground level which will only exacerbate the problem and most likely reduce outdoor amenity for both residents and workers.</p> <p>The proposal therefore, should be reassessed and modified to ensure surrounding environments are not negatively impacted upon.</p>	<p><b>Refer to Section 4.8 of the main report.</b></p> <p>Whilst it is recognised that increasing tower heights can contribute to increased wind impacts at the pedestrian level, there are numerous design and architectural element solutions to assist in mitigating these impacts. Such issues can be addressed at the development application stage.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
59	Resident U47, 237 Miller Street, North Sydney NSW 2060	<b>Traffic</b>	<p>There are currently a high number of buildings with sole vehicular access from McLaren St. The local road system is already congested and the proposal will only exacerbate this situation, especially in peak hours when nearby schools are operating.</p> <p>Consideration should be given to providing vehicular access of Elliot St.</p> <p>Since the completion of the Victoria Cross Metro Station, the noise from passing traffic has been amplified, particularly from motor bikes, trucks and noisy exhausts. This amplification is very disturbing. The addition of another multi storey building opposite can only make the amplification much worse.</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p><b><u>Traffic Impacts</u></b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p><b><u>Vehicular Access</u></b></p> <p>Whilst proving vehicular access to Elliot St in part or full may alleviate vehicular conflicts along McLaren St, it also has the potential to negatively impact on the delivery of a prioritised pedestrian route consistent with Council's CPPS and Public Domain Strategy.</p> <p><b><u>Traffic Noise</u></b></p> <p>The T&amp;PIA indicates that increased traffic volumes is largely a result of through traffic and not necessarily for development in the vicinity of the site. The opening of the Metro and Western Harbour Tunnel may result in further changes to these volumes, but is too early to tell at this point.</p> <p>Requirements also exist to ensure all new dwellings are appropriately constructed in terms of maximising acoustic amenity for residents in proximity to major roads.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
59 con'		<b>Solar Access / Overshadowing</b>	<p>The proposal will significantly reduce solar access to the submitter's apartment and others at 237 Miller St.</p> <p>The submitter is offended that they will be limited to 1-2hrs of direct sunlight in midwinter. Reduced solar access will mean that they will have increased heating costs in the winter.</p> <p>Everyone has a right and is entitled to their fair share of sunshine, to maintain good health and physical and mental well being.</p> <p>To improve solar access, the proposed built form should be reversed, with the 24-storey portion located over the northern end of the site and the 8-storey portion located over the southern end.</p>	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable in the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the submitter's apartment from 6hrs to 4hrs, which remains above the min design criteria under the ADG.</p> <p>Repositioning the towers may marginally improve solar access to the submitter's apartment, but would result in increased impacts to other apartments at 168 Walker St and create an overbearing transition to development to the north.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
59 con'		<b>Privacy</b>	<p>The proposal will significantly reduce privacy to the submitter's apartment and others at 237 Miller St. The submitter will be required to live behind closed curtains or blinds to protect their privacy. Privacy is a right and vital to all residents and should be protected.</p> <p>The submitter is not aware of any other instance where 2 tall residential buildings face one another in North Sydney.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>Of particular note is that the proposed future building is proposed setback 10.6m from the street frontage, which will enable a landscaped setback, capable of accommodating vegetation of sufficient height to assist in screening between buildings. In conjunction with the landscaped setback, the proposal will have a min 34m building separation to 237 Miller St, well in excess of the min requirement.</p>	Nil	2E, 2F
		<b>Structural Safety</b>	<p>The foundations of any future development on the site will be very close to the underground Metro Station which has a large tunnel beneath 237 Miller St. The submitter questions the potential safety impacts to 237 Miller St.</p>	<p>All development located within the vicinity (up to 25m) of underground rail/metro assets are required to consider the vibration controls under the Transport and Infrastructure SEPP.</p> <p>The subject site is not located within the Metro corridor or within 25m Metro corridor buffer and thereby not triggering the need for increased structure requirements. The alignment of the metro rail line itself is located under Miller St. Notwithstanding, as an immediate neighbour, Sydney Metro would be consulted with regard to the future development of the site, when any potential impacts can be addressed at the development application stage.</p>	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
59 con'		<b>Aesthetics / Alternative Uses</b>	A 24-storey “pencil thin” development facing McLaren St will be UGLY, as it would anywhere on the building site. Questions, why the site cannot accommodate a lower building, for example townhouses across the entire block. A preschool/daycare centre can still be incorporated in the plans.	<p><b><u>Aesthetics</u></b></p> <p>Aesthetics is a subjective term and largely depends on its context.</p> <p>The envisaged proposed uses are consistent with the subject site’s and surrounding land’s underlying land use zoning.</p> <p>The proposed built form envelope has been positioned and modulated to positively respect the existing and future context within which the site sits.</p> <p><b><u>Alternative Uses</u></b></p> <p><b>Refer to section 4.7 of the main report.</b></p> <p>The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.</p> <p>Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council’s long-term goal to link the North Sydney CBD with St Leonards Park.</p>	Nil	2E
		<b>Construction Impact</b>	Concerned that residents in this locality have endured constant construction noise night and day for 7 years and the proposal will just continue this impact.	<p><b>Refer to Section 4.10 of the main report.</b></p> <p>Construction impacts are temporary in nature. Whilst it is acknowledged that construction activities on multiple sites in close proximity to one another and at the same time can exacerbate these issues, can lead to an overall reduced impact time wise, than allowing developments to only be constructed one at a time or with very short periods of no development in between.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
60	Resident U1212, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Outdated Documents</b> <ul style="list-style-type: none"> <li>• <b>Traffic</b></li> <li>• <b>Views</b></li> <li>• <b>Stakeholder Engagement</b></li> </ul>	<p>Many of the supporting documents were prepared many years ago and pre-date major developments in and around the subject site. This does not result in an accurate interpretation of the potential impacts arising from the development. In particular, the following reports are consider to be out of date:</p> <ul style="list-style-type: none"> <li>• Traffic &amp; Parking Impact Assessment (T&amp;PIA)</li> <li>• Visual Impact Assessment (VIA)</li> <li>• Consultation and Stakeholder Report (C&amp;SR)</li> </ul>	<p><b>Refer to Sections 4.1, 4.3, 4.8 and 4.11 of the main report.</b></p> <p><b><u>Traffic</u></b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p><b><u>Views</u></b> The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p> <p><b><u>Stakeholder Engagement</u></b></p> <p>There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.</p> <p>There is no need to revise the C&amp;SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.</p>	Nil	2E, 2F

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
60 con'		<b>Community Benefit</b> - <b>Affordable Housing</b>	The proposed offer to deliver of 5% of all dwellings for affordable housing for a min of 10 years is not a true long-term solution. It falls well below the State's baseline requirement and is a token effort at compliance. It should be between 10-20% of all dwellings and held in perpetuity, consistent with the recommendations of the North Sydney Planning Panel Meeting of 31 May 2023.	<b>Refer to Section 8.1 of the main report.</b> Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government. Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government. If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.	Nil	2E
		<b>Solar Access / Overshadowing</b>	The proposal does not adequately investigate or attempt to mitigate the loss of solar and daylight access to those apartments located on the western façade of 168 Walker St and is inconsistent with the solar access requirements under the Apartment Design Guide, and Council's DCP. Aura (refer requirements for Apartment Design Guide Objective 4A, and SEPP 65), or contemplated how any view sharing of the western views might work. The proposed impact is particularly pronounced at the lower levels of the building.	<b>Refer to Section 4.2 of the main report</b> Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment. The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area. This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths. It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the western facade of the submitter's apartment from 2-3hrs to 1-2 hrs.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
60 con'		<b>Views</b>	<p>The proposed built form envelope will result in the complete loss of western views to all apartments on the western façade of 168 Walker St. This is inconsistent with Council's DCP with regard to encouraging view sharing.</p> <p>Depending on the floor level and configuration of apartments at 168 Walker St, up to 75% of the living room outlook and 100% of the bedroom outlook, will be affected, where they currently have private, uninterrupted westerly views.</p> <p>Further noted that, the Visual Impact Assessment is incomplete, as it only provides commentary as to the view impacts from the public domain and nothing from a private property perspective.</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has views to Sydney Harbour to the southeast which have greater value.</p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p>	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
60 con'		<b>Privacy</b>	<p>The proposed built form envelope will result in the complete loss of western views to all apartments on the western façade of 168 Walker St.</p> <p>This is inconsistent with Council's DCP with regard to maintaining privacy.</p> <p>Whilst noting that the underlying site constraints it is impossible to re-orientate the tower to improve solar access, views and remedy some of the privacy issues. Suggests that the site be maybe redeveloped more effectively for the community using other permitted uses under MU1 Mixed Use zone.</p> <p>Given the elevation differences, appartements in the lower levels of 168 Walker St would have restaurants and entertainment venues located directly opposite them at the same level and separated by only 12-20m, resulting in noise and light impacts from those commercial businesses into bedrooms and living spaces.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>A min 24m separation has been provided to the western façade of 168 Walker St</p>	Nil	2E
		<b>Noise</b>	<p>The proposal's height and narrow separation of only 12-20m to the western façade of 168 Walker St will create a noise tunnel.</p> <p>Noise will be exacerbated by:</p> <ul style="list-style-type: none"> <li>• unattenuated noise sources from exposed balconies on the proposal's eastern side,</li> <li>• continuous noise all day from proposed restaurant/entertainment facilities at night and the child care centre during the day.</li> <li>• Pedestrians using the proposed through site link.</li> </ul> <p>Noise impacts can be minimised by:</p> <ul style="list-style-type: none"> <li>• Remove the ability to accommodate restaurants / entertainment facilities;</li> <li>• Remove the child care component</li> </ul> <p>Remove the through site link.</p>	<p>The Planning Proposal is accompanied by an Acoustic Assessment which indicates that a future development is likely to satisfy the various acoustic requirements, subject to implementation of various architectural design and treatments and management of operations of future uses, all of which can be addressed at the DA stage.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
60 con'		<b>Design Excellence</b>	<p>When the development at 168 Walker St was proposed, it was required to work closely with Council's Design Excellence Panel to address a range of design constraints including the assumption that Levels 1 – 8 of 168 Walker St's western facade would be obscured by development on the subject property. It was never envisaged that the planning controls for the subject site would be significantly revised to such extremes and at the expense of home owners on the western façade of Aura, and neighbouring apartment towers opposite on McLaren St.</p> <p>It is requested that the Design Excellence Panel be equally engaged to comment on the likely impact on surrounding properties and adherence to the relevant specifications and best practice.</p>	<p>The Design Excellence Panel is not necessarily required to be consulted in the preparation of a planning proposal, as planning proposals typically only seek to set land use and some very basic high level built form controls.</p> <p>The Design Excellence Panel is typically used at the DA stage to provide advice as to how a detailed development proposal will meet the relevant planning controls and address any amenity concerns.</p> <p>Notwithstanding, the CPPS was reviewed by the Design Excellence Panel prior to its finalisation and their comments incorporated where appropriate. Given that the proposal is consistent with the desired outcomes of the CPPS, then it is likely that a future DA for the subject site, could be generally supported in principle by the Design Excellence Panel.</p>	Nil	2E, 2G
		<b>Stakeholder Engagement / Outdated Documents</b>	<p>The Consultation &amp; Stakeholder Report (C&amp;SR) was compiled in August 2022. The information in this report is now irrelevant, as there are now an additional 384 dwellings in 168 Walker St.</p> <p>Whist Aqualand, the developer for 168 Walker St was consulted in June 2021, it is obvious that they would not be as invested or concerned as future long term owners.</p> <p>The proposal should not proceed without consideration of feedback of the current owners.</p>	<p><b>Refer to sections 4.8 and 4.11 of the main report.</b></p> <p>There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.</p> <p>There is no need to revise the C&amp;SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
60 con'		<b>Consistency with Civic Precinct Planning Study (CPPS)</b>	The CPPS states that the subject site is located in a 'transition zone' with the goal to 'limit any significant development in this area'. Therefore, Council's initial support of the proposal is contradictory to Planning Study's stated goal, which is shared by residents.	<b>Refer to Section 4.12 of the main report</b>  The submitter has misinterpreted the CPPS, which seeks to limit any significant development within the Precinct to only within the transition zone or transport corridors. The proposal is consistent with this outcome being located within the transition zone.  The proposal has adequately demonstrated its consistency with the CPPS.	Nil	2E, 2F
		<b>Traffic</b>	The neighbouring streets in the vicinity of the subject site are currently often gridlocked during parts of the day. The proposal will result in increased traffic congestion making this situation worse.  The submitter notes that the traffic survey undertaken to justify the T&PIA was conducted in August 2020, during the middle of COVID lockdown and does not accurately represent the base case for such a large development. Furthermore, the T&PIA does not take into consideration new development in the locality including, <ul style="list-style-type: none"> <li>- the new school at 41 McLaren St,</li> <li>- the mixed use developments at 168 Walker St and 45 McLaren St,</li> <li>- future Western Harbour Tunnel,</li> <li>- additional traffic due to the proposed childcare centre within the new development; and</li> </ul> inadequate drop of / pick up zones for taxis / ubers, students, daycare centre (which only has 4 spaces allotted in the building for this purpose	<b>Refer to Sections 4.1 and 4.8 of the main report.</b>  The applicant has supplied a revised T&PIA which addresses the contextual changes in vicinity of the site.  The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
60 con'		<b>Alternative Uses</b>	Given the subject lot is surplus to government needs, there is no need to maximize or overdevelop this site and it could be used to increase local amenity such as additional green space or a community garden.	<b>Refer to Section 4.7 of the main report.</b> The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced. Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.	Nil	2E, 2G
		<b>Disclosure of Planning Information</b>	Whilst it is understood that the proposal is consistent with the 2020 Civic Precinct Planning Study (CPPS), these outcomes are not reflected in current planning controls (i.e. NSLEP 2013 and NSDCP 2013). The linkage between NSLEP 2013 and the CPPS was not evident during searches performed by owners prior to purchasing apartments at 168 Walker St. Therefore, all purchasers of west facing apartments were unaware of the ability of the subject site potentially being developed to such a scale under the CPPS that it would subsequently adversely affect their views, privacy and/or solar access. How are potential purchasers reasonably expected to discover these changes through their searches, when relying on the contents of existing planning instruments and plans.	<b>Refer to Section 4.9 of the main report.</b> The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation. Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation. In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice. It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.	Nil	2E
61	Aura Strata Committee 168 Walker Street, NORTH SYDNEY NSW 2060	<b>Duplicate submission</b>	Duplicate of Submission 54 from the same submitter.	Refer to Submission 54.	-	-

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
62	Aqualand Australia Square L37, 264 Geroge Street SYDNEY NSW 2000 (part owner and developer of 168 Walker Street	<b>Solar Access / Overshadowing</b>	<p>Whilst there has been some modelling of the proposal's overshadowing impacts on the western façade of 168 Walker St, there is limited information on which apartments are directly impacted by additional shadowing and the quantification of that impact on an apartment-by-apartment basis compared to existing.</p> <p>As the Planning Proposal documentation was prepared long before the completion and occupation of 168 Walker St, the proposal is deficient when it comes to a fulsome assessment of the environmental impacts.</p>	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>Impacts are limited to the western façade of 168 Walker St at the winter solstice. Where they do occur, the north-western oriented apartments will still be able to receive well in excess of 2hrs (noting the northern facades are unaffected), whereas the majority of the south-western orientated apartments would have their south access reduced from 2-3hrs to 1-2hrs.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
62 con'		<b>Views</b>	<p>The Planning Proposal is supported by a Visual Impact Assessment and Urban Design Report. However, these reports fail to acknowledge that the mixed-use residential development at 168 Walker St is complete and 70% occupied by new residents or their tenants. Therefore, consideration of view impacts from the apartments at 168 Walker St has not been considered or even assessed.</p> <p>Furthermore, the proposal is inconsistent with Clause 4.3(1)(b) of NSLEP 2013 to promote the retention and, if appropriate, sharing of existing views.</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
62 con'		<b>Privacy</b>	<p>The proposal will result in a loss of privacy to the apartments within 168 Walker St.</p> <p>The draft Development Control Plan that accompanies the Planning Proposal, permits the future built form (above podium) on the subject site to be setback a min of 6m from the common boundary with 168 Walker St. This sets up a situation where a min 24m setback between tall towers as required by the Apartment Design Guide is not achieved along the full length of the existing development at 168 Walker St. Given the shape and orientation of 52 McLaren St and as illustrated in the future built form reference design, 3 out of 4 apartments will be orientated directly into the apartments along the western façade of 168 Walker St. There is little recognition of the existing apartments on 168 Walker St and certainly no assessment of the impacts on their visual privacy.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>Despite the site specific DCP containing a min 6m setback to the subject site's eastern boundary, it does not remove the need to consider building separation requirements under the DCP as well.</p> <p>Those portions of the proposed built form which have a 6m setback to the eastern boundary (i.e. the northern tower) are not located directly opposite an apartments with 168 Walker St , but rather the entry to Rydges Hotel.</p>	Nil	2E
63	Resident U807, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	<p>The proposed height of the building will adversely affect solar access to the surrounding buildings, especially at the lower floors.</p>	<p><b>Refer to Section 4.2 of the main report.</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>The submitter's apartment will not be directly affected, being located on the eastern façade of the building gat 168 Walker St.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
63 con'		<b>Traffic / Outdated Documents</b>	The data relied upon in the T&PIA is well out of date and as such does not reflect the current situation and needs to be redone. In particular, it does not consider the impacts from the completion of a number of nearby mixed use developments and new school at 41 McLaren St.	<b>Refer to Sections 4.1 and 4.8 of the main report.</b> The applicant has supplied a revised T&PIA which addresses the contextual changes in vicinity of the site.  The revised T&PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.	Nil	2B, 2E
		<b>Privacy</b>	Loss of privacy to surrounding buildings especially to 168 Walker St with the proposal being built unreasonably close.	<b>Refer to Section 4.4 of the main report</b> The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.  Despite the site specific DCP containing a min 6m setback to the subject site's eastern boundary, it does not remove the need to consider building separation requirements under the DCP as well.  Those portions of the proposed built form which have a 6m setback to the eastern boundary (i.e. the northern tower) are not located directly opposite an apartments with 168 Walker St, but rather the entry to Rydges Hotel.  The submitter's apartment is located on the eastern façade with sole east orientation and therefore not directly impacted upon in this regard.	Nil	2E
		<b>Noise</b>	The proposal will result in increased local noise levels due to increased traffic congestion and crowded population in a small area.	The Planning Proposal is accompanied by an Acoustic Assessment which indicates that a future development is likely to satisfy the various acoustic requirements, subject to implementation of various architectural design and treatments and management of operations of future uses, all of which can be addressed at the DA stage.	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
64	Resident U1811, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Solar Access / Overshadowing</b>	The proposed height of the building will adversely affect the solar access to the submitter's apartment.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable in the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the western facade of the submitter's apartment from 2-3hrs to 1-2hrs.</p>	Nil	2E
		<b>Privacy</b>	The proposal will have an unacceptable impact on the visual privacy of the submitter's apartment, as the dwellings in the proposal will look directly into the submitter's private living and bedroom spaces. Of particular note is that the entire western façade is fully glazed.	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>Despite the site specific DCP containing a min 6m setback to the subject site's eastern boundary, it does not remove the need to consider building separation requirements under the DCP as well.</p> <p>Those portions of the proposed built form which have a 6m setback to the eastern boundary (i.e. the northern tower) are not located directly opposite any apartments with 168 Walker St, but rather the entry to Rydges Hotel.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
64 con'		<b>View Impacts</b>	<p>The View Impact Assessment that accompanied the proposal was completed in August 2022, and did not consider the west facing views of apartments from 168 Walker St.</p> <p>The proposal will adversely impact on the district views afforded from the submitter's apartment which can be enjoyed from the living and dining area and one of the bedrooms.</p> <p>These views stretch from Lavender Bay through to St Leonards and incorporate Lane Cove River, Homebush metropolitan &amp; Parramatta metropolitan skylines and the Blue Mountains are clearly visible on a clear day.</p> <p>The submitter had purchased a west facing apartment on the 18th floor of 168 Walker St.</p> <p>In April 2024, the submitter made the decision to purchase their apartment for its expansive and unobstructed westerly view and based on the planning controls contained within NSLEP 2031 and NSDCP 2013 which only anticipated a 10-storey built form on the subject site.</p> <p>The LEP and DCP seek to promote the retention of and if appropriate sharing of existing views. The proposal clearly does not constitute reasonable view sharing. It is also contrary to the Land and Environment Court Planning Principle set out in Tenacity Consulting v Warringah Council which states "Where an impact on views arises as a result of noncompliance with one or more planning controls, even a moderate impact may be considered unreasonable"</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has views to Sydney Harbour to the southeast which have greater value.</p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p>	Nil	2E
		<b>Traffic</b>	<p>The submitter notes that the traffic survey undertaken to justify the T&amp;PIA was conducted in August 2020, during the middle of COVID lockdown and does not accurately represent the base case for such a large development.</p> <p>Furthermore, the T&amp;PIA does not take into consideration new development in the locality including, the new school at 41 McLaren St, 168 Walker St, or future Western Harbour Tunnel.</p>	<p><b>Refer to Sections 4.1 and 4.8 of the main report.</b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
64 con'		<b>Wind</b>	<p>The Wind Impact Assessment was completed in July 2021. This assessment is now irrelevant as it does not consider having 2 high rise buildings located adjacent to one another (i.e. the development at 168 Walker St has been ignored)</p> <p>Of particular concern, is the potential wind tunnel effect from North to South (Elliot St to McLaren St) with impacts at the ground level along McLaren St, impacts to the ground floor piazza and podium level of 168 Walker St.</p> <p>It is also suggested that the 450 sqm outdoor space to be occupied by the childcare centre would not be usable and pedestrians would avoid using the sloped through site link.</p> <p>A proper wind impact assessment must be completed before any building height amendment can occur and council should obtain an independent engineer to confirm the wind impacts of the proposal.</p>	<p><b>Refer to Section 4.8 of the main report.</b></p> <p>This assumption is incorrect, as the Assessment clearly makes reference to the development at 168 Walker St, as though it had been completed.</p> <p>Wind impacts can be measured through computer modelling, despite the absence of a physical building. Whilst not definitive, it can provide a relatively reasonable assumption of what future wind movements will occur and what measures can be used to mitigate any negative impacts. In particular, the Assessment identifies potential impacts and recommends the use of various design and architectural treatments to minimise any potential impacts.</p> <p>Wind impacts can be further assessed and the built form refined at the development application stage.</p>	Nil	2E, 2F
		<b>Consistency with Civic Precinct Planning Study (CPPS) / Overshadowing</b>	<p>The proposal is contrary to outcomes of the CPPS, which indicates that the subject site is located in a 'transport zone' with the goal to 'limit any significant development in this area'.</p> <p>The northern end of Miller St should retain its village characteristics, which is rich in culture and heritage.</p> <p>Unlike adjacent building at 168 Walker St, which is further down from the Civic Precinct with an elegant architectural design which provides a pleasant visual impression, the proposal is in the transition zone. The site is not located in the North Sydney CBD and it is unreasonable to permit a 24-storey building so close to public amenities.</p> <p>The proposal will not bring a vibrant atmosphere nor commercial gain to North Sydney, instead discourage people moving to North Sydney fearing that the Council and the State Government would blindly support any development proposal.</p> <p>The proposal will result in overshadowing of Ted Mack Civic Park and podium areas of 168 Walker St where restaurants and cafes utilise the outdoor spaces.</p>	<p><b>Refer to Section 4.12 of the main report</b></p> <p>The submitter has misinterpreted the CPPS, which seeks to limit any significant development within the Precinct to only within the transition zone or transport corridors. The proposal is consistent with this outcome being located within the transition zone.</p> <p>The proposal has adequately demonstrated its consistency with the CPPS.</p> <p>The proposal is incapable of overshadowing Ted Mack Park year round between the key hours of 9.00am to 3.00pm, due to its position and distance in relation to the subject site.</p>	Nil	2E, 2F

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
64 con'		<b>Stakeholder Engagement / Outdated Documents</b>	The Consultation & Stakeholder Report (C&SR) is out of date as it has not considered the views of the new residents at 168 Walker St.	<b>Refer to sections 4.8 and 4.11 of the main report.</b> There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal. There is no need to revise the C&SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.	Nil	2E
		<b>Heritage</b>	Disagrees that the proposal will not have a heritage impact, with the site located within a heritage conservation area.	<b>Refer to Section 4.8 of the main report.</b> The subject site is not located within a conservation area. The proposal has been assessed by one of Council's Conservation Planners who concluded that in the context of the evolving changing character of the locality, the proposal will not adversely impact on the significance of any nearby heritage items or conservation areas.	Nil	2E
		<b>Affordable Housing</b>	The proposal only commits to the delivery of 5% of all dwellings as affordable housing for 10 years, contrary to the min of 10-20% in perpetuity as recommended by the North Sydney Local Planning Panel Meeting 31 May 2023. The quantum and extent is also contrary to the State Government's housing policy. It appears that the proposal is to act as a profit-making instrument, it does not consider affordable housing to be critical to the development.	<b>Refer to Section 8.1 of the main report.</b> Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government. Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government. If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
65	Sydney Metro Level 43, 680 George Street, SYDNEY NSW 2000	<b>Draft DCP</b> - <b>Carparking</b>	Requests that the proposed car parking provision P12 to Section 2.5.6 of the draft DCP be deleted in its entirety.  The provision had initially been included to minimise parking on a site which was to have high accessibility to the then future access point to Victoria Cross Metro station.  However, since the planning proposal's lodgement, Council has amended the residential parking rates for sites located in locations which are highly accessible to public transport, including the subject site. Accordingly, the proposed provision now effectively duplicates the provisions requirements and is no longer deemed necessary.	<b>Refer to Section 7.2 of the main report.</b>  The original request to stipulate the amount of parking pre-dated Council's resolution of 2023 to revise residential parking rates in high accessibility areas. The current rates require less than that originally proposed by the proponent and therefore is considered redundant in this instance.	<b>Delete P12 to section 2.5.6 of the draft DCP</b>	1A, 1D
66	Resident U1212, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Overdevelopment / Amenity / Alternative Use</b>	The immediate area is already developed to capacity and any additional development will erode the amenity of the area and will have a negative impact on mental health, arising from a loss in privacy and, solar access, increased traffic congestion and noise.  What is needed is a purpose built community space, which adds to the amenity and doesn't cause additional overcrowding.  The future use of the site should be determined in consultation with the community going and ensure the outcome works for everyone, not just the developer.	<b>Overdevelopment</b>  The planning proposal was referred to multiple State infrastructure agencies who have indicated that there is sufficient capacity in the existing systems to accommodate a development of the scale and intensity envisaged for the site.  In addition, the subject site is conducive to increased development with regard to its high level of accessibility to public transport and existing services and facilities.  The proposal will ultimately improve liveability in the locality by activating a number of street frontages, provision of an improved public domain and contribute to the delivery of an unimpeded link between McLaren and Elliot Sts.  <b>Amenity</b> <b>Refer to Section 4.13 of the main report.</b>  Amenity is a broad term and generally relates to higher level issues such as privacy, overshadowing, view sharing, environmental impacts through reduced landscaping, traffic generation and congestion and construction impacts.  The majority of these issues are addressed in detail elsewhere in this table and the main report.	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
66 con'				<p><b><u>Alternative Uses</u></b>  <b>Refer to Section 4.7 of the main report.</b></p> <p>The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.</p> <p>Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.</p>		
		<p><b>Outdated Documents</b></p> <ul style="list-style-type: none"> <li>• <b>Traffic</b></li> <li>• <b>Views</b></li> <li>• <b>Stakeholder Engagement</b></li> </ul>	<p>Many of the supporting documents were prepared many years ago and pre-date major developments in and around the subject site. This does not result in an accurate interpretation of the potential impacts arising from the development. In particular, the following reports are consider to be out of date:</p> <ul style="list-style-type: none"> <li>• Traffic &amp; Parking Impact Assessment (T&amp;PIA)</li> <li>• Visual Impact Assessment (VIA)</li> <li>• Consultation and Stakeholder Report (C&amp;SR)</li> </ul>	<p><b>Refer to Sections 4.1, 4.3, 4.8 and 4.11 of the main report.</b></p> <p><b><u>Traffic</u></b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p><b><u>Views</u></b></p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p>	Nil	2E, 2F

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
66 con'				<p><b><u>Stakeholder Engagement</u></b></p> <p>There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.</p> <p>There is no need to revise the C&amp;SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.</p>		
		<b>Community Benefit Affordable Housing</b>	<p>The proposed offer to deliver of 5% of all dwellings for affordable housing for a min of 10 years is not a true long-term solution. It falls well below the State's baseline requirement and is a token effort at compliance. It should be between 10-20% of all dwellings and held in perpetuity, consistent with the recommendations of the North Sydney Planning Panel Meeting of 31 May 2023.</p>	<p><b>Refer to Section 8.1 of the main report.</b></p> <p>Whilst the proposed quantum and extent of affordable housing is inconsistent with the State Government's pre-election commitment to deliver 30% of residential floorspace on surplus public lands, this does not represent a formal policy position by the State Government.</p> <p>Notwithstanding, the VPA contains a provision that the quantum and extent must be increased to match any formal policy position adopted by the State Government.</p> <p>If the quantum and extent of affordable housing is to be increased, it will come at the expense of delivery of the proposed child care centre. This outcome is not desirable, as there is also an acute shortage of child care places in North Sydney.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
66 con'		<b>Solar Access / Overshadowing</b>	<p>The proposal does not adequately investigate or attempt to mitigate the loss of solar and daylight access to those apartments located on the western façade of 168 Walker St and is inconsistent with the solar access requirements under the Apartment Design Guide, and Council's DCP.</p> <p>Aura (refer requirements for Apartment Design Guide Objective 4A, and SEPP 65), or contemplated how any view sharing of the western views might work.</p> <p>The proposed impact is particularly pronounced at the lower levels of the building.</p>	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>It is noted that between 9am and 3pm at the winter solstice, the proposal will result in a reduction of solar access to the western facade of the submitter's apartment from 2-3hrs to 1-2hrs.</p>	Nil	2E
		<b>Privacy</b>	<p>The proposed built form envelope will result in the complete loss of western views to all apartments on the western façade of 168 Walker St.</p> <p>This is inconsistent with Council's DCP with regard to maintaining privacy.</p> <p>Whilst noting that the underlying site constraints it is impossible to re-orientate the tower to improve solar access, views and remedy some of the privacy issues. Suggests that the site be maybe redeveloped more effectively for the community using other permitted uses under MU1 Mixed Use zone.</p> <p>Given the elevation differences, appartements in the lower levels of 168 Walker St would have restaurants and entertainment venues located directly opposite them at the same level and separated by only 12-20m, resulting in noise and light impacts from those commercial businesses into bedrooms and living spaces.</p>	<p><b>Refer to Section 4.4 of the main report</b></p> <p>The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens.</p> <p>Despite the site specific DCP containing a min 6m setback to the subject site's eastern boundary, it does not remove the need to consider building separation requirements under the DCP as well.</p> <p>Those portions of the proposed built form which have a 6m setback to the eastern boundary (i.e. the northern tower) are not located directly opposite any apartments with 168 Walker St, but rather the entry to Ridges Hotel.</p>	Nil	2E



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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
66 con'		<b>Views</b>	<p>The proposed built form envelope will result in the complete loss of western views to all apartments on the western façade of 168 Walker St. This is inconsistent with Council's DCP with regard to encouraging view sharing.</p> <p>Depending on the floor level and configuration of apartments at 168 Walker St, up to 75% of the living room outlook and 100% of the bedroom outlook, will be affected, where they currently have private, uninterrupted westerly views.</p> <p>Further noted that, the Visual Impact Assessment is incomplete, as it only provides commentary as to the view impacts from the public domain and nothing from a private property perspective.</p>	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positioning of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has views to Sydney Harbour to the southeast which have greater value.</p> <p>The VIA does not need revision as it only deals with impacts from the public domain, with private views being addressed under the Planning Proposal and Urban Design Report. Further analysis undertaken by Council staff (refer to section 4.3) determined the degree of impact to private views is considered acceptable in the evolving character of the locality.</p>	Nil	2E

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No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
66 con'		<b>Noise</b>	<p>The proposal's height and narrow separation of only 12-20m to the western façade of 168 Walker St will create a noise tunnel.</p> <p>Noise will be exacerbated by:</p> <ul style="list-style-type: none"> <li>unattenuated noise sources from exposed balconies on the proposal's eastern side,</li> <li>continuous noise all day from proposed restaurant/entertainment facilities at night and the child care centre during the day.</li> <li>Pedestrians using the proposed through site link.</li> </ul> <p>Noise impacts can be minimised by:</p> <ul style="list-style-type: none"> <li>Remove the ability to accommodate restaurants / entertainment facilities;</li> <li>Remove the child care component</li> </ul> <p>Remove the through site link.</p>	The Planning Proposal is accompanied by an Acoustic Assessment which indicates that a future development is likely to satisfy the various acoustic requirements, subject to implementation of various architectural design and treatments and management of operations of future uses, all of which can be addressed at the DA stage.	Nil	2E
		<b>Design Excellence</b>	<p>When the development at 168 Walker St was proposed, it was required to work closely with Council's Design Excellence Panel to address a range of design constraints including the assumption that Levels 1 – 8 of 168 Walker St's western facade would be obscured by development on the subject property. It was never envisaged that the planning controls for the subject site would be significantly revised to such extremes and at the expense of home owners on the western façade of Aura, and neighbouring apartment towers opposite on McLaren St.</p> <p>It is requested that the Design Excellence Panel be equally engaged to comment on the likely impact on surrounding properties and adherence to the relevant specifications and best practice.</p>	<p>The Design Excellence Panel is not necessarily required to be consulted in the preparation of a planning proposal, as planning proposals typically only seek to set land use and some very basic high level built form controls.</p> <p>The Design Excellence Panel is typically used at the DA stage to provide advice as to how a detailed development proposal will meet the relevant planning controls and address any amenity concerns.</p> <p>Notwithstanding, the CPPS was reviewed by the Design Excellence Panel prior to its finalisation and their comments incorporated where appropriate. Given that the proposal is consistent with the desired outcomes of the CPPS, then it is likely that a future DA for the subject site, could be generally supported in principle by the Design Excellence Panel.</p>	Nil	2E, 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
66 con'		<b>Stakeholder Engagement / Outdated Documents</b>	<p>The Consultation &amp; Stakeholder Report (C&amp;SR) was compiled in August 2022. The information in this report is now irrelevant, as there are now an additional 384 dwellings in 168 Walker St.</p> <p>Whist Aqualand, the developer for 168 Walker St was consulted in June 2021, it is obvious that they would not be as invested or concerned as future long term owners.</p> <p>The proposal should not proceed without consideration of feedback of the current owners.</p>	<p><b>Refer to sections 4.8 and 4.11 of the main report.</b></p> <p>There was no initial requirement for the applicant to undertake consultation with neighbouring properties prior to preparing the planning proposal. However, undertaking such an exercise can help alleviate any issues prior to the lodgement of the planning proposal.</p> <p>There is no need to revise the C&amp;SR as the public exhibition of the Planning Proposal, which is a legislative requirement, has provided the opportunity for all current stakeholders to comment on the proposal, prior to a decision being made to proceed or not.</p>	Nil	2E
		<b>Consistency with Civic Precinct Planning Study (CPPS)</b>	The CPPS states that the subject site is located in a 'transition zone' with the goal to 'limit any significant development in this area'. Therefore, Council's initial support of the proposal is contradictory to Planning Study's stated goal, which is shared by residents.	<p><b>Refer to Section 4.12 of the main report</b></p> <p>The submitter has misinterpreted the CPPS, which seeks to limit any significant development within the Precinct to only within the transition zone or transport corridors. The proposal is consistent with this outcome being located within the transition zone.</p> <p>The proposal has adequately demonstrated its consistency with the CPPS.</p>	Nil	2E, 2F
		<b>Alternative Uses</b>	Given the subject lot is surplus to government needs, there is no need to maximize or overdevelop this site and it could be used to increase local amenity such as additional green space or a community garden.	<p><b>Refer to Section 4.7 of the main report.</b></p> <p>The subject site is zoned <i>MU1 Mixed Use</i> which permits a variety of uses. Limiting the use to recreational purposes only would be contrary to meeting the s.9.1 Ministerial Directions whereby the existing employment and residential capacity of a site must not be reduced.</p> <p>Further, the proposal enables the completion of a publicly accessible pedestrian link between McLaren and Ridge Sts which contributes to Council's long-term goal to link the North Sydney CBD with St Leonards Park.</p>	Nil	2E, 2G

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
66 con'		<b>Traffic</b>	<p>The neighbouring streets in the vicinity of the subject site are currently often gridlocked during parts of the day. The proposal will result in increased traffic congestion making this situation worse.</p> <p>The submitter notes that the traffic survey undertaken to justify the T&amp;PIA was conducted in August 2020, during the middle of COVID lockdown and does not accurately represent the base case for such a large development.</p> <p>Furthermore, the T&amp;PIA does not take into consideration new development in the locality including,</p> <ul style="list-style-type: none"> <li>- the new school at 41 McLaren St,</li> <li>- the mixed use developments at 168 Walker St and 45 McLaren St,</li> <li>- future Western Harbour Tunnel,</li> <li>- additional traffic due to the proposed childcare centre within the new development; and</li> <li>- inadequate drop of / pick up zones for taxis / ubers, students, daycare centre (which only has 4 spaces allotted in the building for this purpose)</li> </ul>	<p><b>Refer to Section 4.1 and 4.8 of the main report.</b></p> <p>The applicant has supplied a revised T&amp;PIA which addresses the contextual changes in vicinity of the site.</p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E
		<b>Disclosure of Planning Information</b>	<p>Whilst it is understood that the proposal is consistent with the 2020 Civic Precinct Planning Study (CPPS), these outcomes are not reflected in current planning controls (i.e. NSLEP 2013 and NSDCP 2013).</p> <p>The linkage between NSLEP 2013 and the CPPS was not evident during searches performed by owners prior to purchasing apartments at 168 Walker St. Therefore, all purchasers of west facing apartments were unaware of the ability of the subject site potentially being developed to such a scale under the CPPS that it would subsequently adversely affect their views, privacy and/or solar access.</p> <p>How are potential purchasers reasonably expected to discover these changes through their searches, when relying on the contents of existing planning instruments and plans.</p>	<p><b>Refer to Section 4.9 of the main report.</b></p> <p>The Planning Proposal has been acknowledged on all s.10.7 Planning Certificates issued since the commencement of its public exhibition, consistent with the mandatory requirements under the Planning legislation.</p> <p>Despite not being disclosed within a s.10.7 Planning Certificate, Council has been proactive in disclosing information about all Planning Proposals from time of lodgement, well beyond the min requirements of the Planning legislation.</p> <p>In particular, information about the planning proposal is available via Council's Application Tracker, website and erection of a site notice.</p> <p>It is further noted that information pertaining to the Civic Precinct Planning Study, upon which the planning proposal is partially justified is also publicly accessible through Council's website.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
67	Non Resident / Non Owner 4 Dora Crescent DUNDAS NSW 2117	<b>Overdevelopment / Bulk and Scale</b>	The proposal allows for the construction of a 24 storey building and its bulk and scale does not reinforce and respect the character and scale of the existing area. It is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing properties in the vicinity.	The CPPS identified an appropriate height for development on the subject site with regard to the evolving character of the area whilst balancing the need to accommodate more development adverse impacts to more sensitive areas. The proposal is consistent with the desired outcomes of the CPPS.	Nil	2E
		<b>Solar Access / Overshadowing</b>	The proposal's height, separation and siting will result in significant overshadowing of neighbouring apartments.	<b>Refer to Section 4.2 of the main report</b> Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment. The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area. This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths. The proposal will not impact on the submitter's dwelling.	Nil	2E
		<b>Privacy</b>	The proposal's height, separation and siting will result in significant reduction in neighbouring residents' privacy through overlooking.	<b>Refer to Section 4.4 of the main report</b> The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens. It is noted that the submitter's residence will not be impacted upon due to them not living within the LGA.	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
67 con'		Traffic	The proposal includes approximately 120 to 140 car parking spaces with drop off zones for a proposed childcare centre. The number of residents and visitor to the site will have a significant negative impact on on-street parking and traffic flow in the surrounding streets which already has significant problems.	<p><b>Refer to Sections 4.1 and 7.2 of the main report.</b></p> <p><b><u>Traffic Impacts</u></b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p> <p><b><u>On-site Car Parking</u></b></p> <p>The parking rates under NSDCP 2013 for residential development was amended by Council for development in high accessibility zones, including the subject site, after the planning Proposal had been lodged and endorsed for progression.</p> <p>Despite the concept proposal showing a high level of parking spaces, the number would need to be reduced at the DA stage and would result in reduced traffic generation.</p> <p><b><u>On Street Parking</u></b></p> <p>The proposal does not impact on the delivery of on street carparking.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
68	Resident U2212, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Solar access / Overshadowing</b>	The proposal will result in solar access to the western side of the submitter's apartment being entirely lost.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>The submitter's apartment is not impacted upon between 9am to 3pm during the winter solstice.</p>	Nil	2E
		<b>Views</b>	Whilst it was recognised that some views were going to be lost to the west, the extent of loss created by the proposal is objected to.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the submitter's apartment losing most of its western views, the apartment still has sweeping views from the north-west to north-east.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
68 con'		<b>Privacy</b>	Objects to the proposal as it will result in a loss of privacy.	<b>Refer to Section 4.4 of the main report</b> The proposed building envelope has been established with regard to the building separation and setback requirements under the ADG. Increased levels of privacy can be provided at the development application stage through design and use of various architectural treatments, such as the absence of windows/balconies, use of opaque glazing and or privacy screens. Despite the site specific DCP containing a min 6m setback to the subject site's eastern boundary, it does not remove the need to consider building separation requirements under the DCP as well. Those portions of the proposed built form which have a 6m setback to the eastern boundary (i.e. the northern tower) are not located directly opposite any apartments with 168 Walker St, but rather the entry to Rydges Hotel.	Nil	2E
		<b>Parking</b>	Concerned that there will be adverse impacts on the ability to access on street parking spaces.	The proposal does not impact on the delivery of on street carparking.	Nil	2E, 2F
		<b>Infrastructure</b>	Concerned the proposal will have an adverse impact on electricity and communication infrastructure in the area.	No objections have been raised by the relevant the public authorities regarding the need to upgrade existing electricity or telecommunications infrastructure	Nil	2E



ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
69	Resident U2213, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Solar access / Overshadowing</b>	<p>Objects to the proposed height of the proposal as it will significantly reduce the level of solar access to the western facing apartments within 168 Walker St.</p> <p>In addition, it is claimed that the building form is positioned too far northwards, considering the established new northern boundary of development, following the completion of 168 Walker St, and also the low lying nature of the development around Wenona School.</p> <p>There will also be impacts to the ground floor outdoor areas on the northern side of the building at 168 Walker St.</p>	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>Impacts are limited to the western façade of 168 Walker St at the winter solstice. Where they do occur, the north-western oriented apartments will still be able to receive well in excess of 2hrs (noting the northern facades are unaffected), whereas the majority of the south-western orientated apartments would have their south access reduced from 2-3hrs to 1-2hrs.</p> <p>The ground level outdoor areas to 168 Walker St are all south facing and already in continuous shadow for the majority of the day.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
69 con'		<b>Views</b>	Objects to the proposal as it will significantly impair views from west and north facing apartments within 168 Walker St.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>Despite the west facing apartments losing most of their western views, these apartments still will retain views to the north and northwest or southwest and south east.</p>	Nil	2E
70	Resident SE1 G 229 Miller Street NORTH SYDNEY NSW 2060	<b>Infrastructure Capacity</b>	It was suggested with all the ongoing development proposals for higher and higher buildings in the residential areas, the existing infrastructure cannot cope.	The Planning Proposal was required to be referred to numerous public agencies who had infrastructure in the locality as part of the public exhibition process. None of these public agencies raised objection to the proposal on infrastructure capacity grounds.	Nil	2E
		<b>Traffic</b>	<p>Existing road infrastructure cannot cope with increased traffic forced upon local residents, with roads often at gridlock, especially at school opening and closing times and peak hours.</p> <p>At school times, traffic jams already occur in Walker St northbound where cars try to access Miller St via Ridge St. These traffic lights hardly allow more than one or two cars to turn right.</p> <p>Suggests that changes be made to allow school pick up and drop offs on the eastern side of Miller St east for Wenona students, to allow local traffic travelling west in McLaren St to turn right into Miller St thus avoid the need to use Walker St past Wenona school.</p>	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
70 con'		<b>Building Height</b>	Concerned that by permitting this proposal to proceed, it will lead to higher and higher buildings being built closer and closer to the Harbour. Further, if left to continue, it will result in the Harbour looking like Hong Kong- a Grand Canyon surrounded by high rise right up to the water's edge.	<p><b>Refer to Section 4.5 of the main report.</b></p> <p>The proposal has been prepared in response to and consistent with the outcomes of the CPPS.</p> <p>The purpose of the CPPS was to undertake a detailed investigation to determine appropriate locations to accommodate additional development capacity, in light of the construction of the Victoria Cross Metro Station and the need to demonstrate how Council can meet the State Government's employment and housing targets.</p> <p>In establishing a new future direction, the CPPS proposed high level controls for the subject site which took into consideration the emerging character of the area, and how new development could fit in without resulting adverse impacts.</p> <p>The proposal therefore will not result in an automatic increase in taller buildings closer to the Harbour's foreshores. Any request to increase such height at the foreshores would need to be subject to detailed planning analysis and community consultation.</p>	Nil	2A, 2E, 2F
		<b>Residential Amenity</b>	Increasing densities will lower quality of living in North Sydney due to over population and over crowding.	<p><b>Refer to Section 4.13 of the main report.</b></p> <p>Amenity is a broad term and generally relates to higher level issues such as privacy, overshadowing, view sharing, environmental impacts through reduced landscaping, traffic generation and congestion and construction impacts.</p> <p>The majority of these issues are addressed in detail elsewhere in this table and the main report.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
71	Resident U1002, 229 Miller Street NORTH SYDNEY NSW 2060	<b>Views</b>	States that the proposal will significantly impact the view from their apartment, which already has a compromised view.	<p><b>Refer to Section 4.3 of the main report.</b></p> <p>Whilst it is recognised that the proposal will have an impact on views to some apartments in the vicinity of the site, no view has been completely obstructed.</p> <p>This has been achieved through the appropriate positing of the proposed built form envelope, which incorporates consistent street setbacks to northern side of McLaren St, maintaining suitable building separation distances in accordance with the ADG, and minimising the length and width of the tower elements of the proposal.</p> <p>Whilst no one is entitled to a view, the degree of impact is deemed acceptable in the context of the site's location within a dense urban environment.</p> <p>The proposal will not result in the complete removal of any views to the north from the submitter's apartment or other apartments at 229 Miller St which share the same plan location and elevation. This is due to the subject site being offset in comparison to the submitter's apartment.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
71 con'		<b>Solar access / Overshadowing</b>	States that the proposal will reduce solar access to their building.	<p><b>Refer to Section 4.2 of the main report</b></p> <p>Whilst the proposed built form envelope will result in additional overshadowing impacts, the degree of impact is acceptable the context of the site being located in a dense urban environment.</p> <p>The proposed built form envelope has been established to maximise the number of neighbouring apartments to receive in excess of the min 2 hrs of sunlight at the Winter Solstice, consistent with the solar access requirements under the ADG in a dense urban area.</p> <p>This has largely been largely achieved by the restricting the level of floorspace across the site, maintaining appropriate whole of building setbacks and separation to buildings on adjoining sites and minimising tower length and widths.</p> <p>The proposal will not result in any overshadowing of the submitter's apartment between the hours of 9am and 3pm at the winter solstice.</p>	Nil	2E
72	Resident Address withheld	<b>Development Capacity</b>	Suggested that the locality is already at capacity (density and population), noting long wait times to access Victoria Cross Metro Station from the northern portal and that wait times are only going to get worse once the new school at 41 McLaren St commences operation.	The planning proposal was referred to multiple State infrastructure agencies who have indicated that there is sufficient capacity in the existing systems to accommodate a development of the scale and intensity envisaged for the site.	Nil	2E
		<b>Traffic</b>	Objects to the proposal based on increased traffic impacts.	<p><b>Refer to Section 4.1 of the main report.</b></p> <p>The revised T&amp;PIA demonstrates that there is sufficient capacity in the existing transport system to accommodate the likely impacts arising from any further development on the site under the new planning controls.</p>	Nil	2B, 2E
		<b>Wind</b>	Objects to the proposal based on increased wind impacts.	<p><b>Refer to Section 4.8 of the main report.</b></p> <p>Whilst it is recognised that increasing tower heights can contribute to increased wind impacts at the pedestrian level, there are numerous design and architectural element solutions to assist in mitigating these impacts. Such issues can be addressed at the development application stage.</p>	Nil	2E

ATTACHMENT 6: Planning Proposal 6/21 – 52 McLaren Street, North Sydney SUBMISSIONS SUMMARY (Exhibition Period – 2 December 2024 to 24 January 2025)						
No.	Name and Address	Issue/Theme	Key Points Raised	Council Response	Recommended Action	Criteria
72 con'		<b>Heritage</b>	Objects to the proposal based on impacts to heritage and culture.	<b>Refer to Section 4.8 of the main report.</b> It is unclear as to what aspects of the proposal impact upon heritage significance. The proposal has been assessed by one of Council's Conservation Planners who concluded that in the context of the evolving changing character, the proposal will not adversely impact on the significance of any nearby heritage items and conservation areas.	Nil	2E
73	Resident U614, 168 Walker Street NORTH SYDNEY NSW 2060	<b>Additional Submission</b>	Additional issues raised and incorporated within Submission 13	Refer to Submission 13	-	-

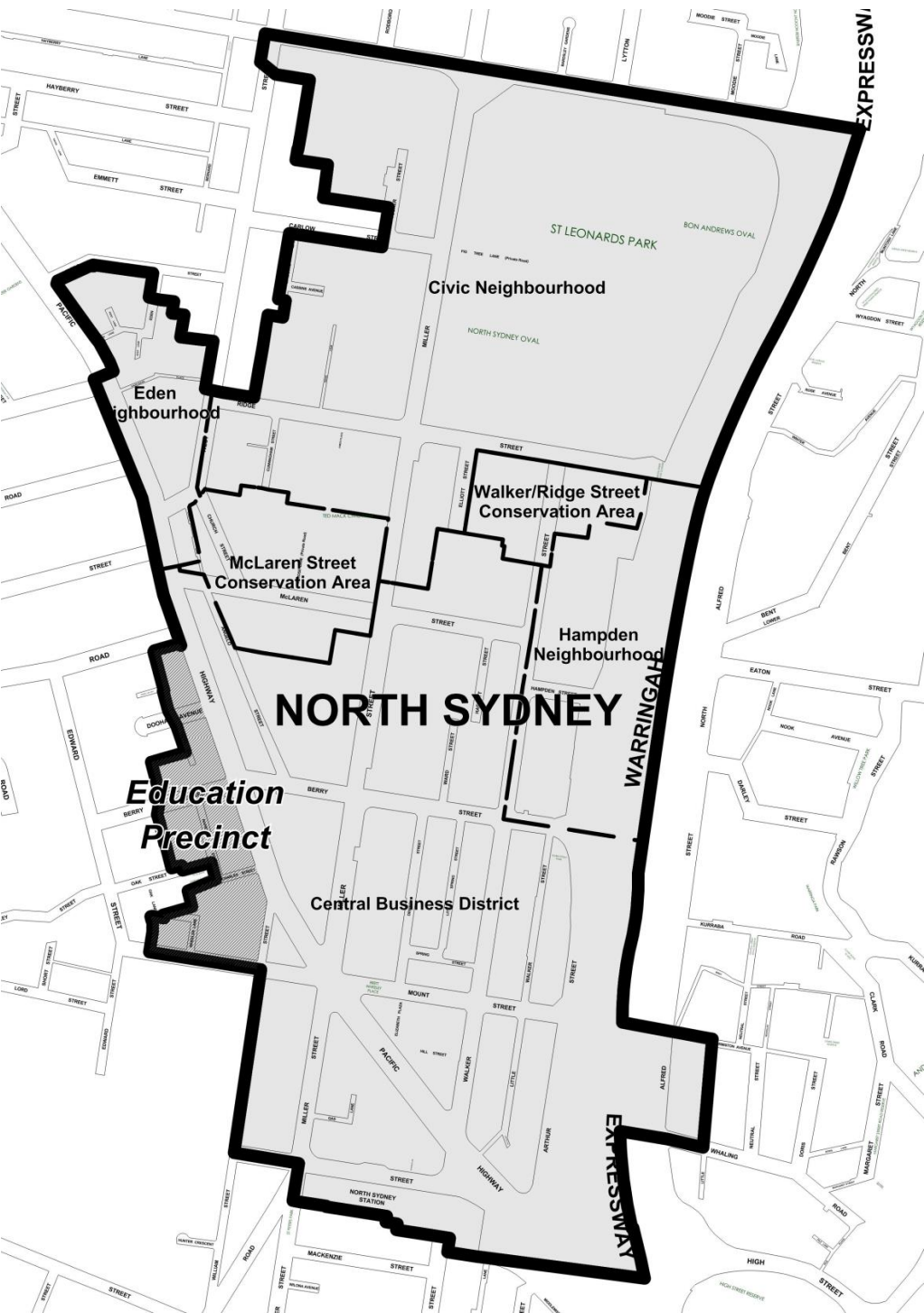
## **Amendment to North Sydney Development Control Plan 2013**

- 52 McLaren Street, North Sydney

The following pages represent an extracted “**tracked changes**” version of Section 2 to Part C of NSDCP 2013 which is proposed to be adopted post exhibition. The final version to be published on Council’s website will incorporate these tracked changes and any other minor formatting amendments.



**SECTION 2     NORTH SYDNEY PLANNING AREA**



**Figure C-2.1:** North Sydney Planning Area and associated Locality Areas

<b>Part</b>	<b>C</b>
<b>Page</b>	<b>C2-1</b>

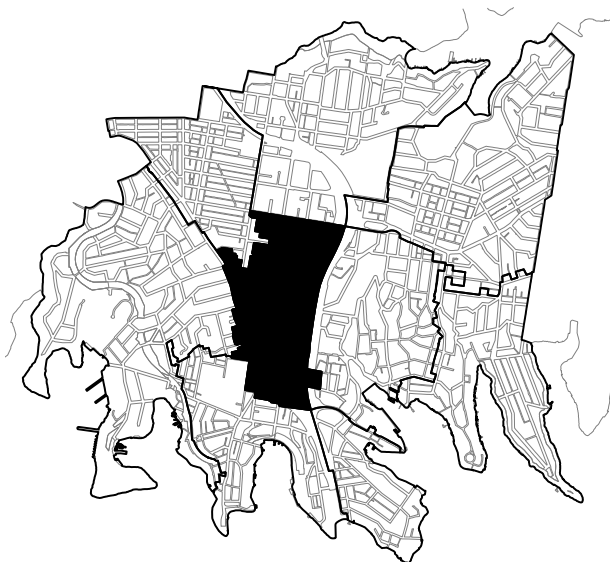




## **AMENDMENT FOR ADOPTION – North Sydney Development Control Plan 2013**

### **Area Character Statements - North Sydney Planning Area**

## **2.0 NORTH SYDNEY PLANNING AREA CHARACTER STATEMENT**



The North Sydney Planning Area is an iconic, attractive, and sustainable area, with the focus on the North Sydney CBD, which is identified under the Metropolitan Strategy 2036 as a global commercial centre. A portion of the Education Precinct is located within the Planning Area on the western edge of the North Sydney CBD and the Ward Street Precinct is located within the northern portion of the Planning Area.

New development within the Planning Area should result in:

- a viable and attractive employment centre
- a diverse range of living, employment, recreation and social opportunities being provided that attract both local and regional populations which contribute to the vibrancy of the North Sydney CBD
- a vibrant and engaging Education Precinct with safe pedestrian networks and a range of formal and informal public spaces for students to study, socialise and engage with the local community
- the creation of a new vibrant public meeting place within the Ward Street Precinct for workers, residents and visitors which has high levels of amenity and is activated in the daytime, evenings and weekends
- a high level of amenity for residents, workers, students and visitors to enjoy
- a high quality built form
- a high level of public transport patronage which is easily accessible to residents, workers, students and visitors
- the area being linked to the Sydney CBD, other suburban centres and many parts of the Sydney Region by rail and bus as well as by road and is a place of interchange between the various modes

**North Sydney Development Control Plan 2013 –AMENDMENT FOR ADOPTION**

**Area Character Statements - North Sydney Planning Area**

and where:

**Function**

- The North Sydney CBD comprises one of Australia's largest commercial centres serving the local population and that of the Sydney region
- There is a mix of uses and activities to meet the demands of the residents, workforce, students and visitors
- There is a civic focus supported by community facilities such as North Sydney Oval, the Stanton Library and the Independent Theatre
- There is an education focus in the Education Precinct, supported by educational establishments such as the Australian Catholic University (ACU), the Sydney Church of England Grammar School (Shore) and North Sydney Demonstration School
- Creation of a new pedestrian focal point centrally within the Ward Street Precinct, through the provision of new public squares which integrate with a highly permeable pedestrian network and is activated by commercial and community frontages
- Community facilities meet the needs of the CBD's working and resident population, students, visitors, and residents of nearby neighbourhoods, in terms of wellbeing, culture and recreation, and add to the diversity and activity of the CBD
- Various grades and sizes of commercial floorspace accommodate a mix of small and larger business, services and retail
- New residential development will not occur in the commercial core, with further high density housing to be concentrated in the areas zoned mixed-use
- There is housing choice in the mix of dwelling sizes and in the range of affordability
- There are active uses outside of standard business hours
- Parks and public spaces are well used and provide for a range of social and recreational activities

**Environmental Criteria**

- The extremes of sun, wind and rain are mitigated by good building design
- Buildings, public places and streets all receive good access to natural light
- Mechanical noise and other commercial noise is controlled, to protect residential amenity
- Use of local flora extends habitats for native birds and other fauna
- Solar access to special areas and open spaces is maintained and contributes to the enjoyment of those spaces for use by the public
- There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas
- Additional public open space is provided for increased worker and residential populations

**Built Form**

- There is a pleasant, well designed and well-lit series of easily accessible and connected urban plazas and gardens
- The setback on the eastern edge of Miller Street between McLaren Street and Mount Street is maintained and incorporates landscaped areas and actively utilised open space

**Part**

**C**

**Page**

**C2-3**



## **AMENDMENT FOR ADOPTION – North Sydney Development Control Plan 2013**

### **Area Character Statements - North Sydney Planning Area**

- Physical breaks are provided between tall commercial towers to afford occupants of commercial buildings reasonable levels amenity in terms of ventilation, daylight access, solar access and views
- Physical breaks are provided between tall commercial towers to afford users of the public domain reasonable levels of amenity in terms of daylight access, solar access, sky views and reduction in adverse wind impacts
- Avoiding continuous, uninterrupted walls of towers to reinforce a human scale when read from the public domain
- The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area
- Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas
- Predominant early 20th Century character of the McLaren Street Conservation Area is maintained and protected
- Victorian and Federation character of streets in the Walker Street Conservation Area is maintained and protected
- Pedestrian connections provide alternate east/west and north/south routes through the CBD to promote pedestrian movement

#### **Quality Urban Environment**

- There are links to the Sydney CBD, other suburban centres and many parts of the Sydney region by ferry, rail, bus and road and the CBD is a place of interchange between the various transport modes
- Public transport, including walking and cycling, is the main form of access to the North Sydney CBD and the Education Precinct
- Traffic is managed so that pedestrians can move within the area freely and safely, and amenity is maintained
- Parking is managed in a way that maintains pedestrian safety and the quality of the public realm and minimises traffic generation
- The cumulative desired future built form outcome within the Ward Street Precinct does not result in a nett increase in traffic generation for the Precinct
- Rear lanes allow for the primary vehicular access to properties
- Limited increase to the capacity of private parking
- Pedestrians are assisted to safely cross barriers such as the Pacific Highway
- Educational establishments are oriented to the public domain to provide increased surveillance and activation
- Loading and delivery facilities should be located away from the street and where possible be located underground

#### **Efficient Use of Resources**

- Energy efficient design and life cycle assessment of buildings enables the conservation of natural resources and minimisation of use of non-renewable energy resources
- Stormwater runoff is minimised, and recycled on-site where possible

#### **Public Domain**

- Additional open space is provided to service the increased residential, working and student population of the North Sydney CBD and the Education Precinct
- A new public square/s be provided centrally within the Ward Street Precinct which is integrated with a highly permeable pedestrian network

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- Streetscape improvements occur in accordance with the *North Sydney Centre Public Domain Strategy*, *Education Precinct Public Domain Masterplan* and *Ward Street Precinct Masterplan*

In addition to the above character statement for the Planning Area, the relevant character statement for the following Locality Areas also requires consideration:

- Section 2.1: Central Business District
  - Section 2.1.4: 45 McLaren Street
  - Section 2.1.5: 52 McLaren Street
- Section 2.2: Civic Neighbourhood
- Section 2.3: Eden Neighbourhood
- Section 2.4: Hampden Neighbourhood
  - Section 2.4.4 East Walker Street Precinct
- Section 2.5: Walker/Ridge Street Conservation Area
- Section 2.6: McLaren Street Conservation Area

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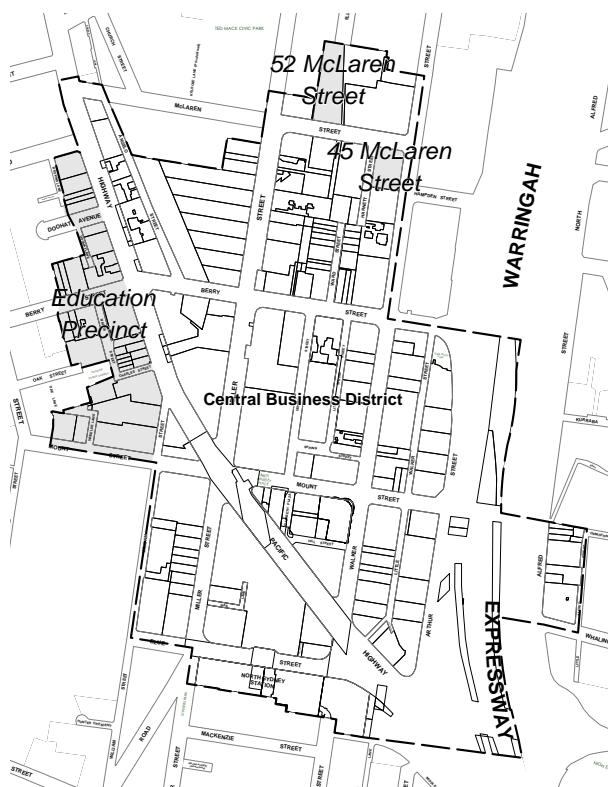
**2.1 CENTRAL BUSINESS DISTRICT**



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# North Sydney Development Control Plan 2013 **–AMENDMENT FOR ADOPTION**

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### 2.1.1 Significant Elements

#### Land Use

- P1 Predominantly high-rise commercial development.
- P2 Medium to high rise mixed commercial and residential development at the fringes.
- P3 Educational facilities.
- P4 Regional rail and road infrastructure.

#### Topography

- P5 Typically falling from the north to the south towards Sydney Harbour.

#### Natural Features

- P6 Natural rock outcrops at 136 Walker Street.

#### Views

- P7 The following views and vistas are to be preserved and where possible enhanced:
  - (a) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.
  - (b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.
  - (c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east.
  - (d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.



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#### **Identity / Icons**

- P8 Brett Whiteley Place.
- P9 Greenwood.
- P10 Post Office and Court House.
- P11 MLC Building.
- P12 Don Bank Museum.

#### **Subdivision**

- P13 Predominantly large consolidated allotments within a rigid grid pattern.
- P14 Smaller allotments generally along the Pacific Highway north of Berry Street.

#### **Streetscape**

- P15 Wide fully paved footpaths, promoting heavy pedestrian use.
- P16 Active street frontages provided with a variety of shops, cafes and other commercial uses.
- P17 Buildings generally built to the boundary, with entry at street level.
- P18 Continuous awnings provided on commercial buildings.
- P19 Street trees.

#### **Public transport**

- P20 Development is to take advantage of the accessibility provided by existing and planned public transport infrastructure.

### **2.1.2 Desired Future Character**

#### **Diversity of activities, facilities, opportunities and services**

- P1 High rise and medium density, commercial and mixed use developments.
- P2 Provision of a variety of different sized office, retail, community and entertainment spaces.
- P3 Provision of a variety of outdoor and indoor community spaces (e.g. urban plazas, gymnasium; gardens; outdoor and indoor dining areas and food courts).
- P4 The commercial focus of the CBD is to be enhanced by preventing any further residential development from occurring in its core (i.e. the *E2 Commercial Centre* zone).
- P5 Development above the Victoria Cross metro station will provide significant commercial floorspace, as well as retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.
- P6 Council will pursue its vision for Miller Street as the civic heart of North Sydney. This will involve significant interventions and public domain improvements aimed at creating a vibrant place for people, with vehicle movements removed or minimised as much as practicable and both sides of Miller Street activated.
- P7 Creation of a substantial new public space within the middle of the street block bound by McLaren, Walker, Berry and Miller Streets, activated by surrounding buildings and new community facilities consistent with the *Ward Street Precinct Masterplan*. This space is to be designed to be highly adaptable for events and prominent activities and form a spill over space for other community events associated with community facilities to be located in adjacent buildings.
- P8 Brett Whiteley Place is a key public space for the North Sydney CBD which will incorporate an expanded Elizabeth Plaza, as well as portions of Denison Street and

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- Mount Street. This expanded plaza will provide dedicated space for outdoor dining, large and small events, and other activities.
- P9 Consideration be given to expanding Berrys Square to the northern side of Berry Street.
- P10 The Central Laneways Precinct will become a major focal point of pedestrian activity and amenity.
- P11 Active frontages to the Metro site, 1 Denison Street and the MLC building will contribute to the activation of the public domain in the Central Laneways Precinct.
- P12 A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.
- P13 Alternatives to the current entry of the commercial car park entry at 100 Miller Street (Northpoint) will be pursued to reduce or remove traffic on Miller Street and improve pedestrian amenity.
- P14 Provide roof top gardens and/or public facilities that allow the public and/or residents to access district views.
- P15 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to promote street level activation, amenity, diversity and place making objectives.
- P16 Provide a diverse mix of higher density, non-residential land uses in the *MU1 Mixed Use* zone of the Education Precinct, including education, shops, cafes, gyms, entertainment and small businesses.
- P17 Provide continuous active uses such as shops and cafes at the ground level of all buildings along Pacific Highway, Berry Street and Napier Street, especially within the Education Precinct.
- P18 Consideration should be given to the inclusion of educational or community-related purposes in the redevelopment of 110, 112, 116 and 120 Pacific Highway and 9 Napier Street.
- P19 Community facilities that are of a type that support the creation of a cultural destination which is activated in the daytime, evenings and weekends are to be incorporated into the lower levels of the redevelopment of 56-66 Berry Street and the Ward Street Carpark site and these facilities are to front onto a new public square/s consistent with the *Ward Street Precinct Masterplan*.

**Accessibility and permeability**

- P20 Victoria Cross metro station is designed to enhance the North Sydney CBD as a major commercial centre and further encourage the use of public transport. Pedestrians are prioritised throughout the CBD with a number of interconnected pedestrian routes that facilitates all direction movement and encourages fine grain retail and dining uses.
- P21 Consideration be given to providing a direct vertical pedestrian connection between the new public open space located centrally within the Ward Street Precinct and the Victoria Cross Metro Station concourse.
- P22 Barriers to pedestrian movement, particularly within the Ward Street Precinct, Miller Street, Berry Street and the Pacific Highway, will be reimagined such that their function and treatment favour pedestrian movement and amenity.
- P23 New development focuses on the use of public transport, cycling and walking.
- P24 Pick up and drop off points for public transport and taxi ranks are located as close as possible to public spaces and activities, and main building entries.
- P25 Loading and delivery facilities should be located away from the street and where possible be located underground.
- P26 The following through site links are to be provided, retained and enhanced:

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### **Area Character Statements - North Sydney Planning Area**

- (a) A north - south pedestrian link from McLaren Street to Elliot Street across 52 and 54 McLaren Street.
  - (b) A north - south pedestrian link from McLaren Street to Ward Street across the vehicle access of 221 Miller Street.
  - (c) An east-west pedestrian link of at least 3m in width is provided from Miller Street to the future public open space off Ward Street along the northern boundary of 201 Miller Street.
  - (d) An east-west pedestrian link of at least 6m in width is provided from Miller Street to the future public open space off Ward Street along the southern boundary of 213-219 Miller Street.
  - (e) An east - west pedestrian link from Miller Street to Ward Street across 221 Miller Street.
  - (f) A north - south pedestrian link from Charles Street to Wheeler Lane across 100 Pacific Highway and 16 Mount Street.
  - (g) An east - west pedestrian link from Harnett Street to Walker Street across 142 Walker Street.
  - (h) An east - west pedestrian link from Harnett Street to Walker Street across 144-150 Walker Street.
  - (i) An east-west pedestrian link from Harnett Street to Walker Street across 45 McLaren Street.
  - (j) An east - west pedestrian link from Walker Street to Little Walker Street across 81-83 Walker Street.
  - (k) An east - west pedestrian link from Little Walker Street to Arthur Street across 100 Arthur Street.
  - (l) An east - west pedestrian link from Napier Street to Oak Street across the southern side of 8-20 Napier Street.
  - (m) A north - south pedestrian link from the green space of 100 Pacific Highway to Wheeler Lane across the western side of 1 Wheeler Lane. The pedestrian link may be made through the building envelope or an alternative architectural treatment that gradually 'reveals' the establishments on either side.
  - (n) An east - west pedestrian link through the Victoria Cross metro station linking Miller Street and Denison Street.
  - (o) A new laneway is provided across the redevelopment of 1 Denison Street to link the Metro site, Denison Street, Little Spring Street and Walker Street.
  - (p) A widened and improved pedestrian link from Little Spring Street and Walker Street across 102 Walker and 110 Walker Street.
- P27 Consideration should be given to the provision of an east - west pedestrian link from the Pacific Highway to Napier Street across either the northern side of 120 Pacific Highway or the southern side of 33 Berry Street.
- P28 Consideration should be given to the demolition of the single-storey structure at the northern end of 105 Miller Street (MLC Building) to improve accessibility and permeability to Miller Street and the Victoria Cross metro station.

### **2.1.3 Desired Built Form**

#### **Subdivision**

- P1 Development sites should be of a size which enable:
- (a) the creation of large high quality floor plates which helps to reinforce the Centre's role as a Global City as identified within the Metropolitan Strategy; and

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## Area Character Statements - North Sydney Planning Area

- (b) the incorporation of adequate setbacks and breaks between tall commercial towers above the podium level to maintain reasonable access to sky views and daylight to the public domain.
- P2 Development on small sites should not detrimentally impact on the long-term ability of the amalgamation of sites for significant commercial development.
- P3 Site amalgamation should occur generally in accordance with that identified within the Ward Street Precinct Masterplan to maximise the delivery of the desired outcomes of the Masterplan.

### Form, massing and scale

- P4 Buildings should be carefully designed to minimise the impact of their height and bulk on surrounding residential areas.
- P5 Roof design contributes to building's appearance from a regional view catchment.
- P6 Buildings on 116 and 120 Pacific Highway and 9 Napier Street should be designed such that their bulk steps down from the Pacific Highway to Napier Street to protect sunlight access to the Don Bank Museum and enhance pedestrian amenity to Napier Street.
- P7 No part of a building located above the podium and which exceeds 45m in height may have a horizontal width of more than 60m.
- P8 Development is to be designed to maximise year round solar access to the new public squares to be created centrally within the Ward Street Precinct.
- P9 Development must not result in a nett increase in overshadowing to the main southern square to be created centrally within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

### Setbacks

**Note.** Additional setbacks may be required for any part of the building located above the podium level.

- P10 Buildings are to provide a zero metre setback to all street frontages and adjacent to heritage items, with the following exceptions:
  - (a) In accordance with cl.6.4 of the LEP for all properties on the eastern side of Miller Street, north of the Pacific Highway.
  - (b) 5m from the western side of Walker Street, north of 76 Berry Street.
  - (c) 5.4m from the southern side of Berry Street, between Pacific Highway and Miller Street.
  - (d) 14.5m from the western side of Miller Street, at No.60 Miller Street.
  - (e) 15m from the southern side of Mount Street, at No.60 Miller Street.
  - (f) Maintaining the setback of existing buildings to all properties comprising Monte St Angelo Convent and Girls School.
  - (g) Maintaining the setback of existing buildings to all properties on the northern side of McLaren Street.
  - (h) 1.5m whole of building setback from the eastern side of Napier Street, at No. 1-9 Napier Street and No.120 Pacific Highway.
  - (i) 2m setback to the ground level of buildings fronting Arthur Street.
- P11 Buildings must be setback to conserve views to, and the setbacks and settings of, heritage items at 86 and 144 - 150 Walker Street, 94 Pacific Highway (Post Office), 36 Blue Street (Greenwood), 153 Miller Street (MLC Building), 168 - 172 Pacific Highway and 1-7 Napier Street.
- P12 The setback of new buildings or alterations and additions to existing buildings on land fronting McLaren Street between Miller and Walker Streets are to match that existing

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to protect the existing fig trees. Encroachments will only be permitted where the development does not cover the drip line of any of the existing trees.

#### **Podium Heights**

- P13 Podiums are to be provided in accordance with the Podium Heights Map (refer to Figure C-2.2).
- P14 Despite P13, a podium of between 3 and 5 storeys above the finished level of the new public squares to be created centrally within the Ward Street Precinct, where buildings front onto those squares, maintaining a human scale to the squares.
- P15 The entirety of a podium must be setback from any street frontage if required under Provisions P10 – P12 to s.2.1.3 to this Part of the DCP.
- P16 Podiums are to be built to all side and rear boundaries that do not have a street frontage, except where the site directly adjoins residentially zoned land (i.e. *R2 Low Density Residential*, *R3 Medium Density Residential*, *R4 High Density Residential*) or requires a through site link as required under P23 to s.2.1.2 to this Part of the DCP.
- P17 Podium heights should match or provide a transition in height between immediately adjacent buildings.
- P18 Podium heights should match the height of adjacent heritage items.
- P19 Podium height may be reduced to that part of the building devoted to commercial use in mixed-use buildings.

#### **Above Podium Setbacks**

- P20 All parts of a building located above the podium are to be setback from the podium's frontage to a street or laneway in accordance with the Above Podium Setbacks Map (refer to Figure C-2.3). Setbacks are to be measured from the outer wall of the podium. Where a weighted setback is required, it applies to the width of the building's façade located above the podium.
- P21 Despite P20, no part of any building may be located within 3m of the outer wall of the podium level fronting a street or laneway.
- P22 Despite P20 and P21, for buildings fronting Ward Street and the new public squares to be created within the Ward Street Precinct, that part of the building located above the podium is to be setback a sufficient distance to ensure the minimising of potential wind impacts and maintaining a human scale to the squares.
- P23 Where a building is to be erected on land zoned *E2 Commercial Centre* or on any other land and the building will not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any side boundary, unless:
- (a) the area of the site is less than 1,000sqm; and
  - (b) the building does not exceed 45m in height.

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Figure C-2.2: Podium Heights Map

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**Figure C-2.3: Above Podium Setbacks Map**

P24 Despite P23, no setback is required above the podium level to:

- (a) the southern boundaries of 122 Arthur Street (SP 57439) or 100 Walker Street (Lots 1 and 2, DP 542915), if developed in isolation from sites to their north;
- (b) the southern boundary of 90 Arthur Street (Lot 1, DP 738262), if developed in isolation from the site to the south;

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- (c) the northern boundary of 20 Berry Street (Lot 1, DP 550167) if developed in isolation from the site to the north;
  - (d) the eastern boundary of 80 Mount Street (Lot 1, DP 566189) if developed in isolation from the site to the east; and
  - (e) the southern boundary of 1 Wheeler Lane (Lot 101, DP 1076397) if developed in isolation from the site to the south.
- P25 Where a building does not contain residential accommodation, all parts of the building located above the podium must be setback a minimum of 6m from any rear boundary that does not have a street or laneway frontage.
- P26 Despite P25, no setback is required above the podium level to the western boundary of 65 Berry Street (Lot 2, DP 1230458) if developed in isolation from the site to the west.
- P27 Where there is more than one tower located above the podium level on land zoned E2 *Commercial Centre* or on any other land and the building will not contain residential accommodation, the towers must maintain a minimum 12m separation from one another.

### Building design

- P28 Provide architectural detailing, high quality materials and ornamentation provide a rich visual texture and a symbolic/decorative reference to the history of the place, the building's use or occupant.
- P29 Provide a visually rich intimate pedestrian environment with active street frontages at ground level.
- P30 The natural rock outcrop at 136 Walker Street should be incorporated into the design of any redevelopment proposal for the site.

### Awnings

- P31 Continuous awnings must be provided to all commercial buildings, except on the eastern side of Miller Street between the Pacific Highway and McLaren Street.
- P32 Consideration should be given to the provision of weather protection at the pedestrian entrances or over outdoor seating areas for buildings fronting Miller Street between the Pacific Highway and McLaren Street.

### Streetscape

- P33 A 'sense of arrival' is established at North Sydney Station with strong linkage to the north to connect with the pedestrian bridge over Pacific Highway and Denison Street.
- P34 The Greenwood historic school building and large Moreton Bay Figs are retained and incorporated as the southern pedestrian gateway to the North Sydney CBD.
- P35 The intersection of Miller Street and Pacific Highway forms an important focal point of the North Sydney Centre with a distinctive character reinforced by the Post Office and the MLC building.
- P36 Improve amenity and safety by installing lighting, public art and/or landscape along the eastern facade of 12-14 Mount Street.
- P37 Provide a consolidated green space over the Don Bank Museum and 100 Pacific Highway. Consideration should be given to extending this green space over the western side of 1 Wheeler Lane to allow for a more direct north – south pedestrian link from Charles/Napier Street to Wheeler Lane.
- P38 33 Berry Street should be designed such that Napier Street is activated by non-residential tenancies such as commercial or educational facilities (At least 50% of its frontage should comprise of non-residential tenancies at the ground level).

### Public Domain

- P39 Have regard to Public Domain designed in accordance with the *North Sydney Centre Public Domain Strategy* and *North Sydney Council Infrastructure Manual*.

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### **Area Character Statements - North Sydney Planning Area**

P40 A new multi-purpose public square with a minimum dimension of 52m by 40m is to be created in the centre of the Ward Street Precinct and integrated with a secondary public square of minimum dimension 35m by 33m consistent with the *Ward Street Precinct Masterplan*. The squares are to be designed to maximise the flexibility of uses.

P41 Consideration be given to activating the secondary northern square within the Ward Street Precinct with a café, public facilities or other active and community uses.

P42 Consideration be given to expanding Berry Square across to the northern side of Berry Street.

#### **Landscaping**

P43 Continued use of tree planting and use of native vegetation to enhance the urban environment and attract birdlife.

P44 Choice of trees and vegetation in accordance with *North Sydney Centre Public Domain Strategy*, *Street Tree Strategy* and *North Sydney Council Infrastructure Manual*.

#### **Car accommodation**

P45 Short stay parking spaces should be located within or as close as possible to meeting places.

P46 Reduce the amount of long stay commuter parking on site.

P47 Reduce the amount of non-residential parking on site.

#### **Vehicle Servicing**

P48 Consideration to be given to providing all vehicular access to 213-219 Miller Street, 56-66 Berry Street and the Ward Street Carpark site from Harnett Lane and underneath the proposed new public squares, to maximise pedestrian amenity within the Ward Street Precinct.

P49 Vehicular access to 76 Berry Street is to be provided from Walker Street.

#### **2.1.4 45 McLaren Street**



##### **2.1.4.1 Desired Future Character, Design Objectives and Key Principles**

P1 Development is to respond to the scale and character of existing development and desired future character of the surrounding area.

P2 Built form, scale and massing is to transition in scale across the site from north to south and east to west, whilst respecting the built form of adjacent and neighbouring heritage items.

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**North Sydney Development Control Plan 2013 –AMENDMENT FOR ADOPTION**

**Area Character Statements - North Sydney Planning Area**

- P3 Deliver a mixed use development with active frontages to McLaren and Harnett Streets.
- P4 Development is to maximise solar access to the proposed squares within the Ward Street Precinct.
- P5 Maintaining a landscaped setback to Walker Street.
- P6 An improved pedestrian through site link between Walker Street and Harnett Street.

**2.1.4.2 Desired Built Form**
**Objectives**

- O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.
- O2 To allow an appropriate stepping down in built form between 168 and 150 Walker Street.
- O3 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.
- O4 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.
- O5 To positively relate to the heritage context surrounding the site.

**Provisions**
**Solar access**

- P1 Despite any other provision of this DCP, any development at 45 McLaren Street must not result in a nett increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

**Building Height**

- P2 Development must not exceed 14 storeys above the crown of McLaren Street as it presents to McLaren Street.
- P3 Development must not exceed 10 storeys above ground level existing fronting its southern boundary.

**Street and Side Setbacks**

- P4 Buildings must be setback:
- (a) 0m to McLaren Street, and
  - (b) A minimum of 5m to Walker Street, consistent with the setback of buildings located at 144, 146, 148 and 152 Walker Street, and
  - (c) A minimum of 1.5m setback to the southern boundary, and
  - (d) A minimum of 1m setback to Harnett Street.

**Podium Height**

- P5 A podium must:
- (a) Be 2-3 storeys in height fronting McLaren Street and positively relate to the height of the podium to the heritage listed commercial building at 41 McLaren Street to its west and heritage dwellings to the east on the eastern side of Walker Street, and
  - (b) Be 2-3 storeys in height fronting Walker Street and positively relate to the height of the heritage dwellings at 144,146,148 and 152 Walker Street, and
  - (c) Not exceed 3 storeys to the southern boundary, and

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- (d) Be 2-3 storeys in height fronting Harnett Street.

#### **Above Podium Setbacks**

- P6 The following minimum setbacks must be provided above the podium level:
- (a) 3m to the site's McLaren Street frontage, and
  - (b) 4.85m from the eastern alignment of the podium facing Walker Street, and
  - (c) 4.5m from the site's southern boundary, and
  - (d) 1.5m-3m to Harnett Street, unless the consent authority is adequately satisfied that the proposal can comply with the relevant Apartment Design Guidelines can be achieved with regard to building separation and privacy.
- P7 Despite Provision P6(a) above, the consent authority may permit a balcony to encroach into the setback area, but only if:
- (a) The balcony is unenclosed on at least two sides, and
  - (b) The balcony maintains a minimum 1m setback to McLaren Street, and
  - (c) The cumulation of balconies on any one level does not exceed 50% of the façade's length to McLaren Street.

#### **2.1.4.3 Landscaped Area**

##### **Objectives**

- O1 To ensure that landscaping is used to provide appropriate amenity for development and soften the appearance of buildings and their interface with the neighbouring dwellings and the public domain.
- O2 To provide a quantum of landscaping reflecting the transition between the North Sydney CBD and adjoining residential areas.
- O3 To incorporate appropriate materials conducive of its heritage context.

##### **Provisions**

- P1 Any basement structure should be setback at least 5m to Walker Street, to ensure the provision of deep soil zones to accommodate trees and vegetation of a scale reflective with the scale of the proposed future development on the site.
- P2 Despite P1, a basement may be permitted within the setback area to Walker Street, but only where it can be adequately demonstrated that the setback area is predominantly soft landscaped and is capable of accommodating trees and vegetation of a scale reflective of the proposed future development on the site.
- P3 Consideration to be given to using sandstone or natural rock features in the landscaping or lower parts of buildings, reflective of the site's heritage context.

#### **2.1.4.4 Through-Site Link**

##### **Objectives**

- O1 To enhance the existing through site link that runs across the northern boundary of 144-152 Walker Street between Walker Street and Harnett Street.

##### **Provisions**

- P1 All buildings are to be setback a minimum of 1.5m from the southern boundary to enable the construction of a through site pedestrian link between Walker Street and Harnett Street which is integrated with the existing through site link across the northern boundary of 144-152 Walker Street.
- P2 Consideration is to be given to the use of sandstone to line surface or any adjacent retaining walls or walls to the through-site link.
- P3 Appropriate lighting be provided to ensure this link provides adequate safety for users.

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### Area Character Statements - North Sydney Planning Area



#### 2.1.4.5 Vehicular Access

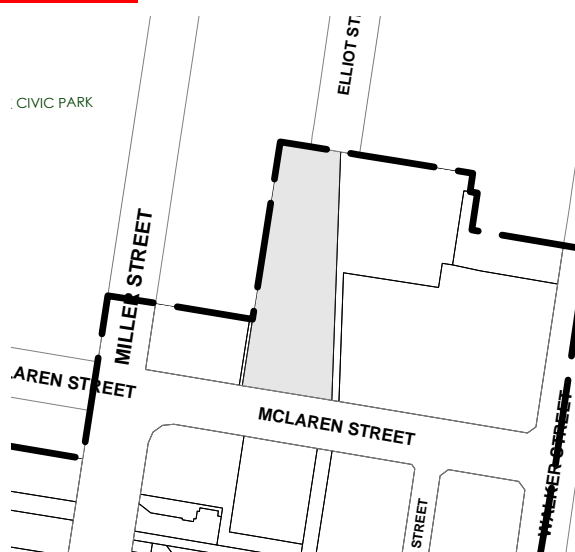
##### Objectives

- O1 To ensure vehicular and pedestrian conflicts are minimised.
- O2 To maximise activation of street frontages.

##### Provisions

- P1 No vehicular access is to be provided from McLaren Street.
- P2 Vehicular access should be provided from Walker Street, subject to ensuring that pedestrian safety is maximised.

#### **2.1.5 52 McLaren Street**



Note: to remove any doubt, the following controls apply to land known as Lot 2, DP 218407; Lots 1 and 2, DP 1150156; and former drainage reserve in DP 979505.

##### **2.1.5.1 Desired Future Character, Design Objectives and Key Principles**

- P1 To allow a scale and form which reflects its proximity to the Northern Portal of the Victoria Cross Metro Station, whilst enabling a suitable transition in scale from the north to the south, and respecting the built form of adjacent development, including neighbouring heritage items.
- P2 Development responds to the scale and character of existing development and desired future character of the surrounding area.
- P3 To ensure development is integrated with and provides a safe and accessible connection with the Northern Portal of the Victoria Cross Metro Station.
- P4 To deliver a mixture of retail, commercial, community and residential uses that positively contribute to the vitality and vibrancy of the North Sydney Centre.
- P5 To provide active frontages at the ground plane to McLaren Street and the future through-site link such that it contributes to an active and safe public domain.
- P6 Maximising solar access to the proposed squares within the Ward Street Precinct.
- P7 Maintaining a landscaped setback to the northern side of McLaren Street.
- P8 Deliver a safe and welcoming dedicated pedestrian through-site link between McLaren Street and Elliot Street.
- P9 Minimise impacts on adjacent sensitive uses.

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## **AMENDMENT FOR ADOPTION – North Sydney Development Control Plan 2013**

### ***Area Character Statements - North Sydney Planning Area***

#### **2.1.5.2 Desired Built Form**

##### **Objectives**

- O1 To provide for increased opportunity for height and density in the North Sydney CBD, in close proximity to public transport and services.
- O2 To allow an appropriate stepping down in built form between the Ward Street Precinct to the south and mid-rise development to the north.
- O3 To deliver a slender built form that minimises overshadowing impacts to existing buildings, whilst ensuring building depths and lengths provide adequate light, cross ventilation, and amenity for occupants, visitors and/or workers.
- O4 To ensure that solar access to the proposed public spaces within the Ward Street Precinct is maximised.
- O5 To achieve appropriate separation distances between existing and proposed buildings and ensure reasonable privacy and solar access is maintained to surrounding dwellings, mindful of the need for renewal at the site.
- O6 To maintain a consistent setback to the northern side of McLaren Street.
- O7 To positively relate to the heritage context surrounding the site.
- O8 To ensure appropriate articulation of building facades and 'fine grain' response to the public domain.

##### **Provisions**

##### **Solar access**

- P1 Despite any other provision of this DCP, any development at 52 McLaren Street must not result in a nett increase in overshadowing to the main southern proposed square to be created within the Ward Street Precinct between 9am and 4pm from the March equinox to the September equinox (inclusive).

##### **Building Height**

- P2 Development must not exceed 24 storeys as it presents to McLaren Street.
- P3 Development must not exceed 8 storeys as it presents to its northern boundary at ground level.

##### **Setbacks**

- P4 Buildings must be setback:
  - (a) A minimum of 10.5m to McLaren Street, consistent with the general alignment of 168 Walker Street as it presents to McLaren Street, and
  - (b) A minimum of 6m to the eastern boundary, and
  - (c) A minimum of 9.5m setback to the northern boundary, and
  - (d) A minimum of 6m to the western side boundary.
- P5 Despite Provision P4(a) above, the consent authority may permit a setback of 9.5m at Levels 1 and 2 only, and those levels are used for non-residential purposes.
- P6 Despite Provision P4(d) above, the consent authority may permit a setback of 5m at Levels 1 and 2 only, but only along that part of the site that directly adjoins the Victoria Cross Metro Northern Portal and those levels are used for non-residential purposes.

##### **Podium Height**

- P7 A 3-storey podium must be provided.

##### **Above Podium Setbacks**

- P8 The following minimum setbacks must be provided above the podium level:

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## North Sydney Development Control Plan 2013 **-AMENDMENT FOR ADOPTION**

### Area Character Statements - North Sydney Planning Area



(a) 10.5m from the McLaren Street frontage, and

(b) 6m from the eastern boundary, and

(c) 12.5m from the northern boundary, and

(d) 6m from the western boundary, and

P9 Despite P8(b) a 24m building separation must be provided to the building located at 168 Walker Street to the east.

#### **Building Form**

P10 The podium level is to have a different architectural expression to the tower elements above to reflect the different uses of the building.

P11 That part of the building located above the podium must present as two expressed forms to suitably break the scale and massing of the tower.

P12 Tower elements located above the podium level must not exceed 45m in horizontal width or length, unless punctuated with a significant visual break or articulation element.

P13 The building is to be designed to prevent the overlooking of sensitive areas of the adjacent school and proposed childcare centre within.

P14 Consideration is given to the incorporation of 1.8m high solid balustrades to any communal rooftop terraces to mitigate any potential adverse wind impacts upon the users of the terrace.

P15 The building is to incorporate façade articulation and fenestration to ensure an appropriate human scale is provided to the elevations.

P16 A continuous awning must be provided along the full length of the McLaren Street elevation and continue past all main pedestrian entries to the building.

#### **Heritage interface**

P17 Avoid providing blank walls directly facing heritage items or an abrupt imposing built form and presentation.

P18 Provide a deep soil zone along the western boundary adjacent to No.243 Miller Street, to enable tree planting that will help to soften the transition between development on the site and the adjacent heritage item.

#### **Communal Open Space**

P19 Communal open space may be provided on rooftop areas of any building on the site, but only where it can be adequately demonstrated that there are no resulting adverse visual privacy or acoustic impacts to the adjoining school and residential private open spaces and dwellings.

### **2.1.5.3 Child Care Centre**

#### **Objectives**

O1 To locate the proposed child care centre adjacent to compatible uses.

O2 To provide sufficient screening of the child care centre from the public domain.

O3 To ensure a direct physical connection between the internal and external spaces is provided, which facilitates provision for a high degree of child supervision.

O4 To provide convenient and safe access to the child care centre.

#### **Provisions**

P1 A child care centre is to be located at the ground level of the building at its northern end such that can maximise its access to natural daylight and opportunities for providing a consolidated open space area.

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## **AMENDMENT FOR ADOPTION – North Sydney Development Control Plan 2013**

### **Area Character Statements - North Sydney Planning Area**

- P2 The child care centre must provide:
- (a) a minimum 450sqm of indoor space; and
  - (b) a minimum 450sqm of outdoor space,
  - both at the same level, providing for a minimum of 900sqm in total area.
- P3 The outdoor play area is to be:
- (a) north facing, and
  - (b) predominantly open to the sky, whilst also providing for an outdoor covered area offering sun and rain protection as necessary, and
  - (c) a single consolidated space.
- P4 A dedicated lift must be provided from the child care centre to the basement car parking area.
- P5 The external facade of the child care facility shall incorporate full height screening, using louvres or other architectural treatments to restrict views into the child care centre, whilst also permitting daylight into the child care centre.
- P6 The development shall provide a total of six (6) parking spaces within the basement of the development comprising:
- (a) two (2) all-day designated car spaces for child care staff; and
  - (b) four (4) designated car spaces for child care drop-off and pick-up times.
- These spaces may be utilised outside the child care centre's normal hours of operation for other parking purposes (e.g. residential visitor spaces).

#### **2.1.5.4 Landscaping**

##### **Objectives**

- O1 To ensure that landscaping is used to provide appropriate amenity for the residents and tenants of the development, including weather protection.
- O2 To soften the appearance of buildings and their interface with neighbouring uses, heritage items and the public domain.
- O3 To maintain and protect existing street trees and canopy trees on-site.
- O4 To reduce the heat island effect and create a user-friendly green space.

##### **Provisions**

- P1 The existing fig trees adjacent to the McLaren Street frontage are to be retained.
- P2 Any basement structure/s must be setback a minimum of 6m to McLaren Street, to maximise the extent of the root zone to the existing fig trees. A greater setback may be required if the level of impact on the root zone would adversely affect the health and safety of the trees.
- P3 A landscaped area of at least 450sqm, must be provided along the western boundary, adjacent to No.243 Miller Street and the northern portal to the Victoria Cross Metro Station. The depth and horizontal dimensions of the landscaped area must be capable of accommodating trees and vegetation of a scale reflective of the scale of the proposed future development on the site.
- P4 Podium/terrace areas shall incorporate landscaped elements, including planter boxes or the like, with appropriate dimensions to facilitate mature vegetation to soften the appearance of the development and greening of the through-site link. Podium landscaping shall also wrap around the development and provide for a curtain effect to the car park entry.

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**North Sydney Development Control Plan 2013 –AMENDMENT FOR ADOPTION****Area Character Statements - North Sydney Planning Area****2.1.5.5 Through-Site Link****Objectives**

- O1 To provide a safe and accessible dedicated pedestrian through-site link connecting McLaren and Elliot Streets contributing to the overall desired pedestrian outcomes under the North Sydney Public Domain Strategy.
- O2 To ensure that development facilitates cross and through movements, enhancing precinct permeability and access to the transport interchange functions of the locality.
- O3 To provide opportunities for increased permeability through the site to adjoining properties.
- O4 To provide for areas within the through-site link that encourage people to rest, meet and socialise.

**Provisions**

- P1 A continuous and unobstructed 3m wide pedestrian pathway is to be provided along the entirety of the eastern boundary connecting McLaren Street to Elliot Street.
- P2 The ground level of all buildings facing the through-site link shall be designed to accommodate an active frontage.
- P3 The through-site link shall be designed to comply with the requirements of the Disability Discrimination Act.
- P4 The edges of the through-site link shall be softened using landscaped terracing up to the plaza level. Seating is to be provided at intervals along the length of the through-site link integrated into the various terraced levels.
- P5 Consideration is to be given to the integration of a potential future pedestrian through-site link between 168 Walker Street and 54 McLaren Street enabling access through to Walker Street.
- P6 The through-site link is to be appropriately lit to enable safe 24 hour use.
- P7 The through-site link is to be designed to ensure that vehicles are prevented from using the pathway.

**2.1.5.6 Vehicular Access & Parking Provision****Objectives**

- O1 To ensure vehicular and pedestrian conflicts are minimised.
- O2 To maximise activation of street frontages.
- O3 To minimise traffic congestion in close proximity to mass public transport.
- O4 To protect and retain the existing canopy trees adjacent to the McLaren Street frontage.

**Provisions**

- P8 Maximum of 1 vehicular access point, off McLaren Street.
- P9 The width of any vehicular access point should be minimised to ensure that pedestrian safety is maximised.
- P10 The location of the vehicular access point must be positioned to retain the existing trees to McLaren Street and delivery of a dedicated pedestrian through-site link along the site's eastern boundary.
- P11 Any structures located between the vehicular access point and the new through-site link must be designed to maximise visibility between drivers and pedestrians, especially at the link's southernmost end.
- ~~P12 The total amount of car parking must not exceed 80% of the total parking provision permitted under Section 10 – Car Parking and Transport to Part B of the DCP, rounded down to the nearest whole space.~~

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Neal McCarry  
North Sydney Council  
200 Miller Street  
North Sydney NSW 2060

Re: Planning Proposal 6/21 (PP-2021-5024): 52 McLaren Street North  
Sydney – Response to Submissions

14 April 2025

Dear Neal McCarry,

This is in response to North Sydney Council's request for further consideration of the affordable housing component of the Voluntary Planning Agreement (VPA) to address concerns raised during the public exhibition the planning proposal relating to 52 McLaren Street, North Sydney (PP-2021-5024).

Sydney Metro notes the *North Sydney Local Planning Panel's recommendations (dated 31 May 2023)* and *Council's resolution (11 December 2023)* relating to the quantum and duration of affordable housing provision in the current VPA offer (5% of the residential gross floor area for a minimum of 10 years). However, Sydney Metro is requesting for Council to consider the current affordable housing offer in the context of the overall additional public benefits included in the VPA, which represents half of the value of the uplift achieved with the proposal and includes:

- 900sqm (450sqm indoor and 450sqm outdoor) floor space in the first floor of the podium level for provision for a future childcare centre or other community use to be delivered by Council. This also includes the dedication of 6 car spaces in the basement level and dedicated lift access; and
- a 3-metre wide through site link along the eastern boundary of the site. This space is to include landscaping, seating and would be integrated with the podium uses

Should Council seek to amend this offer, the above mentioned benefits included in the current offer would need to be reconsidered.

In response to submissions suggesting alignment with the requirements *under the Housing SEPP for a minimum 10-15% of affordable housing for 15-years* when seeking height or floorspace ratio bonuses, Sydney Metro would like to clarify that the planning proposal is not seeking any 'bonus' height and floorspace under the SEPP. The height and FSR controls being sought are aligned with Council's approved *Civic Precinct Planning Study* (November 2020), which Sydney Metro has worked with Council to develop a solution that responds to the site's constraints and enables a positive mixed-use and public benefit outcome on site.

Sydney Metro will continue to implement the applicable NSW government policy and requirements through the procurement of development outcomes for the site. Sydney Metro also notes North Sydney Council have previously endorsed this VPA offer going to public exhibition with a view that it

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was supported in principle.

Sydney Metro therefore requests that Council proceed with the finalisation of the planning proposal for the site on the basis of the broader public benefits of the current offer, which is commensurate with the uplift being sought.

Sincerely,

A handwritten signature in blue ink, appearing to read 'I. Glavinic', is positioned above a horizontal blue line.

Ivan Glavinic  
Executive Director Property & Place  
Sydney Metro

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