

**Report to General Manager**

Attachments:

1. North Sydney Local Planning Panel Minutes – 14 August 2019
  2. North Sydney Local Planning Panel Assessment Report
- 

**SUBJECT:** Planning Proposal 2/19 – Alfred Street Precinct (263-283 Alfred Street North & 4 Little Alfred Street, North Sydney)

**AUTHOR:** Ben Boyd, Executive Strategic Planner

**ENDORSED BY:** Joseph Hill, Director City Strategy

**EXECUTIVE SUMMARY:**

On 22 March 2019, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 263-283 Alfred Street and 4 Little Alfred Street, North Sydney, also known as the Alfred Street Precinct. In particular, the Planning Proposal seeks the following amendments to NSLEP 2013:

- Rezoning the Precinct from B3 Commercial Core to B4 Mixed Use
- Increase the maximum building height on the Height of Buildings Map from 13m to:
  - 31m (an 18m increase) at 283 Alfred Street,
  - 80m (a 67m increase) at 275 Alfred Street,
  - 28m (a 15m increase) at 271-273 Alfred Street, and
  - 29m (a 16 increase) at 263-269 Alfred Street and 4 Little Alfred Street.
- Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.
- Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.

Due to North Sydney Council recently determining not to endorse a Council prepared Planning Study relating to the Precinct, Council engaged Ingham Planning to undertake an independent assessment of the Planning Proposal to avoid any perceived conflicts of interest. This Assessment Report recommended that the Planning Proposal should not be supported to proceed to Gateway Determination.

The North Sydney Local Planning Panel (NSLPP) considered the Assessment on 14 August 2019, resolving to defer the matter until a number of matters had been satisfactorily addressed. The reasons for deferral, are based on the reasons outlined by Ingham Planning for not supporting the progression of the Planning Proposal.

The applicant lodged a request with the Department of Planning, Infrastructure and Environment (DPIE) on 27 June 2019 for a Rezoning Review due to Council not having decided within 90 days of lodgement of the Planning Proposal. At the time of writing this report, the Regional Planning Panel has yet to consider the request.

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Given that the NSLPP has yet to commit to the progression of the Planning Proposal until several significant issues are satisfactorily addressed, and the applicant's desire to seek a Rezoning Review, it is recommended that Council resolve to not support the progression of the Planning Proposal to Gateway Determination. This will enable a clear position to be put to the DPIE for its deliberation.

**FINANCIAL IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

1. **THAT** Council resolves not to support the Planning Proposal proceeding to Gateway Determination for the reasons outlined in the Assessment Report prepared by Ingham Planning, which is included as Attachment 2.
2. **THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulations 2000.
3. **THAT** Council advise the Department of Planning, Industry and Environment of its decision and that it be provided with a copy of this report and its resolution in support of Council's position.



## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

- |            |  |
|------------|--|
| Direction: | 1. Our Living Environment  |
| Outcome:   | 1.3 Quality urban greenspaces<br>1.4 Public open space and recreation facilities and services meet community needs   |
| Direction: | 2. Our Built Infrastructure  |
| Outcome:   | 2.1 Infrastructure and assets meet community needs<br>2.2 Vibrant centres, public domain, villages and streetscapes<br>2.4 Improved traffic and parking management |
| Direction: | 3. Our Future Planning   |
| Outcome:   | 3.1 Prosperous and vibrant economy<br>3.4 North Sydney is distinctive with a sense of place and quality design   |
| Direction: | 4. Our Social Vitality   |
| Outcome:   | 4.4 North Sydney's history is preserved and recognised   |
| Direction: | 5. Our Civic Leadership  |
| Outcome:   | 5.1 Council leads the strategic direction of North Sydney<br>5.2 Council is well governed and customer focused   |

## **BACKGROUND**

The subject Planning Proposal was lodged on 22 March 2019. A detailed history to the background of the Planning Proposal is contained in the Assessment Report prepared by Ingham Planning, which was considered by the North Sydney Local Planning Panel (NSLPP) on 14 August 2019 (refer to Attachment 2).

## **CONSULTATION REQUIREMENTS**

Should Council determine that the Planning Proposal should proceed, community engagement will be undertaken in accordance with Council's Community Engagement Protocol, the requirements of any Gateway Determination issued in relation to the Planning Proposal and the Environmental Planning and Assessment Regulations 2000.

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## SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

QBL Pillar	Implications
Environment	<ul style="list-style-type: none"><li>• The proposal has the ability to increase traffic congestion.</li><li>• The proposal has the ability to compromise the quality of adjacent public open spaces, through poor solar access.</li></ul>
Social	<ul style="list-style-type: none"><li>• The proposal has the ability to take advantage of maximising public transport patronage, due to its proximity to a new Metro station.</li><li>• The proposal has the potential to improve the vitality of the locality through increased activation of the public domain interface.</li><li>• The proposal will place a substantial demand on local services and facilities, especially open space.</li><li>• The proposal has the ability to have a negative impact upon the adjoining heritage conservation area.</li></ul>
Economic	<ul style="list-style-type: none"><li>• No anticipated impacts.</li></ul>
Governance	<ul style="list-style-type: none"><li>• No anticipated impacts.</li></ul>

## DETAIL

### 1. Planning Proposal

The Planning Proposal seeks the following amendments to North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 263-283 Alfred Street and 4 Little Alfred Street, North Sydney:

- Rezoning the precinct from B3 Commercial Core to B4 Mixed Use
- Increase the maximum building height on the Height of Buildings Map from 13m to:
  - 31m (an 18m increase) at 283 Alfred Street,
  - 80m (a 67m increase) at 275 Alfred Street,
  - 28m (a 15m increase) at 271-273 Alfred Street, and
  - 29m (a 16 increase) at 263-269 Alfred Street and 4 Little Alfred Street.
- Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.
- Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.

### 2. Assessment

On 19 January 2019, Council considered a post exhibition report to the Alfred Street Precinct Planning Study, which had been prepared by Council in response to a recommendation by the former Joint Regional Planning Panel after it had considered a Rezoning Review for land at 275 Alfred Street, North Sydney. Council subsequently resolved not to endorse the Council prepared Planning Study as the views of all parties could not be satisfactorily addressed. In light of Council's resolution, Council engaged Ingham Planning to undertake an assessment of the Planning Proposal with the view to provide an independent assessment of the proposal.

A detailed assessment of the Planning Proposal is contained within the Assessment Report considered by the NSLPP on 14 August 2019 (refer to Attachment 2). The Assessment Report

recommended that the Planning Proposal should not proceed to a Gateway Determination on a number of grounds.

### **3. Local Planning Panel**

By Ministerial direction, all planning proposals are required to be referred to the Local Planning Panel for their advice. Furthermore, a council may not make a determination to progress or not progress a Planning Proposal to Gateway Determination, unless it has considered the Local Planning Panel's advice.

The NSLPP considered the Planning Proposal at its meeting on 14 August 2019, wherein it resolved to defer making a recommendation as to whether the Planning Proposal should be supported to proceed to Gateway Determination or not. The minutes of the meeting and the Panel's advice forms Attachment 1 to this report.

The legislative requirements for plan making do not specifically require a Local Planning Panel to make a recommendation to support or not support the progression of a planning proposal to Gateway Determination before a council makes its formal determination. Therefore, despite the NSLPP having resolved to defer the matter until certain matters have been satisfactorily addressed, nothing prevents Council from making a formal determination on the matter, so long as it has considered the NSLPP's advice.

### **4. Rezoning Review**

On 27 June 2019, the applicant of the Planning Proposal lodged a request with the Department of Planning, Industry and Environment (DPIE) for a Rezoning Review, due to Council not having made a determination within 90 days of the lodgement of the Planning Proposal.

Council was advised of this request on 1 July 2019 and invited to provide a response detailing why the original request to Council was not progressed. Council provided a formal response on 11 July 2019, followed by a further response on the 1 August 2019, following Council's request for more time to allow the matter to be reported to the NSLPP.

A copy of the Assessment Report by Ingham Planning and the minutes to the NSLPP meeting of 14 August 2019 have since been forwarded to the DPIE to assist them in preparing their briefing paper to the Regional Planning Panel on the Rezoning Review, which at the time of writing, had yet be finalised.

At the time of writing this report, a date had not been set for the Regional Planning Panel to consider the Rezoning Review request. As part of its requirements, the Regional Planning Panel must take into consideration Council's position on the Planning Proposal as well as that of the NSLPP.

Should Council defer making a determination consistent with the NSLPP's deferral advice, then there is the potential that the Regional Planning Panel could consider the proposal without the benefit of a Council resolved position. This could result in a poor outcome for the wider community, as the community's interests, through a resolved Council position, will not have been made.

### **5. Submissions**

During the assessment of the Planning Proposal, Council was in receipt of 14 submissions from 12 different parties. These submissions were addressed in the Assessment Report (refer to

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Attachment 2) prepared by Ingham Planning. An additional 2 submissions were received after the Assessment Report was published on Council's website on 9 August 2019, as part of the agenda to the NSLPP meeting.

One submission, from a previous submitter, outlined their support of the recommendation to the Assessment Report.

The second submission outlined its support for the Planning Proposal in so far that:

- It excluded a pocket park along its northern boundary;
- The bulk of the tall tower had been moved further south;
- The concept proposal did not contain any windows on the northern façade of the northern most building; and
- Building bulk had been concentrated across the western portion of the site.

However, the submission also outlined its objection to the following components:

- Continuation of two way traffic along Little Alfred Street;
- All vehicular access being provided off Little Alfred Street which would worsen traffic congestion;
- The location of an accessible open space area over the roof of the eastern portion of the northern most building which would create privacy concerns to the north.

A copy of all submissions has been made available in the Councillors Room.

## **6. Conclusion**

The Planning Proposal seeks to amend NSLPP 2013 as it relates to land located at 263-283 Alfred Street and 4 Little Alfred Street, North Sydney. In particular, it seeks to:

- Rezone the precinct from *B3 Commercial Core* to *B4 Mixed Use*
- Increase the maximum building height on the Height of Buildings Map from 13m to:
  - 31m (an 18m increase) at 283 Alfred Street,
  - 80m (a 67m increase) at 275 Alfred Street,
  - 28m (a 15m increase) at 271-273 Alfred Street, and
  - 29m (a 16 increase) at 263-269 Alfred Street and 4 Little Alfred Street.
- Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.
- Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.

Whilst the Assessment Report recognised that the Planning Proposal has strategic merit, the Planning Proposal could not be supported on a number of grounds with regards to its site-specific merit.

The NSLPP could not be persuaded to support the Planning Proposal proceeding to Gateway Determination and has deferred making a recommendation until a number of significant issues have firstly been addressed.

The applicant of the Planning Proposal has lodged a Rezoning Review with the DPIE due to Council not having made a determination within 90 days of its lodgement with Council.

Whilst the Regional Planning Panel has yet to formally consider the Rezoning Review, it will consider Council's position with respect to the Planning Proposal at the relevant time. Without an endorsed Council position, the Regional Planning Panel will solely rely on the information it has been provided, which may not align with Council's or the community's desired outcomes.

Given that the Assessment Report recommends that the Planning Proposal should not proceed Gateway Determination and the NSLPP has yet to provide support for the progression of the Planning Proposal due to a number of factors, it is recommended that Council resolve not to support the forwarding of the Planning Proposal to the DPIE, for the purposes of seeking a Gateway Determination under s.3.34 of the EP&A Act.

N O R T H   S Y D N E Y   C O U N C I L

**NORTH SYDNEY LOCAL PLANNING PANEL – PLANNING PROPOSALS****DETERMINATIONS OF THE NORTH SYDNEY LOCAL PLANNING PANEL MEETING  
HELD IN THE COUNCIL CHAMBERS, NORTH SYDNEY,  
ON WEDNESDAY 14 AUGUST 2019, AT 12.00PM****PRESENT****Chair:**

Jan Murrell in the Chair.

**Panel Members:**

Ian Pickles, Panel Member  
Kenneth Robinson, Community Representative

**Staff:****Administrative Support**

Melissa Dunlop, Governance Co-ordinator

**Not Present for Determination Session**

Marcelo Occhiuzzi, Manager Strategic Planning  
Ben Boyd, Executive Strategic Planner  
Joanne Chan, Strategic Planner  
Katerina Papas, Strategic Planner  
Brett Brown, Director, Ingham Planning, Independent Planning Consultant

**Apologies:**

Nil.

**1. Minutes of Previous Meeting**

The Minutes of the NSLPP - Planning Proposal Meeting of 13 February 2019 were confirmed following that meeting.

**2. Declarations of Interest:**

Nil.

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### 3. Business Items

*On 23 February 2018, the Minister for Planning released a Section 9.1 Direction which outlines the instance when a Planning Proposal must be referred to a Local Planning Panel for advice prior to a Council determining as to whether that Planning Proposal should be forwarded to the Department of Planning and Environment for the purposes of seeking a Gateway Determination.*

*The Panel has considered the following Business Items and provided recommendations on each matter as described in these Minutes.*

#### ITEM 1

<b>PP No:</b>	2/19
<b>ADDRESS:</b>	Alfred Street Precinct – 263-283 Alfred Street & 4 Little Alfred Street, North Sydney
<b>PROPOSAL:</b>	<p>To amend North Sydney Local Environmental Plan 2013 as follows:</p> <ul style="list-style-type: none"> <li>• Rezoning the site from B3 Commercial Core to B4 Mixed Use.</li> <li>• Increase the maximum building height on the Height of Buildings Map from 13m to: <ul style="list-style-type: none"> <li>○ 31m (an 18m increase) at 283 Alfred Street,</li> <li>○ 80m (a 67m increase) at 275 Alfred Street,</li> <li>○ 28m (a 15m increase) at 271-273 Alfred Street, and</li> <li>○ 29m (a 16 increase) at 263-269 Alfred Street/4 Little Alfred Street.</li> </ul> </li> <li>• Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.</li> <li>• Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.</li> </ul>
<b>REPORT BY NAME:</b>	<p>Brett Brown, Director, Ingham Planning (Independent Planning Consultant)</p> <p>Council Officer Contact – Ben Boyd, Executive Strategic Planner</p>
<b>APPLICANT:</b>	Mecone Pty Ltd (Kate Bartlett)

#### Public Representations

Public Speakers	Applicant/Representative
John Wyndam	Tony Moody (Applicant's Representative)
Barrett Hodson	Kate Bartlett (Applicant)
Rosemary Townsend	

#### Panel Recommendation to Council:

The Panel has considered the Consultant's Report, the Addendum Report prepared by Council's Executive Strategic Planner, and has heard from the Proponent's representatives and three local residents. The Panel has also considered the issues raised in two additional submissions received by

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Council between the publication of the Assessment Report for the Panel's consideration and the Panel meeting itself. The Panel inspected the site and the surrounding area.

The Panel is cognisant that the Planning Proposal has strategic merit given its location and context, relating more to the Conservation Area than the CBD from which it is severed by expressways. The Panel notes the Draft Alfred Street Strategic Planning Study in 2018 and that the Proposal takes account of some of the features of that Study.

However, the Panel is not persuaded that the current Proposal, on a site-specific merits assessment, should proceed at this point in time having regard for deficiencies in some of the information on impacts and unacceptable design elements. The performance criteria for the maximum height should be related to maintaining existing solar access for the Alfred Street North Park, in particular this must include the period from 11.00am to 3.00pm on 21 June and the impacts on the Conservation Area.

The Applicant's Town Planners acknowledged that there are a number of issues that need to be addressed, as identified in the Consultant Planner's report, and on clarification agreed that this further work could be undertaken and provided to Council to allow a reassessment of the Planning Proposal.

The Panel considers this matter should be deferred to allow the Applicant the opportunity to address outstanding matters and undertake further assessment/analysis.

The issues that need to be addressed and/or require further information and clarification include, but are not limited to, the following:

- The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site in its context and will result in a significant level of public and private amenity impacts.
- It is contrary to the objectives (a) and (b) of the FSR controls under clause 4.4 to NSLEP 2013.
- It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land.
- It will have an adverse impact on the adjoining Whaling Road Heritage Conservation Area.
- It will result in overshadowing of adjoining properties including Alfred Street North Park.
- It will have an adverse visual impact and detract from the existing and desired future character of the area.
- It does not encourage the amalgamation of lots to:
  - allow adequate flexibility in the manner in which built form is distributed on the site to minimise impact;
  - minimise vehicular access points and parking related structures on Little Alfred Street; and
  - allow an appropriate and efficient basement parking arrangement.
- Given the location and context the Panel considers a fully amalgamated site to rationalise vehicle access points to the streets and provide a good urban design outcome is favoured. This may also be achieved by a shared basement with limited access points and urban design controls to ensure an appropriate built form over the entire site.
- The current Proposal provides minimal public benefit in that the public accessible areas within the site are mainly thoroughfares that provide access to commercial uses and have limited potential for use as open space through-site links with limited amenity.
- The relationship of the height of the proposed building adjacent to the northern boundary should respect the Heritage Conservation Area to the north and provide a stepping down.
- The Proponent's request for a bonus of 2:1 FSR is not justified and not supported by the Panel. Certainty must be provided for the built form.
- The Panel supports the principle of rezoning from commercial core to mixed use B4 and recognises the appropriateness of the site in its context as predominantly residential.
- Further consideration needs to be given to the design of a through site link and its location.



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- Further consideration must be given to the interface along Little Alfred Street to the Conservation Area.
- If there is to be a tower element this must be carefully considered to ensure a positive urban design outcome as this is a significant site of high visibility.

The resultant floor space ratio sought and heights and their distribution on the site must have regard to all of the above to allow the Planning Proposal to be further assessed.

The Applicant is to address the above and prepare further information and analysis to allow a comprehensive assessment and to allow the matter to come back to the Panel for a recommendation to then be made to the Council.

### RECOMMENDATION TO COUNCIL

The North Sydney Local Planning Panel recommends to Council that this matter be deferred for the reasons outlined above.

Voting was as follows:

Unanimous

Panel Member	Yes	No	Community Representative	Yes	No
Jan Murrell	Y		Kenneth Robinson	Y	
Ian Pickles	Y				

### ITEM 2

<b>PP No:</b>	<b>3/19</b>
<b>ADDRESS:</b>	<b>173-179 Walker Street &amp; 11-17 Hampden Road, North Sydney</b>
<b>PROPOSAL:</b>	<p>To amend North Sydney Local Environmental Plan 2013 as follows:</p> <ul style="list-style-type: none"> <li>• Increase the maximum building height on the Height of Buildings Map from 12m to RL 133.</li> <li>• Imposing a maximum floor space ratio on the Floor Space Ratio Map of 6.1:1.</li> <li>• Introduce a new Special Provisions Map within the NSLEP 2013 and identify the Precinct on the map as 'Area 1'.</li> <li>• Amend Section 6 Additional Local Provisions to include a section '6.20 East Walker Street Precinct' to establish controls associated with amalgamation, overshadowing and community infrastructure, including a height limit of RL 148m and an FSR of 6.9:1.</li> </ul>
<b>REPORT BY NAME:</b>	<p>Brett Brown, Director, Ingham Planning (Independent Planning Consultant)</p> <p>Council Officer Contact – Joanne Chan, Strategic Planner</p>
<b>APPLICANT:</b>	<b>Avenor Pty Ltd (Peter Clemesha)</b>

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### Public Representations

Public Speakers	Applicant/Representative
Diane Fischer	Kathy Jones (Applicant's Representative)
John Seymour	Tim Blyth (Applicant's Planning Consultant)
	Kim Crestani (Applicant's Architect)

### Panel Recommendation to Council:

The Panel has considered the Consultant's Report and has heard from the Proponent's representatives and two local residents. The Panel inspected the site and the surrounding area.

The Panel notes that the Applicant has engaged in community consultation in the preparation of its Planning Proposal that seeks to significantly increase the building height in the R4 zone.

The Panel is also aware that there are currently a number of studies being undertaken that are relevant to the subject site, in particular the Northern CBD Planning Study which is expected to be completed in mid-2020. It is appropriate that the Panel considers the future of the area and this Planning Proposal in its broader context and be informed by the findings and studies being undertaken.

The Panel generally endorses the Planning Consultant's conclusions and recommends to the Council that it not proceed to a Gateway Determination for the following reasons:

- the indicative building typology does not adequately respond to the existing development controls which apply to the subject R4 zoning and also notes that the extent of view analysis is inadequate and requires further refinement;
- The requested heights do not provide an appropriate transition of building heights from the existing CBD development to across the subject R4 zoned land and the heritage area;
- contrary to the objectives of the R4 zone in that it will '*compromise the amenity of the surrounding area or the natural or cultural heritage of the area*' and will not '*ensure that a reasonably high level of residential amenity is achieved and maintained*';
- contrary to the provisions of NSDCP 2013 in relation to residential flat building development and the Area Character Statement for the Hampden Neighbourhood;
- inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;
- not adequately demonstrate that it will not result in excessive overshadowing of adjoining dwellings;
- does not adequately demonstrate that it will not result in overshadowing of Doris Fitton Park;
- loss of views for surrounding apartments;
- the benefits of the Special Provisions Design have not been adequately demonstrated;
- the traffic information submitted does not adequately demonstrate that the proposal will not have an adverse impact on the local traffic network; and
- insufficient information has been provided in relation to the uplift in value from the proposed LEP amendments in order for Council to determine if the applicant's public benefit offer is reasonable.

### RECOMMENDATION TO COUNCIL

The North Sydney Local Planning Panel recommends to the Council that the Planning Proposal lacks strategic and site specific merit and should not proceed to a Gateway Determination.

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Voting was as follows:

Unanimous

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Kenneth Robinson	<b>Y</b>	
Ian Pickles	<b>Y</b>				

**ITEM 3**

<b>PP No:</b>	<b>4/19</b>
<b>ADDRESS:</b>	<b>52 Alfred Street South, Milsons Point</b>
<b>PROPOSAL:</b>	<b>To amend North Sydney Local Environmental Plan 2013 as follows:</b> <ul style="list-style-type: none"> <li><b>Increase the maximum building height on the Height of Buildings Map from 40m to part RL 84 (to Alfred Street South) and part RL 97 (to Glen Street).</b></li> </ul>
<b>REPORT BY NAME:</b>	<b>Brett Brown, Director, Ingham Planning (Independent Planning Consultant)</b> <b>Council Officer Contact – Katerina Papas, Strategic Planner</b>
<b>APPLICANT:</b>	<b>Milsons Point 2 Pty Ltd (Sara Kwan)</b>

**Public Representations**

<b>Public Speakers</b>	<b>Applicant/Representative</b>
Andy Hanna	Ben Craig (Applicant's Representative)
Thomas Sherwen	Andrew Chung (Applicant's Architect)
Sima Tambrchi	

**Panel Recommendation to Council:**

The Panel has considered the Consultant Planner's report and recommendation and the Advisory Note by Council's Strategic Planning Manager and heard submissions from the Proponent's representatives and three local residents. The Panel has also considered the issues raised in 19 additional submissions received by Council between the publication of the Assessment Report for the Panel's consideration and the Panel meeting itself. The Panel inspected the site and the surrounding area.

It is noted that the Proponent had submitted a previous Planning Proposal involving the same building heights. This proposal was rejected by Council in October 2018 following a recommendation from the Planning Panel that the proposal not proceed to a Gateway Determination.

The Panel notes that a number of changes have been made to the building envelope compared to the previous scheme, including reduced setbacks to Glen Street, increased setback to the northern boundary, a 2-storey tower element above Level 8 and slightly reduced FSR, with changes to the eastern building fronting Alfred Street resulting in no new overshadowing of Bradfield Park. The overall building heights remain unchanged.

However, the Panel is concerned that the new proposal has failed, inter alia, to address issues relating to amenity impact in particular loss of iconic views from living rooms in 37 Glen Street with inadequate photo angles. This issue was highlighted in Council's assessment report concerning the previous

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proposal. Furthermore, there is an unacceptable level of solar access to dwellings with some 30% of dwellings receiving no winter sun, although it is recognised that strict adherence to SEPP 65 and the Apartment Design Guide requirements may be unreasonable to achieve in a high density built environment such as Milsons Point. No consideration has been given to the amenity impact involved in a development complying with the current controls.

Whilst it is recognised that an indicative design submitted for the purposes of seeking a Gateway Determination will necessitate refinements at the Development Application (DA) stage, the Panel is not satisfied that this indicative design and the supporting analysis enables an adequate understanding of potential impacts. For example, how loss of iconic views can be resolved at DA stage utilising tenacity principles for view loss assessment, without consequential changes to the design that may result in other unacceptable impacts. It is therefore simplistic to endorse a 99% increase in the building height control without a more thorough and comprehensive understanding of the impacts.

Therefore, the Panel recommends to Council as follows:

1. The applicant has failed to demonstrate how the site could be acceptably developed to the requested heights insofar as the proposed concept design does not adequately respond to the site attributes and constraints and will result in a significant level of amenity impacts to adjoining residents in an already compromised environment;
2. The extent of impacts identified, particularly in relation to loss of iconic views, may not be able to be resolved through the provision of increased building separation and setbacks, without consequential design changes which may result in other unacceptable impacts;
3. To defer further assessment of impacts provides no certainty that the site can appropriately accommodate the height sought;
4. The proposal fails to demonstrate strategic merit insofar that it is:
  - a) inconsistent with a number of objectives and actions under the relevant Regional and District Plans;
  - b) sufficient residential capacity is identified in the *Draft North Sydney Local Housing Strategy (2019)* to meet projected housing demand for the next 20 years, without the need to change the land use mix on the subject site; and
5. It is contrary to the objectives of the Height of Building controls under clause 4.3 to NSLEP 2013 and inconsistent with the Milsons Point Town Centre Character Statement under section 9.1 to Part C of NSDCP 2013;
6. The Planning Proposal, if implemented, could have the potential to create a precedent that could undermine other established policies for the Milsons Point Town Centre and other mixed-use zoned land in highly accessible locations without the benefit of a comprehensive Planning Study.

#### **RECOMMENDATION TO COUNCIL**

After careful deliberation of the current Planning Proposal this Panel is not persuaded that the matter should proceed because of potential adverse impacts on the public domain and amenity of the area, including view loss.

The North Sydney Local Planning Panel recommends to the Council that this Planning Proposal to increase the height from 40m to between 55.4m to 79.6m not proceed to a Gateway Determination as it lacks strategic and site specific merit.

Voting was as follows:

Unanimous

<b>Panel Member</b>	<b>Yes</b>	<b>No</b>	<b>Community Representative</b>	<b>Yes</b>	<b>No</b>
Jan Murrell	<b>Y</b>		Kenneth Robinson	<b>Y</b>	
Ian Pickles	<b>Y</b>				

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The public meeting concluded at 2.35pm.

The Panel Determination session commenced at 2.40pm.

The Panel Determination session concluded at 5.15pm.

Endorsed by Jan Murrell  
North Sydney Local Planning Panel  
**14 August 2019**



## **A D D E N D U M**

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### **ADDENDUM TO REPORT OF BRETT BROWN, DIRECTOR INGHAM PLANNING (INDEPENDENT PLANNING CONSULTANT) DATED 18 JULY 2019**

**SUBJECT:** PP02 – 263-283 Alfred Street & 4 Little Alfred Street, North Sydney

**APPLICATION NO.** 2/19

**AUTHOR:** Ben Boyd, Executive Strategic Planner

**DATE:** 12 August 2019

**Attachments: Replacement Attachment 1**

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### **SUMMARY**

It has been brought to Council's attention that there are a number of minor errors within the table to Attachment 1 to the main assessment report. For the purposes of clarity, the table has been revised to correct these minor errors and forms Attachment 1 to this Addendum Report.

The subject amendments do not affect the content of the main assessment report, nor do they affect the recommendations to the main assessment report.

### **RECOMMENDATION:**

**1. THAT** the Panel note the revised attachment.

**2. THAT** consistent with the main assessment report, the Panel resolves not to support the Planning Proposal being forwarded to the Department of Planning and Environment seeking a request for a Gateway Determination for the following reasons:

- The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context and will result in a significant level of public and private amenity impacts;
- It is contrary to objectives (c), (e) and (f) of the Height of Building controls under clause 4.3 to NSLEP 2013;
- It is contrary to the objectives (a) and (b) of the FSR controls under clause 4.4 to NSLEP 2013;
- It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;
- It will have an adverse impact on the adjoining Whaling Road heritage conservation area;
- It will result in excessive overshadowing of adjoining properties including Alfred Street North Park;
- It will have an adverse visual impact and detract from the existing and desired future character of the area;

**ADDENDUM DATED 12 AUGUST 2019****Page 2****Re: PP2/19 – 263-283 Alfred Street & 4 Little Alfred Street, North Sydney**

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- It does not encourage the amalgamation of lots to:
  - allow adequate flexibility in the manner in which built form is distributed on the site to minimise impact;
  - minimise vehicular access points and parking related structures on Little Alfred Street and;
  - allow an appropriate and efficient basement parking arrangement;
- It provides minimal public benefit in that the public accessible areas within the site are mainly thoroughfares that provide access to commercial uses and have limited potential for use as open space and limited amenity;
- The provision of an LEP provision allowing an additional 2:1 FSR subject to design excellence competition requirements is contrary to the existing LEP provisions, has not been sufficiently justified and would result in a building of excessive height and /or bulk.

SIGNED

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Ben Boyd, Executive Strategic Planner

SIGNED

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Marcelo Occhiuzzi, Manager Strategic Planning

### FSR table comparison

		NSLEP 2013 - Existing LEP Controls		Existing Built Form					2015 PP			Alfred Street Precinct Planning Study (Draft as Exhibited)			Alfred Street Precinct Planning Study (As amended Post Exhibition)			2019 PP						
Address	Land Area (sqm)	Height (m)	FSR	Height (m)	Storeys (Equiv)	FSR	FSR Grouping (PS Exhib)	FSR Grouping (PS Post Exh)	Height (m)	Storeys (Equiv)	FSR	Height (m)	Storeys	FSR	Height (m)	Storeys	FSR	Site	Height (m)	Storeys	FSR Base	FSR Bonus		
283 Alfred Street	872.6	13m	3.5:1	10.5	3	2.64:1																		
275 Alfred Street (Bayer)	1334			52.36	18	7.27:1	4.39:1	5.39:1	85m	25	10.2:1		26st & 3st	4.42 :1		3st & 24st	6.5:1-7.4:1		A	31m	8	3.5:1		
273 Alfred Street	777.8			10.5	3	2.19:1																B	80m	24
271 Alfred Street	252.9			10.5	3	2.37:1	2.22:1						9st & 3st	2.44 :1		3st, 4st & 9st	2.1:1 - 2.4:1		C	28m	8	3.5:1		
263-269 Alfred Street 4 Little Alfred Street*	1117			10	3	2.30:1																		
	863			14	4	2.09:1	2.21:1																	
Total	5217.3				3.58:1	3.58:1	3.58:1		N/A				3.66:1		3.93:1 - 4.49:1					4.47:1	4.98:1			

### Setbacks table comparison

[illegible]



Item **PP02** - REPORTS - **14/08/19**

## N O R T H S Y D N E Y C O U N C I L R E P O R T S

**NSLPP MEETING HELD ON 14/08/19**

Attachments:

1. Summary of outcomes for the Precinct at various stages of the process
2. Planning Proposal
3. Urban Design Report

**ADDRESS/WARD:** Alfred Street Precinct (V) - 263-283 Alfred Street & 4 Little Alfred Street, North Sydney

**PROPOSAL NO:** 2/19

**PROPOSAL:** To amend North Sydney Local Environmental Plan 2013 as follows:

- Rezoning the site from B3 Commercial Core to B4 Mixed Use
- Increase the maximum building height on the Height of Buildings Map from 13m to:
  - 31m (an 18m increase) at 283 Alfred Street,
  - 80m (a 67m increase) at 275 Alfred Street,
  - 28m (a 15m increase) at 271-273 Alfred Street, and
  - 29m (a 16 increase) at 263-269 Alfred Street/4 Little Alfred Street.
- Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.
- Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.

**OWNER:** Honuka Pty Ltd; Benmill Pty Ltd & JB No.3 Pty Ltd; 271 Alfred Street Pty Ltd; Tara Shore Pty Ltd; Southern Resource Pty Ltd; Arthur Balada & Ying Xu; Adhir Singh; Harvey Verdun Robson & Lynne Judith Robson & Haryln Pty Ltd; Lynne Judith Robson; Harvey Verdun Robson & Bradley Forbes Robson; Robert Jack Ironside & Jean Agnes Kate Ironside; Jane Robyn Worthington; Akaki Holdings Pty Limited & Purser Holdings Pty Limited; Morris Investments Pty Ltd; Ruann Pty Ltd; Lee Ashley Challoner-Miles & Karen Louise Challoner-Miles; Rashikendra Pal & Nefissa Shereen Shamilar Pal; Craig Edward Lee; Emma Anne MacMahon; Julia Maree MacDonald & Craig Davies MacDonald; Susana Soria; Terry Tin Wai Miu; Christina Rukshani Motha; RG & JG Properties Pty Ltd; Michelle Anastasia Joseph; Gregory Alan Williams & Rose Williams; Susan Maree Astridge; Bhalinder Singh & Paramjeet Kaur Dhillon; Karen Jane Dalton; Eva Malek & Sabet Malek; Edgar Gaspard Gonzalez & Natalie Elizabeth Gonzalez; Nina Elizabeth Peters; Karen Gai Malloy; Robert Bruce Webster; Hokulani Pty Limited.

**APPLICANT:** Mecone Pty Ltd, on behalf Benmill Pty Ltd & JB No. 3 Pty Ltd, the owners of No 275 Alfred Street.

**AUTHOR:** Brett Brown, Director Ingham Planning (Independent Planning Consultant)

**DATE OF REPORT:** 18 July 2019

**DATE LODGED:** 22 March 2019

## EXECUTIVE SUMMARY

On 22 March 2019, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 263-283 Alfred Street and 4 Little Alfred Street, North Sydney. In particular, the Planning Proposal seeks the following amendments to NSLEP 2013:

- Rezoning the site from B3 Commercial Core to B4 Mixed Use
- Increase the maximum building height on the Height of Buildings Map from 13m to:
  - 31m (an 18m increase) at 283 Alfred Street,
  - 80m (a 67m increase) at 275 Alfred Street,
  - 28m (a 15m increase) at 271-273 Alfred Street, and
  - 29m (a 16m increase) at 263-269 Alfred Street/4 Little Alfred Street.
- Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.
- Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.

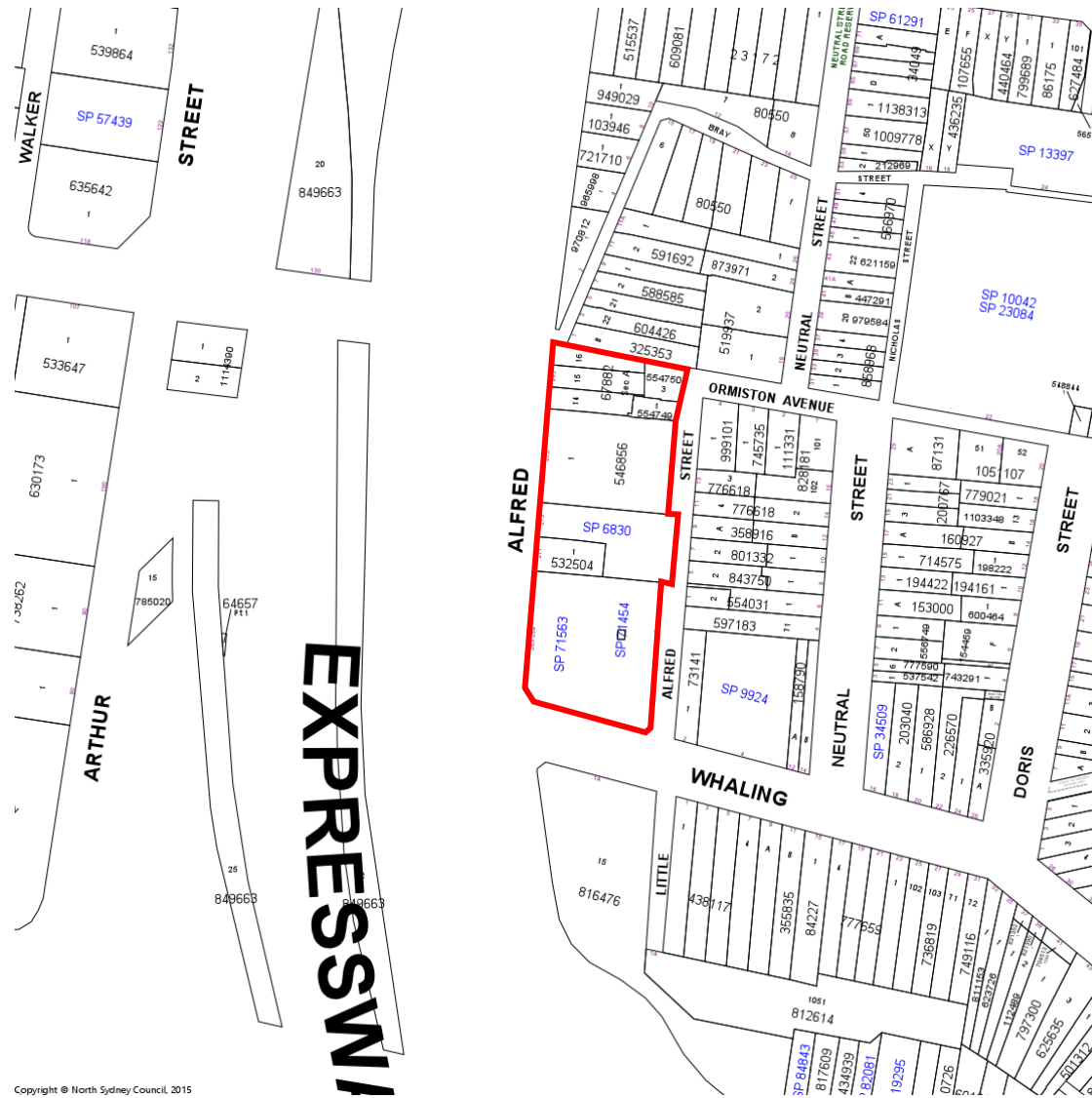
Having completed an assessment of the Planning Proposal, it is recommended that the Planning Proposal not be supported to proceed to Gateway Determination for the following reasons:

- The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context and will result in a significant level of public and private amenity impacts;
  - It is contrary to objectives (c), (e) and (f) of the Height of Building controls under clause 4.3 to NSLEP 2013;
  - It is contrary to the objectives (a) and (b) of the FSR controls under clause 4.4 to NSLEP 2013;
  - It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;
  - It will have an adverse impact on the adjoining Whaling Road heritage conservation area;
  - It will result in excessive overshadowing of adjoining properties including Alfred Street North Park;
  - It will have an adverse visual impact and detract from the existing and desired future character of the area;
  - It does not encourage the amalgamation of lots to:
    - allow adequate flexibility in the manner in which built form is distributed on the site to minimise impact;
    - minimise vehicular access points and parking related structures on Little Alfred Street and;
    - allow an appropriate and efficient basement parking arrangement;
  - It provides minimal public benefit in that the public accessible areas within the site are mainly thoroughfares that provide access to commercial uses and have limited potential for use as open space and limited amenity;
  - The provision of an LEP provision allowing an additional 2:1 FSR subject to design excellence competition requirements is contrary to the existing LEP provisions, has not been sufficiently justified and would result in a building of excessive height and /or bulk.
-

Report of Brett Brown, Director Ingham Planning (Independent Planning Consultant)  
RE: PP2/19 Alfred Street Precinct

(3)

## LOCATION MAP



Copyright © North Sydney Council, 2015

## DESCRIPTION OF PROPOSAL

Planning Proposal 2/19 seeks to amend the North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 263-283 Alfred Street and 4 Little Alfred Street, North Sydney. In particular, the Planning Proposal seeks the following amendments to NSLEP 2013:

- Rezoning the site from B3 Commercial Core to B4 Mixed Use
- Increase the maximum building height on the Height of Buildings Map from 13m to:
  - 31m (an 18m increase) at 283 Alfred Street,
  - 80m (a 67m increase) at 275 Alfred Street,
  - 28m (a 15m increase) at 271-273 Alfred Street, and
  - 29m (a 16 increase) at 263-269 Alfred Street/4 Little Alfred Street.
- Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.
- Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.

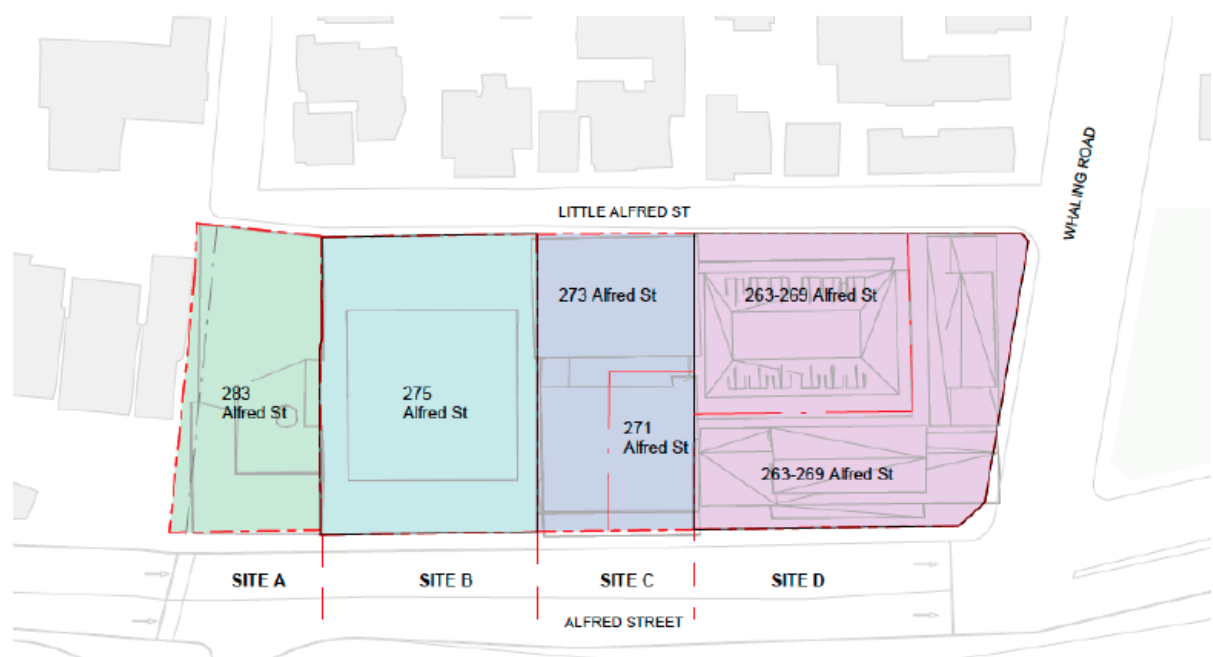
The objectives and intended outcome of the Planning Proposal as described by the applicant is as follows:

- *To facilitate renewal of the entire Precinct consistent with Council's draft Alfred Street Precinct Planning Study (2018);*
- *To incorporate a number of public benefits within the scheme including improvements to the ground floor plane (with a pedestrian arcade, additional landscaping and retail activation) and upgrade of Mount Street overpass;*
- *To facilitate local employment uses such as neighbourhood shops, café/restaurants which will contribute to the local economy and activate the site. The Planning Proposal will incorporate commercial suites which will protect local jobs in the Precinct and ensure there is sufficient floor space to support local businesses that can't afford to locate to the CBD;*
- *To facilitate the redevelopment of the Precinct as a livable high-quality mixed use development in close proximity to public transport, recreational facilities and services;*
- *To provide a lively Precinct with a pedestrian arcade with a series of laneways/through site links to ensure community social interaction and a high level of architectural design/design excellence;*
- *To provide for improved permeability in the area by delivering a pedestrian arcade and incorporating areas which are covered for weather protection;*
- *To provide amalgamation patterns which will easily facilitate the redevelopment of the Precinct;*
- *To rezone the Precinct from B3 Commercial Core to B4 Mixed use to allow for residential accommodation. The 'mixed use' typology will be more appropriate for the locality given it will create a suitable transition between North Sydney CBD and residential zones and activate the precinct in the evenings with the residential uses;*
- *Increase the height of buildings and floor space ratio provisions which will create an appropriate transition in density from North Sydney CBD to the adjoining low scale residential areas and heritage conservation area. The proposed densities will ensure the redevelopment of the Precinct is economically feasible;*

- To allow for additional height to the Bayer Building as an incentive to improve the outdated office space and ground floor plane. A high quality architectural design and façade treatment (with the retention of the structural frame) will be provided that responds to its context, topography, adjoining residential dwellings/heritage conservation area and the North Sydney CBD;
- To provide a design excellence bonus provision for the Bayer Building site which requires a design competition process to be undertaken to ensure a high standard of architecture, urban and landscape design is achieved for the site which allows additional FSR to be considered;
- To provide for additional dwellings in an urban area while minimising adverse amenity impacts on the surrounding residential dwellings, heritage conservation area and public domain;
- To improve the public domain along all street frontages by incorporating additional landscaping and activating the street frontages with retail uses;
- To provide neighbourhood convenience shops and cafes/restaurants for the day to day needs of residents without detracting from higher order commercial activities nearby; and
- To assist in achieving State and local government's housing targets and address the lack of housing availability within the locality by providing additional residential accommodation.

The Planning Proposal is accompanied by an indicative concept design to demonstrate what could be achieved on the site if the proposed amendments were implemented. In particular, it would accommodate:

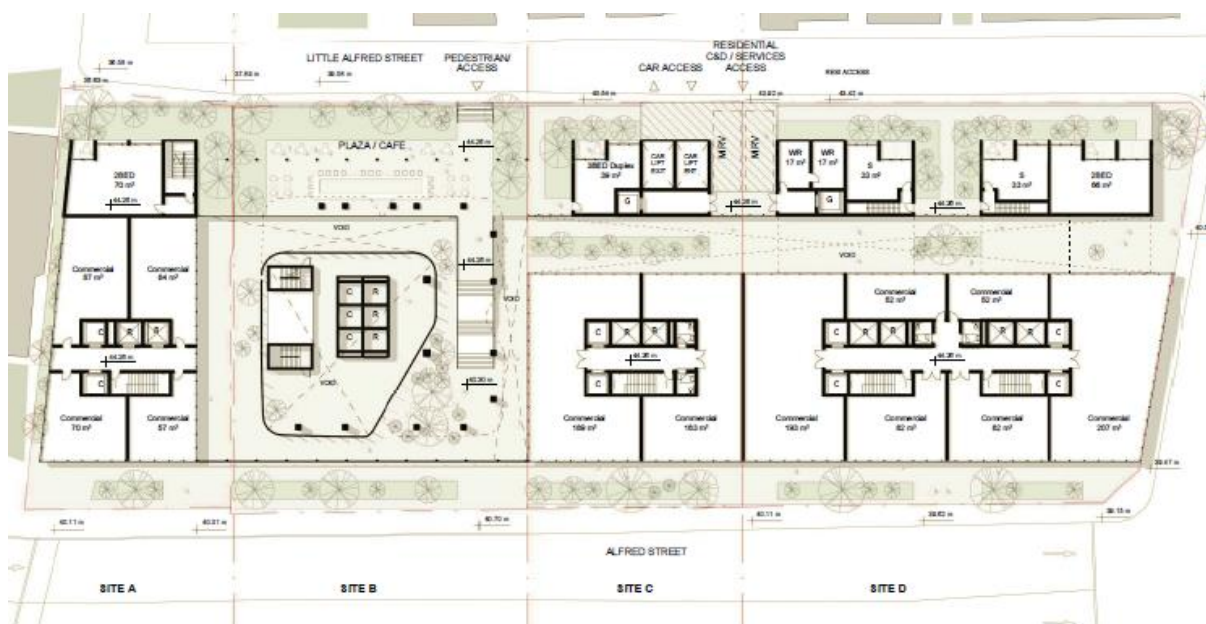
- 4 notional development sites referred to as Site A (283 Alfred Street), Site B (275 Alfred Street), Site C (271-273 Alfred Street) and Site D (263-269 Alfred Street and 4 Little Alfred Street) (see **Figure 1**). Sites C and D would require amalgamation of the 2 parcels within these areas;



Source – Mecone Planning Proposal Report

**Figure 1 – indicative development parcels**

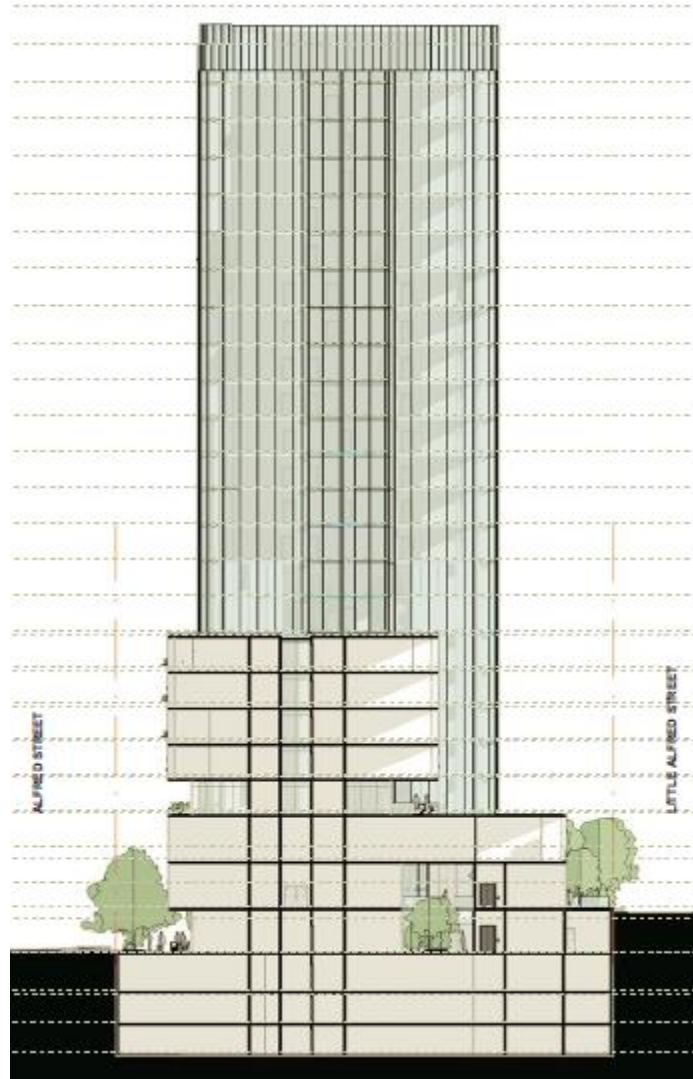
- Retention, expansion and refurbishing the Bayer building at 275 Alfred Street including:
  - increasing the height from 18 storeys to 24 storeys;
  - changes to the building structure and façade to facilitate predominant residential use;
  - the top 15 levels are to be residential apartments including a double height amenities level at Level 8. 7 levels of commercial space are provided above a double height ground floor lobby space;
  - the ground floor area is to be opened up to provide public domain, a commercial and residential lobby and retail space. The ground level to Little Alfred Street is provided with an open plaza area with seating and a café. The two ground levels will be connected by stairs providing a through-site link between the street frontages;
- The above public areas are to be connected to a further through-site link provided at Site A (283 Alfred Street) and a north/south retail arcade through to Whaling Road. This space will have a further link to Alfred Street at the boundaries of Sites C and D. The proposed forms are also setback from Alfred Street to provide an expanded footpath area (see **Figure 2**);



Source – Grimshaw Planning Proposal Design Report

**Figure 2 – Indicative ground floor**

- The indicative building form for Sites A, C and D comprise an 8 storey element to Alfred Street (occupying around two thirds of the block width) and a 3 storey element along Little Alfred Street (noting that the lowest level is partly below the ground level along Little Alfred Street (see **Figure 3**). Ground level is provided with retail space (which is one level above ground at the northern end of the Little Alfred Street frontage). Above that is 2 levels of residential use to Little Alfred Street and 3 levels of commercial towards Alfred Street. Above these commercial spaces are 3 levels of apartments;



Source – Grimshaw Planning Proposal Design Report

**Figure 3 – Section between streets showing indicative building heights**

- Overall the indicative scheme provides for 156 dwellings and 10,127sqm of retail/commercial floor space;
- Each development parcel is intended to be able to developed separately, with each having its own vehicular access off Little Alfred Street. Site C is shown as being reliant on a car lift for access.

Indicative Alfred Street and Little Alfred Street elevations are shown at **Figures 4 and 5**.





Source – Grimshaw Planning Proposal Design Report

**Figure 4 – Indicative Alfred Street elevation**



Source – Grimshaw Planning Proposal Design Report

**Figure 5 – Indicative Little Alfred Street elevation**

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The Planning Proposal indicates that the following specific public benefits will arise from the proposal:

- Pedestrian arcade: Provide a pedestrian arcade at the ground floor which provides a series of laneways and through site links to improve permeability within and through the Precinct;
- Upgrades to public domain: The following upgrades are proposed for the public domain:
  - o Increase landscaping along Little Alfred Street and Alfred Street (with some mature trees to create a canopy) to create a landscaping buffer;
  - o Increase setbacks along Little Alfred Street (4.2-4.85m front setback) and Alfred Street (6-6.75m front setback) to improve the pathways with some kerb build outs along Alfred Street; and
- Mount Street Overpass Upgrade: Work with the RMS on potential upgrade and reconfiguration of the Mount Street overpass to improve pedestrian amenity (including potential weather protection and plantings) and to optimise for public transport.

These benefits are intended to be delivered by way of proposed amendments to North Sydney DCP 2013.

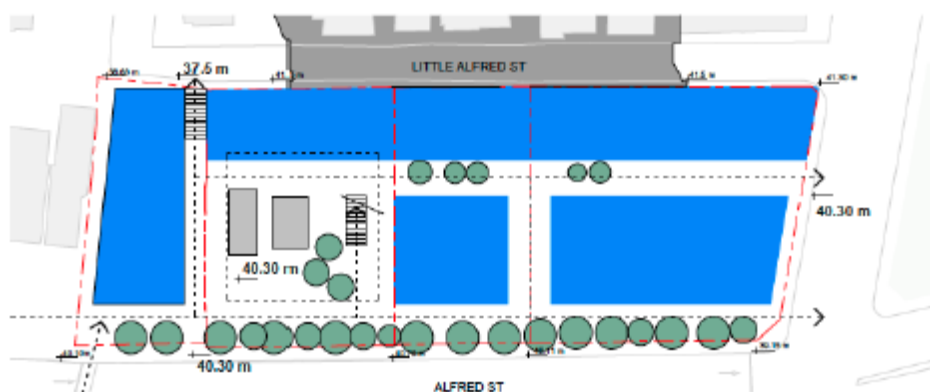


Figure D-1.6: Ground floor pedestrian arcade

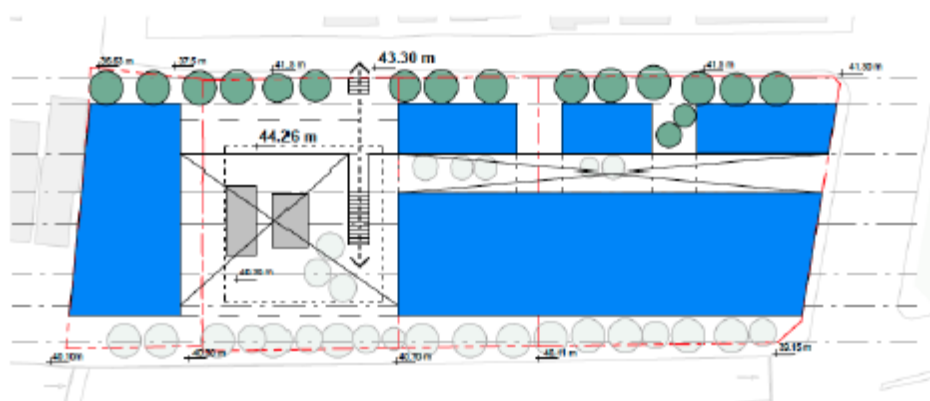


Figure D-1.7: Level 1 pedestrian arcade

Source – Mecone Planning Proposal Report

**Figure 6 – Proposed publicly access ground plane (DCP provisions)**

## PANEL REFERRAL

On 23 February 2018, the Minister for Planning released a section 9.1 Direction which outlines the instances when a planning proposal must be referred to a Local Planning Panel for advice prior to a council determining whether that planning proposal should be forwarded to the DPE for the purposes of seeking a Gateway Determination.

All planning proposals are required to be referred to the Local Planning Panel, unless they meet any of the following exemptions:

- the correction of an obvious error in a local environmental plan;
- matters that are of a consequential, transitional, machinery or other minor nature; or
- matters that council's general manager considers will not have any significant adverse impact on the environment or adjacent land.

The Planning Proposal does not meet any of the exemption criteria and therefore the Planning Proposal must be referred to the Local Planning Panel for advice prior to Council making any determination on the matter.

## BACKGROUND

### *Prior Planning Proposal*

A Planning Proposal for 275 Alfred Street (also known as the Bayer Building) was submitted to North Sydney Council on the 3 September 2015 to facilitate a mixed-use development including 24 levels of residential apartments above 2 levels of retail/commercial uses. The Planning Proposal sought to amend the NSLEP 2013 as follows:

- Rezone the site from B3 Commercial Core to B4 Mixed Use;
- Increase the maximum building height for the site from 13m (existing building 52.36m) to 85m; and
- Increase the maximum FSR for the site from 3.5:1 (existing building 7.3:1) to 10.2:1.

On 15 February 2016, Council resolved to not support the Planning Proposal proceeding to Gateway Determination.

On 13 September 2016, the applicant's request to review the Council's decision was considered by the JRPP. The Panel concluded the Planning Proposal should not be submitted for a Gateway Determination but provided some guidance regarding the future of the site and precinct:

*'1. The Panel considers that this site and the street block zoned B3 in which it is located is isolated from the main commercial centre of North Sydney and closely related to the adjoining residential area. Therefore, a change in zoning that would allow residential use in the street block, would be appropriate.*

*2. The main reason why the Panel does not recommend that this planning proposal proceed to Gateway Determination is that it deals with one site only rather than the area zoned B3 in which it is located. This piecemeal approach is contrary to the strategic intent of zoning decisions. In addition, the planning proposal leads to this site having three times the development potential of the other sites within the B3 zone. It fails to achieve the desirable separation distances between residential buildings and adversely affects the development potential of the adjoining sites.*

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Report of Brett Brown, Director Ingham Planning (Independent Planning Consultant)  
RE: PP2/19 Alfred Street Precinct

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(11)

*3. The Panel considers that, in any future planning proposal for the block zoned B3, it would be appropriate to grant this site the density it now enjoys by virtue of the existing building on it, with some additional height so that a mixed use building with appropriate amenity may be developed on it. As concerns the other sites within the B3 zone, the existing density of 3.5:1 may be combined with some additional height, so that it becomes possible to develop them to their development potential for mixed use buildings with appropriate amenity.'*

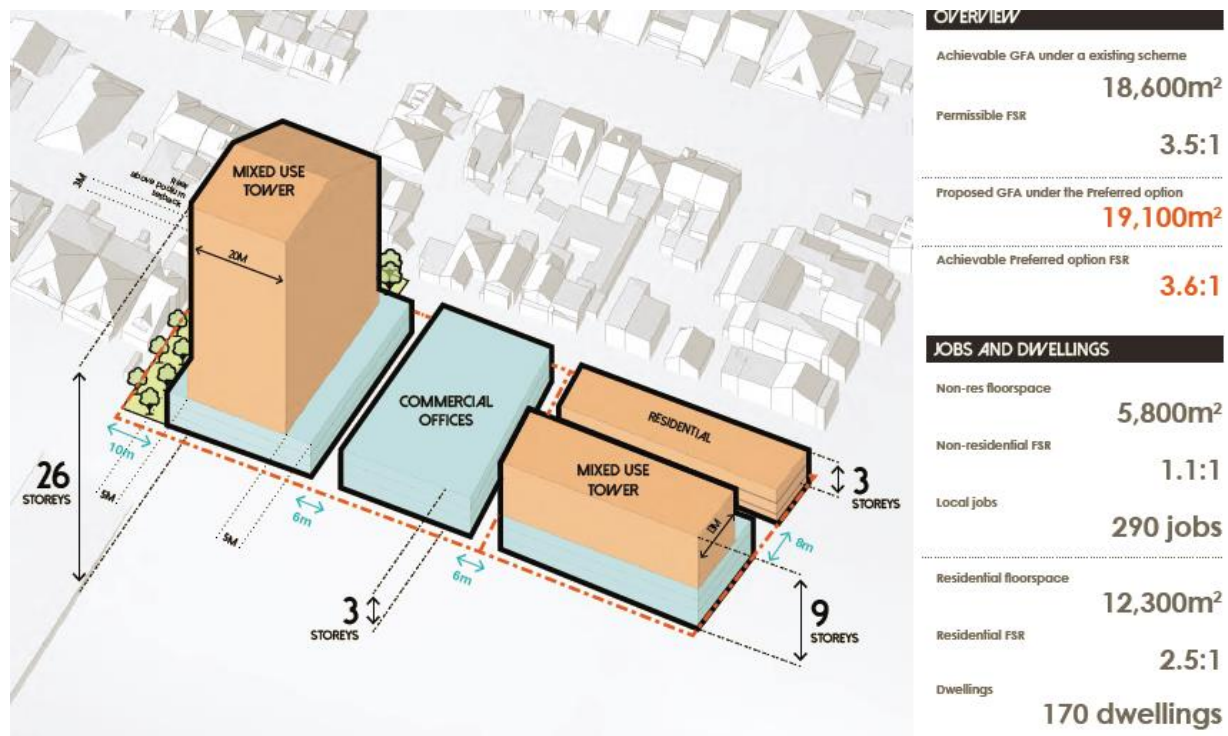
### ***Alfred Street Precinct Planning Study***

Following the refusal of the Planning Proposal by the JRPP, on 29 February 2017, Council resolved to prepare a planning study for the Alfred Street Precinct (ie the entire B3 Commercial Core zoned area within the block bound by Alfred Street, Little Alfred Street and Whaling Road.

A draft Planning Study was then prepared by Council staff and on 26 March 2018, Council resolved to allow the draft study to be publicly exhibited. The main features of the draft Study were:

- Identification of 2 development sites - Site A comprised 271-283 Alfred Street and Site B comprised the remainder of the block;
- Site A permitted to have a mixed use building up to 26 storeys (located further to the north than the existing Bayer building) and a 3 storey podium commercial building south of a through-site link;
- Site B permitted a 3 storey residential building to Little Alfred Street and a 9 storey mixed use building to Alfred Street with a further through site link between Sites A and B;
- A pocket park and through site link in the northern part of the site;
- An overall FSR of 3.6:1 comprised of 5,800sqm of commercial floor space and 170 dwellings (including 5% affordable housing).

The following figure provides a visual summary of the above.



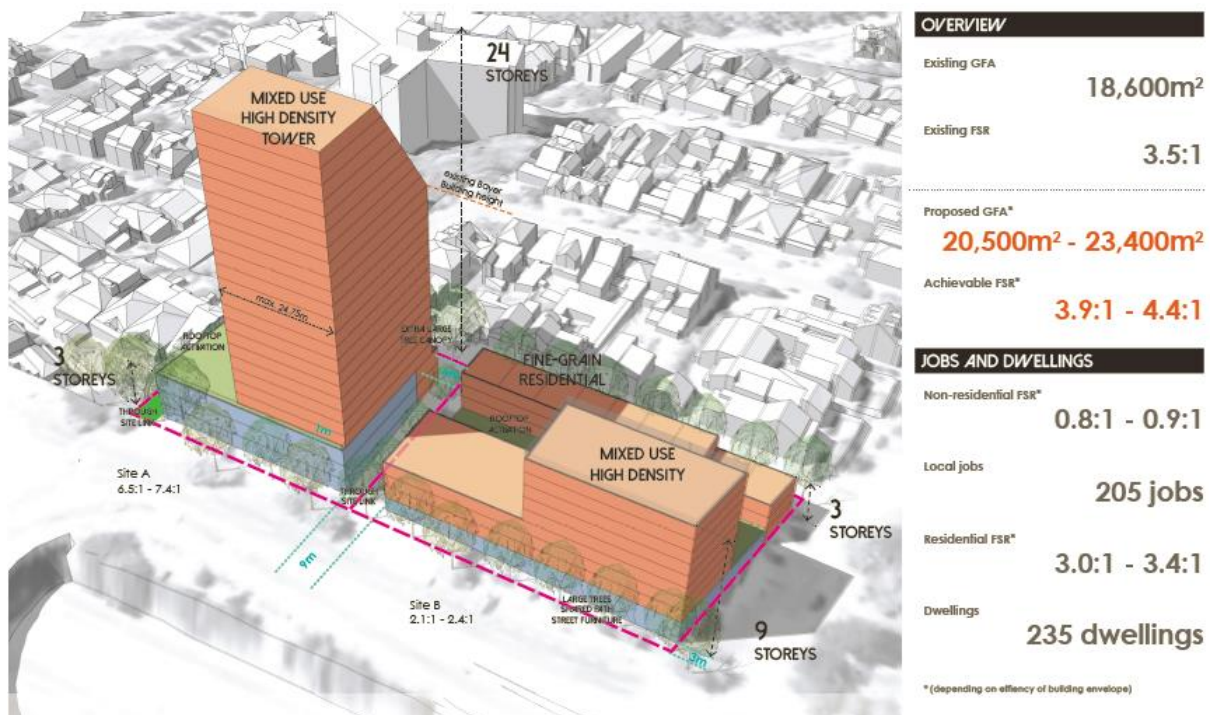
**Figure 6 – exhibited Planning Study scheme**

Following the exhibition and consideration of public submissions, the Planning Study was revised as follows (as shown on **Figure 7**):

- Reconfiguration of the development sites with 275-283 becoming Site A and the remainder being Site B;
- Relocation of the tower to a similar location to the existing Bayer building and reduction to 24 storeys;
- Removal of one though site link allowing a single building form within Site A;
- An increase in the overall FSR to 3.9-4.4:1 comprised of around 4,800sqm of commercial floor space (1,000sqm less than exhibited scheme) and 235 dwellings (65 more than exhibited scheme);
- Removal of the pocket park;
- An increased ground level setback to Little Alfred Street (from 3m to 6m);
- Improvements to the existing Mount Street overpass;
- No affordable housing.

The applicant made a number of submissions to the draft Planning Study as did other owners within the study area. They also met with Council on numerous occasions during the process.

**Attachment A** provides a summary of the changes made to the outcomes for the site throughout the above process and compares these to the current proposal.



**Figure 7 – final Planning Study scheme**

On 29 January 2019, the matter was considered by North Sydney Council. The staff report made the following recommendation:

1. THAT the amended Alfred Street Planning Study (Attachment 2) be adopted and endorsed as Council's preferred planning framework for the precinct.
2. THAT any Planning Proposal lodged for the precinct be required to be consistent with the endorsed Alfred Street Precinct Planning Study.
3. THAT any Planning Proposal lodged for the precinct be required to resolve any detailed issues not fully resolved in the Planning Study.
4. THAT Council write to Roads and Maritime Services seeking to enter into dialogue about potential improvements to the park to the south of the precinct.

However, Council resolved:

1. THAT Council not adopt the amended Alfred Street Planning Study as Council's preferred planning framework for the precinct.

No reasons were given by Council for not adopting the Planning Study

### **Current Planning Proposal**

The current planning proposal was lodged on 22 March 2019, the details of which has been described above. It is not consistent with the final Planning Study prepared by Council staff. This is discussed in further detail.



### ***Moratorium on Residential Planning Proposals***

Council has a long held position of not supporting the progression of planning proposals to Gateway Determination, which seek departures from current planning controls and are not supported by an endorsed precinct wide based planning study. This position was reinforced at Council's meeting of 30 July 2018, wherein it resolved to not accept any new planning proposals involving a residential use, until the earlier of 1 July 2020 or the completion of any gazetted amendments to the North Sydney LEP in respect of any Land Use and Infrastructure Plan produced by the Department of Planning's Priority Precinct planning process.

Council received a response to its position of 30 July 2018 from the Minister for Planning dated 16 November 2018, which indicated that the Minister would seek further advice from the Greater Sydney Commission before considering their position.

### **DETAIL**

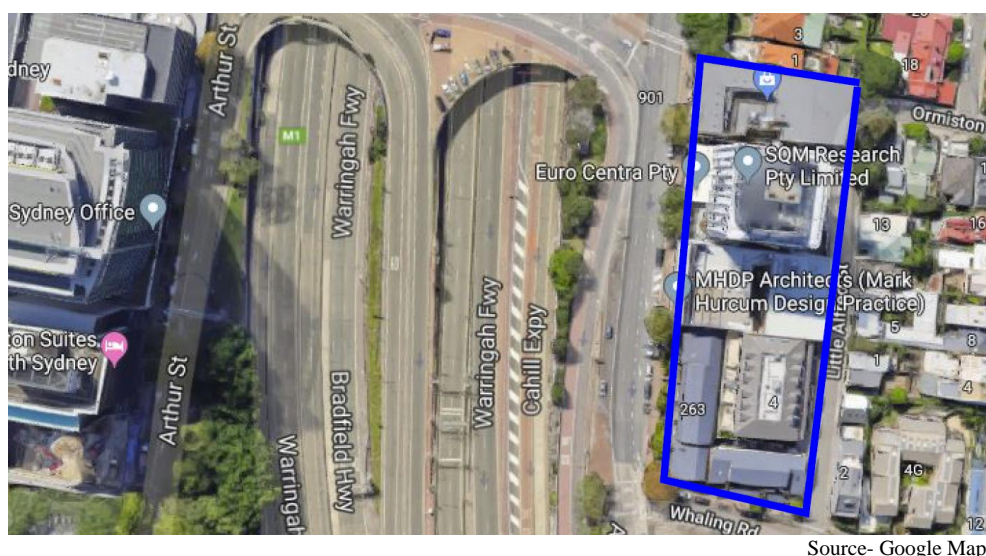
#### **1. Applicant**

The applicant for the proposal is Mecone Pty Ltd. The applicant has been engaged by Benmill Pty Ltd & JB No.3 Pty Ltd who own 275 Alfred Street, North Sydney. A copy of this owner's consent was provided as part of the application. This was accompanied by a letter from Hones Lawyers providing an opinion that the consent of all the owners of the land subject to the Planning Proposal (ie all land except 275 Alfred Street) is not required for lodgement or determination of the Planning Proposal under the provisions of the Environmental Planning and Assessment Act (1979) and Regulations (2000).

#### **2. Site Description**

The Alfred Street Precinct is located in North Sydney local government area located east of the North Sydney CBD separated by the Warringah Expressway. It comprises of a block zoned B3 Commercial Core with a combined area of is 5,217m<sup>2</sup>.

The applicant has provided the following description of the site.



Source- Google Maps

**Figure 8 – aerial view of site and proximity to CBD**

Table 2 – Alfred Street Precinct	
Item	Detail
Legal description	<p><b>283 Alfred Street:</b> Lot 14 DP67882; Lot 15 DP67882; Lot 16 DP67882; Lot 3 DP554750; and Lot 1 DP554749.</p> <p><b>275 Alfred Street:</b> Lot 1 DP54856</p> <p><b>271 Alfred Street:</b> Lot 1 DP532504</p> <p><b>273 Alfred Street:</b> SP6830</p> <p><b>263-269 Alfred Street/4 Little Alfred Street:</b> SP71563 and SP71454</p>
Total site area	5,217m <sup>2</sup>
Site description and frontage	The Precinct is roughly rectangular shape with a combined frontage of approximately 120m to Alfred Street to the west, 43m to Whaling Road to the south, and 120m to Little Alfred Street to the east.
Site topography	The Precinct has significant level variations. Little Alfred Street (eastern boundary) has a steep crest of approximately 7m with the northern and southern ends dipping down. The Precinct falls steeply from Alfred Street to Little Alfred Street by approximately 3m.
Existing buildings/ structures	<p><u>283 Alfred Street</u></p> <p>3-4 storey commercial building, estimated 1,740m<sup>2</sup> net lettable area.</p> <p><u>275 Alfred Street</u></p> <p>The Precinct is characterised by 'the Bayer Building' constructed in 1970, which is an 18 level commercial building (ground floor retail + 17 levels of office space with a total of 7,920m<sup>2</sup> net lettable area) with underground parking. The overall building height, including the signage panel, is 60.97m, while the ground floor is at RL40.00 and the very top of the panel behind the signage is RL100.97. The site has an FSR of 7.3:1. Constructed in 1971, the building is now nearing the end of its economically useful life as a commercial office building.</p> <p><u>273 Alfred Street</u></p> <p>3-4 storey commercial building, approximately 1,490m<sup>2</sup> net lettable area</p> <p><u>271 Alfred Street</u></p> <p>3-4 storey commercial building, approximately 521m<sup>2</sup> net lettable area.</p> <p><u>263-269 Alfred Street/4 Little Alfred Street</u></p> <p>3-5 storey strata building with townhouses and residential units, some occupied for commercial, some converted for residential use. The Precinct is located between the high rise North Sydney Commercial Core and fine grain, low rise residential buildings to the north and east which are within the Whaling Road Conservation Area.</p>

The Bayer Building at 275 Alfred Street and No 183 to the north are shown at **Figure 9**. The buildings in the southern part of the precinct are shown in **Figure 10**. As can be seen in these figures, some buildings include substantial signage structures including third party advertising.



Source – Mecone Planning Proposal Report

**Figure 9 – northern part of site viewed from Mount Street**



**Figure 10 – southern part of site viewed from Alfred Street**

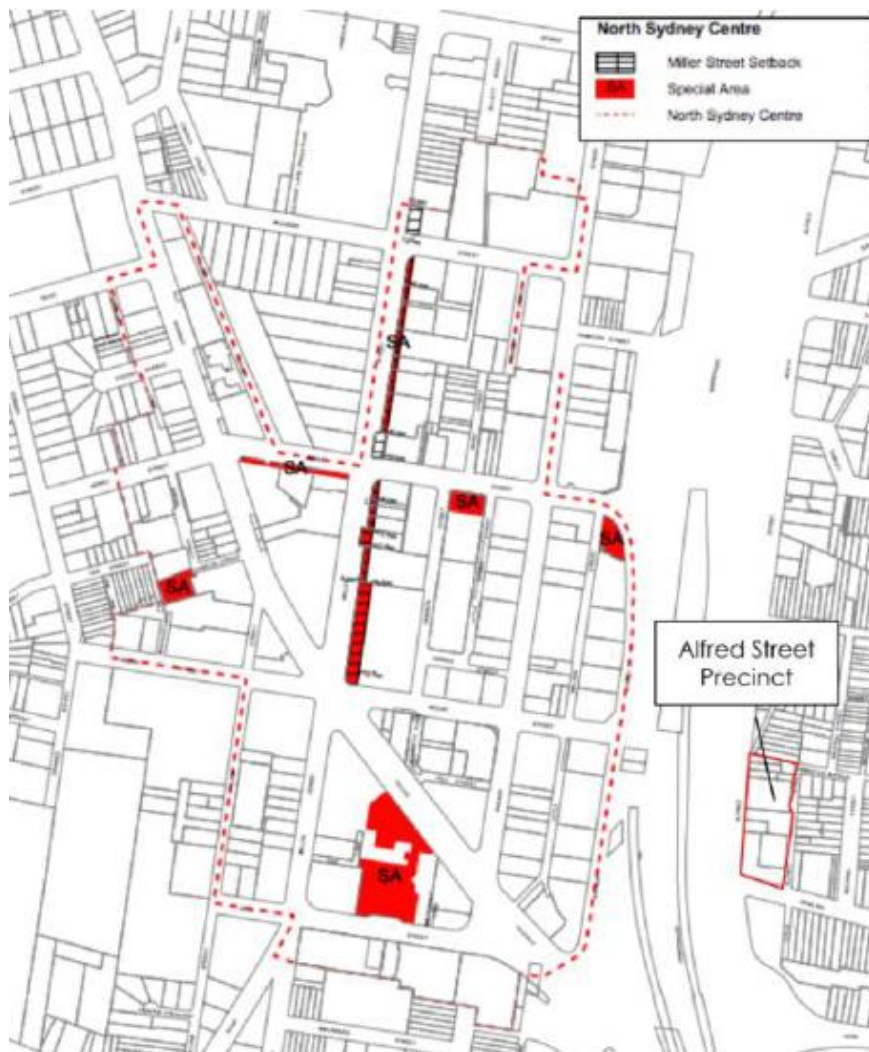
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**Figure 11 – site viewed from Little Alfred Street**

The subject site is outside the identified North Sydney CBD as indicated in the following map.



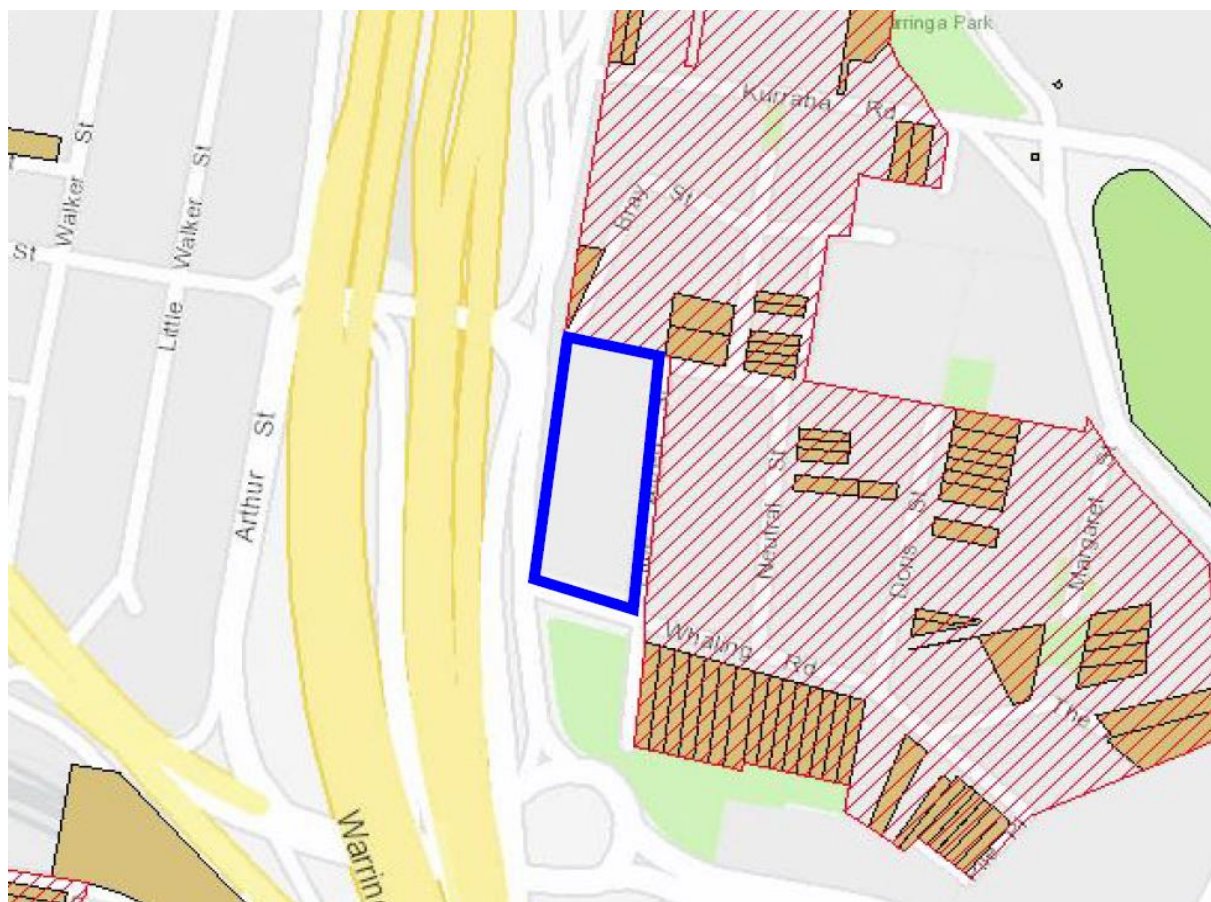
Source – Mecone Planning Proposal Report (North Sydney Centre Capacity and Land Use Study)

**Figure 12 – Site relative to North Sydney CBD**

### 3. Local Context

The precinct is adjoined by the Whaling Road Heritage Conservation Area to the north and west (see **Figure 13**). This area contains residential dwellings including terrace houses and detached dwellings of 1-3 storeys in height. There are also a number of taller, high-density residential buildings which were built around 1970's to the north east and south east of the precinct, including 22 Doris Street at 9-10 storeys and 50 Whaling Road at 23 storeys.

The Warringah Expressway borders the precinct to the west. Beyond the Warringah Expressway is the North Sydney CBD comprising medium to high rise buildings of predominantly commercial offices with some retail and residential uses. The main pedestrian access from the precinct to the CBD is via the Mount Street overpass.



Source – Legislation.nsw.gov.au

**Figure 13 – Heritage map from LEP 2013**

Directly south of the precinct across Whaling Road is an RMS owned reserve, known as Alfred Street North Park. The park is well used but primarily as a path of travel for people to the south/south-east moving to and from the central CBD area (see **Figure 14**). The land which comprises the park, was initially acquired by the RMS in conjunction with the construction of the Warringah Expressway in the 1950s. The acquisition aligned with a portion of the land being reserved for county road construction associated with the current Freeway since the commencement of the North Sydney Planning Scheme Ordinance in April 1963. The park was rezoned for public open space upon the commencement of North Sydney Local Environmental Plan (NSLEP) 1989 and has retained a similar zoning to date. It appears that the site was first developed for public open space purposes upon the opening of the Warringah Expressway in 1968, having been turfed and continually remained a publicly accessible open space ever since.



On 27 December 1996, the Reserve was vested in Council's care and control via an Order under s.159 of the Roads Act, 1993 which was published in the Government Gazette on this date. The terms of the Order state that the land is to be used for a "public reserve" as defined under the Local Government Act, 1993.

Alfred Street connects the precinct to Warringah Freeway, which is a state road. There are a number of vehicle access points along Little Alfred Street and one to Alfred Street. There are various pedestrian entrances currently provided to buildings on site along each of the street frontages.



**Figure 14– Alfred Street North Park and southern end of precinct**

The proposed Victoria Cross Metro Station is located approximately 500m from the precinct. While North Sydney Railway Station is approximately located 400m to the west.

The Precinct is also located approximately 500m from bus services which operates regularly along the Pacific Highway.

North Sydney Ferry is located a kilometre south from the Precinct.

#### **4. Current Planning Provisions**

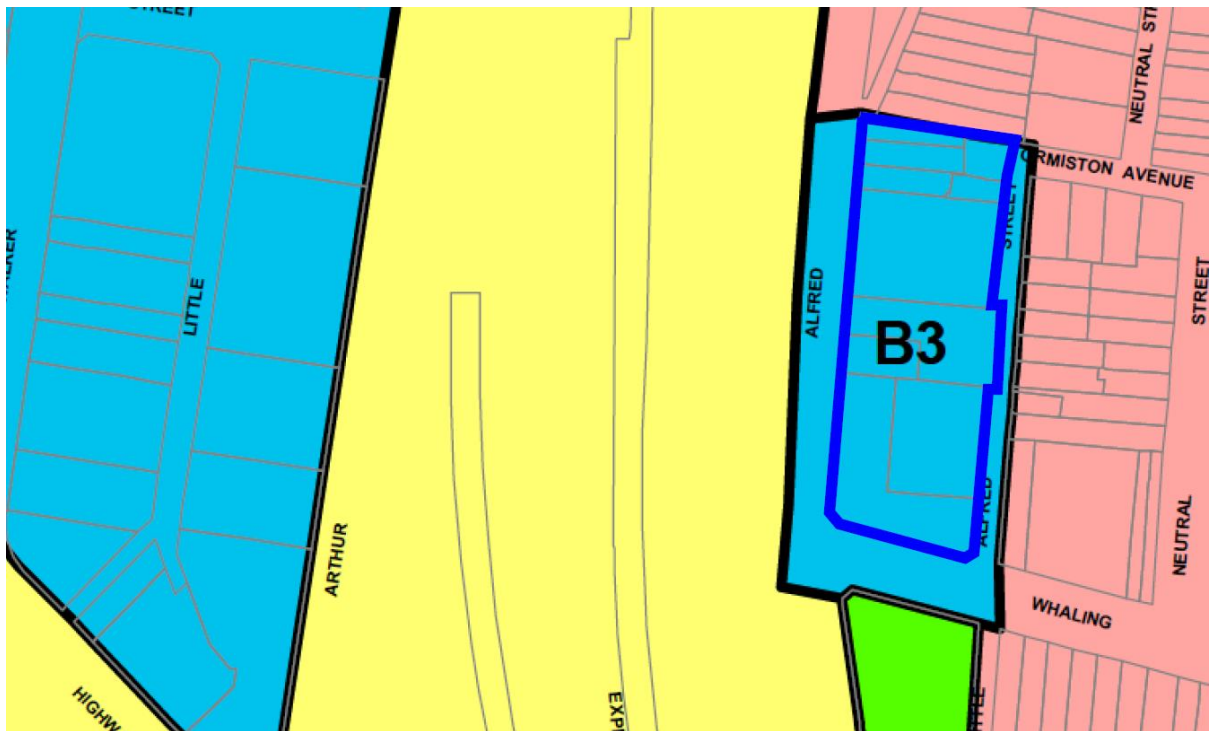
The following subsections identify the relevant local planning instruments that apply to the subject site.

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#### 4.1 NSLEP 2013

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The principal planning provisions relating to the subject site are as follows:

- Zoning – B3 Commercial Core (see **Figure 15**). As can be seen on this figure, the adjoining roads (Alfred Street and Little Alfred Street) are also zoned B3. Therefore if the subject site is to be rezoned then the rezoning also needs to apply to these roads;
- Height limit of 13m (see **Figure 16**);
- FSR limit of 3.5:1 (see **Figure 17**).



Source – Legislation.nsw.gov.au

**Figure 15 – Zoning map from LEP 2013**





Source – Legislation.nsw.gov.au

**Figure 16 – Height map from LEP 2013**



Source – Legislation.nsw.gov.au

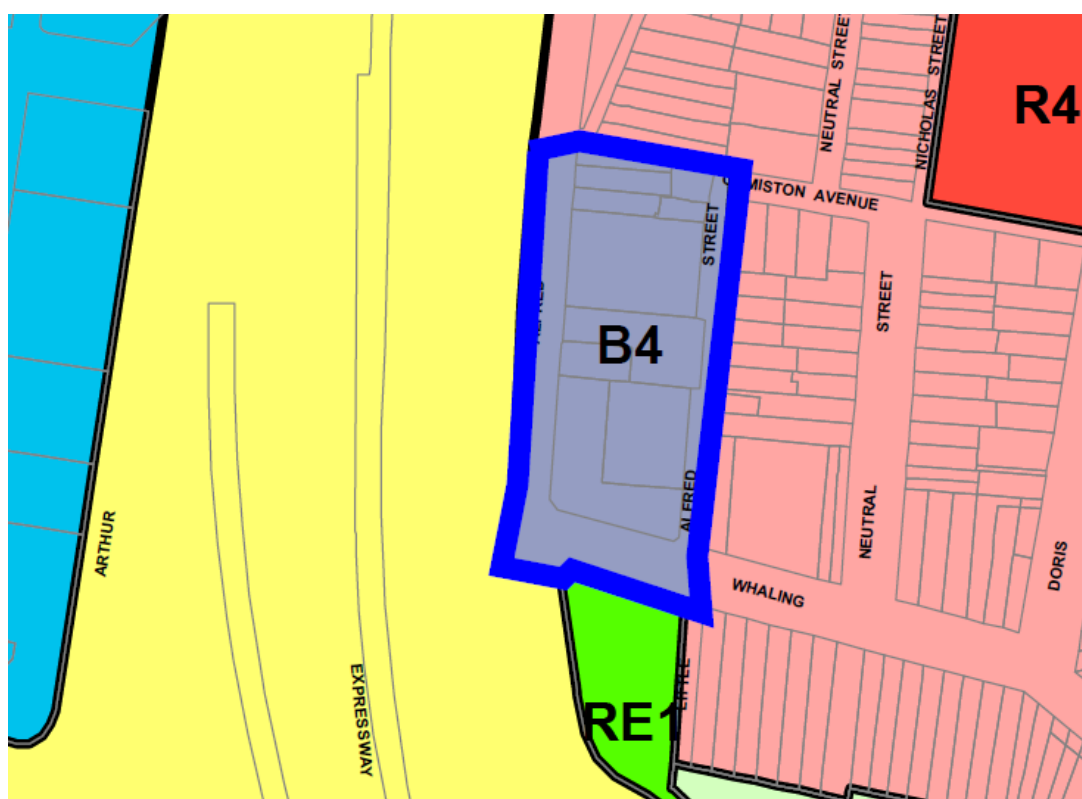
**Figure 17 – FSR map from LEP 2013**

## 5. Proposed Instrument Amendment

The objectives and primary intent of the Planning Proposal as described in the “Description of Proposal” section of this report is proposed to be achieved by:

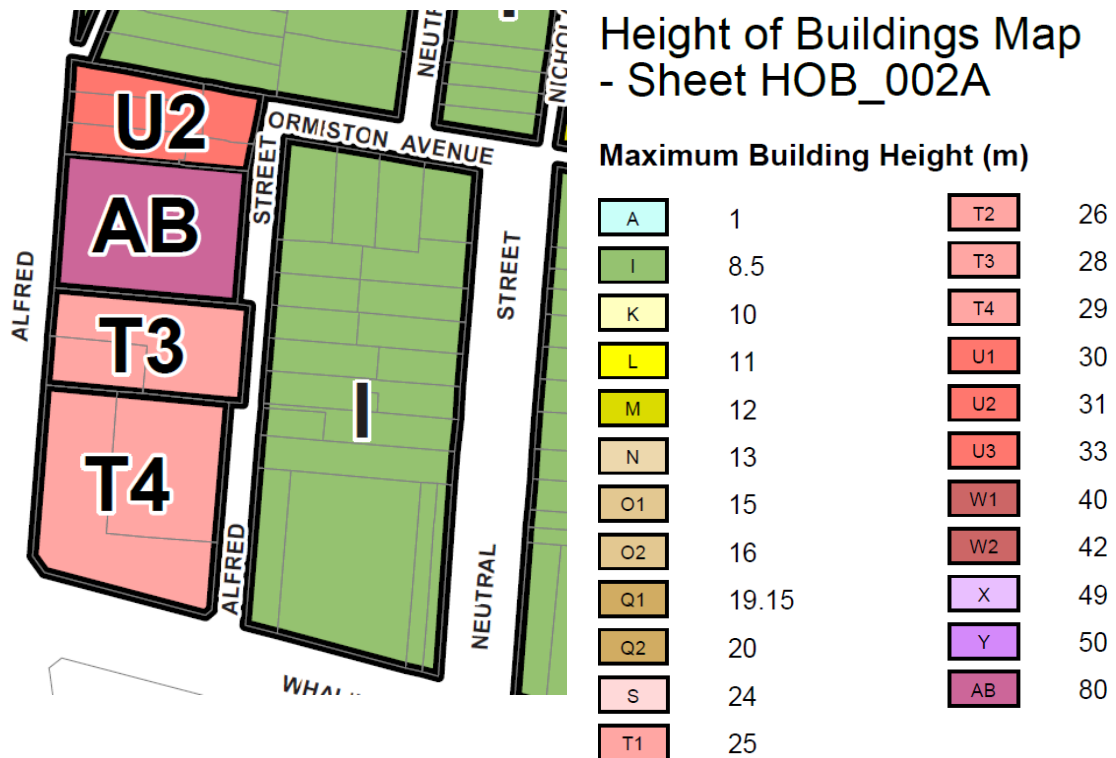
- Rezoning the site from B3 Commercial Core to B4 Mixed Use
- Increase the maximum building height on the Height of Buildings Map from 13m to:
  - 31m (an 18m increase) at 283 Alfred Street,
  - 80m (a 67m increase) at 275 Alfred Street,
  - 28m (a 15m increase) at 271-273 Alfred Street, and
  - 29m (a 16 increase) at 263-269 Alfred Street/4 Little Alfred Street.
- Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.
- Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.

All of the proposed amendments to the relevant maps are illustrated in **Figures 18-20**.



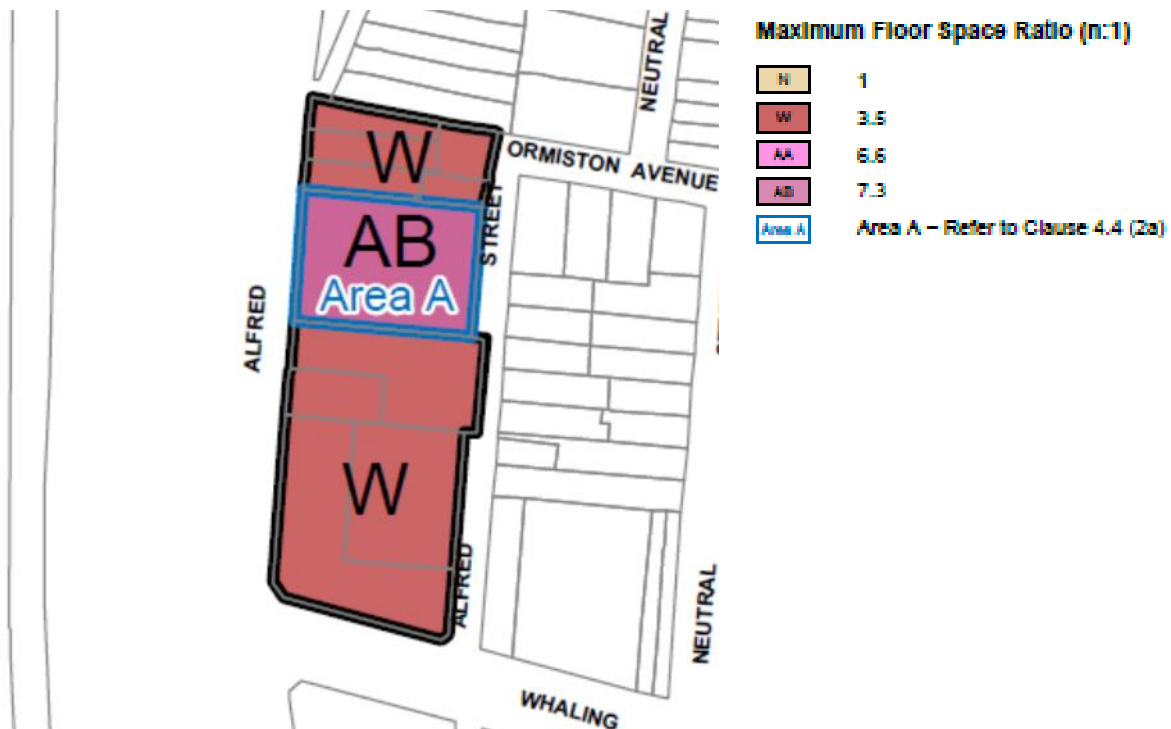
Source – Mecone Planning Proposal Report)

**Figure 18 – Proposed zoning change to LEP 2013**



Source – Mecone Planning Proposal Report

**Figure 19 – Proposed height changes to LEP 2013**



Source – Mecone Planning Proposal Report

**Figure 20 – Proposed FSR changes to LEP 2013**

## **6. Draft Voluntary Planning Agreement (VPA)**

The Planning Proposal is not accompanied by a VPA offering public benefits in exchange for an increase in density on the subject site. It is noted that an offer to enter into a VPA formed part of the previous Planning Proposal for No 275 to provide approximately \$835,000 worth of public benefits. Further, in their submission to the Planning Study for the Precinct, the applicant advised:

*All properties would be subject to a Voluntary Planning Agreement (VPA) which would outline the public benefits to be provided in order to achieve additional height and FSR to the sites*

Where a proponent seeks to significantly increase the capacity of a site, Council encourages the proponent offer a public benefit proportionate to the increase in value of the land. No details have been provided to indicate what the uplift in value of the site will be resulting from an increase in maximum building height and FSR (for 275 Alfred Street). This makes it difficult for Council to make an informed decision as to what level of public benefit may be considered reasonable.

It is noted that No 273 currently extends into the carriageway of Little Alfred Street and the dedication of this area should be considered as part of any VPA for the site.

## **ASSESSMENT**

### **7. Planning Proposal Structure**

The Planning Proposal is considered to be generally in accordance with the requirements of s.3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and DPE's 'A guide to preparing planning proposals' (December 2018). In particular, the Planning Proposal adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed local environmental plan;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Details of the community consultation that is to be undertaken on the Planning Proposal.

### **8. Justification of the Planning Proposal**

#### **8.1 Objectives of the Planning Proposal**

The applicant's stated objectives for the Planning Proposal have been noted above. For the reasons given in this assessment, it is considered that only some of these objectives can be achieved.

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## **8.2 The Need for the Planning Proposal**

### **8.2.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?**

The applicant's Planning Proposal report fails to acknowledge the above reference to an 'endorsed' local study or strategy. Notwithstanding this, the draft (2018) and revised draft Alfred Street Precinct Planning Study (January 2019) is a specific local study prompted by the previous JRPP decision on the Bayer building site and Council resolutions to prepare and exhibit the study. Whilst Council has not endorsed a finalised version of this study, it provides an appropriate benchmark by which to measure the appropriateness of the Planning Proposal especially with regard to the higher level principles. The inconsistencies of the proposal with Council's revised study are discussed in the following table. For ease of reference the parcels within the precinct are referred to as Sites A-D as per the Planning Proposal.

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Issue	Planning Study	Planning Proposal	Comment
Amalgamation	Site A (275-283 Alfred Street) Site B (263-273 Alfred Street and 4 Little Alfred Street)	Site A (283 Alfred Street) Site B (275 Alfred Street) Site C (271-273 Alfred Street) Site D (263-269 Alfred Street and 4 Little Alfred Street)	Four sites would not result in a satisfactory outcome in regard to provision of parking and access. The basements shown in the indicative scheme are inefficient and unlikely to be feasible. Site C is shown as requiring car lift access. This is not acceptable. The provision of 4 access points and loading areas along Little Alfred Street will result in a poor streetscape outcome. This is further discussed in the comments provided below from Council's Strategic Transport Planner.
Building height			
Site B (Bayer)	24 storeys (top 8 storeys tapered)	24 Storeys	Whilst the proposed height matches that detailed in the Planning Study, there is still concern that it will result in increased overshadowing of the Alfred Street North Park around lunchtime. This is discussed further below. Further the top of the building is not tapered to minimise impact.
Remainder of precinct	9 storeys to Alfred Street on Site D, 3 storeys elsewhere	8 storeys to Alfred Street and 3 storeys to Little Alfred Street	The proposed building heights on Sites A, C and D will have less impact than indicated in the Planning Study on Alfred Street North Park. However, this could be further mitigated by reducing the size of the building on Sites C and D and better placement of the building. This is discussed further below.
FSR			
Site B (Bayer)	6.5-7.4:1	7.3:1 (9.3:1 with bonus)	The base FSR is supported as it is consistent with the JRPP comments and Council's Planning Study. The bonus FSR represents a significant increase on the existing FSR and is not supported as it will result in a taller and/or bulkier building that will increase overshadowing, including shading of Alfred Street North Park.
Remainder	2.08-2.83:1	3.5:1	Maintaining the existing FSR control for the remainder of the precinct is consistent with the JRPP comments. Whilst the Planning Study indicated reduced FSR, this is not a reasonable outcome for the subject land owners.
Whole precinct	3.9:1-4.4:1	4.47:1-4.98:1 (with bonus)	Give the above comments the proposed base FSR's are considered appropriate however the bonus FSR for Site B is not appropriate.
Commercial FSR	0.8-0.9:1	1.94:1	There is no objection to the amount of commercial GFA indicated however it is noted that there is no planning provision proposed which has

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Issue	Planning Study	Planning Proposal	Comment
			a minimum commercial floor space requirement. Consistent with the standard B4 zone provisions, the commercial floor space can be limited to the ground floor level.
Setbacks			
Alfred Street	All buildings - 3m 275 tower - +1m	Ground –6-6.75m L1-2 – 4.5-4.9m L3 – 6.2-6.6m L4-L7- 4.5-4.9m L4-L24 (275 Tower) – 7.7-8.2m	The proposed setbacks are significantly greater than the Planning Study, particularly at ground level. This is of benefit to the public domain and the streetscape generally however, increased setbacks also necessitate higher buildings as floorplates are reduced.
Little Alfred Street	Podium - 3m Tower -6-8m	B1-Ground – Nil L1-L2 – 5.8m (275 tower) 4m (other buildings) L4-24 (275 Tower) - 9.6m	Whilst the proposed setbacks provide some benefits, they do not achieve the intended outcome of the Study to allow for tree planting. The setbacks are not provided at street level as there is predominantly parking and access related structures at or below ground level to the street. At a minimum a 3m deep soil setback should be provided to Little Alfred Street (except where driveways are required).
North	6m	Ground - 2.4m L1-L2 – 1.2m L3 -2.4-4m L4-L7 – 2-3m	The reduced setbacks are not appropriate as they will result in an adverse visual impact on the heritage conservation area adjoining the site.
South	0m	0-3.6m	Whilst the increased setbacks are positive, greater setback at the upper levels is required in order to reduce overshadowing impacts, particularly on the park across Whaling Street.
Through-site links	2 – 6m wide on northern boundary and 9m wide at	3 – 3.6m wide within Site A, 3.6m wide within Site B and 7m on boundary of	The areas to the east of the block are not highly permeable and pedestrian access is limited to Whaling Road and Ormiston Avenue. Therefore the need to provide multiple through-site links is questioned. These links

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Issue	Planning Study	Planning Proposal	Comment
(Alfred Street to Little Alfred Street)	boundary of Sites B and C.	Sites C and D (linking to 6m wide north/south arcade to Whaling Road)	provide limited amenity and take up potential floor area that could be utilised to reduce building height, which is the aspect of the proposal that creates the greatest impact. The main 'desire line' for movement through the site is along the alignment of Ormiston Avenue. However a link along the northern boundary was proposed in the draft Planning Study and deleted following community consultation. Therefore given the limited area on No 283 and that the value uplift is greatest for No 275, the through-site link should be provided within this lot. It is noted that the Planning Proposal provides for a widened footpath along Alfred Street which will provide a pleasant environment for pedestrian moving south through the park or east along Whaling Road. Therefore it is considered that the north/south arcade indicated in the Planning Proposal does not provide a public benefit and any benefit is dependent on all Sites C and D being redeveloped. Again, this aspect should be reconsidered with the view of reducing height impacts.

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It is also noted that the Planning Study required the Planning Proposal to include further consultation and studies. Whilst some have been provided, the following has not:

- Details of consultation with the Precinct Committee and local landowners
- Details of consultation with Council's Design Excellence Panel;
- An Employment Study – an Economic Impact Assessment has been submitted but it does not address issues specifically noted in the Study;
- A Transport and Access Study – a Transport Impact Assessment has been submitted but it does not address issues specifically noted in the Study;
- Draft Travel Plan;
- Draft VPA.

Given the comments later in this assessment, it is considered that neither the Planning Study or Planning Proposal adequately consider the impacts of the additional building height and bulk proposed. It is noted that Council did not endorse the Planning Study and so technically it cannot be taken to be Council's position on the Alfred Street Precinct. It is concluded that further consideration of the development options for the precinct needs to be undertaken to allow a more informed decision regarding the most appropriate built form controls for the land.

There are some generalised local studies including the North Sydney Residential Strategy (2009) (RDS), North Sydney Local Development Strategy (2009) and the North Sydney Capacity and Land Use Study (2017); however, these are not particularly informative in regard to the specific need for this Planning Proposal. However, the Planning Proposal is generally consistent with these documents as it will provide additional housing and with the change in zoning may result in some commercial floor space being relocated to the North Sydney CBD, which is the focus of commercial activity in the LGA.

#### 8.2.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The applicant has considered and discussed alternatives to the proposal and also justification as to why the proposed scheme is preferable to the scheme outlined in Council's Planning Study.

It is accepted that additional building height is appropriate for this site as discussed further below; however, the currently proposed configuration has unacceptable impacts that will need to be addressed. In this regard the applicant has not undertaken any testing of other built form alternatives that could achieve the intended FSR's whilst minimising height and associated impacts.

### 8.3 Relationship to the Strategic Planning Framework

#### 8.3.1 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)?

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*A Metropolis of Three Cities – the Greater Sydney Region Plan (GSRP) March 2018*

The applicant has provided an overview of the consistency of the proposal with this document. It is considered that the Planning Proposal is generally consistent with the objectives of the GSRP. The main categories in the Plan are discussed below.

Infrastructure – the Planning Proposal will make use of existing infrastructure in that it is located within walking distance of North Sydney CBD and public transport services and has access to regional road networks and other established infrastructure including schools and hospitals. Any specific additional demand created by the proposal can be identified through the consultation stage and contributions be sought where necessary.

Liveability – the Planning Proposal will encourage diverse and connected communities. Also the broader issues of liveability can be addressed by Council through the Local Strategic Planning Statement (LSPS) process. This site is isolated and already highly developed and therefore can be considered without further investigations for the wider area. Notwithstanding, this it is noted that the area does not contain significant areas of open space and to improve the liveability of the site and precinct it is recommended that some of the uplift in value from the Planning Proposal be used for improvements to the quality and usability of Alfred Street North Park. Further, the proposed building heights have adverse impacts on the park and further investigations of the alternatives to reduce impact should be undertaken.

The indicative amalgamations will result in adverse impacts on Little Alfred Street and this issue needs to be further investigated to ensure an appropriate visual outcome and level of amenity for this street.

In relation to additional housing it is noted that Council has received written advice (December 2018) from the Greater Sydney Commission (GSC), advising that Council is ‘on track’ to meet the current housing targets. This has been confirmed by the recent release of Council’s Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) which have recently been endorsed by Council and are on public exhibition. Whilst it is acknowledged that the Planning Proposal was submitted before these documents became ‘endorsed’, the LHS identifies housing growth for the next 10 years and does not rely on the redevelopment of this site to meet the targets. Notwithstanding this, as the housing targets are only a minimum, it is considered that additional housing should be considered where strategic and site specific merit can be demonstrated.

The implications of the above is that there is no urgency to proceeding in this case, and it is not unreasonable to take additional time to ensure that the site specific issues for this precinct can be resolved.

This neighbourhood is dominated by the status of the adjoining land as a heritage conservation area. The proposal will have an adverse impact on this area as discussed below and will not create a suitable environment within this neighbourhood.

Productivity – whilst the site is well located, consistent with the desire for a ‘30 minute city’, the potential loss of employment generating uses will not be as efficient in terms of maximising existing connections. Notwithstanding, the site is isolated from the CBD and within a residential area. The change in zoning from B3 Commercial Core to B4 Mixed use is supported and will facilitate commercial uses which are more likely to respond to local needs.

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Sustainability – the proposal indicates that adequate landscaping can be provided on the site (given the existing character to the area and the proposed B4 zoning). The Planning Proposal does not provide for any specific sustainability outcomes other than compliance with BASIX. The Planning Proposal provides minimal public benefit and, if offered by the applicant, a VPA could assist in improving the quality of existing green space in proximity to the site, including Alfred Street North Park.

#### *North District Plan (NDP) March 2018*

The NDP is consistent with the GSPR but provides more detail. However, there are no specific details that are particularly relevant to the Planning Proposal beyond the issues discussed above in relation to the GSRP.

The DP&E's *Guide to Preparing Planning Proposals* includes Assessment Criteria to be considered in the case where the relevant strategy plan does not have Sustainability Criteria. The North District Plan does not have Sustainability Criteria. This Assessment Criteria is otherwise known as the 'Strategic/Site Specific Merit Tests' and are noted and considered below.

#### *a) Does the proposal have strategic merit? Will it:*

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

As noted above, the Planning Proposal will generally give effect to the GSRP and NDP but is not a response to an endorsed local strategy. The proposal is also not responding to a change in circumstances or changing trends. Given the overall consistency with the regional and district plans, it is considered that the Planning Proposal has Strategic Merit.

#### *b) Does the proposal have site-specific merit, having regard to the following?*

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

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There is no particular environmental issues on the site that arise from the Planning Proposal. However, the site is adjoined by a conservation area to the north and east and the proposed heights generally provide for an appropriate transition to the Little Alfred Street frontage. It is noted the proposed heights along Little Alfred Street are generally less than presently exist. However as noted below, the domination of the Little Alfred Street frontage by vehicular access and related structures results in a poor streetscape outcome for this heritage area. The large 8 storey building on Site A also provides a poor transition to the heritage conservation area to the north as supported by Council's heritage planner.

The adjoining land to the south contains the Alfred Street North Park and the proposal has an adverse impact on the park in relation to overshadowing.

The existing built form on adjoining and adjacent sites, and their predominant residential use do provide a site specific basis for the proposed change in zoning to B4 which is more compatible than the current B3 zone. The existing built form of No 275 is such that any redevelopment would have to provide for the continuation of the existing amount of floor space. This is acknowledged in the JRPP comments and Council's unendorsed Study.

As noted above, whilst the need for additional service and infrastructure would best be dealt with on a broader basis, in the circumstances this can be addressed through the Planning Proposal process. In particular the public benefits of the current proposal are limited and additional benefits are to be explored by the applicant.

Having regard to the above, the Planning Proposal is considered to have some site specific merit, however the proposed building bulk is considered to be excessive and will have adverse visual impacts and overshadowing, particularly to Alfred Street North Park.

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

The submitted documentation has adequately demonstrated consistency with the relevant SEPP's, with the exception of SEPP 65. In relation to SEPP 65 and the associated Apartment Design Guide (ADG), the following comments are made in relation to the key issues. Other matters could be resolved through the DA process.

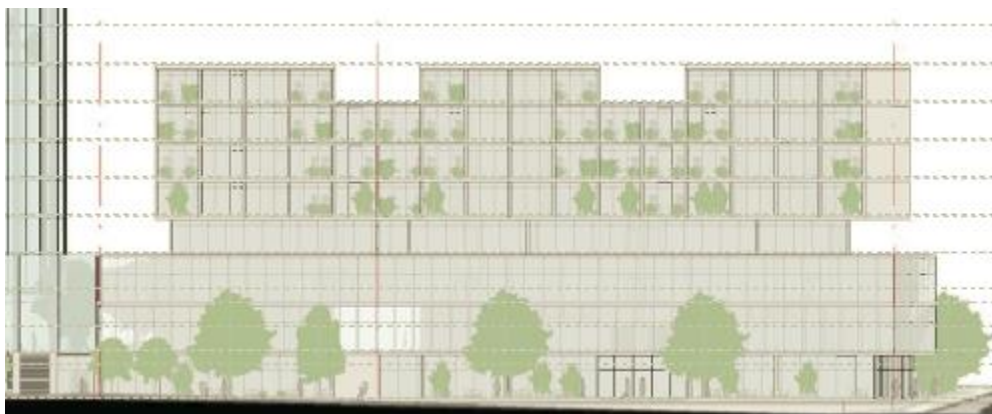
#### *Building separation/setbacks*

Part 2 of the ADG provides guidance for situation such as this, where the controls for a site are being developed. In relation to building separation requirements, the following distances are recommended:

Building height	Separation distance
9 storeys and above	12-24m
Up to 8 storeys	9-18m
Up to 4 storeys	6-12m



However, the ADG notes that: *“No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres”*. In this case, being an existing commercial zone changing to a mixed use zone where there is a combination of residential and commercial building, buildings have been constructed with generally minimal setbacks to side boundaries. Residential apartments have been primarily orientated to the east, west or south towards the street frontages within the subject block. The reuse of the Bayer Building would necessitate a 24m separation between buildings which would render the adjoining sites undevelopable. In this case, the indicative scheme shows buildings with blank walls to site boundaries and minimal or no separation to adjoining buildings. In the context of a mixed use zone this is considered appropriate up to podium level (consistent with the ADG requirement above) however above the podium it would be preferable to provide increased separation between Sites C and D development at Alfred Street. The lack of a setback and the proposed building height results in an overly bulky building (see **Figure 21**). Alternatively, a building of reduced height or increased setbacks may reduce visual bulk to an appropriate degree.



Source – Grimshaw Planning Proposal Design Report

**Figure 21 – Alfred Street elevation of indicative development on Sites C and D**

Further to the above, the setback to the northern boundary should be increased as it adjoins a low density conservation area. In this regard, the ADG notes in Section 2F: *At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m*. On this basis the setback would need to be 12-21m. However, this would render No 283 undevelopable. Further, there is an existing 3 storey build close to the boundary and the Bayer Building sits behind that. Privacy issues can be avoided through use of high level windows to this boundary (noting that the indicative scheme has apartments facing east/west). The setback of the building above podium level will need to be considered on its merits at the detailed design stage however it is recommended that a DCP provision should provide for a minimum setback of 4.5m.

#### *Solar access – Proposed apartments*

The information provided includes a compliance table which indicates that 90% of apartments in the precinct will receive the required solar access and that less than 15% of apartments will receive no solar access. Whilst the level of compliance is questionable (particularly as there are no ‘sun view’ diagrams to confirm), given the orientation of the apartments it is likely that future development will be able to comply with regard to solar access.

### *Solar access – Neighbouring buildings*

The information provided by the applicant (by way the architect's report) indicates that the proposal will maintain solar access to the surrounding residential properties to an appropriate degree. Not only is the ADG minimum of 2 hours between 9am and 3pm at midwinter achieved, but impacts are limited to the afternoon and in the majority of cases will be for 1-2 hours.

As noted above the impact on Alfred Street North Park is considered to be excessive.

### *Cross ventilation*

The documentation indicates that ADG compliance is achieved with in excess of 90% of apartments being cross ventilated. Whilst the inclusion of some apartments as complying is questioned, due to the nature of the built form, it is likely that the 60% requirement could be achieved by future development.

### *Ceiling heights*

The indicative floor to floor heights suggest that the ADG recommended ceiling heights can be achieved.

Further to the above, Council's Development Assessment team have considered the Planning Proposal including ADG related issues. These comments are as follows.

### **Development Assessment Comments**

*The current height limit under NSLEP 2013 for the site is 13m. The existing Bayer building has a maximum height of 52.6m to the uppermost storey and a maximum height of 60.25m. The PP seeks a maximum permissible building height of 80m on 275 Alfred Street and 29m-31m on the remainder of the site. The proposed building heights substantially exceed the current 13m height limit. There does not appear to be any compelling planning justification as to why an existing building that presently exceeds the height limit by over 47m should be redeveloped to a height that is 67m above the current height limit. The guidance provided by the JRPP, and particularly the reference to "some additional height" is general in nature and is qualified by a requirement for appropriate amenity.*

*Further, existing development on the remainder of the site predominantly complies with the 13m height limit, and is in part up to 1.46m above the 13m height limit. The proposal seeks in part to justify the 29m-31m/8 storey height limit on the basis that the current 3.5:1 FSR limit cannot be achieved with a 13m height limit. However, the existing FSRs for Sites A, C and D range from 2.2:1 to 2.5:1 (see applicant's comparison of existing and proposed development), and it is therefore highly unlikely that a height limit of 29m-31m is necessary to achieve an FSR of 3.5:1 on these sites. A building height increase from 13m to 29m-31m on Sites A, C and D has not been adequately justified.*

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*The maximum building height for any redevelopment of the site should be established primarily on the basis of planning considerations (eg, desired future character, consistency with a cohesive strategic plan for the North Sydney CBD and surrounds, desirable built form outcomes, impacts on surrounding development in terms of solar access, views, privacy, visual impact, etc) as distinct from an economic feasibility argument.*

*In terms of design merit, the existing Bayer building is substantially higher than any surrounding building in the vicinity of the site and is distinctly out of character with the surrounding built form. An increase in the current building height by a further 20m to a maximum height of 80m would significantly increase the uncharacteristic nature of the development which is an undesirable outcome. The proposed 29m-31m/8 storey height for the remainder of the site would also be distinctly out of character with the surrounding area and results in an inappropriate transition in scale down to the adjoining low density residential area.*

#### **Building Separation:**

*The ADG Compliance Table submitted with the PP documentation is rudimentary in its scope and analysis and claims that all sites and the proposed precinct comply with the ADG building separation provisions. The submitted plans and elevations do not demonstrate on what basis it is claimed that the proposal complies with the ADG requirements, both internally and in relation to surrounding sites. Separation distances should be clearly identified on the plans and elevations and a detailed analysis produced to support the proposed building envelopes and claimed compliance.*

*The proposed building envelopes do not meet the minimum building separation requirements as set out in Section 2F of the Apartment Design Guide (ADG). A partial analysis is as follows:*

<b>Site</b>	<b>Required Building Separation</b>	<b>Proposed</b>
Site A	Northern side: 12.0m between habitable and non-habitable rooms, plus an additional 3.0m due to the transition in zone to R2 Low Density Residential, being a total of 15.0m. Southern side: 12m between habitable and non-habitable rooms	Approximately 3.0m to north 7.2m to south
Site B (Bayer building)	Northern and southern side: 12m between non-habitable rooms and 18m between habitable and non-habitable rooms	7.2m to the north and south
Sites C and D	Northern side: 12m between habitable and non-habitable rooms	7.2m to north

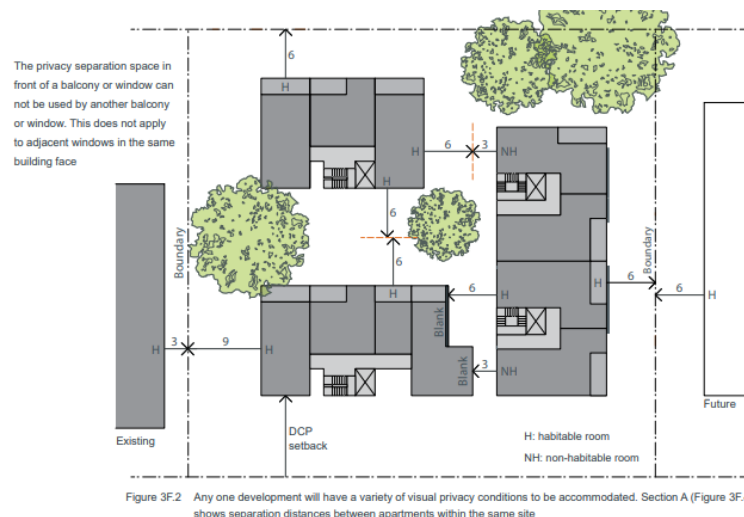
#### **Setbacks/Visual privacy:**

*Despite claiming compliance with the ADG visual privacy requirements, the proposal does not address the setback requirements in Section 3F of the ADG and inadequate setbacks are proposed which do not meet the design criteria in Section 3F of the ADG. The setbacks fail to adequately address visual privacy issues, contrary to the provisions of Section 3F of the ADG which requires setbacks as follows:*

Design criteria		
1.	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:	
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

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Figure 3F.2



*The proposal has a range of visual privacy conditions and interfaces and the proposal is substantially non-compliant with the setback design criteria, both within the PP site and externally in a number of locations. A detailed analysis should be provided to support the proposed setbacks and claimed compliance.*

*It should be noted that Section 3F Visual Privacy which primarily identifies minimum setbacks to achieve acceptable privacy also contains an objective relating to transition in scale and increased landscaping at zone interfaces. The northern boundary side setback is required under the ADG to be set back an additional 3m to achieve an appropriate transition in scale and facilitate the provision of additional landscaping adjacent to the boundary.*

*Height, bulk and scale and massing:*

*The height, bulk and scale, and massing of the 8 storey building on Sites C & D is considered to be excessive and uncharacteristic of surrounding development. While a degree of articulation has been incorporated into the design, the building length is excessive. The podium design presents an excessively long and unbroken façade to Alfred Street. Greater articulation is required with increased cut-outs/recesses to the Alfred Street and Little Alfred Street facades above podium height. The height, bulk, scale and form of this building is distinctly uncharacteristic and unsympathetic to surrounding development.*

*The three storey northern façade of the podium on Site A is excessively long and unbroken, with an inadequate setback of 1.2m-2.4m from the side boundary and the adjoining low density residential development to the north. The ADG requires an additional 3m setback at a zone interface with a lower density zone. The basement parking below ground level on a nil setback to the northern boundary, together with the inadequate podium side setback would prevent the provision of substantial landscaping to the side boundary. The above podium northern boundary setback of the commercial and residential components is also inadequate and substantially non-compliant with the ADG building separation and setback requirements. The 8 storey height, bulk and scale, and massing on Site A results in an inappropriate transition to the adjoining lower density residential development to the north.*

*Due to significant traffic noise from Bradfield Highway, dwellings will need to be provided with appropriate acoustic treatment, potentially in the form of wintergardens. Any required facade treatment to address traffic noise should be identified and incorporated into the PP plans and renderings as they will likely alter the appearance of the buildings.*

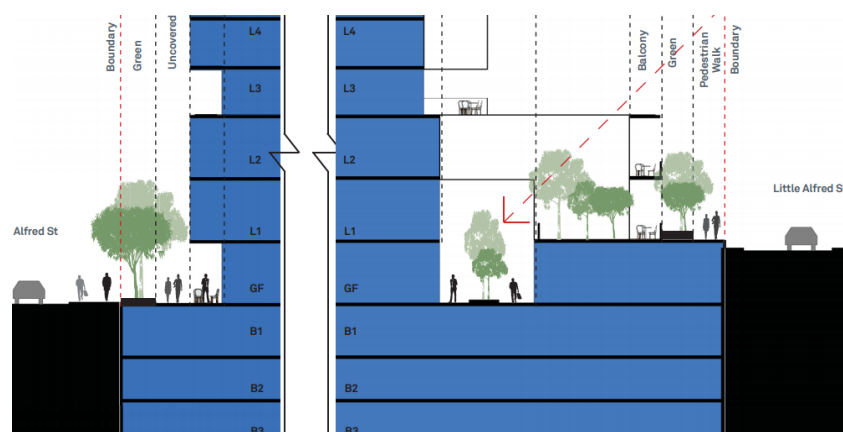
#### *Excavation/basement parking:*

*The entire site is proposed to be excavated to varying depths of up to approximately 11.5m to provide parking and basement level services. Excavation of the entire site is excessive. Further, the excavation could potentially affect adjoining sites through the need for temporary or permanent ground anchors or the like extending beyond the site boundaries. A geotechnical report should demonstrate that the proposed extent of excavation can be undertaken without affecting adjoining land or requiring encroachments for ground anchors or other stability measures.*

*The proposed extent of excavation is also unsatisfactory in relation to the provision of deep soil landscaping, as discussed below.*

#### *Landscaping:*

*The proposed excavation of the entire site precludes the provision of deep soil landscaping. This is contrary to a stated objective of the proposal to provide increased landscaping within the site at ground level, and would severely limit the viability of substantial tree planting:*



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*The ADG requires a minimum of 7% of the site to comprise deep soil landscaping, with a minimum dimension of 6m. The site is not in the North Sydney CBD where deep soil landscaping is not expected to be provided, however it is acknowledged that 7% deep soil landscaping may not be achievable given the mixed use typology. Redevelopment of the site should provide appropriately located deep soil tree planting within the site, and particularly to the northern side boundary.*

*Solar access:*

*In terms of solar access, a comparison between the existing development on the site and the proposed built form should be produced in order to demonstrate that the proposal will not have an unreasonable impact on surrounding residential development and the park on the opposite side of Whaling Road. Elevational shadow diagrams and detailed consideration is required to ensure adjoining properties will be able to be developed to meet the provisions of SEPP65 (Apartment Design Guide) with regards to solar access.*

*Objective 3B-1 of the Apartment Design Guide outlines that 'Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%. The proposal should clearly demonstrate that the additional height and massing being sought do not further reduce solar access to already compromised surrounding dwellings.*

*Unit mix:*

*The proposed unit mix should be assessed for the entire PP site, as well as on the basis of four individual sites.*

*Ceiling Height:*

*The SEPP 65 conformance table states that the ceiling heights will be 2.4m in living areas, which is below the required minimum 2.7m ceiling height.*

*Shared commercial and residential entry (275 Alfred Street):*

*The proposed shared commercial and residential lobby is unsatisfactory and requires redesign to provide a separate residential lobby. While this is presumably unintentional, the ground floor plans do not depict lift doors to the residential lifts in the shared lobby.*

*Public benefit:*

*The proposed public benefit associated with the proposal appears to be modest when compared to the potential value of the uplift proposed. While the identified design issues would not be resolved simply through the provision of additional public benefit, an appropriately designed development should also provide substantial public benefit, related to the development uplift as a result of the PP.*

*Site Specific DCP:*

*While providing for some positive design outcomes such as incorporating fine grain development to Little Alfred Street, through site connections and a pedestrian arcade, the site specific DCP proposes inadequate setbacks and unacceptable built form outcomes, inconsistent with ADG objectives and design criteria in relation to building separation, setbacks, deep soil landscaping and other amenity related provisions.*

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*The objectives in the site specific DCP include achieving “A high quality built form which transitions down to the Heritage Conservation Area...”. The Whaling Road Conservation Area adjoins the site to the east and the north. The proposed setbacks and built form outcomes permissible under the DCP would not achieve an appropriate transition down to the north, as previously discussed, and as such the provisions in the DCP conflict with this objective.*

*In terms of s.1.1.2 (Relationships to other sections) and s.1.1.4 of the DCP (Relationships to other documents and planning policies), the DCP states that it should be read in conjunction with other sections of the NSDCP 2013 and SEPP 65, among other policies. However, the built form and massing provisions in the DCP are inconsistent with a range of provisions in other sections of NSDCP 2013 and the objectives and design criteria in relation to a number of key provisions in the ADG, resulting in an inherent inconsistency between the site specific DCP provisions on one hand, and other sections of NSDCP 2013 and the ADG.*

*It is noted that Figures D-1.4 (Level 1 setbacks) and D-1.5 (Level 7 setbacks) do not accurately depict the proposed built form on level 1 and level 7.*

*The site specific DCP also includes provisions such as in s.1.1.6 “P4 The ground floor setbacks along Little Alfred Street, Alfred Street and the northern landscaping where possible [sic]”, which was possibly intended to require landscaping to the ground floor setbacks to the eastern, western and northern boundaries, and “P5 Limit the overshadowing to the surrounding neighbours within the Heritage Conservation Area”. However, given that the site is excavated to the boundary at basement level to the eastern, western and northern boundaries, there is no opportunity to provide deep soil landscaping within these setbacks at ground level. In relation to overshadowing, there is little point in a provision such as P5 when the building envelopes permissible on the site are set out elsewhere in the DCP. Overshadowing impacts should be identified and assessed in terms of acceptability at the PP stage.*

### *Conclusion*

*The proposal raises a number of fundamental issues which require further consideration and a substantial redesign in order to achieve an acceptable outcome for redevelopment of the site.*

### **Consultant planner comment**

Whilst not all the above points are agreed with, generally there is agreement that the height bulk and scale of the proposal are excessive and need for the proposal to be revised to ensure an appropriate contextual relationship and reduced impact. This is discussed further below.

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

The submitted documentation has adequately considered the relevant Section 9.1 Directions.

In relation to the business zoning of the land, whilst the proposed indicative scheme indicates a loss of commercial floor space on the site, the JRPP and Council’s Study have supported the change in zoning from B3 to B4. It is agreed that an increase in residential use of the site is more compatible with the existing context and that any loss of commercial floor space can be accommodated with the North Sydney CBD.

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It is noted that the applicant's assessment of this issue partly relies upon the provision of around 10,000sqm of commercial floor space in the indicative scheme. However, the proposed LEP amendments do not ensure that this outcome will be achieved (ie no minimum non-residential FSR is proposed). Whilst such an amendment to the LEP could be required, this is not considered necessary given that the Planning Study recommended a much lower commercial component (0.8-0.9:1) and that there are other LEP provisions that require ground level commercial floor space. Further, in terms of the loss of commercially zoned land, Council's recent Amendment 23 to the LEP provided for significant additional commercial floor space in the CBD B3 Commercial Core zone - much greater than will be lost with this Planning Proposal. Whilst this additional floor space is aimed at providing for employment growth, there are other investigations underway including the Ward Street Master Plan and the North CBD Study that could also provide additional commercial floor space. Providing such floor space close to the new Metro Station is considered to be a better outcome than retaining significant commercial floor space on the subject land which is considerably less accessible.

Regarding heritage see the comments below.

#### **8.4 Environmental, Social and Economic Impact**

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

No, there is no important ecology on the site.

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

##### *Shadow Impacts*

The impact on neighbouring properties has been addressed above. In relation to the overshadowing of Alfred Street North Park, as noted above the level of impact is unacceptable. Council's Planning Study provides the following comments about this park.

*The reserve to the south of the precinct is owned by Roads and Maritime Services and is minimally landscaped. It is a buffer between the highly trafficked Warringah Expressway, Alfred Street and the residential area beyond. Although the park is not as well patronised as the surrounding Anderson Park or Milson Park, workers and residents occasionally use the park, particularly around lunch time and in the afternoon.*

The Planning Study did not provide any discussion of the overshadowing impacts on this park. Whilst it may be owned by RMS, it is currently open space and the proposal generates a demand for additional open space. If the Planning Proposal is to proceed, the RMS need to be consulted to ensure that the space can be retained as a park and upgraded to provide improved amenity for the local community including future residents and workers within the precinct.

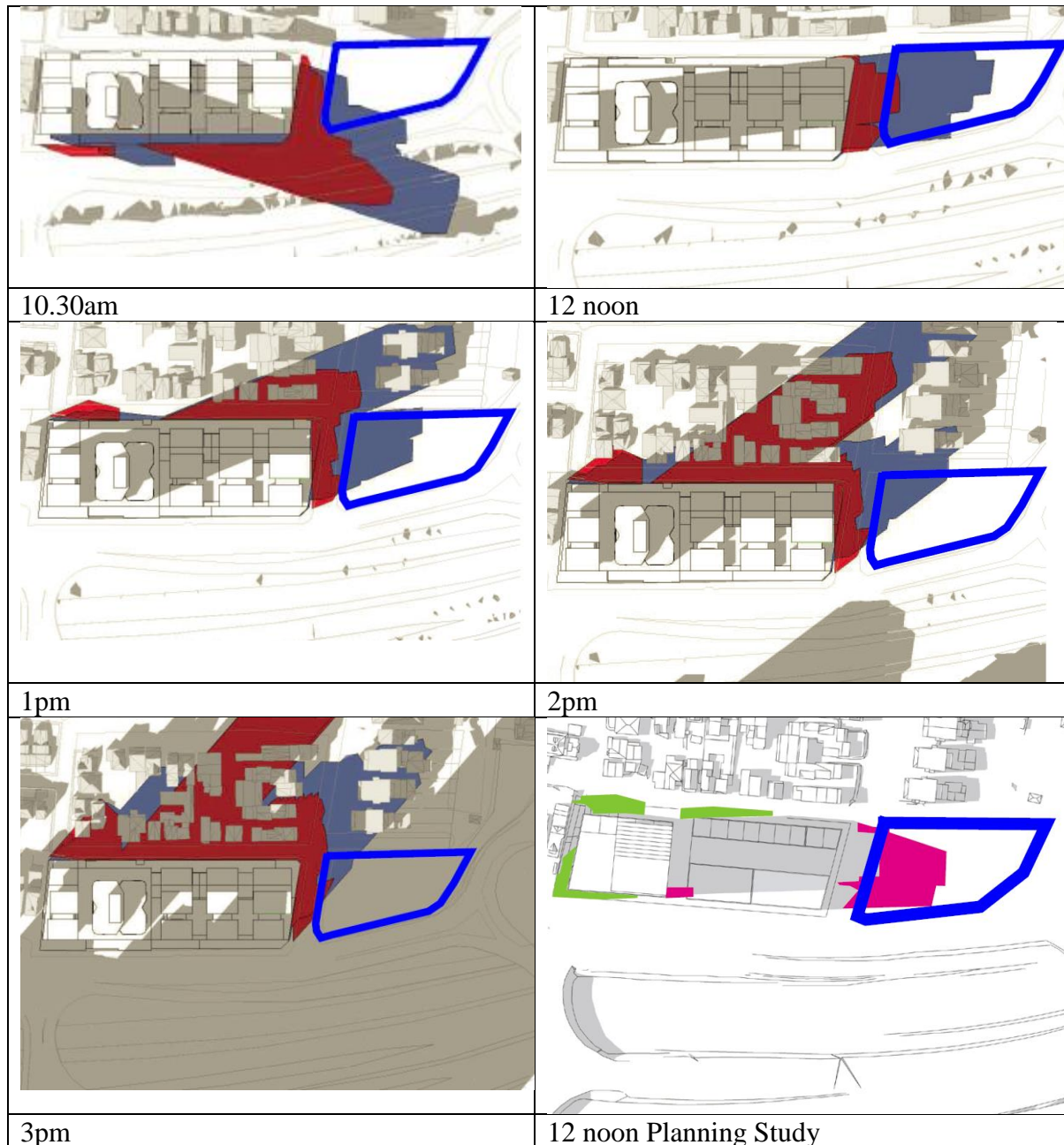
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As indicated in the following diagrams, there will be significant additional overshadowing of the park between 10.30am and 3pm at midwinter. Also noted below is the impact at 12 noon from the envelope indicated in the Council's Planning Study. Whilst this appears to be considerably less than the Planning Proposal, further investigations should be made to reduce this impact, particularly in the Noon-2pm period. This applies to both the tower at 275 and also the 8 storey building elements along Alfred Street.



### *Privacy Impacts*

It is considered that the proposal generally complies with the visual privacy requirements of the Apartment Design Guide (ADG); as blank wall are indicated between buildings. In relation to the setback to the northern boundary, high level windows can be provided to minimise overlooking. Adequate separation is provided to windows that have direct views to neighbouring properties.

### *View Impacts*

Due to the distance between the subject site and taller building where views may be affected, any additional impact is likely to be limited. An example of an existing view is provided at **Figure 22** which indicates that an increase in the height of the Bayer building will obstruct part of the distant skyline, however the degree of overall impact is minor. It appears that no iconic views of the Opera House or Harbour Bridge would be affected unless the building envelope is moved westward. It is not clear from the documentation whether this is the case.



Source – realestate.com.au

**Figure 22 – view toward Bayer Building and city from 37/95A Ridge Street North Sydney**

### *Height*

In their consideration of the previous Planning Proposal, the JRPP concluded that the existing FSR of the Bayer Site and the permitted FSR's on the remainder of the sites should be maintained and that 'some additional height' may be appropriate. The existing 13m height control in the precinct does not allow the existing FSR to be achieved. Further, it potentially inhibits the provision of lower scale buildings along Little Alfred Street to provide a better transition to the heritage conservation area. In undertaking Council's Planning Study, a balance has been sought to be achieved between the heritage issues, the change in use to residential and the need to be able to reasonably achieve the permitted FSR's. Residential floor space is less efficient than commercial and therefore, higher buildings are required to achieve the same floor space. The desire to provide a better interface along Little Alfred Street and limiting buildings to two storeys also necessitates providing the lost floor space elsewhere on the site. In an attempt to achieve these outcomes, the Planning Study recommended that building height be increased on Site D up to 9 storeys on its eastern side.

The Planning Proposal is only partly consistent with these principles, generally providing for 2 storey development along Little Alfred Street but extending the higher forms (8 storeys) along Alfred Street frontage of Sites A and C also. Whilst there has been a 1 storey reduction in height on Site D, on Sites A and C, the heights have been increased by 5 storeys. This approach is partly driven by the proposed 4 development parcels and the desire for an equitable outcome for all owners. However, it also means less flexibility in responding to the site constraints. In this regard, an 8 storey building on Site A provides for excessive bulk and scale at the interface with the heritage conservation area directly to the north (see **Figure 23**).



Source – Grimshaw Planning Proposal Design Report

**Figure 23 – northern elevation of proposed 8 storey building on Site A**

Whilst not recommended in the Planning Study, it is recommended that there could be an additional level permitted on Site A (making 4 in total), provided that it is setback from the levels below to minimise its visibility. Setbacks to the north should also be increased to be a minimum of 4.5m.

In relation to the extension of the higher form from Site D into Site C, this also result in an excessively long and bulky building to the Alfred Street frontage (see **Figure 21**). The amalgamation proposed in the Planning Study allows more opportunity to respond to these and other impacts. A more appropriate response would be to provide a higher element to Alfred Street, split 50/50 between Sites C and D (recommended to be amalgamated). This would result in a less bulky building and one which is pulled away from Whaling Road, in order to reduce shadow impacts.

It is also considered that the height of the Bayer Building on Site B, also adds unnecessarily to the bulk and scale of this already out of character building. As noted above it also creates further adverse shadow impacts. It is noted that there has been no assessment of the increased height that would result from the proposed 2:1 bonus FSR. This is likely to require a minimum of an additional 5 storeys assuming the same building floorplate. This would take the building beyond the advised structural capacity of the building (an additional 8 levels), so in this case it is assumed the existing building would be replaced. Given that the base height proposed already has unacceptable impacts, any further height would not be acceptable.



In relation to the base building height alternatives should be considered to reduce visual and overshadowing impacts, particularly on Alfred Street North Park. More utilisation of podium floor space could be an alternative that may result in reduced building height (see further discussion below). It is also noted that the proposal is not tapered at the top which is inconsistent with the envelope shown in the Planning Study. Consistency with this requirement could also reduce impact.

*Visual impacts/Character*

The proposed documentation is unclear in terms of the relationship of the modified Bayer Building with the existing envelope. The architectural plans do not indicate the existing building form. The following diagram indicates that there will be a slight increase in bulk to Alfred Street (see **Figure 24**). Other documentation (p43 of the Design Report) indicates an existing setback to Little Alfred Street of 10.8m and 7.7m to Alfred Street. The draft DCP provisions indicate that the allowed built form is the existing footprint which is shown as having an 11.1m setback to Little Alfred Street and around 7m to Alfred Street (not dimensioned). Therefore it is unclear how the proposed form relates to the existing form. This is important as more the floor space that can be accommodated on the lower levels, the less height required and therefore less overshadowing of Alfred Street North Park and the adjoining heritage conservation area.



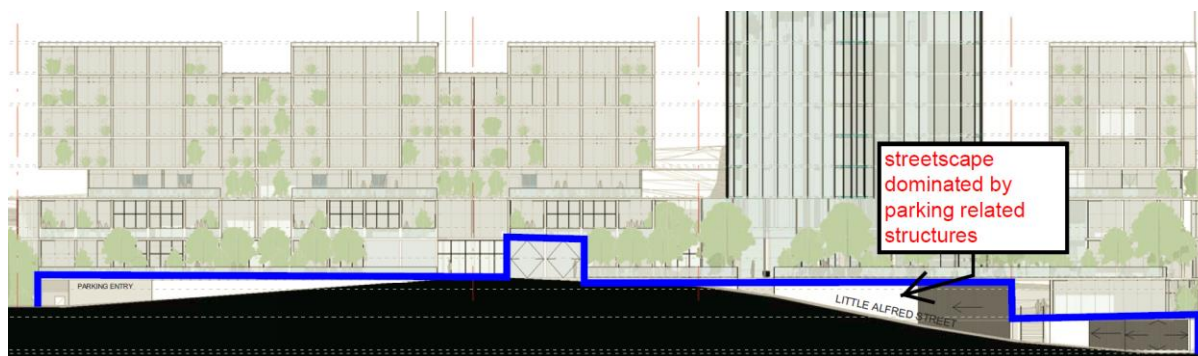
Source – Applicant Design Report

**Figure 24 – comparison of existing and proposed Bayer Building envelope**

It is also noted in this regard that the indicative scheme for Site B provides an external façade to the street frontages which intends to ensure a continuous podium across the precinct but behind which there is no floor space. Most of this area could be utilised for commercial floor space, again reducing the need for additional floors. Whilst this would compromise the intended open nature of the ground level, this is already compromised by the ‘false’ facade and the lack of solar penetration into the space. As noted previously the need for such an extensive ground floor public domain is questioned and a more traditional response may result in reduced external impacts. The provision of an open area at the rear of the building is supported as it will provide an alternate location for outdoor seating that will enjoy morning (and some lunchtime) sun.

Together with the proposed building heights on Sites C and D, the lack of separation of the taller elements results in a very bulky presentation to Alfred Street (see **Figure 21**). Whilst the intended zoning is B4, the site is isolated from other commercial areas and is surrounded by a heritage conservation area. In this context, 'street wall' development up to 7 storeys (the 8<sup>th</sup> storey is provided with some separation), is not appropriate. As noted above, the length of this building should be limited to be similar to that indicated in the Planning Study.

Generally the bulk and scale of buildings to Little Alfred Street is reasonable. However, contrary to the Planning Study, the proposal does not provide a 3m deep soil setback but rather an elevated landscape setback. The ground level at the street front is dominated by vehicular access, loading docks and blank car park walls. These two factors result in a very poor visual outcome for this streetscape (see **Figure 25**).



Source – Applicant Design Report

**Figure 25 – Little Alfred Street frontage**

Whilst the Planning Proposal accommodates 2-3 storey development to Little Alfred Street and the Planning Study recommended a 3 storey maximum, the existing buildings are 3-4 storeys and unsympathetically designed. Whilst the objective of an improved interface with the heritage conservation area is understood, in order to allow moderation of building height elsewhere on the site, it may be appropriate to consider higher building elements, particularly if they are setback to minimise impact.

As noted previously the excessive height and bulk result partly results from inefficient use of the lower levels of the building including an extensive circulation system. Whilst this is presented as a public benefit, these areas will be predominantly in shade and they do not make access to areas around the site easier. The potential success of extensive retail areas in this location is also questionable. Whilst some ground level open space is desirable it should not come at the price of needing to provide additional height as the height is most critical issue for this Planning Proposal.

#### *Transport, Traffic and parking*

Council's Senior Strategic Transport Planner has provided the following comments:

#### *Transport implications*

*The Planning Proposal is accompanied by a Traffic Impact Assessment, which has been prepared by TPP. The Traffic Impact Assessment assess the potential impact of the concept proposal and generally concludes that the redevelopment will reduce peak trips but cause minor increase in average delays and queues in adjacent intersections. In addition that these intersections will continue to operate at the same level of service during both peak periods.*

*The Planning Proposal and the Traffic Impact Assessment were referred to the Council's Strategic Transport Planner for comment.*

- *In total, 143 off-street parking spaces (car and motorcycle) are proposed, generally in line with the North Sydney Council DCP and LEP*
- *On-street loading areas for Sites A and B and indented on-street loading areas for Sites C and D*
- *269 bicycle parking spaces are proposed*

#### *Parking Provision*

*The concept proposal includes provision for the maximum number of private parking spaces permissible under the current planning controls. As the maximum number of private parking spaces is an upper limit, the applicant is encouraged to further reduce the number of private parking spaces, given the precinct's proximity to mass public transit and the general travel behaviour of residents living in the LGA. Consideration of providing car-share parking spaces could result in notable reductions in the number of vehicle trips generated by the site. Such issues should be addressed in a Draft Travel Plan for the site.*

#### *Walking*

*The Traffic Impact Assessment identifies existing walking infrastructure but does not assess the impact of the potential development on the walkability in the area. Desire lines, level of service, and other assessments could help evaluate the impact on the walkability of the network. There is potential conflict between vehicular and pedestrian movements at certain points. It would be useful for the applicant to consider the visibility between drivers and pedestrians to ensure higher levels of safety. In particular, consideration should be given to incorporating visibility splays around vehicular crossings at the property boundaries on Whaling Road and Little Alfred Street.*

#### *Cycling*

*The Traffic Impact Assessment identifies the cycle routes in the neighbourhood but doesn't address how the applicant plans to encourage use of cycles.*

- *The proposal should consider existing cycling infrastructure and potential for improvements.*
- *While the drawings seem to indicate "end of trip" facilities, the impact assessment does not provide much detail. End of trip facilities should be discussed in a Draft travel plan. Council's DCP provides indications on type and amount of End of trip facilities required (refer section 10.5 Bicycle Parking and Associated Facilities).*
- *The assessment does not elaborate how bicyclists will access parking on Site C*
- *Bicycle storage facilities for visitors are to be located at-grade, near major public entrances, and signposted (refer P10, section 10.5 Bicycle Parking and Associated Facilities of the Council's DCP). The proposed drawings do not indicate this.*
- *Access to cycle infrastructure off-site needs to be discussed in more detail.*

#### *Public Transport*

*The site has good access to public transport facilities (existing and future). This is a good reason for the proposal to consider a further reduction in car parking spaces. Other actions to encourage public transport use, reduce car reliance and minimise on-site parking demand should be included as part of a Draft Travel Plan.*

#### *Car park and Parking management*

*The sites for this Planning Proposal are in a constrained parking environment. The proposed plans will likely affect existing parking provisions and the Traffic Impact Assessment does not include an assessment of the impact of the vehicular access for this site on existing provisions (on Little Alfred Street and Ormiston Avenue). Site A proposes to have the car park located at the intersection of Little Alfred Street and Ormiston Avenue. More trips from the basement car park could create conflicts at the intersection of the two streets. These conflicts must be considered in the revised proposal. Similarly, access to the basement car park of Site D is close to intersection and the impact of potential queues need to be discussed (since the queues might conflict with proposed pedestrian access on Whaling Road).*

*Site C proposes the use of car lifts. Council's DCP discourages the use of car lifts and a revised proposal should consider and present alternatives. The proposal also shows very inefficient parking layouts, with a large amount of space dedicated to circulation and limited number of parking spaces per floor (e.g. Sites A and C). Further consideration should be given to providing a communal basement arrangement to maximise efficiency and minimise the number of vehicular access points to Little Alfred Street which would improve pedestrian amenity.*

#### *Car Share*

*North Sydney Council DCP allows developments to include car share vehicle parking spaces. For this proposal, it is possible to provide up to 8 car share vehicle spaces, replacing 32 residential and non-residential spaces. This reduces the overall parking requirements on the site by 24 spaces. Actions that encourage car sharing should be included in the Draft Travel Plan.*

#### *Travel Demand and Mode Split*

*The Planning Proposal and the Traffic Impact Assessment does not sufficiently address emerging travel trends. ABS's travel to work data from 2016 suggests that within North Sydney, residents have lower levels of dependence on private vehicle trips in comparison to 2011. The same data source identifies that 74% of residents walk, cycle, ride public transport, or ride-share to work. These trends indicate a reduction in car ownership and need for private parking spaces. The applicant could consider these trends in exploring options for further reduction in parking spaces.*

#### *Traffic generation*

*The Traffic Impact Assessment provides an impact on the traffic functions of: Little Alfred Street and Whaling Road, and Neutral Street and Whaling Road intersections while indicating that the Alfred Street North – Whaling Road intersection will not be adversely impacted. It is better to indicate this through a quantitative assessment. The Assessment should analyse this intersection in addition to the two intersections noted above. The traffic distribution for the model is based on several assumptions. It is good practice to perform a sensitivity analysis on these assumptions. It is possible that by utilising the sensitivity analysis, that this could result in changes to the level of service of the nearby road network.*

#### *Loading facilities*

*The Traffic Impact Assessment suggests that the provision of on-site loading bays will be limited to Sites A and B and an indented loading bay on Sites C and D. These proposals do not comply with the Council's DCP (refer to section 10.4 Loading and Servicing facilities). On-street loading bays on Alfred Street North aren't an acceptable alternative, and further revision is required.*

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### Consultant Planner Comments

The comments are generally concurred with and in particular, the indicative basement design and need for car lift access is of concern. The inherent inefficiency in having individual basement parking on 4 relatively small sites is problematic not only for feasibility but also because it will result in an unreasonable impact on the streetscape of Little Alfred Street, as discussed above. This matter is discussed further in regard to site amalgamation below.

#### *Site Amalgamation*

The Planning Proposal is based on the creation of 4 development sites within the block (ie Sites A-D). A and B do not require amalgamation but C and D are comprised of 2 parcels each. Whilst the difficulty of amalgamating sites is acknowledged, there are numerous benefits of requiring larger development sites. In this case, the benefits are:

- More flexibility in creating a suitable design response as the FSR is spread over a larger area. A larger site could potentially accommodate higher buildings than smaller sites, with minimal increase in impact;
- Ability to provide larger, higher value commercial floor space areas;
- Better car park efficiency;
- Fewer vehicular access points and car parking related structures on the street front;
- Better overall ability to mitigate the impacts of development;

The lack of amalgamation in the Planning Proposal has unacceptable impacts in relation to parking, excavation, access and the consequent visual and streetscape impacts as discussed above. Also the inclusion of a north/south retail arcade is reliant on Sites C and D being developed together. Without this amalgamation, the arcade would have a 'dead end'. Further the owner of No 271-273 is opposed to the provision of this arcade. Given that the applicant is not the owner, it is questioned whether the arcade should be mandated through the draft DCP provisions.

In view of the above it is recommended that any Planning Proposal include provisions that require amalgamation into Sites A and B as contained in the Planning Strategy (see **Figure 26**).

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**Figure 26 – Site amalgamation requirements**

### *Land Use*

The JRPP and the Planning Study have acknowledged that the proposed change from B3 Commercial Core to B4 Mixed use is appropriate. The local community appear to be generally in support of this change also. This change is also consistent with the Regional and District Plans. A zone that encourages residential use is considered more appropriate having regard to the site context, as the site is isolated from the North Sydney CBD and is surrounded by low density development, much of which has heritage significance.

In terms of non-residential use, the Planning Proposal does not seek to apply a minimum non-residential FSR control as is the case with other B4 areas in North Sydney. This is acceptable on the basis that there seems to be general agreement that the uses fronting Little Alfred Street should be residential in nature. If the Planning Proposal is to proceed, it is noted that Clause 4.4A and Clause 6.12A will require amendment to allow residential uses along Little Alfred Street. A generic provision that could apply to other situations such as this would be preferred however, if further investigation indicated an issue with a generic approach then the amendment could specifically exclude development on Little Alfred Street from these provisions.

It is noted that the Planning Proposal provides for a significant amount of retail and commercial floor space. Typically development with the B4 zone accommodates ground level commercial or retail floor space. The proposal includes commercial uses up to Level 6. The submitted Economic report does not consider the need or feasibility of retaining significant commercial floor space on the site .

It is noted that the proposed commercial floor space (10,127sqm) is significantly more (5,431sqm) than indicated in the Planning Study (4,695sqm). Whilst there is no specific planning issue in this regard (as discussed in Section 8.3.3 above) , one of the main benefits of the change of use is the ability to accommodate residential use which has a greater value compared to commercial use. Therefore, in terms of the feasibility of the development, it is not clear why so much commercial FSR is shown in the indicative scheme. This point is

supported by the submitted Economic Feasibility report which notes that the isolation from the CBD and the small floorplates are factors in the low value of commercial floorspace on the site. There may be an opportunity to ensure feasibility with buildings of reduced height but more residential use, although it is acknowledged that commercial floor space is more 'efficient' than residential floor space.

#### *Acoustic Environment/Impacts*

The subject land adjoins a high volume road (Warringah Expressway) and as such any future development may need to provide appropriate noise mitigation to ensure an acceptable level of acoustic amenity.

#### *Heritage impacts*

This was referred to Council's heritage planner who has advised:

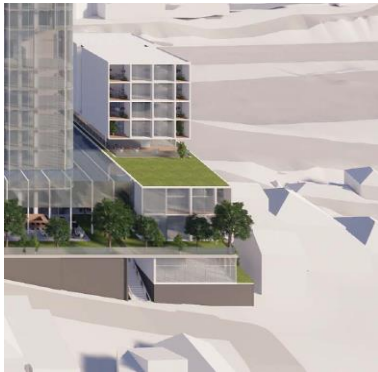
*This memo provides comments regarding the impacts to the adjacent Whaling Road Conservation Area. In general terms, the proposal will alter an eclectic group of buildings that exhibit a variety of heights and massing to a less varied streetscape and building form. This will have a negative impact upon the conservation area.*

*The proposed development has little relationship at street level with 1, 9, 11 and 13 Little Alfred St due to the height of the wall on the eastern site boundary. A stepped landscaped buffer would be preferable or other pedestrian openings to the street to reduce the perceived bulk of the development relative to the bulk of the dwellings in the conservation area. The massing and scale of the dwellings fronting Little Alfred St are very modest. By contrast the blank wall has a massing and scale indicative of a massive development. The high wall creates a tunnel effect with an impermeable presentation to Alfred Lane and a non-human scale. The massive development form should be articulated using a variety of setbacks and a variety of materials that will improve its interface with Little Alfred .*



*There is negligible dialogue between the openings of the proposed development and the dwellings on Little Alfred St. The proposed streetscape does not offer any positive streetscape benefits in this location except for the pedestrian thoroughfare which in themselves are narrow. The pedestrian movement through the site needs to be matched with an increased human scale to Little Alfred Street and greater flexibility of form to improve access to facilities within the complex.*

*The buildings addressing Little Alfred St have fine-grained detail whilst the proposed development does not offer any fine-grained detail at street level.*



*NE corner of the development as seen from Ormiston Ave*

*The character of the façade on the NE corner of the proposed development will be visible from the view corridor along Ormiston Ave and is considered to be inconsistent with the character of the conservation area due to the extensive use of glazing. It is recommended that the extent of glazing be reduced.*



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*The proposed development on Little Alfred St does not respond to the character of the existing dwellings in the streetscape. Whilst the 3m landscape setback is a positive outcome at the southern end of Little Alfred St, the repetitive box-like forms contrast too vividly with the pitched roof forms and the finely grained dwellings within the conservation area. It is recommended that pitched roof planes be provided (e.g. pitched awnings), to provide a sense of pitched roofs at street level improving integration with the edge of the heritage conservation area. Sufficient setback along Little Alfred Street for street tree planting at grade will also enhance integration with the edge of the Whaling Street Heritage Conservation area and open up the pedestrian network for safety and pedestrian movement.*

#### **OVERSHADOWING**

*The proposed tower appears to decrease solar access to properties in the conservation area which are already considered to be dark inside due to their low proportion of glazing to masonry. In particular, No. 1 Whaling Rd appears to be over-shadowed by the proposed development between 1pm to 3pm in winter.*

#### **SIGNAGE**

*The proposal to have no signage on the Waling Rd and Little Alfred St frontages is supported. Signage on the north elevation may be visible from the conservation area and should consider the visual impact to the conservation area. It is recommended that signage be limited to building signage only.*

#### **PARKLAND**

*The provision of a pocket park at the north of the site is supported as it will assist in providing a buffer to the dwelling located at 1 Bray St.*

*It is recommended that the planning proposal include the park to the south of Whaling Rd so that it is upgraded. Although it provides visual amenity to those that pass-by in vehicles, it currently provides little to the local community due to its high exposure to noise.*

#### **MATERIALS**

*The facades that address Little Alfred St do not provide a variety of materials and use materials with no fine-grained detail. It is recommended that a greater variety of materials be used that assist in providing fine-grained detail to Little Alfred St.*

#### **USE**

*No objection is made to the proposed change of use from commercial to mixed use as this will have minimal impact upon the conservation area.*

**Consultant Planner comment** - Not all of the above comments are considered relevant as they fail to acknowledge the nature of existing development (which is considered to have a relatively poor relationship with the adjoining conservation area) and relate to a level of detail which is considered to be excessive at this stage of the process. Notwithstanding this, it is agreed that the proposal will have a poor relationship with the heritage conservation area as discussed above.

#### **Wind Impact**

No wind impact assessment has been submitted. The Planning Proposal provides extensive circulation areas that could be affected by an adverse wind environment. Given that the applicant intends that the ground floor 'public' domain be enshrined in the DCP, further investigation should be undertaken.

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### *Signage*

The draft DCP provisions include details dealing with signage and is referred to a 'Advertising Design Analysis'. This term is used in State Environmental Planning Policy No 64-Advertising and Signage and where a DCP has been prepared on the basis of an advertising design analysis, the following would be permitted:

- Advertising display area greater than 45 square metres
- Roof or sky advertisements.

Also SEPP 64 notes that *"an advertising design analysis for an area or locality for the purposes of clause 15, 19 or 21, is to include an analysis of the following:*

- (a) the existing character of the area or locality, including built forms and landscapes,*
  - (b) the key positive features of the existing character of the area or locality,*
  - (c) the desired future character of the area or locality,*
  - (d) the role of outdoor advertising.*
- (2) In undertaking an advertising design analysis (not being an advertising design analysis referred to in clause 15 (2) (a)), the council must consult with the advertising industry and local businesses."*

Notwithstanding that the applicant's suggested DCP provisions do not comply with the above, the types of signage that are intended to be facilitated, are not appropriate within the proposed B4 zoning and also because of its context, being adjoined by a heritage conservation area. There does not need to be any specific DCP provisions related to signage as the existing LEP and DCP controls are sufficient.

### *Consistency with North Sydney LEP and DCP controls*

The Planning Proposal is considered to be consistent with some of the aims of the LEP and inconsistent with others. In particular the proposal will not *"ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance"*.

The Planning Proposal is generally consistent with the objectives of the B4 Mixed Use zone however it is considered that the Planning Proposal would not *"create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity."*

Clause 4.3 Height of buildings. It is considered that the proposed building heights will be contrary to the following objectives for the height standard contained in the LEP:

- (c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,*
- (e) to ensure compatibility between development, particularly at zone boundaries,*
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.*

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(54)

Clause 4.4 Floor space ratio – It is considered that the proposed building heights will be contrary to the following objectives for the FSR standard contained in the LEP:

- (a) to ensure the intensity of development is compatible with the desired future character and zone objectives for the land,*
- (b) to limit the bulk and scale of development.*

Clause 4.4A Non-residential floor space ratios – The applicant is not seeking application of a minimum non-residential FSR control. As noted above, given the nature of the site being isolated from other commercial areas and located in a residential heritage context, and given the ability to accommodate lost commercial floor space more appropriately in the CBD, it is considered to be unnecessary to mandate a minimum non-residential FSR. Further, ground level commercial floor space along Alfred Street will be required by way of other provisions of Clause 4.4A and Clause 6.12A (noting they will require some amendments as discussed above);

Clause 5.10 relates to heritage conservation. As indicated above, Council's heritage planner is of the view that the proposal will have adverse heritage impacts.

Clause 6.12A relates to residential flat buildings in Zone B4 Mixed Use. As noted above, the indicative scheme has residential uses at ground level along Little Alfred Street and so this clause would need to be amended to facilitate the proposal, as detailed above.

In relation to the DCP, Section 2 Commercial & mixed use provides general controls for this type of development. Section 9 of the DCP relates to Area Character Statements and provides more specific controls. The Alfred Street Precinct, whilst not part of the North Sydney Centre under the LEP, is within the CBD Planning Area in this part of the DCP. However there are no provisions that specifically relate to the precinct. Given the change in zoning and the lack of existing controls, the Planning Proposal includes draft provisions to be included in the DCP to control the nature of future built form on the site. This is an appropriate approach, however, as noted above, the proposed built form outlined in the Planning Proposal is not considered to be appropriate and needs to be further considered.

The parking requirements of Section 10 of the DCP have been considered and are addressed in Council's transport planner's comments above.

#### 8.4.3 Has the planning proposal adequately addressed any social and economic effects?

##### *Social Considerations*

The proposal will have no specific social benefit other than the potential to provide more housing or commercial floor space (which will be determined by the DA process).

There will be some public benefit in terms of the provision of public access through the site however, as noted above, the design and extent of the circulation areas is not acceptable. The proposal also results in the overshadowing of a public park and as such as a net adverse social impact.

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Where a proponent seeks to significantly increase the capacity of a site, Council encourages the proponent offer a public benefit proportionate to the increase in value of the land, in the form of an offer to enter a VPA. No details have been provided to indicate what the uplift in value of the site will be resulting from the change in zoning and increase in maximum building height and FSR. This makes it difficult for Council to make an informed decision as to what level of public benefit may be considered reasonable. It is noted that the applicant previously indicated that the owners of the site would offer to enter into a Voluntary Planning Agreement (VPA) with Council.

#### *Economic impacts*

The proposal will likely result in the loss of commercial floor space within the precinct. The Economic Assessment submitted concludes that this is a reasonable impact in the circumstances. It is agreed that any lost commercial floor space would be more than accommodated by the increase in commercial floor space in the North Sydney CBD, which is considered to be a superior location for commercial growth. Otherwise, the proposal will have positive economic impacts. The construction of a new development will be of benefit to the local and regional economy.

### **8.5 State and Commonwealth Interests**

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

There is likely to be adequate services' infrastructure in the area to accommodate the proposed increases in demand, alternatively the applicant will be required to pay for any upgrades required.

In terms of social infrastructure, the relevant state agencies would be consulted if the Planning Proposal proceeded and any issues could be addressed at that stage. In terms of local services, whilst Section 7.11 contributions would be payable, these will be beyond the scope of what has been planned for and there may be other local services or facilities that may be required as a result of the proposal. As noted above Council encourages the proponent offer a public benefit proportionate to the increase in value of the land, in order to assist in meeting increased demand for services and facilities.

The Planning Proposal will result in an increased demand for open space, and the existing condition of Alfred Street North Park is poor. The proposal provides the opportunity to provide for significant enhancement of this space for the local community and future residents and workers.

#### **8.5.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Under the Gateway process the views of State and Commonwealth public authorities are not known until after the initial Gateway determination. This section of the planning proposal will be completed following consultation with those public authorities nominated by the Gateway Determination.

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## **8.6 Mapping**

The applicant has prepared appropriate mapping indicating the changes that are required to the LEP height maps to facilitate the Planning Proposal.

## **8.7 Community Consultation**

The level of community consultation will be determined as part of the Gateway determination.

## **9. MORATORIUM ON PLANNING PROPOSALS**

As previously indicated, Council has resolved to not accept any new planning proposals involving a residential use, until the earlier of 1 July 2020 or the completion of any gazetted amendments to the North Sydney LEP in respect of any Land Use and Infrastructure Plan produced by the DPE's Priority Precinct planning process.

Whilst the above is acknowledged, this is a matter for Council to consider.

## **10. SUBMISSIONS**

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 tracking webpage.

These submissions are normally considered as part of Council's assessment report for a Planning Proposal, to illustrate the level of public interest in the matter before Council makes its determination.

At the time of reporting, 12 submissions have been received. The submissions raised the following issues:

- Excessive height and bulk;
  - Incompatibility with heritage conservation area;
  - Loss of privacy;
  - Overshadowing;
  - Traffic related issues;
  - Parking impacts;
  - Purchase of No 283 Alfred Street;
  - Lack of community consultation;
  - Construction impacts;
  - Errors in documentation;
  - Feasibility should not be consideration;
  - Land use change appropriate;
  - Bonus provisions should apply to whole precinct;
-



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- Concerns about wording of DCP and emphasis on retail use;
- Concern relating to public benefit;
- Increase in FSR to 263-269 Alfred Street and 4 Little Alfred Street to 4:1 to allow feasible redevelopment;
- Support for indicative amalgamation;
- Support for proposed building heights;
- Opposition to retail arcade;
- Desire to maintain signage

These matters have been primarily addressed above, however those that have not are considered below.

Purchase of No 283 Alfred Street – the submitted documentation included a letter from the applicant and owner of No 275 detailing an offer to purchase No 283. The documentation includes an independent valuation and a letter of offer. Further the Planning Proposal report comments that the information is consistent with the Land and Environment Court planning principle regarding amalgamation isolation of sites. Notwithstanding, the submitted information, in this case, as detailed above, amalgamation has significant benefits including the ability to provide an efficient parking arrangement and consequent improvements to the streetscape of Little Alfred Street.

Lack of community consultation – there is no requirement for the applicant to consult with the community at this stage of the process.

Construction impacts – this issue will be addressed later in the process when DA's are submitted for redevelopment.

Increase in FSR to 263-269 Alfred Street and 4 Little Alfred Street to 4:1 to allow feasible redevelopment – the submitted feasibility analysis indicates that an FSR of 4:1 is required to allow feasible redevelopment of 263-269 Alfred Street and 4 Little Alfred Street. There has been no independent review of the feasibility analysis and in any event, the feedback from the JRPP, is that the permitted FSR of 3.5:1 for this property should be maintained. The Planning Proposal is consistent with this outcome.

Bonus provisions should apply to whole precinct – as indicated above the bonus FSR provisions sought in relation to 275 Alfred Street are not supported.

Concerns about wording of DCP and emphasis on retail use – the submission requested more flexibility in the DCP wording regarding the provision of ground floor retail space. The LEP permits commercial floor space at ground level and given the nature of the site, it is appropriate that the DCP wording changed to indicate ground floor uses can include commercial floor space.

## CONCLUSION

The Planning Proposal seeks the following amendments to NSLEP 2013:

- Rezoning the site from B3 Commercial Core to B4 Mixed Use.
- Increase the maximum building height on the Height of Buildings Map from 13m to:
  - 31m (an 18m increase) at 283 Alfred Street,
  - 80m (a 67m increase) at 275 Alfred Street,

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- 28m (a 15m increase) at 271-273 Alfred Street, and
- 29m (a 16 increase) at 263-269 Alfred Street/4 Little Alfred Street.
- Increase the maximum floor space ratio on the Floor Space Ratio Map for 275 Alfred Street from 3.5:1 to 7.3:1.
- Incorporate a local provision allowing a 2:1 floor space ratio bonus on land at 275 Alfred Street subject to a design excellence competition being held.... under NSLEP 2013 as it relates to the subject site.

The Planning Proposal is generally consistent with the relevant requirements under s3.33 of the EP&A Act.

## RECOMMENDATION

**THAT** the Panel resolves not to support the Planning Proposal being forwarded to the Department of Planning and Environment seeking a request for a Gateway Determination for the following reasons:

- The indicative concept design fails to demonstrate how the site could be acceptably developed to the requested heights insofar that it does not respond adequately to the site attributes and context and will result in a significant level of public and private amenity impacts;
- It is contrary to objectives (c), (e) and (f) of the Height of Building controls under clause 4.3 to NSLEP 2013;
- It is contrary to the objectives (a) and (b) of the FSR controls under clause 4.4 to NSLEP 2013;
- It is inconsistent with a number of objectives and actions under the relevant Regional and District strategies applying to the land;
- It will have an adverse impact on the adjoining Whaling Road heritage conservation area;
- It will result in excessive overshadowing of adjoining properties including Alfred Street North Park;
- It will have an adverse visual impact and detract from the existing and desired future character of the area;
- It does not encourage the amalgamation of lots to:
  - allow adequate flexibility in the manner in which built form is distributed on the site to minimise impact;
  - minimise vehicular access points and parking related structures on Little Alfred Street and;
  - allow an appropriate and efficient basement parking arrangement;
- It provides minimal public benefit in that the public accessible areas within the site are mainly thoroughfares that provide access to commercial uses and have limited potential for use as open space and limited amenity;
- The provision of an LEP provision allowing an additional 2:1 FSR subject to design excellence competition requirements is contrary to the existing LEP provisions, has not been sufficiently justified and would result in a building of excessive height and /or bulk.

**Brett Brown**  
**DIRECTOR INGHAM PLANNING**  
**(Independent Planning Consultant)**

FSR table comparison

		NSLEP 2013 - Existing LEP Controls		Existing Built Form					2015 PP			Alfred Street Precinct Planning Study (As amended Post Exhibition)			2019 PP				
	Land Area (sqm)	FSR	Height (m)	Height (m)	Storeys (Equiv)	FSR	FSR Grouping (PS Exhib)	FSG Grouping (PS Post Exhib)	Height (m)	Storeys (Equiv)	FSR	Height (m)	Storeys	FSR	Site	Height (m)	Storeys	FSR Base	FSR Bonus
ALFRED STREET BLOCK		3.5	13	10.5	3	2.48 :1													
283 Alfred Street	872.6			52.36	18	7.30:1	3.41:1	4.09:1					3st & 24st	6.5:1-7.4:1	A	31m	8	3.5:1	
275 Alfred Street (Bayer Building)	1334			10.5	3	2.13 :1			85m	25	10.2:1				B	80m	24	7.3:1	9.3:1
273 Alfred Street	777.8			10.5	3	2.29 :1	1.83:1	1.87:1					3st, 4st & 9st	2.1:1 - 2.4:1	C	28m	8	3.5:1	
271 Alfred Street	252.9			10	3	2.26:1									D	29m	8	3.5:1	
263-269 Alfred Street	1117			14	4	1.58:1													
4 Little Alfred Street*	863																		
Total	5217.3			3.57:1			3.57:1	3.57:1	N/A			3.96:1 - 5.51:1			5.80:1 6.31:1				

Setbacks table comparison

		Alfred Street Precinct Planning Study (As amended Post Exhibition)								2019 PP							
		Podium				Above Podium				Podium				Above Podium			
	Land Area (sqm)	North	East	South	West	North	East	South	West	North	East	South	West	North	East	South	West
ALFRED STREET BLOCK																	
283 Alfred Street	872.6	6m	6m	4.5m	3m	-	+2m	-	+1m	2.4m (GL) 1.2m (up)	4.85	3.6m	6.5m (GL) 4.9m (up)	2.4m	14.6m	3.6m	4.9m
275 Alfred Street (Bayer Building)	1334									0-3.6m	4.2	?	6.75m (GL) 5.15m (up)	3.6m	11.1m	3.6m	5.15m
273 Alfred Street	777.8	4.5m	3m	0m	3m	-	-	-	-	0m	4.2	0m (GL) 3.6m (up)	6.47m (GL) 4.9m (up)	4.5m	NA	3.6m	4.9m
271 Alfred Street	252.9									3.6m (GL) 0m (up)	4.2	0-2m	6.0m (GL) 4.5m (up)	3.6m	NA	Various	4.5m
263-269 Alfred Street	1117																
4 Little Alfred Street*	863																
Total																	



# Alfred Street Precinct, North Sydney

## Planning Proposal

On behalf of  
Benmill Pty Ltd & JB No. 3 Pty Ltd  
March 2019



## Project Director

Kate Bartlett

Signed\*

.....  
Date

## Project Planners

Lauren McMahon  
Jeremy Dwyer

\* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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**Appendix 2** - Traffic and Parking Assessment;

**Appendix 3** – Economic Impact Report;

**Appendix 4** – Economic Feasibility Analysis;

**Appendix 5** – Strategic merit test and the site-specific merit test;

**Appendix 6** – Local Environmental Plan Maps;

**Appendix 7** – Site Specific Development Control Plan; and

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## Executive Summary

This Planning Proposal has been prepared by Mecone on behalf of Benmill Pty Ltd & JB No. 3 Pty Ltd in relation to the Alfred Street Precinct which includes sites 283 Alfred Street (Building A), 275 Alfred Street (Building B), 271-273 Alfred Street (Building C) and 263-269 Alfred Street/4 Little Alfred Street (Building D). The planning proposal satisfied the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EPA Act).

### Subject Site

The Alfred Street Precinct is located in North Sydney local government area located east of the North Sydney CBD separated by the Warringah Expressway. The Precinct comprises of a block zoned B3 Commercial Core which includes the sites 263-283 Alfred Street and 4 Little Alfred Street. The site is roughly rectangular in shape and has a combined area of 5,217m<sup>2</sup>. The site has significant level variations with a steep crest of 7m (approximately) to the middle of the eastern boundary (Little Alfred Street) and the site falls steeply from Alfred Street to Little Alfred Street by approximately 3m.

The site has a range of land uses with commercial buildings to 271, 273 and 283 Alfred Street which are 3-4 storeys, a 3-5 storey strata building with townhouses, residential units and some commercial uses at 263-268 Alfred Street and 4 Little Alfred Street and an 18 storey commercial building known as the Bayer Building at 275 Alfred Street.

The Precinct is located between the high rise North Sydney Commercial Core and fine grain, low rise residential buildings to the north and east which are within the Whaling Road Conservation Area. The proposed Victoria Cross Metro Station is located approximately 500m from the Precinct, while North Sydney train Station is approximately located 400m to the west. The Precinct is also located 500m from bus services which operates regularly along the Pacific Highway and is 1km from the North Sydney Ferry.

### Planning Background

The subject Precinct has an extensive planning background which is detailed in section 3.1 of the report. A Planning Proposal was lodged in September 2015 for the Bayer Building which proposed the rezoning of the site to B4 Mixed Use, increase the maximum building height from 13m (existing building 52.36m) to 85m and increase the maximum FSR from 3.5:1 (existing building 7.3:1) to 10.2:1. However, the Joint Regional Planning Panel (JRPP) did not support the proposal and JRPP made the following comments:

- The JRPP considers the site and the street block zoned B3 is isolated from North Sydney CBD and closely related to the adjoining residential area and therefore a change in zoning that would allow residential use, would be appropriate;
- The Planning Proposal only deals with one site rather than the Precinct and results in a piecemeal approach. Furthermore, the proposal leads to the site having three times the development potential of the other sites within the B3 zone and fails to achieve separation distances and affects the development potential of the adjoining sites; and
- The JRPP considered appropriate to grant the Bayer Building the density it currently enjoys with additional height subject to appropriate amenity. As for the other sites in the B3 zone, the existing density of 3.5:1 may be combined with some additional height, with appropriate amenity.

Following the JRPP decision, Council prepared a draft Alfred Street Precinct Planning Study in February 2017 which would provide a framework for the entire Precinct and would act as a guide for a future land owner led Planning Proposal. Whilst at its meeting in January 2019, Council resolved not to support the draft Study due to political reasons.

It is noted that the draft Study has no statutory force given it was not formally adopted however, it is considered to have probative value. It has been used as a guide for the Planning Proposal and be given evidentiary weight as it is based on the professional opinion of Council officers as to what would be an acceptable built form taking into consideration community feedback. The proposal is also generally consistent with the objectives and design requirements outlined in the Study.

Council's preferred option in the draft Study is outlined below:

- Amalgamate sites 275 and 283 Alfred Street to create Site A and the remainder of the southern sites to create Site B;
- Achieves an FSR of 3.9:1 – 4.4:1 across the Precinct with 6.5:1-7.4:1 for Site A and 2.1:1-2.4:1 for Site B;
- Little Alfred Street incorporates fine grain residential accommodation which is 3 storeys in height;
- For Site A, the built form would include a three storey commercial podium (to the through site links and Alfred Street) with a new tower to align with the Bayer Building (including its width along Little Alfred Street) with an additional 6 storeys which are to be tapered along the eastern boundary;
- For Site B, the ground floor is to be commercial (along through the through site link, Alfred Street and Whaling Road, with a 4 and 9 storey built form along Alfred Street;
- Shared basement access; and
- Public benefits including a public through site link to the northern edge of Site A, a laneway which straddles Sites A and B, street frontage setbacks and an upgraded public domain.

There is value in Council's preferred scheme as it represents a balance between what Council's professional expertise and community would like to see in the Precinct.

**Note:** the FSR targets in Council's draft Precinct Planning Study for each site did not allow for Sites A, C and D to achieve their current maximum permissible FSRs in the LEP (3.5:1). Refer to the table below which outlines the target FSRs for each site based on Council's draft Precinct Planning Study.

	Site A	Site B	Site C	Site D
Precinct Planning Study – Target FSRs	1.39:1	10.58:1	1.62:1	3.42:1

Source: Grimshaw

The Planning Proposal will ensure that Sites A, C and D will be able to achieve the current permissible 3.5:1 FSR they currently enjoy in the LEP. Whilst Sites A and B were to be amalgamated (with a higher FSR on Site B as a result of this) the subject Planning Proposal will retain an FSR of 3.5:1 to Site A and reduce the FSR to a base of 7.3:1 (existing building) with an additional 2:1 design excellence provision (total FSR of 9.3:1).

We have demonstrated that we are willing to work with Council to achieve a good planning outcome for the Precinct. Council's Precinct Planning Study took over 2

years to prepare which has meant significant delays and momentum in the future redevelopment of the Precinct. We would like to continue to work with Council and the Department of Planning and Environment to ensure that a Planning Proposal is approved which will create a vibrant mixed use Precinct.

## Proposal

The Planning Proposal seeks the following amendments to North Sydney Local Environmental Plan (NSLEP) 2013:

- Rezone the Precinct from B3 Commercial Core to B4 Mixed Use;
- Increase the maximum height of buildings from 13m to:
  - 31m for 283 Alfred Street (Building A);
  - 80m for 275 Alfred Street (Building B);
  - 28m for 271-273 Alfred Street (Building C); and
  - 29m for 263-269 Alfred Street/4 Little Alfred Street (Building D).
- Increase FSR provision for 275 Alfred Street (Building B) from 3.5:1 to a base of 7.3:1 which is the existing FSR of the Bayer Building. Insert a design excellence provision which allows for an additional 2:1 FSR (with a total maximum FSR control of 9.3:1), subject to a design competition being undertaken for the site.

**Note:** the maximum FSR controls will be retained at 3.5:1 for 283 Alfred Street (Building A), 271-273 Alfred Street (Building C) and 263-269 Alfred Street/4 Little Alfred Street (Building D).

A reference scheme has been provided which demonstrates how the density can be achieved on the site. The reference scheme for the Planning Proposal will contribute approximately 156 residential units and 10,127m<sup>2</sup> of modern commercial floor space for potential small businesses, creative uses and start ups within the Precinct. The proposal seeks to retain the existing building frame of the Bayer Building and overhaul the building services and undertake remediation works of the existing commercial floor space which would be offset by the additional building height.

A site specific DCP has been prepared for the Precinct which provides controls relating to number of storeys, building setbacks, through site links, amalgamations, public domain works, vehicle access points and controls limiting signage (refer to **Appendix 7**).

## Rationale for the proposed changes to Planning Controls

The purpose of the Planning Proposal is to provide a Precinct wide approach to the future redevelopment of the block zoned B3 which is consistent with the JRPP decision (in September 2016). The Planning Proposal seeks to increase the density to facilitate the redevelopment of the Precinct and will create a lively mixed use Precinct which will incorporate a number of public benefits for the wider community.

Whilst the draft Precinct Planning Study (prepared by Council) was not formally adopted by Council and doesn't have any legal force, it has been used as a guide for the subject Planning Proposal. The proposal is generally consistent with the objectives and design requirements and provides improvements to the built form and amalgamation patterns as outlined in the Study.

An alternate amalgamation pattern is proposed from Council's draft Precinct Planning Study which provides a more flexible approach and will provide more certainty that the Precinct will be redeveloped. In relation to the amalgamation of sites 275 and 283 Alfred Street, a genuine attempt to purchase 283 has been

undertaken which is consistent with planning principle for site amalgamation, *Karavellas v Sutherland Shire Council [2004] NSWLEC 251 at 17-19*.

For Sites A, C and D, the proposal seeks heights of 8 storeys which differ from the heights in the draft Precinct Planning Study – 3 storeys to Sites A and C and 3 and 9 storeys to Site D. Whilst the proposed heights are slightly different to the Study, the proposal allows for these sites to be redeveloped in isolation and to achieve the existing maximum FSR they currently enjoy which will provide an incentive for these sites to be redeveloped. Furthermore, the proposed heights will not create any significant amenity issues to the Conservation Area with regard to solar access, privacy and significant bulk and scale.

## Urban Design

The approach for the future redevelopment of the Precinct was to seek a balance between amenity, public benefit, quality, economic viability and development surety. An urban form for the Precinct has been developed as a holistic approach, with massing responding to topography and existing residential context whilst maintaining it's unique character as a gateway precinct.

The proposal will incorporate a 3 storey podium along all the edges of the Precinct which is consistent with the existing built form. Fine grain residential accommodation will be located along Little Alfred Street to create an appropriate transition with the low scale dwellings. The built form above the 3 storey along Little Alfred Street will be generous to allow for solar access deep into the site and pedestrian arcade.

The built form will be setback 4.2-4.85m along Little Alfred Street, 6-6.75m to the ground floor and 2.4m to the ground floor along the northern boundary. Landscaping buffer zones will be created along all elevations which will provide visual screening to the adjoining Heritage Conservation Area and Freeway. The proposal will also incorporate elevated landscaping podiums along Little Alfred Street which will further soften the built form along this elevation.

The pedestrian arcade would be linked through the precinct at ground level and centred around the Bayer Building which will create significant improvements to the ground floor plane. The arcade incorporates a series of laneways which are activated with retail shops to promote social interaction and provide connections between the adjoining residential areas and North Sydney CBD.

## Economic Analysis

Within North Sydney Centre there are a number of initiatives which will provide significant commercial growth including Council's Capacity and Land Use Study/North Sydney Centre Planning Proposal, ongoing developments, Ward Street Precinct Masterplan and Victoria Cross Metro Station. Cumulatively, there appears to be in the order of 806,000m<sup>2</sup> of additional commercial supply capacity in the Centre which would provide 40,300 additional jobs and exceed the job targets for the North District Plan.

The draft Precinct Planning Study proposed 4,200-4,800m<sup>2</sup> of commercial floor space which results in the loss of 9,000m<sup>2</sup> existing floor space and is equivalent to 450 jobs. The loss of commercial floorspace was acknowledged by Council to be unfortunate, however in the context of capacity in the Centre and demonstrated development interest it was considered an acceptable outcome. Furthermore, the JRPP acknowledged that the Precinct is not a suitable location for employment growth given it is isolated and disconnected from the North Sydney CBD.

However, the proposal will provide 10,127m<sup>2</sup> of modern retail, commercial, office and business floor space which would result in a reduction of approximately 4,000m<sup>2</sup> from the existing floorspace which is a lot less than proposed in the draft Precinct Planning



Study. Displaced businesses could seek space in the North Sydney Centre where there is large stock of secondary grade buildings with low rents which are comparable to the Precinct. The economic activity would therefore not be 'lost' from North Sydney but, merely relocated elsewhere within the LGA.

## Traffic and Parking

A Traffic Impact Assessment (TIA) has been prepared on behalf of TTPP (refer to **Appendix 2**) which provides an assessment on the proposed parking and internal layout and examines the traffic generation of the proposed development. The proposal will reduce the trips generated from the Precinct by 31 trips at the AM peak and 23 trips at the PM peak given the residential trip generation rates are lower than the commercial rates.

Traffic modelling was undertaken for the existing base case and the proposed development to the intersections of Little Alfred Street/Whaling Road and Neutral Street/Whaling Road. The intersections are currently operating at 'A' (good operation) level of service and will continue to operate at this level as a result of the proposal. The TIA concludes that the proposal is not expected to result in any noticeable traffic impacts on the surrounding road network and therefore, no mitigation measures are required as the existing road network is expected to accommodate the proposed development traffic.

The North Sydney Development Control Plan 2013 (NSDCP 2013) incorporates a maximum parking rate for the Precinct. The reference scheme in the Urban Design Report (refer to **Appendix 1**) demonstrates how these spaces can be accommodated for in the basement layouts. However, there may be an opportunity to reduce the car parking spaces given the Precinct is well serviced by public transport.

## Social Impacts

The planning proposal will create a number of, including:

- Improving the ground floor plane and public domain by:
  - Providing a generous amount of landscaping along all the boundaries which will provide a buffer in between the Heritage Conservation Area and the Freeway along Alfred Street;
  - Increasing the setbacks along Little Alfred Street and Alfred Street to improve the pathways with some kerb build outs along Alfred Street; and
  - Providing a pedestrian arcade at the ground floor which provides a series of laneways and through site links to improve permeability within and through the Precinct to North Sydney CBD.
  - Upgrading and reconfiguring the Mount Street Overpass to improve pedestrian amenity (including potential weather protection and plantings).
- Create a lively mixed use precinct which will ensure activity throughout the day and night. The retail shops will activate the street frontages and through site links and provide opportunities for social interaction;
- Create a mixed use Precinct which will integrate housing, employment opportunities and services and reduce the need for car travel whilst promoting cycling and walking in the locality;
- Upgrading existing outdated commercial floor space which will provide employment opportunities;
- Increasing housing choice and stock in close proximity to a range of public transport options and other services;

- Providing an appropriate transition to the low scale development in the Conservation Area with a residential fine grain typology along Little Alfred Street; and
- Proposing a building envelope which will comply with ADG building separation distances and minimise amenity impacts to the surrounding Conservation Area with regard to overshadowing, privacy and view loss.

## Strategic Merit

Whilst this application is not for a rezoning review, the proposal has been considered against the strategic merit test and the site-specific merit test to demonstrate that the Planning Proposal has strategic merit (refer to **Appendix 5**). The proposal is consistent with relevant state, regional and local strategies and the rezoning of the Precinct will allow for a better transition with the adjoining Heritage Conservation Area which is close proximity to a number of public transport services.

## Conclusion

This report provides a full justification of the proposal in line with the Department of Planning and Environment's template for gateway rezonings. The justification demonstrates that:

- The proposal is consistent with the JRPP decision made in September 2016 in that it allows for a Precinct wide approach to the future redevelopment of the B3 zoned block. Furthermore, it will rezone the Precinct to incorporate residential use which was considered by the JRPP to be appropriate given the isolation of the Precinct from the North Sydney CBD;
- Although Council's draft Precinct Planning Study was not formally adopted and has no legal weight, it is considered to have some probative value. The Study acts as a framework for the future redevelopment of the Precinct and it is based on the professional opinion of Council officers as to what would be an acceptable built form taking into consideration community feedback. The Planning Proposal is consistent with the objectives and design requirements of Council's draft Precinct Planning Study;
- The proposal is consistent with the Greater Sydney Region Plan and Northern District Plan given it will integrate housing and employment opportunities with public transport which contributes to the 30 minute city and contributes to housing targets;
- Is consistent with relevant Ministerial Directions and in particular with Direction 1.1 Business and Industrial Zones as the Precinct is not considered appropriate for employment growth whilst there is significant employment growth occurring within North Sydney CBD which will well exceed the job targets for the North District Plan;
- The proposal strategic merit given it is consistent with the relevant state, regional and local strategies and the rezoning of the Precinct will allow for a better transition with the adjoining Heritage Conservation Area which is close proximity to a number of public transport services. A strategic merit test and the site-specific merit test has been undertaken (refer to **Appendix 5**);
- Significantly improves the ground floor plane and public domain of the Precinct. The additional landscaping and widening of the footpaths along Little Alfred Street and Alfred Street will improve the pedestrian experience. The pedestrian arcade and upgrading of the Mount Street Overpass will significantly improve permeability within and through the Precinct;

- Creates an exciting opportunity to create a vibrant mixed use Precinct for the entire Precinct which will incorporate a highly activated ground floor plane with retail shops along Little Alfred Street and Alfred Street;
- Provides an opportunity to improve existing outdated commercial floor space and create modern commercial floor space for potential small businesses, creative uses and start ups within the Precinct which are affordable and provide a supportive role to the North Sydney CBD;
- Provides housing diversity and choice for the future residents of North Sydney LGA with a variety of unit types and affordable housing; and
- Provides an appropriate built form between the North Sydney CBD and the low scale residential development in the Conservation Area and will not create any significant amenity concerns with regard to overshadowing or privacy.

# 1 Introduction

This Planning Proposal has been prepared by Mecone on behalf of Benmill Pty Ltd & JB No. 3 Pty Ltd in relation to the Alfred Street Precinct which includes sites 283 Alfred Street (Building A), 275 Alfred Street (Building B), 271-273 Alfred Street (Building C) and 263-269 Alfred Street/4 Little Alfred Street (Building D).

The Planning Proposal seeks the following amendments to North Sydney Local Environmental Plan (NSLEP) 2013:

- Rezone the Precinct from B3 Commercial Core to B4 Mixed Use;
- Increase the maximum height of buildings from 13m to:
  - 31m for 283 Alfred Street (Building A);
  - 80m for 275 Alfred Street (Building B);
  - 28m for 271-273 Alfred Street (Building C); and
  - 29m for 263-269 Alfred Street/4 Little Alfred Street (Building D).
- Increase FSR provision for 275 Alfred Street (Building B) from 3.5:1 to a base of 7.3:1 which is the existing FSR of the Bayer Building. Insert an design excellence provision which allows for an additional 2:1 FSR (with a total maximum FSR control of 9.3:1), subject to a design competition being undertaken for the site.

**Note:** the maximum FSR controls will be retained at 3.5:1 for 283 Alfred Street (Building A), 271-273 Alfred Street (Building C) and 263-269 Alfred Street/4 Little Alfred Street (Building D).

The Planning Proposal is accompanied by a site specific Development Control Plan for the precinct which provides controls relating to number of storeys, building setbacks, through site links, amalgamations, public domain works and vehicle access points (refer to **Appendix 7**).

Whilst Council has not prepared their Local Strategic Planning Statement, it is envisaged that this site will be identified as an opportunity site in the Statement.

The Planning Proposal has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act); and
- The NSW Department of Planning and Environment's (DP&E) *A guide to preparing planning proposals*.

Specifically, the planning proposal includes the following information:

- A description of the site in its local and regional context;
- A statement of the objectives or intended outcomes of the proposed instrument;
- An explanation of the provisions that are to be included in the proposed instrument; and
- The justification for those provisions and the process for their implementation including:
  - Whether the proposed instrument will comply with relevant directions under Section 9.1;
  - The relationship to the strategic planning framework;
  - Environmental, social and economic impacts;

- Any relevant State and Commonwealth interests; and
- Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal Report is accompanied by the following reports:

- **Appendix 1** – Urban Design Package;
- **Appendix 2** - Traffic and Parking Assessment;
- **Appendix 3** – Economic Impact Report;
- **Appendix 4** – Economic Feasibility Analysis;
- **Appendix 5** – Strategic merit test and the site-specific merit test;
- **Appendix 6** – Local Environmental Plan Maps;
- **Appendix 7** – Site Specific Development Control Plan; and
- **Appendix 8** - Letter of offer to purchase adjoining site/independent site valuation.

## 1.1 Proponent and Project Team

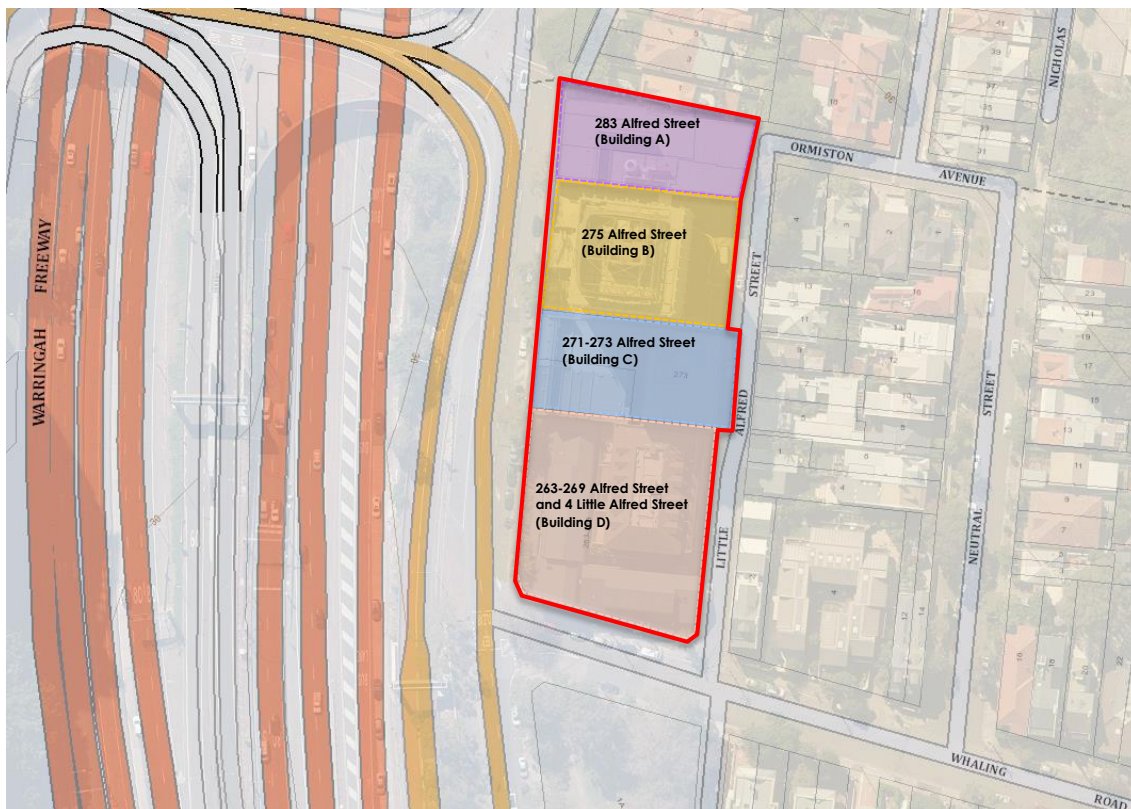
The Planning Proposal has been prepared on behalf of Benmill Pty Ltd & JB No. 3 Pty Ltd. Table 1 identifies the project team.

Table 1 – Project Team	
Item	Description
Urban Planning Assessment	Mecone
Architects / Urban Design Consultant	Grimshaw Architects/Legge and Legge Architects
Economic Consultant	AEC Group
Traffic Consultants	TTPP

## 2 The Site

### 2.1 Precinct location and description

The Alfred Street Precinct is located in North Sydney local government area located east of the North Sydney CBD separated by the Warringah Expressway. It comprises of a block zoned B3 Commercial Core with a combined area of is 5,217m<sup>2</sup>. An aerial image depicting the site and its immediate context is provided in the figure below. Note the Planning Proposal references the sites as Buildings A, B, C and D which is consistent with the proposed amalgamation patterns. The table below provides the legal description and a brief summary of the precinct and its surrounding context.



**Figure 1 – Subject site**

Source: Sixmaps, modified by Mecone

**Table 2 – Alfred Street Precinct**

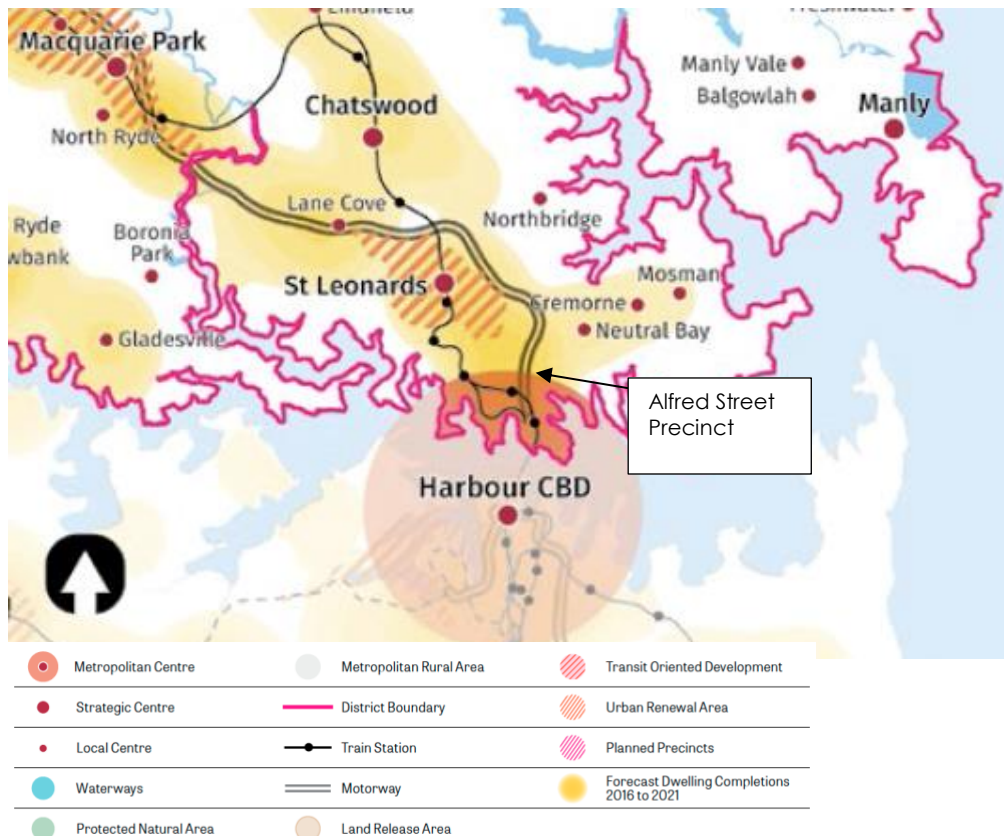
Item	Detail
Legal description	<p><b>283 Alfred Street:</b> Lot 14 DP67882; Lot 15 DP67882; Lot 16 DP67882; Lot 3 DP554750; and Lot 1 DP554749.</p> <p><b>275 Alfred Street:</b> Lot 1 DP54856</p> <p><b>271 Alfred Street:</b> Lot 1 DP532504</p> <p><b>273 Alfred Street:</b> SP6830</p> <p><b>263-269 Alfred Street/4 Little Alfred Street:</b> SP71563 and SP71454</p>



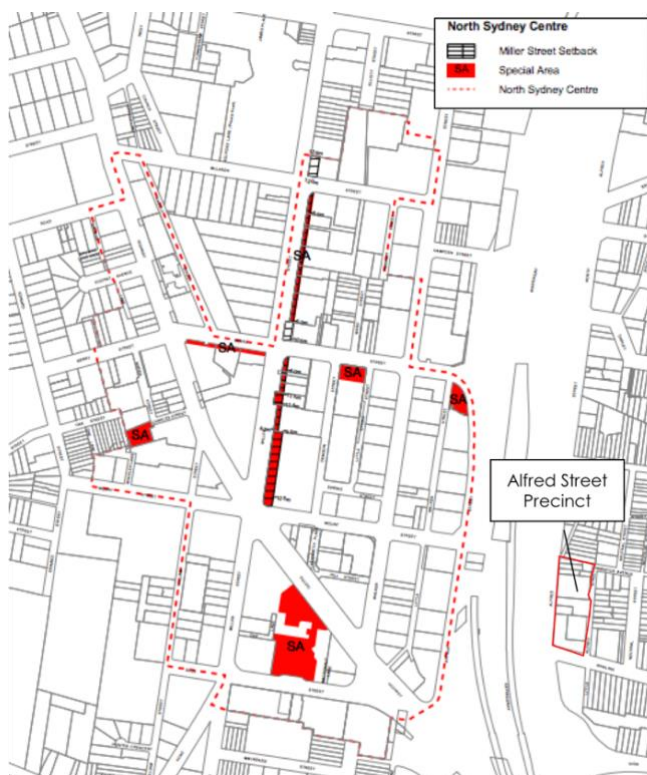
Table 2 – Alfred Street Precinct	
Item	Detail
Total site area	5,217m <sup>2</sup>
Site description and frontage	The Precinct is roughly rectangular shape with a combined frontage of approximately 120m to Alfred Street to the west, 43m to Whaling Road to the south, and 120m to Little Alfred Street to the east.
Site topography	The Precinct has significant level variations. Little Alfred Street (eastern boundary) has a steep crest of approximately 7m with the northern and southern ends dipping down. The Precinct falls steeply from Alfred Street to Little Alfred Street by approximately 3m.
Existing buildings/ structures	<p><u>283 Alfred Street</u></p> <p>3-4 storey commercial building, estimated 1,740m<sup>2</sup> net lettable area.</p> <p><u>275 Alfred Street</u></p> <p>The Precinct is characterised by 'the Bayer Building' constructed in 1970, which is an 18 level commercial building (ground floor retail + 17 levels of office space with a total of 7,920m<sup>2</sup> net lettable area) with underground parking. The overall building height, including the signage panel, is 60.97m, while the ground floor is at RL40.00 and the very top of the panel behind the signage is RL100.97. The site has an FSR of 7.3:1. Constructed in 1971, the building is now nearing the end of its economically useful life as a commercial office building.</p> <p><u>273 Alfred Street</u></p> <p>3-4 storey commercial building, approximately 1,490m<sup>2</sup> net lettable area</p> <p><u>271 Alfred Street</u></p> <p>3-4 storey commercial building, approximately 521m<sup>2</sup> net lettable area.</p> <p><u>263-269 Alfred Street/4 Little Alfred Street</u></p> <p>3-5 storey strata building with townhouses and residential units, some occupied for commercial, some converted for residential use.</p>
Surrounding uses	<p>The Precinct is located between the high rise North Sydney Commercial Core and fine grain, low rise residential buildings to the north and east which are within the Whaling Road Conservation Area.</p> <p><u>North and East</u></p> <p>Residential dwellings including terrace houses and detached dwellings of 1-3 storeys in height. The area is included in the Whaling Road Heritage Conservation Area. There are also a number of taller, high-density residential buildings which were built around 1970's to the north east and south east of the precinct, including 22 Doris Street at 9-10 storeys and 50 Whaling Road at 23 storeys.</p> <p><u>West</u></p> <p>The Warringah Expressway borders the precinct to the west. Beyond the Warringah Expressway is the North Sydney CBD comprising</p>

Table 2 – Alfred Street Precinct	
Item	Detail
	<p>medium to high rise buildings of predominantly commercial offices with some retail and residential uses</p> <p><u>South</u></p> <p>Directly south of the precinct opposite Whaling Road is an RMS owned reserve, which provides a buffer between the highly trafficked Warringah Expressway, Alfred Street and the residential areas beyond. Across Whaling Road is Alfred Street North Park.</p>
Access	<p>Alfred Street connects the precinct to Warringah Freeway, which is a state road. There are a number of vehicle access points along Little Alfred Street and one to Alfred Street. There are various pedestrian entrances currently provided to buildings on site along each of the street frontages.</p>
Public transport	<p>The proposed Victoria Cross Metro Station is located approximately 500m from the precinct. While North Sydney Railway Station is approximately located 400m to the west.</p> <p>The Precinct is also located approximately 500m from bus services which operates regularly along the Pacific Highway.</p> <p>North Sydney Ferry is located a kilometre south from the Precinct.</p>

The Precinct falls just outside of the 'North Sydney CBD' area as defined in the North District Plan however is within the northern portion of the Harbour CBD and outside of the 'North Sydney Centre' as identified in the North Sydney Centre Capacity and Land Use Study and North Sydney Planning Proposal, refer to the figure below.



**Figure 2 – Harbour CBD**  
Source: North District Plan



**Figure 3 –North Sydney Centre**  
Source: North Sydney Centre Capacity and Land Use Study and North Sydney Planning Proposal

The following images depict the site, its interface and surrounding locality.



**Figure 4 –**

**View of precinct from the west**

*Source: Grimshaw*



**Figure 5 – Built form along Alfred Street**



Source: Grimshaw



**Figure 6 – Southern boundary of precinct**

Source: Grimshaw



**Figure 7 – Precinct along Little Alfred Street (looking north)**

Source: Grimshaw





**Figure 8 – View along Little Alfred Street (looking south)**

Source: Grimshaw



**Figure 9 – Public accessway to Bray Street**

Source: Grimshaw





**Figure 10 – Residential properties along Whaling Avenue**  
*Source: Grimshaw*



**Figure 11 – View along Ormiston Avenue (looking east)**  
*Source: Grimshaw*



## 2.2 Surrounding context

The figure below illustrates the regional context of the subject site. The site is within close proximity to North Sydney Train Station, and the Bradfield Highway which provides access north and south. Victoria Cross Metro Station will also be located nearby. To the north and east of the site is the Whaling Road Heritage Conservation Area.

Due to the proximity to the harbor foreshore and topography, the area has high amenity with views and pedestrian access to the waterfront.

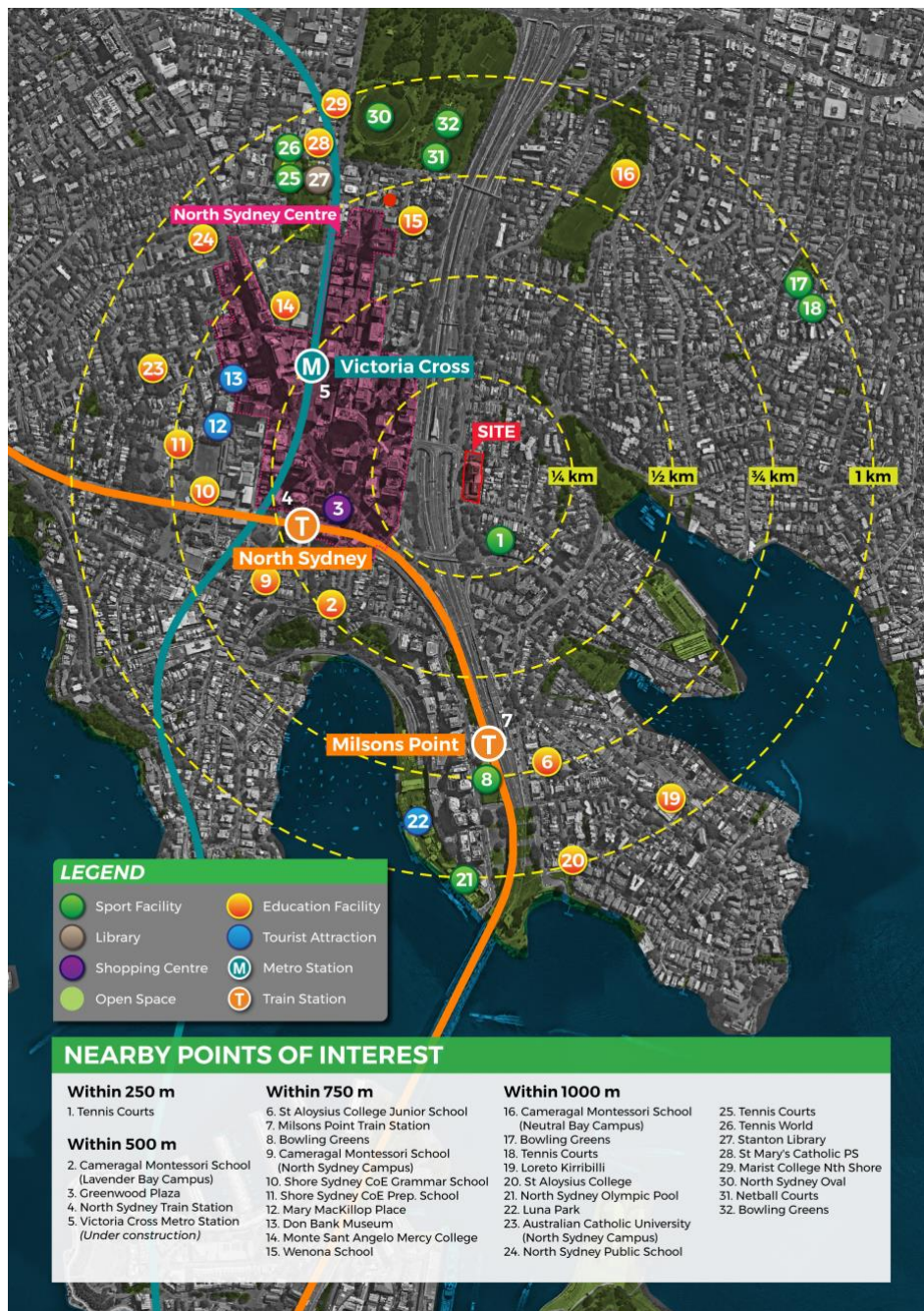


Figure 12 – Regional Map

Source: Mecone

## 2.3 Planning Context

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

The Greater Sydney Region Plan (the Plan), *A Metropolis of Three Cities*, published in March 2018 outlines a vision for Sydney to 2056. The Plan's 40 year vision is built upon a 20 year plan to manage the built and natural environment to accommodate the anticipated growth of Greater Sydney.

The vision includes:

- A Metropolis of three cities where economic, cultural and social life is supported by three distinct metropolitan centres or clusters. The three cities are the Eastern Harbour City, the Central River City and the Western Parkland City. Each city is characterised by its current economic, social and natural attributes with planning for their future based on their competitive strengths and advantages;
- The creation of 30-minute cities where people are within 30-minutes to jobs and services via public transport. The Plan aims to achieve the 30-minute City through investment in infrastructure, locating housing and jobs in the right places and improving accessibility to places where people want to be;
- Creating capacity of an additional 725,000 dwellings in well located and connected places to meet anticipated need;
- Creating capacity for 817,000 additional jobs with a focus of locating jobs in well-connected economic corridors, health and education precincts and strategic and local centres; and
- Increasing the urban tree canopy and delivering green-grid links to provide for better urban amenity, reduce heat island effects and improve climate resilience.

The Plan includes 40 Objectives that further outline the intended outcomes of the Plan. The Objectives are supported by a series of Strategies and Actions to will give effect to the vision. These Strategies are to be adopted and Actions implemented by NSW Government agencies and Local Government.

The Plan identifies the site as being within the Eastern Harbour City and within the Eastern Economic Corridor. The Corridor is NSW's if not Australia's primary economic area and contains approximately 775,000 jobs, stretching from Macquarie Park to Green Square. The vision for the Eastern Economic Corridor is for increased economic activity enabled enhanced accessibility within the corridor and growing investment and businesses in centres and trade gateways. This will be enabled through investments in transport infrastructure such as Sydney Metro North West, City and South West as well as urban renewal projects within the corridor that provide additional capacity of investment and activity.

The Plan also requires Council's to prepare housing strategies to supply housing for the next 20 years. In addition, the Eastern City provides over-arching objectives to provide local infrastructure to support its transportation and develop a fine grain urban form and land use mix that is essential for improving the regions' liveability.

The proposal represents an opportunity to provide for additional housing and jobs located in a well-connected and well-serviced centre. The site is well located with access to jobs health and education services and amenities within walking distance. Furthermore, the site has strong connections to metropolitan employment markets, open space, cultural and recreational assets.

The site is within the Eastern Economic Corridor. However, the Precinct is considered to be isolated from the North Sydney CBD and adjoins a residential zone and therefore is not considered appropriate for employment growth. Whilst the proposal will result in

the loss of some commercial floor space, there appears to be in the order of 806,000m<sup>2</sup> of additional commercial supply in the North Sydney Centre which would provide 40,300 additional jobs and exceed the job targets for the North District Plan.

However, the proposal will still provide some 10,127m<sup>2</sup> of modern commercial floor space for potential small businesses, creative uses and start ups within the Precinct. The proposed commercial spaces will be for businesses that can not afford the rents within the CBD and will play a supportive role to the North Sydney CBD.

### North District Plan

The North District Plan was published with the Greater Sydney Region Plan in March 2018. The North District Plan reflects the vision of the Region Plan, giving it effect at the District and local level.

The District Plan provides guidance to local government, state agencies and other planning authorities and delivery groups as to the actions required to deliver on the vision for the District. The District Plan informs local environmental plans, local strategic planning statements as well as other supporting strategies and policy.

The Precinct falls out of the North Sydney CBD as identified in the District Plan. The vision for North Sydney CBD is to grow the economic capacity of the centre by capitalising on transport investment and connections; improving centre amenity and improving the capacity for jobs. These are reflected through North District Plan Actions 24 and 25 which outline a series of directions for North Sydney CBD for North Sydney Council, State agencies, other council and planning authorities to enact.

These actions are The District Plan notes that North Sydney competes with other strategic centres including Macquarie Park to attract commercial investment as part of the Greater Sydney office market. As office markets are influenced by available floorspace, opportunities for agglomeration, accessibility and quality of building stock, by providing modern office floorplates and facilities the proposal will improve commercial interest in the area and improve North Sydney's competitive advantage within the Greater Sydney office market.

Further, North Sydney Council are required to plan for a range of additional housing in appropriate locations. This includes in planning for various dwelling types in areas that are close to regional and district transport infrastructure, areas with existing transport accessibility, and areas within walking distance to jobs and services. The proposal represents an opportunity to add to the housing capacity of North Sydney LGA that is supported by transport, jobs and services.

### North Sydney Local Environmental Plan 2013

North Sydney Local Environmental Plan (NSLEP) 2013 is the principle planning instrument, guiding development in the LGA. The table below provides an overview of the key local planning controls contained in NSLEP 2013 in relation to the Precinct.

Table 3 – Alternate planning principles/design requirements	
Clause/standard	Provision
Zoning	B3 - Commercial Core
Height of Building	13 metres
Floor Space Ratio	3.5:1

Table 3 – Alternate planning principles/design requirements	
Clause/standard	Provision
Minimum lot size	A minimum lot size does not apply to the site.



### 3 Planning background

The Precinct has an extensive planning background which is outlined below. We have demonstrated that we are willing to work with Council to achieve a good planning outcome for the Precinct. Council's Precinct Planning Study took over 2 years to prepare which has meant significant delays and momentum in the future redevelopment of the Precinct. We would like to continue to work with Council and the Department of Planning and Environment to ensure that a Planning Proposal is approved which seeks a balance between amenity, public benefit, quality, economic viability and development surety and will create a vibrant mixed use Precinct.

#### 3.1 Previous Planning Proposal – Bayer Building

In late 2014 initial discussions for the rezoning and renewal of 275 Alfred Street, North Sydney (referred to as the Bayer Building) were held with North Sydney Council and Department of Planning and Environment (DP&E). While the site is part of the North Sydney CBD, its dislocation from the commercial core of North Sydney CBD was acknowledged by both Council and DP&E officers.

A Planning Proposal for the Bayer Building was submitted to North Sydney Council on the 3 September 2015 to facilitate a mixed-use development including 24 levels of residential apartments above 2 levels of retail/commercial uses. The Planning Proposal sought to amend the NSLEP 2013 as follows:

- Rezone the site from B3 Commercial Core to B4 Mixed Use;
- Increase the maximum building height for the site from 13m (existing building 52.36m) to 85m; and
- Increase the maximum FSR for the site from 3.5:1 (existing building 7.3:1) to 10.2:1.

On 15 February 2016, Council resolved to not support the Planning Proposal proceeding to Gateway Determination.

On 17 February 2016, Mecone submitted a request for a Pre-Gateway Review to DP&E. A review of the planning proposal was undertaken, and it was determined to have merit to proceed to the Sydney East Joint Regional Planning Panel (the 'JRPP').

On 13 September 2016, the JRPP concluded the Planning Proposal should not be submitted for a Gateway Determination. The JRPP acknowledged the sites isolation from the main commercial centre and considered a change in zoning to enable residential use would be appropriate. However, the JRPP recommended that any future rezoning apply to the entire B3 area (Alfred Street Precinct) to demonstrate a holistic planning approach.

The basis of the JRPP determination is as follows:

*'1. The Panel considers that this site and the street block zoned B3 in which it is located is isolated from the main commercial centre of North Sydney and closely related to the adjoining residential area. Therefore, a change in zoning that would allow residential use in the street block, would be appropriate.*

*2. The main reason why the Panel does not recommend that this planning proposal proceed to Gateway Determination is that it deals with one site only rather than the area zoned B3 in which it is located. This piecemeal approach is contrary to the strategic intent of zoning decisions. In addition, the planning proposal leads to this site having three times the development potential of the other sites within the B3 zone. It fails to achieve the desirable separation distances between residential buildings and adversely affects the development potential of the adjoining sites.*

*3. The Panel considers that, in any future planning proposal for the block zoned B3, it would be appropriate to grant this site the density it now enjoys by virtue of the existing building on it, with some additional height so that a mixed use building with appropriate amenity may be developed on it. As concerns the other sites within the B3 zone, the existing density of 3.5:1 may be combined with some additional height, so that it becomes possible to develop them to their development potential for mixed use buildings with appropriate amenity.'*

### 3.2 Meetings with Department and Council

Following the determination of the JRPP, we met with Department of Planning and Environment and Council to discuss submitting a Planning Proposal for the entire Precinct. However, Council recommended that we wait until they prepare a Planning Study for the Precinct which will provide a framework for a future Planning Proposal for the entire Precinct. We confirmed that we were willing to work with Council and wait until they prepare a Study for the entire Precinct, to lodge a Planning Proposal.

### 3.3 Draft Alfred Street Precinct Planning Study

Following the JRRP decision, Council responded to the Planning Proposal by resolving to prepare a draft Alfred Street Precinct Planning Study (the draft Precinct Planning Study) at its meeting on 20 February 2017:

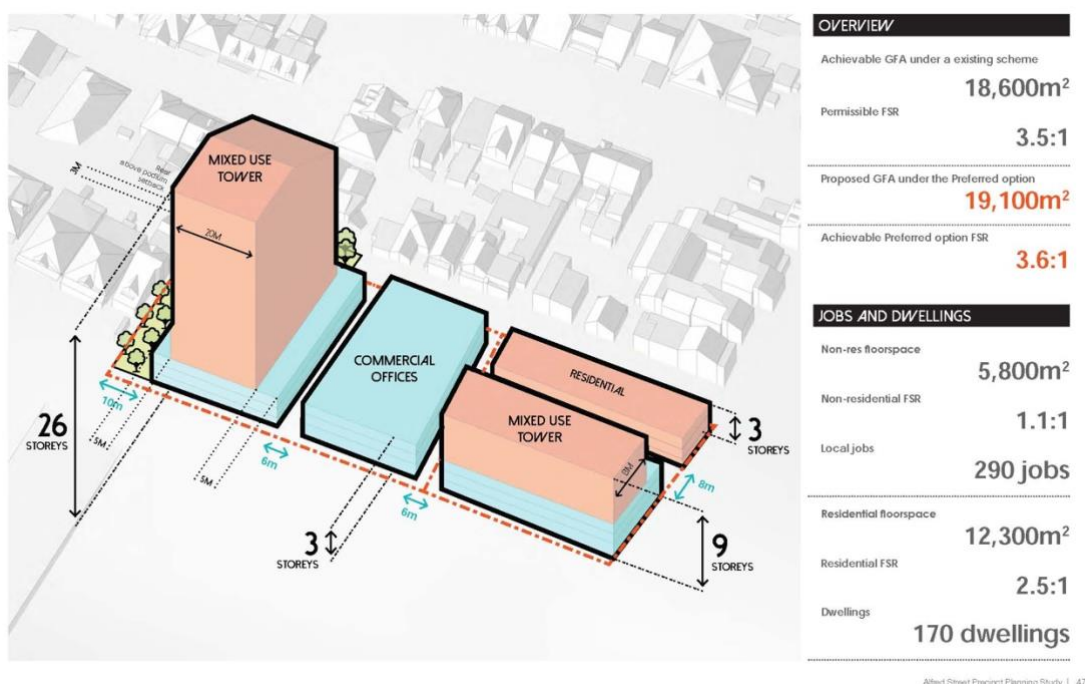
1. *THAT Council endorse the preparation of a planning study for the Alfred Street precinct as a basis to guide the preparation of any future planning proposal for the site at 275 Alfred Street, North Sydney.*

A draft Precinct Planning Study for the Alfred Street Precinct was prepared by Council and on 26 March 2018 Council resolved to adopt and publicly exhibit the draft Alfred Street Planning Study which was exhibited from 26 April 2018 to 8 June 2018.

#### Council's preferred option

Council's preferred option of the Precinct Planning Study proposed (refer to figure below):

- A maximum 23 storey residential tower over a three storey commercial podium at the northern end of the precinct;
- A maximum six storey residential tower over a three storey commercial podium at the southern end of the precinct, with a three storey apartment block fronting Little Alfred Street;
- Shared basement access; and
- Public benefits including a new pocket park between Alfred and little Alfred Streets, new pedestrian links and through site links, street setbacks and an upgraded public domain.



**Figure 13 - Draft Alfred Street Planning Study: Preferred Option**

Source: North Sydney Council

### 3.4 Meeting with Council officers – 18 May 2018

Following the release of the draft Precinct Planning Study, a meeting was held with Council officers on 18 May 2018 to discuss the Precinct Planning Study further. An outline of the items discussed in the meeting are detailed below:

- AEC summarised its Economic Feasibility Study, which demonstrates Council's preferred option is not economically feasible.
- It was noted that based on previous analysis the refurbishment of the existing building may not be economically feasible and Council asked for further evidence of this.
- Council would like the applicant to consider alternative massing options.
- Council noted that if the Bayer building was to be fully redeveloped, they would like to see a slender tower. Key matters to be addressed in alternative options include GFA, setbacks/building separation distances, overshadowing and privacy impacts.
- Council seemed generally supportive of a piazza with retail to activate the frontages. Council to advise whether there are any alternative social infrastructure options.
- In terms of amalgamation, Council confirmed that they do not support redevelopments where there will be isolated sites as the amalgamation of sites will allow for a greater floor plate and better urban outcome. Council also confirmed if the northern site (283 Alfred St) is to be redeveloped in isolation, we must consider the potential floor plate that could be provided.



### 3.5 Submission to the Draft Precinct Planning Study - June 2018

In June 2018, Mecone lodged a submission on the draft Alfred Street Precinct Planning Study on behalf of Benmill Pty Ltd, the land owner group of 275 Alfred Street, the Bayer Building.

The submission detailed concerns with the draft Precinct Planning Study, specifically the preferred option. Concerns included:

- **The preferred option is not financially feasible:** AEC Group's Economic Feasibility Study (submitted with the submission) found that the preferred option would not facilitate feasible development of the Precinct because of the marginal increase to the overall GFA for the precinct, and the proposed reduction to the achievable GFA for 271-273 Alfred Street;
- **Site amalgamations would be difficult to achieve:** Council's preferred option is heavily reliant on a number of site amalgamations, which may be difficult to achieve given the scheme is not financially attractive to all landowners and there are a number of strata titled lots;
- **Urban design issues:** A number of urban design issues with the proposed building envelopes (including the consolidated basement) that would be very difficult to deliver;
- **Additional public benefits:** A number of additional public benefits (which were not required in the JRPP resolution) included in the draft Planning Study, which would need further significant density uplift to be feasibly incorporated;
- **Inconsistency with the JRPP recommendation:** The draft Study and preferred option was not consistent with the September 2016 JRPP recommendations for the following reasons:
  - The JRPP resolution suggests that the existing building density would be a base case, with additional height and density potentially appropriate. The draft Planning Study is inconsistent with the approach given the preferred option would reduce the GFA/FSR for some sites and only marginally increase the GFA/FSR for other sites;
  - The JRPP resolution did not recommend any site amalgamations for the precinct to achieve additional height; however, the draft Planning Study includes this within the preferred option; and
  - The previous Planning Proposal for the Bayer Building outlined a number of public benefits (including a through site link, improvements to the pedestrian bridge and public domain upgrades). The draft Planning Study has proposed additional public benefits not suggested as part of the JRPP resolution. The additional public benefits in the draft Planning Study, including the consolidated basement and pocket park, are onerous and will not be able to be feasibly delivered due to the constrained built form.

Mecone recommended Council reconsider the JRPP resolution to ensure that the Planning Study is consistent which may require addressing first principles.

Further, Mecone recommended Council consider a series of changes in the finalisation of the Precinct Planning Study for the precinct and individual sites. This included:

- Recommended FSR thresholds for individual sites that reflect a financially attractive proposition to all landowners in order to encourage precinct renewal and associated public benefits. The table below illustrates the FSR thresholds required for feasible development for each site in the Precinct;
- Reconsideration of the site amalgamations and allow for a more flexible approach, which may include an alternate amalgamation pattern combined with more flexible provisions or greater incentives to amalgamate;
- Draft a Clause in the North Sydney LEP to allow sites to develop in isolation where negotiations between relevant owners of adjoining properties are unsuccessful despite a concerted effort being made by the relevant parties;
- Recalculation of requirements to provide and contribute toward public benefits so that they are shared evenly amongst the landowners in the precinct; and
- Reconsideration of the type and location of public benefits and public domain outcomes including the pocket park and consolidated basement.

The following table outlines the required FSRs for each site to ensure the redevelopment of these sites are economically feasible.

Table 4 – Feasibility Testing Results, required FSR					
Development Yield	Site Area (m <sup>2</sup> )	Non-residential GFA (m <sup>2</sup> )	Residential GFA (m <sup>2</sup> )	Total GFA (m <sup>2</sup> )	Minimum FSR
<b>Site A</b>					
271-273 Alfred Street	1,031	1,445	1,401	2,846	2.75:1
275 Alfred Street	1,334	1,951	11,552	13,473	10.1:1
283 Alfred Street	872	711	1,818	2,529	2.9:1
<b>Total</b>	<b>3,237</b>	<b>4,107</b>	<b>14,741</b>	<b>18,848</b>	<b>5.82:1</b>
<b>Site B</b>					
263-269 Alfred Street 4 Little Alfred Street	1,980	1,542	6,378	7,920	4:1
<b>Total</b>	<b>1,980</b>	<b>1,542</b>	<b>6,378</b>	<b>7,920</b>	<b>4:1</b>

Source: AEC Group

### 3.6 Meeting with Council officers – 27 August 2018

A meeting was held with Council officers on 27 August 2018 to discuss potential alternate massing options for the Precinct which considered Council's Preferred Option in the draft Precinct Planning Study. Three alternate massing options were prepared by Legge and Legge Architects for the Precinct which closely achieve the FSR thresholds in the AEC Economic Feasibility Study and provided alternate site amalgamation options to provide a suitable balance between achieving an economic outcome without reasonably impacting upon the amenity of the surrounding neighbours.

The following key items were discussed in the meeting:

- The preference is to retain the existing Bayer building given cost implications and the existing building is structurally sound to accommodate additional levels on top. There are some good examples of retention of existing buildings including the Water Board site.
- There may be noise/vibration issues if the commercial tenants are to remain in the Bayer building while the additional levels are to be constructed above.
- The public domain improvements to the wider Precinct would need to be identified including additional landscaping, retail fronting Alfred Street and a continuous awning.
- Little Alfred Street could be proposed as a one way loop which would minimise the traffic conflicts along this street.
- The location of the plaza wasn't logical and a through site link would be better located to 283 Alfred St.
- Attempts of site amalgamation should be documented to build a case however they said that not amalgamating the sites should be last resort. The applicant noted that the site to the north (283 Alfred St) can be redeveloped in isolation.
- A good mix of uses should be incorporated into the design and perhaps a reduction in commercial floor space be presented as an option. The proposal must be consistent with the objectives of the draft Precinct Planning Study which looks at 'establishing a liveable, high amenity precinct that supports a good mix of new commercial, mixed use and residential buildings'. It was noted that the Stockland development in Cammeray is a good example of an appropriate mix of uses.
- The draft Precinct Planning Study will be a document which will invite landowners to prepare a Planning Proposal for the precinct.

### 3.7 Meeting with Council – 28 September 2018

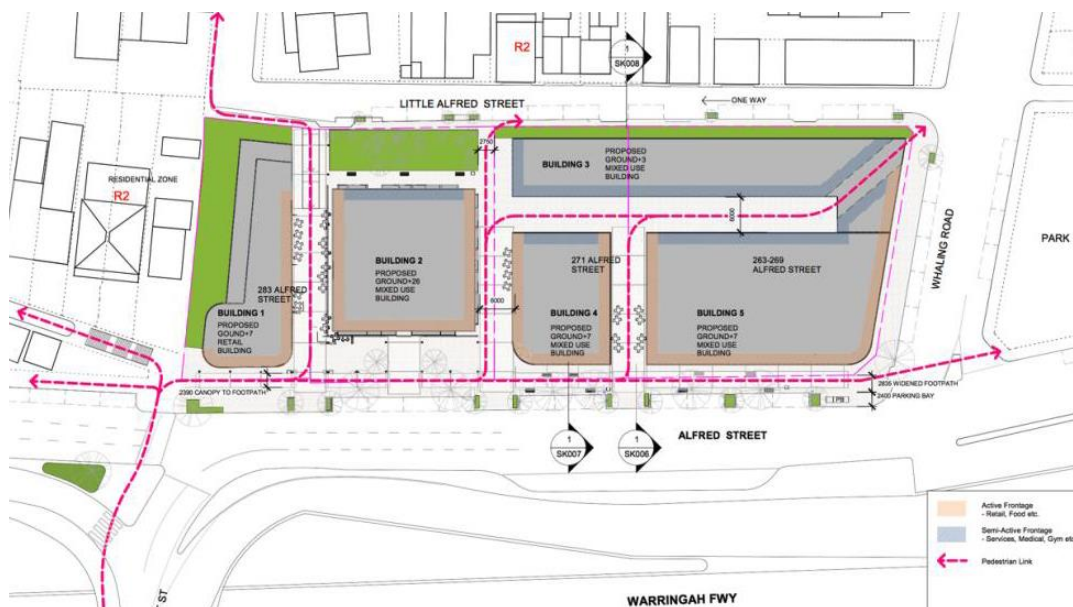
A meeting was held with the Mayor (Jilly Gibson), General Manager (Ken Gouldthorp) and Council's Director of Planning (Joseph Hill) on 28 September 2018. At this meeting an update of the draft Precinct Planning Study was provided by Council. Furthermore, a peer review was undertaken by MAKO Architects of the massing options prepared by Legge and Legge Architects and MAKO's feedback was incorporated into the options and presented at this meeting.

### 3.8 Subsequent submission to the Draft Precinct Planning Study – October 2018

Following the meetings with Council's officers, Mecone submitted a subsequent submission to the draft Precinct Planning Study. MAKO Architects were engaged to prepare a peer review of the three alternate massing options presented to Council (27 August 2018) and incorporate any of Council's feedback. This submission presented a refined massing option which included a number of similarities between Council's preferred option in the draft Precinct Planning Study including:

- provision of multiple through site links;
- active ground floor frontages; and
- additional landscaping along Alfred Street and Little Alfred Street.

The main material difference was the removal of the pocket park which was considered to be a poor planning outcome given the park would be underutilised and adjoin a busy road. Mecone considered the alternate massing provided a substantial improvement to the ground floor plane beyond Council's exhibited preferred option, refer to the figure below.



**Figure 14 - Site plan for alternative potential massing option**

Source: Legge and Legge Architects

The key features of the alternative option proposed in the Mecone submission included:

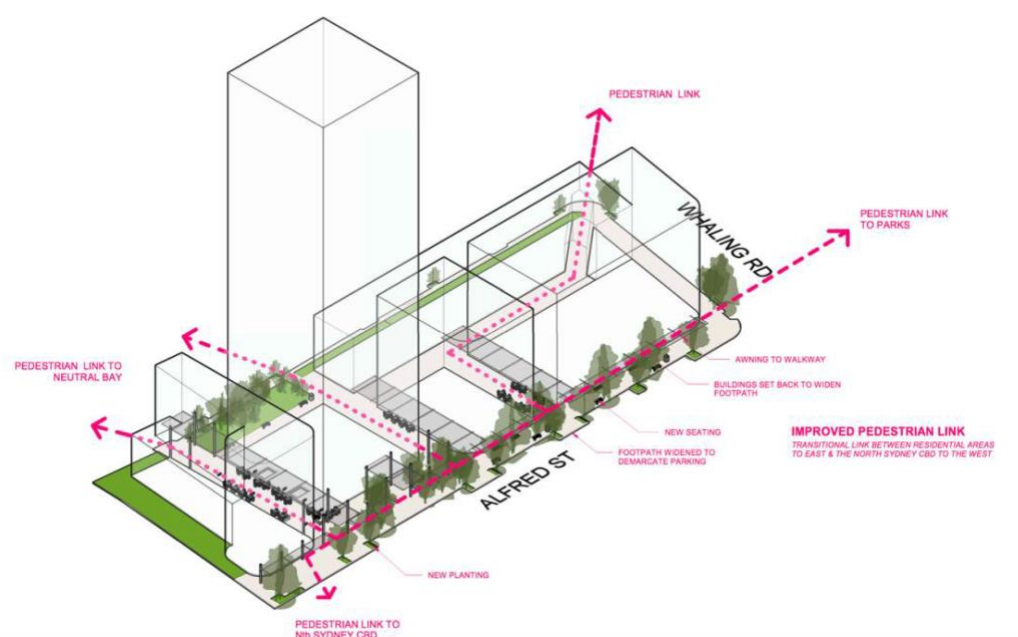
- Enabling the redevelopment of sites 283 and 275 Alfred Street individually and the amalgamation and redevelopment of sites 271-273 and 263-269 Alfred Street.
- Where amalgamations are to occur, an appropriate economic incentive exists for this to occur.
- The proposed densities would achieve the minimum FSR thresholds identified in the AEC Economic Feasibility Study and Buildings 1, 4 and 5 could achieve 8 storeys, the Bayer Building could achieve 27 storeys (an additional 9 storeys) and Building 3 could achieve 4 storeys, refer to figure above;

- All properties would be subject to a Voluntary Planning Agreement (VPA) which would outline the public benefits to be provided in order to achieve additional height and FSR to the sites;
- The retention and refurbishment of the existing Bayer Building;
- Incorporation of mixed uses including retail, cafes and commercial and residential uses which will enable the development of a lively precinct; and
- Undertaking a design competition to ensure a high standard of Architectural quality is achieved for the Precinct.

The submission outlined that the alternate option was consistent with the recommendation of the JRPP for the previous Planning Proposal for the Bayer Building as it minimises the need for site amalgamations. It was noted that the JRPP resolution did not recommend any site amalgamations for the precinct to achieve additional height – which compared to the Council preferred option is significantly less complex in order to achieve a final redevelopment outcome.

The issue of the ground floor treatment was raised by Council Staff at the August 2018 meeting. To address issues raised the alternative option incorporated the following improvements and features including (refer to figure below):

- The creation of multiple through site links which will significantly improve permeability in and around the site which is to be activated by retail/cafes;
- Additional planting and increased footpath width along Alfred Street to create a buffer between pedestrians and vehicles along the street;
- Provision of an awning along Alfred Street to provide a pedestrian scale and weather protection; and
- Additional planting along the northern boundary and Little Alfred Street to create a landscaping buffer with the Heritage Conservation Area and residential zones.



**Figure 15 - Mecone Alternative Massing Option: Public Domain improvements**  
Source: Legge and Legge Architects

### 3.9 Amended Alfred Street Planning Study and Council meeting – 29 January 2019

Following the public exhibition of the draft Alfred Street Planning Study (26 April to 8 June 2018), the Precinct Planning Study was amended as a response to the submissions received. The amended Study was heard at a Council on 29 January 2019, however the Council resolved to not adopt the draft Precinct Planning Study.

Given the Study was not formally adopted due to political reasons it doesn't have any statutory weight however, it is considered to have probative value. It has been used as a guide for the Planning Proposal and be given evidentiary weight as it is based on the professional opinion of Council officers as to what would be an acceptable built form taking into consideration community feedback. The proposal is also generally consistent with the objectives and design requirements envisaged in the Study.

The main amendments from the previous scheme are outlined below:

- Fine grain residential accommodation was located along the length of Little Alfred Street up to 3 storeys to create a better transition with the Whaling Road HCA;
- The existing Bayer Building floorplate was retained (rather than a knock down rebuild) and specific built form principles that promote architectural detailing to the façade and balconies were incorporated. The Bayer Building was lowered from 26 to 24 storeys while the bulk of the building was increased from 20m to 24.75m along Alfred Street. The maximum width of the eastern façade is to be the same as the existing tower and the height is to be tapered along the eastern boundary;
- The efficiency of the floorplate was adjusted 70% to 80% and a higher rate of residential floorspace was recommended reduce the height and bulk and allow for a more feasible scheme;
- Revised amalgamation patterns – with 275 and 283 Alfred Street amalgamated and the remainder of the sites to the south amalgamated;
- Removal of the pocket park along the northern boundary to create a 10m wide through site link;
- Create a 6m setback along Little Alfred Street to allow for public domain upgrades and canopy trees;
- Affordable housing is not recommended to be pursued given it would create greater pressure on the height and bulk of the development; and
- The amended Study points out the transport issues that are to be addressed in a future Planning Proposal:
  - **Driveway access:** Investigate the opportunity to consolidate access into the parking basement to ensure the least pedestrian volumes are impacted by a driveway into the precinct;
  - **Shared Path:** The kerbside should be expanded to Alfred Street North with trees, street furniture, cycle-path and parklets where possible (3m wide);
  - **Street Parking:** Identify improvements to street parking capacity of the surrounding community;
  - **Traffic through Little Alfred Street:** Opportunities should be explored for either a street closure, a shared zone, a oneway street or a mix of solutions;



- **Mount Street Overpass Upgrade:** A best practice pedestrian improvement of the Mount Street overpass to improve pedestrian amenity with added shade, vegetation and art across the bridge;
- **Intersections at Whaling Road:** There's traffic congestion and little amenity for pedestrians on the intersection of Whaling Road including Alfred Street North, Little Alfred Street and Neutral Street. Improvements should be proposed and implemented.

**Note:** Vehicle access points to Little Alfred Street, increased footpath widths/landscaping along Alfred Street North and the Mount Street Overpass Upgrade are all elements addressed in the site specific DCP.

Council developed an amended preferred option for the Precinct which is outlined below:

- Amalgamate sites 275 and 283 Alfred Street to create Site A and the remainder of the southern sites to create Site B;
- Achieves an FSR of 3.9:1 – 4.4:1 across the Precinct with 6.5:1-7.4:1 for Site A and 2.1:1-2.4:1 for Site B;
- Little Alfred Street incorporates fine grain residential accommodation which is 3 storeys in height;
- For Site A, the built form would include a three storey commercial podium (to the through site links and Alfred Street) with a new tower to align with the Bayer Building (including its width along Little Alfred Street) with an additional 6 storeys which are to be tapered along the eastern boundary;
- For Site B, the ground floor is to be commercial (along through the through site link, Alfred Street and Whaling Road, with a 4 and 9 storey built form along Alfred Street;
- Shared basement access; and
- Public benefits including a public through site link to the northern edge of Site A, a laneway which straddles Sites A and B, street frontage setbacks and an upgraded public domain.

**Note:** the FSR targets in Council's draft Precinct Planning Study for each site did not allow for Sites A, C and D to achieve their current maximum permissible FSRs in the LEP (3.5:1). Refer to the table below which outlines the target FSRs for each site based on Council's draft Precinct Planning Study.

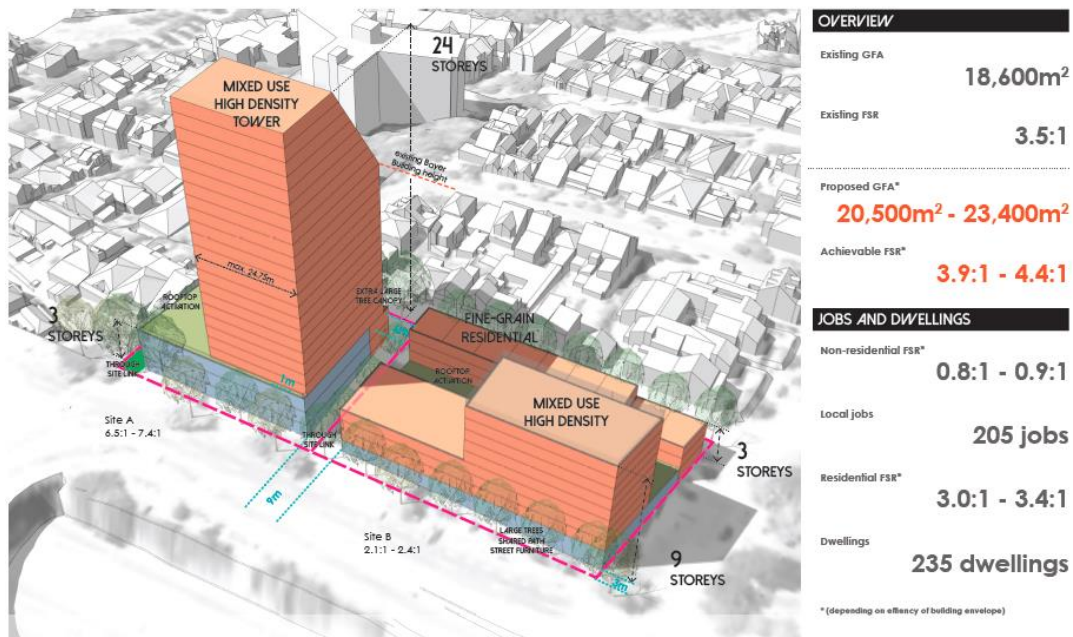
	Site A	Site B	Site C	Site D
Precinct Planning Study – Target FSRs	1.39:1	10.58:1	1.62:1	3.42:1

Source: Grimshaw

The Planning Proposal will ensure that Sites A, C and D will be able to achieve the current permissible 3.5:1 FSR they currently enjoy in the LEP. Whilst Sites A and B were to be amalgamated (with a higher FSR on Site B as a result of this) the subject Planning Proposal will retain an FSR of 3.5:1 to Site A and reduce the FSR to a base of 7.3:1 (existing building) with an additional 2:1 design excellence provision (total FSR of 9.3:1).

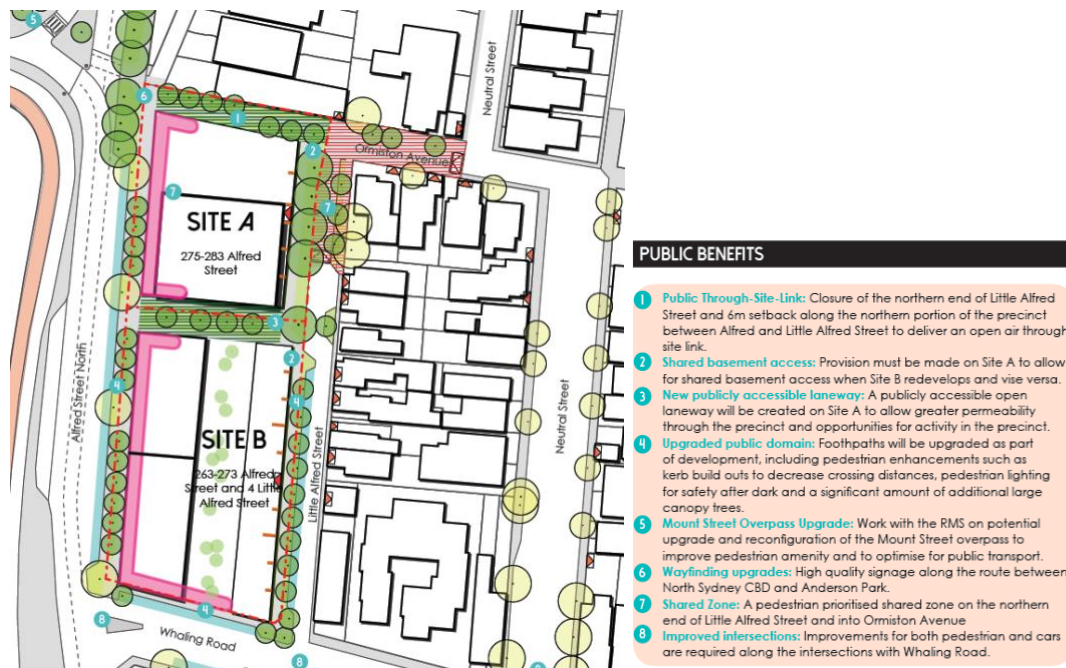


Refer to the figures below for Council's preferred scheme and proposed public benefits.



**Figure 16 – Council's Preferred Option**

Source: North Sydney Council



**Figure 17 – Public benefits**

Source: North Sydney Council

## 4 Planning Proposal Overview

Section 3.33 of the EPA Act outlines the required contents of a planning proposal. The former Department of Planning and Infrastructure's "A Guide to Preparing Planning Proposals" (2017), breaks these requirements into six parts. These parts are addressed in proceeding chapters as follows:

- Chapter 5 addresses Part 1— A statement of the objectives and intended outcomes of the proposed instrument;
- Chapter 6 addresses Part 2— An explanation of the provisions that are to be included in the proposed instrument;
- Chapter 7 addresses Part 3— The justification for those objectives, outcomes and the process for their implementation;
- Chapter 8 addresses Part 4— Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Chapter 9 addresses Part 5— Details of the community consultation that is to be undertaken on the planning proposal; and
- Chapter 10 addresses Part 6—draft timeline for the Planning Proposal.

## 5 Objectives and Intended Outcomes

The objectives and intended outcomes of the planning proposal are to:

- To facilitate renewal of the entire Precinct consistent with Council's draft Alfred Street Precinct Planning Study (2018);
- To incorporate a number of public benefits within the scheme including improvements to the ground floor plane (with a pedestrian arcade, additional landscaping and retail activation) and upgrade of Mount Street overpass;
- To facilitate local employment uses such as neighbourhood shops, café/restaurants which will contribute to the local economy and activate the site. The Planning Proposal will incorporate commercial suites which will protect local jobs in the Precinct and ensure there is sufficient floor space to support local businesses that can't afford to locate to the CBD;
- To facilitate the redevelopment of the Precinct as a livable high-quality mixed use development in close proximity to public transport, recreational facilities and services;
- To provide a lively Precinct with a pedestrian arcade with a series of laneways/through site links to ensure community social interaction and a high level of architectural design/design excellence;
- To provide for improved permeability in the area by delivering a pedestrian arcade and incorporating areas which are covered for weather protection;
- To provide amalgamation patterns which will easily facilitate the redevelopment of the Precinct;
- To rezone the Precinct from B3 Commercial Core to B4 Mixed use to allow for residential accommodation. The 'mixed use' typology will be more appropriate for the locality given it will create a suitable transition between North Sydney CBD and residential zones and activate the precinct in the evenings with the residential uses;
- Increase the height of buildings and floor space ratio provisions which will create an appropriate transition in density from North Sydney CBD to the adjoining low scale residential areas and heritage conservation area. The proposed densities will ensure the redevelopment of the Precinct is economically feasible;
- To allow for additional height to the Bayer Building as an incentive to improve the outdated office space and ground floor plane. A high quality architectural design and façade treatment (with the retention of the structural frame) will be provided that responds to its context, topography, adjoining residential dwellings/heritage conservation area and the North Sydney CBD;
- To provide a design excellence bonus provision for the Bayer Building site which requires a design competition process to be undertaken to ensure a high standard of architecture, urban and landscape design is achieved for the site which allows additional FSR to be considered;

- To provide for additional dwellings in an urban area while minimising adverse amenity impacts on the surrounding residential dwellings, heritage conservation area and public domain;
- To improve the public domain along all street frontages by incorporating additional landscaping and activating the street frontages with retail uses;
- To provide neighbourhood convenience shops and cafes/restaurants for the day to day needs of residents without detracting from higher order commercial activities nearby; and
- To assist in achieving State and local government's housing targets and address the lack of housing availability within the locality by providing additional residential accommodation.

## 6 Explanation of Provisions

The Planning Proposal seeks to achieve the intended outcomes outlined in Section 5 of this report by proposing amendments to the maps and introducing new provisions in the NSLEP 2013. The LEP maps are shown in section 7 of this report and in **Appendix 6**.

### 6.1 Amendments to NSLEP 2013 maps

The proposal seeks amendments to the land use zoning, FSR and HoB maps in the NSLEP 2013 which are outlined in the table below.

Table 5 – Proposed map amendments		
Map Sheet	Amendment	Explanation
Land use zoning map LZN_002A	<ul style="list-style-type: none"> <li>Rezone the Precinct from B3 Commercial Core to B4 Mixed Use</li> </ul>	<p>The precinct is isolated from the North Sydney CBD the B4 Mixed Use zone will allow for residential accommodation. The amendment will create a better transition between North Sydney CBD and the adjoining residential areas and create a more lively precinct with more evening activity. The rezoning of the precinct to B4 Mixed Use was supported by the JRPP decision in 2016 and is consistent with the draft Alfred Street Precinct Study prepare by Council.</p>
Height of Buildings map HOB_002A	<ul style="list-style-type: none"> <li>Increase the maximum height of buildings from 13m to:               <ul style="list-style-type: none"> <li>31m for 283 Alfred Street (Building A);</li> <li>80m for 275 Alfred Street (Building B). <b>Note:</b> the existing building 52.36m;</li> <li>28m for 271-273 Alfred Street (Building C); and</li> <li>29m for 263-269 Alfred Street/4 Little Alfred Street (Building D).</li> </ul> </li> </ul>	<p>The proposal seeks to increase the heights to allow for a maximum 8 storey development for Buildings A, C and D and a maximum 24 storey development for Building B.</p> <p>It is highlighted that the FSRs for Buildings A, C and D are to be retained at 3.5:1 whilst the FSR for Building B is to be consistent with the existing FSR (with a design excellence bonus which allows for additional FSR only if a Design Competition is undertaken).</p> <p>The proposal is generally consistent with the heights proposed in the draft Precinct Planning Study. Furthermore, the increase in height is consistent with the JRPP decision which stipulated it would be appropriate to grant the precinct the density it now enjoys with</p>

Table 5 – Proposed map amendments		
Map Sheet	Amendment	Explanation
		<p>additional height so that a mixed use building with appropriate amenity may be developed on it.</p> <p>Given the Precinct has significant ground level variations, the measurement of existing ground level is consistent with the judgement <i>Bettar v Council of the City of Sydney [2014]</i> NSWLEC 1070 which utilises the levels of the surrounding context to determine existing ground level and includes the average level between these points.</p>
Floor Space Ratio map FSR_002A	<ul style="list-style-type: none"> <li>• Increase FSR provision for 275 Alfred Street (Building B) from 3.5:1 to a base of 7.3:1 which is the existing FSR of the Bayer Building. Insert an design excellence provision which allows for an additional 2:1 FSR (with a total maximum FSR control of 9.3:1), subject to the achievement of design excellence through a design competition being undertaken for the site.</li> </ul> <p><b>Note:</b> the maximum FSR controls will be retained at 3.5:1 for 283 Alfred Street (Building A), 271-273 Alfred Street (Building C) and 263-269 Alfred Street/4 Little Alfred Street (Building D).</p>	<p>The proposal will increase the base FSR to 7.3:1 for 275 Alfred Street which is consistent with the existing FSR for the Bayer Building. It is noted that the JRPP considered it appropriate to grant this site the density it now enjoys by virtue of the existing building on it.</p> <p>A design excellence provision is also proposed which will allow for an additional 2:1 FSR, subject to the site undergoing a Design Competition process and the future building exhibiting design excellence. A Design Competition will be triggered if a Development Application is lodged for a building exceeding 62m in height (with the existing height being 60.97m including the signage) and will ensure a high standard of architecture, urban and landscape design is achieved for the site.</p> <p>It is highlighted that the FSR (including the design excellence bonus) is below the FSR in Council's preferred option in the draft Precinct Planning Study.</p> <p>The wording for the new provisions including Clause 4.4 (2A) – Floor Space</p>

Table 5 – Proposed map amendments		
Map Sheet	Amendment	Explanation
		Ratio and Clause 6.15 - Design Excellence are detailed below.

## 6.2 New for provisions for the NSLEP 2013

The proposal seeks to introduce the following provisions in the NSLEP 2013:

- Clause 4.4 (2A) – Floor Space Ratio; and
- Clause 6.15 - Design Excellence.

Refer to the proposed wording below:

### **4.4 Floor space ratio**

*(2A) Despite subclause (2), the floor space ratio of a building may exceed the maximum floor space ratio allowed under that subclause by up to:*

- (a) 9.3:1—if the building is in Area A identified on the Floor Space Ratio Map and achieves design excellence.*

### **6.15 Design Excellence**

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- (2) This clause applies to the following development:*
- (a) development that is the subject of a development application that relies on Clause 4.3 (3) (a) or 4.4 (3) (a).*
- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.*
- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:*
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
- (c) whether the proposed development detrimentally impacts on view corridors,*
- (d) how the proposed development addresses the following matters:*
- (i) the suitability of the land for development,*
- (ii) the existing and proposed uses and use mix,*



- (iii) any heritage issues and streetscape constraints,
  - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (v) the bulk, massing and modulation of buildings,
  - (vi) street frontage heights,
  - (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
  - (viii) the achievement of the principles of ecologically sustainable development,
  - (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
  - (x) the impact on, and any proposed improvements to, the public domain,
  - (xi) the impact on any special character area,
  - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
  - (xiii) excellence and integration of landscape design.
- (5) Development consent must not be granted to the following development to which this clause applies unless an architectural design competition process has been held in relation to the proposed development:
- (a) development in respect of a building that has, or will have, a height above ground level (existing) greater than:
    - (i) 62 metres on land in Area A on the Floor Space Ratio Maps
- (6) An architectural design competition process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development:
- (a) involves only alterations or additions to an existing building, and
  - (b) does not significantly increase the height or gross floor area of the building, and
  - (c) does not have significant adverse impacts on adjoining buildings and the public domain, and
  - (d) does not significantly alter any aspect of the building when viewed from public places.
- (7) An architectural design competition conducted in accordance with Design Excellence Guidelines that were in force when the competition was conducted is taken to have been conducted in accordance with the Design Excellence Guidelines.
- (8) In this clause:

**building demonstrating design excellence** means a building where the design of the building (or the design of an external alteration to the building) is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence.

**architectural design competition** means a competitive process conducted in accordance with the Design Excellence Guidelines.

**Design Excellence Guidelines** means the Design Excellence Guidelines adopted by the Council and in force at the commencement of State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018, or, if none have been adopted, the Design Excellence Guidelines issued by the Secretary.

## 7 Part 3 – Justification

### 7.1 Section A – Need for the proposal

#### 1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal has been prepared as a direct result of the draft Alfred Street Precinct Planning Study. The Planning Proposal is also broadly consistent with key state and local documents including:

- NSW State Plan;
- Premier's Priorities;
- A Metropolis of Three Cities – the Greater Sydney Region Plan;
- Future Transport Strategy 2056;
- North District Plan;
- North Sydney Local Development Strategy (2009);
- North Sydney Residential Strategy (2009); and
- North Sydney Community Strategic Plan 2018 - 2028.

#### Draft Alfred Street Precinct Planning Study

The draft *Alfred Street Precinct Planning Study (YEAR)* (the draft Precinct Planning Study) was prepared as a result of a decision of the former Joint Regional Planning Panel (JRPP).

On 13 September 2016 the JRPP had considered a Pre-Gateway Review for a previous Planning Proposal for 275 Alfred Street. The Proposal sought to amend controls for 275 Alfred Street (to the exclusion of all other sites) including changing the land use zone from B3 Commercial Core to B4 Mixed Use, increase the building height and floor space ratio standards.

While the JRPP recommended refusal of the PP, it advised that (summary of advice):

- A change in zoning to allow residential use in the street block would be appropriate;
- The main reason the PP was not recommended to proceed was the manner in which the PP only dealt with 275 Alfred Street rather than the area zoned B3 Commercial Core in which it is located;
- For any future PP for the block, it would be appropriate to grant 275 Alfred Street the density it now enjoys, with some additional height so that a mixed use building with appropriate amenity can be developed on it; and
- For the other sites within the B3 Commercial Core zoned land the existing density of 3.5:1 may be combined with some additional height so that it becomes possible to develop them to their development potential for mixed use buildings with appropriate amenity.

In response to JRPP decision, North Sydney Council resolved to prepare a planning study for the Alfred Street Precinct. Council resolved at its meeting on 26 March 2018 to adopt and publicly exhibit the draft Alfred Street Planning Study. Following the public exhibition of the draft Precinct Planning Study, it was amended, however at the meeting on the 29 January 2019, Council resolved not to adopt the Precinct Planning Study.

Whilst, the draft Precinct Planning Study was not adopted by Council, the study was undertaken in response to earlier consideration of the matter by the JRPP and the purpose of the Study was to create a framework for a future land owner led Planning Proposal for the entire Precinct. The draft Precinct Planning Study provides a guide of what Council and the wider community would like to see in the future redevelopment of the Precinct.

The subject Planning Proposal has been prepared as a result of the draft Precinct Planning Study and whilst it is not a complete adoption of Council's preferred option, it is generally consistent with the recommendations of the JRPP and Study's objectives and design requirements (this is discussed in greater detail in section 7.2 below). The Planning Proposal is consistent with the JRPP decision in that it allows for a Precinct wide approach, rezones the Precinct to allow for residential accommodation (thereby creating a better transition between North Sydney CBD and the adjoining residential area) and allows for additional density which the JRPP supported.

The Proposal provides an opportunity to improve the amenity of the Alfred Street Precinct, provide for a good mix of uses, establish urban design precedent, provide public benefits and permeability across the Precinct and support small businesses and start-ups through the provision of additional commercial floor space.

The variations between this proposal and Council's preferred option in the draft Precinct Planning Study including the amalgamation patterns and revised built form outcomes to Sites A, C and D. The proposal seeks to overcome the challenges of securing amalgamation by proposing an alternate amalgamation pattern which still allows for large sites to be developed individually.

For Sites A, C and D, the proposal seeks heights of 8 storeys which differs from the heights in the draft Precinct Planning Study. Whilst the proposed heights are slightly different to the Study, the proposal allows for these sites to be redeveloped in isolation and to achieve the existing maximum FSR they currently enjoy which will provide an incentive for these sites to be redeveloped. Justification for these departures from the draft Precinct Planning Study are discussed in section 7.3 of this report below.

## 2. Is the Planning Proposal the best means of achieving the objectives and outcomes, or is there a better way?

The Planning Proposal seeks to rezone the site to B4 Mixed Use and increase the density (Height of Buildings and FSR provisions) of the site which is controlled by North Sydney Local Environmental Plan 2013 and the only way of amending these provisions is through a Planning Proposal. While it would be possible for the rezoning to be contemplated through the upcoming comprehensive LEP review, this is considered to be a less desirable method as it would not allow detailed site master planning or consideration of public benefits alongside the changes to planning controls. There would be no opportunity to increase the FSR and Height of Buildings controls through a Clause 4.6 variation as part of a Development Application as the extent of variation is generally outside of the realm of which Council would consider.

## 7.2 Section B – Relationship to strategic planning framework

### 3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Metropolitan Strategy and exhibited draft strategies)?

Whilst this application is not for a rezoning review, the proposal has been considered against the strategic merit test and the site-specific merit test to demonstrate that the Planning Proposal has strategic merit (refer to **Appendix 5**). The Planning Proposal is

consistent with the priorities, objectives and actions contained within the following plans and strategies:

#### Premier's Priorities

The 'Premier's Priorities' set out 12 priorities which reflect a whole-of-government approach to tackling important issues for the people of NSW, from helping vulnerable children and raising the performance of school students, to improving housing affordability and building local infrastructure.

By seeking to contribute to dwelling supply, the Proposal is consistent with the priority "making housing more affordable" which seeks an average of 61,000 housing completions per year to 2021. The reference scheme for the Planning Proposal will contribute approximately 156 residential units to the locality which will contribute to the government housing targets.

#### The Greater Sydney Regional Plan - A Metropolis of Three Cities

The Greater Sydney Regional Plan 2056 was published in March 2018 and sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. The Plan replaced the previous *A Plan for Growing Sydney*. The Plan outlines 10 overarching directions supported by 40 objectives which aim to provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents. The Planning Proposal's consistency with the 40 objectives is discussed in the table below:

Table 6 – A Metropolis of Three Cities		
Objective		Consistency
1	Infrastructure supports the three cities	The proposal is located within proximity to public transport services, North Sydney CBD (which includes employment, health and education, retail and other services) and open space. The proposal seeks to utilise new transport infrastructure in the Sydney Metro City and South West accessible via Victoria Cross Station.
2	Infrastructure aligns with forecast growth – growth infrastructure compact	The proposal aligns with population, employment and housing demand for North Sydney LGA, facilitating additional commercial, retail and residential floor space.
3	Infrastructure adapts to meet future needs	The proposal does not include provision of infrastructure.
4	Infrastructure use is optimised	Not Applicable
5	Benefits of growth realised by collaboration of governments, community and business	The proposal has been subject to discussion and collaboration with Council in relation to realising the vision for the site and providing an outcome that is consistent with the directions of strategic planning.
6	Services and infrastructure meet communities' changing needs	The proposal will facilitate additional housing in a location well serviced by education, health and community facilities and other infrastructure.

Table 6 – A Metropolis of Three Cities

Objective		Consistency
7	Communities are healthy, resilient and socially connected	<p>The Proposal will establish improved pedestrian connections and links and ground floor retail, which will encourage socially connected communities and allow for ground floor activation.</p> <p>The proposal will create a walkable place with the provision of retail and commercial uses conveniently located close to residential accommodation. Bicycle parking will be provided in the scheme which will be detailed in the future Development Application and a bicycle lane has been identified along Alfred Street by North Sydney Council. The promotion of walking and cycling will improve the health of future residents and reduce traffic congestion.</p> <p>Enhancing accessibility across the site to the surrounding area and proximity to North Sydney CBD will encourage active transport and public transport use.</p>
8	Greater Sydney's communities are culturally rich with diverse neighbourhoods	Not Applicable
9	Greater Sydney celebrates the arts and supports creative industries and innovation	The Proposal could provide opportunity for public art and sculpture works throughout the precinct.
10	Greater housing supply	The reference scheme provides approximately 14,449m <sup>2</sup> of residential GFA that will account for a total of 156 dwellings. This will contribute to the housing targets as mandated by the GSC.
11	Housing is more diverse and affordable	<p>The proposal will deliver a mix of housing types across the site including 1, 2 and 3-bedroom apartments, contributing to housing diversity.</p> <p>The draft Precinct Planning Study stipulated that affordable housing is not recommended to be pursued given it would create greater pressure on the height and bulk of the development. However, we seek to include affordable housing (approximately 10%) within the scheme to ensure a diversity of housing is provided for the locality.</p>
12	Great places that bring people together	The proposal will enable the initial steps toward the enhance of the sense of place for the Precinct. This will be achieved through urban design, amenity and safety improvements for



Table 6 – A Metropolis of Three Cities

Objective		Consistency
		the precinct and provide wider place making benefits for the North Sydney CBD.
13	Environmental heritage is identified, conserved and enhanced	The proposal has been designed so that it is respectful to and will not adversely impact the Whaling Road Heritage Conservation Area adjacent to the site.
14	<i>A Metropolis of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities	The proposal provides housing and employment in close proximity to public transport services. It also will provide improved links between North Sydney CBD and the surrounding area improving walkability to jobs and services within 10 minutes of the centre.
15	The Eastern, GOP and Western Economic Corridors are better connected and more competitive	<p>The site is within the Eastern Economic Corridor and the site is considered to be isolated and dislocated from the</p> <p>. The proposal will result in growth and activity within the Corridor and will be supported by transport infrastructure investments to enable workers to access the site.</p>
16	Freight and logistics network is competitive and efficient	Not Applicable.
17	Regional connectivity is enhanced	Not Applicable.
18	Harbour CBD is stronger and more competitive	<p>The site is within the Eastern Economic Corridor. However, the Precinct is considered to be isolated from the North Sydney CBD and adjoins a residential zone and therefore is not considered appropriate for employment growth. Whilst the proposal will result in the loss of some commercial floor space, there appears to be in the order of 806,000m<sup>2</sup> of additional commercial supply capacity in the North Sydney Centre which would provide 40,300 additional jobs and exceed the job targets for the North District Plan.</p> <p>The proposal will still provide some 10,127m<sup>2</sup> of modern commercial floor space for potential small businesses, creative and start ups within the Precinct. The proposed commercial spaces will be for businesses that can not afford the rents within the CBD and will play a supportive role to the North Sydney CBD.</p>
19	Greater Parramatta is stronger and better connected	Not Applicable.

**Table 6 – A Metropolis of Three Cities**

Objective		Consistency
20	Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Sydney	Not Applicable.
21	Internationally competitive health, education, research and innovation precincts	Not Applicable.
22	Investment and business activity in centres	The proposal will contribute to the Harbour CBD and North Sydney CBD through the provision of improved connections to these centres from the surrounding area, adding to the diversity of uses, providing for residential development but not at the expense of commercial jobs, and creating a quality public realm.
23	Industrial and urban services land is planned, retained and managed	Not Applicable.
24	Economic sectors are targeted for success	Not Applicable.
25	The coasts and waterways are protected and healthier	Not Applicable.
26	A cool and green parkland city in the South Creek corridor	Not Applicable.
27	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Not Applicable.
28	Scenic and cultural landscapes are protected	Not Applicable.
29	Environmental, social and economic values in rural areas are protected and enhanced	Not Applicable.
30	Urban tree canopy cover is increased	The proposal includes tree canopy improvements to the streetscape of Little Alfred Street and Alfred Street with some elevated podium areas along Little Alfred Street for further landscaping opportunities.
31	Public open space is accessible, protected and enhanced	The proposal will enhance access from North Sydney CBD, through the site itself to open space at Anderson park and the Harbour Foreshore.
32	The Green Grid links parks, open spaces, bushland and walking and cycling paths	The proposal will provide links to surrounding open spaces and walking and cycling paths.

Table 6 – A Metropolis of Three Cities

Objective		Consistency
33	A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The proposal will contribute to a more sustainable and resilient city through natural revegetation of the site and its surrounds. The proposal will create a development which integrates employment (commercial/retail) and housing which reduces the need to travel by car. The proposal will also incorporate sustainable construction methods and energy efficient design measures within the building which will be explored further as part of the Development Application process.
34	Energy and water flows are captured, used and re-used	The proposal will provide uses that will enable WSUD and ensure water is appropriately drained across the site.
35	More waste is re-used and recycled to support the development of a circular economy	The proposal will facilitate a mix of land uses that can utilise recycled water for landscaping and WSUD which will be explored further at Development Application stage.
36	People and places adapt to climate change and future shocks and stresses	The proposal will deliver a gradual improvement of vegetation across the site by providing landscaping for mature trees.
37	Exposure to natural and urban hazards is reduced	The proposal will deliver a resilient community that is able to respond to varying shocks and stresses of surrounding environment.
38	Heatwaves and extreme heat are managed	The proposal will deliver additional landscaping and tree plantings on the site, improving the overall urban cooling of the site.
39	A collaborative approach to city planning	Not Applicable.
40	Plans refined by monitoring and reporting	Not Applicable.

## Future Transport Strategy 2056

The Future Transport Strategy 2056 (Strategy) is an update of the 2012 Long Term Transport Master Plan for NSW. It is a 40 year strategy, supported by plans for regional NSW and for Greater Sydney. It outlines a vision, strategic directions and customer outcomes, with infrastructure and services plans underpinning the delivery of these directions across the state.

The Proposal is consistent with the measure of 'successful places' which is as follows:

*Increase the number of people able to access centres by walking, cycling and using public transport -*

The Proposal will provide a pedestrian arcade with a series laneways/through site links which will create a highly accessible Precinct. The Proposal offers a transition from adjoining residential areas to the CBD by providing a place for people as they move between where they live and work. Furthermore, the proposal will create a mixed use

Precinct by providing a mixture of retail, commercial and residential land uses which will be accessible by public transport, cycling or walking.

### North District Plan

The table below provides a summary of the planning proposal's consistency with the relevant District Plan priorities.

Table 7 – North District Plan		
Planning Priority		Consistency
N1	Planning for a city supported by infrastructure	The Planning Proposal aligns with city-shaping infrastructure investment of the Sydney Metro City and South West line which will support increased demand for transport services resulting from renewal of the Precinct.
N5	Providing housing supply, choice and affordability with access to jobs, services and public transport	<p>A housing supply target of 3,000 additional dwellings by 2021 in the North Sydney LGA has been set. The Precinct is within walking distance to jobs, health and education, retail and other services as well as a number of public transport services.</p> <p>The rezoning of the site to B4 Mixed Use will allow for residential accommodation to be provided in the Precinct. Further amendments to the height of building and FSR provisions will facilitate the increase of density within the Precinct. As such the proposal will increase the planning capacity for dwellings in the LGA, contributing to the housing required by the District Plan. A diversity of dwelling types, through provision of bedrooms, will provide for a range of price points.</p>
N7	Growing a stronger and more competitive Harbour CBD	<p>The Precinct falls just outside of the North Sydney CBD as defined by the North District Plan. North Sydney CBD has a thriving commercial market and is considered to complement the Sydney CBD and is referred to as the northern component of the Harbour CBD.</p> <p>The reference scheme for the Planning Proposal will provide approximately 10,127m<sup>2</sup> of modern commercial floor space (for potential small businesses, creative and start ups) within the Precinct. The proposal will provide 1,122 FTE jobs (including 510 FTE directly related to commercial activity and dispersed jobs in the Precinct). The commercial spaces will be for businesses that can not afford the rents within the CBD and will play a supportive role to the North Sydney CBD.</p>
N10	Growing investment, business opportunities and	The Precinct is located outside of the North Sydney CBD and is not within a strategic centre. The Precinct is not suitable for employment growth given it is isolated and dislocated from the CBD which was acknowledged by the JRPP and North Sydney

Table 7 – North District Plan		
Planning Priority		Consistency
	jobs in strategic centres	Council. Refer to further discussion in section 7.3 below.
N12	Delivering integrated land use and transport planning and a 30-minute city	The Planning Proposal capitalises on the investment and planned investments of the Sydney Metro City and South West, the Western Harbour Tunnel and Beaches Link. Development resulting from the Planning Proposal will increase the number of jobs and dwellings within the 30-minutes to a strategic centre through public and active transport.
N19	Increasing urban tree canopy and delivering Green Grid connections	The proposal seeks to provide additional mature landscaping along Little Alfred Street and Alfred Street to increase the urban tree canopy and allow for further Green Grid connections.

#### 4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

##### Draft Alfred Street Precinct Planning Study

Whilst, the draft Precinct Planning Study was not adopted by Council, the purpose of the Study was to create a framework for a future land owner led Planning Proposal for the entire Precinct. The Study considers site specific and wider implications with regard to solar access, building separation, visual impact, built form and heritage. The draft Precinct Planning Study provides a number of objectives which the proposal is consistent with and are discussed under the relevant headings below:

- *Establish a liveable, high amenity precinct that supports a good mix of commercial, mixed use and residential buildings*

The proposal seeks to create a liveable and lively mixed use precinct with an appropriate mixture of retail, commercial and residential uses. The ground floor retail will activate the pedestrian arcade, incorporate day and night time activities (including restaurants) and provide for the day to day needs of the residents. The retail and commercial spaces will also provide employment opportunities for the future residents.

The precinct will have a high level of amenity as it proposes significant improvements to the ground floor plane with a number of public domain improvements and a pedestrian arcade which is double height in some areas. Furthermore, the residential accommodation will provide a high level of amenity given it will comply with the Apartment Design Guide requirements for building separation distances, solar access and cross ventilation.

- *Ensure an appropriate transition to the surrounding low scale heritage conservation area*

The northern elevation of the existing commercial building (283 Alfred Street) is built along the boundary with the Whaling Road Heritage Conservation Area. The proposal will improve the built form along this elevation by providing a landscaping buffer at the ground floor which is 2.4m wide. Level 4 and above

has a reduced floor plate and is setback further from the northern boundary than the lower levels.

The proposal will provide fine grain residential accommodation which is 3 storeys along Little Alfred Street. This is consistent with Council's preferred option in the draft Precinct Planning Study and will create an appropriate transition to the lower scale development to the east.

- *Support small businesses and start-ups locate near the North Sydney CBD*

The reference scheme for the Planning Proposal will provide approximately 8,927m<sup>2</sup> of modern commercial floor space for potential small businesses, start ups and creative uses which are within proximity to the North Sydney CBD. These commercial spaces will provide more affordable rents than within the North Sydney CBD.

- *Provide public benefits that are commensurate with zoning uplift*

The proposal will incorporate a number of public benefits within the scheme which are to be captured through the site specific Development Control Plan (refer to **Appendix 7**). The public benefits for each site are also to be detailed in a future VPA as part of any future Development Application for the individual sites.

The public benefits for the Precinct include which are generally consistent with the draft Precinct Planning Study:

- **Pedestrian arcade:** Provide a pedestrian arcade at the ground floor which provides a series of laneways and through site links to improve permeability within and through the Precinct;
- **Upgrades to public domain:** The following upgrades are proposed for the public domain:
  - Increase landscaping along Little Alfred Street and Alfred Street (with some mature trees to create a canopy) to create a landscaping buffer;
  - Increase setbacks along Little Alfred Street (4.2-4.85m front setback) and Alfred Street (6-6.75m front setback) to improve the pathways with some kerb build outs along Alfred Street; and
- **Mount Street Overpass Upgrade:** Work with the RMS on potential upgrade and reconfiguration of the Mount Street overpass to improve pedestrian amenity (including potential weather protection and plantings) and to optimise for public transport.

Within the draft Precinct Planning Study, Council identified a number of design requirements and detailed a preferred option for the Precinct. The proposal is generally consistent with the design requirements for the preferred option (refer to table below for further discussion). The proposal will slightly vary from Council's suggested amalgamation patterns, however the proposal will overcome the challenges of securing amalgamation for multiple lots under fragmented ownership (refer to section 7.3 for further discussion).

**Table 8 – Design requirements in the draft Precinct Planning Study**

Design requirements	Consistency
<b>Principle 1: Built Form</b>	



**Table 8 – Design requirements in the draft Precinct Planning Study**

Design requirements	Consistency
The built form will step down from the scale of North Sydney CBD, presenting an appropriate transition to the scale of the Whaling Road Conservation Area.	<p>In the North Sydney Centre Planning Proposal heights of up to 115m are proposed. The proposed height for 275 Alfred Street is consistent with Council's preferred option in the draft Precinct Planning Study (24 storeys) and will well below the heights as proposed in the North Sydney CBD.</p> <p>The proposal will provide an appropriate height transition to the Heritage Conservation Area to the north and the east of the Precinct. The proposal will incorporate fine grain residential accommodation along Little Alfred Street (3 storeys in height) and this built form will be setback 4.2-4.85m which will provide opportunities for mature landscaping. A landscaping buffer will be provided along the northern elevation and the floor plates above the podium will be reduced in size and setback further from the Heritage Conservation Area.</p>
A new tower building will not be located further north than the location of the existing Bayer Building. This would limit additional impacts on privacy and solar access.	The Bayer Building will retain the existing building frame and will not be located further to the north to ensure amenity impacts to the surrounding neighbours are minimal.
Future development will result in a well proportioned podium with ground floor setbacks for public amenity and upper level setbacks for built form articulation.	<p>The 3 storey podium is consistent with the existing built form and is to be setback 4.2-4.85m along Little Alfred Street and 6-6.75m along Alfred Street which will improve the public amenity. The upper levels along Little Alfred Street are well setback from the building edge to reduce the bulk and scale along this elevation and to increase solar access into the centre of the Precinct.</p> <p>At the ground floor the Alfred Street elevation incorporates a multi layered zone of green / uncovered sidewalk / protected undercroft space enabling a comfortable dwell zone for retail, commercial and residential building access. A further massing setback is provided at the fourth level to visually define the podium / base of the precinct from the tower forms.</p>
A mixed use development must achieve the necessary separation requirements of the Apartment Design Guide to residential components.	The proposed residential accommodation is consistent with the ADG building separation requirements between the sites within the Precinct and with the surrounding neighbours.
<b>Principle 2: Transition</b>	

**Table 8 – Design requirements in the draft Precinct Planning Study**

Design requirements	Consistency
Little Alfred Street will have residential use with a fine grain building typology to reflect the use of the Conservation Area.	The proposal will incorporate a fine grain residential typology along Little Alfred Street to reflect the use of the Conservation Area.
The built form will present a bulk and scale that minimises shadow, privacy and bulk upon Whaling Road Conservation Area.	<p>The built form along Little Alfred Street will have generous setbacks to minimise privacy concerns and to reduce overshadowing to the Conservation Area. The proposed landscaping along this elevation (to the ground floor and podium levels) will provide screening of the built form. Refer to section 7.3 below for further discussion on overshadowing.</p> <p>Along the northern elevation, the podium will be setback further than the existing built form whilst the upper levels will be setback. The residential accommodation will be orientated east/west to minimise privacy concerns.</p>
A new tower building's eastern facade will have a similar scale as the existing Bayer Building in both width and height. It will taper down beyond this existing height.	The proposal seeks to retain the existing building frame of the Bayer Building and therefore will have a similar scale to the width. Whilst the additional height to the building isn't tapered, the development will not create any significant additional overshadowing to the surrounding Conservation Area and will be required to undergo a design competition to exhibit design excellence.
Advertising signage is restricted on residential buildings in particular facing the Whaling Road Conservation Area.	The future advertising signage will be limited which is in the site specific DCP (refer to <b>Appendix 7</b> )
As part of any public domain upgrades significant street trees are required to be placed in the ground floor setback. Site A should allow for street canopies up to 16m at maturity placed in the ground floor setback along Little Alfred Street.	Increased setbacks are proposed along Alfred Street and Little Alfred Street to allow for street trees. The proposal incorporates a 4.85m wide landscaping strip to the front of Buildings A and B for mature plantings.
<b>Principle 3: Public Domain</b>	
A key mid-block pedestrian desire line located between Alfred Street and Little Alfred Street will be formalised as an open air through site link.	The proposal incorporates a pedestrian arcade which has a series of retail laneways and through site links and connects Little Alfred Street and Alfred Street. The arcade is mainly open to air with some covered areas for weather protection.
Redevelopment of the buildings in the precinct must facilitate	The proposal seeks an alternate amalgamation pattern and the reference scheme illustrates how each site can achieve

**Table 8 – Design requirements in the draft Precinct Planning Study**

Design requirements	Consistency
potential shared basement options with access on Little Alfred Street.	an individual basement and waste services. The basement layouts demonstrate that the sites are able to achieve vehicle access off Little Alfred Street, either via a two way driveway or car lift.
Through reducing barriers to movement via enhanced public domain, consolidated service access and mid-block thoroughfares, future development will facilitate ease of movement throughout the block and beyond.	The proposal will incorporate through site links which provide north/south and east/west connections and provide ease of movement within and around the Precinct.
Provide a large sized tree canopy along the perimeter of the precinct.	The reference scheme allows for landscaping opportunities around all the perimeter of the Precinct.
<b>Principle 4: Employment</b>	
The precinct will support non-residential floor space while allowing a substantial residential component, if residential allows for a lower density/bulk of the building.	The proposal allows for commercial uses as well as a substantial residential component which allows for a more efficient floor space, thereby reducing the bulk and scale of the development.
The employment function of the precinct will continue to be supported by efficiently designed commercial and retail spaces, supporting small to medium sized enterprises and startups.	The commercial and retail spaces will provide an offering to smaller businesses (that can not afford the North Sydney CBD rents), start ups and creative uses.
<b>Principle 5: Transport</b>	
A Planning Proposal must be supported by a detailed Transport Study that aims to improve pedestrian and cyclist safety and amenity.	The proposal is supported by a Traffic Impact Assessment (refer to <b>Appendix 2</b> ). The proposal will improve pedestrian safety by increasing the footpath widths along Alfred Street and Little Alfred Street and encouraging foot traffic through the Precinct via the pedestrian arcade. A bicycle lane is identified along Alfred Street by North Sydney Council and the proposal will incorporate bicycle parking.
Improve access into the site from the intersections on Whaling Road, consolidate driveways and other improvements to slow down traffic and improve pedestrian amenity (see requirements on page 51).	It is highlighted that the proposal will reduce traffic generation for the Precinct given the residential use has a lower trip generation rate than the commercial use. The proposal will reduce the number of vehicle access points from 5 to 4 along Little Alfred Street and will increase the footpath widths to improve pedestrian safety. It was not considered necessary to introduce any traffic upgrades along Little Alfred Street.

**Table 8 – Design requirements in the draft Precinct Planning Study**

Design requirements	Consistency
There will be no net increase in traffic generation across the precinct as a result of any redevelopment through reduced basement car parking and innovative parking schemes.	As demonstrated in the TIA, the proposal will reduce traffic generation for the Precinct given the residential use has a lower trip generation rate than the commercial use. The DCP also has a maximum car parking rate and there is an opportunity to reduce car parking numbers given the Precinct is accessible via a number of public transport options.

### North Sydney Centre Review - Capacity and Land Use Study (CLUS)

The CLUS was adopted by North Sydney Council on 24 October 2016 for the purposes of exhibition. The CLUS was prepared to address a number of issues relating to land use matters, including residential uses, within the North Sydney Centre Commercial Core (the 'Commercial Core') in relation to future development capacity and expansion opportunities. Key objectives of the study seeks to:

- "identify residential development opportunities in mixed use periphery" and
- "identify and facilitate specific land uses to contribute to the Centre's diversity, amenity and commercial sustainability."

Alfred Street Precinct is a B4 Commercial Core zoned area located on the eastern of the Warringah Freeway and does not formally constitute part of the Commercial Core. Despite the commercial core zoning, the NSLEP 2013 permits residential accommodation on 263 Alfred Street, south of the Precinct, as an additional permitted use which has led to the construction 20 residential units to an existing commercial development in 2003.

The existing Bayer Building consists of around half of the existing commercial floor space in the precinct. However, the building is approaching 50 years of age and is experiencing significant ageing which will require major capital expenditure in the future to maintain basic levels of quality and service. Given the quantum of commercial planning capacity in addition to commercial projects already underway in North Sydney, it is unlikely a commercial refreshment would be financially viable.

While the CLUS still considers the importance of the Precinct as an employment generator, the economic viability of the existing commercial floor space is reaching stagnation. Therefore, the provision of an appropriate mix of residential and commercial use will ensure the ongoing economic feasibility of the Precinct. The commercial uses will provide a different offering to the North Sydney CBD, as they will be more affordable and be more attractive to business start ups, creative uses and smaller businesses.

The CLUS also advises that the Commercial Core should not function in isolation and should require the complementary support of other land uses provided in the wider North Sydney Centre, in particular, the periphery. As identified in the CLUS, the Precinct suffers a "physical and psychological disconnect" from the Commercial Core due to the separation by Warringah Freeway. Despite the negative geographical factors, Alfred Street Precinct offers a seamless transition between the

Commercial Core and residential area immediately surrounding the Precinct through providing an appropriate mix of land uses.

The findings of the JRPP recommendation have been adopted in the CLUS which considers residential use appropriate in Alfred Street Precinct. The CLUS further recommends any rezoning proposal for this precinct "would need to include the precinct as a whole and demonstrate that significant land use, amenity and urban design improvements would result". The provisions in this Planning Proposal will seek to implement the recommended approach of the CLUS and will unlock future redevelopment opportunities that is currently hindered by the existing singular commercial zoning of the precinct.

### North Sydney CBD Capacity and Land Use Strategy and Planning Proposal (2017)

After Council endorsement, the CLUS was publicly exhibited in November and December of 2016. At its meeting of 20 March 2017, Council adopted a post-exhibition report, resolving to produce a final Capacity and Land Use Strategy (Strategy) document and associated Planning Proposal to amend North Sydney Local Environmental Plan (NSLEP) 2013. The Planning Proposal will give statutory effect to the Strategy and Council are currently under there final assessment following Gateway approval.

The Planning Proposal seeks to amend the maximum building heights on various sites along Arthur Street, Berry Street, Miller Street, Mount Street, Walker Street, and others. Maximum building height increases vary from the equivalent of 13m up to 115m. The new heights of the affected sites will vary between 70 RL and 289 RL. Furthermore, the new height controls to the North Sydney Centre were based on maintaining solar access to residential land outside of the North Sydney Centre by reducing the time frame from 9am-3pm to 10am-2pm. This approach was undertaken to provide an acceptable balance between allowing the Centre to grow whilst minimising impacts on adjoining residents. The proposal has considered these additional heights within the overshadowing diagrams.

### North Sydney Local Development Strategy (2009)

The North Sydney Local Development Strategy (LDS) sets out the strategic vision for North Sydney Council has been identified in the (then) Metropolitan and Subregional Strategies. The LDS also informed the preparation of the NSLEP 2013.

The LDS identifies the following actions for North Sydney LGA:

- Current controls will prohibit residential development in the CBD core;
- Residential development is to be encouraged in mixed-use development outside of the CBD core;
- Concentrate the bulk of new dwellings in Mixed Use centres in close proximity to retail, office, health, education, transport, leisure, entertainment facilities and community and personal services; and
- Deliver housing choice for a range of socio-economic groups throughout North Sydney to meet the needs of existing and future residents.

Alfred Street Precinct is situated on the fringe of the North Sydney CBD Core and as such the Planning Proposal aligns with the actions relating the North Sydney CBD and surrounds. The proposal refines and improves upon the LDS by providing for mixed-use

development in an appropriate location on the well-located fringe of the commercial core. Further, it will provide housing choice and improve housing affordability by providing additional housing to the locality.

It is noted that the LDS was prepared in 2009 and given it is 10 years old it is generally outdated by other more recent strategies.

### North Sydney Residential Strategy (2009)

The North Sydney Residential Development Strategy (RDS) 2009 guides North Sydney's residential development over the next 25 years. It identifies the potential for 6,199 dwellings in the North Sydney LGA by 2031 under the provisions of NSLEP 2013. These targets exceed the current housing targets for the LGA established in the current North District Plan and it is noted that the RDS was prepared nearly 10 years ago.

The following principles for residential development are identified in the RDS:

1. Concentrate new dwellings in centres within walking distance of shops, jobs, public transport, facilities and services;
2. Minimise the impact of new development on local character, amenity, environment and heritage;
3. Preserve existing and potential commercial floor space in the commercial core of the North Sydney CBD;
4. Maintain existing mixed use areas as village centres for the local community;
5. Maintain housing choice by retaining intact areas of detached and semi detached housing and allowing for further development of apartments and attached dwellings only in appropriate locations; and
6. Discourage further intensification in the areas of Kirribilli, McMahon's Point, Waverton, Wollstonecraft and Cremorne Point, which are considered fully developed in terms of the impacts of existing development on parking, traffic, heritage and infrastructure.

The proposal is generally consistent with the above principles in that it provides for housing choice to meet the needs of future residents; minimises impacts on local character, amenity, environment and heritage and provides for a mixed-use development in a location with good access to public transport and other services.

### North Sydney Community Strategic Plan 2018-2028

The North Sydney Community Strategic Plan 2018 – 2028 (CSP) is an extensive plan developed from the ground up and based on the vision and desires of the North Sydney community. Developed through extensive community consultation, the CSP reflects the social, environmental and economic priorities of residents to 2028 and provides a series of Directions, Outcomes and Strategies to realise these.

The Planning Proposal seeks to enable the redevelopment of the Alfred Street Precinct which would provide for renewal of commercial, business and residential structures. The proposal would also allow for improved access to and through the Precinct improving integration with the broader area. As such the Planning Proposal aligns with the CSP, in particular it supports the CSP natural and built environment, economic and social aspirations by:

- Improving the use of open space through enhanced accessibility and connectivity;
- Providing integrated and efficient off-street parking options;



- Encouraging a diverse mix of business size and type;
- Support existing businesses and attract and foster new businesses;
- Improving North Sydney's standing as one of NSW pre-eminent commercial centres; and
- Using a place-based approach to achieve design excellence and management of places as they change.

## 5. Is the Planning Proposal consistent with the applicable state environmental planning policies?

The proposal would address and/or be consistent with all relevant Environmental Planning Policies (SEPPs). The following outlines the intent of the relevant SEPPs and consistency of the Planning Proposal.

Table 9 – State environmental planning policies		
SEPP	Consistent	Comments
SEPP No. 1- Development Standards	Not Applicable	Not applicable pursuant to clause 1.9 of the North Sydney LEP 2013.
SEPP No. 19 – Bushland in Urban Areas	Not Applicable	
SEPP No 21 – Caravan Parks	Not Applicable	
SEPP No. 33 – Hazardous and Offensive Development	Consistent	The proposal is to adopt the standard instrument definitions of hazardous and offensive development, which are not permitted on precinct.
SEPP No. 36 – Manufactured Home Estates	Not Applicable	
SEPP No. 44 – Koala Habitat Protection	Not Applicable	
SEPP No. 47 – Moore Park Showground	Not Applicable	
SEPP no. 50 – Canal Estate Development	Not Applicable	
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable	
SEPP No. 55 – Remediation of Land	Consistent	All sites would be appropriately remediated to make it suitable for residential development. This would be addressed further at Development Application stage.
SEPP No. 64 – Advertising and Signage	Not Applicable	Any future proposals for signage and advertising structures would

Table 9 – State environmental planning policies

		be consistent with this SEPP and the North Sydney DCP 2013. Refer to site specific DCP which provides controls limiting signage in <b>Appendix 7</b> .
SEPP No. 65 – Design Quality of Residential Flat Development	Consistent	<p>The building envelope established by the proposal is capable of accommodating residential development that is consistent with SEPP 65 principles and with the design criteria in the Apartment Design Guide. For further detail refer to the SEPP compliance table in the Urban Design Report in <b>Appendix 1</b>.</p> <p>Detailed assessment of compliance with SEPP 65 principles and Apartment Design Guide guidelines would occur at DA stage.</p>
SEPP No. 70 – Affordable Housing (Revised Schemes)	Consistent	The proposal would not affect the schemes within this SEPP.
SEPP (Affordable Rental Housing) 2009	Consistent	The draft Precinct Planning Study stipulated that affordable housing is not recommended however, we seek to include affordable housing within the scheme to ensure a diversity of housing is provided for the locality and this SEPP will be addressed at Development Application stage.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent	To be addressed at Development Application stage.
SEPP (Exempt and Complying Development Codes) 2008	Consistent	The proposal does not inhibit any operations of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable	
SEPP (Infrastructure) 2007	Not Applicable	
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable	
SEPP (Kurnell Peninsula) 1989	Not Applicable	
SEPP (Major Development) 2005	Consistent	The proposal does not inhibit operations of the former Part 3A provisions or the replacement measures.

**Table 9 – State environmental planning policies**

SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	
SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable	
SEPP (Penrith Lakes Scheme) 1989	Not Applicable	
SEPP (Rural Lands) 2008	Not Applicable	
SEPP (State and Regional Development) 2011	Not Applicable	
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable	
SEPP (Sydney Region Growth Centres) 2006	Not Applicable	
SEPP (Three Ports) 2013	Not Applicable	
SEPP (Urban Renewal) 2010	Not Applicable	
SEPP (Western Sydney Employment Area) 2009	Not Applicable	
SEPP (Western Sydney Parklands) 2009	Not Applicable	
SREP No. 8 – Central Coast Plateau Areas	Not Applicable	
SREP No. 9 – Extractive Industry (No 2 – 1995)	Not Applicable	
SREP No. 16 – Walsh Bay	Not Applicable	
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	Not Applicable	
SREP No. 24 – Homebush Bay Area	Not Applicable	
SREP No. 26 – City West	Not Applicable	
SREP No. 30 – St Marys	Not Applicable	
SREP No. 33 – Cooks Cove	Not Applicable	
SREP (Sydney Harbour Catchment) 2005	Not Applicable	

## 6. Is the Planning Proposal consistent with applicable Ministerial Directions (S. 9.1 directions)?

The Planning Proposal is consistent with all relevant section 9.1 Directions (previously 117 directions). The assessment of these is outlined in the table below.

Table 10 –Section 9.1 Ministerial Directions			
Clause	Direction	Consistent	Comments
<b>1 Employment and Resources</b>			
1.1	Business and Industrial Zones	Consistent	Refer to further discussion below this table.
1.2	Rural Zones	Not Applicable	
1.3	Mining, Petroleum Production & Extractive Industries		
1.4	Oyster Aquaculture		
1.5	Rural Lands		
<b>2 Environment and Heritage</b>			
2.1	Environmental Protection Zones	Not applicable	
2.2	Coastal Protection	Not applicable	
2.3	Heritage Conservation	Consistent	<p>The Whaling Road Conservation Area is located to the north and east of the Precinct. It contains mostly 1-2 storey dwellings on small allotments. The proposal will provide an appropriate built form along the northern and eastern boundaries which will create an appropriate transition to the low scale residential dwellings in the conservation area.</p> <p>Along the northern elevation, a landscaping buffer will be provided along the boundary and the upper levels will be setback. Along the eastern boundary, the proposal will incorporate fine grain residential accommodation which is 3 storeys.</p> <p>The proposal is not expected to have adverse impacts on the heritage significance of this area. More detailed consideration of heritage impacts can be addressed at the DA stage.</p>
2.4	Recreation Vehicle Areas	Not applicable	

Table 10 –Section 9.1 Ministerial Directions

3 Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Consistent	<p><i>Objectives</i></p> <p><i>(1) The objectives of this direction are:</i></p> <p><i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p><i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p> <p><i>(c) to minimise the impact of residential development on the environment and resource lands.</i></p> <p>The proposal will incorporate a variety of studio, 1, 2 and 3 bedroom units which is generally consistent with the unit mix provisions in the North Sydney Development Control Plan 2013. The variety of unit types will provide accommodation for singles, couples and families and a portion of the units are to be allocated as affordable housing. The mixture of housing will provide for existing and future housing needs of the locality.</p> <p>The additional housing will be in close proximity to public transport services and a number of services and facilities within North Sydney CBD. Therefore the proposal will make efficient use of the existing infrastructure and services.</p>
3.2	Caravan Parks and Manufactured Home Estates	Not applicable	
3.3	Home Occupations	Not applicable	
3.4	Integrating Land Use and Transport	Consistent	<p><i>Objectives:</i></p> <p><i>a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>d) supporting the efficient and viable operation of public transport services, and</i></p>

**Table 10 –Section 9.1 Ministerial Directions**

			<p><i>e) providing for the efficient movement of freight.</i></p> <p>The proposal accords with the above objectives in that it creates a mixed use precinct which will integrate housing, employment opportunities and services and will reduce the need for car travel. The Precinct is also located in close proximity to North Sydney CBD which provides a number of services and facilities that are within walking distance. Furthermore, the Precinct is highly accessible as it is located close to Victoria Cross and North Sydney train stations, North Sydney ferry and a number of bus services along Pacific Highway which reduces the reliance of car travel by future residents and employees.</p>
3.5	Development near Licensed Aerodromes	Not applicable	
3.6	Shooting ranges	Not applicable	
<b>4 Hazard and Risk</b>			
4.1	Acid Sulfate Soils	Not applicable	
4.2	Mine Subsidence and Unstable Land	Not Applicable	
4.3	Flood Prone Land	Not Applicable	
4.4	Planning for Bushfire Protection	Not Applicable	
<b>5 Regional Planning</b>			
5.1	Implementation of Regional Strategies	Not applicable	
5.2	Sydney Drinking Water Catchments	Not Applicable	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable	



**Table 10 –Section 9.1 Ministerial Directions**

5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not Applicable	
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See Amended Directions 5.1)	Not Applicable	
5.7	Central Coast (Revoked 10 July 2008. See amended Directions 5.1)	Not Applicable	
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable	
5.9	North West Rail Link Corridor Strategy	Not Applicable	
<b>6 Local Plan Making</b>			
6.1	Approval and Referral Requirements	Consistent	<p><i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p> <p>The proposal has minimised the inclusion of provisions that require the concurrence, consultation or referral of Development Applications to a Minister or public authority.</p> <p>The site is not identified as designated development.</p>
6.2	Reserving Land for Public Purposes	Consistent	<p>The objectives of this direction are:</p> <p><i>a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</i></p>

Table 10 –Section 9.1 Ministerial Directions			
			<p><i>b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i></p> <p>The proposal does not alter any reservations of land.</p>
6.3	Site Specific Provisions	Consistent	<p><i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i></p> <p>The proposal will not impose any unnecessarily restrictive site specific controls.</p>
<b>7. Metropolitan Planning</b>			
7.1	Implementation of A Plan for Growing Sydney	Consistent	<p><i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i></p> <p>The proposal is consistent with the aims, objectives and provisions in the Greater Sydney Region Plan: A Metropolis of Three Cities (previously A Plan for Growing Sydney). The Plan identifies the site as being within the Eastern Harbour City and Eastern Economic Corridor. The proposal represents an opportunity to provide for additional housing and jobs located in a well-connected and well-served centre. The site is well located with access to jobs health and education services and amenities within walking distance. Furthermore, the site has strong connections to metropolitan employment markets, open space, cultural and recreational assets.</p>

### Direction 1.1 Business and Industrial Zones

The Economic Impact Report addresses this direction in detail, refer to **Appendix 3**. Direction 1.1 provides objectives and directions for business and industrial zones and subclause 4 of the direction stipulates:

**What a relevant planning authority must do if this direction applies**

- (4) A draft LEP shall:
- (a) give effect to the objectives of this direction,
  - (b) retain the areas and locations of existing business and industrial zones,
  - (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
  - (d) not reduce the total potential floor space area for industrial uses in industrial zones, and

- (e) *ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

### **Our response**

Our response relating to subclause (4) are detailed below:

- (a) The objectives of the direction are to:
- (1) a) *encourage employment growth in suitable locations,*  
 b) *protect employment land in business and industrial zones, and*  
 c) *support the viability of identified Centres.*

In relation to (1)a), the Precinct is physically disconnected from the North Sydney Centre by the Warringah Freeway and adjoins the Whaling Road Heritage Conservation Area which incorporates low scale residential accommodation. The Precinct's isolation and disconnection are factors that were acknowledged in the JRPP decision and by North Sydney Council, thereby recognising that the Precinct is not a suitable location for employment growth.

Investigations undertaken by Council as part of the North Sydney Centre, propose to unlock 529,000m<sup>2</sup> of additional floorspace which is within walking distance to North Sydney train station and the future Victoria Cross Metro Station. Commercial growth in the North Sydney is considered to be much more suitable than the subject Precinct.

The commercial buildings in the Precinct appear to date from the 1960s and 1970s. In particular, the existing commercial floor space in the Bayer Building is coming to the end of its economically useful life and the refurbishment of the building would not be financially feasible. If the Bayer Building was retained (with no refurbishments) the building will continue to age and deteriorate, resulting in lower occupancy rates and negative employment growth.

The reference scheme will provide 10,127m<sup>2</sup> of employment floor space which would result in around a 4,000m<sup>2</sup> loss of existing floorspace and displacement of businesses. However, it is likely that businesses will seek to be accommodated in the North Sydney Centre, thereby the economic activity would not be 'lost' from the North Sydney LGA, merely relocated elsewhere within the LGA.

In relation to (1)b), whilst the proposal seeks to rezone the Precinct to B4 Mixed Use, the proposal will not lead to a reduction in the quantum of land zoned for commercial uses in North Sydney CBD and the Precinct. The proposal would still accommodate 10,127m<sup>2</sup> of commercial floor space.

In relation to (1)c), the North Sydney Centre should be the primary location for high density commercial development and the proposal will not harm the viability of the commercial centre as it will provide a different commercial offering.

The Proposal would increase the quantum of household expenditure by new residents and thereby provide a net positive addition to the pool of expenditure available to be captured by local businesses in the North Sydney Centre and elsewhere in the North Sydney LGA.

- (b) Whilst the proposal seeks to rezone the Precinct from B3 Commercial Core to B4 Mixed Use the proposal will still accommodate commercial floor space. The quantum and location of commercial floor space will not

impact upon the business zoned land in the locality and would support the viability of the North Sydney Centre.

- (c) Whilst the proposal would reduce the quantum of employment floorspace in the Precinct, the suitability of the Precinct for commercial office uses has deteriorated and will continue to if there is no change to planning controls. The Precinct is unsuited for continued commercial use for the reasons explained above. The Proposal would have no impact upon public service land use within a business zone.
- (d) No industrial land would be impacted by the proposal.
- (e) The proposal is consistent with State and local government objectives to focus employment in suitable locations as well as accelerate housing supply in suitable locations, support jobs, economic development and efficient use of land.

Furthermore, subclause (5) of the Direction 1.1 outlines where inconsistencies are allowable:

### **Consistency**

*(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:*

*(a) justified by a strategy which:*

- (i) gives consideration to the objective of this direction, and*
- (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
- (iii) is approved by the Secretary of the Department of Planning and Environment, or*

*(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or*

*(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or*

*(d) of minor significance.*

### **Our response**

The rezoning of the Precinct from B3 Commercial Core to B4 Mixed Use will generally be inconsistent with the subclause 4(b) (retention of existing business zones), however the proposal will be generally consistent with the objectives of the North District Plan and Greater Sydney Region Plan which encourage employment growth in suitable locations, support jobs, economic development and efficient and effective use of land. The site is isolated from the North CBD and adjoins a residential zone and the JRPP decision and North Sydney Council have stipulated that it is not suitable for employment growth. Whilst the site is located in the northern portion of the Harbour CBD, it will still provide some commercial space for small businesses, start ups and creative uses which will play a support role to the North Sydney CBD.

## 7.3 Section C – Environmental, Social and Economic Impact

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

There are no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by this Planning Proposal.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

### Built Form

The Precinct is located just outside of the North Sydney Centre in the Capacity and Land Use Strategy (Strategy) and North Sydney Planning Proposal. The Strategy identifies sites within the Centre which are suitable for significant commercial uplift and the Planning Proposal seeks to increase building heights up to 115m. Adjoining to the north and east of the site is Whaling Road Heritage Conservation Area which incorporates low scale residential development (1-2 storeys in height).

The Bayer Building, is a key component of North Sydney's skyline and creates an 18 storey iconic landmark building for the Precinct along the eastern side of the freeway. The buildings to the remainder of the Precinct are currently under developed and between 3-4 storeys in height with the built form abutting the street boundaries.

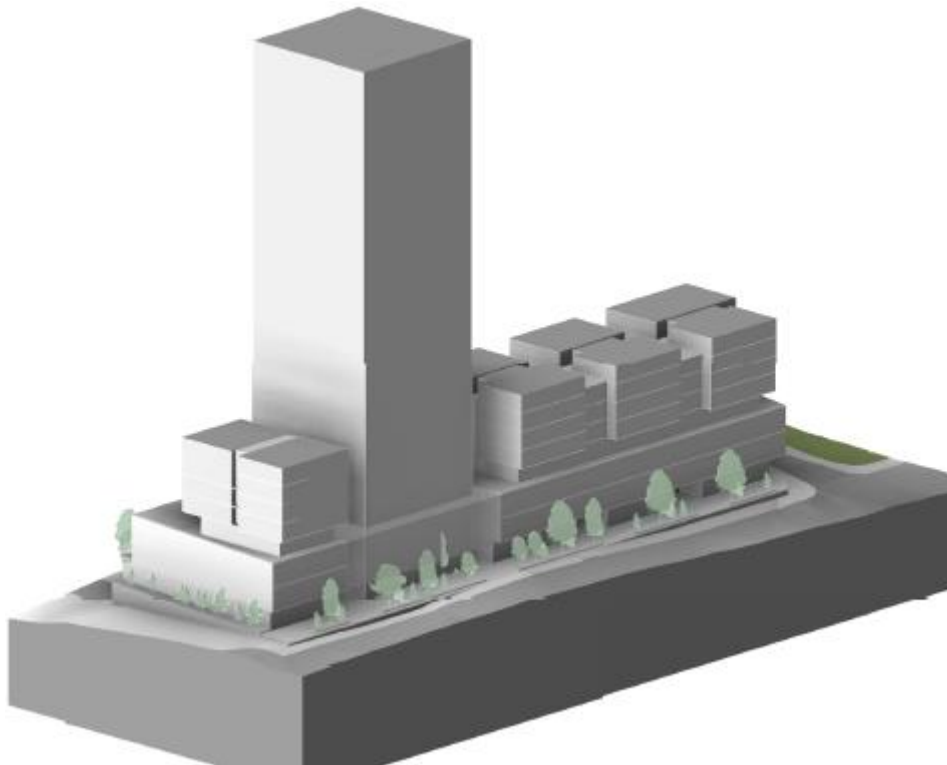
The approach for the future redevelopment of the Precinct was to seek a balance between amenity, public benefit, quality, economic viability and development surety. An urban form for the Precinct has been developed as a holistic approach, with massing responding to topography and existing residential context whilst maintaining it's unique character as a gateway precinct. The proposed development will create a smooth transition between the Heritage Conservation Area to the CBD in terms of heights, scale, function and connectivity.

As part of our submission (in June 2018) to the draft Precinct Planning Study, AEC Group undertook an Economic Feasibility Study (refer to **Appendix 4**) which identified FSR thresholds for individual sites that reflect a financially attractive proposition to all landowners in order to encourage precinct renewal and associated public benefits. These are identified in Table 4 above and have been considered when determining the proposed FSRs. For Sites A and C, the existing FSR control is above the FSR thresholds identified in the Economic Feasibility Study. It is more challenging to achieve the thresholds in the Economic Feasibility Study for Sites B and D taking into consideration amenity impacts on the locality and the draft Alfred Street Planning Study, however this Planning Proposal recommends FSRs that are close to the economic thresholds.

The proposal seeks to retain the existing FSRs for Buildings A, C and D (3.5:1) and increase the FSR to 275 Alfred Street to reflect the existing FSR to the Bayer Building (base FSR of 7.3:1 with the potential for a design excellence bonus, subject to a design competition being undertaken). The proposal seeks to increase the heights of all the buildings to ensure they are consistent with the FSR provisions. It is highlighted that the FSR (including the design excellence bonus) is below the FSR in Council's preferred option in the draft Precinct Planning Study.

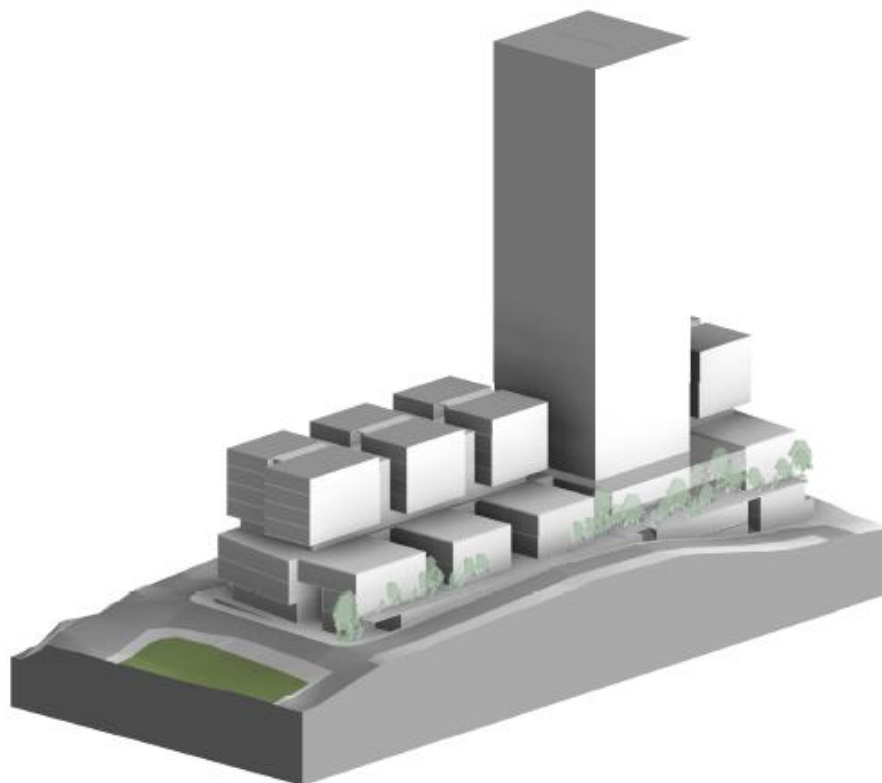
The proposal will incorporate a 3 storey podium along all the edges of the Precinct which is consistent with the existing built form while the upper levels will be setback from the building edge. Fine grain residential accommodation will be located along Little Alfred Street to create an appropriate transition with the low scale dwellings. The

built form above the 3 storey along Little Alfred Street will be generous to allow for solar access deep into the site and pedestrian arcade.



**Figure 18 – 3D image along Alfred Street**

*Source: Grimshaw*

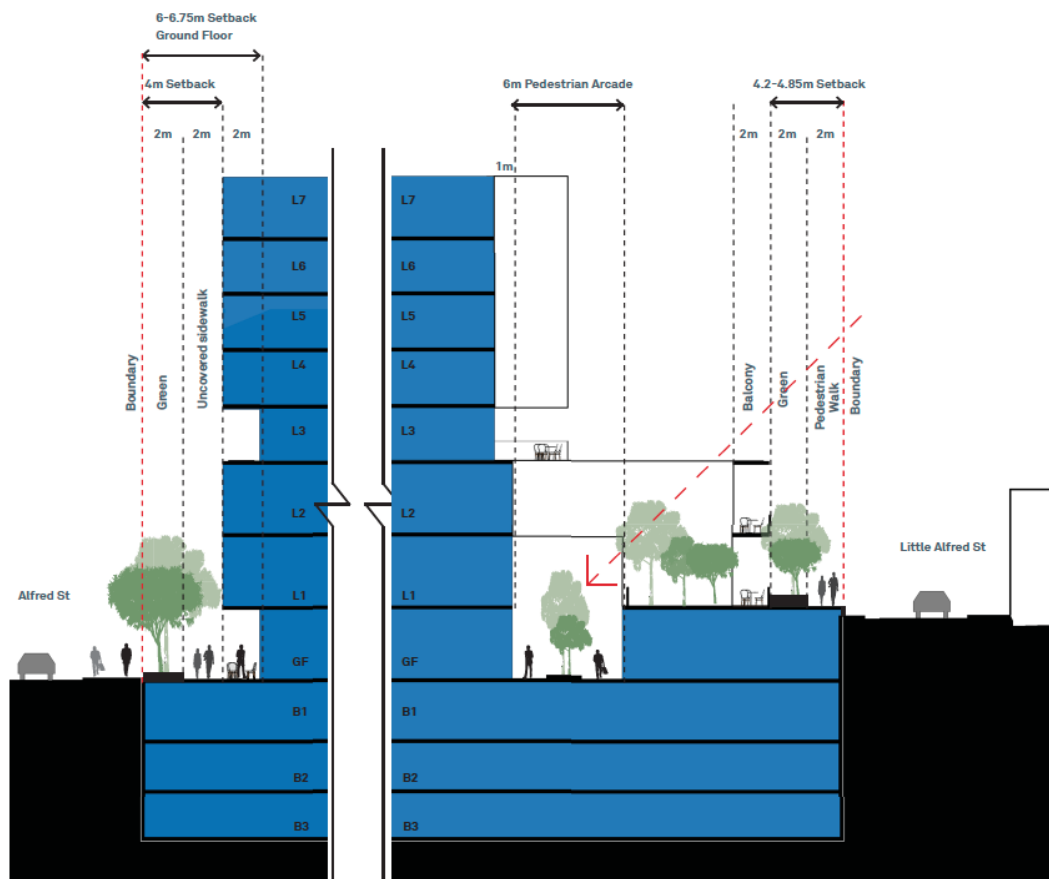




### Figure 19 – 3D image along Little Alfred Street

Source: Grimshaw

The built form will be setback 4.2-4.85m along Little Alfred Street, 6-6.75m to the ground floor and 2.4m to the ground floor along the northern boundary. Landscaping buffer zones will be created along the northern, eastern and western elevations which will provide visual screening to the adjoining Heritage Conservation Area and Freeway. The proposal will also incorporate elevated landscaping podiums along Little Alfred Street which will further soften the built form along this elevation.



**Figure 20 – Massing articulation**

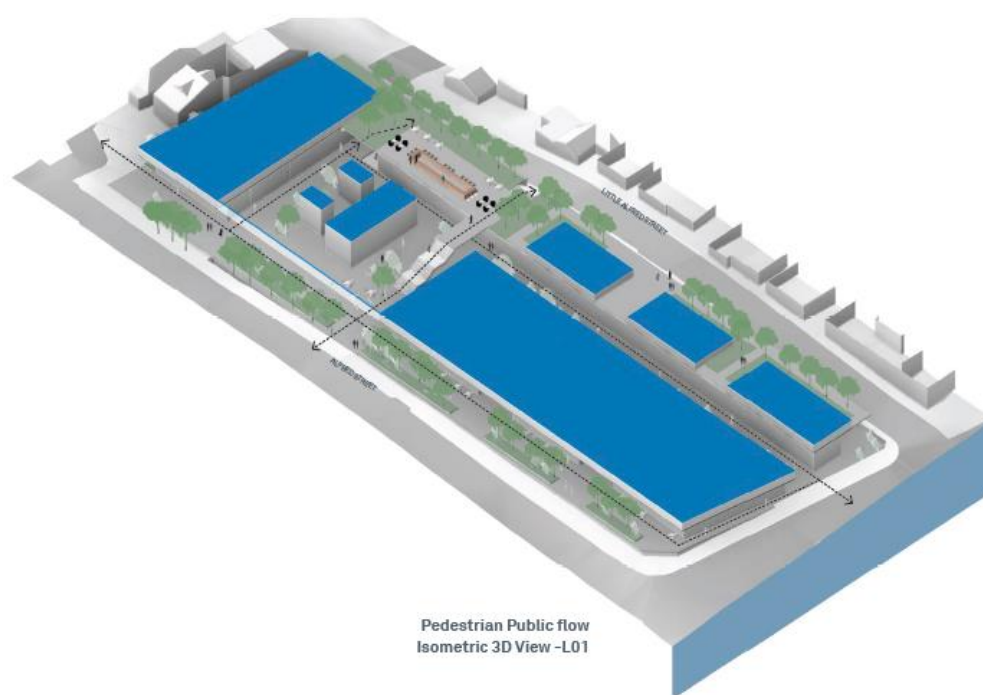
Source: Grimshaw

For Sites A, C and D, the proposal seeks heights of 8 storeys which differ from the proposed heights in the draft Precinct Planning Study – 3 storeys to Sites A and C and 3 and 9 storeys to Site D. Whilst the proposed heights are slightly different to the Study, the proposal allows for these sites to be redeveloped in isolation and to achieve the existing maximum FSR they currently enjoy which will provide an incentive for these sites to be redeveloped.

The built form to these sites have generous setbacks above the podium along the elevations with the Conservation Area and generally define the street edge along Alfred Street (with some articulation along this elevation). The proposed heights will not significantly impact upon the amenity of the adjoining neighbours with regard to solar access and privacy and therefore the variation with the Study is considered acceptable.

The pedestrian arcade would be linked through the precinct at ground level and centred around the Bayer Building. The arcade incorporates a series of laneways

which are activated with retail shops to promote social interaction and provide connections between the adjoining residential areas and North Sydney CBD. Due to the significant height variations between Alfred Street and Little Alfred Street, a connecting stair is required for access. The arcade is approximately 6m in width and is partially double storey in height and open to the sky to allow for solar access deep into the Precinct.



**Figure 22 – Public benefits**

Source: Grimshaw

The commercial buildings in the Precinct appear to date from the 1960s and 1970s. In particular, the Bayer Building is coming to the end of its economic useful life and a number of development scenarios for the building have been explored in the Urban Design Report (refer to **Appendix 1**). The best strategy for the Bayer Building would be to retain the existing building frame, overhaul the building services and undertake remediation works of the existing commercial floor space which would be offset by the additional building height. This scenario would also involve the significant reconfiguration of the ground floor required to accommodate retail uses and deliver the pedestrian arcade within the site. There would still be limited revenue in the refurbished commercial offering due to the isolation from the main commercial district although the offset of high-quality residential floors would deliver an economic opportunity for redevelopment.

Furthermore, the proposal offers an design excellence provision for the Bayer Building, which allows for additional FSR subject to a design competition being undertaken which is only triggered if a Development Application is lodged for the site which is greater than 62m in height. This will ensure that the landmark building will exhibit design excellence and a high standard of architecture, urban and landscape design is achieved. In particular, this will ensure that façade of the building is upgraded which is currently dated and deteriorated.

The proposal is generally consistent with the design requirements as detailed in the draft Precinct Planning Study (refer to section 7.2 above for further discussion) and has provided further improvements to the built form with greater permeability and

opportunities for mature landscaping. The Bayer Building is generally consistent with the built form within the draft Precinct Planning Study with the exception of the tapered element to the top of the building, however the development will not create any significant additional overshadowing to the surrounding residential dwellings and will be required to undergo a design competition to exhibit design excellence.

The proposed residential accommodation will comply with the key Apartment Design Guide (ADG) design criteria including solar access, cross ventilation, building separation distances and building depth. The scheme demonstrates that the site can be developed under the planning proposal with a built form featuring high residential amenity, improved public domain and minimised environmental impacts.

## Overshadowing

The Urban Design Report (refer to **Appendix 1**) provides a shadow analysis of the proposed development versus the existing built form at mid winter which is the worst case scenario. In principal all residential properties in this area maintain existing solar access prior to 12pm. It is also noted that Council's draft Precinct Planning Study considered that the additional shadow impacts associated with Council's preferred option was acceptable.

The residential properties to the south of Whaling Road incorporate semi-detached dwellings which are oriented north-south. It is untested where the living spaces are arranged in these properties although any southern orientated living spaces would not currently receive solar access. It is also noted that these sites generally overshadow their own rear private open space given their orientation. The northern rooms of all these dwellings will receive 3 hours of morning solar. The overshadow from the Bayer Building is generally fast moving given it is slender and tall.

Dwellings located in the adjacent residential block between Little Alfred Street and Neutral Street would only overshadowed between 2 and 3pm. Dwellings along Little Alfred Street may have minor afternoon solar impact pending actual living space locations although also receive 3 hours of morning solar access to their north and east facades as per existing conditions.

The solar access diagrams demonstrate that the proposal will create additional overshadowing to only a small portion of the park to the south of the Precinct between 11am and 2pm. The open space due south of the site will be impacted by any height increase to Site D in particular, similar to the councils 'preferred scheme' over shadowing impacts. It is highlighted that the park abuts a Freeway and is not highly used whilst there are a number of other larger open space areas in the immediate locality.

## Parking and Traffic

A Traffic Impact Assessment (TIA) has been prepared on behalf of TTPP (refer to **Appendix 2**) which provides an assessment on the proposed parking and internal layout and examines the traffic generation of the proposed development.

### Traffic generation

The site currently comprises of 33 residential units and 3 commercial buildings (with a combined GFA of 14,235m<sup>2</sup>) which generate 233 trips in the AM peak and 175 trips in the PM peak, refer to the table below. The proposal however will reduce the future trips generated by 41 during the AM peak and 30 trips during the PM peak given the residential trip generation rates are lower than the commercial rates.

Table 11 –Net changes in traffic generation		
Traffic generation	AM peak	PM peak
Existing traffic generation	233	175
Future traffic generation	192	145
<b>Net change</b>	<b>-41</b>	<b>-30</b>

Traffic modelling was undertaken for the existing base case and the proposed development to the intersections of Little Alfred Street/Whaling Road and Neutral Street/Whaling Road. The intersections are currently operating at a 'A' (good operation) level of service and will continue to operate at this level as a result of the proposal. The TIA concludes that the proposal is not expected to result in any noticeable traffic impacts on the surrounding road network and therefore, no mitigation measures are required as the existing road network is expected to accommodate the proposed development traffic.

#### Car parking

The North Sydney Development Control Plan 2013 (NSDCP 2013) incorporates a maximum parking rate for the Precinct. The proposal is required to provide the following maximum car parking numbers:

- Site A – 13 spaces
- Site B – 68 spaces
- Site C – 15 spaces
- Site D – 36 spaces

The reference scheme in the Urban Design Report (refer to **Appendix 1**) demonstrates how these spaces can be accommodated for in the basement layouts. There may be an opportunity to reduce the car parking spaces given the Precinct is well serviced by public transport.

#### Vehicle access

The vehicle access along 271 Alfred Street is to be removed for the scheme and separate vehicle access points are proposed on Little Alfred Street to service the respective basement car parking and loading dock areas for each site. The proposal will amalgamate two existing vehicle access points for Site D into one. Further to this, access to the Site C basement car parking area is proposed via a car lift system due to the existing building constraints, i.e. available building footprint and car parking required for the site.

#### Bicycle parking

A cycle lane has been identified along Alfred Street by North Sydney Council. Based on the minimum bicycle parking rates in the NSDCP 2013, Sites A, B, C and D would require a total minimum of 31, 132, 33 and 73 spaces (respectively).

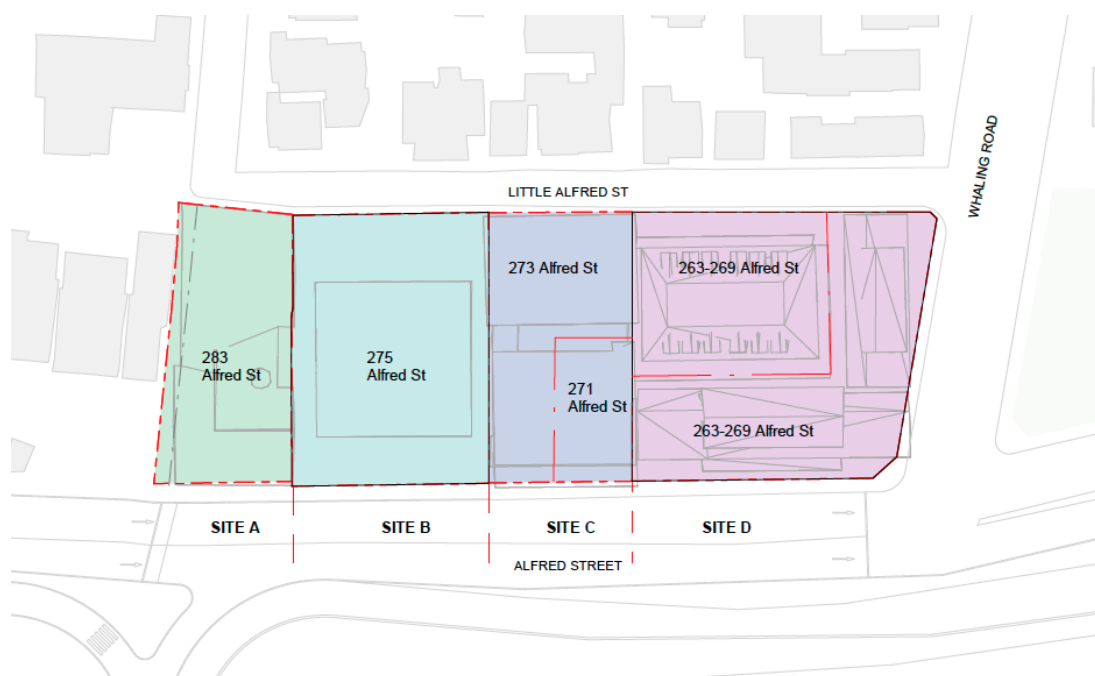
#### Loading facilities

Based on the existing building constraints and topography surrounding the site, it is proposed to provide on-site loading areas for Sites A and B and indented on-street kerbside loading areas for Sites C and D. These loading areas are expected to predominately cater for waste collection vehicles and occasional deliveries.

It is however expected that the existing loading zone on Alfred Street North would continue to service the site due to its proximity to the main road (where trucks travel to/from) in order to minimise truck movements along Little Alfred Street and Whaling Road.

## Amalgamation patterns

Council's draft Precinct Planning Study recommended the amalgamation of sites 275 and 283 Alfred Street to create Site A and the amalgamation of 273, 271 and 263-269 Alfred Street/4 Little Alfred Street to create Site B. These amalgamation patterns heavily rely on negotiations between relevant and in particular to Site B, rely on a number of strata titled lots. There is no guarantee that these landowners are willing to amalgamate which may prevent the Precinct from being redeveloped. It is recommended that a more flexible approach be taken and an alternate amalgamation pattern have been proposed in the site specific DPC (refer to **Appendix 7**) and the figure below.



**Figure 23 – Amalgamation patterns**

Source: Grimshaw

### Offer to purchase 283 Alfred Street

A genuine effort to purchase 283 Alfred Street by the landowner of 275 Alfred Street has been undertaken, however there has been no response from the landowner of 283 (Honuka Pty Ltd). An independent valuation of 283 Alfred Street was prepared by Cushman and Wakefield and an offer to acquire the site was sent to the landowner of 283 via registered post on 14 February 2019 (refer to **Appendix 8**). An attempt to call the landowner was also made on 13 February and a follow up email was sent on 26 February to discuss this matter further, however there has been no response or willingness to negotiate.

The attempt to purchase the site is consistent with planning principle for site amalgamation, *Karavellas v Sutherland Shire Council [2004] NSWLEC 251 at 17-19* which deals with two questions when dealing with isolated sites:

1. Is amalgamation of the sites feasible?

*2. Can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

The first question (is amalgamation of the sites feasible?) is to be determined in accordance with three principles (*Melissa Grech v Auburn Council* [2004] NSWLEC 40 (at 50)):

*1. Where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements, then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*

*2. Where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.*

The relevant question is whether the applicant has taken reasonable steps to cause an amalgamation. It is not necessary for an applicant to do any more than what is reasonable.

*3. The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.*

A genuine attempt to purchase no. 283 Alfred Street has been undertaken and correspondence has been provided to demonstrate this. A reasonable offer was made which was determined by an independent valuation and it was suggested that each site undertakes its own Due Diligence of the site. Therefore, in this regard it has been demonstrated that the amalgamation of the sites are not feasible. Furthermore, no. 283 Alfred Street can be redeveloped individually given the size of the site is sufficient and the site can achieve the FSR threshold as identified in AEC's Economic Feasibility Study (2.75:1), therefore this will ensure the orderly and economic use of the no. 283.

In this regard, we propose that the redevelopment of 275 and 283 Alfred Street be undertaken individually. Furthermore, we have proposed that sites 273 and 271 Alfred Street and 263-269 Alfred Street/4 Little Alfred Street be redeveloped individually.

The proposal will minimise the number of landowners required to amalgamate and the sites are generous which ensures that they can be redeveloped individually with meaningful floor plates with a high level of amenity. It is also noted that the JRPP decision did not recommend any amalgamations to increase the density within the Precinct.

9. How has the Planning Proposal adequately addressed any social and economic effects?

Social effects

The planning proposal will create a number of positive social outcomes, including:

- Improving the ground floor plane and public domain by:



- Providing a generous amount of landscaping along all the boundaries which will provide a buffer inbetween the Heritage Conservation Area and the Freeway along Alfred Street;
  - Increasing the setbacks along Little Alfred Street and Alfred Street to improve the pathways with some kerb build outs along Alfred Street; and
  - Providing a pedestrian arcade at the ground floor which provides a series of laneways and through site links to improve permeability within and through the Precinct to North Sydney CBD.
  - Upgrading and reconfiguring the Mount Street Overpass to improve pedestrian amenity (including potential weather protection and plantings).
- Create a lively mixed use precinct which will ensure activity throughout the day and night. The retail shops will activate the street frontages and through site links and provide opportunities for social interaction;
  - Create a mixed use Precinct which will integrate housing, employment opportunities and services and reduce the need for car travel whilst promoting cycling and walking in the locality;
  - Upgrading existing outdated commercial floor space which will provide employment opportunities and commercial spaces for small businesses, start ups and creative uses;
  - Increasing housing choice and stock in close proximity to a range of public transport options and other services;
  - Providing an appropriate transition to the low scale development in the Conservation Area with a residential fine grain typology along Little Alfred Street, greater building envelope setbacks and a landscaping buffer;
  - Providing an opportunity to improve the façade and appearance of the existing Bayer Building through undertaking a design competition process; and
  - Proposing a building envelope which will comply with ADG building separation distances and minimise amenity impacts to the surrounding Conservation Area with regard to overshadowing, privacy and view loss.

## Economic effects

The Planning Proposal is accompanied by an Economic Impact Assessment (EIA) prepared by AEC Group which considers the need for the proposal and assesses the economic impacts as a result of the amended planning controls (refer to **Appendix 3**).

The Precinct falls just outside of the North Sydney CBD as defined by the North District Plan. The District Plan considers the North Sydney CBD as the northern component of the Harbour CBD and has a thriving office market which complements the Sydney CBD. The North Sydney CBD has a high level of job in professional, scientific and technical services, financial and insurance services, and information, media and telecommunications and is well connected to public transport services. The District Plan sets a target for the North Sydney CBD of 15,600-21,100 new jobs by 2036 which equates roughly to 300,000+ sqm of commercial floor space.

Within North Sydney Centre there are a number of initiatives which will provide significant commercial growth which are outlined below:

- **North Sydney Centre:** Council's CLUS and North Sydney Centre Planning Proposal will unlock 529,000m<sup>2</sup> of additional commercial floorspace. It is noted that the Precinct falls just outside of the nominated Centre;
- **Ongoing Developments:** There is significant development and investor interest in the Centre and over the next 3-4 years an additional 112,000m<sup>2</sup> floor space will be provided;
- **Ward Street Precinct Masterplan:** This Masterplan prepared by Council (which was publicly exhibited in August 2018) will result in the potential to deliver an additional 100,000m<sup>2</sup> commercial floor space;
- **Victoria Cross Metro Station:** The over-station development above the Victoria Cross metro station will provide an additional 65,000m<sup>2</sup>+ of office and retail space.

Cumulatively, there appears to be in the order of 806,000m<sup>2</sup> of additional commercial supply capacity in the Centre which would provide 40,300 additional jobs and exceed the job targets for the North District Plan.

The draft Alfred Street Precinct Planning Study proposes 4,200-4,800m<sup>2</sup> of commercial floor space which results in the loss of 9,000m<sup>2</sup> existing floor space and is equivalent to 450 jobs. The loss of commercial floorspace was acknowledged by Council to be unfortunate, however in the context of capacity in the Centre and demonstrated development interest it was considered an acceptable outcome.

The commercial buildings in the Precinct appear to date from the 1960s and 1970s. The EIA examines a number of scenarios which include a base case, base case looking forward and the proposal case. In particular, the Bayer Building is approaching the end of its economic useful life (being approximately 50 years old) and the cumulative impact of its limited revenue potential (small floorplates and isolated location) and substantial cost to refurbish means that commercial refurbishment is not a viable solution. There is a compelling case for planning interventions to prevent it being economically redundant.

As part of our submission (in June 2018) to the draft Precinct Planning Study, AEC Group undertook an Economic Feasibility Study (refer to **Appendix 4**) which identified FSR thresholds for individual sites that reflect a financially attractive proposition to all landowners in order to encourage precinct renewal and associated public benefits. These are identified in Table 4 above and have been considered when determining the proposed FSRs.

If the base case looking forward was taken as the baseline comparison, the proposal results in net positive economic impacts through the initial stimulus and flow-on impacts (per annum):

- \$13.6 million in additional output (including \$6.1 million directly).
- \$7.5 million in additional GRP (including \$3.2 million directly).
- \$3.8 million additional in incomes and salaries paid to households.
- 39 additional FTE jobs (including 18 FTE directly related to commercial activity and dispersed jobs).

The proposal would result in 10,127m<sup>2</sup> of modern retail, commercial, office and business floor space which would result in a reduction of approximately 4,000m<sup>2</sup> from the existing floorspace (note: this is a lot less than proposed in the draft Precinct Planning Study). It is reiterated that the JRPP and North Sydney Council acknowledged that the Precinct is not a suitable location for employment growth given it is isolated and disconnected from the North Sydney CBD. Displaced businesses could seek space in the North Sydney Centre where there is large stock of secondary grade buildings with low rents which are comparable to the Precinct. The economic

activity would therefore not be 'lost' from North Sydney but, merely relocated elsewhere within the LGA.

Whilst the loss of commercial/employment floor space on Alfred Street would be unfortunate, there is a direct relationship between the height and scale of development and the extent of commercial floor space to be provided. The sensitive interface with the low scale residential development in the heritage conservation area means that managing the scale of any future building, is in this case, a higher planning priority than pursuing a significant quantum of commercial floor space. This recognises that residential floor space is currently more economically viable than commercial floor space and therefore would represent less height and building bulk pressure on any future development.

## 7.4 Section D – State and Commonwealth Interests

### 10. Is there adequate public infrastructure for the Planning Proposal?

The Precinct is well serviced by public transport with the North Sydney train station and future Victoria Cross Metro Station within close proximity. The Precinct is also close to the North Sydney ferry and bus services along the Pacific Highway. The Precinct is well serviced by North Sydney CBD which offers retail and commercial activity, employment, community facilities, education, health and community facilities and other infrastructure. Directly to the south of the site is small park and within the wider catchment are a number of larger parks including Anderson Park, Forsyth Park and Milson Park.

### 11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

At this stage, the views of appropriate State and Commonwealth public authorities have not been obtained in accordance with a Gateway determination as this has not yet been obtained. This will occur following the Gateway determination.

## 8 Part 4 – Mapping

The table below outlines the proposed amendments to the NSLEP 2013 maps and refer to **Appendix 6** for the draft maps.

Table 12 – Key planning controls		
Control	Current Controls	Proposed Controls
Zoning	B3 Commercial Core	B4 Mixed Use
Floor Space Ratio	3.5:1	Increase FSR provision for 275 Alfred Street (Building B) from 3.5:1 to a base of 7.3:1 which is the existing FSR of the Bayer Building. Identify the site as 'Area A' which refers to Clause 4.4 (2A) – Floor Space Ratio and allows for a bonus FSR of 2:1 (with a total maximum FSR control of 9.3:1), subject to a design competition being undertaken for the site. It is highlighted that the FSR (including the design excellence bonus) is below the FSR in Council's preferred option in the draft Precinct Planning Study.
Height of Building	13m	<ul style="list-style-type: none"> <li>31m for 283 Alfred Street (Building A);</li> <li>80m for 275 Alfred Street (Building B). <b>Note:</b> the existing building 52.36m;</li> <li>28m for 271-273 Alfred Street (Building C); and</li> <li>29m for 263-269 Alfred Street/4 Little Alfred Street (Building D).</li> </ul>

## 9 Part 5 – Community Consultation

The Planning Proposal will be placed on public exhibition in accordance with the Gateway Determination, should the Department of Planning and Environment support the proposal.

A comprehensive engagement strategy will be prepared by Council which would include the following mechanisms:

- Advertisement in a local newspaper which is circulated within the local government area;
- Notification letters to relevant State Agencies and other authorities nominated by the DP&E;
- Notification (via letter) to land holders of properties within and adjoining the Precinct;
- Advertise and exhibit the Planning Proposal on Council's website and at the Customer Service Centre; and
- Undertake any other consultation methods appropriate for the proposal.

## 10 Part 6 – Project Timeline

This project timeline has been provided to assist with monitoring the progress of the Planning Proposal through the plan making process and assist with resourcing to reduce potential delays.

Table 13 – Project timeline	
Milestone	Date
Anticipated commencement date (date of Gateway determination)	August 2019 (4-6 weeks after submission to DP&E)
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	8 weeks (estimated)
Commencement and completion dates for public exhibition period	TBA (28 days)
Dates for public hearing (if required)	TBA
Timeframe for consideration of submissions	4 weeks (estimated)
Timeframe for consideration of a proposal post exhibition	4 weeks (estimated)
Consideration of PP by Council (Council Meeting)	December 2019
Date of submission to the department to finalise the LEP	January 2020
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	February 2020
Anticipated date for publishing of the plan	March 2020



## 11 Conclusion

The planning proposal has been prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act); and
- The NSW Department of Planning and Environment's (DP&E) *A guide to preparing planning proposals*.

The Planning Proposal pertains to the land described as 263-283 Alfred Street and 4 Little Alfred Street, North Sydney.

This report provides a full justification of the proposal in line with the Department of Planning and Environment's template for gateway rezoning's.

The justification demonstrates that:

- The proposal is consistent with the JRPP decision made in September 2016 in that it allows for a Precinct wide approach to the future redevelopment of the B3 zoned block. Furthermore, it will rezone the Precinct to incorporate residential use which was considered by the JRPP to be appropriate given the isolation of the Precinct from the North Sydney CBD;
- Although Council's draft Precinct Planning Study was not formally adopted and has no legal weight, it is considered to have some probative value. The Study acts as a framework for the future redevelopment of the Precinct and it is based on the professional opinion of Council officers as to what would be an acceptable built form taking into consideration community feedback. The Planning Proposal is consistent with the objectives and design requirements of Council's draft Precinct Planning Study;
- The proposal is consistent with the Greater Sydney Region Plan and Northern District Plan given it will integrate housing and employment opportunities with public transport which contributes to the 30 minute city and contributes to housing targets;
- Is consistent with relevant Ministerial Directions and in particular with Direction 1.1 Business and Industrial Zones as the Precinct is not considered appropriate for employment growth whilst there is significant employment growth occurring within North Sydney CBD which will well exceed the job targets for the North District Plan;
- The proposal strategic merit given it is consistent with the relevant state, regional and local strategies and the rezoning of the Precinct will allow for a better transition with the adjoining Heritage Conservation Area which is close proximity to a number of public transport services. A strategic merit test and the site-specific merit test has been undertaken (refer to **Appendix 5**);
- Significantly improves the ground floor plane and public domain of the Precinct. The additional landscaping and widening of the footpaths along Little Alfred Street and Alfred Street will improve the pedestrian experience. The pedestrian arcade and upgrading of the Mount Street Overpass will significantly improve permeability within and through the Precinct;
- Creates an exciting opportunity to create a vibrant mixed use Precinct for the entire Precinct which will incorporate a highly activated ground floor plane with retail shops along Little Alfred Street and Alfred Street;
- Provides an opportunity to improve existing outdated commercial floor space and create modern commercial floor space for potential small businesses, creative uses and start ups within the Precinct which are affordable and provide a supportive role to the North Sydney CBD;

- Provides housing diversity and choice for the future residents of North Sydney LGA with a variety of unit types and affordable housing; and
- Provides an appropriate built form between the North Sydney CBD and the low scale residential development in the Conservation Area and will not create any significant amenity concerns with regard to overshadowing or privacy.



# ALFRED STREET Mixed-use Precinct

DESIGN REPORT  
ALFRED STREET PRECINCT  
22ND MARCH 2019

GRIMSHAW



JOB TITLE:275 ALFRED ST, NORTH SYDNEY

DOCUMENT TITLE:DESIGN REPORT

Prepared By:Ross Seymour

Dated:22/03/19

Approved By:Andrew Cortese

Signed:

Dated:22/03/19

REVISION	DATE	DESCRIPTION	FORMAT	PREPARED	CHECKED	APPROVED
A	22/03/19	FOR PLANNING PROPOSAL	A3 DOCUMENT	ROSS SEYMOUR	X	ANDREW CORTESE

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AERIAL VIEW OF MASTERPLAN



# Executive Summary

## Site Specifics

The Alfred Street Precinct under study is located on the east side of the M1 physically and visually separated from North Sydney commercial centre to the west. The site occupies a prominent position along a ridge line with a single commercial tower commonly known as the “Bayer” building providing the key focal point of the existing precinct. The precinct is characterised by an undulating landscape of low density residential buildings punctuated by taller residential towers which capture views to the harbour and city beyond.

This report study area includes the Bayer building tower and the immediately adjacent commercial properties contained within a consolidated block offering an integrated master plan for any future development of the precinct. Currently limited side boundary setbacks and an inconsistent street alignment give rise to a weak urban form. The existing configuration does not allow

any pedestrian permeability through the site and acts as a barrier between residential areas to the east and the overpass linking to North Sydney. The proposal aims reconnect these two areas, creating a network of pedestrian links and quality public spaces at street level.

The urban form for the precinct has been developed as a holistic approach to the broader site while maintaining individual site development opportunities, economic feasibility and reinforcing key urban objectives including massing and ground plane strategies. The massing responding to topography, the existing residential context and the unique precinct constraints whilst maintaining 275 Alfred Street's unique character as a gateway building.

## Key Precinct Sites

The “Bayer” building was built in the early 70's with minimal subsequent alterations since its completion. Currently as a commercial rental space it competes with the higher grade office spaces within the centre of the North Sydney CBD. To meet current Market Standards the building is in need of complete renovation. The floorplan layout, mechanical services and external façade are in need of an extensive upgrade.

It is unlikely the capital expenditure incurred would be recoverable maintaining its current configuration and single use. Even with the necessary modifications ultimately the building's fringe location and constrained floor space would limit the potential to become a competitive commercial offering.

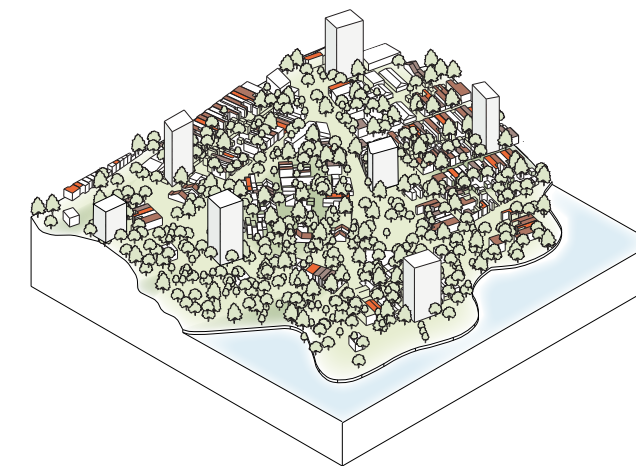
Given the location of the site in a principally residential area the proposition is to change the land use for the entire precinct from commercial to ‘B3 mixed-use’. This ‘mixed-use’ land use change is proposed for the broader precinct incorporating 283 (Site A), 275 (Site B), 271-273 (Site C) and 263-269 (Site D) Alfred Street sites.



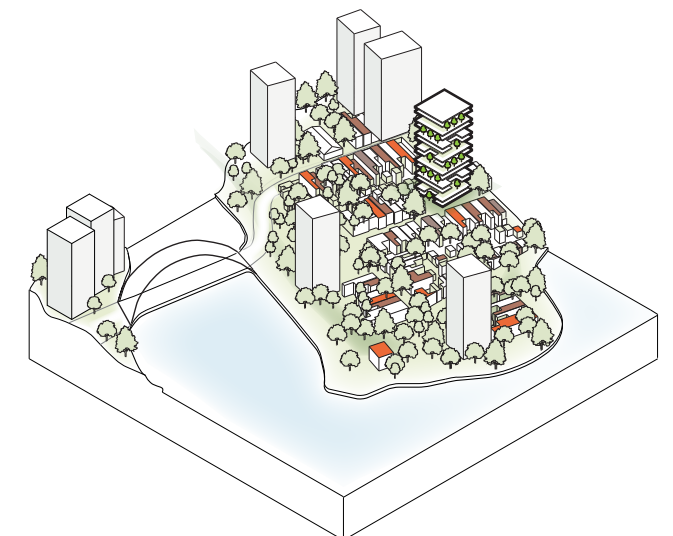
Business district

Precinct site

Conservation area



Character of local context



Landuse of local context

## Development Scenarios

A series of scenarios have been identified and evaluated in order to understand the most appropriate development pathways for the individual sites within the precinct study area. Detailed economic feasibility studies have been undertaken on all four precinct sites to determine minimum commercial redevelopment viability.

Sites A+C+D are all currently under their development potential with no site providing any substantial existing structure to support adaptive reuse opportunities. Development of these sites to meet the Council Planning Study proposed 8 story envelope delivers the opportunity to achieve the existing FSR of 3.5:1 on these sites. The existing Bayer Building on Site B, 275 Alfred Street provides the greatest opportunities for adaptive re-use and therefore provided the greater focus for economic analysis.

Each scenario tested the functional performance of the building whilst optimising the economic outcome. Cost planning and development feasibility modelling informed the viability of each option prior to the commencement of further detailed design work.

The following development scenarios were assessed regarding for the 275 Alfred Street site:

1. **Base case:**  
**Maintaining the existing building with a commercial use**  
It was deemed this scenario is undesirable due to weakened market demand for the outdated office space.

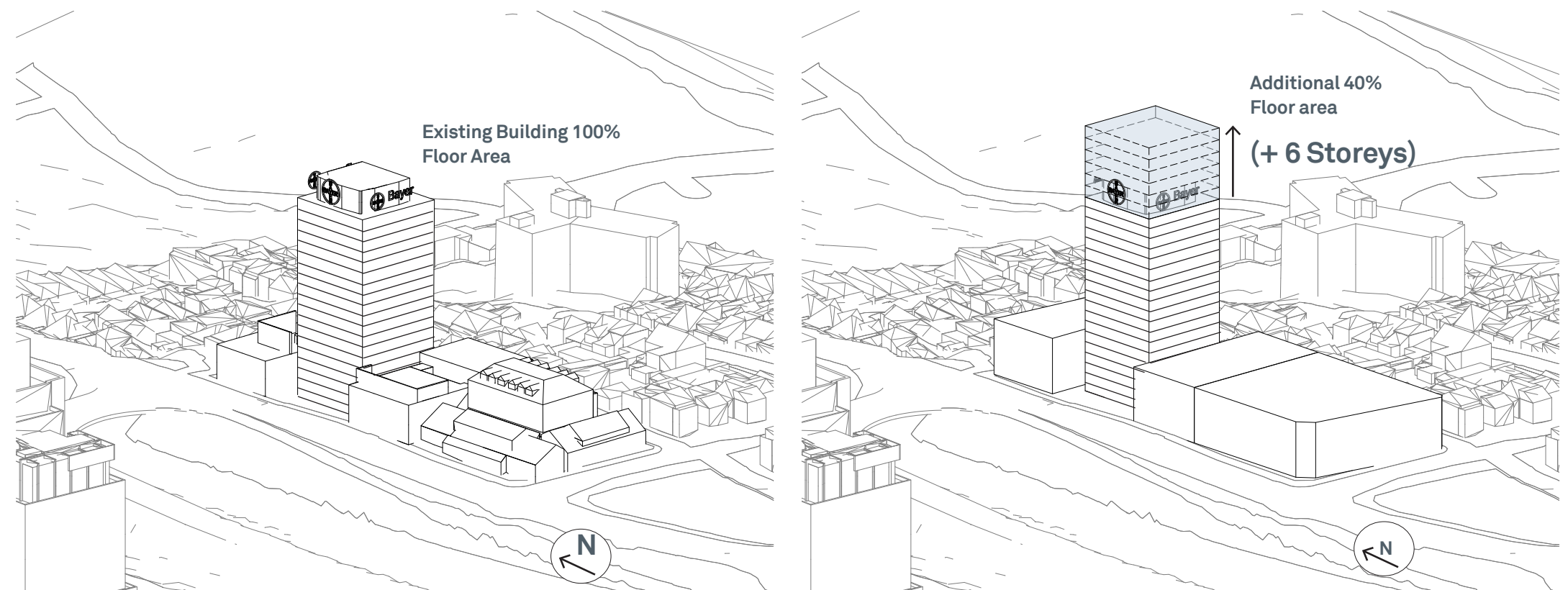
2. **Renovating Existing building:**  
**Upgrading the quality of office space.**  
It was concluded that renovating the space would not proportionally increase revenue against capital costs to be an economically viable option

3. **Adaptive Re-use:**  
**Re-zoning to mixed use, within existing building structure**  
It was deemed this was not an economically viable option due to the extensive cost of remediation works required, in particular removal of asbestos and alterations to the structural frame and building services to convert to a residential use.

4. **Adaptive Re-use with additional area:**  
**Re-zoning to mixed use, adaptive re-use with additional floor area and additional height.**  
Development Feasibility models indicated that a 40% increase in floor area may offer financial incentive to redevelop the building. A study was undertaken evaluating the cost of upgrading the existing structure to accommodate larger floor plates and additional levels and an overhaul of the building services. This scenario predominantly maintains the existing tower as a commercial offering with the additional levels accommodating residential apartment layouts. Significant reconfiguration works at ground level would be required to accommodate retail activation and the precinct strategy of delivering pedestrian connectivity through the site. This mixed-use strategy of maintaining the existing building frame would still require significant complex construction, building services refurbishment

and remediation works although would be off set by the additional building height and floor area. The necessary additional height would result in some additional overshadowing that would have a marginal impact on the adjacent residential precinct.

5. **New tower and public domain**  
The proposition for a new tower on 275 Alfred Street has been studied comprehensively from adaptive reuse through to individual and amalgamated site development opportunities. The new build options although viable do not outweigh the economic viability of the adaptive reuse option. Key opportunities for the tower building to deliver an iconic building, innovative and high performing design whilst balancing the sensitivities of a tall building within its context can be achieved with both a new build or adaptive reuse option.

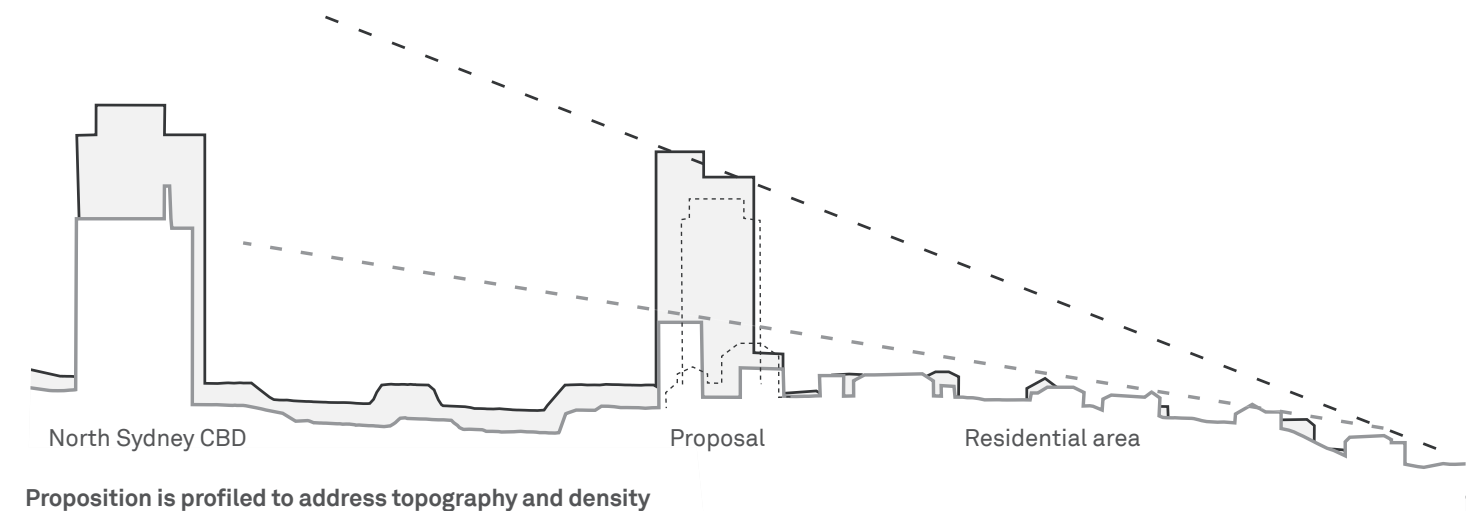


## Proposal aims

- Provide a legible and activated street edge to the Alfred Street precinct reinforced through ground level retail activation.
- The proposal provides the appropriate building mass transition between the new development and the existing heritage conservation area with adjoining low scale residential and massing separation to Little Alfred Street.
- Provide increased pedestrian zones to the edge of Alfred Street
- Implementation of a landscape buffer to the built form lower podium on both Alfred and Little Alfred Street frontages.
- Prioritise public domain by providing quality public spaces and pedestrian links across the site connecting residential areas to the east with the commercial centre of North Sydney.
- Introduce a sustainable mixed-use community of retail offerings, residential dwellings and workers into the existing residential area.
- Maintain and enhance the existing retail area at ground level of 275 Alfred Street while providing an enhanced precinct retail network through the site.
- Delivering a 'heart' to the new precinct through enhancement of the ground level public space at the base of 275 Alfred Street with a landscaped triple height atrium space.
- As part of the mixed-use strategy deliver a commercial podium through the four sites linked by the ground level pedestrian network enabling multiple small tenant offerings.
- Provide an appropriate architectural response to the topography and scale within its context.
- Maintain the character of the built form on the prominent 275 Alfred Street site with an iconic tower building.
- Visual linking of the four sites through the introduction of a podium massing creating a visually connected precinct response.
- Allow for appropriate setbacks that define urban form and provide suitable separation for privacy and outlook.
- Maintain adequate solar access to all neighbouring residents' living spaces and public open space.
- Configure the proposal to consider the future potential of adjacent properties adopting a future proof strategy to allow all sites to be developed individually and to their maximum potential.
- Delivering individual building vehicular and servicing solutions that supports ground level activation strategies while enabling staged and individual site development opportunities.

## Public benefit

- Pedestrian and bicycle friendly links though the site activated by retail at ground level.
- Introduce pedestrian footpath to Little Alfred Street, including a street planting zone linking into the retail pedestrian zones.
- Contribute to the improvement of the pedestrian amenity on the bridge over the highway.
- Encourage a sustainable community or 'vertical neighborhood' with supporting communal facilities and close proximity to work and transport links.
- Re-establish the tower as a public icon within the precinct further strengthened by an integrated precinct strategy.









# 01. METHODOLOGY



# 1.1 Introduction

## This report

The purpose of this document is to present the constraints and opportunities of the re-development of the Alfred Street Precinct as a non-consolidated precinct of four individual sites. The key focus of the report will be implementing an integrated mixed-use precinct strategy while enabling phased individual site redevelopment opportunities. Additionally, a key focus will be the redevelopment opportunities of the Bayer building at 275 Alfred street being a key element of the precinct built form. The site is situated on the eastern side of the M1, currently identified as part of the North Sydney central business district.

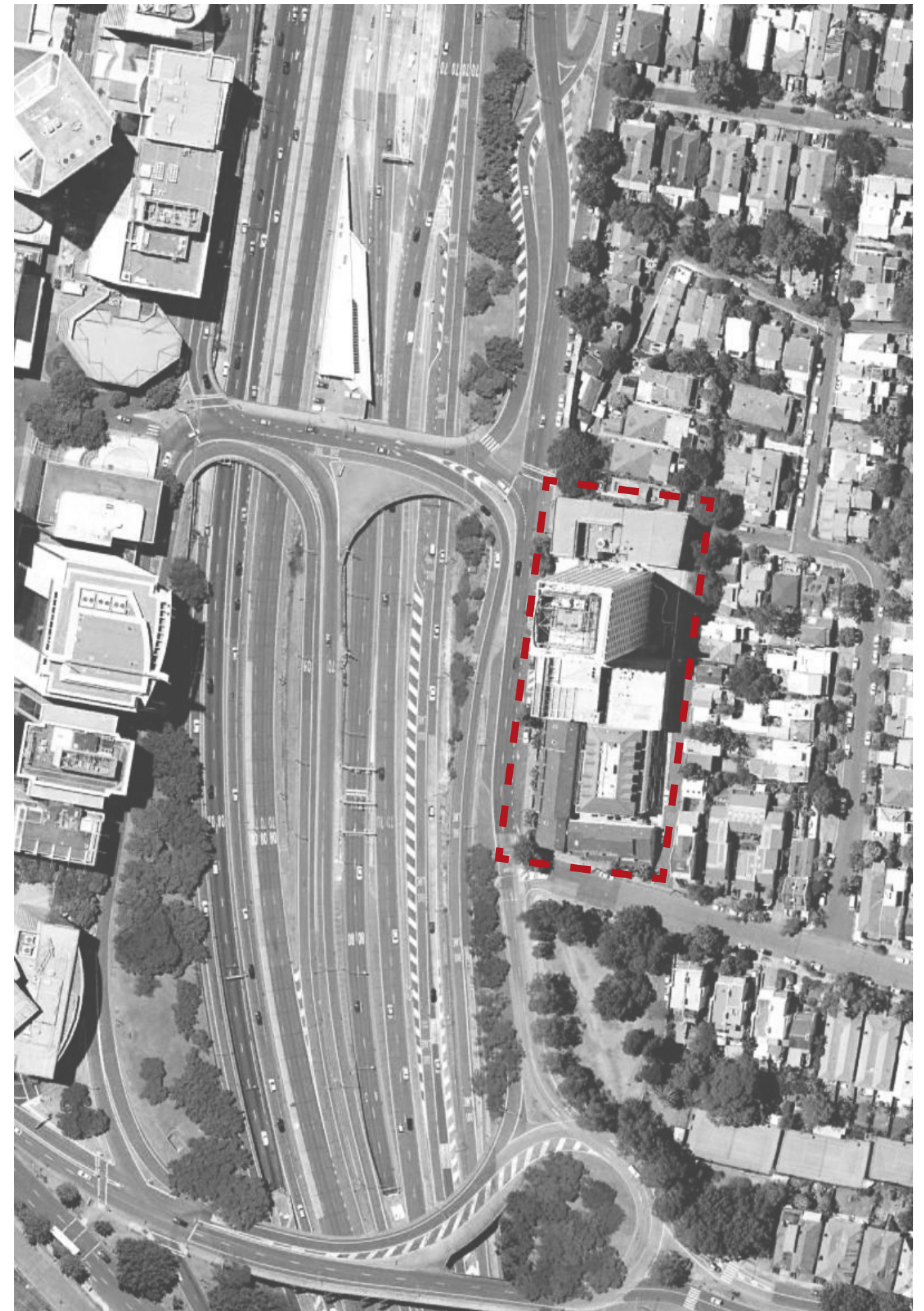
The document forms an appendix to the 'Alfred Street Precinct Planning proposal' as prepared by Mecone, submitted to North Sydney Council for their review and comment. Please refer to the Mecone report for full detail.

The planning proposal investigates the potential of a change of use and appropriate controls for any future development of the site. Studies have been undertaken to determine the impact on it's immediate context balanced against economic viability and associated benefits from an enhanced proposal for the site.

## Engagement with Authorities

There has been a process of engagement with North Sydney Council and Department of Planning since project inception in late 2014. This report has been structured to represent Council's and Department of Planning's concerns and feedback.

The design brief has been based on an awareness of North Sydney council's ambitions balanced against a project feasibility and buildability.



## 1.2 Methodology

### Balance

The methodology adopted to develop a proposal for the precinct uses an iterative approach which tests and modifies proposed schemes seeking balance between amenity, public benefit, quality, economic viability and development surety.

Providing precinct pedestrian connectivity and the creation of a permeable site provides key drivers for the development of building massing and urban response. Accommodating individual site vehicle access and servicing additionally provides key drivers to the urban activation opportunities at ground level. An extensive series of urban and massing studies were undertaken to develop the optimal built form outcomes for the precinct.

Preliminary studies of options for new rebuild or for refurbishment or re-use of the existing eighteen level Bayer building were undertaken. It's current use as a commercial building was examined concluding that it would most likely require a complete restoration to upgrade the office spaces to compete with the current standard of commercial space available in the North Sydney area.

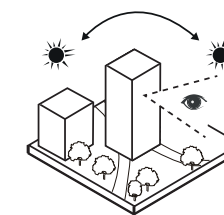
The cost of upgrading and remediation of the existing Bayer building alone has been estimated to be beyond what would be recoverable from even the most optimistic commercial renovation. The planning proposal therefore seeks to adapt the property and precinct to a more appropriate 'mixed-use'

building typology with the extension of height enabling the viability of all precinct sites and the adaptive reuse strategy for the Bayer tower to be implemented.

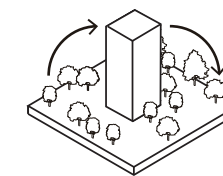
The existing Bayer tower would be fully renovated internally and externally with the lower levels retained as commercial office space with the higher existing and new additional levels of the building providing high quality residential apartments. The ground plane would be fully redeveloped to create a new vibrant retail entry forecourt for the tower and direct link to the precinct pedestrian and retail arcade with a phased implementation by the adjacent sites.

The planning proposal seeks to adapt the precinct to a more appropriate use as 'mixed-use'. The site is located in a largely residential area disjointed from North Sydney CBD. Within this context a mixed use predominantly residential development seems an appropriate use for the site. This proposal offers an economically viable solution within the current economic climate and demand for greater housing balances the investment against return, allowing development surety.

Key to any future proposal for the site would be enhanced amenity, wider community benefits and an opportunity for a building of exemplary design and environmental performance.



**AMENITY**



**SUSTAINABILITY**

100% Solar  
100% Natural Ventilation



**PUBLIC BENEFIT**

Creating connections  
Area is enriched in Value



**SOCIAL**

Activation  
Community Creation



## 1.3 Sustainability in Place

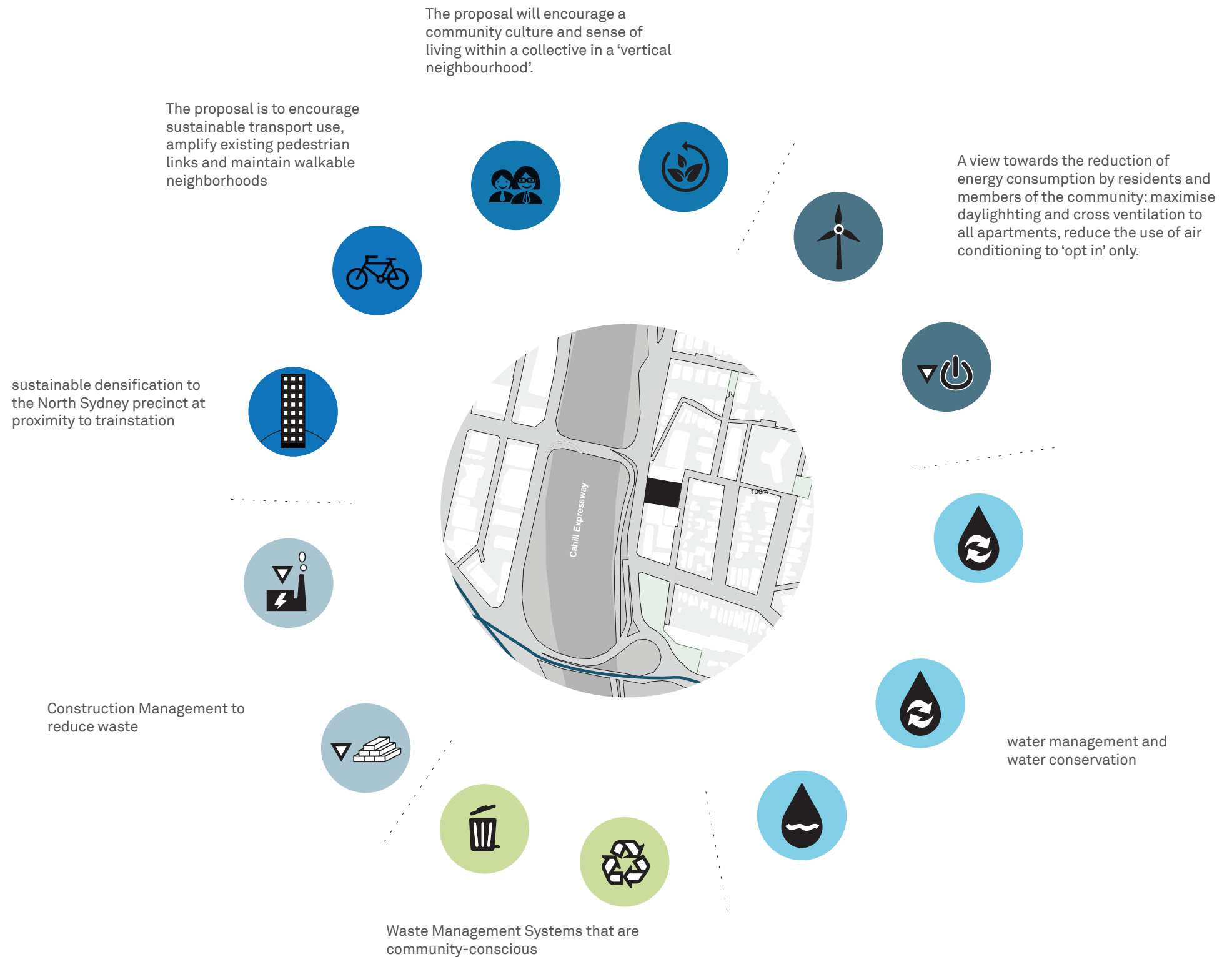
### Sustainable agenda

The development proposal embraces North Sydney Council's sustainable agenda, seeking to offer a holistic sustainable approach that considers social sustainability alongside waste and reduction of energy and water consumption.

The site offers an opportunity to develop high density residential and commercial mixed-use hub within 400m of North Sydney train station conforming to the requirements of a Transport oriented development. The site will offer pedestrian links and upgrades to the current streetscape that would encourage a walkable and cyclist friendly neighborhood.

A detailed investigation has been conducted into to the re-use of the existing Bayer tower structure, the primary existing development on the precinct. The opportunity for adaptive reuse and reducing building waste and embodied energy have been a driver in this assessment. It was concluded that this option alone would be unfeasible due to the cost of ameliorating asbestos and with substantial adjustments to the structural frame required without the supplement of additional commercial or residential floor area to deliver commercial feasibility.

It is proposed the development will employ sustainable practices for water and energy conservation as well as a smart waste management systems.



## 1.4 Planning Background

### Previous Planning Proposal – Bayer Building

A Planning Proposal for the Bayer Building was submitted to North Sydney Council on the 3 September 2015 to facilitate a mixed-use development including 24 levels of residential apartments above 2 levels of retail/commercial uses. The Planning Proposal sought to amend the NSLEP 2013 as follows:

- Rezone the site from B3 Commercial Core to B4 Mixed Use;
- Increase the maximum building height for the site from 13m (existing building 52.36m) to 85m; and
- Increase the maximum FSR for the site from 3.5:1 (existing building 7.3:1) to 10.2:1.

On 15 February 2016, Council resolved to not support the Planning Proposal proceeding to Gateway Determination.

On 17 February 2016, Mecone submitted a request for a Pre-Gateway Review to DP&E. A review of the planning proposal was undertaken, and it was determined to have merit to proceed to the Sydney East Joint Regional Planning Panel (the JRPP).

On 13 September 2016, the JRPP concluded the Planning Proposal should not be submitted for a Gateway Determination. The JRPP acknowledged the sites isolation from the main commercial centre and considered a change in zoning to enable residential use would be appropriate. However, the JRPP recommended that any future rezoning apply to the entire B3 area (Alfred Street Precinct) to demonstrate a holistic planning approach.

The basis of the JRPP determination is as follows:

- ‘1. The Panel considers that this site and the street block zoned B3 in which it is located is isolated from the main commercial centre of North Sydney and closely related to the adjoining residential area. Therefore, a change in zoning that would allow residential use in the street block, would be appropriate.
2. The main reason why the Panel does not recommend that this planning proposal proceed to Gateway Determination is that it deals with one site only rather than the area zoned B3 in which it is located. This piecemeal approach is contrary to the strategic intent of zoning decisions. In addition, the planning proposal leads to this site having three times the development potential of the other sites within the B3 zone. It fails to achieve the desirable separation distances between residential buildings and adversely affects the development potential of the adjoining sites.
3. The Panel considers that, in any future planning proposal for the block zoned B3, it would be appropriate to grant this site the density it now enjoys by virtue of the existing building on it, with some additional height so that a mixed use building with appropriate amenity may be developed on it. As concerns the other sites within the B3 zone, the existing density of 3.5:1 may be combined with some additional height, so that it becomes possible to develop them to their development potential for mixed use buildings with appropriate amenity.’

# Draft Alfred Street Precinct Planning Study

Following the JRRP decision, Council responded to the Planning Proposal by resolving to prepare a draft Alfred Street Precinct Planning Study (the draft Precinct Planning Study) at its meeting on 20 February 2017:

1. THAT Council endorse the preparation of a planning study for the Alfred Street precinct as a basis to guide the preparation of any future planning proposal for the site at 275 Alfred Street, North Sydney.

A draft Precinct Planning Study for the Alfred Street Precinct was prepared by Council and on 26 March 2018 Council resolved to adopt and publicly exhibit the draft Alfred Street Planning Study which was exhibited from 26 April 2018 to 8 June 2018.

Following the public exhibition of the draft Alfred Street Planning Study, the Precinct Planning Study was amended as a response to the submissions received. The amended Study was heard at a Council on 29 January 2019, however the Council resolved to not adopt the draft Precinct Planning Study.

Council developed an amended preferred option for the Precinct which is outlined below:

- Amalgamate sites 275 and 283 Alfred Street to create Site A and the remainder of the southern sites to create Site B;

- Achieves an FSR of 3.9:1 – 4.4:1 across the Precinct with 6.5:1-7.4:1 for Site A and 2.1:1-2.4:1 for Site B;
- Little Alfred Street incorporates fine grain residential accommodation which is 3 storeys in height;
- For Site A, the built form would include a three storey commercial podium (to the through site links and Alfred Street) with a new tower to align with the Bayer Building (including its width along Little Alfred Street) with an additional 6 storeys which are to be tapered along the eastern boundary;
- For Site B, the ground floor is to be commercial (along through the through site link, Alfred Street and Whaling Road, with a 4 and 9 storey built form along Alfred Street;
- Shared basement access; and
- Public benefits including a public through site link to the northern edge of Site A, a laneway which straddles Sites A and B, street frontage setbacks and an upgraded public domain.

Note councilors resolved not to adopt the amended 'preferred scheme'.



**PUBLIC BENEFITS**

1

**Public Through Site Link:** Closure of the northern end of Little Alfred Street and 6m setback along the northern portion of the precinct between Alfred and Little Alfred Street to deliver an open air through site link.

2

**Shared basement access:** Provision must be made on Site A to allow for shared basement access when Site B redevelops and vice versa.

3

**New publicly accessible laneway:** A publicly accessible open laneway will be created on Site A to allow greater permeability through the precinct and opportunities for activity in the precinct.

4

**Upgraded public domain:** Footpaths will be upgraded as part of development, including pedestrian enhancements such as kerb build outs to decrease crossing distances, pedestrian lighting for safety after dark and a significant amount of additional large canopy trees.

5

**Mount Street Overpass Upgrade:** Work with the RMS on potential upgrade and reconfiguration of the Mount Street overpass to improve pedestrian amenity and to optimise for public transport.

6

**Wayfinding upgrades:** High quality signage along the route between North Sydney CBD and Anderson Park.

7

**Shared Zone:** A pedestrian prioritised shared zone on the northern end of Little Alfred Street and into Ormiston Avenue.

8

**Improved intersections:** Improvements for both pedestrian and cars are required along the intersections with Whaling Road.

Figure – Public benefits  
Source: North Sydney Council

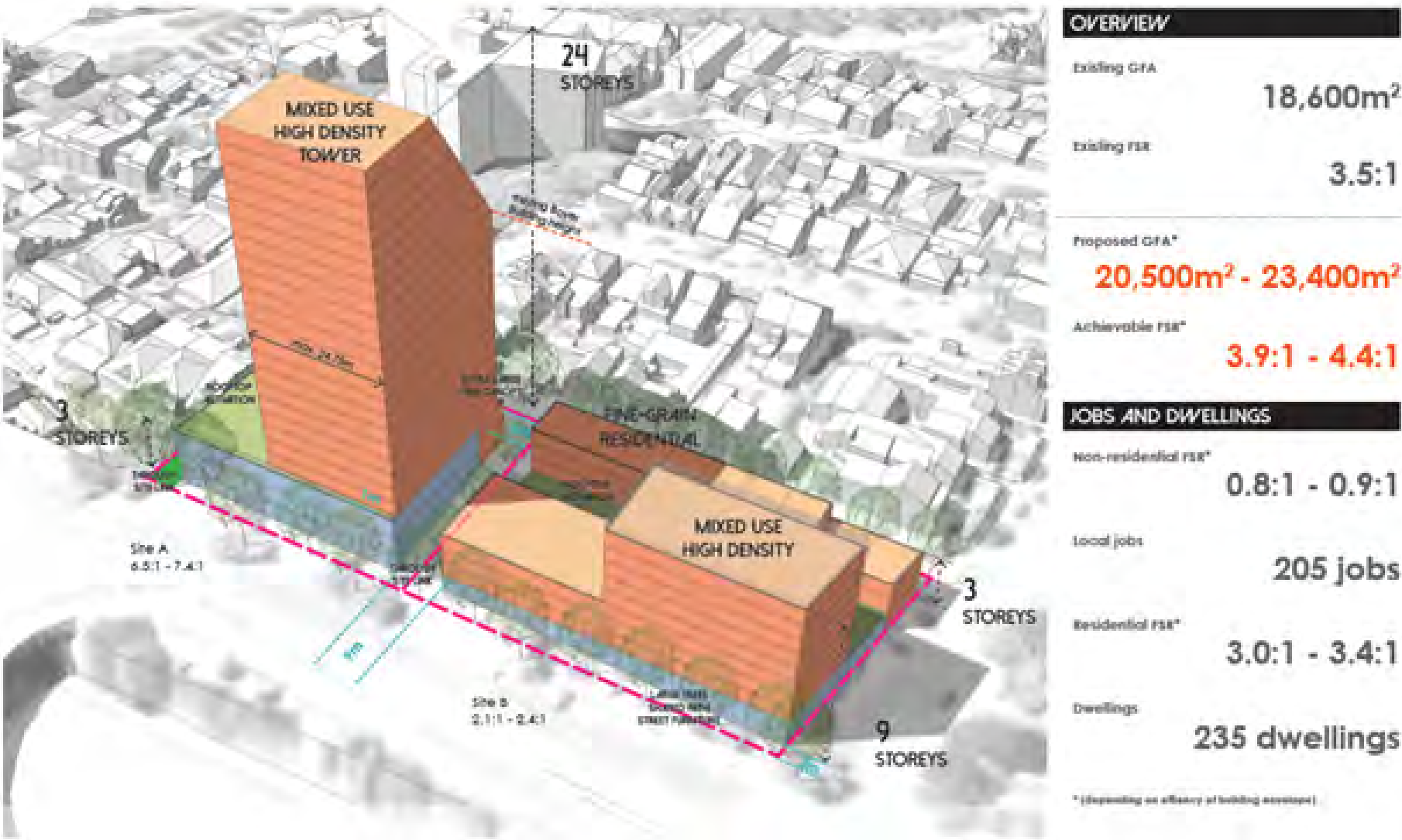


Figure – Council's Preferred Option  
Source: North Sydney Council







## 02. CONTEXT

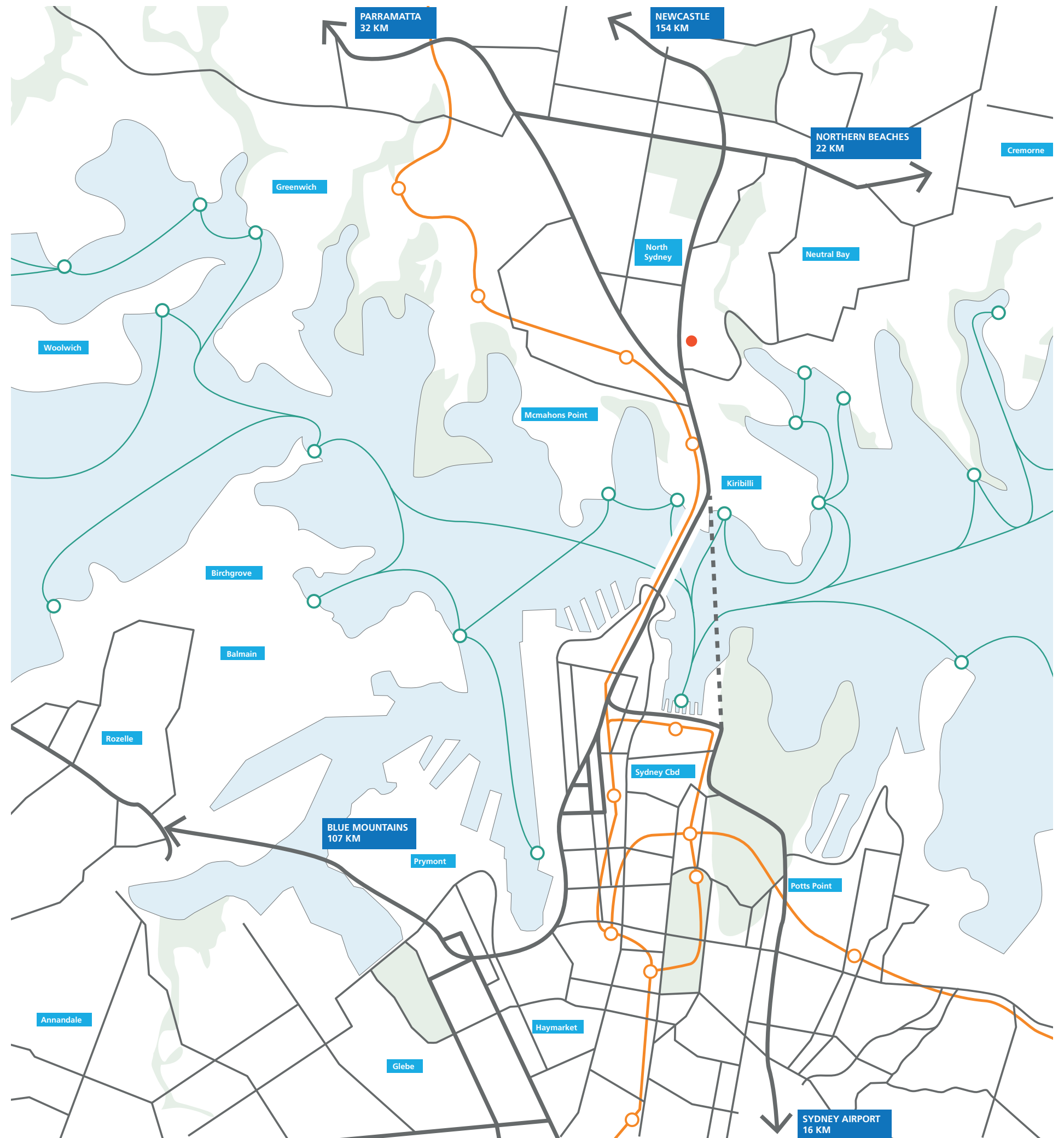
## 2.1 Location

The Alfred Street Precinct is centrally located and in close proximity to local landmarks and points of interest, including; North Sydney CBD, the Sydney Opera House, Harbour Bridge, Royal Botanic Gardens, Barangaroo and Sydney CBD.

The site is served by multiple modes of transport including commuter trains, Ferries and an excellent road network with direct access to the M1.

The site is located along a ridge line positioned with the 275 Alfred Street Bayer building, visible as an iconic 'Gateway Building' - highly visible in the surrounding area and from the south of Sydney harbour.

— Train  
— Ferry  
— Road





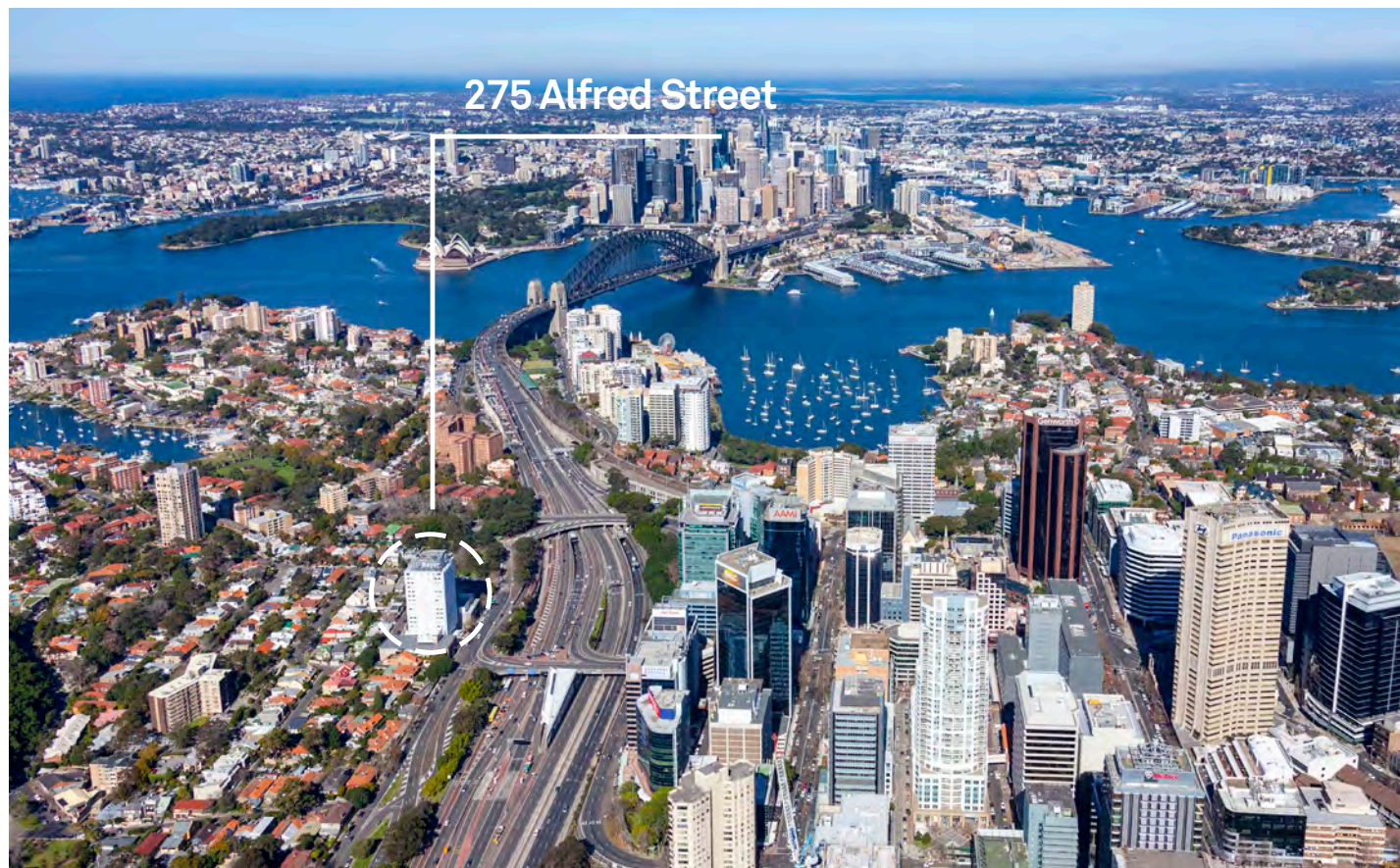
## 2.2 Immediate context

The Planning Proposal study site encompasses the entire precinct block bound by Alfred Street to the west, Walling Road to the south, Little Alfred Street to the east and existing single dwelling residential properties to the north to the alignment of Ormiston Avenue.

The most prominent precinct structure the 275 Alfred Street Bayer tower provides a key visual marker for the precinct, visible from the edge of North Sydney and from the depressed M1 motorway. The precinct provides a key threshold point located within proximity to the commercial center of North Sydney and the residential suburb localities of Kirribilli, McMahon's Point and Neutral Bay. The precinct is aligned with the primary pedestrian link over the M1 motorway connecting these two distinct residential and commercial precincts.



Alfred St looking north



On the threshold between Kirribilli and North Sydney CBD




Alfred St looking South





# 2.3 Local Amenity

The site is serviced well by the existing roads and pedestrian networks. Currently the site does not provide pedestrian access through the site however it is noted that local residents often enter the lobby and use the lift of the Bayer Building to access Little Alfred Street on the level below. Increased pedestrian permeability of the site will be a fundamental part of the Planning Proposal.

The train station and nearest local shopping centre is located within a 10 minutes walking distance and is in close proximity to Milsons Park. The new Victoria Cross Metro Station is also under 500 meters walking distance from the site. Other amenities include a range of local schools including Sydney North shore Grammar school, Loreto and St. Aloysius' College in Kirribili.







- 

**Key Bus Routes from North Sydney**  
B229 to Milson's Point, B265 to McMahon's Point, B252 to Lane Cove, B673 to Chatswood and the B263 to Crows Nest.
- 






The site is located within 6min walking distance to North Sydney Station
- 

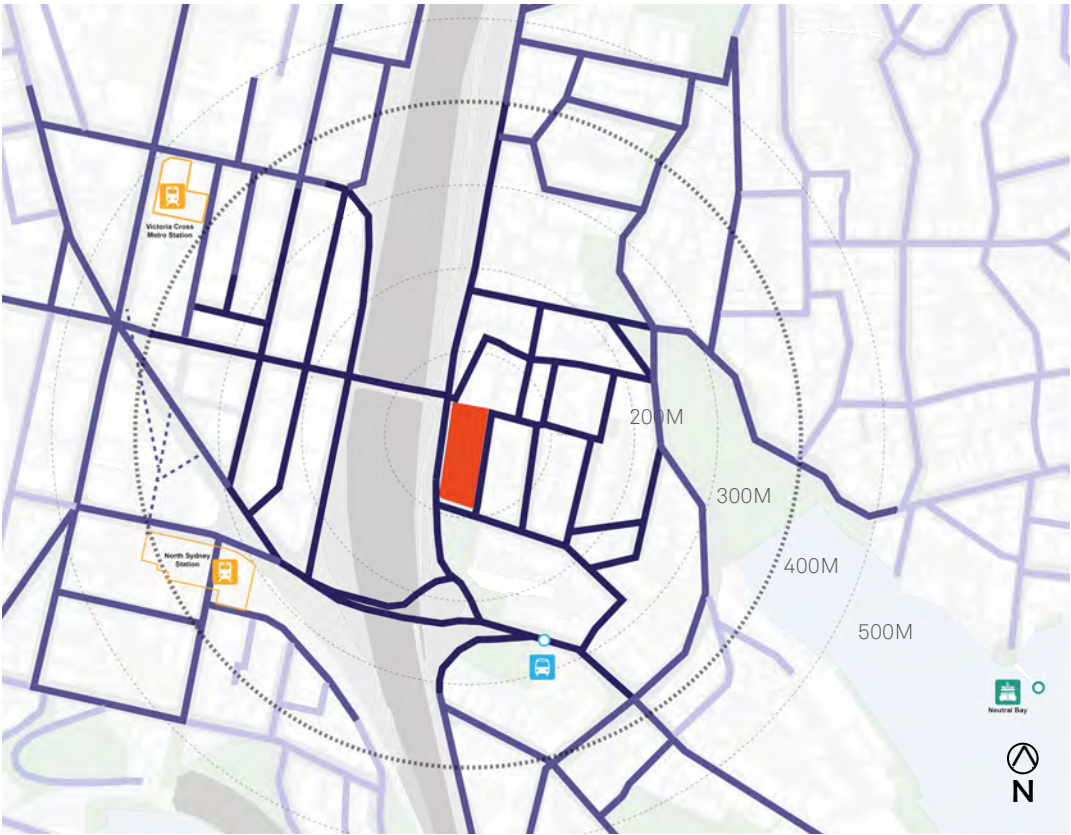
Neutral Bay Wharf and North Sydney Warf are both 15 minute walk.

**Walking Distances from 275 Alfred Street**

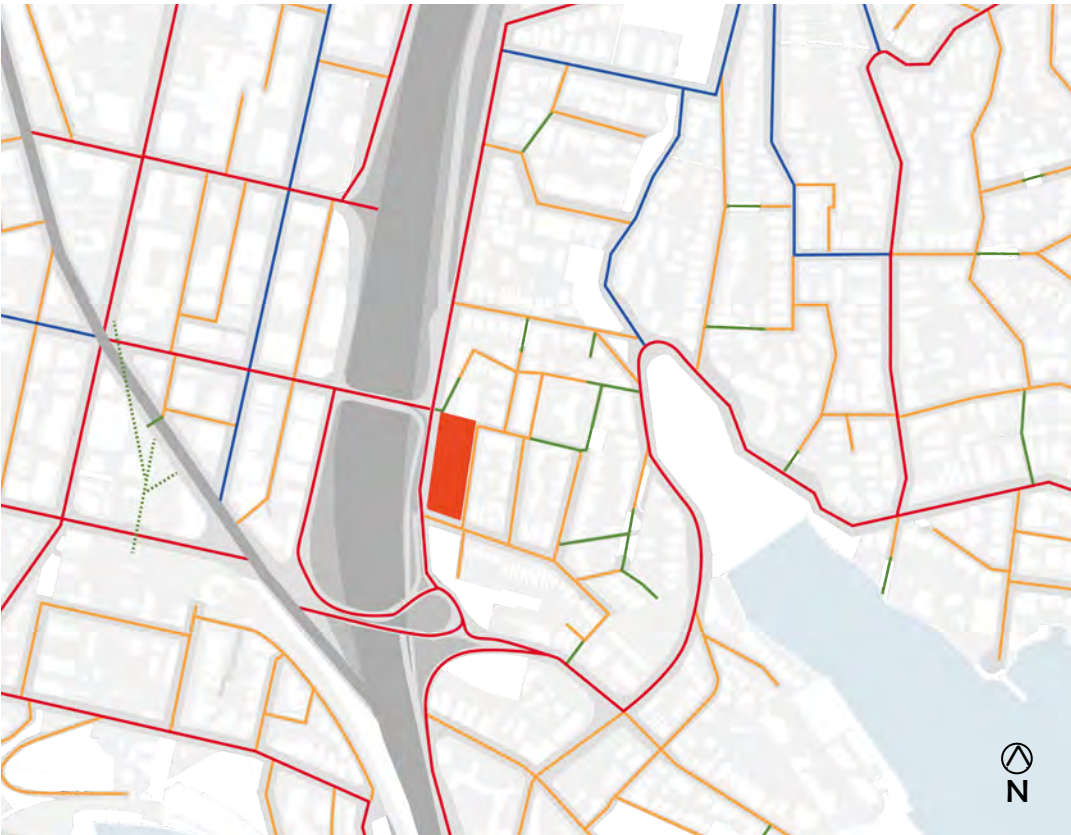
	1 Minute
	2 Minutes
	3 Minutes
	4 Minutes
	5 Minutes
	6 Minutes

**Existing Road Network**

	Arterial Road
	Sub-Arterial
	Road
	Collector
	Road



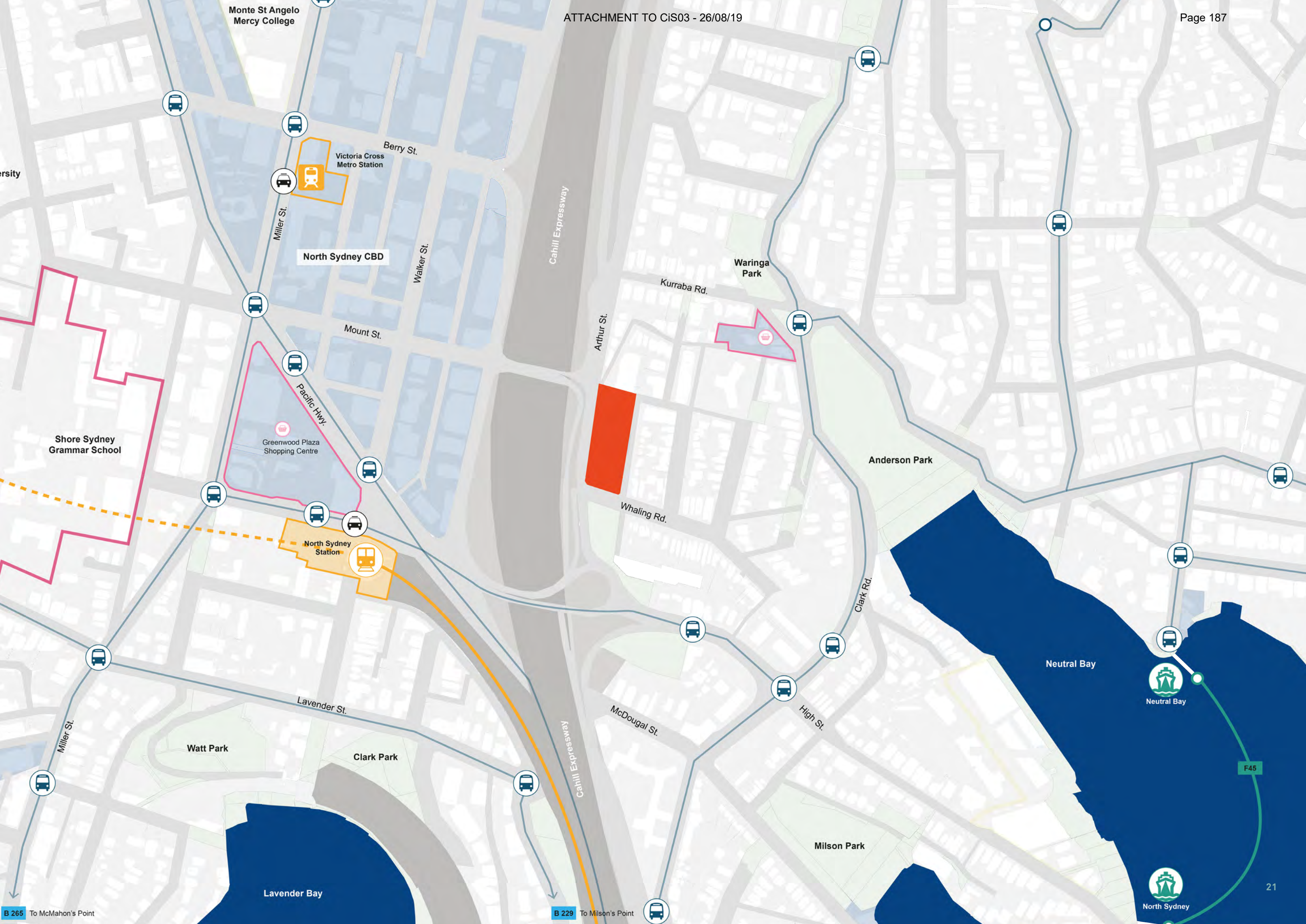
Pedestrian Access - within 400m of north Sydney train station



Existing road network





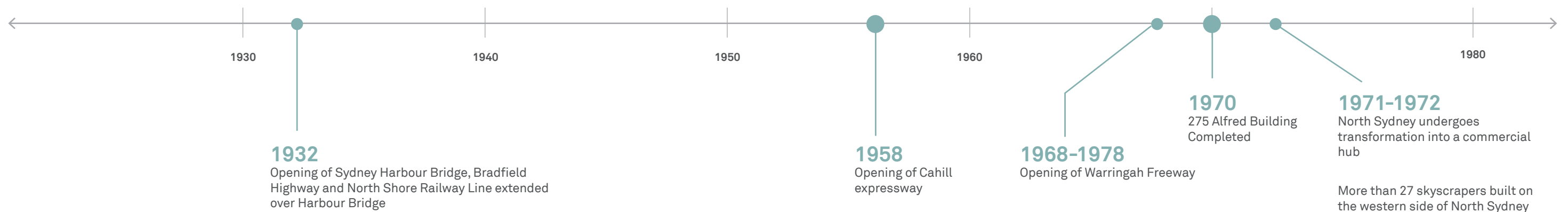




## 2.4 Heritage Conservation

The key structure on the precinct study site, 275 Alfred Street was built during the early seventies shortly after the opening of the Warringah Freeway. It preceded the rapid urbanisation of the North Sydney CBD area. Its location on the east side of the freeway creates a barrier that isolates the site from the rest of North Sydney CBD.

The land is zoned commercial and presents as an isolated pocket within a predominantly low density residential area. The adjacent residential area to the precinct site forms part of North Sydney Conservation Plan although the proposed sites do not form part of this conservation zone. There are numerous heritage listed properties in the vicinity, amongst them is 18 Neutral Street which is representative of early twentieth century residential design in the Victorian Filigree style, however it has undergone major contemporary alterations.



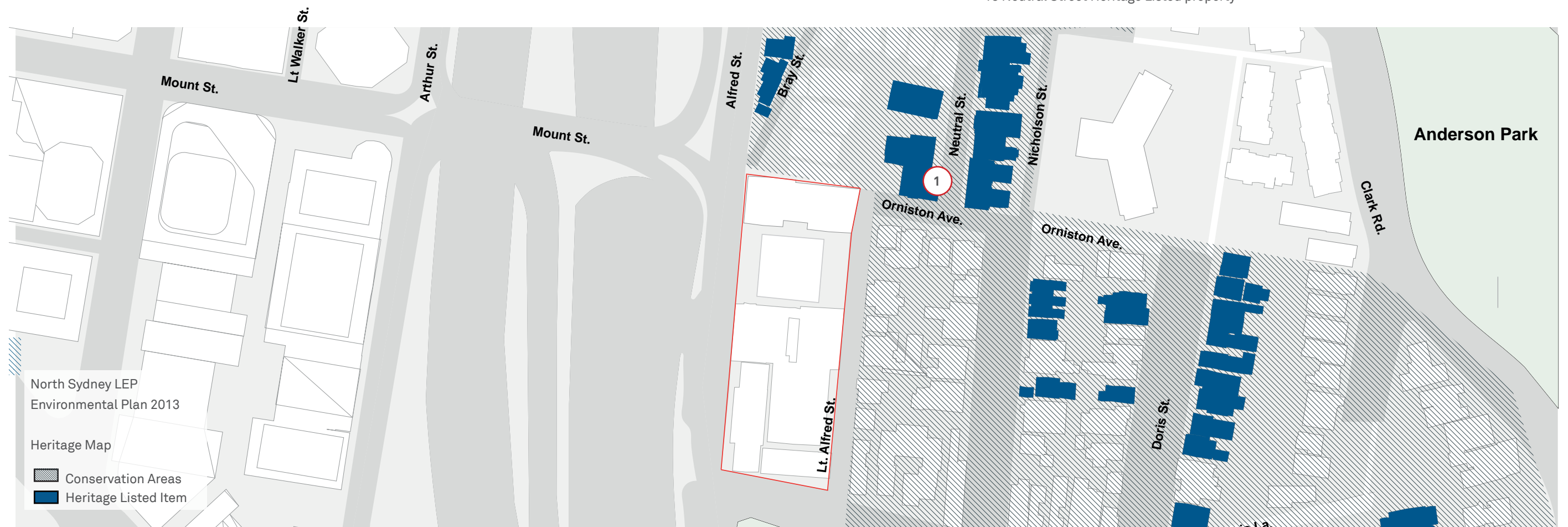


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Buildings that are representative of the character of the area - not heritage listed

18 Neutral Street Heritage Listed property



Heritage Area



## 2.5 Streetscape | Landscape



Heritage and street-scape character - Whaling Rd, North Sydney



Heritage and street-scape character - Whaling Rd, North Sydney



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Heritage and street-scape character - Whaling Rd, North Sydney



Heritage and street-scape character - Whaling Rd, North Sydney



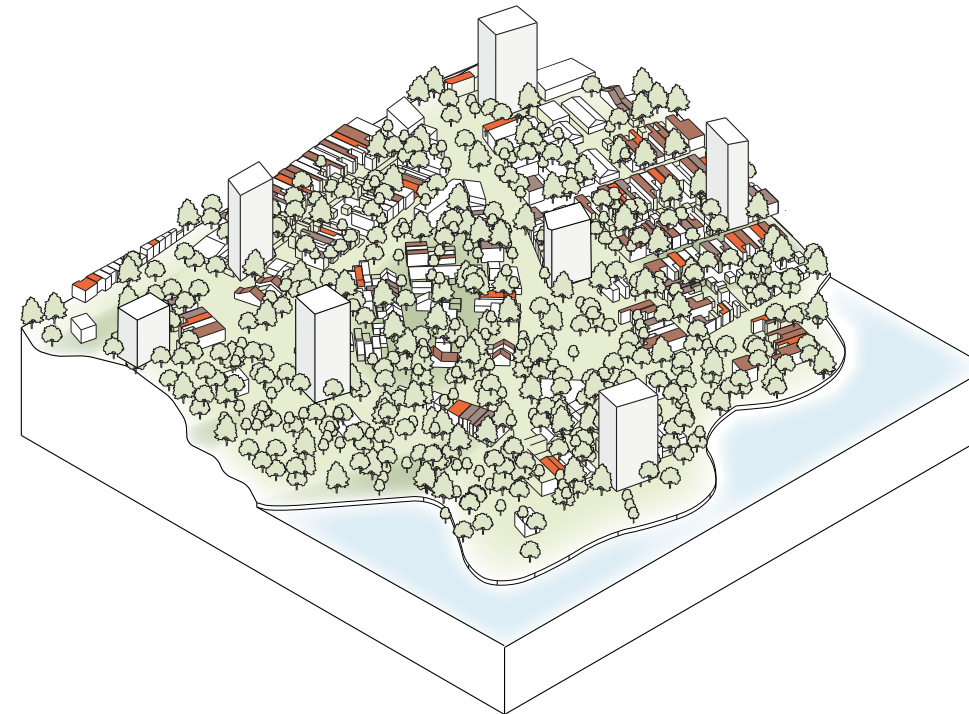
## 2.6 North Sydney Headlands

### Unique character of North Sydney landscape

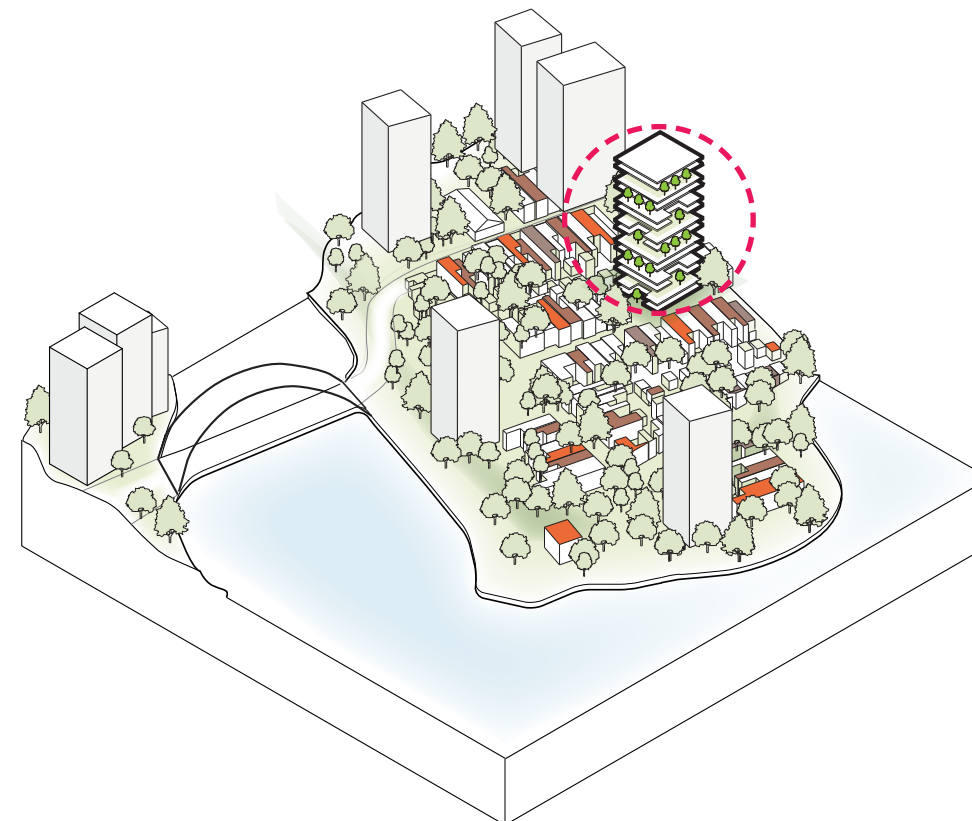
Sydney harbour's headlands have a specific character typified by a lush landscape of hills, a fine grain of terracotta roofs punctuated by modernist towers.

This distinctive language of Sydney's headlands has developed over time. The existing building at 275 Alfred street sits comfortably within this unique context.

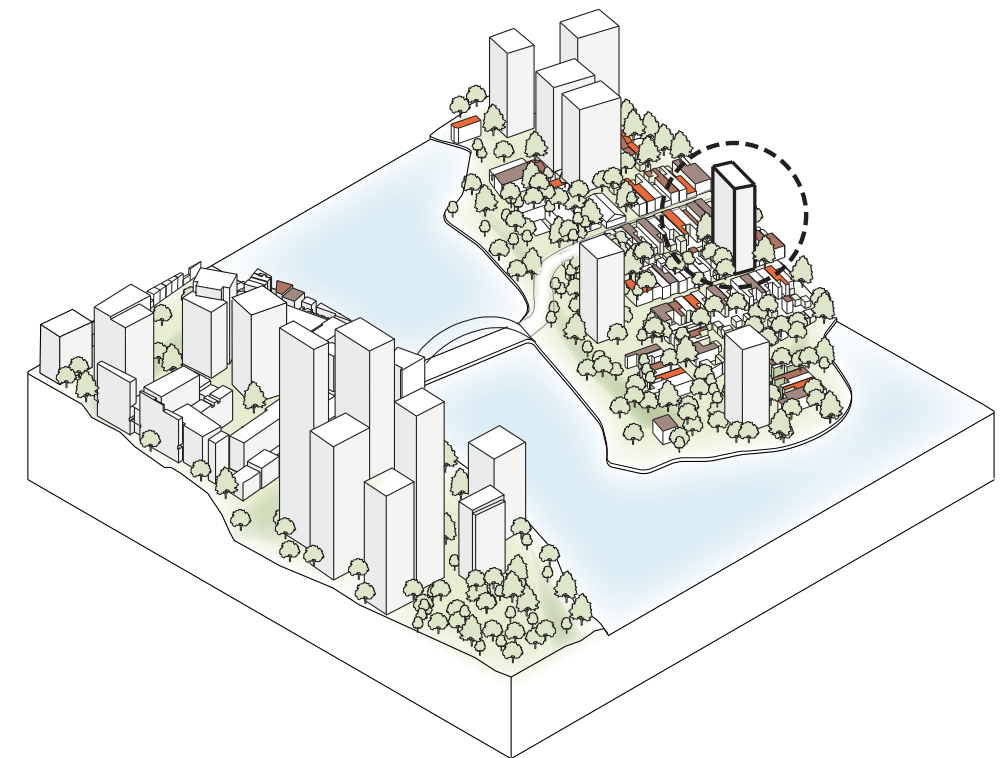
Future proposals for the precinct and 275 Alfred Street should fully integrate into and enhance this distinct condition.



Unique Character and Identity of North Sydney



Wider Sydney landscape - position and prominence



Beauty and identity - North Sydney in composition with Sydney city character







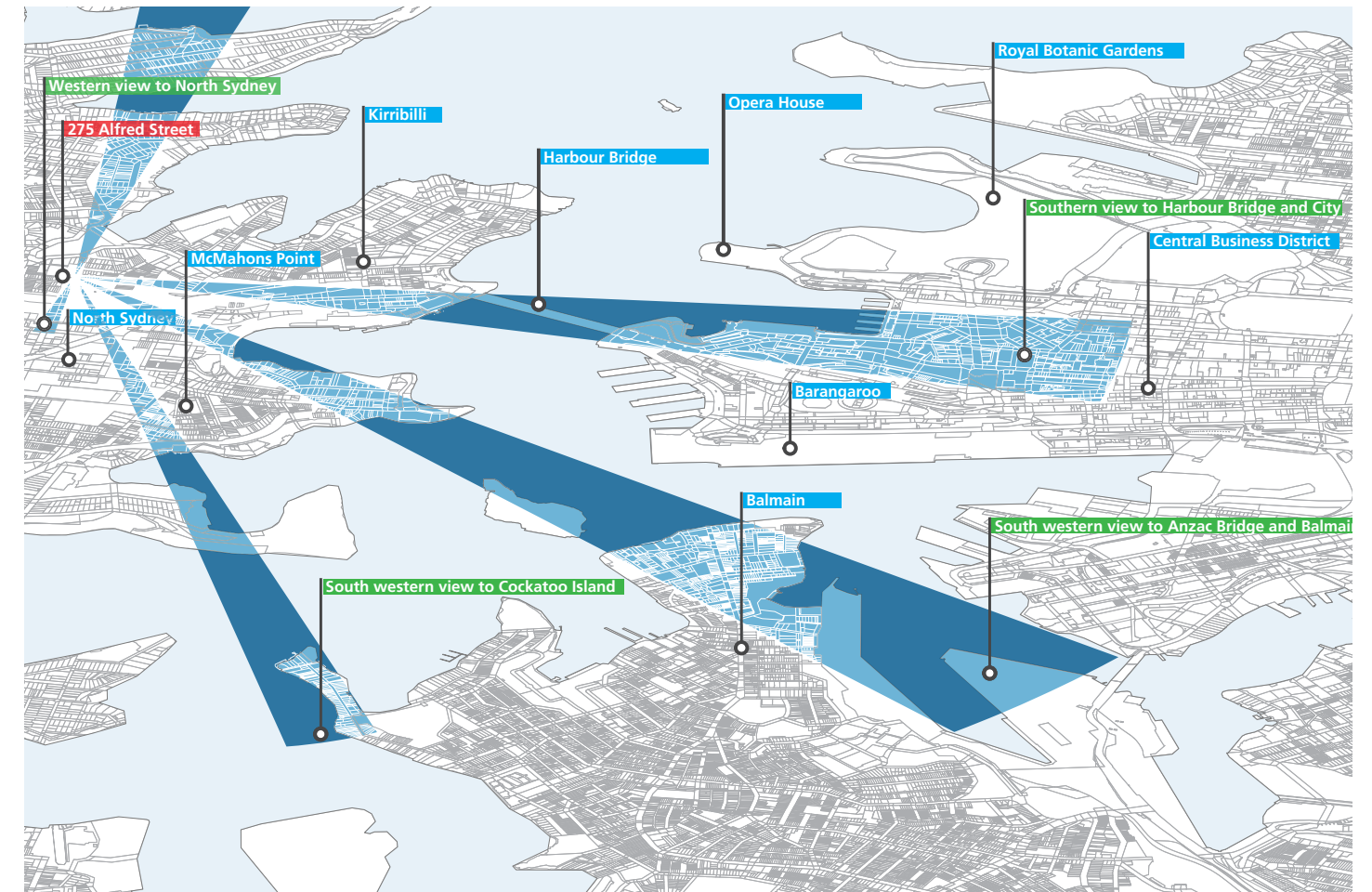




## 2.7 Views and Vistas

The unique situation of the building along a ridge line means the building offers magnificent unobstructed views over the greater Sydney area. Capturing views of Sydney's skyline and it's most iconic buildings and structures including Centre Point Tower, The Sydney Harbour Bridge and Sydney Opera House.

Other areas seen from the site at high level include Barangaroo, Balmain, Cockatoo Island, Lavender Bay, to the South with northern Sydney inner Suburbs of Kirribilli's lush green residential areas as well as North Sydney, central business district. To the north of the site the stunning views show the entirety of Mosman and Neutral Bay.



Views from 275 Alfred St



View to Cremorne point and neutral bay from top of existing building



View to New to North Sydney CBD to the west from top of existing building



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View to harbour bridge from top of existing building



Sydney skyline including harbour bridge and opera house



Lavender bay and Darling harbour



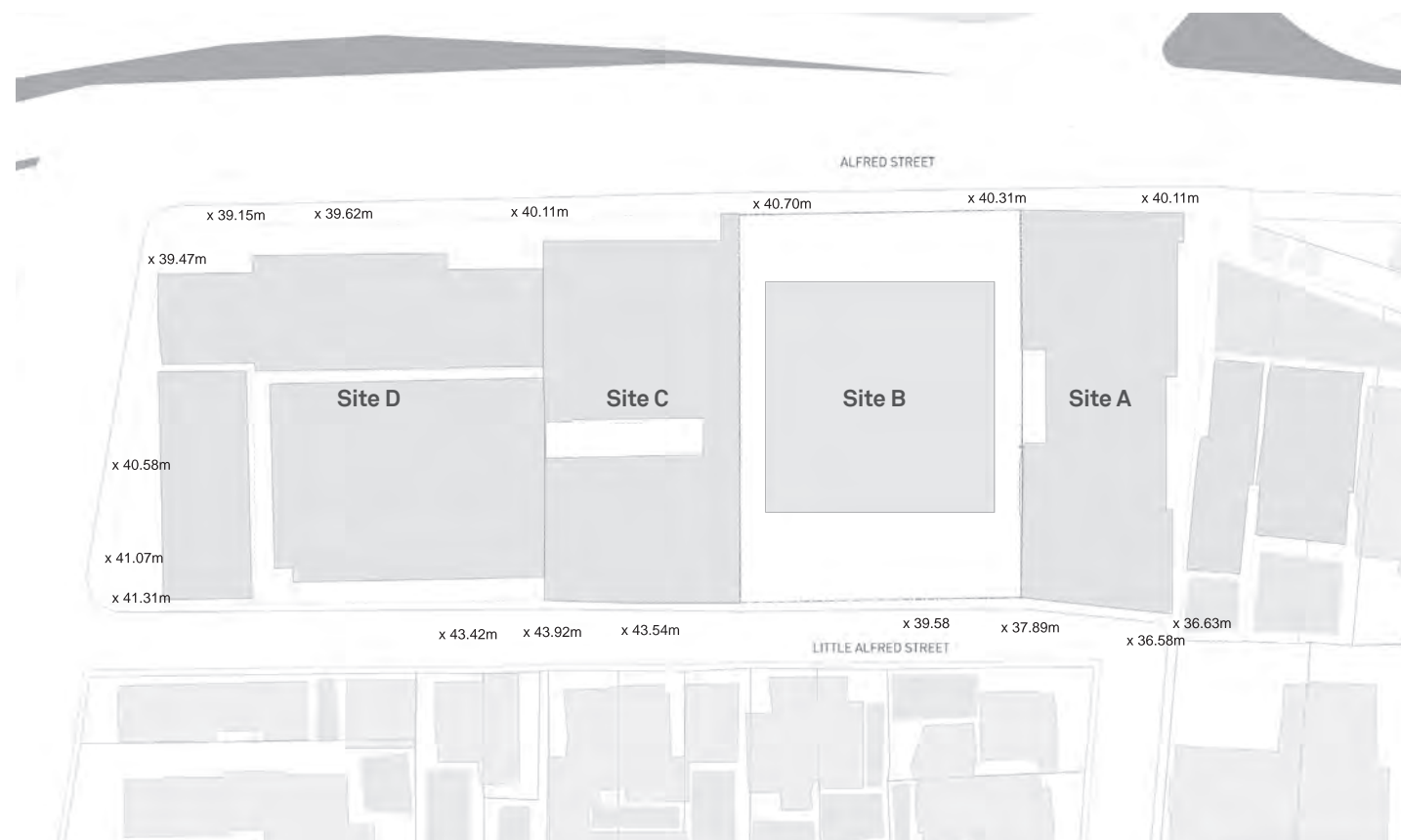
## 2.8 Topography

The site has significant level variations to the perimeter road edges bordering the precinct. Little Alfred Street to the eastern edge of the precinct provides the key vehicular access points to individual sites although additionally accommodates the most extreme level changes with over 7m in height difference along the street.

The implementation of successful pedestrian access and permeability strategies through the site requires accommodating existing levels to enable on grade pedestrian flows and site servicing to be achieved. The existing Bayer building ground floor situated at the primary point within the site provides a key datum for the future ground level plaza to connect all four sites.

Located on a ridge at RL40.0 that falls steeply to the east. There is a level change of approximately 3m front to back or east to west across the 275 Alfred Street site. The fall continues down from the precinct to Anderson Park at the waters edge.

Little Alfred Street at the rear of the building is at its highest point over 3.5m above this plaza level providing limitations to achieving site pedestrian connectivity.



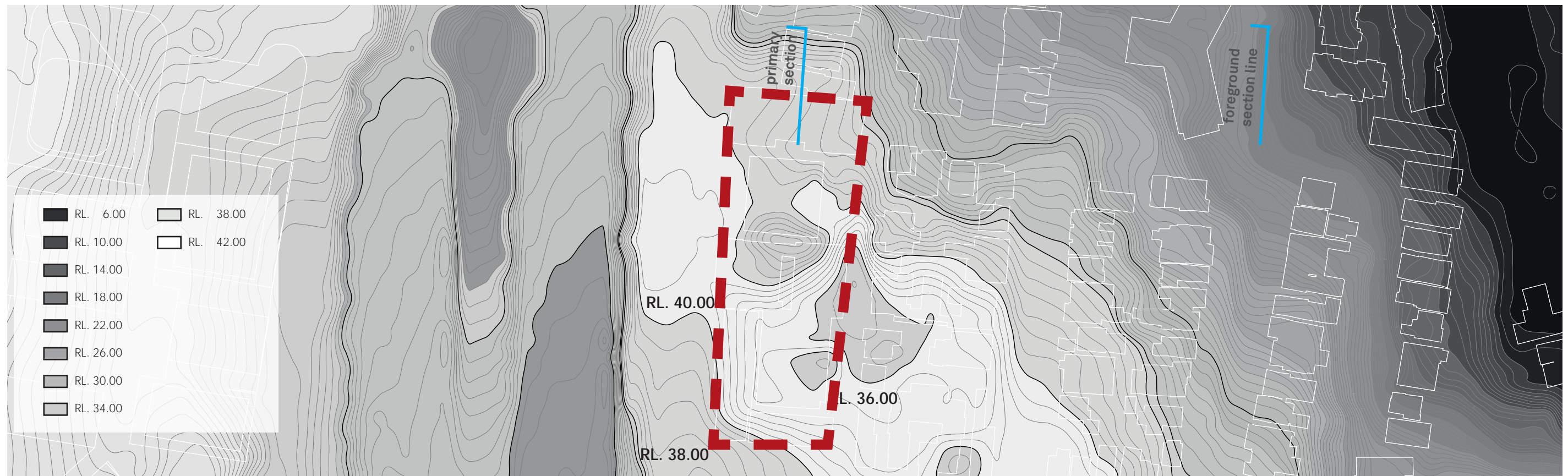
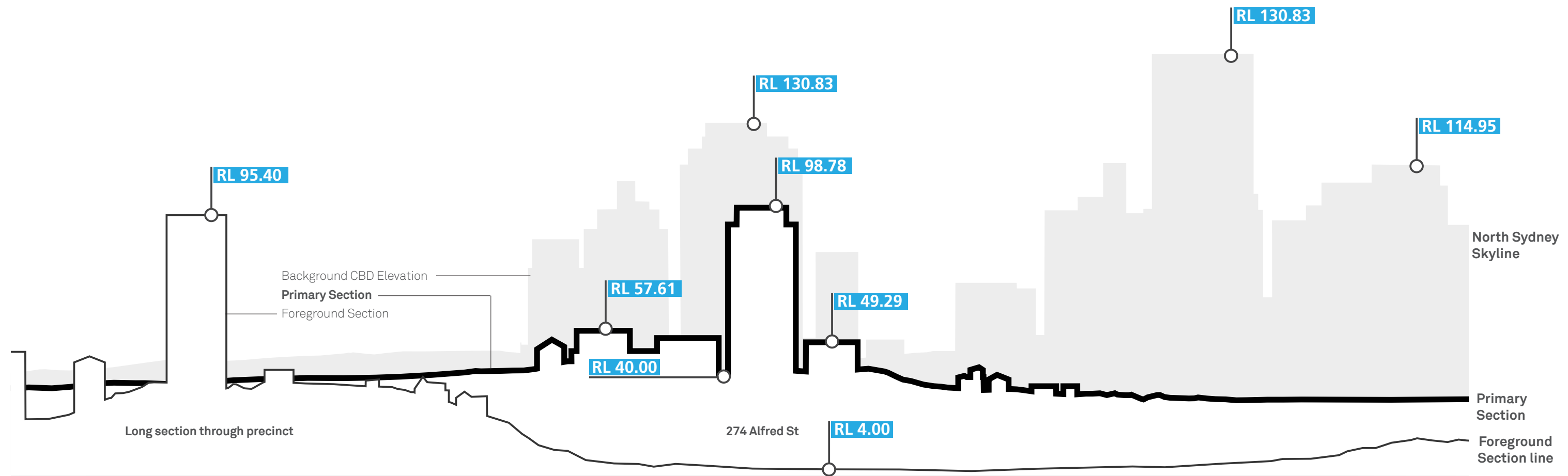
Alfred Street Precinct- existing site topography



Landscape - Little Alfred Street



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Landscape- north Sydney topography

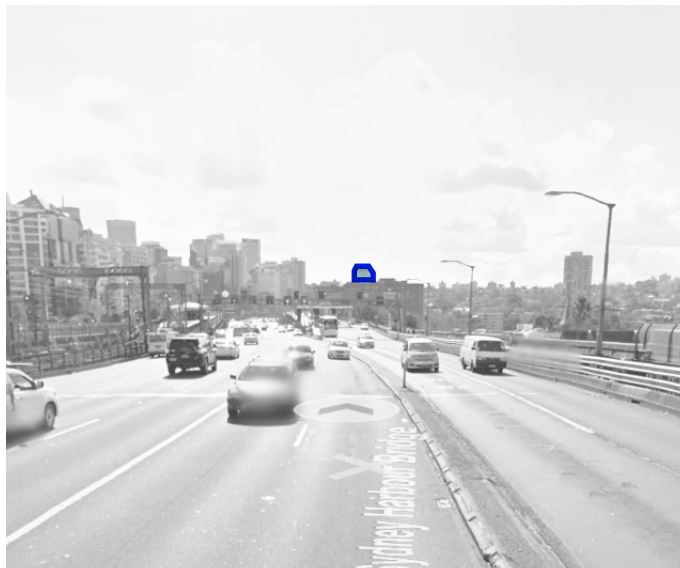
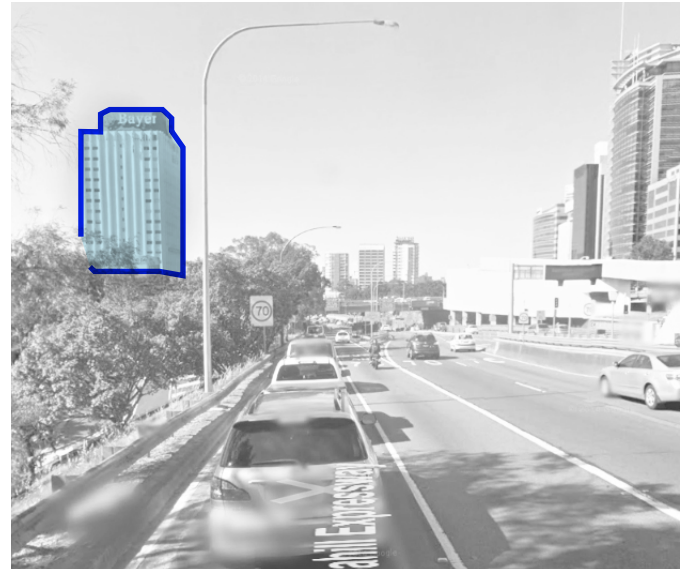
## 2.9 Prominence

The Bayer Building is an iconic gateway 'Gateway' building visible from many locations across the city. It frames the view to the harbour bridge and city along the M1 southbound. Similarly it can be seen from locations in Sydney CBD and the southern suburbs of Sydney.

Since the 1970's the building has been a key component of the North Sydney Skyline and provides a key landmark to the compact precinct to the eastern side of the Freeway.



275 Alfred street - Sydney city bound



275 Alfred Street - North Sydney bound









## 03. SUBJECT SITE

## 3.1 Subject Site

The Alfred Street Precinct under study is located on the east side of the M1 physically and visually separated from North Sydney commercial centre to the west. The precinct accommodates a broad range of existing buildings from townhouse style commercial buildings, medium rise commercial and residential through to the existing tower building at 275 Alfred Street commonly known as the 'Bayer building'. The site occupies a prominent position along a ridge line with the Bayer building tower providing the key focal point of the existing precinct. The wider area is characterised by an undulating landscape of low-density residential buildings punctuated by taller residential towers which capture views to the harbour and city beyond.

The study precinct applies to the existing block of developments accommodating several property sites, building developments and property owners. Some site amalgamation has occurred and for the purposes of this study the Planning Proposal will focus on 4 key sites of the precinct.

Site A - 283 Alfred Street  
 Site B - 275 Alfred Street  
 Site C - 271-273 Alfred Street  
 Site D - 263-269 Alfred Street

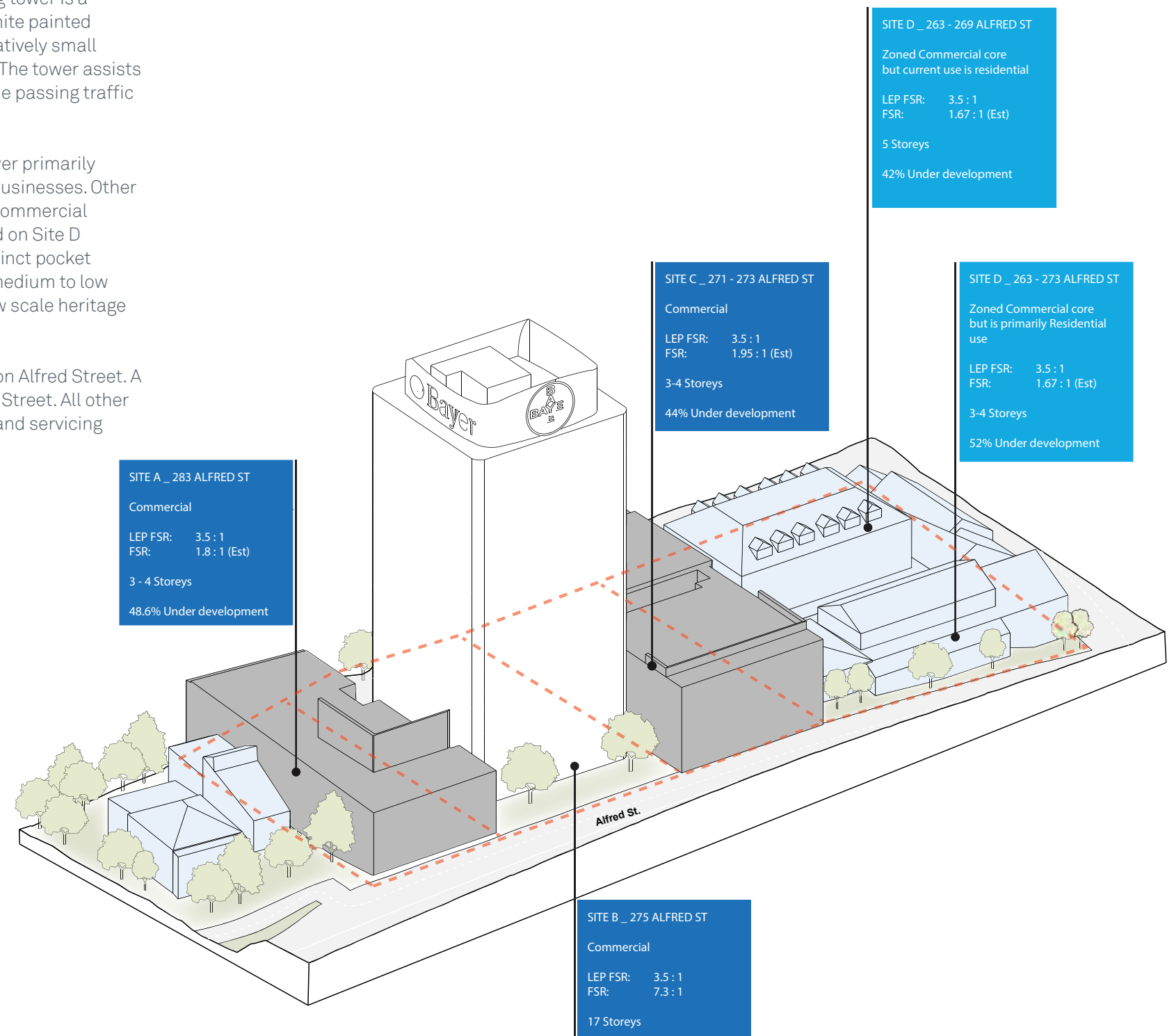


 Planning Proposal Site

The dominant structure on the site being the Bayer building tower is a 18 level building with two levels of basement car-parking. The Bayer building tower is a concrete frame construction clad with white painted profiled precast concrete panels with relatively small windows creating a prominent structure. The tower assists in providing a North Sydney gateway to the passing traffic on the nearby M1.

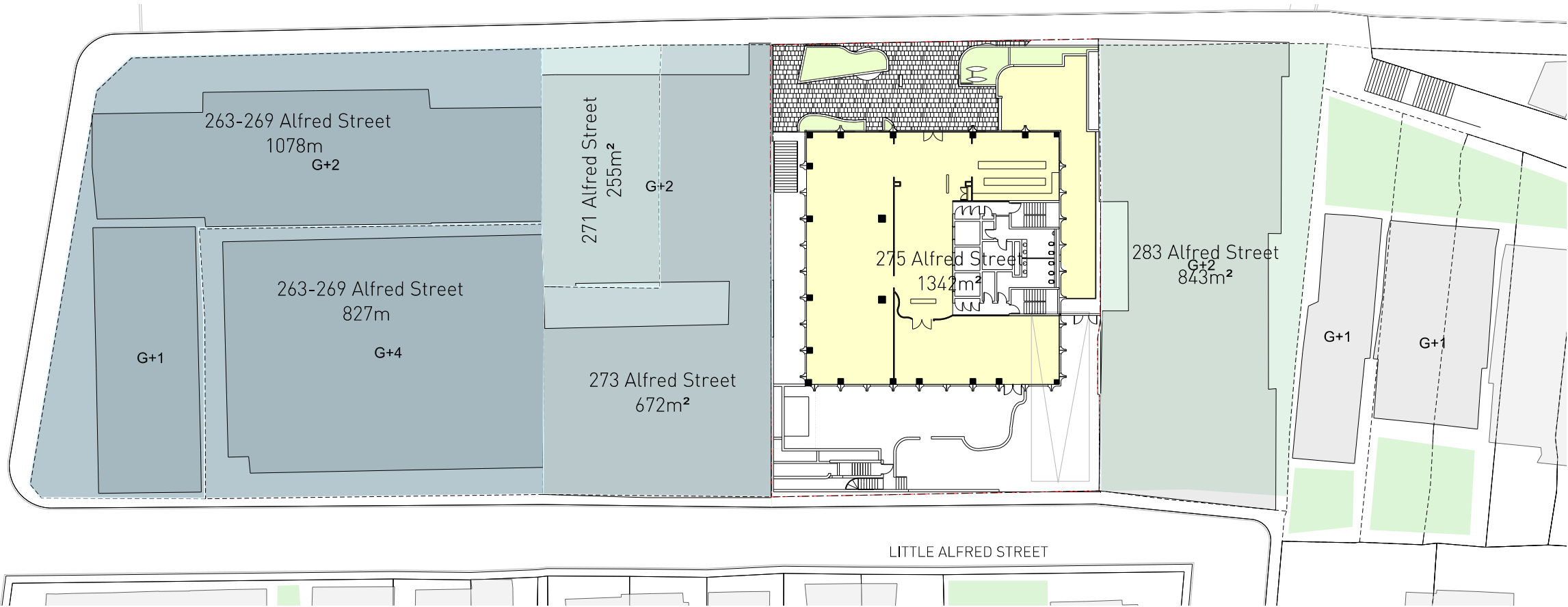
The existing Bayer building is a single tower primarily accommodating small to medium scale businesses. Other precinct sites principally accommodate commercial activity with a residential building located on Site D accessed off Little Alfred Street. The precinct pocket of commercial activity is surrounded by medium to low density apartments and houses in the low scale heritage conservation area.

Vehicular pick up and drop off is located on Alfred Street. A single-entry at Site C is directly off Alfred Street. All other vehicle access to basement car-parking and servicing access is via Little Alfred Street.





3.2 Site plan



Site	Plot	Current FSR	Allowed	% Under development	Height	Difference from LEP height limit (10m)
A	283 Alfred St	1.8:1	3.5:1	48.6%	10.5m + 6m Sign	0.5m over
C	271 Alfred St	1.69:1	3.5:1	44.3%	10.54m +3.3m Sign	1.46m over
C	273 Alfred St	1.95:1	3.5:1	34.3%	10.7m + 3.3m Sign	0.3m over
D	263-269 Alfred St	1.67:1	3.5:1	42.3%	8m - 16.3m Roof Ridge	-2m and +1.3m over

### 3.3 Economic Viability

Detailed economic feasibility studies have been undertaken on all four precinct sites to determine minimum commercial redevelopment viability. Sites A+C+D are all currently under their development potential with no site providing any substantial existing structure to support adaptive reuse opportunities. Therefore to achieve economic viability on Sites A+C+D it is proposed that new development would be required to be implemented with greater height developable envelopes to enable the existing 3.5:1 FSR to be achieved.

The existing Bayer Building on Site B, 275 Alfred Street provides the greatest opportunities for adaptive re-use. The AEC Group has conducted a 'strategic investment analysis' study of the commercial viability of an adaptive reuse of 275 Alfred street in its current form. The study concluded this may not be a viable option due to the following reasons:

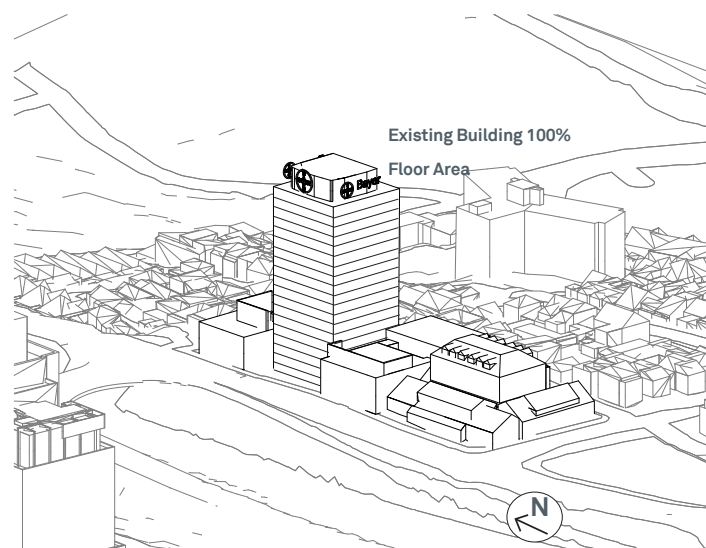
- Isolated location from main commercial centre
- Small building footprint that appeals to only a small section of the market.
- Limited flexibility of use
- Extensive presence of asbestos

The building is almost 50 years old and approaching the end of its economical useful life. Alternatives that maintain its commercial use by upgrading and refurbishing alone would not unlock value as any significant works would exceed the potential revenue.

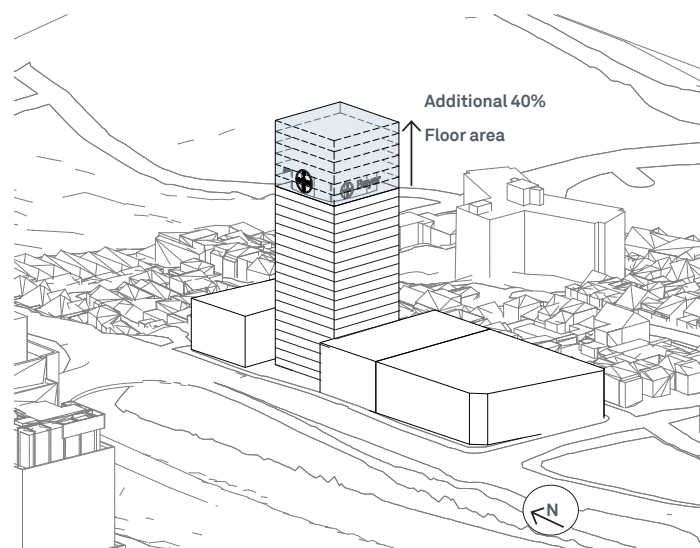
The addition of new floor area could offset the cost of refurbishment as the potential increase in revenue could incentivise the upgrade and refurbishment. There would still be limited revenue in the refurbished commercial offering due to the isolation from the main commercial district although the offset of high-quality residential floors would deliver an economic opportunity for redevelopment.

This strategy would aim to refurbish the existing building with the existing lower levels providing contemporary commercial suite spaces and the upper existing levels and additional tower levels as residential. This required uplift in area would equate to approximately 40% additional area or the addition of 6 habitable storeys.

The proposition is therefore to rezone to mixed use and offer a more appropriate residential use to subject site.



Alfred street - Existing No. of Floors



Alfred street - Existing No. of Floors with proposed 40%

## ALFRED STREET PRECINCT NORTH SYDNEY ECONOMIC IMPACT ASSESSMENT

BENMILL PTY LTD & JB NO. 3 PTY LTD  
MARCH 2019



aecgrouppltd.com



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Area Schedule of Existing Building

275 Alfred Street - The Existing Bayer Building

Level	FFL RL	F-F (m)	Use	GBA	GFA	Core / non-lettable	NSA - Commercial	NSA - RETAIL	TOTAL NSA	Efficiency (NSA/GFA)	Efficiency (NSA/GBA)
					Total						
B2	RL 27.69	2.88	Parking	1,160.0		65.3	-	-			
B1	RL 30.57	6.30	Parking	1,160.0		65.3	-	-			
Sub Total (Parking)				2,320.0	-						
LG	RL 36.87	3.13	Misc	1,161.0	751.2	98.9	652.2	-	652.2	87%	0%
Ground	RL 40.00	3.080	Misc	564.0	529.7	172.5	302.4	54.8	357.2	57%	32%
Sub Total				1,725.0	1,280.8		954.6	54.8	1,009.4		
L01	RL 43.08	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L02	RL 46.16	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L03	RL 49.24	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L04	RL 52.32	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L05	RL 55.40	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L06	RL 58.48	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L07	RL 61.56	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L08	RL 64.64	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L09	RL 67.72	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L10	RL 70.80	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L11	RL 73.88	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L12	RL 76.96	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L13*	RL 80.04	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L14	RL 83.12	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L15	RL 86.20	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L16	RL 89.28	3.08	Office	564.0	529.7	64.1	465.6		465.6	88%	83%
L17 - Roof	RL 92.36						-				
Sub Total (Office.)				9,024.0	8,474.9	1,024.8	7,450.1	-	7,450.1		
Total				13,069.0	9,755.7	1,024.8	8,404.7	54.8	8,459.5	86%	65%

\* Level 13 included

Key data for existing Building - 275 Alfred

SITE AREA:	1342 m2
EXISTING BUILDING HEIGHT:	52.36m
EXISTING FSR:	7.3:1
EXISTING GFA:	9756 m2
EXISTING GBA (above ground):	9588 m2
EXISTING LEVELS:	18



## 3.4 Planning Context

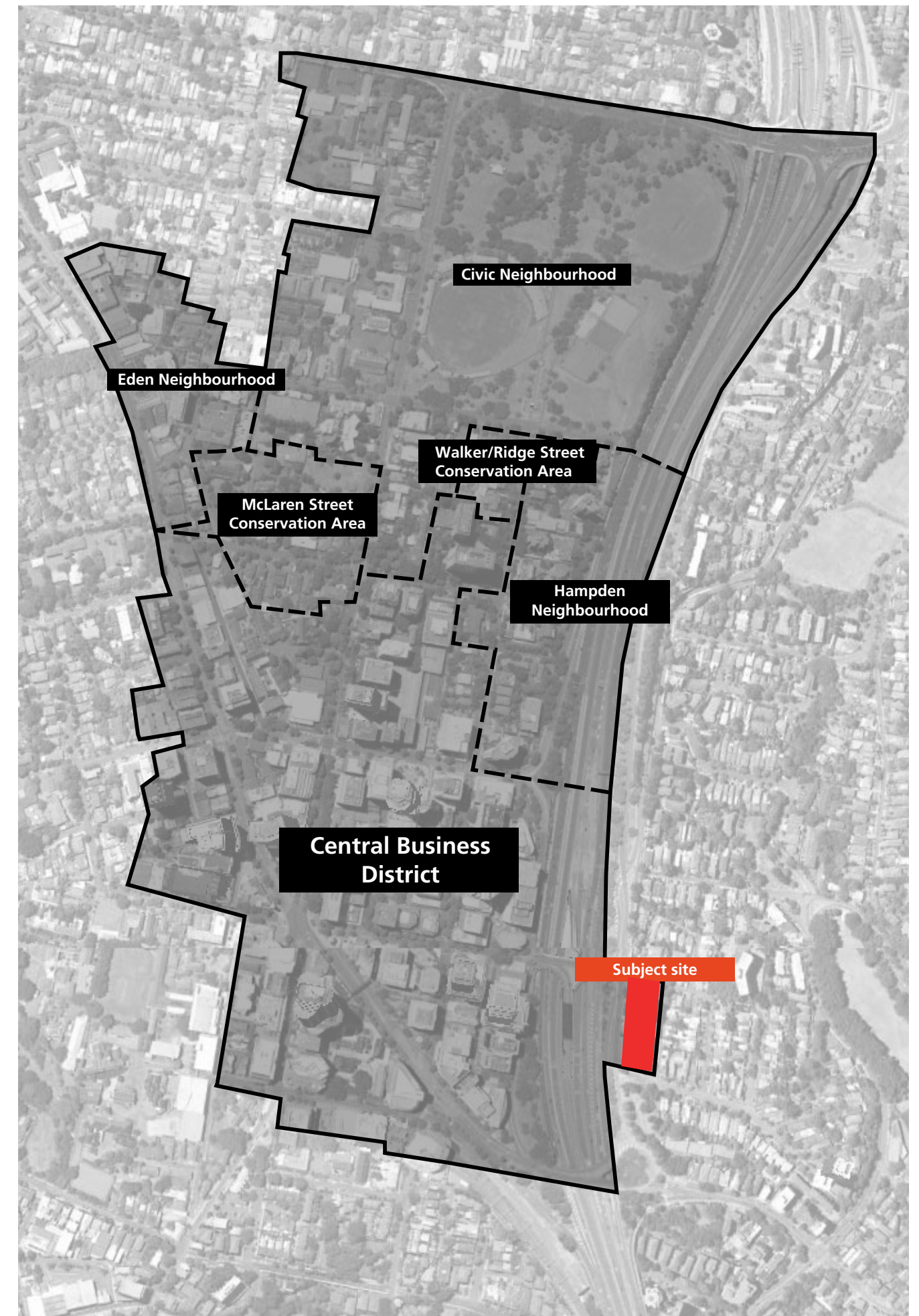
North Sydney Local Environmental Plan 2013 (NS LEP 2013) and North Sydney Development Control Plan 2013 (NS DCP 2013,) apply to the Alfred Street Precinct.

The subject site and adjacent sites form a precinct with specific zoning and controls under the NSLEP. The existing built form within the precinct has been measured against the current floor space ratio (3.5:1) and height controls (13m) and the buildings adjacent to the tower are estimated to be up to 50% under developed. It is likely that these sites will be considered for rezoning in the future. This proposal presents an integrated solution for the entire precinct maximising development potential whilst understanding the current LEP controls and proposed future amendments.

The North Sydney District Plan aims to accommodate growth in an appropriate manner with respect to local character and environmental impact and adequate access to facilities and services, employment and transport.

### key components of the strategy:

- Preserve existing and potential commercial floor space, prohibiting residential development in the core area of the centre
- Maintain smaller scale commercial and retail space in the mixed use centres and provide for dwelling/ population growth through increased heights
- Concentrate further development in areas with good access to transport, employment and other services, and where the impact of development can best be absorbed with minimal impact on amenity, environment and heritage
- The buildings adjacent to the Alfred street site are visually and operationally displaced in the context of their immediate surroundings.
- As a result adjacent properties are functioning as residential and low grade commercial areas.



DCP North Sydney planning area



## 3.5 LEP Maps

The existing controls on the site in the NSLEP 2013 allow a max height of 13m (N), FSR of 3.5:1 and zoning as Commercial use.

The existing built form on the site does not adhere to these controls and the actual built form on the 275 Alfred street site has a height of 58.8m (AA1 - 60m) and built area with FSR of 7.3:1. The adjacent sites to the south have a residential use although the land is zoned commercial.

### KEY HEIGHTS

I	8.5	S	24
K	10	T1	25
L	11	T2	26
M	12	U1	30
N	13	U2	33
O1	15	W1	40
O2	16	W2	42
Q1	19.15	X	49
Q2	20	Y	50

### FSR

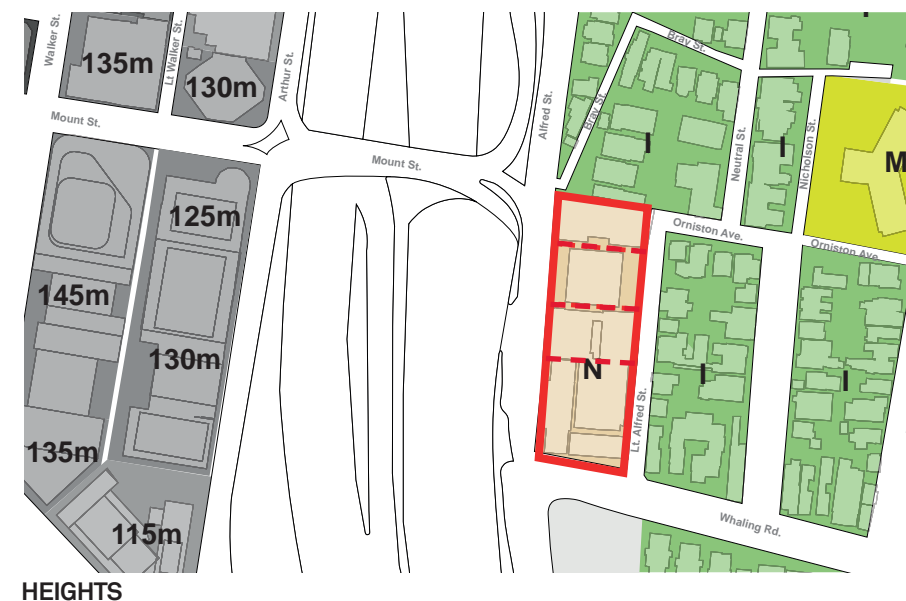
10.2	10.2 : 1
7.30	7.3 : 1
W	3.5 : 1
1.95	2.0 : 1
1.69	1.8 : 1
1.67	1.7 : 1
N	1.0 : 1

### ZONING

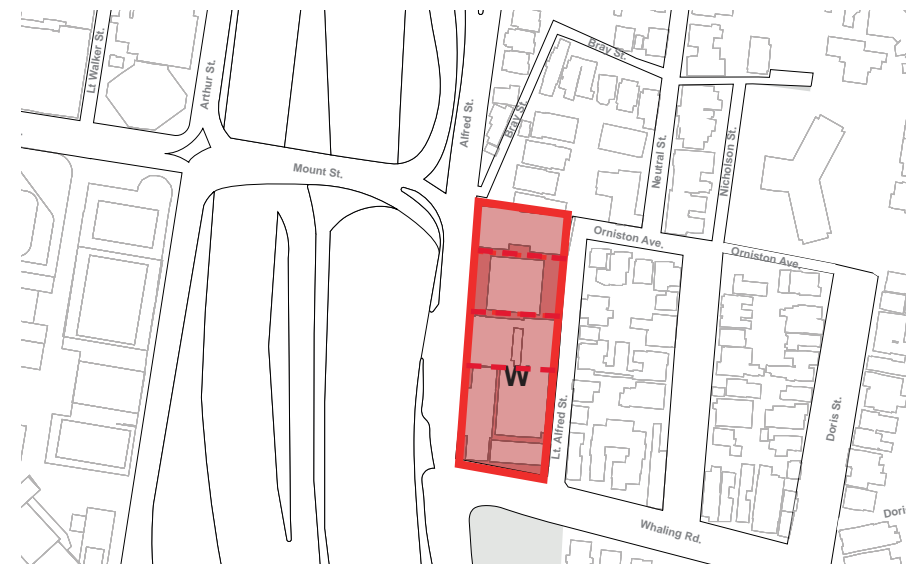
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential

(A) Property zoned B5 but current use as residential

### Existing Controls NSLEP 2013



HEIGHTS



FSR

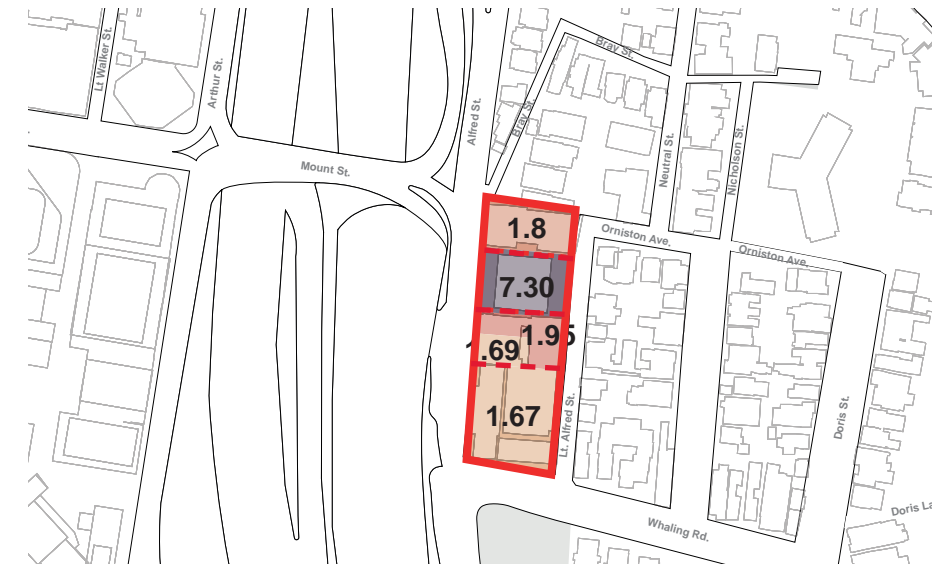


ZONING

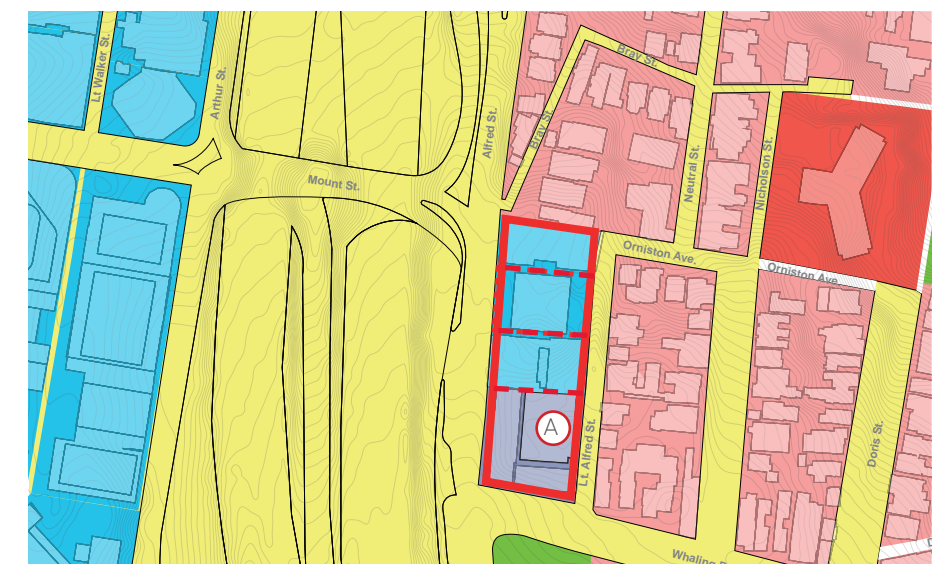
### Existing built form on site



EXISTING BUILDING HEIGHTS



EXISTING FSR OF BUILT FORM ON SITE



EXISTING USES

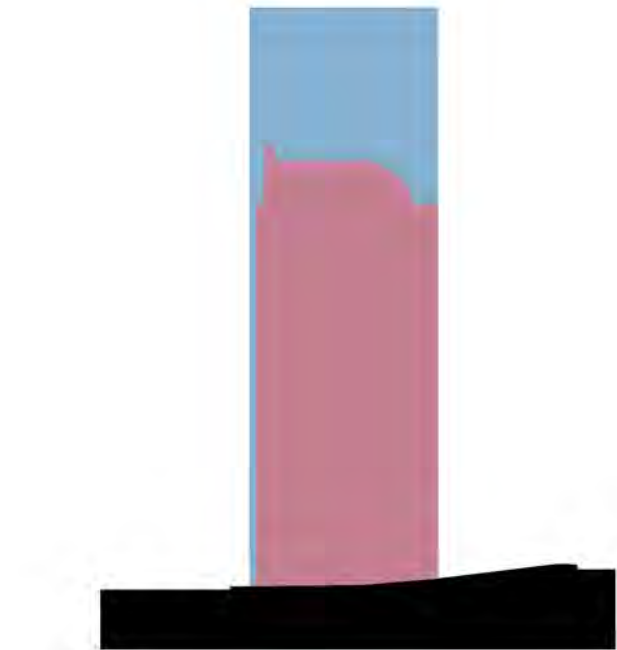
# 3.6 Proposed changes to LEP

This planning proposal aims to:

- 1. Rezone the subject site to B3 mixed use;
- 2. Allow sufficient height and additional FSR / GFA to enable the majority of the precinct to be renewed.

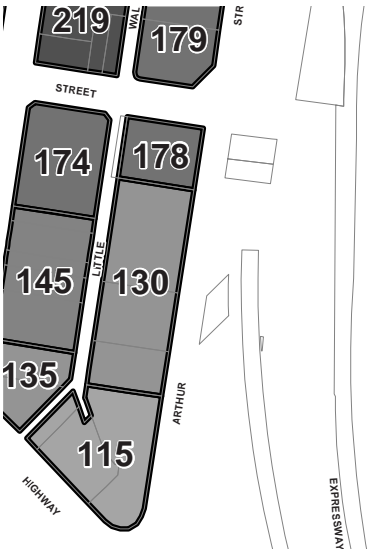
Additional area for the 275 Alfred Street development would be required to offset the associated development costs. Feasibility models conducted by Devcon and AEC have indicated that a 40% increase in floor area would offer a financial incentive to develop the land and offer a value add to the public.

The feasibility has been conducted for the clients use only to ascertain the development parameters of the site. It is therefore not included in this documentation but could be offered to authorities as a commercial in confidence upon request.

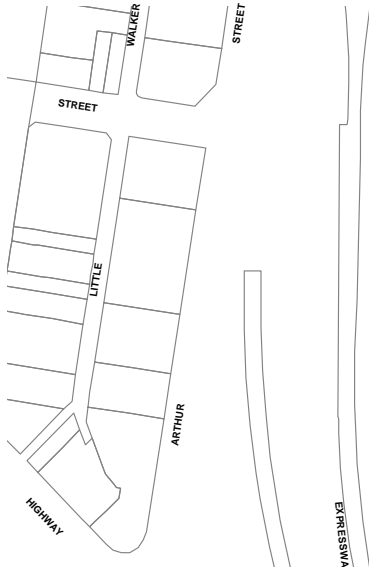


Existing Building Envelope  
Proposed Building Envelope

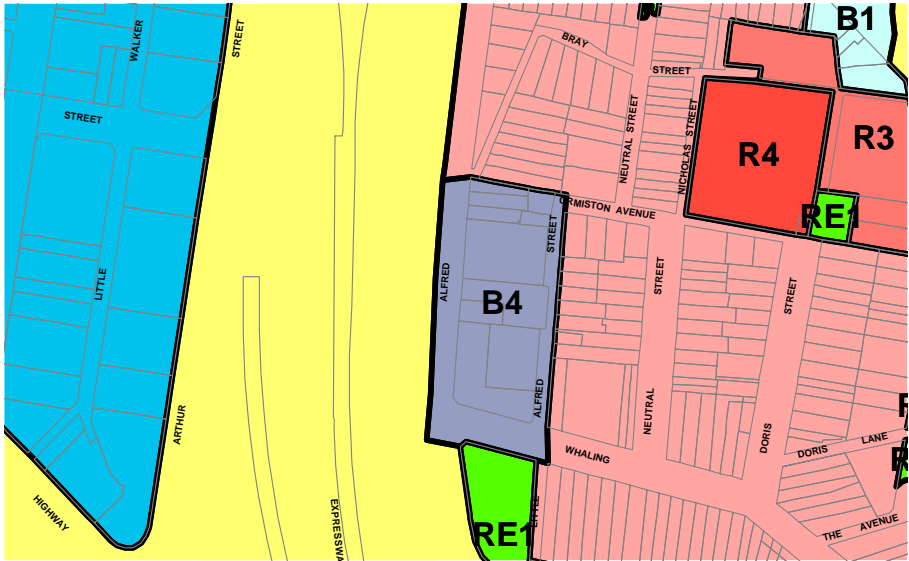
## Proposed Controls - Alfred Street Precinct



PROPOSED BUILDING HEIGHTS



PROPOSED FSR



PROPOSED ZONING

Exclude the Alfred street urban block from North Sydney Central Business District

Height of Buildings Map  
- Sheet HOB\_002A

Maximum Building Height (m)			
A	1	T2	26
I	8.5	T3	28
K	10	T4	29
L	11	U1	30
M	12	U2	31
N	13	U3	33
O1	15	W1	40
O2	16	W2	42
Q1	19.15	X	49
Q2	20	Y	50
S	24	AB	80
T1	25		

Floor Space Ratio Map  
- Sheet FSR\_002A

Maximum Floor Space Ratio (n:1)	
N	1
W	3.5
AA	6.6
AB	7.3
Area A	Area A – Refer to Clause 4.4 (2a)

Land Zoning Map  
- Sheet LZN\_002A

Zone	
B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land



## 3.7 Setbacks and Building Heights

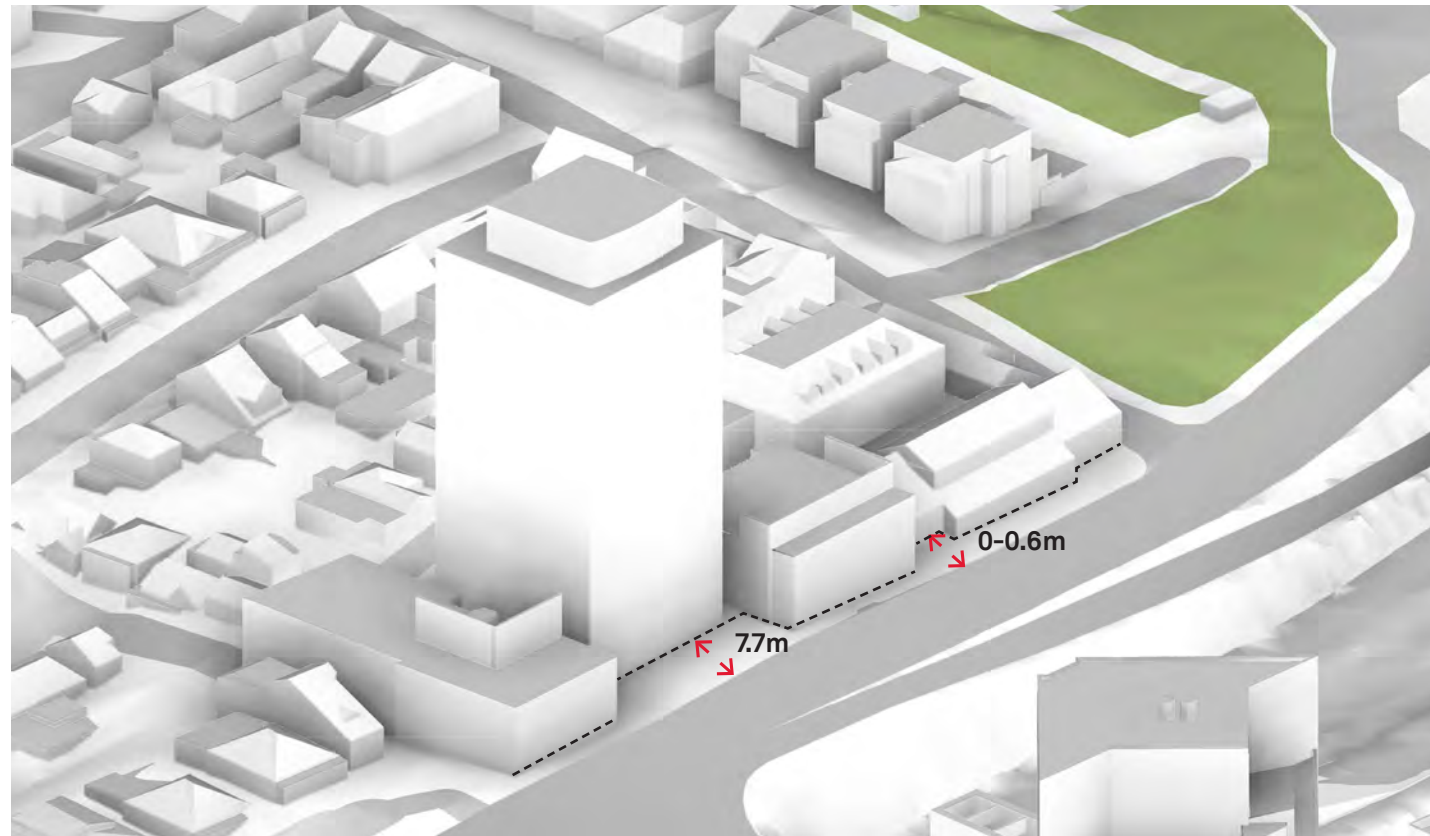
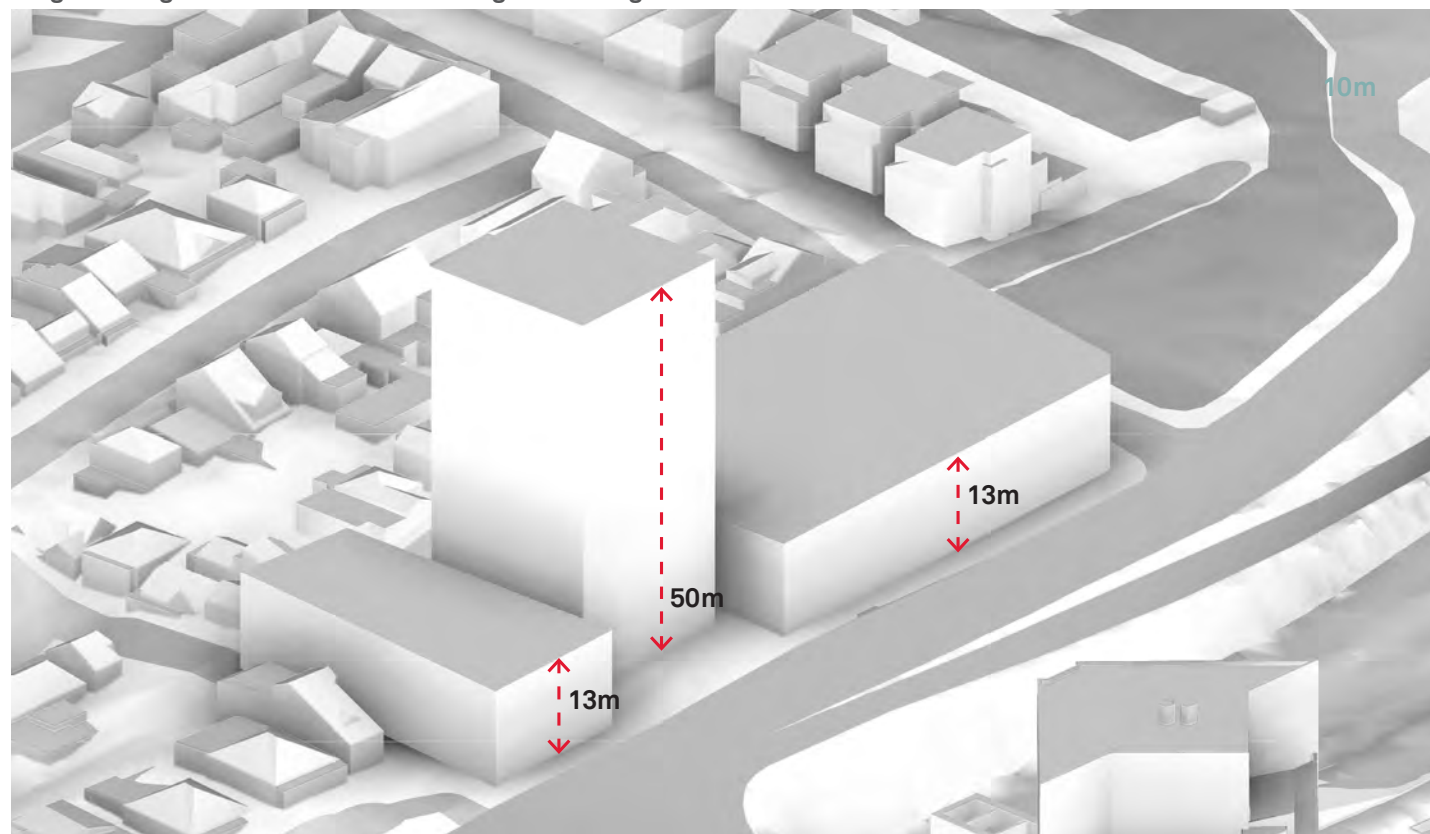


Image showing the current discontinuous alignment along Alfred Street



Planning height control of LEP 2013

The existing street alignment to both Alfred Street and Little Alfred Street is discontinuous. The spatial definition and scale of the existing development is inconsistent contributing to an incoherent character along Alfred Street. The proposal looks to redefine the alignment and proportions of Alfred Street whilst proposing appropriate setbacks to address the transition to low density residential areas.

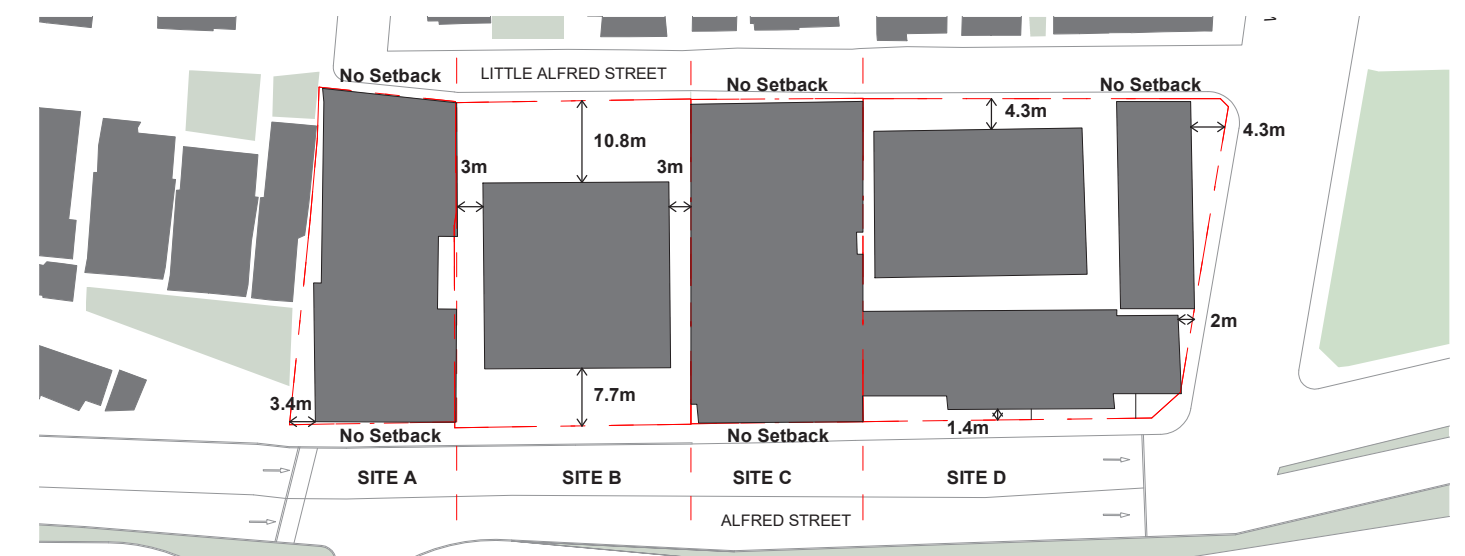
### Side Setbacks

The existing building sits between two and three story commercial buildings. The side boundary walls have no openings and are built flush to the boundary. 275 Alfred Street's building footprint is setback from the boundary by 3m on each side, north and south. This setback is not deemed sufficient for privacy between buildings, nor from an urban planning perspective would the limited width offer opportunity for quality public spaces at lower levels.

SEPP 65 Controls indicate a minimum 6m separation from boundary, or in cases of a small in-fill site the separation can be decreased to 4.5m.

### Front and Rear Setbacks

Currently the buildings on Alfred Street do not align directly to their plot boundaries. The front set backs vary between 3-8m resulting in an inconsistent street edge. The existing building is set back by 8.3m creating a fore court where a current cafe is located. The rear setbacks along Little Alfred st are also inconsistent. To the rear of 275 Alfred St a larger 10.3 setback that accommodates a loading bay for an MRV.



### Maximum Building Height

The height limit across the precinct is 13m in the North Sydney LEP 2013. 275 Alfred Street exceeds this limit, however, the height of the majority of the buildings in the precinct are below this limit. No site in the precinct is able to develop to the permitted FSR maintaining the current building height limit.







## 04. ADAPTIVE RE-USE

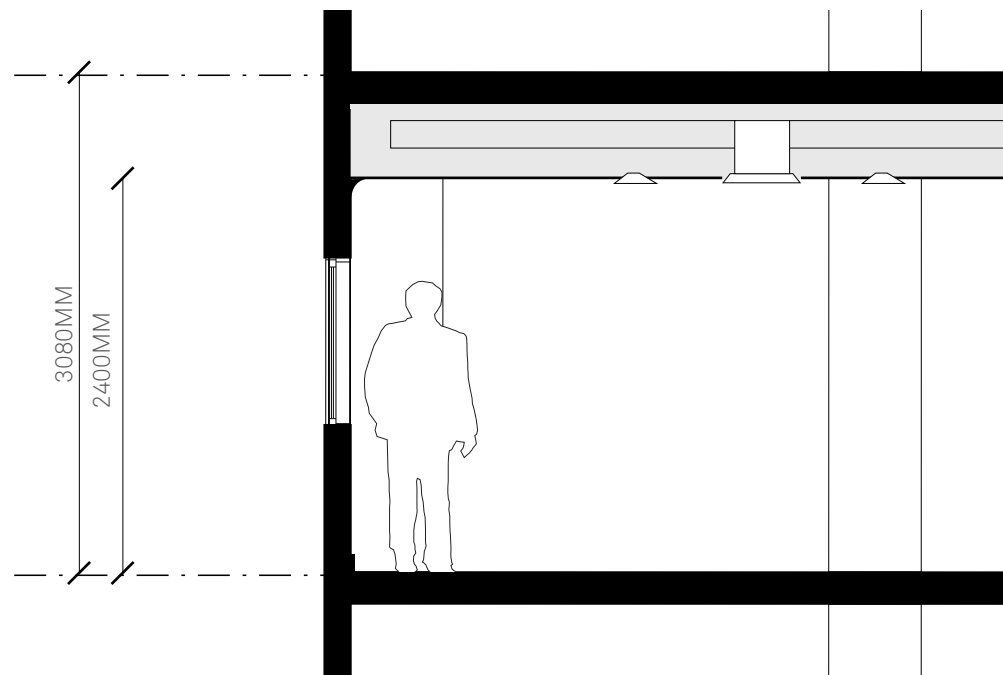


## 4.1 The Adaptive Re-use Scenario

### Feasability

As outlined in the report above the economic viability on Sites A+C+D it is proposed that new development would be required to be implemented with no adaptive re-use option economically viable.

On Site B a study has been undertaken to assess the potential re-use of the existing structural frame and adapting it to a residential use. This would offer a sustainability sound proposal reducing building waste and the minimising the embodied energy in comparison to a new build. Unfortunately this option alone is deemed financially unfeasible due to the cost of ameliorating asbestos throughout the building and the substantial adjustments to the structural frame and basement doesn't allow this possibility. In addition to this the current arrangement of the floor plates leads to a very inefficient layout of apartment units. With many of the units with a compromised orientation and reduced opportunity for cross ventilation. The following pages describe the alterations required to transform the aged building into an appropriate standard of Residential development.



275 Alfred street - Existing Interior Environment

Clear height of 2.4m is below the minimum standards for ceiling heights in commercial space.

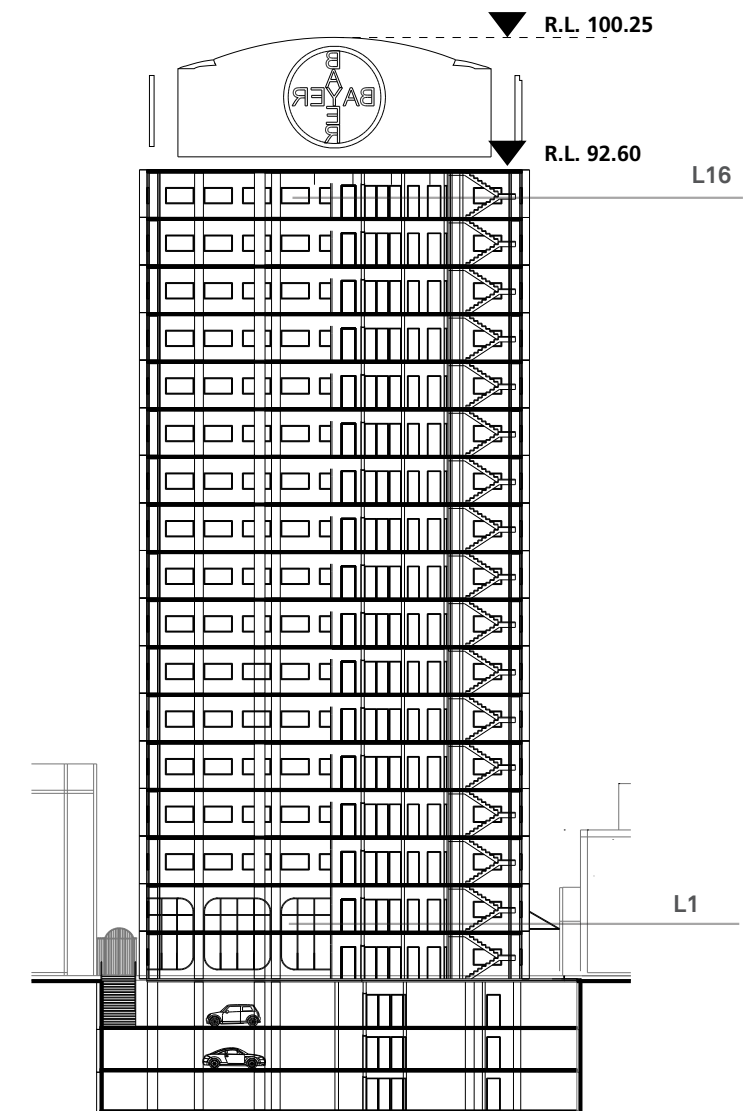
### Building Frame

The existing building has a reinforced concrete frame, 200mm slabs and perimeter columns. The core containing vertical circulation and toilets is offset the north of the floor plates. The precast concrete facade is not structural therefore could be removed without effecting the integrity of the structural frame. Friable asbestos was found on the spandrel bracket and would need to be handled by a licensed asbestos removalist.

The current clear ceiling height ranges between 2.48m to 2.6m. This relatively low height offers limited space for reticulation of services at ceiling level which would be required for a refurbishment of the office spaces.



Image of existing office space



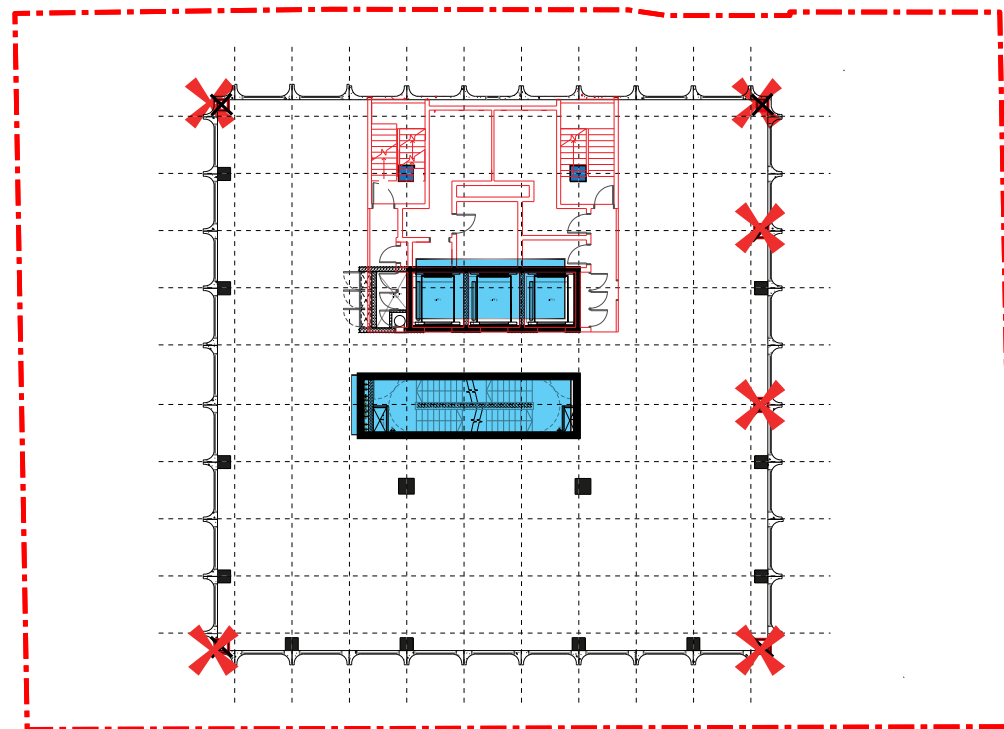
Existing section - Not to Scale

## Adapting structural frame

For a residential reuse the majority of the structural frame could be maintained, the three lift core shafts could be maintained whilst a new more centrally located scissor fire stair would be necessary.

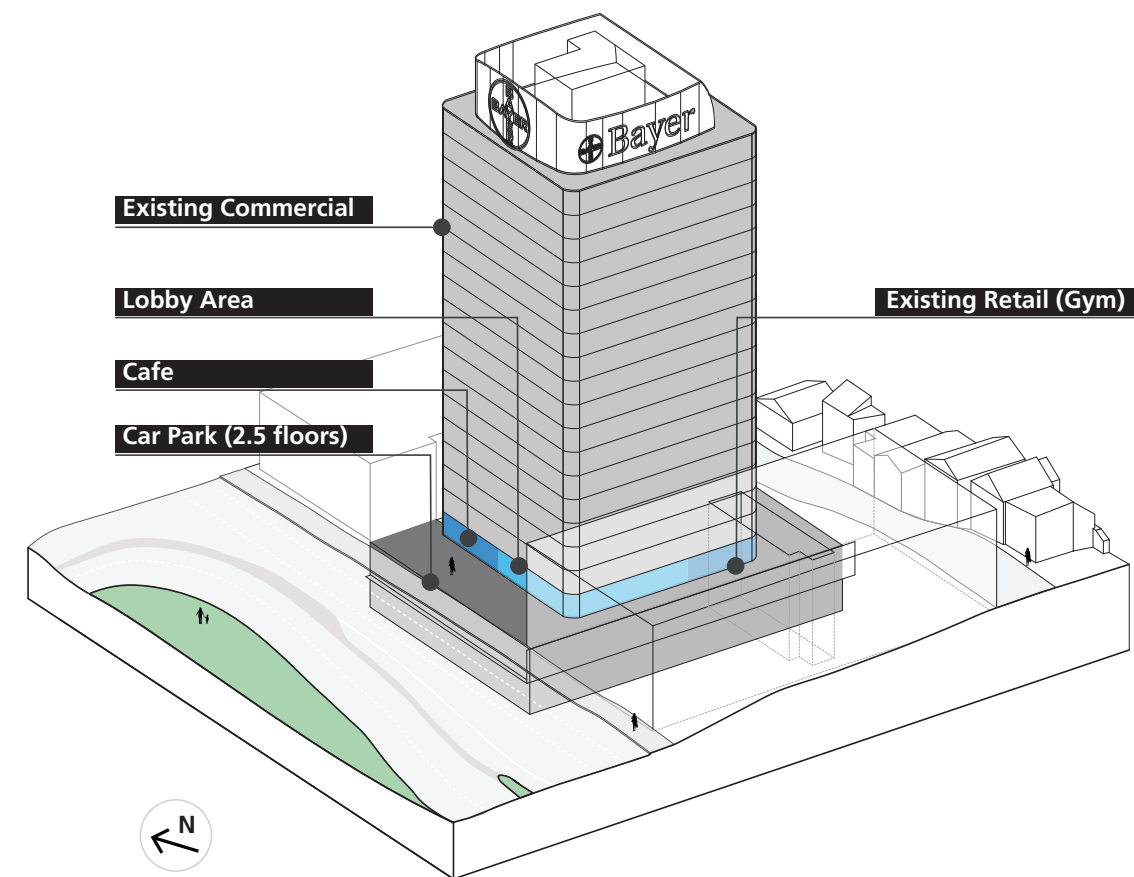
Arup Structural team has investigated the capacity of the structural frame to hold additional load and have confirmed that eight Additional storeys are possible by reinforcing the existing structure.

The grid could be adapted to better suit apartment layouts, corner columns would be removed as these restrict apartment planning. Two new columns would be required as shown below.



### Proposed Core Locations

- Columns to be retained
- Columns to be added
- Columns to be removed



Existing section - Not to Scale

Economic feasibility of the adaptive re-use scenario

The cost analysis and the feasibility study of the adaptive-re use was based on the advice from ARUP engineers and a cost evaluation by AEC cost consultants.

It was concluded that this option would involve significant remediation and capacity upgrades to existing infrastructure and substantial modifications to building structure to convert the building from a commercial office to a residential building. Economically supported through additional floor area the remediation and infrastructure cost associated with redevelopment become economically feasible enabling redevelopment of the tower to be viable.

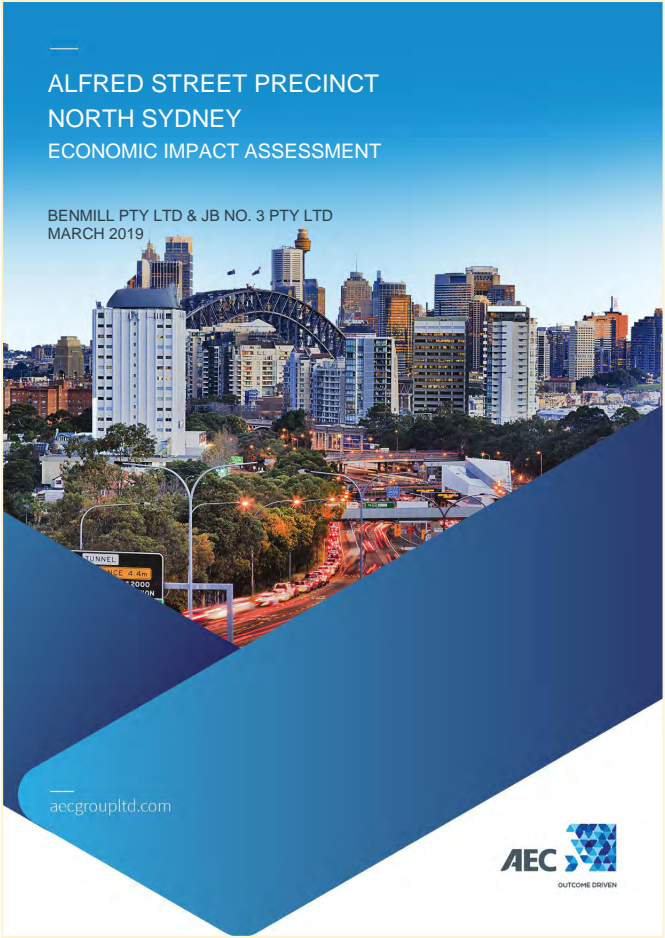
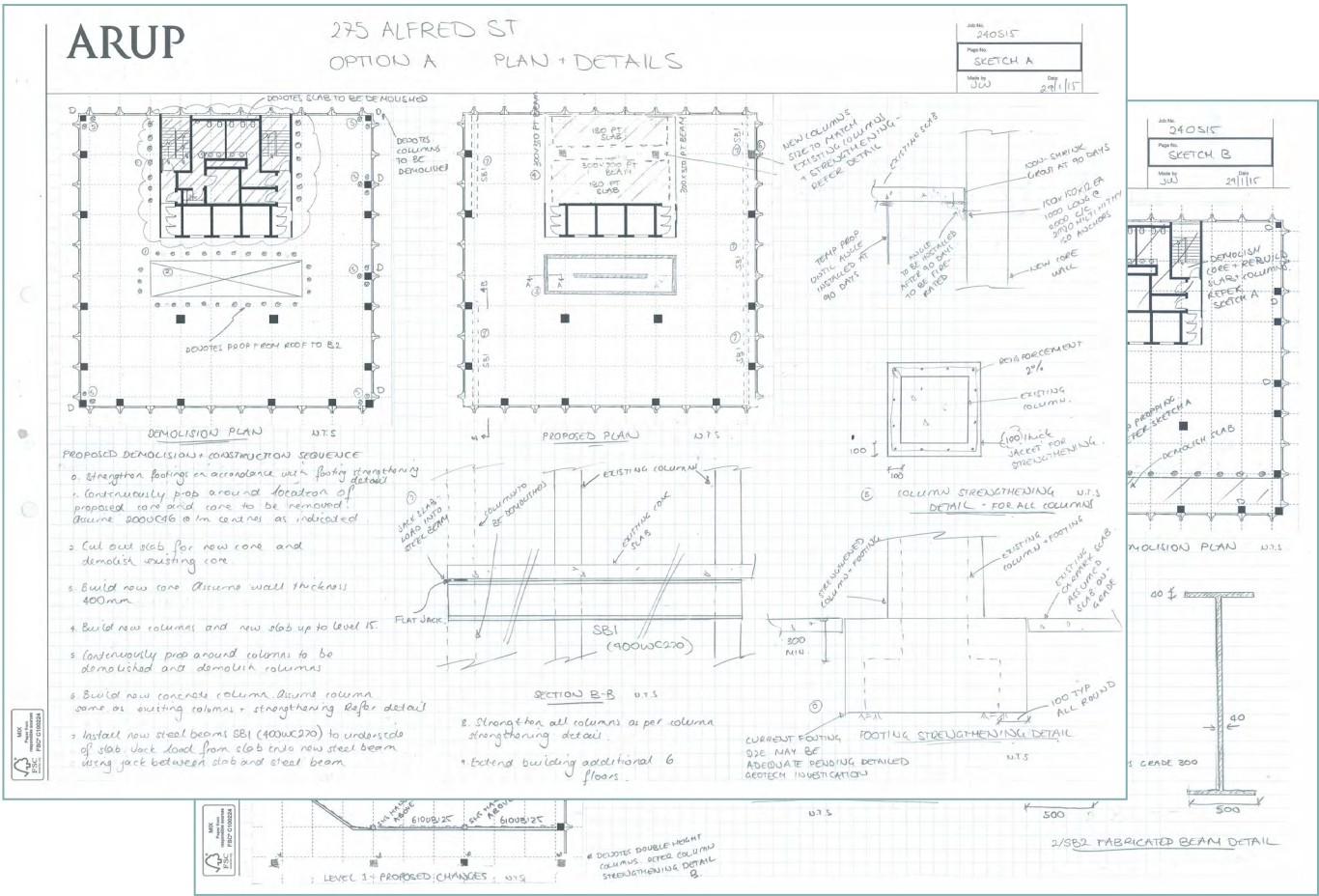


Asbestos Risk Assessment  
Jones Lang LaSalle  
275 Alfred Street, North Sydney NSW 2060



Site Reference: 008  
Our Reference: C107642 : J128477  
Date: September 2014

Greencap  
Office 2/120 Smith Street  
Wollongong NSW 2500  
(02) 4298 2600  
www.greencap.com.au





## Substation

The existing substation located on lower ground requires an upgrade to meet electrical requirements of the building as a residential apartment building.

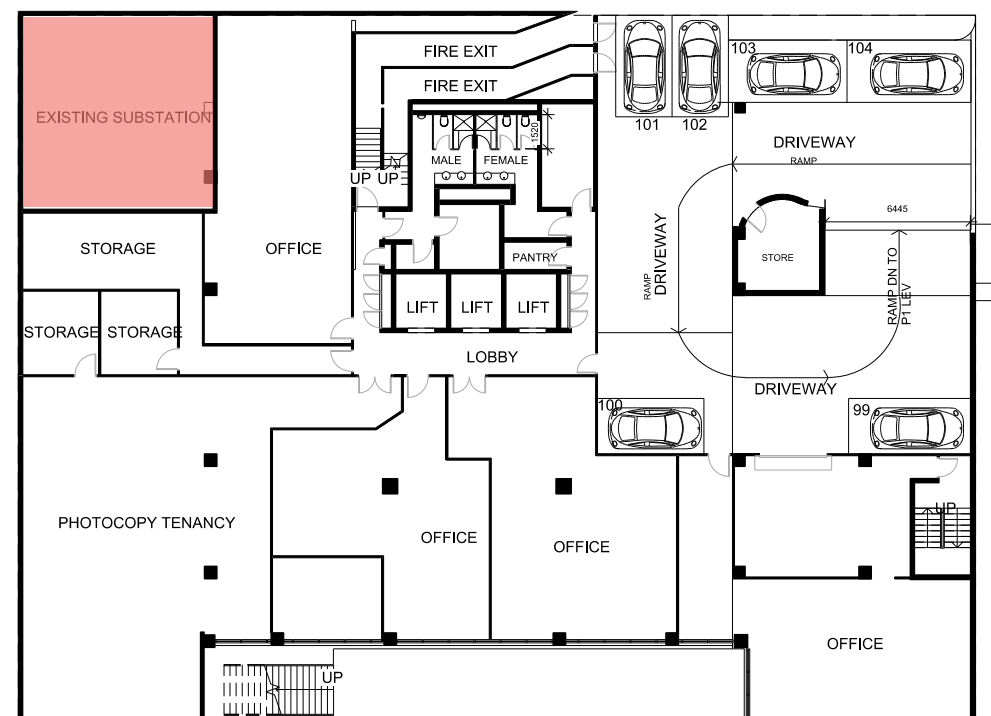
The exhaust is currently located on the north western corner immediately adjacent to the property boundary line. It services both the carpark and substation. This location is not permissible under current building regulations. The upgrading of the substation and relocation of the exhaust would incur a substantial cost and require a major reorganisation and upgrading of the floor plan.

The substation could remain in its current location and be upgraded pending compliance or be relocated to the rear of the property adjacent Little Alfred Street pending an upgrade of the basement car parking.

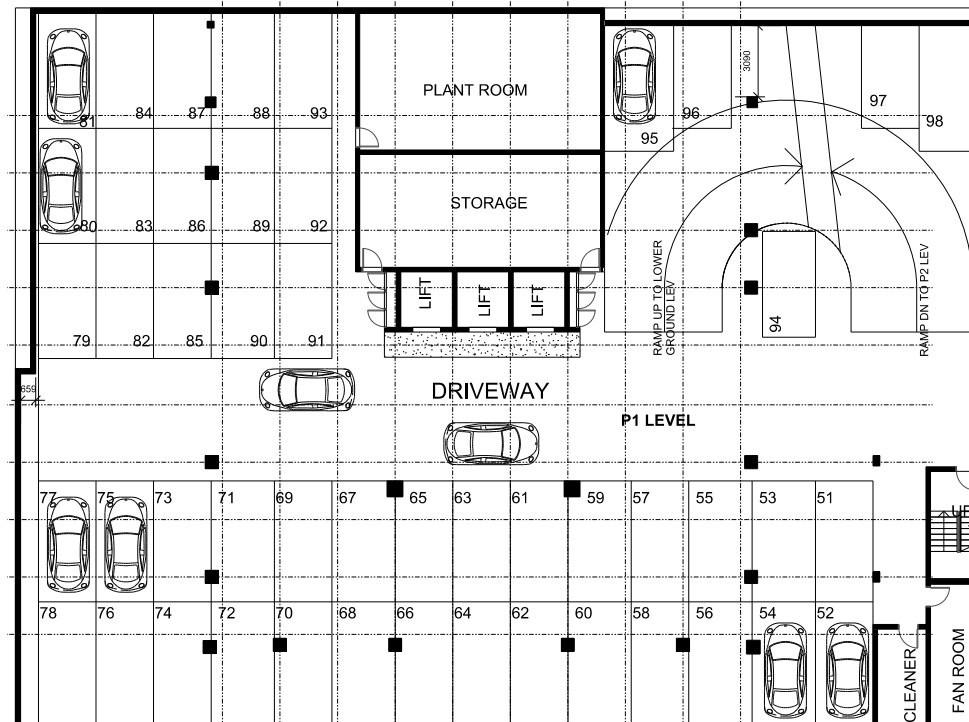
## Loading and basement parking

The existing carpark and loading areas are not compliant with Australian standards due to the gradient at the access point to the carpark. Currently loading bay access is restricted to one medium rigid vehicle that requires a reverse manoeuvre from street along three dimensional slope.

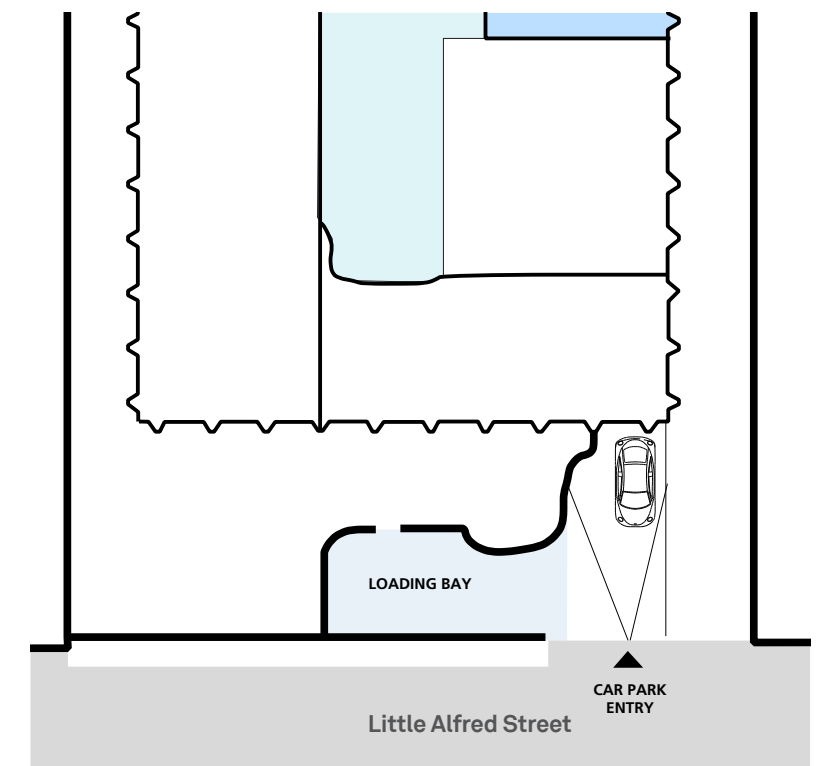
The two basement levels are based on a double and triple tandem system which restricts the use of the 97 existing carpark. The building's strata management would need to dedicate a person full time to manage the carpark to allow its full use, which was deemed cost prohibitive.



Level Lower Ground



Level B1



Loading area on LG







# 05. PROPOSAL



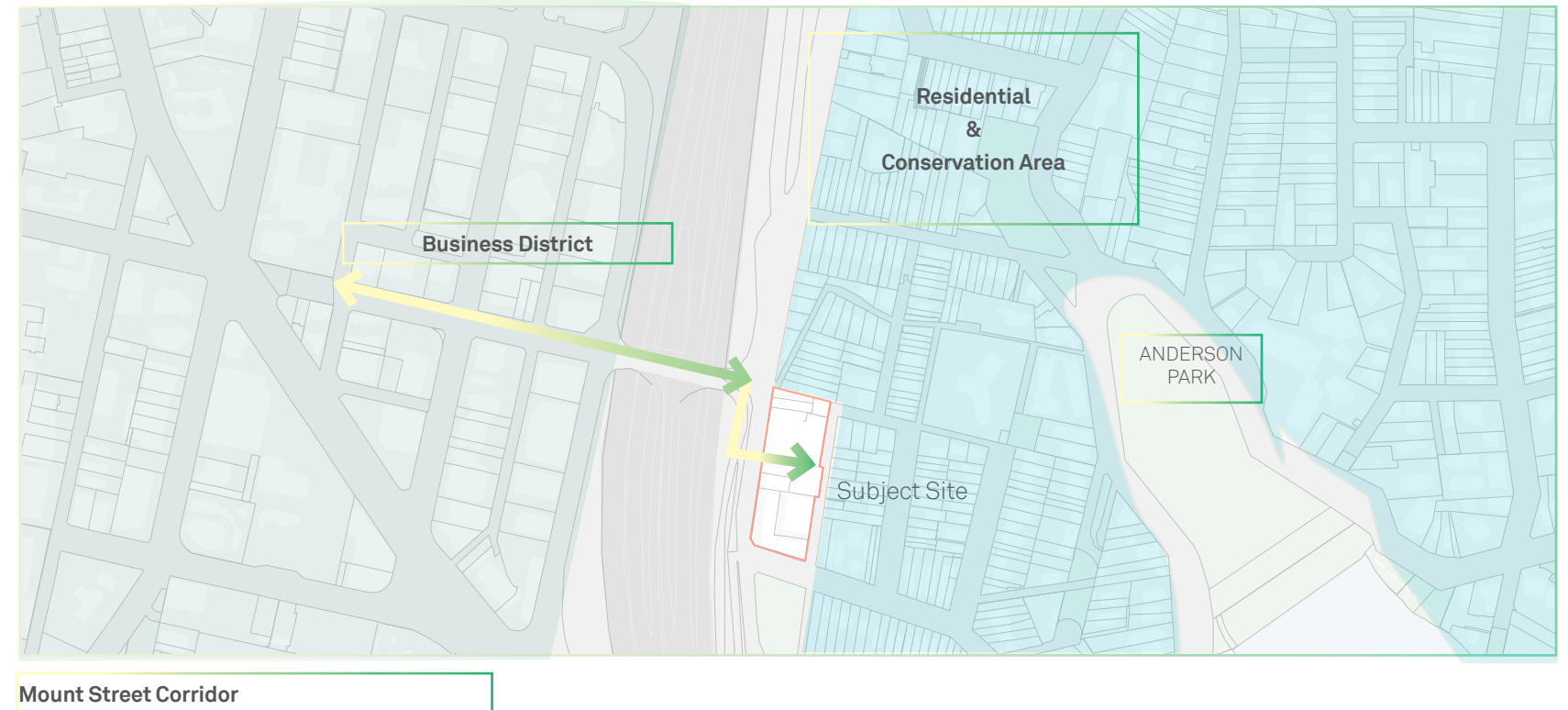
## 5.1 Precinct Plan & Subject Site

### Urban response

The proposal aims to reconnect these two districts creating a network of pedestrian links and quality public spaces at ground level. An urban form for the precinct has been developed as a holistic approach for the precinct site, with massing responding to topography and existing residential context whilst maintaining its unique character as a gateway precinct.

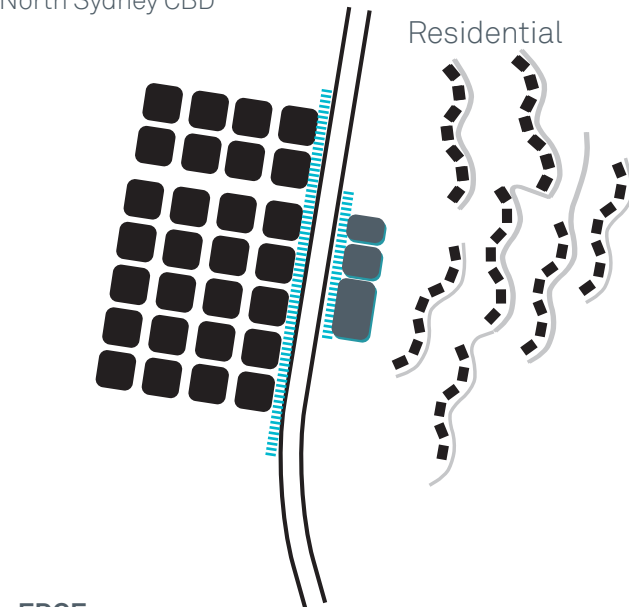
The Proposal aims to:

- The Proposed development aims to smooth the transition in between the heritage conservation area to the CBD in terms of heights, scale, function and connectivity.
- Create new local services and retail opportunities as currently people from the Residential area are forced to cross the bridge to access their needs.
- Improve the pedestrian access to the bridge in terms of safety and alternatives.
- Implement green buffer zones to the site in continuation of the existing park and neighbourhood trees line the eastern and western edges of the precinct with trees.
- Green buffer zones would generate leisure areas, a sound barrier for the Highway and a visual barrier to the existing Residential neighbourhood;
- Activate Alfred Street North by creating a new social gathering point. Taking advantage of the Topography of the site and views.
- Design a legible and coherent unified urban form



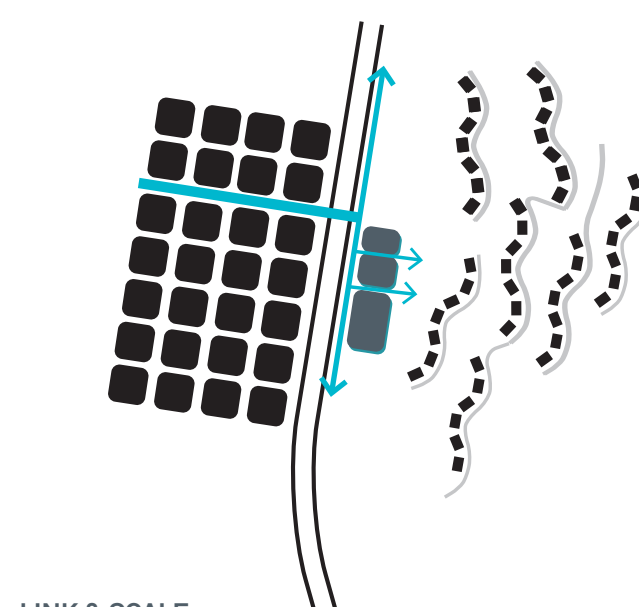
North Sydney CBD

Residential



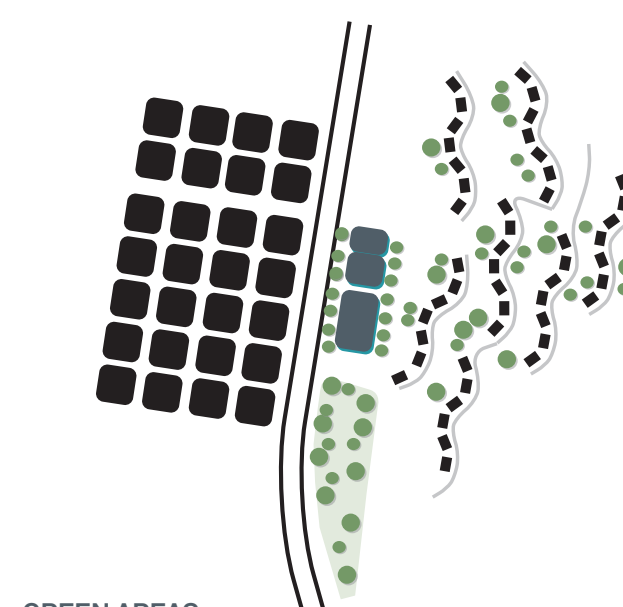
**EDGE**

The site forms an edge along the motor way mirroring the edge of North Sydney CBD



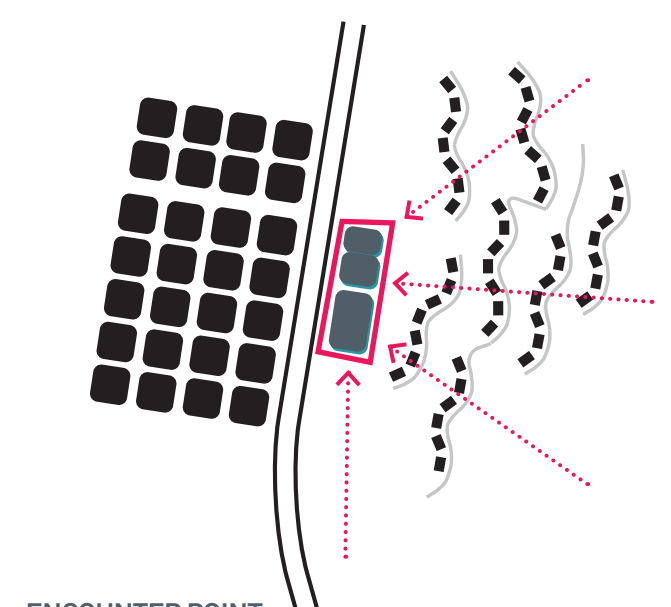
**LINK & SCALE**

The site provides an opportunity for a link from North Sydney CBD to residential areas to east and acts as the threshold for the transition of scale from North Sydney CBD to residential areas



**GREEN AREAS**

The Proposal aims to enhance landscaping to the site with the implementation of green buffer zones to the eastern and western edges of the precinct.



**ENCOUNTER POINT**

A local center for social network, retail and services.

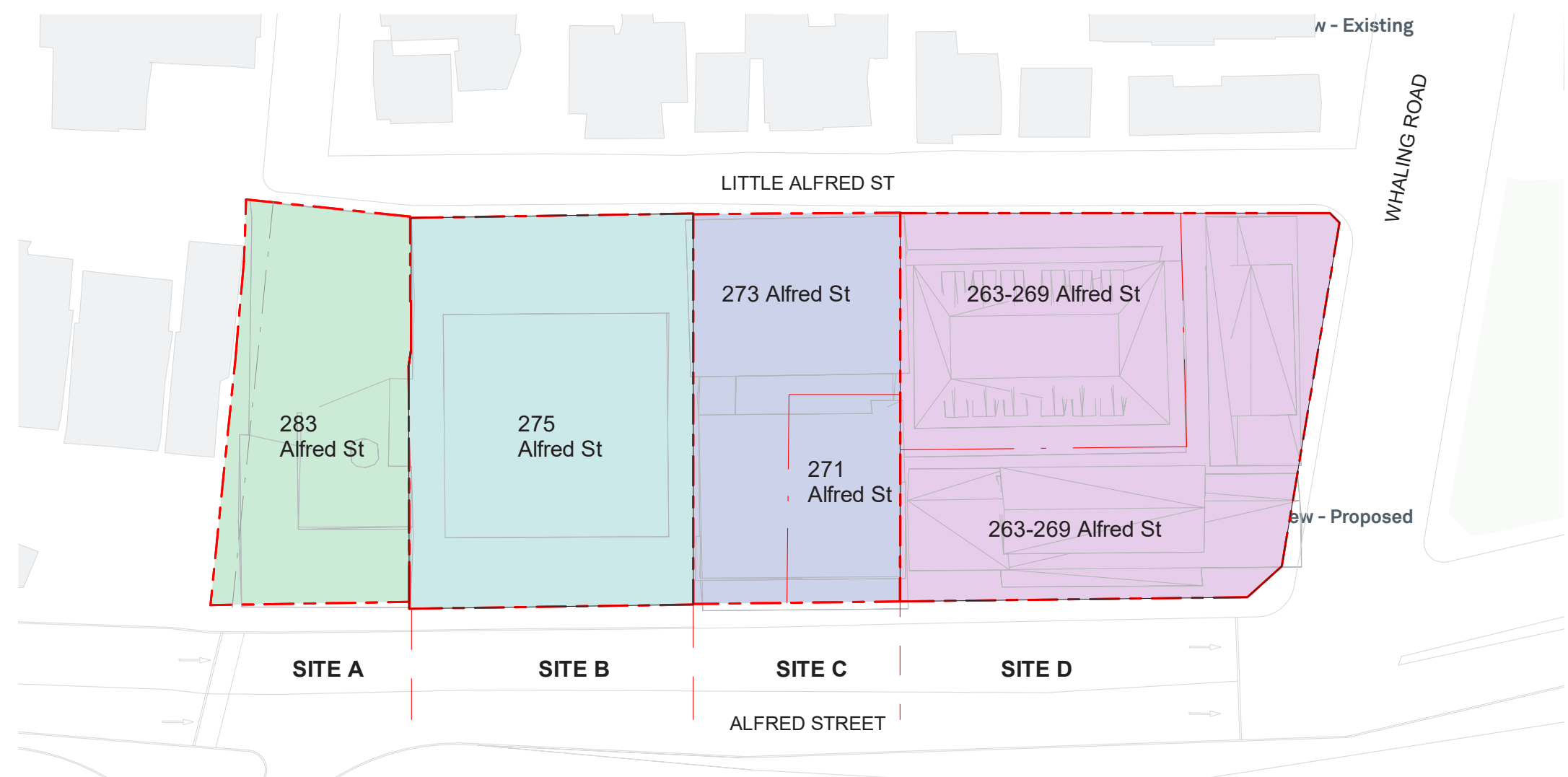
## Non - Amalgamated Precinct

The Planning Proposal provides a strategy to enable precinct site development to be economically viable for the smaller sites A+C+D. As some of the sites are an existing amalgamation a key strategy of the proposal was to provide a framework that enabled individual sites to be developed while maintaining a precinct wide urban strategy.

A key component linking the precinct wide strategy will be the redevelopment of 275 Alfred Street providing a heart to the site and key pedestrian focal point at street level. From this point individual sites can be developed in a range of phases.

The precinct massing strategy aims to provide continuity to a precinct landscaping, deliver a visual linking podium element across the sites and define a consistent residential tower massing strategy. Varying architectural styles between sites can be accommodated within this framework by the definition of a consistent level datum for the podium, building setbacks and pedestrian arcade strategy.

- Site A – 283 Alfred Street has been previously amalgamated and is currently one consolidated site accommodating a three to four storey commercial building.
- Site B – 275 Alfred Street Bayer Tower is a single consolidated site with a commercial tower building.
- Site C – requires the amalgamation of sites 271 and 273 Alfred Street currently accommodating three to four storey commercial buildings.
- Site D – requires the amalgamation of sites 263 - 269 Alfred Street accommodating a five-storey residential building and a 2-3 storey commercial terraces.

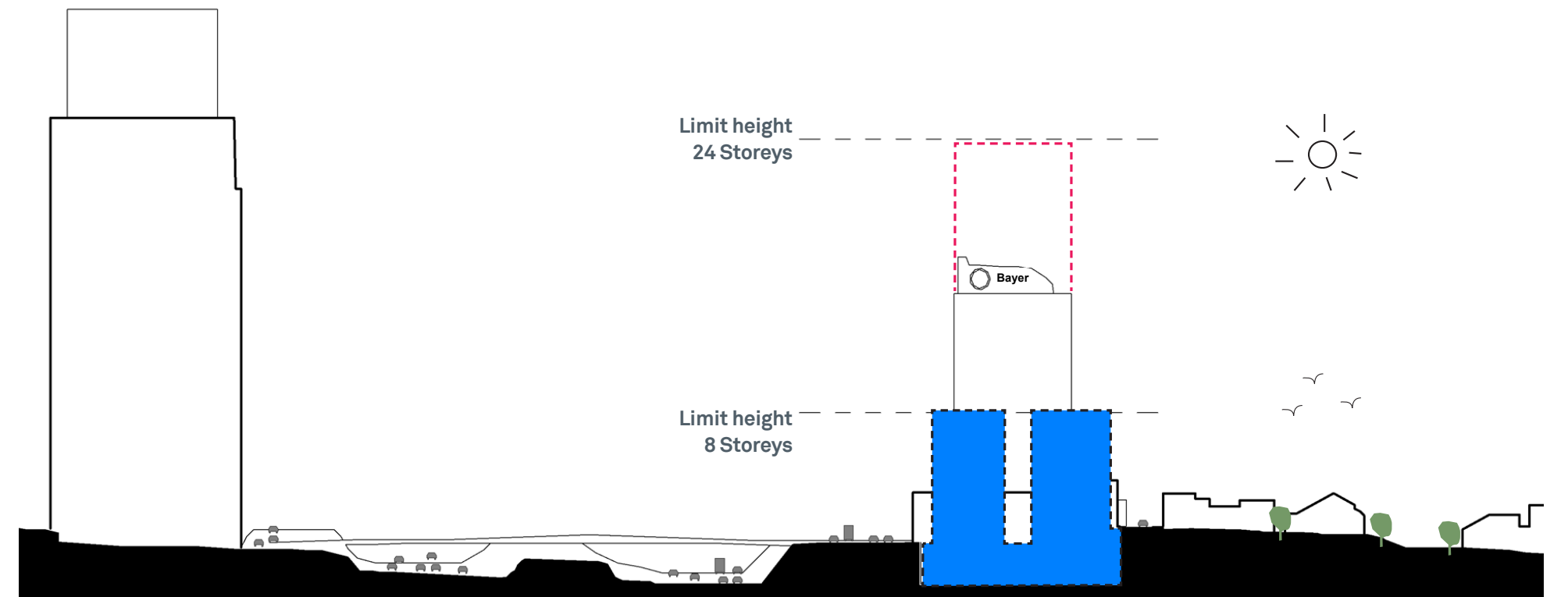


Little Alfred St view - Proposed

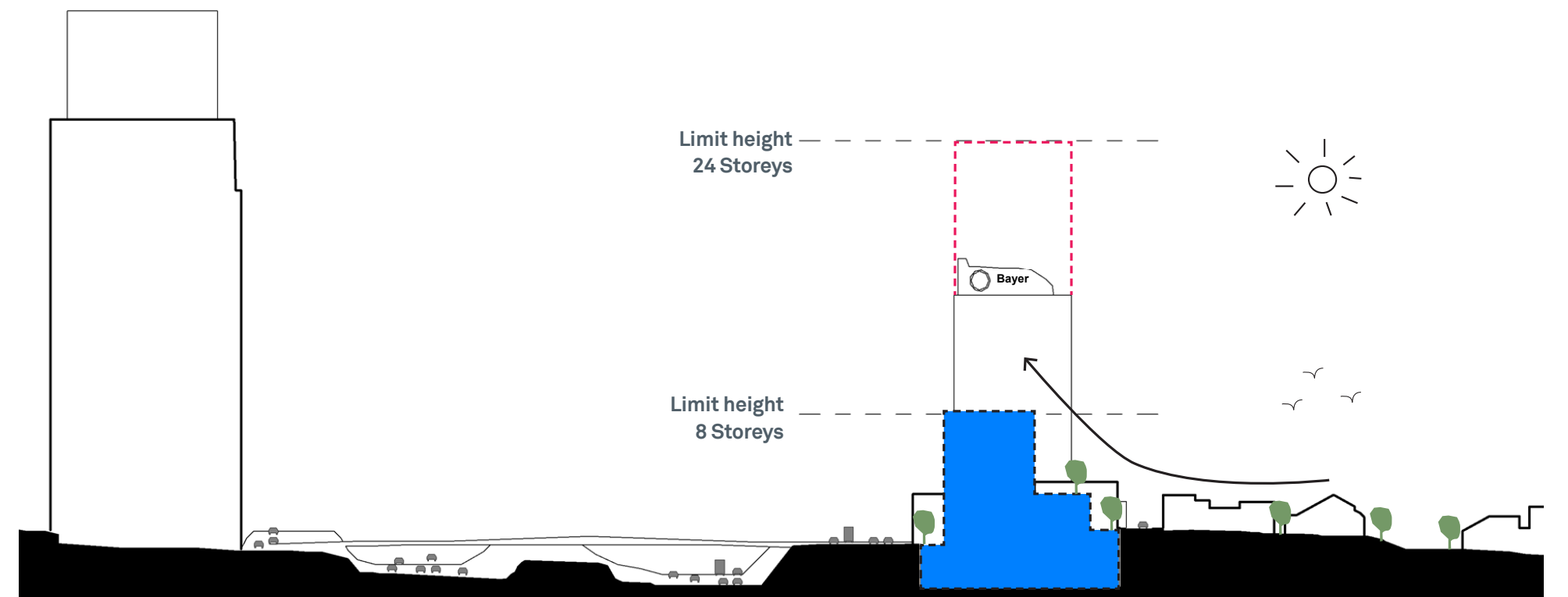
## Precinct Massing Strategy

To ensure the redevelopment of precinct sites A+C+D are economically feasible, the development heights would need to be 8 storeys. To maintain amenity within the precinct and to the surrounding residential areas the precinct massing needs articulation to reinforce key precinct urban strategies. Key strategies include:

- Deliver site permeability with a ground level arcade linking the north, south east and west of the site;
- Maintain amenity to the existing residential areas to the east of the precinct by limiting over shadowing impacts and negative impacts of visual proximity and privacy;
- Introduce greater building mass setbacks to the eastern and western edges of the precinct creating significant landscaped buffer zone and providing visual screening and assisting in acoustic buffering of the freeway.



Potential Envelope with pedestrian arcade.



Proposal Scheme



## 5.2 Built Form Strategy

### Setbacks and Arcade Strategy

Key Strategies:

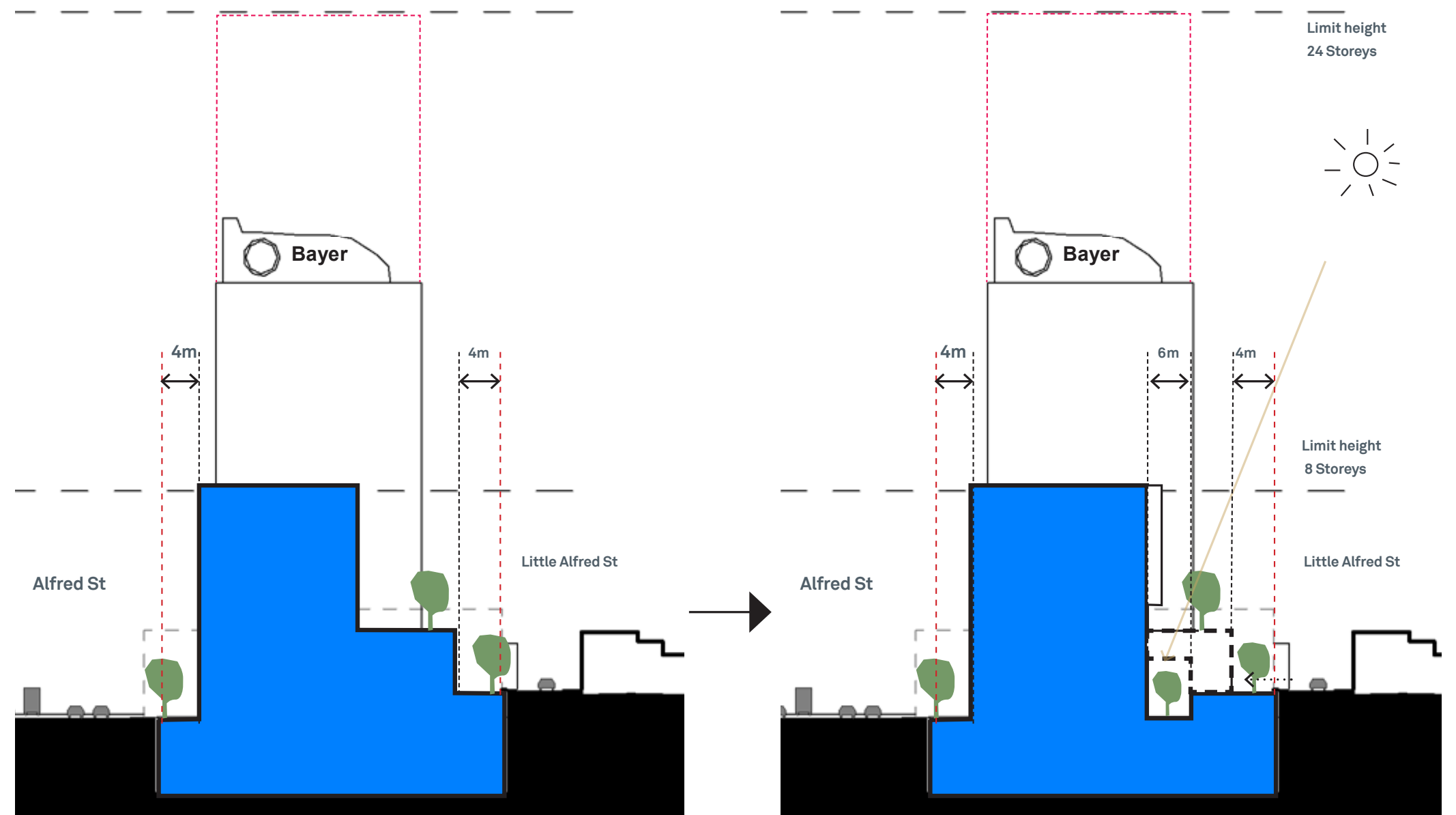
- Creating a coherent urban mass for the Alfred Street precinct that enables individual site development underpinned by a unified urban strategy;
- Pedestrian friendly connections throughout, creating a permeable and activated site;
- Addressing appropriate street alignments and set backs to the rear of the site for a more generous pedestrian experience;

The existing site offers little visual continuity to either Alfred or Little Alfred Street frontages with varying building setbacks and massing articulation. The Planning Proposal intent is to provide greater building setbacks to both prominent long precinct facades providing continuity and ledgeability to public space and landscape amenity along the length of the site.

Along Alfred Street the combined building setback coupled with footpath zone provides a significant area to achieve large scale planting to be incorporated enabling a significant screening of the western lower facade to be achieved.

Little Alfred Street will have an enhanced 4m building mass setback enabling significant landscaped buffer zone to exist along the primary service road for the precinct. A further setback to the upper building mass above podium level further reinforces solar and visual amenity strategies. This primary building mass setback aligns with the pedestrian north / south arcade enabling solar amenity deep into the site.

The minimisation of the built form along Little Alfred Street to two storeys provides an appropriate transition to the low density dwellings to the east of the precinct.



Proposed Setbacks

Proposed Setbacks and the Pedestrian Lane with Natural Light

## Building Massing Articulation

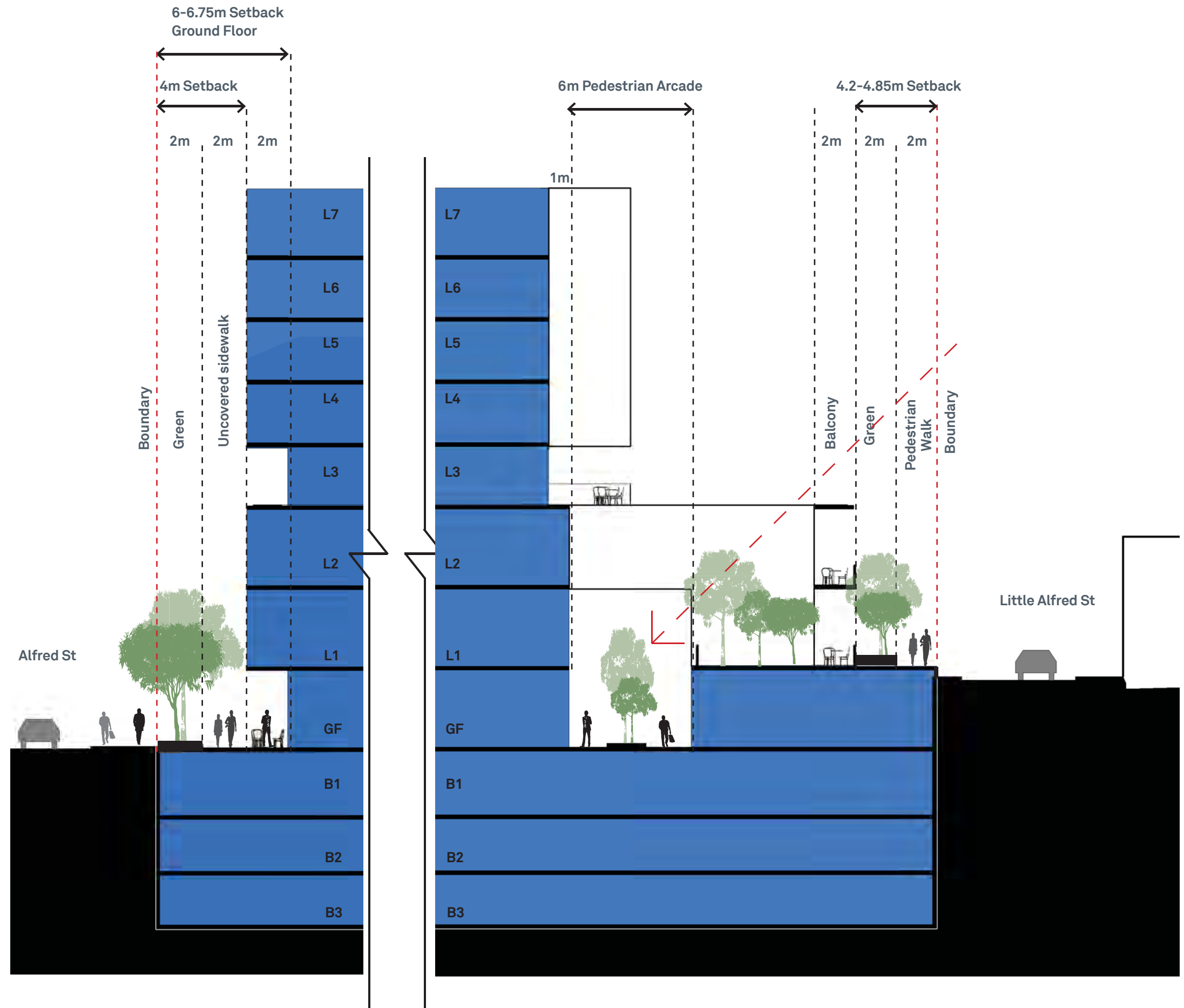
To the prominent Alfred Street elevation the addition of a further street level building frontage setback provides a multi layered zone of green / uncovered sidewalk / protected undercroft space enabling a comfortable dwell zone for retail, commercial and residential building access.

A further massing setback is provided at the fourth level to visually define the podium / base of the precinct from the tower forms.

The location of the pedestrian arcade is defined by several factors. The natural continuous precinct ground level achievable through the site defines the location of the arcade entry to the southern edge of the precinct to maintain step free equitable access to the site from natural street levels on Whaling Road.

An additional key driver of the site massing is the ability to deliver individual site car and servicing access to all four sites from Little Alfred Street. The higher level of Little Alfred Street above the precinct ground plane impacts the massing opportunities to the eastern side of the site and consequently the location of the internal pedestrian arcade. The depth of development between Little Alfred and the arcade requires significant width to enable two way car ramp access to the basement while still enabling two sided retail activation at arcade level;

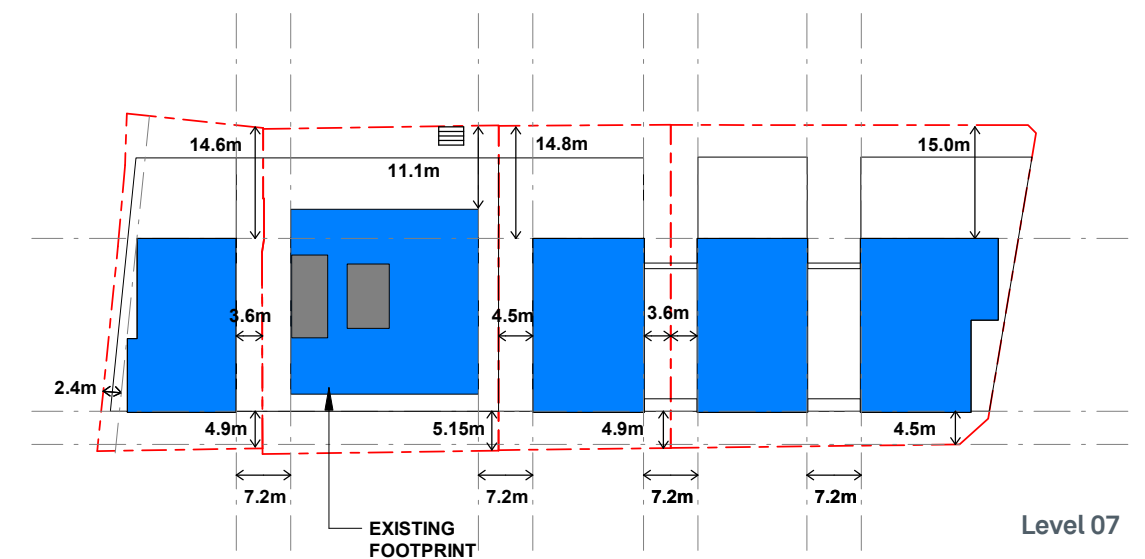
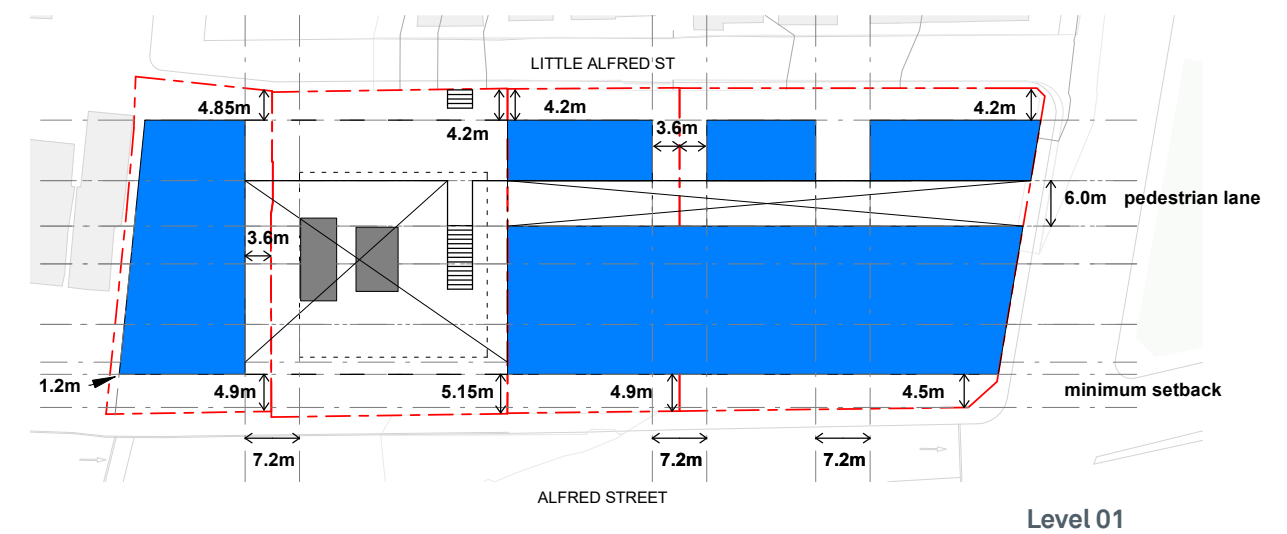
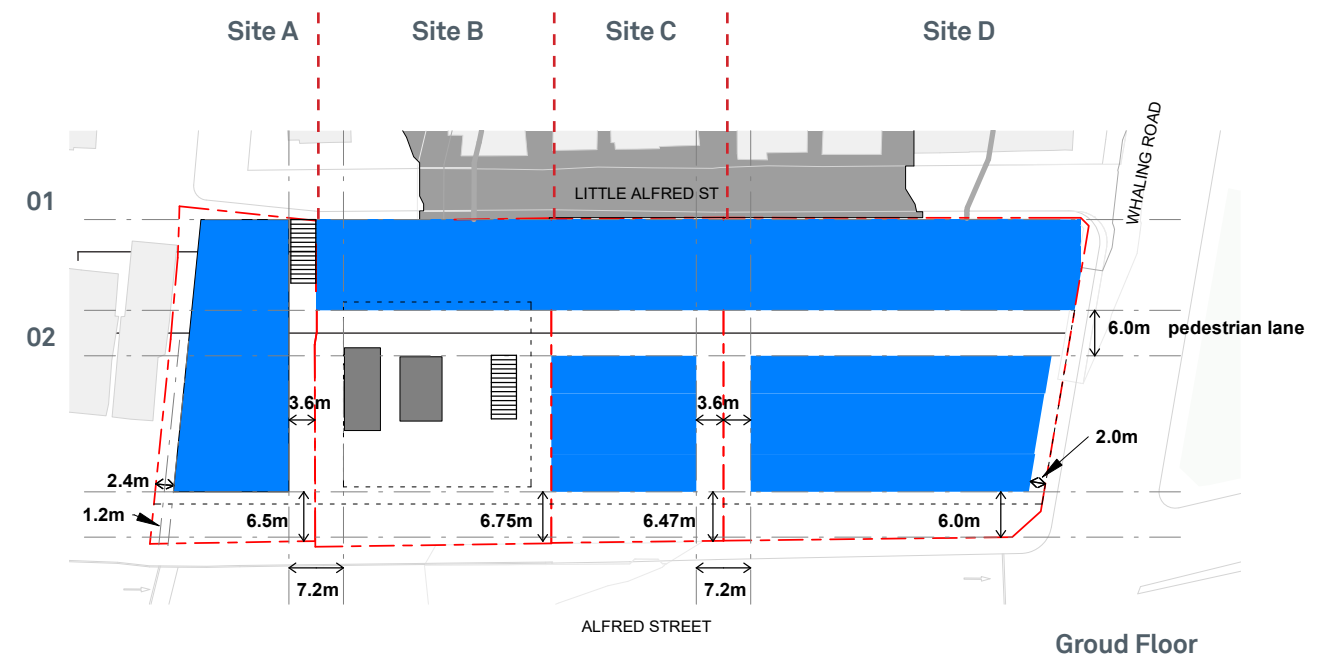
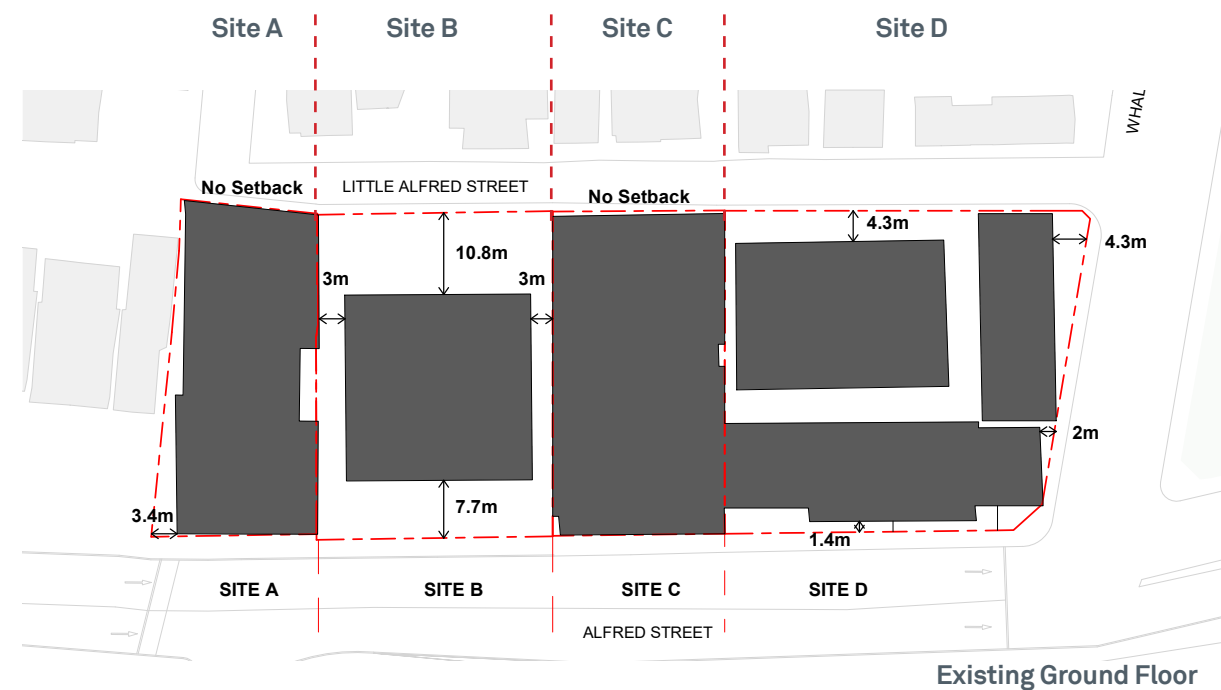
The alignment of the upper building mass to the western edge of the arcade defines the developable mass of the sites C and D. Additional low-level podium massing has been proposed to optimise developable envelopes for these sites while importantly maintain the open and naturally lit environment within the arcade. Further extension of the upper mass to the east will effectively cover the open pedestrian arcade.



## Podium and Tower Massing

Level 2 provides the top level of the podium mass providing large footprint commercial space with light wells to provide natural lighting to the arcade below and office spaces. The massing above the podium provides the ability for residential or commercial developments to be implemented with the subtle refinement of massing form as the building sites on A+C+D reach maximum height at level 7 (8th storey).

The massing between sites A + B + C enable physical separation between forms although would still require design initiatives to enable the proximity of commercial or residential actives to not be detrimental to the precinct. Sites C + D could abut with a party wall and still achieve residential or commercial development outcomes.

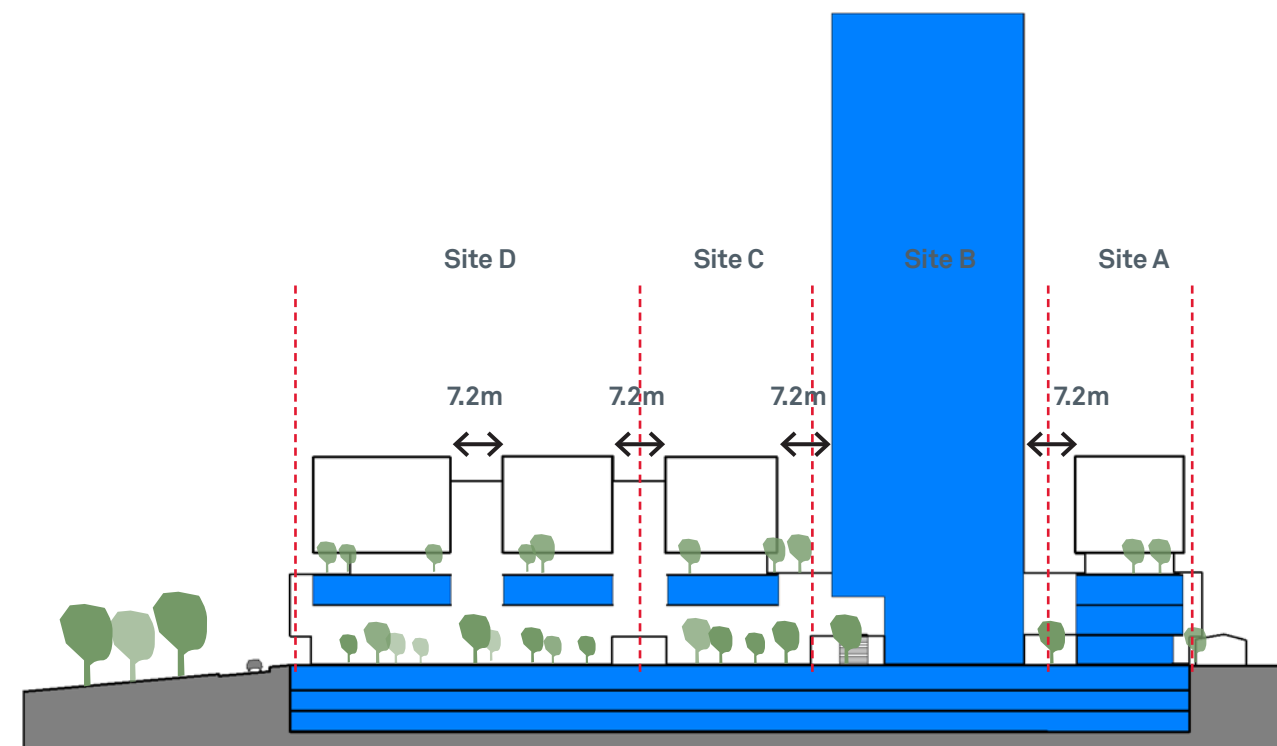




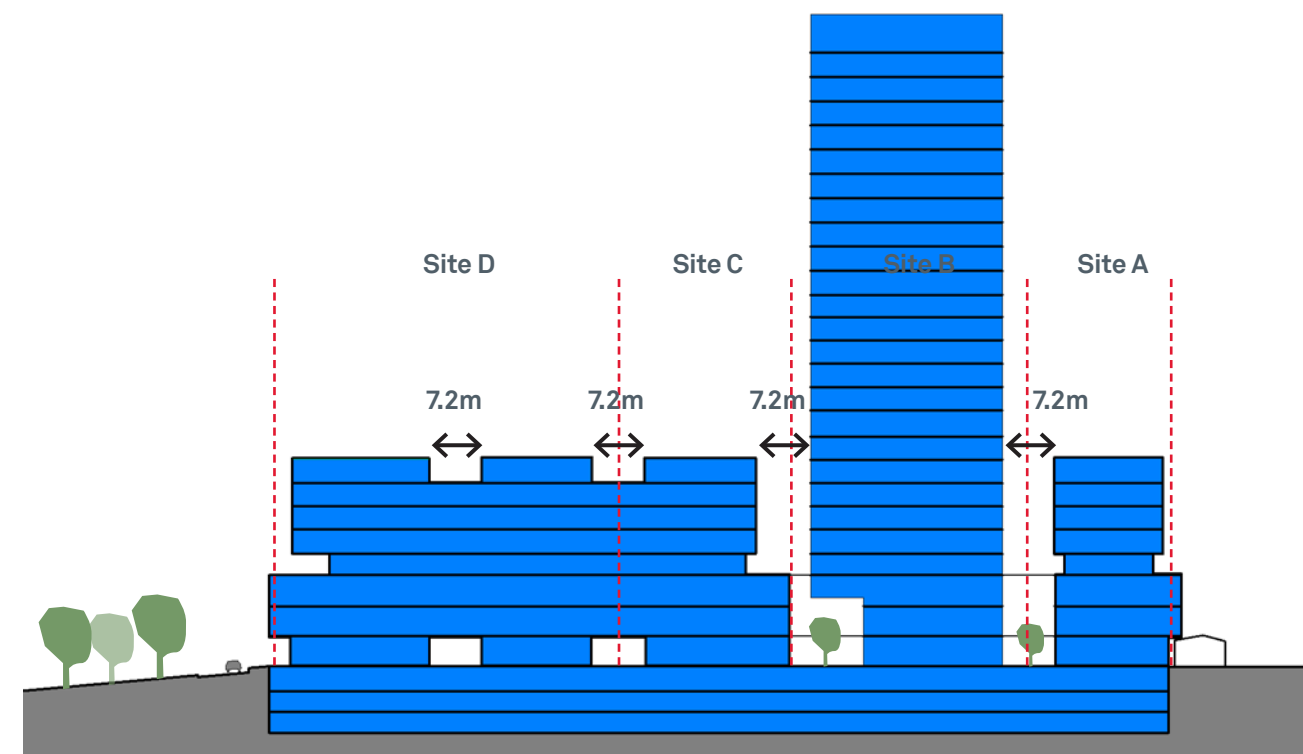
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The precinct massing has been developed based on non-amalgamated sites while maintaining a common precinct language of a linked podium and public space. The tower massing above the podium is defined with a rhythm of visually perceived singular box elements. This is created via massing overhang to create a visual lightness and a play of positive / negative recesses between masses. The play of overhang and façade recessed space provides privacy and amenity opportunity for residential apartments.

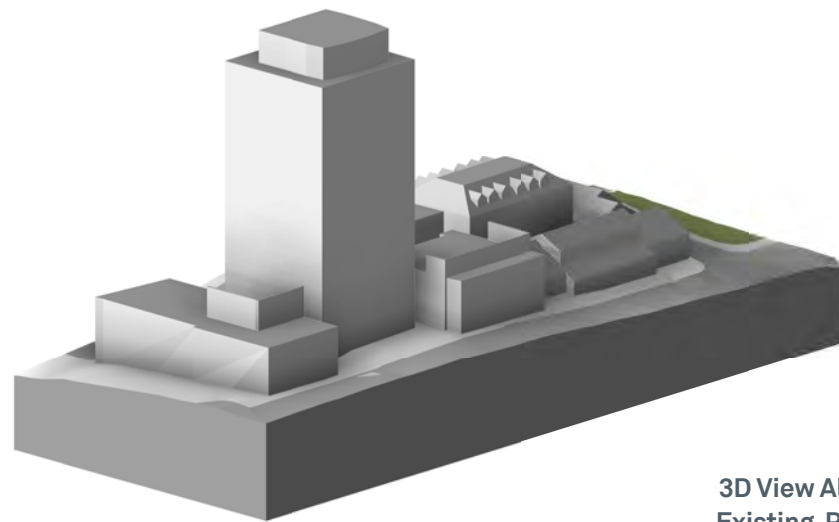
The two stair / pedestrians through site link locations at ground level either side of 275 Alfred Street tower provide the additional opportunity to provide a continuous visual connection through the site from Alfred Street to the existing residential area. The massing of 275 Alfred is proposed to stand free of the site boundary enabling redevelopment opportunities unconnected to adjacent sites and provide freedom in floor to floor levels between the new and old developments.



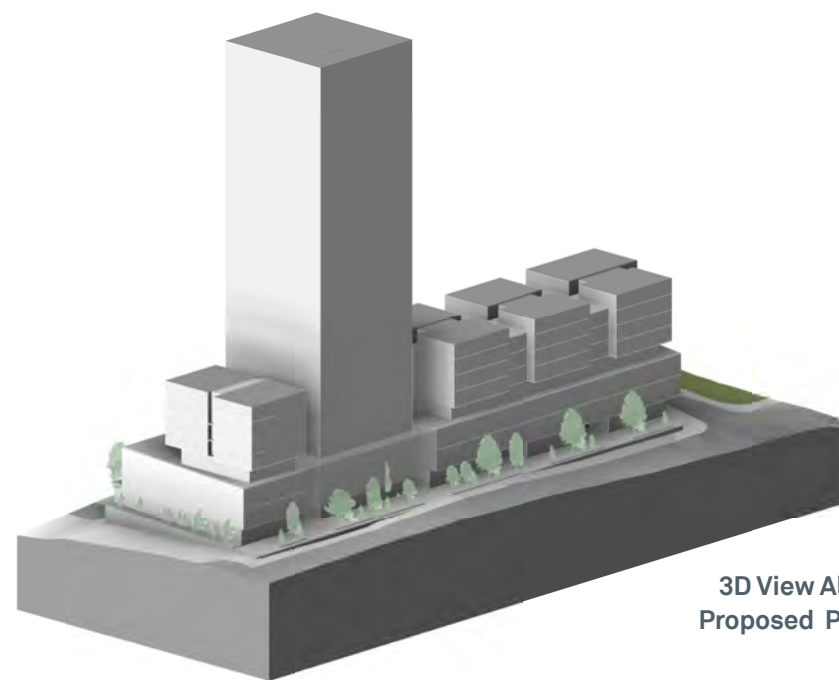
Section Longitudinal 01  
1:1000



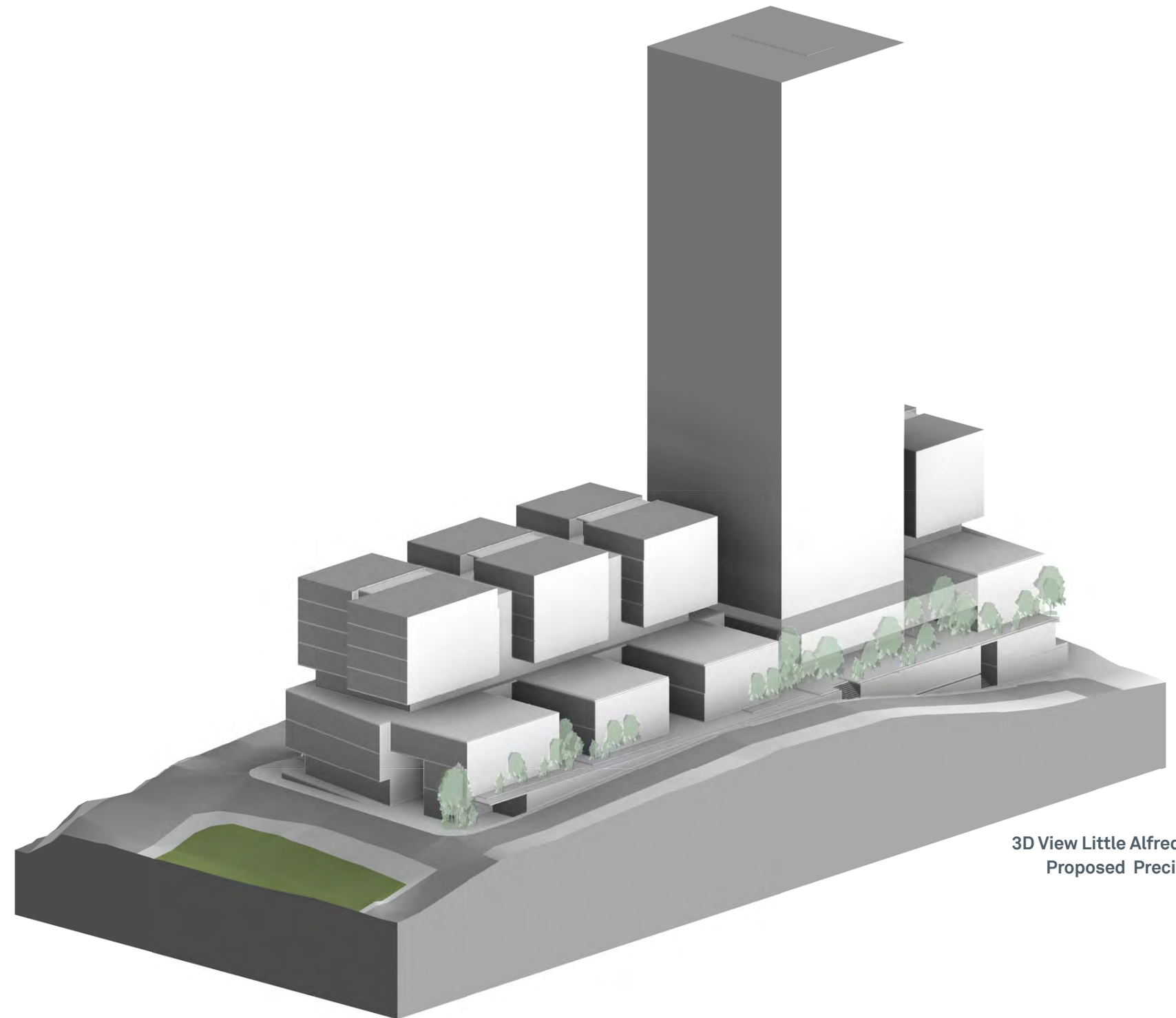
Section Longitudinal 02  
1:1000



3D View Alfred St  
Existing Precinct



3D View Alfred St  
Proposed Precinct



3D View Little Alfred St  
Proposed Precinct

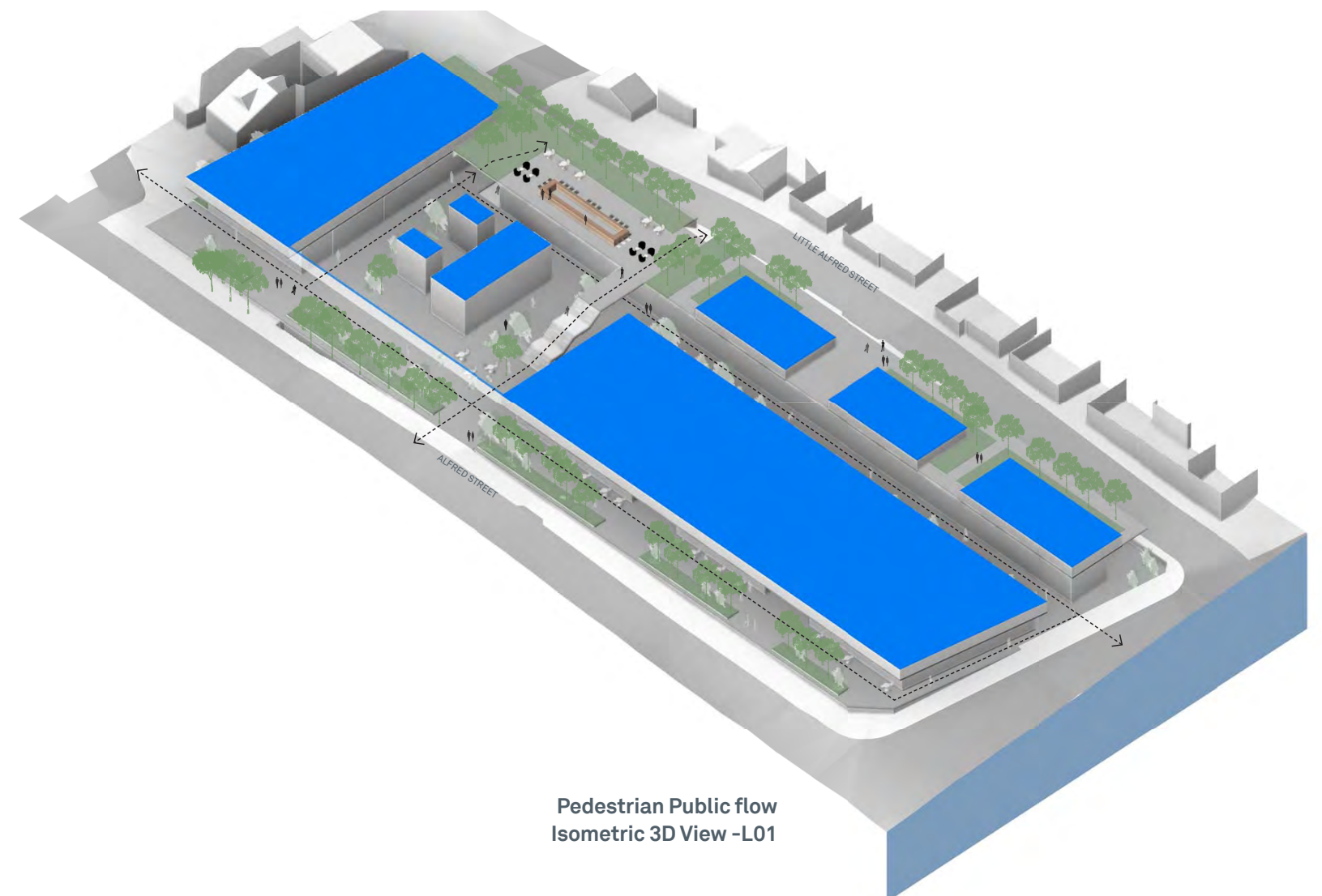
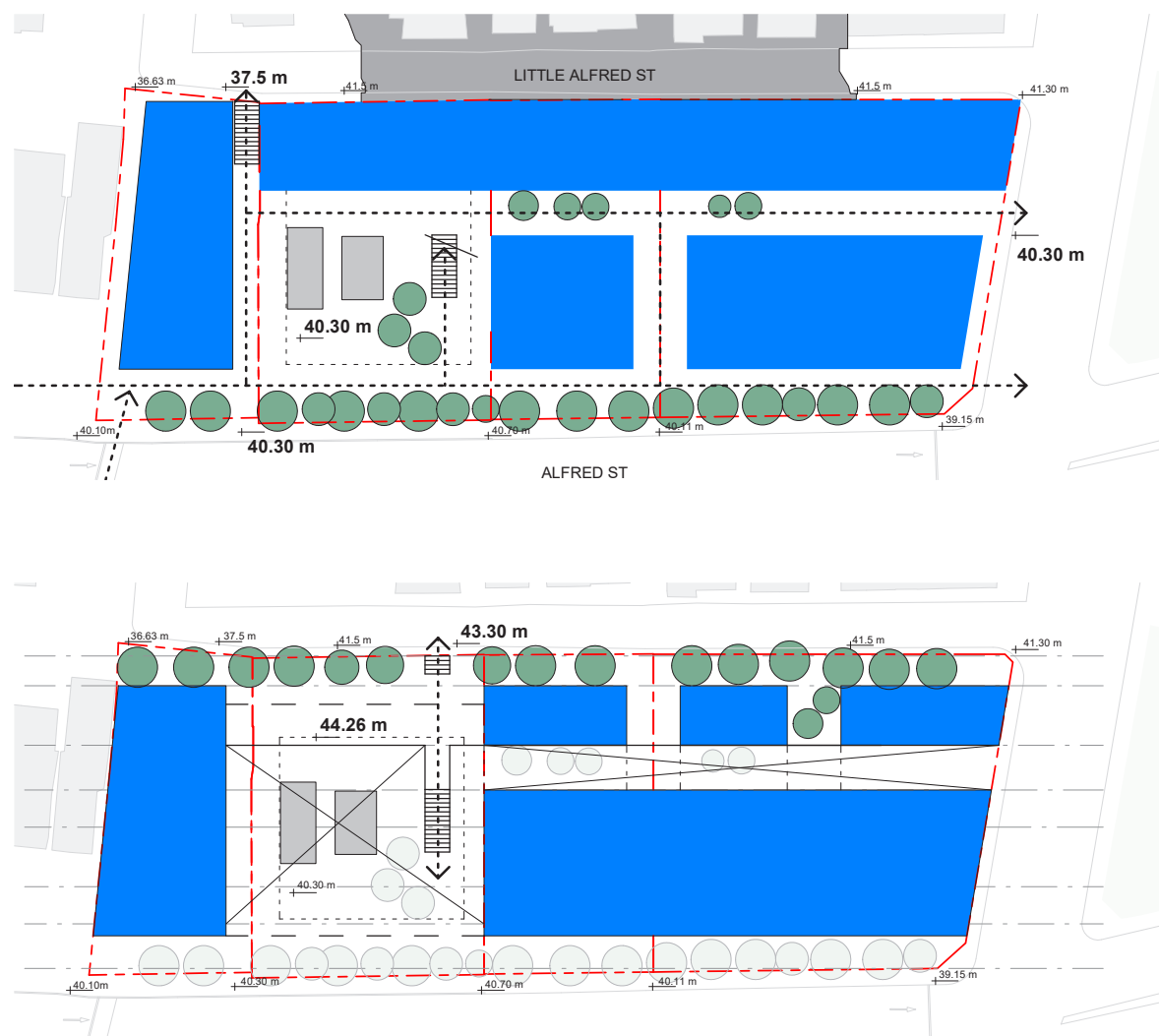
## Pedestrian Arcade

The pedestrian arcade would be linked through the precinct at ground level and centred around the 275 Alfred Street Bayer tower. The ground plane and existing first level of the tower could be adapted to enable a large central entry space for the tower and also provide a major connection to the pedestrian arcade.

An additional pedestrian link is proposed between Alfred Street and the north – south arcade at the junction of sites C and D. This enables a more permeable site and greater retail frontage while also enabling phased development to be implemented. Either sites A, C or D could be developed while maintaining access to the core of the buildings.

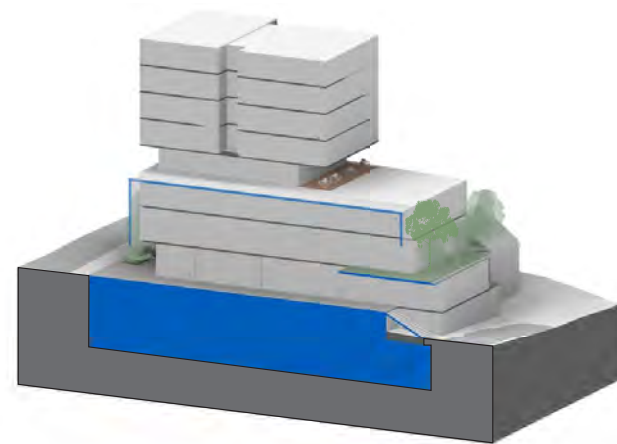
Due to the natural height variation between Alfred and Little Alfred Streets a connecting stair is required to enable pedestrians to access Little Alfred Street. One stair connection is proposed to be through Site B requiring a 3m rise to access Little Alfred from the plaza level. Due to the steep incline of Little Alfred the stair on Site A takes people from the plaza down 2.7m.

Level 1 defines the arcade space below while providing massing to Little Alfred in the form of residential and service facilities. Site B being relatively compact can only access basement car parking through a car lift arrangement off Little Alfred Street.

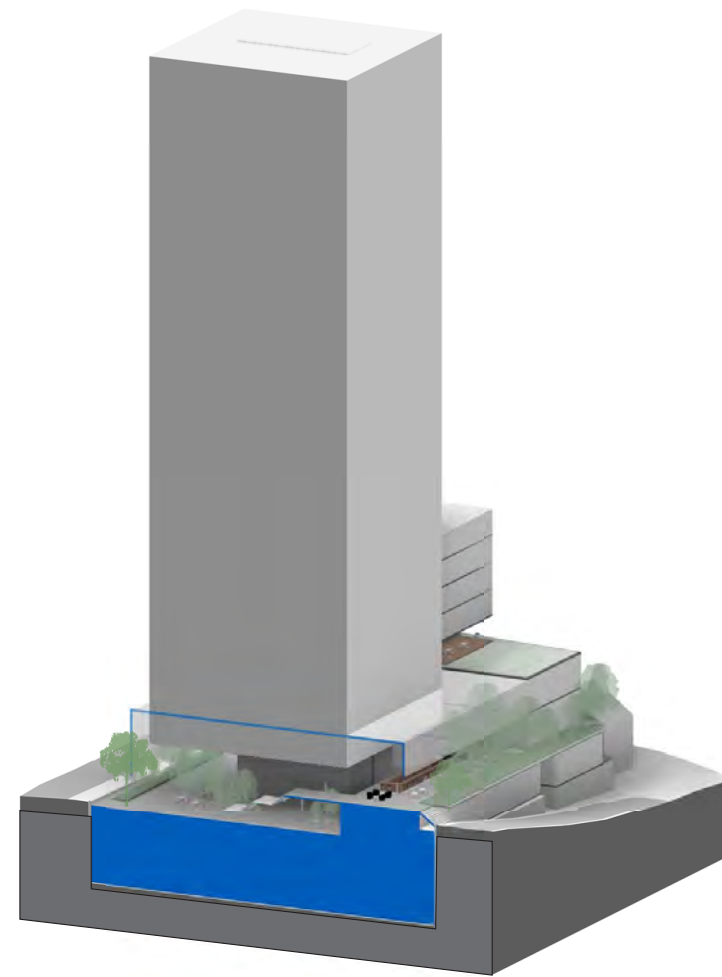




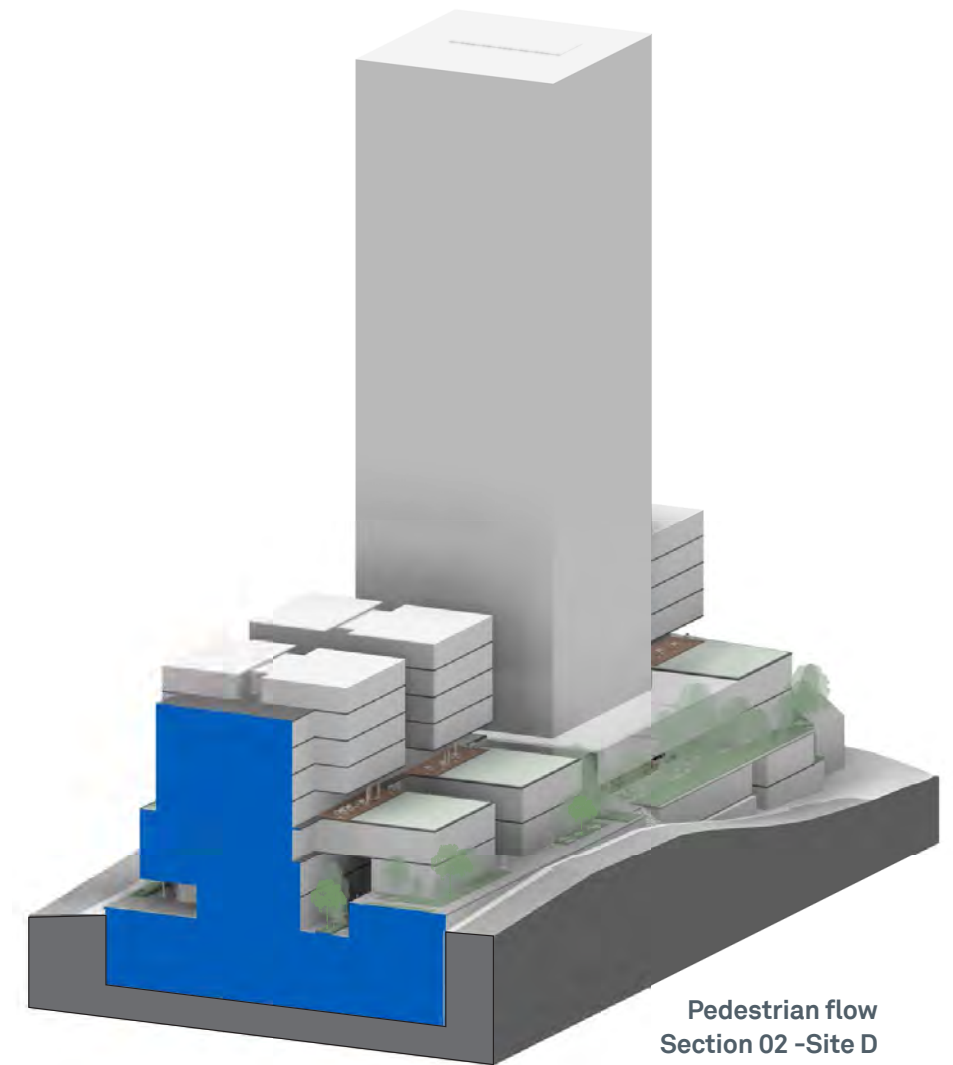
GRIMSHAW



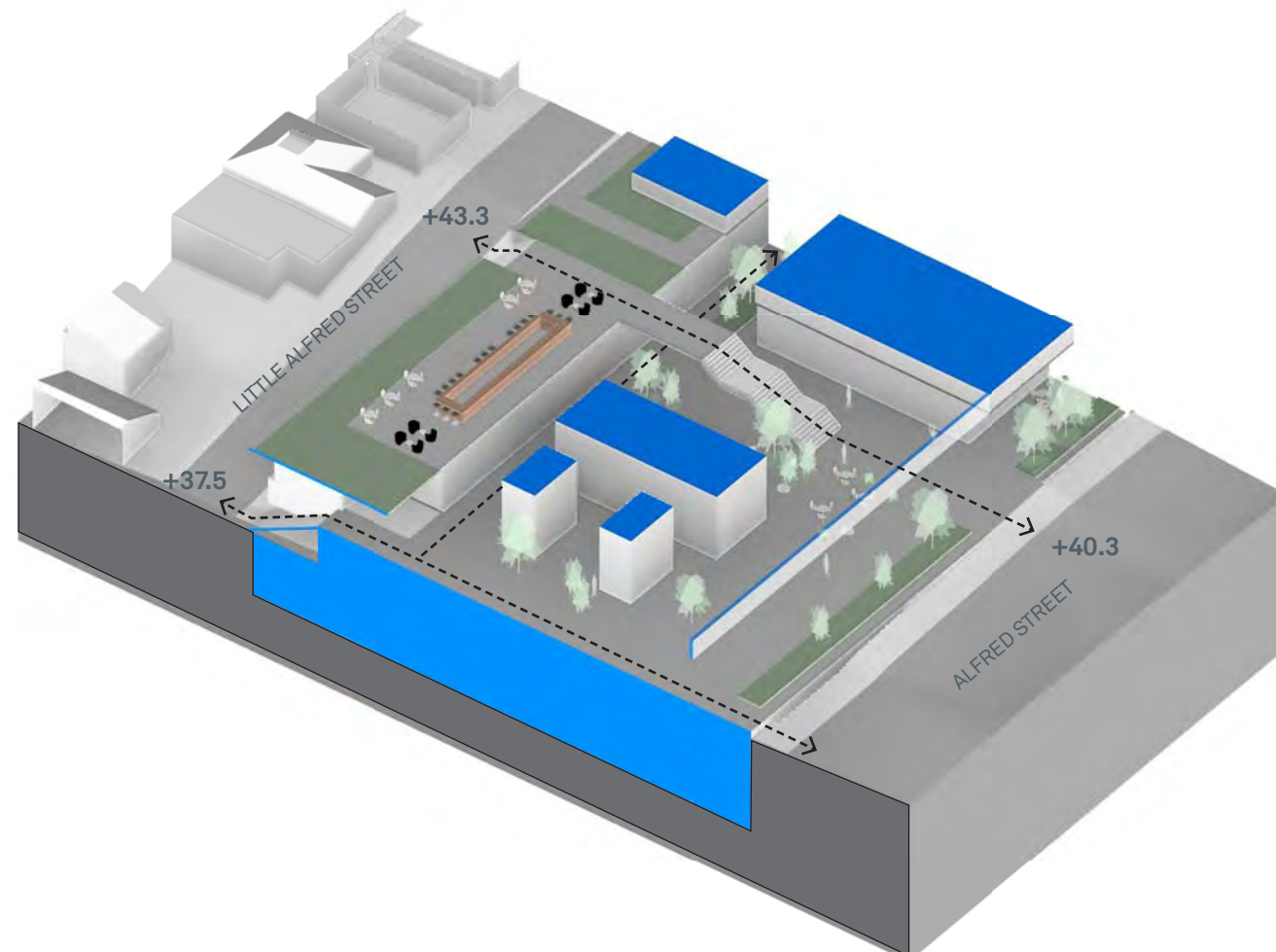
Pedestrian flow  
Section 01 - Site A



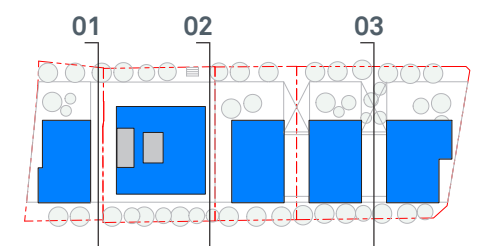
Pedestrian flow  
Section 02 - Site B



Pedestrian flow  
Section 02 - Site D



Pedestrian Public flow  
Site B



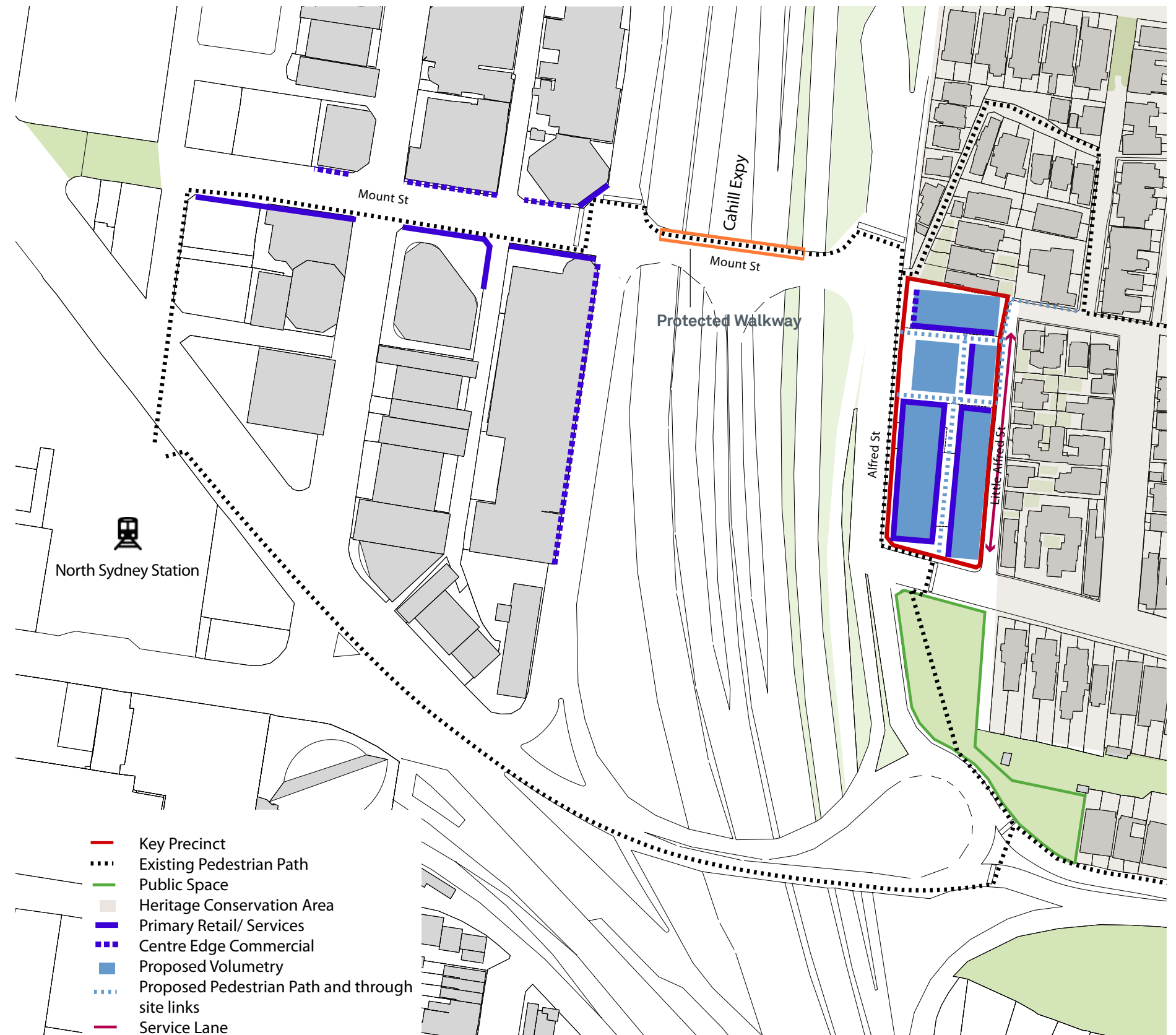
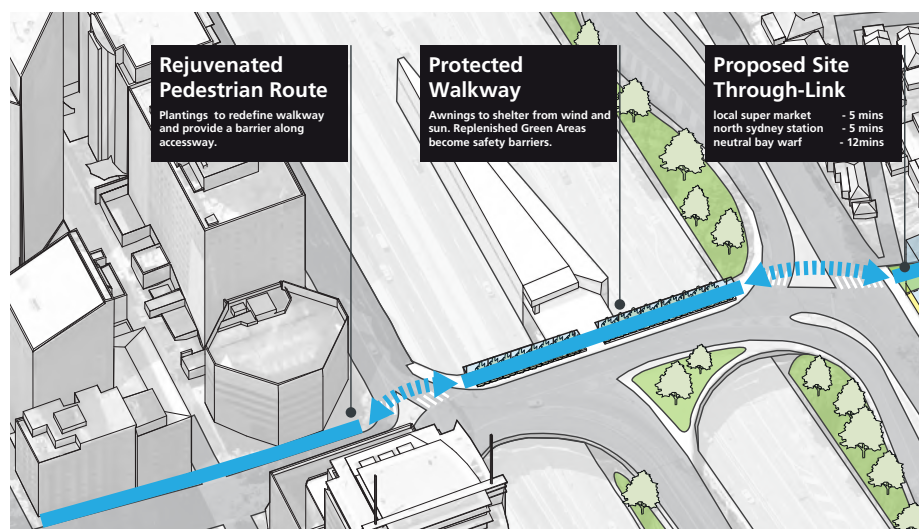
## 5.3 Public Benefit

### Public Benefit to Alfred St Precinct

A series of pedestrian laneways north-south provide permeability across the Alfred Street Precinct site linking the residential areas to the east to North Sydney CBD to the west.

This precinct plaza level would be activated by retail at ground level with cafes and shops spilling out onto the pavement. The level change from Alfred St to Little Alfred St would be activated by landscape with paving, planter beds, tree planting.

In addition to this pedestrian through site links an upgrade to the pedestrian walkway on the overpass is proposed. This would include upgrading to the pavement, new planter boxes and a shade canopy/wind barrier to the freeway the north. Other public benefits include landscaping to the street frontages, increase in footpath width and improved ground floor plane.





## 5.4 Mixed-Use Program

### Planning and Massing

The Planning Proposal aims to deliver two key strategies for the site. Supporting additional building height to instigate the viability of re-development and implementing a Mixed-Use site classification. The mixed-use development would support the nature of the site being located on the fringe of the both the North Sydney CBD and abutting the existing residential areas of North Sydney.

#### Retail Ground Plaza

Street level retail offerings in the precinct would capture significant foot traffic between North Sydney and the station and the residential areas to the east that are currently poorly serviced. The plaza level of the precinct would be activated by retail tenancies bordering the Alfred Street frontage and the through site link. The natural grade change between Alfred Street and Little Alfred Street creates a wall of retail to the rear of the site where pedestrians would travel up onto Little Alfred Street or along the north south plaza retail. The central spine sandwiched by retail tenancies would accommodate the commercial and residential cores and lobby spaces.

#### Commercial Podium

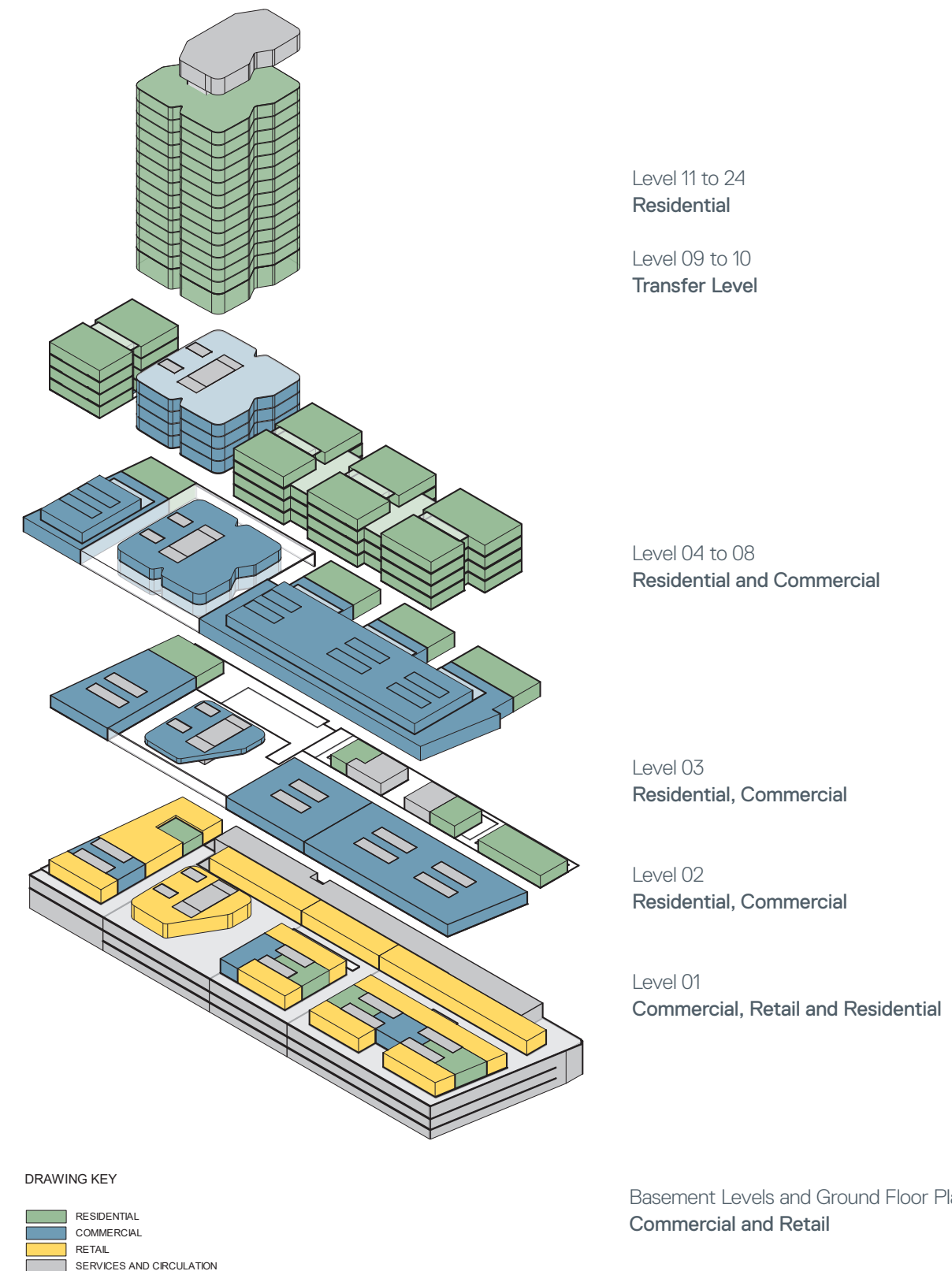
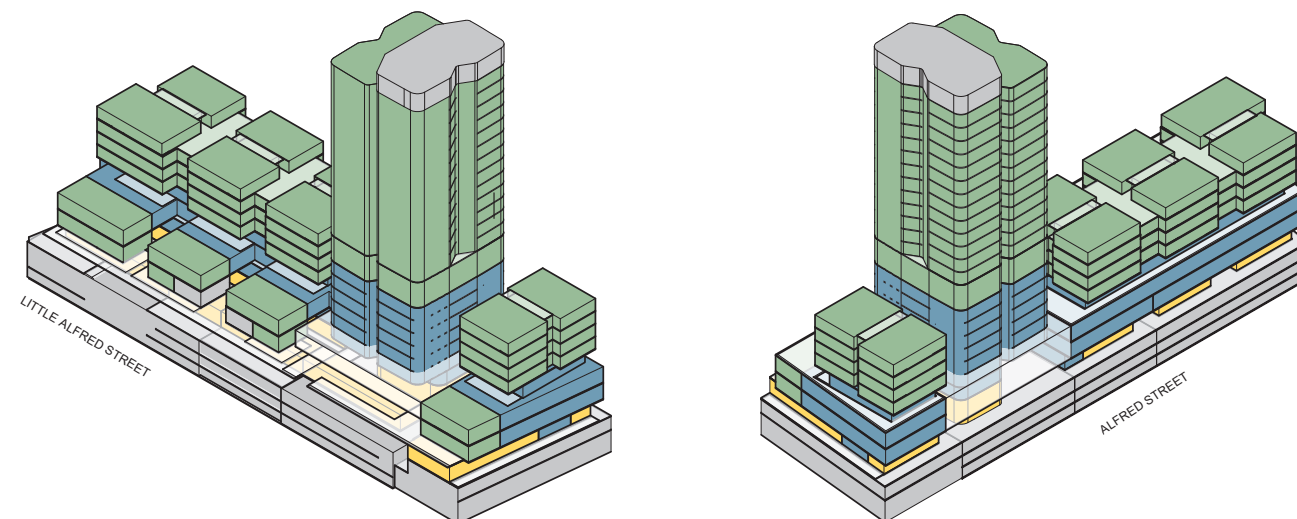
The 3 level commercial podium would deliver activation to the site in increased commercial suites potentially offering lower cost and smaller sized tenancies on the edge of the CBD. The base of the Bayer tower would be refurbished as contemporary commercial suites.

#### Residential

The additional 4 storeys of Sites A+C+D would deliver residential apartments with all apartments having good access to views due to the limited built form surrounding the precinct. Many apartments would achieve high quality views to the Sydney CBD to the south, Sydney Harbour to the east and to North Sydney CBD to the east. The Bayer tower is proposed to be redeveloped above level 8 to accommodate residential apartments.

#### Basement Carparking

The reference scheme provides an indication on how all non-amalgamated site can achieve basement and waste servicing. The number of car park levels being determined by final mixed-use traffic requirements.





# 5.5 ADG Compliance Table

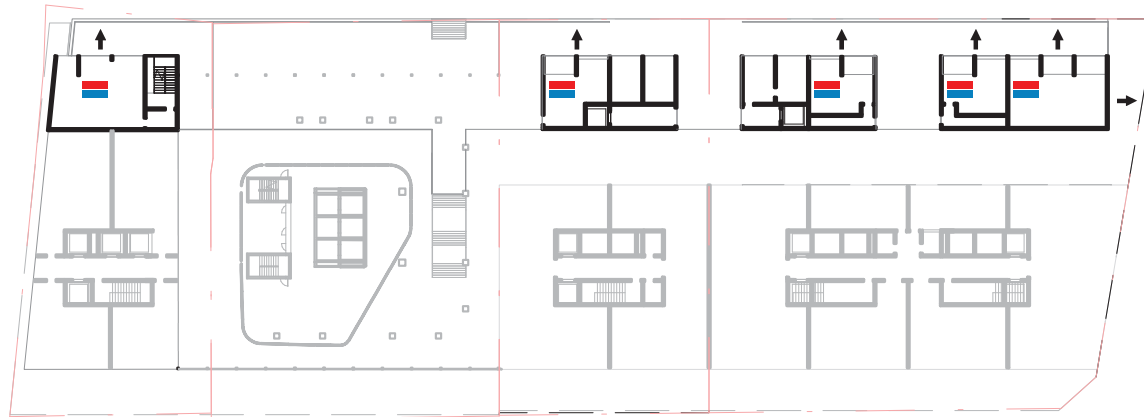
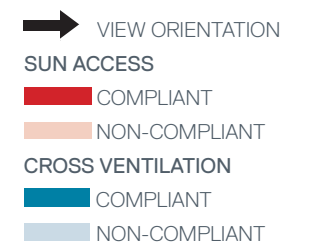
Schematic apartment planning was undertaken on all Four sites to determine ADG compliance and test the quality of apartment amenity that could be delivered on the precinct. The nature of the site being isolated from large adjacent developments inherently delivers a high-quality natural amenity with access to sunlight, ventilation and views providing potentially high quality residential design responses.

The nature of a mixed-use development limits the ability to fully control entry lobby experiences as lobby entries are required to be mixed with plaza level retail in the current configuration. Variations exist although limitations of maximising the developable area to meet 3.5:1 FSR will fundamentally challenge aspects of ADG compliance.

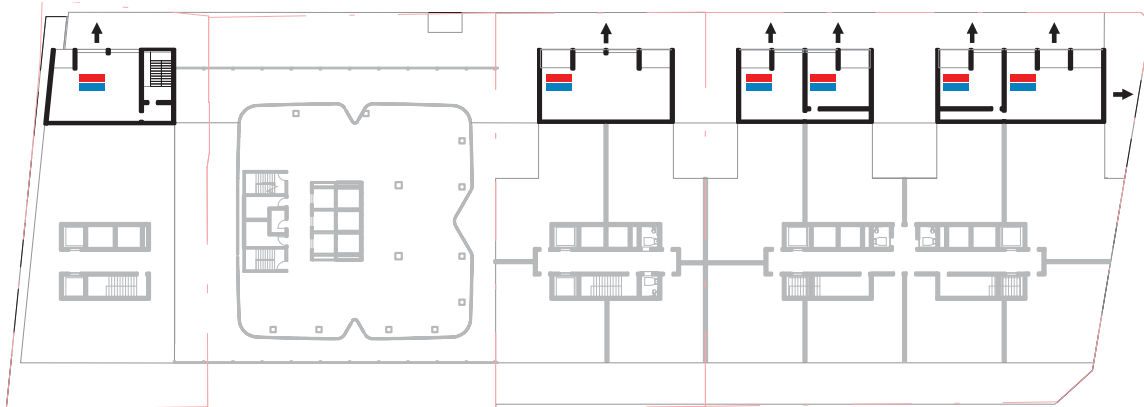
Building setbacks and privacy are two key areas that would be refined through the design phase to ensure apartment privacy between development sites, the Bayer commercial levels and the surrounding existing residential sites are not compromised. Due to the high level of view amenity we believe controlling apartment views to the east and west limiting visual privacy issues is appropriate on this precinct.

SEPP 65 CONFORMING	PRECINT	SITE A	SITE B	SITE C	SITE D	COMMENTS
BUILDING SEPARATION	YES	YES	YES	YES	YES	Detailed apartment design requires adresssing building abutment (particularly
						Sites C+D) , to enable maximisation of individual sites.
STREET SETBACKS	YES	YES	YES	YES	YES	
DEEP SOIL ZONES	NO	NO	NO	NO	NO	Site area is limited - the proposal offers instead setbacks that allow
						for footpath tree planting with areas of Deep Soil pending detailed design.
VISUAL PRIVACY	YES	YES	YES	YES	YES	The apartment layouts aim to ensure privacy for all residents. Sites A+C
						interface to 275 Alfred Street requiring detailed resolution to ensure privacy.
PEDESTRIAN ACCESS, ENTRIES	YES	YES	YES	YES	YES	Individual residency entries provided
VEHICLE ACCESS	YES	YES	YES	YES	YES	Access provided on Little Alfred St. Refer to traffic engineer report.
BYCICLE PARKING	YES	YES	YES	YES	YES	Space provided in basement levels. Refer to traffic engineer report.
CAR PARKING	YES	YES	YES	YES	YES	Space provided in basement levels. Refer to traffic engineer report.
APARTMENT MIX	YES	YES	YES	YES	YES	Sites A + C contain less than 20 dwellings and therefore comply with the
MIXED USE BUILDING	YES	YES	YES	YES	YES	
SOLAR AND DAYLIGHT ACCESS	YES	YES	YES	YES	YES	90% of the precinct has natural light for more than two hours on 21.06
No Solar Access (max 15%)	8%	N/A	15%	N/A	10%	Sites B has a number of south facing apartments although complies to ADG req,
2hr Solar access (min 70%)	92%	100%	85%	100%	90%	Sites B+D have a number of Non 2hr solar apartments although comply to ADG req,
existing residential precinct	YES					Has no detrimental impact within SEPP65 Guidelines
proposed precinct	YES					90% apartments get direct sunlight on the 21st June
CEILING HEIGHT	YES	YES	YES	YES	YES	2.4m clear height in living areas
NATURAL VENTILATION	YES	YES	YES	YES	YES	91% of apartments are naturally ventilated
not complying (max 40%)	9%	N/A	N/A	12%	30%	Site B all apartments are over 10 levels in height providing compliant ventilation.
ACOUSTIC (NOISE POLLUTION)	YES	YES	YES	YES	YES	Bradfields Highway offers significant noise pollution
						Refer to acoustic report
WASTE MANAGEMENT	YES	YES	YES	YES	YES	Services located at Basement and Ground Floor Levels

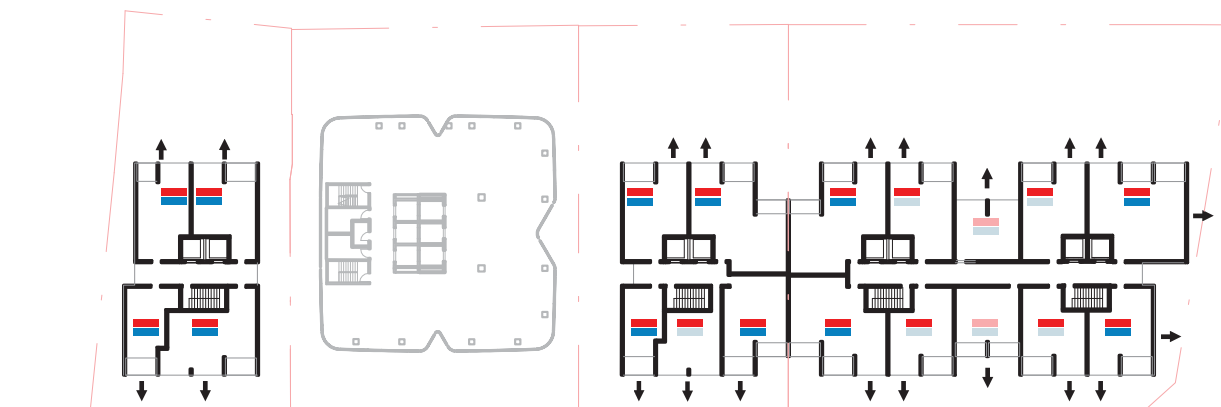
## Apartment ADG Assessment



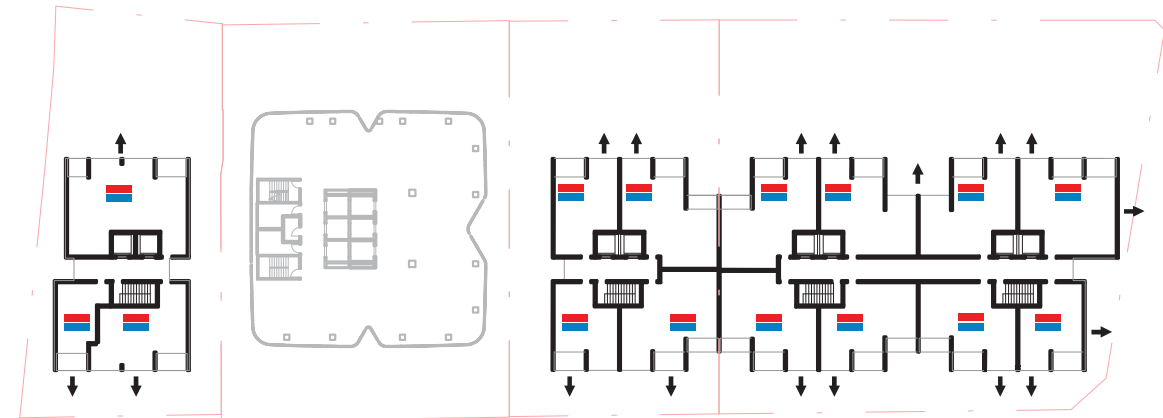
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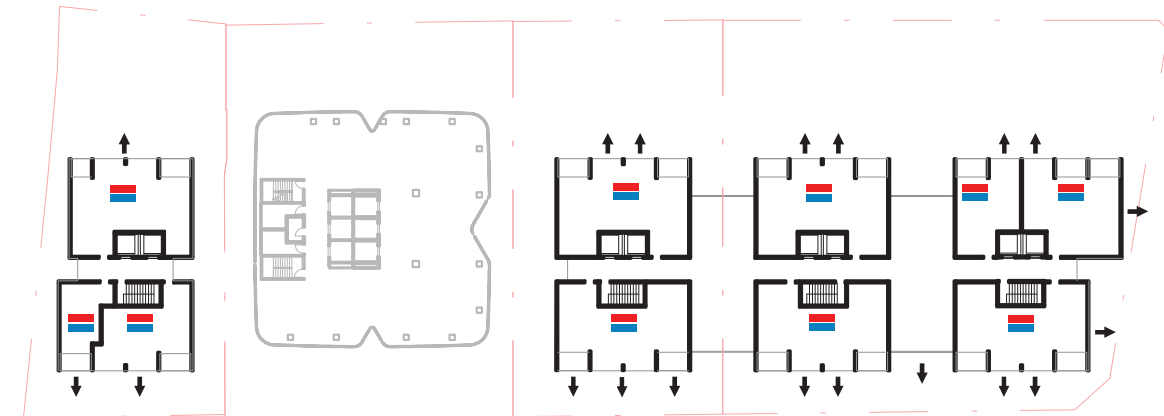
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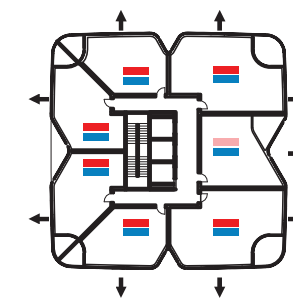
PRECINCT PLAN - LEVEL 04 - 05



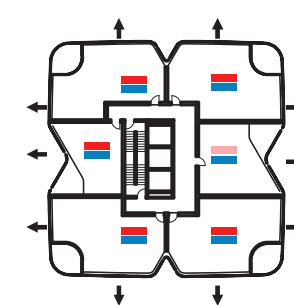
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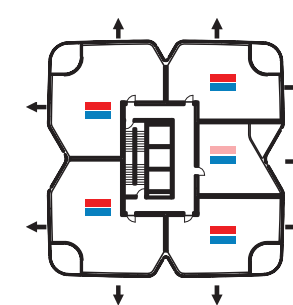
PRECINCT PLAN - LEVEL 07



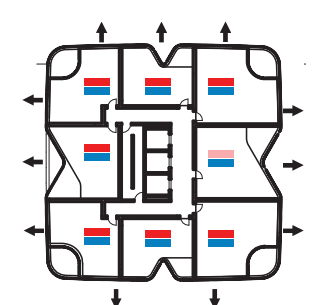
TOWER PLAN - LEVEL 11-13



TOWER PLAN - LEVEL 14-16

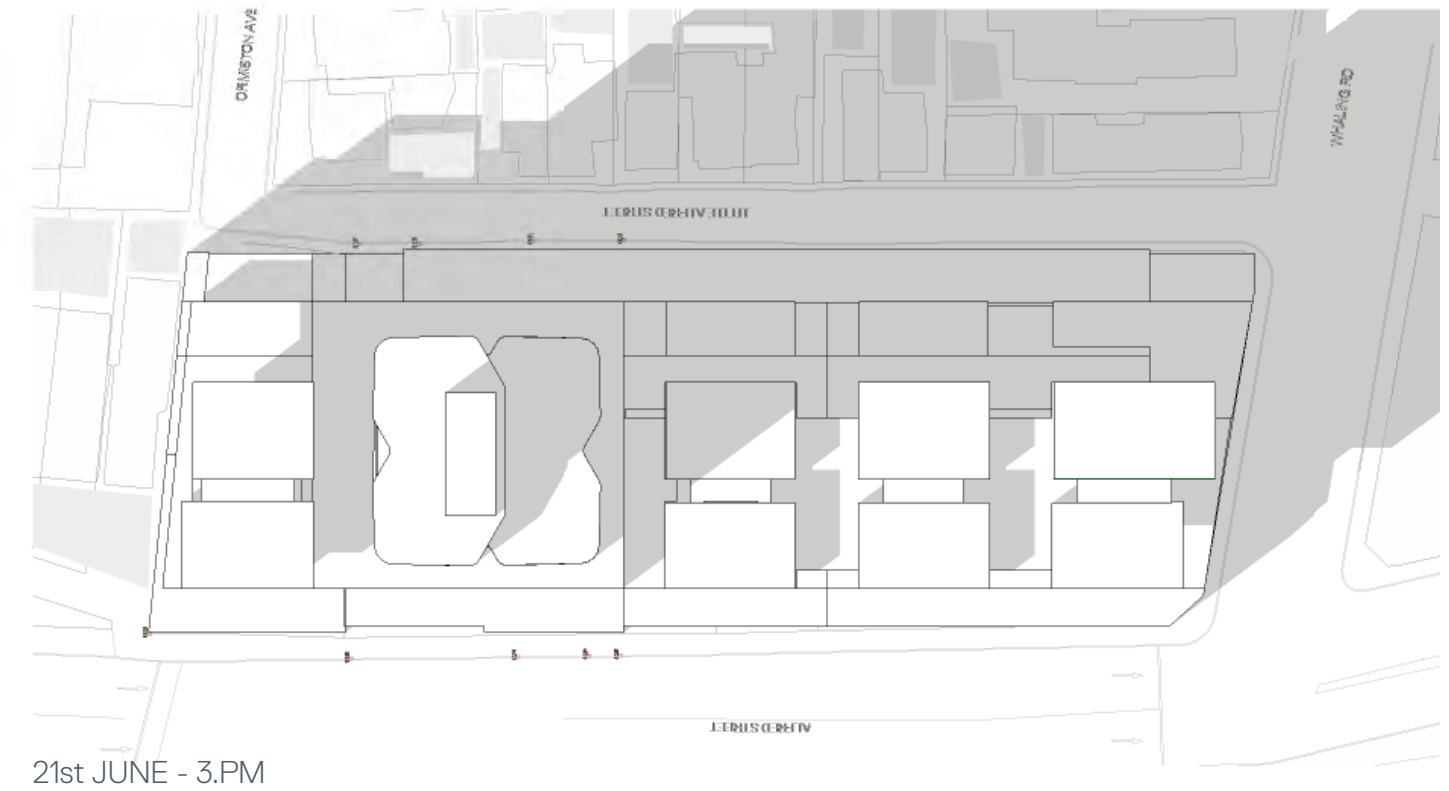
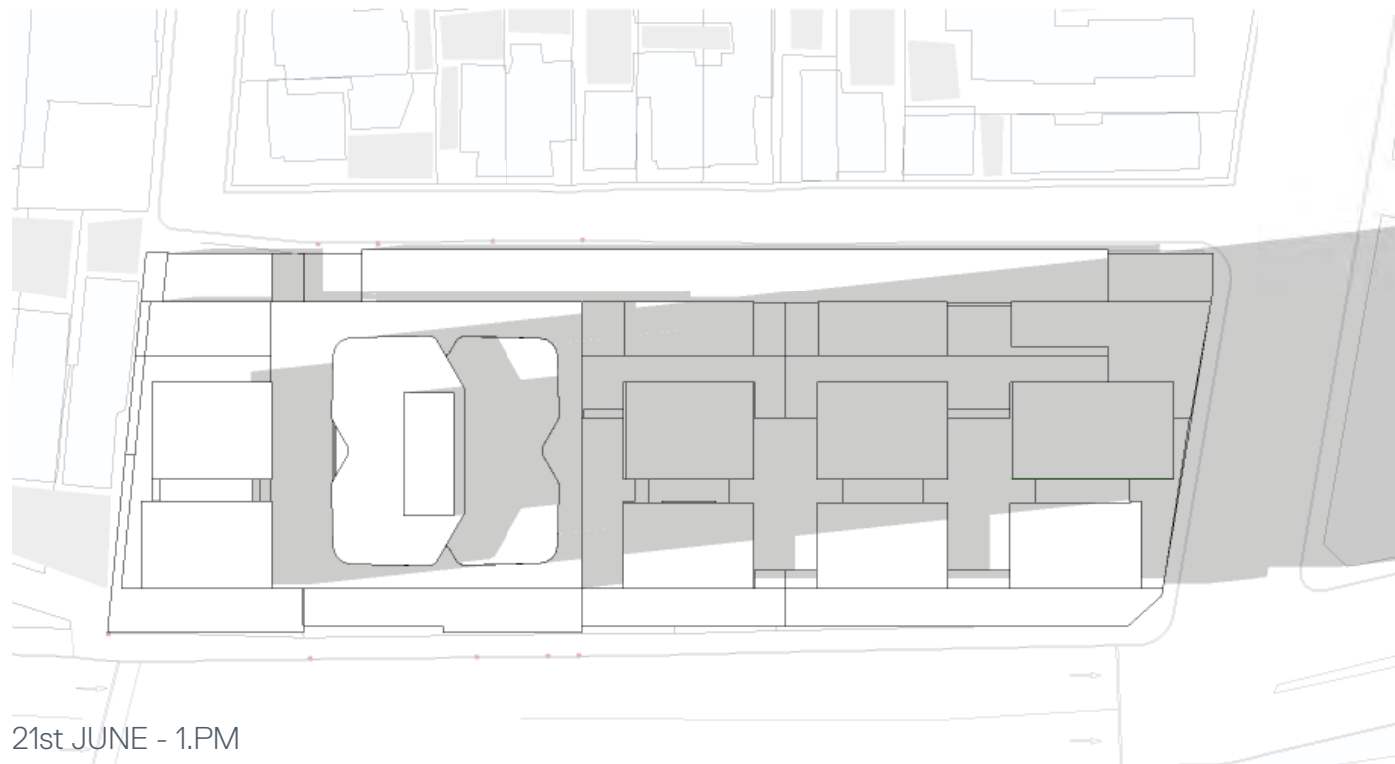
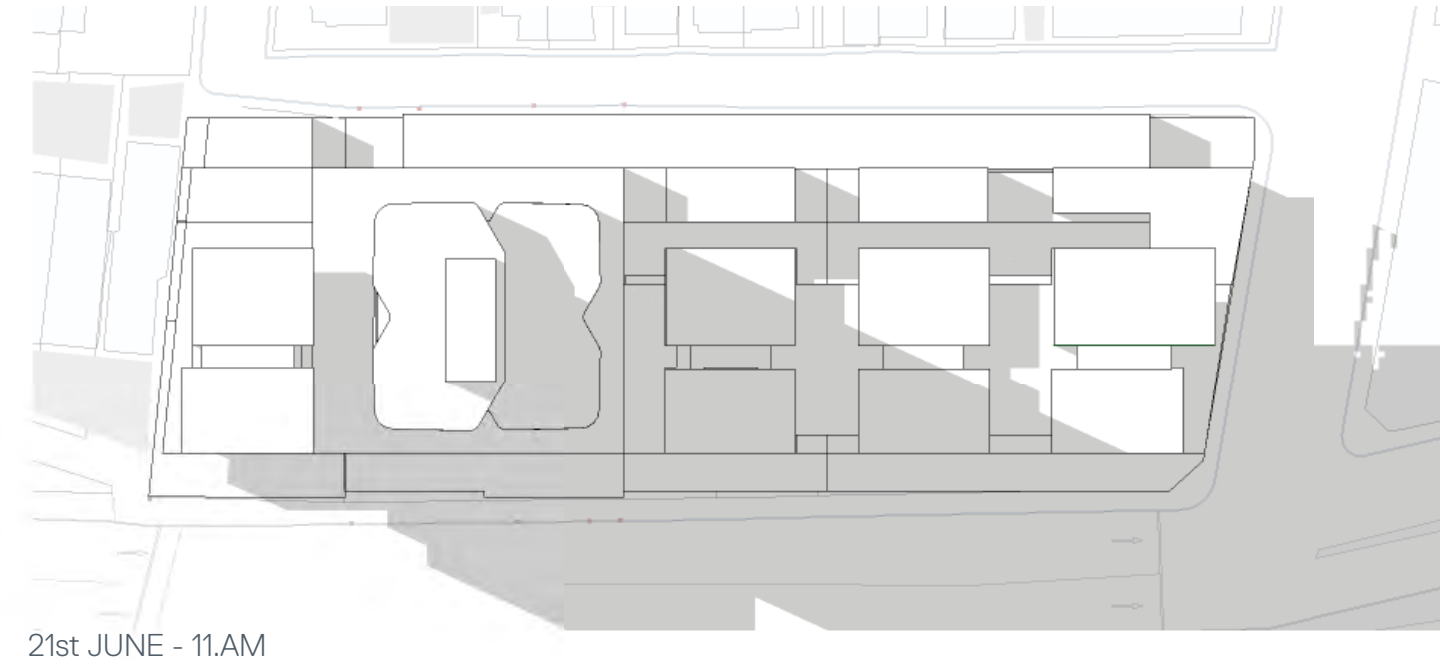
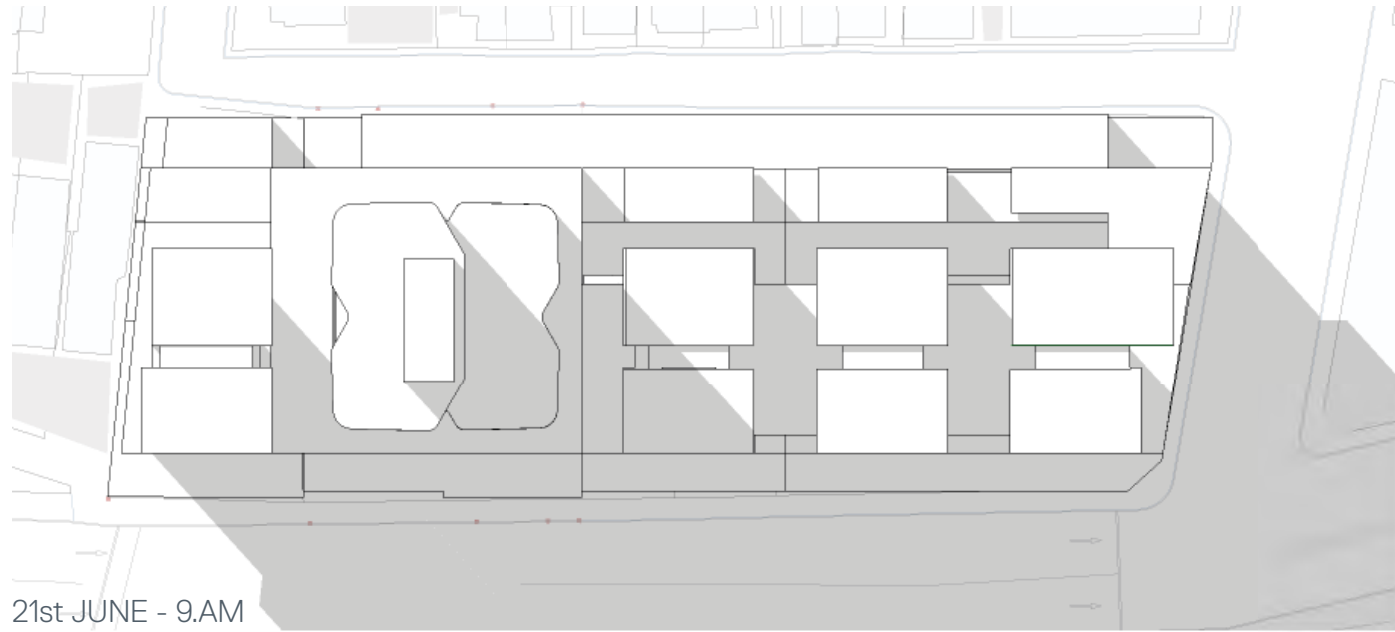


TOWER PLAN - LEVEL 17-19



TOWER PLAN - LEVEL 20-23

## Apartment Solar Assessment









# 06. SHADOW STUDIES



## 6.1 Shadow Analysis 21st June

Shadow studies have been undertaken to assess the impacts of the new development proposal on the existing solar conditions to adjacent residential dwellings. The assessment has focused on the existing residential areas to the east of the precinct with the key focus of maintaining a minimum of 2 hours of sunlight to existing residential properties between the hours of 9:00 AM and 3:00 PM on the 21st June. In principal all residential properties in this area maintain existing solar access conditions on the 21st June prior to 12:00 PM.

A study of the property proportions and orientation indicate that properties to the south of Whaling Road are semi-detached blocks orientated in a north south direction. The northern rooms of all these dwellings will receive 3.0 hours of morning solar access and maintain a portion of afternoon solar access. Note it is untested where living spaces are arranged in these properties although any southern orientated living spaces would not currently receive solar access.

Dwellings located in the adjacent residential block between Little Alfred Street and Neutral Street would

receive similar conditions in the afternoon prior to 2:00 PM to currently experienced. This is due to the length of the existing precinct building shadows already reaching the corner of Neutral Street and Whaling Road at 2:00 PM.

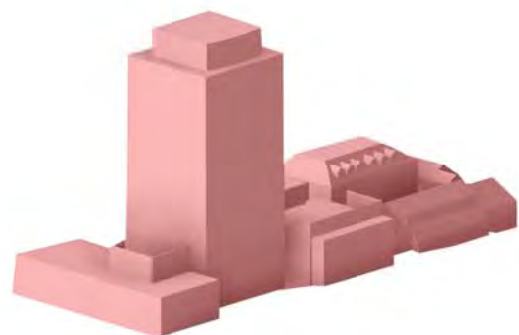
Dwellings along Little Alfred Street may have minor afternoon solar impact pending actual living space locations although also receive 3.0 hours of morning solar access to their north and east facades as per existing conditions.

The public open space to the south of the site bound by Little Alfred Street and Alfred Street will have additional over shading between 11:00- 2:00 PM. The open space due south of the site will be impacted by any height increase to Site D in particular, similar to the councils 'preferred scheme' over shading impacts.

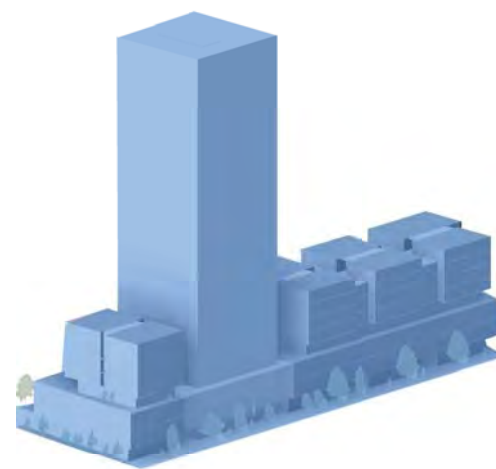
Note the councils preferred scheme only provided an FSR of 2.1:1 - 2.4:1 for Sites C and D rather than the compliant 3.5:1 FSR. Delivering built form to a 3.5:1 FSR will naturally implement greater overshadowing to the park and surrounding residences.



Eastern Residential Property Site Configuration

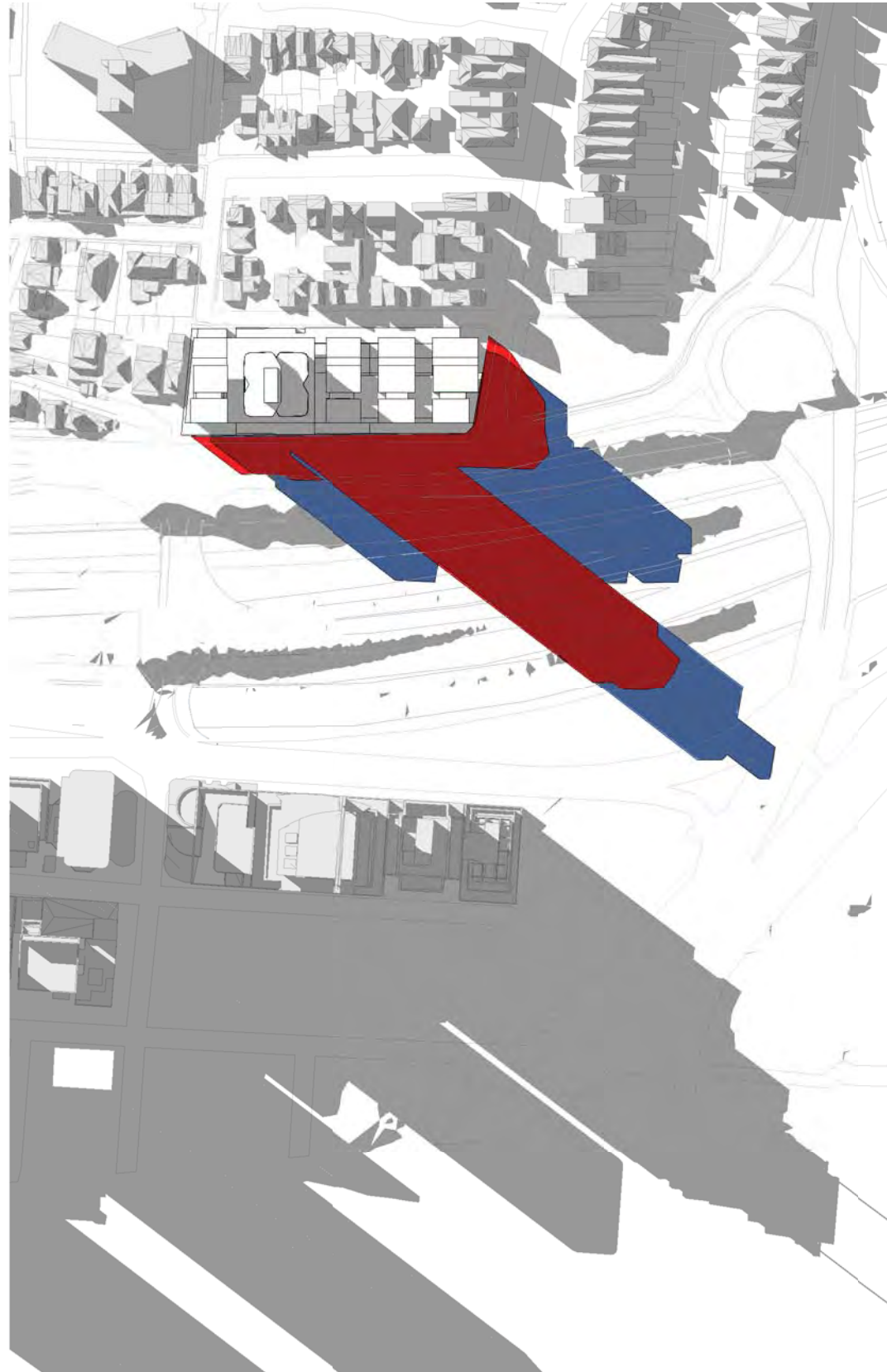


Existing Precinct

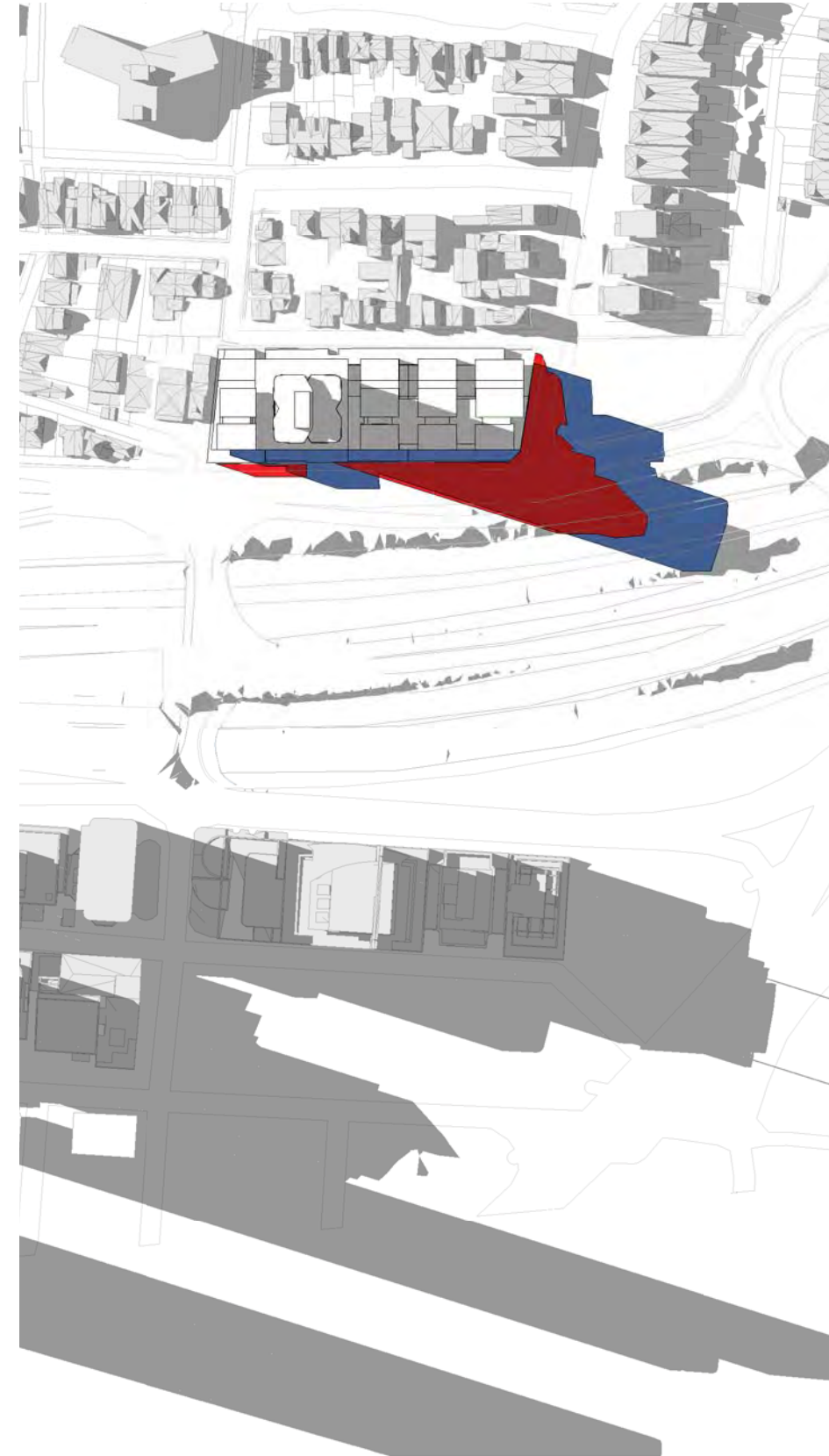


Proposed Precinct





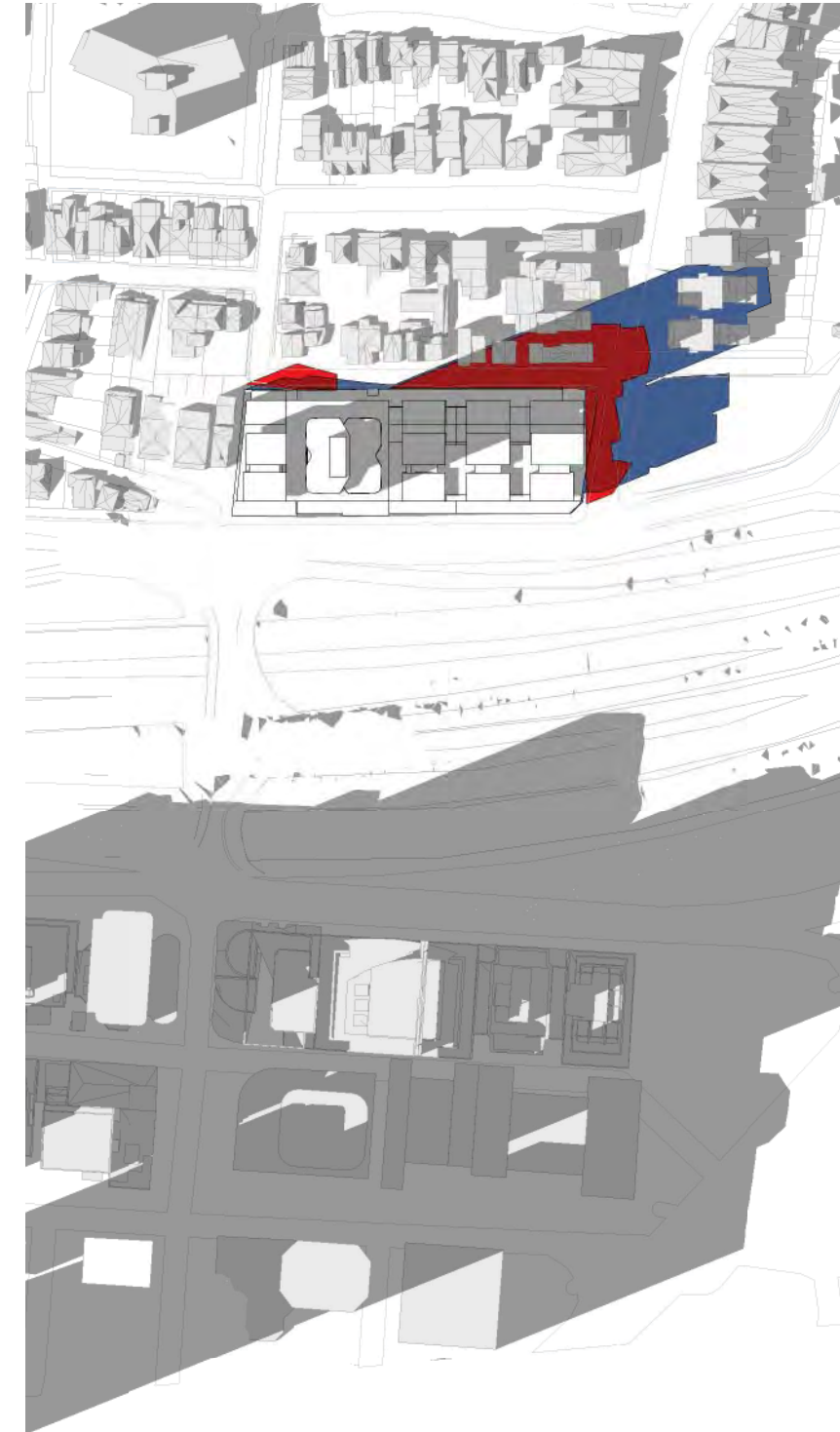
21.ST JUNE - 9:00 AM \_ PROPOSED SHADOWS



21.ST JUNE - 10:30 AM \_ PROPOSED SHADOWS

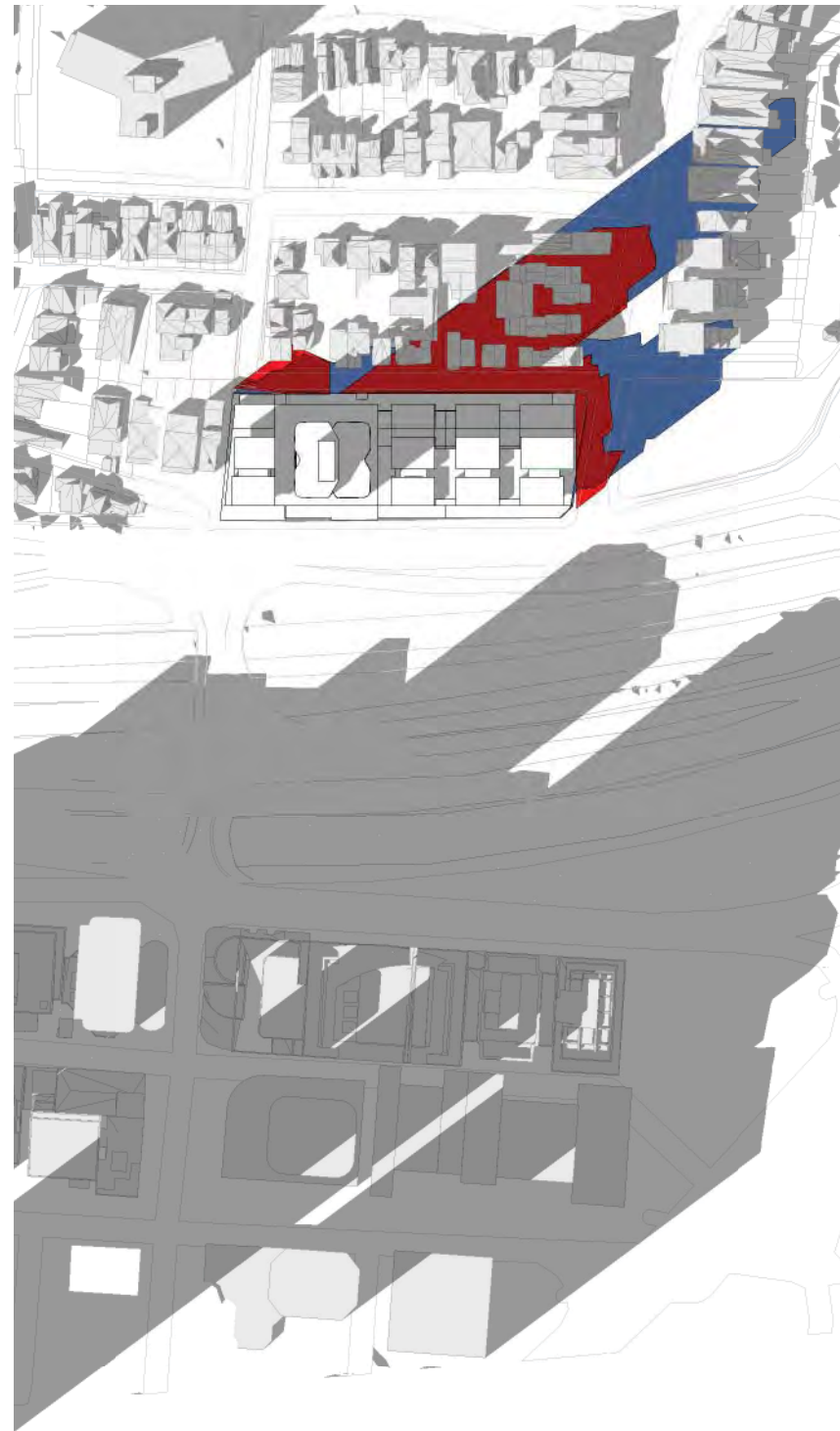


21.ST JUNE - 12:00PM \_ PROPOSED SHADOWS



21.ST JUNE - 1:00PM \_ PROPOSED SHADOWS





21.ST JUNE - 2:00 PM \_ PROPOSED SHADOWS



21.ST JUNE - 3:00 PM \_ PROPOSED SHADOWS



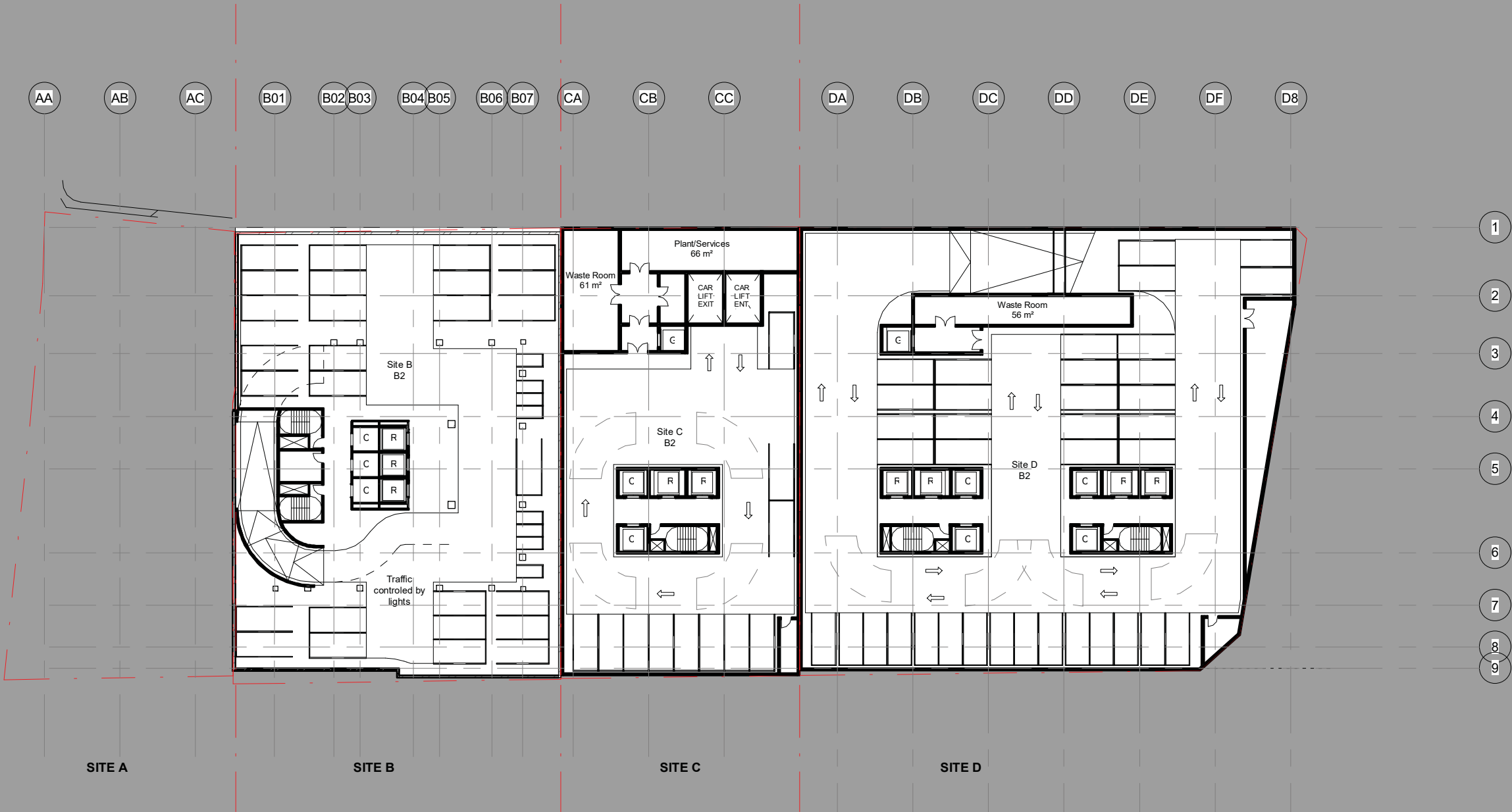






# 07. DRAWINGS AND PERSPECTIVES





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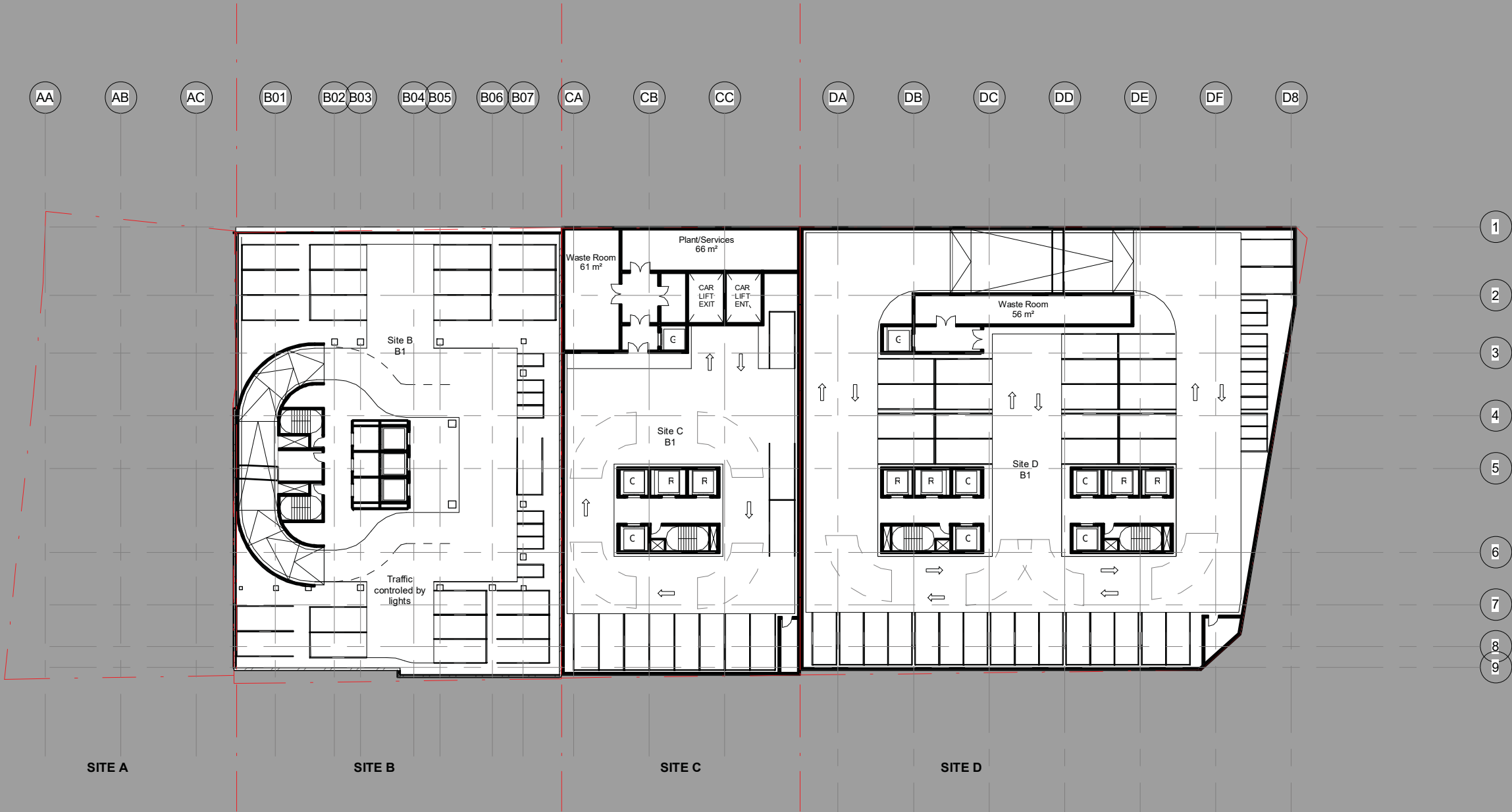
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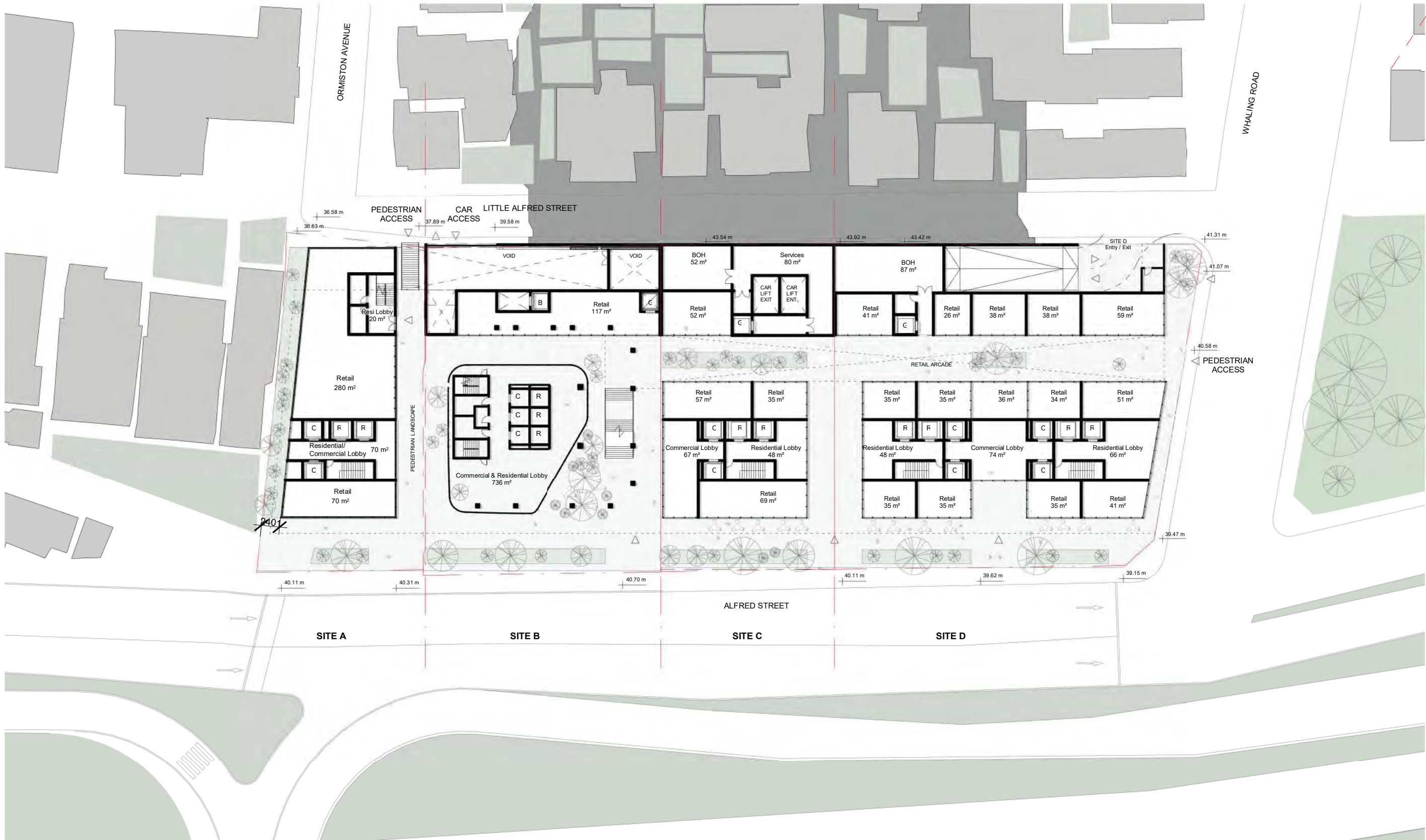
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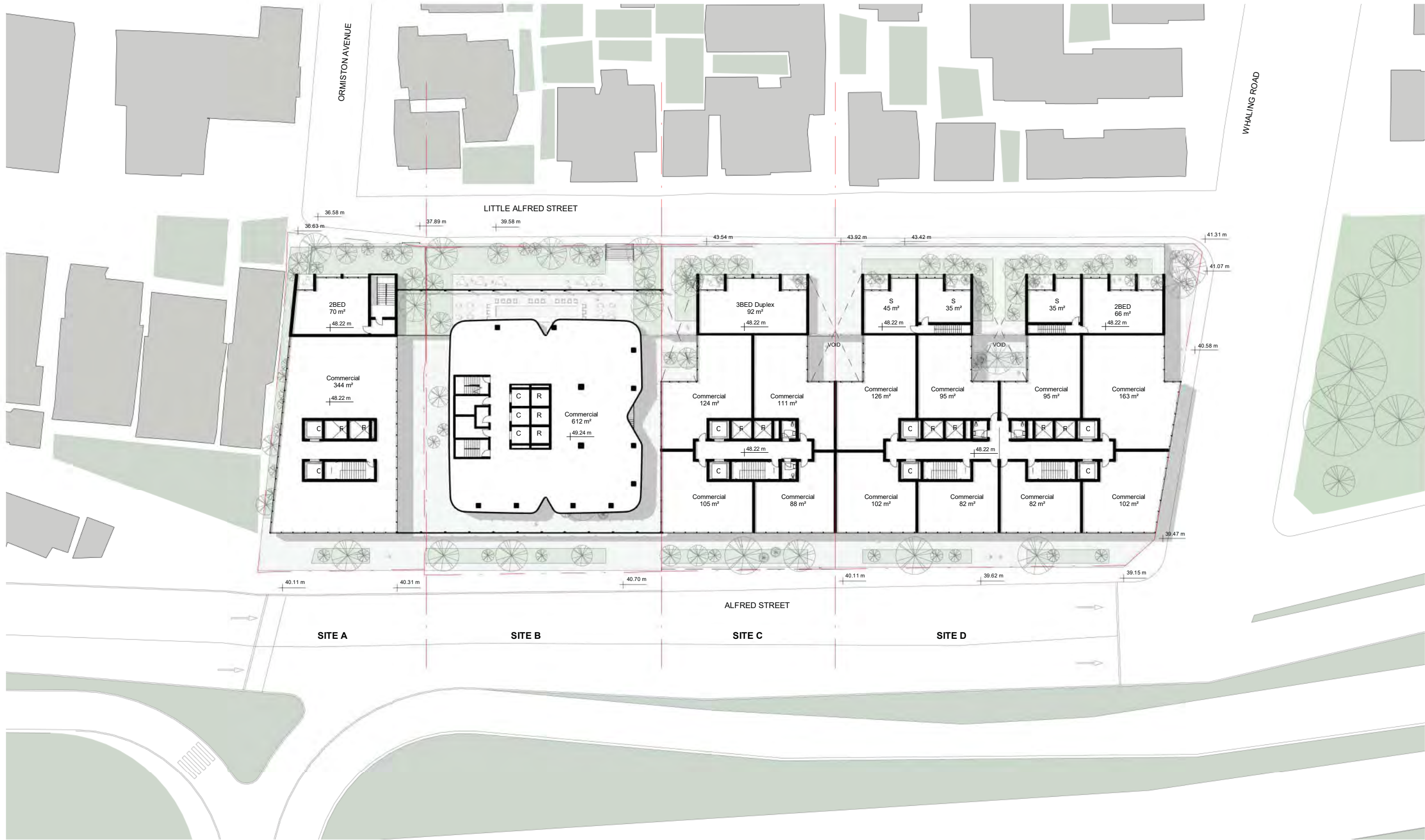
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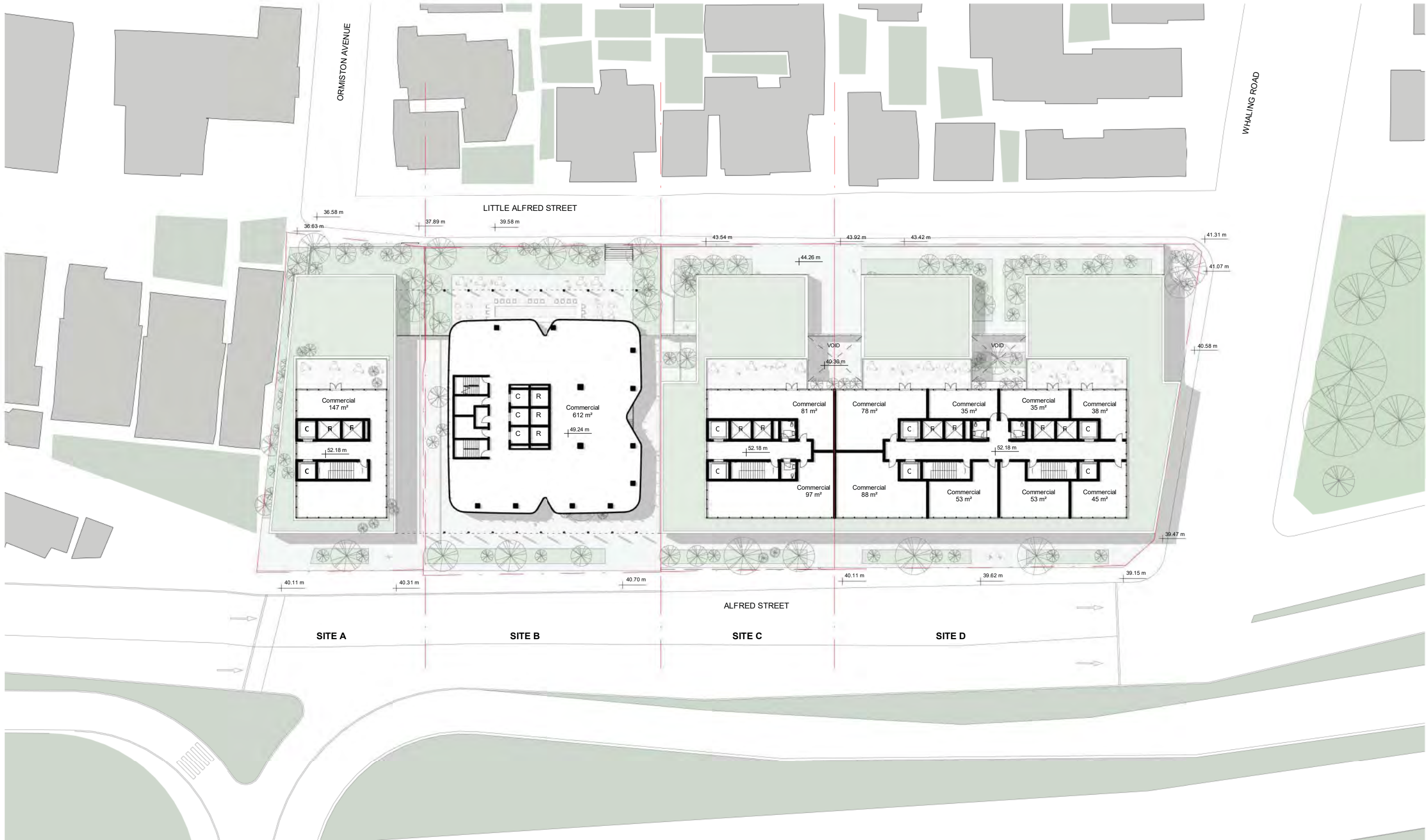
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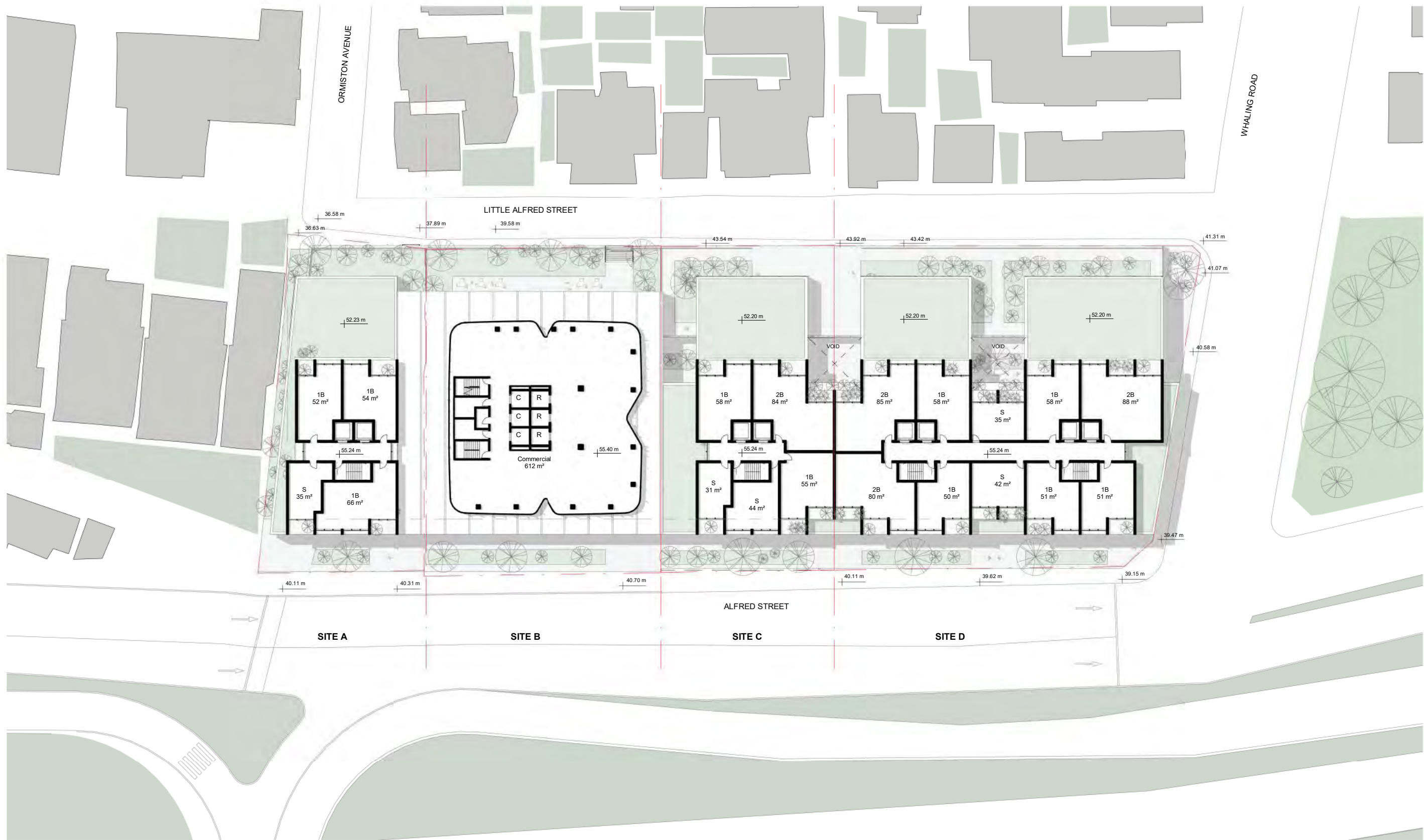
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STATUS

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LEVEL 04-05 - PRECINCT

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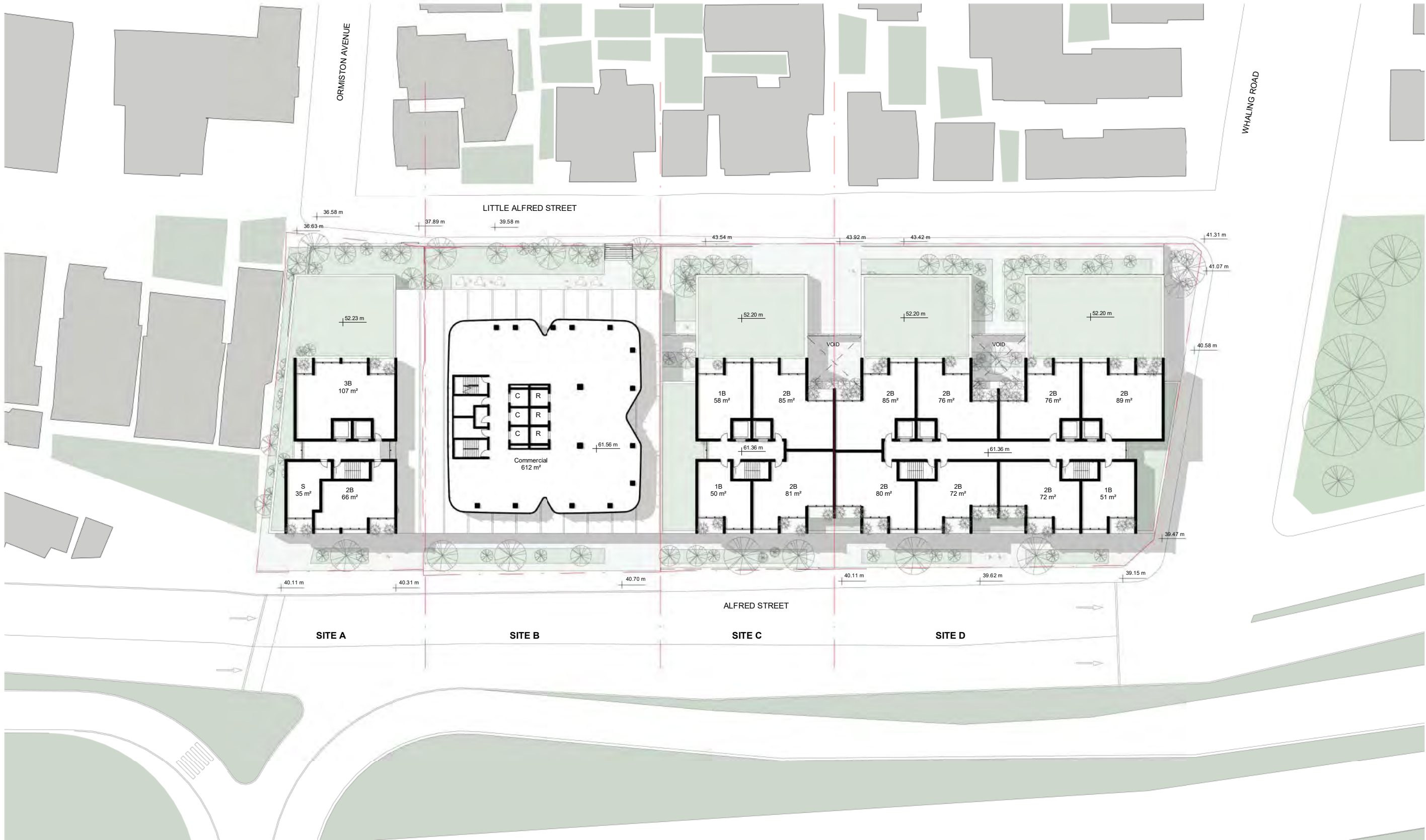
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A03 1008

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LEVEL 06 - PRECINCT

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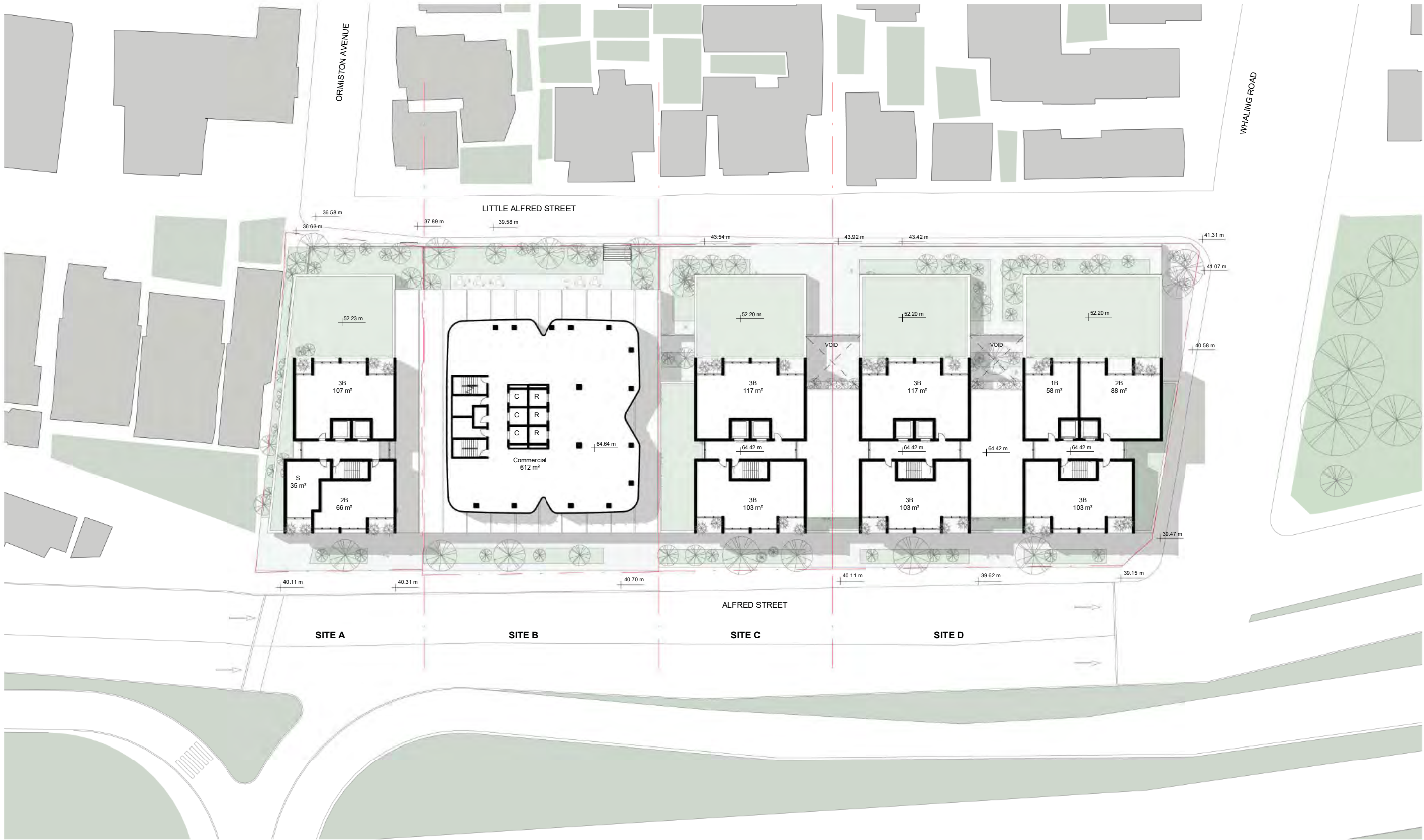
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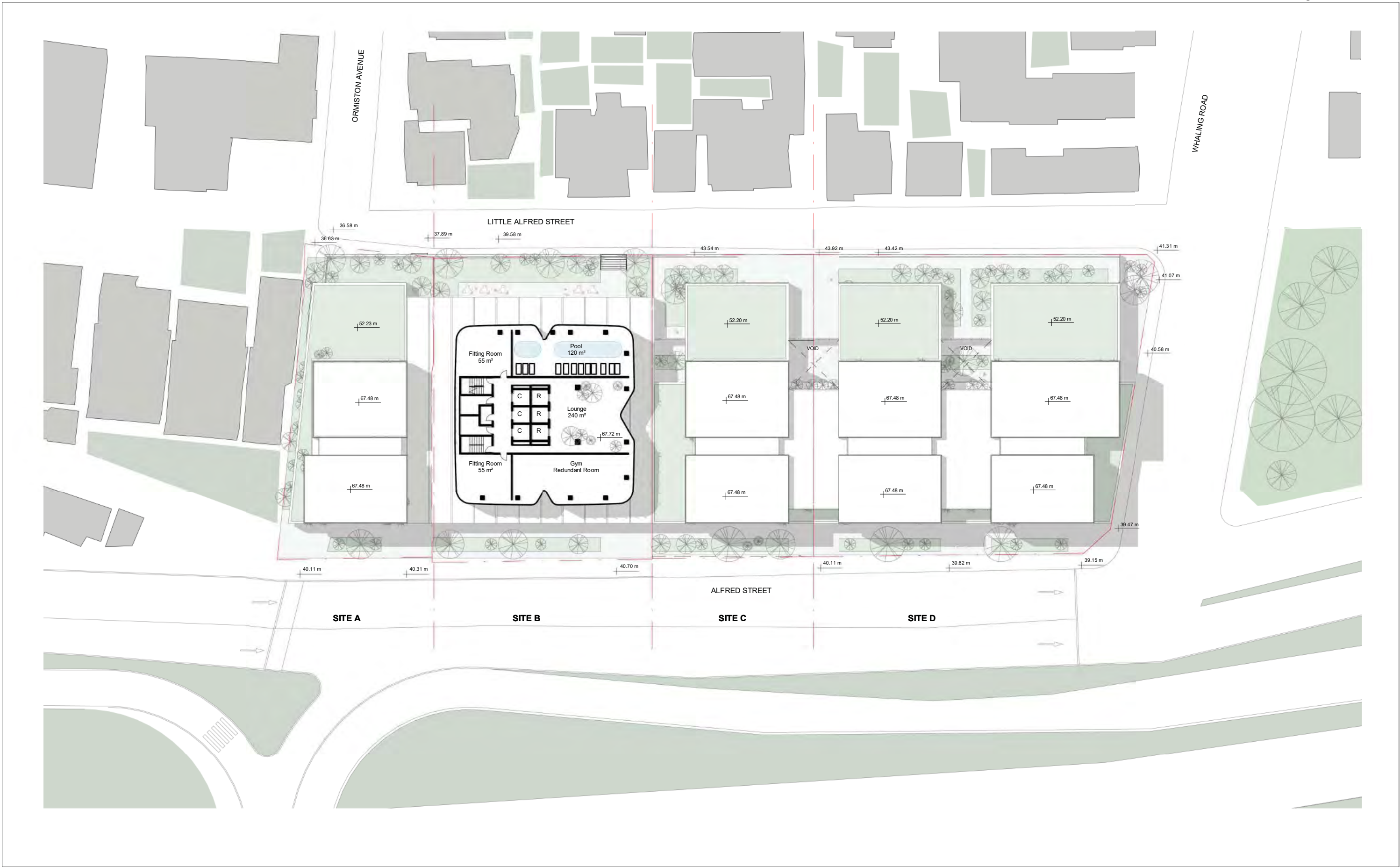
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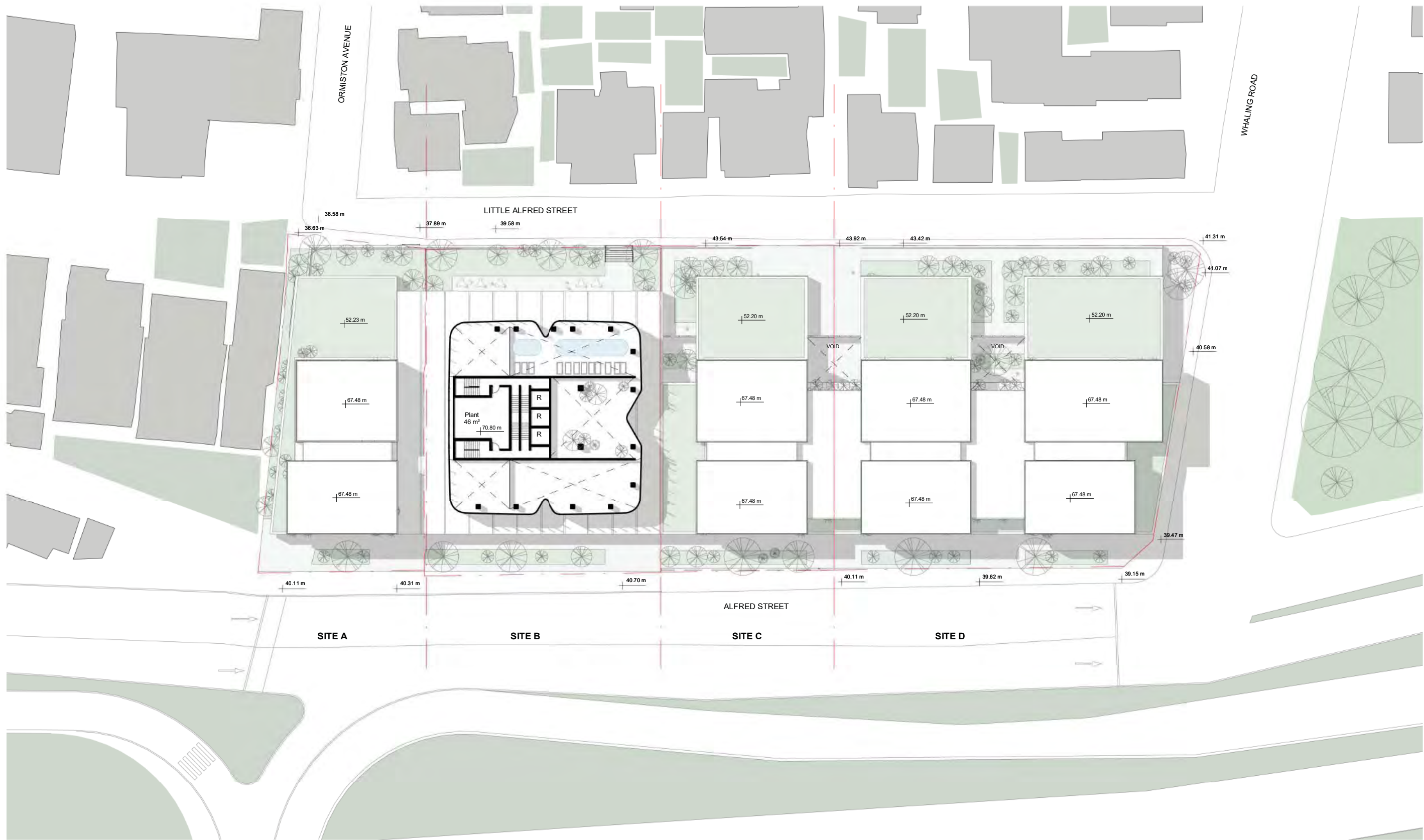
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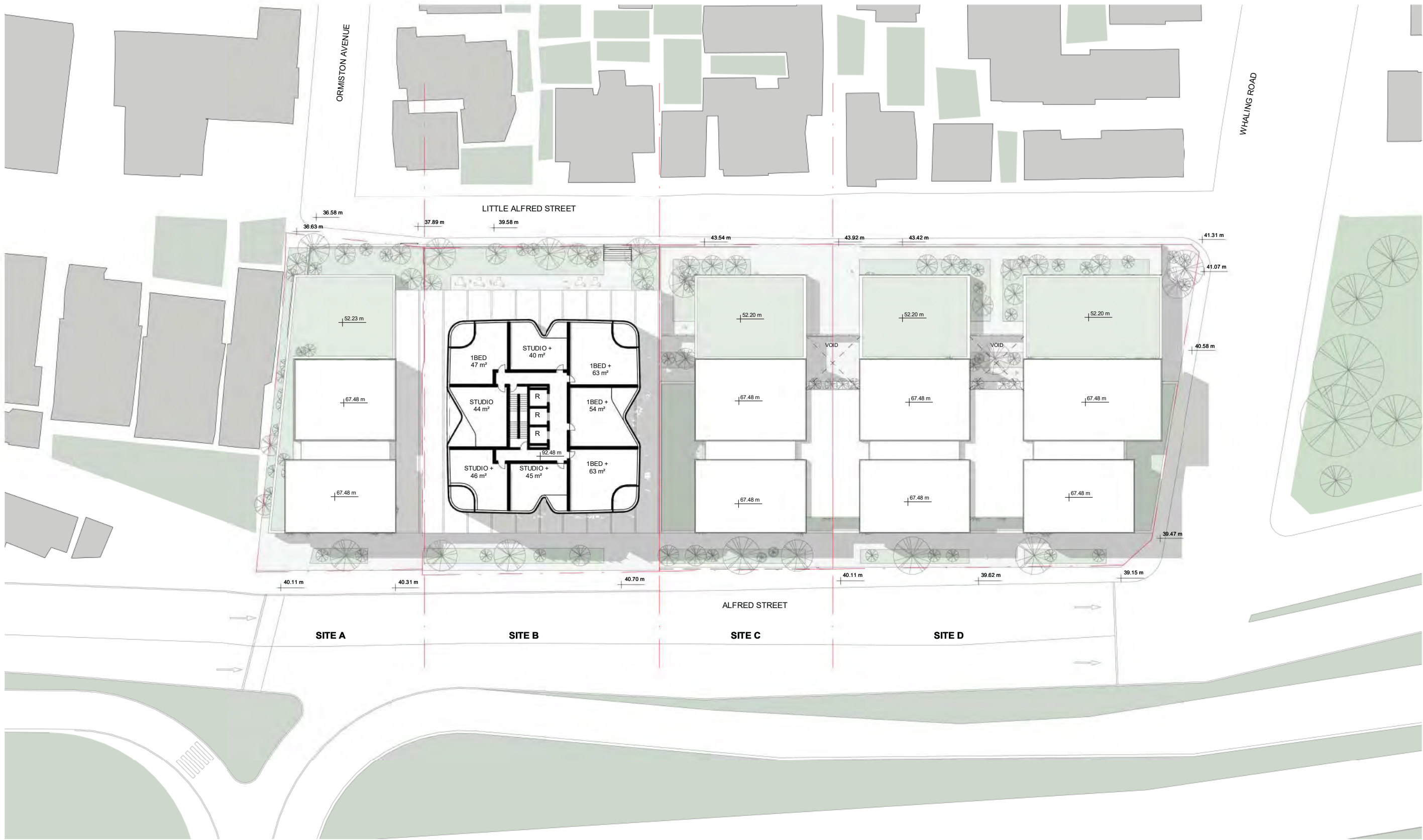
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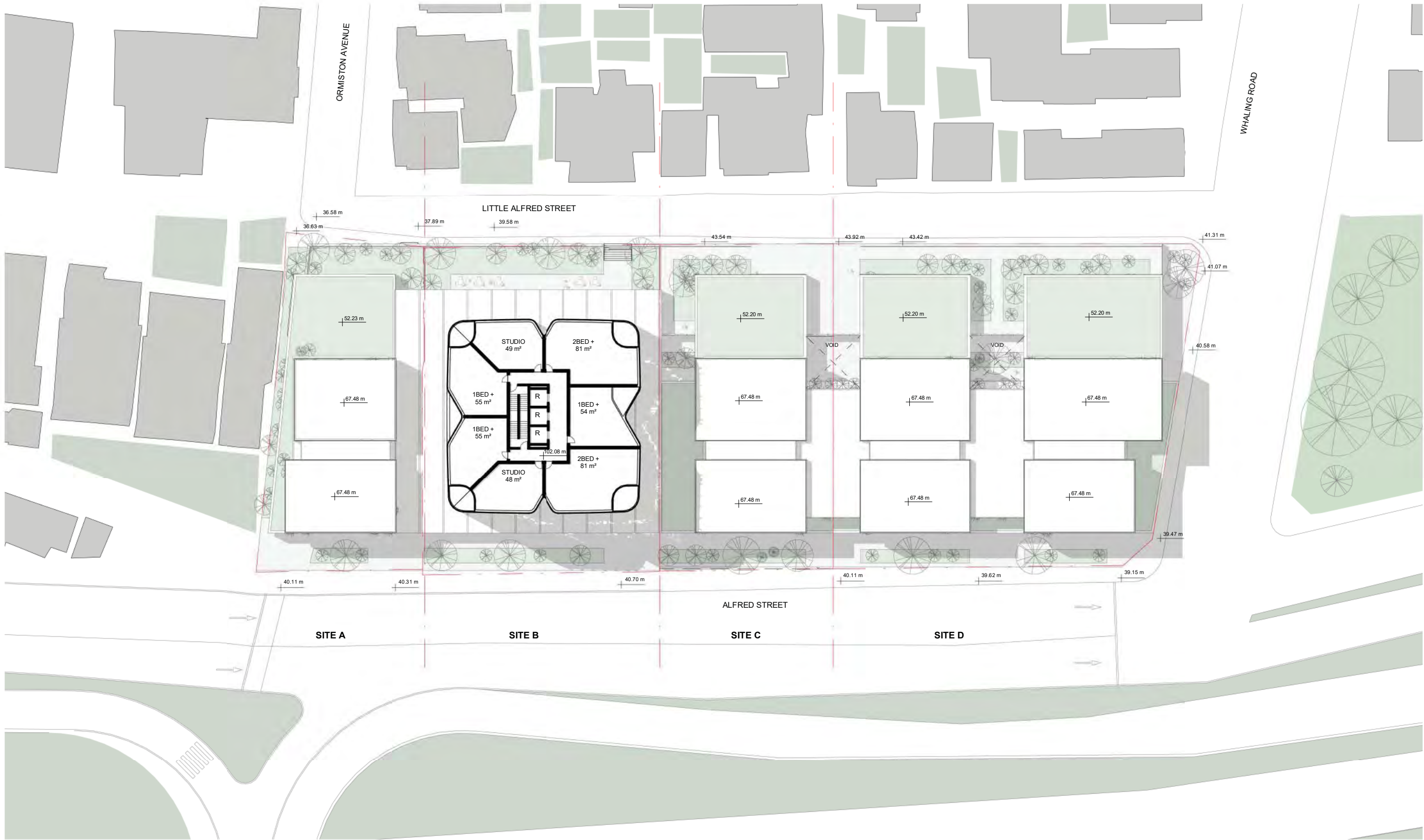
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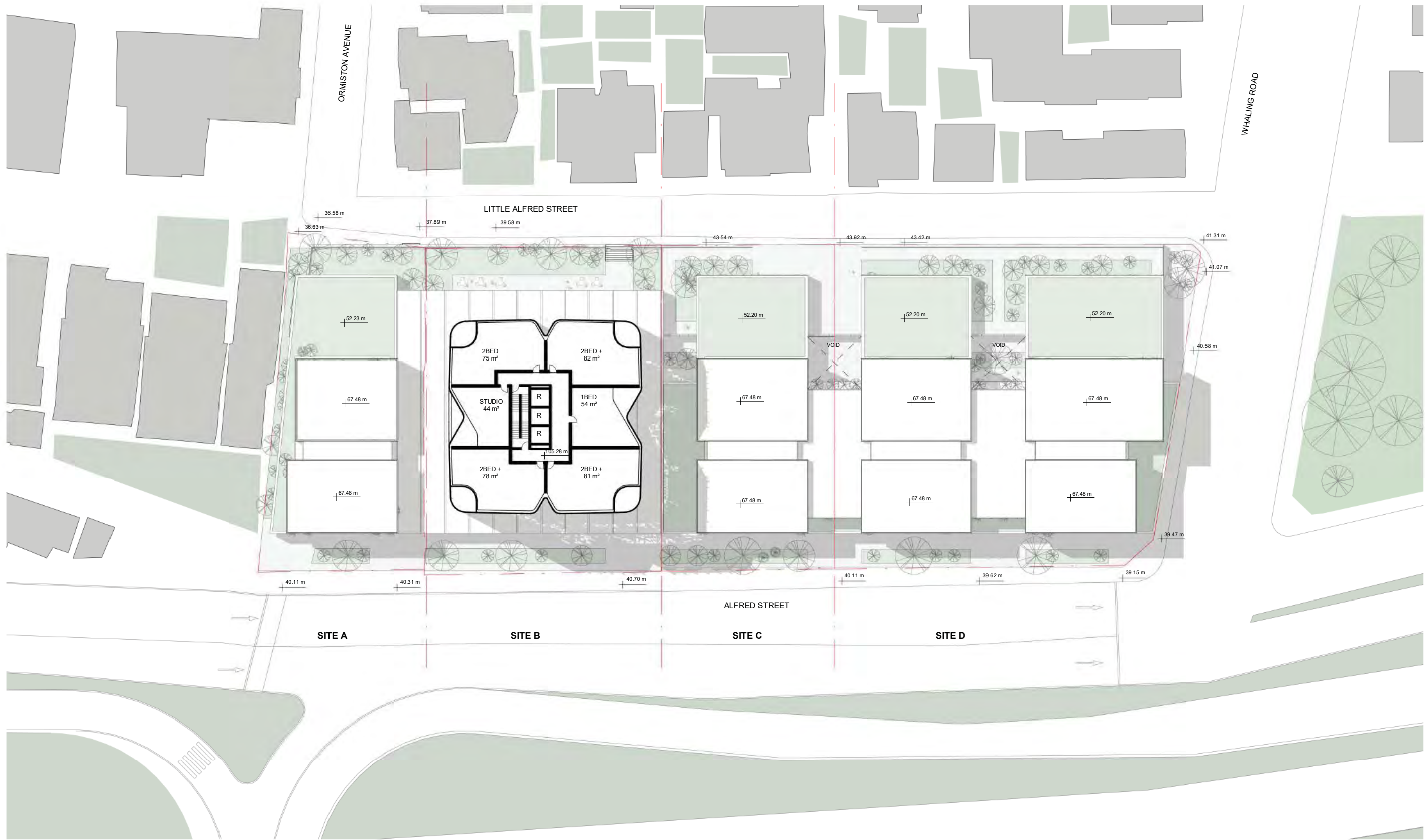
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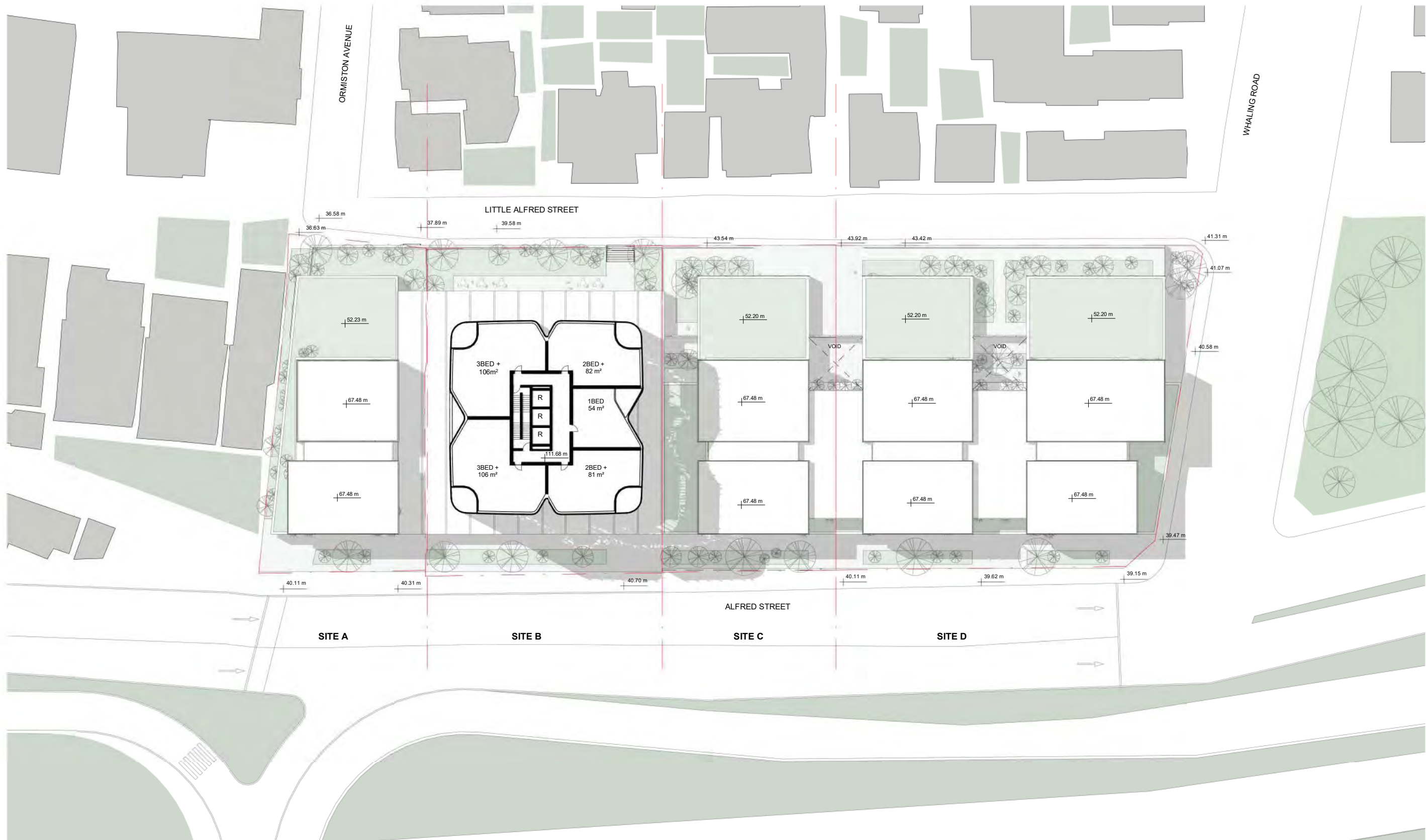
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LEVEL 20-23 - PRECINCT

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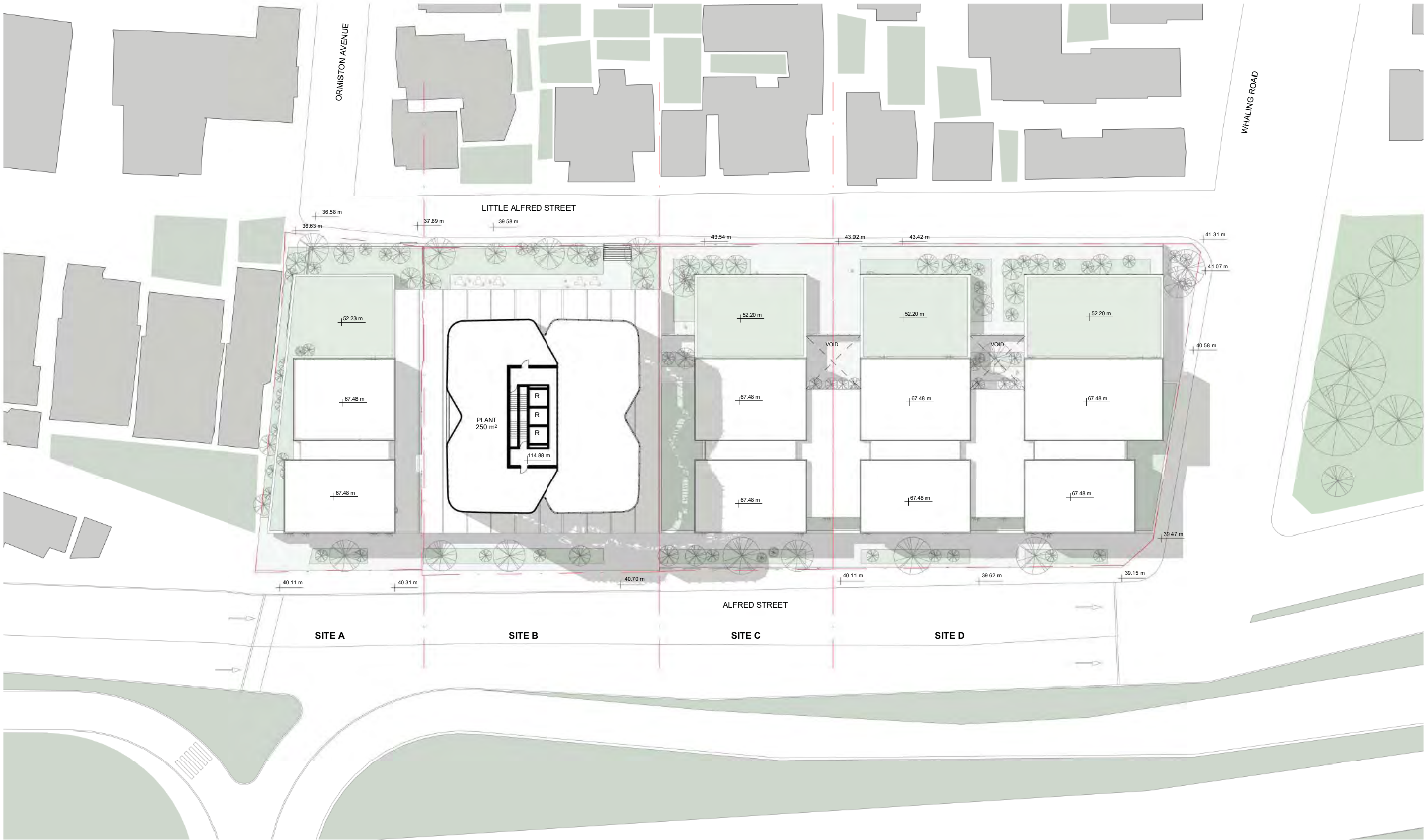
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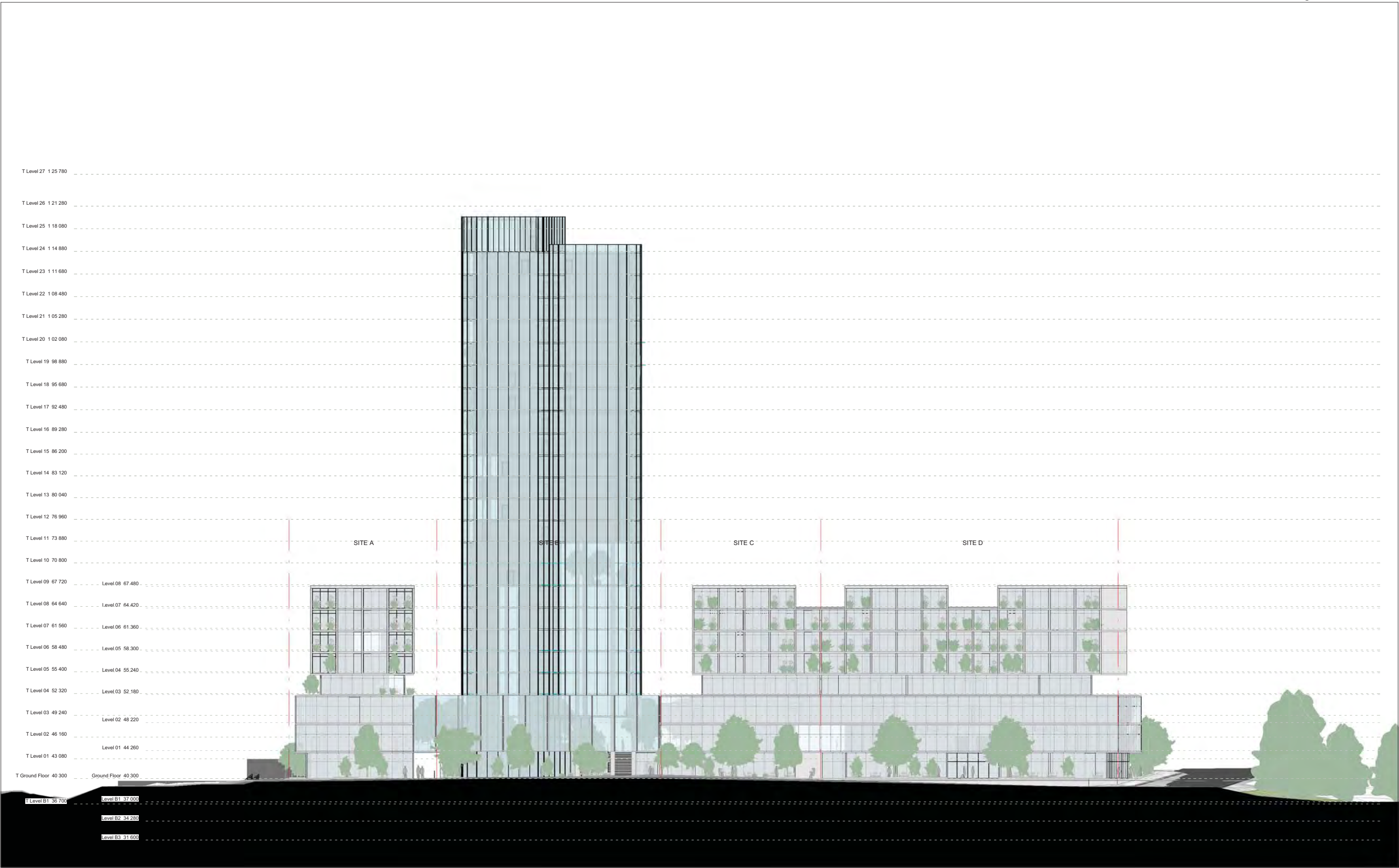
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STATUS  
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**West Elevation**

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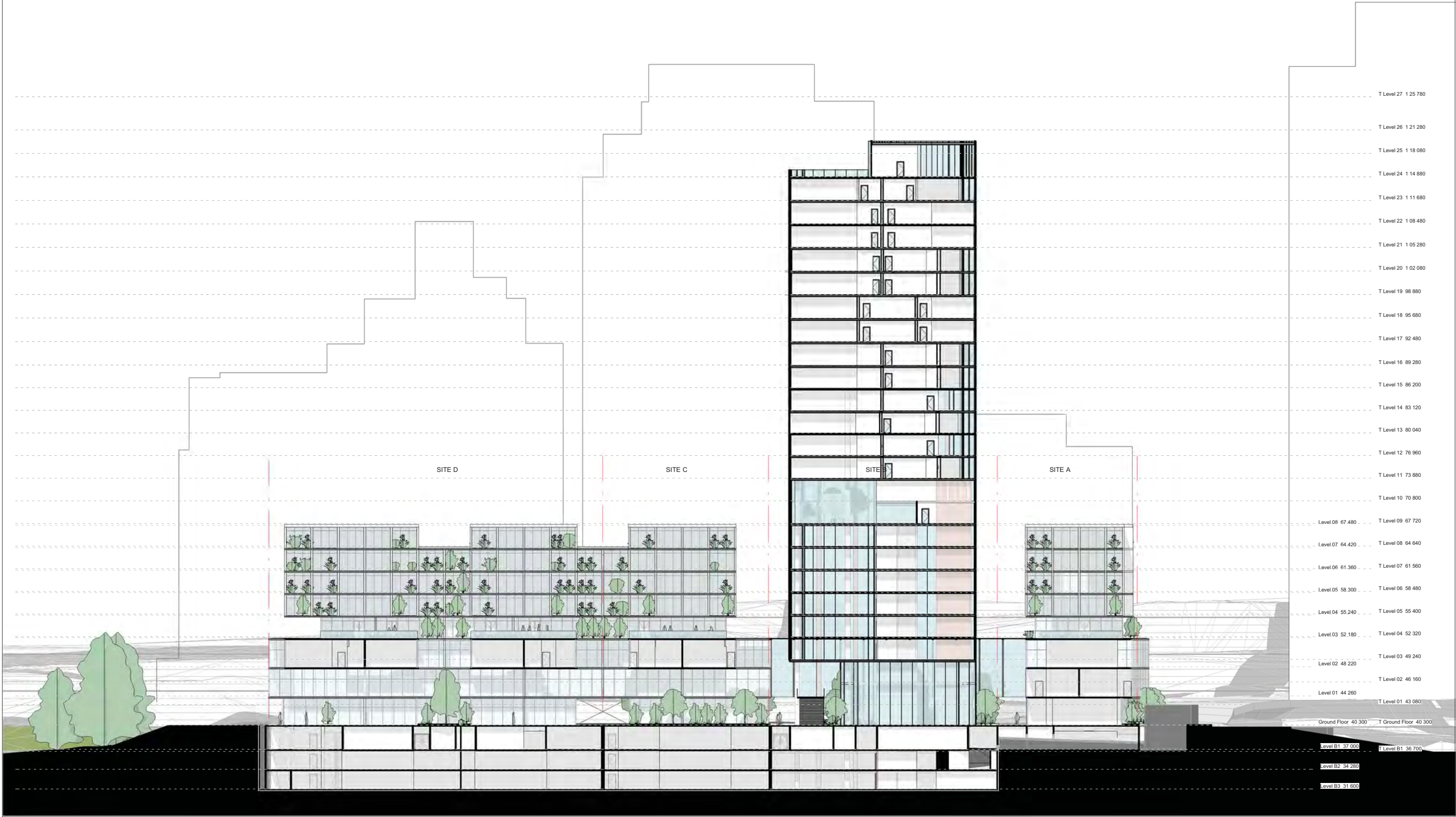
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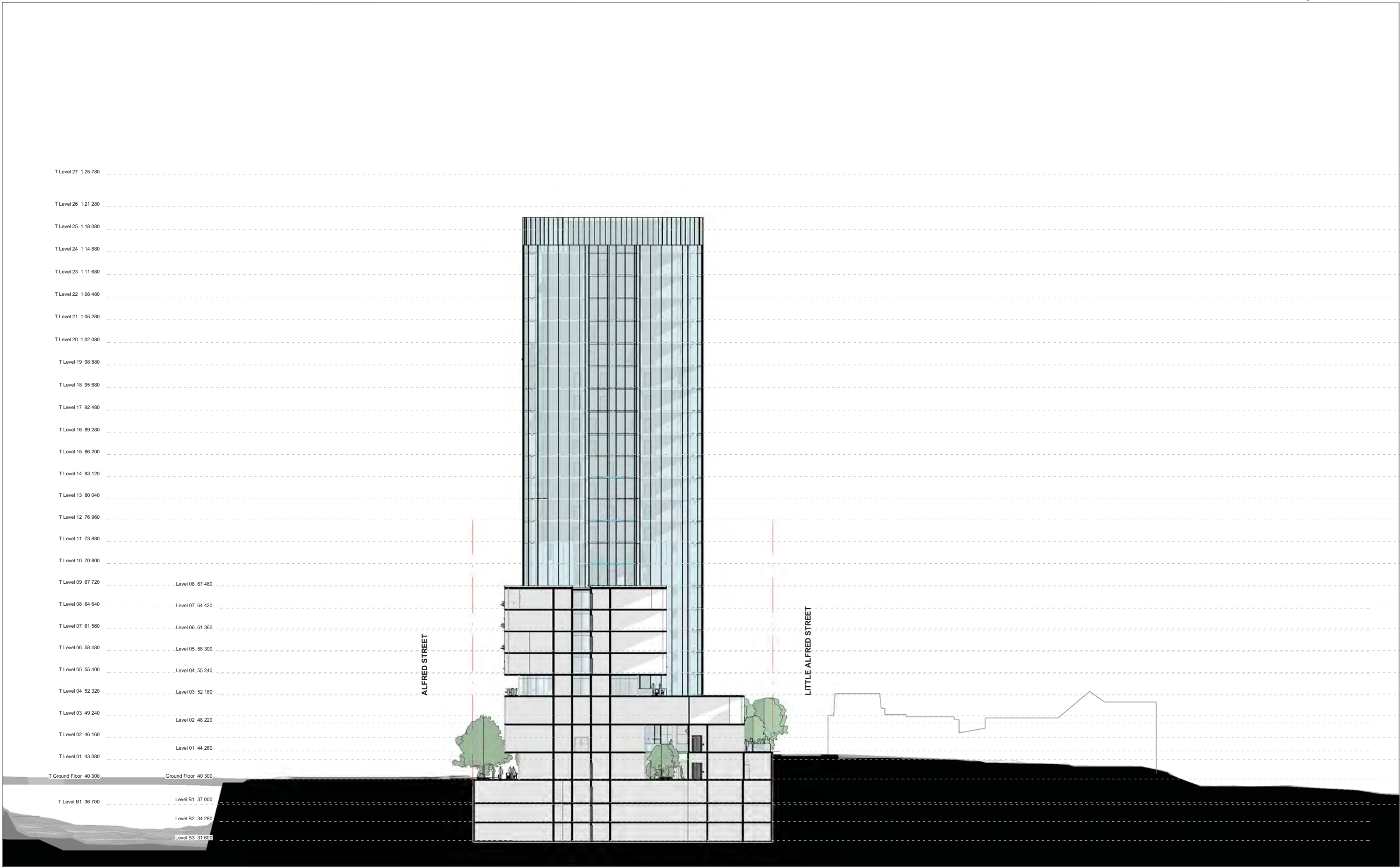
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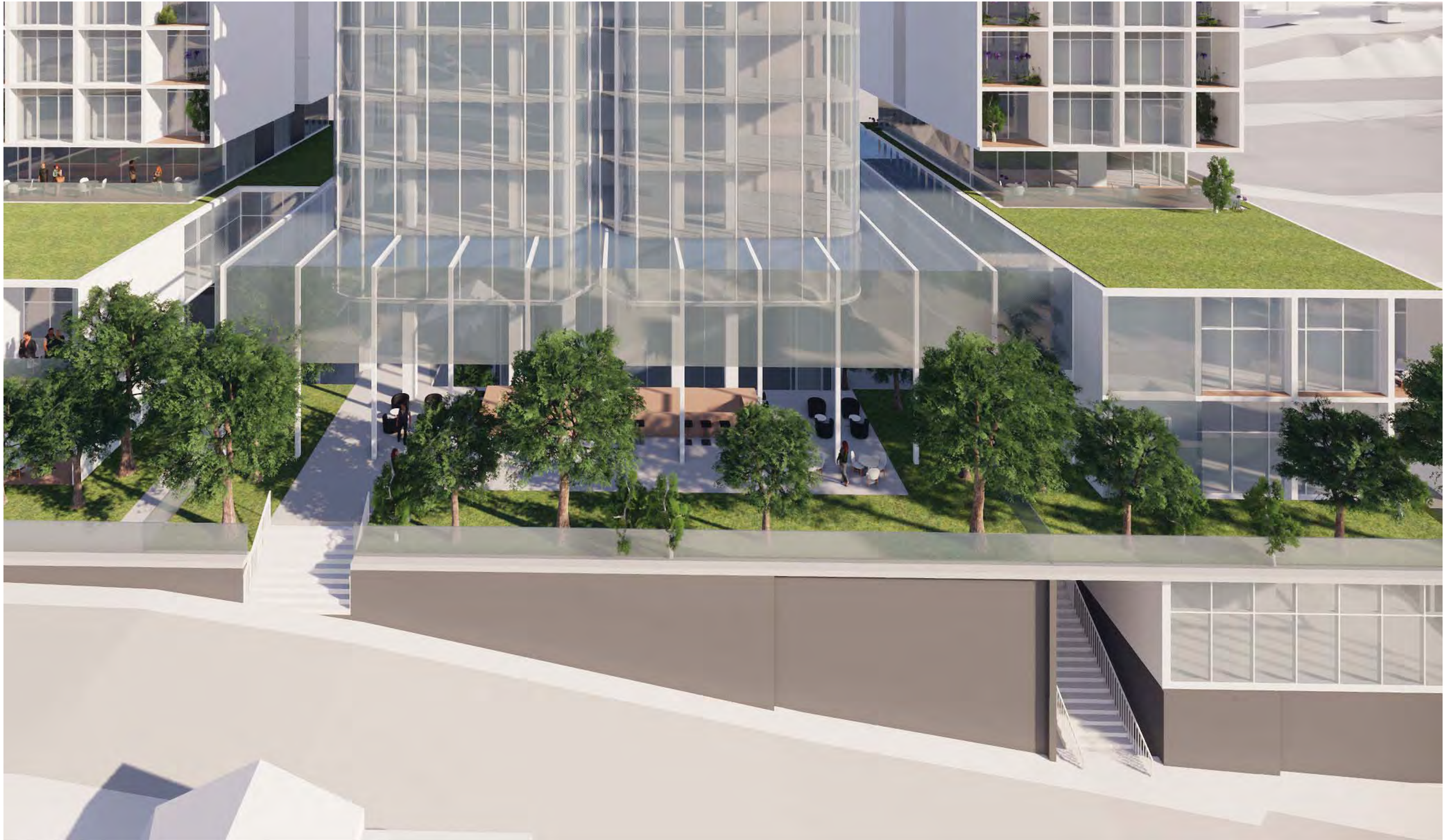
































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