

8.3. Planning Proposal PP2/20 - 1A Little Alfred Street, North Sydney

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ATTACHMENTS:

1. P P 2 20 - Attachment 2 - Design Report [8.3.1 - 40 pages]
2. 1 A Little Alfred Street - Revised Planning Proposal - February 2021 [8.3.2 - 48 pages]

PURPOSE:

To present an assessment report in response Planning Proposal No. 2/20 at 1A Little Alfred Street, North Sydney after its consideration by the Local Planning Panel on 9 December 2020.

EXECUTIVE SUMMARY:

Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land at 1A Little Alfred Street, North Sydney.

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

- allow ‘Serviced apartments’ as additional permissible uses on the site (NB: ‘Kiosk’ and ‘Recreation facility (indoor)’ uses are already permissible on the site under the existing RE2 - Private Recreation zone). Should the Housing Diversity SEPP be finalised and gazetted, the proposed newly defined use of ‘co-living’ also be added to the permissible land uses;
- amend the Height of Buildings Map with a maximum height of 12.5m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.9:1 on the western portion of the site.

The indicative concept scheme accompanying the Planning Proposal includes a 3 storey building on the western portion of the site comprising:

- 11 x 1-2 bedroom apartments (at levels 1-2); and
- a 38m² kiosk style café, a 62m² health/wellness space that could be used for yoga, gym space or the like, and 55m² of shared ‘co-working’ space, accommodation lobby and back of house, all at ground level.

The eastern portion of the site will be utilised as an outdoor garden and active recreation space used in conjunction with the “health/wellness” space. The eastern most tennis court is proposed to be retained and would remain available to the public for hire.

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer which proposes to provide;

- Ongoing maintenance and operation of one tennis court [existing] for a period of 15 years, which will remain open and accessible for use by the public via an online booking system. This contribution is to commence upon release of a Construction Certificate for a future mixed-use development at the site.
- A monetary contribution of \$400,000 to go towards upgrades of local recreational or public domain infrastructure, or towards a new park above Warringah Freeway.

Having completed an assessment of the Planning Proposal and draft VPA against the Department of Planning, Infrastructure and Environments’ (DPIE) Regional and District Plans and against Council’s existing controls and policies, it is considered that the Planning Proposal is not compatible with the surrounding area nor does it align Council’s future vision for the area and as such should not be supported to proceed to Gateway Determination.

In particular, the proposal will result in a built form that is of an inappropriate height and scale, will result in the loss of private recreational area, is likely to impact upon the amenity of surrounding residents and is considered to be inconsistent with the objectives of the RE2 zone and with the objectives of the adjacent zones.

The Planning Proposal has not been prepared in response to any Council Planning Study and is therefore not consistent with Council’s assured Local Strategic Planning Statement which sets the strategic vision for the future of North Sydney. The Planning Proposal is not considered to be satisfactory for the reasons outlined above and discussed in detail in this report.

As part of the plan making process Council staff are required to report on this planning proposal to the Local Planning Panel prior to the elected Council. This took place on 9 December 2020 and the minutes of this meeting are provided at Attachment 5. The panel supported its progression in principle, contingent on meeting a range of concerns provided in the body of the report. This support was not unanimous.

It is noted that the applicant has made ongoing updates to original proposal, having submitted two revised schemes since its lodgement in March 2020. Whilst these have sought to address various concerns, it has added unnecessary complication to the

process, effectively undertaking a form of negotiation prior to the exhibition stage of the proposal.

Whilst not the subject of formal exhibition, Council has received a total of seventy-five (75) submissions raising concerns over the proposal.

FINANCIAL IMPLICATIONS:

The Planning Proposal is accompanied by an offer to enter into a draft Voluntary Planning Agreement (VPA) that proposes to provide monetary and in-kind contributions to Council. These include:

- Ongoing maintenance and operation of one tennis court [existing] for a period of 15 years, which will remain open and accessible for use by the public via an online booking system. This contribution is to commence upon release of a Construction Certificate for a future mixed-use development at the site.
- A monetary contribution of \$400,000 to go towards upgrades of local recreational or public domain infrastructure, or towards a new park above Warringah Freeway.

RECOMMENDATION:

- 1. THAT** Council resolves to not support the Planning Proposal proceeding to Gateway Determination.
- 2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulations 2000.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment

1.1 Protected and enhanced natural environment and biodiversity

1.4 Public open space and recreation facilities and services meet community needs

2. Our Built Infrastructure

2.1 Infrastructure and assets meet community needs

3. Our Future Planning

3.4 North Sydney is distinctive with a sense of place and quality design

4. Our Social Vitality

4.4 North Sydney's history is preserved and recognised

BACKGROUND

Pre-lodgement discussions

In December 2017, the proponent and project team met with Council officers to present and discuss the preliminary concept for the site. The following key points were discussed:

- there has been a previous planning proposal relating to the site, which was rejected by Council;
- there was a previously submitted DA for the site, which was recommended to be refused. Some of these reasons included unreasonable impacts to neighbouring residential amenity, insufficient parking for proposed uses, and extensive excavation;
- Council would be seeking to understand impacts on neighbours and their concerns or supporting comments; Council will likely not support residential apartments as it was already meeting its housing target; and
- Council is conscious that the site is constrained and will be looking to see a detailed site analysis and design response to inform any future redevelopment concepts.

Planning Proposal

On 24 March 2020, the subject Planning Proposal was lodged with Council, which sought to:

- allow ‘Serviced apartments’, ‘Office premises’ and ‘Boarding House’ as additional permissible uses on the site (NB: ‘Kiosk’ and ‘Recreation facility (indoor)’ uses are already permissible on the site under the existing RE2 zone);
- amend the Height of Buildings Map with a maximum height of 21m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 1.6:1 on the western portion of the site.

The indicative concept scheme accompanying the Planning Proposal sought to provide a part 4, part 5 storey building on the western portion of the site which will contain:

- 19 x 1-2 bedroom apartments (at levels 1-4); and
- a 38m² kiosk style café, a 62m² health/wellness space that could be used for yoga, a gym space etc, and 55m² of shared ‘co-working’ space, accommodation lobby and back of house, all at ground level.

A numerical overview of the originally proposed concept scheme is provided below:

Height	21m
Gross Floor Area (GFA)	1,392m ² <ul style="list-style-type: none"> • Approximately 1237m² of residential accommodation (19 apartments) • 38m² kiosk style café • 62m² health/wellness space • 55m² of shared ‘co-working’ space
Floor Space Ratio (FSR)	1.6:1 on western portion of site
Non-Residential FSR	None formally proposed however the proposed concept scheme will include 155m ² of non-residential floor space
Whole of building setbacks	Northern boundary – 5.7m Southern boundary – Approx. 3m on ground level, Nil setback on upper levels Eastern boundary – Approx. 35m Western boundary – Nil

On 30 July 2020, a preliminary assessment letter was sent to the applicant outlining Council’s issues with the proposal relating to:

- Loss of recreational space;
- Scale of the proposal being incompatible with existing character of the area;
- Inconsistency of proposal with the objectives of the RE2 Zone;
- Concerns over amenity impacts to surrounding properties;

- Concerns over impacts on the adjoining Heritage Conservation Area;
- Concerns over the impact to adjoining landscaping to the south of the site;
- Strong community opposition received outside of any formal public exhibition.

In light of the issues raised and the strong community opposition to the proposal, it was requested that the applicant consider withdrawal of the proposal.

Revised Scheme

On 8 October 2020, Council received revised documentation from the applicant which included a reduction in the overall bulk and scale of the proposal and request for inclusion of new permissible use including the following elements:

- Reduction of the proposed maximum building height from 4 and 5 storeys (21m maximum building height control) to 3 storeys (15m maximum building height control);
- Reduction of the proposed maximum Floor Space Ratio from 1.6:1 to 0.62*:1 on the western portion of the site;
- Amendments to the proposed maximum building envelope to reflect the revised planning controls;
- Amendments to the proposed reference design scheme to reflect the revised planning controls; and
- Revision of the VPA letter to extend the offer of guaranteed operation of the tennis court from a period of 5 year to 15 years.
- Request that the newly defined use of ‘co-living’ be added to the permissible land uses should the Housing Diversity SEPP be finalised and gazetted.

** It was noted at the time of assessment that this appeared to be an error by the applicant. The total floor space proposed in the revised reference design is 844m² which would, were it to be realised, require an FSR of approx. 0.9:1 to apply to the identified area of the site.*

The revised proposal sought to make the following amendments to the North Sydney LEP:

- allow ‘Serviced apartments’, ‘Office premises’ and ‘Boarding House’ as additional permissible uses on the site (NB: ‘Kiosk’ and ‘Recreation facility (indoor)’ uses are already permissible on the site under the existing RE2 zone). Should the Housing Diversity SEPP be finalised and gazetted, the newly defined use of ‘co-living’ be added to the permissible land uses;
- amend the Height of Buildings Map with a maximum height of 15m on the western portion of the site; and

- amend the Floor Space Ratio Map with a maximum FSR of 0.62:1 on the western portion of the site.

It is noted that upon request by Council officers, an amended cover letter and planning proposal report was submitted to Council on 2 November 2020 which included additional justification of the amended design and addressed the relevant sections under the Department of Planning, Environment and Industry's (DPIE) 'Guide to Preparing Planning Proposals' as is required under The Act.

Local Planning Panel Referral

On 9 December 2020, the Local Planning Panel considered a report on this planning proposal. The minutes of this meeting are provided at Attachment 5. The panel supported its progression in principle, however, provided the following advice:

The Panel members have undertaken independent site inspections prior to the meeting and have noted the submissions both oral and written. The Council Officer's Report is noted. The majority of the Panel considers that the Planning Proposal could only be supported in part. That is, subject to the additional use limited to 'serviced apartments' and the future built form on the western portion of the site only limited to a maximum of 12.5m with a maximum of three storeys and a FSR of 0.9:1 confined to that portion of the site. This additional use is seen to complement the permissible uses in the RE2 zone.

Furthermore, a restriction would need to be placed on the title to ensure the site is to remain in single ownership with no future subdivision, either Torrens Title or Strata Title. This is to ensure that the tennis court is maintained and available to the public for the life of the development in conjunction with the permissible RE2 uses on the site.

Only on the conditions above does the majority of the Panel consider this additional use of 'serviced apartments' has both site specific and strategic merit having regard to the zone objectives and broader relevant strategic considerations.

The Panel also recommends that a DCP be prepared to accompany the exhibition of the LEP if Council proceeds with seeking a Gateway Determination.

While the applicant seeks the use of office premises as an additional use, the Panel considers that use should only be ancillary to the serviced apartment component and other recreational uses permitted in the RE2 Zone.

The Panel considers that the definition of 'serviced apartments' provides the opportunity for appropriate co-location with the recreational purposes of the site. The Panel does not consider that more permanent accommodation such as boarding houses

would be consistent with the objectives of the zone and may conflict with the permissible RE2 uses.

The Panel notes the applicant's offer to enter into a VPA with Council.

The Panel notes the unique location and constraints of this parcel of land and the need for complementary uses to activate the site to ensure access and safety for use as a recreational area.

If the Council considers the Planning Proposal as restricted above, still does not warrant support then alternatively, the Council may in the future, when it undertakes a comprehensive review of the LEP, rezone the site for public recreation RE1 if it is considered suitable for this purpose.

The Community Representative Veronique Marchandau is not in agreement with this recommendation for the reasons outlined in the Council Officer's Report. In particular, inconsistency with the objectives of the RE2 zone and the objectives of the adjacent area and the loss of scarce and much needed private recreational area.

It is noted that the Panel voted against Council's recommendation for refusal. Notwithstanding the Panels advice, Council Officers are of the opinion that the proposal in its current form is not appropriate for the site for the reasons outlined in this report. This is consistent with the Council officers report to the Local Planning Panel.

Final Revised Scheme (the subject of this report)

Following the Panel meeting, on 4 February 2021 the applicant again submitted a further amended proposal to Council, which proposes to make the following amendments to the North Sydney LEP:

- allow 'Serviced apartments' as additional permissible uses on the site (NB: 'Kiosk' and 'Recreation facility (indoor)' uses are already permissible on the site under the existing RE2 - Private Recreation zone). Should the Housing Diversity SEPP be finalised and gazetted, the proposed newly defined use of 'co-living' also be added to the permissible land uses;
- amend the Height of Buildings Map with a maximum height of 12.5m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.9:1 on the western portion of the site.

It is noted that the reference scheme submitted on 8 October 2020 is to remain the same, with the proposed changes in controls not altering the scheme however acting to correct a discrepancy with the proposed FSR control with the previous scheme along with addressing comments made by the Panel.

A numerical overview of the revised concept scheme is provided below:

Height	Approx. 15m.
Gross Floor Area (GFA)	844m ² <ul style="list-style-type: none"> • Approximately 624m² of residential accommodation (11 apartments) • 38m² kiosk style café • 62m² health/wellness space • 55m² of shared ‘co-working’ space
Floor Space Ratio (FSR)	Approx. 0.9:1 on western portion of site
Non-Residential FSR	None formally proposed, however, the proposed concept scheme will include 155m ² of non-residential floor space
Whole of building setbacks	Northern boundary – 5.7m Southern boundary – Approx. 3m on ground level, Nil setback on upper levels excluding the eastern-most portion of the eastern building which retains a 3m setback for the entire height. Eastern boundary – Approx. 35m Western boundary – Nil



Figure 1. Site context of proposed concept design (Source: Melissa Wilson Landscape Architect).



Figure 2. Proposed concept design looking south (Source: Carter Williamson).



Figure 3. Proposed concept design as seen from the east and west (Source: Carter Williamson)

Draft Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP)

The amended planning proposal includes a request that the proposed newly defined use of ‘co-living’ be added to the permissible land uses. This is a newly defined term introduced under the Draft Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP) and was not included in the original planning proposal lodged on 24 March 2020.

The proposed Housing Diversity SEPP and Explanation of Intended Effect (EIE) was placed on public exhibition from 29 July to 9 September 2020. The draft SEPP seeks to update some planning provisions to respond to changing housing needs, and ‘co-living’ is one of the new diverse housing types being introduced to provide more housing options.

The applicant has submitted the following justification for the addition of the term to the permissible land uses:

‘Co-living’ housing is currently defined under a boarding house use. However, the draft SEPP introduces a new separate land use definition for co-living, being: A building held in single ownership that:

- *provides tenants with a principal place of residence for 3 months or more;*
- *includes on-site management;*
- *includes a communal living room and may include other shared facilities, such as a communal bathroom, kitchen or laundry; and*
- *has at least 10 private rooms, some or all of which may have private kitchen and/or bathroom facilities, with each private room accommodating not more than two adults.*

This Planning Proposal and reference design scheme seeks to facilitate such co-living uses on the site as it is well suited within the reference design scheme due to the synergies between the other communal recreational facilities as well as the sites proximity to public transport and North Sydney CBD.

Therefore, although it is presently in draft format, it is requested that should the Housing Diversity SEPP be finalised and gazetted, this newly defined use of ‘co-living’ be included as an additional permissible use on the site, in addition to ‘boarding house’.

Taking the above into account, it is considered that the addition of the permissible use ‘co-living’ will not significantly alter the intent or effect of the planning proposal and is largely a matter of adapting the proposal to the changes proposed under the Housing Diversity SEPP.

CONSULTATION REQUIREMENTS

Should Council determine that the Planning Proposal can proceed, community engagement will be undertaken in accordance with Council’s Community Engagement Protocol and the requirements of any Gateway Determination issued.

DETAIL

1. Applicant

The Planning Proposal was lodged by Ethos Urban on behalf applicant Tooma & Tooma Pty Ltd, the owners of the subject sites at 1A Little Alfred Street, North Sydney.

2. Site Description

The subject site comprises of one (1) allotment of land. The legal property description and existing development is outlined in Table 1 below:

TABLE 1: Property Description		
Property Description	Legal Description	Existing development
1A Little Alfred Street, North Sydney	Lot 1051, DP812614	3 tennis courts, 3 parking spaces, two huts and bathrooms. Site access is provided via Little Alfred Street, at the western edge of the site.



<i>FIGURE 4: Subject site</i>	<i>FIGURE 5: Aerial photo of subject site</i>
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The site is located within the centre of the street block bound by Whaling Road, High Street, Pile Place and Little Alfred Street. The site is bordered by residential properties to the north, east and south and a park on the western boundary. It is irregular in shape with a frontage of approximately 60m adjoining the park and reserve to the south and west of the site, a shared boundary of approximately 110m with properties to the north of the site, a shared boundary of approximately 14m to properties east of the site, with approximately 63m of shared boundary along the southern side of the site. The site is 1,829m² in area. The land is level, with a difference of approximately 1m across the entire site.

The site contains 3 tennis courts, 3 parking spaces, two huts and bathrooms (refer to Figures 6 and 7). The site has been occupied and used as tennis courts since prior to 1930. Site access is provided via Little Alfred Street, at the western edge of the site adjacent to the existing park as shown in Figure 7.



FIGURE 6: Photo of subject site as seen from Little Alfred Street entrance.

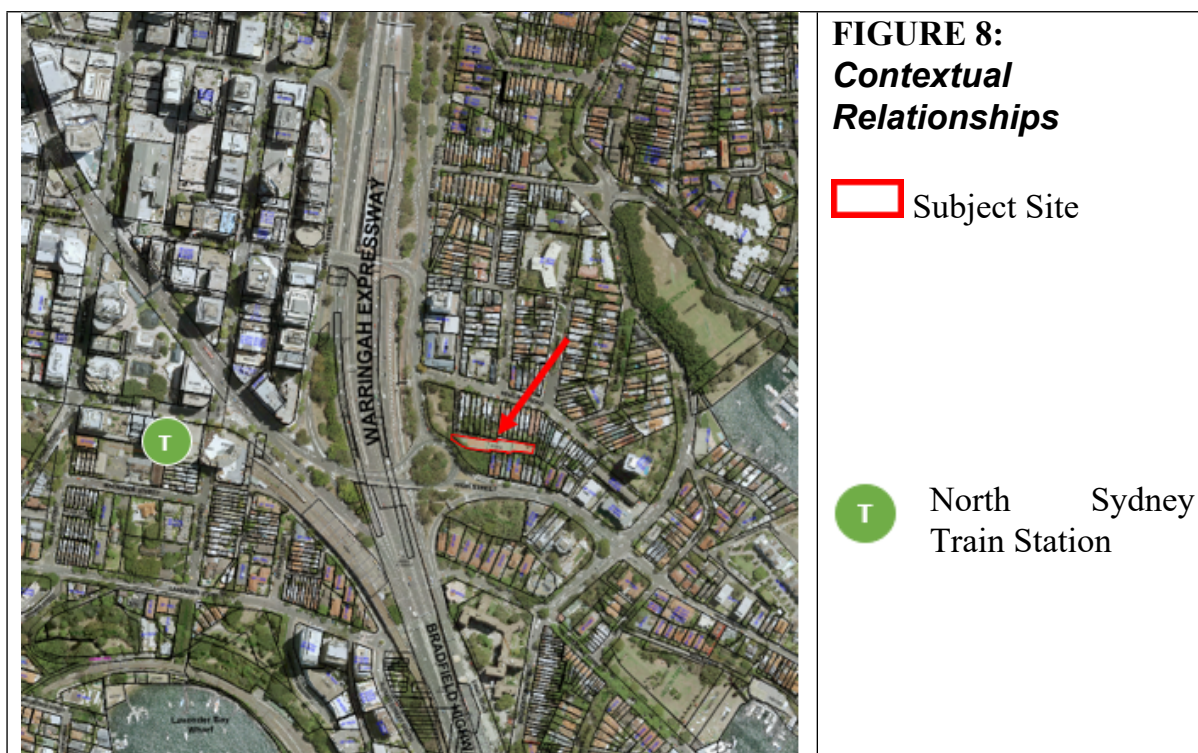


FIGURE 7: Photo of entrance to the subject site taken from park to the west of the site.

3. Local Context

The subject site is located to the south-eastern side of North Sydney, being separated from the North Sydney CBD by the Warringah Freeway.

Directly to the north of the site lies the Whaling Road Heritage Conservation Area, with all residential properties adjoining the site to the north, being listed as heritage items.



To the north of the site exists residential dwellings which generally comprise terraces and dual occupancies along Whaling Road. Land further to the north- west comprises medium to higher density residential and commercial uses within the area referred to as the ‘Alfred Street Precinct’.

Directly south of the site exists residential dwellings which generally comprise manor houses along High Street, and apartment buildings further south and to the south east of the site. Located immediately to the south-west of the site is a landscaped area containing several substantial trees providing a corridor of dense foliage.

To the east of the site are a mixture of low-density residential dwellings and high-density residential apartments.

A public park adjoins the site immediately to the west. Approximately 420m walk to the west of the subject site, beyond the Warringah freeway is North Sydney Railway Station, which provides regular services to the south to Sydney CBD, and to the north to St Leonards, Chatswood, Macquarie Park and Hornsby.

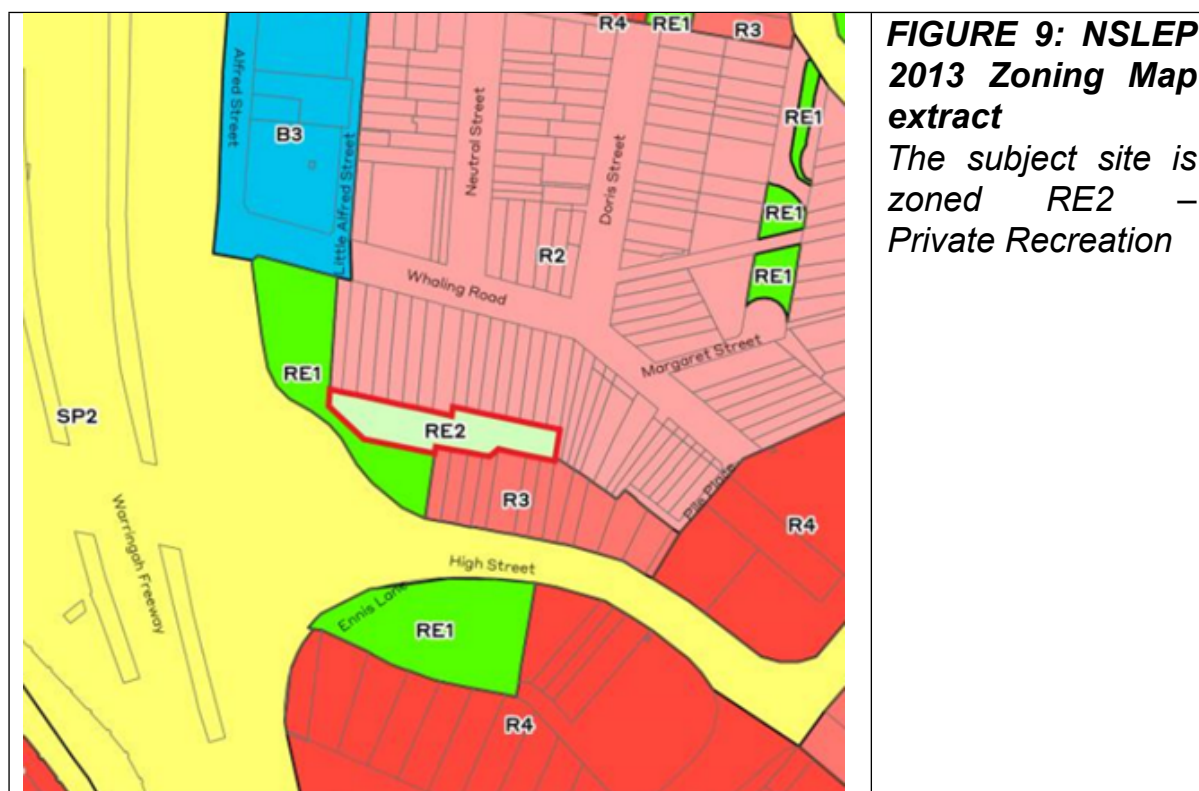
4. Current Planning Provisions

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

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:

- Zoned RE2 – Private Recreation (refer to Figure 9);
- No maximum floor space ratio (refer to Figure 10);
- No maximum building height (refer to Figure 11);
- Adjacent to heritage Whaling Road Conservation area (refer to Figure 12).



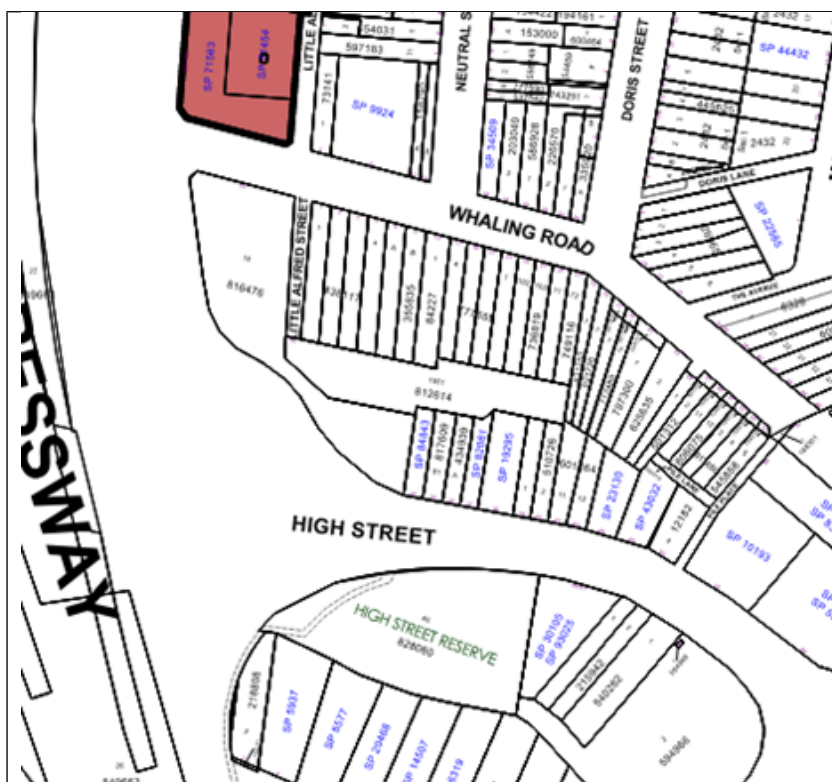


FIGURE 10: NSLEP 2013 Floor Space Ratio Map

There is currently no maximum FSR on the site.

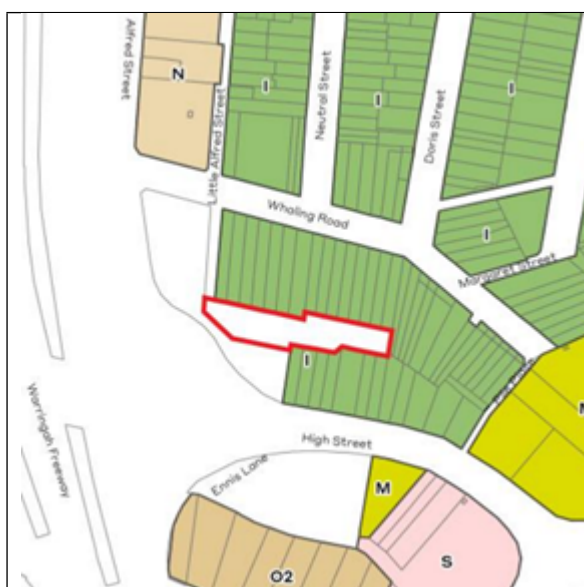


FIGURE 11: NSLEP 2013 Height of Buildings Map extract
The subject site currently has no maximum height

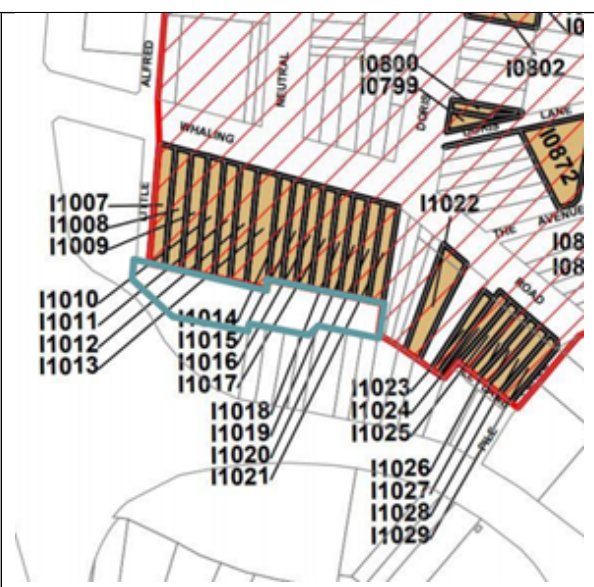


FIGURE 12: NSLEP 2013 Environmental Heritage
The subject site is outlined in grey

4.2 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.

As the Planning Proposal is not located within an area covered by a Council-endorsed Planning Study, and for the reasons outlined in this report, it is considered that the 'moratorium' is applicable in this instance and it is recommended that the proposal not be supported.

It is noted, however, that whilst the proposal does include the introduction of strictly residential uses (serviced apartments and boarding houses are separately defined) the principle of not supporting ad-hoc planning proposals outside of a Council endorsed study, applies.

5. Proposed Instrument Amendment

The Planning Proposal seeks to achieve the intended objectives and outcomes by amending NSLEP 2013 as follows:

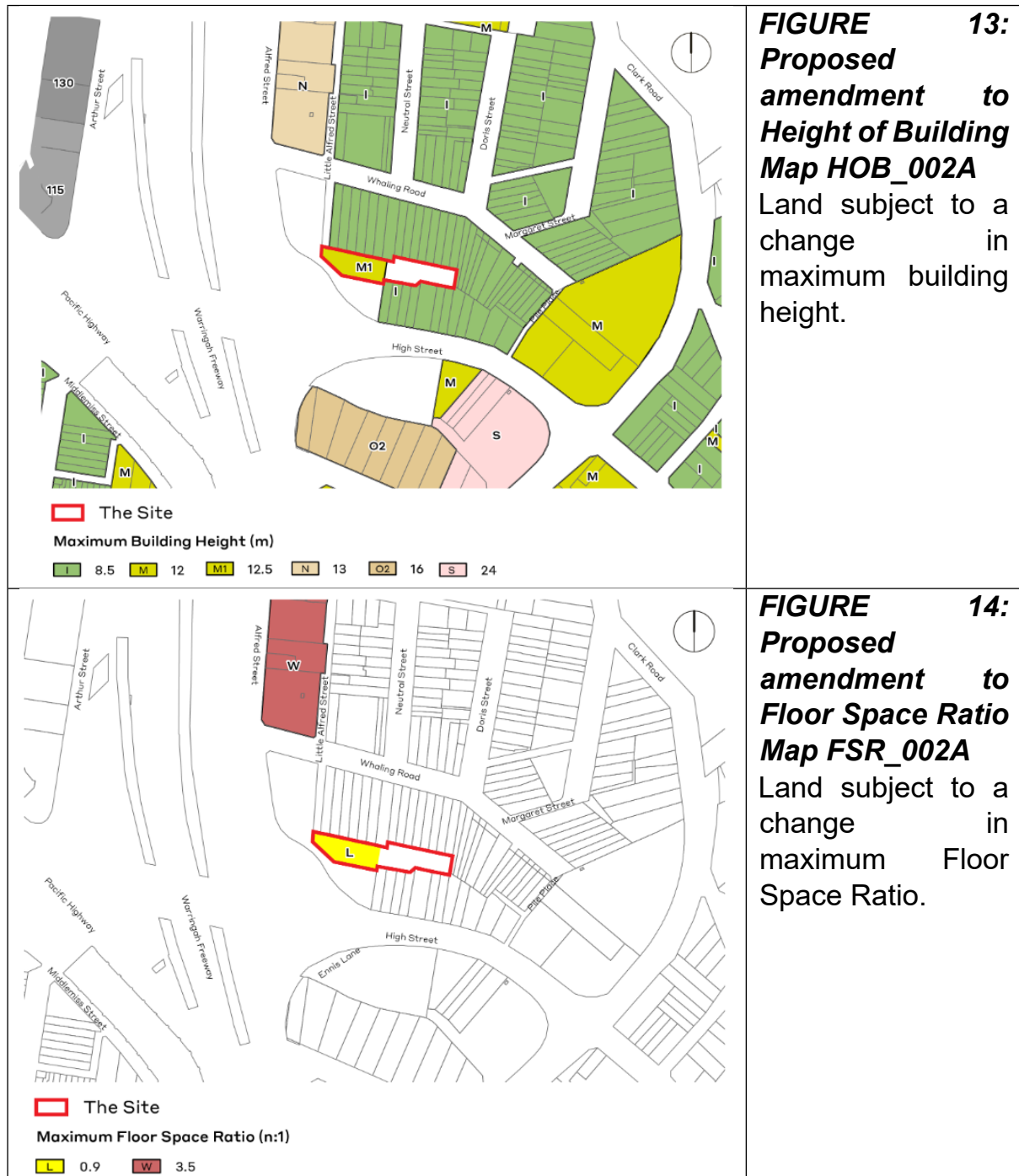
- allow 'Serviced apartments' as additional permissible uses on the site (NB: 'Kiosk' and 'Recreation facility (indoor)' uses are already permissible on the site under the existing RE2 - Private Recreation zone). Should the Housing Diversity SEPP be finalised and gazetted, the proposed newly defined use of 'co-living' also be added to the permissible land uses;
- amend the Height of Buildings Map with a maximum height of 12.5m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.9:1 on the western portion of the site.

The proposal requires a number of mapping amendments which are described below:

- amend the Height of Buildings Map (ref: 5950_COM_FSR_001_002_20190813) to NSLEP 2013 such that a maximum building height for 1A Little Alfred Street, North Sydney is increased 12.5m; and

- amend the Floor Space Ratio Map (ref: 5950_COM_FSR_001_002_20190813) to NSLEP 2013 such that a maximum FSR of 0.9:1 applies to 1A Little Alfred Street, North Sydney.

Extracts of the proposed amendments to the relevant maps are illustrated in Figures 10 and 11 below.



6. Draft Voluntary Planning Agreement (VPA)

The Planning Proposal is accompanied by a draft Voluntary Planning Agreement (VPA) offer proposes to provide;

- Ongoing maintenance and operation of one tennis court [existing] for a period of 15 years, which will remain open and accessible for use by the public via an online booking system. This contribution is to commence upon release of a Construction Certificate for a future mixed-use development at the site.
- A monetary contribution of \$400,000 to go towards upgrades of local recreational or public domain infrastructure, or towards a new park above Warringah Freeway. One hundred percent of the contribution is to be paid upon release of a Construction Certificate for a future mixed-use development at the site.

In consideration of Planning Proposals seeking uplifts in development controls, Council typically undertakes an evaluation of the value of the development extent available under the current planning controls and those being sought.

In this circumstance, having regard to Council not acting to unduly restrict the viability of re-development of the site, this is considered a reasonable VPA offer. Notwithstanding this, for reasons discussed in this report, it is recommended that the planning proposal be refused.

To allow the community a full appreciation of what is being proposed, should the application progress to a formal public exhibition, it is recommended that any draft VPA be exhibited concurrently with the Planning Proposal.

7. ASSESSMENT

7.1 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 primary objective of the Planning Proposal as described by the applicant is as follows:

The objective of this Planning Proposal is to facilitate the redevelopment of the site through the addition of permissible land uses and changes to building height and floor space ratio on the western portion of the site

The proposed amendments to NSLEP 2013 generally achieve the stated objectives and intended outcomes of the Planning Proposal, however, as discussed in further detail below are not considered to be appropriate on the site.

8.2 Proposed Building Height and Scale

The proposal has a maximum height of 12.5m proposed for the western half of the site, with the concept design showing a building of 3 storeys. No specific maximum FSR currently applies to the site under NSLEP 2013 and the proposal as submitted, seeks to apply a maximum FSR of 0.9:1 to the western half of the site. It is noted that the concept scheme has an approximate height of 15m which is above the proposed 12.5m height limit. The upper portion of the structure outlined in the scheme includes architectural elements and it is understood that any future development application may seek to utilise Clause 5.6 of the North Sydney LEP 2013 which permits minor exceedances of height for the purpose of an architectural roof feature.

In the immediate vicinity of the site exists low-scale residential development, with the pattern of low scale development continuing further afield albeit with some obvious outliers including the “Bayer building” to the north of the site and a few 1960s era multi-unit developments occupying large consolidated blocks. Figures 15 and 16 below demonstrate the proposed scale of the development when compared with the property at No. 1 Whaling Road directly to the north of the site.



Figure 15. *1 Whaling Road and 1A Little Alfred Street as seen from the north-west.*



Figure 16. *Proposed concept building.*

The proposal does little to respect the existing built form surrounding the site nor does it respond to the topography of the land as sloping in a general southerly direction. This is in contention with the desired built form outlined under Section 7.2, Part C of the NSDCP 2013, which states *‘Development should be carefully designed to follow the topography of the land, with buildings on sloping sites.’*

Whilst it is acknowledged that some of the buildings to the north are in contravention of the 8.5m height limit, being upwards of 10m in height, this does not provide adequate justification for the proposed significant exceedance beyond this height being up to 12.5m. Further it is noted that these buildings are heritage listed under the North Sydney LEP 2013.

Furthermore, much of the expected impacts resulting from the proposal are directly attributable to the proposed height and massing of the buildings, particularly in regard to overshadowing and impacts on privacy and views/outlook.

In light of the above, it is considered that the proposal in its current form is not compatible with the surrounding locality and it is recommended that the planning proposal not progress.

8.3 Inconsistency with Surrounding Area

The proposal includes the inclusion of ‘serviced-apartments’, which is prohibited uses in the adjoining R2 and R3 residential zones. Additionally, the proposal includes a height of 12.5m, which is greater than the allowable 8.5m height limit for all sites surrounding the subject site. The intensity and type of uses proposed on the site is not envisaged by any existing strategic policy documents, nor has it been the subject of any site-specific planning study recommending changes to the site. As a site-specific planning proposal, the issues of compatibility and consistency with surrounding uses is paramount and as such in this instance the proposal is considered to be out of scale.

Whilst it is acknowledged that there exists outliers within the vicinity of the site, including the buildings directly to the north of the site exceeding the 8.5m height control, these are not considered to be reflective of the greater surrounding area and do not represent the desired future character of the neighbourhood. This is further supported by the recently undertaken comprehensive review of Council’s LEP which recommended the retention of existing LEP controls on the site and surrounding area.

The objectives of the RE2 (Private Recreation) zone within NSLEP 2013 are;

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To minimise the adverse effects of development on surrounding residential development.

The current proposal is considered to be inconsistent with the objectives of the RE2 zone and with the objectives of the adjacent zones in that it will result in a loss of private

recreational area and proposes to introduce serviced apartments which isn't reflective of the land use of the existing or surrounding properties and is out of context. Furthermore, the proposal is expected to result in adverse amenity impacts on surrounding residential development.

8.4 Recreational Needs

Council as part of its preliminary assessment of the proposal identified the loss of recreational use area as being one of the issues with the proposal. The retention of recreational area is of significant concern for Council, as identified in the North Sydney Recreational needs study undertaken in 2015. This is becoming increasingly important when considered in the context of a growing population and the recent demand for greater space resulting from the COVID-19 pandemic.

The applicant, as part of the amended proposal, has engaged a recreation planning consultant to provide analysis on the current recreational needs of the area and to address Council's initial concerns. The key findings of the report include the following:

- *The viability of the current tennis operation on the subject is considered poor without substantial investment in upgrading the courts, lights and amenities. Even with this expenditure the expectation is that the overall operation as a tennis centre would be marginal;*
- *There is sufficient supply of tennis courts within the North Sydney LGA and the loss of the three courts at Kirribilli would have limited impact on the sport or tennis participation;*
- *A review of competing facilities in the LGA has identified a propensity for high levels of program provision and partnership with health and fitness programs, group fitness and adoption of new participation modes in tennis (such as Cardio Tennis);*
- *The existing site is heavily constrained for any potential viable commercial recreation use and there are limited opportunities for a standalone commercial recreation use that is viable. Lack of parking, poor access, lack of covered weather protection, site shape and size and the surrounding residential uses create multiple challenges for any proposed commercial recreation use;*
- *Community based uses such as club courts, parkland, community garden and active and passive recreation are viable uses for the site, however these are not commercial uses and would not offer a return to the owner. These uses would be viable under a not-for profit model such as council ownership and operation as park or lease to a club;*
- *Trend data and population growth do not indicate a strong need for the 3 courts to be retained for tennis use and do not support demand growth as a driver to improve viability of a commercial tennis operation;*

- *The best strategy to retain recreation use on the site, is to cross subsidise with a more viable activity such as this Planning Proposal and reference scheme; and*
- *Community recreation benefits can be retained and enhanced on the site with the retention of a single multi-use court and provision of new more viable opportunities such as an indoor exercise and wellness centre. Supporting this outcome via a residential development (this proposal) is a viable option.*

North Sydney Council's Recreational Needs Study identified a comprehensive strategy for recreational areas within the LGA. Of particular note, goal 8.5.1 of the study states that Council should, "Seek to retain the range of current sports activities in the LGA, and adopt a "no net loss" principle for sports land use," with goal 8.6 stating that Council should, "Seek to enable workers to utilise available sport and recreation facilities– during the day time on week days".

The current proposal will result in a loss of available outdoor recreational area within close proximity to an employment area which is contrary to Council's goal to maintain areas for sports use within the catchment of North Sydney CBD. Whilst it is acknowledged that the proposal seeks to retain a portion of the recreational use areas in the form of one tennis court and a wellness centre within the proposed building, there will be an overall net reduction in recreational area.

It is noted that the consultant's report identifies that there is currently an adequate amount of tennis court facilities within the vicinity of the site to not warrant their retention, with future demand also to be adequately met by alternate options. From Council's perspective the land is currently zoned as recreation (be it private) and its loss, however incremental it may seem to the current owner, is substantial. This also is in the context of anticipated population growth (worker and resident).

Generally speaking on the balance of needing to retain usable recreational open space, it is considered that the proposal is in contravention of Council's recreational needs policy. As such, in this instance the overall reduction in recreational area, particularly within proximity of the North Sydney CBD, is contrary to Council's vision and is not supportable in its current form.

8.5 Alternative Options

The DPIE's 'A Guide for Preparing Planning Proposals' (2016) requires Planning Proposals to consider if there are alternative options to achieving the intent of the proposal.

The Planning Proposal considers three alternate options, these include (as described by the applicant):

- **Option 1:** *Rezone portion of the site to R4 zone;*
- **Option 2:** *Rezone portion of the site to R4 zone, with additional prohibited use;*
- **Option 3:** *Retain RE2 zone (this Planning Proposal).*

The Planning Proposal acknowledges that whilst rezoning the site to R4 High Density Residential zone would facilitate the intended development on site, it would also allow for other development beyond what is intended, including residential flat buildings. As the intention of this proposal is not to facilitate permanent residences on the site, it is considered by the applicant that this is not the preferred option, and will require unnecessary planning assessment, for uses beyond the intention of the proposed concept plan.

Rezoning the site to R4 High Density Residential zone and including a schedule of prohibited uses would facilitate the intended development on site and limit its overdevelopment. However, as stated by the applicant, is not considered to be appropriate as it would result in the overcomplication of planning legislation, and inconsistency with Section 9.1 Ministerial Direction 6.3 – Site Specific Provision, which seeks to avoid the imposition of additional development standards.

As such, the proposed means of amending the Height of Building and FSR maps and including a schedule of additional permissible uses of ‘Serviced Apartments’, ‘Boarding House’ and ‘Office Premises on the site is considered by the applicant to be the most appropriate means of achieving the intent of the Planning Proposal.

Notwithstanding this, the proposal is generally considered to not be compatible with the existing land-use and surrounding area and would be inconsistent with objectives of the RE2 zone. As such, it is not recommended to progress to Gateway.

8.6 Environmental Impacts

The Planning Proposal identifies foreseeable impacts that will result from the proposed increase in the height and FSR controls. As outlined in sections below, the applicant has gone to some effort to document expected overshadowing and view sharing impacts as detailed within the attached Planning Proposal and accompanying Concept Design Report documents.

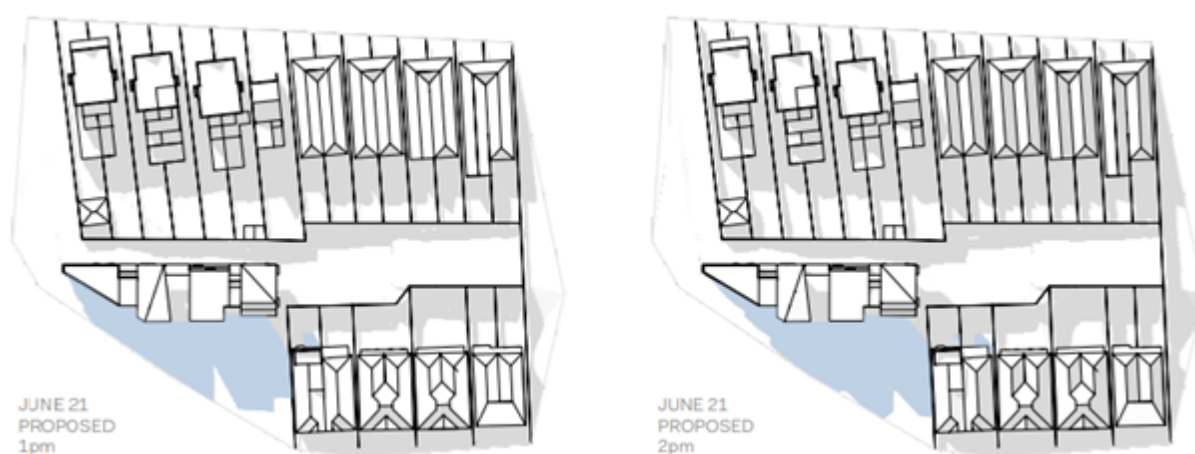
It is anticipated that the proposal will result in an increase in overshadowing, damage to surrounding public vegetation, reduction in solar access for neighbouring properties, privacy impacts, view and outlook impacts, and an inappropriate built form interface to surrounding properties and on the remaining public open space along Whaling Road, Alfred Street and High Street.

Overall, considering the residential typology in the immediate vicinity of the proposal, being of largely historical and low-scale residential development, the proposed built form and associated impacts are not considered to be appropriate within the context of the surrounding neighbourhood and are not supportable in this instance. This is discussed in further detail below.

8.6.1 Overshadowing

The applicant's Urban Design Report includes shadow diagrams which illustrate the impact of shadowing of the potential built form at the site on the surrounding public domain and buildings (refer to Figures 17 and 18 below and Attachment 2, Chapter 4). Of note is the overshadowing impact the proposal will have of buildings to the south and east of the site and the public domain to the south-west of the site. There will be some additional overshadowing impact to:

- Rear open space properties along the northern side of High Street starting sometime between 12pm and 1pm and continuing beyond 4pm, being numbers 26-34 High Street;
- Rear north-facing windows of numbers 26-28 High Street sometime after 1pm onwards;
- Vegetated area directly to the south of the site for most hours of the day, with shadow impacts being varied during the day following the movement of the sun.



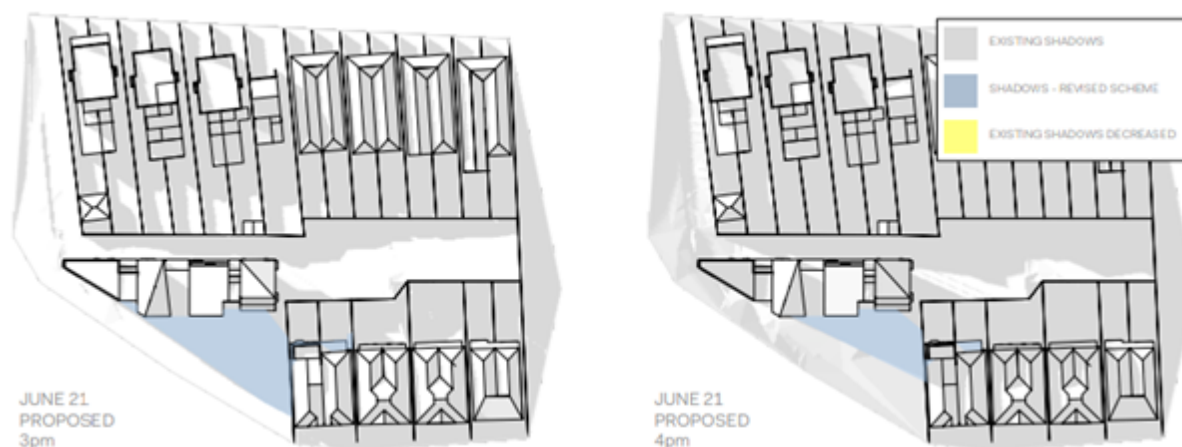


Figure 17. Overshadowing resulting from the proposal. (Source: Carter Williamson)



Figure 18. Overshadowing on north-facing façade of neighbours to the south. (Source: Carter Williamson)

The impacts to the rear open space of houses along High Street are considered to be somewhat mitigated when considering the partial overshadowing that is currently created by existing vegetation, however, the permanent reduction that arises from a structure warrants careful consideration.

With regards to the overshadowing impacts to the adjoining public vegetated area to the south of the site, the proposal will significantly increase the amount of overshadowing to the area particularly considering buildings resulting from the proposal may well be higher than some of the existing trees.

Whilst it is acknowledged that some form of development and resultant overshadowing may be expected on site, given the proposal is significantly out of context with what has been envisioned in the DCP and when compared to the urban character of the surrounding area and the minimal setback to the rear boundary, it is considered in this instance that the proposal in its current form does not do enough to adequately consider overshadowing impacts to properties to the south and as such is not supported.

8.6.2 Privacy and Visual Impact

The reference design accompanying the proposal includes serviced apartments on the upper floors of the building, with a number of windows on all elevations. Directly to the north of the site are the rear private open spaces of properties and communal areas

and strata properties along Whaling Road, with an example being seen in figure 19 below.



Figure 19. View south toward subject site property along Whaling Road.

Whilst there exists some vegetation between the site and various properties to the north which helps to provide some level of separation, the scale of the proposal and setback of 5.7m will most likely result in overlooking into the rear yards of those sites.

If the application were to proceed, it is expected, that additional privacy screening or similar measures would be considered to help mitigate any impacts on adjoining properties.

It is also observed that No's 26-28 High Street, located to the south the proposed new building, currently enjoy a reasonably open outlook noting the existing cabana/shelter. The introduction of a 15m high structure to the North/North-west of these dwellings with only a minimal separation (approximately 6-7m) would overwhelm the rear courtyards of these dwellings and have a visually dominating affect.

8.6.3 Impact on Vegetation

The proposal is likely to have a negative impact on the vegetation directly to the south of the site. This vegetation consists of several large, mature, significant, predominantly

native trees that provide a useful green buffer between the busy freeway and the built forms beyond (seen in Figure 20 below).

This proposal seeks to build with a zero or minimal setback along the southwestern and southern boundaries of 1A Little Alfred Street, with some setback on a portion of the ground-level and to the eastern-most building. Even with measures put in place to prevent damage to roots, significant pruning (in the order of 40%) would be required for the building to be constructed in the location as proposed along with ongoing management given the proximity of the building to mature vegetation adjacent to and overhanging the site.



Figure 20. Existing vegetation to the right of hut and courts.



Figure 21. Existing vegetation as seen from public footpath along High Street.

In the cover letter accompanying the amended proposal the applicant has provided justification regarding the potential impacts to the surrounding vegetation, seen below:

- *The Arboricultural Impact Assessment prepared by Australia Tree Management, submitted in support of the original Planning Proposal, does not conclude that the proposal is likely to have negative impacts. The report rather suggests that impacts are possible for some, and for some trees the impact is likely to be minimal*
- *Impacts to the root systems of adjoining trees can be assessed and protected in further detail at development application stage*
- *The Arborist concludes that protective measures can be utilised to mitigate potential impacts. Detailed root analysis can be undertaken to determine construction method and foundation design*

Council's landscape development officer provided comments on the original design and these are considered to remain valid for the amended design given the southern setback is proposed to remain the same. These comments are seen below:

Regarding the existing Tree Preservation Zone (TPZ) encroachment:

The report concludes that the existing TPZ encroachment effectively negates the impact of future encroachments despite the fact the existing encroachments are limited largely to asphalt surface, and that such encroachments were likely in place prior to the planting of the subject trees, meaning that roots may well have grown beneath them. The report claims that all trees can be retained, and that the TPZ encroachment on all council trees is 0%. It is not considered that such blanket claims can be made without detailed non-invasive root mapping.

Regarding the tree canopy:

The report also notes that extensive pruning to some trees would be required, resulting in canopy loss of up to 40%. Such canopy loss would not be supported by council, and as this report was undertaken 2 ½ years ago now, it is likely that the pruning required would now be more extensive (and SRZ & TPZ encroachments further increased).

Whilst it is acknowledged that detailed assessment of impacts is not always required at the planning proposal stage due to it being a relatively high-level conceptual exercise, it is considered in this instance that the proposal poses a real risk to the health and longevity of the vegetation and as such should be provided due consideration.

Given the potential for impact to the public vegetation and considering the lack of documentation detailing such impacts, the proposal in its current form is not considered to be acceptable.

8.6.4 Impacts on adjoining Heritage Conservation Area

The subject site is not heritage listed and is not located within a conservation area, however, it is immediately to the south of the Whaling Road Conservation Area. The conservation area is characterised by small-scale, one or two storeys, Victorian Georgian, Victorian Filigree and Federation housing in a tight street pattern. Houses have high level retention of original fabric and detail including facade elements, gardens and fencing.

Whilst not being directly within the area, the site is within the visible context and as such has significant potential to affect the heritage value of the adjoining area. The setting of the heritage items at the rear will be modified by the larger scale and massing of the proposed development as well as the lack of landscape buffer. This will negatively impact upon the character of the conservation area. As such, it is considered that the proposal in its current form is unacceptable.

8.6.5 Views

In terms of view impacts, the proposal will have some minor impacts on the local views to the south and east currently enjoyed by properties along Whaling Road, however largely retains views to Sydney Harbour to the south-east, as indicated by a view-analysis prepared by the applicant. Whilst key aspects of views (such as water, landscape elements or iconic features) are often more prized, the notion of general outlook and openness also warrants consideration. Residents of dwellings along

Whaling Road currently enjoy an open and leafy outlook to the south. The proposal would introduce a significant built form element that public submissions have raised objection to.

This matter could be addressed in greater detail in any future development application if the proposal were it to proceed in its current form.

8.6.6 Parking and access implications

The proposed concept includes a total of seven spaces, satisfying the maximum requirements of the DCP for residential, staff and visitor parking. The proposal also seeks to retain existing access via Little Alfred Street. It is noted that parking, traffic and access concerns were common issues raised in the submissions received by Council relating to the original proposal. The applicant has provided the following justification addressing these concerns:

Submissions noted a concern for increased traffic and parking impacts on the surrounding road network, as result of the proposal.

The original Traffic and Parking Assessment by PTC of the potential traffic generation as a result of the proposal, determined a net traffic generation of 19 trips during the peak hour. PTC concluded that this represents a low increase in traffic activity and therefore the original reference design scheme is not anticipated to generate any negative impacts to the local road network.

It is further noted that as this revised Planning Proposal seeks to reduce the height and floor space within the reference design scheme, the potential traffic and parking generation impacts will likewise be further reduced. This is discussed further at Section 6.7 of the Planning Proposal.

It is noted that the site is within the vicinity of multiple public transport nodes including North Sydney station, the soon to be completed Victoria Cross metro station, numerous bus routes and is within the proximity of regional cycling networks. Furthermore, a traffic assessment supplied by the applicant indicates that the development will lead to an approximate 19 trips during peak hour, which is not expected to significantly impact existing traffic levels.

Council is satisfied that the parking provided on-site and proposed access arrangements are sufficient for the proposal and will not result in significant additional adverse impacts on the surrounding area.

8.6.7 Wind

The applicant has not provided a formal wind assessment at this stage, but the Planning Proposal's Concept Plan illustrates that the intended built form will incorporate some awnings which will mitigate wind impacts on the public domain. Council is satisfied that this matter could be addressed in greater detail in any future development application if the proposal were to proceed.

8.7 Policy and Strategic Context

8.7.1 Section 9.1 Ministerial Directions

Section 9.1 of the EP&A Act enables the Minister for Planning to issue directions regarding the content of Planning Proposals. There are a number of Section 9.1 Directions that require certain matters to be addressed if they are affected by a Planning Proposal. Each Planning Proposal must identify which Section 9.1 Directions are relevant to the proposal and demonstrate how they are consistent with that Direction.

The Planning Proposal is considered to be generally consistent with all relevant Ministerial Directions.

8.7.2 Greater Sydney Regional Plan (A Metropolis of Three Cities)

In March 2018, the NSW Government released the Greater Sydney Regional Plan: A Metropolis of Three Cities (Regional Plan). The Plan sets a 40-year vision (to 2056) and establishes a 20-year Plan to manage growth and change for Greater Sydney within an infrastructure and collaboration, liveability, productivity and sustainability framework.

The Regional Plan is guided by a vision of three cities where most people live within 30 minutes of their jobs, education and health facilities, services and great places. The Regional Plan aims to provide an additional 725,000 new dwellings and 817,000 new jobs to accommodate Sydney's anticipated population growth of 1.7 million people by 2036.

North Sydney is identified as part of the 'Eastern Harbour City' within the Eastern Economic Corridor under the Regional Plan.

The Planning Proposal is generally inconsistent with the strategic directions, objectives and strategies of the Regional Plan, in that it will:

- result in the degradation of the existing urban tree canopy and public open space;

- result in the net loss of recreational infrastructure.

The Planning Proposal is likely to adversely impact upon the implementation of the directions and objectives identified in the Plan.

8.7.3 North District Plan

In March 2018, the NSW Government released the North District Plan. The Plan provides the direction for implementing the Greater Sydney Regional Plan: A Metropolis of Three Cities at a district level and sets out strategic planning priorities and actions for the North District.

The North District Plan has also established the following housing and jobs targets:

Housing Target	North Sydney LGA	North District
5 year (2016-2021)	+3,000 new dwellings	+25,950 new dwellings
20-year (2016-2036)	Council to prepare Local Housing Strategy (LHS)	+92,000 new dwellings

Jobs Target	North Sydney LGA	North District
20-year (2016-2036)	+15,600 – 21,100 new jobs	+6,900-16,400 new jobs

The Planning Proposal is considered to be inconsistent with the planning priorities of the North District Plan, in that it will:

- Result in the loss of open space and has the potential to impact upon public vegetated areas;

8.7.4 North Sydney Local Strategic Planning Statement (LSPS)

New legislative requirements introduced by the NSW Government in March 2018, require all councils prepare a Local Strategic Planning Statement (LSPS) to guide future land use planning and development. The LSPS is required to be consistent with the Greater Sydney Regional Plan ('A Metropolis of Three Cities') and the North District Plan, providing a clear line-of-sight between the key strategic priorities identified at the regional and district level and the local and neighbourhood level.

Following receipt of a Letter of Support from the Greater Sydney Commission (GSC), Council adopted the North Sydney LSPS on 24 March 2020. This document sets out Council's land use vision, planning principles, priorities and actions for the North Sydney LGA for the next 20 years. It outlines the desired future direction for housing, employment, transport, recreation, environment and infrastructure. The LSPS will

guide the content of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) and support Council's consideration and determination of any proposed changes to development standards under the LEP via Planning Proposals.

An assessment of the proposal against relevant North Sydney LSPS local planning priorities is undertaken in Table 5 below.

TABLE 5: Compliance with <i>North Sydney Local Strategic Planning Statement</i>	
Local Planning Priority	Comment
I1 – Provide infrastructure and assets that support growth and change	N/A
I2 – Collaborate with State Government Agencies and the community to deliver new housing, jobs, infrastructure and great places.	The proposal does provide housing and commercial floorspace however is incompatible with the area in which it is proposed.
L1 – Diverse housing options that meet the needs of the North Sydney community	The Planning Proposal does provide diverse housing options.
L2 – Provide a range of community facilities and services to support a healthy, creative, diverse and socially connected North Sydney community.	The proposal will result in a net loss of recreational facilities available to the community within the area.
L3 – Create great places that recognise and preserve North Sydney's distinct local character and heritage.	The proposal scheme does not conform with the character of the locality and will adversely impact local heritage.
P1 – Grow a stronger, more globally competitive North Sydney CBD	Whilst the proposal does facilitate development within the vicinity of the CBD, it is not considered to be appropriate in the context and furthermore will result in a net loss of recreational area available to the CBD.
S2 – Provide a high quality, well-connected and integrated urban greenspace system.	The proposal will result in the visual fragmentation of existing public green space and has the potential to impact existing mature vegetation on public land.
S4 – Increase North Sydney's resilience against natural and urban hazards	The proposal site is not subject to flood or bushfire risk. Potential contamination risk can be addressed

TABLE 5: Compliance with North Sydney Local Strategic Planning Statement	
Local Planning Priority	Comment
	at any development application stage. The proposal may however result in increase in urban heating resulting from the additional concrete / hard-paved area.

Identified under Liveability priority L3 is the following Action No 1.5;

Council will only support Planning Proposals that are consistent with Council's endorsed planning studies, that have identified growth being delivered in locations that support the role of centres and have critical infrastructure and services in place to support the North Sydney community."

The proposal does not meet the above criteria and for this reason should not proceed.

8.7.5 Draft North Sydney Local Housing Strategy (LHS)

The Draft North Sydney Local Housing Strategy (LHS) establishes Council's vision for housing in the North Sydney LGA and provides a link between Council's vision and the housing objectives and targets set out in the GSC's North District Plan. It details how and where housing will be provided in the North Sydney LGA over the next 20 years, having consideration of demographic trends, local housing demand and supply, and local land-use opportunities and constraints.

Following public exhibition, on 25 November 2019, Council resolved to adopt the draft North Sydney LHS with an action to forward to the DPIE for their approval.

The draft North Sydney LHS identifies the potential for an additional 11,870 dwellings by 2036 under the provisions of NSLEP 2013. Much of these dwelling targets are met by recent strategic studies undertaken by the state government in St Leonards / Crows Nest under the draft 2036 Plan and by Council under the Military Road Corridor Plan and Civic Precinct Study.

As such, Council is not obligated to further increase housing supply. Given the current proposal is not supported by a larger scale strategic study, does not reflect the character of the area in which it is proposed and has the potential to impact upon the amenity of the residents within the area, the proposal in this instance is not considered to be acceptable and does not reflect Council's vision outlined under the LHS.

8.7.6 State Environmental Planning Policies (SEPPs)

Each Planning Proposal must identify which State Environmental Planning Policies (SEPP) are relevant to the proposal and demonstrate how they are consistent with that SEPP. The Planning Proposal is considered to be generally consistent with all relevant State Environmental Planning Policies.

8.7.7 North Sydney Development Control Plan 2013 (NSDCP 2013)

The current proposal is considered to be generally inconsistent with the aims and objectives of the NSDCP 2013 in that it will negatively impact the quality of the natural and built environment within its immediate context and does not positively respond to the character of the surrounding area.

7. 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.

Council received more than 65 submissions in relation to the original proposal, which raised the following issues:

- The proposal is not in the public interest;
- The proposal is out of keeping with the RE2 zone and surrounding area;
- The adjacent affected low-rise residential properties, generally, would suffer very considerable and permanent consequential environmental, amenity, economic and other detriment;
- The heritage value of the Whaling Road Conservation Area would be compromised;
- The proposed building height fails to satisfy the building height objectives set out under Part 4.4 of NSLEP 2013;
- The proposal will result in loss of parking in the area and increased traffic to an already exacerbated intersection, being the corner of Whaling Road and Alfred Street;

- The proposal will result in the loss of open space available to surrounding residents;
- The applicant has not duly considered alternative options and uses on the site;
- Arguments were made that contested various assertions made by the applicant including the role of the RE2 zone, expectation that commercial return be considered when assessing the proposal, the extent of impacts resulting from the proposal, the claim that the applicant had undertaken meaningful consultation with the community and the role of climate change in changing the delivery of outdoor recreational area.

Following the receipt of an amended proposal, Council received an additional 10 submissions commenting on the amended proposal. These additional submissions reflected those made in relation to the original proposal including reinforcing the issues raised above and reaffirming that the reduction in scale of the proposal does little to alleviate the above concerns.

These matters have been addressed in detail in the above report.

CONCLUSION

The Planning Proposal seeks to amend NSLEP 2013 to increase the maximum building height, floor space ratio and to introduce a schedule of additional permitted uses as it relates to the subject site.

It is noted that the applicant has made ongoing updates to original proposal, having submitted two revised schemes since its lodgement in March 2020. Whilst these have sought to address various concerns, it has added unnecessary complication to the process, effectively undertaking a form of negotiation prior to the exhibition stage of the proposal.

For the reasons discussed in detail above, the Planning Proposal is not supported for the following reasons;

- The proposal is not supported by nor is it aligned to the objectives and actions of several elements of higher level planning strategies (including the North District Plan, Council's GSC assured LSPS and Recreational Needs Study);
- The loss of private recreational area within close proximity to an employment area is contrary to Council's goal to maintain areas for sports use within the catchment of North Sydney CBD;
- The proposal is of an inappropriate height and scale given its location adjacent to the Whaling Road conservation area and the R2 (Low Density) neighbouring

sites and would be out of character with the immediate surroundings, with resultant adverse impacts;

- The proposal is considered to be inconsistent with the objectives of the RE2 zone and with the objectives of the adjacent zones in that it will result in a loss of recreational area and proposes to introduce serviced apartments which isn't reflective of the land use of the existing or surrounding properties;
- The proposal is likely to impact upon the amenity of surrounding residents through an increase in overshadowing, damage to surrounding public vegetation, reduction in solar access and increased privacy impacts;

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- 2.0 SITE & CONTEXT ANALYSIS
 - 2.1 Wider Context
 - 2.2 Site Photographs & Existing Buildings
- 3.0 DESIGN OVERVIEW
 - 3.1 Siting Principles
 - 3.2 Precedents
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 - 4.3 View Analysis of Neighbouring Properties
- 5.0 DRAFT ENVELOPE DIAGRAMS
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1.0 Introduction

Development Summary

This planning proposal design concept has been prepared for the site at 1A Little Alfred Street, North Sydney, NSW. It describes the existing site conditions and planning considerations of a 3 storey development, including short-stay executive accommodation, a ground-floor cafe and shared co-working spaces.

The proposed development is for a site that currently contains three tennis courts that are underutilised.

The design concept gives careful consideration to the increasing demand for housing and work spaces, being less than 500m from the North Sydney business district and 4km from the CBD. The site does not impact the views of its residential neighbours, due to the topography, surrounding vegetation and built environment nearby.

This design concept will improve the public amenity of the area by offering a cafe, shared working spaces and some accommodation, whilst still retaining one tennis court.

2.0 Site & Context Analysis

The site, 1A Little Alfred Street, is located on the east side of the Cahill Expressway, bound by a major roundabout that connects the eastern side of Kirribilli with the North Sydney business district.



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In Collaboration with
Ethos Urban
Melissa Wilson Landscape Architects

17.09.20 Revised Design
17238 | 1A Little Alfred Street, Kirribilli
Planning Proposal | Design Report

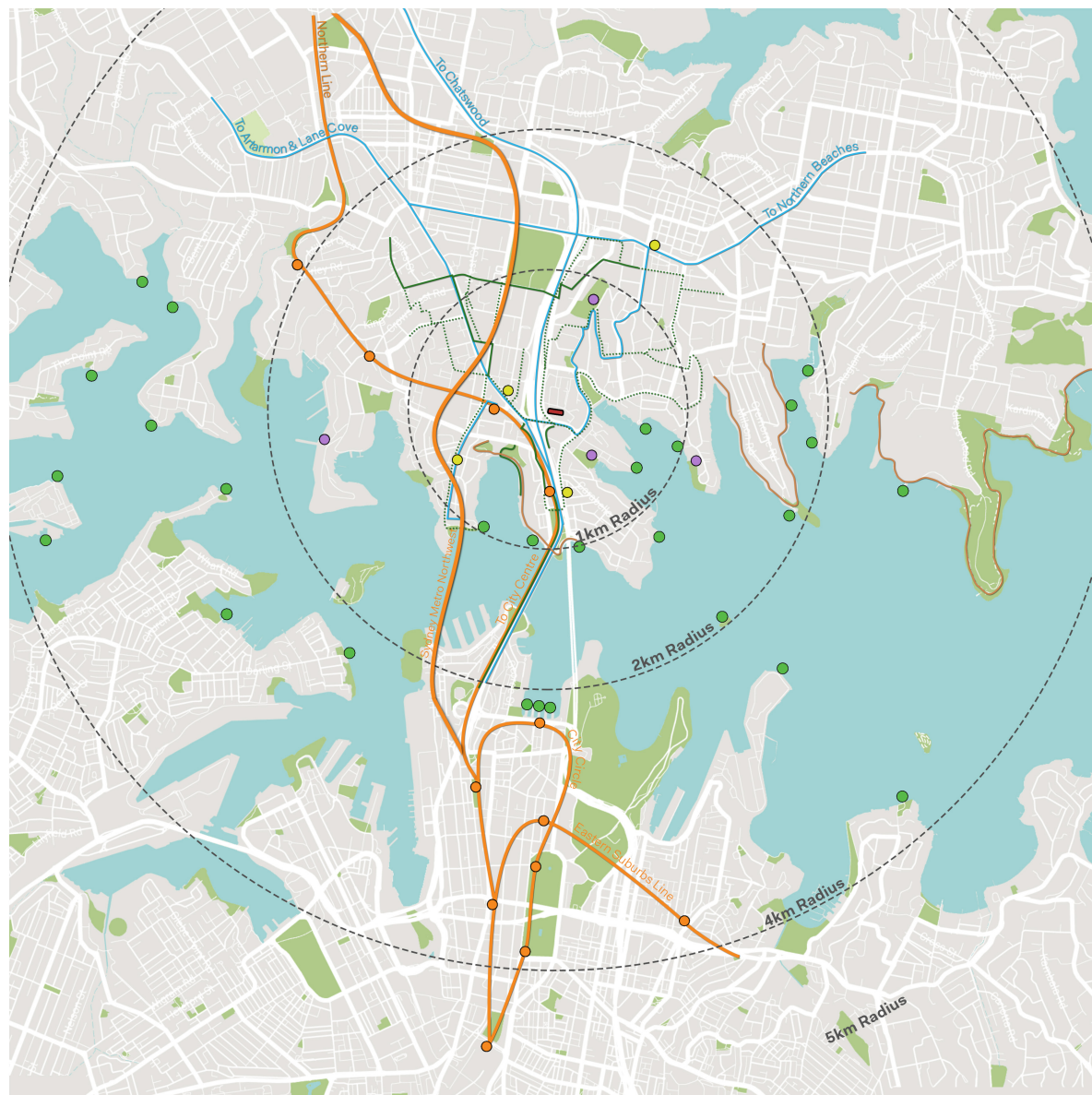
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2.0 Site & Context Analysis

The site is located at the end of a lane (Little Alfred Street) and fringes the backyards of residential properties. The land is generally sloping towards Sydney Harbour and the site's elevation is between that of its northern and southern neighbours. Its western aspect to the Cahill expressway is screened by dense vegetation. From the site there are potential views to Careening Cove, as views to the harbour are blocked by the Greenway Towers.













2.1 Wider Context



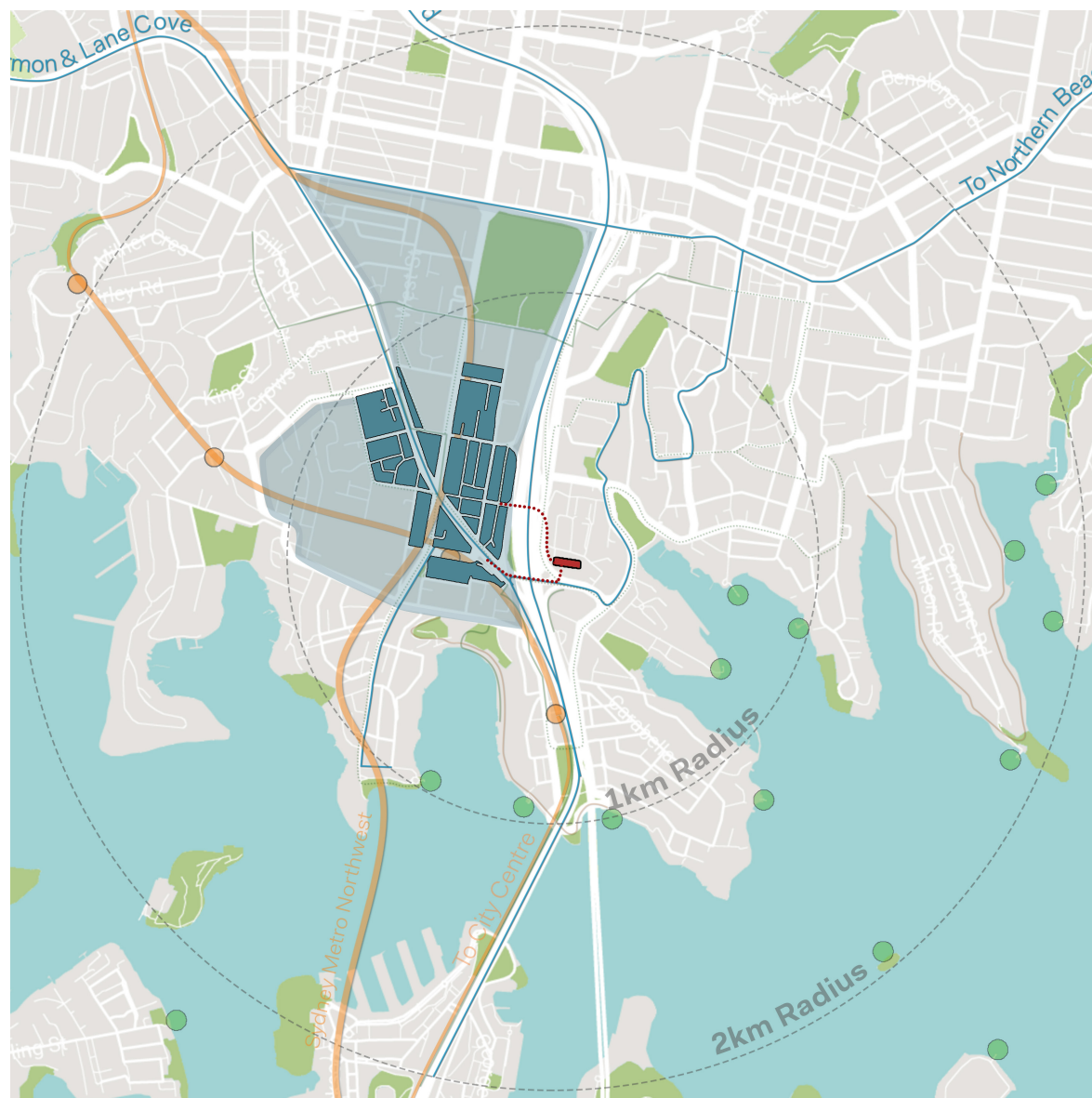
Within 4km of the site (1A Little Alfred Street) are significant Sydney landmarks including Hyde Park, the Royal Botanic Gardens and Sydney's CBD.

Within 2km the Sydney Harbour Bridge connects the site with the CBD over the harbour.

The site is located within proximity to the business district of North Sydney.

-  Major Bus Routes
-  Dedicated bike lanes
-  Bike-friendly roads
-  Walking Tracks
-  Train lines
-  Ferry terminal
-  Train station
-  Shopping district
-  Community Gardens
-  Site: 1A Little Alfred St

2.1 Wider Context

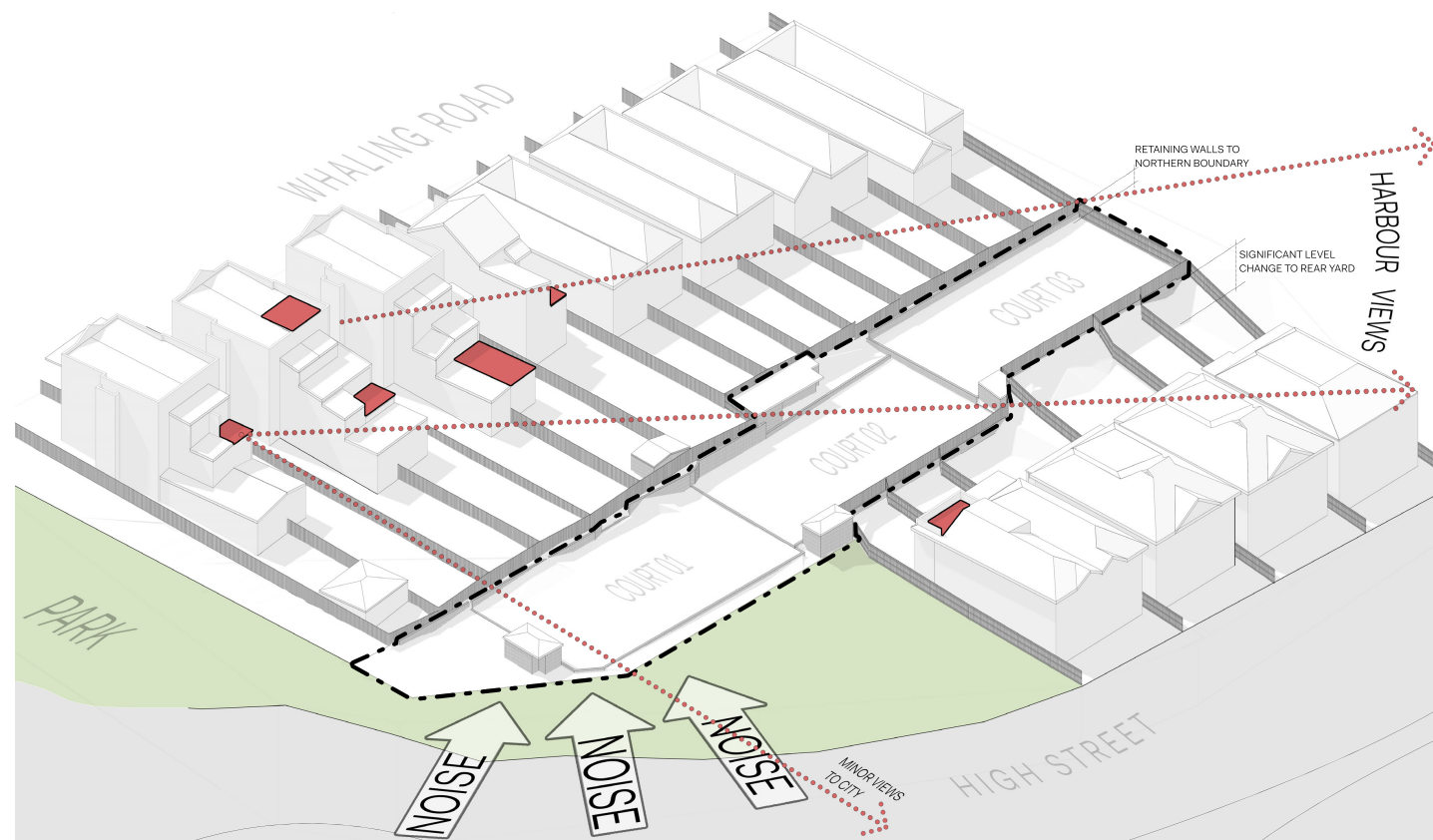
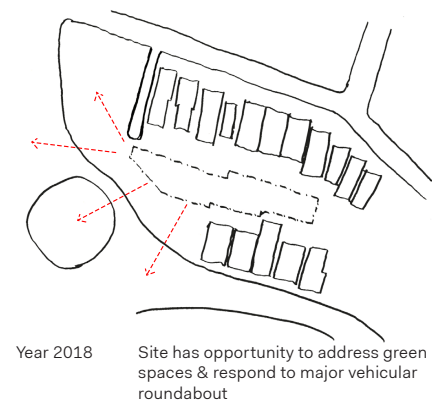
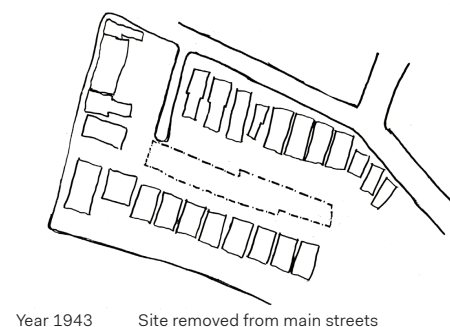


The site, though conveniently located to the North Sydney business district, is slightly removed from this commercial zone over the Cahill Expressway, a key arterial road.



2.1 Wider Context

Historically the site has been removed from the main street, being an in-between space between the backyards of two rows of residential properties. Today, the site is bound by a public green space that is underutilised, possibly due to its exposed location against the High St/Alfred St/Pacific Highway roundabout, which receives a lot of traffic and noise. The site itself contains three tennis courts which are underutilised, suggesting that this site could serve the community more with alternative uses.



2.2 Site Photos & Existing Buildings

Though conveniently located, the site currently has a poor address to the street and public domain.



Access to Milsons point and public transport



Dense vegetation to western half of north boundary



Ground level changes between boundaries



Poor connection to the street : preferences cars with asphalt road



Adjacent park - desire lines through park indicate significant pedestrian traffic

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17.09.20 Revised Design
17238 | 1A Little Alfred Street, Kirribilli
Planning Proposal | Design Report

2.2 Site Photos & Existing Buildings

Currently the privately owned site is occupied by the Little Alfred Tennis Centre, with courts available for booking from 6am - 10pm.



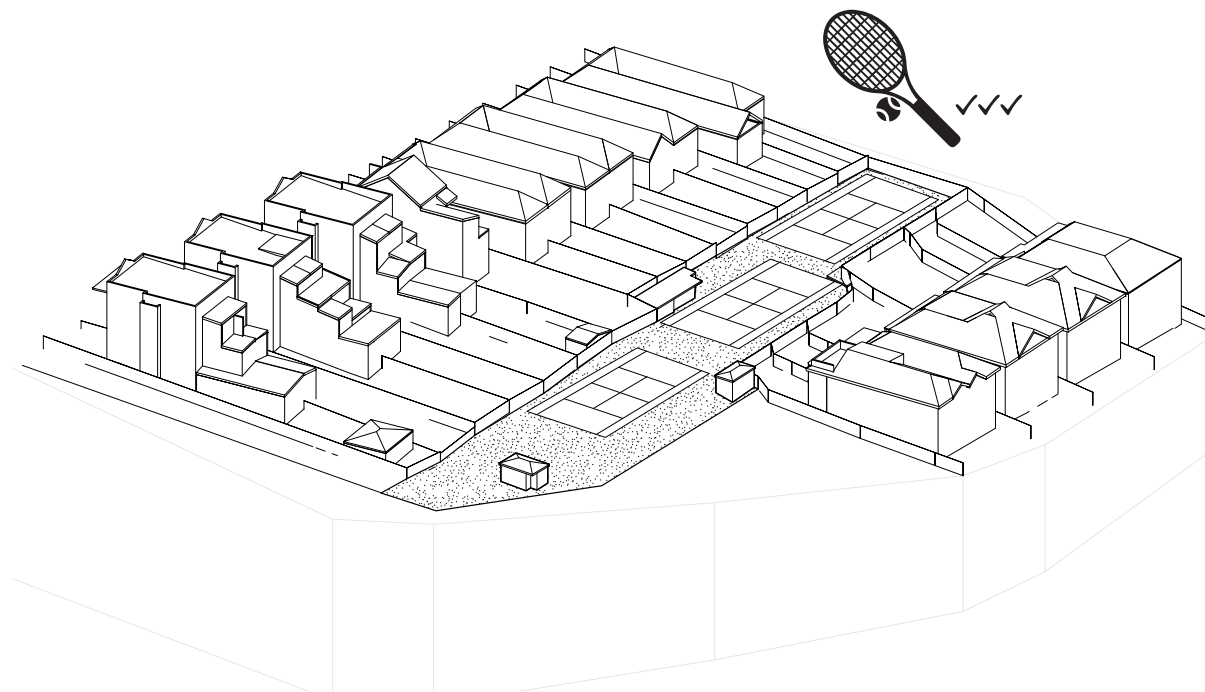
Currently 3 tennis courts occupy the site: 'Little Alred Tennis'



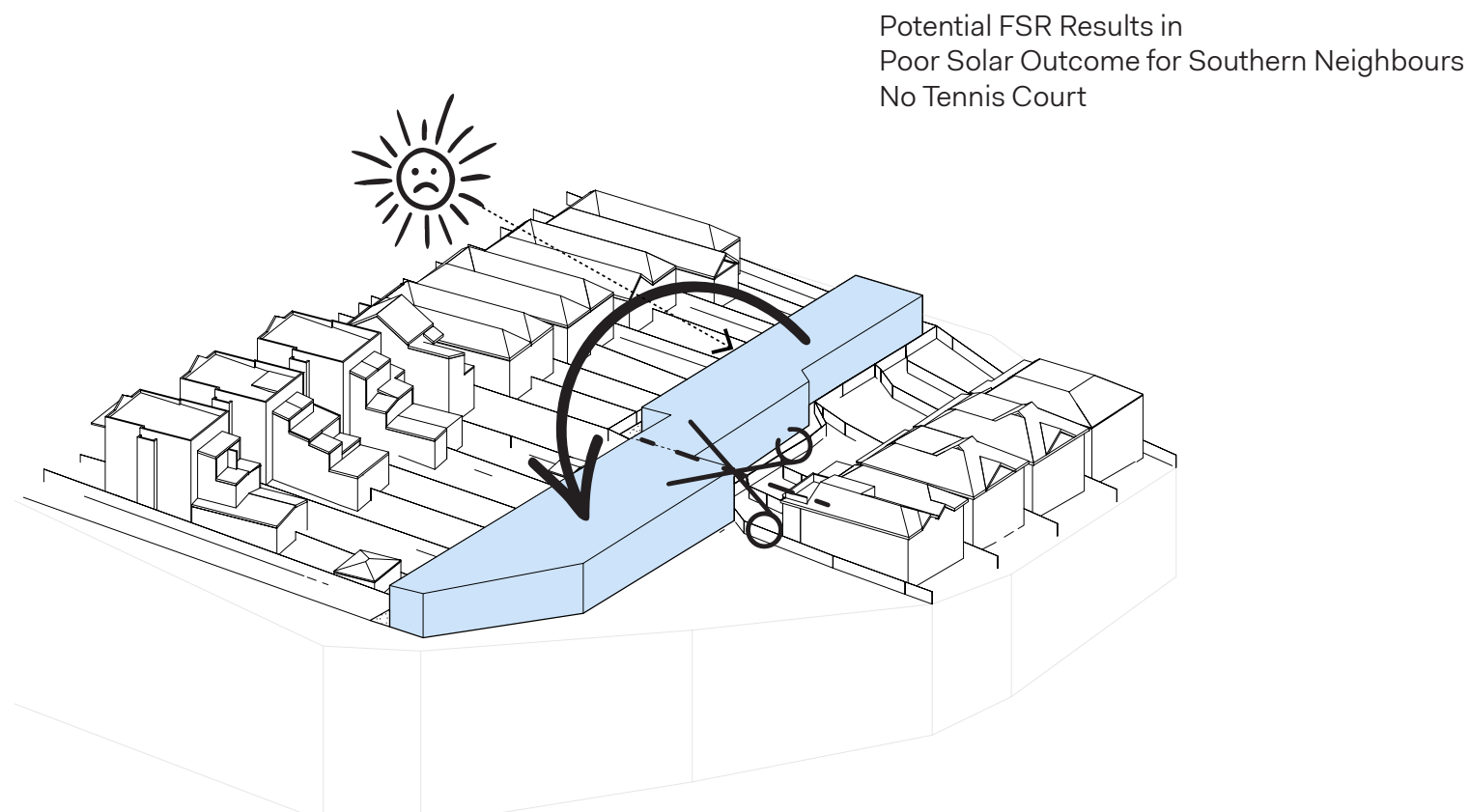
Dense vegetation hems in the site

3.1 Siting Principles: Observations & Strategies

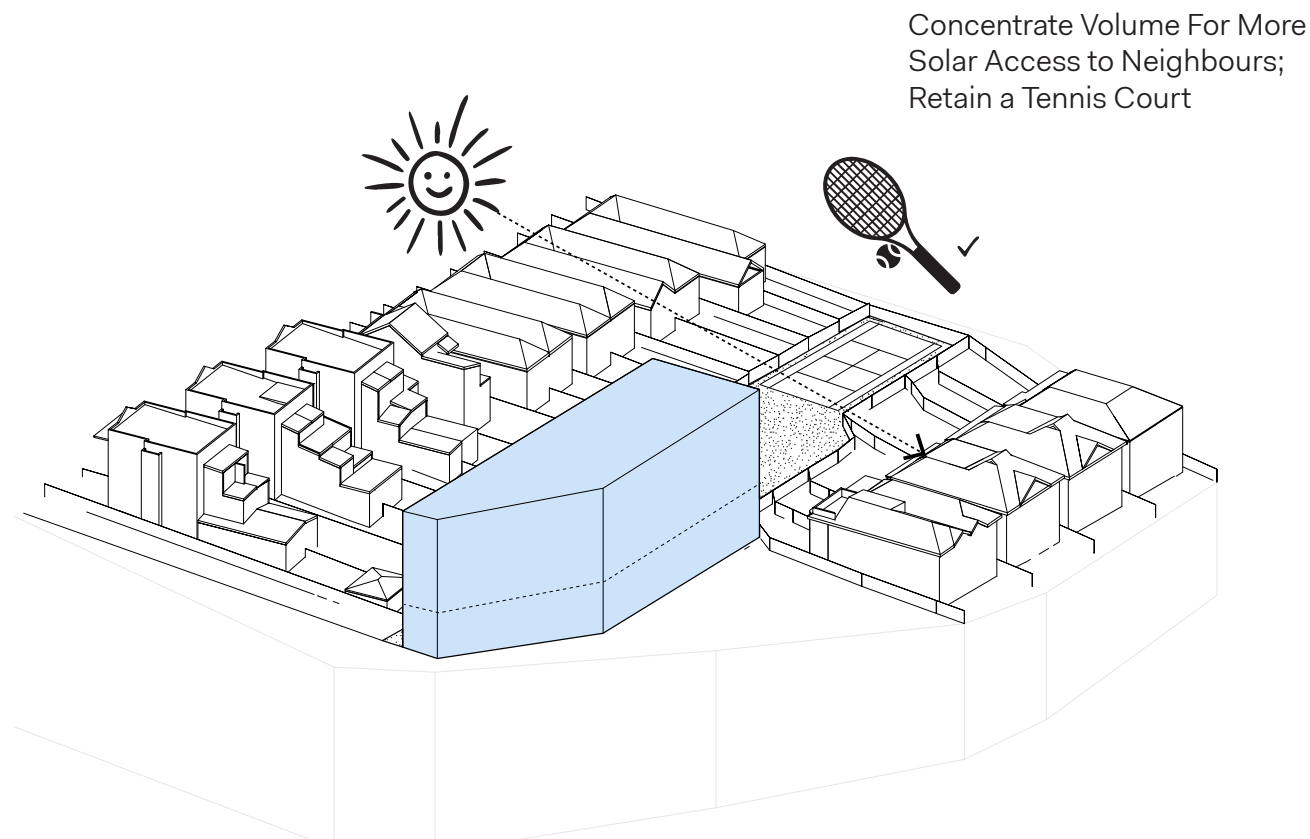
Existing Site Contains
Three Underutilised Tennis Courts



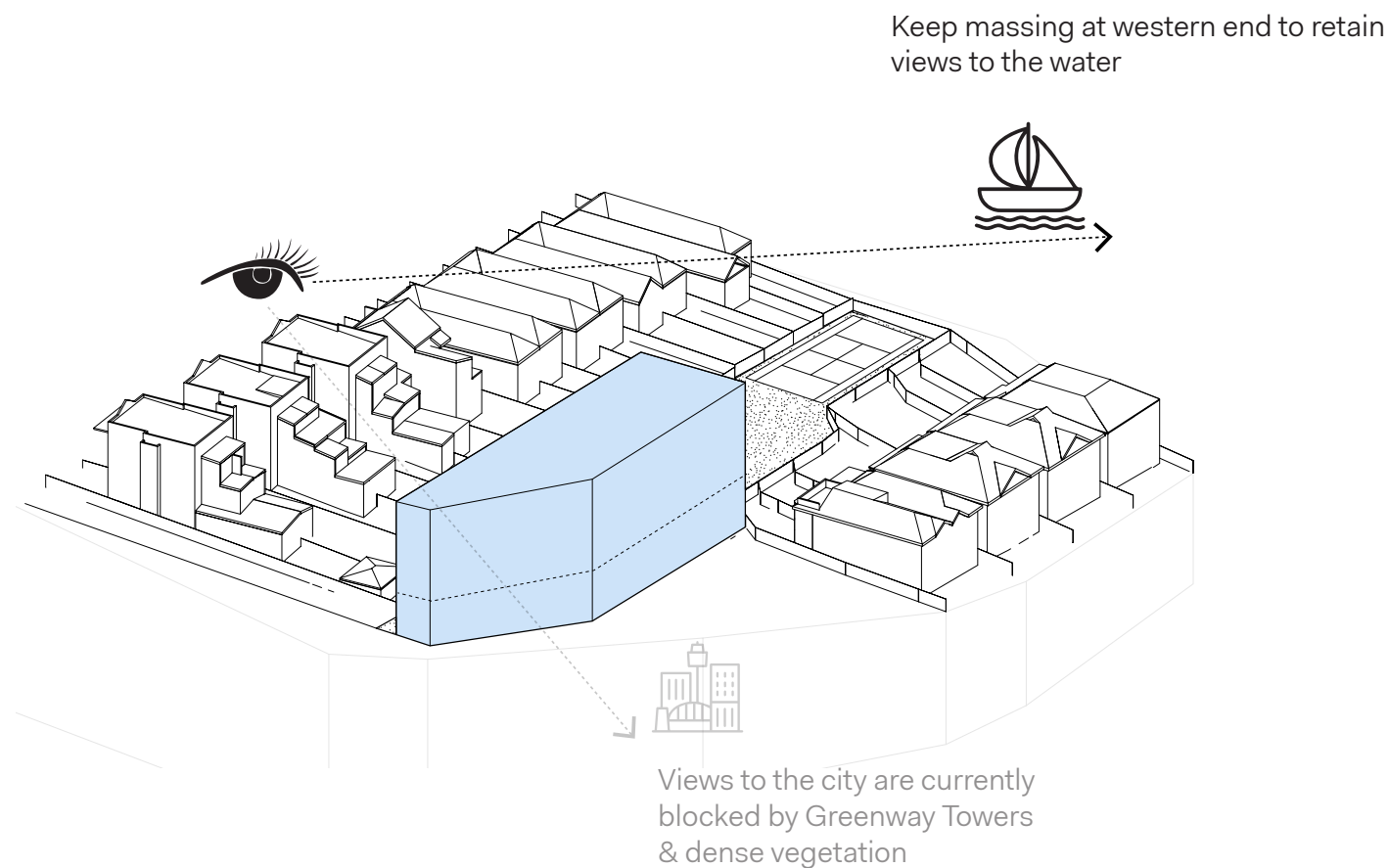
3.1 Siting Principles: Observations & Strategies



3.1 Siting Principles: Observations & Strategies

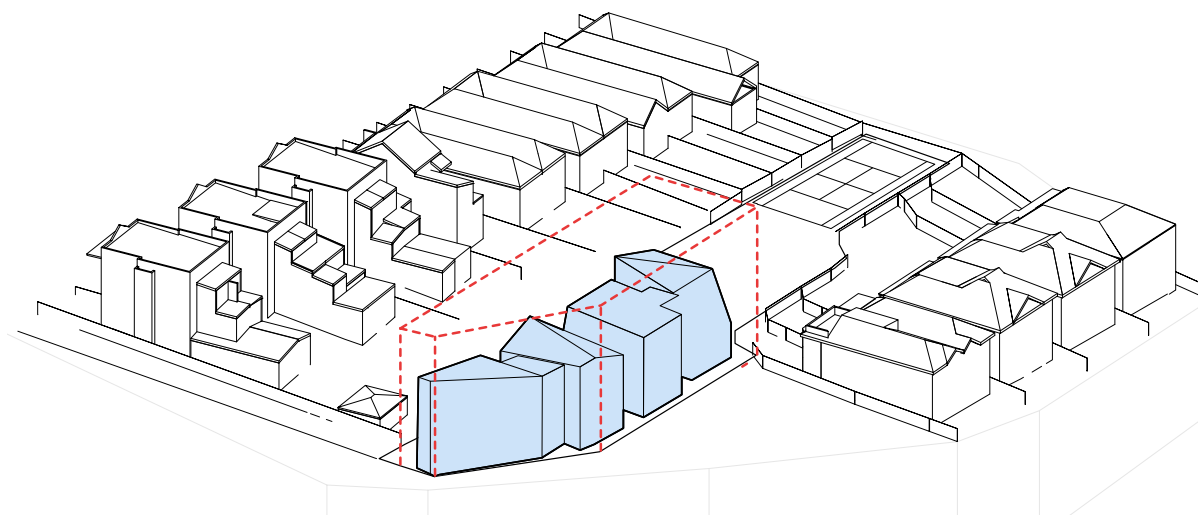


3.1 Siting Principles: Observations & Strategies



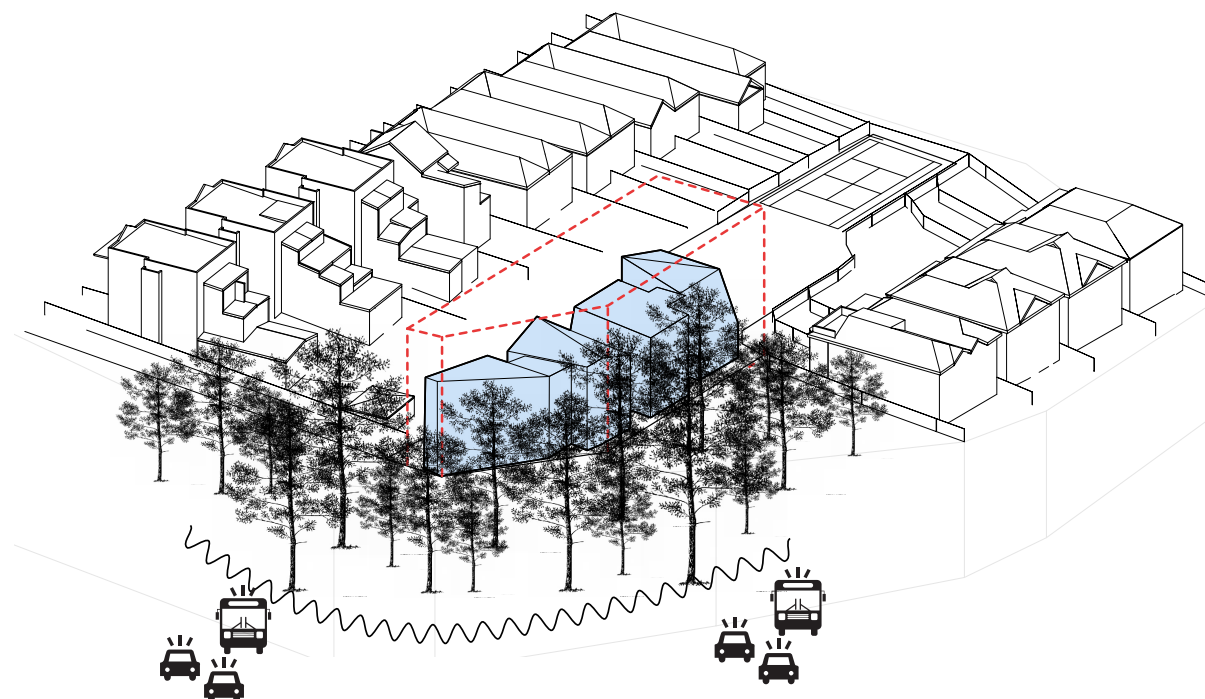
3.1 Siting Principles: Observations & Strategies

Articulate the Volume to Reduce Bulk
and overshadowing

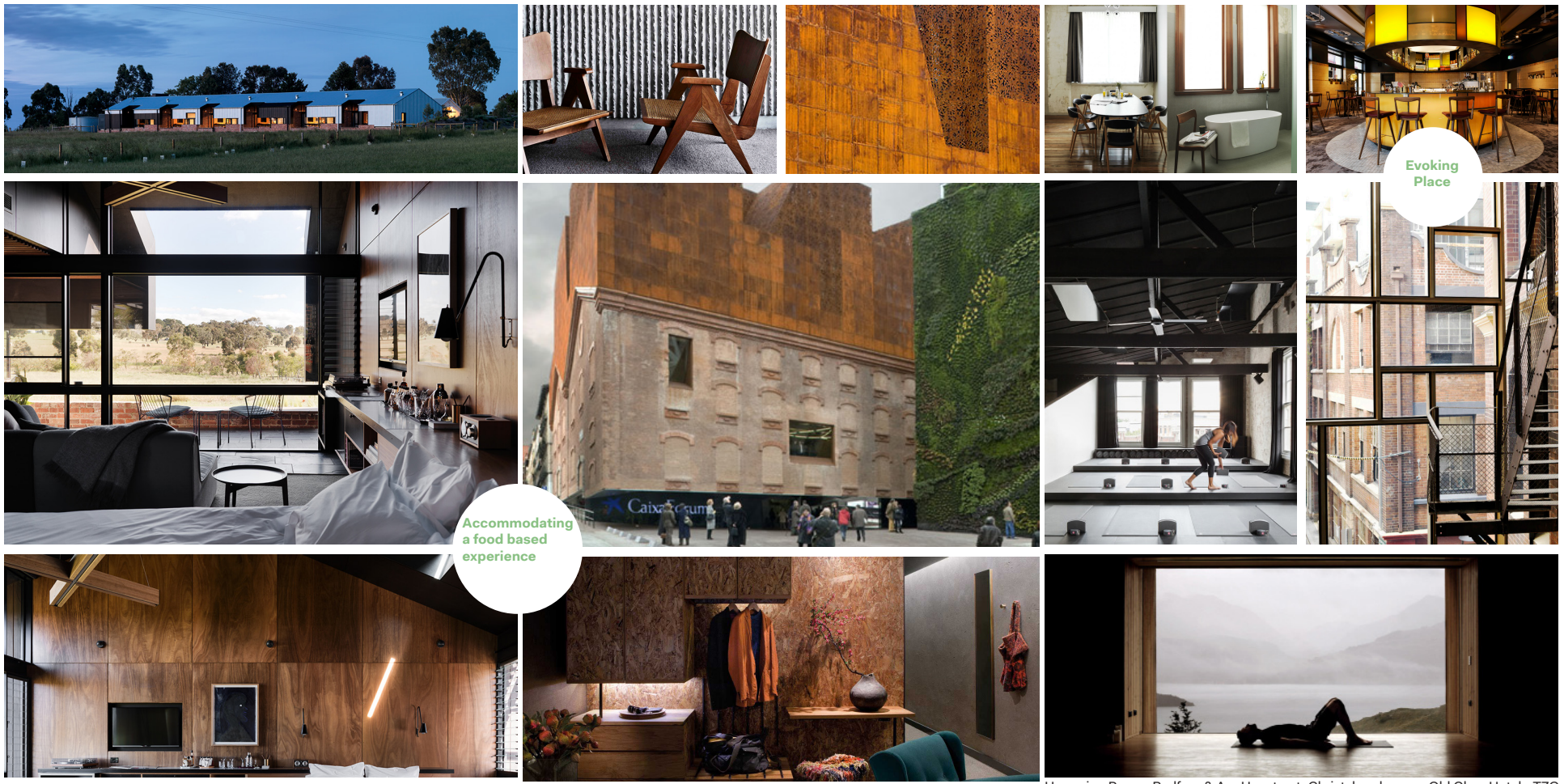


3.1 Siting Principles: Observations & Strategies

Development on Western End of Site
= Buffer to Traffic Noise
Retain Vegetation Where Possible



3.2 Precedents



Bræ Restaurant Accommodation, Victoria - Six Degrees Architects HOTEL HOTEL, Canberra - Suppose Design Office & FKA Humming Puppy, Redfern & Aro Ha retreat, Christchurch Old Clare Hotel - TZG

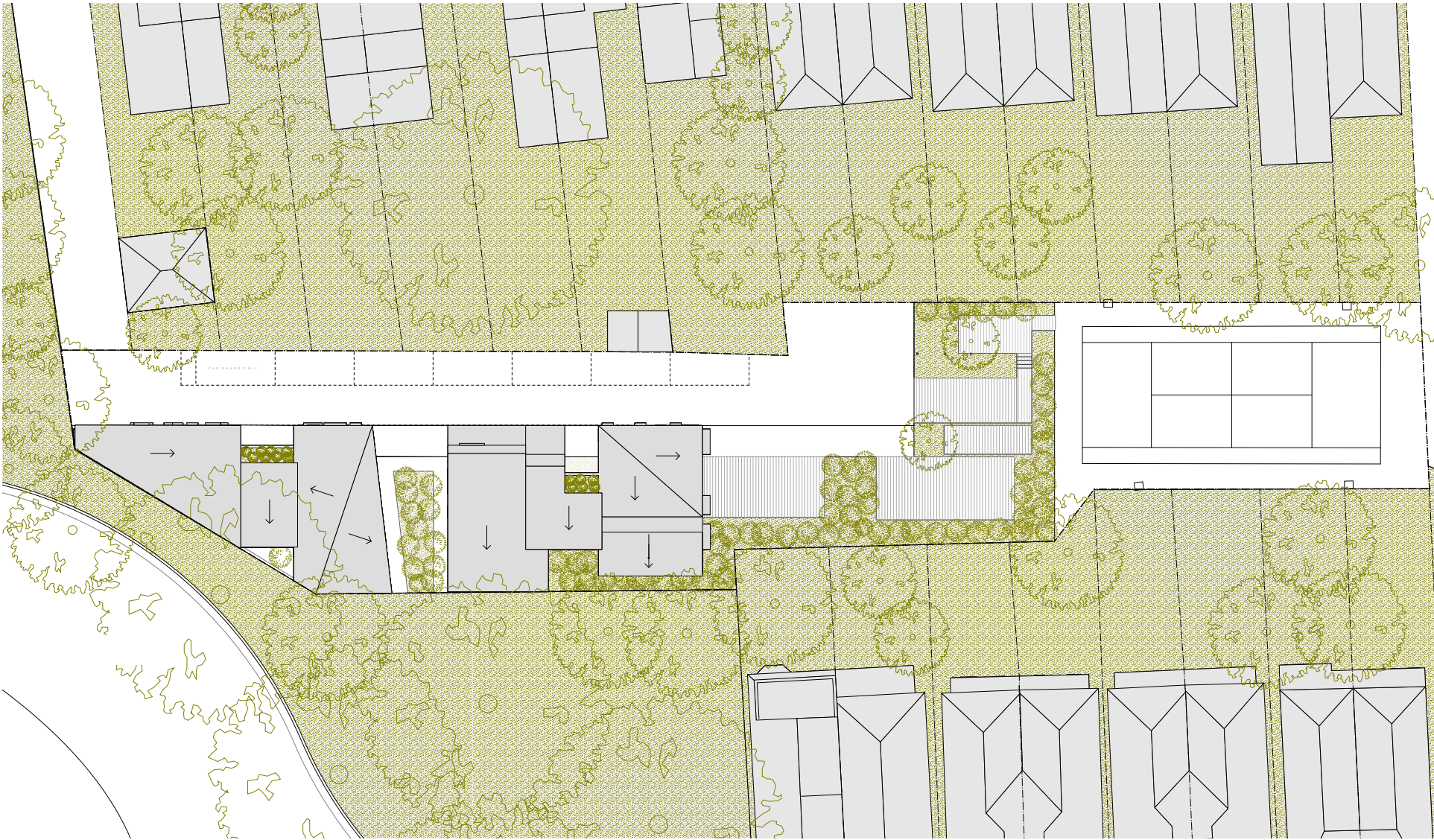
3.3 Existing Site Plan



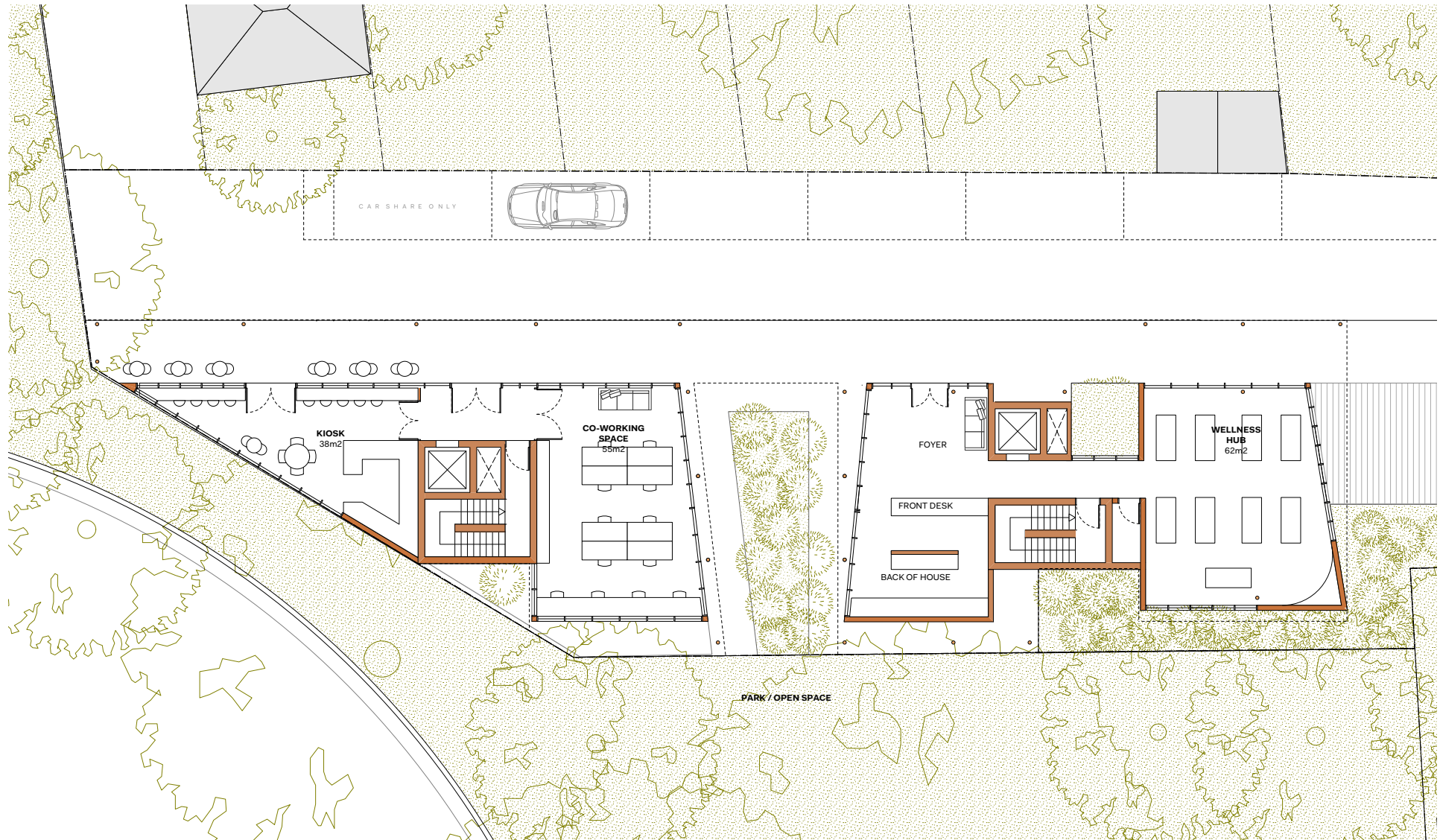
3.3 Proposed Site Plan



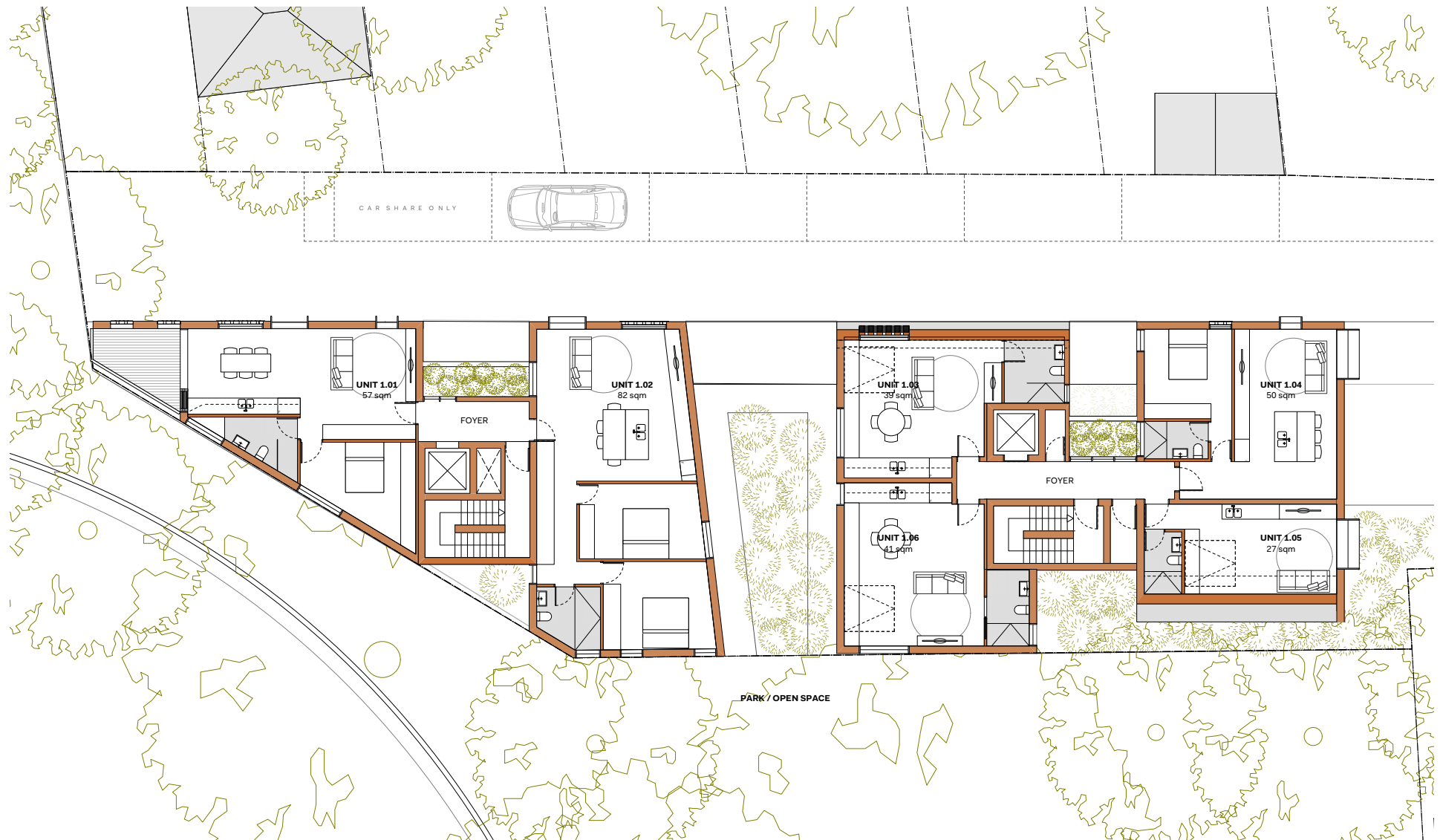
3.3 Site Plan



3.4 Ground Floor Plan



3.4 Level 1 Floor Plan



CARTER

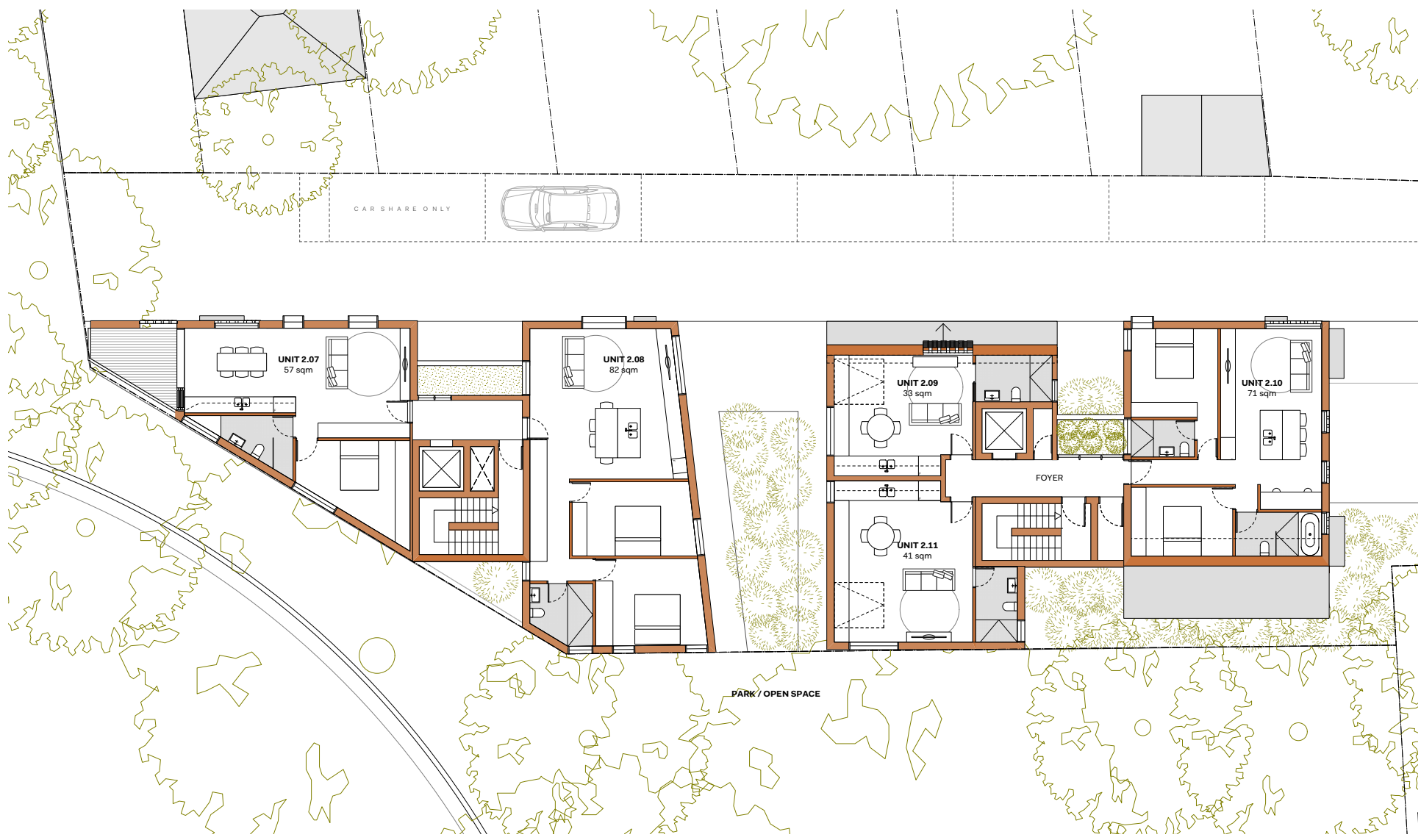
WILLIAMSON

3741st Council Meeting - 22 February 2021 Agenda

In Collaboration with
Ethos Urban
Melissa Wilson Landscape Architects

17.09.20 Revised Design
17238 | 1A Little Alfred Street, Kirribilli
Planning Proposal | Design Report

3.4 Level 2 Floor Plan



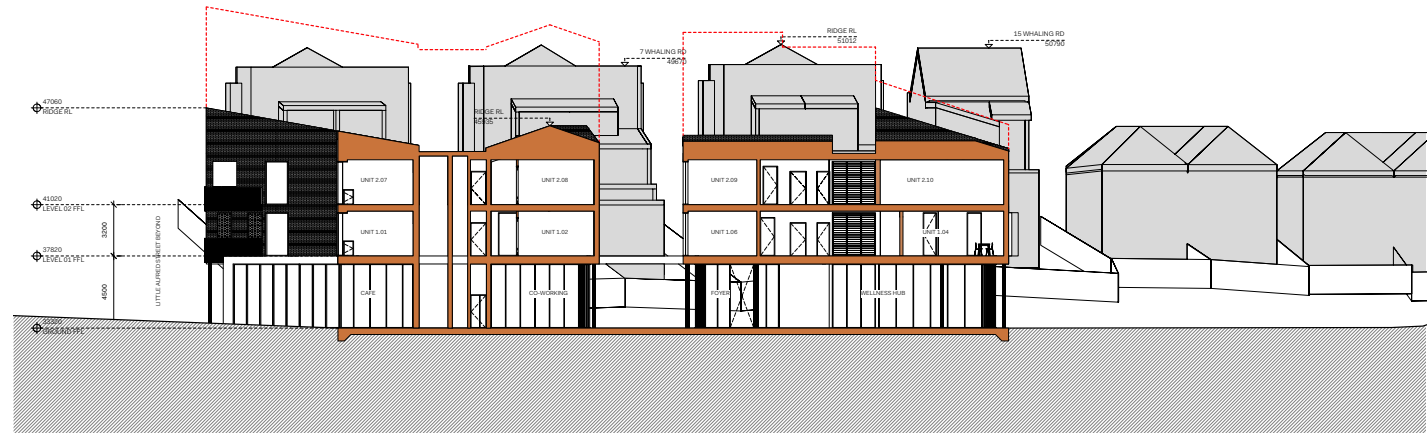
3.4 Roof Plan



3.5 Cross Section



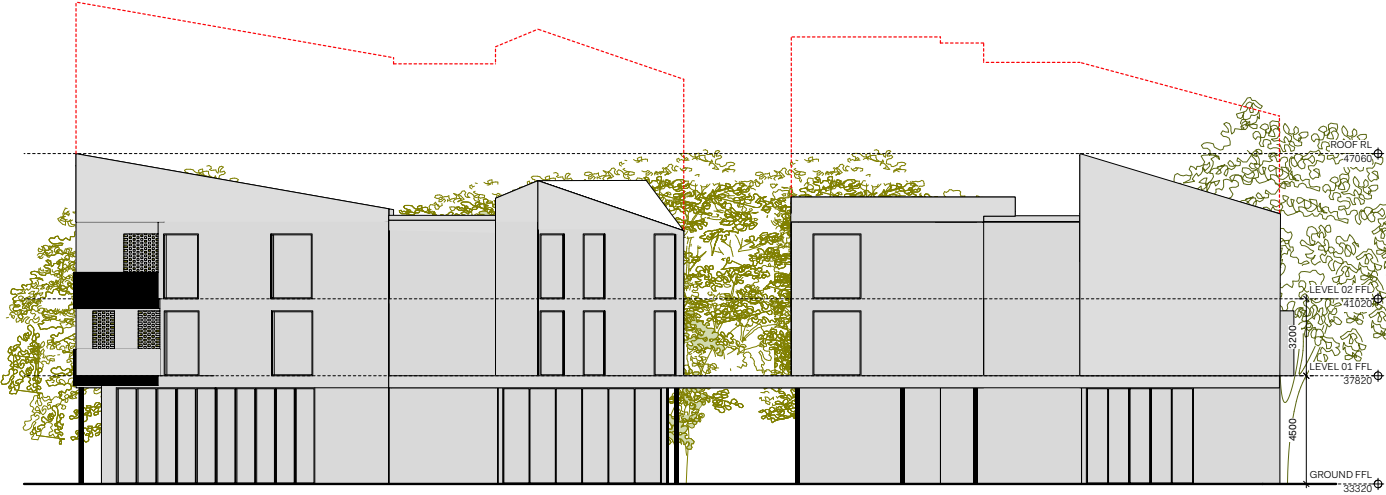
3.5 Long Section



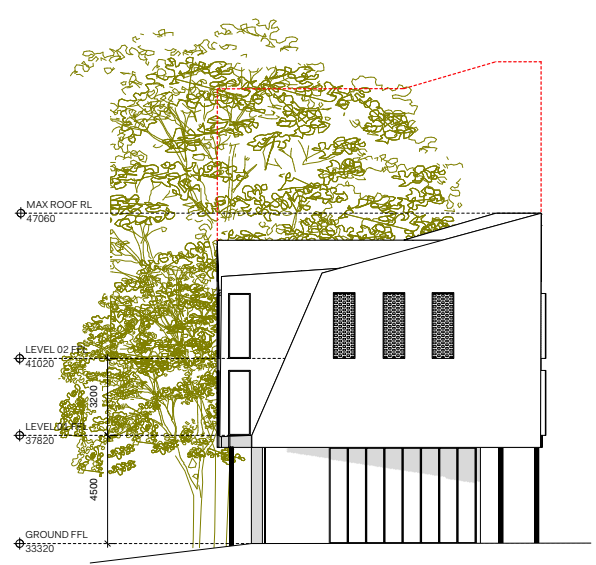
3.5 Elevation: North



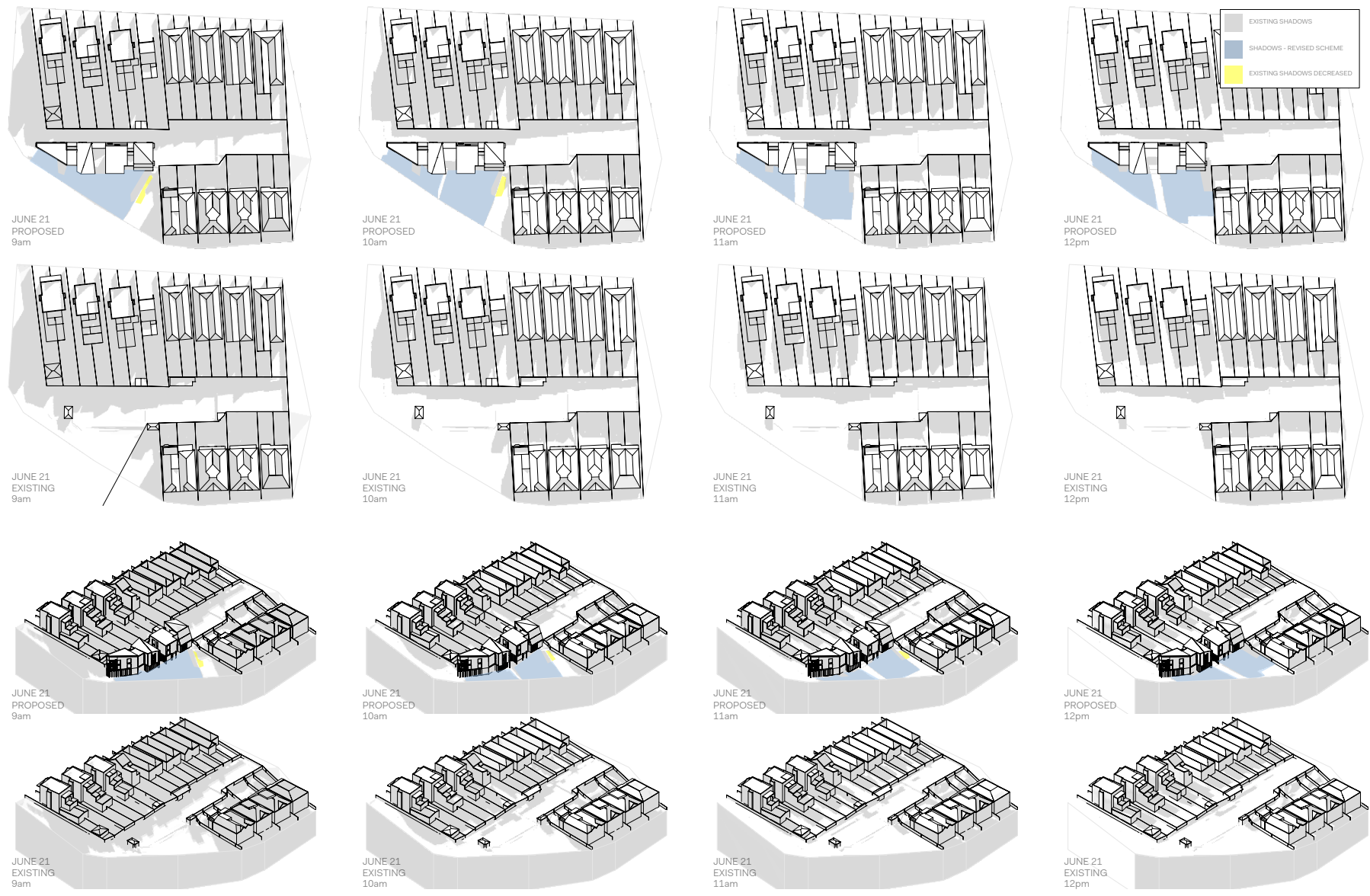
3.5 Elevation: South



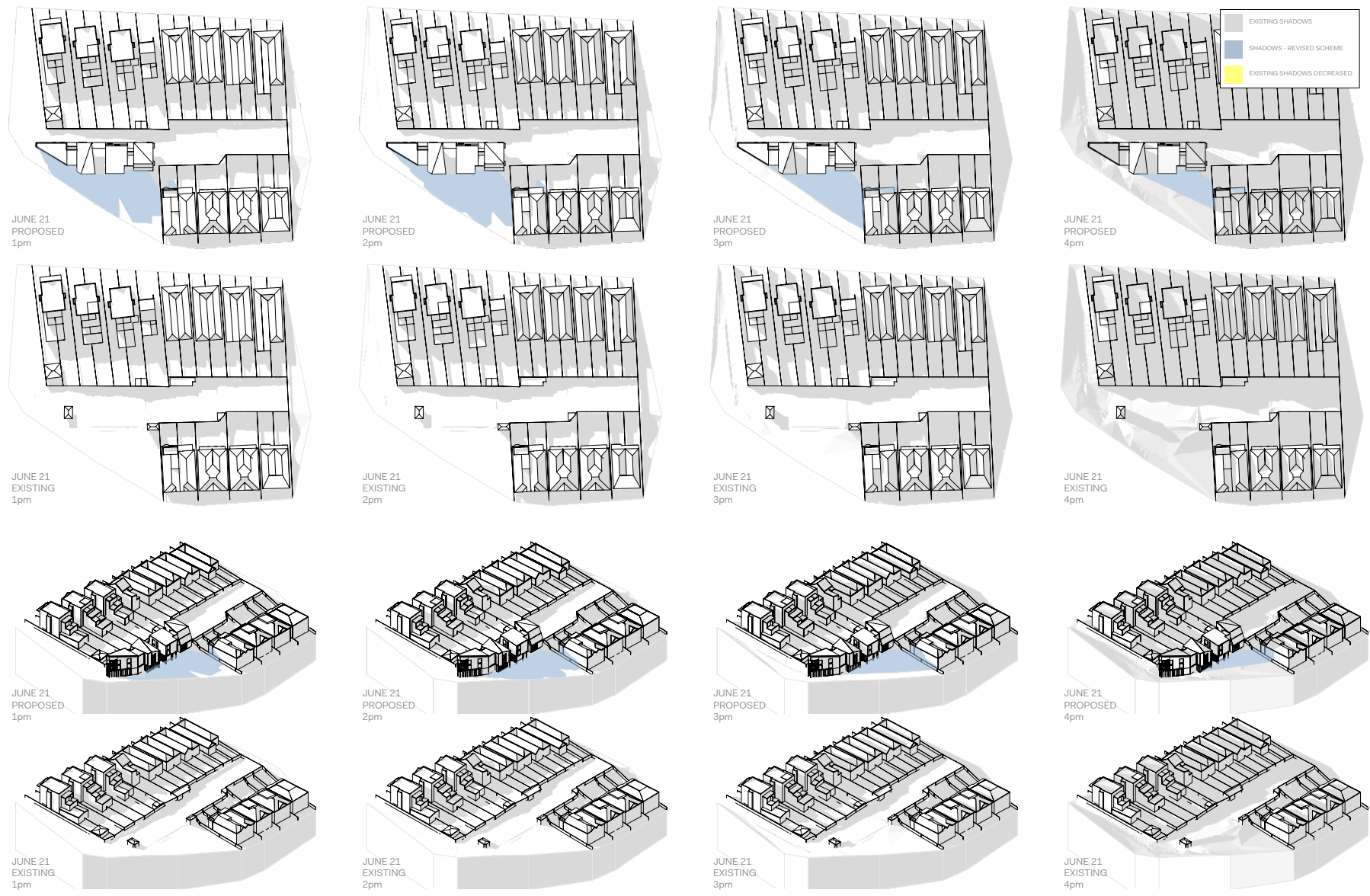
3.5 Elevation: East & West



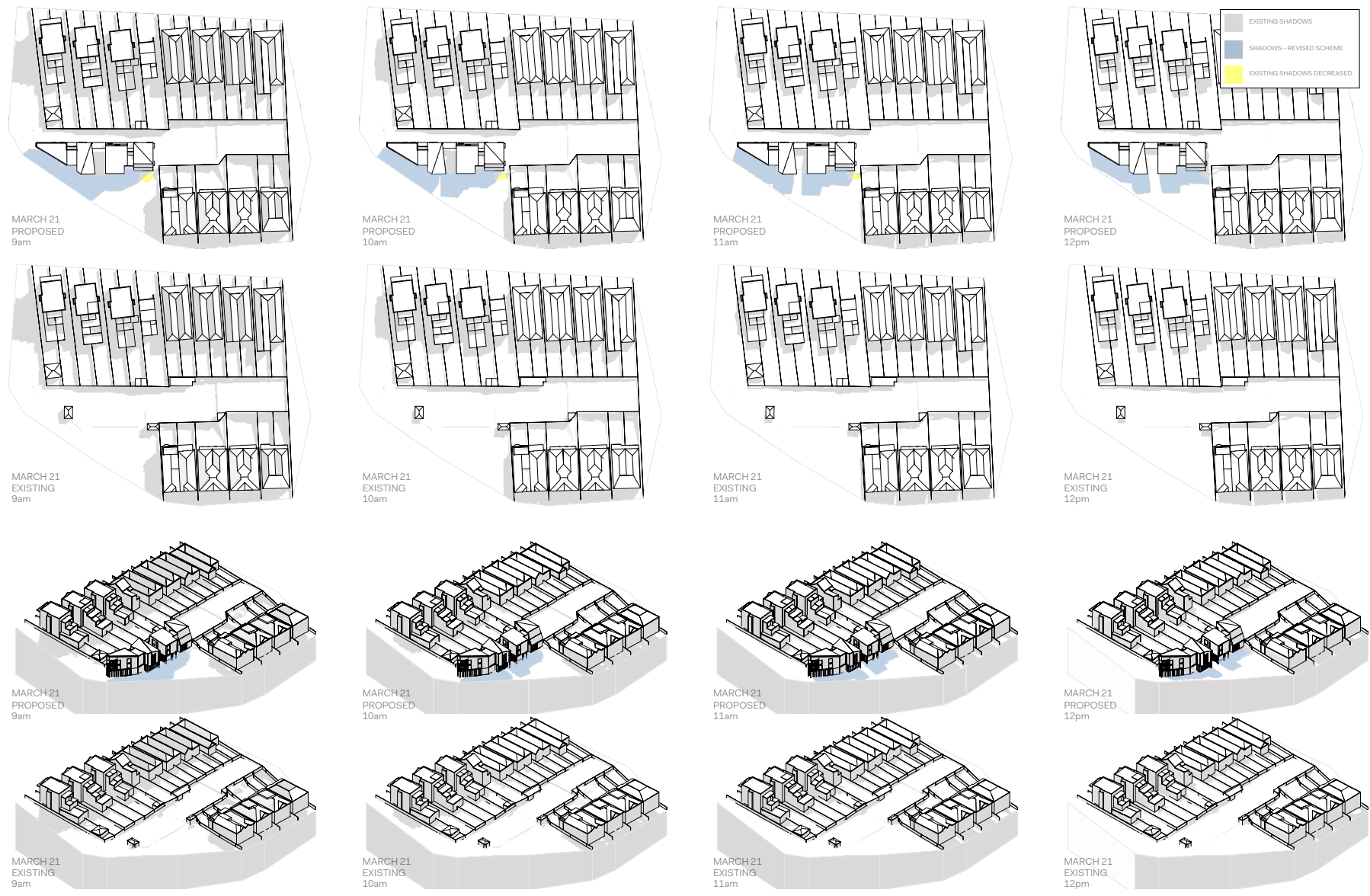
4.1 Shadow Studies | June 21, 9am - 12pm



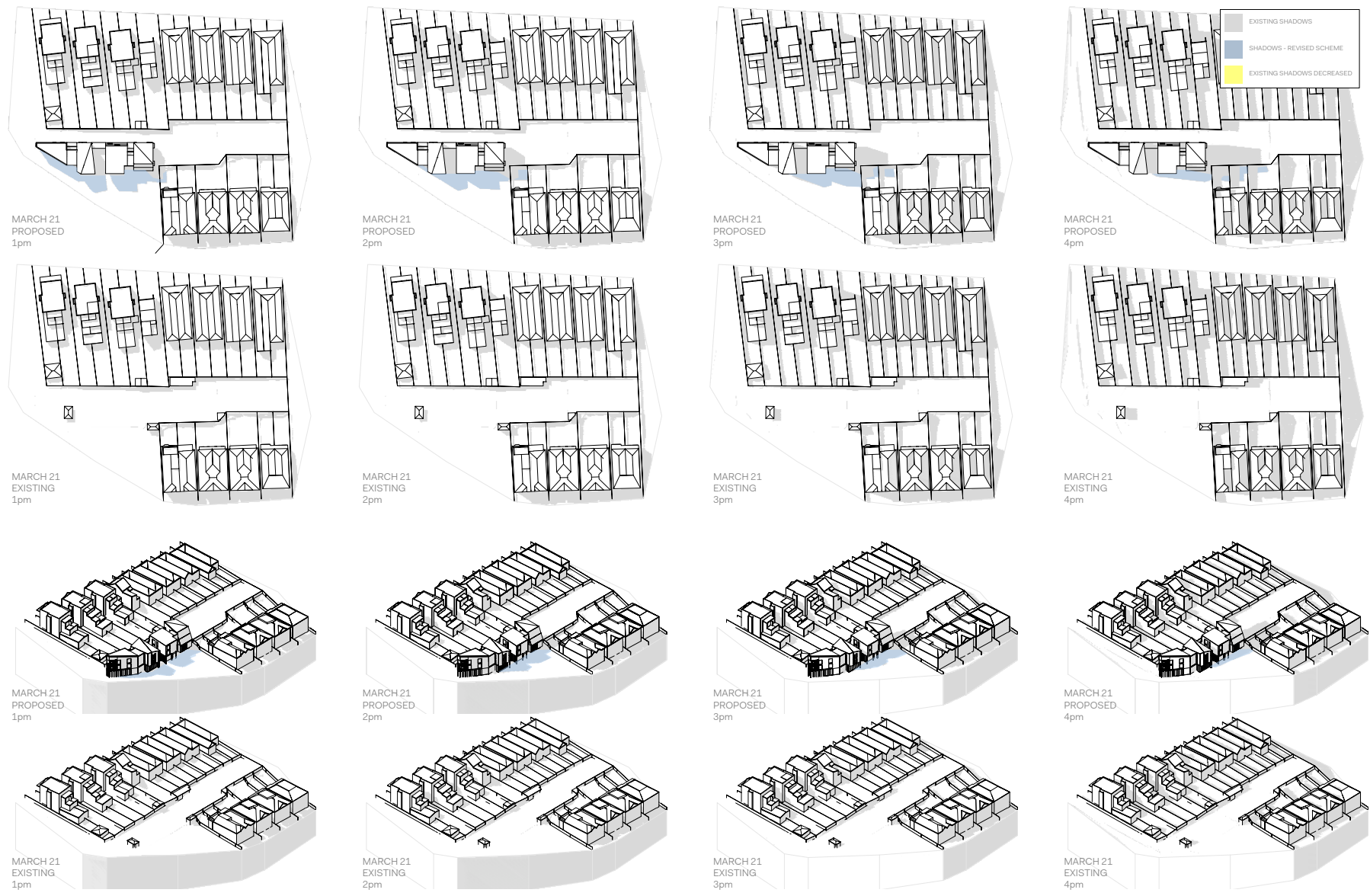
4.1 Shadow Studies | June 21, 1pm - 4pm



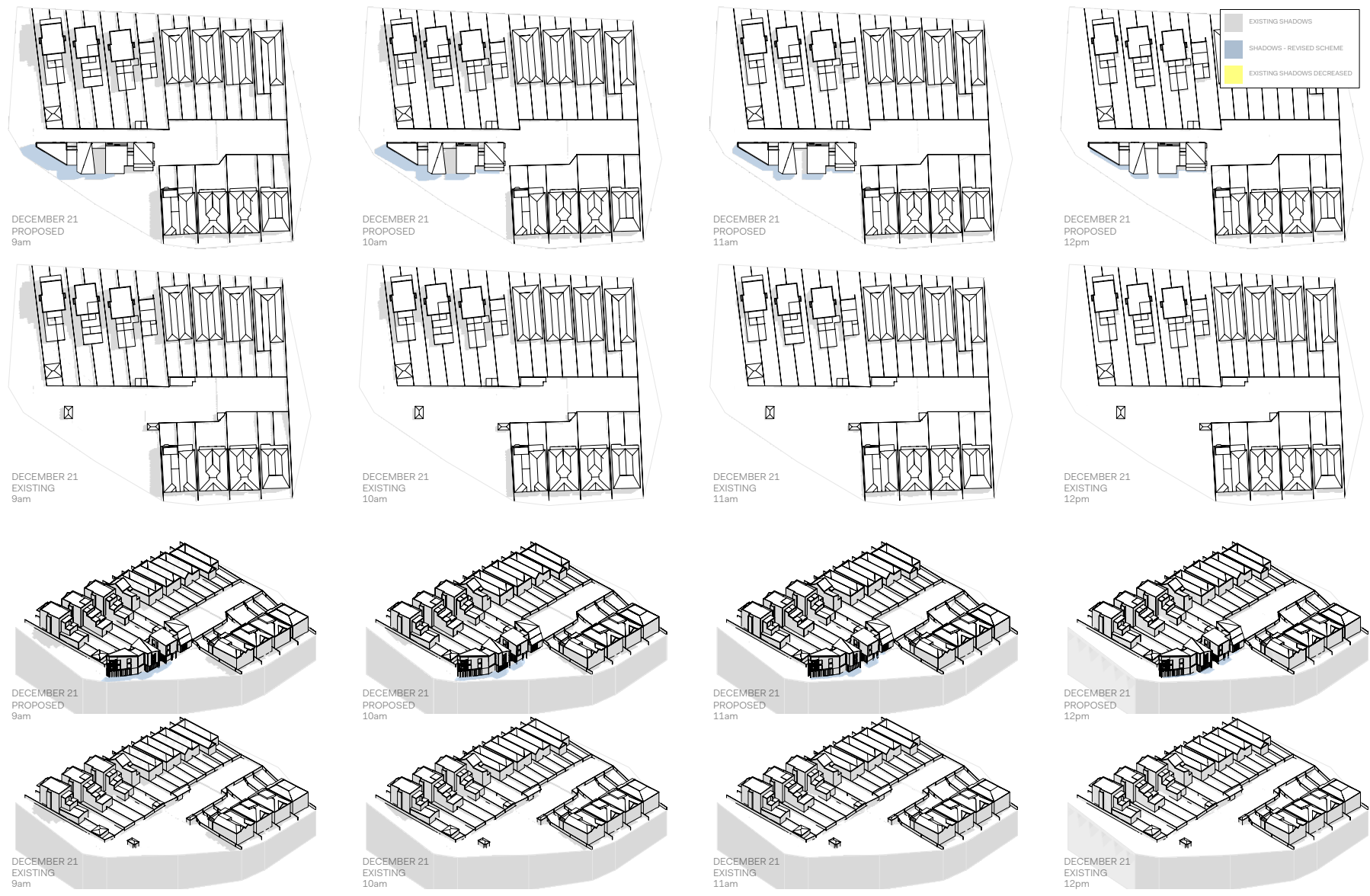
4.1 Shadow Studies | March 21, 9am - 12pm



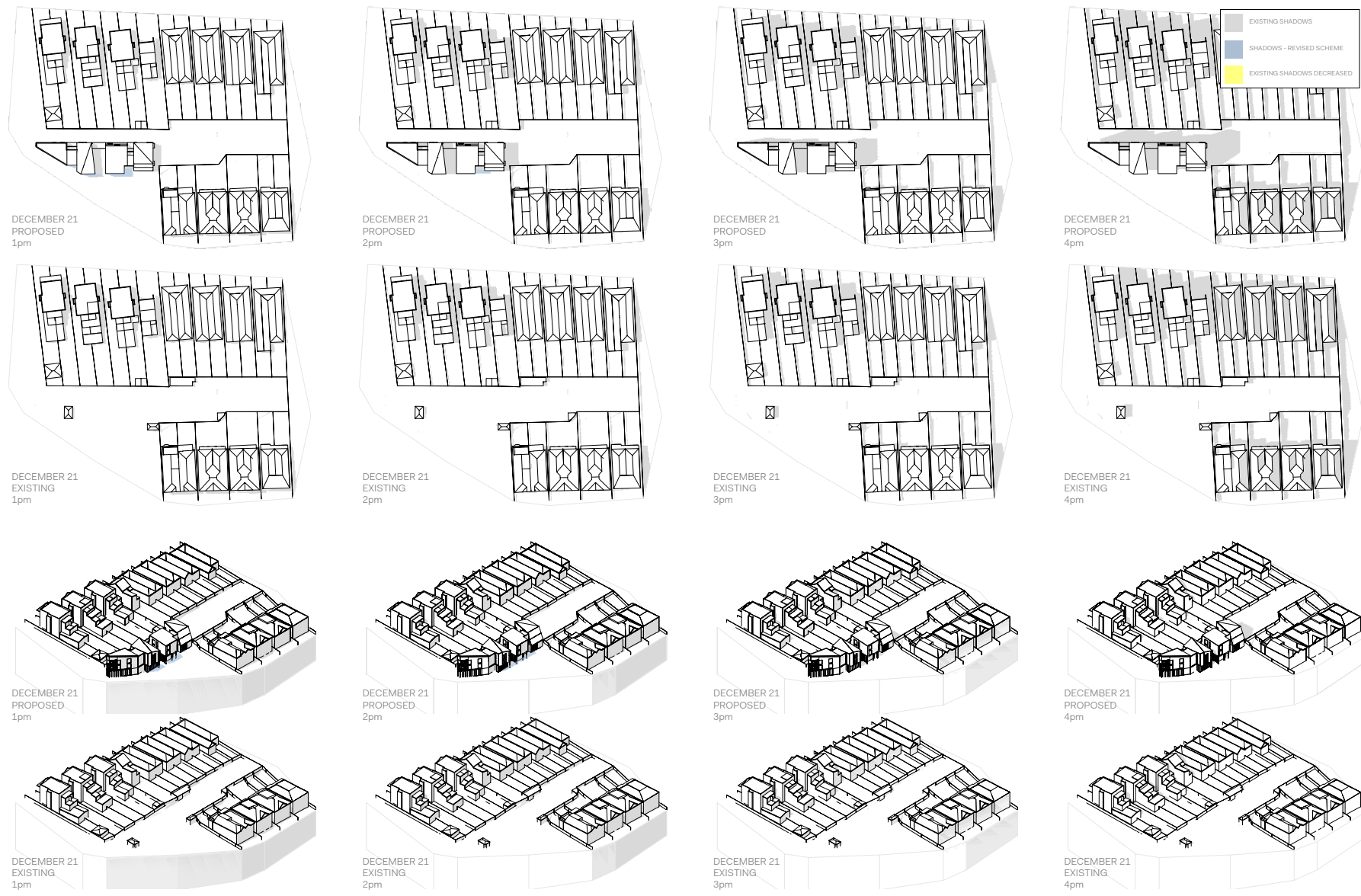
4.1 Shadow Studies | March 21, 1pm - 4pm



4.1 Shadow Studies | December 21, 9am - 12pm



4.1 Shadow Studies | December 21, 1pm - 4pm



4.2 Elevation Shadow Studies | Effect on Southern Neighbours



JUNE 21
PROPOSED SHADOWS ON SOUTHERN NEIGHBOURS
9am



JUNE 21
EXISTING SHADOWS ON SOUTHERN NEIGHBOURS
9am



MARCH 21
PROPOSED SHADOWS ON SOUTHERN NEIGHBOURS
9am



MARCH 21
EXISTING SHADOWS ON SOUTHERN NEIGHBOURS
9am



DEC 21
PROPOSED SHADOWS ON SOUTHERN NEIGHBOURS
9am



DEC 21
EXISTING SHADOWS ON SOUTHERN NEIGHBOURS
9am



JUNE 21
PROPOSED SHADOWS ON SOUTHERN NEIGHBOURS
12pm



JUNE 21
EXISTING SHADOWS ON SOUTHERN NEIGHBOURS
12pm



MARCH 21
PROPOSED SHADOWS ON SOUTHERN NEIGHBOURS
12pm



MARCH 21
EXISTING SHADOWS ON SOUTHERN NEIGHBOURS
12pm



DEC 21
PROPOSED SHADOWS ON SOUTHERN NEIGHBOURS
12pm



DEC 21
EXISTING SHADOWS ON SOUTHERN NEIGHBOURS
12pm



JUNE 21
PROPOSED SHADOWS ON SOUTHERN NEIGHBOURS
3pm



JUNE 21
EXISTING SHADOWS ON SOUTHERN NEIGHBOURS
3pm



MARCH 21
PROPOSED SHADOWS ON SOUTHERN NEIGHBOURS
3pm



MARCH 21
EXISTING SHADOWS ON SOUTHERN NEIGHBOURS
3pm



DEC 21
PROPOSED SHADOWS ON SOUTHERN NEIGHBOURS
3pm



DEC 21
EXISTING SHADOWS ON SOUTHERN NEIGHBOURS
3pm

4.3 View Analysis of Neighbouring Properties



Looking south towards the harbour: Greenway Towers block the view



Looking east towards Careening Cove: Dense vegetation blocks the view



Northern Neighbours - terraces and decks with potential views to the south



Northern Neighbours - terraces and decks with potential views to the south

4.3 View Analysis from Proposed Scheme

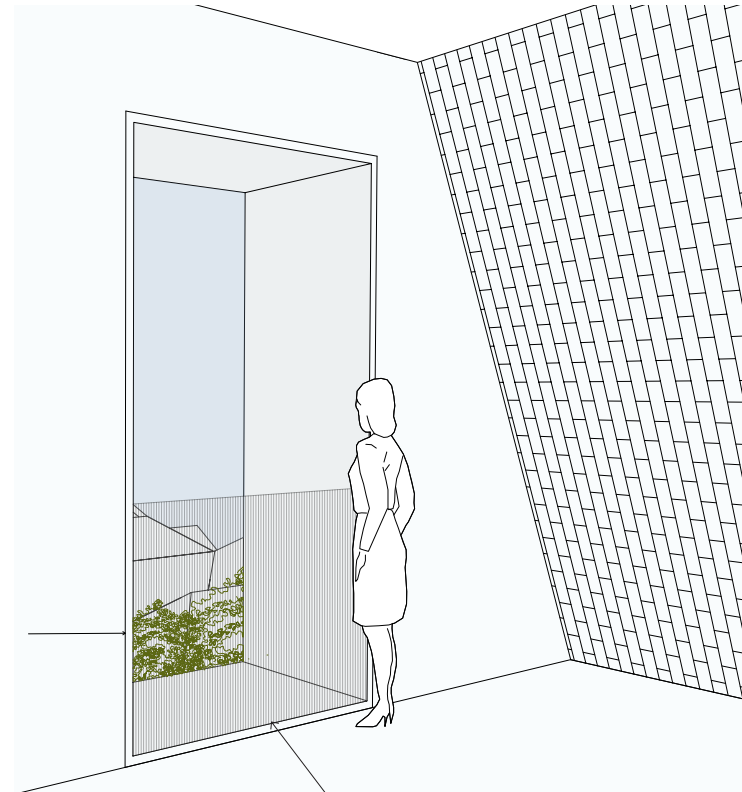


Figure 4.3.1
View from Unit 3.15 towards
South East

Frosted glass
lower panel

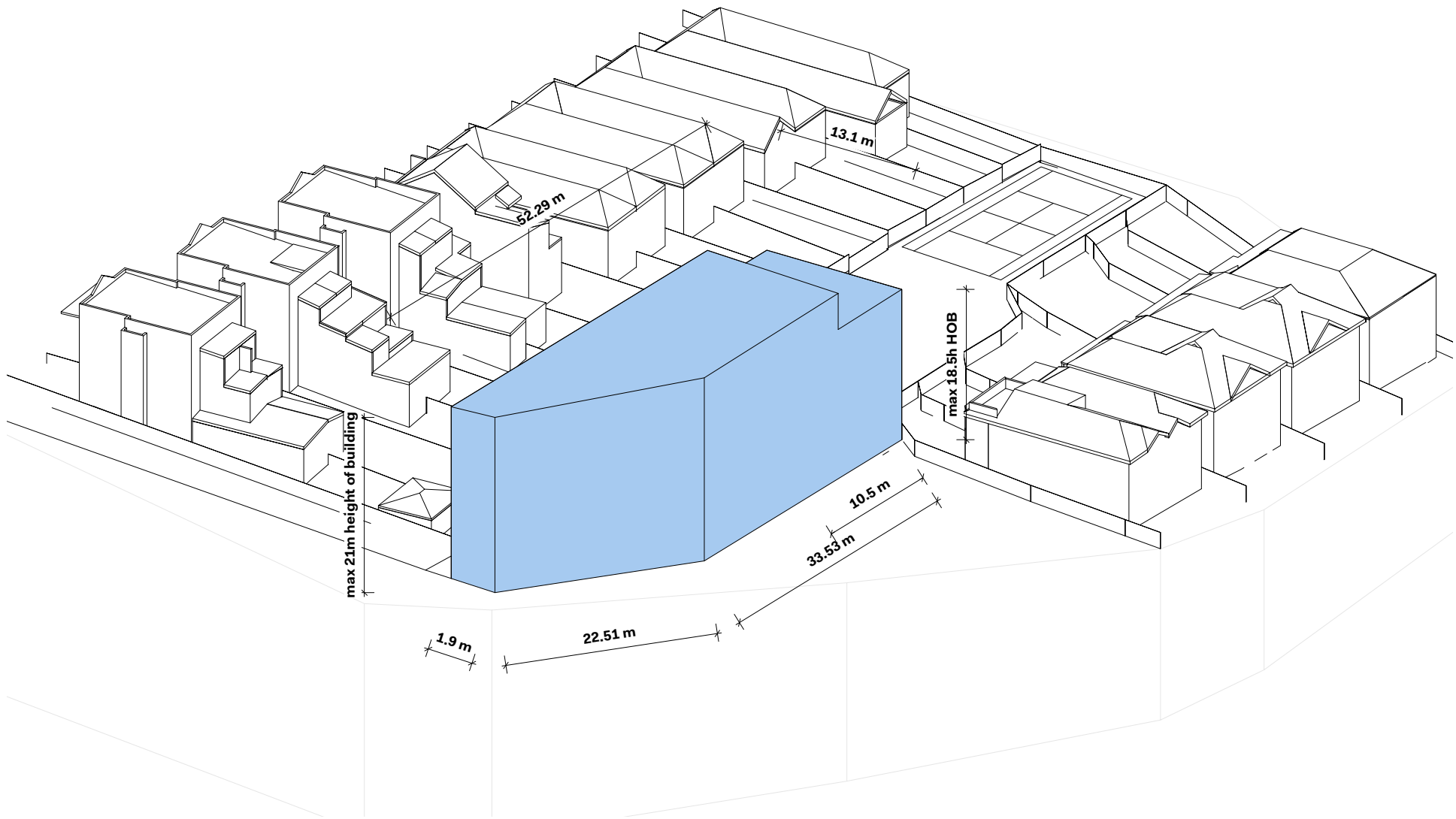


Key Plan

5.1 Proposed Envelope Diagrams | Site Plan



5.1 Proposed Envelope Diagrams | Elevation & Axo



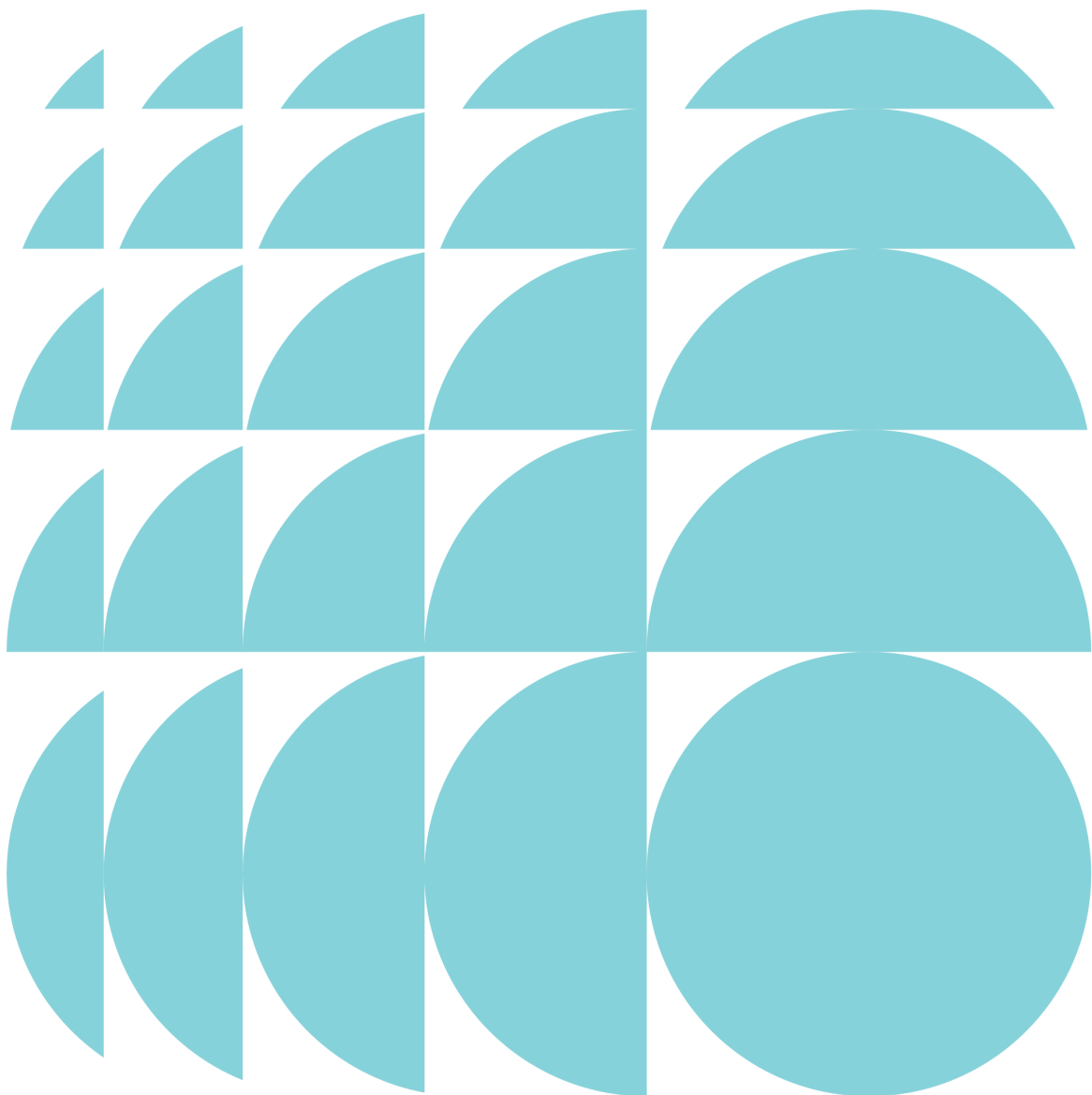
ETHOS URBAN

Planning Proposal

1A Little Alfred Street, North Sydney
Planning Proposal

Submitted to North Sydney Council
On behalf of Tooma & Tooma Pty Ltd

February 2021 | 15003



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This document has been prepared by:



This document has been reviewed by:



Ella Coleman 2/11/2020 Bernard Gallagher 2/11/2020

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1	22/01/2020	PM	BG
2	02/11/2020	EC	BG

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- B** Architectural Design Report & Drawings
Carter Williamson
- C** Landscape Drawings
Melissa Wilson
- D** Recreational Needs Analysis
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- E** Traffic and Parking Assessment
PTC
- F** Arboricultural Impact Assessment
Australis Tree Management
- G** Voluntary Planning Agreement
Tooma & Tooma
- H** Review of Recreational Use, Viability and Options report
Otium Planning Group

1.0 Introduction

This report has been prepared by Ethos Urban on behalf applicant Tooma & Tooma Pty Ltd, in support of a Planning Proposal to amend the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) with respect to the land at 1A Little Alfred Street, North Sydney.

The owners of the site wish to repurpose the existing tennis courts and establish a viable business that allows them to retain ownership of the site and make a positive contribution to the local community.

The vision for the site is to create an '*inner-city urban lifestyle retreat*' with an executive and innovative style accommodation experience – aimed primarily at business executives or young individuals looking to network, working in the North Sydney or Sydney CBDs. The concept plan includes a collection of supporting activities - a café, health/wellbeing space and co-working space, designed as complimentary services to the accommodation experience.

The vision also seeks to maintain the recreation function of the site. One existing tennis court will be retained for public access, subject to the existing booking arrangements. This will be supported by indoor and outdoor recreation opportunities that will be open to guests and local residents. A new 3 storey building on the western portion of the site will contain:

- 11 x 1-2 bedroom apartments (at levels 1-3); and
- a 38m² kiosk style café, a 62m² health/wellness space that could be used for yoga, a gym space etc, and 55m² of shared 'co-working' space, accommodation lobby and back of house, all at ground level.

To enable the above, specifically, this Planning Proposal seeks to amend NSLEP 2013 as follows:

- allow 'Serviced apartments' and 'Co-Living (subject to the finalisation of the Draft Housing Diversity SEPP is finalised) as additional permissible uses on the site (NB: 'Kiosk' and 'Recreation facility (indoor)' uses are already permissible on the site under the existing RE2 zone). With respect to the Boarding House use, if the Council officers actively support maintaining this use then this will be reconsidered;
- amend the Height of Buildings Map with a maximum height of 12.5m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.9:1 on the western portion of the site.

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), and '*A Guide to Preparing Planning Proposals*' prepared by the NSW Department of Planning and Environment.

Section 3.0 of this report describes the proposed development concept plan for the site whilst **Section 4.0** summaries the proposed planning amendments. **Section 5.0** sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, state environmental planning policies and relevant ministerial directions. **Section 6.0** provides an assessment of the key environmental, social and economic impacts of the proposal.

1.1 Site Background

Part of the site was occupied by two residences prior to the construction of the existing tennis courts, which have been used as a private tennis facility since prior to 1930. Despite its current use, the site had previously been zoned Residential A under Interim Development Order 57 which allowed townhouses. It was rezoned by Council to Private Recreation under the North Sydney LEP 1989.

In 2010, Council's Division of Open Space & Environment Services considered the site for purchase and concluded that due to the site configuration, the range of court types, and therefore the range of sports that could utilise the space, would be significantly restricted. The site was considered not good value for money when measured against all the recreational needs of the community.

2011 Planning Proposal

In 2002, the owner at the time approached Council with a number of concepts including a sports club, 5-6 attached dwellings and a complex of three buildings each containing duplexes. Council officers considered these schemes to be overdevelopment and did not support them.

The subsequent Planning Proposal (2011) sought to rezone the site from RE2 Private Recreation to R2 Residential with a maximum height limit of 8.5m and a maximum of 3 dwellings. The Council officers supported the rezoning of the site. However, the Council resolved to defer the matter to a public meeting which was held in August 2011. At the October 2011 meeting, Council resolved not to proceed with the Planning Proposal.

2014 Multi storey recreation facility (DA 16/14)

A DA was submitted to Council in 2014 by a previous owner. The DA proposed to excavate the site and construct a 4-level building containing 3,200m² of recreational floor space including: bowling alley, wave pool, cafe, lap pool, screen golf, rifle range, rock climbing, gym, lounge, sauna, day spa, treatment rooms and 31 car spaces.

The Council officer assessment report recommended refusal of the proposal on the grounds that it failed to meet the aims and objectives of the LEP and represented an overdevelopment of the site. The excavation was considered excessive without appropriate setbacks, the site cover was considered excessive, particularly with is no soft landscaping (deep planting) provided. The parking and loading facilities were considered inadequate, and that insufficient detail was provided with regard to the proposed uses to properly determine the acoustic impacts or proper management of the uses.

1.2 Pre-Lodgement Engagement

With respect to this Planning Proposal, community consultation will be conducted in accordance with Section 3.34 and Schedule 1 of EP&A Act and *A Guide to Preparing Planning Proposals*, at which point the public and relevant authorities will have an opportunity to make comment on the proposal. In addition, any future DA will also be exhibited in accordance with Council requirements.

Notwithstanding this, pre-lodgement engagement has been undertaken during the design development phase regarding this proposal. A summary of this is included below.

North Sydney Council

In December 2017, the proponent and project team met with Council officers to present and discuss the preliminary concept for the site. The following key points were discussed:

- there has been a previous planning proposal relating to the site, which was rejected by North Sydney Council for a number of reasons;
- there was also a previously submitted DA for the site, which was recommended for refusal. Some of these reasons included unreasonable impacts to neighbouring residential amenity, insufficient parking for proposed uses, and extensive excavation;
- Council will be seeking to understand impacts on neighbours, and their concerns or supporting comments;
Council will likely no support residential apartments as it was already meeting its housing target elsewhere; and
- Council are conscious that the site is constrained and will be looking to see a detailed site analysis and design response to inform any future redevelopment.

Adjoining Landowners

In February 2018, some of the neighbouring landowners fronting Whaling Road were invited to meet with the project team in regard to the preliminary scheme. The project team met individually with four households to discuss the proposal.

In December 2018, neighbours fronting High Street were likewise invited to meet with the project team to discuss the proposal. Four individual households responded to this requesting a meeting. The key points of discussions at these various meetings are summarised below.

General comments:

- Appreciated the concept of shared work space and a café, and acknowledged these facilities will contribute to the local amenity and were likely be used to immediate surrounding neighbours
- Acknowledged that there are very limited views to the city and that the proposed development will likely not impact this
- There are potential benefits that the proposed building may act as a noise buffer from the busy roads to the south and west
- An awareness that many redevelopment proposals have been sought previously and that eventually the site will likely be redeveloped. If the site is to be redeveloped, they would like to ensure a better outcome than previous schemes with less impacts
- Acknowledged that this proposal is more considerate of its surrounds than all previous proposals for the site, and overall has less of an impact
- Acknowledged that the proposed uses are more representative of the surrounding character, and will likely attract more pedestrians than cars
- Acknowledged that the concept design has carefully considered potential impacts, and siting of the proposed building seeks to minimise overshadowing and privacy impacts on the maximum number of neighbours.

Concerns:

- Potential uncertainty of development after rezoning if approved. How can the proposed outcomes be guaranteed, without relying purely on trust in the proponent?
- Concerns the land may be sold to another developer after the site has been rezoned, and that the future development will result in residential flat buildings rather than the currently proposed short stay accommodation. As such, would like to restrictive controls to ensure that uses other the proposed concept design cannot be built at later stages
- Previous development proposals explored offering rear access to the adjoining neighbours. Requested that personal access to the site would be ideal, however acknowledged that it is unfeasible to provide access to all neighbours, due to the large ground level differences and utilisation of that space to provide parking for the proposal
- Would like detailed drawings to understand intended outcomes prior to supporting any rezoning
- Concern that the proposed height to introduce privacy issues to use of back yards and rear entertaining areas, and would generally prefer a sympathetic height
- Concerns for potential impacts on the quality of life during construction
- Some were opposed to any development on the site
- Concerns relating to potential for additional parking and traffic generation impacts on Whaling Road
- Noted that waste collection occurs from Little Alfred Street, and request that the proposal seeks to minimise truck reversing and blocking of the lane
- Window/balcony placement and design must prevent overlooking into neighbour backyards and private entertainment areas. Screening methods should be used to direct views
- Noted a need to ensure box culvert along common boundary is reinstated to allow stormwater runoff.

1.3 Post Lodgement of PP2/20

On the 28 July 2020 preliminary feedback was received from Council after the original planning proposal (PP2/20) was submitted to North Sydney Council on 24 March 2020 for an indicative reference scheme that incorporated a part 4, part 5 storey development with an FSR of 1.62:1. Council's comments in their July 2020 correspondence provided a series of comments and concerns with the proposal, including:

- Maintaining an adequate supply of recreational areas within the LGA, in line with Council's Recreational Needs Study undertaken in 2015.
- A fear of the loss of private recreational area within close proximity to an employment area being inconsistent with Council's goal to maintain areas for sports use within the catchment of North Sydney CBD.
- A fear that the reduction of 2 out of 3 tennis courts on site would reduce opportunity for local participation in sport and physical activity which may reduce compliance with the Federal Government's 'Sport 2030 - National Sport Plan' which aims to ensure Australia is, "the world's most active and healthy nation."
- A fear that the reduction of 2 out of 3 tennis courts on site would reduce the important role recreational areas play in supporting the health and wellbeing of the local community in a post-covid recovery environment.
- The perceived 'fragmentation' of the remaining tennis court from the adjacent RE1 pocket parks being undesirable and may reduce the useability and amenity of both spaces.
- The proposal's considered inconsistency with the objectives of the RE2 zone and with the objectives of the adjacent zones in that it will result in a loss of recreational area and proposes to introduce serviced apartments which isn't reflective of the current or desired land use of the existing or surrounding properties and is out of context in the form proposed.
- The proposal's scale of development not being seen as desirable within the DCP 2013 Character Statement.
- The proposal's impact on the vegetation directly to the south of the site.
- Even though the proposal had not undergone a formal 'Public Exhibition' process, Council had received numerous submissions from residents indicating their concern with the proposal.

A full response to each of the above comments is provided within the covering letter appended to this Planning Proposal.

Additionally, even though the proposal had not undergone an official 'Public Exhibition' period mandated to all Planning Proposals as part of the Gateway Determination process, Council has received over 50 submissions in relation to the original Planning Proposal scheme, identifying a number of matters of concerns to the nearby residents. The key issues raised in relation to the Planning Proposal, and the proponents detailed responses to each of the key themes expressed within the submission, are provided within **Table 2** of the covering letter appended to this Planning Proposal.

The following amendments were made to the reference scheme and planning proposal following receipt of Council's initial assessment comments and public submissions:

- Reduction of the proposed maximum building height from 4 and 5 storeys (21m maximum building height control) to 3 storeys (15m maximum building height control);
- Reduction of the proposed maximum Floor Space Ratio from 1.6:1 to 0.9:1:1 on the western portion of the site;
- Amendments to the proposed maximum building envelope to reflect the revised planning controls (refer to **Appendix A**);
- Amendments to the proposed reference design scheme to reflect the revised planning controls (refer to **Appendix A**); and
- Revision to the VPA letter to extend the offer of guaranteed operation of the tennis court from a period of 5 year to 15 years (refer to **Appendix G**).

This Planning Proposal report represents an amended reference scheme that has been revised to incorporate the design changes as a result of the proponent's response to Council comments. This Planning Proposal should be read in conjunction with the appended covering letter, which responds to Council concerns and public submissions, as well as the following relevant reports that have been amended/included to reflect any changes and to appropriately respond to the issues raised:

- Revised Design Report prepared by Carter Williamson (**Appendix A**);
- Review of Recreation Use prepared by Otium Planning Group (**Appendix H**); and
- VPA Offer letter prepared by Tooma and Tooma (**Appendix G**).

North Sydney Local Planning Panel – 9 December 2020

Following Council's preliminary feedback on the Planning Proposal outlined above, a revised Planning Proposal was submitted to Council for review. The revised Planning Proposal was not recommended for approval by North Sydney Council, despite the revisions made. The Planning Proposal was then forwarded to the North Sydney Local Planning Panel (NSLPP) for review on 9 December 2020.

The NSLPP concluded that the Planning Proposal is supported based on the following amendments:

- Any additional use sought were to be limited to 'serviced apartments' only
- Maximum height limit of 12.5 metres and three storeys.
- FSR of 0.9:1 confined to the western portion of the site.

Furthermore, the NSLPP recommended that additional restrictions would be supported, including restrictions on future subdivisions to ensure the entire site remains in single ownership.

Based on the above, the NSLPP resolved that the 'serviced apartment' use has both strategic and site-specific merit, and in conjunction with the above conditions, the Planning Proposal was mostly supported by the panel. The NSLPP also recognised the unique location and constraints of the site, and the need for complementary uses to activate the site and ensure continued access to the recreational parts of the site, as achieved by this Planning Proposal

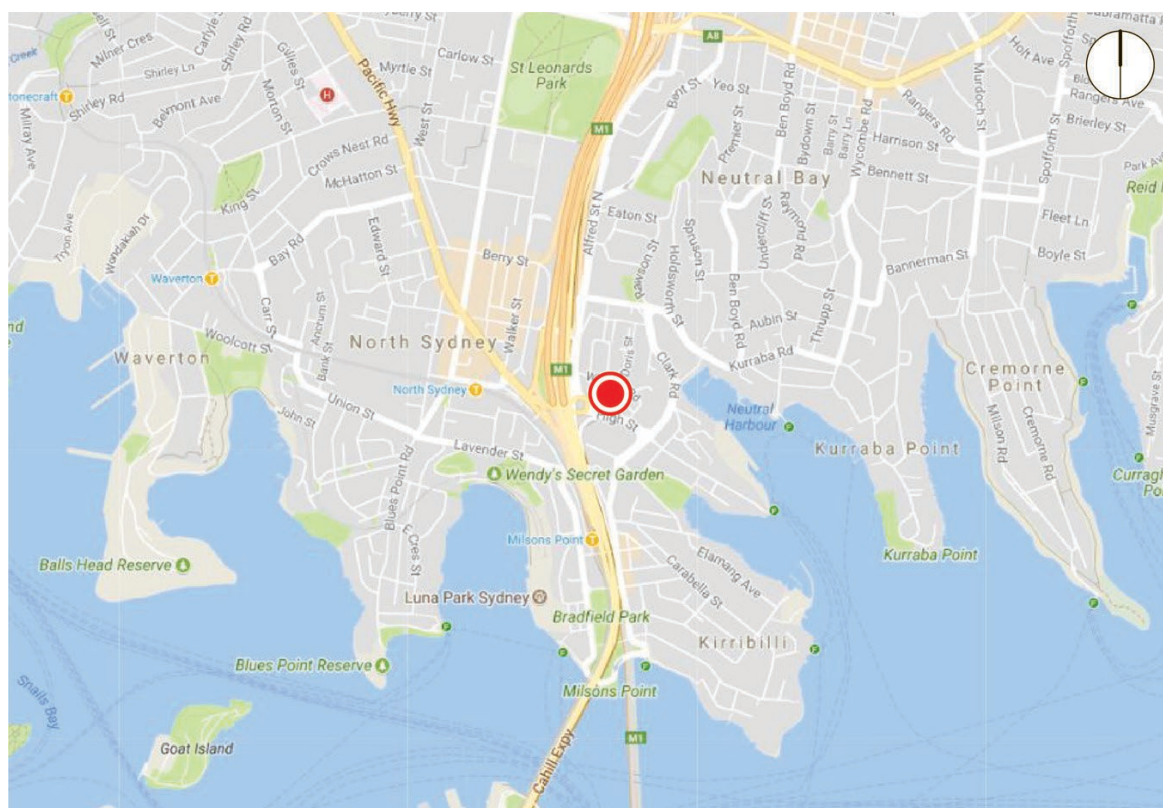
The Planning Proposal has since been revised to incorporate the recommendations of the NSLPP, including the removal of the proposed 'office premises' use, and revision of the FSR.

2.0 The Site

2.1 Site Location and Context

The site is located at 1a Little Alfred St, North Sydney (**Figure 1-3**). It is located within the North Sydney Local Government Area, approximately 500m from North Sydney CBD, and 2km from Sydney CBD. The North Sydney CBD, separated from the site by the Warringah Freeway, is currently undergoing substantial commercial intensification, particularly with a strategic encouragement of a diverse mix of employment generating uses.

The site is located within the centre of the street block bound by Whaling Road, High Street, Pile Lane and Little Alfred Street. The site is bordered by residential properties to the north, east and south and a park on the western boundary.



The Site

Figure 1 Location context

Source: Google & Ethos Urban



Figure 2 Site in relation to North Sydney CBD

Source: Carter Williamson



The Site

Figure 3 Local site context

Source: Nearmap & Ethos Urban

2.2 Site Description

A site survey plan is included at **Appendix A**. The site, approximately 1,829m² in area, is legally described as Lot 1051 DP812614 and known as 1A Little Alfred Street, North Sydney. Existing development on site is illustrated at **Figure 4**. It comprises 3 tennis courts, 3 parking spaces, two huts and bathrooms. Site access is provided via Little Alfred Street, at the western edge of the site. The topography of the site is relatively flat, with three main levelled ground heights, due to the site's existing use comprising 3 tennis courts. There is no existing vegetation on the site. The three tennis courts are operational between the hours of 6am to 10pm, 7 days a week. Bookings and payments are made online via a website.



Site entry and car park located on western boundary of the site



View from Court 1 looking west towards North Sydney CBD



Existing players amenity hut, containing bathrooms and change facilities, located on northern boundary of the site



Existing players hut located on the southern boundary of the site



Looking south down Little Alfred Street towards entry to the site



Existing pedestrian access on site along southern boundary



Looking north from the site towards the rear boundaries of adjoining residences



Looking east from the site

Figure 4 Various views of the site

2.3 Surrounding Development

North: Residential dwellings to the immediate north of the site generally comprise terraces and dual occupancies along Whaling Road. Further north- west comprises medium to higher density residential and commercial uses within the 'Alfred Street Precinct'.

South: Residential dwellings to the immediate south of the site generally comprise manor houses along High Street, and apartment buildings further south and to the south east of the site. The immediate south-west of the site comprises a landscaped area with dense foliage connecting to the adjoining public park.

East: Surrounding context to the east of the site generally comprise low density residential dwellings and high-density residential apartments.

West: A public park adjoins the site to the immediate west. Further to the west comprises the Warringah Freeway and North Sydney CBD and North Sydney Railway Station.



Looking north at the adjoining public park and Little Alfred Street



View of the public park looking south east towards the site



Existing adjoining residential properties to the south of the site, fronting High Street



Existing high-density residential properties along High Street, located to the south east of the site



Existing residential properties adjoining the site to the north, fronting Whaling Road



Existing residential property adjoining the site to the north, fronting Whaling Road



View of northern neighbouring residence from Little Alfred Street



Existing commercial development along Alfred Street North, north of the site

Figure 5 Various views of the surrounding development

2.4 Current Planning Controls

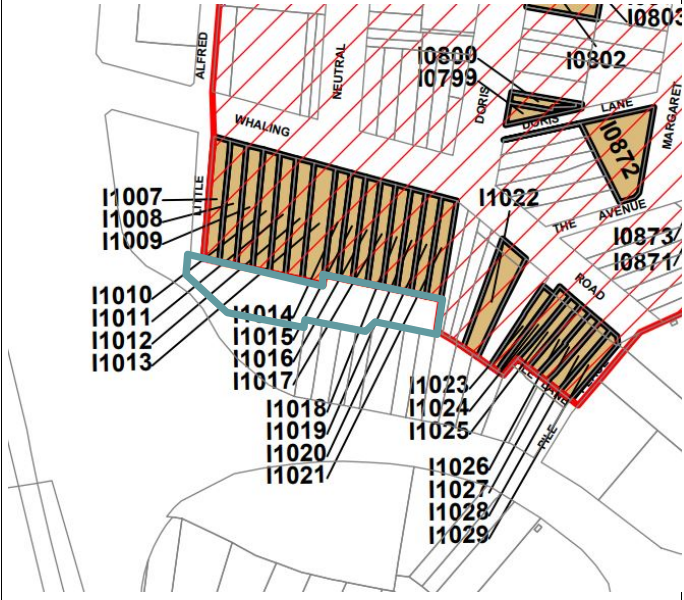
The planning documents that apply to the site are:

- North Sydney Local Environmental Plan 2013 (NSLEP 2013); and
- North Sydney Development Control Plan 2012 (NSDCP 2012).

The relevant aspects of NSLEP 2013 is set out in **Table 1** below. **Section 4.0** of this report outlines how the NSLEP 2013 is proposed to be amended by this Planning Proposal. Consistency of the proposal against the key relevant DCP provisions is assessed at Section 6.3.

Table 1 Key relevant planning controls of NSLEP 2013

Control	Mapping	Comments
CI 2.3 Land Use Zone	<p>The Site</p> <p>Zoning</p> <ul style="list-style-type: none"> B3 Commercial Core R2 Low Density Residential R3 Medium Density Residential R4 High Density Residential RE1 Public Recreation RE2 Private Recreation SP2 Infrastructure 	<p>The site is zoned as RE2 – Private Recreation. Current uses permissible with consent include:</p> <ul style="list-style-type: none"> Building identification signs; Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads
CI 4.3 Height of Buildings	<p>The Site</p> <p>Maximum Building Height (m)</p> <ul style="list-style-type: none"> I 8.5 M 12 N 13 O2 16 S 24 	<p>There is maximum permissible building height for the site. Surrounding residential areas to the north and south of the site have a maximum permissible building height of 8.5m</p>

Control	Mapping	Comments
CI 4.4 Floor Space Ratio	There is no maximum FSR limit for the site.	There is no maximum FSR limit for the surrounding residential areas to the north, south and east
CI 5.10 Environmental Heritage		<p>The site is not a heritage listed item under the <i>North Sydney LEP 2013</i>, or State Heritage Register, nor is it located within a Conservation Area</p> <p>Residential properties adjoining the site, located to the immediate north are locally listed under the <i>North Sydney LEP 2013</i>, and located within the 'Conservation Zone 21 Whaling Road'</p>
CI 6.7 Development in Zone RE1 or Zone RE2	<p>(2) <i>Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following:</i></p> <ul style="list-style-type: none"> (a) <i>the need for the proposed development on the land,</i> (b) <i>whether the proposed development is likely to have a detrimental impact on the existing or likely future use of the land,</i> (c) <i>whether the height and bulk of any proposed building or structure has regard to the existing vegetation and topography,</i> (d) <i>whether the proposed development will adversely impact on bushland and remnant bushland,</i> (e) <i>whether the proposed development will adversely impact on stormwater flow</i> 	Any future DA on the site will address the considerations of this clause
	<p>(3) <i>Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> (a) <i>the proposed development is consistent with the objectives of the zone of any adjacent land, and</i> (b) <i>the proposed development is not likely to result in any adverse impacts on development that is permissible on any adjacent land, and</i> (c) <i>the proposed development is consistent with the most restrictive development standards applying to any adjacent land in the following zones in relation to the height of buildings, floor space ratios and setbacks:</i> <ul style="list-style-type: none"> (i) <i>Zone R2 Low Density Residential,</i> (ii) <i>Zone R3 Medium Density Residential</i> 	<p>This Planning Proposal seeks to introduce site specific development controls for height and FSR, which have been proposed with consideration and assessment of adjoining land use zones and development controls.</p> <p>As such, if this Planning Proposal is gazetted, a future DA on the site will be consistent with its own site-specific development standards, as well as consistency with the objectives of the adjoining land use zones.</p>

3.0 Proposed Development Concept

The following section should be read in conjunction with the design concept prepared by award winning architects Carter Williamson, included at **Appendix B**. The concept design report includes a detailed site analysis, a set of key design principles as well as a schematic architectural design.

3.1 The Vision

The vision for the site is to create an *'inner-city urban lifestyle retreat'* with an executive style accommodation experience – aimed primarily at business executives working in the North Sydney or Sydney CBDs. The concept includes a collection of supporting activities - a café, health/wellbeing space and co-working space, designed as complimentary services to the accommodation experience.

The intended architectural design outcome focuses on quality design and finishes, sustainability and a high-quality landscape reflective of the surrounding natural environment.

3.2 Proposed Activities

This Planning Proposal aims to facilitate the concept design (see **Appendix B**), a new 3 storey building on the western portion of the site that will contain:

- 11 x 1-2 bedroom serviced apartments (at levels 1-3); and
- a 38m² kiosk style café, a 62m² health/wellness space that could be used for yoga, a gym space etc, and 55m² of shared 'co-working' space, accommodation lobby and back of house, all at ground level.

The eastern portion of the site will be utilised as an outdoor garden and active recreation space used in conjunction with the health/wellness space. The eastern most tennis court will be retained and will remain open to the public, via an online booking system (as per the existing arrangement). This can be secured through a future condition of development consent or Planning Agreement.

The whole site and its uses will be privately managed and maintained by on-site management. Ground floor uses will be commercially operated, open to all, and will not be restricted to the residents of the short stay accommodation. Seven (7) car spaces will be provided on-site, including one car share space, all at grade with no excavation proposed. The site concept is illustrated at **Figure 6**.

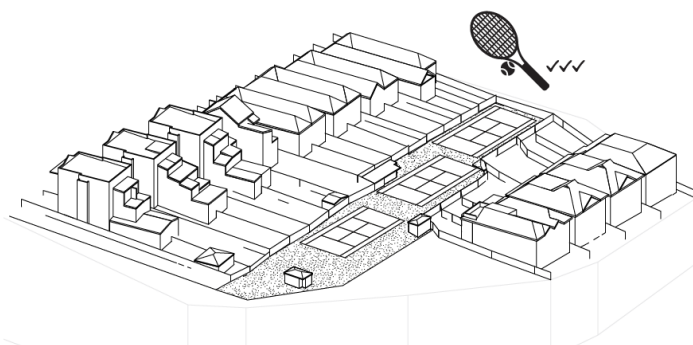


Figure 6 Proposed overall site concept

Source: Carter Williamson

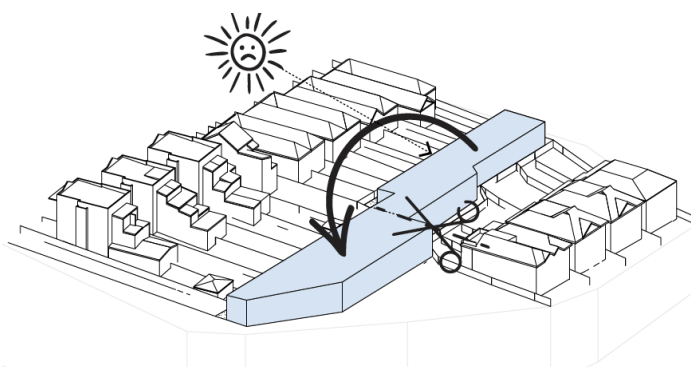
3.3 Key Design Principles

The key design principles developed by Carter Williamson to inform the site planning are set out below.



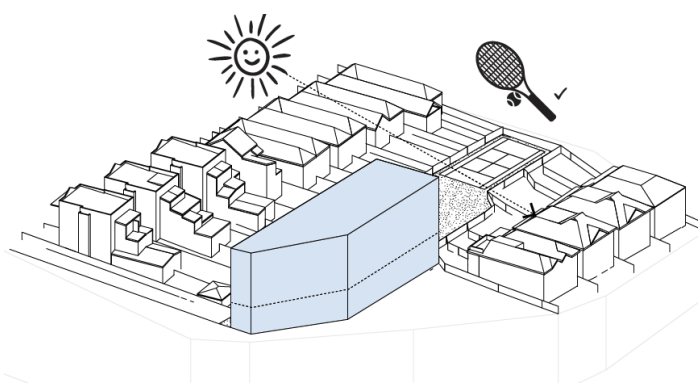
The existing tennis courts on site are underutilised, and unviable as a private commercial business in the long term

Retain one existing tennis court for continued recreation use



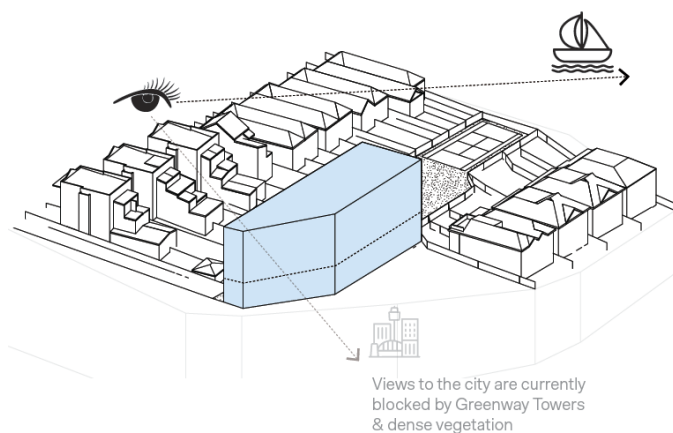
A low scale development located along the width of the site will result in significant overshadowing impacts to the south as well as the loss of all existing tennis courts

Built form across the whole site results in neighbour impacts



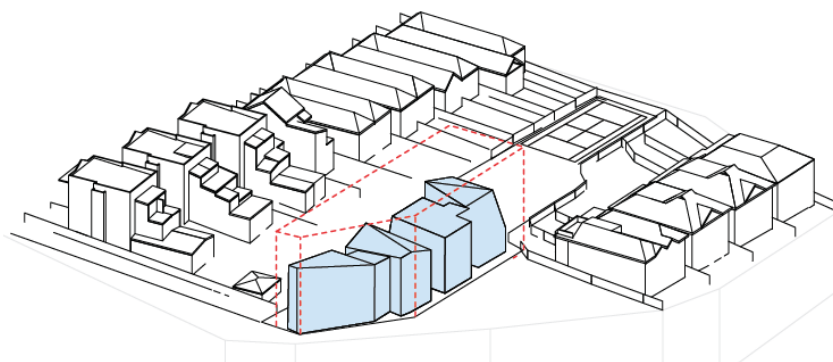
In order to minimise these impacts, the proposed built is transferred to the western portion of the site

Consolidated built form at western end improves solar access to High Street properties



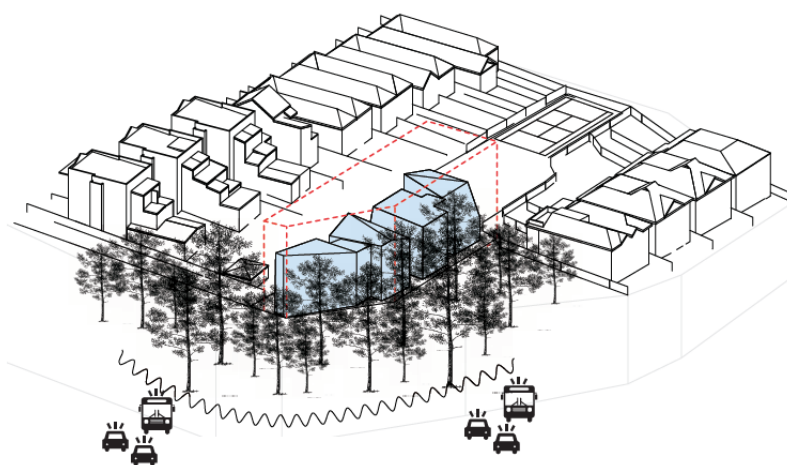
Consolidated built form at western end retains water views

The built form at the western end of the site also retains key harbour views for the houses fronting Whaling Road



Articulated built form to minimise solar and privacy impacts

The building volume is articulated to minimise overshadowing, reduce the visual impacts of the form and provide views and light through the built form



Proposed built form acts as a noise buffer from high traffic roads to the south and west

The proposed form will act as a noise buffer for the high traffic environments of Alfred Street North and High Street. All existing trees located within the public park land are to be retained and will act as a visual buffer from High Street

3.4 Built Form and Density

The above design principles inform the maximum building envelope illustrated in **Figure 7** and **Figure 8** below. This maximum building envelope sets the maximum extent of a future building within the site so as to ensure minimal off-site impact. At DA stage, the detailed design of the building will need to be wholly contained within this envelope. Should Council require a site specific Development Control Plan provisions, this envelope plan can form a key development control for the site.

The proposed overall GFA is 844m², representing an FSR of 0.46:1 across the whole site or 0.9:1 across the western portion of the site.

It is noted that some portions of the roof design of the proposed scheme may extend beyond the 12.5 metre height limit due to the design of the building. Any additional height will be designed as an architectural roof feature and will meet the requirements of section 5.6 of the North Sydney Local Environmental Plan 2013. This will be further investigated in the detailed design and development application stage of the development.

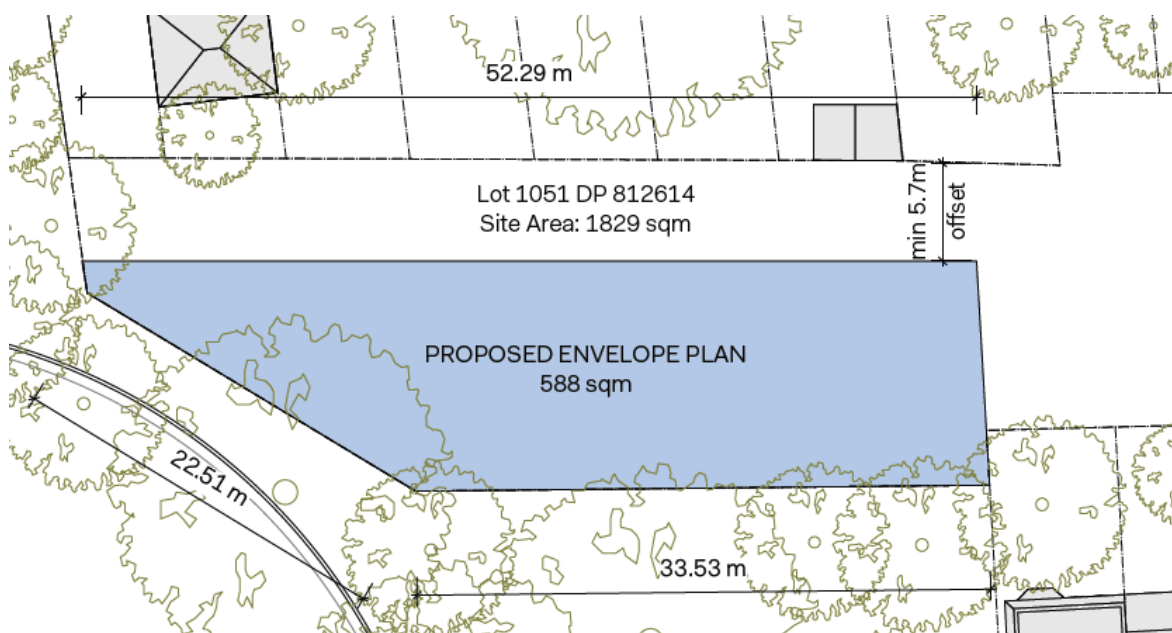


Figure 7 Proposed maximum building envelope plan (footprint)

Source: Carter Williamson

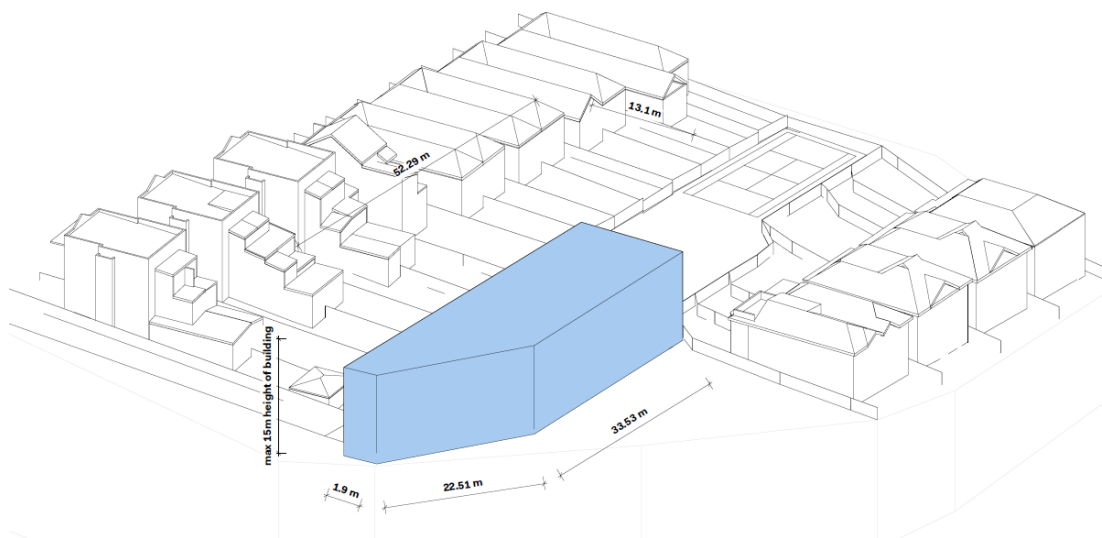


Figure 8 Proposed maximum building envelope (3D)

Source: Carter Williamson

3.5 Landscape Design

Detailed landscape plans have been prepared by Melissa Wilson Landscape Architect and are included at **Appendix C**. The proposed landscape design (**Figure 9**) incorporates a quiet reflection space located to the immediate east of the proposed building, and is designed as a flexible space, offering use by short terms residents of the proposed serviced apartments, as well as visitors of the proposed co-working space and wellness centre. The landscape space creates opportunity to provide additional spill out space for the wellness centre.

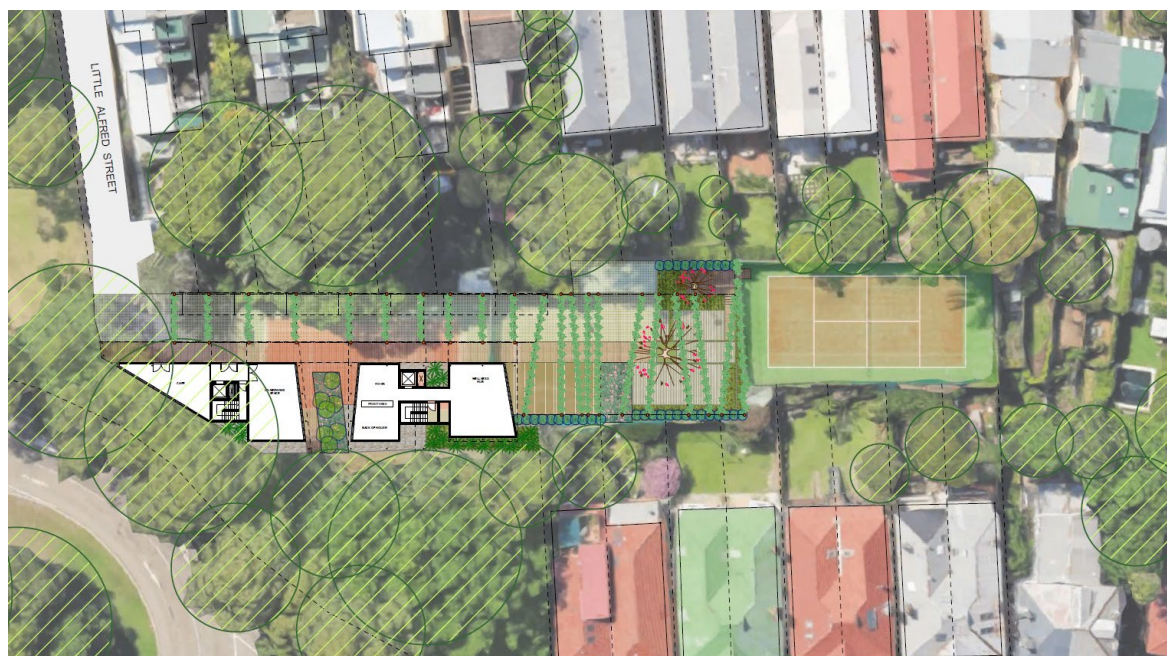


Figure 9 Illustrative landscape plan

Source: Melissa Wilson Landscape Architect

3.6 Site Access and Parking

The proposal retains existing site access via Little Alfred Street and provides a total of seven spaces along the northern boundary. The proposal incorporates uses such as short stay accommodation, co-working spaces and wellbeing centre which have comparably less traffic and parking generation than standard residential accommodation. Due to the site's location in proximity to public transport and North Sydney CBD, the proposal seeks to attract executives working in the area, as well as residents within walking distance who wish to access the kiosk, co-working space, wellbeing centre or tennis courts.

3.7 Alternative Co-Living Use

While the development concept plan envisages serviced apartments on site, the Planning Proposal includes the use 'Co-Living' as a permitted use. It is not intended to use the site as a traditional 'Boarding House' however this is the Standard Instrument definition that used to describe the 'Co-Living' housing typology, and as yet there is not a complete definition for co-living.

Co-living is a relatively new (for Australia) style of residential living that offers private bedrooms and shared communal areas, such as kitchens and workspaces. This concept is very common in many European and American cities and is the equivalent of "We Work" in a residential accommodation context. It is similar to a serviced apartment typology, however provides some communal facilities rather than being an entirely self-contained apartment, and may provide programmed activities to encourage social interaction within a managed environment. Lease terms tend to be flexible, similar to serviced apartments.

The target audience for 'Co-Living' will be the same as the serviced apartments - professionals, including corporate clients. It is designed to provide residents with independence, flexibility and convenience, in a professional and strictly managed environment. The core operating principles seek to provide a sense of 'community', smart living and value for money in terms of accommodation and lifestyle.

The 'Co-Living' concept links well with the vision to revitalise the site and provides a synergy with the other facilities co-located on site, being the tennis court, kiosk, co-working space and indoor wellness recreation space.

Any future proposed built form for 'Co-Living' will be similar to that of serviced apartments (the development concept plan), however will have more internal communal spaces with smaller studio/apartments. The parking requirements of a 'Co-Living' development are similar to that of serviced apartments, being very low given the site's proximity to public transport.

Given that the operation of the site will be dependent upon the appointment of a private operator/facilities manager, it is considered that flexibility is required to ensure any future development on the site is feasible. The proposed use of serviced apartments or 'Co-Living' can be similar in function and operation, however, are technically defined by separate land use definitions. The proposed additional permissible uses of 'Serviced Apartments' and 'Co-living' will therefore allow flexibility in the specific typology of uses on site to directly respond to market conditions at the time of a future Development Application. It is noted that the intended outcomes and objectives for the site remain similar for either land use, and both uses will facilitate a similar built form typology due to the restrictive nature of the proposed built form controls, seeking to minimise environmental impacts to surrounding uses.

3.7.1 Draft Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP)

The proposed Draft Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP) and Explanation of Intended Effect (EIE) was placed on public exhibition from 29 July to 9 September. The draft SEPP seeks to update some planning provisions to facilitate to respond to changing housing needs, and 'co-living' is one of the new diverse housing types being introduced to provide more housing options.

'Co-living' housing is currently defined under a boarding house use. However, the draft SEPP introduces a new separate land use definition for co-living, being:

A building held in single ownership that:

- *provides tenants with a principal place of residence for 3 months or more;*
- *includes on-site management;*
- *includes a communal living room and may include other shared facilities, such as a communal bathroom, kitchen or laundry; and*
- *has at least 10 private rooms, some or all of which may have private kitchen and/or bathroom facilities, with each private room accommodating not more than two adults.*

This Planning Proposal and reference design scheme seeks to facilitate such co-living uses on the site as it is well suited within the reference design scheme due to the synergies between the other communal recreational facilities as well as the sites proximity to public transport and North Sydney CBD.

Therefore, although it is presently in draft format, it is requested that should the Housing Diversity SEPP be finalised and gazetted, this newly defined use of 'co-living' be included as an additional permissible use on the site.

4.0 Planning Proposal

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment, which requires the following matters to be addressed:

- objectives and intended outcomes of the amendment to the LEP;
- explanation of provisions;
- justification;
- relationship to strategic planning frameworks;
- environmental, social and economic impact;
- State and Commonwealth interests; and
- community consultation.

The following section outlines the objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in **Section 5.0** and **Section 6.0**.

4.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to facilitate the redevelopment of the site through the addition of permissible land uses and changes to building height and floor space ratio on the western portion of the site.

4.2 Explanation of Provisions

This Planning Proposal seeks to:

- allow 'Serviced apartments' and 'Co-Living (subject to the finalisation of the Draft Housing Diversity SEPP is finalised) as additional permissible uses on the site (NB: 'Kiosk' and 'Recreation facility (indoor)' uses are already permissible on the site under the existing RE2 zone). With respect to the Boarding House use, if the Council officers actively support maintaining this use then this will be reconsidered;
- amend the Height of Buildings Map with a maximum height of 15m on the western portion of the site; and
- amend the Floor Space Ratio Map with a maximum FSR of 0.9:1 on the western portion of the site.

4.3 Mapping

This Planning Proposal seeks to amend the following maps of the North Sydney LEP 2013:

- Height of Buildings Map; and
- Floor Space Ratio Map.

The proposed maps are included at **Figure 10** to **Figure 11** below.



Figure 10 Proposed Maximum Building Height Map

Source: Ethos Urban

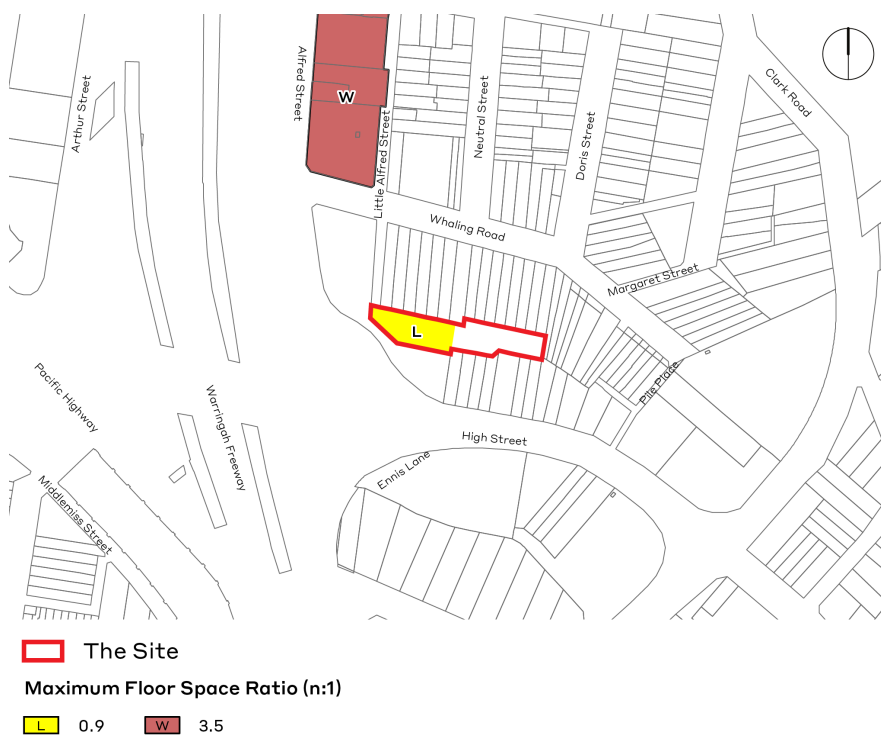


Figure 11 Proposed Maximum Floor Space Ratio Map

Source: Ethos Urban

5.0 Strategic Justification

5.1 The Need for a Planning Proposal

Q1 – Is the Planning Proposal a result of any strategic study or report?

No.

Q2 – Is the Planning Proposal the best means of achieving the intended outcome?

Yes. Under the existing North Sydney LEP 2013, there is no one zone that facilitates the proposal in its entirety. The following options were explored in terms of the most appropriate zoning to facilitate the delivery of the concept plan, without an overcomplication of the controls. Three options were considered to facilitate the intended outcomes as set out in **Section 5.1**. These are listed and discussed below:

- Option 1: Rezone portion of the site to R4 zone
- Option 2: Rezone portion of the site to R4 zone, with additional prohibited use
- Option 3: Retain RE2 zone (this Planning Proposal).

Option 1 – Rezone portion of the Site to R4 High Density Residential

Option 1 comprises the rezoning of the western portion of the Site, including a change of zoning from the existing RE2 – Private Recreation zone to R4 – High Density Residential zone. It also includes insertion of Schedule 1 additional permissible uses of 'Kiosk', 'Serviced Apartments', 'Office Premises' and 'Recreational Facility (indoor)'.

Option 1 will facilitate the redevelopment of the site as intended, however can facilitate additional permissible uses of the R4 High Density Residential zone, including residential flat buildings. As the intention of this proposal is not to facilitate permanent residences on the site, it is considered that this is not the preferred option, and will require unnecessary planning assessment, for uses beyond the intention of the proposed concept plan.

Option 2 – Rezone portion of the Site to R4 High Density Residential (with Residential Flat Buildings prohibited)

Option 2 comprises the rezoning of the western portion of the site to R4 – High Density Residential, insertion of Schedule 1 additional permissible uses 'Kiosk', 'Serviced Apartments', 'Office Premises', and 'Recreational Facility (indoor)'; and the insertion of Schedule 1 prohibited use of 'Residential Flat Buildings'.

Although Option 2 would deliver the intended outcomes, it is not considered appropriate given its overcomplication of planning legislation, and inconsistency with Section 9.1 Ministerial Direction 6.3 – Site Specific Provision, which seeks to avoid the imposition of additional development standards (refer to Section 0 for further detail).

Option 3 – Retain RE2 zone (this Planning Proposal)

Option 1 comprises retaining the existing zoning of the entire site and includes insertion of Schedule 1 additional permissible uses of 'Serviced Apartments' and 'Co-Living'. This is the preferred option as it retains the existing zoning, and therefore retaining the possibility of future recreational uses, while introducing new uses to facilitate the intended concept plan or one similar to the concept plan however with the alternative 'Co-Living' use instead, as described in **Section 3.0**.

The insertion of height and FSR development standards is included within all options, as this is the best means of ensuring future built form on site is sensitive to surrounding uses.

5.2 Relationship with the Strategic Planning Framework

Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Strategic Merit

Yes. A *Guide to Preparing Planning Proposals* sets out that in order to answer this question, a planning proposal needs to justify that it meets the Strategic Merit Test. The consistency of this Planning Proposal with the mandated assessment criteria is set out below. The proposal is:

- consistent with the North District Plan; and
- responding to a change in circumstances, including the recent amendments to the NSLEP 2013 prohibiting serviced apartments within North Sydney CBD.

North District Plan

The North District Plan identifies employment targets in North Sydney. The plan sets a higher limit target of an additional 21,100 jobs from 2016 to 2036. With a significant target to increase employment within North Sydney by 2036, there will likewise be an increasing demand for serviced apartments in proximity to employment and transport, as well as increased demand for co-working space opportunities. The Planning Proposal will assist in the continued economic development of the CBD as well as assist in facilitating the local visitor economy.

Prohibition of Serviced Apartments in North Sydney CBD

In October 2018, NSLEP 2013 (Amendment No 23) was amended to prohibit serviced apartments within land in Zone B3 Commercial Core due to the view that their proliferation would undermine the employment capacity of CBD. Whilst serviced apartments are permissible within the B4 zone around the CBD fringe, the majority of this zone has now been developed out. In this regard, the site is ideally located to provide this form of land use.

Site-Specific Merit

The existing tennis courts on site are underutilised and present challenges to ensure the long-term viability of the business. Without facilitating increased development opportunities on site, the courts are likely to eventually close due to underutilisation and high maintenance costs.

As noted above, Council's Open Space & Environment Services reviewed the site in 2010 and concluded that due to the site configuration, the range of court types and therefore the range of sports that could utilise the space would be significantly restricted. The site was considered not good value for money when measured against all the recreational needs of the community. Therefore, it is likewise unlikely Council will purchase the site for the provision of public recreation.

The existing zoning permits a limited variety of options for viable development, some of which include: Environmental facilities; Indoor recreational facilities; Community facilities; Kiosk (café); and Recreation facilities (outdoor). These uses are highly unlikely to be developed and are not commercially viable given the site-specific conditions such as location, size, surrounding uses, access and parking limitations. The suitability of these uses of site has been assessed in detail within the Recreational Needs Analysis included at **Appendix D**.

Despite no existing maximum height or FSR controls, Clause 6.7 of *NSLEP 2013* limits development to be consistent with surrounding development. This does not provide a feasible floor space for the provision of most indoor recreational facilities such as indoor rock climbing or trampolining, and the narrow site width prevents indoor courts such as basketball, tennis, netball etc. While these uses may not be viable singularly, they become increasingly viable when combined with complimentary uses and providing increased user experience and choice for recreation activities.

By assessing the site-specific opportunities and constraints, this Planning Proposal seeks to increase the provision of recreational opportunities on the site, while ensuring the long-term commercial viability for the combined uses (including the tennis court). The site-specific controls proposed within this Planning Proposal will provide more suited development controls that ensure an environmental sensitive outcome while achieving the intended outcomes of the RE2 Private Recreation zoning under the *NSLEP 2013*.

5.3 Consistency with Local Planning Strategies

Q4 – Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

It is noted that Council's focus in the provision of open space and recreational facilities is for sites that are in public ownership. As the site is privately owned, Council has no formal control with regard to the operation of the courts.

Consistency with the Zone Objectives

The proposal is generally consistent with the objectives of the provisions within *NSLEP 2013* as outlined in **Table 2**.

Table 2 Consistency with the objectives of the RE2 zone under NSLEP 2013

Objective	Assessment	Consistency
To enable land to be used for private open space or recreational purposes	The proposed zoning planning controls seek to retain the RE2 zone on the site to ensure that the proposed rezoning does not prevent any future recreational uses on the site. The proposed Maximum Building Height and Floor Space Ratio planning controls apply only to the western portion of the site and will protect the eastern portion of the site to be retained as a tennis court. Subsidising the remaining tennis court by enabling development within a portion of the site, further enables private recreation uses to continue on the site, compared with the alternative being the closure of all facilities due to underutilisation.	Yes
To provide a range of recreational settings and activities and compatible land uses	The proposal seeks to introduce a broader range of recreational and compatible uses. The proposed serviced apartments or spaces are compatible with surrounding uses as it is a residential accommodation use requiring the least demand for parking. Other recreational or permanent residential uses will generate increased demand for parking, which is more likely to have adverse effects on the surrounds. Other proposed additional permissible uses will complement and enable the existing and proposed additional recreational uses to operate by attracting more people to site. It's important to note that the adjoining R2 and R3 residential zones already permit boarding houses as permissible uses, as well as a range of other uses such as childcare centres medical centres, churches, hostels (R3) and neighbourhood shops (R3). It is therefore considered that the proposed uses are not inconsistent with the surrounding land uses.	Yes
To protect and enhance the natural environment for recreational purposes	The proposal provides activation to the adjoining public open space, encouraging increased recreational use of the existing natural environment. There is presently no 'natural environment' on the site, the full extent of which is occupied by parking and hard stand tennis courts. Also, existing trees adjoining to site will be protected. This proposal or development concept plan does not seek to remove any vegetation.	Yes
To minimise the adverse effects of development on surrounding residential development	The indicative scheme has been deeply considered and is carefully designed to minimise adverse impacts to surrounding residential development. No zoning changes are proposed to the portion of the site that adjoins majority of the neighbouring residential properties, which will have the most adverse impacts to surrounding residential development.	Yes

Consistency with the Height Objectives

The proposed height limit of 12.5m for the site is generally consistent with the objectives of *NSLEP 2013* as outlined in **Table 3**.

Table 3 Consistency with the height objectives of NSLEP 2013

Objective	Assessment	Consistency
To promote development that conforms to and reflects natural landforms, by stepping	The proposed building has taken into consideration the site and surrounding topography.	Yes

Objective	Assessment	Consistency
development on sloping land to follow the natural gradient		
To promote the retention and, if appropriate, sharing of existing views	The proposed building siting has been determined to specifically retain existing water views to the south-east from the properties fronting Whaling Road (refer to Section 6.4). The revised 3 storey built form scheme sits comfortably below the existing building skyline, illustrating an appropriate height transition.	Yes
To maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development	The proposed building siting and form has been determined specifically to minimise the extent of overshadowing to adjoining properties fronting High Street (refer to Section 6.5). The shadow cast of the proposed building falls mainly on to the already in shadow road reserve	Yes
To maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings	The proposed building envelope is located approximately 17m from the existing northern residences, with heavy tree canopy and foliage in between, providing additional privacy mitigation. Future development can continue to accommodate window privacy screening/window hoods to further mitigate these privacy concerns (refer to Section 6.6)	Yes
To ensure compatibility between development, particularly at zone boundaries	Whilst technically at a zone boundary, the RE1 zone does not permit a greater height than what is permitted in the R2 zone. The proposed height responds to the specific constraints and opportunities of the site and its context.	Yes
To encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area	Whilst the adjoining properties have an 8.5m maximum height limit under North Sydney Local Environmental Plan 2013, the vast majority of surrounding buildings exceed this height limit. The terrace houses fronting Whaling Road and High Street are typically 10-12m in height whilst that locality includes several 5-9 storey apartment buildings as well as the 22-storey tower at 50 Whaling Road. Therefore, the scale and density of the proposal is in accordance with and promotes the character of the area (refer to Section 6.2).	Yes

Consistency with the FSR Objectives

The proposed FSR of 0.9:1 over the western portion of the site (or 0.46 across the entire site) is consistent with the objectives of the FSR provisions within *NSLEP 2013* as outlined in **Table 4**.

Table 4 Consistency with the FSR objectives of NSLEP 2013

Objective	Assessment	Consistency
To ensure the intensity of development is compatible with the desired future character and zone objectives for the land	Given the site configuration and the specific siting of the proposed building, the intensity (and density) of the proposal is compatible with the desired future character and zone objectives	Yes
To limit the bulk and scale of development	The bulk and scale of the proposal does not result in any substantial adverse impacts on surrounding properties (refer to Section 6.3)	Yes

North Sydney Development Control Plan 2013

The relevant aspects of NSDCP2013 are addressed in **Table 5** below.

Table 5 Consistency with NSDCP 2013

Control	Description	Consistency
Views	<p>Development should be designed such that views from streets and other public places, as identified in the relevant area character statement (refer to Part C of the DCP), are not unreasonably obstructed</p> <p>Development should be designed to maximise the sharing of views from surrounding properties and public places, and ensure that existing and proposed dwellings will have an outlook onto trees and sky</p>	The proposed building siting has been determined to specifically retain existing water views to the south-east from the properties fronting Whaling Road (refer to Section 6.4). The proposal sits comfortably below the skyline and does not block any existing water views and views to Careening Cove are maintained through the siting of buildings on site. The proposal is consistent with the tests outlined in the Land and Environment Court's Planning Principle for view sharing established in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140.
Solar access	New development should not overshadow existing or proposed public open spaces located outside of the North Sydney Centre between 11.30am and 2.30pm	The proposal does not overshadow the adjoining public park to the west or the existing properties fronting Whaling Road during winter solstice (21 June), Equinox (21 March) or Summer Solstice (21 December). The proposal does overshadow a portion of the vegetated land to the south of the site, however it noted that this portion of the RE1 zoned land is densely populated with trees which currently overshadow this land for majority of the day. The existing tree canopy is well above the proposed building height and therefore the resultant overshadowing will not impact the growth of these trees.
Setbacks	Side (northern boundary) - on land with a height limit greater than 12m: 4.5m for the 1st to 3rd storey (up to 10m). 6m above the 3rd storey	The proposal has a 5.7m northern setback, 30cm short of the control. At DA stage, the detailed design of proposed windows and balconies can ensure there is no privacy impacts on adjoining properties
Traffic & parking	<p>The proposal should seek to provide:</p> <ul style="list-style-type: none"> - a turning bay to allow vehicles to turn within site - off-street loading and unloading facilities - Vehicular and other parking as per the DCP 	The proposed concept plan incorporates a turning area within the site. Parking can be provided in accordance with the DCP requirements. NB for serviced apartments, the rate is 1 space per 5 apartments
Landscaping	Minimum 40% landscaped area	The concept plan incorporates 43% landscape area of the development area on the western portion of the site. The development area is the total site area excluding the area of the eastern most tennis court.

Control	Description	Consistency
Form, massing & scale	<p>The finished floor height of the ground floor level should not exceed 1m above ground level (existing), measured vertically at any point</p> <p>Finished floor to ceiling heights are a minimum of 2.7m. A lesser height may be permitted by Council, but only where the applicant can satisfactorily demonstrate that the dwelling is capable of receiving satisfactory natural daylight and ventilation (e.g. shallow apartments with large amounts of window area)</p>	Nothing in this proposal prevents future development from achieving consistency with this clause
7.2 Neutral Neighbourhood	<p>Character Statement provisions</p> <p>Land Use</p> <ul style="list-style-type: none"> - Predominantly residential accommodation - Passive and active recreational spaces - Small scale commercial activities <p>Views</p> <p>The following views and vistas are to be preserved and where possible enhanced:</p> <ul style="list-style-type: none"> - views from streets and reserves to Sydney Harbour and beyond - Westleigh Street Lookout, Reserve Street Lookout, Anderson Street Lookout, Phillip Street Lookout, Holdsworth Road Lookout, Spruson Street Lookout. <p>Desired Future Character</p> <ul style="list-style-type: none"> - Predominantly low-density residential accommodation in the form of dwelling houses, semi-detached houses and dual occupancies - Pockets of attached dwellings, multi dwelling housing and residential flat buildings according to zone - Small scale commercial and retail premises according to zone - Maintaining and enhancing recreational and cultural facilities 	<p>The proposal is consistent with the local character statement land use provisions, providing enhanced passive and active recreational spaces, within a small-scale commercial activity</p> <p>The proposal has been designed and sited to preserve views and vistas where possible, and particularly maintain the significant views identified within the local character statement</p>
13.4 Development in the vicinity of heritage items	<ul style="list-style-type: none"> - Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work - Maintain significant public domain views to and from the heritage item - Ensure compatibility with the orientation and alignment of the heritage item - Provide an adequate area around the heritage item to allow for its interpretation - Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting - Protect and allow interpretation of archaeological features (as appropriate and relevant). 	The siting and future detailed design of the proposal will not adversely impact upon the heritage qualities of nearby items and/or the conservation area (refer to Section 6.9)

North Sydney CBD Public Domain Strategy

In October 2018, Council released the North Sydney Place Book – Stage 1 Public Spaces Vision. Stage 1, summarised in this 'Place Book', is an ideas phase that examines the potential of the North Sydney CBD public domain. It identifies a framework for future public domain upgrades with both short and long terms projects.

The Strategy identifies the potential for future provision of a new park, with combined public sporting facilities, to be located above the Warringah Freeway immediately west of the site (**Figure 12**). It is understood that Council is currently undertaking investigations relating to the development of this concept. This proposed park under investigation is located just west of the site, and if developed will further cater to user demands of the existing tennis courts.



Figure 12 Potential 'Warringah Landbridge Park' under investigation

Source: North Sydney Council 2019

North Sydney Community Strategic Plan 2018- 2028

The strategy identified the following key aspects (based on community responses) relevant to the proposed application:

- Enhance public open space and increase access to and provision of recreation facilities to meet current and future needs, including through creative reuse of existing facilities (Direction 1)
- Increase community gardening opportunities (Direction 1)
- Improve existing (Council) assets and infrastructure (Direction 2)
- Embrace innovation and grow the local ecosystem of entrepreneurs and start-ups (Direction 3)
- Maximise the visitor economy, whilst balancing visitor impacts with residents' lifestyles (Direction 3)
- 82% of the community noted a satisfaction with Council's provision of recreational facilities in 2016
- That open space, parks and recreation, attractiveness and amenity/locality were three of the five most recognised themes that make North Sydney a great place.

The Strategy notes the following key aspects relevant to this Planning Proposal:

- An increasing population means that the demand for open space and sporting and recreation facilities grows. Council's challenge is to plan and manage the demand for active and passive recreation and leisure opportunities from the community and visitors with the limited land available
- Investigation of creative use of existing infrastructure to increase open space has resulted in premier new facilities, that balance residential lifestyle with user needs
- Council are seeking to encourage community gardening and rooftop and hard surface greening, incorporating native vegetation planting where possible
- Council is to provide infrastructure to support physical activity
- Council is to explore green public space over Warringah Freeway.

The proposed concept for the site seeks to facilitate the redevelopment of the site, consistent with Directions 1 and 2 of the strategy, providing opportunities to deliver a future community garden, space for local entrepreneurs and start-ups, increased diversity in recreational facilities and improving the visitor economy in North Sydney.

The proposal will additionally enhance the provision of parks, recreation, attractiveness and amenity/locality of the local area, which are recognised by the community as key factors in facilitating a great place to live, work and play. In exploring the provisions of green public and recreational space over the Warringah Freeway, this provides Council the ability to deliver substantial recreational infrastructure in a more accessible location and facilitate an improved recreational lifestyle, and facilities which respond more appropriately to user needs.

5.4 Consistency with State Environmental Planning Policies and Local Planning Directions

Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 6** below.

Table 6 Consistency with State Environmental Planning Policies

SEPP	Consistency		N/A	Comment
	Yes	No		
SEPP No. 55 Remediation of Land	✓			A contamination study has not been commissioned at this early stage of planning. This can be undertaken if required by the Gateway Determination, though the site has been used for recreational uses for some time and as such is considered at low risk of contamination.
SEPP No. 65 Design Quality of Residential Apartment Development			✓	This proposal does not include any residential flat buildings.
SEPP (Infrastructure) 2007			✓	Not relevant to proposed LEP amendment. May apply to future development on the site.

Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes. An assessment of the Planning Proposal against applicable Section 117 Directions is set out in **Table 7** below.

Table 7 Consistency with Section 117 Directions

Direction	Consistency		N/A	Comment
	Yes	No		
1. Employment and Resources			✓	Not Applicable
2 Environment and Heritage				
2.1 Environmental Protection Zones	✓			Not Applicable. The site is not located within Environmental Protection zones
2.2 Coastal Protection	✓			Not Applicable. The site is not located within Coastal Protection areas
2.3 Heritage Conservation	✓			The site does not comprise any items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area
2.4 Recreational Vehicle Area	✓			Not Applicable

Direction	Consistency		N/A	Comment
	Yes	No		
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			Not Applicable
3.2 Caravan Parks and Manufactured Home Estates	✓			Not Applicable
3.3 Home Occupations	✓			Not Applicable. No change is proposed to the current permissibility of home occupations
3.4 Integrating Land Use and Transport	✓			<p>This Direction applies due to this Planning Proposal relating to a residential zone. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none">- Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and- The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will provide short stay serviced accommodation in an employment area well serviced by public transport</p>
3.5 Development Near Licensed Aerodromes	✓			The site is located outside the ANEF contours of Kingsford Smith Airport
3.6 Shooting Ranges	✓			Not Applicable
4. Hazard and Risk				
4.1 Acid Sulfate Soil			✓	The site is not identified as acid sulfate soil impacted land
4.2 Mine Subsidence and Unstable Land			✓	The site is not identified as mine subsidence or unstable land
4.3 Flood Prone Land			✓	The site is not identified as flood prone land
4.4 Planning for Bushfire Protection			✓	The site is not identified as bushfire prone land
5. Regional Planning			✓	Not Applicable
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral
6.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes
6.3 Site Specific Provision	✓			This Planning Proposal is consistent with this Direction in that it allows the intended land use to be carried out on land within its existing zone
7. Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	✓			The Planning Proposal is consistent with the Metropolitan Plan and North District Plan

Section 9.1 Direction - 6.3 - Site Specific Provision

As outlined in **Table 8** below, the Planning Proposal is consistent with the S9.1 Direction for site specific provisions.

Table 8 Consistency with S9.1 Direction – 6.3 Site Specific Provisions

Provision	Assessment	Consistency
Objective:		
(1) the objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.	<p>The amendment proposed under this Planning Proposal will allow the site to achieve its full development potential in line with the district policies whilst maintaining its existing character and contribution to the local community and economy.</p> <p>The proposal does not propose unnecessary restrictive site-specific planning controls. The proposal does not seek any additional prohibitions.</p>	Yes
(4) A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:		
(a) allow that land use to be carried out in the zone the land is situated on, or	<p>The Planning Proposal seeks to retain the existing zoning of the site, however, insert additional permissible uses to allow the intended concept plan or similar to be carried out in the existing RE2 zone.</p> <p>Clause 6.7 of NSLEP 2013 amongst other things, prohibits development within an RE2 zone, unless it is consistent with the most restrictive development standards applying to adjacent land in the R2 and R3 residential zones. As such, the proposal seeks to insert specific building controls zoning relating to part of the site, in order to facilitate development within only that portion of the site, and allow the intended uses to be carried out on the site.</p>	Yes
(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone; or	<p>There is no existing zoning under NS LEP 2013 that can facilitate all of the intended use of this planning proposal. As such, this proposal seeks to retain the existing land use zone, however add additional permissible uses for the intended uses of the proposal. This proposal also seeks to insert maximum height and FSR development standards to provide appropriate limitations on any future bulk and scale on the site.</p>	N/A
(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.		N/A
(5) a planning proposal must not contain or refer to drawings that show details of the development proposal.	A concept plan has been prepared to accompany the Planning Proposal however this is to indicate that the site, and the proposed planning controls can accommodate a development that is cognisant with the desired future character of the area.	Yes

5.5 State and Commonwealth Interests**Q10 – Is there adequate public infrastructure for the Planning Proposal?**

Yes. The proposed location is around an existing central business district centre that is close to jobs and is serviced by public transport services that are frequent and capable of moving large numbers of people. In addition to the upcoming Victoria Cross Metro services, and existing North Sydney Railway Station, the site is also serviced by existing bus services along High Street. As demonstrated in **Section 6.7**, the subject site is well located in terms of access to public transport services.

Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

6.0 Assessment of Key Planning Issues and Impacts

The following section outlines the environmental, social and economic impacts of the proposed rezoning, with appropriate consideration of the concept plan and potential future uses on the site. The following key questions are considered in relation to this Planning Proposal.

Q7 – 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?

The Planning Proposal will not affect critical habitat, endangered species, populations or ecological communities within and surrounding the site.

Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Site investigations have confirmed that the site is free of major constraints and that there are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development. Refer to following sections for discussion.

Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

The Planning Proposal will facilitate the redevelopment of the site, delivering a number of positive social outcomes including:

- Increased supply of short stay serviced apartments, wellbeing uses and co-working spaces to keep up with demand;
- Increased diversity in recreational uses and accommodation typologies for the benefit of local residents, employees and visitors;
- Maintains and further complements the site's existing recreational use;
- Increases activation and surveillance of the adjoining public park, while reducing existing anti-social behaviour on site; and
- Has positive economic impacts, in that it will contribute to the visitor economy of North Sydney;

The following key environmental impacts for consideration are assessed in detail below.

6.1 Recreation Needs

The three existing tennis courts on site are operated by an online booking system via a website. Since the operation of this website (April 2015), the booking system database provides overall information regarding the usage/bookings for the courts. This information is illustrated in **Figure 13**. These calculations include the use of all three tennis courts. The courts are open 16 hours a day, 7 days a week.

As illustrated on the following page, the courts are severely underutilised, with the maximum average utilisation being 47%. The highest average utilised month from 2015 to 2018 has been February at 36.5%, with the lowest average month being just 12.8%. On average this equates to the full utilisation of one of the three tennis courts. The Proponent and neighbours have noted that when none of the courts are in use, the site attracts anti-social behaviour within the car park, causing concern for surrounding residences.

Due to this lack of utilisation of the courts, and ongoing maintenance costs, the business is not viable in the long term. The introduction of additional compatible uses will facilitate a more viable operation of private recreational uses on site, by providing alternate source of income, and facilitate the opportunities to provide increased amenity on site, such as passive open space and a kiosk.

Due to site specific constraints, the provision of a large amount of currently permissible recreational uses is likewise unviable in the future, and therefore this application proposes to rezone a portion of the site to facilitate a more appropriate built form, and additional compatible uses.

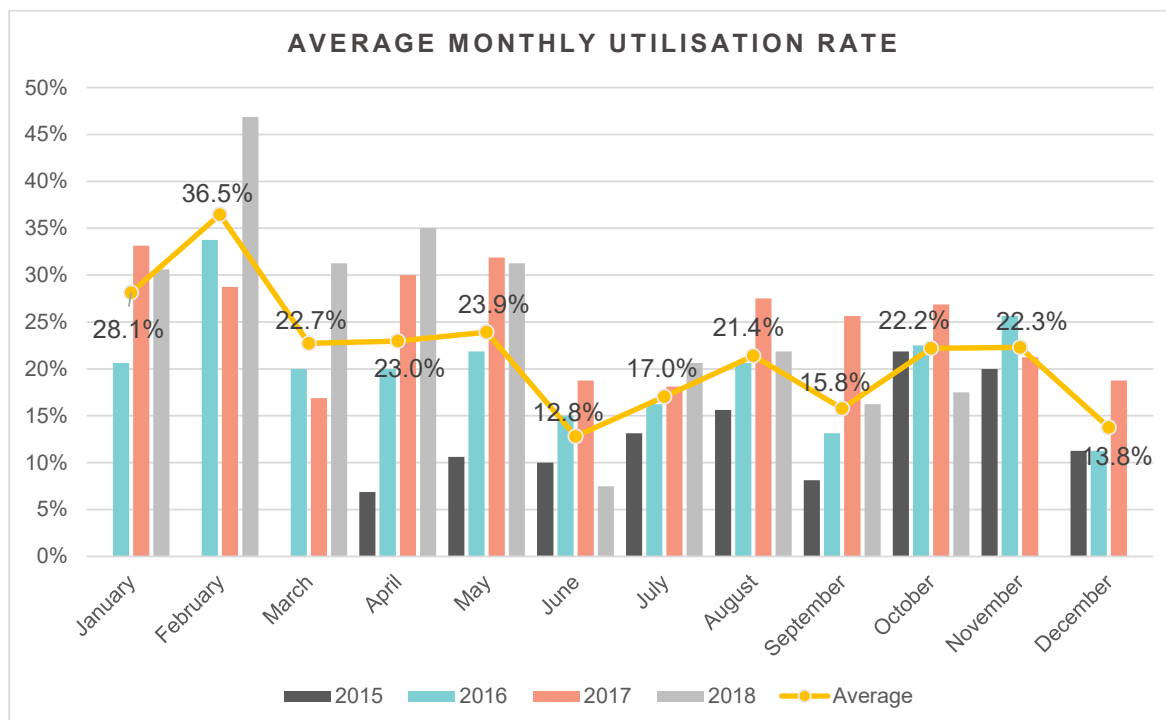


Figure 13 Average monthly utilisation of the existing tennis courts

Source: Ethos Urban

A Recreational Needs Analysis has been prepared by Ethos Urban (see **Appendix D**), as well as a Review of Recreational Use, Viability and Options report prepared by Otium Planning Group (**Appendix H**) to assess the impacts of the loss of the two existing tennis courts, and the potential for future permissible land uses under the current zoning. This assessment identified that:

- Tennis is one of the most supplied recreational opportunities in North Sydney LGA, with 21 tennis courts available in 2019. More generally, there is a good supply of passive recreational facilities within the North Sydney LGA, particularly benefitting from harbour front foreshore area. However, maintaining an adequate supply, quality and diversity of facilities is an ongoing challenge for Council.
- Tennis traditionally is a highly popular organised sport in Australia. It remains a popular participation activity for both men and women. In recent years however, its participation rates have fallen, along with many other organised sports. Participation rates are the highest amongst the 15-17-year-old age bracket. This age group is substantially under represented within the North Sydney LGA, when compared to other parts of the greater Sydney. Being an estimated, inner city area, the locality is not expected to undergo a substantial population boom in the future that will see a dramatic rise in this younger demographic.
- An online survey conducted as part of consultation for the Council's Recreational Needs Study, indicated a demand for additional sports fields (hockey, soccer, football and rugby touch), cycling, park-based activities (such as yoga, pilates etc), outdoor fitness (equipment), and water-based recreation facilities. Tennis was not identified as having a significantly high level of demand for additional facilities, when compared with these other more in demand activities.
- The viability of the current tennis operation on the subject is considered poor without substantial investment in upgrading the courts, lights and amenities. Even with this expenditure the expectation is that the overall operation as a tennis centre would be marginal.
- The redevelopment of the site will result in a small overall reduction in the availability of tennis facilities within the North Sydney LGA that is not expected to have an impact on the sport or tennis participation on site. The existing utilisation data illustrates that the existing courts are utilised only 20% - 25% of the time (on average over the past 3 years). The ongoing public availability of one court on-site, enhanced with other recreation facilities, will ensure that existing demand will continue to be catered for.

- The site is within private ownership resulting in an inherent requirement for revenue generation and financial viability as a business to ensure its long-term survival. As such there is no guarantee that the facility will remain operational given the current lack of utilisation.
- Community based uses such as club courts, parkland, community garden and active and passive recreation are viable uses for the site, however these are not commercial uses and would not offer a return to the owner. These uses would be viable under a not-for profit model such as council ownership and operation as park or lease to a club.
- The site is not considered to be suited to the long-term provision of tennis courts or other outdoor recreation facilities for the following reasons:
 - its proximity to residential properties and the potential for amenity and noise impacts particularly during evenings and weekends;
 - site-specific characteristics such as a narrow width, poor site through access and surrounding topography result in land that is not suited to a large portion of permissible recreational uses;
 - being bounded by residential properties on three sides there is no opportunity to expand the site's existing facilities; and
 - the site provides very limited on-site parking, further restricting the potential to intensify or provide alternative high turnover recreation uses.
- In assessing the acceptability of the loss of the tennis courts and potential recreation uses on site, it is important to simultaneously consider the implications of the site's private ownership. As such, any provision of recreational facilities on the site is dependent on the private desires of its owner, with no obligation to the public.
- Community recreation benefits can be retained and enhanced on the site with the retention of a single multi-use court and provision of new more viable opportunities such as an indoor exercise and wellness centre. Supporting this outcome via a residential development (this proposal) is a viable option

6.2 Compatibility of Land Uses

A key objective of the proposal is to develop an ongoing use for the site that is compatible with the adjoining residential properties. Through careful design and on-site management, the residential amenity of existing properties immediately surrounding the site will be maintained. The design and siting of new buildings has been informed by a comprehensive site analysis to ensure that development will not result in adverse impacts on existing residential properties.

The proposed kiosk and wellbeing centre (indoor recreational facility) are currently permissible under the RE2 zone. This Planning Proposal seeks only to insert additional permissible uses for the specific intention of facilitating this proposal and does not seek any uses other than those intended by the vision and concept for the site, preventing the future development of unsuitable uses.

The kiosk will provide additional amenity, activation and surveillance to the adjoining public park.

6.3 Consistency with Surrounding Built Form and Density

Whilst the adjoining properties have an 8.5m maximum height limit under *North Sydney Local Environmental Plan 2013*, the vast majority of surrounding buildings exceed this height limit (**Figure 14**). The terrace houses fronting Whaling Road and High Street at typically 10-12m in height whilst that locality includes several 5-9 storey apartment buildings as well as the 22-storey tower at 50 Whaling Road (**Figure 4** in Section 2.2).



Figure 14 Surrounding building heights relative to the LEP

Source: Ethos Urban



Figure 15 Site cross section from Whaling Road to High Street, looking east

Source: Carter Williamson

Figure 15 illustrates the relationship between the proposed building and the adjoining terraces. The revised reference design and building envelope significantly reduces the building height compared to the original PP2/2020 Planning Proposal (as outlined in red) and greatly improves the building height transition from Whaling Road to High Street.

The revised proposal is an appropriate height transition for the surrounding context. The proposal is significantly lower in height than the terraces when viewed from Whaling Road and the adjoining public park. As illustrated in **Figure 16**, the proposal sits comfortably within surrounding built form, and does not protrude into the skyline. The revised proposal provides a lower transition of height looking south from Whaling Road, following the natural topography of the surrounds.

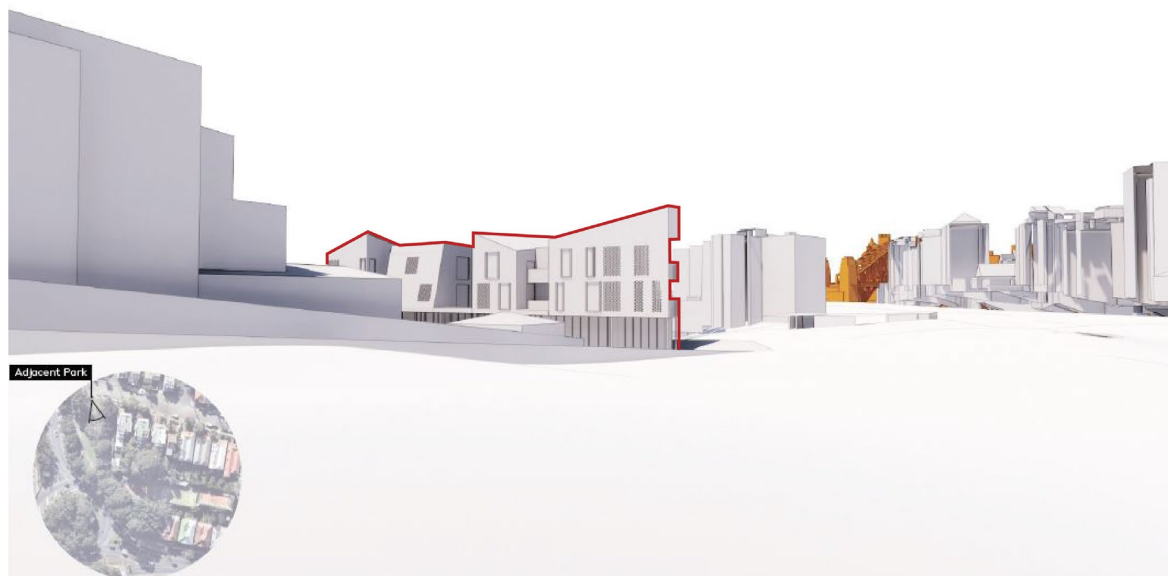


Figure 16 Indicative View of the Reference Scheme from Whaling Road/adjoining Park

Source: Ethos Urban

The proposed maximum height (being 3 storeys) is considered appropriate for the following reasons:

- it is lower in height than the large terrace houses fronting Whaling Road, and is therefore consistent with the surrounding height transition towards High Street; ;
- it will not be visible from the Whaling Road public domain;

- it does not protrude into the skyline and will not contribute to visual clutter in the skyline of the local area;
- buildings taller than the existing LEP height controls are not uncharacteristic in the surrounding area;
- it does not block city views or harbour views of the neighbours to the north;
- it will sit comfortably within the height of the canopy of the adjoining trees; and
- overshadowing impacts are all within the limits which are permitted by Council's planning controls;

In terms of density, the overall proposed revised FSR across the whole site would be equivalent to 0.46:1. This is less dense than the average density of the existing buildings fronting High Street and Whaling Road within the same street block..

6.4 View impacts

Neighbours on Whaling Road confirmed that they do not benefit from significant CBD/Harbour Bridge views due to the Greenway Towers blocking the view. However, it is noted that they do enjoy views of Careening Cove and Sydney Harbour to the south-east. A view impact analysis has been undertaken to understand the extent of view loss as a result of this Planning Proposal.

This analysis is illustrated in **Figure 17** to **Figure 22** and confirms that there will be no significant view loss resulting from the proposal. The revised reference scheme results in significantly less view loss impacts, the proposed new built form now sitting comfortably below the existing building skyline, illustrating an appropriate height transition. The revised planning proposal likewise prevents any potential impacts to significant views such as the CBD, Harbour Bridge and Opera House. Neighbours will continue to benefit from view of Careening Cove and Sydney Harbour to the south-east.

It is further noted that the below indicative visual impact diagrams have not incorporated existing vegetation which further screens existing views between the adjoining residences on Whaling Road and the site. The revised building envelope sits well below the existing tree canopy line, therefore residents of Whaling Road will continue to enjoy the green outlook in a south westerly direction. It is noted that residences at 15 Whaling Road, North Sydney will not experience any views loss of Careening Cove, as illustrated in **Figure 22**.



Figure 17 View from rear window of 3 Whaling Rd looking south towards the CBD (proposal outline in red)

Source: Ethos Urban

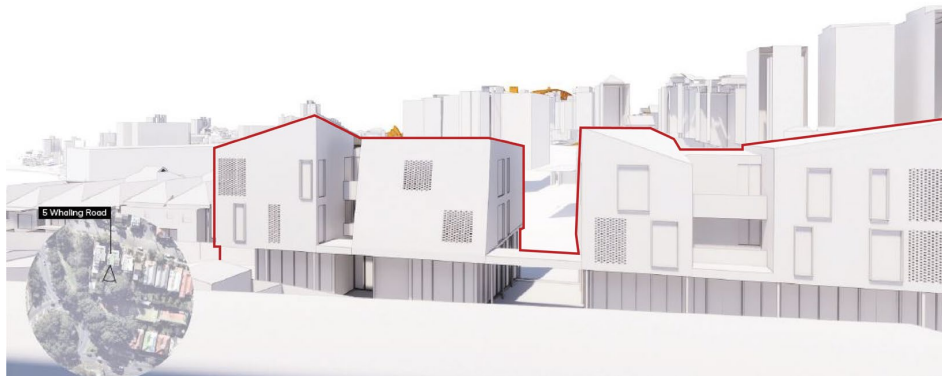


Figure 18 View from rear window of 5 Whaling Rd looking south towards the CBD (proposal outline in red)
Source: Ethos Urban



Figure 19 View from rear window of 7 Whaling Rd looking south towards the CBD (proposal outline in red)
Source: Ethos Urban



Figure 20 View from rear window of 9 Whaling Rd looking south-east towards Careening Cove (proposal outline in red)
Source: Ethos Urban



Figure 21 View from rear window of 11 Whaling Rd looking south-east towards Careening Cove (outline in red)

Source: Ethos Urban

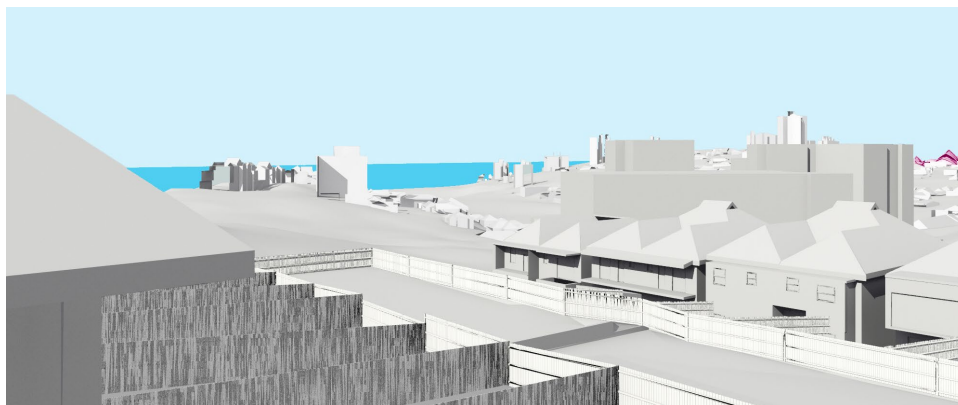


Figure 22 View from rear window of 15 Whaling Rd looking south-east

Source: Ethos Urban

6.5 Overshadowing

The proposal does not overshadow the adjoining park to the west or the existing properties fronting Whaling Road during winter solstice (21 June), Equinox (21 March) or Summer Solstice (21 December).

Overshadowing impacts of the proposal are limited to the neighbouring properties to the south of the site fronting High Street. These properties will not be affected by any overshadowing by the during midsummer. During the Equinox (March) the private open spaces of the southern properties will be partly affected by overshadowing between 1 pm to 4pm, however the internal living space will remain largely unaffected (**Figure 23**).

At mid-winter, there is no shadow impact to the High Street between 9am and 12pm. Therefore, these residential properties will retain the minimum 3-hour solar access at the winter solstice (21st June), between the hours of 9.00am and 3.00pm to:

- any solar panels;
- the windows of main internal living areas;
- principal private open space areas; and
- any communal open space areas.

For the prescribed period of 9am to 3pm, overshadowing resulting from the proposal is limited to between 12pm to 3pm during the winter solstice (refer to **Figure 24** and **Figure 25**). These impacts are largely limited to the two most

western properties on High Street (Nos. 26-28) as demonstrated within the elevation overshadowing diagrams included at **Appendix A**.

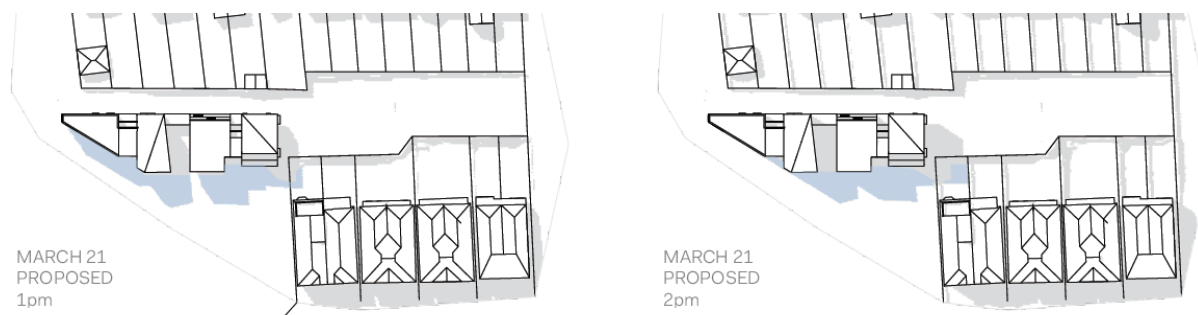


Figure 23 Reference Scheme March 21 Overshadowing 1-2pm

Source: Carter Williamson

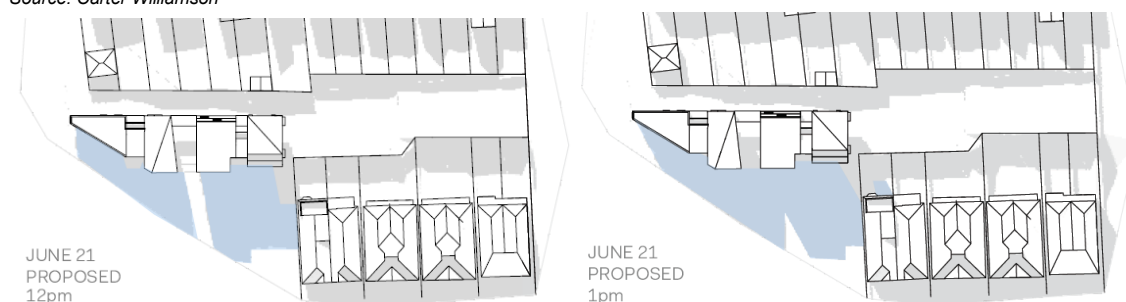


Figure 24 Reference Scheme June 21 Overshadowing 12-1pm

Source: Carter Williamson

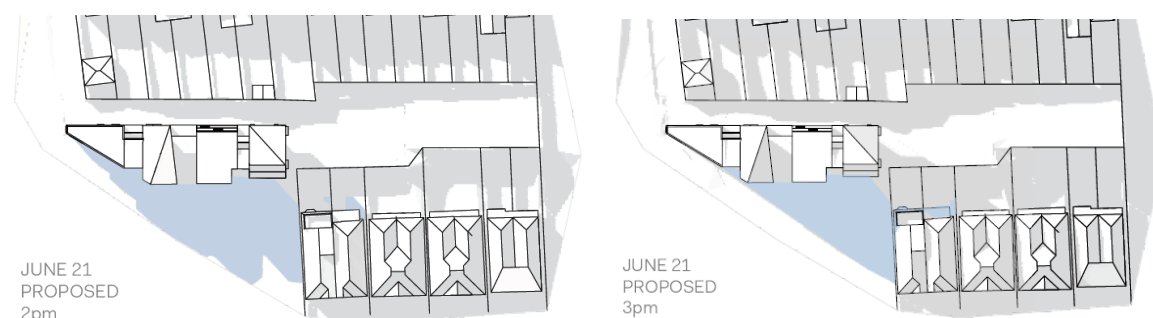


Figure 25 Reference Scheme June 21 Overshadowing 2-3pm

Source: Carter Williamson

6.6 Privacy

As opposed to the original PP2/2020 reference design, this revised Planning Proposal has a proposed height of 12.5m (3 storeys) which will limit any potential for overlooking into the top levels of the adjoining residences.

The proposed building envelope is located approximately 17m from the existing northern residences, with heavy tree canopy and foliage in between, providing additional privacy mitigation. This degree of separation is in fact significantly more than the average separation between the residences on Whaling Road themselves, and likewise significantly more than the average separation of any urban low-density residential context such as North Sydney.

Conceptual internal suite layouts have been designed with particular consideration towards minimising privacy impacts to all neighbours. Unlike residential apartment buildings, the occupants of serviced apartments typically spend less time within their apartment and the proposed complex provides additional complimentary uses for these temporary residents, including the co-working space, tennis courts, kiosk and wellbeing centre.

The above considerations are considered adequate at this Planning Proposal and building envelope stage to ensure prevention of overlooking and impacts to the privacy of adjoining residences. Further assessment and detailed mitigation measures will be addressed at development application stage, for which specific consultation can also occur with the adjoining residents to further address these concerns.

Future development can continue to accommodate window privacy screening/window hoods to further mitigate these privacy concerns, as outlined within the original Planning Proposal documentation. Future development can likewise ensure that all balconies and windows can be positioned to avoid direct overlooking. Given this, the potential for privacy impacts to the surrounding residences is minimal.

6.7 Traffic and Parking

A Traffic and Parking Impact Assessment has been prepared by PTC (**Appendix E**) to assess the impacts of the density and additional uses on the site arising from the proposal. The assessment of the potential traffic generation of the site revealed that the development will lead to a net traffic generation of 19 trips during the peak hour. This represents a low increase in traffic activity and therefore the proposed concept plan or future development is not anticipated to generate any negative impacts to the local road network.

It is noted that there are numerous train, metro and bus services accessible within walking distance of the site, including North Sydney Station (5 minute walk), and Victoria Cross Station (10 minute walk) and bus services on High Street (5 minute walk).

A review of local cycling networks identified numerous dedicated on-road and off-road shared cycle paths within proximity of the site. It is noted that due to close proximity to North Sydney CBD, there will likely be higher rates of active transport by users to and from the site.

PTC conclude that there are numerous public and active transport options available to staff and visitors providing convenient links to the North Sydney CBD as well as the Sydney CBD. As such, the subject site is well located in terms of access to public transport services.

PTC have assessed that the site is capable of accommodating a development that satisfies DCP 2013 requirements for car parking, motorcycle and bicycle parking. The development provides a total of seven spaces, satisfying the maximum requirements of the DCP for residential, staff and visitor parking. Further detailed traffic assessment will be undertaken during detailed design and DA stage.

6.8 Trees

An Arboricultural Impact Assessment has been prepared by Australis Tree Management (**Appendix F**) to identify the health and condition of the selected trees, the potential impacts from proposed concept plan, and to provide recommendations regarding tree retention and protection. All trees assessed are located on adjoining lots, with existing trees present on the site. The assessment confirms that all trees can be retained with appropriate tree protection measures throughout the development works. It is noted that some trees will require pruning to the boundary to avoid damage to the tree.

6.9 Heritage

The site is not a heritage item or within a heritage conservation area. The properties to the north are however both items and within the Whaling Road Conservation Area. NSDCP 2013 describes the Conservation Area as follows:

"The Whaling Road Conservation Area is defined by the Warringah Expressway and the escarpment edge to Clark Road. The landform slopes steeply to the north east, creating dramatic views, and resulting in stepped forms and house. The urban form is strongly influenced by the topography, and by the main phases of development. The area is a discrete residential neighbourhood that is characterised by dwelling houses on small lots. The subdivision pattern is regular and irregular reflecting the topography with has small lots. Streets follow the slope and contours of the area with short streets with a number of steep, dead-end streets. Doris Street is split level for most of its length, and Margaret Street is not accessible to vehicles.

The area is characterised by small scale housing, one to two storey Victorian Georgian, Victorian Filigree and Federation style dwellings forming a dense urban pattern. There are high quality groups of single and two storey attached dwellings. There are small pocket of public open space, some pedestrian links. Fencing is low and characteristically of timber giving coherence throughout the area.

Doris Street has remnant cobbling showing through contemporary road surfacing."

Figure 17 on previous pages illustrates the relationship between the proposed building and the terraces fronting Whaling Road. The proposed future built form will remain largely unseen when viewed from Whaling Road and as such will not affect the heritage values of the terraces or the conservation area. A detailed heritage assessment will be submitted as part of any future DA.

7.0 Conclusion

The owners of the site, and the proponent of this Planning Proposal, wish to repurpose the existing tennis courts and establish a viable business that allows them to retain ownership of the site and make a positive contribution to the local community. Their vision is to create an *'inner-city urban lifestyle retreat'* with an executive and innovative style accommodation experience – aimed primarily at business executives or young individuals looking to network, working in the North Sydney or Sydney CBDs.

The Planning Proposal is supported for the following reasons:

- The existing tennis operation is underutilised. The loss of the two existing tennis courts has been considered and addressed within the recreation needs assessment. The existing recreation function of the site can be maintained and enhanced through ensuring the ongoing viability of the site's operation;
- The site is ideally located for its proposed use given its close to the employment bases of North Sydney and Sydney CBDs with a range of active and public transport options available;
- Previous proposals for the site have been unsympathetic in terms of their site planning and impacts. Residential amenity of existing properties immediately surrounding the site will be maintained. The design and siting of new buildings has been informed by a comprehensive site analysis to ensure that development will not result in adverse impacts on existing residential properties;
- Future development can occur without adverse traffic impacts and the future parking requirements of the proposal can be accommodated on-site;
- The proposal is not inconsistent with the strategic planning framework, applicable SEPPs and Ministerial Directions; and
- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land.

In light of the above, we would have no hesitation in recommending that the Planning Proposal proceed through Council to the Gateway and on to public exhibition.