



**State Significant Development
Scoping Report
253-265 Pacific Highway, North Sydney**

**Submitted to Department of Planning,
Housing and Infrastructure**

**Legpro 45 Pty LTD ATF
Legpro 45 Unit Trust C/O Legacy Property**

Prepared by Planning Lab

Issued 15 May 2025



View of existing site looking north along the Pacific Highway (Source: PTW Architects)

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The current document version is version V2.



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1. Introduction

1.1 Overview

This report has been prepared by Planning Lab on behalf of Legacy Property. The purpose of this report is to provide relevant information for a request for Industry-Specific Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for a State Significant Development Application (SSDA) at 253-265 Pacific Highway, North Sydney, including provision for in-fill affordable housing. The report has been prepared in accordance with the Department's Scoping Meeting Requirements – for Applicants, and the Guide to the Faster Assessment Program for Affordable Housing and has been informed by a preliminary SSDA meeting and feedback received from officers of the Department of Planning, Housing and Infrastructure.

The SSDA will seek approval for:

- the demolition of existing buildings at 253-265 Pacific Highway, and the retention and reuse of the existing local heritage item building at 265 Pacific Highway;
- the construction of a part 10, part 13 storey, mixed use, shop top housing development including:
 - a 2-storey podium consisting of ground and first storey commercial tenancies, ground level communal open space and deep soil landscaping at 265 Pacific Highway;
 - a tower above consisting of 35 residential apartments and communal roof garden;
- excavation of four levels of basement level car parking and servicing; and
- the stratum and strata subdivision of the building.

As part of the proposed residential component, 10 affordable housing apartments are proposed to be provided under Chapter 2 – Infill Affordable Housing under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

The proposed development is State Significant Development (SSD) under Schedule 1, Section 26A (1) of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) as it:

- Relates to development to which the Housing SEPP, Chapter 2, Part 2, Division 1 applies (the site is located within the Six Cities Region, and is an “accessible area” defined by the SEPP, within 300m of the new Victoria Cross Metro Railway Station);



- The development includes residential development that has a capital investment value of more than \$75 million (Refer to Attachment 4 for Cost Estimate report); and
- The development is permissible with development consent under the Mixed Use MU1 that applies to the land under North Sydney Local Environmental Plan 2013.

In recent years, planning and building envelope controls have been formulated for the subject site through an extensive urban design investigation and analysis conducted by North Sydney Council in the form of the Civic Precinct Planning Study (CPPS) and a Planning Proposal endorsed by the NSW State Government in July 2023, identifying the site as a transitional area between the higher density areas of the North Sydney CBD in the south, through to a lower scale, Civic Precinct section, which then leads north up to the emerging Transit Oriented Development precinct at Crows Nest.

The approved Planning Proposal for the site resulted in a series of site-specific amendments to the height, FSR and non-residential floor space controls of the North Sydney Local Environmental Plan 2013 (NSLEP 2013), and was underpinned by a concept reference scheme that incorporated the following key urban design and building envelope principles of the CPPS and the North Sydney Development Control Plan 2013 (NSDCP 2013):

- A stepped, north to south, 8-10 storey building height and envelope massing, that suitably responds to the prevailing site slope, and maintaining an appropriate setback from the existing local heritage item building at 265 Pacific Highway, which is to be incorporated in the broader development site;
- A podium that enables appropriate street level activation and accessibility of new commercial floor space, common open space, and entry for residents of the apartments above along the Pacific Highway, and also a driveway entrance for car parking and service access to the basement levels along Church Lane at the rear;
- The podium is also setback along its Church Lane frontage to enable the provision of a 6m Lane width; and
- The proposed tower above incorporates setbacks above the podium that acts to reduce the visual building bulk along the Pacific Highway frontage, and an increased setback along the Church Lane frontage, as a means of providing a greater separation, and reducing the overshadowing and privacy impacts for the lower, scale residential and heritage character of properties opposite Church Lane to the east and south-east.

Given its highly accessible location along the Pacific Highway, and the new Victoria Cross Metro Station, the site is highly suitable for an increased density, mixed use,



commercial/residential development. The proposed SSDA seeks to optimise this strategically accessible location by utilising the Infill Affordable Housing 30% FSR and Height bonuses of the Housing SEPP in a form that responds to the broader priority and urgent demand for affordable housing.

In order to achieve the 30% Housing SEPP bonuses, 15% of the total residential GFA must be allocated for future use as affordable housing for a minimum period of 15 years by a community housing provider (CHP). The current proposal satisfies the 15% requirement through the allocation of 10 affordable housing apartments on Levels 2 and 3. Legacy Property are pleased to advise that they have been liaising with Cubic Real Estate, a Registered Community Housing Provider, who have provided their initial support for the current proposal as a suitable design to accommodate affordable housing, (See Attachment 5).

Whilst the SSDA proposal will necessitate a variation of the maximum height and FSR controls of the NSLEP 2013 and the Housing SEPP, it is generally consistent with the previously approved building envelope controls that underpinned the recent approved Planning Proposal, and highly compliant with the controls of the Housing SEPP (Infill Affordable Housing and Design of Residential Apartment Development, and the related Apartment Design Guide).

The design of the SSDA proposal will also seek to ensure that it minimises any environmental impacts and respects the character and amenity of the existing local heritage item on the site (265 Pacific Highway), as well as the lower scale, residential, educational and community uses to the east, west and south of the site.

This report provides an overview of the proposal, sets out the statutory context, and identifies the key likely environmental and planning issues to be considered and assessed as part of the SSDA. It should be read in conjunction with the following attached documents:

- **Attachment 1** – Architectural Plan Set (Including Shadow Diagrams) – Nettleton Tribe Architects
- **Attachment 2** – Development Schedule - Nettleton Tribe Architects
- **Attachment 3** - Site Survey Plan – Linker Surveying
- **Attachment 4** - Cost Estimate Report – Newton Fisher Group
- **Attachment 5** – Letter of support from Cubic Real Estate, a Registered Community Housing Provider.
- **Attachment 6** – Legal advice from Mills Oakley.

Legacy Property and their consulting team already have conducted extensive investigations and design analysis of this site and are of the view that they will be able



to complete an Environmental Impact Statement and lodge a SSDA for this proposal within 2 months of receiving the SEARs from the Department.

1.2 Background

Arising from the NSW State Government's 2016 announcement identifying locations of the new Sydney Metro City and South West station locations, including the nearby Victoria Cross Metro station, the site and surrounding Civic Precinct has been the subject of extensive urban design analysis, strategic planning and consultation with Council and the community as part of a broader policy level review, as well as its site-specific redevelopment potential.

One of the guiding, strategic planning policy documents for this site is the Civic Precinct Planning Study (CPPS) which was adopted by Council on 26 October 2020. This Study identified the subject site within a Southern Transition Area along the Pacific Highway, providing a preferred building envelope and supporting an 8-10 storey, mixed use redevelopment, to transition between the denser, high-rise buildings of the North Sydney CBD to the south, and the adjoining lower scale, heritage, civic and residential areas northwards up to Crows Nest. The CPPS identifies the site as one which can assist in meeting the housing targets identified for North Sydney under the District Plan.

Concurrent with the Study, the owners of the subject site first began negotiations with Council for redevelopment options in 2018, and in recognition of its strategic merit and suitability, a site-specific, Planning Proposal seeking planning control uplift was prepared and lodged with Council.

The Planning Proposal (PP-2021-2926) was approved by the State Government on 11 July 2023 and resulted in amendments to Council's LEP as follows:

North Sydney Local Environmental Plan 2013

- Maximum building heights of 15 metres, 29 metres and 37 metres;
- Maximum floor space ratio (FSR) controls of 4.83:1 (253-263 Pacific Highway) and 1.83:1 (265 Pacific Highway and 1 West Street); and
- Increase the minimum non-residential FSR control from 0.5:1 to 1:1.

The LEP amendments complement Part C, Section 2.3 of the North Sydney Development Control Plan 2013 – Eden Neighbourhood, addressing the following:

- Podium and Tower – street frontage building heights and required setbacks to Pacific Highway and Church lane to the rear; and
- The widening of Church Lane.

The Planning Proposal (which at the time included 267 Pacific Highway) was supported



by the proponent's concept reference scheme to deliver an 8-10 storey mixed use commercial and residential building, with a 2-storey commercial podium and residential above, providing 37 residential apartments, 1,775 sqm of non-residential floor space and 38 car parking spaces. Photomontage views of this scheme are provided in **Figure 1** below:



*Figure 1: Photomontage views of approved concept reference scheme Planning Proposal PP-2021-2926
(Source: PTW Architects)*



2. Site Analysis

2.1 The Site

The subject site is located at 253-265 Pacific Highway, North Sydney. The site has a primary frontage to the Pacific Highway of 46.93m and a secondary frontage of 46.87m to Church Lane. The site has total approximate area of 1,099m². Church Lane provides access to the individual lots and ranges in width from 3-4.5m due to the existing uneven boundary alignments of the subject properties.

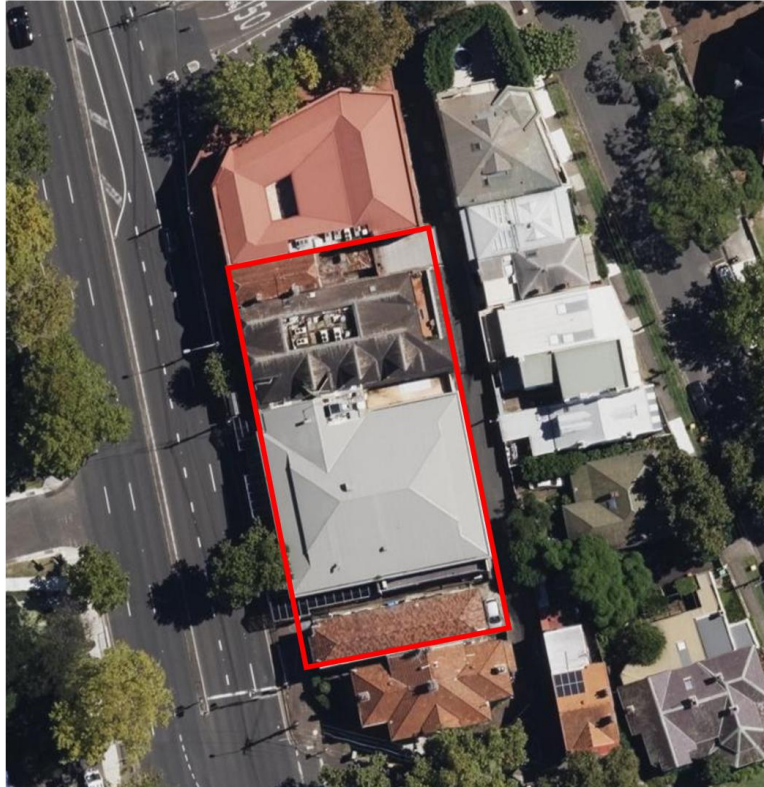


Figure 2: Aerial image identifying the site (Six Maps)

The site comprises four (4) separate lots. The street addresses, legal description and description of existing development on each is lot is described in the table below.

Address and legal description	Existing development and access arrangements
253 Pacific Highway, North Sydney SP 16134 Site Area:	Two storey commercial building fronting Pacific Highway. One at-grade onsite parking space accessed from Church Lane.



147m2	
255-259 Pacific Highway, North Sydney SP 22870 Site Area: 553m2	Two storey commercial building with pedestrian access fronting the Pacific Highway. Vehicular access and on-site parking accessed from Church Lane. Basement parking for 10 cars.
263 Pacific Highway, North Sydney Lot 51 DP 714323 Site Area: 294m2	Three (3) storey commercial building fronting the Pacific Highway, including 2 residential apartments. Vehicular access and on-site parking accessed from Church Lane. Basement parking for 8 cars.
265 Pacific Highway, North Sydney Lot B DP 321904 Site Area: 105m2	Three storey heritage shopfront (locally listed item No. 0959 under the NSLEP 2013). Heritage building is orientated towards the Pacific Highway, with garage (new addition) accessed from Church Lane.

2.2 Site Context and Surrounding Development

The site is located on the Pacific Highway on the northern edge of the North Sydney CBD. The surrounding context of the site is characterised by low to medium rise commercial, residential and community uses.



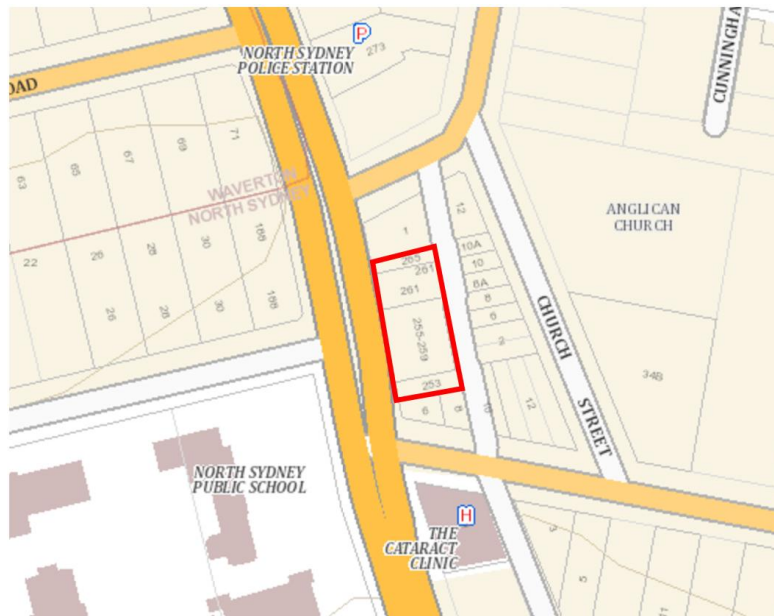


Figure 3: Locality Map (Six Maps)

The site is immediately surrounded by the following:

To the north of the site is the property known as 1 West Street, which currently contains a two storey commercial building. On the northern side of West Street is the Union Hotel, a two storey, locally listed heritage item. Further north is a variety of medium to high density commercial uses.



Figure 4: View to the north across West Street along the Pacific Highway (Google Maps)

To the east of the site is Church Lane. On the opposite side of Church Lane are low and medium rise residential uses fronting Church Street, and further to the east is the site and buildings of St Thomas' Anglican Church.





Figure 5: View looking south along Church Lane (Google Maps)

To the south of the site is the premises known as 6-8 McLaren Street which contains a two-storey house. Medium to high-density commercial uses are located to the south of the site along the Pacific Highway.



Figure 6: View of the site from the south, at the corner of McLaren Street and the Pacific Highway (Google Maps)



To the west of the site is the Pacific Highway. On the western side of the Pacific Highway is a childcare centre and North Sydney Demonstration School.



Figure 7: View to the south-west across the Pacific Highway (Google Maps)

2.3 Surrounding Road, Rail and Bus Network

Rail

The site is located 750m north of North Sydney Station. Trains connect North Sydney Station with Sydney CBD, Berowra in the north and Parramatta in the west.

Sydney Metro

Sydney Metro is Australia's largest public transport project, delivering 31 metro stations between Rouse Hill in the north-west and Bankstown in the south-west. Victoria Cross Metro Station is in North Sydney, between the site and the North Sydney Train Station. It commenced operation in August 2024. Trains now depart every 4 minutes, connecting North Sydney to the Sydney CBD in 5 minutes. Victoria Cross Station can be accessed at the corner of McLaren Street and Miller Street in the north and Berry Street and Miller Street to the south. The site is located approximately 260m from the northern station entry.

The station provides a new transport focus on the northern side of the North Sydney commercial core and provides much needed infrastructure to revitalise the area and to generate a night time economy, including increased connectivity to other nearby strategic centres, within the global economic arc.



Road

The site is located on the Pacific Highway. The Pacific Highway connects Sydney's north-western suburbs to North Sydney, before linking to the Bradfield Highway and Cahill Expressway to the Sydney CBD.

Bus

Several bus routes provide frequent services along the Pacific Highway. North and south bound bus stops are located opposite the site. Buses connect the site with the North Sydney CBD, Sydney CBD, Bondi Junction, Gladesville, Lane Cove, Chatswood, Ryde, Kingsford and Botany.

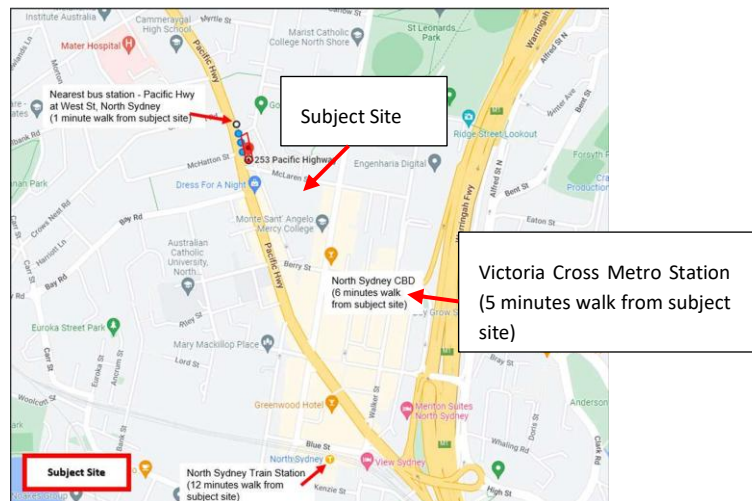


Figure 8: Location of Surrounding Public Transport (Google Maps)



3. Project

3.1 Overview

The SSDA will seek approval for:

- the demolition of all existing site buildings (253-263 Pacific Highway), and retention and reuse of the existing heritage item building (265 Pacific Highway);
- to erect a new, part 10, part 13 storey, mixed use, shop top housing development comprising of:
 - a 2 storey podium consisting of ground and first storey commercial tenancies, ground level community open space, landscaping and recreation use of 265 Pacific Highway;
 - a tower above consisting of 35 residential apartments and communal roof garden;
- excavation and construction of four levels of basement level car parking and servicing; and
- the stratum and strata subdivision of the building.

As part of the residential component, 10 new affordable housing apartments are proposed to be provided on Levels 2 and 3 of the proposed development under Chapter 2 – Infill Affordable Housing under the Housing SEPP.

Attachments 1 and 2 of this report provide a preliminary Architectural Drawings Set and Development Schedule prepared by Nettleton Tribe Architects.

3.2 3.2 Capital Investment Value

The estimated capital investment value (CIV) for the proposed development is \$99,838,493 (GST Inclusive), or \$90,762,266 (GST Excluded). It is noted that this indicative only and subject to change. Refer to **Attachment 4** for a Cost Estimate Report prepared by Newton Fisher Group.



4. Strategic Context

4.1 Project Justification

The proposed mixed-use development, including ground and first floor commercial, market and affordable residential apartments, is closely aligned with the broader strategic planning framework, including the following:

- National Housing Accord
- Greater Sydney Region Plan
- North District Plan
- North Sydney Local Strategic Planning Statement
- North Sydney Vision 2040 – Community Strategic Plan
- North Sydney Local Housing Strategy

4.2 Relevant Strategic Plans

Table 4 provides a summary of the key strategic plans that identify the strategic context of the project.

Table 4 Summary of alignment with key strategic plans

Plan	Comment
National Housing Accord 2022	<p>In October 2022, the National Housing Accord was introduced by the Federal Government, pledging to construct 1 million houses in prime locations within a five-year timeframe, commencing in 2024.</p> <p>The proposed development is in alignment with this Accord, as it aims to increase affordable housing supply in a highly accessible location.</p>
Greater Sydney Region Plan & North District Plan (Eastern Harbour City – Six Cities Plan)	<p>The Greater Sydney Region Plan is currently being reviewed by the State Government. Introduced in 2018, it is the overarching regional plan for the greater Sydney region and sets out the long-term vision for the city, where most residents live within 30-minutes of their jobs, education and health facilities, services, and great places.</p> <p>The Proposal aligns with the Region and District Plan’s broader priorities, objectives, and actions by:</p> <ul style="list-style-type: none">• <i>Developing additional residential and retail</i>



Plan	Comment
	<p><i>floorspace on a vacant site within walking distance of the new Victoria Cross Metro Station. By doing so, the Proposal aligns land use and growth with infrastructure investment to ensure that infrastructure use is optimised; and</i></p> <ul style="list-style-type: none"> • <i>Delivering housing within walking distance of open space, shops, services and public transport to help meet the forecast need of 157,500 new homes in the district by 2036 and realise the broader vision of a 30-minute city.</i>
<p>Future Transport Strategy 2056</p>	<p>Future Transport identifies that the development of the Eastern Harbour City requires improved 30-minute public transport access to Greater Sydney and identifies the Sydney Metro City and Southwest as a committed transport project that is relevant to the Proposal. The site is well-positioned to utilise this investment in transport and leverage its accessibility for both residents and workers.</p>
<p>North Sydney Local Strategic Planning Statement</p>	<p>The LSPS focuses on delivering employment and housing growth in strategic centres. This includes a vision to support 11,450 new dwellings and up to 37,400 new jobs in the LGA by 2036. The Proposal also aligns with the following key LSPS' priorities and actions:</p> <ul style="list-style-type: none"> • <i>Providing diverse housing options that meet the needs of the North Sydney community;</i> • <i>Creating great places that recognise and preserve North Sydney's distinct local character and heritage; and</i> • <i>Support walkable centres and a connected, vibrant and sustainable North Sydney.</i>
<p>North Sydney Vision 2040 – Community Strategic Plan</p>	<p>Aligned with the Community Strategic Plan, the growing population needs additional housing that is concentrated in existing centres and along key transport routes. This proposal will provide housing at</p>



Plan	Comment
	<p>the site that is well situated and will be able to maximise the existing infrastructure as well as utilise the new infrastructure of the Sydney Metro and the Victoria Cross Metro Station.</p>
<p>North Sydney Local Housing Strategy</p>	<p>North Sydney Council’s Local Housing Strategy reflects the LSPS by forecasting 11,450 new dwellings in the LGA by 2036. The Housing Strategy expands on the type of housing needed, noting that there is a need for small dwellings (studio and 1 bedroom) and 3+ bedroom dwellings, key worker housing and affordable housing.</p>
<p>North Sydney Development Control Plan 2013</p>	<p>Whilst DCPs are not considerations in the assessment of a SSDA (pursuant to Section 2.10(1)(a) of the Planning Systems SEPP), an assessment of key relevant provisions of the NSDCP will be provided in the upcoming SSDA, as they have played an important role in guiding the emerging design and building envelope controls of the approved concept reference scheme for the site specific Planning Proposal, and inform the desired future character of the subject site and the broader locality.</p>
<p>North Sydney Civic Precinct Planning Study</p>	<p>Similar to the DCP, the Civic Planning Precinct Study (CPPS) is a non-statutory document that provides detailed urban guidance to future developments in the Precinct, including the subject site.</p> <p>The Study has been prepared in response to the construction of the Victoria Cross Metro Station and the significant transformation to the areas surrounding the Study area.</p> <p>The Civic Precinct is located directly north of North Sydney CBD and is bounded by McLaren Street, Pacific Highway, Falcon Street and the Warringah Freeway with an additional area bounded by Walker Street and Berry Street at the southeast corner.</p> <p>The subject site is identified as the ‘southern transition site’ under the CPPS. This confirms the suitability of the</p>



Plan	Comment
	<p>site for high density, mixed use, residential/commercial redevelopment.</p> <p>On the basis of this Study, a Planning Proposal (PP-2021-2926) was approved by the State Government on 11 July 2023 relating to the subject site, resulting in amendments to Council’s LEP to uplift the site’s redevelopment capacity, and to advance a concept reference scheme to deliver an 8-10 storey mixed use commercial and residential building, with a 2-storey commercial podium and residential above, providing 37 residential apartments, 1,775 sqm of non-residential floor space and 38 car parking spaces.</p> <p>The design of the current proposal has been formulated in a manner consistent with the objectives of the new LEP controls and reference scheme design, whilst also seeking to take advantage of the FSR and Height bonuses introduced for Infill Affordable Housing within the Housing SEPP.</p>

4.3 Cumulative Impacts

The recent upgrade of the Noth West Sydney Metro line and new nearby Victoria Cross Metro Station has resulted in the subject site and the surrounding area as being highly desirable for high-density, mixed-use developments, and to support increased housing demand and affordability. The cumulative impacts of the proposed development on this site will be comprehensively considered and assessed in the EIS.



5. Statutory Context

5.1 Relevant Statutory Requirements

A summary of the relevant statutory requirements is identified in Table 5.

Table 5 Relevant statutory requirements

Clause	Matter	Consideration
	Power to grant consent	<p>The proposed development is categorised as State Significant Development (SSD) under Schedule 1, section 26A(1) of the Planning Systems SEPP as it:</p> <ul style="list-style-type: none"> • Relates to development to which Chapter 2, Part 2, Division 1 of the Housing SEPP applies (the site is located within the Six Cities Region, and is an “accessible area” defined by the SEPP, within 300m of the new Victoria Cross Metro Railway Station); • The development is residential development and has a CIV of more than \$75 million; and • The development does not involve development prohibited under an environmental planning instrument applying to the land. <p>The Minister for Planning (or the Minister’s delegate) is the consent authority pursuant to section 4.5(a) of the EP&A Act.</p>
	Permissibility	The proposal is located on land which is subject to the North Sydney



Clause	Matter	Consideration
		<p>LEP 2013 and zoned MU1 Mixed Use.</p> <p>In accordance with the provisions of Chapter 2, Part 2, Division 1, section 15C of the Housing SEPP, the proposed development for in-fill affordable housing applies for the following reasons:</p> <ul style="list-style-type: none"> • The mixed use, shop top housing development, comprising of a component of residential accommodation is permitted with consent in the MU1 Zone under the North Sydney LEP 2013. • At least 10% of the GFA will be used for the purposes of affordable housing. It is noted that 15% of the permissible GFA is intended to be used for the purposes of affordable housing for the subject proposal. <p>All or part of the development is within an accessible area as it is within 800m walking distance of a public entrance to the Victoria Cross Metro railway station.</p>
<p>Key Development Standards – North Sydney Local Environmental Plan 2013</p>		
<p>Clause 2</p>	<p>Land use zone and permissibility MU1 Mixed Use</p>	<p>Complies</p> <p>The mixed use, shop top housing development, comprising of a component of residential</p>



Clause	Matter	Consideration
		accommodation is permitted with consent in the MU1 Zone.
Clause 4.3 Maximum Building Height	<p>The maximum height for the proposed development site varies on different sites, as follows:</p> <p>V - 37m</p> <p>253 Pacific Highway 255-259 Pacific Highway</p> <p>T3 – 29m</p> <p>261 Pacific Highway</p> <p>O1 – 15m</p> <p>265 Pacific Highway</p>	<p>Non-Compliant – Justified</p> <p>The proposal seeks a 30% to the maximum height of the properties affected by the T3 and V maximum amounts, which result in the following increased heights:</p> <ul style="list-style-type: none"> • T3 – 37.7m • V – 48.1m <p>The accompanying Revised Architectural Plan Set (Attachment 1) provides Schematic Elevations of these increased building heights.</p> <p>As a result of the 30% Housing SEPP bonus, the proposal seeks to vary the maximum permissible Height requirement of NSLEP 2013, which will necessitate a request to vary this requirement under Clause 4.6 of the LEP.</p> <p>It should be noted that parts of the building envelope and roof plant structures also exceed the maximum permissible height bonus of the Housing SEPP for both the V and T3 sections of the new mixed-use building, up to a maximum of 2m in each section. This represents an approximate margin of variation of 4-5%.</p>
Clause 4.4 - Maximum Floor Space Ratio	<p>The maximum FSR for the proposed development site varies on different sites, as follows:</p>	<p>Non-Compliant – Justified</p> <p>The accompanying Revised Development Schedule (Attachment</p>



Clause	Matter	Consideration				
	<p>Y – 4.83:1</p> <p>253 Pacific Highway</p> <p>255-259 Pacific Highway</p> <p>263 Pacific Highway</p> <p>S1 – 1.83:1</p> <p>265 Pacific Highway</p>	<p>2) provides a detailed breakdown of the proposed FSR calculations.</p> <p>The subject proposal seeks to utilise the maximum 30% FSR bonus of Section 16 of the Housing SEPP’s Infill Affordable Housing provisions, in addition to the maximum LEP FSRs. To achieve the 30% FSR bonus, 15% of the total GFA needs to be allocated to affordable housing, and meet other SEPP criteria.</p> <p>Whilst 265 Pacific Highway has a different maximum FSR of 1.83:1, as compared to the other properties (4.83:1), given that the area of communal open space provided on the Ground Level at the rear of the existing heritage building at 265 Pacific Highway is for the exclusive use of the new building residents and their guests, this use can be characterised as residential development, and it is therefore appropriate for the maximum 30% FSR bonus to be based on a total site area of 1,099m², inclusive of the site area of 265 Pacific Highway.</p> <p>The Housing SEPP maximum potential FSR bonus yield can therefore be calculated as follows:</p> <table border="1" data-bbox="879 1704 1361 2024"> <tbody> <tr> <td data-bbox="879 1704 1134 1872">Total Site Area (inclusive of 265 Pacific Highway)</td> <td data-bbox="1134 1704 1361 1872">1,099m²</td> </tr> <tr> <td data-bbox="879 1872 1134 2024">Total Permissible GFA (inclusive of 30% FSR bonus,</td> <td data-bbox="1134 1872 1361 2024">6,491m²</td> </tr> </tbody> </table>	Total Site Area (inclusive of 265 Pacific Highway)	1,099m ²	Total Permissible GFA (inclusive of 30% FSR bonus,	6,491m ²
Total Site Area (inclusive of 265 Pacific Highway)	1,099m ²					
Total Permissible GFA (inclusive of 30% FSR bonus,	6,491m ²					



Clause	Matter	Consideration	
		based on respective LEP FSRs – Y and S1	
		Minimum Non-Residential GFA (Based on FSR of 1:1)	1,099m ²
		Total Residential GFA	5,392m ²
		Minimum Affordable Housing Component Required for the 30% bonus	15%
		Affordable Housing GFA (15% x 6,491m ²)	974m ²
		Market Housing GFA	4,418m ²
		<p>The current proposed development seeks to provide the following areas of GFA:</p> <ul style="list-style-type: none"> • 10 Affordable Housing Units: 974m² • 25 Market Housing Units: 4,418m² • Commercial Tenancies: 1099m² • Total GFA: 6,491m² <p>It should be noted that all of the proposed residential GFA, including 10 affordable housing units, will be provided in the new mixed-use</p>	



Clause	Matter	Consideration
		<p>building, and no residential living areas are provided on 265 Pacific Highway.</p> <p>Based on the most recent Land and Environment Court decisions, and verified through recent legal advice (Attachment 6), in cases where a development site has different FSR controls applicable to different parts of the site, the FSR of the development must be calculated separately for each part of the site that has a separate FSR control.</p> <p>The maximum allowable 30% bonus GFA on the site area excluding 265 Pacific Highway is a total of 6,242m², as compared to the consolidated allowable GFA of 6,491m². This represents a breach of the allowable GFA by approximately 259m² (or 4%). It will therefore be necessary to prepare a request to vary the Housing SEPP's maximum FSR requirement under Clause 4.6 of the LEP to accompany the SSDA.</p> <p>It will also be necessary to prepare a Clause 4.6 request to vary the maximum permitted FSRs of the LEP.</p> <p>It should also be noted that the proposed winter garden private open space areas provided for residential units at various levels have been included in the FSR calculations for this proposal.</p>
Clause 5.10 - Heritage	No. 265 Pacific Highway is identified as a heritage	Complies



Clause	Matter	Consideration
Conservation	<p>item in Schedule 5 (I0959 - Shop Significance: Local) of the NSLEP 2013. The proposed development site is not located within a heritage conservation area or in the vicinity of a heritage item.</p> <p>However, the site adjoins HCA CA19 to the east and south.</p> <p>Heritage Items in the vicinity of the site are:</p> <p>I0407 – North Sydney bus shelters, various</p> <p>I0879 – House, 12 McLaren Street</p> <p>I0885-8 – St Thomas’ Church</p> <p>I0957 – Gates and fence of the former Crow’s Nest House</p>	<p>It is proposed to retain and reuse the existing local heritage item building at 265 Pacific Highway as part of the broader redevelopment of the site.</p> <p>The design of the proposed building envelope provides an appropriate setback from 265 Pacific Highway and is respectful of the adjoining and surrounding heritage character areas and other heritage items.</p>
	<p>Minimum Non-Residential Floor Space Ratio 1:1</p>	<p>Complies</p> <p>The accompanying Revised Development Schedule (Attachment 2) provides a detailed breakdown of the proposed FSR calculations.</p> <p>In summary, 1:1 of the total site area is 1099m². The LEP requires this a minimum amount in any new development.</p> <p>The subject proposal proposes a total amount of 1099m² of non-residential floor space, distributed through commercial tenancies in both the Ground Level and Level 1</p>



Clause	Matter	Consideration
		of the new building, and the adaptive reuse of the existing heritage item building on the 265 Pacific Highway site.

Clause	Consideration
State Environmental Planning Policies	
State Environmental Planning Policy (Housing) 2021 (Housing SEPP)	<p>Chapter 2, Part 2, Division 1 In-fill affordable housing</p> <p>Section 16 – 30% FSR and Building Height Bonuses</p> <p>In accordance with Section 16 of the Housing SEPP, a maximum FSR and building height bonus of up to 30% is possible, based on the affordable housing component delivered.</p> <p>The current proposal seeks to include an affordable housing component of 15%, to be managed by a Registered Community Housing Provider. On this basis, the development is eligible for 30% additional FSR because the development includes a 15% affordable housing component. As the development involves residential development in the form of shop top housing, it is also eligible for 30% additional building height.</p> <p>The accompanying Revised Architectural Plan Set (Attachment 1) Schematic Elevations of the proposed increased building heights and Revised Development Schedule (Attachment 2) provides a detailed breakdown of the proposed FSR calculations.</p> <p>Please also refer to the compliance section of the NSLEP 2013 for a summary of these calculations. As identified in this section, the current proposal exceeds the maximum height and FSR requirements of both the LEP and also Section 16 of the Housing SEPP, and it will therefore be necessary to submit Clause 4.6 requests in the SSDA to justify these variations.</p>



Clause	Consideration
	<p>Section 19 - Non-Discretionary Development Standards</p> <p>In summary, the subject proposal is compliant with the following relevant provisions:</p> <ul style="list-style-type: none"> • <i>The site area exceeds the minimum 450m² requirement;</i> • <i>The Landscaped Area exceeds the minimum 30% requirement; and</i> • <i>The proposed minimum floor area for each bedroom type is achieved.</i> <p>In terms of the proposed on site car parking requirements for the residential apartments, a detailed assessment and breakdown of the provision of parking spaces across the four basement levels is provided in the Revised Development Schedule of Attachment 2.</p> <p>In summary, a total of 55 spaces, which includes 7 adaptable spaces, a car washing bay and 1 visitor space, is provided, which exceeds the minimum car parking requirements of Section 19 (2) (e) and (f).</p> <p>The SEPP does not have a car parking requirement for non-residential floor space. It is proposed to adopt the maximum car parking requirements of the North Sydney Development Control Plan 2013 for the commercial uses and provide no on site car parking for these uses.</p>
<p>Chapter 4 Design of Residential Apartment Development</p>	<p>A Design Verification Statement and a detailed assessment of the proposed development against the Apartment Design Guide will be prepared as a part of the SSDA submission. A brief review of the compliance of the current proposal against key controls of the ADG is provided below:</p> <ul style="list-style-type: none"> • Complies with the minimum 25% area of communal open space. • Complies with the minimum 7% deep soil requirement. • Complies with solar access to the proposed residential units, 74% of units receiving direct solar access to living rooms and private open spaces.



Clause	Consideration
	<ul style="list-style-type: none"> • Complies with 74% of units receiving natural cross ventilation. NB. The proposed use of winter gardens as private open space of various residential units along the Pacific Highway elevation are considered appropriate under the ADG for sites adjoining major noise generating activity, and Cubic Real Estate, a Registered Community Housing Provider, considers these areas to be appropriate for use in affordable housing units in highly built-up locations, such as the subject site. • Complies with the minimum amount of required on site car parking spaces for the residential units. NB. No minimum carparking spaces are required for the non-residential component of the development as it is within a 'High Accessibility Area' as per North Sydney DCP 2013. • Provides an appropriate mix of apartment size and type, including the 10 proposed Housing SEPP affordable apartments – 35 apartments are proposed in total: 4 x 1 bed (11%), 6 x 2 bed (17%), and 25 x 3 bed (71%). <p>The only significant numerical non-compliance with the ADG (3F – Visual Privacy) is the building separation requirements of primarily the rear and side, upper levels of the proposed tower with adjoining and adjacent residential properties.</p> <p>The proposed building separations are as follows:</p> <p>Northern Boundary – 6m</p> <p>Southern Boundary</p> <ul style="list-style-type: none"> • <i>Zero boundary at Podium (2 Storeys)</i> • <i>3m above Podium (3rd Storey and over)</i> <p>Church Lane Opposing Boundary – 8m</p> <p>Pacific Highway Boundary</p> <ul style="list-style-type: none"> • <i>Zero boundary at Podium (2 Storeys)</i>



Clause	Consideration
	<ul style="list-style-type: none"> • <i>1-1.5m above Podium (3rd Storey and over)</i> <p>Whilst the numerical setback variations are relatively minimal, it is considered that the design of the proposal is still consistent with the objective of this control to maintain the privacy of neighbouring properties, particularly given the determination made in the recent approved PP for this site that strict compliance with the ADG numerical controls would unreasonably impinge on achieving a feasible redevelopment of the site at a higher density, given its narrow depth and orientation, as well as the fact that the main neighbouring properties of concern located to the east, south and south-east currently have highly restrictive LEP height and heritage conservation controls, which makes it highly unlikely for direct viewing privacy conflicts with the subject proposal. The proposed LEP uplift controls for the subject site were also accompanied by setback and building envelope controls, particularly along the site’s Church Lane frontage, that further minimise the potential visual privacy impacts for surrounding residents. It is considered that the proposed height increase of the Housing SEPP 30% bonus will not result in any substantial or unreasonable increase in overlooking impacts. These impacts will be addressed in further detail within Clause 4.6 Variation Request Reports in the SSDA.</p>
<p>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</p>	<p>The proposed development is categorised as State Significant Development (SSD) under Schedule 1, Section 26A(1) of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) as it:</p> <ul style="list-style-type: none"> • <i>Relates to development to which Housing SEPP, Chapter 2, Part 2, Division 1 applies;</i> • <i>Is residential development and has a capital investment value of more than \$75 million; and</i> • <i>The development does not involve development prohibited under an environmental planning instrument applying to the land.</i> <p>The Minister for Planning (or its delegate) is the consent authority.</p>



Clause	Consideration
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</p>	<p>Section 2.12 of the Transport and Infrastructure SEPP provides a number of standards in respect to consultation referral requirements for development applications that propose Traffic Generating Development, as defined by Schedule 3. However, assessing against Schedule 3 of the Transport and Infrastructure SEPP, the proposed development is not deemed traffic generating development and referral to TfNSW is not required, particularly given that there is no proposed vehicular access off the Pacific Highway.</p> <p>Section 2.119: Development with a frontage to a classified road requires the consent authority to be satisfied the matters listed in clause 101 have been addressed.</p> <p>And</p> <p>Section 2.120: Impact of road noise or vibration on non road development</p> <p>The site has a frontage to Pacific Highway which is a classified road. Vehicular access to the site is proposed on Church Lane to the rear. An initial Transport Impact Assessment has assessed that the proposal will not have a negative impact on the safety, efficiency and ongoing operation of Pacific Highway. The proposed development will be appropriately designed to ameliorate potential traffic noise and vehicle emissions through acoustic glazing treatments and mechanical ventilation systems for apartments fronting Pacific Highway.</p> <p>2.121 Excavation in or immediately adjacent to corridors</p> <p>This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects. Any such development requires referral to Transport for NSW for comment as part of the DA process.</p> <p>The subject site is located within the corridor of the Western Harbour Tunnel Road project and given the proposed</p>



Clause	Consideration
	<p>basement carpark excavation, the subject proposal must therefore address this provision.</p> <p>The applicant has undertaken preliminary consultation with Transport for NSW on the proposal, who have confirmed the extent of the tunnel corridor on the subject site.</p> <p>TfNSW has also confirmed that they have already undertaken acquisition of sub-surface portions of Nos. 253 and 255-259 Pacific Highway.</p> <p>TfNSW has advised that the roof of the proposed tunnel is approximately 41m below the existing ground surface, which limits the maximum depth of any sub-surface excavation of the subject sit to approximately 26m. On that basis, the applicant was advised that a civil engineering study would need to be submitted with the DA to verify the extent of the additional loading on the WHT.</p> <p>Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network Clause 2.48 Determination of development applications – other development</p> <p>The application is subject to Clause 2.48 of the SEPP (Development likely to affect an electricity transmission or distribution network). As such, the application will need to be referred to Ausgrid for comment as part of the DA.</p>
<p>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</p>	<p>A Preliminary Site Investigation will be provided in the SSDA and address any potential risks for the proposed excavation and future development.</p>
<p>State Environmental Planning Policy (Sustainable Buildings) 2022</p>	<p>The Sustainable Buildings SEPP was made in August 2022 and became effective from 1 October 2023. It encourages the design and construction of more sustainable buildings across NSW.</p>



Clause	Consideration
	<p>The proposed development for a new mixed use (residential and commercial) building qualifies for assessment under the SEPP as its estimated development cost exceeds \$10 Million.</p> <p>The SEPP provides controls for both residential and non-residential components.</p> <p>The residential component of the proposal (residential units) must adhere to Schedule 1 and Schedule 2 of the SEPP through demonstrating compliance with energy, thermal comfort, water and embodied emissions (materials index) reporting using the current NSW BASIX tool. A BASIX Certificate will be submitted with the SSDA DA to verify compliance with these targets.</p> <p>In terms of the non-residential commercial areas, Section 3.2 of the SEPP needs to be addressed. An ESD report will be submitted with the SSDA to address these issues.</p> <p>In terms of Section 3.2 (2), the SSDA will be accompanied by an Embodied Emissions Report that describes how embodied emissions are minimised (by re-used or recycled content and low emissions construction technologies).</p> <p>The proposed leasable areas of the commercial uses is likely to exceed 1,000m² and it will therefore need to be verified if the proposal is subject to the additional SEPP provisions for a “<i>Large Commercial Office Development</i>”.</p>
<p>Other approvals</p>	<p>Approvals not applicable:</p> <ul style="list-style-type: none"> • <i>Rural Fires Act 1997 – The site is not identified as bushfire prone land.</i> • <i>Biodiversity Conservation Act 2016 – A Biodiversity Development Assessment Report waiver will be prepared as part of the SSDA.</i>
<p>Pre-conditions to exercise the power to grant consent</p>	<ul style="list-style-type: none"> • <i>North Sydney LEP 2013</i> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>



Clause	Consideration
Mandatory Matters for consideration	<p>State Environmental Planning Policy (Housing) 2021</p> <ul style="list-style-type: none"> • <i>Chapter 2, Affordable housing, Part 2 Development for affordable housing, Division 1 In-fill affordable housing</i> • <i>Chapter 4 Design of residential apartment development</i> <p>State Environmental Planning Policy (Planning Systems) 2021</p> <p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p> <p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p> <p>State Environmental Planning Policy (Resilience and Hazard) 2021</p> <p>State Environmental Planning Policy (Sustainable Buildings) 2022</p>

5.2 Suitability of the Site for the Proposed Development

Strategic Alignment

As identified in Section 4 of this report, the subject the proposed redevelopment of the subject site strategically aligns with a range of Federal and State Government and North Sydney Council planning policies, through its provision of affordable housing in a highly accessible location, and its positive activation of and commercial floor space and employment opportunities along the site’s Pacific Highway frontage.

Permissibility

The proposed development is suitable for the site as shop top housing and is permitted within the MU1 Mixed Use zone under the North Sydney LEP 2013.

Capacity to Accommodate Height and FSR Bonuses

Earlier sections of this report have highlighted the extensive urban design analysis undertaken for the site, as well as the broader area under the Civic Precinct Planning Study. This analysis underpinned the State Government’s approval for the Planning Proposal to uplift the LEP controls for the subject site, envisaging a new 8-10 storey, mixed use building, to provide a transition between the higher density and taller buildings of the North Sydney CBD in the south and the lower scale Civic Precinct



corridor leading up to the Crows Nest TOD precinct in the north. The scale of the PP’s approved concept reference scheme also recognised the limited depth of the site, and the need for a building envelope that respected the sensitive amenity of the site’s existing heritage building at 265 Pacific Highway, and the lower scale residential and educational land uses adjoining and surrounding the site. The PP was informed by the following key aspects of the Civic Precinct Planning Study (CPPS):

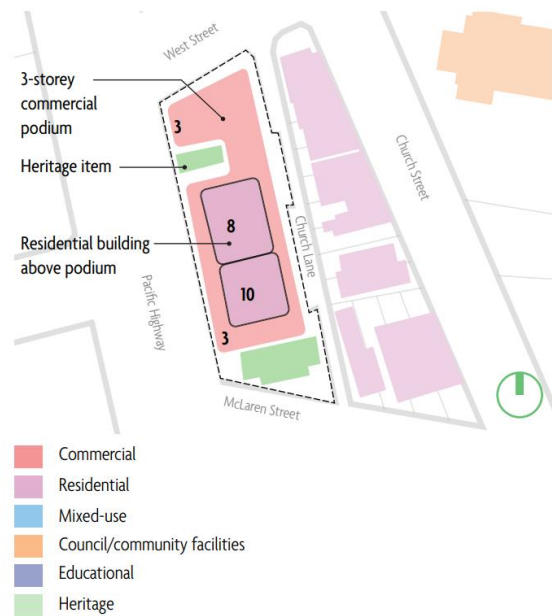


Figure 10: Extracts of CPPS indicating location of the subject site within the Southern Transition Area (Source: North Sydney Council)

The preliminary design analysis that accompanies this report demonstrates that a taller, part 10, part 13 storey building, that includes new levels of affordable residential apartments as allowed under the Housing SEPP, can still achieve a consistency within the CPPS’s transitional height profile along this section of the Pacific Highway, whilst still maintaining the solar, visual, privacy and heritage amenity of the more sensitive, lower scale uses of adjoining and surrounding properties.

One of the key issues in the assessment of the recent Planning Proposal for the site, and the related concept reference scheme, was the extent of overshadowing of sensitive



adjoining and surrounding land uses, particularly the lower scale residential areas to the east, south and south-east (opposite Church Lane) and to the west (opposite the Pacific Highway), the North Sydney Demonstration School.

In the assessment of the approved Planning Proposal, the relevant planning authority acknowledged the fact that North Sydney Council's planning controls that incentivise taller, denser redevelopments in various sections of the Pacific Highway invariably result in some degree of amenity impacts, including overshadowing, in areas that adjoined low scale and density residential zones and heritage conservation areas. In order to mitigate these impacts, building envelope and setback controls have been introduced, such as those relevant to the subject site.

In their final determination report for the Planning Proposal, the Department made the following conclusion in terms of the overshadowing impacts:

“The proposed building envelope creates a fast-moving shadow over the North Sydney Public School (North Sydney Demonstration School). A shadow analysis prepared by PTW Architects demonstrates some additional overshadowing beyond the existing school buildings and shadow impacts modelled in the CPPS. The additional overshadowing occurs briefly during the 8:15am period. This additional shadow is not considered to have a material impact beyond that considered by the CPPS. At 8:30am the proposed shadow aligns with the anticipated CPPS shadow. The proposed building envelope will not result in any significant overshadowing to the North Sydney Public School playground during school hours (9:00am to 3:00pm) and generally aligns with the overshadowing impacts envisaged by the CPPS. No additional overshadowing outside the anticipated CPPS shadow is foreseen to nearby residential development.”

A preliminary analysis of the potential overshadowing impacts of the increased height of the subject proposal, as identified in the Shadow Diagrams of **Attachment 1** Architectural Plan Set. These diagrams demonstrate that the proposed height increase will result in a relatively minimal amount of overshadowing for surrounding sensitive land uses, and in particular, there will be only very minimal increase in overshadowing of the North Sydney Demonstration School playground in mid winter mornings.

A full detailed analysis of the potential overshadowing impacts of the subject proposal will be provided in the upcoming SSDA.

Built Form and Amenity

As highlighted in previous sections, great care and attention has been given in formulating the design of the current proposal to achieve consistency with the urban design principles of the previous Civic Precinct Planning Study and Planning Proposal



processes relevant to this site. Whilst increased Height and FSR is being sought for the current proposal, part 10, part 13 storeys, the current building envelope still adheres to the stepped building profile, south up to north, and is generally consistent with the building setback requirements of both Council's DCP and the Apartment Design Guide.

Additional controls were initially advanced through a Draft Site Specific DCP to accompany the Planning Proposal. However, in finalising the LEP amendments of the PP, this Draft DCP was not supported by Council, and not adopted, and therefore has no current legal status.

The Draft DCP envisaged a continuous commercial podium frontage and awning along Pacific Highway, which would have resulted in the new mixed-used building abutting the heritage item building at 265 Pacific Highway. Given the sensitive conservation and streetscape importance of this heritage item building, and from a heritage perspective, it was considered a more appropriate design outcome to provide a setback between the new mixed use building and the heritage item building, enabling a visual buffer to allow a greater visual appreciation of this building and its setting.

Whilst the objective of the Draft DCP to provide a continuous awning along the Pacific Highway frontage will not be achieved, as shown in **Figure 11**, the current proposal will still provide a series of smaller awnings, adding to the pedestrian comfort and amenity of this frontage:



Figure 11: 3D Image of Proposed Pacific Highway Frontage (Source: Nettleton Tribe)

Another important urban design strategy for the current proposal was to more fully integrate the heritage building with the broader development through the designation of a landscaped, communal open space area on the ground level, surrounding the heritage building, for the exclusive use of the residents of the future units in the new



mixed-use building. The functioning of this area is enhanced by clear, secure access points at the front and rear of this part of the site, providing a separation between the site access for both the residents, and the commercial tenants and the general public, for which a designated access point is provided at a further point along the Pacific Highway frontage to the site.

It is considered that the focus of the proposed ground floor communal open space and associated landscaping around the existing heritage building at 265 Pacific Highway, and the ability to use the planned café in the building, will provide the future residents with a highly degree of amenity, and will complement the other planned communal open space at the roof level of the new mixed-use building.

Site Servicing

A key challenge to advancing the current proposal is the relatively restricted access to the rear of the site, along Church Lane, which is proposed to be the primary access for motor vehicles and service deliveries within four basement levels, and also the point of access for construction vehicles and future operational waste collection.

Whilst the current proposal achieves a functional design and access into and within the Church Lane entry to the future new building, the planning of suitable access for construction and waste collection vehicles is still being investigated with Council and State Government traffic units.

The traffic consultants for this project, TTW has contacted North Sydney Council to initiate consultation regarding construction traffic management. NSC have responded via email to TTW that they will not start consultations regarding traffic management until the SSDA pathway is confirmed/started.

In the interim, TTW has carried out the following analysis of using Church Lane as the construction access point for the proposed development:

“The eastern site frontage is to Church Lane. Church Lane is a local one-way southbound road i.e. traffic flows from north to south. The road is narrow in width, varying from 3 – 4m along its length. In particular, at the southern end of the lane near its intersection with McLaren Street, there is a pinch point of approximately 3.3m between existing walls owned by the adjacent private properties. Nonetheless, as Pacific Highway is not suitable for construction access, Church Lane is the only alternative construction vehicle access. This preliminary CTMP includes a high-level swept path assessment of the vehicle sizes and methodologies that could be implemented to provide access via Church Lane. During construction, 8.8m Medium Rigid Vehicles (MRV) and 12.5m Heavy Rigid Vehicles (HRV) will be utilised and accommodated on Church Lane. Swept path analysis has been undertaken



for each truck and indicates the works required to accommodate each vehicle size.”

TTW has also undertaken consultation with Transport for NSW (TfNSW), who in consultation with Busways, strongly objects to a Works Zone at this location along the site’s Pacific Highway frontage, and recommends that Church Lane be utilised for truck access during construction.

It is considered that a satisfactory solution to these servicing issues will be able to be achieved through continuing consultation with North Sydney Council, and included within the SSDA traffic assessment.

5.3 Eligibility for Industry-Specific SEARs

In-fill affordable housing that is declared State Significant Development under Schedule 1, section 26A(1) of the Planning Systems SEPP is eligible for Industry-Specific SEARs provided that development is not:

- designated development but for the Act, section 4.10(2).
- partly prohibited by an environmental planning instrument.
- wholly prohibited by an EPI, to the extent permitted by the EP&A Act, section 4.38(5).
- a concept development application for SSD.

The proposal is not declared designated development under Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), nor is it for a concept development application for SSD. Furthermore, the proposal is wholly permissible with consent under the North Sydney LEP 2013 and the Housing SEPP. Accordingly, the proposal is eligible for Industry-Specific SEARs for in-fill affordable housing.

6. Engagement

6.1 Engagement that has been carried out

6.1.1 Historic community engagement

Civic Precinct Planning Study (CPPS)

As identified in earlier sections of this report, there has been significant community and stakeholder input throughout the public exhibition and Council-led community consultation processes for both the Civic Precinct Planning Study (CPPS) and the site-specific Planning Proposal (PP-2021-2926).



Council's CPPS (adopted on 26 October 2020) was undertaken in two main stages:

- Stage 1 was carried out in mid-2019 to understand community's aspirations for the area and was reported to Council in October 2019; and
- Stage 2 involved the preparation and public exhibition of the draft Planning Study.

At its meeting of 18 May 2020, as part of Stage 2, Council endorsed the Draft Civic Precinct Planning Study for public exhibition, which occurred 4 June to 20 July 2020.

COVID-19 impacted the implementation of the original Engagement Strategy for Stage 2, requiring predominantly online engagement methods to be employed and significant effort to 'inform' stakeholders of the opportunity to have a say on the draft CPPS during the exhibition period.

Council undertook the following communication actions during the exhibition period:

- Over 5,500 direct letters were sent to owners and occupiers in the vicinity of the CBD;
- Direct emails were sent to all Stage 1 submitters, plus to educational institutions and schools in the area, and relevant private practices in the fields of urban design and planning;
- Memorandum to all active Precinct Committees and inclusion in the weekly Precincts eNews for the duration of the exhibition period;
- Relevant state agencies were notified by letter (DPIE, TfNSW, Greater Sydney Commission, Sydney Metro);
- Advertisement in the North Sydney Living magazine, 3 July 2020 printed edition; and
- Council's website project page [YourSayNorthSydney](#).

A total of 193 submissions were received from a cross section of stakeholders, including landowners, government agencies, residents, students and Precinct Committees and assisted in the refinement and improvement of the final adopted document.

6.1.2 Planning Proposal (PP-2021-2926)

In terms of PP-2021-2926, the formal public exhibition requirements of Section 3.34 of the Act were fulfilled:

- A public notice in local newspaper(s).
- A notice on the North Sydney Council website.
- Written correspondence to adjoining and surrounding landowners.



Council consulted on the PP with relevant Government agencies, including:

- Transport for NSW/RMS;
- Transport for NSW/Sydney Trains; and
- NSW Department of Planning, Industry and Environment.

A Stakeholder and Community Consultation Strategy was also implemented by the proponent, and the consultation activities included:

- Distribution of a letter and project fact sheet to residents and neighbours notifying them of the Planning Proposal;
- Door knock of residents in nearby properties;
- Community information and feedback sessions;
- Consultation with stakeholders and interest groups; and
- Communication channels including a dedicated project phone number and email address.

Specialist technical and independent planning advice and assessment was also provided throughout the PP process from:

- Council and Department staff;
- North Sydney Design Excellence Panel;
- North Sydney Local Planning Panel; and
- Sydney North Planning Panel

6.2 Engagement to be carried out

Engagement will be undertaken for the proposed SSDA in accordance with the Department's *"Undertaking Engagement Guidelines for State Significant Projects (2021)"*.

The proponent will undertake engagement with the following stakeholders:

- Department of Planning, Housing and Infrastructure (DPHI)
- NSW State Design Review Panel
- North Sydney Council
- Sydney Metro
- Transport for NSW
- Service providers – Ausgrid, Jemena, Sydney Water



- Local community and action groups

The SSDA process will provide further opportunities for community input and for the Proponent to respond to any issues raised. The project team remains committed to continuing dialogue with the relevant stakeholders and agencies throughout the development assessment process.



7. Proposed Assessment of Impacts

This section provides a high-level assessment of impacts anticipated to be associated within the proposal, the key matters requiring further assessment in the EIS and the proposed approach to assessing each of the matters. The purpose of considering these factors at this stage is to inform the preparation of any additional assessment requirements beyond the Industry-Specific SEARs.

7.1 Matters Requiring Further Assessment in EIS

7.1.1 Potential Impacts of Housing SEPP Bonuses

A detailed assessment of the impacts of the proposed Housing SEPP FSR and Height bonuses against the Housing SEPP non-discretionary development standards and ADG will be undertaken in the SSDA.

The SSDA proposal will necessitate a variation of the height and FSR controls of the NSLEP 2013 and Section 16 of the Housing SEPP and will be assessed in detail through the EIS and accompanying Clause 4.6 Variation Request reports.

7.1.2 Environmental Amenity

Visual impact and Overshadowing

The Proposal will consider:

- Visual impacts on heritage items, streets and key surrounding open spaces;
- Wind impacts and pedestrian comfort; and
- Overshadowing impacts on adjacent properties and places.

The following technical studies will be prepared to accompany the EIS:

- Shadow Diagrams;
- Visual Impact Assessment; and
- Pedestrian Wind Comfort Assessment.

Noise and Vibration

A Noise and Vibration Assessment will be undertaken to assess the potential noise and vibration impacts of traffic movement along the Pacific Highway for the future occupants of the proposed residential apartments.

7.1.3 Design Excellence

The project is committed to achieving design excellence. As the project relates to a



residential development seeking infill affordable housing bonuses with a CIV of greater than \$75 million, the project may be reviewed by the NSW State Design Review Panel (SDRP), if required.

7.1.4 Biodiversity

Section 7.9 of the Biodiversity Conservation Act 2016 requires that an EIS submitted with an SSD application be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. The site currently has no vegetation. A BDAR waiver will be prepared for submission to the DPE.

7.1.5 Traffic, Parking, Access

The EIS will consider the relationship between the Proposal and surrounding transport infrastructure, including:

- The North Sydney Railway Station to the site's south, and the new Victoria Cross Metro Station to the south-east;
- The local street networks, particularly the functioning and design of Church Lane; and
- Current and planned car parking provision.

The EIS will be informed by a Transport Impact Assessment, which will consider the Proposal in respect to traffic generation, parking provision, site access, loading/servicing requirements, construction traffic and public transport impacts.

7.1.6 Hazards and Risks

Flooding

North Sydney Council's online flooding mapping indicates that the site is not located within an identified flood-prone area, however it is known that there is an existing overland flow issue for the site. A flood consultant will be engaged to prepare a Flood Risk Assessment.

Geotechnical

A geotechnical report will be prepared to assess the site's subsurface conditions and determine the site's suitability for the proposed development.

Land Contamination

The EIS will be informed by a Phase 1 Preliminary Site Contamination Investigation. As a



result of the findings of the Phase 1 investigation, a Phase 2 Detailed Site Investigation and Remediation Action Plan (if required) will be prepared in accordance with the Managing Land Contamination Planning Guidelines.

Waste

A Waste Management Plan will be submitted with the EIS to assess the likely waste streams to be generated during construction and operation and identify measures to manage this waste.

7.1.7 Heritage

Aboriginal

If required, an Aboriginal Cultural Heritage Assessment Report (ACHAR) will be prepared to identify whether the site possesses or has the potential to possess Aboriginal heritage sites, places, objects and/or values and provide conservation and mitigation measures. Consultation will be undertaken with Aboriginal people per the Aboriginal Cultural heritage Consultation Requirements for Proponents 2010 and documented in the ACHAR.

Non-Aboriginal

As noted in Section 5, the site contains a local heritage item. As such, a Heritage Impact Statement (HIS) will be prepared to accompany the EIS. The HIS shall identify impacts on the heritage item as well as nearby heritage items, and adjacent heritage conservation areas.

7.1.8 Social and Economic

If required, a Social Impact Assessment (SIA) will be submitted with the EIS. The report will address the expected social and economic impacts of the project, including any mitigation measures as necessary. The SIA will have regard to the Social Impact Assessment Guideline for State Significant Development (DPIE 2021).

7.1.9 Environmentally Sustainable Development

An Environmentally Sustainable Development (ESD) framework will be prepared for the Proposal and establish the ESD objectives (including relevant ratings) for the Project, and will address the Sustainable Buildings SEPP.

7.1.10 Infrastructure and Servicing

Consultation will be undertaken with all relevant service providers in relation to any required capacity augmentation of existing services to the site. An Infrastructure and Services Management Plan will be provided with the EIS.



8. Conclusion

This Report has been prepared by Planning Lab on behalf of Legacy Property. The purpose of the Report is to provide relevant information for a request for Industry-Specific Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for a State Significant Development Application (SSDA) at 253-265 Pacific Highway, North Sydney, for the demolition of all existing site buildings (253-263 Pacific Highway), and retention of existing local heritage item building (265 Pacific Highway) and to erect a new part 10, part 13 storey mixed use building, comprising of ground and level 1 commercial use, residential units (with infill affordable housing component) above and four levels of basement level car parking and services.

The Report has outlined preliminary information regarding the site, the project, the strategic and statutory context, and planned and ongoing stakeholder engagement, which will permit DPHI and the other government agencies to issue the Industry-Specific SEARs. We trust that the information provided is sufficient for the Secretary to issue SEARs for the preparation of the EIS.





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