



03/02/2026

Secretary
Department of Planning Housing & Infrastructure
12 Darcy Street
PARRAMATTA NSW 2150

SSD-84416958
JD6 (P&E)

ATTENTION: Rodger Roppolo, Senior Planning Officer

**STATE SIGNIFICANT DEVELOPMENT APPLICATION 84416958
253-265 PACIFIC HIGHWAY NORTH SYDNEY
MIXED-USE PROJECT
APPLICANT: LEGPRO 45 PTY LTD ATF LEGPRO 45 UNIT TRUST C/- LEGACY PROPERTY**

Dear Secretary,

I refer to your recent request for advice regarding the applicant's Submissions Report for the subject State Significant Development Application for the proposed mixed-use development at 253-265 Pacific Highway North Sydney. Following a review of available documents, Council's advice is provided below.

Amended project

To provide context for this submission, adjustments to the building's podium design, stepping its façades, improving articulation and other changes have been made, to improve the new building's relationship with the heritage item at 265 Pacific Highway (part of the site) and the buildings at 6 & 8 McLaren Street, adjacent to the site's southern boundary, which are contributory items in the McLaren Street Heritage Conservation Area.

This submission

In response to the amendments, Council's advice to the Department focuses on the Response to Submissions report prepared by Planning Lab, 5 December 2025. Key issues raised by this report are discussed in the attached table.

Council's concerns hinge upon the proposal's impacts on heritage and local amenity, predominantly resulting from the proposal's bulk and scale and its relationship to the Heritage Conservation area across a narrow lane.

Council appreciates the opportunity to make this submission and requests the NSW Government to consider this advice and the previous submission in determination of the application.

Should you wish to discuss the contents of this submission, please contact Mr Jim Davies, Executive Assessment Planner, on 9336 8378, or at jim.davies@northsydney.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S Beattie', written in a cursive style.

Stephen Beattie

BUSINESS SERVICE UNIT MANAGER DEVELOPMENT SERVICES



ATTACHMENT

SSD-84416958

253-265 Pacific Highway North Sydney

Issues raised by Council, Applicant’s response & Council’s comments.

Commentary in the following table is based on the table in part 4 of Planning Lab’s *Submissions Report – SSDA-84416958*, 5 December 2025. Extracts are included in the ‘Applicant’s response’ column for brevity.

Issue	Applicant’s response	Council’s comments
<p>1. Non-compliance with ADG requirements for deep soil, apartment depth and building separation.</p>	<p>As the current Mixed Use MU1 zone supports a relatively dense, boundary to boundary building, with non-residential uses on the ground floor and a basement carpark under, the capacity to provide deep soil areas is restricted (p. 38, Planning Lab).</p> <p>Apartment depth is cross-referenced to the design verification statement submitted with the original SSDA (p. 72, Planning Lab). In this statement, the maximum depth of 8m has been measured to the kitchen bench, indicating the rest of the kitchen is excluded (p. 21, Nettleton Tribe, June 2025).</p> <p>Despite variations, building separation is considered adequate. Translucent glazing is proposed to improve visual privacy of some residences east of the site, across Church Lane (p.42, Nettleton Tribe, 14 11 2025).</p>	<p>Noted.</p> <p>Noted, that the kitchens would not receive adequate daylight.</p> <p>A condition should be imposed requiring adequate protection of privacy of occupants of dwellings at 6 & 8 McLaren Street.</p>
<p>2. Inadequate consideration of context: the application has not been considered regarding redevelopment potential for adjacent properties south of McLaren Street, on the eastern side of the highway, in accordance with the North Sydney Local Environmental Plan 2013 and potential bonuses enabled by State Environmental Planning Policy (Housing) 2021. The proposal has only been compared with existing</p>	<p>Alterations to the design are presented as improvements to the design’s response to context (pp. 15, 75, 78).</p>	<p>Council maintains its objection to the proposal on these grounds.</p>

Issue	Applicant's response	Council's comments
development south of McLaren Street.		
3. The height of the building should not exceed the maximum permitted, due to recent uplift applied to the site via a planning proposal and the application taking full advantage of the Housing SEPP's bonus provisions for infill affordable housing.	"...comparative assessment of the SSDA proposal with the previous approved Concept Reference Scheme that underpinned these amended LEP controls informed the formulation of the design and building envelope, including a detailed technical assessment of the potential overshadowing, urban form, building massing, heritage and character of the adjoining and surrounding locality" (p. 32, Planning Lab).	For reasons provided in Council's original advice, breaching the height control should not be permitted. However, that additional overshadowing analysis for North Sydney Public School, is noted.
4. The proposed affordable housing should remain in perpetuity, enforced by consent condition, if the application is approved.	"It is considered that Council's Recommendation for these homes to be retained is...unreasonable and onerous... (pp. 35 & 35)"	Council maintains its objection on these grounds.
5. Regarding heritage, there are unacceptable impacts on adjacent heritage items at 6-8 McLaren Street and on the site at 265 Pacific Highway. The building be redesigned to address: <ul style="list-style-type: none"> - Inadequate tower setback to the southern boundary, - The podium is out of scale with the heritage item on the site (No 265), - The building not stepping with the topography, - Lack of detail in the facades, including the blank podium wall on the southern boundary, - Fenestration not responding to the heritage item and buildings in the conservation area, - Poor resolution of the 'link' between the proposed building and the heritage item, - The cantilevered section of the tower is not lightweight or elegant. 	On pages 12-14, the Planning Lab report supports the amended proposal referring to the Design report by Nettle Tribe and the additional heritage advice from NBRS.	That the two residential buildings at 6 & 8 McLaren Street are not heritage items is noted, although they are contributory items in the McLaren Street conservation area. A summary assessment by Council's Conservation Planner and recommended conditions are below this table.
6. A condition be imposed for selection of colours and materials that complement the adjacent heritage item.	"...materials and design features are consistent with other contemporary mixed-use buildings along the Pacific Highway (p. 65, Planning Lab)."	The conditions below addresses this matter.

Heritage assessment

The amended proposal is still not supported as it fails to retain the aesthetic significance and setting of the heritage item located at 265 Pacific Highway (The Cloisters), the contributory items located adjacent at 6 -8 McLaren Street and the contributory items that back onto Church Lane. The application fails to satisfy clause 5.10 in NSLEP 2013 and Part C, North Sydney Development Control Plan 2025.

Design amendments

To resolve the issue, alternative design solutions for the podium could be developed as shown below, that:

- a) respond to the scale of the two-storey adjacent buildings that book-end the subject site,
- b) reflect the angled skyline created by the hipped and gabled roof forms of the adjacent heritage item and contributory items, as well as buildings in the immediate streetscape,
- c) responds to the narrowness of the heritage-significant buildings by breaking up the podium into vertically proportioned masses, to create visual continuity and to prevent the new podium from overwhelming the existing streetscape's rhythm and character.
- d) respects the setback and setting of 6 -8 McLaren Street by re- designing the corner of the podium in the round to respect the two-storey scale of the building and its garden setting in addition to providing a side setback and a transitional scale.
- e) replaces the pale porcelain cladding adjacent to 6 McLaren Street with dark cladding as used on the Pacific Highway façade on Levels 2 and 3.
- f) that documents on plans and elevations the proposed works to the heritage item at 265 Pacific Highway, including the removal, if any, of any fabric damaged by water egress.



A contextual response for the podium design that responds to the character of the adjacent heritage and contributory items, given their scale, narrowness, roof planes and materiality. (Source: Nano Banana Created Image)

Recommended conditions

Should this heritage advice not be accepted and the above amendments not be made to the proposal, the following conditions are recommended:

Heritage Architect to be Commissioned

An appropriately qualified and experienced heritage architect must be commissioned to assist the design development, contract documentation and overseeing of construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters.

Written details of the engagement of the experienced heritage architect must be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

Note: If advice provided by the heritage architect is to the effect that works requiring development consent be carried out, such works would require a Modification under s4.55 of the Environmental Planning and Assessment Act 1979, or further development application. This condition, and any advice given by the heritage architect, should not be construed as authorising the carrying out of development with/otherwise than in accordance with the development consent.

(Reason: To ensure that all matters relating to significant fabric and spaces are resolved and recorded using best practice for heritage conservation)

Specific Heritage Requirements

The following heritage requirements are to be satisfied:

- a) The heritage item located at 265 Pacific Highway is to be conserved in accordance with the works described in the Heritage Impact Statement under the supervision of a suitably qualified and experienced heritage architect. Minimal fabric is to be removed and if done so, removed fabric is to be replaced, like-for-like.
- b) The wall cladding on the façade adjacent to 6 McLaren Street is to use 'Porcelain Cladding Dark' on Levels 2 and 3.
- c) The brick for the podium is to be a brown brick in a dark to mid-tone that is sympathetic to the colour of the brickwork utilized at 265 Pacific Highway as well as 6 to 8 McLaren Street.
- d) The balustrade on the rear of 265 Pacific Highway shall be steel palisade. Glazed balustrades are not to be used. The link element between 265 Pacific Highway and the new development is to be detailed to the satisfaction of the consultant heritage architect.
- e) The glazed addition at the rear of 265 Pacific Highway is to be designed to the satisfaction of the consultant heritage architect.
- f) No consent is given or implied for any advertising, or building or business identification signage.

Written concurrence with this condition is to be provided by the commissioned heritage architect to the Certifier prior to the issue of the relevant Construction Certificate. The Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To minimize negative heritage impacts.)