

**Report to General Manager**

Attachments:

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

**SUBJECT:** Planning Proposal No. 3/19 – 173-179 Walker Street and 11-17 Hampden Street, North Sydney

**AUTHOR:** Joanne Chan, Strategic Planner

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

**EXECUTIVE SUMMARY:**

On 22 March 2019, Council received a Planning Proposal to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) as it relates to land located at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. In particular, the Planning Proposal seeks the following amendments to NSLEP 2013:

- Establish a maximum height of buildings from 12m to RL 133 for the site (an increase of 62m-72m);
- Establish a maximum FSR of 6.1:1 for the site;
- Introduce a new Special Provisions Map within the NSLEP 2013 and identify the Precinct on the map as 'Area 1'; and
- Amend Section 6 Additional Local Provisions to include a section '6.20 East Walker Street Precinct' to establish controls associated with lot amalgamation, overshadowing and community infrastructure, including a maximum height of buildings of RL148 (an increase of 77-87m) and an FSR of 6.9:1.

The Planning Proposal is not accompanied by a draft Voluntary Planning Agreement (VPA), however, a letter of offer to enter into a VPA is provided with the following contributions:

- Dedication of 5% of the residential yield to affordable housing in the accordance with Council's Affordable Housing Policy 2013; and
- Monetary Contribution for the provision of community infrastructure at a rate of \$15,100 per net dwelling over land at 173-179 Walker Street.

Due to resourcing commitments relating to Council's preparation of the Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) as mandated by State Government, Council's Strategic Planning team has engaged Ingham Planning to undertake an independent assessment of the Planning Proposal.

The North Sydney Local Planning Panel (NSLPP) considered the Assessment Report prepared by Ingham Planning on 14 August 2019 which recommended that the NSLPP not support the Planning Proposal proceeding to a Gateway Determination for the reasons outlined in the Assessment Report (Attachment 2).

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The NSLPP generally endorsed the Assessment Report and recommended that Council not support the Planning Proposal proceeding to a Gateway Determination for the reasons outlined in the NSLPP minutes (Attachment 1).

Moreover, it is evident that Council is currently in the process of preparing a Northern CBD Planning Study and given the complex nature of the subject site, there is a real need to plan for this growth holistically and in a measured, coordinated and consultative manner.

It is recommended that Council resolve to not support the forwarding of the Planning Proposal to the DPIE, for the purposes of seeking a Gateway Determination under s.3.34 of the EP&A Act.

**FINANCIAL IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

- 1. THAT** Council resolves to not support the Planning Proposal proceeding to Gateway Determination for the reasons outlined in the Independent Planning Assessment conducted by Ingham Planning (Attachment 2) and the NSLPP Minutes (Attachment 1).
- 2. THAT** Council notifies the applicant of Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulations 2000.

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## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- |            |                                                                                                                      |
|------------|----------------------------------------------------------------------------------------------------------------------|
| Direction: | 1. Our Living Environment                                                                                            |
| Outcome:   | 1.3 Quality urban greenspaces<br>1.4 Public open space and recreation facilities and services meet community needs   |
| Direction: | 2. Our Built Infrastructure                                                                                          |
| Outcome:   | 2.1 Infrastructure and assets meet community needs<br>2.2 Vibrant centres, public domain, villages and streetscapes  |
| Direction: | 3. Our Future Planning                                                                                               |
| Outcome:   | 3.1 Prosperous and vibrant economy<br>3.4 North Sydney is distinctive with a sense of place and quality design       |
| Direction: | 4. Our Social Vitality                                                                                               |
| Outcome:   | 4.1 North Sydney is connected, inclusive, healthy and safe<br>4.4 North Sydney's history is preserved and recognised |

## BACKGROUND

A detailed history to the background of the Planning Proposal is contained in the Assessment Report prepared by Ingham Planning which was considered by the North Sydney Local Planning Panel (Attachment 2). In summary:

- On October 2017, Council received a previous Planning Proposal for sites at 173-179 Walker Street from the same applicant;
- On 25 January 2018, the proponent lodged a Rezoning Review for the previous Planning Proposal to the Department of Planning and Environment (now referred to as DPIE);
- On 19 February 2018, Council resolved to not support the previous Planning Proposal;
- On 11 April 2018, the Sydney North Planning Panel determined that the previous Planning Proposal should not be submitted for a Gateway Determination; and
- On 22 March 2019, Council received the subject Planning Proposal for sites at 173-179 Walker and 11-17 Hampden Street.

## 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 in relation to the Planning Proposal.

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## SUSTAINABILITY STATEMENT

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

## DETAIL

### 1. Planning Proposal

The Planning Proposal seeks the following amendments to NSLEP 2013:

- Establish a maximum height of buildings from 12m to RL133 for the subject site (an increase of 62-72m);
- Establish a maximum FSR of 6.1:1 for the Precinct;
- Introduce a new Special Provisions Map within the NSLEP 2013 and identify the Precinct on the map as ‘Area 1’; and
- Amend Section 6 Additional Local Provisions to include a section ‘6.20 East Walker Street Precinct’ to establish controls associated with lot amalgamation, overshadowing and community infrastructure, including a maximum height of buildings of RL 148(an increase of 77-87m) and an FSR of 6.9:1.

The applicant does not seek an amendment to the current R4 zone.

### 2. Assessment

Due to Council’s involvement in the preparation of the LSPS and LHS as mandated by State Government, Council engaged Ingham Planning to undertake an independent assessment of the Planning Proposal. A detailed assessment of the Planning Proposal is contained within the Assessment Report as considered by NSLPP on 14 August 2019 (refer to Attachment 2).

The Assessment Report concluded that the Planning Proposal should not proceed to Gateway Determination.

### 3. Local Planning Panel

By Ministerial direction, all planning proposals are required to be referred to the Local Planning Panel.

The NSLPP considered the proposal at its meeting on 14 August 2019, and recommended that the Council not support the progression of the Planning Proposal. The minutes of the meeting and the Panel's advice are included in Attachment 1 of this report.

#### **4. Northern CBD Planning Study**

As mentioned in the Assessment Report (Attachment 2), Council has a long-held position of not supporting the progression of planning proposals to Gateway Determination, which seek departures from current planning controls which are not supported by an endorsed precinct wide based planning study. This position was further reinforced by Council's meeting of 30 July 2018.

Council is currently in the process of preparing a Northern CBD Planning Study which aims to carefully assess and manage development pressure that may arise from the arrival of the Sydney Metro in 2024. This project was first considered and endorsed by Council on 29 May 2018 as part of the application for grant funding under the LEP acceleration program with DPIE.

The subject site is located within the Northern CBD boundary (refer to figure 1 below). Stage 1 – initial consultation occurred between 11 July to 8 August 2019. It is anticipated that the draft planning study will be publicly exhibited in early 2020.

It is envisaged that this precinct-wide study will provide further context in relation to heights and land uses and help inform suitable redevelopment outcomes within this site and its surrounds.

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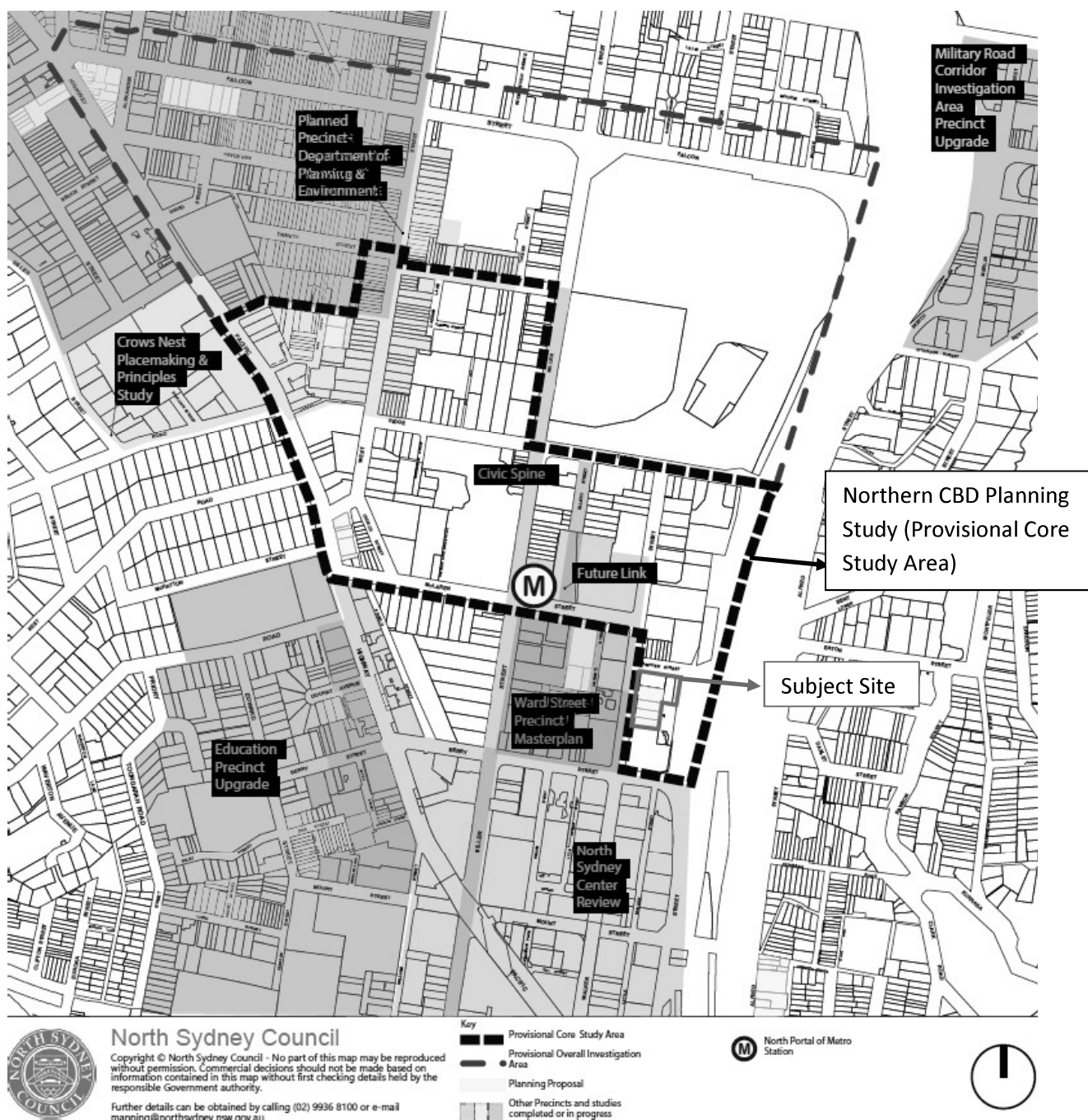


Figure 1: Northern CBD Planning Study Location Map  
Source: North Sydney Council

## 5. Submissions

During the assessment of the Planning Proposal, Council was in receipt of 1 submission. This submission was addressed in the Assessment Report (refer to Attachment 2). An additional 3 submissions were received after the Assessment Report was published on Council's website as part of the agenda to the NSLPP meeting.

One of these additional submissions outlined their support of the proposal due to:

- The proposed development as being suitable to the changing nature of the Precinct.

The other two additional submissions objected to the Planning Proposal.

One of these submissions opposed to the Proposal due to:

- Negative impacts on the surrounding residential amenity;
- Safety issues due to further traffic congestion;
- Loss of character within the Precinct;
- Loss of solar access; and
- Generation of wind tunnels.

The other submission opposed to the Proposal due to:

- Overshadowing;
- Unacceptable rise in vehicle numbers; and
- Difficulties for fire truck access.

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

## **6. Conclusion**

The Planning Proposal seeks to amend NSLEP 2013 as it relates to land located at 173-179 Walker Street and 11-17 Hampden Street, North Sydney. In particular, it seeks to:

- Establish a maximum height of buildings from 12m to RL 133 for the site (an increase of 62m-72m);
- Establish a maximum FSR of 6.1:1 for the site;
- Introduce a new Special Provisions Map within the NSLEP 2013 and identify the Precinct on the map as ‘Area 1’; and
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The NSLPP considered the Assessment Report prepared by Ingham Planning on 14 August 2019 which recommended that the NSLPP not support the Planning Proposal proceeding to a Gateway Determination for the reasons outlined in the Assessment Report (Attachment 2).

The NSLPP generally endorsed the Assessment Report and recommended that Council not support the Planning Proposal proceeding to a Gateway Determination for the reasons outlined in the NSLPP minutes (Attachment 1).

Moreover, it is evident that Council is currently in the process of preparing a Northern CBD Planning Study and given the complex nature of the subject site, there is a real need to plan for this growth holistically and in a measured, coordinated and consultative manner.

It is recommended that Council resolve to not support the forwarding of the Planning Proposal

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Report of Joanne Chan, Strategic Planner

Re: Planning Proposal No. 3/19 – 173-179 Walker Street and 11-17 Hampden Street, North  
Sydney

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to the DPIE, for the purposes of seeking a Gateway Determination under s.3.34 of the EP&A  
Act.